

10/20/2006

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

RIGHT NUMBER: 22-13570

NAME AND ADDRESS: SHAWN J WALTERS
PO BOX 156
NEWDALE ID 83436

RANDALL B HILLMAN
PO BOX 14
NEWDALE ID 83436

SOURCE: WASTE WATER TRIBUTARY: SINKS

QUANTITY: 1.920 CFS

PRIORITY DATE: 10/02/1961

POINT OF DIVERSION:
T07N R41E S36 NENWNE 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	1.920 CFS
PLACE OF USE:	<u>IRRIGATION Within MADISON County</u>		
	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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

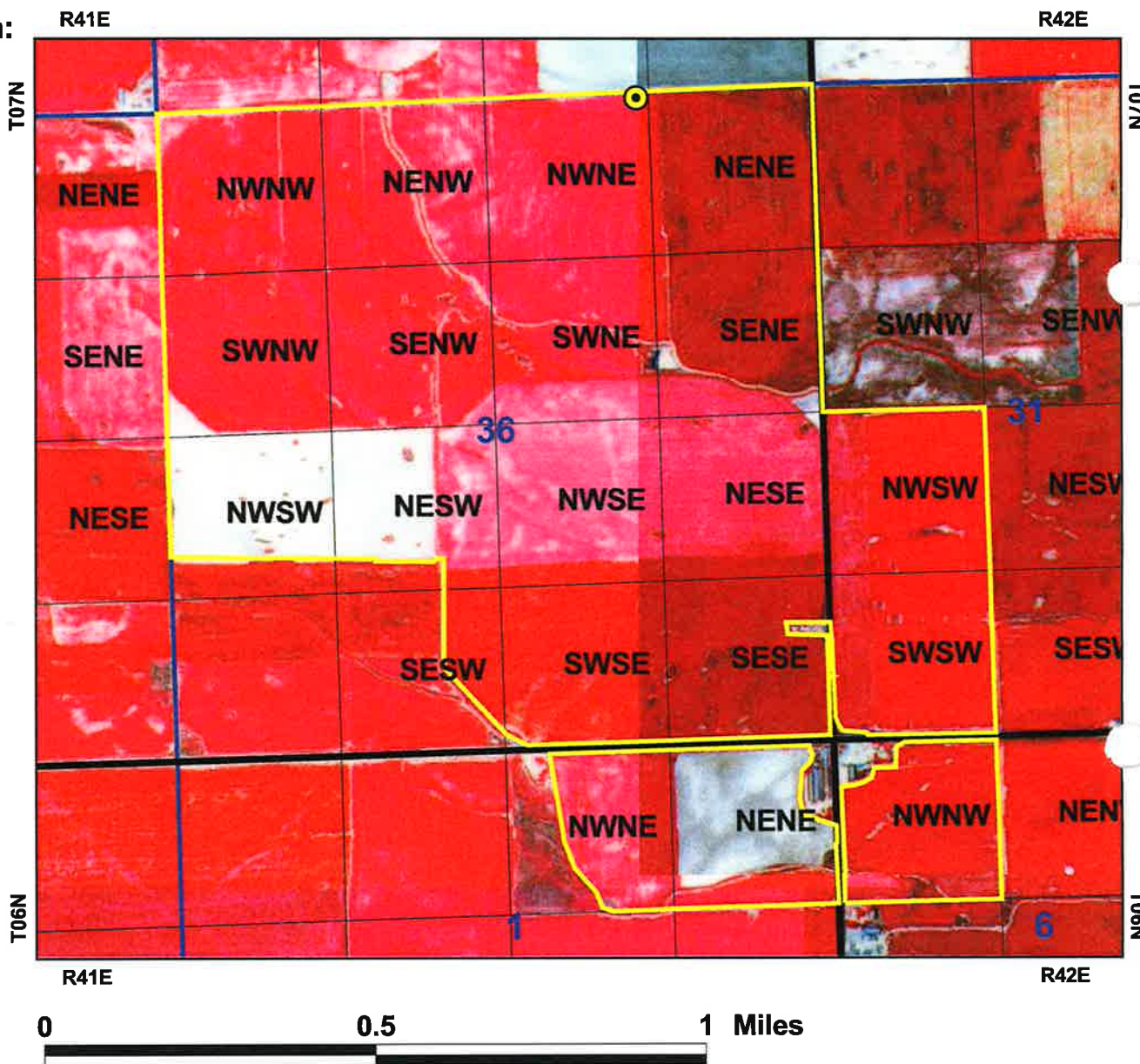


22-13570

(Irrigation)

Legend

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



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

licensed, is payed out for volume
no additional volume can be given
to enlargement. According to
enr.

TF 8-23-06

Enr said he is unaware of any
statute that allows someone to enlarge
a right ~~that~~ belonging to another person or
for someone to enlarge their right on someone
elses property. The person must own
both land and right to be enlarged.

TF 9-5-06

- Disallow per enr.

10-19-06

- Changing recommendation to record this right as
a B.V. (Non-Enlargement) right based on waste water.
- Changing source to wastewater

- Based on affidavit I can record this right
with a priority of 10-2-1961

- Pod is where water leaves Hillmans pipe.

✓

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 22-13570
Date Received: 8/22/2006
Receipt No: E032169
Received By:

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

1. Name of Claimant(s)

SHAWN J WALTERS Phone: (208)458-4656
PO BOX 156
NEWDALE ID USA 83436

RANDALL B HILLMAN Phone: (208)458-4616
PO BOX 14
NEWDALE ID USA 83436

2. Date of Priority: 10/02/1961

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	25	NE SW	FREMONT	

5. Description of diverting works:

EXISTING PUMP AND MAINLINE AT THE END OF THE MAINLINE, WATER IS RELEASED INTO A POND WHICH IS LOCATED ON WALTERS LANDS AND IS THEN PUMPED INTO THEIR EXISTING WATERING SYSTEM ON LANDS DESCRIBED IN 10 BELOW

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.92	

7. Total Quantity Appropriated is:
1.92 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
06N	41E	1	NE	NE	IRRIGATION	38
					Section Acres	38
06N	42E	6	NW	NW	IRRIGATION	35
					Section Acres	35
07N	41E	36	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	39
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	37
			NW	SW	IRRIGATION	35
			SE	SW	IRRIGATION	14
			NE	SE	IRRIGATION	39
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	39
					Section Acres	563
07N	42E	31	NW	SW	IRRIGATION	37
			SW	SW	IRRIGATION	36
					Section Acres	73
					Total Acres	709

11. Place of use in counties: MADISON, FREMONT

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

13. Other Water Rights Used: 22-2222 and 22-2287

14. Remarks: THIS IS AN ENLARGEMENT CLAIM FOR 709 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT. THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO 22-2216 PURSUANT TO SECTION 42-1426 IDAHO CODE.

15. Basis of Claim: Beneficial Use

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 22-13570

Date Received 6/02/06

Receipt Number EO 32169

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUN 02 2006

Department of Water Resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Randall B. Hillman and Shawn J. Walters Phone (208) 458-4616

Mailing Address 188 N 2900 E Newdale, Idaho Zip 83436

2. Date of Priority (Only one (1) per claim) 10-02-1961

3. Source of water supply (a) Groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 7N Range 41E Section 25 ,
_____ 1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Fremont

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____ , _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Existing pump and mainline. At the end of
the mainline, water is released into a pond which is located on Walter's lands and
is then pumped into their existing watering (irrigation) system on lands described
in #10 below.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 1.92 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.92 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	41E	36	40	40	40	39	40	40	40	40	37	35		14	39	40	40	39	563
7N	42E	31										37	36						73
6N	42E	6						35											35
6N	41E	1	38																38

Total number of acres irrigated 709

11. In which county (ies) are lands listed above as place of use located? Fremont and Madison

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
22-2222 and 22-2287 or None ()

14. Remarks:
This is an Enlargement Claim for 709 acres within the place of use described
for this right. This right is based upon an enlargement of right NO. 22-02216
pursuant to Section 42-1426, Idaho Code.

Last Name _____ Ident No. _____

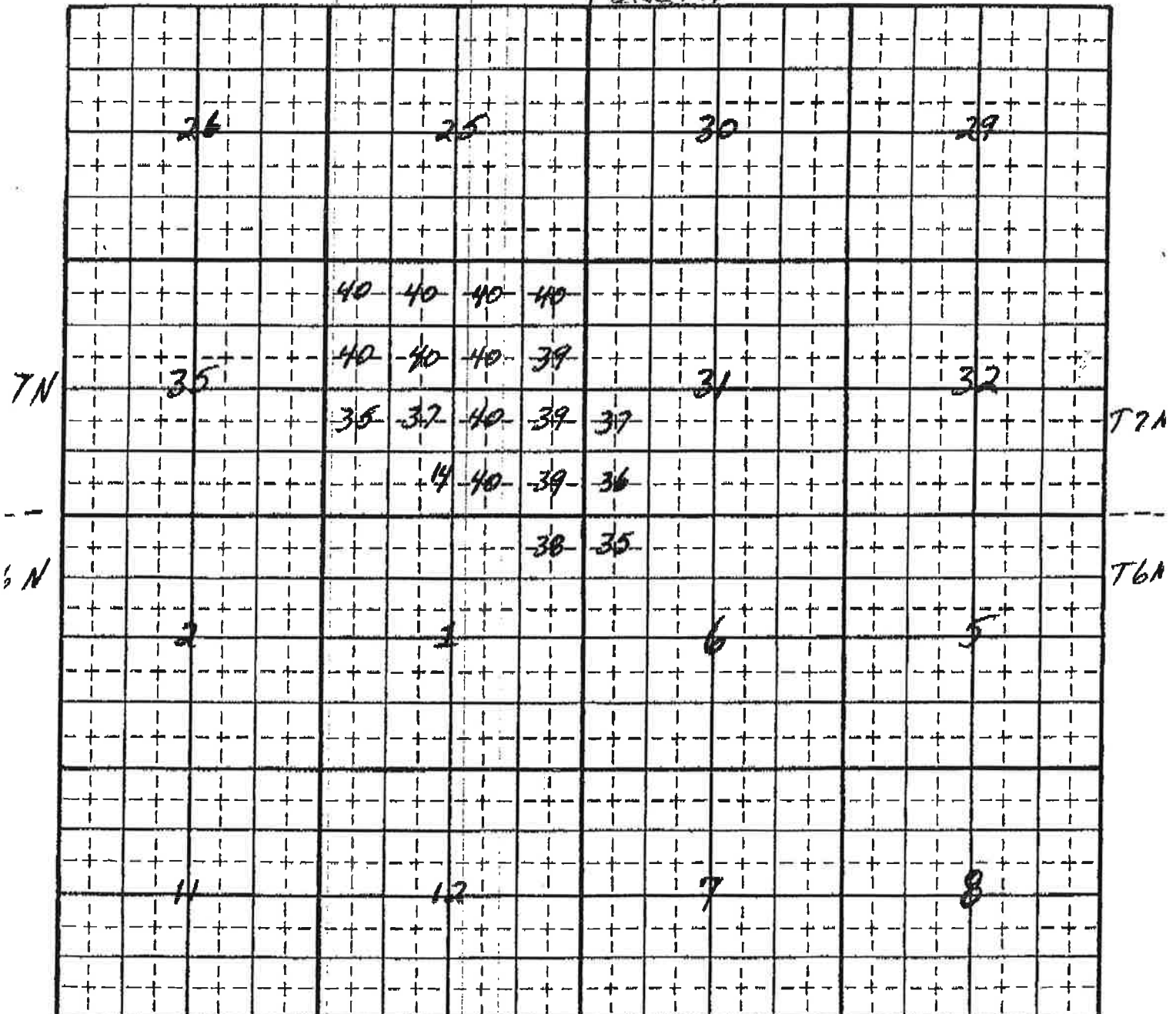
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

R 41 E

R 42 E

SEE MAP



R 41 E

R 42 E

Last Name _____ Ident No. _____

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date _____

5-25-06

Date _____

5-25-06

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization _____

document in the space below as _____

Title _____

of _____

Organization _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
County of MADISON) SS.

Subscribed and sworn (or affirmed) before me this _____

25

day of _____

MAY

2006

Notary Public _____

Residing at _____

REXBURG

My Commission Expires _____

11/09/11



Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, JERRY R. RIGBY will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

PO Box 250, REXBURG, ID 83440

Date _____

May, 25, 2006

Last Name _____ Ident. Number _____

Claimant: Randall Hillman, and Shawn Walters
Attorney: Jerry R. Rigby
of RIGBY, THATCHER, ANDRUS
RIGBY & MOELLER, Chartered
Attorneys at Law
25 North Second East
Rexburg, ID 83440
Telephone: (208) 356-3633
Facsimile: (208) 356-0768

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS
SNAKE RIVER BASIN ADJUDICATION DIVISION

In RE: SRBA)

Subcase: 22- 02216

Case No. 39576)

AFFIDAVIT OF DONALD TRUPP

STATE OF IDAHO)

ss.

County of Madison)

Donald Trupp, having been duly sworn, states under oath as follows:

1. I am a resident of Fremont County, Idaho and reside at 138 N 2900 East, Newdale ID 83436.
2. I was a farmer by profession and was the previous owner of the lands which are described and watered by water right No. 22-02216, which is a ground water right, presently owned by Randall B. Hillman. I have personally worked my said property since before 1957, the priority date claimed by the Claimants and continued to work thereon until the date I sold my

property to Randall B. Hillman in 1989. I have reviewed the enlarged water right claimed filed by Randall B. Hillman, Jeffrey Walters, Shawn Walters, Mona Walters and Patrice Walters, hereinafter referred to as "Claim".

3. Because I personally developed the ground water rights on my property, I am keenly and personally aware that in 1966 I worked out an arrangement with my neighbor, Clyde Haws whereby when water was low from his surface water rights, I would pump water from my water right No. 22-02216 into a pond on my property, from which water was then pumped into a pond located across my property line on Clyde Haw's lands (described as the place of use in the Claim and hereinafter described as "Lands") and allowed him to use the water from said 22-02216 on his Lands described in the Claim.

4. I am also personally aware that the entire 709 acres described in the Claim had water from my water right No. 22-02216 applied to beneficial use. The only limitation to Clyde Haw's use of the Claim's diversion rate of 1.92 cfs was my own use of the water on the lands described in water right No. 22-02216.

5. The water from the Claim was beneficially applied to the entire 709 acres described in the Claim from 1961 to the time I sold my lands to Randall B. Hillman in 1989.

6. I have carefully reviewed the Claim and have actual and personal knowledge that all of the Lands contained in the Claim have been watered by Claimant (and their predecessor) from the Claim's stated point of diversion since the beginning of the crop year in 1961, through the use of pumps and mainlines installed throughout the Lands.

7. All uses described in the Claim were instituted prior to 1987.

Dated this 17th day of February, 2006.

Donald D Trupp
Donald Trupp

SUBSCRIBED AND SWORN to before me this 17th day of February, 2006.



Mandy Davis
Notary Public for Idaho
Residing at St. Anthony, Idaho
My Commission Expires:

Law Offices

***RIGBY, THATCHER, ANDRUS
RIGBY, & MOELLER, Chartered***

*Ray W. Rigby
Gordon S. Thatcher
G. Rich Andrus
Jerry R. Rigby
Michael S. Kam (1954-2001)
Gregory W. Moeller
Reed E. Andrus*

*P.O. Box 250
25 North Second East
Rexburg, ID 83440*

*Telephone: (208) 356-3633
Fax: (208) 356-0768
E-Mail: jrigby@rigby-thatcher.com*

IDWR Eastern Division
Attn: Trent Galbraith
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-6105

Dear Trent,

Enclosed please find an enlargement claim for water right no. 22-02216, an affidavit of Donald Trupp, and a check from our firm for the amount of \$100.00. All of the acres in this enlargement have been filed on before. If you have any questions or comments, please feel free to call me at the office. Thanks for your help.

Sincerely,



Rob Wood
Assistant to Jerry Rigby

RECEIVED
JUN 02 2006
Department of Water Resources
Eastern Region