

09/23/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7435

NAME AND ADDRESS: KEN ANDERSON
2908 S 2000 W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.090 CFS
13.600 AFY

PRIORITY DATE: 05/11/1983

POINT OF DIVERSION:

T05N R39E S1 SESESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.090 CFS 6.60 AFY
IRRIGATION	04/01 11/01	0.040 CFS 7.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County
T05N R39E S01 SESW 2.0
DOMESTIC same as IRRIGATION

2 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
Domestic use is for 11 homes.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-7435

Point(s) of Diversion:
T5N, R39E
Sec. 1 SESESW

Place of Use: (part of)
T5N, R39E
Sec. 1 SESW (2.0 acres)

LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

09/23/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-7435

KEN ANDERSON

2908 S 2000 W

REXBURG ID 83440

Telephone Number: (208) 356-3570

RECEIVED

DEC 12 2005

Department of Water Resources
Eastern Region

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-5-05 SIGNATURE: Ken Anderson

Please print your name: KEN ANDERSON

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Parcel No. 6: Beginning at a point 748 feet South and 260 feet West of the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence West 71 feet; thence South 120 feet; thence East 71 feet; thence North 120 feet to the point of beginning.

Excepting therefrom any of the above described property lying within the following described county road: a circular piece of property having a 44 foot radius of which the center point is located 726.5 feet South and 304.0 feet West of the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, aforesaid.

12/14/05 CAN'T ADD ANOTHER WORK TO THIS LICENSE - NO ACTION TAKEN
NBR

KAC
12/12

Rexburg, Idaho 12-05-05

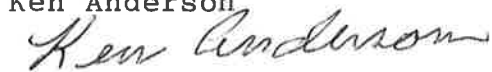
State of Idaho
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83707-9815

Dear Sirs,

I purchased an additional home that has a domestic well on the property located at Postal address 1909 West 2870 South on February 12, 2003. The legal description is enclosed. Other than this change everything else seems to be in order.

Sincerely,

Ken Anderson

A handwritten signature in cursive script that reads "Ken Anderson".

2908 South 2000 West
Rexburg, Idaho 834403

Claim no. A22-7435

Claimant Contact Log

Date

Remarks

Agent initials

8/17/04 8 AM 356-3570 8 AM @ 2908 S 2000 W

8/20/04 8 AM Site visit w/ Mr Anderson.

Layout of pond appears to be correct.

Mr Anderson was not sure about S edge.

of pond on layout so I took a GPS reading.

BAC 8/20/04

Priority Date Data Entry Form

Claim Number: A22-7435

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

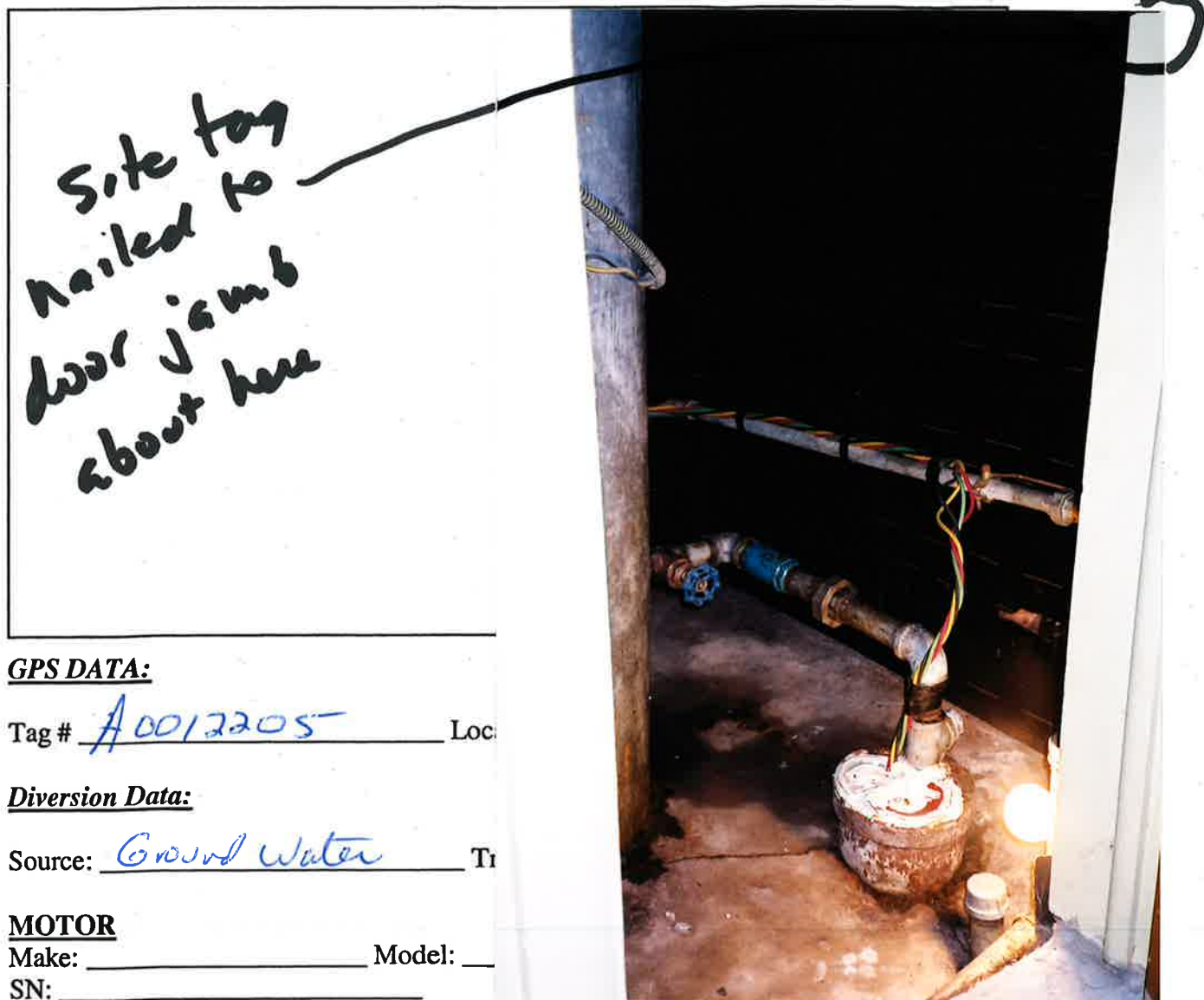
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

5/11/1983 per license BAC 8/20/04

Reviewer: _____

Date: _____

Water Right No(s). A22-07435



GPS DATA:

Tag # A0012205 Loc: _____

Diversion Data:

Source: Ground Water Tr _____

MOTOR

Make: _____ Model: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

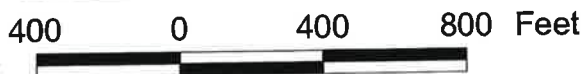
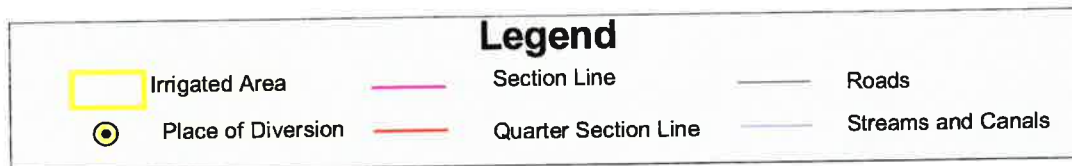
NOTES:

Waypoint 43 2675626 E 1400834 N ID7m83.
Waypoint is about 10 ft S, 30 ft east of well. Well
is inside a building.

Field Exam Date: 8/20/04 Agent: Bac

Water Right Claim Number 22-07435
Township , 5N39E

07/12/2001



SPATIAL
DYNAMICS

Place Of Use Data Entry Form

Claim Number: A22-7435Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:Field exam/inspect. See GPS notes on layout sketch Bae 8/20/04

Reviewer: _____ Date: _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07435

Priority: May 11, 1983

Maximum Diversion Rate: 0.09 CFS
Maximum Diversion Volume:¹ 13.6 AF

This is to certify, that KEN ANDERSON

RT. 4 BOX 131

REXBURG, ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 11, 1983; and has submitted Proof of Beneficial Use on January 13, 1986. An examination indicates that the works have a diversion capacity of .090 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.04 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.09 CFS	6.6 AF
	Totals	0.09 CFS	13.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 1, Township 05N, Range 39E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	39E	1	SESW	2		2

Total number of acres irrigated: 2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
6. Domestic use is for 11 homes.

MICROFILMED

DEC 14 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07435

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 29TH
day of NOVEMBER, 1989.

Acting for Norman C. Young
R. Keith Higginson, Director

RECORDED

OCT 14 1989

RECEIVED

OCT - 5 1989

Department of Water Resources
Eastern District Office

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07435

OCT 10 1989

Department of Water Resources

Date of Priority: May 11, 1983

Maximum Diversion Rate: 0.09 CFS
Maximum Diversion Volume:¹ 13.6 AF

Comes now KEN ANDERSON
RT. 4 BOX 131
REXBURG, ID 83440

and represents to the Director of the

APPROVED

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07435, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.04 CFS	7.0 AF
DOMESTIC	01/01 to 12/31	0.09 CFS	6.6 AF
	Totals	0.09 CFS	13.6 AF

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 1, Township 05N, Range 39E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	39E	1	SESW	2		2
Total number of acres irrigated:						2

PLACE OF USE: DOMESTIC, same as IRRIGATION use

MICROFILMED

DEC 14 1989

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Idaho Falls Idaho, this 5 day of October, 1989.

Ken Anderson
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07435

FOR DEPARTMENT USE ONLY

Preliminary check by KCW Fee = \$20.00

E 010965
Received by KCW Date 5 Oct 1989

KW
ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07435 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Domestic use is for 11 homes.

Witness my hand this 29TH day of NOVEMBER, 1989.


R. Keith Higginson, Director

DEC 14 1989

22-7435

T6N
T5N

PLACE OF USE

Point of Diversion

R
3
E

R
4
E

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-07435
Date Received: 8/17/1988
Receipt No: E001350
Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEN ANDERSON 208-356-3570
Address: 2908 SOUTH 2000 WEST
REXBURG, ID 83440

2. Date of Priority: MAY 11, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	1	SE	SW			MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO 7 HOMES, 1 APPARTMENT, 3 MOBILE HOMES & SHOP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.040		
COMMERCIAL	01/01	12/31	0.090		

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/7 HOMES, 3 MOBILE HOMES, 1 APPARTMENT, 1 SHOP (RESTROOM)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	1	SE	SW		COMMER	
			SE	SW		IRR	2.0
						Section Acres	2.0

A22-07435

Page 1

Date: 08/17/88

MICROFILMED

OCT 29 1992

A2207435



10. Place of Use: Continued

Total Acres 2.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

COMMERCIAL USE IS FOR SEVEN SINGLE FAMILY DOMESTIC HOMES, ONE
SINGLE FAMILY APPARTMENT, THREE MOBILE HOMES AND A RESTROOM
FACILITY IN A SHOP(ART STUIDO-MAINTANANCE)

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Kim Anderson Date: 8-17-88
_____ Date: _____

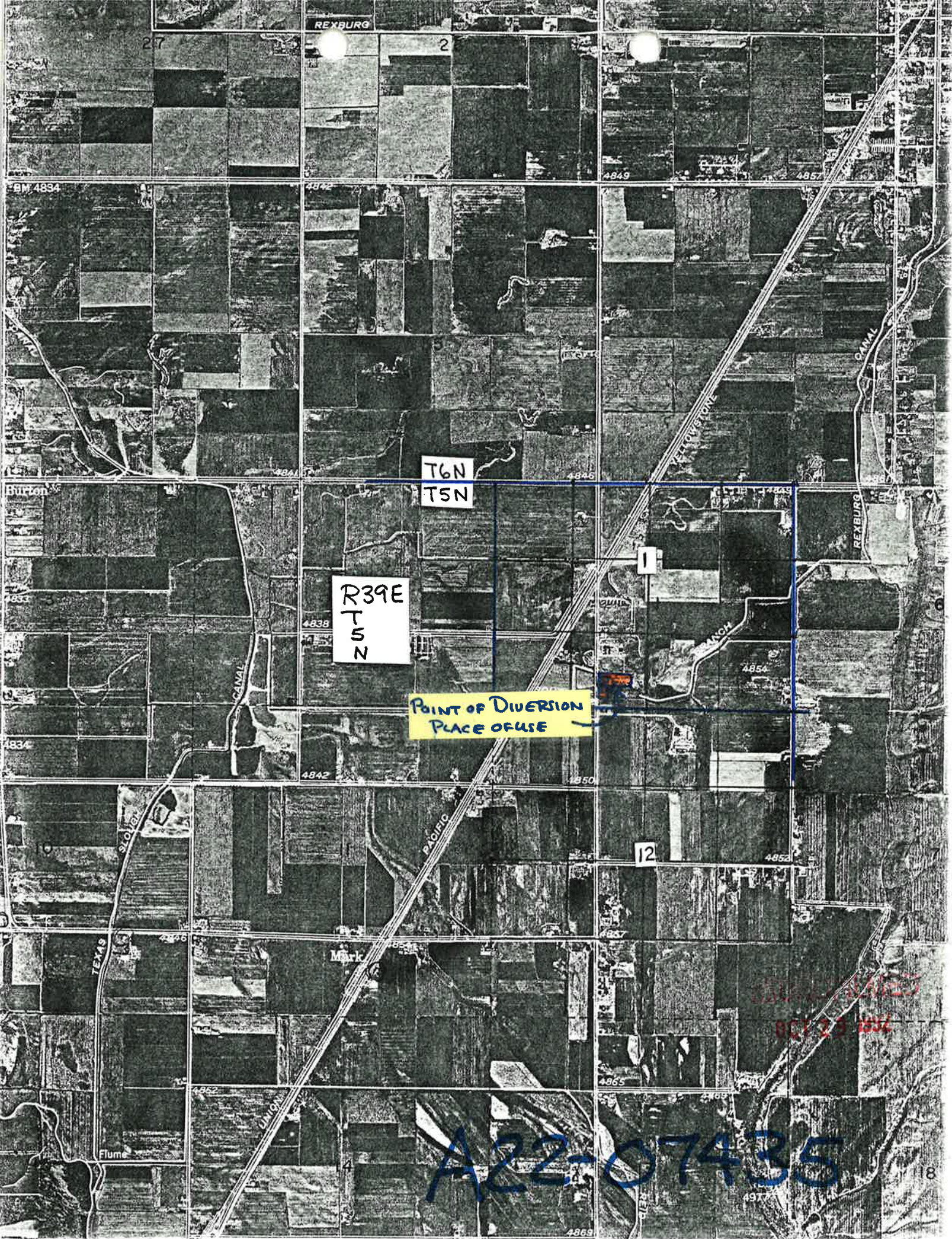
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94



REXBURG

27

2

BM 4834

4842

4849

4857

T6N
T5N

R39E
T5N

POINT OF DIVERSION
PLACE OF USE

12

NOV 23 1954

A22-07435

8