

10/17/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-62L

NAME AND ADDRESS: DAN MURDOCK
STEVE MURDOCK
1995 N 2500 E
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.92 CFS
391 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.36 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 413 AF. COMBINED RIGHT
NOS.: 32-02337, 32-00062L, 32-00063L

PRIORITY DATE: 10/13/1917

POINT OF DIVERSION: T06N R36E S11 SWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.92 CFS 391.0 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T06N R36E S1	SWSW	24	T06N R36E S11	NENE	9
T06N R36E S11	SENE	4	T06N R36E S12	SWNW	19
T06N R36E S12	NWNW	24	T06N R36E S12	NWSW	8
T06N R36E S12	SWSW	19	T06N R36E S2	SESE	11

118 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 118 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 32-02337, 32-00062L,
32-00063L

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 32-02337, 32-00062L, 32-00063L

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00062L
Date Received: 11/28/1988
Receipt No: E004522
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN MURDOCK 208-662-5257
Address: 1995 N. 2500 E.
HAMER, ID 83425

OR
Name: STEVE MURDOCK 208-662-5257
Address: 1995 N. 2500 E.
HAMER, ID 83425

2. Date of Priority: OCT 13, 1917

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	36E	11	NW	NE	NE		JEFFERSON

5. Description of diverting works:
WELL, 200' DEEP, 16" CASING, 50 HP PUMP, OPEN DISCHARGE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.580		

7. Total Quantity Appropriated is:
1.580 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A3100062L



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	36E	1	SW	SW		IRR	24.0
						Section Acres	24.0
		2	SE	SE		IRR	11.0
						Section Acres	11.0
		11	NE	NE		IRR	16.0
			SE	NE		IRR	5.0
						Section Acres	21.0
		12	NW	NW		IRR	12.0
			NW	SW		IRR	20.0
			SW	SW		IRR	24.0
						Section Acres	56.0
						Total Acres	112.0

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A31-00063L

14. Remarks:
CLAIM IS BASED ON APPLICATION FOR TRANSFER PENDING BEFORE DEPT.
OF WATER RESOURCES. IT REFLECTS IRRIGATION PRACTICES THAT HAVE
OCCURRED SINCE MAY OF 1980.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 11/01/1930

ERNEST SAUVE
Decree Plaintiff

W. H. ABBOTT
Decree Defendant

vs

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Dan Mink Date: 11-28-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28 day
of Nov. 19 88

Ernest Carlson
Notary Public

Seal

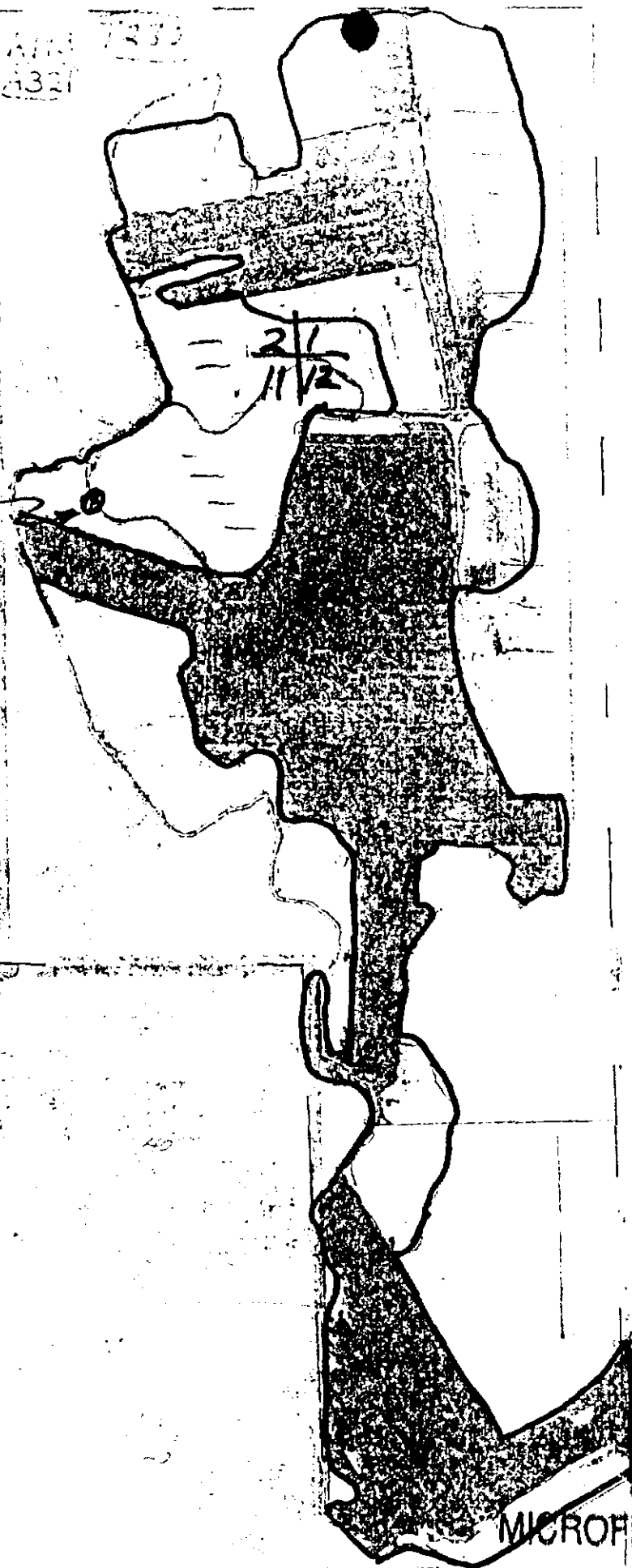
Residing at Wapo Falls, ID
My Commission Expires 14 June 1994

AIR 7233
A321

Top 671.
Rge 36E.

Well

A31-02337
A31-00062L
A31-00063L.



MICROFILMED

NOV 17 1992

11/12
14/13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

28303204
03/11/93

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PROFILE REPORT

CLAIM NUMBER: A31-00052L

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN MURDOCK	10/13/1917	IRRIGATION	04-01 11-01	1.58 CFS	
C	STEVE MURDOCK 1995 N. 2900 E. Hwy 10 83425 (208) 662-5257				1.58 CFS	
TOTAL DIVERSION:					1.58 CFS	
CONSUMPTIVE USE:						289.0 AF

WATER SOURCE: GROUNDWATER

TRIBUTARY TO:

STAGE: DECREED

POINT(S) OF DIVERSION:

T06N R36E S11

NWNE

JEFFERSON COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

			NE				NW				SW				SE				
T	R	S	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	SUM
06N	36E	1																	24.0
06N	36E	2																11	11.0
06N	36E	11	16																21.0
06N	36E	12								12					20	24			56.0
TOTAL ACRES																		112.0	

POU COUNTY: JEFFERSON

OTHER RIGHTS: A31-00063L

REMARKS: CLAIM IS BASED ON APPLICATION FOR TRANSFER PENDING BEFORE DEPT.
OF WATER RESOURCES. IT REFLECTS IRRIGATION PRACTICES THAT HAVE
OCCURRED SINCE MAY OF 1980.

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/15/95

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QUICKLOOK INFORMATION

CLAIM NUMBER: A31-70052L

NR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY M/MON/DATE	FIELD EXAM BY M/MON/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW M/MON/DATE	COMPLETED DATA ENTRY M/MON/DATE	VERIFIED DATE M/MON/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/DRIHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

AUTHENTICATION:

SIGNATURE:

Dave Carlson

DATE:

4/18/95

NAME OF FIELD EXAMINER:

DAVE CARLSON

TITLE:

WA

Disallowed
Transfer
2890 Denied
see document

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00062

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
21.200

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00062A	4.030	-		31-00062A	
-	A31-00062F	2.690	-		31-00062F	2.690
-	A31-00062N	2.460	-		31-00062N	2.460
-	A31-00062D	2.830	-		31-00062D	2.830
-	A31-00062C	1.240	-		31-00062C	
-	A31-00062J	3.440	-		31-00062J	7.210
-	A31-00062K	3.160	-		31-00062K	4.030
-	A31-00062L	1.580	-		31-00062L	1.240
-	-		-		31-00062	
-	-		-		31-00062E	
-	-		-		31-00062G	
-	-		-		31-00062H	3.740
TOTAL CFS		21.430				21.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
N

FIELD
EXAMINER

NOTES:

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER 1.590	DATABASE EXAMINER _____	DATABASE EXAMINER 280.9
TOTAL FOR THIS RIGHT		1.590		280.9

REVIEWED BY: _____ DATE: _____

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

ACRES _____ X 0.02 CFS/ACRE = _____ CFS
(TAKEN FROM P/U REVIEW)

DUES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

1B. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 290.0 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

NOTES: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.580 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.240 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

B. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(Y) N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A31-000631

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-000521	GROUNDWATER	MURDOCK, DAN	1.580	0.014		
A31-000531	GROUNDWATER	MURDOCK, DAN	0.560	0.035		
A31-02357	GROUNDWATER	THOMPSON, JR., AARON MILTON	1.580	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-10543	DOMESTIC	MURDOCK, STEVE	FR3M 01-01 TO 12-31	.040 CFS	
A31-10543	STOCKWATER	MURDOCK, STEVE	FR3M 01-01 TO 12-31	.090 CFS	

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00062L IRRIGATION	FROM 04-31 TO 11-01	1.580 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.580 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00062L IRRIGATION	FROM 04-31 TO 11-01	1.240 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		1.240 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	_____
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	_____
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	N	_____

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() EXPLAIN IN NOTES, BELOW.

NOTES:

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POB COUNTY: JEFFERSON

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

3
DC
4/95

A. ROOT WATER RIGHT NUMBERS: A31-00062A
 A31-00062F

A31-00062H

A31-00062D

A31-00062C

A31-00062J

A31-00062K

A31-00062L

B. POB LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	NR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06N	36E	1	S4	SW		MURDOCK, DAN	A31-00062L /24.0	-	/	23.0	
			S4	SW		MURDOCK, DAN	A31-00063L /24.0	-	/		
			S4	SW		THOMPSON, JR., LARON HILTON	A31-02337 /13.0	31-02337	/13.0		
06N	36E	2	SE	SE		MURDOCK, DAN	A31-00062L /11.0	-	/	27.0	
			SE	SE		MURDOCK, DAN	A31-00063L /11.0	-	/		
			SE	SE		THOMPSON, JR., LARON HILTON	A31-02337 / 5.0	31-02337	/ 5.0		
06N	36E	11	NE	NE		MURDOCK, DAN	A31-00062L /16.0	-	/	32.0	
			NE	NE		MURDOCK, DAN	A31-00063L /16.0	-	/		
			NE	NE		THOMPSON, JR., LARON HILTON	A31-02337 /10.0	31-02337	/10.0		
			NE	NE		MURDOCK, STEVE	A31-10543 /	-	/		
06N	36E	11	SE	NE		MURDOCK, DAN	A31-00062L / 5.0	-	/	12.0	
			SE	NE		MURDOCK, DAN	A31-00063L / 5.0	-	/		
06N	36E	12	N4	NW		MURDOCK, DAN	A31-00062L /12.0	-	/	24.0	
			N4	NW		MURDOCK, DAN	A31-00063L /12.0	-	/		
			N4	NW		THOMPSON, JR., LARON HILTON	A31-02337 /25.0	31-02337	/25.0		
06N	36E	12	N4	SW		MURDOCK, DAN	A31-00062L /20.0	-	/	10.0	
			N4	SW		MURDOCK, DAN	A31-00063L /20.0	-	/		
			N4	SW		THOMPSON, JR., LARON HILTON	A31-02337 / 5.0	31-02337	/ 5.0		
06N	36E	12	S4	SW		MURDOCK, DAN	A31-00062L /24.0	-	/	21.0	
			S4	SW		MURDOCK, DAN	A31-00063L /24.0	-	/		
TOTAL ACRES							A31-00062L	112.00		149.00	

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
---	---	---	---	---	---	---	---	-----
---	---	---	---	---	---	---	---	-----
---	---	---	---	---	---	---	---	-----
---	---	---	---	---	---	---	---	-----
---	---	---	---	---	---	---	---	-----
---	---	---	---	---	---	---	---	-----

SOURCE: GROUNDWATER

TRIB: -

REVIEWED BY: _____ DATE: _____

SYSTEM DESCRIPTION: _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00062L	05N	36E	11	NW	NE	NE		JEFFERSON

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX
131-00063L
131-02337
131-10543

WR RECORDS IN SAME 40 ACRE TRACT
31-02337

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-00062L	07N	36E	27		SE	SE		JEFFERSON

OTHER WR RECORDS WITH SAME WR POD
31-00063L

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
131-00062C
131-10437

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER

NOTES:

Disallowed

A. AJ CLAIM: # A31-00062L PRIORITY DATE: 10-13-1917 STAGE: D

B. WR RECORD: # 31-00062L PRIORITY DATE: 10-31-1917 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES:

Disallowed

RECOMMENDED PRIORITY DATE:

REVIEWED BY *DK*

DATE *4/95*

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: 4/18/95

APPOINTMENT MADE: Y() N(☒)

TIME: - : - A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

TRANSFER DENIED #2890

Disallowed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-20052L

LAST: MURDOCK
ADDRESS: 1995 N. 2500 E.
CITY: MMER
PHONE NUMBER: 208-662-5257

FIRST: DAN

STATE: ID ZIP: 83425

OWNER CODE: C

LAST: MURDOCK
ADDRESS: 1995 N. 2500 E.
CITY: MMER
PHONE NUMBER: 208-662-5257

FIRST: STEVE

STATE: ID ZIP: 83425

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: CLAIM IS BASED ON APPLICATION FOR TRANSFER PENDING BEFORE DEPT.
OF WATER RESOURCES. IT REFLECTS IRRIGATION PRACTICES THAT HAVE
OCCURRED SINCE MAY OF 1990.

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		NE		NW		SW		SE		NE		NW		SW		SE		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T06N R36E S 1																		
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																		
A3100062L	GROUNDWATE :									24								24
R3100062L	GROUNDWATE :									24								24
A3100063L	GROUNDWATE :									24								24
R3100063L	GROUNDWATE :									24								24
3102337	GROUNDWATE :									13								13
A3102337	GROUNDWATE :									13								13
R3102337	GROUNDWATE :									13								13
	C51Q-W 41 :									01				23				24

.....

[illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

		NE				NW				SW				SE				
WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
T06N R36E S11																		
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																		
A3100062L	GROUNDWATE :	16						05	:									: 21
R3100062L	GROUNDWATE :	16						05	:									: 21
A3100063L	GROUNDWATE :	16						05	:									: 21
R3100063L	GROUNDWATE :	16						05	:									: 21
3102337	GROUNDWATE :	10							:									: 10
A3102337	GROUNDWATE :	10							:									: 10
R3102337	GROUNDWATE :	10							:									: 10
3107217	GROUNDWATE :			40		40			:	40								: 160
	C51Q-W 91 :	32		01				12	:							08		06 : 59

		NE								NW								SW								SE								
WR-NUMBER	SOURCE	NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		NE		NW		SW		SE		SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac			
T06N R36E S12																																		
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																																		
A3100062L	GROUNDWATE :									12				20		24																56		
R3100062L	GROUNDWATE :									12				20		24																56		
A3100063L	GROUNDWATE :									12				20		24																56		
R3100063L	GROUNDWATE :									12				20		24																56		
3102337	GROUNDWATE :									25		25		05																		55		
A3102337	GROUNDWATE :									25		25		05																		55		
R3102337	GROUNDWATE :									25		25		05																		55		
	C51Q-W 91 :									24		17		10		21																72		

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

MAR 15 1991

STATE OF IDAHO

Department of Water Resources
Eastern District Office

In the matter of Application)
 for Transfer No. 2890 of)
 Rights 31-0062G and 31-0063G)
 in the Name of Dave Murdock)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending water right applications in its files, the department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On July 28, 1983, Dave Murdock, (applicant) filed Application for Transfer No. 2890 (application) with the department in connection with decreed water rights 31-0062G and 31-0063G. The application for transfer was intended to provide water for proposed Carey Act project no. 31-CA-06 in the name of Murdock & Associates.
2. On August 9, 1988, the department issued an order cancelling Carey Act application no. 31-CA-06, since the feasibility analysis showed that the proposed project was not economical.
3. On December 31, 1990, the department corresponded with the applicant by sending a Notice of Pending Order to Reject the application for speculative purposes. The applicant did not respond to the notice.
4. Section 42-222, Idaho Code, provides authority for the the Director of the department to deny an application for transfer.

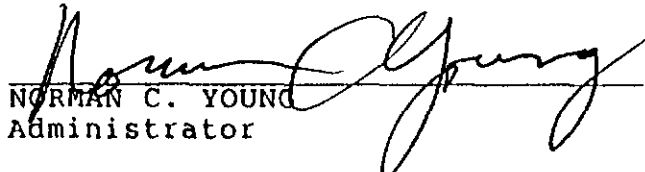
CONCLUSIONS OF LAW

1. The application is speculative in nature since the related Carey Act project proposal has been cancelled.
2. Application for Transfer No. 2890 should be denied.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 2890 of water right Nos. 31-0062G and 31-0063G is DENIED pursuant to provisions of Section 42-222, Idaho Code.

Dated this 8TH day of MARCH, 1991.


NORMAN C. YOUNG
Administrator

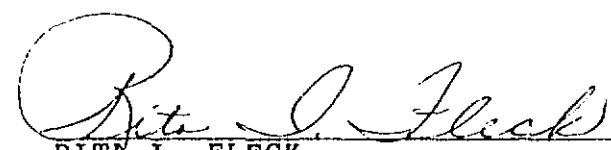
CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 12th day of March, 1991, a true and correct copy of this Order was mailed, postage prepaid to:

Dave Murdock
1552 S Woodruff
Idaho Falls Id 83402

Lloyd H. Ferguson
U.S. Dept. of the Interior
Bureau of Land Management
940 Lincoln Rd.
Idaho Falls, ID 83401

Delmar Vail
Bureau of Land Management
3380 Americana Terrace
Boise, ID 83706


RITA I. FLECK
Secretary/Records Manager

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6N	36E	1											24						24
		2															11		11
		11	16		5														21
		12					12				20	24							56

Total number of acres to be irrigated 112

4. Describe any other water rights used for the same purpose as described above. None, however, license 31-2337 provides for the irrigation of 84 ac from the well described above.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

The map shows a grid of sections. The top half is labeled 'Rge 36 E.' and the left side is labeled 'Twp 6 N.'. A well is marked with a circle and labeled 'Point of Diversion'. The well is located in the intersection of Range 36E and Township 6N, specifically in the area of sections 11, 12, 16, and 24. The land to be irrigated is indicated by a dashed line and includes sections 11, 12, 16, 24, 20, and 24. The map also shows sections 1, 2, 5, 11, 12, 16, 20, 24, 20, and 24.

Contor, Bryce
From: Contor, Bryce
Sent: Thursday, May 18, 2000 11:16 AM
To: McHugh, Candice
Subject: RE: Basin 31 Questions

There will be enough water for the acres I can recommend, though not enough for all that was claimed. Ashcraft's and Murdock's recommendations will be partly overlapping licensed rights, so there will be some combined use limitations. Dalling's will have only the Hamer Canal right.

There were presumably no more shares issued than available based on original Hamer Canal water rights. We run into perhaps a snag if we look too closely at actual Hamer Canal diversion capacity. However, it appears that all the formal transfers completely ignored this question and took the decreed diversion rates at face value. I've taken the approach that we have to maintain consistency with this decision.

I cringe a little when you mention "fraud" on the part of the canal company, because Murdock has mentioned that a former chairman and a former treasurer were dismissed amid allegations of fraud, and Dalling has mentioned stories of accusations.

-----Original Message-----

From: McHugh, Candice
Sent: Thursday, May 18, 2000 11:08 AM
To: Contor, Bryce
Subject: RE: Basin 31 Questions

Another question:

Is there enough water to go around if Murdoch is given the rights? Also, if he has these shares, I'm assuming that there were not more shares issued than there was water available at the time.

Candice

-----Original Message-----

From: Contor, Bryce
Sent: Thursday, May 18, 2000 11:06 AM
To: McHugh, Candice
Subject: RE: Basin 31 Questions

The Murdock stuff is in WR file 31-00062 and 31-00063. The transfer in question is 2890.

While pawing through the file, I noticed a nuance about the Yearsley lands that I had not before. There are two Yearsley tracts that licenses 31-7141 and 31-07287 are appurtenant to. A conversation memo indicates Yearsley's represented that one of the tracts was never irrigated with Hamer Canal water, though the Canal had claimed it as a POU. Part of the transfer denial relies on that representation. However, there is also an affidavit from Yearsleys that another tract was irrigated by Hamer Canal but no longer is. Fortunately, both the conversation memo and the affidavit include legals, verifying that there are two different tracts in question. Reviewing this second POU on the map, it is plausible that it was irrigated by Hamer Canal, and Yearsleys appear as shareholders in older documents.

I'll send some stuff on the other question.

We're going on vacation next week, so there's no need to hurry too fast.

Thanks, Bryce

-----Original Message-----

From: McHugh, Candice
Sent: Thursday, May 18, 2000 10:01 AM
To: Contor, Bryce
Subject: Basin 31 Questions

Bryce --

I want to look at the transfer file for the Murdoch right -- could you give me the transfer number and/or water right number(s). Thanks.

Also, regarding A31-07034AF, 02040 -- could you send me a packet with the pertinent information in it so I can review it? You don't need to include a copy of the transfer and license and stuff that we have here but the NAPP photos, your questions, notes etc. would be helpful. Thanks again.

Candice

INCORPORATED UNDER
THE LAWS OF IDAHO

NUMBER
118

SHARES

HAMER CANAL COMPANY, LTD.

CAPITAL STOCK \$12,500

SHARES \$25 EACH

This Certifies that *David Murdock* is the owner of
— Eight — Shares of the Capital Stock of
HAMER CANAL COMPANY, LTD.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed

this Twenty-Seventh day of June A.D. 1929

Neale Savage

PRES.

Keith Driver

SECY.

INCORPORATED UNDER
THE LAWS OF IDAHO

SUMBER
120

SHARES

HAMER CANAL COMPANY, LTD.

CAPITAL STOCK \$12,500

SHARES \$25 EACH

This Certifies that San Murdock is the owner of
(5) Five Shares of the Capital Stock of
HAMER CANAL COMPANY, LTD.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed
by its duly authorized officers and its Corporate Seal to be hereunto affixed
this Third day of July A.D. 1980

Neal W Savage

PRES.

Keith Drivers

SECY.

To: Competing Claims for Hamer Canal Rights
Fr: Bryce Contor
Date: 5/17/2000

A31-00062L

Re: Dan Murdock Visit

Dan Murdock visited me in the office today, and brought in the Keith Driver affidavit filed in A31-00062L. The affidavit states that Shirley and Ashcraft forfeited their shares through non-payment of assessments, and that Shirley's shares were sold to Dan and Steve Murdock.

I showed him the 1980 stipulation that appears to authorize Shirley and Ashcraft (among others) to transfer their water to other wells, and indicated that the stip. is the document that competes with his affidavit.

He again mentioned that he has stock certificates showing ownership of Hamer Canal shares, and I acknowledged that Skip Jones told me he has copies, though I haven't yet seen the copies myself. Dan indicated that they purchased the shares from the canal itself, so he doesn't know exactly whose shares they might have originally been.

We discussed my hope that the apparently abandoned or forfeited Yearsley shares, as documented by the Yearsley affidavit filed in A31-00062L, would allow us to assert an accomplished transfer to Murdock's lower POU. I explained that the potential obstacle would be the issue of "unstacking" from the Yearsley licenses. My approach would be to assert that the unstacking would have been allowed had it been done by formal transfer, because it took place prior to the moratorium. Further, the WR database of Yearsley's licenses does not appear to impose combined use limitations w/ the Hamer Canal rights. Therefore, if IDWR legal staff allow, I would plan to recommend the "L" splits as accomplished transfers of purchased Hamer Canal water.

I explained that the next-best option would be to assert a pre-1963 beneficial use claim, based on the licensing exam that showed additional Q capacity in the 1950's. Murdock felt the additional POU was developed probably in the 1970's. We also discussed the option of an enlargement claim, which would give them acres based on the 1987 NAPP but no additional Q. Finally, I mentioned that the pre-87 development would allow a permit application under the moratorium exemption, but would carry a 2,000 priority date.

We also talked briefly about Murdock's "K" claims, which are for the north POU on original Hamer Canal lands. Murdock says he purchased those lands from Lounsbury, but Lounsbury retained a few acres and a few shares east of the highway. Murdock asserts that Mike Hunter purchase that place and it is still irrigated by handlines from Murdock's pump. I told him that Hunter may wish to file a claim, if he doesn't the right will go away after the AJ is finished.

We attempted to contact Candice McHugh so he could hear my discussion with her re: the unstacking, but she was not available. See the attached e-mail.

Contor, Bryce

From: Contor, Bryce
Sent: Wednesday, May 17, 2000 5:39 PM
To: McHugh, Candice
Cc: Carlsen, Ernie; Music, Vicky
Subject: Hamer Canal Co.



Dan Murdock brought in an affidavit today from Keith Driver that says:

"May 10, 2000

To Whom It May Concern:

I do declare that Lynn Shirley forfeited his shares in the Hamer Canal Company because he did not pay his assessments. The Hamer Canal Company later sold these shares to Dan and Steve Murdock.

As for Grant Ashcroft, he refused to pay his assessments and so his shares in the Hamer Canal Company were forfeited.

Keith Driver

Former Secretary and Treasurer
Hamer Canal Company"

This, in and of itself, would point to disallowing Ashcraft's claim and Dallings (Dalling is Shirley's successor).

However, I reviewed again a 1980 stipulation and agreement signed by the Hamer Canal stockholders, authorizing certain individuals to "transfer their shares of water in this Company to wells other than those presently owned by Hamer Canal." Both Shirley and Ashcraft are listed as authorized to transfer out. This, in and of itself, would point to continuing investigation of Ashcraft's and Dalling's claims.

Another angle I'd like to consider is the shares formerly owned by Yearsley. Yearsley apparently abandoned his shares in favor of licensed individual wells, licensed under 31-07141 and 31-07287. On the database, neither WR

has combined use limitations or conditions relating back to the Hamer Canal rights. I've looked at the microfiche of 31-0728, and the paper license also fails to mention the Hamer Canal rights by number, though it does have a generic "other rights" limitation. 31-07141 microfiche is on order.

These licenses were examined in the early 1980's, from permits issued in the 1970's. At that time, had the canal water been removed from Yearsley's land by a formal transfer, the permits and licenses likely would have been issued exactly as they eventually were.

What I'd like to consider is recommending Dalling's and Ashcraft's claims on the strength of the 1980 stipulation authorizing their claimed accomplished transfers.

I'd also like to consider recommending Murdock's claimed accomplished transfer on the strength of:

- 1) Yearsley's affidavit acknowledging non-use and no claim to the Hamer Canal shares on the lands now irrigated w/ licenses. Yearsley also affirms that prior to his licenses, part of the lands (enough acres to justify Murdock's claim) were irrigated from the Hamer Canal. Documents show Yearsley at one time owned Hamer Canal shares, though his name isn't on the 1980 stipulation. A conversation memo indicates the 1980 stip. shows all of the then-current shareholders.

- 2) Yearsley's licenses would have been issued with or without the overlap with the Hamer Canal rights.

- 3) Yearsley's licenses do not explicitly identify the Hamer Canal rights in combined use remarks or conditions.

- 4) Murdock's development of POU and capacity occurred early enough to legitimately be an accomplished transfer of the additional Hamer Canal shares he clearly purchased.

May 10, 2000

To Whom It May Concern:

I do declare that Lynn Shirley forfeited his shares in the Hamer Canal Company because he did not pay his assessments. The Hamer Canal Company later sold these shares to Dan and Steve Murdock.

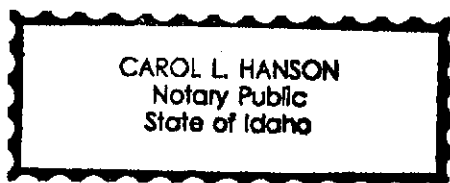
As for Grant Ashcroft, he refused to pay his assessments and so his shares in the Hamer Canal Company were forfeited.

Keith Driver

This is to verify that Keith Driver personally appeared before me, the undersigned, and affixed his signature to this document this 12th day of May, 2000.

Keith W. Driver
Former Secretary and Treasurer
Hamer Canal Company

Carol L. Hanson
Notary Public
For the State of Idaho
Residing in Jerome, Id. 83338



My Commission Expires On
June 4, 2006

Claim A31-000624, 63L
Doc Source supplied by
claimant
Date 5/17/00 Sig. B. Conton



Mr. Keith Driver
500 S 222 W # A
Jerome ID 83338-6024



Mr. Alan Murdock
Hamer, Idaho
83425



May 10, 2000

To whom it may Concern.

I do declare that Lynn Shirley forfeited his shares in the Harner Canal Co. because he did not pay his assessments. The Harner Canal Co. later sold these shares to Dan + Steve Murdock.

as for Grant Ashcraft, he refused to pay his assessments and so his shares in the Harner Canal Co. were forfeited

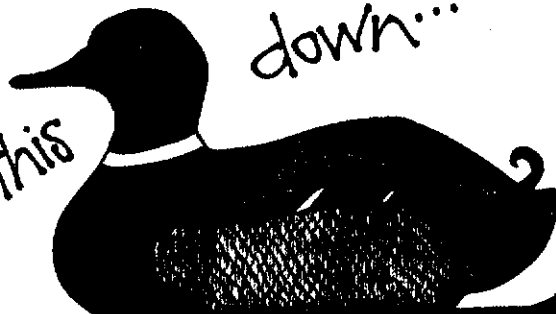
Former Secretary + Treasurer
of Harner Canal Co.
Keith W. Driver

Claim A31-00062L, 63L

Doc Source supplied by claimant

Date 5/12/00 Sig. B. Contor

write this



12/79

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

RECEIVED

MAR 10 1984

31-7287

Permit No.

CONTACT WITH PERMIT HOLDER

DATE

INITIALS

Department of Water Resources

REMARKS

☐ Appointment letter mailed:☐ Telephone call made:

(List Telephone No. used)

☐ Appointment scheduled for:

(Date, time, location)

EXAMINATION

Date 28 July 1983Accompanied by N/A

Total Q measured

1.03 cfs ✓

If source is surface water, estimate total flow of source

Methods of measurement McGinnis 78-8-629

Meets Permit requirements?

Measurement calculations:

 $0.01 \text{ af in } 7 \text{ min. } \times \frac{1440}{60} = (0.35 \text{ af/hr}) (0.41 \text{ hr-ft}) = 422.75 \text{ ft} = 1.03 \text{ cfs capacity}$ ✓ $V = 45 \text{ ac} \times 3.0 = 135 \text{ af}$ ✓ $Q \text{ at } 0.02 \text{ ft/ft} = 45 \text{ ac} (0.02 \text{ ft/ft}) = 0.9 \text{ cfs}$ ✓

Q LIMITED BY 0.02 ft/ft

WELL/DIVERSION NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEV.	REMARKS
	30	G.E.	MN1211301	Ventura	177-70915	McGinnis	Good	5/17/8-629

System Description well, pump, mainline to center pivot

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

IRRIGATION ✓

Irrigation requirement =

3.0 ✓

214 days

AFA/Acre

Q (cfs)

0.90 cfs ✓

V (afa)

135 afa ✓

FROM

4/1 ✓

TO

11/1 ✓

Remarks

R16 (3.0)

31-2206

Harris Canal Camp right

Total

0.90 cfs ✓

135 afa ✓

4/1

11/1

P/D overlap per VAX: none

P/D overlap: 31-2248

31-0062G

31-0063G

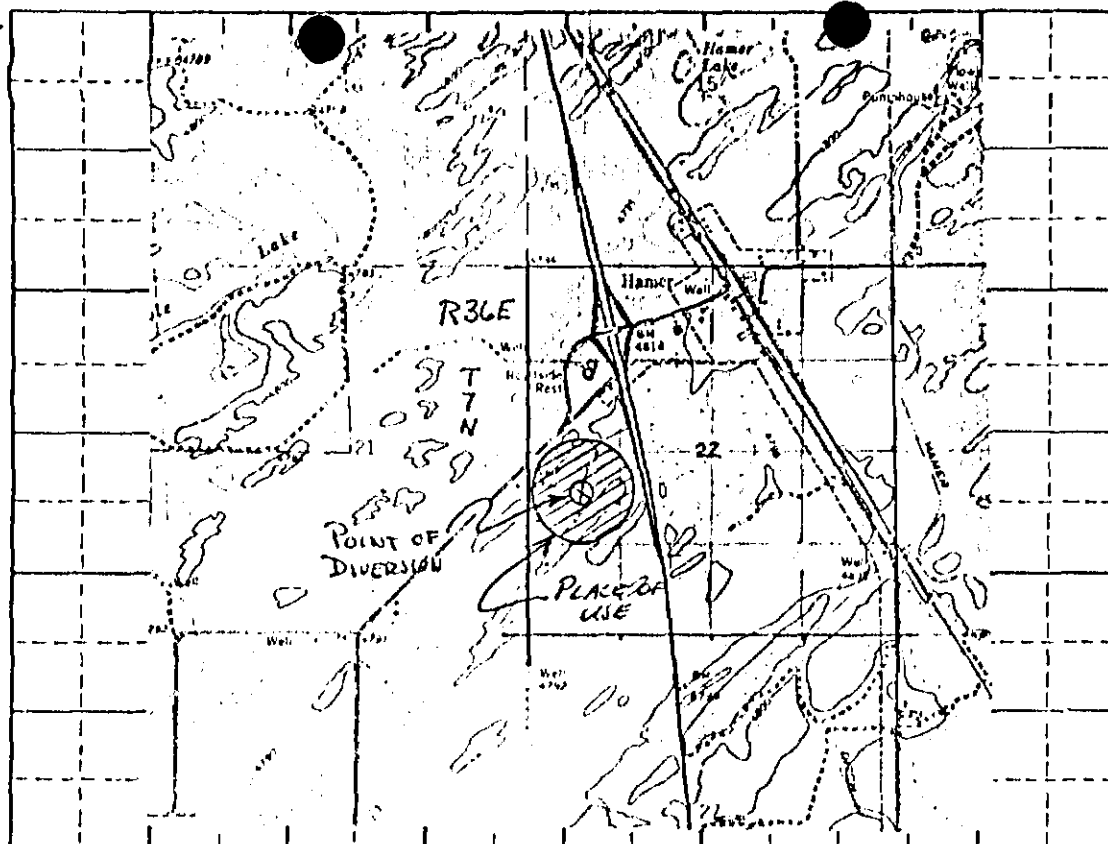
31-2206

31-4002

Recommend R29

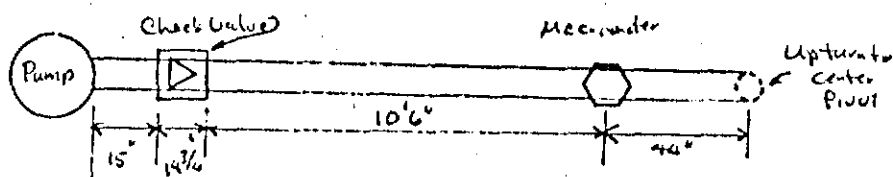
DO NOT MICROFILM

From WR License File Microfiche



SCHEMATIC DIAGRAM OF SYSTEM

(N) (Include distance from pump to measuring device, if applicable.)


Point(s) of diversion: NW 1/4 Sec 22 T7N R36E

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	
7N	36E	22							5		4	36							45

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

Examiner's Signature

Keith C. Wilson

Date 8 Mar 1984

Checked by

John Jones

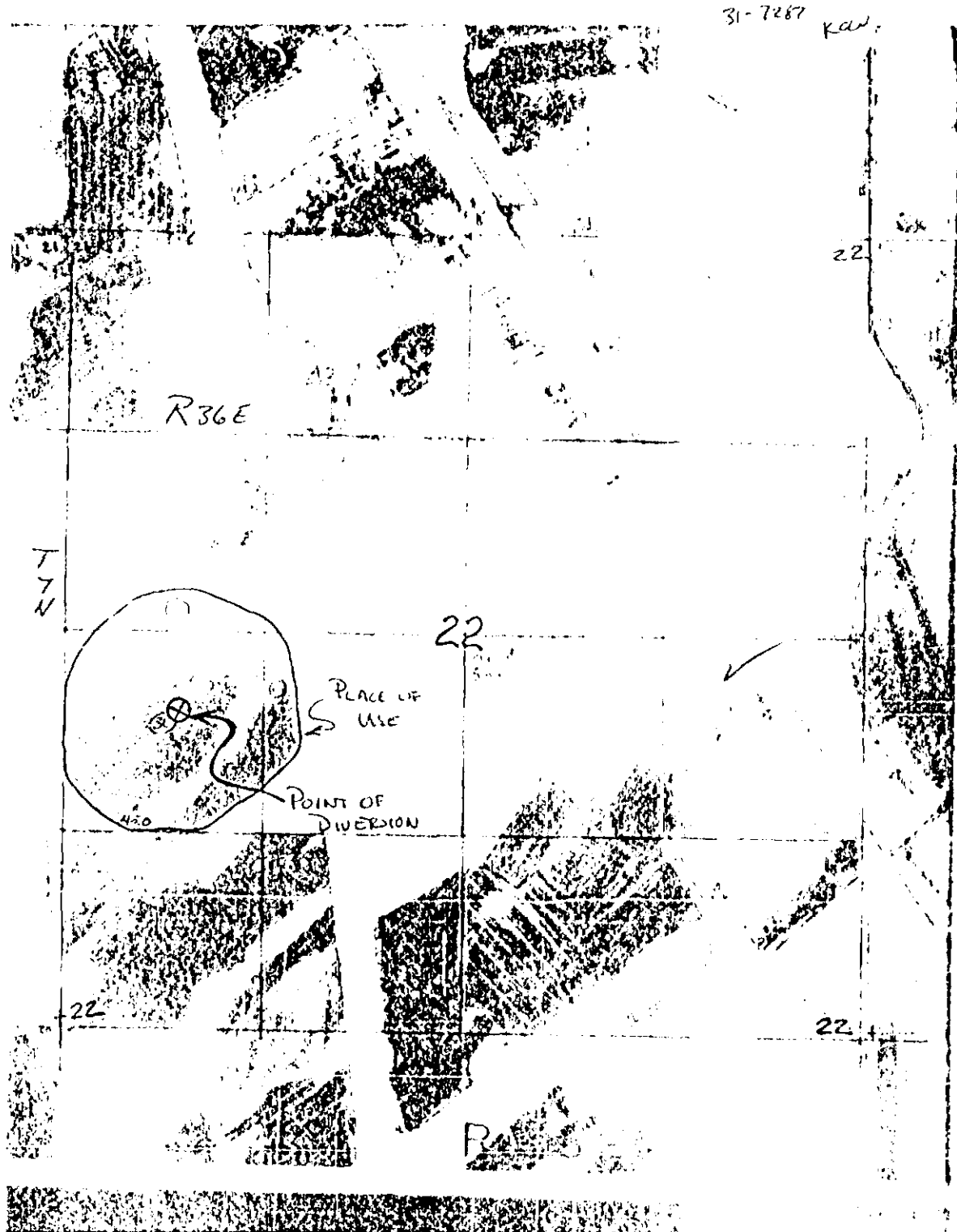
Date 3-14-84

Approved by

Kay Walker

Date 7/31/86

DO NOT MICROFILM
From WR License File Microfiche



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From WR License File Microfiche

WR5809NP
No. 31-07141A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/17/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WADE YEARSLEY P.O. BOX 508 HAMER ID 83425	11/01/1974	IRRIGATION	04/01 11/01	2.580 CFS	387.00 AFA
TOTAL DIVERSION:					2.580 CFS	387.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.580 CFS

Point(s) of Diversion: T07N R36E S28 NESE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07N	36E	28	:			12	14	:					:					:	39	38	12	14	:	129.0
																							TOTAL ACRES	129.0

Pou County: JEFFERSON

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for
- irrigation of the lands above.

Dates:	App. Received:	11/01/1974	Priority Date:	11/01/1974
	Proof Due Date:	12/01/1981	Proof Made Date:	10/26/1981
	Exam Made Date:	07/28/1983	Exam Sent to S.O.:	
	Licensed Date:	02/23/1987		

Misc: Water District Number: Field Exam Fee:

Audit: 09/21/87 05/22/88 CONVERT

WR5809NP
No. 31-07141B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/17/00
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WADE YEARSLEY P.O. BOX 508 HAMER ID 83425	11/01/1974	IRRIGATION	04/01 11/01	1.220 CFS	183.00 AFA
TOTAL DIVERSION:					1.220 CFS	183.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.910 CFS

Point(s) of Diversion: T07N R36E S27 S28 SWNW SENE JEFFERSON County JEFFERSON County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	Lt	Ac	: Lt	Ac	: Lt	Ac	SUM
07N	36E 27	:				:		38	:					:				38.0
07N	36E 28	:		23	:				:					:				23.0
TOTAL ACRES																	61.0	

Pou County: JEFFERSON

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for
- irrigation of the lands above.

Remarks: GEN 1 point of diversion on centerline of SWNW, S27, SENE, S28,
T7N, R36E.

Dates: App. Received: 11/01/1974 Priority Date: 11/01/1974
Proof Due Date: 12/01/1981 Proof Made Date: 10/26/1981
Exam Made Date: 07/28/1983 Exam Sent to S.O.:
Licensed Date: 02/23/1987

Misc: Water District Number: Field Exam Fee:

Audit: 09/21/87 05/22/88 CONVERT

WR5809NP
No. 31-07141C

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/17/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WADE YEARSLEY P.O. BOX 508 HAMER ID 83425	11/01/1974	IRRIGATION	04/01 11/01	0.380 CFS	69.00 AFA
TOTAL DIVERSION:					0.380 CFS	69.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.380 CFS

Point(s) of Diversion: T07N R36E S28 SWSE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	36E	28	:																	:	
																			23	:	23.0
																			TOTAL ACRES	:	23.0

Pou County: JEFFERSON

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for
- irrigation of the lands above.

Dates:	App. Received:	11/01/1974	Priority Date:	11/01/1974
	Proof Due Date:	12/01/1981	Proof Made Date:	10/26/1981
	Exam Made Date:	07/28/1983	Exam Sent to S.O.:	
	Licensed Date:	02/23/1987		

Misc: Water District Number: Field Exam Fee:

Audit: 09/21/87 05/22/88 CONVERT 02/14/89 CURTIS

WR5809NP
No. 31-07287

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/17/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WADE YEARSLEY P.O. BOX 508 HAMER ID 83425	01/23/1978	IRRIGATION	04/01 11/01	0.900 CFS	135.00 AFA
TOTAL DIVERSION:					0.900 CFS	135.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.030 CFS

Point(s) of Diversion: T07N R36E S22 NWSW

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	36E	22	:								05				04	36				:	45.0
																				TOTAL ACRES	45.0

Pou County: JEFFERSON

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.0 afa per acre for
- irrigation of the lands above.

Dates:	App. Received:	Priority Date:	01/23/1978
	Proof Due Date: 04/01/1983	Proof Made Date:	02/22/1983
	Exam Made Date: 07/28/1983	Exam Sent to S.O.:	
	Licensed Date: 09/18/1986		

Misc: Water District Number: Field Exam Fee:

Audit: 10/22/86 05/22/88 CONVERT

Contor, Bryce

To: McHugh, Candice

Subject: RE: Hamer Canal

He's already produced the stock certificates, which is a possibility we had talked about. Because of the possibility that owner's construed the certificates to represent only a share of the physical assets and not the water rights, I haven't yet taken the stock certificates as final evidence.

Part of the additional documentation would be an affidavit from the former company president Keith Driver that Dalling's predecessor Shirley gave up his certificates in lieu of past-due assessments, and that it was clearly understood this represented both the physical assets and the water rights. Murdock represents that Driver told him this on the phone and is willing to submit it in writing.

The other additional documentation would be a narrative from Driver describing Ashcraft's history with the canal. It is clear that Ashcraft's brother at one time had canal shares on the claimed POU, then developed licensed rights on the same ground. Whether he sold or forfeited his canal shares, or whether he made an accomplished transfer into the licensed wells, is the question that Driver's narrative may help answer.

It is clear that other users developed licensed rights on Hamer Canal lands and either sold or forfeited their Hamer Canal rights, so the possibility that Ashcraft did the same is not out of the question.

Depending on what Driver's affidavits say, I may be reluctant to recommend Ashcraft's claim unless he can produce stock certificates.

If I disallow Ashcraft's, he will still have the licensed rights on the same POU. If I disallow Dalling's, we can probably pick up the acres as an enlargement. I don't think the well is old enough to pick up the cfs as a beneficial use claim, however.

The other additional information that has come forth is that the denied transfer was not for the claimed POU but for an adjoining parcel. If Dalling has no legitimate claim to the Hamer Canal shares, then those acres may be

available for a legitimate accomplished transfer to Murdock's claimed POU. The '87 NAPP shows the irrigation commenced early enough to be eligible for an accomplished transfer, and the WMD and licensing exam information both indicate the system has the capacity to deliver the additional Q for an accomplished transfer.

-----Original Message-----

From: McHugh, Candice
Sent: Tuesday, May 09, 2000 1:29 PM
To: Contor, Bryce
Subject: RE: Hamer Canal

Great. By documentation do you mean stock/share certificates? Just wanted to make sure I was on the same page.

Candice

-----Original Message-----

From: Contor, Bryce
Sent: Tuesday, May 09, 2000 1:27 PM
To: McHugh, Candice
Cc: Music, Vicky
Subject: Hamer Canal

This is the situation where there are four competing claims for the remnant of Hamer Canal. I had tentatively planned to recommend Ashcraft's, Dalling's, and one of Murdock's, if the promised documentation came in from Ashcraft & Dalling.

The third claimant, Murdock, called me today.

If he can produce the documentation he says he can, it will change the analysis considerably. It may result in disallowal of Dalling's and Ashcraft's claims, and recommendation of both of Murdock's.

I'll contact you when (if) the documentation comes in.

To: Competing AJ splits of WR 31-00062Q and 31-00063Q
Fr: Bryce A. Contor
Date: 5/9/2000 *Bryce*
Re: Phone conversation w/ Dan Murdock

Today I talked to Dan Murdock regarding his claims based on the original Hamer Canal rights.

1. In his opinion the stock certificates represented both ownership of water rights and ownership of physical assets.
2. Dan acknowledged that Murdock paid Rene Shurtliff \$5,000 for Rene's share of the well and ditch, but that no stock certificates were exchanged. He agreed with Dalling that as individuals pulled out of the canal, the remaining parties purchased their share of the wells and pumps, but this is a different situation than the sale of "shares" which represented a portion of the water rights. (Note that documentation in the file indicates that a share was viewed as the right to 5 miners inches of water.)
3. Dan asserts that Ashcrafts couldn't have surface irrigated more than 60 to 80 acres from the Hamer Canal due to the rolling terrain. I acknowledged that my inspection indicated the same thing.
4. Dan also stated that Ashcrafts did not use the Hamer Canal water for many years, but relied on their licensed wells. In this respect they were like Yearsleys, who simply abandoned their Hamer Canal water and relied on licenses.

In fact, according to Dan it was Ashcrafts who plowed in the canal from the upper wells. This would have made it impossible for Ashcrafts to have utilized water from the Hamer Canal. Note, however, that Ashcraft is one of the signers of the shareholder agreement allowing some of the parties to withdraw their shares.

5. Dan reported a phone call with Keith Driver, past president of Hamer Canal. Driver reportedly says that Shirley lost his shares through non-payment of assessments. Driver was insistent that the shares taken back from Shirley by the company represented both water and physical assets. Driver asserts that the shares were then sold to Dan Murdock and his father. Dan Murdock is going to drive to Jerome tomorrow to obtain a written affidavit to this effect from Driver.

Note that Dalling acknowledged that Shirley said he "gave something" back to the canal company. Dalling's position is that in Shirley's mind it only represented ownership of the physical assets. Dalling has been invited to produce affidavits.

6. Dan also stated that the Shirley lands went unfarmed for a number of years.

7. According to Dan, the Sanders, Shurtliff, and McGarry formal transfers constituted enlargements in that the new sprinkler systems irrigated lands that had not been historically irrigated from the Hamer Canal. Particularly, the new Sanders pivot north east of Hamer constitutes an enlargement because there weren't enough acres dried up on the pivot west of the freeway to account for the acres in the new pivot.

I told Dan that this may be so, that the department's investigation may have been incomplete and that people who were aware of this may not have filed objections. However, since the formal administrative procedure has been followed, everyone has had due process, and I can't change those transfers in the recommendation process.

My recollection of the Sanders, Shurtliff, and McGarry places of use confirms that there are areas that couldn't have been flood irrigated. I haven't reviewed the transfers to see what was represented as original places of use. It does seem that the Sanders pivot west of the freeway irrigates almost the entire parcel, it is hard to see how 40 acres worth of dry corners exist on that spot.

8. Note that per Skip Jones, the denied transfer referenced in the claims file is not for the lands claimed, but for lands further west. The lands claimed were under irrigation in 1987 according to the GIS, so an accomplished transfer is not out of the question.
9. If the Driver affidavit comes and says what Murdock represents it will, Dalling's claim will likely have to be disallowed and Murdock's allowed as an accomplished transfer.
10. Driver's affidavit may cast new light upon the Ashcraft claim. If indeed Ashcrafts abandoned their Hamer Canal shares (or sold them), then an accomplished transfer of POD to the licensed wells will be inappropriate. Dan said he would ask Driver to put in the affidavit what he remembers of Ashcraft's situation.

To: Competing Splits of A31-00062Q and A31-00063Q
Fr: Bryce Contor
Date: 5/2/00

Re: B31 Action Meeting.

Today we discussed this situation w/ the Boise legal team, Dave Tuthill, and Carter Fritschle. I presented the following:

1. Ashcraft, Dalling, and Murdock's northern claim all appear to be parts of original POU of Hamer Canal.
2. Apparent chain of title (documentation not yet provided) points back to one of the shareholders who signed the agreement circa 1982, found in the files, for these three claims. Ashcraft and Dalling plan to provide written documentation.
3. Murdock may or may not be able to produce stock certificates. Murdock also has affidavit on file circa 1982 that he purchased all the remaining Hamer Canal rights. This is weakened by:
 - Affidavit does not identify or quantify what was conveyed.
 - Rene Shurtliff formal transfer post-dates affidavit.
 - Brent Dalling asserts (and plans to provide documentation) that water users perceived their stock certificates indicated ownership of physical assets (canal, pumps, equipment) and not water rights; that when individual users transferred water rights to private wells, they conveyed their stock to others. Dalling asserts that the last transfer, Rene Shurtliff, involved Murdock paying Shurtliff \$5,000 for Shurtliff's share in the well, pump, and motor that remained on Murdock's land.
4. Murdock's fourth claim relies on an accomplished transfer that parallels a transfer denied by IDWR on the grounds that no original Hamer Canal POU would be dried up. Memo in file indicates Murdock acknowledged this in a conversation.

Guidance I received:

1. Continue w/ review of three claims I consider legitimate and recommend as appropriate.
2. Invite Murdock to file enlargement claim and moratorium exemption permit application for additional acres and Q for south POU.

PERMIT NO. 3-7227

(Name)

Accompanied by: JJA

EXAMINATION: DATE: --

Motor Make	HP	Motor Serial No.	Pump Make	Pump Serial No.
GM	1/2	100		100

Measuring Device Type: 7

Meter #766-47 Annubar#

Size #

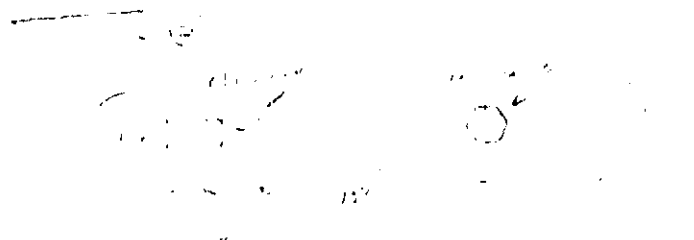
Remarks:

Measurement calculations: 4.12 m

0.11 / 1.1 = 0.1 B

SCHEMATIC DIAGRAM OF SYSTEM

Mainline Diameter Length



DO NOT MICROFILM
From WR License File Microfiche

TO: The file

FROM: Tony Kozlowski

ARK

RE: Telephone Conversation with Applicant

DATE: April 10, 1978

On April 7, 1978, I talked with Wade L. Yearsley by telephone. He informed me that the Hamer Canal Company may have filed for a water right on 50 acres of land in the SW $\frac{1}{4}$, Sec. 22, T. 7N, R. 36E, but that these lands have never been irrigated with Hamer Canal Company water and are still in sagebrush.

As Hamer Canal Company has not yet finalized their water right by failing to pay the old licensing fee, I recommend that Mr. Yearsley be allowed to file for one miner's inch per acre on the lands described on his application.

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JOHN V. EVANS

C. STEPHEN ALLARD

April 25, 1978

Re: Permit

Wade Yearsley
Box 508
Hamer, ID 83401

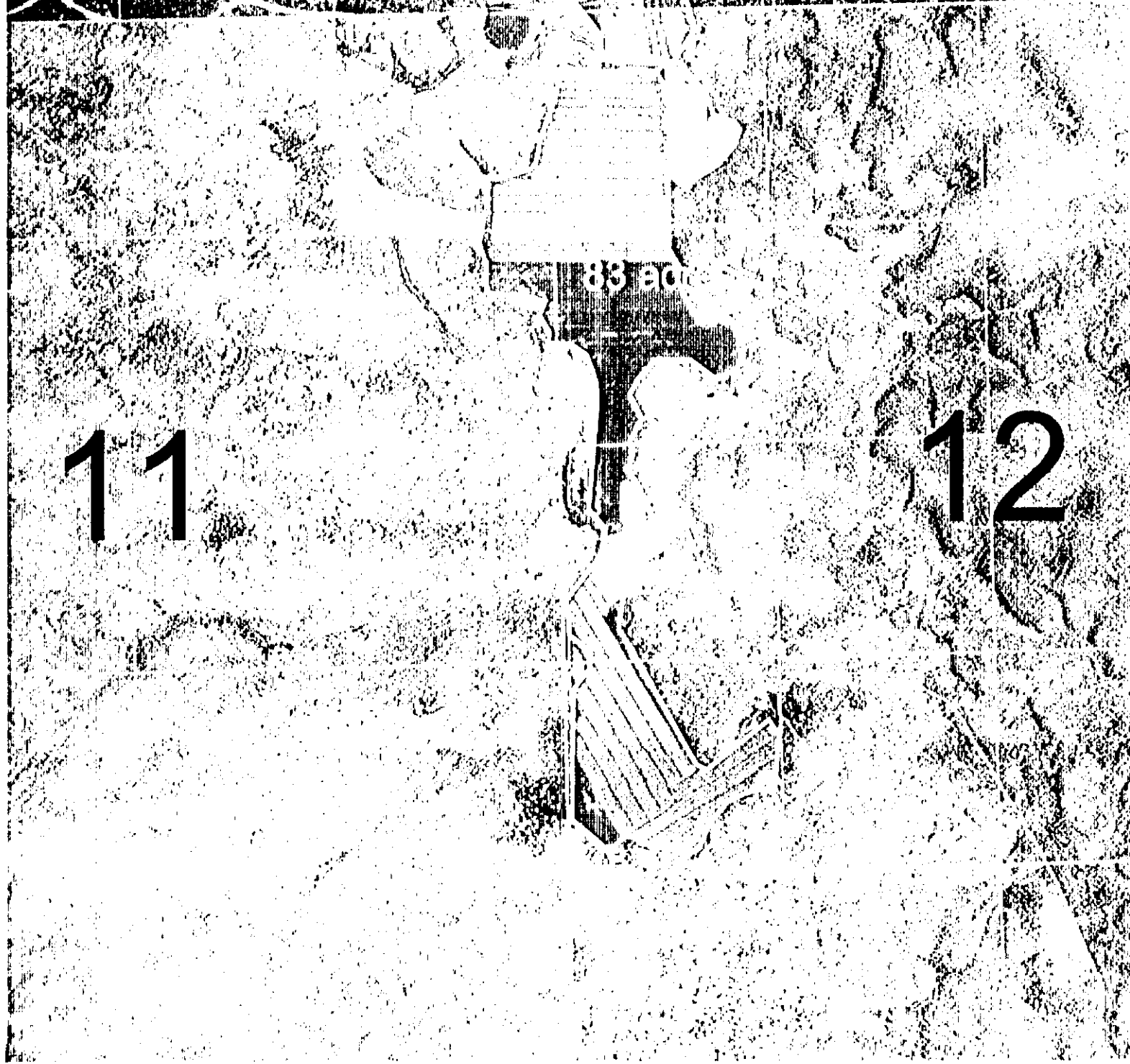
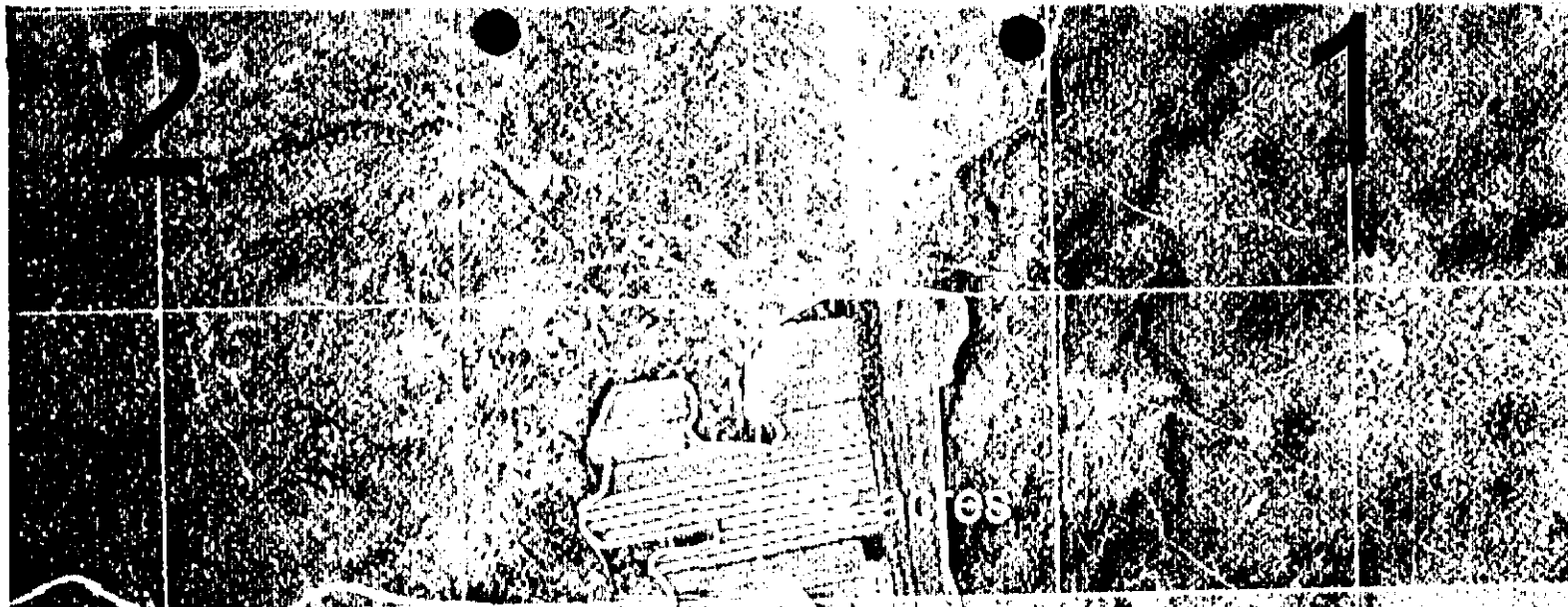
Dear Mr. Year

Your approved
direct your a

Please note the
measuring dev
Enclosed is a
by this Depart

The exercise
of water right
Civil No. 6220

Idaho Power Co.
the Idaho Publ
Court of Ada
Snake River an
of the Snake
and Hells Can

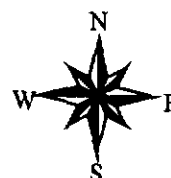
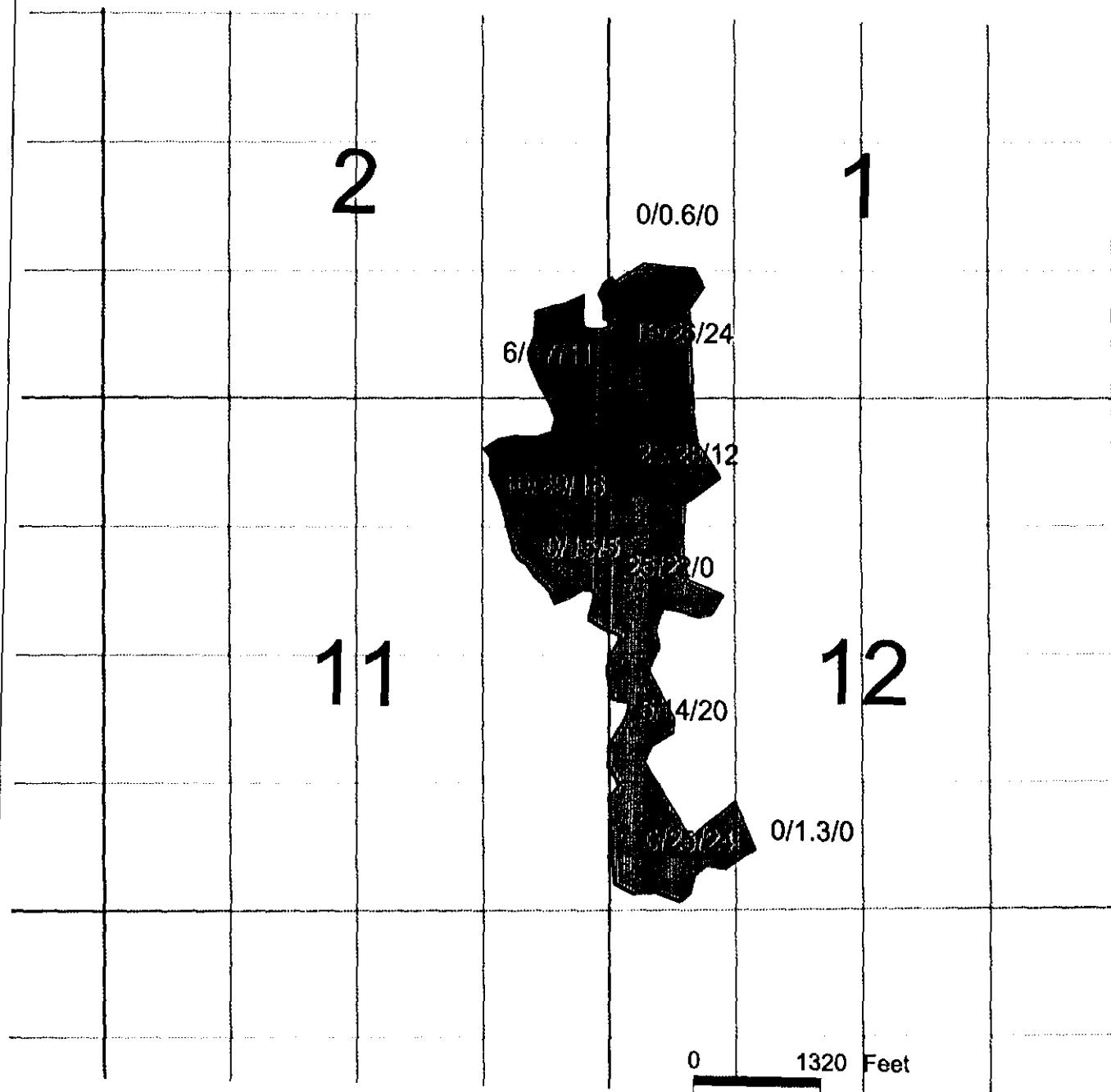


IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062L, 63L, 2337

Acres Per Quarter-quarter

Format: License 2337/GIS/Claim



Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 3/2000

2

1

11

12

State of Idaho License and Certificate of Water Right

Water License No. G-25285

Amount 1.68 c.f.s.

Water District No.

Priority November 23, 1954

THIS IS TO CERTIFY that

AARON MILTON THOMPSON, JR.,

of Dubois, Idaho

made application for a permit to appropriate the

public waters of the State of Idaho, dated November 23, 1954; that Permit No. G-25285 was issued under said application; that Certificate of Completion of works, with a carrying capacity of

1.68 second feet, was issued thereunder on October 16, 1963, showing that said works were completed on the 4th day of May, 1963; and that on the 4th day of May, 1963,

AARON MILTON THOMPSON, JR.

of Dubois,

State of Idaho

made proof to the satisfaction of the

State Reclamation Engineer

of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow for the purpose of irrigation

, under Use Permit No. G-25285 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7754, on the 16 day of October, 1963;

The right hereby confirmed dates from November 23, 1954;

The Point of Diversion is located

In the NE 1/4, Sec. 11, Tp. 6N, R. 36 E., B. M. County Jefferson

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes and shall not exceed 1.68 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6N.	36 E.	1	SW 1/4	40	13
		2	SE 1/4	40	6
		11	NE 1/4	40	10
		12	NW 1/4	40	25
			SW 1/4	40	25
			NE 1/4	40	5
Total number of acres to be irrigated:					84

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

16th day of October, 1963.

PAUL W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

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From WR License File Microfiche

March 11, 1991

Mr. Dave Murdock
1552 S. Woodruff
Idaho Falls, ID 83402

Dear Mr. Murdock:

RE: Application for Transfer No. 2890 of
Water Right Nos. 31-0062G and 31-0063G

Enclosed is a copy of an Order denying the Application for Transfer of Water Right Nos. 31-0062G and 31-0063G along with a copy of the application.

Please be advised that if you do not agree with the decision of the department, you may, within 15 days of receipt of the order, request a hearing before the director. Failure to timely petition the director may prevent you from further contesting the cancellation of your application.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

LGS:rf

Enclosure

c: Lloyd Ferguson - BLM - Idaho Falls
Delmar Vail - BLM - Boise

MICROFILMED

MAR 17 1991

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From WR License File Microfiche

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF CAREY ACT APPLICATION)
31-CA-06 IN THE NAME OF DAVE MURDOCK) ORDER
AND ASSOCIATES PROJECT AND WATER RIGHT)
APPLICATION 31-7217 IN THE NAME OF DAVE)
MURDOCK)

This matter having come before the Department of Water Resources (Department), the Department makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. In 1973 the Department of Water Resources (Department) announced it would be accepting applications under the Carey Act for the remaining 2,400,000 acres granted the State of Idaho by Congress.

2. In February 1976, the Department published new rules and regulations pertaining to the reclamation of lands under the provisions of the Carey Act.

3. On October 21, 1976, the Federal Land Policy and Management Act (FLPMA) was approved.

4. On December 14, 1976, Mr. David Murdock (applicant) filed Carey Act Application 31-CA-06 and Water Right Application 31-7217 with the Department which affected 640 acres in Jefferson County.

5. On March 3, 1977, the applicant was notified by letter of the passage of FLPMA and the repeal of the Carey Act's

Temporary Withdrawal (TW) capability. He was informed that his application would be held pending Bureau of Land Management (BLM) development of new federal regulations pertaining to the Carey Act.

6. On April 16, 1980, the United States Supreme Court decided the case of Andrus v. Idaho, 445 U.S. 715 (1980) holding that "Congress did not intend to reserve any specific number of acres of desert land for any State under the Carey Act, and that the Act does not prevent the Secretary from committing otherwise available parts of the public domain for any of the uses authorized under the various statutes relating to the use and management of the public lands."

7. On June 20, 1980, new BLM regulations pertaining to the Carey Act became effective.

8. On July 1, 1980, the BLM and the Department negotiated a cooperative agreement on agricultural development under the Carey Act. The agreement recognized responsibilities and set priorities for each agency.

9. On January 27, 1982, the BLM and the Department approved the issue papers which set out factors for determining land suitability and economic criteria for evaluating Carey Act projects.

10. On July 28, 1982, the BLM formed an ad hoc committee to evaluate project 31-CA-06.

11. On September 13, 1982, the ad hoc committee determined that the lands designated in Mr. Murdock's application were:

- (1) best suited for range;
- (2) not suitable for agriculture;

(3) needed for livestock; and

(4) subject to a forthcoming land use plan.

11. On October 25, 1982, the applicant reduced his application to 320 acres and subsequently indicated he would do a soil survey.

12. In November 1982, the Idaho Supreme Court decided that Idaho Power Company's Snake River water rights may not be subordinated to upstream use as had previously been assumed.

13. On December 28, 1982, the applicant requested information on what was required before the Department would submit the Carey Act application to BLM. The Department stated that he must address the concerns of the ad hoc committee.

14. On January 5, 1983, the Soil Conservation Service submitted a preliminary economic analysis and soils map for the land designated in Carey Act Application 31-CA-06.

15. On January 12, 1983, a University of Idaho Agricultural Extension Agent indicated or acknowledged that more land might be suitable for farming than previously indicated by the ad hoc committee.

16. On January 20, 1983, the Department sent to the applicant the criteria (issue papers) used for analyzing feasibility of Desert Land Act and Carey Act applications and conveyed its concern that the Supreme Court's decision would affect the availability of water rights.

17. On November 29, 1984, Mr. Murdock filed an application to transfer a portion of water right Nos. 31-0062 and 31-0063 to the lands designated in Carey Act Application 31-CA-06. These

MAR 17 1984

rights were originally decreed to Hamer Canal Co.

18. On March 8, 1985, after repeated requests from the applicant, the Department sent an Application and Petition for a Determination of Suitability and Availability to BLM.

19. On February 6, 1987, BLM notified the Department that they were planning to process the Carey Act application filed by Mr. Murdock and that a preliminary review showed the application not to be in conformance with the current land use plan.

20. In March 1987, a preliminary economic feasibility analysis was completed by BLM in connection with the Carey Act application which showed that farming of the lands would not be economical.

21. On July 7, 1987, BLM notified the Department that of the lands applied for by Mr. Murdock, only 40 acres were identified as potentially suitable for transfer, the lands could not be economically farmed and the Medicine Lodge RMP completed in November 1985 identified the lands for retention in public ownership.

22. On July 29, 1987, the applicant was notified that an economic feasibility analysis of his Carey Act proposal showed that it would be rejected as uneconomical. The applicant was advised that unless the economic analysis could be shown to be in error, the Department would withdraw the Carey Act application from BLM.

23. On August 13, 1987, the applicant requested an exemption on relinquishing the Carey Act application.

24. On October 20, 1987, the Department sent a letter to

RECEIVED

MAR 17 1991

the applicant requesting he relinquish the Carey Act application or show by November 2, 1987 that the economic analysis was in error.

25. Mr. Murdock did not make a showing by November 2, 1987 that the economic analysis was in error.

26. On April 12, 1988, the Department sent a letter and an Order to Show Cause to Mr. Murdock to show why Carey Act Application 31-CA-06 should not be cancelled.

27. Mr. Murdock did not respond to the Order to Show Cause.

28. The proposed project under Carey Act Application 31-CA-06 in the name of Dave Murdock and Associates is not economically feasible.

CONCLUSIONS OF LAW

1. Idaho Code § 42-2006 (1977) requires the Department of Water Resources to determine whether or not proposed Carey Act works are feasible and whether the proposed diversion of the public waters of the state will prove beneficial to the public interest.

2. Idaho Code § 42-2007 (1977) prohibits the Department of Water Resources from approving any request under the provisions of the Carey Act on which the Department has made an adverse determination, either as to the water supply, the feasibility of the construction, the cost or capacity of the works or as to the character of the lands sought to be irrigated.

3. The feasibility and cost of constructing the project under Carey Act Application 31-CA-06 has been determined to be

RECEIVED

MAR 17 1991

CERTIFICATE OF SERVICE

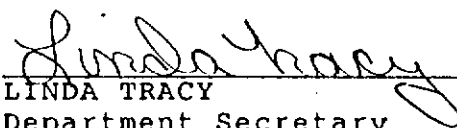
I hereby certify that I served a true and correct copy of the following described document on the persons listed below by mailing in the United States mail, certified, with the correct postage affixed thereto on this 10th day of August, 1988.

Document Served: ORDER

Persons Served: Mr. Dave Murdock
249 N. 8TH West
St. Anthony, ID 83445

Lloyd H. Ferguson
U.S. Department of the Interior
Bureau of Land Management
940 Lincoln Road
Idaho Falls, Idaho 83401

Delmar Vail
Bureau of Land Management
3380 Americana Terrace
Boise, Idaho 83706


LINDA TRACY
Department Secretary

DO NOT MICROFILM
From WR License File Microfiche

MAILED

AUG 11 1988

ER-DEPARTMENT MEMO — 1

FROM H.W. Jones - Eastern

DATE 2-20-91

TO Glen Saxton - Bowe

SUBJECT Mandeck Transf. Applic. # 2890

I recommend that State Office now issue & order rejecting
the above applic. for transfer as per memo of 12-6-1990.

RECEIVED
MAR 17 1991

H.W. Jones

SIGNATURE

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From WR License File Microfiche

December 31, 1990

Dave Murdock
249 N 8th West
St. Anthony ID 83445

RE: Notice of Pending Order to Reject Transfer #2890 on
Rights 31-0062 & 31-0063

Mr. Murdock:

On July 28, 1983 you submitted the above-referenced application to the Department proposing the diversion of 2.24 cfs of ground water from Sec 11 T6N R36E for the irrigation of 112 acres in Sections 1,2,11 & 12 of T6N R36E in Jefferson County.

A memo to this file dated November 29, 1984 indicates your intention to amend this application to a pending Carey Act project.

On August 9, 1988 the Department of Water Resources issued an order cancelling Carey Act application 31-CA-06 in the name of Dave Murdock and Associates.

Section 42-203A, Idaho Code, states in part: "In all applications whether protested or not protested, where the proposed use is such....where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, the Director of the Department of Water Resources may reject such application."

You may at this time sign and send back the Withdrawal form enclosed or respond to this office within thirty (30) days why Application for Transfer #2890 should not be rejected on grounds of speculative purposes.

Sincerely,

Harold W. Jones
Water Resource Supervisor

MICROFILMED

MAR 17 1991

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DEC - 7 1990

Department of Water Resources
Eastern District Office

MEMORANDUM

To: Skip Jones
From: L. Glen Saxton *LS*
RE: APPS FOR TRANSFER 31-0062/31-0063G - DAVE MURDOCK
Date: December 6, 1990

The above referenced matter is one (1) of the ten (10) matters I jotted down to follow up on as a result of our meeting on December 4, 1990 in your office.

Enclosed is a copy of an order issued in August of 1988 which cancelled Carey Act Application No. 31-CA-06. Note that Finding of Fact No. 17 refers to the application for transfer.

I think the appropriate action at this point to clear the pending application for transfer from our files is for the region to send a "Notice of Pending Order to Reject the Application for Transfer". The reason for rejecting the application for transfer is that the Carey Act application for which the application for transfer was filed has been cancelled making the application for transfer speculative in nature.

If appropriate, depending on the response to the "Notice of Pending Order", the State Office will prepare and issue an order rejecting the application for transfer upon receipt of the original files from the region.

Attachments: Several

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MICROFILMED

MAR 14 1991



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 334-7900

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 9, 1988

CERTIFIED MAIL

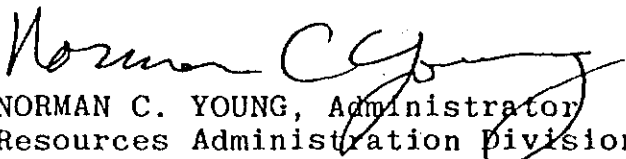
Dave Murdock
249 North 8th West
St. Anthony, ID 83445

RE: 31-CA-06

Dear Mr. Murdock:

The enclosed Order cancels Carey Act Application 31-CA-06. You are advised that you have the right to an appeal as described in Section 42-1701A, Idaho Code.

Sincerely,


NORMAN C. YOUNG, Administrator
Resources Administration Division

NCY:ldt

Enclosure

Copies of this Order to E. R. C.

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AUG 17 1988

MEMORANDUM
June 25, 1983

TO: John Carlson
Idaho Dept. of Water Resources
450 S. State Street
Boise, Idaho 83702

FROM: Dave Murdoch
1354 Three Mountains
Idaho Falls, Idaho 83401

RE: Water Rights in Hamer Canal
Carey Act Application

WE, THE PRESIDENT AND PAST PRESIDENTS OF THE HAMER CANAL
COMPANY, DO CERTIFY THAT THE EXISTING WATER RIGHTS IN
THE UPPER HAMER CANAL COMPANY, NOW BELONG TO DAVE MURDOCK
AND LOREN MCGARY.

Loren McGary: *Loren McGary*

Keith Driver: *Keith Driver*

Neil Savage: *Neil Savage*

Notary Public
Date:

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IN THE MATTER OF:)

AFFIDAVIT

State of Idaho
County of _____

being first duly sworn,

deposes and says: We attest, as past officials of the Harer Canal Co.
that Dave Murdock has purchased water rights in excess of the amount he
is still using from the canal. We further attest that Dave Murdock is
the owner of those canal shares previously delivered to irrigate 212 acres
of land located within the N1SW1, Section 22; S1NE1, N1SE1, SW1SE1, Section
28 all in Township 7N, Range 36E, R.M., Jefferson County.

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Signature

Subscribed and sworn to before me this 14th day of Aug, 1984

Notary Public

Residing at Bozelle
My Commission Expires on file

AFFIDAVIT

being first duly sworn,
deposes and says: I/We certify that I/We were the owners of 212 acres
in the N1/4, Section 22 and the S1/4, N1/4, SW1/4, Section 28 all in
Township 7N, Range 36E R.M., Jefferson County and have personal knowledge
that in and before 1978, water delivered from the Hamer Canal Co. was
used to irrigate these lands. Today I/We claim no interest in these water
rights and have no objection to Dave Mudrock's proposal to transfer some
to different ground.

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Subscribed and sworn to before me this 10 day of

Residing at: Hamlet
My Commission Expires: June 1985

21

31-11312
7287

22

31-11312
31-07287

31-11313
31-7102
31-7141A

28

31-11313
31-07141A

27

Date 3/15/00 Sig. B. Conlon
*****FN*36*E*****
Claim 31-00062/63 Splds
Doc Source 6-15 '87 NAPP
Poll Query ATR 4

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the matter of Application)
for Transfer No. 2890 of)
Rights 31-0062G and 31-0063G)
in the Name of Dave Murdock)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending water right applications in its files, the department finds, concludes and orders as follows:

FINDINGS OF FACT

1. On July 28, 1983, Dave Murdock, (applicant) filed Application for Transfer No. 2890 (application) with the department in connection with decreed water rights 31-0062G and 31-0063G. The application for transfer was intended to provide water for proposed Carey Act project no. 31-CA-06 in the name of Murdock & Associates.
2. On August 9, 1988, the department issued an order cancelling Carey Act application no. 31-CA-06, since the feasibility analysis showed that the proposed project was not economical.
3. On December 31, 1990, the department corresponded with the applicant by sending a Notice of Pending Order to Reject the application for speculative purposes. The applicant did not respond to the notice.
4. Section 42-222, Idaho Code, provides authority for the the Director of the department to deny an application for transfer.

CONCLUSIONS OF LAW

1. The application is speculative in nature since the related Carey Act project proposal has been cancelled.
2. Application for Transfer No. 2890 should be denied.

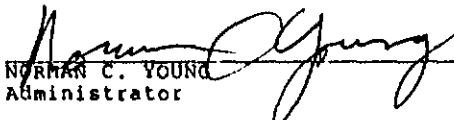
ORDER -- 1

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From WR License File Microfiche

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 2890 of water right Nos. 31-0062G and 31-0063G is DENIED pursuant to provisions of Section 42-222, Idaho Code.

Dated this 8TH day of MARCH, 1991.


NORMAN C. YOUNG
Administrator

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 15TH day of March, 1991, a true and correct copy of this Order was mailed, postage prepaid to:

Dave Murdock
1552 S Woodruff
Idaho Falls ID 83402

Lloyd H. Ferguson
U.S. Dept. of the Interior
Bureau of Land Management
940 Lincoln Rd.
Idaho Falls, ID 83401

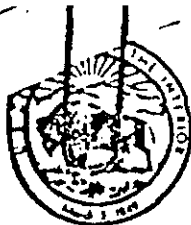
Delmar Vail
Bureau of Land Management
3380 Americana Terrace
Boise, ID 83706


RITA I. FLECK
Secretary/Records Manager

ORDER -- 2

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United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Idaho Falls District
940. Lincoln Road
Idaho Falls, Idaho 83401

SEP 13 1982

Dave Murdock
875 Linden Place
Idaho Falls, Idaho 83401

Dear Mr. Murdock:

In regard to your Carey Act Application (31-CA-06) submitted to the Idaho Department of Water Resources (IDWR) we have evaluated your proposal and are notifying IDWR of our position.

Because of the interest generated by your application we formed an ad hoc committee of agricultural specialists to help us in our evaluation. We requested the committee to make a recommendation to us on the feasibility of your proposal.

On September 2, 1982, the committee, with BLM people including myself, toured the site that you have proposed for development under the Carey Act. The group took a close look at the ground. We also discussed the criteria for processing Carey Act Applications. As a result of this evaluation, the committee made the following recommendation: The area not be made available for Carey Act segregation nor be classified as suitable for disposal under the Carey Act.

The reasons for this recommendation are:

1. There is not enough farmable land within the proposal to make it economically feasible. Thus, the highest and best use for the area is rangeland.
2. The soil survey for the area describes the land as not physically suitable for agriculture. The topography and rock outcrops prohibits the land from being classified for cultivation.
3. ~~Public interest would not be served by making the land available for agricultural development.~~
4. ~~The area is needed for livestock grazing including trailing and as a staging area before and after crossing the interstate highway by underpass or interchange.~~
5. Any disposals in this area should be subject to the forthcoming land use plan.

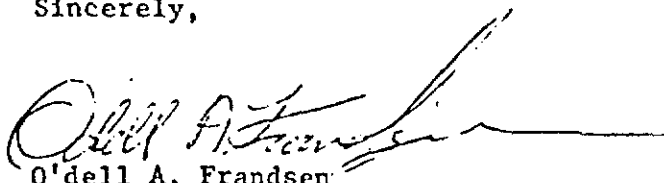
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We concur with the recommendation made by the ad hoc committee. We have written the Idaho Department of Water Resources (IDWR) and informed them of our position. We advised them that if your Carey Act application was submitted to this office for segregation it would not be approved for the reasons previously discussed.

We feel that we have adequately reviewed your proposal. The decision we have made is based on a fair review of all the facts. If you have any questions please give us a call.

Sincerely,


O'dell A. Frandsen
District Manager

cc: State Director (930)
Idaho Dept. of Water Resources
Senator McClure
Senator Simms
Congressman Hansen
Ad Hoc Committee

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Memo.

Employee - Ernie C.
Party - Dave Murdock

7-22-83.

Several weeks ago Mr. Murdock contacted me about securing a water right for ~~the~~ the ~~additional~~ new lands he & his sons have placed under irrigation since they purchased the Thompson farm south of Hamer and also ~~the~~ the land he intends to develop under the Carey Act. The subject of transferring Hamer Canal water rights came up and initially this looked like a good alternative. The canal company had disbanded in 1981 and most of the stockholders had transferred their portion of the canal water right to private wells. However, based on the canal's decreed rights there was still ~~1991 acres~~ 15.84 c/s covering 1991 acres that had not been transferred. Furthermore, Mr. Murdock stated he owned water from the canal's upper wells that could be transferred. He indicated the water was not being used and he would like move the right before it was lost thru non-use. With the above under the circumstances outlined above I encouraged Mr. Murdock to pursue the transfer.

Subsequent discussion revealed that all of the ~~the~~ land owned by Mr. Murdock or his son ~~was~~ under the Hamer Canal Co. has been continuously irrigated from a well the canal co. drilled in N22 70-56E. Any transfer of water from the canal's upper wells would not dewater ~~land owned~~ by the Murdock's or in fact any land being irrigated by the co. when it disbanded.

MAR 17 1991

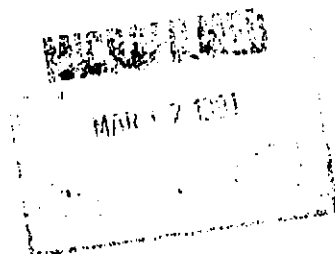
Information provided by Mr. Murdock revealed ~~that~~ Loran McGary & ^{he} himself had purchased all the ~~co's~~ interest in the upper wells and in so doing ~~was~~ understood they held the ~~remainder of the~~ water right from the upper wells. Mr. Murdock secured a written statement from the canal's past presidents stating this was the case. He even has secured a statement from 3 individuals owning land originally described as being under the canal, saying they have no interest in the Hamer Canal.

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Mr. Murdock already has a well capable of producing all the water he is interested in transferring. However, ~~I am~~ ~~not certain~~ ~~has to~~ since the 1991 acres left on canal's right has not received water from the canal for several years (10 to 15) the validity of ~~the remaining~~ ~~water~~ ~~canal's~~ water right for Hamer Canal from the upper wells. (Sec 14, 7N-36E) is questionable.

I have tried to ~~explain~~ advise Mr. Murdock of why the right is questionable, but he continues to rely on a court decision that apparently confirms ownership by Mr. McKay & himself.

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MEMO

July 12, 1983

FROM RON

TO: FILE

Dave Murdock was in to bring a disclaimer signed by Loren McGarry, Keith Driver, Neil Savage. I told Mr. Murdock that our records showed 2836 acres originally under the Hamer canal but the water right is actually limited to those lands which were historically irrigated. He indicated that all of the lands originally irrigated were still being irrigated in some manner. (either through transfer of part of Hamer right to individual private wells or through acquisition of new rights.) I told him if he can identify the lands that have been taken out of production when the Hamer canal was abandoned we could certainly assist him in preparing a transfer, with proper confirmation of abandonment. Dave's response was "if that is the case what the H___ did I buy when I bought the upper Hamer wells." I told him that I was not sure but possibly a hole with no prospect of getting water rights until Swan Falls is resolved. At this point he said he had "had it" with water Resources and

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was ready to shoot some "S.O.B." Murdock then asked, "what the H do I need to do to get water resources to do something with my Carey Act?" He said "Water resources had nothing but lied to him" and if we would quit sitting on his application he could deal with BLM. It is my understanding that BLM has his application in exactly the same position as all other Carey act applications. They have even made a ruling on his application in response to his request to drill a test well. (See attached letter of Jan 14, 1983) I am certain the Dept. will have very little desire to request segregation of lands that are agreed to be marginal and would ultimately be denied by BLM.

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RECEIVED

1983

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

MAR 15 1991

STATE OF IDAHO

Department of Water Resources
Eastern District Office

In the matter of Application)
 for Transfer No. 2890 of)
 Rights 31-0062G and 31-0063G)
 in the Name of Dave Murdock)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending water right applications in its files, the department finds, concludes and orders as follows:

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2. On August 9, 1988, the department issued an order cancelling Carey Act application no. 31-CA-06, since the feasibility analysis showed that the proposed project was not economical.

3. On December 31, 1990, the department corresponded with the applicant by sending a Notice of Pending Order to Reject the application for speculative purposes. The applicant did not respond to the notice.

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CONCLUSIONS OF LAW

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2. Application for Transfer No. 2890 should be denied.

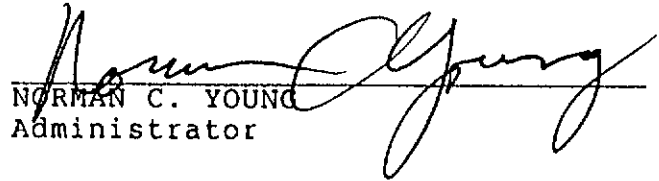
ORDER -- 1

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ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 2890 of water right Nos. 31-0062G and 31-0063G is DENIED pursuant to provisions of Section 42-222, Idaho Code.

Dated this 8TH day of MARCH, 1991.


NORMAN C. YOUNG
Administrator

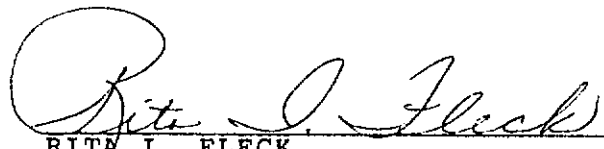
CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 12th day of March, 1991, a true and correct copy of this Order was mailed, postage prepaid to:

Dave Murdock
1552 S Woodruff
Idaho Falls Id 83402

Lloyd H. Ferguson
U.S. Dept. of the Interior
Bureau of Land Management
940 Lincoln Rd.
Idaho Falls, ID 83401

Delmar Vail
Bureau of Land Management
3380 Americana Terrace
Boise, ID 83706


RITA I. FLECK
Secretary/Records Manager

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE%				NW%				SW%				SE%				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
6N	36E	1											24						24
		2																11	11
		11	16			5													21
		12						12				20	24						56

Total number of acres to be irrigated 112

4. Describe any other water rights used for the same purpose as described above. None, however, license 31-2337 provides for the irrigation of 84 ac from the well described above.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

Rge
36
E.

Twp
6
N.

Point of
Diversion

11 24
16 12
5 12
20
24

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SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 2.24 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14 Township 7N
Range 36E, B.M., Jefferson County
Additional points NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 7N, R. 36E.

3. Place of use:

FWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>7N</u>	<u>36E</u>	<u>22</u>									<u>2</u>	<u>30</u>							<u>32</u>
		<u>28</u>			<u>20</u>	<u>40</u>									<u>40</u>	<u>40</u>	<u>40</u>		<u>180</u>

Total number of acres to be irrigated 212

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 2.24 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well, pump and sprinkler system
- c. Describe the reasons for the proposed changes I want to transfer water no longer used in the Hamer Canal and that I purchased to different lands capable of being irrigated from an existing well.

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11 Township 6N
Range 36E, B.M., Jefferson County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The owner, Wade Yearsley, of the land this water is being transferred from has constructed wells under permits 31-7141 & 31-7287 for irrigation of this land. Mr. Yearsley has acknowledged he has no interest in the Hamer Canal Co.

D. REMARKS

Previous transfers by the Dept. involve 14.08 cfs on 845 ac, considering the decreed rate of 0.01058 cfs/ac this means an additional 486 acres not identified are now without Hamer Canal water. This leaves 1505 ac of the remaining 1991 ac entitled to receive water.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28th day of July, 1983

David M. Mordock
(Signature of Applicant)

William A. Gray
(Notary Public)

My commission expires 6-15-85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 31-0062G & 31-0063G and said application is hereby DENIED, subject to the following limitations and conditions: pursuant to Order.

Witness my hand this _____ day of March, 1991

Norman C. Young
NORMAN C. YOUNG, Administrator

FOR DEPARTMENT USE ONLY

Received by EMC Date 7-28-83 Protest filed by _____
Prelim. check by _____ Fee \$500 _____
Receipted by EW Date 2-28-83 _____
Published in _____ # 29316 Copies of protest forwarded by _____
Pub. dates _____ Hearing held by _____ Date _____
Watermaster recommendation requested on _____ Recommended for _____ approval _____ denial _____
by _____

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State of Idaho License and Certificate of Water Right

Water License No. G-25285

Amount 1.68 c.f.s.

Water District No.

Priority November 23, 1954

THIS IS TO CERTIFY that AARON MILTON THOMPSON, JR.,
of Dubois, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated November 23, 1954; that Permit No. G-25285
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
1.68 second feet, was issued thereunder on October 16, 1963, showing that said works
were completed on the 4th day of May, 1963; and that on the 4th
day of May, 1963,

AARON MILTON THOMPSON, JR.

of Dubois, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of a well
, a tributary of subterranean flow for the purpose of irrigation
, under Use Permit No. G-25285 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
12 of Licenses at page 7754, on the 16 day of October, 1963;

The right hereby confirmed dates from November 23, 1954;

The Point of Diversion is located

in the NE 1/4 NE 1/4, Sec. 11, Tp. 6N, R. 36 E., B. M. County Jefferson

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 1.68 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			SW 1/4 SW 1/4	40	23
			SE 1/4 SE 1/4	40	6
			NE 1/4 NE 1/4	40	10
			NW 1/4 NW 1/4	40	25
			SW 1/4 NW 1/4	40	25
			NW 1/4 SW 1/4	40	5
Total number of acres to be irrigated:					84

of the water aforesaid hereby confirmed is restricted to the lands or place
provided by the laws of Idaho.

and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
to be , 19 63.

RALEIGH W. THOMAS
Deputy State Reclamation Engineer.

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From WR License File Microfiche

31-02337

31 2337

*Note Documentation
of Q-
from Use Claim?*

State of Idaho License and Certificate of Water Right

Water License No. G-25283

Amount 1.68 c.f.s.

Water District No.

Priority November 23, 1954

THIS IS TO CERTIFY that

AARON MILTON THOMPSON, JR.

of Dubois, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 23, 1954; that Permit No. G-25283 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.68 second feet, was issued thereunder on October 16, 1963, showing that said works were completed on the 4th day of May, 1963; and that on the 4th day of May, 1963,

AARON MILTON THOMPSON, JR.

of Dubois, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean flow for the purpose of irrigation

, under Use Permit No. G-25283 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

12 of Licenses at page 7754, on the 16 day of October, 1963;

The right hereby confirmed dates from November 23, 1954;

The Point of Diversion is located

In the NE 1/4 NE 1/4, Sec. 11, Tp. 6N, R. 36 E., B. M. County Jefferson

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.68 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No Acres Actually Irrigated
6N.	36 E.	1	SW 1/4 SW 1/4	40	13
		2	SE 1/4 SE 1/4	40	6
		11	NE 1/4 NE 1/4	40	10
		12	NW 1/4 NW 1/4	40	25
			SW 1/4 NW 1/4	40	25
			NW 1/4 SW 1/4	40	5
		Total number of acres to be irrigated:			

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of October, 1963.

RAULPH W. THOMAS
Deputy State Reclamation Engineer.

DO NOT MICROFILM
From WR License File Microfiche

31-02337

31 2337

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-25285

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant: Aaron Milton Thompson, Jr.,

2. Source of water supply: Subterranean

3. Location of point of diversion: Is in the NE 1/4 of Section 11
T. 6 N. R. 36 E. B. M. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: 30 HP Budd
Propane Gas Engine, Johnson Gearhead #3305, 88 HP, 2:1 Ratio
Wintreath Pump #5055066, 88' x 10" column 10' x 10' to
an open ditch Well - 18' x 12' - 153' x 14' - 12' x 15' cage h' 48'
2' d.

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number
of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other
than irrigation):

SW 1/4 Sec. 1., SE 1/4 Sec. 2., E 1/4 Sec. 11., W 1/4 Sec. 12., Twp. 6 N., Rge. 36 ERM

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? ✓

Remarks: Mr. Milton Thompson alone

Measured by Sperling Meter 5 Rev. 2 Min. 26 Sec. 3.42 x 86 = 3,284

This examination was made on the 16th day of July, 1963

B25285

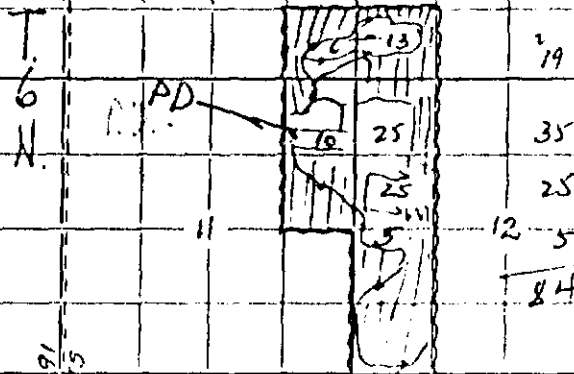
(Signed)

L. J. Johnson

Examiner

31-0233 Z
DO NOT MICROFILM
From WR License File Microfiche

R-36 E.



C/w 3.28 cts.

Subdivisions 6

AREA 84 acrs

9 1.68 sq. or 84 in. sq.

Scale: 2 inches equals 1 mile. Draw Map in ink.

DO NOT MICROFILM
From WR License File Microfiche

31-02337

Water User
122

MURDOCK, DAN; MURDOCK, STEVE ID:

POD

06N 36E 11 NWNENE

Site Tag #

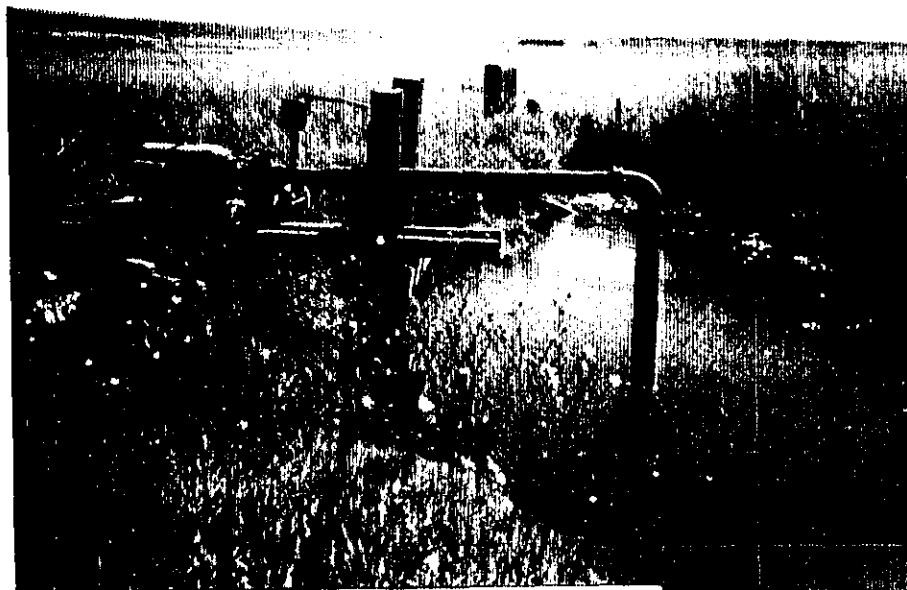
A0008581

Record #

300125

Diversion Name

LOG HOUSE



Date 3/16/00 Sig. H. Contor

Claim A31-00062L / 63L

Doc Source NWMA exam

300125 9/98

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT North RECORD NUMBER 300125

SITE DATA:

EXAMINER (inv_name) B. Contor

EXAM DATE 9/23/98 DIVERSION NAME Log House
(site_visit) (div_name)

GPS FILE CD92316A SITE TAG NUMBER A0008581
(gps_filnam) (site_tagno)

GPS OFFSET (offset) 6' above 4' west 3' North of well

TAG LOCATION (tag_locat) on pole w/ kWh meter

POD LEGAL (pod) T 6 (N) S, R 36 E, Sec 11, NW NE NE

DISTRICT MEASUREMENT CAPABILITY (std_rcmd):

SONIC (s) SONIC/DIG (sd) SONIC @ PVT (sp)

COLLINS (c) PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op_num):

PCC (2) HOURLY METER (7) IRR. FLOWMETER (1)

ALTERNATE (3) OTHER FLOWMETER (8) CRP (4)

AMEND CLAIM (A) OPEN CHANNEL DEVICE (9) UNUSED (6)

SUITABLE FOR PCC even if other method selected (pcc_ok) YES NO

TRACKING will be required (trkng_reqd) YES NO

Well has ACCESS PORT for water level meas. (wl_access) YES NO

FLOWMETER installation poss. w/o major change (qmtr_ez) YES NO

FOLLOW-UP DATE (folup_date) 1999

OWNER/OPERATOR INFORMATION

OWNER (name) Steve Murdock PHONE _____

ADDRESS 122 CEL PHONE _____

OPERATOR (contact) _____ PHONE _____

ADDRESS _____ CEL PHONE _____

Date 3/16/00 Sig. B. Contor

Claim 31-000622/63L

Doc Source Always exam
300125 9/98

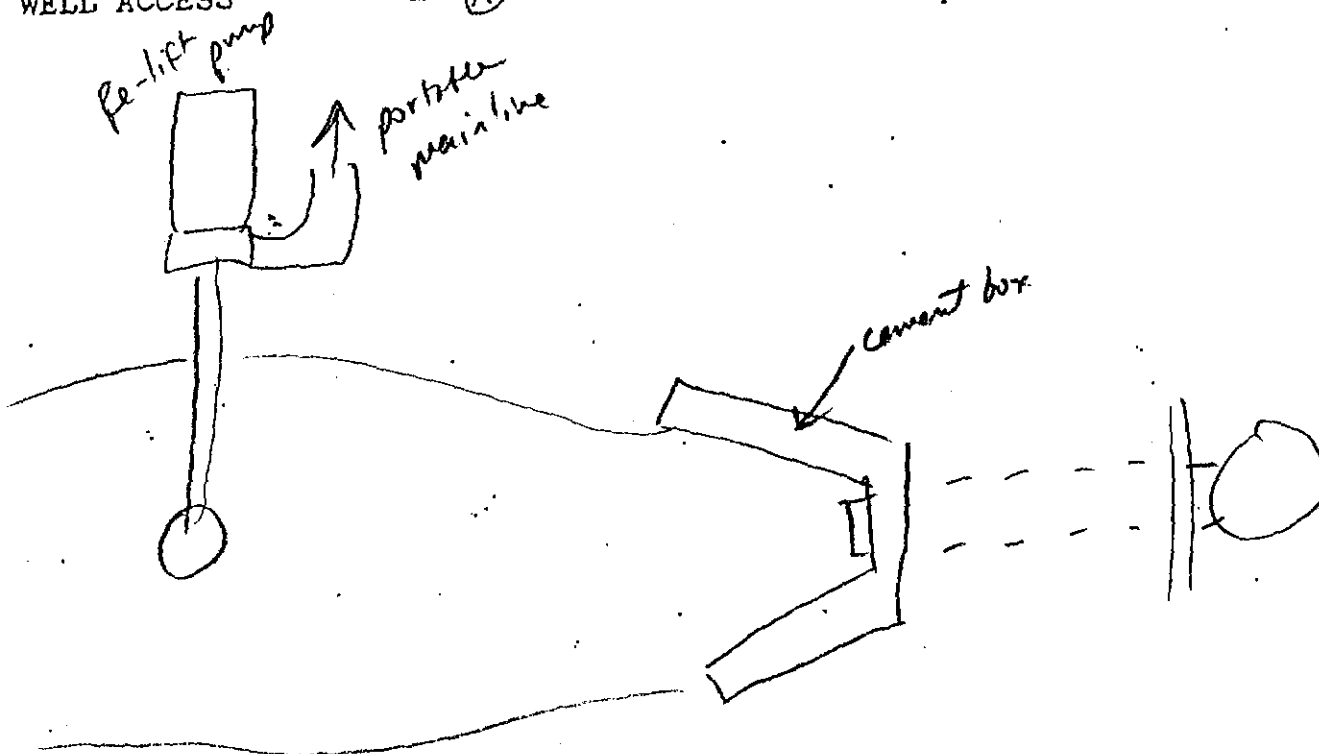
PUMPING PLANT SKETCH

VALVE = 
 CHECK VALVE = 
 AIR VAC = 
 PRESS. RELIEF = 

INDIVE/UPDIVE = 

HOSE BIB = 
 PRESS. GAGE = 
 WELL ACCESS = 

↑ N



Date 3/16/00 Sig. B. Conlon

Claim 31-00062L/63L

Doc Source NWMD exam

300125 9/98

WELL/PUMP INFORMATION:

DEPTH OF WELL: _____ DEPTH OF BOWLS: _____

WATER LEVELS:

PRE-SEASON STATIC: _____ DATE MEAS: _____
(swl_pre) (swlpredate)DURING-SEASON STATIC: _____ DATE MEAS: _____
(swl_mid) (swlmiddat)POST-SEASON STATIC: _____ DATE MEAS: _____
(swl_post) (swlpstdate)DYNAMIC WATER LEVEL: _____ DATE MEAS: _____
(pmpng_wl) (pwl_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

PUMP AND MOTOR INFORMATION:

WELL MOTOR

MFG: WestinghouseSERIAL: 2082HP: 6506

BOOSTER 1 MOTOR

MFG: 7SERIAL: WCM 2534?HP: 60?

BOOSTER 2 MOTOR

MFG: _____

SERIAL: _____

HP: _____

WELL PUMP

MFG: Wintwater

SERIAL: _____

TYPE: _____ VERT T CENT SUBMER
(pump_type) (v) (c) (s)

BOOSTER 1 PUMP

MFG: BerkeleySERIAL: 830184

TYPE: _____ VERT T CENT SUBMER

BOOSTER 2 PUMP

MFG: _____

SERIAL: _____

TYPE: _____ VERT T CENT SUBMER

UTILITY KWH METER INFORMATION:

UTILITY: UPL
(utility)POLE #: _____
(pole_no)MAX KW DEMAND 43.87 x 1KILOWATT HRS 43154 x 1
(kwh_1)

(use date of exam for "kwh1_date")

UTILITY ACCOUNT NUMBER _____
(acct_no)KWH METER SERIAL: 1836759
(pwrmttr_sn)METER MFG: ABB
(pwrmttr_mfg)Kh DISK CONSTANT 21.6
(kh)MULTIPLIER 1
(disk_mult)Date 3/16/00 Sig. B. Couton*****
Claim 31-00062L/63L
Doc Source NJWD exam
300125 9/98

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE Open Disch, handline
(system_type)COMMENTS TO DATA-ENTER (exam_notes): Relift pump runs off
same power meter, use hr meter on well pump.Action Delete 300759, it is a duplicate of this
record. Delete Thompson from ownership (name)FILE-ONLY COMMENTS: file - sold to Murdock.

$$N = 20 \quad T = (40.44 + 40.44 + 39.90) / 3 = 40.26$$

$$KW = 3.6 \times 21.6 \times 1.20 / 40.26 = 38.6$$

Per Steve Murdock, Aaron Thompson
no longer has an interest in this
well. BAC

Date 3/16/00 Sig. B. Contor

Claim 31-00062L/63LDoc Source NWMD Exam300125 9/98

I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature

Brya A. Contor

Date

9/23/98

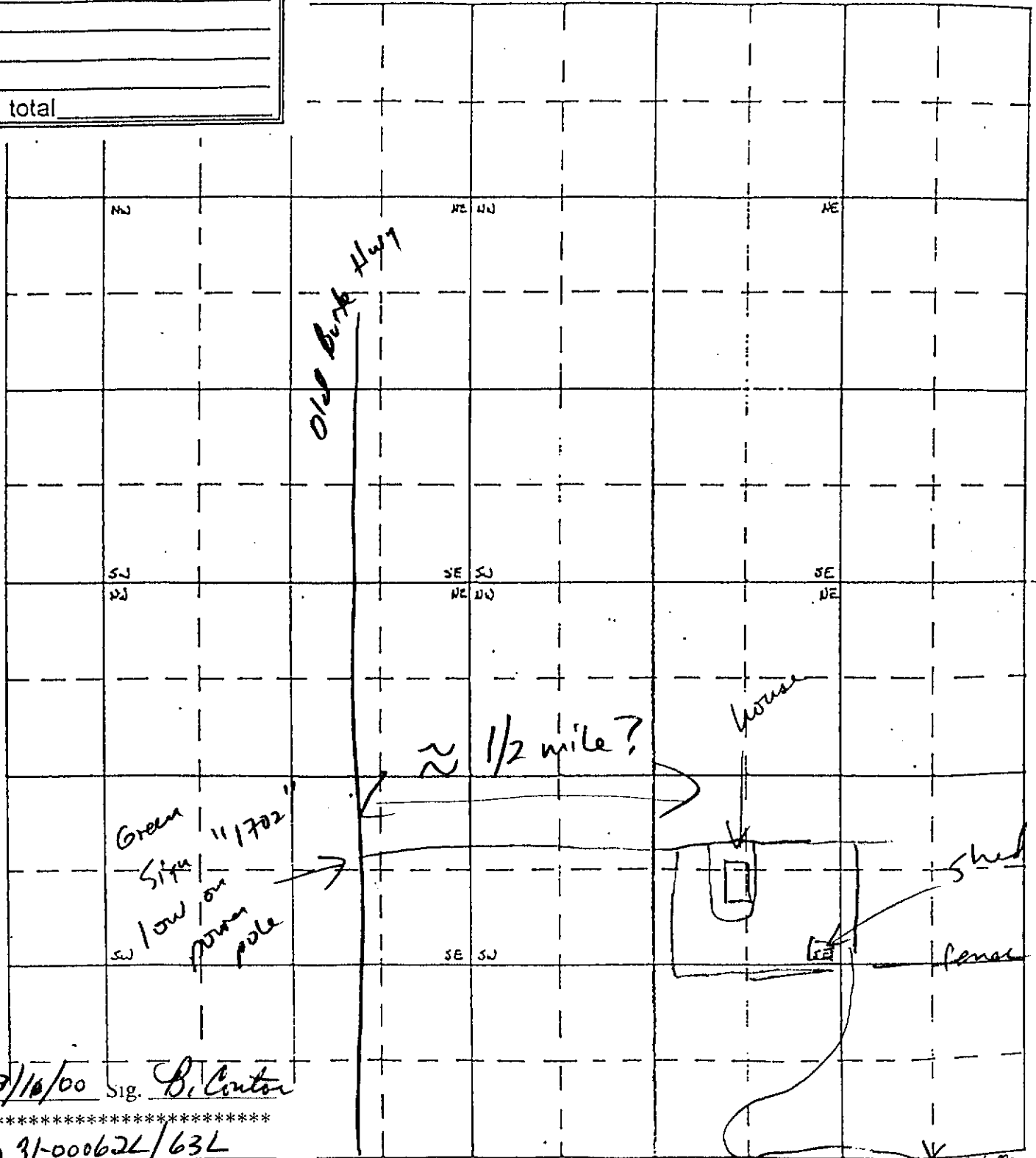
EASTERN WATER MEASUREMENT DISTRICT

SUPPLEMENTAL DATA FORM A

SKETCH OF IRRIGATED LANDS AND MAJOR COMPONENTS OF DELIVERY SYSTEM/S

crop	acres
1	
2	
3	
4	
total	

Not to Scale



Date 3/16/00 Sig. B. Conton

Claim 31-00062L/63L

Doc Source NWMO exam

300125 9/98

SCALE 1:24,000

X p17

PCC WORKSHEET

Name _____

(attach to WMD Field Report) Rec No 300125Division Name Log HouseSITE TAG: A0008581DATE ~~A0008581~~ 9/23/98EXAMINER (examiner) B Conter

KILOWATT HOURS (kwh_2) _____

IF MOTOR, PUMP, OR SYSTEM HAVE CHANGED SINCE FIELD INVENTORY, NOTE CHANGES HERE: _____

PCC_AF_QAL:

=====

Z = Zero Pumpage

6 = Known problem with data

1 = Simple, no tracking

7 = PCC measured @ q-meter verification

2 = Complex, no tracking req.

8 = Low PCC where q-meter is required but not installed

3 = Tracking req. & provided

9 = Calculated or Estimated PCC

4 = Tracking req, not provided

N = No PCC

5 = Complex, exam incomplete

Q = Other, see exam notes

FOLLOW-UP DATE 1999

Power and Water Metering Information

KILOWATT HOUR METER		WATER MEASUREMENT METER and MOUNTING PIPE INFORMATION	
Utility		METER INFORMATION	
Pole No.	<u>see field report</u>	Manufacturer	<u>velocity head</u>
Meter Manufacturer		Model Number	
Meter Serial No.		Type (std. meter)	<u>Other</u>
Disc Constant(Kh)		PIPE INFORMATION	
Rated Voltage		Pipe material	
Demand		Outside Diameter	
Multiplier (Mult)		Inside Diameter	
CTR (Current)		Distance of straight pipe upstream and down	Upstream /Down
PTR (Voltage)			

Exam complete

Y (N)

std confid

E G (F) P

Date 3/16/00 Sig. B. Conter

Claim 31-000624/63LDoc Source NWMP exam300125 9/98

Determination of Power Consumption Coefficient

Kilowatts of Energy Consumed

$KW = 3.6 \times Kh \times \text{Multiplier} \times \text{No. of revolutions}(N) \div \text{Time}(T) \text{ in seconds per } N$

Cond.#1 $N = \underline{\hspace{2cm}}$ (No. of Disc Rev) Time (sec) = $(\underline{\hspace{2cm}}) + (\underline{\hspace{2cm}}) + (\underline{\hspace{2cm}}) / 3 = \underline{\hspace{2cm}}$ Ave

$3.6 \times \underline{\hspace{2cm}} (Kh) \times \underline{\hspace{2cm}} (\text{Mult}) \times \underline{\hspace{2cm}} (N) \div \underline{\hspace{2cm}} (T) = \underline{38.6} \text{ KW}$

Cond.#2 $N = \underline{\hspace{2cm}}$ (No. of Disc Rev) Time (sec) = $(\underline{\hspace{2cm}}) + (\underline{\hspace{2cm}}) + (\underline{\hspace{2cm}}) / 3 = \underline{\hspace{2cm}}$ Ave

$3.6 \times \underline{\hspace{2cm}} (Kh) \times \underline{\hspace{2cm}} (\text{Mult}) \times \underline{\hspace{2cm}} (N) \div \underline{\hspace{2cm}} (T) = \underline{\hspace{2cm}} \text{ KW}$

Cond.#3 $N = \underline{\hspace{2cm}}$ (No. of Disc Rev) Time (sec) = $(\underline{\hspace{2cm}}) + (\underline{\hspace{2cm}}) + (\underline{\hspace{2cm}}) / 3 = \underline{\hspace{2cm}}$ Ave

$3.6 \times \underline{\hspace{2cm}} (Kh) \times \underline{\hspace{2cm}} (\text{Mult}) \times \underline{\hspace{2cm}} (N) \div \underline{\hspace{2cm}} (T) = \underline{\hspace{2cm}} \text{ KW}$

Measured Flow Rate and Discharge Pressure - Enter flow rate as determined by the "standard" water measurement meter in GPM, and discharge pressure measured in PSI. Attach documentation to support data such as notes, printout tapes etc.

GPM Cond. #1 2831 #2 #3

PSI Cond. #1 #2 #3

Power Consumption Coefficient (PCC) = $KW \times 5431 \div GPM$

PCC Cond. #1 = 38.6 (KW) $\times 5431 + \underline{2831}$ (gpm) = 74.1 (kWh/ac.ft)

Percent of seasonal use 50

PCC Cond. #2 = (KW) $\times 5431 + \underline{\hspace{2cm}}$ (gpm) = (kWh/ac.ft)

Percent of seasonal use

PCC Cond. #3 = (KW) $\times 5431 + \underline{\hspace{2cm}}$ (gpm) = (kWh/ac.ft)

Percent of seasonal use

Is the system operator required to track and report changes in system operation? Yes No
(see form PCC3)

Water Level Data

Does the 'gate' 3/16/00 sig. B. Contor

Static Wa 31-000624/634

Claim

Doc Source New York exam

300/25 9/98

? Yes / No

Water Level ft (at condition #)

Date

Describe system operating _____ and how percentage of seasonal _____ obtained: _____

COND 1 = open dish, re-1.47 off

Sketch of pumping plant layout or attach photograph of pumping plant and piping:

Action please add to summertime
pump card list per attached
Sample.
Thank

Data enter

Comments: GPM meas by velocity head w/d,
confidence +/- 15%. Double check
licences exam in one has been done.
PCC makes sense for location. For tracking,
(Total KWH - Sprinklers x sprinkler KW) = KWH to apply to PCC

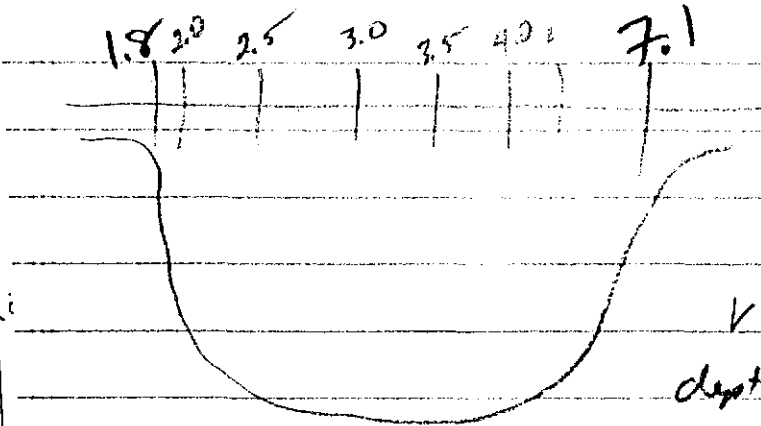
I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature Bryce G. Contor Date 9/23/98
Date 3/16/00 Sig. B. Contor (measurements)

Claim 31-000624/63L
Doc Source NWMO exam
300125 9/98

A0008581 - Velocity head and

good spot - free flowing, decent velocity



$$V = 4.46 \times \sqrt{h}$$

$$\text{depth} = \text{upstream} - 0.63h$$

Date 3/16/00 sig. B. Carter
 Claim 31-000622/63L
 Doc Source NWMO exemo
 300125 9/98

Station	upstream	downstream	V	depth	Q
2.0	.54	.54	0	.54	0
2.5	1.01	1.00	.45	1.004	.452
3.0	1.30	1.29	.45	1.214	.582
3.5	1.46	1.44	.63	1.447	.912
4.0	1.52	1.50	.63	1.507	.94
4.5	1.55	1.51	.89	1.525	1.352
5.0	1.58	1.54	.89	1.555	1.384
5.5	1.50	1.49	.45	1.494	0.672
6.0	1.37	1.37	0	1.32	0
6.5	1.11	1.11	0	1.11	0
7.0	.31	.31	0	.31	0

$$\Sigma = 6.308$$

$$6.308 \times 448.83 = 2831 \text{ GPM}$$

To: Splits of A31-00062 and A31-00063
Fr: Bryce A. Contor
Date: 3/16/2000

Re: Split analysis, competing claims.

These water rights are the splits of the original Hamer Canal Co. rights. They shared a common POU and common POD's. 31-00062 was for 21.2 cfs with priority 10/31/1917. 31-00063 was for 8.8 cfs with priority 5/1/1928. Total is 30.0 cfs. Both are groundwater rights.

Transfer 1584 added points of diversion. Subsequent transfers split off parts of the original right, as individual shareholders began diverting their shares from private wells on their own POU. Some subsequent transfers change POU or POD of these split-off portions. Adjudication claims have been received corresponding to each of these splits by formal transfer.

Following the formal transfers, a portion of the original rights remained unchanged, as recorded in WR record 31-00062Q and 31-00063Q. Competing adjudication claims have been filed on this remaining portion.

This memo outlines the history of splits, and gives some information on competing claims. It relies on the following documentation, which is filed with A31-00062A:

- GIS maps of history of formal transfers. Pages 1 through 10.
- GIS map of competing claims for the remaining portion (WR splits "62Q" and "63Q"). Page 11.
- GIS map showing 1987 irrigation of lands under WR splits "Q." Page 12.
- 1980 NAPP showing 1980 irrigation of lands under competing claims. Pages 13 and 14.
- Close-up from USGS map W41 showing Hamer Canal delivery system, enhanced by GIS. Page 15.
- Memo from president and past presidents of Hamer Canal Company regarding ownership of shares, June 25, 1983. Page 16.
- Affidavit from officials of Hamer Canal Company regarding ownership of shares, 1984. Page 17.

- Stipulation and Agreement of shareholders of Hamer Canal Company, 1980. Page 18.
- Ernie Carlsen memo of conversation w/ Neal Savage, June 1980. Page 19.
- Excerpt from USDA Water Facility Operations Proposal for the Hamer Canal Company, 1941. Pages 20 and 21.
- Second copy of Stipulation and Agreement with cfs notations. Page 22.
- Review of claims and comparison with Stipulation and Agreement. Pages 23 and 24.

The memo also relies on some documentation found in file A31-00062L regarding denied transfer application 2890, and conversations with Harold Jones and Ernie Carlsen. Jones and Carlsen were involved in the original transfers and in the investigation of application 2890.

I. History of Place of Use

While the decreed place of use covered approximately 3140 acres, Mr. Jones and Mr. Carlsen indicate that this was at best a service area rather than an actual place of use. With the severe leakage of the canal and the sandy soils in the area, 30 cfs would have been adequate for only a fraction of the original decreed acres.

GIS map # 12 shows that some of the areas covered by WR splits "Q" were not under irrigation in 1987 and likely had not been for some time. Jones and Carlsen recall that additional GW licenses were developed for other lands under the Hamer Canal. Documentation in 31-00062L shows this for the Wade Yearsley places of use, and the WR and AJ databases bear this out for lands in section 23. Other places of use were not investigated.

It appears that all of the competing claims "L," "K," "Q," and "S" all were under irrigation in 1980 and 1987. "L," however, is in a location that could not physically have been served by the Hamer Canal but would have to represent an accomplished transfer. This claim in fact is based upon the denied transfer application 2890. Jones and Carlsen indicate that they found no evidence that no original Hamer Canal lands were dried up to accommodate the transfer. Conversation memos in A31-00062L indicate that the claimant acknowledges that all the original Hamer Canal lands were still being irrigated.

Claims "K," "Q," and "S" are in locations where irrigation from the Hamer Canal would have been physically possible.

II. Overlapping Water Rights on Competing Claims

Claims "L" are overlapped by license 31-02337 and claim A31-02337. The license authorizes 1.68 cfs on 84 acres (0.02 cfs/acre). The AJ claim is for 112 acres, which is substantiated by GIS analysis.

The claimant appears to have an ownership claim on the unallocated Hamer Canal rights (see "ownership" below). Because no Hamer Canal lands have been dewatered, the Hamer Canal rights will have to overlap the licensed right, rather than cover the enlargement acres. The license is already for 0.02 cfs/acre, but since the lands are surface irrigated, a Hubble analysis might justify additional diversion rate on the licensed 84 acres. However, this becomes problematic in light of the enlargement; how do we justify a need for additional diversion rate, and at the same time justify additional acres without additional diversion rate? (Note that NWMD measured over 6.0 cfs; the license is for 1.68.)

Claimant has been requested to provide additional documentation of the history of the use of the claimed right. Further analysis and investigation will be filed in A31-00062L. At first blush it appears that even though claimant may have title to the right, there has not been a valid accomplished transfer or enlargement of the original Hamer Canal rights. Upon receipt of documentation I will continue review.

Claims "Q" are not overlapped by any WR or claim. I've requested documentation of use and ownership from claimant. Upon receipt, I will begin CVR investigation.

Claims "S" are overlapped by beneficial use claim A31-10503 and license-based claim A31-07203. These overlaps have not been investigated. Ownership review below indicates the claimant does have an interest in the Hamer Canal rights. I have also requested documentation and will proceed with CVR review upon receipt.

III. Ownership

Documentation of ownership is incomplete and contradictory:

1. Memo from past presidents of Hamer Canal Co. (1983, p. 16) indicates that "existing water rights in the Upper Hamer Canal Company, now belong to Dave Murdock and Loren McGarry." This is contradicted, however, by Rene Shurtliff's ownership documentation in transfer 4911 (1997). It is unclear if there may also be others with legitimate claims to the water apparently granted to Murdock by this memo. Specifically, it is unclear who now has title to the shares of Shirley and Lounsbury (see items 3, 4, and 5).
2. Affidavit of officials of Hamer Canal Co. (1984, p. 17) indicate that Dave Murdock "has purchased water rights in excess of the amount he is still using" and that he specifically had purchased the rights to 212 acres in sections 22

and 28. Wade Yearsley, owner of the lands, provided an affidavit that the Hamer Canal Water had been used on those lands but no longer is, and that he had no claim on the Hamer Canal shares. However, documentation in A31-00062L shows that those places of use continued to be irrigated under other rights and claims.

3. Stipulation and Agreement (1980, p18) accounts for 18.1 cfs of the 30.0 decreed cfs. The Neal Savage conversation memo (1980, p. 19) indicates that all the shareholders signed the Stipulation and Agreement. However, the list itself appears to only be a list of shares proposed to be transferred out of the company. No number of shares is listed for signers Ralph Lounsbury, Loren McGarry, or Dan Murdock. Further, "zero" shares are listed for Rene Shurtliff.
4. Water Facilities Operation Proposal (Pages 20 and 21) indicates that in 1941 there were 322 shares of stock outstanding. The stipulation asserts 5 miners inches per share. $30 \text{ CFS} \times 50 \text{ inches/cfs} \times 1 \text{ share/5 inches}$ indicates 300 shares outstanding.
5. The copy of the Stipulation and Agreement with cfs notations (Page 22) accounts for all of the stipulated shares except Lynn Shirley's.
6. Review of Claims (Pages 23 and 24) identifies claims associated with McGarry ("A"), Murdock's original shares ("K"), and Shurtliff ("J").

Murdock's "L" claim, and Dalling's "Q" claim, are not linked back to any signers of the Stipulation and Agreement or any of the stipulated shares.

The review accounts for all the stipulated shares except Shirley's and all the signers except Lounsbury and Shirley.

IV. Diversion Rate

The decreed diversion rate was 30.0 cfs. However, the Water Facilities Operation Proposal (Pages 20 and 21) indicates that in 1941, the canal was "assessing 322 shares of stock... and delivering approximately two miner's inches of water per share." This is only about 13 cfs. However, it is likely that part of the proposal, and part of transfer 1584, were efforts to recover diversion capacity lost to declining pumping water levels.

The formal transfers were all processed under the assumption that the original diversion rate was valid and I plan to do the same with AJ claims, as ownership and historical use documentation allows.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 15, 2000

Dan Murdock
Steve Murdock
1995 N 2500 E
Hamer, ID 83425

Re: Adjudication Claims A31-00062K, A31-00062L, A31-00063K, A31-00063L

Dear Water User:

We are now in the process of reviewing adjudication claims in administrative basin 31. To make an accurate recommendation, I need some additional information for the claims listed above.

These claims are based upon the original decreed water rights of the Hamer Canal Company, which disbanded in the 1980's. Most of the original shareholders filed formal transfers with the Idaho Department of Water Resources and moved their canal shares to private wells. Adjudication claims have been filed on all these transferred portions of the original rights.

Following the formal transfers, there was a small part of the original water rights that was not allocated. We have received competing claims for this unallocated portion of the original rights, which total more than the available unallocated portion. Your claims listed above are part of this group of competing claims.

The transfer files contain some information regarding the ownership and the history of these rights, but it is incomplete. To make an accurate recommendation, I need your help. I need documentation that shows:

1. How and when you acquired the underlying canal shares represented by this claim.
2. Who was the last owner of these shares to use water directly from the Hamer Canal.

3. The history and extent of irrigation of your claimed place of use, directly from the Hamer Canal.
4. The dates, circumstances, and parties involved in changing your diversion from the Hamer Canal to a private well.
5. The extent of any periods of non-use and the circumstances of resumption of use.

The enclosed pamphlet is directed towards Evidence of Priority Dates, but it contains useful information about the kinds of documentation that are most useful. Some highlights are:

1. The documentation should tend to show when, where, and how the water was used. If possible, it should indicate how much water was used, how long, and how often.
2. Documentation should clearly identify the source of the evidence. Statements of individuals should identify who the person is, and how he/she acquired the knowledge stated.
3. Statements need to be "first person" statements -- "I saw... I irrigated... I was ten years old and saw my father do such-and-such... I farmed the next place and saw my neighbor irrigate..."

Please call me at 525-7161 or 663-4853 if you have questions. I hope to make a recommendation that accurately reflects your water rights. This documentation will help a great deal.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

To: Splits of A31-00062
Fr: Bryce A. Contor
Date: 2/17/2000

Re: Split History

Attached are split histories for the WR side and AJ side. Primary documentation is in A31-00062A. Additional documentation is in A31-00063A, A31-00062J, and A31-00062H.

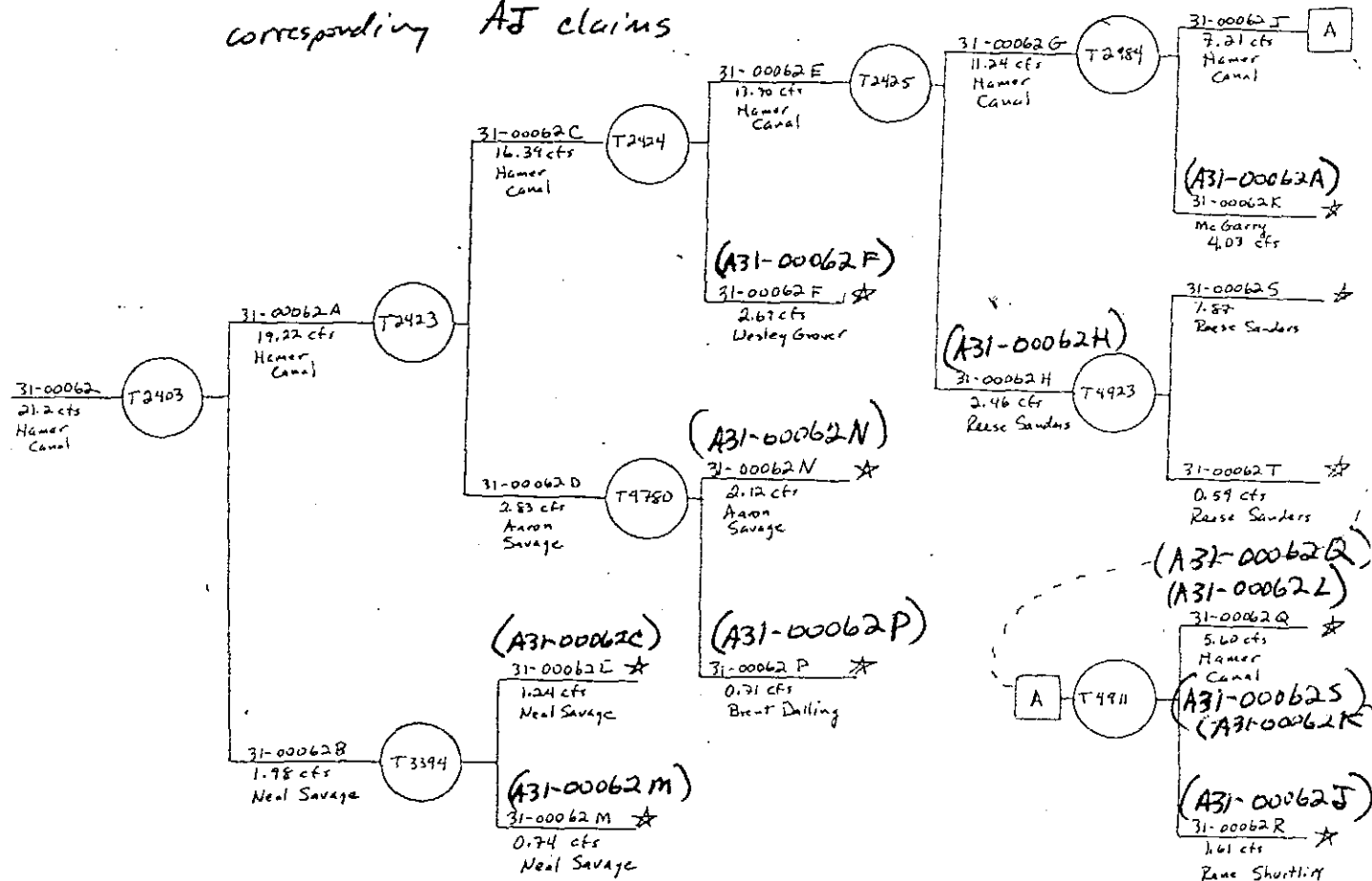
Claim A31-00062H, corresponding to WR 31-00062H, needs to be split per T4923. Transfer split WR into portions "S" and "T," but claim "S" has already been used to represent a part of original WR 31-00062Q.

Four claims -- A31-00062K, A31-00062L, A31-00062Q, and A31-00062S -- appear to have their basis in WR 31-00062Q. These will need careful research of ownership history, original POU, and accomplished transfer. Memo in splits of '63 indicates that 31-00062Q is underclaimed, but this is incorrect. Both 31-00062Q and 31-00063Q are overclaimed.

Note that Hamer Elementary School has an irrigation well that may also reflect part of the original Hamer Canal Co. right. See file A31-10292.

*no - per
Ben Speedman*

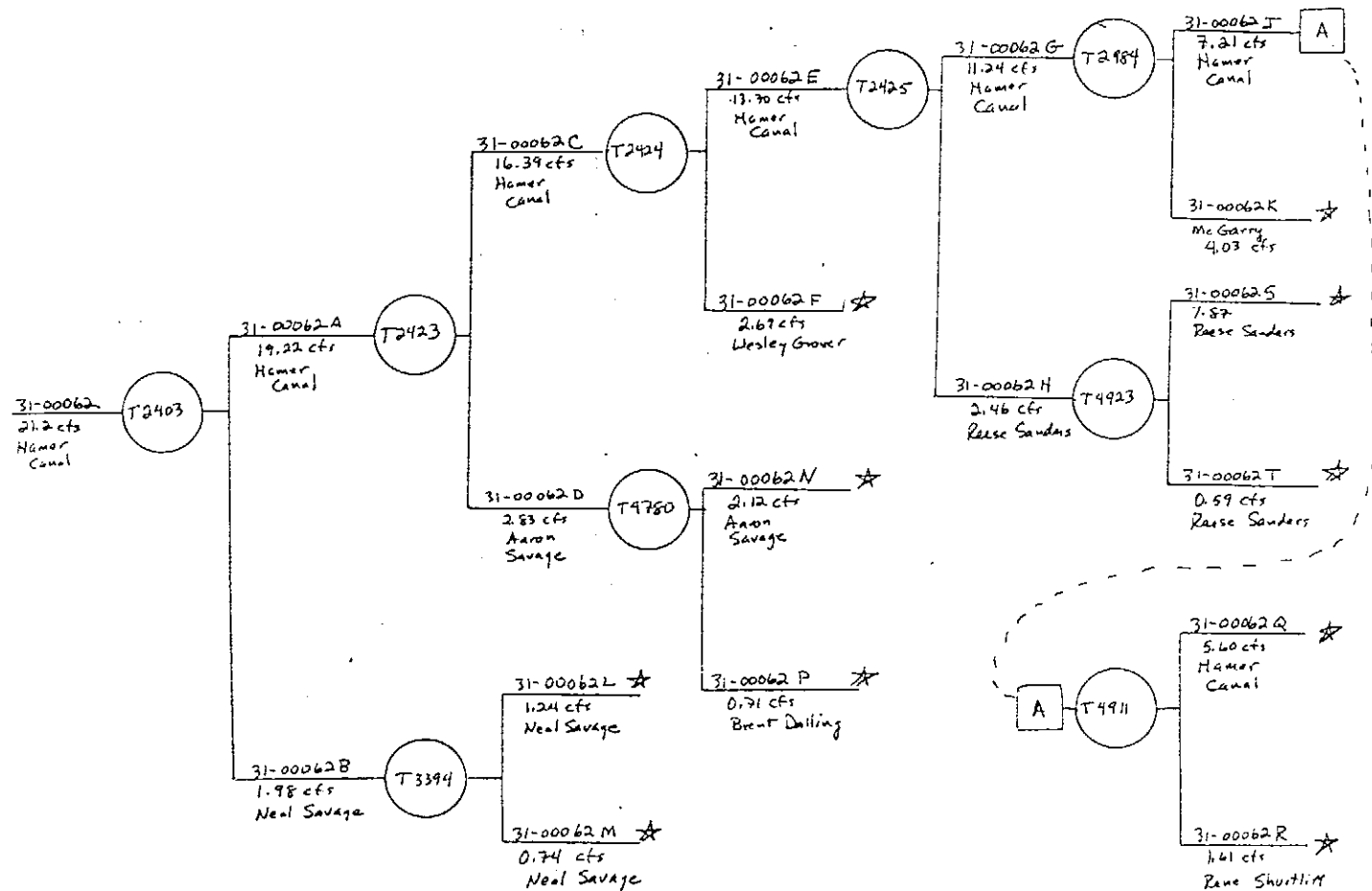
Split History of 31-00062
w/ side — w/ in
corresponding AJ claims



B. Conton. 2/18/2000

Rights active on WR database
sum to 21.2 cts.

Split History of 31-00062
WR side



B. Condon 2/15/2000

Rights active on WR database
sum to 21.2 cfs.

WR5809NP
No. 31-00062Q

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/21/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAMER CANAL CO	10/31/1917	IRRIGATION	05/01 09/01	5.600 CFS	
TOTAL DIVERSION:					5.600 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R36E S14
S22

NESW
SESE

NWSW

NWSE

JEFFERSON County
JEFFERSON County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE					
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07N	36E	15	:														20	40	60.0	
07N	36E	22	:	20									25	40			14	16	178.8	
07N	36E	23	:					40	40	39	40		40	37	32	40	40	40	468.0	
07N	36E	26	:										38	40				05	32	117.0
07N	36E	27	:	40	40	40				40								40	40	160.0
07N	36E	28	:			20	40										40	40	40	180.0
07N	36E	33	:															06		6.0
07N	36E	35	:						40	21							40	40	40	221.0
TOTAL ACRES																			1390.8	

Pou County: JEFFERSON

Remarks: GEN TRANS. 1584, 2403, 2423, 2424 & 2425.
7 P/D IN NWSW 14, 2 P/D IN NESW & 4 P/D IN NWSE, S14, T7N, R36E.
Transfer No. 2984 split 31-00062G into parts J & K.

Dates: App. Received: Priority Date: 10/31/1917
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 31 Field Exam Fee:

Comments: Date: 03/18/1997 User-ID: PSKAGGS Subject: TRANSFER NO. 4911
Transfer No. 4911 adds a new point of diversion, retains one
point of diversion & shifts acres to adjacent QQ to cover a
center pivot.

Audit: 09/20/96 RBODELL 03/18/97 PSKAGGS 03/18/97 PSKAGGS

OVERCLAIMED

A31-00062K 3.16 cfs
A31-00062L 1.58 cfs
A31-00062Q 0.55 cfs
A31-00062S 0.59 cfs
Σ 5.88 cfs

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEXDATE: 05/14/01
PAGE: 1WATER RIGHT
NUMBER

NAME

CFS

31-00062

SPLIT INTO 31-00062A & 31-00062B BY TRANS. 2403.

31-00062A

SPLIT INTO 31-00062C & 31-00062D BY TRANS. 2423.

31-00062B

Split into 31-00062L & M by Trans. 3394.

31-00062C

SPLIT INTO 31-00062E & 31-00062F BY TRANS. 2424.

31-00062D

THIS RIGHT SPLIT INTO PARTS N & P THRU APPROVED TRANSFER NO. 4780

31-00062E

SPLIT INTO 31-00062G & 31-00062H BY TRANS. 2425.

31-00062F

GROVER, WESLEY

2.69

31-00062G

RIGHT SPLIT INTO 31-00062J & K.

31-00062H

RIGHT SPLIT INTO PARTS S & T THRU APPROVED TRANSFER NO. 4932.

31-00062J

RIGHT SPLIT INTO PARTS Q & R THRU APPROVED TRANSFER NO. 4911.

31-00062K

LOREN MCCARRY RANCHES

4.03

31-00062L

SAVAGE, NEAL

1.24

31-00062M

SAVAGE, NEAL

0.74

31-00062N

SAVAGE, AARON

2.12

31-00062P

DALLING, BRENT

0.71

31-00062Q

HAHER CANAL CO

5.60

31-00062R

SHURTLIFF, LELLA
SHURTLIFF, RENE

1.61

31-00062S

SANDERS, REESE

1.87

31-00062T

SANDERS, REESE

0.59

 $\Sigma = 21.20$ WR database agrees w/ this
analysis 2/18/2000 BACClaim A31-00062/63 Splits
Doc Source Microfiche
31-00062 Sweet Co
Date 2/18/00 Sig. B. Conlin

c. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	36E	1											24						24
		2																11	11
		11	16			5													21
		12						12				20	24						56

Total number of acres to be irrigated 112

4. Describe any other water rights used for the same purpose as described above. None, however, license 31-2337 provides for the irrigation of 84 ac from the well described above.
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

DO NOT FILL IN

Rge 36 E.

Twp 6 N.

2 1

Point of Diversion

11 24

16 12

5

12

20

24

DO NOT MICROFILM
From WR License File Microfiche

SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Dave Murdock Phone 529-5073
Post Office address 1552 S. Woodruff, Idaho Falls, ID 83402

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 31-0062G (T #1584 minus T.#2403, 2423, 2424 & 2425)
a. Decree No. 31-0063G Decreed to _____ (Name)
in case of _____ vs _____
dated in _____ in _____ County of _____ (Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant I purchased half of the remaining water right historically diverted from the upper wells for Hamer Canal Co. (see statement signed by previous presidents Co
3. Source of water Groundwater tributary to _____
4. Date of priority 31-0062G 10-31-1917
31-0063G 5-1-1928
5. Water is used for the following purposes:
- 31-0062G amount 11.24cfs for Irrigation purposes from 5-1 to 11-1
31-0063G amount 4.68 cfs for Irrigation purposes from 5-1 to 11-1
amount _____ for _____ purposes from _____ to _____ (month/day — both dates inclusive)
6. Total amount of water under right: a. 15.92 cubic feet per second &/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE % of SE % of Section 22
Township 7N Range 36E, B.M., in Jefferson County
Additional points of diversion, if any NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 7N, R. 36E, B.M.
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	36E	28			20	40									40	40	40	40	220
		15													20			40	60
		33	39	20	20	40									40	20	40	40	259
		22	40			33			30		32	40			33	40	40	40	328
		34					40	40	39	40	40	37	32	40	40	40	40	40	80
		23													40	40	40	40	468
		35					40	19			38	40			40	40	40	40	219
		26														5	32	2	117
		27	40	40	40				40			40	40						240

Total number of acres to be irrigated 1991

Describe any other water rights used for the same purpose as described above 31-7203, 31-2248
31-7287, 31-7319, 31-2389, 31-7141, 31-7102, 31-7270, 31-2300, 31-7298

9. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years

DO NOT MICROFILM
From WR License File Microfiche

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT *1.5% 31-02062 L* the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 2.24 cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14 Township 7N
Range 36E, B.M., Jefferson County
Additional points NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 14, T. 7N, R. 36E.

3. Place of use:

[illegible]

Total number of acres to be irrigated 212

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 2.24 c.f.s. &/or _____ acre feet
- b. Description of diverting works Well, pump and sprinkler system
- c. Describe the reasons for the proposed changes I want to transfer water no longer used in the Hamer Canal and that I purchased to different lands capable of being irrigated from an existing well.

2. Change in point of diversion

Point of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11 Township 6N
Range 36E, B.M., Jefferson County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
The owner, Wade Yearsley, of the land this water is being
transferred from has constructed wells under permits 31-7141 &
31-7287 for irrigation of this land. Mr. Yearsley has acknowledged
he has no interest in the Hamer Canal Co.