

02/02/2006

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

RIGHT NUMBER: 22-11980

NAME AND ADDRESS: ADA A KOON
7256 WEST 2700 S
REXBURG ID 83440

FRANK D KOON
7256 WEST 2700 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.030 CFS
3.50 AFY

PRIORITY DATE: 03/01/1950

POINT OF DIVERSION: T05N R39E S6 SENWSW Lot 5 Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.030 CFS
3.50 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S06 SWNW 1.00

1 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.

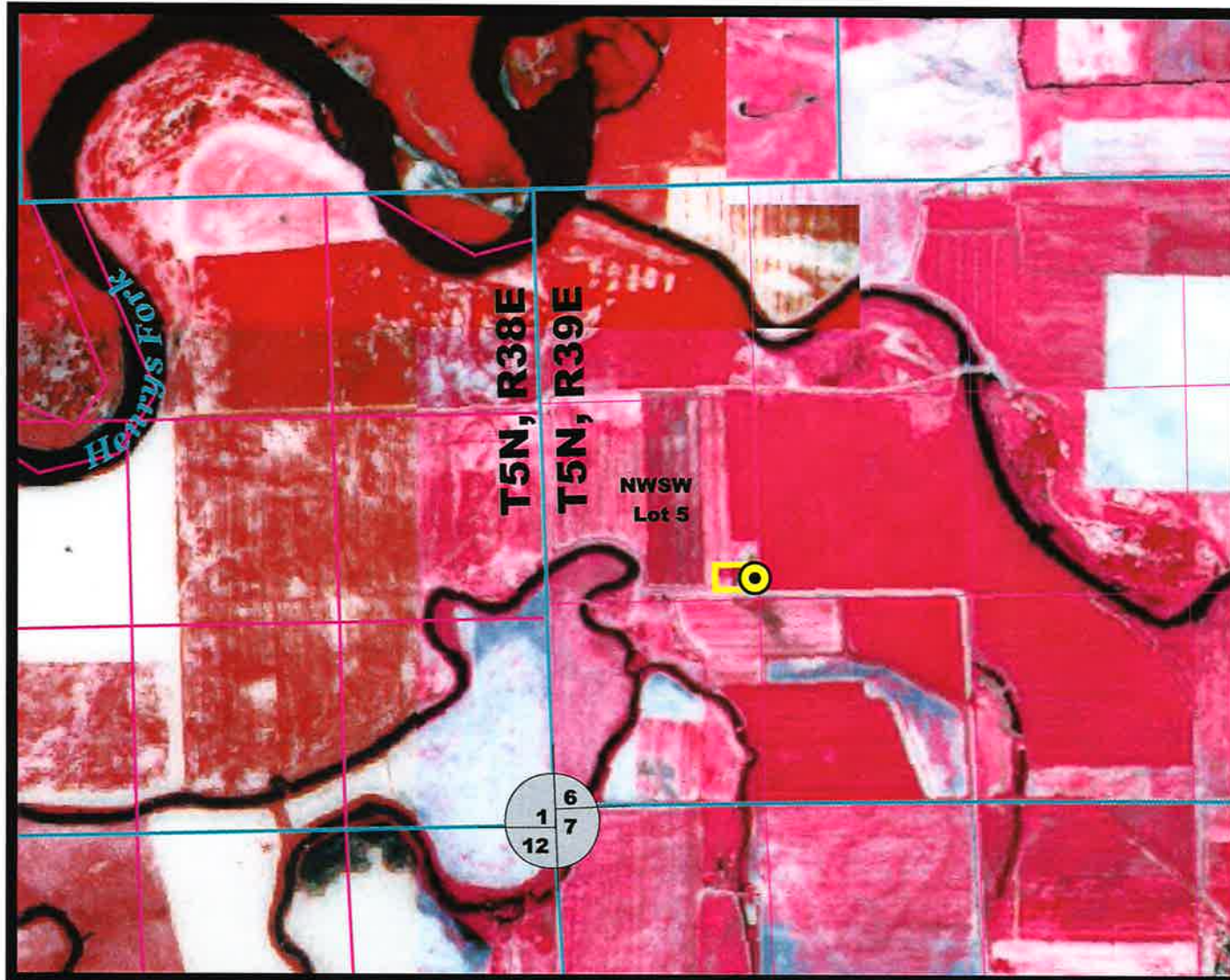
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-11980

Point(s) of Diversion:
T5N, R39E
Sec. 6 SENWSW (L5)

Place of Use: (part of)
T5N, R39E
Sec. 6 NWSW

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

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 5000 Feet

Claim no. 2211 980

Claimant Contact Log

Date **Remarks** **Agent initials**

8/10/04 12:26 356-3504 Thursday AM. Call when
headed that way 8:30-9:00 address is correct. *BAC*

8/12/04 Visited w/ Mr. Rooy at POU. See
attached affidavit. *BAC*

MAILED
16 MARCH 04

March 16, 2004

**FRANK D KOON
7256 W 2700 S
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11980

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 1, 1950, 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)

I Frank Koon moved into the house at 7256 W 2700N in the Fall of 1946 when I came back from the service. Early in 1950 I began irrigating the lawn and garden from a driven well that is on the east of a garage. I also watered 30-40 head of ewes plus lambs.

August 12, 2004
Frank R. Koon

Claim Number: 2211980

Claimed Priority Date: 1 MARCH 1950 Claimed Basis: B. U

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

See attached affidavit.

Date: _____

Water Right No(s). 2211980



GPS DATA:

Tag # A0012201 Location: On side of garage above sand point well

Diversion Data:

Source: Ground Water Trib to: _____

MOTOR

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

PUMP

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

NOTES:

GPS location Waypoint 31 2667310E 1400914N
IDTM83
Bae

Field Exam Date: 8/12/04 Agent: _____



A22-11980
 Pou looking
 NW from
 SE corner

Bae
 8/14/04



A22-11980
 Pou looking
 NE from SW
 corner

Bae
 8/14/04

Point of Diversion and Source Data Entry FormClaim Number: 2011980**Water Right Point(s) of diversion and Source.**

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

Source: _____ Tributary to: _____

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

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
5N	39E	6		NW SW	MADISON	Crown dumpy	

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

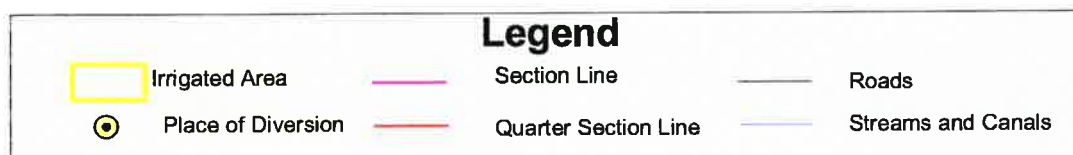
Transfers Pending or approved: _____

Document how the POD and Source were verified:

GPS, field insp. Bac 8/12/04

Reviewer: _____ Date: _____

07/16/2001



Place Of Use Data Entry Form

Claim Number: 2211981

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
5N	39E	6	SW	NW	Madison		1	Irrigation

Total acres 1

Recommended Place of Use

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

Total acres _____

Pending or approved Transfers: _____

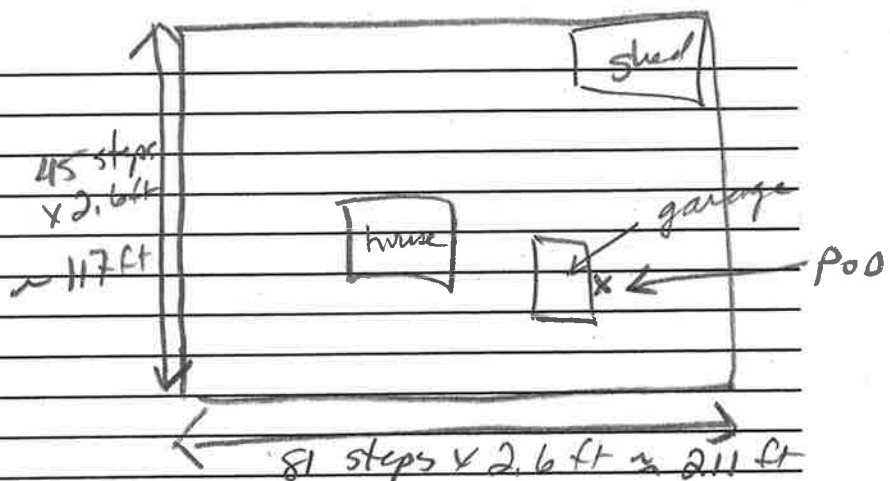
Overlapping rights: _____

Document how the POU was verified:

Field insp

$$\frac{211 \times 117}{43560} \approx 0.57 \text{ acres}$$

less buildings $\approx$
0.5 acres

Reviewer: BacDate: 8/12/04

Season of Use and Quantity Data Entry Form

Claim Number: _____

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 - 10/31

Water use: 1 home
 ~ 1/2 acre lawn/garden
 ~ 30-40 head ewes, plus lambs BAC 8/12/04

Reviewer: _____

Date: _____

Log for claim 22-11980

Spatial Dynamics BTD

7/16/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05n39e	6	NWSW	1	33	Wrong tract in database?/Indiscernible
Totals:			1	33	

← DEAD BULL

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: A22-11980
Date Received: 9/28/1988
Receipt No: E002689
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK D. KOON 208-356-3504
Address: 7256 WEST 2700 SOUTH
REXBURG, ID 83440
AND
Name: ADA A. KOON 208-356-3504
Address: 7256 WEST 2700 SOUTH
REXBURG, ID 83440

A2211980



2. Date of Priority: MAR 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	39E	6	NW	SW			MADISON

5. Description of diverting works:
WELL, 1.5" PIPE, 40' DEEP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.030		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	39E	6	SW NW		IRR	1.0
Section Acres						1.0
Total Acres						1.0

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

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 A22-11980Date Received 8-22-88Receipt Number E002689

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 22 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Frank D. and Ada A. Koon Phone (208) 356-3504Mailing Address 7256 W. 2700 S., Rexburg, Idaho Zip 834402. Date of Priority (Only one (1) per claim) 3/1/19503. Source of water supply (a) groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5N Range 39E Section 6,
_____ 1/4 of NW 1/4 of SW 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, 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 for irrigation 1 1/2' pipe 40 feet deep for garden, lawn, trees and orchard
(1 acre)

MICROFILMED

NOV 06 1988

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 0.03 or 3

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.03 (cfs) and/or (b) 3 (acre feet)

8. Total consumptive use claimed is 2.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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	39E	6							1										1

Total number of acres irrigated 1

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.

_____ or None (X)

14. Remarks:

Last Name Koon Ident No. _____

Copies: White -State Yellow -Claimant

Scale: 2 inches equals 1 mile

Top 5N, Rgc 39E, section 6
NW 1/4 SW 1/4

Ident No.

NOV 6 1966
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X 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) Frank D. Koon Date 8/17/88

Ada G. Koon Date 8/17/88

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 17th day of August 19 88

SEAL

Notary Public Debra A. Keller

Residing at Rexburg, Idaho

My Commission Expires 11-15-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby 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 Ray W. Rigby

Address P.O. Box 250, Rexburg, Idaho 83440

Date 8/17/88

Last Name Koon Ident. Number _____

COPIES White-State, Yellow-Claimant
NOV 08 1988
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