

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: A22-02256A  
Date Received: 7/11/1988  
Receipt No: E000693  
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ARDEN STEWART  
Address: P.O. BOX 127  
TETON, ID

83451

2. Date of Priority: AUG 12, 1965

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06N      | 41E   | 16      | SW     | NW     |     |     | MADISON |

5. Description of diverting works:  
WELL/100 H.P. PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.300  |      | 127.10 |

7. Total Quantity Appropriated is:  
0.300 C.F.S. (and/or) 127.10 A.F.A.

8. Total consumptive use is 74.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 06N           | 41E   | 16      | NW     | NE  |     | IRR | 37.0  |
| Section Acres |       |         |        |     |     |     | 37.0  |

A22-02256A

Page 1

Date: 07/11/88

A2202256A



MICROFILMED

OCT 29 1992

10. Place of Use: Continued

Total Acres 37.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:  
A22-07303

14. Remarks:  
TRANS. 2345.

15. Basis of Claim: LICENSE  
Water Right Number: 32479

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

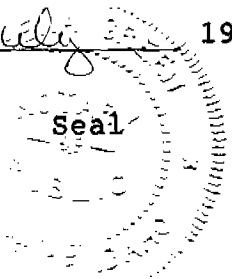
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Arden Stewart Date: July 11, 1988  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonnerville ) SS.

Subscribed and sworn (or affirmed) before me this 11<sup>th</sup> day  
of July 19 88

Deena Lisen  
Notary Public



Residing at Ridley  
My Commission Expires 4-22-1994

RECEIVED  
OCT 29 1992

41E.

MOODY ORTHOPHOTOQUAD  
IDAHO

43-222707

44S 40' 447 448 640 000 FEET 111° 37' 30" 43° 52' 30"



Log for claim 22-02256A

Spatial Dynamics LTD

8/8/01

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|---------|-----|------|------------------|----------------|---------|
| 06n41e  | 16  | NWNE | 37               | 37             |         |
| Totals: |     |      | 37               | 37             |         |

| TRANSFER NO. | NAME                            | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO. |
|--------------|---------------------------------|------------------|-------------------|--------------|
|              | <del>Staker, Donald &amp;</del> |                  |                   |              |
|              | <del>Walters, Warren</del>      | 5.8              |                   | 22-2256      |
| 2345         | Stewart, Arden                  | 0.3              |                   | 22-2256 A    |
|              | <del>Staker, Donald &amp;</del> |                  |                   |              |
|              | <del>Walters, Warren</del>      | 5.5              |                   | 22-2256 B    |
| 2749         | Parkinson Farms Inc.            | 2.37             |                   | 22-2256 D    |
|              | Staker, Donald &                | 3.13             |                   | 22-2256 C    |
|              | Walters, Warren                 |                  |                   |              |

TELETYPE R

A N

S

F

E

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32479/22-2256 Priority August 12, 1965 Amount 5.80 cfs

THIS IS TO CERTIFY, that Donald Staker & Warren Walters  
of Newdale, Idaho, have, ~~xxx~~ complied with the terms and conditions of Permit  
No. 32479/22-2256 issued pursuant to Application for Permit dated August 12, 1965,  
and has submitted proof to the Department of Water Administration on July 17, 1970,  
that he has applied water to a beneficial use; an examination by the Department indicates that the  
works have a capacity of 5.80 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from a ground water source  
tributary of \_\_\_\_\_, is hereby confirmed in the following amounts:

Amount 5.80 cfs for Irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)

Subject, however, to the condition that no more than 5.80 cfs of water be diverted at  
any one time, said waters to be diverted within the \_\_\_\_\_

SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 16, Twp. 6 N, Rge. 41 E, B.M.

in the county of Madison; and that the amount of water so diverted and to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 2,457.5 acre feet per year or \_\_\_\_\_  
3.5 acre feet per acre.

Description and location of place of use:

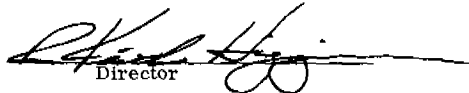
| TWP. | RANGE | SEC. | NE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | NW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SW <sup>1</sup> / <sub>4</sub> |                                |                                |                                | SE <sup>1</sup> / <sub>4</sub> |                                |                                |                                | TOTALS |
|------|-------|------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|--------|
|      |       |      | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> | NE <sup>1</sup> / <sub>4</sub> | NW <sup>1</sup> / <sub>4</sub> | SW <sup>1</sup> / <sub>4</sub> | SE <sup>1</sup> / <sub>4</sub> |        |
| 6 N  | 41 E  | 15   |                                |                                |                                |                                |                                |                                |                                |                                | 40                             | 39                             | 39                             | 40                             |                                |                                |                                |                                | 158    |
|      |       | 16   | 37                             | 37                             |                                | 39                             |                                |                                |                                |                                |                                |                                |                                |                                |                                |                                | 40                             | 38                             | 191    |
|      |       | 22   |                                |                                |                                |                                |                                |                                | 39                             | 40                             | 40                             | 39                             | 39                             | 40                             |                                |                                |                                |                                | 237    |
|      |       | 27   |                                |                                |                                |                                | 40                             | 39                             | 30                             | 30                             |                                |                                |                                |                                |                                |                                |                                |                                | 139    |

Total number of acres irrigated 725

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands  
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 28 day of

December, 19 73

  
Director

22 2256

STATE OF IDAHO  
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

DEC 13 1973  
Department of Water Administration

Permit No. 32479/22-2256

Comes now Donald Staker & Warren Walters of (address) \_\_\_\_\_  
Newdale, Idaho, and represents to the Director of  
the Idaho Department of Water Administration:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State  
of Idaho No. 32479/22-2256, and requests that the permit and permit map be changed as  
follows:

NO CHANGE

1. Point of diversion: \_\_\_\_\_  $\frac{1}{4}$  \_\_\_\_\_  $\frac{1}{4}$ , Sec. \_\_\_\_\_ Twp. \_\_\_\_\_  
Rge. \_\_\_\_\_, B. M., County of \_\_\_\_\_. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)  
NO CHANGE  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

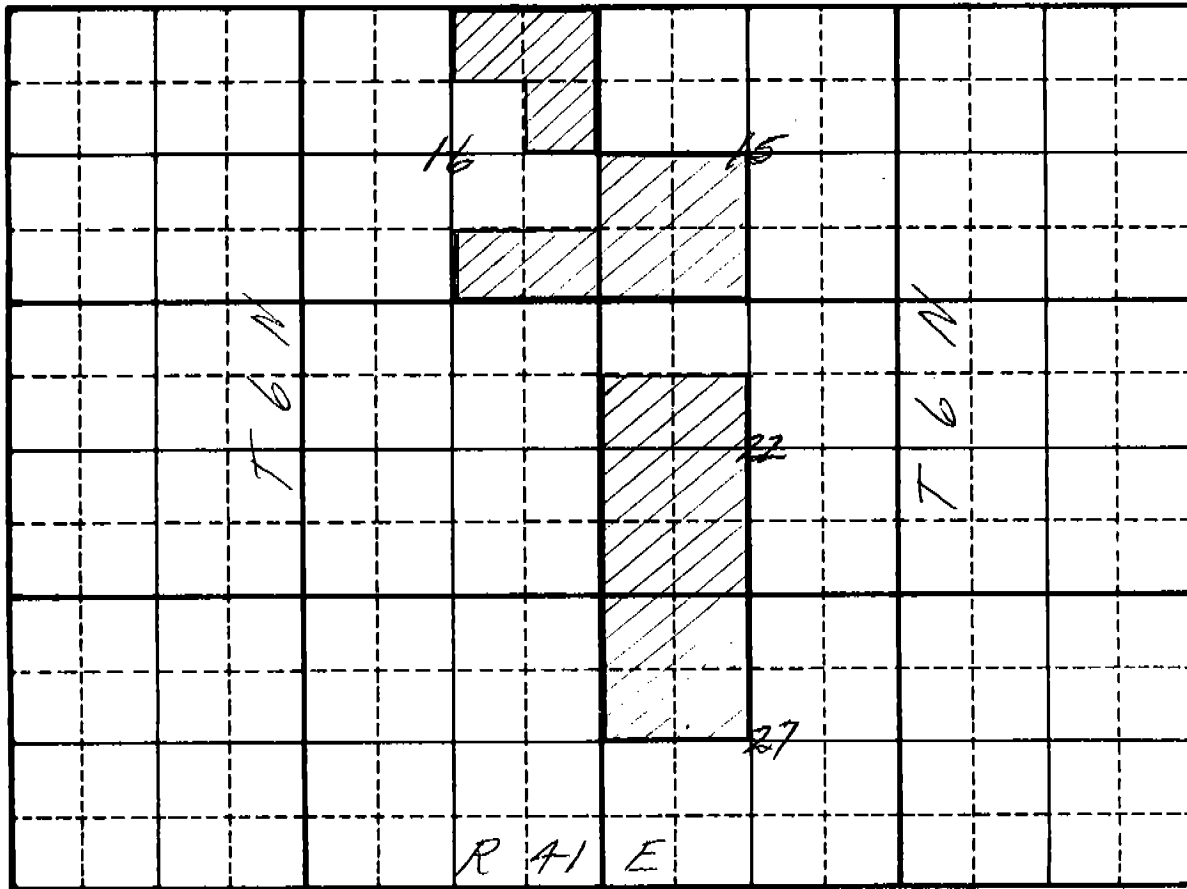
| TWP | RANGE | SEC | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|-----|-------|-----|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|     |       |     | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 6 N | 41 E  | 15  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 39               | 39               | 40               |                  |                  |                  |                  | 158    |
|     |       | 16  | 37               | 37               |                  | 39               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 38               | 191    |
|     |       | 22  |                  |                  |                  |                  |                  |                  | 39               | 40               | 40               | 39               | 39               | 40               |                  |                  |                  |                  | 237    |
|     |       | 27  |                  |                  |                  |                  | 40               | 39               | 30               | 30               |                  |                  |                  |                  |                  |                  |                  |                  | 139    |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|     |       |     |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated

725

R 41 E

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Newdale, Idaho, this 5<sup>th</sup> day of December, 1973.

Warren Walter  
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration,  
hereby approve the above application for amendment for Permit No. 32479/22-2256.

Witness my hand this 28 day of December, 19 73.

R. Keith Higginson  
Director

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

**APPROVED**

Name of applicant Arden Stewart Phone 458-4310Post office address Box 127, Teton, Idaho 83451**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

a. Decree to \_\_\_\_\_  
(Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)

b. License No. 22-2256 issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant purchased property from State of Idaho

3. Source of water groundwater tributary to \_\_\_\_\_4. Date of priority August 12, 1965**5. Water is used for the following purposes:**

amount 5.80 cfs for irrigation purposes from 4/1 to 11/1  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 5.80 cubic feet per second  
&/or  
b. 2,457.5 acre feet per annum

7. Location of original point of diversion is SE 1/4 of SE 1/4 of Section 16  
Township 6N Range 41E, B.M., in Madison County  
Additional points of diversion, if any \_\_\_\_\_

**8. Lands irrigated or place of use:**

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 6N   | 41E   | 15   |        |        |        |        |        |        |        |        | 40     | 39     | 39     | 40     |        |        |        |        | 158    |
|      |       | 16   | 37     | 37     |        | 39     |        |        |        |        |        |        |        |        |        |        | 40     | 38     | 191    |
|      |       | 22   |        |        |        |        |        |        | 39     | 40     | 40     | 39     | 39     | 40     |        |        |        |        | 237    |
|      |       | 27   |        |        |        |        | 40     | 39     | 30     | 30     |        |        |        |        |        |        |        |        | 139    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated \_\_\_\_\_

**RECORDED**

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 0.30 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
2. Point of diversion SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 16 Township 6N  
Range 41E, B.M., Madison County  
Additional points \_\_\_\_\_

3. Place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 6N   | 41E   | 16   |                  | 37               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 37     |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
  - a. Amount of water to be diverted 0.30 c.f.s. &/or \_\_\_\_\_ acre feet
  - b. Point(s) of diversion SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 16 Township 6N  
Range 41E, B.M., Madison County  
Additional points \_\_\_\_\_
  - c. Description of diverting works well with 100 Hp. pump, wheel lines, and hand lines
  - d. Describe the reasons for applying for a change in the point(s) of diversion Applicant wishes to irrigate land from his own well under License No. 22-2215.

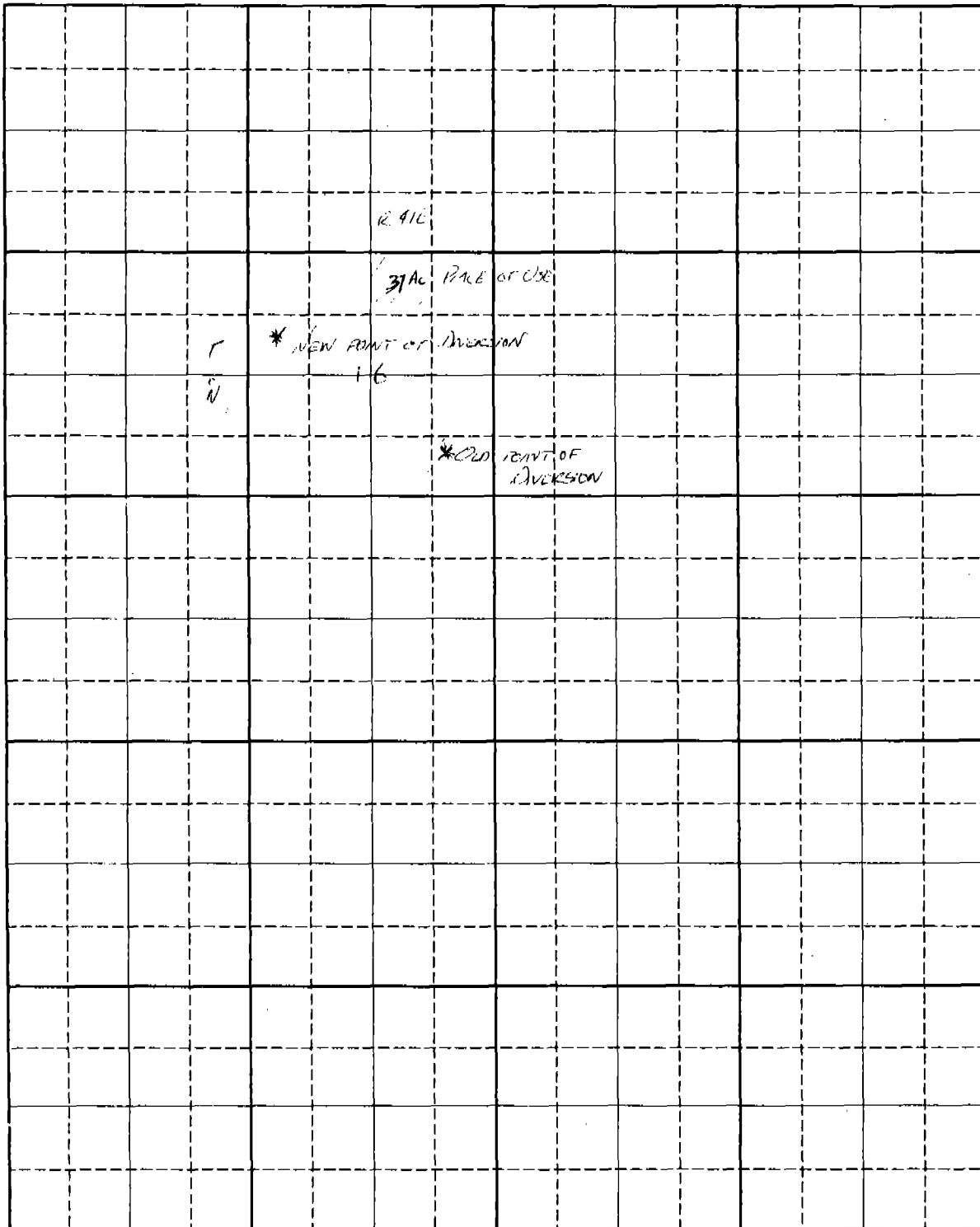
2. Change in place of use NO CHANGE

- a. Describe the lands or place of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated \_\_\_\_\_

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such change and 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.

Subscribed and sworn to before me this 15th day of June, 1977.  
Arden Stewart  
(Signature of applicant)

My commission expires Life  
Lay W. Lighty  
(Notary public)  
Keensburg, Idaho

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-2256  
and said application is hereby Approved, subject to the following limitations and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness my hand this 11th day of October, 1979.

Norman C. Young  
NORMAN C. YOUNG  
Administrator, Resources Admin. Div.

#### FOR DEPARTMENT USE ONLY

|                                                    |                                 |                                               |
|----------------------------------------------------|---------------------------------|-----------------------------------------------|
| Received by <u>dh</u>                              | Date <u>8-28-79</u>             | Protest filed by _____                        |
| <u>dh</u>                                          | <u>6-25-79</u>                  |                                               |
| Prelim. check by <u>S.M.</u>                       | Fee <u>\$35.00</u> <u>92-72</u> |                                               |
| Received by <u>dh</u>                              | Date <u>8-28-79</u> #13684      |                                               |
| Published in <u>Standard Journal</u>               |                                 | Copies of protest forwarded by _____          |
| Pub. dates <u>Sept. 9 &amp; 13, 1979</u>           |                                 | Hearing held by _____ Date _____              |
| Watermaster recommendation requested on <u>N/A</u> |                                 | Recommended for <u>approval</u> <u>denial</u> |
| _____ rec'd. _____                                 |                                 | by <u>EMC</u> <u>Jim</u>                      |

Transfer No. 2749  
Water Right No. 22 2256 B

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**APPLICATION FOR TRANSFER OF WATER RIGHT**  
To Change the Point of Diversion and/or the Place of Use

**APPROVED**

Name of applicant Parkinson Farms, Inc. Phone 356-3746  
Post Office address 132 Webster Avenue, Rexburg, Idaho 83440

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right evidenced by:

a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_ (Name)  
in case of \_\_\_\_\_ vs \_\_\_\_\_  
dated in \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_  
(Name of court)

b. License No. 22-2256 B issued by the Idaho Department of Water Resources

c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant \_\_\_\_\_  
Claimant was leasing land from Parkinson Farms

3. Source of water Groundwater tributary to \_\_\_\_\_

4. Date of priority August 12, 1965

## 5. Water is used for the following purposes:

amount 5.5 cfs for irrigation purposes from April 1 to Nov 1  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(month/day — both dates inclusive)

6. Total amount of water under right: a. 5.5 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum

7. Location of original point of diversion is SE  $\frac{1}{4}$  of SE  $\frac{1}{4}$  of Section 16  
Township 6 N Range 41 E, B.M., in Madison County  
Additional points of diversion, if any \_\_\_\_\_

## 8. Lands irrigated or place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 6N   | 41 E  | 15   |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 39               | 39               | 40               |                  |                  |                  |                  | 158    |
|      |       | 16   | 37               |                  |                  | 39               |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 38               |                  | 154    |
|      |       | 22   |                  |                  |                  |                  |                  | 39               | 40               | 40               | 39               | 39               | 40               |                  |                  |                  |                  |                  | 237    |
|      |       | 27   |                  |                  |                  |                  | 40               | 39               | 30               | 30               |                  |                  |                  |                  |                  |                  |                  |                  | 139    |

Total number of acres to be irrigated 688

9. Describe any other water rights used for the same purpose as described above None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D. REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 2.37 cubic feet per second  
&/or  
b. \_\_\_\_\_ acre feet per annum
- ✓ Point of diversion SE  $\frac{1}{4}$  SE  $\frac{1}{4}$ , Section 16 Township 6N  
Range 41 E, B.M., Madison County
- Additional points \_\_\_\_\_

3. Place of use:

| TWP. | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|      |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 6N   | 41 E  | 22   |                  |                  |                  |                  |                  |                  |                  |                  | 40               | 39               | 39               | 40               |                  |                  |                  |                  | 158    |
|      |       | 27   |                  |                  |                  |                  | 40               | 39               | 30               | 30               |                  |                  |                  |                  |                  |                  |                  |                  | 139    |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|      |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 297

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 2.37 c.f.s. &/or \_\_\_\_\_ acre feet
- b. Description of diverting works well, pump to mainline with lateral lines
- c. Describe the reasons for the proposed changes change in point of diversion to  
land owned by applicant

2. Change in point of diversion

Point of diversion SE  $\frac{1}{4}$  SW  $\frac{1}{4}$ , Section 22 Township 6N  
Range 41 E, B.M., Madison County

Additional points \_\_\_\_\_

3. Change in place of use No change

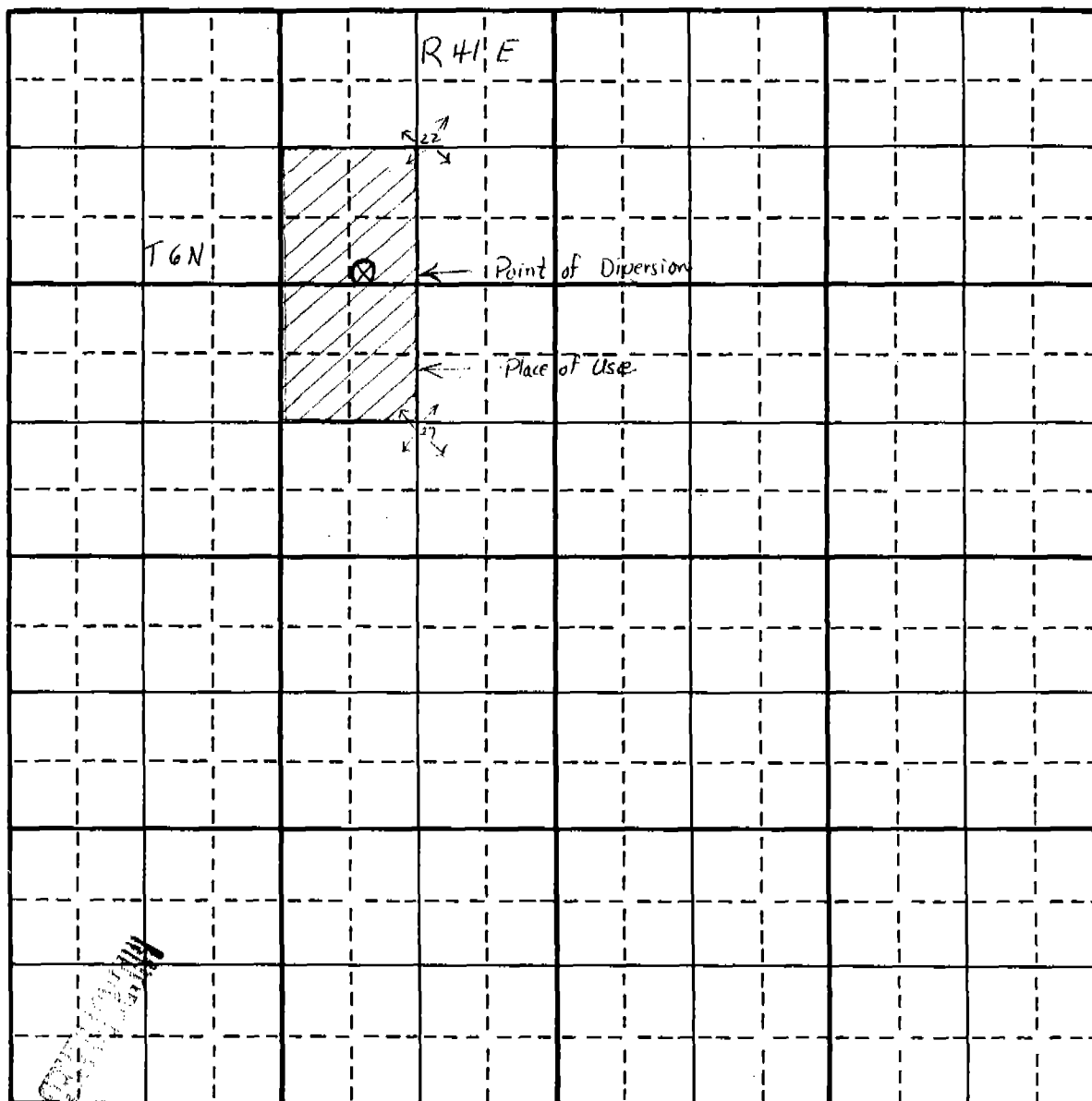
- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes \_\_\_\_\_ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

c. Describe the lands or purpose of use to which the right will be transferred:

| TWP. | RANGE | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTALS |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated \_\_\_\_\_

4. Describe any other water rights used for the same purpose as described above. None
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

Deed is <sup>in</sup> name of Ross Parkinson. Since that time, a gift deed,  
dated 1-1-64, to descendants of Ross Parkinson. They are  
doing business as Parkinson Farms, Inc.

I hereby 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 willfull misrepresentations made in this application may result in voiding its approval.

Parkinson Farms, Inc.  
Nazel P. Cummings, Sec.  
(Signature of Applicant)

Subscribed and sworn to before me this 6<sup>th</sup> day of October, 19 82.

Thyllis Anna Edwards  
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-2256D  
and said application is hereby APPROVED, subject to the following limitations and conditions:

Witness my hand this 10<sup>th</sup> day of March, 19 83

A. Glen Saxton  
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CAI Date 10-08-82 Protest filed by \_\_\_\_\_  
Prelim. check by HWT Fee \$50.00 \_\_\_\_\_  
Received by BP Date 10-18-82 #32539 \_\_\_\_\_  
Published in Standard Journal \_\_\_\_\_  
Pub. date 10/22 & 11/4/82 \_\_\_\_\_  
Copies of protest forwarded by \_\_\_\_\_  
Hearing held by \_\_\_\_\_ Date \_\_\_\_\_  
Watermaster recommendation requested on \_\_\_\_\_  
Recommended for approval denial \_\_\_\_\_  
by ECJ SW DW \_\_\_\_\_  
rec'd. \_\_\_\_\_

June 11

# APPLICATION FOR PERMIT

## To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40633  
Permit No. G- 32479  
District No.

1. Name of Applicant: **Donald Staker and Warren Walters**  
Postoffice address: **Newdale** County: **Fremont** State: **Idaho**
2. Quantity of water claimed: **6 2/3 cu. ft. per sec. (3000 gal per min.)**
  - (a) Rate of withdrawal in cubic feet per second or Idaho  
Miners' inches or gallons per minute
  - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: **Subterranean**
4. Location of point of diversion or well is in the **SE 1/4** of the **SE 1/4** of Section **16**  
Twp. **6 N.**, Rge. **41 E.**, B.M., County of **Madison**
5. Water is to be used for: **Irrigation**
6. If for municipal, industrial or recreational purposes, give:
  - (a) Point of use of water is in the **1/4** of the **1/4** of Section **16**, Twp. **6 N.**, Rge. **41 E.**, B.M.
  - (b) Waste water or sewage effluent is to be returned to  
at a point in the **1/4** of the **1/4** of Section **16**, Twp. **6 N.**, Rge. **41 E.**, B.M.
7. Kind of works: **Drilled well, 390 ft. cased, pump & motor**
8. Estimated cost of works: **\$27,000.00**
9. (a) Is reservoir to be used?  
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is **five** years.
11. If applicant is a corporation, give:
  - I. (a) Date and place of incorporation:  
(b) Amount of capital stock: \$ (c) Amount paid in: \$  
(d) Names and addresses of directors:
  - II. The financial resources of the applicant are (a) Cash onhand: \$  
(b) Treasury stock: (c) Bonds to be issued:  
(d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
  - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
  - (b) **6 2/3** (cubic feet per second, inches or gallons per minute) for new lands.

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Warren Walters

Applicant.

s/ Donald Staker

~~XXXX~~

Date of first receipt at Department of Reclamation: 9:00 A.M. August 12, 1965

Returned to applicant for correction:

Corrected application received:

### Approval of State Reclamation Engineer

The number of this permit is G-- 32479

Recorded in Book 113

Page 32479

Approved

August 13, 1965

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before February 13, 1968

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before August 13, 1970

Witness my hand this 13th

day of August, 1965

s/ CARL E. TAPPAN

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th day of August, 1965.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

By s/ ROBERT E. SMYLLIE

Governor

Secretary of State.

12.

| Twp. | Range | Sec. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|------|-------|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|      |       |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 6 N  | 41 E  | 15   |        |        |        |        |        |        |        |        | 35     | 35     | 40     | 40     | 37     | 37     | 37     | 37     | 298    |
|      |       | 16   | 35     | 35     | 35     | 40     |        |        |        |        |        |        |        |        |        |        | 40     | 40     | 225    |
|      |       | 21   | 40     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 40     |
|      |       | 22   | 37     | 37     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     | 40     |        |        |        |        | 474    |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        | TOTAL  |        |        |        | 1037   |

LICENSE ISSUED FOR 218 SEC. FT.  
LICENSE PAGE NO.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO  
REPORT OF EXAMINER

Permit No. G-32479/22-2256

This proof is for Beneficial Use In Water District No. \_\_\_\_\_

1. Name of applicant DONALD STAKER AND WARREN WALTERS, Newdale, Idaho

2. Source of water supply: ground water

3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16

T. 6 N R. 41 E County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: \_\_\_\_\_

16" pump 300 HP main and 150 HP booster 16" well casing 725' deep well

390' casing

GE 300 Hp Motor Ser# DAJ407003 Bstr Mtr US Motors 150 HP

Peerless Pump Ser# 208539 Ser# 1380711

Bstr Pump Ser# K22K1026541

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Proof: Section 15, T. 6 N., R. 41 E., SW $\frac{1}{4}$  160 acres

Section 16, T. 6 N., R. 41 E., NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  200

Section 22, T. 6 N., R. 41 E., W $\frac{1}{2}$  120

27 " " NW $\frac{1}{4}$  60 TOTAL

Permit: Section 15, T. 6 N., R. 41 E., (SW $\frac{1}{4}$ ) 158 acres

Section 16, T. 6 N., R. 41 E., NE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$  225

Section 21, T. 6 N., R. 41 E., NE $\frac{1}{4}$ NE $\frac{1}{4}$  40

Section 22, T. 6 N., R. 41 E., NE $\frac{1}{4}$ , SW $\frac{1}{4}$  474

(Submit map on attached plat, showing location and details of above description.) 1037 TOTAL

8. What large stream would the water here appropriated finally reach? \_\_\_\_\_

Remarks: Land List:

Sec 15 T6N R41E SW $\frac{1}{4}$  158 Ac.

Sec 16 T6N R41E NE $\frac{1}{4}$ NE $\frac{1}{4}$ , 74 Ac

" " " " SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 39 Ac

" " " " S $\frac{1}{2}$ SE $\frac{1}{4}$ , 78 Ac

Sec 22 T6N R41E S $\frac{1}{2}$ NW $\frac{1}{4}$ , 79 Ac

" " " " SW $\frac{1}{4}$  158 Ac

Sec 27 T6N R41E NE $\frac{1}{4}$ NW $\frac{1}{4}$  79 Ac

" " " " S $\frac{1}{2}$ NW $\frac{1}{4}$  60 Ac

This examination was made on the 29 day of July, 1973

(Signed) William Rhoads Examiner.

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### INSTRUCTIONS TO EXAMINERS

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1. Always carefully note the location of the point of diversion and accurately plat same.
  2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
  3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
  4. If any unusual conditions are discovered, make plain statement of them under remarks.
  5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
  6. Give general characteristics of soils, topography, and crops raised.
- 

22 2256

ASCS: Rexburg

SCS: Rexburg

Permit No. G-32479/22-2256

Examination for B/U DONALD STAKER AND WARREN WALTERS

County Madison

Sec. 16 T. 6N R. 41E

Quantity:

6 2/3 cfs(permit)

6 2/3cfs(proof)

Source:

ground water

P.D.:

SE $\frac{1}{4}$ SE $\frac{1}{4}$

Use:

irrigation

Extension:

Protest:

Completion of Works:

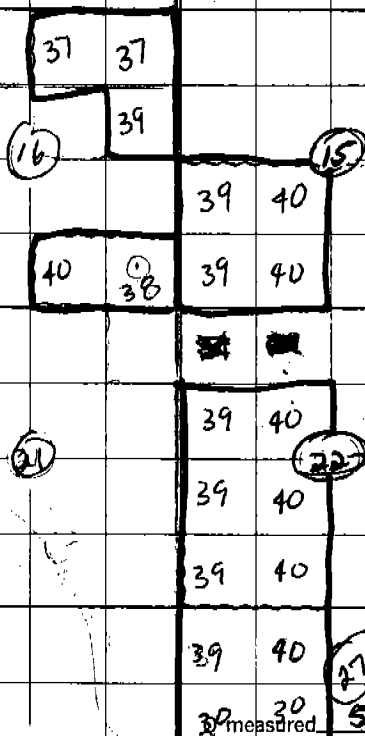
Other Rights:

Filed: August 12, 1965

Proof made: July 17, 1970

Due: August 13, 1970

Priority: August 12, 1965

$$\frac{26059 \text{ gal}}{448.8} = 5.80 \text{ cfs}$$


30 measured 30 5.80 ch ✓

Volume  $3.5 \text{ Af/A} = 2496 \text{ Af/Ann} = (19835)(217 \text{ days})(5.80 \text{ dete})$

|         |  |  |  |
|---------|--|--|--|
| Acreage |  |  |  |
|---------|--|--|--|

|       |     |  |
|-------|-----|--|
| Found | 725 |  |
|-------|-----|--|

recommended 725

Subdv. \_\_\_\_\_

### Amendments

☐ Name  
☐ FP ID  
☒ Price of use  
☐

April 1 - Nov 1

- { Appears fontlist agrees  
with the proof not  
NOT with the perm. k.  
NCF

Form 23  
2M-4-65

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF EXAMINER

PERMIT NO. C-32479/22-2256

REPORT ON PROOF OF R/I DONALD STAKER AND WARREN WALTERS

KA

22 2256