

01/17/2006

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

RIGHT NUMBER: 22-13456
NAME AND ADDRESS: ALANA LERWILL
957 N 16TH E
SUGAR CITY ID 83448
JEFF L LERWILL
957 N 16TH E
SUGAR CITY ID 83448

SOURCE: GROUND WATER
QUANTITY: 0.240 CFS
42.00 AFY

TRIBUTARY:

Right Nos. 22-2152 and 22-13456 are limited to a total combined diversion rate of 2.06 cfs and to a total combined annual diversion volume of 402.5 AF.

PRIORITY DATE: 09/01/1953

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 SESWNE 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	0.240 CFS 42.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T05N R39E S35	SWNE	35.00	T05N R39E S35	NENW	32.00
T05N R39E S35	SENE	39.00	T05N R39E S35	NESW	6.00
T05N R39E S35	NWSE	3.00			

115 ACRES TOTAL

Place of use does not include federal public lands

This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 115 acres in a single irrigation season. Combined Right Nos.: 22-2152 and 22-13456.

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 based upon an enlargement of Right No. 22-2152 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 12 acres within the place of use described for this right.

Right No. 22-2152 is also diverted through point of diversion described above.

Use of this right is combined with water from Reid Canal Co. and Lenroot Canal Co.

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

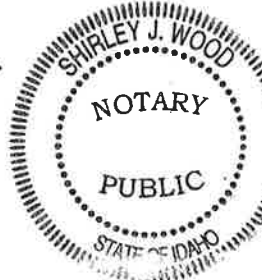
Residing at Rexburg, Idaho

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 (SENE) 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

PROFILED

January 4, 2006

Dear IDWR:

There is a need to correct the acreage of this water right. I have owned this farm since 1946. I have been irrigating this farm with the pump since 1953. However, the water right 22-2152 does not reflect all areas that have been serviced by current point of division. More particularly the eastern portion of this farm in section 35 T05N R39 EBM- see attached map. I sold this farm to Jeff and Alana Lerwill in 1999. Please advise if I can be of any further service.

Sincerely,

Dee Bowen
Dee Bowen

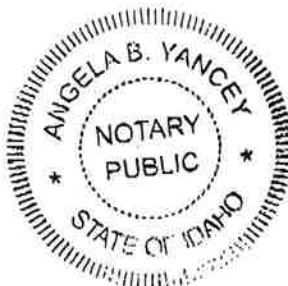
1/4/06
Dated

STATE OF: Idaho

COUNTY OF: Madison

On this 4th day of January 2006, before me, the undersigned, personally appeared Dee Bowen, known or identified to me (or provided to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed to me the same

Angela B. Yancey
Notary Public of
Residing at Reubens, ID
Commission Expires: 4-27-2011



Received Time Jan. 4. 2:50PM

FOR VALUE RECEIVED

Dec F. Bowen and Myrth Bowen, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Jeffrey L. Lerwill and Alana Lerwill, Husband and Wife

whose current address is

1353 North 2000 East Rexburg, ID 83440

the grantee(s), the following described premises, in County, Idaho, TO WIT:

All those portions of the following described property lying North of the existing flood control easement more particularly described in easements granted to Flood Control District No. 1 in Book 161, pages 393, 403 and 406.

The Southwest Quarter of the Northeast Quarter, the East half of the Northwest Quarter, Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter of Section 35, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho.

SW NE
E 1/2 NW
NE SW
NW SE

Subject to and together with a 20 foot road and utility easement along the North side of the East half of the Northwest Quarter of said Section 35.

Together with an easement and right of way as reserved by the Grantor in Warranty Deed recorded as Instrument No. 246335 for access to and maintenance and operation thereof of the existing irrigation diversion.

Grantee is given the right to remove the building that encroaches on the 60 foot access lane located in the West 60 feet of the Northwest corner of the East half of the Northwest Quarter of said Section 35.

Less the following 3 Tracts:

Tract 1 less out: Commencing 20 feet West and 20 feet South of the Northeast corner of the NW 1/4 of Section 35, Township 5 North, Range 39 East, Boise Meridian, thence South 248 feet, thence West 364 feet, thence North 248 feet, thence East 364 feet to the point of beginning. Also granting a 20 foot road easement across North end of the E 1/2 NW 1/4.

Tract 2 less out: Commencing 384 feet West and 20 feet South of the Northeast corner of the Northwest Quarter of Section 35, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence South 248 feet; thence West 352 feet; thence North 248 feet; thence East 352 feet to the point of beginning.

Together with an easement for ingress and egress described as follows: Commencing at the Northeast corner of the Northwest Quarter of Section 35, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence West 1320 feet; thence South 20 feet; thence East 1320 feet; thence North 20 feet to the point of beginning.

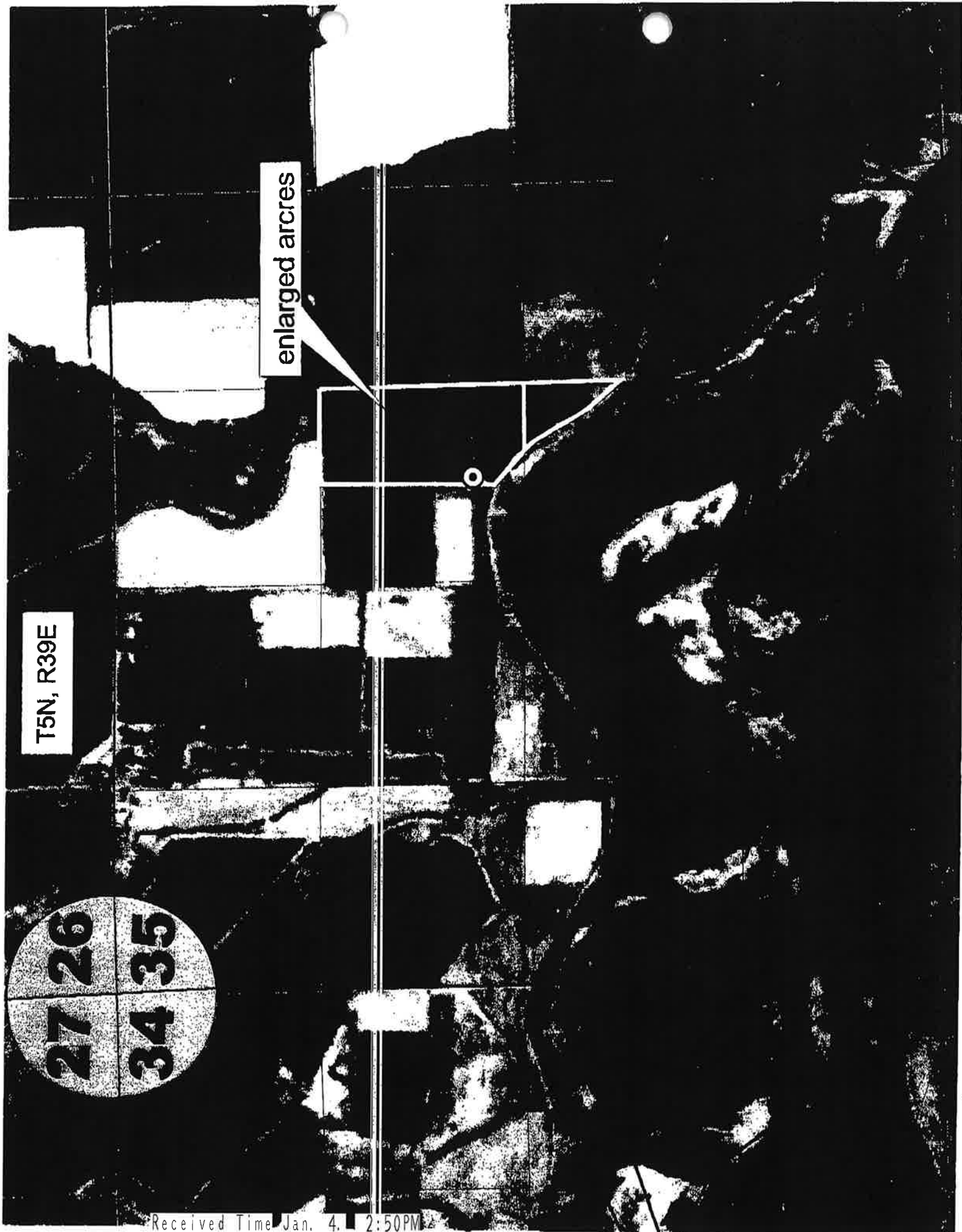
Tract 3 less out: Commencing at a point 60 feet East of the Northwest corner of the East half of the Northwest Quarter, thence East 380 feet; thence South 295 feet; thence West 380 feet; thence North 295 feet to the point of beginning. Subject to a 20 foot road and utility easement along the North side of subject property.

Together with an easement for ingress and egress described as follows: Commencing at the Northeast corner of the Northwest Quarter of Section 35, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, and running thence West 1320 feet, thence South 20 feet; thence East 1320 feet; thence North 20 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple.

Mic m No. 280503
Day SEP 17 1999
At 10:22 O'clock m
MARILYN R. RASMUSSEN
MADISON COUNTY RECORDER
Fee \$ 6- Deputy
Recorded At Request of
~~ALLIANCE TITLE & ESCROW~~

Received Time Jan. 4. y 2:52PM from all encumbrances Except: Current Year Taxes, conditions,



enlarged arcres

T5N, R39E

27 26

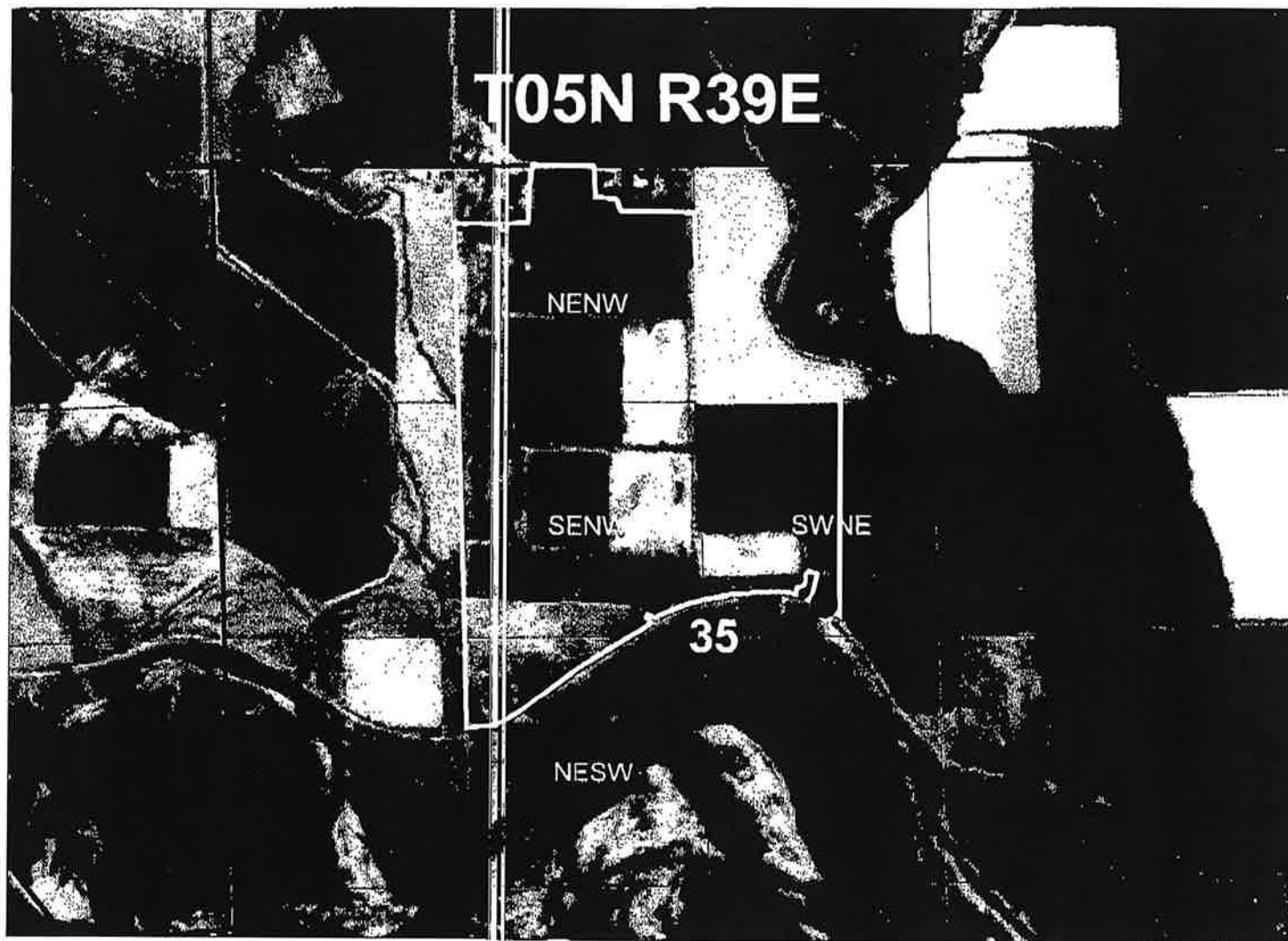
34 35

Department of Water Resources

Eastern Region



Claim No.: 22-2152



0 660 1320 1980 2640 Feet

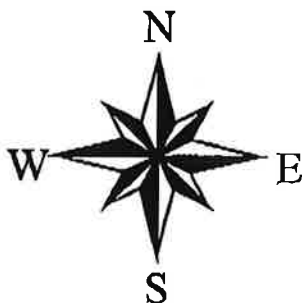


● Point of Diversion
22-2152

□ Township/Range

□ Sections

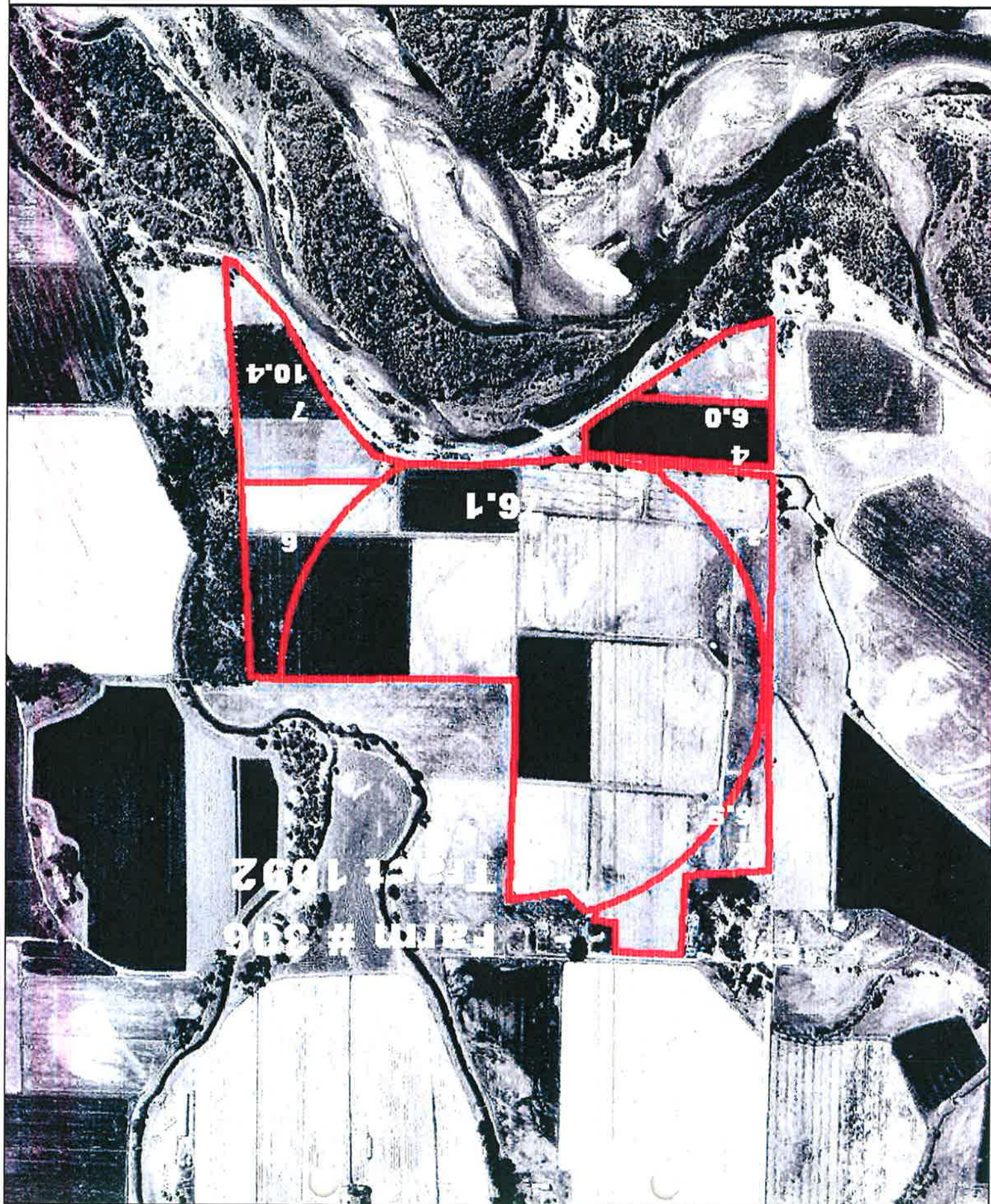
□ QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: October 2005

Received Time Jan. 4. 2:50PM

11.1 Acres



Tract 1092
Farm # 306

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 22-13456
Date Received: 12/21/2005
Receipt No: E031564
Received By: *MBR*

ENLARGEMENT

ENLARGEMENT

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

1. Name of Claimant(s)

ALANA LERWILL Phone: (208)356-0972
957 N 16TH E
SUGAR CITY ID USA 83448

JEFF L LERWILL Phone: (208)356-0972
957 N 16TH E
SUGAR CITY ID USA 83448

RECEIVED

JAN 13 2006

**Department of Water Resources
Eastern Region**

2. Date of Priority: 09/01/1953

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	SE SW NE	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.24	42

7. Total Quantity Appropriated is:
0.24 C.F.S. and/or 42 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	35	SW NE	IRRIGATION	35
			NE NW	IRRIGATION	32

SE	NW	IRRIGATION	39
NE	SW	IRRIGATION	6
NW	SE	IRRIGATION	3

Section Acres 115

Total Acres 115

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:
22-2152

14. Remarks:

This right is for an enlargement of 12 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 22-2152 pursuant to Section 42-1426, Idaho Code.

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): Jeff Lemuth Date: 1-12-06
Alison Lemuth Date: 1-12-06

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 12th day of January 2006

**RUSTIE MAAS
NOTARY PUBLIC
STATE OF IDAHO**

[Signature]
Notary Public
Residing at Idaho Falls
My commission Expires 7-26-2011



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 6, 2006

JEFF LERWILL
957 N 16th E
SUGAR CITY ID 83448

RE: Enlargement claim 22-13456

Dear Jeff,

I received your fax including the affidavit from Dee Bowen and the deed for your property. Thank you for sending them. The affidavit provides sufficient evidence for the enlargement claim. After outlining your farm with our mapping program, I found that your farm is a total of 115 acres. License 22-2152 covers 103 acres leaving 12 acres to be covered by the enlargement. Enclosed is a copy of the enlargement claim, which you need to review and sign before a notary. If there is something that needs to be changed on the claim, please mark it on the claim and initial beside it.

The fee for filing an irrigation claim is \$50.00 for the claim and \$1.00 per every acre claimed. The 103 acres under 22-2152 were paid for at the time of filing that claim. Please include a check for \$62.00 to cover the additional 12 acres on this claim when returning the notarized enlargement claim.

After I receive the claim and the fee, I can proceed with my recommendations. If you have any questions, feel free to call me at 525-7161.

Respectfully yours,

Kristin Moore
GIS Specialist