

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 43-13038
Date Received: 6/7/01
Receipt No: 5024023
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DON WALKER Phone: (208) 645-3178
2194 HAWKINS RD
P O BOX 2298
MALTA ID USA 83342

LEANNA WALKER Phone: (208) 645-3178
2194 HAWKINS RD
P O BOX 2298
MALTA ID USA 83342

2. Date of Priority: 06/30/1985

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.54	

7. Total Quantity Appropriated is:
1.54 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
15S	26E	13	NE	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
						Section Acres	80
						Total Acres	80

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:

THIS IS AN EXPANSION OF LICENSED RIGHT 43-2293.

15. Basis of Claim: Beneficial Use

16. Signature(s)

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): Lelenna Walder Date: 6-7-01

Date:

State of Idaho)
County of Swain Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of June 2001 [Signature]

Notary Public

Residing at Bull rd

My commission Expires 5-7-2003



Idaho Department of Water Resources Receipt

Receipt ID S024023

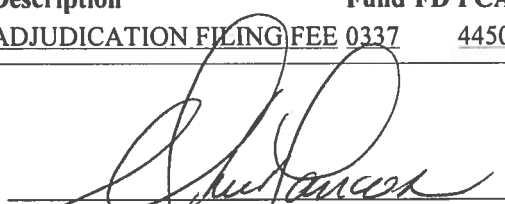
Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$50.00	ADJUDICATION FILING FEE	0337	44503	1155	


Signature Line (Dept. Representative)

06/08/2001

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

RIGHT NUMBER: 43-13038

NAME AND ADDRESS: DON WALKER
LEANNA WALKER
2194 HAWKINS RD
P O BOX 2298
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 1.4 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-2293 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 3.46 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1416 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T15S R26E S24 SENENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	1.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R26E S13	NENE	40	T15S R26E S13	SWNE	40
T15S R26E S13	SENE	40	T15S R26E S13	SESW	40
T15S R26E S13	NESE	39	T15S R26E S13	NWSE	40
T15S R26E S13	SWSE	40	T15S R26E S13	SESE	32
T15S R26E S24	NWNE	34	T15S R26E S24	NENW	35
T15S R26E S24	NWNW	39	T15S R27E S18	LOT 3 NWSW	5.3

424.3 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 424 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2292, 43-2293, 43-
4151.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2293 PURSUANT TO SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



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

June 8, 2001

Don and Leanna Walker
2194 Hawkins Rd
Box 2298
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Revised Claims 43-2293, 43-4151 and New Claim 43-13038

Dear Mr. and Mrs. Walker,

Here are copies of the above referenced claims as they will appear when I recommend your water rights to the SRBA Court sometime in late July. Please let me know if you see any errors. I have high-lighted the numbers so that you may more easily note which two supercede the ones I marked DRAFT yesterday.

Thank you for taking the time to meet with me. I hope that I helped you to understand the process that we're going through here in Idaho. Please don't hesitate to contact me if you have any further questions or concerns, and good luck with your future plans.

Sincerely,

A handwritten signature in dark ink, appearing to read 'V. Hancock', is written over a light-colored background.

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls

RECOMMENDATION NOTES

From: Vikie Hancock

6/8/01

Regarding: 43-2293, 43-4151 *& 43 - 13038*
Source Ground water

- Original license 43-2293 issued in 1944 was for **220** acres irrigation and **3.46 cfs**.
- In 1954 T839 allowed water to be spread out onto owners entire property with no increase in diversion rate. POU is identified by 40 acre tracts only, so no data exists on how many acres were irrigated with 3.46 cfs of GW.
- 1983 Stat claim filed for 477 acres and **1.44 additional cfs** stating pump upgraded to 2200 gpm in 1954. Priority date of claim listed 4-1-1954.
- 1984 field exam finds 354 acres irrigated from GW within the POU for 43-2293. T3038 filed for change in nature of use of .45 cfs with intentions to dry up corresponding 107 acres of the 354 acres. *Indications are that transfer T3038 was never accomplished.*
- SRBA claims 43-2293 for 3.46 cfs and 43-4151 for 1.44 cfs were filed listing 477 acres in each claim and stating a combined system from one well. Note that only 424 acres were found irrigated during claims review using 1987 NAPP photos.
- Proof of priority submitted with claim 43-4151 shows electric power contract with RRRE beginning at least as early as 1949 for 40 hp motor and 220 volts. And beginning at least as early as 1968 for 125 hp motor and 480 volts. 1968 contract specifically lists N½ NW Section 24, which was not included in licensed POU per transfer T839, and so represents an increase in acreage perhaps begun by 1963 and completed circa 1968.
- Undated pump test provided by RRRE shows diversion capacity of pump as 4.39 cfs. Document received by IDWR in 1992.
- 1962 and 1968 photos indicate that approximately 332 acres were well irrigated prior to implementation of the CGWA and within the claimed POU for the two SRBA claims. This corresponds somewhat with the 354 acres found irrigated in the 1984 field exam. In a letter dated Oct 16, 1984 the Department seems willing to accept that the entire 354 acres were developed before the CGWA was designated in 1963.
- Of the 354 acres found irrigated in 1984, it is not known how many were developed under Stat claim 43-4151 and how many are actually represented by licensed right 43-2293. For convenience, T3068 assumed the entire 354 acres were developed under 43-2293, but I feel that is excessive.
 - $1.44 / .02 = 72$ acres
 - $354 - 72 = 282$ acres could more likely represent 43-2293 expanded to PPU by T839 in 1954

POU Same as 43-2293. See for GIS Layout

- 1987 NAPP aerial photography shows 424 acres irrigated within the claimed place of use of the SRBA claims.
- An expansion claim is required to cover acres developed after 1963/68 and prior to 1987. $424 - 354 = 70$ acres of expansion.
- Calculations done by Cindy Bird finds that the capacity of the well exceeds 4.9 cfs.

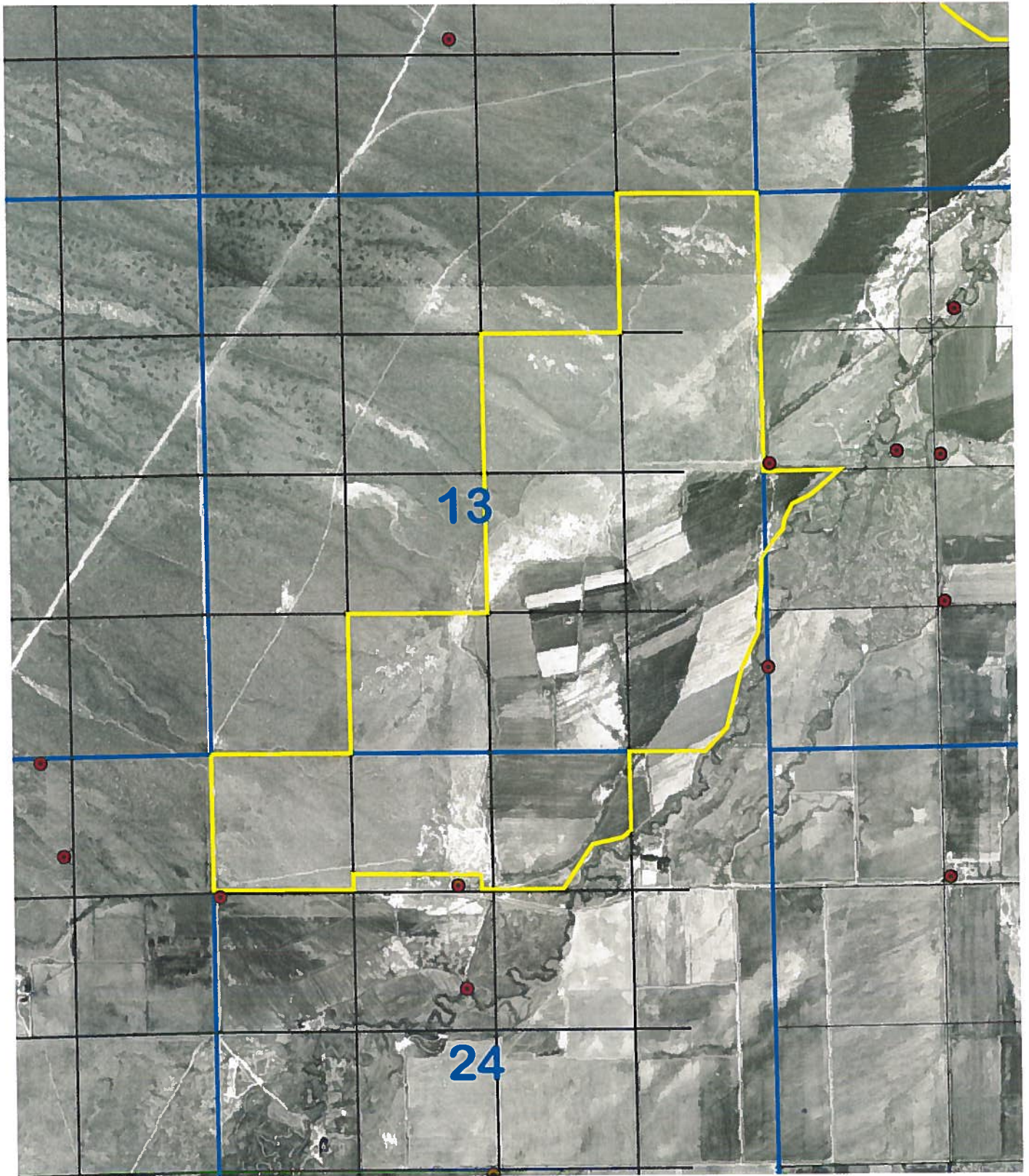
RECOMMENDATIONS:

43-2293	354 AC	3.46 CFS per T3068	PRIORITY 7-12-1944
43-4151	72 AC	1.44 CFS	PRIORITY 3-15-1963
*43-2293 & 43-4151 combined are limited to 354 acres			
43-13038	70 AC	1.40 CFS	PRIORITY 6-30-1985
*43-2293 & 43-13038 combined are limited to a diversion rate of 3.46 cfs and volume of 1416 afa.			

- ❖ Although 354 acres were found irrigated within the licensed (per T839) tracts in the 1984 field exam, license 43-2293 listed 247 acres in the water right database, which reflected a reduction in acres required by the 1984 transfer of nature of use, which never occurred as far as I can tell.

WALKER

TWP 15S, RNG 26E



1962 AERIAL PHOTOGRAPHY