

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

1

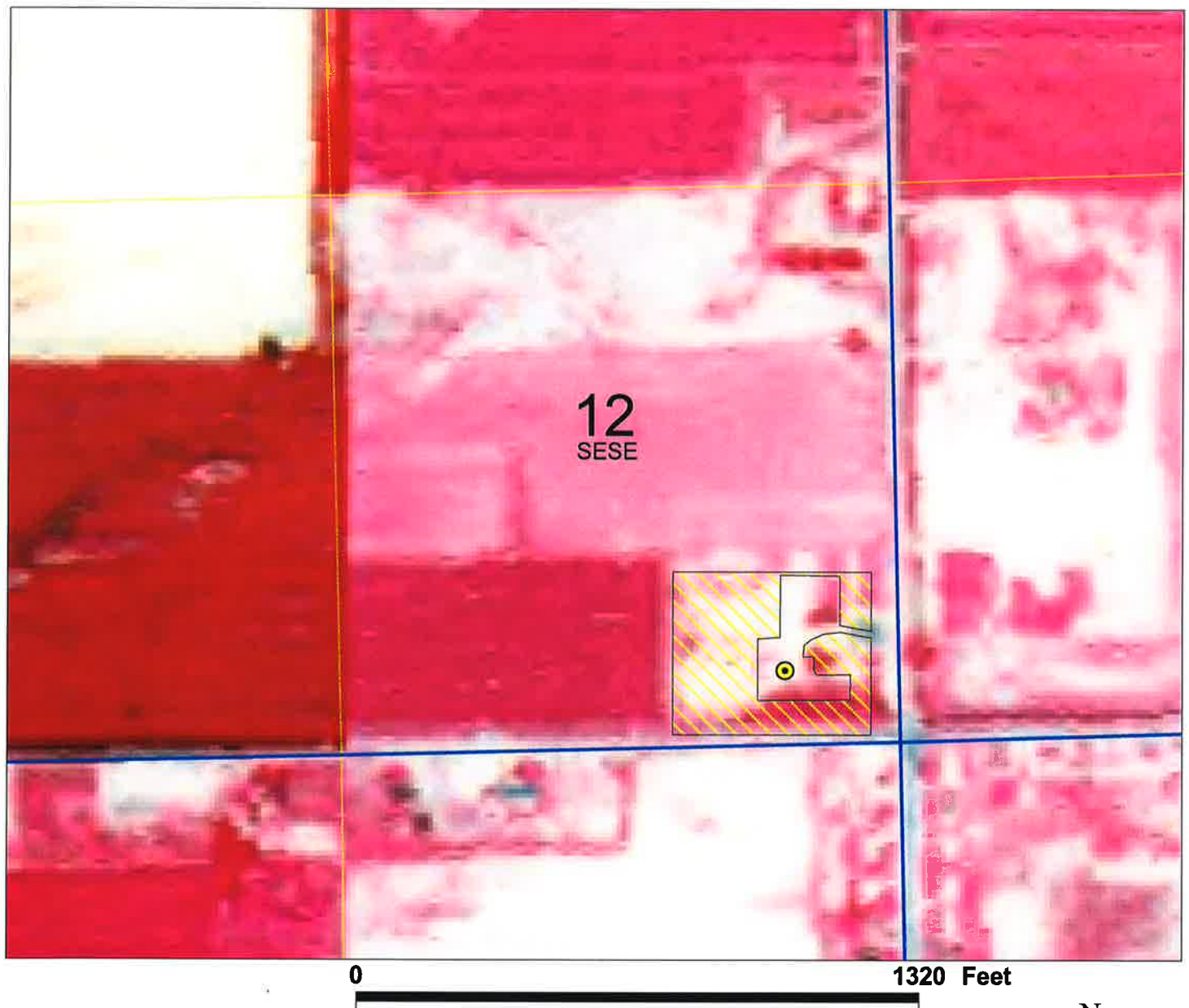


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-14072



- Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

SCANNED
AUG 19 2004

GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: April 2004

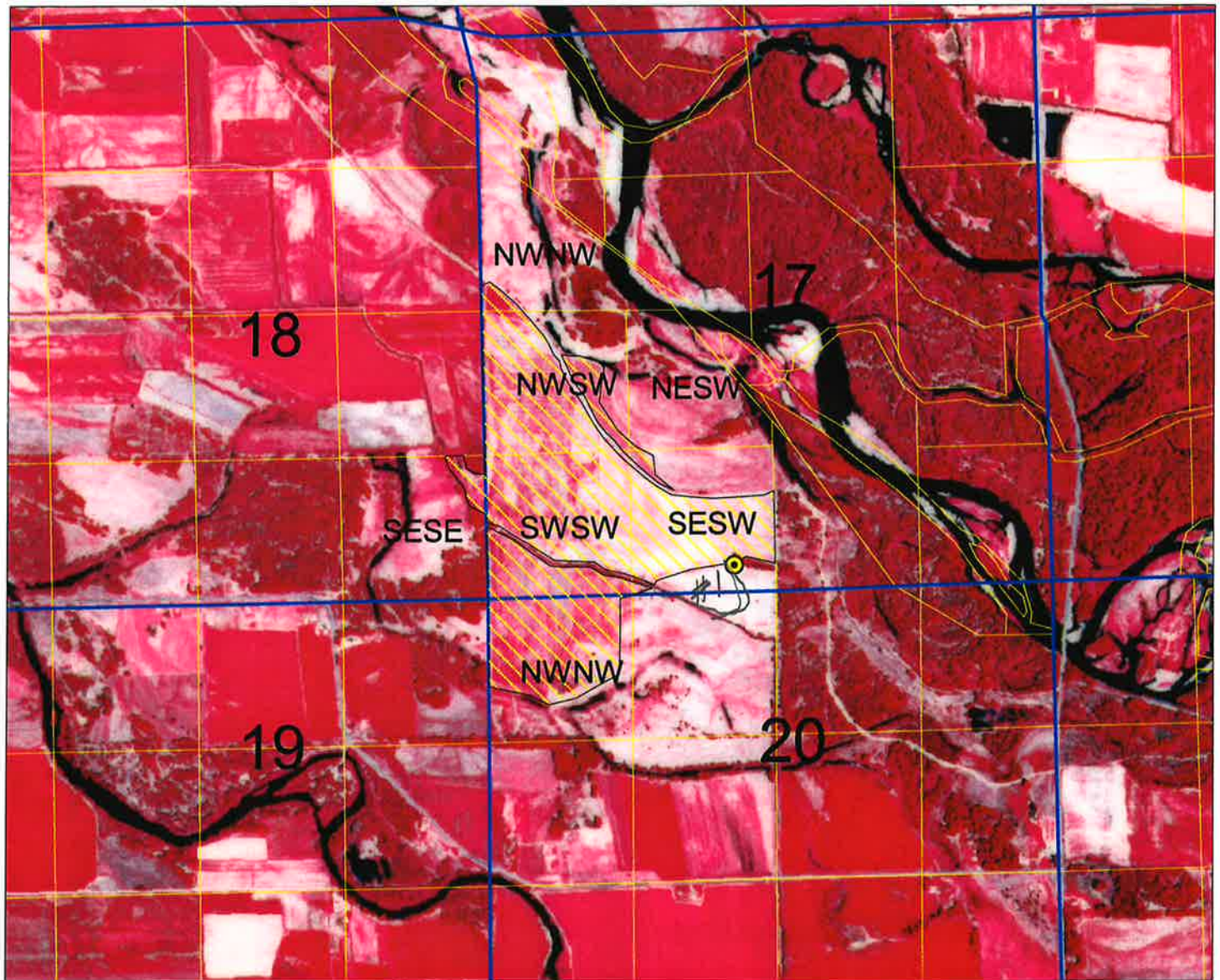


State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-04305



1320 0 1320 2640 3960 Feet

- ⊙ Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

PROFILED

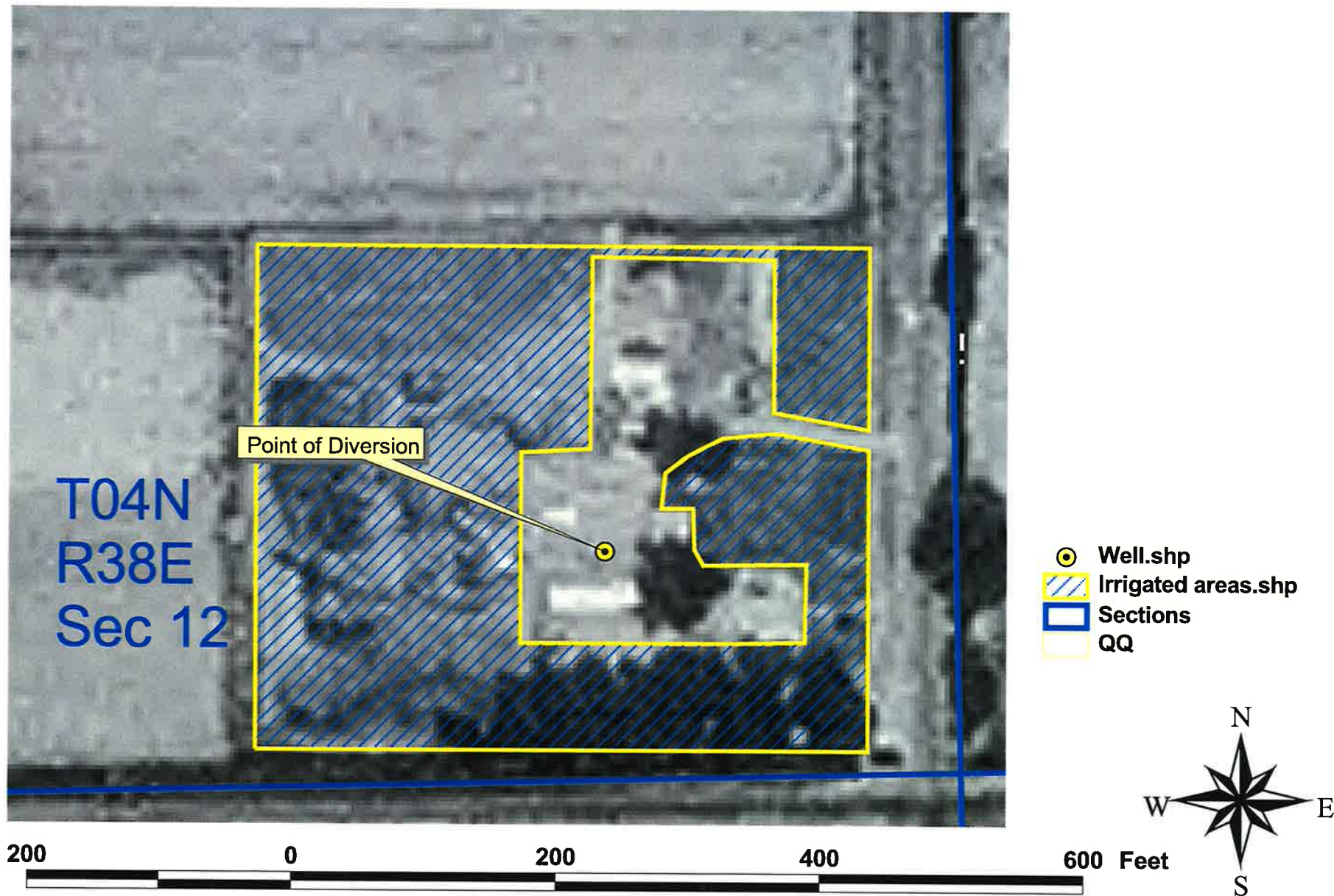
SCANNED

DEC 22 2004



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: November 2004

Van Warner



My name is Ruth Warner Harrop. I lived in the home now occupied by Van and Karen Warner in Rigby, Idaho from about 1938 until my marriage in 1950.

My parents, William C. and Katherine V. Warner had a large yard and irrigated it with well water. There was a large garden, plus pasture for various animals {dairy cattle, sheep, pigs, chickens and horses) which surrounded the south, west, and north sides of the homestead.

Date:

April 27, 2004

Signed:

Ruth Warner
Harrop

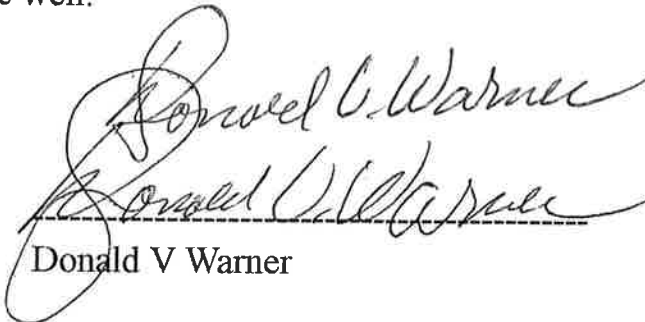


Joeline Hendricks
Bonneville County
Idaho State
7-7-09 Empire

4-27-04

I, Donald V Warner, state that I have personal knowledge concerning the irrigation history surrounding the Van H Warner property.

I lived on that property from about 1938 through 1951 with my parents, William C. and Katherine V. Warner. I remember that we had pasture, chicken run, horse paddock, and a vegetable garden and berry patch, which were irrigated with water from the well.


Donald V Warner

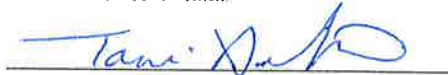
INDIVIDUAL ACKNOWLEDGMENT

STATE OF Idaho)

COUNTY OF Tubberson

On this 26 day of April in the year 2004, before me, a Notary Public in and for said State, personally appeared Donald V Warner known to me to be the person who executed the foregoing instrument and acknowledged to me that he executed the same.

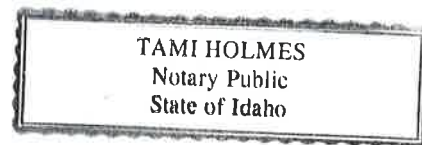
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho

Residing at: Rigby

My Commission Expires: 3-9-06



RECEIVED

DEC 09 2004

06/18/2004

Department of Water Resources
Eastern Region

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: 25-14072

VAN H WARNER

403 N 3900 E

RIGBY ID 83442

Telephone Number: (208) 745-7438

KAREN WARNER

403 N 3900 E

RIGBY ID 83442

Telephone Number: (208) 745-7438

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: 12-08-04

SIGNATURE: *Van Warner*

Please print your name: VAN WARNER

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

PROFILED

SCANNED
DEC 22 2004

RML

12/08/2004

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: January 1, 2005

Water right number: 25-4305

DON E BROWN
280 N 4570 E
RIGBY ID 83442
Telephone Number: (208) 538-6835

LUAINA BROWN
280 N 4570 E
RIGBY ID 83442
Telephone Number: (208) 538-6835

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
TO THE WEST AND SOUTH A ORIGINAL PLOT OF LAND WAS IRRIGATED AND WAS MAINLY POTATOE GROUND
2. Describe the changes you wish to make in the proposed recommendation:
ADD THE ABOVE MENTIONED PLOT TO WATER RIGHT. SEE MAP ITEM #1
3. Give a brief explanation as to why you disagree with these portions:
IT WAS USED BY MY FATHER. AND HE LET ME USE IT A RRR PROJECT. IN THE ~~1950~~ YEARS I WAS IN HIGH SCHOOL. I GRADUATED IN 1958 FROM HIGH SCHOOL

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

DATE: _____ SIGNATURE: *Don E Brown*
Please print your name: Don E Brown

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

RECEIVED
DEC 20 2004
Department of Water Resources
Eastern Region

PROFILED

SCANNED
DEC 22 2004

12/08/2004

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

RIGHT NUMBER: 25-4305
NAME AND ADDRESS: DON E BROWN
280 N 4570 E
RIBGY ID 83442

LUAINA BROWN
280 N 4570 E
RIBGY ID 83442

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.270 CFS
454.40 AFY

PRIORITY DATE: 05/01/1949

POINT OF DIVERSION:
T04N R40E S17 SESW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.270 CFS 454.40 AFY

PLACE OF USE: IRRIGATION Within JEFFERSON County

T04N R40E S17 Lot 3 NWNW	1.4	T04N R40E S17 Lot 2 NESW	0.1
T04N R40E S17	NWSW 27.0	T04N R40E S17	SWSW 38.0
T04N R40E S17	SESW 22.0	T04N R40E S18	SESE 2.1
T04N R40E S20	NWNW 23.0		

113.6 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

PROFILED

SCANNED
DEC 22 2004

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 25-14072
Date Received: 6/9/2004
Receipt No:
Received By:

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

1. Name of Claimant(s)

VAN H WARNER Phone: (208) 745-7438
403 N 3900 E
RIGBY ID USA 83442

KAREN WARNER Phone: (208) 745-7438
403 N 3900 E
RIGBY ID USA 83442

2. Date of Priority: 04/01/1938

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	38E	12	SE SE SE	JEFFERSON	

5. Description of diverting works:

SAND POINT WELL LOCATED IN WELL HOUSE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.09	9
STOCKWATER	01/01	12/31	0.02	0.7

7. Total Quantity Appropriated is:
0.11 C.F.S. and/or 9.7 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

Number of other uses: 30 head horses and beef cattle

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	38E	12	SE	SE	IRRIGATION	3
					Section Acres	3
					Total Acres	3

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

DOMESTIC RIGHT FOR RESIDENCE IS 25-11713

15. Basis of Claim: Beneficial Use

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 25-14072Date Received 6-9-04Receipt Number E029932

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Van H Warner and/or Karen Warner Phone (208) 745-7438Mailing Address 403 N 3900E Rigby ID Zip 834422. Date of Priority (Only one (1) per claim) 4/01/19383. Source of water supply (a) Ground Water
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township T4N Range R38E Section 12,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Jefferson

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. Sand point well locatedin well house.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 10-31 amount .09 or 9.0

For Stock Water purposes from 1-1 to 12-31 amount .02 or 0.7

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) ~~0.11~~ 0.11 (cfs) and/or (b) ~~9.7~~ 9.7 (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.) 30 head horses + beef cattle

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
<u>4N</u>	<u>38E</u>	<u>12</u>																<u>3</u>	<u>3</u>

Total number of acres irrigated 3

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

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

14. Remarks: Domestic right for residence is 25-11713

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows, totaling 256 squares. The pattern is uniform across the entire grid.

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 _____
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) Jan Warner Date 6-9-04

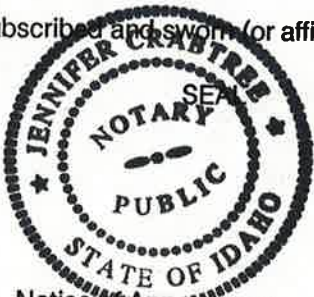
Date _____

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 T)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day of June 19 2004



Notary Public Jennifer Crabtree
Residing at Idaho Falls
My Commission Expires 9/23/09

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 Warner Ident. Number _____