

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: A63-04458

Date Received: 1/23/1990

Receipt No: W00 7825

Received By: Rdh

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM E. SELLS
Address: 30763 APPLE VALLEY RD.
PARMA, ID 83660 208-722-5400
OR
Name: BARBARA J. SELLS
Address: 30763 APPLE VALLEY RD.
PARMA, ID 83660 208-722-5400
2. Date of Priority: JUN 01, 1956
3. Source: UNNAMED DRAIN Trib. to: SAND HOLLOW CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 06N | 05W | 31 | SE | SW | NE | | CANYON |
5. Description of diverting works:
PUMP, PIPED TO SPRINKLER SYSTEM
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/01 | 1.300 | | |
7. Total Quantity Appropriated is:
1.300 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A63-04458

Page 1

Date: 01/23/90

MICROFILMED

AUG 20 1992

✓10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	05W	31	SW		NE		IRR	40.0
			NE		SE		IRR	25.0
							Section Acres	65.0
							Total Acres	65.0

/11. Place of use in counties: CANYON

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

✓13. Other Water Rights Used:
FARMERS CO-OP DITCH

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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: _____

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): Tom E. Sells Date: 1-23-90

Date: _____

State of Idaho)
County of ADA) SS.

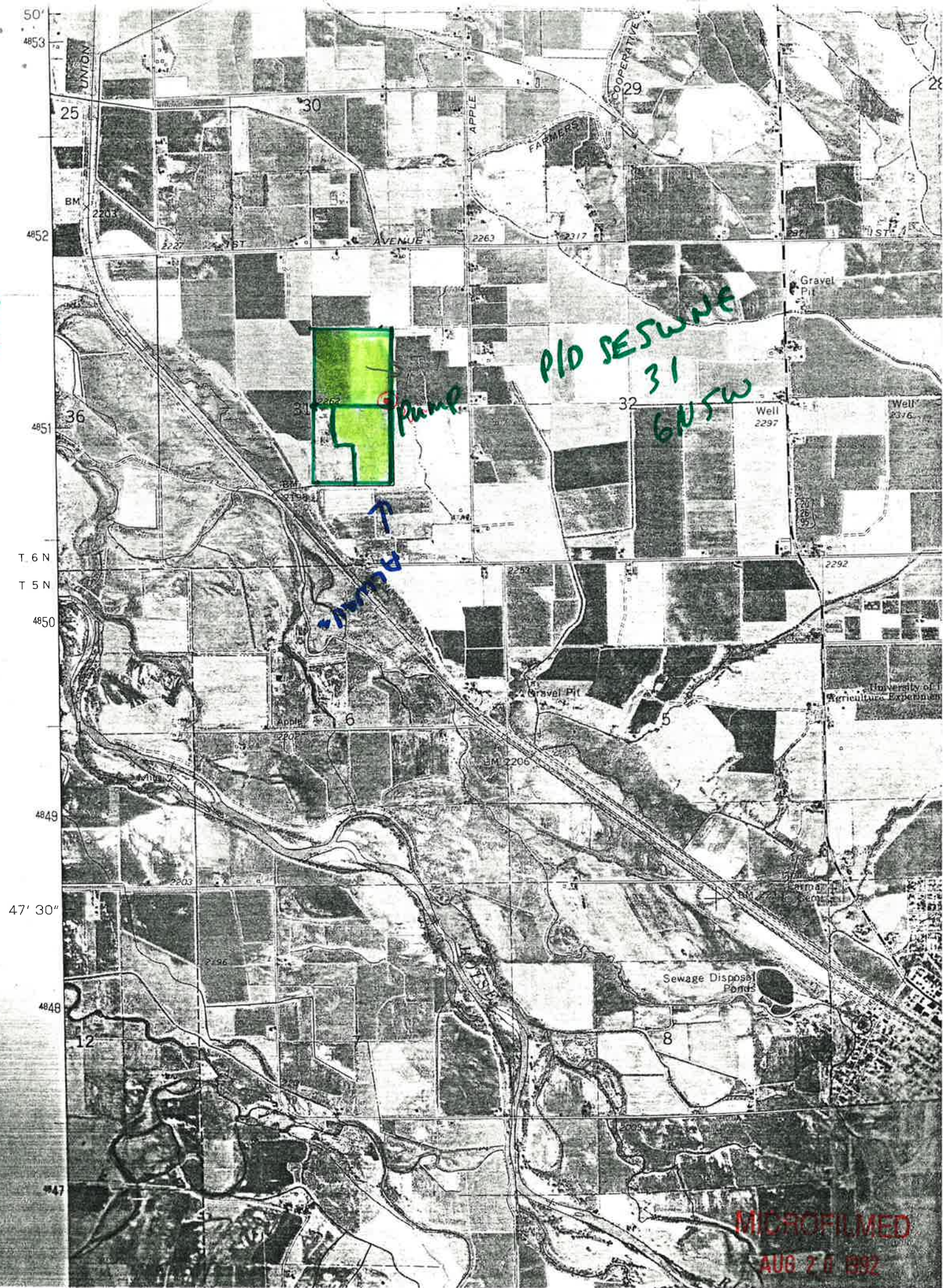
Subscribed and sworn (or affirmed) before me this 23rd day
of JAN 19 90
Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires December 8, 1994

MICROFILMED
AUG 20 1992

2



MICROFILMED
AUG 26 1992

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

Use of this right is combined with water from Farmers Cooperative Ditch Company

03/20/2006

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

RIGHT NUMBER: 63-4458

NAME AND ADDRESS: BARBARA J SELLS
30763 APPLE VALLEY RD
PARMA ID 83660

TOM E SELLS
30763 APPLE VALLEY RD
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: SAND HOLLOW CREEK

QUANTITY: 1.300 CFS

PRIORITY DATE: 06/01/1956

POINT OF DIVERSION:

T06N R05W S31 SESWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.300 CFS

PLACE OF USE: IRRIGATION Within CANYON County

T06N R05W S31

SWNE

40.00

T06N R05W S31

NWSE

25.00

65 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

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

Use of this right is combined with water from Farmers Cooperative Ditch Company



State of Idaho
Idaho Department of Water Resources
Western Region

T6N R5W SECTION(S) 31
WATER RIGHT (S): 63-4458



Total Irrigated Acres = 65 acres

- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: Dan Nelson
Date: Feburary 2006



03/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-4458

WATER RIGHT NUMBER: 63-4458

STATUTORY
Claim Fixed
IN 1977.

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	EDGAR W SELLS 30507 APPLE VALLEY RD PARMA, ID 83660 (208)722-6320
Current Owner	BARBARA J SELLS 30763 APPLE VALLEY RD PARMA, ID 83660 (208)722-5400
Current Owner	TOM E SELLS 30763 APPLE VALLEY RD PARMA, ID 83660 (208)722-5400

OK

need Evidence of Priority.

Priority Date: 06/01/1956

Basis: ~~Statutory Claim~~

Beneficial use

Status: Active

Source

UNNAMED DRAIN

Tributary

SAND HOLLOW CREEK

Standard

3-1 TO 11-15

SURFACE
water
NO VOL neededBeneficial Use

IRRIGATION

<u>From</u>	<u>To</u>
4/01	10/01

Diversion Rate

1.300 CFS

Annual VolumeTotal Diversion:

1.300 CFS

a .02 cfs

Location of Point(s) of Diversion

UNNAMED DRAIN

SE1/4SW1/4NE1/4

Sec. 31, Twp 06N, Rge 05W, B.M.

CANYON County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
06N	05W	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					40.0										25.0				65.0

Total Acres: 65

Conditions of Approval:

ADD S-39

Remarks:

ADD W - FARMERS CO-OP DITCH

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-4458

Comments:Dates and Other Information:

Claim Received Date: 1/23/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

Department of Water Resources

I bought the farm on Apple Valley Rd. in 1946, from Johnson brothers. They had built a pumping station on the drainage ditch in the 1920s. There was an old Byron Jackson pump that pumped water to the west side of the property. There was also a pump on the east side of the drain ditch that pumped water east.

The pumps hadn't been used for awhile but in 1950 we had the power hooked up and tried to pump water for our place and the place across the road. The pump didn't work very well and we abandoned it after that year.

In 1973 we removed the Byron Jackson pump and put in a sprinkler pump and have pumped from that spot since.

Edgar Selle

RECEIVED

MAR 17 2006

WATER RESOURCES
WESTERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4458

WATER RIGHT NUMBER: 63-4458

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	EDGAR W SELLS 30507 APPLE VALLEY RD PARMA, ID 83660 (208)722-6320

Priority Date: 06/01/1956
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	SAND HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/01	1.300 CFS	
	<u>Total Diversion:</u>	1.300 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SW1/4NE1/4	Sec. 31, Twp 06N, Rge 05W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05W	31			40.0												25.0		65.0

Total Acres: 65

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-4458

Licensed Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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Water Supply Bank:

MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-4458

FROM: DANIEL A. NELSON

DATE: 3/20/06

SUBJECT: CLAIM REVIEW

This claim is based on a statutory claim. The claim is a supplemental water right to Farmers Co-Op Ditch Company, so forfeiture should not be a significant issue. The current owner did supply information from his father and former owner of the property stating that the land was irrigated in the 1920's and again in the 1950's, then the system was not used again until 1973. Whereas, the pumps were not removed; the use is supplemental to canal water; and ability to use the system was always available, forfeiture should not be considered.

The date of priority is a bit confusing. According to the statement supplied by the former owner, the system was installed in the 1920's, but he purchased the farm in 1946 and could not attest to the actual date it was installed. The former owner did use the system in the 1950's according to his letter, and the statutory claim listed a priority date of 1956. At the time of his statement, the former owner was in his 90's, so I believe he was better able to determine the actual date he first used the water in the statutory claim application of 1956. Therefore, 6/1/1956 is the date recommended on this claim.

The season of use was upgraded to the current standard of 3/1 to 11/15. The diversion rate was determined by using a theoretical calculation. A field exam was done on the system, but it was not operational at that time requiring a theoretical calculation to be performed. The theoretical calculation suggests that the system capacity exceeds the inch per acre amount, and there is no ditch loss, so this claim should be recommended for 1.30 cfs.

There were several places of use described for this water use. It seems as though this water has been moved around several times over the years without filing a proper transfer. The current owner did show me the lands that statutory claim was supposed to be filed on. Even though the maps don't match, it is evident that these are the acres that should be attached to this claim. Therefore, the claim is based on the original intent of the lands to be irrigated. The current owner wanted the ability to move the water over his entire farm to supplement the canal water on fields he planned to put into potatoes, but this was not the original intent of the statutory claim. Therefore, the owner will need to file a transfer at a later time to allow him to move the water around in a permissible place of use over his entire property.

MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-4458

FROM: DANIEL A. NELSON

DATE: 3/17/06

SUBJECT: OFFICE VISIT BY TOM SELLS

On the above date Tom Sells came to my office to discuss his adjudication claim based on his statutory claim. Kimberly Brown joined us during this visit to assist in determining what needed done. During this visit Mr. Sells supplied a letter from his father Edgar Sells the former owner of the property that discussed the date of priority. During the discussion we discovered that the original pumps were installed in the 1920's, but weren't used again until the 1950's. Edgar Sells purchased the property in the 1946, so he could not attest to actual use beyond that date. The statutory claim showed a date of 1956. Edgar Sells is currently 90 years old, so it does seem reasonable that the priority date given on the statutory claim taken in 1977 has a more accurate date of he used this right.

The letter from Edgar Sells also stated that the after pumping the water in the 1950's the use was abandoned until 1973. The ground in the NWSE has been irrigated every year from that pump and the ground in the SWNE has periodically been irrigated since the 1973 date. Beneficial use was established, and the use had been resumed, so it does seem reasonable to allow this use to continue. The ground irrigated under this right is also irrigated with Farmers Co-Op water, so this right is a supplemental right to Sells' canal share. The water would only be used if there wasn't enough Farmers Co-op water to irrigate the fields. Therefore, even though Edgar Sells stated the right was abandoned in his letter, the pumps were left in place and could be used if needed until 1973 when the pumps were replaced by the current system. Therefore, the right was not forfeited or abandoned and can be recommended.

There has been a discrepancy in the acres on the maps, statutory claim, field exam, and adjudication claim, but Mr. Sells told us that it was originally set up to deliver water to the SWNE and NWSE. Mr. Sells stated that he would like to move the water throughout his farm, but we were unsure at this point if anything could be done to accommodate his request. I also asked for the pressure of the irrigation system, so I could perform a theoretical calculation for the diversion rate of the existing pump.

Kimberly and I were unsure if we could allow resumption of use based on this right being a supplemental water right, so we told Mr. Sells we double check our findings and get back with him on the 20th or 21st. We double-checked this information with our supervisor, and it was agreed that this was possible. It was decided that we could allow a 6/1/1956 priority date, for 65 acres in the SWNE and NWSE. The rate of diversion will be calculated on a separate form. We can't allow a permissible place of use through the adjudication, so Mr. Sells will need to file a transfer after the adjudication is complete.

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-4458

DATE: 3-20-06

BY: Daniel A. Nelson

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (HP) \times (EFF.))}{TDH}$

Q = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$Q = \frac{(8.8 \times (40) \times (0.70))}{246.4} = 2.04 \text{ CFS}$

$[(5) + (50 \times 2.31)] = 120.5$

LIFT FROM:

Measurement ()

Owner (X)

Area estimate ()

Well Logs ()

Booster (Y) (N)

PSI FROM:

Measurement ()

Owner (X)

Estimate ()

Owner Gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

Pump Make, Serial or ID, rating

REMARKS: The Pump Hp was Found during
The Field Exam. NO measurement was possible
at the time of the Exam ~~due to~~ Because
System was NOT Running. NO pressure
Reading was possible either. The owner
stated he runs his pumps @ 50 psi which
sounds reasonable for this type of system.

This claim is for 65 acres, with no
ditch loss. Therefore this claim should be
limited to an inch per acre or 0.02 CFS.
The total diversion allowed is $0.02 \times 65 = 1.30 \text{ CFS}$.
Which is what was claimed.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) A 63-04458Owner: Tom E. SeilsPhone No. 208-722-5400Current Address: 30763 Apple Valley Rd. Perma Id. 83660

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER
- ☐ No change Address
- ☐ NEW ADDRESS
- ☐ How long owned property?

Accompanied by: Tom Seils**PRIORITY DATE**

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: June 01, 1956

(If priority date, based on your exam, seems questionable, explain below.)

Source: Unnamed DrainTributary to Sand Hollow Creek

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed:

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed:
- ☐ If different, when did POD change?

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
		SE	SW	NE	31	06N	05W	Canyon	

Description of diverting works

40' HSP Pump above concrete check structure to
8" outlet. (See PIC #3)

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain: _____

WATER USES

- ☐ No change
☐ Different Uses

Use IRRIGATION From 04/01 To 10/01 Amount 1.300 CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:

- ☒ No change
☐ Changes Exam found: Domestic # of homes _____ Stock # _____
Types _____ Additional comments: _____

PLACE OF USE:

- ☐ No Change
☒ Changes shown below:

Pictures 4 & 6 show the PROPERTY East of the Drain + Diversion point.
See IDWR, 1987 Napp Photo, (NENE)

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	05W	31	400													25.0			

Overlap with other water rights: Farmers CO-OP Ditch.

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: 40 HSP Pump with a 8" intake & 8" out let to a wheel line (See pic #5) NWSE + Also to Hand Lines (See pic. #4 & 6) NENE

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
0002078	Century	40	2576	Berkley	6966937 (8")

FLOW MEASUREMENTS: GPS 2260383

Attach appropriate documents USR 1405850

NARRATIVE/REMARKS/COMMENTS

No water was being diverted at this time. Tom's father will do a statement for evidence of priority of date.

Tom would like to know what he needs to do to change claim of 40 Acres from SWNE to the property east of diversion.

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 10-20-2005

FIELD EXAMINER: Karen Henley

FLOW CALCULATIONS

Additional Computation Sheets Attached

Measured Method:

VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 65.0 \times 4.5 = 292.50 \text{ AF/Y}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 1.3 \times 260 = 338.0 \times 1.9835 = 670.42 \text{ AF/Y}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 292.5 \text{ AF/Y}$$

2. Volume Calculations for Other Uses:

Delivery System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

☒ Photo of Diversion and System Attached

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: None At This Time.

pic# 1



A63-04458

10-20-2005

GPS 2260383
USR 1465850

Diversion point



pic# 2

Old original pump on East Side of Drain



pic.#3 Check structure & pump

pic # 4



A 63-04458

10-20-2005



pic # 5 8" main line to wheel line NWSF 25.0



8" main line from pump to NWSF

pic # 6

Idaho Department of Water Resources

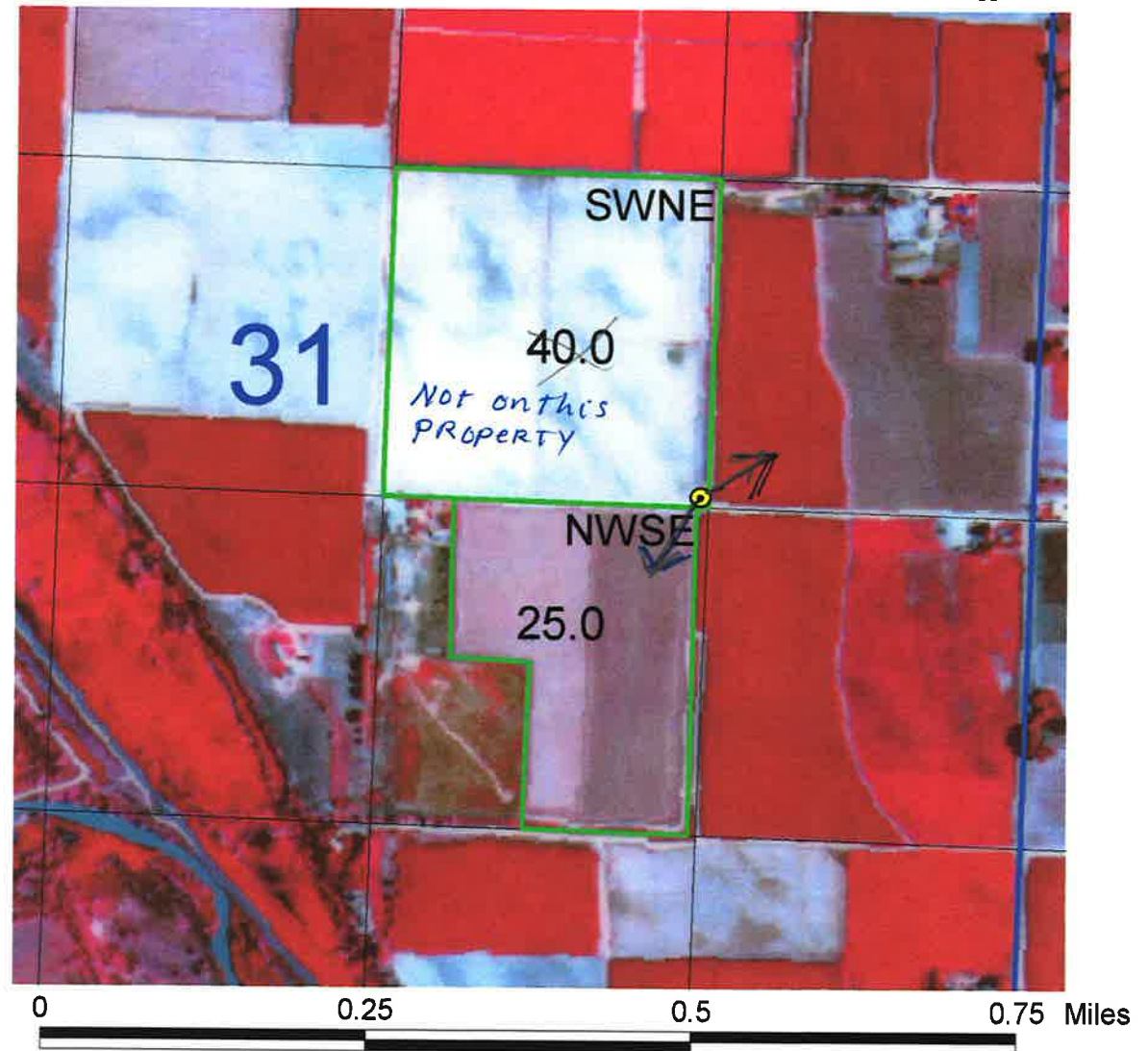
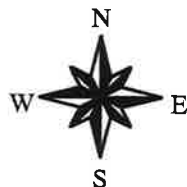
Claim Number: 63-04458

Legal: T06N, R05W, S31

Reviewed By:

1987 Napp Photo

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-4458

FROM: DANIEL A. NELSON

DATE: 3/20/06

SUBJECT: TELEPHONE CONVERSATION MEMO

On the above date I spoke with Tom Sells, and informed him that I could recommend his adjudication claim for 65 acres in the SWNE and NESE for 1.30 cfs. He agreed with this recommendation because he said that was the intent of statutory claim filing. I told him that since his father did not own the property at the time the system was originally used, and he didn't use until the 1950's, that we could only recommend the 1956 date listed on the statutory claim. He seemed satisfied with this also.

I also told him that we would be sending him a copy of the recommendation and we would be able to sit down with me and go over it again if needed before it is sent to the court. He seemed happy and appreciative of this, and he said he was happy with the thought of being able look over it again later.

MEMORANDUM

TO: ADJUDICATION CLAIM FILE 63-4458

FROM: DANIEL A. NELSON

DATE: 3/20/06

SUBJECT: OFFICE VISIT BY TOM SELLS

On the above date Tom Sells came to my office to discuss his adjudication claim based on his statutory claim. Kimberly Brown joined us during this visit to assist in determining what needed done. During this visit Mr. Sells supplied a letter from his father Edgar Sells the former owner of the property that discussed the date of priority. During the discussion we discovered that the original pumps were installed in the 1920's, but weren't used again until the 1950's. Edgar Sells purchased the property in the 1946, so he could not attest to actual use beyond that date. The statutory claim showed a date of 1956. Edgar Sells is currently 90 years old, so it does seem reasonable that the priority date given on the statutory claim taken in 1977 has a more accurate date of he used this right.

The letter from Edgar Sells also stated that the after pumping the water in the 1950's the use was abandoned until 1973. The ground in the NWSE has been irrigated every year from that pump and the ground in the SWNE has periodically been irrigated since the 1973 date. Beneficial use was established, and the use had been resumed, so it does seem reasonable to allow this use to continue. The ground irrigated under this right is also irrigated with Farmers Co-Op water, so this right is a supplemental right to Sells' canal share. The water would only be used if there wasn't enough Farmers Co-op water to irrigate the fields. Therefore, even though Edgar Sells stated the right was abandoned in his letter, the pumps were left in place and could be used if needed until 1973 when the pumps were replaced by the current system. Therefore, the right was not forfeited or abandoned and can be recommended.

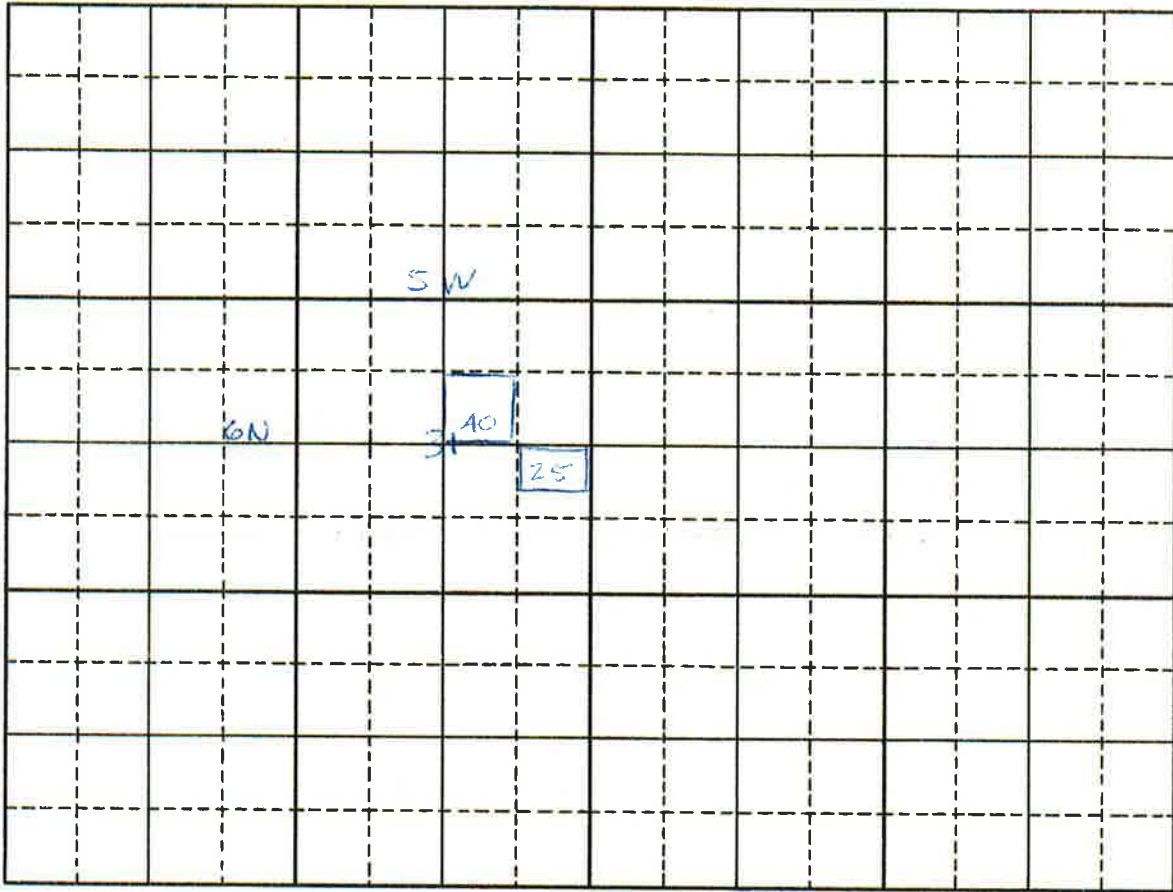
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**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Type	WR #	Owner	Source	TRS	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total
Claim	63-4458	BARBARA J SELLS, TOM E SELLS,	UNNAMED DRAIN	06N05W31			40										25				65
Right	63-4458	EDGAR W SELLS,	UNNAMED DRAIN	06N05W31			40										25				65
Claim	63-138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Claim	63-188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Claim	63-189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Claim	63-190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Claim	63-191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Claim	63-296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Claim	63-4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Claim	63-4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	06N05W31	40	40	40	40	40	40	14	40	20			3	40	40	36	40	473
Rec	63-138C	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Rec	63-188	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Rec	63-189	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Rec	63-190	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Rec	63-191	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Rec	63-296	FARMERS COOPERATIVE DITCH CO,	BOISE RIVER	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Rec	63-4852	FARMERS COOPERATIVE DITCH CO,	CONWAY DRAIN	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Rec	63-4851	FARMERS COOPERATIVE DITCH CO,	SAND HOLLOW DRAIN	06N05W31	X	X	X	X	X	X	X	X	X			X	X	X	X	X	0
Right	63-2304	ANDREW NELSON,	STOCKTON SLOUGH	06N05W31										10	30	8					48
Right	63-4161	CLAUDE PEARCY,	GROUND WATER	06N05W31														15			15
Claim	63-21779	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	06N05W31										29	38	24					91
Claim	63-21780	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	06N05W31										29	38	24					91
Rec	63-21779	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	06N05W31											X	X			X		0
Rec	63-21780	RIVER FLAT DITCH CO,	SAND HOLLOW CREEK	06N05W31											X	X			X		0
Claim	63-4638	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N05W31										2	22						24
Claim	63-4717	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N05W31											23	9					32
Right	63-4638	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N05W31										2	22						24
Right	63-4717	STATE OF IDAHO,	SAND HOLLOW DRAIN	06N05W31											23	9					32
Permit	63-9218	STATE OF IDAHO,	SAND HOLLOW DRAIN, UNNAMED DRAIN	06N05W31										2							2
Claim	63-9218	STATE OF IDAHO,		06N05W31										2							2

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 13th day of April, 19 77.

Edward L. Latta
(Claimant)
Charles E. Latta
Notary Public
Residing at Basin, Idaho

My commission expires 4/15/77

For Department Use Only

Received by JJG Date 4-13-77
Prelim. check by JJG Date 4-13-77
\$10.00 fee received by RTW Date 4-13-77
Approved for publication by CS 4-14-77
Published in News-Tribune
Dates April 21, 1977 + April 28, 1977

Exception filed by: _____ Forwarded to claimant by: _____ Date _____

WATER RIGHT NUMBER. 63-4458

WATER RIGHTS EDIT REPORT

12/13/79

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ACT
ION

N OWNER LAST NAME - SELLS
N ADDRESS LINE 1 - RT. 2

FIRST NAME - EDGAR W.

N SOURCE - UNNAMED DRAIN

CITY - PARMA
TRIBUTARY OF - SAND HOLLOW CREEK

STATE - ID

N DIVERSION POINT - SWNE 31 06N 05W

N FROM - 04-01 TO - 10-01 USE - IRRIGATION

USE DIV. RATE - 1.3000CF8

N USE - IRRIGATION

PLACE OF USE - TWN 06N RNG 05W SEC 31 TRACT SWNE

AC 40 TRACT NESE

AC 25

IDENT. NO. 63-4458

WATER RIGHT DATA ENTRY LOG

[illegible]

- DATA ENTRY -

New No.

1. Original Owner:

Edgar W. Sells

Present Owner:

2. Address: Kt. 2

3. City: Leona

State: 10

Zip:

4. A. Source of Water: *unnamed drain*

B. Tributary of: *Sand Hollow Creek*

5. A. Stage (A,P,L,D,S,J): S

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 6-1-1956

D. County: 27

E. Total Diversion Rate: 1.3

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

6. A. Point of Diversion

Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
SW NE	31	6N	5W		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 10-1 for A purposes. Amount 103
(cfs or AC-Ft/yr)

from _____ to _____ for _____ purposes. Amount _____

from to for purposes. Amount

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from	to	for	purposes.	Amount

[illegible]

Receipt Details for ID W007825

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
1/23/1990 9:50:36 AM	1/23/1990	Western	\$140.00	Check
Payer		SELLS, TOM		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2418			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$140.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
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Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	4458		\$115.00	Claim
63	20364		\$25.00	Claim

[Print Report](#)