

10/23/2006

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

RIGHT NUMBER: 22-13351

NAME AND ADDRESS: WILLIAM L TANNER
3385 W 6800 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.930 CFS
162.400 AFY

Right Nos. 22-2205 and 22-13351 are limited to a total combined diversion rate of 2.54 cfs and to a total combined annual diversion volume of 606.9 AF.

PRIORITY DATE: 05/01/1968

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R39E S35 NENSW Lot 1 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	0.930 CFS 162.40 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S27	SESE	35.00	T05N R39E S34	NENE	40.00
T05N R39E S34	NWNE	35.00	T05N R39E S34 Lot 5	SWNE	20.00
T05N R39E S34	SENE	34.00	T05N R39E S34 Lot 4	NESE	1.30
T05N R39E S35 Lot 1	NWSW	8.00			

173.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 173.4 acres in a single irrigation season. Combined Right Nos.: 01-201, 22-2205, and 22-13351.

Right Nos. 22-2205 and 22-13351 are limited to the irrigation of a combined total of 173.4 acres in a single irrigation season.

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

This right is based upon an enlargement of Right No. 22-2205 pursuant to Section 42-1426, Idaho Code.

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

This right is for an enlargement of 46.4 acres within the place of use described for this right.

Right No. 22-2205 is also diverted through point of diversion described above.

STANDARD JOURNAL
Rexburg, Idaho
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
Madison and Fremont Counties

RECEIVED

MAR 16 2006

Department of Water Resources
Eastern Region

I, Jeff Rydalch, being first duly sworn, depose and say, that I am the business manager of the STANDARD JOURNAL, a 5 times a week newspaper published 5 times a week in Madison and Fremont Counties, Idaho; and I do solemnly swear that the Notice of Enlargement of Water Right - Madison County, a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue, once each week thereof for two successive issues, the first publication having been made on March 8, 2006 and the last publication having been made on March 15, 2006. Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.



STATE OF IDAHO)
COUNTY OF MADISON)

On this 16th day of March in the year of 2006 before me, a Notary Public, personally appeared Jeff Rydalch, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statement therein are true, and acknowledged to me that he executed the same.

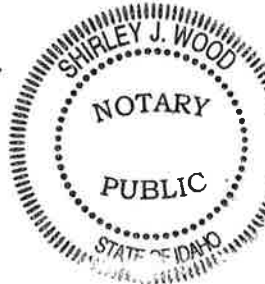


Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: April 29, 2011.

RECEIVED

MAR 27 2006

ACCTS PAYABLE



NOTICE OF
ENLARGEMENT OF
WATER RIGHT

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Madison County are shown to the nearest section -- more specific locations are available upon request.

Water Right: 21-10023
NAME & ADDRESS: SCHREINER FARMS IDAHO LLC
C/O GARY KELLY
1038 E BUTTE RD
MENAN ID 83434-5122
SOURCE: GROUND WATER
PRIORITY DATE: 03/24/1975
POINT OF DIVERSION: T05N R38E S11 SWNWSW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05N R38E S02 SESW S10 SENE NESE SESE
S11 SWNE LT (NENW) NWNW SWNW
LT 3 (SENW) NESW NWSW SWSW
LT 7 (SESW) LT 7 (SWSE)

This right is for an enlargement of 19 acres within the total 230.3 acres recommended.

Water Right: 22-13332
NAME & ADDRESS: HOWARD JENSEN FARMS
1028 BARNEY DAIRY RD
REXBURG ID 83440
SOURCE: GROUND WATER
PRIORITY DATE: 05/01/1969
POINT OF DIVERSION: T06N R40E S23 NESWNW
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T06N R40E S14 SWSW SESW SWSE SESE
S23 NENE NWNE SWNE NENW NWNW
SWNW SENW NESW NWSW NWSE

This right is for an enlargement of 17 acres within the total 460 acres recommended.

Water Right: 22-13351
NAME & ADDRESS: WILLIAM L TANNER
3385 W 6800 S
REXBURG ID 83440
SOURCE: GROUND WATER
PRIORITY DATE: 05/01/1968
POINT OF DIVERSION: T05N R39E S35 LT 1 (NENWSW)
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05N R39E S27 SESE
S34 NENE NWNE LT 5 (SWNE) SENE
LT 4 (NESE)
S35 LT 1 (NWSW)

This right is for an enlargement of 46.4 acres within the total 173.4 acres recommended.

Water Right: 22-13456
NAME & ADDRESS: ALANA & JEFF L LERWILL
957 N 16TH E
SUGAR CITY ID 83448
SOURCE: GROUND WATER
PRIORITY DATE: 09/01/1953
POINT OF DIVERSION: T05N R39E S35 SESWNE
PURPOSE OF USE: IRRIGATION
PLACE OF USE: T05N R39E S35 SWNE NENW SENW
NESW NWSE

This right is for an enlargement of 12 acres within the total 115 acres recommended.

The water rights will be subject to all prior water rights. Those asserting injury from the enlargements may file petitions with the Director, Idaho Department of Water Resources, Eastern Region, 900 N Skyline Dr, Suite A, Idaho Falls ID 83402-1718 on or before April 18, 2006.

Publ. March 8 and 15, 2006. SJ 708.

SCANNED

JUL 21 2006

RECEIVED

DEC 29 2006

Department of Water Resources
Eastern Region

NOTICE OF ERROR
REPLY

11/14/2006

RECEIVED

DEC 26 2006

DEPARTMENT OF
WATER RESOURCES

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: 22-13351

WILLIAM L TANNER

3385 W 6800 S

REXBURG ID 83440

Telephone Number: (208) 356-3544

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

DATE:

Dec 29, 2006

SIGNATURE:

William L Tanner

Please print your name: _____

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

OC



Idaho Department of Water Resources

SRBA Recommendation:

22-2205

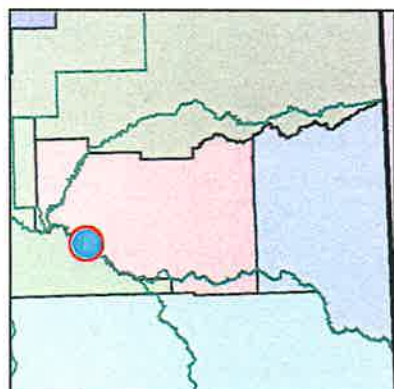
22-13351

01-201

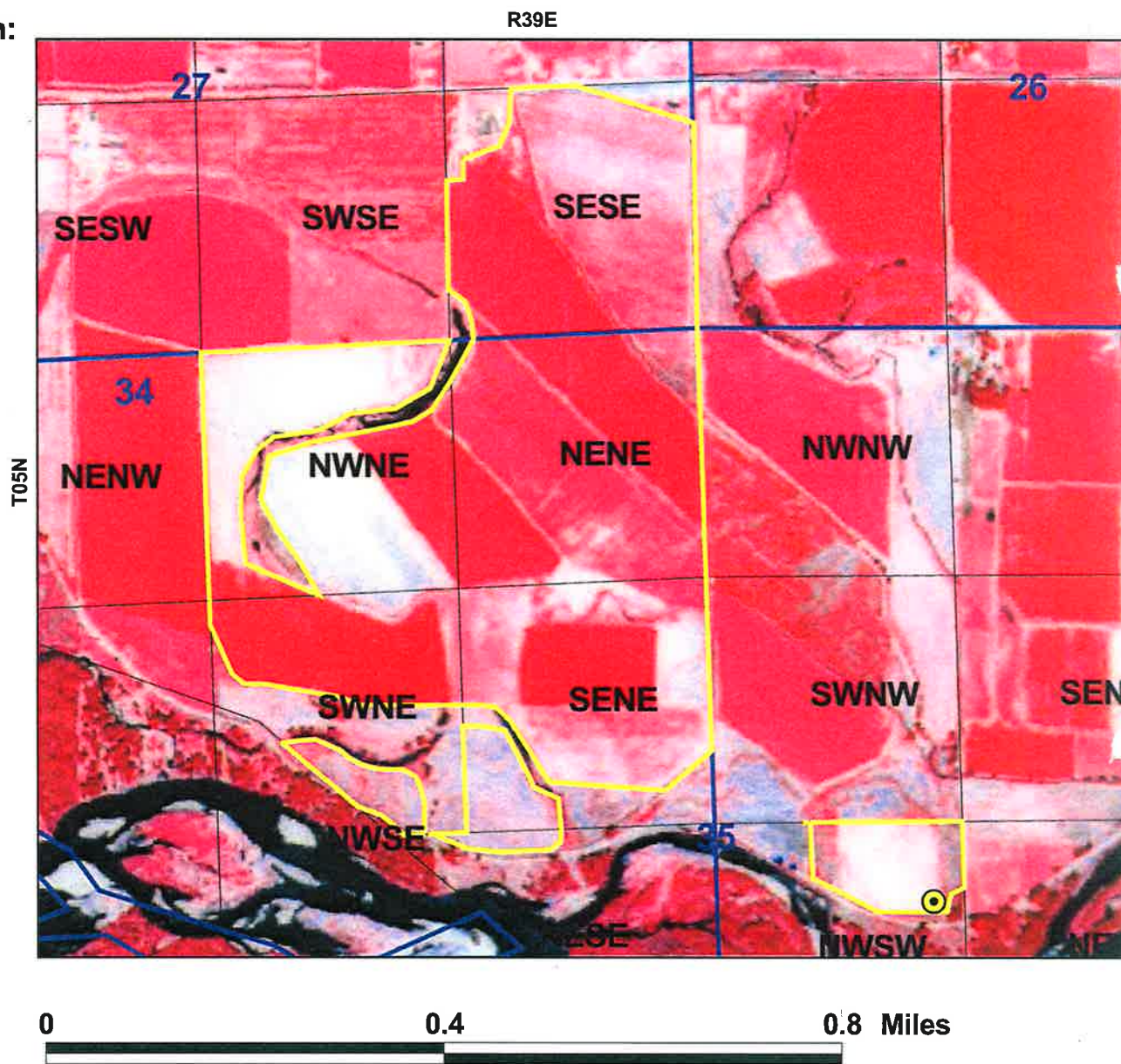
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



Prepared by K. Moore
On Monday, October 23, 2006
1987/88 Aerial Photography

02/24/2006

**NOTICE OF ERROR
REPLY**

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

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

NOT MAILED!
MISTAKENLY WITHELD
FROM ESPA MAILING.
DO NOT MAIL PER ERNIE.
KMJ 02/24/2005

02/24/2006

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

RIGHT NUMBER: 22-13351

NAME AND ADDRESS: WILLIAM L TANNER
3385 W 6800 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

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162.40 AFY

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POINT OF DIVERSION:

T05N R39E S35 NENSW Lot 1 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	0.930 CFS 162.40 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S27	SESE	33.00	T05N R39E S34	NENE	39.00
T05N R39E S34	NWNE	36.00	T05N R39E S34 Lot 5	SWNE	21.00
T05N R39E S34	SENE	35.00	T05N R39E S34 Lot 4	NESE	1.20
T05N R39E S35 Lot 1	NWSW	8.20			

173.4 ACRES TOTAL

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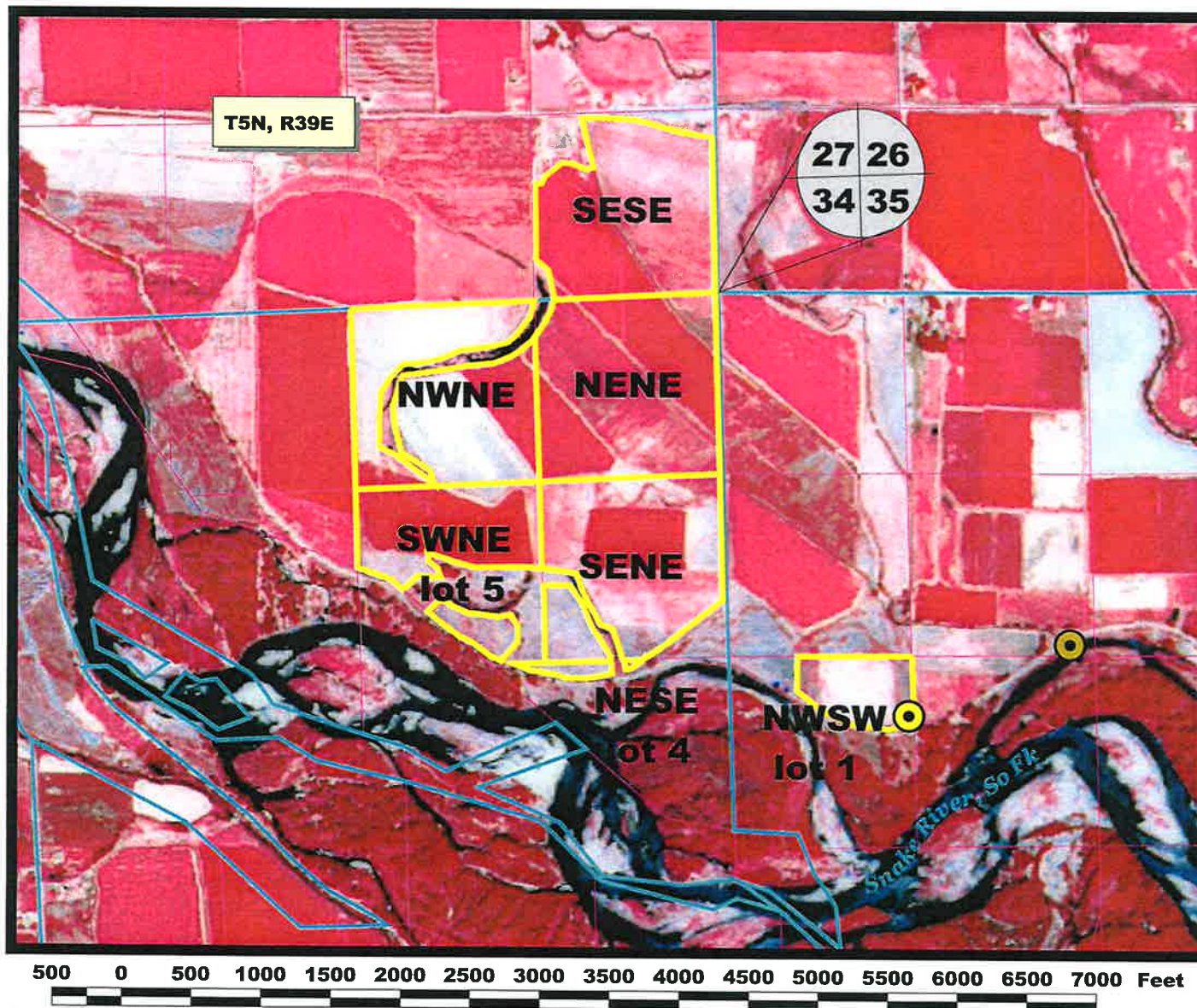
Right No. 22-2205 is also diverted through point of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

**22-2205,
22-13351**

Point(s) of Diversion:

**T5N, R39E
Sec. 35 NENSW (L1)**

Place of Use: (parts of)

**T5N, R39E
Sec. 27 SESE,
Sec. 34 NE, NESE,
Sec. 35 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: January 2006

Right Number 22-13351

RECEIVED
JAN 04 2006
Department of Water Resources
Eastern Region

I, Dee. F. Bowen, farm at 3043 West 6960 South, Rexburg. I have farmed in this area for _____ years and I am familiar with this land in question.

TO5N R39E S27 SESE 37.0
TO5N R39E S34 NWNE 35.0
TO5N R39E S34 SENE 33.0
TO5N R39E S35 LOT 1 NWSW 7.3
TO5N R39E S34 NENE 40.0
TO5N R39E S34 LOT 4 SWNE 19.0
TO5N R39E S34 LOT 5 NESE 2.1

There are 173.4 Acres Total

To my personal knowledge the land was put to beneficial use by the year 1968, from the well, point of diversion, **T05N R39E 535 NENWSW LOT 1**, within Madison County.

Date: 1/4/04

Signature: Dee F. Bowen



Rexburg, Idaho
Exp 4-27-2011
Angela B Yancey

1624 AF

November 7, 2005

**WILLIAM L TANNER
3385 W 6800 S
REXBURG ID 83440**

**FINAL NOTICE
PLEASE READ**

*No evidence
received by
12-7-05
Disallowed.
km*

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13351

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton 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 MAY 01, 1968, from Groundwater.

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 which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

September 28, 2005

**William L Tanner
3385 W 6800 S
Rexburg ID 83440**

IMPORTANT NOTICE

PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-13351

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton 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.**

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Sub-22-2205 for RE notes, etc,

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 22-13351
Date Received: 2/9/2005
Receipt No: E030590
Received By: ABR 2/09/05

ENLARGEMENT

ENLARGEMENT

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

1. Name of Claimant(s)

WILLIAM L TANNER Phone: (208) 356-3544
3385 W 6800 S
REXBURG ID USA 83440

2. Date of Priority: 05/01/1968

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
05N 39E 35 NE NW SW MADISON

5. Description of diverting works:
WELL FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/01 10/31 0.93 162.4

7. Total Quantity Appropriated is:
0.93 C.F.S. and/or 162.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05N	39E	27	SE SE		IRRIGATION	37
					Section Acres	37
05N	39E	34	NE NE		IRRIGATION	40
			NW NE		IRRIGATION	35
			SW NE	4	IRRIGATION	19
			SE NE		IRRIGATION	33
			NE SE	5	IRRIGATION	2.1
					Section Acres	129.1
05N	39E	35	NW SW	1	IRRIGATION	7.3

Section Acres 7.3
Total Acres 173.4

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:

14. Remarks:

THIS IS AN ENLARGEMENT CLAIM OF 22-2205 FOR 46.4 ACRES.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20_____

Notary Public

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: 39576

Ident. Number 22-13351

Date Received 2/09/05

Receipt Number E030590

**NOTICE OF CLAIM
TO A
WATER RIGHT**

ACQUIRED UNDER STATE LAW

1. Claimant

William L. Tanner
3385 W 6800 S
Rexburg ID 83440

2. Date of Priority 1 May 1968

3. Source of water (a) Groundwater
which is tributary to (b)

4. a. Location of points of diversion:

Township	Range	Section	QQQ	Diversion Name
5N	39E	35	NENWSW	

5. Description of existing diversion works.

30 foot well to open ditches for flood irrigation

ENLARGED CLAIM

6. Water is claimed for the following purposes:

Purpose	Start Date	End Date	cfs	acre feet/year
Irrigation	4/1	11/1	0.93	162.4

7. Total quantity claimed (a) 0.93 (cfs) and/or (b) (acre feet per year)

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

9. Non-irrigation uses:

10. Description of place of use

Township 5N	Range 39E	Section 27												
NE		NW				SW				SE				
NE NW	SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	Total
														37
														37
Township 5N	Range 39E	Section 34												
NE		NW				SW				SE				
NE NW	SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	Total
40 35	19 33									2.1				129.1
Township 5N	Range 39E	Section 35												
NE		NW				SW				SE				
NE NW	SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	NE NW SW SE	Total
														7.3
														7.3

Total number of acres irrigated 173.4

11. Irrigated lands are located in county(s) of: Madison

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

13. Describe any other water rights used at the same place and for the same purposes as described above: A01-201B and an enlargement claim for this water right.

14. Remarks.

This claim is for an enlargement of 46.4 acres within the place of use described above. This is an enlargement of A22-2205.

AJ Claim No. _____ Last name _____

With this claim, the claimant affirms that he worked for the original claimant Thomas Roth during the late 1960s and observed and has personal knowledge of the land leveling that allowed this enlargement. The land leveling started almost as soon as the well was drilled and was completed before 1970.

Please see adjudication field exam A22-2205 for all necessary field information and photos.

Map of project: Please see attached.

15: Basis of Claim: Beneficial Use

IDWR water right number
Court Case Number Decree Date
Plaintiff vs Defendant

16: Signatures

Number of attachments: One map.

Signature of Claimant(s) William Tamm Date Feb 9, 2005

Date _____

State of Idaho/or IDAHO)
County of BONNIVILLE) SS.

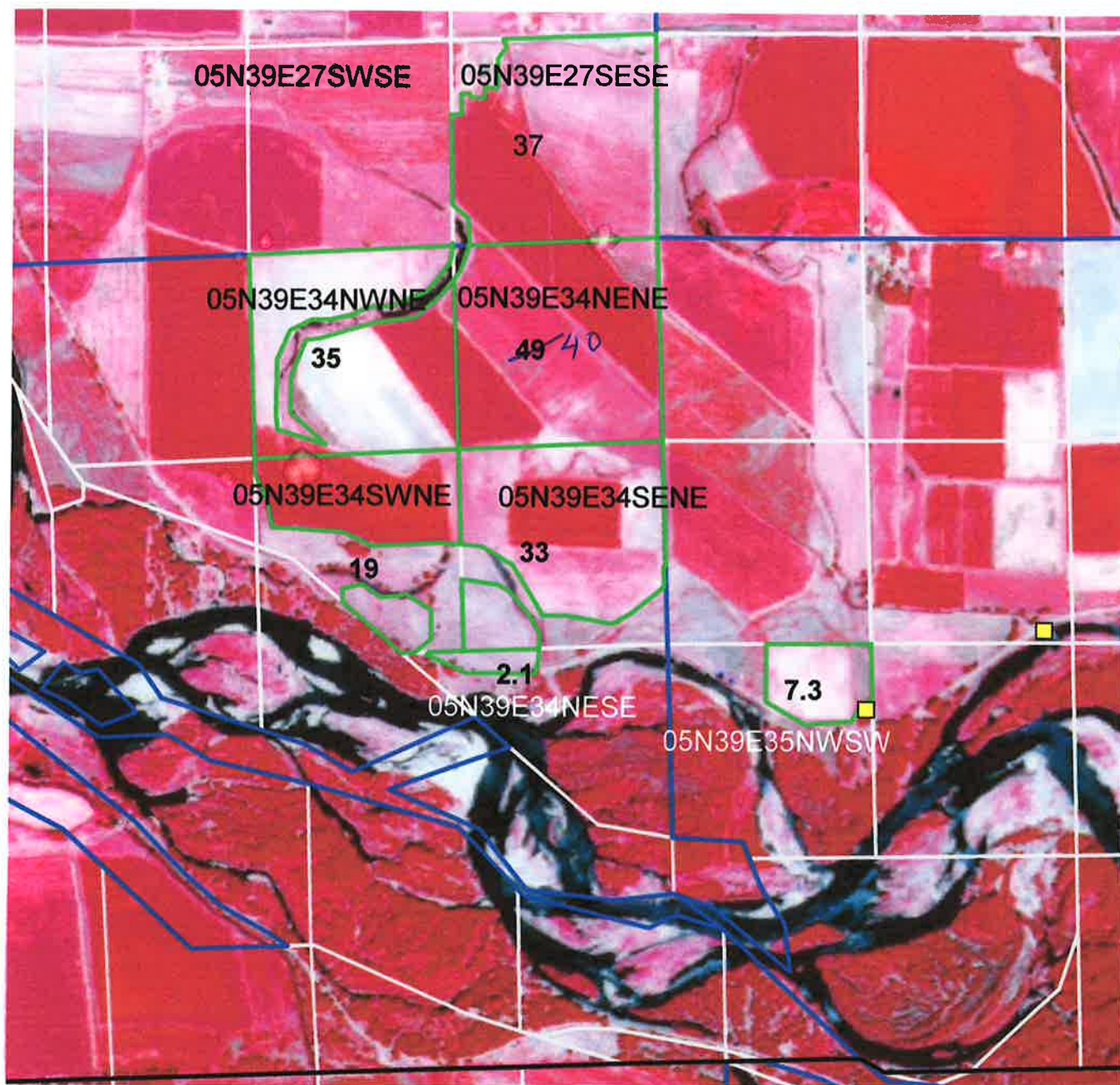
Subscribed and sworn (or affirmed) before me this 9th day of FEB 2005

SEAL



Notary Public Allen B Ruberry
Residing at 2040 Faus Drive
My Commission Expires 9/23/09

Amended Place of Use Map A22-2205, A01-201B New Place of Use Map, Enlargement Claim



1987 Aerial Photography from IDWR



- B22_gps_10_2004.shp
- A22-2205.shp
- Gcdb_tr.shp
- PLSS Section LinesGcdb_sections.shp
- Gcdb_qq.shp

Illustration prepared by
Water Resources Field Services
208 681 9100

10/30/04

Mr Tanner -

Here are the amended claims.

- 1) Amended claim A22-2205 adds extra acres to a "permissible place of use." This lets you water any 127 acres within the farm at the 1960 priority.
- 2) Amended claim A01-2018 lets you use the 1903 River water on the whole farm.
- 3) Enlargement claim adds the 46.4 acres.

I couldn't do a claim for the full 200 inches because the license exam was done after 1963. When we talked I was thinking it had been done in 1961 (when a permit was still optional). I had read the date from wrong place on the field exam.

Get notarized signatures & send this to IDWR with a check for \$ 146⁴⁰. Cross out "A22-210" on the change of ownership, write in "A01-2018" and send it in with the deed.

Please call if you have questions.

Beyce A. Connor