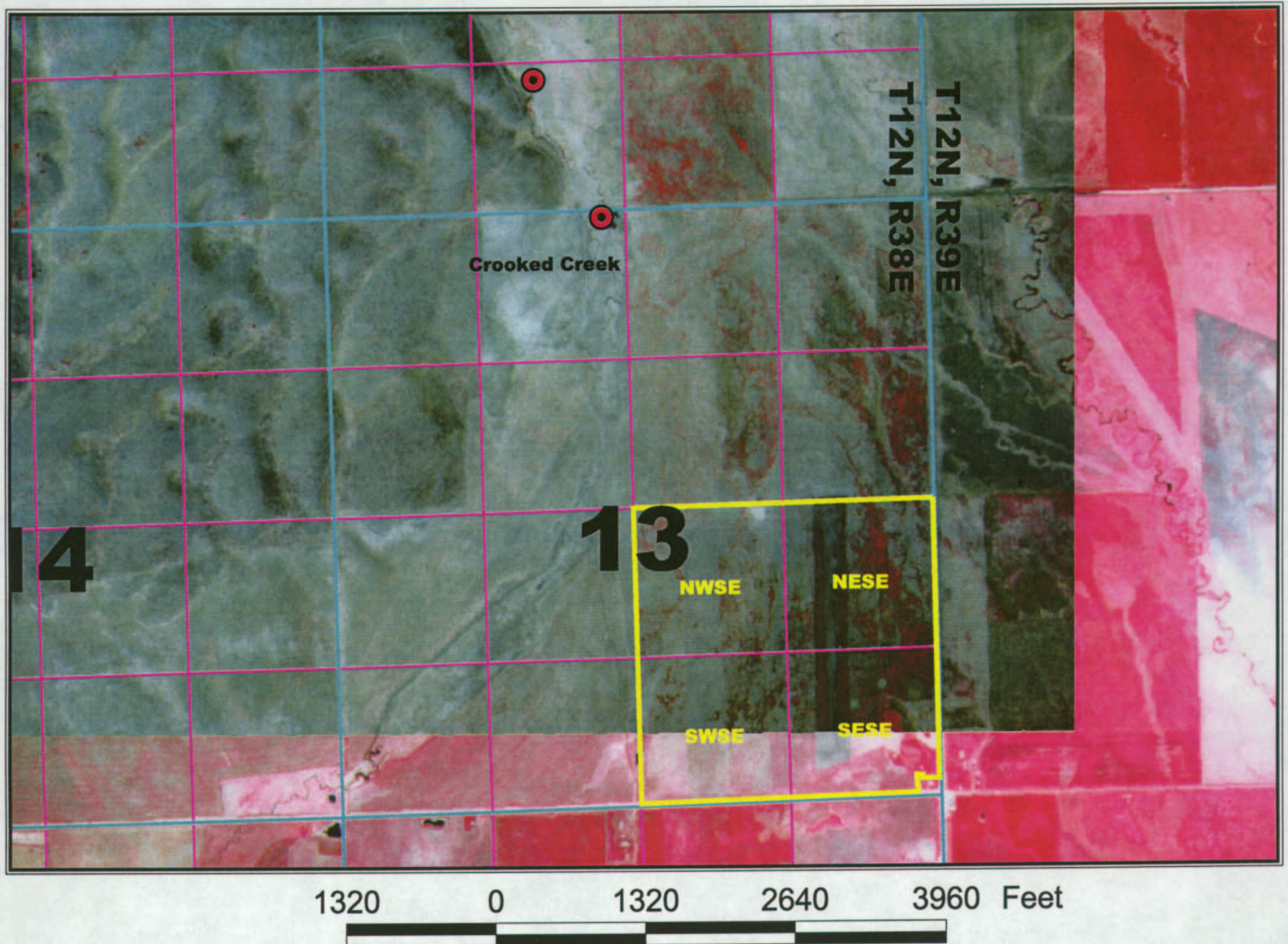




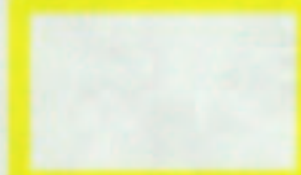
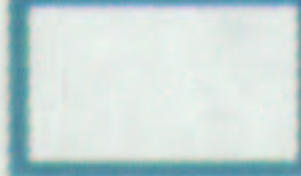
STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 31-00251



Total Irrigated Acres: 157

-  Point(s) of Diversion
-  Place of Use
-  Quarter Section Lines
-  Section Lines



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

W. Winegar
31-00157B

CREEK

11 12
14 13



CROOKED

T12N

T12N R38E

Enid Bennett Hunter
31-00155, 31-00156,
31-00251

NE

Delos Stucki
31-00174A

CREEK

??

SE

14. 13
23 24

IDMON
CORNER

7/21/2K
HBR

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-251

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ENID BENNETT HUNTER 3500 W 2000 N REXBURG, ID 83440 (208)356-6488

Priority Date: 07/06/1912
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
CROOKED 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	3 CFS		
STOCKWATER	05/01	10/31	0.05 CFS		
Total Diversion			3 CFS		

Location of Point(s) of Diversion:

CROOKED CREEK	NWSESW	Sec. 12	Township 12N	Range 38E	CLARK County
CROOKED CREEK	NENENW	Sec. 13	Township 12N	Range 38E	CLARK County

IRRIGATION Use:
Acre Limit: 157

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	38E	13		NESE	40		NWSE	40		SWSE	39		SESE	38

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 157

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.
3. C02 RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. N08 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory

STOCKWATER FOR 220 HEAD OF SHEEP OR 140 HEAD OF CATTLE

Comments:

Author	Date	Subject	Comment
csaxton	1/5/01	Disallowed	No diversion from Crab creek since the road was re-built. No conveyance. No beneficial use found. Recommended as disallowed.
csaxton	4/30/01	Recommendation	Right recommended per NOE request and approval from Candice McHugh.

Dates:

Licensed Date:
 Claim Received Date: 06/28/1988
 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
Priority Date	1/5/01 4:53:30 PM	csaxton			In Process
Summary	1/5/01 4:57:39 PM		1/5/01 4:57:39 PM	csaxton	Complete

Other Information:

Receipt Number(s): E000544
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 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
POD	4/30/01 1:59:57 PM	csaxton	Edited point location
POD	4/30/01 1:58:50 PM	csaxton	Edited point location
POD	4/30/01 1:55:50 PM	csaxton	Edited point location
POU	4/30/01 1:09:50 PM	csaxton	Edited PLS
POU	4/30/01 1:09:20 PM	csaxton	Edited shape boundary
Priority Date	1/5/01 4:53:27 PM	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. (NO) The claim is not recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Summary	1/5/01 4:57:37 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. (NO) 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.

01/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-251

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ENID BENNETT HUNTER 3500 W 2000 N REXBURG, ID 83440 (208)356-6488

Priority Date: 06/26/1912
Basis: Decreed
Status: Disallowed

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

Location of Point(s) of Diversion:

CRAB CREEK NESE Sec. 13 Township 12N Range 38E CLARK County

Place(s) of use: No POUs found for this right

Conditions of Approval:

1. P04 FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

Remarks:

1. General FORFEITED/ABANDONED DUE TO NON-USE FROM 1982 TO 1987.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
csaxton	1/5/01	Disallowed	No diversion from Crab creek since the road was re-built. No conveyance. No beneficial use found. Recommended as disallowed.

Dates:

Licensed Date:
Claim Received Date: 06/28/1988
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:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	1/5/01 4:53:30 PM	csaxton			In Process

Summary 1/5/01 4:57:39 PM 1/5/01 4:57:39 PM csaxton Complete

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 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
Priority Date	1/5/01 4:53:27 PM	csaxton

Log Text

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. (NO) The claim is not recommended.
 13. (YES) The claim is coded correctly.
 14. (NO) Priority remark was not required.
 15. (NO) Priority condition was not required.
- | Element | Date Time Stamp | Reviewer |
|---------|-------------------|----------|
| Summary | 1/5/01 4:57:37 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. (NO) 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.

01/05/2001

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

RIGHT NUMBER: 31-251

NAME AND ADDRESS: ENID BENNETT HUNTER
3500 W 2000 N
REXBURG, ID 83440

SOURCE: CRAB CREEK TRIBUTARY: CAMAS CREEK

PRIORITY DATE: 06/26/1912

POINT OF DIVERSION: T12N R38E S13 NESE Within CLARK County

PURPOSE AND
PERIOD OF USE:

PLACE OF USE:

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

FORFEITED/ABANDONED: This is included for a claim based on a decree or license that is PROPOSED to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

FORFEITED/ABANDONED DUE TO NON-USE FROM 1982 TO 1987.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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: A31-00251
Date Received: 6/28/1988
Receipt No: E000544
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ENID BENNETT HUNTER 208-356-6488
Address: 3500 WEST 2000 NORTH
REXBURG, ID 83440

2. Date of Priority: JUN 26, 1912

3. Source: CRAB CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	38E	13	NE	SE			CLARK

5. Description of diverting works:
4A IS HEADGATE AT HUMP DITCH, WIDTH OF BOX IS 60"

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.150		
STOCKWATER	01/01	12/31	0.050		

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

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:
220 HEAD SHEEP OR 140 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	38E	13	NE	SE		IRR	40.0
			NW	SE		IRR	40.0

A31-00251

Page 1

Date: 06/28/88

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NOV 17 1992

A3100251



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	38E	13	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
Section Acres							160.0
Total Acres							160.0

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:

CROOKED CREEK 2.8 CFS MAY 1, 1902 AND 0.4 CFS MAY 1 1909 D/S

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

Entered

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: 39356
Ident. Number H31-00251
Date Received JUNE 28, 1980
Receipt Number E000544

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Enid Bennett Hunter Phone (208) 356-6488
Mailing Address 3500 West 2000 North, Rexburg, Idaho Zip 83440

2. Date of Priority (Only one (1) per claim) June 26, 1912

3. Source of water supply (a) Crab Creek
which is tributary to (b) Camas Creek

4. a. Location of existing point of diversion is: Township 12N Range 38E Section 13,
NE 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Clark

Additional points of diversion if any: T13N, R38E, Sec. 36, NW 1/4 of NW 1/4

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. The original diversion works was a
wooden headgate. That point of diversion was changed because of flooding
problems in the spring runoff. Diversion 4a(2) is a wooden headgate at
the head of the Hump Ditch, width of box is 60". Water is transported through
Hump Ditch to earth lined ditches to the property.

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NOV 17 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 3.15 or _____
For stockwater purposes from 1/1 to 12/31 amount 0.05 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 240 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 220 head sheep or 140 head cattle

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12N	38E	13													40	40	40	40	160

Total number of acres irrigated 160

11. In which county (ies) are lands listed above as place of use located? Clark

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Crooked Creek 2.8 cfs May 1, 1902 and 0.4 cfs May 1 1909, or None ()
Domestic and stockwater right from well.

14. Remarks:

MICROFILMED

Last Name HUNTER Ident No. A31-00251

NOV 17 1992
Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

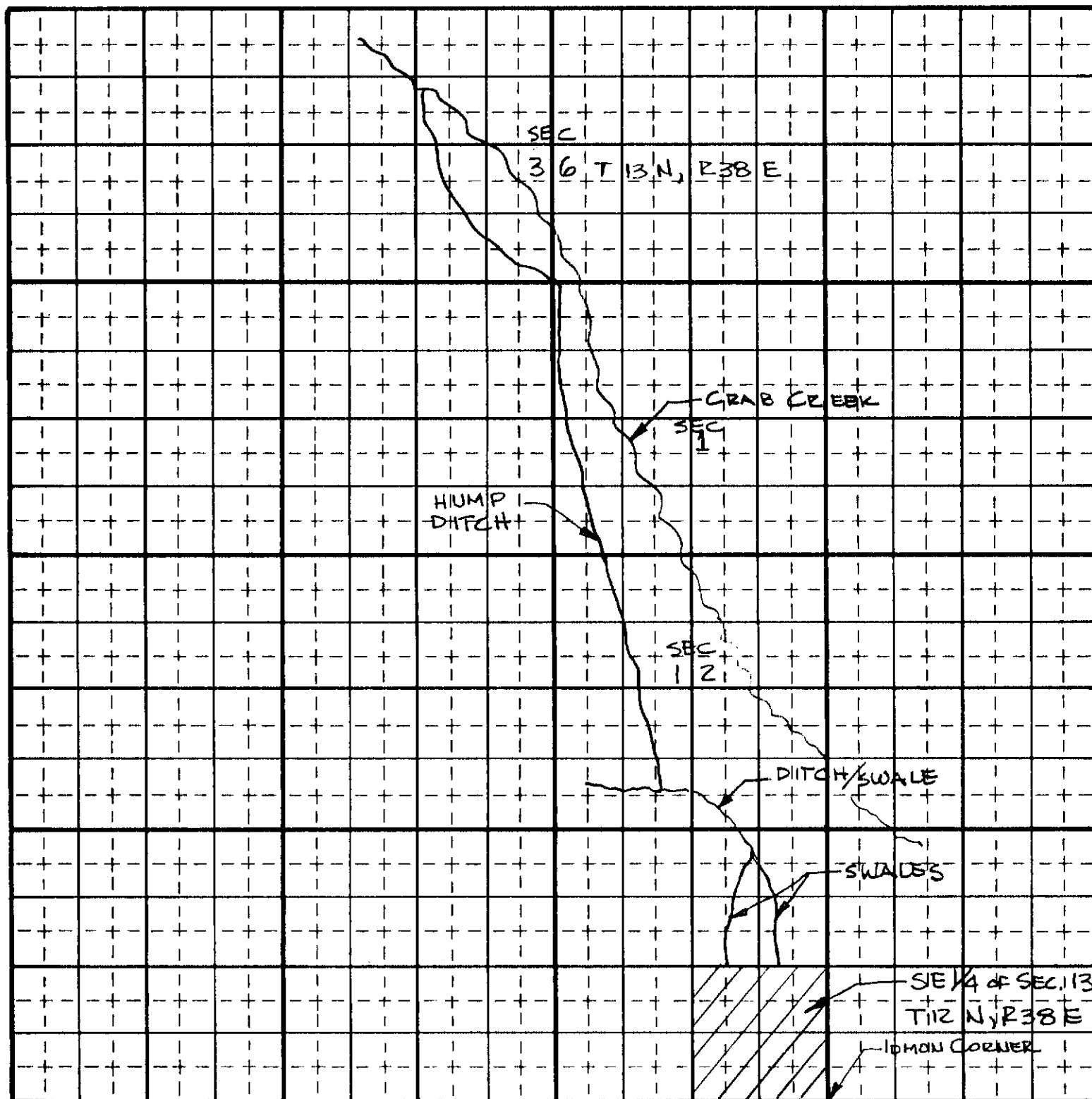
If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

Last Name HUNTER

Ident No. A31-00251

NOV 17 1992
Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 031 - 0251
Court District Court of Idaho Case Number No. 635 Decree Date _____
Plaintiff vs Defendant Ernest Sauve VS. W.H. Abbott

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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Ernest Bennett Hunter Date 6/28/88

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day of June 19 88

SEAL

Notary Public Deena Green

Residing at Rigby

My Commission Expires 4-22-1994

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 17 1992

Last Name HUNTER Ident. Number A31-00251

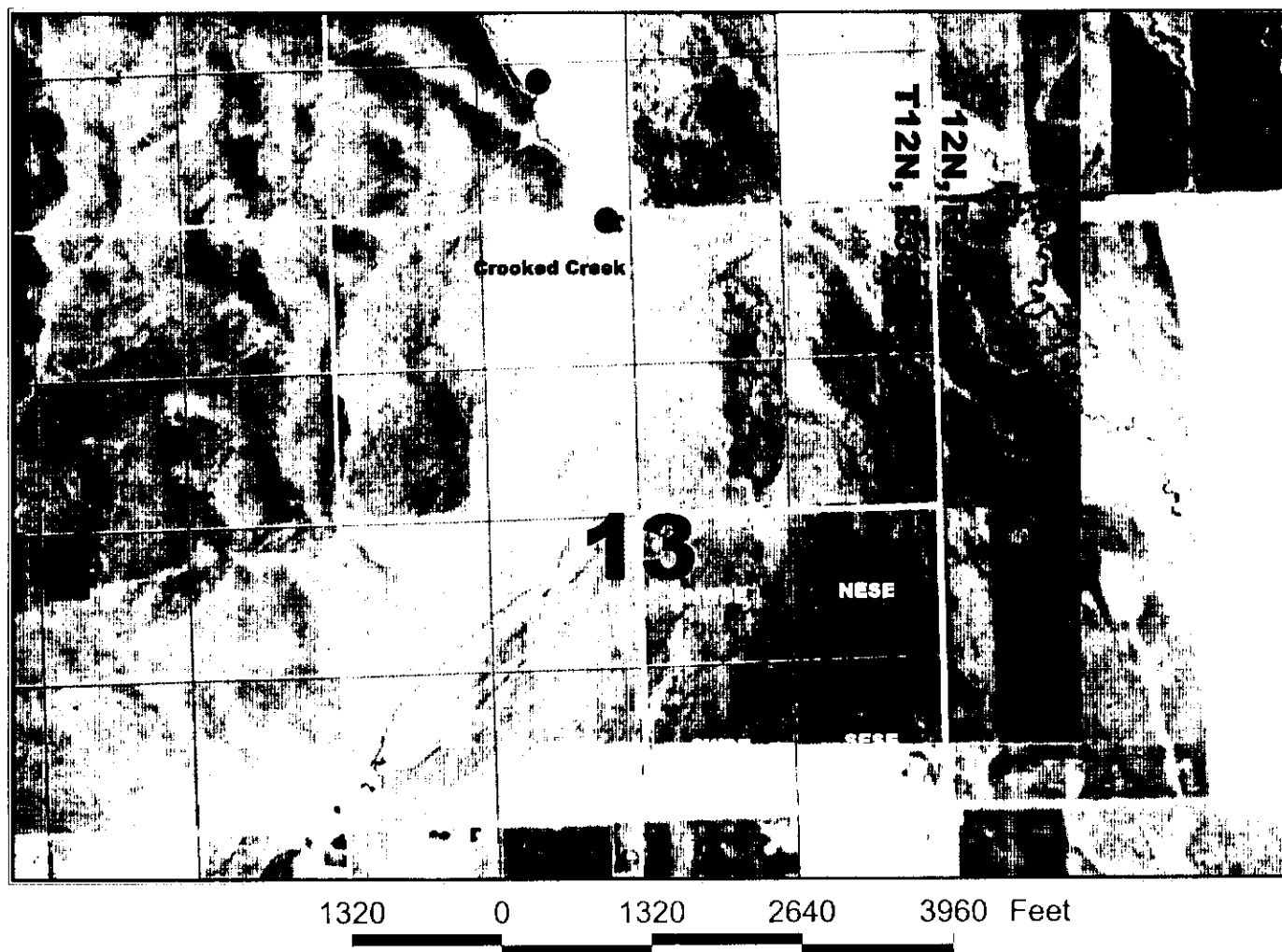
Copies White-State, Yellow-Claimant



STATE OF IDAHO

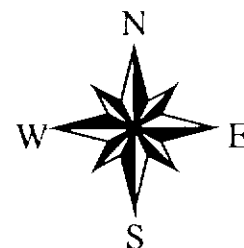
Department of Water Resources
Eastern Region

Water Right(s): 31-00251



Total Irrigated Acres: 157

- Point(s) of Diversion
- Place of Use
- Quater Section Lines
- Section Lines



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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22:43:51
03/13/95

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A51-30251

LAST: HUNTER
ADDRESS: 3500 WEST 2000 NORTH
CITY: REXBURG
PHONE NUMBER: 208-356-6498

FIRST: ENID BENNETT
STATE: ID ZIP: 83440

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

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:

A. AJ CLAIM: # A31-00251 PRIORITY DATE: 06-26-1912 STAGE: *1 DEBERT*
B. WR RECORD: # 31-00251 PRIORITY DATE: 06-26-1912 STAGE: 0

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER -----

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

NOTES: *DEBERT READS 1912-JUNE 26*

RECOMMENDED PRIORITY DATE: *SO DEBIT*
06-26-1912

REVIEWED BY *[Signature]* DATE *2/17/04*

By NOB, MR. *Hunter* (CLAIMANT'S SON) ALLEGES THIS RIGHT WAS TRANSFERRED TO
CROOKED CROOK. NO ADMINISTRATIVE ACTION MOVING THE RIGHT WAS FORNO. HOWEVER, HAD
THIS RIGHT BEEN TRANSFERRED (IN-TACT), AS ALLEGED, INJURY ANALYSIS INDICATES
POTENTIAL INJURY TO 31-00174A WHICH IS A CROOKED CROOK RIGHT WITH A JULY
5, 1912 PRIORITY DATE.

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	ENTY
A31-00251	12N	38E	13		NE	SE		CLARK

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: CRAB CREEK

TRIB: CAMAS CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	ENTY
31-00251	12N	38E	12		NE	SE		CLARK

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

31-00157

A31-10154 NONE
A31-10159

SOURCE: CRAB CREEK

TRIB: CAMAS CREEK

C. FIELD EXAM REQUIRED?

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

NOTES:

DECREAS REPROD 'NORTH THE CENTER ... NE "SE" SEC 12 T. 12N, R. 38E."
BUT WHEN USED W/ A31-00155 AND 00156 - DO THEY USE THE SAME POD'S?
CLAIMS CRAB CREEK POD ON CROOKED CREEK - NO, CAN'T DO THAT.

Source?

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

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

SOURCE: CRAB CREEK

TRIG: CAMAS CREEK

REVIEWED BY: _____

DATE: _____

SYSTEM DESCRIPTION:

There is no system off CRAB CK - NO ADMINISTRATIVE ACTION
MOVING THE RIGHT.

A. ROOT WATER RIGHT NUMBERS: A31-00251

B. POJ LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #ACRES	WR #ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	38E	13	NE	SE		HUNTER, ENID BENNETT	A31-00251	740.0	31-00251	/	36.0
			NE	SE		HUNTER, ENID BENNETT	A31-00156	740.0	-	/	
			NE	SE		HARMON RESERVOIR CO. LTD.			31-00066	/	
			NE	SE		HARMON RESERVOIR CO. LTD.			31-00067	/	
			NE	SE		HARMON RESERVOIR CO. LTD.			31-00068	/	
			NE	SE		HARMON RESERVOIR CO. LTD.			31-00069	/	
12N	38E	13	N4	SE		HUNTER, ENID BENNETT	A31-00251	740.0	31-00251	/	27.0
			N4	SE		HUNTER, ENID BENNETT	A31-00156	740.0	-	/	
			N4	SE		HARMON RESERVOIR CO. LTD.			31-00066	/	
			N4	SE		HARMON RESERVOIR CO. LTD.			31-00067	/	
			N4	SE		HARMON RESERVOIR CO. LTD.			31-00068	/	
			N4	SE		HARMON RESERVOIR CO. LTD.			31-00069	/	
12N	38E	13	S4	SE		HUNTER, ENID BENNETT	A31-00251	740.0	31-00251	/	37.0
			S4	SE		HUNTER, ENID BENNETT	A31-00156	740.0	-	/	
			S4	SE		HARMON RESERVOIR CO. LTD.			31-00066	/	
			S4	SE		HARMON RESERVOIR CO. LTD.			31-00067	/	
			S4	SE		HARMON RESERVOIR CO. LTD.			31-00068	/	
			S4	SE		HARMON RESERVOIR CO. LTD.			31-00069	/	
12N	38E	13	SE	SE		HUNTER, ENID BENNETT	A31-00251	740.0	31-00251	/	39.0
			SE	SE		HUNTER, ENID BENNETT	A31-00156	740.0	-	/	
			SE	SE		HUNTER, ENID BENNETT	A31-10176	/	-	/	
			SE	SE		HARMON RESERVOIR CO. LTD.			31-00066	/	
			SE	SE		HARMON RESERVOIR CO. LTD.			31-00067	/	
			SE	SE		HARMON RESERVOIR CO. LTD.			31-00068	/	
			SE	SE		HARMON RESERVOIR CO. LTD.			31-00069	/	
TOTAL ACRES							A31-00251	160.00			139.00

As DECEASED

ROADS?

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

C. FIELD EXAM REQUIRED?

DUE TO POJ DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

POJ COUNTY: CLARK

PRESUMPTION FLAG:

NOTES:

DETERMINED TO SB¹ SEC. 13. BEST CASH ACRES (400' @ 40 ac) / 160 ac.
Claims 160 ac.

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____

DATE: _____

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A31-00251 IRRIGATION	FROM 04-01 TO 11-01	3.150 CFS
A31-00251 STOCKWATER	FROM 01-01 TO 12-31	0.050 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.200 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
31-00251 IRRIGATION	FROM 05-01 TO 09-01	3.000 CFS
31-00251 STOCKWATER	FROM TO	3.000 CFS
31-00251 DOMESTIC	FROM TO	3.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED		3.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

Decreed period of use is May 1 to September 1, (Pts 4&5, Pgs 11&12).

Stockwater is defined by decree.

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(✓)

AJ TOTAL CLAIMED DIVERSION RATE: 3.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 CFS

DECREASED AS 3.0 CFS - WHAT'S EXTRA 0.2?

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***

** IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS **

** CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN NOTES. **

FLOW MEASUREMENT REQUIRED?

FIELD
DATABASE EXAMINER

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

Y

B.

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: CROOKED CREEK 2.8 CFS MAY 1, 1902 AND 0.4 CFS MAY 1 1909 D/S

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A31-00251	CRAIG CREEK	HUNTER, ENID BENNETT	3.200	0.020		
A31-00156	CROOKED CREEK	HUNTER, ENID BENNETT	0.400	0.001		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A31-00251	STOCKWATER	HUNTER, ENID BENNETT	FROM 01-01 TO 12-31	.050 CFS	
A31-10176	STOCKWATER	HUNTER, ENID BENNETT	FROM 01-01 TO 12-31	.020 CFS	
A31-10176	DOMESTIC	HUNTER, ENID BENNETT	FROM 01-01 TO 12-31	.040 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE

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

1B. CALCULATIONS

DID ANYONE 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 = 240.0 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()
SUPERSEDES 31-2093.

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
<u>PRIG</u>	-----	-----	-----	-----
<u>Stock</u>	-----	-----	-----	-----
TOTAL FOR THIS RIGHT		-----	-----	-----

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 31-00251

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 3.000	EXAMINER _____	CFS
-----------------------------------	-------------------	-------------------	-----

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A31-00251	3.200	-		31-00251	3.000
TOTAL CFS		3.200				3.000

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

NOTES:

REVIEWED AS 3.0 cfs, CLAIMED AS 3.2 cfs. ? OVERCLAIMED BY 0.20 cfs

CHECK WITH RECORDS

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

22245251
03/13/93

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: AS1-00251

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								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS								

"VERIFIED BY" CODES

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

05:17:38
05/16/93

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A31-00251

OWNER CJDE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ENID BENNETT HUNTER 3500 WEST 2000 NORTH REXBURG ID 83440 (208) 355-6488	06/26/1912	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	3.15 CFS 0.05 CFS	240.0 AF1
				TOTAL DIVERSION: CONSUMPTIVE USE:	3.20 CFS	

3.0 BY DEGREE

WATER SOURCE: CRAH CREEK

TRIBUTARY TO: CAMAS CREEK

STAGE: ~~TOTAL USE~~ *DEGREE*

POINT(S) OF DIVERSION:

T12N R30E S13

NESE

CLARK COUNTY

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE				
				NESE	NWSE	SWSE	SESE					NESE	NWSE	SWSE	SESE					SUM
T	R	S	:	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	LT	AC	:
12N	38E	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
																			TOTAL ACRES	160.0

PLACE OF USE LOCATION FOR STOCKWATER IS THE SAME LOCATION AS DESCRIBED FOR: IRRIGATION

POU COUNTY:

NON-IRRIGATION USES: 220 HEAD SHEEP OR 140 HEAD CATTLE

OTHER RIGHTS: CROOKED CREEK 2.8 CFS MAY 1, 1902 AND 0.4 CFS MAY 1 1909 O/S

31-00155
00156

DATES: EXAM MADE DATE:

VERIFIED DATE:

MISC: WATER DISTRICT NUMBER:

FIELD INSPECTION FLAG:
PRESUMPTION FLAG:

NO diversion Found

NO conveyance

NO Beneficial Use

Ruberry, Allen

From: Bill Hunter [wehiii@deseretonline.com]
Sent: Saturday, April 21, 2001 6:21 PM
To: Ruberry, Allen
Subject: Re: Kilgore Water Right 31-00251

Mr. Allen Ruberry,

As you are aware, we are consulting with our lawyer, Ray Rigby, regarding the adjudication and our water right claims. Mr. Rigby would like to be able to review the conditions in the field before we prepare a response to the advancement of our claim 31-00251 to a Priority Date of July 6, 1912. Due to fact that Camas Meadows still has snow cover and the gravel roads in the upper end of the valley are generally impassable for a couple of weeks during the spring runoff, it may be several weeks before we will make a response. We will contact Ms Candice McHugh to advise her of this.

Thank you for the information. Should there be further information or questions prior to our making a response as noted above, please contact me.

Bill Hunter

"Ruberry, Allen" wrote:

> > Response to the Notice(s) of Error regarding the recommendations to Snake
> > River Basin Adjudication Water Right Claims 31-00155, 31-00156, 31-00251.
> >
> > Notice of Error for 31-00251 alleges an accomplished transfer (change) of
> > the source of the water right from Crab Creek to Crooked Creek. As
> > Decreed (Suave vs Abbott, 1930), 31-00251 carries a Priority Date of June
> > 26, 1902 from Crab Creek. In certain situations this is a possible
> > defense to preserve a water right, however, there are often some
> > limitations. Downstream appropriator on Crooked Creek, Robert Lee would
> > be injured by the accomplished transfer of 31-00251 due to the differences
> > in Priority Date.
> >
> > Mr. Lee's water right claim, 31-00174A, has a Priority Date of July 5,
> > 1912. Another appropriator downstream is Mr. Romrell with water right,
> > 31-00151, which carries a Priority Date of May 1, 1902. When comparing
> > the Priority Dates of the water rights involved we find that indeed injury
> > would be caused to Mr. Lee, while Mr. Romrell having a senior water right
> > would be unaffected. In order that we find a favorable recommendation to
> > 31-00251, our only option is to advance the Priority Date to July 6, 1912,
> > making your right the most junior on Crooked Creek.
> >
> > Should you have questions or concerns regarding this matter you may
> > contact Ms Candice McHugh, Deputy Attorney General, State of Idaho, at
> > (208) 327-5404.

02/5/2001

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: 31-251

ENID BENNETT HUNTER

3500 W 2000 N

REXBURG ID 83440

Telephone Number: (208)356-6488

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

That this claim be disallowed because IDWR claims it was forfeited/abandoned due to non-use from 1982 to 1987.

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

The claim should be allowed as filed.

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

(see attached statements)

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

DATE:

3-8-01

SIGNATURE:

Enid Bennett Hunter

Please print your name:

Enid Bennett Hunter

Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

IDWR

Statement of Bill Hunter
Son of Claimant
March 8, 2001

Water Right No.s 31-155
 31-156
 31-251

Historically, the full water rights were used on all 320 acres of claimant's property, as verified by the decree (identified on the claims), and as identified by the claims themselves, filed by claimant in the adjudication. There has always been a fine line between protecting the property from flooding during periods of extreme high water, and irrigation of the property for the raising of crops. When an oil surfaced highway was constructed from Dubois into the Kilgore area and beyond, it, being built up, affected the flow of water from Crooked Creek and Crab Creek, and others. There was an effort by the County Commissioners and others to force the water towards Camas Creek. Mr. Hagenbarth also did some major diversions across his land which also affected the flow of the waters of Crooked Creek and Crab Creek. Claimant and her family have never at any time ceased to use the waters of Crooked Creek and Crab Creek and have exerted every effort to preserve the two water rights. They have never intended to abandon or allow those rights to be forfeited. The old channels of Crooked Creek and Crab Creek aren't as they used to be. Water that used to flow down Crab Creek now has been diverted into Crooked Creek and so when claimant uses water from the Crooked Creek channel she is using Crooked Creek and Crab Creek water. It is also important to note that water still flows in segments of the old Crab Creek channel, particularly at high water times.

The present tenant who has farmed the claimant's farm for approximately 10 years insists that he has used the co-mingled water of the two creeks in irrigating, either by flooding, or ponding and subbing, and some sprinkling all of the entire 320 acres of the claimant's land, and says he has harvested hay off of the entire farm. He does not believe that any part of the three water rights have been abandoned or forfeited.

I welcome the fact that the claims to a total of 3.2 cfs for the NE ¼ of Section 13, T12N R38E (claims 31-00155 and 31-00156) have received a favorable recommendation.

However, I am disturbed that the claim to the water right from Crab Creek for the SE 1/4 of Section 13, T 12 N, R 38 E has been given a recommendation for denial and most disturbing to me is the implication that I in any way expressed an intention on our part ~~of~~ abandonment or forfeiture of that right. Any comments by me that are being attributed to such a concession I consider to be taken completely out of context and used in an adversarial manner against me. I was the one that prepared the claim for that right, to be filed in my parent's behalf, and I can assure anyone concerned that I did not do so with the belief that it was wasted effort.

Mr. Ruberry indicated in his email that one recourse that we had was to file Notice of Error to the recommendation for the Crab Creek water right (31-00251) and to provide dated documentation that there has been a change to the water right. With respect to such a notice of error I refer to the claim that we filed in 1988 at the commencement of the adjudication process and the statement on that claim regarding the description of existing diversion works.

Although we have not utilized the headgate at the head of the Hump Ditch ourselves on a continuing basis, any water that is diverted south in that ditch that has tail water winds up in our diversion ditch from Crooked Creek and is transferred to the north end of our property and the swales in our property transmit the water to the south half of the property which is the SE 1/4 of Section 13. We have considered this to be an exercise of our Crab Creek right. Furthermore, as Mr. Ruberry and I discussed, Crab Creek has not been a perennial source of water for several decades. Mr. Ruberry correctly noted in that conversation that Crab Creek was formed in large measure from diversions and intermingling of flows from the other creeks in the west canyon. The tail water from diversions to the Hump Ditch, which have traditionally been considered Crab Creek water, can enter Crooked Creek. Therefore, we considered our use of water diverted from Crooked Creek to also be exercising the Crab Creek right due to the conditions that prevented the use of water from Crab Creek. These facts were all discussed with Mr. Ruberry in the July 14 conversation referenced by him.

We have not pursued the diversion of water from the lower end of the Crab Creek drainage, where our original diversion works were located, because of excessive flood damage that have been the result of spring runoff being diverted from the Crab Creek drainage by the highway onto the east side of our property. As I stated to Mr. Ruberry, we have been actively involved over the past twenty years in preventing water from the lower reaches of the Crab Creek drainage from entering our property due the excessive flood damage that has occurred. It is very disconcerting to me that Mr. Ruberry would utilize these candid statements to deny our claim to the Crab Creek water right and totally disregard the references noted above to our ongoing interests in and efforts to keep the Crab Creek claim active in the best manner available to us at the time.

If there problems with the manner in which we have filed our claims and other legal instruments that needed to be filed to effect transfer of rights and points of diversion it would have been most helpful to have been notified of this at an earlier date.

I came from Washington state in the latter part June in 1982 to help with the harvesting of the hay and arrived shortly after Dad had been in an automobile accident. Dad received severe injuries to his leg in the spring of 1982 and he was on crutches the bulk of the irrigating season that year. These injuries continued to be a hindermnet to his mobility and to the full use of his leg for the remainder of his life. In 1983 I completed an investigation and report of flood damage along the entire east side of the Idmon property resulting from the runoff from snowmelt from the Crab Creek drainage area. Extensive damage occurred during the runoff in the spring of 1983 as it had done numerous times subsequent to the construction of the highway. That year our entire efforts were concentrated on working with the Clark County commissioners and public works crews to construct diking along the east side of the property to help prevent further flood damage. The water table in the south end of the property was exceptionally high during that year and the following 2-3 years. I recall occasions during that time frame when the machinery became stuck in the ponds on the south end of the place because of the sub in the ponds in July and August. The crop growth and production was very good that year and the subsequent 2-3 years due to above average ground water during those growing seasons. In 1986 Dad was diagnosed with cancer in the early fall and Dad died the following summer.

For several decades we have not pursued the diversion of water from the original diversion works located at the lower end of the Crab Creek drainage because of excessive flood damage that has been the result of spring runoff being diverted from the Crab Creek drainage by the highway onto the east side of our property. As I stated to Mr. Ruberry, we have been actively involved over the past twenty years in preventing water from the lower reaches of the Crab Creek drainage from entering our property due the excessive flood damage that has occurred. It is very disconcerting to me that Mr. Ruberry would utilize these candid statements to deny our claim to the Crab Creek

water right and totally disregard the references in our conversation, which I have noted below, which demonstrated our ongoing interests in and efforts to keep the Crab Creek claim active in the best manner available to us at the time.

The current point of diversion that we listed on the claim for the Crab Creek water right that we filed in 1988 is the Hump Ditch headgate located in NW 1/4, NW 1/4, Section 36, T13N, R38E. Although we have not utilized the Hump Ditch regularly ourselves, any tail water from the diversions from that headgate winds up either in Crooked Creek and contributes to our diversion from Crooked Creek or flows directly to the north end of our property. The swales traversing the property transmit the water to the south half of the property which is the SE 1/4 of Section 13. We have considered this to be an exercise of our Crab Creek right. Furthermore, as Mr. Ruberry and I discussed, Crab Creek has not been a perennial source of water for several decades. -The efforts by the IDWR to consolidate the creeks in Camas Meadows to increase flows to the major creeks and to Mud Lake water users have left creeks like Crab Creek without water.- Mr. Ruberry correctly noted in that conversation that Crab Creek was formed in large measure from diversions and intermingling of flows from the other creeks in the west canyon. Therefore, we considered our use of water diverted from Crooked Creek to also be exercising the Crab Creek right due to the conditions that prevented our use of water from Crab Creek. These facts were all discussed with Mr. Ruberry in the July 14 conversation referenced by him. If there problems with the manner in which we have filed our claims and additional legal instruments that needed to be filed to effect transfer of rights and points of diversion it would have been most helpful to have been notified of the specifics prior to the recommendation of disallowance of the water right.

From 1988 our efforts have been concentrated in reestablishing the diversion works from Crooked Creek. -Original points of diversion listed in the prior decree for the Crooked Creek water rights were the SE 1/4 of Section 12 (a headgate in Hagenbarth's field) and the NW 1/4 of Section 13 (the pond adjacent to the NW corner of our property).- The initial efforts were to reconstruct the headgate and diversion ditch from the pond since it could be most readily accomplished. The check at the outlet of the pond also needed to be reinforced and raised to accomplish this diversion. This was accomplished and water was diverted to the NE corner of the property and allowed to flow through the property in the swales in the 1988 - 1992 time frame which were dry years and growth and production of the hay crop was average to below average (1988 was a drought year in which the production was particularly low). Irrigation during this time frame was supplemented by pumping directly from the creek at the point where it enters the property. In 1989 I constructed a new headgate in Hagenbarth's field. (The original headgate had been bypassed by a diversion of Crooked Creek constructed by Hagenbarth's in their field. The diversion of the creek by Hagenbarth's was constructed to divert water to one of their pastures that had a fence line at the foot of the hill adjacent to the creek at that location.)

I then began working with the adjoining property owners to reestablish the original diversion ditch for the Crooked Creek water right. The segment of the ditch running through Hagenbarth's

field had been breached by channels that they had dug across the ditch in several locations. This required checks to be constructed across these channels. The segment of the ditch immediately north of our property had been plowed under by a previous owner the year he sold the property and the ditch needed to be constructed again. The new owner wanted assurance of the viability of the diversion system before the ditch was reconstructed through his property. (The diversion ditch for the Crooked Creek right traverses the adjoining parcels somewhat parallel to the contours which makes the ditch very flat and quite hard to maintain in working order. The new owner was quite skeptical about whether water would actually run in the ditch if it were reconstructed.) He and I agreed that if I could get the water across Hagenbarth's field to his fence line then he would agree to my reestablishment of the ditch through his property. This was accomplished by diverting water to his fence line from the new headgate in Hagenbarth's field. The complete reconstruction of this ditch required heavy equipment which we did not have and so the reconstruction of the ditch was delayed for sometime.

In the summer of 1996 the individual renting our property provided me with the use a large backhoe which I used to completely reconstruct the original diversion works from Crooked Creek. Another headgate was constructed along with a weir and the checks in Hagenbarth's pasture were reinforced. The ditch was extended through the property directly north of our property and a tail water ditch was dug through our property back to the portion of Crooked Creek that enters our property at the northwest corner.

It is our position that we have made every reasonable effort to keep the water rights for both the NE 1/4 and the SE 1/4 active and in force. The arability and productivity of not only our property but of all of the land on the lower west end of the valley is dependent on having adequate water. There are no major creeks in the west side of the valley. It has only been through coordinated efforts by all of the property owners on that end of the valley that we have been able to reestablish and maintain a perennial flow in Crooked Creek for the past several years. There had been a number of prior years when even Crooked Creek would dry up quite early in the summer. We have some of the oldest and best rights on the lower west end of the valley and if they are nullified, then there is nothing to stop that side of the valley from being dried up by further efforts, as referred to above, to concentrate flow in the major creeks.

At the same time, due to the fact that this is a mountain valley, there is a constant battle with the forces of nature, often exacerbated by the actions of men, to keep the land from being decimated by the spring runoff and flooding. Our diversion systems have been very difficult to maintain in working order because of damage in spring runoff. Trying to maintain a proper balance between directing water towards your property and directing it away is difficult and I don't believe that anyone can truly appreciate the difficulty involved with farming in Camas Meadows unless they have experienced it first hand.

Ruberry, Allen

From: Ruberry, Allen
Sent: Thursday, March 29, 2001 1:09 PM
To: 'wehiii@deseretonline.com'
Subject: Kilgore Water Right 31-00251

Response to the Notice(s) of Error regarding the recommendations to Snake River Basin Adjudication Water Right Claims 31-00155, 31-00156, 31-00251.

Notice of Error for 31-00251 alleges an accomplished transfer (change) of the source of the water right from Crab Creek to Crooked Creek. As Decreed (Suave vs Abbott, 1930), 31-00251 carries a Priority Date of June 26, 1902 from Crab Creek. In certain situations this is a possible defense to preserve a water right, however, there are often some limitations. Downstream appropriator on Crooked Creek, Robert Lee would be injured by the accomplished transfer of 31-00251 due to the differences in Priority Date.

Mr. Lee's water right claim, 31-00174A, has a Priority Date of July 5, 1912. Another appropriator downstream is Mr. Romrell with water right, 31-00151, which carries a Priority Date of May 1, 1902. When comparing the Priority Dates of the water rights involved we find that indeed injury would be caused to Mr. Lee, while Mr. Romrell having a senior water right would be unaffected. In order that we find a favorable recommendation to 31-00251, our only option is to advance the Priority Date to July 6, 1912, making your right the most junior on Crooked Creek.

Should you have questions or concerns regarding this matter you may contact Ms Candice McHugh, Deputy Attorney General, State of Idaho, at (208) 327-5404.

Ruberry, Allen

From: McHugh, Candice
Sent: Thursday, March 29, 2001 1:06 PM
To: Ruberry, Allen
Subject: RE:

Looks good -- I tried to change the last reference you make to 31-00251 because you left off the 1 -- just make sure that is corrected before you send it. Also, print a copy for the claim file. Thanks

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

-----Original Message-----

From: Ruberry, Allen
Sent: Thursday, March 29, 2001 1:04 PM
To: McHugh, Candice
Subject:

Response to the Notice(s) of Error regarding the recommendations to Snake River Basin Adjudication Water Right Claims 31-00155, 31-00156, 31-00251.

Notice of Error for 31-00251 alleges an accomplished transfer (change) of the source of the water right from Crab Creek to Crooked Creek. As Decreed (Suave vs Abbott, 1930), 31-00251 carries a Priority Date of June 26, 1902 from Crab Creek. In certain situations this is a possible defense to preserve a water right, however, there are often some limitations. Downstream appropriator on Crooked Creek, Robert Lee would be injured by the accomplished transfer of 31-00251 due to the differences in Priority Date.

Mr. Lee's water right claim, 31-00174A, has a Priority Date of July 5, 1912. Another appropriator downstream is Mr. Romrell with water right, 31-00151, which carries a Priority Date of May 1, 1902. When comparing the Priority Dates of the water rights involved we find that indeed injury would be caused to Mr. Lee, while Mr. Romrell having a senior water right would be unaffected. In order that we find a favorable recommendation to 31-00251, our only option is to advance the Priority Date to July 6, 1912, making your right the most junior on Crooked Creek.

Should you have questions or concerns regarding this matter you may contact Ms Candice McHugh, Deputy Attorney General, State of Idaho, at (208) 327-5404.

Ruberry, Allen

To: wehiii@deseretonline.com
Subject: Kilgore Recommendations

We have mailed out the Adjudication recommendations for the water rights in the Kilgore area. I received a call from your mother yesterday concerning the recommendations on her ranch. She seems confused. I will attempt to explain them here.

When you and I talked on July 14, 2000 we discussed the Crab Creek water right as being unused due to the changes that were made since the highway was rebuilt. Particularly the NE corner of the property. In addition, I referred to the fact that I was unable to locate a Point of Diversion and/or conveyance from that source. This claim to a water right, 31-00251, was disallowed based on that conversation and field exam. There is no documented evidence that serves to support any change to the water right. This water right was originally decreed to the 160 acres in-which the house sets: the IDMON CORNER. Since there is no favorable recommendation to this parcel there is no other water right claim to cover the 160 acres(+/-). Further discussion to follow:

In addition to the Crab Creek claim there are also two claims from Crooked Creek, which are as follows; 31-00155 and 31-00156. Both of these claims have favorable recommendations. However, they are both recommended to the same 160 (+/-) acre tract, which is the NE corner.

Your mother discussed a legislative directive whereby the water right could be, or was, moved from Crab Creek to Crooked Creek. I am totally unfamiliar with this process or action. However, IDWR does have a process whereby a water right can be TRANSFERRED (re: 42-222 IC). If 42-222 is the 'legislative directive' to which your mother is referring: I found no transfers relating to decreed rights 31-00251, 31-00155, 31-00156.

At this point in the recommendation process your options are as follows:

- 1.) File a Notice of Error to the recommendation(s) of 31-00251 (and/or 31-00155, 31-00156) or all. This will require you, the claimant, to provide dated documentation that there has been a change to the water right supporting the change to which you refer. IDWR will again review the recommendation. Ultimately, you can have a formal hearing before the Special Master of the SRBA court to present your case.
- 2.) File a transfer to move either 31-00155 or 31-00156 on to the lands within the SE Sec. 32.
- 3.) File an Enlargement claim on 31-00155 or 31-00156 for the SE Sec. 32. This type of water right will essentially authorize irrigation of additional acres without and increase of water volume.
- 4.) Accept the recommendations as is.

Your mother seemed confused by the options insisting that the Crab Creek right was moved to Crooked Creek. I attempted several times to explain the recommendations, the Notice of Error, and the options. In conclusion, I advised her to have her attorney, Mr. Rigby, or you contact me.

Please be advised, I will make every effort to support your attempts to show validity of the water right(s), however, I have IDWR rules, regulations and directives as well as legislative mandates for direction in the recommendation process. We are currently in the Notice of Error process timetable; timely response to this important matter is critical.

Al Ruberry

Post-it* Fax Note	7671	Date	3/29	# of pages	1
To	Gandice	From	Easter		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			



Not he who has much is rich, but he who gives much.
— Erich Fromm

Monthly Focus:
Abundance—live with the
attitude that there is an
abundance of resources
and opportunity.

14

Friday
July 2000

Daily Record of Events

190th Day 170 Left Week 28

In Office

Postcard Day

845 Bill Hunter, called to inquire about
his Bank Hunter Rts in Kilauea. Discuss
at length, the Goodhue Creek and Coatsch
Rts. How the Army changed the
Hydroponics and Run-off and how
that relates to Coatsch's well.
Will do GBS at Farm to mail @
5551 Learning Channel Ct
Las Vegas NV 89113
Ph: (702) 257-6886 or note
will @ DUBSON@NIMU.COM.

1040 Called Glen - Re: Map to X Drive Park, Fico
Laptop and Aut. Power source. Church
is coming now. Let's go next week.

1050 Called LEPARD Re: Enquiries for
Trucks.

1255 Met Sidney called to discuss the
Dubois meeting

130 Called McH called to discuss
the Dubois meeting
Various reasons for the Rn Rn

**Union Central Life
Insurance Company,
a corporation**

1. 1912 - June 26

31 251
3.0 c.f.s.

Source: Crab Creek, a tributary
of Camas Creek.

POD - NE 1/4 Sec. 12
T12N R38E

Point of Diversion: Near the center
of the Northeast Quarter of the
Southeast Quarter of Section 12,
Township 12 North, Range 38 East, B.M.

POU - SE 1/4 Sec. 13 T12N R38E

For use on the following described
land, to-wit: The Southeast Quar-
ter of Section 13, Township 12
North, Range 38 East, B. M.

4. 1908 - July 21

31 252
2.06 c.f.s.

Source: Spring Creek, a tributary
of Camas Creek.

3393

Point of Diversion: In the South-
east Quarter of the Southwest
Quarter of Section 31, Township
12 North, Range 39 East, B. M.

For use on the following described
land, to-wit: The West Half of the
Northeast Quarter, and the North-
west Quarter of the Southeast Quar-
ter, of Section 6, Township 11
North, Range 39 East, B. M.

W. Winegar

31-00157B

11 12

14 13

T12N R38E

Ed Bennett Hunter

31-00155, 31-00156,

31-00251

Delos Stucki
31-00174A

??

SE

14. 13

23 24

T12N

IDMON
CORNER

7/21/2K
HBR