

12/21/2005

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

RIGHT NUMBER: 22-2242B
NAME AND ADDRESS: ESTATE OF JESSE L SUTTON
9471 S 600 E
REXBURG ID 83440

KENT V SUTTON
9471 S 600 E
REXBURG ID 83440

RICHARD THOMAS SUTTON
7586 W PORTNEUF RD
POCATELLO ID 83204

LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.160 CFS
1,435.00 AFY

The rights listed below are limited to a total combined diversion rate of 6.16 cfs and to a total combined annual diversion volume of 2723 AF. Combined Right Nos.: 22-2242B and 22-10897.

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	6.160 CFS 1,435.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T04N R40E S01 Lot 4 NWNW	35.00	T04N R40E S01	SWNW	40.00
T04N R40E S01 NWSW	28.00	T04N R40E S01	SWSW	1.00
T04N R40E S02 Lot 1 NENE	40.00	T04N R40E S02	SENE	40.00
T04N R40E S02 NWSW	40.00	T04N R40E S02	SWSW	40.00
T04N R40E S02 SESW	40.00	T04N R40E S02	NESE	40.00
T04N R40E S02 NWSE	20.00	T04N R40E S02	SWSE	40.00
T04N R40E S02 SESE	20.00	T04N R40E S03	SWNE	37.00
T04N R40E S03 SENE	38.00	T04N R40E S03	SENW	5.10
T04N R40E S03 NESE	35.00	T04N R40E S03	SWSE	4.60
T04N R40E S03 SESE	39.00	T04N R40E S10	NENE	31.00
T04N R40E S10 NWNE	7.30	T04N R40E S10	SWNE	1.00
T04N R40E S10 SENE	32.00	T04N R40E S11	NWNE	15.00
T04N R40E S11 NENW	37.00	T04N R40E S11	NWNW	35.00
T04N R40E S11 SWNW	28.00	T04N R40E S11	SENW	9.00

778 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 778 acres in a single irrigation season. Combined Right Nos.: 22-2242B and 22-10897.

This right is limited to the irrigation of 410 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.

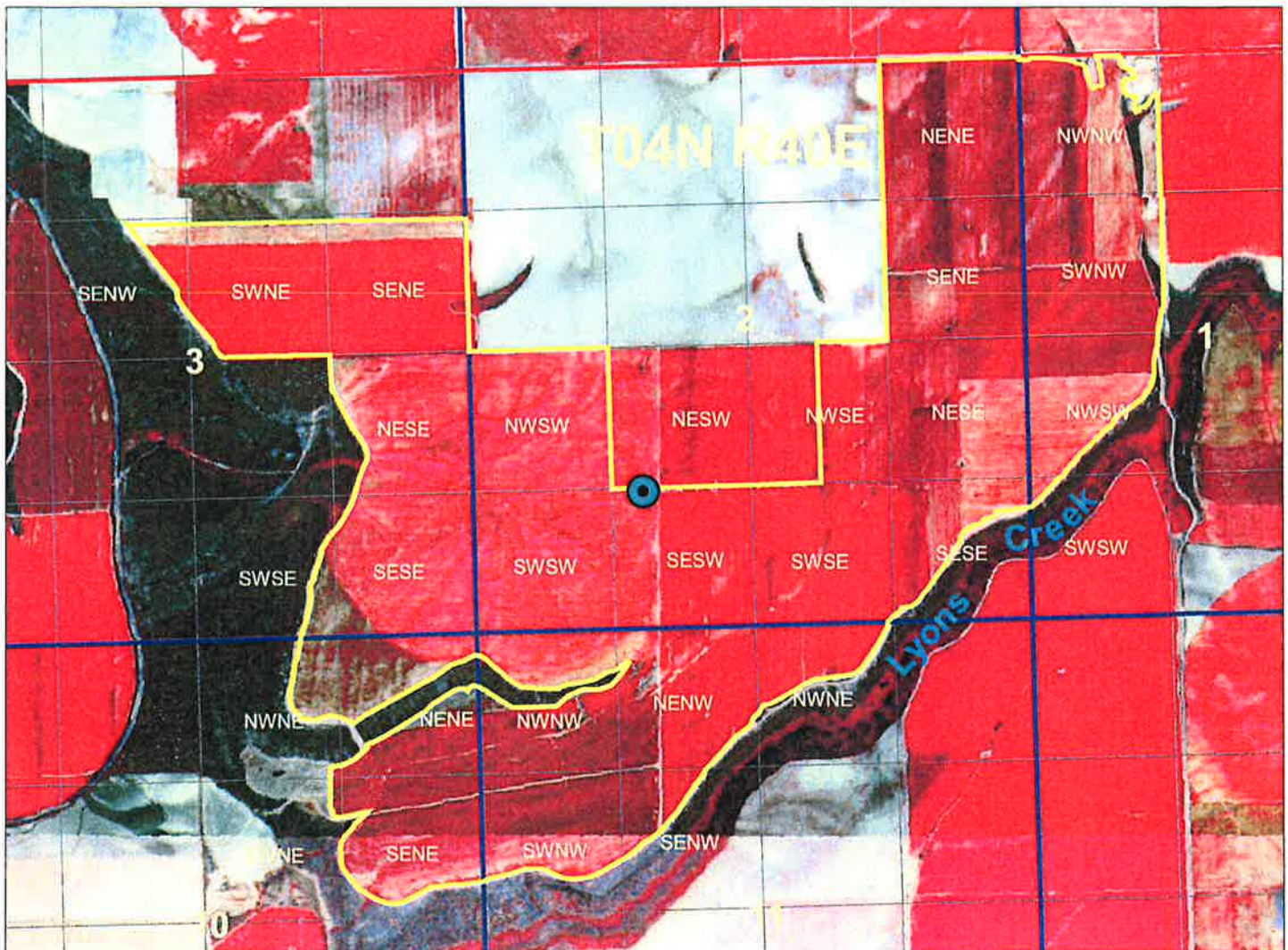
Right Nos. 22-2242A, 22-2242B, and 22-10897 are also diverted through point of diversion described above.

Right No. 22-10897 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Department of Water Resources Eastern Region

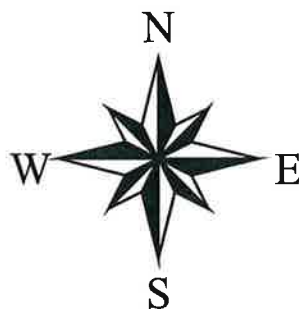


Claim No.: 22-2242B & 22-10897



0 0.25 0.5 0.75 1 Miles

- 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

RECEIVE

OCT 05 2006

DEPARTMENT OF
WATER RESOURCES

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: 22-2242B

ESTATE OF JESSE L SUTTON

9471 S 600 E

REXBURG ID 83440

Telephone Number: (208)356-6392

KENT V SUTTON

9471 S 600 E

REXBURG ID 83440

Telephone Number: (208)356-6256

RICHARD THOMAS SUTTON

7586 W PORTNEUF RD

POCATELLO ID 83204

Telephone Number: (208)232-3227

LEE H SUTTON

1577 E 10000 S

REXBURG ID 83440

Telephone Number: (208)356-6392

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: 10-3-06 SIGNATURE: Lee H. Sutton

Please print your name: Lee H. Sutton

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

Kato
10/06

Contacts Data Entry Form

Water Right No. 2202242 B

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Lisa H. Sutton, JESSIE L. Sutton ESTATE, KENT V. Sutton, Richard Thomas 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:

LICKFIRE

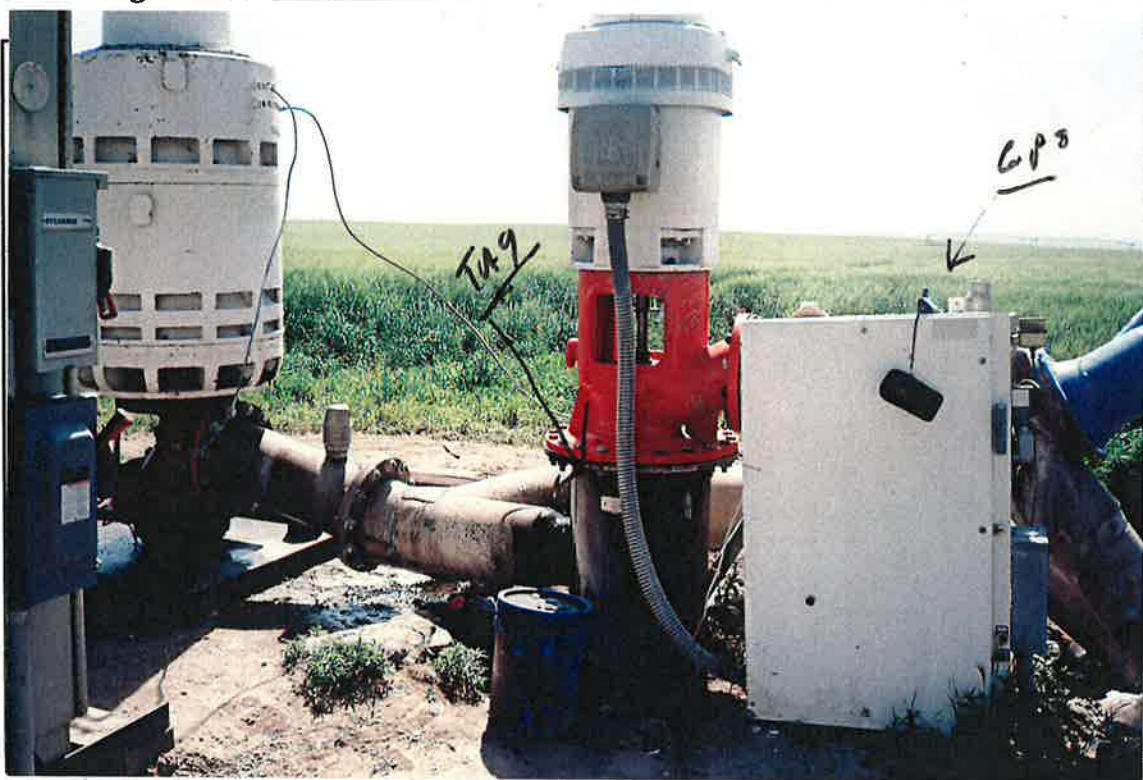
License Claim Spitt From 2202242 To A + B
Also Other Water Rights used 22-10897

FE pod/pou conveyance/ 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

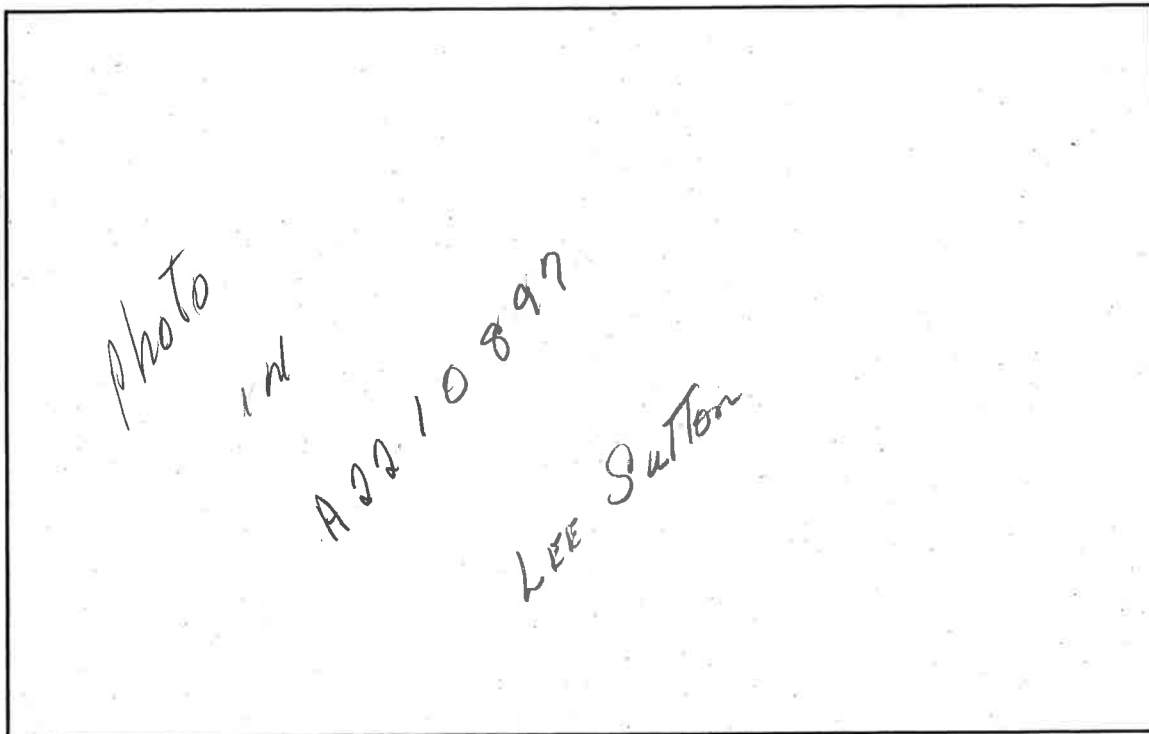
Make: PEERLESS Pumps Model: _____ Disch: 12"
SN: 208425

NOTES:

HAS 600 Hp pump WITH 150 Hp BOOSTER
PUMP. COMES OUT OF 12" LINE INTO 210"
MAIN LINES. PHOTO IN WEST DIRECTION.

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

Water Right No(s). _____



GPS DATA:

Tag # A0009571 Location: Well CASEING

Diversion Data:

Source: Ground water Trib to: _____

MOTOR

Make: GENERAL ELECTRIC Model: K Hp: 600
SN: 007315028

PUMP

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

NOTES:

Has 600 Hp pump with 150 Hp booster pump
Come out of well into 12" line split into 2 10"
primary lines photo taken in west direction

Field Exam Date: 7. 8. 05 Agent: Mich Olson

A2202242A Randall P. 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 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

A2202242B
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 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 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	TOTAL
4N	40E	2													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

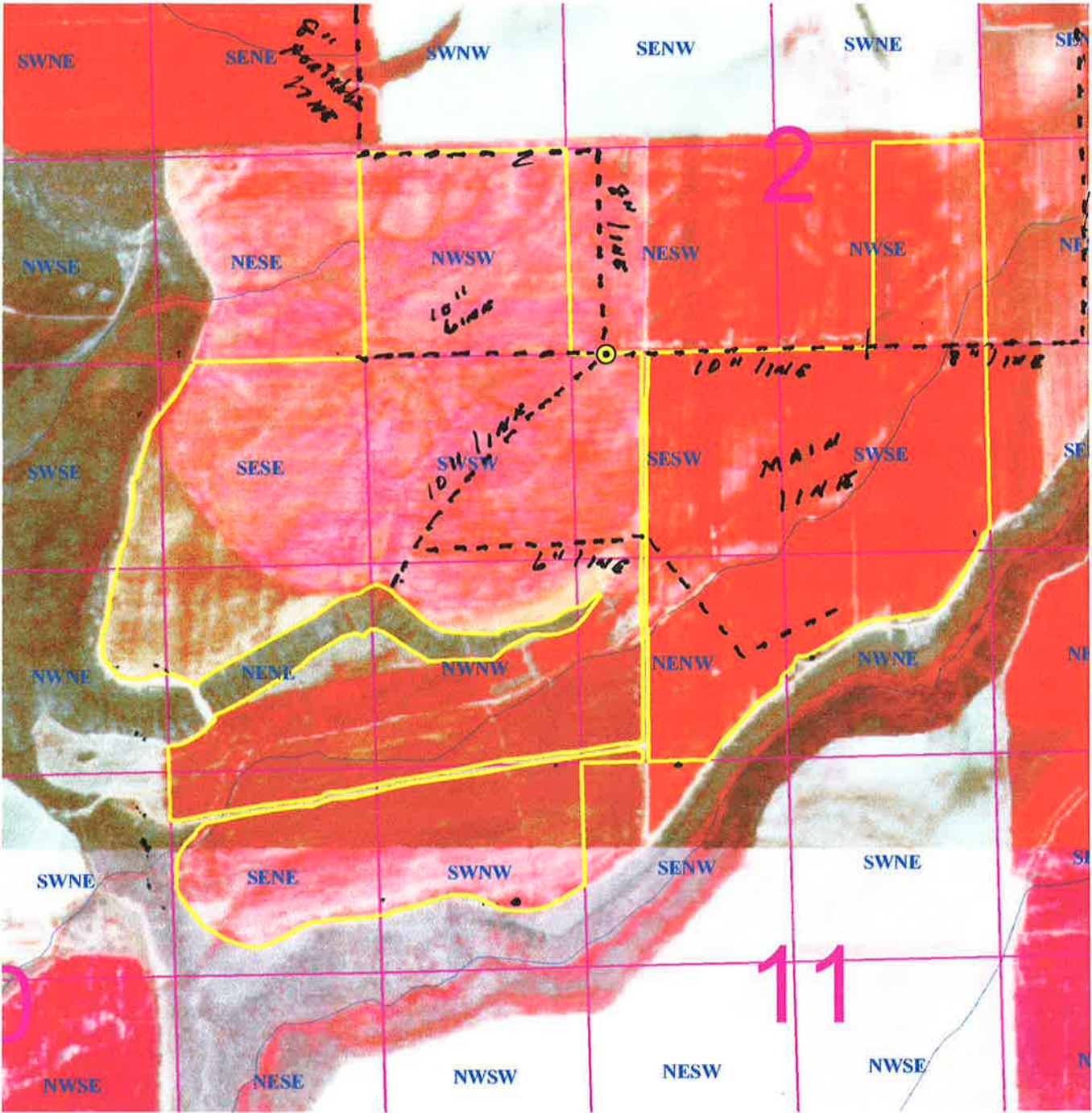
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

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

June 19 72

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

06/28/2001



 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

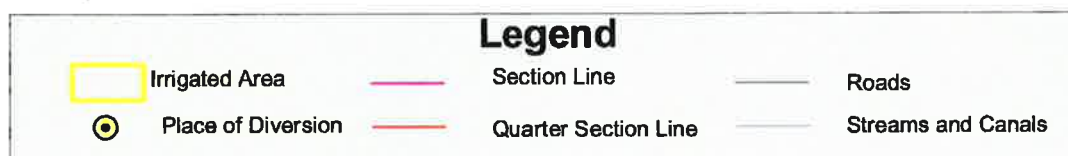
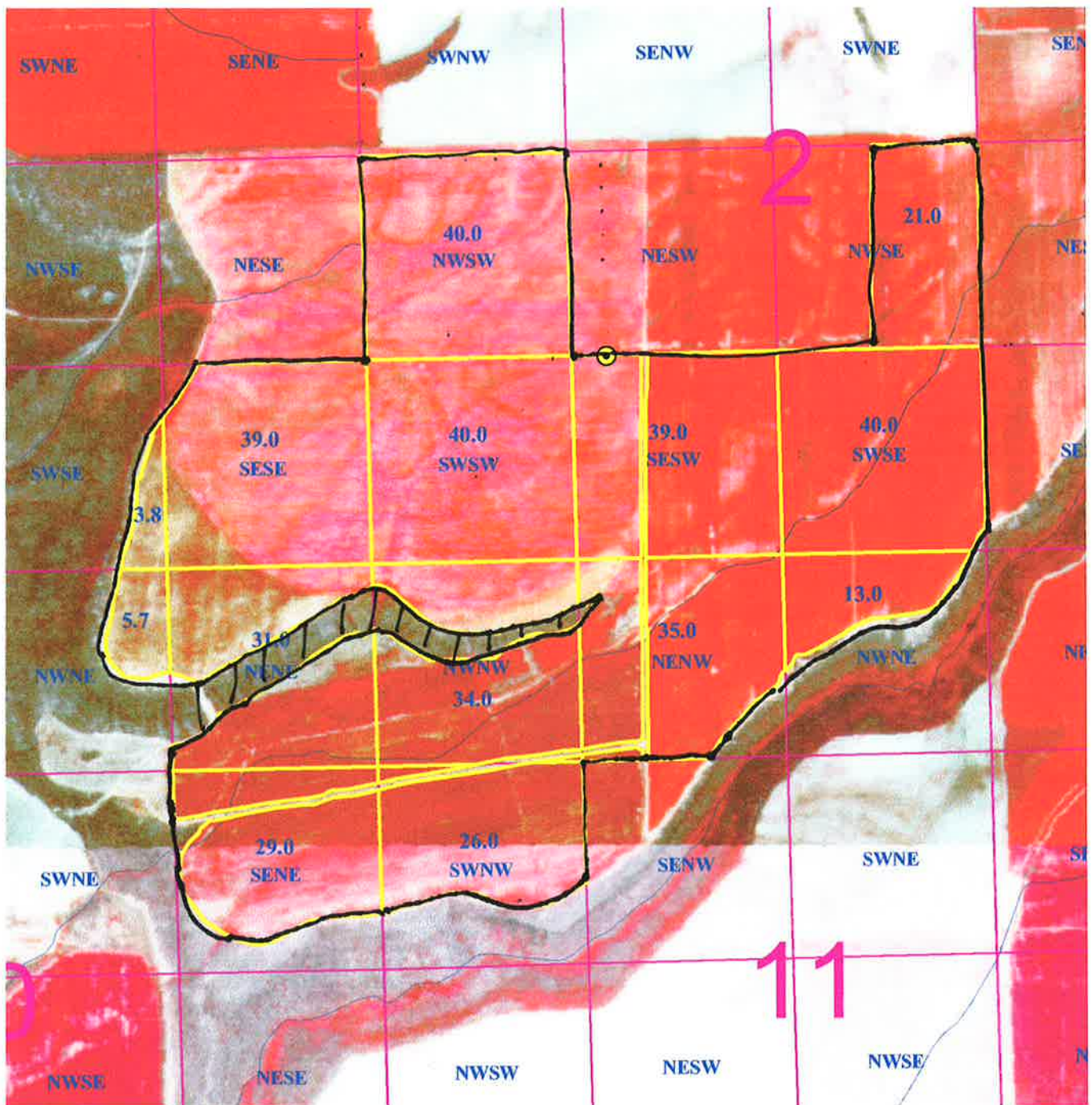
 Streams and Canals

Legend



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

06/28/2001



SPATIAL
DYNAMICS

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: A22-02242B
Date Received: 8/17/1988
Receipt No: E001351
Received By: DRN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEE H. SUTTON 208-356-6392
Address: 1577 EAST 10000 SOUTH 83440
REXBURG, ID
OR
Name: ESTATE OF JESSE L. SUTTON 208-356-6392
Address: 1577 EAST 10000 SOUTH 83440
REXBURG, ID
OR
Name: KENT V. SUTTON 208-356-6256
Address: 733 WEST 8200 SOUTH 83440
REXBURG, ID
OR
Name: RICHARD THOMAS SUTTON 208-232-7529
Address: 7585 WEST PORTNEUF RD. 83204
POCATELLO, ID

A2202242B



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, PUMP AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.160		

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

A22-02242B

Page 1

Date: 08/17/88

MICROFILMED

OCT 29 1992

8. Total consumptive use is 820.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	2	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	20.0
			SW	SE		IRR	40.0
						Section Acres	180.0
		3	SW	SE		IRR	5.0
			SE	SE		IRR	39.0
						Section Acres	44.0
		10	NE	NE		IRR	31.0
			NW	NE		IRR	6.0
			SE	NE		IRR	34.0
						Section Acres	71.0
		11	NW	NE		IRR	15.0
			NE	NW		IRR	38.0
			NW	NW		IRR	32.0
			SW	NW		IRR	30.0
						Section Acres	115.0
						Total Acres	410.0

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:
A22-10897

14. Remarks:

THIS RIGHT WHEN COMBINED WITH A22-10897 SHALL NOT EXCEED 6.16 CFS TOTAL DIVERSION RATE. THE ORIGINAL RIGHT 22-02242 WAS SPLIT INTO TWO SECTIONS; AN 'A' AND A 'B'. 22-02242 WAS LICENSED FOR 7.06 CFS. A22-02242A HAS CLAIMED 0.9 CFS FOR USE ON 60 ACRES IN T4N R40E SEC2 SENW AND SWNE.

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: 1

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): Lee H. Sutton Date: 8-17-88

Date: _____

State of Idaho)
County of Bonnerville) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of August 19 88

Dana Green
Notary Public

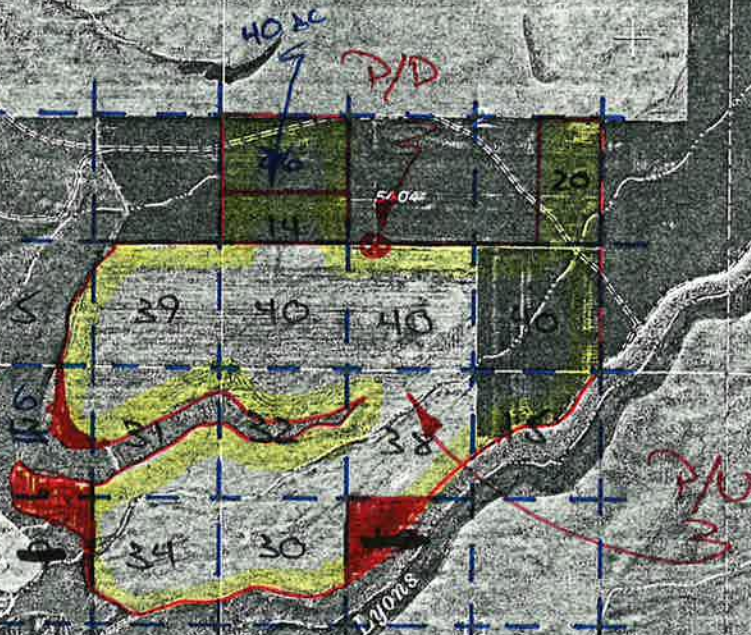
Seal

Residing at Ridgely

My Commission Expires 4-22-1994

A22-022478

TSN
T4N
R40E



RECEIVED
OCT 29 1992