

01/30/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

E002123

RIGHT NUMBER: 22-11666

NAME AND ADDRESS: WALTERS READY MIX INC
342 W 4TH N
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY: TETON RIVER

QUANTITY: 0.040 CFS

PRIORITY DATE: 06/01/1947

POINT OF
DIVERSION: T06N R40E S19 SWSWNE Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
INDUSTRIAL	1/01 12/31	0.040 CFS
RECREATION	4/01 10/31	175.00 AFY

PLACE OF USE: INDUSTRIAL Within MADISON County

T06N R40E S19 SWNW

RECREATION Within MADISON County

T06N R40E S19 SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

- The recreation use depends on subwater that naturally rises in gravel pit. ~~Since~~ it seems to me they are not entitled to a water right since there is no control over how much water is in the pit. The pit certainly was not at it current size in 1947, when the business started.

See Jimmy Rughy - email attached => PWS

Amend claim?

Ruberry, Allen

From: Jerry Rigby [jrigby@rigby-thatcher.com]
Sent: Tuesday, January 31, 2006 4:08 PM
To: Al Ruberry
Subject: Walter's Ready Mix 22-11666

Al, I just met with Skip this morning about the above entitled beneficial claim. As you know, we replied to the recommendation claiming that the cfs rate was too low. I know that the claim itself had the .04 cfs. However, this was obviously a mistake because the claim also clearly stated that the pumping was 1,000 gallons per minute. In fact, as you review the original, which Skip had in his file this morning, it is clear that the original claim was altered for some reason.

At any rate, it will require an amended claim and Skip told me that if I would get you the pumping information, you would provide your comments and perhaps a draft of the amended claim. The recreational right is correct on the recommendation and does not need to be changed. *→ 1947 - Don't think so - see BNC notes*

Here is what was occurring in 87 as well as what had been occurring since 1964 or 1965:

A float with a pump sat on the middle of the pond and pumped 1,000 gallons per minute into a pipe which emptied into the Wash Plant located adjacent to the pond. Aggregate was washed within the Wash Plant. The average hours per day was 10. The plant was operated six days of the week and for a ten month average period of time per year.

It is important to note that most of the wash water went immediately back into the pond and the washed aggregate was stored next to the pond where the excess water also drained back into the pond. Therefore, there is very little consumptive use. *No issue*

→ The original claim had a priority date of June 1, 1947 which is technically correct. However, the 1000 gallon per minute pump wasn't installed until 1964 or 1965. *Advance Priority to 1964 or file 2nd claim of 1947.*
 If you need something further, please let me know by return email. Also, I understand that you will be mainly working in the Teton County area from now on. Therefore, if you have assigned this to someone else in the office, please let me know.

Thanks again for all of your help.

Jerry R. Rigby

Rigby, Thatcher, Andrus, Rigby & Moeller, Chartered

P.O. Box 250

Rexburg, Idaho 83440

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Claim no. 2211666

Claimant Contact Log

Date	Remarks	Agent initials
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19 MARCH 04	MAILED REQUEST FOR PRIORITY EVIDENCE	
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18 May 05	356-5491 ~~no longer in service~~ - msg w/ Secretary	
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19 May 05	Mr. Walters called back, field inspection done. Bac	
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1-31-2006

advised Jerry Ryby that
an amended claim will need
to be filed with data as
to how often each week the
1000 gpm pump is used.

Contacts Data Entry Form

Claim Number: 2011666

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: WALTERS Ready mix Phone No.: 208-356-5491

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B. U.

Claimed diversion rate insufficient for gravel-washing operation. Because use is non-consumptive, claimant does not see a need to amend claim. I suggested he meet w/ his attorney. PAC 19 May '05

Gravel washing is also supplemented by post-AJ well. Number "22-7627" appears on well but I haven't investigated this permit/license. After washing use, water returns from well to pond. PAC 19 May '05

7 E pond/povconveyance/system

Reviewer: _____ Date: _____

Priority Date Data Entry FormClaim Number: 2211666

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 June 1947 Claimed Basis: B.U.

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

See affidavit from Mrs Walters, supports 1947 but no
particular date of 1947. Bdc 19 May 05

Reviewer: _____

Date: _____

Water Right No(s). 2211666

A22-11666



GPS DATA:

*Photo taken from
near Waypoint 3*

Tag # none, no place to put it Location: _____

Diversion Data:

Source: POND Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

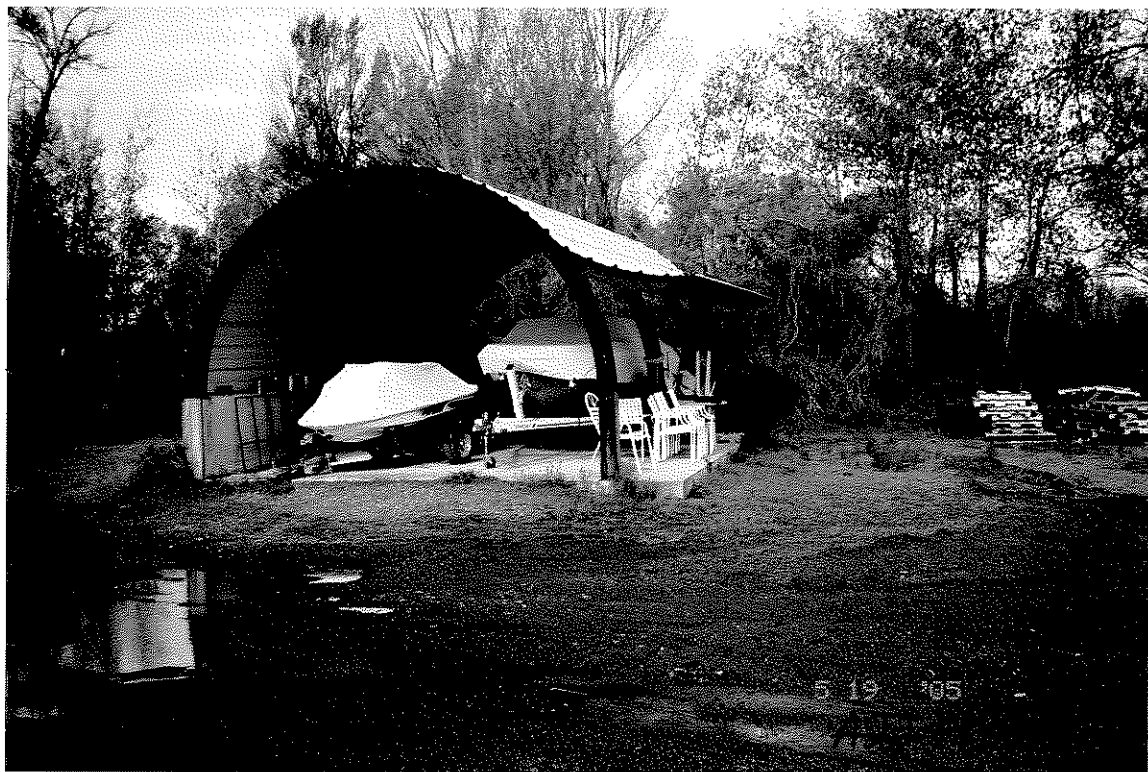
Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Per Mr. Walters dredge has 600 horsepower Caterpillar 3412 engine. This runs the entire dredge including water pumps, ground pumps, cutter heads and conveyors. (PAC 19 May 05)

Field Exam Date: _____ Agent: _____



A22-11666
photo of pavilion
at recreation site
taken near
waypoint 4

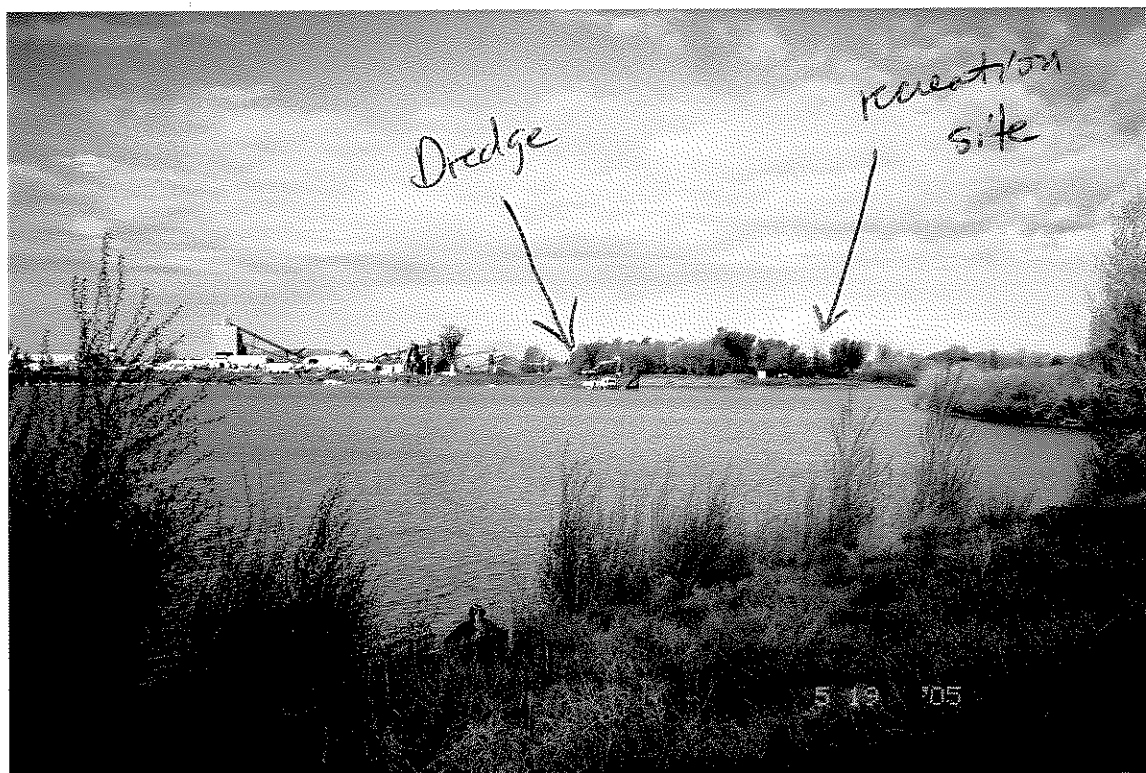


Fire pit at
recreation site,
taken near
waypoint 4

Bac 19 May 05



A22-11666
Boat ramp and
dock at
recreation site,
taken near
waypoint 4



looking west at
recreational pond
from near
Waypoint 5

BAC 19 May 05

Point of Diversion and Source Data Entry Form

Claim Number: 2211666Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
6N	40E	19			SESN NW	Madison	Pond Water

Recommended Point(s) of Diversion and Source.

Tw	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
						POND	

C02

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:GPS Waypoint 3 is $\approx$ 100 ft west of where dredge pipes exit pond, 2677488 E 1406146 N IOTM 83.

GPS Waypoint 4 is parking area of recreational spot, 2677557 E 1406295 N IOTM 83.

GPS Waypoint 5 is near NE corner of pond 2678159 E 1406195 N IOTM 83.

See sketch on layout. BAC 19 May 05

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: 2211666Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
64	40	19	SW	NW	Madison			Industrial
"	"	"	SW	NW	"			RECREATION

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Please see sketch on layout

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 2211666Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Industrial	1/1	12/31		
RECREATION	4/1	10/31		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD SOU. 1/1 - 12/31 Industrial
 1/1 - 12/31 Recreation

See notes on "Questions and Problems" page. Claim is
 for 0.04 cfs w/ description of 1000 gpm diversion works.

Reviewer: _____

Date: _____