

Cefalo, James

From: Cefalo, James
Sent: Friday, September 22, 2017 3:45 PM
To: 'wade.allen@itd.idaho.gov'
Subject: Water right 22-11197 (Jenkins)
Attachments: Water Right 22-11197.pdf

Wade,

Attached is the Snake River Basin Adjudication (SRBA) decree for water right 22-11197. The point of diversion and place of use are located in T05N, R40E, Sec. 15, SESESE. The SRBA claim was filed by Frank Jenkins in 1988. The claim listed the POD/POU location in Section 15, T05N, R40E. I believe the range is in error. The map filed with the claim actually shows a property located near the town of Thornton, in the SESE of Section 15, T05N, R39E. It appears that Frank Jenkins actually owned property in the SESE of Section 15, T05N, R39E. I've also included a well drillers report for a well drilled for Frank Jenkins in 1985 located in the SESE of Section 15, T05N, R39E.

The Jenkins property is likely now owned by ITD. If you concur with my analysis, and water right 22-11197 should have been claimed in Range 39 East, then ITD should consider filing a transfer application to change the point of diversion and place of use to the correct property. The ownership of water right 22-11197 can also be updated at that time. Let me know how you would like to proceed.

James Cefalo
Water Resources Program Manager
IDWR Eastern Region
(208) 525-7161

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 22-11197

NAME AND ADDRESS: FRANK L JENKINS
256 W 4 S
REXBURG, ID 83440

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
2.40 AFY

The quantity of water under this right for domestic use shall
not exceed 13,000 gallons per day.

PRIORITY DATE: 06/06/1980

POINT OF DIVERSION: T05N R40E S15 SESESE Within Madison County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Commercial	01-01 TO 12-31	0.04 CFS
			1.20 AFY
	Domestic	01-01 TO 12-31	0.04 CFS
			1.20 AFY

PLACE OF USE:	Commercial	Within Madison County
	T05N R40E S15 SESE	
	Domestic	Within Madison County
	T05N R40E S15 SESE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right for domestic
use is not a determination of historical beneficial use.

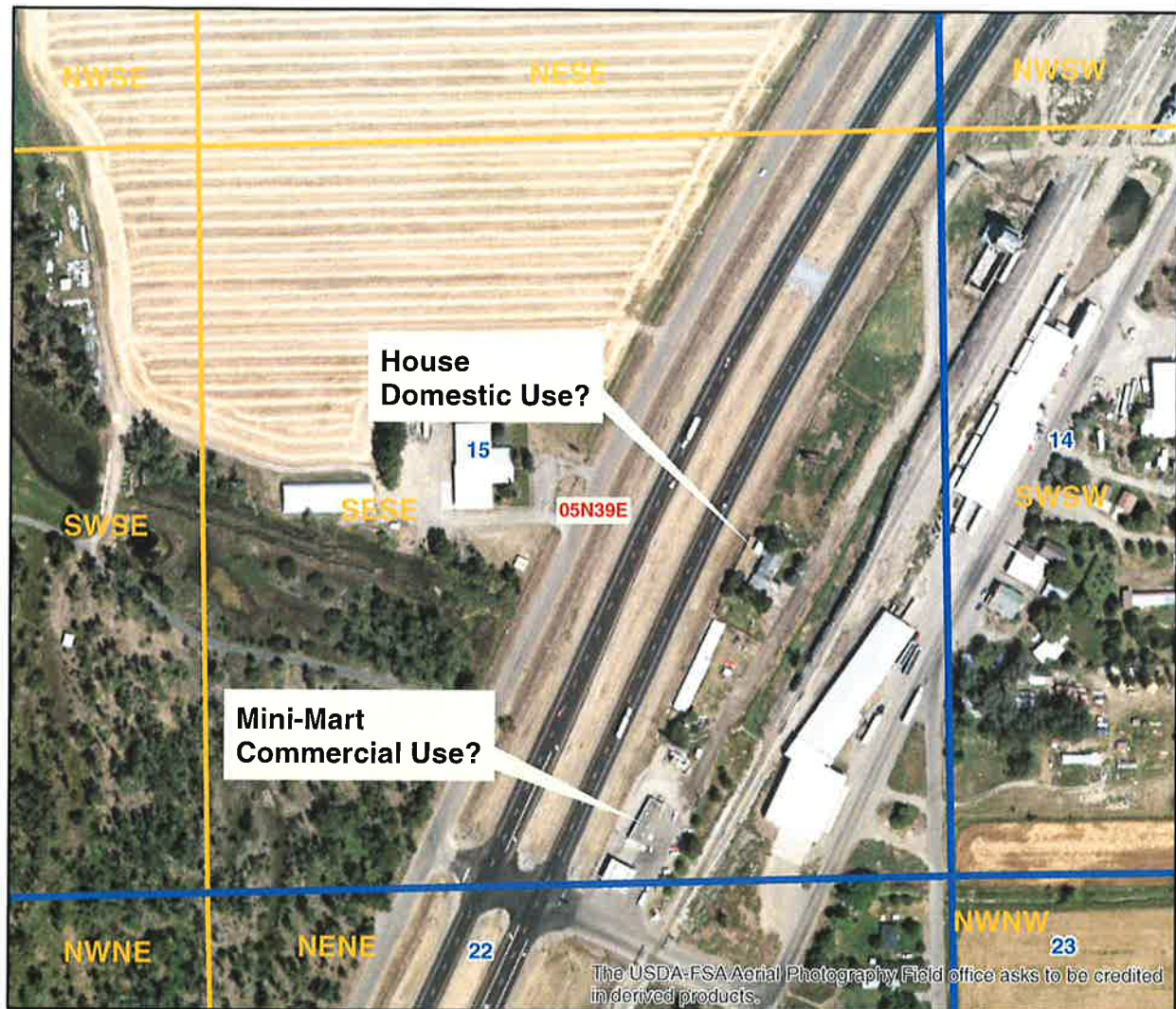
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

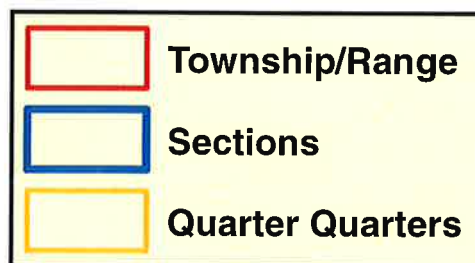
With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

Possible Location of Water Right 22-11197



2013 Aerial Photo



0 250 500 Feet



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 A22-11197

Date Received 23 Aug 1988

Receipt Number E001632

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Frank L. Jenkins. Phone () _____

Mailing Address 256 W. 4th, Rexburg, ID Zip 83440

2. Date of Priority (Only one (1) per claim) June 6, 1898

3. Source of water supply (a) groundwater
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 5N Range 40E Section 15,
SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Madison

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

sand point & well below
water to a commercial business & home through a canal
system. Well has a 3 hp submersible pump. There is a
11 hp pump on the sand point

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from Jan 1 to Dec 31 amount 0.04 or _____

For Commercial purposes from Jan 1 to Dec 31 amount 0.13 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.13 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) one home & water used in conjunction with minimart

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>5N</u>	<u>40E</u>	<u>15</u>																	<u>9/c</u>

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Madison

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: Priority date based on when the townsite of Thornton was originally established, and the users that existed at the time

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Last Name Jenkins Ident No. A22-11197

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Frank Jenkins Date Aug 23-88
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 23 day of Aug 19 88



Notary Public Ernest Calser

Residing at Idaho Falls, ID

My Commission Expires 2314 June 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

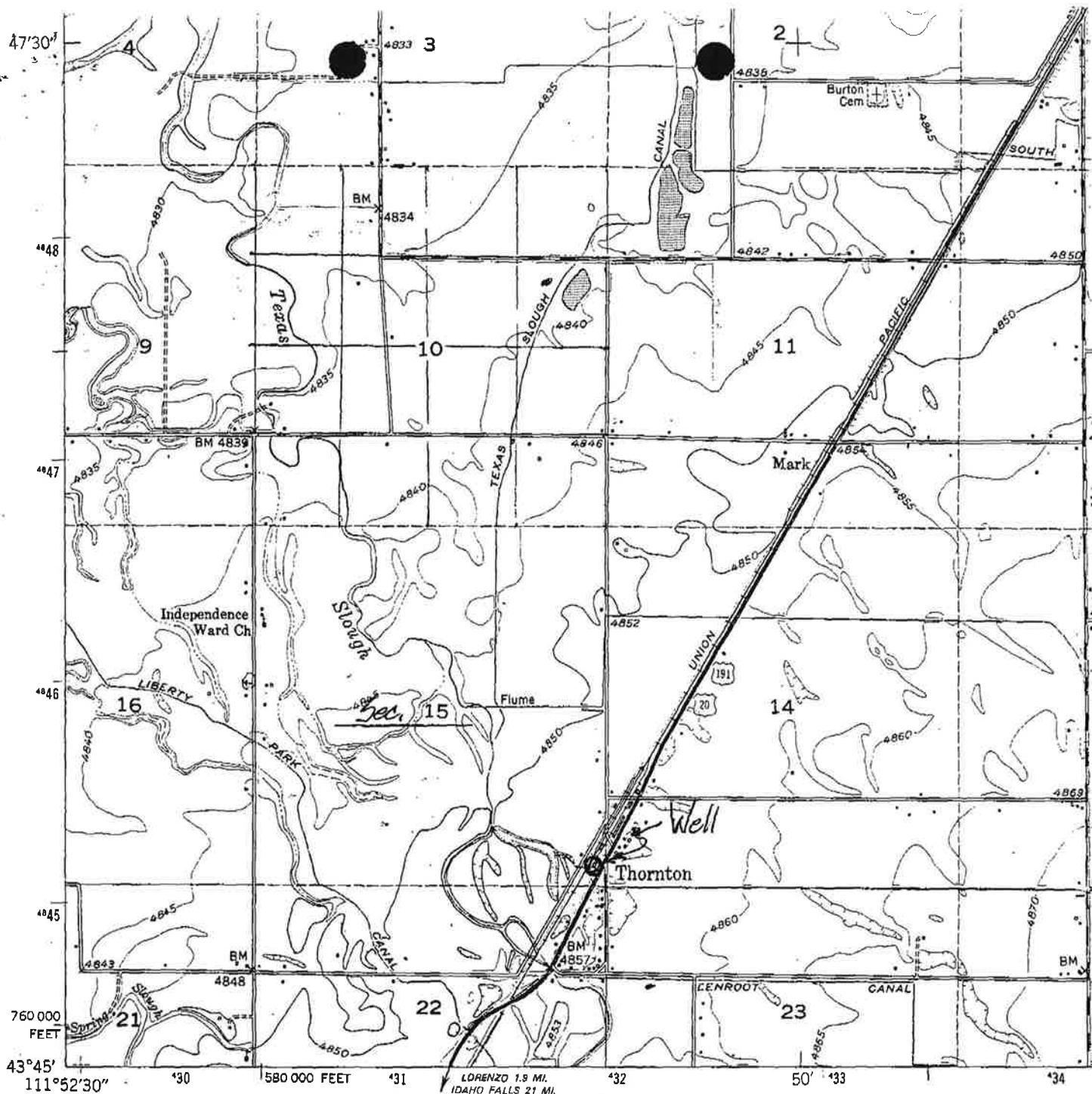
Address _____

Date _____

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Last Name Jenkins Ident. Number 122-11197

Copies White-State, Yellow-Claimant



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Culture and drainage by multiplex methods
from aerial photographs taken 1946

Topography by plane-table methods 1949

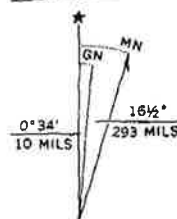
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
east zone

1000-meter Universal Transverse Mercator grid ticks,
zone 12, shown in blue

To place on the predicted North American Datum 1983
move the projection lines 12 meters north and
65 meters east as shown by dashed corner ticks

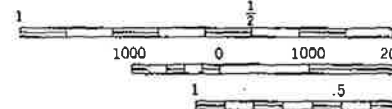
Red tint indicates areas in which only landmark buildings are shown

A22-11197



UTM GRID AND 1979 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

Purple tint indicates extension of urban areas



CONT
NATIONAL GEC
NOV 06 1992

THIS MAP COMPLIES W
FOR SALE BY U. S. GEOLOGICAL SURVEY
A FOLDER DESCRIBING TOPOGRAF

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT