

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

1

01/12/2004

NOTICE OF ERROR
REPLY

RM

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: 25-7267

ASA LEASE A LTD PARTNERSHIP

PO BOX 30020

SALT LAKE CITY UT 84130

Telephone Number: (801)972-4000

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:

See below

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:

11/20/2004

SIGNATURE:

R. Clark Arnold

Please print your name: R. Clark Arnold, Secretary/Treasurer of general partner

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

The general partner of the limited partnership has changed. Your records should be changed to read as follows:

J-K-C Investments Management Company, Inc., General Partner
ASA Lease, a Limited Partnership
P.O. Box 1588
Salt Lake City, Utah 84110

RECEIVED
NOV 23 2004
Department of Water Resources
Eastern Region

PROFILED

SCANNED
DEC 03 2004



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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 13 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water right in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 25.

You are invited to attend a **public meeting to be held on March 10 at 7:00 p.m. in the West Coast/Red Lion Hotel, 475 River Parkway, Idaho Falls, Targhee and Bonneville Rooms.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 25. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

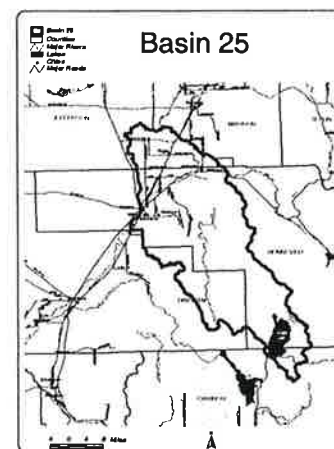
This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and the Portneuf River.

Please contact the Idaho Falls Office with any questions.

Sincerely,

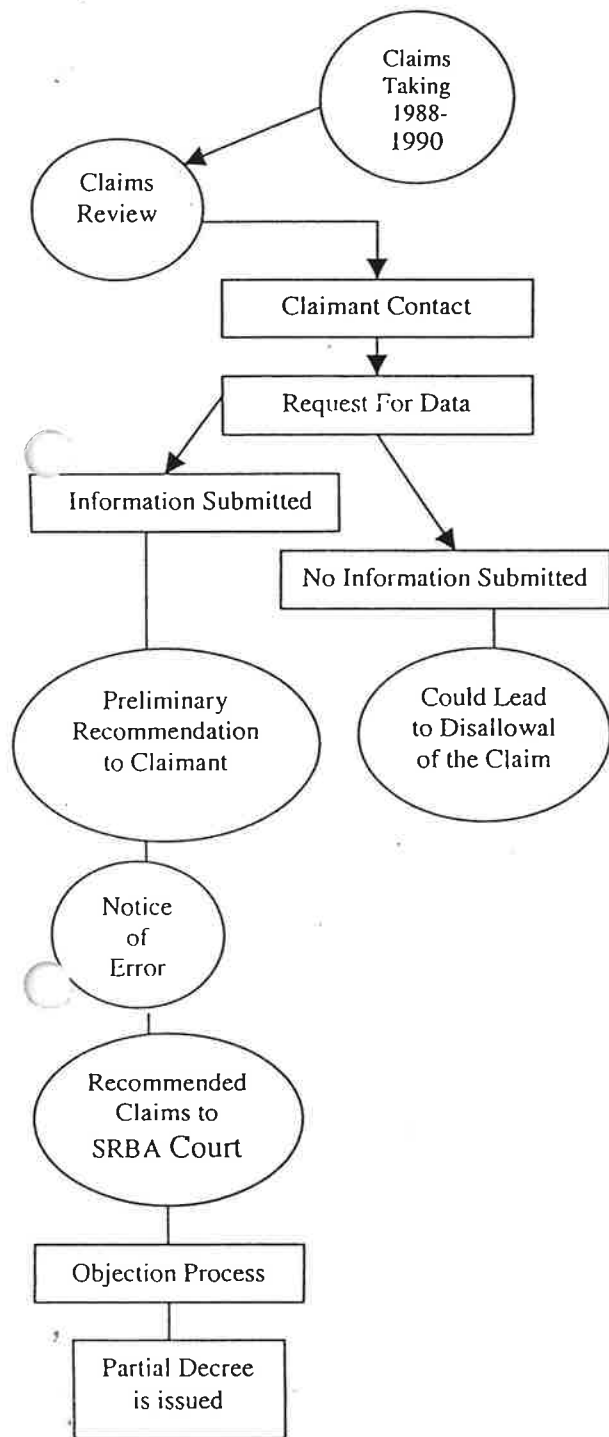
Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosure: Information Brochure



SCANNED

AUG 12 2004



Questions and Answers:

Q: Why now? I adjudicated my water rights in 1989.

A. You filed your claims in 1989. Now we are investigating those claims to make accurate recommendations to the Fifth District Court.

Q: If I furnish more information will you take away my water right?

A. The State does not want your water right. We ask for additional information so that we may make accurate recommendations of Beneficial Uses of the water rights. Our schedule is very tight – we need the info ASAP.

Q: How much more money do you want?

A. You paid for your claim in 1989, or so. There might be additional fees only in extenuating circumstances, such as additional acres or new claims.

Q: How come you want me to file another claim?

A. If we suggest you file additional claims it means we have found

additional uses of water to which you may be entitled, or we have identified additional acres.

Q: What about my Domestic well and Stockwater?

A. There is no statutory requirement to file either; but IDWR accepts your Domestic and/or Stockwater claims.

The Tools We Use:

In the evaluation of water right claims and preparation of recommendations the adjudication staff utilize:

- State-of-the-art computer technology.
- High resolution 1987 NAPP photography to identify the place of use.
- Global Positioning System (GPS) used to pin-point points of diversion or detail significant features.
- Prior decrees, licenses and transfers.
- Water measurements for claims based on beneficial use.
- Watermaster records
- Historical records
- Claimant input and participation

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 25-7267

Priority: January 6, 1982

Amount:

.04 CFS

6.9 AFA

This is to certify, that R. L. ARNOLD
R. G. ARNOLD
EUGENE SANDELL

RT. 4 BOX 223

IDAHO FALLS, ID 83401

has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated January 6, 1982, and has submitted proof to the Department of Water Resources on February 8, 1983, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of .04 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

VOLUME

Commercial

01/01 to 12/31

.04 cfs

6.9 afa

LOCATION OF POINT OF DIVERSION(S):

SESE, Sec. 4, Township 2N, Range 38E
Bonneville County

PLACE OF USE: Commercial

TWN RGE SEC

2N 38E 4

SESE

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 31st day of December, 1987.

Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

RECEIVED
NOV 1 1985
Department of Water Resources

25-7267
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☐ Appointment letter mailed:			
☐ Telephone call made (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 7-14-1983 Accompanied by Mr Arnold Total Q measured THEORETICAL-0.04 cfs
Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? _____
If source is surface water, estimate total flow of source _____
Methods of measurement Theoretical Meets permit requirements? _____

Measurement calculations:

MAXIMUM INSTANTANEOUS WATER REQUIREMENTS FOR DOMESTIC USE FOR
HOMES.

$$Q = \frac{h_p}{1.57} \left(\frac{K \cdot 14}{30.2} \right) \left(\frac{70}{2.306} \right) = 0.04 \text{ cfs}$$

SEE MEMORANDUM DATED MAY 13, 1981, ON FIELD EXAMINATIONS FOR DOMESTIC PURPOSES

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	1.5	Stg Rite	M69CP42-7					

System Description well submersible pump pressure tank mainline to Commercial Building

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE		Irrigation requirement =		AFA/Acre	
Commercial	DOMESTIC (1 Units)	Q (cfs)	V (afa)	FROM	TO
		0.04 cfs	1.2 afa	1/1	12/31
Total		0.04 cfs	1.2 afa	1/1	12/31

Remarks Commercial use in Arnolds Equipment for culinary use, steam cleaning and maintaining heavy equipment.

A detailed topographic map of a region in Oregon, showing the intersection of the Pacific and Union Rivers. The map includes contour lines, roads, and various landmarks. A handwritten note "POINT OF DIVISION AND PLACE OF USE" with an arrow points to a specific location on the Union River. Other labels include "St Leon School", "Trailer Park", "Orvin", "Payne", "Lincoln", and "Creek". A grid system is overlaid on the map, with letters "R38E" and "T42N" visible.

(Include distance from pump to measuring device, if applicable.)

SEE MEMORANDUM DATED MAY 13, 1981, ON FIELD EXAMINATIONS FOR DOMESTIC PURPOSES
FROM A GROUNDWATER SOURCE.

Place(s) of Use[illegible]

Change P.D. as reflected above
Change P.U. as reflected above

☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

☒ None
☐ Other

Checked by

Approved by _____

Date 9-26-1985

Date 10-30-85

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant R.L. Arnold &/or R.G. Arnold Phone 529-4706
and/or Eugene Sandell
Post office address RT. #4, Box 223, Idaho Falls, Idaho 83401

2. Source of water supply Groundwater which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4 Township 2N
Range 38E B.M. Bonneville County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.04 for Commercial purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 0.04cfs cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Well, pump to factory

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 6 inches; proposed depth of well is 180 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is one years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 4 Township 2N

Range 38E B.M.

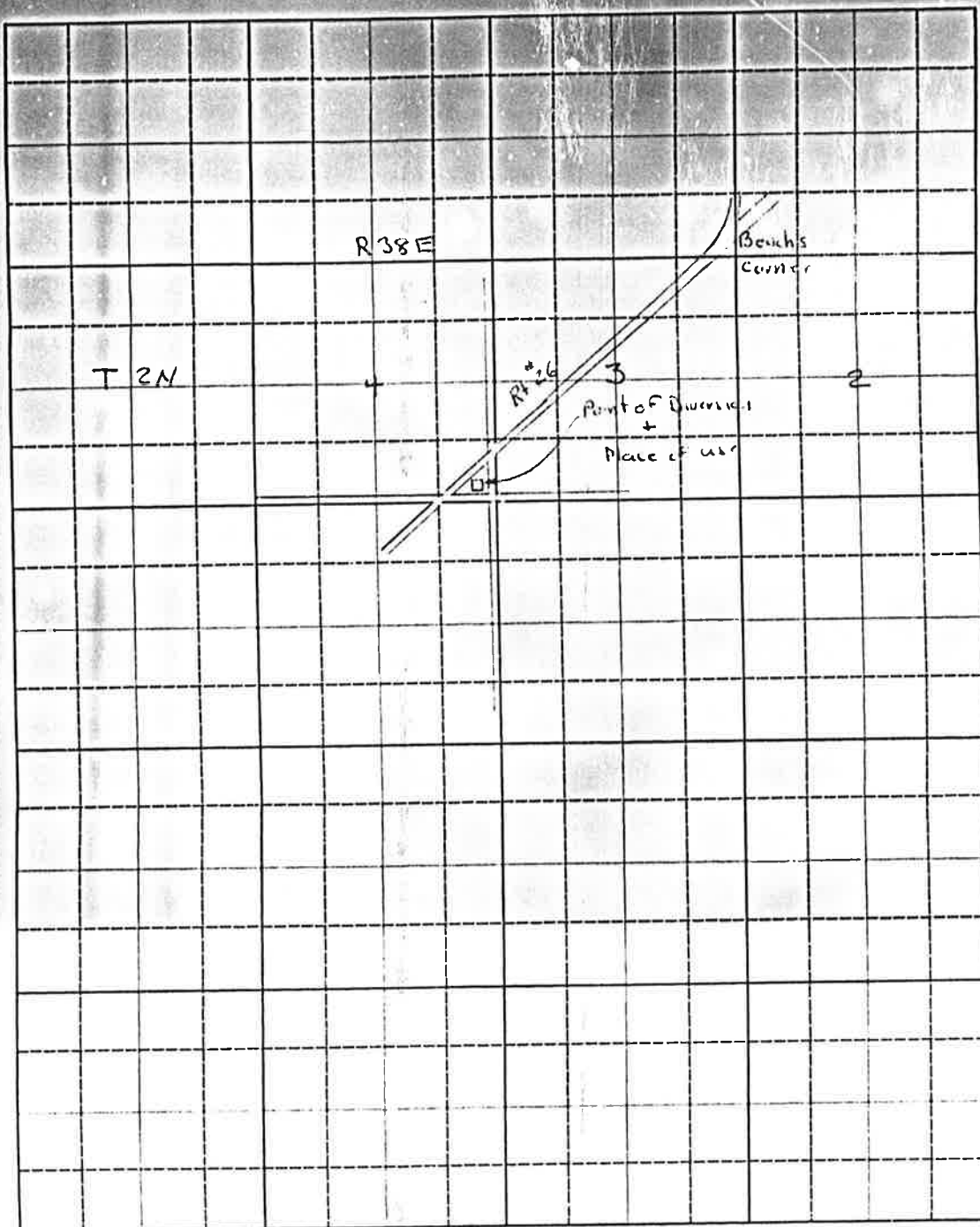
(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

(5) If water is to be used for other purposes describe: culinary use, steam cleaning
and maintaining heavy equipment at Arnold's Equipment.

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

x RL Knudsen
(Applicant)

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME ASA LEAS LTD SCANNED CLAIM ENT. NO. AR5-07267DATE RECEIVED 8/24/89 CK # AUG AMOUNT \$ 7183

- | | YES | NO | Required Info? |
|--|------------|------------|----------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | <u> </u> | <u>*</u> |
| 2. Is a priority date entered? | <u>X</u> | <u> </u> | <u>*</u> |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | <u> </u> | <u>*</u> |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | <u> </u> | <u>*</u> |
| 3. (a) Is a source entered? | <u>X</u> | <u> </u> | <u>*</u> |
| (b) Is a tributary to entered? (if required) N/A <u>X</u> | <u> </u> | <u> </u> | <u>*</u> |
| 4. Is the legal description of the p.d. sufficient? | <u>X</u> | <u> </u> | <u>*</u> |
| 5. Is there a description of the diverting works? | <u>X</u> | <u> </u> | <u> </u> |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | <u>X</u> | <u> </u> | <u>*</u> |
| Is the period of use included? | <u>X</u> | <u> </u> | <u> </u> |
| Is a quantity claimed for each use? | <u>X</u> | <u> </u> | <u>*</u> |
| 7. Is a total quantity claimed entered? | <u>X</u> | <u> </u> | <u> </u> |
| 8. If required is a consumptive use entered? N/A <u> </u> | <u>?</u> | <u> </u> | <u> </u> |
| Is the consumptive use correct? N/A <u> </u> | <u> </u> | <u>?</u> | <u> </u> |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | <u>X</u> | <u> </u> | <u>*</u> |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>X</u> | <u> </u> | <u>*</u> |
| 11. Is (are) the county(ies) entered? | <u>X</u> | <u> </u> | <u> </u> |
| 12. Is the ownership of p.u. checked? | <u>X</u> | <u> </u> | <u> </u> |
| 13. Are other water rights listed or "none" indicated? | <u>X</u> | <u> </u> | <u> </u> |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A <u> </u> | <u>X</u> | <u> </u> | <u> </u> |
| 15. Is the basis of the claim indicated? | <u>X</u> | <u> </u> | <u> </u> |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A <u>X</u> | <u> </u> | <u> </u> | <u> </u> |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | <u>X</u> | <u> </u> | <u>*</u> |
| 18. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | <u> </u> | <u>*</u> |
| 19. Was this claim filed on time, or was an extension granted? | <u>X</u> | <u> </u> | <u>*</u> |
| 20. Is the fee enclosed correct? Exempt <u> </u> | <u>X</u> | <u> </u> | <u>*</u> |
| 21. If this claim is based on an existing water right, has the identification number been entered? N/A <u> </u> | <u>X</u> | <u> </u> | <u> </u> |
| 22. Should this claim be data entered? | <u>X</u> | <u> </u> | <u> </u> |

Claim checked by: TO Date: 8/25/89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)Receipt Prepared by: Date:
Claim data entered by: Date: Checked by: Date:
Sent to claimant by: Date: Comments: ① SEE ITEM #14.

MICROFILMED

NOV 07 1992

AUG 8 1 2001

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: A25-07267
Date Received: 8/25/1989
Receipt No: E009966
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ASA LEASE, A LTD PARTNERSHIP 801-972-4000
Address: P.O. BOX 30020
SALT LAKE CITY, UT 84130

2. Date of Priority: JAN 06, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
02N	38E	4			SE		SE		BONNEVILLE

5. Description of diverting works:
WELL-PUMP TO BUILDING, 6" CASING 180' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.040		6.90

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 6.90 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
CULINARY USE, STEAM CLEANING, AND EQUIP. MAIN. AT ARNOLD MACH.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
02N	38E	4	SE		SE		COMMER	

11. Place of use in counties: BONNEVILLE

A25-07267

Page

08, 25/89

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NOV 07 1992



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: LICENSE

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 _____ day
of _____ 19 _____

Notary Public

Seal

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

425-07267

Date Received

8-24-89

Receipt Number

E009966

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

See Remarks #14

1. Name of Claimant (s) R.L.Arnold, R.G.Arnold, Eugene Sandell Phone (801) 972-4000Mailing Address P. O. Box 30020, Salt Lake City, Utah Zip 841302. Date of Priority (Only one (1) per claim) January 6, 19823. Source of water supply (a) Groundwater

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 2N Range 38E Section 4,
_____ 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Bonneville

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 - Pump to Building6" well 180' deep

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NOV 07 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Commercial purposes from 1/1 to 12/31 amount .04 or 6.9

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 CFS (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 6.9 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Culinary use, steam cleaning, and maintaining heavy equipment at Arnold Machinery Company

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	
2N	38E	4																C	

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Bonneville

See Remarks

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: #1 - People listed were partners in ASA Lease. R. L. Arnold and Eugene Sandell are deceased. Claimant should now read "ASA LEASE, A LIMITED PARTNERSHIP - ROBERT G. ARNOLD OR R. CLARK ARNOLD, GENERAL PARTNERS."

MICROFILMED

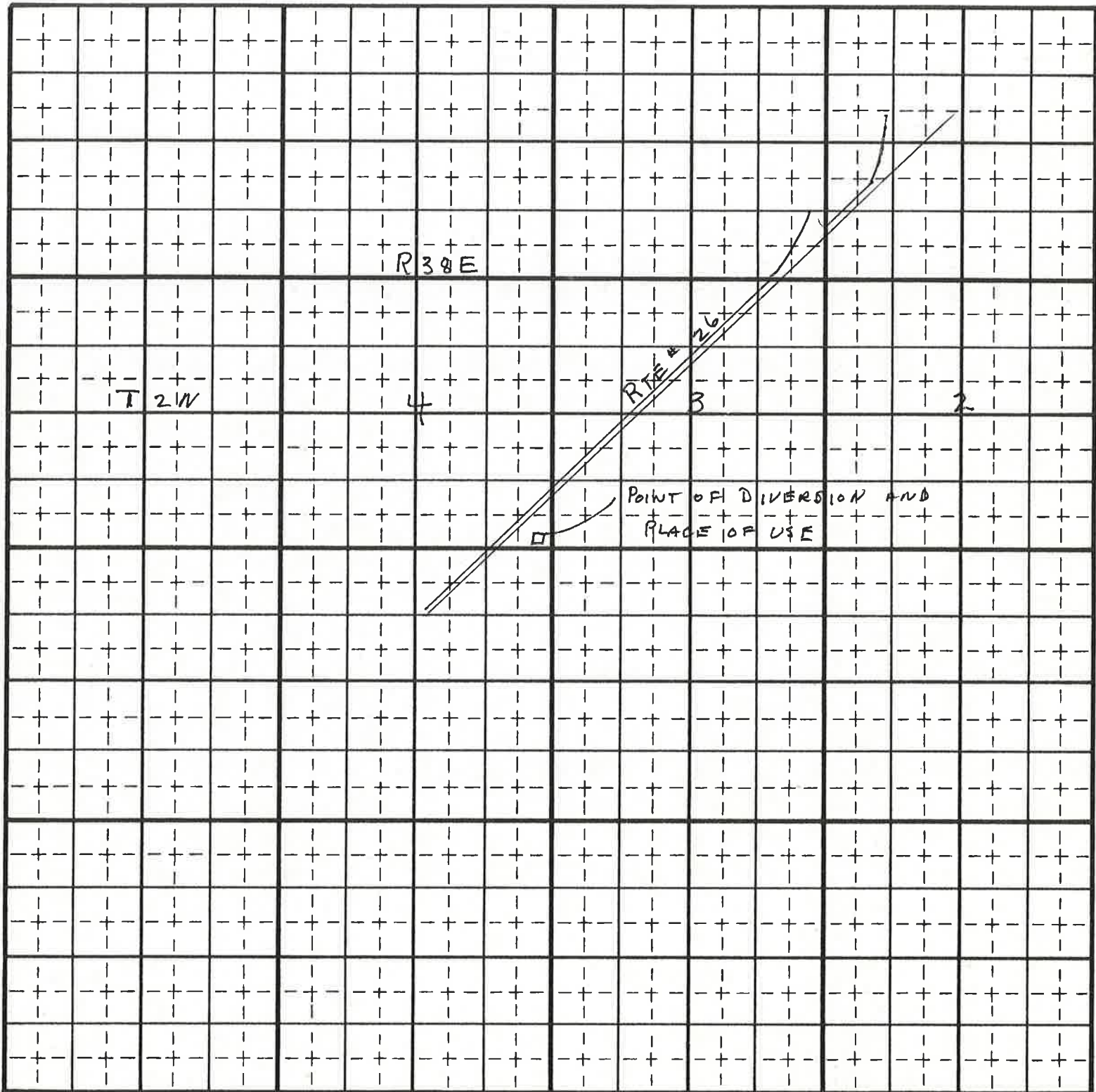
NOV 07 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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NOV 07 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit ☒
Decree _____
If applicable provide IDWR Water Right Number 25-7267
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) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am GENERAL PARTNER
Title

of ASA LEASE Organization, that I have signed the foregoing

document in the space below as GENERAL PARTNER of ASA LEASE
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert S. Arnold ASA LEASE

Title and Organization GENERAL PARTNER Date 8-24-89

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day of August 19 89

SEAL

Notary Public Betty J. Thompson

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO

My Commission Expires MY COMMISSION EXPIRES: 6-30-94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED
NOV 07 1992

Copies White-State, Yellow-Claimant