

02/12/2003

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

RIGHT NUMBER: 29-13272

NAME AND ADDRESS: ESTATE OF WALTER J AND MAUD LARSEN
C/O JAMES A LARSEN
6007 S OLD HWY 91
MC CAMMON ID 83250

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.160 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-10993 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.16 CFS.

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/07/1932

POINT OF DIVERSION:

T08S R36E S35 NENENE Within BANNOCK County Source: SPRING

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.160 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T08S R36E S35 NENE 8.0

STOCKWATER Within BANNOCK County

T08S R36E S35 NENE

8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-10993 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 8.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

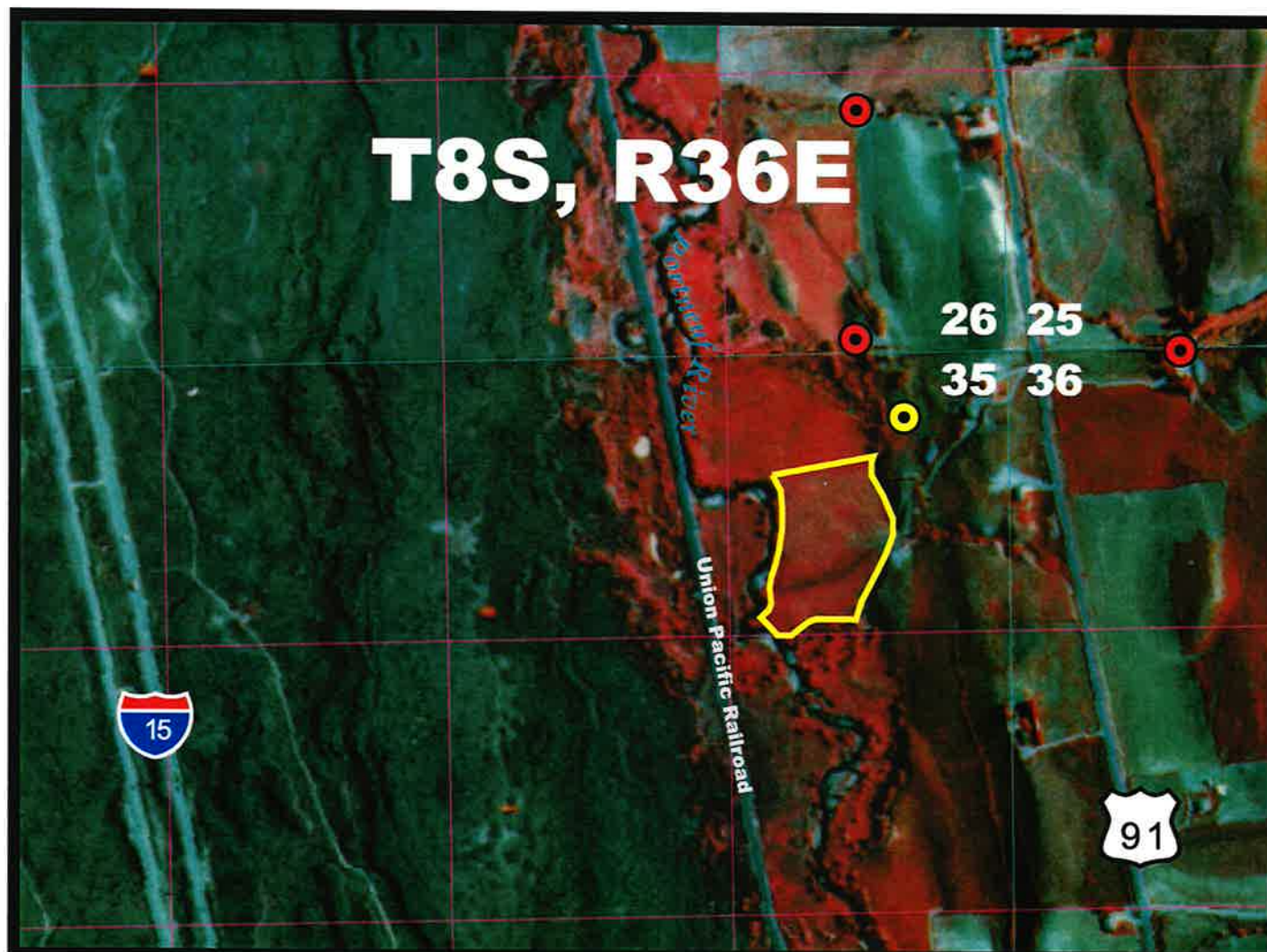
RIGHT NO. 29-10993 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):

29-10993

29-13272

Place of Use: T8S, R36E
(part of) Sec. 35 NENE

Point(s) of Diversion: T8S, R36E
Sec. 35 NENENE



LEGEND



Point of Diversion

SESE

Place of Use



Section



Quarter-Quarter

500 0 500 1000 1500 2000 2500 3000 3500 4000 4500 Feet

GIS Place of Use Illustration
1987/1988 NAAPP Photography
Prepared by: A. Ruberry
Date: October 2002

29-13272 Bu (NOTES AND 29-10993)

I. Overseas is a Question/Problem: This claim is

Filed by James Lanson for the Eshtels of Mallon and
Father. James lists himself as Personal Representative,
However, Probate has not been set and a Personal
Rep or Administrator has not (apparently) appeared.
Thomson, Overseas is recommended as the Eshtel of ...

% James Lanson (no title).

II. There is yet another claim to this same source for

Registration of same POU (Set 29-10993). This claim was
Filed by Robert Lanson (James Brother). 29-10993 claims
a 1924 Priority Date while this claim (29-13272) claims
1932. Both are recommended of Lanson's that this from

Location so a IX of one or two others cannot happen.

Robert has also filed % (who documents) seeking Personal

Representative status. Again, no Probate, no Letters Testamentary,

III. Thomson, Claims filed by either will be so recommended
to Eshtels of with % (Lanson or Robert) - Northern
Claims status as Personal Representative. They will need
to start Probate and file %'s accordingly.

October 29, 2002

Robert J Larsen
5015 S Old Hwy 91
Mc Cammon Id 83250

James A Larsen
6007 S Old Hwy 91
Mc Cammon 83250

*Not Sent AS
OF 10/31/02
TO EITHER*

Re; Snake River Basin Adjudication (SRBA) water right claims in the names of
Walter J and Maude M Larsen Estate(s)

Gentlemen:

I am currently in the final steps of preparing recommendations for the water rights 29-00065B, 29-13272, and 29-10993. I have in the files Notices of Change of Water Right Ownership from each of you indicating each as Personal Representative of the Estate(s). However, I have no documentation showing that a probate has started and/or either of you has been appointed as Personal Representative or Administer of the Estate. During my visits with each of you I have ask for copies of this documentation. To date, I have not received probate documents from either. This documentation should be in the form of Letters Testamentary naming a Personal Representative or Administer of the Estate.

Allow me to explain the current problems. Robert filed water right 29-00065B. This is for irrigation by the decreed water from the Portneuf River on 25 acres near James' house. Then, James files a Notice of Change of Ownership changing the Ownership to the Estate with James as Personal Representative.

Now, James files 29-13272 (12/06/2001) for irrigation of 9 acres from a spring near Robert's house with a 1932 Priority Date. But, Robert also filed 29-10993 (04/03/1990) on the same spring for irrigation of 8 acres with a 1924 Priority date. Both, such claims, are different than those filed by Robert for domestic/stock water use from this same spring. And, according to the Bannock County Assessor the respective properties remain in the name(s) of Larsen, Walter J., % Larsen, Maude.

From my many conversations with each of you, I understand that the water right claims should, indeed, be in the name of the Estate of your parents. Then comes the question of an estate representative or representatives. Therefore, before I can proceed, I must have

definitive documentation naming the Estate with a Personal Representative or Administrator. Absent such documentation, I will disallow the above referenced claims and the court can determine the details.

If I can be of assistance in this matter please feel free to contact me.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

Cc; files

RECOMMEND LEACH
CLAIMS (29-13272) TO
JAMES; (29-10993) TO
ROBERT.

ROBERT WILL ALSO
BE CLAIMANT ON
29-65A

SEE ATTACHED GDS
OF BARRIE CO. ASSESSOR'S
OWNERSHIP THOMAS



LARSSEN, WALTER J % LARSEN, MAUD

LARSSEN, WALTER J % LARSEN, MAUD

T8S, R36E



LARSSEN, WALTER J % LARSEN, MAUD

T8S, R36E

T8S, R36E

35 36

2 1

L8 L4

36 31

1 6

November 30, 2001

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Attn. Al Ruberry;

Dear Mr. Ruberry,

As we discussed a few days ago, attached are two sets of documents regarding water rights.

1. Adjudication Claim No. A-29-00065B

- Copy of Warranty Deed (443665) Walter J. Larsen and Maud Larsen, husband and wife dated October 6, 1967.
- Death Certificate, Walter James Larsen, DOD April 5, 1971.
- Death Certificate, Maude Mildred Larsen, DOD March 13, 2000.
- Notice of Change in Water right Ownership - To change claimant from R. J. Larsen to the Estate of the property Owner's, Walter J. Larsen and Maude Larsen.

✓ 2. New water right on property SW1/4SE1/4 of Sec. 26, and the N1/2NE1/4 of Sec. 35 in Township 8 South of Range 36 East of the Boise Meridian, Idaho. The water right is for natural springs located on the property. The water is used for stock and irrigation.

- Copy of Patent dated March 10, 1910.
- Copy of Warranty Deed dated December 22, 1917.
- Copy of Warranty Deed (443665) Walter J. Larsen and Maud Larsen, husband and wife dated October 6, 1967.
- Claimant is the Estate of Walter J. Larsen and Maud Larsen, husband and wife.

Sincerely

James A. Larsen (Son of Walter and Maude Larsen)
6007 S. Old Hwy 91
Mc Cammon, Idaho 83250
(208) 254 3416

Sheet # 3

The United States of
America

to

August Haas.

PATENT

Dated: Mar. 10, 1910.

Filed: June 21, 1910 at 4:45 PM.

Recorded: Book 5 Patents 494.

Act of Congress May 20, 1862.

Description:

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 35 in Township 8 South of Range 36 East of the Boise Meridian, Idaho, containing 120 acres, according to the official plat of the survey of the said lands returned to the General Land Office by the Surveyor General.

By the President:
Wm. H. Taft

By M. P. LeRoy, Secretary.

H. W. Sanford, Recorder of the General
Land Office.

(Seal).

Sheet #87

WARRANTY DEED

August Haas and Maggie
J. Haas, his wife

to

William Cottle.

Dated: Dec. 22, 1917.

Filed: Apr. 3, 1918 at 9:20 AM.

Recorded: Book 35 Deeds 177.

Filing #61832. Cons. \$2500.00.

Grant, bargain, sell, convey and confirm land in Bannock County, State of Idaho, to wit:

The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 35, Township 8 South, Range 36 East of the Boise Meridian, in Idaho, together with all water and water rights belonging to said land heretofore conveyed to Oregon Short Line Railroad Company, a corporation, and recorded in Book 17 of Deeds at page 612 of the records of Bannock County, Idaho, to wit:

A strip of land lying in and extending across the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 26, Twp. 8 S. R. 36 E. B. M., and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 35, Twp. 8, S. R. 36 E. B. M., adjacent to and parallel to the present right of way of the Oregon Short Line Railroad Company on the westerly side thereof and being 50 feet in width measured at right angle to said right of way of the Oregon Short Line Railroad Company, containing 3.0 acres, more or less.

Together with all and singular the tenements etc.

Covenants of General Warranty.

Witnesses 1.

August Haas
Maggie J. Haas

Acknowledged in Bannock County, State of Idaho, Dec. 22, 1917, by August Haas and Maggie J. Haas, his wife, before Earle C. White, a Notary Public in and for said State. (Seal). Res. Pocatello Idaho.

Computer Generated Copy



ANNEXED

WARRANTY DEED

443665

For Value Received We, Alphonse H. Wagener and Alma Wagener,
husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto
Walter J. Larsen, otherwise known as J. W. Larsen, and
Maud Larsen, husband and wife,
the grantee s, the following described premises, in.....Bannock.....County Idaho, to wit:



The Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-Six (36), Township Eight (8) South, Range Thirty-Six (36) East of the Boise Meridian. The Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twenty-Six (26) of Township Eight (8) South, Range Thirty-Six (36) East of the Boise Meridian, containing Forty (40) acres of land, and the North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Thirty-Five (35), all in Township Eight (8) South, Range Thirty-Six (36) East of the Boise Meridian, in Idaho, excepting therefrom that certain parcel of land conveyed by that certain deed, recorded in Book 17 of Deeds at Page 612, Records of Bannock County, Idaho, together with all water rights, including all conduits, ditches, laterals, etc., for the use of conveying said water for use in irrigation, etc., upon and about the said described lands, and excepting therefrom the following described property;

Commencing at the Northeast Corner (NE) of Section Thirty-Five (35), Township Eight (8) South, Range Thirty-Six (36) East of the Boise Meridian, thence South along the Section Line between Sections Thirty-Five and Thirty-Six (35 & 36) in said Township and Range, a distance of Two Hundred Sixty (260) feet; thence West (W) at right angles a distance of One Hundred Thirty (130) feet; thence north at right angles a distance of Two Hundred Sixty feet (260); thence east along Section Line between Sections Thirty-Five and Twenty-Six (35 & 26) of said Township and Range a distance of One Hundred Thirty (130) feet more or less to point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 6 day of October, 1967.

Alphonse H. Wagener
ALPHONSE H. WAGENER
Alma Wagener
ALMA WAGENER

STATE OF IDAHO, COUNTY OF BANNOCK
On this 6th day of Oct, 1967,
before me, a notary public in and for said State, personally
appeared

ALPHONSE H. WAGENER and ALMA
WAGENER, husband and wife

NOTARY SEAL

known to me to be the person s whose name s are
subscribed to the within instrument and

NO. 443665
RECORDED AT REQUEST OF

Pocatello Title Co.

Computer Generated Copy

Furnished by the POCAI

41092

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 29-13272
Date Received: 12/6/2001
Receipt No:
Received By: *E027406*
1/30/02 ASR

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

1. Name of Claimant(s)

ESTATE OF WALTER J AND MAUD LARSEN Phone: (208) 254-3416

JAMES A LARSEN REPRESENTATIVE
6007 S OLD HWY 91
MC CAMMON ID USA 83250

RECEIVED

FEB 19 2002

Department of Water Resources
Eastern Region

2. Date of Priority: 08/07/1932

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
08S	36E	35	NE NE NE	BANNOCK	

5. Description of diverting works:

SPRING IS DIVERTED TO DITCH THEN TO MAINLINE FOR SPRINKLE IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.18	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.18 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of other uses: 20

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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A2913272



08S	36E	35	NE	NE	IRRIGATION	9
			NE	NE	STOCKWATER	
					Section Acres	9
					Total Acres	9

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

TEMPORARY STATUS, FEES DUE.

PAID
SUB RECEIPT # E021406

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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 Organizations:

I do solemnly swear or affirm that I am JAMES A. LARSEN of _____
Title

_____, that I have signed the foregoing

Organization document in the space below as REPRESENTATIVE of _____

ESTATE OF WALTER J and Title

MAUDE LARSEN and that the statements contained in the
Organization

foregoing document are true and correct James A. Larsen
Signature of Authorized Agent

REPRESENTATIVE
Title and Organization

Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 13
of FEBRUARY 2002

Kathryn A. Grytz
Notary Public

Residing at 775 Yellowstone, Pocatello

My commission Expires 1-25-07

