

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

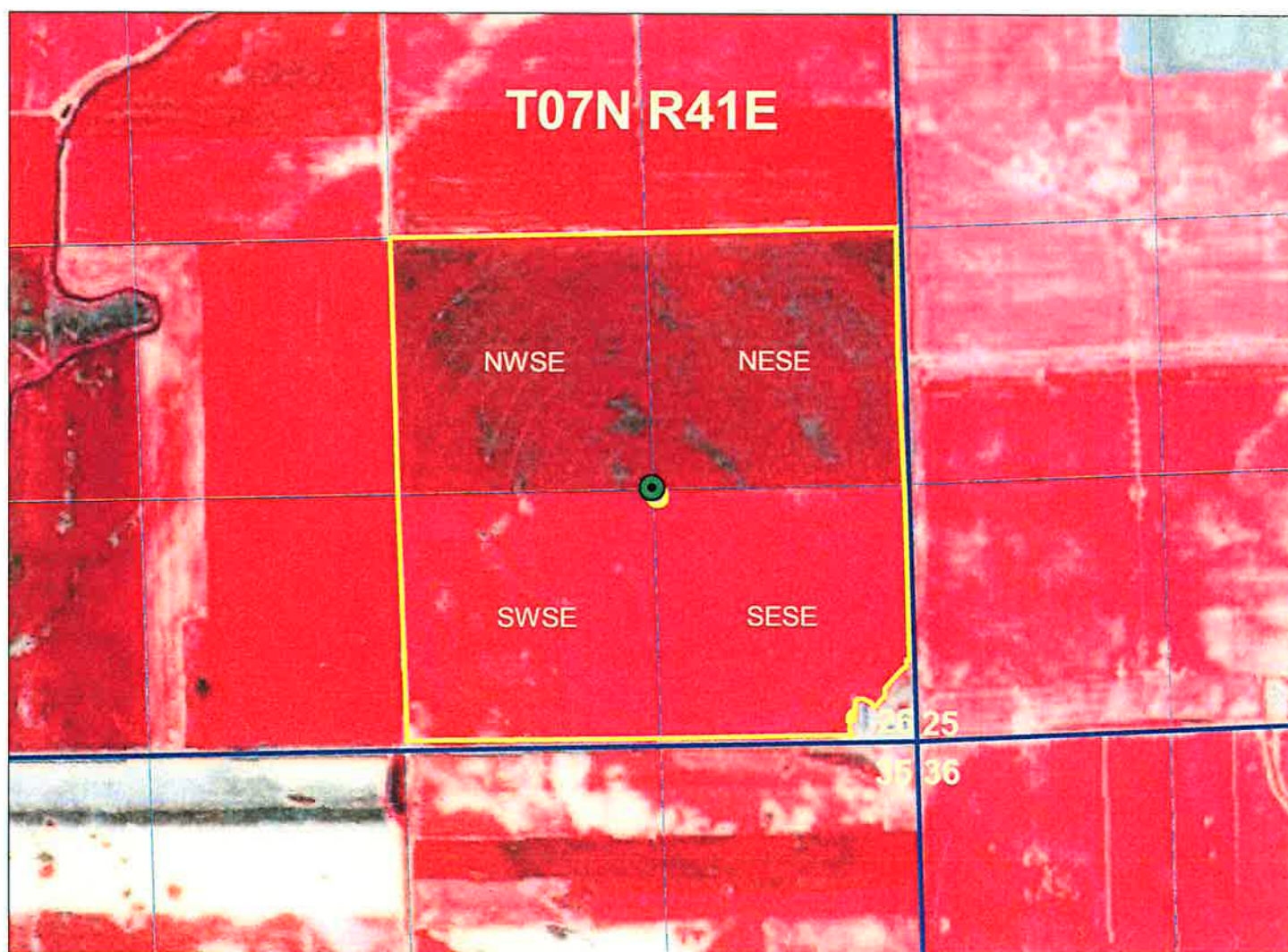
EXPLANATORY MATERIAL: BASIS OF CLAIM - License



Department of Water Resources

Eastern Region

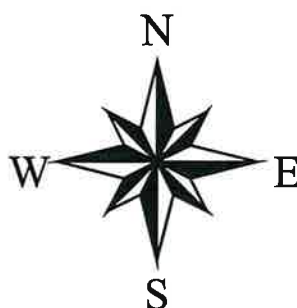
Claim No.: 22-2173B



0 660 1320 1980 2640 Feet



- Point of Diversion
- 22-2173B
- Township/Range
- Sections
- QQ



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: Kristin Moore
Date Prepared: November 2005

11/09/2005

**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:

Water right number: 22-2173B

DELILAH STAKER
PO BOX 111
NEWDALE ID 83436
Telephone Number: (208)458-4387

DONALD STAKER
PO BOX 111
NEWDALE ID 83436
Telephone Number: (208)458-4387

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:

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

DATE: 10/16/2006

SIGNATURE: Donald Staker

Please print your name: Donald Staker

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
OCT 16 2006
Department of Water Resources
Eastern Region

Kurt
10/16

Water Right No(s). A22-2173B

See Attached photo

GPS data - 2694055
1413959

GPS File # 222173B

GPS DATA:

Tag # A0015952 Location: on wood post next to power panel

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: GE Model: _____ Hp: 150
SN: 5K6277X11764

PUMP

Make: Layne + Boelter Model: _____ Disch: _____
SN: D16311

NOTES:

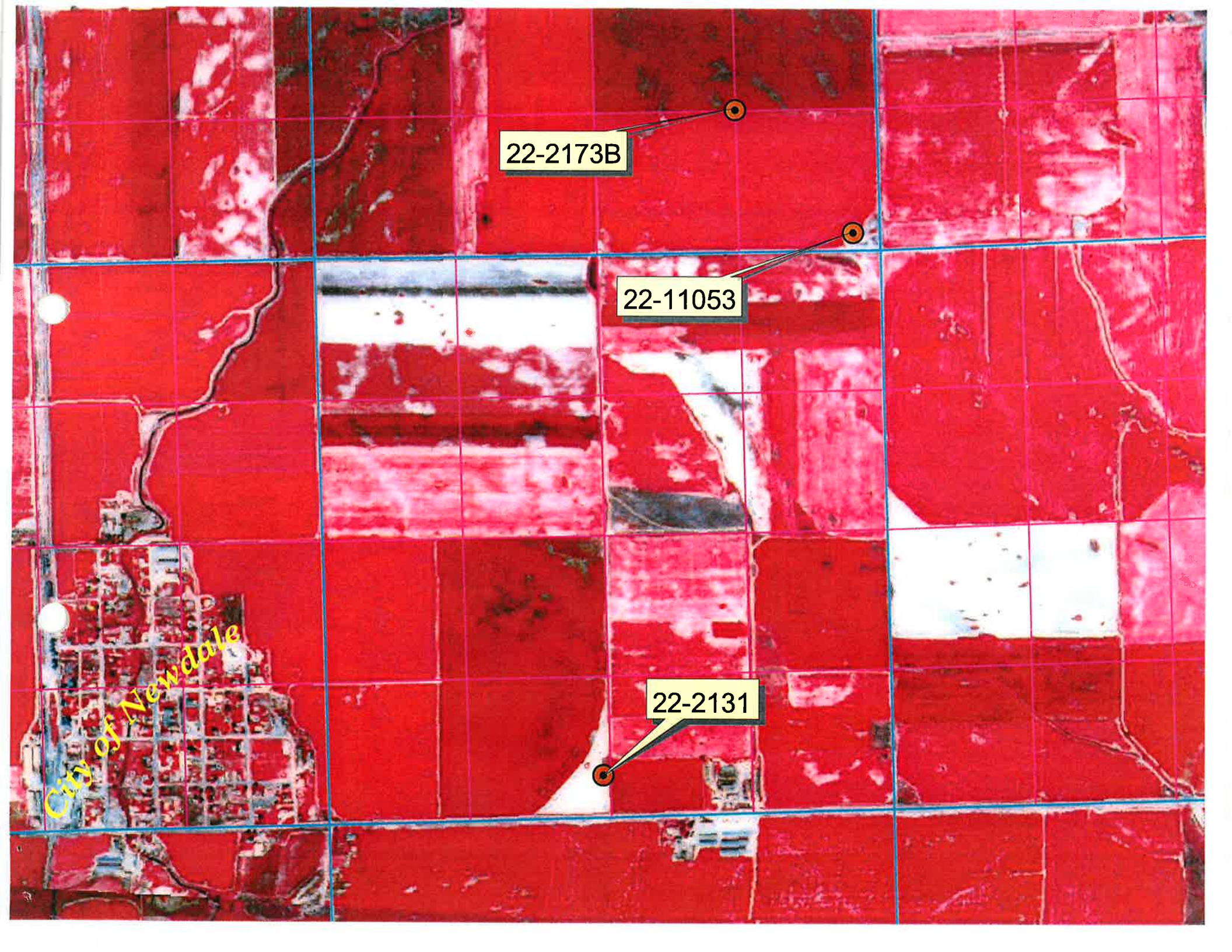
P.O.U. confirmed by element Non Staker. System is
well & pump to pivot.

Field Exam Date: 9-2-2005 Agent: D.W. Jones



CP
tag

A22-2173B, Looking North west



22-2173B

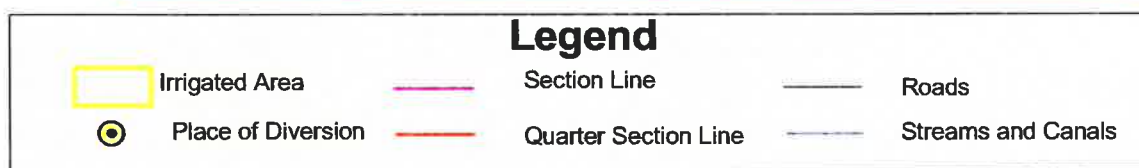
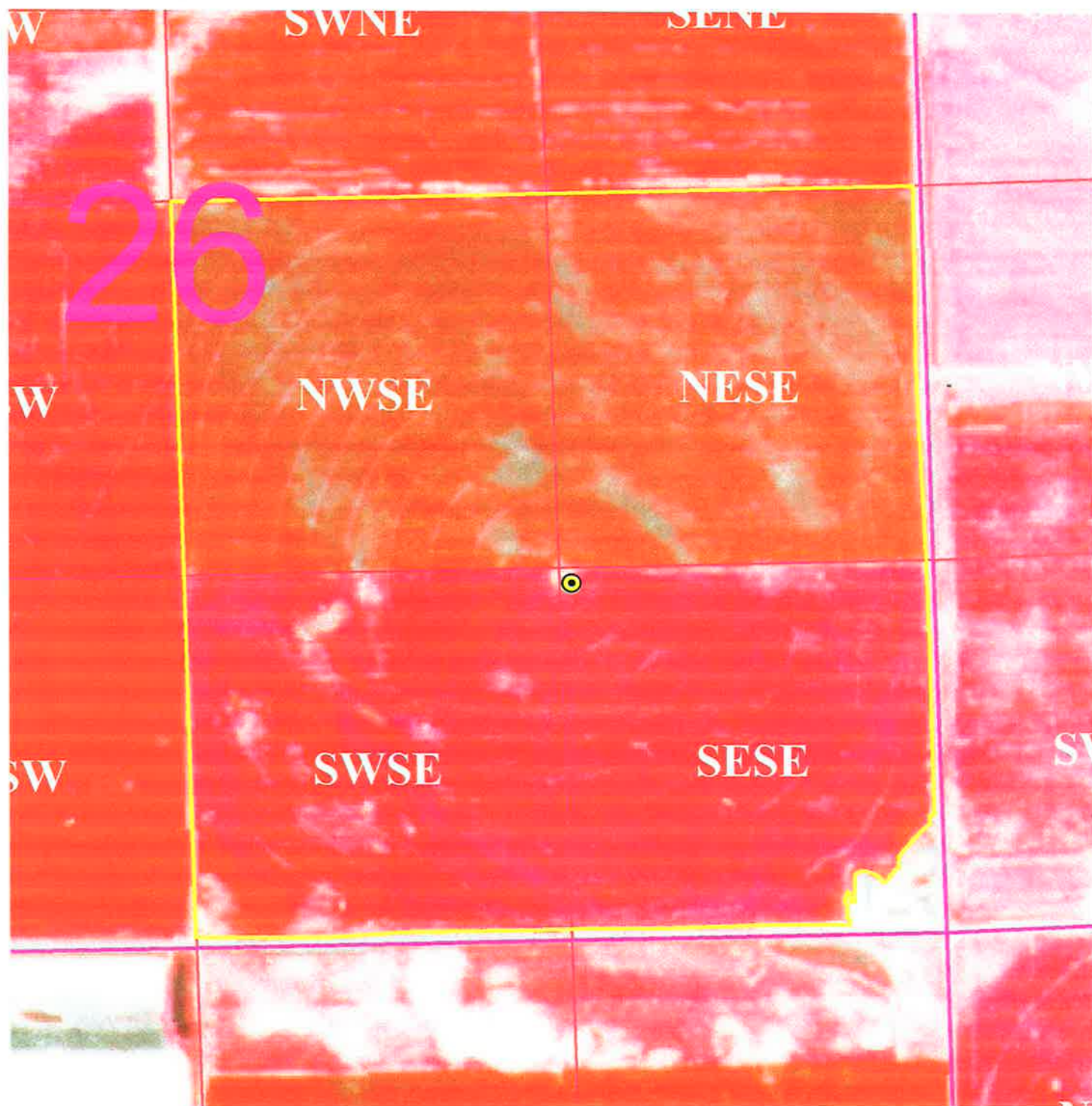
22-11053

22-2131

City of Newdale

Water Right Claim Number 22-02173B
Township , 7N41E

07/27/2001



State of Idaho
Department of Water Resources

AMENDED WATER RIGHT LICENSE

License of Water Right No. 7427/22/2173 Priority October 6, 1959 Amount 2.02 cfs

THIS IS TO CERTIFY, that GARNER E. SIMMONS
of Teton, Idaho, has complied with the terms and conditions of Permit
No. 7427/22-2173 issued pursuant to Application for Permit dated October 6, 1959,
and has submitted proof to the Department of Water Resources on February 6, 1961,
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 2.02 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
<u>Irrigation</u>	from <u>April 1</u> to <u>November 1</u>	at <u>2.02</u> cfs and	<u>560</u> acre feet
	from _____	_____ cfs and	_____
	from _____	_____ cfs and	_____
	(both dates inclusive)		

Subject, however, to the condition that no more than 2.02 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
560 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 26, Twp. 7N,
Rge. 41E, B. M. in the County of Fremont

Description and location of place of use:

Twp.	Range	Sec.													Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	41E	26													160

Total number of acres irrigated 160

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 26 day of
May, 19 78.


Director

State of Idaho

License and Certificate of Water Right

Water License No. G-28200

Amount 2.02 c.f.s.

Water District No.

Priority Date 6. 1252

THIS IS TO CERTIFY that

GARNET E. SIMMONS

of Teton, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 6, 1959; that Permit No. G-28200 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.02 second feet, was issued thereunder on September 5, 1962, showing that said works were completed on the 6th day of February, 1961; and that on the 6th day of February, 1961,

GARNET E. SIMMONS

of Teton, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation, under Use Permit No. G-28200 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 12 of Licenses at page 7427, on the 5 day of September, 1962;

The right hereby confirmed dates from October 6, 1959;

The Point of Diversion is located

In the SE 1/4, SE 1/4, Sec. 26, Twp. 7 N., R. 11 E., B. M. Fremont County

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 2.02 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 N.	41 E.	26	SE 1/4 NE 1/4	40	30
			SW 1/4 NE 1/4	40	30
			NE 1/4 SE 1/4	40	40
			NW 1/4 SE 1/4	40	40
			SW 1/4 E 1/4	40	40
			SE 1/4 SE 1/4	40	40
Total number of acres to be irrigated:					220

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 5th day of September, 1962.

DALE W. THOMAS

Deputy State Reclamation Engineer.

(SEAL)

Transfer No. 8066
Application No. 22 2173

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

WITH DRAWN

WITH DRAWN

Name of applicant Wayne Larsen
Post office address Box 97, Newdale, ID
Phone 458-4345

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
a. Decree to _____
in case of _____
(Name) VS _____
dated _____
in _____
(Name of court) county of _____

- b. License No. 22-2173 issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Wayne Larsen inherited land from his parents, Garner Simmons leased land on yearly basis.

3. Source of water Ground water tributary to _____

4. Date of priority 10-6-1959
5. Water is used for the following purposes:
amount 2.02 for irrigation
purposes from Apr. 1 to Nov. 1
amount _____ for _____
purposes from _____ to _____
amount _____ for _____
purposes from _____ to _____
cubic feet per second &/or acre feet per annum

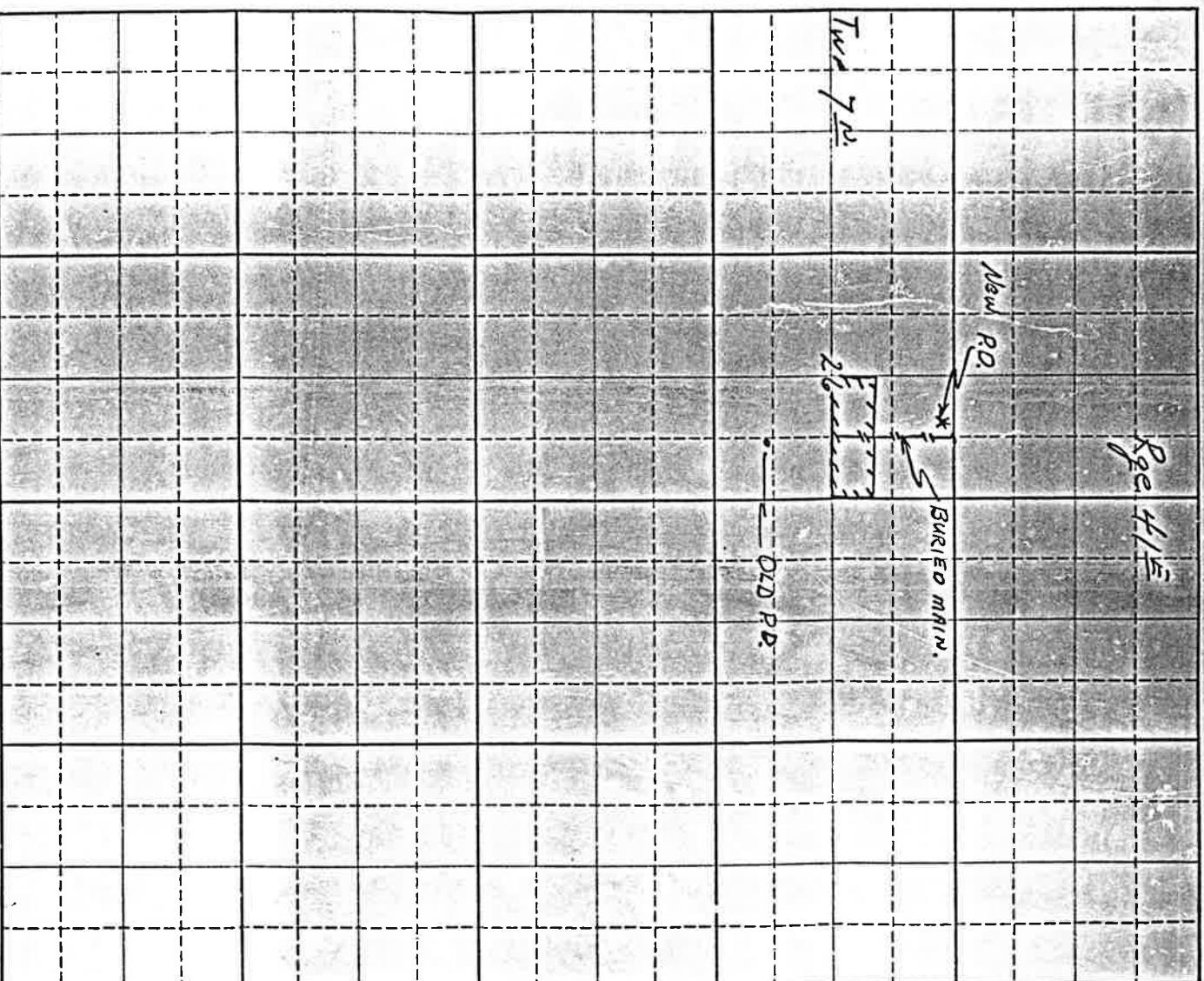
6. Total amount of water under right: a. 2.02
b. _____
Location of original point of diversion is _____
SE of _____
Township 7N Range 41E B.M., in _____
County _____
Additional points of diversion, if any N/A

8. Lands irrigated or place of use: _____

TWP.	RANGE	SEC.	NE 1/4	NW 1/4	SE 1/4	NW 1/4	SE 1/4	NW 1/4	SE 1/4	NW 1/4	SE 1/4	NW 1/4	SE 1/4	NW 1/4	SE 1/4	NW 1/4	SE 1/4	TOTALS
7N	41E	26																220
																		220

Total number of acres to be irrigated 220

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 0.55 cubic feet per second &/or
b. _____ acre feet per annum
2. Point of diversion _____ 1/4 _____ 1/4, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	41E	26			30	30													60

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 0.55 n.f.s. &/or _____ acre feet
 - b. Point(s) of diversion NW 1/4 NE 1/4, Section 26 Township 7N
Range 41E, B.M., Fremont County _____
Additional points _____
 - c. Description of diverting works well, 200 HP motor and pump, & buried 10" steel main & 6 to 8 1/2 mile wheel lines
 - d. Describe the reasons for applying for a change in the point(s) of diversion P.D. for License #22-2173 is on neighbor's property, but water is appurtenant to 60 acres belonging to Mr. Larsen. Hense, Mr. Larsen wishes to transfer that portion of license #22-2163 to a well on his own land.

2. Change in place of use

- a. Describe the lands or place of use to which this right will be transferred:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	41E	26			30	30													60

Total number of acres to be irrigated 60

3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Wayne Larsen
(Signature of applicant)

Subscribed and sworn to before me this 30th day of March, 1977

Norice E. Anderson
(Notary public)

My commission expires 12-7-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by (u) Date 3-31-77

Prelim. check by _____ Fee 30.00

Receipted by (u) Date 3-31-77

Published in Freemont Courier-Press

Pub. dates April 21-14-1977

Watermaster recommendation requested on N.A.

rec'd.

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval ☐ denial ☐

by _____

Ki 4.8

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

5
139
160
2340
39
6240
1248
624
7488

Permit No. G-28200

283
551
32

151' x 20
132' x 16"
hi 225
dd. —
Column 268' x 8"

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Garner E. Simmons

2. Source of water supply: Subterranean flow from a well

3. Location of point of diversion: Is in the SE 1/4 of Section 26

T. 7 N. R. 41 E. B. M. County of Fremont

4. Describe works as they exist, giving dimensions and capacities of same: 100 HP G.P.D.

Motor # WST 911124, Wintnath Pump # 9463, Column 268' x 8"

Well 151' x 20" reduced to 132' x 16" total depth 285' hi-225. 49" pressure

at Pump. Temp. 115° F.

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

E 1/4 Sec. 26., Twp. 7 N., Rge. 41 E.B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: Mn Simmons along

Measured by taking pressure readings along each lateral

This examination was made on the 10th day of August, 1962

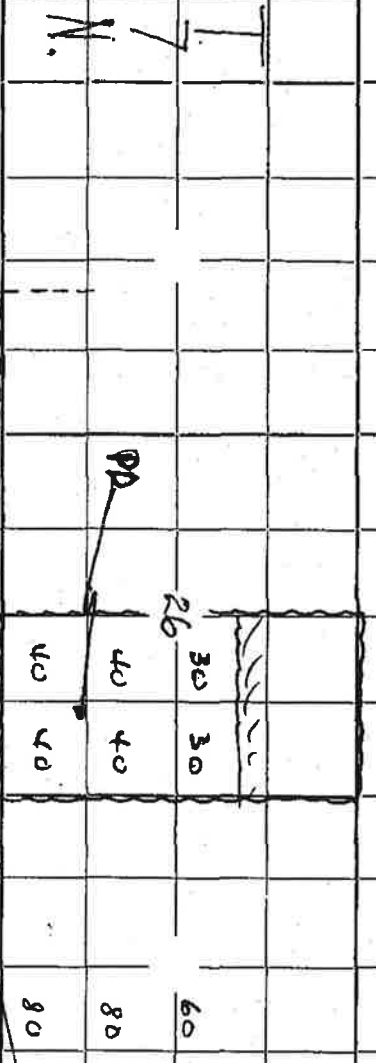
(Signed)

Loyd Johnson

Examiner.

28200

R-41E.



U.S. HWY. NC 200
76 TETON

Subdivisions

6

Area

220 acres

9

202 sq. mi. 10 miles

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

28200

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 22-2173B
Date Received: 8/19/1988
Receipt No: E001484
Received By:

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

RECEIVED

MAR 14 2005

Department of Water Resources
Eastern Region

1. Name of Claimant(s)

DELILAH STAKER Phone: (208)458-4387
PO BOX 111
NEWDALE ID USA 83436

DONALD STAKER Phone: (208)458-4387
PO BOX 111
NEWDALE ID USA 83436

2. Date of Priority: 10/06/1959

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	41E	26	NW SE SE	FREMONT	

5. Description of diverting works:

WELL PUMP MAINLINE TO CENTER PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.02	560

7. Total Quantity Appropriated is:

2.02 C.F.S. and/or 560 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	41E	26	NE SE	IRRIGATION	40
			NW SE	IRRIGATION	40
			SW SE	IRRIGATION	40
			SE SE	IRRIGATION	40
				Section Acres	160
				Total Acres	160

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:

14. Remarks:

Claim amended to correct licensed acres and quantity.

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 _____ 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):

Donald Staker
Delilah Staker

Date:

3/13/2006

Date:

3/13/06

State of Idaho)

County of

Fremont

) SS.

Subscribed and sworn (or affirmed) before me this

13th day of

of March 2006

Susan W. Lott

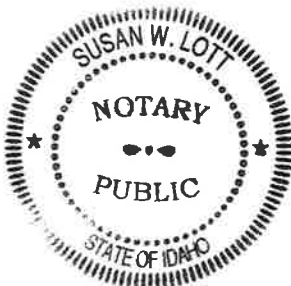
Notary Public

Residing at

Newdale, ID, 83436

My commission Expires

3/18/2006



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: A22-02173B
Date Received: 8/19/1988
Receipt No: E001484
Received By: KCW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DONALD STAKER 208-458-4387
Address: P.O. BOX 111
NEWDALE, ID 83436
OR
Name: DELILAH STAKER 208-458-4387
Address: P.O. BOX 111
NEWDALE, ID 83436

A2202173B



2. Date of Priority: OCT 06, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	41E	26	NW	SE	SE		FREMONT

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.469		

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

8. Total consumptive use is 306.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-02173B

Page 1

Date: 08/19/88

MICROFILMED

OCT 29 1988

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	41E	26	NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	37.0
			SE		SE		IRR	38.0
							Section Acres	153.0
							Total Acres	153.0

11. Place of use in counties: FREMONT

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
Water Right Number: 222173

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): Donald Staker Date: Aug 19/1988

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of August 19 88

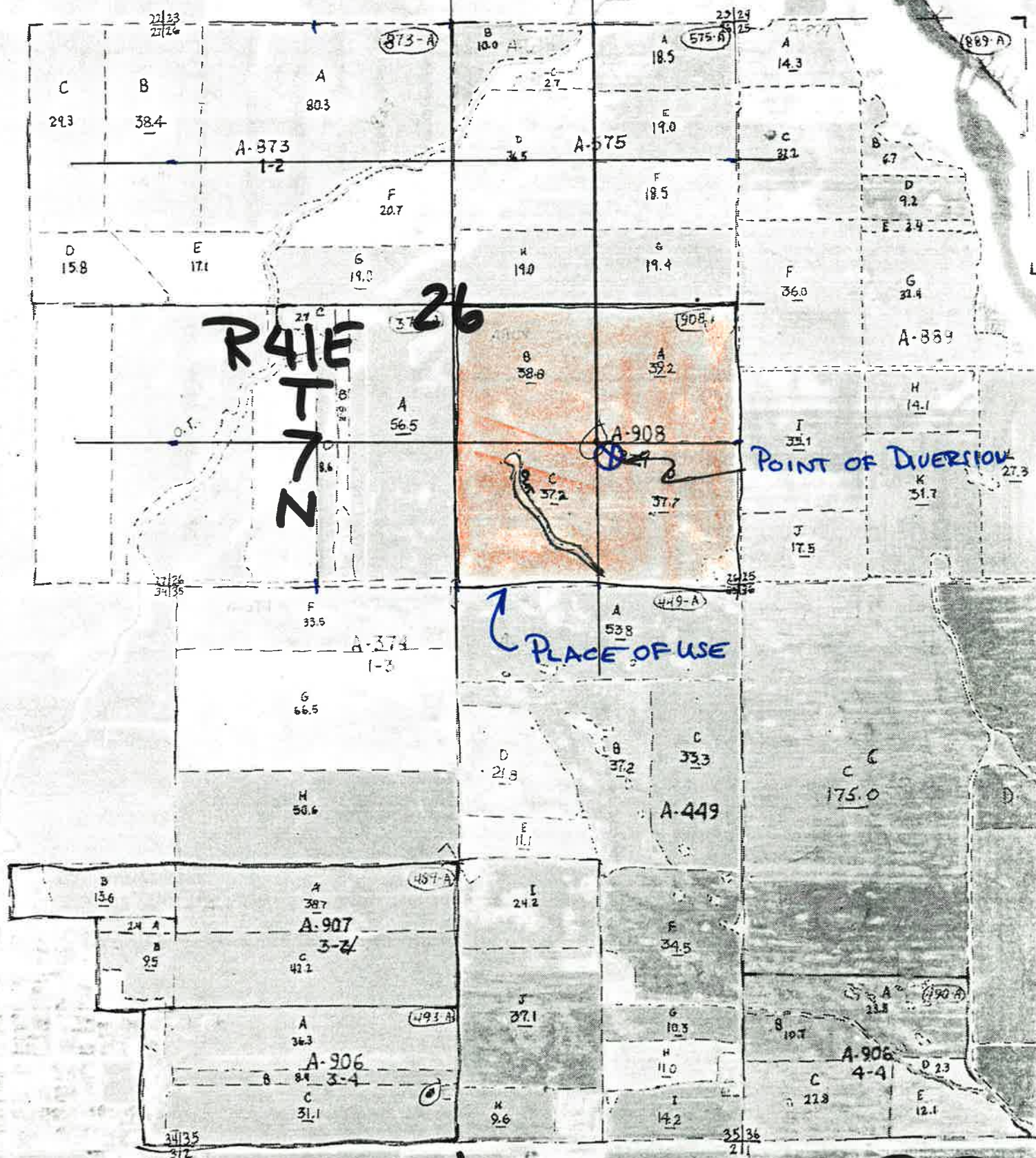
Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94

0-3-W

0-3



A22-02173B

NOT TO SCALE

OCT 29 1952



R41E
T7
N

PLACE OF USE

POINT OF DIVERSION

A22-02173B

10 000
FEET