

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 22-7257 V1

WATER RIGHT NUMBER: 22-7257 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LUCILLE L RUDD RT 2 BOX 18 ST ANTHONY, ID 83445
Current Owner	MERRILL BROWER & SONS INC PO BOX 147 TETONIA, ID 83452 (208)456-2803
Current Owner	WILLIAM A ROBINSON PO BOX 631 DRIGGS, ID 83422 (208)354-2345
Original Owner	G LYNN RUDD RT 2 BOX 18 ST ANTHONY, ID 83445

Priority Date: 09/02/1977
Basis: License
Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	1.880 CFS	682.40 AF
<u>Total Diversion:</u>		1.880 CFS	682.40 AF

<u>Location of Point(s) of Diversion</u>		
GROUND WATER	SW1/4NW1/4	Sec. 22, Twp 07N, Rge 45E, B.M.
TETON County		
GROUND WATER	SW1/4SW1/4	Sec. 15, Twp 07N, Rge 45E, B.M.
TETON County		

Place of Use
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
07N	45E	15							36.0	12.0	39.0	38.0	36.0	38.0		10.0	17.0		226.0
07N	45E	16			11.0	16.0					34.0	34.0			38.0	36.0			169.0
07N	45E	22		15.0	3.0		39.0	39.0	39.0	33.0	1.0	13.0							182.0

Total Acres: 577

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 22-7257 V1

Conditions of Approval:

1. E61 The rights listed below are limited to a total combined diversion rate of 3.99 cfs and to a total combined annual diversion volume of 1409 AF. Combined Right Nos.: 22-7077, 22-7257, 22-7363
2. C18 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.
3. S37 The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. E56 The rights listed below are limited to the irrigation of a combined total of 577 acres in a single irrigation season. Combined Right Nos.: 22-7077, 22-7257, 22-7363.
5. X27 This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. dcarlson 5/17/2006 as transfer 4559
Comment: some acres/qq change, no qq changes

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
3.99	1409	577

Combined Water Rights: 22-7077 , 22-7257 , 22-7363

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	5/17/2006 2:39:55 PM	dcarlson			Active
POD	5/17/2006 2:40:04 PM	dcarlson			Active
Summary			05/17/2006	dcarlson	Active

05/22/2006

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: 22-7257

MERRILL BROWER & SONS INC

PO BOX 147

TETONIA ID 83452

Telephone Number: (208) 456-2803

→ WILLIAM A ROBINSON

PO BOX 631

DRIGGS ID 83422

Telephone Number: (208) 354-2345

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: Dec. 8, 2006 SIGNATURE: William A. Robinson

Please print your name: William A. Robinson

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

December 15, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MERRILL BROWER & SONS
642 JEFFERY PL
CHUBBUCK ID 83202-5368

RE: CHANGE OF ADDRESS FOR 22-7077, 22-7257-22-7363, 22-13375, 22-13378, 22-13381

Dear Mr. Brower:

Please fill out the enclosed change of address form and mail back to me. We need signed permission to update your address in our database.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

JUN 06 2007

SCANNED
JUN 9 6 2007

ADDRESS SERVICE
REQUESTED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

BROWL47 834522026 1206 16 12/05/06
FORM 3547
BROWER
642 JEFFERY PL
CHUBBUCK ID 83202-5368

MERRILL BROWER & SONS INC
PO BOX 147
TETONIA ID 83452

1541 U.S. POSTAGE
89926 01-110 DEC 01 2006
6355 MAILED FROM ZIP CODE 83402
P B 5523907
PINEY BOWERS

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER
U.S.P.S. Form 3547
fee due 75 ¢

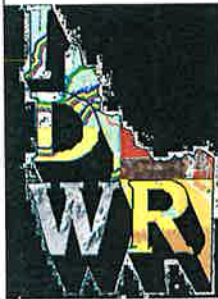
U.S. POSTAL SERVICE
FORM 3547

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER
U.S.P.S. Form 3547
fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

22-7077
7257
7363
13375
13378
13381



Idaho Department of Water Resources

Adjudication Claim:

22-7077
22-7257
22-7363

Legend

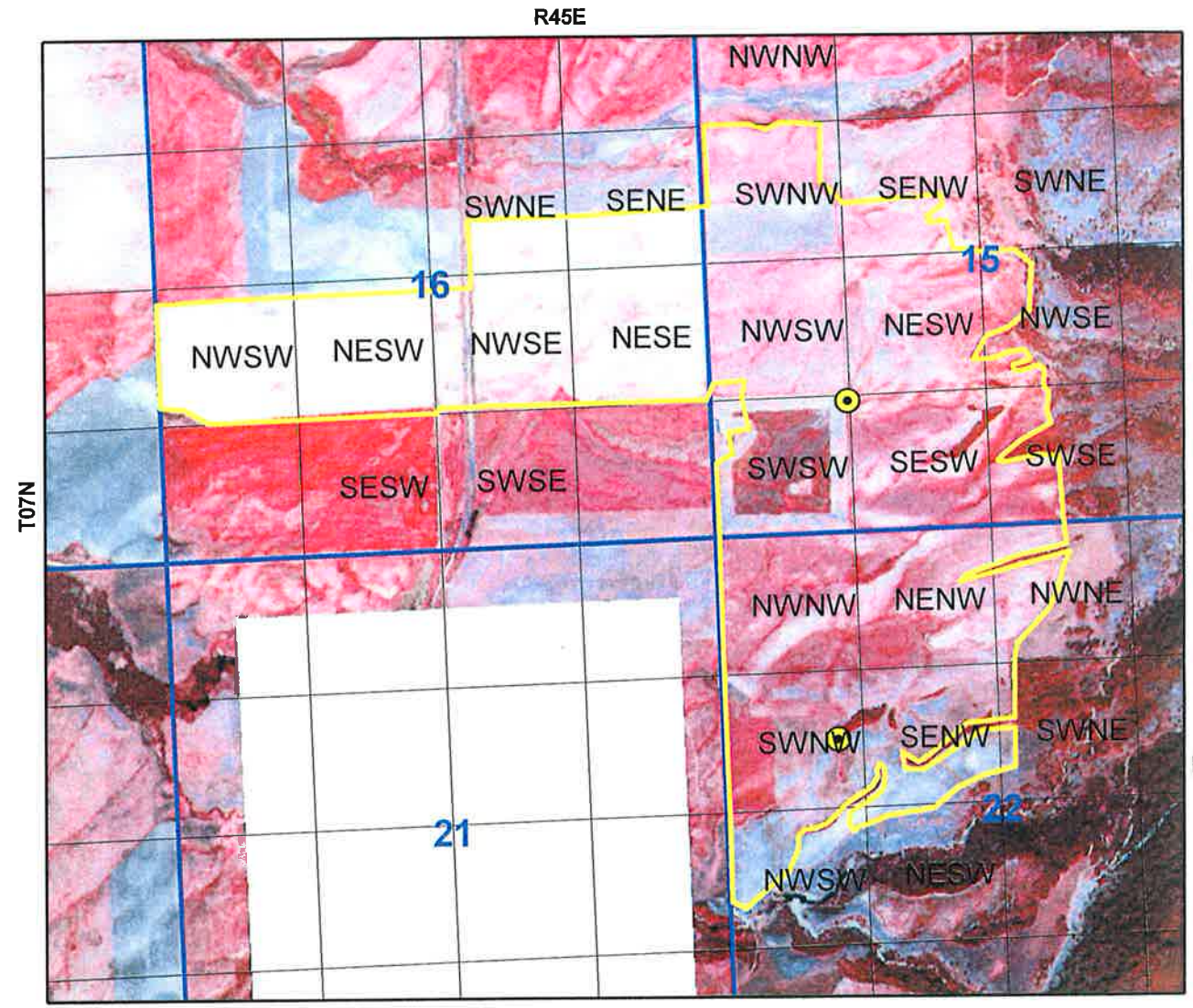
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



Prepared by D. Carlson
On Monday, May 22, 2006
1987/88 Aerial Photography



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07257

Priority: September 2, 1977

Maximum Diversion Rate: 1.88 CFS
Maximum Diversion Volume:¹ 798.0 AF

This is to certify, that G. LYNN RUDD

RT. 2 BOX 18

ST. ANTHONY, ID 83445

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 2, 1977; and has submitted Proof of Beneficial Use on October 29, 1982. An examination indicates that the works have a diversion capacity of 1.880 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	1.88 CFS	798.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 22, Township 07N, Range 45E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 45E 15	SEnw 15	NWSW 38	SWSW 38	91
22	NWNE 27	SWNE 2	NENW 38	
	NWNW 38	SWNW 38	SEnw 34	189
	NWSW 12			

Total number of acres irrigated: 280

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

APR 23 1990

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07257

CONDITIONS/REMARKS:

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.

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 19th day of April, 19 90.

Acting for R. Keith Higginson, Director

MICROFILMED

APR 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

JUL 30 1985

22-7257

Permit No.

CONTACT WITH PERMIT HOLDER

Department of Water Resources

DATE

INITIALS

REMARKS

☐ Appointment letter mailed:

☐ Telephone call made

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 8-5-83 Accompanied by Mr Rudd Total Q measured 1.88 cfs

Source Groundwater Tributary to _____ Supp. annubar measurement sheet used? _____

If source is surface water, estimate total flow of source _____

Methods of measurement Annubar 10.02" # 191147 Meets permit requirements? _____
Eagle Eye Meter # 091462

Measurement calculations: $Y = 4.9" (0.9766) = 4.78534"$

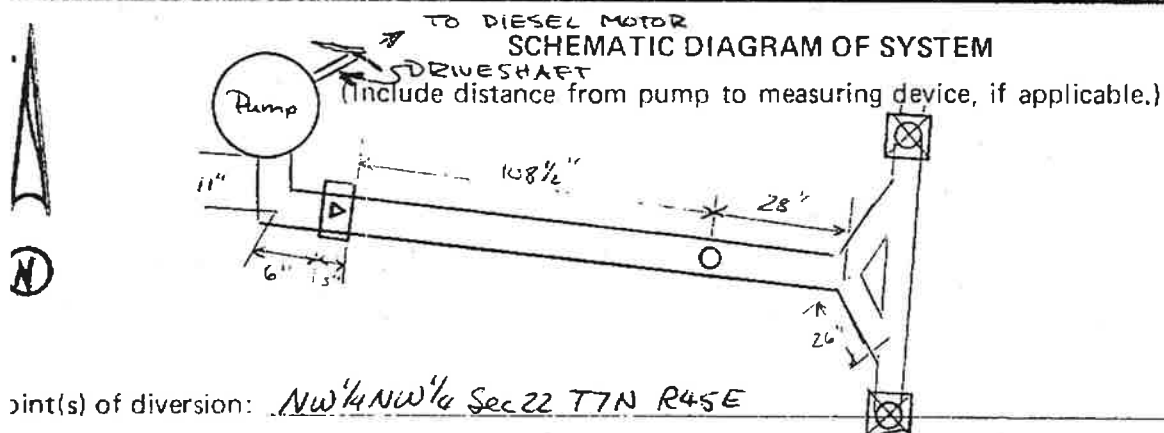
$$Q = \left[(10)^2 \times 3.85 \times \sqrt{4.78534} \right] \div 448.8 = 1.88 \text{ cfs}$$

Q LIMITED By Capacity

$$V = 280 \text{ acc} \times 3 \text{ afc} = 840 \text{ afc}$$

$$V = 1.88 \times 1.9535 \times 214 = 798.0$$

WELL/DIV.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
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Point(s) of diversion: NW¹/₄ NW¹/₄ Sec 22 T7N R45E

ace(s) of Use

[illegible]

APR 23 1990

TOTAL 280

commended Amendments:

Change P.D. as reflected above

☐ Add P.D. as reflected above☐ None

Change P.U. as reflected above

☒ Add P.U. as reflected above☐ Other

aminer's Signature

acked by

proved by

Date _____

Date _____

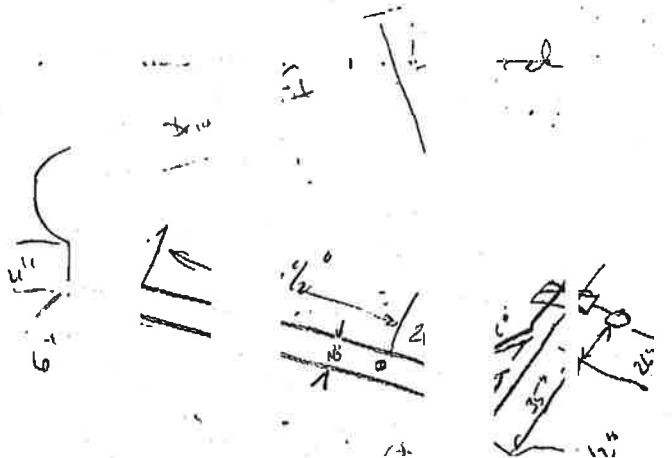
Date _____

PERM	NO. 3	7257	1 (Ude)	
EXAM	TION	DATE: 8-6	comp. nief	
Mot	HP	Motor	up	mp
Me		cial No.	se	al N
Temp		7/10, Spec No	drill	25
		-7840		
		cable, ft		
Meas	ng D	se Type:		
Me	#	Annub		# 10
Rema	: 76	d w to	add	
Wh	form	1850 gp	18" Now	f ma
Meas	ment	culatio		
	4			

529
145

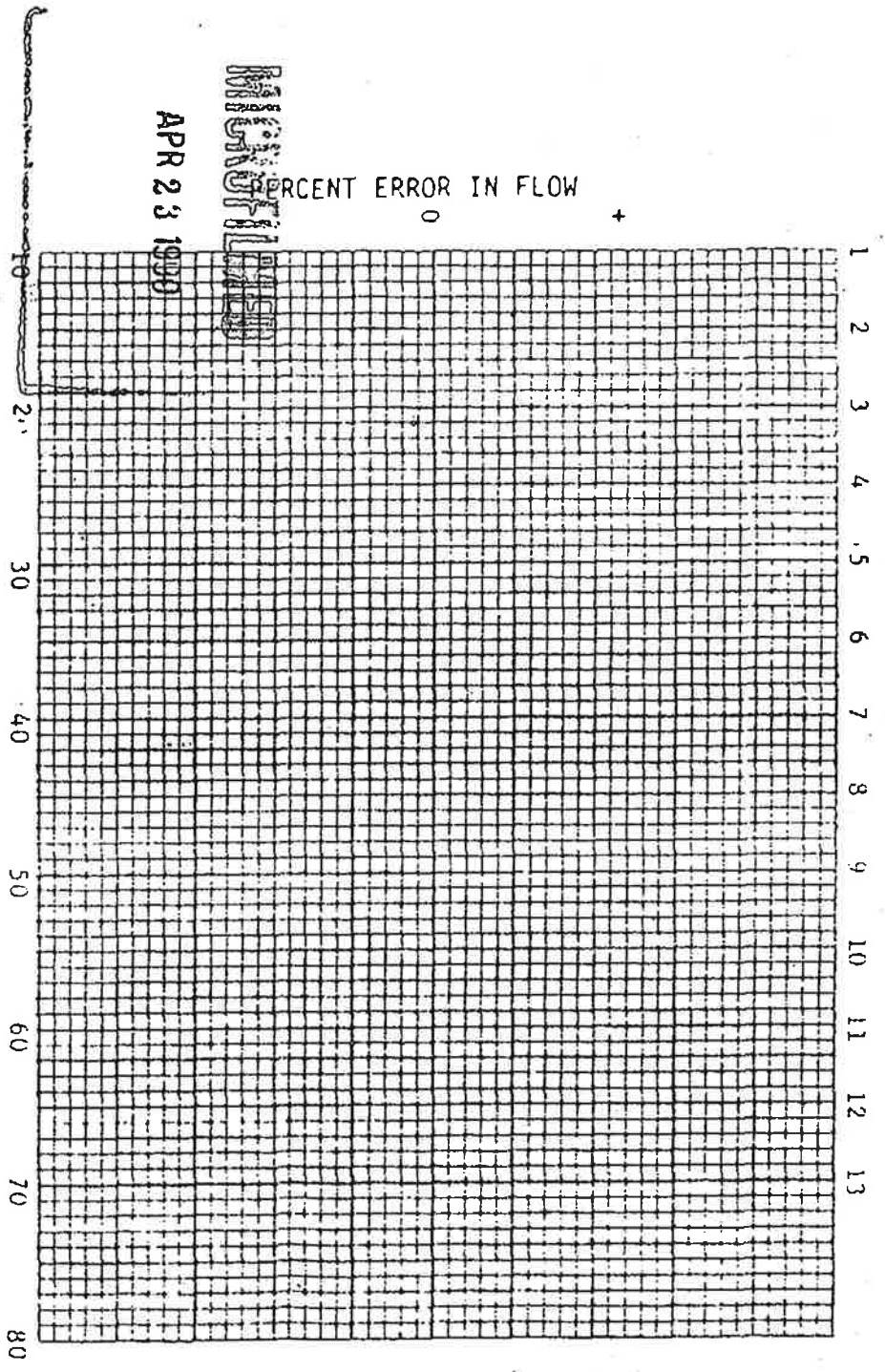
4- mile line

SCHE	C DIAGR	OF S' STEM
Mair	e Di	er Length

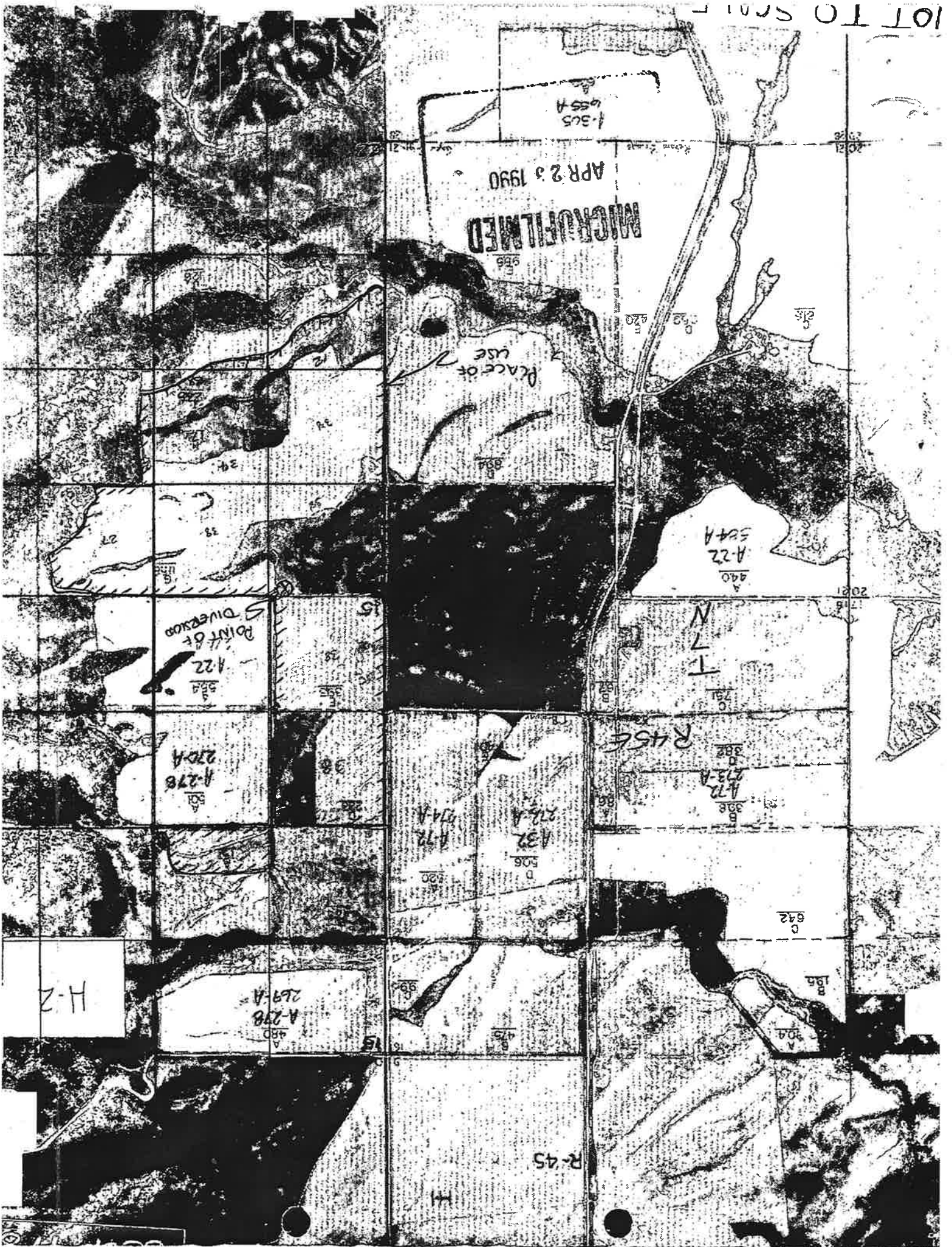


METER NO. 9103 RANGE 0-13 DATE 4/23/82

APPLIED PRESSURE			METER READING	FLOW ERROR (%)	FLOW CORRECTION FACTOR
UPSCALE	DOWNSCALE	AVERAGE			
1.94	1.89	1.92	2	+2.20	0.978
2.87	2.91	2.89	3	+1.89	0.981
3.87	3.72	3.80	4	+2.67	0.973
4.85	4.70	4.79	5	+2.33	0.977
5.82	5.71	5.77	6	+2.02	0.980
6.77	6.70	6.74	7	+1.95	0.981
7.73	7.63	7.68	8	+2.06	0.979
8.72	8.62	8.67	9	+2.89	0.981
9.70	9.61	9.66	10	+1.77	0.982
10.61	10.61	10.61	11	+1.82	0.982
11.61	11.58	11.60	12	+1.73	0.983
12.42	12.43	12.43	13	+2.29	0.977



22-7257



22-7257



OCTOBER 30, 1995

WILLIAM A ROBINSON OR
MERRILL BROWER & SONS INC
PO BOX 147
TETONIA ID 83452

RE: TRANSFER

Dear Mr. Brower:

Our office has received notice of your approved transfer #4559 of water rights #22-07077, 22-07363, and 22-07257. The Snake River Basin Adjudication claims filed on this right has been amended pursuant to the approved transfer.

Please review the enclosed notices carefully and if you have any questions about any of the items, please contact our office. If you agree with the items on the notices, please place the copies with your records.

Respectfully submitted,

Gregory J Taylor
Water Right Agent
Adjudications Bureau

GJT:sc

MICROFILMED
NOV 6 8 1996

ADD - Carter J.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4559
WATER RIGHT NO(S). 22-07077/22-07257/22-07363

RECEIVED
JUL 21 1995

This is to certify that: WILLIAM A ROBINSON
MERRILL BROWER & SONS INC
PO BOX 147
TETONIA ID 83452

Department of Water Resources
Eastern District Office

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 22-07077 : IRRIGATION	04/15 to 10/15	1.24 CFS	450.1 AF
Right No. 22-07257 : IRRIGATION	04/15 to 10/15	1.88 CFS	682.4 AF
Right No. 22-07363 : IRRIGATION	04/15 to 10/15	1.58 CFS	276.5 AF
TOTAL:		* 3.99 CFS	1409.0 AF

DATE OF PRIORITY:

Right No. 22-07077 : 07/26/1973
Right No. 22-07257 : 09/02/1977
Right No. 22-07363 : 06/04/1981

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWSW , Sec. 15, Township 07N, Range 45E
SWNW , Sec. 22, Township 07N, Range 45E
TETON 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>
07N	45E	15	SWNW 35	SENW 15	NESW 40	
			NWSW 38	SWSW 38	SESW 39	
			NWSE 6	SWSE 9		220
	16		SWNE 12	SENE 14	NESW 38	
			NWSW 31	NESE 38	NWSE 35	168
	22		NWNE 27	SWNE 2	NENW 38	
			NWNW 38	SWNW 38	SENW 34	
			NWSW 12			189

Total number of acres irrigated. ** 577

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NOV 06 1996

TRANSFER NO. 4559
WATER RIGHT NO(S). 22-07077/22-07257/22-07363

CONDITIONS/REMARKS:

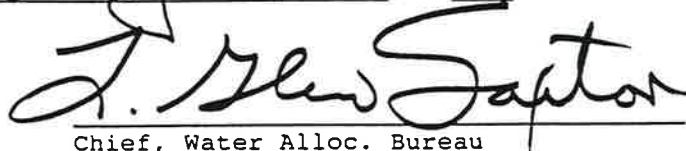
1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- *8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4559 shall not exceed 3.99 cfs, nor total combined annual volume of 1409.0 af.
- *9. Combined Right Nos. 22-07077 and 22-07363 are limited to a total combined diversion rate of 2.11 cfs and when combined with Right No. 22-07257 shall not exceed a total combined rate of diversion of 3.99 cfs.
- **10. Right 22-07077 is limited to the irrigation of 218 acres in the place of use described above in a single irrigation season.
- **11. Right 22-07257 is limited to the irrigation of 280 acres in the place of use described above in a single irrigation season.
- **12. Right 22-07363 is limited to the irrigation of 79 acres in the place of use described above in a single irrigation season.

Dated this 18th day of

July

19

95



Chief, Water Alloc. Bureau

MICROFILMED
NOV 06 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

FEBRUARY 20, 1991

WILLIAM A ROBINSON
PO BOX 3035
HALF MOON BAY CA 94109

RE: CHANGE IN OWNERSHIP

Dear Mr. Robinson:

Your request for Change in Ownership concerning Notices of Claim A22-07101, A22-07257, and A22-12295 has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Printed Notices of Claim

File: P

MICROFILMED

OCT 29 1992

RECEIVED

FEB 19 1991

CHANGE IN OWNERSHIP

Department of Water Resources
Eastern District Office

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A22-07101, A22-07257, A22-12285

[] Name and Address of
Former Claimant(s): G. Lynn Rudd, Lucille L. Rudd
Rt. 2 Box 18 St. Anthony ID.

[] New Claimant(s): William A. Robinson

[] New Mailing Address: P.O. Box 3035
HALF MOON BAY CA 94109

New Telephone Number: () _____

[] Does the change in ownership result in a splitting of the
water right claimed? _____ yes ☒ no
If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Warranty Deed
(Proof of ownership must describe either the property
conveyed or include the claim number. Proof of ownership is
not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): W A Robinson

Date: 2/15/91

MICROFILMED
OCT 29 1992

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: A22-07257
Date Received: 10/06/1988
Receipt No: E004030
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: G. LYNN RUDD 208-624-7893
Address: RT. 2, BOX 18
ST ANTHONY, ID 83445

OR
Name: LUCILLE RUDD
Address: RT. 2, BOX 18
ST ANTHONY, ID 83445

2. Date of Priority: SEP 02, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	45E	22	NE	NW	NW		TETON

5. Description of diverting works:
WELL, PUMP, MAINLINE AND SEVEN 1/4 MILE LATERAL HAND LINES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	2.340		

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

8. Total consumptive use is 560.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A22-07257

Page 1

Date: 10/06/88

MICROFILMED
OCT 29 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	45E	15	SE		NW		IRR	15.0
			NW		SW		IRR	38.0
			SW		SW		IRR	38.0
			Section Acres					91.0
		22	NW		NE		IRR	27.0
			SW		NE		IRR	2.0
			NE		NW		IRR	38.0
			NW		NW		IRR	38.0
			SW		NW		IRR	38.0
			SE		NW		IRR	34.0
			NW		SW		IRR	12.0
			Section Acres					189.0
			Total Acres					280.0

11. Place of use in counties: TETON

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): H. Lynn Reed Date: 10/6/88
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 6 day

of Oct. 19 88

Ernest Carlson
Notary Public

Seal

Residing at Globe Falls, ID

My Commission Expires 14 June 1994

MICROFILMED
OCT 29 1992