

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/26/2013

Water Right 35-7280 *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: 2/26/1973

Basis: Decreed

Status: Active

Source
GROUND WATER

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4 /01	11/01	4.200 CFS	840.0 AF
	<u>Total Diversion</u>		4.200 CFS	840.0 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: 210.0

POU Total Acres: 560.0

Conditions of Approval:

1. X27 This right is limited to the irrigation of 210.0 acres within the authorized place of use in a single irrigation season.
2. X35 Rights 35-7280 and 35-7281 when combined shall not exceed a total diversion rate of 5.13 cfs, a total annual maximum diversion volume of 1960.0 af at the field headgate, and the irrigation of 490.0 acres.
3. 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.
4. 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.
5. R02 A lockable device subject to the approval of the Department shall be maintained on the

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- diverting works in a manner that will provide the watermaster suitable control of the diversion.
6. 214 Prior to the diversion and use of water under Transfer approval 78729, the right holder 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.
 7. 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.
 8. 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.
 9. K01 Right 35-13241 is an enlargement of rights 35-7280 and 35-7281 pursuant to Section 42-1426, Idaho Code.
 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. DCARLSON 5/27/1992 COPIED FROM REMARKS
LICENSE NO. 35-7280 CONTAINS THE FOLLOWING CONDITION: "THE MAXIMUM RATE OF DIVERSION UNDER THIS LICENSE WHEN COMBINED WITH LICENSE NO. 35-7281 SHALL NOT EXCEED 5.13 CFS." CLAIMANTS OWN ALL OF THE LAND IN SEC. 17 EXCEPT THE S1/2SE1/4 WHICH THEY LEASE FROM CAROLINE BARTLETT. TERMS OF LEASE REQUIRE CLAIMANTS TO PROVIDE WATER FOR MRS. BARTLETT'S LAND. "MEMO TO FILE" ----- LICENSE 35-7280 COVERS 210 ACRES OF POU DESCRIBED UNDER THIS CLAIM. LICENSE 35-7281 COVERS REMAINING ACRES NOT INCLUDED IN LICENSE 35-7280 THAT ARE CLAIMED UNDER A35-07280. RECOMMEND AN "ALLOWABLE PLACE OF USE" CONDITION TO CLAIM. ERIC VERNER

4. DSMITH 3/30/1995 DATA ENTRY
CONFORMED ATTORNEY MAILING ADDRESS DMS

5. AJU10-DS 2/26/1998 CONDITION H02/H03 UPDATE
CONDITION CODES H02 AND H03 ADDED IF NOT ALREADY PART OF RECORD.

6. AJU21-DS 5/12/1998 AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) H02 H03

7. AJU10-DS 6/15/1998 AJU10 CONDITION UPDATE
CONDITION CODE(S) A07 ADDED IF NOT ALREADY PART OF RECORD THRU

8. AJU21-DS 2/19/1999 AJU21 CONDITION UPDATE
DELETED CONDITION CODE(S) A07

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9. kpickett 10/6/2005 POD
Correlated PODID 245487 from SpatialDataID 235812 to SpatialDataID 235901
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: 1/31/2002
State or Federal: S
Owner Name Connector: AND
Water District Number: 120
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>
5.130	1,960.0	490.0
35-7280 ,35-7281		
<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
5.130		560.0
35-7280 ,35-7281 ,35-13241		

Verification Log

SubCase:

SubCaseNumber: 35-7280
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 11/13/2001
Attorney Assigned: SARA C DENISTON
Adjudication Agent:
Basis of Claim:
Date Filed: 8/24/1998
Objection Status: Active

Water Supply Bank:

N/A

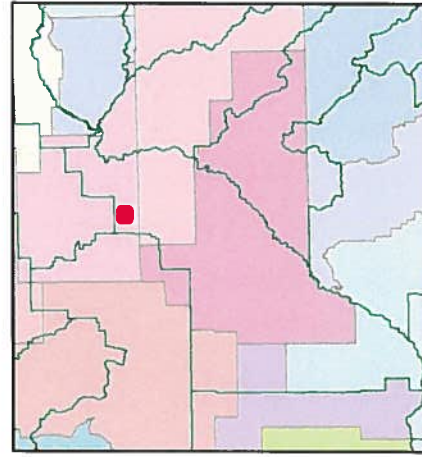


35-7280

35-7281

35-13241

(IRRIGATION)



Jefferson County

IDWR Basin 35

Prepared by Jordan, Blake

2009 Aerial Photography

