

09/16/2005

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

RIGHT NUMBER: 22-4012A
NAME AND ADDRESS: BRENT RICKS
13289 E HWY 33
NEWDALE ID 83436

SUE RICKS
13289 E HWY 33
NEWDALE ID 83436

SOURCE: SOUTH TETON RIVER TRIBUTARY: HENRYS FORK
QUANTITY: 2.880 CFS
302.400 AFY

The rights listed below are limited to a total combined diversion rate of 4.34 cfs and to a total combined annual diversion volume of 515.9 AF. Combined Right Nos.: 22-4012A, 22-4012B, 22-7288.

PRIORITY DATE: 04/01/1955

POINT OF DIVERSION:

T06N R40E S11 NENENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.880 CFS 302.40 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T06N R40E S11	NENE	12.0	T06N R40E S11	NWNE	37.0
T06N R40E S11	SWNE	35.0	T06N R40E S11	NENW	36.0
T06N R40E S11	NWNW	30.0	T06N R40E S11	SWNW	35.0
T06N R40E S11	SENE	40.0			
225 ACRES TOTAL					

This right is limited to the irrigation of 144.0 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 225.0 acres in a single irrigation season. Combined Right Nos.: 22-4012A, 22-4012B, and 22-7288.

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

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

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

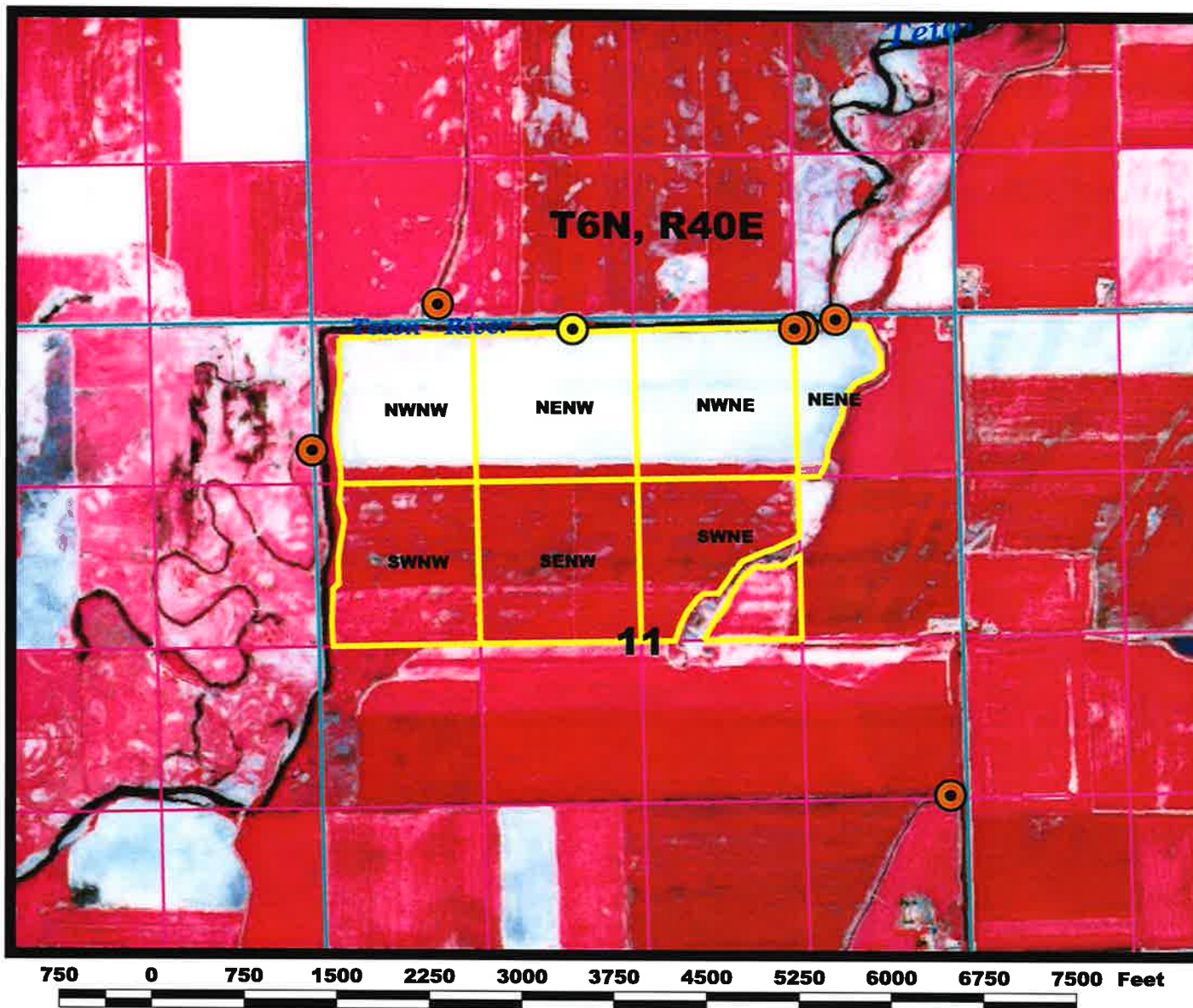
Right Nos. 22-4012A, 22-4012B, 22-7288 are also diverted through point of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-4012A,
22-4012B,
22-07288

Point(s) of Diversion:
T6N, R40E
Sec. 11 NENENW

Place of Use: (parts of)
T6N, R40E
Sec. 11 NW, W2NE, NENE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

09/16/2005

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: 22-4012A

BRENT RICKS
13289 E HWY 33
NEWDALE ID 83436
Telephone Number: (208) 458-4969

SUE RICKS
13289 E HWY 33
NEWDALE ID 83436
Telephone Number: (208) 458-4969

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: 10-12-06

SIGNATURE:

R. Brent Ricks

Please print your name:

R. Brent Ricks

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

RECEIVED
OCT 25 2006
Department of Water Resources
Eastern Region

KMB
10/25

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-4012A

WATER RIGHT NUMBER: 22-4012A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ROBERT R RICKS 3891 E 3000 N SUGAR CITY, ID 83448 (208)356-3075

Priority Date: 04/01/1955

Basis: Decreed

Status: Active

Sos Attached Documents

<u>Source</u>	<u>Tributary</u>
SOUTH TETON RIVER	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01 <i>or</i>	2.880 CFS <i>or</i>	302.40 AF <i>or</i>
	<u>Total Diversion:</u>	2.880 CFS	302.40 AF

Location of Point(s) of Diversion

SOUTH TETON RIVER

NE1/4NE1/4

Sec. 11, Twp 06N, Rge 40E, B.M.

MADISON County

*NENW**C#3*Place of UseIRRIGATION Within MADISON County

T06N R40E S11	NENE	12.0	T06N R40E S11	NWNE	32.0
T06N R40E S11	SWNE	30.0	T06N R40E S11	NENW	36.0
T06N R40E S11	SENE	34.0			
Total Acres: 144					

*144 ac w/ Poll Chandra
or 221 ac
Also 22-4012B
AND 22-7288*

Conditions of Approval:Remarks:Comments:

Combined Use limits of AC/Q w/ 7288 AND 4012B

RECEIVED
SEP 10 1988

Case No. 1-2249
Filed SEP 4 1988
at 2:30 P.M.
NELLIS H. GARNER
Clerk of the District Court
By M. L. Bell
Deputy

Department of Water Resources

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

ROBERT R. RICKS
Plaintiff,

vs.

RONALD D. CARLSON, Watermaster
of Water District No. 01 of the
State of Idaho, and ALL UNKNOWN
CLAIMANTS OF 12 cfs OF THE
TETON RIVER, TRIBUTARY TO THE
SNAKE RIVER, DIVERTED FROM SAID
RIVER IN THE NE1/2NE1/4 OF
SECTION 11, TOWNSHIP 6 NORTH
RANGE 40 EAST, BOISE MERIDIAN,
IN MADISON COUNTY, IDAHO,
Defendants.

Case No. 1-2249

DECREE

(22-B-1)

BOOK 210 PAGE 4843

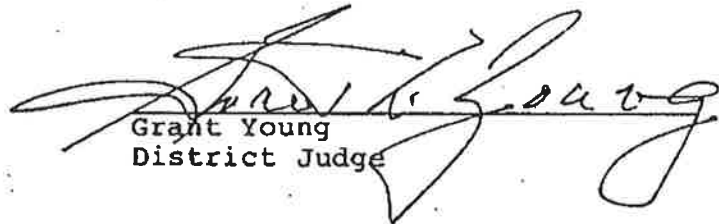
A Report in the Nature of Proposed Findings of Water Rights
(hereinafter the report) was filed with this Court by the
Director of the Idaho Department of Water Resources on June 30,
1986. The report contains findings of fact, conclusions of law,
and recommendations to the court as to the rights of Robert R.
Ricks to the use of water from the South Teton River within

Madison County. The report is hereby incorporated in this decree by this reference.

IDAHO CODE § 42-1405 (3)(f) and 42-1411(4)(f) (Supp. 1986) provide for a period of 60 days from the filing of the report in which objections to the report may be filed. The objection period ended August 29, 1986, and no objections to the report were filed.

The findings of fact and conclusions of law set forth in the report are hereby adopted, and the recommendations to the court set forth in the report are hereby decreed.

DATED this 4th day of September 1986.


Grant Young
District Judge

A. Lynn Krogh-Hampe - Idaho Dept. of Water Resources, Statehouse, Boise, ID 83720
Ray Rigby - Attorney at Law, P. O. Box 250, Rexburg, ID 83440
Mary Smith - SMITH & HANCOCK; P. O. Box 427, Rexburg, ID 83440

CERTIFICATE
I HEREBY CERTIFY THE
FOREGOING INSTRUMENT
TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL ON
FILE IN MY OFFICE.

DATED Sept 8, 1986
NELLIS H. GARNER

Madison County Clerk, Auditor
and Recorder, Clerk of the
District Court

BY M. L. Bell
Deputy

I Hereby Certify that a true
and accurate copy of the
foregoing was mailed

Clerk of the District Court
by Mary Ann Bell Deputy
Date SEP 4 1986

22-4012A

22-4012B

April 1, 1955, April 1, 1962 and January 1, 1979.

10. The place of use of plaintiff's right to the use of waters of the South Teton River was 144 acres in Section 11, T. 6 N., R. 40 E., B.M. through 1962. On and after 1962, the place of use was expanded to 174 acres, and on and after 1977, it was expanded to 224 acres, all in Section 11.

11. The measure of plaintiff's right to the use of South Teton River waters is determined by the maximum amount of beneficial use. A flow of 2.88 cfs provides sufficient waters for the irrigation of 144 acres having an April 1, 1955 priority, 0.60 cfs provides sufficient waters for the irrigation of 30 acres having an April 1, 1962 priority, and 1 cfs provides sufficient waters for the irrigation of 50 acres having a January 1, 1979 priority. The maximum annual volume of consumptive use is 302.4 af for 144 acres having an April 1, 1955 priority, 63 af for 30 acres having an April 1, 1962 priority, and 105 af for fifty acres having a January 1, 1979 priority.

12. The nature of the use is for irrigation.

13. The period of use for irrigation is from April 1st of each year to November 1st of each year.

14. The point of diversion for the water right having a 1979 priority is the NE 1/4 NW 1/4 of Sec. 11, T. 6 N., R. 40 E., B.M. The point of diversion for the water rights having 1955 and 1962 priorities is in the NE 1/4 NE 1/4 of the same section; the point of diversion for these rights may be changed by filing an appli-

cation for change in point of diversion with the Department in accordance with Idaho Code § 42-222 (Supp. 1985).

15. This action is supplemental to the Rexburg decree (see Finding of Fact No. 34) and the decree and findings of fact and conclusions of law upon which it is based are binding upon the plaintiff.

16. The plaintiff has installed adequate measuring devices but has not installed adequate devices for controlling the flow of water.

17. Matter herein expressed as a conclusion of law which is later deemed to be a finding of fact is hereby made a finding of fact.

RECOMMENDATIONS TO THE COURT

Based on the foregoing findings of fact and conclusions of law, the Director makes the following recommendations to the Court:

22-4012A 1. The plaintiff's right to the use of the waters of the South Teton River with an April 1, 1955 priority shall be described as follows:

- a. source: South Teton River, tributary to Snake River
- b. date of priority: April 1, 1955
- c. rate of diversion: 2.88 cfs
- d. nature of use: Irrigation
- e. point of diversion: NE1/4 NE14 of Section 11,

SW1/4 NE1/4 (30 acres)

NE1/4 NE1/4 (12 acres)

All in section 11, T. 6 N., R. 40

E., B.M. (144 acres total)

- see attached sheet. Fw

- g. period of use: April 1 to November 1 of each year
- h. maximum annual volume of consumptive use: 302.4 af
- i. basis of right: Beneficial use

22-4012B².

The plaintiff's right to the use of the waters of the South Teton River with an April 1, 1962 priority shall be as follows:

- a. source: South Teton River tributary to Snake River
- b. date of priority: April 1, 1962
- c. rate of diversion: 0.60 cfs
- d. nature of use: Irrigation
- e. point of diversion: NE1/4 NE1/4 of Section 11, T. 6 N., R., 40 E., B.M.
- f. place of use: NW1/4 NW1/4 (14 acres)
SW1/4 NW1/4 (16 acres)
All in Sec. 11, T. 6 N. R., 40 E., B.M. (30 acres total)
- g. period of use: April 1 to November 1 of each year
- h. maximum annual volume of consumptive use: 63 af
- i. basis of right: Beneficial use

3. The plaintiff's right to the use of the waters of the South Teton River with a May 1, 1979 priority shall be as

to 15 feet in height. On the top lip of the bluff is the Woodmansee-Johnson Canal. Plaintiff's land to the east of the canal, comprising 21.4 acres in the NE 1/4 NE 1/4 Sec. 11, T. 6 N., R. 40 E., B.M., cannot be irrigated from the river using plaintiff's present irrigating system, nor could it have been irrigated by the previously existing system of ditches described in plaintiff's complaint.

28. Plaintiff utilizes 6.7 acres of land in the SW 1/4 NE 1/4, Sec. 11, T. 6 N. R. 40 E., B.M. for a home site and corrals. This land has not been irrigated from the river.

29. Waste land, bluff, canal, new river channel, dike, field roads, etc., constitute another 27.9 acres which are not irrigated from the river.

30. The remainder of plaintiff's land, a total of 224 acres, is capable of being irrigated from the claimed source. From this total, 144 acres were irrigated on or after April 1, 1955, including 36 acres in the NE 1/4 NW 1/4, 34 acres in the SE 1/4 NW 1/4, 32 acres in the NW 1/4 NE 1/4, 30 acres in the SW 1/4 NE 1/4, and 12 acres in the NE 1/4 NE 1/4, all in Sec. 11, T. 6 N., R. 40 E., B.M. An additional 30 acres were irrigated on or after April 1, 1962, including 14 acres in the NW 1/4 NW 1/4 and 16 acres in the SW 1/4 NW 1/4, all in Sec. 11, T. 6 N., R 40 E., B.M. An additional 50 acres were irrigated on or after April 1, 1977, including 22 acres in the NW 1/4 NW 1/4, 21 acres in the SW 1/4 NW 1/4, 1 acre in the NE 1/4 NW 1/4, 4 acres in the SE 1/4 NW 1/4, and 2 acres in the NW 1/4 NE 1/4 all in Sec. 11, T. 6 N., R.

Water Right No(s). A22-4012A + A22-4012B

See Attached Photos

GPS data - 2684013
1410079

GPS File - 224012

GPS DATA: - existing

Tag # A0000153 Location: on Power Pole

Diversion Data:

Source: Teton River Trib to: Henry's Fork

MOTOR

Make: U.S. Electrical Model: _____ Hp: 50
SN: ID 6331/401261R113R-3

PUMP

Make: Aurora Model: _____ Disch: _____
SN: N.A.

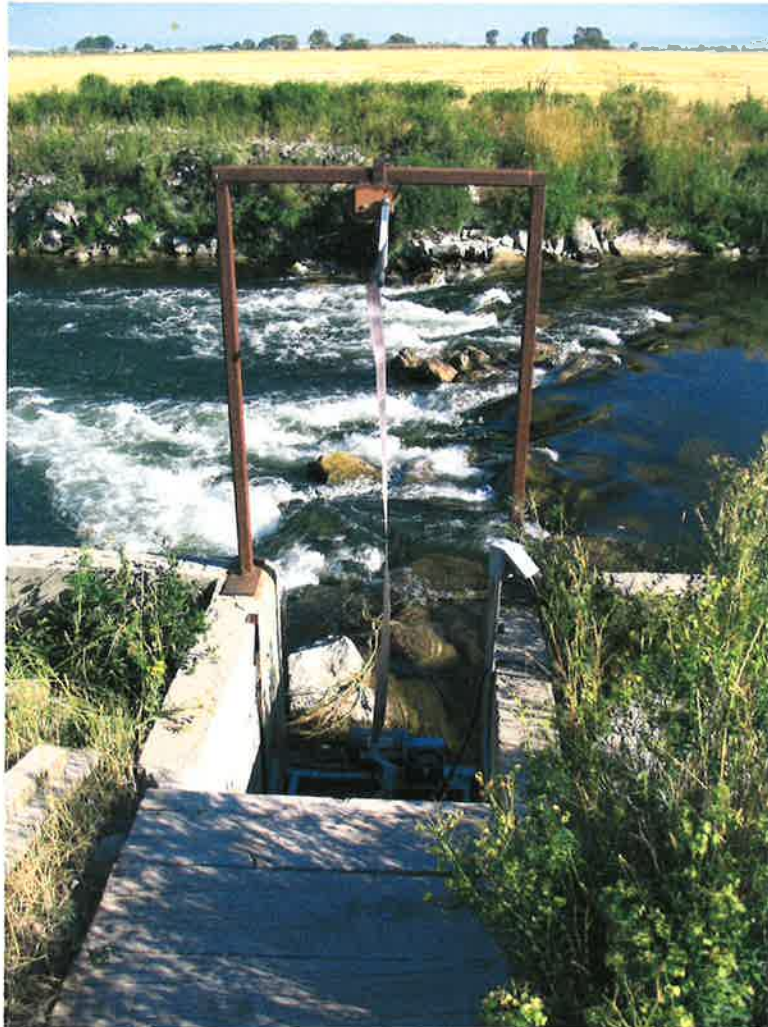
NOTES:

Pump in sump off River to Pivots. P.O.U + Claimant
address verified by claimant Brent Ricks. Claims say
Basis is a Dever. NOT w/A Stat. #
Brent's cell phone is 317-6541

Field Exam Date: 8-26-05 Agent: Huffman



A22-4012A + A22-4012B, Looking South



A22-4012A + A22-4012B, Headgate
to sump + pump, Looking North

T06N R40E Sec2

NWNW

NENW

NWNE

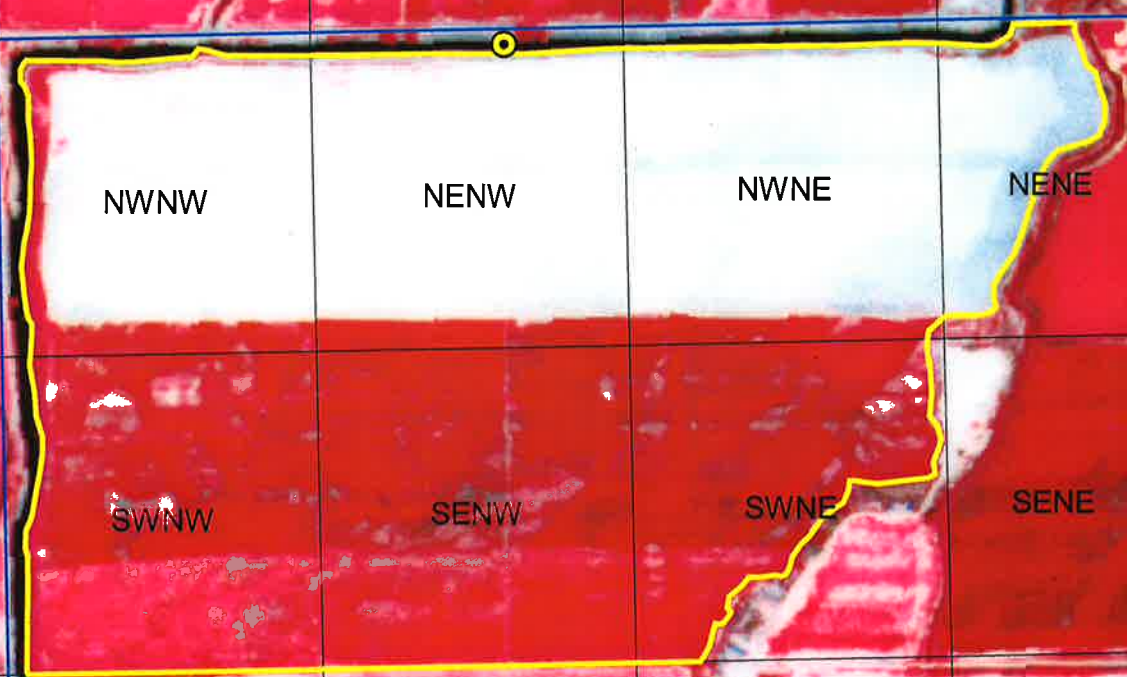
NENE

SWNW

SENW

SWNE

SENE



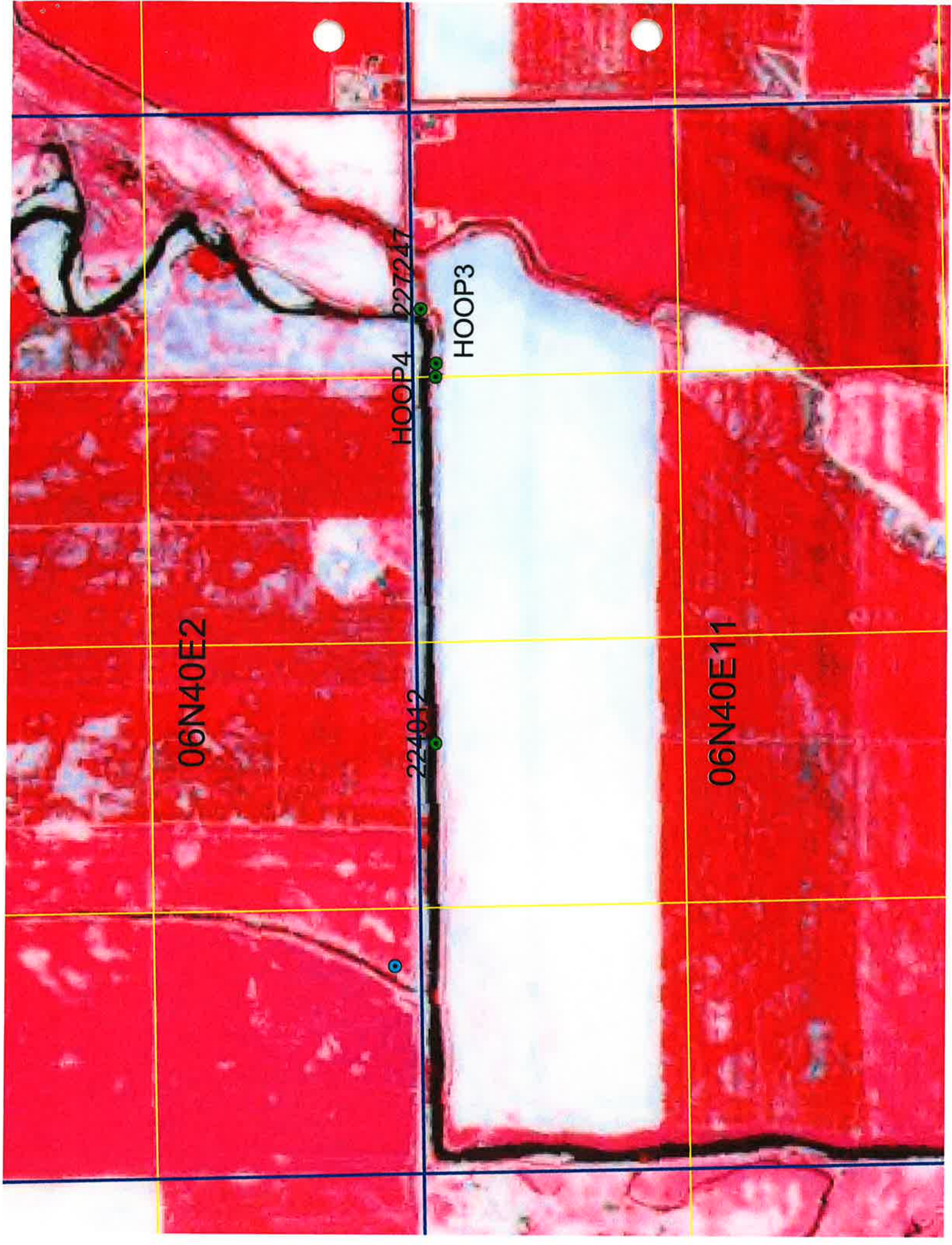
06N40E2

HOOP4 227247

HOOP3

224012

06N40E11



50⁰⁰

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 22-4012A
Date Received: 5/4/2005
Receipt No: E030862
Received By: JC

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

1. Name of Claimant(s)

BRENT RICKS Phone: (208) 458-4969
13289 E HWY 33
NEWDALE ID USA 83436

SUE RICKS Phone: (208) 458-4969
13289 E HWY 33
NEWDALE ID USA 83436

RECEIVED

MAY 09 2005

Department of Water Resources
Eastern Region

2. Date of Priority: 04/01/1955

3. Source: SOUTH TETON RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	40E	11	NE NW	MADISON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.88	302.4

7. Total Quantity Appropriated is:
2.88 C.F.S. and/or 302.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	40E	11	NE	NE	IRRIGATION	12
			NW	NE	IRRIGATION	37
			SW	NE	IRRIGATION	26
			NE	NW	IRRIGATION	37
			NW	NW	IRRIGATION	33
			SW	NW	IRRIGATION	36
			SE	NW	IRRIGATION	40
Section Acres						221
Total Acres						221

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: 22-7288, 22-4012B

14. Remarks:

This right is limited to the irrigation of 144 acres within the place of use described above in a single irrigation season.

15. Basis of Claim: Decreed

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): Brent Rich Date: 05-04-2005

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4 of May 2005



Ernest M. Carlsen

Notary Public

Residing at Idaho Falls

My commission Expires 8-21-2009

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): Gene Ricks Date: 5/5/05
_____ Date: _____

State of Idaho)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 5 of May 2005

Charles Ricks

Notary Public

Residing at Sugar City

My commission Expires Oct 17 2009

