

10/05/2005

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

RIGHT NUMBER: 22-11061

NAME AND ADDRESS: ORLAND RAY HALL TRUST  
C/O PATSY H JENSEN  
4333 W WELBY HILLS DR  
JORDAN UT 84088-2333

AFTON H HALL  
C/O PATSY H JENSEN  
4333 W WELBY HILLS DR  
JORDAN UT 84088-2333

SOURCE: SPRING SLOUGH

TRIBUTARY: BANNOCK JIM SLOUGH

QUANTITY: 0.110 CFS

PRIORITY DATE: 03/15/1960

POINT OF DIVERSION:

T05N R39E S21 NWNENW Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.110 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S21 NENW 5.7

5.7 ACRES TOTAL

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

This right is subject to regulation by the watermaster of Water District 01.

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.

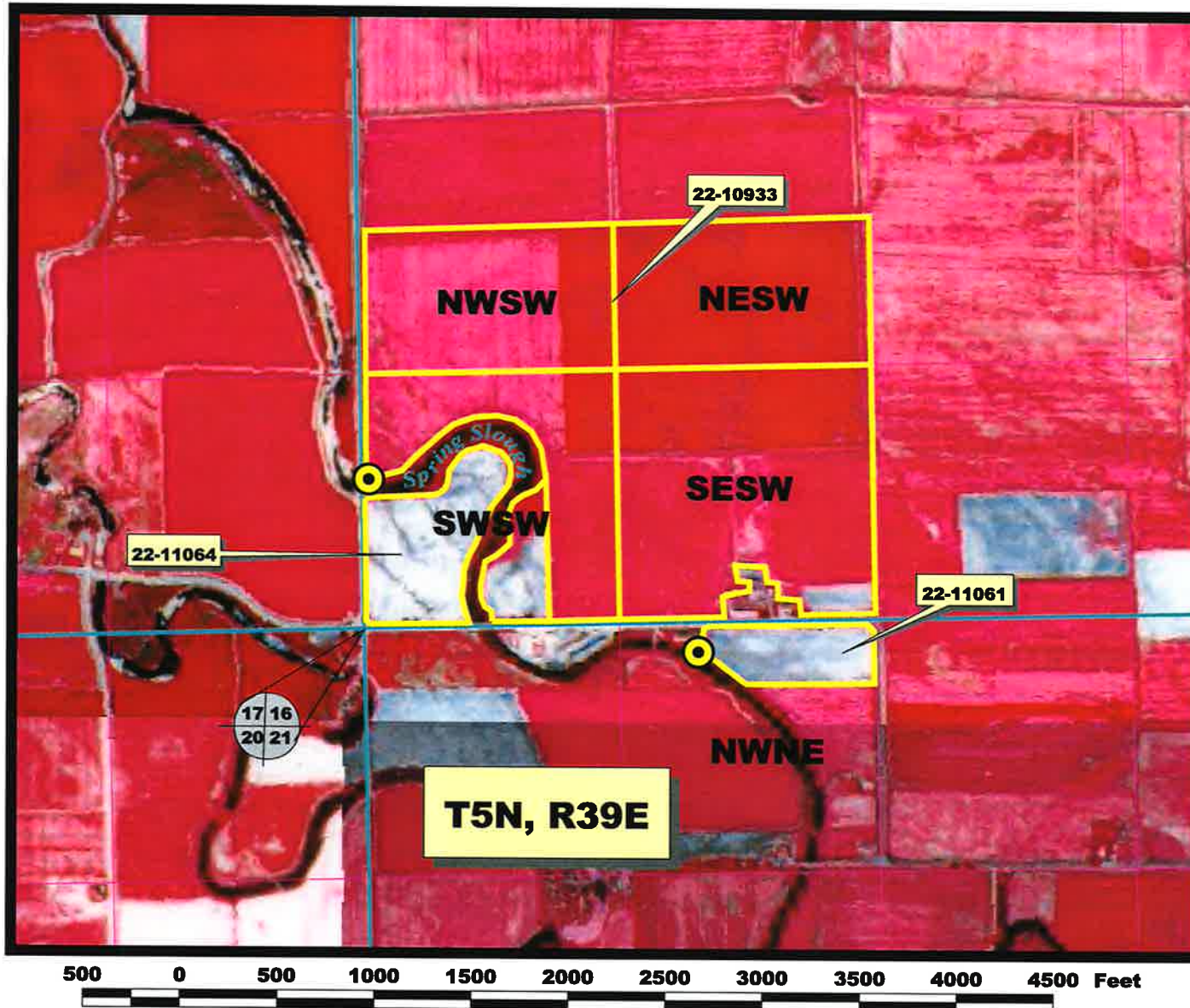
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



# State of Idaho

## Department of Water Resources

Eastern Region



**Water Right(s):**  
**22-10933,**  
**22-11061,**  
**22-11064**

**Point(s) of Diversion:**  
**T5N, R39E**  
**Sec. 16 NWSWSW**  
**Sec. 21 NWNENW**

**Place of Use: (parts of)**  
**T5N, R39E**  
**Sec. 16 SW, Sec. 21 NENW**

### LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



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



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**EASTERN REGION**

**C. L. "BUTCH" OTTER**  
Governor

**DAVID R. TUTHILL, JR.**  
Director

June 17, 2009

BAGLEY LAND LLC  
PO BOX 122  
REXBURG ID 83440

RE: Notice of Change of Water Right Ownership (NCO) for 22-10933, 22-11061  
& 22-11064 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Bobby Kern  
Office Specialist II

Enclosure

cc Hall, Afton H.; Orland Ray Hall Trust

SCANNED  
SCANNED  
JUL 23 2009  
JUL 23 2009

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

In Re SRBA )

Water Rights: 22-10933,  
22-11061 & 22-11064

Case No. 39576 )

**NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party     HALL - BAGLEY
- ☐ I.C. § 42-222 transfer
  - ☐ point of diversion     ☐ place of use
  - ☐ period of use     ☐ nature of use
  - ☐ split of water right     ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 15 July 2009

Ernest Carlson

Signature of IDWR Representative

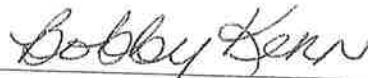
SCANNED

JUL 23 2009

### CERTIFICATE OF MAILING

I certify that on July 17, 2009, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707
2. One copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  
ORLAND R HALL TRUST  
AND/OR AFTON H HALL  
C/O PATSY H JENSEN  
4333 W WELBY HILLS DR  
WEST JORDAN UT 84088-2333
3. One copy to:  
Claimant/Purchaser for Substitution of Party, or attorney of record:  
BAGLEY LAND LLC  
PO BOX 122  
REXBURG ID 83440
4. One copy to:  
Each party in the subcase, or attorney of record
5. One copy each to:  
Chief Natural Resources Division  
Office of the Attorney General  
PO Box 44449  
Boise ID 83711-4449
6. One Copy to:  
United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724



Signature of person or attorney mailing the form

SCANNED

JUL 23 2009

06/17/2009

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

RIGHT NUMBER: 22-10933

NAME AND ADDRESS: BAGLEY LAND LLC  
PO BOX 122  
REXBURG ID 83440

SOURCE: SPRING SLOUGH

TRIBUTARY: BANNOCK JIM SLOUGH

QUANTITY: 2.020 CFS

PRIORITY DATE: 03/15/1960

POINT OF  
DIVERSION:

T05N R39E S16 NWSWS Within MADISON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>               | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------|-------------------------------------|----------------------|-----------------|
|               | IRRIGATION                          | 04/01 10/31          | 2.020 CFS       |
| PLACE OF USE: | <u>IRRIGATION in MADISON County</u> |                      |                 |
|               | T05N R39E S16 NESW 23.00            | T05N R39E S16 NWSW   | 22.00           |
|               | T05N R39E S16 SWSW 18.00            | T05N R39E S16 SESW   | 38.00           |
|               | 101 ACRES TOTAL                     |                      |                 |

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

This right is subject to regulation by the watermaster of Water District 01.

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

Right No. 22-11064 is also diverted through point of diversion described above.

SCANNED

JUL 23 2009

06/17/2009

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

RIGHT NUMBER: 22-11061

NAME AND ADDRESS: BAGLEY LAND LLC  
PO BOX 122  
REXBURG ID 83440

SOURCE: SPRING SLOUGH

TRIBUTARY: BANNOCK JIM SLOUGH

QUANTITY: 0.110 CFS

PRIORITY DATE: 03/15/1960

POINT OF  
DIVERSION:

T05N R39E S21 NWNENW Within MADISON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.110 CFS

PLACE OF USE:

IRRIGATION in MADISON County

T05N R39E S21 NENW 5.70

5.7 ACRES TOTAL

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

This right is subject to regulation by the watermaster of Water District 01.

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

SCANNED

JUL 23 2009

06/17/2009

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

RIGHT NUMBER: 22-11064

NAME AND ADDRESS: BAGLEY LAND LLC  
PO BOX 122  
REXBURG ID 83440

SOURCE: SPRING SLOUGH

TRIBUTARY: BANNOCK JIM SLOUGH

QUANTITY: 0.280 CFS

PRIORITY DATE: 03/15/1960

POINT OF  
DIVERSION:

T05N R39E S16 NWSWSW Within MADISON County

PURPOSE AND  
PERIOD OF USE:

|               | <u>PURPOSE OF USE</u>               | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|---------------|-------------------------------------|----------------------|-----------------|
|               | IRRIGATION                          | 04/01 10/31          | 0.280 CFS       |
| PLACE OF USE: | <u>IRRIGATION in MADISON County</u> |                      |                 |
|               | T05N R39E S16 SWSW                  | 14.00                |                 |
|               | 14 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.

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-10933 is also diverted through point of diversion described above.

SCANNED

JUL 23

DE✓

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

*Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

| Water Right No(s) | Adjudication Claim No(s) | Split(s) | Water Right No(s) | Adjudication Claim No(s) | Split(s) |
|-------------------|--------------------------|----------|-------------------|--------------------------|----------|
| 22-10933          |                          |          |                   |                          |          |
| 22-11064          |                          |          |                   |                          |          |
| 22-11061          |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

**RECEIVED**  
**JUN 15 2009**

Department of Water Resources  
 Eastern Region

3. Name and Address of Former Owner/Claimant(s)

Orland R. Hall Trust and/or Afton H. Hall Estate  
 c/o Patsy H. Jensen and Kim L. Jensen

4333 W. Welby Hills Dr.  
 West Jordan, UT 84088-2333

4. New Owner/Claimant(s)

Bagley Land LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

4805 S 3300 W PO Box 122

City, State and ZIP Code

Rexburg, ID 83440

New Telephone Number

(208) 356-7926

Email:

**SCANNED**

**JUL 23 2009**

5. Date you acquired the property June 1, 2009

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b>                                                                  |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

*For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.*

7. Signature(s) of New Owner(s) or Claimant(s) ALBY (title if applicable)  
 (title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

SCANNED  
JUL 23 2009

**For IDWR Office Use Only:**

Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt Amt. \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

AMERITITLE  
5001164

## GRANT DEED

**Patsy Raye Jensen**, of 4333 W. Welby Hills Drive, West Jordan, UT 84088, as Personal Representative of the Estate of Afton H. Hall, to convey the interest of said Afton H. Hall and her estate, and **Patsy Raye Jensen and Kim L. Jensen**, as Trustees of the Orland Ray Hall Trust, to convey the interest of said trust, and of said Afton H. Hall, and the said Orland Ray Hall, in said trust, all together, hereinafter called "Grantors;" do hereby grant and convey, to **Bagley Land, LLC**, an Idaho limited liability company, of P.O. Box 122, Rexburg, ID 83440, hereinafter called "Grantee," the following described property located in Madison County, State of Idaho, to-wit:

**The Southwest Quarter of Section 16, Township 5 North, Range 39 East, Boise Meridian, Containing 160 acres.**

**Also: Commencing at a point 2 rods South of the Northeast corner of the Northwest Quarter of Section 21, Township 5 North, Range 39 East, Boise Meridian, and running thence West 80 rods; thence South 20 rods; thence East 80 rods; thence North 20 rods to the point of beginning, containing 10 acres, more or less.**

**Together with 78 shares of capital stock of the Liberty Park Irrigation Company.**

ALSO TOGETHER WITH any and all other water rights and improvements and appurtenances thereto and rents, issues and profits thereof; and reversions and remainders.

TO HAVE AND TO HOLD, the premises and the appurtenances unto the Grantee, and to his heirs and assigns forever.

DATED This 1<sup>st</sup> day of ~~May~~<sup>June</sup>, 2009.

  
Patsy Raye Jensen, as Personal Representative  
of the Estate of Afton H. Hall and as  
Trustee of the Orland Ray Hall Trust

  
Kim L. Jensen, as Trustee of the Orland Ray  
Hall Trust

SCANNED  
JUL 23 2009

STATE OF IDAHO )  
 )  
 ) ss.  
County of Madison. )

STATE OF IDAHO,                 )  
County of Madison.             ss.  
                                                )

A circular notary seal for Kellie Murdock, a Notary Public in the State of Idaho. The seal features the text "STATE OF IDAHO" at the top, "KELLIE MURDOCK" in the center, and "NOTARY PUBLIC" at the bottom.

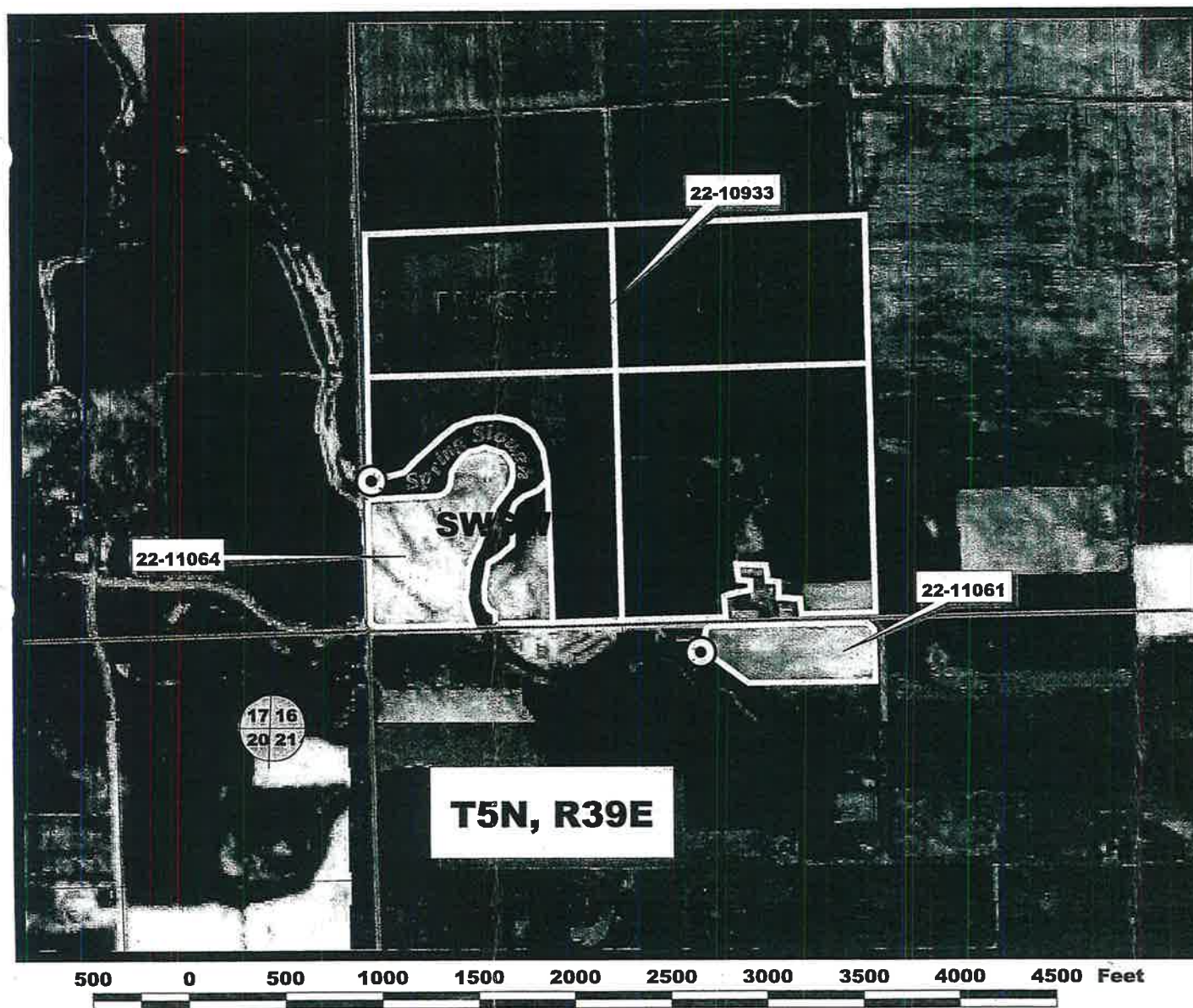
SCANNED  
JUL 23 2009



# State of Idaho

## Department of Water Resources

Eastern Region



### Water Right(s):

22-10933,  
22-11061,  
22-11064

SCANNED  
JUL 23 2009

### Point(s) of Diversion:

T5N, R39E  
Sec. 16 NWSWSW  
Sec. 21 NWNENW

### Place of Use: (parts of)

T5N, R39E  
Sec. 16 SW, Sec. 21 NENW

### 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: October 2005

09/08/2006

**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: 22-11061

ORLAND RAY HALL TRUST  
C/O PATSY H JENSEN  
4333 W WELBY HILLS DR

West JORDAN UT 84088-2333

AFTON H HALL  
C/O PATSY H JENSEN  
4333 W WELBY HILLS DR  
West JORDAN UT 84088-2333

Telephone Number: (801)280-2226

(City name is West Jordan, UT)

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:

5.7 irrigated acres times 0.02 = 0.114  
(This document shows 0.110 CFS on following page.)

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

DATE: 10-18-06 SIGNATURE: Patsy H. Jensen  
Please print your name: Patsy H. Jensen

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

Called patsy 10-31-06 told  
he we rounded because we can't measure  
that small when regulating. She said that was  
fine.  
TG-

Claim no. A2211061

Claimant Contact Log

| Date | Remarks | Agent initials |
|------|---------|----------------|
|------|---------|----------------|

|         |                                   |  |
|---------|-----------------------------------|--|
| 2/18/04 | Priority EVIDENCE REQUEST MAILED. |  |
|---------|-----------------------------------|--|

|        |             |     |
|--------|-------------|-----|
| 7/1/04 | Not in WMIS | Bac |
|--------|-------------|-----|

|        |                                          |            |
|--------|------------------------------------------|------------|
| 9/9/04 | please see A22-11064 for correspondence. | Bac 9/9/04 |
|--------|------------------------------------------|------------|

|        |                                     |     |
|--------|-------------------------------------|-----|
| 9/9/04 | Field exam w/ tenant Richard Wilcox | Bac |
|--------|-------------------------------------|-----|

**CHANGE IN ADDRESS**

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[ ] Water Right Number (s): A22-11064  
A22-10933  
A22-11061

[ ] Old Mailing Address: 4894 West 5000 S, Rexburg, ID  
4708 Mountlake, Pocatello ID

[ ] New Mailing Address: Orland Ray Hall Trust and/or  
Afton H. Hall  
c/o Patsy H. Jensen

New Telephone Number: (801) 280-2226

[ ] Signature of Claimant: Patsy H. Jensen for Afton H. Hall\*  
Date: Sep. 9, 2004

FOR IDWR USE ONLY:  
Initial Review and Data-Entry  
Date: By:  
Further Action Needed:  
Further Action Taken  
Date: By:  
Final Review and Data-Entry  
Date: By:

\* By Power of Attorney  
Notarized -  
(my mother, Afton, suffers from Alzheimer's)

Patsy H. Jensen  
4333 W. Welby Hills Dr.  
West Jordan, UT  
84088-2333

Mail to:  
IDWR  
900 N Skyline Ste A  
Idaho Falls ID 83402

Allen Rabenau

## Contacts Data Entry Form

Water Right No. A2211061

| Owner Type                                        | Full Name    | Address     | City | State | Zip | Phone |
|---------------------------------------------------|--------------|-------------|------|-------|-----|-------|
| Current Owner                                     | <u>AFTON</u> | <u>HALL</u> |      |       |     |       |
| 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. U. Claim  
EVIDENCE OF PRIORITY IN CLAIM 11064 W.D.RECOMMEND AS CLAIMORS w/ PRIORITY EVIDENCES. MEASURES  
NOT ROAD < 0.20 cfsSee A22-11064 for ownership / address info. Bae 9/9/04  
Affidavit may be enough for A address.

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

February 18, 2004

**AFTON H HALL  
4894 W 5000 S  
REXBURG ID 83440**

**ORLAND R HALL TRUST  
4708 MOUNTLAKE  
POCATELLO ID 83202**

**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 March 15, 1960, 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**".

.....  
**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)

MAR 29 2004

Department of Water Resources  
Eastern Region

Re: Evidence of Priority for SRBA Water Right Claims 22-10933, 22-11064, and 22-11061

Water Right Claim 22-11064 in the name of: Afton H. Hall  
4894 West 5000 South  
Rexburg, ID 83440

265 Additional Documents

[illegible]

The following facts are attested to according to my personal knowledge, involvement, and experience:

- My father, Orland Ray Hall, in 1960 irrigated his entire farm either from the Spring Slough or from canal water provided by shares he owned in Liberty Park Canal Co.
- By 1960, all farmland had been land leveled for proper irrigation drainage, and all crops were under irrigation with a crop rotation of hay, potatoes, wheat and barley.
- Irrigation water under claims #22-10933 and #22-11064 were diverted in 2 places by pump to irrigate crops directly north of the Spring Slough as indicated in attached Exhibit A.
- Irrigation water under claim #22-11061 was diverted in 1 place by pump to irrigate crops directly south of the Spring Slough as indicated in attached Exhibit B.

- Photostatic copies of original documents relating to pump repairs, sprinkler pipe purchases and crops grown and sold in 1960 and 1961 (crops sold in 1960 were grown in 1959---those sold in 1961 were grown in 1960 and stored until selling dates listed) are provided in Exhibit C.
- Property tax collection notice and/or receipts for 1959 and 1960 from Madison County showing how the property was taxed. Included in Exhibit C.

All of the above information is certain, true and complete to the best of my knowledge as one who was personally involved as a witness of the facts stated.

**Affiant:**

*Patsy Raye Hall Jensen*

Patsy Raye Hall Jensen  
Daughter of Orland Ray and Afton H. Hall  
March 26, 2004

---

On this date, March 26, 2004, appeared Patsy Raye Hall Jensen, known to be the Affiant whose signature is affixed to this document.

*Ann L. Barrus*, Notary Public, in and for West Jordan City, Salt Lake County, Utah.



To best of my recollection it was 1969  
or 1970 that O. Ray Hall bought sprinkler  
pipe and started watering potatoes by  
pumping out of McMillan slough. I was  
about 14 yrs old and lived neighbors  
to Halls. About that time I was working  
for Halls. I am currently operating  
The Alton Hall Farm

Richard Wilson  
9/9/04

Signed before me At September 9 2004

Bryce A. Contor

Notary Public

Residing at Mid Lake

Commission expires

10/15/05



## Priority Date Data Entry Form

Claim Number: A2211061

Water Right Priority Date: \_\_\_\_\_ Water Right Basis: \_\_\_\_\_

Claimed Priority Date: 15 MARCH 1960 Claimed Basis: B.URecommended 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

See evidence in A22-11064. Weak evidence for 1960,  
stronger evidence for at least 1969. BAC 9/9/04.  
Patsy Hall Jensen phone call 9/10/04 supports 1960. BAC

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_



Photo #1, Looking west at POU from southwest corner at GPS waypoint 6..

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Photo #2. POD looking south. Portable pump sits at this location. Not used when grain is grown.

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Bac 9/25/04



Photo #3. This is the pump that can be used for this water right. This photo was taken at the location of POD for A22-10933.

*Bac 9/25/07*

## Point of Diversion and Source Data Entry Form

Claim Number: A2211061

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

Source:\_\_\_\_\_ Tributary:\_\_\_\_\_

Claimed Point of Diversion: T 5N, R 39E, Sec. 21,\_\_\_\_, NE, NW. County: MADISONSource: Spring Slough. Tributary: BANNOCK Jim Slough.

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? CPS Tag #

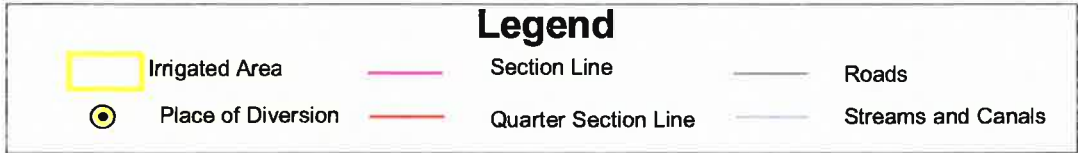
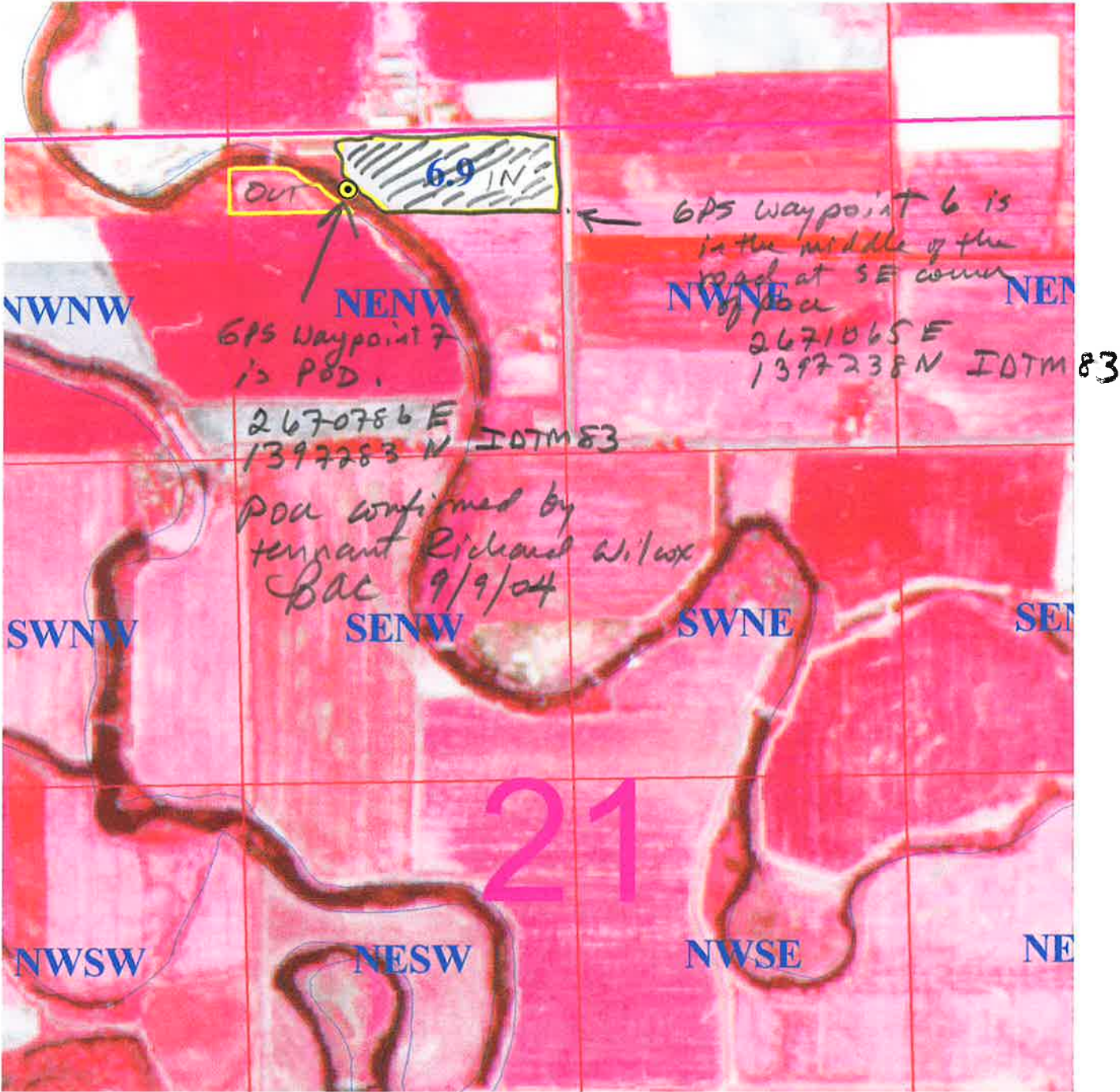
Document how the POD and Source were verified and/or Pump and Motor data:

No GPS tag - no place to put it. GPS data on layout.  
Water source is a slough. Liberty park  
canal water can also be delivered to slough &  
rediverted at this POD. Parcel can be flooded in.  
directly from lateral ditch off the Liberty Park canal.

Transfers Changing POD \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_



## Place Of Use Data Entry Form

Claim Number: A2211061☐ Use Claimed POU as Recommended POU

## Claimed Place of Use

| Twp | Rge | Sec | QQ | Q  | County  | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|----|---------|---------|-------|----------------|
| 5N  | 39E | 21  | NE | NW | Madison |         | 8     | Irrigation     |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |
|     |     |     |    |    |         |         |       |                |

Total Acres 8

## Recommended Place of Use

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

Total Acres \_\_\_\_\_

## Document how the POU was verified:

Field exam & review w/ current operator Richard Wilcox. Richard states small parcel S. of slough was historically irrigated w/ Liberty Park water from the south & not with this water right from the slough. BAC 9/9/04 POU is irrigated every year, not always from this WR. This WR is used in crop rotation when sprinklers are required. BAC

Transfers Changing POU \_\_\_\_\_

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

## Period of Use and Quantity Data Entry Form

Claim Number: A2211061☐ 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 | 4/1   | 11/1 |      |        |
|            |       |      |      |        |
|            |       |      |      |        |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

## Recommended Period of Use and Diversion Rate

| Water Use | Start | End | Rate | Volume |
|-----------|-------|-----|------|--------|
|           |       |     |      |        |
|           |       |     |      |        |
|           |       |     |      |        |

Overall Diversion Rate \_\_\_\_\_ Overall Diversion Volume \_\_\_\_\_

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

IDWR STD SOU. 4/1 - 10/31Current diversion pump (see A22-11064) is more than adequate for claimed diversion rate. See 9/9/04

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

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: A22-11061  
Date Received: 8/19/1988  
Receipt No: E001486  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: AFTON H. HALL 208-356-6464  
Address: 4894 WEST 5000 SOUTH  
REXBURG, ID 83440  
OR  
Name: ORLAND RAY HALL TRUST 208-237-7129  
Address: 4708 MOUNTLAKE  
POCATELLO, ID 83202

2. Date of Priority: MAR 15, 1960

3. Source: SPRING SLOUGH Trib. to: BANNOCK JIM SLOUGH

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 05N      | 39E   | 21      | NE     | NW     |     |     | MADISON |

5. Description of diverting works:  
PUMP TO HANDLINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.160  |      |        |

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

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A2211061



10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 05N           | 39E   | 21      | NE     | NW  |     | IRR | 8.0   |
| Section Acres |       |         |        |     |     |     | 8.0   |
| Total Acres   |       |         |        |     |     |     | 8.0   |

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:

15. Basis of Claim: BENEFICIAL USE

(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.

19788

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NOV 06 1992

MICROFILMED  
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Sec. 21

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12.0

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SEE MAP 672

P/D

P/D

17 16

P/D

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Sec. 16

T 50  
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A22-11061