

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

7/26/2013

Water Right 35-13241 *Before Split*

**Owner Type**      **Name and Address**  
Current Owner      LINDEN J BUTIKOFER  
6138 N 5TH W  
IDAHO FALLS, ID 83401  
(208)522-7809

Current Owner      LOIS J BUTIKOFER  
6138 N 5TH W  
IDAHO FALLS, ID 83401  
(208)522-7809

**Priority Date:** 4/1/1987

**Basis:** Decreed

**Status:** Active

**Source**  
GROUND WATER

**Tributary**

| <b><u>Beneficial Use</u></b> | <b><u>From</u></b>            | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> | <b><u>Volume</u></b> |
|------------------------------|-------------------------------|------------------|------------------------------|----------------------|
| IRRIGATION                   | 04/01                         | 10/31            | 1.150 CFS                    | 280.0 AF             |
|                              | <b><u>Total Diversion</u></b> |                  | 1.150 CFS                    | 280.0 AF             |

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

GROUND WATER      SESENW      Sec. 17, Twp 04N, Rge 35E, 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 | 35E | 17  | 32.0 | 35.0 | 38.0 | 33.0 | 33.0 | 34.0 | 39.0 | 38.0 | 37.0 | 40.0 | 33.0 | 32.0 | 32.0 | 38.0 | 34.0 | 32.0 | 560.0  |

Right Acre Limit: 70.0

POU Total Acres: 560.0

**Conditions of Approval:**

1.      K09      This right is for an enlargement of 70.0 acres within the place of use described for this right.
2.      X35      Rights 35-7280, 35-7281 and 35-13241 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 2187.7 af at the field headgate, and the irrigation of 560.0 acres.
3.      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. 120.
4.      R02      A lockable device subject to the approval of the Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
5.      214      Prior to the diversion and use of water under Transfer approval 78729, the right holder

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- shall install and maintain acceptable measuring device(s) at the authorized point(s) of diversion in accordance with Department specifications, or shall obtain an approved variance from the Department to determine the amount of water diverted from power records or to maintain an existing measuring device.
6. 213 Upon specific notification of the Department, the right holder shall install and maintain data loggers to record water usage information at the authorized point(s) of diversion in accordance with Department specifications.
  7. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the place of use.
  8. K02 This right is based upon an enlargement of rights 35-7280 and 35-7281 pursuant to Section 42-1426, Idaho Code.
  9. C11 This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
  10. 004 This right does not grant any right-of-way or easement across the land of another.
  11. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
  12. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
  13. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

**Comments:**

3. kpickett 10/6/2005 POD  
Correlated PODID 564593 from SpatialDataID 235812 to SpatialDataID 235866
2. bjordan 7/25/2013 Updated Shape  
Updated POUShape
1. scox 7/25/2013 Transferred Right  
This is now an approved transfer. Transfer Number = 78729

**Dates and Other Information**

Decreed Date: 9/17/2002  
Enlargement Statute Priority Date: 4/12/1994  
State or Federal: S  
Owner Name Connector: AND  
Water District Number: 120  
Generic Max Volume Per Acre: 4.0  
Mitigation Plan: False

**Combined Use Limits**

| <u>Rate</u>                | <u>Volume</u> | <u>Acres</u> |
|----------------------------|---------------|--------------|
| 5.130                      |               | 560.0        |
| 35-7280 ,35-7281 ,35-13241 |               |              |

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**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  | 2/18/2002                 | rbrown          |                           |                 | Closed        |
| POD            | 2/18/2002                 | rbrown          |                           |                 | Closed        |
| Source         | 2/18/2002                 | rbrown          |                           |                 | Closed        |
| POU            | 2/18/2002                 | rbrown          |                           |                 | Closed        |
| Use            | 2/18/2002                 | rbrown          |                           |                 | Closed        |
| Season         | 2/18/2002                 | rbrown          |                           |                 | Closed        |
| Quantity       | 2/18/2002                 | rbrown          |                           |                 | Closed        |
| Summary        | 2/18/2002                 | rbrown          | 2/18/2002                 | rbrown          | Closed        |

**Verification Log**

| <u>Element</u> | <u>Date</u> | <u>User</u> | <u>Log Text</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------|-------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 2/18/2002   | rbrown      | (No) 1. Do you want to schedule an appointment?<br><br>Comment for 1: in-office verification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Priority Date  | 2/18/2002   | rbrown      | (No) 1. Should this water use have been included in a later court decree of the water rights from this source?<br>(No) 4. Is the basis of claim decree or license?<br>(No) 7. Is the basis of claim a Application or Permit?<br>(No) 8. Is the basis of claim a posted notice?<br>(Yes) 9. Is the Priority Date claimed after the date a permit is required for the source and the water use?<br>(Yes) 11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426?<br>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?<br>(Yes) 15. Is the basis of claim coded correctly?<br>(No) 16. Is a Priority Date remark and/or condition required?<br>Description for Question 12/13 - No evidence of priority was submitted by the claimant. However, the 1987 NAPP photography shows irrigation of the land claimed. The first day of the irrigation season, 1987, will be recommended as the priority date. |
| POU            | 2/18/2002   | rbrown      | Edited shape boundary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POU            | 2/18/2002   | rbrown      | Edited Season Of Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POD            | 2/18/2002   | rbrown      | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the POD?<br>(Yes) 9. Does the file contain all the necessary information to verify the POD?<br>(No) 10. Is a POD remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Source         | 2/18/2002   | rbrown      | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim an Application or Permit?<br>(No) 6. Is the basis of claim a Posted Notice?<br>(No) 7. Is there evidence that there has been a change in the source?<br>(Yes) 10. Does the file contain all the necessary information to verify the source?<br>(No) 11. Is a Source remark and/or condition required?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| POU            | 2/18/2002   | rbrown      | Edited PLS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU            | 2/18/2002   | rbrown      | (No) 1. Is the basis of this claim a Decree or License?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|         |           |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------|-----------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         |           |        | (Yes) 2b. Is the POU required?<br>(No) 3. Is the basis of claim a Application or Permit?<br>(No) 7. Is there evidence that there has been a change in the POU?<br>(Yes) 13. Does the file contain all the necessary information to verify the POU?<br>(No) 14. Is a POU remark and/or condition required?<br>Description for Question 13 - 1987 NAPP photography                                                                                                                                                                                                                  |
| Use     | 2/18/2002 | rbrown | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Purpose of Use?<br>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?<br>(No) 13. Is a Purpose of Use remark and/or condition required?                                                                                                                                                                                                               |
| Season  | 2/18/2002 | rbrown | (No) 1. Is the basis of claim Decree or License?<br>(No) 2. Is the basis of claim a Application or Permit?<br>(No) 6. Is there evidence that there has been a change in the Period of Use?<br>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?<br>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?<br>(Yes) 15. Is irrigation claimed as a Purpose of Use?<br>(No) 18. Is a Period of Use remark and/or condition required?          |
| POU     | 2/18/2002 | rbrown | Updated MaxDiversionVolume in wrUseLimit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| POU     | 2/18/2002 | rbrown | Updated GenericMaxVolumePerAcre in wrPhysicalRight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| POD     | 2/18/2002 | rbrown | (No) 1. Is the basis of this claim a Decree or License?<br>(No) 2. Is the basis of this claim a Application or Permit?<br>(No) 6. Is the basis of claim a posted notice?<br>(No) 7. Is a flow measurement required?<br>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(Yes) 10. Is a irrigation a purpose of use?<br>(No) 12. Is a Quantity remark or condition required?<br>Description for Question 7 - enlargement claim; no additional flow allowed<br>Description for Question 10 - 70 acres x 4 afa per acre = 280 afa |
| Summary | 2/18/2002 | rbrown | (No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?<br>(Yes) 5. Is an additional remark and/or condition required?<br>(Yes) 6. Would you like to view the recommended right?<br>(No) 7. Is this a split or combined right?<br>(No) 8. Do you have documents you would like to attach or link to the file?<br>(Yes) 9. Would you like to set the verification date?                                                                         |

**SubCase:**

N/A

**Water Supply Bank:**

N/A



35-7280

35-7281

35-13241

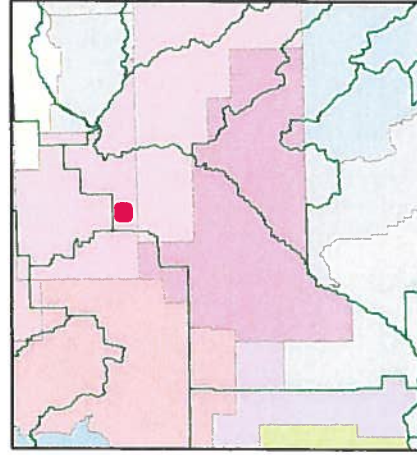
**(IRRIGATION)**



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Prepared by Jordan, Blake

2009 Aerial Photography

