

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: **A43-10826**
Date Received: 4/ 3/1992
Receipt No: S014349
Received By: XKC

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: DEAN COMPTON 801-723-8227
Address: 260 W 6 N
BRIGNAM CITY UT 84302

2. Date of Priority: APR 1, 1966

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	28E	33	SE	SW	SW		CASSIA

5. Description of diverting works:
600' DEEP WELL AND 250 HP PUMP TO PIVOT SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	2.500		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	28E	4	NE	NW		IRR	22.0
			NW	NW		IRR	22.0
			SW	NW		IRR	22.0
			SE	NW		IRR	22.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	88.0
					Total Acres	88.0

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:
36-02432

14. Remarks:
THIS IS AN EXPANSION OF 36-02432.

15. Basis of Claim: BENEFICIAL USE

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

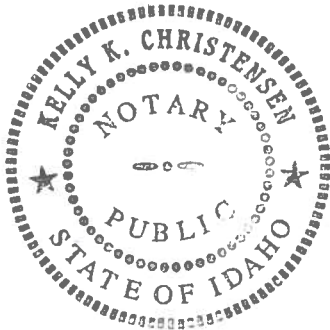
Signature of Claimant(s): Dean Conger Date: 4-3-92

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 3 day
of April 19 92 Kelly K. Christensen
Notary Public

Seal



Residing at Kimberly
My Commission Expires 2-24-98

03/21/2001

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

RIGHT NUMBER: **43-10826**

NAME AND ADDRESS: DEAN COMPTON
260 W 6 N
BRIGHAM CITY, UT 84302

SOURCE: GROUND WATER

QUANTITY: 0.88 CFS

USE OF THIS RIGHT WITH RIGHT NO. 43-2432 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.50 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 640.0 AF.

PRIORITY DATE: 06/30/1985

POINT OF DIVERSION: T12S R28E S33 SESESW 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	0.88 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T12S R28E S33	NESW	33	T12S R28E S33	NWSW	33
T12S R28E S33	SWSW	33	T12S R28E S33	SESW	33
T13S R28E S4	NENW	32	T13S R28E S4	NWNW	32
T13S R28E S4	SWNW	35	T13S R28E S4	SENW	35

266 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 43-2432 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 248.0 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 88.0 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.

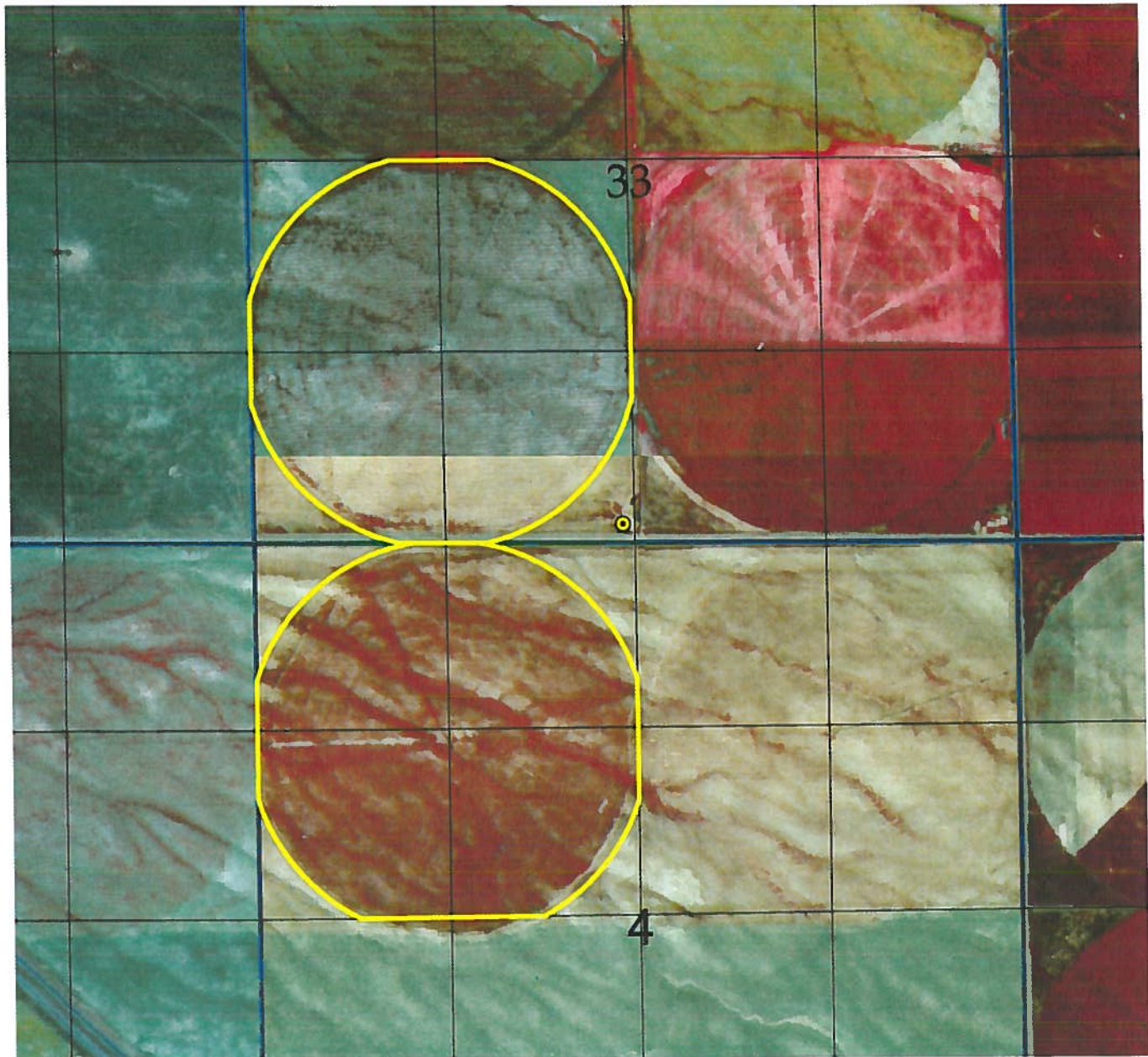
THIS RIGHT IS AN EXPANSION OF RIGHT NO. 43-2432 PURSUANT TO
SECTION 42-1416B, IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 88.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES

43-02432 & 43-10826



660 0 660 1320 1980 Feet



**T12S R28 SEC 33
T13S R28 SEC 04**



-  **RECOMMENDED PLACE OF USE**
-  **POINT OF DIVERSION**
-  **SECTION LINES**
-  **1/4-1/4 LINES**

**GIS PLACE OF USE PRESENTATION
1987 &/OR 1988 NAPP PHOTOGRAPHY**

**DATA ENTRY BY: STEVE CLELLAND
DATE: March 13, 2001**

scc 4/17/00

A43-10826 (42-1416B ANALYSIS)

Expansion violates permit Statutes?	yes
Expansion occurred after GWMA?	yes
" " before SRBA? (1987)	yes (per NAPP)
" " before 42-1416(B)? (1989)	yes

⊗ Priority Date = JUNE 30, 1985

3/12/01 scc 1. Pump was increased in size from 100 HP as lic. to 250 HP as claimed. Increase in Q?

2. Transfer #1894 was DENIED and never occurred.

3- TIMELINE:

1989 CLAIM LISTED ONLY S.33 IRRIGATION.

1993 AMENDED TO ADD S.04 ACRES.

FILED EXPANSION IN S.04.

NAPP: CC83. NW
7-22-87

3/13/01 Claim for expansion is short by 18 ACRES.

$2.5 \text{ cfs} \div 298 \text{ Ac} = .01 \text{ cfs/ac}$ $\therefore Q = 0.88 \text{ cfs}$
season is limited to Standard: 4/1 to 10/31



Idaho Statutes

TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION CHAPTER 14

ADJUDICATION OF WATER RIGHTS

42-1416B. CLAIM FOR EXPANDED USE IN CRITICAL GROUND WATER AREA -- DETERMINATION OF WATER AVAILABILITY. (1) Within any critical ground water area designated pursuant to section 42-233a, Idaho Code, a claim to the expanded use of a ground water right, which use was expanded in violation of the mandatory permit requirements, may be decreed in a general water rights adjudication if the expansion occurred after the designation of the critical ground water area, before the commencement of the adjudication, and before the date of enactment of this section. The priority date for the right decreed shall be June 30, 1985.

(2) Water shall be deemed unavailable to fill the rights for expanded use, even if decreed in the adjudication, unless the director finds that a management program exists which will, within a time period acceptable to the director, limit the average annual water withdrawals from the aquifer designated in the critical ground water area to no more than the average annual recharge to the aquifer.

(3) Within two (2) years after a decree determining the water rights within a critical ground water area becomes final, but not sooner than four (4) years from the date of enactment of this section, the director of the department of water resources shall make a finding as to whether an adequate management program exists to bring withdrawals into balance with recharge.

(4) If the director finds that an adequate management program to bring withdrawals into balance with recharge does not exist, the director shall order all holders of rights to expanded use of ground water within the area to cease or reduce withdrawal of water until such time as the director determines that withdrawals have been brought into balance with recharge and sufficient ground water is available to resume or increase withdrawals. The director's order shall be issued before September 1 and shall be effective beginning with the following growing season.

(5) For purposes of this section, the following definitions shall apply:

(a) "Expanded use" means an increase in the number of acres irrigated, or other additional use, under a valid ground water right without any increase in the rate of diversion or volume of water diverted.

(b) "Management program" means a program to recharge the aquifer, limit withdrawals from the aquifer or provide surface water supplies for all, or a portion, of the land irrigated with water withdrawn from the aquifer, including any actions designed to bring withdrawals into balance with the average annual recharge to the aquifer.

(c) "Recharge" refers to all processes, natural or artificial, which add water to the aquifer.

(d) "Withdrawal" refers to all processes, natural or artificial, which take water from the aquifer.

(6) The hearing and judicial review provisions of section 42-1701A, Idaho Code, shall apply to any findings and orders issued by the director pursuant to this section.

(7) Nothing contained in this section shall be construed to limit the authority of the director of the department of water resources to administer and enforce any other ground water laws of the state.

The Idaho Code is made available on the Internet by the Idaho Legislature as a public service. This Internet version of the Idaho Code may not be used for commercial purposes, nor may this database be published or repackaged for commercial sale without express written permission.

A43-10826

R PROOF

CVR

MAPS

PHOTOS

MISC

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