

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-13671

WATER RIGHT NUMBER: 22-13671

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BRUCE WEBSTER 37 SUNSET CIRCLE REXBURG, ID 83440
Current Owner	BEVAN JEPPESEN 1282 S SECOND E REXBURG, ID 83440 (208)356-9079
Attorney	RIGBY ANDRUS & MOELLER CHTD PO BOX 250 REXBURG, ID 83440 (208)356-3633

Priority Date: 07/15/1987

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.820 CFS	348.10 AF
	<u>Total Diversion:</u>	0.820 CFS	348.10 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4	Sec. 29, Twp 05N, Rge 41E, 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	
05N	41E	20									38.6	39.6			38.8	28.2	39.6	39.6	224.4
05N	41E	21									8.7	22.0							30.7
05N	41E	28					12.0	2.6			11.5	17.8							43.9
05N	41E	29	39.6	39.6	39.6	39.6	39.6	38.1	37.5	39.6	39.6	37.2	31.1	38.3	39.6	39.6	38.6	38.7	615.9

Total Acres: 914.9

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Conditions of Approval:

1. X35 Rights 22-7683 and 22-13671 when combined shall not exceed the irrigation of 914.9 acres.
2. R63 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 lands above.
3. 048 The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. F06 The following rights are diverted through point(s) of diversion described above: 22-7683 and 22-13671.
5. X27 This right is limited to the irrigation of 109.9 acres within the place of use described above in a single irrigation season.

Remarks:

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Comments:

1. dcarlson 1/30/2007 POD

Comment: Correlated PODID 698888 from SpatialDataID 370686 to SpatialDataID 263051

2. dcarlson 1/31/2007 POU

Comment: Updated Shape

3. dcarlson 2/1/2007 Field Report Narrative

Comment: this was a portion of permit 22-7528 which was originally issue for another system.

at the time of the field exam for 22-7683 and 22-7528, more acres were developed under 22-7683

than what was permitted and less acres were developed under 22-7528 than what was permitted.

a split of 22-7528 was created with part of this permit transfered into the system under 22-7683.

a licensing amendment will be required to complete this change. only 0.82 CFS is available from permit 22-7528 to be moved into this system with 22-7683. 22-7683 was permitted for 5.0 CFS.

permitted acres limited to 109.9 acres on this permit.

this system is a well/pump to pivots and handlines GE 600 HP motor/johnston pump - 200HP marathon/aurora booster.
sonic meter measurement 5/2001- 6.16 cfs with pivots running.

$0.82 \text{ cfs} \times 1.9835 \times 214 \text{ days} = 348 \text{ AF/a}$

4. Emalee Rushing 2/22/2007 Location of field report

Comment: Beneficial use field report for this draft license is located in the parent file, 22-7528.

5. amarshall 12/31/2007 POU

Comment: Updated Shape

6. amarshall 1/2/2008 POU

Comment: Updated Shape

7. amarshall 1/8/2008 Licensing Review

Comment: Water right nos. 22-7683 and 22-13671 share the same point of diversion and same permissible place of use.
The permissible place of use totals 914.9 acres.

Water right no. 22-7683 will be limited to 5.00 cfs and 805 acres as permitted. The annual diversion volume will be limited by the diversion rate during the 214 day irrigation season for a total of 2,122.3 acre-feet.

Water right no. 22-13671 will be limited to 0.82 cfs and 109.9 acres. The annual diversion volume will be limited by the diversion rate during the 214 day irrigation season for a total of 348.1 acre-feet.

These rights are not supplemental to any surface water rights. Consent Agreement and Order for Pending Notice of Violation for Merle and Janice Jeppesen (agreement) dated May 18th, 2007, on page 1, sub-paragraph "5." states:

Jeppesens will close the mainline delivering Moody Creek water to Pivot #2 so that no water is deliverable from Moody Creek to Pivot #2 for the 2007 irrigation season. The mainline shall be closed with a lockable valve or by permanently placing an obstruction in the mainline to prevent water flow past the obstruction, referred to hereafter as "capping".

On page 2 of the agreement, sub-paragraph "5." states:

If filed by the Jeppesens, IDWR will process licensing amendments for ground water permit nos. 22-7683 and 22-13671 that will propose adding lands as a place of use to the permits that were previously irrigated with Moody Creek water by Pivot #2. Following approval of the licensing amendments, all lands underneath Pivot #2 will be irrigated with ground water.

8. amarshall 1/23/2008 Split Comment

Comment: Water right nos. 22-13670 and 22-13671 were split from water right permit no. 22-7528.

Dates and Other Information:

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Licensed Date: 1/21/2008
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust: N
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		914.9

Combined Water Rights: 22-7683 , 22-13671

Water Supply Bank: