

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/11/2025

Water Right 47-13191
WR Report AFTER Ownership Change Split

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY BURKETT PO BOX 5899 TWIN FALLS, ID 83303-5899 (208) 734-4888
Current Owner	PAMELA J BURKETT PO BOX 5899 TWIN FALLS, ID 83303-5899 (208) 734-4888
Original Owner	WAYNE L CROWN RT 4 BOX 134 BUHL, ID 83316 (208) 326-5262
Original Owner	DELEAN A CROWN RT 4 BOX 134 BUHL, ID 83316 (208) 326-5262

Priority Date: 3/15/1969

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
CEDAR DRAW

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.040 CFS	
	<u>Total Diversion</u>		0.040 CFS	

Source and Point(s) of Diversion:

UNNAMED STREAM NWNENW Sec. 36, Twp 09S, Rge 15E, TWIN FALLS County

Place Of Use:

IRRIGATION within TWIN FALLS 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	
09S	15E	36					1.4												1.4

POU Total Acres: 1.4

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Conditions of Approval:

1. 47A The operation, use and administration of this water right is subject to the terms and conditions of the agreement with Twin Falls Canal Company recorded in the Twin Falls County Recorders Office as Instrument No 2009-010268.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. The source of this right includes wastewater. The wasting of water may be discontinued at any time.

Comments:

1 jstanton 12/12/2006 Claim Review

Yesterday I discussed this claim with Gary Burkett. He showed me where the pod is located, stating that it pumps water uphill to the north ends of two fields that are then irrigated with gated pipe. Although he has full canal shares on his 80 acres, it is not possible to get the shares to these fields. He said that the source is a year-around spring rather than canal wastewater, so his ownership of the shares may not cover the irrigation of these fields from this source.

2 jstanton 12/12/2006 Priority Date

The old tif photos that we have show the west field apparently irrigated by 1969, so I can recommend this parcel without additional proof of priority. The tif base maps show the east field definitely irrigated by 1969, so I am recommending both parcels with a 1969 priority. Gary said that the son of the previous owner is available to provide an affidavit that the pump has been there before he was born (sometime in the 1960s). Gary could not find anyone else with personal knowledge of this property. I will update the priority date if the claimant provides sufficient evidence, but the claims need to be moved forward into the Director Report now.

3 jstanton 12/12/2006 POU

The 2004 ArcView rectification shows that a portion of the west field is clearly in the NW/NW Sec. 36, but the owner is certain that all his land is in the E1/2NW (which is what his deed says). So I am listing all the recommended pou in the NE/NW. I have run into this problem in Twin Falls County before, so am not sure what is correct. The east boundary of the 80 appears to be located correctly in relation to field boundaries, but the west fenceline is about 50 feet past the 40 line.

4 jstanton 12/15/2006 Remark

THE UNNAMED STREAM IS DESCRIBED BY CLAIMANT AS A SEEPAGE DITCH FED BY TILED DRAIN. EXCESSIVE FLOW CLAIMED DUE TO DIFFICULTY IN PUSHING WATER SOUTH.

5 chahn 8/10/2009 SF5

Condition added to match SF5

6 dmaline 8/7/2025 Split Right

Split into 47-13191 (Burkett) & 47-17787 (Kippes).

7 dmaline 8/7/2025 POU

Updated Shape for WaterUseCode 01

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8/11/2025

Dates and Other Information:

Decreed Date: 10/30/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: OR
Water District Number: NWD
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

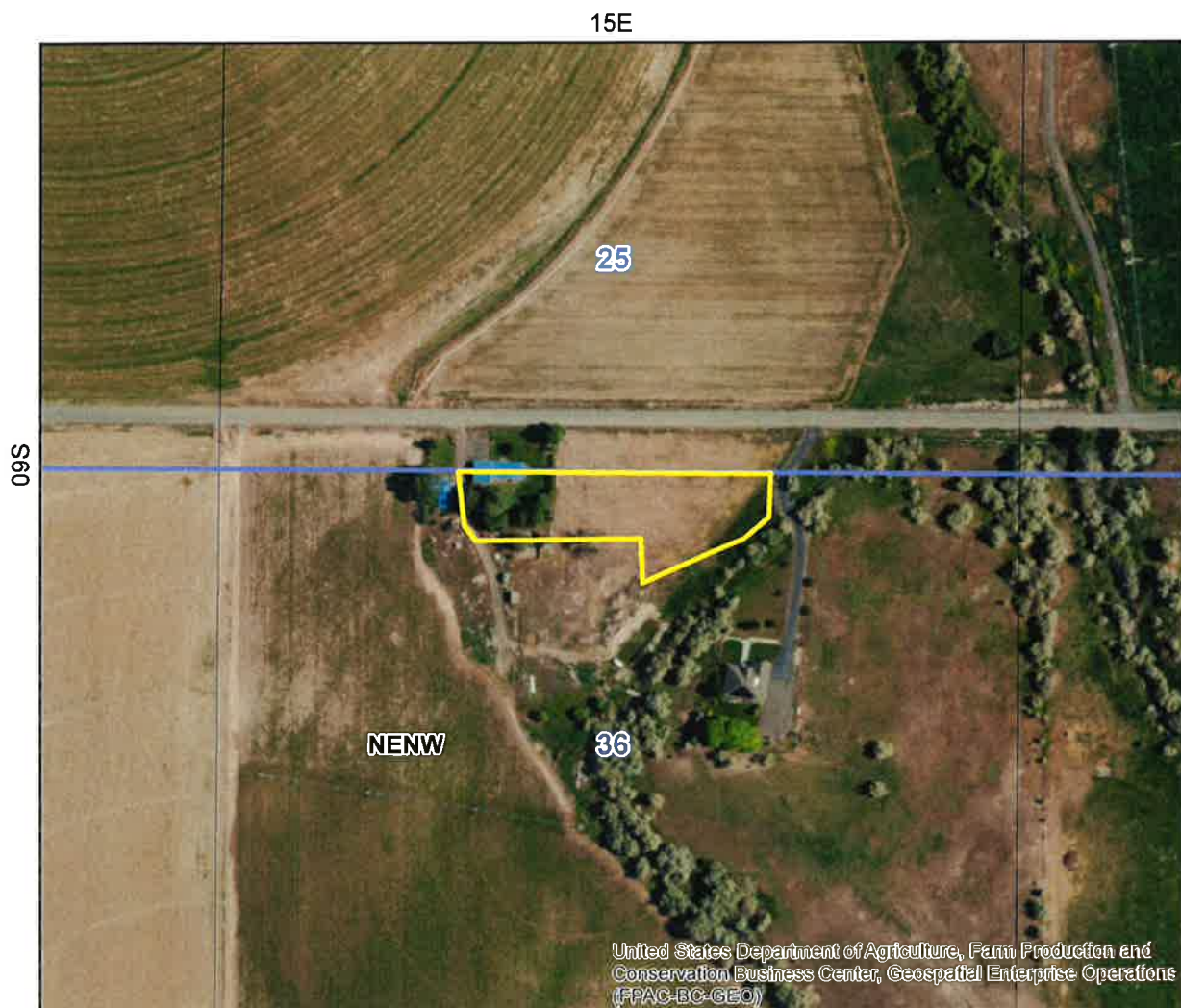
SubCaseNumber: 47-13191
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 9/14/2007
Objection Status: Active

Water Supply Bank:

N/A

State of Idaho
Department of Water Resources

Water Right 47-13191
Map AFTER Ownership Change Split



0 0.035 0.07 0.14 Miles

A scale bar with tick marks at 0, 0.035, 0.07, and 0.14 miles.

- Place Of Use Boundary
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



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<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.150 CFS	
	<u>Total Diversion</u>		0.150 CFS	

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			NE				NW				SW				SE				Totals
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09S	15E	36					4.9												4.9

POU Total Acres: 4.9

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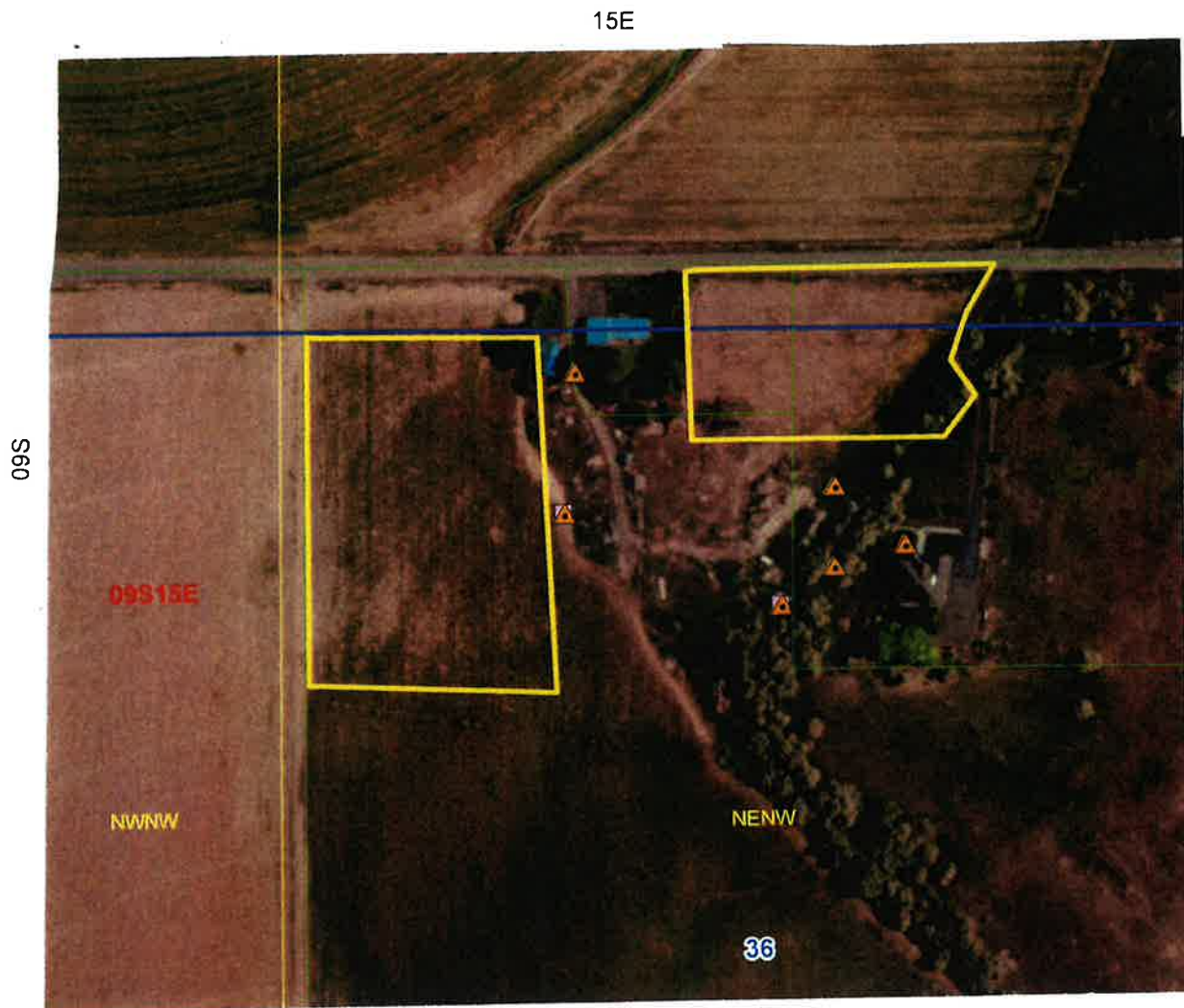
SubCaseNumber: 47-13191
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent:
Basis of Claim: Beneficial Use
Date Filed: 9/14/2007
Objection Status: Active

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State of Idaho
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