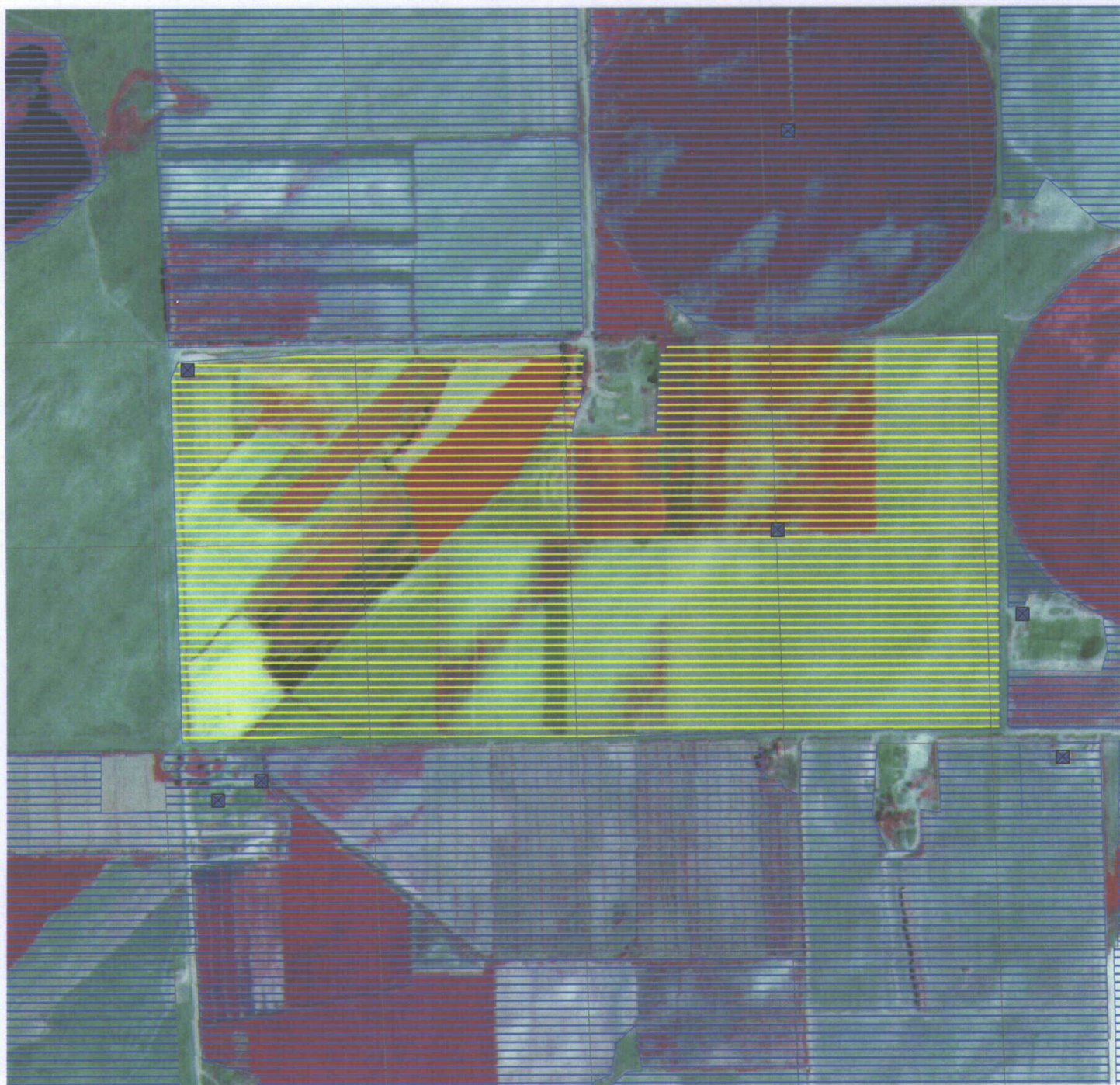


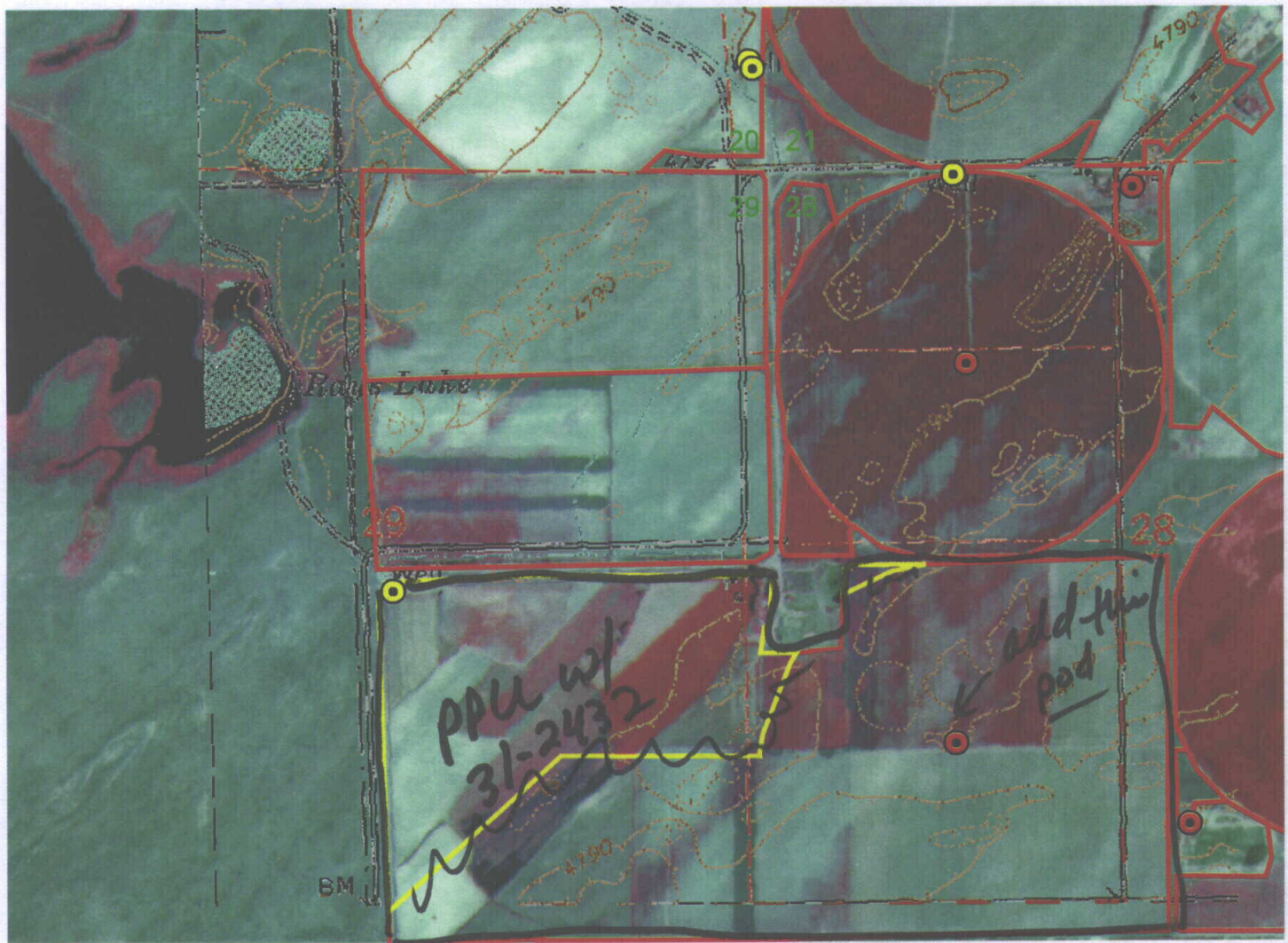
Revised Place of Use, 31-4018 and 31-2432



Idaho Department of Water Resources

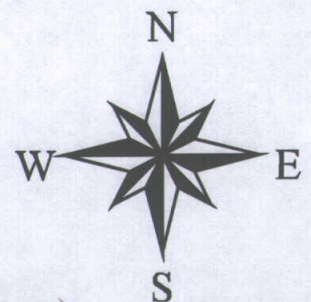
Water Right 31-4018

Township 7N Range 36E Section 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

**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 31-4018
Date Received: 10/28/88
Receipt No: E003605
Received By:

AMENDED

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

AMENDED

1. Name of Claimant(s)

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

2. Date of Priority: 05/01/1946

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	29	NW NW SE	JEFFERSON	

5. Description of diverting works:

WELL 300' DEEP, PUMP AND OPEN DISCHARGE FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.4	
STOCKWATER	01/01	12/31	0.12	

7. Total Quantity Appropriated is:
3.4 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	28	NW SW	IRRIGATION	40
			SW SW	IRRIGATION	40

			SE	SW	IRRIGATION	40
					Section Acres	120
07N	36E	29	NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	160
					Total Acres	280

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:

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: _____

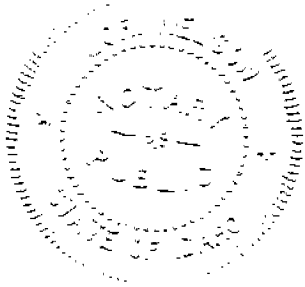
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of March 2001 [Signature]

Notary Public

Residing at Idaho Falls

My commission Expires 10-24-2001



03/20/2001

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

RIGHT NUMBER: 31-4018

NAME AND ADDRESS: LYLE R SHUPE
2296 E 1950 N
HAMER, ID 83425

SOURCE: GROUND WATER

QUANTITY: 4.98 CFS
587.7 AFY

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

USE OF THIS RIGHT WITH RIGHT NO. 31-2432 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 7.57 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1041 AF.

PRIORITY DATE: 05/01/1946

POINT OF DIVERSION:	T07N R36e S20	NESESE	Within JEFFERSON County
	T07N R36e S20	NESESE	Within JEFFERSON County
	T07N R36e S28	NWENW	Within JEFFERSON County
	T07N R36E S28	SWNESW	Within JEFFERSON County
	T07N R36E S29	NWNWSE	Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	4.98 CFS 581.00 AFY
STOCKWATER	01-01 12-31	0.12 CFS 6.70 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R36E S28	NESW	39	T07N R36E S28	NWSW	32
T07N R36E S28	SWSW	38	T07N R36E S28	SESW	38
T07N R36E S28	NWSE	3.4	T07N R36E S28	SWSE	2.1
T07N R36E S29	NESE	37	T07N R36E S29	NWSE	33
T07N R36E S29	SWSE	35	T07N R36E S29	SESE	38

STOCKWATER Use same as IRRIGATION

295.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 31-2432 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 295.5 ACRES IN A SINGLE
IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 166 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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.

Comments:

Author	Date	Subject	Comment
bcontor	11/3/00	Ben use	See file and AJ Special File Knight/Shupe/Jones/Ball.
bcontor	11/3/00	PD	Multiple PDs recommended per field inspection and physical layout of distribution system.
bcontor	11/3/00	Acres per qq	These may be in slight error due to GCDB discrepancy. As same claimant owns adjoining WR this is not a serious issue.
bcontor	11/3/00	Rate and Volume	Current capacity adequate for 0.02 cfs and 3.5 afa per acre, recommended per std.
bcontor	11/3/00	Extent of WR	Affidavit in file documents but does not quantify beneficial use. However licensing exam 31-2432 acknowledges existence of earlier irrigation. This right recommended for lands not covered by license.
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."
bcontor	3/20/01	Stockwater	Amended claim for stockwater came in w/o notarized signature. I mailed it back but went ahead with recommendation as claimant told me in the office he did wish to file the amended claim. If claim does not come back I can change recommendation.

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 6:02:27 PM	bcontor			In Process
POU	11/3/00 6:03:45 PM	bcontor			In Process
Priority Date	11/3/00 5:54:36 PM	bcontor			In Process
Quantity	11/3/00 6:13:33 PM	bcontor			In Process
Season	11/3/00 6:12:58 PM	bcontor			In Process
Source	11/3/00 6:03:07 PM	bcontor			In Process
Summary	3/20/01 3:21:16 PM		3/20/01 3:21:16 PM	bcontor	Complete
	11/3/00 6:14:41 PM		11/3/00 6:14:41 PM	bcontor	Complete
Use	11/3/00 6:14:45 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	3/20/01 3:12:08 PM	bcontor	Edited PLS
POD	3/20/01 3:11:39 PM	bcontor	Edited point location
POD	11/3/00 6:02:26 PM	bcontor	1. (YES) The basis is beneficial use.
			4. (YES) There is evidence that there has been a change in the Point of Diversion.

POD	11/3/00 6:01:38 PM	bcontor
POD	11/3/00 6:00:01 PM	bcontor
POD	11/3/00 5:59:11 PM	bcontor
POU	3/20/01 3:13:23 PM	bcontor
POU	3/20/01 3:12:51 PM	bcontor
POU	11/3/00 6:03:43 PM	bcontor

5. (YES) The change can be verified as an accomplished transfer.
 Comment for 5: Field inspection, see AJ Special File
 6. (YES) The file contains all the necessary information to verify the POD.
 8. (NO) Point of Diversion remark was not required.
 9. (NO) Point of Diversion condition was not required.
 Edited point location
 Edited point location
 Edited point location
 Edited PLS
 Edited shape boundary
 1. (YES) The POU is required.
 2. (YES) The basis of claim is beneficial use.
 5. (YES) There is evidence that there has been a change in the POU.
 6. (YES) The change can be verified as an accomplished transfer.
 Comment for 6: GIS

Priority Date	11/3/00 5:54:35 PM	bcontor
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9. (YES) The file contains all the necessary information to verify the POU.
 12. (NO) POU remark was not required.
 13. (NO) POU condition was not required.
 1. (NO) There has not been a later court decree of the water right(s) from the water source.
 4. (YES) The basis of claim is beneficial use.
 4b. (NO) The priority date was not claimed after the date a permit was required for the source and water use.
 10. (YES) The claim file contains sufficient evidence of priority date.
 12. (YES) The claim is recommended.
 14. (NO) Priority remark was not required.
 15. (NO) Priority condition was not required.

Quantity	11/3/00 6:13:32 PM	bcontor
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1. (YES) The basis of claim is beneficial use.
 5. (YES) A flow measurement was required.
 Comment for 5: Water Measurement District. See AJ Special File
 6. (YES) The source is ground water and the purpose of use requires a diversion volume limit.

Season	11/3/00 6:12:56 PM	bcontor
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8. (YES) Irrigation is a purpose of use.
 9. (NO) Quantity remark was not required.
 10. (NO) Quantity condition was not required.
 1. (YES) The basis of claim is beneficial use.
 4. (NO) There is not evidence that there has been a change to the period of use.
 9. (YES) The file contains all the necessary information to verify the period of use.
 11. (YES) The basis of is a decree, license, or a transferred beneficial use right that has had the period of use administratively determined.
 12. (YES) Irrigation is the purposed use.
 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard.
 15. (NO) Period of Use remark was not required.
 16. (NO) Period of Use condition was not required.

Source	11/3/00 6:03:05 PM	bcontor
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1. (YES) The basis is beneficial use.
 4. (NO) There is not evidence that there has been a change in the Source.
 7. (YES) The file contains all of the necessary information to verify the source.
 Comment for 7: Field inspection, Water Meas. District.
 8. (NO) The source is not surface water.
 10. (NO) Source remark was not required.
 11. (NO) Source condition was not required.

Summary	3/20/01 3:21:13 PM	bcontor
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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.

Summary	11/3/00 6:14:40 PM	bcontor
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1. (YES) The basis of the claim is beneficial use.
 2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed.
 4. (YES) A portion of the claim is being recommended.
 5. (NO) General remark was not required.
 6. (NO) Explanatory remark was not required.
 7. (YES) Additional condition was required.
 8. (YES) Wanted to view the recommended right.

Use

11/3/00 6:14:44 PM

bcontor

- 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.
- 1. (YES) The basis of claim is beneficial use.

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: A31-04018
Date Received: 10/28/1988
Receipt No: E003605
Received By: EMC

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, 1946

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	29	NW	NW	SE		JEFFERSON

5. Description of diverting works:
WELL 300' DEEP, PUMP AND OPEN DISCHARGE FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.400		

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

8. Total consumptive use is 700.0 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	28	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 120.0

A31-04018

Page 1

Date: 10/28/88

MICROFILMED
NOV 17 1992

A3104018

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	29	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 160.0

Total Acres 280.0

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. 31-4017, 31-2432

14. Remarks:

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:

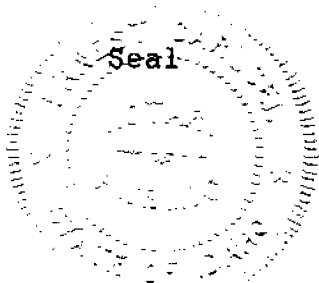
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Lyle K. 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

Willow Pond

Rat Farm Pond

WILDLIFE REFUGE

Muskrat Pond

Hamer Lake

Pumphouse

Hamer Well

Wells

A31-04017

Rare Lake

Well

Well

Well

A31-04018

BM

BM 4816

Well

Well

7N



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

March 21, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

LYLE R SHUPE
2296 E 1950 N
HAMER ID 83425

RE: NOTICE OF ERROR

Dear Mr. Shupe:

Water Agent Bryce Contor has finished reviewing your Notice of Error for water right numbers 31-02432 and 31-04018, and has adjusted the claims accordingly.

Enclosed for your records are copies of the recommendations and an aerial photo of the property.

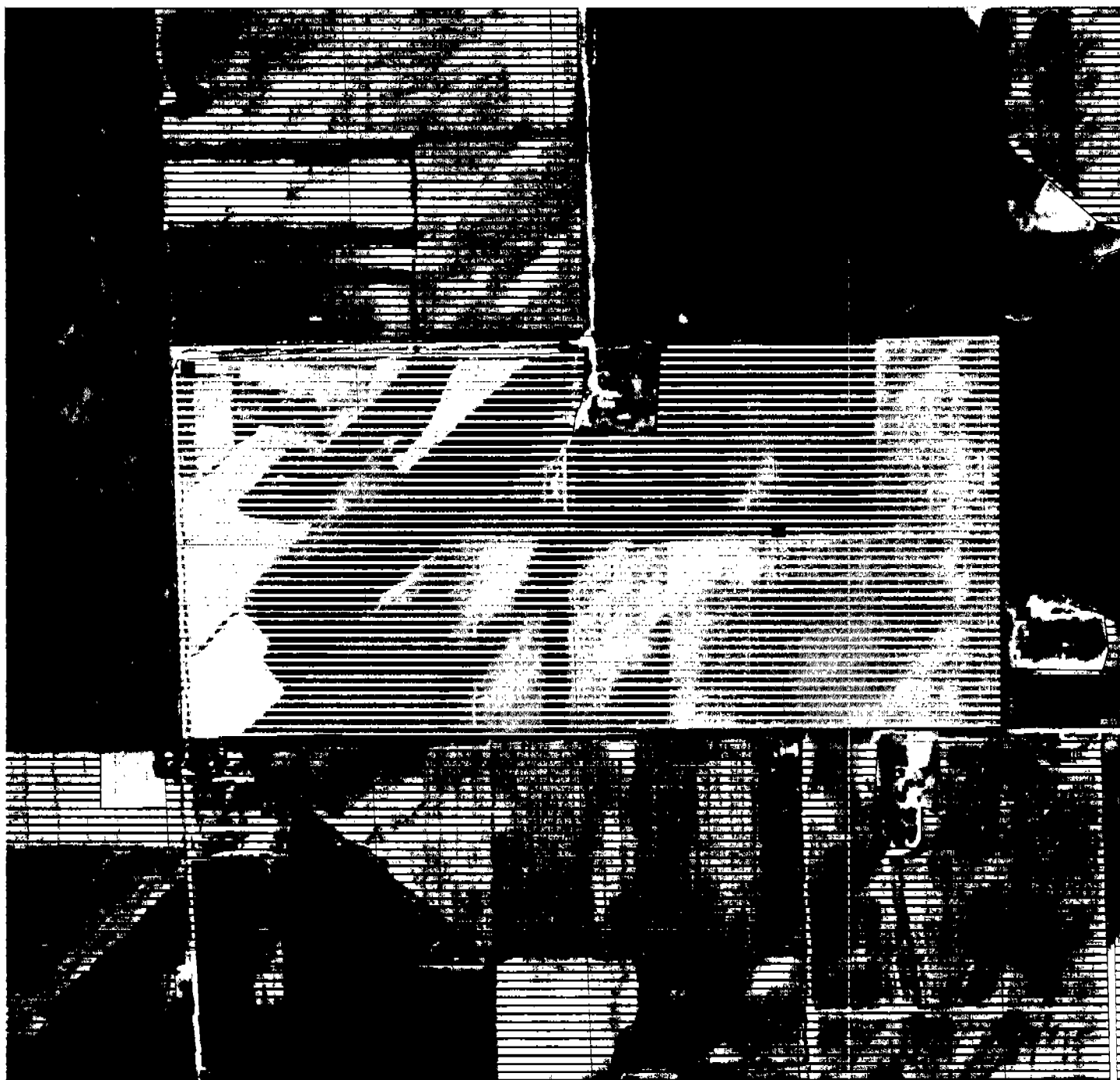
If you have any questions feel free to contact Bryce Contor at this office.

Respectfully submitted,

A handwritten signature in cursive script that reads 'Cheri Vandermeulen'.

Cheri Vandermeulen
Records Clerk

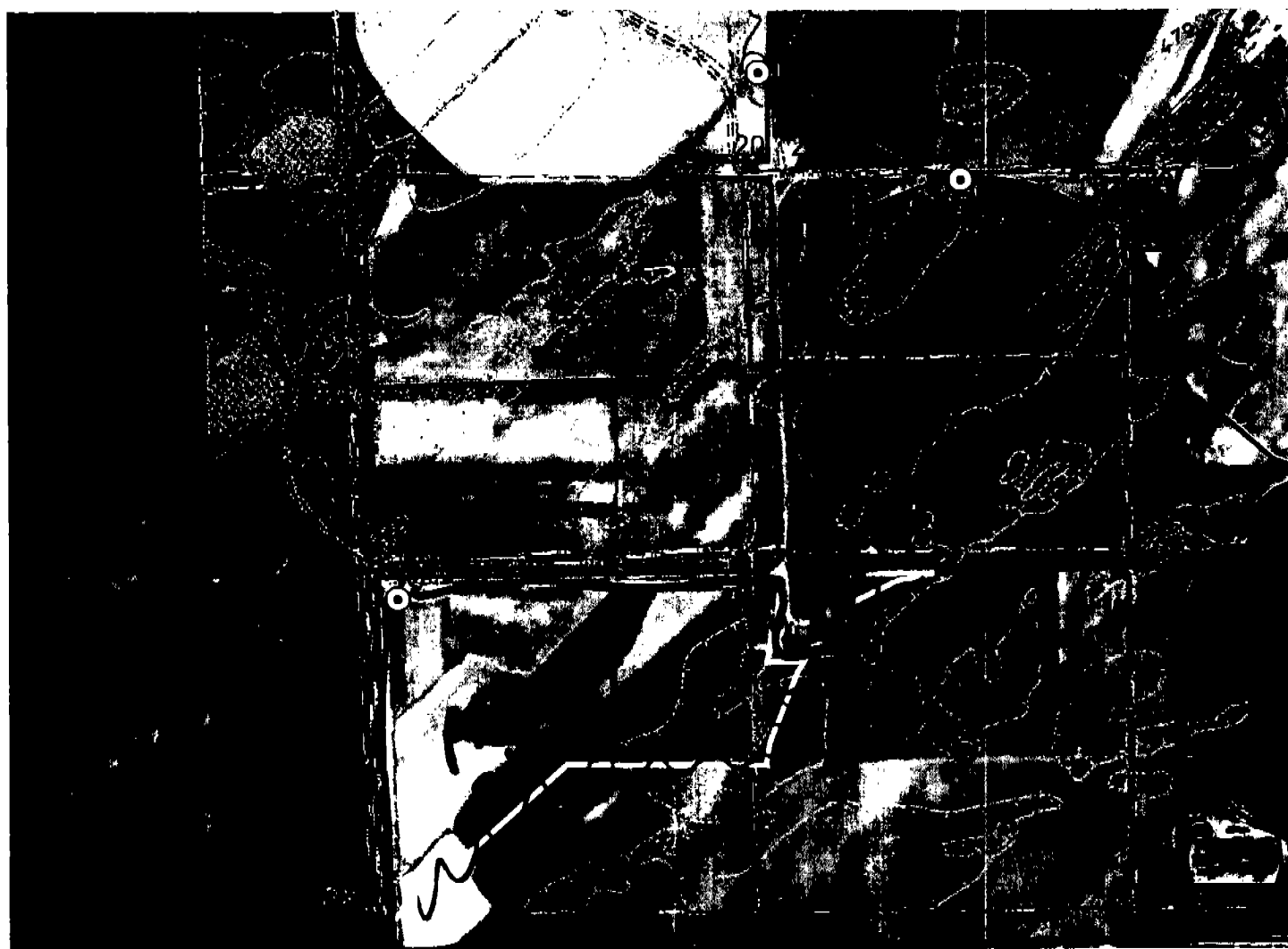
Revised Place of Use, 31-4018 and 31-2432



Idaho Department of Water Resources

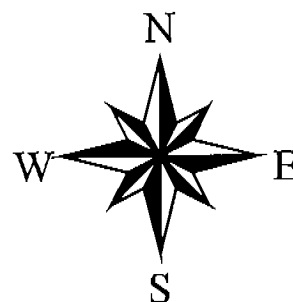
Water Right 31-4018

Township 7N Range 36E Section 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

MEMORANDUM

To: A31-4018

Fr: Bryce Conton

Date: 3/20/01

Re: NOE Adjustment

Per affidavit of Blaine Downs & attached GIS analysis, it appears original place of use was approximately 166 acres.

Per Hubble analyses on Walma's Cory Peterson properties to the east, Marty Properties to the west, and Lee Peterson to the south, it appears 0.03 cfs/acre is reasonable for original place of use.

$$166 \text{ acres} \times 0.03 = 4.98 \text{ cfs}$$

$$166 \text{ acres} \times 3.5 = 581 \text{ acre-ft}$$

With 11 acres of accomplished transfer to NWNW and overlap of license 31-2432, total PPU is 295.5 acres. Combined use limitations are:

$$(295.5 - 166)(0.02) = 2.59 \text{ cfs}$$

$$2.59 \text{ cfs} + 4.98 \text{ cfs} = 7.57 \text{ cfs}$$

Memo p 2

$$215.5 \times 3.5 = 1034.3 \text{ acre ft. irr} + 6.7 \text{ stock} \\ = 1041$$

Stockwater will be added per amended claim.
As historical use is not supported by
documentation, recommendation will include
General Condition NOS. Because no additional
fees were received, stockwater will also include
Quantity Condition NOS.

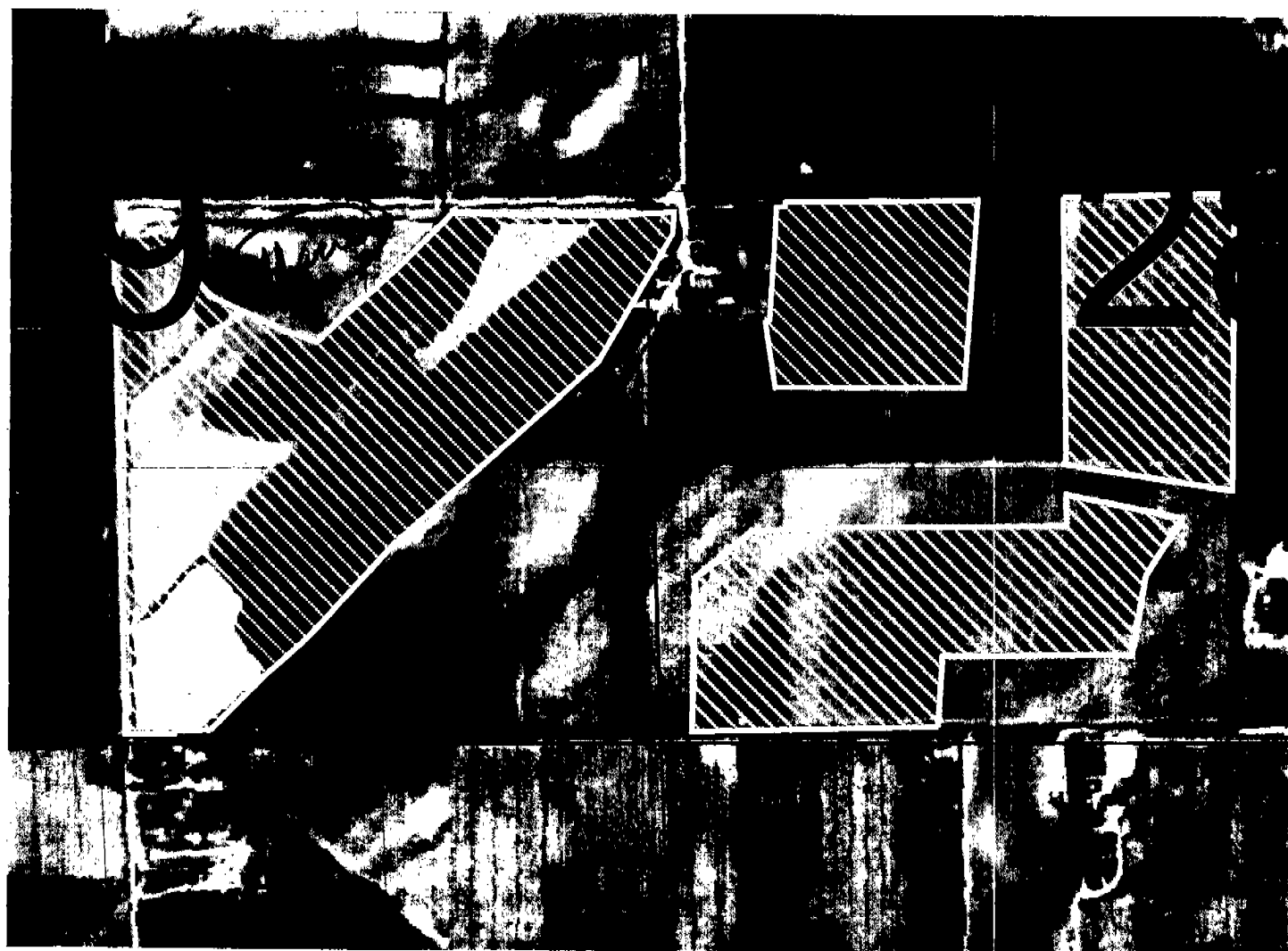
Idaho Department of Water Resources

Approximate Original Place of Use

31-4018

166 acres

Township 7N Range 36E Section 28, 29

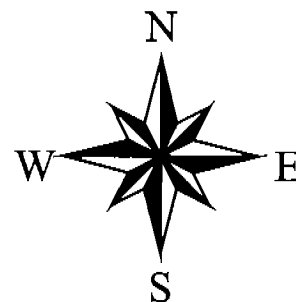


0 1320 Feet



- ⊙ 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 2/2001

This is to certify that I Blaine Downs worked for Soil Conservation Service from 1959 to 1963.

I was involved with the irrigation system of Shupe property located in section section 28 and 29.

To best of my knowledge lands shown as outlined on SCS plan map were flood irrigated as shown by red outline on 1951 flight. Land was supplied with water from a well at the NW corner of tract which supplied 200 - 250 M.I. & wells north of this tract called the Shupe or Wade well.

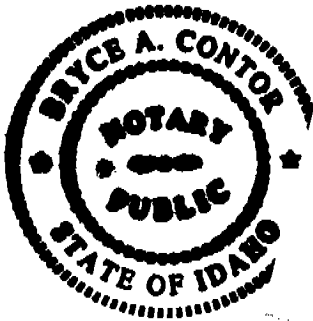
Before working for SCS I rented ground adjacent to this tract. This rental irrigated from the Wade well on a rotation basis & flow was estimated depending on water table at 300 - 400 M. inches.

Blaine Downs
Blaine Downs

March 7, 2001

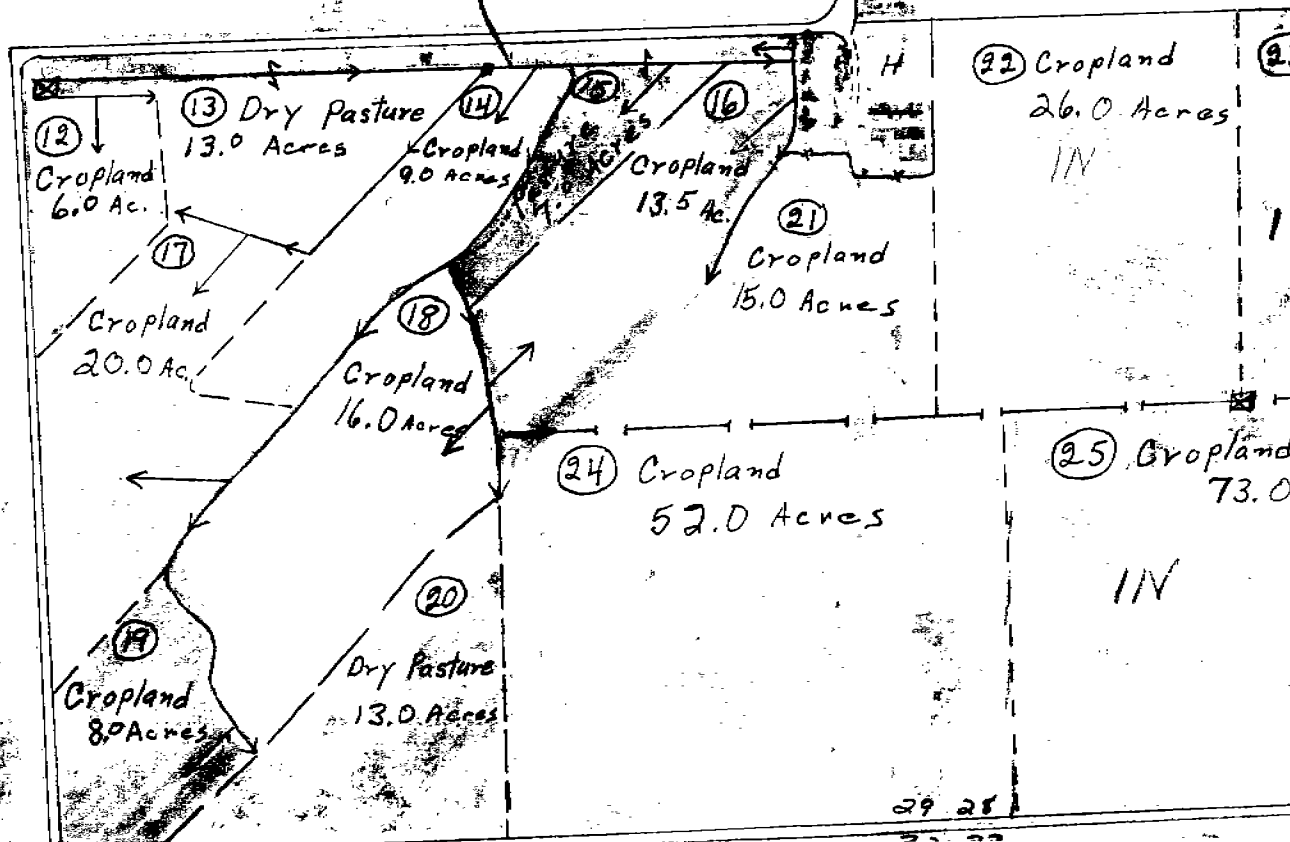
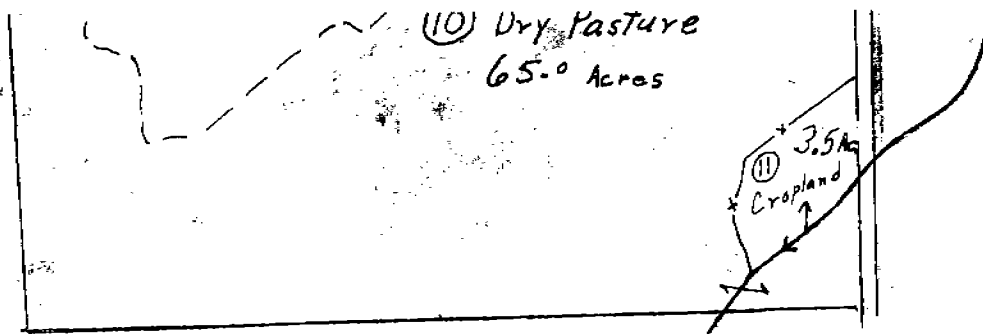
Signed and affirmed before me on March

Idaho.



I told Shupe
up to historical
area @ 1 1/2" / acre
up to capacity of
pump, w/in
295 acre ppk.

T
7
N



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

B. Conton 11/6/00

Analysis of Recommendation for
A31-4017 and A31-4018

B. Conton 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/Ball, 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 0.02/acre.

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.

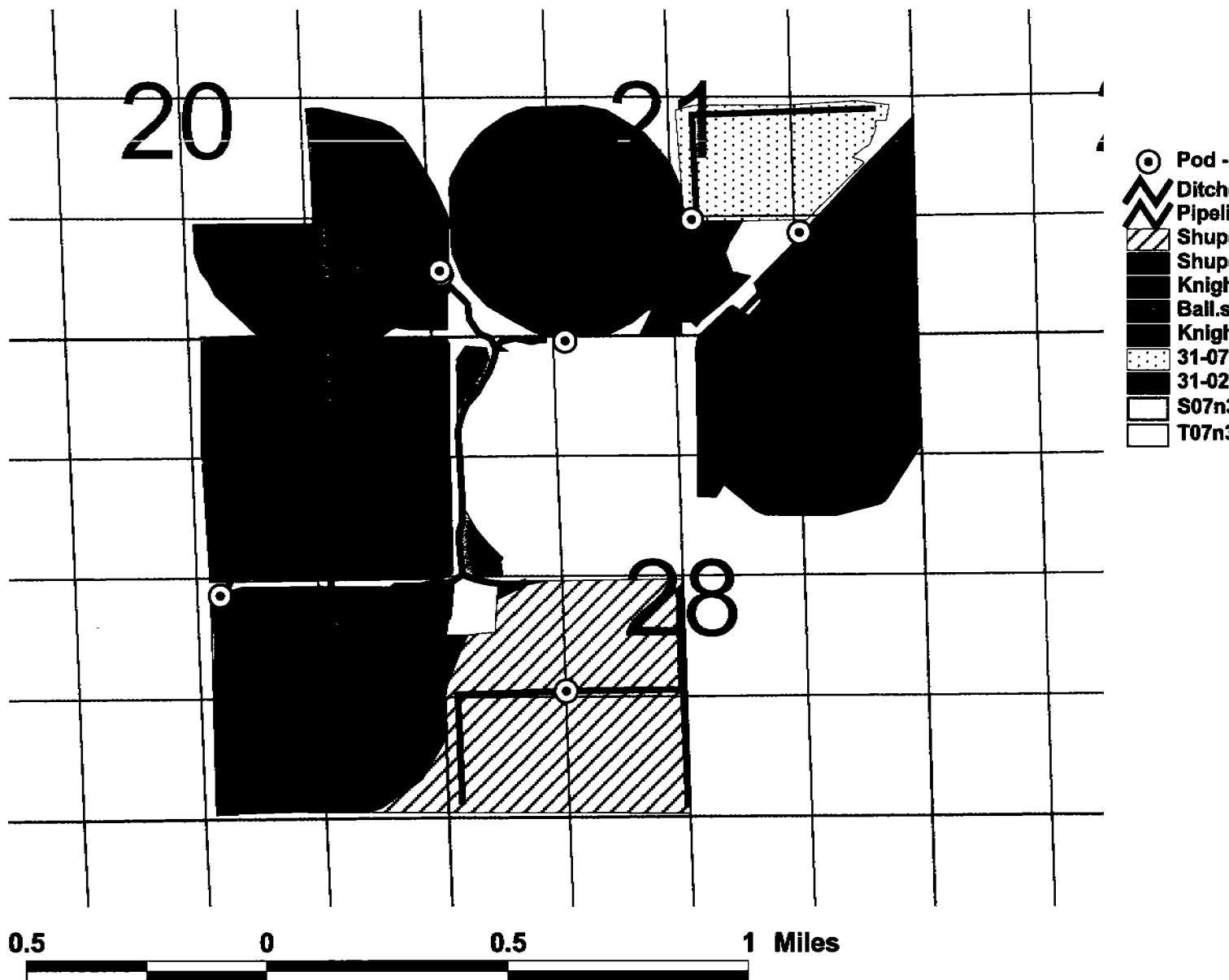
The "Ball" POU is currently claimed by Jones, but likely will be recommended to Ball following Notice of Change of Ownership. Ball will be invited to submit a beneficial use claim for additional diversion rate (due to notes in license file 31-02291, see below). It can physically be served by either the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



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
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, claims a right to the diversion and beneficial use of
(mailing address)
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 <u>3.4</u>	Use <u>irrigation</u>	Period of Use: From <u>Apr. 1</u> To <u>Nov. 1</u>
Amount _____	Use _____	Period of Use: From _____ To _____
Amount _____	Use _____	Period of Use: From _____ To _____
(cfs, gpm or a/f)	(dom., irri., stock, etc.)	(both dates inclusive)

(3) Total quantity of water claimed: 3.40 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, 1946

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)

NW ¼ SE ¼, Sec. 29 Twp. 7N Rge. 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

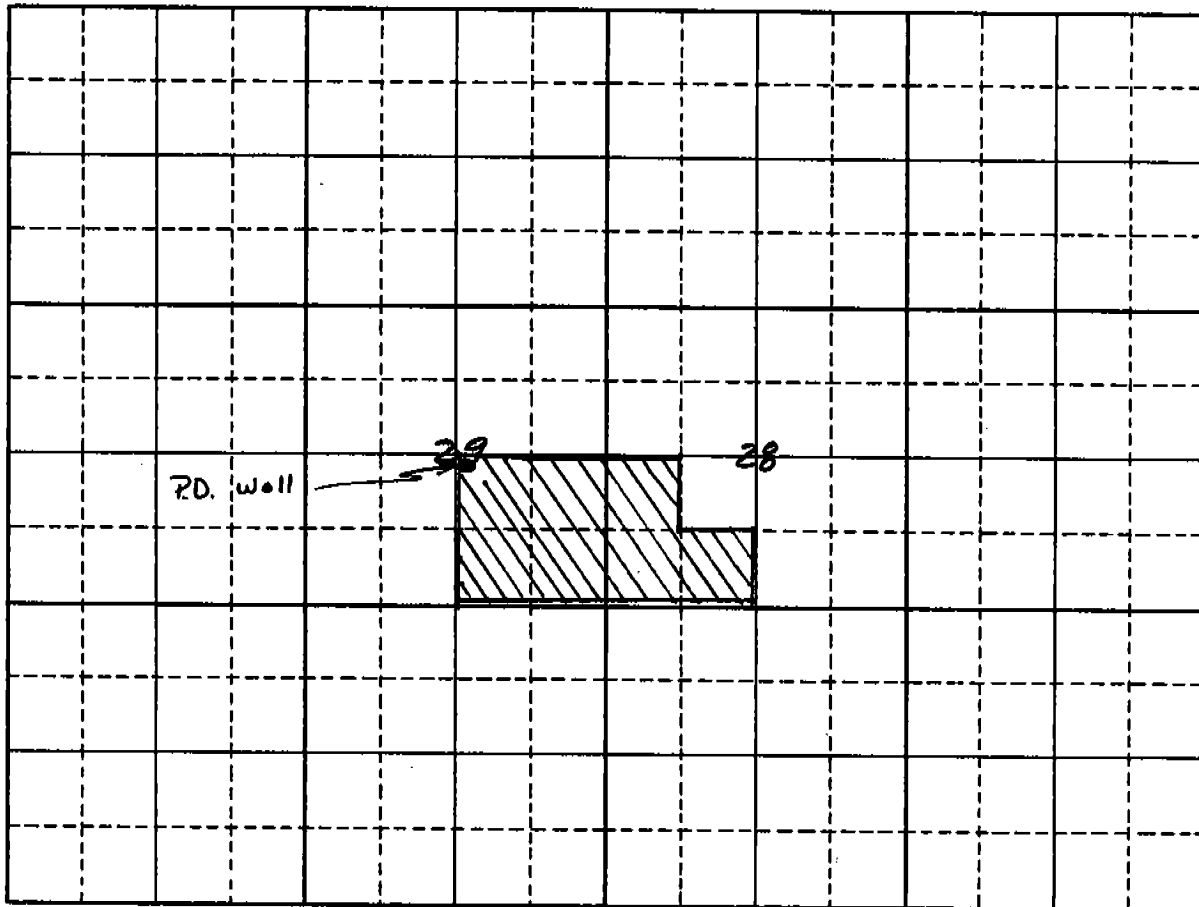
(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	36E	28									40	40	40						120
		29													40	40	40	40	160

Total No. of acres 280

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: _____



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.

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.

Lyle R. Skye
(Claimant)

Notary Public

For Department Use Only

Received by <u>CW</u>	Date <u>6-16-76</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Seay</u>	Date <u>6/16/76</u>		claimant by:	
\$10.00 fee received by <u>CW</u>	Date <u>6-16-76</u>			
Approved for publication by <u>me</u>	Date <u>7-20-76 #2654</u>			
Published in <u>Highly Stated</u>				
Dates <u>June 1974 July 1, 1976</u>				

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

Fr: B. Conder

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 g/s. Q measured in
stream $\approx$ 4.60 g/s.

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. Corter 5/5/90

PCC EXAM

NORTH/EAST DISTRICT

EXAM DATE: 5/4/00

EXAMINER'S SIGNATURE

NAME: WILE SCUPE

SITE TAG# A000 82 33

RECORD #

EXAM COMPLETE: Y ☒ NSTANDARD CONFIDENCE: E G ☒ P

KILO-WATT HOUR METER

LEGAL:

UTILITY: UPL
POLE NO.: 295404
METER MFG: FBB
METER S/N:
DISK CONST (KH): 1.8
MULTIPLIER: 40

KW-A: GPM: PCC: PSI: %

DESCRIPTION COND #1

KW-B: GPM: PCC: PSI: %

DESCRIPTION COND #2

- 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

KW-C: GPM: PCC: PSI: %

DESCRIPTION COND #3

- N NO PCC
Q OTHER, SEE EXAM NOTES
CHANGES TO SYSTEM Y/N
NOTES:

Pygmy meas. in ditch significantly lower.
Other conditions not tested.

KILOWATTS OF ENERGY CONSUMED COND #1

N= 7 (No. of Disc Rev) Time (sec): (43.3)+(43.2)+(43.1)/3=Avg
3.6 x 1.8 (Kh) x 40 (Mult) x 7 (N)/43.2 (T)= 42 KW
PCC COND#1= 42 (KW) X 5431 + 4590 GPM= 49.7 (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)

00-05-04 12:45

SITE SETUP	
PIPE PARAMETER	
SITE NAME	
OUTER DIAMETER	12.0100in
PIPE MATERIAL	CARBON STEEL
WALL THICKNESS	0.1200in
LINING MATERIAL	NO LINING
LINING THICKNESS	0.0000in
KIND OF FLUID	WATER
SENSOR MOUNTING	7
SENSOR TYPE	FLD12
TRANS. VOLTAGE	1TIME

00-05-04 13:05:25
+1.342E+1 ft/s
+4.553E+3 gal/m
+TOTAL 0028372 gal
ABNORMAL

00-05-04 13:09:00
+1.360E+1 ft/s
+4.614E+3 gal/m
+TOTAL 0003213 gal
ABNORMAL

well
Ditch

00-05-04 13:16:00
+1.350E+1 ft/s
+4.580E+3 gal/m
+TOTAL 0004132 gal
ABNORMAL

00-05-04 13:17:00
+1.355E+1 ft/s
+4.598E+3 gal/m
+TOTAL 0008652 gal
ABNORMAL

00-05-04 13:18:00
+1.341E+1 ft/s
+4.549E+3 gal/m
+TOTAL 0013246 gal
ABNORMAL

00-05-04 13:19:00
+1.362E+1 ft/s
+4.621E+3 gal/m
+TOTAL 0017943 gal
ABNORMAL

00-05-04 13:20:00
+1.357E+1 ft/s
+4.602E+3 gal/m
+TOTAL 0022443 gal
ABNORMAL

00-05-04 13:21:00
+1.365E+1 ft/s
+4.632E+3 gal/m
+TOTAL 0027038 gal
ABNORMAL

00-05-04 13:22:00
+1.365E+1 ft/s
+4.631E+3 gal/m
+TOTAL 0031638 gal
ABNORMAL

00-05-04 13:23:00
+1.356E+1 ft/s
+4.600E+3 gal/m
+TOTAL 0036236 gal
ABNORMAL

00-05-04 13:24:00
+1.356E+1 ft/s
+4.598E+3 gal/m
+TOTAL 0040830 gal
ABNORMAL

00-05-04 13:25:00
+1.363E+1 ft/s
+4.622E+3 gal/m
+TOTAL 0045431 gal
ABNORMAL

00-05-04 13:26:00
+1.354E+1 ft/s
+4.593E+3 gal/m
+TOTAL 0050031 gal
ABNORMAL

00-05-04 13:31:00
+1.357E+1 ft/s
+4.604E+3 gal/m
+TOTAL 0003839 gal
ABNORMAL

Cycle Stop and
OO to North
side way

State of Idaho
Department of Water Resources
Water District _____

Meas. No.

Comp. by.

Sta. No. DISCHARGE MEASUREMENT NOTES Checked by

Date 5/4 19 2000 Party HOLLIDAY/HEATON

Width Area Vel. G. H. Disch. 4.60

Method No. secs. G. H. change. in hrs. Susp.

Method coef. Hor. angle coef. Susp. coef. Meter No. 90187

Type of meter P-611 Date rated Tag checked

Meter ft. above bottom of wt. Spin before meas. after

Meas. plots. % diff. from. rating. Levels obtained.

GAGE READINGS					WATER QUALITY MEASUREMENTS	
Time	Inside	HM	Chart	Outside	No	Yes
						Time
						Samples Collected
					No	Yes
						Time
						Method Used
					EDI	EWI
						Other
						SEDIMENT SAMPLES
					No	Yes
						Time
						Method Used
					EDI	EWI
						Other
						BIOLOGICAL SAMPLES
Weighted M.G.H.					Yes	Time
G. H. correction					No	Type
Correct M.G.H.						

Check bar chain found changed to at

Wading, cable, ice, boat, upstr., downstr., side bridge. feet, mile, above, below gage.

Measurement rated excellent (2%), good (5%), fair (8%), poor (over 8%); based on the following cond:

Flow.

Cross section.

Control.

Gage operating. Weather.

Intake/Orifice cleaned. Air. °C@ Water. °C@

Record removed. Extreme Indicator: Max. Min.

Manometer N₂ Pressure Tank. Feed. Bbl rate. per min.

CSG checked. Stick reading.

Observer.

HWM. outside, in well

Remarks.

GPS LAT\LONG.

G.H. of zero flow. ft. Sheet No. of sheets

River at---

[illegible]



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,

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

Bryce A. Contor
Senior Water Resource Agent

WATER MEASUREMENT DISTRICT
FIELD REPORT

DISTRICT North RECORD NUMBER 300271

SITE DATA:

EXAMINER (inv_name) B Contor

EXAM DATE 6/12/98 DIVERSION NAME West of house
(site_visit) (div_name)

GPS FILE CO61220C SITE TAG NUMBER A0008283
(gps_filnam) (site_tagno)

GPS OFFSET (offset) 5' above well

TAG LOCATION (tag_locat) on pole NW of well

POD LEGAL (pod) T 7 (N) S, R 36 E, Sec 29, NW NW 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)

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) _____

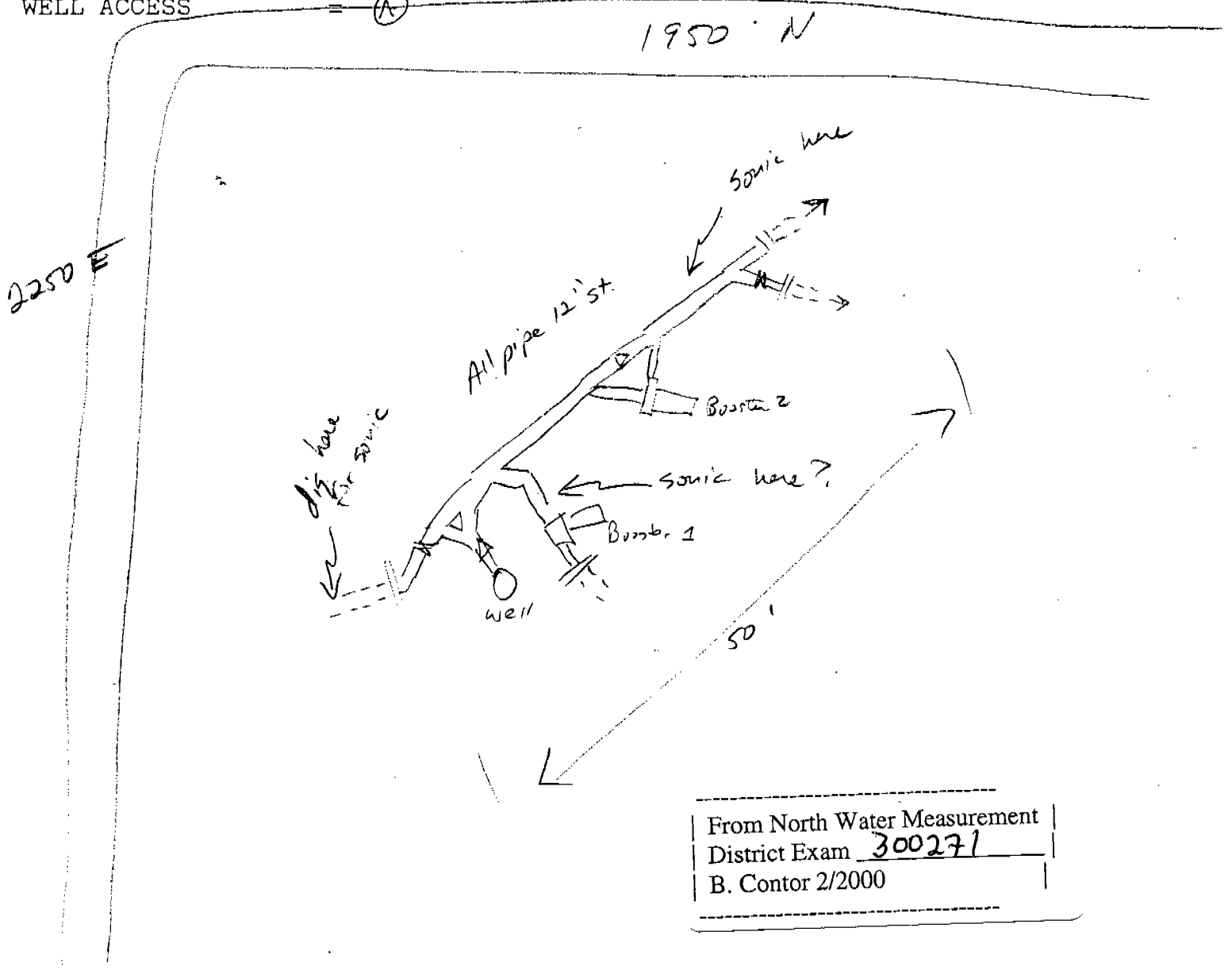
ADDRESS _____ PHONE _____

From North Water Measurement
District Exam 300271
B. Contor 2/2000

PUMPING PLANT SKETCH

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

↑ N



From North Water Measurement
 District Exam 300271
 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: 0VJ210105HP: 50

BOOSTER 1 MOTOR

MFG: LincolnSERIAL: 1586248HP: 60

BOOSTER 2 MOTOR

MFG: USSERIAL: 1405654HP: 60

WELL PUMP

MFG: Berkeley

SERIAL: _____

TYPE: _____ VERT T CENT SUBMER
(pump_type) (v) (c) (s)

BOOSTER 1 PUMP

MFG: Paco

SERIAL: _____

TYPE: _____ VERT T CENT SUBMER

BOOSTER 2 PUMP

MFG: BerkeleySERIAL: N81675W

TYPE: _____ VERT T CENT SUBMER

UTILITY KWH METER INFORMATION:

UTILITY: UPL
(utility)POLE #: 295404
(pole_no)MAX KW DEMAND 3.48 x 40KILOWATT HRS 4754 x 40
(kwh_1)

(use date of exam for "kwh1_date")

UTILITY ACCOUNT NUMBER _____
(acct_no)KWH METER SERIAL: 1626520
(pwrmttr_sn)METER MFG: ABB
(pwrmttr_mfg)Kh DISK CONSTANT 1.8
(kh)MULTIPLIER 40
(c)

From North Water Measurement
District Exam <u>300271</u>
B. Contor 2/2000

SYSTEM DESCRIPTION/NARRATIVE COMMENTS:

SYSTEM TYPE
(system_type)Pivots plus open disch.

COMMENTS TO DATA-ENTER (exam_notes):

PSI method may be
more appropriate than REC - wait till 1999 to test

FILE-ONLY COMMENTS:

Check w/ operator for POU &
crop data

From North Water Measurement District Exam <u>300271</u> B. Contor 2/2000

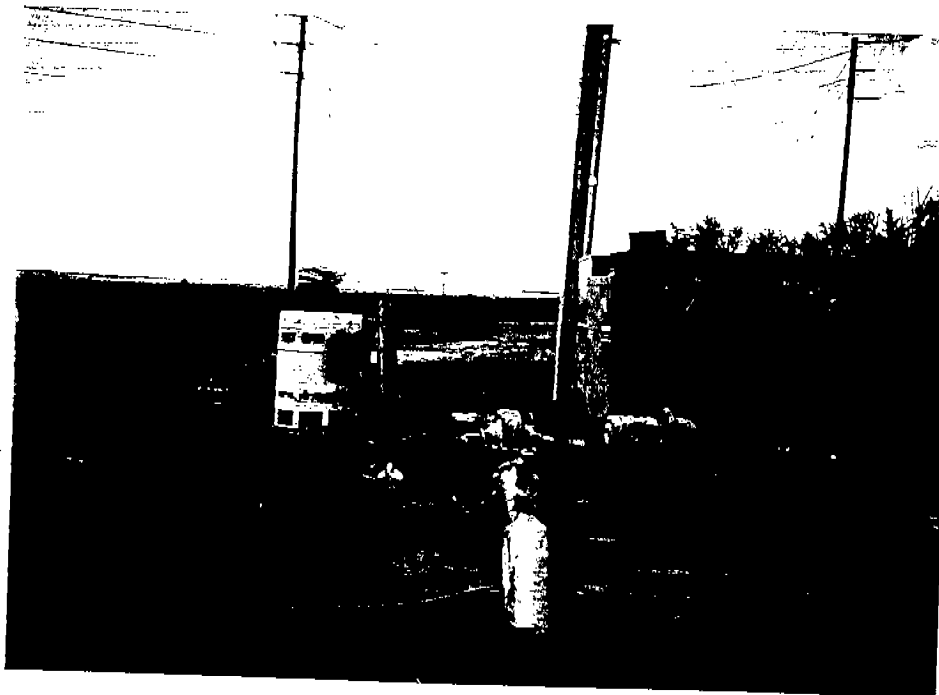
I certify that the above information is true and correct to the best of my knowledge and ability and the measurements taken and recorded are in accordance with the standards and specifications of the equipment used.

Signature

Byron G. Contor

Date

6/12/98



From North Water Measurement
District Exam 30027
B. Contor 2/2000

PERMIT
NXMBEA

Lyle Shupe ID #160

POD 7N 36E 29 NWNWSE

300271 ✓

2 pivots + open disd. to flood irr.

Recommendation

PCC

Tracing Reg?

Yes

Follow-up

1999

From North Water Measurement
District Exam 300271
B. Contor 2/2000

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

WATER RIGHT # ⁴³¹⁻⁰⁴⁰¹⁸ BENEFICIAL USE VERIFICATION

During the year of ¹⁹⁴⁰ ~~1946~~ I lived and worked in the Hamer area.
I can remember the well now owned by ^{Lyle SHUPE} being used for
Beneficial use purposes.

Melvin J. Hansen
Milton Thompson

STATE OF IDAHO)

COUNTY OF Jefferson)

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

4th day of 20 1993, did personally appear before me

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

Karen M. Lavy
Notary

"My commission expires on 10-41, 1997."

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

4018
CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

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