

12/19/2005

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

RIGHT NUMBER: 22-7326

NAME AND ADDRESS: BAKER FARMS INC
C/O THOMAS BAKER
6501 E 2000 N
SUGAR CITY ID 83448

SOURCE: GROUND WATER ✓

TRIBUTARY:

QUANTITY: 4.110 CFS ✓
885.500 AFY ✓

The rights listed below are limited to a total combined diversion rate of 4.11 cfs and to a total combined annual diversion volume of 1,554 AF. Combined Right Nos.: 22-7174 and 22-7326. ✓

PRIORITY DATE: 05/09/1980 ✓

POINT OF DIVERSION:

T07N R42E S28 SWNWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION ✓

PERIOD OF USE
04/01 11/01 ✓

QUANTITY
4.110 CFS ✓
885.50 AFY ✓

PLACE OF USE:

IRRIGATION Within MADISON County

T07N R42E S28	SWNW	40.0	T07N R42E S28	SENW	39.0
T07N R42E S28	NESW	36.0	T07N R42E S28	NWSW	40.0
T07N R42E S28	SWSW	2.0 ✓	T07N R42E S29	NESE	39.0
T07N R42E S29	SESE	25.0 ✓	T07N R42E S32	NENE	40.0
T07N R42E S32	NWNE	40.0	T07N R42E S32	SWNE	40.0
T07N R42E S32	NENW	32.0	T07N R42E S32	SENW	31.0
T07N R42E S33	NWNW	40.0			

444 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 444 acres in a single irrigation season. Combined Right Nos.: 22-7174 and 22-7326. ✓

This right is limited to the irrigation of 253 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 No. 22-7174 is also diverted through point of diversion described above. ✓

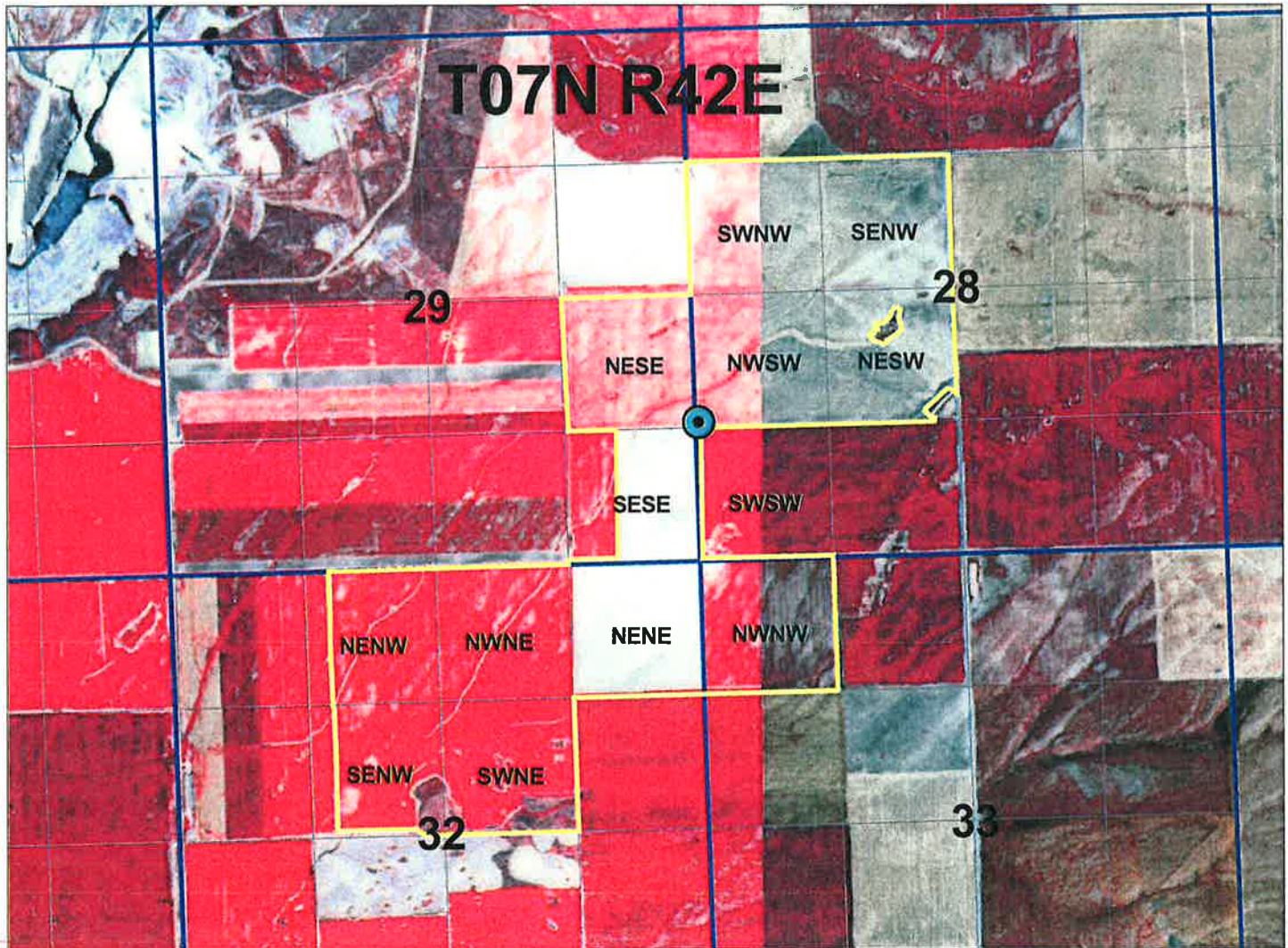
+603

Department of Water Resources

Eastern Region

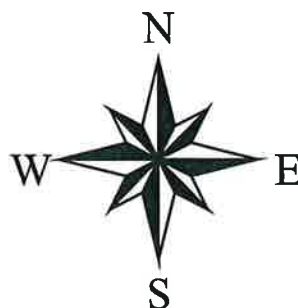


Claim No.: 22-7174 and 22-7326



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

SCANNED
AUG 09 2007

12/12/2005

**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: 22-7326

BAKER FARMS INC
C/O THOMAS BAKER
6501 E 2000 N
SUGAR CITY ID 83448
Telephone Number: (208)458-4265

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:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 8-9-06 SIGNATURE: Roy H Baker
Please print your name: Roy H. Baker

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

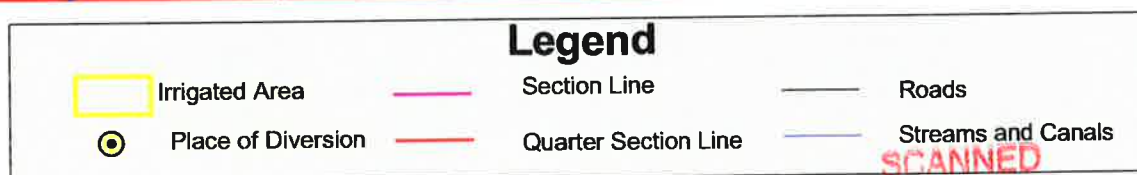
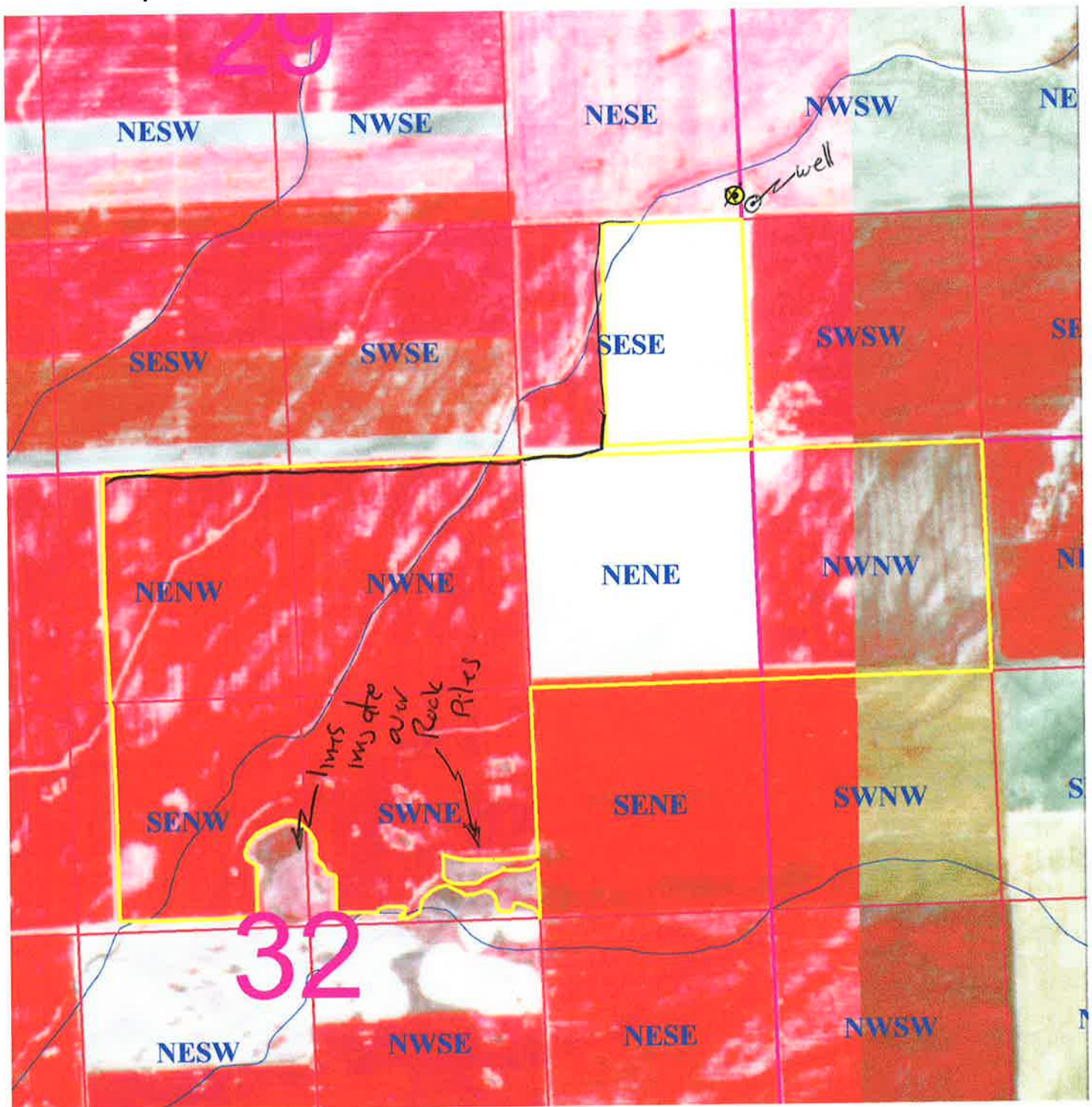
SCANNED

AUG 09 2007

Russ
10/20

Water Right Claim Number 22-07326
Township , 7N42E

08/17/2001



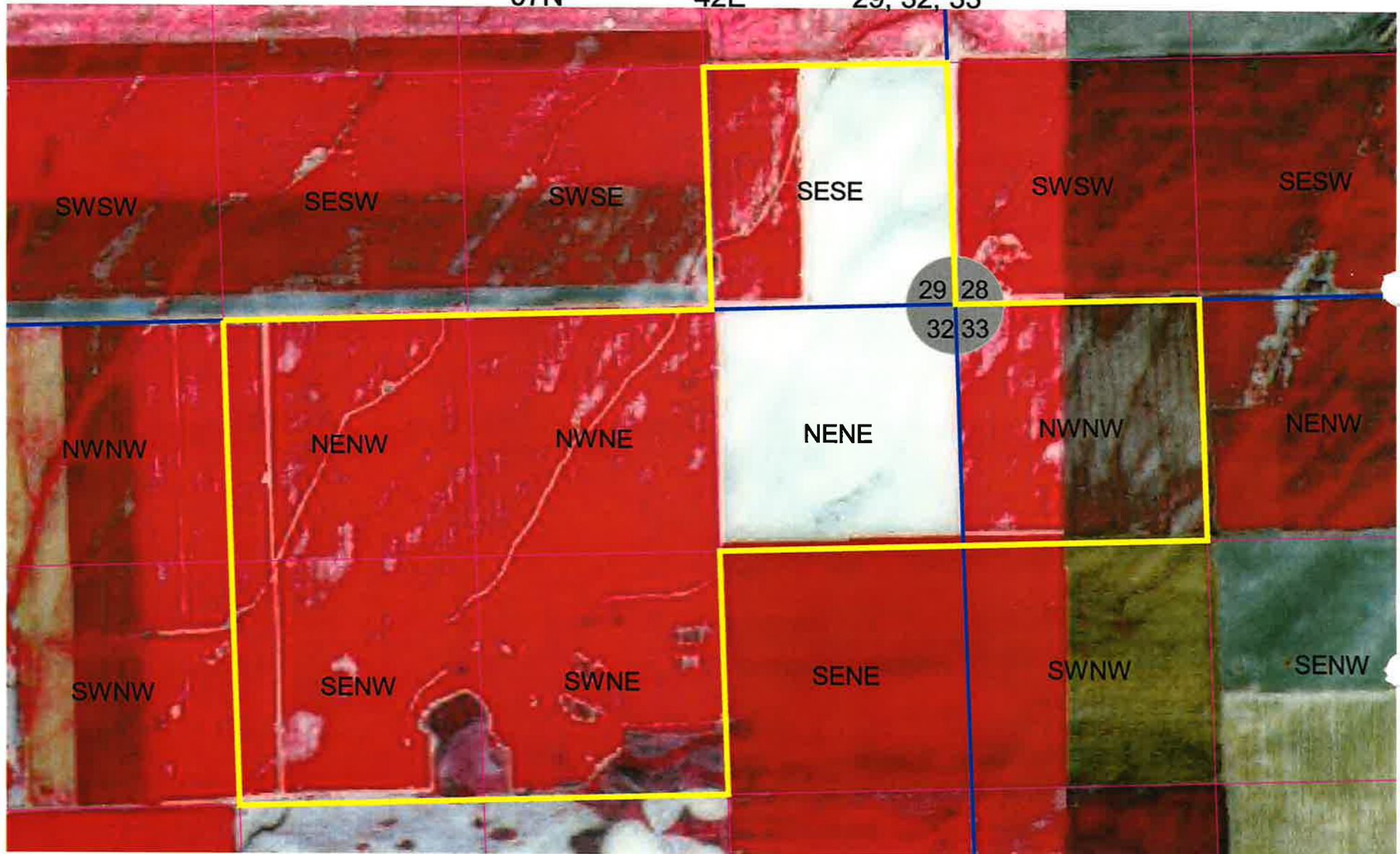
AUG 09 2007

SPATIAL
DYNAMICS

Township
07N

Range
42E

Section
29, 32, 33



Notes:



AUG 09 2007

SCANNED

0.2

0

0.2

0.4 Miles

Water Right #: 2207326

Examiner:

Date:

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07326

Priority: May 9, 1980

Maximum Diversion Rate: 4.11 CFS
Maximum Diversion Volume:¹ 885.5 AF

This is to certify, that T. KAY BAKER

RT. 1 BOX 87

SUGAR CITY, ID 83448

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated May 9, 1980; and has submitted Proof of Beneficial Use on April 8, 1985. An examination indicates that the works have a diversion capacity of 4.110 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	4.11 CFS	885.5 AF

LOCATION OF POINT(S) OF DIVERSION:

NESE, Sec. 29, Township 07N, Range 42E
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>
07N	42E	28	SWSW 2				2
		29	SESE 27				27
		32	NENE 40	NWNE 40		SWNE 40	
			NENW 32	SENE 32			184
		33	NWNW 40				40

Total number of acres irrigated: 253

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.

MICROFILMED

MAR 20 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07326

CONDITIONS/REMARKS:

6. The maximum combined rate of diversion under this right & Right 22-7174 shall not exceed 4.11 cfs.

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

RECEIVED

FEB 9 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07326

Department of Water Resources

Date of Priority: May 9, 1980

Maximum Diversion Rate 4.11 CFS
Maximum Diversion Volume 885.5 AF

Comes now T. KAY BAKER
RT. 1 BOX 87
SUGAR CITY, ID 83448

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. 22-07326, 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	4.11 CFS	885.5 AF

LOCATION OF POINT(S) OF DIVERSION: NESE, Sec. 29, Township 07N, Range 42E
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>
07N	42E	28	SWSW 2			2
		29	SESE 27			27
		32	NENE 40	NWNE 40	SWNE 40	184
			NENW 32	SENE 32		40
		33	NWNW 40			

Total number of acres irrigated: 253

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 Moody, this 5 day of Feb., 1990.

T. Kay Baker
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07326

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 ✓ Received by C. Wong Date 2/9/90 #C014528

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. 22-07326 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.
6. The maximum combined rate of diversion under this right & Right 22-7174 shall not exceed 4.11 cfs.

Witness my hand this 15TH day of MARCH, 19 90.


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 22-7326

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant BAKER FARMS INC
C/O THOMAS BAKER
6501 E 2000 N
SUGAR CITY, ID 83448
(208)458-4265

Priority Date: 06/12/1903
Basis: Decreed/License
Status: Active

<u>Source</u>	<u>Tributary</u>				
Ground Water					
Fall River	Snake River				
<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	
IRRIGATION	04/01	11/01	4.11 CFS	885.5 AFA	
Total Diversion			4.11 CFS		

Location of Point(s) of Diversion:

GROUND WATER SWNWSW Sec. 28 Township 07N Range 42E MADISON County

Place(s) of use:

Place of Use Legal Description: IRRIGATION MADISON County

<u>Township</u>		<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	42E	28			SWNW	40									
					NESW	36									
			29		NESE	39									
					SESE	25									
		32			NENE	40									
					NWNE	40									
		33			NENW	32									
					NWNW	40									

Total Acres: 444

Remarks: This water right includes the right to divert water which is recovered ground water resulting from recharge for irrigation and/or water resulting from irrigation under the Enterprise Irrigation District irrigation works for use on lands within said irrigation entity's authorized place of use. Diversion of this right for the purpose of irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code. In the event recharge or recovered water is not available, the priority date shall revert to the previously licensed priority date.

1. Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
C05

2. 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.
C18

3. Right No. 22-7174 is also diverted through point of diversion described above.
F05

4. The rights listed below are limited to a total combined diversion rate of 4.11 cfs and to a total combined annual diversion volume of 1,554 AF. Combined Right Nos.: 22-7174 and 22-7326.
E61

5. The rights listed below are limited to the irrigation of a combined total of 444 acres in a
E56

single irrigation season. Combined Right Nos.: 22-7174 and 22-7326.

6.K06 This right is limited to the irrigation of 253 acres within the place of use described above in a single irrigation season.

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed/License

Signature(s)

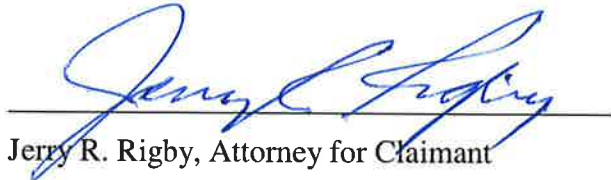
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17th day of August, 2010.


Jerry R. Rigby, Attorney for Claimant

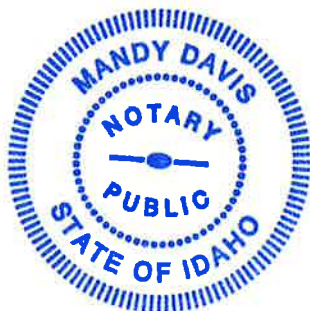
STATE OF IDAHO,)

ss.

County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Mandy Davis
Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011

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: A22-07326
Date Received: 8/18/1988
Receipt No: E001421
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BAKER FARMS, INC. 208-458-4230
Address: 6509 E. 2000 N.
SUGAR CITY, ID 83448

2. Date of Priority: MAY 09, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	42E	29	SE	NE	SE		MADISON

5. Description of diverting works:
WELL, PUMP & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.110		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	42E	29	SE	SE		IRR	27.0
						Section Acres	27.0
		32	NE	NE		IRR	40.0

A22-07326

Page

1

Date: 08/18/88

A2207326



SCANNED

MICROFILMED

AUG 09 2007

OCT 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	42E	32	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	33.0
			SE		NW		IRR	33.0
			Section Acres					186.0
		33	NW		NW		IRR	40.0
			Section Acres					40.0
			Total Acres					253.0

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:
THE QUANTITY CLAIMED IS BASED ON MEASUREMENT MADE DURING THE
LICENSING FIELD EXAM CONDUCTED JULY 17,1987. THE ACREAGE IS
BASED ON THE ACTUAL IRRIGATED ACREAGE.

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 Organizations:

I do solemnly swear or affirm that I am President of _____
Title

Baker Farms Inc., that I have signed the foregoing
Organization

document in the space below as President of _____
Title

Baker Farms Inc. and that the statements contained in the
Organization

foregoing document are true and correct.

JH Baker
Signature of Authorized Agent

Baker Farms Inc.
Title and Organization

8-18-88
Date

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 18 day

of Aug 19 88

Ernest Carlson
Notary Public

Seal

Residing at Adams Falls ID

My Commission Expires 14 June 1994

TRANSFERRED TO
FREMONT
COUNTY

1148 R42E

ROBERT RICKS

988

1453

A22-07174

SCANNED
AUG 07 2007

TRANSFERRED TO FREMONT COUNTY

153.6

BAKER FARMS INC

Well

sec 1-1

25.6

29 28
32 33

1454

TRANSFERRED TO

A22-07326

18.5
2

Maxine Briggs

988

1504

T7N

42.1
2

OCT 29 1992

UNFILED

140.9
3

H-2