

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-4038

WATER RIGHT NUMBER: 43-4038

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STANLEY B COLLINS PO BOX 96 MALTA, ID 83342 (208)645-2376
Original Owner	KEITH WILSON PO BOX 661 MALTA, ID 83342 (208)645-2263

Priority Date: 08/01/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	01/01 to 12/31	0.040 CFS	
COMMERCIAL	01/01 to 12/31	0.220 CFS	0.50 AF
	<u>Total Diversion:</u>	0.220 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4SE1/4SW1/4	Sec. 1, Twp 13S, Rge 26E, B.M.
CASSIA County		

Place of UseDOMESTIC Within CASSIA County

T13S R26E S01 SESW

COMMERCIAL Within CASSIA County

T13S R26E S01 SESW

Conditions of Approval:

1. 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.
2. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-4038

Dates and Other Information:

Decreed Date: 06/28/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



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

KARL J. DREHER
Director

November 1, 2002

STANLEY B COLLINS
PO BOX 96
MALTA ID 83342

RE: Decreed Water Right 43-4038

Dear Mr. Collins:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**OCT 23 2002**Department of Water Resources
Southern Region

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 (under the "split" heading), 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
<u>43-4038</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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) is 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) Keith Wilson
PO Box 661 Malta ID
4. New Owner/Claimant(s) Stanley B. Collins
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 96
- City, State and ZIP Code Malta, Idaho 83342
- New Telephone Number 208 645-2376
5. Date you acquired the property 12/16/96

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)

Stanley B. Collins

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 D. Jones Date 6/23/02 Fee 25.00
 Received by D. Jones Date 10/23/02 Receipt No. 6025277
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

#27935

246575

For Value Received

KEITH L. WILSON and EDNA S. WILSON, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

STANLEY B. COLLINS and BERTHA L. COLLINS, husband and wife

Address: 139 KING STREET, ST. AUGUSTINE, FL 32084

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho, to-wit:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 1: Part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1, more particularly described as follows:

Commencing at the Southwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 1, said corner marked by a 5/8 inch rebar; Thence North 89°46'59" East along the South line of Section 1 for a distance of 39.94 feet to the East right of way of State Highway 30 which shall be the Point of Beginning;
Thence North 00°21'20" West along the East right of way of State Highway 30 for a distance of 26.89 feet to the 1/2 inch rebar;
Thence North 00°21'20" West along said highway right of way for a distance of 0.70 feet to a concrete highway right of way marker;
Thence North 00°21'20" West along said highway right of way for a distance of 688.32 feet to a 1/2 inch rebar;
Thence South 89°50'29" East for a distance of 559.73 feet to a 1/2 inch rebar;
Thence South 00°21'20" East for a distance of 686.88 feet to a 1/2 inch rebar;
Thence South 00°21'20" East for a distance of 25.37 feet to the South line of Section 1;
Thence South 89°46'59" West along the South line of Section 1 for a distance of 559.71 feet to the Point of Beginning.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes subsequent to the year 1996.

Easement contained in Right of Way Deed from P. D. Bowler and Eva W. Bowler, his wife, to the State of Idaho, dated August 29, 1933, and recorded October 17, 1933, as Instrument No. 110374 in Book 43 of Deeds, Page 554, records of Cassia County, Idaho, which reads as follows: "There is also granted hereby an easement adjacent to the above described highway right of way for relocation of all irrigation and/or drainage ditches and structures now located on such right of way and such surface drain ditches as may be necessary to the proper construction of the highway."

Amended Restrictive Covenants for Raft River Development Subdivision, dated November 16, 1994 as contained in Findings of Fact, Conclusions of Law and Order, dated November 16, 1994 and recorded December 15, 1994 as Instrument No. 234295 on Film No. 261, records of Cassia County, Idaho.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: December 16, 1996

Keith L. Wilson
KEITH L. WILSON

Edna S. Wilson
EDNA S. WILSON

STATE OF IDAHO)
COUNTY OF CASSIA) ss.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
FILM 283
1996 DEC 16 P 4:54
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 600 DEPUTY LM
LAND TITLE & ESCROW

246575

On this 16 day of December, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared KEITH L. WILSON and EDNA S. WILSON, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Barbara Ehle
Notary Public
Residing at: Burley, Idaho
My Commission expires: 6-12-97

BARBARA EHLE
☆ NOTARY PUBLIC ☆
STATE OF IDAHO
RESIDING AT BURLEY, ID
MY COMMISSION EXPIRES 6-12-97

Dom.

Comm.

①

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: A43-04038
Date Received: 5/26/1989
Receipt No: M003718
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH WILSON 208-645-2263
Address: P.O. BOX 661
MALTA, ID 83342

2. Date of Priority: AUG 01, 1958

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	1	SW	SE	SW		CASSIA

5. Description of diverting works:
WELL AND PUMP, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
COMMERCIAL	01/01	12/31	0.223		
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 18.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSE C/WELDING SHOP

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	26E	1	SE	SW		DOMEST	

A43-04038

Page 1

Date: 05/26/89

MICROFILMED

MAR 05 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	1	SE SE	SW SW	COMMER IRR	6.0
Section Acres						6.0
Total Acres						6.0

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:
DIV. RATE=.223 CFS.
THE IRRIGATION USE BEGAN IN 1978. CLAIMANT STATES HE HAS CONSULT
ED THE STATE IDWR OFFICE BEFORE DEVELOPING THIS USE AND WAS
GIVEN APPROVAL.

15. Basis of Claim: STATUTORY CLAIM

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

X Keith L. Wilson
Signature of Authorized Agent

Title and Organization

5-26-89
Date

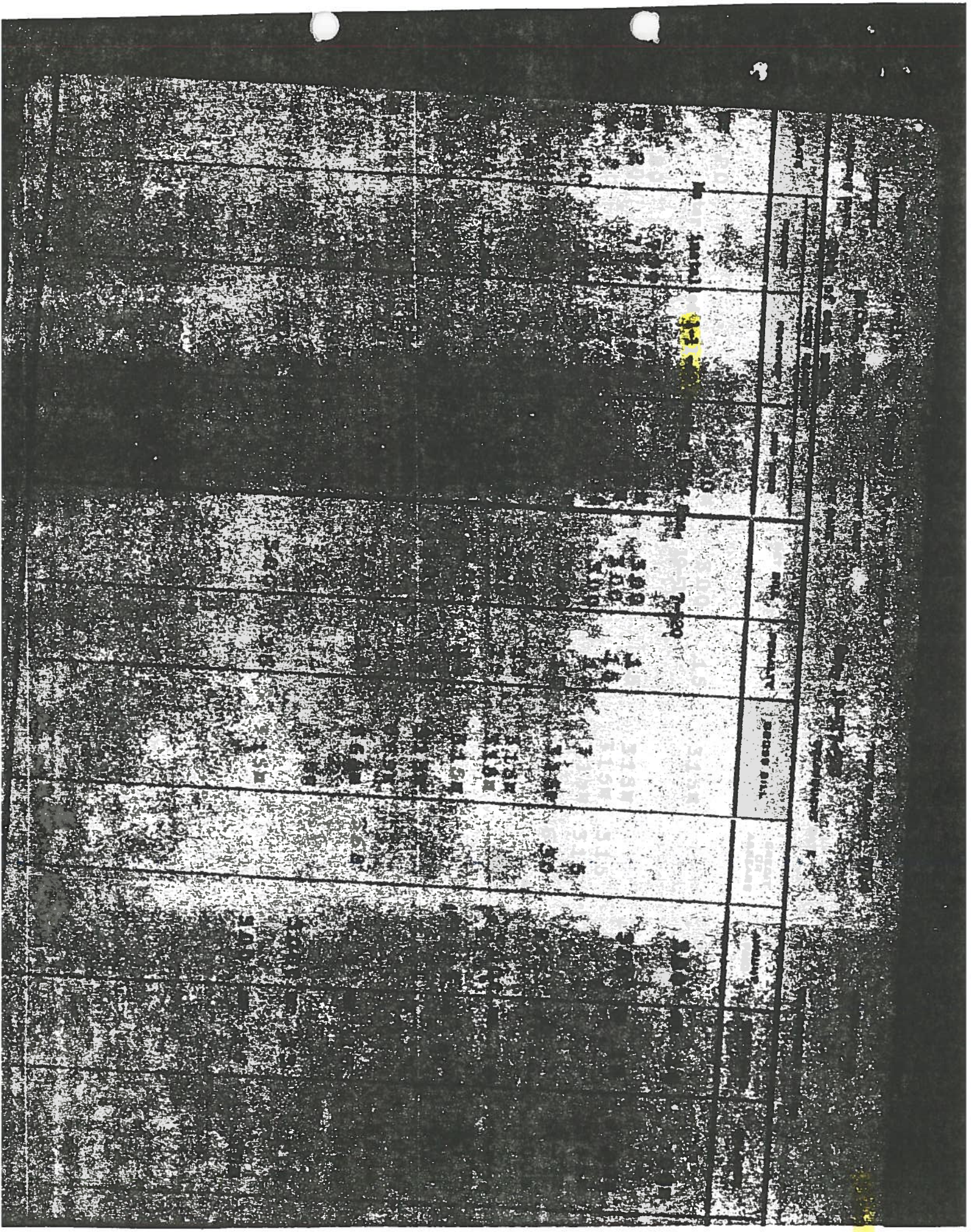
State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of May 19 89

Stan C. [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 199X



THE

ABOUT US

新刊

REASONING PART E

(511)

UNIT PLACING

ACCOUNT NO.

January 10, 1957

THE

DECLINING DATE

OFFLINE RATING

DATE	METER READINGS		NET CUB.	TENSITY	GROSS WGT.	CREDIT ON METER	AMOUNT PAID	DATE PAID	BALANCE
	PRESENT	PAST METER							
1900	1342	1275-	610	51	641-		641-	5	000
1900	1364	1312-	52	48	420-		435-	5	000
1900	1380	1364-	160	10	315-		300-	14	000
1900	1400	1380-	200	10	340-		300-	15	000
1900	1421	1400-	210	10	400-		435-	11	000
1900	1440	1421-	190	10	541-		541-	11	000
1900	1460	1440-	200	10	500-		500-	10	000
1900	1480	1460-	200	10	515-		500-	10	000
1900	1500	1480-	200	10	520-		500-	10	000
1900	1520	1500-	200	10	515-		515-	10	000
1900	1540	1520-	200	10	515-		515-	10	000
1900	1560	1540-	200	10	515-		515-	10	000
1900	1580	1560-	200	10	515-		515-	10	000
1900	1600	1580-	200	10	515-		515-	10	000

ACCOUNT NO.
DELINQUENT RATING

DELIQUENT RATING

[illegible]

S. No. 19-51-520
FIRST READING 1700

ACCOUNT NO.

NAME WY, Oprellio
ADDRESS Garage
1312a, 1420

FIRST DATE January 1, 1954

DELINQUENT DATE

DELINQUENT DATE

READING DATE

\$3.00 Minimum

METER READING

DATE

PRESENT

PREVIOUS

SWR. V. SEC

NET BILL

PENALTY

GROSS BILL

CREDIT
OR
AMOUNTS

AMOUNT
PAID

DATE PAID

BALANCE

DATE

DATE

DATE

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5-20-54

Letter discontinued July 1, 1954 S. No. 19-51-520 reading 1706

3000 19 10

3000 19 15

3000 19 14

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DRM B-1

LOG OF WELL
(FOR FIELD COPIES OF DRILLERS LOGS)

STATE Idaho COUNTY Cassia NUMBER
LOCATION SE 1 SW 1 SEC. 1, T. 13S R. 26E
DRILLER Dean Rogers ADDRESS Malta
SOURCE OF DATA _____

(APPEND CASING RECORD AND ADDITIONAL DATA ON NOTE SHEET)

DRILLER'S DESCRIPTION	THICKNESS	DEPTH
Top Soil	10'	10'
Gravel & Clay	8'	18'
Good Gravel	4'	22'
Tight Gravel & Clay	20'	42'
Fair Gravel	4'	46'
Tight Gravel & Clay	4'	50'
Fair Gravel	4'	54'
Tight Gravel & Clay	2'	56'
Fair Gravel	3'	59'
Gravel with Some Clay	4'	63'
Fair Gravel	6'	69'
Clay & Gravel	3'	72'
Fair Gravel	6'	78'
78' of Casing		
Perforated with Trench Borer - installing in well		
Test 6.5" from	5.5'	
50" "	3.5'	
Orville W. W. Well across Road from Green Mills Elevator		

Keith L. Wilson
P.O. Box 661
Malta, Idaho 82242

Idaho Department of Water Resources
Adjudication Bureau
State House
Boise, Idaho 82720

RECEIVED
MAR 16 1989

Gentlemen:

Would you please send me a copy of all previous correspondence pertaining to my well which is located on property purchased from Raft River Electric of Malta, Idaho. The said property is located in SE $\frac{1}{4}$ SW $\frac{1}{4}$ of section 1, TWP 135 Rge 26E.

I need this information to file. Your cooperation will be appreciated.

Thank You,



Keith L. Wilson

MICROFILME

MAR 05 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -

443-04038
Permanent file
(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 29, 1989

Mr. Keith L. Wilson
P. O. Box 661
Malta, Idaho 82242

RE: Snake River Basin Adjudication
Claim #A43-04038 - Cassia County

Dear Mr. Wilson:

As you requested in your letter which we received on March 16, 1989, enclosed is a copy of the original Claim to a Water Right, No. 43-04038, in the name of Raft River Rural Electric Cooperative, Inc. There was not any additional correspondence concerning this claim.

This information is on file with the Department; therefore, I was able to extract that information and create a Notice of Claim to a Water Right which would be the form you would need to submit under the adjudication. I did not, however, change any information.

The claim form is not completed and needs additional information added in order for us to process the claim. You would also need to correct the name/address in Item 1 and have a notarized signature on page 3.

I have enclosed a blank claim form with instructions for possible use. If you have any questions or need assistance, please do not hesitate to contact the Department.

Sincerely,

Helen Harrington
Helen Harrington
Water Rights Agent

HH:mcc

Enclosures:

Notice of Claim #A43-04038
Statutory Claim #43-4038
Long Form w/Instructions

MICROFILMED

MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04038
KEITH WILSON
P.O. BOX 661

MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 05 1993

04/10/2001

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

RIGHT NUMBER: 43-4038

NAME AND ADDRESS: KEITH WILSON
PO BOX 661
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 0.22 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 08/01/1958

POINT OF DIVERSION: T13S R26E S1 SWSSEW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01-01 12-31	0.22 CFS
		0.50 AFY
DOMESTIC	01-01 12-31	0.04 CFS

PLACE OF USE:

<u>COMMERCIAL Within CASSIA County</u>	
T13S R26E S1	SESW
<u>DOMESTIC Within CASSIA County</u>	
T13S R26E S1	SESW

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Dept of Water Resources

Date: 2-26-2001

File: 43-4038

Prepared by Scott King

Claims review notes and narrative

43-4038

SYSTEM ANALYSIS

The original statutory claim was filed by Raft River Rural Electric Cooperative in April 1971 for domestic and commercial uses. Description of uses in that filing include:

"Well has served two families and one implement company with a mechanic's shop."

"Well was drilled about 1955 (as near as we can determine) and was originally intended to be used for irrigation but that use did not develop. Subsequently (August 1958) it was commenced to be used for an implement Co. with mechanics shop and trailer homes that varied from one to three up until the present time."

Images from 1962, 1968 and 1975 support this claim as they indicate buildings and some development at the site. Also, it appears that irrigation was not occurring, or at the most was very minimal (less than ½ acre).

Keith Wilson filed the adjudication claim. Claimed uses include domestic, commercial (a welding shop), and irrigation of six acres. Communication documentation with the claimant by Allen Merritt states that irrigation was developed in about 1978 and a permit was not obtained.

The 1987/88 imagery indicates about 5 to 6 acres of irrigation. In June 2000, Cindy Bird and I visited the property for a field exam. Stan Collins now owns the property. The welding shop has been converted to a dance studio, and a golf driving-range has been established. GPS was used to indicate the perimeter of the irrigated lands and locate the diversion. Approximately 8.5 acres were being irrigated, mostly using one wheel line.

Since irrigation did not develop until about 1978, it is not a recommended use for this claim. The claim is recommended for commercial and domestic uses only as were historically developed. Commercial volume was estimated at 0.50 acre-feet per year based on an estimated diversion of 500 gallons daily, six days per week. This recommendation will leave all but ½ acre (the domestic allowance) of irrigation without valid water rights.

RECOMMENDATION SUMMARY

43-4038	commercial	0.22 cfs
	<u>domestic</u>	<u>0.04 cfs</u>
	Total	0.22 cfs

MEMORANDUM

DATE: March 7, 2001

TO: Scott King

FROM: Cindy E. Bird

REF: 43-4038

PURPOSE: Place of Use

Keith Wilson filed claim 43-4038 in May of 1989. Scott King and I first visited the property on June 21st, 2000. We were in the Malta area determining flows on statutory claims for the basin 43 recommendations. At that time we discovered that the property had been sold to Stan Collins. Stan Collins is from Florida, and was there during our visit. We visited with the care take of the property. During our June visit we measured the flows at 87 to 100 gpm.



Photo 1. Looking east from Hwy 81. This is on the north side of the home.

On February 22, 2001 I revisited the property. Photo 1 shows irrigated land on the north side of the house.

Photo 2 pans to the south side of the house. This shows the front yard as well as the yard to the south of the house.



Photo 2. Looking southeasterly from Hwy 81.

Photo 3 shows more of the irrigated land to the south of the house. The point of diversion is located on the other side of the fence in an undeveloped area. Photo 4 is a close up of the point of diversion that was taken June of last year. Photo 4 is looking north from the southern area of the property.



Photo 3. Looking in a southerly direction. Wheel lines are stored along the fence. The point of diversion is located on the other side of the fence.

Point of diversion.



Photo 4. June 21, 2001 photo.



Photo 5. Looking east on the south side of the house.

Photo 5 shows the high golf nets along the eastern boundary of the property. The driving range runs north and south behind the house. The tee off area is on the south end.

MEMORANDUM

To: File
From: Scott King 
Date: July 12, 2000

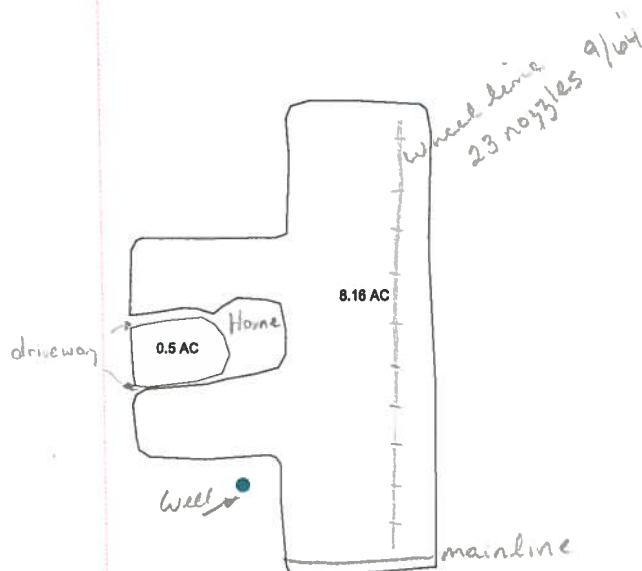
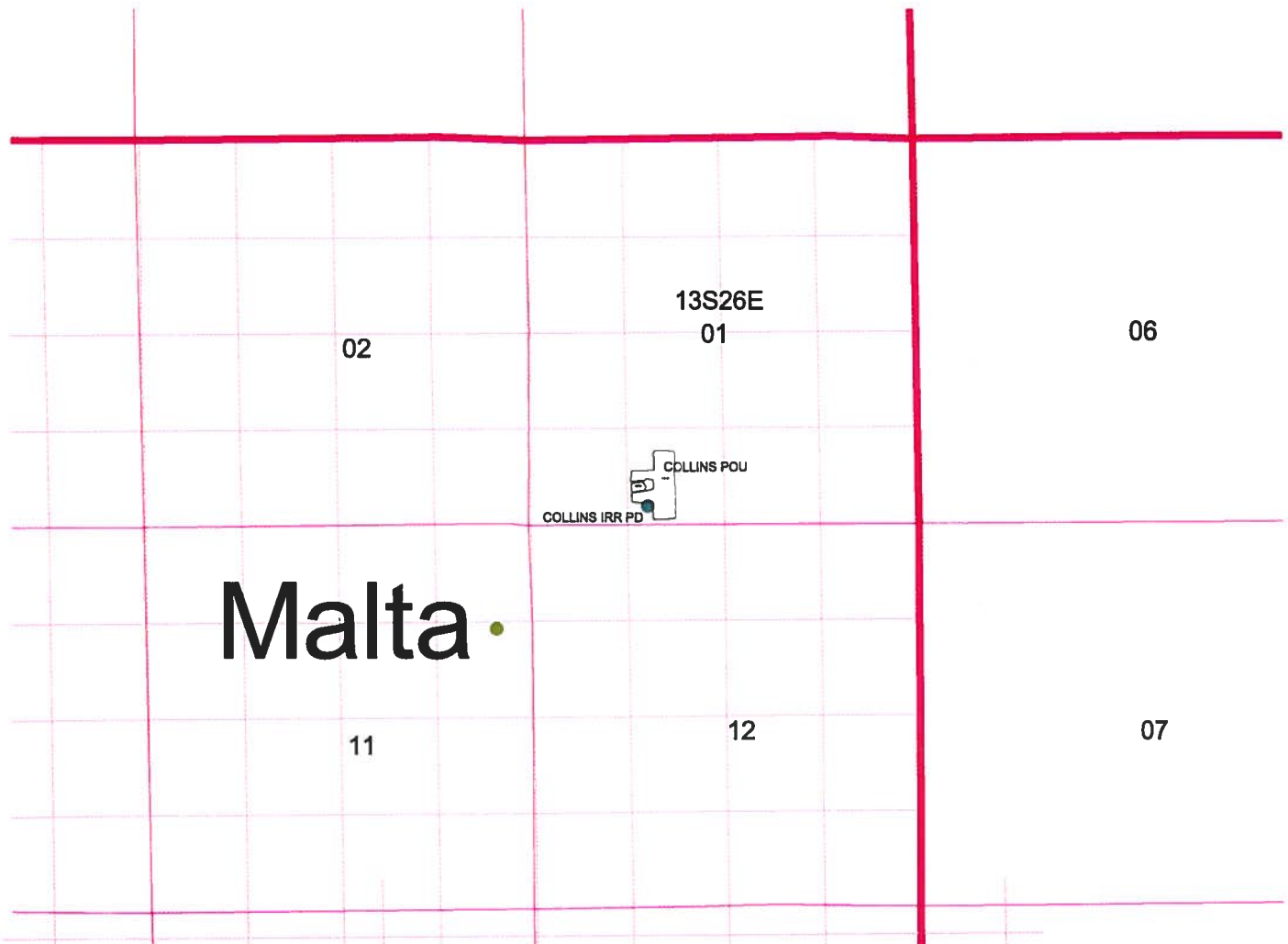
Subject: A43-04038

This claim, in the name of Keith Wilson, is currently owned by Stan Collins of Malta. Collins is operating a driving range and irrigating approximately 8.7 acres of lawn with wheel lines. Cindy Bird and I visited the site on June 21, 2000, and measured flows ranging from 87 gpm to 100 gpm which support the claimed flow quantity of 0.223 cfs.

The adjudication claim, as filed, included uses of domestic, commercial, and 6 acres of irrigation. It states the irrigation use began in 1978. Collins is currently irrigating in excess of the claimed number of acres. The commercial facility, a welding shop, has been converted to a dance studio.

The original beneficial use claim filed in 1971 by Raft River Rural Electric did not include a claim for irrigation use. The 1962 and 1968 photography indicates very little if any irrigation.

A43-04038
Stan Collins



OUTER DIAMETER
4.0185 IN

PIPE MATERIAL
ALDI

WALL THICKNESS
.05000 IN

SPACING
2.246 IN U

Ø149.2 MMSEC
101.95 % T0

06-21 18:1600 *R
+003.00 % A12

06-21 18:1700 *R
+880.221E-16PM

SOUND VELOCITY
1450 M/S-

SPACING
2.166 IN U

Ø148.7 MMSEC
099.88 % T0

ZERO MODE
AUT ZERO

18:30+875.202E-16PM 00R
+00000 *G 00R
-00000 *G 00R

18:32+875.202E-16PM 00R
+00174 *G 00R
-00000 *G 00R

18:34+871.503E-16PM 00R
+00347 *G 00R
-00000 *G 00R

18:36+882.598E-16PM 00R
+00523 *G 00R
-00000 *G 00R

18:38+878.900E-16PM 00R
+00697 *G 00R
-00000 *G 00R

18:40+869.126E-16PM 00R
+00872 *G 00R
-00000 *G 00R

18:42+877.579E-16PM 00R
+01045 *G 00R
-00000 *G 00R

18:44+943.094E-16PM 00R
+01245 *G 00R
-00000 *G 00R

Stan Collins
A43-04038

Collins

96

2 ID

83342

645-2376

for Early Wednesday June 21
first. May see at meeting.

on authorized POU for area

23 nozzles.

ess = 3.4 gpm/Nozzle.

PM



was Keith,
Wilson's
Shop.

User
Opened
MAX ~ 100 gpm

Keith Wilson/Stam Collins
A43-04038
June 21, 2000



Figure 1 POD is located under the concrete block. POU-Driving range and house.



Figure 2 Stan Collin's POD, POU. Approximately 7.5 acre Driving range north of Malta.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

A43-04038 KC

February 10, 2000

Second Notice

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WILSON KEITH
PO BOX 661
MALTA ID 83342

RE: Information about historical water diversion flow rate

Dear Wateruser:

This past December IDWR sent a letter to you requesting your assistance in providing information about flow rates from certain diversions (copy attached). These letters are being sent to claimants with identified rights that have not previously been confirmed (measured) either through the licensing process or by decree. IDWR desires to make the most accurate recommendation to the SRBA Court and this requires your participation and cooperation, pursuant Idaho Code §42-1410.

One advantage of providing good, verifiable information to us is that the flow rate that we recommend will be the full measure of your water right as developed. Another benefit is that disputes over the recommendation are minimized. Lastly, documentation for flow rate will likely be dated and may support evidence of priority determination.

In the absence of good information about historical diversion flow rates IDWR may conclude any of three less desirable alternatives:

- 1) Recommend disallowal of right.
- 2) Recommend a flow rate limited to a licensed rate, if a licensed diversion is part of the system, but with additional diversion volume if the use and diversion capacity is documented to have occurred before 1963.
- 3) Recommend the right as an expansion in a critical ground water area, §42-1416B I.C., which limits the flow rate AND volume to the licensed quantity. This provision also sets the priority at 6/30/1985, regardless of development date between 1963 and 1985.

Thank you for your attention to this matter and we look forward to your quick response and documentation relating to this request. Water Resource Agents from the department may be contacting you in the near future should field work be required to finalize recommendations. Inquiries related to this diversion rate information request should be made to Scott King or Cindy Bird at (208) 327-7900. Inquiries about other aspects of your claim should be made to the Southern Region Office (208) 736-3033.

Sincerely,

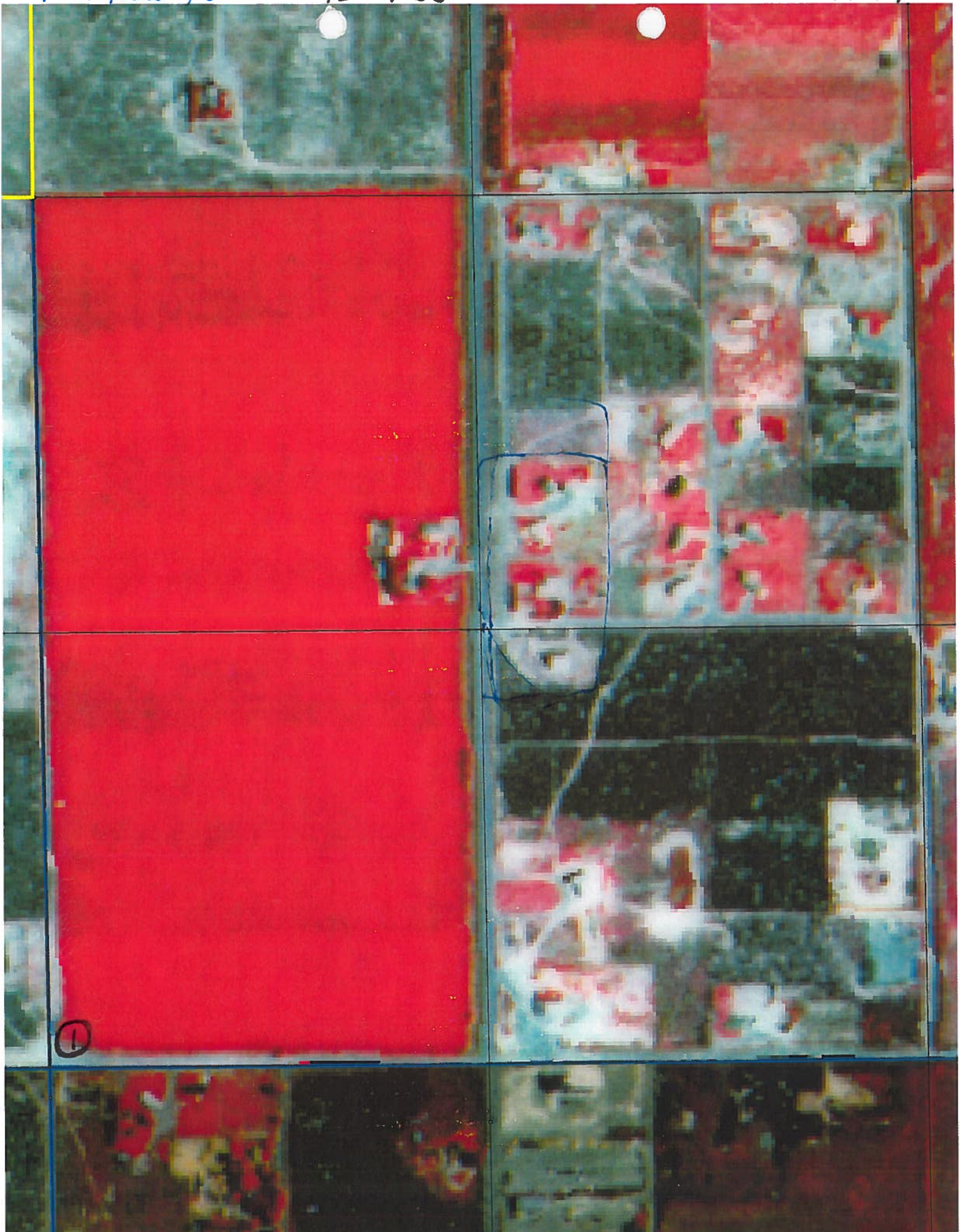
Scott King

Enclosures

7135, K26E, Sec. 1

75-04038

1987 photo



U2 Image 75-113 #5604 7/10/1975
T13S R26E Sect 43-4038 Irrigation
not apparent.



100, Kdp, sec. 1

75 08030

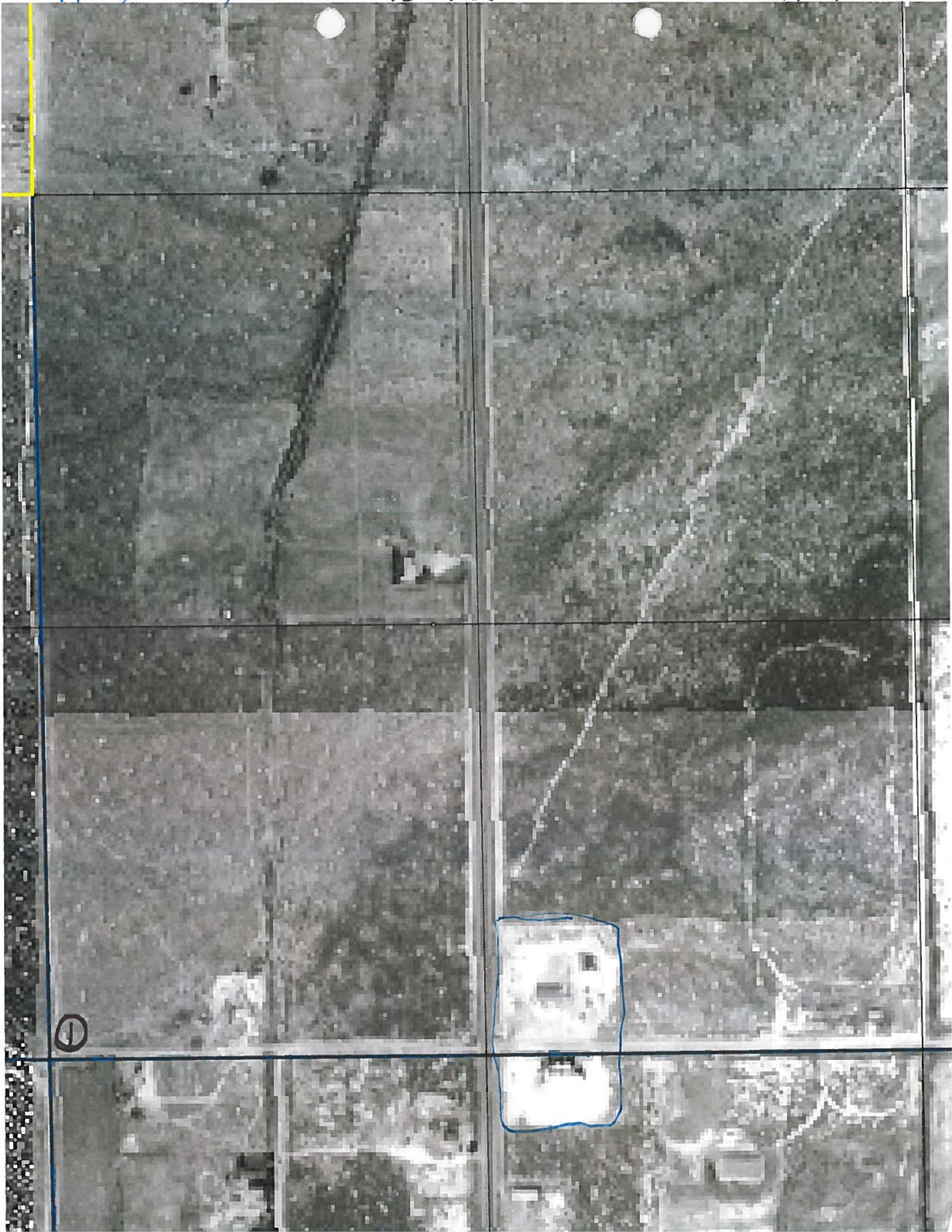
1700 p10010



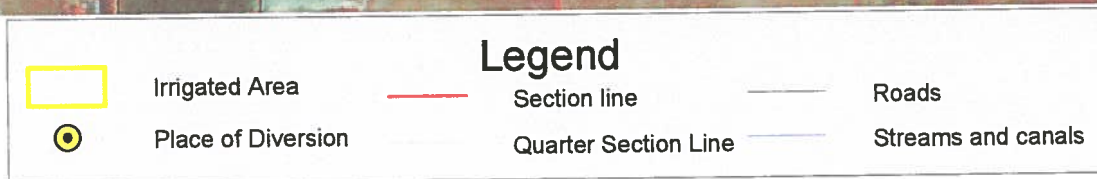
1100, NAVE, sec. 1

75-07020

1100, PHOTO



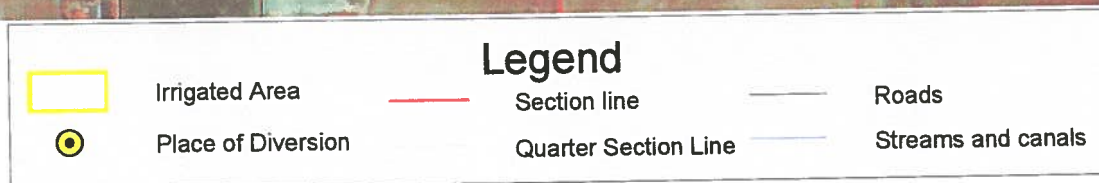
Township , 13S26E



300 0 300 600 900 1200 1500 Feet



Township , 13S26E



300 0 300 600 900 1200 1500 Feet



Water Right Claim Number A43-04038

Township , 13S26E



Legend			
	Irrigated Area		Section line
	Place of Diversion		Quarter Section Line
			Roads
			Streams and canals

300 0 300 600 900 1200 1500 Feet



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A43-04038

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 Allen Merritt Date 6/15/94

Contact Person(s) Mr. & Mrs. Wilson

Nature of Contact They came in with problems in doing paperwork for drought assistance program. Colleen Van Winkle of S.O. had written letter explaining problem.

Substance of Communication _____

I phoned Colleen & her problem was 1. Drilling Permit obtained was Domestic 2. Drought Applic. listed irrig. of 10 Ac. with no reference of water right. I reviewed these issues with Wilsons & we found they have claimed the water right under this claim. A problem exists with the irrigation portion of right. Irrigation was developed when the original furrows were removed in around 1978. No permit was obtained. In our conversation we discussed how they sold the property a few years ago then it defaulted & they got it back. During that time the irrigation system was removed and the land has not been irrigated for 4 or more years. Forfeiture of irrig. may be an issue.

Identification No. _____

Claim No. 43-4038

Map No. _____

**STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION**

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Raft River Rural Electric Cooperative, Inc.
post office address P.O. Box 617 Malta, Idaho 83342

2. The point of diversion is in SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 1 Township 13 South
Range 26 East B.M. located on Well
(name of source)

tributary to _____ in Cassia County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

August 1958 amount: .223 c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet
Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

domestic & Commercial
use _____ period of use from Jan 1 to Nov 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____
_____; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped pumped; depth of well is 78 feet; diameter of well is 16 inches; type of pump is jet
capacity of pump is 100 g.p.m.; name and address of well driller is Dean Rogers
Box 323, Pima, Arizona;

43-4038

b. Do you get water through a ditch owned by several users? _____ If yes, give the name of the ditch
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served 2 to 3 families
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities. Well has served two families and one implement company with a
mechanic's shop.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Well was drilled about 1955 (as near as we can determine) and was originally
intended to be used for irrigation but that use did not develop. Subse-
quently (August 1958) it was commenced to be used for an implement Co.
with mechanics shop and trailer homes that varied from one to three up
until the present time.

The records for electrical services which
we have in our office support the fact
that the well was used continuously
with exception of maybe a month or
so between some tenants

State of Idaho }
County of Cassia } ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 21st day of April, 19 71.

Gene Baxter
Notary Public
Residing at Malta, Idaho

My commission expires May 3, 1971

4-27-71 For Department Use Only

Received by <u>JD</u>	Date <u>4-22-71</u>	Exception filed by:	Forwarded to	Date
			claimant by:	
Prelim. check by <u>JD</u>	Date <u>4/27/71</u>			
Fee received by <u>JD</u>	Date <u>4/27/71</u> Fee \$ <u>10.00</u>			
Approved for publication by <u>JD</u>				
Published in <u>South Idaho</u>	Dates <u>5-18 & 5-25, 1971</u>			
Press at Burley, Idaho				

42-4038

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1434038
 Old No. _____ New No. _____

Record

1. Original Owner: RAFT FOUR RURAL Electric Cooperative Inc.

Present Owner: _____

2. Address: P.O. Box 617

3. City: Malta State: 10 Zip: 83342

4. A. Source of Water: fw

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 8-1-1958

D. County: 31

E. Total Diversion Rate: .22

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SESW</u>	<u>1</u>	<u>13S</u>	<u>26E</u>		
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from 1-1 to 12-31 for D purposes. Amount .22
 (cfs or AG FT/yr)

from 1-1 to 12-31 for C purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

Log for claim A43-04038

Spatial Dynamics LRR

1/24/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
13	26	1	SESW	6	40.2	Indiscernible
Totals:				6	40.2	

AJ5809NP
No. A43-04038

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/09/99
PAGE: 60

Remarks: GIVEN APPROVAL.

Dates: Exam Made Date:

Misc: Water District Number:

Verified Date: 06/18/1985 Objection Filed Date:

Field Inspection Flag:

Presumption Flag: E

R PROOF

CVR

MAPS

PHOTOS

MISC

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