

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

RECEIVED

DEC 08 2023

CIVIL CASE NUMBER: 79576

Claim ID: 11-4287

Date Received: 12/8/23

Receipt No: 2000661

Claim Fee: 948.00 By: MB

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) lrkeetch@gmail.com
2. Date of priority: (Only one per claim) June 1, 1960 (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 9/30 amount 20.21 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 20.21 (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	

Parcel no(s). N/A

Total number of acres irrigated 4,977 Service Area/ 898 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.
11-895, 11-896, 11-897, and 11-898 or None ()

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

Priority date is based off historical use. In the late 1950s, several stockholders installed pumps to enable them to irrigate additional land. by 1960, 1,161 additional acres were under irrigation. Currently, Claimant serves a total of 4,098 acres. 3,200 acres are covered under decreed rights. This claim covers the additional 898 acres.

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

List of Attachments:

1. IDWR Water Right Report for 11-4287.
2. IDWR Map for 11-4287.
3. Map of current POU & POD.
4. Map of service area.
- 5-8. Affidavits of Lee Nelson, David H. Jensen, Keene Rigby, and Paul Nelson

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

Claim ID _____

(Actual Irrigated Acres)

Preston-Montpelier Irrigation Company

Total Acres	4098.0
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14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-4287

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: 8

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

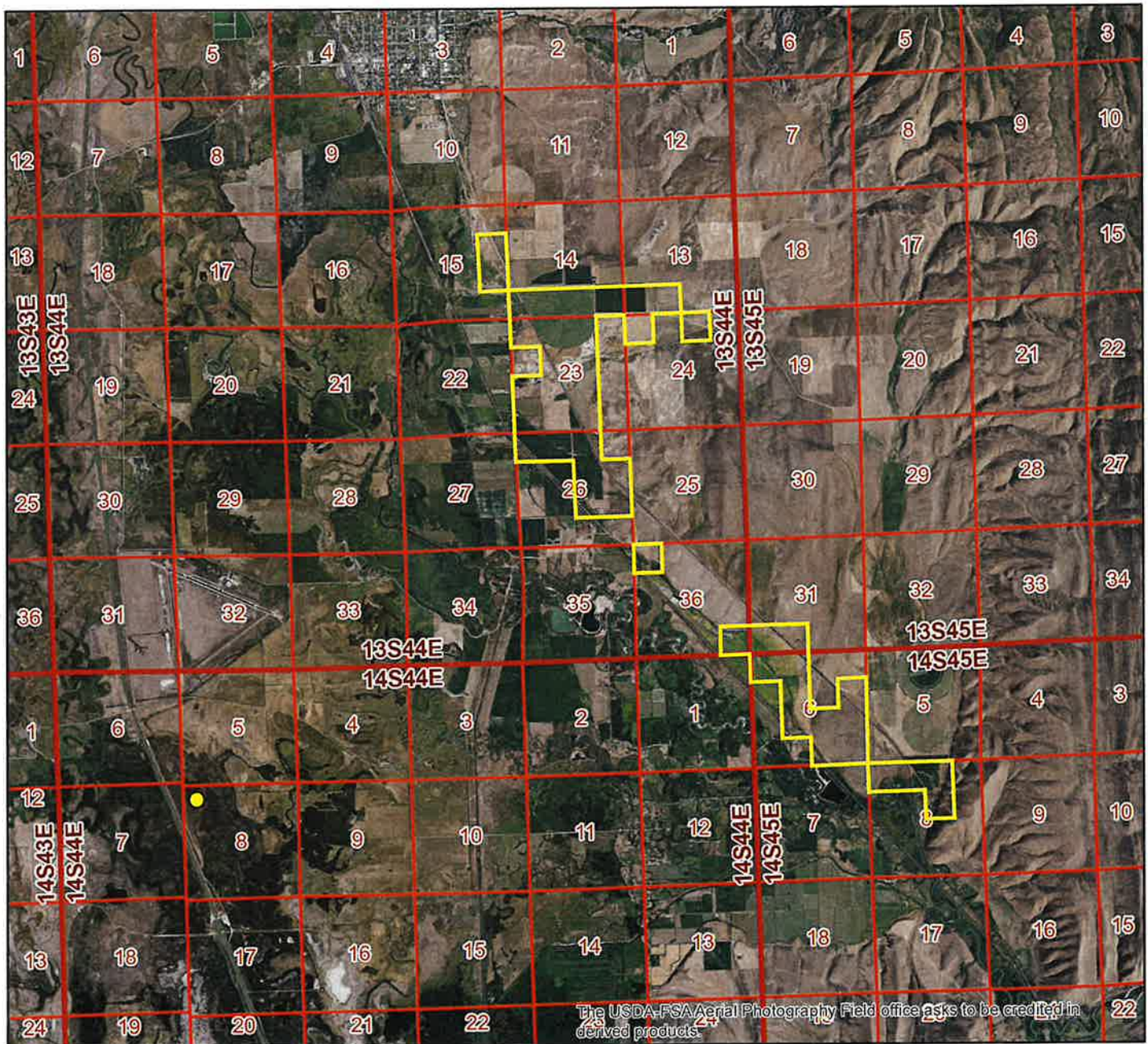
Name of claimant(s) Preston-Montpelier Irrigation Company, Inc. Claim ID _____

State of Idaho
Department of Water Resources
Water Right

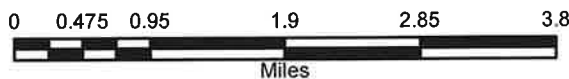
11-4287

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 3/30/2023



Legend

- Point of Diversion
- Place of Use Boundary
- Townships
- PLS Sections



Preston-Montpelier Irrigation Company

Close

Water Right Report : 11-4287(Statutory Claim/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 : 6/1/1960
 Basis : Statutory Claim
 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	44E	8	0				NW NW BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/15	9/30	20.21 CFS	
TOTAL			20.21 CFS	

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (BEAR LAKE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
13S	44E	13		SW	SW	40	
13S	44E	13		SE	SW	22	
13S	44E	14		SW	SW	26	
13S	44E	14		SE	SW	40	
13S	44E	14		SW	SE	40	
13S	44E	14		SE	SE	40	
13S	44E	15		SE	NE	13	
13S	44E	15		NE	SE	15	
13S	44E	23		NW	NE	11	
13S	44E	23		SW	NE	11	
13S	44E	23		NE	NW	40	
13S	44E	23		NW	NW	40	
13S	44E	23		SE	NW	40	
13S	44E	23		NE	SW	5	
13S	44E	23		NW	SW	3	
13S	44E	23		SW	SW	26	
13S	44E	23		SE	SW	40	
13S	44E	23		NW	SE	31	
13S	44E	23		SW	SE	35	
13S	44E	24		NW	NE	12	
13S	44E	24		NW	NW	40	
13S	44E	26		NW	NE	37	
13S	44E	26		SW	NE	13	
13S	44E	26		SE	NE	7	
13S	44E	26		NE	NW	19	

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
13S	44E	26			NW	NW	2
13S	44E	26			NE	SE	23
13S	44E	26			NW	SE	10
13S	44E	36			NW	NW	14
13S	44E	36			SE	SE	2
13S	45E	31			SW	SW	19
13S	45E	31			SE	SW	7
14S	45E	6			SE	NE	40
14S	45E	6			NE	NW	29
14S	45E	6			NW	NW	11
14S	45E	6			SE	NW	18
14S	45E	6			NE	SW	20
14S	45E	6			NE	SE	40
14S	45E	6			NW	SE	40
14S	45E	6			SW	SE	40
14S	45E	6			SE	SE	40
14S	45E	8			NW	NE	40
14S	45E	8			SW	NE	40
14S	45E	8			NE	NW	40
14S	45E	8			NW	NW	40

Irrigation Totals

Total Acres Acre Limit

1161.00

Conditions**Code Conditions**

CLAIM C/O GOLDEN B. KEETCH

Dates

Licensed Date :

Decreed Date :

Permit Proof Due Date :

Permit Proof Made Date :

Permit Approved Date :

Permit Moratorium Expiration Date :

Enlargment 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 :

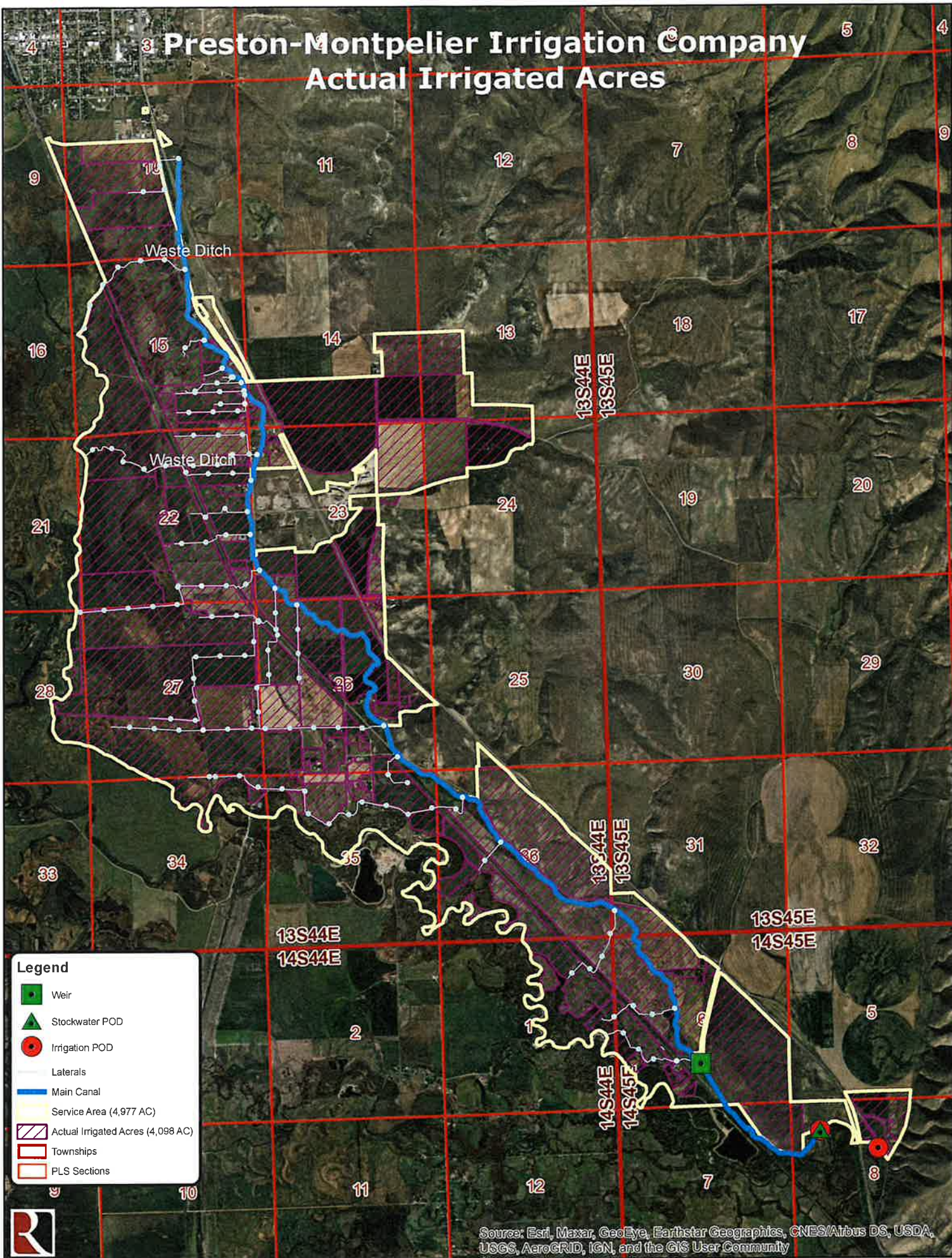
Cary Act Number :

Mitigation Plan: False

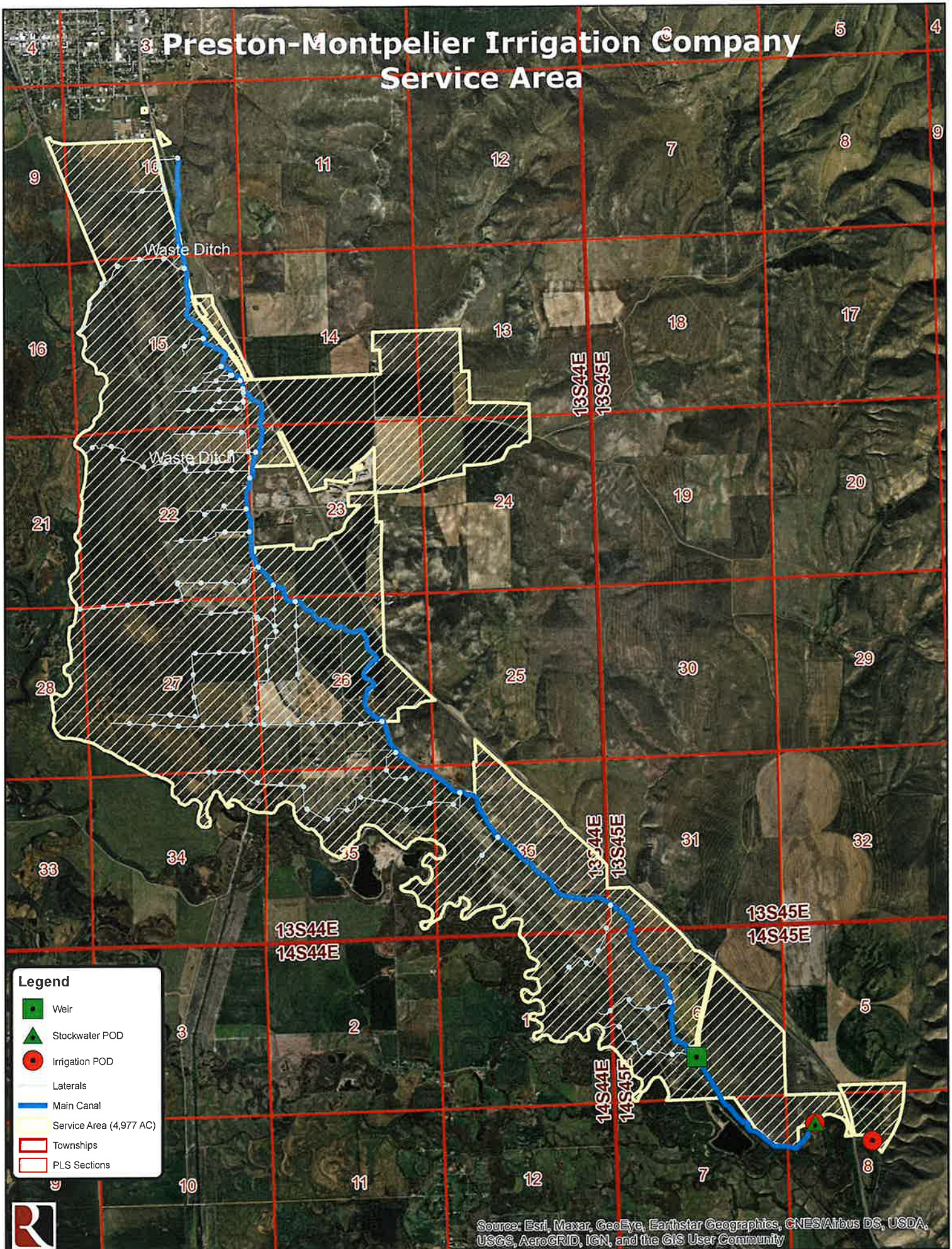
IDAHO DEPARTMENT OF WATER RESOURCES

3/30/2023

Preston-Montpelier Irrigation CompanyActual Irrigated Acres



Preston-Montpelier Irrigation Company Service Area



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 ~~65~~ 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.

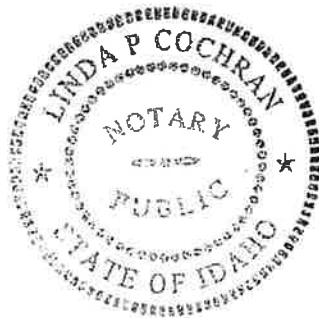
2. Based upon my personal knowledge and recollection, the acres indicated on the attached map were irrigated with water from the Preston-Montpelier Irrigation Company system during 1960. I specifically recall that this irrigation occurred before the new highway was constructed in or about 1963.

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.

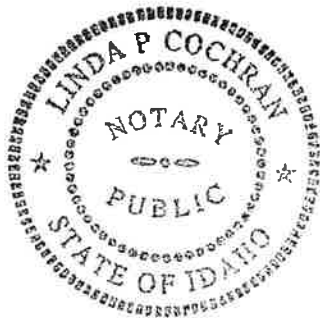
2. Based upon my personal knowledge and recollection, the acres indicated on the attached map were irrigated with water from the Preston-Montpelier Irrigation Company system during 1960.

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 AMM

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.

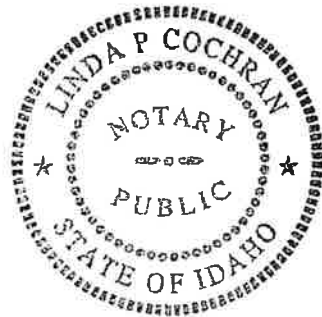
1. I am 50 years old and have lived in the Montpelier area my entire life. I am familiar with the Preston-Montpelier Irrigation Company water delivery system and the lands that are irrigated with water from the system.

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

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



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