

01/17/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-2375A

Owner Type Name and Address
Current Owner DAREN O BITTER
Current Owner HARVARD A BITTER
 9336 S 15 W
 IDAHO FALLS, ID 83402
 (208)524-2791

Current Owner KENT O BITTER
 1439 N 1100 E
 SHELLEY, ID 83274

Priority Date: 10/10/1960
Basis: License
Status: Valid

Source Tributary to
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01	10/31	4.77 CFS	906.5 AFA	
Total Diversion			4.77 CFS	906.5 AFA	

Location of Point(s) of Diversion:

GROUND WATER	SWNWNE	Sec. 27	Township 06N	Range 35E	JEFFERSON County
GROUND WATER	NESESE	Sec. 27	Township 06N	Range 35E	JEFFERSON County

IRRIGATION Use:
Acre Limit: 259

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	35E	27		NENE	32		NWNE	34		SWNE	37		SENE	32
				SWNW	30		SENE	39						
				NESW	40		NWSW	36		SWSW	34		SESW	34
				NESE	28		NWSE	38		SWSE	35		SESE	32

Total Acres: 481

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Water Right 31-2375A

A3102375A



1. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 259 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-2329 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 481 ACRES IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-2329 IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1683.5 AF.

Comments:

Author	Date	Subject	Comment
bcontor	1/17/01	Recommendation	See documentation in paper file 31-2328, paper file 31-2375.

Dates:

Licensed Date:
 Claim Received Date: 01/16/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
POD	1/17/01 9:13:26 AM	bcontor			In Process
POU	1/17/01 9:19:03 AM	bcontor			In Process
Priority Date	1/17/01 9:01:59 AM	bcontor			In Process
Quantity	1/17/01 9:22:22 AM	bcontor			In Process
Season	1/17/01 9:20:10 AM	bcontor			In Process
Source	1/17/01 9:13:50 AM	bcontor			In Process
Summary	1/17/01 9:23:53 AM		1/17/01 9:23:53 AM	bcontor	Complete
Use	1/17/01 9:19:33 AM	bcontor			In Process

Other Information:

Receipt Number(s):
 State or Federal:
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:C
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
POD	1/17/01 9:13:24 AM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: GPS. See paper file 31-2328. 6. (YES) The file contains all the necessary information to verify the POD.

POD	1/17/01 9:12:23 AM	bcontor
POD	1/17/01 9:12:06 AM	bcontor
POD	1/17/01 9:11:26 AM	bcontor
POD	1/17/01 9:11:04 AM	bcontor
POU	1/17/01 9:19:01 AM	bcontor

Priority Date	1/17/01 9:01:57 AM	bcontor
---------------	--------------------	---------

Quantity	1/17/01 9:22:20 AM	bcontor
----------	--------------------	---------

Season	1/17/01 9:20:08 AM	bcontor
--------	--------------------	---------

Source	1/17/01 9:13:47 AM	bcontor
--------	--------------------	---------

Summary	1/17/01 9:23:49 AM	bcontor
---------	--------------------	---------

Use	1/17/01 9:19:30 AM	bcontor
-----	--------------------	---------

8. (NO) Point of Diversion remark was not required.
9. (NO) Point of Diversion condition was not required.
Edited PLS
Edited point location
Edited PLS
Edited point location
1. (YES) The POU is required.
2. (NO) The basis of claim is not beneficial use.
3. (YES) The Parent Right has a POU.
4. (NO) The claimed POU can not be verified using the water right file.
5. (YES) There is evidence that there has been a change in the POU.
6. (YES) The change can be verified as an accomplished transfer.
Comment for 6: GIS, see paper file 31-2328.
9. (YES) The file contains all the necessary information to verify the POU.
12. (YES) POU remark was required.
13. (NO) POU condition was not required.
1. (NO) There has not been a later court decree of the water right(s) from the water source.
4. (NO) The basis of claim is not beneficial use.
5. (NO) The basis of claim is not a posted notice.
6. (YES) Parent right has a priority date.
7. (NO) The basis of claim is not an application or permit.
12. (YES) The claim is recommended.
13. (YES) The claim is coded correctly.
14. (NO) Priority remark was not required.
15. (NO) Priority condition was not required.
1. (NO) The basis of claim is not beneficial use.
2. (NO) The basis of claim is not a posted notice.
3. (YES) The parent right has a diversion rate and/or diversion volume.
4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.
6. (YES) The source is ground water and the purpose of use requires a diversion volume limit.
7. (NO) The parent right does not have an annual diversion volume limit.
8. (YES) Irrigation is a purpose of use.
9. (YES) Quantity remark was required.
10. (NO) Quantity condition was not required.
1. (NO) The basis of claim is not beneficial use.
2. (NO) The parent right does not have a period of use.
4. (NO) There is not evidence that there has been a change to the period of use.
9. (YES) The file contains all the necessary information to verify the period of use.
11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.
13. (YES) Irrigation is the purposed use.
15. (NO) Period of Use remark was not required.
16. (NO) Period of Use condition was not required.
1. (NO) The basis is not beneficial use.
2. (YES) Parent right has a source.
3. (YES) The claimed source can be verified using the water right file.
Comment for 7: NWMD
8. (NO) The source is not surface water.
10. (NO) Source remark was not required.
11. (NO) Source condition was not required.
1. (NO) The basis of the claim is not beneficial use.
3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
5. (NO) General remark was not required.
6. (NO) Explanatory remark was not required.
7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (YES) This is a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.
1. (NO) The basis of claim is not beneficial use.
2. (YES) The parent right has a purpose of use.
3. (YES) The claimed purpose of Use can be verified using the water right

file.

11. (NO) Purpose of Use remark was not required.

12. (NO) Purpose of Use condition was not required.

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 31-2375a
Date Received: 1/16/01
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

HARVARD A BITTER Phone: (208)524-2791

9336 S 15 W
IDAHO FALLS ID USA 83402

DAREN O BITTER Phone: (208)524-2791

9336 S 15 W
IDAHO FALLS ID USA 83402

KENT O BITTER Phone:

1439 N 1100 E
SHELLEY ID USA 83274

2. Date of Priority: 10/10/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
06N	35E	27	NE SE SE	JEFFERSON

5. Description of diverting works:

WELL, PUMP, PIPELINE AND TWO CENTER PIVOTS WITH HAND LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	4.77	

7. Total Quantity Appropriated is:
4.77 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
06N	35E	27	NE	SW	IRRIGATION	33
			NW	SW	IRRIGATION	25
			SW	SW	IRRIGATION	34
			SE	SW	IRRIGATION	33
			NE	SE	IRRIGATION	32
			NW	SE	IRRIGATION	35
			SW	SE	IRRIGATION	35
			SE	SE	IRRIGATION	32
Section Acres						259
Total Acres						259

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

ORIGINALLY FILED AS 31-2375, PAID FOR UNDER RECEIPT E003577. SUBSEQUENTLY 31-2375B WAS FILED AS A SPLIT OFF OF THIS RIGHT. RATHER THAN CREATE SPLIT 31-2375A FOR THE UNCHANGED PORTION, 31-2375 WAS RETAINED AS AN ACTIVE CLAIM, AMENDED TO THE REDUCED ACREAGE AND Q.

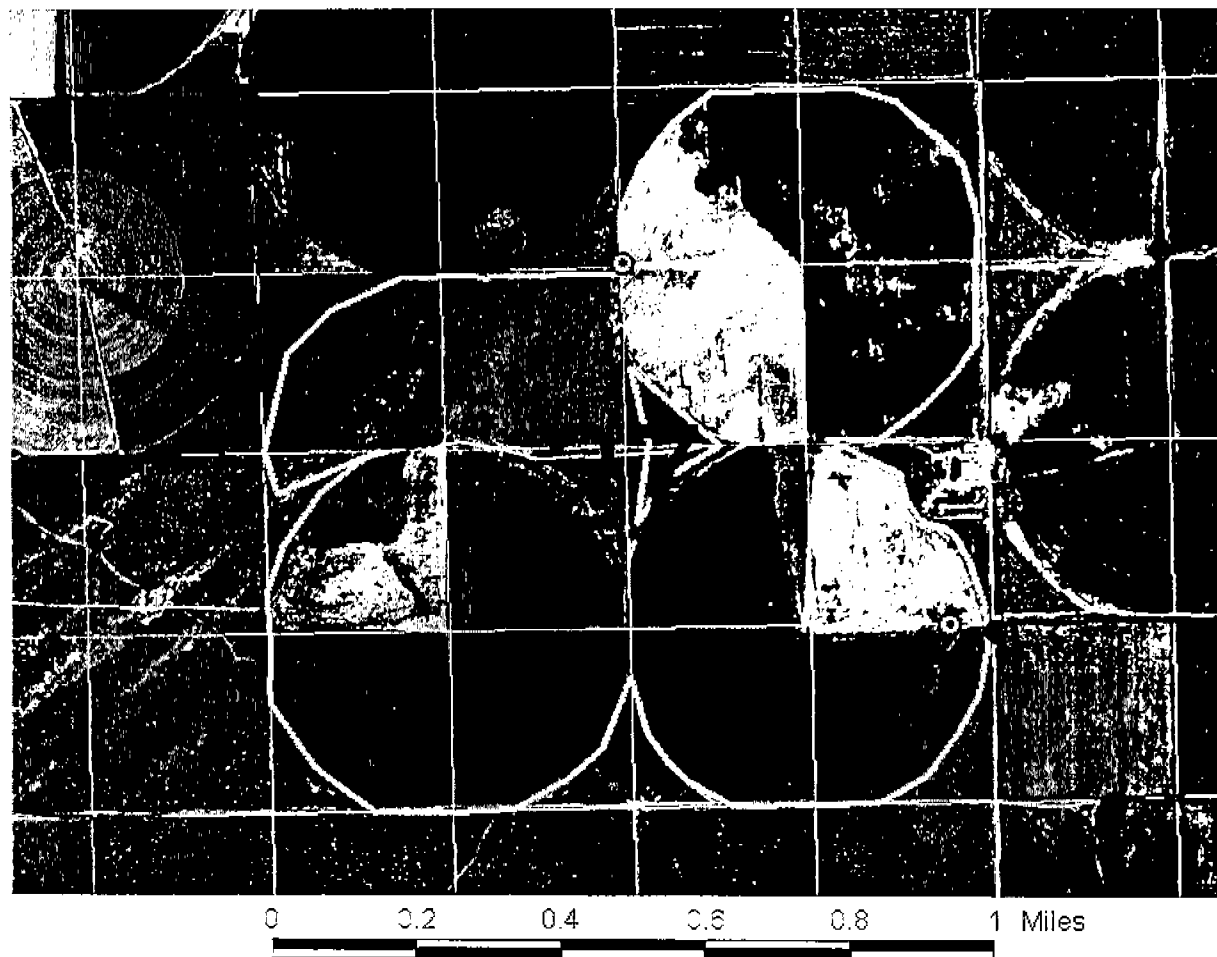
ON 1/16/2001 I GAVE 31-2375 STATUS "PARENT" AND CREATED 31-2375A WITH ALL THE ELEMENTS THAT WERE CONTAINED IN 31-2375. THIS RESTORES THE STANDARD NUMBERING SCHEME TO AVOID FUTURE CONFUSION. BCONTOR 1/16/2001.

15. Basis of Claim: License

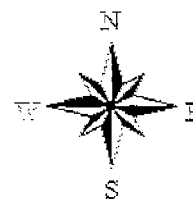
IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-2329, 31-2375A

Township 6N Range 35E



- ⊙ Point of Diversion -
- Point of Diversion - Other Rights
- Place of Use
- ▭ Place of Use - Overlapping Rights
- ▭ Place of Use - Other Rights
- ▭ Quarter-Quarter Sections
- ▭ Sections



Prepared from 1987/1988 Aerial Photography by B. Conter 1/2001

01/24/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-2375A

HARVARD A BITTER

9336 S 15 W

IDAHO FALLS ID 83402

Telephone Number: (208)524-2791

DAREN O BITTER

9336 S 15 W

IDAHO FALLS ID 83402

Telephone Number: (208)524-2791

KENT O BITTER

1439 N 1100 E

SHELLEY ID 83274

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

2/16/01

SIGNATURE:



Please print your name:

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161



See also file A31-2375
MEMORANDUM



To: Bitter AS Files

Fr: Bryce Goutor

Date: 1/15/01

Re: Recommendations

It is clear that the intent of the overland claims was to more evenly distribute acreage and diversion rate among the pivot systems, as accomplished transfers. Preliminary worksheets indicate that this can best be accomplished by asserting PPA's on both sides of the county road.

This also more correctly reflects the fact that with installation of pivots, lands are watered from different wells than originally licensed.

Permissible Place of Use "A" is pivots 1, 2, 3, and 4, on the East side of the road, diverted from wells #100 and #500. It will be recommended as follows:

31-2328	400 acres	5.00	cfs
31-2360	214 acres	2.68	cfs
31-2375 B	<u>40 acres</u>	<u>0.74</u>	<u>cfs</u>
	654 acres	8.42	cfs

Recommendations p 2

Acre will be limited to 598, Volume to $598 \times 3.5 = 2093$ cfs.

This will result in $8.42/598 = 0.014$ cfs/acre. Total system capacity is ≈ 8.5 cfs, so this will recommend $\approx 0.99 \times$ full capacity.

Permissible Place of use "B" is pivots 5, 6, 7, on the west of the road, diverted from wells # 600 and # 1100. It will be recommended as follows:

31- 2329 (recombined)	240 acres	3.00 cfs
31- 2375:	<u>259 acres</u>	<u>4.77 cfs</u>
	499 acres	7.77 cfs

Acre will be limited to 482, Volume to $482 \times 3.5 = 1687$ cfs.

This will result in $7.77/482 = 0.016$ cfs/acre. Total system capacity is ≈ 8.2 cfs, so this will recommend $\approx 0.95 \times$ full capacity.

I plan to proceed with this recommendation on the interpretation that it reflects the intent of the amended claims. I will also send an amended claim 31-2329 to recombine 31-2329 and 31-2329 B, for signature.

Boyle A. Carter

MEMORANDUM

To: Bitter claims
Fr: Bryce Contor
Date: 1/15/01

Bryce A. Contor

Re: Summary of NWMD results.

<u>Reward #</u>	<u>Bitter ID</u>	<u>POD</u>	<u>Q</u>	<u>Approx POW</u>
300089	#100	6N35E23NENW	1575 gpm/ 3.5 cfs	
300093	#500	6N35E26NW	2347 gpm/ 5.2 cfs	S. 23 S $\frac{1}{2}$ SW $\frac{1}{4}$ S 26 NW $\frac{1}{4}$ S 26 N $\frac{1}{2}$ SW $\frac{1}{4}$
300094	#1100	6N 35E 27 SESE	2232 gpm/ 5.0 cfs	SE $\frac{1}{4}$ section 27
300095	#600	6N 35E 27 NWNE	1504 gpm/ 3.2 cfs	
			Total	16.9 cfs

MEMORANDUM

To: Bitter AJ files
Fr: Bryce Contor
Date: 1/15/01
Re: Summary of licenses.

Bryce A. Contor

<u>License</u>	<u>cfs</u>	<u>POD</u>	<u>Map symbol</u>
31-2328	5.00	6N35E 26 NENW	(15)
31-2329	3.00	6N35E 27 NW NE	[15]
31-2360	2.68	6N35E 23 NENW	△ 15
31-2375	5.51	6N35E 27 NESE	[15]
	16.19 cfs		1153 acres (see next pg)

Biller License Summary p 2

22	37 33 30 25 39 23 30 40 40 40 40
40 40 40 40 25 40 40 35 40 40 40 39	40 40 40 40 40 40 40 40

400

 31-2328

240

 31-2329

214

 31-2360

299

 31-2375

1153 *series originally*