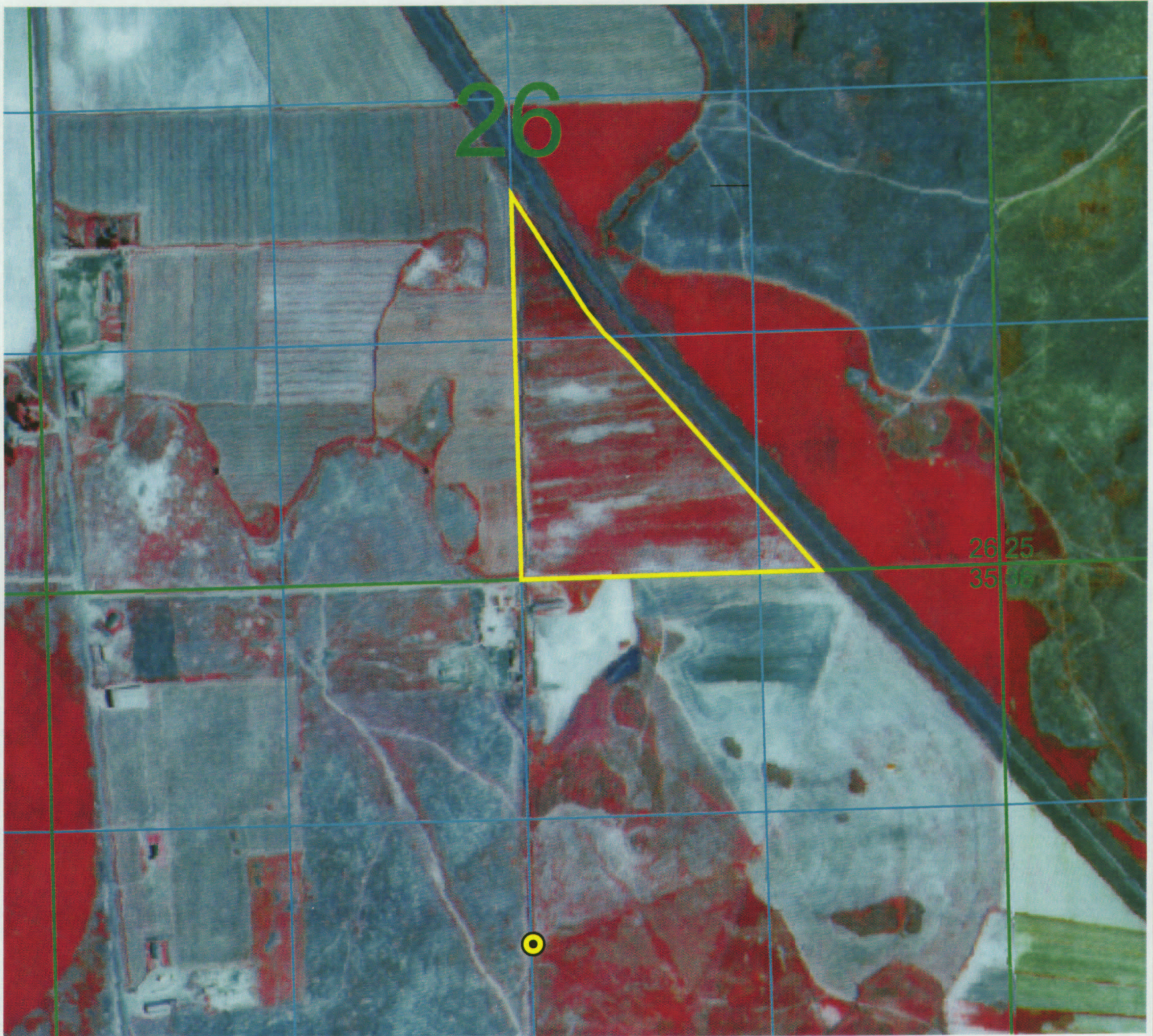
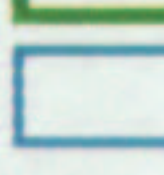
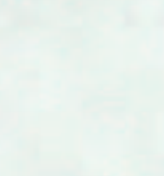


# IDAHO DEPARTMENT OF WATER RESOURCES

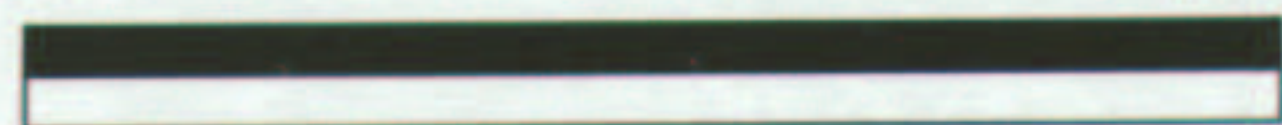
## Water Right 31-00062Q, 31-00063Q

Township 7N Range 36E Section 26



-  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

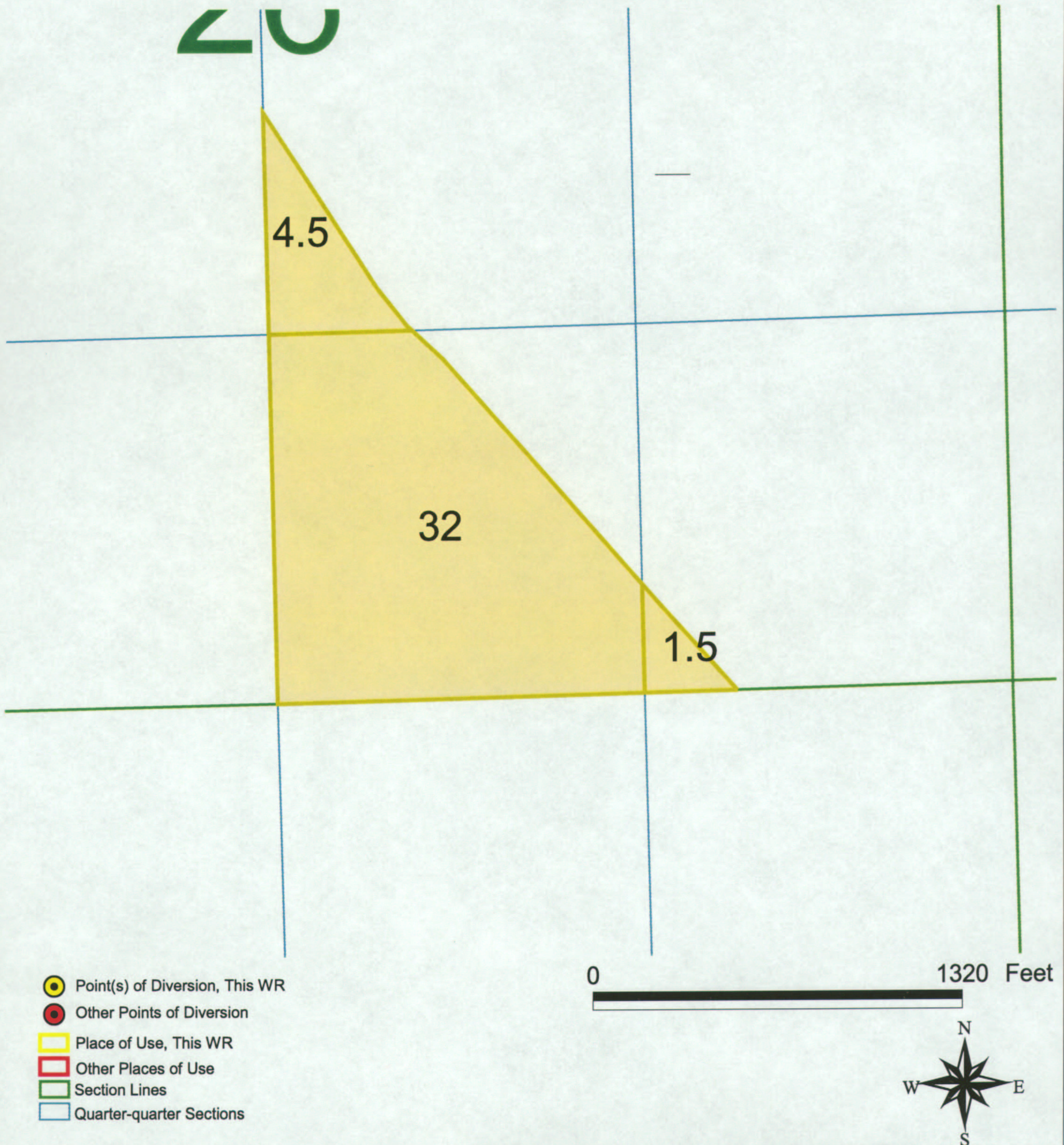


Prepared by Bryce A. Contor from 1987/1988 NAPP Photography, 6/2000

# IDAHO DEPARTMENT OF WATER RESOURCES

Water Right 31-00062Q, 31-00063Q

Township 7N Range 36E Section 26



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

AJ0749NP  
No. R31-00063Q

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

DATE: 06/13/00  
PAGE: 1

| OWNER<br>CODE | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | BRENT DALLING  | 05/01/1928       | IRRIGATION | 04-01 10-31           | 0.220 CFS         | 39.00 AFA           |
| C             | LAUREL DALLING |                  |            |                       |                   |                     |
|               | 1916 N 2350 E  |                  |            |                       |                   |                     |
|               | HAMER ID 83425 |                  |            | TOTAL DIVERSION:      | 0.220 CFS         | 39.00 AFA           |
|               | (208) 662-5454 |                  |            |                       |                   |                     |

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T07N R36E S35

SWSWNE

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 | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | Lt Ac | : Lt Ac | Lt Ac | Lt Ac | : SUM       |        |
| 07N | 36E | 26 | :       |       |       |       | :       |       |       |       |       | :       |       |       |       | :       | 04    | 32    | 01          | : 38.0 |
|     |     |    |         |       |       |       |         |       |       |       |       |         |       |       |       |         |       |       | TOTAL ACRES | 38.0   |

POU County: JEFFERSON

Other Rights: 31-2370, 31-02385, 31-00062Q, 31-11357

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

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 31-00062Q, 31-00063Q, 31-02370,  
31-02385, 31-11357.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

AJ0749NP  
No. R31-00063Q

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

DATE: 06/13/00  
PAGE: 2

=====

Comments: Date: 06/13/2000 User-ID: BCONTOR Subject: COPIED FROM REMARKS  
CHANGE IN THE POD OCCURRED IN THE 1970'S.

Date: 06/13/2000 User-ID: BCONTOR Subject: POU  
CHANGE IN POU REPRESENTS ACCOMPLISHED TRANSFER FROM WELLS OF  
HAMER CANAL CO TO PRIVATE WELL, AS APPROVED BY STIPULATION AND  
AGREEMENT OF CANAL CO. SHAREHOLDERS, 1980. THIS RIGHT AND  
31-00063Q ARE ON PERMISSIBLE PLACE OF USE BASIS AS ORIGINALLY  
DECREED.

Audit: 06/13/00 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: A31-00063Q  
Date Received: 3/21/1996  
Receipt No: 7022047  
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: BRENT DALLING 208-662-5454  
Address: 1916 N 2350 E  
HAMER ID 83425  
AND/OR  
Name: LAUREL DALLING 208-662-5454  
Address: 1916 N 2350 E  
HAMER ID 83425



2. Date of Priority: MAY 1, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

|          |       |         |        |        |     |     |           |
|----------|-------|---------|--------|--------|-----|-----|-----------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County    |
| 07N      | 36E   | 35      | SW     | NE     |     |     | JEFFERSON |

5. Description of diverting works:  
WELL/PUMP TO DITCH IRR

6. Water is used for the following purposes:

|            |       |       |       |      |        |
|------------|-------|-------|-------|------|--------|
| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
| IRRIGATION | 05/01 | 09/01 | 0.230 |      | 136.50 |

7. Total Quantity Appropriated is:  
0.230 C.F.S. (and/or) 136.50 A.F.A.

8. Total consumptive use is 97.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

|          |       |         |        |     |     |     |
|----------|-------|---------|--------|-----|-----|-----|
| Township | Range | Section | 1/4 of | 1/4 | Lot | Use |
| 07N      | 36E   | 26      | NW     | SE  |     | IRR |

MICROFILMED  
APR 5.0  
NOV 14 1995

10. Place of Use: Continued

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 07N           | 36E   | 26      | SW     | SE  |     | IRR | 32.0  |
|               |       |         | SE     | SE  |     | IRR | 2.0   |
| Section Acres |       |         |        |     |     |     | 39.0  |
| Total Acres   |       |         |        |     |     |     | 39.0  |

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:  
31-2370, 31-02385, 31-00062Q

14. Remarks:  
CHANGE IN THE POD OCCURRED IN THE 1970'S.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 11/ 1/1930

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): x Brent Dalling Date: 4-11-96  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 4 11 day  
of April 19 96

Dave Carl  
Notary Public

Seal



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

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right 31-00062Q, 31-00063Q

Township 7N Range 36E Section 26



○ Point(s) of Diversion, This WR

● Other Points of Diversion

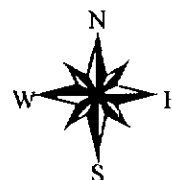
Place of Use, This WR

□ Other Places of Use

□ Section Lines

□ Quarter-quarter Sections

0 1320 Feet



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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

13:13:27  
06/07/00

PAGE: 1  
GENERAL INFORMATION

39  
CLAIM NUMBER: A31-000630

LAST: BALLING  
ADDRESS: 1916 N 2350 E  
CITY: HAMER  
PHONE NUMBER: 208-662-5454

FIRST: BRENT  
STATE: ID ZIP: 83425

OWNER CODE: C

LAST: HAMER CANAL CO.  
ADDRESS:  
CITY: HAMER  
PHONE NUMBER: 208-000-0000

FIRST:  
STATE: ID ZIP: 83425

OWNER CODE: C

LAST: BALLING  
ADDRESS: 1916 N 2350 E  
CITY: HAMER  
PHONE NUMBER: 208-662-5454

FIRST: LAUREL  
STATE: ID ZIP: 83425

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER  
Y( ) N( )

CLAIM REMARKS: OFN CHANGE IN THE POB OCCURRED IN THE 1970'S.

PAGE: 2  
FIELD EXAMINATION INFORMATION

40  
CLAIM NUMBER: A31-000630

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 6/13/00.*

*Review relies heavily upon review of 31-00062Q  
and documentation in files A31-00062A, A31-00062K,  
A31-00062L, A31-00062Q.*

PAGE: 3  
PRIORITY DATE REVIEW PAGE

41  
CLAIM NUMBER: A31-000630

A. AS CLAIM: # A31-000630 PRIORITY DATE: 05-01-1928 STAGE: B

B. WR RECORD: # 31-000630 PRIORITY DATE: 05-01-1928 STAGE: B

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y( ☒ ) N( ☐ )

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y( ☐ ) N( ☒ )

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?  
(IF YES, DESCRIBE BELOW) Y( ☐ ) N( ☒ )

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A( ☒ ) Y( ☐ ) N( ☐ )

FIELD EXAM COMPLETED N/A( ☒ ) Y( ☐ ) N( ☐ )

FIELD EXAM SENT TO STATE OFFICE N/A( ☒ ) Y( ☐ ) N( ☐ )

LICENSE ISSUED N/A( ☒ ) Y( ☐ ) N( ☐ )

A IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,  
USE CONVICTION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE  
OF THE PRIORITY DATE REQUIRED? N/A( ☒ ) Y( ☐ ) N( ☐ )

A FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,  
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CORRECTLY? Y( ☐ ) N( ☐ )

NOTES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

=====

RECOMMENDED PRIORITY DATE:

05-01-1928

REVIEWED BY Bae

DATE 6/13/00

A. CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT      | TWP. RSE. | SEC. | 1/4       | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY    | DIVERSION NAME | DIVERSION NUMBER |
|------------|-----------|------|-----------|-----|-----|-----|-------------|-----------|----------------|------------------|
| A31-000630 | 07N 36E   | 35   | <i>SW</i> | SW  | NE  |     |             | JEFFERSON |                |                  |

OTHER AJ CLAIMS WITH SAME AJ POD  
 A PREFIX R PREFIX  
 A31-000620 NONE  
 A31-02370  
 A31-02385

WR RECORDS IN SAME 40 ACRE TRACT  
 31-02370  
 31-02385

SOURCE: GROUNDWATER

TRIP:

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. RSE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY    | DIVERSION NAME | DIVERSION NUMBER |
|-----------|-----------|------|-----|-----|-----|-----|-------------|-----------|----------------|------------------|
| 31-000630 | 07N 36E   | 14   |     | NW  | SW  |     |             | JEFFERSON |                |                  |
| 31-000630 | 07N 36E   | 14   |     | NW  | SW  |     |             | JEFFERSON |                |                  |
| 31-000630 | 07N 36E   | 22   |     | SE  | SE  |     |             | JEFFERSON |                |                  |
| 31-000630 | 07N 36E   | 14   |     | NW  | SE  |     |             | JEFFERSON |                |                  |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
 A PREFIX R PREFIX

31-000620  
 31-000620  
 31-000630  
 31-02206  
 31-04002  
 31-07405  
 31-07406

A31-00062J 31-10336  
 A31-00062K 31-10524  
 A31-00063J  
 A31-00063K  
 A31-10336  
 A31-10524

SOURCE: GROUNDWATER

TRIP:

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N(☒)

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, RECORD THE INQUIRY ANALYSTS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GNC DATA? N/A( ) Y(☒) N( )

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y( ) N(☒)

E. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( / ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG 'C' WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y( / ) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y( ) N( / )

I. HOW WAS THE FOR AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM ) Y( ) N( / )

AJ FIELD EXAM (DATE OF FIELD EXAM ) NAME OF EXAMINER ) Y( ) N( / )

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: NWMO exam 6PS. See analysis in file.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ( )

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FOR<br>FLAG | COUNTY  | DIVERSION NAME | DIVERSION NBR |
|------|------|------|-----|-----|-----|-----|-------------|---------|----------------|---------------|
| 07N  | 36E  | 35   | SW  | SW  | NE  |     |             | JACKSON | Flood Well     |               |
| ---  | ---  | ---  | --- | --- | --- | --- | ---         | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | ---         | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | ---         | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | ---         | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | ---         | ---     | ---            | ---           |
| ---  | ---  | ---  | --- | --- | --- | --- | ---         | ---     | ---            | ---           |

SOURCE: GROUNDWATER TRIP:

REVIEWED BY: BAC DATE: 6/13/00

SYSTEM DESCRIPTION: DESCRIBED BELOW ( / ), SEE LICENSE FILE ( ), OR SEE ATTACHMENT ( )

22 ditto to 0011 for Flood

|                              |            |
|------------------------------|------------|
| A. ROOT WATER RIGHT NUMBERS: | A31-00063A |
|                              | A31-00063F |
|                              | A31-00063R |
|                              | A31-00063E |
|                              | A31-00063J |
|                              | A31-00063Z |
|                              | A31-00063L |
|                              | A31-00063N |
|                              | A31-00063P |
|                              | A31-00063Q |
|                              | A31-00063S |
|                              | A31-00063T |
|                              | A31-00063D |

| PT. FOR LISTING |     |     |     |     |                 |                   |                  |                 |                |
|-----------------|-----|-----|-----|-----|-----------------|-------------------|------------------|-----------------|----------------|
| TWP AND SEC     | 1/4 | 1/4 | 1/4 | 1/4 | NAME            | AC<br>±/ACRES     | WK<br>±/ACRES    | LANDSAT<br>DATA | FIXED<br>EXAM. |
| 07N 36E         | 25  | SE  | SE  |     | DALLING, BEBENT | A31-00063Z / 5.0  | 31-00063Z / 5.0  | 31.0            | 4.5            |
|                 |     | NW  | SE  |     | DALLING, BEBENT | A31-00062Q / 5.0  | 31-00062Q / 5.0  |                 |                |
|                 |     | NW  | SE  |     | HAMER CANAL CO. |                   | 31-02206 / 5.0   |                 |                |
|                 |     | NW  | SE  |     | HAMER CANAL CO. |                   | 31-04002 /       |                 |                |
| 07N 36E         | 25  | SE  | SE  |     | DALLING, BEBENT | A31-00063Z / 32.0 | 31-00063Z / 32.0 | 31.0            | 32             |
|                 |     | SW  | SE  |     | DALLING, BEBENT | A31-00062Q / 32.0 | 31-00062Q / 32.0 |                 |                |
|                 |     | SW  | SE  |     | HAMER CANAL CO. |                   | 31-02206 / 32.0  |                 |                |
|                 |     | SW  | SE  |     | HAMER CANAL CO. |                   | 31-04002 /       |                 |                |
| 07N 36E         | 25  | SE  | SE  |     | DALLING, BEBENT | A31-00063Z / 2.0  | 31-00063Z / 2.0  | 31.0            | 1.5            |
|                 |     | SW  | SE  |     | PETERSEN, DON   | A31-10590 /       | - /              |                 |                |
|                 |     | SW  | SE  |     | DALLING, BEBENT | A31-00062Q / 2.0  | 31-00062Q / 2.0  |                 |                |
|                 |     | SW  | SE  |     | PETERSEN, DON   | 31-10590 /        | - /              |                 |                |
|                 |     | SW  | SE  |     | HAMER CANAL CO. |                   | 31-02206 / 2.0   |                 |                |
|                 |     | SW  | SE  |     | HAMER CANAL CO. |                   | 31-04002 /       |                 |                |

ADDITIONAL FOOTNOTES

POU COUNTY: JEFFERSON

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y( ) N(☒)

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO.  | SOURCE      | NAME           | DTV. RATE | DTV. RATE/ACRE | DTV. VOL. | DTV. VOL./ACRE |
|------------|-------------|----------------|-----------|----------------|-----------|----------------|
| AS1-000630 | GROUNDWATER | BALLING, BRENT | 0.230     | 0.005          | 136.50    | 3.50           |
| AS1-000620 | GROUNDWATER | BALLING, BRENT | 0.580     | 0.014          | 136.50    | 3.50           |

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

| CLAIM NO. | PURPOSES   | NAME          | MONTH/DAY           | RATE      | VOLUME |
|-----------|------------|---------------|---------------------|-----------|--------|
| AS1-10598 | STOCKWATER | PETERSEN, DON | FROM 04-01 TO 02-01 | 0.090 CFS |        |
| 31-10598  | STOCKWATER | PETERSEN, DON | FROM 04-01 TO 02-01 | 0.090 CFS |        |

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSES?

Y(☒) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 31-2370, 31-02305, 31-000620

*see overlap review in file. No overlap of POU except 31-000620, multiple WR out of same POU*

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A( ) Y(☒) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INFLUX ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A( ) Y(☒) N( )

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y( ) N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y( ) N(☒)

CHECK DOCUMENTS USED TO VERIFY POB: ( ) ORTHOPHOTOQUAD, IDWR NO. \_\_\_\_\_; ( ) TOPOGRAPHIC QUAD, IDWR NO. \_\_\_\_\_;  
(/ ) NAPP, IDWR NO. W41 1980; ( ) AERIAL PHOTO; (/ ) OTHER GIS

NOTES:

See file for possible additional documentation submitted  
after date of CVR. Additional data may be found  
in 31-000620 not copied for this file

RECOMMENDATIONS:

TOTAL ACRES: 38 N/A( )

REVIEWED BY: BAC

DATE: 6/13/00

A. AT CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A31-000630 IRRIGATION       | FROM 05-01 TO 09-01       | 0.230 CFS              | 136.50 AF/A            |
| TOTAL DIVERSION RATE/VOLUME |                           | 0.230 CFS              | 136.50 AF/A            |

B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 31-000630 IRRIGATION        | FROM 05-01 TO 09-01       | 2.320 CFS              |                        |
| 31-000630 STOCKWATER        | FROM 01-01 TO 12-31       | 2.520 CFS              |                        |
| 31-000630 DOMESTIC          | FROM 01-01 TO 12-31       | 0.040 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 2.320 CFS              |                        |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y( ☒ ) N( ☐ )

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ☐ ) Y( ☒ ) N( ☐ )

A IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INQUIRY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY COM.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y( ☐ ) N( ☒ )

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IOWA STANDARDS? Y( ☐ ) N( ☒ )

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IOWA STANDARDS? Y( ☒ ) N( ☐ )

A IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IOWA STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS OCCURRED IN THE WATER RIGHT FILE? N/A( ☐ ) Y( ☐ ) N( ☐ )

A IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A( ☐ ) Y( ☐ ) N( ☐ )

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ☐ ) Y( ☐ ) N( ☐ )

A IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A( ☐ ) Y( ☐ ) N( ☐ )

PAGE: 10

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

48

CLAIM NUMBER: A31-000630

NOTES:

4/1- 10/31 by current IDWR STA.

AJ CLAIM TOTAL DIVERSION RATE: 0.230 CFS

WR RIGHT TOTAL DIVERSION RATE: 2.320 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N(☒)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A( ) Y( ) N(☒)

\* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y( ) N(☒)

\* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y( ) N(☒)

E. FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from gov review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y( ) N( )

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( )

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 136.50 AE/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AE/A FOR ANNA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AE/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 97.5 AE/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AE/A FOR ANNA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW ( ) OR SEE ATTACHMENT ( )

*CVR*  
*See 31-000620 for*  
*analysis of Rate & volume*

*0.22 cfs*  
*39.0 of a*

PAGE: 12  
DIVERSION AMOUNT REVIEW SHEET CONTINUED

50  
CLAIM NUMBER: A31-000630

NOTES:

NR RECORD CONDITIONS/REMARKS:

EXP F06 31-00062Q, 63Q, 2370, 2385, 11357

POU1 E14 62Q, 63Q 38 acres

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

| REC.<br>PURPOSE OF USE | REC. PERIOD<br>FROM TO  | REC. DIV<br>RATE CFS      | REC. DIV<br>VOL. AE/A                 | REC. CONS.<br>USE                                 |
|------------------------|-------------------------|---------------------------|---------------------------------------|---------------------------------------------------|
| IRRIGATION             | <del>02-01</del><br>4/1 | <del>02-01</del><br>12/31 | DATABASE<br>0.220<br>EXAMINER<br>0.22 | DATABASE<br>106.50<br>EXAMINER<br><del>0.39</del> |
|                        |                         |                           |                                       |                                                   |
|                        |                         |                           |                                       |                                                   |
|                        |                         |                           |                                       |                                                   |
|                        |                         |                           |                                       |                                                   |
| TOTAL FOR THIS RIGHT   |                         |                           |                                       |                                                   |

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

REVIEWED BY:

*Bae*

DATE:

*6/13/00*

FLAG: 0

STANDARD CONDITIONS (CODE):

*C03, C18*

STANDARD REMARKS (CODE):

*EX1 F06 31-00062Q, 63Q, 2370, 2385, 11357*

*POU1 F14 62Q, 63Q 38 acs.*

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

ACCEPTED AS CLAIMED ☒ NEEDS REVIEW ☐  
( ) N/A ( )

*See file*

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00063

TOTAL DIVERSION RATE OF WR SPLITS

DATADAGN 8.710

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "N" CLAIM NUM. | "N" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | A31-00063A            | 1.670          | -                      | -             | 31-000637        | 1.110          |
| -                 | A31-00063C            | 0.510          | -                      | -             | 31-00063K        | 1.670          |
| -                 | A31-00063F            | 1.110          | -                      | -             | 31-00063I        | 0.510          |
| -                 | A31-00063M            | 1.430          | -                      | -             | 31-00063N        | 0.310          |
| -                 | A31-00063J            | 0.690          | -                      | -             | 31-00063V        | 0.890          |
| -                 | A31-00063K            | 3.160          | -                      | -             | 31-00063P        | 0.290          |
| -                 | A31-00063L            | 0.660          | -                      | -             | 31-00063Q        | 2.020          |
| -                 | A31-00063X            | 0.310          | -                      | -             | 31-00063R        | 0.690          |
| -                 | A31-00063N            | 0.690          | -                      | -             | 31-00063U        | 0.790          |
| -                 | A31-00063P            | 0.230          | -                      | -             | 31-00063T        | 0.150          |
| -                 | A31-00063Q            | 0.230          | -                      | -             | -                | -              |
| -                 | A31-00063S            | 1.410          | -                      | -             | -                | -              |
| -                 | A31-00063T            | 0.150          | -                      | -             | -                | -              |
| -                 | A31-00063U            | 0.780          | -                      | -             | -                | -              |
| TOTAL CFS         |                       | 12.870         |                        |               |                  | 8.710          |

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 DESCRIBED BELOW ( ) OR SEE ATTACHMENT ( )?

DATADAGN: N FIELD EXAMINER Y( ) N( )

*see files, esp. file 31-00062A*

NOTES:

AUTHENTICATION:

SIGNATURE:

*Bryce A. Contor*

DATE:

*6/13/00*

NAME OF FIELD EXAMINER:

*Bryce A. Contor*

TITLE:

*SWA*

Other attachments

|                           |           |         |
|---------------------------|-----------|---------|
| Diversion rate memo       | 6/8/2000  | 1 page  |
| Murdock e-mail            | 6/8/2000  | 1 "     |
| Dalling conversation memo | 5/22/2000 | 2 pg.   |
| Murdock conv. memo        | 5/17/2000 | 2 pg    |
| Harner Canal e-mail       | 5/17/2000 | 2 pg    |
| Murdock conv. memo        | 5/9/2000  | 2 pg.   |
| B31 action acty memo      | 5/2/2000  | 1 pg    |
| Dalling conv. memo        | 3/30/2000 | 1 page  |
| " " "                     | 3/22/2000 | 1 page  |
| Split analysis            | 3/16/2000 | 4 pages |
| Dalling letter            | 3/15/2000 | 2 pages |

Split History 2/17/2000 3 pages.

See also documentation in  
files 31-000620, 62A, 62K, 62L.

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION | COPY INCLUDED IN FILE? |
|-------------------------------------------|--------------------------------------------------------|------------------------|
| ( ) ORTHOPHOTOGRAPH                       | DATE OF PHOTO _____ TWR IN NO. _____                   | Y( ) N( )              |
| ( ) TOPOGRAPHIC                           | DATE FIELD CHECKED _____ TWR IN NO. _____              | Y( ) N( )              |
| ( ) NAPE                                  | DATE OF PHOTO _____ TWR IN NO. _____                   | Y( ) N( )              |
| ( ) ASES AERIAL PHOTO                     | DATE OF PHOTO _____                                    | Y( ) N( )              |
| ( ) ASES COLOR SLIDE                      | DATE OF PHOTO _____                                    | Y( ) N( )              |
| ( ) 2LM OF USED AERIAL PHOTO              | DATE OF PHOTO _____                                    | Y( ) N( )              |
| ( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)     | DATE OF SURVEY _____                                   | Y( ) N( )              |
| ( ) SDS SOIL SURVEY MAP                   | DATE ISSUED _____                                      | Y( ) N( )              |
| ( ) SUBDIVISION PLAT MAP                  | DATE OF MAP _____                                      | Y( ) N( )              |
| ✓ OTHER <u>GIS</u>                        | DATE <u>6/2000</u> <u>2 sheets</u>                     | Y( ) N( )              |
| ( ) OTHER _____                           | DATE _____                                             | Y( ) N( )              |
| ( ) OTHER _____                           | DATE _____                                             | Y( ) N( )              |

| LIST OF ATTACHMENTS (CHECK IF ATTACHED) | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF PAGES | NOTES |
|-----------------------------------------|---------------------------------------------|--------------|-------|
| ( ) LICENSING FIELD EXAM                | DATE OF FIELD EXAM _____                    | _____        | _____ |
| ( ) WATER RIGHT LICENSE                 | DATE LICENSE SIGNED _____                   | _____        | _____ |
| ( ) TWR APPROVED TRANSFER               | DATE TRANSFER APPROVED _____                | _____        | _____ |
| ( ) SYSTEM DESCRIPTION                  | DATE DRAIN _____                            | _____        | _____ |
| ( ) PHOTOGRAPHS                         | DATE(S) PHOTOS TAKEN _____                  | _____        | _____ |
| ( ) SPLIT RIGHT REVIEW                  | DATE REVIEW COMPLETED _____                 | _____        | _____ |
| ( ) MURDER ANALYSIS                     | DATE ANALYSIS COMPLETED _____               | _____        | _____ |
| ( ) CONVEYANCE LOSS ANALYSIS            | DATE ANALYSIS COMPLETED _____               | _____        | _____ |
| ( ) FLOW MEASUREMENT CALCULATIONS       | DATE SYSTEM MEASURED _____                  | _____        | _____ |
| ✓ OTHER <u>eval gp review</u>           | DATE <u>6/12/00</u>                         | <u>2</u>     | _____ |
| ✓ OTHER <u>Hanna Cant email</u>         | DATE <u>6/8/00</u>                          | <u>1</u>     | _____ |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

13:13:27  
06/07/00

PAGE: 17  
QUICKLOOK INFORMATION

55  
CLAIM NUMBER: A31-000630

| WR ELEMENT                | DATA<br>DISCREPANCY<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | CLAIMANT<br>DOCUMENTED<br>WHOM/DATE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|----------------------------|-------------------------------------------------|----------------------------|------------------------|-------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                            |                                                 |                            |                        | CUR                                 |                                  |                                      |                               |
| POINT OF DIV              | Y                          |                                                 |                            |                        | BAC                                 |                                  |                                      |                               |
| SOURCE                    |                            |                                                 |                            |                        | 6/13/00                             |                                  |                                      |                               |
| PLACE OF USE              | Y                          |                                                 |                            |                        |                                     |                                  |                                      |                               |
| STY. REPORT<br>DES/VOLUME | Y                          |                                                 |                            |                        |                                     |                                  |                                      |                               |
| CONSERVATIVE USE          | -                          |                                                 |                            |                        |                                     |                                  |                                      |                               |
| PURPOSES OF USE           | Y                          |                                                 |                            |                        |                                     |                                  |                                      |                               |
| PERIOD OF USE             | Y                          |                                                 |                            |                        |                                     |                                  |                                      |                               |
| BASIS OF CLAIM            | Y                          |                                                 |                            |                        |                                     |                                  |                                      |                               |
| REMARKS                   | Y                          |                                                 |                            |                        |                                     |                                  |                                      |                               |

BARCODE UPDATED  
WHOM/DATE

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

10:18:14  
06/07/00  
56

PAGE: 18  
PROFILE REPORT

CLAIM NUMBER: 31-000630

| OWNER CODE | NAME & ADDRESS | PRIORITY DATE | WATER USE  | USE PERIOD FROM TO | DIVERSION RATE | DIVERSION VOLUME |
|------------|----------------|---------------|------------|--------------------|----------------|------------------|
| C          | BRENT DALLING  | 05/01/1928    | IRRIGATION | 05/01/00-01/10/31  | 0.220 CFS      | 136.50 AFA       |
| C          | LAUREL DALLING |               |            |                    | 0.220 CFS      | 136.50 AFA       |
|            |                |               |            | TOTAL DIVERSION:   | 0.440 CFS      | 273.00 AFA       |
|            |                |               |            | CONSUMPTIVE USE:   | 0.220 CFS      | 136.50 AFA       |

Water Source: GROUNDWATER

Tributary to:

Point(s) of Diversion:

TOWN ARROW 285

SW SWNE

Flood well

Stage: UNWEED

JEFFERSON County

Place of use Legal Description for: IRRIGATION

|     |     |    |   | NE  |      |      |      | NW   |      |      |      | SW  |      |      |      | SE  |      |      |             |      |    |
|-----|-----|----|---|-----|------|------|------|------|------|------|------|-----|------|------|------|-----|------|------|-------------|------|----|
| T   | R   | S  |   | ENE | ENNE | SWNE | SENE | ENNE | ENNE | SWNE | SENE | ENE | ENNE | SWNE | SENE | ENE | ENNE | SWNE | SENE        | SUM  |    |
|     |     |    |   | Lt  | Ac   | Lt   | Ac   | Lt   | Ac   | Lt   | Ac   | Lt  | Ac   | Lt   | Ac   | Lt  | Ac   | Lt   | Ac          | Lt   | Ac |
| 07N | 36E | 26 | : |     |      |      |      |      |      |      |      |     |      |      |      |     |      |      |             |      |    |
|     |     |    |   |     |      |      |      |      |      |      |      |     |      |      |      |     |      |      | 0.22        | 38   |    |
|     |     |    |   |     |      |      |      |      |      |      |      |     |      |      |      |     |      |      | TOTAL ADJUS | 0.22 | 38 |

POU County: JEFFERSON

Other Rights: 31-2370, 31-02385, 31-000630

C03, C18

Conditions of Approval:

C03 - RIGHT INCLUDES ACCOMPLISHING CHANGE IN POINT OF DIVERSION  
- PURSUANT TO SECTION 43-1425, IDAHO CODE.

Remarks: GEN CHANGE IN THE POD OCCURRED IN THE 1970'S.

Dates:

Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 31

Field Inspection Flag:

Presumption Flag: C

EXP P06 31-00062Q, 63Q, 2370, 2385, 11357

POU1 E14 62Q, 63Q 38 any

\*\*\*\*\*

POD ID \_\_\_\_\_  
POU ID \_\_\_\_\_

\*\*\*\*\*

01/24/2001

**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: 31-63Q

LAUREL DALLING  
1916 N 2350 E  
HAMER ID 83425  
Telephone Number: (208)662-5454

BRENT DALLING  
1916 N 2350 E  
HAMER ID 83425  
Telephone Number: (208)662-5454

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: \_\_\_\_\_ SIGNATURE: BD

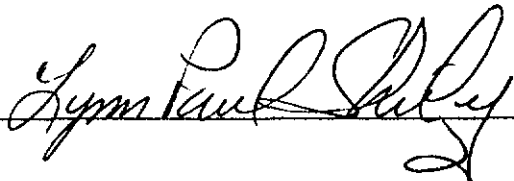
Please print your name: \_\_\_\_\_

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

14 June 2000

I, Lynn Paul Shirley, of Rexburg, Idaho, state that I owned the farm now owned by Brent and Laurel Dalling, approximately two miles south and east of Hamer. While I owned the said farm, the irrigation well 1/4 mile west of the yard went dry and had to be abandoned for irrigation purposes in approximately the year 1980. After this date, we used the well which is 3/8 mile south of the yard on the hill for all of the flood irrigated acres and to service the pivot. I installed this original pivot in March of 1977. ~~The well that went dry in 1980 was used to irrigate the 38 acres west of the railroad and northeast of the yard.~~

Signed



Lynn Paul Shirley

*Original in A31-000622*

# IDAHO DEPARTMENT OF WATER RESOURCES

## Water Right 31-00062Q, 31-00063Q

Township 7N Range 36E Section 26

20

4.5

32

1.5

- ⊙ 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

## Overlap Review

A31-00062Q, A31-00063Q, A31-02370, A31-02385

Byron A. Conter 6/12/00

1) By transfer 2611 (copy in A31-02385),

31-02370 and 31-02385 are appurtenant to the same 237 acres in sections 35 and 36.

31-02385 is diverted at the pivot at 2.09 gfs and can service any of the lands, by pivot or by ditch to flood irrigation. 31-02370

is licensed to the entire pack for flood irr @ 2.65 gfs. total for 2 weeks = 4.74 gfs

2) GIS analysis shows 255 acres. Claimant will be invited to submit enlargement claim for add'l acres.

3) A31-00062Q & A31-00063Q are claimed to have accomplished change of POD to same well as A31-02370. They will be recommended for approx 0.76 gfs.

4) Total diversion rate recommended will be

|         |            |       |
|---------|------------|-------|
| approx: | 31-622/63Q | 0.76  |
|         | 31-2370    | 2.65  |
|         | 31-2385    | 2.09  |
|         |            | <hr/> |
|         |            | 5.50  |

Overlap

p 2

- 5) As-claimed diversion rate from 31-02370 well:

$$\begin{array}{r} 31-620/63Q \\ 31-2370 \end{array}$$

$$\begin{array}{r} 0.76 \\ 2.65 \\ \hline 3.41 \end{array}$$

- 6) As-claimed diversion rate from 31-02385 (pivot) well: 2.09 cfs

- 7) Capacity of 31-2370 well per analysis in 31-00062Q 7.3 cfs.

- 8) Capacity of 31-02385 well per analysis in 31-02385: 1.9-2.0 cfs

- 9) Documentation in WR file 31-02370 indicates water-use pre-dates licenses. Claimant may wish to file ben. use claim for earlier priority use. Any WR recommended for ben. use will have to be limited by intent of limitation of T 2611.

**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.



hamer 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 transers.

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: File A31-00062Q, A31-00063Q  
 Fr: Bryce Contor  
 Date: 5/22/2000 *Bryce*

Re: Visit with Laurel and Brent Dalling

- Dallings' assessment, not mine -*
1. Deeds show chain of title from Bruce Shirley to Dallings.
  2. Bruce Shirley deed to Lynn Shirley shows 15 shares of Hamer Canal.
  3. 1980 agreement with canal company approving transfer to private wells:
    - a) This demonstrates that the shareholders believed Shirley's shares were still valid, in opposition to what the Driver affidavit says.
    - b) At this time, if not sooner, there was a definite distinction made between physical assets of the canal company and water rights. This is evidenced by the canceled checks produced by Rene Shurtliff. Some note "shares" and some note "equity," pointing to a difference between the two classes of ownership.
  4. At the time of the 1980 agreement, only Shurtliff, McGarry, Lounsbury, and Murdock were left using the Hamer Canal system and wells.
  5. Lounsbury sold farm to Murdock, but retained a few acres on the east side of the road and a few shares. This land is still irrigated. This is probably why Lounsbury is a signer of the 1980 agreement. (*Dan Murdock concurs*).
  6. The listing on the top of the 1980 agreement appears only to be those people who were wanting to transfer out of the canal. This is probably why Shurtliff is shown as "zero," indicating that he was not planning to pull out any shares. This is also why Lounsbury, McGarry, and Murdock were not listed on the top; they were not planning to transfer out, either.
  7. Even though Lounsbury, McGarry, Shurtliff, and Murdock were not planning to transfer out, they did sign the agreement. This shows they were aware and approved of the transfers, including Shirley's. Especially, Dan Murdock signed, acknowledging that Shirley did own his water in 1980.

Note that the file contains a conversation memo of IDWR staff w/ Neal Savage, in which Savage affirms that all the shareholders signed the 1980 agreement. Note that Driver's signature is not on the document, indicating that by 1980 Driver had already left the company. He had sold to Aaron Savage, who is a signer.

8. Shirley sold out by the spring of 1981.

9. The Shirley ground has always been farmed (the 39 acres) or grazed.
10. The Murdock purchase, and the affidavit of former canal presidents, refers to upper Hamer Canal. Is there a distinction between upper and lower canal company, and ownership of the upper and lower wells? Note that Ron (Carlson?) conversation memo in transfer file refers to upper wells.
11. Ownership of physical assets does not necessarily correspond to ownership of water rights. *per Dalling; I'm not sure I agree completely \**
12. Is there a possibility that Murdock's shares represent the difference between 322 shares as referenced in the 1941 USDA document in file A31-00062A, or the 320 shares referenced in the bylaws, and the 300 shares apparently outstanding in 1980? (The 1980 agreement references 1500 miners inches, with one share representing 5 inches. This works out to 300 shares). If so, what does this mean to the various claims?
13. In Dalling's opinion bylaws article VII, "Users Contracts," seems to indicate a difference between ownership of the water rights and ownership of the physical assets:  
  

"...and shall have paid, in addition to the par value of the share of stock, as may be required by the board of directors, to the end that all stockholders and subscribers shall be required to pay uniform amounts for like quantities of water to be based on the whole cost of the works constructed and to be constructed for the elevating and delivering water."

Brent believes that this indicates that delivery of water required both ownership of the water right and ownership of part of the delivery system.
14. Bylaws do not appear to specify what happens if assessments are not paid.
15. "Ron" memo and Ernie Carlsen memo both specifically reference upper canal. None of this appears to point to a claim to lower canal rights.
16. Note that Rene Shurtliff's transfer came after the affidavit of canal presidents giving all of upper canal to Murdock. This is another argument pointing to the difference between "upper" and "lower" canal. It also casts doubt as to what was meant by the affidavit - the affidavit may have meant "all that was left," but it doesn't specify what that was.

McGarry's transfer also came after the affidavit, but the affidavit references McGarry as an owner.

\* However, Murdock's assertion that he paid Rene Shurtliff for the big well, when Shurtliff transferred his water out, supports this view.

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

A31-00063Q

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 Murdocks 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.

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 Contor  
Date: 3/30/2000 *Bryce*  
Re: Phone conversation w/ Brent Dalling

Today Brent Dalling called to report on his progress w/ documentation of ownership of the rights claimed.

1. Former owner Shirley affirms that he never sold or intended to sell his Hamer Canal water. However he does recall "giving back something" when he began diverting his right out of the private well. Brent wonders if this may have been a stock certificate.
2. Brent was involved in the McGarry transfer. His recollection is that local perception was that the Hamer Canal Co. was only a delivery organization, that shareholders perceived they owned the water rights and that their shares in the company only signified ownership of the delivery system and equipment. Therefore when individuals transferred their Hamer Canal water to a private well, they conveyed the shares back to the canal co. or to another shareholdere.
3. Reese Sanders, Rene Shurtliff, and Aaron Savage are probably familiar enough with the history of the canal company to either confirm or dispute this understanding.
4. Before transferring the Hamer Canal water, Shirley and his predecessors co-mingled Hamer Canal water with well water from an old well that was drilled in the 1930's. This well was replaced in 1962 and when Ward filed the AJ claim he used a 1962 priority, rather than the older priority. Brent will gather up documentation and may choose to amend the claim to the earlier priority date. The ditches and well are still in place and clearly show that well water was diverted to the POU of these two claims.
5. Brent will try to obtain an affidavit from Lynn Shirley and/or Shirley's brother. Shirley's successor Zeke Ward is deceased, but Brent believes if Murdock's make a case that they purchased the water, it would have to have been from Shirley and not Ward. Both Wards told him verbally that they never intended to convey the water right, and fully intended their use of the well to be a transfer of the Hamer Canal right as others had done.

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

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

Brent Dalling  
Laurel Dalling  
1916 N 2350 E  
Hamer, ID 83425

Re: Adjudication Claims A31-00062Q, A31-00063Q

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.

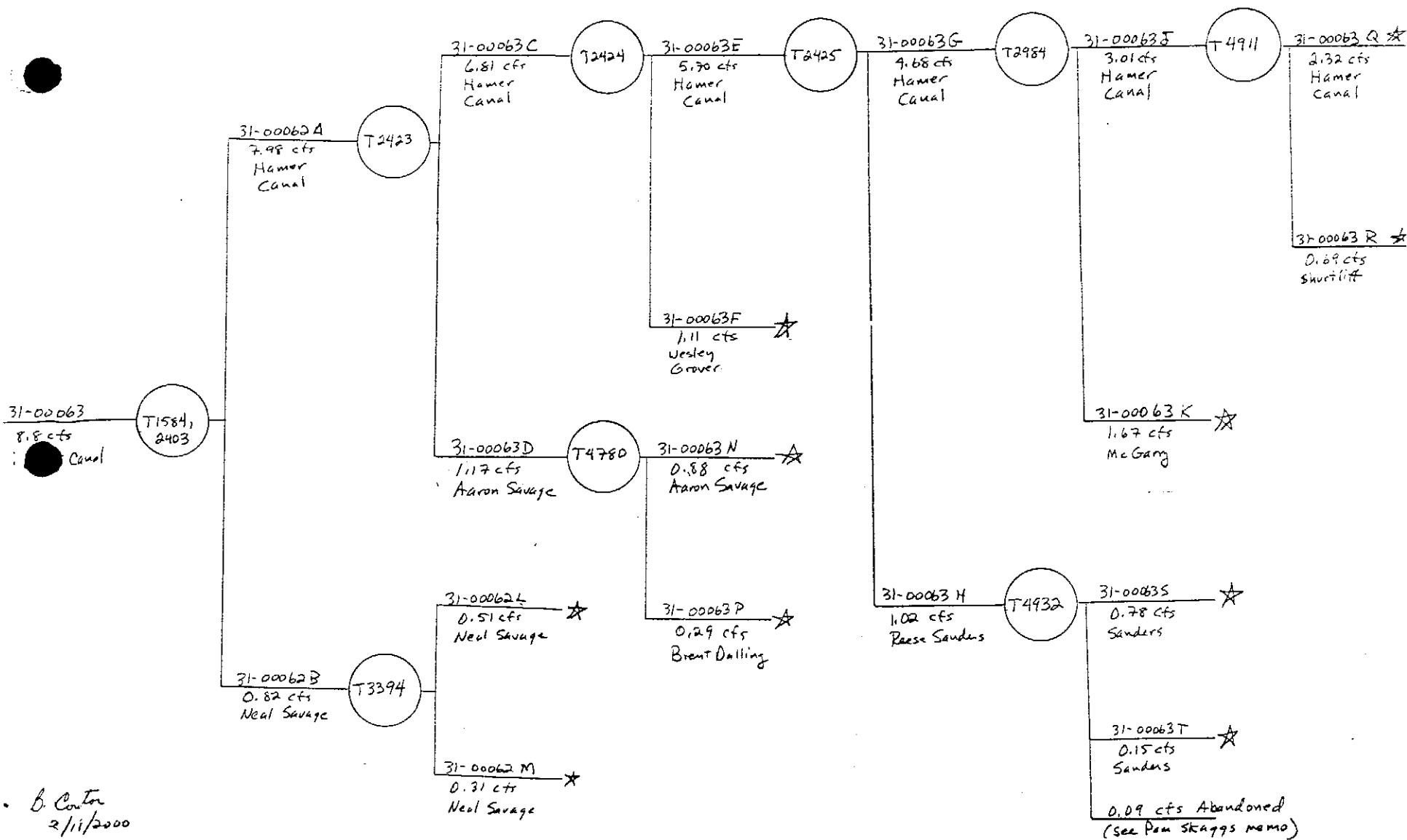
Claim A31-00063H, corresponding to WR 31-00063H, needs to be split per T4923. Transfer split WR into portions "S" and "T," but claim "S" has already been used to represent a part of original WR 31-00063Q.

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.

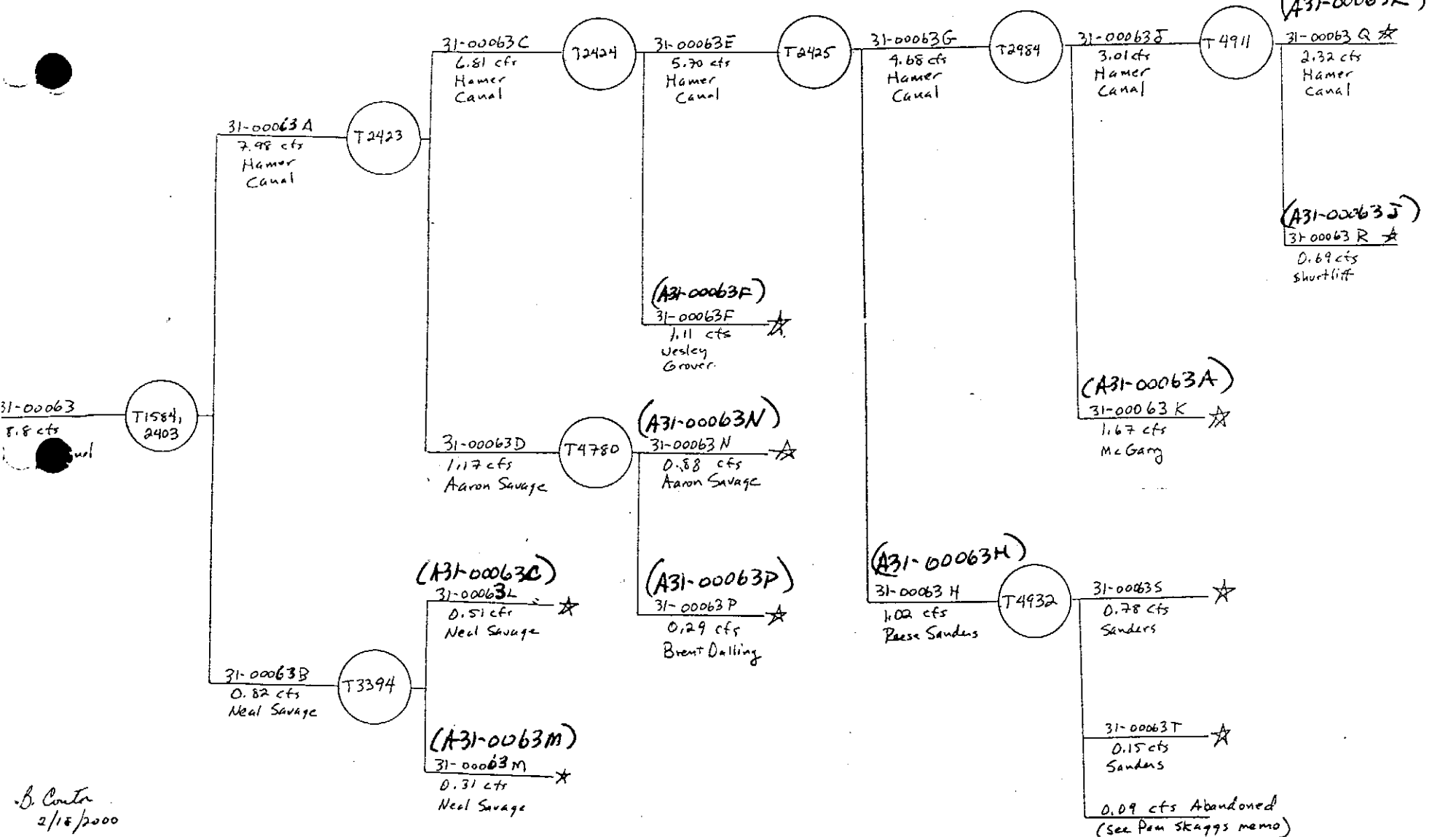
*no* *BAC* *6/13/00*

# Split History of 31-00063 - WR Side



B. Conter  
2/11/2000

AF claims vs.  
Split History of 31-00063 - WR Side



WR5809NP  
No. 31-00063G

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 02/18/00  
PAGE: 8

| OWNER<br>CODE    | NAME & ADDRESS                   | PRIORITY<br>DATE | WATER USE                            | USE PERIOD<br>FROM TO                     | DIVERSION<br>RATE                   | DIVERSION<br>VOLUME |
|------------------|----------------------------------|------------------|--------------------------------------|-------------------------------------------|-------------------------------------|---------------------|
| C                | HAMER CANAL CO<br>HAMER ID 83425 | 05/01/1928       | IRRIGATION<br>STOCKWATER<br>DOMESTIC | 05/01 09/01<br>01/01 12/31<br>01/01 12/31 | 2.320 CFS<br>2.320 CFS<br>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     |       |
| 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. 31-00063Q

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