

12/18/2006

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

RIGHT NUMBER: 22-12182

NAME AND ADDRESS: GARY LUNDQUIST
470 N 4300 E
RIGBY ID 83442

SANDRA LUNDQUIST
470 N 4300 E
RIGBY ID 83442

SOURCE: SPRINGS

TRIBUTARY: TRAIL CREEK

QUANTITY: 1.020 CFS

PRIORITY DATE: 10/31/1926

POINT OF DIVERSION:

T04N R45E S33 SWSESW Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

1.020 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S33

NWSW

20.00

T04N R45E S33

SWSW

31.00

51 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

11/27/2006

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: 22-12182

GARY LUNDQUIST
470 N 4300 E
RIGBY ID 83442
Telephone Number: (208)745-6485

SANDRA LUNDQUIST
470 N 4300 E
RIGBY ID 83442
Telephone Number: (208)745-6485

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

No beneficial use found

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

I feel that a beneficial use has been established.

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

Affidavit signed by neighbors who were previous tenants of the property

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

DATE: *12-9-06*

SIGNATURE: *Gary Lundquist*

Please print your name: _____

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



Idaho Department of Water Resources

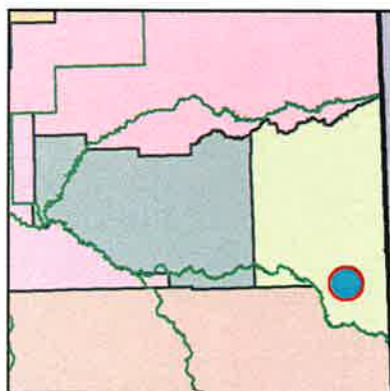
SRBA Recommendation:

22-12182

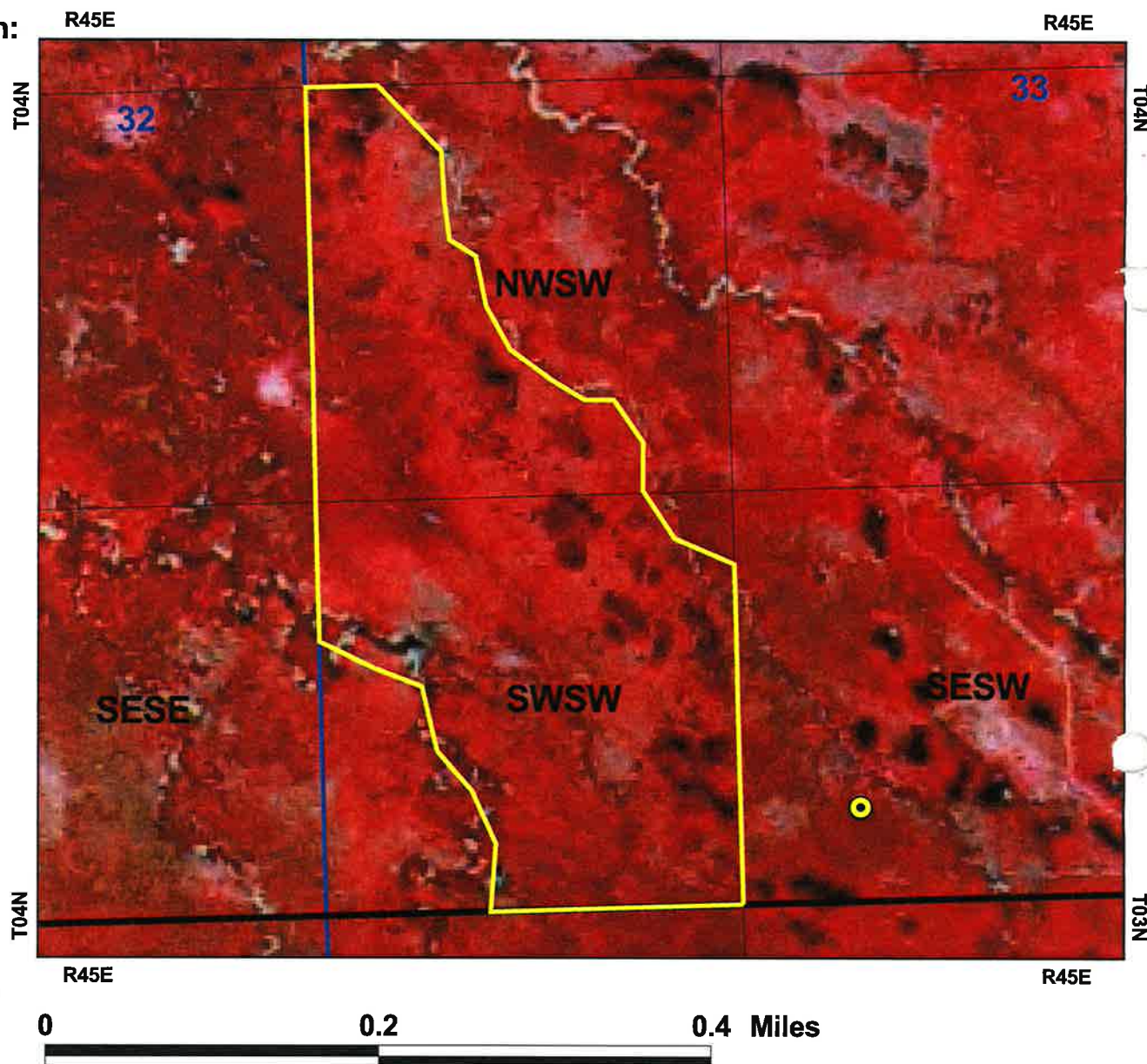
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by A. Golart
On Monday, December 18, 2006
1987/88 Aerial Photography

12-13-06

- Signed statement was brought in from some neighbors that states the water has been used since 1926 according to Verl Bagley who said it has been used for 78 years.
- Recommendation can be made based on this evidence.

A handwritten signature in blue ink, consisting of a stylized 'V' followed by a long horizontal stroke.

We, the undersigned, testify that the following de scribed real estate
has been irrigated from water which springs up within said real estate.

Lot 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 4, Twp. 3 N.,
Rge. 45, E.B.M.

W $\frac{1}{2}$ SW $\frac{1}{2}$ of Sec. 33, Twp. 4 N., Rge. 45 E.B.M.

E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, Township 3 North,
Range 45 East, Boise Meridian, Teton County, Idaho

1. Bruce W. Bagby for 30 years. DATE July 15, 2004
2. J. W. Bagby for 70 years. DATE July 15, 2004
3. J. W. Bagby for 50 years. DATE July 15, 2004
4. Wendy P. Bagby for 78 years. DATE July 15, 2004
5. Kent Bagby for 40 years. DATE July 15, 2004
6. _____ for _____ years. DATE _____
7. _____ for 60 years. DATE _____
8. _____ for _____ years. DATE _____
9. _____ for _____ years. DATE _____
10. _____ for _____ years. DATE _____

MAILED
23 March 04

March 23, 2004

**GARY LUNDQUIST
470 N 4300 E
RIGBY ID 83442**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-12182

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton River drainage. 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, 1896, from SPRINGS..

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.

Claim no. 9212182

Claimant Contact Log

Date Remarks Agent initials

Branches Mailed Request For Evidence of Penalties

Contacts Data Entry Form

Claim Number: 2012182

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: GARY Lundquist Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.D.U.

This water is diverted from a stream out of springs in the area. Down a ditch in to pon. Majority of acres are sub irrigated. They were diverting approx 3 cfs. Mr. Lundquist said if he diverts 3 cfs continual through the irrigation season he is able to keep that 120 ac irrigated. They flood irrigate approx 40 ac. The remainder is sub irrigated.

This claim of the three Gary Lundquist has claimed could have received water out of trail creek

FE pon/ponconveyance/system

Reviewer: _____ Date: _____

Water Right No(s). 2212182



GPS DATA:

~~21821~~ ~~A0016500~~

Tag #

Location:

ON COWLEY R

~~A0016585~~

Diversion Data:

A0016599

Source:

SPRINGS

Trib to:

TETON RIVER

MOTOR

Make:

Model:

Hp:

SN:

PUMP

Make:

Model:

Disch:

SN:

NOTES:

NEED TO Amend CLAIM H²O + MONEY

DIVIDING about 3 CFS or 150 min or 1 hour

Field Exam Date:

6-30-06

Agent:

NICK OLSON

Claim Number: 2212182

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

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

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
3N	45E	4		NE NE NW	Teton	Springs	Trail Creek

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

Transfers Pending or approved: _____

[illegible]

Reviewer: _____ Date: _____

Claim Number: 2212 182

[illegible]

Total acres 39

[illegible]

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 2212182Water 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	4/15	10/15	178 CFS	

Overall Diversion Rate 178 CFS

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

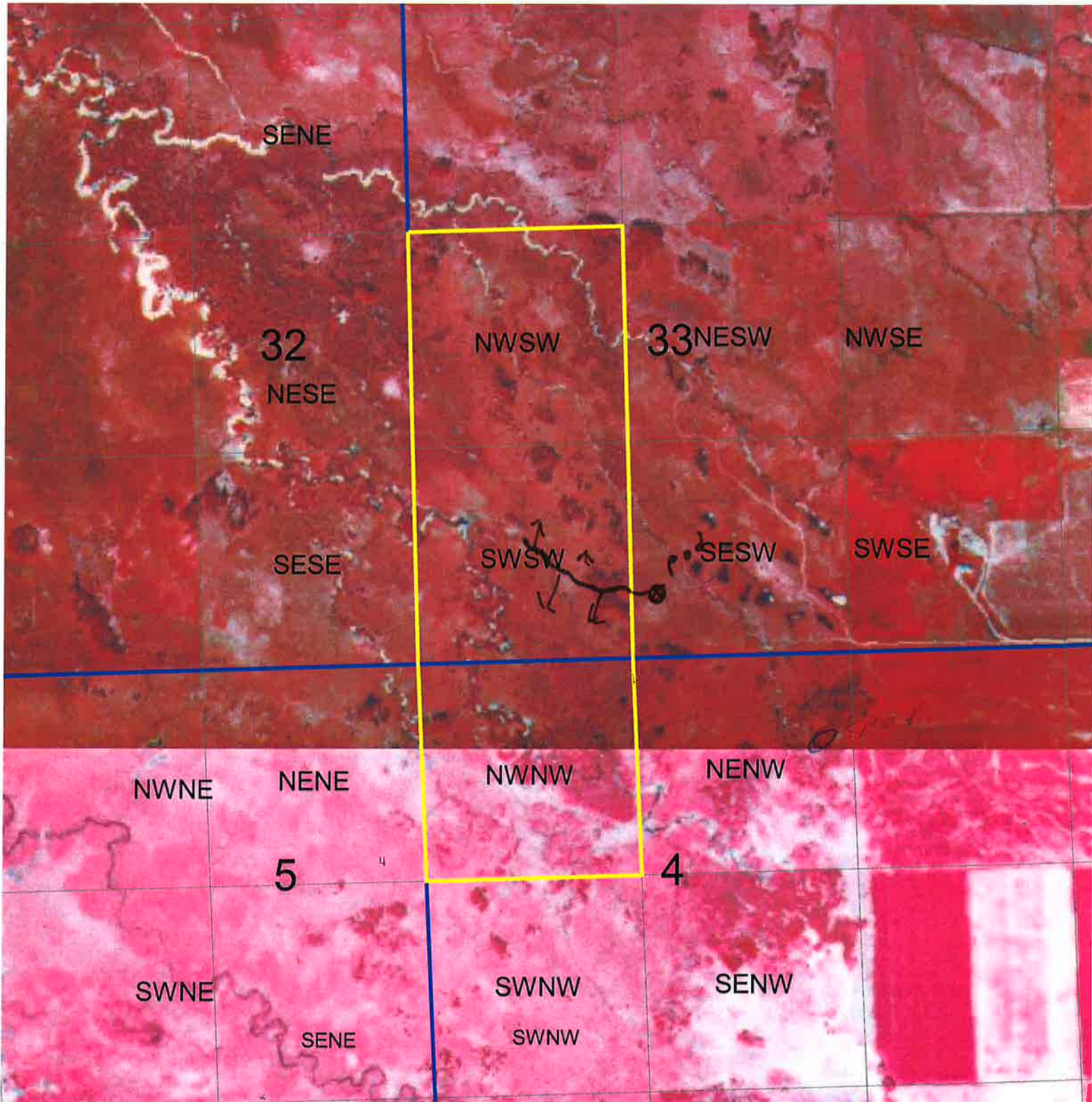
Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD SOU. 4/15 - 10/31

Reviewer: _____

Date: _____

22-12182



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 22-12182
Date Received: 10/6/1988
Receipt No: E002940
Received By:

Amended

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GARY LUNDQUIST Phone: (208)745-6485
470 N 4300 E
RIGBY ID USA 83442

SANDRA LUNDQUIST Phone: (208)745-6485
470 N 4300 E
RIGBY ID USA 83442

2. Date of Priority: 06/01/1896

3. Source: SPRINGS Trib. to: TRAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	45E	4	NE NE NW 3	TETON	

5. Description of diverting works:

HEADGATE COLLECTS SPRING FLOWS INTO DITCHES FOR FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	1.02	

7. Total Quantity Appropriated is:
1.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
03N	45E	4	NW NW 4	IRRIGATION	11
			NW SW	IRRIGATION	12
Section Acres					23

04N	45E	33	NW	SW	IRRIGATION	10
			SW	SW	IRRIGATION	18
					Section Acres	28
					Total Acres	51

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:

14. Remarks:

SEVERAL RTS. RECORDED IN NAME OF TRAIL CREEK IRR. THIS PROPERTY DOES NOT RECEIVE TRAIL CREEK WATER, BUT HAS HISTORICALLY BEEN WATERED FROM SPRINGS CLAIMED IN THIS DOCUMENT. ORIGINL DECREE DOES NOT MENTION ANY RIGHTS FROM SPRINGS. PRIORITY DATE ASSUMED AS ONE OF THE ORIGINAL DECREED RIGHTS FROM TRAIL CREEK.

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

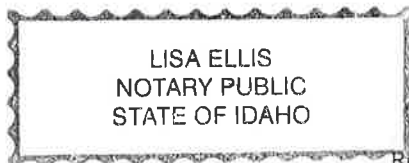
For Individuals:

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

Signature of Claimant(s): *Randy Lindquist* Date: 12-¹⁴-06
Randy Lindquist Date: 12-~~14~~-06

State of Idaho)
 County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 14 day of December 2006



Lisa Ellis
 Notary Public

Residing at _____

My commission Expires LISA ELLIS, NOTARY PUBLIC
RESIDING AT: RIGBY, IDAHO
 MY COMMISSION EXPIRES: 11/21/2008

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: A22-12182
Date Received: 10/06/1988
Receipt No: 6002940
Received By: SP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GARY LUNDQUIST 208-745-6485
Address: 470 N. 4300 E.
RIGBY, ID 83442

OR

Name: SANDRA LUNDQUIST 208-745-6485
Address: 470 N. 4300 E.
RIGBY, ID 83442

2. Date of Priority: JUN 01, 1896

3. Source: SPRINGS Trib. to: TRAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	45E	4	NE	NE	NW	3	TETON

5. Description of diverting works:
HEADGATE COLLECTS SPRING FLOWS INTO DITCHES FOR FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.780		

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

8. Total consumptive use is 78.0 Acre Feet Per Annum.

9. Non-irrigation uses:
SUMMER STOCKWATERING FROM DITCHES

A22-12182

Page 1

Date: 10/06/88

MICROFILMED
NOV 06 1992

A2212182



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	45E	4	NW	NW	4	IRR	11.0
						Section Acres	11.0
04N	45E	33	NW	SW		IRR	10.0
			SW	SW		IRR	18.0
						Section Acres	28.0
						Total Acres	39.0

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:

SEVERAL RTS. RECORDED IN NAME OF TRAIL CREEK IRR. THIS PROPERTY DOES NOT RECEIVE TRAIL CREEK WATER, BUT HAS HISTORICALLY BEEN WATERED FROM SPRINGS CLAIMED IN THIS DOCUMENT. ORIGIANL DECREE DOES NOT MENTION ANY RIGHTS FROM SPRINGS. PRIORITY DATE ASSUMED AS ONE OF THE ORIGINAL DECREED RIGHTS FROM TRAIL CREEK.

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 ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Gay Lundquist Date: 10-6-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 6 day

of October 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 22 Aug 1994

