

4/25/2019

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	APRIL WALKER 4642 E 185 N RIGBY, ID 83442 (208) 680-4464

Status: Active

Tributary
COLUMBIA RIVER

<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
04/01	10/31	0.030 CFS
Total Diversion		0.030 CFS

Volume

SNAKE RIVER
SNAKE RIVER

SWNE
NESWNW

Sec. 29, Twp 04N, Rge 40E, JEFFERSON County
Sec. 28, Twp 04N, Rge 40E, JEFFERSON County

IRRIGATION within JEFFERSON County

[illegible]

POU Total Acres: 2.0

1.	R05	Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
2.	R60	This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
3.	T18	The right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
4.	E56	The rights listed below are limited to the irrigation of a combined total of 2 acres in a single irrigation season. Combined Right Nos.: 01-10536, 01-10538, 01-10540.
5.		This right is a split from former right 1-35A.
6.	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.
7.	P21	This right is a split from former right 1-35AE.
8.	004	This right does not grant any right-of-way or easement across the land of another.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/25/2019

9. Water is delivered from the Dry Bed.

Dates and Other Information

Decreed Date: 1/14/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 01
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.0
Mitigation Plan: False

Combined Use Limits

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
1-10536 ,1-10538 ,1-10540		2.0

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/25/2019

Water Right 1-10538

Owner Type **Name and Address**
Current Owner APRIL WALKER
4642 E 185 N
RIGBY, ID 83442
(208) 680-4464

Priority Date: 6/2/1889

Basis: Decreed

Status: Active

Source
SNAKE RIVER

Tributary
COLUMBIA RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	0.030 CFS	
	<u>Total Diversion</u>		0.030 CFS	

Source and Point(s) of Diversion

SNAKE RIVER	SWNENE	Sec. 29, Twp 04N, Rge 40E,	JEFFERSON County
SNAKE RIVER	NESWNW	Sec. 28, Twp 04N, Rge 40E,	JEFFERSON County

Place Of Use

IRRIGATION within JEFFERSON 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	
04N	40E	29							0.8	1.2									2.0

Right Acre Limit: 51.0

POU Total Acres: 2.0

Conditions of Approval:

1. T18 The right holder shall provide a means of measurement and lockable controlling works for all authorized points of diversion. The means of measurement and controlling works must be suitable for control of the diversions and acceptable to the watermaster.
2. 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.
3. Water is delivered from the Dry Bed.
4. E56 The rights listed below are limited to the irrigation of a combined total of 2 acres in a single irrigation season. Combined Right Nos.: 01-10536, 01-10538, 01-10540.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. R60 This right when combined with all other rights shall provide no more than 4.0 afa per acre at the field headgate for irrigation of the lands above.
7. This right is a split from former right 1-177B.
8. 004 This right does not grant any right-of-way or easement across the land of another.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

4/25/2019

9. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.
10. K06 This right is limited to the irrigation of 1 acre within the place of use described above in a single irrigation season.

Dates and Other Information

Decreed Date: 1/14/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 01

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.0

Mitigation Plan: False

Combined Use Limits

Rate

Volume

Acres

2.0

1-10536 ,1-10538 ,1-10540

SubCase:

N/A

Water Supply Bank:

N/A

6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump from Rudy Canal to place of use by 4 inch pipe

- b. Who owns the property at the point(s) of diversion? Curtis Ferney

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

Recorded easement with the property owner

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☒ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and $\frac{1}{4}$ $\frac{1}{4}$ of section information. The *Map Tool*, available at maps.idwr.idaho.gov/TransferApplicationLayouts/ provides a satisfactory template for creating the required map.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.

April Walker
Signature of applicant or authorized agent

April Walker
Print name and title if applicable

4/25/19
Date

Signature of applicant or authorized agent

Print name and title if applicable

Date

9. **FEE** – ☐ The application filing fee provided in Section 42-221, Idaho Code, must be submitted with the application for transfer. The Application fee is based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at www.idwr.idaho.gov, *Water Right Transfers*, Step 4 and in the [Application for Transfer Instructions](#).

FOR DEPARTMENT USE ONLY

Transfer includes _____ pages of attachments.

Received by _____ Date _____

Fee paid \$200 Date 4/25/19

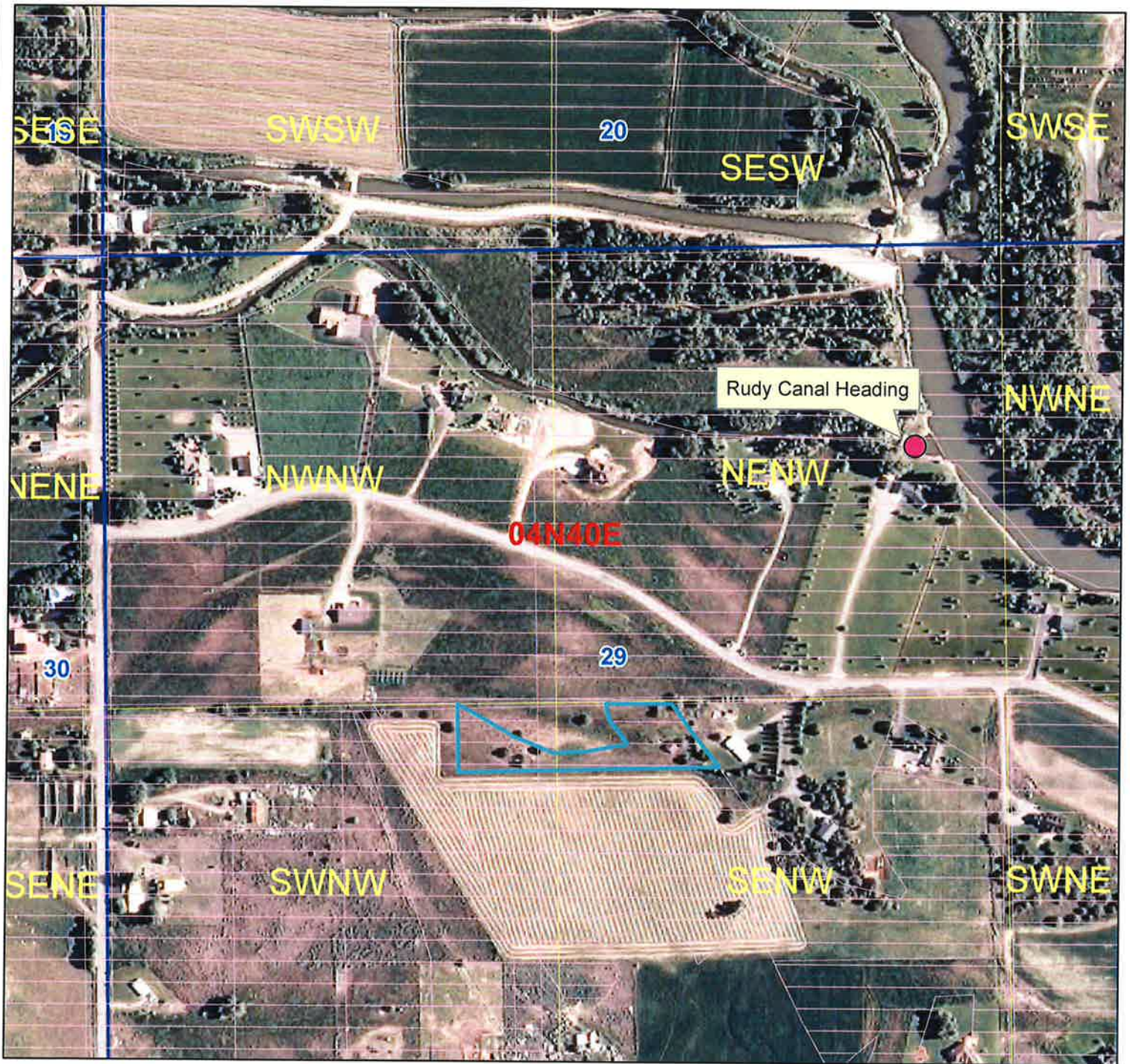
Received by JB Receipt # E044908

Preliminary review by _____ Date _____ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 _____ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

State of Idaho
Department of Water Resources
POD Transfer of Right Nos. 1-10536 & 1-10538



Legend

- Proposed POD
- Place of Use
- Township/Range
- Sections
- QQ

0 0.075 0.15 0.3 Miles



83196

MH

April 29, 2019

I, April Walker, do by testify that I have irrigated water on my property in the summer of 2016 and 2017 by irrigation pipe using water from the Gene Scott pump in the Snake River. I have included pictures of me using this irrigation and can have witnesses testify on my behalf.

April Walker 4/29/19

April Walker

April 29, 2019

I bought the house from Becky Miller in January 2016. When I bought the house, I did not know anything about water rights and Becky told me that she had an agreement with Gene Scott that I could have access to his pump. She provided to me an agreement Gene Scott had signed (#1).

Becky told me that I would have to go to the Water District change the name on the water rights to me. I think I paid \$75.00 for that transaction.

I went to Gene Scott house, with signed agreement (#1) in hand, and asked him if he could help me with these water rights and if I could hook onto his pump. The first thing he said was if I tried to move my water rights, he would sue me and it would cost me \$10,000.00 for a lawyer. I explained to him that I knew nothing about water rights and that I just wanted to work together. He told me to go buy my pipe and he would show me where to hook up.

I purchased all of my pipe from Rain for Rent in Idaho Falls. I can't find the receipt, but that day the total came to approximately \$1,200.00. The pipe was delivered and Gene Scott came over to my house and told me where and how to hook up the pipe. The only stipulation he told me was that when he was hooked up, I could not use it and I needed to pay for electricity next year. There was a sizer that someone left by the riser so that my 3-inch pipe would fit.

I watered all of 2016 during the summer months. I even took pictures of me watering (#2), because Cooper at the water district said that it was important to use so that I didn't lose my water rights. There were no issues with watering this year.

Summer of 2017 I was using the water as I did the year prior and there were no troubles. I tried several times to catch Gene Scott to pay him some money for the pipe use and the electricity. I was never able to personally find him. I also sent Gene Scott a text (#3) stating I wanted to give him some money and talk to him personally. I never did hear back from Gene Scott so I sent him a card (#4) with a check enclosed for \$300 (#5) by certified mail. Again, I never did hear from him the rest of the summer until I returned from vacation.

Summer of 2017 came and I did the exact same thing with the irrigation and had no problems. It wasn't until I went on vacation and my neighbor was helping us water. She notified me the pipe would not fit and she had to bungy it to make it work, but it worked. I returned home and found that someone had sabotage the line by removing the sizer and some of my pipe was bent (#6). I called Gene Scott and he told me that my neighbor ruined his pump and she did not know how to water. I told him to show me the invoice for fixing it and he never did produce one. He also told me that my watering was decreasing his water pressure. I have a video of me watering and not decreasing his water pressure, but there was a blown riser in our neighbors' yard that is hooked to Gene Scott pump. That video is available if you need it.

April Walker

After the summer of 2017 I decided that I needed to see what my options were for delivering water to my property. I went to a lawyer that told me that I could fight Gene Scott for access, but that was going to take thousands of dollars. We evaluated the situation and an option was to see if Table Rock Estates would let me join their pump and line. I talked to the Vice President, Mark Peterson, and asked him about joining them. He said that he would have to talk to the President Darin Deiter. He said that I could address the residents at the next water meeting in April and ask for a vote if I could join. During September 2017 to April 2017 I did everything that they asked for me to have present at the meeting. I went to Jefferson County planning and zoning and had them sign that they had no interest in me joining their line. I then went individually to every resident and talked to them for the reason I wanted to join their line and that I did have water rights. I received 15 of 18 signatures to allow me access to the line. The only signatures I did not collect is a woman that doesn't live here and has never stayed in her home, the President and the Vice President. The Vice President told me that he would support me at the April meeting. I was out of the country at the April 2018 meeting and received an email from the Vice President of Table Rock stating that I had to do all of these things, including lawyers, and even if I completed everything they still did not know if they would let me on their line. They even included that if I talked to anyone in Table Rock that I would be charged a consulting fee of \$250.00/hour. This was pretty much a dead end and the final and only next step was trying to get my own pump #7

I talked to Curtis Ferney and he allowed me an easement to his property. I talked with a member from the Rudy canal board. They assessed the situation and told me that if I stay in front of the weir then I could put a pump on the Rudy Canal. #8

Finally, here I am today asking to move my water rights to the Great Feeder/Snake River so that I can access to my water.

April Walker

7-7-05

#1

Becky Milder, at time of closing, will have water rights in the Steele Ditch System.

Water will be available through the Steele Ditch System by summer of 2006.

Water is provided through a 40hp pump and main line.

B. The Sudd
Jon Scott

#2



<https://vault.myvzw.com/webcs/media1/thumbnail/ABTRgX63mfENHixKhTiKhF8zktDIq...> 5/19/2018

83196

#3
6/21/17 12:49 PM

Gene this is April. Just got off my work week and am looking for you to give you some money. Would like to talk to you personally while I am off. Give me a call Please.

Delivered

#4

83196

April Walker

Good Bless.

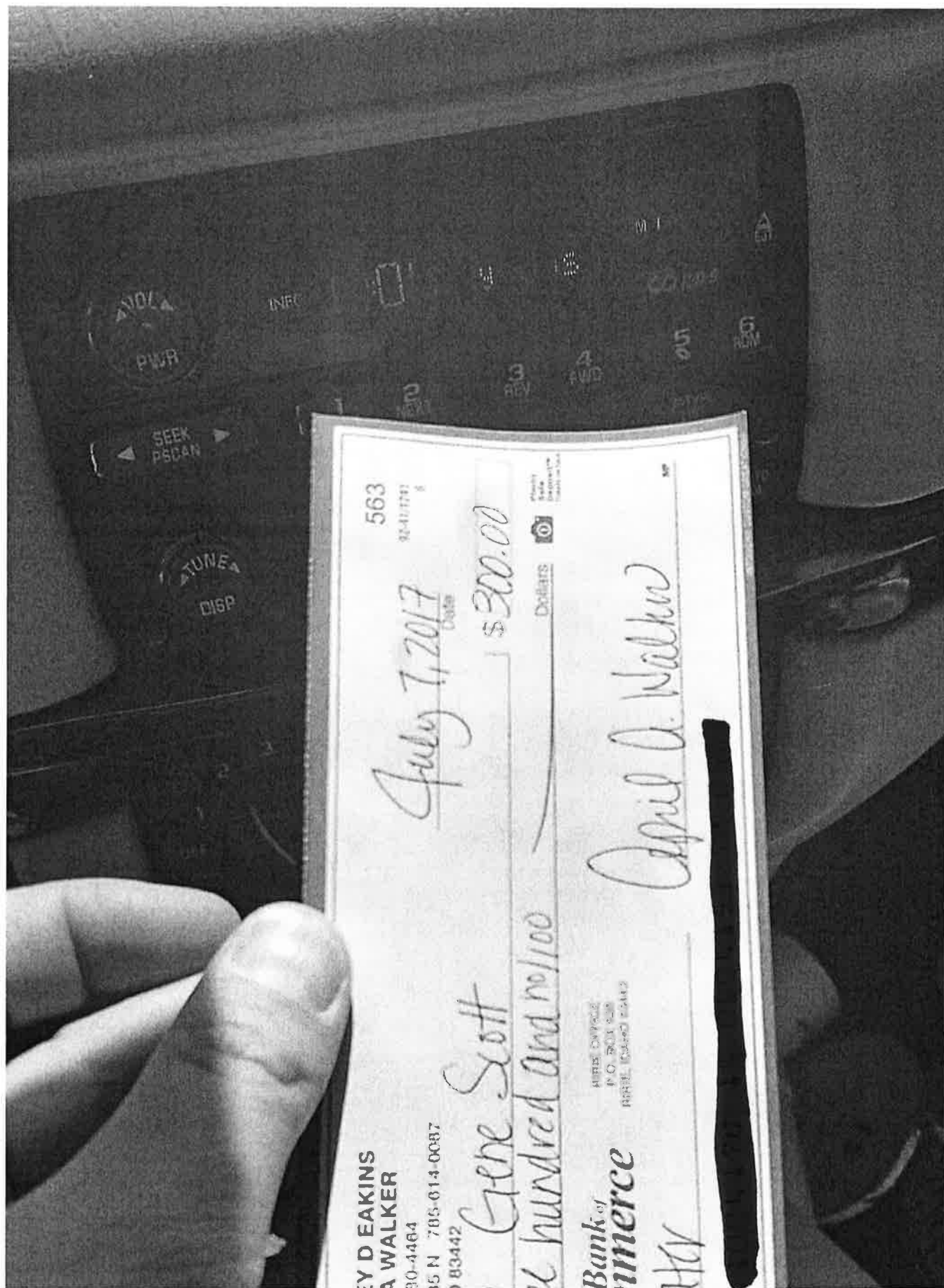
Thank you so much for
working with me on the water.
As discussed, I want to pay you
for the electricity I use while
waiting. I would really like to
talk about installing some risers
to my property after the irrigation
season. Again, thank you and

#4

April Walker
4642 E. 185 N
Rigby, ID 83442

Mr. Gene Scott
163 N 4700 E
Rigby, ID 83442

#5



EYD EAKINS
A WALKER

80-4464
35 N 785-014-0087
83442

Gene Scott

Three hundred and no/100

Bank of
Commerce

MEMO ONLY
NO POSTAL
MARKING REQUIRED

HTV

563

92-11-1791

July 7, 2017

Date

\$300.00

Dollars

April A. Walker

[Redacted signature area]

83196



#6



PLANNING AND ZONING

JEFFERSON COUNTY PLANNING AND ZONING DEPARTMENT
210 Courthouse Way, Suite 170 ♦ Rigby, ID 83442 ♦ 208-745-9220
Fax 208-745-1386

Property Status Report

☒ Owner ☐ Developer ☐ Appraiser ☐ Other _____

Personal Information:

Name: April Walker
Mailing Address: 4642 East 185 North
City, State, Zip: Rigby, ID 83442
Phone Number(s): 208-680-4464
Email Address: aprilwalker1@gmail.com

How would you prefer to receive the results of this request? ☐ USPS Mail ☐ Email

Property Information:

Property Owner: _____
Property Address: _____
Parcel ID: _____

(Can be obtained from the assessor's office or from the tax notice)

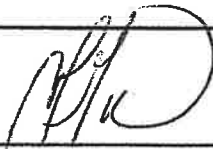
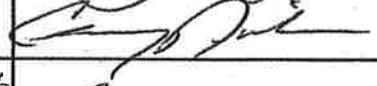
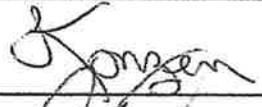
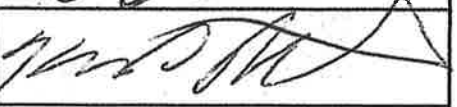
What exactly do you want to know about the zoning on this piece of property? Please be very specific.

I am farm property surrounded by Table Rock Estates. I am not asking for any property line or boundary changes. I was advised by the Water Resource Department to get away from the farmer that supplies me water for my 3 water rights. TRE homeowners have witnessed the problems I have had with this farmer. I am asking to join their mainline for irrigation, pay their fee and abide by their rules for the mainline. I will transfer 3 water rights to the Great Feeder. Again, there are no boundary changes and their mainline is a few feet from my property so minimal maintenance. At this point I have no water and do not want to become a fire hazard to the homeowners in my area.

Petition for Signatures

I am asking to reassign my three (3) water rights to the Table Rock Estates pump and I pay a yearly fee to be put on your mainline. Your Table Rock neighbors have experienced my current water situation and it is inconsistent and untrustworthy. This situation has put me in dire need of changing my situation.

- I am hoping to keep my area well groomed and a non-fire hazard area.
- I am NOT asking to vote or have any say in the water system at all. I will pay a selected yearly fee by Table Rock and I will abide by the rules. I will also present to you any references, personal and/or financial, that I am worthy to my word.
- I have done my research at water resource and will legally abide by all water resource laws. I will pay all financial costs to be added to Table Rock Estates mainline.

Name	Address	Phone #	Signature
GARRIE GIBSON	4647 E 185 N Risky Id 83042	881- 3606	
CURTIS FERNEY	4637 E 185 N	709-40 0 0 1	
Don Duke	4655 E 185 NO	523-9542	
Kevin KONZEN	4605 E 185 N	538-6038	
Teresa Konzen	4605 E 185 N	538-6038	
DOUG MUEVER	4612 E 185 N	520-1680	
Ken Baxter	4611 E 185 N	521-7368	
Monika	4625 E. 185 N	538-7786	

Schulze	Leon/Anneke	154 N 463 E	208 520-1125		grn sd
Dreht	Vertra Josephson	170 N 463 E.	208 538-1093	cut your	
Cherise	Con Frick	1542 S 4000 W	208 538-1135	Deane Strubik	
Cherise + Michael Honey	158 N 463 E	208 970 0675			
4633 E. 185 12					
163 N. 463 E. Rigby, ID	208-561-9669				
502					
Price					

grn sd

cut your

cut your

Deane Strubik

208 970 0675

208-561-9669

Easement Agreement

Curtis Ferney henceforth, "Grantor" being the owner of the following real property: 4637 East 185 North, Rigby, Id 83442, more commonly described as:

Lot 8, Block 1 of Table Rock Estates, according to the official plat thereof, filed in Official Records of Jefferson County, Idaho

And **April A Walker**, henceforth, "Grantee" being the owners of real property: 4642 East 185 North, Rigby, Id 83442, more commonly described as:

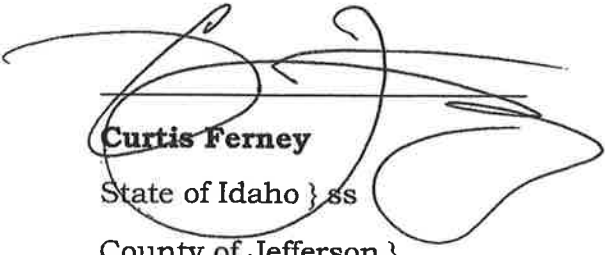
Tract 1: A parcel of land situated in Jefferson County, Idaho, Township 4 North, Range 40 East, Boise Meridian, Section 29. More particularly described as follows: Beginning at the Northeast Corner of Section 29, Township 4 North, Range 40 East, Boise Meridian, thence South 00°00'00" West along the East line of Section 29 for a distance of 2625.07 feet to the East Quarter Corner of Section 29; thence North 89°53'49" West along the East/West Centerline of Section 29 for a distance of 2637.21 feet to the center of Section 29; thence North 00°01'05" East along the North/South Centerline of Section 29 for a distance of 1096.06 feet; thence North 89°49'10" West for a distance of 630.00 feet to the true point of beginning, thence North 89°49'10" West for a distance of 1000.00 feet; thence North 00°01'05" East for a distance of 220.00 feet to the North line of the South Half of the Northwest Quarter of Section 29; Thence South 89°49'10" East along said North line for a distance of 1000.00 feet; thence South 00°01'05" West for a distance of 220.00 feet to the true point of beginning.

Tract 2: Together with: A 30 foot Easement for Ingress and Egress described as follows: Beginning at the Northeast Corner of Section 29, Township 4 North, Range 40 East of the Boise Meridian, Jefferson County, Idaho, Thence South 00°00'00" West along the East line of Section 29 for a distance of 2625.07 feet to the East Quarter Corner of said Section; thence North 89°53'49" West along the East/West Centerline of Section 29 for a distance of 2637.21 feet to the center of said Section; thence North 00°01'05" East along the North/South Centerline of Section 29 for a distance of 1096.66 feet; thence North 89°49'10" West for a distance of 630.00 feet to the True Point of Beginning. Thence North 00°01'05" East for a distance of 220.00 feet; thence South 89°49'10" East for a distance of 160 feet; thence South 00°01'05" West for a distance of 30 feet; thence North 89°49'10" West for a distance of 130 feet; thence South 00°01'05" West 190 feet; thence North 89°49'10" West 30 feet to the True Point of Beginning.

And "Grantor" for value received, its successors and/or assigns, does hereby Grant to "Grantee" its successors and/or assigns, a perpetual easement for the following purpose:

Underground irrigation pipe from a pump on the Rudy Canal. The irrigation system will be professionally installed and maintained by the Grantee. The irrigation system will run underground through the most Easterly pasture, gage to gate, to the 185 North, Jefferson County Road. A riser will be installed in the East pasture for the "Grantor" to use. The electricity will paid by said "Grantee".

Dated: November 2, 2018


Curtis Ferney

State of Idaho } ss

County of Jefferson }

On this 2 day of November, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared Curtis Ferney, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

DAYNA ECKERSELL
COMMISSION NO. 49820
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 04/23/19



Notary Public for the State of Idaho

Residing at: Jefferson

Commission Expires: 4-23-2019

April A Walker

State of Idaho } ss

County of Jefferson }

On this ___ day of _____, 2018, before me, the undersigned, a Notary Public in and for said state, personally appeared April A Walker, known or identified to me to be the person whose name is subscribed to the within Instrument and acknowledged to me that she executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Idaho

Residing at: _____