

Memorandum

Date: June 12, 2003

To: File

From: Craig L. Saxton

Subject: Diversion rate break down splits of decreed right 29-00604 and Source.

Diversion Rate:

This right was divided by calculating the total irrigated acreage within Indian allotment #14 and then proportioning out the water accordingly. The diversion rate per acre for users of 29-00604 came to 0.018 cfs per acre.

One week before the deadline for the directors report for Basin 29 was issued. It was discovered that 29-12528 claimed 0.06 cfs based on 29-00604 and was partially decreed by the SRBA court on 6/24/1998. This right was not originally included in the proportionate split.

Thus, the result would be that the recommendation for split portions for 29-00604 is 0.06 cfs greater than the decreed diversion rate.

However, 29-00604C was recommended as disallowed. Despite that this claim was disallowed, the appropriate diversion rate was included in the proportioning of the right. Otherwise stated, I held out 0.054 cfs for this claim incase proof could be shown that this was a valid water right. At this time, no evidence has been provided.

So:

Total decreed diversion rate for 29-00604 = 0.80 cfs

If all claims were recommended, total recommended diversion rate would = 0.86 cfs

However, since 29-00604C was disallowed, the actual total recommended diversion rate = 0.806.

This right is over recommended by 0.006 cfs. Due to possible rounding error, the fact that this is such a small diversion rate, and the short time line, I did not re-proportion the diversion rate among the users.

If the claimant of 29-00604C files an objection, the diversion rate will have to be re-evaluated for all split portions of 29-00604 and all diversion rate recommendations will most likely need to be reduced.

Source:

IDWR paralegal Vicky Music found that the "decision" in U.S. v. Skeem and it specifically says that Indian creek during high water carries considerable volume of water and is continuous from its source to the Portneuf but that after approximately May 1 it ceases to flow past 1 mile from its source.

Source Recommended as Indian Creek Tributary to the Portneuf River.

Split history for Decreed Right 29-00603 & 604

WR

Claimed

Recommend

29-00603 0.4	29-00603A	Gilbert	0.2 15	29-00603A	Gilbert	0.2 15	Deed Silent		0.14 15	Not On Decreed POU Karlson says this is Gilberts Diversion Rate Calc for 14 ac
	29-10522	Karlson(?)	0.2 (603) 0.67 (604) 52.5	29-13122	Karlson	0.72 43.1	Approx 1/2 " hand written		0.513 35.2	POU 14 & 17 good
29-00604 0.8	29-00604A	Wells	0.42 21	29-13123	Burton	0.08 5.2	Approx 1/2 " hand written		0.049 5.2	POU 17 claimed water from 14 & 17
	29-00604B	Whitworth	0.07 3.5	29-13124	Rendace	0.07 4.2	Approx 1/2 " hand written		0.04 4.2	POU 17 claimed water from 14 & 17
29-00604 0.8	29-00604C	Anderson	0.075 3	29-00604A	Wells	0.42 21	Conversation notes say he gets %52 of 604	0.271 15		POU 14 Good
	29-00604D	Spencer	0.235 12	29-00604E	Hahn	0.05 2.5	Deed Silent	0.021 1.2		POU 14 Good
29-00604 0.8	29-00604G	Derbridge	0.02 0.5	29-00604F	Anderson	0.02 1	Deed Silent	Disallow		Covered by 29-00604C
	29-12528	Hahn	0.06 Domestic	29-00604C	Anderson	0.075 3	Deed Silent	0.054 3		Not enough evidence of use so far POU 14 Good
29-00604 0.8	29-00604G	Derbridge	0.02 0.5	29-13464	Spencer	0.235 12	Deed Silent	0.108 8.8		Referred to 29-13464 POU 14 & 17 CO5
	29-12528	Hahn	0.06 Domestic	29-00604G	Derbridge	0.02 0.5	No Deed in File	0.004 0.2		POU 14 Good
29-00604 0.8	29-12528	Hahn	0.06 Domestic	29-00604G	Derbridge	0.02 0.5	Domestic Partial Decreed	0.06 Domestic		Partially Decreed
	29-12528	Hahn	0.06 Domestic	29-00604G	Derbridge	0.02 0.5	Domestic Partial Decreed	0.06 Domestic		Partially Decreed

Sum Rec CFS=	1.26
Sum Rec Acre=	87.8

Un-accounted for CFS=	-0.06
Un-accounted for Acres=	N/A

* Both Rights over claimed. Decree doesn't mention duty of water. No claims deeds show deeded water.
 Since 29-00604D is disallowed, actual total recommended diversion rate is 0.806 cfs
 This right is over recommended by 0.006 cfs

Allotment 14: 29-00604

Allotment 17: 29-00603

Sum CFS & Acreage
for Rights

	1		13
	21		10
	2.9		2.1
	3		3
	0.4		4.2
	15		2.1
	0.2		2.2
	0.8	Not Recommended	5.9
0.8	44.3	0.4	42.5

Per Acre = 0.018059 0.00941176

	Acreage	CFS		Acreage	CFS
29-00603A	1	0.018		13	0.122
29-00604A	15	0.271			
29-00604C	3	0.054			
29-00604D 29-13464 (renumbered)	2.9	0.052		5.9	0.056
29-00604E	1.2	0.022			
		0.021 actual			
29-00604F DISALLOW					
29-00604G	0.2	0.004			
29-13122	21	0.379		14.2	0.134
29-13123				5.2	0.049
29-13124				4.2	0.040
29-12528	Domestic	0.060			
Total Acres	44.3	0.860		42.5	0.400

CFS	Acreage
0.140	14
0.271	15
0.054	3
0.108	8.8
0.022	1.2
0.021 Actual	
0.004	0.2
0.513	35.2
0.049	5.2
0.040	4.2
0.060	Domestic
1.260	86.8

Since 29-00604D is disallowed, actual total recommended diversion rate is 0.806 cfs
This right is over recommended by 0.006 cfs

Memorandum

Analysis of Decreed rights 29-00603 and 29-00604 (Indian Creek)

This right was over claimed. Deeds do not show ownership of water.

How right was divided and recommended to respective claimants:

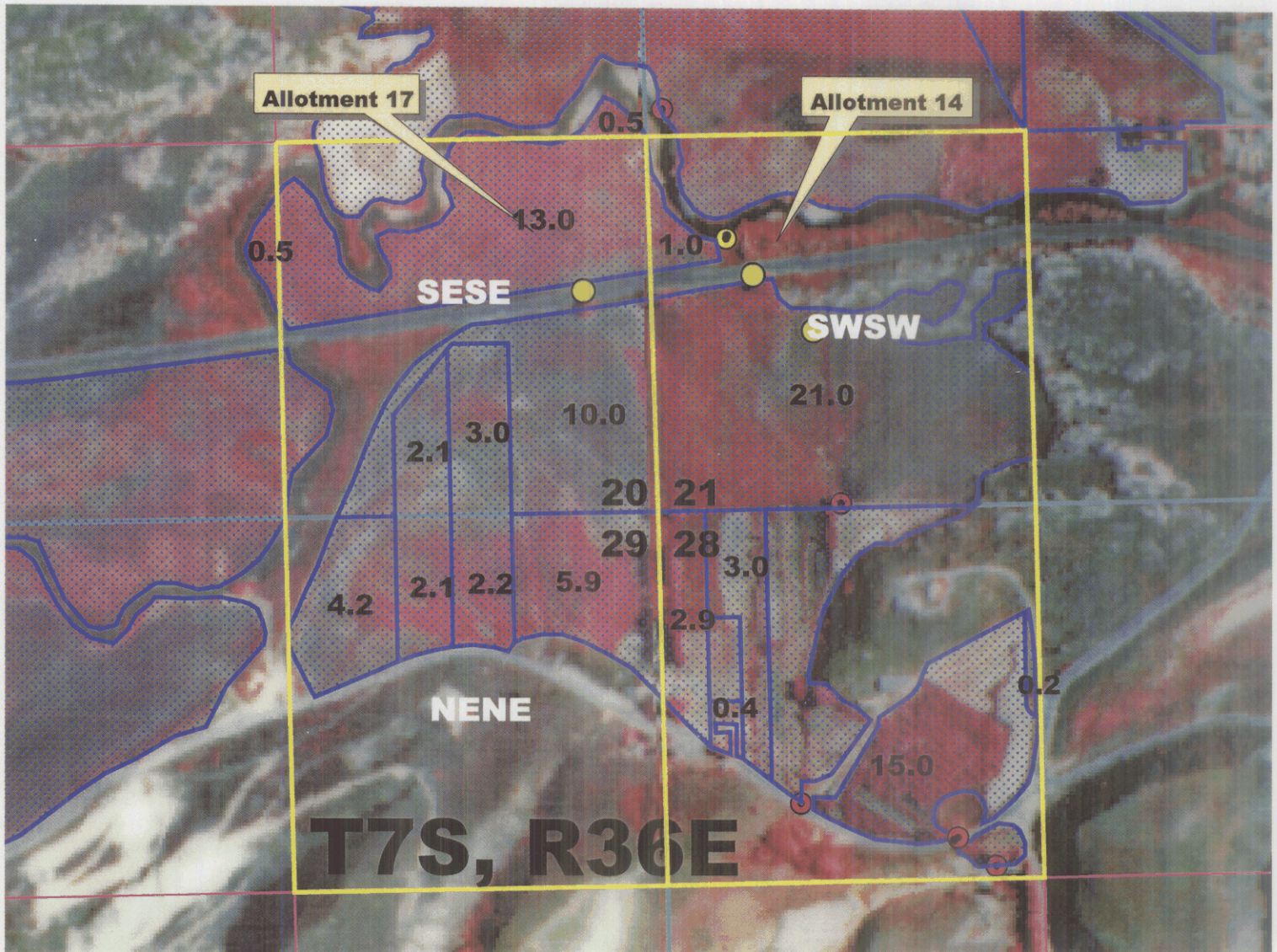
29-00603 was decreed to Indian allotment NO:17

29-00604 was decreed to Indian allotment NO: 14

POU that would be recommended for respective claims was calculated. Diversion rate was then proportioned out equally to users with POU within the Decreed POU.

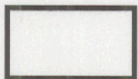
If claimant claimed water decreed for allotment 14 and they only had a POU in allotment 17, the proportionate amount of recommended diversion rate was only taken from allotment 14 since there is no evidence of accomplished transfer.

Recommended POU map for splits of 29-00603 and 29-00604



Point of Diversion - N/A

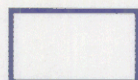
Total Acres:



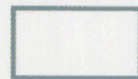
City of Pocatello Tax Lot Data



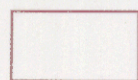
Recommended POU



Indian Allotment Boundary N/A



Section Lines



Quarter Quarter Lines



Prepared By: Craig Saxton
April 2003