

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 BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 11-895
Date Received: 12/8/23
Receipt No: P0001661
Claim Fee: 3250.00 By: ms

RECEIVED

DEC 08 2023

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Preston-Montpelier Irrigation Company, Inc. Phone (208) 540-0207
Mailing address c/o Lynn C. Keetch, Secretary, 70 Camp Stewart Road, Montpelier, Idaho Zip 83254
Street or Box City State
Email address (optional) pnelson1212@yahoo.com; lrkeetch@gmail.com
2. Date of priority: (Only one per claim) April 15, 1877 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Bear River
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 14S, Range 45E, Section 8,
NW 1/4 of NW 1/4, Govt. Lot _____, BM, County of Bear Lake County
Parcel no. RP14S45E081200 (05059.00) and RP14S45E080700 (05058.01)
Additional points of diversion, if any: SENE of Section 8, T14S, R45E
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, 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.
Rock diversion dam with two screw headgates in a concrete structure. Flume downstream
approximately one mile has telemetry for measuring diversion rate.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/15 to 07/01 amount 30 or

For Irrigation purposes from 07/01 to 09/30 amount 20 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 30 (cfs) and/or (b) (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.)

9. 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	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

See Attached Supplemental Sheet

Parcel no(s) N/A

Total number of acres irrigated 4,977 Service Area/3,200 acre limit

10. In which county(ies) are lands listed above as place of use located? Bear Lake County

11. 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.

12. Describe any other water rights used at the same place and for the same purposes as described above.
11-896, 11-897, 11-898, and 11-4287 or None ()

13. Remarks (Include an explanation of the priority date selected):

Priority date is based off the the Decree dated March 7, 1924 in Preston-Montpelier Irrigation Co. v. Dingle Irrigation Co. et. al.

Property within the place of use is owned by current or future shareholders of the Company.

List of Attachments:

- IDWR Water Right Report for 11-895
- Map of current POU & POD.
- Map of Service Area.

Name of claimant(s) Preston-Montpelier Irrigation Company, Inc.

Claim ID

(Actual Irrigated Acres)

Preston-Montpelier Irrigation Company

Total Acres	4098.0
--------------------	---------------

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court Bear Lake Decree Date 3/7/1924 Plaintiff v. Defendant Preston-Montpelier Irrigation Co. v. Dingle Irrigation Co., et. al.
If applicable provide IDWR Water Right Number 11-895 al.

15. **Signature(s)**

- (a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System 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: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury 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 under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

President _____ of Preston-Montpelier Irrigation Company, Inc.
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent Paul Nelson Date 12.7.23

Printed Name of Authorized Agent Paul Nelson

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Thomas J. Budge, 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 Thomas J. Budge Date 12.7.23

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) Preston-Montpelier Irrigation Company, Inc. Claim ID _____

Close

Water Right Report : 11-895(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	PRESTON MONTPELIER IRRIGATION CO	2429 BENCH RD	MONTPELIER	ID	83254

Water Right Status

Priority Date : 4/15/1877
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
BEAR RIVER		GREAT SALT LAKE	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
BEAR RIVER	14S	45E	8	0				NW NW BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	7/01	30.00 CFS	
IRRIGATION	7/01	9/30	20.00 CFS	
TOTAL			30.00 CFS	

Places of Use

Printable View

Paged View

Irrigation Totals

Total Acres	Acre Limit

Conditions

Code Conditions

P/U SEE LEGAL DESCRIPTION IN DECREE. AC. IRR. = 3200. AGRICULTURAL RIGHT.

Dates

Licensed Date :
 Decreed Date : 3/7/1924
 Permit Proof Due Date :
 Permit Proof Made Date :
 Permit Approved Date :
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

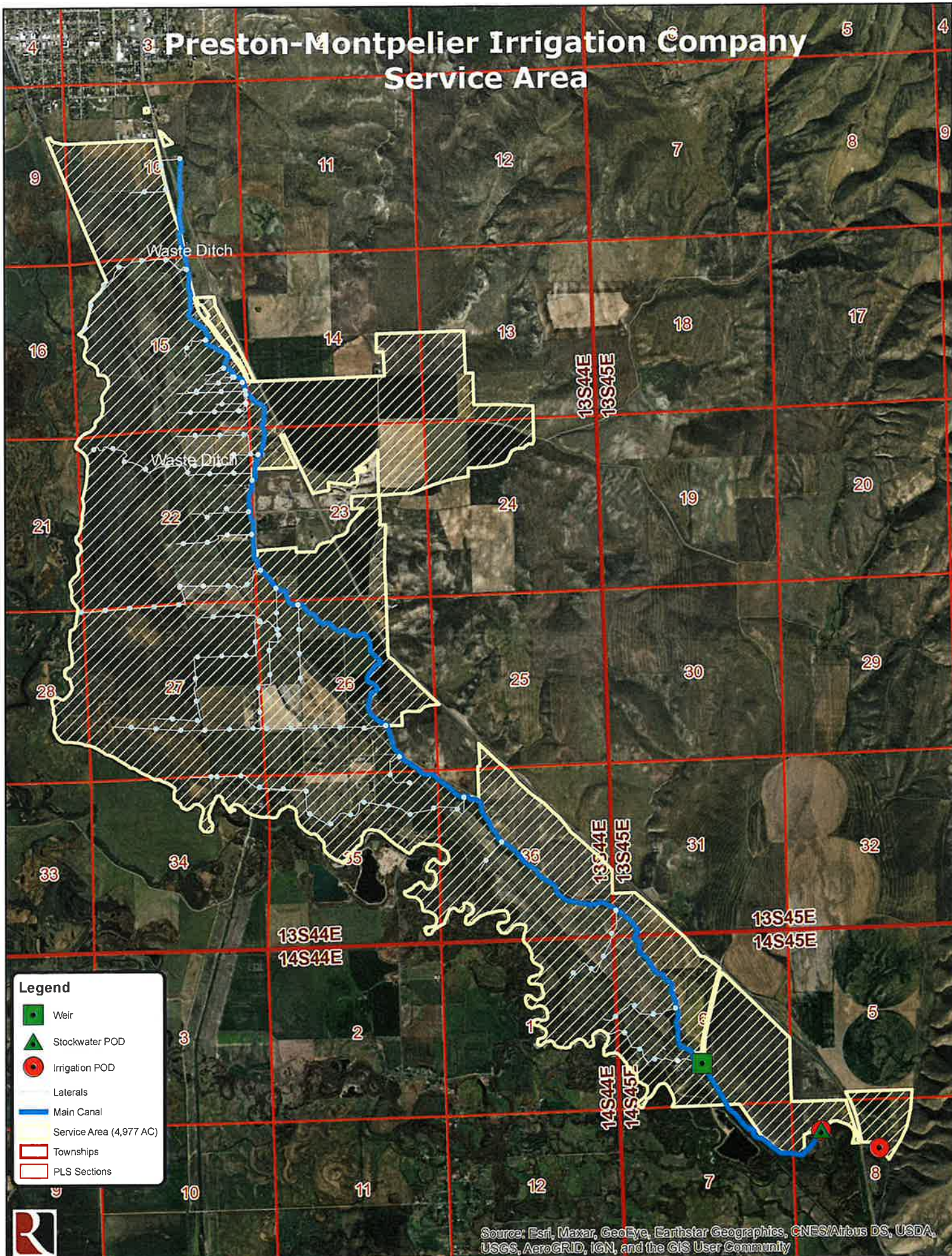
Other Information

State or Federal :
 Water District Number : 11
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 Civil Case Number :
 Decree Plaintiff :
 Decree Defendant :
 Swan Falls Trust or Nontrust :
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

3/30/2023

Preston-Montpelier Irrigation Company Service Area



Preston-Montpelier Irrigation Company Actual Irrigated Acres

- Legend**
-  Weir
 -  Stockwater POD
 -  Irrigation POD
 -  Laterals
 -  Main Canal
 -  Service Area (4,977 AC)
 -  Actual Irrigated Acres (4,098 AC)
 -  Townships
 -  PLS Sections

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

BEFORE THE
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Nos. 11-895, 11-896, 11-897, 11-898
and 11-4287 (Preston-Montpelier Irrigation
Company)

AFFIDAVIT OF LEE NELSON

State of Idaho)
) ss.
County of Bear Lake)

I, Lee Nelson, first being duly sworn upon oath, hereby deposes and says as follows:

The information contained in this affidavit is based upon my personal knowledge.

1. I am ~~67~~ years old and have lived in the Montpelier area my entire life. I am familiar with the Preston-Montpelier Irrigation Company water delivery system and the lands that are irrigated with water from the system.

2. Based upon my personal knowledge and recollection, the acres indicated on the attached map were irrigated with water from the Preston-Montpelier Irrigation Company system during 1960.

3. I have reviewed the claim for water right no. 11-4287 filed by Golden Keetch on behalf of Preston-Montpelier Irrigation Company and recall those acres being irrigated during 1960, as claimed, with the exception of any changes that I may have noted on the attached map.

DATED this 1 day of March, 2012.

By C. Lee Nelson
Lee Nelson

SUBSCRIBED AND SWORN to before me this 1 day of March,
2011.



Suzann Parrish
NOTARY PUBLIC FOR IDAHO
Residing at Georgetown, ID

BEFORE THE
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Nos. 11-895, 11-896, 11-897, 11-898
and 11-4287 (Preston-Montpelier Irrigation
Company)

AFFIDAVIT OF DAVID H. JENSEN

State of Idaho)
) ss.
County of Bear Lake)

I, David H. Jensen, first being duly sworn upon oath, hereby deposes and says as follows:

The information contained in this affidavit is based upon my personal knowledge.

1. I am 85 years old and have lived in the Montpelier area my entire life. I am familiar with the Preston-Montpelier Irrigation Company water delivery system and the lands that are irrigated with water from the system.

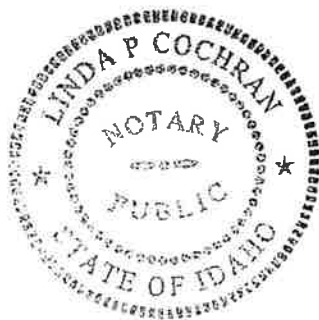
2. Based upon my personal knowledge and recollection, the acres indicated on the attached map were irrigated with water from the Preston-Montpelier Irrigation Company system during 1960. I specifically recall that this irrigation occurred before the new highway was constructed in or about 1963.

3. I have reviewed the claim for water right no. 11-4287 filed by Golden Keetch on behalf of Preston-Montpelier Irrigation Company and recall those acres being irrigated during 1960, as claimed, with the exception of any changes that I may have noted on the attached map.

DATED this 18 day of April, 2011.

By David H. Jensen
David H. Jensen

2011. SUBSCRIBED AND SWORN to before me this 18th day of April,



Linda P. Cochran
NOTARY PUBLIC FOR IDAHO
Residing at 436 Jefferson Montpelier
My Commission Expires 6-01-2014

BEFORE THE
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Nos. 11-895, 11-896, 11-897, 11-898
and 11-4287 (Preston-Montpelier Irrigation
Company)

AFFIDAVIT OF KEENE RIGBY

State of Idaho)
) ss.
County of Bear Lake)

I, Keene Rigby, first being duly sworn upon oath, hereby deposes and says as follows:

The information contained in this affidavit is based upon my personal knowledge.

1. I am 63 years old and have lived in the Montpelier area my entire life. I am familiar with the Preston-Montpelier Irrigation Company water delivery system and the lands that are irrigated with water from the system.

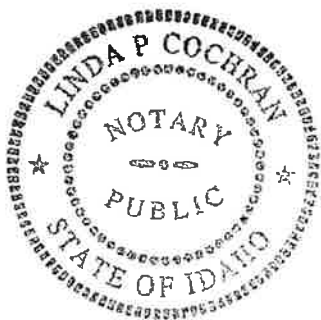
2. Based upon my personal knowledge and recollection, the acres indicated on the attached map were irrigated with water from the Preston-Montpelier Irrigation Company system during 1960.

3. I have reviewed the claim for water right no. 11-4287 filed by Golden Keetch on behalf of Preston-Montpelier Irrigation Company and recall those acres being irrigated during 1960, as claimed, with the exception of any changes that I may have noted on the attached map.

DATED this 21 day of FEBRUARY, 2012.

By Keene Rigby
Keene Rigby

2012.
SUBSCRIBED AND SWORN to before me this 21 day of February,



Linda Cochran
NOTARY PUBLIC FOR IDAHO
Residing at Montpelier Idaho

4 AMCH

BEFORE THE
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Nos. 11-895, 11-896, 11-897, 11-898
and 11-4287 (Preston-Montpelier Irrigation
Company)

AFFIDAVIT OF PAUL NELSON

State of Idaho)
) ss.
County of Bear Lake)

I, Paul Nelson, first being duly sworn upon oath, hereby deposes and says as follows:

The information contained in this affidavit is based upon my personal knowledge.

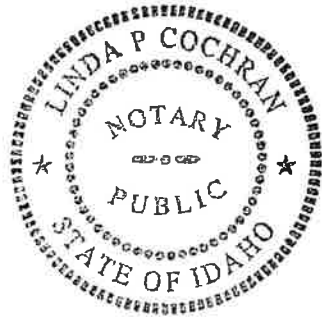
1. I am 50 years old and have lived in the Montpelier area my entire life. I am familiar with the Preston-Montpelier Irrigation Company water delivery system and the lands that are irrigated with water from the system.

2. Based upon my personal knowledge, the acres indicated on the attached map are currently irrigated with water from the Preston-Montpelier Irrigation Company system.

DATED this 18 day of April, 2011.

By Paul Nelson
Paul Nelson

SUBSCRIBED AND SWORN to before me this 18th day of April,
2011.



Linda P Cochran
NOTARY PUBLIC FOR IDAHO
Residing at Montpelier
My Commission Expires 6-01-2016



RECEIVED

DEC 08 2023

IDWR/Preston

December 7, 2023

Idaho Dept. of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

Sent via Email & U.S. Mail

**Re: Preston-Montpelier Irrigation Company
Notices of Claims to Water Rights
Bear River Basin Adjudication**

To whom it may concern:

Enclosed for filing please find the originals of six Notices of Claims to Water Rights filed on behalf of Preston-Montpelier Irrigation Company, together with a check in the amount of \$5,848.00 for the filing fees, broken down as follows:

Claim 11-895: \$50 flat fee + \$1.00 per acre x 3,200 acres (irrigation) = \$3,250.00

Claim 11-896: \$50 flat fee (irrigation of same irrigated acres) = \$50.00

Claim 11-897: \$50 flat fee (irrigation of same irrigated acres) = \$50.00

Claim 11-898: \$50 flat fee (irrigation of same irrigated acres) = \$50.00

Claim 11-4287: \$50 flat fee + \$1.00 per acre x 898 acres (irrigation) = \$948.00

Claim 11-7484: \$50 flat fee + \$100 per cfs x 15 cfs (stockwater) = \$1,500.00

Total: \$5,848.00

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink that reads 'Tessa Sparrow'.

TESSA SPARROW
Paralegal

Enclosure

c: Preston-Montpelier Irrigation Company