

10/17/2000

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

RIGHT NUMBER: 31-63L

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

QUANTITY: 0.38 CFS
162 AFY

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

PRIORITY DATE: 05/01/1928

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.38 CFS 162.0 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

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

118 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 112 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 32-02337, 32-00062L, 32-00063L

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00063L
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
06N	36E	11	NW	NE	NE		JEFFERSON

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.660		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A31-00063L

Page 1

Date: 11/28/88

MICROFILMED
NOV 17 1992



10. Place of Use:

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

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A31-00062L

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

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

ERNEST SAUVE
Decree Plaintiff

W. H. ABBOTT
Decree Defendant

vs

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

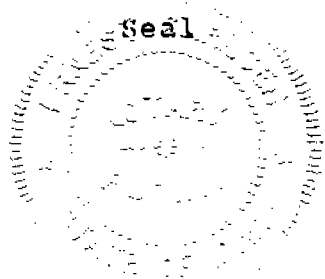
Signature of Claimant(s): Dan Mulock Date: 11-28-88

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



Residing at Alto Falls, ID.
My Commission Expires 14 June 1994

A113 T233
A321

Tap 67.
Rge 36E.

Well

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



MICROFILMED

NOV 17 1992

11/12
14/13

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:43:51
03/13/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-300531

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

FIRST: DAN

STATE: ID ZIP: 83625

OWNER CODE: C

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

FIRST: STEVE

STATE: ID ZIP: 83625

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

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

CONTACT PERSON: _____

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 4/18/95

APPOINTMENT MADE: Y() N()

TIME: : : A() P()

ACCOMPANIED BY: _____

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

TRANSFER 2890 DENIED

Disallowed - I

POI

A. AJ CLAIM: # A31-00063L PRIORITY DATE: 05-01-1928 STAGE: 0

B. HR RECORD: # 31-00063L PRIORITY DATE: 05-01-1928 STAGE: 0

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

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

NOTES: _____

RECOMMENDED PRIORITY DATE:
05-01-1928

REVIEWED BY _____ DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00063L	06N	36E	11	NW	NE	NE		JEFFERSON

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A31-00062L NONE
A31-02137
A31-10343

WR RECORDS IN SAME 40 ACRE TRACT
31-02837

SOURCE: GROUNDWATER

TRID:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
31-00063L	07N	36E	27		SE	SE		JEFFERSON

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A31-00062C NONE
A31-10487

SOURCE: GROUNDWATER

TRID:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POD DISCREPANCY? (Y/N)	Y	_____
DUE TO SOURCE DISCREPANCY? (Y/N)	N	_____

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY: _____ DATE: _____

SYSTEM DESCRIPTION:

A. 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	1/4	LOT	NAME	AJ W/ACRES	BR W/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06N	36E	1	SW	SW		MURDOCK, DAN	A31-00063L /24.0	- /	23.0		
			SW	SW		MURDOCK, DAN	A31-00062L /24.0	- /			
			SW	SW		THOMPSON, JR., LARON HILTON	A31-02337 /15.0	31-02337 /13.0			
06N	36E	2	SE	SE		MURDOCK, DAN	A31-00063L /11.0	- /	21.0		
			SE	SE		MURDOCK, DAN	A31-00062L /11.0	- /			
			SE	SE		THOMPSON, JR., LARON HILTON	A31-02337 / 6.0	31-02337 / 6.0			
06N	36E	11	NE	NE		MURDOCK, DAN	A31-00063L /16.0	- /	32.0		
			NE	NE		MURDOCK, DAN	A31-00062L /16.0	- /			
			NE	NE		THOMPSON, JR., LARON HILTON	A31-02337 /10.0	31-02337 /10.0			
			NE	NE		MURDOCK, STEVE	A31-10543 /	- /			
06N	36E	11	SE	NE		MURDOCK, DAN	A31-00063L / 5.0	- /	12.0		
			SE	NE		MURDOCK, DAN	A31-00062L / 5.0	- /			
06N	36E	12	NW	NW		MURDOCK, DAN	A31-00063L /12.0	- /	24.0		
			NW	NW		MURDOCK, DAN	A31-00062L /12.0	- /			
			NW	NW		THOMPSON, JR., LARON HILTON	A31-02337 /25.0	31-02337 /25.0			
06N	36E	12	NW	SW		MURDOCK, DAN	A31-00063L /20.0	- /	10.0		
			NW	SW		MURDOCK, DAN	A31-00062L /20.0	- /			
			NW	SW		THOMPSON, JR., LARON HILTON	A31-02337 / 5.0	31-02337 / 5.0			
06N	36E	12	SW	SW		MURDOCK, DAN	A31-00063L /24.0	- /	21.0		
			SW	SW		MURDOCK, DAN	A31-00062L /24.0	- /			
TOTAL ACRES							A31-00063L	112.00	149.50		

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

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POB COUNTY: JEFFERSON

PRESUMPTION FLAG: C

NOTES:

Disallowed

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00063L IRRIGATION	FROM 04-01 TO 11-01	-560 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		-560 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00063L IRRIGATION	FROM 04-01 TO 11-01	-510 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		-510 CFS

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.660 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.510 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?

FIELD

DATABASE EXAMINER

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A31-00062L

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00063L	GROUNDWATER	MURDOCK, DAN	0.660	0.005		
A31-00062L	GROUNDWATER	MURDOCK, DAN	1.580	0.014		
A31-02837	GROUNDWATER	THOMPSON, JR., AARON MILYON	1.680	0.020		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-10563	DOMESTIC	MURDOCK, STEVE	FROM 01-01 TO 12-31	.040 CFS	
A31-10563	STOCKWATER	MURDOCK, STEVE	FROM 01-01 TO 12-31	.090 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

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

1B. CALCULATIONS

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

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

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()

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	DATABASE EXAMINER 0.650	DATABASE EXAMINER	DATABASE EXAMINER 0.0
TOTAL FOR THIS RIGHT		0.650		0.0

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	{ }	{ }
FORFEIT/ABANDON _____	{ }	{ }
ADDITIONAL DIV. AMOUNT _____	{ }	{ }

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00063

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
-	A31-00063H	1.020	-	-	31-00063H	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	3.510
-	-	-	-	-	31-00063	-
-	-	-	-	-	31-00063E	-
-	-	-	-	-	31-00063G	-
-	-	-	-	-	31-00063M	3.310
TOTAL CFS		12.740				9.800

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:

AUTHENTICATING:

SIGNATURE:

Dave Carlson

DATE:

4/18/95

NAME OF FIELD EXAMINER:

DAVE CARLSON

TITLE:

WA

Disallowed - P01

TRANSFER 2890 / DENIED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/15/93

PAGE: 16
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-300631

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

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAAPP 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
ADJUDICATION CLAIM VERIFICATION REPORT

23:03:55
03/15/93

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A31-30063L

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAY MURDOCK	05/01/1928	IRRIGATION	04-01 11-01	0.66 CFS	
C	STEVE MURDOCK 1995 N. 2500 E. Hwy 10 83425 (208) 662-5257					
TOTAL DIVERSION:					0.66 CFS	

WATER SOURCE: GROUNDWATER

TRIBUTARY TO:

STAGE: DECREED

POINT(S) OF DIVERSION:

T06N R36E S11

NNENE

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	
06N	36E	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	
TOTAL ACRES																112.0		

POW COUNTY:

OTHER RIGHTS: A31-00362L

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

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG: C

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

Steve and Dan

Enclosed are the correct preliminary recommendations for water rights 31-00062L, 31-00063L. Please disregard the previous recommendation of disallowed.

Please review these two recommendations along with the recommendation for 31-02337 and if you have any questions or problems please call.
Thanks

Dave Carlson
Water Agent

Claim Sluts of 31-62 & 31-63
Doc Source Old Haven Court Records
in possession of Dan Murdock
Date 12/29/00 Sig. Bac

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

A31-00063 L

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.

Contor, Bryce
From: Contor, Bryce
Sent: Monday, May 08, 2000 2:26 PM
To: Ciscell, Michael
Subject: data source

FSA has an aerial photography repository in Salt Lake City. One of the juicy tidbits available is partial coverage of Jefferson County for 1960.

I want to order a few sheets for verification of POU on groundwater beneficial use claims, but they're a little expensive. I didn't know if I should just piece-meal order what I want, ask your shop to order, or let the bureau order a complete set for archival purposes.

The places I need right now are 6n 36e 11 (entire section) and 7n 36e 10 (east 1/2).

All these folks need is T, R, S or a detailed map w/ the desired area clearly marked, with a statement of the paper size and scale desired. They will bill the state.

For my purposes, 1:24,000 on 10 X 10 paper (minimum available) would be perfect.

Prices are:

10 X 10	\$ 5
12 X 12	\$13
17 X 17	\$13
24 X 24	\$16
38 X 38	\$50

Address is:

Aerial Photography, 2222 W 2300 South, Salt Lake City, Ut 84119. e-mail is sales@apfo.usda.gov, phone number is 801-975-3503.

Please let me know what you'd like me to do.

Thanks, Bryce

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

Re: Split analysis, competing claims.

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

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

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

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

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

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

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

I. History of Place of Use

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

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

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

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

II. Overlapping Water Rights on Competing Claims

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

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

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

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

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

III. Ownership

Documentation of ownership is incomplete and contradictory:

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

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

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

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

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

IV. Diversion Rate

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

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

March 15, 2000

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

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

Dear Water User:

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

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

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

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

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

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

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

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

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

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

To: Splits of A31-00063
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.

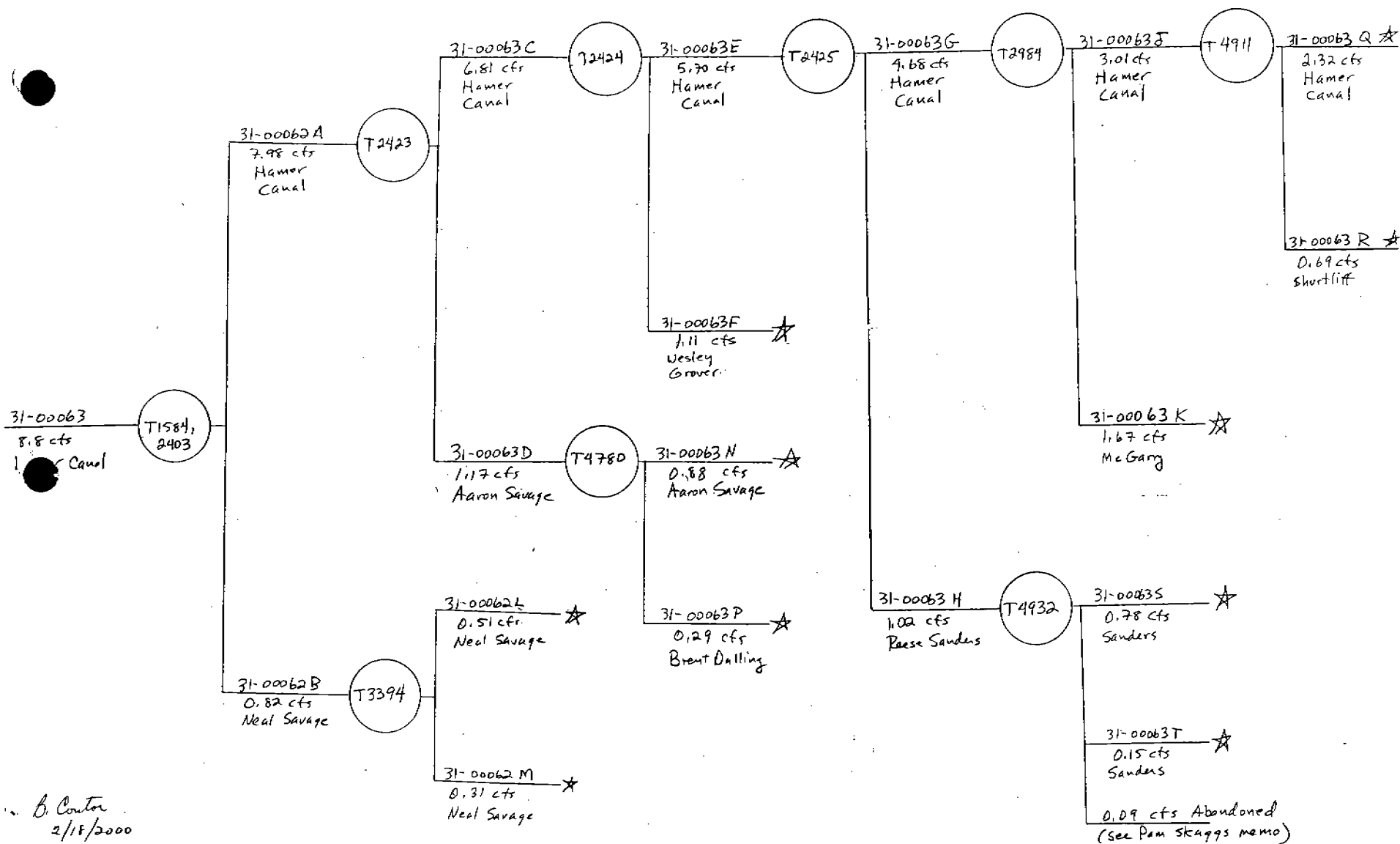
Note that transfer 4932 declared 0.09 cfs of original right 31-00063 to be abandoned. Memo in file A31-00063A.

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.

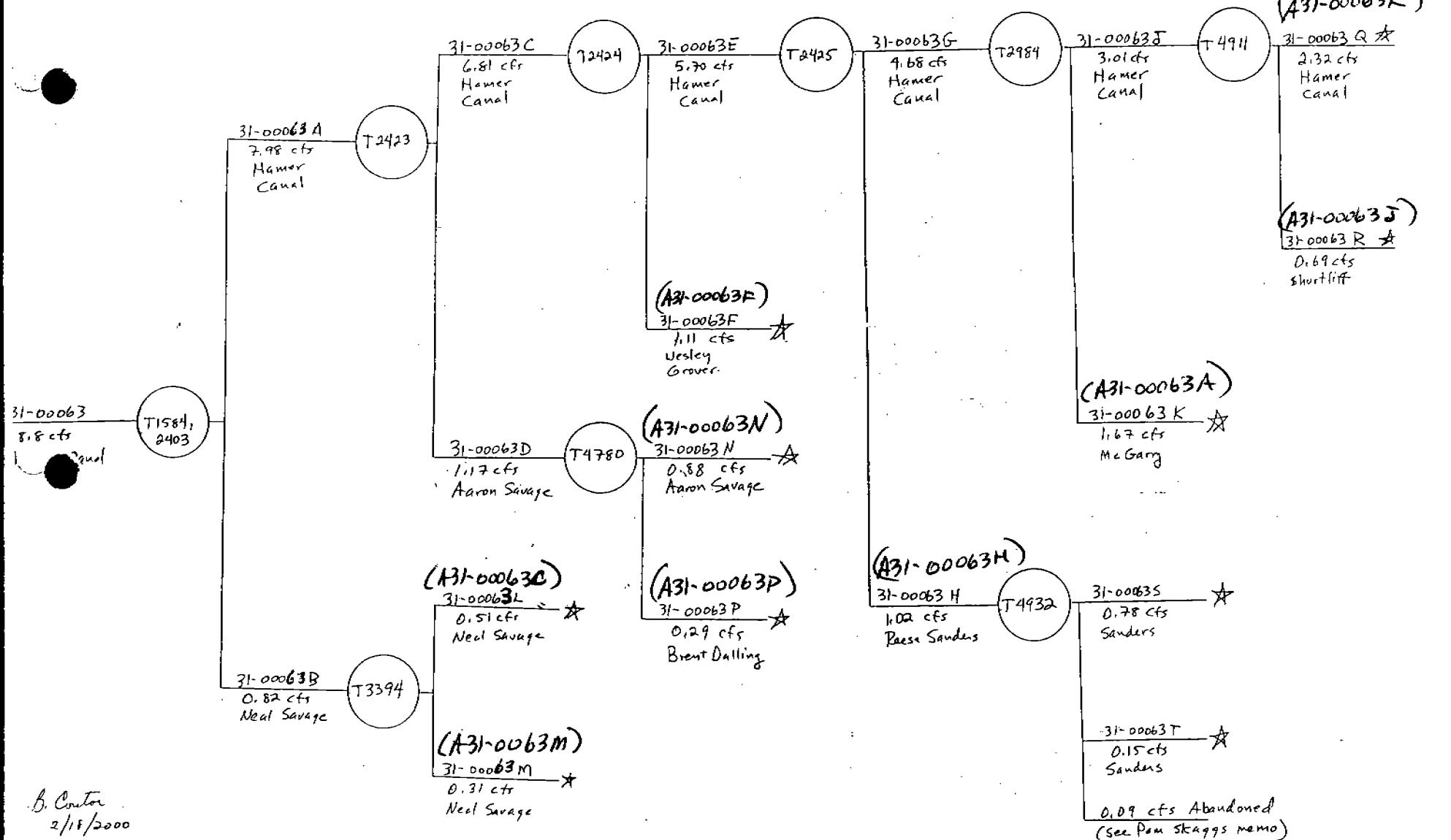
Four claims -- A31-00063K, A31-00063L, A31-00063Q, and A31-00063S -- appear to have their basis in WR 31-00063Q. These will need careful research of ownership history, original POU, and accomplished transfer. While original right 31-00063Q is overclaimed, 31-00062Q is underclaimed. It may be that all 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



WR5809NP
No. 31-00063Q

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 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																					
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	:					:			40		:	38	40			:		05	32	02	:	117.0																			
07N	36E	27	:	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 0.46 cfs
Ashcraft A31-00063Q 0.23 cfs
A31-00063S 1.41 cfs
5.46 cfs

WR5809NP
No. 31-00063Q

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/00
PAGE: 9

=====
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	0.82		31-0063 B
	Hamer Canal Co.	7.98		31-0063 A
2423	Savage, Aaron	1.17		31-0063 B
	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, Reese	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

0.31

A31-0063 C

31-0063 B

NOTE: FILING IS FOR 0.51 cfs

A31-0063 J (3.44 cfs)

A31-0063 K (3.11 cfs)

A31-0063 L (0.66 cfs)

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NOV 17 1992