

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062F, 63F

Township 7N Range 36E Section 26



0 1320 Feet

- Point of Diversion - This Water Right
- Point of Diversion - Other Water Rights
- Place of Use - This WR
- Place of Use - Other WR
- Sections
- Quarter-quarter Sections



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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062F, 63F

Township 7N Range 36E Section 26



0 1320 Feet

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- Place of Use - This WR
- Place of Use - Other WR
- Sections
- Quarter-quarter Sections



11/16/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-63F

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DARLA PETERSEN
Current Owner	CORY PETERSEN
	1980 NORTH 2500 EAST
	HAMER, ID 83425
	(208)662-5467

Original Owner	LARUE GROVER
Original Owner	WESLEY GROVER
	BOX 1150 HC 69
	1980 N 2500 E
	HAMER, ID 83425
	(208)662-5243

Priority Date: 05/01/1928
Basis: Decreed
Status: Valid

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01	11/01	1.11 CFS	405 AFA	
Total Diversion			1.11 CFS	405 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	26	NW NW NE	0	JEFFERSON
07N	36E	26	SW NW NW	0	JEFFERSON

IRRIGATION Use:
Acre Limit: 164

Place(s) of use:

Place of Use Legal Description: IRRIGATION

JEFFERSON County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	36E	26		NWNE	18 21		SWNE	12 23		SWNW	28 37		SENE	26 33
				NENW	34 25		NWNW	30 25						

Total Acres: 160 164

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

Water Right 31-63F

1. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MAY 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
2. USE OF RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ^{3.93} 4.80 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 574 AF. COMBINED RIGHT NOS.: 31-62F, 31-63F, 31-4019.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 164 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-62F, 31-63F, 31-4019.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	11/16/00	analysis	This right is a parallel right to 31-62F. All elements of analysis and eCVR of that right apply also to this one. eCVR not completed as no further analysis is required.
bcontor	11/16/00	Diversion Volume	1.11 cfs x 1.9835 cfs/day x 184 days (5/1-11/1 per transfer) = 405 acre feet. This is less than std rate, so lower rate is recommended.

Dates:

Licensed Date:
 Claim Received Date: 08/05/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date: 11/01/1930
 Date Filed with Court:
 Objection Filed Date:
 SP5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	11/16/00 9:31:11 AM		11/16/00 9:31:11 AM	bcontor	Complete

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Overall Max Diversion Rate: 1.11
 Overall Max Diversion Volume: 405
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	11/16/00 9:25:33 AM	bcontor	Edited point location
POD	11/16/00 9:24:38 AM	bcontor	Edited point location
Summary	11/16/00 9:31:09 AM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required.

7. (YES) Additional condition was required.
8. (YES) Wanted to view the recommended right.
9. (YES) This is a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

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 31-63F
Date Received: 8/5/88
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DARLA PETERSEN Phone: (208)662-5467

1980 NORTH 2500 EAST
HAMER ID USA 83425

CORY PETERSEN Phone: (208)662-5467

1980 NORTH 2500 EAST
HAMER ID USA 83425

2. Date of Priority: 05/01/1928

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	36E	26	NW NW NE	JEFFERSON
07N	36E	26	SW NW NW	JEFFERSON

5. Description of diverting works:

TWO WELLS OPEN DISCHARGE INTO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.11	

7. Total Quantity Appropriated is:
1.11 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	36E	26	NW	NE	IRRIGATION	21
			NW	NW	IRRIGATION	25
			SW	NW	IRRIGATION	37
			SE	NW	IRRIGATION	33
			SW	NE	IRRIGATION	23
			NE	NW	IRRIGATION	25
					Section Acres	164
					Total Acres	164

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:

14. Remarks:

TRANS. 1584 & 2424.____ CLAIM REFLECTS CURRENT USE OF WATER UNDER THIS RIGHT
CHANGE OF OWNERSHIP, 10/30/90/JT

CLAIM AMENDED 7/2000 TO REFLECT PLACE OF USE AS SHOWN BY AERIAL PHOTOGRAPHY.

Original amended claim not data-entered due to computer problems at time it was
received. BContor 11/16/2000.

15. Basis of Claim: Decreed

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 CIVIL CASE NUMBER: 39576
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number 31-63F
Date Received: 8/5/88
Receipt No: E001095
Received By: _____

AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW AMENDED

1. Name of Claimant(s)

Name: CORY PETERSEN Phone: (208)662-5467

Address: 1980 NORTH 2500 EAST
HAMER ID USA 83425

Name: DARLA PETERSEN Phone: (208)662-5467

Address: 1980 NORTH 2500 EAST
HAMER ID USA 83425

2. Date of Priority: 05/01/1928

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County
07N	36E	26	SW	NW	NW	JEFFERSON
07N	36E	26	NW	NW	NE	JEFFERSON

5. Description of diverting works:

TWO WELLS OPEN DISCHARGE INTO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.11	

NOT ON
PRODUCTION
DATABASE

7. Total Quantity Appropriated is:

1.11 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township Acres	Range	Section	1/4 of 1/4	Lot	Use	
07N	36E	26	NW	NE	IRRIGATION	21
			NE	NW	IRRIGATION	25
			NW	NW	IRRIGATION	25
			SW	NE	IRRIGATION	23
			SE	NW	IRRIGATION	33
			SW	NW	IRRIGATION	37
					Section Acres	164
					Total Acres	164

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:

14. Remarks:

TRANS. 1584 & 2424.____ CLAIM REFLECTS CURRENT USE OF WATER UNDER THIS RIGHT. CHANGE OF OWNERSHIP, 10/30/90/JT

CLAIM AMENDED 7/2000 TO REFLECT PLACE OF USE AS SHOWN BY AERIAL PHOTOGRAPHY.

15. Basis of Claim: Decreed

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: 2

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): Craig Litterer Date: 2-18-2000

Date: _____

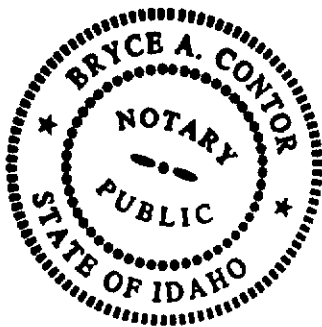
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this
of 18 July 2000

Bryce A. Contor
Notary Public

Residing at Mud Lake

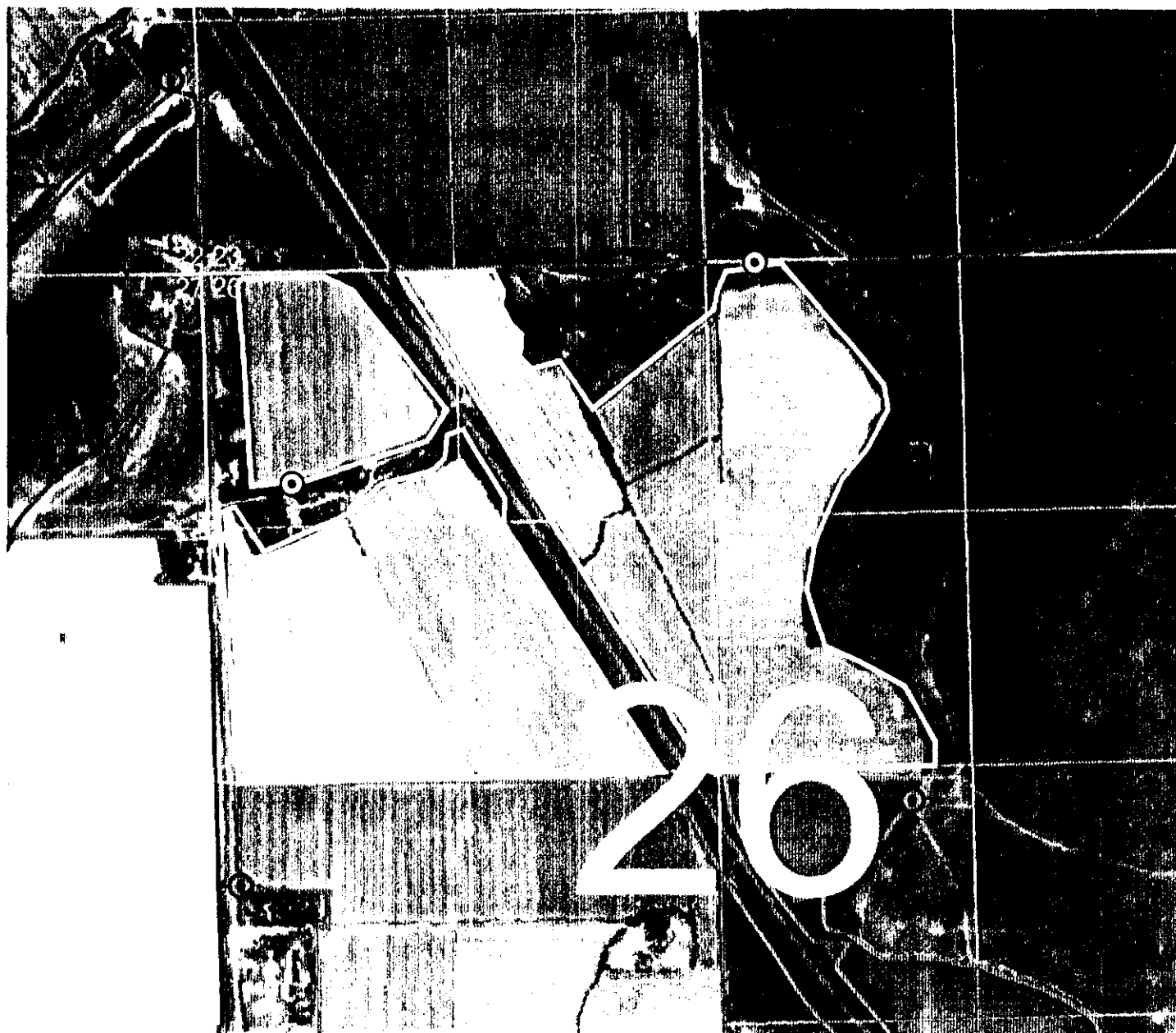
My commission Expires 10/14/2005



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062F, 63F

Township 7N Range 36E Section 26



0 1320 Feet

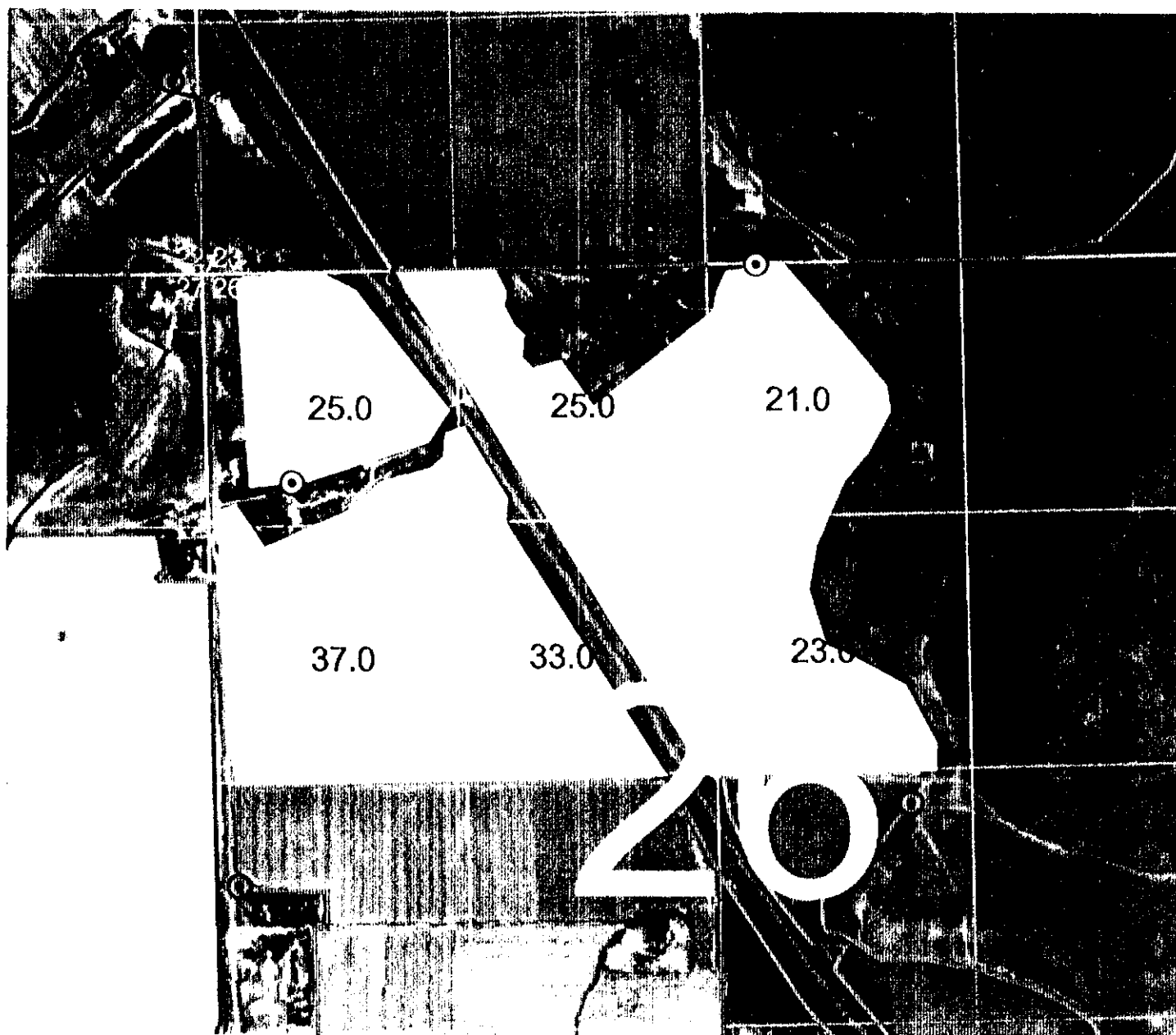
- ⊙ Point of Diversion - This Water Right
- ⊙ Point of Diversion - Other Water Rights
- Place of Use - This WR
- Place of Use - Other WR
- Sections
- Quarter-quarter Sections



IDAHO DEPARTMENT OF WATER RESOURCES

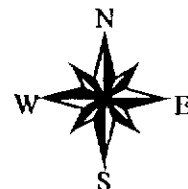
Water Right 31-00062F, 63F

Township 7N Range 36E Section 26



0 1320 Feet

- ⊙ Point of Diversion - This Water Right
- ⊙ Point of Diversion - Other Water Rights
- Place of Use - This WR
- Place of Use - Other WR
- Sections
- Quarter-quarter Sections



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: A31-00063F
Date Received: 8/05/1988
Receipt No: E001095
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CORY PETERSEN 208-662-5467
Address: 1980 NORTH 2500 EAST
HAMER, ID 83425

OR
Name: DARLA PETERSEN 208-662-5467
Address: 1980 NORTH 2500 EAST
HAMER, ID 83425

2. Date of Priority: MAY 01, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	26	NW	NW	NE		JEFFERSON
			SW	NW	NW		JEFFERSON

5. Description of diverting works:
TWO WELLS OPEN DISCHARGE INTO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.110		

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

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	26	NW	NE		IRR	15.0
			SW	NE		IRR	12.0
			NE	NW		IRR	34.0
			NW	NW		IRR	30.0
			SW	NW		IRR	33.0
			SE	NW		IRR	36.0

Section Acres 160.0

Total Acres 160.0

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:
31-0062F.

14. Remarks:

TRANS. 1584 & 2424. CLAIM REFLECTS CURRENT USE OF WATER UNDER
THIS RIGHT.
CHANGE OF OWNERSHIP, 10/30/90/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT.

Decree Defendant

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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: A31-00063F
Date Received: 8/05/1988
Receipt No: 2001095
Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WESLEY GROVER *Peterson 9/0* 208-662-5243
Address: BOX 1150 HC 69
1980 N. 2500 E.
HAMER, ID 83425

OR

Name: LARUE GROVER 208-662-5243
Address: BOX 1150 HC 69
1980 N. 2500 E.
HAMER, ID 83425

2. Date of Priority: MAY 01, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	26	NW	NW	NE		JEFFERSON
			SW	NW	NW		JEFFERSON

5. Description of diverting works:

TWO WELLS OPEN DISCHARGE INTO DITCHES FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.110		

7. Total Quantity Appropriated is:

1.110 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 400.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A31-00063F

Page

1

Date: 08/05/88

A3100063F



MICROFILMED

NOV 1 / 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	36E	26	NW		NE		IRR	15.0
			SW		NE		IRR	12.0
			NE		NW		IRR	34.0
			NW		NW		IRR	30.0
			SW		NW		IRR	33.0
			SE		NW		IRR	36.0

Section Acres 160.0

Total Acres 160.0

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:
31-0062F.

14. Remarks:
TRANS. 1584 & 2424.____ CLAIM REFLECTS CURRENT USE OF WATER UNDER
THIS RIGHT.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT.

Decree Defendant

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Wesley Grover Date:
Larue B. Grover Date: Aug 5/88

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of August 19 88 Deleen Wray
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 5/29/1991

R36E

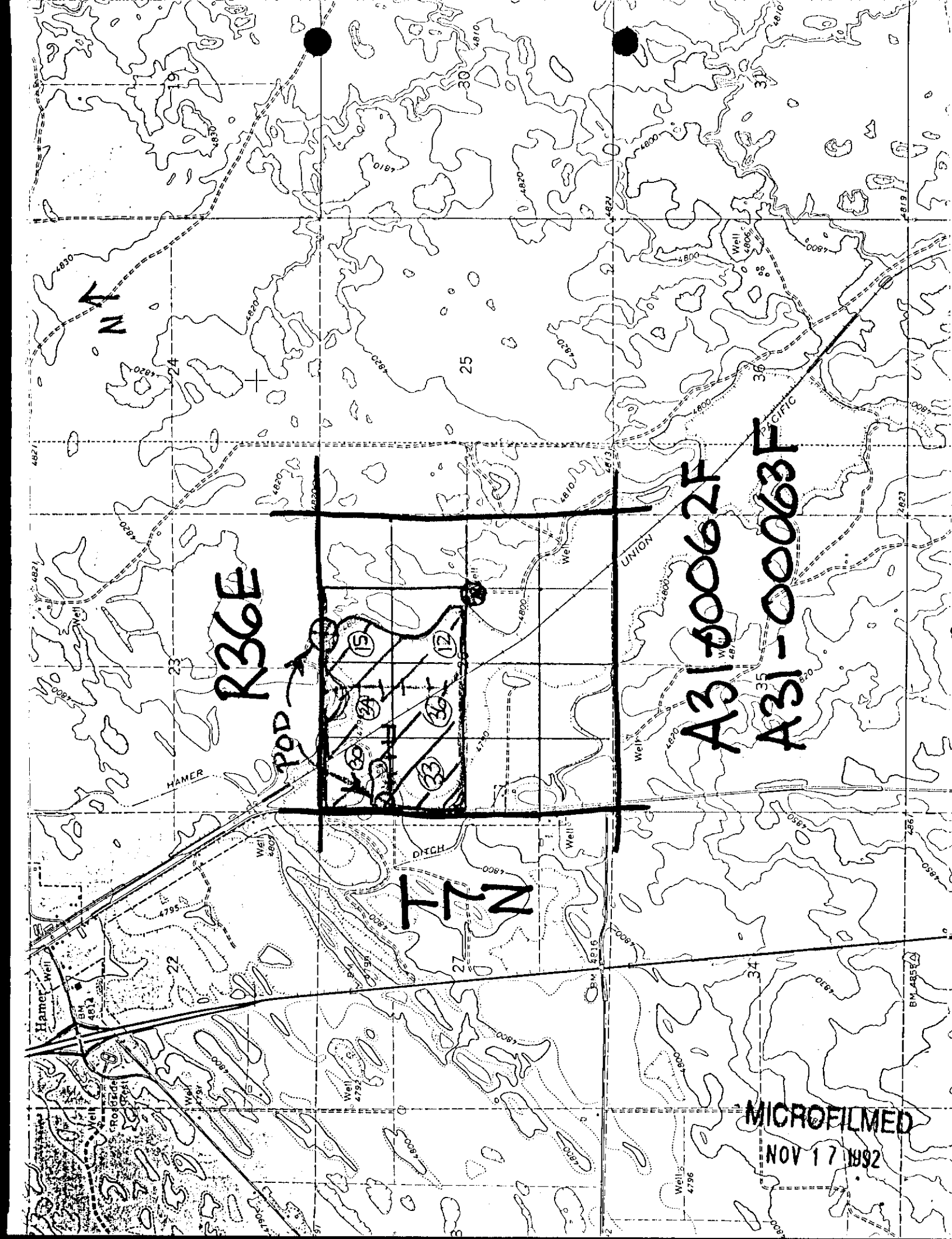
A31-00062F

A31-00063F

POD

T7N

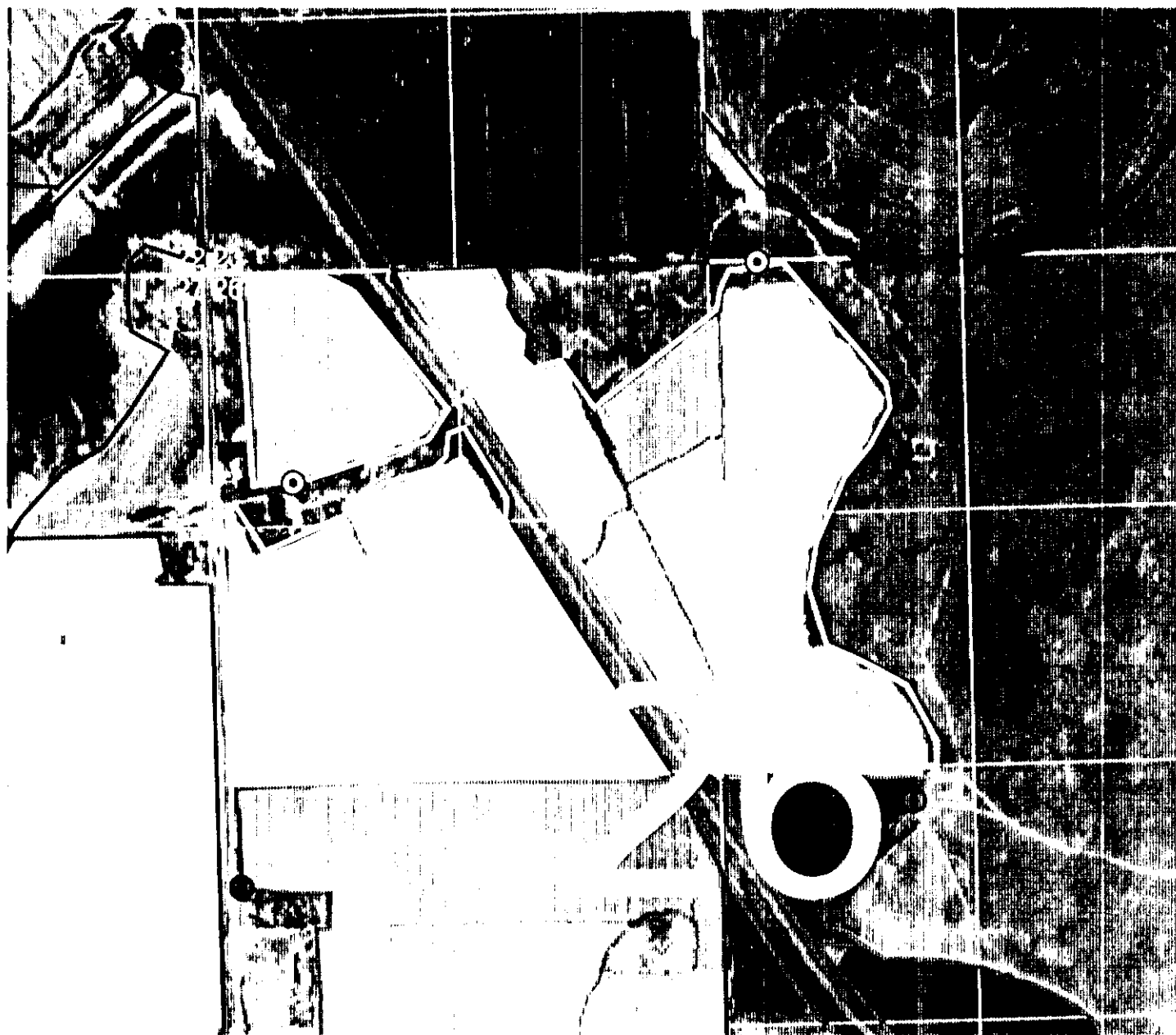
MICROFILMED
NOV 17 1992



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062F, 63F

Township 7N Range 36E Section 26



0 1320 Feet

- Point of Diversion - This Water Right
- Point of Diversion - Other Water Rights
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- Sections
- Quarter-quarter Sections





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

July 11, 2000

Cory Petersen
Darla Petersen
1980 N 2500 E
Hamer, Idaho 83425

Re: Amended Claims A31-00062F, A31-00063F, A31-10599,
A31-11364, A31-11365

Dear Mr. and Mrs. Petersen:

Attached are amended claims for the extra lands that we identified on the aerial photography. Even though I typed them up, they are your claims. Please review them carefully, and edit anything you feel is incorrect. If you make corrections, please initial them.

A few things to note:

1. Claims A31-00062F and A31-00063F:

I think I had told you I found 180 acres, but that was a mistake. I was counting the dry bump between the rail road tracks and the east well as "irrigated." The claims show 164 acres, which isn't much more than the original.

2. Claim A31-10600 was split into A31-11364 and A31-11365 by the changes of ownership.
3. I increased the diversion rate on A31-11364 and A31-11365 to match the Water Measurement District Measurement. This comes to more than 1" per acre. I've asked the engineer in Boise to do an analysis to see if we can justify the additional diversion rate. We may not be able to recommend all that is on these claims, but we may be able to recommend some additional, if you submit the amended claims. There is no additional fee for the additional rate.
4. The yellow stickies on the claims identify the extra fees required, at \$1/acre.
5. When you sign your mother's claims, be sure to sign as "representative of Wilma Petersen."
6. The signatures need to be notarized. I can meet you somewhere and do the notarizing, if you like.

Please call me if you have questions or concerns.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

To: A31-00062F
A31-00063F
A31-10599
A31-10600
Fr: Bryce Contor
Date: 6/30/2000

Re: Amended claims

Don Petersen's representative Cory Petersen came in yesterday to discuss the letter regarding amending the above claims to include POU found but not claimed. He requested that I prepare and mail the amended claims when the computer system allows. I'm proceeding with preparation of the shapefiles.

Two items to note:

A31-10599 is based on an old license. Cory identified additional irrigated pasture lands, included on the original license, that I had not identified on the first layouts. These will be added to the amended claim along with the additional POU I identified.

A31-10600 appears to include some POU in section 25, which was not claimed. Cory indicated that this is not BLM land and would like it included on the amended claim.



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

June 27, 2000

Mrs. Don Petersen
2973 W Wild Rose CT
Idaho Falls, ID 83402

Cory Petersen
1980 N 2500 E
Hamer, ID 83425

Re: Adjudication Claims A31-00062F, A31-00063F,
 A31-10599, A31-10600

Dear Water Users:

In the process of reviewing your adjudication claims, I've come across some things that need attention.

1. A31-00062F, A31-00063F

These two claims were filed for 160 acres of irrigation. It appears from the transfers in the file and from the aerial photography that we could recommend approximately 175 to 180 acres, if the claims were amended. I sent Cory a brief note about this not too long ago.

There will be no fee for the amendment, but there is a \$1.00 per acre fee for additional acres claimed.

2. A31-10599

This claim was filed for 35 acres of irrigation. It appears from the original license and from the aerial photography that we could recommend approximately 48 acres, if the claim were amended.

3. A31-10600

This claim is a "beneficial use" claim, which means that it is a water right that was perfected before permits or licenses were required, and it has never been decreed in a court case.

To recommend a "beneficial use" right, we need documentation of the priority date. The attached pamphlet describes the types of information that may be useful. If affidavits are provided, some tips to keep in mind are:

- The affidavit specifically identifies the well (something like "Don Petersen's well in Section 26 east of the rail road," or "the well at 7N 36E Section 26 SE ¼").
- The statement is a "first person" statement (I saw, I cut grain for Mr. Petersen, I irrigated...)
- The statement includes dates and specifics of what was observed and/or practiced.
- We are looking for documentation that the diversion works were in place, that they were capable of diverting the claimed amount of water, and that water was actually diverted and applied to beneficial use.

There are two affidavits in the file, one from LaMoyne Barney and one from Reese Sanders. I've attached copies of these affidavits. Both of these appear to document diversion from the well in section 23, claimed under claim A31-10599.

What I need is documentation for the well in section 26, claimed under A31-10600.

Please review this carefully, and call me if you have any questions. I'd like to make the most accurate recommendation possible, and this information will help.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

June 27, 2000

Mrs. Don Petersen
2973 W Wild Rose CT
Idaho Falls, ID 83402

Cory Petersen
1980 N 2500 E
Hamer, ID 83425

Re: Adjudication Claims A31-00062F, A31-00063F,
 A31-10599, A31-10600

Dear Water Users:

In the process of reviewing your adjudication claims, I've come across some things that need attention.

1. A31-00062F, A31-00063F

These two claims were filed for 160 acres of irrigation. It appears from the transfers in the file and from the aerial photography that we could recommend approximately 175 to 180 acres, if the claims were amended. I sent Cory a brief note about this not too long ago.

There will be no fee for the amendment, but there is a \$1.00 per acre fee for additional acres claimed.

2. A31-10599

This claim was filed for 35 acres of irrigation. It appears from the original license and from the aerial photography that we could recommend approximately 48 acres, if the claim were amended.

3. A31-10600

This claim is a "beneficial use" claim, which means that it is a water right that was perfected before permits or licenses were required, and it has never been decreed in a court case.

To recommend a "beneficial use" right, we need documentation of the priority date. The attached pamphlet describes the types of information that may be useful. If affidavits are provided, some tips to keep in mind are:

- The affidavit specifically identifies the well (something like "Don Petersen's well in Section 26 east of the rail road," or "the well at 7N 36E Section 26 SE ¼").
- The statement is a "first person" statement (I saw, I cut grain for Mr. Petersen, I irrigated...)
- The statement includes dates and specifics of what was observed and/or practiced.
- We are looking for documentation that the diversion works were in place, that they were capable of diverting the claimed amount of water, and that water was actually diverted and applied to beneficial use.

There are two affidavits in the file, one from LaMoyne Barney and one from Reese Sanders. I've attached copies of these affidavits. Both of these appear to document diversion from the well in section 23, claimed under claim A31-10599.

What I need is documentation for the well in section 26, claimed under A31-10600.

Please review this carefully, and call me if you have any questions. I'd like to make the most accurate recommendation possible, and this information will help.

Sincerely,



Bryce A. Contor
Senior Water Resource Agent



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

Date 6/22/00

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Cory Petersen
1980 N 2500 E
Hamer, ID

Re: Adjudication Claim(s) A31-00062F, A31-00063F

Dear Water User:

We are currently in the process of reviewing adjudication claims in Basin 31, in preparation for submitting recommendations to the Snake River Basin Adjudication Court.

In reviewing your claim(s) listed above, it appears the irrigated acreage exceeds what is authorized by the claim(s). To provide for irrigation of the additional acres, you need to file an "enlargement claim" or perhaps amend the claim(s) listed above.

Please contact me at (208) 525-7161 if you have further questions or would like to make an appointment to file or amend a claim.

Sincerely,

Dave A. Contor
Senior Water Resource Agent

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.

To: Splits of A31-00063
Fr: Bryce A. Contor
Date: 2/17/2000

Bryce

Re: Split History

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

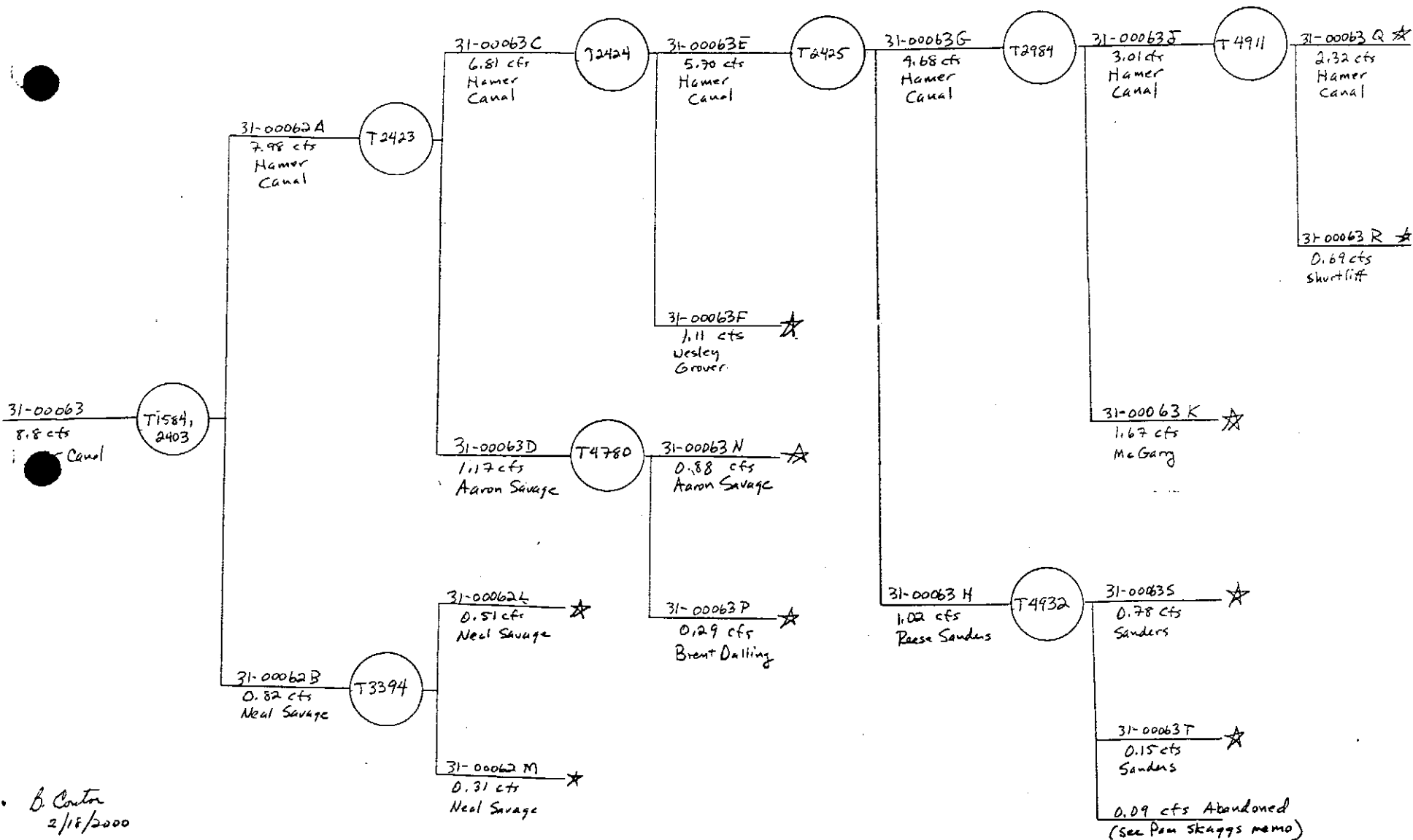
Note that transfer 4932 declared 0.09 cfs of original right 31-00063 to be abandoned. Memo in file A31-00063A.

Claim A31-00063H, corresponding to WR 31-00063H, 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 31-00063Q.

Four claims -- A31-00063K, A31-00063L, A31-00063Q, and A31-00063S -- appear to have their basis in WR 31-00063Q. These will need careful research of ownership history, original POU, and accomplished transfer. While original right 31-00063Q is overclaimed, 31-00062Q is underclaimed. It may be that all these are legitimate claims, but the diversion rates have been reversed between corresponding splits of '62 and '63.

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.

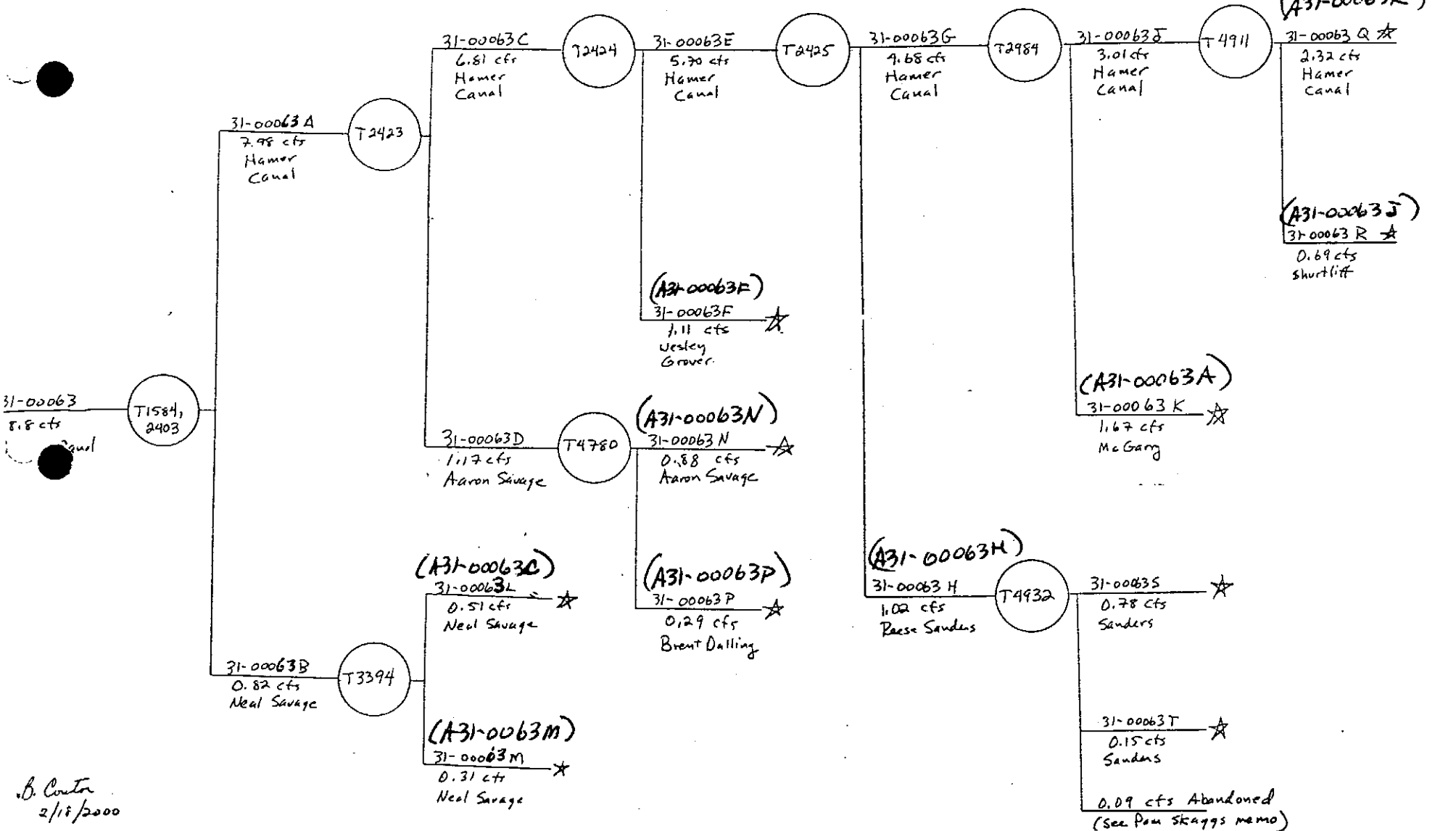
Split History of 31-00063 - WR Side



B. Conter
2/15/2000

AF claims us.

Split History of 31-00063 - WR Side



B. Carter
2/18/2000

WR5809NP
No. 31-00063F

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WESLEY GROVER HAMER ID 83425	05/01/1928	IRRIGATION	05/01 09/01	1.110 CFS	
TOTAL DIVERSION:					1.110 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion: T07N R36E S26 NWNE NWNW 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	Lt	Ac	Lt	Ac	:	
07N	36E	26	:			20	20	:	38	37	40	35	:					:							:	190.0
																							TOTAL ACRES	190.0		

Pou County: JEFFERSON

Remarks: GEN TRANS. 1584 & 2424.

Dates:	App. Received:	Priority Date:	05/01/1928
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 31 Field Exam Fee:

Audit: 07/15/85 05/22/88 CONVERT 02/06/98 CLEARFLD

*appears to correspond w/
A31-00063F.
Note acres are under claimed*



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

October 30, 1990

CORY PETERSEN
1980 NORTH 2500 EAST
HAMER ID 83425

RE: Change in Ownership A31-00062F, A31-00063F,
A31-10242 and A31-10243

Dear Cory,

Your request for Change in Ownership submitted for Notices of Claim A31-00062F, A31-00063F, A31-10242, and A31-10243 has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notice(s) with your name shown as the current owner. Review the forms(s) and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice(s) for your records.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Printed Notices of Claim

File: P

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NOV 17 1992

RECEIVED

OCT 29 1990

Department of Water Resources
Eastern District Office

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A31-00062F, A31-00063F, A31-10242, A31-10243

[] Name and Address of
Former Claimant(s):

WESLEY GROWER

[] New Claimant(s):

CORY OR DARLA PETERSEN

[] New Mailing Address:

1980 NORTH 2500 EAST

HAWER, ID. 83425

New Telephone Number: (208) 662-5467

[] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership

Describe proof attached:

CONTRACT OF SALE

(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s):

Cory Petersen

Date:

10/29/90

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NOV 17 1992

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hamer Canal Co.	8.8		31-0063
1584	Hamer Canal Co.	8.8		31-0063
2403	Savage, Neal	0.82		31-0063 B
	Hamer Canal Co.	7.98		31-0063 A
2423	Savage, Aaron	1.17		31-0063 D
	Hamer Canal Co.	6.81		31-0063 C
2424	Grover, Wesley	1.11	A31-0063 F.....	31-0063 F
	Hamer Canal Co.	5.70		31-0063 E
2425	Sanders, Norse	1.02	A31-0063 H.....	31-0063 H
	Hamer Canal Co.	4.68		31-0063 G
3029	Savage, Aaron	1.17	A31-0063 D.....	31-0063 D
2984	Loren McGarry Ranches	1.67	A31-0063 A.....	31-0063 K
	Hamer Canal Co.	3.01		31-0063 J

3394

SAVAGE, NEAL

~~0.82~~
0.31

A31-0063 C

31-0063 E

NOTE: FILING IS FOR 0.51 cfs

A31-0063 J (3.44 cfs)

A31-0063 K (3.16 cfs)

A31-0063 L (0.66 cfs)

R

T

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NOV 17 1992