

11/16/2006

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

RIGHT NUMBER: 22-11533

NAME AND ADDRESS: KAY FULLMER
530 W 575 N
TETONIA ID 83452

RONNIE FULLMER
530 W 575 N
TETONIA ID 83452

SOURCE: SPRING CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.020 CFS

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

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T06N R44E S25 SWSWSW End of Stream Flow Within TETON County

T06N R45E S30 SESWSW Lot 4 Begin of Stream Flow Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.020 CFS

PLACE OF USE:

STOCKWATER in TETON County

T06N R44E S25 SWSW

T06N R44E S25 SESW

T06N R44E S25 SWSE

T06N R44E S25 SESE

T06N R45E S30 Lot 4 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 - Beneficial Use

11/16/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-11533

KAY FULLMER
530 W 575 N
TETONIA ID 83452
Telephone Number: (208)456-2559

RONNIE FULLMER
530 W 575 N
TETONIA ID 83452
Telephone Number: (208)456-2559

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:

This Decree needs split into 2 people.

3. Give a brief explanation as to why you disagree with these portions:

X I Disagree with this proposed recommendation: changes need to be made.

DATE: 11-29-06 SIGNATURE: Ronnie Fullmer
Please print your name: RONNIE FULLMER

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

① Daniel T. Neese
1795D Preston Rd.
Dallas TX,
75252.

60N 45E Sec 30 Lot#4
SW SW.

② Piedmont Capitol LLC
c/o Ross McCallister
1609 North Wilmet
Suite 106 C,
Tucson AZ,
85712.

60N 44E Sec 25
SW SW, SW SE, SE SW, SE SE

RECEIVED
DEC 05 2006

Department of Water Resources
Eastern Region

KMT
12/1/06

11/16/2006

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

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T06N R44E S25 SWSWSW End of Stream Flow Within TETON County
T06N R45E S30 SESWSW Lot 4 Begin of Stream Flow Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	STOCKWATER	01/01 12/31	0.020 CFS
PLACE OF USE:	<u>STOCKWATER in TETON County</u>		
	T06N R44E S25 SWSW	T06N R44E S25	SESW
	T06N R44E S25 SWSE	T06N R44E S25	SESE
	T06N R45E S30 Lot 4 SWSW		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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 - Beneficial Use

22-115-33

February 2, 2006

Kay Fullmer
Ronnie Fullmer
530 W 575 N
Tetonia ID 83452

RE: Supporting documentation for Stock Water or Ground Water Recharge

Dear Kay & Ronnie:

Over the past several months numerous meetings have taken place with individuals and representatives of water delivery organizations in the upper Snake River Valley and the Department of Water Resources (IDWR) concerning the non-irrigation season diversion of stock water and ground water recharge. In response to these meetings the following criteria were identified for evaluating and recommending these two uses.

- The claimant will have to provide documentation that verifies a historical practice of diverting water during the non-irrigation season for the purpose of providing stock water and ground water recharge. An example would be copies of the minutes for a water delivery organization referencing the diversion of water for these two uses. This information also will be used to help establish the priority date of the use.
- The claimant needs to provide copies of records showing the quantity of water historically diverted during the non-irrigation season. These records will be used as a basis for recommending the diversion rates for these two uses.
- The claimant will have to provide documents, written statements and/or affidavits from individuals who have witnessed the non-irrigation season diversion of water. These individuals need to provide a historical perspective based on actual observation.

Claimants need to assess their actual diversion requirements for stock water and ground water recharge. The quantity of water claimed for non-irrigation season stock water should be the amount needed to reach the end of the delivery system plus provide drinking water for stock. Claimants should not rely upon ground water recharge as a use to supplement the stock water in order for water to reach the end of the delivery system. *Claimants holding Winter Water Savings contracts may have lost their entitlement to divert water for 150 days between November 1 and April 30 through either abandonment or forfeiture.*

For some claimants, amending claims to reflect the necessary quantity for stock water will result in a substantial filing fee (\$100 per cfs). This fee is not refundable, which emphasizes the importance of providing documentation that supports the claimed uses.

If you or the organization you represent have already amended one or more claims and provided the documentation identified above, you may disregard this letter.

Individuals or organizations wishing assistance in amending their claims can call the Eastern Region office.

Respectfully yours,
Ernest Carlsen

Water Right Supervisor

Enclosures (2)
emc

mailed
19 March 04

March 19, 2004

RONNIE FULLMER
530 W 575 N
TETONIA ID 83452

~~No Evidence Required~~
It IS Required
2/6/06
AAR
AMR

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11533

Dear Claimant (s):

The Idaho Department of Water Resources is beginning water rights review in Basin 22, the Teton River drainage. 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 1, 1891, from NORTH LEIGH CREEK AND SPRING CREEK.

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.

Contacts Data Entry Form

Claim Number: 2211538

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: Ronnie Fullmer Phone No.: 208-456-2559

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B. U.Stock Water Claim 300 Head

Year round
RECOMMEND INSTREAM STOCKWATER
ONLY FROM SPRING CREEK

300 CATTLENO EVIDENCE

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 2211533Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Stockwater	10/16	4/14		
Ground Recharge	10/16	4/14		

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IPWR STD SDU. 1/1 - 12/31

Reviewer: _____

Date: _____

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: A22-11533
Date Received: 9/12/1988
Receipt No: E002203
Received By: EW

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RONNIE FULLMER 208-456-2559
Address: 530 W. 575 N.
TETONIA, ID 83452
OR
Name: KAY FULLMER 208-456-2559
Address: 530 W. 575 N.
TETONIA, ID 83452

2. Date of Priority: JUN 01, 1891

3. Source: NORTH LEIGH CREEK Trib. to: SPRING CREEK
SPRING CREEK TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	44E	25	SW	SW			TETON
			SE	SE	SW		TETON
				SW	SE		TETON
			NE	SE	SE		TETON
	45E	30	SW	SW	SW	4	TETON
			SW	SE	SW		TETON
			SW	SW	SE		TETON

5. Description of diverting works:
IN-STREAM AND DIVERTED STOCKWATER/ GROUNDWATER RECHARGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	10/16	04/14	0.070		
GROUNDWATER RECHARGE	10/16	04/14	2.000		

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

A22-11533

Page 1

Date: 12/29/88

MICROFILMED
NOV 06 1992

A221533



Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER FOR 300 HEAD RANGE CATTLE/GROUNDWATER RECHARGE WINTER

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06N	44E	25	SW	SW		STOCK	
			SE	SW		STOCK	
			SW	SE		STOCK	
			SE	SE		STOCK	
		36	NW	NE		STOCK	
			NE	NW		STOCK	
			NW	NW		STOCK	
	45E	30	SW	SW	4	STOCK	
		31	NW	NW	1	STOCK	

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

IRRIGATION RIGHTS FOR SUMMER.

14. Remarks:

CLAIM FILED AS IN-STREAM STOCKWATERING AND STOCKWATER
DIVERTED FOR STREAM TO DITCHES FOR STOCK TO WATER FROM.
*** AMENDMENT FILED TO CORRECT SOURCE AS PER ATTACHED LETTER
OF 9/23/88 FROM CLAIMANT ESV 12/19/88 ****

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
NOV 06 1992

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: 0

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): Tommy Fulmer Date: 1-12-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of January 19 89

[Signature]
Notary Public



Residing at Adho Falls, ID
My Commission Expires 22 Aug 1994

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: A22-11533

Date Received: 9/12/1988

Receipt No: 6002203

Received By: CSA

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OR
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TETONIA, ID 83452

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06N	44E	25		SW	SW		TETON
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				SW	SE		TETON
			NE	SE	SE		TETON
	45E	30	SW	SW	SW	4	TETON
			SW	SE	SW		TETON
			SW	SW	SE		TETON

5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	10/16	04/14	0.070		
GROUNDWATER RECHARGE	10/16	04/14	~~1.000~~		

7. Total Quantity Appropriated is:

~~1.000~~ C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

A22-11533

Page

1

Date: 09/12/88

MICROFILMED

NOV 06 1992

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Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	44E	25	SW		SW		STOCK	
			SE		SW		STOCK	
			SW		SE		STOCK	
			SE		SE		STOCK	
		36	NW		NE		STOCK	
			NE		NW		STOCK	
			NW		NW		STOCK	
	45E	30	SW		SW	4	STOCK	
		31	NW		NW	1	STOCK	

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Number of attachments: 0

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): Rennie Fullmer Date: 9-12-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of Sept. 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug 1994