

09/16/2005

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

RIGHT NUMBER: 22-7288  
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: 0.860 CFS  
150.500 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: 01/29/1979

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            | 04/01 11/01          | 0.860 CFS<br>150.50 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 | SENW | 40.0 |               |      |      |

225 ACRES TOTAL

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 - License

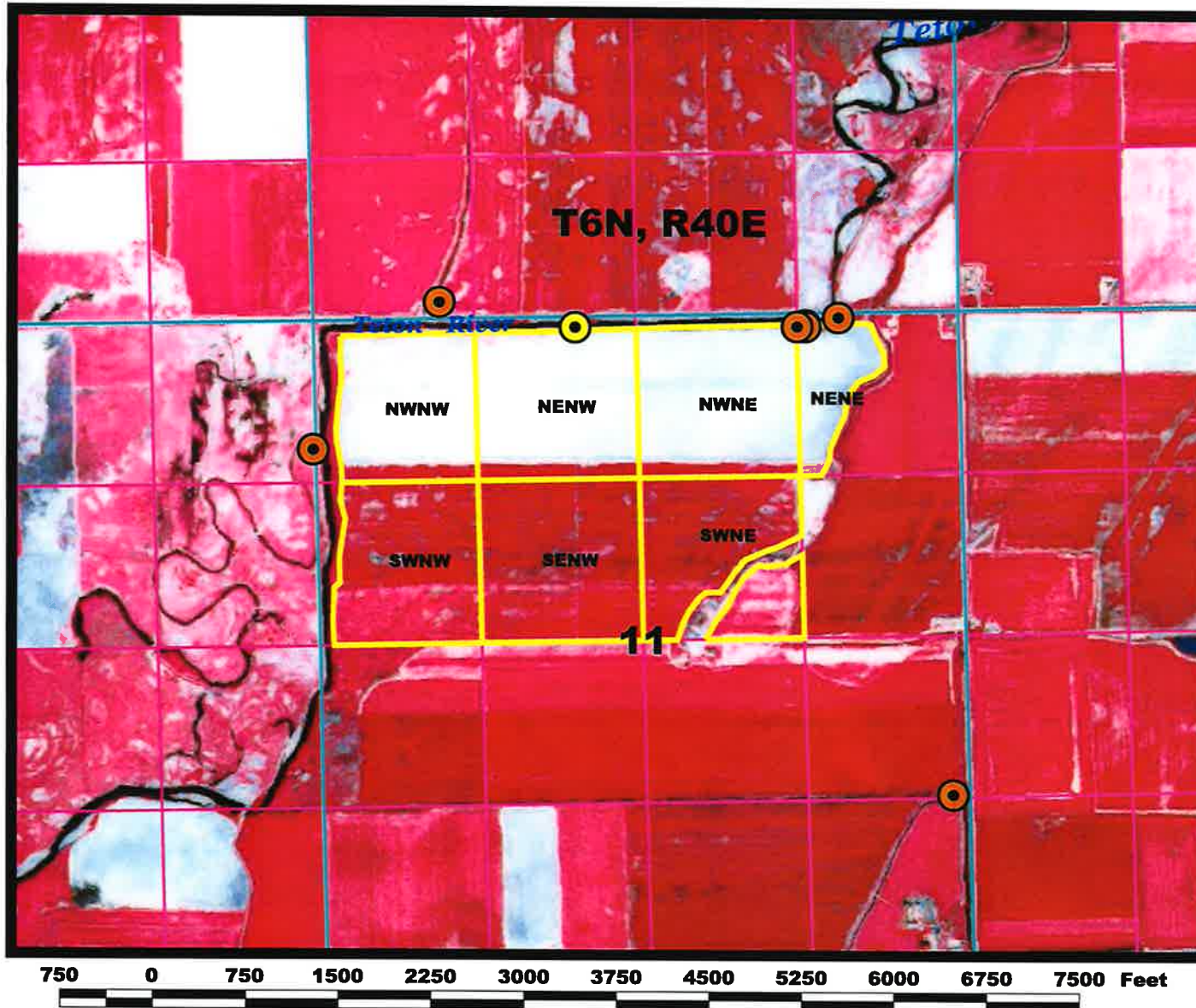
Right Nos. 22-4012A, 22-4012B, 22-7288 are also diverted through point of diversion described above.



# 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



SESE

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: 22-7288

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  
KMS  
10/25

Claim no. \_\_\_\_\_

Claimant Contact Log

| Date    | Remarks                                                                                                                                                                                                                                                                                                           | Agent initials |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 9/15/05 | 22-7288 was LICENCED 10/17/1971 for 0.86cts/150 <sup>3</sup> AF<br>ON 43AC. NO COMBINED RTs DISCUSSED SOU 4/1 TO 11/1<br>SUPPLEMENTAL WATER RES'D.<br>SRBA CLAIM 22-7288 is (1988) for 4 <sup>36</sup> cts on 22SAC, PRIORITY<br>DATE 1/29/1979. CLAIM REFERENCES ADDITIONAL RTs 22-490,<br>22-4012, AND 22-4043. |                |

CLAIMS 4.36cts  $\Rightarrow$  LIC. @ 0.86  $\Rightarrow$  SO Recommended.

CLAIMS 4/1 - 7/15 SOU - LIC. @ 4/1 TO 11/1 SO Recommended.

Comb D. ATA. Ac prints apply

SBS 22-4012A FOR PE NOTES etc.



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

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

September 25, 2003

BRENT & SUE RICKS  
13289 E HWY 33  
NEWDALE ID 83436

RE: CHANGE OF WATER RIGHT OWNERSHIP FOR 22-4012A, 22-4012B, 22-7247, 22-7288

Dear Mr. & Mrs. Ricks:

Our office received the above referenced request and changed 22-7288 to show you as the current owner. A copy of this claim is enclosed for your files.

We did not change the other rights because they require a fee and must be processed in our Boise office. You have already paid for 22-7247 but owe \$50 for the other two rights. Please send your request and check to: Kari Lynn Townsend, Idaho Department of Water Resources, 1301 N. Orchard, Boise, ID, 83706.

If you have questions about this matter, please do not hesitate to call.

Sincerely,

Jennifer Crabtree

Technical Records Specialist

Enclosure

OK JC  
9/24/03

# STATE OF IDAHO

## DEPARTMENT OF WATER RESOURCES

### NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

| Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| \$25 22-7247          |                              |       |                       |                              |       |
|                       | 22-7288 ✓                    |       |                       |                              |       |
| \$25 22-4012A         | <del>22-4012A</del>          |       |                       |                              |       |
| \$25 22-4012B         | <del>22-4012B</del>          |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

**OR**

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Robert Ricks
4. New Owner/Claimant(s) Brent Ricks + Sue Ricks  
Name Connector (Check one): [ ] and, [ ] or, [ ] and/or
- New Mailing Address 13289 E Hwy. 33
- City, State and ZIP Code Newdale, ID 83436
- New Telephone Number (208) 458-4969
5. Date you acquired the property Oct 31, 2000

needs  
another  
\$50

GIFT DEED

THIS INDENTURE, Made and entered into this 31<sup>st</sup> day of October, 2000, by and between ROBERT R. RICKS, a single man, of 3891 E. 3000 N., Sugar City, ID 83448, the party of the first part, and BRENT RICKS and SUE RICKS, husband and wife, of 13289 E. Hwy. 33, Newdale, ID 83436, the parties of the second part,

WITNESSETH:

That said party of the first part, for and in consideration of the love and affection he holds for the parties of the second part, by these presents, does hereby give, convey and confirm unto the said parties of the second part, an interest in and to the following described real property located in the State of Idaho, to-wit:

All of party of the first part's interest in and to the following described real property located in Madison County, Idaho, to-wit:

Township 6 North, Range 40 East of the Boise Meridian,  
Madison County, Idaho.

Section 11: W1/2NW1/4, E1/2 NW1/4, W1/2NE1/4, NE1/4NE1/4;

EXCEPT: Commencing at the cornerpost at the crossroads of county roads at a point approximately 20 feet West and 20 feet South of the Northeast corner of the NE1/4 of section 11, Township 6 North, Range 40 East, and following said fence line West 100 feet, thence South 150 feet, thence East 100 feet to another fence line and running North along said fence 150 feet to the point of beginning.

ALSO EXCEPT: Beginning at the Northwest corner of the NE1/4NE1/4 of section 11, thence East 208 feet, thence South 208 feet, thence West 208 feet, thence North 208 feet to the point of beginning.

Township 7 North, Range 42 East of the Boise Meridian,  
Madison County, Idaho

Section 30: SE1/4NE1/4SE1/4

EXCEPT the following described real property located in Madison County.

PARCEL NO. FFC-1A

Those portions of the North sixty-six (66) feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE1/4NE1/4SE1/4) of Section thirty (30), Township seven (7) North, Range forty-two (42) East, Boise Meridian, described as follows:

TRACT 1

A strip of land measured at right angles to the centerline, being twenty-five (25) feet on the East side of the centerline and thirty-five (35) feet on the West side of centerline. Commencing at the Northeast-Southeast one sixty-fourth (NE-SE1/64) corner; thence North 89°07'08" East, 401.01 feet along the North-South one sixty-fourth (N-S 1/64) line, to the true point of beginning; thence South 31°58'15" East, 11.72 feet; thence along a curve with a radius of 100.00 feet, deflection angle 46°30'26" right, arc length 58.59 feet to the end of acquisition, containing 0.1 acres more or less.

TRACT 2

All that portion of the North sixty-six (66) feet of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE1/4NE1/4SE1/4) lying West of Tract 1, containing 0.6 acres more or less.

PARCEL NO. FPC-1

Those portions of the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE1/4NE1/4SE1/4) of Section thirty (30), Township seven (7) North, Range forty-two (42) East, Boise Meridian, to be acquired in fee simple, described as follows:

TRACT 1

A strip of land measured at right angles to the centerline, being twenty-five (25) feet on the East side of the center-line and thirty-five (35) feet on the West side of centerline. Commencing at the Northeast-Southeast one sixty-fourth (NE-SE 1/64) corner; thence North 89°07'08" East, 401.01 feet along the North-South one sixty-fourth (N-S 1/64) line; thence South 31°58'15" East, 11.72 feet; thence along

a curve with a radius of 100.00 feet, deflection angle 46°30'26" right, arc length 58.59 feet, to the true point of beginning; thence along the aforementioned curve for an arc length of 22.58 feet; thence South 14°32'11" West, 44.51 feet; thence along a curve with a radius of 100.00 feet; deflection angle 13°42'13" right, arc length 23.92 feet; thence South 28°14'24" West, 248.66 feet; thence along a curve with a radius of 100.00 feet, deflection angle 17°30'42" right, arc length 30.56 feet; thence South 45°45'06" West, 130.73 feet; thence along a curve with a radius of 100.00 feet, deflection angle 18°44'02" right, arc length 32.70 feet; thence South 64°29'12" West, 153.37 feet to the East-East one sixty-fourth (E-E 1/64) line, containing 0.9 acres more or less.

TOGETHER with the irrigation system located thereon or associated therewith, all other improvements and appurtenances thereunto pertaining, subject to any indebtedness thereon and any unpaid taxes and assessments applicable thereto; also any and all farm machinery, equipment, supplies, and crops on hand pertaining to said properties.

TOGETHER with the irrigation system located thereon or associated therewith, all other improvements and appurtenances thereunto pertaining, subject to any indebtedness thereon and any unpaid taxes and assessments applicable thereto; also any and all farm machinery, equipment, supplies, and crops on hand pertaining to said properties.

TOGETHER with all water rights and ditch rights appurtenant thereto, and

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said parties of the second part, and to their heirs and assigns forever.

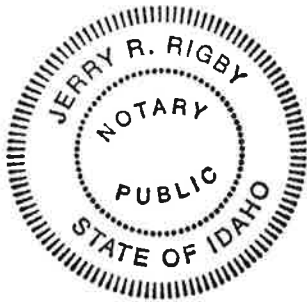
IN WITNESS WHEREOF, The said party of the first part has, as aforesaid, hereunto set his hand and seals the day and year first above written.



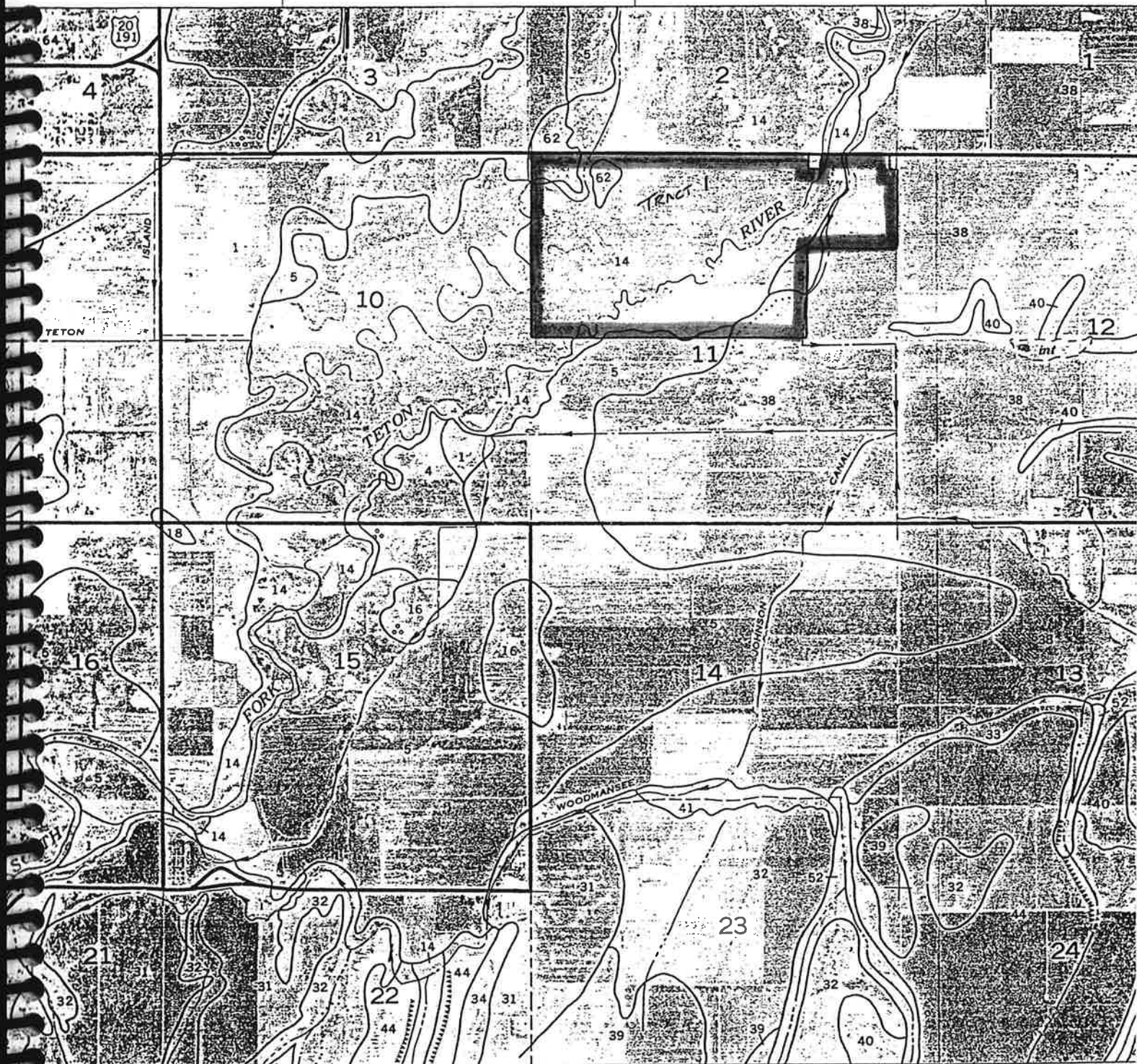
ROBERT R. RICKS

STATE OF IDAHO, )  
 )  
 ) SS.  
County of Madison )

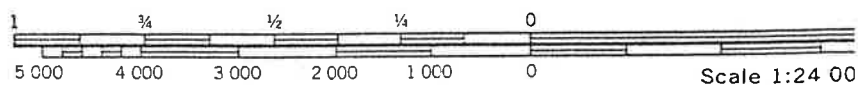
On this 31st day of October, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT R. RICKS, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



  
Notary Public for Idaho  
Residing at: REXBULL  
My Commission Expires: 11-09-05



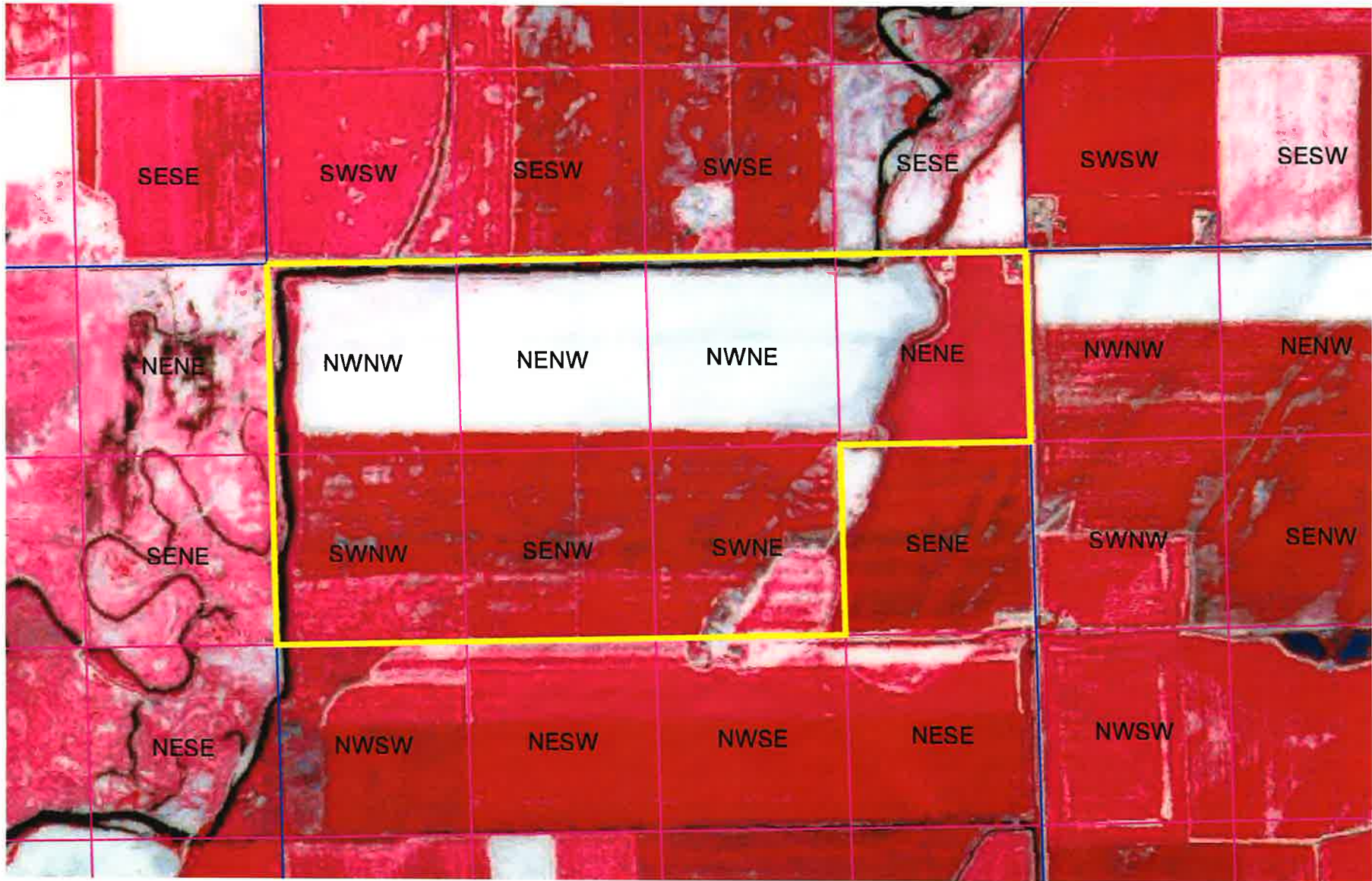
31



Township  
06N

Range  
40E

Section  
11



Notes:

Water Right #: 2207288

Examiner:

Date:



State of Idaho  
Department of Water Resources

**WATER RIGHT LICENSE**

WATER RIGHT NO. **22-07288**

Priority: January 29, 1979

Maximum Diversion Rate:  
Maximum Diversion Volume:<sup>1</sup>

0.86 CFS  
150.5 AF

This is to certify, that ROBERT R. RICKS

RT. 1

SUGAR CITY ID 83448

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 29, 1979; and has submitted Proof of Beneficial Use on March 2, 1984. An examination indicates that the works have a diversion capacity of .860 cfs of water from:

TETON RIVER, SOUTH FORK

tributary to SNAKE RIVER

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       | 0.86 CFS                 | 150.5 AF             |

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 11, Township 06N, 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>TOTAL</u> |
|----------------------------------|------------|------------|--------------|--------------|--------------|--------------|
| 06N                              | 40E        | 11         | NWNW 18      | SWNW 19      | SENW 6       | 43           |
| Total number of acres irrigated: |            |            |              |              |              | 43           |

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. A measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.

NOV 14 1991

**WATER RIGHT LICENSE**

WATER RIGHT NO. 22-07288

CONDITIONS/REMARKS:

7. 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.
8. The right holder must obtain adequate supplemental water for any irrigation season that natural flow is not available. Diversion of water is prohibited in any such year prior to the right holder's demonstrating to the watermaster that supplemental water is being obtained.
9. This license represents completion of and supercedes the right based on a permit described on pages 15 and 16 of the Director's Report decreed in Ricks v. Carlson, Madison County, Civil No. I-2249.

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 17<sup>th</sup> day of OCTOBER, 1991.

Acting for

  
R. Keith Higginson, Director

NOV 14 1991

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

A REPORT BY THE DEPARTMENT OF WATER RESOURCES

IN

ROBERT R. RICKS  
Plaintiff

vs.

ALL UNKNOWN CLAIMANTS

CASE NO. 1-2249

### Definitions

1. The term "Department" refers to the Idaho Department of Water Resources.

2. The phrase "one cubic foot per second" or the acronym "cfs" refers to a unit of measure of the rate of flow of water and is equivalent to fifty miner's inches in Idaho, or to 448.83 gallons per minute.

3. The term "watermaster" refers to a person elected by water right holders within a water district, charged with distribution of water pursuant to Title 42, Chapter 6, Idaho Code.

4. The phrase "domestic use" means water used for household use or livestock, and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of 13,000 gallons per day.

5. The phrase "irrigation use" means water use limited to surface application of water for the purpose of meeting moisture requirements of growing crops.

### Field Examination

A field examination was conducted on February 26, 1980 by A. R. Kozlowski, who was a department employee. The findings of that examination are included as attachment A. Mr. Kozlowski subsequently resigned from the department, and a number of questions concerning this case were unanswered. A second field exam was conducted on July 12, 1982 which revealed a completely different method of irrigation (sprinkler). Attachment B shows the location of mainline, fences, and acreages found during the second (July, 1982) investigation.

### General Description of Property

1. The South Fork of the Teton River originally flowed through this ground (see ASCS photo dated September 2, 1951). The channel was altered during a three-year period with the project being completed in 1964. The new channel takes water from the original river channel, point of entry on Rick's property, and exits at original exit point. The new channel flows on the north and east perimeter of the land (see ASCS photo dated May 20, 1966).

2. All of the property in this claim was not owned by Robert R. Ricks on the priority date claimed. The property, with the exception of the  $W\frac{1}{2}NW\frac{1}{4}$ , was purchased from Seth Ricks (his brother) on October 22, 1959. The  $W\frac{1}{2}NW\frac{1}{4}$  was purchased by Robert R. Ricks from his son Robert Reed Ricks in November, 1969. Robert Reed Ricks purchased the  $W\frac{1}{2}NW\frac{1}{4}$  on the 22nd of November 1961. Robert R. and Seth had a partnership

which farmed and cleared the property in this action (exception of W $\frac{1}{2}$ NW $\frac{1}{4}$ ) from 1951 until 1976 when the partnership was dissolved.

3. Robert R. Ricks farmed the W $\frac{1}{2}$ NW $\frac{1}{4}$  for Robert Reed Ricks from November, 1961 until he purchased the property in November, 1969. This ground was used as pasture until 1976 when the Teton flood covered the ground with a mass of debris. In 1977, the land was cleared and leveled using Teton Dam Recovery money, and row crops were planted.

4. Due to the heavy nature of the soil, the crops grown on this land are hay, peas, and grain.

#### Description of Claims, Permits, and Court Actions

1. On January 1, 1979, Robert R. Ricks applied for a permit to irrigate the acreage on this action with a surface irrigation system using a 20 hp, electric-driven pump. He stated it would take five years to develop the system. He was granted permit 22-7288 on the 16th day of March, 1979.

2. On February 12, 1979 the department received a claim stating the same acreage but indicating that a 12.0 cfs diversion rate was being used. This claim is numbered 22-4012.

3. On May 30, 1979 a complaint (Case No. 1-2249) was filed in the Seventh Judicial Court of the State of Idaho, in and for the County of Madison. This complaint stated the same facts as indicated on the claim. Summarized below is a comparison of permit, claim, and Quiet Title:

|                       | <u>Permit</u>                                                                                                                     | <u>Claim</u>                                                                                                                      | <u>Quiet Title</u>                                                                                                                |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Source                | S. Fk Teton R.                                                                                                                    | S. Fk Teton R.                                                                                                                    | S. Fk Teton R.                                                                                                                    |
| Quantity              | 5.60 cfs                                                                                                                          | 12.0 cfs                                                                                                                          | 12.0 cfs                                                                                                                          |
| Period of use         | Apr 1-Jul 15                                                                                                                      | Apr 1-Jul 15                                                                                                                      | Not stated                                                                                                                        |
| Purpose               | Irrigation                                                                                                                        | Irrigation                                                                                                                        | Irrigation,<br>livestock, domestic                                                                                                |
| Point of<br>Diversion | *NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S 11,<br>T 6N, R 40E                                                                         | NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S 11,<br>T 6N, R 40E                                                                          | NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S 11,<br>T 6N, R 40E                                                                          |
| Place of<br>Use       | N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,<br>NW $\frac{1}{4}$ , all in<br>S 11, T 6N,<br>R 40E, B.M. | N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,<br>NW $\frac{1}{4}$ , all in<br>S 11, T 6N,<br>R 40E, B.M. | N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,<br>NW $\frac{1}{4}$ , all in<br>S 11, T 6N,<br>R 40E, B.M. |

\*Amended 14 December 1979 to NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 11, T. 6N,  
R. 40E, B.M.

Neither the claim nor the Quiet Title action were  
amended to show the point of diversion change.

4. Also filed on May 30, 1979 was an Order for Publication,  
a Notice of Pendency, and an Affidavit.

5. A permit amendment was applied for by Robert R.  
Ricks to change his point of diversion on 14 December 1979.  
This amendment was granted 21 December 1979.

6. An answer to the complaint was sent by Fremont  
Madison Irrigation District on 14 January 1980 and by the  
Department on 11 January 1980.

7. A Stipulation and Order, dated 30 November 1981,  
was approved by the court on 4 December 1981.

8. A field exam memo was forwarded to Boise on 26  
February 1980.

### Description of Point of Diversion

1. The point of diversion, as stated in this Quiet Title action and claim 22-4012, is the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 11, T. 6N, R. 40E, B.M., in Madison County.

2. The actual point of diversion was shifted to NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 11, T. 6N, R. 40E, B.M. in the spring of 1981, and was located at that point in July, 1982 (second field exam).

3. From 1955 to 1964 the actual point of diversion was at various points along the old river channel (see ASCS aerial photo dated September 2, 1951). The means of diversion was a tractor-driven pump which was moved with the tractor up and down the old channel. Handlines were used to irrigate the fields.

4. In 1962, 30 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$  were first irrigated using water from lateral ditches that divided the W $\frac{1}{2}$  from the E $\frac{1}{2}$  of the NW $\frac{1}{4}$ . This was done by using the tractor pump and portable handlines.

5. In 1964 (see photo of diversion with date), a new diversion made of concrete which had boards that were stacked in channels cast in concrete (see photo of diversion). The method of irrigation of most of the acreage was changed from sprinkler to flood irrigation after completion of this diversion.

6. In 1976, the Teton flood vastly altered the farming practices and the land surface.

### Place of Use

1. The land is divided by a bluff which is approximately 10-15 feet high. On the top lip of this bluff is the Woodmansee-Johnson Canal. Land which lies to the east of this canal can not be watered from the river using the present system, or by the system described in this Quiet Title action. This land constitutes 21.4 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ . An additional 6.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  is covered by a home and corrals. This land has not been watered from the river. The waste land, bluff, canal, new river channel, dike, field roads, etc. constitute 27.9 acres of the 280 acres claimed and should not be counted as acreage that is irrigated by this Quiet Title action. This leaves a total of 224 acres which could be irrigated from the river as of January, 1984.

2. The land was developed as follows:

In 1955 the W $\frac{1}{2}$ NW $\frac{1}{4}$  was not owned by the Ricks Brothers. Of that 80+ acres, 30 acres were clear and usable as pasture. The rest of this 80+ acres was covered by willows, small trees, and other dense vegetation. In November 1961, Robert Reed Ricks purchased this 80+ acres and Robert R. Ricks commenced watering the pasture portions with a sprinkler. In 1969, Robert Reed sold the land to Robert R. (attachment C). In 1976, the Reed Brothers (Seth and Robert R.) ceased their partnership and swapped the piece in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  for a similar piece in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  (see ASCS aerial photo dated May 20, 1966). Note that on the deed there is a small piece in

the NW $\frac{1}{4}$ SW $\frac{1}{4}$ . In 1976, the Teton flood completely changed the landscape. In 1977, the land was leveled and crops were grown on this 80 acres (less the river channel--approximately five acres).

The piece above the Woodmansee-Johnson Canal (21.4 acres) and the farm homestead (6.7 acres) should not have been included in this action (total 27.4 acres) (see attachment B).

The majority of the land, including the two pieces stated above (27.4 acres), was purchased by Seth Ricks in approximately 1951 (no deed was found). It was subsequently purchased by Robert R. from Seth in October, 1959 (attachment D & E) in a land swap. The land on both sides of the river was cleared between 1951 and 1955 (see aerial photos dated September 2, 1951 and May 20, 1966). A calculation of the cleared land in 1966 photo on this piece is 144 acres (excludes the land to the east of the Woodmansee-Johnson Canal and the homes). After the 1976 Teton flood and the reclamation of the original channel in 1977, the acreage under irrigation increased to 150 acres.

# Chronology of Land Use

## Acres Under Irrigation

|                                   | <u>1955</u>    | <u>1962</u>   | <u>1964</u>   | <u>1977</u> | <u>1982</u> |
|-----------------------------------|----------------|---------------|---------------|-------------|-------------|
| NW $\frac{1}{4}$ NW $\frac{1}{4}$ | 0              | 14            | 14            | 36          | 36          |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ | 0              | 16            | 16            | 37          | 37          |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ | 36             | 36            | 36            | 37          | 37          |
| SE $\frac{1}{4}$ NW $\frac{1}{4}$ | 34             | 34            | 34            | 38          | 38          |
| NW $\frac{1}{4}$ NE $\frac{1}{4}$ | 32             | 32            | 32            | 34          | 34          |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$ | 30             | 30            | 30            | 30          | 30          |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$ | 12<br>(+ 21.4) | 12<br>(+21.4) | 12<br>(+21.4) | 33.4        | 33.4        |

## Recommendations

|                    |                                                                                                                                                                                                                                              |                                                                                                                 |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Priority           | April 1, 1955                                                                                                                                                                                                                                | April 1, 1962                                                                                                   |
| Point of diversion | NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S 11,<br>T 6N, R 40E                                                                                                                                                                                     | NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S 11,<br>T 6N, R 40E                                                        |
| Amount             | 2.88 cfs                                                                                                                                                                                                                                     | 0.60 cfs                                                                                                        |
| Purpose            | Irrigation                                                                                                                                                                                                                                   | Irrigation                                                                                                      |
| Dates              | Apr 1-Jul 15                                                                                                                                                                                                                                 | Apr 1-Jul 15                                                                                                    |
| Place of use       | NE $\frac{1}{4}$ NW $\frac{1}{4}$ (36 acres)<br>SE $\frac{1}{4}$ NW $\frac{1}{4}$ (34 acres)<br>NW $\frac{1}{4}$ NE $\frac{1}{4}$ (32 acres)<br>SW $\frac{1}{4}$ NE $\frac{1}{4}$ (30 acres)<br>NE $\frac{1}{4}$ NE $\frac{1}{4}$ (12 acres) | NW $\frac{1}{4}$ NW $\frac{1}{4}$ (14 acres)<br>SW $\frac{1}{4}$ NW $\frac{1}{4}$ (16 acres)<br><br><br><br>30. |
|                    | All in Sec. 11, T. 4N, R. 40E, B.M.                                                                                                                                                                                                          |                                                                                                                 |

No priorities should be given after the 1962 date since the next major activity in this case was in 1977, which is after the May 20, 1971 date, which required that a permit must be filed for appropriation of water after that time.

### Comments

Robert R. Ricks has 280 acre-feet of storage. He utilizes the system to distribute this storage water. Normally the watermaster does not measure "high water" and the purpose of this filing was to file on that water. History has shown that a 1955 priority will normally be cut the second week of June.

#### Documents available:

- (a) ASCS aerial photos dated 1941, 51, 66, 71, and 78.
- (b) Copies of deeds for properties last sale.
- (c) Copies of water delivery records for 1978-1983.
- (d) Copy of Seth and Robert R. Ricks 1958 tax return.
- (e) Tony Kozlowski's 1980 field report.
- (f) Copy of the present sprinkler irrigation system (attachment B).
- (g) Copy of permit 22-7288 and amendment thereto.
- (h) Copy of claim 22-4012.

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 22-7288  
Date Received: 8/9/1988  
Receipt No: E001162  
Received By:

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

2. Date of Priority: 01/29/1979

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 NE NW              | MADISON |      |

5. Description of diverting works:

HEADGATE TO PUMP, MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

| Purpose    | From | To   | C.F.S. | (or) A.F.A |
|------------|------|------|--------|------------|
| IRRIGATION | 4/01 | 7/15 | 4.36   |            |

7. Total Quantity Appropriated is:  
4.36 C.F.S.

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 |
| NW | NE |
| SW | NE |
| NE | NW |
| NW | NW |
| SW | NW |
| SE | NW |

|            |    |
|------------|----|
| IRRIGATION | 13 |
| IRRIGATION | 35 |
| IRRIGATION | 35 |
| IRRIGATION | 35 |
| IRRIGATION | 32 |
| IRRIGATION | 35 |
| IRRIGATION | 40 |

Section Acres      225

Total Acres      225

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:

14. Remarks:

RECEIVED

NOV 22 1999

Department of Water Resources  
Eastern Region

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: A22-07288  
Date Received: 8/09/1988  
Receipt No: E001162  
Received By: EC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ROBERT R. RICKS 208-356-3075  
Address: ~~RT. 1~~ 3891 E 3000 N  
SUGAR CITY, ID 83448

2. Date of Priority: JAN 29, 1979

3. Source: TETON RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

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

5. Description of diverting works:  
HEADGATE TO PUMP, MAINLINE AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 07/15 | 4.360  |      |        |

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

8. Total consumptive use is 550.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 06N      | 40E   | 11      | NE     | NE     |     | IRR | 13.0  |
|          |       |         | NW     | NE     |     | IRR | 35.0  |
|          |       |         | SW     | NE     |     | IRR | 35.0  |
|          |       |         | NE     | NW     |     | IRR | 35.0  |

A22-07288

Page 1

Date: 08/09/88

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06N      | 40E   | 11      | NW     | NW  |     | IRR           | 32.0  |
|          |       |         | SW     | NW  |     | IRR           | 35.0  |
|          |       |         | SE     | NW  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 225.0 |
|          |       |         |        |     |     | Total Acres   | 225.0 |

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:  
22-00490, 22-04012, 22-04043

14. Remarks:  
THE QUANTITY OF WATER BEING CLAIMED IS BASED ON THE MEASUREMENT  
MADE DURING THE LICENSING FIELD EXAMINATION CONDUCTED 18 JULY  
1985. THE PLACE OF USE IS BASED ON ACREAGES PROVIDED BY  
ASCS.

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 H. Parks* Date: Nov 17/99  
Date:                                     

State of Idaho )  
County of Madison ) SS.

Subscribed and sworn (or affirmed) before me this 17 day  
of November 19 99 *Charles Parks*  
Notary Public

Seal

Residing at *Sugar City*  
My Commission Expires *Oct 17 2003*