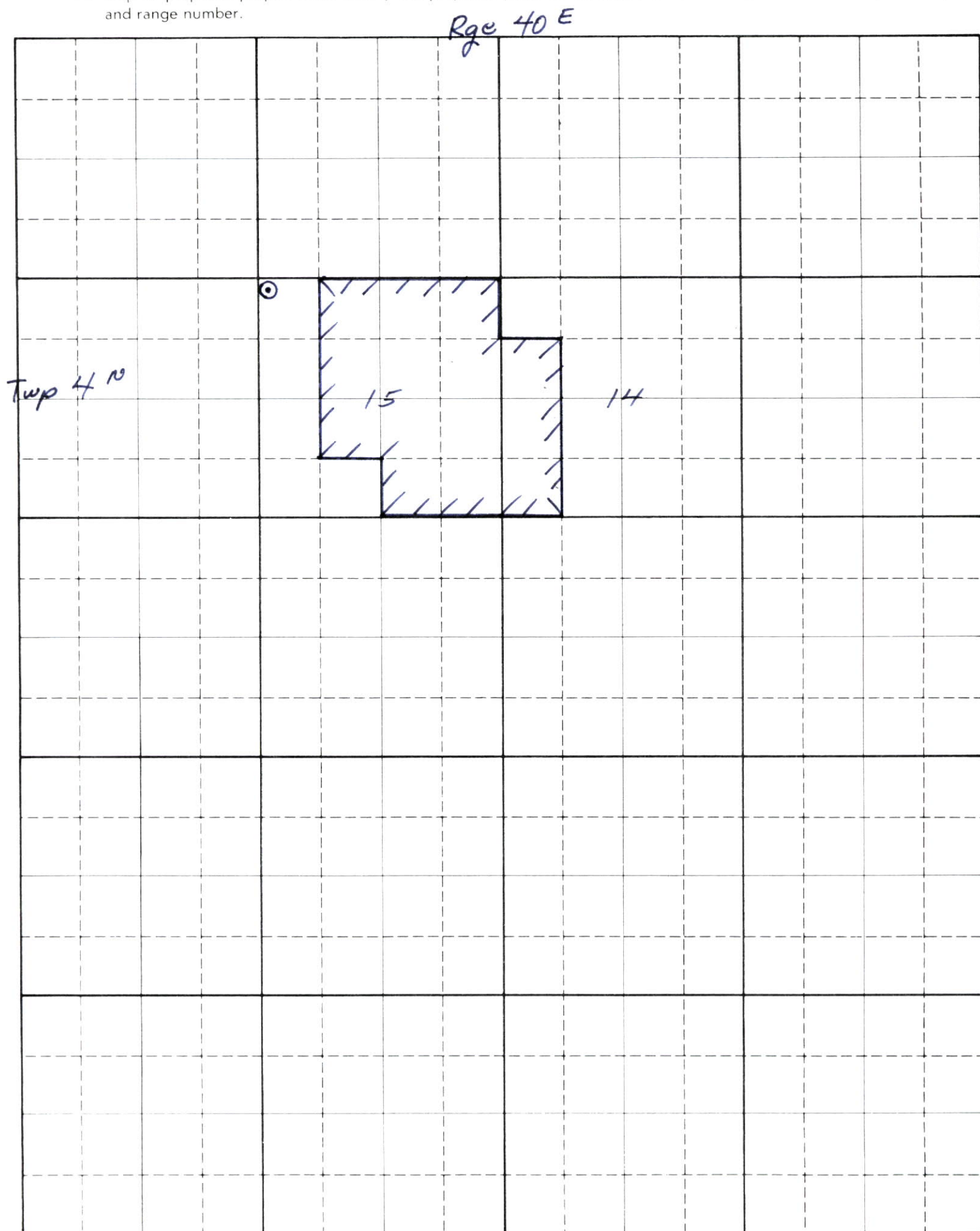


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jesse L. Sutton
(Applicant)

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO



Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry T. Weatherston,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

JOURNAL, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

**NOTICE OF APPLICATION FOR
WATER PERMIT**

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on April 21, 1977
and the last publication having been made

on April 28, 1977.

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said not-
ice.

Terry T. Weatherston



Subscribed to and sworn to before me

this 28th. day of April, 1977

Offie S. Davenport
Notary Public.
(SEAL)

My commission expires March 25, 1978

RECEIVED

APR 29 1977

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Jess L. Sutton,
Rexburg, Idaho has on 4-14-77 submitted Ap-
plication No. 22-7227 for a permit to appropriate
4.50 cubic feet per second of water from a
ground-water source by means of well and pump
within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 4N, R. 40 E,
B.M., Madison County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 415 acres within the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 4N, R. 40E, B.M.

If issued, this permit will be subject to all prior
water rights. Protests against the granting of the
permit must be filed with the Idaho Department
of Water Resources, 1515 Lincoln Road, Idaho
Falls, Idaho, 83401 on or before May 9, 1977.

C. STEPHEN ALLRED
Director

Published in the Standard Journal, Rexburg,
Idaho on April 21 and April 28, 1977.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07227

Priority: April 23, 1977

Maximum Diversion Rate: 4.03 CFS
Maximum Diversion Volume:¹ 1284.5 AF

This is to certify, that ESTATE OF JESS L. SUTTON
733 W. 8200 S.

REXBURG, ID 83440 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 14, 1977; and has submitted Proof of Beneficial Use on June 10, 1982. An examination indicates that the works have a diversion capacity of 4.030 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.03 CFS	1284.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE , Sec. 16, Township 04N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	40E	14	SWNW 22	NESW 2	NWSW 35	
			SWSW 14			73
		15	NENE 5	NWNE 21	SWNE 40	
			SENE 40	NENW 12	NWNW 7	
			SWNW 4	SENE 35	NESW 7	
			NESE 40	NWSE 35	SWSE 9	
			SESE 33			288
		16	NENE 3			3
		22	NENE 3			3

Total number of acres irrigated: 367

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

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MAR 20 1990

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07227

CONDITIONS/REMARKS:

5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 15TH day of MARCH, 1990.

Acting for R. Keith Higginson, Director

MICROFILMED

MAR 20 1990

State of Idaho
Department of Water Resources

RECEIVED

FEB 28 1990

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07227

Department of Water Resources

Date of Priority: April 23, 1977

Maximum Diversion Rate: 4.03 CFS
Maximum Diversion Volume: 1284.5 AF

Comes now JESS L. SUTTON
RT. 3 BOX 174
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. 22-07227, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	4.03 CFS	1284.5 AF

LOCATION OF POINT(S) OF DIVERSION: NENE, Sec. 16, Township 04N, Range 40E
MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N	40E	14	SWNW 22	NESW 2	NWSW 35	
			SWSW 14			73
		15	NENE 5	NWNE 21	SWNE 40	
			SENE 40	NENW 12	NWNW 7	
			SWNW 4	SENE 35	NESW 7	
			NESE 40	NWSE 35	SWSE 9	
			SESE 33			288
		16	NENE 3			3
		22	NENE 3			3

Total number of acres irrigated: 367

MICROFILMED

MAR 20 1990

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 at Rexburg, this 24 day of Feb., 1990.

[Signature]
(Signature)

Son - for Estate of
Jess L. Sutton

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07227

FOR DEPARTMENT USE ONLY

Preliminary check by KW Fee = \$20.00 r Receipted by C. Wong Date 2/28/90 # CD15105

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 22-07227 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- ✓ 5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Witness my hand this 15TH day of MARCH, 1990.

R. Keith Higginson
Acting for R. Keith Higginson, Director

MICROFILMED

MAR 20 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 22-7227 IN THE)
THE NAME OF JESS L. SUTTON) ORDER OF REINSTATEMENT
_____)

WHEREAS, the Department has issued the above-captioned permit with the condition that proof of construction of works and application of water to beneficial use be submitted on or before June 1, 1982; and,

WHEREAS, the Department has notified the permit holder by certified mail that proof was due and instructed the permit holder as to the steps to be taken to make said proof; and,

WHEREAS, the Department has notified the permit holder that the permit has lapsed for failure of the permit holder to submit proof of beneficial use; and,

WHEREAS, Section 42-218a of the Idaho Code provides that a permit may be reinstated upon a showing of reasonable cause within sixty days of the date of the notice of lapsing; and,

WHEREAS, the permit holder has provided a reasonable showing as to why said permit should be reinstated by submitting proof of beneficial use on June 10, 1982;

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 22-7227 be REINSTATED and the priority advanced to April 23, 1977.

Dated this 6th day of December, 1982.


L. GLEN SAXTON
Chief, Operations Bureau

RECEIVED
DEC 10 1982
WATER RESOURCES
DIVISION

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CHANGING THE MEASURING
DEVICE REQUIREMENT FOR PERMIT NO. 22-7227

ORDER

WHEREAS, the above numbered permit was approved with the condition that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on July 1, 1978, the Department adopted a new water measurement condition which states: "An access port or other device as specified by the Department shall be installed by the permit holder to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department"; and,

WHEREAS, the former condition required the permit holder to purchase and install a measuring device or hire a professional engineer to certify the rate of diversion; and,

WHEREAS, the measuring device condition effective July 1, 1978, requires less capital expenditure by the permit holder; and,

WHEREAS, to be equitable to holders of permits issued prior to July 1, 1978, the new condition should be retroactive;

NOW THEREFORE, it is hereby ordered that the condition of approval of this permit related to water measurement is hereby changed as follows:

"The permit holder shall either install a measuring device or provide a certified measurement by a professional engineer or install an access port or other device as specified by the Department".

Dated this 1st day of June 1981.

Glen Saxton

GLEN SAXTON
Chief, Operations Bureau

RECEIVED
JUN 11 1981

Identification No. 22 7227

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Jess L. Sutton Phone: 356-6256
post office address Rt. #3, Box 174, Rexburg, ID 83440
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 15 Township 4N
Range 40E B.M. Madison County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 4.50 or irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 4.50 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump, buried main, ten $\frac{1}{4}$ -mile hand
lines

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 16 inches; proposed depth of well is 150 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 7,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
4N	40E	14							20			40	20						80
		15	10	30	40	40	15		40	20					40	40	20	40	335

Total number of acres to be irrigated 415

c. Describe any other water rights used for the same purposes as described above. None

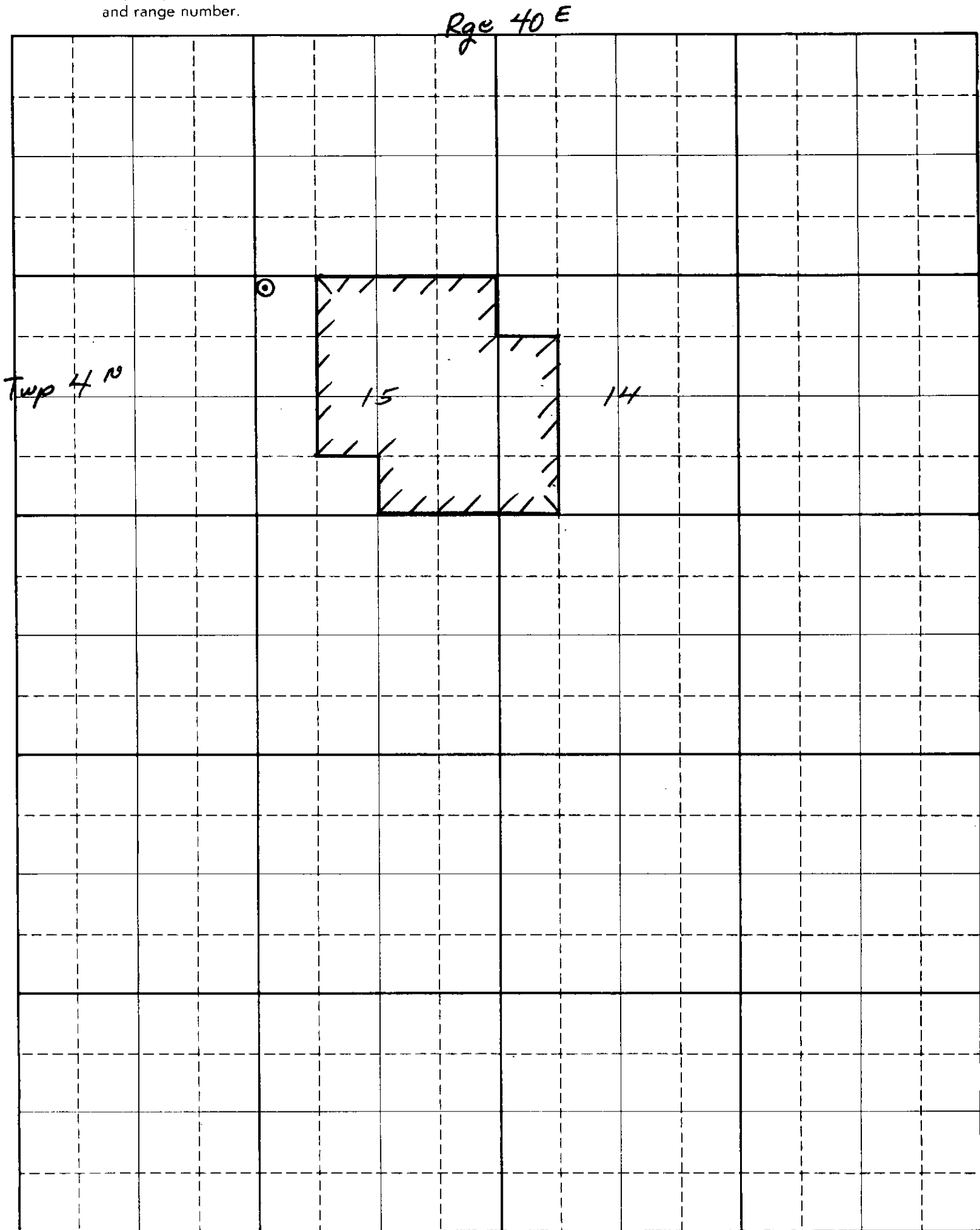
9. a. Who owns the property at the point of diversion Lee H. Sutton

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Jesse L. Sutton
(Applicant)

Proposed Priority 4/14/77

Received by me Date 4-14-77 Time 12:44 p.

Preliminary check by EMC Fee \$ 65.00

Receipted by me Date 4-14-77 # 6531

Publication prepared by me Date 4-15-77

Published in Standard Journal

Publication dates April 24-28-1977

Publication approved me Date 4-29-77

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for (approval) denial by YG

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7227, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

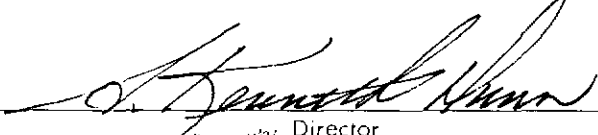
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82.

c. Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

2. Denial of said application is for the following reasons: _____

Witness my hand this 29 day of June, 19 77.


Deputy Director

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

3

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry T. Weatherston,
being first duly sworn, depose and say,
that I am the printer of THE REXBURG

JOURNAL, a newspaper printed and
published weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

**NOTICE OF APPLICATION FOR
WATER PERMIT**

a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in

any supplement issue thereof for two
consecutive issues, the first publication hav-

ing been made on April 21, 1977
and the last publication having been made

on April 28, 1977

Further, that said newspaper is one of
general circulation in said county; that it
is a legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide sub-
scribers living within the county of publica-
tion; and that it has been continuously and
uninterruptedly published in said county dur-
a period of seventy-eight consecutive weeks
prior to the first publication of the said no-
tice.

Terry T. Weatherston

Subscribed to and sworn to before me

this 28th day of April, 1977

Effie S. Davenport
Notary Public.

My commission expires March 25, 1978

RECEIVED

APR 29 1977

Department of Water Resources
Eastern District Office

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Jess L. Sutton,
Rexburg, Idaho has on 4-14-77 submitted Ap-
plication No. 22-7227 for a permit to appropriate
4.50 cubic feet per second of water from a
ground-water source by means of well and pump
within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 4N, R. 40E,
B.M., Madison County; to be used from Apr. 1 to
Nov. 1 for the irrigation of 415 acres within the
SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 4N, R. 40E, B.M.

If issued, this permit will be subject to all prior
water rights. Protests against the granting of the
permit must be filed with the Idaho Department
of Water Resources, 1515 Lincoln Road, Idaho
Falls, Idaho, 83401 on or before May 9, 1977.

C. STEPHEN ALLRED

Director

Published in the Standard Journal, Rexburg,
Idaho on April 21 and April 28, 1977.

March 15, 1990

ESTATE OF JESS L. SUTTON
733 W. 8200 S.
REXBURG, ID 83440

RE: PERMIT NO. 22-07227

Dear Permit Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit along with a copy of your approved application for amendment.

Should you have any questions regarding these documents, please feel free to contact our office.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

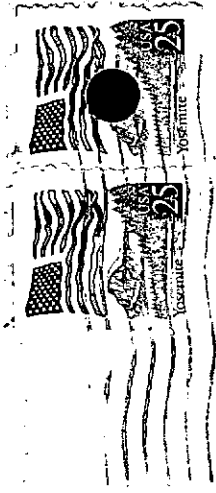
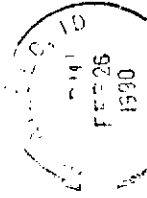
JJ:sc

Enclosure

MICROFILMED

MAR 20 1990

K. Sutton
733 W 8200 S
Rehburg



State of Idaho
Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, Idaho 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

February 1, 1990

RE: Water Right Permit No. 22-7405

Jess L. Sutton
Rt. 3, Box 174
Rexburg, ID 83440

Dear Mr. Sutton:

When our Department representative examined the water you have developed under your permits, he found that all of your water use could be licensed under Permit No. 22-7227. Since Permit No. 22-7227 has an earlier priority date, we recommend that you relinquish Permit No. 22-7405. Enclosed is a relinquishment form for your convenience. Please sign this form and return it to us.

If you have any questions in regard to this matter, please feel free to contact our office.

Sincerely,

KAY WALKER
Technical Records Specialist

KW:k
Enclosure

cc: IDWR, Eastern Region

*Rec'd Reling.
w/ vic. amendment -
KW
3/2/90*

MICROFILMED

MAR 20 1990

January 31, 1990

JESS L. SUTTON
RT. 3 BOX 174
REXBURG, ID 83440

RE: PERMIT NO. 22-07227

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to correspond with the findings of the Department's field examiner.

The enclosed application for amendment contains information that will be included on the license when it is issued. Please review carefully and if you concur, sign the amendment and return with the \$20.00 filing fee within 30 days.

If you do not concur with these findings or if you have any questions, please contact us within the 30-day period.

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:sc

Enclosure

MICROFILMED

MAR 20 1990

POINT OF DIVERSION OVER

WR-NUMBER	TWP	RNG	SC	TRACT			LT	#SOURCE	#NAME
				1\4	1\4	1\4			
2207227	04N	40E	15		NW	NW		GROUNDWATER	SUTTON, JESS L
2207405								GROUNDWATER	SUTTON, GWEN

MICHIGAN
 MAR 20 1990

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	40E	14							22		2	35	14						73
		15	5	21	40	40	12	7	4	35	7			40	35	9	33	288	
		16	3															3	
		22	3															3	
Total Acres																		367	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

LICENSING REPORT

RECEIVED
JAN 18 1988

22-7227

22-7405

Permit No.

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

$$Q = \left[\frac{(13.25)^2 \times 3.85 \times \sqrt{7.6}}{448.8} \right] 0.971 = 4.03 \text{ cfs}$$

22-7227 Q LIMITED BY CAPACITY (4.03 cfs)

22-7405 Q LIMITED BY PERMIT (3.2 cfs)

- b) Volume Calculations for Irrigation: 22-7227/7405

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 36.7 \times 3.5 \text{ cfs} = 1284.5 \text{ ac-ft}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (4.03) (214 \text{ days}) (1.9835) = 1710.6$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1284.5 \text{ ac-ft}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use: NONE

- b) Other water rights with same point of diversion: NONE

- c) Analysis: PLACE OF USE ON Rexbury bench historically dry farmed.

MICROFILMED

MAR 20 1990

RECOMMENDED AMOUNTS

3.	Permit No.	Priority	Amount	App. Date	Date Proof Submitted	System Capacity
	22-7227					

4. Permit Holder: _____

Address: _____

5. Source: Groundwater tributary to _____

6. Beneficial Use	Period of Use From	To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
<u>Irrigation</u>	<u>4/1</u>	<u>11/1</u>	<u>4.03</u>	<u>1284.5</u>

Allowable Maximums: _____

7. Point(s) of Diversion:

No.	Govt. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County
		NE	NE	NE	16	4N	40 E	Madison

8. Place(s) of Use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4N	40 E	14							22		2	35	14					73	
		15	5	21	40	40	12	7	4	35	7				40	35	9	33	288
		16	3																3
		22	3																3
Total Acres 367																			

9. Recommended Conditions/Remarks: _____

Have Permit holder relinquish 22-7405 because of earlier priority of 22-7227

10. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None

☐ Change P.U. as reflected above ☒ Add P.U. as reflected above ☐ Other _____

11. Examiner's Signature Keith C Wilson **MICROFILMED** Date 5 Dec 1985

Checked in Regional Office by Gary Spackman Date 26 Dec. 1988

Approved in State Office by Rebecca McElrath **MAR 20 1990** Date 12/16/88



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

December 27, 1932

Jess L. Sutton
Rt. #3, Box 174
Rexburg, Idaho 83440

RE: Permit No. 22-7227

Dear Mr. Sutton:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

_____ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

 X A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

COLLEEN WRAY
Adm. Secretary

Enclosure: Reinstatement Order

RECEIVED
DEC 28 1932

CALCULATION OF NEW PRIORITY DATE

FROM: Rita Fleck

TO: File # 22-7227

DATE: Nov. 23, 1982

Date Proof Received

Proof Due

Number of Days Proof Late

147
152
9
June 10
June 1

Priority Date

Number of Days Proof Late

New Priority Date

104
9
113
Apr. 14, 1977
= Apr. 23, 1977

Remarks

RECEIVED

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as an agreement that the permit holder(s) has completed development to the extent shown below of Permit No. 22-7227

Name(s) of Permit Holder: Jess L Sutton

Post Office Address: Rt #3 Box 174

Rexburg Id 83440 Tel. No. 356-6526

Source of Water: Well

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 350 (acres)
☐ Other

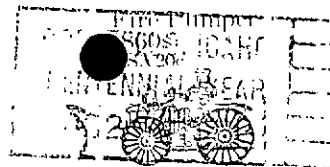
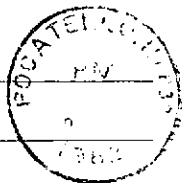
Measuring Device: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-8-82
Date

Steve J Sutton
Signature of Permit Holder



IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440

SUTTON, JESS L.
RT. 3 BOX 174
REXBURG, ID 83440

JUNE 08, 1982

DEAR PERMIT HOLDER:

YOU ARE HEREBY NOTIFIED THAT UNDER THE PROVISIONS OF SECTION 42-218A OF THE IDAHO CODE, PERMIT NO. 22-7227 HAS LAPSED. THIS OFFICE DID NOT RECEIVE EITHER A NOTICE THAT YOU HAVE COMPLETED THE PROJECT BY THE DATE REQUIRED ON YOUR PERMIT, OR A REQUEST FOR AN EXTENSION OF TIME. YOU WERE PROVIDED THE PROPER FORMS IN OUR NOTICE TO YOU DATED MARCH 31, 1982.

YOUR PERMIT CANNOT BE REINSTATED UNLESS YOU SUBMIT THE STATEMENT OF BENEFICIAL USE POSTCARD OR SUBMIT AN EXTENSION OF TIME REQUEST SHOWING REASONABLE CAUSE FOR DELAY. EITHER THE COMPLETED POSTCARD OR THE EXTENSION REQUEST MUST BE RECEIVED BY THIS OFFICE WITHIN SIXTY DAYS OF THE DATE OF THIS LAPSE NOTICE OR THE PERMIT WILL NO LONGER BE OF ANY FORCE OR EFFECT.

A STATEMENT OF BENEFICIAL USE POSTCARD AND A REQUEST FOR EXTENSION OF TIME FORM ARE ENCLOSED FOR YOUR USE. PLEASE NOTE THAT A FEE OF \$15.00 MUST ACCOMPANY AN EXTENSION OF TIME REQUEST.

L. GLEN SAXTON
CHIEF, OPERATIONS BUREAU

ENCLOSURES

CERTIFICATION OF MAILING

I hereby certify that on 6/14/1982
a copy/an original of this document was
deposited in the United States mail,
postage prepaid addressed to the
individual(s) named above.

[Signature]

RECEIVED
JUN 14 1982
DEPT. OF WATER RESOURCES
BOISE, IDAHO

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138494

SUTTON, JESS L.
RT. 3 BOX 174
REXBURG, ID 83440

MARCH 31, 1982

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 22-7227 WAS THAT EVIDENCE OF THE EXTENT OF DEVELOPMENT MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE JUNE 01, 1982. (SEE LAST PAGE OF YOUR APPROVED PERMIT). ENCLOSED IS A POST CARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF OF BENEFICIAL USE.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU HAVE NOT PREVIOUSLY RECEIVED AN EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME PROVIDED THE DELAY IS FOR REASONABLE CAUSE AS INDICATED IN SECTION 42-204, IDAHO CODE, AMENDED. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED.

EITHER THE BENEFICIAL USE POST CARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE MENTIONED DATE, OTHERWISE, THE PERMIT WILL LAPSE AND BE OF NO FURTHER FORCE OR EFFECT WITHIN 60 DAYS.

SINCERELY,

RITA FLECK
SR. SECRETARY

ENC: 1

RECEIVED
MAY 1 1982



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

March 4, 1982

Dear Wateruser:

The enclosed Order changes the measuring device condition of approval on your water right permit.

The changed condition is less restrictive and provides you the option to install an access port or have your system measured and certified by a professional engineer. Instructions for access port installation are also enclosed.

If you have questions regarding this matter, please contact the regional office nearest to you.

Sincerely,

DAVID R. TUTHILL JR., P. E.
Supervisor, Water Allocations Section

DRT:jg

Enclosures

NORTHERN REGION OFFICE
Route #5, Box 203, Government Way
Coeur d'Alene, Idaho 83814
Telephone 667-6484

EASTERN REGION OFFICE
150 Shoup Avenue
Idaho Falls, Idaho 83401
Telephone 525-7161

SOUTHERN REGION OFFICE
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301
Telephone 734-3578

WESTERN REGION OFFICE
92 South Cole Road
Boise, Idaho 83709
Telephone 334-2190



July 5, 1977

Re: Permit No. 22-7227

Jess L. Sutton
Route #3 Box 174
Rexburg, ID 83440

Enclosed is a copy of your approved Application for Permit No. 22-7227. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

Enclosure: Copy of permit

MICROFILMED

April 15, 1977

RE: Application for Permit No. 22-7224 BOTT
22-7225 SAKOTA
22-7227 SUTTON

Standard Journal
Box 7
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 4-30-77 by CW

RDC:CW

Enc: Legal Notice (3)

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Jess L. Sutton, Rexburg, Idaho has on 4-14-77 submitted Application No. 22-7227 for a permit to appropriate 4.50 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 15, T. 4N, R. 40 E, B.M., Madison County; to be used from Apr. 1 to Nov. 1 for the irrigation of 415 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 14, E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 4N, R. 40E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 9, 1977.

MICROFILMED
STEPHEN ALLRED
Director
Published in the Standard Journal, Rexburg, Idaho on April 21 and April 28, 1977.

NOTICE OF APPLICATION FOR WATER PERMIT

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Rexburg, Idaho
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for a permit to appropriate 4.50 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
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to be used from Apr. 1 to Nov. 1
for the irrigation of 415 acres

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C. STEPHEN ALLRED
~~XXXXXXXXXXXXXXXXXXXX~~
K. KATH MCGILSON

Director

Published in the Standard Journal, Rexburg, Idaho
on April 21 and April 28, 1977

MICROFILMED

me - 8.
me - 14.
Cw-A.

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Sutton

☒ Source
☒ Point of Diversion
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) ARK 4/14/77

In form to receipt yes

(2) ARK 4/14/77

Send Copies to:
na Idaho State Health Department
na Idaho Fish and Game Department
na Bureau of Land Management

(3) ARK 4/14/77

na Request Special Use Permit from U.S.F.S.
na Request Easement from B.L.M.
na Request Information from Applicant
na Request Dam Safety Information

(4) ARK 4/14/77

In form for advertising yes

(5) ARK 4/14/77

Platted on Map No. 4N 40E

(6) ARK 4/14/77

Located within Water District No. Basin 22

(7) ARK 4/14/77

Critical groundwater area: yes no X

(8) ARK 4/14/77

Groundwater levels:

Declining, X Stable, Increasing

(comment) 10dad1 Jefferson

(9) ARK 4/14/77

Other rights on the same place of use none

(10) ARK 4/14/77

Comments: none

(11) OW 4-30-77

Affidavit of Publication received (date) April 30-1977

(12) LA 5-9-77

Final date for protests May 9-1977

Protests received: yes no

(13) LA 5-9-77

NA All requested information received from agencies or applicant: yes no

(14) LA 5-9-77

Action recommended:

✓ Approve Deny

4-14-77 Proposed Priority

Reason for Reduction

✓ Measuring device required

See attached sheet for other conditions of approval

No special conditions for approval

(15) District E By Loren O. Fisher Date 5-9-77

MICROFILMED

Copy Sent