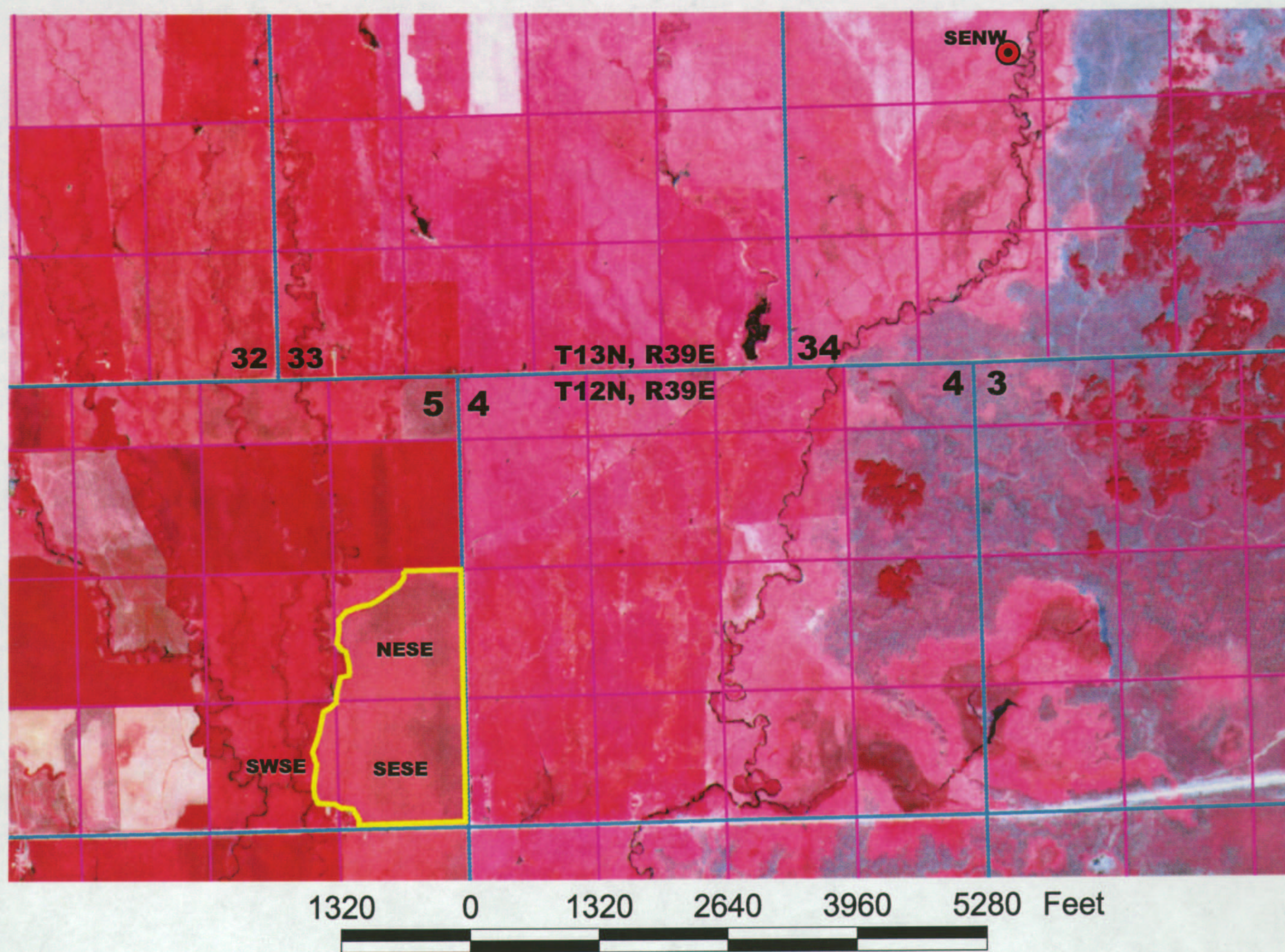




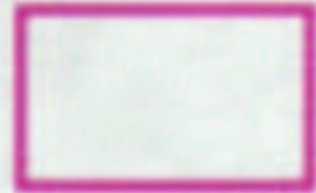
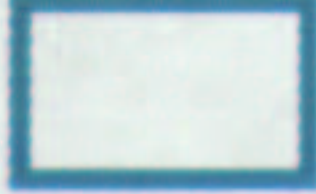
STATE OF IDAHO

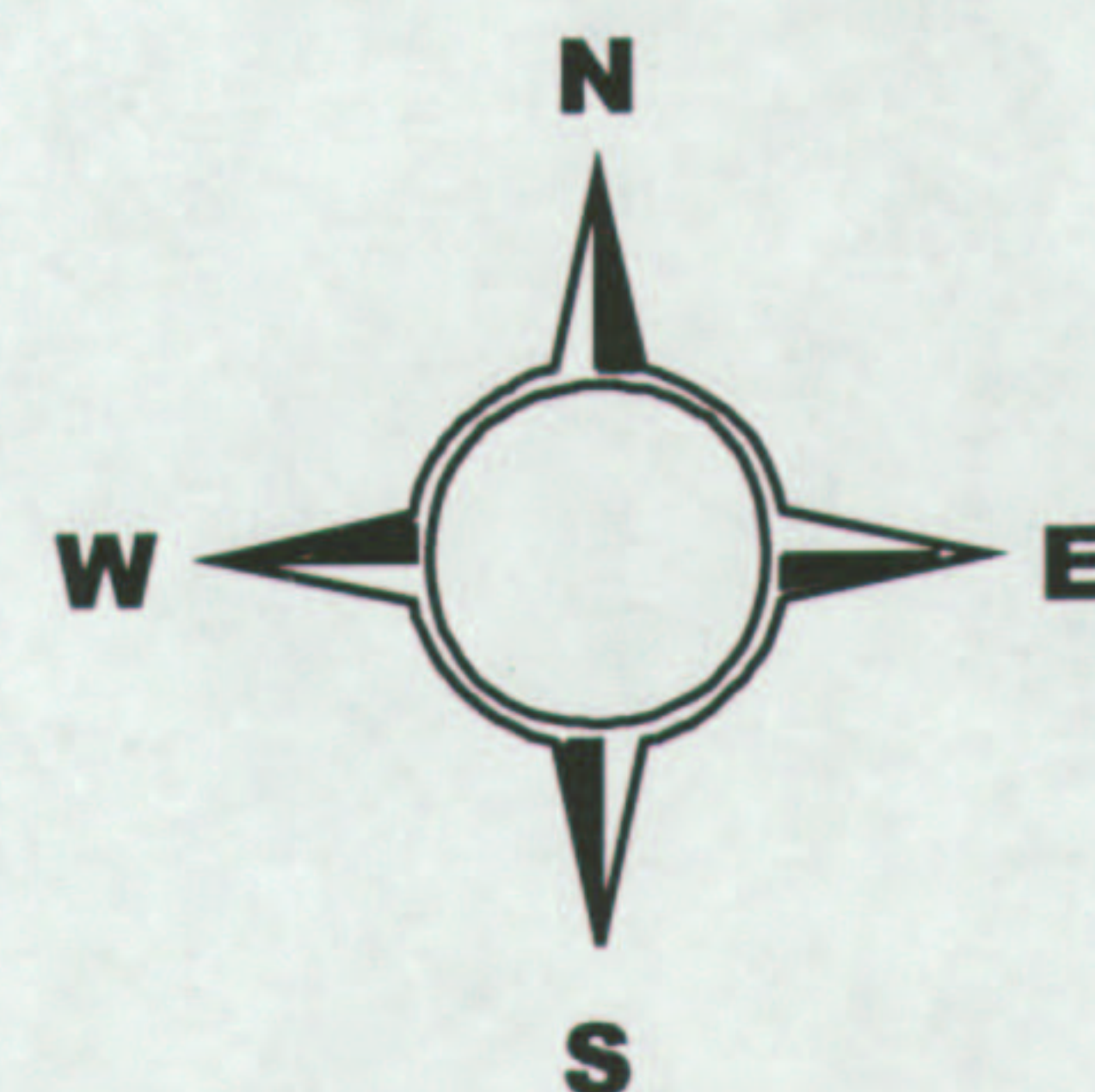
Department of Water Resources
Eastern Region

Water Right(s): 31-00216

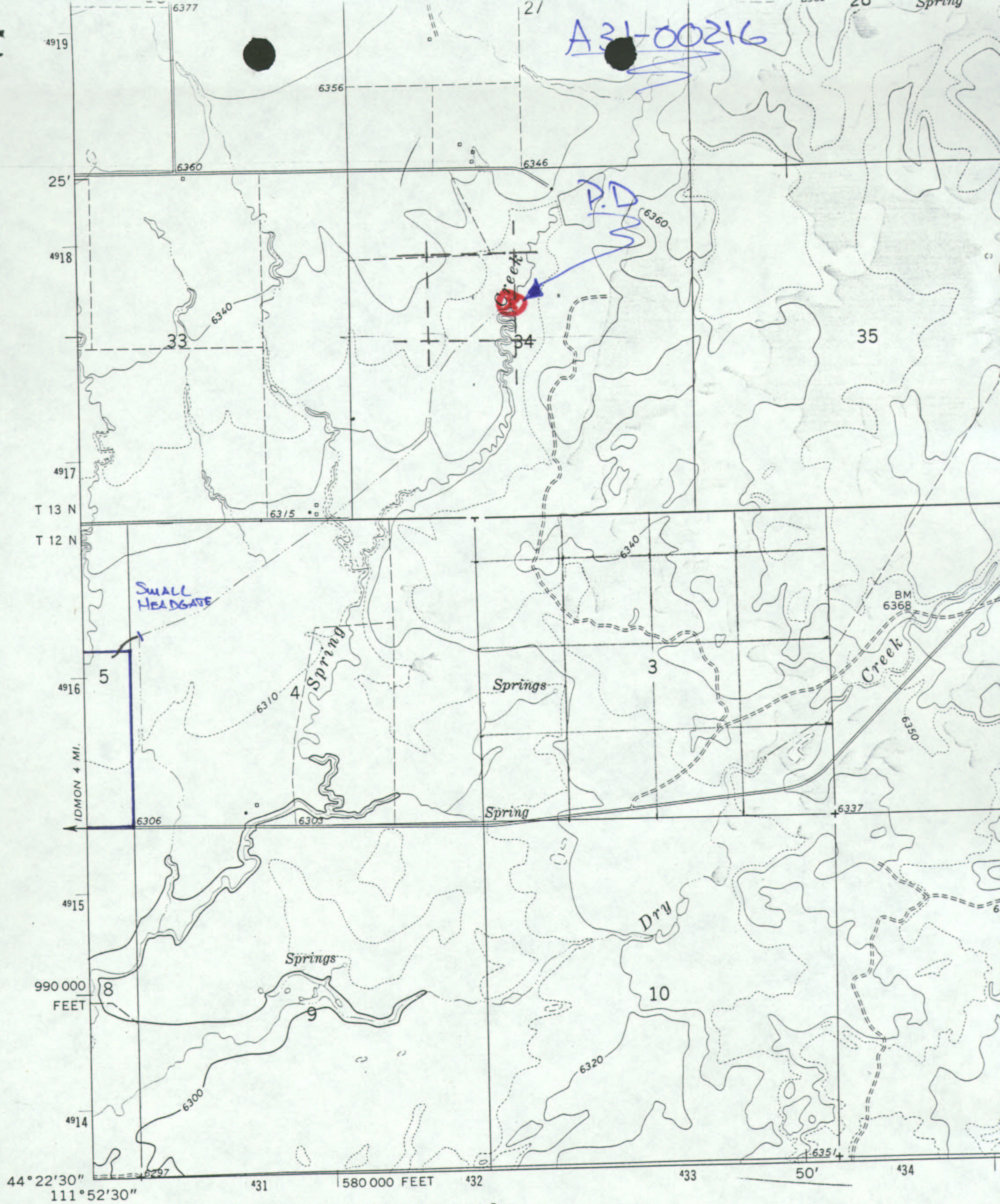


Total Irrigated Acres: 75

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



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: January 2001



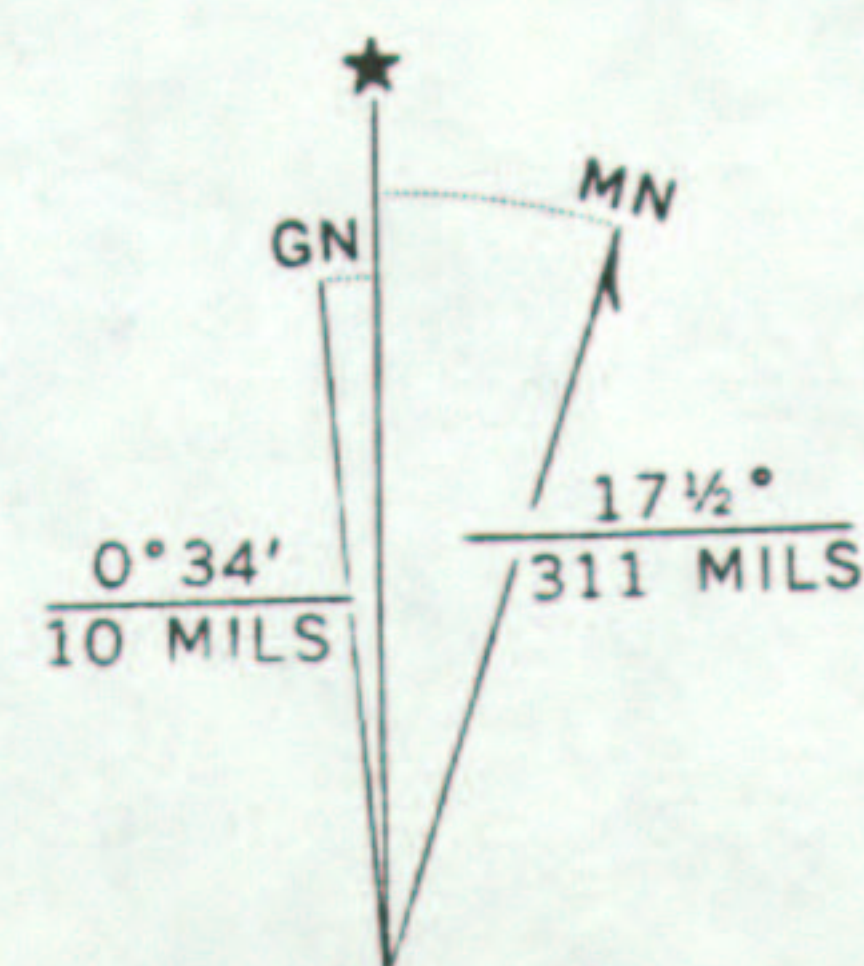
Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

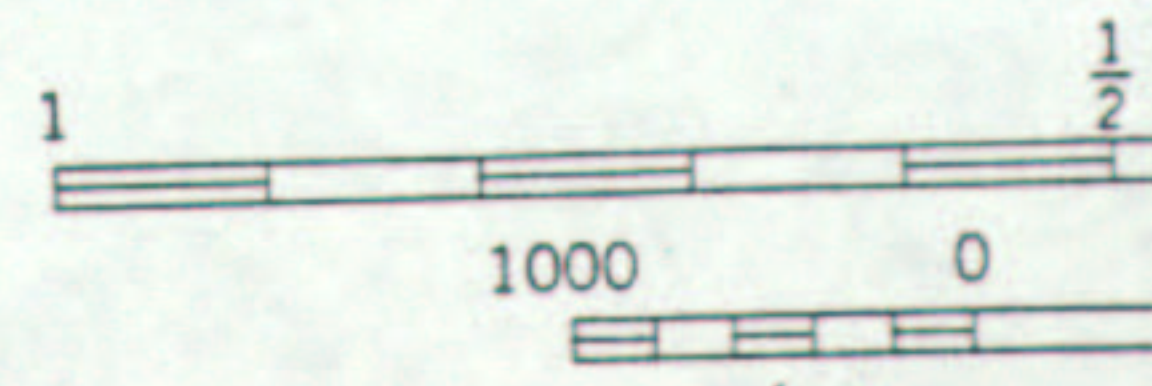
Topography by photogrammetric methods from aerial photographs taken 1971. Field checked 1972

Projection and 10,000-foot grid ticks: Idaho coordinate system, east zone (transverse Mercator) 1000-metre Universal Transverse Mercator grid ticks, zone 12, shown in blue. 1927 North American datum

Fine red dashed lines indicate selected fence lines
Where omitted, land lines have not been established



UTM GRID AND 1972 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



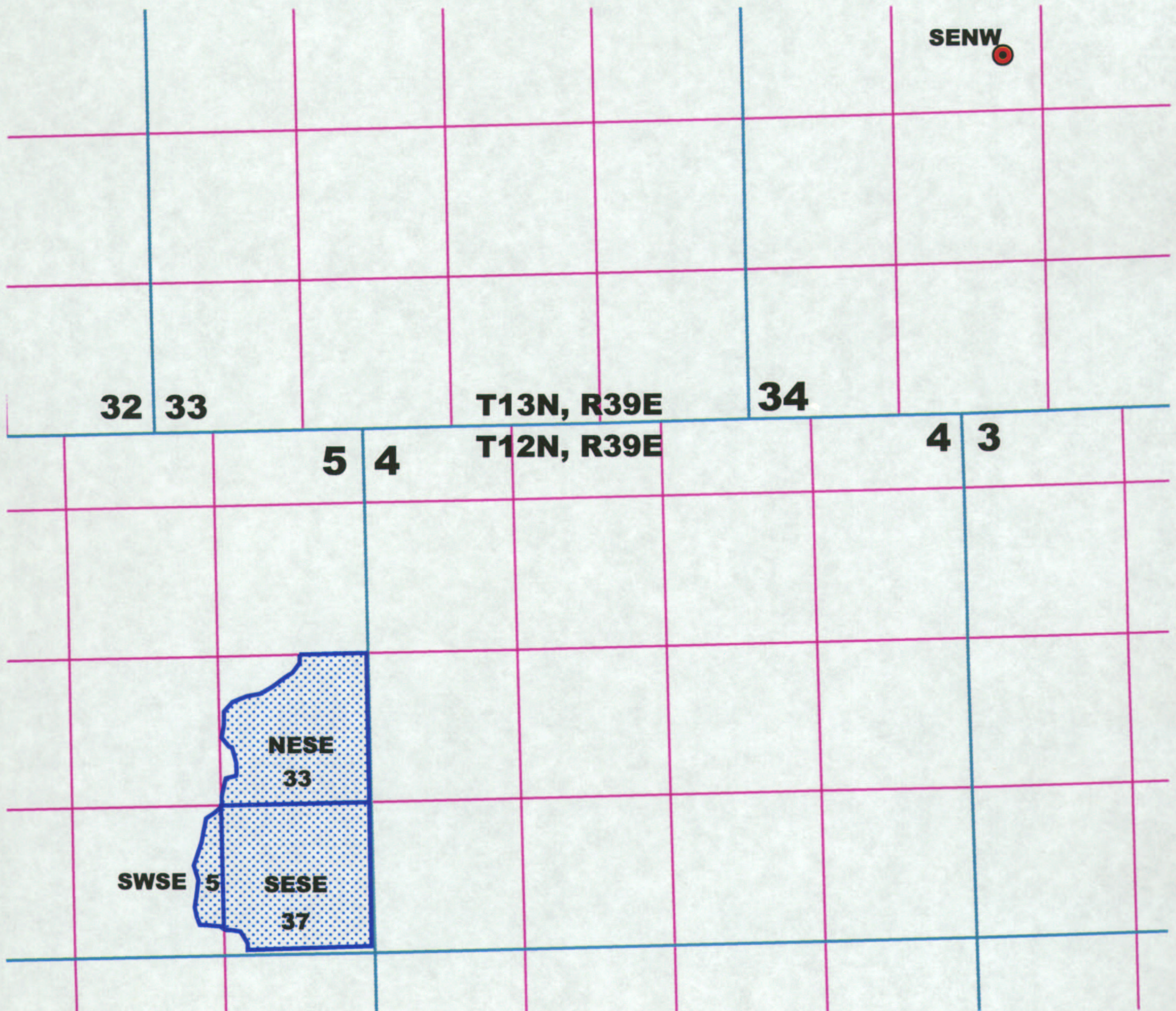
MICROFILMED

NOV 17 1992

THIS MAP
FOR SALE BY U.S. GEOLOGICAL SURVEY

WR #: 31-00216

Thomas and Ethel Vadnais



Total Irrigated Acres: 75

Acreage Distribution

Prepared By: Craig Saxton
January 2001

28 27
33 34

7/10/20
A302

T13N R39E

Spring

32 33

5 4

T12N R39E

The Rocking Question LLC
31-00022, 31-00023

Ditch

T.A. Vadnais
31-00216

Creek

4 3

9 10

04/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-216
NAME AND ADDRESS: ETHEL ROSEANNA VADNAIS
STAR RT
DUBOIS ID 83423

THOMAS A VADNAIS
STAR RT
DUBOIS ID 83423

SOURCE: SPRING CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 1.500 CFS

PRIORITY DATE: 05/01/1903

POINT OF
DIVERSION: T13N R39E S34 SESENW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.500 CFS

PLACE OF USE: IRRIGATION Within CLARK County

T12N R39E S05	NESE	33.0	T12N R39E S05	SWSE	5.0
T12N R39E S05	SESE	37.0			

75 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1982 TO 1987.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

01/04/2001

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

RIGHT NUMBER: 31-216

NAME AND ADDRESS: ETHEL ROSEANNA VADNAIS
THOMAS A VADNAIS
STAR RT
DUBOIS, ID 83423

SOURCE: SPRING CREEK TRIBUTARY: CAMAS CREEK

QUANTITY: 1.5 CFS

PRIORITY DATE: 05/01/1903

POINT OF DIVERSION: T13N R39E S34 SESENW Within CLARK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05-01 10-31	1.50 CFS

PLACE OF USE:

<u>IRRIGATION Within CLARK County</u>				
T12N R39E S5	NESE	33	T12N R39E S5	SWSE 5
T12N R39E S5	SESE	37		

75 ACRES TOTAL

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.

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1982 TO 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-216

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ETHEL ROSEANNA VADNAIS
Current Owner	THOMAS A VADNAIS
	STAR RT
	DUBOIS, ID 83423

Original Owner	ELIZABETH M A C REBER
----------------	-----------------------

Priority Date:	05/01/1903
Basis:	Decreed
Status:	Valid

<u>Source</u>	<u>Tributary to</u>
SPRING CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01	10/31	1.5 CFS		
Total Diversion	1.5 CFS				

Location of Point(s) of Diversion:

SPRING CREEK	SESENW	Sec. 34	Township 13N	Range 39E	CLARK County
--------------	--------	---------	--------------	-----------	--------------

IRRIGATION Use:
Acre Limit: 75

Place(s) of use:

Place of Use Legal Description: IRRIGATION	CLARK County
--	--------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12N	39E	5		NESE	33		SWSE	5		SESE	37			

Total Acres: 75

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks:

1. General THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1982 TO 1987.

Dates:

Licensed Date:	
Claim Received Date:	06/27/1988
Enlargement Use Priority Date:	
Enlargement Statute Priority Date:	

Decreed Date: 11/01/1930
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	1/4/01 11:15:10 AM	csaxton			In Process
POD	1/4/01 11:16:20 AM	csaxton			In Process
POU	1/4/01 11:36:57 AM	csaxton			In Process
Priority Date	1/4/01 11:15:26 AM	csaxton			In Process
Quantity	1/4/01 11:42:15 AM	csaxton			In Process
Season	1/4/01 11:40:45 AM	csaxton			In Process
Source	1/4/01 11:27:41 AM	csaxton			In Process
Summary	1/4/01 12:17:54 PM		1/4/01 12:17:54 PM	csaxton	Complete
Use	1/4/01 11:34:16 AM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Water District Number: 31
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	1/4/01 11:15:08 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Field Exam by AI Ruberry on 7/18/2000. Edited point location
POD	1/4/01 11:22:31 AM	csaxton	1. (NO) The basis is not beneficial use.
POD	1/4/01 11:16:18 AM	csaxton	2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
POU	1/4/01 11:36:55 AM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (NO) There is no evidence that there has been a change in the POU. 9. (NO) The file does not contain all the necessary information to verify the POU. Comment for 9: Field Exam 7/18/2000 11. (NO) A transfer was not filed. 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Priority Date	1/4/01 11:15:24 AM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly.

Quantity	1/4/01 11:42:13 AM	csaxton	14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required. 1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Season	1/4/01 11:40:43 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a period of use. 3. (YES) The claimed Period of Use can be verified using the water right file. 12. (YES) Irrigation is the purposed use. 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	1/4/01 11:27:40 AM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	1/4/01 12:17:52 PM	csaxton	1. (NO) The basis of the claim is not beneficial use. 3. (YES) There is indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 4. (YES) A portion of the claim is being recommended. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Use	1/4/01 11:34:15 AM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A31-00216
Date Received: 6/27/1988
Receipt No: E000528
Received By: JPW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS A. VADNAIS 208-778-5347
Address: STAR RT.
DUBOIS, ID 83423

Name: ETHEL ROSEANNA VADNAIS
Address: STAR RT.
DUBOIS, ID 83423

2. Date of Priority: MAY 01, 1903

3. Source: SPRING CR. Trib. to: CAMAS CR.

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	39E	34	SE	NW			CLARK

5. Description of diverting works:
DITCH /SMALL HEADGATE FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.200		

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

8. Total consumptive use is 243.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A3100216



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	39E	5	NE	SE		IRR	36.0
			NW	SE		IRR	1.0
			SW	SE		IRR	5.0
			SE	SE		IRR	39.0
						Section Acres	81.0
						Total Acres	81.0

11. Place of use in counties: CLARK

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

13. Other Water Rights Used:
NONE

14. Remarks:
CLAIMANT IS CLAIMING ORIGINAL FLOW RATE OF DECREED RIGHT.

15. Basis of Claim: DECREED
Water Right Number:
Case Number:
Court :
Decree date: 5/01/1903

ERNEST SAUVE

Decree Plaintiff

vs

W. H. ABBOTT

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Thomas A. Caduain Date: 86-27-88

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of June 19 88

Patricia Wray
Notary Public

Seal

Residing at Gleno Falls
My Commission Expires 5/29/99

A31-00216

T15

DYLE
ROBERTSON

RAY SANDERS
INC.
A78
T43

MAX S. DODWAY

JOE KNOXWELL
T12
T19

BLAINE SMITH
MARY WELCH
A108
T64

R38E R39E

IN LARICK
A30
T25

FREDERIKSON
A26
T20
BROS.

DAVID HIRSCH

KEN BENNETT
A60
T35

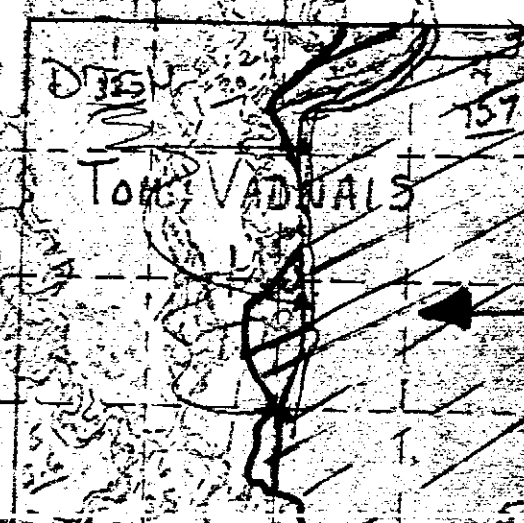
DAVID HIRSCH

KEITH SIEPERT
A75

T13N
T12N

SEE INCLUDED
MAP

HALF
CIRCLE
CATTLE CO. IRRIGATED
A77
T222



FREDERIKSON
A26
T20
BROS.

REX A49
HUNTER

GAIL BEARD

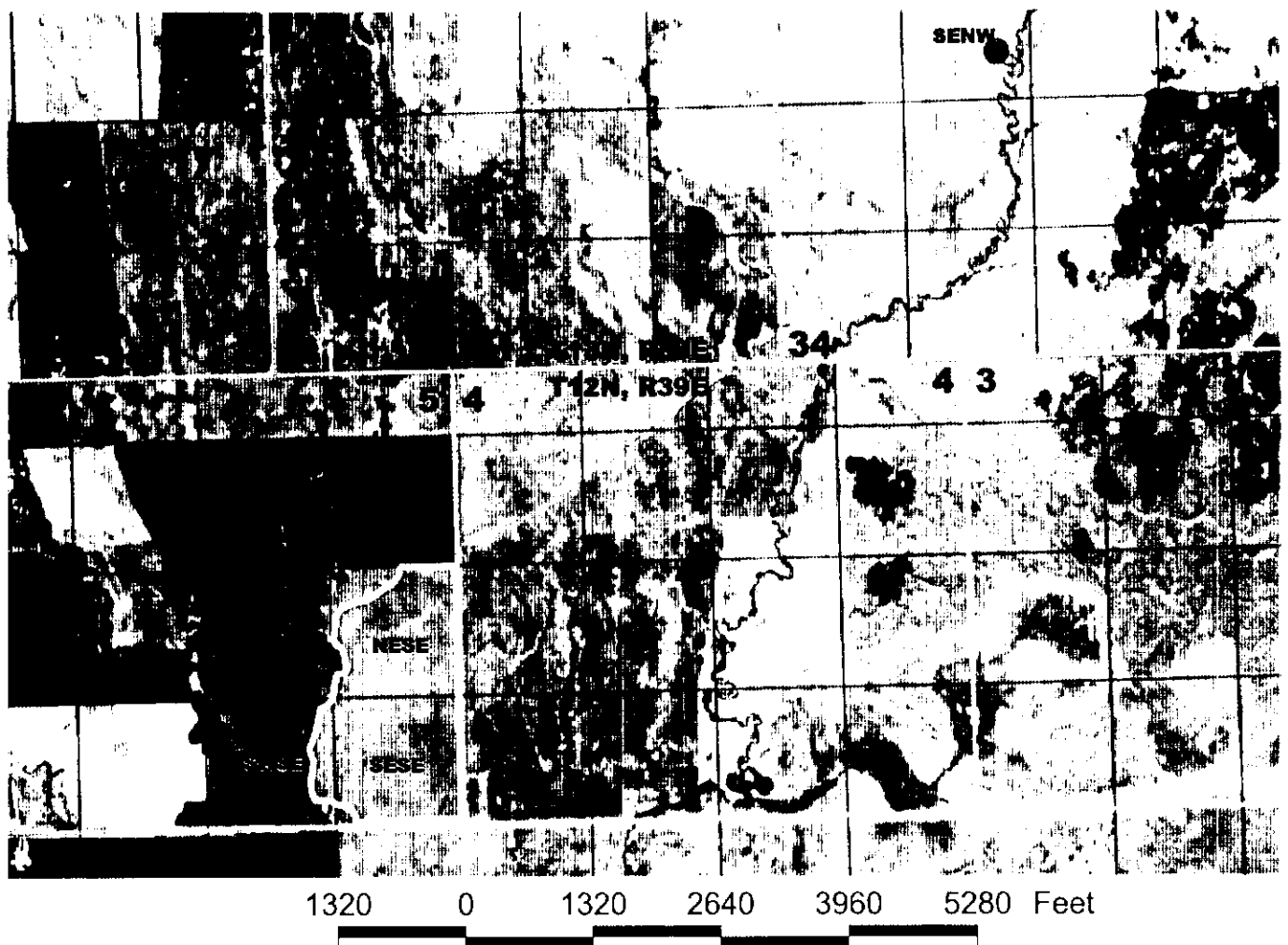
R-5



STATE OF IDAHO

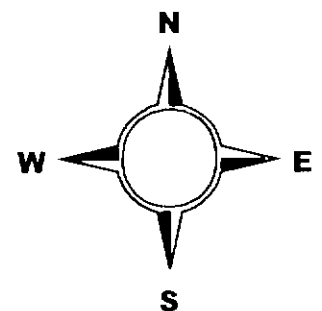
Department of Water Resources
Eastern Region

Water Right(s): 31-00216



Total Irrigated Acres: 75

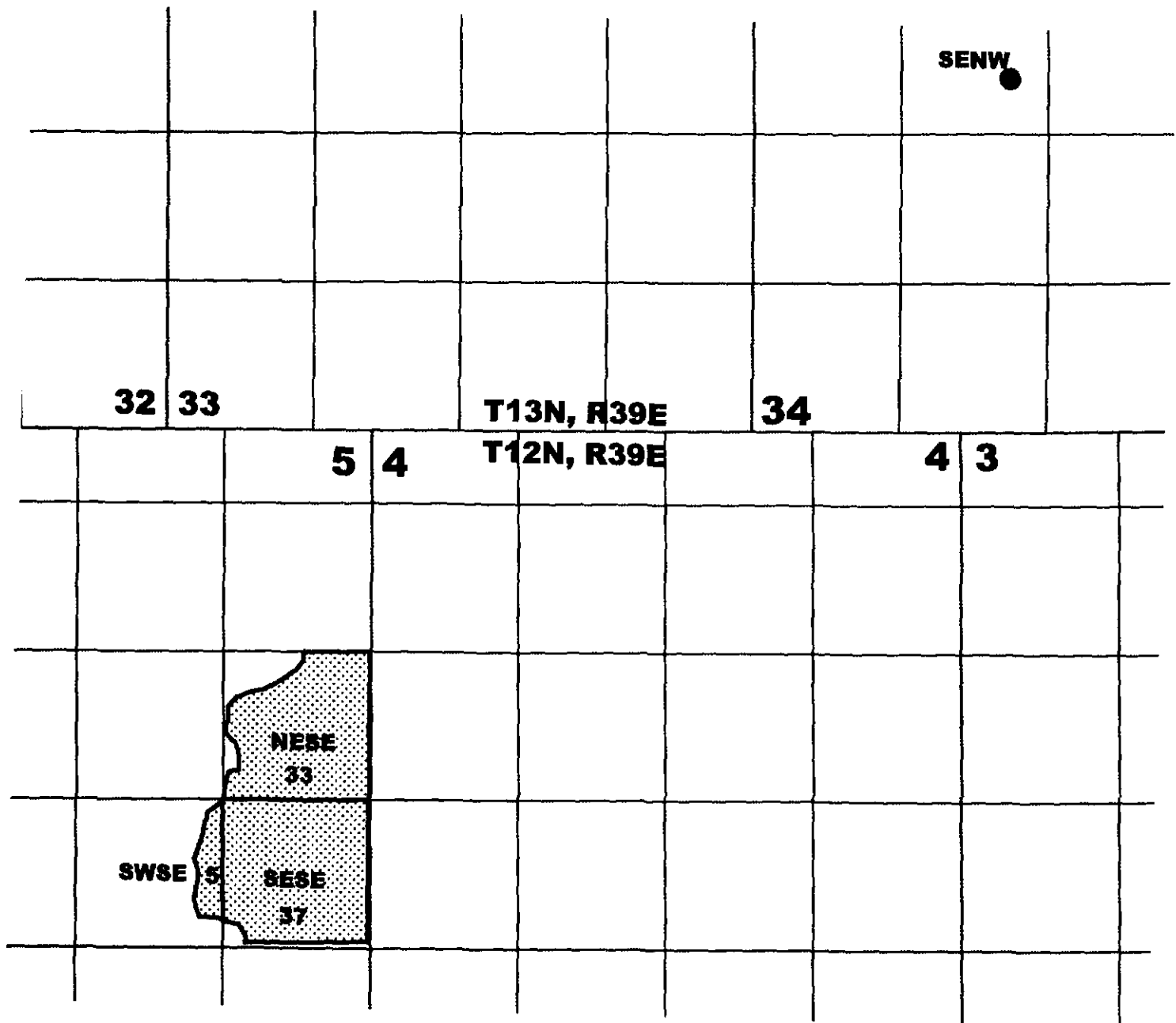
- Point of Diversion
- Place of Use
- Quarter Section Lines
- Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: January 2001

WR #: 31-00216

Thomas and Ethel Vadnais



Total Irrigated Acres: 75

Acreage Distribution

Prepared By: Craig Saxton
January 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:45:51
03/13/93

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A31-30216

LAST: VADNAIS
ADDRESS: STAR RT.
CITY: DUBOIS
PHONE NUMBER: 208-778-5347

FIRST: THOMAS A.

STATE: ID ZIP: 83423

OWNER CODE: C

LAST: REBER
ADDRESS:
CITY: N/A
PHONE NUMBER: 208-000-0000

FIRST: ELIZABETH M. & C.

STATE: ID ZIP: 83423

OWNER CODE: D

LAST: VADNAIS
ADDRESS: STAR RT.
CITY: DUBOIS
PHONE NUMBER:

FIRST: ETHEL ROSEANNA

STATE: ID ZIP: 83423

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: CLAIMANT IS CLAIMING ORIGINAL FLOW RATE OF DECREED RIGHT.

why?
what about TX # 1920?
IF so, this is BY
1/2 team overclaiming.

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:

FIELD EXAM 7/10/85 UNACCOMPANIED.

TX 1920; DATES TO 29 July 1985, UNAPPROVED BY EDWR.

TX SUGGESTS TO SPLIT 3.2 cfs on 160 AC TO 1.6 cfs on 80 AC.

TX SHOWS PPL w/ 31-00309 AND 31-00216 (UNSPLIT).

Q: WHOSE DOES WHAT 40? WAS 216 TRULY SPLIT? IF SO, TO WHOM?

IF SO, HOW CAN VADONAS CLAIM ALL?

8/28/85 RESEARCH AND REVIEW OF TX'S:

APPARENTLY ALL FILLED TX'S HAVING TO DO WITH 31-00216
HAVE BEEN DENIED BY EDWR, PROTESTED, AND/OR UNCOMPLETED.

AT THIS TIME 31-00216 REMAINS WHERE IT WAS DECREED.

ALTHOUGH CLAIMED AS 3.2 cfs on 81 AC. E258 SEC 5.

75 AC WILL BE RECOMMENDED WITH 1.5 cfs.

TX 1920
Approved?
Q's:

A. AJ CLAIM: # A31-00216 PRIORITY DATE: 05-01-1903 STAGE: D

B. WR RECORD: # 31-00216 PRIORITY DATE: 05-01-1903 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

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

NOTES:

Deferred Priority matches claimed

RECOMMENDED PRIORITY DATE:
05-01-1903

SO IT IS

REVIEWED BY

DATE

3/28/03

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	T4P.	R6E.	SEC.	1/4	1/4	1/4	LOT	CNTY
A31-00216	13N	39E	34		SE	NW		CLARK

OTHER AJ CLAIMS WITH SAME AJ POD
L PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SPRING CR.

TRIG: CANAS CR.

B. WR POINT OF DIVERSION AND SOURCE:

3100216 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: SPRING CREEK

TRIG: CANAS CREEK

C. FIELD EXAM REQUIRED?

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

NOTES:

POD DESCRIBED AS 1/4 mi N3/4 E IRISH LANDS ... THIS SEEMS TO FIT ANOTHER CLASH.
TX1920 ADDRESSES POD ISSUE TO CORRECT AS: SE1/4 SEC. 34 T13N R39E - AND IT
SEEMS THATS WHERE IT'S ALWAYS BEEN - MATCHES CLAIM AND SOURCE WOULD BE
SPRING CREEK.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY	DIVERSION NAME
12N	37E	34	SE	SE	NW	---	Clark	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---	---

SOURCE: Spring 7550 TIER: Campus 4

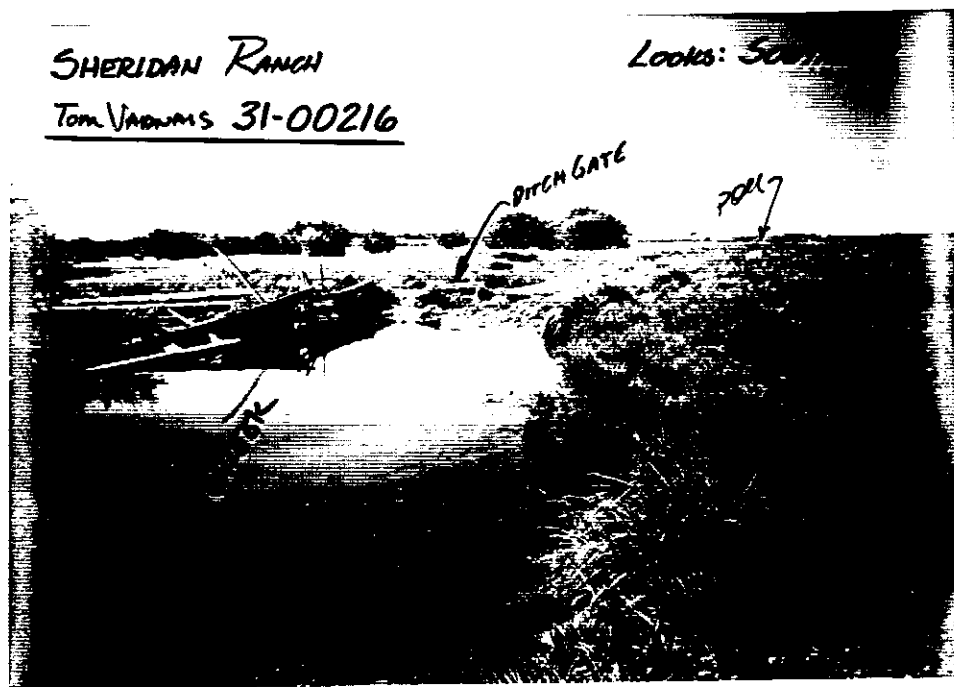
REVIEWED BY: SPR DATE: 9/10/04

SYSTEM DESCRIPTION: WINDSHIELD DIVERSION OF STEEL POSTS, CANVAS DAMS, STRAW BALES, PILES AND ROCKS

SHERIDAN RANCH

Tom VARNUMS 31-00216

Looks: South



A. ROOT WATER RIGHT NUMBERS: A31-00216

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	AR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	39E	5	NE	SE		VADNAIS, THOMAS A.	A31-00216 / 35.0	31-00216 /			30.0
			NE	SE		VADNAIS, THOMAS A.	A31-10171 /	- /			
12N	39E	5	N4	SE		VADNAIS, THOMAS A.	A31-00216 / 1.0	31-00216 /			22.0
			N4	SE		BENNETT, KENNET L.	A31-00022 / 7.0	- /			
			N4	SE		BENNETT, KENNET L.	A31-00023 / 7.0	- /			
			N4	SE		VADNAIS, THOMAS A.	A31-10171 /	- /			
12N	39E	5	S4	SE		VADNAIS, THOMAS A.	A31-00216 / 5.0	31-00216 /			39.0
			S4	SE		VADNAIS, THOMAS A.	A31-10171 /	- /			
12N	39E	5	SE	SE		VADNAIS, THOMAS A.	A31-00216 / 39.0	31-00216 /			38.0
			SE	SE		VADNAIS, THOMAS A.	A31-10172 /	- /			
TOTAL ACRES							A31-00216	51.00			129.00

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POU COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

POU DESCRIBED AS SE¹ SEC. 5 T12N R39E.
TX. 1920 ONLY CORRECTS CURRENT PRACTICE - THIS CLAIM IS FOR LOSS ACROSS TRAIL
ALLOWED BY TX. TX #1920 WAS NEVER COMPLETED.

*See GPS for
Ac & Dist.*

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES
A31-00216 IRRIGATION

5/1 10/31
MONTH/DAY
FROM 04-15 TO 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.200 CFS

3.200 CFS

B. WR RECORDED USES:

PURPOSES
31-00216 IRRIGATION
31-00216 STOCKWATER
31-00216 DOMESTIC

MONTH/DAY
FROM 05-01 TO 09-01
FROM TO
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.200 CFS
3.200 CFS
3.200 CFS

3.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATABASE FIELD
EXAMINER
Y
Y
Y

Stockwater is defined by decree.

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

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

NOTES:

RECOMMEND May 1 to Oct. 31 per Dept. STO. Decree UNSPECIFIC.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

Overclaims by 1/2 for 80 ac.

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.200 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **
** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER
Y

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

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

WMA DISCREPANCY

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POB AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00216	SPRING CR.	VADNAIS, THOMAS A.	3.200	0.039		
A31-00022	EAST CAMAS CREEK	BENNETT, KENNETH L.	1.100	0.007		
A31-00023	EAST CAMAS CREEK	BENNETT, KENNETH L.	1.500	0.010		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-10171	STOCKWATER	VADNAIS, THOMAS A.	FROM 05-01 TO 11-01	.030 CFS	
A31-10172	DOMESTIC	VADNAIS, THOMAS A.	FROM 01-01 TO 12-31	.040 CFS	

0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

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

1B. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 243.0 AF/A

ACRES _____ X CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ X DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AFPA	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>Pring.</u>	<u>5/1 10/31</u>	_____	_____	_____
TOTAL FOR THIS RIGHT		_____	_____	_____

REVIEWED BY: MRJ

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00216

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 3.200	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00216	3.200	-		31-00216	3.200
TOTAL CFS		3.200				3.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE
Y

FIELD
EXAMINER

NOTES:

*Disputed/claimed as 3.200 cfs. TX #1920 APPARENTLY TRIED TO SPLIT THIS
RIGHT IN HALF BUT APPEARS UNAPPROVED BY IDWR*

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22745551
03/13/93

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A31-00216

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

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
VAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:02:48
03/14/95

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A31-70216

COWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS A. MADNAIS STAR RT. DU3015 ID 83425 (208) 773-5347	05/01/1993	IRRIGATION	04-15 10-15	3.20 CFS	
					TOTAL DIVERSION:	3.20 CFS
					CONSUMPTIVE USE:	243.0 AFA

C ETHEL ROSEANNA MADNAIS
STAR RT.
DU3015 ID 83425

WATER SOURCE: SPRING CR.

TRIBUTARY TO: CAMAS CR.

STAGE: DECREED

POINT(S) OF DIVERSION:

T13N R39E S34

SENW

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

NE				NW				SW				SE				
NENE	NWNE	SSENE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SSSW	SESW	NESE	NWSE	SWSE	SESE	SUM
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	
12N	39E	5														
															36	
															05	
															39	
															80.0	
															81.0	
															TOTAL ACRES	

POU COUNTY: CLARK

NON-IRRIGATION USES: N/A

OTHER RIGHTS: NONE

REMARKS: CLAIMANT IS CLAIMING ORIGINAL FLOW RATE OF DECREED RIGHT.

DATES: EXAM MADE DATE: VERIFIED DATE: 07/29/1995

MISC: WATER DISTRICT NUMBER: 31 FIELD INSPECTION FLAG: Y
PRESUMPTION FLAG:

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
 Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED



THOMAS A VADNAIS
ETHEL ROSEANNA VADNAIS
STAR RT
DUBOIS, ID 83423

RECEIVED

MAY 14 2001

Department of Water Resources

28 27
33 34

7/10/2k
SPR

T13N R39E

32 33

5 4

T12N R39E

T.A. Vadnais
31-00216

4 3

9 10

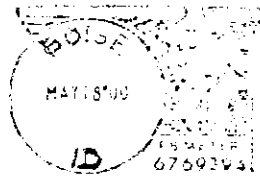
Needs Address correction!!!!

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RETURNED
TO
SENDER
NOT DELIVERABLE
AS ADDRESSED -
UNABLE TO FORWARD

PRESORTED
FIRST CLASS



RECEIVED

MAY 21 2000

Department of Water Resources

A31-00216
THOMAS A VADNAIS
ETHEL ROSEANNA VADNAIS
STAR RT
DUBOIS

ID 83423

17.71 1800 S
KANA 83423

663-4880

778-5347
Change of Address





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

August 7, 2000

THOMAS VADNAIS
1717 N 1800 E
HAMER ID 83425

RE: EVIDENCE TO SUPPORT BENEFICIAL USE OF SNAKE RIVER BASIN
ADJUDICATION (SRBA) CLAIM(S) A31-00216

Dear Mr. Vadnais:

The Idaho Department of Water Resources is reviewing SRBA claims in the Kilgore area of Basin 31. Our office conducted a field exam of the above referenced claim(s) but failed to find evidence of beneficial use. Idaho Code 42-222, paragraph 2 states, "All rights to the use of water . . . shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated . . . "

To avoid forfeiture, please provide evidence of water delivery and payment of the water district assessment prior to 1987. This proof must be provided within 21 days of receipt of this letter to avoid a disallowal recommendation to the Snake River Basin Adjudication court.

If you no longer own the property appurtenant to the above referenced claim, please contact our office so we can notify the current owner of this matter.

Sincerely,

For Allen Ruberry
Senior Water Agent

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83401

EASTERN REGION

July 31, 2000

THOMAS VADNAIS
STAR RT
DUBOIS ID 83423

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Sincerely,

Jennifer Croblue
For Allen Ruberry
Senior Water Agent

Enclosure

*Do you know a
forwarding address
for this claimant or
can you find one?*

77

DE



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

July 31, 2000

THOMAS VADNAIS
STAR RT
DUBOIS ID 83423

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ADJUDICATION (SRBA) CLAIM(S) A31-00216

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Sincerely,


For Allen Ruberry
Senior Water Agent

Enclosure



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

August 7, 2000

THOMAS VADNAIS
1717 N 1800 E
HAMER ID 83425

RE: CHANGE OF ADDRESS FOR A31-00216

Dear Mr. Vadnais:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

THOMAS VADNAIS
STAR RT
DUBOIS ID 83423

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 2959 OF WATER RIGHT)
NO. 31-0216 IN THE NAME OF HALF)
CIRCLE CATTLE COMPANY, INC.)

ORDER

This matter having come before the Idaho Department of Water Resources (department) as a result of the review of pending applications for transfer and review of Snake River Basin Adjudication claims filed, the department makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On May 14, 1984, Half Circle Cattle Company, Inc. (applicant) filed Application for Transfer No. 2959 (application) with the department in connection with water right no. 31-0216.

2. A review of the Snake River Adjudication claim filed in connection with the above captioned water right shows that the proposed transfer does not agree with the later in time adjudication claim which was filed by a different party.

3. The adjudication claim has been filed as the right was originally decreed and does not claim the change proposed by the transfer.

4. The department corresponded with the applicant to determine continued interest of the applicant but the letter was returned to the department since the forwarding address order at the post office had expired.

CONCLUSIONS OF LAW

1. The applicant did not submit an adjudication claim in the Snake River Basin Adjudication for water right no. 31-0216 or part thereof.

2. Water right no. 31-0216 has been claimed in the adjudication in its entirety by a party other than the applicant.

3. The department should set aside Application for Transfer No. 2959 since the applicant no longer can be contacted and

apparently no longer has an interest in the application or the land to which water right no. 31-0216 is appurtenant.

ORDER

IT IS THEREFORE, HEREBY ORDERED that Application for Transfer No. 2959 in the name of Half Circle Cattle Company, Inc. in connection with water right no. 31-0216 is set aside and will not be further considered by the department.

Dated this 31st day of October, 1991.



L. GLEN SAXTON, Chief
Water Allocation Bureau

DEC 11 1990

Department of Natural Resources
Eastern District Office

MEMORANDUM

To: Skip Jones
From: L. Glen Saxton *LGS*
RE: PROTESTED APP FOR TRANSFER 31-00216 - HALF CIRCLE CATTLE
COMPANY, INC.
Date: December 6, 1990

I have reviewed application for transfer no. 2959 in connection with right 31-0216 and have also reviewed the adjudication claim associated with the right.

The app for transfer proposed to change the place of use of 1/2 (1.6 cfs) of the water right for the alleged reason of making the paper work agree with what has actually happened on the ground thru the years.

Half circle did not submit an adjudication claim on the right or a portion of the right. All of the right (3.2 cfs) was claimed by Thomas Vadnais for the irrigation of the original place of use described for the water right.

I think you should correspond with Half Circle and advise that the department intends to void the application for transfer unless they can show within so many days that they still have an interest in the water right. Note that my suggested "voiding" in this case is different than "combining" action on the pending app for transfer with action on the adjudication claims as we have done in other cases where the claimant and applicant for transfer are one and the same party.

Your correspondence can be termed "Notice of Pending Order to Void Application". After the time for response has expired, you can send appropriate info to the state office for issuance of the final order.

Yes

Figure 1

10

1

150

7

(Signature of Applicant)

19. ~~29~~

3/31/77

AND CERTIFICATE OF TRANSFER

1920/31-0215

DENIED

فان كان

1992

1998

19 76

State Reclam. Engrs.

FOR DEPARTMENT USE ONLY

Date 11.27.74

Digital

Date _____

10-15-75 136 00

Source: *Journal of the American Statistical Association*, 94 (1999), 1033-1044.

© 2000 Blackwell Science Inc. *Journal of Internal Medicine* 247: 395–402

Elizabeth Maria
Adolphine Croker
Reber

1903 - Beginning of
1903 irrigation
season

31 216
3.2 c.f.s.

TRANS^Y 1920

Source: Spring Creek, a tributary
of Camas Creek.

Point of Diversion: One and one-
fourth miles Northeast of the land
to be irrigated, and hereinafter
described.

For use on the following described
land, to-wit: The Southeast Quar-
ter of Section 8, Township 18
North, Range 39 East, Boise Meridian.

1 1/4 mi N.E. OF IRRIG. LANDS
SB Sec. 5 T12N R39E

Transfer No. 1920Water Right No. 31-0216

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Half Circle Cattle Company, Inc.

Name of applicant c/o Holden, Kidwell, Hahn & Crapo Phone 523-0620Post Office address P. O. Box 129, Idaho Falls, Idaho 83402**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by:

a. Decree No. 109 Decreed to Elizabeth Maria Adolphine Croker Reber
(Name)
in case of Sauve vs Abbott

dated in Nov 1, 1930 in United States Dist. Court District of Idaho
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant See attached copies of "Agreement" and deed.

3. Source of water Spring Creek tributary to Camas Creek

4. Date of priority "Beginning of Irrigation Season" 1903

5. Water is used for the following purposes:

amount 3.2 cfs for Irrigation purposes from May 1 to Nov 1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 3.2 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is "one and one-fourth miles Northeast of the land to be irrigated and hereafter described"
Township 12N Range 39E., B.M., in Clark County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	39E.	5													40	40	40	40	160

Total number of acres to be irrigated 160

9. Describe any other water rights used for the same purpose as described above _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No
If yes, describe in item D. REMARKS _____

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.6 cubic feet per second ($\frac{1}{2}$ of total amount of 3.2 cfs) &/or
b. _____ acre feet per annum
- Decree states: "one and one-fourth miles Northeast of the land to be
2. Point of diversion $\frac{1}{4}$ $\frac{1}{4}$, Section _____ Township _____
irrigated, and hereinafter described: "
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12N	39E	5													40	40	40	40	160

Total number of acres to be irrigated 160
Applicants $\frac{1}{2}$ will be applied to $\frac{1}{2}$ this
amount of acreage or 80 acres

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information

- a. Amount of water to be diverted 1.6 c.f.s. &/or _____ acre feet
- b. Description of diverting works Treated lumber headgate on Spring Creek;
ditch to place of use.
- c. Describe the reasons for the proposed changes One half of right No. 31-0216 has
been used on applicants land for many years. See "Agreement". It is
proposed to make record comply as nearly as possible with actual use.

2. Change in point of diversion

Point of diversion SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34 Township 13N
Range 39E, B.M., Clark County
Additional points _____

3. Change in place of use

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No X If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer
There will be no effect because if there ever was an actual transfer,
it occurred many years ago and irrigation practices are intended to
continue as at present.

c. Describe the land

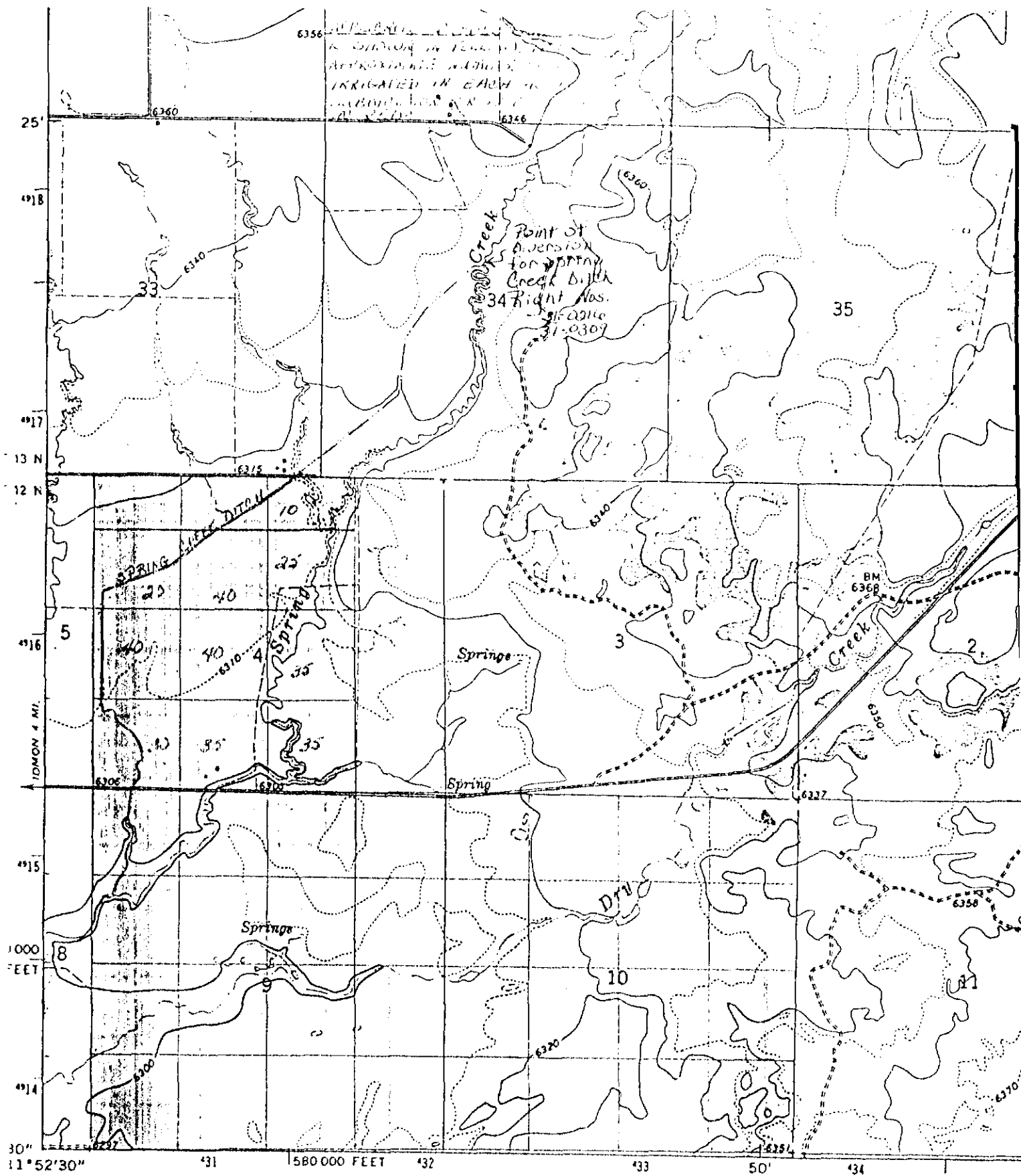
'face of use to which the right will be

red:

[illegible]

Only an undivided 80 acres of this ~~total amount of land to be irrigated~~ total of 310 will be irrigated with this right.

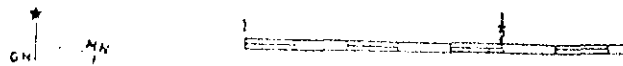
4. Describe any other water rights used for the same purpose as described above. 31-0309



Mapped, edited, and published by the Geological Survey

Control by USGS and NOS/NOAA

Topography by photogrammetric methods from aerial



D. REMARKS

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

HALF CIRCLE CATTLE COMPANY, INC.
By: M. J. Laursen, Jr.
(Signature of Applicant)

Subscribed and sworn to before me this 27 day of July, 19 85.

[Signature]
(Notary Public)

My commission expires LIFE

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

FOR DEPARTMENT USE ONLY

Received by <u>EMC</u>	Date <u>7/29/83</u>	Protest filed by _____
Prelim. check by <u>HWS</u>	Fee <u>50.00</u>	_____
Receipted by <u>BP</u>	Date <u>8/1/83</u> # <u>29377</u>	_____
Published in <u>Standard Journal</u>	Copies of protest forwarded by _____	
Pub. dates <u>11/10 - 11/17/83</u>	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for _____ approval _____ denial _____	
_____ rec'd.	by _____	

FROM Ernest Carlsen

DATE 1/5/84

TO File No. 31-0216

SUBJECT

2-2357

This is a companion application to another application filed to transfer 31-0309. The lands actually irrigated should be determined through a field investigation.

Special attention should be given to those lands in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 4 on the other side of Spring Creek.



SIGNATURE

NOV 28 1983

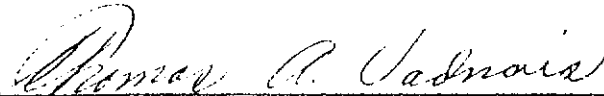
IN THE MATTER OF)
APPLICATION FOR TRANSFER)
OF RIGHT 31-0216, HALF)
CIRCLE CATTLE COMPANY.)
_____)

Department of Water Resources
Eastern District Office

PROTEST

I am opposed to the application for transfer of right 31-0216 filed by Half Circle Cattle Company, on the grounds there is sufficient water already appurtenant to the designated place of use for adequate irrigation. Furthermore, the 80 inches being transferred has historically been used on the SE $\frac{1}{4}$, Section 5, T. 12N, R. 39E, which I own.

Signed the 28th day of November, 1983.



THOMAS A. VADNAÏS
Hamer, Idaho 83425

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR TRANSFER

NO. 31-0216 IN THE NAME OF

THOMAS A. VADNAIS & ETHEL ROSEANNA VADNAIS

MEMORANDUM DECISION
AND ORDER

On December 15, 1975, Thomas A. and Ethel Roseanna Vadnais applied to the Department of Water Resources to change the place of use of the right decreed to Elizabeth M. A. Keller Reber in the case of Ernest Sauve vs. W. H. Abbott, et. al., November, 1931.

The right the applicants are seeking to transfer, numbered in the Department's records as 31-0216, has a priority of 1903 and specifies a diversion rate of 3.20 cubic feet per second for the irrigation of the SE $\frac{1}{4}$, Sec. 5, T. 12N, R. 39E, B.M. The change requested in the application for transfer would add 80 acres located within the W $\frac{1}{2}$ and W $\frac{3}{4}$ of Sec. 4, T. 12N, R. 39E.

The applicants, through their attorney, argued that since the land is being partially irrigated through natural sub-irrigation, there is sufficient water to irrigate 240 acres without using more water than has been decreed.

The question that must be answered is, can the number of irrigated acres be increased without enlarging the use under this right. Idaho Code, Sec. 42-222, provides in part with respect to transfers that:

"The Director of the Department of Water Resources shall examine all evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, and the change does not constitute an enlargement in use of the original right . . ." (emphasis added)

Thus, the question will be answered by determining if the requested change will constitute an enlargement in use. The measure of an irrigation water right is not only the rate of diversion, but also the total number of acres of land that the water right owner is entitled to irrigate in any given year. Under the applicants' decreed right, they are entitled to divert at a maximum rate of 3.20 cubic feet per second, sufficient water to raise a crop on 160 acres of land. If 160 acres of crop will consume a given quantity of water during the year, then it holds that 240 acres of crop will consume a proportionally larger amount of water. Thus, an expansion in the irrigated acreage would constitute an enlargement of the right. Further, if, as is indicated by the application, the applicants only need to divert 1.60 cubic feet per second to irrigate the 160 acres specified in the decree, then the remaining 1.60 cubic feet per second is not being used beneficially and, therefore, is not available.

to be transfered to new ground, but must go to fill the water right of the next appropriator in line of priority. It must be concluded that the proposed transfer would be an enlargement in use of the original right.

THEREFORE, Transfer Application No. 31-0216 is hereby DENIED.

Dated this 4 day of January, 1976.


R. KEITH HIGGINSON
Director

COPY

December 12, 1990

Half Circle Cattle Co.
1945 Westwood Hill
Casper WY 82601

RE: NOTICE OF PENDING ORDER TO VOID APPLICATION

Dear Sirs:

On July 29, 1983, Half Circle Cattle Company filed with the Department of Water Resources an application to transfer a portion of water right 31-00216. The application proposed diversion from Spring Creek for 1.60 cfs located in Sec. 34 T13N R39E, B.M., Clark County.

The application was protested by Thomas Vadnais on November 28, 1983 and said protest is still in effect. On November 11, 1987 the State of Idaho initiated the Snake River Basin Adjudication (SRBA). Idaho Code 42-1408 requires all persons or organizations that have water rights to file a claim through the Department to submit to the District Court. As of this date the Department has no record of any SRBA claim filed by Half Circle Cattle Company on any part of water right 31-00216.

The purpose of this letter is to request that you withdraw the application or file an adjudication claim on that portion of 31-00216 that you feel is appurtenant to your ground. Enclosed is a withdrawal form for your use. If no adjudication claim is filed, the Department will take action to void your application when the Directors report for Basin 31 is filed with the District Court.

Sincerely,

Harold W. Jones
Water Resource Supervisor

HWJ:lk