

Water Right 31-62K and 31-63K
Revised Place of Use per
Notice of Error Review



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062K, 31-00063K

Township 7N Range 36E Section 22, 27



- Point(s) of Diversion, This WR
- Other Points of Diversion
- Place of Use, This WR
- Other Places of Use
- Section Lines
- Quarter-quarter Sections

0 1320 Feet

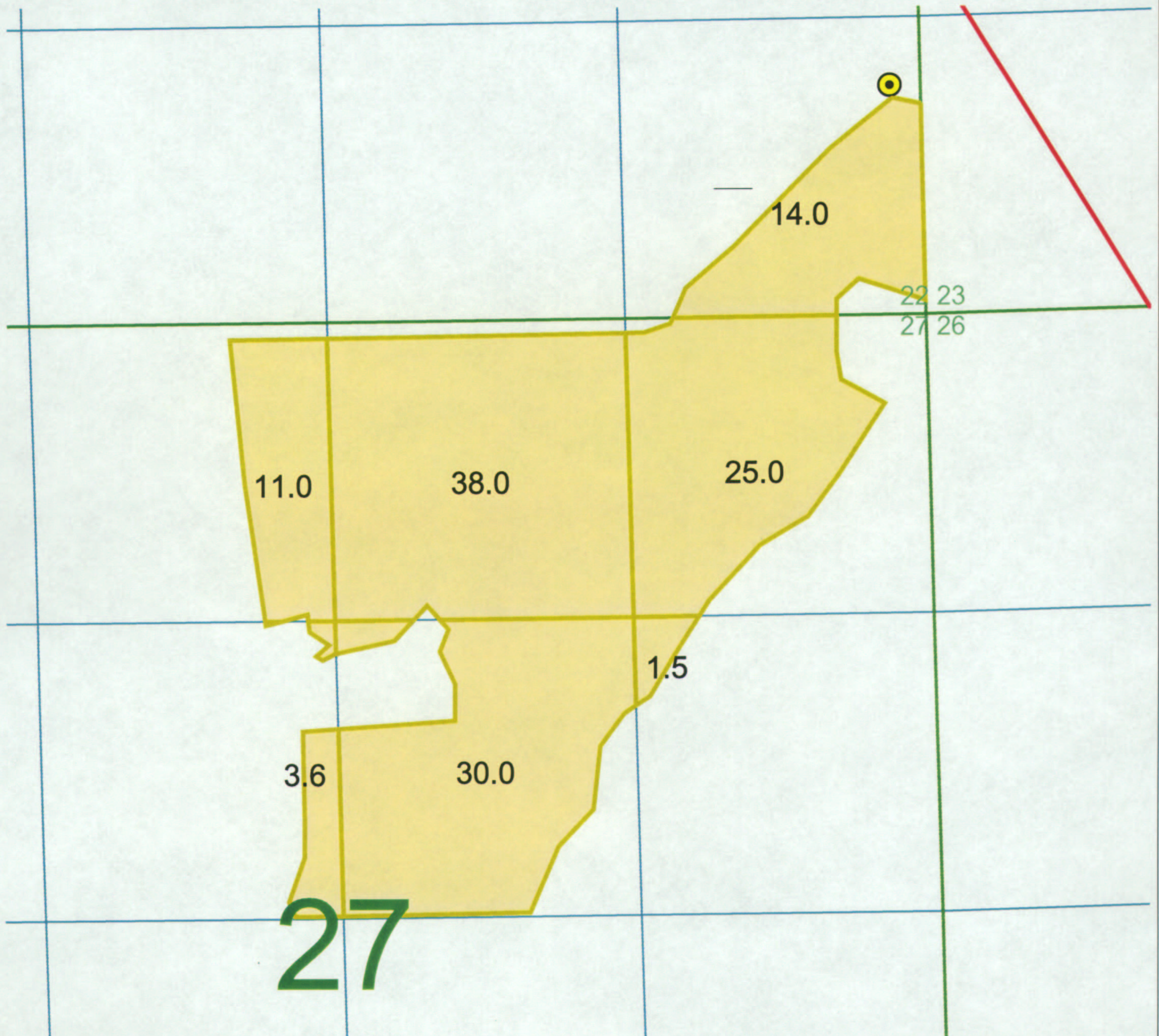


Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 6/2000

IDAHO DEPARTMENT OF WATER RESOURCES

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0 1320 Feet



Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 6/2000

03/21/2001

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

RIGHT NUMBER: 31-63K

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

SOURCE: GROUND WATER

QUANTITY: 0.86 CFS
365 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-62K IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 510.3 AF.

PRIORITY DATE: 05/01/1928

POINT OF DIVERSION: 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	04-01 10-31	0.86 CFS 365.00 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R36E S22	SESE	14	T07N R36E S27	NENE	34
T07N R36E S27	NWNE	38	T07N R36E S27	SWNE	40
T07N R36E S27	NENW	11	T07N R36E S27	SENE	8.8

145.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 145.8 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 31-00062K, 31-00063K.

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 POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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: A31-00063K
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: 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	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	3.160		

7. Total Quantity Appropriated is:

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

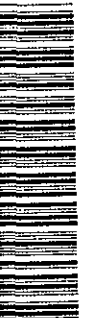
A31-00063K

Page 1

Date: 11/28/88

MICROFILMED
NOV 17 1992

A3100063K



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	22	SE	SE		IRR	17.0
						Section Acres	17.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	35.0
			SE	NE		IRR	1.0
			NE	NW		IRR	14.0
			SE	NW		IRR	12.0
						Section Acres	142.0
						Total Acres	159.0

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:
A31-00062K

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

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

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): Don McCall Date: 11-28-88

Date: _____

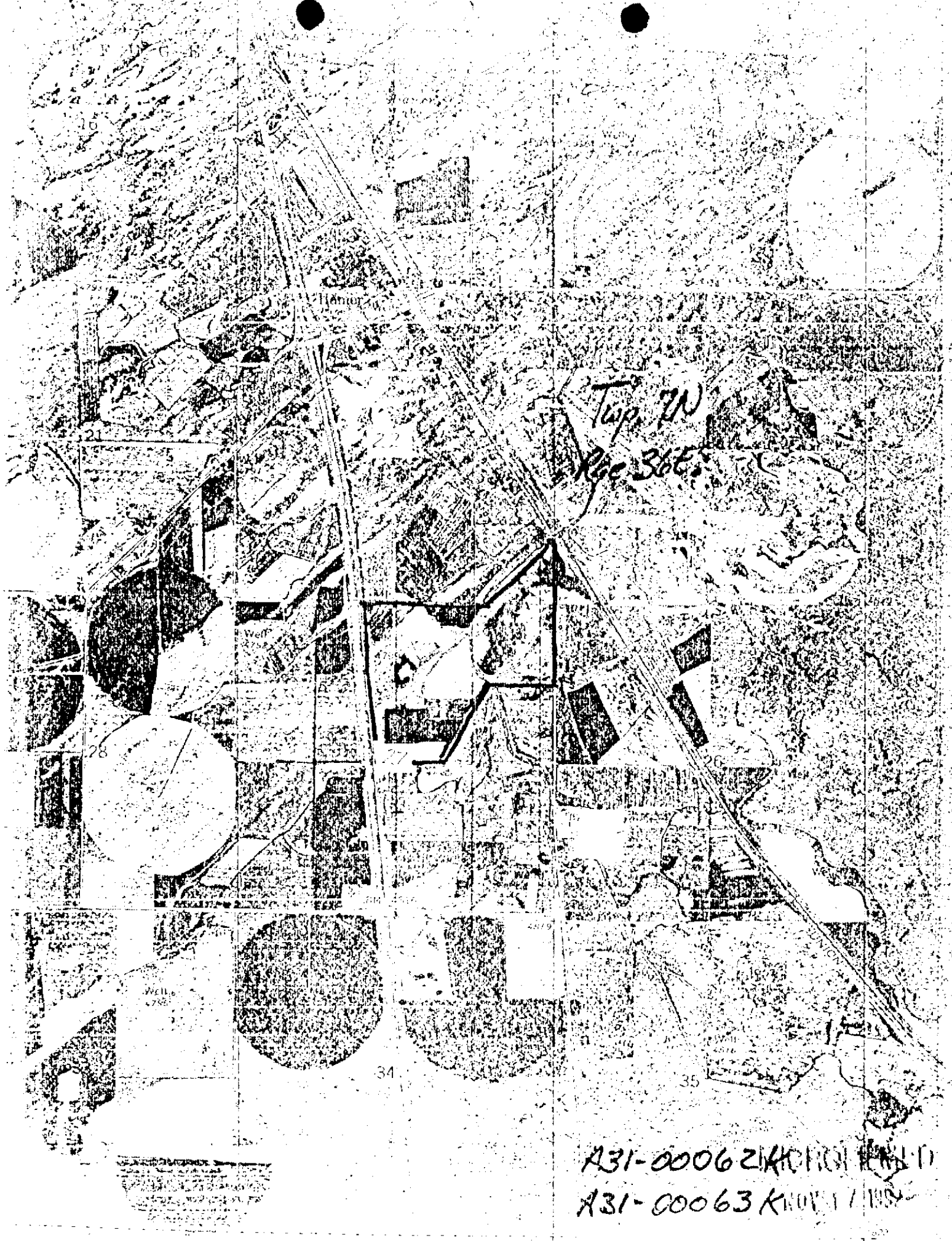
State of Idaho)
County of Bonneville) SS.

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

Ernest Carlson
Notary Public

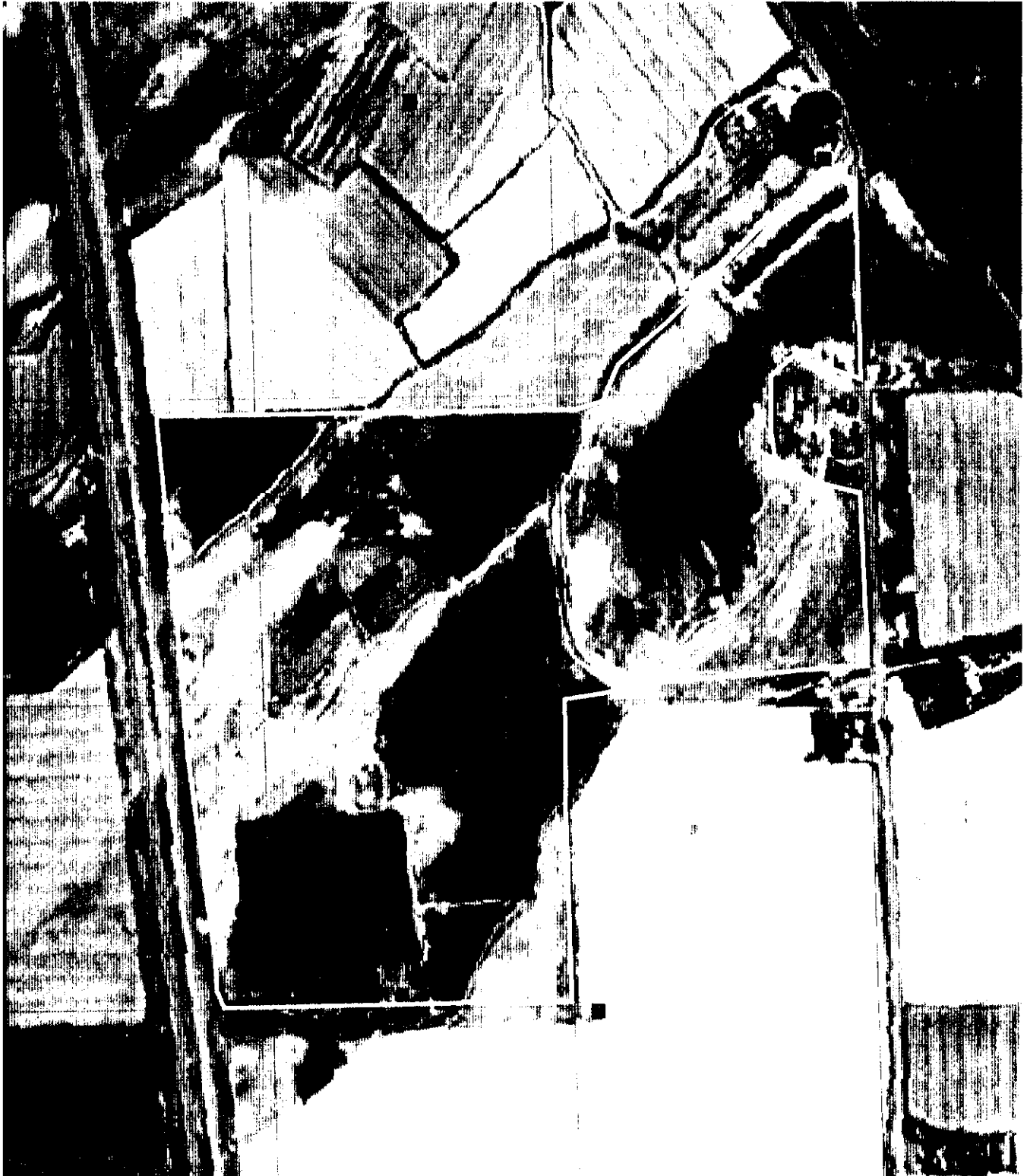
Seal

Residing at Albino Falls - ID.
My Commission Expires 14 June 1994



A31-00062 KNOX 1/1/10
A31-00063 KNOX 1/1/10

Water Right 31-62K and 31-63K
Revised Place of Use per
Notice of Error Review



23:03:19
03/15/95

CLAIM NUMBER: A31-70055K

**DIVERSION
VOLUME**

JEFFERSON

DATE: 11/2/82

JEFFERSON COUNTY

S

159.0

OTHER RIGHTS: 131-00362K

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

POU ID

Copy remarks for
31-00062K

See CUR
31-62~~2~~ for
NDE review

Red = Revision per NOE 3/21/01 RJC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/15/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-90053X

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

FIRST: DAN

STATE: ID ZIP: 83425

OWNER CODE: C

LAST: MURDOCK
ADDRESS: 1995 N. 2500 E.
CITY: HAMER
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: RIGHTS ORIGINALLY WERE IN THE NAME OF HAMER CANAL CO.

CONTACT PERSON: _____

PHONE NUMBER: () -

DATE OF FIELD EXAM: __/__/__

APPOINTMENT MADE: Y() N()

TIME: __:__ A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Desktop review 6/9/00.

See CVR 31-00062 K, 31-00062 A for background data

A. AJ CLINE # A31-00063X

PRIORITY DATE: 05-01-1928

STAGE 0

B. MR RECORD # A1-00063K

PRIORITY DATE: 05-01-1928

STAGE 9

C. FIELD EXAM REQUIRED?

DATABASE

**FIELD
EXPERIMENT**

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

ARE THERE OTHER REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)

IF YES: EXPLAIN.

NOTES:

RECOMMENDED PRIORITY DATE:

05-01-1928

REVIEWED BY

DATE _____

6/9/02

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00063K	07N	36E	22	NE	SE	SE		JEFFERSON

OTHER AJ CLAIMS WITH SAME AJ POD:
A PREFIX R PREFIX
A31-00062J NONE
A31-00062K
A31-00063J
A31-10524

MR RECORDS IN SAME 40 ACRE TRACT

A31-00062J
A31-00063J
A31-02206

SOURCE: GROUNDWATER

TRIB:

B. MR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00063K	07N	36E	27		SW	SW		JEFFERSON
A31-00063K	07N	36E	33		NW	SE		JEFFERSON

OTHER MR RECORDS WITH SAME MR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A31-00062K
A31-07270

A31-00062A NONE
A31-00063A
A31-07270

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

DATABASE
Y
N

FIELD EXAMINER
MT

NOTES:

See CUP 31-00062K

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
2N	36E	22	NE	SE	SE			Hammer Canal Well

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

BAC

DATE:

6/9/00

SYSTEM DESCRIPTION:

Well to mainline to pivot & handlines.

A. ROOT WATER RIGHT NUMBERS: A31-00063A
 A31-00063F

A31-00063H

A31-00063D

A31-00063C

A31-00063J

A31-00063K

A31-00063L

B. POB LISTING

TWP	RNG	SEC	1/4	1/6	LOT	NAME	AJ S/ACRES	NR S/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	36E	22	SE	SE		MURDOCK, DAN	A31-00063K /17.0	-	/	39.0	
			SE	SE		SHURTLIFF, RENE	A31-00062J /50.0	31-00062J	/40.0		
			SE	SE		SHURTLIFF, RENE	A31-00063J /50.0	31-00063J	/40.0		
			SE	SE		SHURTLIFF, LELLA	A31-10524 /	-	/		
			SE	SE		MURDOCK, DAN	A31-00062K /17.0	-	/		
			SE	SE		HAMER CANAL CO.		31-02206	/40.0		
			SE	SE		HAMER CANAL CO.		31-04002	/		
07N	36E	27	NE	NE		MURDOCK, DAN	A31-00063K /40.0	-	/	42.0	
			NE	NE		MURDOCK, DAN	A31-00062K /40.0	-	/		
			NE	NE		MURDOCK, DAN	A31-10530 /	-	/		
			NE	NE		HAMER CANAL CO.		31-02206	/40.0		
			NE	NE		HAMER CANAL CO.		31-04002	/		
			NE	NE		HAMER CANAL CO.		31-00062J	/40.0		
			NE	NE		HAMER CANAL CO.		31-00063J	/40.0		
07N	36E	27	N4	NE		MURDOCK, DAN	A31-00063K /40.0	-	/	39.0	
			N4	NE		MURDOCK, DAN	A31-00062K /40.0	-	/		
			N4	NE		HAMER CANAL CO.		31-02206	/40.0		
			N4	NE		HAMER CANAL CO.		31-04002	/		
			N4	NE		HAMER CANAL CO.		31-00062J	/40.0		
			N4	NE		HAMER CANAL CO.		31-00063J	/40.0		
07N	36E	27	S4	NE		MURDOCK, DAN	A31-00063K /35.0	-	/	39.0	
			S4	NE		MURDOCK, DAN	A31-00062K /35.0	-	/		
			S4	NE		HAMER CANAL CO.		31-02206	/40.0		
			S4	NE		HAMER CANAL CO.		31-04002	/		
			S4	NE		HAMER CANAL CO.		31-00062J	/40.0		
			S4	NE		HAMER CANAL CO.		31-00063J	/40.0		

See CUR
 31-00062K

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AI #/ACRES	NR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07N	36E	27	SE	NE		MURDOCK, DAN	A31-00063K / 1.0	- /	41.0		
			SE	NE		SAVAGE, ARRON	A31-00062B / 40.0	31-00062D / 40.0			
			SE	NE		SAVAGE, ARRON	A31-00063D / 40.0	31-00063D / 40.0			
			SE	NE		SAVAGE, ARRON	A31-10364 /	- /			
			SE	NE		MURDOCK, DAN	A31-00062K / 1.0	- /			
			SE	NE		HAMER CANAL CO.		31-02206 / 57.0			
			SE	NE		HAMER CANAL CO.		31-04002 /			
07N	36E	27	NE	NW		MURDOCK, DAN	A31-00063K / 14.0	- /	34.0		
			NE	NW		SANDERS, REESE	A31-00062H / 25.0	31-00062H / 25.0			
			NE	NW		SANDERS, REESE	A31-00063H / 25.0	31-00063H / 25.0			
			NE	NW		MURDOCK, DAN	A31-00062K / 14.0	- /			
			NE	NW		HAMER CANAL CO.		31-02206 / 31.0			
			NE	NW		HAMER CANAL CO.		31-04002 /			
07N	36E	27	SE	NW		MURDOCK, DAN	A31-00063K / 12.0	- /	37.0		
			SE	NW		MURDOCK, DAN	A31-00062K / 12.0	- /			
			SE	NW		HAMER CANAL CO.		31-02206 / 32.0			
			SE	NW		HAMER CANAL CO.		31-04002 /			
			SE	NW		SANDERS, REESE		31-00062H / 30.0			
			SE	NW		SANDERS, REESE		31-00063H / 30.0			
TOTAL ACRES							A31-00063K	159.00	271.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POS DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POB COUNTY: JEFFERSON

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: 1231.1

REVIEWED BY: BAC

DATE: 6/9/00

A. AJ CLAIMED USES:

PURPOSES
A31-00063K IRRIGATION

MONTH/DAY
FROM 04-31 TO 11-01

DIVERSION QUANTITY
3.160 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

3.160 CFS

B. WR RECORDED USES:

PURPOSES
31-00063K IRRIGATION

MONTH/DAY
FROM 05-31 TO 09-01

DIVERSION QUANTITY
1.670 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.670 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N() EXPLAIN IN NOTES, BELOW

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 3.160 CFS
NR ROOT RIGHT TOTAL DIVERSION RATE: 1.670 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

See rate & volume calculations w/ 31-00062K

B. FLOW MEASUREMENT

MEASUREMENT METHOD SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A31-00062K

See overlap review in 31-00062A

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00053K	GROUNDWATER	MURDOCK, DAN	3.160	0.019		
A31-00052D	GROUNDWATER	SATAGE, AARON	2.830	0.014		
A31-00052H	GROUNDWATER	SANDERS, REESE	2.460	0.019		
A31-00052J	GROUNDWATER	SHURTLIFF, RENE	3.440	0.020		
A31-00052K	GROUNDWATER	MURDOCK, DAN	3.160	0.019		
A31-00053D	GROUNDWATER	SATAGE, AARON	1.170	0.005		
A31-00053H	GROUNDWATER	SANDERS, REESE	1.020	0.008		
A31-00053J	GROUNDWATER	SHURTLIFF, RENE	3.440	0.020		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-10526	DOMESTIC	SHURTLIFF, LELLA	FROM 01-01 TO 12-31	.040 CFS	
A31-10526	STOCKWATER	SHURTLIFF, LELLA	FROM 01-01 TO 12-31	.050 CFS	
A31-10530	DOMESTIC	MURDOCK, DAN	FROM 01-01 TO 12-31	.040 CFS	
A31-10530	STOCKWATER	MURDOCK, DAN	FROM 01-01 TO 12-31	.120 CFS	
A31-10534	DOMESTIC	SATAGE, AARON	FROM 01-01 TO 12-31	.040 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

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

1B. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ 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()

MR RECORD CONDITIONS/REMARKS:

- T07 - THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED
- WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
 - T08 - FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE
- FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL
- OF THE TRANSFER SHOULD NOT BE RESCINDED.
 - T09 - APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR
- REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING
- SNAKE RIVER BASIN ADJUDICATION.
- TRANS. 1594, 2403, 2423, 2424 & 2425.
7 P/D IN MESH 14, 2 P/D IN MESH 6 & 4 P/D IN MESH, S14, T7N, R36E.

See CUR 31-00062K

TRANSFER NO. 2984 SPLIT 31-900636 INTO PARTS J & K AND UPDATED
PLACE OF USE/IRRIGATED ACREAGE OWNED BY MCGARRY RANCHES.

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 ~~11-01~~ 10-31	DATABASE EXAMINER ~~3.250~~ 0.72	DATABASE EXAMINER ~~126.4~~	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT				0.0

REVIEWED BY: Bac DATE: 6/9/00

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

NEEDS
REVIEW

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00063

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
8.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00063A	1.670	-	-	31-00063A	
-	A31-00063F	1.110	-	-	31-00063F	1.110
-	A31-00063N	1.020	-	-	31-00063N	1.020
-	A31-00063D	1.170	-	-	31-00063D	1.170
-	A31-00063C	0.510	-	-	31-00063C	
-	A31-00063J	3.440	-	-	31-00063J	3.010
-	A31-00063K	3.160	-	-	31-00063K	1.670
-	A31-00063L	0.660	-	-	31-00063L	2.510
-	-	-	-	-	31-00063	
-	-	-	-	-	31-00063E	
-	-	-	-	-	31-00063G	
-	-	-	-	-	31-00063H	3.310
TOTAL CFS		12.740				3.830

See file
A31-00062A

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:

AUTHENTICATION:

SIGNATURE:

Bryce A. Contor

DATE:

6/9/00

NAME OF FIELD EXAMINER:

Bryce A. Contor

TITLE:

SWA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

2245:51
03/13/93

PAGE: 15
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-10063K

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY MM/DD/DATE	FIELD EXAM BY MM/DD/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW MM/DD/DATE	COMPLETED DATA ENTRY MM/DD/DATE	VERIFIED DATE MM/DD/DATE
PRIORITY DATE					CVR			
POINT OF DIV.	Y				BAC 6/9/00			
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP 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.



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

March 21, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DAN MURDOCK
STEVE MURDOCK
1995 N 2500 E
HAMER ID 83425

RE: NOTICE OF ERROR

Dear Sirs:

Water Agent Bryce Contor has finished reviewing your Notice of Error for water right numbers 31-00062K and 31-00063K, and has adjusted the claims accordingly.

Enclosed for your records are copies of the recommendations and an aerial photo of the property.

If you have any questions feel free to contact Bryce Contor at this office.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/09/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAN MURDOCK	05/01/1928	IRRIGATION	04-01 10-31	0.720 CFS	126.40 AFA
C	STEVE MURDOCK 1995 N 2500 E HAMER ID 83425 (208) 662-5257					
TOTAL DIVERSION:					0.720 CFS	126.40 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R36E S22

NESESE

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	:	SUM	
07N	36E	22	:															14	14.0	
07N	36E	27	:	25		38		30		01		11		03					109.1	
TOTAL ACRES																			123.1	

POU County: JEFFERSON

Other Rights: A31-00062K

Conditions of Approval:

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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: POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 123.1 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00062K, 31-00063K.

Dates: Exam Made Date: Verified Date: 06/09/2000 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag: C

Comments: Date: 06/09/2000 User-ID: BCONTOR Subject: COPIED FROM REMARKS
RIGHTS ORIGINALLY WERE IN THE NAME OF HAMER CANAL CO.

Date: 06/09/2000 User-ID: BCONTOR Subject: CHANGE IN POD

AJ0749NP
No. R31-00063K

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/09/00
PAGE: 2

=====

Comments: Date: 06/09/2000 User-ID: BCONTOR Subject: CHANGE IN POD
CHANGE REPRESENTS MORE-ACCURATE GPS DETERMINATION RATHER THAN
ACCOMPLISHED TRANSFER.

Audit: 06/09/00 BCONTOR

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062K, 31-00063K

Township 7N Range 36E Section 22, 27



⊙ Point(s) of Diversion, This WR

● Other Points of Diversion

Place of Use, This WR

□ Other Places of Use

□ Section Lines

□ Quarter-quarter Sections

0 1320 Feet



Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 6/2000

RECEIVED

MAR 15 2001

Department of Water Resources
Eastern Region

01/25/2001

**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: 31-63K

DAN MURDOCK
1995 N 2500 E
HAMER ID 83425
Telephone Number: (208)662-5257

STEVE MURDOCK
1995 N 2500 E
HAMER ID 83425
Telephone Number: (208)662-5257

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

not enough water

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

to increase to the full amount of what we use and what we have

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

we have 33 shares and that ground that was hit flooded was sprinkled.

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

3/9/01

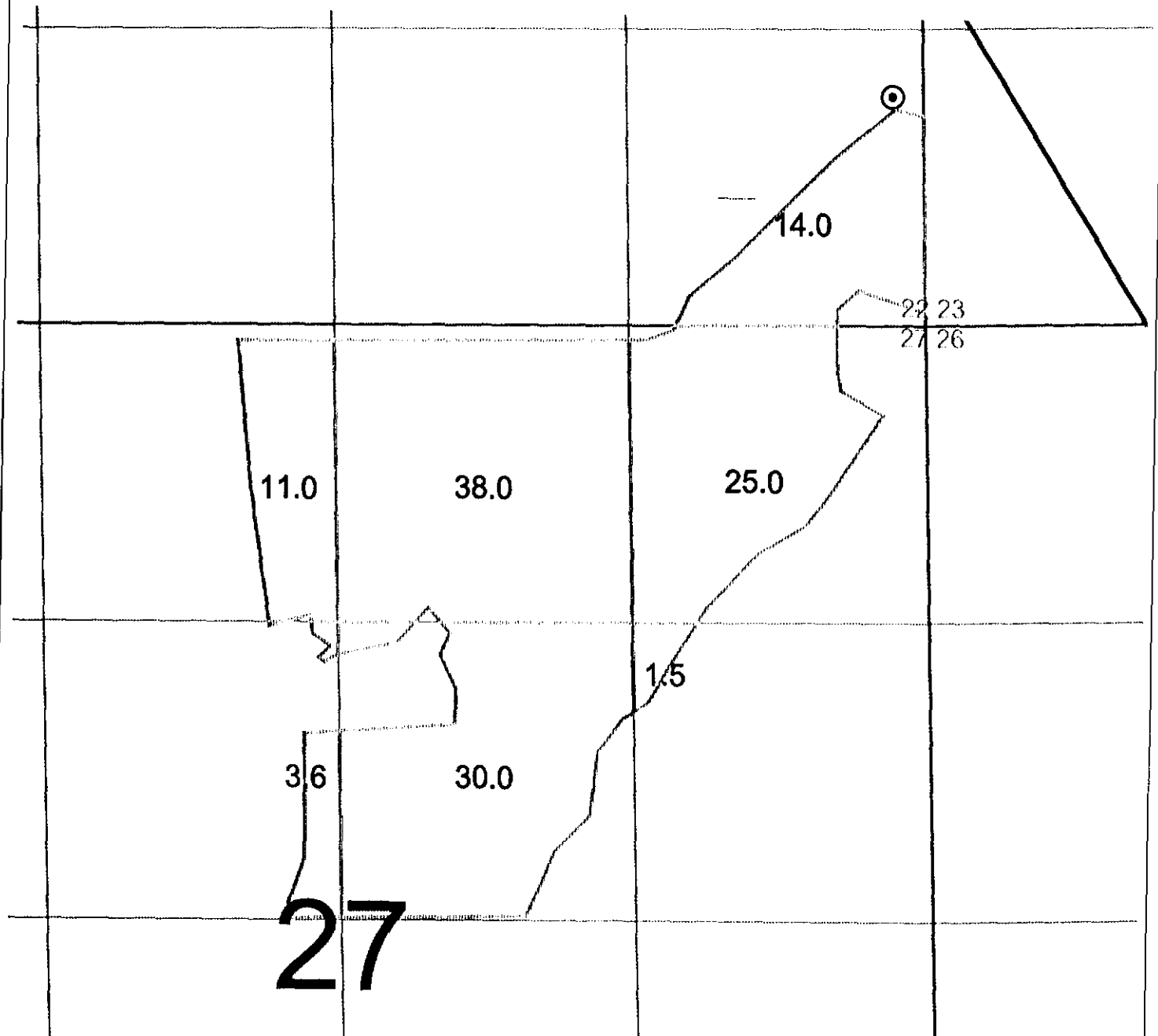
Dan Murdock

See response to 31-62K

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062K, 31-00063K

Township 7N Range 36E Section 22, 27



⊙ Point(s) of Diversion, This WR

● Other Points of Diversion

Place of Use, This WR

▭ Other Places of Use

▭ Section Lines

▭ Quarter-quarter Sections

0 1320 Feet



Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 6/2000

Contor, Bryce
From: Contor, Bryce
Sent: Thursday, June 08, 2000 1:49 PM
To: McHugh, Candice
Cc: Music, Vicky; Carlson, Dave
Subject: Hamer Canal

The attached memo is my review of the available and potentially recommended Q from Hamer Canal, and I think there will not be a problem.

Note that "K" splits are Murdock's upper (not transferred) POU for which he promises to produce stock certificates. The "L" splits are the POU for which he is asserting an accomplished transfer (Dave Carlson is reviewing "L").

If Murdock doesn't come up with enough stock certificates to justify both "K" and "L," I think I better recommend "K" because it has as solid a basis as Ashcraft & Dalling (original Hamer POU, chain of title back to shareholder of record on the 1980 stip).

Even if Lounsbury's other successor Hunter makes a claim for a few acres, I stil think we've got enough to legitimately recommend something for everyone.



homer q.doc

To: A31-00062K
A31-00063K
A31-00062L
A31-00063L
A31-00062Q
A31-00063Q
A31-00062S
A31-00063S
Fr: Bryce Contor
Date: 6/8/2000

Re: Diversion Rate

These claims are all based upon WR record 31-00062Q and 31-00063Q, which are the remnants of the Hamer Canal rights after all formal transfers.

WR 31-00062Q is for 5.60 cfs, and 31-00063Q is for 2.32 cfs, for a total of 7.92 cfs. Documentation indicates that original Hamer Canal shares represented 5 miners inches, or 0.10 cfs. Therefore this represents 79.2 shares of outstanding stock.

The 1980 stipulation and agreement in the files indicate that Lynn Shirley, predecessor to Brent Dalling (AJ claims A31-00062Q and 63Q) was authorized to transfer 15 shares out of the Hamer Canal. Dalling claims 39 acres.

The 1980 stip. also indicates that Ashcrafts (AJ claims A31-00062S and 63S) were authorized to transfer 20 shares out. Ashcrafts claim 407 acres on a PPU basis, but are only claiming 2.0 cfs total.

This leaves 44.2 shares potentially available for Murdock (claims A31-00062K, 63K, 62L, and 63L), or 221 acres @ 0.02/acre. The "K" splits are claimed for 159 acres, which leaves 62 acres for the "L" splits. This should be plenty in light of the total GIS acreage and the existing license, though Murdock's claim is for significantly higher diversion rate than appears to be available.

Both Murdock and Dalling have indicated that Lounsbury retained a few acres, which have since been purchased by Hunter. This has been irrigated by Murdock from the same POD as splits "K" and may still be claimed. Even if Hunter makes a claim, it appears that recommending 0.02 cfs/acre on the legitimate POU for all the above will not exceed the available 7.92 cfs.

Contor, Bryce
From: Contor, Bryce
Sent: Thursday, June 08, 2000 10:40 AM
To: Carlson, Dave
Cc: McHugh, Candice
Subject: Murdock Hamer Canal claims

Candice has reveiwed the denied Murdock transfer w/ Carter, and agrees that it doesn't preclude an accomplished transfer to the ground that was irrigated as of 1987 down in the hole, as long as:

- 1) Yearsley's aren't making any claim on Hamer Canal water or Hamer Canal priority dates.
- 2) The accomplished transfer doesn't constitute an increase of irrigation under the Hamer Canal.
- 3) Murdock shows ownership of enough Hamer Canal stock for all his original Hamer Canal land (the Lounsbury place that I am reviewing) and the alleged enlargement.

As long as Yearsley's don't claim any Hamer Canal water on the POU of their licenses (they haven't yet), conditions 1 and 2 are met, I believe.

Dan told me on the phone that the certificates he's produced so far are just for the "extra" purchased water that he transferred down to the hole. He says Land Bank is holding the certificates for the Lounsbury place but he will get copies of those for me.

Right now I'm working on the other claims to the remnant of the Hamer Canal, so I can let you know how much diversion rate is left over for Murdock's claim.

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

31-00063 K

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.

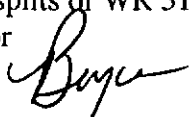
I'd also like to consider recommending Murdock's claimed accomplished transfer on the strength of:

- 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.

To: Competing AJ splits of WR 31-00062Q and 31-00063Q
Fr: Bryce A. Contor
Date: 5/9/2000 
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's 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.

11. Skip Jones says he has copies of Murdock's
stock cert. I need to get copies for file

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.

To: A31-00062Q, A31-00063Q
Fr: Bryce A. Contor
Date: 3/22/2000

Copy for A31-000 63 K

Re: Phone conversation with Brent Dalling

I visited with claimant Brent Dalling on the phone on 3/21. He related to me the following regarding the history of ownership and use of Hamer Canal rights on his POU.

- He purchased the property from Zeke Ward, now deceased. Ward purchased the property from Lyle Shirley, who purchased it from Bruce Shirley. Note that Lyle Shirley is one of the "unaccounted for" shareholders who signed the 1980 stipulation. Dalling had no prior knowledge that Shirley was one of the names I would have been looking for to establish ownership.
- Shirley received water from the Hamer Canal. Ward drilled the current well and accomplished the informal transfer of POD and began taking his Hamer Canal water out of the well.
- Dalling believes he has neighbors and perhaps Ward's son who can provide affidavits that neither Shirley nor Ward conveyed the Hamer Canal shares to another party.

Dalling also plans to produce affidavits documenting history of use.

- Four or five years ago when Dalling purchased the property, he learned that AJ claims had never been filed. When he began looking for documentation of the Hamer Canal rights, he was directed to Murdock, who was the last active user of the original canal company. Murdock would not supply any documentation to Dalling.
- Rene Shurtliff and Murdock were the last two users left on the Hamer Canal. When Rene put in his pivot, he initiated a formal transfer to move his shares to the well at the pivot point (see A31-00062J and 63J). That left Murdock as sole user under the Hamer Canal co.
- Murdock's use of the large well just south of Rene Shurtliff's home, on his adjoining property, is a continuation of historical use of the Hamer Canal, in Dalling's opinion.

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

1995 N Old Butte Hwy

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 A31-00063
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.

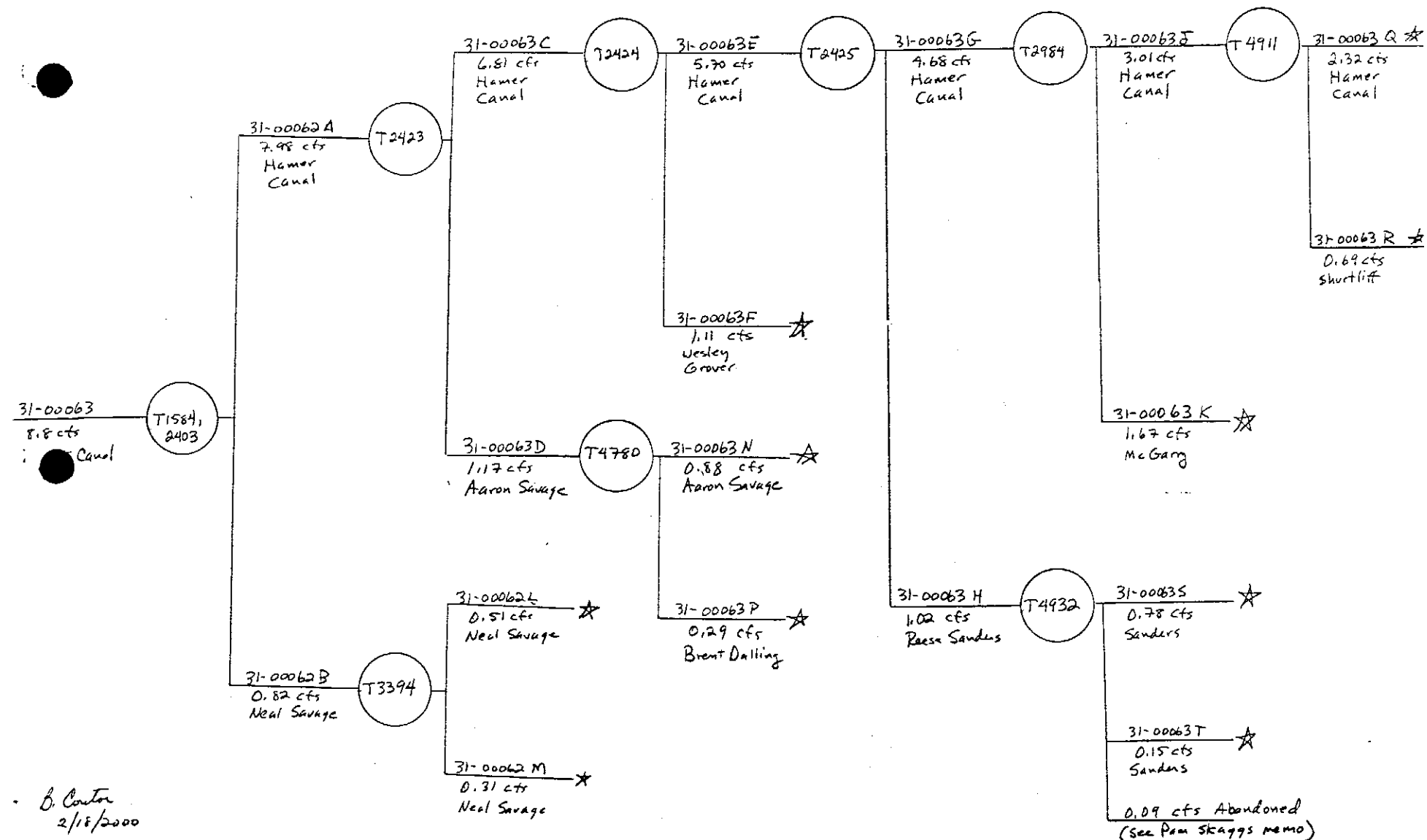
Note that transfer 4932 declared 0.09 cfs of original right 31-00063 to be abandoned. Memo in file A31-00063A.

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



AF claims us.

Split History of 31-00063 - WR Side

(A31-00063S)

(A31-00063Q)

(A31-00063L)

(A31-00063K)

(A31-00063J)

31-00063 R ★
0.69 cfs
Shurtliff

(A31-00063A)

31-00063 K ★
1.67 cfs
McGary

(A31-00063H)

31-00063 H
1.02 cfs
Reese Sanders

(A31-00063P)

31-00063 P ★
0.29 cfs
Brent Dalling

(A31-00063C)

31-00063 L ★
0.51 cfs
Neal Savage

(A31-00063M)

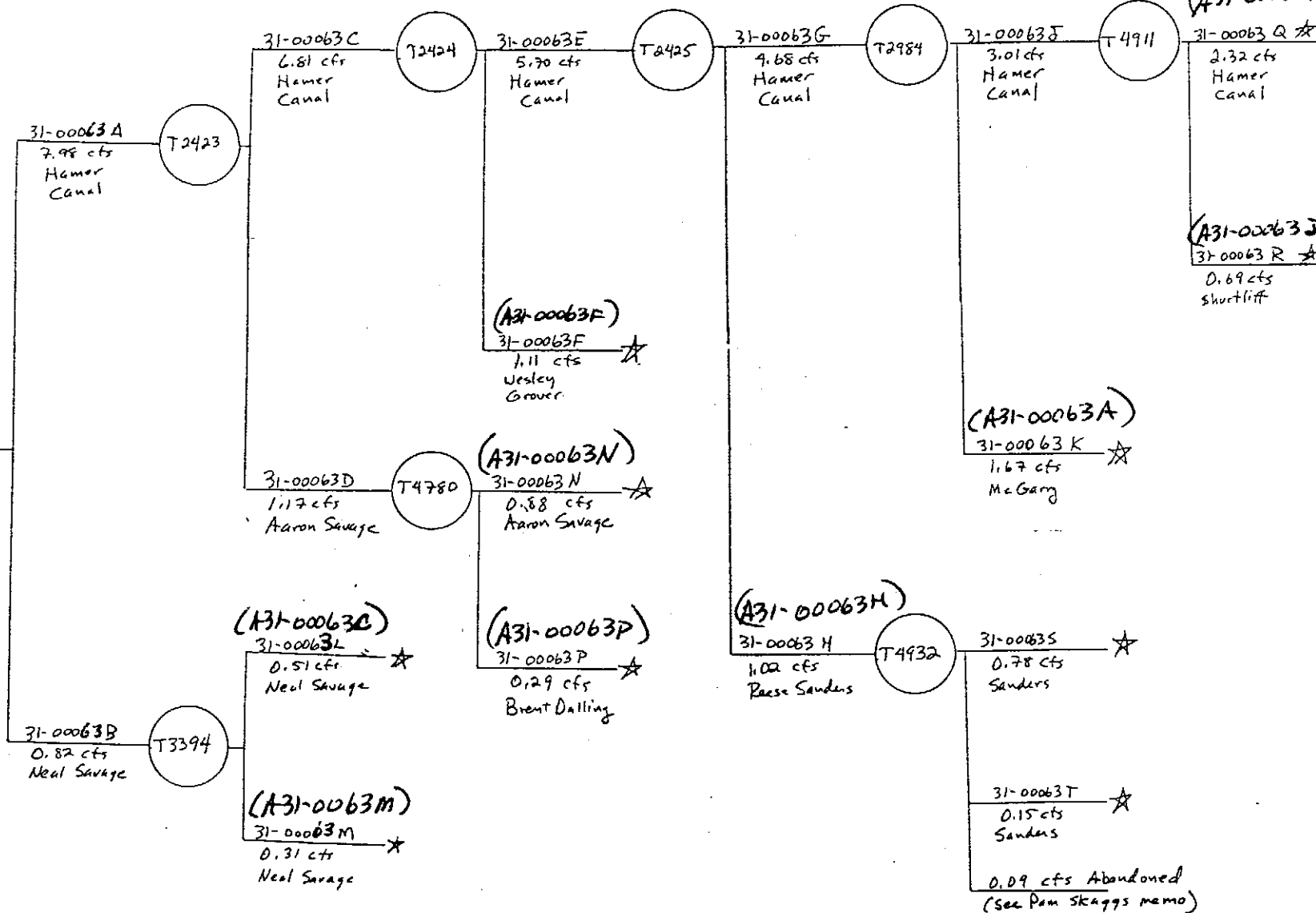
31-00063 M ★
0.31 cfs
Neal Savage

(A31-00063N)

31-00063 N ★
0.88 cfs
Aron Savage

(A31-00063F)

31-00063 F ★
1.11 cfs
Wesley Grover



31-00063
8.8 cfs
Canal

T1584,
2403

T2423

T2424

T2425

T2984

T4911

T4780

T4932

T3394

B. Conter
2/18/2000

WR5809NP
No. 31-000630

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/00
PAGE: 8

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HAMER CANAL CO HAMER ID 83425	05/01/1928	IRRIGATION STOCKWATER DOMESTIC	05/01 09/01 01/01 12/31 01/01 12/31	2.320 CFS 2.320 CFS 0.040 CFS	
TOTAL DIVERSION:					2.320 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		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	15	:					:					:					:	20				40	:	60.0	
07N	36E	22	:	20			33	:			30		:	25	40			:	14			16	:	178.8		
07N	36E	23	:					:	40	40	39	40	:	40	37	32	40	:	40	40	40	40	:	468.0		
07N	36E	26	:					:					:	38	40			:		05	32	02	:	117.0		
07N	36E	27	:	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	40	:	221.0		
																							TOTAL ACRES		1390.8	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

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. 2894 split Right No. 31-00063G into parts J & K.

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:

OVERCLAIMED!
Murdock claimed under:
Murdock A31-00063K 3.16 cfs
Dalling A31-00063L 0.66 cfs
Ashcraft A31-00063Q 0.23 cfs
A31-00063S 1.41 cfs
5.46 cfs

WR5809NP
No. 31-000630

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/00
PAGE: 9

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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

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 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

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) A

R

T

MICROFILMED

NOV 17 1992