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: A22-07227
Date Received: 7/25/1988
Receipt No: E000865
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENT V. SUTTON 208-356-6256
   Address: 733 WEST 8200 SOUTH
   REXBURG, ID 83440
   OR
   Name: STEVE J. SUTTON 208-356-6256
   Address: 733 WEST 8200 SOUTH
   REXBURG, ID 83440
   OR
   Name: GWEN A. SUTTON 208-356-6256
   Address: 733 WEST 8200 SOUTH
   REXBURG, ID 83440

2. Date of Priority: APR 23, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County
04N	40E	16	NE	NE	NE		MADISON

5. Description of diverting works:
   WELL, PUMP MAINLINE TO HANDLINES WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.200		

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

8. Total consumptive use is 917.5 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

OCT 20 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
04N	40E	14	SW	NW		IRR	22.0
			NE	SW		IRR	2.0
			NW	SW		IRR	35.0
			SW	SW		IRR	14.0
					Section Acres		73.0
		15	NE	NE		IRR	7.0
			NW	NE		IRR	21.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	12.0
			NW	NW		IRR	5.0
			SW	NW		IRR	4.0
			SE	NW		IRR	35.0
			NE	SW		IRR	7.0
			NE	SE		IRR	40.0
			NW	SE		IRR	35.0
			SW	SE		IRR	9.0
			SE	SE		IRR	33.0
					Section Acres		288.0
		16	NE	NE		IRR	3.0
					Section Acres		3.0
		22	NE	NE		IRR	3.0
					Section Acres		3.0
					Total Acres		367.0

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:
NONE

14. Remarks:

15. Basis of Claim: PERMIT

OCT 2 9 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ___ do not ✓ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Kent V. Sutton Date: 8-24-88

_____ Date: _____

State of Idaho)
) SS.
County of MADISON)

Subscribed and sworn (or affirmed) before me this 24th day of AUGUST 19 88

Rachelle D. Sutton
Notary Public

Seal

Residing at REXBURG, ID

My Commission Expires 9/1/91

OCT 20 1988

Log for claim 22-07227 **Spatial Dynamics BTD** **7/10/01**

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
04n40e	14	NESW	2	1.5	
04n40e	14	NWSW	35	35	
04n40e	14	SWSW	14	12	
04n40e	14	SWNW	22	23	
04n40e	15	SWNW	4	2.6	
04n40e	15	NENE	7	7.9	
04n40e	15	NWNE	21	22	
04n40e	15	NENW	12	12	
04n40e	15	NWNW	5	5.8	
04n40e	15	SWNE	40	40	
04n40e	15	SENW	35	35	
04n40e	15	NESE	40	40	
04n40e	15	NWSE	35	34	
04n40e	15	NESW	7	4.3	
04n40e	15	SWSE	9	8	
04n40e	15	SESE	33	31	
04n40e	15	SENE	40	39	
04n40e	16	NENE	3	1.1	
04n40e	22	NENE	3	3.4	
Totals:			367	357.6	

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07227

Priority: April 23, 1977

Maximum Diversion Rate: 4.03 CFS
Maximum Diversion Volume:[1] 1284.5 AF

This is to certify, that ESTATE OF JESS L. SUTTON
733 W. 8200 S.
REXBURG, ID 83440 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 14, 1977; and has submitted Proof of Beneficial Use on June 10, 1982. An examination indicates that the works have a diversion capacity of 4.030 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 11/01	4.03 CFS	1284.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 16, Township 04N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	40E	14	SWNW	22	NESW	2	NWSW	35	
			SWSW	14					73
		15	NENE	5	NWNE	21	SWNE	40	
			SENE	40	NENW	12	NWNW	7	
			SWNW	4	SENW	35	NESW	7	
			NESE	40	NWSE	35	SWSE	9	
			SESE	33					288
		16	NENE	3					3
		22	NENE	3					3

Total number of acres irrigated: 367

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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MAR 20 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07227

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 15TH day of MARCH, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

MAR 20 1990

State of Idaho
Department of Water Resources

RECEIVED
FEB 28 1990
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07227

APPROVED

Date of Priority: April 23, 1977

Maximum Diversion Rate: 4.03 CFS
Maximum Diversion Volume: 1284.5 AF

Comes now JESS L. SUTTON
RT. 3 BOX 174
REXBURG, ID 83440
and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07227, and requests that the permit be changed as follows:

Source: **GROUNDWATER**

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 11/01	4.03 CFS	1284.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 16, Township 04N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	40E	14	SWNW	22	NESW	2	NWSW	35	
			SWSW	14					73
		15	NENE	5	NWNE	21	SWNE	40	
			SENE	40	NENW	12	NWNW	7	
			SWNW	4	SENW	35	NESW	7	
			NESE	40	NWSE	35	SWSE	9	
			SESE	33					288
		16	NENE	3					3
		22	NENE	3					3

Total number of acres irrigated: 367

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MAR 20 1990

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Rexburg, this 24 day of Feb., 1990.

Jess L. Sutton
(Signature)
Son — for Estate of
Jess L. Sutton

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07227

****

FOR DEPARTMENT USE ONLY #0015105

Preliminary check by KW Fee = $20.00 ✓ Receipted by CWag Date 2/28/90

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07227 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. ✓ This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 15TH day of MARCH, 1990.

Norman C Young
Acting for R. Keith Higginson, Director

RECEIVED
MAR 20 1990

Identification No. 22 7227

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT APPROVED

To Appropriate the Public Waters of the State of Idaho

(TYPE OR PRINT IN INK)

1. Name of applicant Jess L. Sutton Phone: 356-6256
   post office address Rt. #3, Box 174, Rexburg, ID 83440
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW ¼ of NW ¼ of Section 15 Township 4N
   Range 40E B.M. Madison County; additional points of diversion if any: _____
   _____
   _____
   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼
   of _____ ¼ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
   Amount 4.50 (cfs or acre-feet per annum) for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
   Amount _____ (cfs or acre-feet per annum) for _____ purpose from _____ to _____ (both dates inclusive)
5. Total quantity to be appropriated:
   a. 4.50 cubic feet per second and/or
   b. _____ acre feet per annum.
6. Proposed diverting works:
   a. Description of ditches, flumes, pumps, headgates, etc. well, pump, buried main, ten ½-mile hand lines
   _____
   _____
   b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
   Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
   c. Proposed well diameter is 16 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
   b. Estimated construction cost is $7,000.00.
8. Description of proposed uses:
   a. If water is **not** for irrigation:
      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____
      Range _____ B.M.
      (2) Amount of power to be generated: _____ hp under _____ feet of head.
      (3) List number of each kind of livestock to be watered _____
      _____
      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
      (5) If water is to be used for other purposes describe: _____
      _____
      _____

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	40E	14							20			40	20						80
		15	10	30	40	40	15			40	20				40	40	20	40	335

Total number of acres to be irrigated 415

c. Describe any other water rights used for the same purposes as described above. None

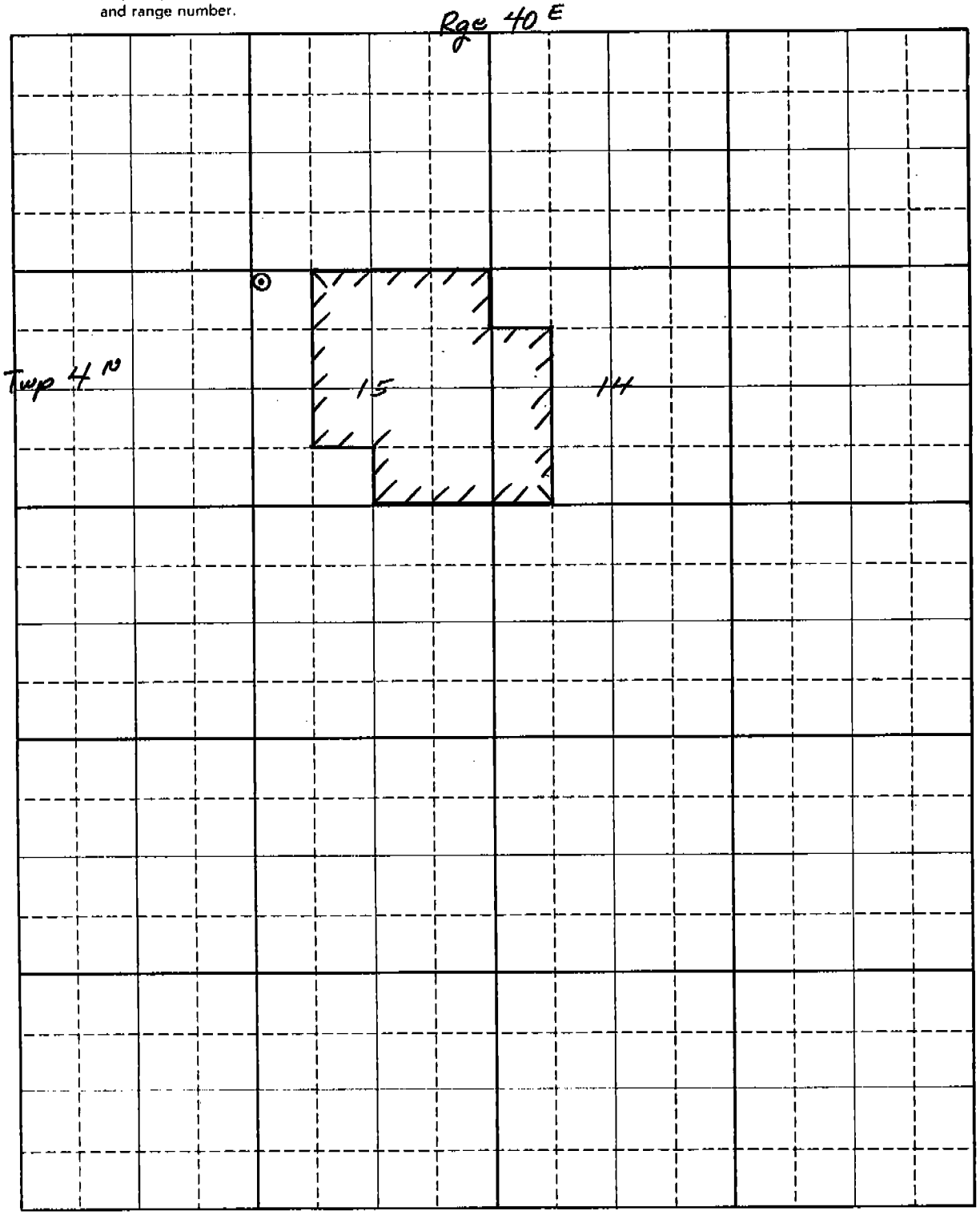
9. a. Who owns the property at the point of diversion Lee H. Sutton

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

Jesse L. Sutton
(Applicant)

Proposed Priority 4/14/77

Received by Yke Date 4-14-77 Time 12:44 p.

Preliminary check by EMC Fee $65.00 #6531

Receipted by Yke Date 4-14-77

Publication prepared by DW Date 4-15-77

Published in Standard Journal

Publication dates April 21 & 28, 1977

Publication approved DW Date 4-29-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by JG

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7227, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82.

   c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of June 19 77.

R. Keith Higginson
Director

Form 219A
2/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JAN 13 1986
Department of Water Resources

BENEFICIAL USE FIELD REPORT

Permit No. 22-7405
22-7227

1. Owner: Estate of Jess L. Sutton Phone No. _____
Current Address: RT 3 Box 174 Rexburg Id 83440

2. Accompanied by: KENT SUTTON EXAM. DATE: 18 June 1984
Address: RT 3 Box 174 Rexburg Id 83440 Phone No. 356-6526
Relationship to Permit Holder: SON

3. Source: Groundwater tributary to _____

4.

Well/Diversion* No.	Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	250	JKJ918123	Peerless	219314

*Code with points of diversion, system diagram & photos on reverse side. Disregard if only one.

5. System Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
Well pump mainline to lateral, with sprinklers

6.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Annubar			75		12.0	N/A
Eagle Eye Meter	Eagle Eye	Dietrich		0914		

7. Measurements 13¼" id mainline ☐ Additional data/computation sheets attached
76"

8. Point(s) of Diversion: Indicate Method of Determination

Ident #	¼	¼	¼	Sec.	Twp.	Rge.	Survey Information from Known Corner	County	Remarks
	NE	NE	NE	16	4N	40E		MADISON	

9. Place(s) of Use: Irrigation - give acres served by system at time of exam.
Indicate Method of Determination _____

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	40E	14							22		2	35	14						73
		15	5	21	40	40	12	7	4	33	7				40	35	9	33	288
		16	3																3
		22	3																3
																		Total Acres	367

Form 2198
5/84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

RECEIVED
JAN 13 1988
Department of Water Resources

22-7227
22-7405
Permit No.

1. **Measurement Calculations**
   a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$Q = \left[\frac{(13.25)^2 \times 3.85 \times \sqrt{7.6}}{4488}\right] 0.971 = 4.03 \text{ cfs}$$

22-7227 Q LIMITED BY CAPACITY (4.03 cfs)

22-7405 Q LIMITED BY PERMIT (3.2 cfs)

   b) Volume Calculations for Irrigation: 22-7227/7405

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 36.7 x 3.5 afa = 1284.5 afa
$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = (4.03)(214 days)(1.9835) = 1710.6
V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 1284.5 afa

   c) Volume Calculations for Other Uses:

2. **Overlap Review**
   a) Other water rights with same place of use: NONE

   b) Other water rights with same point of diversion: NONE

   c) Analysis: PLACE OF USE ON Rexburg bench historically dry farmed.

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MAR 20 1990

RECOMMENDED AMOUNTS

3.

Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
22-7227					

4. Permit Holder: _____

Address: _____

5. Source: Groundwater tributary to _____

6. Beneficial Use

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4/1	11/1	4.03	1284.5
Allowable Maximums:				

7. Point(s) of Diversion:

No.	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County
		NE	NE	NE	16	4N	40 E	Madison

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	40 E	14							22		2	35	14						73
		15	5	21	40	40	12	7	4	35	7				40	35	9	33	288
		16	3																3
		22	3																3
																		Total Acres	367

9. Recommended Conditions/Remarks: _____

Have Permit holder relinquish 22-7405 because of earlier priority of 22-7227

10. Recommended Amendments

☑ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☑ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature Keith C Wilson Date 5 Dec 1985

Checked in Regional Office by Gary Spackman Date 26 Dec. 1985

Approved in State Office by Roxanne McCarthy Date 12/16/88

MICROFILMED MAR 20 1990