

12/15/2006

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

RIGHT NUMBER: 22-10762
NAME AND ADDRESS: RULON EARL MORTENSEN
5803 S 3100 W
REXBURG ID 83440
SOURCE: WOOD CREEK TRIBUTARY: TETON RIVER
QUANTITY: 0.500 CFS
PRIORITY DATE: 04/15/1970
POINT OF DIVERSION:
T05N R45E S33 NESWNW Within TETON County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S32	SENE	10.00	T05N R45E S33	SWNW	20.00
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30 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 - Beneficial Use



Idaho Department of Water Resources

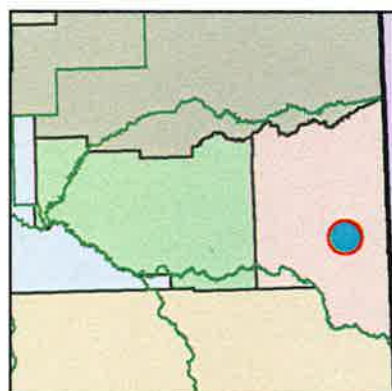
SRBA Recommendation:

22-10762

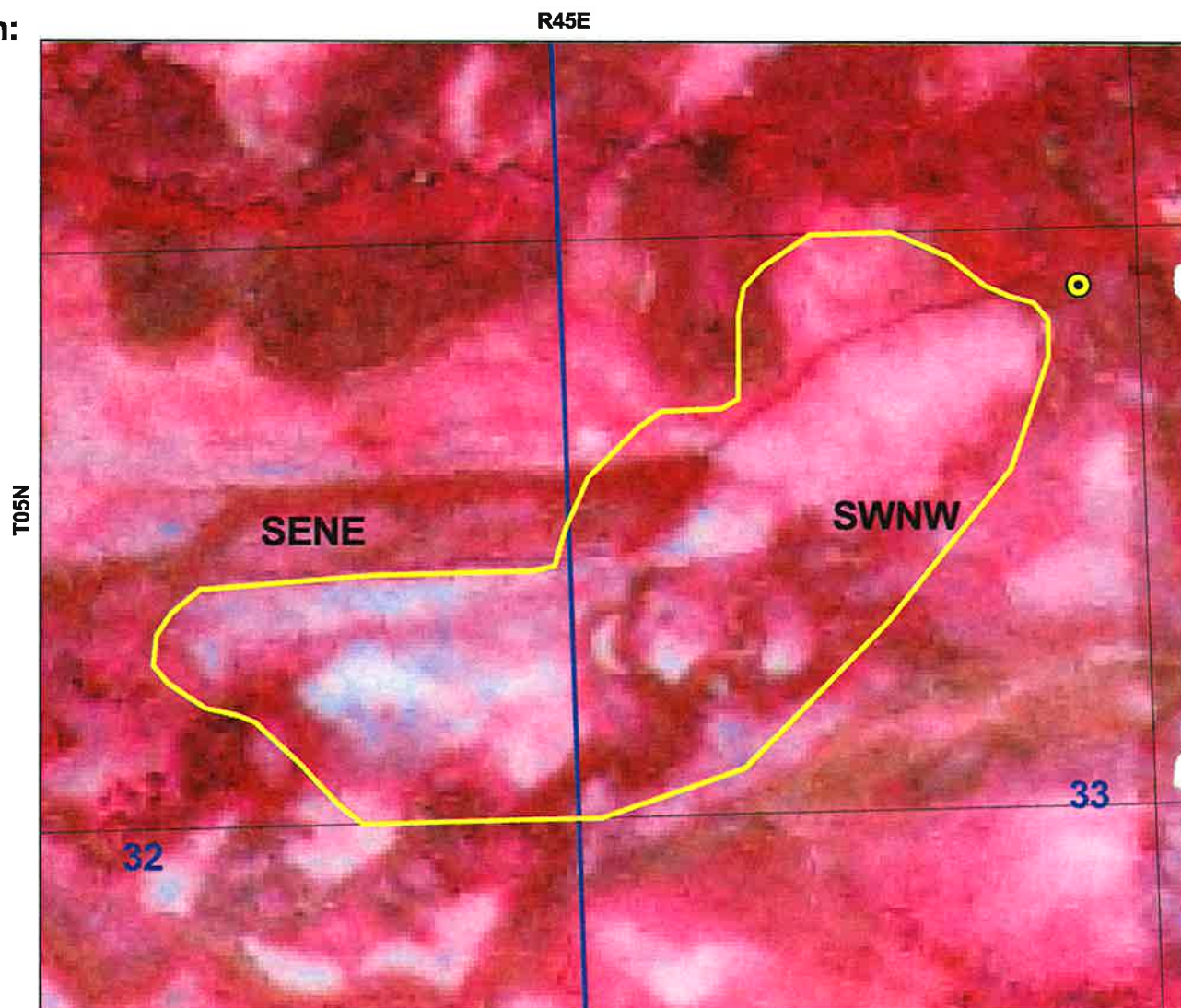
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



0 0.2 0.4 Miles

Prepared by K. Moore
On Friday, December 15, 2006
1987/88 Aerial Photography

RECEIVED

DEC 11 2007

Department of Water Resources
Eastern Region

The way Driggs is developing it could be a big-big water problem. Development may stop the free flowing streams and stop the sub from coming up.

We bought 160 acres in 1969. Section 32-5-45—We filed for the water in 1988.

(On Woods Creek,) Section 33 -5-45—We paid our water assessments.

Soon after we bought the place we cleaned the ditches(1970), so we could irrigate and put the water on the high spots. The previous owners had ditches in it. Those ditches had been there forever.

This past summer was dry and hot. Driggs did not get much rain to keep the grass growing. Our cows ran out of feed in our pasture, even though we were rotating the cows from pasture to pasture the grass burned up.

Hughes, own a pasture by us. One hot July Sunday they drove past their pasture, which was not being used, and noticed some of our cows eating in their pasture. They called and asked us if we would like to rent their pasture.

The police called us one evening to tell us we had cows on the road. We live South of Rexburg, and by the time we got to our pasture it was dark. (Some person driving a car could of hit a cow.)

We need water to keep our pastures green so that cows will stay grazing where they belong.

In October the police called again to tell us our cows were again on the road. We then drove nearly every day to our Driggs pasture to check on our cows.

If we can keep the water running into our place, the sub will come up.

When the snow melts on the Tetons it usually takes till the month of August for the sub to show up in our pasture. This year the sub did not show up till October.

When the sub finally came up, the grass started to get green, then it got cold and the nights began to freeze, stopping the grass from growing.

We own 160 acres, rent 160 acres from Rydalch and 100 from Hughes.

We need the water to keep the grass green and growing.

Very Truly Yours,

Ruben Mortensen

Lillian Mortensen

December 11, 2007

Shannon Somner

Commission expires 4-28-09



11/22/2006

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

RIGHT NUMBER: 22-10762

DISALLOWED

NAME AND ADDRESS: RULON EARL MORTENSEN
5803 S 3100 W
REXBURG ID 83440

SOURCE: WOOD CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 04/30/1917

POINT OF DIVERSION:

T05N R45E S33 NESWNW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.500 CFS

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S32 SENE 10.00 T05N R45E S33 SWNW 20.00

30 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

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DEC 11 2006
Department of Water Resources
Eastern Region

11/22/06
12/14

2 of 4

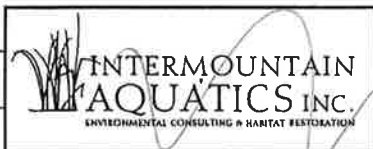
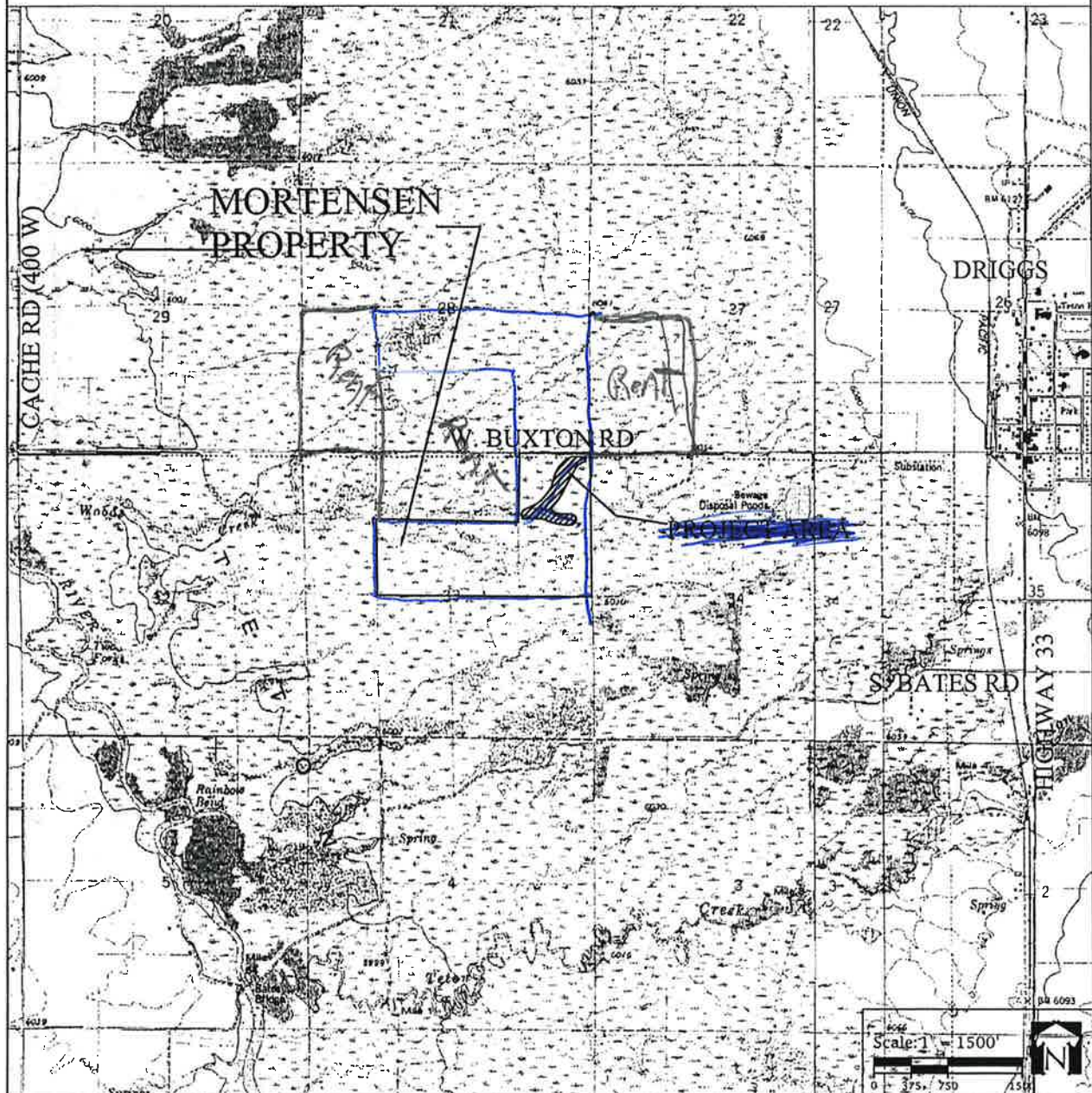
MORTENSEN PROPERTY
 Located in the W1/2 of the NW1/4 of Section 33
 and the S1/2 of the NE1/4 of Section 32
 Township 5 N, Range 45 E
 Teton County, Idaho
 USGS QUAD - Bates

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DEC 11 2006

Department of Water Resources
 Eastern Region

— Property Boundary



Mortensen Stream Restoration
 Woods Creek - Teton County, Idaho

Figure 1 of 7
 VICINITY MAP

October 2, 2006

11/22/2006

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: 22-10762

RULON EARL MORTENSEN

5803 S 3100 W

REXBURG ID 83440

Telephone Number: (208)356-5320

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 disagree with this

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

DATE:

12-4-06

SIGNATURE:

Rulon Mortensen

Please print your name:

Rulon Mortensen

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

~~525-7161~~

~~Shila~~

~~130~~

*Affidavit will be supplied.
Talked with Rulon 12-4-06
TG.*

*KMT
12/11*

Claim no. _____

Claimant Contact Log

Date _____

Remarks

Agent initials

Disallowed because of no evidence. Called and talked to Rulon's wife. Told her it was very important that he call back. That was a week ago. Have to disallow. But everything is linked and ready to go as soon as they provide evidence.

KM.

Woods Creek diversion - Tag is on fence
post near this diversion.



Place Of Use Data Entry Form

Claim Number:

A2010762☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	45E	32	SE	NE	Teton		10	Irrigation
"	"	33	SW	NW	"		20	"

Total Acres 30

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

8/2/04 Land is irrigated by means of a series
 of small ditches and dams.
 Field exam verified approximate acreage is
 irrigated

Transfers Changing POU _____

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: AD210762

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 5N, R 45E, Sec. 33, _____, NW, NW, County: Teton

Source: WOOD CREEK Tributary: TETON RIVER

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? G.P.S. Tag # AD013868

Document how the POD and Source were verified and/or Pump and Motor data:

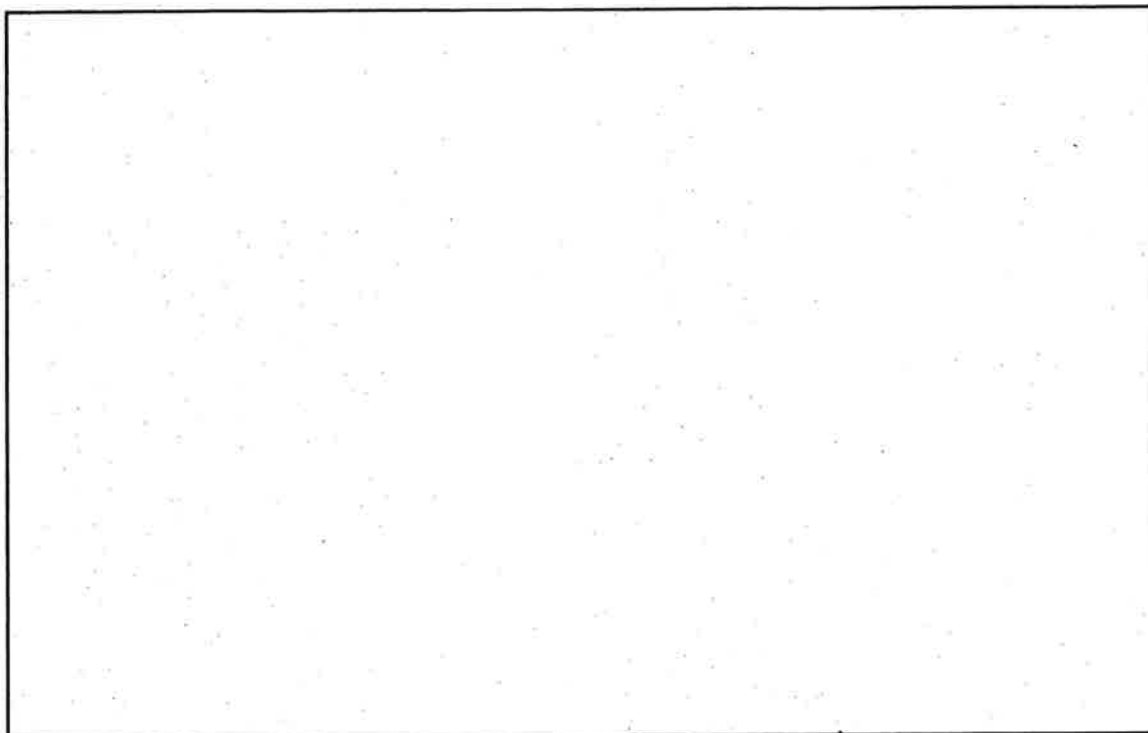
8/2/04 Field exam shows water is diverted from Woods Creek. Woods Creek is dependent on Teton Creek diversions being used early to get the aquifer filled. Then the springs & streams in the area west of Driggs flows.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Water Right No(s). A2210762



GPS DATA:

Tag # A013868 Location: an top of wooden
Fence post near POD

Diversion Data:

Source: Woods Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

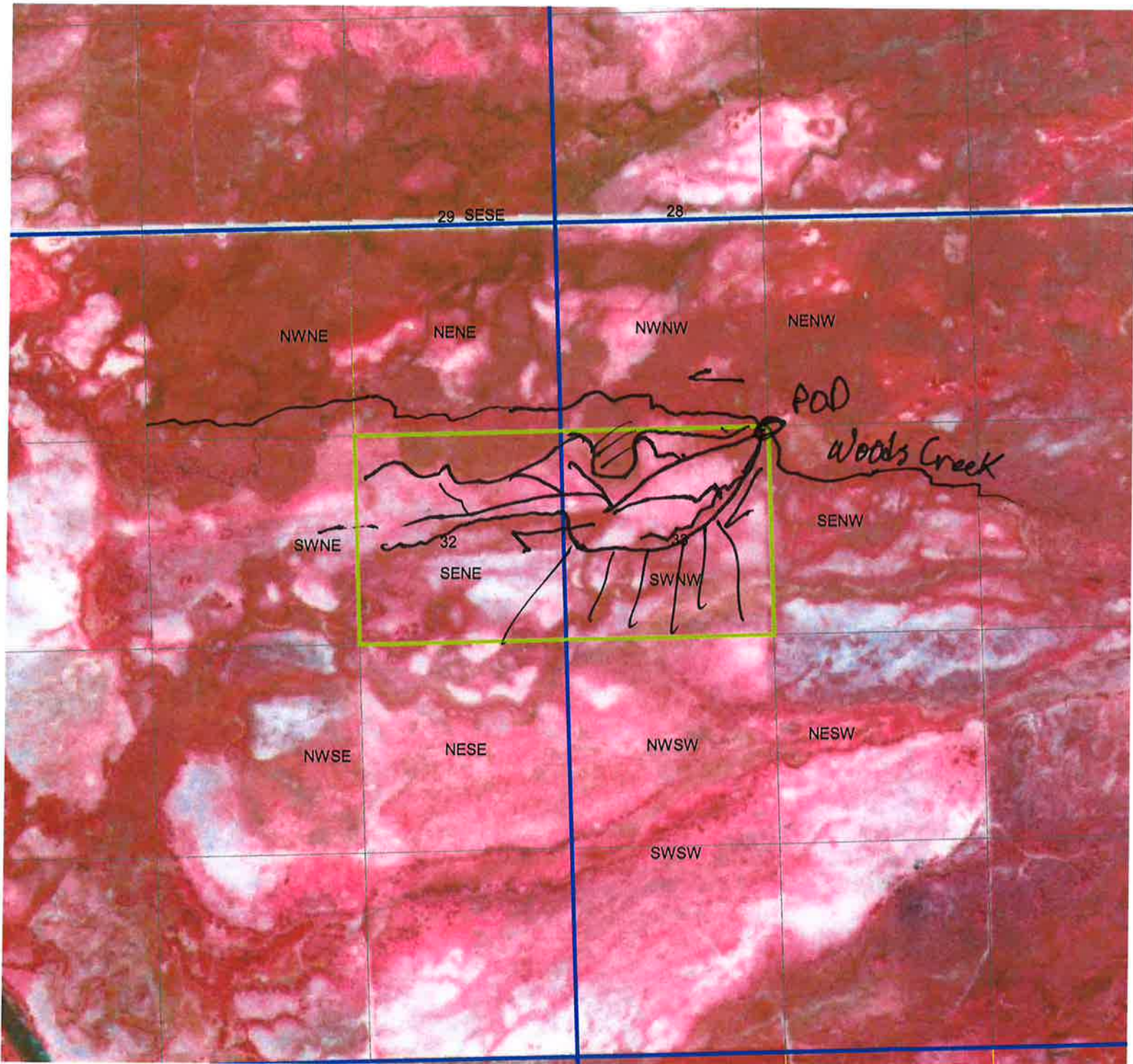
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

water is diverted into a ditch by means
of a large plastic dam placed in woods
Creek

Field Exam Date: 8/2/04 Agent: DD

22-10762



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: A22-10762
Date Received: 8/08/1988
Receipt No: E001111
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RULON EARL MORTENSEN 208-356-5320
Address: 5803 S. 3100 W.
REXBURG, ID 83440

2. Date of Priority: APR 30, 1917

3. Source: WOOD CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05N	45E	33	NW NW		TETON

5. Description of diverting works:
DIVERSION DAM TO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	04/01	11/01	0.500	

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

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	45E	32	SE NE		IRR	10.0
Section Acres						10.0



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	33	SW	NW		IRR	20.0
Section Acres							20.0
Total Acres							30.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 4125

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39356

Ident. Number A22-10762Date Received 8/5/88Receipt Number E001111

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Rulon Earl Mortensen Phone () 356-5320Mailing Address 5803 so 3100 w Zip 834402. Date of Priority (Only one (1) per claim) April 30 19173. Source of water supply (a) wood creek
which is tributary to (b) Teton River4. a. Location of existing point of diversion is: Township 5n Range 45E Section 33,
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of Teton County

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion Ditch to DitchesFor Flood irrigation

MICROFILMED
NOV 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4.0 to 11.1 amount 0.5 cfs or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.5 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	45E	23							20										
		22				10													

Total number of acres irrigated 30

11. In which county (ies) are lands listed above as place of use located? _____

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☒)

14. Remarks:

Last Name _____ Ident No. _____

Copies: White - State Yellow - Claimant

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NOV 8 6 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐
If applicable provide IDWR Water Right Number 22-4125
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) *Rulon Earl Mortensen* Date 8-4-88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4th day of August 19 88

SEAL

Notary Public *Betty J. Thompson*

Residing at *Idaho Falls*

My Commission Expires 6 9 4

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

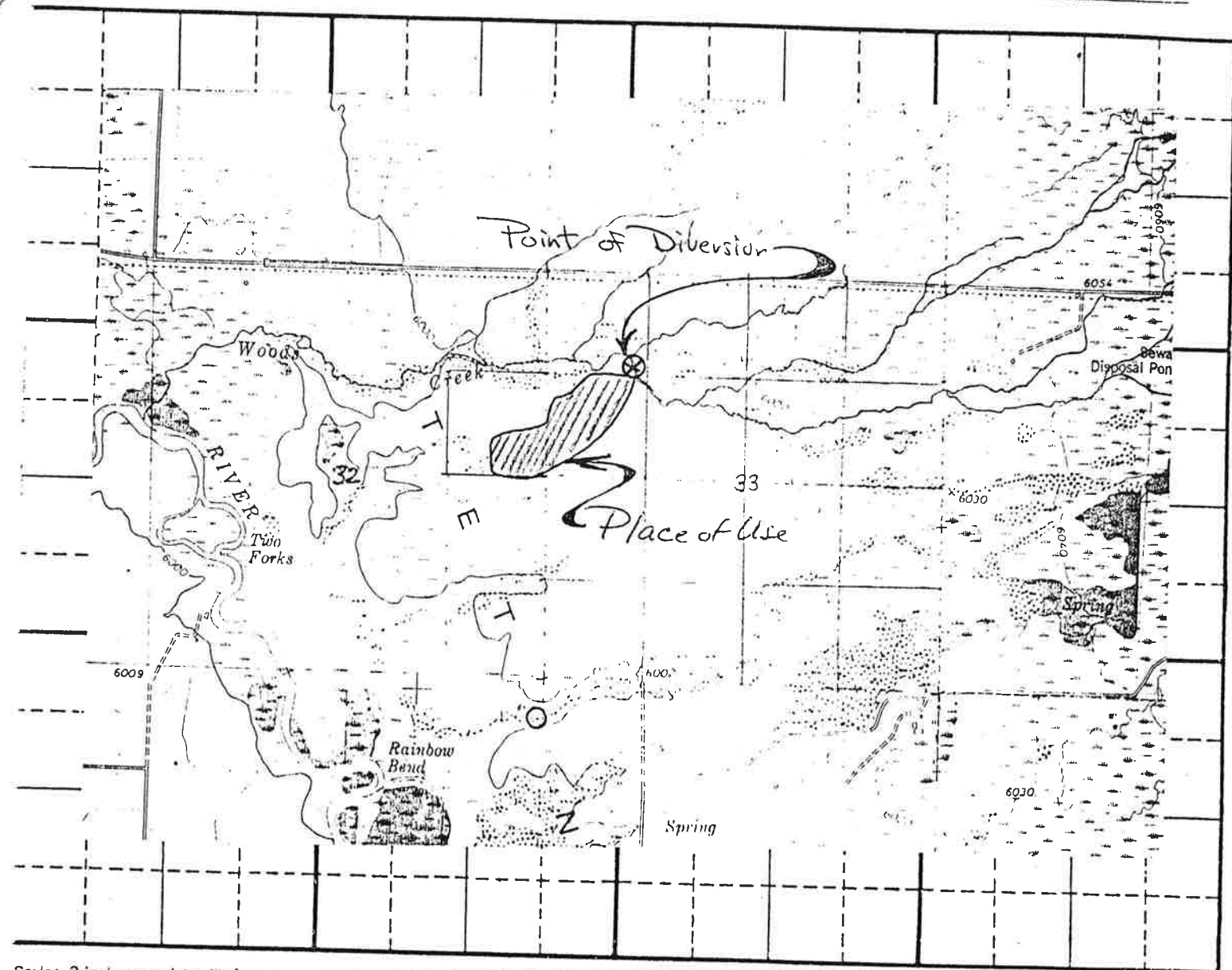
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NOV 06 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Remarks _____



Scale: 2 inches equal 1 mile.

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