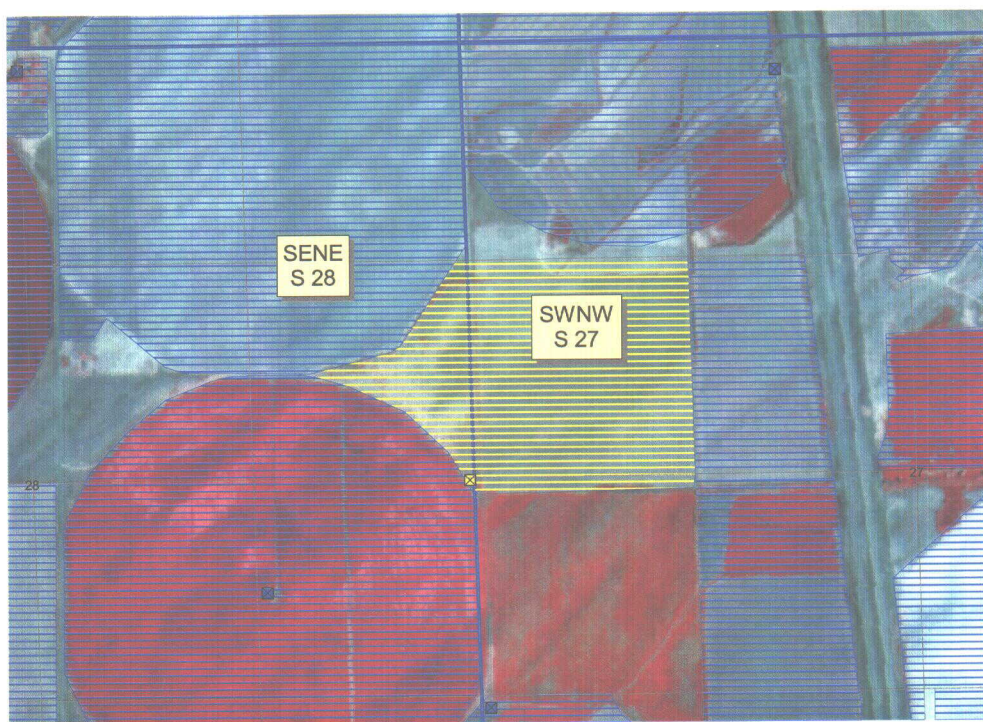


Idaho Department of Water Resources

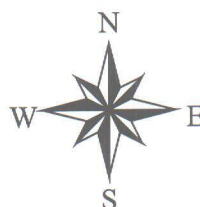
Water Right 31-7141B

Township 7 North Range 36 East Section 27, 28



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

0 500 Feet



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

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

11/22/2000

WATER RIGHT NO. 31-7141B

Owner Type Name and Address
Current Owner WADE YEARSLEY
 2354E 1900 N
 HAMER, ID 83425
 (208)662-5223

Priority Date: 11/01/1974
Basis: Beneficial Use
Status:

Source Tributary to
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	11/01	1.08 CFS	183 AFA	
Total Diversion			1.08 CFS	183 AFA	

Point(s) of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07N	36E	28	NE NE SE		JEFFERSON

IRRIGATION Use:
Acre Limit: 53.8

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	27		SWNW	30.8									
		28		SENE	23									

Total Acres: 53.8

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.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	10/6/00	Recommendation	Claimed as licensed, GIS and GPS confirm claim and license. Recommended as claimed. No further analysis required so eCVR not filled out.
bcontor	11/13/00	eCVR troubles	An attempt was made at eCVR on 10/6/00 but we ran into suffix troubles. The eCVR was re-done on 11/13/2000.
bcontor	11/13/00	Recommendation	Claimed as licensed, confirmed by GIS/GPS. Licensed only a few months prior to commencement of AJ. Recommended as licensed. eCVR not completed as no further analysis is required.

Water Right 31-7141B

bcontor 11/13/00 POD

bcontor 11/22/00 POU

bcontor 11/22/00 Q

License listed two possible PLS descriptions but specified one PD. Recommended PLS is per GPS but note that GCDB problems in this area cast uncertainty on location. Location determined from USGS quad as photo was rectified to USGS. POU is less than licensed per GIS. Due to GCDB discrepancy, acres per qq do not necessarily match GIS, but total acres are correct. This is not an issue of partial forfeiture but an issue of a more refined determination based on GIS. Q recommended at 0.02/acre on actual acres identified.

Dates:

Licensed Date: 02/23/1987
Claim Received Date: 09/13/1988
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:

<u>Element</u>	<u>Last Review Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POU	11/22/00 8:23:11 AM	bcontor			In Process
Summary	11/13/00 11:20:39 AM		11/13/00 11:20:39 AM	bcontor	Complete

Other Information:

Receipt Number(s):
State or Federal: S
Owner Name Connector:
Overall Max Diversion Rate: 1.08
Overall Max Diversion Volume: 183
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	11/13/00 11:12:26 AM	bcontor	Edited PLS
POD	11/13/00 11:12:00 AM	bcontor	Edited point location
POU	11/22/00 8:23:09 AM	bcontor	1. (YES) The POU is required.
Summary	11/13/00 11:20:37 AM	bcontor	7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (YES) This is 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.

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: A31-07141B
Date Received: 5/13/1988
Receipt No: E002256

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WADE YEARSLEY
Address: P.O. BOX 1930
HAMER, ID

83425

208-662-5236

2. Date of Priority: NOV 01, 1974

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot
07N	36E	27		SW	NW	
		28		SE	NE	

County
JEFFERSON
JEFFERSON

5. Description of diverting works:
WELL & PUMP TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.220		

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

A.F.A.

8. Total consumptive use is 152.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	27	SW	NW		IRR	38.0
Section Acres							38.0

A31-07141B

Page

1

Date: 05/13/88

MICROFILMED

NOV 17 1992

A3107141B

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	36E	28	SE NE		IRR	23.0
Section Acres						23.0
Total Acres						61.0

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:
NONE.

14. Remarks:
1 point of diversion on centerline of SWNW, S27, SENE, S28,
T7N, R36E.

15. Basis of Claim: LICENSE
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Wade Gearsley Date: Aug 24, 1988
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX Date: _____

State of ~~XXXX~~ Alabama)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of August 19 88
Jean Clark
Notary Public

Seal

Residing at Huntsville, Ala.

My Commission Expires MY COMMISSION EXPIRES 11-10-9

Idaho Department of Water Resources

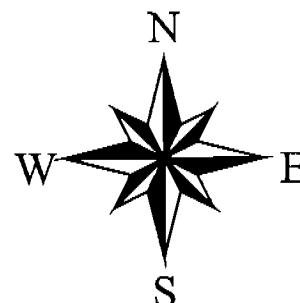
Water Right 31-7141B

Township 7 North Range 36 East Section 27, 28



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

0 500 Feet



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

November 13, 2000

Wade L. Yearsley
2354 E 1900 N
Hamer, ID 83425

Re: Adjudication Recommendations

Dear Mr. Yearsley:

Late this year or early next year you will receive copies of our preliminary recommendations for your water rights. The attached map shows the water rights I'm planning to recommend for you. It appears that water rights are recommended for all your irrigated acres, and all your licensed rights are recommended. In addition, beneficial use claim 31-11312 is recommended, which completes the acres needed for the pivot on the north.

I'm writing in advance because at one time I planned to recommend beneficial use claim 31-11313, which would have overlapped the licensed rights 31-7141A and 331-7141B. Upon further investigation, it appears that when you obtained licensed well rights for these parcels, the Hamer Canal rights (which were the basis for claim 31-11313) reverted to the canal company. The company conveyed these rights to other users, prior to being disbanded. These rights are now recommended to other users of the Hamer Canal company. An attached copy of an affidavit you apparently signed in behalf of Mr. Murdock supports this determination.

When you receive your preliminary recommendations, you will notice that right 31-11313 is proposed for disallowal. However, the other rights recommended appear to cover all your land and provide adequate diversion rate for all your systems.

Please call me at 525-7161 or 663-4583 if you have questions. After you receive our preliminary recommendation, you will have an opportunity to request a re-determination in the "Notice of Error" process. Following that process, the recommendations will go to the court. Then you will have an additional opportunity to file a formal Objection with the court, before the final outcome of your water rights is determined.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

To: A31-11313
Fr: Bryce Contor
Date: 10/6/2000

Bryce

beneficial use

Re: Disallowal

After visiting on the phone with Mr. Yearsley, I reviewed more carefully the affidavit, which indicates the basis of this right is Hamer Canal shares purchased by the Yearsleys.

In reviewing and recommending claims 31-62K, 63K, 62L, and 63L, it was determined based upon the attached affidavit that Yearsley had abandoned his Hamer Canal rights at the time of receiving licensed groundwater rights 31-7141A and 31-7141B.

Therefore, 31-11313 will be disallowed with the remark "Recommend as 31-62L and 31-63L."



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

To: Wade Yearsley AJ Claims

Fr: Bryce Contor

Date: 10/6/2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Permissible Place of Use, Overlap, Beneficial Use Claims,
Shortage of acres on license 31-07287

In 1998 Mr. Yearsley sent a letter regarding his concern that license 31-07287 had been incorrectly licensed for 45 acres instead of 49. When I came across this letter in claims review, I sent a letter inviting Mr. Yearsley to file an enlargement claim, which would have authorized the additional acres but not have provided additional diversion rate. Mr. Yearsley called back recently and was planning to come in to review his claims and perhaps sign an enlargement claim.

Today, in reviewing an overlapping beneficial use claim of Mr. Yearsley's (31-11312), I realized that the additional acres could be asserted as an accomplished transfer of some of the acres originally developed by beneficial use (there is adequate documentation in the file).

I also realized that beneficial use claim 31-11313 overlaps licenses 31-07141A and 31-07141B.

Today I called Mr. Yearsley and suggested that I use beneficial use claim 31-11312 on a permissible place of use basis to pick up the shorted acres on license 31-07287, and that I recommend the other beneficial use claim on a permissible place of use basis with the other two rights. He approved this plan, so I will make the recommendations accordingly.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 31-7141B

Priority: November 1, 1974 Amount: 1.22 CFS 183.0 AF

This is to certify, that WADE YEARSLEY
P.O. BOX 508

HAMER, ID 83425 has complied with the terms and conditions of the permit issued pursuant to Application for Permit dated November 1, 1974, and has submitted proof to the Department of Water Resources on October 26, 1981, that water has been applied to a beneficial use; an examination by the Department indicates that the works have a diversion capacity of 1.91 cfs of water from a GROUNDWATER source and that a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>VOLUME</u>
Irrigation	04/01 to 11/01	1.22 cfs	183.0 af

LOCATION OF POINT OF DIVERSION(S): SWNW , Sec. 27, Township 7N, Range 36E
SENE , Sec. 28
Jefferson County

PLACE OF USE: Irrigation

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
7N	36E	27	SWNW 38				38
		28	SENE 23				23

Total number of acres irrigated: 61

CONDITIONS/REMARKS:

1. The right to the use of the water hereby confirmed is limited to the amount which can actually be beneficially used and is restricted and appurtenant to the lands or place of use and to the purpose herein described, as provided by the laws of Idaho.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.
5. 1 point of diversion on centerline of SWNW, S27, SENE, S28, T7N, R36E.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 23rd day of February, 1987.

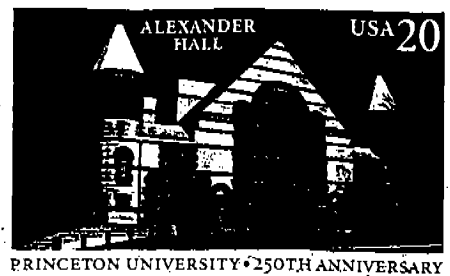
MICROFILMED

Acting for the

Director

Norman C. Young

MAR 20 1987



WADE YEARSLEY
2354 E 1900 N
HAMER ID 83425

©1994 USPS recycled

Your water right numbers 31-07141A, 31-07141B and 31-07287 have been modified to reflect the address on the front of this card.

Respectfully submitted,

Autumn Jones

Autumn Jones
Records Clerk
Idaho Dept. of Water Resources
Adjudication Bureau

RECEIVED

JUN 18 1998

CHANGE IN ADDRESS

Department of Water Resources
Eastern Region

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

change A records

[X] Water Right Number(s): 31-7141A/B/C

31-7287

[X] Old Mailing Address: Box 508

Hammer, Idaho 83425

[X] New Mailing Address: 2354 E 1900 N

HAMMER, Idaho 83425

[X] Telephone Number: (208) 662-5223

[X] Signature of Claimant: Wade Zearley

[X] Date: 6-10-98

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

RECEIVED

APR 20 1998

Department of Water Resources
Eastern Region

State of Idaho

Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

APR 10 1998

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Wade L. Yearsley (208) 662-5223
Name of Claimant Phone Number
2354 E 1900 N HAMER ID 83425
Mailing Address City State Zip
Jefferson
County(s) where place of use is located Date claim originally due
31-7141A 31-7141B 31-7287
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The original work on these rights was performed while I was living out of State. I hadn't realized until just recently that the date of priority didn't reflect the original date of beneficial use.

Claimant requests an extension to June 1, 19 98

Wade L. Yearsley Apr 7, 19 98
Signature Date of request

Owner
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to June 1, 1998, 19 98

Signed this 13th day of April, 19 98

[Signature]
Director or his designated agent