

12/21/2005

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

RIGHT NUMBER: 22-10897

NAME AND ADDRESS: LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 6.160 CFS
1,288.00 AFY

The rights listed below are limited to a total combined diversion rate of 6.16 cfs and to a total combined annual diversion volume of 2723 AF. Combined Right Nos.: 22-2242B and 22-10897.

PRIORITY DATE: 06/20/1976

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:
T04N R40E S2 NWSESW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	6.160 CFS 1,288.00 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T04N R40E S01 Lot 4 NWNW	35.00	T04N R40E S01	SWNW	40.00
T04N R40E S01 NWSW	28.00	T04N R40E S01	SWSW	1.00
T04N R40E S02 Lot 1 NENE	40.00	T04N R40E S02	SENE	40.00
T04N R40E S02 NWSW	40.00	T04N R40E S02	SWSW	40.00
T04N R40E S02 SESW	40.00	T04N R40E S02	NESE	40.00
T04N R40E S02 NWSE	20.00	T04N R40E S02	SWSE	40.00
T04N R40E S02 SESE	20.00	T04N R40E S03	SWNE	37.00
T04N R40E S03 SENE	38.00	T04N R40E S03	SENW	5.10
T04N R40E S03 NESE	35.00	T04N R40E S03	SWSE	4.60
T04N R40E S03 SESE	39.00	T04N R40E S10	NENE	31.00
T04N R40E S10 NWNW	7.30	T04N R40E S10	SWNE	1.00
T04N R40E S10 SENE	32.00	T04N R40E S11	NWNW	15.00
T04N R40E S11 NENW	37.00	T04N R40E S11	NWNW	35.00
T04N R40E S11 SWNW	28.00	T04N R40E S11	SENW	9.00

778 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 778 acres in a single irrigation season. Combined Right Nos.: 22-2242B and 22-10897.

This right is limited to the irrigation of 368 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.

This right is based upon an enlargement of Right No. 22-2242B pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 22-2242A, 22-2242B, and 22-10897 are also diverted through point of diversion described above.

This right is for an enlargement of 368 acres within the place of use described for this right.

Department of Water Resources

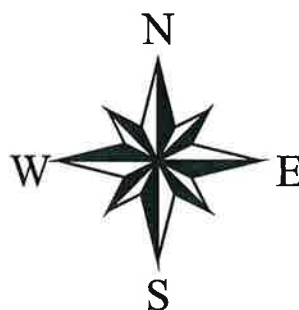
Eastern Region



Claim No.: 22-2242B & 22-10897



- 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

RECEIVED

OCT 05 2006

09/27/2006

DEPARTMENT OF
WATER RESOURCES

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: 22-10897

LEE H SUTTON

1577 E 10000 S

REXBURG ID 83440

Telephone Number: (208)356-6392

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:

10-3-06

SIGNATURE:

Lee H. Sutton

10-3-06

Please print your name:

LEE H. SUTTON

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

Kim J
10/10/06

Claim no. A2210897

Claimant Contact Log

Date _____

Remarks

Agent initials

Evidence sufficient for 1976 priority date. Because not all of it was irrigated in 1966, that date cannot be recommended. If the claimant really wants the 1966 date, he will have to file another claim. However, it won't do him much good since there isn't any water connected with this right.

Lee H. Sutton
1577 East 10000 South
Rexburg, ID 83440

March 9, 2005

Idaho Department of Water Resources
In Reference To Water Right Claim, for Proof of Use of Water pumped on to neighboring lands leased from neighbors Claim #A22-10897 was used for irrigation purposes.

This claim is a claim for irrigation of land for expanded acres in addition to Claim #A22-02242B. The Claim for #A22-02242B for 6.160 C.F.S. is a licensed claim and no claim to C.F.S. is here intended. This statement is to claim consumptive use of water that has irrigated additional land from a well on my property with some land being first watered in 1966 and some land being first watered in 1976.

I will explain as follows:

In 1965, my father drilled a well on property he had just purchased in early 1965. He applied for a permit with a priority date of January 28, 1965, original Water Right #32207/22-2232 and was granted a license on June 6, 1972, for 470 acres of ground with a total of 7.06 C.F.S.

In 1966, he rented ground from Russell Grover and Wesley Grover and Afton Hansen and Covington Brothers LTD and began spreading water from this well to irrigate an additional 289 acres of ground. This ground was leased on a cash lease with the understanding that the landowner would not acquire a water right that would injure or reduce his License or C.F.S. or acquire any right to his well or any water works, sprinkler, or distribution equipment. This ground will be listed later in this statement.

In 1976, Dad rented an additional 83 acres of ground from Afton Hansen located in SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 3 Township 4 N. Range 40 East. All of this ground has been continuously watered since that time on a cash lease basis with the agreement that the lessee had all rights to water applied to this land.

Idaho Department of Water Resources
Page 2

In 1980, my father, Jesse L. Sutton, died. In 1981 through 1985, my brother Steve J. Sutton and myself (Lee H. Sutton), continued to lease this ground. In 1986, my brother Steve and I split up and I have continued to water this ground listed below spreading the water to irrigate a total of 372 acres of ground that has been filed for consumptive use.

The ground herein described is all located in Madison County, Idaho, and is more described as follows:

Township	Range	Section	¼ of ¼	Use	Acres	
04N	40E	1	NW NW	IRR	35.0	} June 1966
			SW NW	IRR	40.0	
			NW SW	IRR	27.0	
			SW SW	IRR	1.0	
			SECTION ACRES:		103.0	
		2	NE NE	IRR	40.0	} June 1966
			SE NE	IRR	40.0	
			NE SE	IRR	40.0	
			SE SE	IRR	19.0	
			SECTION ACRES:		139.0	
		3	SW NE	IRR	38.0	} June 1966
			SE NE	IRR	40.0	
			SE NW	IRR	5.0	
			NE SE	IRR	37.0	
			SECTION ACRES:		120.0	
		11	SE NW	IRR	10.0	} June 1966
			SECTION ACRES:		10.0	
TOTAL ACRES:					372.0	

This Right, when combined with A22-02242B, shall not exceed 6.16 C.F.S. total diversion rate. This Right is an expansion of Right A22-02242B. The lands described in this permit do not belong to the claimant. Present Ownership has changed since the original application was filed on August 25, 1988. Current owners of the above claimed ground will be listed on the following page.

Idaho Department of Water Resources
Page 3

Current owners of the above claimed ground are as follows:

Covington Bros. LLC
% Joyce Covington
221 South 3rd East
Rexburg, ID 83440

Garth Sutton
1295 East 10,000 South
Rexburg, ID 83440

Afton Hansen Family Trust
% Ruth Hansen
725 North 300 West
Richfield, UT 84701

Grover Farms, LTD
% Blair Grover
309 North 4500 East
Rigby, ID 83442

Attached to this document is a copy of an aerial map showing the above mentioned ground.

I hereby state that the information contained in this document is true and correct to the best of my knowledge.

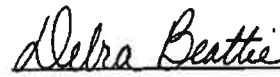


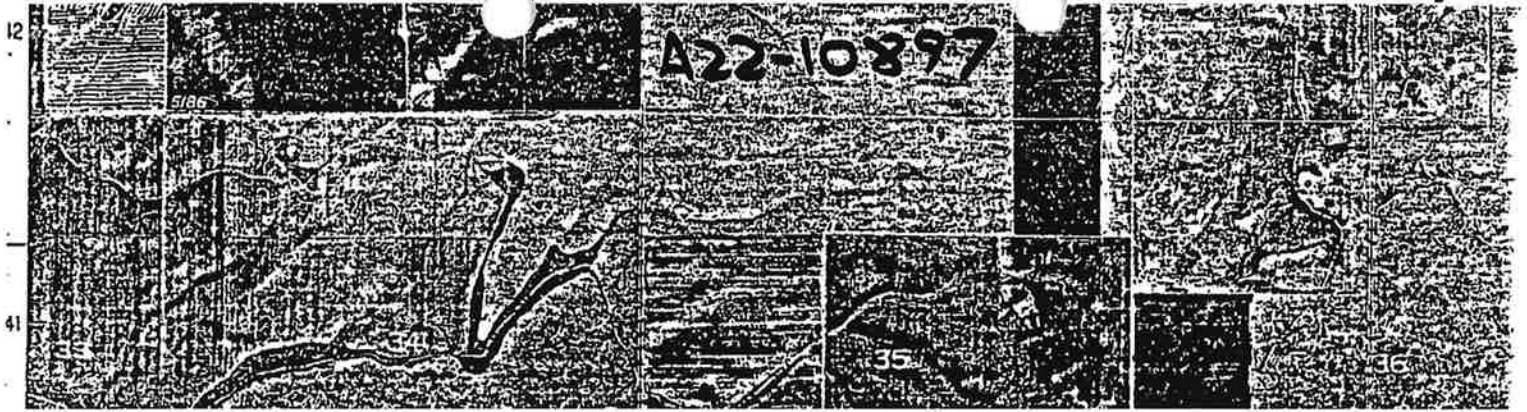
Lee H. Sutton
03-11-05

State of Idaho)
 S.S.
County of Madison)

On this 11th day of March, 2005, before me Debra Beattie, a notary public personally appeared Lee H. Sutton, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.




Debra Beattie, Notary Public
My Commission Expires 7-5-2009





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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 9, 2005

LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440

FINAL NOTICE
PLEASE READ

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10897

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date JUNE 20, 1966, from a WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have

Received
2-24-04

February 24, 2004

**LEE H SUTTON
1577 E 10000 S
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-10897

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JUNE 20, 1966, from a WELL.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit the documentation supporting the priority date within 30 days of the date
of this letter, referencing all documents with the corresponding claim number. If
you have any questions not covered by this letter or the enclosed pamphlet, please feel
free to contact this office.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)

Contacts Data Entry Form

Water Right No. A2210897

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>LIEB H. Sutton</u>					
Name connector: and						
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

Directions to Property (if different from above) and/or update owner information:

Belt Claim

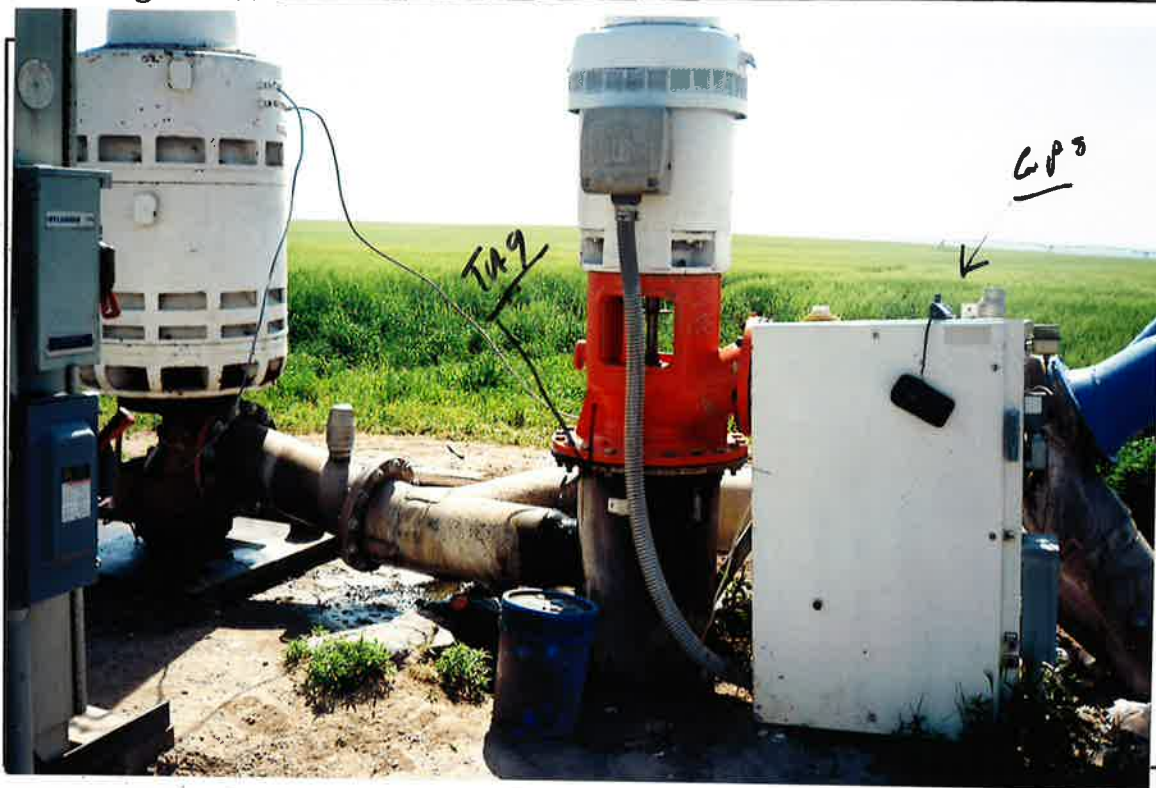
This is an Enlargement Claim. of 322 AC.
Right is used with other Rights A22-02242B
NOT TO EXCEED 6.16 CFS. THIS RIGHT IS
AN EXPANSION OF A2202242B.
ARRIVATED FROM LICENSE 2202242, SPLIT TO A. & B.
SPLIT ATTACHED.

FE pad/pou conveyance/system

Reviewer: _____

Date: _____

Water Right No(s). A2210897



GPS DATA:

Tag # A000 9571 Location: on Well Casing

Diversion Data:

Source: Ground Water Trib to: _____

MOTOR

Make: G E. Model: K. Hp: 600 Hp.
SN: 00J 3150 28

PUMP

Make: Peerless Pump Model: _____ Disch: 12"
SN: 208425

NOTES:

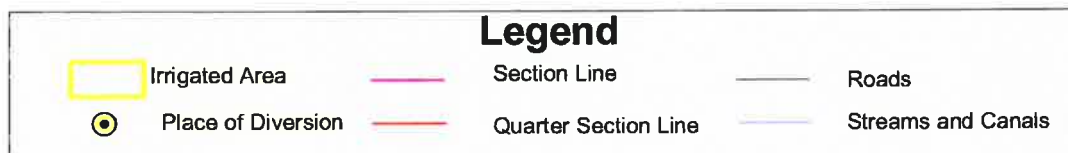
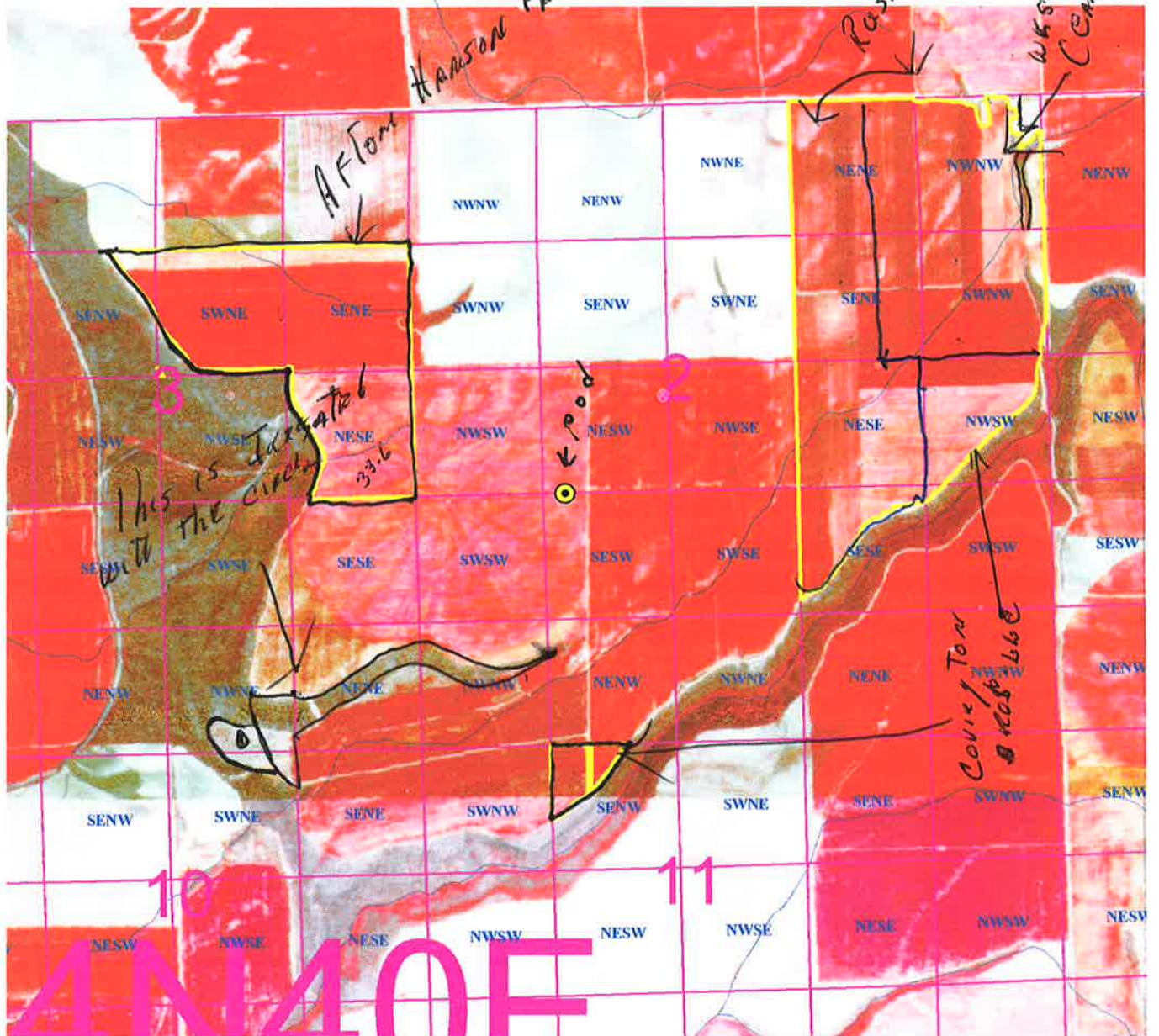
Has 600 Hp pump with 150 Hp Booster
pump. Comes out of 12" line into 210"
main lines. Photo in West Direction.

Field Exam Date: 7-8-05 Agent: Nick Olson

Water Right Claim Number 22-10897
Townships , 5N40E, 4N40E

07/13/2001

34



1200 0 1200 2400 Feet



SPATIAL
DYNAMICS

*****INVALID SPLIT*****

GARTH SUTTON AND LEE SUTTON SIGNED AN AGREEMENT STATING NOTICE
A22-10897 SHOULD NOT HAVE BEEN SPLIT BECAUSE IT IS WAS FILED AS
AN EXPANSION OF LICENSE 22-02242B HELD ENTIRELY BY LEE SUTTON.
CONSEQUENTLY THE A AND B SPLITS WILL REFLECT A STATUS CODE OF Z.
AND A22-10897 WILL BE RECOGNIZED AS ORIGINALLY FILED.

*****EMC 08-07-1995*****

8-3-95

To Whom It May Concern

It is understood this this day that in regard to a claim made By Garth Sutton due to purchase of Ground formerly owned by Wesley Grover Family a claim was made by Garth to Split a portion of Adjudication claim A22-10897. This claim was split into claims A22-10897 A and claim A22-10897B this should not have been done since there was no valid claim to any G.F.S. of Water and therefore there was no water right to be transfered to Garth Sutton from Lee Sutton. These should be re combined to the original claim A22-10897. In the name of Lee H. Sutton

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 7-03-2000

8-3-95
Betty J Thompson

Signed Lee H Sutton
Garth Sutton
MICROFILMED
NOV 6 1995

Yes the water right needs changed into
my name also. at least that portion which
was on the grant deed which I sent you
all of that which I purchased from Wesley
Horne please fill it out & send
me to sign ^{for you}. you should still have the
copy of the Grant Deed which I sent you

RECEIVED

JUL 28 1995

Department of Natural Resources
Eastern District Office

thanks

Garth Sutton

1295 E. 10,000 S

Rexburg Idaho 83448

A Change in Ownership
for AZZ-10897 was done based
on this signed letter and grant
deed attached to AZZ-07092A.

356-6638

351-1285

MICROFILMED
NOV 6 1995

HL

7-31-95

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A22-10897

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SUTTON

LEE H

1 - 1577 EAST 10000 SOUTH
2 -
3 -
City- REXBURG
Phone - 208-356-6392

State- ID Zip- 83440

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/20/1966 ERROR IN REGION J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

04N 40E 2 SE SW (65) MADISON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 6.160

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.160 776.0

+ - - - - Place of Use - - - - - +								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
04N	40E	1	NW NW		35.0	01	IRRIGATION	(65) MADISON
04N	40E	1	SW NW		40.0	01	IRRIGATION	(65) MADISON
04N	40E	1	NW SW		27.0	01	IRRIGATION	(65) MADISON
04N	40E	1	SW SW		1.0	01	IRRIGATION	(65) MADISON
04N	40E	2	NE NE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	2	SE NE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	2	NE SE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	2	SE SE		19.0	01	IRRIGATION	(65) MADISON
04N	40E	3	SW NE		38.0	01	IRRIGATION	(65) MADISON
04N	40E	3	SE NE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	3	SE NW		5.0	01	IRRIGATION	(65) MADISON
04N	40E	3	NE SE		37.0	01	IRRIGATION	(65) MADISON
04N	40E	11	SE NW		10.0	01	IRRIGATION	(65) MADISON

Total Acres: 372.0

+ - - Diversion Means - WELL, PUMP AND SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A22-02242B

RECEIVED

JUL 28 1995

Department of Water Resources
Eastern District Office

See page #2

NOV 6 1995
MICROFILMED

Water right number - A22-10897

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - - +

THIS RIGHT, WHEN COMBINED WITH A22-02242B, SHALL NOT EXCEED 6.16
CFS TOTAL DIVERSION RATE. THIS RIGHT IS AN EXPANSION OF RIGHT
A22-02242B THE LANDS DESCRIBED IN THIS PERMIT DO NOT BELONG TO
THE CLAIMANT. OWNERSHIP IS AS FOLLOWS:

T4N R40E SEC3 SENE SWNE SENW NESE;
AFTON HANSEN
1206 EAST 10000 SOUTH
REXBURG, ID 83440

T4N R40E SEC1 NWSW SWSW;
T4N R40E SEC11 SENW;
COVINGTON BROS. LTD
1550 ALICE
IDAHO FALLS, ID 83401
T4N R40E SEC2 SESE NESE SENE(29 AC) NENE(28 AC);
RUSSELL GROVER RANCH
7987 SOUTH 400 WEST
REXBURG, ID 83440

T4N R40E SEC1 NWNW SWNW;
T4N R40E SEC2 SENE(11 AC) NENE(28AC);
WESLEY GROVER
HAMER, ID 83425

*

THE CLAIMANT STATES THAT:

THE WATER RIGHT HEREIN CLAIMED WAS BEING USED ON OCT. 1
1984, AND SINCE 6-20-66, AND THEREFORE QUALIFIES UNDER THE
SWAN FALLS CONTRACT.

*

*

*

+ - - - - Old Water Right Numbers - - - - - +

No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - - - Decree Date - +

00/00/0000

+ - - - - Comments - - - - - +

No Comments Found

+ - - - - Audit Fields - - +

00/00/00

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-

*Please Transfer this
portion to
South Sutton*

NOV 10 1995
MICROFILMED

AJ0743NP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

07/25/95 09:41:07
Page 3

Water right number - A22-10897

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Claim Received Date	- 08/25/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- E001738	Water District	-
		POU Ownership Flag	- N	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
NOV 16 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: A22-10897
Date Received: 8/25/1988
Receipt No: E001738
Received By: PRM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LEE H. SUTTON
Address: 1577 EAST 10000 SOUTH
REXBURG, ID

208-356-6392

83440

2. Date of Priority: JUN 20, 1966

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	2		SE	SW		MADISON

5. Description of diverting works:
WELL, PUMP AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.160		

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

A.F.A.

8. Total consumptive use is 776.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	40E	1	NW	NW		IRR	35.0
			SW	NW		IRR	40.0
			NW	SW		IRR	27.0
			SW	SW		IRR	1.0

Section Acres 103.0

A22-10897

Page 1

Date: 08/25/88

A2210897



MICROFILMED

NOV 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	40E	2	NE	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SE	SE		IRR	19.0
						Section Acres	139.0
		3	SW	NE		IRR	38.0
	SE		NE		IRR	40.0	
	SE		NW		IRR	5.0	
	NE		SE		IRR	37.0	
						Section Acres	120.0
		11	SE	NW		IRR	10.0
						Section Acres	10.0
						Total Acres	372.0

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A22-02242B

14. Remarks:

THIS RIGHT, WHEN COMBINED WITH A22-02242B, SHALL NOT EXCEED 6.16 CFS TOTAL DIVERSION RATE. THIS RIGHT IS AN EXPANSION OF RIGHT A22-02242B THE LANDS DESCRIBED IN THIS PERMIT DO NOT BELONG TO THE CLAIMANT. OWNERSHIP IS AS FOLLOWS:

T4N R40E SEC3 SENE SWNE SENW NESE;

AFTON HANSEN
1206 EAST 10000 SOUTH
REXBURG, ID 83440

T4N R40E SEC1 NWSW SWSW;

T4N R40E SEC11 SENW;

COVINGTON BROS. LTD
1550 ALICE
IDAHO FALLS, ID 83401

T4N R40E SEC2 SESE NESE SENE(29 AC) NENE(28 AC);

RUSSELL GROVER RANCH
7987 SOUTH 400 WEST
REXBURG, ID 83440

T4N R40E SEC1 NWNW SWNW;

T4N R40E SEC2 SENE(11 AC) NENE(28AC);

WESLEY GROVER

MICROFILMED

NOV 06 1982

*

THE CLAIMANT STATES THAT:

THE WATER RIGHT HEREIN CLAIMED WAS BEING USED ON OCT. 1 1984, AND SINCE 6-20-66, AND THEREFORE QUALIFIES UNDER THE SWAN FALLS CONTRACT.

*

*

*

Lee

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): *Lee H. Sutton* Date: *8-25-88*

Date: _____

State of Idaho)

County of *Bonnerille*) SS.

Subscribed and sworn (or affirmed) before me this *25*th day

of *August* 19 *88*

Dana Green

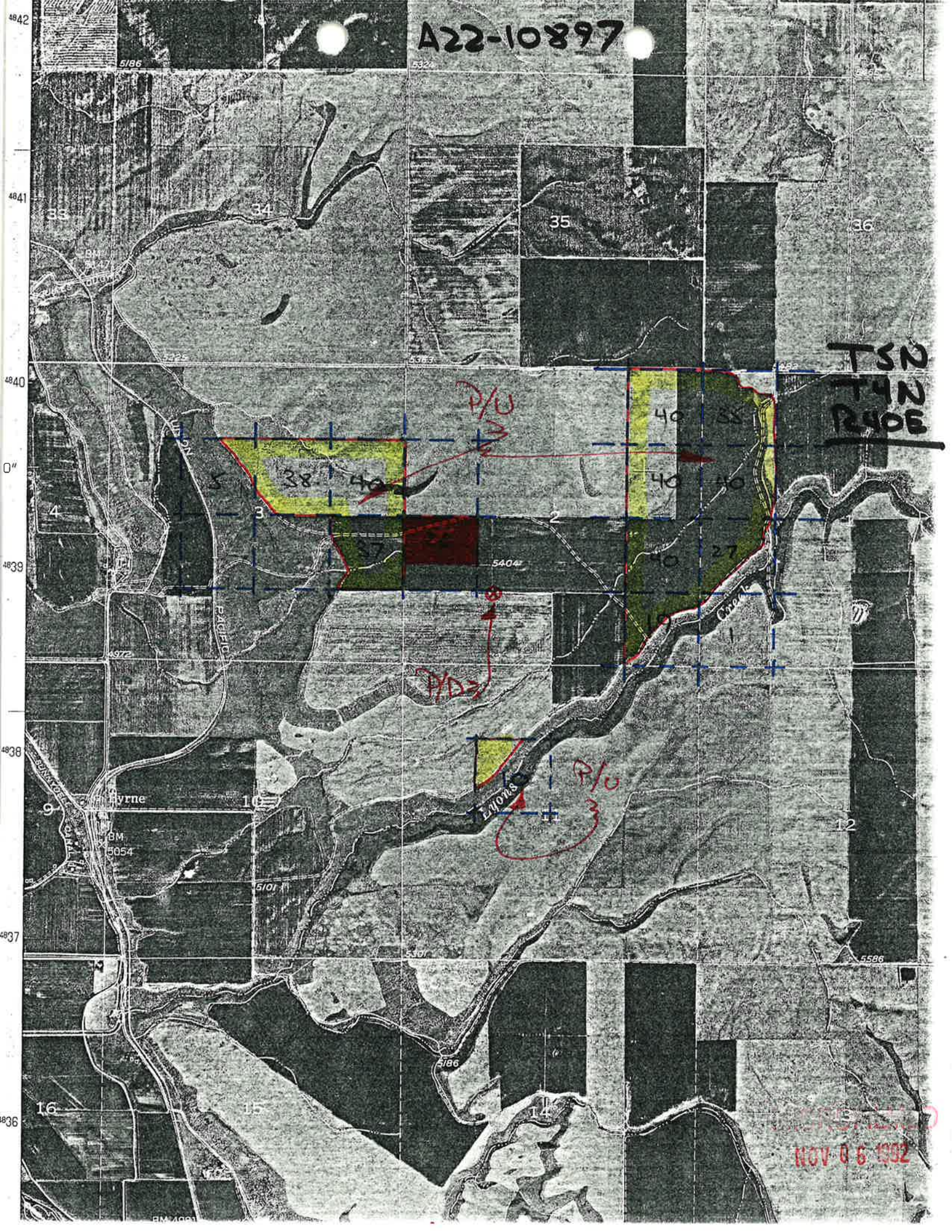
Notary Public

Seal

Residing at *Lidby*

My Commission Expires *4-22-1994*

A22-10897



TSN
T4N
R40E

NOV 06 1992

AJ0749NP
No. A22-10897

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/01/99
PAGE: 1

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LEE H SUTTON 1577 E 10000 S REXBURG ID 83440 (208) 356-6392	06/20/1966	IRRIGATION	04-01 11-01	6.160 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	6.160 CFS 776.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04N R40E S02

SESW

MADISON County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE								
T	R	S	NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NESE		NWSE		SWSE		SESE		SUM	
---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	---	
04N	40E	1	:								:			35		40	:			27		01	:					103.0
04N	40E	2	:		40				40	:											40				19	:	139.0	
04N	40E	3	:				38		40	:							05	:			37					:	120.0	
04N	40E	11	:							:							10	:								:	10.0	
																								TOTAL ACRES	372.0			

POU County: MADISON

Other Rights: A22-02242B

Remarks: GEN THIS RIGHT, WHEN COMBINED WITH A22-02242B, SHALL NOT EXCEED 6.16 CFS TOTAL DIVERSION RATE. THIS RIGHT IS AN EXPANSION OF RIGHT A22-02242B THE LANDS DESCRIBED IN THIS PERMIT DO NOT BELONG TO THE CLAIMANT. OWNERSHIP IS AS FOLLOWS:

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1206 EAST 10000 SOUTH
REXBURG, ID 83440

T4N R40E SEC1 NWSW SWSW;

T4N R40E SEC11 SENW;

COVINGTON BROS. LTD
1550 ALICE
IDAHO FALLS, ID 83401

T4N R40E SEC2 SESE NESE SENE(29 AC) NENE(28 AC);
RUSSELL GROVER RANCH
7987 SOUTH 400 WEST
REXBURG, ID 83440

T4N R40E SEC1 NWNW SWNW;

T4N R40E SEC2 SENE(11 AC) NENE(28AC);
WESLEY GROVER
HAMER, ID 83425

*

THE CLAIMANT STATES THAT:

AJ0749NP
No. A22-10897

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/01/99
PAGE: 2

Remarks:

THE WATER RIGHT HEREIN CLAIMED WAS BEING USED ON OCT. 1
1984, AND SINCE 6-20-66, AND THEREFORE QUALIFIES UNDER THE
SWAN FALLS CONTRACT.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number:

Field Inspection Flag:

Presumption Flag:

Water Right Number - A22-10897

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPLIT RIGHT

1 -
2 -
3 -

City- X
Phone - 208-000-0000

State- ID Zip- 0

*** O - ORIGINAL OWNER ***
SUTTON

LEE H

1 - 1577 EAST 10000 SOUTH

2 -
3 -

City- REXBURG
Phone - 208-356-6392

State- ID Zip- 83440

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
06/20/1966 ERROR IN REGION Z - SEE REMARKS

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER
SPLIT RIGHT

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

04N 40E 2 SE SW (65) MADISON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 6.160

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
6.160 776.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

04N	40E	1	NW NW		35.0	01	IRRIGATION	(65) MADISON
04N	40E	1	SW NW		40.0	01	IRRIGATION	(65) MADISON
04N	40E	1	NW SW		27.0	01	IRRIGATION	(65) MADISON
04N	40E	1	SW SW		1.0	01	IRRIGATION	(65) MADISON
04N	40E	2	NE NE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	2	SE NE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	2	NE SE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	2	SE SE		19.0	01	IRRIGATION	(65) MADISON
04N	40E	3	SW NE		38.0	01	IRRIGATION	(65) MADISON
04N	40E	3	SE NE		40.0	01	IRRIGATION	(65) MADISON
04N	40E	3	SE NW		5.0	01	IRRIGATION	(65) MADISON
04N	40E	3	NE SE		37.0	01	IRRIGATION	(65) MADISON
04N	40E	11	SE NW		10.0	01	IRRIGATION	(65) MADISON

Total Acres: 372.0

MICROFILMED
NOV 6 1996

Water right number - A22-10897

Prefix Translation: ADJUDICATION CLAIM

+ - - Diversion Means - WELL, PUMP AND SPRINKLERS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A22-02242B

+ - - - - - Remarks - - - - - +

THIS RIGHT, WHEN COMBINED WITH A22-02242B, SHALL NOT EXCEED 6.16
CFS TOTAL DIVERSION RATE. THIS RIGHT IS AN EXPANSION OF RIGHT
A22-02242B THE LANDS DESCRIBED IN THIS PERMIT DO NOT BELONG TO
THE CLAIMANT. OWNERSHIP IS AS FOLLOWS:

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T4N R40E SEC1 NWSW SWSW;
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COVINGTON BROS. LTD
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IDAHO FALLS, ID 83401

T4N R40E SEC2 SESE NESE SENE(29 AC) NENE(28 AC);
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REXBURG, ID 83440

T4N R40E SEC1 NWNW SWNW;
T4N R40E SEC2 SENE(11 AC) NENE(28AC);
WESLEY GROVER
HAMER, ID 83425

*
THE CLAIMANT STATES THAT:
THE WATER RIGHT HEREIN CLAIMED WAS BEING USED ON OCT. 1
1984, AND SINCE 6-20-66, AND THEREFORE QUALIFIES UNDER THE
SWAN FALLS CONTRACT.

***THIS RIGHT SPLIT BECAUSE OF CHANGE IN OWNERSHIP 7-31-95 GJT:
A22-10897A(LEE SUTTON) 4.42 CFS; 267 ACRES
A22-10897B(GARTH SUTTON) 1.74 CFS; 105 ACRES

TOTAL 6.16 CFS; 372 ACRES

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - Decree Date - +
00/00/0000

ANOTHER ONE!

NOV 6 1995
MICROFILMED

Prefix Translation: ADJUDICATION CLAIM

+-----+-----+-----+-----+-----+-----+-----+-----+-----+
- Comments -

No Comments Found

+ - - Audit Fields - - +
07/31/95 GTAYLOR

+ - - - - - + - - - - - - - - - Adjudication Rights Dates and Flags Area - - - - - - - - - - - - - - - +

| | | | | | | | | |
|----------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39576 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | | Old Case Number | - | |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 00/00/0000 | Old Judicial District | - | |
| Claim Received Date | - | 08/25/1988 | Last Amended Date | - | 00/00/0000 | Temporary Right | - | P |
| | | | Receipt Number | - | E001738 | Water District | - | |
| | | | POU Ownership Flag | - | N | Federal/State Indicator | - | S |
| | | | Name Connector | - | | Presumption Flag | - | |
| | | | | | | Notice of Error Flag | - | |

MICROFILMED
NOV 06 1996