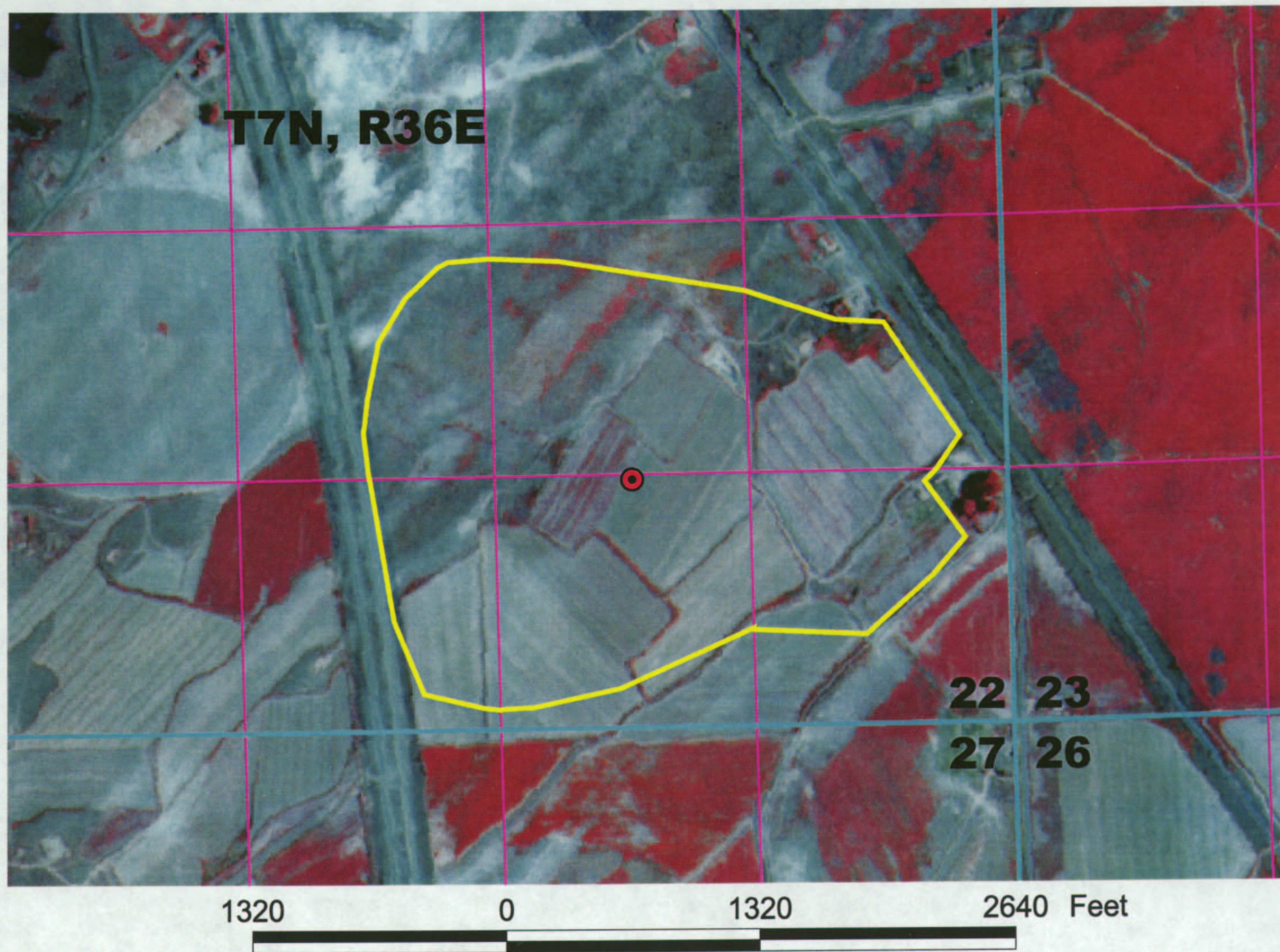




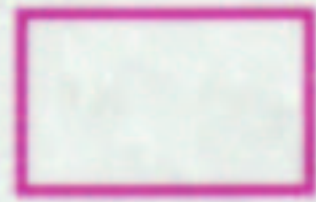
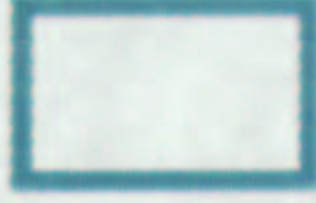
STATE OF IDAHO

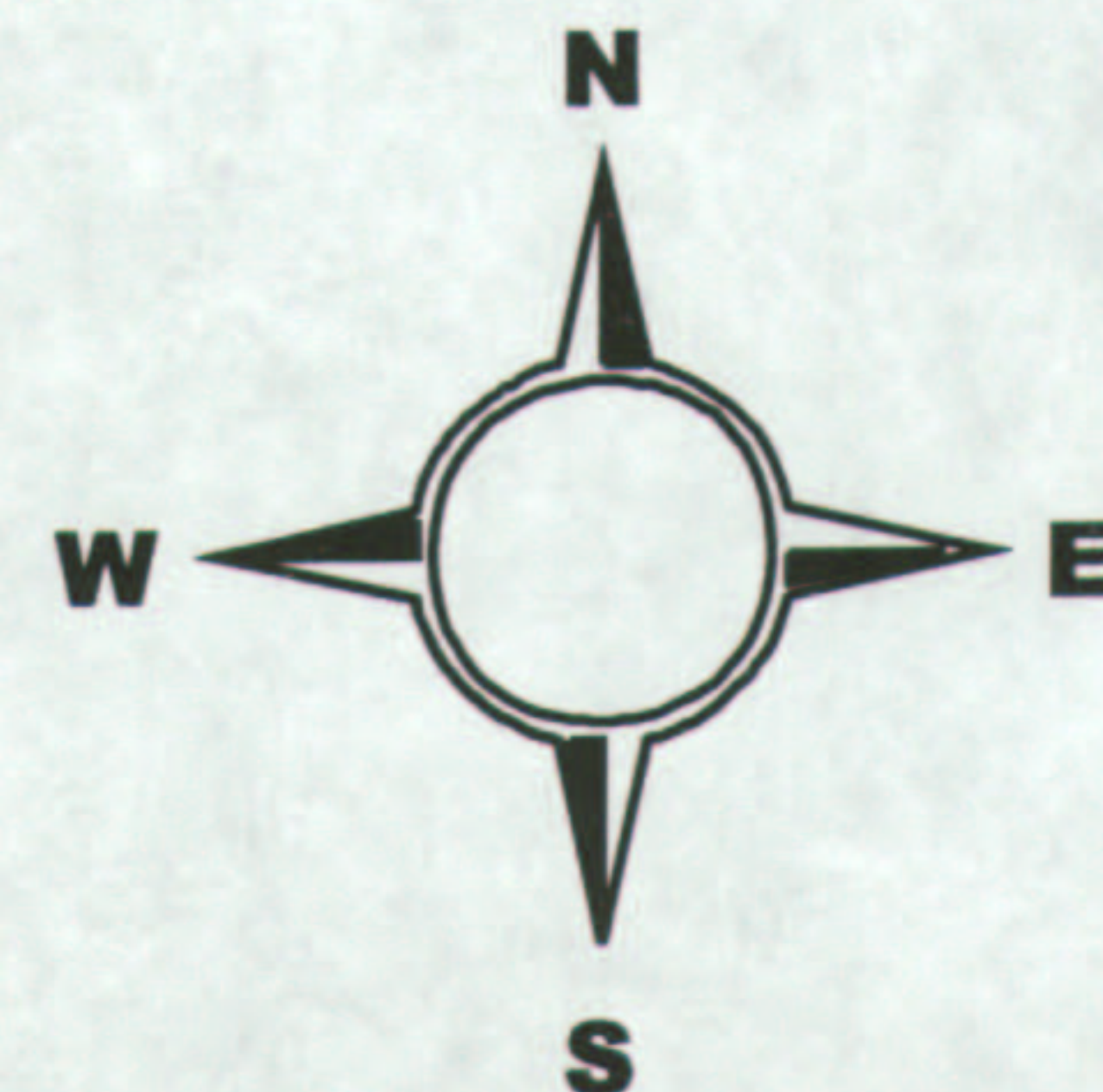
Department of Water Resources
Eastern Region

Water Right(s): 31-00062J and 31-00063J



Total Irrigated Acres: 129.2

-  Point of Diversion
-  Place of Use
-  Quarter Section Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000

12/04/2000

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

RIGHT NUMBER: 31-63J

NAME AND ADDRESS: LELLA SHURLIFF
RENE SHURLIFF
2023 N OLD BUTTE HWY
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.69 CFS
250.5 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-00062J IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 452.2 AF.

PRIORITY DATE: 05/01/1928

POINT OF DIVERSION:	T07N R36E S22	NESWSE	Within JEFFERSON County
	T07N R36E S22	NESESE	Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-15 10-15	0.69 CFS 250.5 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN
AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 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.

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R36E S22	NESW	14.6	T07N R36E S22	SESW	14.6
T07N R36E S22	NESE	17.6	T07N R36E S22	NWSE	32.4
T07N R36E S22	SWSE	32.4	T07N R36E S22	SESE	17.6

129.2 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 31-00062J IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 129.2 ACRES IN A SINGLE IRRIGATION SEASON.

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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-63J

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LELLA SHURLIFF
Current Owner	RENE SHURLIFF
	2023 N OLD BUTTE HWY
	HAMER, ID 83425
	(208)662-5246

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

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/15	10/15	0.69 CFS	250.5 AFA	
Total Diversion			0.69 CFS	250.5 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	22	NE SE SE		JEFFERSON
07N	36E	22	NE SW SE		JEFFERSON

IRRIGATION Use:

Acre Limit: 129.2

Place(s) of use:

Place of Use Legal Description: IRRIGATION

JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	36E	22		NESW	14.6		SESW	14.6						
				NESE	17.6		NWSE	32.4		SWSE	32.4		SESE	17.6

Total Acres: 129.2

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:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE [APRIL 15] AND AFTER [OCTOBER 15] 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. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-00062J IS LIMITED TO THE IRRIGATION OF A COMBINED

3. Quantity

TOTAL OF 129.2 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHT NO. 31-00062J IS LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 452.2 AF.

Comments:

Author	Date	Subject	Comment
csaxton	12/4/00	Split History	WR and AJ split history differ. Recommended per TR 4911.

Dates:

Licensed Date:
Claim Received Date: 11/28/1988
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/4/00 8:24:52 AM	csaxton			In Process
POD	12/4/00 8:25:44 AM	csaxton			In Process
POU	12/4/00 8:37:20 AM	csaxton			In Process
	12/4/00 8:30:03 AM	csaxton			In Process
Priority Date	12/4/00 8:25:27 AM	csaxton			In Process
Quantity	12/4/00 8:34:25 AM	csaxton			In Process
Season	12/4/00 8:32:25 AM	csaxton			In Process
Source	12/4/00 8:29:05 AM	csaxton			In Process
Summary	12/4/00 9:04:02 AM		12/4/00 9:04:02 AM	csaxton	Complete
Use	12/4/00 8:29:38 AM	csaxton			In Process

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector: OR
Overall Max Diversion Rate: 0.69
Overall Max Diversion Volume: 250.5
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:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	12/4/00 8:24:50 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: IN HOUSE REVIEW
POD	12/4/00 8:27:58 AM	csaxton	Edited point location
POD	12/4/00 8:27:28 AM	csaxton	Edited point location
POD	12/4/00 8:25:43 AM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.

POU	12/4/00 8:37:19 AM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
POU	12/4/00 8:30:02 AM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (YES) The claimed POU can be verified using the water right file. 12. (NO) POU remark was not required. 13. (NO) POU condition was not required.
Priority Date	12/4/00 8:25:27 AM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	12/4/00 8:34:23 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 7. (YES) The parent right has an annual diversion volume limit. 8. (YES) Irrigation is a purpose of use. Comment for 8: TR 4911 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	12/4/00 8:32:24 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (YES) The period of use on the decree, license or transfer is shorter on either the start or end date than allowable under IDWR's current standard. 15. (YES) Period of Use remark was required. 16. (NO) Period of Use condition was not required.
Source	12/4/00 8:29:04 AM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (NO) The source is not surface water. 10. (NO) Source remark was not required.
Summary	12/4/00 9:04:01 AM	csaxton	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.
Use	12/4/00 8:29:37 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

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: **A31-00063J**
Date Received: 11/28/1988
Receipt No: E004487
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RENE SHURLIFF 208-662-5246
Address: 2023 N OLD BUTTE HWY
HAMER ID 83425
OR
Name: LELLA SHURLIFF 208-662-5246
Address: 2023 N OLD BUTTE HWY
HAMER ID 83425

2. Date of Priority: MAY 1, 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	22	NE	SE	SE		JEFFERSON

5. Description of diverting works:

WELL, 180' DEEP, PUMP 60 HP. MOTOR, OPEN DISCHARGE INTO HAMER C.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.690		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	22	NE	SW		IRR	14.6

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	22	SE	SW		IRR	14.6
			NE	SE		IRR	17.6
			NW	SE		IRR	32.4
			SW	SE		IRR	32.4
			SE	SE		IRR	17.6
Section Acres							129.2
Total Acres							129.2

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:
31-00062J

14. Remarks:
RIGHT WERE ORIGINALLY IN THE NAME OF HAMER CANAL CO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT

vs 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.

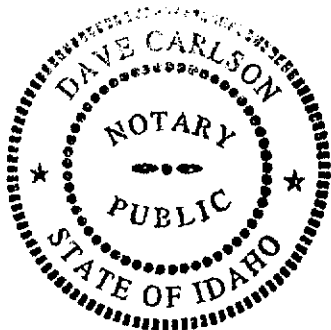
Signature of Claimant(s): *Gene Shurtliff* Date: 11-18-96
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18 day
of Nov 19 96 *Dave Carlson*
Notary Public

Seal

Residing at *Rigby, Id*
My Commission Expires 2/26/2002



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: A31-00063J
Date Received: 11/28/1988
Receipt No: E004487
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RENE SHURTLIFF 208-662-5246
Address: 2023 N. OLD BUTTE HWY
HAMER, ID 83425

OR

Name: LELLA SHURTLIFF 208-662-5246
Address: 2023 N. OLD BUTTE HWY
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 of	Lot	County
07N	36E	22	NE	SE	SE		JEFFERSON

5. Description of diverting works:

WELL, 180' DEEP, PUMP 60 HP. MOTOR, OPEN DISCHARGE INTO HAMER C.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.440		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A31-00063J

Page 1

Date: 11/28/88

MICROFILMED

NOV 17 1992

A3100063J



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	22	NE	SW		IRR	20.0
			SE	SW		IRR	14.0
			NE	SE		IRR	28.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	30.0
						Section Acres	172.0
						Total Acres	172.0

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:
31-00062J

14. Remarks:
RIGHT WERE ORIGINALLY IN THE NAME OF HAMER CANAL CO.

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

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT

v8

Decree Defendant

MICROFILMED

NOV 17 1992

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): X Gene Shurtliff Date: X 11-28-88
Date: _____

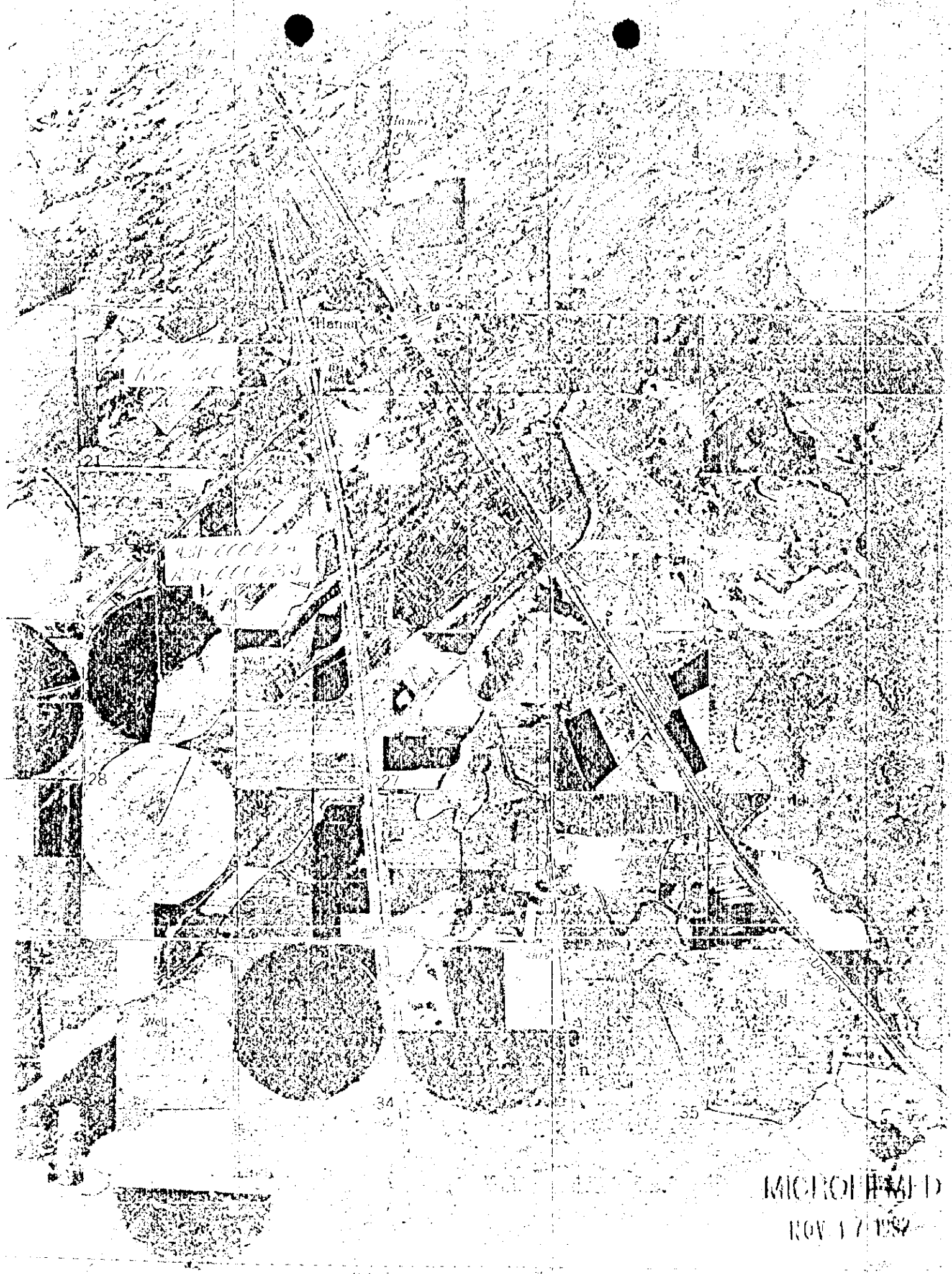
State of Idaho)
County of Bonneville) SS.

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

Ernest Carlson
Notary Public

Seal

Residing at Alto Lake Rd
My Commission Expires 14 June 1994



MICROFILMED

NOV 17 1982



STATE OF IDAHO

Department of Water Resources
Eastern Region

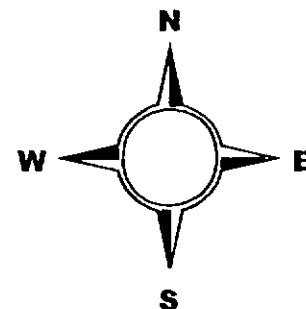
Water Right(s): 31-00062J and 31-00063J



1320 0 1320 2640 Feet

Total Irrigated Acres: 129.2

- Point of Diversion
- Place of Use
- [| Quater Section Lines
- | Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000

RECEIVED

FEB 16 2001
01/25/2001

Department of Water Resources
Eastern Region

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 9, 2001

Water right number: 31-63J

LELLA SHURTLIFF
2023 N OLD BUTTE HWY
HAMER ID 83425
Telephone Number: (208)662-5246

RENE SHURTLIFF
2023 N OLD BUTTE HWY
HAMER ID 83425
Telephone Number: (208)662-5246

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 2-14-2001

SIGNATURE: *Rene Shurtliff*

Please print your name: RENE SHURTLIFF

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, 2085257161

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.

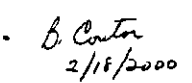
Note that transfer 4932 declared 0.09 cfs of original right 31-00063 to be abandoned. Memo in file A31-00063A.

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.

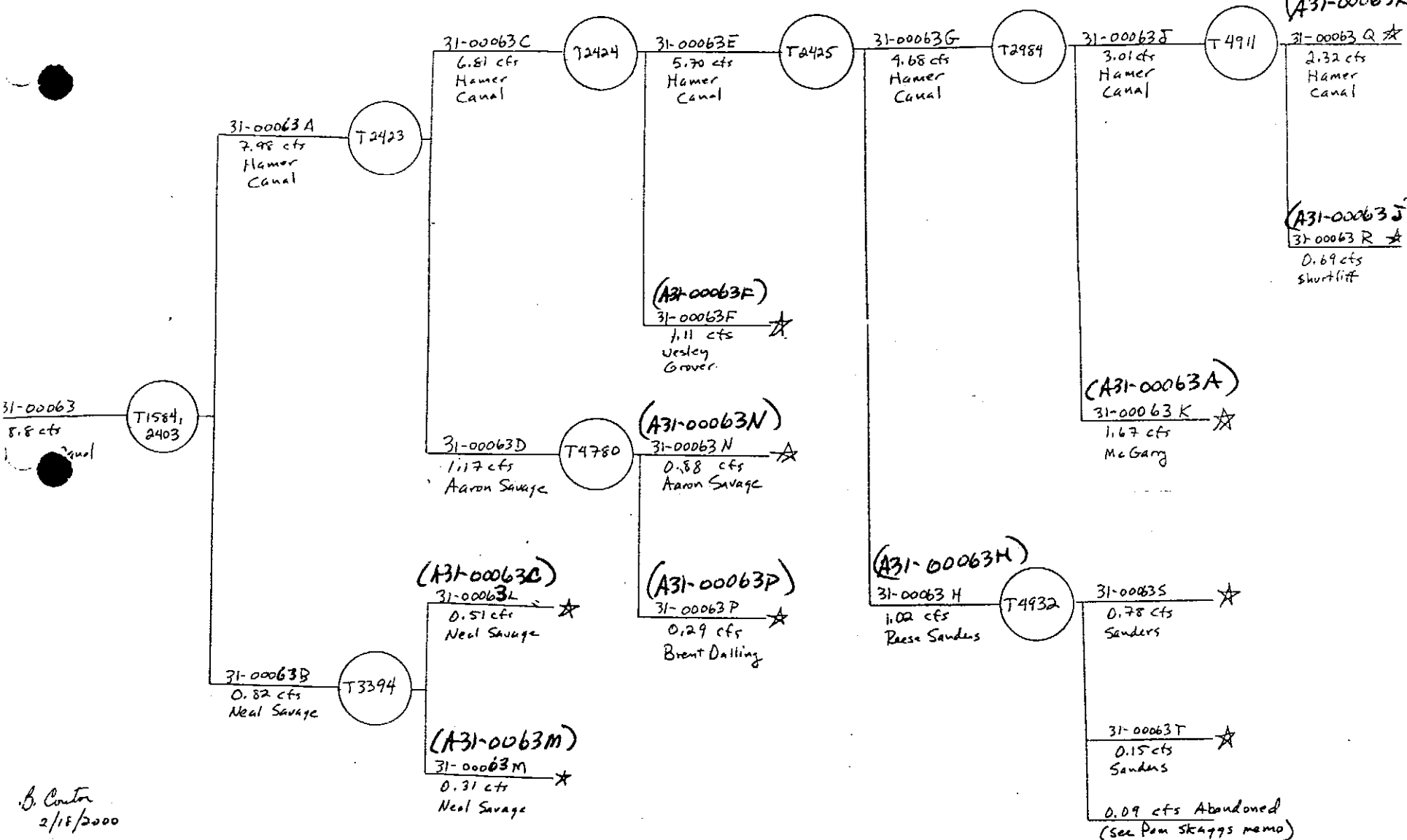
Split History of 31-00063 - WR Side



Split History of 31-00063 - WR Side

(A31-00063S)
(A31-00063Q)
(A31-00063L)
(A31-00063K)

(A31-00063J)
31-00063 R ★
D.69 cts
short lift



B. Conter
2/18/2000

DATE: 02/18/00
PAGE: 10

Comments to
A31-000638,
no engagement

WR5809NP
No. 31-00063R

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/00
PAGE: 11

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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:

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 10/31/96 RBODELL 03/18/97 PSKAGGS 03/18/97 PSKAGGS

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	0.02		31-0063 D
	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

3354

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

MICROFILMED

NOV 17 1992