

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 43-2377B
Date Received: 5/30/89
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

C RUTH ANDERSON Phone: (208) 645-2466
PO BOX 613
MALTA ID USA 83342

SIDNEY D ANDERSON Phone: (208) 645-2466
PO BOX 613
MALTA ID USA 83342

2. Date of Priority: 03/30/1952

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
12S	26E	11	SW NW NW	CASSIA

5. Description of diverting works:

18" CASING 25 HP. MOTOR 15 HP. BOOSTER, 225' DEEP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.68	

7. Total Quantity Appropriated is:
0.68 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
12S	26E	2	SW	SW		IRRIGATION	10
						Section Acres	10
12S	26E	11	NE	NW		IRRIGATION	10
			NW	NW		IRRIGATION	40
						Section Acres	50
						Total Acres	60

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 281

15. Basis of Claim: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

September 20, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

C RUTH ANDERSON
SIDNEY D ANDERSON
PO BOX 613
MALTA ID 83342

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A43-02377b, A43-10278
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in
Address on the water right claim(s) referenced above.
Our records have been updated accordingly.

If you have any questions, please feel free to
contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

SEP 19 2000

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

- ☐ Water Right Number(s): A43-02377B
A43-10278
- ☐ Old Mailing Address: Star Route
Box 19
Declo ID 83323
- ☐ New Mailing Address: P.O. Box 613.
Malta ID 83342
- ☐ New Telephone Number: (208) 645-2466 same
- ☐ Signature of Claimant(s): C. Ruth Anderson
- Date: 9/14/00

FOR IDWR USE ONLY	
Initial Review and Data Entry	
Date:	By:
Further Action Needed:	
Further Action Taken	
Date:	By:
Final Review and Data Entry	
Date: <u>9/20/00</u>	By: <u>[signature]</u>

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: A43-02377B
Date Received: 5/30/1989
Receipt No: MOU 3759
Received By: g se

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SIDNEY D. ANDERSON 208-645-2466
Address: STAR RT. BOX 19
DECLO, ID 83323

AND/OR
Name: C. RUTH ANDERSON 208-645-2466
Address: STAR RT. BOX 19
DECLO, ID

2. Date of Priority: MAR 30, 1952

3. Source: GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1
12S	26E	11	SW N

5. Description of diverting works:
18" CASING 25 HP. MOTOR 15 HP. BOC

6. Water is used for the following purpose

Purpose	From	To
IRRIGATION	03/15	11/

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

A.F.A.

8. Total consumptive use is 180.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

file # 14020
new address?
PO Box 613 83342
Matta, Id.
when did you start irrigating the
waves in SWSN Sect. 2
(West of Highway)?
transfer in 1969
1982

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12S	26E	2	SW		SW		IRR	10.0
						Section Acres		10.0
		11	NE		NW		IRR	10.0
			NW		NW		IRR	40.0
						Section Acres		50.0
						Total Acres		60.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
TRANS. 281.

15. Basis of Claim: LICENSE
Water Right Number: 22664

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: 1

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): C. Ruth Anderson Date: 5-30-89

Date: _____

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of May 19 88
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

MICROFILMED
MAR 03 1993

T12S

T. 12 S.

4698

4697

4696

MALTA 56 MI.
SNOWBELL, UTAH 56 MI.

Robertson, Jean

From: Skinner, Corey
Sent: Monday, September 11, 2000 1:21 PM
To: Robertson, Jean
Subject: FYI - Conversation with Claimant

Jeanie,

I thought I would let you know that I spoke with Ruth Anderson today who has some property in the Malta area. She was asking about using her water and stuff and we got to talking and she has not been receiving SRBA mailings. I looked up her claims and found out that it had her old address on the claims. I sent her a Change of Address form along with proof reports of her claims, and your name, since you have her irrigation claim. The claim #'s are A43-02377B (irrigation) and A43-10278 (D & S). I thought I would let you know, just in case she contacts you.

Corey

Form 2-222

7/94

RECEIVED

Copy for Claim File

Water Right No. _____

RECEIVED

SEP 19 2000

Department of Water Resources
Southern Region

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR EXTENSION OF TIME TO AVOID
FORFEITURE OF A WATER RIGHT

Section 42-222, Idaho Code, provides that a water right shall be lost and forfeited and the water right revert to the state upon the failure of a water user to apply the water to beneficial use for a period of five (5) years. The Director may allow an additional five (5) year period of non-use without forfeiture upon a showing of reasonable cause.

1. Name of water right holder Sidney D & C. Ruth Anderson
2. Mailing address P.O. Box 613
3. The right was obtained or is evidenced by:
 - a. Decree to N/A in Case of N/A
 - vs. N/A Dated N/A in N/A (Name of Court)
 - Court, County of N/A Fully describe decree N/A
- b. License No. A43-023778 c. Claim No. N/A
- d. SRBA No. N/A
4. Source of water GROUNDWATER tributary to N/A
(Name of stream or source)
5. Date of priority of right 03/30/1952
6. Description of Right:

amount .680 for IRRIGATIONAL purposes from 3/15 to 11/15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
7. Point of Diversion NW 1/4 NW 1/4 of Sec. 11 Twp. 12S Rge. 26E County CASSIA

8. Lands irrigated or Place(s) of Use:

TWP	RGE	SEC	NE	NW	SW	SE	Totals
12S	26E	2			10		10.0
12S	26E	11		10 40			50.0

Total Acres 60.0

RECEIVED

OCT 12 2000

Department of Water Resources
Southern Region

TOTAL P.01

Length of extension of time requested 5 years, or until 1994

10. Explain fully your reasons for requesting an extension of time within which to resume the use of your water right and reasons for non-use My husband has been very ill & unable to farm the ground was in what we thought was a set aside so we didn't worry. But we find it is not a set aside. There wasn't enough profit to have some one farm for us but loosing will decrease value of property. Since my husband had open heart surgery

(The information contained in this application is true to the best of my knowledge.
He will be back farm next year

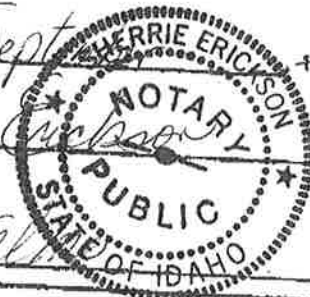
(Signature of Applicant) E. Rick Anderson

Subscribed and sworn to before me this 18th day of Sept

OCT 5 - 2000

Department of Water Resources

(Notary Public)



My commission expires 3/14/02

Residing at Alt.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined this application for extension of time within which to resume the use of a water right and I hereby said application subject to the following conditions or reasons:

Signed this _____ day of _____, 19____

(DIRECTOR)

FOR DEPARTMENT USE ONLY

Date Received 09/19/00 \$100 FEE Received by J. M. ... Date 10.5.00 Receipt # C050705
 Preliminary ☒ by JF Publication prepared by MB Pub. approved by _____ Date _____
 Published in Id. St. Press Dates Published 2/19 & 2/26/01
 Protests filed by _____
 Copies of protests forwarded by _____ Hearing held by _____ Date _____
 Recommended for - ☐ APPROVAL / ☒ DENIAL By Adm

MEMO

TO: File

Date: 11-27-00

FROM: Jim Stanton

RE: App. for Extension of Time to Avoid Forfeiture, Sidney Anderson

Today I got a call from Guy Arnell of Burley, who has been hired by the applicant to check out their water-rights situation. Guy told me that the Andersons went into some kind of government program that prevented them from growing potatoes and beans but not other crops. They thought that this protected their water right, but now believe that their right has been lost through 6 years of non-use. The application states that they last irrigated in 1994. I told Guy that they still have a licensed right according to our records, and that their SRBA claim is under review at this time; the Basin 43 Director's Report is due out at the end of the year. I said that if the claim is recommended for decree, and the recommendation stands, the right would probably be decreed as valid. I also said that if the right is recommended for denial, and the recommendation is upheld, the right could be declared forfeited. I said that the application could be withdrawn by the Andersons at any time prior to final action by the Director. We talked about the rules regarding resumption of use, and that IDWR permission was not required for the use of a valid water right to be resumed. I told Guy that there are many gray areas here, and that the Andersons may want to obtain legal advice on this matter. I made it abundantly clear to him that our conversation contain NO legal advice of any kind, and was merely a discussion of the issues.

RECEIVED

INTER-DEPARTMENT MEMO--1

OCT 12 2000

Department of Water Resources
Southern Region

DATE

10-06-00

FROM

Mr S.

TO

S. Rignon

SUBJECT

- Pkg prepare & advertise as
required in Sec 42-222(2) I.C.

ThankRS



SIGNATURE

EXTENSION OF TIME TO AVOID FORFEITURE

ANALYSIS SHEET

1. INITIAL REVIEW BY: John Freitag
2. RIGHT NUMBER 43-023778 APPLICANT Sidney C. Anderson
3. TYPE OF RIGHT: ☐ Decree ☒ License ☒ Claim
4. Is reason for request extension given on application?
☒ Yes ☐ No (If No, return Application)

5. CHECK:

- (a) ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period of Use
- (b) ☒ Description of Point(s) of Diversion
- (c) ☒ Description of Place of Use *Note: see memo*
- (d) ☒ Check for correct Signature, Notarization, Fee

6. OWNERSHIP OF RIGHT

Applicant's ownership confirmed by:

- (a) ☐ Copy of Tax Notice, Deed, or other _____
in file.
- (b) ☒ County Assessor records. Date Contacted 10-20-00

Note: See Memo

7. Is the right in a Watermaster District? ☐ Yes ☐ No Dist. _____
(If Yes, send copy to Watermaster)

FINAL REVIEW IN REGION by _____.

- (a) Is Application published correctly? ☐ Yes ☐ No
- (b) Protest Received? ☐ Yes ☐ No

RECOMMENDED ACTION

- ☐ Approve
☐ Deny

Conditions: _____

Memorandum

To: Application for Extension of Time: A37-02377B

From: John Freitag, Water Resource Agent

Re: Review notes

Date: 10/20/00

The application for extension of time to avoid forfeiture of a water right for A43-02377B submitted in the name of Sydney D & C Ruth Anderson on 10/05/00, states that the last time it was put to beneficial use was in 1994.

On this day I spoke with Cassia County Assessors office and they told me that Sidney and Ruth Anderson own 7.09 acres in T12S, R26E, S02 and 45.55 acres in T12S, R26E, S11. A43-02377B is claiming 10 acres in T12S, R26E, S02 and 50 acres in T12S, R26E, S11.

03/01/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-2377B

NAME AND ADDRESS: C RUTH ANDERSON
SIDNEY D ANDERSON
PO BOX 613
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.68 CFS
204 AFY

PRIORITY DATE: 03/30/1952

POINT OF DIVERSION: T12S R26E S11 SWNNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	0.68 CFS 204.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T12S R26E S11	NENW	6	T12S R26E S11
T12S R26E S2	SWSW	7	NWNW 38

51 ACRES TOTAL

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.

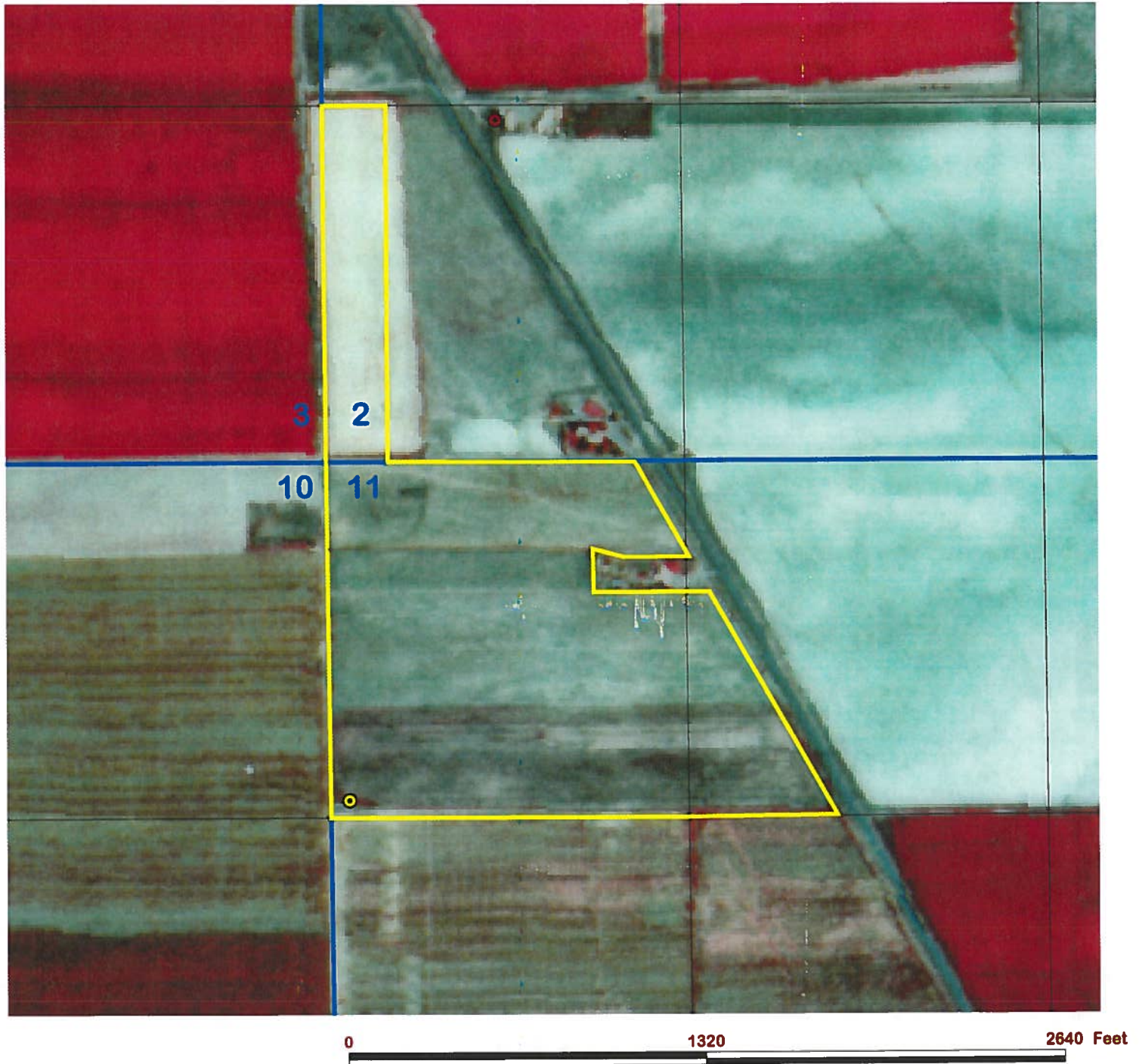
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE
TWP 12S, RNG 26E,
Data entry on February 28, 2001

RIGHT: 43-2377B



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:52:38
01/24/00
34

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A43-02377B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME																																																																																																																																											
C	SIDNEY D ANDERSON	03/30/1952	IRRIGATION	03-15 11-15	0.680 CFS	.65																																																																																																																																											
C	C RUTH ANDERSON					.65																																																																																																																																											
TOTAL DIVERSION:					0.680 CFS																																																																																																																																												
CONSUMPTIVE USE:						180.00 AFA																																																																																																																																											
Water Source: GROUNDWATER		Tributary to:		Stage: LICENSE																																																																																																																																													
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Place of use Legal Description for: IRRIGATION																																																																																																																																																	
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Non-Irrigation Uses: NONE																																																																																																																																																	
Other Rights: NONE																																																																																																																																																	

Remarks: GEN TRANS. 281. T1602

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

C18
C85



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 28, 2001

RECEIVED

MAR 30 2001

Department of Water Resources
Southern Region

Sidney Anderson
Box 613
Malta, ID 83342

RE: APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A
WATER RIGHT - 43-02377 (part)

Dear Mr. Anderson:

The department has received your letter dated March 22, 2001 in which you withdraw the Application for Extension of Time to Avoid Forfeiture of a Water Right ("application") which you filed with the department on September 19, 2000 in connection with the above referenced water right. Based on your request, Water Allocation Bureau of the department considers the application withdrawn and will not take action on the application.

If you have questions, please feel free to contact me or the department.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: Allen Merritt
IDWR - Vikie Hancock



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

March 20, 2001

Sidney D. Anderson
P.O. Box 613
Malta, ID 83342

RECEIVED

DIRK KEMPTHORNE
Governor

MAR 23 2001

KARL J. DREHER
Director

Department of Water Resources
Southern Region

RE: APPLICATION FOR EXTENSION OF TIME TO AVOID FORFEITURE OF A
WATER RIGHT - 43-02377 (part)

Dear Mr. Anderson:

The department's regional office in Twin Falls has finished the advertising of the above referenced application and has forwarded it to this office for final review and action. Based on the information in the application and in the file, this office can not approve the application.

Department files show that you also have also filed a pending Snake River Basin Adjudication claim on the right. At this point, I suggest you withdraw the above referenced application in order that the adjudication claim can be considered without being influenced by a denied application for extension of time request.

Please respond to me within fourteen (14) days advising if you are willing to withdraw the application. If you do not timely respond to the department, the department will act on the application with the information presently in the file. If you have questions about this letter, please feel free to contact me. My direct phone number is (208) 327-7955.

Sincerely,

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR - Allen Merritt
IDWR - Vickie Hancock

MEMO

FROM: VIKIE HANCOCK

DATE: 3-14-2001

RE: 43-2377B - Sidney and Ruth Anderson
APPLICATION OF EXTENSION OF TIME TO AVOID FORFEITURE

The Anderson's filed an SRBA claim based upon a portion of licensed right 43-2377. The original license for 160 acres located in the N½N½ Section 11, T12S, R26E, was split by T1622 in 1968. The B, or remaining, portion retained 0.68 cfs for 60 unspecified acres presumed to be 40 in the NWNW and 20 in the NENW Section 11.

The W½NENW Section 11 is split diagonally by the Declo-Malta highway. 5.55 acres lie on the west side of the highway and are owned by Andersons. (The balance of the NENW lying on the east side of the highway is currently owned by Gary Harper). Anderson's also own the NWNW Section 11 and 7.09 acres in the SWSW Section 2. Anderson's own a total of 52.5 acres.

It appears from aerial photos that sometime between 1968 and 1976, the portion of licensed right 43-2377B that lay to the east of the Declo-Malta highway ceased to be used and that approximately 10 acres in the SWSW Section 2 began to be irrigated. An accomplished transfer of place of use is being recognized for this 10 acres pursuant to IC 42-1425.

Although the claimants admit that water has not been put to beneficial use on their land since 1994, this right is being recommended according to the current IDWR Adjudication forfeiture policy. Since Anderson owns only 52.5 acres, I adjusted for land not irrigated at the farmstead, and am recommending 51 acres, but allowing the entire diversion amount of 0.68 cfs.

Ardel Wickel, predecessor in interest to Gary Harper, became aware that 10 acres of the original POU in NENW Section 11 was unclaimed, and added these acres to his SRBA claim 43-2377A. I disallowed that additional 10 acres. It remains to be seen whether Harper pursues a claim to a portion of the Anderson's 43-2377B.

RECOMMENDATION NOTES

From: Vikie Hancock

3/1/01

Regarding: 43-2377B

The claim, based upon the B portion of licensed right 43-2377, is for a total of 60 acres - 40 acres in the NWNW, 10 acres in the NENW Section 11, and 10 acres in the SWSW Section 02 T12S, R26E. The history of this claim is as follows:

- In 1956 a license for 2 cfs on 160 acres in the N½NW and N½NE section 11 was issued in the name of Stephens and Tannehill, priority date 1952. This allocated .0125 cfs per acre.
- In 1965, T#281 was approved which allowed the licensees to drill a replacement well 600 feet north of the existing well. Both wells were located in the NWNW Sec 11.
- In 1968 T1622 split the diversion rate between two parcels and changed the place of use. Tannehill proposed to combine 1.32 cfs from 43-2377 and 2.3 cfs from 43-2398 and use it upon a 230 ac PPU, which included 100 ac from 43-2377 and 130 ac from 43-2398. The point of diversion for the 1.32 cfs would be changed to the SWSW Sec 02.
- The transfer stated that 0.68 cfs would continue to be diverted from the well in NWNW Sec 11 and used upon the balance of the 160 acres originally licensed to 43-2377. It was inferred that the balance of the acres remaining to be used by the new owner, which was apparently Stephens, totaled 60. There was no ambiguity that Tannehill's portion of the license was to be appurtenant to 100 acres.
- By reviewing 1962, 1968 and 1976 aerial photos, it can be determined with reasonable accuracy that the entire 160 acre place of use was irrigated in 1962 and 1968. In 1976 it appears that irrigation in the NENW of Sec 11 stops at the N/S center line of the 40 acre tract. All of the acreage in the NWNW and NENW west of the highway is irrigated in 1976, as is approximately 10 acres in the W½W½ SW¼ Sec 02. This 10 acres in section 02 had not been irrigated in 1962 or 1968.
- Claims are filed in the SRBA by Sid Anderson - successor to Stephens - and Wickel - successor to Tannehill. Wickel originally files on 43-2377A exactly as transferred - 230 ppu acres in Sec 11 and 2 for 1.32 cfs. Anderson files on 50 acres in Sec 11 and 10 acres in Sec 2, for .68 cfs, identified as 43-2377B.
- 1989 letter from IDWR to Wickel states that 10 acres in NENW Sec 11 are unclaimed and that he may want to amend his claim to add both acres and diversion rate, which he did. This letter may not have been representative of the actual situation.

- During a 1994 field exam, Andersons tell Jeanie Robertson that the 10 acres in section 2 have been irrigated since before they purchased the property in 1982. They believed that the transfer that gave their predecessor 20 acres in the NENW was in error, but that the extra acres were irrigated in section 2 through some sort of trade.
- In September 2000 Andersons file for extension of time to avoid forfeiture, stating that illness has kept them from irrigating their land for several years. It is determined at this time that Andersons own 7 acres in Sec 2 and 45.5 acres in Sec 11.

Analysis: It seems certain that Tannehill and Stephens intended to split the licensed acreage 100 / 60 and the diversion rate 1.32 / 0.68, which gave Tannehill a greater proportion of the water on his acres. It is not known where the boundary of property ownership lay at the time, but the highway was a natural diagonal boundary between fields. At any rate, it appears that by 1976, irrigation had ceased on the approximately 10 acre triangular piece of property lying on the east side of the highway in the $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ Sec 11, and had begun on approximately 10 acres in the $W\frac{1}{2}$ of Sec 2. It would seem that this had been done by an accomplished transfer according to IC 42-1425.

Andersons are the current owners of 52.5 acres, and all but the 1 acre farmyard were being irrigated, albeit marginally, in 1987 under right 43-2377B. They should receive a recommendation equal to the original licensed diversion rate per acre, which would be $.0125 \times 52$ acres or 0.65 cfs. (Note that three acres of the 10 irrigated in section 2 are not owned by them).

Wickel now has an amended claim for 240 acres and 1.45 cfs under right 43-2377A. Apparently he is the owner of all the land east of the highway in the NENW Sec 11 and, because of our letter, believes that the ten acres are irrigated under his water right. If it is proven that the water appurtenant to that 10 acres was not transferred to the $W\frac{1}{2}$ of section 2, but remained appurtenant to the original place of use, then Wickel's right to it would be as a portion of license 43-2377B, not -2377A.

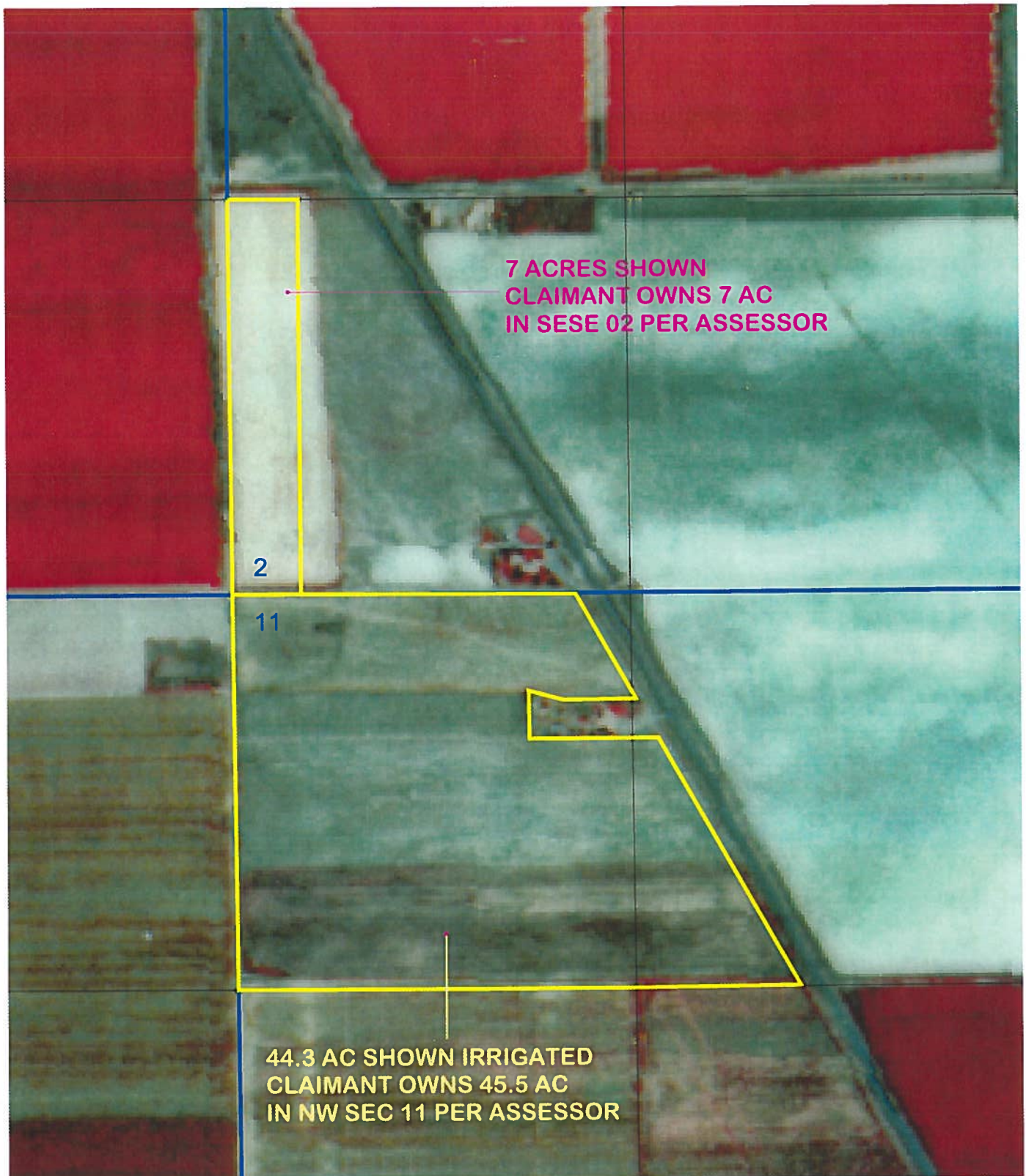
Since neither of the original right holders are available to ask about the original intent and eventual place of use of the remaining portion of the transferred right, I am recommending 43-2377A as transferred and 43-2377B as found irrigated and owned by the claimant. Farmsteads and roadways reduce the number of allowable acres, but admittedly there has been a loss of acreage and diversion rate from the original license in my proposed recommendation for 43-2377B. GIS calculations using 1987 NAPP aerial photography indicate that there are, indeed, 230 acres being irrigated under rights 43-2377A and 43-2398.

FILE NOTES

ANDERSON

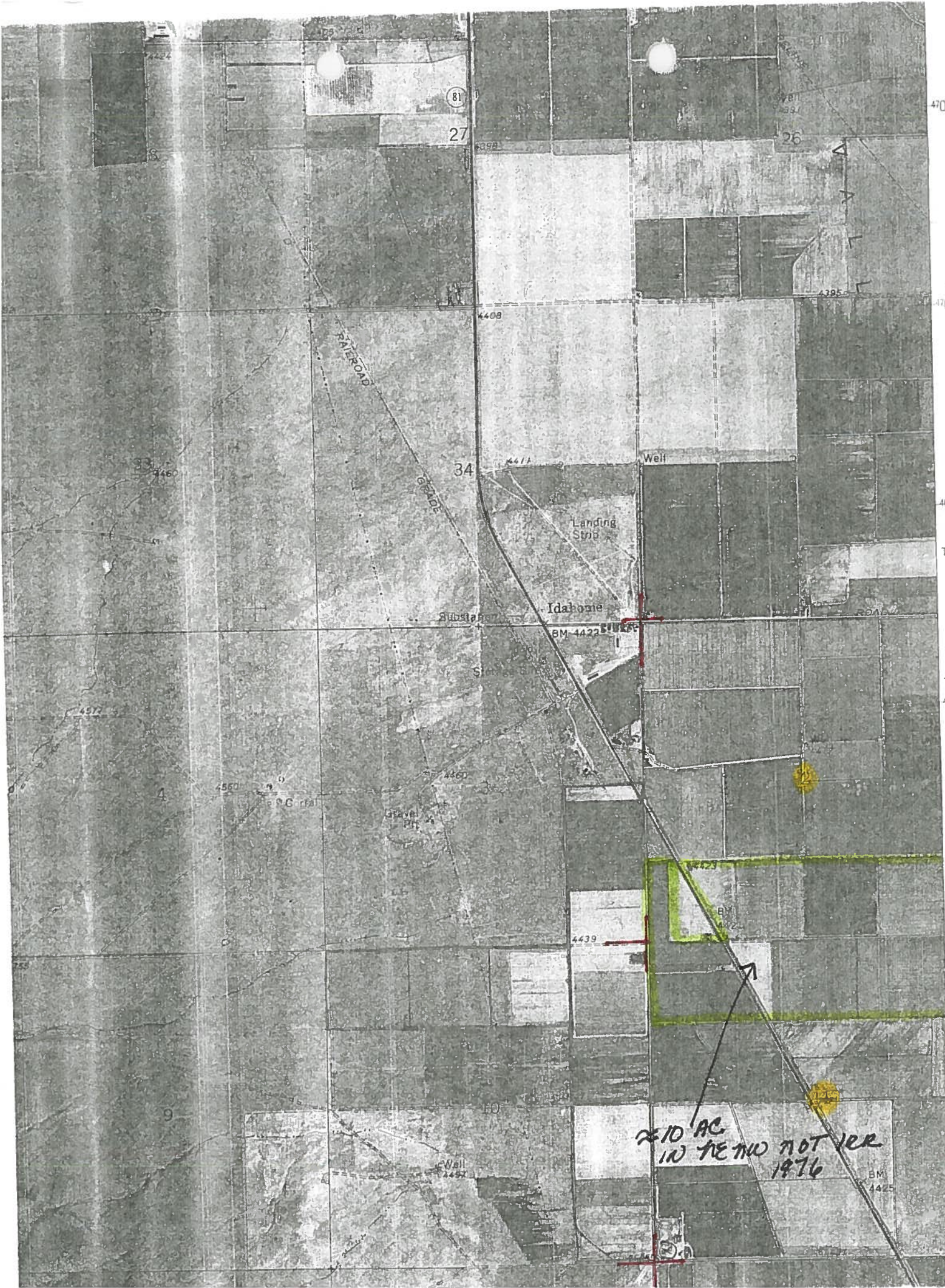
43-2377B

TWP 12S, RNG 26E
SEC 02, 11



1987 AERIAL PHOTOGRAPHY

V HANCOCK



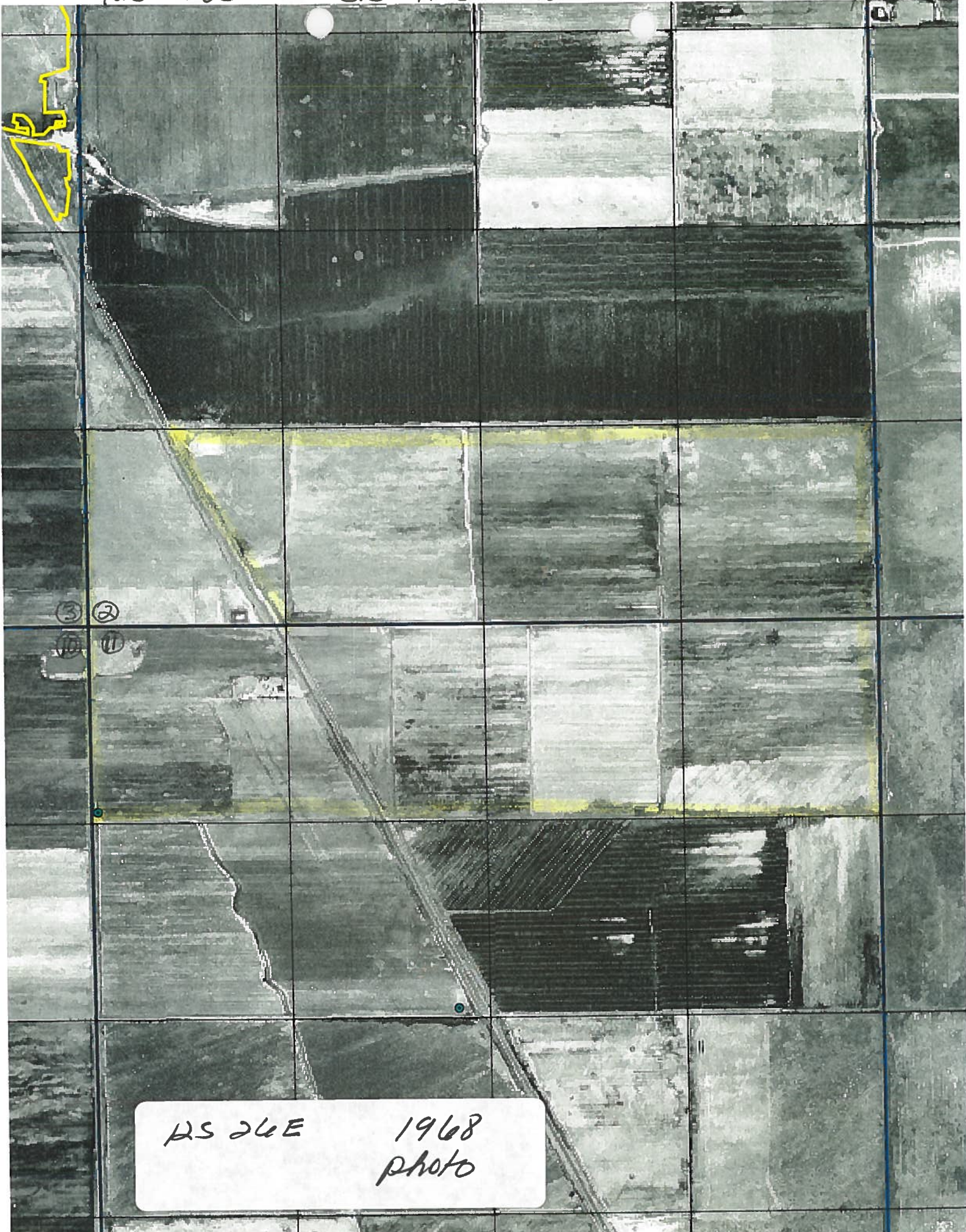
2.10 AC
IN THE NW 1/4
1976

1976 200
E. UTAH 56 MI.

12S 26E

SID ANDERSON

1968 photo



12S 26E

1968
photo

DIVERSION RATE ANALYSIS FOR 43-02377 AND 43-02398

43-02398 was licensed for 2.30 cfs

transfer 1621

no change in diversion rate

43-02377 licensed for 2.00 cfs

transfer 1622

43-02377A

requested rate

1.32 cfs

approved rate

1.25 cfs

claimed rate

amended to

1.45 cfs

43-02377B

requested rate

0.68 cfs

total 2.00 cfs

approved rate

0.68 cfs

total 1.93 cfs

claimed rate

0.68 cfs

total 2.13 cfs

The transfer states in part, when 43-02377A and 43-02398 rights are combined they are limited to 3.55 cfs on 230 acres and when all three rights are combined that they are limited to a combined total of 290 acres.

4460

3

Well
4417

498

4439

BM
4421

10

11

496

02398
Licensed 130

Transfer
#1622
130 AC

02377
Licensed
160 AC
100 AC

BEFORE THE STATE RECLAMATION ENGINEER
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHT NO. 43-2377)
In the name of LESTER TANNEHILL)

ORDER

WHEREAS, on December 12, 1969, Lester Tannehill, Star Route, Declo, Idaho, filed with the Department of Reclamation an application for transfer of water right in connection with Water License No. 43-2377, and;

WHEREAS, Water License No. 43-2377 has a priority date of March 30, 1952, and was issued confirming the use of 2.0 c.f.s. of water diverted from a well within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 11, T. 12 S., R. 26 E., B.M., Cassia County, for the irrigation of 160 acres within Sec. 11, T. 12 S., R. 26 E., B.M., and;

WHEREAS, the applicant proposes to change the place of use of part of the right to allow for irrigation of 100 acres of land within Sec. 11 and 130 acres of land within Sec. 2, T. 12 S., R. 26 E., B.M., making a total of 230 acres together with water diverted under Water License No. 43-2398, and;

WHEREAS, the applicant proposes to change the point of diversion of 1.32 c.f.s. of the water right to be diverted from a well in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, T. 12 S., R. 26 E., B.M., and to retain the right to irrigate 60 acres of land with the original well, and;

WHEREAS, the Department of Reclamation, on December 18th and 24th, 1969, published the required notices advising the public of the proposed transfer, and;

WHEREAS, no protests were received against approval of this transfer, and;

WHEREAS, the use of water under Water License No. 43-2377 on 230 acres of land instead of the original 100 acres of land will not constitute an enlargement of the original right provided such use is in conjunction with the application to transfer licensed right 43-2398 and provided further that the rate of diversion does not exceed 3.55 c.f.s. under both transferred rights and the applicant will not divert more water nor irrigate more land than originally allowed under both licenses combined,

NOW THEREFORE IT IS ORDERED and Transfer No. 43-2377 is hereby APPROVED subject to the following conditions:

1. That a totalizing measuring device of a type approved by the Department of Reclamation be installed and maintained as part of the diversion works on the well located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, T. 12 S., R. 26 E., B.M. Reports shall be made to the Department of Reclamation on at least monthly intervals giving the accumulated quantity of water diverted each irrigation season until such time as this requirement is removed by the department.

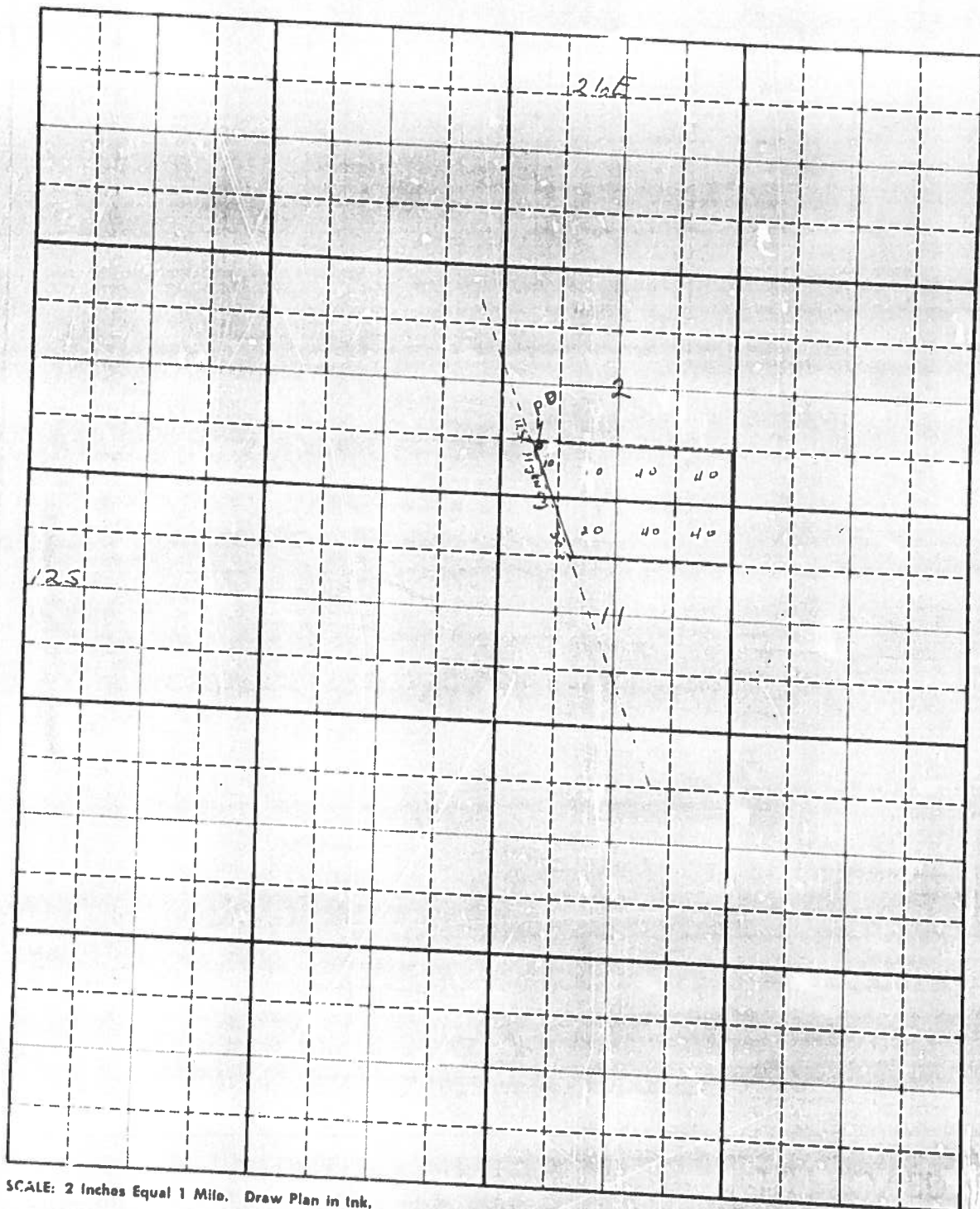
2. That no more water be diverted from the well under this license than the quantity originally required to irrigate 100 acres of land. Subject to confirmation by the District Court this quantity is hereby set at 4 acre feet per acre or a total of 400 acre feet of water per year.

3. The rate of diversion of water under that part of license 43-2377 transferred shall be limited to 1.25 c.f.s.

Dated this 9TH day of MARCH, 1970.


R. KEITH HIGGINSON
State Reclamation Engineer

43 2377



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

a. Quantity to be diverted at new point: 1.32 c.f.s. and/or _____ acre feet

b. New point of diversion: SW 1/4 SW 1/4, Section 2, Township 12 S, Range 26 E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: pump and
concrete ditch

d. Is water to be conveyed to the lands previously irrigated? Yes X No

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:
Eliminate 1/4 mile open ditch and be able to apply to other lands

f. Do you intend to make the transfer permanent? yes

9. Do you intend to abandon completely the old point of diversion? yes, 0.68 c.f.s. will still
be used from well by new owner of balance of land,

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

e. Describe the new lands on which you wish to use your right.

[illegible]

Total number of acres to be irrigated 230

43 2377

- b. Do you intend to make the transfer permanent? yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

No. I want to make water under Licenses 43-2377 and 43-2398 appurtenant
to all my land.

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: 43-2398

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Lester V. Jamnshilf
(signature of applicant)

Subscribed and sworn to before me this 12 day of December, 1969

Stephen R. Reed
(notary public)

My commission expires May 1, 1972

APPROVED

ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2377,
and said application is hereby APPROVED

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

Subject to the conditions as set forth in Order dated March 9, 1970.

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

Witness my hand this 9th day of March, 1970

P. Keith Higgins
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Lester V. Tannehill and
Samuel Stephens, of
Star Route,
Declo, Idaho,

For a Change in Point of Diversion,
County of Cassia, State of Idaho,

ORDER GRANTING CHANGE
IN POINT OF DIVERSION

NO. 281

WHEREAS, On the 8th day of March, 1965, at the Department of Reclamation of the State of Idaho at Boise, Idaho, this matter of the application of Lester V. Tannehill and Samuel Stephens, of Star Route, Declo, Idaho, for a change in point of diversion, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Change in Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 10th day of March, 1965.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

13 2377

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE NO. 281 OF AUTHORIZED CHANGE IN
POINT OF DIVERSION OF LICENSED WATER RIGHT

THIS IS TO CERTIFY, That Lester V. Tannehill and Samuel Stephens, of Star Route, Deslo, Idaho, are the owners of and using a certain water right of 2.0 cubic feet per second of the waters of subterranean flow, said water being obtained by virtue of License No. G-22664, issued by the State of Idaho, dated December 17, 1956, bearing priority date of March 30, 1952, for the purpose of irrigating the following described lands situate, lying and being in the County of Cassia, State of Idaho, to-wit:

N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 11,
Township 12 South, Range 26
E. B. M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho in Volume 9 at Page 5885 thereof;

And that now, upon the application of Lester V. Tannehill and Samuel Stephens, for Certificate of Change in Point of Diversion of 2.0 cubic feet per second of the waters of subterranean flow made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to change said point of diversion is HEREBY GRANTED;

That said change of point of diversion will not modify in effect said water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

2.0 cubic feet per second of the waters
of subterranean flow with priority of
March 30, 1952;

That said water right is appurtenant to the following described lands:

N $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, Section 11,
Township 12 South, Range 26
E. B. M.,

That the water right hereby described has heretofore been diverted from a well through private ditches with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 12 South, Range 26 E. B. M.,

That the water right hereby described will hereafter be diverted from a well through private ditch with point of diversion in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 12 South, Range 26 E. B. M., approximately 600 feet North of existing well;

State of Idaho License and Certificate of Water Right

Water License No. G-22664

Amount 2.0 cfs

Water District No. _____

Priority March 30, 1952

change in

THIS IS TO CERTIFY that LESTER V. TAMMILL
(Malta)
of Star Route, Declo, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated March 21, 1952; that Permit No. G-22664
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 cubic feet, was issued thereunder on December 17, 1956, showing that said works
were completed on the 6th day of April, 1956; and that on the 6th
day of April, 1956, LESTER V. TAMMILL, MILO S. TAMMILL, AND
SAMUEL STEPHENS, assignees

of Star Route, Declo, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of subter-
anean flow, tributary of a well, for the purpose of irrigation and
domestic, under Use Permit No. G-22664 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
9 of Licenses at page 5885, on the 17 day of December, 1956;
The right hereby confirmed dates from March 30, 1952;
The Point of Diversion is located

in the NW 1/4 NW 1/4, Sec. 11, Tp. 12 S., R. 26 E., B. M. County Cassia

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 S.	26 E.	11	NW 1/4 NE 1/4 SE 1/4 SW 1/4	40 40 40 40	40 40 40 40
			No. of Acres Irrigated		160

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
17th day of December, 1956.

43 237

(SEAL)

/s/ MARK E. WILE

State Reclamation Engineer

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-02377B

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Jeanie Robertson Date 10/25/94

Contact Person(s) Sid & Ruth Anderson

Nature of Contact field exam

Substance of Communication I met with Mr. & Mrs. Anderson at their home on their lunch break from work. They told me where their well is and that they usually irrigated about 55 acres, up until the last year or so - when the water got so low... They now lease out the place and he only irrigated a small acreage for the last year or so, using hand lines. We discussed the possible problem in the land located in Section 2 - as it was never covered by a license. Transfer #1622 was done wrong and incorrectly gave them 20 acres in the NE NW of Section 11, when there was only 10 acres on their side of the road. They believe some sort of trade was made and the 10 acres were moved up to Section 2 at that time. They have owned the place since 1982 and as far as they know, it has been irrigated this way since the time of the transfer. They stated they had their attorney check everything out before they bought the place and he indicated everything was fine.

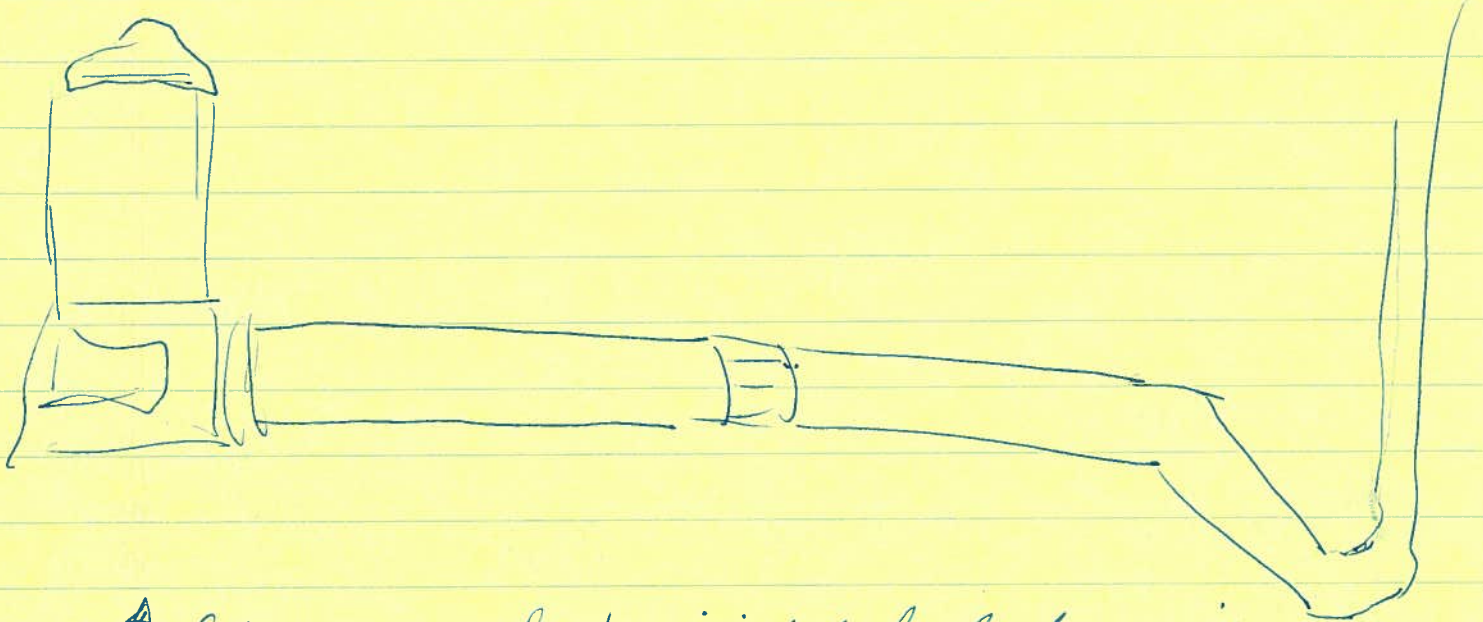
10/25/44

Sid Anderson Well

pole # 14020

Fairbanks-Morse Pomona Pump
PT 7767

Fairbanks-Morse Motor 30 h.p.
283951



* claimants said they have irrigated the land up until the last year or so, when the water got so low. Irrigate about 55 acres (now leased), who only irrigated a smaller portion last year or so. Use hand lines...

roll #59 - 2 pias 12, 13

roll #60 - 2 pias 0, 1

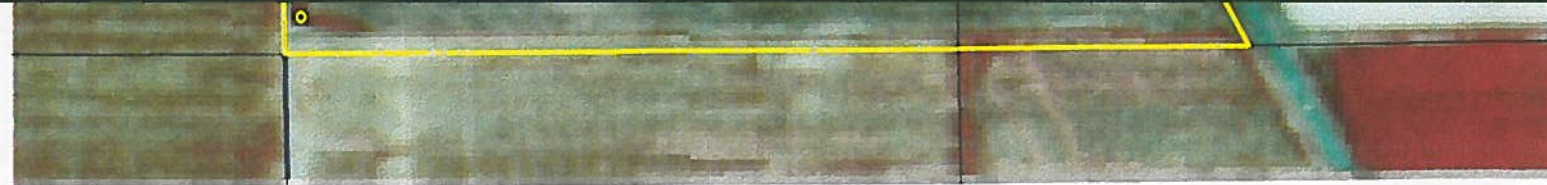
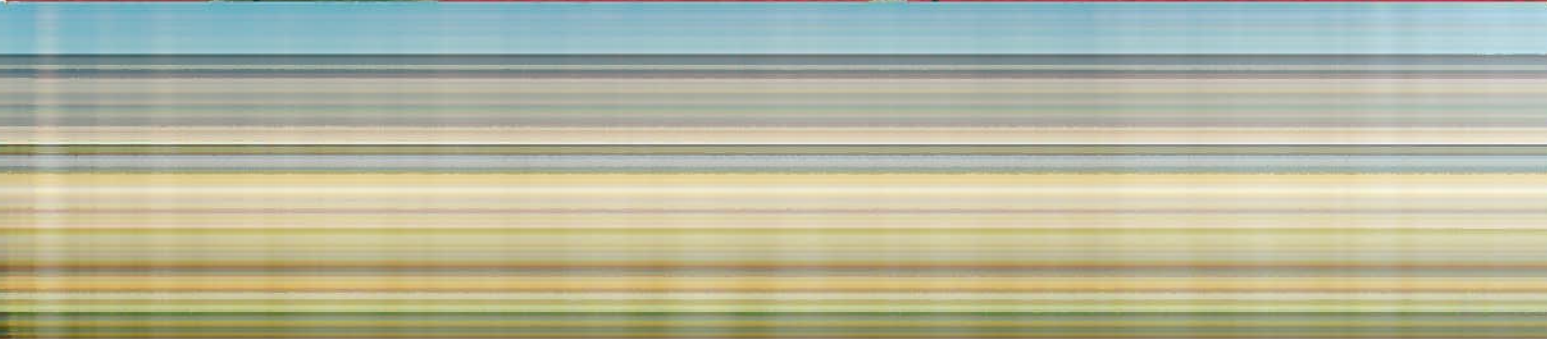
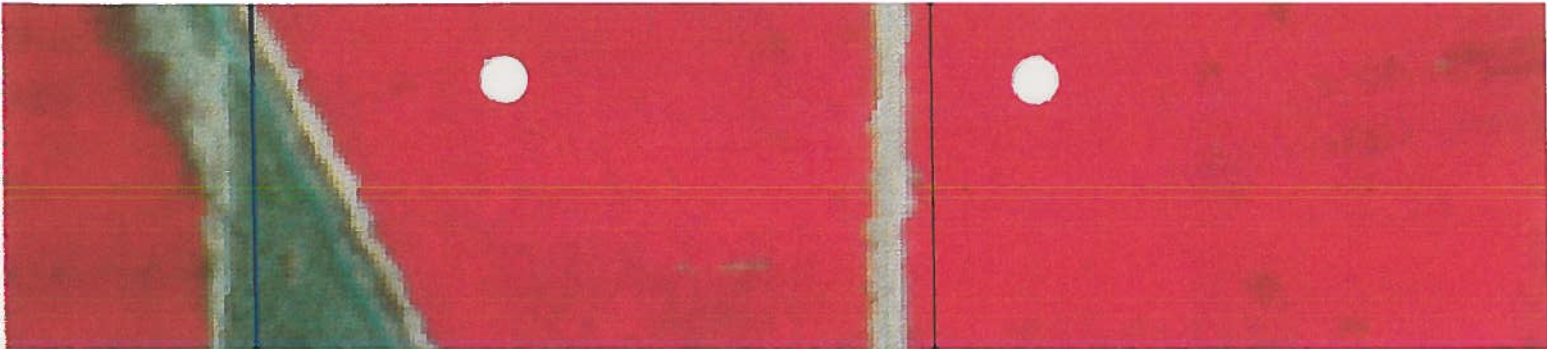


Photos by J. Robertson



1

151.6



A43-02377B 46 Ac.

U.S. Dept. of Agriculture
Agri. Stab. & Consv. Svc.
Abbreviated 156 Farm Record

Page: 1

BARLEY	1	11.3	.0	93	.0	94	25	88
				92	14.9	85	25	90
IAH		13.8		91	15.0			
NAH				88	17.0			



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Adjudication.

Identification Information:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

was filed in 1969. (A copy is enclosed.)

As you can see in Item 10^{11c}, the purpose of the transfer was to make that portion of the original license appurtenant to all of Mr. Tannehill's 230 acres. The transfer applies to 20 acres in

Mr. Ardel Wickel
Page 2
July 11, 1989

Helen Harrington-Thornton
Helen Harrington-Thornton
Water Rights Agent



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

~~River are now being diverted from wells located near the river.~~

The intent of the meeting will be to discuss with waterusers in the Raft River basin (1) the unique hydrology of the Raft River, (2) potential courses of action, and (3) methods of amending claims should this be necessary. Please take the opportunity to attend this meeting and

HO
OF WATER RESOURCES
reet, Suite 200
83301-3380

ICE REQUESTED



- ☐ MOVED, LEFT NO ADDRESS
- ☒ NOT DELIVERABLE AS ADDRESSED
- ☐ UNABLE TO FORWARD
- ☐ ATTEMPTED - NOT KNOWN
- ☐ UNCLAIMED ☐ REFUSED
- ☐ NO SUCH STREET - NUMBER _____
- ☐ DO NOT REMAIL IN THIS ENVELOPE
- ☐ INSUFFICIENT ADDRESS
- ☐ NO MAIL RECEPTABLE
- ☐ BOX CLOSED NO ORDER

A43-02377B
SIDNEY D ANDERSON
C RUTH ANDERSON
STAR RT BOX 19
DECLO

ID 83323



RECEIVED
JUN - 8 2000
Department of Water Resources
Southern Division



Photos by J. Robertson



Date Sent to S.O.

MAR 15 2001

MEMO

FROM: Allen Merritt

DATE: March 14, 2001

TO: Extension of Time to Avoid Forfeiture of a Water Right
Water Right(s): 43-02377B

In the Name of: Sidney D & C Ruth Anderson

SUBJECT: Review and Recommendation

This extension request is for a right undergoing review in SRBA and currently the right **will** be recommended as Vikie Hancock's 3/14/01 memo indicates.

On the face of the extension request it appears that the extension should be denied. See Jim Stanton's 11/27/00 memo regarding the discussions that took place during the processing of this application.

The timing of all of this action by IDWR from the outside probably appears awkward. This needs to be reviewed by Administration.

RECOMMENDATION

-Extension request should be denied.

-(It is probably preferable that the applicant withdraw the application prior to final action by the department.)

43-02377B

FILE PROGRESS SUMMARY

APPLICANT: Sidney L. Anderson WATER RIGHT NO. 43-023778

WATER RIGHT NO

Q43-023778

[illegible]