

Idaho Department of Water Resources

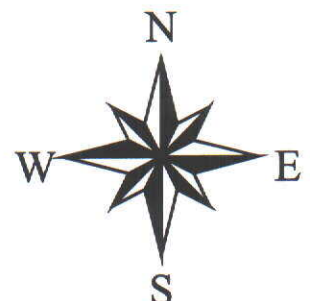
Water Right 31-7287, 31-11312

Township 7 North Range 36 East
Section 22



0 1320 Feet

-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines

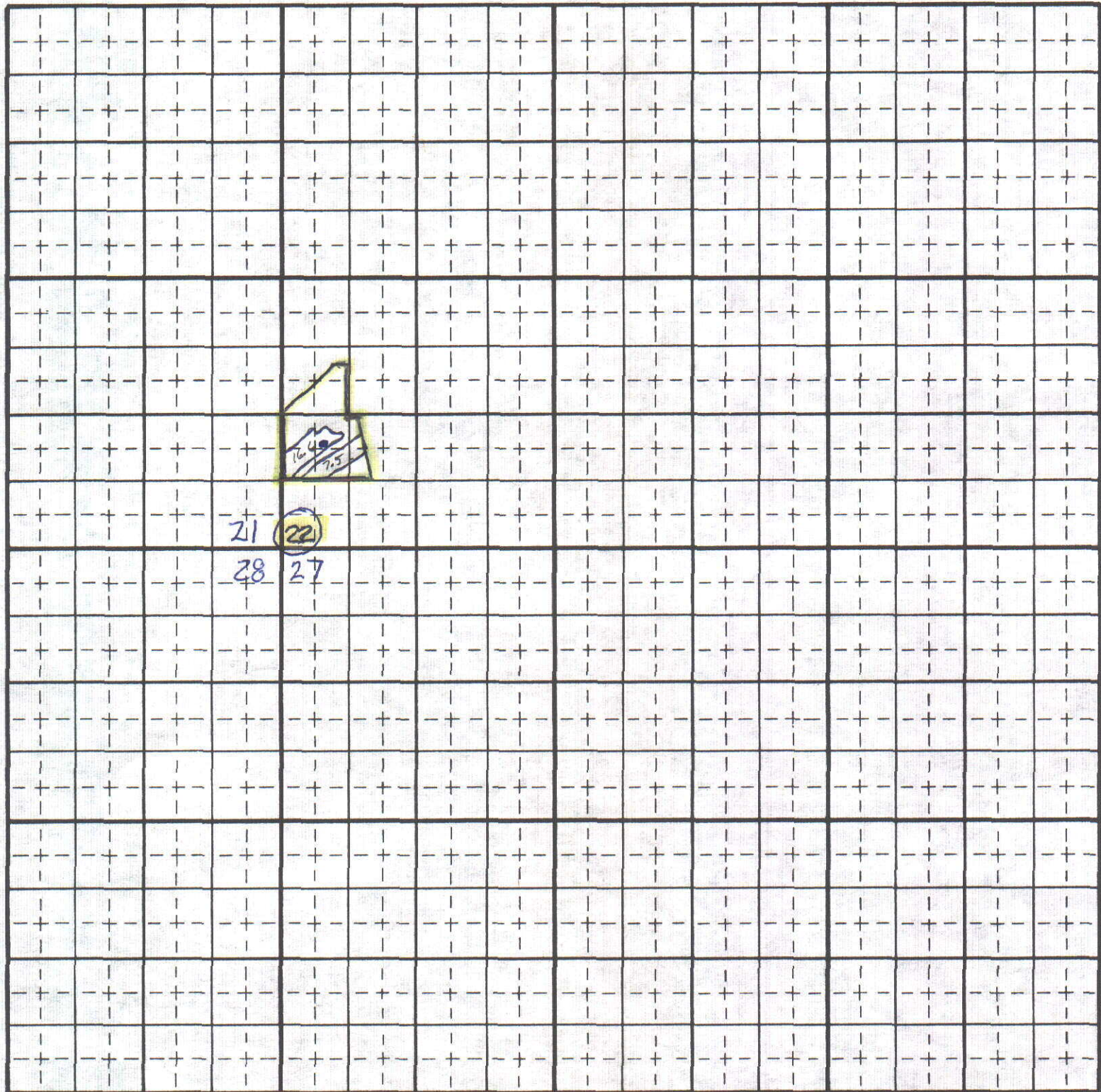


GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000

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

Scale: 2 inches equals 1 mile

TWP 7N RNC 36E SEC 22 NE $\frac{1}{4}$ SW $\frac{1}{4}$ + NW $\frac{1}{4}$ SW $\frac{1}{4}$



Last Name

Yearsley

Ident No.

Copies: White-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

IDAHO DEPARTMENT OF WATER RESOURCES

~~Adjudication Recommended Right Report~~

EASTERN REGION

WATER RIGHT NO. 31-11312

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Owner Type
Current Owner

Name and Address
WADE L YEARSLEY
2354 E 1900 N
HAMER, ID 83425
(208)662-5223

Priority Date: 12/31/1948
Basis: Beneficial Use
Status: Valid

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	10/31	0.48 CFS	72 AFA	
Total Diversion			0.48 CFS	72 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	22	NE NW SW		JEFFERSON

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	36E	22		SESW	0.1		SWNW	5.1						
				NESW	7.2		NWSW	38		SWSW	1.3			

Total Acres: 51.7

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-7287 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.03 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 181 AF.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 24 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-7287 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 57.1 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	10/7/00	Recommendation	Recommended per affidavit and FSA aerial photo in file. Recommended

Water Right 31-11312



State of Idaho DEPARTMENT OF WATER RESOURCES

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

bcontor 10/7/00 Priority Date

EASTERN REGION

bcontor 10/7/00 POD

bcontor 10/11/00 Capacity

on PPU basis with overlapping license 31-7287. O based on 0.02 cfs/acre with combined use limitations based on 0.02 cfs/acre and no case exam pending WMD data.

Documentation indicates 1948 development of 24.1 acres and 1960

development of additional 2.7 acres. Since only 24 acres are claimed I use earlier date. Per instructions I use 12/31/1948 as no specific date within 1948 is documented.

WMD exam and aerial photos show accomplished transfer to same POD as 31-7287. EXP remark not coded per new instructions from Boise. North Water Measurement District data shows system has adequate capacity for recommended diversion rate. See data in file A31-7287.

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Dates:

Licensed Date:
Claim Received Date: 05/29/1998
Decreed Date:
Date Filed with Court:
Objection Filed Date:
Response Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s):
State or Federal: S
Water District:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

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: A31-11312
Date Received: 6/ 3/1998
Receipt No: E024151
Received By: EC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A3111312



1. Name: WADE L YEARSLEY 208-662-5223
Address: 2354 E 1900 N
HAMER ID 83425

2. Date of Priority: APR 1, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	22	NE	SW			JEFFERSON

5. Description of diverting works:
WELL WITH 30 HP PUMP AND PIVOT IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.480		72.00

7. Total Quantity Appropriated is:
0.480 C.F.S. (and/or) 72.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	22	NE	SW		IRR	3.0
			NW	SW		IRR	21.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	24.0
					Total Acres	24.0

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:
31-07287

14. Remarks:
LATER WATER RIGHT BASED ON MORE RECENT BENEFICIAL USE OF
ADDITIONAL ACRES.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A31-11312Date Received May 29, 1998Receipt Number #024157

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Wade L Yearsley Phone (208) 662-5223Mailing Address 2354 E 1900 N Hamen Id Zip 834252. Date of Priority (Only one (1) per claim) 1948 Apr 13. Source of water supply (a) ground water source
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 7N Range 36E Section 22,1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of JeffersonAdditional points of diversion if any: None

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

1/4, Govt. Lot _____ B.M., County of _____5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Well with 30HP Pump and Pivot Irrigation System

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr 1 to Nov 1 amount 0.48 or 72

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .48 CFS (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 72 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	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	
<u>7N</u>	<u>36E</u>	<u>22</u>									<u>3</u>	<u>21</u>							<u>24</u>

Total number of acres irrigated 24

11. In which county (ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

31-7287

or None ()

14. Remarks:

Later water right based on more recent
beneficial use of additional acres.

Last Name Yearsley Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of graph paper. In the 5th column and 7th row, there is a small diagram of a right-angled triangle with a horizontal base of 2 units and a vertical height of 1 unit. The hypotenuse is labeled with the number 2.5. To the left of the triangle, the number 21 is written. To the right of the triangle, the number 28 is written. In the 5th column and 8th row, the number 27 is written. In the 5th column and 9th row, the number 22 is written inside a circle.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit

Decree

If applicable provide IDWR Water Right Number

Court Case Number Decree Date

Plaintiff vs Defendant

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

Signature of Claimant (s) Wade Yearsley Date May 29, 1998

Date

For Organizations: I do solemnly swear or affirm that I am

of Title that I have signed the foregoing

document in the space below as Title of Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization Date

State of Idaho/or)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 29 day of May 19 98

SEAL

Notary Public Mary K. Hargerson

Residing at Hamer, ID. 83425

My Commission Expires 7/20/98

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Address

Date

Last Name Yearsley Ident. Number

Copies White-State, Yellow-Claimant

Idaho Department of Water Resources

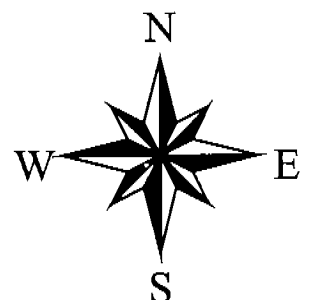
Water Right 31-7287, 31-11312

Township 7 North Range 36 East
Section 22



0 1320 Feet

- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 10/2000



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 13, 2000

Wade L. Yearsley
2354 E 1900 N
Hamer, ID 83425

Re: Adjudication Recommendations

Dear Mr. Yearsley:

Late this year or early next year you will receive copies of our preliminary recommendations for your water rights. The attached map shows the water rights I'm planning to recommend for you. It appears that water rights are recommended for all your irrigated acres, and all your licensed rights are recommended. In addition, beneficial use claim 31-11312 is recommended, which completes the acres needed for the pivot on the north.

I'm writing in advance because at one time I planned to recommend beneficial use claim 31-11313, which would have overlapped the licensed rights 31-7141A and 331-7141B. Upon further investigation, it appears that when you obtained licensed well rights for these parcels, the Hamer Canal rights (which were the basis for claim 31-11313) reverted to the canal company. The company conveyed these rights to other users, prior to being disbanded. These rights are now recommended to other users of the Hamer Canal company. An attached copy of an affidavit you apparently signed in behalf of Mr. Murdock supports this determination.

When you receive your preliminary recommendations, you will notice that right 31-11313 is proposed for disallowal. However, the other rights recommended appear to cover all your land and provide adequate diversion rate for all your systems.

Please call me at 525-7161 or 663-4583 if you have questions. After you receive our preliminary recommendation, you will have an opportunity to request a re-determination in the "Notice of Error" process. Following that process, the recommendations will go to the court. Then you will have an additional opportunity to file a formal Objection with the court, before the final outcome of your water rights is determined.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

To: Wade Yearsley AJ Claims

Fr: Bryce Contor

Date: 10/6/2000 *Bryce*

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Permissible Place of Use, Overlap, Beneficial Use Claims,
Shortage of acres on license 31-07287

In 1998 Mr. Yearsley sent a letter regarding his concern that license 31-07287 had been incorrectly licensed for 45 acres instead of 49. When I came across this letter in claims review, I sent a letter inviting Mr. Yearsley to file an enlargement claim, which would have authorized the additional acres but not have provided additional diversion rate. Mr. Yearsley called back recently and was planning to come in to review his claims and perhaps sign an enlargement claim.

Today, in reviewing an overlapping beneficial use claim of Mr. Yearsley's (31-11312), I realized that the additional acres could be asserted as an accomplished transfer of some of the acres originally developed by beneficial use (there is adequate documentation in the file).

I also realized that beneficial use claim 31-11313 overlaps licenses 31-07141A and 31-07141B.

Today I called Mr. Yearsley and suggested that I use beneficial use claim 31-11312 on a permissible place of use basis to pick up the shorted acres on license 31-07287, and that I recommend the other beneficial use claim on a permissible place of use basis with the other two rights. He approved this plan, so I will make the recommendations accordingly.

Date: May 29, 1998

Idaho State Department of Water Resources,

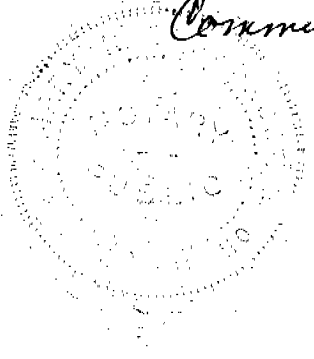
The purpose of this letter is to certify when we began irrigation of the ground described herein for beneficial use. In 1946 we moved to Hamer and purchased approximately 320 acres of undeveloped land. In that same year we drilled a new well on our "home place" and began developing ditches for irrigation. By 1948 we had developed 24.1 acres. In 1960 we added 2.7 acres for a total of 26.8. These portions of ground are accurately shown on a 1966 ASCS aerial photo. (Copy Attached) We continued irrigation of this ground until 1978 when we sold the remaining portion of the property to our son, Wade Yearsley, who subsequently installed a sprinkler irrigation system and increased the irrigated acres to it's current total. Wade still owns the property with the exception of a small parcel sold to Reese Sanders. The above mentioned ground is located in Township 7N, Range 36E, Section 22. (See attached sketch)

Signed: Wade Yearsley Date: 5/29/98

Signed: Blanche Yearsley Date: 5/29/98

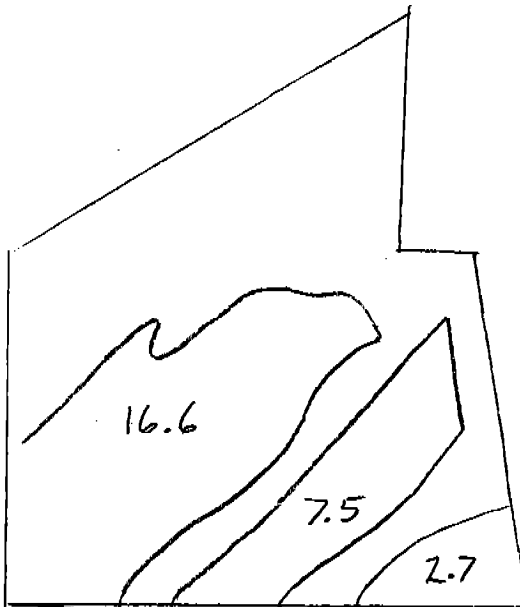
State of Idaho
Jefferson County
Hamer, Id. 83425

Mary R. Torgerson
Commission Ends - 7/20/98



A31-11312

Home Place

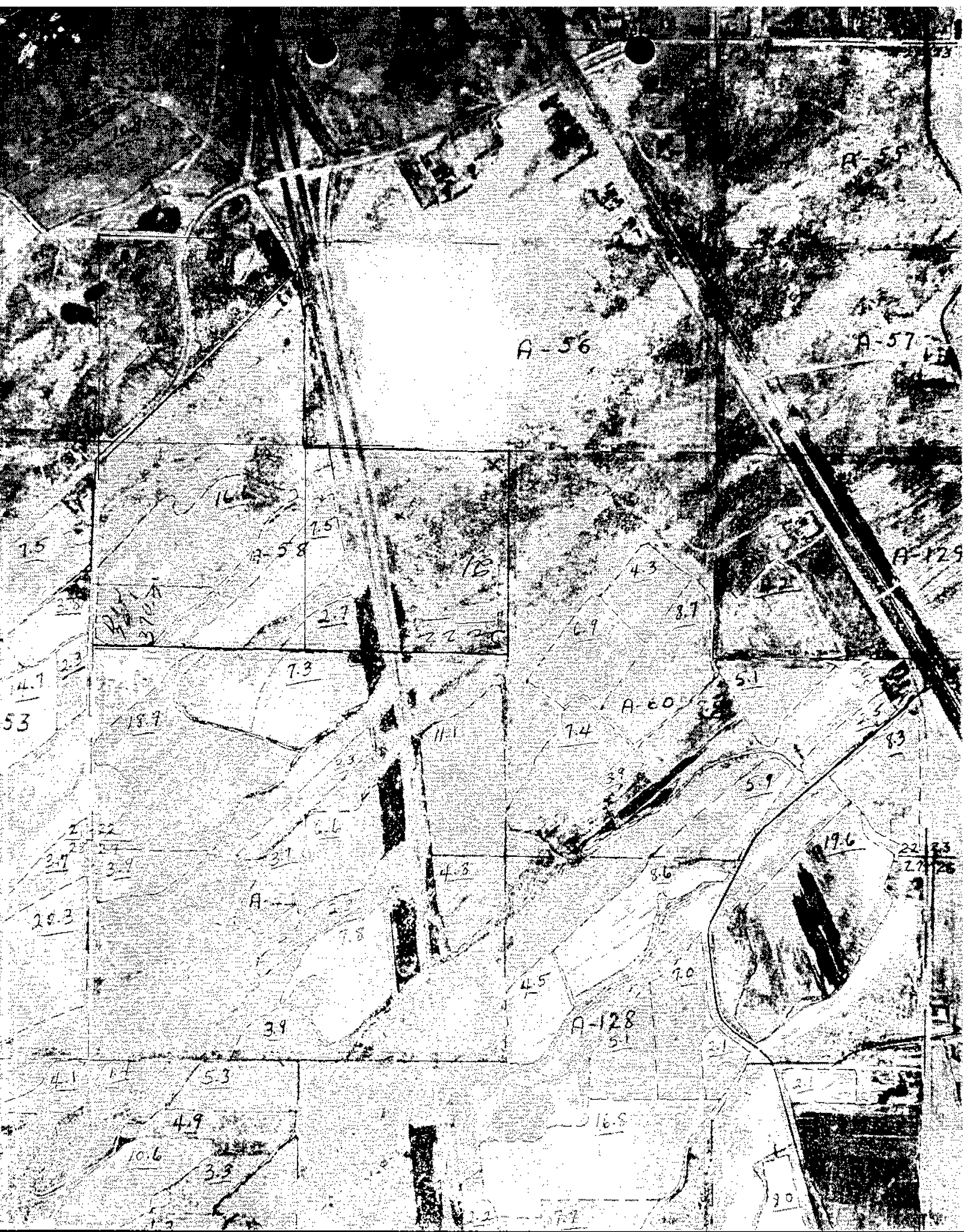


$$\begin{array}{r}
 16.6 \\
 + 7.5 \\
 \hline
 24.1 \text{ Acres} \\
 + 2.7 \\
 \hline
 26.8 \text{ Acres}
 \end{array}$$

Home Place

21	22
28	27

7N	36E	22	SWNW
7N	36E	22	NESW
7N	36E	22	NWSW



State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Wade L. Yearsley (208) 662-5223
Name of Claimant Phone Number

2354 E 1900 N HAMER ID 83425
Mailing Address City State Zip

Jefferson
County(s) where place of use is located Date claim originally due

31-7141A 31-7141B 31-7287
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The original work on these rights was performed while I was living out of State. I hadn't realized until just recently that the date of priority didn't reflect the original date of beneficial use.

Claimant requests an extension to June 1, 19 98

Wade L. Yearsley April 7, 19 98
Signature Date of request

Owner
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 1, 1998, 19 98

Signed this 13th day of April, 19 98

[Signature]
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706