

11/06/2006

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

RIGHT NUMBER: 22-2186

NAME AND ADDRESS: WALZ ENTERPRISES INC
892 N HARMONY AVE
GILBERT AZ 85234

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.330 CFS
983.50 AFY

Right Nos. 22-2186 and 22-13596 are limited to a total combined diversion rate of 2.33 cfs.

PRIORITY DATE: 10/17/1960

POINT OF DIVERSION:
T06N R41E S11 NWSEW Within MADISON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	2.330 CFS 983.50 AFY
PLACE OF USE:	<u>IRRIGATION in MADISON County</u>		
	T06N R41E S11 SWNW 38.00	T06N R41E S11 SENW 40.00	
	T06N R41E S11 NESW 40.00	T06N R41E S11 NWSW 38.00	
	T06N R41E S11 SWSW 37.00	T06N R41E S11 SESW 40.00	
	T06N R41E S11 NWSE 40.00	T06N R41E S11 SWSE 40.00	
	313 ACRES TOTAL		

Right Nos. 22-2186 and 22-13596 are limited to the irrigation of a combined total of 313 acres in a single irrigation season.

This right is limited to the irrigation of 281 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right No. 22-13596 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.



Idaho Department of Water Resources

SRBA Recommendation:

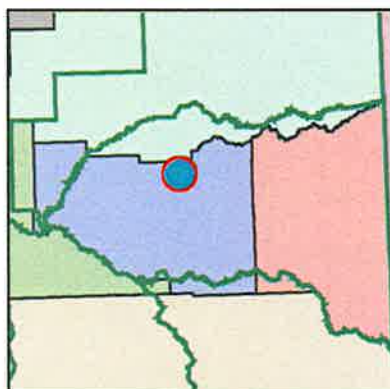
22-2186

22-13596

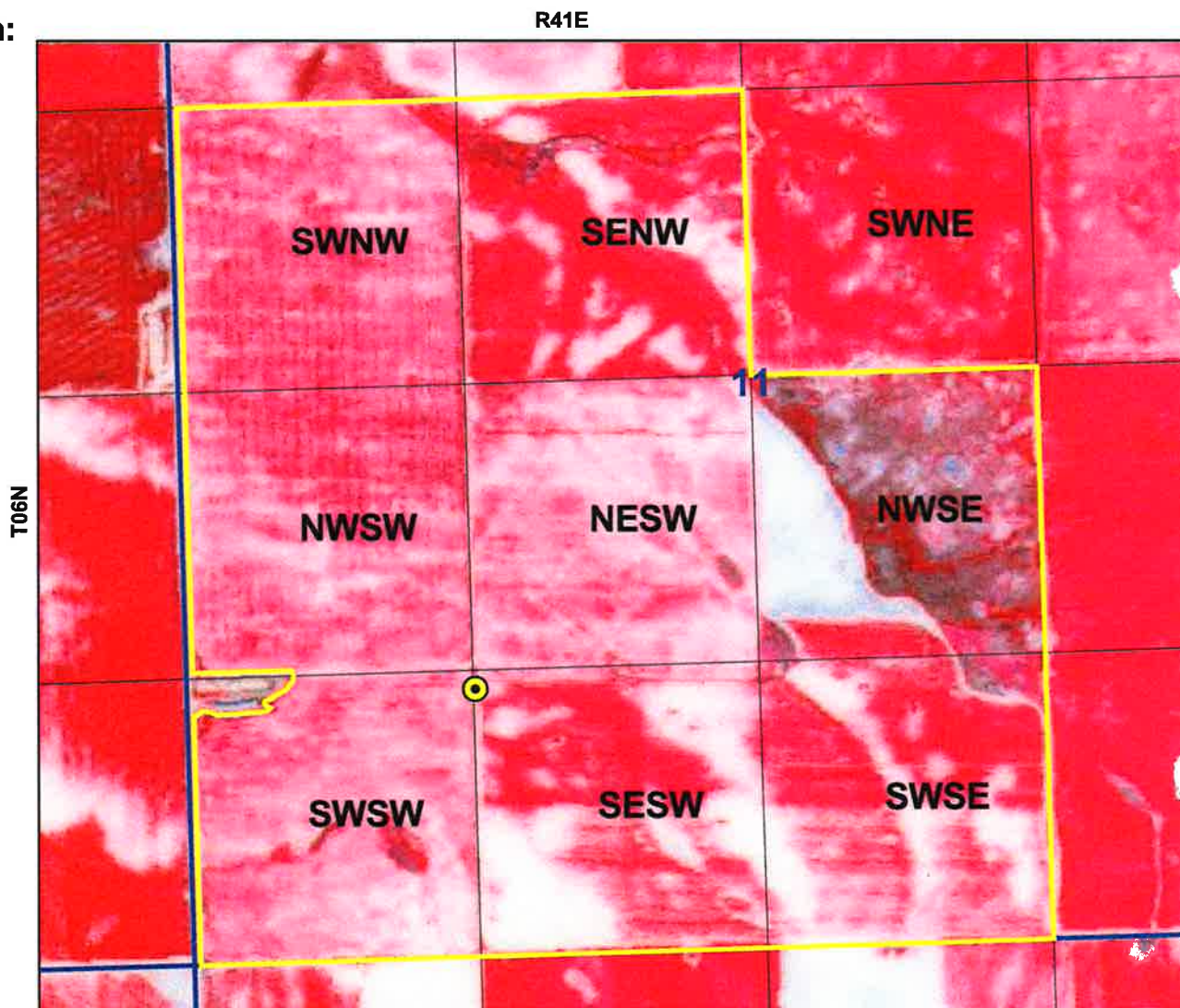
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Madison County
IDWR Basin 22



0 0.3 0.6 Miles

Prepared by T. Galbraith
On Monday, November 6, 2006
1987/88 Aerial Photography

Law Offices

RIGBY, ANDRUS & MOELLER
Chartered

Ray W. Rigby
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Hyrum D. Erickson

P.O. Box 250
25 North Second East
Rexburg, ID 83440

Telephone: (208) 356-3633
Fax: (208) 356-0768

September 19, 2008

Michael Holliday
Idaho Department of Water Resources
900 North Skyline, Ste. A.
Idaho Falls, ID 83402

RE: Jeff & Shawn Walters Subcases 22-2186; 2195B & 13596

Dear Michael:

As to 22-2186, per the initial meeting discussion, attached please find the following:

1. A signed affidavit from Eric Walz verifying the agreement with Layne Harris that the water was reserved by the original seller to Harris and all of the right granted to Walz (who in turn sold to Jeff & Shawn Walters).
2. A signed affidavit from Jeff Walters verifying that Layne Harris has not used the water and that the understanding they have had was that the entire water right was sold to the Walters and has been used by them since.
3. Notes from Skip which evidences that the original water right was NOT used or recognized on the Harris lands and that Harris actually applied for his own independent water right on his lands.
4. Two different letter in the Harris water right BAK file (22-7397) which substantiate that the original water right was clearly NOT sold to Harris without water and therefore not used on the Harris lands. It also substantiates that the application for water on those lands was independent from the Walz lands and water right 22-2186. Furthermore, the Harris application and entire file recognizes that it does not claim an interest in 2186 even though they claim that they have been shorted water from their application by IDWR.

RECEIVED

SEP 22 2008

Department of Water Resources
Eastern Region

Michael Holliday
September 19, 2008
Page - 2

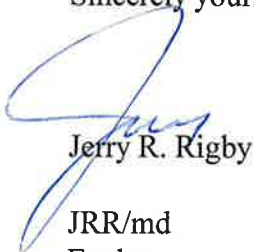
5. Finally a front and back scan of a picture taken in 86 which evidences the circle tracks over the lands you were concerned with as to being watered. In fact, the unwatered lands were in CRP during those years and that is why they show up as less then irrigated and also why they were originally recommended. Basically, the balance of the original 2186 water right is presently un-recommended.

As to 2195B, I understand that you were going to look at the file and see if you would be willing to recommend the additional 4 acres in order to insure that all lands are covered with the various water rights as they are commingled and stacked anyway since well before 87 and therefore would qualify as an enlargement to the original license of the 154 acres by 4 acres.

Finally as to 13596, although I don't recall us dealing with this one in detail and the initial hearings, I believe that the objection filed by us sets forth the math we used to determine that the right needed to be increased to .4 (from .27) as an appropriate proration. Please review our math contain in the objection and let me know if you agree.

After you have reviewed the enclosed documents and the records in the two water rights, please let me know if you anything addition in order to verify that the entire 2186 water right may go on the acreage owned by the Walters. Otherwise, I believe that this clearly fits the provisions of the "accomplished transfer" statute and should be recommended on the Walters property only.

Sincerely yours,



Jerry R. Rigby

JRR/md
Enclosures
Cc: Ernie Carlson

Claimant: Jeff & Mona Walters and Shawn & Patrice Walters
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA	)	Subcase: 22-2186; 22-13596
	)	
Case No. 39576	)	AFFIDAVIT OF ERIC WALZ
	)	
_____	)	

STATE OF IDAHO)
 ss.
County of Madison)

Eric Walz, having been duly sworn, states under oath as follows:

1. I am a resident of Madison County, Idaho and reside at 715 S. 4000 W.,
Rexburg, ID 83440. I am a child to Rex Walz, who was the principal owner of Walz Enterprises,
Inc., the original owner of the above entitled water rights.
2. I certify that I was raised and worked on the lands watered by the above
entitled water rights. I am presently 53 years old.

3. I certify that the entire 313 acres described in the attached legal description were fully watered from the time the original well was first drilled and water applied to the lands.

Dated this 31 day of October, 2006.

Eric Walz
Eric Walz

SUBSCRIBED AND SWORN to before me this day of 31 October, 2006.



Brenda Poulsen
Notary Public for Idaho
Residing at ^{Rexburg} Rexburg, Idaho
My Commission Expires:
8-9-2012

AFFIDAVIT OF W. JEFFREY WALTERS

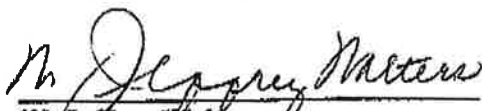
State of Idaho)
County of Fremont) ss

I, W. Jeffrey Walters of 1250 South 2nd East, Rexburg, ID 83440, being first duly sworn do hereby state:

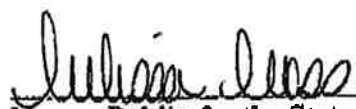
1. In the fall of 1988, together with my brother Shawn J. Walters, I entered into negotiations for purchase of real property owned by Walz Enterprises, Inc. near Newdale, Idaho located in Madison County, Idaho.
2. The property was comprised of approximately 320 acres and is more particularly described as: Township 6 N, Range 41 E, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ all in Section 11.
3. The individuals representing Walz Enterprises, Inc. were Rex and Doralee Walz and Eric Walz.
4. Our research of water right 22-2186 that attaches to the property also showed a beneficial interest in the right attaching to approximately 160 acres of ground in section 10 that had been previously sold to Layne Harris.
5. The Walz family members informed us that all water included in water right 22-2186 was to be sold with the parcel we were purchasing.
6. They explained that the 160 acres they previously sold to Mr. Harris were sold without any of the water rights filed upon them and that Mr. Harris understood and agreed to develop his own water right for the 160 acres he purchased.
7. As evidence of this agreement, at that time Mr. Harris had drilled his own well and filed for his own separate water right for the 160 acres located in section 10 he had purchased.
8. To my knowledge Mr. Harris has never claimed any right in the water right that originally attached to the 2 parcels mentioned above, nor has he used any water under the water right since he drilled his own well in 1982.
9. One of the issues for the completion of the purchase was the release of lessor's lien against the Lockwood pivot located on the property.

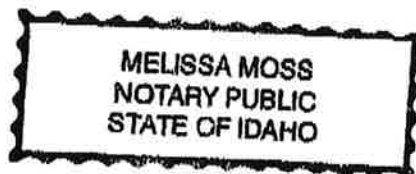
10. The Walz family members informed us that they had not used the pivot for the prior 2 years because they were unable to make the lease payments and had tendered the pivot to the leasing company.

Dated this 25th day of January, 2006.


W. Jeffrey Walters

Subscribed and sworn to before me this 25th day of January, 2006.


Notary Public for the State of Idaho
Residing at Rexburg, Idaho
Commission expires: 5-23-09



Claim no. 2202186

Claimant Contact Log

Date 1-6-2006 Remarks Agent initials

TLW
I met with Shawn Walters & he stated that the NE 1/4 of Section 10 was sold to Layne Harris with "no" water & that Walters retained all of Rt 22-2186.

Indeed, Mr. Harris applied for permit 22-7397 for this ground from a 15-acre well & has not filed a claim on any portion of 22-2186.

P.O.U. confirmed by Shawn Walters. I told him that the enlargement error probably would not work as it does not look like an irrigated error prior to 1987.

1-11-06

No split is needed after partial decree. Full water right was given to Walters family in deed from Walt Enterprises. The 150 ac. not sold to the Walters was sold to Layne Harris who did not receive any portion of 22-2186. Therefore, Walt Enterprises should be relabeled as an original owner. May need a copy of Layne Harris' deed first. There is not one in file 22-7397.

Ask Jennifer first.

Water Right No(s). A 22-2186

GPS data - 2693396
1409119

GPS File # - 222186

GPS DATA:

Tag # A0015997 Location: on Wood Power Panel Post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: GE Model: _____ Hp: 500
SN: Not Readable Booster - A.O. Smith 160 HP - # 505-2829

PUMP

Make: Layne & Boelter Model: _____ Disch: _____
SN: NA Booster pump - Vertiline - SN# B23380

NOTES:

System is well + pump + booster to pivots. Shawn Walters
can be reached at Walters Produce - phone # 208-458-4105

Layne Harris phone # is 208-458-4936, his cell is 317-4970.
(I called Mr Harris & he confirms that he got no part of 22-2186.)

Field Exam Date: 1-5-06 Agent: L. W. Jones

To: Kay Walker

From: Kristin Moore and Harold Jones

Re: Clarification and Correction of License 22-7397

Date: December 29, 2005

*Check the claim
file for copy
of this memo.*

*TW
Embe*

The field exam performed in summer of 1987 by Samuel Filetti (summer field examiner) showed that 158 acres were irrigated with a recommendation of 3.16 cfs from a well in SENE of Sec 10. Senior field agent Keith Wilson then added a remark about additional ground (approx. 100 acres) in Sec 11 T6N R41E that was supposedly being irrigated from the same well. The water rights listed (22-2196, 22-2257, 22-2271B, and 22-7234) as being appurtenant to that additional 100 acres were filed in Transfer 2728 in 1982 by Val Schwendiman and approved in 1983. These 100 acres were not associated with this well at the time of the field exam by Sam Filetti. The map enclosed (Map 1), which we believe to be created by Keith Wilson in part, shows mainlines connecting the two pieces of ground. However, we do not know if Mr. Wilson was on site.

License 22-2186 had originally covered the ground in NE1/4 of Sec 10 that Mr. Harris now owns and has licensed under 22-7397. Conversations with Walz Enterprises show that the ground in Sec 10 was bought without water right. This prompted Mr. Harris to drill his own well and file for license 22-7397 with a May 1982 priority date. Walz Enterprises had all the ground in common listed under licenses 22-2186 and 22-7397 and connected with a common system prior to selling to Mr. Harris. Map 1 enclosed suggests that at one time it may have been connected with the 100 acres mentioned in Mr. Wilson's notes. But none of the rights listed on that 100 acres mention the property or wells associated with 22-2186 or 22-7397. All the rights under Transfer 2728 were from wells other than Mr. Harris' in Sec 10 and were transferred to four wells located in Sec 1, 12, and 14 of T6N R41E.

A review by Tim Luke on January 24, 1990 (memorandum included) makes an attempt to include the 100 acres in Sec 11 as a part of 22-7397. The memorandum is self explanatory in that Mr. Luke then prorated the 3.16 cfs recommended in the field exam over 258 acres rather than the 158 acres for which it was intended. We think that Mr. Luke should have approached this differently, licensing 22-7397 as the examiner recommended and including a recommendation for a new permit for the 100 acres in Sec 11 with a limiting remark on the quantity of water. In light of Transfer 2728, however, this seems unnecessary since most of that ground, with the exception of 20 acres in the E1/2NW1/4 of Sec 11, was already covered prior to the field exam for 22-7397.

Our request is that Mr. Harris be allowed his full quantity of water as the field exam by Sam Filetti shows was being used at the time. Mr. Harris filed his claim for 3.16 cfs, and we believe that it is an error that he be limited to 1.97 cfs because of a lack of understanding of someone uninvolved with the entire situation. We are ready to make a recommendation on 22-7397 and would appreciate a timely response so that we can continue. Thank you.

To: Kay Walker **File 22-7397**
From: Kristin Moore and Harold Jones
Re: Clarification and Correction of License 22-7397

RECEIVED
JAN 09 2006
DEPARTMENT OF
WATER RESOURCES

Date: December 29, 2005

Our review of SRBA claim for 22-7397 exposed what we believe to be an error in the licensing of this water right. We are asking Allocations to consider issuing a new license based on the permit and the findings of the investigation conducted by Samuel Filetti in 1987. The narrative below explains the circumstances leading to the error.

Prior to 1982, the NE1/4 of Sec 10, T06N, R41E was covered by license 22-2186 and owned by Walz Enterprises. However, a conversation with representatives of Walz Enterprises suggests Layne Harris purchased the ground in Sec 10 without a water right. Since Mr. Harris intended to continue irrigating the NE1/4 of Sec 10, T06N, R41E in May 1982 he filed permit application 22-7397 seeking to drill a new well for irrigation of the land in question.

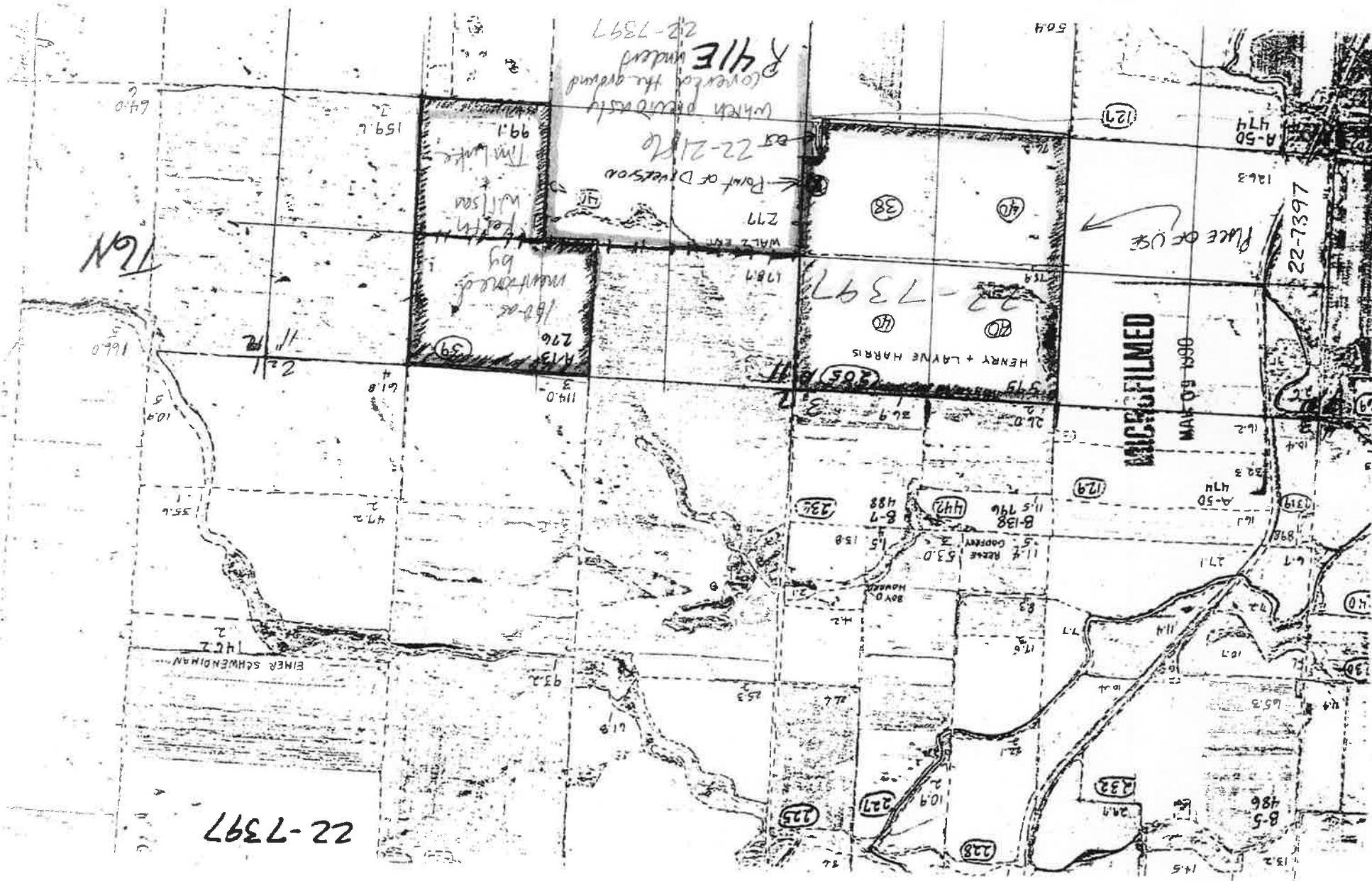
The licensing field exam for permit 22-7397, performed in summer of 1987 by Samuel Filetti (summer field examiner), shows he found 158 acres in the NE1/4 of Sec 10 being irrigated by a well in SENE of Sec 10. Mr. Filetti's report indicates he found nine 1/4 mile hand lines and recommended the license be issued for 3.16 cfs (0.02 cfs/ac). But prior to forwarding the licensing field exam to Boise, Keith Wilson, Senior Water Resource Agent, reviewed Mr. Filetti's report and appears to have added a remark in the overlap review analysis section of the field exam stating additional land (approx. 100 acres) in Sec 11 T6N R41E was being irrigated from Mr. Harris' well. He also wrote that water rights 22-2196, 22-2257, 22-2271B, and 22-7234 were appurtenant to the same 100 acres in Sec 11. We believe these notes by Keith Wilson subsequently led to an analysis by Department staff that incorrectly reduced the diversion rate for license 22-7397. Enclosed, Map 1 from the Department's records shows a mainline from the Harris to the 100 acres mentioned in Mr. Wilson's notes. However, transfer 2728 filed in 1982 by Val Schwendiman and approved in 1983 included 80 of the 100 acres in Sec 11 in a 2053-acre place of use to be irrigated by 22-2196, 22-2257, 22-2271B, and 22-7234.

A review by Tim Luke on January 24, 1990 (memorandum included) includes the 100 acres in Sec 11 in the analysis for licensing 22-7397. The memorandum is self explanatory in that Mr. Luke prorated the 3.16 cfs recommended in the field exam over 258 acres rather than the 158 acres for which it was intended. We think that Mr. Luke should have approached this differently, licensing 22-7397 as Mr. Filetti recommended rather than basing the licensed quantity on a prorate share that included the 100 acres in Sec 11, 80 of which were already covered by water rights under transfer 2728. Today the land in Sec 11 is still being irrigated as reflected by transfer 2728. Additionally, Mr. Harris has never asserted any possessory interest to the land in Sec 11. Even if water from his well was going to land in Section 11 prior to licensing he did not seek a water right for that use and his well is not connected to the irrigation system providing water to that land.

Basin 22 is one of last to be reported in Eastern Region. We are diligently moving forward with recommendations and would appreciate a prompt response.

Thank you.

Enclosed Map #1



MEMORANDUM

TO: FILE/PERMIT NO. 22-7397

FROM: TIM LUKE *ok from*

RE: CLARIFICATION & CORRECTION OF FIELD EXAMINATION

DATE: 1-24-90

Staff review of the field examination for this permit revealed that the rate of diversion appeared to be too high. The permit is for irrigation of 160 acres. The examiner found 158 acres which could be licensed.

In conducting the examination, the examiner was looking at a system that included more than the 158 permitted acres. He had noted that there were nine, quarter mile handlines. This is generally an excessive number of handlines for only 160 acres. In the overlap review, the examiner noted that the system examined irrigated an additional 100 acres in an adjacent section. The total system therefore includes 258 acres and nine quarter mile handlines. Nine lines on 258 acres is indeed a more acceptable or realistic system.

The examiner measured 3.21 cfs as a diversion rate for the entire system. Rather than spread this rate proportionately over the entire 258 acres, the examiner assigned a rate of 0.02 cfs per acre, or a total of 3.16 cfs for the 158 acres. Had the measured rate been assigned proportionately, the rate per acre and total diversion rate for the 158 acres would be as follows:

$3.21\text{cfs}/258 \text{ acres} = 0.0124 \text{ cfs/acre} \times 158 \text{ acres} = 1.9658 \text{ or } 1.97\text{cfs}$

It is recommended that the licensed diversion rate be 1.97 cfs.

RECORDED

MAR 09 1990

Transfer No. 2728
22-7167
 Water Right No. 22-7234
22-7016
22-2271
22-2257
22-2196
22-7052

APPROVED

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

Name of applicant Val E. Schwendiman Phone 458-4261
 Post Office address Newdale, Idaho 83436

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)
 in case of _____ vs _____
 dated in _____ in _____ county of _____
 (Name of court)

b. License No. 22-7234 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 _____

3. Source of water Groundwater tributary to _____

4. Date of priority 5-6-1977

5. Water is used for the following purposes:

amount 7.0cfs for Irrigation purposes from 4-1 to 10-31
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 7.00 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is SE % of NE % of Section 1
 Township 6N Range 41E, B.M., in Madison County
 Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
<u>6N</u>	<u>41E</u>	<u>1</u>			<u>40</u>	<u>39</u>	<u>39</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>39</u>	<u>40</u>	<u>32</u>	<u>40</u>	<u>15</u>		<u>483</u>
		<u>2</u>	<u>39</u>	<u>33</u>	<u>38</u>	<u>36</u>	<u>17</u>			<u>17</u>	<u>17</u>			<u>17</u>	<u>38</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>372</u>
		<u>11</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>									<u>40</u>			<u>40</u>	<u>240</u>
		<u>12</u>					<u>39</u>	<u>39</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>					<u>318</u>
<u>7N</u>		<u>36</u>										<u>15</u>	<u>37</u>	<u>20</u>					<u>72</u>

Total number of acres to be irrigated 1485Describe any other water rights used for the same purpose as described above _____

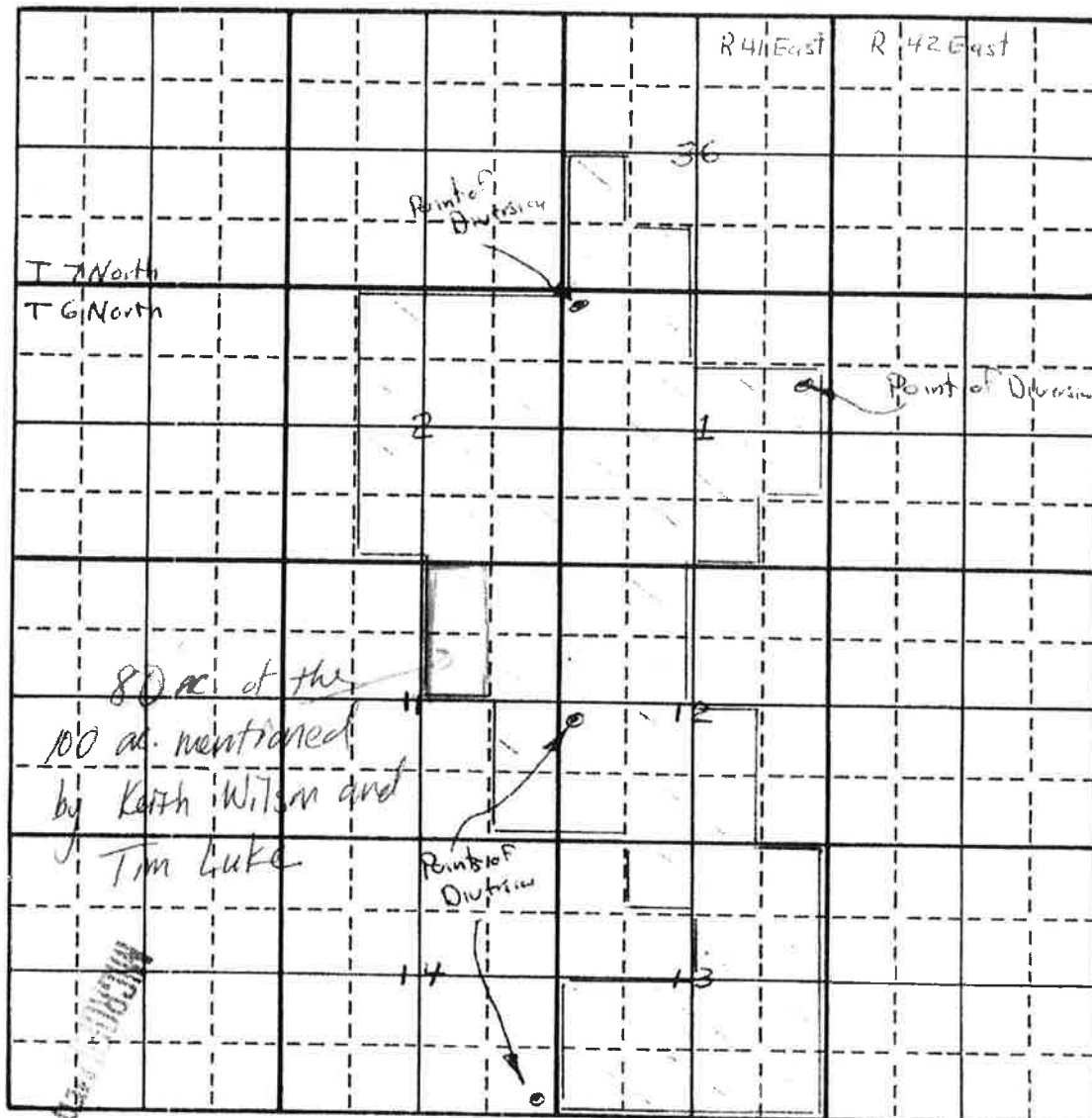
10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in Item D, REMARKS.

c. Describe the face of use to which the 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	
6N	41E	1			40	39	39	39	40	40	40	40	39	40	32	40	15		483
		2	39	38	39	36	17			17	17			17	38	40	40	40	378
		11	40	40	40	40								40			40		240
		12					39	39	40	40	40	40	40		40	40			398
		13	39	37.5		40	38				32	39	39	32	40	40	40	28	482
7N	41E	36										15	37	20					72

Total number of acres to be irrigated 2053

4. Describe any other water rights used for the same purpose as described above. None
5. 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.



D. REMARKS

* Section C reflects the cumulative total of all rights involved in transfer

I hereby assert that no one will be injured by such change and that 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.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Joe E. Schindlerman
(Signature of Applicant)

Subscribed and sworn to before me this 15th day of July, 19 82

Lee Boyd
(Notary Public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 22-71678, 22-22718, 22-70521, 22-7234, 22-7016, 22-2257, 22-2196 and said application is hereby APPROVED, subject to the following limitations and conditions:

1. These water rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre to the 2053 acres identified in the final land list.

Witness my hand this 10th day of March, 19 83

L. Glen Saxton
Chief, Operations Bureau

FOR DEPARTMENT USE ONLY

Received by SM Date 7-16-82 Protest filed by _____
Prelim. check by HWS Fee 50.00 _____
Received by BP Date 7-16-82 #22393 _____
Published in Standard Journal Copies of protest forwarded by _____
Pub. dates 9/9 & 9/16/82 Hearing held by _____ Date _____
Watermaster's commendation requested on _____ Recommended for approval denial
_____ rec'd. _____ by SM Der

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. **22 07337**

Priority: May 20, 1982

Maximum Diversion Rate: 1.97 CFS
Maximum Diversion Volume:¹ 553.0 AF

This is to certify, that LAYNE HARRIS

P.O. BOX 63

NEWDALE, ID 83436

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 30, 1982; and has submitted Proof of Beneficial Use on July 21, 1983. An examination indicates that the works have a diversion capacity of 3.210 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	1.97 CFS	553.0 AF

LOCATION OF POINT(S) OF DIVERSION: SENE, Sec. 10, Township 06N, Range 41E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	41E	10	NENE 40	NWNE 40	SWNE 40	158
			SENE 38			

Total number of acres irrigated: 158

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

MICROFILMED

MAR 09 1990

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 22-07397

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 28th
day of FEBRUARY, 1990.

Acting for


R. Keith Higginson, Director

MICROFILMED

MAR 09 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant Layne Harris Phone 458-4936

Post office address Newdale, ID. 83436

2. Source of water supply (GROUNDWATER) 6-15-82 EMC
Well which is a tributary of _____

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10 Township 6N.

Range 41 E. B.M. Madison County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 3.2 for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 3.2 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 150 hp. Turbine pump

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 12 inches; proposed depth of well is 200 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 1 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____

Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

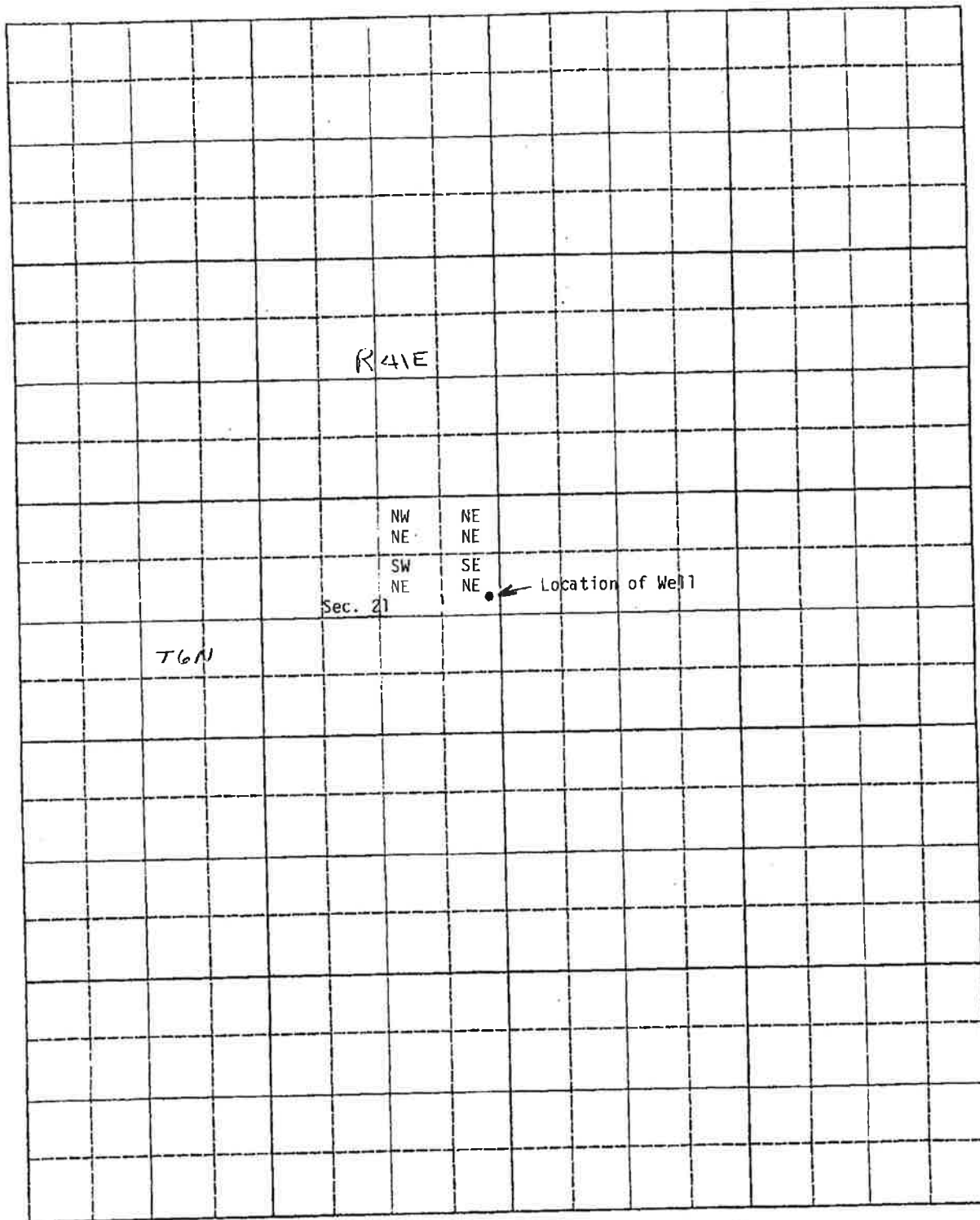
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

If water is to be used for other purposes describe: _____

RECORDED

11. Map of proposed project. Show clearly the proposed point of diversion, purpose of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

RECEIVED

Raymond J. Jones
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

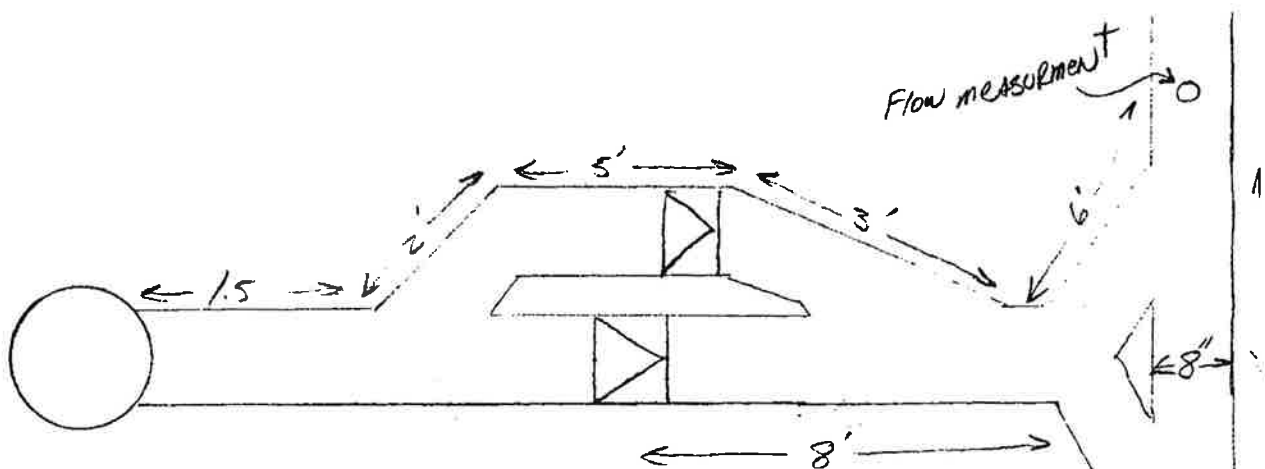
Permit No. 22-7397
Phone No. 458-4956
1. Owner: LAYNE HARRIS
Current Address: BOX 63 NEWCLIFF ID 83436
2. Accompanied by: LAYNE HARRIS EXAM. DATE: 7-17-87
Address: SAME Phone No. _____
Relationship to Permit Holder: _____
3. Source: GROUNDWATER tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE 22-2186 ☐ Copies Attached
2. Other water rights with same point of diversion: NONE ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



MICROFILMED

MAR 09 1990

Scale: 1" = No Scale

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Manometer						
ANNUBAR		Dieterich	7517316-55	091409	7.981	
Eagle Eye		Dieterich	67C	09146	10.02	

2. Measurements:

Manometer Reading = $41.8 - 7.7 = 34.1$

Eagle Eye Reading = 36"

Pressure = 72 psi

ID = 7.981"

STATIC H₂O Level 320'

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

9 Lines $\times$ 32 birds $\times$ $\frac{5 \text{ gal}}{\text{min}}$ $\div$ 448.9 = 3.21 cfs LIMIT TO 0.02 cfs/ac
Q = 3.16 cfs

2. Alternate Method for Checking Purposes:

Theoretical Q_{cfs} = $\frac{200 \times 8.814 \times .82}{320' + (2308 \times 40)} = 3.51 \text{ cfs}$

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi $\times$ 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) $\times$ (4) $\div$ 8.8 = _____ (5)

Meter Input KW: 3.6 $\times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (6) $\times$ 1.34 = _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times$.001732 = _____ (6)

Panel Input HP: (6) $\times$ 1.34 = _____ (7) Efficiency: (5)/(7) $\times$ 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

V_{I.R.} = (Acres Irrigated) $\times$ (Irrigation Requirement) = $158 \times 3.5 = 553$

V_{D.R.} = [Diversion Rate (cfs)] $\times$ (Days in Irrigation Season) $\times$ 1.9835 = $3.16 \times 214 \times 1.9835 = 1341.3$

V = Smaller of V_{I.R.} and V_{D.R.} = 553 ac-ft

2. Volume Calculations for Other Uses:

MICROFILMED

MAR 09 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

22- 7397
Permit No.

Overlap Review

- a) Other water rights with same place of use: 22-2186
- b) Other water rights with same point of diversion: SEE BELOW
- c) Analysis:

The system examined irrigates the following additional ground:
1/2 NE 1/4, E 1/2 NE 1/4 NW 1/4 Sec 11, T6N, R4E;
for which -

The following groundwater rights are appurtenant

22-2196

22-2257

22-2271B

22-7234

Place of Use

22-2136 $3.57 \text{ cfs} / 431 \text{ ac} = 0.0083 \text{ cfs/ac}$

CONDITION

R29

This seems
to be added
in some 5
months after the
exam was completed
in July of 1987

REPROFILMED

MAR 09 1990

12-29-05

Examiner's Signature _____

Checked in Regional Office by Keith C. Wilson

Approved in State Office by _____

Date _____

Date Dec 1, 1987

Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

22-7397

Permit No.

Measurement Calculations

Field Measurement Calculations (Include theoretical capacities and system capacity)

Halls Meter: $Q = (A)(V_h)$ $A = \text{Area} = \frac{\pi d^2}{4}$ $V_h = \text{Halls Manometer Reading}$

$$Q_{\text{gpm}} = (A)(V_h) = \left[\frac{\pi d^2}{4} \right] (V_h) = \text{GPM} \div 448.8 \text{ gpm/cfs} = \text{CFS}$$

$$Q_{\text{cfs}} = \left[\frac{(3.1416) (\quad)^2}{4} \right] \times (\quad) \div 448.8 = \quad \text{cfs}$$

TABLE 1

CHART TO CONVERT LINEAR INCHES DIFFERENTIAL
IN THE MANOMETER TO MANOMETER READING

$V_h = \text{HALLS Manometer Reading}$	Diff. Inches of Water	$V_h = \text{HALLS Manometer Reading}$	Diff. Inches of Water	$V_h = \text{HALLS Manometer Reading}$	Diff. Inches of Water
1	.140	17	12.435	33	43.950
1.5	.240	17.5	13.132	33.5	45.200
2	.350	18	13.848	34	46.500
2.5	.470	18.5	14.582	34.5	47.850
3	.600	19	15.336	35	49.200
3.5	.750	19.5	16.108	35.5	50.550
4	.903	20	16.898	36	51.900
4.5	1.080	20.5	17.707	36.5	53.250
5	1.283	21	18.534	37	54.600
5.5	1.540	21.5	19.380	37.5	56.000
6	1.803	22	20.246	38	57.35
6.5	2.094	22.5	21.129	38.5	58.7
7	2.397	23	22.031	39	60.05
7.5	2.722	23.5	22.951	39.5	61.4
8	3.066	24	23.891	40	62.75
8.5	3.428	24.5	24.849	40.5	64.1
9	3.810	25	25.825	41	65.45
9.5	4.210	25.5	26.820	41.5	66.8
10	4.627	26	27.834	42	68.15
10.5	5.063	26.5	28.866	42.5	69.5
11	5.520	27	29.917	43	70.85
11.5	5.994	27.5	30.987	43.5	72.2
12	6.486	28	32.075	44	73.55
12.5	6.997	28.5	33.181	44.5	74.9
13	7.526	29	34.307	45	76.25
13.5	8.074	29.5	35.451	45.5	77.6
14	8.642	30	36.620	46	78.95
14.5	9.228	30.5	37.750	46.5	80.3
15	9.832	31	38.960	47	81.65
15.5	10.454	31.5	40.200	47.5	83.00
16	11.096	32	41.450	48	84.35
16.5	11.756	32.5	42.800		

MICROFILMED

MAR 09 1990

Annubar:

B = Difference in inches of water

C = Annubar Factor: Model 75 = -3.85
Model 73 = 4.14

$$Q_{\text{cfs}} = \left[\frac{(C)(id)^2 \sqrt{B}}{448.8} \right] K = \text{CFS}$$

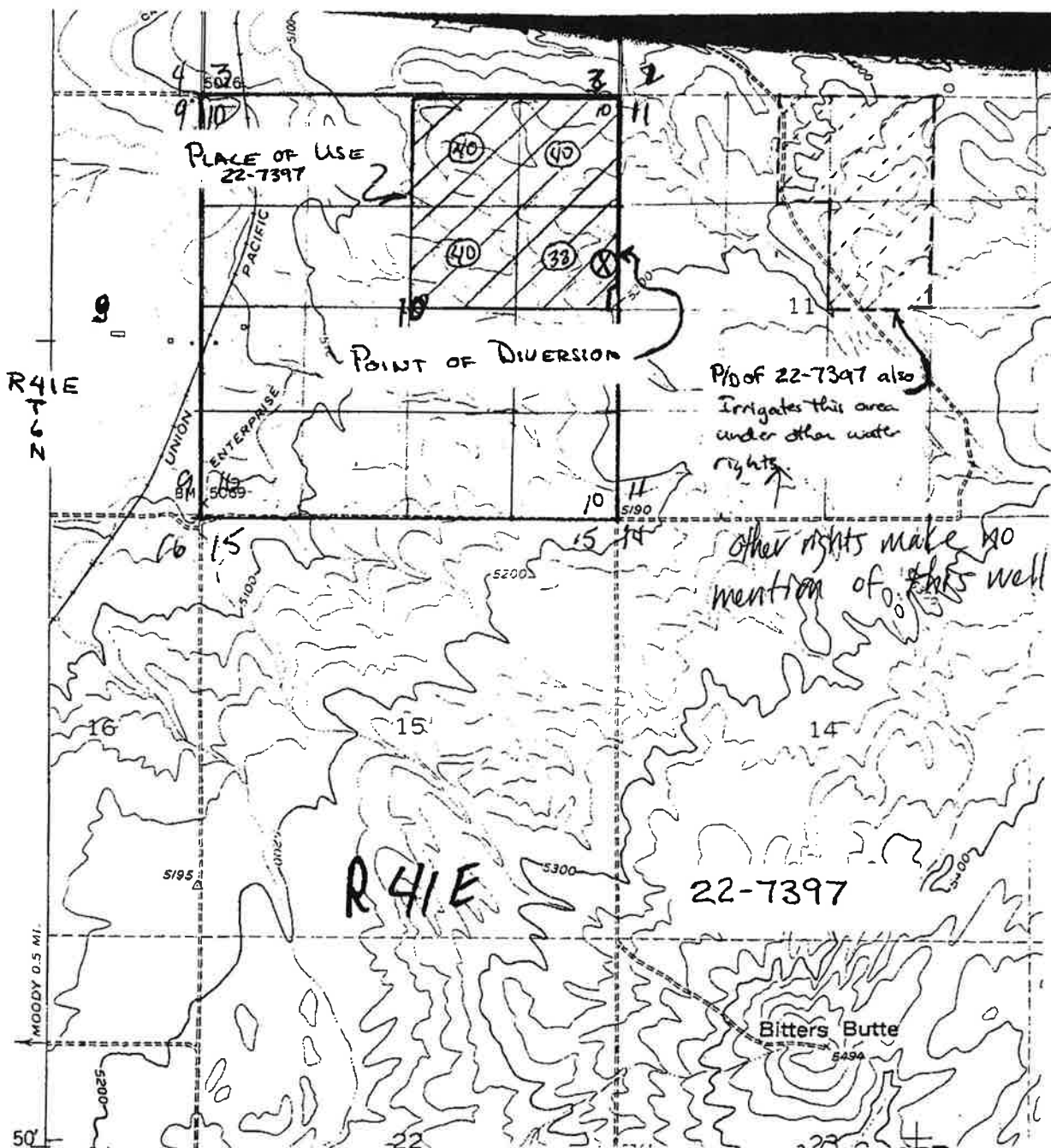
$$Q_{\text{cfs}} = \left[\frac{(3.87)(7.781)^2 \sqrt{34.1}}{448.8} \right] (\quad) =$$

$$Q_{\text{cfs}} = 3.21 \text{ cfs}$$

K = Flow Correction Factor
= 1 for Manometer
= # From Calibration Chart

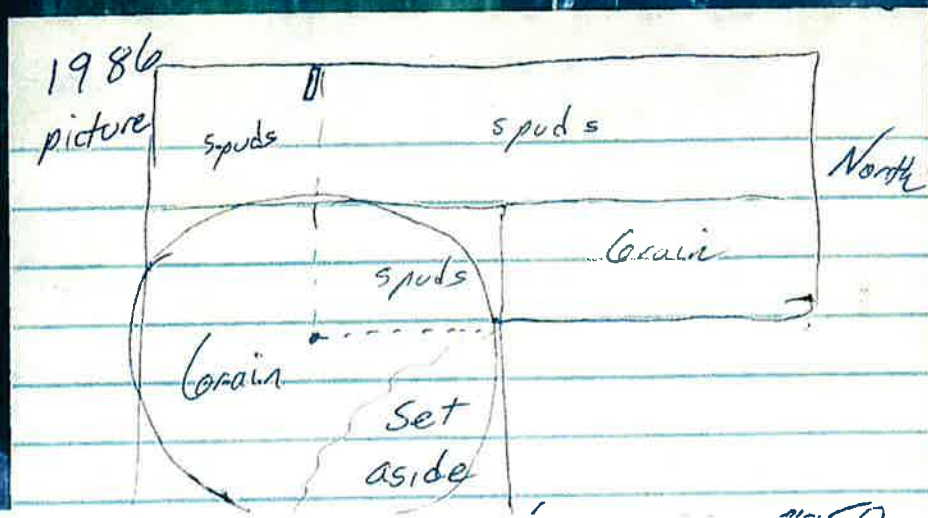
C=Correction Factor

6"	-----3.75
7.98"	-----3.87
10"	-----3.94
12"	-----3.99
14"/16"	-----4.01
18"/24"	-----4.02
30"	-----4.03



MICROFILMED

MAR 09 1990



- This photo was taken in 1986
for compliance purposes for USDA
farm programs.

(Tim Garrett, Madison Co. PT)

1/9/06

MEMORANDUM

DATE: July 28, 2006

TO: Ernie Carlsen

FROM: Shelley W. Keen

RE: Recommendation for Claim 22-2186

Carter Fritschle asked me to evaluate whether the irrigation of certain lands in Section 11, T6N, R41E, can be covered by an accomplished transfer of Right 22-2186 or an enlargement claim based on Right 22-2186. The following timeline provides some historical perspective for evaluating the question.

- 1968 In connection with Permit 22-2186, an IDWR field examiner confirmed the irrigation of 431 acres in Sections 10 and 11, T6N, R41E, from a well located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11, T6N, R41E. The irrigation system covered 150 acres in the NE $\frac{1}{4}$ of Section 10 and 281 acres in the W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11. The system rate per acre was 0.0083 cfs.
- 1969 IDWR issued License 22-2186 to Packer Farm Corporation in accordance with the 1968 field report.
- 1982 Layne Harris applied to irrigate the NE $\frac{1}{4}$ of Section 10 from a well in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T6N, R41E. IDWR did not ask for, nor did Mr. Harris disclose, information about the relationship of this application to License 22-2186. IDWR approved the application as Permit 22-7397.
- 1987 An IDWR field examiner confirmed that Layne Harris was irrigating 158 acres in the NE $\frac{1}{4}$ of Section 10 as authorized by Permit 22-7397. Mr. Harris was also irrigating 100 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11 with water from the well in Section 10. The system rate per acre for the 258 acres was 0.0124 cfs. The field examiner noted the existence of License 22-2186, but he did not indicate whether it was being used along with Permit 22-7397 to irrigate the NE $\frac{1}{4}$ of Section 10.
- 1990 IDWR issued License 22-7397 for 1.97 cfs and 553 af for the irrigation of 158 acres in the NE $\frac{1}{4}$ of Section 10. The licensed diversion rate was less than an inch per acre because of the low system rate per acre, not because of an assumption that Right 22-2186 also provided irrigation water for the same land. License 22-7397 had no conditions limiting its use when combined with Right 22-2186.

Memo to Ernie Carlsen

July 28, 2006

Page 2

Given the chain of events described above, one plausible explanation is that when Layne Harris purchased the NE $\frac{1}{4}$ of Section 10, he lost access to the well in Section 11 and, therefore, needed a permit for his own well in Section 10. Meanwhile, the owner of the Section 11 portion of License 22-2186, presumably the successor to Packer Farm Corporation, consolidated the use of water from the Section 11 well on his land, increasing the rate per acre.

The successor to Packer Farm Corporation may also have increased the number of acres irrigated in Section 11. The SRBA examiner is reporting an increase of 28 acres in the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11 and is recommending the increase as an accomplished transfer. For the accomplished transfer to be recommended, several criteria must be met.

- First, the additional 28 acres must, in fact, be irrigated with the irrigation system serving the rest of Right 22-2186. The 1992 DOQQ shows that the 28 acres are, in fact, covered by the same pivot that covers other lands irrigated under Right 22-2186.
- Second, the 28 acres must have been irrigated prior to Nov. 19, 1987. The 1987 NAPP infrared photography does not show the pivot that appears on the 1992 DOQQ. There is an irregular pattern of active growth within the 28-acre area, but it is not clear that the growth results from irrigation. The topographic map shows a draw or gully and an intermittent stream in the area. Plant growth could have resulted from water in the natural drainage.
- Third, Right 22-2186 must have been removed from the NE $\frac{1}{4}$ of Section 10 (by accomplished transfer) before the establishment of Right 22-7397 on the NE $\frac{1}{4}$ of Section 10. Otherwise Rights 22-2186 and 22-7397 are stacked on the same land, and they cannot be unstacked to increase the number of acres originally irrigated under the two rights – 439 acres. Water right ownership is also a key to evaluating the unstacking issue. Because Right 22-2186 was appurtenant to the NE $\frac{1}{4}$ of Section 10, the accomplished transfer must have occurred while the NE $\frac{1}{4}$ of Section 10 and the W $\frac{1}{2}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 11 were still in common ownership, or a warranty deed or other legal conveyance must show that the water right was retained by the seller when the NE $\frac{1}{4}$ of Section 10 was sold, or the Section 10 portion of Right 22-2186 must have been purchased or otherwise acquired by the owner of the land in Section 11.
- Fourth, the portion of Right 22-7397 removed from the NE $\frac{1}{4}$ of Section 10 must not have been forfeited by five years of non-use prior to the addition of the 28 acres in Section 11. If there was partial forfeiture, then perhaps an enlargement claim could be pursued, assuming that the lands were irrigated before Nov. 19, 1987. For this reason, withdrawal of the enlargement claim, 22-13474, may have been premature.

PROOF 7/21/83
L1 C. 2/28/90
AMEN L1C 8/3/08

I recommend that IDWR ask the claimant for 22-7397 to provide information showing the precise timing of the addition of the 28 acres. If it occurred prior to Nov. 19, 1987, then IDWR

Memo to Ernie Carlsen
July 28, 2006
Page 3

should use the criteria listed above to investigate whether the 28 acres should be recommended as an accomplished transfer or as an enlargement claim.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

July 31, 2008

W. Jeffrey Walters
Mona Walters
Shawn Walters
Patrice Walters
PO Box 156
Newdale ID 83436

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RE: Notice of Change of Water Right Ownership (NCO) for 22-2186 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

The Idaho Department of Water Resources (IDWR) acknowledges receipt of an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Technical Records Specialist

Enclosure

Cc: Waltz Enterprises Inc

SCANNED

AUG 04 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 22-2186

Case No. 39576

)

)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party WALTZ ENTERPRISES INC-WALTERS
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 31, 2008

Ernest Carlson

Signature of IDWR Representative

SCANNED

AUG 04 2008

CERTIFICATE OF MAILING

I certify that on August 1, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Waltz Enterprises Inc
892 N Harmony Ave
Gilbert AZ 85234

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
W. Jeffrey Walters Shawn J Walters
PO Box 156 PO Box 156
Newdale ID 83436 Newdale ID 83436

Mona Walters Patrice Walters
PO Box 156 PO Box 156
Newdale ID 83436 Newdale ID 83436

4. One copy to:

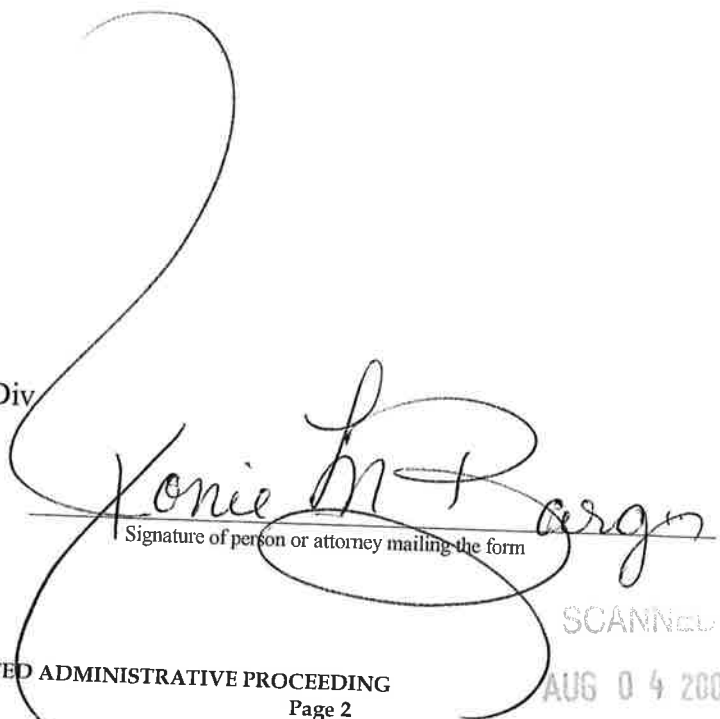
Each party in the subcase, or attorney of record
Jerry R Rigby
25 N 2nd E
PO Box 250
Rexburg ID 83440-0250

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

07/31/2008

RIGHT NUMBER: 22-2186
NAME AND ADDRESS: W JEFFREY WALTERS
PO BOX 156
NEWDALE ID 83436
MONA WALTERS
PO BOX 156
NEWDALE ID 83436
SHAWN J WALTERS
PO BOX 156
NEWDALE ID 83436
PATRICE WALTERS
PO BOX 156
NEWDALE ID 83436

SOURCE: GROUND WATER
QUANTITY: 2.330 CFS
983.50 AFY

TRIBUTARY:

Right Nos. 22-2186 and 22-13596 are limited to a total combined diversion rate of 2.33 cfs.

PRIORITY DATE: 10/17/1960

POINT OF
DIVERSION:

T06N R41E S11 NWSESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>		<u>PERIOD OF USE</u>		<u>QUANTITY</u>	
IRRIGATION		04/01 10/31		2.330 CFS 983.50 AFY	
PLACE OF USE: <u>IRRIGATION in MADISON County</u>					
T06N R41E S11	SWNW	38.00	T06N R41E S11	SENW	40.00
T06N R41E S11	NESW	40.00	T06N R41E S11	NWSW	38.00
T06N R41E S11	SWSW	37.00	T06N R41E S11	SESW	40.00
T06N R41E S11	NWSE	40.00	T06N R41E S11	SWSE	40.00
313 ACRES TOTAL					

Right Nos. 22-2186 and 22-13596 are limited to the irrigation of a combined total of 313 acres in a single irrigation season.

This right is limited to the irrigation of 281 acres within the place of use described above in a single irrigation season.

SCANNED

AUG 04 2008

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

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right No. 22-13596 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

SCANNED

AUG 04 2009

11/06/2006

**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: 22-2186

WALZ ENTERPRISES INC
892 N HARMONY AVE
GILBERT AZ 85234

Telephone Number: (208)356-5291 (480) 545-9898

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: 11-10-06

SIGNATURE: Walz Ent. Inc. *[Signature]*

Please print your name: Rex Walz DBA Walz Ent. Inc.

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

RECEIVED
NOV 15 2006

SCANNED

AUG 15 2007

Department of Water Resources
Eastern Region

06/02/2006 RECEIVED

NOTICE OF ERROR
REPLY

OCT 18 2006

Department of Water Resources
Eastern Region

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: 22-2186

WALZ ENTERPRISES INC

892 N HARMONY AVE

GILBERT AZ 85234

Telephone Number: (208)356-5291

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:

We no longer own this Property

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

DATE: 10-11-06

SIGNATURE:

Waltz Ent. Inc. Rex Walz

Please print your name: REX Walz

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

*This property and Irrigation Rights have been
sold to Sean Walters - Newdale, Idaho - or
Contact Walters Producer - "
Year of 1990*

SCANNED
AUG 15 2007

*KWJ
10/20*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

- [] Water Right Number(s): ~~22-11192~~ PC 22-2186
22-11185 21-11052
22-2287
22-2222
- [] Name(s): Mona Walters, Patrice Walters
Shawn J. Walters, W. Jeffrey Walters
- [] Old Mailing Address: 3360 N 8000 E
Newdale, ID 83436
- [] New Mailing Address: P O Box 156
Newdale, ID 83436
- Telephone Number: () _____ - _____
- [] Signature(s) of Owner(s) W. Jeffrey Walters, Mona Walters
Shawn J. Walters, Patrice Walters
(Include your title if on behalf of company or organization)
- Date: 1-9-06

Address
Change Completed
KMT 11/21/06

SCANNED

AUG 15 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 22-2222 ✓ 22-2186 ✓
22-2287 ✓
22-11185 ✓

[] Name(s): Shawn J Walters / Patrice Walters
W Jeffrey Walters / Mona Walters

[] Old Mailing Address: 3360 N 8000 E
Newdale, ID 83436

[] New Mailing Address: P O Box 156
Newdale, ID 83436

Telephone Number: (208) 458 - 4105

[] Signature(s) of Owner(s) Shawn J Walters

(Include your title if on behalf of company or organization)

Date: 1-26-06

SCANNED

AUG 15 2007

Claim no. 2202186

Claimant Contact Log

Date 1-6-2006 Remarks Agent initials

Thuf

I met with Shawn Walters & he stated that the NE 1/4 of Section 10 was sold to Layne Harris with "no" water & that Walters retained all of Rt 22-2186.

Indeed, Mr. Harris applied for permit 22-7397 for this ground from a separate well & has not filed a claim on any portion of 22-2186.

P.O.U. confirmed by Shawn Walters. I told him that the enlargement area probably would not work as it does not look like an irrigated area prior to 1987.

1-11-06

No split is needed after partial decree. Full water right was given to Walters family in deed from Walt Enterprises. The 150 ac. not sold to the Walters was sold to Layne Harris who did not receive any portion of 22-2186. Therefore, Walt Enterprises should be relabeled as an original owner. May need a copy of Layne Harris' deed first. There is not one in file 22-7397.

Ask Jennifer first.

SCANNED

AUG 15 2007

Water Right No(s). A 22-2186

GPS data - 2693396
1409119

GPS File # - 222186

GPS DATA:

Tag # A0015997 Location: On Wood Power Panel Post

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: GE Model: _____ Hp: 500
SN: Not Readable Booster - A.O. Smith 100 HP - # 505-2829

PUMP

Make: Layne & Boelter Model: _____ Disch: _____
SN: NA Booster pump - Vertiline - SN# D23380

NOTES:

System is well + pump + booster to pivots. Shawn Walters
can be reached at Walters Producers - phone # 208-458-4105

Layne Harris phone # is 208-458-4936, his cell is 317-4970.
I called Mr Harris & he confirms that he got no part of 22-2186.

Field Exam Date: 1-5-06 Agent: J. W. Jones

SCANNED

AUG 13 2007

DELOG AR 3/28/05

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

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
22-2186	Same	☒			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- 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) Waltz Enterprises, Inc.
892 North Harmony Avenue, Gilbert, AZ 85234
4. New Owner/Claimant(s) Shawn J. Walters & Patrice Walters, W. Jeffrey Walters & Mona Walters
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3360 North 8800 East
- City, State and ZIP Code Newdale, Idaho 83436
- New Telephone Number (208) 458-4656
5. Date you acquired the property January 9, 1989

PROFILED

SCANNED
AUG 15 2007

SCANNED
SEP 14 2005

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) *Shawn J. Walters*
(include title if applicable) Shawn J. Walters

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 _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

PROFILED

SCANNED
AUG 15 2007

SCANNED
SEP 14 2005

CORPORATION WARRANTY DEED

THIS INDENTURE, Made this 9th day of January, 1989, between WALZ ENTERPRISES, INC., a corporation duly organized and existing under the laws of the State of Idaho and having its principal office in Idaho at 550 South 4000 West, Rexburg, Idaho 83440, in the County of Madison, Seller, and W. JEFFREY WALTERS and MONA WALTERS, of 990 Westwood Drive, Rexburg, Idaho 83440; and SHAWN J. WALTERS and PATRICE WALTERS, of 375 Church Street, Newdale, Idaho 83436, Buyer,

WITNESSETH, That Seller having been hereunto duly authorized by resolution of its Board of Directors, for and in consideration of the sum of TEN DOLLARS, lawful money of the United States of America, and other valuable consideration, to it in hand paid by Buyer, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto Buyer, and to their heirs and assigns forever, all the following described real estate situated in Madison County, State of Idaho, to-wit:

The SW1/4, W1/2SE1/4, and S1/2NW1/4 of Section 11, Township 6 North, Range 41 East, Boise Meridian.

Together with all water and water rights including, but not limited to, a 500 foot well with a 24 inch casing and 300 h.p. motor and turbine pump and appurtenant buried mainline, and 1/2 mile of portable mainline;

Together with all rights to the Application for Permit to Appropriate Waters, now pending before the Idaho State Department of Water Resources;

Also together with ten 1/4 mile lateral handlines, with all the necessary equipment thereon, located on the property.

5RBA Claims to
Licenses 22-2186
(No Permit)

SCANNED

SEP 14 2005

PROFILED

SCANNED
AUG 15 2007

determined by actual count thereof, but not to be less than ten (10) ordinary lines;

Also together with a Lockwood Pivot Irrigation System and the steel pipe which is used for said pivot system to cross over the portable mainline pipe.

TOGETHER With all and singular all the other tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of Seller.

This conveyance is made subject to the lien of a certain Mortgage upon the premises given to Federal Land Bank of Spokane, Washington, which has been recorded in the official records of Madison County, Idaho.

TO HAVE AND TO HOLD, All and singular, the above mentioned and described premises, together with the appurtenances, unto Buyer, and to their heirs and assigns forever. And the Seller, and its successors, the said premises in the quiet and peaceable possession of the Buyer, their heirs and assigns against Seller, and its successors, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The Seller has caused its corporate name to be hereto subscribed by its President and its corporate seal to be affixed by its Secretary in pursuance to

SEP 14 2005

said resolution the day and year first above written.

WALZ ENTERPRISES, INC.

By: *Rex Walz*
Rex Walz, President

ATTEST:

Dora Lee Walz
Dora Lee Walz, Secretary

STATE OF ARIZONA,)
ss.)
County of Maricopa.

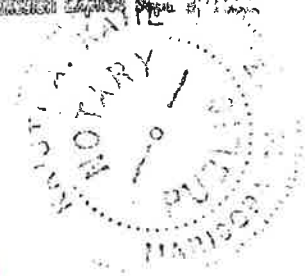
On this 9th day of January, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared REX WALZ and DORA LEE WALZ, known to me to be the President and Secretary, respectively, of WALZ ENTERPRISES, INC., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

MICROFILMED
State of Idaho }
County of Madison, } SS 228372
I hereby certify that the within Instrument was
filed FEB 6 1989
19 4:57 P M. and
recorded on Film 228372
Fee 9.00
by MARIE E. HOPES, Recorder
Deputy Deputy
At the request of _____

[Signature]
Notary Public for Arizona
Residing at: *Aliso*, Arizona
My Commission Expires: _____

My Commission Expires Sept. 8, 1990
My Commission Expires Sept. 8, 1990



AMERICAN LAND TITLE CO., INC.
PROFILED

SCA
SEP 14 2005

WATER LICENSE

Water License No. G-29086 Priority October 17, 1960 Amount 3.57 c.f.s.

THIS IS TO CERTIFY, that Packer Farm Corporation
 of Rexburg, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated October 17, 1960; that Permit G-29086 was issued pursuant
 to said application; that the proposed works were completed on or about June 1961
 with a storage/or carrying capacity of 3.57 c.f.s., said works consisting of well,
pump and motor, and that on October 19, 1965,
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 1285
 acre feet per season, with a maximum rate of diversion of 3.57 cubic feet per second of the waters
 of ground water, tributary of _____,
 for the purpose of Irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 11, T. 6 N., R. 41 E., B.M., and
 other additional points _____, in the County of
Madison; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 1285 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>6 N</u>	<u>41 E</u>	<u>10</u>	<u>38</u>	<u>37</u>	<u>36</u>	<u>39</u>													<u>150</u>
		<u>11</u>							<u>38</u>	<u>39</u>	<u>39</u>	<u>39</u>	<u>38</u>	<u>38</u>		<u>20</u>	<u>30</u>		<u>281</u>

Total number of acres irrigated 431

The right to the use of the water 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

4th day of August, 1969

[Signature]
 State Reclamation Engineer

29086

22-2186

22-2186

$\frac{3.57}{431} = 0.0083$
 431

SOLO TO L. HARRIS
 1982

SOLO TO WALTERS
 1988/1989

281

SCANNED
 AUG 15 2007

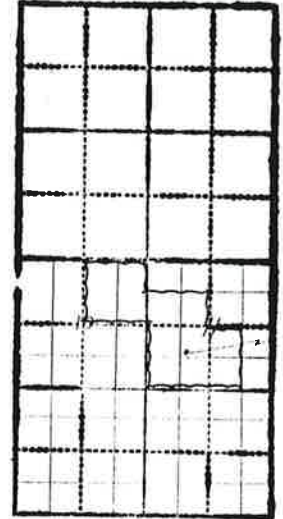
22-2186

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of The State of Idaho

Application No. G- 37081
Permit No. G- 29086
District No.

1. Name of Applicant: Packer Farm Corporation, by Clyde P. Packer, Pres.
Postoffice address: 321 E. 3rd So., Rexburg County: Madison State: Idaho
2. Quantity of water claimed:
 - (a) Rate of withdrawal in cubic feet per second 9 or Idaho
Miners' inches 450 or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Well (Subterranean)
4. Location of point of diversion or well is in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Eleven
Twp. 6 N , Rge. 41 E , B.M., County of Madison
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Deep well, pump, electric motor, main & laterals
8. Estimated cost of works: \$35,000.00
9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation: January 16, 1958 in Idaho
 - (b) Amount of capital stock: \$100,000 (c) Amount paid in: \$100,000
 - (d) Names and addresses of directors: Clyde P. Packer & Dora M. Packer, of 321 E. 3rd , Rexburg, Idaho; Clyde Dean. Packer & Preston Merrill Packer of Blackfoot, Idaho; Claire Preece of Boise, Idaho, Dora Lee Walz, Rt. 1, Rexburg, Ida; & Alden M. Packer of Idaho Falls, Idaho.
 - II. The financial resources of the applicant are (a) Cash onhand: \$ 700.00
 - (b) Treasury stock: none (c) Bonds to be issued: none
 - (d) Other resources: crop on hand - \$20,000; Land & bldg. & machinery \$162,260
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: none
 - (a) (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 9.0 (cubic feet per second, inches or gallons per minute) is for new lands.



SCANNED

AUG 15 2007

Remarks:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

s/ Packer Farm Corporation Applicant.

By Clyde P. Packer Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. October 17, 1960

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 29086

Recorded in Book 102 Page 29086 Approved October 20, 1960

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before
Work to begin on or before

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 20, 1963

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before October 20, 1965

s/ GEO. N. CARTER

Witness my hand this 20th day of October, 1960

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 20th day of October, 1960.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLIE

Governor

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				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 $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6 N	41 E	10	40	40	40	40													160
6 N	41 E	11					40	40			40	40	40	40	20	30			290
															TOTAL				450

LICENSE ISSUED FOR 3.57 SEC. F.L.
LICENSE PAGE NO. _____

SCANNED

AUG 13 2007

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. Q-29086

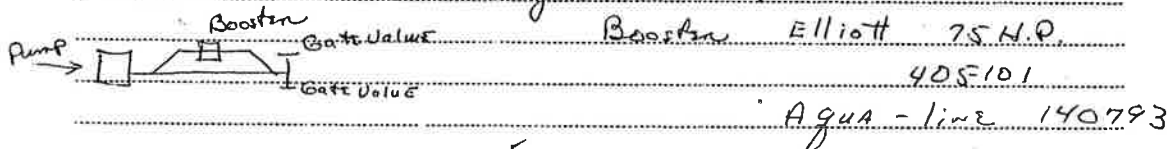
This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Packer Farm Corporation

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE 1/4 SW 1/4 of Section 11
T. 6 N R. 41 E. B.M. County of Madison

4. Describe works as they exist, giving dimensions and capacities of same: GENERAL Electric
300 H.P. PVJ 310001 - Layne & Bowler Verti-line
28275 10" Discharge



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):

NE 1/4 Sec. 10., S 1/4 NW 1/4, SW 1/4, W 1/4 SE 1/4 Sec. 11., Twp. 6 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:

Mr. Brown from Idaho Falls installed
the system. The system will produce
1600 G.P.A. without the booster.
Booster was not on when exam was
made. Q = 3.57 cfs.
IRRIGATION REQ. PERMIT = 3.5 AC-FT / ACRE / SEASON
(No deposition in folder 3/24/66)

This examination was made on the _____

(Signed) _____

Day of July

19 68

Examiner. D. S.

AUG 15 2007

22-2126
29086

Clyde P. Packer, Pres. Packer Farm Corp.
321 E. 3rd South
Rexburg, Idaho

Permit No. G-29086

Examination for Completion of Works & Beneficial Use

County Madison

Sec. 11 T. 6N R. 41 E

Quantity: 9 cfs

22-

Source: Well

P.D.: NE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec. 11 Twp. 6N Rge. 41E

Use: Irrigation

Extension:

Protest:

Completion of Works:

Other Rights: None

Filed: Oct. 17, 1960

Due: Oct. 20, 1965

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

Grant

2/10/60

AUG 15 2007

SCANNED

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. G-29086

REPORT ON PROOF OF Completion of Works & Beneficial Use

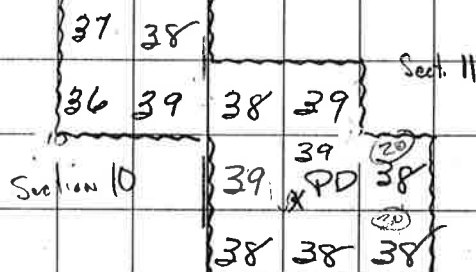
SCANNED

AUG 15 2007

Twp 6N

R. 41E

New Date



75

152

98

114

106

114

431

457

Subd. 12

Q = ALLOW 3.57

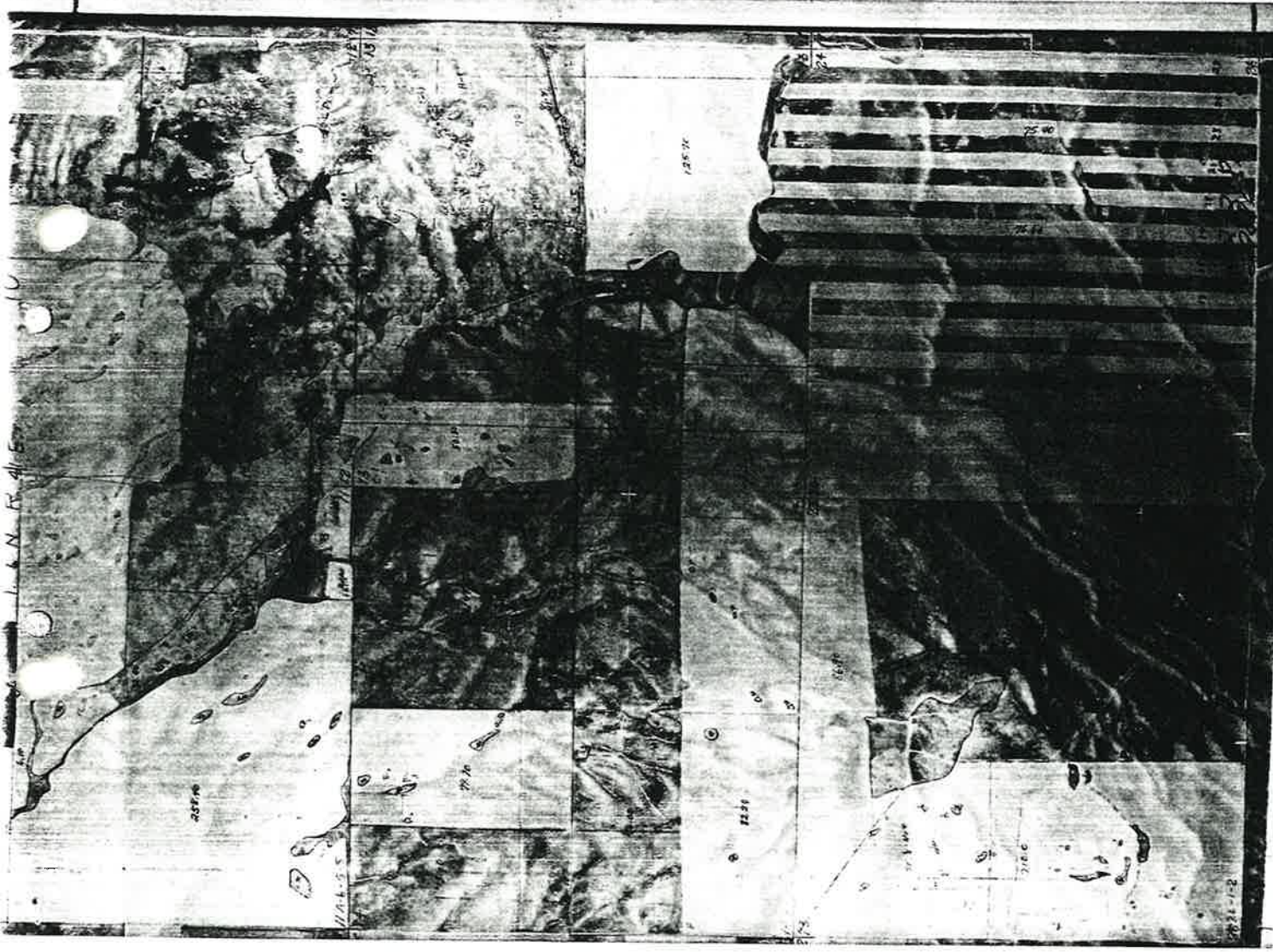
A = ~~457~~ 431 ACRES ARE 7-15-69

VOL - 1285 AC-FT / BEASONS

PRIORITY - 10-17-60

SCANNED

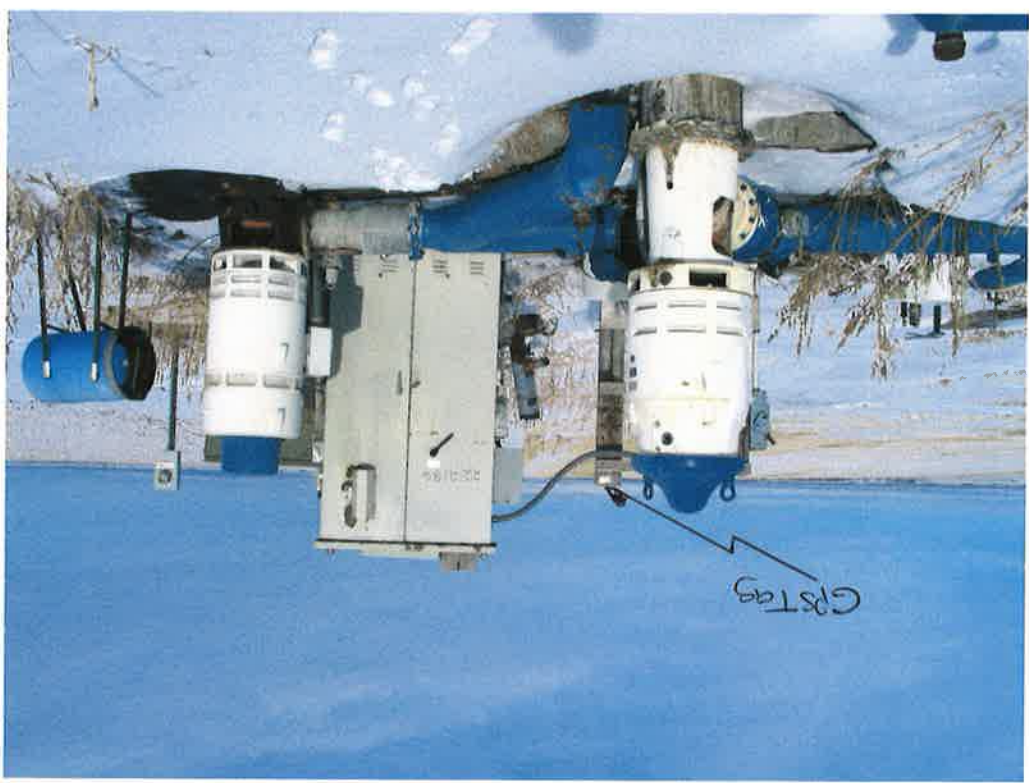
AUG 15 2007



SCANNED
AUG 15 2007

SCANNED
12/2007
AUG 15 2007

A22-2186, Locking North

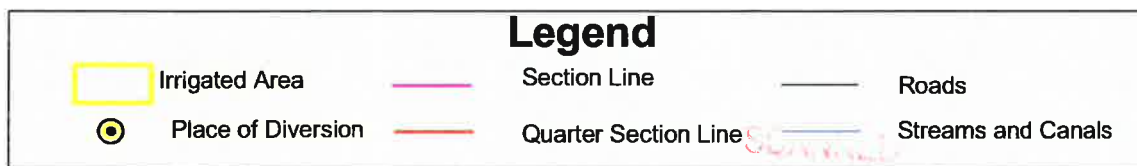


222186

06N41E11

SCANNED
AUG 15 2007

07/27/2001



700 0 700 1400 Feet

SEP 14 2005 CANADA

Aug 13 1941



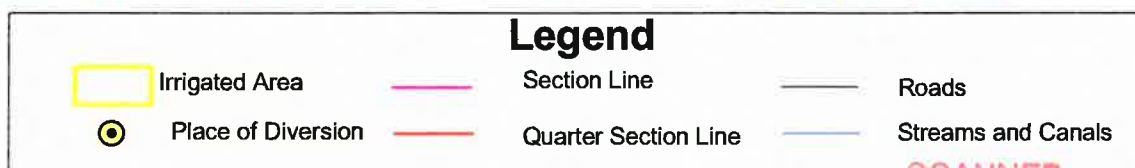
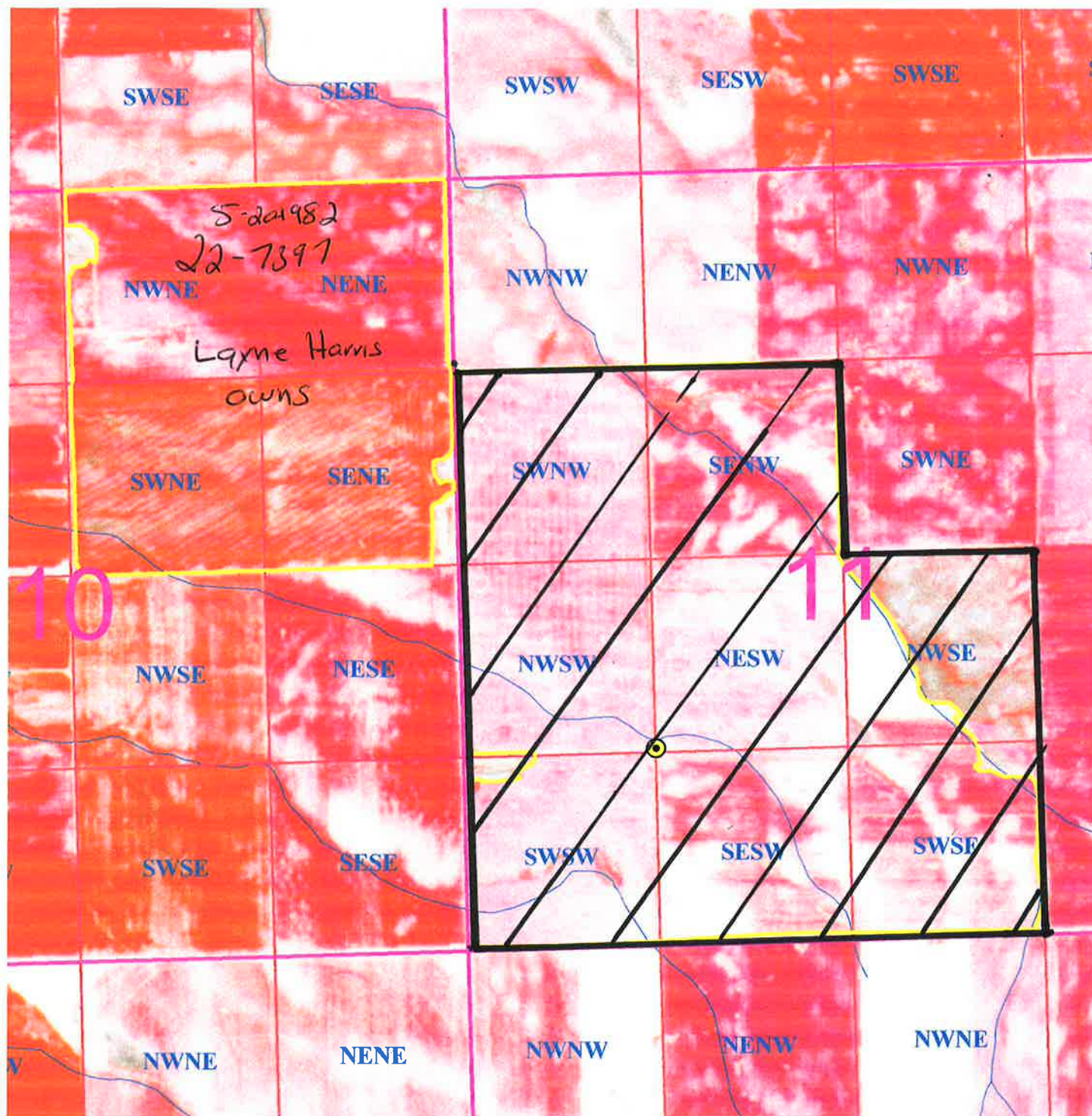
SPATIAL
DYNAMICS

PROFILED

Water Right Claim Number 22-02186

Township , 6N41E

07/27/2001



700 0 700 1400 Feet



PROFILED

SCANNED
AUG 15 2007
SEP 14 2005

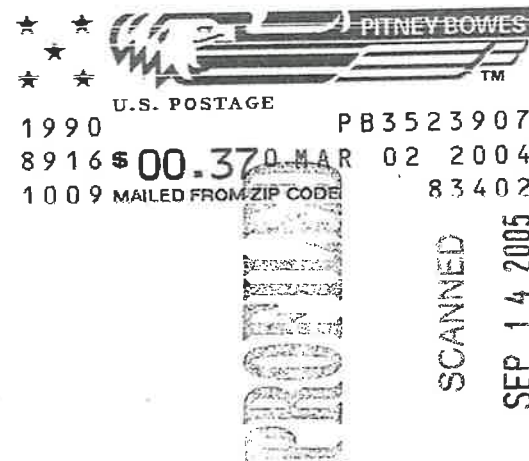
SPATIAL DYNAMICS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

22-2186

WALZ ENTERPRISES INC
550 S 4000 W
REXBURG ID 83440



SCANNED

SEP 14 2005

SCANNED
SCANNED
AUG 15 2007

WALZ550 834402005 1A03 04 03/05/04
RETURN TO SENDER
WALZ
892 N HARMONY AVE
GILBERT AZ 85234-8022
RETURN TO SENDER

83440X362-1700



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 22-2186
Date Received: 8/4/1988
Receipt No: M000804
Received By:

AMENDED

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

1. Name of Claimant(s)

W JEFFREY WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

SHAWN J WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

MONA WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

PATRICE WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

2. Date of Priority: 10/17/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	41E	11	SW NE SW	MADISON	

5. Description of diverting works:

300 HP PUMP, 500' DEEP, 24" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	3.57	

7. Total Quantity Appropriated is:
3.57 C.F.S. and/or 1285 A.F.A.

8. Total consumptive use:

SCANNED

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	41E	11	SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	37
			SE	SW	IRRIGATION	40
			NW	SE	IRRIGATION	38
			SW	SE	IRRIGATION	40
Section Acres						311
Total Acres						311

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

Claim was amended to correct Place of Use since section 10 is under a different water right.

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: _____

SCANNED

AUG 15 2007

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): Shawn J. Walter Date: 5-25-06
_____ Date: _____

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of MAY 2006 Katy Jackson

Notary Public

Residing at Idaho Falls
My commission Expires March 31, 2011



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 22-2186
Date Received: 8/4/1988
Receipt No: M000804
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

W JEFFREY WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

SHAWN J WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

MONA WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

PATRICE WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

RECEIVED

MAR 13 2006

Department of Water Resources
Snake River

2. Date of Priority: 10/17/1960

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township Range Section
06N 41E 11

1/4 of 1/4 of 1/4 Lot
SW NE SW

County
MADISON

Type

5. Description of diverting works:

300 HP PUMP, 500' DEEP, 24" CASING

6. Water is used for the following purposes:

Purpose
IRRIGATION

From To C.F.S.
4/01 11/01 3.57

(or) A.F.A

7. Total Quantity Appropriated is:

3.57 C.F.S. and/or 1285 A.F.A.

02/22/2006

AUG 13 2007

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	41E	11	SW	NW		IRRIGATION	38
			SE	NW		IRRIGATION	39
			NE	SW		IRRIGATION	39
			NW	SW		IRRIGATION	39
			SW	SW		IRRIGATION	38
			SE	SW		IRRIGATION	38
			NW	SE		IRRIGATION	20
			SW	SE		IRRIGATION	30
						Section Acres	281
						Total Acres	281

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

14. Remarks:

Claim was amended to correct Place of Use since section 10 is under a different water right.

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): *Kevin J. Walters* Date: 3-1-06

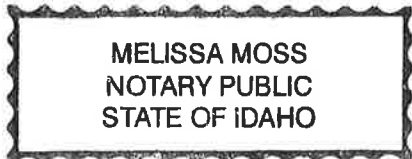
Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this
of March 1 2006

Melissa Moss

Notary Public



Residing at Madison County
My commission Expires 5-23-09

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: A22-02186
Date Received: 8/04/1988
Receipt No: M000804
Received By: *gg*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALZ ENTERPRISES INC.
Address: 550 S. 4000 W.
REXBURG, ID

208-356-5291

83440

2. Date of Priority: OCT 17, 1960

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	41E	11	SW	NE	SW		MADISON

5. Description of diverting works:
300 HP PUMP, 500' DEEP, 24" CASING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.570		

7. Total Quantity Appropriated is:
3.570 C.F.S. (and/or) 1285.00 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
06N	41E	10	NE	NE		IRR	38.0
			NW	NE		IRR	37.0
			SW	NE		IRR	36.0
			SE	NB			

*Sold to
L. Harris
w/o water*

A22-02186

Page 1

Date: 08/04/88

PROFILE

SCANNED
SEP 14 2005

SCANNED
AUG 19 1988
MICROFILMED
OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	41E	10	SE	NE		IRR	39.0
			Section Acres				150.0
		11	SW	NW		IRR	38.0
			SE	NW		IRR	39.0
			NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NW	SE		IRR	20.0
			SW	SE		IRR	30.0
			Section Acres				281.0
			Total Acres				431.0

11. Place of use in counties: MADISON

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: 29086

PROFILED

SEP 14 2005 AUG 15 2007 MICROFILMED
OCT 29 1992

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): Wah Enterprises Inc Date: 8-4-1988
by Geo J. Wah Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Aug 19 88 John J. J. J.
Notary Public

Seal
Residing at Bain Id
My Commission Expires 6/2/91

PROFILE

SCANNED
SEP 14 2005
SCANNED
AUG 15 2007
MICROFILMED
OCT 29 1988

