

12/21/2005

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

RIGHT NUMBER: 22-2242A
NAME AND ADDRESS: RANDALL D SUTTON
1628 W 8200 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.900 CFS
210.00 AFY

PRIORITY DATE: 01/28/1965

POINT OF DIVERSION:
T04N R40E S2 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 11/01	0.900 CFS 210.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County
T04N R40E S02 NESW 40.00 T04N R40E S02 NWSE 20.00

60 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

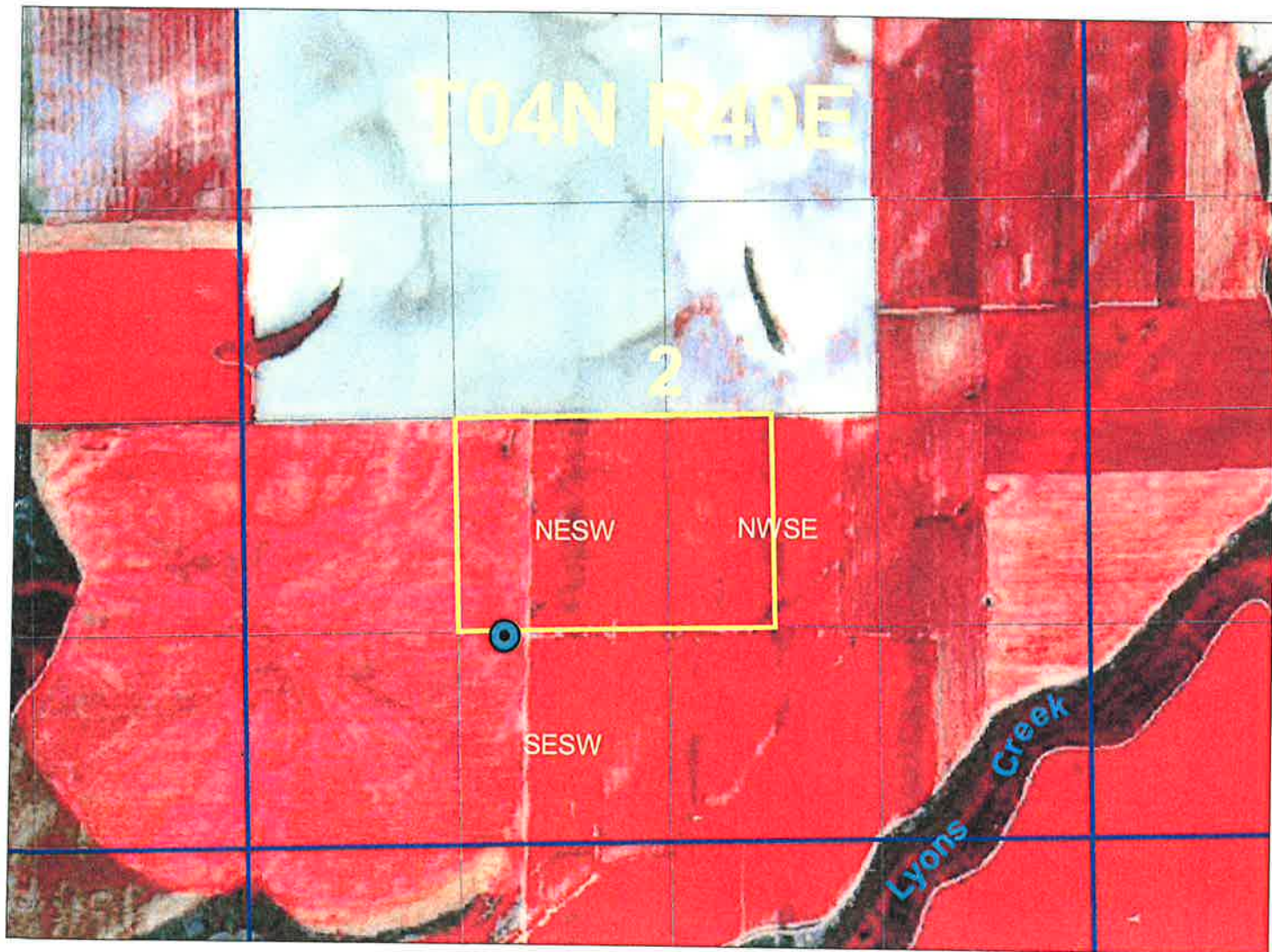
Right Nos. 22-2242B and 22-10897 are also diverted through point of diversion described above.



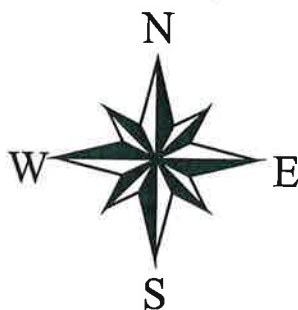
Department of Water Resources

Eastern Region

Claim No.: 22-2242A



- Point of Diversion
- Place of Use
- Township/Range
- Sections
- QQ



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

12/21/2005

**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: 22-2242A
RANDALL D SUTTON
1628 W 8200 S
REXBURG ID 83440
Telephone Number: (208)356-3409

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: 10/21/06 SIGNATURE: Randall D. Sutton
Please print your name: RANDALL D. SUTTON

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

KAT
10/30

Gwen Sutton
P.O.Box 88
Newdale, Idaho 83436

To Whom it May Concern;

My son, Lee H. Sutton, has requested that I provide information in support of his claim for water #A22-10897. The following is a history of his claim. My husband, the late Jesse L. Sutton, and myself, Gwen A. Sutton drilled a well on property we had purchased in 1965. We applied for a water right # 32207/22-2242 with a priority date of January 28, 1965.

After the 1965 crop year, Jess decided we should try to acquire more land adjacent to ours as we had a very good well with more water available than we could utilize. He tried to purchase adjoining land from our neighbors but they weren't interested in selling their land. However, they agreed to rent the ground to us for a cash lease with the understanding that they would have no right to any water rights of any kind. They understood that we were the sole owners of any water rights, including pumps, the well, main lines and sprinklers.

As indicated we rented ground from Russell Grover, Wesley Grover, Afton Hansen and Edward Covington. We began to water an additional acreage of approximately 290 acres in June 1966. In addition to this we rented, on a cash lease basis, 80 acres from Alvin Smith. After his death, his son Lyle wanted a crop share arrangement and much higher lease, so we stopped watering this 80 acres in 1975. After we turned back the Smith ground, Afton Hansen asked if we wanted to lease an additional 83 acres from him on the same conditions we had with him on another 37 acres. In June 1976, we ran a new main line over to this parcel of 83 acres and started to water this also.

My husband Jess died in June of 1980. In 1981 each of our six sons were deeded 60 acres of our original 470 acres. At this time, I turned the pump and the water-works over to Steve and Lee. They then ran all 470 acres of the Jesse Sutton ground and an additional 372 acres of the above named leased ground which was all farmed on a cash lease basis.

In 1986 Steve and Lee split up their partnership. Since that time Lee has continued to lease all of the ground mentioned above, with Lee owning some of the ground now that he has purchased it from his brothers. Lee has paid and maintained all expenses relating to water since 1986.

I do certify that this is a true history of our water use since 1965. I also certify that as far as claim # A22-10897 is concerned, all ground, including the approximately 290 acres in 1966, and the 83 acres in 1976 has been watered every year since then through the 2004 crop. This ground was cash leased with the agreement that the land-owners would in no way acquire any water rights from us. They knew and agreed that the water being put to use on their ground was owned and managed by the Sutton family at their own expense.

As it is written above, to the best of my knowledge, these facts are true.

Sincerely,

Gwen A. Sutton 3/27/05
Gwen A. Sutton ~~initials~~

To: IDWR.

#1

3-7-05

Dear Sirs

In Reference to Water right Claims for expanded acres
Water right # A22-10897 For Lee H. Sutton. I Lath
Sutton do hereby verify that I have witnessed the sprinkler
irrigation of all properties listed below in 1966 and every year
since. Except for the 83 acres located in the SW NE +
SE NE + SE NW all of which are located in Sec 3 T4N
40E ^{which was} watered for the first time in 1976 and has been
watered continuously every year since. Lath Sutton

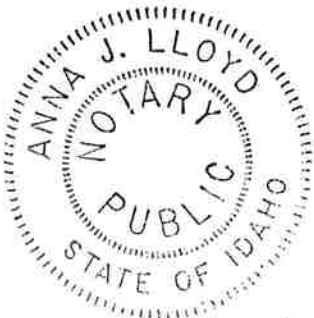
Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	1	NW	NW		IRR	35.0
			SW	NW		IRR	40.0
			NW	SW		IRR	27.0
			SW	SW		IRR	1.0
Section Acres							103.0

A22-10897

Page

1

Date: 08/25/88



See Page 2

State of Idaho
County of Madison
I, Anna Lloyd, notary
public, certify that
Lath Sutton appeared
before me and signed
this document.

Commission expires: 5/30/2008

Lath Sutton

1295 E. 10,000 S.

Reynolds Rd 83440

#2

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	2	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	19.0
			Section Acres				139.0
		3	SW	NE		IRR	38.0
			SE	NE		IRR	40.0
			SE	NW		IRR	5.0
			NE	SE		IRR	37.0
			Section Acres				120.0
		11	SE	NW		IRR	10.0
			Section Acres				10.0
			Total Acres				372.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A22-02242B

14. Remarks:

THIS RIGHT, WHEN COMBINED WITH A22-02242B, SHALL NOT EXCEED 6.16 CFS TOTAL DIVERSION RATE. THIS RIGHT IS AN EXPANSION OF RIGHT A22-02242B THE LANDS DESCRIBED IN THIS PERMIT DO NOT BELONG TO THE CLAIMANT. OWNERSHIP IS AS FOLLOWS:

T4N R40E SEC3 SENE SWNE SENW NESE;
AFTON HANSEN
1206 EAST 10000 SOUTH
REXBURG, ID 83440

T4N R40E SEC1 NWSW SWSW;
T4N R40E SEC11 SENW;

COVINGTON BROS. LTD
1550 ALICE
IDAHO FALLS, ID 83401

T4N R40E SEC2 SESE NESE SENE(29 AC) NENE(28 AC);
RUSSELL GROVER RANCH
7987 SOUTH 400 WEST
REXBURG, ID 83440

T4N R40E SEC1 NWNW SWNW;
T4N R40E SEC2 SENE(11 AC) NENE(28AC);

~~WESLEY GROVER~~
Deceased

Garth Sutton

Garth Sutton - 3-7-05



of Thornton, Idaho, has complied with the terms and conditions of Permit No. 32207/22-2242 issued pursuant to Application for Permit dated January 28, 1965, and has submitted proof to the Department of Water Administration on January 7, 1970, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity of 7.06 cfs, and that the water has in fact been applied to a beneficial use; a right to the use of water from a ground water source

tributary of _____, is hereby confirmed in the following amounts:

Amount 7.06 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 7.06 cfs of water be diverted at any one time, said waters to be diverted within the _____

SE¹/₄SW¹/₄ Sec. 2, Twp. 4 N, Rge. 40 E, B.M.

in the county of Madison; and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 1,655.5 acre feet per year or _____
3.5 acre feet per acre.

Description and location of 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	
4 N	40 E	2									40	40	40	40		40	40		240
		3															6	39	45
		10	28	8		29													65
		11		15			34	31	30	10									120

Total number of acres irrigated 470

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 6th day of June, 19 72.


Director

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

Permit No. C-22207/22-2222

This proof is for b/v - 9.4 cfs PROOF - 7.0 cfs
In Water District No. _____

1. Name of applicant, Jesse L. Sutton, RFD #1, Thornton, Idaho

2. Source of water supply: Ground-water

3. Location of point of diversion: In the _____

4. Describe works as they exist, giving dimensions and capacities of same: 4 R, 40 R, _____ County of _____

PROOF - pump and mainline - 7 stage 15 LC Bowl Assembly - 10" column - 3/16" shaft - 450 HP VHS MTK, 26" casing - wall depth 200' - bore depth 630' TYP. MTS

MEASURING DEVICE - sprinkler 328 at 6 RPM at 50 lbs - 3168 RPM - no drawdown.

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, file exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

4 R, 40 R, Sec. 2 SW, 43R (240)

Sec. 10 NW, 43R (240)

Sec. 11 NW, 43R (240)

Sec. 12 NW, 43R (240)

Sec. 13 NW, 43R (240)

Sec. 14 NW, 43R (240)

Sec. 15 NW, 43R (240)

Sec. 16 NW, 43R (240)

Sec. 17 NW, 43R (240)

Sec. 18 NW, 43R (240)

Sec. 19 NW, 43R (240)

Sec. 20 NW, 43R (240)

Sec. 21 NW, 43R (240)

Sec. 22 NW, 43R (240)

Sec. 23 NW, 43R (240)

Sec. 24 NW, 43R (240)

Sec. 25 NW, 43R (240)

Sec. 26 NW, 43R (240)

Sec. 27 NW, 43R (240)

Sec. 28 NW, 43R (240)

Sec. 29 NW, 43R (240)

Sec. 30 NW, 43R (240)

Sec. 31 NW, 43R (240)

Sec. 32 NW, 43R (240)

Sec. 33 NW, 43R (240)

Sec. 34 NW, 43R (240)

Sec. 35 NW, 43R (240)

Sec. 36 NW, 43R (240)

Sec. 37 NW, 43R (240)

Sec. 38 NW, 43R (240)

8. What large stream would the water here appropriated finally reach? (Submitt map on attached plat, showing location and details of above description.)

Remarks: PROOF - I did not pump and apply 9.4 cfs. The total amount applied was 3168 gpm. The well will easily produce 9.4 cfs, or more, if and when I (applicant) a larger pump, but for the present I will not be pumping more than 3168 gpm - 7 cfs.

The title is correct. 476.7 (acres) is correct. 1.20 acres is correct. 3173 is correct. 706 CFS is correct. 53.1 is correct.

9. This examination was made on the _____ day of _____, 1972.

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____

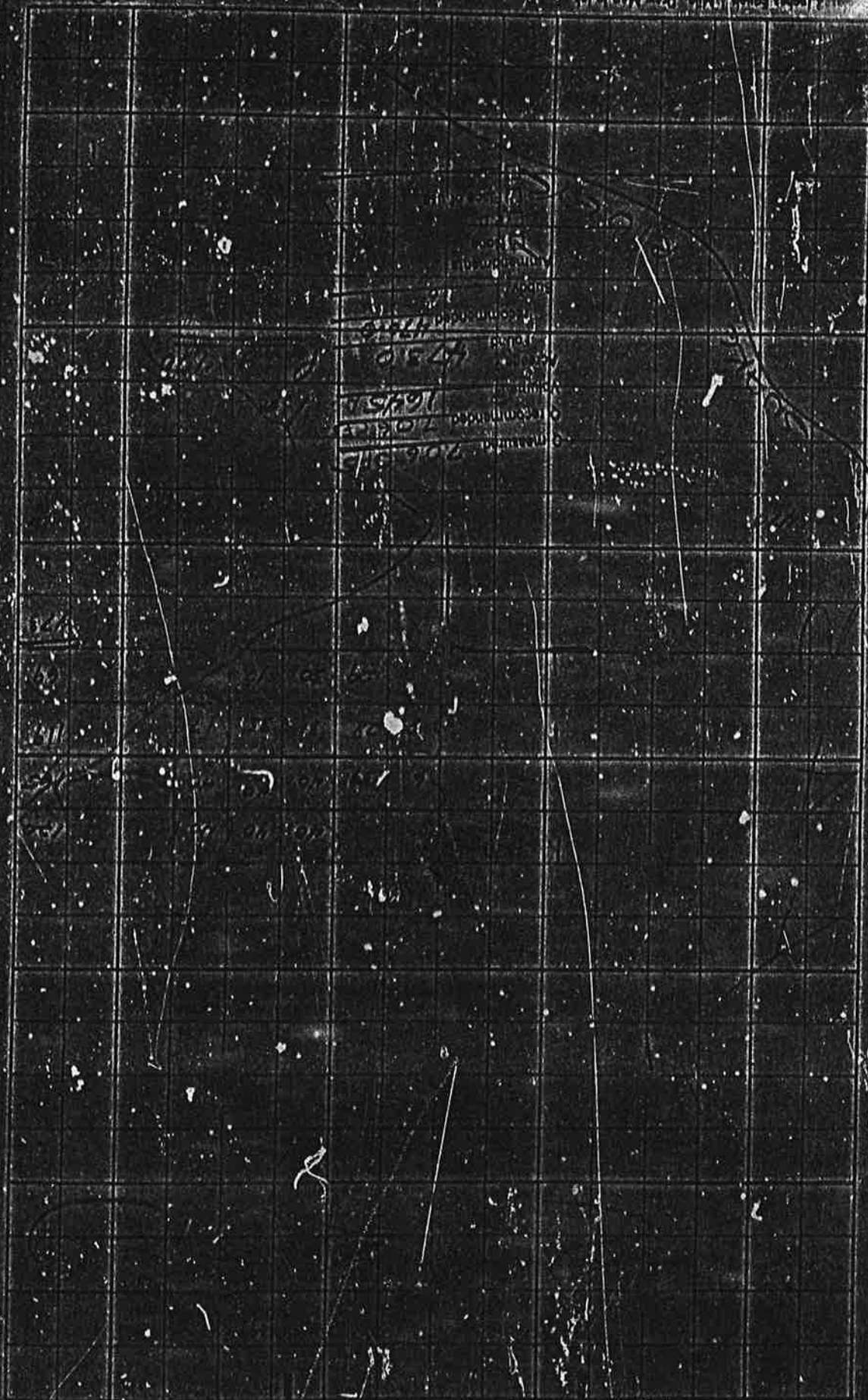
Examined by _____

Examined by _____

Examined by _____

Examined by _____

Examined by _____



Farm # 2266
Tract 1348

1
27.7

Map of Tract 1348

Covington Bros



Map Printed: May 19, 2005

Farm # 2266
Tract 1294

1
63.9

2
18.0

3
5.8

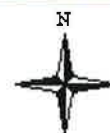
4
9.9

5
8.5

6
225.8

Map of Tract 1294

*Tess Sutton
Family*

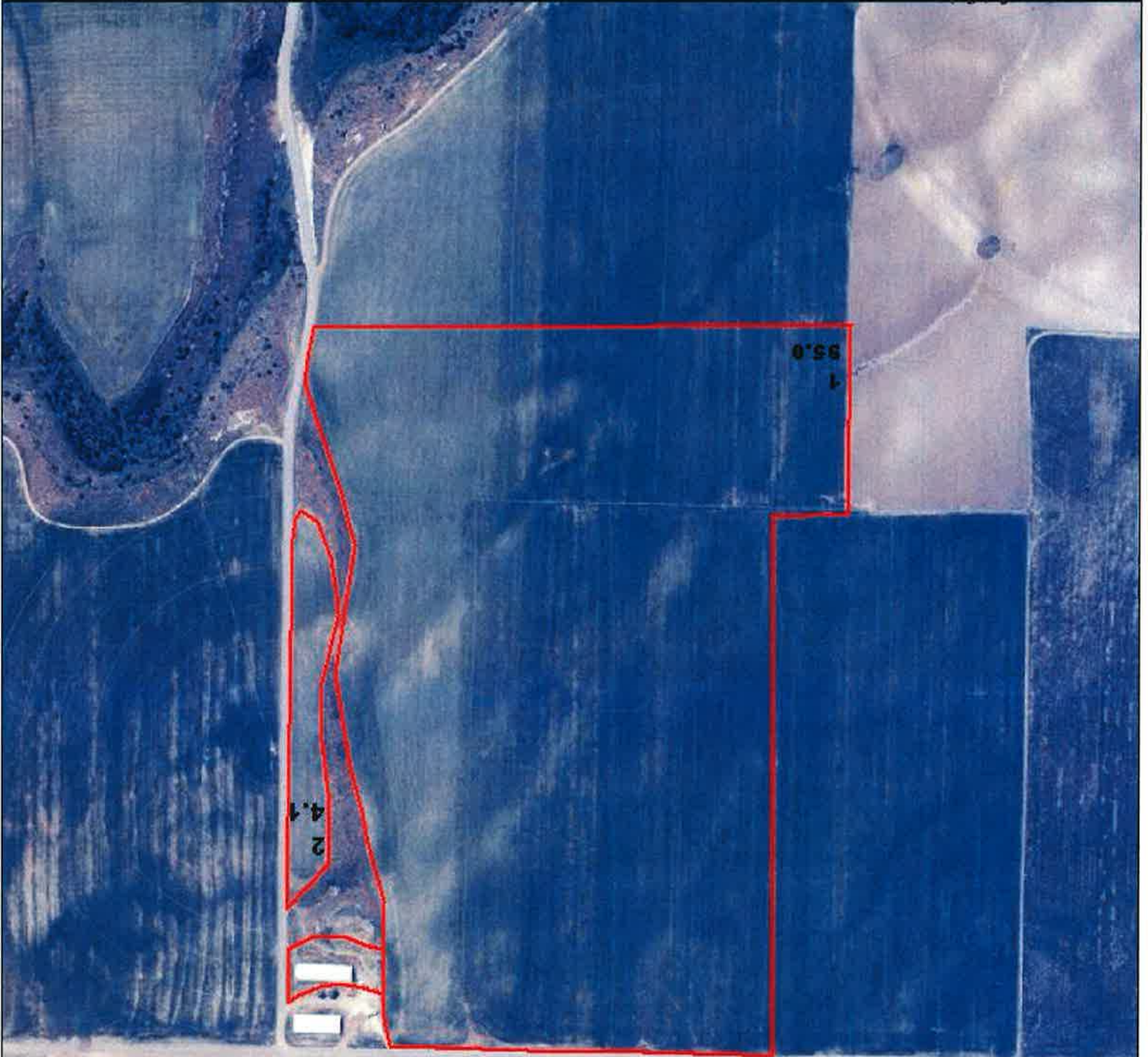


Map Printed: May 19, 2005

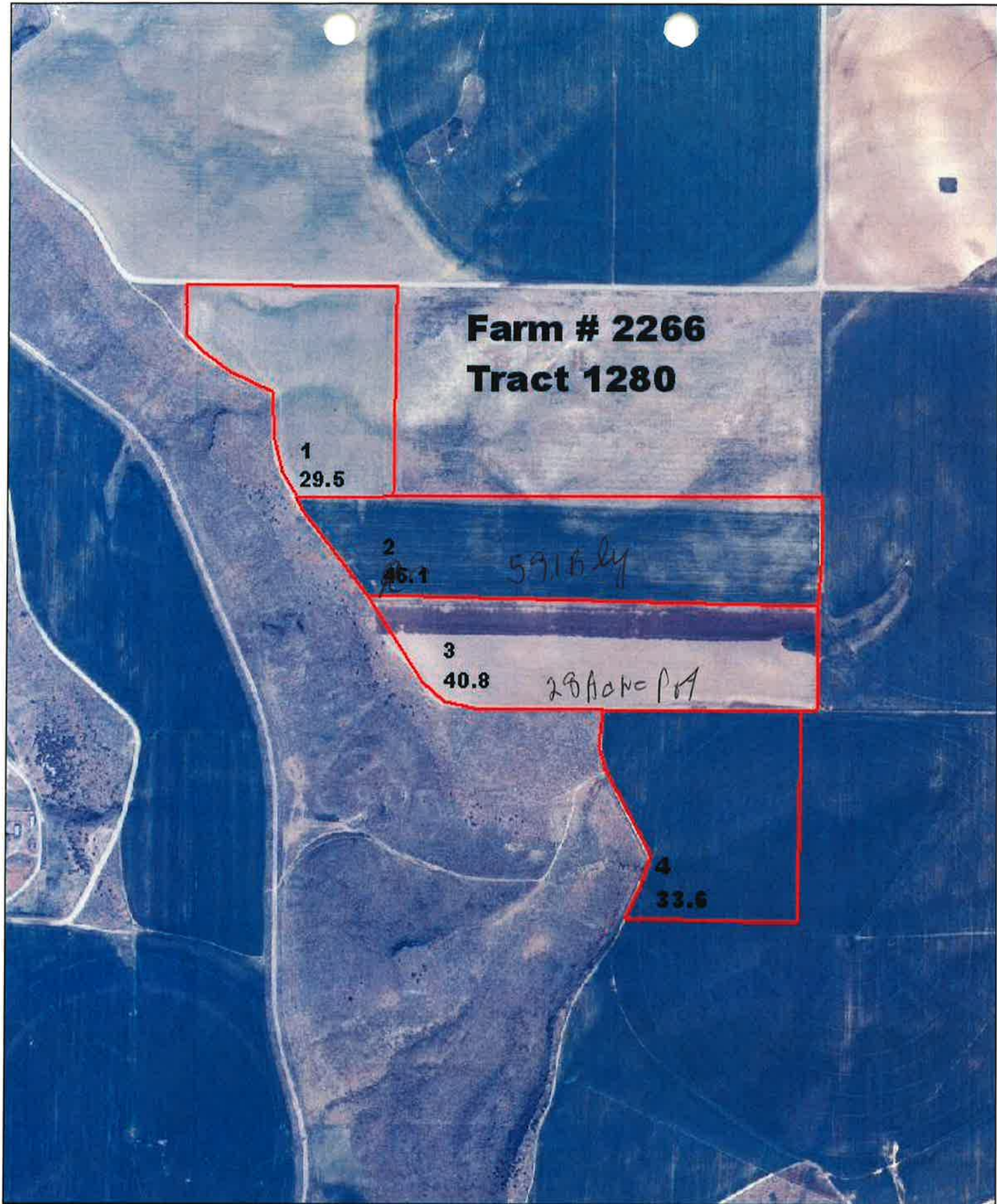


308 Pct 931 Bly
551 I Bly
225 O Bly
308 Pct 931 Bly
2030 Bly

Map of Tract 1214
7/84
26 Pct 931 Bly
251 I Bly



Farm # 2266
Tract 1214



Map of Tract 1280

Arlene Hansen



Unex bx 2

A2202242A Randall D. Sutton
45" 0.90 CFS priority DATE 28-Jan-1965
POD. SE SW SEC 2 T4N. R. 40E. 60 AC.

A2202242 JESSE L. Sutton
353" (7.06 CFS) NO MORE THAN
11,655.5 AF. 3.5 PER
AC. POD SE SW SEC 2
T4N R. 40E.
470 AC priority DATE 28 Jan 1965

LEE H. SUTTON, JESSE L. SUTTON Estate, KENT V. SUTTON, Richard
Thomas. SUTTON

A2202242B
308" (6.16 CFS) priority DATE 28 JAN 1965
410 AC. POD SE SW SEC 2 T4N R 40E.

March 15, 2005

Lee H. Sutton
1577 E 10,000 S.
Rexburg, ID 83440

Re: SRBA Claim no. 22-2232, 22-2242B, 22-10897

Dear Mr. Sutton:

I received your letter dated March 14, 2005, and attachments. You are wondering whether you can file an enlargement claim on acres leased by you and irrigated by a well located on your property. I also reviewed your note from our telephone conversation on March 23, 2004, where I told you that you can obtain a water right "attached to ground I do not own."

My opinion remains the same. You can obtain a water right on land you lease. A leasehold interest is a valid interest in land, and unless your lease specifically precludes you from owning a water right on the leased land, you can obtain a water right for that ground. Whether or not the water right is transferable will depend on the nature of the water right. In this case, I am not sure whether you would be able to transfer the enlargement water right from the leased land without also transferring the base water right; however, those details would be explored if you ever filed an application to transfer the water right.

I am sending a copy of this letter to Allen Ruberry from IDWR's Eastern Region office since he is the primary agent investigating claims in this basin. He will make the determination on whether or not your enlargement claim is valid (i.e. whether the enlargement took place prior to 1987, whether the base right remains valid, whether or not the water was put to beneficial use). If you have any further questions regarding this matter, please contact me at (208) 287-4810.

Very Truly Yours,

Candice M. McHugh
Deputy Attorney General, IDWR

cc: Allen Ruberry

Lee H. Sutton
1577 East 10000 South
Rexburg, ID 83440

March 9, 2005

Idaho Department of Water Resources

In Reference To Water Right Claim, for Proof of Use of Water pumped on to neighboring lands leased from neighbors Claim #A22-10897 was used for irrigation purposes.

This claim is a claim for irrigation of land for expanded acres in addition to Claim #A22-02242B. The Claim for #A22-02242B for 6.160 C.F.S. is a licensed claim and no claim to C.F.S. is here intended. This statement is to claim consumptive use of water that has irrigated additional land from a well on my property with some land being first watered in 1966 and some land being first watered in 1976.

I will explain as follows:

In 1965, my father drilled a well on property he had just purchased in early 1965. He applied for a permit with a priority date of January 28, 1965, original Water Right #32207/22-2232 and was granted a license on June 6, 1972, for 470 acres of ground with a total of 7.06 C.F.S.

In 1966, he rented ground from Russell Grover and Wesley Grover and Afton Hansen and Covington Brothers LTD and began spreading water from this well to irrigate an additional 289 acres of ground. This ground was leased on a cash lease with the understanding that the landowner would not acquire a water right that would injure or reduce his License or C.F.S. or acquire any right to his well or any water works, sprinkler, or distribution equipment. This ground will be listed later in this statement.

In 1976, Dad rented an additional 83 acres of ground from Afton Hansen located in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3 Township 4 N. Range 40 East. All of this ground has been continuously watered since that time on a cash lease basis with the agreement that the lessee had all rights to water applied to this land.

Idaho Department of Water Resources

Page 2

In 1980, my father, Jesse L. Sutton, died. In 1981 through 1985, my brother Steve J. Sutton and myself (Lee H. Sutton), continued to lease this ground. In 1986, my brother Steve and I split up and I have continued to water this ground listed below spreading the water to irrigate a total of 372 acres of ground that has been filed for consumptive use.

The ground herein described is all located in Madison County, Idaho, and is more described as follows:

Township	Range	Section	¼ of ¼		Use	Acres
04N	40E	1	NW	NW	IRR	35.0
			SW	NW	IRR	40.0
			NW	SW	IRR	27.0
			SW	SW	IRR	1.0
			SECTION ACRES:		103.0	
		2	NE	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	SE	IRR	40.0
			SE	SE	IRR	19.0
			SECTION ACRES:		139.0	
		3	SW	NE	IRR	38.0
			SE	NE	IRR	40.0
			SE	NW	IRR	5.0
			NE	SE	IRR	37.0
			SECTION ACRES:		120.0	
		11	SE	NW	IRR	10.0
			SECTION ACRES:		10.0	
		TOTAL ACRES:				

This Right, when combined with A22-02242B, shall not exceed 6.16 C.F.S. total diversion rate. This Right is an expansion of Right A22-02242B. The lands described in this permit do not belong to the claimant. Present Ownership has changed since the original application was filed on August 25, 1988. Current owners of the above claimed ground will be listed on the following page.

Current owners of the above claimed ground are as follows:

Covington Bros. LLC
% Joyce Covington
221 South 3rd East
Rexburg, ID 83440

Garth Sutton
1295 East 10,000 South
Rexburg, ID 83440

Afton Hansen Family Trust
% Ruth Hansen
725 North 300 West
Richfield, UT 84701

Grover Farms, LTD
% Blair Grover
309 North 4500 East
Rigby, ID 83442

Attached to this document is a copy of an aerial map showing the above mentioned ground.

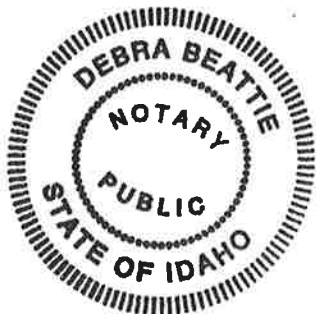
I hereby state that the information contained in this document is true and correct to the best of my knowledge.



Lee H. Sutton
03-11-05

State of Idaho)
 S.S.
County of Madison)

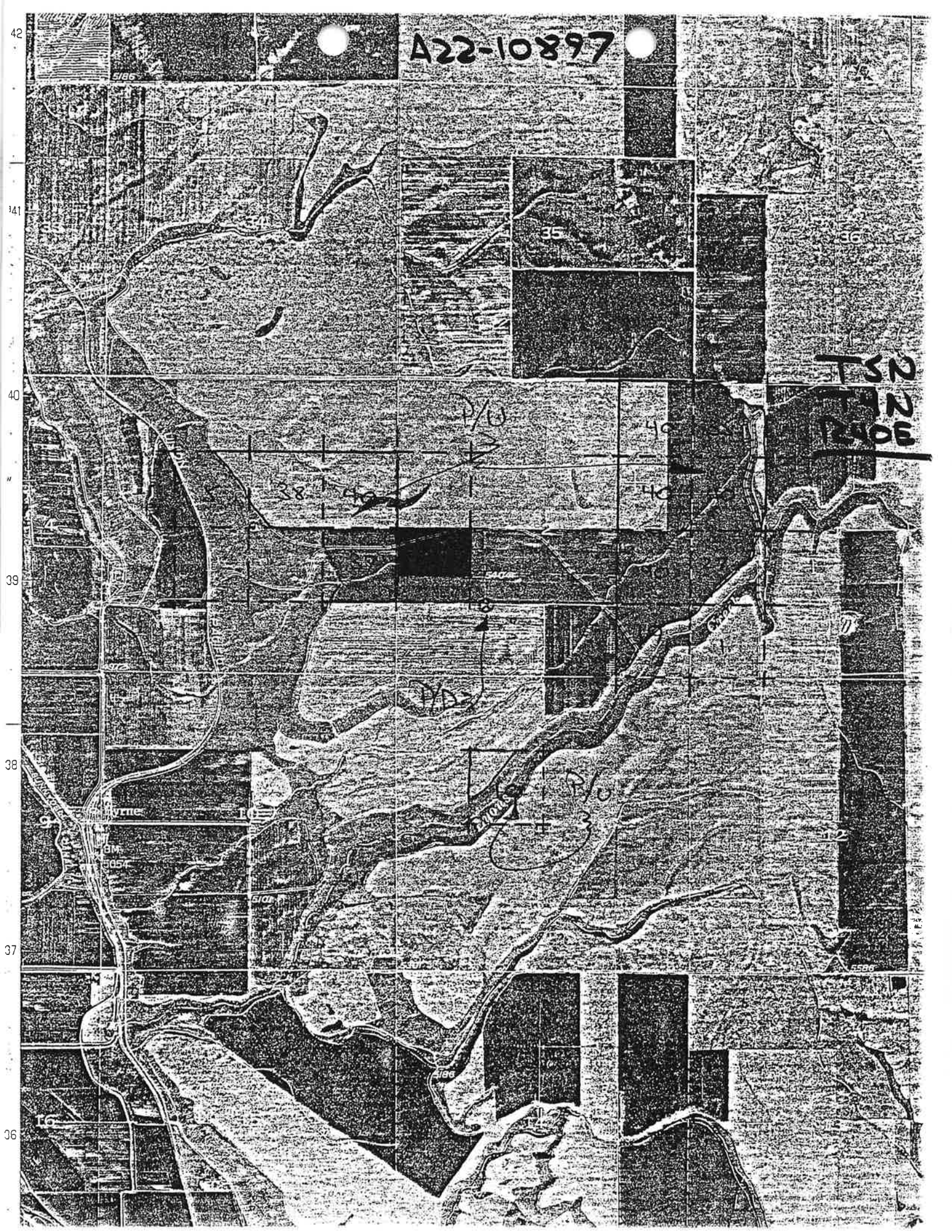
On this 11th day of March, 2005, before me Debra Beattie, a notary public personally appeared Lee H. Sutton, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.





Debra Beattie, Notary Public
My Commission Expires 7-5-2009

A22-10897



To: IDWR.

#1

3-7-05

Dear Sirs

In Reference to Water right Claims for expanded acres
Water right # A22-10897 For Lee H. Sutton, I Garth
Sutton do hereby verify that I have witnessed the sprinkler
irrigation of all properties listed below in 1966 and every year
since. Except for the 83 acres located in the SW NE +
SE NE + SE NW all of which are located in Sec 3 T4N
40 E ^{which was} watered for the first time in 1976 and has been
watered continuously every year since. Garth Sutton

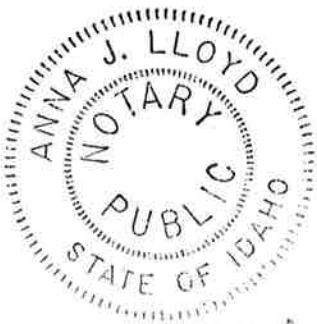
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04N	40E	1	NW	NW		IRR	35.0
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			SW	SW		IRR	1.0
Section Acres							103.0

A22-10897

Page

1

Date: 08/25/88



See Page 2

State of Idaho
County of Madison
I, Anna J. Lloyd, notary
public, certify that
Garth Sutton appeared
before me and signed
this document.

Garth Sutton

1295 E. 10,000 S.

Repub Id 83440

Co. Cy ce
Commission expires: 5/30/2008

2

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	2	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	19.0
						Section Acres	139.0
		3	SW	NE		IRR	38.0
	SE		NE		IRR	40.0	
	SE		NW		IRR	5.0	
	NE		SE		IRR	37.0	
						Section Acres	120.0
		11	SE	NW		IRR	10.0
						Section Acres	10.0
						Total Acres	372.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A22-02242B

14. Remarks:

THIS RIGHT, WHEN COMBINED WITH A22-02242B, SHALL NOT EXCEED 6.16 CFS TOTAL DIVERSION RATE. THIS RIGHT IS AN EXPANSION OF RIGHT A22-02242B THE LANDS DESCRIBED IN THIS PERMIT DO NOT BELONG TO THE CLAIMANT. OWNERSHIP IS AS FOLLOWS:

T4N R40E SEC3 SENE SWNE SENW NESE;
AFTON HANSEN
1206 EAST 10000 SOUTH
REXBURG, ID 83440

T4N R40E SEC1 NWSW SWSW;

T4N R40E SEC11 SENW;

COVINGTON BROS. LTD
1550 ALICE
IDAHO FALLS, ID 83401

T4N R40E SEC2 SESE NESE SENE(29 AC) NENE(28 AC);
RUSSELL GROVER RANCH
7987 SOUTH 400 WEST
REXBURG, ID 83440

T4N R40E SEC1 NWNW SWNW;

T4N R40E SEC2 SENE(11 AC) NENE(28AC);

~~WESLEY GROVER~~
Deceased

Garth Sutton

Garth Sutton - 3-7-05



State of Idaho
Department of Water Administration

Department of Water Administration
Eastern District Office

LICENSE OF WATER RIGHT

License of Water Right No. 32207/22-2242 Priority Jan. 28, 1965 Amount 7.06 cfs

THIS IS TO CERTIFY, that JESSE L. SUTTON
of Thornton, Idaho, has complied with the terms and conditions of Permit
No. 32207/22-2242 issued pursuant to Application for Permit dated January 28, 1965
and has submitted proof to the Department of Water Administration on January 7, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 7.06 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:

Amount 7.06 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 7.06 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp. 4 N, Rge. 40 E, B.M.

In the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,655.5 acre feet per year or _____
3.5 acre feet per acre.

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 $\frac{1}{4}$	
4 N	40 E	2									40	40	40	40		40	40		240
		3														6	39		45
		10	28	8		29													65
		11		15			34	31	30	10									120

Total number of acres irrigated 470

own 250
237

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 6th day of

Claim no. 22 02242A

Claimant Contact Log

Date _____

Remarks

Agent initials

7- 5-05 Called For Approval 356- 3452 work
was out of office left message to call me
back 1.00 pm.

Contacts Data Entry Form

Water Right No. 2202242A

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Randall D Sutton</u>					
Name connector: and	_____, or	_____, and/or				
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

LICENSE CLAIMTHIS CLAIM IS A SPLIT FROM 2202242 WAS
SPLIT TO A + B. SPLIT ATTACHED.FE pod/pouCONVEYANCE/SYSTEM

Reviewer: _____

Date: _____

Water Right No(s). A2210897



GPS DATA:

Tag # A000 9571 Location: on Well Casing

Diversion Data:

Source: Ground Water Trib to: _____

MOTOR

Make: G E. Model: K. Hp: 600 Hp.
SN: 00J 3150 28

PUMP

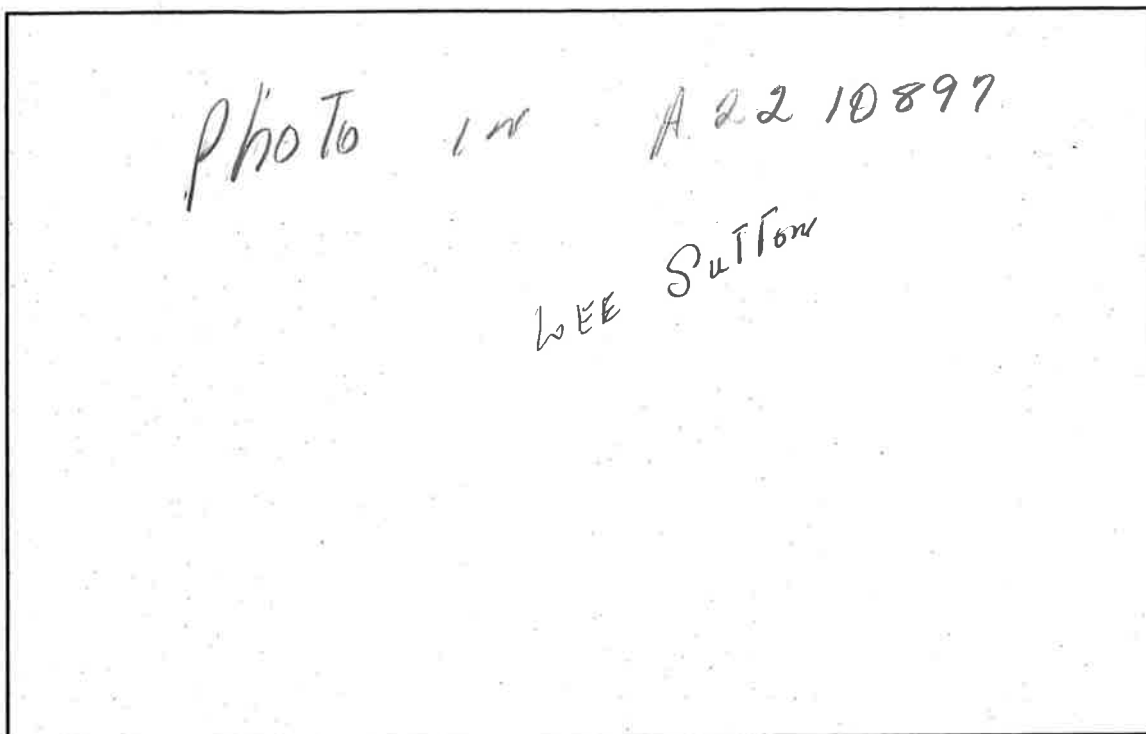
Make: Peerless Pump Model: _____ Disch: 12"
SN: 208425

NOTES:

Has 600 Hp pump with 150 Hp Booster
pump. Comes out of 12" line into 2 10"
main lines. Photo in West direction.

Field Exam Date: 7-8-05 Agent: Nick Olson

Water Right No(s). 2202242A



GPS DATA:

Tag # A0009571 Location: WELL CASING

Diversion Data:

Source: GROUND WATER Trib to: _____

MOTOR

Make: G.E. Model: K Hp: 600 Hp.
SN: 00J315028

PUMP

Make: PEERLESS PUMPS Model: _____ Disch: 12"
SN: 208425

NOTES:

Has 600 Hp pump with 150 Hp BOOSTER pump,
comes out of 12" line into 2 10"
MAIN LINES PHOTO TAKEN IN WEST DIRECTION

Field Exam Date: 7-8-05 Agent: NICK @1504

A 220 2242 A Randall D. Sutton
45" 0.90 CFS priority DATE 28-Jan: 1965
POD SE SW SEC 2 T4N. R. 40E. 60 AC.

A 220 2242 JESSE L. Sutton
353" (7.06 CFS) NO MORE THAN
11,655.5 AF. 3.5 per
AC. POD SE 1/4 SW 1/4 SEC. 2
T4N R. 40E.
470 AC. priority DATE 28 Jan 1965

LEE H. SUTTON, JESSE L. SUTTON Estate, KENT V. SUTTON, Richard
Thomas. SUTTON

A 220 2242 B
308" (6.16 CFS) priority DATE 28 JAN 1965
410 AC. POD SE SW SEC 2 T4N R 40E.

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32207/22-2242 Priority Jan. 28, 1965 Amount 7.06 cfs

THIS IS TO CERTIFY, that JESSE L. SUTTON
of Thornton, Idaho, has complied with the terms and conditions of Permit
No. 32207/22-2242 issued pursuant to Application for Permit dated January 28, 1965
and has submitted proof to the Department of Water Administration on January 7, 1970
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 7.06 cfs, and that the water has in fact been applied to
beneficial use; a right to the use of water from a ground water source

tributary of _____, is hereby confirmed in the following amounts:
Amount 7.06 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 7.06 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, Twp. 4 N, Rge. 40 E, B.M.

in the county of Madison; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,655.5 acre feet per year or
3.5 acre feet per acre.

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 $\frac{1}{4}$	
4N	40E	2									40	40	40	40		40	40		240
		3															6	39	45
		10	28	8		29													65
		11		15			34	31	30	10									120

Total number of acres irrigated 470

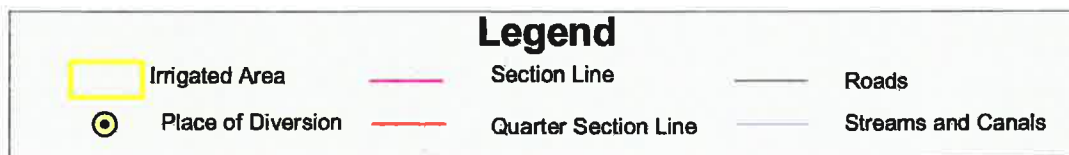
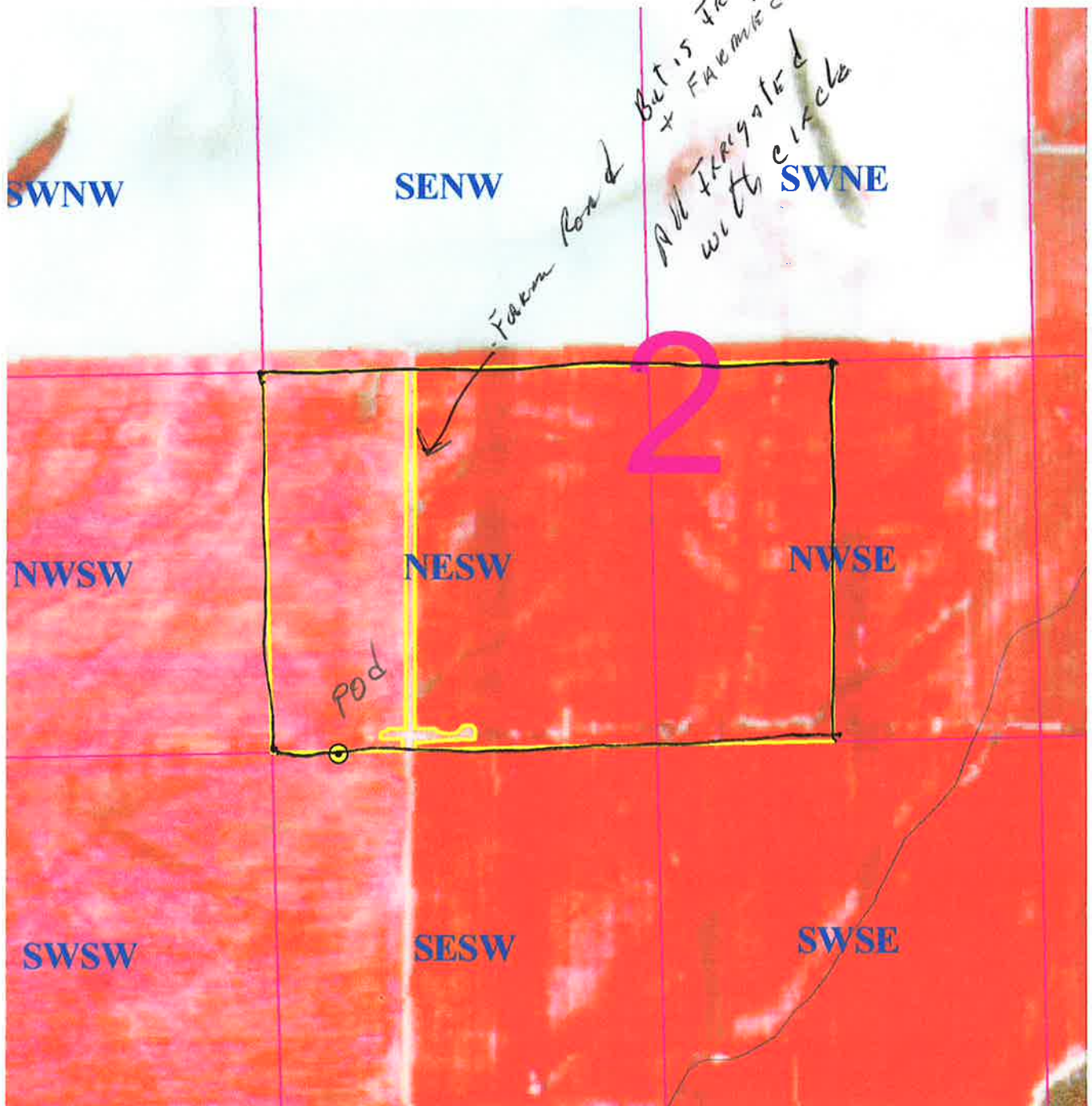
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 6th day of
June, 19 72

[Signature]

Water Right Claim Number 22-02242A
Township , 4N40E

06/28/2001



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: A22-02242A
Date Received: 8/03/1988
Receipt No: M000753
Received By: AWJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RANDALL D. SUTTON 208-356-3409
Address: 1628 W. 8200 S.
REXBURG, ID 83440

2. Date of Priority: JAN 28, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	2		SE	SW		MADISON

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.900		

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

8. Total consumptive use is 150.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	2	NE	SW		IRR	40.0
			NW	SE		IRR	20.0
						Section Acres	60.0

A22-02242A

Page 1

Date: 08/03/88

A2202242A



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10. Place of Use: Continued

Total Acres 60.0

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: 222242

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39356

Ident. Number

A22-02242 A

Date Received

8-03-88

Receipt Number

M 000 753

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) RANDALL D. SUTTON Phone (208) 356-3409Mailing Address 1628 W 8200 S REXBURG, ID Zip 834402. Date of Priority (Only one (1) per claim) 1965 JAN 28.3. Source of water supply (a) GROUNDWATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 4N Range 40 E Section 2,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of MADISON

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.12" WELL 732' DEEP 500 HP PUMP RELATED MAINLINGS & IRRIGATION
PIPE

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Copies: White-State, Yellow-Claimant

OCT 29 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 11-1 amount 0.90 ^{AD8} ~~7.06~~ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.90 ^{AD8} ~~7.06~~ (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 150 ^{AD8} ~~1,155.5~~ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	40E	2									40					20			60

Total number of acres irrigated 60

11. In which county (ies) are lands listed above as place of use located? MADISON

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (☒)

14. Remarks:

Last Name _____ Ident No. _____

Copies: White - State, Yellow - Claimant

OCT 29 1992

Scale: 2 inches equals 1 mile

R 40 E

3

17

points	of
Differences	to w

T	w	i	t
L	/	N	

10

11

Ident No.

Copies: White-State, Yellow-Claimant.

MICROFILMED

Yellow-Claimant
OCT 29 1954

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 32207/22-2242

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) *Randall M. Schwendeman* Date 8-3-88

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of MADISON) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of AUGUST 19 88

SEAL

Notary Public *Randall M. Schwendeman*

Residing at REXBURG, ID

My Commission Expires SEPT 3, 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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Copies White-State, Yellow-Claimant
OCT 29 1988