

09/26/2006

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

RIGHT NUMBER: 22-13485

NAME AND ADDRESS: michael j larson
360 E MAIN ST
REXBURG ID 83440

SOURCE: SPRINGS

TRIBUTARY: HENRYS FORK

QUANTITY: 0.800 CFS

PRIORITY DATE: 05/01/1964

POINT OF DIVERSION:

T06N R39E S16 NENWNE Within MADISON County

T06N R39E S16 SWNENW Within MADISON County

T06N R39E S16 NESENW 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	0.800 CFS
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	T06N R39E S16 NENW 10.00	T06N R39E S16 Lot 2 NWNW 10.00	
	T06N R39E S16 SWNW 30.00	T06N R39E S16 SENW 30.00	
	80 ACRES TOTAL		

The rights listed below are limited to the irrigation of a combined total of 80 acres in a single irrigation season. Combined Right Nos.: 22-12790 and 22-13485.

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 No 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right No. 22-12790 is also diverted through points of diversion described above.



Idaho Department of Water Resources

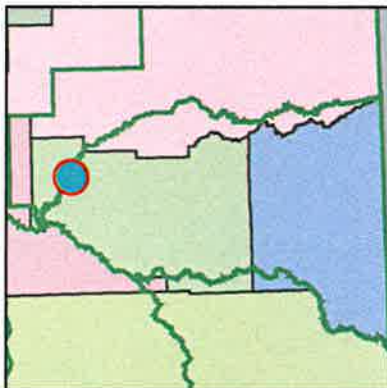
SRBA Recommendation:

22-13485

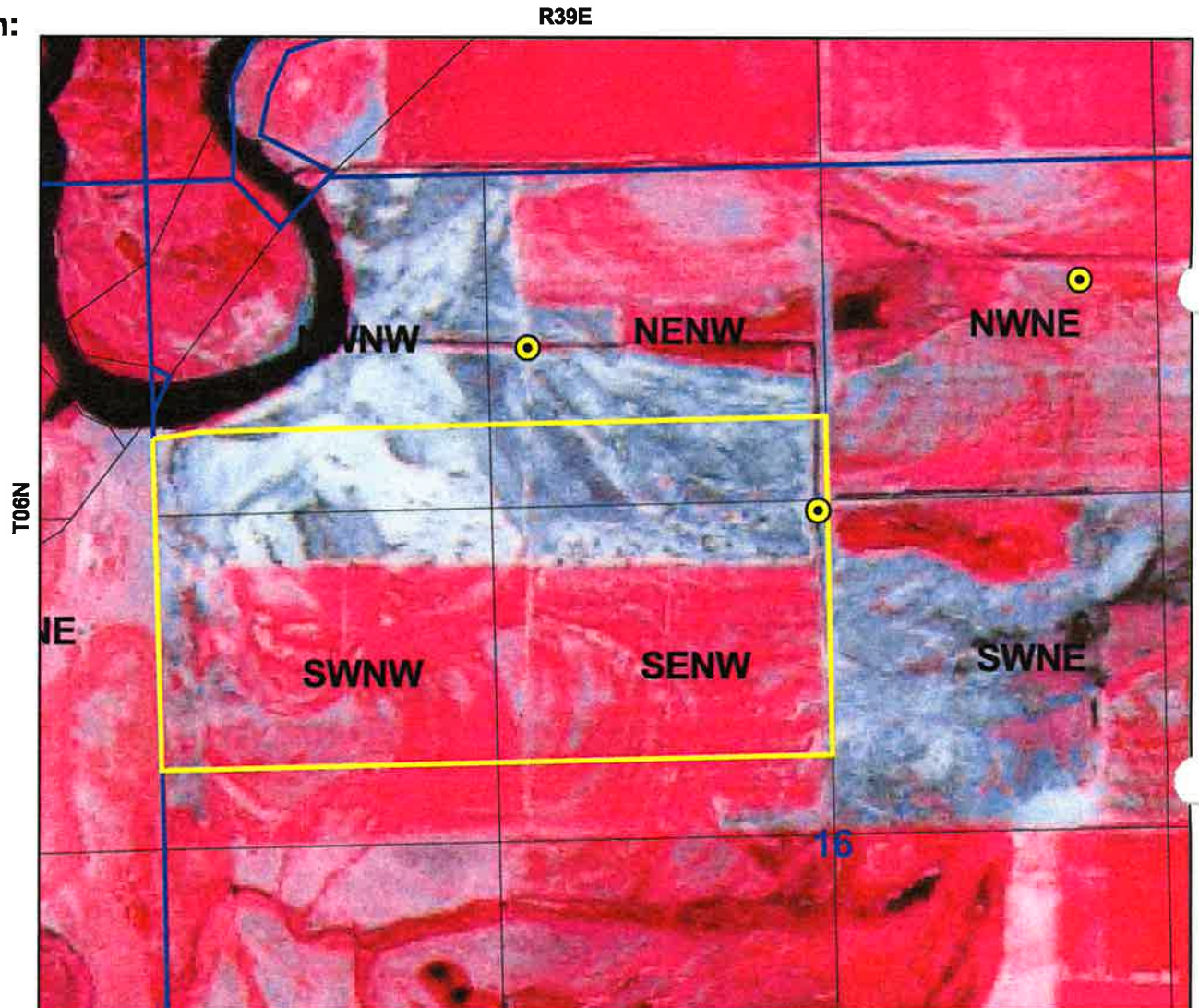
(Irrigation)

Legend

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



Madison County
IDWR Basin 22



0 0.3 0.6 Miles

Prepared by T. Galbraith
On Tuesday, September 26, 2006
1987/88 Aerial Photography

NOTES

6-6-06

Van Clements provided an affidavit to support 22-12770 and 22-13485, which was changed as an enlargement of 22-12770. Upon further research, I decided to recommend 22-13485 as a BU right since that is how it was practiced since 1964. Affidavit located in file 22-12790.

The letter from Van Clements does not support the 1910 priority date of 22-12770. The earliest date he references is 1964. Spoke with Rob Wood from Jerry Esby's office. He said Jerry didn't think they could get an affidavit from anyone else mentioning an earlier date. I have given them a month and a half and they have not provided anything else, so I advanced the priority date to 1964.

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 22-13485
Date Received: 3/17/2006
Receipt No: E031701
Received By: KMJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MICHAEL J LARSON Phone: (208)356-9550
360 E MAIN ST
REXBURG ID USA 83440

2. Date of Priority: 05/01/1964

3. Source: SPRINGS Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
06N	39E	16	SW	NE	NE	MADISON	
06N	39E	16	NW	NW	NE	MADISON	
06N	39E	16	NE	SW	NE	MADISON	

5. Description of diverting works:

DITCHES COLLECT FLOWS FROM SPRINGS. WATER WAS ORIGINALLY DIVERTED FROM DITCH,
IN 1970 PUMP WAS PUT INTO DITCH AND HANDLINES WATERED 80-100 ACRES. PRESENTLY A SMALL
CIRCLE WATERS 80 ACRES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2.3	

7. Total Quantity Appropriated is:
2.3 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
06N	39E	16	NE	NW	IRRIGATION	10
			NW	NW	IRRIGATION	10
			SW	NW	IRRIGATION	30
			SE	NW	IRRIGATION	30
					Section Acres	80
					Total Acres	80

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 right is an enlargement of Right No. 22-12790.

15. Basis of Claim: Beneficial Use

RECEIVED

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

FEB 27 2006

Department of Water Resources
Eastern Region

**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

22-13485

Date Received

3/10/06

Receipt Number

ED31701

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

Please type or print clearly

1. Name of Claimant (s) Michael J. Larson Phone (208) 356-9550Mailing Address 360 E. Main Street Zip 834402. Date of Priority (Only one (1) per claim) 05/01/19643. Source of water supply (a) Springswhich is tributary to (b) Henry's Fork4. a. Location of existing point of diversion is: Township 6N Range 39E Section 16,SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of MadisonAdditional points of diversion if any: NWNWNE and NESWNE

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. Ditches collect flows from springs.

Water was originally diverted from ditch onto up to 80 acres of land. In 1970 pump
was put into ditch and handlines watered 80 - 100 acres. Presently a small circle
waters 80 acres.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 2.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
06N	39E	16					10	10	30	30									80

Total number of acres irrigated 80

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.
Irrigation water rights from Consolidated Farmer's Canal Co., Island or None ()
Ward Canal Co., and water right No. 22-12790.

14. Remarks:
This claim is in addition to claim #12790 due to second priority date, as result
of later development.

Last Name _____ Ident No. _____

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 X 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) Michael Jensen Date 12-16-05

Date _____

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 16th day of December 2005



Notary Public Jerry R. Rigby

Residing at Rexburg

My Commission Expires 11-09-11

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Jerry R. 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 Jerry R. Rigby

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

Date 12-16-05

Last Name _____ Ident. Number _____