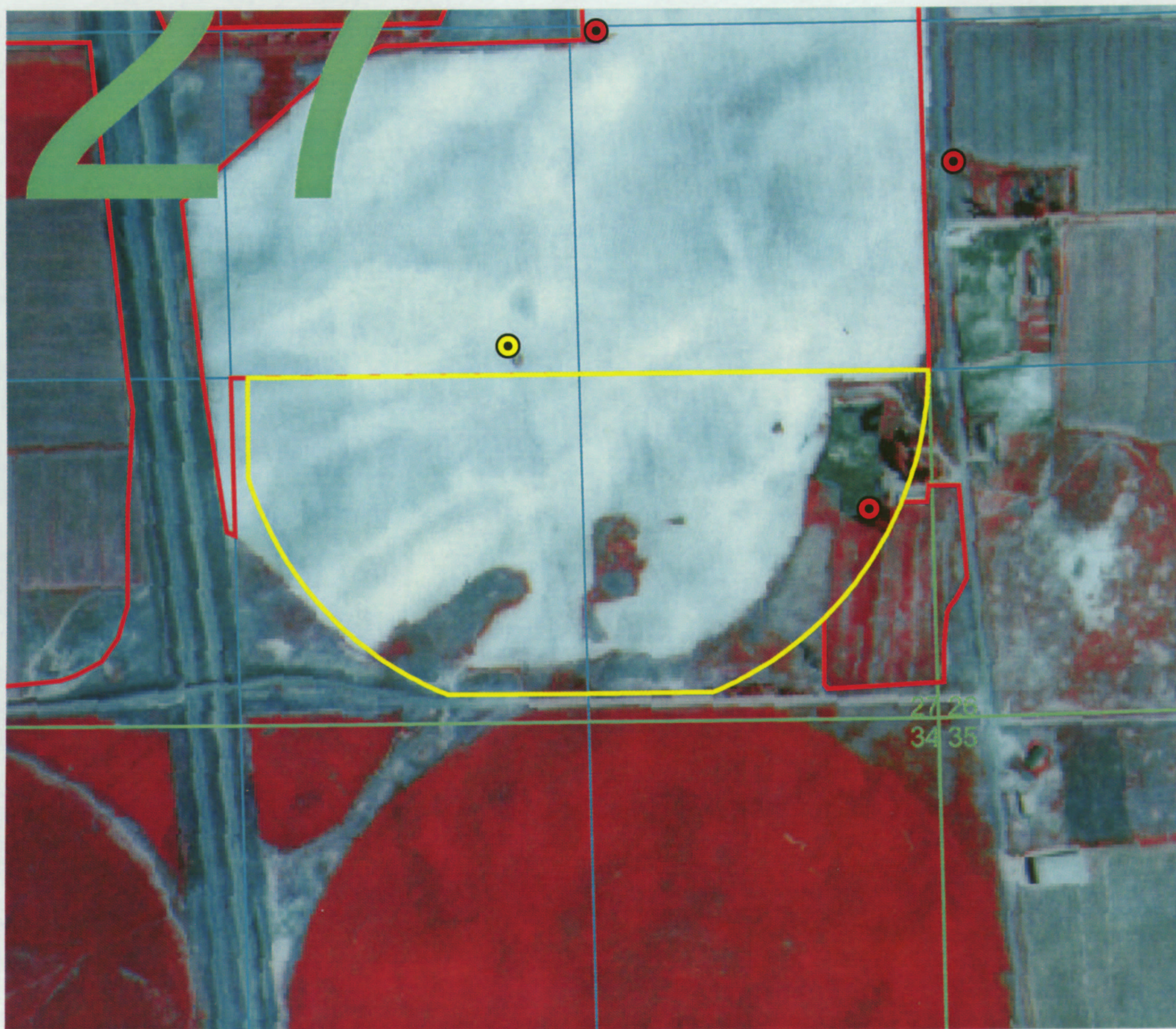


IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062M, 31-00063M

Township 7N Range 35E Section 27



0 1320 Feet

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



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

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

CIVIL CASE NUMBER: 39576

Ident. Number 31-63M
Date Received: 6/15/94
Receipt No: E019925
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

AARON SAVAGE Phone: (208) 662-5475

HC 69 BOX 1130
HAMER ID USA 83425

LYLA SAVAGE Phone: (208) 662-5475

1971 N 2500 E
HAMER ID USA 83425

2. Date of Priority: 05/01/1928

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	36E	27	NW SE	JEFFERSON	

5. Description of diverting works:

WELL/PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.31	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	36E	27	SW	SE	IRRIGATION	30
			SE	SE	IRRIGATION	30
					Section Acres	60
					Total Acres	60

11. Place of use in counties: JEFFERSON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

TRANS 3394

15. Basis of Claim: Decreed

01/30/2001

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

RIGHT NUMBER: 31-63M

NAME AND ADDRESS: AARON SAVAGE
HC 69 BOX 1130
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.31 CFS

PRIORITY DATE: 05/01/1928

POINT OF DIVERSION: T07N R36E S27 SENWSE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 11-01	0.31 CFS
		61.60 AFY

PLACE OF USE:

<u>IRRIGATION Within JEFFERSON</u>			
<u>County</u>			
T07N R36E S27	SWSE	30	T07N R36E S27 SESE 30

60 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-00062M, 31-00063M

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

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 31-00062N, 31-00063N, 31-00062M,
31-00063M

01/30/2001

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

RIGHT NUMBER: 31-63M

NAME AND ADDRESS: AARON SAVAGE
HC 69 BOX 1130
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.31 CFS

PRIORITY DATE: 05/01/1928

POINT OF DIVERSION: T07N R36E S27 SENWSE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 11-01	0.31 CFS 61.60 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County
T07N R36E S27 SWSE 30 T07N R36E S27 SESE 30

60 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 60 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 31-00062M, 31-00063M

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

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 31-00062N, 31-00063N, 31-00062M,
31-00063M

IDAHO DEPARTMENT OF WATER RESOURCES

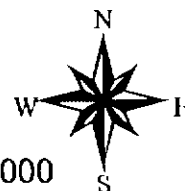
Water Right 31-00062M, 31-00063M

Township 7N Range 35E Section 27



0 1320 Feet

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



AJ0749NP
No. R31-00063M

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

DATE: 06/22/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NEAL SAVAGE HC 69 BOX 1110 HAMER ID 83425	05/01/1928	IRRIGATION	04-01 11-01	0.310 CFS	61.60 AFA
TOTAL DIVERSION:					0.310 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R36E S27

SENWSE

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	27	:					:					:					:						:		
																							30	30	:	60.0
TOTAL ACRES																							60.0			

POU County: JEFFERSON

Other Rights: 31-00062M

Conditions of Approval:

- 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 60 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-00062M, 31-00063M.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 31-00062N, 31-00063N, 31-00062M,
31-00063M.

Dates: Exam Made Date: Verified Date: 06/22/2000 Objection Filed Date:

Misc: Water District Number: 31 Field Inspection Flag:
Presumption Flag:

Comments: Date: 06/22/2000 User-ID: BCONTOR Subject: COPIED FROM REMARKS
TRANS 3394

Audit: 06/22/00 BCONTOR

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: A31-00063M
Date Received: 1/17/1996
Receipt No: E019925
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEAL SAVAGE
Address: HC 69 BOX 1110
HAMER ID

83425

2. Date of Priority: MAY 1, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	36E	27		NW	SE		JEFFERSON

5. Description of diverting works:
WELL/PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.310		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	36E	27	SW	SE		IRR	30.0
			SE	SE		IRR	30.0

MICROFILMED

NOV 14 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	60.0
					Total Acres	60.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
31-00062M

14. Remarks:
TRANS 3394

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT.

vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

RECEIVED

JUN 14 1994

Department of Water Resources
Eastern District Office

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

Renumbered A31-00063M
Ident. Number: A31-00063B 1/17/96
Date Received: 11/10/1988
Receipt No: SC
Received By: E019925

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEAL SAVAGE
Address: HC 69 BOX 1110
HAMER ID

83425

2. Date of Priority: MAY 1, 1928

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	Count
07N	36E	27		NW	SE		JEFFERSON

5. Description of diverting works:
WELL, PUMP AND SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.310		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	27	SW	SE		IRR	30.0
			SE	SE		IRR	30.0

A3100063M

MICROFILMED

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	60.0
					Total Acres	60.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
31-0062B.

14. Remarks:
TRANS. 3394.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ERNEST SAUVE

Decree Plaintiff

W. H. ABBOTT.

vs Decree Defendant

16. Signature(s)

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

Number of attachments:

For Individuals:

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

Signature of Claimant(s):

Neal W. Sauge

Date:

June 16, 1994

Date:

MICROFILMED

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 10 day

of June 19 94

Karen M. Barry
Notary Public

Seal

Residing at Home

My Commission Expires 10-4-97

MICROFILMED

NOV 14 1996

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: 31-63M

NEAL W SAVAGE
HC 69 BOX 1110
HAMER ID 83425

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

3/8/01

SIGNATURE:

Aaron Savage

Please print your name:

Aaron Savage

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

FAKED
3/9/01
Bryce



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

February 14, 2001

AARON L OR LYLIA SAVAGE
1971 N 2500 E
HAMER ID 83425

RE: CHANGE IN OWNERSHIP FOR A31-00062M, A31-00063M,
A31-07117

Dear Claimant:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

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

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

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OIC
Bac

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A31-62M	N			
	A31-63M	N			
	A31-7117	N			

2. The following **REQUIRED** information must be submitted with this form:

A. ~~The appropriate FILING FEE. See instructions for fee amounts.~~

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former
Owner/Claimant(s)

Neal Savage

4. New Owner/Claimant(s)

Aaron L. Savage Lyla Savage

Name Connector (Check one): [] and, [X] or, [] and/or

New Mailing Address

1971 N. 2500 E.

City, State and ZIP Code

Hammer, ID 83425

New Telephone Number

(208) 662-5475

5. Date you acquired the property

March 29, 1999

MEMORANDUM

To: 31-62M, 31-63M
CC:
Fr: Bryce Contor
Date: 1/30/2001

Bryce A. Contor

Re: Change of Ownership

The deed submitted with the notice of change of ownership is deficient in that it does not identify the township and range, but only the county and section. However the description appears to match the lands watered under rights 31-62M and 31-63M.

The proposed change of ownership matches with the verbal description of the division of the property that one of the grantors, Sandra Savage (now Sandra Savage Anderson) related to me while filing amended claims on adjoining lands.

Original copy of deed in 31-62M

To: A31-00062M
63M
62N
63N

Fr: Bryce Contor

Date: 6/22/00

Re: Diversion Rate

Diversion rate recommended for A31-00062M/63M is specified by post-87 formal decree at 1.05 gfs.

Diversion rate recommended for A31-00062N/63N is limited by Pon axis @ 0.02 gfs/acre to combined total of 2.29 gfs.

Sum of these rights is 3.34 gfs to be diverted from 2 wells, "Aaron's Pivot" in NWSE and "Handline" in NESE.

Per NWM D, Capacity of "Handline" (record 300261) is 816 GPM, capacity of "Aaron's Pivot" is 932 GPM (Record 300240), Total capacity is 1748 GPM or 3.89 gfs.

This is slightly less than claimed, more than recommended.

Formal Transfer 3394 which authorized splitting

Diversion Rate 6/22/00 p2

"M" portions failed to concentrate existing diversion rate upon acres that had actually been developed under previous transfer 2403 (see file ABI-000620).

Claimant may possibly wish to talk to allocation about revisiting this issue, perhaps w/ another formal transfer, to avoid loss of previously-authorized diversion rate.

62M/63M are authorized by + 3394 for 60 acres (actual developed is less) and 62N/63N are recommended for 114.4 acres.

$114.4 \times 0.02 \approx 3.49$ cfs, which is slightly more than currently recommended.

Dwight A. Carter

Recommendation Documented in CUR A31-00062M
Duke A. Contor 6/22/00

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:37:25
01/22/96
17

PAGE: 17
PROFILE REPORT

CLAIM NUMBER: A31-00063M

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NEAL SAVAGE	05/01/1928	IRRIGATION	04-01 11-01	0.31 CPS	66.6
TOTAL DIVERSION:					0.31 CPS	

Water Source: GROUNDWATER

Tributary to:

Stage: ORDERED

Point(s) of Diversion:

T07N R36E S27

NW34

JEFFERSON County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
T	R	S		NENE	NWNE	SWNE	SSE	NENW	NWNW	SWNW	SSW	NESW	NWSE	SWSE	SSE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
07N	36E	27	:														
															30	30	60.0
															TOTAL ACRES		60.0

POU County: JEFFERSON

Other Rights: 31-00062M

C18

Remarks: TRANS 3394

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 31

Field Inspection Flag:

Presumption Flag:

EXP #06 62M/63M/62N/63N

POU 1 E14 62M/63M 600acs.

POD ID _____

POU ID _____

To: Neal Savage and Aaron Savage Files

A31-00062C

A31-00063C

A31-00062M

A31-00063M

A31-00062N

A31-00063N

A31-02389

A31-02392

A31-07117

Fr: Bryce Contor

Date: 6/21/2000

Re: Summary of Diversion Rate and POU from NWMD

File A31-00062C contains a three page summary of diversion rates licensed or transferred, and diversion rates determined or measured by NWMD.

File A31-00062C also contains 3 GIS illustrations showing licensed, transferred, and approximate actual places of use under these rights. ~~One of the illustrations is attached to this memo in each file.~~ (illustration in 62A)

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

Re: Split analysis, competing claims.

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

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

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

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

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

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

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

I. History of Place of Use

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

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

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

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

II. Overlapping Water Rights on Competing Claims

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

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

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

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

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

III. Ownership

Documentation of ownership is incomplete and contradictory:

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

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

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

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

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

IV. Diversion Rate

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

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

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

Bryce

Re: Split History

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

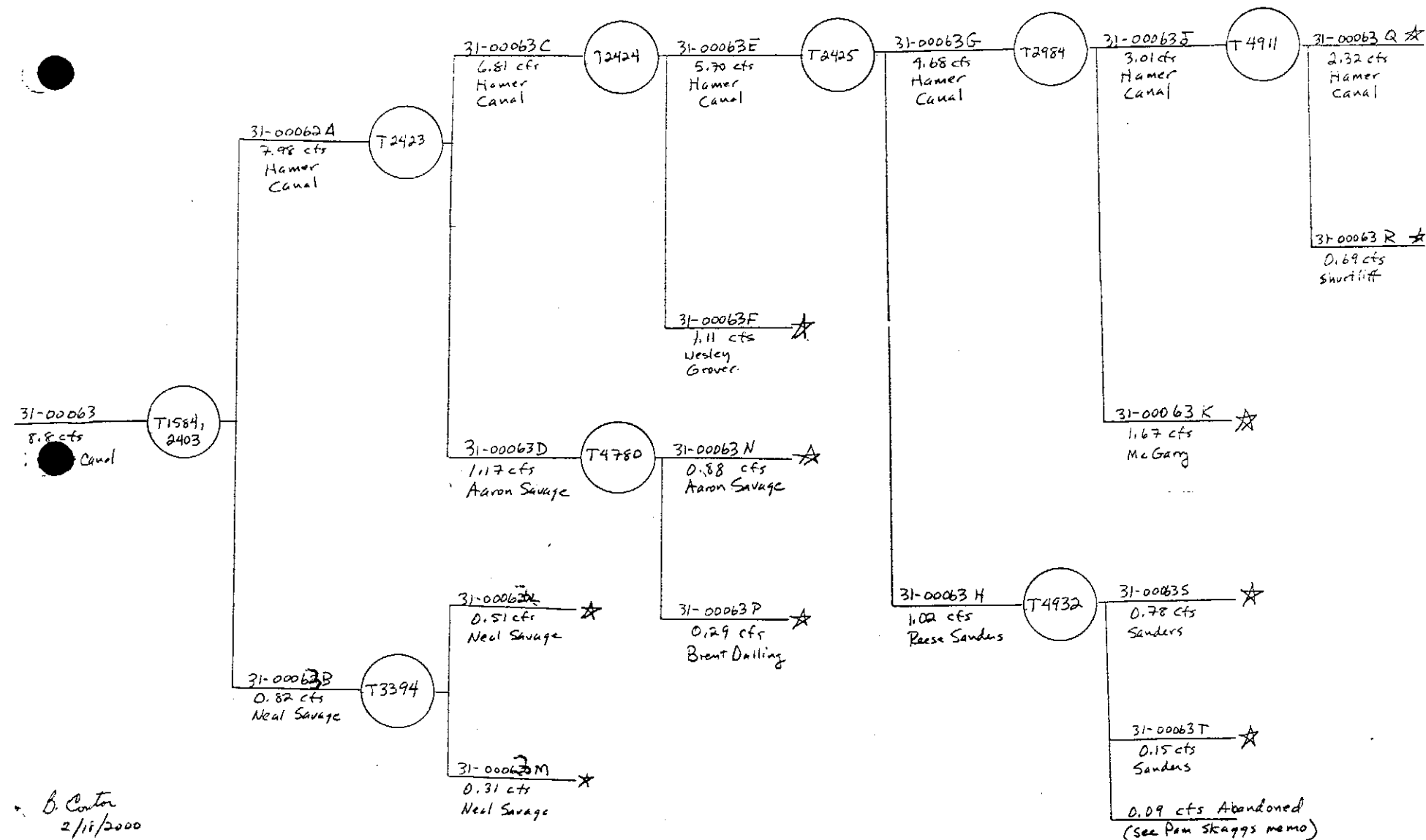
Note that transfer 4932 declared 0.09 cfs of original right 31-00063 to be abandoned. Memo in file A31-00063A.

Claim A31-00063H, corresponding to WR 31-00063H, needs to be split per T4923. Transfer split WR into portions "S" and "T," but claim "S" has already been used to represent a part of original WR 31-00063Q.

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

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

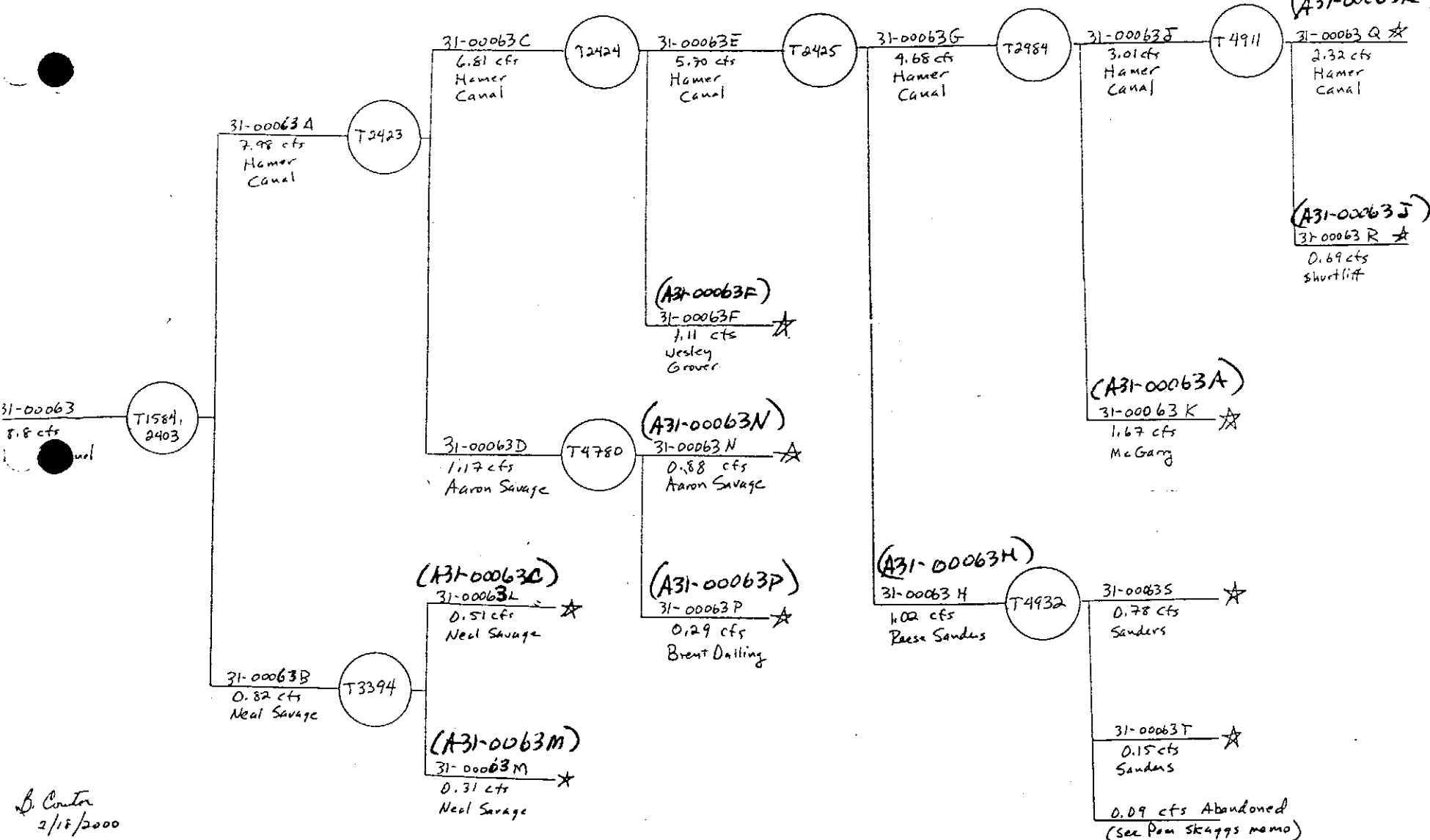
Split History of 31-00063 - WR Side



B. Carter
2/11/2000

Split History of 31-00063 - WR Side

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



B. Conter
2/18/2000

WR5809NP
No. 31-00063M

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/18/00
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	NEAL SAVAGE HC 69 BOX 1110 HAMER ID 83425	05/01/1928	IRRIGATION	04/01 11/01	0.310 CFS	
TOTAL DIVERSION:					0.310 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R36E S27

NWSE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
07N	36E	27	:																	:	60.0	
																			30	30	:	60.0
																			TOTAL ACRES		:	60.0

Pou County: JEFFERSON

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

Misc: Water District Number: 31 Field Exam Fee:

Comments: Date: 08/13/1992 User-ID: CURTIS Subject: Trans. 3394
Trans. 3394 was filed to change the piont of diversion for a
portion of acres originally listed under 31-000638.

Audit: 08/13/92 CURTIS