

01/30/2006

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

RIGHT NUMBER: 22-13289
NAME AND ADDRESS: GARTH SUTTON
1295 E 10000 S
REXBURG ID 83440

JOLENE SUTTON
1295 E 10000 S
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.430 CFS
297.500 AFY

Right Nos. 22-7092 and 22-13289 are limited to a total combined diversion rate of 5.84 cfs and to a total combined annual diversion volume of 2047.5 AF.

PRIORITY DATE: 04/01/1987

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:

T05N R41E S31 SESW 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	0.430 CFS 297.50 AFY

PLACE OF USE: IRRIGATION Within MADISON County

T04N R41E S05 Lot 1 NENE	11.00	T04N R41E S05	SENE	22.00
T04N R41E S06 Lot 2 NWNE	39.00	T04N R41E S06	SWNE	35.00
T04N R41E S06 Lot 3 NENW	39.00	T04N R41E S06 Lot 4 NWNW		39.00
T04N R41E S06 Lot 5 SWNW	30.00	T04N R41E S06	SENW	40.00
T05N R41E S31 Lot 4 SWSW	39.00	T05N R41E S31	SESW	39.00
T05N R41E S31	NESE	39.00	T05N R41E S31	NWSE
T05N R41E S31	SWSE	39.00	T05N R41E S31	SESE
T05N R41E S32	NESW	40.00	T05N R41E S32	NWSW
T05N R41E S32	SWSW	22.00	T05N R41E S32	SESE
				12.00

585 ACRES TOTAL

Right Nos. 22-7092 and 22-13289 are limited to the irrigation of a combined total of 585 acres in a single irrigation season.

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

01/30/2006

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

This right is based upon an enlargement of Right No. 22-7092 pursuant to Section 42-1426, Idaho Code.

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

This right is for an enlargement of 85 acres within the place of use described for this right.

IDAHO DEPARTMENT OF WATER RESOURCES

22-7092, 22-13289

T4N, R41E



PLACE OF USE/POINT OF DIVERSION
NAPP PHOTO 1987
DAVE CARLSON

IDAHO DEPARTMENT OF WATER RESOURCES

22-7092, 22-13289

T4N, R41E

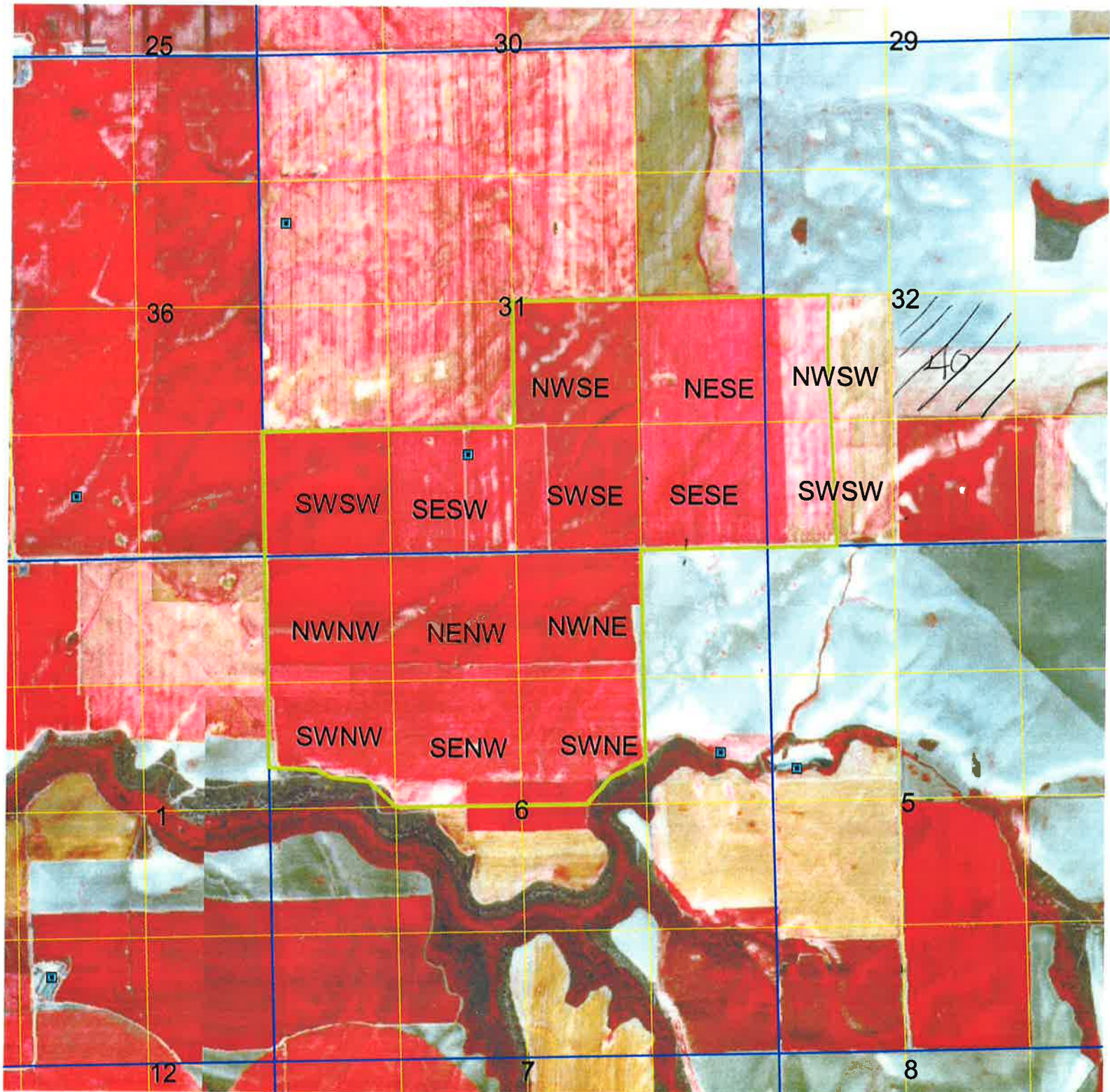


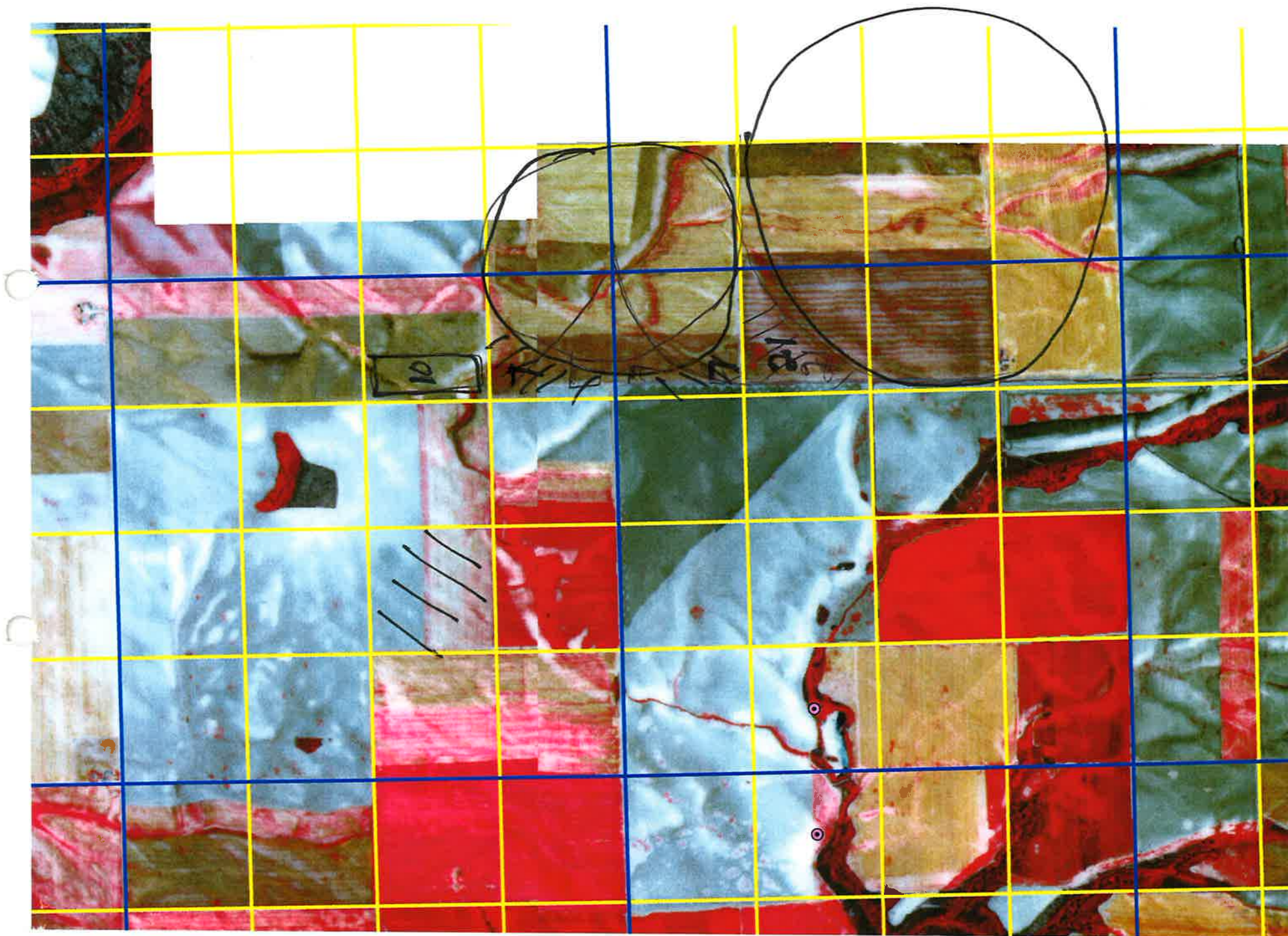
PLACE OF USE/POINT OF DIVERSION
NAPP PHOTO 1987
DAVE CARLSON

22-7092

4N 41E

5N 41E





April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, *For Garth Sutton*
I Shane Clements do hereby witness that I have seen the 40

acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E

Boise Meridian being watered by sprinkler system irrigation in 1985 and

every year since.

Shane Clements 4-19-04

April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right #22-13289, I Garth Sutton do hereby verify that I have personally watered the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in 5 N 41 E Boise Meridian. Which contains approximately 40 acres. I have watered this property every year during the irrigation season, starting June 2 of 1985 through 2004.

Garth Sutton Garth Sutton
Date: 4-19-04

April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, *For Garth Sutton*
I Lee H. Sutton do hereby witness that I have seen the 40
acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E
Boise Meridian being watered by sprinkler system irrigation in 1985 and
every year since.

Lee H. Sutton
1577 E. 10,000 S.
Rexburg Idaho
83440

4-19-04
Lee H Sutton

208-356-6392 Home
390-7490 Mobil

April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, For Garth Sutton

I Darlene Clements do hereby witness that I have seen the 40
acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E
Boise Meridian being watered by sprinkler system irrigation in 1985 and
every year since.

Darlene Clements

4-19-04

April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, *For Garth Sutton*
I Rick Sutton do hereby witness that I have seen the 40
acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E
Boise Meridian being watered by sprinkler system irrigation in 1985 and
every year since.

Rick Sutton
4/20/04

April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, *For Garth Sutton*

I  do hereby witness that I have seen the 40

acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E

Boise Meridian being watered by sprinkler system irrigation in 1985 and

every year since.

Eric Sutton 04-20-04



April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, *For Garth Sutton*

I *Shane Sutton* do hereby witness that I have seen the 40
acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E
Boise Meridian being watered by sprinkler system irrigation in 1985 and
every year since.

Shane Sutton 4/20/04

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 22-13289
Date Received: 4/13/2004
Receipt No:
Received By: E030397
DC

Amended

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

E029711

1. Name of Claimant(s)

GARTH SUTTON Phone: (208)356-6630

1295 E 10000 S
REXBURG ID USA 83440

JOLENE SUTTON Phone: (208)356-6630

1295 E 10000 S
REXBURG ID USA 83440

2. Date of Priority: 04/01/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	31	SE SW	MADISON	

5. Description of diverting works:

well/pump to sprinklers and pivots

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.43	

7. Total Quantity Appropriated is:
0.43 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
04N	41E	5	SE	NE	IRRIGATION	21
			NE	NE	IRRIGATION	7
Section Acres						28
04N	41E	6	SW	NE	IRRIGATION	35
			NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	30
			SE	NW	IRRIGATION	40
			NW	NE	IRRIGATION	39
Section Acres						222
05N	41E	31	SW	SW	IRRIGATION	39
			SE	SW	IRRIGATION	39
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	39
Section Acres						234
05N	41E	32	NE	SW	IRRIGATION	40
			SW	SW	IRRIGATION	22
			NW	SW	IRRIGATION	22
			SE	SE	IRRIGATION	7
			NE	SE	IRRIGATION	10
Section Acres						101
Total Acres						585

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:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 22-7092 PURSUANT TO SECTION 42-1426, IDAHO CODE.

15. Basis of Claim: Beneficial Use

16. Signature(s)

Laith Sutton

April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, *For Garth Sutton*

I  do hereby witness that I have seen the 40

acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E

Boise Meridian being watered by sprinkler system irrigation in 1985 and

every year since.

Eric Sutton 04-20-04



April 19, 2004

To: IDWR

Dear Sirs;

In reference to water right # 22-13289, *For Garth Sutton*

I *Shane Sutton* do hereby witness that I have seen the 40
acres of property in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 32 in range 5 N 41 E
Boise Meridian being watered by sprinkler system irrigation in 1985 and
every year since.

Shane Sutton 4/20/04

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 22-13289
Date Received: 4/13/2004
Receipt No:
Received By: *EO30397*
DC

Amended

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

EO29711

1. Name of Claimant(s)

GARTH SUTTON Phone: (208)356-6630

1295 E 10000 S
REXBURG ID USA 83440

JOLENE SUTTON Phone: (208)356-6630

1295 E 10000 S
REXBURG ID USA 83440

2. Date of Priority: 04/01/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	41E	31	SE SW	MADISON	

5. Description of diverting works:

well/pump to sprinklers and pivots

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.43	

7. Total Quantity Appropriated is:
0.43 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
04N	41E	5	SE	NE	IRRIGATION	21
			NE	NE	IRRIGATION	7
					Section Acres	28
04N	41E	6	SW	NE	IRRIGATION	35
			NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	30
			SE	NW	IRRIGATION	40
			NW	NE	IRRIGATION	39
					Section Acres	222
05N	41E	31	SW	SW	IRRIGATION	39
			SE	SW	IRRIGATION	39
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	39
			SW	SE	IRRIGATION	39
			SE	SE	IRRIGATION	39
					Section Acres	234
05N	41E	32	NE	SW	IRRIGATION	40
			SW	SW	IRRIGATION	22
			NW	SW	IRRIGATION	22
			SE	SE	IRRIGATION	7
			NE	SE	IRRIGATION	10
					Section Acres	101
					Total Acres	585

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:

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 22-7092 PURSUANT TO SECTION 42-1426, IDAHO CODE.

15. Basis of Claim: Beneficial Use

16. Signature(s)

Laith Sutton

(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): Laith Sutton Date: 10-20-04

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this
22 of Oct 2004

Dave Carlson

Notary Public

Residing at Peggy, Id
My commission Expires 2/26/2008

