

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/4/2020

Water Right 43-4018

Owner Type **Name and Address**
Current Owner ELBERT L DURFEE
 PO BOX 187
 ALMO, ID 83312
 (208) 824-5566

Priority Date: 4/1/1942
Basis: Statutory Claim
Status: Superseded by Decree

Source **Tributary**
GROUND WATER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/01	11/01	2.000 CFS	
	Total Diversion		2.000 CFS	

Source and Point(s) of Diversion
GROUND WATER NWSW Sec. 12, Twp 16S, Rge 24E, 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	
16S	24E	12									40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	320.0

POU Total Acres: 320.0

Conditions of Approval:

Comments:

1. scurtis 9/10/2002 Water Right
Water Right No(s) 43 4018 superseded by Decree No(s) 43 13051 , 43 13052 ,

Dates and Other Information

Water District Number: TBD
Mitigation Plan: False

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

6/4/2020

N/A

MEMORANDUM

To: Jim Johnson
From: Allen Merritt
Date: 3/20/84

Subject: Review of lands claimed to be irrigated under 43-4018

Pursuant to your 10/31/83 memo I have obtained and reviewed several aerial photos of the Durfee property. Please find attached copies of the 1977 and 1968 flights. I have also reviewed the aerial slides taken in the 1979 which cover a portion of the Durfee property. Presently the land has two center pivots installed on the property as penciled in on the 1977 photo.

All evidence indicates that not all of the $S\frac{1}{2}$ of Sec. 12, T16S, R24E, B.M. has been irrigated as claim 43-4018 indicates. Giving Mr. Durfee the benefit I estimate that not more than 265 acres were ever irrigated in the $S\frac{1}{2}$ of Sec. 12 as shown on the 1968 photo. My estimate of the acres irrigated is mainly based on the 1968 photo and the field exam reports for licenses 43-2552 and 43-2560. These licenses when initially licensed both recognized 163 acres irrigated in the $S\frac{1}{2}$ of Sec. 12. I assume that more land was irrigated than this 163 acres. If this assumption is valid it would appear that the allowable amount of acres to be transferred under the transfer for 43-4018 would be $(265-163)= 102$ acres.

Based on the above analysis it appears that the transfer as filed should not be approved without a reduction of acreage to approx. 102 acres. If you concur the application should either be denied or the applicant approached to reduce the acreage on the application.

1977 Flight

Sec

12
23

2.84 cl
3.60 cl
6.44 6.44

382

163

163

235 2crs

1967

1968

76 2crs
diff.

76 2crs

2

E 152

A

30
30

30
30

40
40

140
30
30

17
17

40

32

35

30

5

35

5

30

40

35

35

5

20

20

15

35

29

21

35

35

35

1

34

35

35

21

14

5

12

8107-4018

NOT TO SCALE

43-4018

FROM Dave Tuthill

TO Alan Merritt (Southern)

SUBJECT Durfee Transfer

RECEIVED

APR 10

Department of Water
Southern District

126612 2.84

2) 3.60

6.44

5.20

3.60

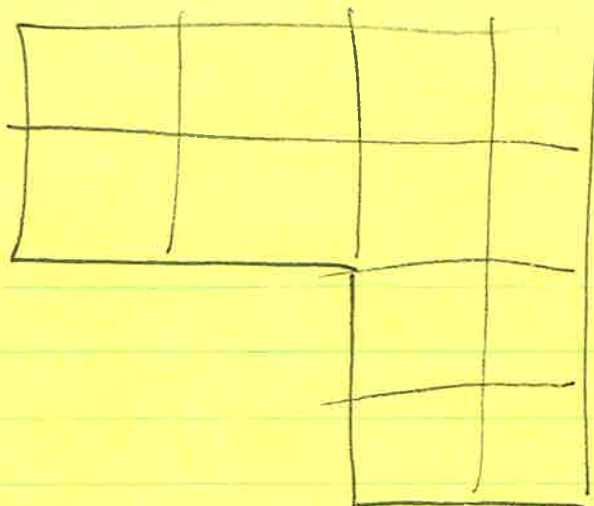
5.00

In the process of preparing a transfer I noticed that Mr. Durfee had supplied to our file the copies of aerial photos. In the interest of standard documentation practices, I have asked ASCS to provide the copies of the photos, with the dates the photos were taken. They called to say they are in the mail, we will prepare a final of my memo when the photos are rec'd.

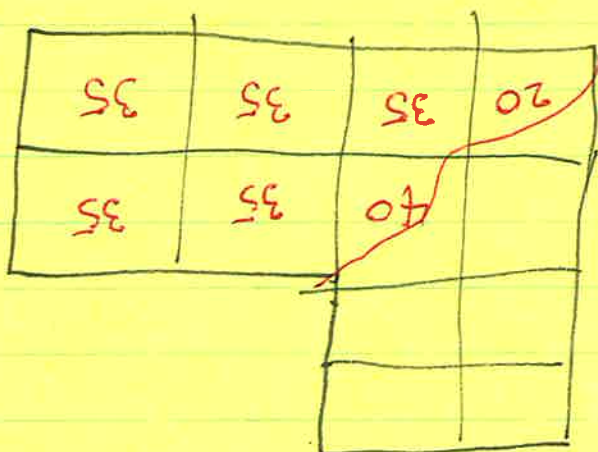
SIGNATURE
Dave

43-4018

Sec 23



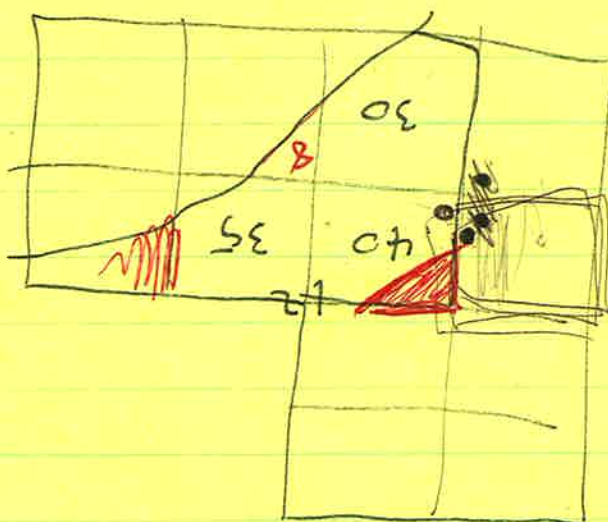
1963



235

1 N 1/4 Sec 12
1 S 1/4 Sec 12
1 E 1/4 Sec 12

1965



1940

N 1/4 Sec 12

100 Acres

105 2013
113



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

RECEIVED

MAY 6 1984

Department of Water Resources
Southern District Office

May 3, 1984

Elbert L. Durfee
Almo, ID 83312

RE: Application for Transfer of Water Right No. 43-4018

Dear Mr. Durfee:

This office is currently reviewing the above referenced Application for Transfer which you originally submitted to our Southern Regional Office on March 30, 1983. Since that date our staff has conducted an examination of the water rights associated with lands in the south half of Section 12, Twp. 16S., Rge. 24E., and has reviewed aerial photographs of that land.

As you are aware, there are two water right licenses which have as places of use lands within the above referenced section. Both Licenses Nos. 43-2552 and 43-2560 show as a place of use 163 acres in the south half of Section 12. The manner in which this 163 acres was identified has a direct bearing on our analysis of the Application for Transfer in question.

You may recall that when Applications for Permit Nos. 43-2552 and 43-2560 were originally submitted to this office, they each identified places of use within each of the forty acre tracts within the south half of Section 12, Twp. 16S., Rge. 24E. Therefore, when a field examination was conducted to determine which of the acres in the tracts were irrigated, our examiner sought to identify the entire irrigated acreage within the south half of Section 12. The examination was conducted on August 3, 1968, by Mr. Dean Reynolds of this office. The "Reports of Examiner" which he prepared to describe the results of his examination are currently located in Department files. On the reports he indicated that you and your son assisted with measurements and acreage determination. Based on his examination notes and information in the file it appears that he also utilized aerial photographs for the computation of irrigated acreages. For your information copies of the reports and the aerial photographs are enclosed. As

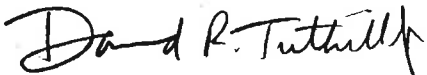
43-4018

Elbert L. Durfee
May 3, 1984
Page 2

shown on the reports, Mr. Reynolds found that 163 acres were irrigated in the south half of Section 12 at the time of his examination. This computation corresponds with the irrigated acreage identified on the aerial photographs.

Examination of the Application for Transfer in question in light of the reports prepared by Mr. Reynolds, results in a question regarding the date of first irrigation of lands within the south half of Section 12. Mr. Reynolds found 163 acres irrigated, and the effect of approval of the Application for Transfer would be to recognize the existence of an additional 127 acres on the south half of Section 12, with date of priority of April 1, 1942. Because the information in the file does not support the claimed irrigated acreage, could you please provide to this office an explanation or additional evidence. Please provide additional information by June 15, 1984, to enable us to proceed with the evaluation of your Application for Transfer.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:ns

Enclosures

✓cc: Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Elbert L. Durfee Phone 824-5525
Post Office address Almo, Idaho, 83312

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ county of _____
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. 43-4018 on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Original Claimant

3. Source of water Groundwater tributary to _____

4. Date of priority April 1, 1942

5. Water is used for the following purposes:

amount 2.0 cfs for Irrigation purposes from April 1 to Nov. 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

6. Total amount of water under right: a. 2.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 12
Township 16S Range 24E, B.M., in Cassia County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
16S	24E	12									40	40	40	40	40	40	40	40	320

Total number of acres to be irrigated 320

9. Describe any other water rights used for the same purpose as described above

Lic. 43-2552 & Lic. 43-2560 recorded by transfer #2712
Decreed water rights from Raft River

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in Item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT: the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- ✓ Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
- Additional points _____

3. Place of use: _____

[illegible]

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information
- a. Amount of water to be diverted 2.0 cfs c.f.s. &/or _____ acre feet
- b. Description of diverting works Four Existing wells which deliver water into sprinkler system.
- c. Describe the reasons for the proposed changes To clarify water use on lands and to allow flexibility in use of all the wells.
2. Change in point of diversion
- Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23 Township 16S
Range 24E, B.M., Cassia County
- Additional points NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14; 2 pts in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 12
all in Twp. 16S, Rge 24E, B.M.
3. Change in place of use
- a. Are there leins, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
None The same land that has been irrigated for many years will
continue to be irrigated.

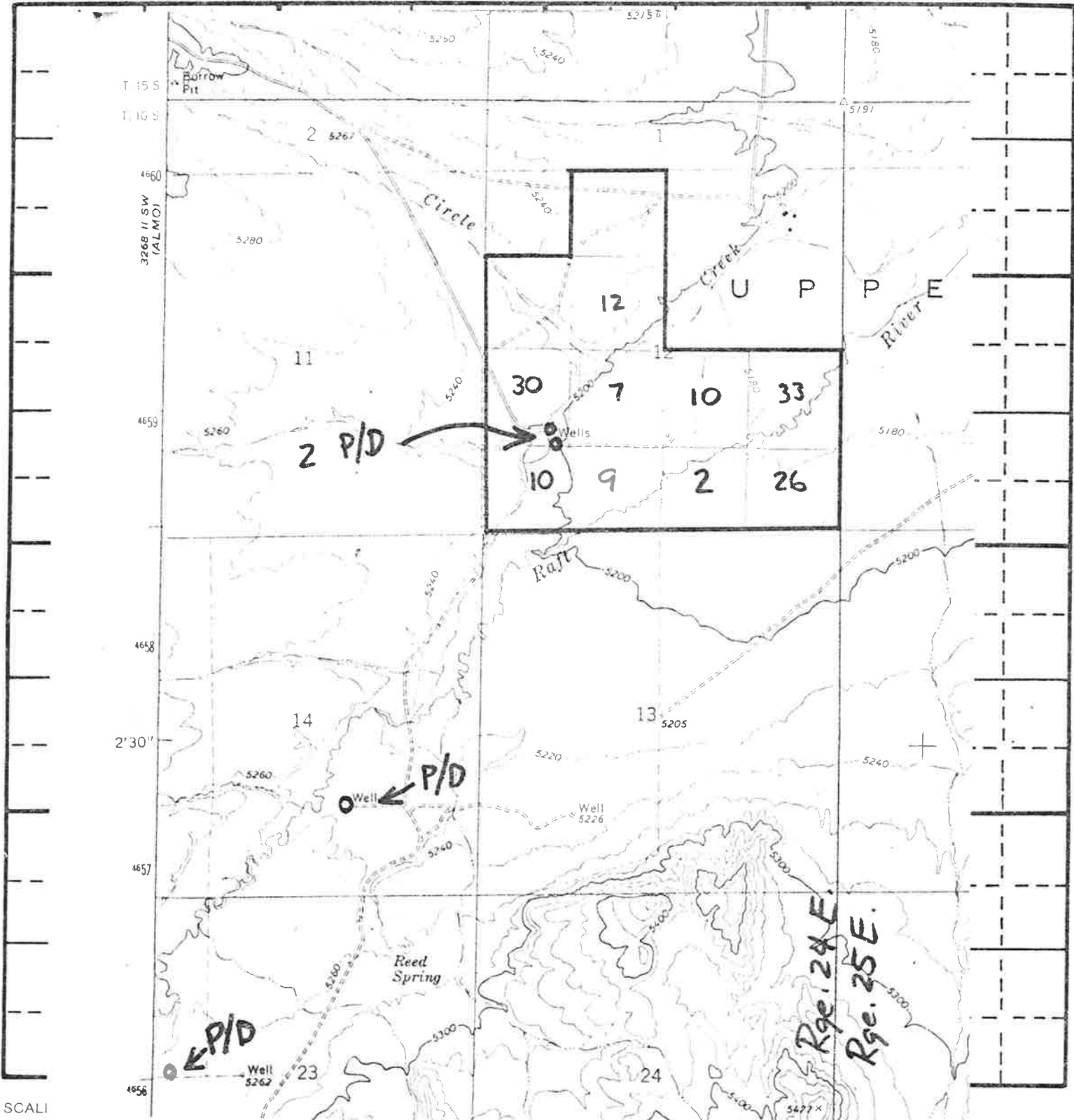
c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
16S	24E	12								12	7	30	10	9	33	10	2	26	139

Total number of acres to be irrigated 139

4. Describe any other water rights used for the same purpose as described above.

Decreed water from Raft River
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



D. REMARKS

This transfer is meant to clarify what lands are irrigated.
After this transfer when this right is combined with those licenses
recorded under transfer #2712 it should clearly cover all of the
445 acres which are irrigated by well water.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement
in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Elbert L. Dwyer
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of March, 19 83

Mary A. Newby
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

FOR DEPARTMENT USE ONLY

Received by ADM Date 3/30/83 Protest filed by None
Prelim. check by LA Fee \$50.00
Receipted by maup Date 3/30/83 # 26136
Published in South Idaho Press Copies of protest forwarded by _____
Pub. dates June 15 and June 22, 1983 Hearing held by _____ Date _____
Watermaster recommendation requested on N/A Recommended for approval denial
_____ rec'd. _____ by ADM

$\mathbb{C}^2 \times \mathbb{C}^2 \rightarrow \mathbb{C}^2 \times \mathbb{C}^2$ is



1977 Flight

36 31
16

16

16

E 152

A

1409

27.3

28.2

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M

8.5

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E

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P

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10.4

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13

P.36

13

NOT TO SCALE