

Split of 31-7259 To Correct Error of Original Change of Ownership

Township 6 North, Range 35E, Section 2
Northwest Quarter



03/20/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-11683

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOGGAN BROTHERS INC 1968 E 1800 N HAMER, ID 83425

Priority Date: 10/24/1988
Basis: License
Status: Active

<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	11/01	0.26 CFS	44.4 AFA	
Total Diversion			0.26 CFS	44.4 AFA	

Location of Point(s) of Diversion:

GROUND WATER NENWNW Lt 4 Sec. 02 Township 06N Range 35E JEFFERSON County

IRRIGATION Use:
Acre Limit: 14.8

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>
06N	35E	2	3	NENW	5.6		SWNW	4.5		SENE	4.7			

Total Acres: 14.8

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.
2. E19 USE OF WATER UNDER THIS RIGHT IS COMBINED WITH WATER FROM MUD LAKE WATER USERS ASSOCIATION.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
bcontor	3/20/01	Recommendation	This is a split of recommendation 31-7259, which was recommended per post-1987 license. See memo in paper file and ownership documentation in file 31-7443.

Dates:

Licensed Date:
Claim Received Date:
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>
Summary	3/20/01 12:50:21 PM		3/20/01 12:50:21 PM	bcontor	Complete

Other Information:

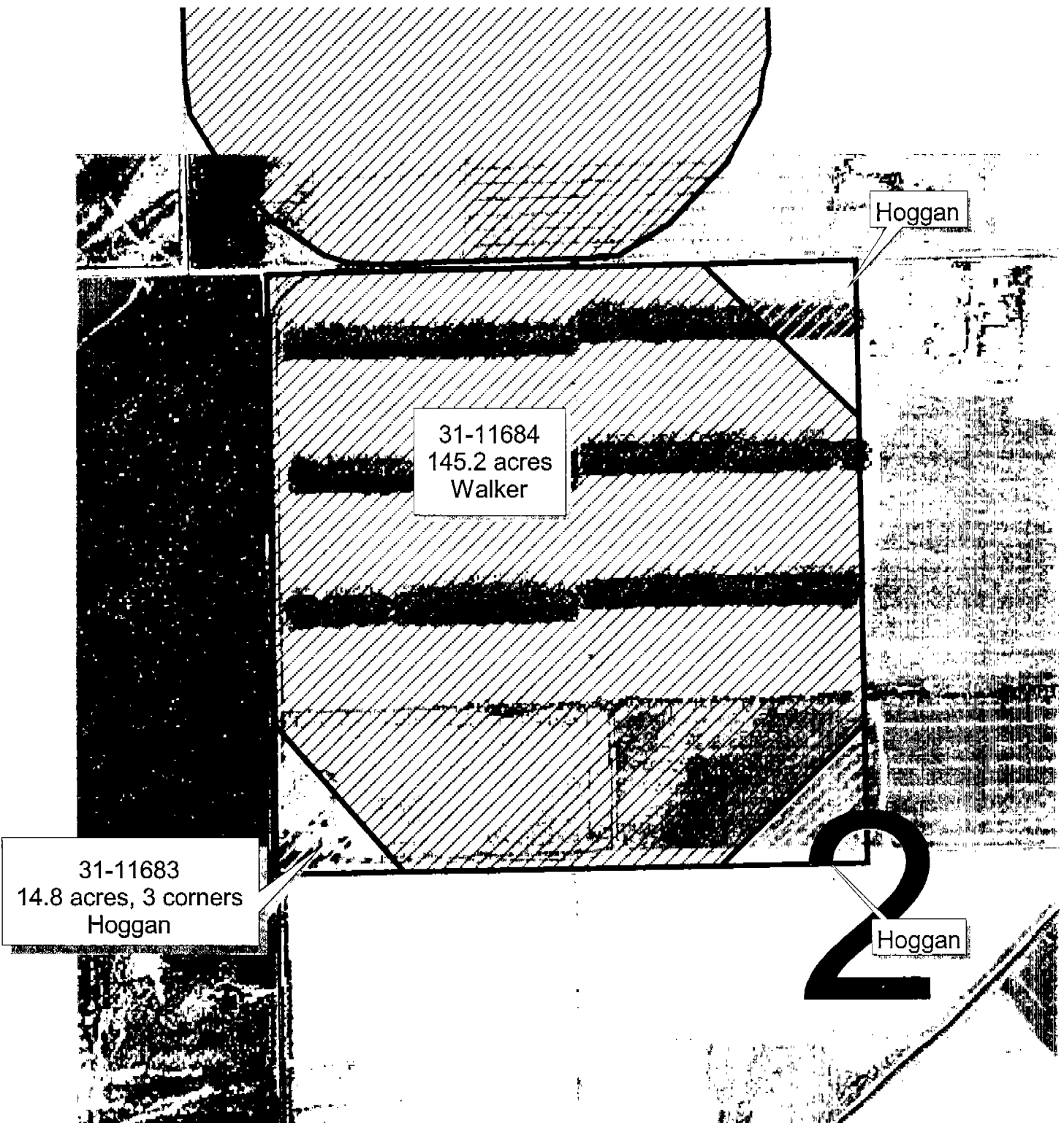
Receipt Number(s):
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False
Parent Right: 31-7259 ChangeOfOwnership

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log Text</u>
POD	3/20/01 12:43:36 PM	bcontor	Edited point location
POU	3/20/01 12:46:10 PM	bcontor	Edited PLS
POU	3/20/01 12:45:38 PM	bcontor	Edited shape boundary
Summary	3/20/01 12:50:18 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (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.

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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 20, 2001

Hoggan Brothers Inc
1968 E 1800 N
Hamer, ID 83425

✓ Walker Land and Cattle
P.O. Box 129
Menan, ID 83421

Re: Change of Ownership, Water Rights 31-7443, 31-7259, 31-11683, 31-11684

Dear Water Users:

In 1997, Idaho Department of Water Resources changed the ownership of 31-7443 to the name of "Walker Land and Cattle" per a Notice of Change of Ownership submitted by Walker. The Notice incorrectly identified right 31-7443; it should have been 31-7259. Further, the person reviewing the documentation made an error in interpreting the deed and so processed the change as requested.

Walker Land and Cattle notified me of the error recently, and I have reviewed all the documentation and checked the plat maps in the courthouse. Based upon that review, I have changed the ownership of 31-7443 back to "Hoggan Brothers Inc." This is the pivot north of the Hamer road, west of Hoggans' headquarters.

I have also split water right 31-7259 into rights 31-11683 (Hoggan) and 31-11684 (Walker) to correspond to the land ownership specified in the deed.

Copies of the original recommendation for 31-7259, the corrected recommendation 31-7443, and the new recommendations 31-11683 and 31-11684, are enclosed for your review. Please call me if you have concerns or questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

enclosures