

State of Idaho
Department of Water Resources
APPLICATION FOR AMENDMENT

(For Licensing Purposes)

WATER RIGHT NO. 22-07502

RECEIVED
NOV 06 2015
Department of Water Resources
Eastern Region

Date of Priority: June 27, 1985

Maximum Diversion Rate: 0.80 CFS

Maximum Diversion Volume: 140.0 AF

Comes now HELEN I THOMAS
1725 E 16TH ST
BURLEY ID 83318

And/Or

STEPHEN B COOK
244 W 1ST S
REXBURG ID 83440

and represents to the Director of the Idaho Department of Water Resources that he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07502, and requests that the permit be changed as follows:

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.80 CFS	140.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NE1/4SE1/4 Sec. 31, Twp 06N, Rge 40E, B.M.
MADISON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 40E 32																	40.0
																	40.0

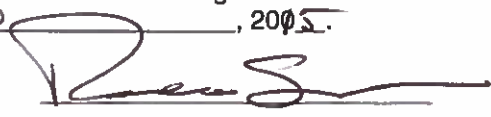
Total Acres: 40

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Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk. Signed this 2 day of Nov, 2015.


(Signature)

.....
FOR DEPARTMENT USE ONLY

Preliminary check by _____ Fee = 100- Received by SC # E041606 Date 11/6/15

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, GARY SPACKMAN, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07502 with the following:

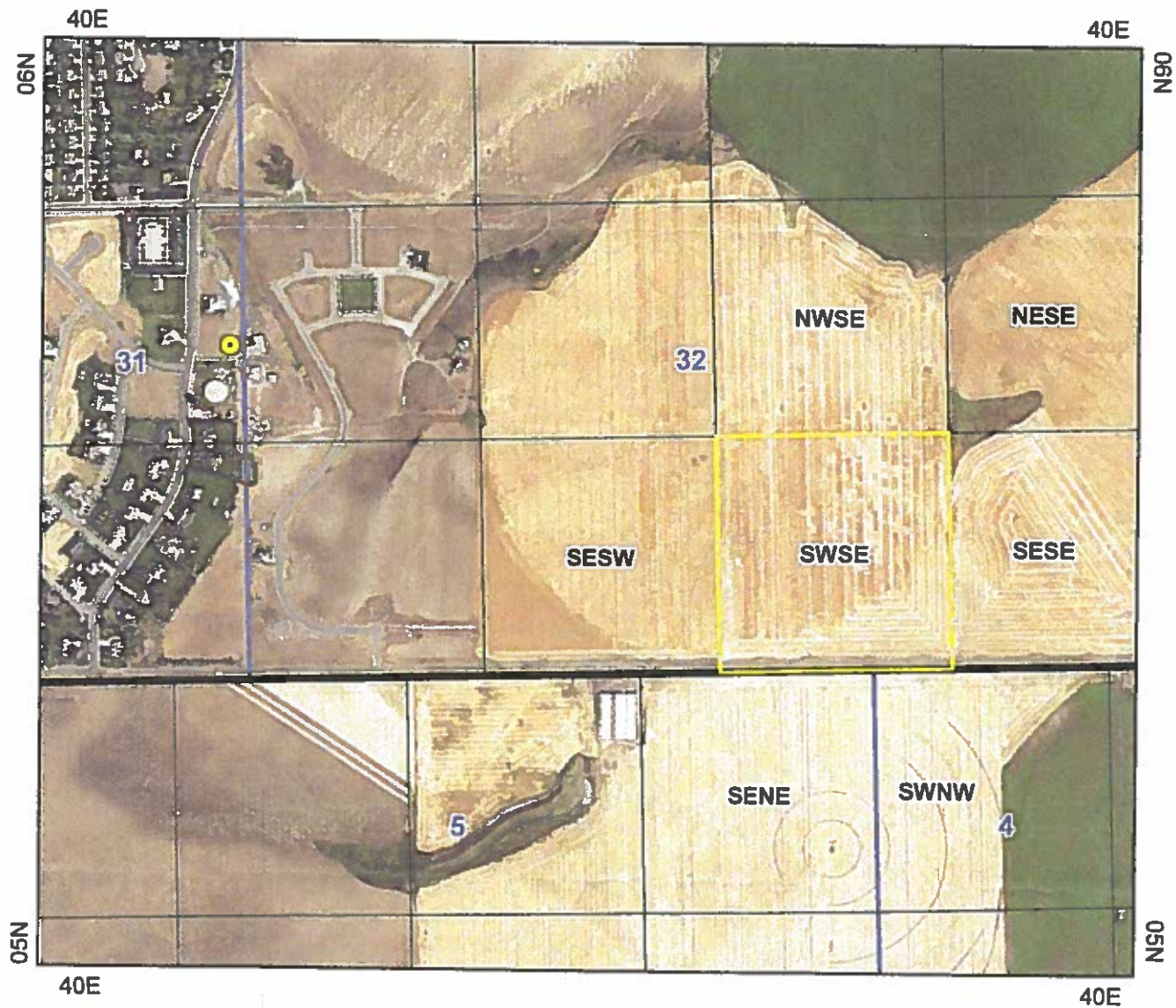
CONDITIONS OF APPROVAL

1. Rights 22-7502 and 22-13746 when combined shall not exceed the irrigation of 40.0 acres.
2. Rights 22-2175A, 22-2175B and 22-7502 when combined shall not exceed a total diversion rate of 2.64 cfs.
3. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.

Witness my hand this 9th day of November, 2015.


for **GARY SPACKMAN**
Director

State of Idaho
Department of Water Resources
Water Right License
22-7502



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

0 0.1 0.2 0.4 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

10/22/2015

RICHARD SMITH
PO BOX 8
REXBURG, ID 83440

RE: Water Right Permit No. 22-7502 Final Notice

Dear Permit Holder(s):

On June September 2, 2015 the Department of Water Resources sent you an Amendment of Permit for water right 22-7502 and requested that the amendment be signed and returned within 14 days. The Department has not received the amendment and, therefore cannot move forward and issue a license for the water right. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

☒ **Point(s) of Diversion**

☐ **Place(s) of Use**

☐ **Other**

Enclosed please find another Application for Amendment form which depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee by November 9, 2015. If we do not receive the Amendment of Permit by the date mentioned above, then we will take the steps needed to void the permit.

Department records show that Helen and Stephen Thomas as the current owner of right 22-7502. Enclosed is a Notice of Change in Water Right Ownership. Please fill out the form and return it along with a recorded warranty deed for the property described under the right. The filing fee for the ownership change is \$25.00.

If you have any questions, please call me at (208) 525-7161.

Sincerely,

Blake Jordan
Sr. Water Resource Agent

Enclosure(s)

Cefalo, James

From: Mandy Davis [mdavis@rex-law.com]
Sent: Tuesday, November 25, 2014 3:53 PM
To: Cefalo, James
Cc: 'Jerry Rigby RAR'
Subject: Richard Smith
Attachments: Richard Smith Deed.pdf

James,

This email is intended to respond to your letter addressed to Richard Smith, dated the 3rd day of October, 2014. You asked several questions. Below are the questions you asked with the answers provided by Richard:

1. When did you acquire the 40-acre property (SWSE of Section 32)? 10-19-2011. See attached deed
2. Did you acquire the property directly from Stephen Cook/Helen Thomas? Yes
3. Did Byron Jensen (B&B Farms) ever own the property? No, not to my knowledge
4. Did the conveyance document (deed) from your purchase mention anything about Permit 22-7502? No, not that I am aware.
5. How is the system operated today? Which wells are used to irrigate the property? Water right 22-2175A is used to water the property along with the other lands authorized under this right.

As to the other issue you raised, it is Richard's intent to transfer sufficient water from water right no. 22-2175A to cover the necessary quantity and acreage to clear up any issues with the property. We intend to begin the transfer prior to the end of the year. Should you have any further questions or if you see any problems with this approach, please do not hesitate to reply to this email and we will respond quickly.

Thanks

Jerry R.

Mandy Davis
Assistant to Jerry R. Rigby
Rigby, Andrus & Rigby Law, PLLC
25 N. 2nd E.
P.O. Box 250
Rexburg, ID 83440
Tel: 208-356-3633
Fax: 208-356-0768