

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**Proof Report**

6/24/2020

**Water Right 45-4185**

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CORP OF THE PRESIDING BISHOP CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS REAL ESTATE SERVICES DIV 50 E NORTH TEMPLE ST SALT LAKE CITY, UT 84150-6320 (801) 240-4657
Original Owner	AFTON E BAKER 700 S OAKLEY HWY BURLEY, ID 83318 (208) 678-7040
Original Owner	WADE BAKER & SONS FARM RT 2 BOX 2402 BURLEY, ID 83318 (208) 678-7883
Original Owner	WADE BAKER 700 S OAKLEY HWY BURLEY, ID 83318
Original Owner	W3P LC 1200 OVERLAND AVE BURLEY, ID 83318

**Priority Date:** 3/15/1963

**Basis:** Decreed

**Status:** **Disallowed**

**Source**

GROUND WATER

**Tributary**

**Beneficial Use**

IRRIGATION

**From**

3/15

**To**

11/15

**Diversion Rate**

6.000 CFS

**Volume**

**Total Diversion**

6.000 CFS

**Source and Point(s) of Diversion**

GROUND WATER

L1(NWNWNE)

Sec. 31, Twp 11S, Rge 23E, CASSIA County

GROUND WATER

SESESE

Sec. 30, Twp 11S, Rge 23E, CASSIA County

**Place Of Use**

IRRIGATION within CASSIA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	22E	36	34.0	40.0	39.0	39.0									12.0	11.0			175.0

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11S	23E	29									40.0	40.0	40.0	40.0					160.0
11S	23E	30	38.0	40.0	40.0	38.0									40.0	38.0	39.0	40.0	313.0
				L1	L2											L3	L4		
11S	23E	31	40.0	40.0	40.0	40.0									12.0	12.0			184.0
				L1	L2											L3			

POU Total Acres: 832.0

**Conditions of Approval:**

1. NO LAWFUL APPROPRIATION SHOWN: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is PROPOSED to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is PROPOSED to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.
2. P01 NO LAWFUL APPROPRIATION SHOWN.

**Comments:**

1. mciscell 5/12/2010 POD  
Bulk Generate Shape From PLS

**Dates and Other Information**

Decreed Date: 5/13/2005  
Civil Case Number: 39576  
Judicial District: FIFTH  
State or Federal: S  
Owner Name Connector: AND  
Water District Number: TBD  
Mitigation Plan: False

**Combined Use Limits**

N/A

**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>
Priority Date	10/29/2003	Djones			Closed
Summary	10/29/2003	Djones	10/29/2003	Djones	Closed
POD	10/29/2003	Djones			Closed
POU	10/29/2003	Djones			Closed
Source	10/29/2003	Djones			Closed
Use	10/29/2003	Djones			Closed
Season	10/29/2003	Djones			Closed
Quantity	10/29/2003	Djones			Closed

## IDAHO DEPARTMENT OF WATER RESOURCES

6/24/2020

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**Verification Log**

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
Priority Date	10/29/2003	Djones	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (No) 14. Can any portion of the claim be recommended as a valid water right?
Summary	10/29/2003	Djones	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	10/29/2003	Djones	(No) 1. Is the basis of this claim a Decree or License?
POU	10/29/2003	Djones	(No) 1. Is the basis of this claim a Decree or License?
Source	10/29/2003	Djones	(No) 1. Is the basis of claim Decree or License?
Use	10/29/2003	Djones	(No) 1. Is the basis of this claim a Decree or License?
Season	10/29/2003	Djones	(No) 1. Is the basis of claim Decree or License?
Quantity	10/29/2003	Djones	(No) 1. Is the basis of this claim a Decree or License?

**SubCase:**

N/A

**Water Supply Bank:**

N/A

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Southern Region

1041 Blue Lakes Blvd. N.  
Twin Falls, Idaho 83301  
(208) 734-3578

Aug 2  
~~JUL 15~~ 1983

WADE BAKER  
AFTON BAKER  
RT. 2 BOX 2400  
BURLEY

ID 83318

RE: Claim No. 45-4185

Dear Claimant:


The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

  
ALLEN D. McPRITT  
Senior Water Resource Analyst

Enclosure

45-4185

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES



CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Wade &/or Afton Baker

(Name of Claimant)

Route #2 Box 2400, Burley, ID 83318

(Mailing Address)

Telephone No. 678-7040

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) Mar 15, 1963

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Groundwater tributary to \_\_\_\_\_

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>6.00 cfs</u>	Use <u>Irrigation</u>	Period of Use From <u>Mar 15</u>	To <u>Nov 15</u>
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____
Quantity	_____	Use _____	Period of Use From _____	To _____

- (4) 6.00 cfs TOTAL QUANTITY USED.  
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SE 1/4 SE 1/4, Sec. 30 Twp. 11S Rge. 23E B.M., County of Cassia

Additional points of diversion: \_\_\_\_\_

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 20" X 700' well, pump, 300 hp motor, booster pump & 200 hp motor, mainline, sprinklers

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11S	23E	29									40	40	40	40					160
		30	38	40	40	38									40	38	39	40	313
		31	40	40	40	40									12	12			184
	22E	36	34	40	39	39									12	11			175

No. of acres 832

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: Include here the type and number of stock watered: \_\_\_\_\_

- (7) If you are claiming water as a member of an organization, list name of organization: \_\_\_\_\_

\_\_\_\_\_

5815-54

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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.

County of Twin Falls

Wade Baker  
(Claimant)

Laren O Halmer  
Notary Public  
Residing at Twin Falls, ID

My commission expires Life

Received by JF. Stanton Date 5-11-83 Exception filed by: \_\_\_\_\_ Forwarded to \_\_\_\_\_ Date \_\_\_\_\_  
Prelim. check by A. S. Gley Date 5-19-83  
\$30.00 fee received by JF Date 5-11-83 #27332 claimant by: \_\_\_\_\_  
Published in South Idaho Press  
Dates 6/30 & 7/7/83