

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: A43-07109
Date Received: 4/05/1989
Receipt No: 5006781
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CURTIS DURFEE 208-824-5579
Address: P.O. BOX 185
ALMO, ID 83312
AND/OR
Name: MARY LOU DURFEE 208-824-5579
Address: P.O. BOX 185
ALMO, ID 83312

2. Date of Priority: OCT 17, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	26	NE	SW	SW		CASSIA

5. Description of diverting works:
WELL, PUMP, SPRINKLERS & TANKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.480		395.50
STOCKWATER	01/01	12/31	0.030		2.00

7. Total Quantity Appropriated is:
1.480 C.F.S. (and/or) 397.50 A.F.A.

8. Total consumptive use is 282.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 150 RANGE

A43-07109

Page 1

Date: 04/05/89

MICROFILMED
MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	26	SW		SW		IRR	4.0
			SW		SW		STOCK	
			SE		SW		IRR	38.0
			SW		SE		IRR	38.0
			SE		SE		IRR	33.0
							Section Acres	113.0
							Total Acres	113.0

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:

15. Basis of Claim: LICENSE

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 X 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): Curtis Durfee Date: 4-5 -89

Date: _____

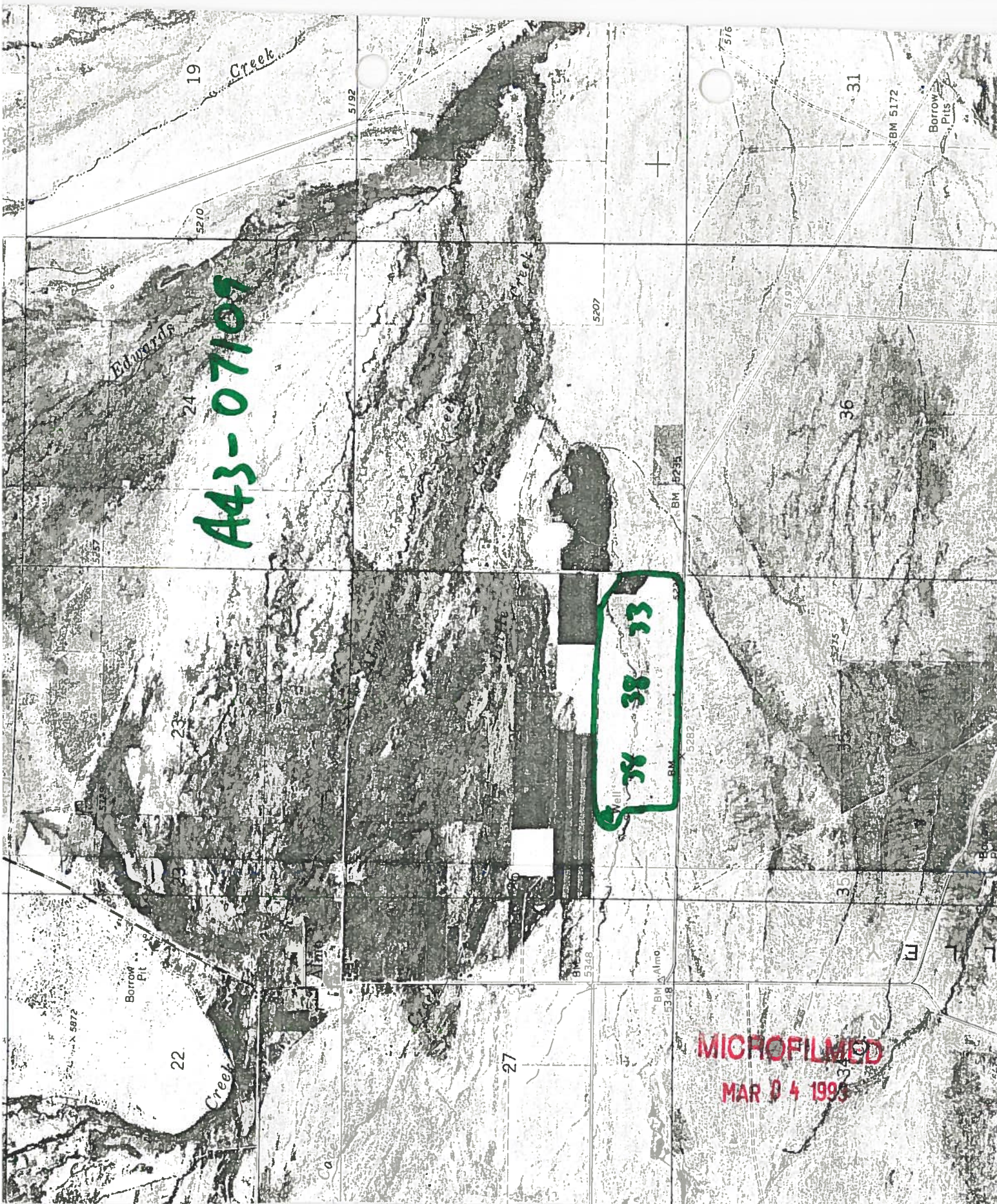
State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of April 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/98



A43-07109

38 38 33

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Water Right Number - 43-07109

Prefix Translation:

WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DURFEE

CURTIS

1 -

2 -

3 -

City- ALMO

Phone -

1 -

2 -

3 -

City- ALMO

Phone -

State- ID

Zip- 83312

State- ID

Zip- 83312

State- ID

Zip- 83312

State- ID

Zip- 83312

State- ID

Zip- 83312

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Zip- 83312

DURFEE

MARY LOU

1 -

2 -

3 -

City- ALMO

Phone -

1 -

2 -

3 -

City- ALMO

Phone -

State- ID

Zip- 83312

State- ID

Zip- 83312

State- ID

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+ - - Priority Date - - +
10/17/1977+ - - - - Region - - - +
17 SOUTHERN+ - - - - Stage - - - +
L - LICENSE

+ - - - - Status - - - +

+ - - - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

+ - - - - Point of Diversion - - - - - +
Stream Index (Blank if no Index Code)

15S 24E 26 SW SW (31) CASSIA

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 1.480 395.50
04 - STOCKWATER 01/01 12/31 0.030 2.00+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - +
1.480 397.50 1.480+ - - - - TwN Rng Sec Tract Lot Acres Place of Use Code Description County
15S 24E 26 SW SW 4.0 01 IRRIGATION (31) CASSIA
15S 24E 26 SW SW 38.0 01 IRRIGATION (31) CASSIA
15S 24E 26 SW SE 38.0 01 IRRIGATION (31) CASSIA
15S 24E 26 SE SE 33.0 01 IRRIGATION (31) CASSIA

Total Acres: 113.0

+ - - - - Diversion Means - WELL, PUMP, SPRINKLERS & TANKS.

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

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Water right number - 43-07109

Prefix Translation:

WATER RIGHT

+ - - - - - Old Water Right Numbers - - - - - +

+ - - - - - No Old Water Right Numbers found. - - - - - +

+ - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000+ - - - - - Comments - - - - - +
No Comments Found

+ - - Audit Fields - 09/21/87 05/28/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 01/01/1983	Field Exam Made	- 08/10/1983	Field Exam Fee	-
Approved/Denied	- 01/29/1978	Protested Date	- 00/00/0000	Swan Falls	- Z
Proof Made Date	- 11/12/1982	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 12/30/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 11/05/1986	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

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MAR 04 1993

05/09/2001

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-7109

CURTIS DURFEE

PO BOX 185

ALMO ID 83312

Telephone Number: (208)824-5579

MARY LOU DURFEE

PO BOX 185

ALMO ID 83312

Telephone Number: (208)824-5579

RECEIVED

MAY 23 2001

Department of Water Resources
Southern Region

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

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

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

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

DATE:

May 18 00'

SIGNATURE:

Curtis Durfee

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

11/28/2000

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

RIGHT NUMBER: 43-7109

NAME AND ADDRESS: CURTIS DURFEE
MARY LOU DURFEE
PO BOX 185
ALMO, ID 83312

SOURCE: GROUND WATER

QUANTITY: 1.48 CFS
397.5 AFY

PRIORITY DATE: 10/17/1977

POINT OF DIVERSION: T15S R24E S26 NESWSW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.03 CFS
		2.0 AFY
IRRIGATION	04-01 11-01	1.48 CFS
		395.5 AFY

PLACE OF USE:

<u>STOCKWATER Within CASSIA County</u>			
T15S R24E S26	SWSW		
<u>IRRIGATION Within CASSIA County</u>			
T15S R24E S26	SWSW	3.9	T15S R24E S26
T15S R24E S26	SWSE	38	T15S R24E S26
			SESW 38
			SESE 33

112.9 ACRES TOTAL

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

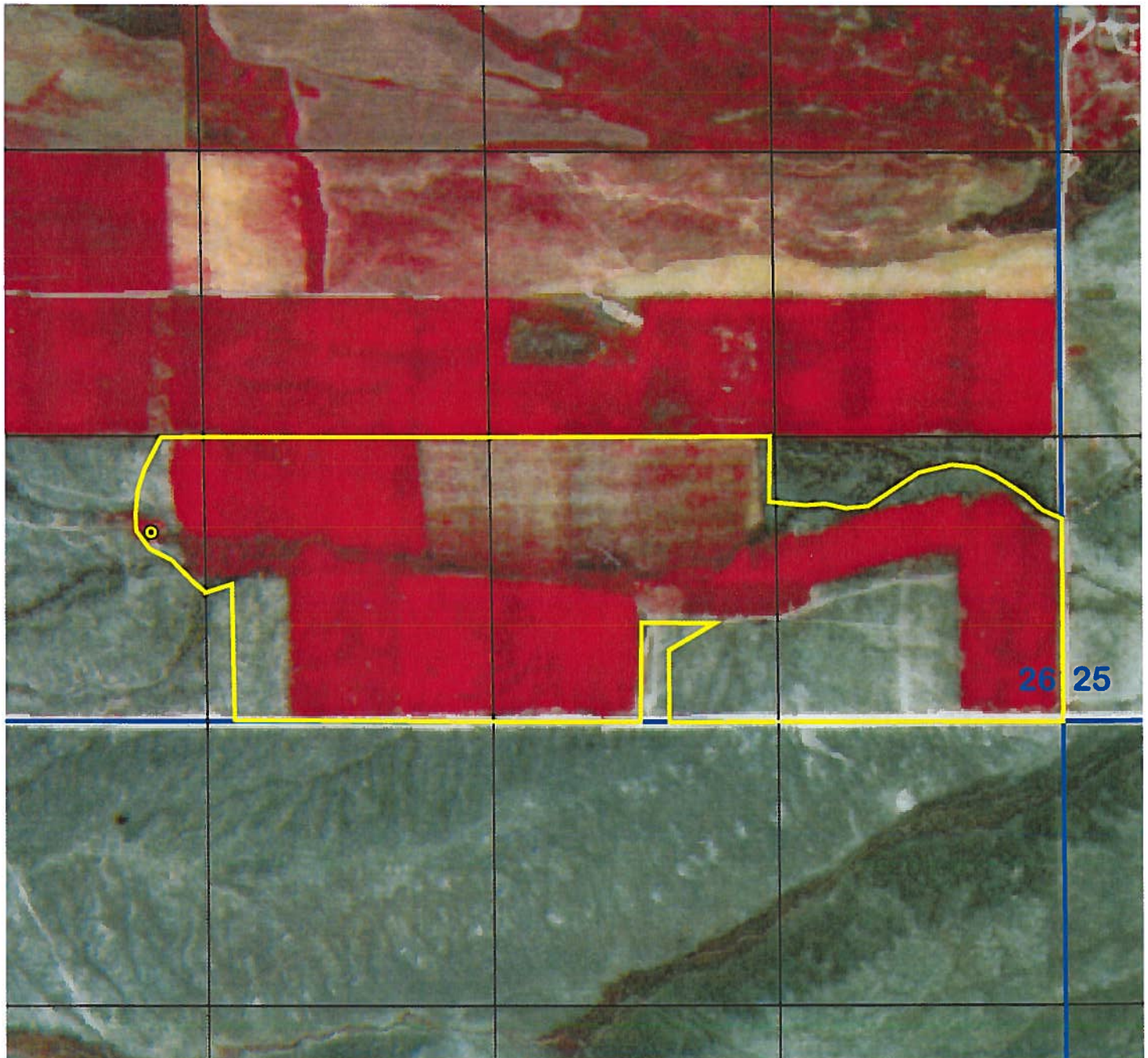
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

RIGHT: 43-7109

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 26
Data entry on November 28, 2000



● RECOMMENDED POINT OF DIVERSION

□ RECOMMENDED PLACE OF USE

□ SECTION LINES

□ QUARTER/QUARTER LINES



~~1962 AERIAL PHOTOGRAPHY~~

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

USE PERIOD	DIVERSION	DIVERSION
FROM	RATE	VOLUME
04-01 11-01	1.48 CFS	395.50
01-01 12-31	0.03 CFS	2.00

Field Inspection Flag:
Presumption Flag:

18:44:19
05/24/95
310

Field Exam Notes

8/9/1999

Claim No: 43-07109

Agent: Vikie Hancock

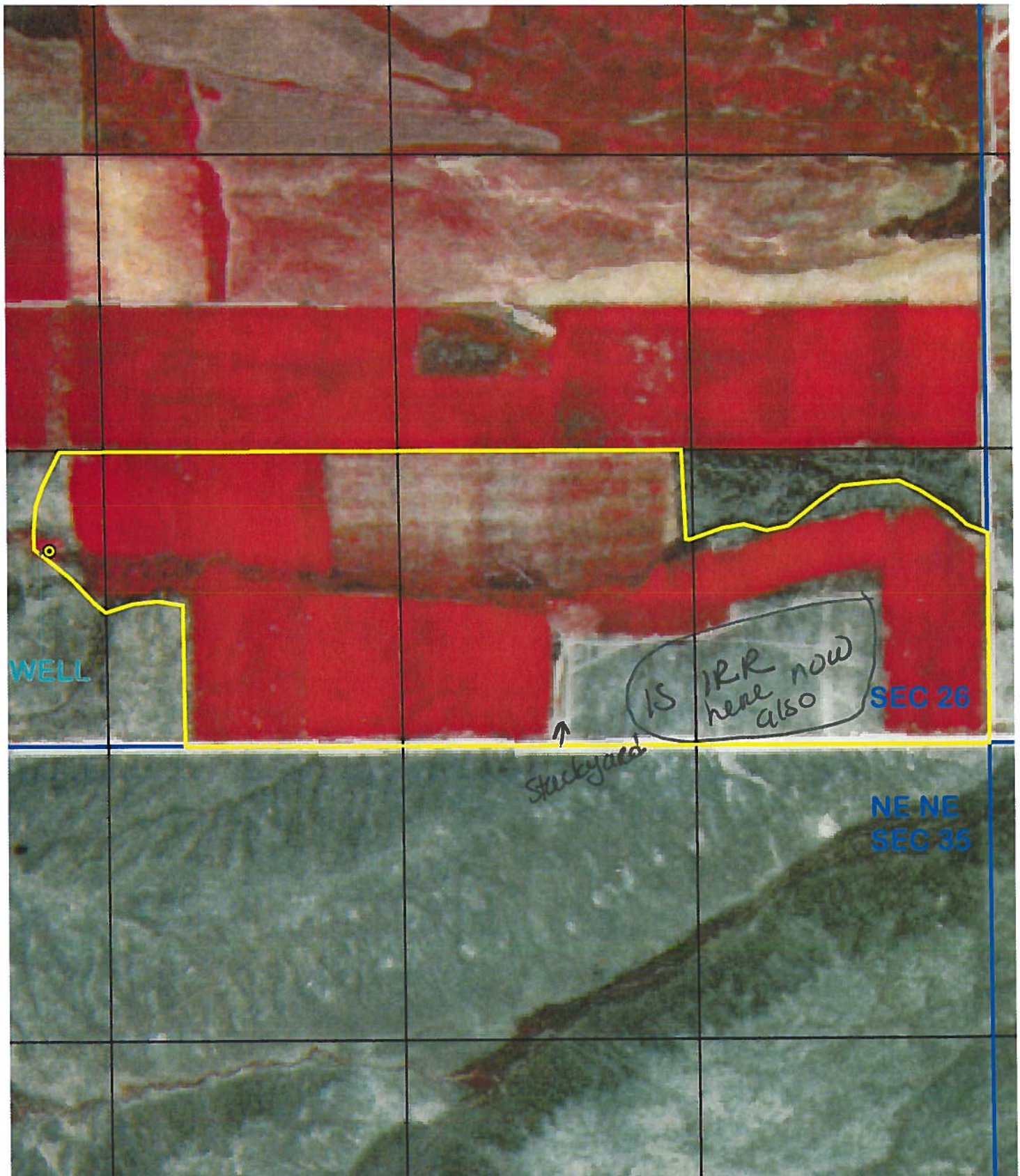
Based on observation 8-6-1999, this claim should be recommended as licensed. With the exception of a small hay stacking yard, acreage is now being irrigated by two pivots plus wheel lines. See photos.

FIELD NOTES

110 ACRES SHOWN

CLAIM NO(S): A43-07109

TWP 15S, RNG 24E, Sec 26

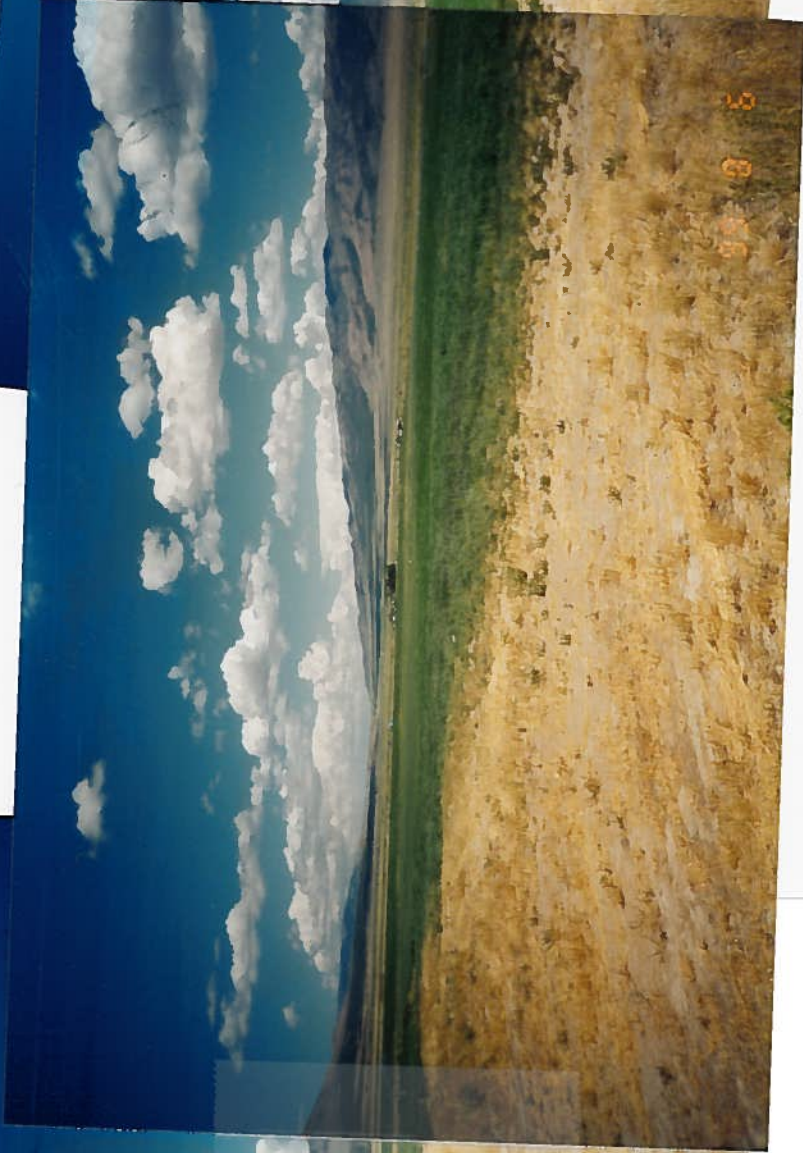


V HANCOCK

Date: 8-6-99

1987/1988 NAPP PHOTOGRAPHY

NOW IN PIVOTS & WHEEL LINES, SEE PHOTOS



PAN of POOL From South Boundary looking NW - WE

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: 443-07109 - License Date 8-6 1999

Claimant / Area of Concern: Costs Write

Page 1 of 1

Page 7 of 7[illegible]

Audio tape # _____

Notes:

[illegible]

NOV 12 1986

**Department of Water Resources
WATER RIGHT LICENSE**

Department of Water Resources
Southern Region Office

License of Water Right No. 43-7109 Priority October 17, 1977 Amount 1.48 cfs

THIS IS TO CERTIFY, that Curtis &/or Mary Lou Durfee
of Almo, Idaho, has complied with the terms and conditions of Permit

No. 43-7109 issued pursuant to Application for Permit dated October 17, 1977

and has submitted proof to the Department of Water Resources on November 12, 1982 ,

that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 1.48 cfs of water from a groundwater source;

tributary to _____, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
1. Agricultural Use	1970-1975	10%	100,000
2. Industrial Use	1976-1980	15%	150,000
3. Residential Use	1981-1985	20%	200,000
4. Commercial Use	1986-1990	25%	250,000
5. Public Use	1991-1995	30%	300,000
6. Other Use	1996-2000	35%	350,000

Irrigation from April 1 to November 1 at 1.48 cfs and 395.5 acre feet

Stockwater from January 1 to December 31 at 0.03 cfs and 2.0 acre feet

_____ to _____ at _____ cfs and
(both dares inclusive)

Subject, however, to the condition that no more than 1.48 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 397.5 acre feet per year, said waters to be diverted within the SM&SM& Section 26,

Twp 15S, Rge 24E _____ in the County of Cassia

Description and location of place of use:

[illegible]

Total number of acres irrigated 113

FROM: Allen Merritt
TO: Norm Young

DATE: May 8, 1995

SUBJECT: Durfee - Taylor Well Interference Problem

Over the last several years our office has received inquiries about the water rights and complaints about well interference between the Curtis Durfee farm and the adjoining Wallace Taylor farm in the Almo Idaho area. Specifically Mr. Durfee claimed that the 1992 Taylor well caused interference with his 1977 irrigation well. Initially it was felt that it was a drought related problem but more recent studies by Dr. Brockway reveal that there is a definite well interference situation due to the aquifer characteristics which the Durfee 1977 well and the Taylor 1992 rely. (See attached copy of Brockway/Kahloun 4/13/1995 Report)

Review of the water rights associated with both farms finds the following:

DURFEE

Durfee's farm is supplied water from a single irrigation well licensed under 43-07109 for irrigation of 113 acres at a rate of 1.48 cfs with a 10/11/1977 priority.

TAYLOR

Taylor's farm is supplied water from three irrigation wells. Initially a well was drilled in 1955 which supplied water to the farm and claimed under 43-04008. The right is claimed as 2.20 cfs or 110". In 1979 transfer #2358 was applied for to add an additional well to the system to recover the claimed capacity of right 43-04008. The application proposed to drill the new well in either NESE Sec. 27 or NWSW Sec. 26. The transfer was approved 4/10/1980 but limited the lands irrigated to 160 acres in Section 26. The second well was completed 4/12/1980 in the NWNESE Sec. 27; no well was drilled in Section 26. On 5/13/1980 application 43-07152 was filed and later approved for using the new 1980 well and the old 1955 well for irrigation of another 78 acres in Sec. 27. This permit was licensed in 1985 for 75 acres at 1.50 cfs from the two existing wells at that time. At the time of licensing 43-07152 the new 1980 well was measured pumping 1.88 cfs; the old 1955 well was off at that time. On 5/28/91 transfer #3877 was filed to change the P/U of license 43-07152 and to add another well to water rights 43-04008 and 43-07152 within Section 26. On the same date application 43-07310 was filed for irrigation of 80 more acres in Sec. 25 from the newly proposed well in transfer #3877 and the 1980 well. Permit 43-07310 was approved 12/19/1991 but transfer #3877, after initial advertising was held; from the file I could not determine why it was held without action. On 7/12/92 the last well was completed in Sec. 26. On 11/23/93 the transfer #3877 was

43-7109 &

43-7152

amended then held for submittal of the amendment fee which was paid 6/20/94. On 8/15/94 Taylor requested delay of advertising and then on 10/11/1994 Taylor canceled or withdrew transfer application and then #3877. On 10/17/94 he then filed for a drilling permit application 0024-000 to replace the 1955 well. This drilling permit 43-94-S- extended 4/21/95 and expires 10/17/95.

As a result of Durfee complaint on 4/17/95 Jim Stanton conducted a site inspection of the Taylor property on 4/18/1995 to document existing uses and to see if licensing exam for 43-07310 could be completed. (See copy of Jim's memo dated 4/18/95)

ANALYSIS

The Taylor 1955 well has never been measured. Using information gathered by Stanton (60 hp) and from the Brockway report (static 180') and using the drawdown from pump test on log of 1980 well (160'-55') for 2.8 cfs or 0.02667 cfs/ft of drawdown, it is calculated that:
$$Q = 180 + 60 = 1.54 \text{ cfs or } 77'' \text{ note that in transfer \#2358 a statement is made the well only produces } 65''. \text{ Additionally, Mr. Durfee claims the well never pumped more than } 65 \text{ inches to his knowledge.}$$

The Taylor 1980 well was measured at 1.88 cfs in 1982 delivering to sprinklers. Using information gathered by Stanton (100 hp) and from Brockway report (static 210') and drawdown from well log
$$Q = 210 + 82 = 2.11 \text{ cfs open dis.}$$

$$Q = 210 + 60 + 115 = 1.60 \text{ cfs to sprinkler}$$

The Taylor 1992 well is only authorized for use in Sec. 25 under permit 43-07310. Well has never been measured but Brockway reports well discharge is 2.4 cfs. Stanton found no land in Section 25 irrigated from system. He further finds only 171 acres presently irrigated under entire farm system.

The Durfee 1977 well was measured in 1983 at three different pressures; at 40 psi it delivered 1.48 cfs and was licensed at this rate since that was how it was normally operated; it was measured at 20 psi at 1.64 cfs. Brockway measured the well during the pump test on January 26, 1995 at 1.64 cfs.

RECOMMENDATION

I RECOMMEND THAT TAYLOR BE SENT A CEASE AND DESIST ORDER TO STOP USING THE WELL IN SECTION 26 THAT INTERFERES WITH THE DURFEE WELL UNTIL EITHER A TRANSFER IS FINALIZED ALLOWING USE OF THE WELL OR A LICENSING AMENDMENT IS APPROVED (IF FILED IT SHOULD BE ADVERTISED) WHICH WOULD ALLOW CAPACITY OF WELL TO BE USED TO BRING 171 ACRES UP TO 1"/ACRE WHEN COMBINED WITH OTHER RIGHTS.

43-7109 & 43-7152

I RECOMMEND THAT THE HISTORICAL RIGHT FOR 43-04008 BE RECOGNIZED AS 77" AND RECOMMENDED IN THE SRBA AS SUCH UNLESS FURTHER INFORMATION IS GATHERED WHICH SUPPORTS A LARGER DIVERSION RATE. I RECOMMEND THAT 43-07152 BE LIMITED TO 1.48 CFS. SO THE TOTAL OF THESE TWO RIGHTS BE LIMITED TO 2.96 CFS. THIS DIVERSION BE LIMITED TO THE 1955 WELL OR IT'S REPLACEMENT AND THE 1980 WELL. (THE 64 ACRES NOT PRESENTLY IRRIGATED UNDER 43-07152 SHOULD BE INVESTIGATED FOR FORFEITURE; NOTE THAT CAPACITY OF 1980 WELL MAY HAVE BEEN HISTORICALLY SHIFTED TO THE 171 ACRES PRESENTLY IRRIGATED. IF THE 64 ACRES IS LOST AND THE CAPACITY GOES WITH THE 171 ACRES THEN THESE ACRES ARE PRESENTLY AT 1"/ACRE AND LICENSE 43-07310 SHOULD BE RECOMMENDED ~~AND SHOULD BE FORFEITED.~~)
I RECOMMEND THAT DURREE'S DIVERSION BE LIMITED TO 1.48 CFS. ~~by only 0.37 after licensing, should not be~~

I RECOMMEND THAT BOTH DURREE AND TAYLOR BE ORDERED TO INSTALL PERMANENT MEASURING DEVICES ON ALL WELLS AND RECORD THE MONTHLY DIVERSION VOLUME AND RECORD THE WEEKLY DIVERSION RATE AFTER CONTINUOUS DIVERSION FOR 8 HOURS OR MORE. THESE RECORDS SHALL BE PROVIDED TO IDWR ANNUALLY.

5/10/95

I talked with Norm & we decided I would send Taylor a letter regarding discontinuation of using well in Section 26

SEE SRBA CLAIM FILE 43-4008
FOR ADDITIONAL DOCUMENTS FROM
WR 43-7310 FILE.

43-7109 & 43-7152