

2004

Ident. No. TC-22-10DEPARTMENT OF WATER RESOURCES
TEMPORARY CHANGE APPLICATION

RECEIVED

JUL 20 2004

(To change point of diversion, place of use or purpose of use) Department of Water Resources
Eastern RegionName of Applicant Darrell C. Neville & Theda C. Neville Phone 208-356-3633Post Office Address % Rigby Thatcher Andrus Rigby & Moeller, Chartered P.O. Box 250
Rexburg, ID 83440

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Due to drought and other related conditions, applicant has leased this water right to Lawrence Jensen at place of use described below for use during 2004 season. Jensen is tenant upon lands to be transferred and has use of existing well and pump with existing water right no. 22-07280A

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
22-2178	5-17-1960	^{1.98} ~~3.680~~ cfs	irrigation	4-01 to 11-01
				to
				to
				to

2. Total amount of water being transferred ^{1.980*}
~~3.680~~ cubic feet per second and/or 644 acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
			SW	SW	11	5N	40E	Madison	Rowan Well 22-07280A

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
	SAME	AS 22-07280A																	
5N	40E	10													12				
5N	40E	11									12	19							

ACRES INDICATED OWNED BY ROWAN

* Acres reduced to claimed (99) acres and rate reduced
to 0.02 cfs/ac claimed (99 x 0.02 cfs/ac = 1.98 cfs)

Total Acres Not to exceed 184 99*

6. General Information:

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right written lease (see attached copy)
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Recently sold for development and will no longer require irrigation
- d. Has the water right sought to be transferred been used this year? not yet If yes, explain. It will be necessary to use it immediately due to demand of water being made by
- e. Absent the changes, how would the right be used for the remainder of the year? 22-07280B.
It would not be used at all
- f. Describe other water rights used for the same purpose.
22-07280A and Permit 22-07792
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Justin Sigby attorney for Applicant
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 7/20/04 Fee 50⁰⁰
Receipted Kaw 7/29/04 # E030090 Recommend: _____ approve _____ deny _____
Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-10

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this 30th day of July, 2004.

Ralph D. Cook
For the Director

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 22-2178)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-22-10

Darrell + Theda Neville)

WHEREAS, a drought emergency has been declared for Madison County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on July 26, 2004, Darrell + Theda Neville submitted the attached Temporary Change Application TC-22-10 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 22-2178 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC- 22-10

5. Right(s) 22-2178 (Ad. Claim) are limited to the irrigation of a total of 99 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 01 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2004 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval..

DATED this 30th day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager

LEASE OF WATER LICENSE

THIS AGREEMENT is effective as of the ____ day of June, 2004, by and between **DARRELL C. NEVILLE and THEDA C. NEVILLE**, of 945 N. 2000 W., Rexburg, Idaho 83440, hereinafter called "Landlords," and **Lawrence Jensen d.b.a. LAWRENCE JENSEN FARMS** of 497 N. 4000 E., Rexburg, ID 83440, hereinafter referred to as "Tenant."

WITNESSETH:

1. Water Right Leased. Landlords do hereby lease to Tenant, and Tenant does hereby lease from Landlords, that certain ground water right licensed by the Idaho Department of Water Resources as water right number 22-2178, and more fully described as follows:

Ground water for irrigation in the amount of 3.680 CFS from 4/01 to 11/01 with an annual volume limitation of 644 AF. The present authorized point of diversion is located in the SE1/4SW1/4 of Section 29, Twp. 6N, Rge. 40 E.B.M. and the present authorized place of use is for 99 acres located in Sections 29 (S1/2SW1/4) & 32 (NE1/4NW1/4). (hereinafter "license")

Together with a right of temporary transfer (both point of diversion and place of use) of said license to Tenants lands currently rented from Catherine Rowen located in Sections 14, 15 and 23 of Twp. 5 N., Rge. 40 E.B.M., Madison County, Idaho, including the right to assign the license to Water District 01's water bank to accomplish the intent of this agreement.

2. Term and Automatic Extension. This lease shall run for a term of one year commencing on the 1st day of June, 2004, and continuing to the 31st day of October, 2004. At the end of the 2004 irrigation season, this Lease shall be automatically renewed for successive one year terms on the same terms and conditions as expressed in this Agreement unless either party shall give the other party, in writing, certified mail, return receipt requested, addressed to the other party (at the address given above or subsequently given in writing to the other party), a

notice that she/he/it does not intend to renew the Lease for an additional one year period, with such notice to be given by December 31 of the year before the next crop season.

3. Rental. Tenant shall pay to Landlords as rent for the Lease the sum of \$2,000.00 for each term of the Lease.

Receipt of the first year's rent in the amount of \$2,000.00 shall be paid on or before August 1, 2004. Thereafter, Tenant shall pay rent in advance to Landlords due on or before the 1st day of June.

4. Representations of Tenant. Tenant shall apply the water under the license to the beneficial use of irrigation such that the full water right shall be beneficially applied in the required amounts and to the required acres. Tenant shall do nothing which shall jeopardize the viability or active status of the license. Tenant shall follow all laws in obtaining a legal right to transfer the license to Tenant's current rented lands described above and shall be responsible for all costs and fees associated with said temporary transfer.

5. Landlords' Entry. Tenant shall permit Landlords or their agents to enter its leased property upon 5 day written or oral notice from 8:00 a.m. to 7:00 p.m., for the purpose of examining the use of the water under the license to insure proper beneficial use thereof.

6. Non Assignment of Property. Tenant shall not assign nor encumber this Lease nor the license nor any portion of it nor any right or privilege connected with it without first obtaining the written consent of Landlords. Tenant may not sublease or license the license or any part thereof without first obtaining the written approval of the Landlords. An unauthorized assignment or encumbrance, sublease or use shall be void and shall terminate the Lease immediately at the option of the Landlords. The interest of Tenant in this Lease is not assignable

by operation of law without written consent of Landlords.

7. Alterations to License. Tenant shall not alter the license other than obtaining the legal right to have it temporarily transferred (or assigned to the water bank) as contemplated herein.

8. Taxes and Assessments. Tenant shall pay all taxes and assessments, ordinary and extraordinary, general or specific, taxed or assessed against the license during the term of this Lease.

9. Default by the Parties. In the event of material default or breach of the terms and conditions of this Lease by the Tenant, possession under the Lease, at the option of Landlord, shall terminate upon providing the Tenant thirty (30) days written notice and opportunity to cure the default. In that event, Landlord shall have the right to re-claim the license and accept the surrender of the license from the Tenant. In the event of a material default or breach of the terms and conditions of this Lease by the Landlord, the Tenant shall be entitled to pursue any and all legal and equitable remedies available to it upon providing the Landlord with thirty (30) days written notice and opportunity to cure the default.

10. Notices. Notices and demands by either Landlord or Tenant shall be given by certified mail with prepaid postage addressed to Landlord or to Tenant at their respective addresses described above, subject to the right of either the Landlord or the Tenant to designate by notice in writing a new address to which notice or demands must be sent.

11. Quiet Enjoyment. Subject to the terms of this Lease, and provided Tenant is not in breach of the Lease, Landlords warrant Tenant shall have quiet and peaceable possession of the license during the lease term or any extension of the term without any disturbance from Landlords or from any person claiming rights through the Landlords.

12. Return Transfer at End of Term. Upon termination of the Lease, Tenant shall surrender possession of the license to Landlords in good condition and activity. Tenant shall cooperate with Landlords in order to properly transfer the license back to Landlords.

13. Indemnification. Tenant and Landlords agree to indemnify and save the other harmless against and from all costs, expenses, liabilities, losses, damages, injunctions, suits, actions, fines, penalties, claims, and demands of every kind or nature, including reasonable attorneys' fees, by or on behalf of any person, party or governmental authority whatsoever arising out of any failure by Tenant or Landlords to perform any of the terms of this Agreement or any accident, injury or damage which shall happen in or about the demised premises, arising out of the respective negligence of the Tenant or Landlords.

14. Rules of Construction.

- a. Time is of the essence of this Agreement.
- b. This Lease shall be governed, construed and enforced in accordance with the laws of the State of Idaho and the rules of the Idaho Department of Water Resources.
- c. In construing this Lease, feminine or neuter pronouns shall be substituted for those masculine in form and vice versa and plural terms shall be substituted for singular and singular for plural in any place in which the context so requires.
- d. If either party commences an action against the other party arising out of or in connection with this Lease, the prevailing party shall be entitled to have and recover from the other party reasonable attorneys fees and costs

of suit.

e. This Agreement contains the entire agreement between the parties and any executory agreement later made shall be ineffective to change, modify or discharge it in whole or in part unless such executory agreement is in writing and is signed by the party against whom enforcement of the change, modification or discharge is sought.

f. The covenants and conditions of this Agreement apply to and bind the heirs, legal representatives, successors, and assigns of the parties.

15. Miscellaneous. All of the provisions of this Lease shall be binding upon the representatives, heirs, executors, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Lease.

TENANT


Lawrence Jensen

LANDLORDS


Darrell C. Neville


Theda C. Neville

Acknowledgment

STATE OF IDAHO,)
 ss.
County of Madison)

On this ____ day of June, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared, Darrell C. Neville, Theda C. Neville and Lawrence Jensen known to me to be the person(s) whose name(s) are/is subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary Public for Idaho
Residing at:
My Commission Expires:

RECEIVED

JUL 20 2004

Department of Water Resources
Eastern Region

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Facsimile: (208) 356-0768
E-mail: jrigby@rigby-thatcher.com*

July 19, 2004

Ron Carlson
900 N. Skyline
Idaho Falls, ID 83402

Dear Ron,

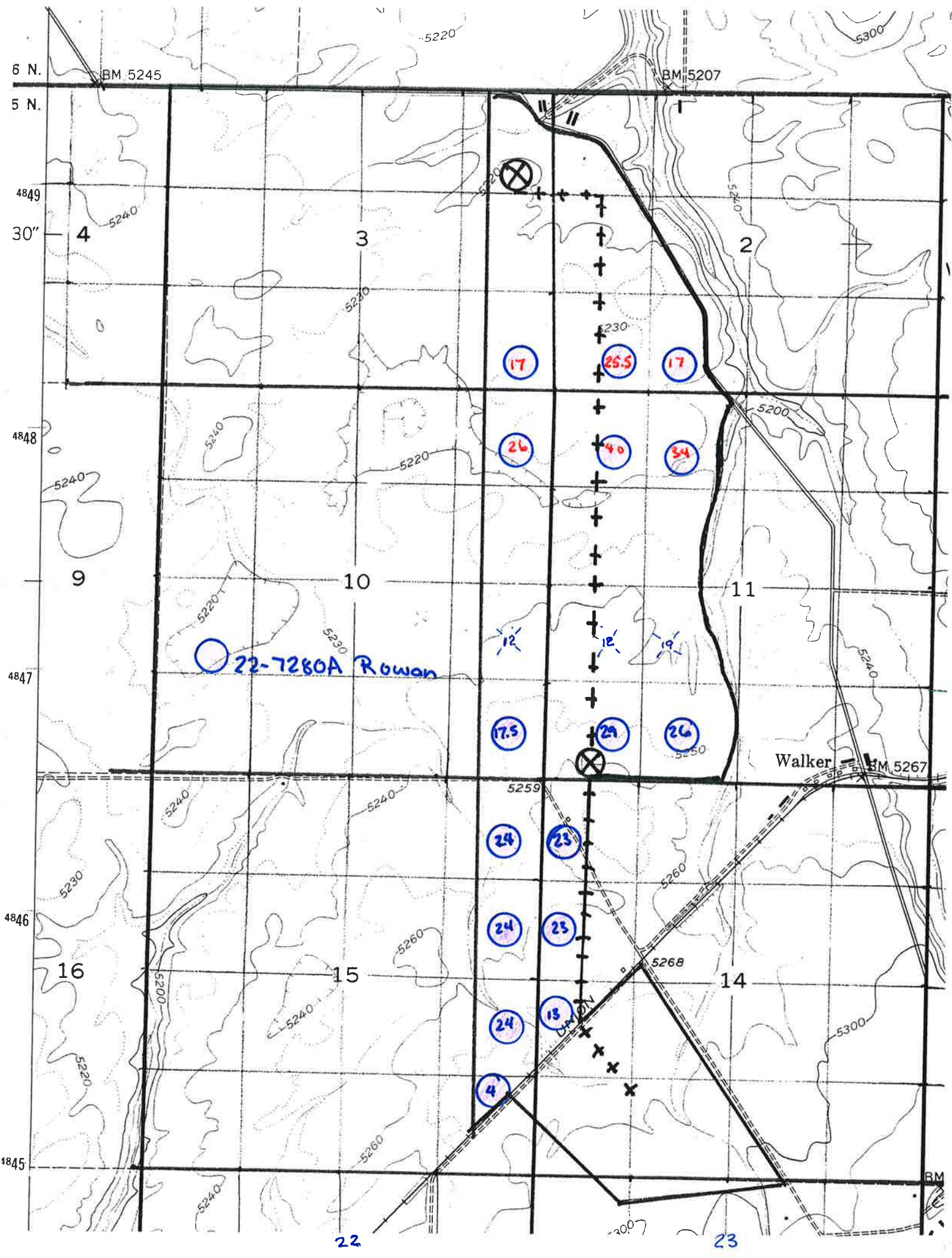
Attached please find the temporary transfer application for Darrell Neville (under the drought emergency provisions) to the Rowan property and its tenant, Lawrence Jensen, which you and I discussed by phone today. Also enclosed please find our check in the amount of \$50.00. Please review the application and if it meets with your approval, please file the same. Thanks for your help in this matter.

Sincerely yours,


Jerry R. Rigby

JRR/bml

enclosures



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-2178

WATER RIGHT NUMBER: 22-2178

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THEDA C NEVILLE 675 N 12TH W REXBURG, ID 83440 (208)356-6178
Current Owner	DARRELL C NEVILLE 2263 W 1000 N REXBURG, ID 83440 (208)356-4130

Priority Date: 05/17/1960

Basis: License

Status: Active

SourceTributary

GROUND WATER

99 X 0.02 cfs/ac = 1.98 cfs

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	11/01	3.680 CFS	644.00 AF
	<u>Total Diversion:</u>		3.680 CFS	644.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 29, Twp 06N, Rge 40E, B.M. MADISON County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	29											29.0	30.0					59.0
06N	40E	32					40.0												40.0

Total Acres: 99

Conditions of Approval:Remarks:

1. General THIS CLAIM IS FOR A PORTION OF LICENSE 22-2178. **THE REMAINDER HAS BEEN DEVELOPED AND NO LONGER IRRIGATED.**

Comments:Dates and Other Information:

Claim Received Date: 9/19/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-2178

WATER RIGHT NUMBER: 22-2178

Owner Type Name and Address
 Current Owner DARRELL C NEVILLE
 REXBURG, ID 83440

Priority Date: 05/17/1960

Basis: License

Status: Active

Source Tributary
 GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.680 CFS	644.00 AF
<u>Total Diversion:</u>		3.680 CFS	644.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 29,Twp 06N,Rge 40E, B.M. MADISON County

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	40E	29									40.0	27.0	37.0	40.0					144.0
06N	40E	32				40.0													40.0

Total Acres: 184

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Licensed Date: 7/25/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Acres Claimed in SRBA = 99
 (40+29+30 = 99)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-7280A V1

WATER RIGHT NUMBER: 22-7280A V1

Owner Type Name and Address
 Current Owner CATHERINE H ROWAN
 843 THREE FOUNTAINS DR #258
 SALT LAKE CITY, UT 84107
 (801)266-4044

Original Owner JAMES W & LUCILLE W HOWE

Priority Date: 06/27/1978

Basis: License

Status: Active

Source Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	4.770 CFS	

Total Diversion: 4.770 CFS

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 11, Twp 05N, Rge 40E, B.M. MADISON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 40E 2											25.5	17.0					42.5
05N 40E 3															17.0		17.0
05N 40E 10	26.0														17.5		43.5
05N 40E 11					34.0	40.0					29.0	26.0					129.0
05N 40E 14						23.0	23.0			13.0							59.0
05N 40E 15	24.0			24.0									24.0			4.0	76.0

Total Acres: 367

Conditions of Approval:Remarks:

- Place of Use THE PLACE OF USE DESCRIBED ABOVE CONSISTS OF PRIMARY SERVICE LAND AND - Irrigation SUPPLEMENTAL SERVICE LAND. PRIMARY SERVICE LANDS: T05N, R40E, S10 SESE 17.5 S11 SWSW 29 SESW 26 S14 NWNW 23 SWNW 23 NWSW 13 S15 NENE 24 SENE 24 NESE 24 SESE 4 SUPPLEMENTAL SERVICE LANDS: T05N, R40E, S02 SESW 17 SWSW 25.5 S03 SESE 17 S10 NENE 26 S11 NENW 34 NWNW 40
- Explanatory AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO ESTIMATE THE AMOUNT OF WATER DIVERTED USING POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
- Quantity THE ANNUAL VOLUME ALLOWED TO BE DIVERTED UNDER THIS RIGHT SHALL NOT EXCEED 727 AF PER YEAR FOR THE PRIMARY SERVICE LANDS AND 559 AF PER YEAR WHEN COMBINED WITH RIGHT NO. 22-02223 FOR THE SUPPLEMENTAL SERVICE LANDS.

Comments:

- CFRITSCH 3/9/1999 Issuance of this license does not designate ownership of the irrigation system, or any part thereof, to any person nor does it in any way designate those who control the irrigation system.

Dates and Other Information:

Decreed Date:

State or Federal: S

Combined Use Limits:

SubCase:

SubCase Number: 22-7280A

Class: 2

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned: NICHOLAS B SPENCER

Adjudication Agent:

Basis of Claim:

Date Filed: 3/26/1999 Objection Status: Withdrawn or

Dismissed

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-7280B V1

WATER RIGHT NUMBER: 22-7280B V1

Owner Type Name and Address
 Current Owner NORMAN N OR ROBIN H RILEY
 1623 W 3400 S
 REXBURG, ID 83440
 Original Owner JAMES W & LUCILLE W HOWE

Priority Date: 06/27/1978

Basis: License

Status: Active

SourceTributary

GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/01 to 10/31 4.770 CFS

Total Diversion: 4.770 CFSLocation of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 11,Twp 05N,Rge 40E, B.M. MADISON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 40E 2							30.0		9.0	40.0	14.5	10.0					103.5
05N 40E 3				22.0			L 4									25.0	56.0
05N 40E 10				24.0												24.0	54.5
05N 40E 11							40.0	25.0	27.0	40.0	11.0	10.0					153.0

Total Acres: 367

Conditions of Approval:Remarks:

1. Quantity THE ANNUAL VOLUME ALLOWED TO BE DIVERTED UNDER THIS RIGHT SHALL NOT EXCEED 727 AF PER YEAR FOR THE PRIMARY SERVICE LANDS AND 559 AF/YEAR WHEN COMBINED WITH RIGHT NO. 22-02223 FOR THE SUPPLEMENTAL SERVICE LANDS.
2. Place of Use THE PLACE OF USE DESCRIBED ABOVE CONSISTS OF PRIMARY SERVICE LAND AND - Irrigation SUPPLEMENTAL SERVICE LAND. PRIMARY SERVICE LANDS: T05N, R40E, S10 SENE 24 NESE 24 SESE 6.5 S11 SENW 25 SWNW 40 NESW 27 NWSW 40 SWSW 11 SESW 10 SUPPLEMENTAL SERVICE LANDS: T05N, R40E, S02 LOT 4 (SWNW) 30 NESW 9 NWSW 40 SWSW 14.5 SESW 10 S03 LOT 1 (SENE) 22 NESE 25 SESE 9
3. Explanatory AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO ESTIMATE THE AMOUNT OF WATER DIVERTED USING POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.

Comments:Dates and Other Information:

Decreed Date:

State or Federal: S

Combined Use Limits:SubCase:

SubCase Number: 22-7280B

Class: 2

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned: SARA C DENISTON

Adjudication Agent:

Basis of Claim:

Date Filed: 3/26/1999 Objection Status: Withdrawn or Dismissed

Date Filed: 3/25/1999 Objection Status: Withdrawn or Dismissed

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-2223

WATER RIGHT NUMBER: 22-2223

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES W HOWE BOX 803 REXBURG, ID 83440 (208)356-9339

Priority Date: 05/25/1962

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	3.870 CFS	1,118.00 AF
	<u>Total Diversion:</u>	3.870 CFS	1,118.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 3,	Twp 05N,	Rge 40E, B.M.
MADISON County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	40E	2							37.0		7.0	40.0	40.0	25.0					149.0
													25.5	17.0					
05N	40E	3				25.0									24.0			24.0	73.0
																	17.0		
05N	40E	10	24.0																24.0
			26.0																
05N	40E	11					33.0	40.0											73.0
							34.0	40.0											

Total Acres: 319

SUPPLEMENTAL SERVICE LANDS OF 22-7280A

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Licensed Date: 7/25/1979

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 22-2223

WATER RIGHT NUMBER: 22-2223

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES W HOWE
Current Owner	NORMAN N or ROBIN H RILEY 1623 W 3400 S REXBURG, ID 83440

Priority Date: 05/25/1962

Basis: License

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15	to 10/15	3.870 CFS	

Total Diversion: 3.870 CFSLocation of Point(s) of Diversion

GROUND WATER L1 (SE1/4NE1/4) Sec. 3,Twp 05N,Rge 40E, B.M. MADISON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 40E 2							37.0		7.0	40.0	40.0	25.0					149.0
05N 40E 3				25.0									24.0			24.0	73.0
05N 40E 10	24.0																24.0
05N 40E 11					33.0	40.0											73.0

Total Acres: 319

Conditions of Approval:Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/20/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 22-7792

WATER RIGHT NUMBER: 22-7792

Owner Type Name and Address
 Current Owner CATHERINE H ROWAN
 843 THREE FOUNTAINS DR #258
 SALT LAKE CITY, UT 84107
 (801)266-4044

Priority Date: 09/04/1996

Basis:

Status: Active

SourceTributary

GROUND WATER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 4/15 to 10/15 3.000 CFS
 Total Diversion: 3.000 CFS

Location of Point(s) of Diversion

GROUND WATER SW1/4SW1/4 Sec. 11,Twp 05N,Rge 40E, B.M. MADISON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 40E 14							.3	2.0	25.0	23.0	34.0	39.0			10.0		133.3
05N 40E 15													.2			3.0	3.2
05N 40E 23		2.0			9.0	3.0											14.0

Total Acres: 150.5

Conditions of Approval:

1. 001 A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works.
2. 03A The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Remarks:

1. General Right 22-07280 and 22-07792 when combined shall not exceed a total diversion rate of 7.47 cfs

Comments:

1. CZIMMERM 12/19/1996 MORATORIUM AND TRUSTWATER REVIEW
 Comment: This right is located within the Eastern Snake River Plain Moratorium and non-trustwater area boundaries; however, its pre-1984 use is within the parameters of the moratorium and non-trust guidelines. DIVERSION DESCRIPTION Well developed under 22-07280 in 1978 by Andrew Well Drilling. Land has been irrigated every year since 1978. This filing is a result of additional acres found at time of exam on 22-07280 that were not permitted or licensed under previous rights. Primary 500 HP pump with a 350 HP booster pump.
2. VAULT 2/12/1998 Lapse Notice Sent Lapse Notice Sent
3. SCURTIS 5/1/1998 PENDING LITIGATION No further action to be taken on this file until pending litigation is resolved.

Dates and Other Information:

Permit Proof Due Date: 2/1/1998
 Permit Proof Made Date:
 Permit Approved Date: 1/30/1997
 Field Exam Date: