

01/30/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-11047

NAME AND ADDRESS: BRENT J BELL
3342 W 4000 N
REXBURG ID 83440

KAREN BELL
3342 W 4000 N
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
~~1.40 APY~~

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/01/1886

POINT OF
DIVERSION: T07N R39E S34 SWSE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS ~~0.20 APY~~
DOMESTIC	01/01 12/31	0.040 CFS ~~1.20 APY~~

PLACE OF USE: STOCKWATER Within MADISON County
T07N R39E S34 SWSE
DOMESTIC Within MADISON County
T07N R39E S34 SWSE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*Dominious claim priority ok
Corrected APY 2-2-06 JF*

02/02/2006

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

RIGHT NUMBER: 22-11047

NAME AND ADDRESS: BRENT J BELL
3342 W 4000 N
REXBURG ID 83440

KAREN BELL
3342 W 4000 N
REXBURG ID 83440

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TRIBUTARY:

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POINT OF DIVERSION:
T07N R39E S34 SWSE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: STOCKWATER Within MADISON County

T07N R39E S34 SWSE

DOMESTIC Within MADISON County

T07N R39E S34 SWSE

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The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Point of Diversion

Bac 9/27/04

BENEFICIAL USE CLAIMED w/o EVIDENCES OF PRIORITY, FROM A
WOL CLAIMING 1886 PRIORITY — DON'T THINK SO FOR FRANK,
RECOMMEND D&S ONLY N11, N13
AMENDMENT BY BRUCE CARTER NOT CONSIDERED.

February 18, 2004

**BRENT BELL
3342 W 4000 S
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11061

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of June 1, 1886, from a well.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit the documentation supporting the priority date within 30 days of the date of this letter, referencing all documents with the corresponding claim number. If you have any questions not covered by this letter or the enclosed pamphlet, please feel free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Claim no. A2211047

Claimant Contact Log

Date Remarks Agent initials

2/24/04 PRIORITY EVIDENCE REQUEST MAILED.

9/23/04 met w/ claimant Karen Beel } farm operator
Brett Beel at pow. Brent Beel is deceased. BAC 9/27/04

Contacts Data Entry Form

Water Right No. A22-11047

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner BRENT BELL

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

B.H. Cloran

Other Water Rights used A22-04019 For Stock

Claims Irrigation + Stock. But not Domestic

FE. pod/pod CONVEYANCE/SYSTEM

Do w/ 22-4019.

Reviewer: _____

Date: _____

Water Right No(s). A 2211047

Please see attached

GPS DATA:

Tag # A0012221 Location: Casiny

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

GPS Waypoint 38

~~2673840E~~ +411860N IDTM 83 Dec 9/27/04
2672898E 1411835N

Field Exam Date: _____ Agent: _____

Priority Date Data Entry Form

Claim Number: A2211047

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1-June 1886 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

B.U. Claim

Claimant did not feel able to provide documentation other than the fact that in decree presumes existence of homestead. Note neighbor Sommers (A22-80) asserts original homestead was on his property. I propose recommending this claim w/ remark "Not a determination of historical use" unless claimant provides more info. BAE 9/27/04

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A0011047

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 7N, R 39E, Sec. 34,____, SW, SE. County: MADISONSource: Ground Water. Tributary:_____

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? GPS Tag # A0012221

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

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2211047☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
7N	39E	34	SWSE		MADISON			Stock.
"	"	"	SWSE		"			Irrigation

Total Acres 0

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

please see layout. ~ 1/2 acre or less.Bac 9/27/04

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A 2211047

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	1/1	10/31	.04	
Stock Water	1/1	12/31	.02	

Overall Diversion Rate .04

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Dom	1/1		0.04	
Stock		12/31	0.02	

Overall Diversion Rate 0.04

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

INWR. STD 504 4/1 - 10-31 Irrigation
 1/ 1/ 1/ 1/1 - 12-31 Stockwater

Amended claim clears up discrepancy between "Purpose" and "POU" sections of original claim. Bae 9/27/04

Makes matters WORSE!

Reviewer: _____

Date: _____

Log for claim 22-11047

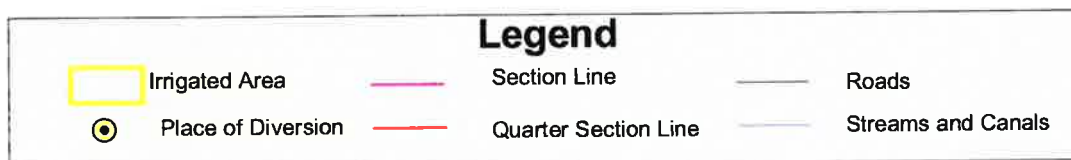
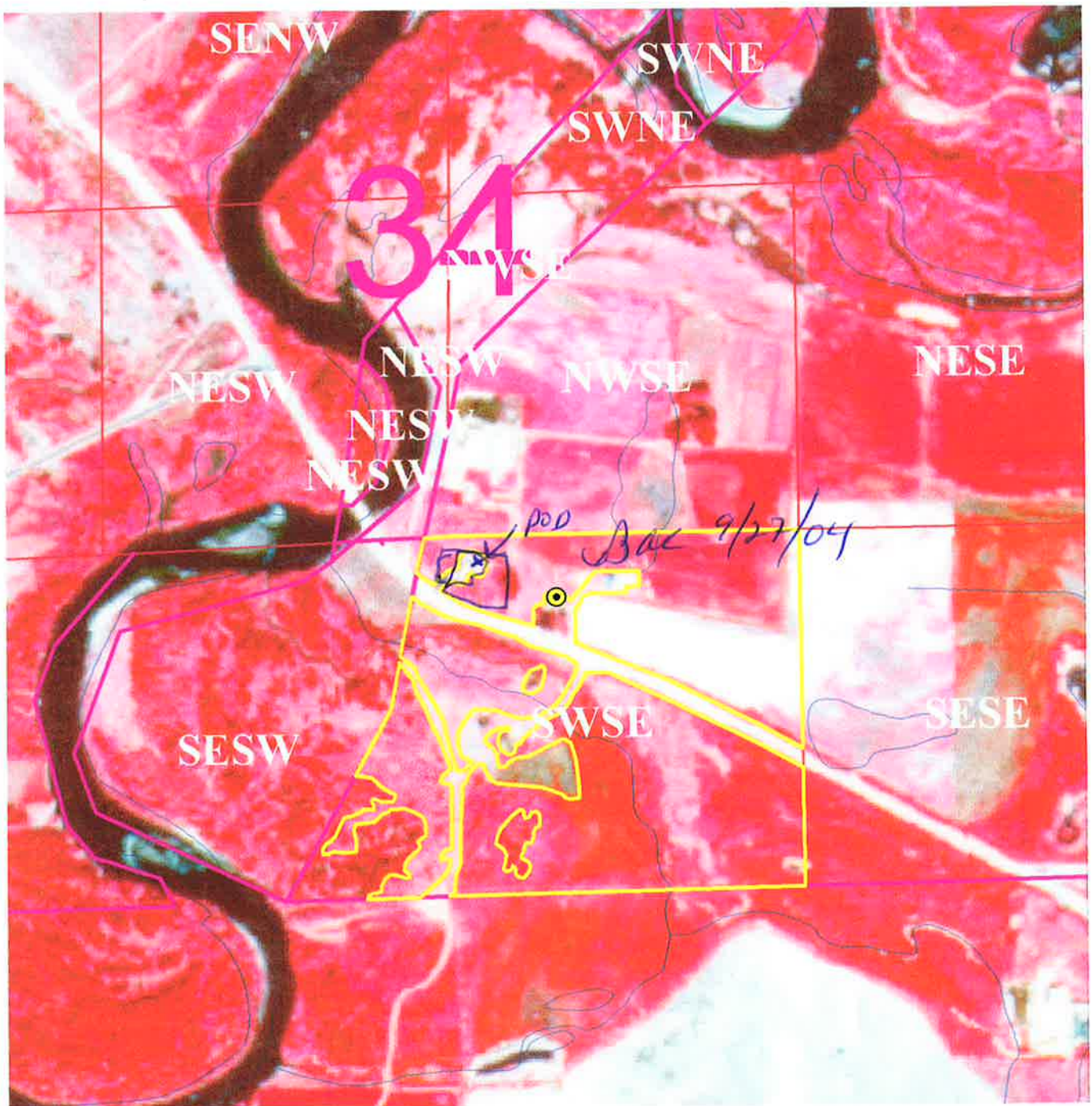
Spatial Dynamics BTD

7/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07n39e	34	SWSE	0	39	POD placement? / Indiscernible
Totals:			0	39	

Water Right Claim Number 22-11047
Townships , 7N39E, 6N39E

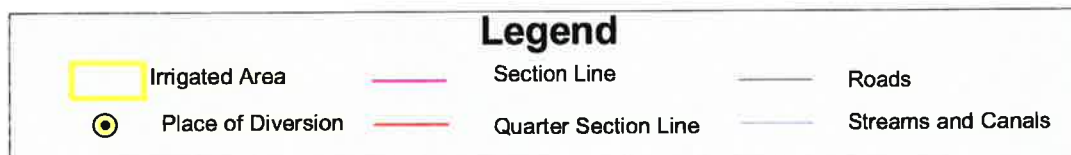
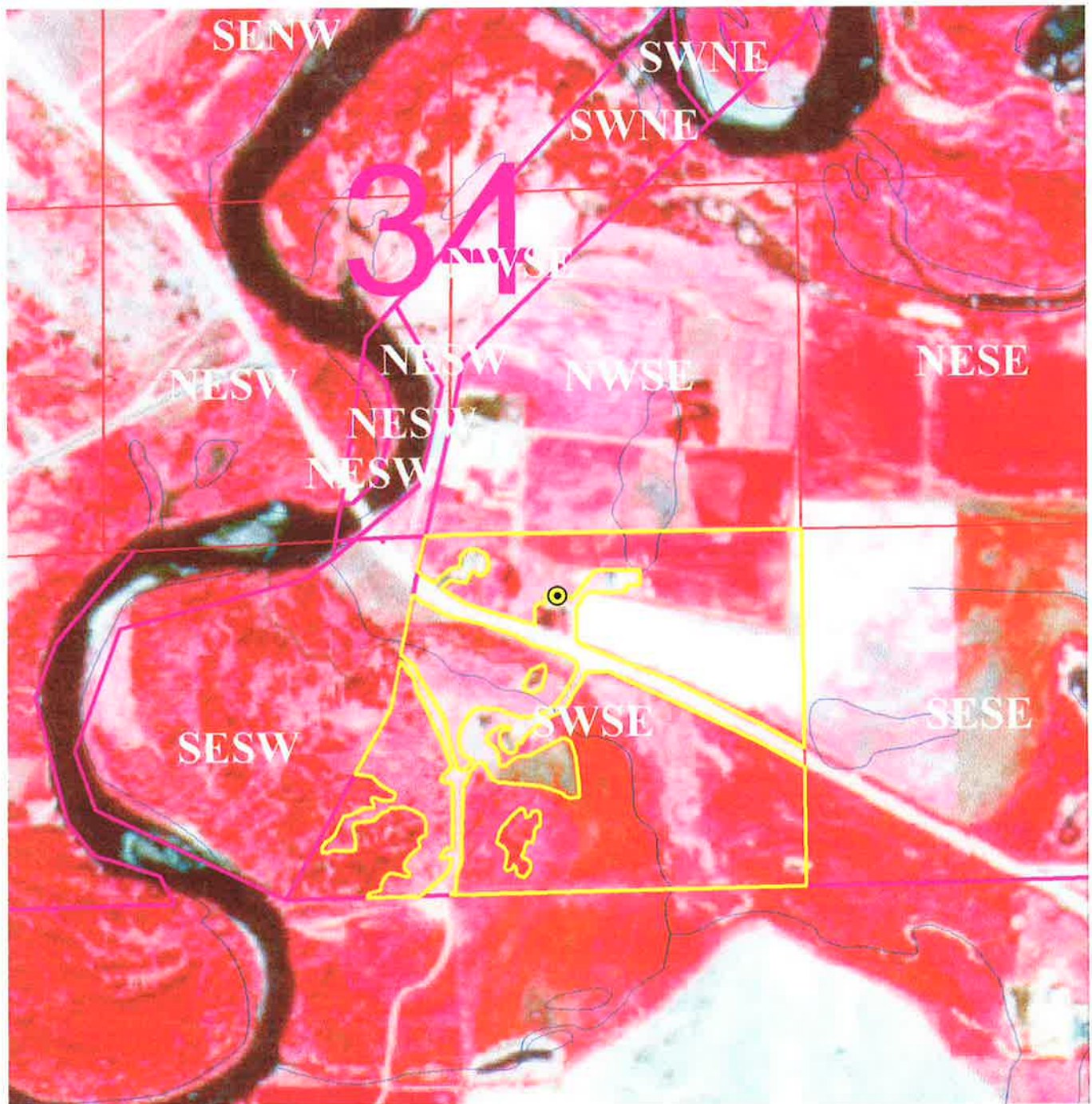
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11047
Townships , 7N39E, 6N39E

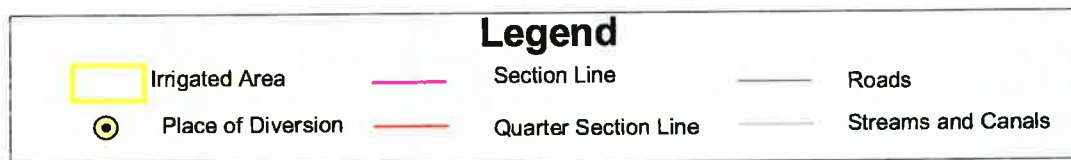
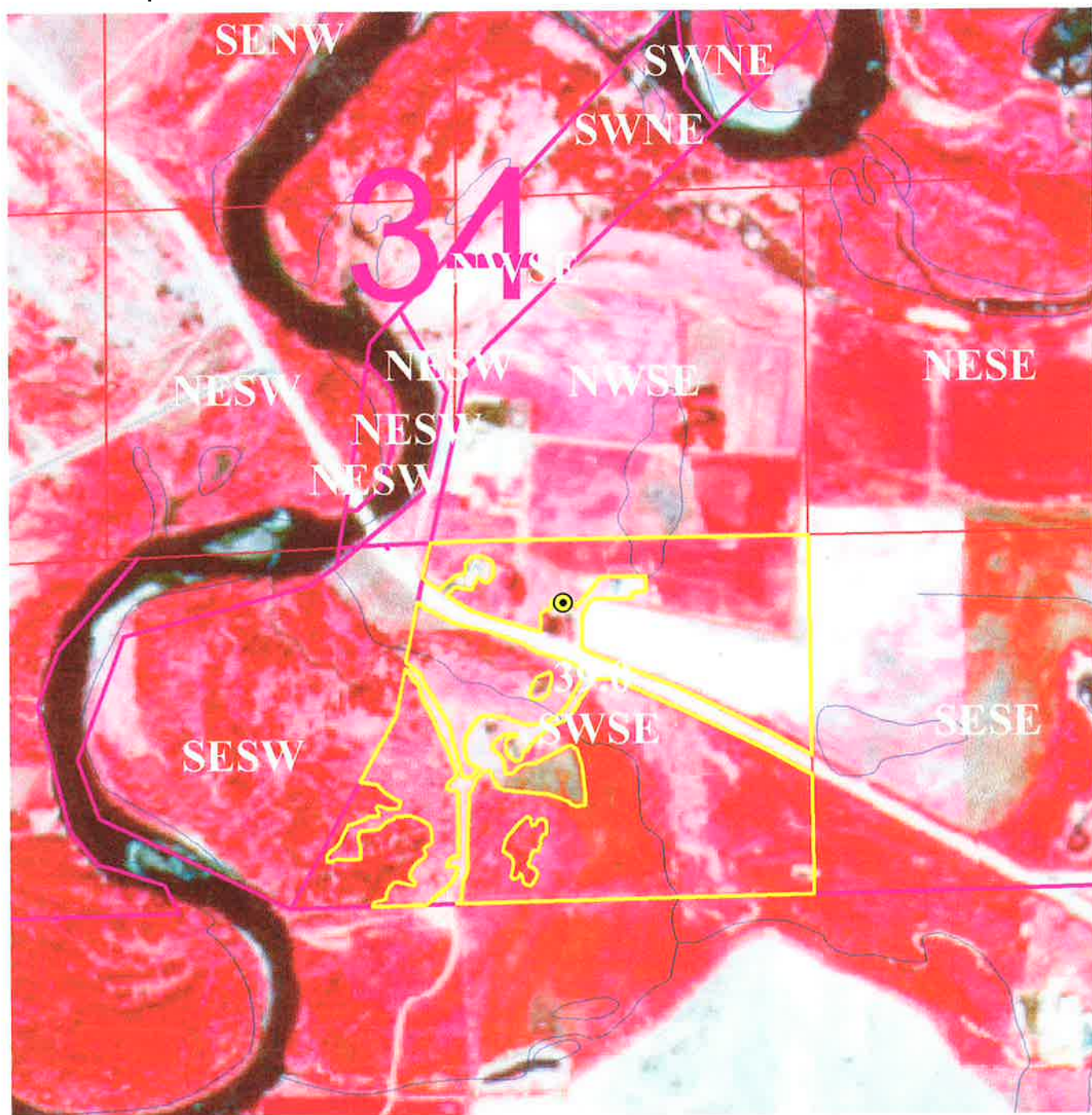
07/16/2001



SPATIAL
DYNAMICS

Water Right Claim Number 22-11047
Townships , 7N39E, 6N39E

07/16/2001



SPATIAL
DYNAMICS

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

A22-11047

Date Received

Receipt Number

Amended

NOTICE OF CLAIM

Amended

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s)

Karen Bell

Phone (208)

356-6193

Mailing Address

3342 W 4000S Rexburg ID

Zip

83440

2. Date of Priority (Only one (1) per claim)

June 1 1886

3. Source of water supply (a)

Ground water

which is tributary to (b)

4. a. Location of existing point of diversion is: Township

7N

Range

39E

Section

34SW 1/4 of SE 1/4 of

1/4, Govt. Lot,

B.M., County of

Madison

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 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.

Well and pump to home, lawn and stockwater

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 0.04 or _____
For domestic purposes from 1/1 to 12/31 amount 0.02 or _____
For stockwater purposes from 1/1 to 12/31 amount 0.02 or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 130 head range cattle/horses. One home

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	
<u>7N</u>	<u>39E</u>	<u>34</u>															<u>1.0</u>	<u>1.0</u>	
																	<u>D</u>		
																	<u>S</u>		

Total number of acres irrigated

1.0

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

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

Sawney-Summer Ditch

or None ()

14. Remarks: This is to clarify the original claim.
The original claim included irrigation as a purpose
but not in the place of use. It included domestic
in the place of use but not as a purpose. The priority
date is based on the original homestead, documented
by priority dates of Summer-Sawney canal.

Last Name

Beel

Ident No.

A22-11047

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Please see original claim

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
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) _____

Date 09-23-04

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 Madison)

SS.

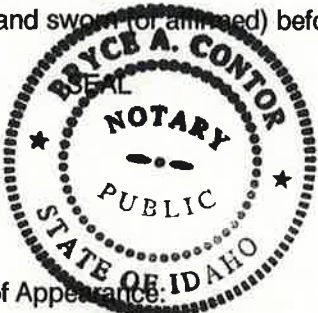
Subscribed and sworn (or affirmed) before me this

23rd

day of

September

2004



Notary Public

Bryce A. Contor

Residing at

Tona

My Commission Expires

10/14/05

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 _____

Last Name

Se Bell

Ident. Number

A22-11047

Copies White-State, Yellow-Claimant

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: A22-11047
Date Received: 8/19/1988
Receipt No: E001482
Received By: HUT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRENT BELL 208-356-6193
Address: 3342 W. 4000 S.
REXBURG, ID 83440
OR
Name: KAREN BELL
Address: REXBURG, ID 83440

2. Date of Priority: JUN 01, 1886

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	39E	34	SW	SE			MADISON

5. Description of diverting works:
WELL AND PUMP TO ONE HOME AND STOCK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31		0.040	
STOCKWATER	01/01	12/31		0.020	

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC NAD STOCK

A22-11047

Page 1

Date: 08/19/88

MICROFILMED
NOV 06 1992



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	39E	34	SW SE		STOCK DOMEST	

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:
A22-04019 FOR STOCK

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 X 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): x Bruce Bell Date: x 8-19-88

Date: _____

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of August 19 88 Deena Green
Notary Public

Seal

Residing at Ridgely
My Commission Expires 4-22-1994