

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 22-7288
Date Received: 8/9/1988
Receipt No: E001162
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRENT RICKS Phone: (208) 458-4969
13289 E HWY 33
NEWDALE ID USA 83436

SUE RICKS Phone: (208) 458-4969
13289 E HWY 33
NEWDALE ID USA 83436

2. Date of Priority: 01/29/1979

3. Source: SOUTH TETON RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	11	NE NE NW	MADISON	

5. Description of diverting works:

HEADGATE TO PUMP, MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	7/15	4.36	

7. Total Quantity Appropriated is:
4.36 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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06N 40E 11

NE	NE
NW	NE
SW	NE
NE	NW
NW	NW
SW	NW
SE	NW

IRRIGATION	13
IRRIGATION	35
IRRIGATION	35
IRRIGATION	35
IRRIGATION	32
IRRIGATION	35
IRRIGATION	40

Section Acres 225

Total Acres 225

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:

14. Remarks:

RECEIVED

NOV 22 1988

Department of Water Resources
Eastern Region

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: A22-07288
Date Received: 8/09/1988
Receipt No: E001102
Received By: EC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT R. RICKS 208-356-3075
Address: ~~RT. 1~~ 389¹/_E 3000 N
SUGAR CITY, ID 83448

2. Date of Priority: JAN 29, 1979

3. Source: TETON RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	40E	11	NE	NE	NW		MADISON

5. Description of diverting works:
HEADGATE TO PUMP, MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	07/15	4.360		

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

8. Total consumptive use is 550.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	11	NE	NE		IRR	13.0
			NW	NE		IRR	35.0
			SW	NE		IRR	35.0
			NE	NW		IRR	35.0

A22-07288

Page 1

Date: 08/09/88

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	40E	11	NW	NW		IRR	32.0
			SW	NW		IRR	35.0
			SE	NW		IRR	40.0
						Section Acres	225.0
						Total Acres	225.0

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:
22-00490, 22-04012, 22-04043

14. Remarks:

THE QUANTITY OF WATER BEING CLAIMED IS BASED ON THE MEASUREMENT
MADE DURING THE LICENSING FIELD EXAMINATION CONDUCTED 18 JULY
1985. THE PLACE OF USE IS BASED ON ACREAGES PROVIDED BY
ASCS.

15. Basis of Claim: PERMIT

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): [Signature] Date: Nov 17/99
Date: _____

State of Idaho)
County of Madison) SS. _____

Subscribed and sworn (or affirmed) before me this 17 day
of November 19 99
Charles Parks
Notary Public

Seal

Residing at Sugar City
My Commission Expires Oct 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 25, 2003

BRENT & SUE RICKS
13289 E HWY 33
NEWDALE ID 83436

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR 22-4012A, 22-4012B, 22-7247, 22-7288

Dear Mr. & Mrs. Ricks:

Our office received the above referenced request and changed 22-7288 to show you as the current owner. A copy of this claim is enclosed for your files.

We did not change the other rights because they require a fee and must be processed in our Boise office. You have already paid for 22-7247 but owe \$50 for the other two rights. Please send your request and check to: Kari Lynn Townsend, Idaho Department of Water Resources, 1301 N. Orchard, Boise, ID, 83706.

If you have questions about this matter, please do not hesitate to call.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

OK JC
9/24/03

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
\$25 22-7247					
	22-7288 ✓				
\$25 22-4012A	~~22-4012A~~				
\$25 22-4012B	~~22-4012B~~				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
Owner/Claimant(s)

Robert Ricks

4. New Owner/Claimant(s)

Brent Ricks + Sue Ricks

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

13289 E Hwy. 33

City, State and ZIP Code

Newdale, ID 83436

New Telephone Number

(208) 458-4969

5. Date you acquired the property

Oct 31, 2000

needs
another
\$50

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT

(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by JC Date 6-24-03 Fee \$ 25-
 Receipted by JC Date 6-24-03 Receipt No. E028919
 Processed by _____ AJ Date _____ WR _____ Date _____

GIFT DEED

THIS INDENTURE, Made and entered into this 31st day of October, 2000, by and between ROBERT R. RICKS, a single man, of 3891 E. 3000 N., Sugar City, ID 83448, the party of the first part, and BRENT RICKS and SUE RICKS, husband and wife, of 13289 E. Hwy. 33, Newdale, ID 83436, the parties of the second part,

WITNESSETH:

That said party of the first part, for and in consideration of the love and affection he holds for the parties of the second part, by these presents, does hereby give, convey and confirm unto the said parties of the second part, an interest in and to the following described real property located in the State of Idaho, to-wit:

All of party of the first part's interest in and to the following described real property located in Madison County, Idaho, to-wit:

Township 6 North, Range 40 East of the Boise Meridian,
Madison County, Idaho.

Section 11: W1/2NW1/4, E1/2 NW1/4, W1/2NE1/4, NE1/4NE1/4;

EXCEPT: Commencing at the cornerpost at the crossroads of county roads at a point approximately 20 feet West and 20 feet South of the Northeast corner of the NE1/4 of section 11, Township 6 North, Range 40 East, and following said fence line West 100 feet, thence South 150 feet, thence East 100 feet to another fence line and running North along said fence 150 feet to the point of beginning.

ALSO EXCEPT: Beginning at the Northwest corner of the NE1/4NE1/4 of section 11, thence East 208 feet, thence South 208 feet, thence West 208 feet, thence North 208 feet to the point of beginning.

Township 7 North, Range 42 East of the Boise Meridian,
Madison County, Idaho

Section 30: SE1/4NE1/4SE1/4

EXCEPT the following described real property located in Madison County.

PARCEL NO. FFC-1A

Those portions of the North sixty-six (66) feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE1/4NE1/4SE1/4) of Section thirty (30), Township seven (7) North, Range forty-two (42) East, Boise Meridian, described as follows:

TRACT 1

A strip of land measured at right angles to the centerline, being twenty-five (25) feet on the East side of the centerline and thirty-five (35) feet on the West side of centerline. Commencing at the Northeast-Southeast one sixty-fourth (NE-SE1/64) corner; thence North 89°07'08" East, 401.01 feet along the North-South one sixty-fourth (N-S 1/64) line, to the true point of beginning; thence South 31°58'15" East, 11.72 feet; thence along a curve with a radius of 100.00 feet, deflection angle 46°30'26" right, arc length 58.59 feet to the end of acquisition, containing 0.1 acres more or less.

TRACT 2

All that portion of the North sixty-six (66) feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE1/4NE1/4SE1/4) lying West of Tract 1, containing 0.6 acres more or less.

PARCEL NO. FPC-1

Those portions of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE1/4NE1/4SE1/4) of Section thirty (30), Township seven (7) North, Range forty-two (42) East, Boise Meridian, to be acquired in fee simple, described as follows:

TRACT 1

A strip of land measured at right angles to the centerline, being twenty-five (25) feet on the East side of the center-line and thirty-five (35) feet on the West side of centerline. Commencing at the Northeast-Southeast one sixty-fourth (NE-SE 1/64) corner; thence North 89°07'08" East, 401.01 feet along the North-South one sixty-fourth (N-S 1/64) line; thence South 31°58'15" East, 11.72 feet; thence along

a curve with a radius of 100.00 feet, deflection angle 46°30'26" right, arc length 58.59 feet, to the true point of beginning; thence along the aforementioned curve for an arc length of 22.58 feet; thence South 14°32'11" West, 44.51 feet; thence along a curve with a radius of 100.00 feet; deflection angle 13°42'13" right, arc length 23.92 feet; thence South 28°14'24" West, 248.66 feet; thence along a curve with a radius of 100.00 feet, deflection angle 17°30'42" right, arc length 30.56 feet; thence South 45°45'06" West, 130.73 feet; thence along a curve with a radius of 100.00 feet, deflection angle 18°44'02" right, arc length 32.70 feet; thence South 64°29'12" West, 153.37 feet to the East-East one sixty-fourth (E-E 1/64) line, containing 0.9 acres more or less.

TOGETHER with the irrigation system located thereon or associated therewith, all other improvements and appurtenances thereunto pertaining, subject to any indebtedness thereon and any unpaid taxes and assessments applicable thereto; also any and all farm machinery, equipment, supplies, and crops on hand pertaining to said properties.

TOGETHER with the irrigation system located thereon or associated therewith, all other improvements and appurtenances thereunto pertaining, subject to any indebtedness thereon and any unpaid taxes and assessments applicable thereto; also any and all farm machinery, equipment, supplies, and crops on hand pertaining to said properties.

TOGETHER with all water rights and ditch rights appurtenant thereto, and

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has, as aforesaid, hereunto set his hand and seals the day and year first above written.

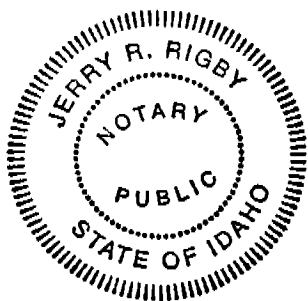
Robert R. Ricks
ROBERT R. RICKS

STATE OF IDAHO,)

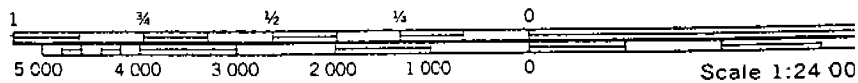
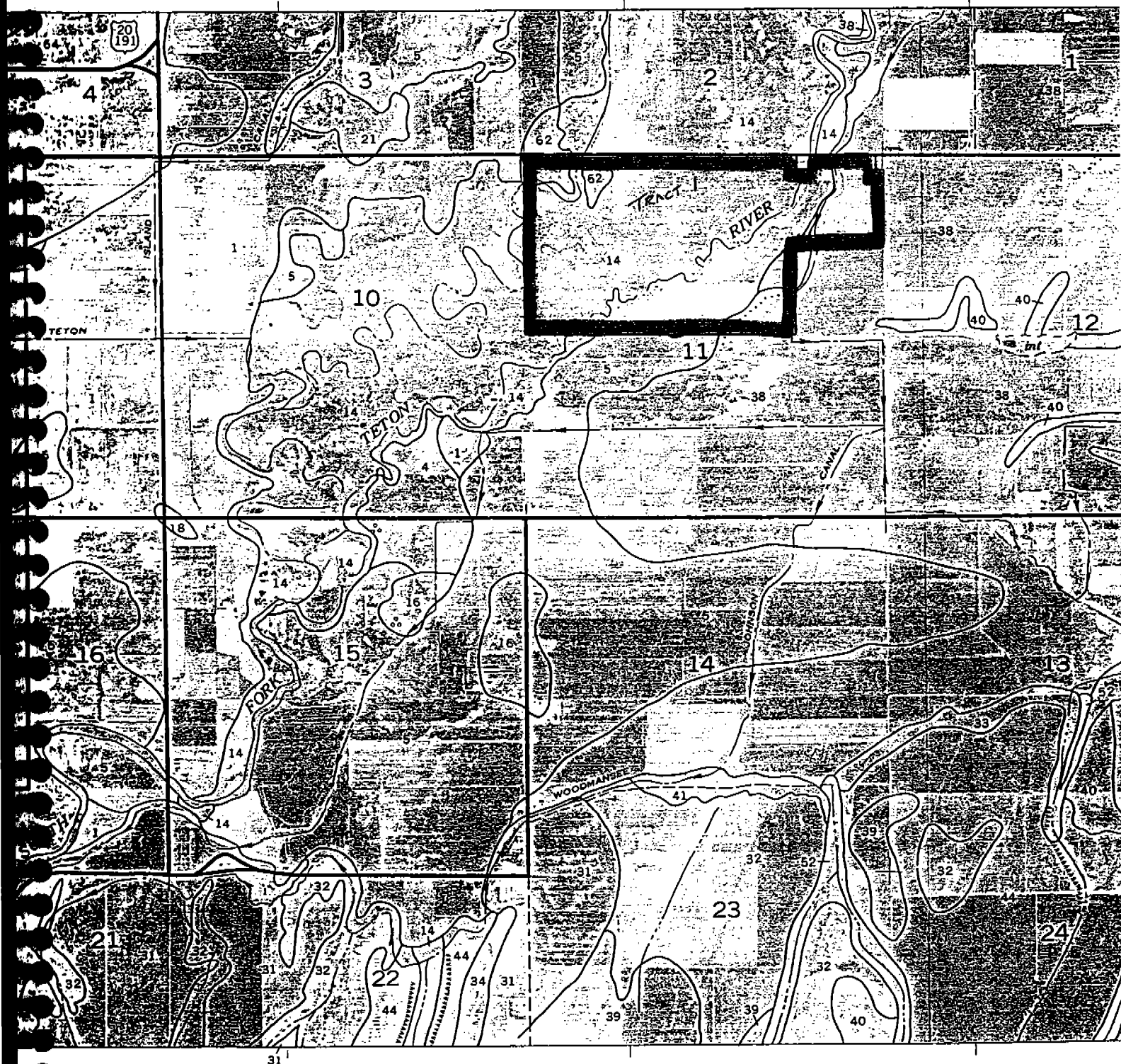
SS.

County of MADISON.)

On this 31st day of October, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT R. RICKS, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at: REXBURG
My Commission Expires: 11-09-08



Log for claim 22-07288

Spatial Dynamics LTD

7/10/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06n40e	11	NENE	13	12	
06n40e	11	NWNE	35	37	
06n40e	11	SWNE	35	26	
06n40e	11	NENW	35	37	POD is not actually on the river.
06n40e	11	NWNW	32	33	
06n40e	11	SWNW	35	36	
06n40e	11	SENW	40	40	
Totals:			225	221	

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07288

Priority: January 29, 1979

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.86 CFS
150.5 AF

This is to certify, that ROBERT R. RICKS
RT. 1

SUGAR CITY ID 83448 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 29, 1979; and has submitted Proof of Beneficial Use on March 2, 1984. An examination indicates that the works have a diversion capacity of .860 cfs of water from:

TETON RIVER, SOUTH FORK tributary to SNAKE RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.86 CFS	150.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENW , Sec. 11, Township 06N, Range 40E
MADISON County

<u>PLACE OF USE:</u> IRRIGATION				
<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>
06N	40E	11	NWNW 18	SWNW 19
				SENEW 6
				43

Total number of acres irrigated: 43

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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

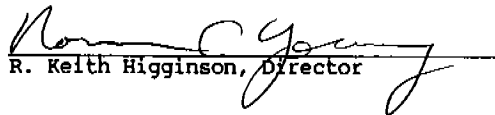
NOV 14 1991

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07288CONDITIONS/REMARKS:

7. 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.
8. The right holder must obtain adequate supplemental water for any irrigation season that natural flow is not available. Diversion of water is prohibited in any such year prior to the right holder's demonstrating to the watermaster that supplemental water is being obtained.
9. This license represents completion of and supercedes the right based on a permit described on pages 15 and 16 of the Director's Report decreed in Ricks v. Carlson, Madison County, Civil No. I-2249.

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 17th
day of OCTOBER, 1991.

Acting for


R. Keith Higginson, Director

NOV 14 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF PERMIT

RECEIVED

DEC 14 1979

To change the point of diversion and/or the place of use.

Department of Water Resources
Eastern District OfficeComes now Robert R. Ricksof (address) Rt. #1, Sugar City, Idaho 83448, 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. 22-7288, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NE 1/4 NW 1/4, Section 11, Township 6N, Range 40E, B.M.,
County of Mackay. Other points of diversion: _____

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 5.6 cfs for Irrigation purposes from April 1 to July 15 (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)

3. Place of use or land to be irrigated:

TWP	RGE	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	
<u>6N</u>	<u>40E</u>	<u>11</u>	<u>40</u>	<u>40</u>	<u>40</u>		<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>									<u>280</u>

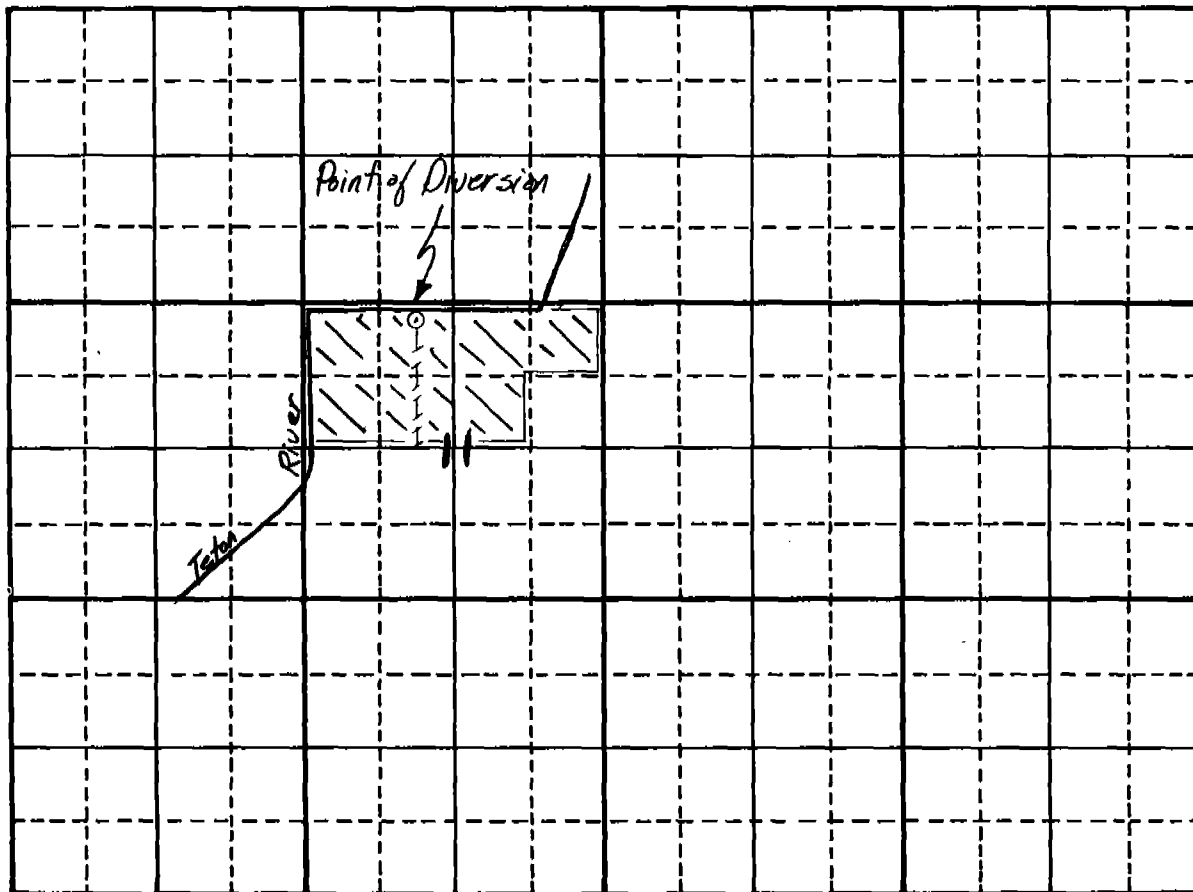
Total number of acres to be irrigated = 280

4. a. Who owns the property at the point of diversion? Applicant
- b. Who owns the land to be irrigated or the 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: _____

MICROFILMED

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 holder's own risk.

Signed at Wake Falls, this 14 day of December, 19 77.

Robert B. Riche
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by EM Fee = \$20.00

Received by EW Date 12/14/79 # 15450

Publication prepared by _____ Date _____

Published in N/A

Publication dates N/A

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, L. GLEN SAXTON, Chief, Operations Bureau of the Department of Water Resources hereby

APPROVE this application for amendment submitted on Permit No. 22-7288 subject to
the same conditions as the permit.

Witness my hand this 21st day of December

L. Glen Saxton
Chief, Operations Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho **APPROVED**

1. Name of applicant Robert R. Ricks Phone 356-3075

Post office address Rt. #1, Sugar City, Idaho 83448

2. Source of water supply S. Fork Teton which is a tributary of Snake River

3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11 Township 6N

Range 40E B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

ALLOW 5.6

Amount 6-00 for Irrigation purposes from Apr. 1 to July 15 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

ALLOW 5.6

a. 6-00 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 20 Hp electric pump, open discharge
into earth ditch

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir
capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial
use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower 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: _____

[illegible]

c. Describe any other water rights used for the same purposes as described above. _____

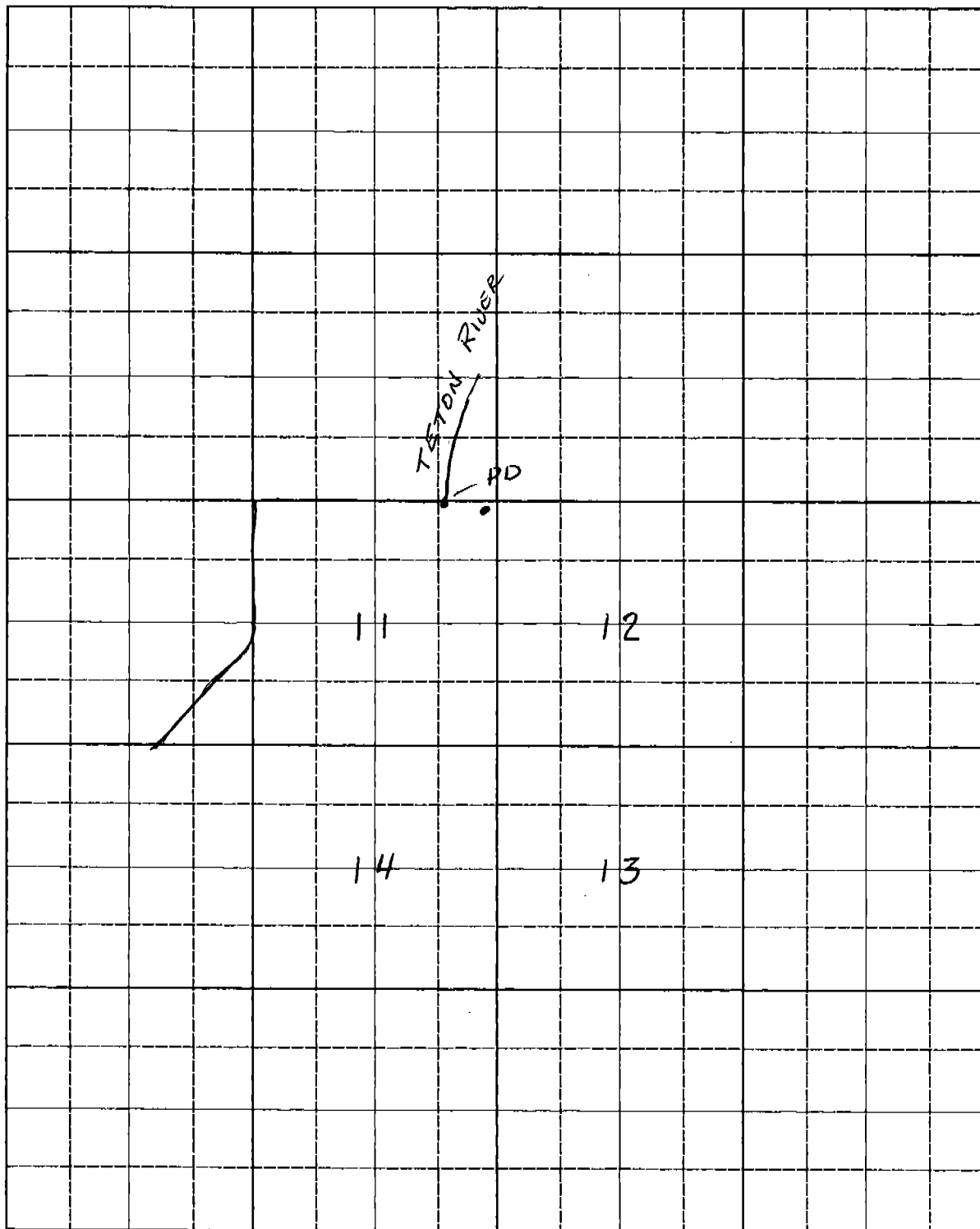
9. a. Who owns the property at the point of diversion Applicant

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 Applicant diverts open discharge application is slightly Q-excessive
to make up for delivery loss.

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.

Robert B. Ricks
(Applicant)

Proposed Priority 1-29-79

Received by dh Date 1-29-79 Time 2:50 p.m.

Preliminary check by RDC Fee \$ 85.00

Received by dh Date 1-29-79 #12846

Publication prepared by dh Date 2-2-79

Published in Standard Journal

Publication dates February 8 & 15, 1979

Publication approved 71 Date 3-9-79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC S.I.

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. 22-7288, and said application is hereby APPROVED.

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

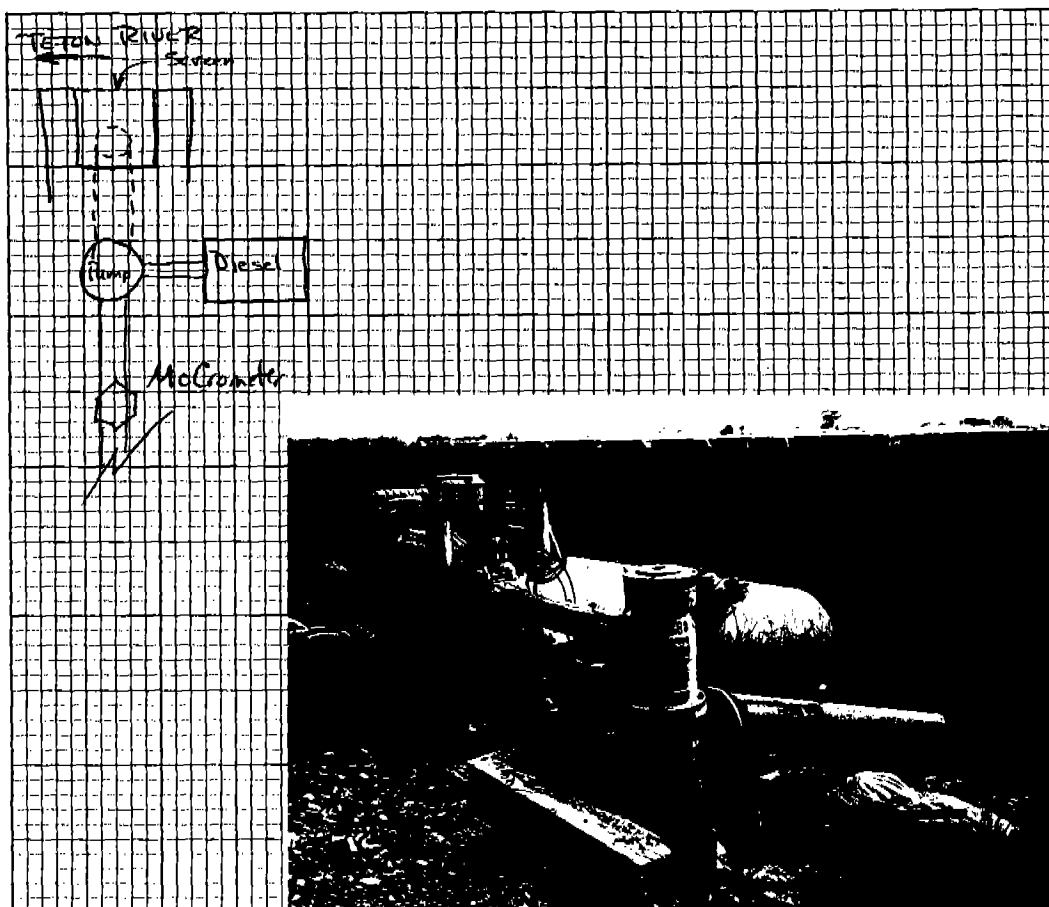
- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before March 1, 19 84.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: (1) Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River. (2) A totalizing measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (3) Use of water under this permit is subject to the applicant having an alternate supply of water for the designated place of use. (4) The rate of diversion under this permit shall not exceed 5.6 cubic feet per second.

Witness my hand this 16th day of March, 1979.

L. Glen Sayton
Chief, Operations Bureau

[illegible]

10. Other water rights on these lands 22-0490 22-4014 / 22-4043
11. Other water right diverted from same p.d. 22-0490 may be diverted thru system
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks R01, R04, R18, R30

15. 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

16. Examiner's/Consultant's Signature

Keith C. Wilson

Date

18 July 1985

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

22-7288
Permit No.

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

Mcrometer # 77-12-2080

$$0.01 \text{ af in } 100 \text{ sec} = (43560 \text{ ft}^2/\text{ac} \times 0.01 \text{ af}) \div 100 \text{ sec} = 4.36 \text{ cfs}$$

$$207 \text{ ac} \times 0.02 \text{ cfs/ac} = 4.14 \text{ cfs}$$

Limit Q to 0.02 cfs/ac

- b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 207 \text{ ac} \times 3.5 \text{ af} = 724.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 4.14 \text{ cfs} \times 105 \times 1.9835 = 862.2$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 724.5 \text{ af}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: 22-0490 / ~~22-402~~ / 22-403

- b) Other water rights with same point of diversion: 22-0490 maybe diverted thru system

- c) Analysis:

RECEIVED

NOV 14 1991

RECOMMENDED AMOUNTS

- | | | | | | | |
|----|-------------------|-----------------|---------------|------------------|-----------------------------|------------------------|
| 3. | Permit No. | Priority | Amount | App. Date | Date Proof Submitted | System Capacity |
| | 22-7288 | | | | | 4,36 |
4. Permit Holder: Robert R. Rickes
- Address: Rt 1 Sugar City, Idaho 83448
5. Source: South Fork Teton River tributary to Henrys Fork
- | 6. Beneficial Use | Period of Use | | Rate of Diversion
Q (cfs) | Annual Volume
V (afa) |
|---------------------|---------------|------|------------------------------|--------------------------|
| | From | To | | |
| Irrigation | 4/1 | 7/15 | 4.14 cfs | 724.5 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| Allowable Maximums: | | | 4.14 cfs | 724.5 |

- 7. Point(s) of Diversion:**

[illegible]

- ### 8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks:
- R30

22-0490 may be diverted thru same system

R01, R04, R18

~~NOV 14 1951~~

- ## 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

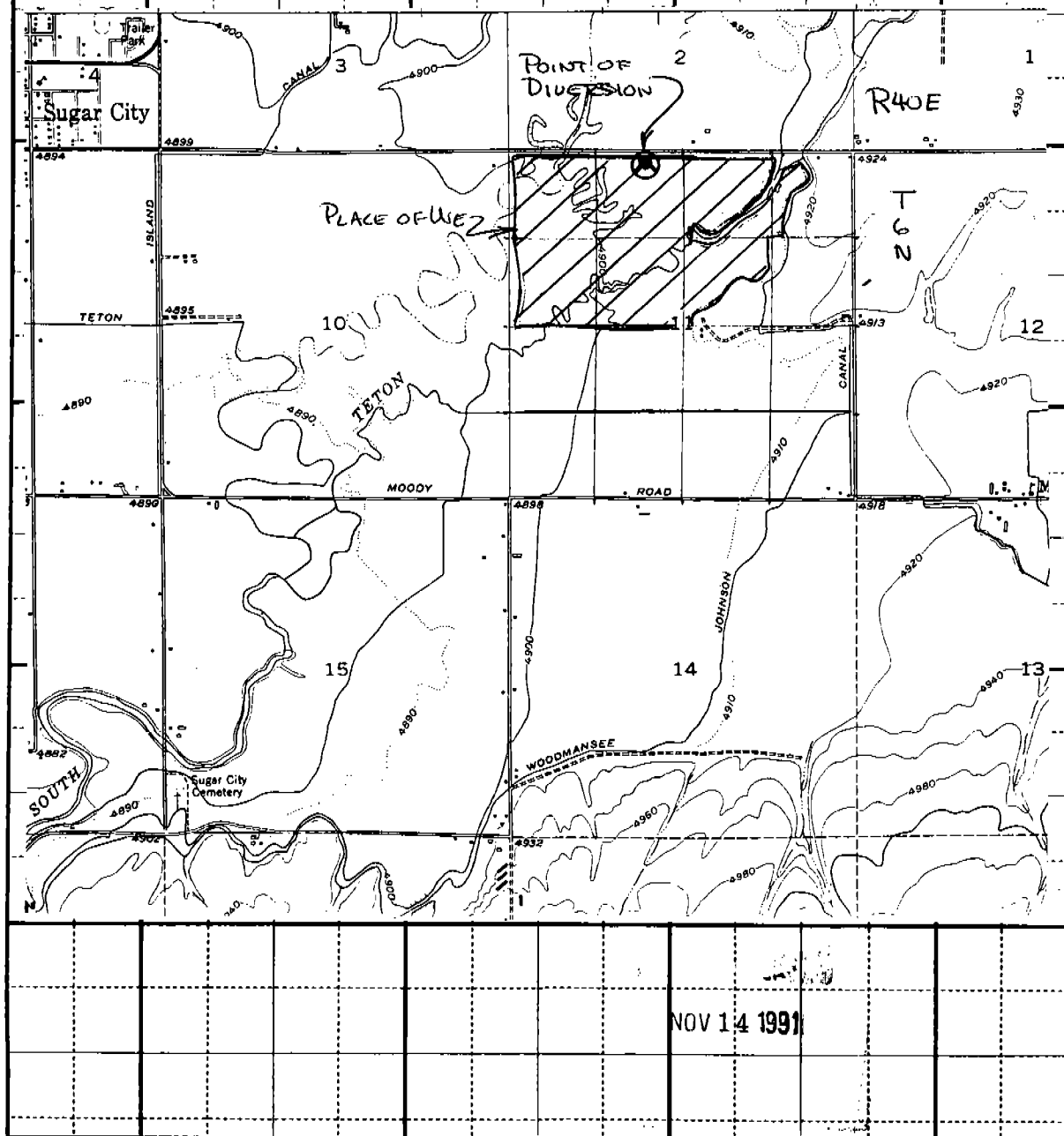
Date 4 Mar 1986

Checked in Regional Office by

Date 4 Mar. 1986

Approved in State Office by

Date 4/20/89



27-4220

POINT OF DIVERSION

$$\frac{3}{2}$$

EXCHANGE U.S. (22-7247)

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R40E

1-02

22-7288

PLACE OF USE

NOV 14 199

03 Re NOT TO SCALE

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR
MADISON COUNTY

A REPORT BY THE DEPARTMENT OF WATER RESOURCES

IN

ROBERT R. RICKS
Plaintiff

vs.

ALL UNKNOWN CLAIMANTS

CASE NO. 1-2249

Definitions

1. The term "Department" refers to the Idaho Department of Water Resources.

2. The phrase "one cubic foot per second" or the acronym "cfs" refers to a unit of measure of the rate of flow of water and is equivalent to fifty miner's inches in Idaho, or to 448.83 gallons per minute.

3. The term "watermaster" refers to a person elected by water right holders within a water district, charged with distribution of water pursuant to Title 42, Chapter 6, Idaho Code.

4. The phrase "domestic use" means water used for household use or livestock, and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of 13,000 gallons per day.

5. The phrase "irrigation use" means water use limited to surface application of water for the purpose of meeting moisture requirements of growing crops.

Field Examination

A field examination was conducted on February 26, 1980 by A. R. Kozlowski, who was a department employee. The findings of that examination are included as attachment A. Mr. Kozlowski subsequently resigned from the department, and a number of questions concerning this case were unanswered. A second field exam was conducted on July 12, 1982 which revealed a completely different method of irrigation (sprinkler). Attachment B shows the location of mainline, fences, and acreages found during the second (July, 1982) investigation.

General Description of Property

1. The South Fork of the Teton River originally flowed through this ground (see ASCS photo dated September 2, 1951). The channel was altered during a three-year period with the project being completed in 1964. The new channel takes water from the original river channel, point of entry on Rick's property, and exits at original exit point. The new channel flows on the north and east perimeter of the land (see ASCS photo dated May 20, 1966).

2. All of the property in this claim was not owned by Robert R. Ricks on the priority date claimed. The property, with the exception of the $W\frac{1}{2}NW\frac{1}{4}$, was purchased from Seth Ricks (his brother) on October 22, 1959. The $W\frac{1}{2}NW\frac{1}{4}$ was purchased by Robert R. Ricks from his son Robert Reed Ricks in November, 1969. Robert Reed Ricks purchased the $W\frac{1}{2}NW\frac{1}{4}$ on the 22nd of November 1961. Robert R. and Seth had a partnership

which farmed and cleared the property in this action (exception of W $\frac{1}{2}$ NW $\frac{1}{4}$) from 1951 until 1976 when the partnership was dissolved.

3. Robert R. Ricks farmed the W $\frac{1}{2}$ NW $\frac{1}{4}$ for Robert Reed Ricks from November, 1961 until he purchased the property in November, 1969. This ground was used as pasture until 1976 when the Teton flood covered the ground with a mass of debris. In 1977, the land was cleared and leveled using Teton Dam Recovery money, and row crops were planted.

4. Due to the heavy nature of the soil, the crops grown on this land are hay, peas, and grain.

Description of Claims, Permits,
and Court Actions

1. On January 1, 1979, Robert R. Ricks applied for a permit to irrigate the acreage on this action with a surface irrigation system using a 20 hp, electric-driven pump. He stated it would take five years to develop the system. He was granted permit 22-7288 on the 16th day of March, 1979.

2. On February 12, 1979 the department received a claim stating the same acreage but indicating that a 12.0 cfs diversion rate was being used. This claim is numbered 22-4012.

3. On May 30, 1979 a complaint (Case No. 1-2249) was filed in the Seventh Judicial Court of the State of Idaho, in and for the County of Madison. This complaint stated the same facts as indicated on the claim. Summarized below is a comparison of permit, claim, and Quiet Title:

	<u>Permit</u>	<u>Claim</u>	<u>Quiet Title</u>
Source	S. Fk Teton R.	S. Fk Teton R.	S. Fk Teton R.
Quantity	5.60 cfs	12.0 cfs	12.0 cfs
Period of use	Apr 1-Jul 15	Apr 1-Jul 15	Not stated
Purpose	Irrigation	Irrigation	Irrigation, livestock, domestic
Point of Diversion	*NE $\frac{1}{4}$ NE $\frac{1}{4}$, S 11, T 6N, R 40E	NE $\frac{1}{4}$ NE $\frac{1}{4}$, S 11, T 6N, R 40E	NE $\frac{1}{4}$ NE $\frac{1}{4}$, S 11, T 6N, R 40E
Place of Use	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, all in S 11, T 6N, R 40E, B.M.	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, all in S 11, T 6N, R 40E, B.M.	N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, all in S 11, T 6N, R 40E, B.M.

*Amended 14 December 1979 to NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 6N,
R. 40E, B.M.

Neither the claim nor the Quiet Title action were
amended to show the point of diversion change.

4. Also filed on May 30, 1979 was an Order for Publication,
a Notice of Pendency, and an Affidavit.

5. A permit amendment was applied for by Robert R.
Ricks to change his point of diversion on 14 December 1979.
This amendment was granted 21 December 1979.

6. An answer to the complaint was sent by Fremont
Madison Irrigation District on 14 January 1980 and by the
Department on 11 January 1980.

7. A Stipulation and Order, dated 30 November 1981,
was approved by the court on 4 December 1981.

8. A field exam memo was forwarded to Boise on 26
February 1980.

Description of Point of Diversion

1. The point of diversion, as stated in this Quiet Title action and claim 22-4012, is the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T. 6N, R. 40E, B.M., in Madison County.

2. The actual point of diversion was shifted to NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 6N, R. 40E, B.M. in the spring of 1981, and was located at that point in July, 1982 (second field exam).

3. From 1955 to 1964 the actual point of diversion was at various points along the old river channel (see ASCS aerial photo dated September 2, 1951). The means of diversion was a tractor-driven pump which was moved with the tractor up and down the old channel. Handlines were used to irrigate the fields.

4. In 1962, 30 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$ were first irrigated using water from lateral ditches that divided the W $\frac{1}{2}$ from the E $\frac{1}{2}$ of the NW $\frac{1}{4}$. This was done by using the tractor pump and portable handlines.

5. In 1964 (see photo of diversion with date), a new diversion made of concrete which had boards that were stacked in channels cast in concrete (see photo of diversion). The method of irrigation of most of the acreage was changed from sprinkler to flood irrigation after completion of this diversion.

6. In 1976, the Teton flood vastly altered the farming practices and the land surface.

Place of Use

1. The land is divided by a bluff which is approximately 10-15 feet high. On the top lip of this bluff is the Woodmansee-Johnson Canal. Land which lies to the east of this canal can not be watered from the river using the present system, or by the system described in this Quiet Title action. This land constitutes 21.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$. An additional 6.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ is covered by a home and corrals. This land has not been watered from the river. The waste land, bluff, canal, new river channel, dike, field roads, etc. constitute 27.9 acres of the 280 acres claimed and should not be counted as acreage that is irrigated by this Quiet Title action. This leaves a total of 224 acres which could be irrigated from the river as of January, 1984.

2. The land was developed as follows:

In 1955 the W $\frac{1}{2}$ NW $\frac{1}{4}$ was not owned by the Ricks Brothers. Of that 80+ acres, 30 acres were clear and usable as pasture. The rest of this 80+ acres was covered by willows, small trees, and other dense vegetation. In November 1961, Robert Reed Ricks purchased this 80+ acres and Robert R. Ricks commenced watering the pasture portions with a sprinkler. In 1969, Robert Reed sold the land to Robert R. (attachment C). In 1976, the Reed Brothers (Seth and Robert R.) ceased their partnership and swapped the piece in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ for a similar piece in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ (see ASCS aerial photo dated May 20, 1966). Note that on the deed there is a small piece in

the NW $\frac{1}{4}$ SW $\frac{1}{4}$. In 1976, the Teton flood completely changed the landscape. In 1977, the land was leveled and crops were grown on this 80 acres (less the river channel--approximately five acres).

The piece above the Woodmansee-Johnson Canal (21.4 acres) and the farm homestead (6.7 acres) should not have been included in this action (total 27.4 acres) (see attachment B).

The majority of the land, including the two pieces stated above (27.4 acres), was purchased by Seth Ricks in approximately 1951 (no deed was found). It was subsequently purchased by Robert R. from Seth in October, 1959 (attachment D & E) in a land swap. The land on both sides of the river was cleared between 1951 and 1955 (see aerial photos dated September 2, 1951 and May 20, 1966). A calculation of the cleared land in 1966 photo on this piece is 144 acres (excludes the land to the east of the Woodmansee-Johnson Canal and the homes). After the 1976 Teton flood and the reclamation of the original channel in 1977, the acreage under irrigation increased to 150 acres.

Chronology of Land Use

Acres Under Irrigation

	<u>1955</u>	<u>1962</u>	<u>1964</u>	<u>1977</u>	<u>1982</u>
NW $\frac{1}{4}$ NW $\frac{1}{4}$	0	14	14	36	36
SW $\frac{1}{4}$ NW $\frac{1}{4}$	0	16	16	37	37
NE $\frac{1}{4}$ NW $\frac{1}{4}$	36	36	36	37	37
SE $\frac{1}{4}$ NW $\frac{1}{4}$	34	34	34	38	38
NW $\frac{1}{4}$ NE $\frac{1}{4}$	32	32	32	34	34
SW $\frac{1}{4}$ NE $\frac{1}{4}$	30	30	30	30	30
NE $\frac{1}{4}$ NE $\frac{1}{4}$	12 (+ 21.4)	12 (+21.4)	12 (+21.4)	33.4	33.4

Recommendations

Priority	April 1, 1955	April 1, 1962
Point of diversion	NE $\frac{1}{4}$ NE $\frac{1}{4}$, S 11, T 6N, R 40E	NE $\frac{1}{4}$ NE $\frac{1}{4}$, S 11, T 6N, R 40E
Amount	2.88 cfs	0.60 cfs
Purpose	Irrigation	Irrigation
Dates	Apr 1-Jul 15	Apr 1-Jul 15
Place of use	NE $\frac{1}{4}$ NW $\frac{1}{4}$ (36 acres) SE $\frac{1}{4}$ NW $\frac{1}{4}$ (34 acres) NW $\frac{1}{4}$ NE $\frac{1}{4}$ (32 acres) SW $\frac{1}{4}$ NE $\frac{1}{4}$ (30 acres) NE $\frac{1}{4}$ NE $\frac{1}{4}$ (12 acres)	NW $\frac{1}{4}$ NW $\frac{1}{4}$ (14 acres) SW $\frac{1}{4}$ NW $\frac{1}{4}$ (16 acres)
	All in Sec. 11, T. 4N, R. 40E, B.M.	

No priorities should be given after the 1962 date since the next major activity in this case was in 1977, which is after the May 20, 1971 date, which required that a permit must be filed for appropriation of water after that time.

Comments

Robert R. Ricks has 280 acre-feet of storage. He utilizes the system to distribute this storage water. Normally the watermaster does not measure "high water" and the purpose of this filing was to file on that water. History has shown that a 1955 priority will normally be cut the second week of June.

Documents available:

- (a) ASCS aerial photos dated 1941, 51, 66, 71, and 78.
- (b) Copies of deeds for properties last sale.
- (c) Copies of water delivery records for 1978-1983.
- (d) Copy of Seth and Robert R. Ricks 1958 tax return.
- (e) Tony Koziowski's 1980 field report.
- (f) Copy of the present sprinkler irrigation system (attachment B).
- (g) Copy of permit 22-7288 and amendment thereto.
- (h) Copy of claim 22-4012.