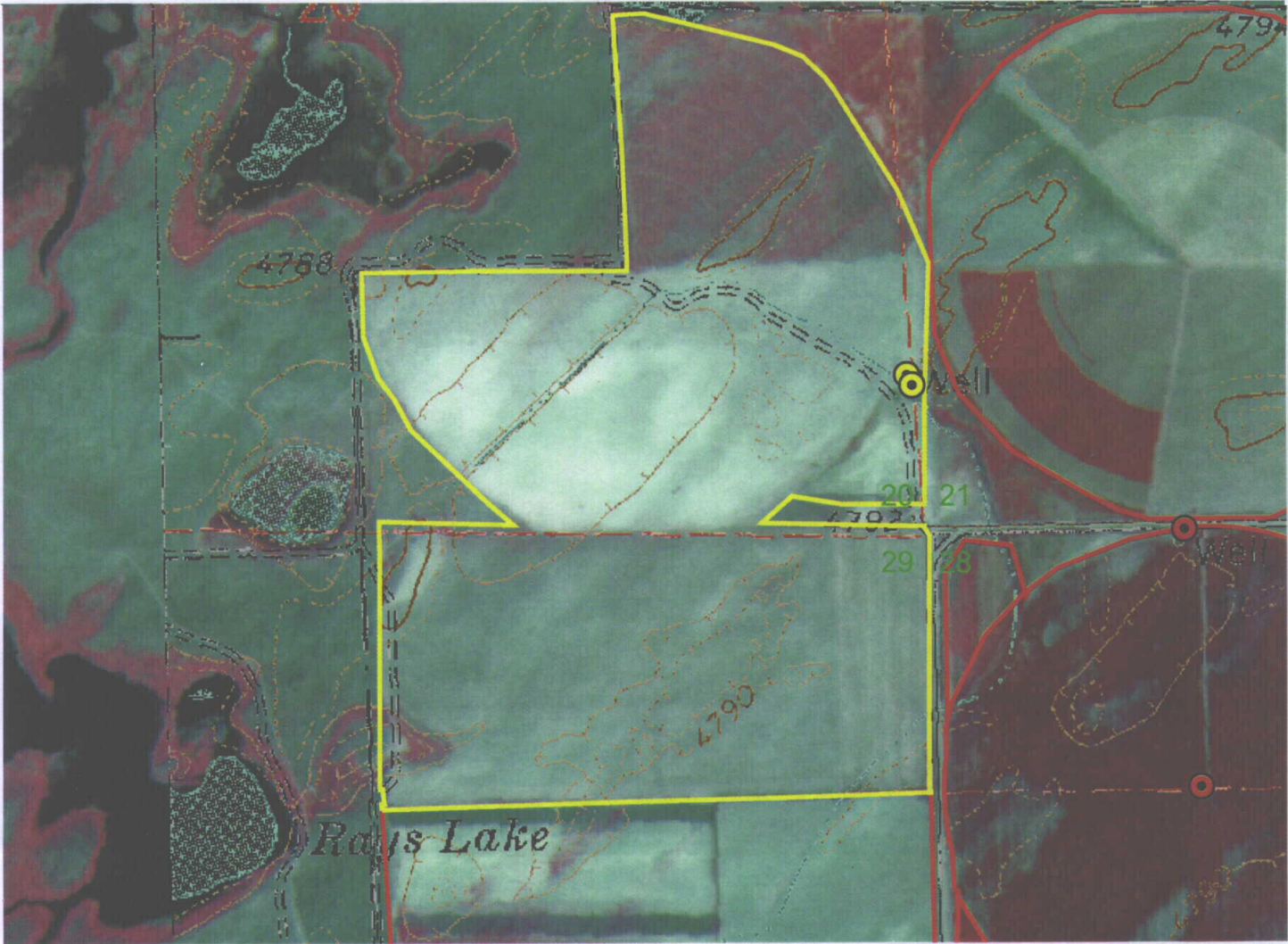


# Idaho Department of Water Resources

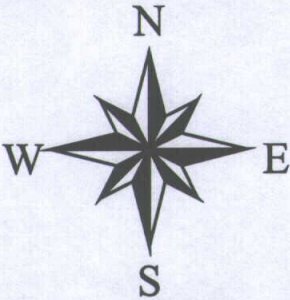
## Water Right 31-4017

Township 7N Range 36E Section 20, 29



0 1320 Feet

- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000

03/29/2001

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

RIGHT NUMBER: 31-4017  
NAME AND ADDRESS: LYLE R SHUPE  
2296 E 1950 N  
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 3.84 CFS  
678.7 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE  
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 12/31/1940

|                     |               |        |                         |
|---------------------|---------------|--------|-------------------------|
| POINT OF DIVERSION: | T07N R36E S20 | NESESE | Within JEFFERSON County |
|                     | T07N R36E S20 | NESESE | Within JEFFERSON County |
|                     | T07N R36E S29 | NWNWE  | Within JEFFERSON County |

|                            |                |               |                        |
|----------------------------|----------------|---------------|------------------------|
| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY               |
|                            | IRRIGATION     | 04-01 10-31   | 3.84 CFS<br>672.00 AFY |
|                            | STOCKWATER     | 01-01 12-31   | 0.12 CFS<br>6.70 AFY   |

PLACE OF USE:

|                                           |      |    |               |      |    |
|-------------------------------------------|------|----|---------------|------|----|
| <u>IRRIGATION Within JEFFERSON County</u> |      |    |               |      |    |
| T07N R36E S20                             | NESE | 36 | T07N R36E S20 | SWSE | 36 |
| T07N R36E S20                             | SESE | 40 | T07N R36E S29 | NENE | 40 |
| T07N R36E S29                             | NWNE | 40 |               |      |    |
| <u>STOCKWATER Use same as IRRIGATION</u>  |      |    |               |      |    |

192 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 QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR  
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL  
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

03/29/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 31-4017

Owner Type                      Name and Address  
Current Owner                LYLE R SHUPE  
                                         2296 E 1950 N  
                                         HAMER, ID 83425  
                                         (208)662-5228

Priority Date:            12/31/1940  
Basis:                    Beneficial Use  
Status:                   Active

Source                                      Tributary to  
GROUND WATER

| Beneficial Use  | From  | To    | Diversion Rate | Volume    | Subuse Code |
|-----------------|-------|-------|----------------|-----------|-------------|
| IRRIGATION      | 04/01 | 10/31 | 3.84 CFS       | 672 AFA   |             |
| STOCKWATER      | 01/01 | 12/31 | 0.12 CFS       | 6.7 AFA   |             |
| Total Diversion |       |       | 3.84 CFS       | 678.7 AFA |             |

Location of Point(s) of Diversion:

|              |        |         |              |           |                  |
|--------------|--------|---------|--------------|-----------|------------------|
| GROUND WATER | NESESE | Sec. 20 | Township 07N | Range 36E | JEFFERSON County |
| GROUND WATER | NESESE | Sec. 20 | Township 07N | Range 36E | JEFFERSON County |
| GROUND WATER | NWNWSE | Sec. 29 | Township 07N | Range 36E | JEFFERSON County |

IRRIGATION Use:  
Acre Limit: 192

Place(s) of use:

Place of Use Legal Description: IRRIGATION                      JEFFERSON County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|----------|-------|---------|-----|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|
| 07N      | 36E   | 20      |     | NESE  | 36    |     | SWSE  | 36    |     | SESE  | 40    |     |       |       |
|          |       | 29      |     | NENE  | 40    |     | NWNE  | 40    |     |       |       |     |       |       |

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 192

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.

C03

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3.

C05

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE 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.
5.

N05

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Comments:

| Author  | Date    | Subject              | Comment                                                                                                                                                                                                             |
|---------|---------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| bcontor | 11/3/00 | recommendation       | See file and "AJ Special File Knight/Shupe/Jones/Ball"                                                                                                                                                              |
| bcontor | 11/3/00 | Priority Date        | Evidence in file indicates 1940, but no specific date. Therefore per instructions I recommend 12/31/1940.                                                                                                           |
| bcontor | 11/3/00 | PD                   | See AJ Special File. Per Water Meas. District field inspection, three PDs, two pressurized for sprinklers and one OD for flood irrigation. System is combined with other rights via mainline.                       |
| bcontor | 11/3/00 | Legal Descriptions   | GCDB problems. As NAPP was rectified to USGS quads, USGS used for qq designation. This allows recommendations consistent with ownership records. Acres are correct; ArcView GCDB may show some conflicting results. |
| bcontor | 11/3/00 | NE corner of N Pivot | This could be construed to be irrigated from 1987 NAPP but it appears historically this was not -- see AJ Special file.                                                                                             |
| bcontor | 11/6/00 | AJ Special File      | AJ Special File referred to contains additional documentation. It is located under a separate flap in physical file "A31-2291."                                                                                     |

Dates:

Licensed Date:  
Claim Received Date: 10/28/1988  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
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     |
|---------------|--------------------|----------|--------------------|----------|------------|
| POD           | 11/3/00 5:36:19 PM | bcontor  |                    |          | In Process |
| POU           | 11/3/00 5:37:55 PM | bcontor  |                    |          | In Process |
| Priority Date | 11/3/00 5:11:52 PM | bcontor  |                    |          | In Process |
| Quantity      | 11/3/00 5:41:32 PM | bcontor  |                    |          | In Process |
| Season        | 11/3/00 5:40:39 PM | bcontor  |                    |          | In Process |
| Source        | 11/3/00 5:37:00 PM | bcontor  |                    |          | In Process |
| Summary       | 11/3/00 5:42:40 PM |          | 11/3/00 5:42:40 PM | bcontor  | Complete   |
| Use           | 11/3/00 5:42:46 PM | bcontor  |                    |          | In Process |

Other Information:

Receipt Number(s): E003605  
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:C  
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     | 11/3/00 5:36:18 PM | bcontor  | 1. (YES) The basis is beneficial use.<br>4. (YES) There is evidence that there has been a change in the Point of Diversion.<br>5. (YES) The change can be verified as an accomplished transfer.<br>Comment for 5: see AJ Special File. Field inspection and NWMD GPS |

|               |                    |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------|--------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POD           | 11/3/00 5:21:10 PM | bcontor | 6. (YES) The file contains all the necessary information to verify the POD.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| POD           | 11/3/00 5:20:19 PM | bcontor | 8. (NO) Point of Diversion remark was not required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| POU           | 11/3/00 5:37:53 PM | bcontor | 9. (NO) Point of Diversion condition was not required.<br>Edited point location<br>Edited point location<br>1. (YES) The POU is required.<br>2. (YES) The basis of claim is beneficial use.<br>5. (YES) There is evidence that there has been a change in the POU.<br>6. (YES) The change can be verified as an accomplished transfer.<br>Comment for 6: see AJ Special File. GIS.<br>9. (YES) The file contains all the necessary information to verify the POU.<br>12. (NO) POU remark was not required.<br>13. (NO) POU condition was not required.                                                           |
| Priority Date | 11/3/00 5:11:50 PM | bcontor | 1. (NO) There has not been a later court decree of the water right(s) from the water source.<br>4. (YES) The basis of claim is beneficial use.<br>4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use.<br>10. (YES) The claim file contains sufficient evidence of priority date.<br>12. (YES) The claim is recommended.<br>13. (YES) The claim is coded correctly.<br>14. (NO) Priority remark was not required.<br>15. (NO) Priority condition was not required.                                                                                      |
| Quantity      | 11/3/00 5:41:30 PM | bcontor | 1. (YES) The basis of claim is beneficial use.<br>5. (YES) A flow measurement was required.<br>Comment for 5: Water Meas. District, see AJ Special File.<br>6. (YES) The source is ground water and the purpose of use requires a diversion volume limit.<br>8. (YES) Irrigation is a purpose of use.<br>9. (NO) Quantity remark was not required.<br>10. (NO) Quantity condition was not required.                                                                                                                                                                                                              |
| Season        | 11/3/00 5:40:37 PM | bcontor | 1. (YES) The basis of claim is beneficial use.<br>4. (NO) There is not evidence that there has been a change to the period of use.<br>9. (YES) The file contains all the necessary information to verify the period of use.<br>11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.<br>13. (YES) Irrigation is the purposed use.<br>15. (NO) Period of Use remark was not required.                                                                                                                                 |
| Source        | 11/3/00 5:36:59 PM | bcontor | 16. (NO) Period of Use condition was not required.<br>1. (YES) The basis is beneficial use.<br>4. (NO) There is not evidence that there has been a change in the Source.<br>7. (YES) The file contains all of the necessary information to verify the source.<br>Comment for 7: Field inspection<br>8. (NO) The source is not surface water.<br>10. (NO) Source remark was not required.<br>11. (NO) Source condition was not required.                                                                                                                                                                          |
| Summary       | 11/3/00 5:42:38 PM | bcontor | 1. (YES) The basis of the claim is beneficial use.<br>2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed.<br>4. (YES) A portion of the claim is being recommended.<br>5. (NO) General remark was not required.<br>6. (NO) Explanatory remark was not required.<br>7. (YES) Additional condition was required.<br>8. (YES) Wanted to view the recommended right.<br>9. (NO) This is not a split right.<br>10. (NO) This is not a combined right.<br>11. (NO) Documents were not linked or attached to this file.<br>12. (YES) Set the verification date. |
| Use           | 11/3/00 5:42:44 PM | bcontor | 1. (YES) The basis of claim is beneficial use.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

PLEASE SIGN AND  
ACKNOWLEDGE THIS  
INSTRUMENT BEFORE  
A NOTARY PUBLIC

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 31-4017  
Date Received: 10/28/88  
Receipt No: E003605  
Received By:

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LYLE R SHUPE Phone: (208)662-5228  
2296 E 1950 N  
HAMER ID USA 83425

2. Date of Priority: 05/01/1937

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County    | Type |
|----------|-------|---------|--------|--------|---------|-----------|------|
| 07N      | 36E   | 20      | NE     | SE     | SE      | JEFFERSON |      |

5. Description of diverting works:

TWO WELLS 270' DEEP, PUMP AND PIPELINE ALSO OPEN DISCHARGE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/01 | 11/01 | 6.8    |            |
| STOCKWATER | 01/01 | 12/31 | 0.12   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of | 1/4 Lot | Use        | Acres |
|----------|-------|---------|--------|---------|------------|-------|
| 07N      | 36E   | 20      | NE     | SE      | IRRIGATION | 40    |
|          |       |         | SW     | SE      | IRRIGATION | 40    |

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
|     |     |    | SE | SE | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 120 |
| 07N | 36E | 28 | NW | SW | IRRIGATION    | 40  |
|     |     |    | SW | SW | IRRIGATION    | 40  |
|     |     |    | SE | SW | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 120 |
| 07N | 36E | 29 | NE | NE | IRRIGATION    | 40  |
|     |     |    | NW | NE | IRRIGATION    | 40  |
|     |     |    | NE | SE | IRRIGATION    | 40  |
|     |     |    | NW | SE | IRRIGATION    | 40  |
|     |     |    | SW | SE | IRRIGATION    | 40  |
|     |     |    | SE | SE | IRRIGATION    | 40  |
|     |     |    |    |    | Section Acres | 240 |
|     |     |    |    |    | Total Acres   | 480 |

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

2 P/D SESE, S20, T7N, R36E  
 BOTH WELLS ORIGINALLY OPEN DISCHARGED FOR FLOOD IRRIGATION. ONE WELL HAS SINCE BEEN MODIFIED TO PUMP INTO A PIPELINE AND SUPPLIES WATER TO A CENTER PIVOT AND HANDLINES IN SE1/4, SECTION 20 AND N1/2NE1/4, SECTION 29. THE OTHER WELL IS USED TO FLOOD IRRIGATE THE CORNERS AROUND THE PIVOT AND THE REMAINING PLACE OF USE

CLAIM AMENDED 3/8/2001 TO INCLUDE STOCKWATER. NO OF HEAD 500, TYPE OF STOCK Cows + calves

15. Basis of Claim: Statutory Claim

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): *Eyle R. Shupe* Date: 3/9/01  
\_\_\_\_\_ Date: \_\_\_\_\_

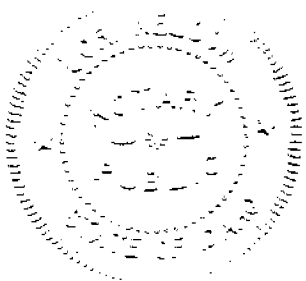
State of Idaho )  
County of Bonneville ) SS.

Subscribed and sworn (or affirmed) before me this 9 day

of March 2001

*Teri Nelson*  
Notary Public

Residing at Idaho Falls  
My commission Expires 10-24-2001



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: A31-04017  
Date Received: 10/28/1988  
Receipt No: E003605  
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LYLE R. SHUPE  
Address: 2296 E. 1950 N.  
HAMER, ID

208-662-5228

83425

2. Date of Priority: MAY 01, 1937

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County    |
|----------|-------|---------|--------|--------|--------|-----|-----------|
| 07N      | 36E   | 20      | NE     | SE     | SE     |     | JEFFERSON |

5. Description of diverting works:  
TWO WELLS 270' DEEP, PUMP AND PIPELINE ALSO OPEN DISCHARGE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 6.800  |      |        |

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

8. Total consumptive use is 1200.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| 07N           | 36E   | 20      | NE     | SE     |     | IRR | 40.0  |
|               |       |         | SW     | SE     |     | IRR | 40.0  |
|               |       |         | SE     | SE     |     | IRR | 40.0  |
| Section Acres |       |         |        |        |     |     | 120.0 |

A3104017

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 07N      | 36E   | 28      | NW     | SW  |     | IRR           | 40.0  |
|          |       |         | SW     | SW  |     | IRR           | 40.0  |
|          |       |         | SE     | SW  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 120.0 |
|          |       | 29      | NE     | NE  |     | IRR           | 40.0  |
|          |       |         | NW     | NE  |     | IRR           | 40.0  |
|          |       |         | NE     | SE  |     | IRR           | 40.0  |
|          |       |         | NW     | SE  |     | IRR           | 40.0  |
|          |       |         | SW     | SE  |     | IRR           | 40.0  |
|          |       |         | SE     | SE  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 240.0 |
|          |       |         |        |     |     | Total Acres   | 480.0 |

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:  
RT. 31-4018.

14. Remarks:

2 P/D SESE, S20, T7N, R36E.  
BOTH WELLS ORIGINALLY OPEN DISCHARGED FOR FLOOD IRRIGATION. ONE WELL HAS SINCE BEEN MODIFIED TO PUMP INTO A PIPELINE AND SUPPLIES WATER TO A CENTER PIVOT AND HANDLINES IN SE1/4, SECTION 20 AND N1/2NE1/4, SECTION 29. THE OTHER WELL IS USED TO FLOOD IRRIGATE THE CORNERS AROUND THE PIVOT AND THE REMAINING PLACE OF USE.

15. Basis of Claim: STATUTORY CLAIM

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: 1

For Individuals:

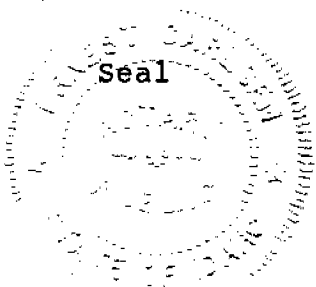
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Elyse R. Shupe Date: Oct. 28/88  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

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

Ernest Carlson  
Notary Public

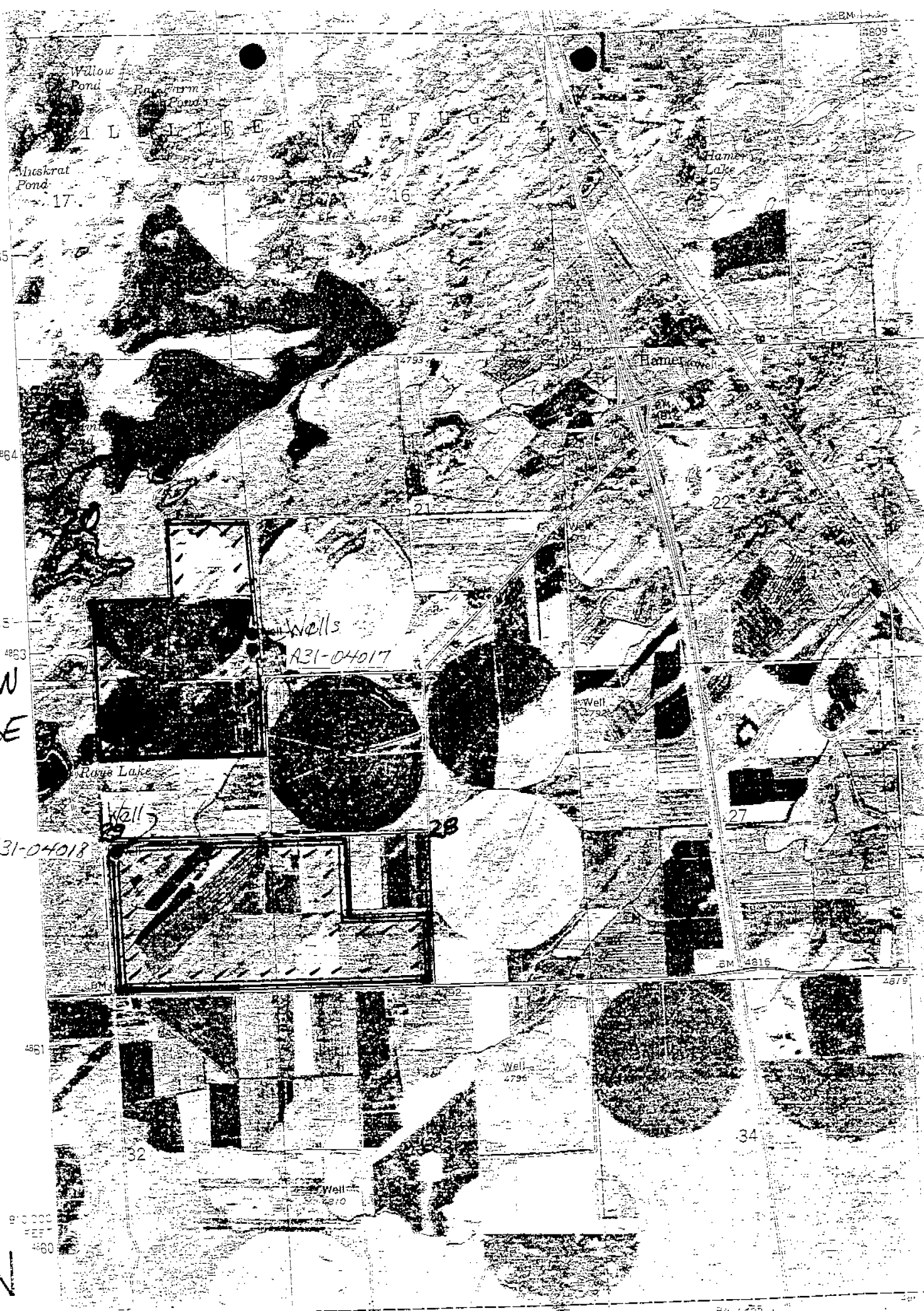


Residing at Idaho Falls, ID  
My Commission Expires 14 June 1994

Top 7N  
Co 36E

A31-04018

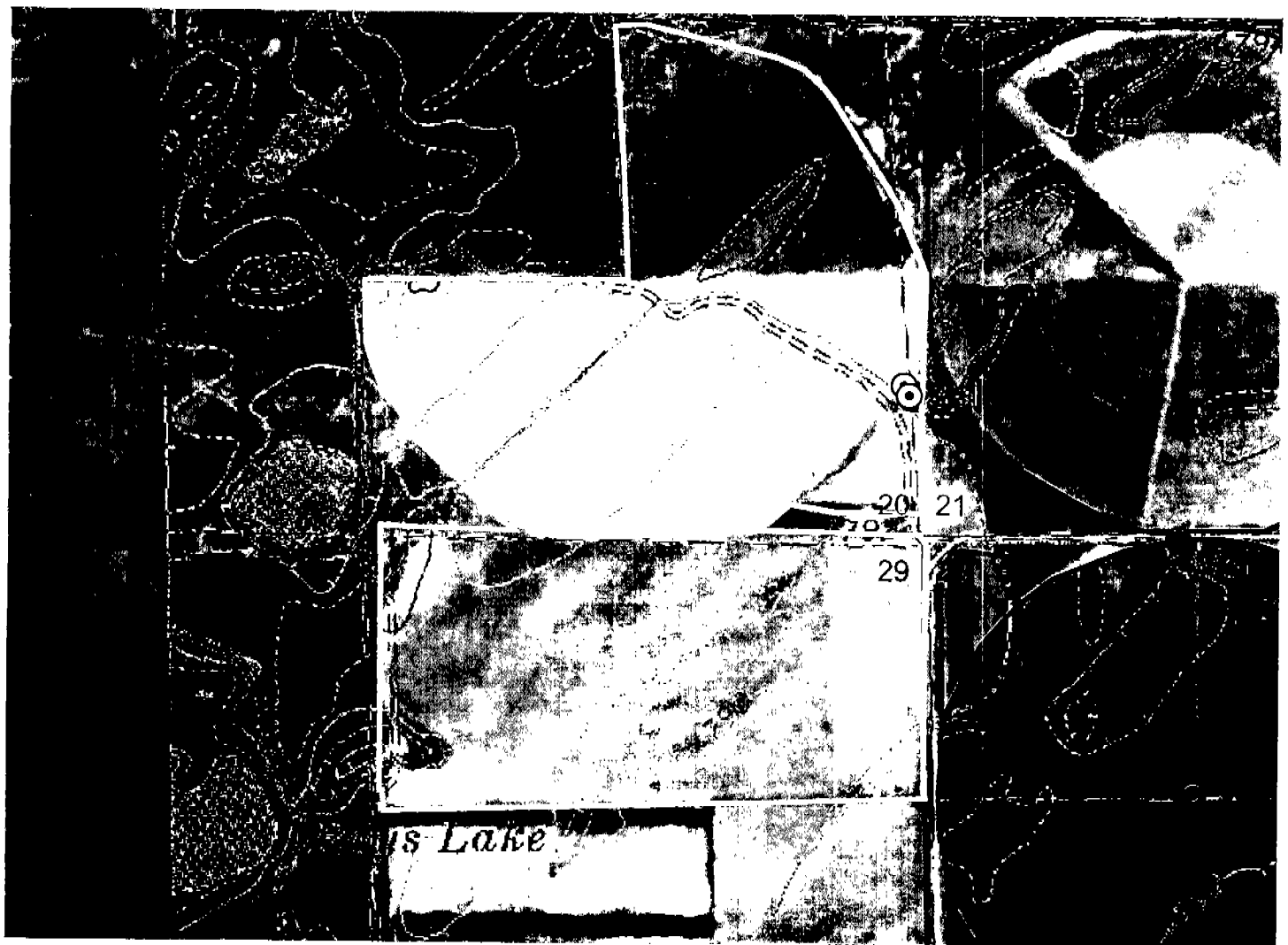
7N



# Idaho Department of Water Resources

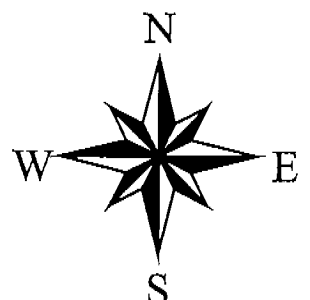
## Water Right 31-4017

Township 7N Range 36E Section 20, 29



0 1320 Feet

- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 11/2000



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 29, 2001

Lyle Shupe  
2296 E 1950 N  
Hamer, Idaho 83425

Re: Amended Claim 31-4017 ✓  
Notice of Change of Ownership  
Stockwater claim 31-11657

Dear Mr. Shupe:

Enclosed is a copy of the revised recommendation for 31-4017, showing the addition of stockwater.

Also enclosed is a blank "Notice of Change of Ownership" to go along with the deed you brought me the other day. I should have had you sign one then, I didn't realize that our clerk had mailed the original back to you with the request for the deed from Larsen.

The enclosed report shows the only receipt we have on record for you since January, 2001. It was for the Rays Lake irrigation claim. The Department of Lands will mail back to me claim 31-11657, if you send me a check for \$25 then I can process it.

I'm sorry for the inconvenience. Please call me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads 'Bryce A. Contor'.

Bryce A. Contor  
Senior Water Resource Agent

enclosures

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

11/03/2000

WATER RIGHT NO. 31-4017

|                   |                                                                   |
|-------------------|-------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                           |
| Current Owner     | LYLE R SHUPE<br>2296 E 1950 N<br>HAMER, ID 83425<br>(208)662-5228 |

|                |                |
|----------------|----------------|
| Priority Date: | 12/31/1940     |
| Basis:         | Beneficial Use |
| Status:        | Valid          |

|               |                     |
|---------------|---------------------|
| <u>Source</u> | <u>Tributary to</u> |
| GROUND WATER  |                     |

|                       |             |           |                       |               |                    |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| IRRIGATION            | 04/01       | 10/31     | 3.84 CFS              | 672 AFA       |                    |
| Total Diversion       |             |           | 3.84 CFS              | 672 AFA       |                    |

|                        |       |         |                   |     |           |  |
|------------------------|-------|---------|-------------------|-----|-----------|--|
| Point(s) of Diversion: |       |         |                   |     |           |  |
| Township               | Range | Section | 1/4 of 1/4 of 1/4 | Lot | County    |  |
| 07N                    | 36E   | 20      | NE SE SE          | 0   | JEFFERSON |  |
| 07N                    | 36E   | 20      | NE SE SE          | 0   | JEFFERSON |  |
| 07N                    | 36E   | 29      | NW NW SE          | 0   | JEFFERSON |  |

IRRIGATION Use:  
Acre Limit: 192

Place(s) of use:

|                                            |              |                |            |              |              |                  |              |              |            |              |              |            |              |              |
|--------------------------------------------|--------------|----------------|------------|--------------|--------------|------------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| Place of Use Legal Description: IRRIGATION |              |                |            |              |              | JEFFERSON 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> |
| 07N                                        | 36E          | 20             |            | NESE         | 36           |                  | SWSE         | 36           |            | SESE         | 40           |            |              |              |
|                                            |              | 29             |            | NENE         | 40           |                  | NWNE         | 40           |            |              |              |            |              |              |

Total Acres: 192

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE 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. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

|               |             |                |                                                                                                           |
|---------------|-------------|----------------|-----------------------------------------------------------------------------------------------------------|
| <u>Author</u> | <u>Date</u> | <u>Subject</u> | <u>Comment</u>                                                                                            |
| bcontor       | 11/3/00     | recommendation | See file and "AJ Special File Knight/Shupe/Jones/Ball"                                                    |
| bcontor       | 11/3/00     | Priority Date  | Evidence in file indicates 1940, but no specific date. Therefore per instructions I recommend 12/31/1940. |
| bcontor       | 11/3/00     | PD             | See AJ Special File. Per Water Meas. District field inspection, three PDs,                                |

|         |         |                      |                                                                                                                                                                                                                                                                                                                                           |
|---------|---------|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| bcontor | 11/3/00 | Legal Descriptions   | two pressurized for sprinklers and one OD for flood irrigation. System is combined with other rights via mainline.<br>GCDB problems. As NAPP was rectified to USGS quads, USGS used for qq designation. This allows recommendations consistent with ownership records. Acres are correct; ArcView GCDB may show some conflicting results. |
| bcontor | 11/3/00 | NE corner of N Pivot | This could be construed to be irrigated from 1987 NAPP but it appears historically this was not -- see AJ SPecial file.                                                                                                                                                                                                                   |

Dates:

Licensed Date:  
Claim Received Date: 10/28/1988  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
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     |
|---------------|--------------------|----------|--------------------|----------|------------|
| POD           | 11/3/00 5:36:19 PM | bcontor  |                    |          | In Process |
| POU           | 11/3/00 5:37:55 PM | bcontor  |                    |          | In Process |
| Priority Date | 11/3/00 5:11:52 PM | bcontor  |                    |          | In Process |
| Quantity      | 11/3/00 5:41:32 PM | bcontor  |                    |          | In Process |
| Season        | 11/3/00 5:40:39 PM | bcontor  |                    |          | In Process |
| Source        | 11/3/00 5:37:00 PM | bcontor  |                    |          | In Process |
| Summary       | 11/3/00 5:42:40 PM |          | 11/3/00 5:42:40 PM | bcontor  | Complete   |
| Use           | 11/3/00 5:42:46 PM | bcontor  |                    |          | In Process |

Other Information:

Receipt Number(s):  
State or Federal: S  
Owner Name Connector:  
Overall Max Diversion Rate: 3.84  
Overall Max Diversion Volume: 672  
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:C  
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     | 11/3/00 5:36:18 PM | bcontor  | 1. (YES) The basis is beneficial use.<br>4. (YES) There is evidence that there has been a change in the Point of Diversion.<br>5. (YES) The change can be verified as an accomplished transfer.<br>Comment for 5: see AJ Special File. Field inspection and NWMD GPS<br>6. (YES) The file contains all the necessary information to verify the POD.<br>8. (NO) Point of Diversion remark was not required.<br>9. (NO) Point of Diversion condition was not required. |
| POD     | 11/3/00 5:21:10 PM | bcontor  | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POD     | 11/3/00 5:20:19 PM | bcontor  | Edited point location                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| POU     | 11/3/00 5:37:53 PM | bcontor  | 1. (YES) The POU is required.<br>2. (YES) The basis of claim is beneficial use.<br>5. (YES) There is evidence that there has been a change in the POU.                                                                                                                                                                                                                                                                                                               |

|               |                    |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------|--------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Priority Date | 11/3/00 5:11:50 PM | bcontor | <p>6. (YES) The change can be verified as an accomplished transfer.<br/> Comment for 6: see AJ Special File. GIS.<br/> 9. (YES) The file contains all the necessary information to verify the POU.<br/> 12. (NO) POU remark was not required.<br/> 13. (NO) POU condition was not required.<br/> 1. (NO) There has not been a later court decree of the water right(s) from the water source.<br/> 4. (YES) The basis of claim is beneficial use.<br/> 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use.<br/> 10. (YES) The claim file contains sufficient evidence of priority date.<br/> 12. (YES) The claim is recommended.<br/> 13. (YES) The claim is coded correctly.<br/> 14. (NO) Priority remark was not required.<br/> 15. (NO) Priority condition was not required.</p> |
| Quantity      | 11/3/00 5:41:30 PM | bcontor | <p>1. (YES) The basis of claim is beneficial use.<br/> 5. (YES) A flow measurement was required.<br/> Comment for 5: Water Meas. District, see AJ Special File.<br/> 6. (YES) The source is ground water and the purpose of use requires a diversion volume limit.<br/> 8. (YES) Irrigation is a purpose of use.<br/> 9. (NO) Quantity remark was not required.<br/> 10. (NO) Quantity condition was not required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Season        | 11/3/00 5:40:37 PM | bcontor | <p>1. (YES) The basis of claim is beneficial use.<br/> 4. (NO) There is not evidence that there has been a change to the period of use.<br/> 9. (YES) The file contains all the necessary information to verify the period of use.<br/> 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.<br/> 13. (YES) Irrigation is the purposed use.<br/> 15. (NO) Period of Use remark was not required.<br/> 16. (NO) Period of Use condition was not required.</p>                                                                                                                                                                                                                                                                                      |
| Source        | 11/3/00 5:36:59 PM | bcontor | <p>1. (YES) The basis is beneficial use.<br/> 4. (NO) There is not evidence that there has been a change in the Source.<br/> 7. (YES) The file contains all of the necessary information to verify the source.<br/> Comment for 7: Field inspection<br/> 8. (NO) The source is not surface water.<br/> 10. (NO) Source remark was not required.<br/> 11. (NO) Source condition was not required.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Summary       | 11/3/00 5:42:38 PM | bcontor | <p>1. (YES) The basis of the claim is beneficial use.<br/> 2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed.<br/> 4. (YES) A portion of the claim is being recommended.<br/> 5. (NO) General remark was not required.<br/> 6. (NO) Explanatory remark was not required.<br/> 7. (YES) Additional condition was required.<br/> 8. (YES) Wanted to view the recommended right.<br/> 9. (NO) This is not a split right.<br/> 10. (NO) This is not a combined right.<br/> 11. (NO) Documents were not linked or attached to this file.<br/> 12. (YES) Set the verification date.</p>                                                                                                                                                                                                    |
| Use           | 11/3/00 5:42:44 PM | bcontor | <p>1. (YES) The basis of claim is beneficial use.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

March 8, 2001

Lyle Shupe  
2296 E 1950 N  
Hamer, ID 83425

Re: Amended Adjudication Claims 31-4017, 31-4018 Adding Stockwater.  
Adjudication Claim 31-11657 for Stockwater on State Lands.  
Notice of Change of Ownership for 31-11426 and 31-11427.

Dear Mr. Shupe:

Enclosed are amended claims to add stockwater to two of your irrigation rights. Please complete the items marked in yellow and return with notarized signatures. There will be no fee.

Also enclosed is a new claim for your stockwater well on leased ground. Please complete the items marked in yellow, mark the location of the well on the attached map, and return with a notarized signature. The fee is \$25.

These are your claims. Feel free to make changes, but please put your initials beside the changes.

The last item is two copies of Notice of Change of Ownership, one for each of the Larsen Rights on the Downs place and the place north of Knight's home. Please return these with the documentation highlighted in yellow, filled out and signed. There will be no fee.

Please hurry with these items, and call me if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Bryce A. Contor".

Bryce A. Contor  
Senior Water Resource Agent

See also information  
under flap "AF Special File  
Knight / Shupe / Jones / Ball "  
in file A31-2291

B. Conter 11/6/00

Analysis of Recommendation for  
A31-4017 and A31-4018

B. Condon 11/3/2000

- 1) Documentation indicates PD's were in place and in use, but verification of POU is sketchy.
- 2) Licenses for 31-2291 and 31-2309 provide some indication that pre-existing ben. use was in place.
- 3) Based on the above, and research in AS Special file Knight/Shupe/Jones/Bell, I recommend current POU not covered by other recommendations.
- 4) 31-4017 claims both N & S POU, 31-4018 claims only S. POU. Therefore I recommend 31-04017 to N POU and 31-04018 to S. POU.
- 5) See 'Special File' for discussion of Q in general. Capacity for full system  $\approx$  0.02/acre / therefore recommended at

To: Arlin Knight Claims  
Lyle Shupe Claims  
Allan Shupe Claims  
31-07102 and Splits  
Jones/Ball Claim 31-02291A

Fr: Bryce Contor  
Date: 9/11/2000



Re: Recommendations

These rights will be recommended on a per-system basis, as split by ownership.

The attached GIS sketches show the systems that will be recommended, with the schematic layout of ditches and mainlines, showing the physical interconnection between POD's and POU's.

A detailed analysis of rights, splits, and recommendations is contained in the "AJ Special File Knight/Shupe/Jones/Ball." This summary is attached to each recommendation.

The "31-02309, 7102A" shape is currently claimed by Blaine Larsen, but an anticipated Notice of Change of Ownership will result in it being recommended to Lyle Shupe, or perhaps split, with part recommended to Lyle Shupe and part recommended to Allan Shupe. It is served solely by the well adjacent to the north edge of the POU.

"Knight Sprinkler Recommended" and "31-07102B" are on a common system from the well between the two POU's. This system is recommended as two separate places of use because of ownership. 31-07102B is now claimed by Blaine Larsen but will likely be recommended to Lyle Shupe following Notice of Change of Ownership. The "Knight Sprinkler" POU will be recommended to Arlin Knight.

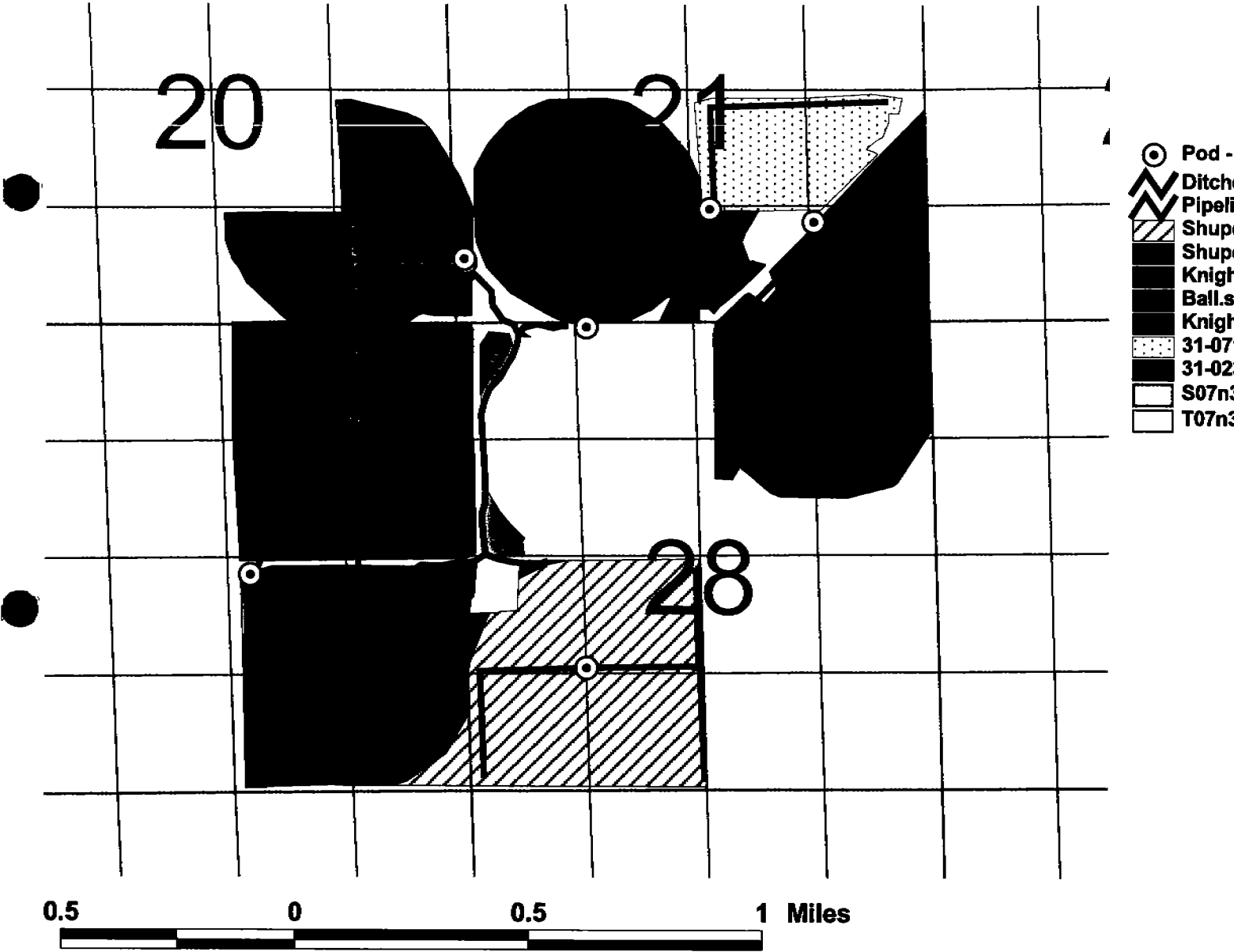
The "Ball" POU is currently claimed by Jones, but likely will be recommended to Ball following Notice of Change of Ownership. Ball will be invited to submit a beneficial use claim for additional diversion rate (due to notes in license file 31-02291, see below). It can physically be served by either the Knight Flood POD in 28, or the Shupe Flood POD in section 20. It will be recommended from the Knight POD as claimed.

The "Shupe SE system" is served only by the well in the SW of 28 and is owned by Lyle Shupe.

The "Shupe Ben Use" and "Knight South" POU are served by four wells. It is recommended as two systems because Knight owns the 80 acres in gray. The section 20 sprinkler well and the section 29 well pressurize a common mainline serving three center pivots. The Knight flood well, the Shupe flood well in section 20, and the Shupe well in section 29 supply water to ditches to serve flood-irrigated corners. Knight has filed 31-10534 for extra acres as an enlargement of 31-02291B, but these are not needed in light of an apparent accomplished transfer. However, it appears that a beneficial use claim is needed to claim the diversion rate subtracted in the licensing of 31-02291 due to overlap analysis with a right which is not claimed in the AJ (see licensing exam in WR file). An amended claim will be presented to Knight for signature.

Due to rounding, recommendations total just slightly more than 0.02/acre. Apparent current capacity (approx 20 cfs) exceeds recommendations (17.95 cfs) but this is likely not a problem because it is unlikely that all four wells on the Shupe Ben Use/Knight South system will be all operated at full capacity simultaneously.

Knight, Shupe, Jones/Ball Recommendations  
As Split by Ownership and System Design



A 31-04017

Shupe section 21 pilot well

Theoretical calculation B. Conton 9/7/00

1) Calculated lift / friction - see  
5/5/00 memo in A31-04018 - 15.2 ft

2) Observed motor hp - 100  
Observed KW demand  $1.29 \times 60 = 77.5$  KW  
NWMD 300244

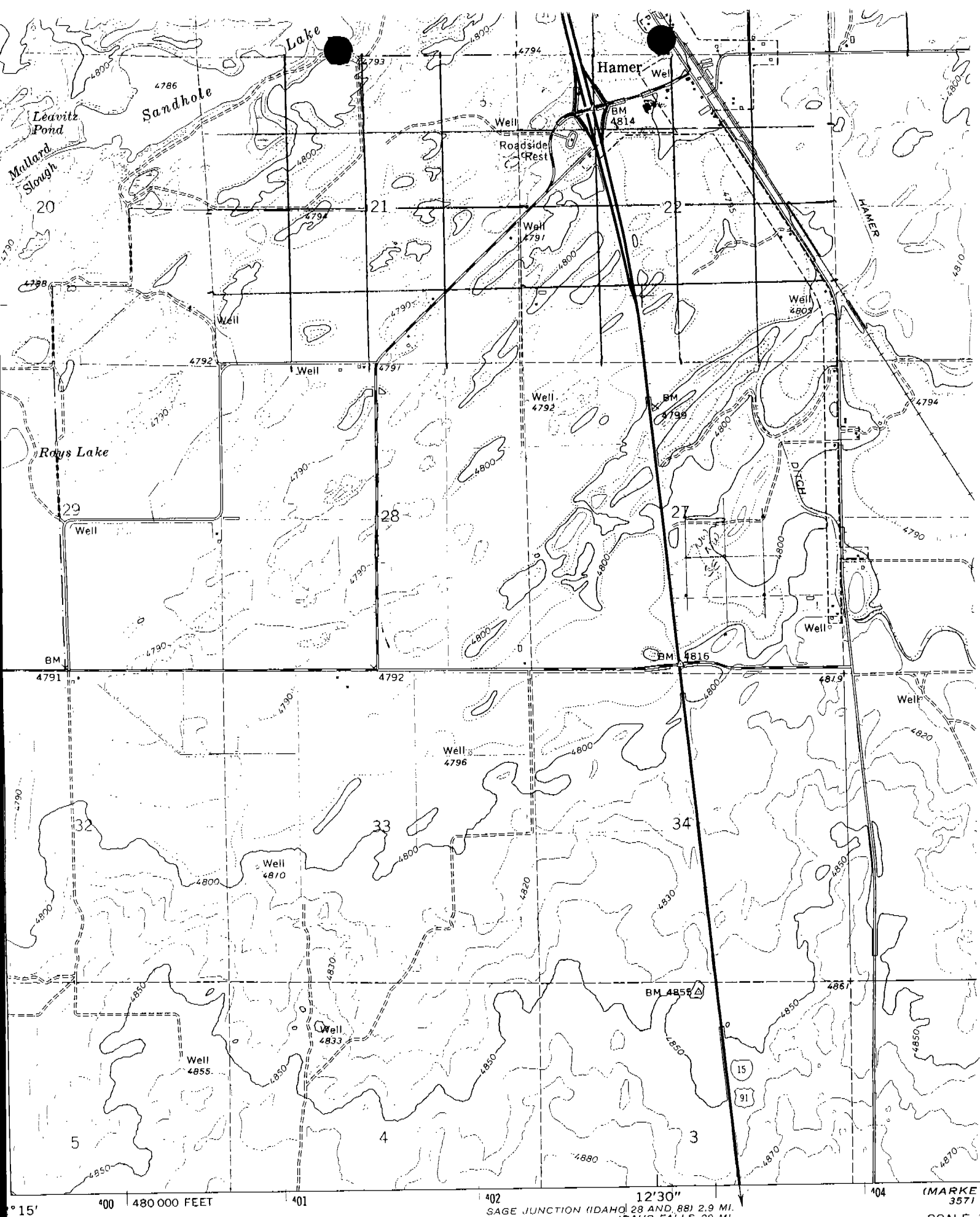
3) Assume 60% efficiency, 60 psi

$$4) \text{ GPM} = \frac{\text{Water HP} \times 3960}{\text{TDH}}$$

$$= \frac{77.5 \times 1.34 \times .60 \times 3960}{(15.2 + 60 \times 2.31)}$$

$$= 1620 \approx 3.7 \text{ gfs}$$

5) Conclusion: Current capacity is likely  
at least as high as original capacity,  
estimated at the claimed 3.4 gfs.



Mapped, edited, and published by the Geological Survey

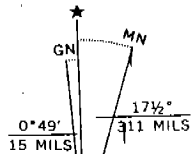
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1959 and planetable surveys 1964

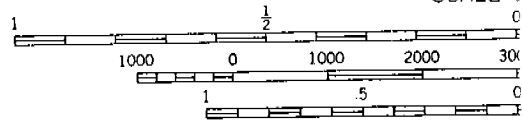
Polyconic projection. 1927 North American datum 10,000-foot grid based on Idaho coordinate system, east zone

1000-meter Universal Transverse Mercator grid ticks, zone 12, shown in blue

Fine red dashed lines indicate selected fence lines



UTM GRID AND 1964 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET



CONTOUR INTERVAL  
DOTTED LINES REPRESENT  
DATUM IS MEAN

THIS MAP COMPLIES WITH NATIONAL  
FOR SALE BY U.S. GEOLOGICAL SURVEY, DENVER  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS

W41 - Hamer Quad

Claim A31-04017  
Doc Source Engineer's Report  
for 3-02291, 6/21/1957  
Date 7/22/02 Sig. W. Condon

T 7 N. R 36 E. B.M.

Please show other wells and ditches  
and lands irrigated. Put in the  
number of acres in each foot. That  
are irrigated. Sign your name to  
below the map and return.

20987

### Claim No.

## STATE OF IDAHO

Section 42-225a, Idaho Code:

## CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Lyle R. Shupe

(name of claimant)

of Hamer, Idaho 83425

(mailing address)

... claims a right to the diversion and beneficial use of

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Groundwater  
 , tributary to \_\_\_\_\_
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|        |                                    |     |                               |                |      |        |    |                        |
|--------|------------------------------------|-----|-------------------------------|----------------|------|--------|----|------------------------|
| Amount | 6.8                                | Use | irrigation                    | Period of Use: | From | Apr. 1 | To | Nov. 1                 |
| Amount |                                    | Use |                               | Period of Use: | From |        | To |                        |
| Amount |                                    | Use |                               | Period of Use: | From |        | To |                        |
|        | (cfs, gpm<br>or m <sup>3</sup> /h) |     | (dom., irri.,<br>stock, etc.) |                |      |        |    | (both dates inclusive) |

- (3) Total quantity of water claimed: 6.8 cubic feet per second, or \_\_\_\_\_ acre feet per annum, and/or \_\_\_\_\_ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) May, 1937

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)

(2 pt) SE ¼ SE ¼, Sec. 20 Twp. 7N Rgs. 36E B. M. County of Jefferson

**Additional points of diversion:**

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. well, pump and ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

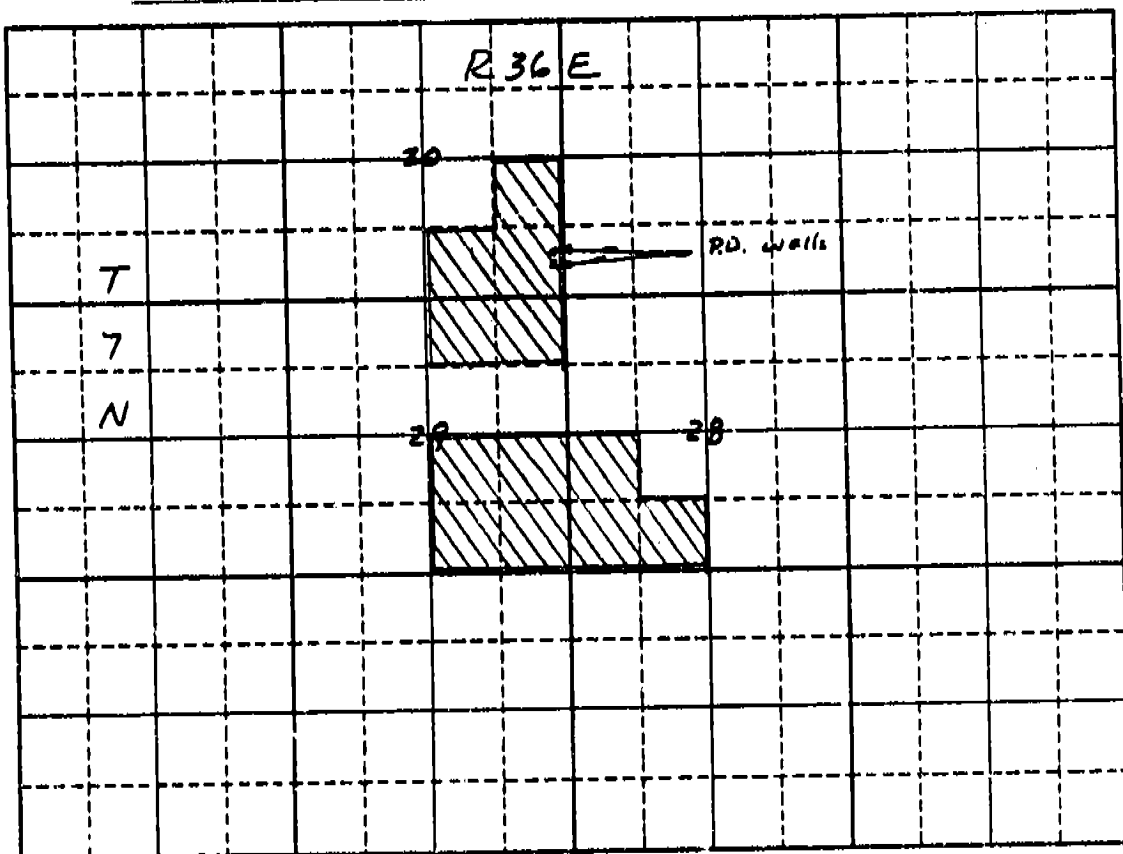
[illegible]

Total No. of cases 480

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks \_\_\_\_\_



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )  
 ) ss.  
County of Bannock )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 16<sup>th</sup> day of JUNE 1976.

Notary Public

Residing at LAUREL FALLS, IDAHO

My commission expires 2/19/78

For Department Use Only

|                                        |                     |                     |              |      |
|----------------------------------------|---------------------|---------------------|--------------|------|
| Received by <u>AW</u>                  | Date <u>6-16-76</u> | Exception filed by: | Forwarded to | Date |
| Prelim. check by <u>AW</u>             | Date <u>6/16/76</u> |                     | claimant by: |      |
| \$10.00 fee received by <u>AW</u>      | Date <u>6-16-76</u> |                     |              |      |
| Approved for publication by <u>AW</u>  | Date <u>7-20-76</u> |                     |              |      |
| Published in <u>Laurel Falls</u>       |                     |                     |              |      |
| Dates <u>June 24th to July 1, 1976</u> |                     |                     |              |      |

IN THE DISTRICT COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CEFIERSON.

GEORGE H. HANSEN,  
Plaintiff,

-vs-

MAE E. WALK, ROBERT WALK,  
W.L.SHOPE and HEBER C. WILLIAMS,  
Defendants.

APPEARED A. LINDSE

THIS CAUSE having come on for trial at Rigby, Idaho, on December 1, 1941, before His Honor, C.J. Taylor, sitting with a jury, L.H. Merrill, Esq., of Idaho Falls, Idaho, appearing as attorney for the plaintiff, George H. Hansen; Emery A. Owen, Esq., of Idaho Falls, Idaho, appearing as attorney for the defendant, Heber C. Williams, and T. Harold Lee, Esq., of Rigby, Idaho appearing as attorney for and on behalf of the defendants, Mae E. Walk, Robert Walk and William L. Shope, Evidence was introduced on behalf of the plaintiff and also on behalf of the defendants. After the close of the trial and after His Honor, C.J. Taylor had rendered his Memorandum Decision, counsel for and on behalf of their respective parties, stipulated that the court should allocate and decree the right, title and interest that each of the parties have in and so called large well, and to the equipment and facilities used in the operation of said well. After considering the evidence and the briefs of counsel and the court being fully advised in the premises, finds as follows:

FINDINGS OF FACT

1.

That the plaintiff has made out a prima facie case; that he was one of the original applicants and promoters of the project known as the West Hamer Irrigation Project.

2. The court further finds that the plaintiff contributed to the promotion and drilling of the well in labor, merchandise and money and that he is entitled to have decreed to him a one-sixth interest in the large well and the water therefrom together with a one-sixth interest in all of the equipment and facilities used in the operation of said well, upon the payment of the sum of Eight-eight dollars and eighty five cents (\$88.85) which represents his share of the costs of development over and above the amount of plaintiff's contributions to the costs in cash, labor and merchandise.

3. The court further finds that the action was timely brought by said plaintiff, it being shown by the evidence that the well was completed until 1937 and that refusal of the delivery of water

MICROFILMED

APR 14 1994

defendants to plaintiff upon his demand was after 1942.

4. The court also finds that Mr. R.N. Wade took title from the County of Jefferson, State of Idaho to the land upon which the well was drilled for the protection of the rights of the members of the project and his successors cannot be heard to say that having thus acquired the title to the land, and having accepted the assistance of members of the organization and government agencies in the final completion of the water development, that the title to the water goes with the land. All parties are to have an interest in the large well and share in the water therefrom.

5. That Robert Wade has become the successor in interest in the land formerly owned by R.N. Wade and Mae M. Wade.

#### CONCLUSIONS OF LAW.

1. That the claim of the plaintiff to one-sixth interest in the large well, equipment, facilities and the water therefrom has been rightfully claimed.

2. That the action was timely brought and the questions of laches and limitation was not applicable.

3. That all of the title to the large well and the water therefrom does not go with the land upon which it is drilled.

4. That Robert Wade is the successor in interest to the land formerly owned by R.N. Wade and Mae M. Wade.

#### DECREE

WHEREFORE, IT IS ORDERED, ADOPTED AND DECREED by the Court as follows:

1. That the plaintiff George H. Hansen be allocated and decreed and this does decree to said plaintiff upon his payment of \$29.85 as herein-after directed, a one-sixth interest in the large well and the water therefrom, together with a one-sixth interest in and to all equipment and facilities used in the operation of said well; that said well is located in the

SE corner of the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Section 20, Township  
7 North Range 36 E.B.M. in Jefferson County, Idaho.

2. That pursuant to the stipulation on file herein made and entered into by counsel for the respective parties to this action, which said stipulation is deemed reasonable and sufficient by the Court, said Court allocates and decrees to each of the defendants, Heber C. Williams, Robert Wade and William L. Shupe, a five-eighteenth interest in the large well and the water therefrom together with a five-eighteenth interest in

MICROFILMED

APR 14 1994

the equipment and facilities used in the operation of said well, located on property described in paragraph 1 of the decree.

3. It is further adjudged and decreed pursuant to the Stipulation of counsel for all parties on file hereto, that the plaintiff, George H. Hansen, pay to the defendants, Mae M. Wade, Robert Wade and V.L. Stone the sum of \$50.00, the sum to be divided among said named defendants according to their own agreement; that said George H. Hansen pay the plaintiff's costs and disbursements in connection with the trial of this case in the sum of \$46.40; that these two items by him paid will represent the \$88.85 as having been fully paid, which this court has designated must be paid by said plaintiff.

4. It is further ordered and decreed pursuant to said Stipulation that any electric power assessment for the year 1941 charged for the operation of said well is to be paid by each of the litigants hereto proportionately to the amount of service rendered to him, and that subsequent assessments and operation expenses shall be paid by each of the parties in this action proportionate to the interest he has allocated and decreed to him in the large well and equipment and facilities.

5. It is further ordered and decreed that each of the parties hereto shall hence forth respect the rights of each other and are not to infringe upon, molest, or to otherwise disturb the rights of each other in the use of the water and in the operation of the well during the time when each is entitled to use said water according to his decreed right.

DATED THIS 30th. day of January, A.D., 1942.

Filed February 2, 1942  
11:40 A.M.  
Wm. Sauer, Clerk.

C.J. TAYLOR  
District Judge.

Recorded in Volume 6 of  
Decrees at Page 1134  
November 6, 1959

MICROFILMED

APR 14 1994

STATE OF IDAHO )  
 ) ss.  
COUNTY OF JEFFERSON )

I, Eileen Madsen, Clerk of the District Court, Ex-Officio Auditor and Recorder, in and for the County of Jefferson, State of Idaho, do hereby certify the foregoing to be a full, true and correct copy of the JUDGMENT AND DECREE

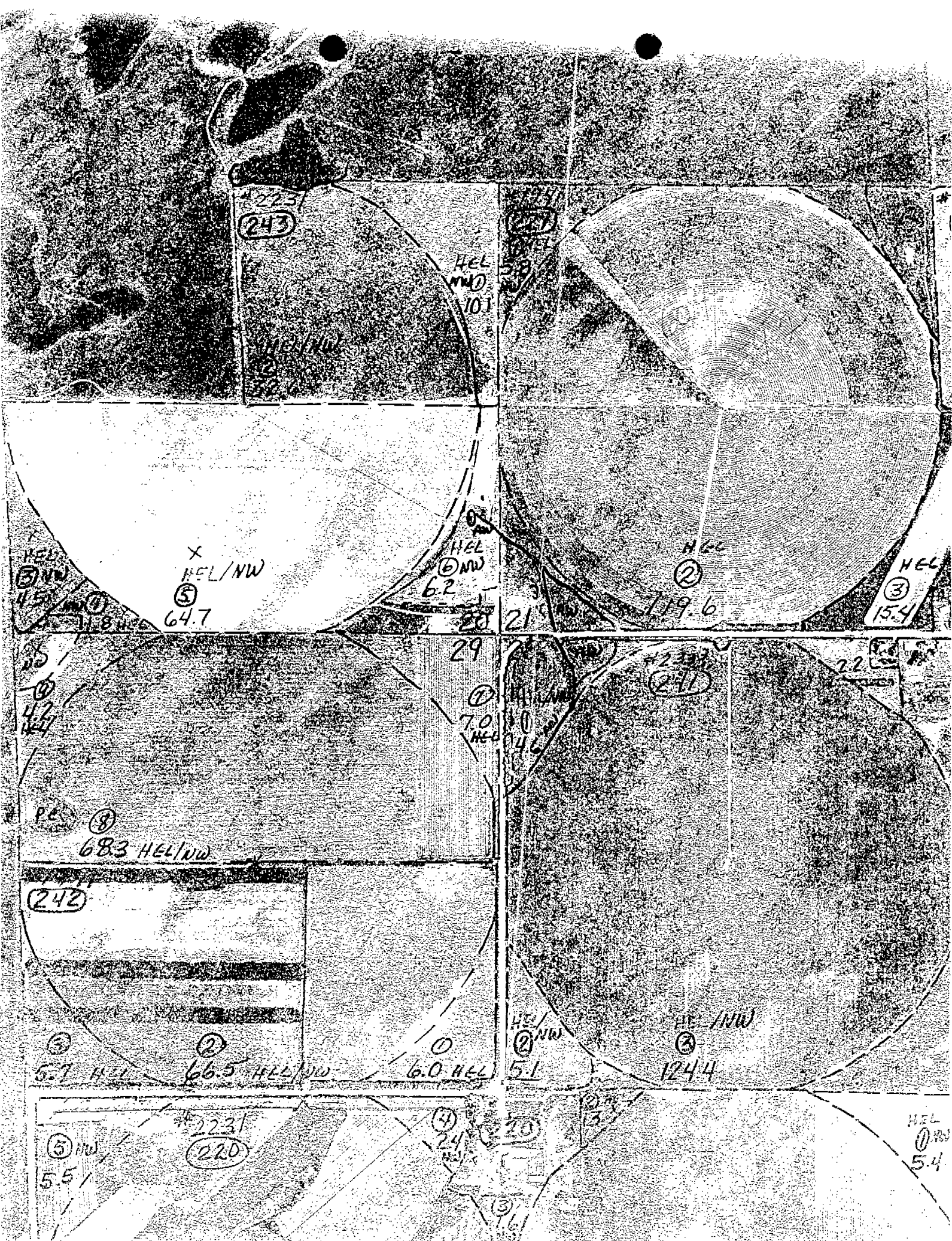
George H. Hansen, Pltf. vs. Mae M. Wade, et al; Def.

Now of record in my office in Book 122 of Judgments  
at Page 425 .

Witness my hand and seal this 3 day of November , 19 59

Eileen Madsen  
Clerk of the District Court,  
Ex-Officio Auditor & Recorder.

By: \_\_\_\_\_ Deputy.



To: Lyle Shupe Claims A31-04017, A31-04018

Fr: B. Conner

Date: 5/5/00

Re: Field measurements 5/4/00

1) "North" well open discharge

Currently 20 hp motor, per Lyle Shupe  
originally 15 hp. Demand  $\approx$  13 hp. Assume  
tested  $Q \approx$  original  $Q$ . Tested  $Q = 1531 \text{ GPM}$   
 $= 3.40 \text{ dfs}$

2) "North Pivot well"

Currently 100 hp motor to pivot. Per Lyle Shupe  
originally 15 hp. Assume original  $Q =$  tested  $Q$   
for open discharge well  $= 3.40 \text{ dfs}$ .

3) "South" well

Currently 50 hp lift pump w/ 2 boosters.

Assume original system is approximated by  
running lift pump only @ open discharge,

Lyle Shupe p 2

as tested 5/4/00. Sonic Q measured  
4590 GPM  $\approx$  10.2 gfs. Q measured in  
stream  $\approx$  4.60 gfs.

Theoretical Assuming same TDH as measured  
N. Well:

$$N \text{ Well: } PCC = 38.9 = \frac{TDH \times 1.02}{\text{efficiency}}$$

$$\text{assume efficiency} = 40\%, \quad TDH = \frac{38.9 \times .40}{1.02} = 15.2$$

$$S \text{ Well: } GPM = \frac{\text{Water hp} \times 3960}{TDH}$$

$$= \frac{42 \text{ Kw} \times .50 \text{ efficiency} \times 3960}{15.2} = 5450 \text{ GPM}$$

Theoretical Assuming 20 ft PWL + 15 ft friction

$$\frac{42 \text{ Kw} \times .50 \times 3960}{35} \approx 4200 \text{ GPM}$$

Therefore Sonic measured Q of 4590 GPM  
seems reasonable.

R. Cortez 5/5/90

## PCC EXAM

NORTH/EAST DISTRICT

EXAM DATE: 5/4/00

EXAMINER'S SIGNATURE

B. Conton

NAME: Lyle Shyne

SITE TAG#

A0008280

RECORD #

EXAM COMPLETE: (Y) N

STANDARD CONFIDENCE: E (G) F P

## KILO-WATT HOUR METER

UTILITY

uPL

POLE NO.

METER MFG

FE

METER S/N

55288748

DISK CONST  
(KH)

28.8

MULTIPLIER

1

## LEGAL:

KW-A

GPM

PCC

PSI

%

## DESCRIPTION COND #1

OPEN DISCHARGE

## PCC AF QAL

- Z ZERO PUMPAGE  
1 SIMPLE, NO TRACKING  
2 COMPLEX, NO TRACKING  
REQUIRED.  
3 TRACKING REQUIRED  
& PROVIDED  
4 TRACKING REQUIRED,  
BUT NOT PROVIDED  
5 COMPLEX, EXAM  
INCOMPLETE  
6 KNOWN DATA PROBLEM  
7 PCC MEASURED @  
Q-METER VERIF.  
8 LOW PCC WHERE  
Q-METER IS REQUIRED  
BUT NOT INSTALLED  
9 CALCULATED OR  
ESTIMATED PCC

N NO PCC

O OTHER, SEE EXAM NOTES

CHANGES TO SYSTEM Y/N  
NOTES:

KW-B

GPM

PCC

PSI

%

## DESCRIPTION COND #2

KW-C

GPM

PCC

PSI

%

## DESCRIPTION COND #3

## KILOWATTS OF ENERGY CONSUMED COND #1

N= 5 (No. of Disc Rev) Time (sec): (47.3)+(47.5)+(47.5)/3=Avg

3.6 x 28.8 (Kh) x 1 (Mult) x 5 (N)/ 47.3 (T)= 10.9 KW

PCC COND#1= 10.9 (KW) X 5431 / 1531 GPM= 38.9 (KWh/ac.ft)

## KILOWATTS OF ENERGY CONSUMED COND#2

N= (No. of Disc Rev) Time (sec): ( )+( )+( ) / 3=Avg

3.6 x (Kh) x (Mult) x (N)/ (T)= KW

PCC COND#2 = (KW) X 5431 + GPM= (KWh/ac.ft)

## KILOWATTS OF ENERGY CONSUMED COND#3

N= (No. of Disc Rev) Time (sec): ( )+( )+( ) / 3=Avg

3.6 x (Kh) x (Mult) x (N)/ (T)= KW

PCC COND#3 = (KW) X 5431 + GPM= (KWh/ac.ft)

COLLINS WORKSHEET

SITE TAG A0008280 DATE 5/4/00  
 NAME LYLE SHUPE ID         

OD 11.28 THICKNESS 0.125 ID 11.03 IR 5.515

V =

U ✓ D Σ V =  $\sqrt{gh}$

|    |       |       |           | U ✓    | D    | Σ    | V = $\sqrt{gh}$ |  |  |
|----|-------|-------|-----------|--------|------|------|-----------------|--|--|
| A  | 0.051 | .281  | 4/16"     | (0.21) | 0.26 | 0.47 | 3.89            |  |  |
| B  | 0.163 | .898  | 14/16"    | 0.30   | 0.32 | 0.62 | 4.46            |  |  |
| C* | 0.293 | 1.61  | 1 10/16"  | 0.40   | 0.45 | 0.85 | 5.23            |  |  |
| D  | 0.453 | 2.49  | 2 8/16"   | 0.57   | 0.63 | 1.20 | 6.21            |  |  |
| E  | 0.684 | 3.77  | 3 12/16"  | 0.70   | 0.71 | 1.41 | 6.73            |  |  |
| F  | 1.316 | 7.25  | 7 4/16"   | 0.54   | 0.57 | 1.11 | 5.97            |  |  |
| G  | 1.547 | 8.53  | 8 8/16"   | 0.44   | 0.47 | 0.91 | 5.41            |  |  |
| H* | 1.707 | 9.41  | 9 7/16"   | 0.37   | 0.37 | 0.74 | 4.88            |  |  |
| I  | 1.837 | 10.13 | 10 2/16"  | 0.40   | 0.27 | 0.67 | 4.64            |  |  |
| J  | 1.949 | 10.74 | 10 12/16" | 0.40   | 0.19 | 0.59 | 4.35            |  |  |

$\bar{V} = 5.17$

$A = 0.66$      $V = 5.17$      $Q = AV = 3.41 \text{ cfs} = 15$   
 $N = 5$      $T = \frac{(47.2 + 47.3 + 47.5)}{3}$   
 $KW = 3.6 \times \frac{28.8}{(Kh) \times 1 (M) \times 5 (N) / 47.3 (T)} = 10.96$



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

April 4, 2000

Lyle Shupe  
2296 East 1950 North  
Hamer, Idaho 83425

Re: Adjudication Claims A31-04017 and A31-04018

Dear Mr. Shupe:

The Adjudication Claims noted above are "beneficial use" claims. This means they have never been measured or documented by the Department of Water Resources or by a court.

In order to accurately recommend your water right to the Snake River Adjudication Court, I need to measure the discharge of the wells under these claims.

Please call me at (208) 525-7161 or (208) 664-4853 when you are about to start up your systems, to make an appointment to measure these water rights. Please call also if you have any questions.

Sincerely,

Bryce A. Contor  
Senior Water Resource Agent

WATER MEASUREMENT DISTRICT  
FIELD REPORT

DISTRICT North

RECORD NUMBER # 300825  
(create new record)

SITE DATA:

EXAMINER (inv\_name) B Contor

EXAM DATE 6/12/99  
(site\_visit)

DIVERSION NAME Section 20 Flood well  
(div\_name)

GPS FILE C061220A  
(gps\_filnam)

SITE TAG NUMBER A0008281  
(site\_tagno)

GPS OFFSET (offset) Zero

TAG LOCATION (tag\_locat) pole w/ power meter

POD LEGAL (pod) T 7 N S, R 36 E, Sec 20, NE SE SE

DISTRICT MEASUREMENT CAPABILITY (std\_rcmd):

SONIC (s)

SONIC/DIG (sd)

SONIC @ PVT (sp)

COLLINS (c)

PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op\_num):

PCC (2)

HOUR METER (7)

IRR. FLOWMETER (1)

ALTERNATE (3)

OTHER FLOWMETER (8)

CRP (4)

AMEND. CLAIM (A)

OPEN CHANNEL DEVICE (9) UNUSED (6)  
(or non-totalizing device)

SUITABLE FOR PCC even if other method selected (pcc\_ok)

YES NO

TRACKING will be required (trkng\_reqd)

YES NO

Well has ACCESS PORT for water level meas. (wl\_access)

YES NO

FLOWMETER installation poss. w/o major change (qmtr\_ez)

YES NO

FOLLOW-UP DATE (folup\_date) 1999

OWNER/OPERATOR INFORMATION

OWNER (name) Lyle Shupe

PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

CEL PHONE \_\_\_\_\_

OPERATOR (contact) \_\_\_\_\_

PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

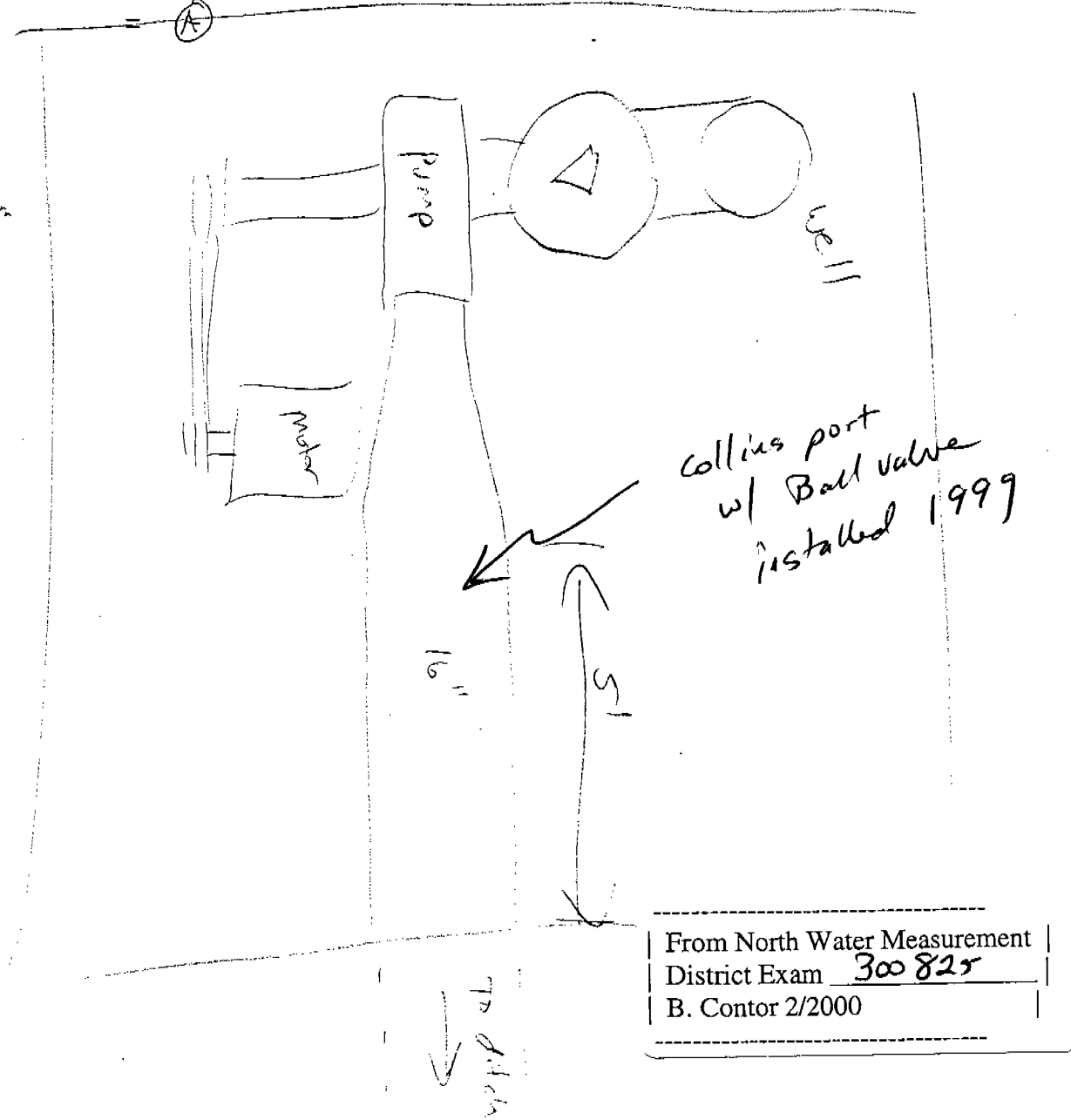
From North Water Measurement  
District Exam 300 825  
B. Contor 2/2000

CEL PHONE \_\_\_\_\_

PUMPING PLANT SKETCH

|               |   |  |
|---------------|---|--|
| VALVE         | = |  |
| CHECK VALVE   | = |  |
| AIR VAC       | = |  |
| PRESS. RELIEF | = |  |
| INDIVE/UPDIVE | = |  |
| HOSE BIB      | = |  |
| PRESS. GAGE   | = |  |
| WELL ACCESS   | = |  |

↑ N



collins port  
w/ Ball valve  
installed 1999

From North Water Measurement  
District Exam 300 825  
B. Contor 2/2000

## WELL/PUMP INFORMATION:

DEPTH OF WELL: \_\_\_\_\_ DEPTH OF BOWLS: \_\_\_\_\_

## WATER LEVELS:

PRE-SEASON STATIC: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(swl\_pre) (swlpredate)DURING-SEASON STATIC: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(swl\_mid) (swlmidddate)POST-SEASON STATIC: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(swl\_post) (swlpstdate)DYNAMIC WATER LEVEL: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(pmpng\_wl) (pwl\_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

## PUMP AND MOTOR INFORMATION:

## WELL MOTOR

MFG: WagnerSERIAL: A-BB3V7749HP: 20

## BOOSTER 1 MOTOR

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

HP: \_\_\_\_\_

## BOOSTER 2 MOTOR

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

HP: \_\_\_\_\_

## WELL PUMP

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

TYPE: \_\_\_\_\_ VERT T CENT SUBMER  
(pump\_type) (v) (c) (s)

## BOOSTER 1 PUMP

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

TYPE: \_\_\_\_\_ VERT T CENT SUBMER

## BOOSTER 2 PUMP

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

TYPE: \_\_\_\_\_ VERT T CENT SUBMER

## UTILITY KWH METER INFORMATION:

UTILITY: UPL  
(utility)POLE #: \_\_\_\_\_  
(pole\_no)MAX KW DEMAND 1.54 x 1 (?)KILOWATT HRS 07655 x 1  
(kwh\_1)  
(use date of exam for "kwh1\_date")UTILITY ACCOUNT NUMBER \_\_\_\_\_  
(acct\_no)KWH METER SERIAL: 55288748  
(pwrmttr\_sn)METER MFG: GE  
(pwrmttr\_mfg)Kh DISK CONSTANT 28.8  
(kh)MULTIPLIER 1  
(d)

|                              |
|------------------------------|
| From North Water Measurement |
| District Exam <u>300825</u>  |
| B. Contor 2/2000             |

## SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE Open disch.  
(system\_type)COMMENTS TO DATA-ENTER (exam\_notes): This well is about 100'  
from 300244. POU is various pivot corners.FILE-ONLY COMMENTS: Note decimal on demand dial  
seems misplaced. Probably should  
be 15.4'

|                              |
|------------------------------|
| From North Water Measurement |
| District Exam <u>300825</u>  |
| B. Contor 2/2000             |

\*\*\*\*\*  
I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature Byron A. Contor Date 6/12/98

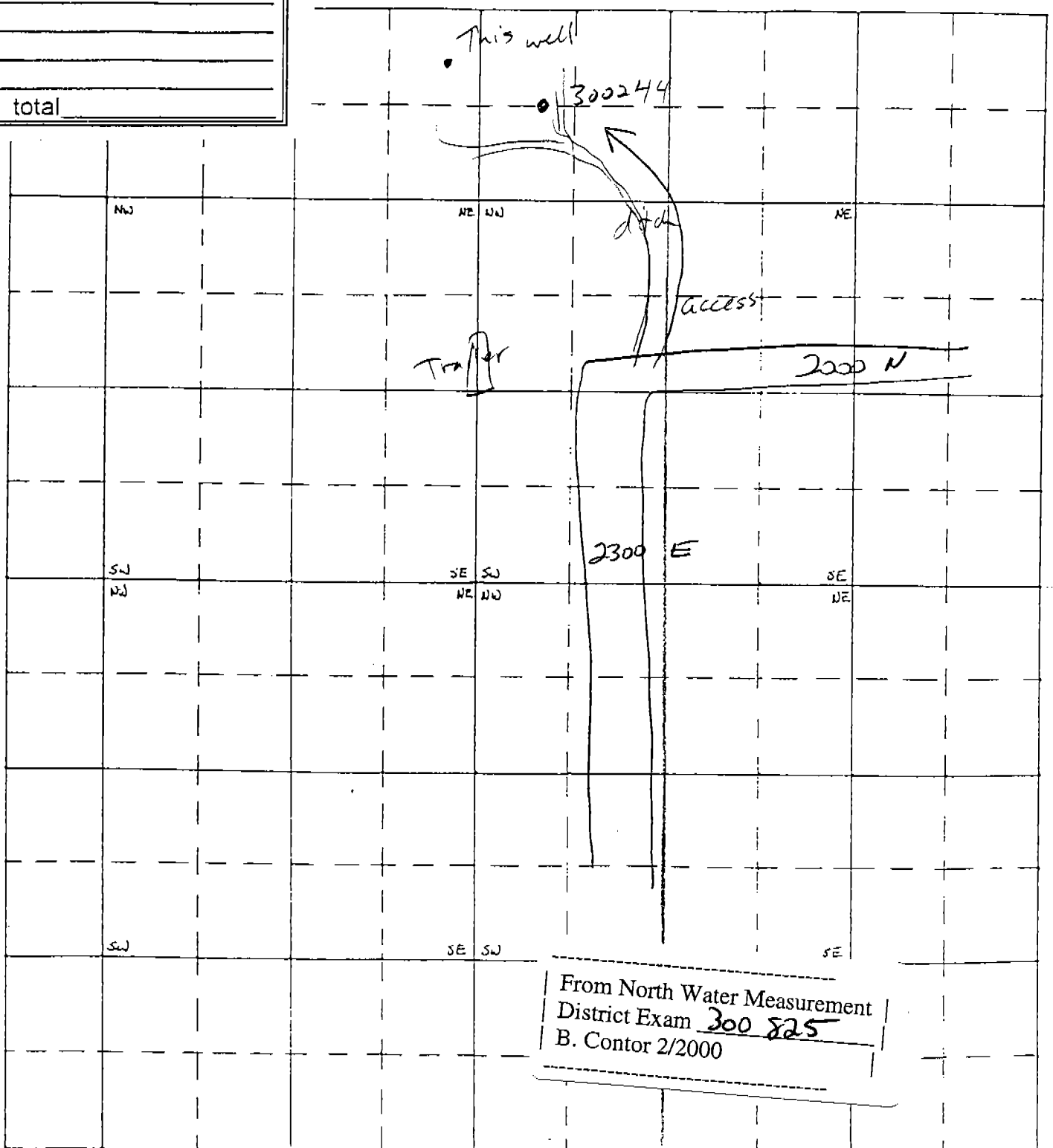
EASTERN WATER MEASUREMENT DISTRICT

SUPPLEMENTAL DATA FORM A

SKETCH OF IRRIGATED LANDS AND MAJOR COMPONENTS OF DELIVERY SYSTEM/S

| crop  | acres |
|-------|-------|
| 1     |       |
| 2     |       |
| 3     |       |
| 4     |       |
| total |       |

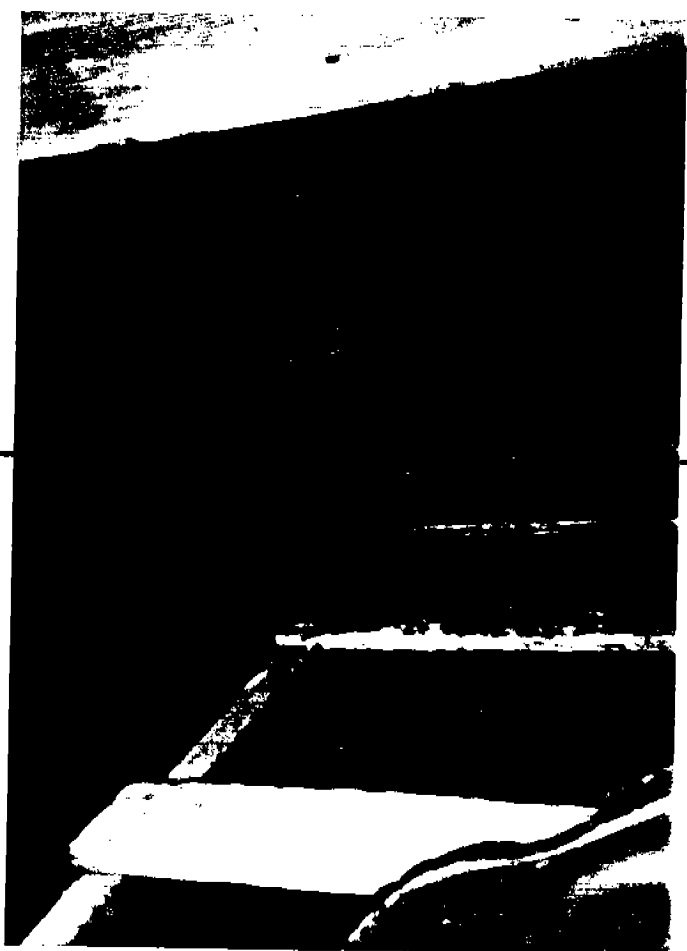
Not to Scale



From North Water Measurement  
District Exam 300 825  
B. Contor 2/2000

SCALE 1:24,000

PHOTOS



From North Water Measurement  
District Exam 300 825  
B. Contor 2/2000

PERMIT  
NUMBER

WATER MEASUREMENT DISTRICT  
FIELD REPORT

DISTRICT NWMD RECORD NUMBER 300244

SITE DATA:

EXAMINER (inv\_name) B Contor  
EXAM DATE 6/12/98 DIVERSION NAME 3/4 pivot  
(site\_visit) (div\_name)  
GPS FILE CD61219B SITE TAG NUMBER ADDD 8280  
(gps\_filnam) (site\_tagno)  
GPS OFFSET (offset) 4' North 4' west zero above well  
TAG LOCATION (tag\_locat) on pole w/ kWh meter  
POD LEGAL (pod) T 7 (N) S, R 36 E, Sec 20, NE SE SE

DISTRICT MEASUREMENT CAPABILITY (std\_rcmd):

SONIC (s) SONIC/DIG (sd) SONIC @ PVT (sp)  
COLLINS (c) PYGMY (p)

MEASUREMENT RECOMMENDATIONS (op\_num):

PCC (2) HOUR METER (7) IRR. FLOWMETER (1)

ALTERNATE (3) OTHER FLOWMETER (8) CRP (4)

AMEND CLAIM (A) OPEN CHANNEL DEVICE (9) UNUSED (6)  
(or non-totalizing device)

SUITABLE FOR PCC even if other method selected (pcc\_ok) YES NO

TRACKING will be required (trkng\_reqd) YES NO

Well has ACCESS PORT for water level meas. (wl\_access) YES NO

FLOWMETER installation poss. w/o major change (qmtr\_ez) YES NO

FOLLOW-UP DATE (folup\_date) 1999

OWNER/OPERATOR INFORMATION

OWNER (name) Lylo Shupe PHONE \_\_\_\_\_

ADDRESS # CEL PHONE \_\_\_\_\_

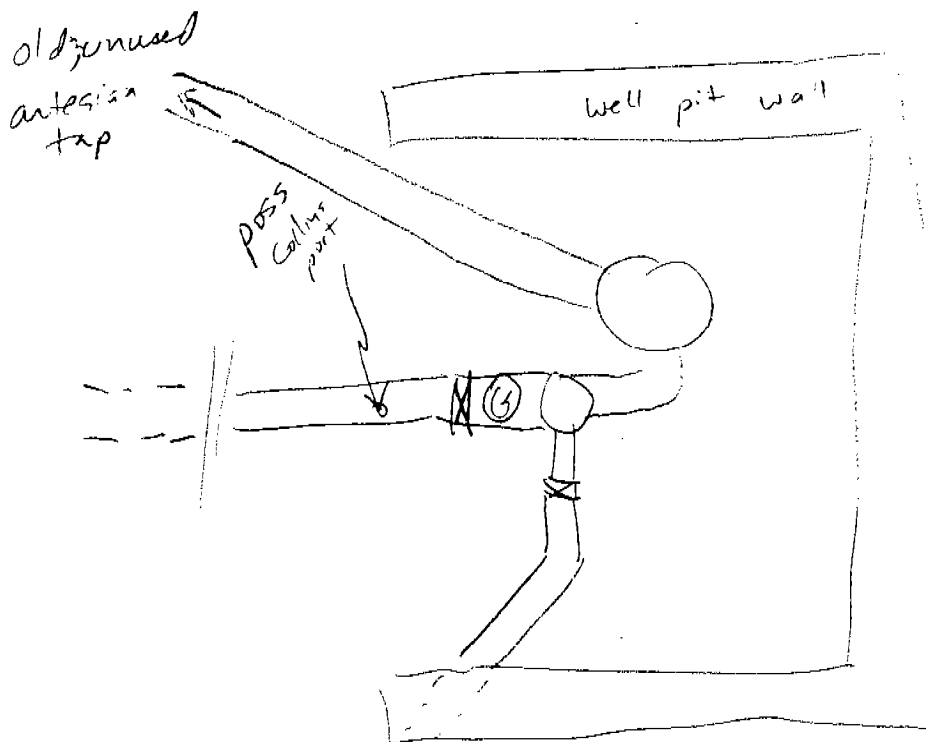
OPERATOR (contact) \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_ CEL PHONE \_\_\_\_\_

From North Water Measurement  
District Exam 300244  
B. Contor 2/2000

PUMPING PLANT SKETCH

|               |   |                                                                                     |
|---------------|---|-------------------------------------------------------------------------------------|
| VALVE         | = |    |
| CHECK VALVE   | = |   |
| AIR VAC       | = |  |
| PRESS. RELIEF | = |  |
| INDIVE/UPDIVE | = |  |
| HOSE BIB      | = |  |
| PRESS. GAGE   | = |  |
| WELL ACCESS   | = |  |



From North Water Measurement  
District Exam 360244  
B. Contor 2/2000

## WELL/PUMP INFORMATION:

DEPTH OF WELL: \_\_\_\_\_ DEPTH OF BOWLS: \_\_\_\_\_

## WATER LEVELS:

PRE-SEASON STATIC: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(swl\_pre) (swlpredate)DURING-SEASON STATIC: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(swl\_mid) (swlmidddate)POST-SEASON STATIC: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(swl\_post) (swlpstdate)DYNAMIC WATER LEVEL: \_\_\_\_\_ DATE MEAS: \_\_\_\_\_  
(pmpng\_wl) (pwl\_date)

DOES STATIC WATER LEVEL DROP OR RISE OVER SEASON? YES NO

DOES ANOTHER WELL SPECIFICALLY INTERFERE WITH THIS WELL? YES NO

## PUMP AND MOTOR INFORMATION:

## WELL MOTOR

MFG: GESERIAL: DH5407162HP: 100

## BOOSTER 1 MOTOR

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

HP: \_\_\_\_\_

## BOOSTER 2 MOTOR

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

HP: \_\_\_\_\_

## WELL PUMP

MFG: CornellSERIAL: 20891 15/8TYPE: \_\_\_\_\_ VERT T CENT SUBMER  
(pump\_type) (v) (c) (s)

## BOOSTER 1 PUMP

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

TYPE: \_\_\_\_\_ VERT T CENT SUBMER

## BOOSTER 2 PUMP

MFG: \_\_\_\_\_

SERIAL: \_\_\_\_\_

TYPE: \_\_\_\_\_ VERT T CENT SUBMER

## UTILITY KWH METER INFORMATION:

UTILITY: UPL  
(utility)POLE #: \_\_\_\_\_  
(pole\_no)MAX KW DEMAND 1.29 x 60KILOWATT HRS 22642 x 60KWH METER SERIAL: 75882 053  
(pwrmttr\_sn)METER MFG: Sangamo  
(pwrmttr\_mfg)Kh DISK CONSTANT 3.6 \*  
(kh)MULTIPLIER 60  
(disk\_mult)

From North Water Measurement  
District Exam 300244  
B. Contor 2/2000

11\_date")

\* direct for 2.4

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE pivot, handline  
(system\_type)

COMMENTS TO DATA-ENTER (exam\_notes):

FILE-ONLY COMMENTS:

From North Water Measurement  
District Exam 300244  
B. Contor 2/2000

\*\*\*\*\*  
I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature

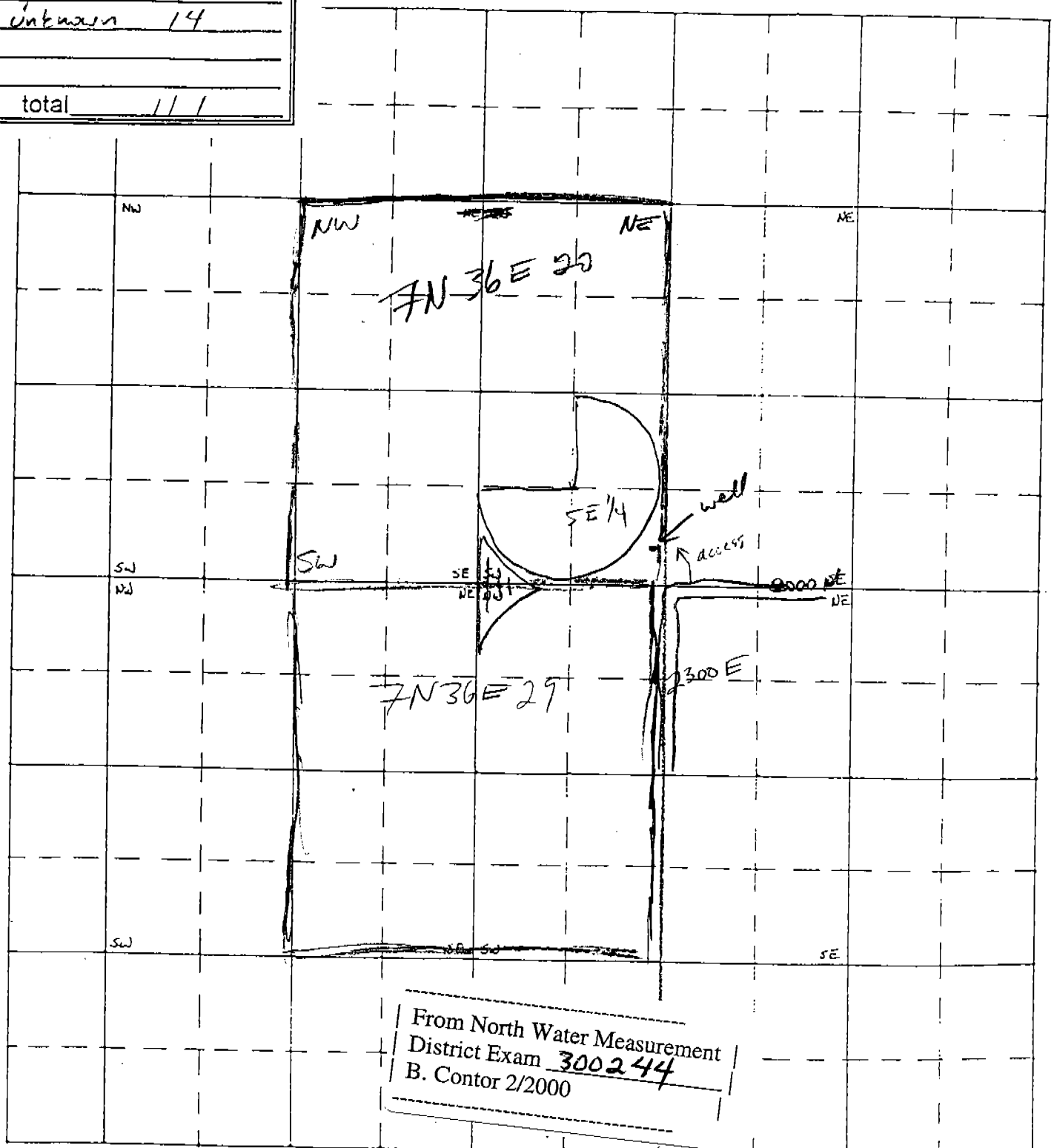
Bryce A. Contor

Date

6/12/92

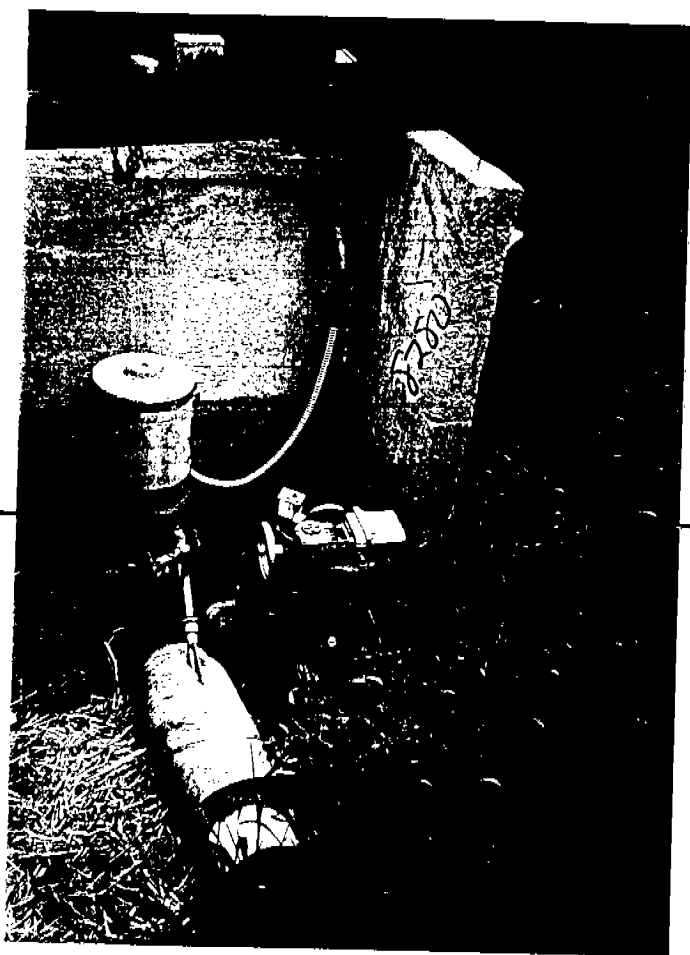
SUPPLEMENTAL DATA FORM      A

|   | crop    | acres |
|---|---------|-------|
| 1 | Spuds   | 97    |
| 2 | unknown | 14    |
| 3 |         |       |
| 4 |         |       |
|   | total   | 111   |



SCALE 1:24,000

PHOTOS



From North Water Measurement  
District Exam 300244  
B. Contor 2/2000

PERMIT  
NUMBER

Lyle Shupe IO # 160  
POD 7N 36E 20 NESESE

1 well 1 pivot

Recommendation PCC

Trading Reg? No

Follow-up 1999

Note: per Mr. Shupe, unused open dish  
well at this POD also. If  
it appears in use, may need  
to adjust billing/ amend claims

Bryce A. Contor

From North Water Measurement  
District Exam 300244  
B. Contor 2/2000

STATE OF IDAHO  
DEPT. OF WATER RESOURCES  
150 SHOUP AVE.  
IDAHO FALLS ID 83403

WATER RIGHT # A31-04017 BENEFICIAL USE VERIFICATION

During the year of 1948 I lived and worked in the Hamer area.  
I can remember the well now owned by Lyle SHARP being used for  
Beneficial use purposes.

*Melvin J. Hansen*  
*Milton Thompson*

STATE OF IDAHO )

COUNTY OF Jefferson )

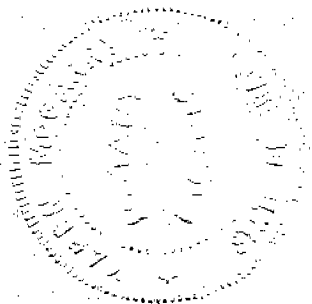
I Karen M. Searcy a notary public, do hereby certify that on this

4 day of 20 1993, did personally appear before me \_\_\_\_\_

Lyle R. Sharp and has signed and declared the forgoing statement to  
to be true.

Karen M. Searcy  
Notary

"My commission expires on 10-4, 1993."



MICROFILMED

APR 14 1994



State of Idaho  
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION  
FEBRUARY 9, 1993

CECIL D. ANDRUS  
GOVERNOR  
R. KEITH HIGGINSON  
DIRECTOR

4017

\*

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY  
Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

\*\*\*\*\*  
The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.  
\*\*\*\*\*

Please submit the required evidence supporting the priority date by MARCH 9, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

  
Eric Verner  
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"  
Proof Report

Other Water Right Numbers Needing Evidence of Priority

MICROFILMED

APR 14 1994

IN THE DISTRICT COURT OF THE UNITED STATES OF IDAHO, IN AND FOR THE DISTRICT OF KAMIAH.

GEORGE H. HANSEN,  
Plaintiff,

-vs-

LEE E. WELLS, ROBERT WELLS,  
W.L. SHUPE and HERB C. WILLIAMS,  
Defendants.

JOHN T. A. DUNN

THIS CAUSE having come on for trial at Kiahby, Idaho, on December 1, 1941, before His Honor, C.J. Taylor, sitting with a jury, L.H. Merrill, Esq., of Idaho Falls, Idaho, appearing as attorney for the plaintiff, George H. Hansen; Emory A. Owen, Esq., of Idaho Falls, Idaho, appearing as attorney for the defendant, Herb C. Williams, and T. Harold Lee, Esq., of Kiahby, Idaho appearing as attorney for and on behalf of the defendants, Lee E. Wells, Robert Wells and William L. Shupe, evidence was introduced on behalf of the plaintiff and also on behalf of the defendants. After the close of the trial and after His Honor, C.J. Taylor had rendered his memorandum decision, counsel for and on behalf of their respective parties, stipulated that the court should allocate and decree the right, title and interest that each of the parties have in and so called large well, and to the equipment and facilities used in the operation of said well. After considering the evidence and the briefs of counsel and the court being fully advised in the premises, finds as follows:

FINDINGS OF FACT

1.

That the plaintiff has made out a prima facie case; that he was one of the original applicants and promoters of the project known as the West Hamer Irrigation Project.

2. The court further finds that the plaintiff contributed to the promotion and drilling of the well in labor, merchandise and money and that he is entitled to have decreed to him a one-sixth interest in the large well and the water therefrom together with a one-sixth interest in all of the equipment and facilities used in the operation of said well, upon the payment of the sum of Eight-eight dollars and eighty five cents (\$88.85) which represents his share of the costs of development over and above the amount of plaintiff's contributions to the costs in labor, labor and merchandise.

3. The court further finds that the action was timely brought by said plaintiff, it being shown by the evidence that the well completed until 1937 and that refusal of the delivery of water

MICROFILMED

APR 14 1994

defendants to plaintiff and his demand was granted.

4. The court further finds that R. W. Wade and Mae M. Wade, of Jefferson County, State of Idaho to the land upon which the well was drilled for the protection of the rights of the plaintiff and his successors cannot be heard to say that having thus acquired the title to the land, and having accepted the assistance of members of the organization and government agencies in the final completion of the water development, that the title to the water goes with the land. All parties are to have an interest in the large well and share in the water therefrom.

5. That Robert Wade has become the successor in interest in the land formerly owned by R.W. Wade and Mae M. Wade.

#### CONCLUSIONS OF LAW.

1. That the claim of the plaintiff to one-sixth interest in the large well, equipment, facilities and the water therefrom has been rightfully claimed.

2. That the action was timely brought and the questions of laches and limitation was not applicable.

3. That all of the title to the large well and the water therefrom does not go with the land upon which it is drilled.

4. That Robert Wade is the successor in interest to the land formerly owned by R.W. Wade and Mae M. Wade.

#### DECREE.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED by the Court as follows:

1. That the plaintiff George H. Hansen be allocated and decreed and this does decree to said plaintiff upon his payment of \$18.85 as hereinafter directed, a one-sixth interest in the large well and the water therefrom, together with a one-sixth interest in and to all equipment and facilities used in the operation of said well; that said well is located in the

SE corner of the SE  $\frac{1}{4}$  of Section 20, Township  
7 North Range 36 E.B.M. in Jefferson County, Idaho.

2. That pursuant to the stipulation on file herein and entered into by counsel for the respective parties to this action, which said stipulation is deemed reasonable and sufficient by the Court, said Court allocates and decrees to each of the defendants, Heber C. Williams, Robert Wade and William L. Shupe, a five-eighteenth interest in the large well and the water therefrom together with a five-eighteenth interest in

MICROFILMED

APR 14 1994

the equipment and facilities used in the operation of said well, located on property described in paragraph 1 of the petition.

3. It is further adjudged and decreed pursuant to the Stipulation of counsel for all parties on file hereto, that the plaintiff, George H. Hansen, pay to the defendants, Mac M. Wade, Robert Wade and V.L. Durre the sum of \$50.00, the sum to be divided among said named defendants according to their own agreement; that said George H. Hansen pay the plaintiff's costs and disbursements in connection with the trial of this case in the sum of \$46.40; that those two items by him paid will represent the \$88.85 as having been fully paid, which this court has designated must be paid by said plaintiff.

4. It is further ordered and decreed pursuant to said Stipulation that any electric power assessment for the year 1941 charged for the operation of said well is to be paid by each of the litigants hereto proportionately to the amount of service rendered to him, and that subsequent assessments and operation expenses shall be paid by each of the parties in this action proportionate to the interest he has allocated and decreed to him in the large well and equipment and facilities.

5. It is further ordered and decreed that each of the parties hereto shall hence forth respect the rights of each other and are not to infringe upon, molest, or to otherwise disturb the rights of each other in the use of the water and in the operation of the well during the time when each is entitled to use said water according to his decreed right.

DATED THIS 30th. day of January, A.D., 1942.

C.J. TAYLOR  
District Judge.

Filed February 2, 1942  
11:40 A.M.  
Wm. Sauer, Clerk.

Recorded in Volume 6 of  
Decrees at Page 113h  
November 6, 1959

MICROFILMED

APR 14 1994

STATE OF IDAHO )  
 ) (ss.  
COUNTY OF JEFFERSON )

I, Eileen Madsen, Clerk of the District Court, Ex-Officio Auditor and Recorder, in and for the County of Jefferson, State of Idaho, do hereby certify the foregoing to be a full, true and correct copy of the JUDGMENT AND DECREE

George H. Hansen, Pltf. vs. Mae M. Wade, et al; Def.

Now of record in my office in Book 122 of Judgments  
at Page 425 .

Witness my hand and seal this 3 day of November , 19 59

Eileen Madsen  
Clerk of the District Court,  
Ex-Officio Auditor & Recorder.  
By: \_\_\_\_\_ Deputy.