

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right 22-4046

1/25/2022

After Spl. 7

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MONA WALTERS PO BOX 156 NEWDALE, ID 83436 (208) 458-4656
Current Owner	W JEFFREY WALTERS 1250 S 2ND E REXBURG, ID 83440-3862 (208) 458-4656
Original Owner	CLINTON H PETERSON 226 N 2500 E ST ANTHONY, ID 83445 (208) 458-4203
Original Owner	ELVA PETERSON 226 N 2500 E ST ANTHONY, ID 83445 (208) 458-4203
Previous Owner	DALE DAW 2650 E 300 N ST ANTHONY, ID 83445 (208) 390-6081
Previous Owner	PATRICE WALTERS PO BOX 156 NEWDALE, ID 83436 (208) 458-4656
Previous Owner	SHAWN J WALTERS PO BOX 156 NEWDALE, ID 83436-0156 (208) 458-4656

Priority Date: 4/1/1962

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.720 CFS	146.0 AF
	<u>Total Diversion</u>		0.720 CFS	146.0 AF

Source and Point(s) of Diversion

GROUND WATER

SWSE

Sec. 20, Twp 07N, Rge 41E, FREMONT County

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GROUND WATER

SWSW

Sec. 20, Twp 07N, Rge 41E, FREMONT County

Place Of Use

IRRIGATION within FREMONT County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	41E	20												2.2	10.8		5.0	18.0	36.0

POU Total Acres: 36.0

Conditions of Approval:

1. 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.
2. E02 Use of this right is combined with water from Southeast Idaho Canal Co. and Wilford Irrigation & Mfg. Co.

Comments:

1. mholliday 2/17/2012 ownership
Claimant does not own all the property included in the recommendation, but he has provided a quitclaim deed from Jensen and a statement from Kerbs saying that he has no interest in the right. Claimant is the only person using the wells for irrigation.
2. mholliday 2/17/2012 priority date
Affidavits from Erla Daw indicate that the development of this right occurred in stages, with the whole of the POU being irrigated by 1962.
3. mholliday 2/17/2012 POU
POU confirmed in affidavit and attached map. Pond in SESE of section 20 was irrigated farmland prior to the failure of the Teton Dam. See photos in file.
4. mholliday 2/28/2012 quantity
Affidavits describe irrigation both via sprinklers and via flood irrigation. The theoretical capacity of the 2 pumps using the static water levels from the 2 well logs was 8.26 cfs when both pumps were being used for flood irrigation. Recommended standard inch per acre and standard volume.
5. mholliday 2/28/2012 recommendation
This was a difficult recommendation because there was a lot of conflicting evidence in the file. However, the affidavits from Erla Daw are convincing when considered together and would probably hold up in court. Even though the acreage recommended was also identified by two canal companies as irrigated by their shares, and the claimant does own some canal shares, it appears that the irrigation of the POU is primarily from the wells. Only a small portion of the POU could physically be irrigated from the Wilford due to topography. Also the claimant is at the end of the south branch of the Fall River Canal, so it is understandable that there would be obstacles to getting a reliable supply of surface water. Therefore I chose not to add condition 065 to the recommendation.

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6. tluke 10/29/2015 POD
PODID 823568 correlated from SpatialDataID 368851 to SpatialDataID 263057
7. Ownership Change 5/5/2016 Split
Right 22-4046 was split into 22-14206 and 22-4046.
8. bjordan 5/5/2016 POU
Updated Shape
9. jhersley 1/25/2022 POU
Updated Shape
10. jhersley 1/25/2022 Split Right
Split into 22-4046 & 22-14445 due to change in ownership. No land was conveyed.

Dates and Other Information

Decreed Date: 5/30/2012
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 100
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

Lessor Name: W JEFFREY WALTERS
Lease Status: Active
Lease Amount: 2.32cfs
Rental Availability: 2.32cfs
Date Received: 3/23/2017
Lease Begin Date: 1/1/2017
Expiration Date: 12/31/2017

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Priority Date: 4/1/1962

Basis: Decreed

Status: Active

Water Supply Bank Status: Active

Source

GROUND WATER

Tributary

Beneficial Use

IRRIGATION

From

04/01

To

10/31

Diversion Rate

2.770 CFS

Volume

485.7 AF

Total Diversion

2.770 CFS

485.7 AF

Source and Point(s) of Diversion

GROUND WATER

SWSE

Sec. 20, Twp 07N, Rge 41E, FREMONT County

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GROUND WATER

SWSW

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Place Of Use

IRRIGATION within FREMONT County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	41E	20											33.0	33.0	10.8		31.0	31.0	138.8

POU Total Acres: 138.8

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State of Idaho
Department of Water Resources
Water Right License
22-4046



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

