

27-13 ANALYSIS
PREPARED BY C. BIRD
MARCH 31, 2005

This is a continuation from Harold Jones analysis on 27-13A & B faxed to me on February 23, 2005. We requested additional information from Keith Fielding in reference to the 100" claimed under 27-13A to see if the sale was valid. If the sale is valid then there is only 200 inches left for claim 27-13B.

The attached map shows the original Dunn place of use outlined in red. The claimed POU for 27-13B is what is outlined in green. There is only 158 acres under 27-13B that is part of the original place of use.

June 24th, 1910 Henry Dunn sold to Margaret Thompson 100" of the Blackfoot River with a priority date of 7/1/1870 in a water deed. As you can see from the attached Metzger map Margaret Thompson owned the property in T3S, R36E, sections 3 and 4.

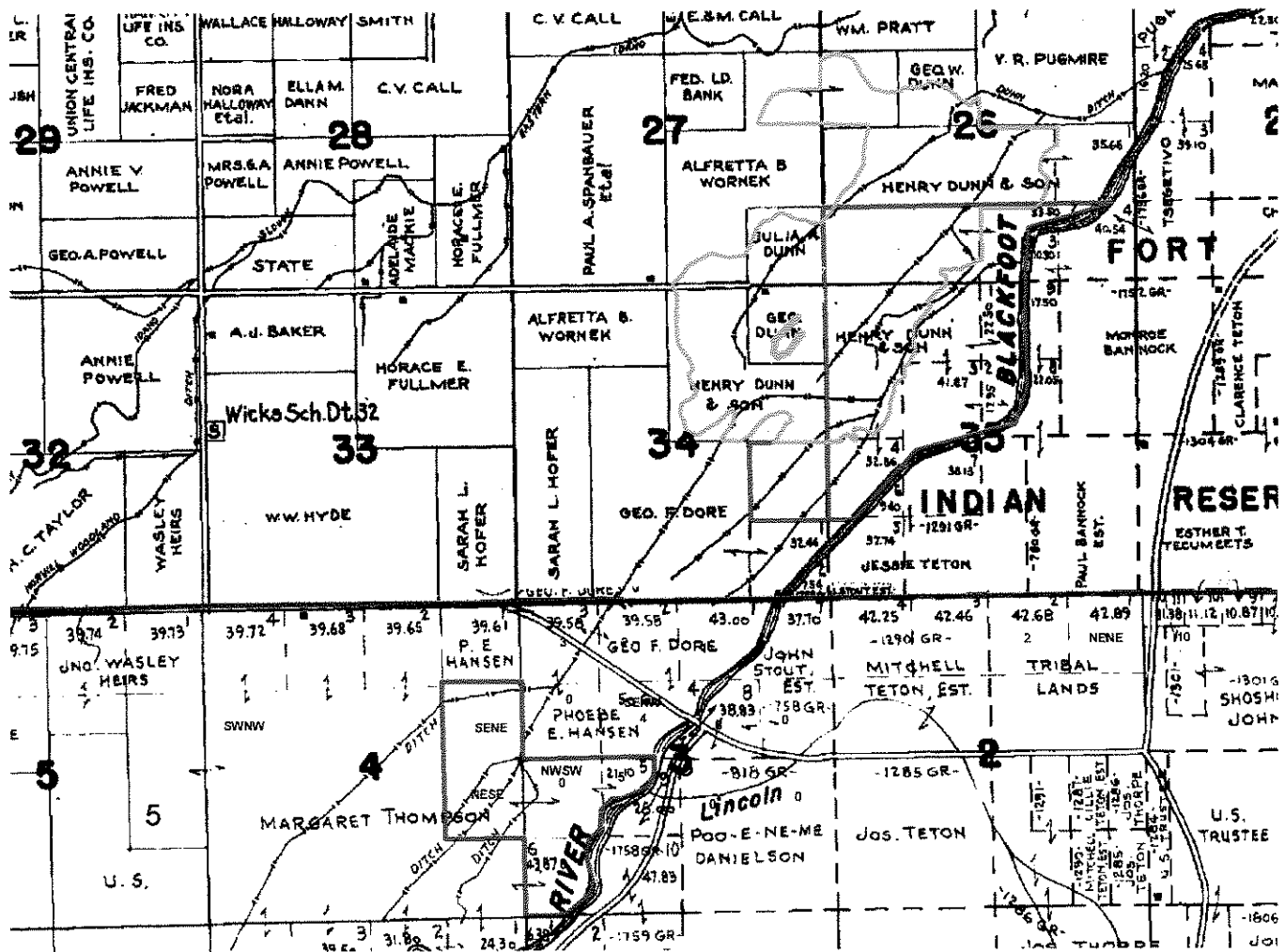
January 30th of 1959, William Ball sells the 100" of Dunn's decreed water to Warren Tew. Then in February of that same year William Ball makes application to the Department for an irrigation well to irrigate a 120 acres in the N1/2SW and SWSW of section 3 and SESE of section 4, all within township 3 south and range 36 east of the Boise Meridian.

Preceding deeds show Warren & Vera Tew together conveying different pieces of land. Then in 1970 Vera Tew sells the piece claimed under 27-13A to Arvel W. & Dorothy Fielding with all ditches and water rights. One would have to assume Warren past away prior to the sale to the Fieldings.

It is my option that the original 100 inches sold to Margaret Thompson is valid and it has been moved to the ground now owned by Keith Fielding. Therefore, there would only be 200 inches left on the piece claimed under 27-13B.

27-13 decree analysis

T2S, R36E AND T3S, R36E



0.7 0 0.7 1.4 Miles



-  PLSS Township LinesGcdb_tr.shp
-  27-13a.shp
-  27-13b.shp
-  27-13original.shp
-  T03s36e.shp
-  PLSS Section LinesSections.shp

1945 Metzker Map
Prepared by: C. Bird
March 31, 2005

27-138 Priority 7-01-1870 (Henry Dunn)
Bighead Farms

(1)

Document S. 41.0^{39.11} shows a 40 acre
Pice going from USA to Hiram Johnson (6-22-1917)
in the NE 1/4 (40 acres) of Sec 26 TAS R36E.
This is not a part of the original Henry Dunn
P.O.U. & no specific water rights go with property.
20 acres of this P.O.U. is claimed under 27-138.

Document S. 41.0. (9-21-1917) shows 40 acres in
SE 1/4 Sec 26 TAS R36E going from USA to Henry
Brussenkamp. This is not a part of the original Henry
Dunn P.O.U. & no specific water rights go with the
property. 21 acres of this P.O.U. is claimed under
27-138.

Document S. 62.7 (S-S-1919) shows the NENE of Sec 34
TAS R36E going from Henry Dunn to George Dunn. This is not
a part of the original Henry Dunn P.O.U. under 27-13. 18 acres
of this P.O.U. is claimed under 27-138. No specific water rights
conveyed with the above sale.

Document 7. S. 9 (11-30-1935) shows
Henry Brussenkamp selling to Alfretha
Brown 1/2 and part of Sec 34, Sec
27 & Sec 26 TAS R36E, NENE of
this acre were the original P.O.U. of Henry
Dunn under right 27-13. However the
SE 1/4 Sec 26 & SE 1/4 Sec 27
TAS R36E included in above sale is
part of P.O.U. claimed under 27-138.

Document 7. S. 9.3 (7-26-1936)
100" of Blackfoot River water (no priority
instream) is sold with property in Sec
34 & 35 TAS R36E, of these 34 & 35
the NENE Sec 34 & L-3, L-4 & SE 1/4
Sec 35 TAS R36E were original
P.O.U. of the Henry Dunn property under
27-13. This is a good assumption that
20 cfs of 7-01-1870 water went with
this property.

Property Sold to George Dunn

27-13B Priority 7-01-1870 (Henry Dunn)

Document E.7.4.4 (4-25-1946) shows George Dunn selling to Lester Hanson, spread in sec 26, 27, 34 & 35 T2S R36E.

Included in the above is the $5\frac{1}{2}$ sec 14 sec 26, & 2 sec 26, NESE sec 34, lots 1, 2, 3 & 4, N $\frac{1}{2}$ NW & SE NW of Sec 35 T2S R36E. This list is all original P.O.U. for the Henry Dunn right 27-13. Water rights should include the 100" from the sale in 7-26-1936 (Document 759.3) plus additional water on the other parcels of original P.O.U. Unfortunately no quantity of water is mentioned.

2

(*) This sale is key in the interpretation as to the split of right 27-13.

In 1959 (Document 9.5) William & Viola Ball sell to Warren Tew 100" inches of the 7-10-1870 water. The deed declares the original P.O.U. as those portions of Sec 3 & Sec 4 T3S R36E which was a part of the original Henry Dunn P.O.U.

This is a water deed only, in my interpretation, & I have to assume the Ball's owned their portion of Sec 3 & 4 T3S R36E.

If this 100" sale is valid, it only leaves 200" available for 27-13B.

27-130 Dried, 7-01-1870 (Henry Dunn)

③

I then jump to Document 11.8.3

where Robt Hansen sells to Jim Tappley

portions of Sec 26, 27, 34 & 35. This includes portions of the original Henry Dunn Pl. or. listed below; Sec 26, L-2 & S $\frac{1}{2}$ SW $\frac{1}{4}$

Sec 34, NESE

Sec 35, W $\frac{1}{2}$ NEW $\frac{1}{4}$ & Lots 1, 2, 3 & 4

It also includes 247.5 inches of Blackfoot River water but no priority or priorities are mentioned and Claimant, Big School Ranch has interpreted it to mean 247.5 inches of 7-01-1870 (Henry Dunn) water.

Included in this sale were properties in Sec 26, 27, 34 & 35

Tas R306E which were not original Henry Dunn plan of sale.

27-13B + 27-13A

(4)

I decided to pro-rate the original
Henry Dunn P.O.U + re-calculate adud
acres.

Sec 3 - L-5 = 24.4acres L-6 = 43.4acres
NWsw = 40acres
T3S
R3GE

Sec 4 - SENE = 40acres NENE = 40acres
SESE = 40acres

Sec 26 - SWsw = 40acres SEsw = 40acres
L-2 (SUNE) = 33.5acres

Sec 34 - NENE = 40acres

T2S
R

Sec 35 - L-1 (NWNE) = 22.50acres L-2 (SUNE) = 17.95acres
L-3 (SENW) = 41.81acres L-4 (NWsw) = 32.86acres
N1/2NW = 80acres SWNE = 40acres

36E

Total is 616.48acres with 300'
of 7-01-1810 water or

0.486 cfs/acre

Conclusions 27-13B + 27-13A

(5)

Successor to claimant Arnel Felling needs to be contacted to see if documents of ownership for original P.O.U. in

Sec 3 + 4 can be shown for

William Ball or his immediate

predecessor. This document should provide

document 8.7.4.4 (4-25-1946) so

it validates an amount of 100%

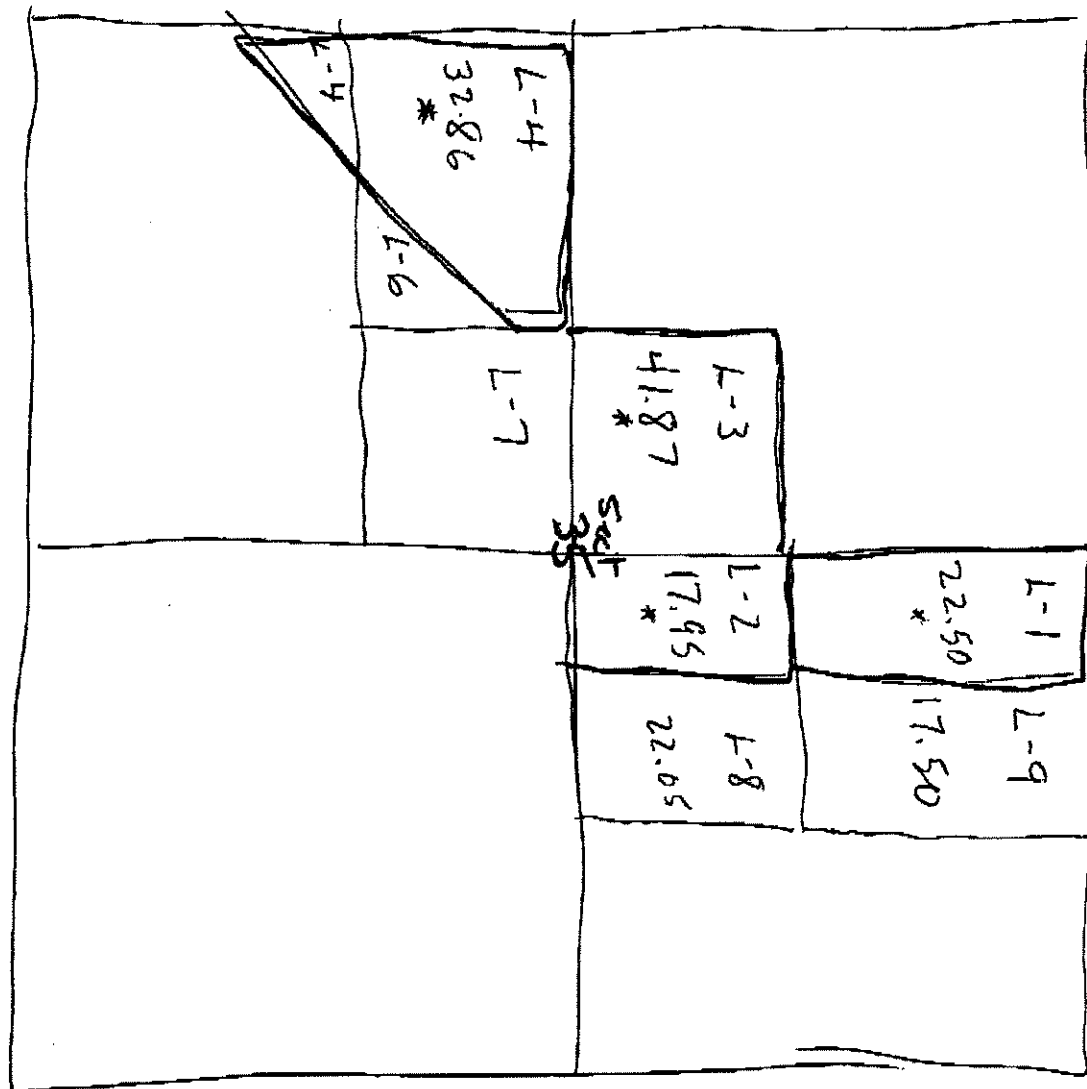
on said property in Sec 3 + 4.

On a straight pro-rata of 0.4865/acre,

the 227.8 acres of original P.O.U. in Sec 3

+ 4 T 25 R 36 E yields 110.7 inches of water.

If this documentation can be had then it should be 2.00 cfs for 27-13A + 4.00 cfs for 27-13B.



T
25
R 30E