

06/24/2011

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

RIGHT NUMBER: 22-13475

NAME AND ADDRESS: MONA WALTERS
W JEFFERY WALTERS
SHAWN WALTERS
PATRICE WALTERS
PO BOX 156
NEWDALE ID 83436

W JEFFREY WALTERS
PO BOX 156
NEWDALE ID 83436

SHAWN J WALTERS
PO BOX 156
NEWDALE ID 83436

PATRICE WALTERS
PO BOX 156
NEWDALE ID 83436

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
63.700 AFY

Right Nos. 22-2222, 22-2287, 22-11185, and 22-13475 are limited to a total combined diversion rate of 3.54 cfs and to a total combined annual diversion volume of 1502.6 AF.

PRIORITY DATE: 04/01/1975

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:

T07N R41E S36 SESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.150 CFS 63.70 AFY

PLACE OF USE: IRRIGATION in FREMONT County and MADISON County

T06N R41E S01 Lot 1 NENE	35.00	T06N R41E S01 Lot 2 NWNE	24.00
T06N R42E S06 Lot 4 NWNW	34.00	T07N R41E S36 NENE	39.00
T07N R41E S36 NWNE	39.00	T07N R41E S36 SWNE	39.00

T07N R41E S36	SENE	39.00	T07N R41E S36	NENW	39.00
T07N R41E S36	NWNW	39.00	T07N R41E S36	SWNW	39.00
T07N R41E S36	SENW	39.00	T07N R41E S36	NESW	34.00
T07N R41E S36	NWSW	30.00	T07N R41E S36	SESW	9.30
T07N R41E S36	NESE	39.00	T07N R41E S36	NWSE	39.00
T07N R41E S36	SWSE	38.00	T07N R41E S36	SESE	37.00
T07N R42E S31 Lot 3 NWSW		39.00	T07N R42E S31 Lot 4 SWSW		38.00

708.3 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 708.3 acres in a single irrigation season. Combined Right Nos.: 22-2222, 22-2287, 22-11185, 22-13475 and 22-13570.

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 Nos. 22-2222 and 22-2287 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 24 acres within the place of use described for this right.

Use of this right is combined with water from Canyon Creek Canal Co.

The following rights are diverted through point of diversion described above: 22-2222, 22-2287, 22-11185, 22-13475.

9-5-06

- Licensed Maxed out with volume
only G.6 afa can be applied to
Enlargement.

TC

SCANNED
AUG 22 2007

January 25th, 2006

To whom it may concern,

I am a resident of Madison County, Idaho and I reside at 10527 E Hwy 33, Newdale, ID 83436.

I, along with my family owned the 40 acres described as Township 6N Range 41E Section 1 NW1/4 of NW 1/4. *E 8/1W*

In 1980 I built my home on the NW corner of this 40-acre parcel.

At this time (1980) Clyde Haws (Windy Ridge Farms) was already watering this parcel of ground with well water from their well located just across highway 33; better described as Township 7N Range 41E Section 36 NE 1/4 of SE 1/4 of SE 1/4.

In conversation with my father, Grant Klingler, we determined that Clyde Haws started watering this ground from his well in approximately 1975.

Prior to 1975 and going back to approximately 1965 we pumped water out of canyon creek canal to water this said parcel of ground.

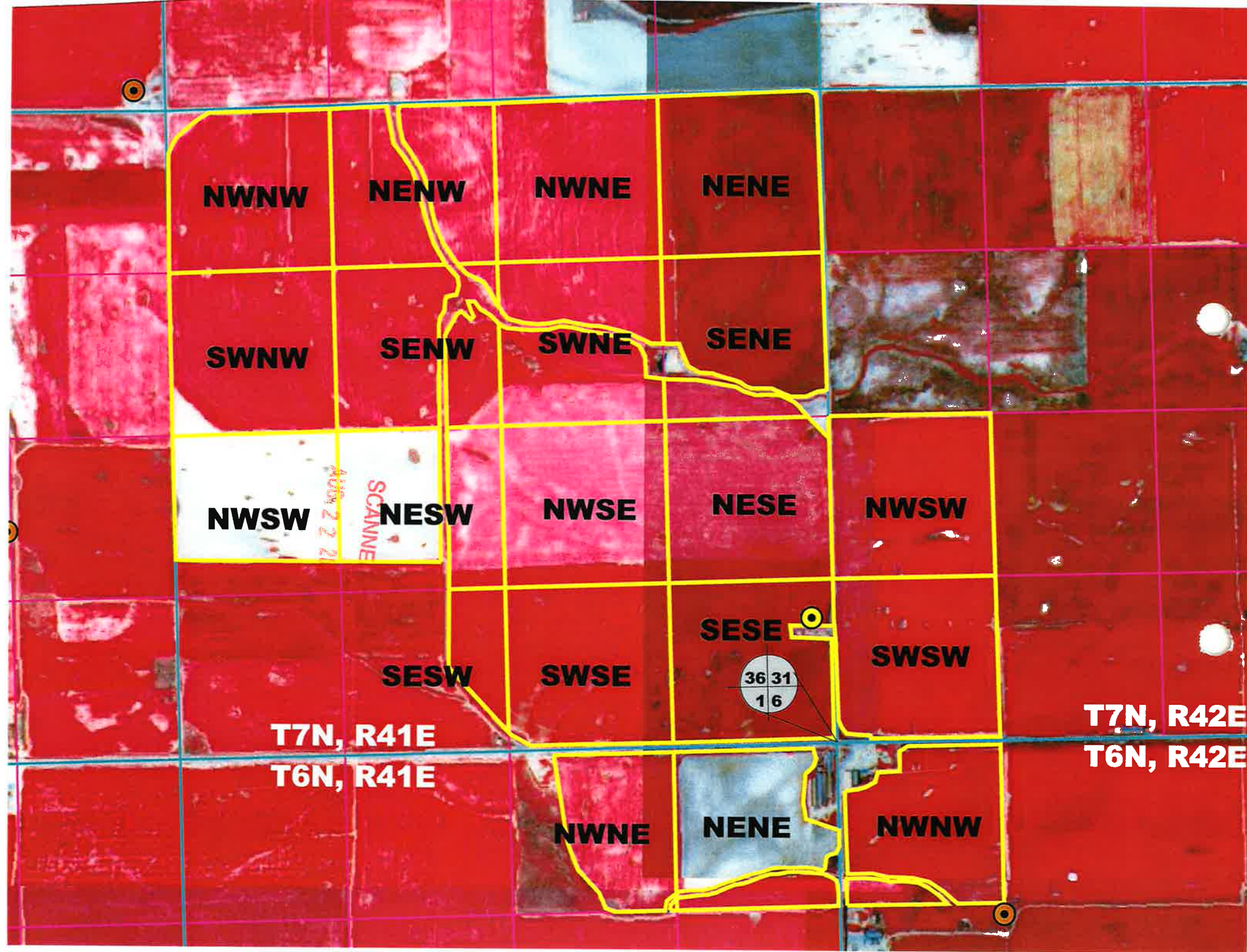
I personally attest that the facts as stated are accurate and true.


Weston Klingler

RE: 22-2222
22-2227

SCANNED

AUG 22 2007



Idaho Department of Water Resources Receipt

Receipt ID E031655

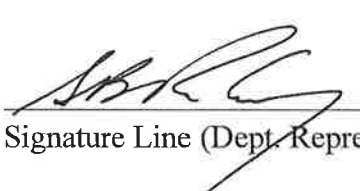
Payment Amount \$100.00 Date Received 2/21/2006 8:28:15 AM Region Eastern Status ☐
 Payment Type Check Check Number 10167

Payer WALTERS & WALTERS

Comment SRBA CLAIMS 22-13474, 22-13475

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337	43503	1155	


 Signature Line (Dept. Representative)

WALTERS & WALTERS
 A JOINT VENTURE
 P.O. BOX 156
 NEWDALE, ID 83436
 PH. (208) 458-4105

KEYBANK NATIONAL ASSOCIATION
 REXBURG, ID 83440
 92-155/1241

10167

2/15/2006

PAY TO THE ORDER OF IDAHO WATER RESOURCES

**100.00

One Hundred and 00/100 ***** DOLLARS

IDAHO WATER RESOURCES

MEMO


 AUTHORIZED SIGNATURE

1101016711 1124101555101 057984 711

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 22-13475

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant
MONA WALTERS
W JEFFERY WALTERS
SHAWN WALTERS
PATRICE WALTERS
PO BOX 156
NEWDALE, ID 83436
(208) 458-4105

Priority Date: 06/01/1900
Basis: Decreed/License
Status: Active

<u>Source</u>	<u>Tributary</u>
Ground Water	
Teton River	Snake River

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.15 CFS	84 AFA
Total Diversion			0.12 CFS	

Location of Point(s) of Diversion:

GROUND
WATER NESESE Sec. 36 Township 07N Range 41E FREMONT 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>
06N	41E	1	1	NENE	35	2	NWNE	24						
	42E	6	4	NWNW	34									
07N	41E	36		NENE	39		NWNE	39		SWNE	39		SENE	39
				NENW	39		NWNW	39		SWNW	39		SENW	39
				NESW	34		NWSW	30		SESW	9.3			
				NESE	39		NWSE	39		SWSE	38		SESE	37
	42E	31	3	NWSW	39	4	SWSW	38						

Total Acres: 708.3

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 Canyon Creek Canal Company 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.K09 This right is for an enlargement of 24.0 acres within the place of use described for this right.
- 2.K02 This right is based upon an enlargement of Right No. 22-2222 pursuant to Section 42-1426, Idaho Code.
- 3.C11 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.

4.C18 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.

5.F06 The following rights are diverted through point of diversion described above: 22-2222, 22-2287, 22-11185, 22-13475.

6.E56 The rights listed below are limited to the irrigation of a combined total of 708.3 acres in a single irrigation season. Combined Right Nos.: 22-2222, 22-2287, 22-11185, 22-13475.

7.E60 Right Nos. 22-2222, 22-2287, 22-11185, and 22-13475 are limited to a total combined diversion rate of 3.54 cfs and to a total combined annual diversion volume of 1502.6 AF.

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)

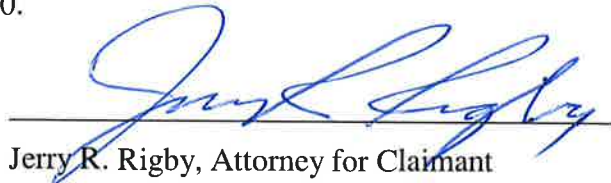
(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

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

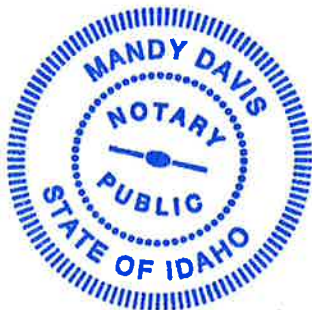
STATE OF IDAHO,)

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



Idaho Department of Water Resources

SRBA Recommendation:

22-2222

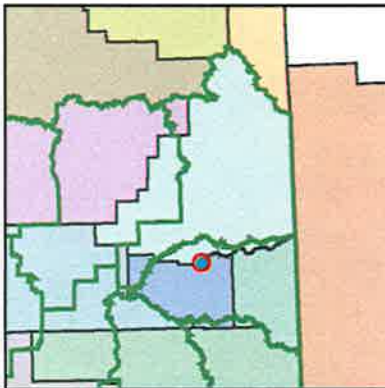
22-2287

22-11185

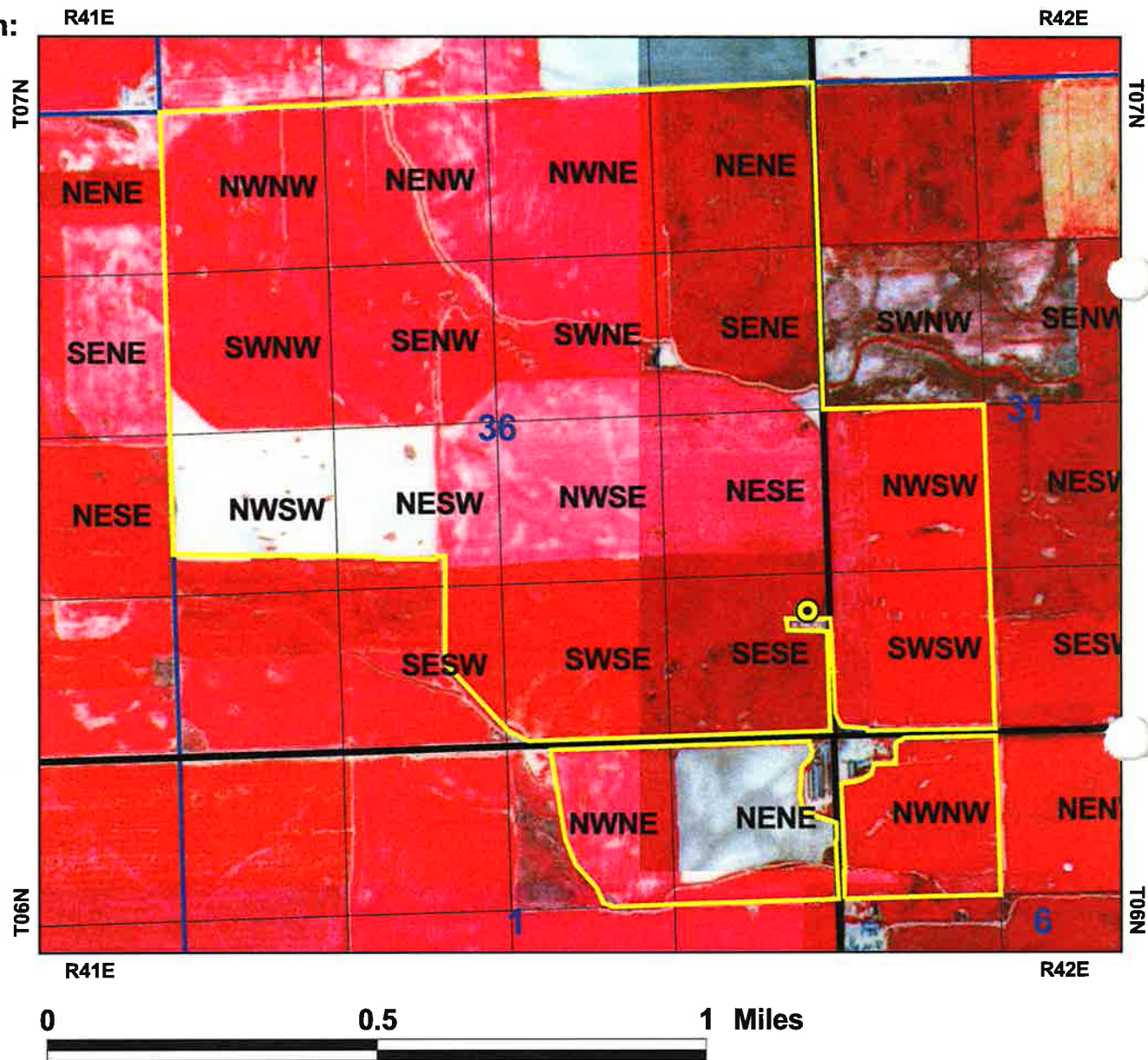
22-13475 (Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Fremont, Madison Counties
IDWR Basin 22

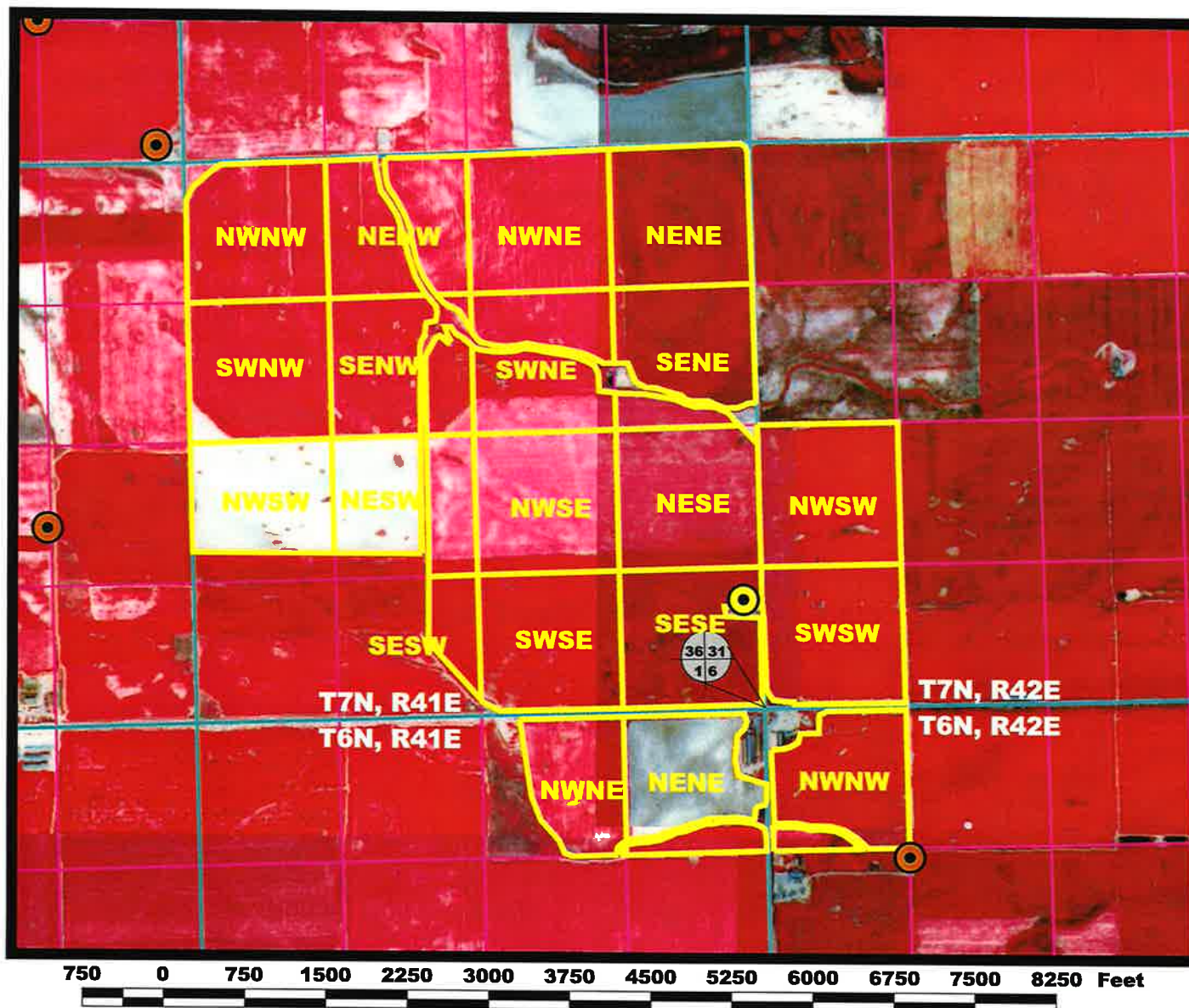


Prepared by T. Galbraith
On Friday, October 20, 2006
1987/88 Aerial Photography



Department of Water Resources

Eastern Region



**22-2222,
22-2287,
22-11185,
22-13475**

T7N, R41E
Sec. 36 NESESE

Place of Use: (parts of)
T6N, R41E Sec. 1 N2NE,
T6N, R42E Sec. 6 NWNW
T7N, R41E Sec.36
E2, E2W2, W2NW, NWSW
T7N, R42E Sec. 31 W2SW.

LEGEND

- | | |
|---|---------------------------|
|  | Point of Diversion |
|  | SESE |
|  | Place of Use |
|  | Section |
|  | Quarter-Quarter |



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: February 2006

Fee \$50.00

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 22-13475
Date Received: 1/27/2006
Receipt No: **ED13655**
Received By: **HAR**

ENLARGEMENT

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

RECEIVED

FEB 17 2006

Department of Water Resources
Eastern Region

1. Name of Claimant(s)
MONA WALTERS Phone: (208) 458-4105
W JEFFERY WALTERS
SHAWN WALTERS
PATRICE WALTERS
PO BOX 156
NEWDALE ID USA 83436
2. Date of Priority: 04/01/1975
3. Source: GROUND WATER Trib. to:
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County Type
07N 41E 36 NE SE SE FREMONT
5. Description of diverting works:
WELL TO MAINLINE PIVOTS AND HANDLINES.
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/01 10/31 0.72 406
7. Total Quantity Appropriated is:
0.72 C.F.S. and/or 406 A.F.A.
8. Total consumptive use:
9. Non-irrigation uses:
10. Place of use:
Township Range Section 1/4 of 1/4 Lot Use Acres
06N 41E 1 NW NE IRRIGATION 24
Section Acres 24
Total Acres 24
11. Place of use in counties: MADISON
12. Do you own the property listed above as place of use? **yes NO** *sgw*

SCANNED

AUG 22 2007

13. Other Water Rights Used:

14. Remarks:

This right is for an enlargement of 24.0 acres within the place of use described for this right.

This right is based upon an enlargement of Right No. 22-2222 pursuant to Section 42-1426, Idaho Code.

The following rights are also diverted through point of diversion described above: 22-2222, 22-2287, 22-11185, 22-13475.

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): _____

Date: _____

Shawn J. Walter

Date: _____

Date: 2-15-06

Date: _____

State of Idaho)

County of _____)

SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20 _____

Notary Public

Residing at _____

My commission Expires _____

SCANNED
AUG 22 2007