

06/23/2011

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

RIGHT NUMBER: 22-11044
NAME AND ADDRESS: BARBARA S WALTERS
PO BOX 127
NEWDALE ID 83436-0127
WARREN J WALTERS
PO BOX 127
NEWDALE ID 83436-0127

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.040 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/01/1977

POINT OF DIVERSION:

T06N R41E S3 NENW Lot 3 Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
HEATING	01/01 12/31	0.040 CFS
		14.48 AFY

Domestic use is for 1 home.

PLACE OF USE: HEATING in MADISON County
T06N R41E S03 Lot 3 NENW
DOMESTIC in MADISON County
T06N R41E S03 Lot 3 NENW

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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Water temperature measured at 83 degrees F.

Newdale, Idaho
Feb. 23, 2004

State of Idaho
Department of Water
900 Skyline Drive
Idaho Falls, Idaho 83402-1718

RECEIVED

FEB 27 2004

Department of Water Resources
Eastern Region

Dear Sirs:

In response to your request for evidence of priority for SRBA water right claim 22-11044 I am submitting the following:

1. A notarized statement as to when we built the home and occupied it.
2. Copies of the well log. The location shows section 5. The correct section is 3 as shown by other correspondence.
2. Copies of the well drillers invoices. (There are two of them because after the first charge was made, the well had fallen in below the casing and they had to install a smaller casing and go deeper with it). They are dated Sept. 6, 1977 and Nov. 2, 1977,

If further information is needed please contact me. My telephone number is 208-458-4328.



Warren Walters
PO Box 127
Newdale, ID 83436

SCANNED

AUG 20 2007

Newdale, Idaho 83436
Feb. 23, 2004

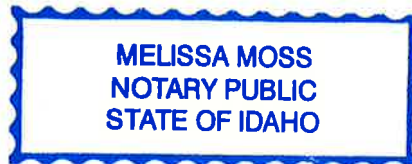
To Whom It May Concern:

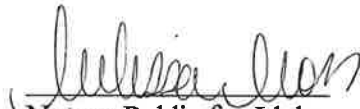
I, Warren Walters, hereby state that my family has occupied the home at 8395 Highway 33, Newdale, Idaho since February 1978. The domestic well under permit A22-11044 was drilled in September 1977 and started being used by the builders soon after. The yard was planted the following summer. We have lived in the home and maintained the yard since then.


Warren J. Walters
8395 E. Highway 33
Newdale, Idaho 83436

STATE OF IDAHO)
) ss.
County of Madison)

On the 24 day of February, in the year of 2004, Before me personally appeared WARREN J. WALTERS, known to me to be the person whose name is subscribed to the above instrument and acknowledged to me that he executed the same.




Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires: 5-23-09

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AUG 20 2007

HOPKINS BROTHERS WELL DRILLING

WELL LOG

OWNER WARREN WALTERS DRILLER WIA

ADDRESS Newdale, Idaho

DATE STARTED 9-1-77 DATE COMPLETED 9-6-77 RIG Porto

LOCATION:

NE $\frac{1}{4}$ NW $\frac{1}{4}$ SEC. 5, TWP 6 (N7S) RANGE 91 EW
Madison COUNTY

STATIC WATER LEVEL AT 186 FT DEPTH WATER STRUCK 260 FT WATER TEMP. 83

INDICATED WATER FORMATIONS AND DEPTH

CASING RECORD:

SURFACE CASING		LINERS AND REDUCTIONS	
SIZE	LENGTH	SIZE	LENGTH
<u>6" 4"</u>	<u>147 252</u>		
FROM <u>+1 1/2</u> TO <u>145 1/2</u>	FROM _____ TO _____	FROM _____ TO _____	FROM _____ TO _____

WELL TEST

COMPANY _____ DATE _____ INCHES PUMPED _____ DRAW DOWN _____

REMARKS

DRILLER'S SIGNATURE _____

TOTAL DEPTH 328

OWNER'S SIGNATURE _____

50 LBS. BENTONITE

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0-4 Soil
4-47 GRAY LAUA
47-55 Red Sandstone
55-87 GRAY LAUA
87-102 BLACK Sandstone
102-122 BLACK LAUA + SAND
122-142 CLAY + GRAVEL
142-190 GRAY LAUA
190-222 Red Sandstone
222-262 Grey welded tuft
262-328 Broken Brown Tuft

Some caving

Caving
{ Caving won't stand up }
{ Reamed hole to 8" and set 6" pipe }
drilling big hole

Water @ 260
Water formation to 328

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HOPKINS BROTHERS

WELL DRILLING CONTRACTORS
CULINARY — IRRIGATION — MUNICIPAL

Date Sept 6, 1977

GLENN HOPKINS
356-6477
Route 3
Rexburg, Idaho 83440



MR. Warren Walters
#6 S. First E.
Newdale, Idaho

328 ft. of 8.6 in. Drilled Hole @ \$ 9.00 per ft.	2,952 00	
147 ft. of 6 in. Casing @ \$ 6.00 per ft.	882 00	
ft. of in. Casing @ \$ per ft.		
1- 6 in. Casing Shoe @ \$ 40.00	40 00	
in. Casing Shoe @ \$		
hrs. Perforating @ \$ per hr.		
hrs. Hourly Work @ \$ per hr.		
50 lbs. Bentonite Seal @ .05	1 50	
3 % Sales Tax on Materials	27 74	
Our FINANCE CHARGE on past due accounts is 1% per month, which is 12% ANNUAL PERCENTAGE RATE.		
TOTAL \$	3,904 24	

HOPKINS BROTHERS

WELL DRILLING CONTRACTORS
CULINARY — IRRIGATION — MUNICIPAL

Date Nov 2, 1977

GLENN HOPKINS
356-6477
Route 3
Rexburg, Idaho 83440



MR. WARREN Walters
#6 S. First E
Newdale, Idaho

ft. of in. Drilled Hole @ \$ per ft.		
252 ft. of 4 in. Casing @ \$ 5.50 per ft.	1386 00	
ft. of in. Casing @ \$ per ft.	25 00	
1 4 in. Casing Shoe @ \$ 25.00		
in. Casing Shoe @ \$		
hrs. Perforating @ \$ per hr.		
hrs. Hourly Work @ \$ per hr.		
lbs. Bentonite Seal @		
3 % Sales Tax on Materials	42 33	
Our FINANCE CHARGE on past due accounts is 1% per month, which is 12% ANNUAL PERCENTAGE RATE.		
TOTAL \$	1,453 33	

February 18, 2004

**WARREN J WALTERS
PO BOX 127
NEWDALE ID 83436**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11044

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 September 1, 1977, 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.

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.....
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,

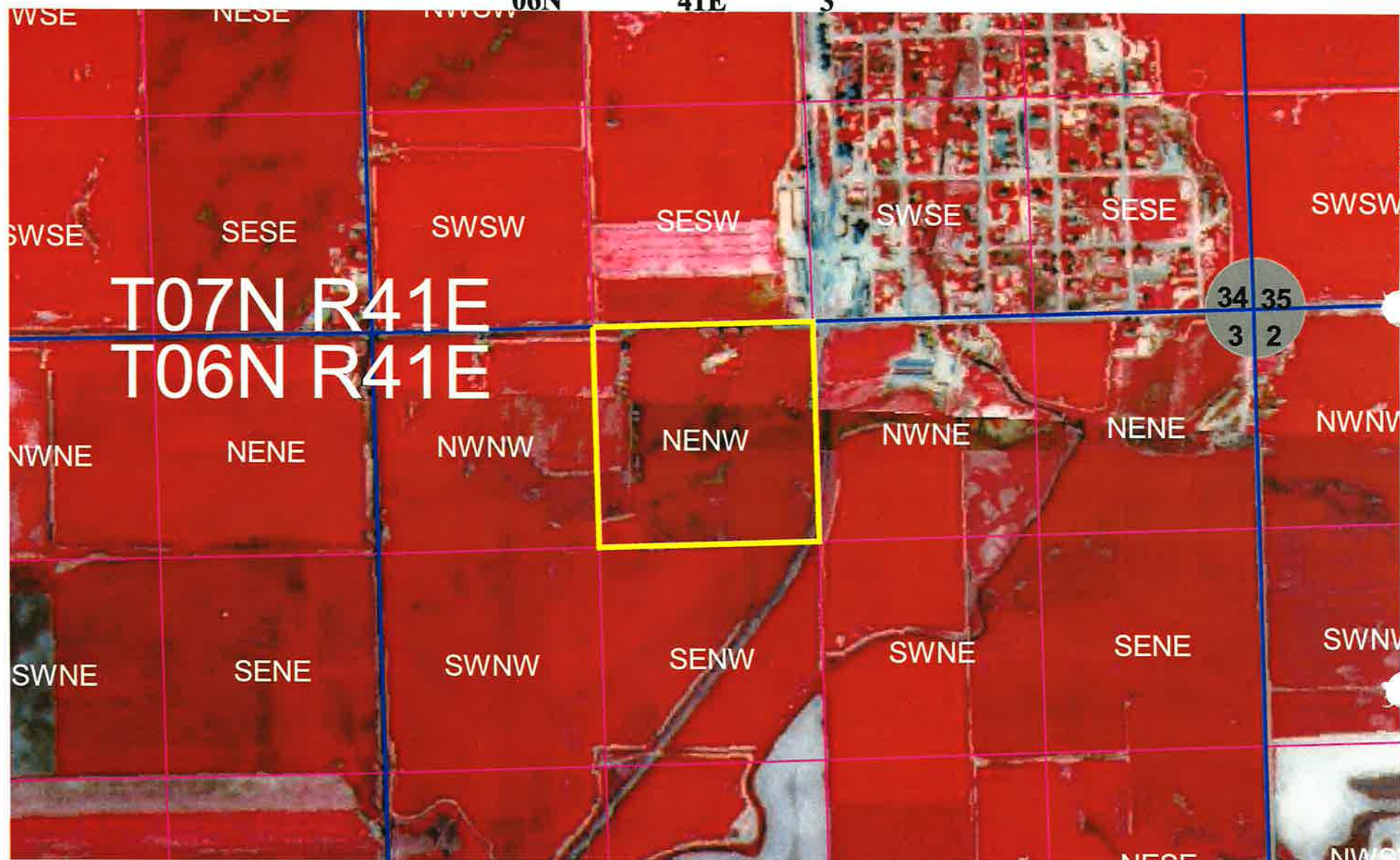
Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

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

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Township 06N Range 41E Section 3



Notes:

Water Right #: 2211044

Examiner:

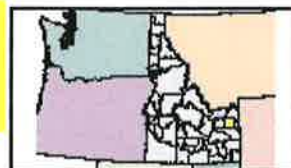


600 0 600 1200 1800 2400 3000 3600 4200 4800 Feet



Here are the results:

NEquarter of the **NW**quarter of Section 3, Township 06N, Range 41E
IDTM NAD83 coordinates: Easting=2691929; Northing=1411816



Choose the map-display background: ☐ Photo ☐ Topo



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Contacts Data Entry Form

Water Right No. A2211094

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>WARREN WALTERS</u>					
Name connector: and	_____, or _____, and/or _____					
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:

B. U. CLAIM

Domestic + Heating From Warren Well? What
is Temperature of Water? + other information

Recommend Domestic w/ Heating @ 0.04 (not 0.08 as claimed)
Otherwise as claimed. Meters not read 20.20 etc
PAID \$54.00

N/A
N/A

FE. pad./pou conveyance/system

Reviewer: _____

Date: _____

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AUG 20 2007

Priority Date Data Entry Form

Claim Number: A2211044

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1-Sept 1922 Claimed Basis: B.U.Recommended Priority Date: _____ Recommended Basis: B.U.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

B.U. ClaimOK

Reviewer: _____

Date: _____

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AUG 20 2007

Water Right No(s). A 22110 44

Dilling Tag # D 000 4276 on casing

GPS data - 2691929
1411816

GPS File - # 221104

GPS DATA:

Tag # A 00 15996 Location: on well casing

Diversion Data:

Source: Groundwater Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Submersed
Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

Suggest using 0.04 cfs for Domestic + Heating +
make it non-additive. Well in photo was one that
was drilled in 1997 to replace original well. Original
well pumped sand & is about 30' East of current well.
⊗ 5hp pump in well, pump set at 305', static water level at 280'

Field Exam Date: 12-23-05 Agent: J. L. Jones

Paid \$54.00 BY RECEIPT No. E001464. No N. - Remarks. @ 0.08 OK 30th AF
Water Temp 83°F.
Dom 1.2 AF
Pumps 28.96 AF
30.16 AF

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AUG 20 2007

GPS Tag



Drilling
Tag

A22-11044, Loding North

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AUG 20 2007

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 22-11044

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant BARBARA S WALTERS
WARREN J WALTERS
PO BOX 127
NEWDALE, ID 83436-0127
(208)458-4328

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>
HEATING	01/01	12/31	0.04 CFS	14.48 AFA
DOMESTIC	01/01	12/31	0.04 CFS	
Total Diversion			0.04 CFS	

Location of Point(s) of Diversion:

GROUND
WATER NENW Lt 3 Sec. 03 Township 06N Range 41E MADISON County

Place(s) of use:

Place of Use Legal Description: HEATING 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>
06N	41E	3	3	NENW										

Place of Use Legal Description: DOMESTIC 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>
06N	41E	3	3	NENW										

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.B05 Water temperature measured at 83 degrees F.
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
- 2.C18 determined by the Court at a point in time no later than the entry of a final unified decree.
Section 42-1412(6), Idaho Code.
- 3.N10 The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.
- 4.N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
- 5.X01 Domestic use is for 1 home.

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)

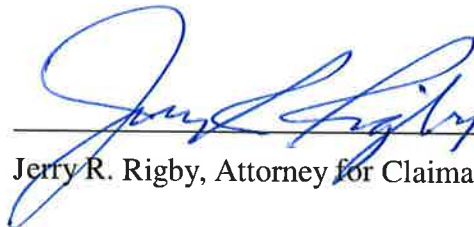
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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: A22-11044
Date Received: 8/19/1988
Receipt No: E001464
Received By: Kca

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARREN J. WALTERS 208-458-4328
Address: P.O.BOX 127
NEWDALE, ID 83436
OR
Name: BARBARA S. WALTERS 208-458-4328
Address: P.O.BOX 127
NEWDALE, ID 83436

A2211044



2. Date of Priority: SEP 01, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	41E	3	NE	NE	NW	3	MADISON

5. Description of diverting works:
WELL PUMP MAINLINE TO SINGLE DOMESTIC HOME AND HEAT PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
HEATING	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/SINGLE DOMESTIC HOME,G/HEAT PUMPS

A22-11044

Page 1

Date: 08/19/88

SCANNED

AUG 20 2007

MICROFILMED

NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	41E	3	NE	NW	3	HEAT	
			NE	NW	3	DOMEST	

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: 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 _____ 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): Harmon J. Walters Date: Aug 19, 1988

Date: _____

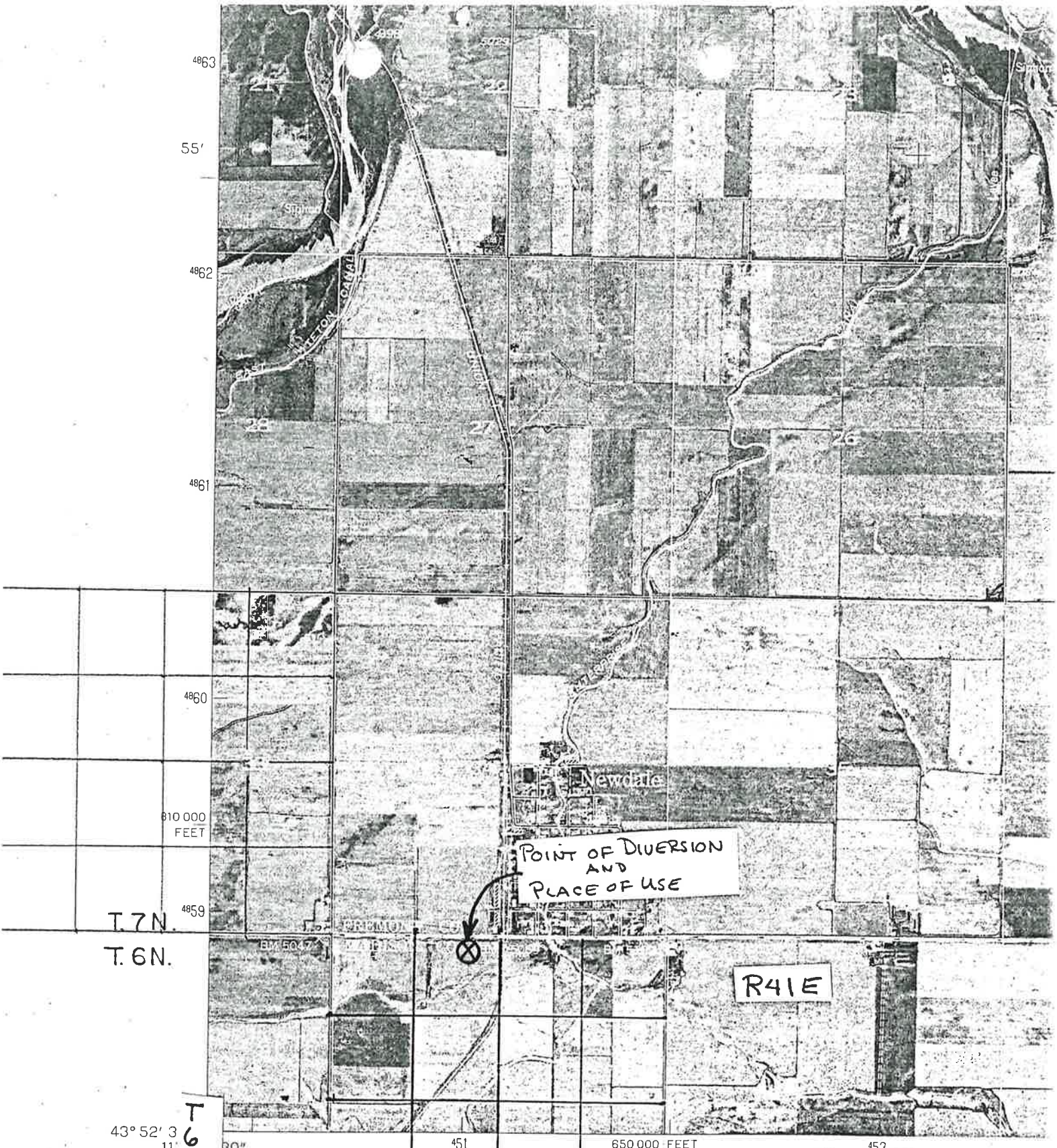
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of August 19 88

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 6-94



T.7N.
T.6N.

43° 52' 31" N
T.6N.

650 000
FEET

POINT OF DIVERSION
AND
PLACE OF USE

R41E

650 000 FEET

Produced by the Geological Survey
in cooperation with the Soil Conservation Service

Orthophotograph prepared from 1:78 000-scale
aerial photographs taken August 5, 1976

Projection and 10,000-foot grid ticks: Idaho coordinate
system, east zone (transverse Mercator)
1000-meter Universal Transverse Mercator grid ticks,
zone 12. 1927 North American datum

Photoimagery rectified by optical scanning
Where double or mismatched image occurs use the
mean of image position for map point

MICROFILMED

NOV 06 1992
AUG 20 2007

A22-11044

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