

10/17/2005

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

RIGHT NUMBER: 22-7227
NAME AND ADDRESS: GWEN A SUTTON
9471 S 600 E
REXBURG ID 83440

STEVE J SUTTON
9471 S 600 E
REXBURG ID 83440

KENT V SUTTON
9471 S 600 E
REXBURG ID 83440

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 4.030 CFS
1,255.500 AFY
PRIORITY DATE: 04/23/1977
POINT OF DIVERSION:

T04N R40E S16 NENENE 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	4.030 CFS 1,255.50 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T04N R40E S14	SWNW	21.0	T04N R40E S14	NESW	1.2
T04N R40E S14	NWSW	34.0	T04N R40E S14	SWSW	12.0
T04N R40E S15	NENE	6.6	T04N R40E S15	NWNE	21.0
T04N R40E S15	SWNE	40.0	T04N R40E S15	SENE	40.0
T04N R40E S15	NENW	12.0	T04N R40E S15	NWNW	5.5
T04N R40E S15	SWNW	3.1	T04N R40E S15	SENW	36.0
T04N R40E S15	NESW	5.0	T04N R40E S15	NESE	40.0
T04N R40E S15	NWSE	35.0	T04N R40E S15	SWSE	8.6
T04N R40E S15	SESE	32.0	T04N R40E S16	NENE	1.6
T04N R40E S22	NENE	4.1			

358.7 ACRES TOTAL

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

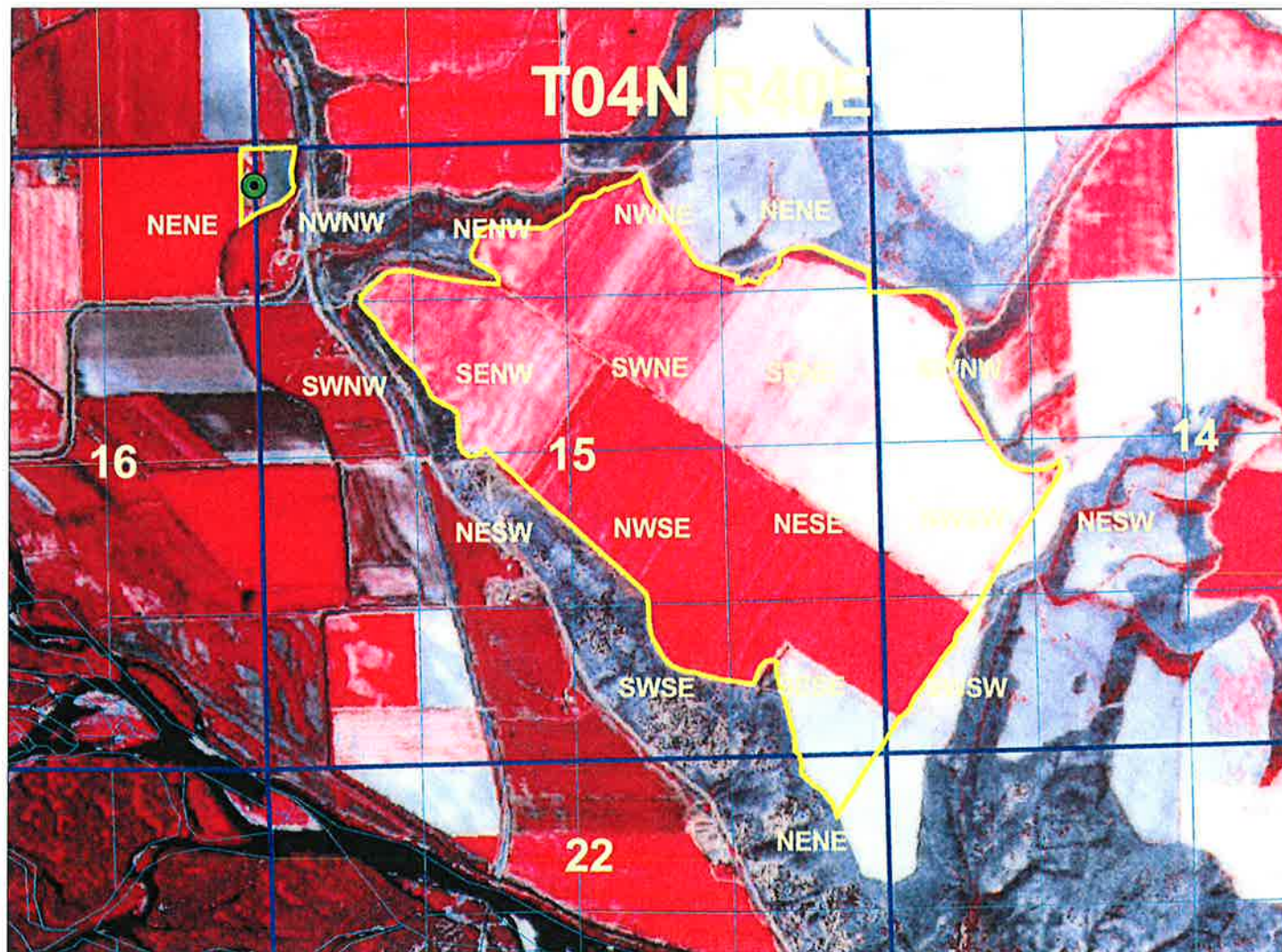
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



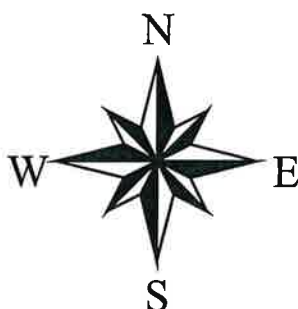
Department of Water Resources Eastern Region

Claim No.: 22-7227



0 1320 2640 Feet

- Point of Diversion
- 22-7227
- Township/Range
- Sections
- QQ



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

Water Right No(s). A 22-07227

See Attached photos

GPS DATA:

Tag # A0008371-(existing) Location: on main line

GPS data - 2681714
1389411

GPS File # - 227227

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: G.E. Model: _____ Hp: 250

SN: JK3918123

PUMP

Make: FMC - Powerless Model: _____ Disch: _____

SN: 219314

NOTES:

Met with Kent Sitten on-site. Address has changed on
claim to: 9471 South 600 East, Rexburg, ID 83440.
Shape file is ok.

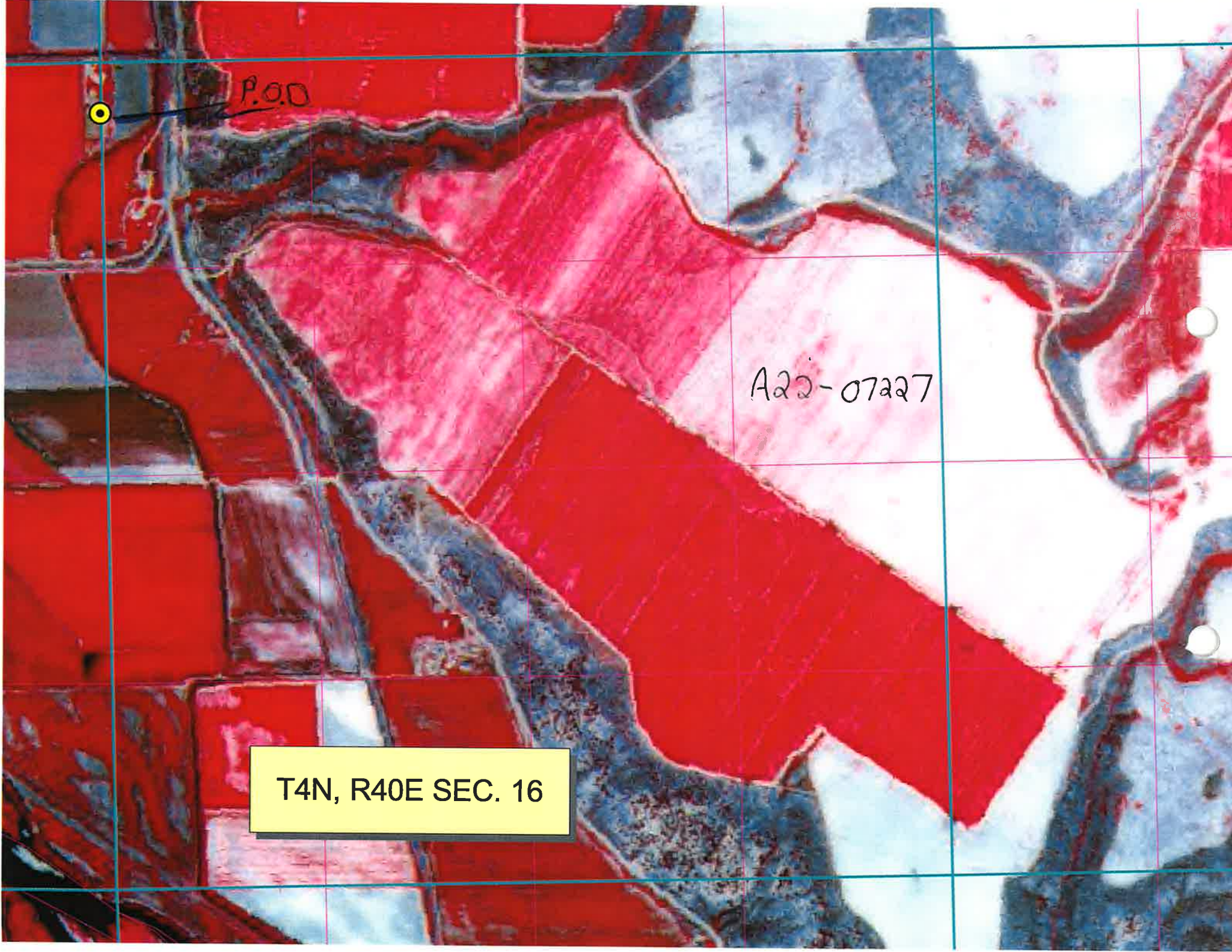
Field Exam Date: 5-12-2005 Agent: HW Jones



A22-07227, Looking North



A22-7227, Motor tag



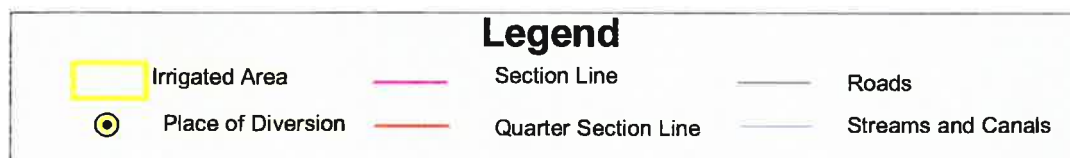
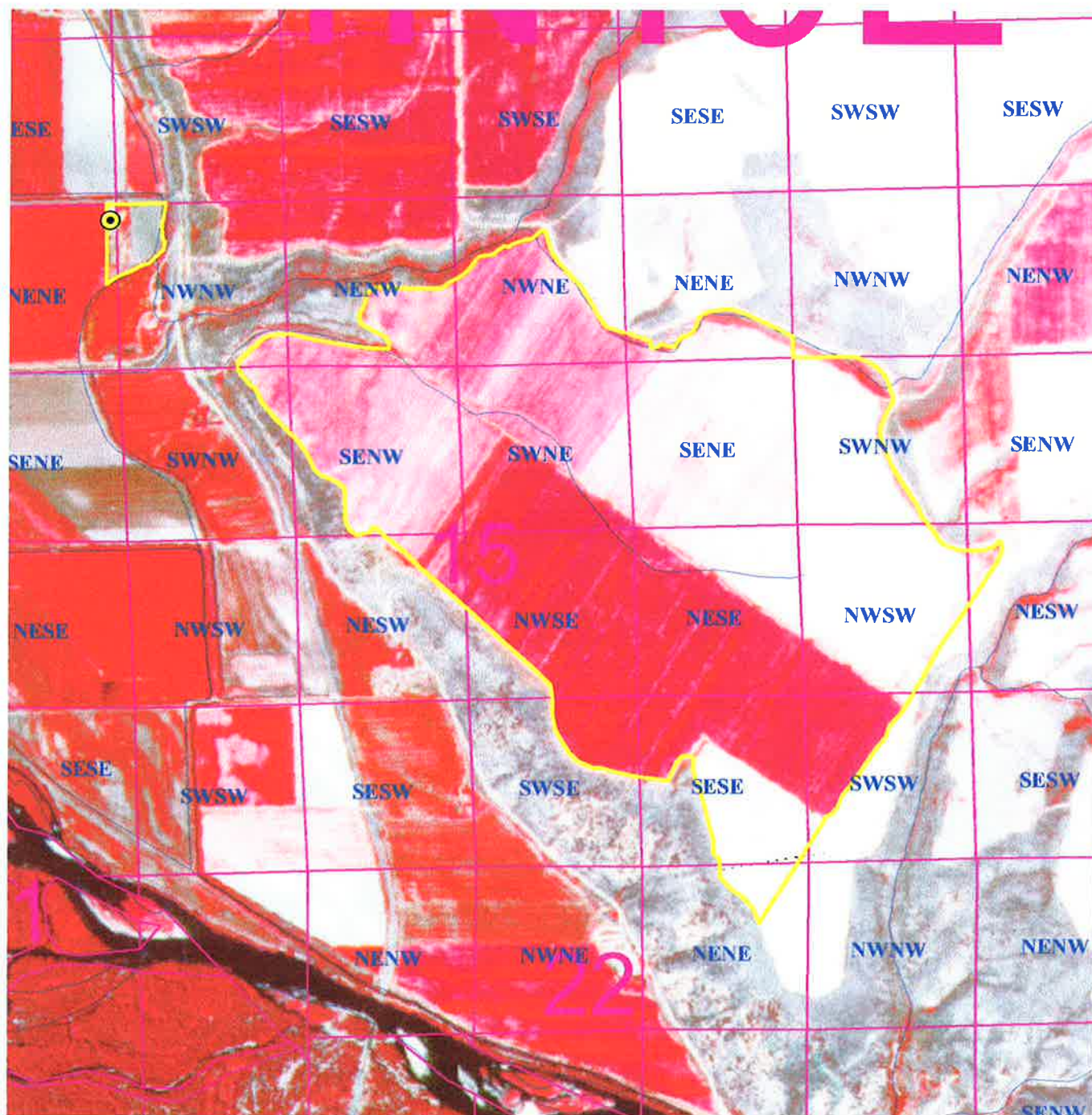
P.O.D.

A22-07227

T4N, R40E SEC. 16

Water Right Claim Number 22-07227
Township , 4N40E

07/10/2001



 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



ESTATE OF JESSE L SUTTON

STEVE J SUTTON

KENT V SUTTON

GWEN A SUTTON
733 W 8200 S
REXBURG ID 83440

THE CORRECT ADDRESS IS:

9471 S. 600 E.
REXBURG ID 83440



22-2244B

22-10970

22-7227

22-10292



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07227

Priority: April 23, 1977

Maximum Diversion Rate: 4.03 CFS
Maximum Diversion Volume:¹ 1284.5 AF

This is to certify, that ESTATE OF JESS L. SUTTON
733 W. 8200 S.

REXBURG, ID 83440

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 14, 1977; and has submitted Proof of Beneficial Use on June 10, 1982. An examination indicates that the works have a diversion capacity of 4.030 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	4.03 CFS	1284.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 16, Township 04N, Range 40E
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>ACRES</u>	<u>TOTAL</u>
04N	40E	14	SWNW 22	NESW 2	NWSW 35		
			SWSW 14				73
		15	NENE 5	NWNE 21	SWNE 40		
			SENE 40	NENW 12	NWNW 7		
			SWNW 4	SENE 35	NESW 7		
			NESE 40	NWSE 35	SWSE 9		
			SESE 33				288
		16	NENE 3				3
		22	NENE 3				3

Total number of acres irrigated: 367

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.

MICROFILMED

MAR 20 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07227

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

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 15TH day of MARCH, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

MAR 20 1990

State of Idaho
Department of Water Resources

FEB 28 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07227

Department of Water Resources

Date of Priority: April 23, 1977

Maximum Diversion Rate: 4.03 CFS
Maximum Diversion Volume: 1284.5 AF

Comes now
RT. 3 BOX 174
REXBURG, ID 83440

JESS L. SUTTON

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07227, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.03 CFS	1284.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE, Sec. 16, Township 04N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 40E 14	SWNW 22	NESW 2	NWSW 35	
	SWSW 14			73
15	NENE 5	NWNE 21	SWNE 40	
	SENE 40	NENW 12	NWNW 7	
	SWNW 4	SENE 35	NESW 7	
	NESE 40	NWSE 35	SWSE 9	
	SESE 33			288
16	NENE 3			3
22	NENE 3			3

Total number of acres irrigated: 367

MICROFILMED

MAR 20 1990

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Rexburg, this 24 day of Feb., 1990.

[Signature]
(Signature)

SON - for Estate of
Jess L. Sutton

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07227

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Receipted by C. Young Date 2/28/90 #C015105

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07227 with the following;

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 3.5 afa per acre for the lands above.

Witness my hand this 15th day of MARCH, 1990.

R. Keith Higginson
Acting for R. Keith Higginson, Director

RECEIVED

MAR 20 1990

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: A22-07227
Date Received: 7/25/1988
Receipt No: E000865
Received By: KCu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	KENT V. SUTTON	208-356-6256
Address:	733 WEST 8200 SOUTH REXBURG, ID 83440	
OR		
Name:	STEVE J. SUTTON	208-356-6256
Address:	733 WEST 8200 SOUTH REXBURG, ID 83440	
OR		
Name:	GWEN A. SUTTON	208-356-6256
Address:	733 WEST 8200 SOUTH REXBURG, ID 83440	

A2207227



2. Date of Priority: APR 23, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	16	NE	NE	NE		MADISON

5. Description of diverting works:
WELL, PUMP MAINLINE TO HANDLINES WITH SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.200		

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

8. Total consumptive use is 917.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-07227

Page 1

Date: 07/25/88

REPROFILMED

OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	40E	14	SW		NW		IRR	22.0
			NE		SW		IRR	2.0
			NW		SW		IRR	35.0
			SW		SW		IRR	14.0
			Section Acres					73.0
		15	NE		NE		IRR	7.0
			NW		NE		IRR	21.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	12.0
			NW		NW		IRR	5.0
			SW		NW		IRR	4.0
			SE		NW		IRR	35.0
			NE		SW		IRR	7.0
			NE		SE		IRR	40.0
			NW		SE		IRR	35.0
			SW		SE		IRR	9.0
			SE		SE		IRR	33.0
			Section Acres					288.0
		16	NE		NE		IRR	3.0
			Section Acres					3.0
		22	NE		NE		IRR	3.0
			Section Acres					3.0
			Total Acres					367.0

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: PERMIT

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): *Robert V. Smith* Date: 8-24-88

Date: _____

State of Idaho)
County of MADISON) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of AUGUST 19 88

Bartholomew Smith
Notary Public

Seal

Residing at REXBURG, ID

My Commission Expires 9/1/91

