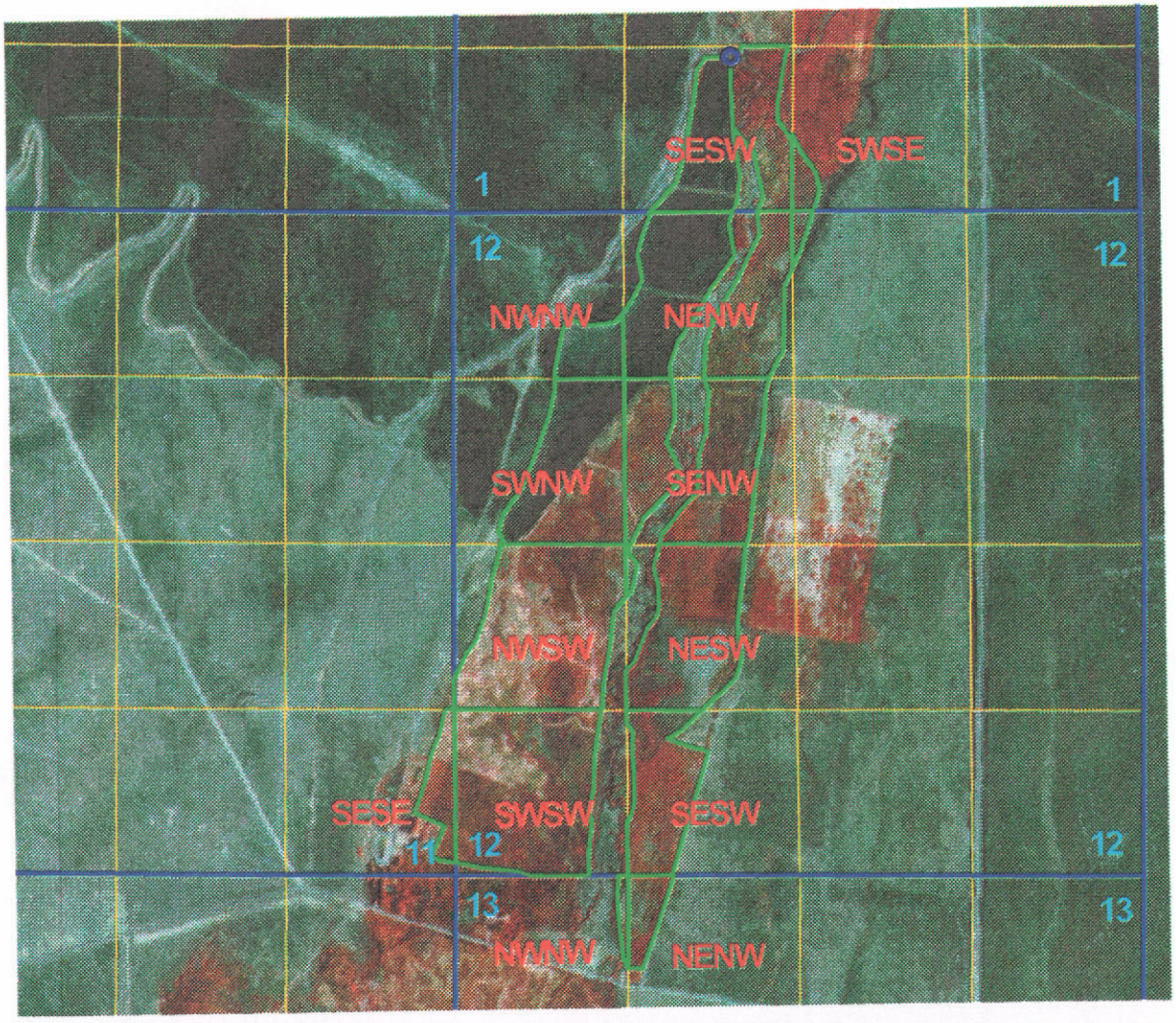
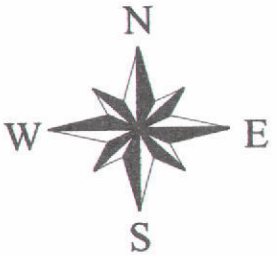
IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 11, 12 & 13





1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

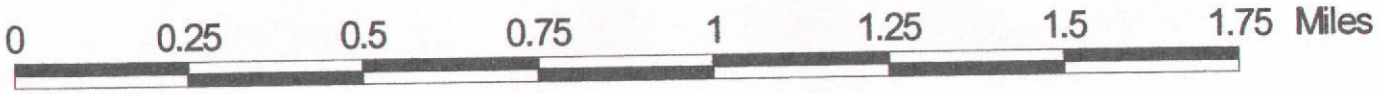
6 SECTION NUMBERS

CLAIM(S): 61-00281A, 61-00282A, 61-00358A, 61-00362C, 61-02006A, 61-10377A, 61-00361A, 61-00302

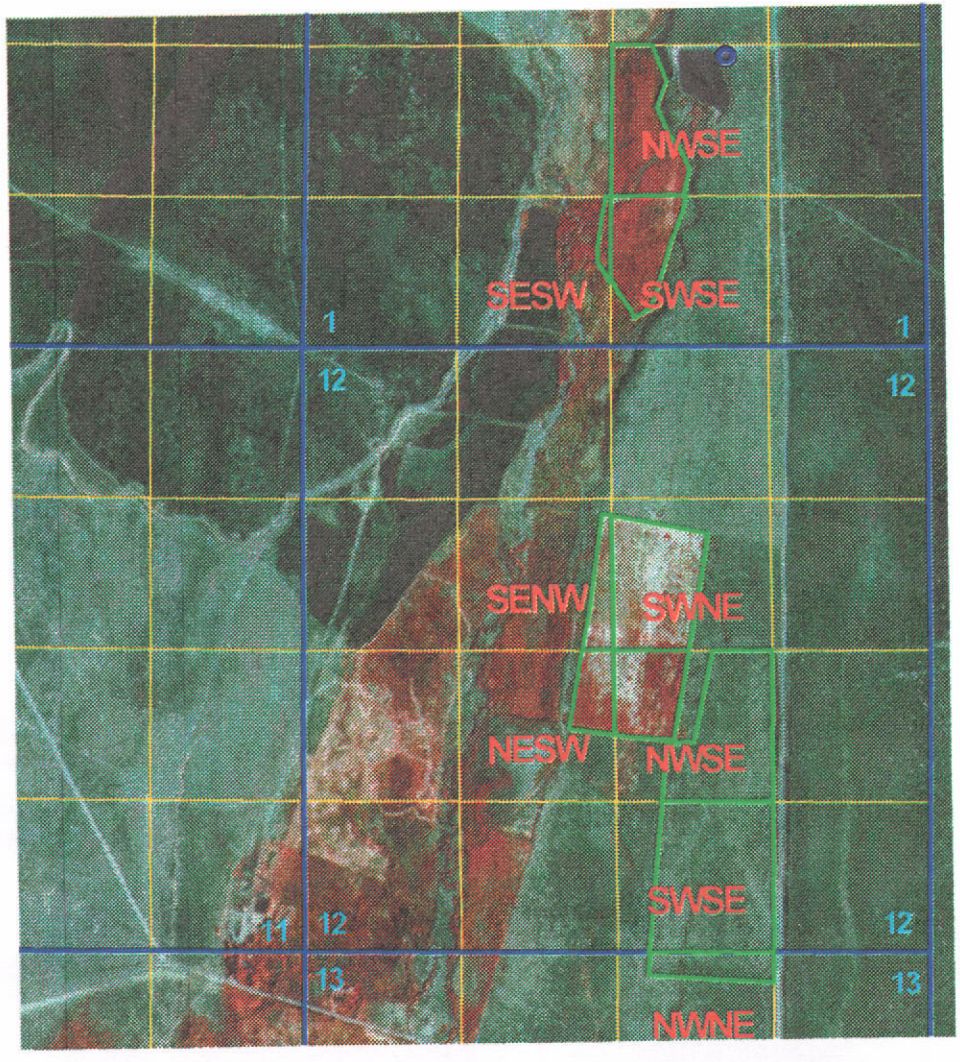
OWNER(S): ARK PROPERTIES, INC

Prepared by Mel Schulte

DATE: OCTOBER 16, 1998



IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 12 & 13



0 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

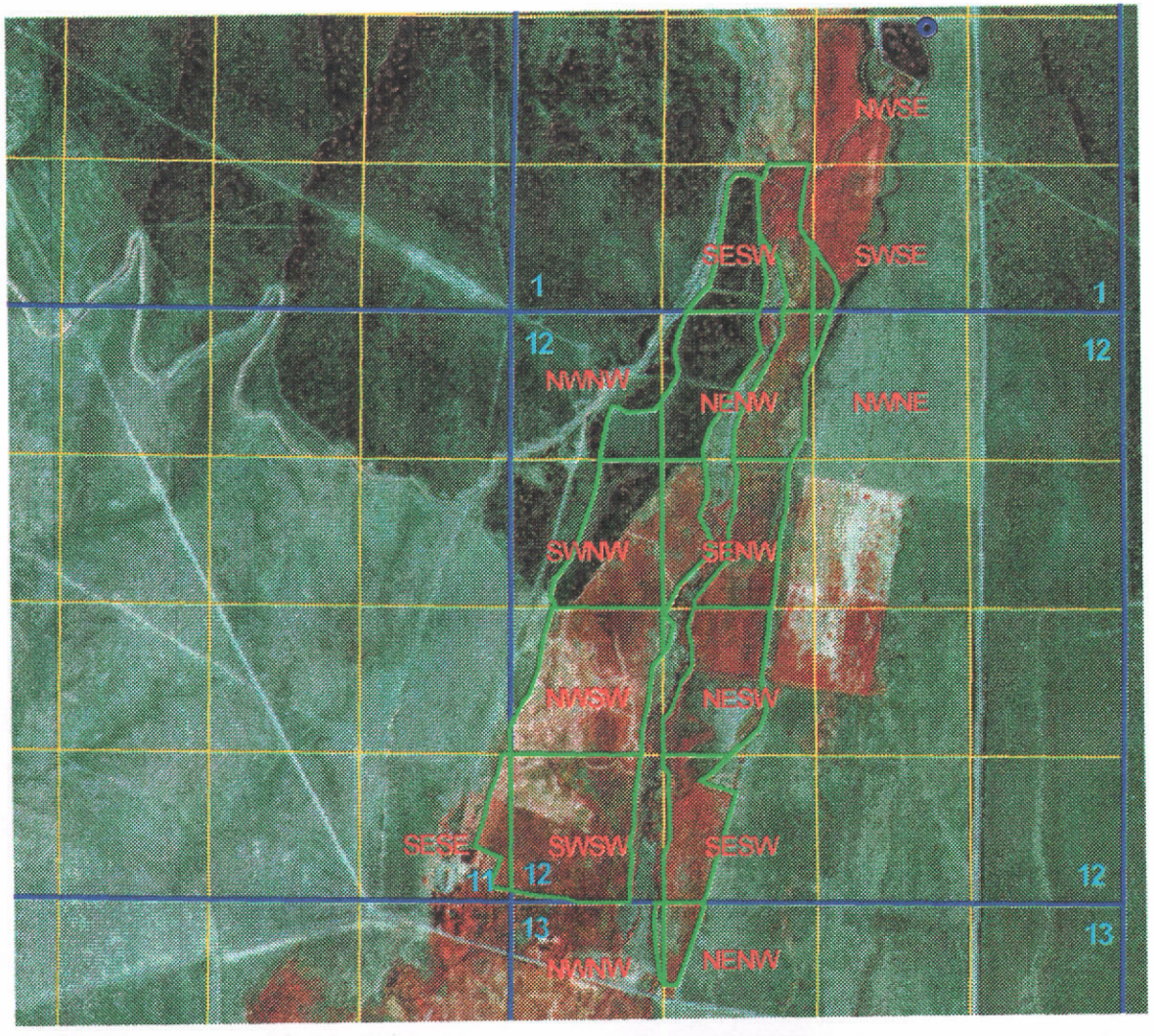
CLAIM(S): 61-00300

OWNER(S): ARK PROPERTIES, INC

Prepared by Mel Schulte

DATE: OCTOBER 19, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 12 & 13



0 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

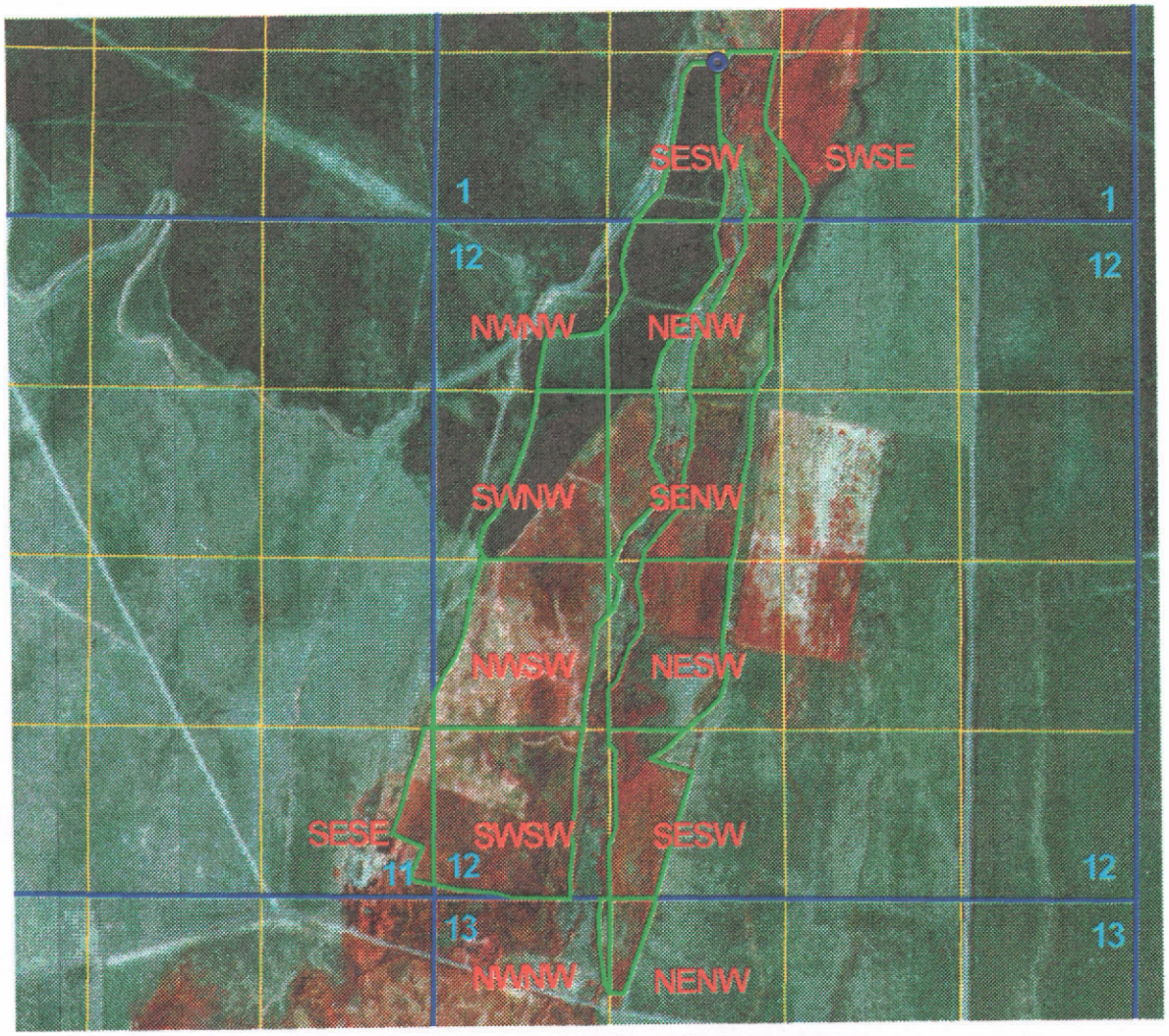
CLAIM(S): 61-00302

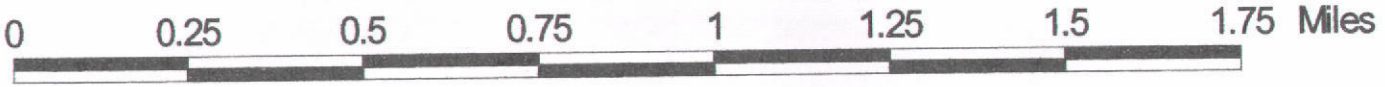
OWNER(S): ARK PROPERTIES, INC

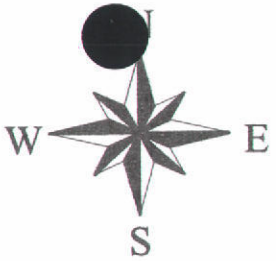
Prepared by Mel Schulte

DATE: OCTOBER 19, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 11, 12 & 13







1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

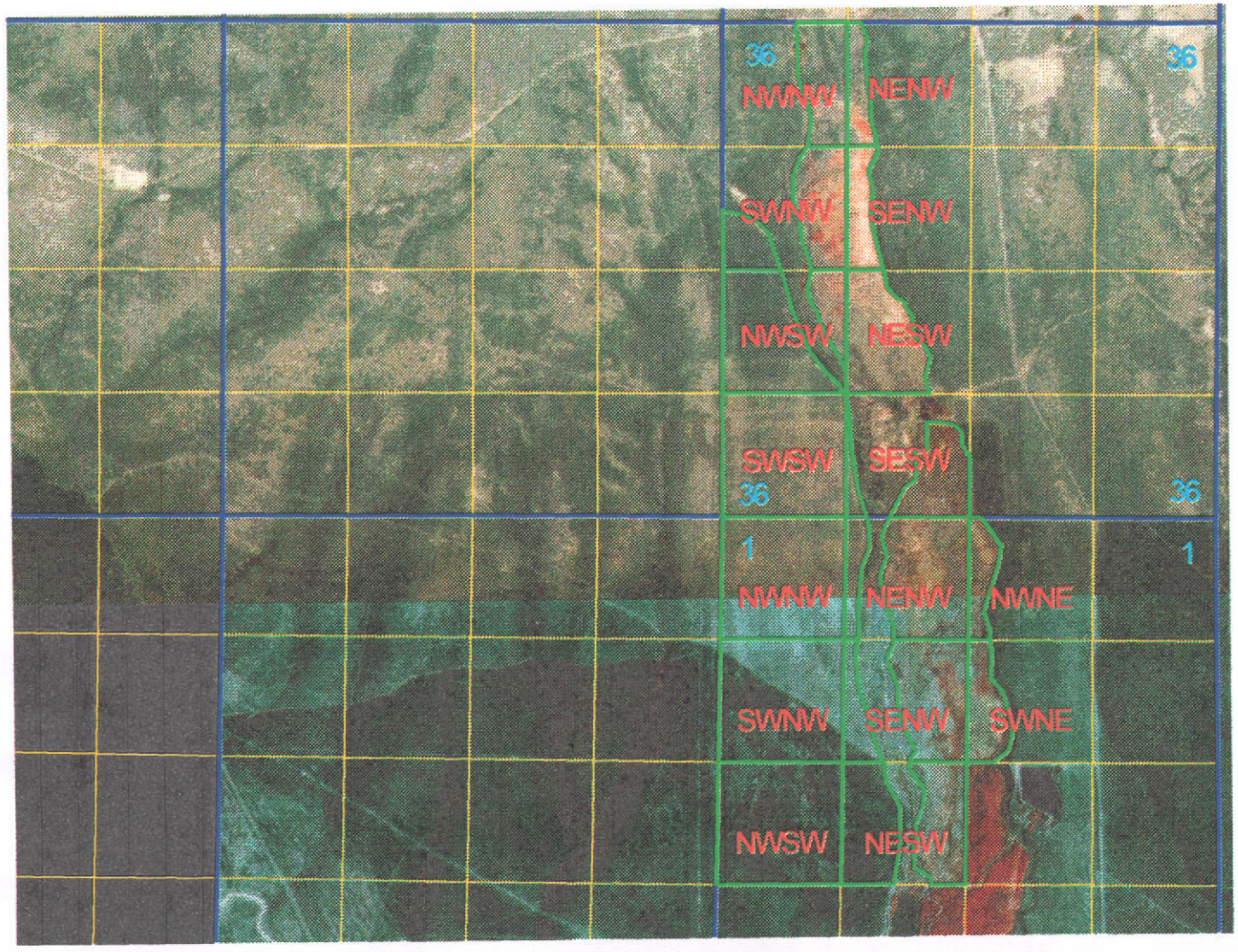
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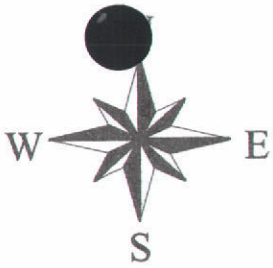
OWNER(S): ARK PROPERTIES, INC

Prepared by Mel Schulte

DATE: OCTOBER 16, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
T03S, R08E, S36
T04S, R08E, S1





1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 61-02281B, 61-00282B, 61-00358B, 61-00362B, 61-02006E, 61-02014B, 61-10377B, 61-00361B, 61-02013B

OWNER(S): BECKMAN

Prepared by Mel Schulte

DATE: OCTOBER 9, 1998

PID Measurement sites

Mennings Site

Measurement site @ Mennings Site

A61-02017 Springs

25 29 36 30

35 36 4 3 2 1

20.1

PID well

sump

44.3 NHFL

35 36 2 1

36 31 6

151

New Ditch

PID well

well only

82

Pipe under Creek

Concrete

14.2

12 7 1

13.1

Mennings

24

51.8 NHFL

12 9.9

9 74.5 NHFL

38.0

10 NHFL 12.7

433.9

27.80

NHFL 12 63.1

A61-10335 D+S

Spring

11 12 14 13 16.2

48.0 NHFL

12 7 1 13 18

T 198

House

O=Field numbers

Blue = WR (incomplete)
Red = AJ
Green = decree GW

N 19

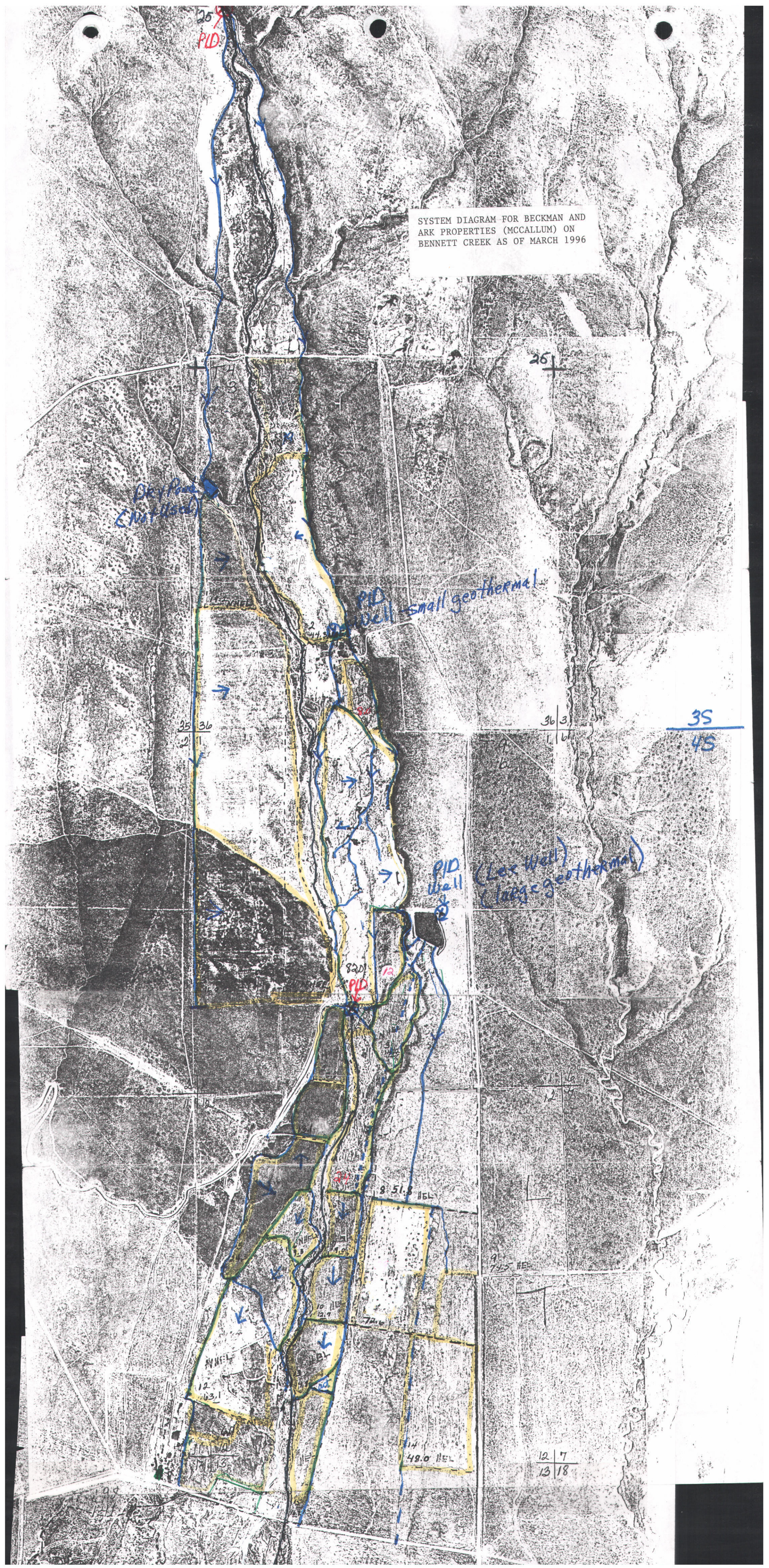
T 9

1.02 = 282
2.86 = 281
.70 = 361
4.58 - 221.1 ac

None

T 19

SYSTEM DIAGRAM FOR BECKMAN AND ARK PROPERTIES (MCCALLUM) ON BENNETT CREEK AS OF MARCH 1996



35, 8E

25
36

13
7
10
28
21
39
16
38
33
10
40
32
12
40
33
19
2
5
29
22
25
32
23
6
31
15
2

604 acre PPU
Bennett Creek water

POWERS RANCH - IRRIGATION PLACE OF USE

Historical Place of Use - Bennett Creek and Lee Well (per IDWR amended land list)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	8E	36					7	13	18	10	21	28	39	16					150
4S	8E	1		10	12		33	38	40	32	33	40		20		15	13		286
4S	8E	11																6	6
4S	8E	12			16		29	5	22	31	30	32	31	15		29	31		270
4S	8E	13		7			5	2											14
																		TOTAL	726

Historical Place of Use - Bennett Creek (per IDWR amended land list)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	8E	36					7	13	18	10	21	28	39	16					150
4S	8E	1		10	12		33	38	40	32	33	40		19			2		259
4S	8E	11																6	6
4S	8E	12					29	5	22	25	23	32	31	15					182
4S	8E	13					5	2											7
																		TOTAL	604

Historical Place of Use - Lee Well (81-00300 & 81-00302, per IDWR amended land list)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	8E	36																	0
4S	8E	1												20		15	13		48
4S	8E	11																6	6
4S	8E	12			15		29	5	22	31	30	32	31	15		29	31		270
4S	8E	13		7			5	2											14
																		TOTAL	338

Expanded Place of Use - Lee Well (IDWR 1995-96 Field Exam and IDWR amended land list)

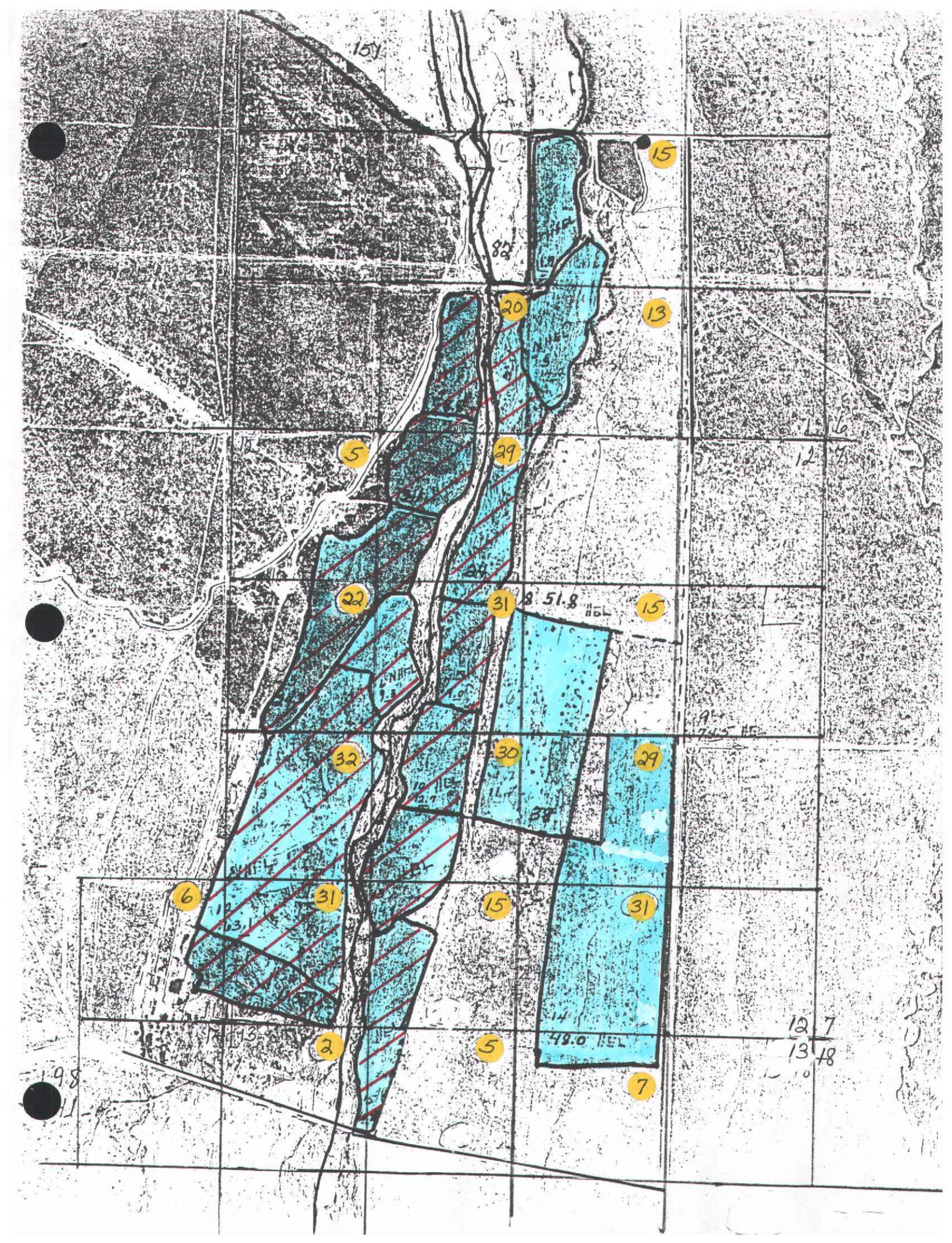
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	8E	36																	0
4S	8E	1																	0
4S	8E	11																	0
4S	8E	12		38	25						6			23		11	9		112
4S	8E	13		33			27												60
																		TOTAL	172

Current Place of Use - Bennett Cr. and Lee Well (1995-96 Field Exam and amended land list)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	8E	36					7	13	18	10	21	28	39	16					150
4S	8E	1		10	12		33	38	40	32	33	40		20		15	13		286
4S	8E	11																6	6
4S	8E	12		38	40		29	5	22	31	36	32	31	38		40	40		382
4S	8E	13		40			32	2											74
																		TOTAL	898

Current Place of Use - Lee Well (IDWR 1995-96 Field Exam and IDWR amended land list)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3S	8E	36																	0
4S	8E	1												20		15	13		48
4S	8E	11																6	6
4S	8E	12		38	40		29	5	22	31	36	32	31	38		40	40		382
4S	8E	13		40			32	2											74
																		TOTAL	610


15
20
13
5
29
22
31
15
32
30
29
6
31
15
31
2
5
7
48.0 WEL

35, 8E

25
36

33
4
3
1

30.1

2
44.3 NHEL

33
2

38
10
10

T9
6

16
39
16
6.5

40
32
15
15

165

NHEL
8.2
1.9

Bl-M
not

13
1
8.8

5
29
11
12

13.1

28
31
8 51.8 NHEL
15
12

24.3

NHEL
1.3
1.0
6
6
25
9
74.5 NHEL

28
30
29
10
12.7
7
38
11

6
31
15
31
12
63.1
31

11.5
10
34
14
48.0 NHEL
9

12 | 7
13 | 18

13
2
5
7
7

T 19 S
R 4 E

court

27
32

183

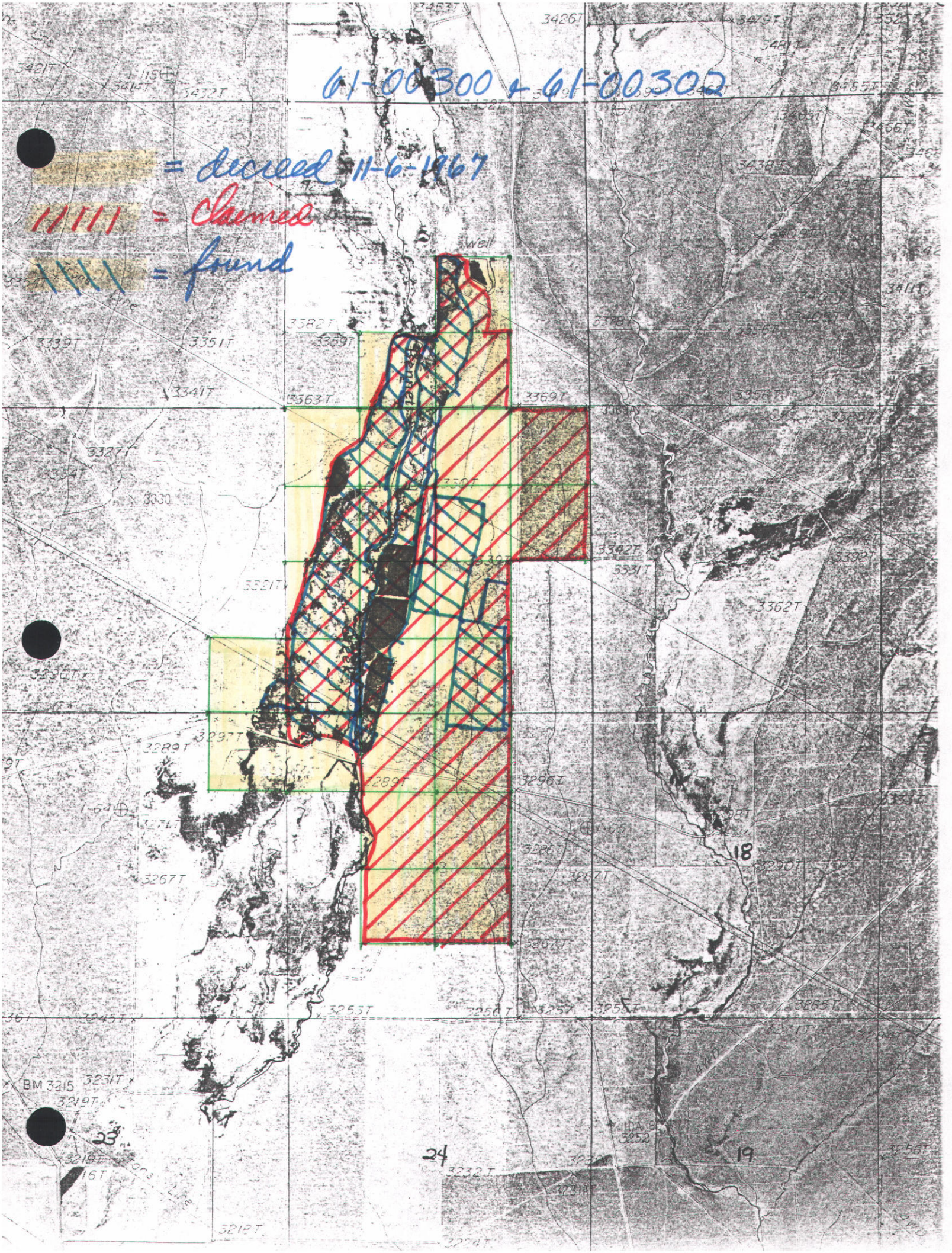
338 acres = POU from Lee well

604 acres = POU from Bennet Creek

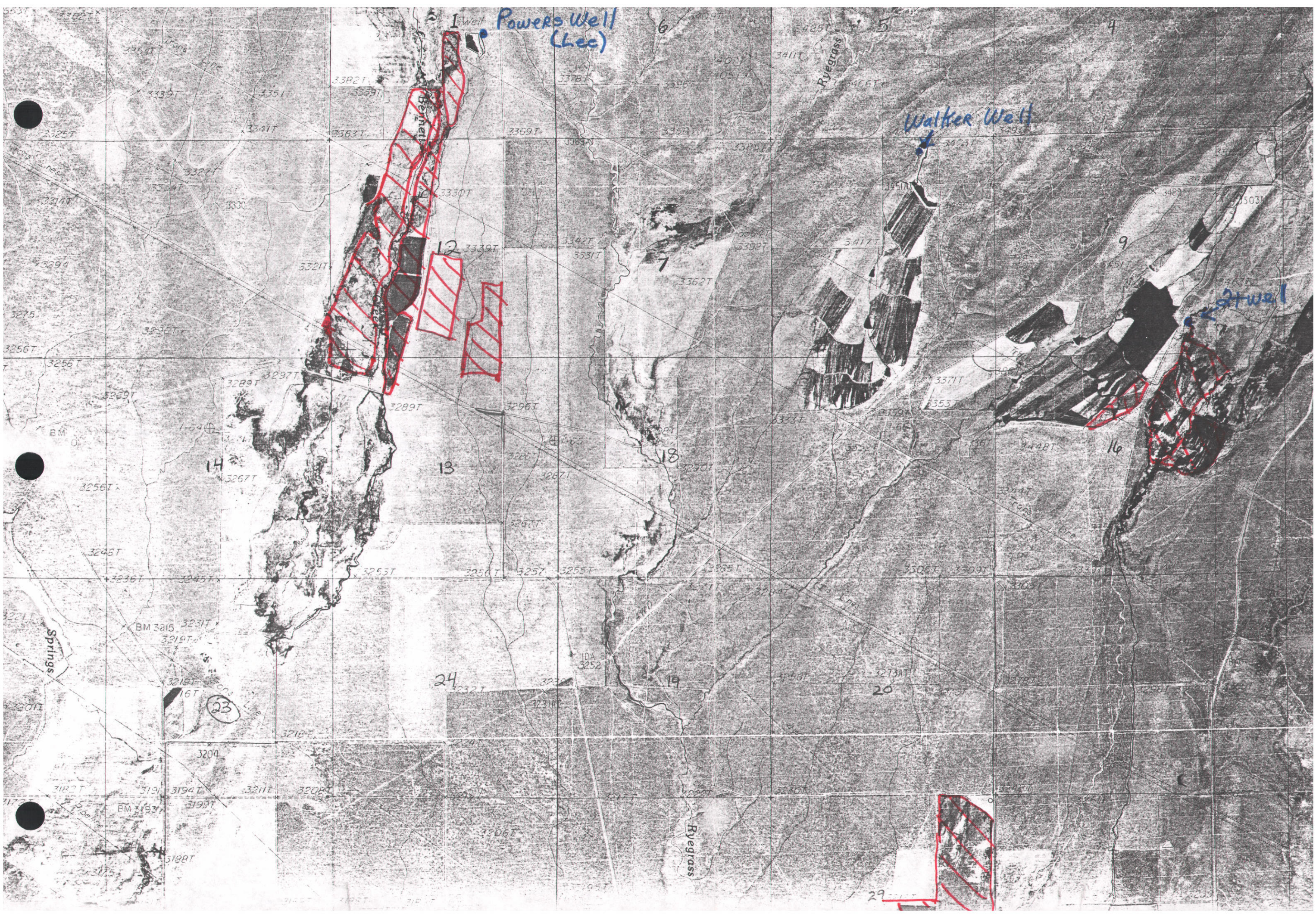
(172) = acres with no water rights

(124) = acres with well water only

(726) = total irrigated

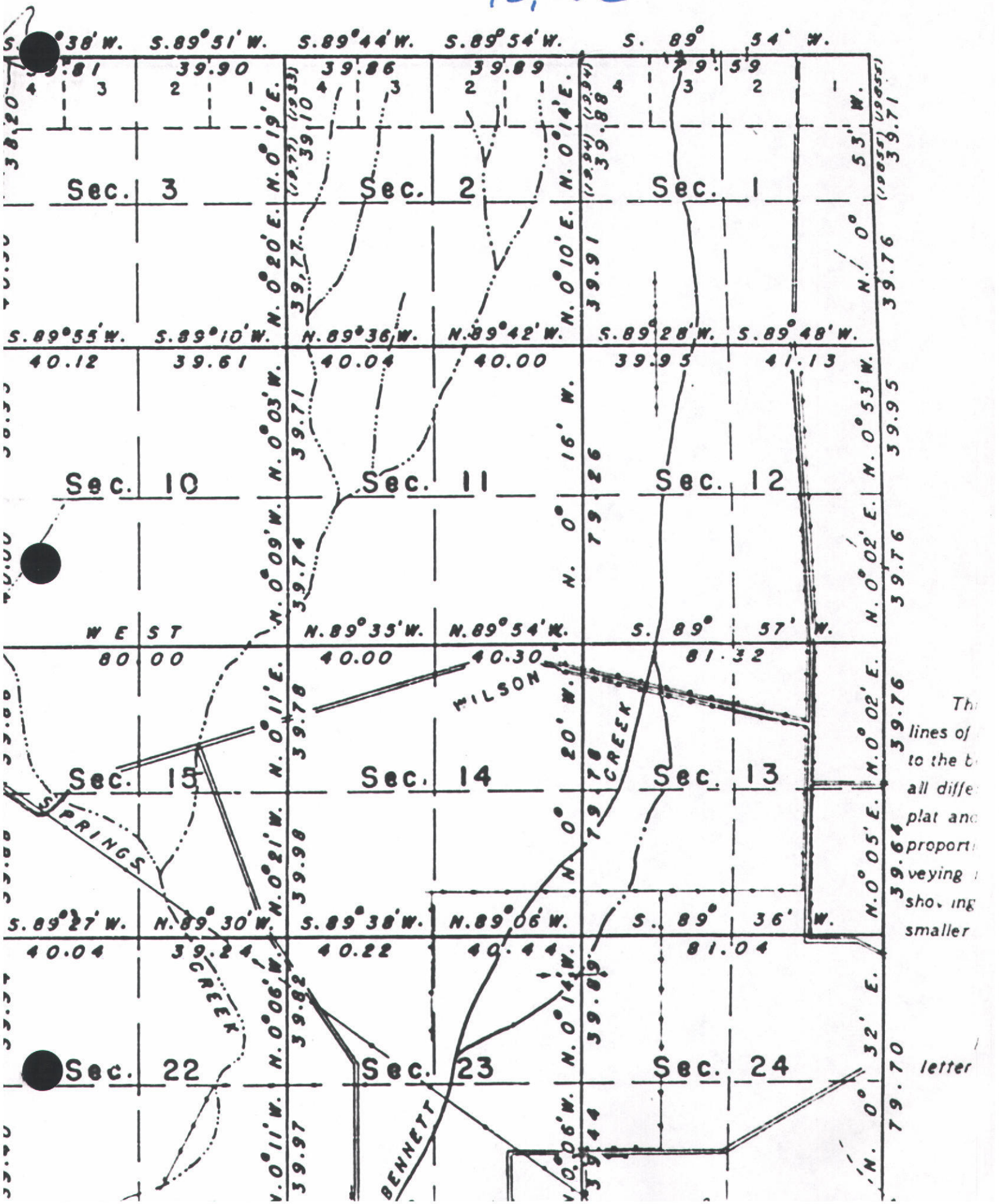

61-00300 + 61-00302
= deeded 11-6-1967
= claimed
= found
well
18
19
24
23
BM 3215

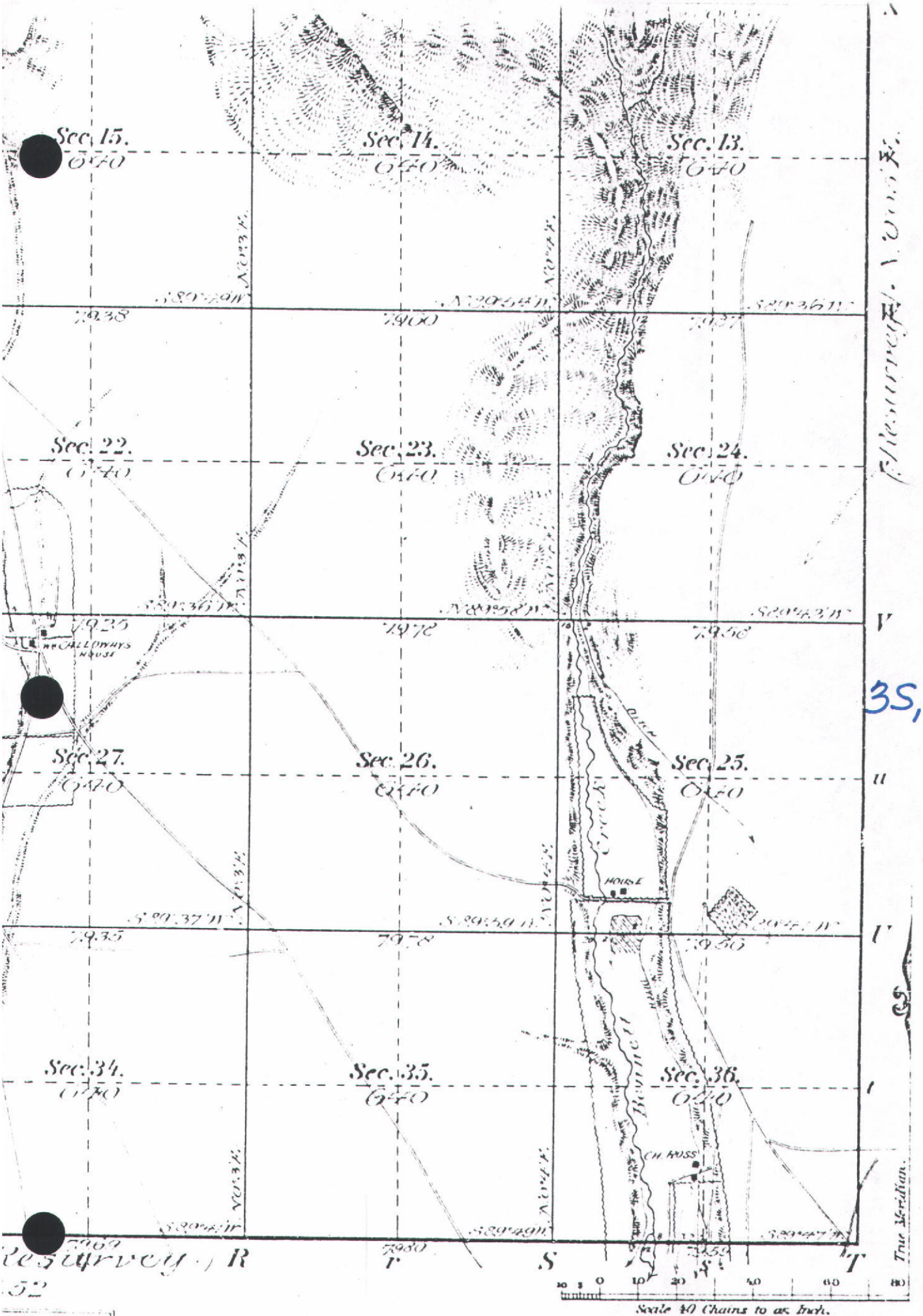

PLACE OF USE
BENNETT CREEK VS WELL WATER
APRIL 1996 MAP
//// = Bennett Creek.
\\\\ = Well water
No Water
Small well
No Water
No Water
Large Well
No Water
No Water
No Water
No Water
No Water
No Water
33 36
2
36 31
1 6
12 7
13 18


Powers Well (Lee)
Walker Well
2nd well
Ryegrass
Springs
Ryegrass
1
6
5
4
7
12
9
18
14
13
16
19
20
24
23
29

RESURVEY

4S, 8E



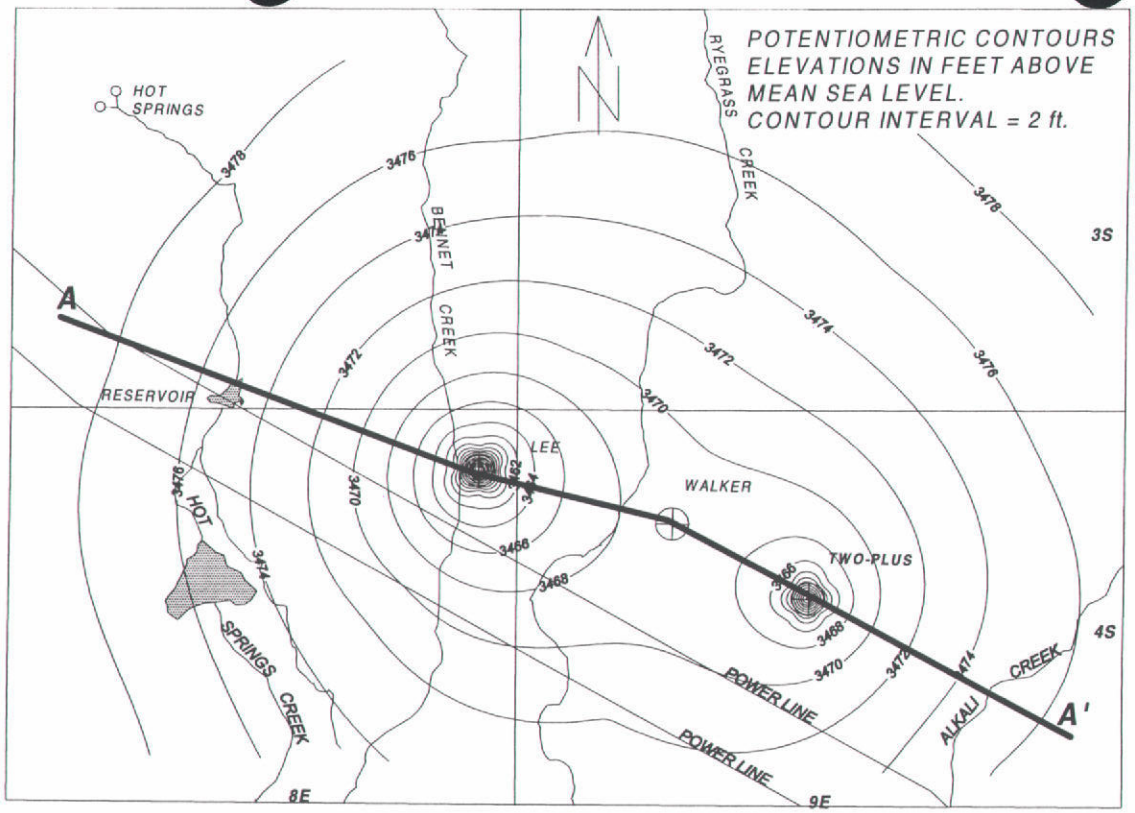


35, 8E

The above Map of Township 1 [illegible] of Range

SIMULATION SHOWING POTENTIOMETRIC CONTOURS AND CROSS-SECTION AFTER 210 DAYS OF CONTINUOUS FLOW.

FLOW RATES:
LEE WELL: 1.6 cfs
WALKER WELL: NO FLOW
TWO PLUS: 1.0 cfs



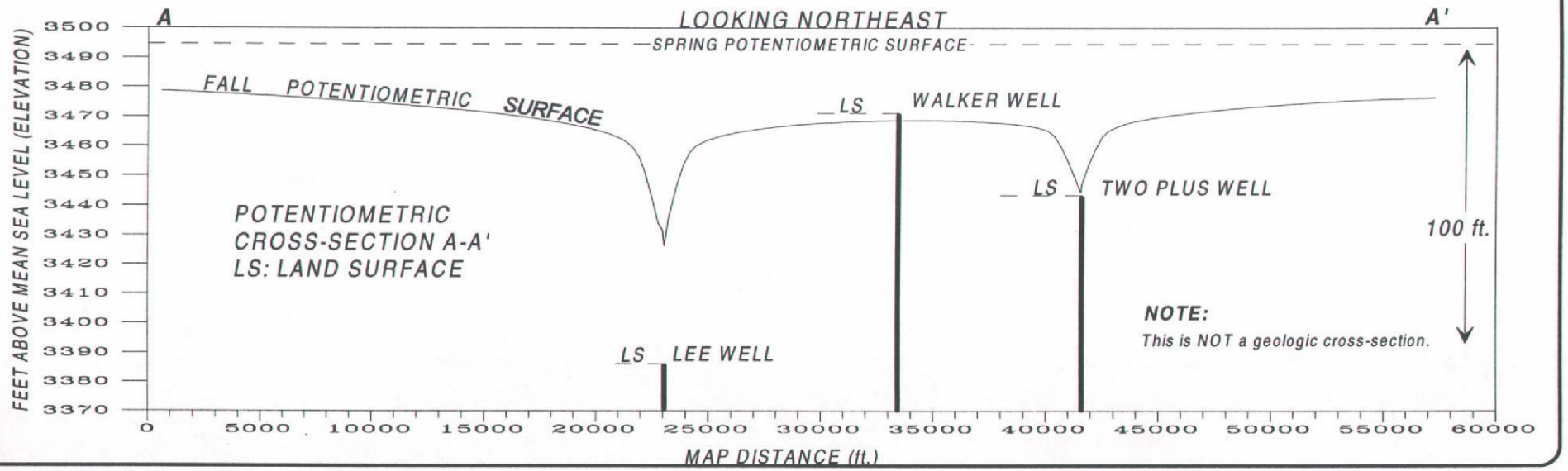
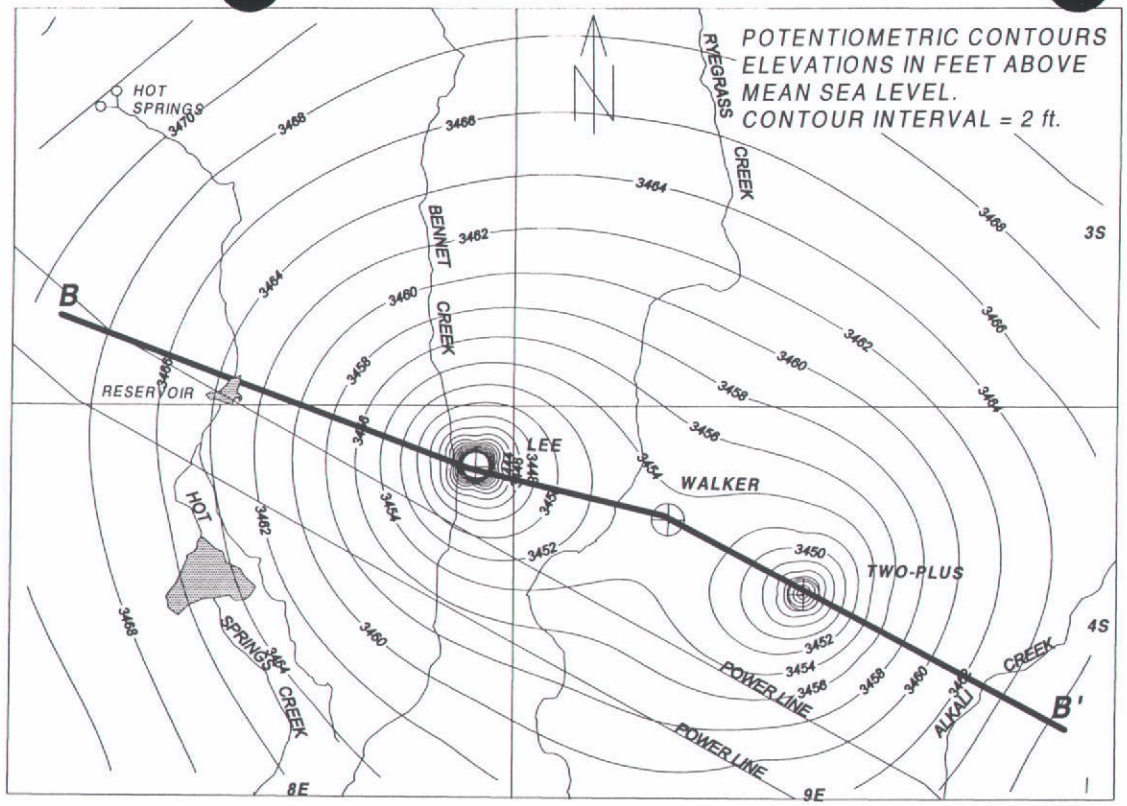


FIGURE 1.

SIMULATION SHOWING POTENTIOMETRIC CONTOURS AND CROSS-SECTION AFTER 210 DAYS OF CONTINUOUS FLOW.

FLOW RATES:
LEE WELL: 2.3 cfs
WALKER WELL: NO FLOW
TWO PLUS: 1.7 cfs

ASSUMES AN APPLICATION RATE OF THREE AF/A



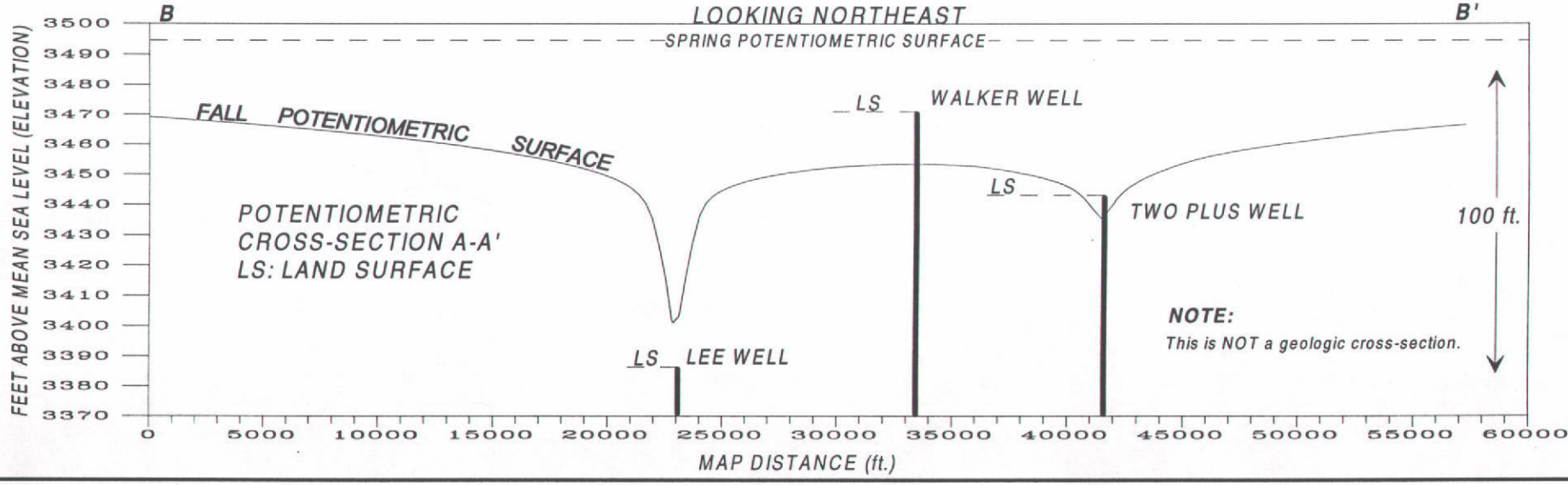
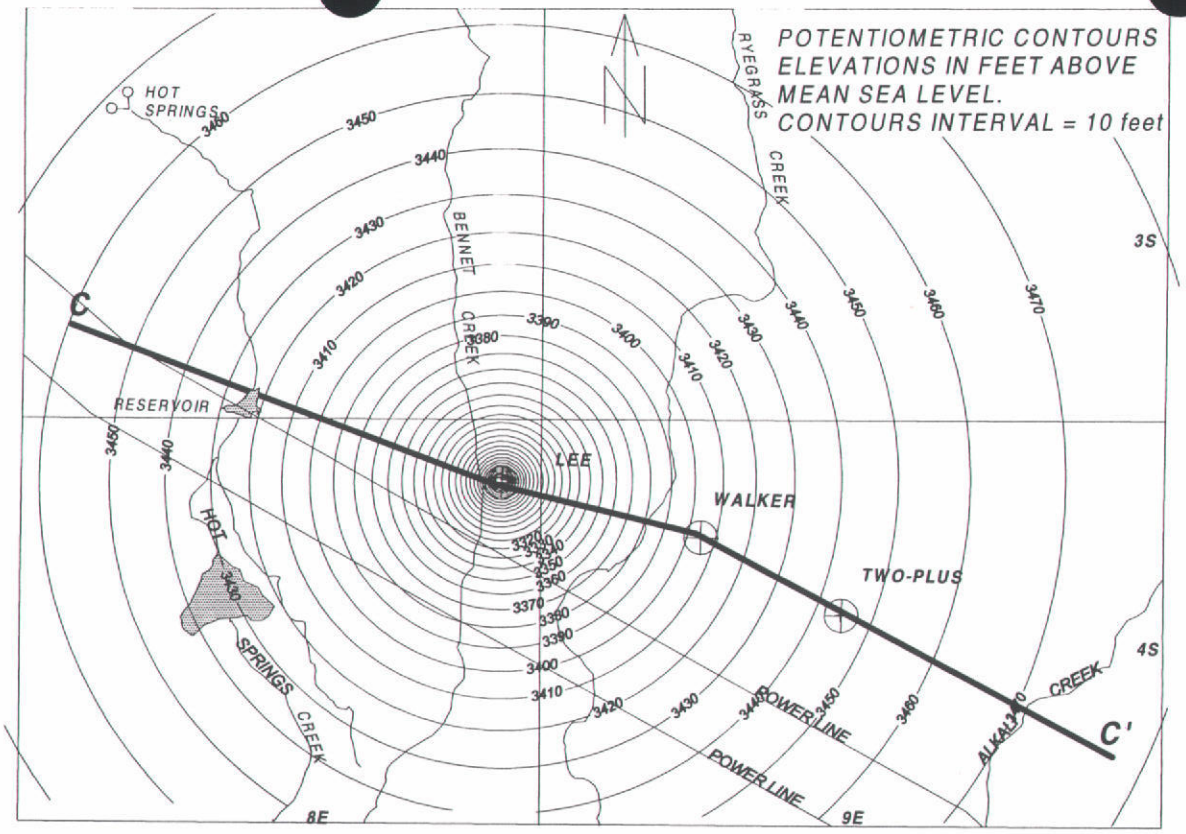


FIGURE 2.

SIMULATION SHOWING POTENTIOMETRIC CONTOURS AND CROSS SECTION AFTER SEVEN DAYS OF CONTINUOUS FLOW.

FLOW RATES:
LEE WELL: 22.5 cfs
WALKER WELL: NO FLOW
TWO PLUS: NO FLOW



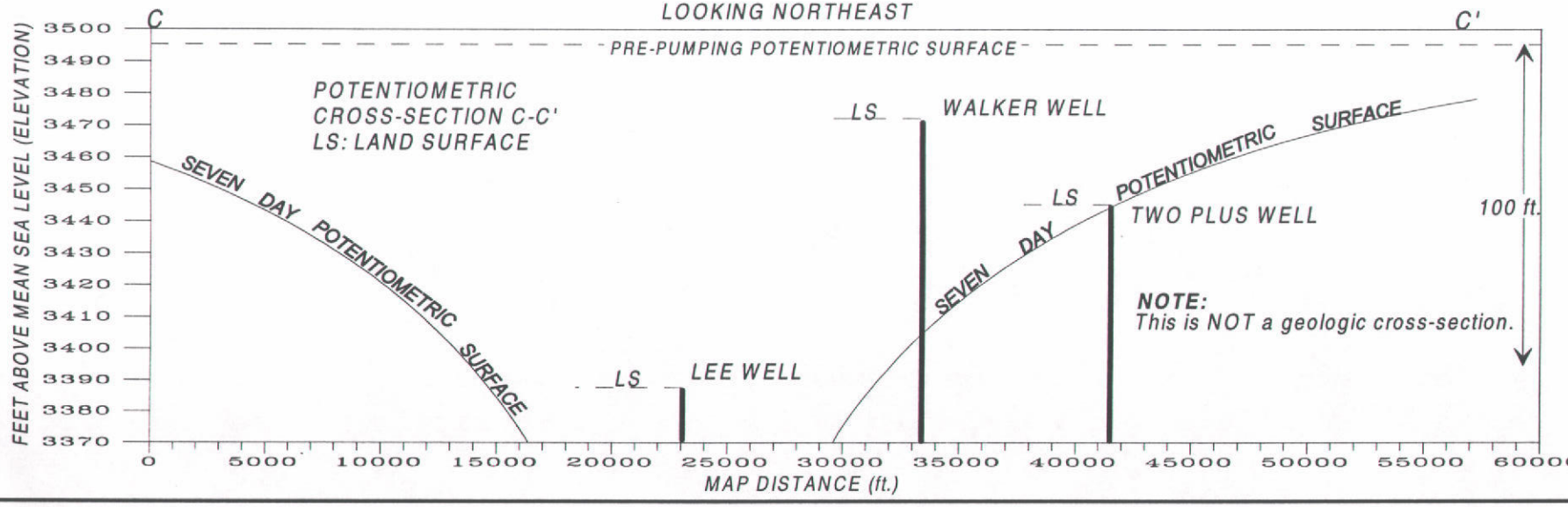
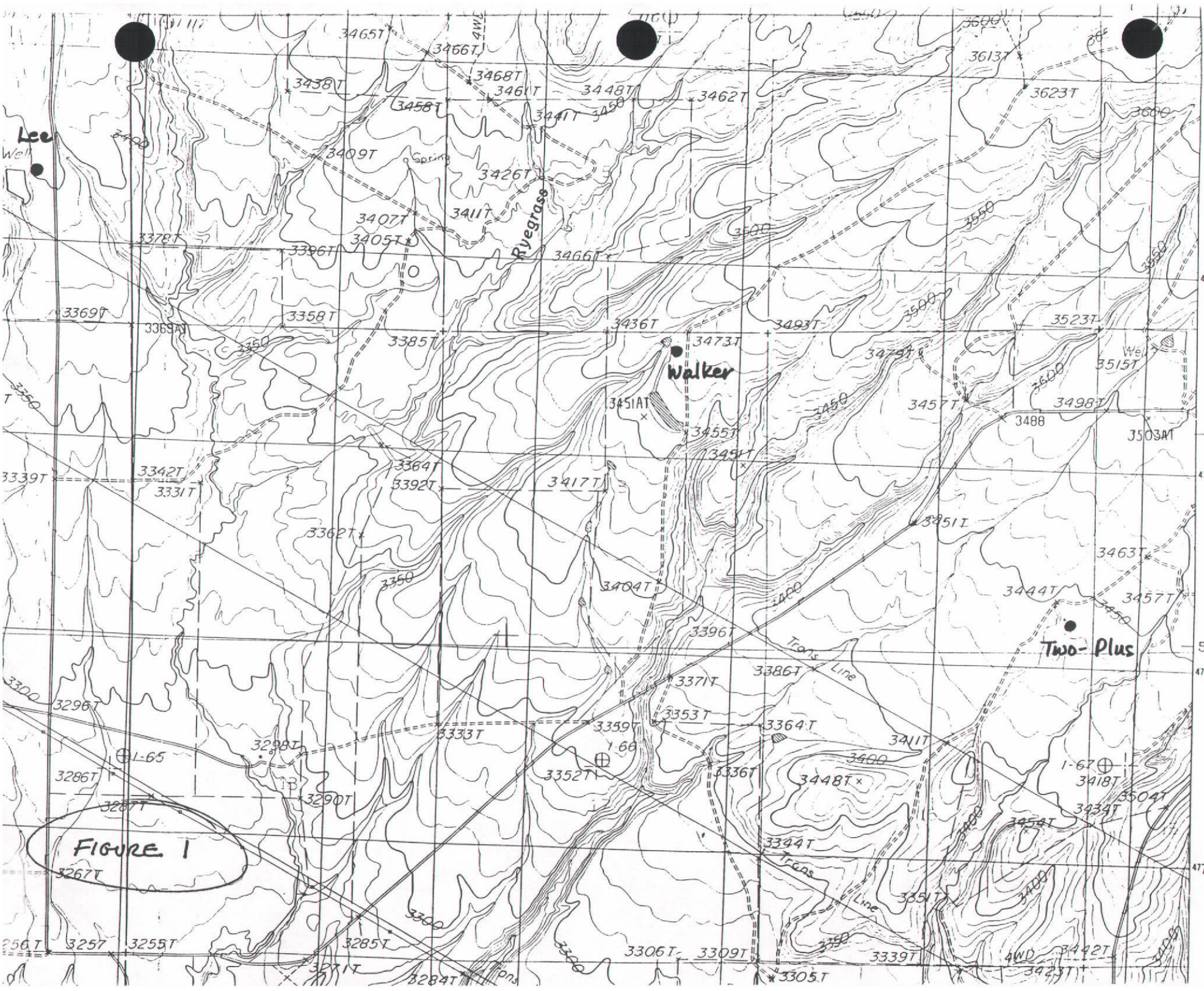
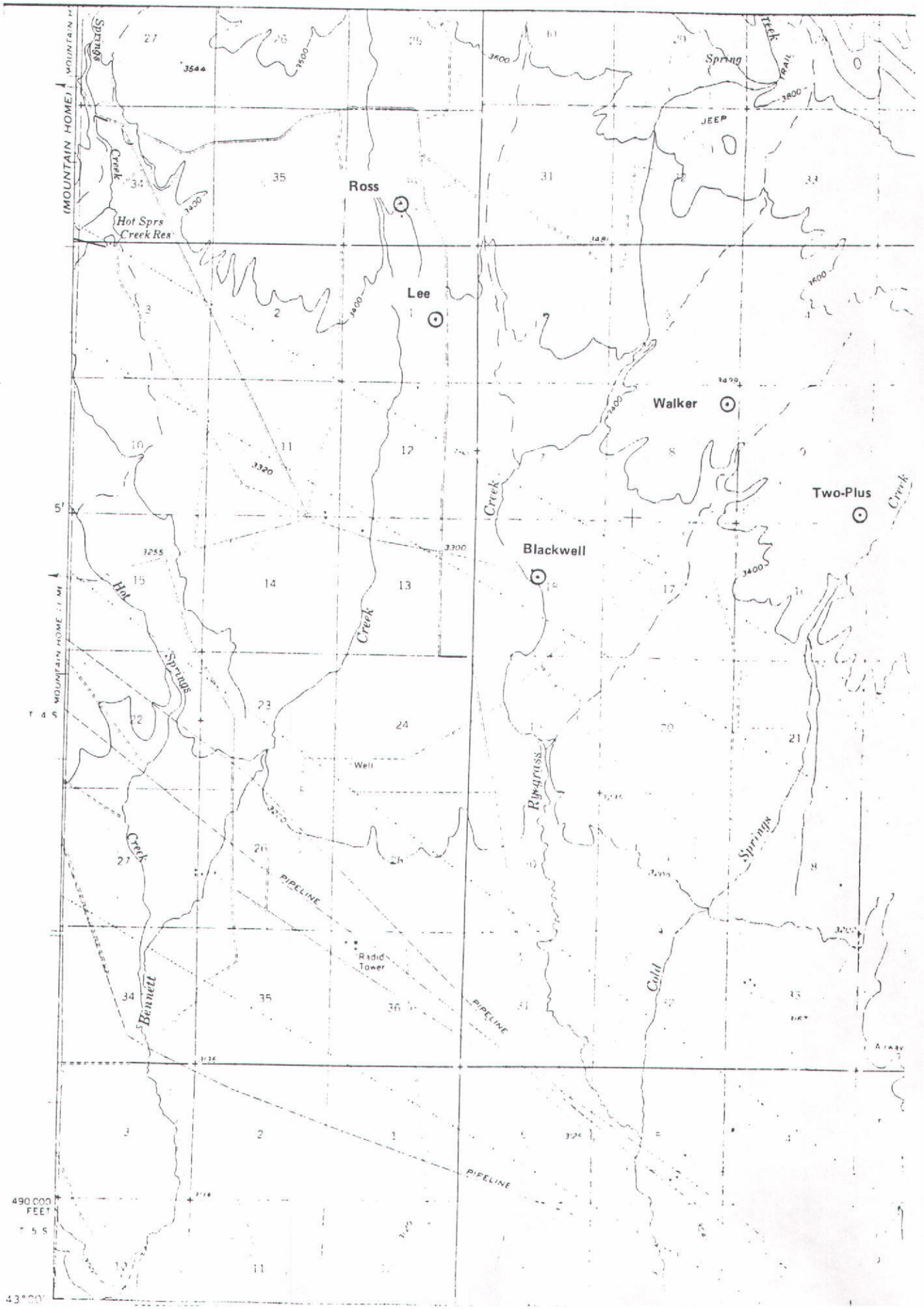


FIGURE 3.


Lee
Well
Spring
Ryegrass
Walker
Two-Plus
Trans Line
Trans Line
I-65
I-66
I-67
4WD
4WD
FIGURE 1


Ross
Lee
Walker
Two-Plus
Blackwell
Hot Sprs
Creek Res
Hot Springs Creek
Creek
Ryegrass Springs
Cold Springs
Bennett Creek
PIPELINE
Radio Tower
Well
JEEP TRAIL
(MOUNTAIN HOME)
T 4 S
T 5 S
490 000 FEET
43°00'

26 25
35 36
A6
~~6A~~
T4
OUT
19.9
1977
B
19.2
OUT
85.6
A
44.3
35 36
1 C
63.8
D
112.5
A9
T9
A
9.6
E
31.8
227.3
D
12.4
C
8.8
B
13.5
2 1
12
J1
65.1
J2
74.5

N-19

33 | 36
2 | 1

36 | 31
6 | 6

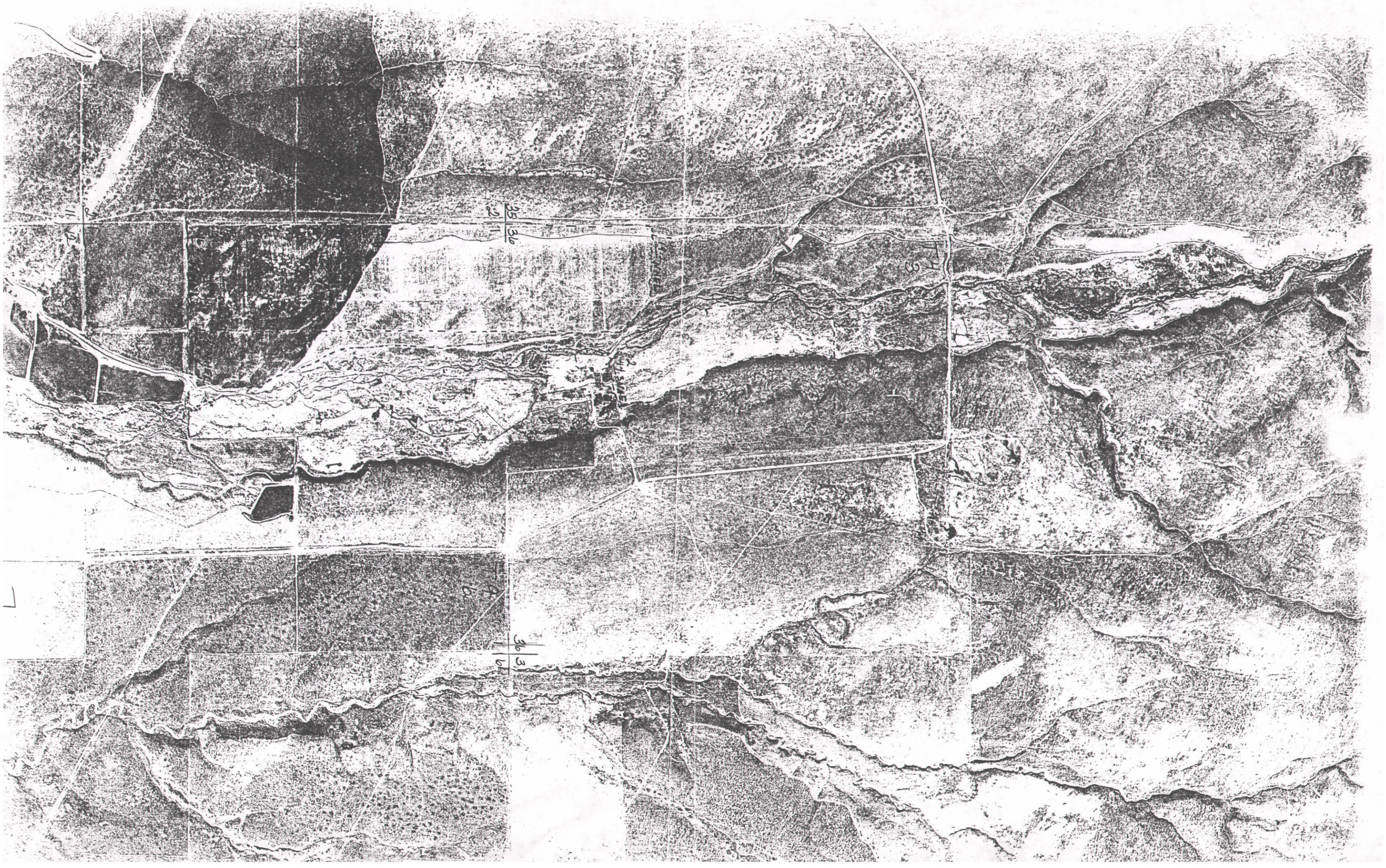
T9
6

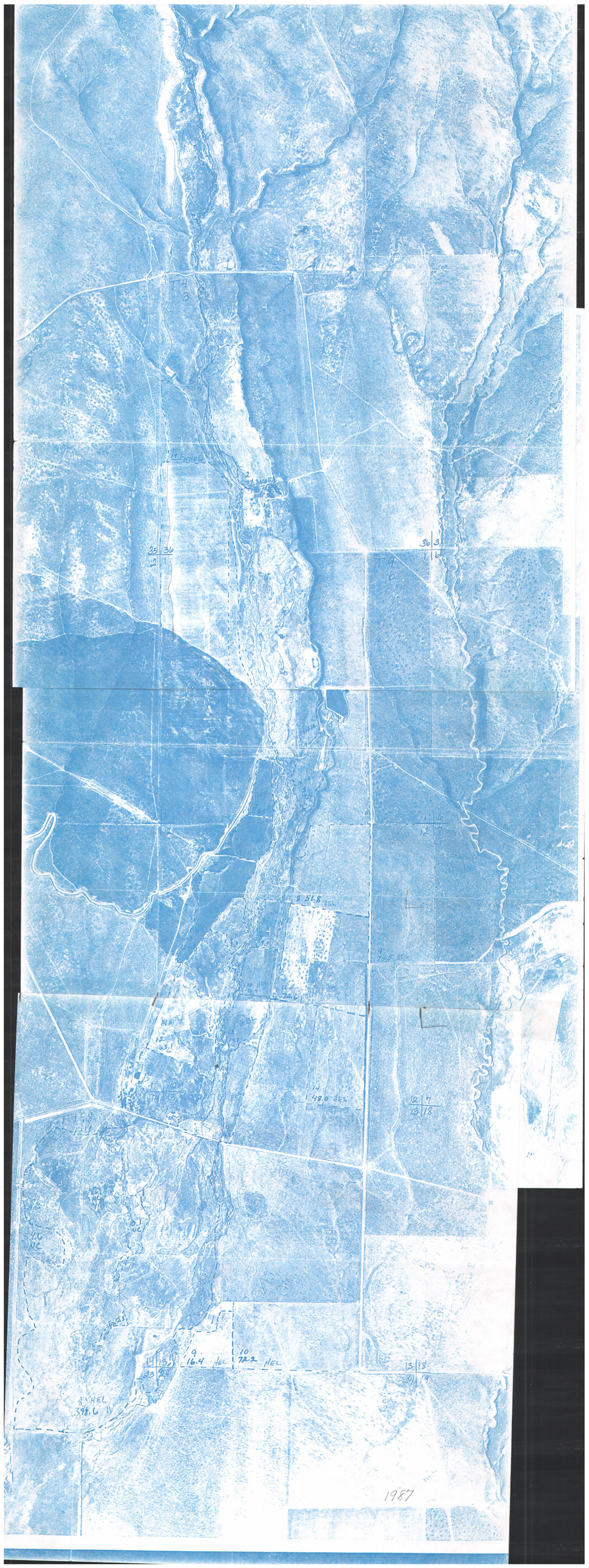
8 5L8 11EL

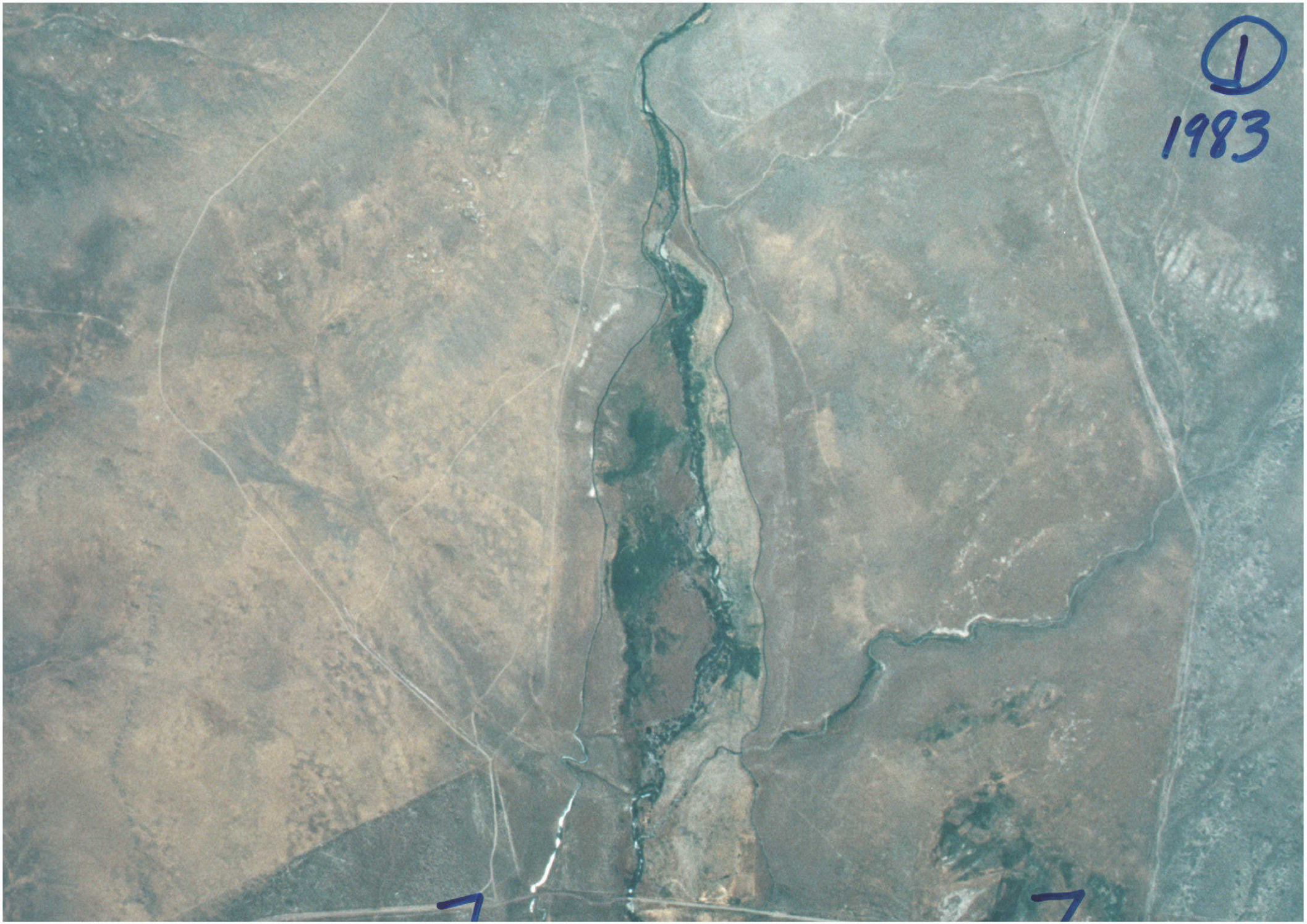
12
63.1

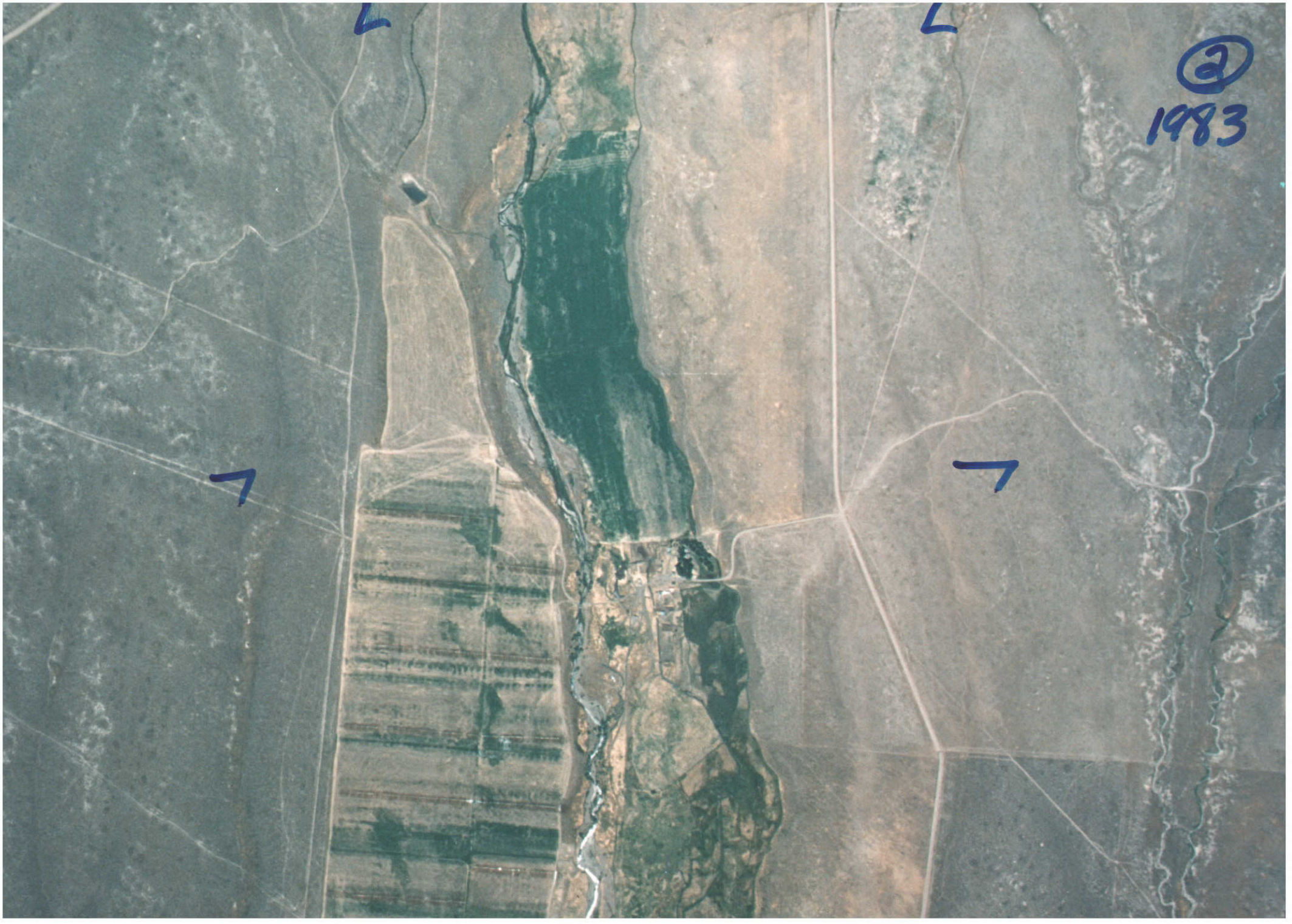
1 48.0 11EL

12 | 7
13 | 18



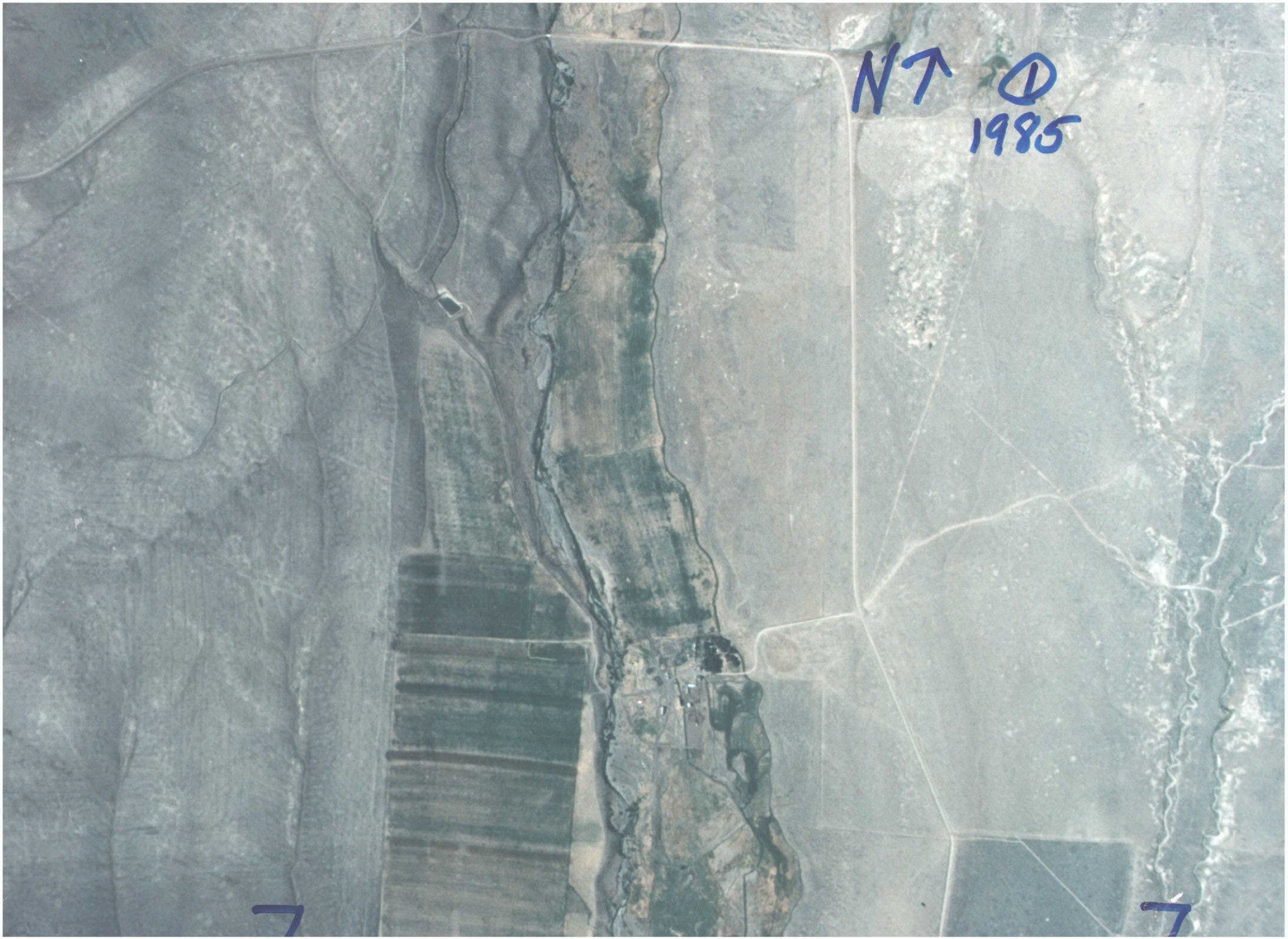

T4
3
25 36
2 1
36 31
1 6
T9
6
2
12
13.1
14
48.0 HEL
12 7
13 18
9
16.4 HEL
10
72.2 HEL
13 18
24 19
8 HEL
398.6 W
1987

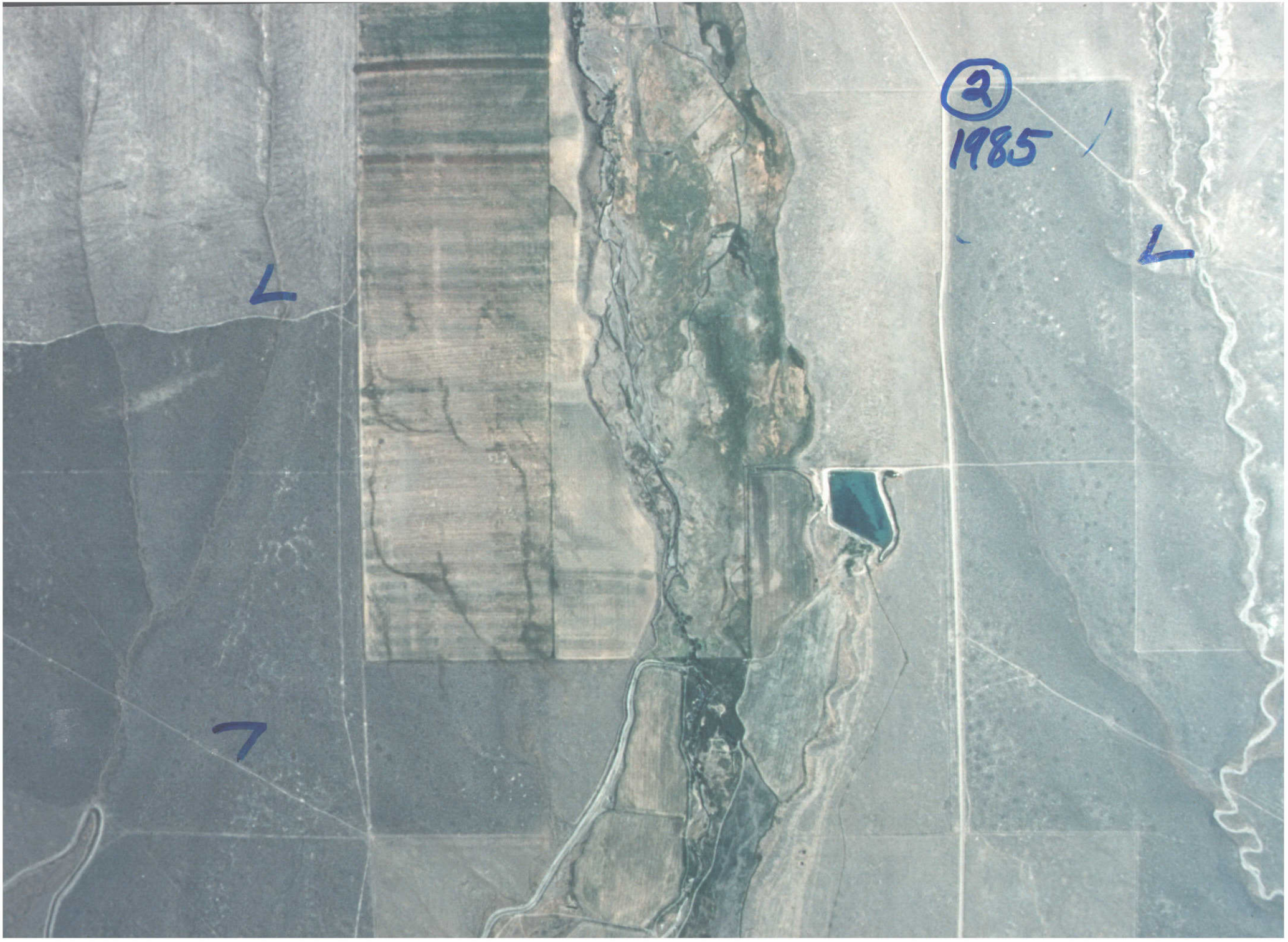

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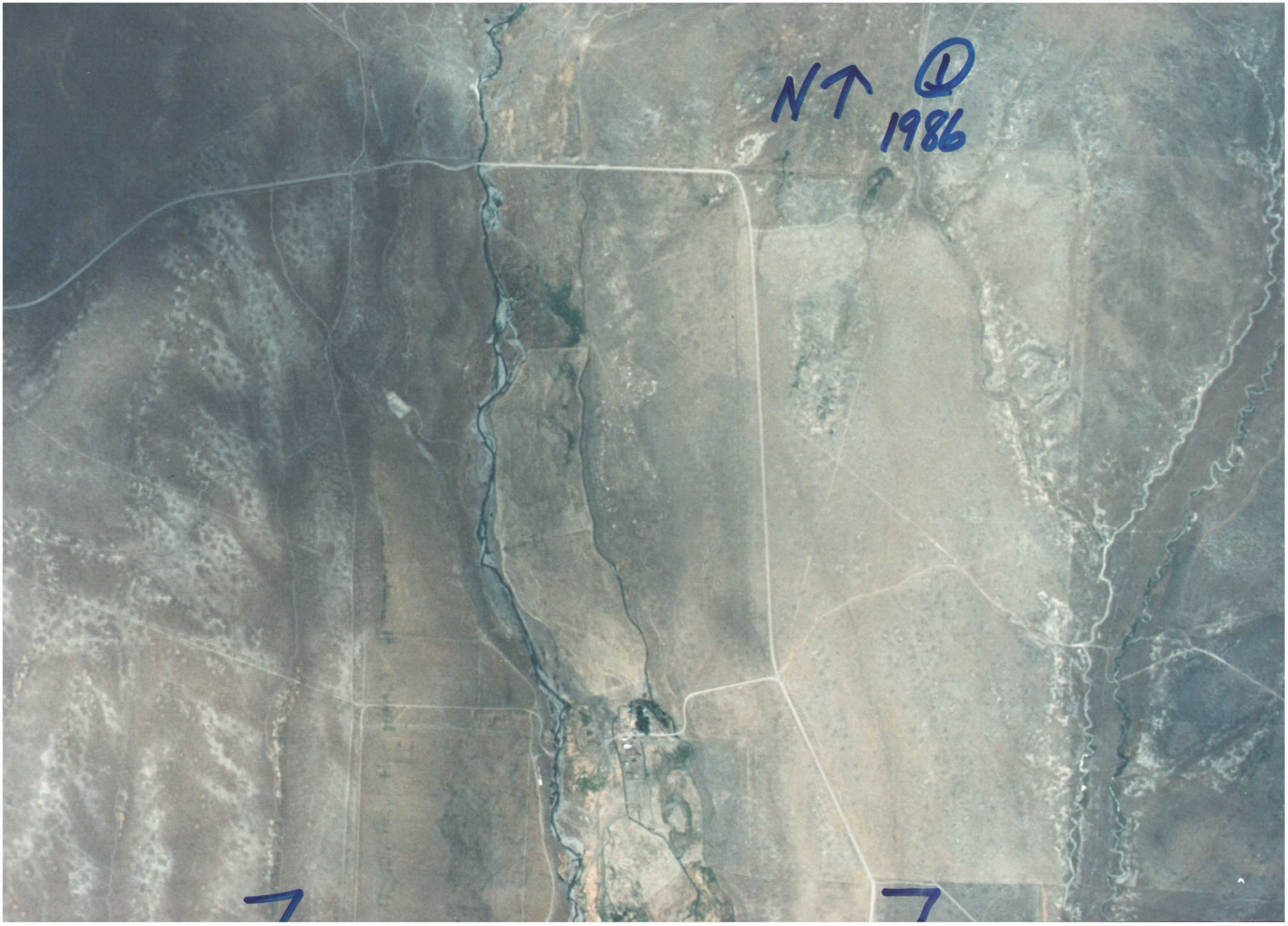

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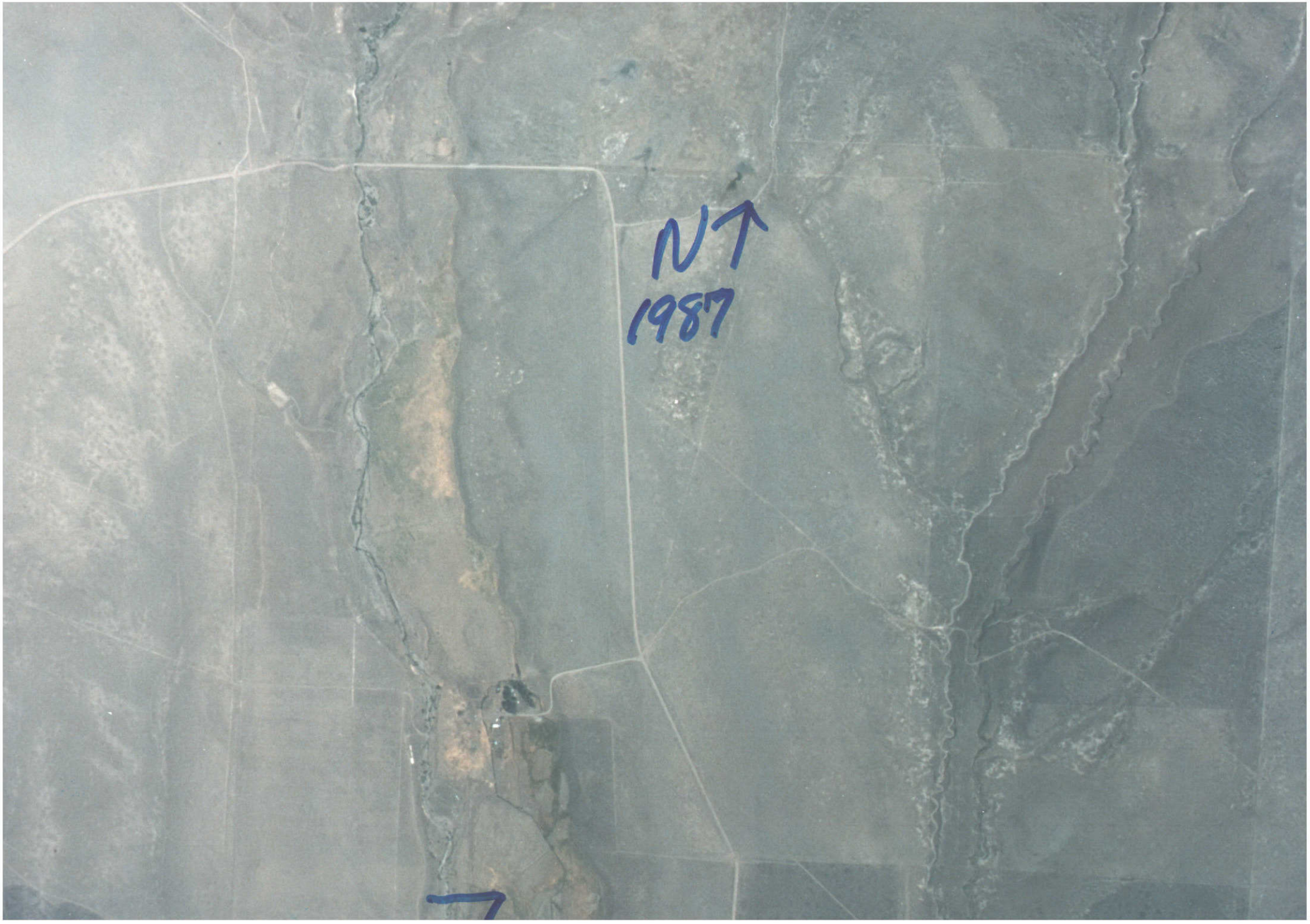

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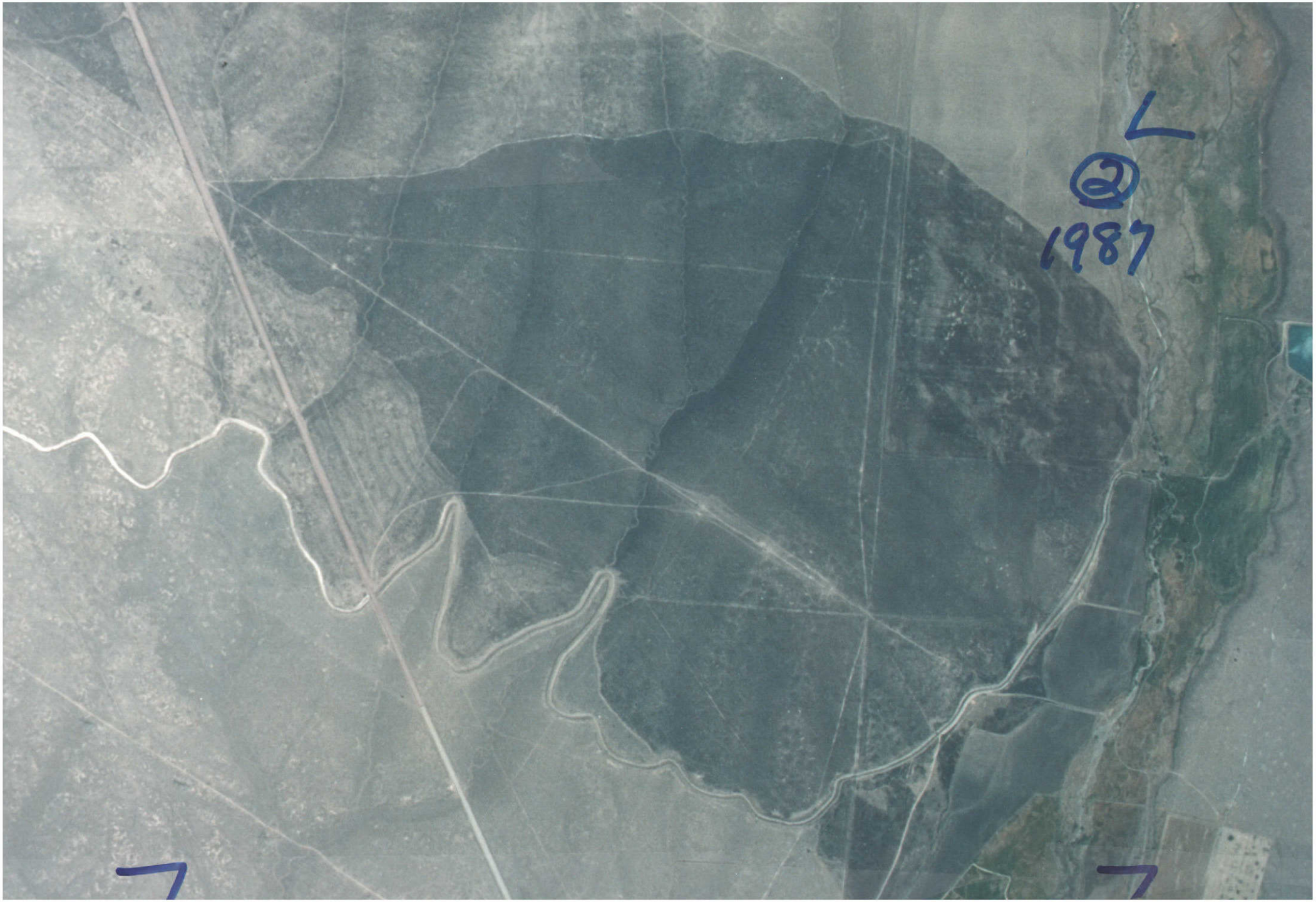

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: **A61-00362C**
Date Received: 12/ 7/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARK PROPERTIES, INC
   Address: 1656 KINGSHILL
   ST CROIX VI 00851

2. Date of Priority: MAR 1, 1892

3. Source: BENNETT CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	08E	1		SE	SW		ELMORE

5. Description of diverting works:
   DIVERSION VIA DITCHES(2) FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.610		

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

8. Total consumptive use is 547.7 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04S	08E	1	SE	SW		IRR	19.0
			SW	SE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	21.0
		11	SE	SE		IRR	6.0
						Section Acres	6.0
		12	NE	NW		IRR	29.0
			NW	NW		IRR	5.0
			SW	NW		IRR	22.0
			SE	NW		IRR	25.0
			NE	SW		IRR	23.0
			NW	SW		IRR	32.0
			SW	SW		IRR	31.0
			SE	SW		IRR	15.0
						Section Acres	182.0
		13	NE	NW		IRR	5.0
			NW	NW		IRR	2.0
						Section Acres	7.0
						Total Acres	216.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A61-10377, A61-00358, A61-02208, A61-02017 & A61-02006.

14. Remarks:
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 61-00362A AND 61-00362B.
CHANGE OF OWNERSHIP 7/28/95 MTS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP OF A PORTION OF CLAIM A61-00362, FEE PAID UNDER W006957. 4/30/1997 MTS
OWNERSHIP CHANGE 5/6/1997 MTS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

HALL — Decree Plaintiff vs BLACKMAN — Decree Defendant

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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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: **A61-00362C**
Date Received: 12/ 7/1989
Receipt No: X777777
Received By: _____

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

1. Name: FRANKLIN JACK POWERS 208-366-2802
   Address: PO BOX 1238
   GLENNS FERRY ID 83623
   AND/OR
   Name: ELIZABETH M POWERS 208-366-2802
   Address: PO BOX 1238
   GLENNS FERRY ID 83623

2. Date of Priority: MAR 1, 1892

3. Source: BENNETT CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	08E	1		SE	SW		ELMORE

5. Description of diverting works:
   DIVERSION VIA DITCHES(2) FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.610		

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

8. Total consumptive use is 547.7 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
04S	08E	1	SE	SW		IRR	19.0
			SW	SE		IRR	2.0
						Section Acres	21.0
		11	SE	SE		IRR	6.0
						Section Acres	6.0
		12	NE	NW		IRR	29.0
			NW	NW		IRR	5.0
			SW	NW		IRR	22.0
			SE	NW		IRR	25.0
			NE	SW		IRR	23.0
			NW	SW		IRR	32.0
			SW	SW		IRR	31.0
			SE	SW		IRR	15.0
						Section Acres	182.0
		13	NE	NW		IRR	5.0
			NW	NW		IRR	2.0
						Section Acres	7.0
						Total Acres	216.0

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A61-10377, A61-00358, A61-02208, A61-02017 & A61-02006.

14. Remarks:
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 61-00362A AND 61-00362B.
CHANGE OF OWNERSHIP 7/28/95 MTS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP OF A PORTION OF CLAIM A61-00362, FEE PAID UNDER W006957. 4/30/1997 MTS

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

HALL _____ BLACKMAN _____
Decree Plaintiff vs Decree Defendant

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): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____ _____
Notary Public

Seal

Residing at _____

My Commission Expires _____

Form 42-248/42-1409(6) 8/1/96

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
APR 24 1997
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____

   Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) FRANKLIN JACK POWERS & ELIZABETH M. POWERS

   PO BOX 1238 GLENNS FERRY, ID 83623

4. New Owner/Claimant(s) ARK PROPERTIES, INC.

   Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR

   New Mailing Address 1656 Kingshill

   City, State and ZIP Code St. Croix, USVI 00851

   New Telephone Number (____)_____-_____

5. Date you acquired the property APRIL 22, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres actually irrigated _____ Number and type of stock _____

   Diversion rate in CFS _____ (cubic feet per second) Number of homes _____ Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) _____ Date 4/22/97

   _____ Date _____

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

FOR VALUE RECEIVED

FRANKLIN JACK POWERS AND ELIZABETH M. POWERS, HUSBAND AND WIFE

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto

ARK PROPERTIES, L.L.C.

GRANTEE(S), whose current address is: 1656 KINGSHILL ST CROIX, USVI 00851
the following described real property in ELMORE County, State of Idaho,
more particularly described as follows, to wit:

Tract II:

Township 3 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 31: Lots 4 and 5

Township 4 South, Range 9 East, Boise Meridian, Elmore County, Idaho

Section 6: Lots 3, 4, 5, 6 and SE¼NW¼, NE¼SW¼

TOGETHER with and including all grazing, water, mineral, ditch and other rights appurtenant thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: APRIL 22, 1997

Franklin Jack Powers
FRANKLIN JACK POWERS

Elizabeth M. Powers
ELIZABETH M. POWERS

STATE OF IDAHO ..... County of ELMORE ....., ss.

On this 22ND ..... day of APRIL .....
in the year of 1997., before me, the undersigned, a Notary Public in and for said State, personally appeared
FRANKLIN JACK POWERS
ELIZABETH M. POWERS
known or identified to me to be the person S ..... whose name ARE ..... subscribed to the within instrument, and acknowledged to me that THEY executed the same.

Signature: .....

SHERYL A. REYMENT
NOTARY PUBLIC
STATE OF IDAHO

(type or print) SHERYL A. REYMENT
Residing at MOUNTAIN HOME
My commission expires: 12-27-99

300155

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.
Time 4:50 P M
Date April 22, 1997
Book ____ Page ____
DOLORES ROBISON
Recorder
By ____ Deputy
Fee $3.00

RECEIVED
APR 24 1997
WATER RESOURCES
WESTERN REGION

WARRANTY DEED

FOR VALUE RECEIVED

FRANKLIN JACK POWERS AND ELIZABETH M. POWERS, HUSBAND AND WIFE

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto

ARK PROPERTIES, L.L.C.

GRANTEE(S), whose current address is: 1656 KINGSHILL ST CROIX, USVI 00851
the following described real property in ELMORE County, State of Idaho,
more particularly described as follows, to wit:

SEE ATTACHED LEGAL DESCRIPTION

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever, except those of record.

Dated: APRIL 22, 1997

Franklin Jack Powers
FRANKLIN JACK POWERS

Elizabeth M. Powers
ELIZABETH M. POWERS

STATE OF IDAHO, County of ELMORE, ss.

On this 22ND day of APRIL
in the year of 1997 before me, the undersigned, a Notary Public in and for said State, personally appeared
FRANKLIN JACK POWERS
ELIZABETH M. POWERS

known or identified to me to be the person S whose name ARE subscribed to the within instrument, and acknowledged to me that executed the same.

Signature: Sheryl A Reyment

SHERYL A REYMENT
(type or print)

Residing at MOUNTAIN HOME

My commission expires: 12-27-99

SHERYL A REYMENT NOTARY PUBLIC STATE OF IDAHO

300156

ELMORE COUNTY, IDAHO ss
Request of

GUARANTY TITLE, INC.
Time 4:51 P M
Date April 22, 1997
Book Page
DOLORES ROBISON
Recorder
By Deputy
Fee 6.00

RECEIVED
APR 24 1997
WATER RESOURCES
WESTERN REGION

LEGAL DESCRIPTION

Tract I:

Township 4 South, Range 8 East, Boise Meridian, Elmore County, Idaho

Section 1: W1/2SE1/4 and SE1/4SW1/4
Section 11: SE1/4SE1/4
Section 12: W1/2, SW1/4SE1/4, NW1/4SE1/4 and NE1/4
Section 13: E1/2NW1/4, W1/2NE1/4, NE1/4SW1/4, NW1/4SE1/4; also
Tax No. 1, more particularly described as follows:

All that portion of the NW1/4NW1/4 of said Section 13, lying North of the following described line:

Commencing at a point 473 feet 10 inches due South of the Section corner common to Sections 11, 12, 13 and 14, Township 4 South, Range 8 East, Boise Meridian, and running thence
Southeasterly on a line in the center of the lane to a stone, a distance of 113 feet 6 inches; thence
In a Northeasterly direction making a right angle to a line in the center of said lane a distance of 280 feet 6 inches; thence
Southeasterly parallel with the line in the lane to the East boundary line of the NW1/4NW1/4 of said Section 13

Section 14: Tax No. 2, more particularly described as follows:

All that portion of the NE1/4NE1/4 of said Section 14, lying North of the following described line:

Commencing at a stone in the center of the Lane 63 feet 5 inches South of the Southwest corner of the SE1/4SE1/4 of Section Eleven, Township 4 South, Range 8 East, and running Southeasterly in the center of the lane to a stone 473 feet 10 inches due South of the corner common to Sections 11, 12, 13 and 14, Township 4 South, Range 8 East, Boise Meridian.

Township 2 South, Range 8 East, Boise Meridian, Elmore County, Idaho

Section 20: S1/2SE1/4 and SE1/4SW1/4
Section 21: W1/2SW1/4 and all that portion of E1/2SW1/4
SW1/4SE1/4; SE1/4NW1/4 and NW1/4SE1/4 lying West
of Bennett Creek
Section 29: N1/2N1/2, SW1/4NW1/4 and NW1/4SW1/4

TOGETHER with and including all grazing, water, mineral, ditch and other rights appurtenant thereto.

RECEIVED
APR 24 1997
WATER RESOURCES
WESTERN REGION

RECEIVED

NOV 18 1996

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page. Incomplete forms will be returned.

1. Water Right Number(s) A61-10377 - A61-00362 - A6100358 - A61-02066

   Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

   A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

   AND

   B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

   OR

   C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s)
   FRANKLIN JACK or ELIZABETH POWERS
   PO BOX 1239
   GLENNS FERRY, ID 83623

4. New Owner/Claimant(s) MICHAEL KENN BECKMAN CARLA B. BECKMAN

   Name connector (Check one): [ ] AND, [ ] OR, [X] AND/OR

   New Mailing Address 156 SOUTH 45TH WEST

   City, State and ZIP Code IDAHO FALLS, ID 84303

   New Telephone Number (208) 524-6333

5. Date you acquired the property JUNE 14, 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

   Number of acres actually irrigated 480 Number and type of stock 600 - cattle

   Diversion rate in CFS 12.27 (cubic feet per second) Number of homes 1 Other uses _____

   If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. * Signature of New Owner/Claimant(s) Donna Beckman Date 11/14/96

   Carla Beckman Date 11-14-96

   (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

RECEIVED
NOV 18 1996
WATER RESOURCES
WESTERN REGION

E RECEIVED
Franklin Jack Powers and Elizabeth M. Powers, husband and wife

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto
Michael Kenn Beckman and Carla B. Beckman, husband and wife

GRANTEE(S), whose current address is: 156 South 45th West Idaho Falls, Id
the following described real property in Elmore County, State of Idaho,
more particularly described as follows, to wit:

Township 3 South, Range 8 East, Boise Meridian, Elmore County, Idaho

Section 36: W1/2

Township 4 South, Range 8 East, Boise Meridian, Elmore County, Idaho

Section 1: Lot 2, SW1/4NE1/4, NW1/4 and N1/2SW1/4

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever. , except those of record.

Dated: June 14, 1996

Franklin Jack Powers

Elizabeth M. Powers

STATE OF Idaho, County of Elmore, ss.

On this 14th day of June
in the year of 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared
Franklin Jack Powers and Elizabeth M. Powers

known or identified to me to be the person s whose name are subscribed to the within instrument, and acknowledged to me that executed the same.

Signature: Sheryl A Reyment

Name: Sheryl A Reyment
(type or print)

Residing at: Mountain Home

My commission expires: 12/27/99

SHERYL A. REYMENT NOTARY PUBLIC STATE OF IDAHO

A61-00362 N/O Powers
DR: 1.71 cfs CU: 1530 AF
POD: 3S, 8E, S25, NW NW
4S, 8E, S1, SE SW
POU: 604 acre PPU

-00362C N/O Powers
DR: .61 cfs CU: 547.7 AF
POD: 4S, 8E, S1, SESW
POU: 216 acres (See attached)

-00362D N/O Beckman
DR: 1.10 cfs CU: 982.3 AF
POD: 3S, 8E, S25, NWNW
POU: 388 acres (See attached)

Note: A61-00362A and A61-00362B were combined into A61-00362

Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
03S	08E	36	NE	NW		IRR	7.0
			NW	NW		IRR	13.0
			SW	NW		IRR	16.0
			SE	NW		IRR	10.0
			NE	SW		IRR	21.0
			NW	SW		IRR	28.0
			SW	SW		IRR	39.0
			SE	SW		IRR	16.0
					Section Acres		150.0
04S	08E	1	NW	NE		IRR	10.0
			SW	NE		IRR	12.0
			NE	NW		IRR	33.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	32.0
			NE	SW		IRR	33.0
			NW	SW		IRR	40.0
			SE	SW		IRR	19.0
			SW	SE		IRR	2.0
					Section Acres		259.0
		11	SE	SE		IRR	6.0
					Section Acres		6.0
		12	NE	NW		IRR	29.0
			NW	NW		IRR	5.0
			SW	NW		IRR	22.0
			SE	NW		IRR	25.0
			NE	SW		IRR	23.0
			NW	SW		IRR	32.0
			SW	SW		IRR	31.0
			SE	SW		IRR	15.0
					Section Acres		182.0
		13	NE	NW		IRR	5.0
			NW	NW		IRR	2.0
					Section Acres		7.0
					Total Acres		604.0

"D" = 388 ac

"C" = 216 ac.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ARK PROPERTIES, INC 1656 KINGSHILL ST CROIX VI 00851	03/01/1892	IRRIGATION	03-15	11-15	0.61 CFS TOTAL DIVERSION: 0.61 CFS	

Water Source: BENNETT CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T04S R08E S01 SESW ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
04S	08E	1												21			02		23.0
04S	08E	11																04	4.9
04S	08E	12		.9			30	05	22	24	22	32	32	14					183.2
04S	08E	13					04	01											5.1
																	TOTAL ACRES		216.2

POU County: ELMORE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A61-00281 A61-00281A A61-00282A A61-00358A A61-00361A A61-00362C A61-02006A A61-02013A A61-02014A A61-02236D
A61-07273 A61-10377A R61-02236D R61-07273

Other Water Rights Listing Overlapping Place(s) of Use:
A61-00281 A61-00281A A61-00282 A61-00282A A61-00283 A61-00284 A61-00300 A61-00302 A61-00358 A61-00358A
A61-00361 A61-00361A A61-00362 A61-00362C A61-02006 A61-02006A A61-02013 A61-02013A A61-02014 A61-02014A
A61-04111 A61-10377 A61-10377A R61-00283 R61-04111

Remarks: POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 216 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 61-00282A, 61-00358A, 61-00361A, 61-00281A, 61-10377, 61-02006A, 61-00302.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 61-00282A, 61-00358A, 61-00361A, 61-00281A, 61-10377A, 61-02006A, 61-02013A.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 61C Field Inspection Flag:
Presumption Flag:

Comments: Date: 10/19/1998 User-ID: MSCHULTE Subject: COPIED FROM REMARKS
THIS RIGHT IS COMBINATION OF OLD RIGHTS 61-00362A AND 61-00362B.
CHANGE OF OWNERSHIP 7/28/95 MTS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF
CLAIM A61-00362, FEE PAID UNDER W006957. 4/29/1997 MTS
CHANGE OF OWNERSHIP 5/6/1997 MTS

Audit: 10/19/98 MSCHULTE

November 20, 1998

RECEIVED
DEC 2 1 1998
WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 61-00362C

ARK PROPERTIES INC
1656 KINGSHILL
ST CROIX VI 00851

Daytime Telephone Number: *208-366-7931*
Evening Telephone Number: *208-366-7931*

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Period of Use, Place of Use.

2. Describe the changes you wish to make in the proposed recommendation:
Should be consistant with the adjudication claim.

3. Give a brief explanation as to why you disagree with these portions:
Because they don't appear to reflect the historical use.

____ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: *12/17/98* **SIGNATURE:** _____
Please print your name: *John B. McCallum*

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	ARK PROPERTIES, INC	03/01/1892	IRRIGATION	03-15	11-15	0.61 CFS	
						TOTAL DIVERSION: 0.61 CFS	
						~~CONSUMPTIVE USE:~~	~~547.70 AFA~~ delete

Water Source: BENNETT CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T04S R08E S01 SESW ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
04S	08E	1												19			02		21.0
04S	08E	11																06	6.0
04S	08E	12					29	05	22	25	23	32	31	15					182.0
04S	08E	13					05	02											7.0
																	TOTAL ACRES		216.0

See A61-00281A

POU County: ELMORE

Non-Irrigation Uses: NONE.

Other Rights: A61-10377, A61-00358, A61-02208, A61-02017 & A61-02006.

Remarks: GEN THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 61-00362A AND 61-00362B.
CHANGE OF OWNERSHIP 7/28/95 MTS
THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP OF A PORTION OF CLAIM A61-00362, FEE PAID UNDER W006957. 4/30/1997 MTS
OWNERSHIP CHANGE 5/6/1997 MTS

tp comments

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 61C Field Inspection Flag:
Presumption Flag:

POU1-E14
EXP-F06

PAGE: 1 10

LIST OF MAPS USED AND ATTACHMENTS See A61-00281A CLAIM NUMBER: A61-00362C

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
( ) ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y(___) N(___)
( ) TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(___) N(___)
(✓) ~~MAPP~~ GIS map	DATE OF PHOTO _____ IDWR ID NO. _____	Y(___) N(___)
( ) ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y(___) N(___)
( ) ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(___) N(___)
( ) BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(___) N(___)
( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(___) N(___)
( ) SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(___) N(___)
( ) SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(___) N(___)
( ) OTHER _____	DATE _____	Y(___) N(___)
( ) OTHER _____	DATE _____	Y(___) N(___)
( ) OTHER _____	DATE _____	Y(___) N(___)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION		NO. OF PAGES	NOTES
( ) LICENSING FIELD EXAM	DATE OF FIELD EXAM	_____	____	_____
( ) WATER RIGHT LICENSE	DATE LICENSE SIGNED	_____	____	_____
( ) IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED	_____	____	_____
( ) SYSTEM DESCRIPTION	DATE DRAWN	_____	____	_____
( ) PHOTOGRAPHS	DATE(S) PHOTOS TAKEN	_____	____	_____
( ) SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED	_____	____	_____
( ) HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED	_____	____	_____
( ) CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED	_____	____	_____
( ) FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED	_____	____	_____
( ) OTHER _____	DATE	_____	____	_____
( ) OTHER _____	DATE	_____	____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:50:03
10/19/98

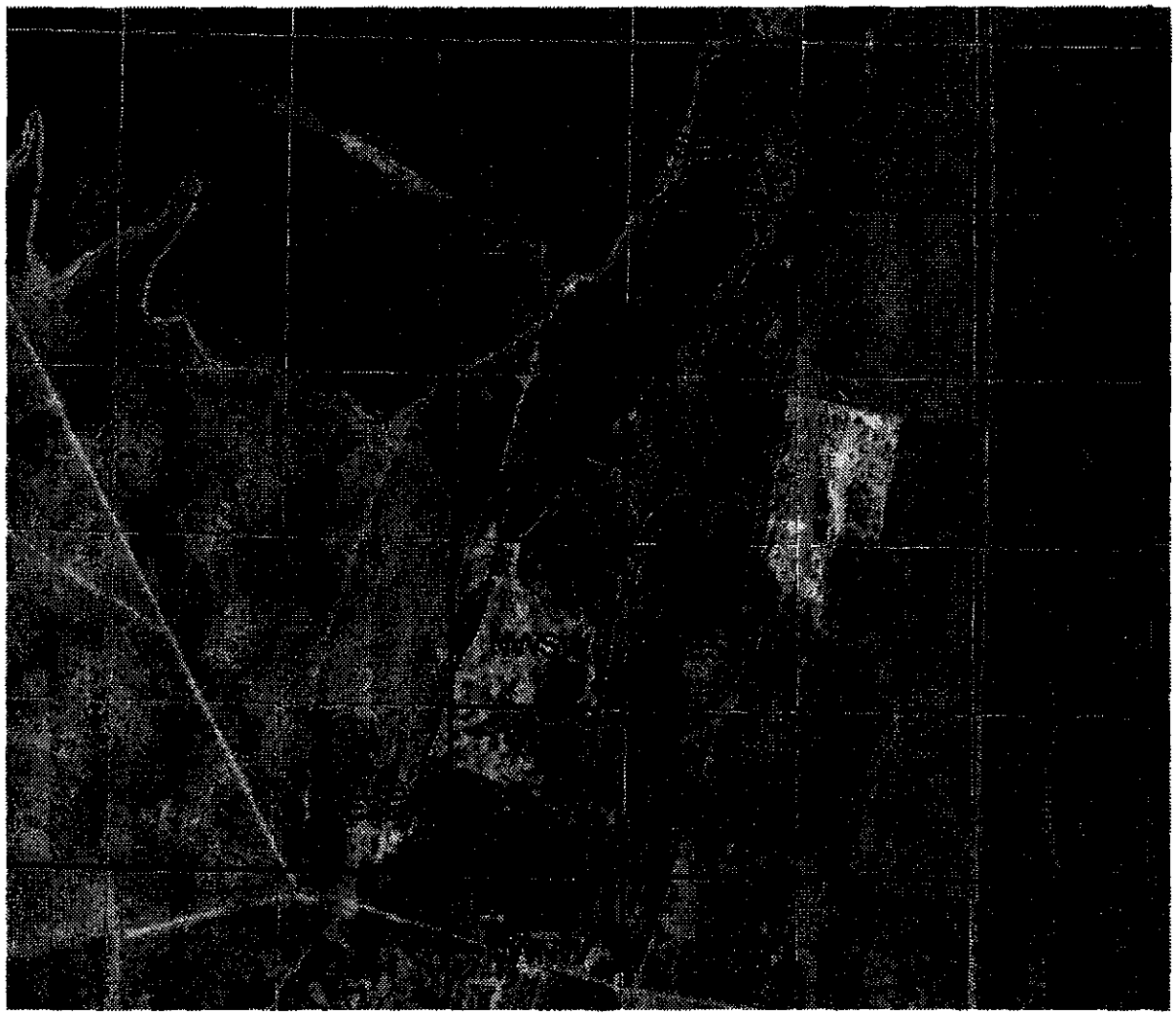
PAGE: 2
QUICKLOOK INFORMATION

11
CLAIM NUMBER: A61-00362C

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-		MS 3-20-96 slab	Y		MS 10-14-98	MS 10-14-98	
POINT OF DIV	-			N				
SOURCE	-			N				
PLACE OF USE	-			Y				
DIV. AMOUNT CFS/VOLUME	-			N				
CONSUMPTIVE USE	-			N A				
PURPOSES OF USE	-			N				
PERIOD OF USE	-			N				
BASIS OF CLAIM	-			N				
REMARKS	-			Y				

BARCODE UPDATED
WHOM/DATE
MS 10-19-98

IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 11, 12 & 13



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 61-00281A, 61-00282A, 61-00358A, 61-00362C, 61-02006A, 61-10377A, 61-00361A, 61-00302

OWNER(S): ARK PROPERTIES, INC

Prepared by Mel Schulte

DATE: OCTOBER 16, 1998

0 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 12, 1996

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

RE: Amended claims

Dear Jack & Betty:

Enclosed are several amended claim forms for your Bennett Creek water rights. These amended claims comply with your desire to use a permissible place of use so that all rights will be appurtenant to each acre of land. As we discussed during our previous meeting, this concept recognizes how the Bennett Creek water has been historically used on the ranch. Also, when the claims are split due to a split in ownership of the ranch, each acre will receive a prorated share of each claimed right.

You will note on the enclosed forms that the place of use describes the 510 acres historically irrigated with creek water and the two points of diversion historically used to divert water from Bennett Creek. When these claims are subsequently split, the points of diversion and place of use will be split to comply with the change of ownership of the land.

To complete the amended claims, one of you should sign the claim forms in front of a notary public. Please return the signed forms to my attention so that I can prepare our records prior to the change of ownership request that is forthcoming. There are no fees for filing these amended claims. If you have any questions or discussion concerning this matter please let me know.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

CC: Sean Powers
Terry Scanlan

WR5809NP
No. 61-00362B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 03/11/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	IDA E. ROSS MTN. HOME ID	03/01/1892	IRRIGATION	04/01	11/01	0.910 CFS	
				TOTAL DIVERSION:		0.910 CFS	

Water Source: BENNETT CREEK Tributary to: SNAKE RIVER Stage: DECREED

Point(s) of Diversion: T04N R03W S15 SWSE ADA County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
04S	08E	1					I			I	I								

Pou County: ELMORE

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date:

Priority Date: 03/01/1892
Proof Made Date:
Exam Sent to S.O.:

T160

Misc: Water District Number: 61C Field Exam Fee:

Audit: 04/02/92 CURTIS

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	IDA E. ROSS MTN. HOME ID	03/01/1892	IRRIGATION	00/00	00/00	0.800 CFS	
				TOTAL DIVERSION:		0.800 CFS	

Water Source: BENNETT CREEK Tributary to: SNAKE RIVER Stage: DECREED

Place of use Legal Description for: IRRIGATION

		NE								NW								SW								SE					
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
03S	08E	36										I		I					I		I											
04S	08E	1										I		I					I													

Pou County: ELMORE

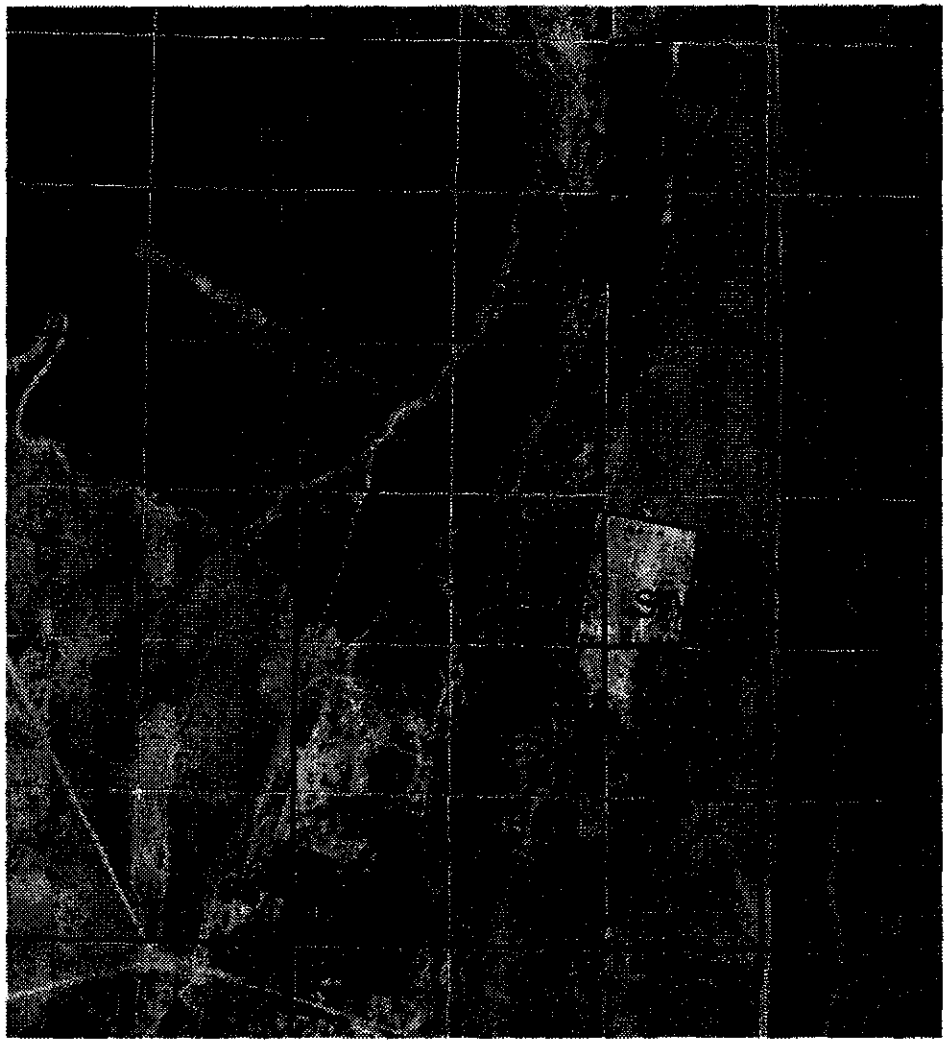
T160

Dates: App. Received: Priority Date: 03/01/1892
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 61C Field Exam Fee:

Audit: 06/13/86 05/01/88 CONVERT

IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 12 & 13



0 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 61-00300

OWNER(S): ARK PROPERTIES, INC

Prepared by Mel Schulte

DATE: OCTOBER 19, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 12 & 13



0 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

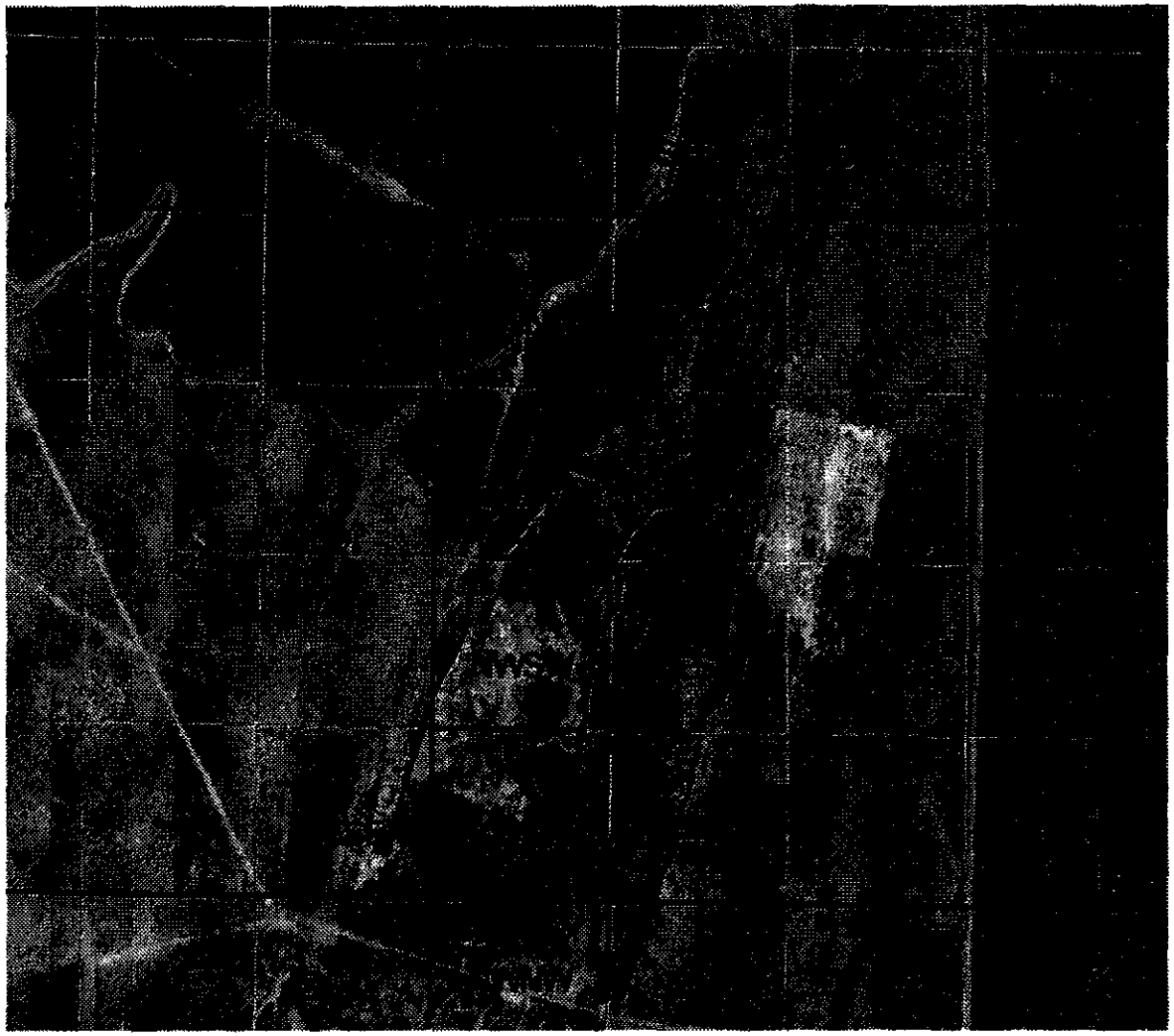
CLAIM(S): 61-00302

OWNER(S): ARK PROPERTIES, INC

Prepared by Mel Schulte

DATE: OCTOBER 19, 1998

IDAHO DEPARTMENT OF WATER RESOURCES
T04S, R08E, S1, 11, 12 & 13



N
W E
S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 61-00281A, 61-00282A, 61-00358A, 61-00362C, 61-02006A, 61-10377A, 61-00361A,

OWNER(S): ARK PROPERTIES, INC

Prepared by Mel Schulte

DATE: OCTOBER 16, 1998

0 0.25 0.5 0.75 1 1.25 1.5 1.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES
T03S, R08E, S36
T04S, R08E, S1



0 0.25 0.5 0.75 1 1.25 1.5 1.75 2 Miles

W E S

1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 61-02281B, 61-00282B, 61-00358B, 61-00362B, 61-02006E, 61-02014B, 61-10377B, 61-00361B, 61-02013B

OWNER(S): BECKMAN

Prepared by Mel Schulte

DATE: OCTOBER 9, 1998

PLACE OF USE AND SYSTEM
WITH FIELD NUMBERS

PID Measurement sites

Measurement site

A61-0207

Spring

Stump

PID well

New Ditch

PID well

Well

O=Field numbers

House

433.9

2780

MAP OF HISTORICAL RIGHTS
VERSUS CLAIMS

Map of historical rights vs claims

Blue = WR (incomplete)
Red = AJ
Green = decree GW

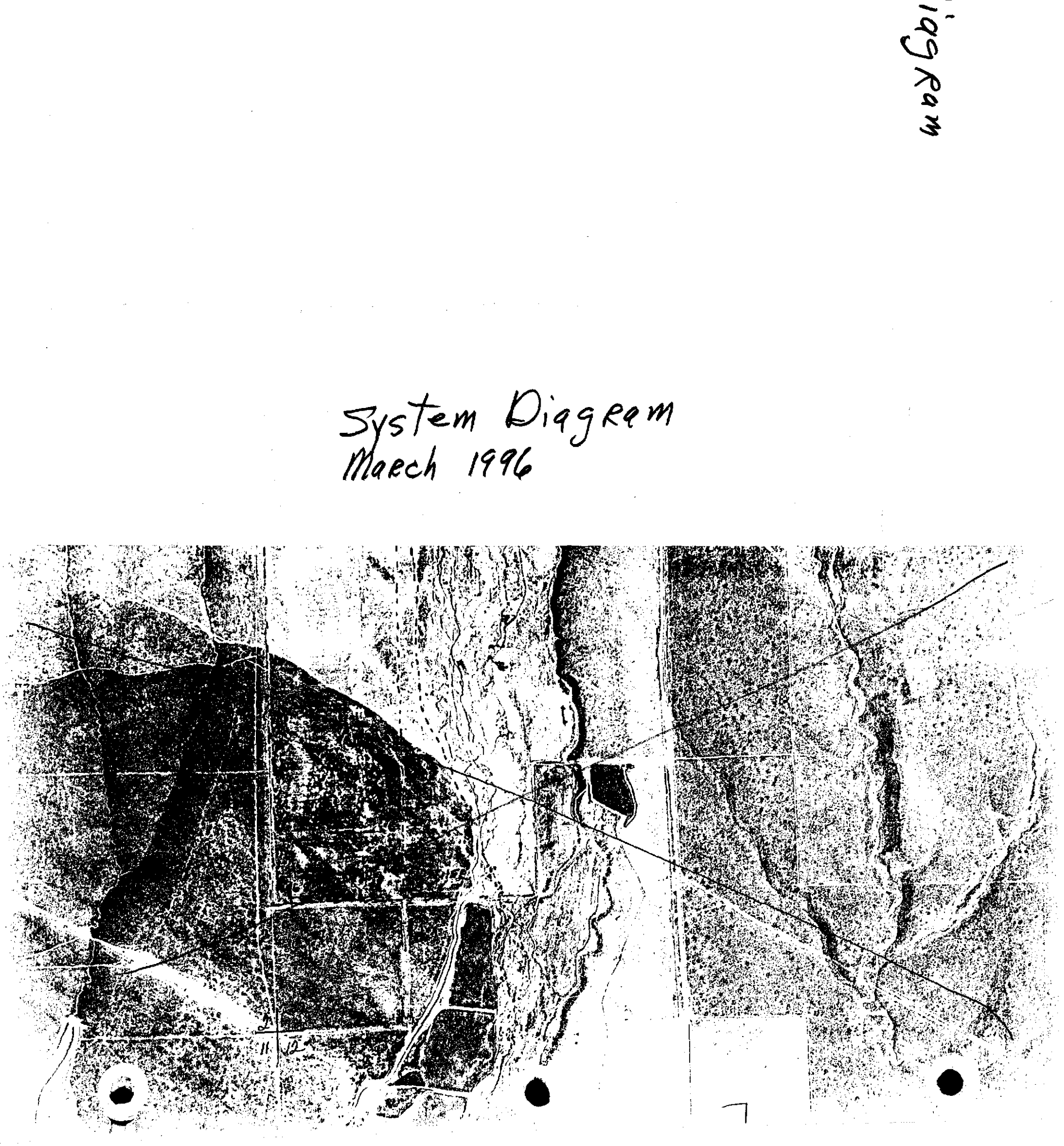
N-19

T-9

T-19

8 HEL
398.6 IV

System Diagram
March 1996



SYSTEM DIAGRAM FOR BECKMAN AND ARK PROPERTIES (MCCALLUM) ON BENNETT CREEK AS OF MARCH 1996

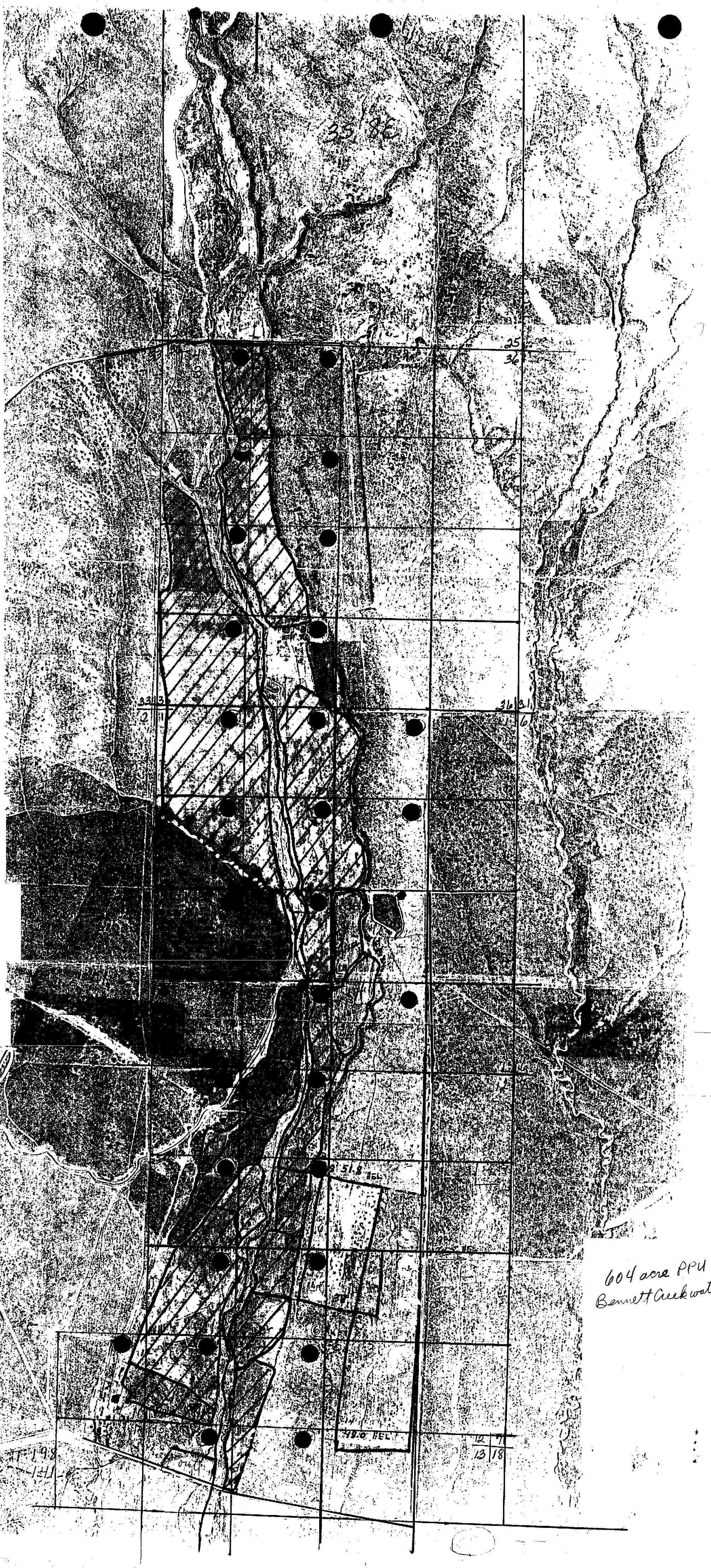
POWERS BENNETT CREEK RANCH
PERMISSIBLE PLACE OF USE WITH BENNETT CREEK AS SOURCE

			TOTALS
03S, 08E, S36,	NENW--7	NWNW--13	
	SWNW--16	SENW--10	
	NESW--21	NWSW--28	
	SWSW--39	SESW--16	150
04S, 08E, S01,	NWNE--10	SWNE--12	
	NENW--33	NWNW--38	
	SWNW--40	SENW--32	
	NESW--33	SESW--19	
	NWSW--40	SWSE--2	259
S11,	SESE--6		6
S12,	NENW--29	NWNW--5	
	SWNW--22	SENW--25	
	NESW--23	NWSW--32	
	SWSW--31	SESW--15	182
S13,	NENW--5	NWNW--2	7
		TOTAL	604 ACRES

AMENDED 12/27/1996

ACRES DETERMINED USING ASCS AERIAL MAP AND GRID OVERLAY

THIS IS THE PLACE OF USE PRIOR TO THE OWNERSHIP SPLIT BETWEEN JACK & BETTY POWERS TO ARK PROPERTIES, INC AND MICHAEL & CARLA BECKMAN


35 18E
25
36
31
6
51.8 MEL
49.0 MEL
604 acre PPU
Bennett Creek water

Bennett Creek PPU - [illegible] acres

SCANLAN ENGINEERING
Groundwater and Environmental Engineering

December 9, 1996

Sean Powers
Powers Ranch
P.O. Box 462
Glenns Ferry, ID 83623

Subject: Aerial Photography Review

Dear Sean:

I visited the Farm Service Agency office in Mountain Home on November 25 and was able to obtain color aerial slides dating back to 1983 for your ranch. I had the slides made into color prints to provide documentation of past irrigation.

The slides that I reviewed covered the years of 1983, 1985-88, and 1992-94. The Farm Service Agency has slides for 1980-81, but the slides are not cataloged or keyed, and I did not spend the time to look through the 500 to 800 slides for each year. They were unable to locate any slides for 1982. Their 1989-91 slides did not include the ranch area, and the 1984 slides only covered the extreme southern edge of the ranch. I understand that you have checked out the 1995 slides. The Agency also has black and white photos for 1977. Details of the review follow.

1977. The 1977 black and white photos show several fields not shown in later photos. The ASCS delineated fields along the east side of the ranch (i.e., the Lee Well irrigated area) that were not irrigated in 1983 and later photos. However, it is not clear from the black and white photos if these fields were irrigated or dry farmed in 1977.

1983. Stream flows throughout most of Idaho were well above normal in 1983, and the 1983 slides correspondingly show the most surface water irrigated acres of any year reviewed. The photos include approximately 85 acres on the west side of Bennett Creek that were not irrigated during the years on which IDWR based their historical review. These photos also indicate that there may be some irrigated land north of the ranch in Section 25. Lands in Section 25 owned by Owen have not been claimed in the SRBA by Powers and have not been recognized in the IDWR historical review.

1984. The slide coverage for 1984 does not include the ranch, except for the extreme south end on a slide taken of the farm located south of the road. This slide shows a portion of a groundwater irrigated field in the southeast corner of the Powers Ranch that is very green, whereas the 1985 photos show only weak irrigation in that field.

1985. The 1985 slides are best at showing the maximum number of groundwater and surface water irrigated acres. The surface water irrigation is not as strong as 1983, but

600 East River Park Lane, Suite 105
Boise, Idaho 83706
Telephone (208) 383-4140
Facsimile (208) 383-4156

still adequate to define the fields and subirrigated areas. My review found approximately 147 additional acres that were not recognized by IDWR's historical review (as detailed in the following table). The additional irrigated area includes approximately 85 acres in Section 1 and the 10 acres in the NWSE Section 12 in fields that apparently were not irrigated during the year on which IDWR based their historical review. The remaining additional acres are found in quarter-quarter sections where I feel IDWR did not recognize an adequate number of acres. These small areas generally appear to be subirrigated pasture or riparian areas.

40-Acre Tracts With 1985 Irrigated Acres In Excess of IDWR Historical Review

Section	1/4-1/4	1985 Acres	IDWR Acres	Difference	
36	SENW	(10)	8	2	+2
	SESW	?	16		
1	SWNW	(40)	20	20 ok	+20
	SENW	(32)	30	2 ok	+2
	NWSW	(40)	0	40 ok	+40
	NESW	~~37~~ 33	12	25 —	+21
	SESW	24	~~18~~ 19	6	+2 — +2
	SWSE	2	2		
12	SENW	34	29 31	5 same	+2 —
	NWSW	~~35~~ 32	30	5	+2
	SWSW	40	31	9 same	
	SESW	(15)	~~14~~ 15	1	+1
	NWSE	(29)	19	10 ok	+10
13	NWNW	20	2	18 same	
14	NENE	4	0	4 same	
TOTAL				147	104

plain characters are Bennett Creek water only, italic characters are Lee Well only, bold characters are Bennett Creek and Lee Well

1986-1988 and 1992-1994. The 1986 and later photos show reductions in irrigated acres at the ranch. This reduction in irrigated acres can be partly attributed to climatic conditions, as water supplies were greatly reduced during most of the drought years of the late 1980s and early 1990s.

Conclusions and Recommendations

1. Based on air photo review, I propose the following increases in irrigated acres relative to the IDWR SRBA historical review:
   - place of use for Bennett Creek water should be increased by 138 acres for a total of 648 acres.

- Lee Well (61-00300 & 61-00302) place of use should be increased by 58 ~~51~~ acres to a total of ~~370~~ 377 acres
- total place of use should be increased by 147 acres to 769 acres

These acres are delineated by 40-acre tracts on Attachment A.

2. A new groundwater permit application should cover 172 irrigated acres in the southeast portion of the ranch that were not irrigated during the historical review period. These acres include all of the 183 acres that IDWR found in their review, except for 10 acres in NWSE of Section 12 and one acre in the SESW of Section 12. A draft permit application is enclosed as Attachment B. The permit application includes an argument for exemption from the heat value requirements of the Geothermal Act.

3. IDWR did not find any historical use for the Ross Well. The well was licensed for 60 acres (61-02208). If the Ross Well has been used for irrigation in recent years, that use should be recognized in the SRBA. Aerial photos suggest that it might be claimed for the following 60 acres: 10 acres in SESW 36, 10 acres in the NWNE 1, 10 acres in the SWNE 1, 20 acres NENW 1, and 10 acres in SENW 1. An edited SRBA profile is enclosed as Attachment C.

Wrong 60 acres written 89

4. Assuming that IDWR will go along with the proposed historical use acreages discussed in item 1, above, we can prepare the transfer of third priority groundwater (61-00302) from the Lee Well in exchange for second priority groundwater (61-00301) from the Walker Well. A draft transfer application is enclosed as Attachment D. Irrigated acreages proposed for the McGrew property are based on IDWR's SRBA historical review, and are significantly less than the 728 acres claimed by McGrew in the SRBA.

Please contact me to discuss these findings. I suggest that we schedule a meeting with Mel Schulte to determine if the Department will amend their SRBA exam findings based on the aerial photo evidence discussed in this letter.

Sincerely,

Terry M. Scanlan

Terry M. Scanlan

Enclosure

cc: Jack and Betty Powers
Norm Semanko

POWERS RANCH - IRRIGATION PLACE OF USE

Historical Place of Use - Bennett Creek and Lee Well (per IDWR amended land list)

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
Twp	Rge	Sec	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	Total
3S	8E	36					7	13	18	10	21	28	39	16					150
4S	8E	1		10	12		33	38	40	32	33	40		20		16	13		286
4S	8E	11																6	6
4S	8E	12			16		29	6	22	31	30	32	31	16		29	31		270
4S	8E	13		7			5	2											14
																		TOTAL	726

Historical Place of Use - Bennett Creek (per IDWR amended land list)

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
Twp	Rge	Sec	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	Total
3S	8E	36					7	13	18	10	21	28	39	16					150
4S	8E	1		10	12		33	38	40	32	33	40		19			2		259
4S	8E	11																6	6
4S	8E	12					29	6	22	26	23	32	31	16					182
4S	8E	13					5	2											

Historical Place of Use - Lee Well (81-00300 & 81-00302, per IDWR amended land list)

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
Twp	Rge	Sec	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	Total
3S	8E	36																	
4S	8E	1												20					
4S	8E	11																6	
4S	8E	12			15		29	6	22	31	30	32	31	16		29	31		
4S	8E	13		7			5	2											

Expanded Place of Use - Lee Well (IDWR 1995-96 Field Exam and IDWR amended land list)

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
Twp	Rge	Sec	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	Total
3S	8E	36																	
4S	8E	1																	
4S	8E	11																	
4S	8E	12		38	25						6			23		11	9		
4S	8E	13		33			27												

Current Place of Use - Bennett Cr. and Lee Well (1995-96 Field Exam and amended land list)

			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
Twp	Rge	Sec	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	Total
3S	8E	36					7	13	18	10	21	28	39	16					
4S	8E	1		10	12		33	38	40	32	33	40		20					
4S	8E	11																	
4S	8E	12		38	40		29	6	22	31	36	32	31	38		45			
4S	8E	13		45			32	2											

Current Place of Use - Lee Well (IDWR 1995-96 Field Exam and IDWR amended land list)

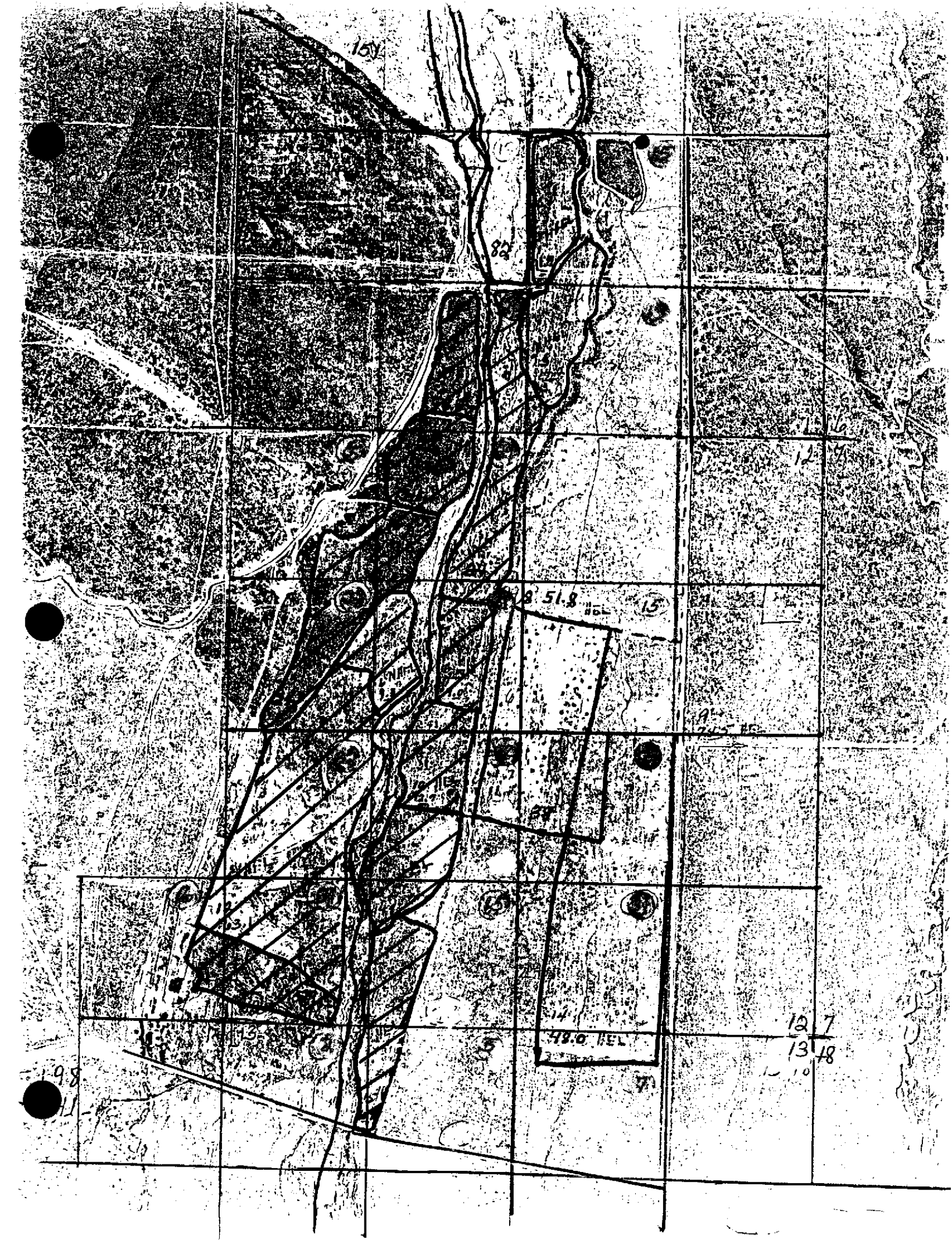
			NE 1/4				NW 1/4				SW 1/4				SE 1/4				
Twp	Rge	Sec	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	Total
3S	8E	36																	0
4S	8E	1												20		16	13		48
4S	8E	11																6	6
4S	8E	12		38	40		29	6	22	31	36	32	31	38		40	40		382
4S	8E	13		40			32	2											74
																		TOTAL	510

PLACE OF USE FROM GEOTHERMAL ARTESIAN WELL BASED ON HISTORICAL USE.
WELL IS LOCATED IN 04S, 08E, S01, SENWSE. (61-00300 & 61-00302)

				TOTALS
04S, 08E, S01,	NWSE--15	SWSE--13		
	SESW--20			48
S11,	SESE--6			6
S12,	NENW--29	NWNW--5		
	SWNW--22	SENW--31		
	SWNE--15	NWSE--29		
	SWSE--31			
	NESW--30	NWSW--32		
	SWSW--31	SESW--15		270
S13,	NENW--5	NWNW--2		
	NWNE--7			14
			TOTAL	338 ACRES

AMENDED 12/24/1996

ACRES DETERMINED USING ASCS AERIAL MAP AND AND GRID OVERLAY.

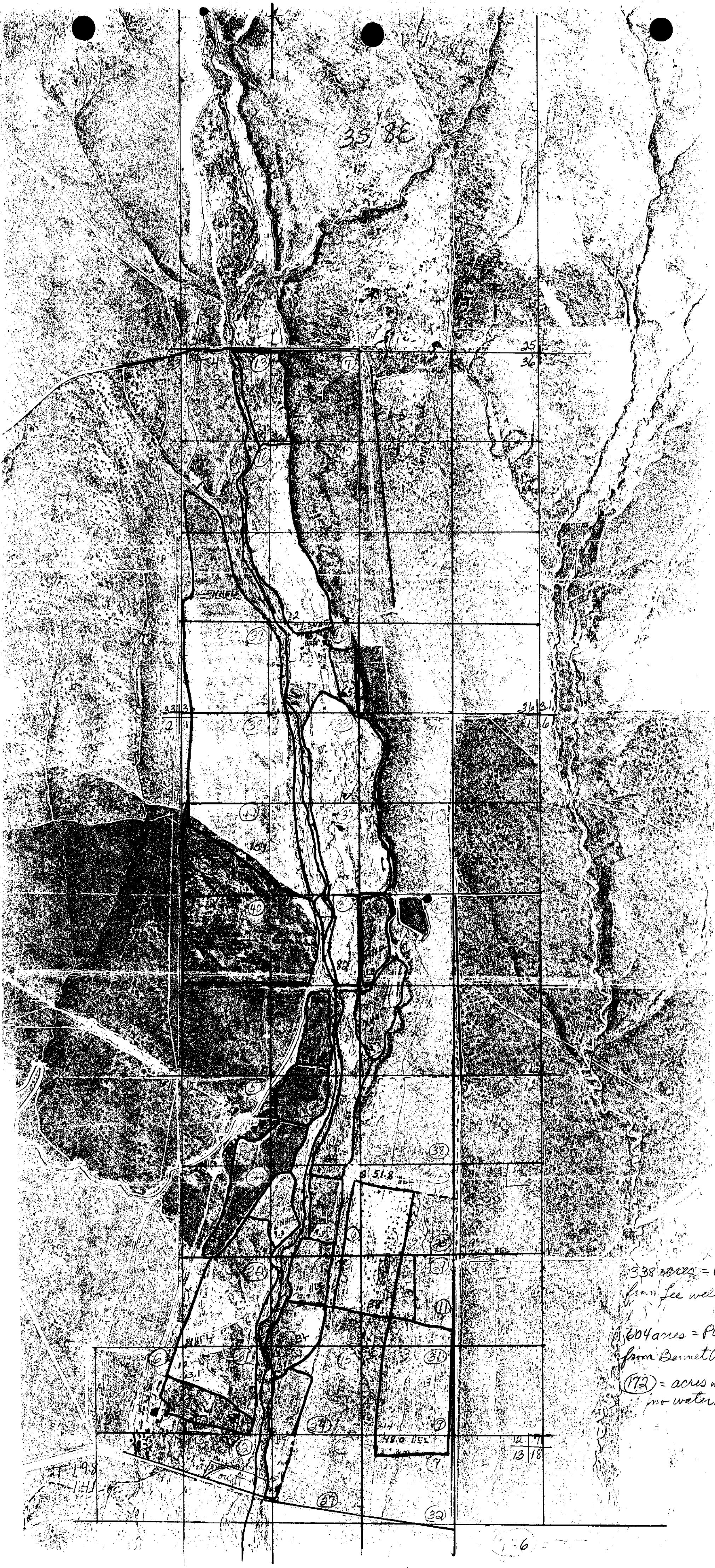

51.8 REL
48.0 REL

PLACE OF USE: POWERS BENNETT CREEK RANCH

			TOTALS
03S, 08E, S36,	NENW--7	NWNW--13	
	SWNW--16	SENW--10	
	NESW--21	NWSW--28	
	SWSW--39	SESW--16	150
04S, 08E, S01,	NENW--33	NWNW--38	
	SWNW--40	SENW--32	
	NWNE--10	SWNE--12	
	NESW--33	SESW--20	
	NWSW--40	SWSE--13	
	NWSE--15		286
	S11, SESE--6		6
S12,	SWNE--15		
	NENW--29	NWNW--5	
	SWNW--22	SENW--31	
	NWSE--29	SWSE--31	
	NESW--30	NWSW--32	
	SWSW--31	SESW--15	270
S13,	NENW--5	NWNW--2	
	NWNE--7		14
		TOTAL	726 ACRES

AMENDED 12/27/1996

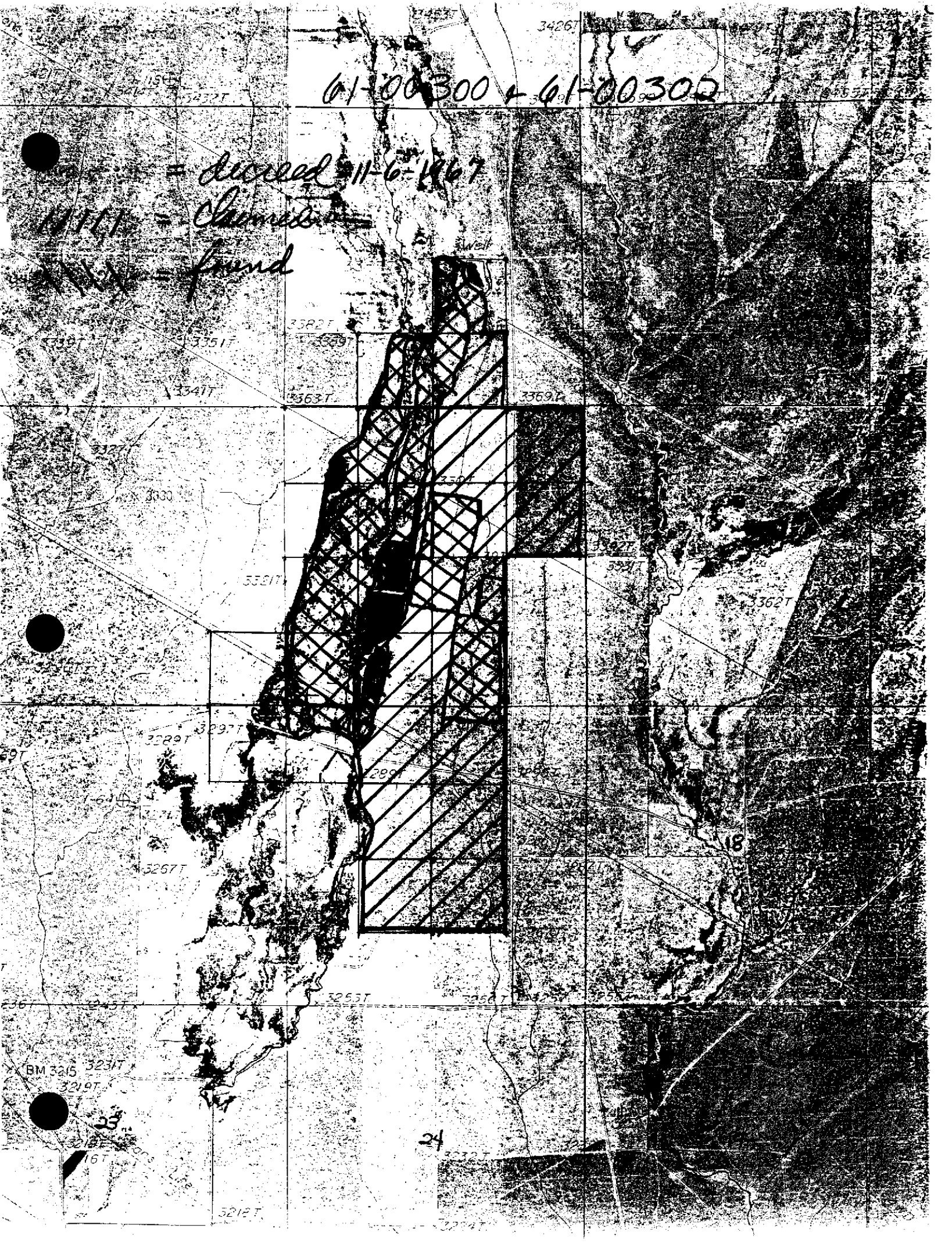
ACRES DETERMINED USING ASCS AERIAL MAP AND GRID OVERLAY

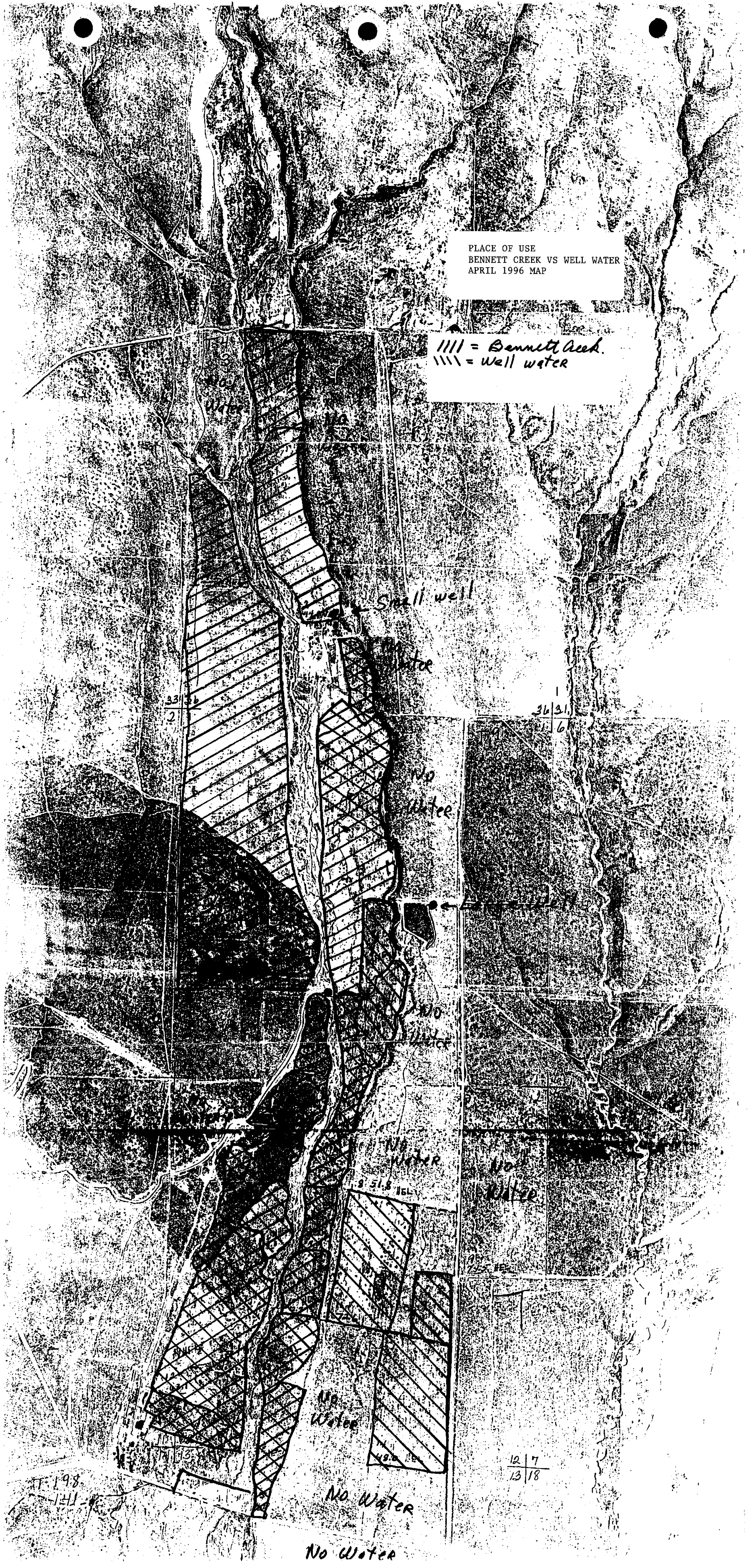


338 acres = POU from fee well

1,604 acres = POU from Bennet Creek

(172) = acres with no water rights

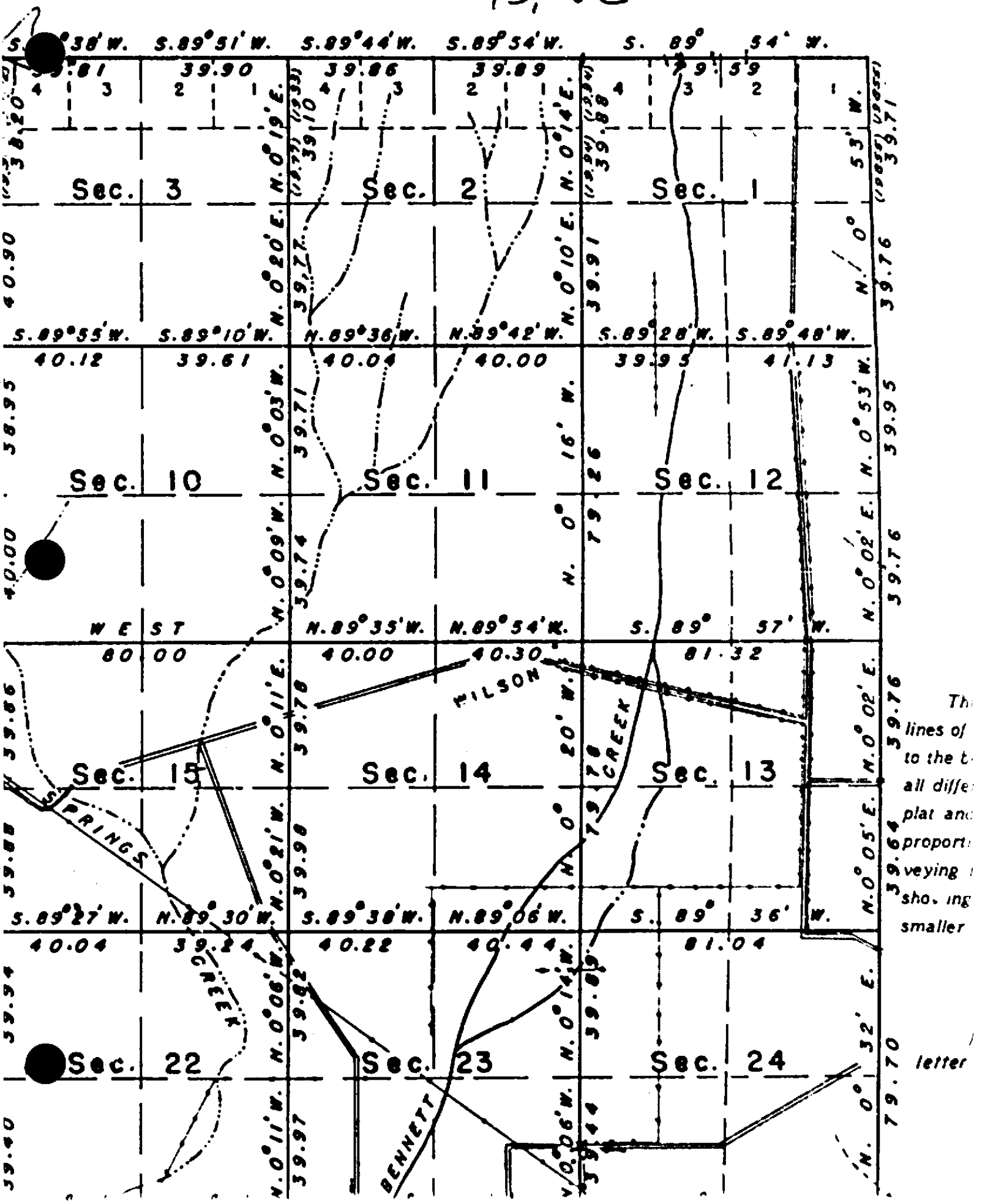

61-00300 & 61-00302
● = Located 11-6-1967
III = Claimed
XXX = found
3426T
3382T
3351T
3341T
3363T
3369T
3327T
3330
3321T
3362T
3329T
3291T
3267T
3253T
BM 3215
3231T
3219T
3218T
23
24
18

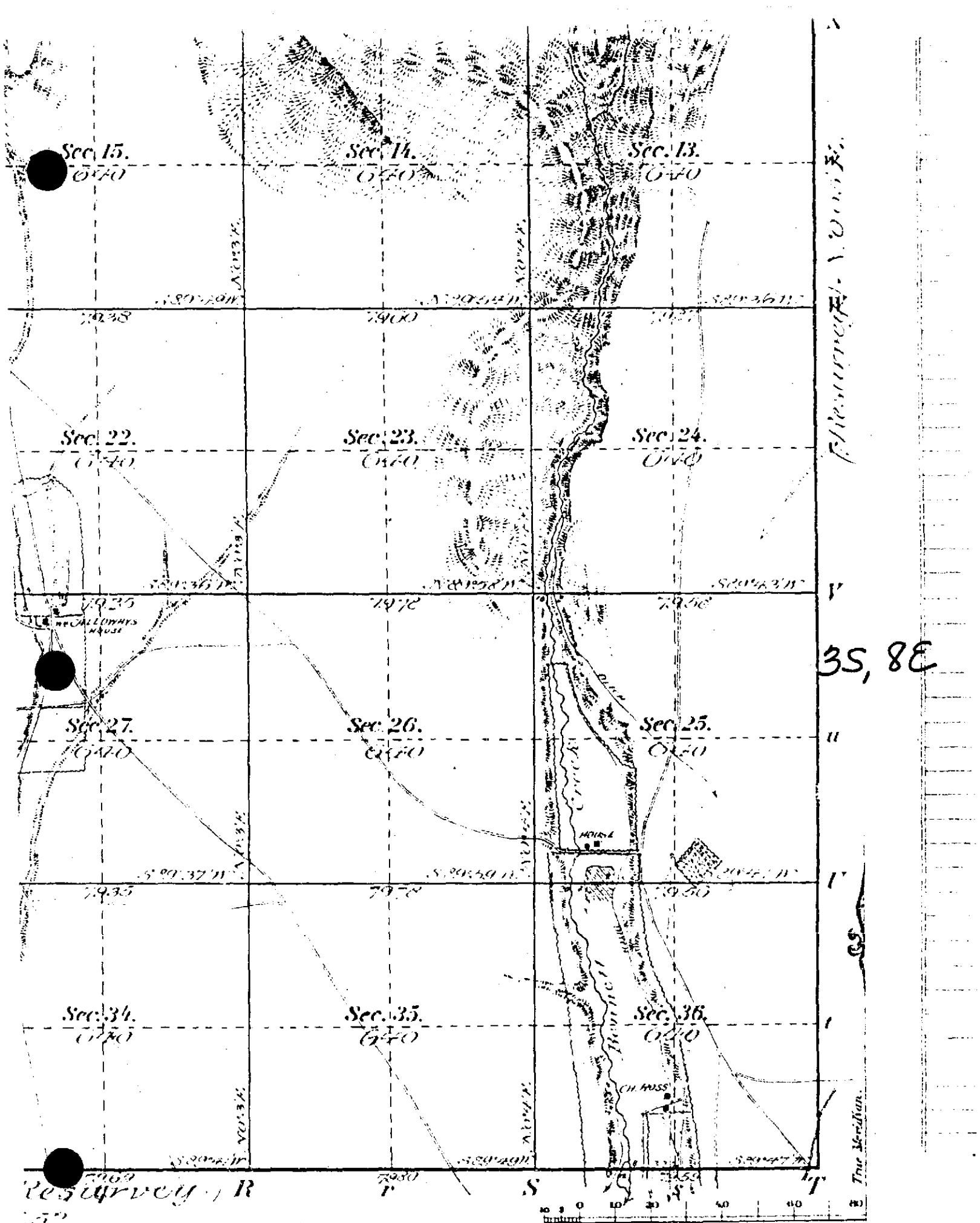

PLACE OF USE
BENNETT CREEK VS WELL WATER
APRIL 1996 MAP
//// = Bennett Creek.
\\\\ = Well water
No Water
No
Small well
No Water
33 36
2
1
36 31
1 6
No Water
No Water
No Water
No Water
No Water
8 51.8 IEL
48.0 IE
12 7
13 18
No Water
No Water
No Water


Springs
Flyegrass
Beaver Creek
Beaver Creek
BM 3315
3256T
3297T
3330T
3331T
3369T
3353
3503

RESURVEY

4S, 8E





The above Map of Township 1 [illegible] Range

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	S T G	POINT OF DIVERSION	F L G	TOTAL DIVERSION	POD DIVERSION NAME	*MPOD	USE
WATER SOURCE: BENNETT CREEK									
A61-10377	POWERS, FRANKLIN JACK	03/01/1867	D	03S 08E 36 NESW		4.170 CFS		Y	01
A61-10377	POWERS, FRANKLIN JACK	03/01/1867	D	03S 08E 25 NWNW		4.170 CFS		Y	01
A61-10830	WALKER, MARGARET	03/01/1872	J	04S 08E 23 NESWSE	E	0.014 CFS		Y	04
A61-10830	WALKER, MARGARET	03/01/1872	J	04S 08E 13 SENWNW	B	0.014 CFS		Y	04
A61-00281	POWERS, FRANKLIN JACK	03/01/1872	D	04S 08E 1 NESESW		2.860 CFS		N	01
A61-00283	WALKER, WILLIAM H	03/01/1872	D	04S 08E 12 SESWSW		4.760 CFS		Y	01
A61-00283	WALKER, WILLIAM H	03/01/1872	D	04S 08E 1 SENESW		4.760 CFS		Y	01
A61-00283	WALKER, WILLIAM H	03/01/1872	D	04S 08E 12 NESWSW		4.760 CFS		Y	01
A61-11459	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 3 NESWNE		0.110 CFS		Y	04
A61-11263	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 28 NESE		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 13 SENW		0.650 CFS		Y	04
A61-11459	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 3 SESE		0.110 CFS		Y	04
A61-11250	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 9 SESE		0.140 CFS		N	04
A61-11375	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 15 NWSENW		0.140 CFS		Y	04
A61-11264	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 21 NWNW		0.650 CFS		Y	04
A61-11263	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 29 SENE		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 09E 6	4	0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 12 NENE		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 11 NWSW		0.650 CFS		Y	04
A61-11375	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 22 SWNE		0.140 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 12 NWSE		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 24 SWSW		0.650 CFS		Y	04
A61-11459	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 3 SENE		0.110 CFS		Y	04
A61-11383	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 9 SESESE		0.140 CFS		N	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 09E 7 SENE		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 12 SESWNW		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 09E 7 SESW		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 11 NESW		0.650 CFS		Y	04
A61-11459	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 9 SESE		0.110 CFS		Y	04
A61-11263	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 28 NWNE		0.650 CFS		Y	04
A61-11263	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 29 SWNE		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 09E 6 SESW		0.650 CFS		Y	04
A61-11583	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 4 SWNESE		0.060 CFS		N	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 12 NWNE		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 12 NESE		0.650 CFS		Y	04
A61-11459	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 2 NESW		0.110 CFS		Y	04
A61-11263	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 28 SENE		0.650 CFS		Y	04
A61-11264	US DEPT OF INTERIOR	01/01/1876	J	02S 08E 21 NENW		0.650 CFS		Y	04
A61-11550	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 13 NWNW		0.650 CFS		Y	04
A61-11459	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 3 NESE		0.110 CFS		Y	04
A61-11376	US DEPT OF INTERIOR	01/01/1876	J	05S 08E 22 SWSWNE		0.140 CFS		N	04
A61-11263	US DEPT OF INTERIOR	01/01/1876	J	03S 08E 2 NESE		0.650 CFS		Y	04
A61-00361	POWERS, FRANKLIN JACK	03/01/1876	D	04S 08E 1 NESESW		0.700 CFS		N	01
A61-10617	JOE BLACK & SONS	06/30/1879	J	05S 08E 6 NWSWSE		0.200 CFS		Y	04

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	ST	POINT OF DIVERSION	FLG	TOTAL DIVERSION	POD DIVERSION NAME	*MPOD	USE
A61-10618	JOE BLACK & SONS	06/30/1879	J	05S 08E 1 NWNWNW		0.200 CFS		Y	04
A61-10618	JOE BLACK & SONS	06/30/1879	J	05S 08E 12 SESESW		0.200 CFS		Y	04
A61-10617	JOE BLACK & SONS	06/30/1879	J	05S 08E 14 SWSWSE		0.200 CFS		Y	04
A61-10618	JOE BLACK & SONS	06/30/1879	J	05S 08E 11 SWNENE		0.200 CFS		Y	04
A61-10617	JOE BLACK & SONS	06/30/1879	J	05S 08E 9 SENESE		0.200 CFS		Y	04
A61-10618	JOE BLACK & SONS	06/30/1879	J	05S 08E 13 NESESE		0.200 CFS		Y	04
A61-10617	JOE BLACK & SONS	06/30/1879	J	05S 08E 9 NESWSE		0.200 CFS		Y	04
A61-10617	JOE BLACK & SONS	06/30/1879	J	05S 08E 10 SENWNE		0.200 CFS		Y	04
A61-00278	BENNETT CREEK FARMS	04/01/1882	D	04S 08E 23 SWSW		2.800 CFS		Y	01
A61-00278	BENNETT CREEK FARMS	04/01/1882	D	04S 08E 26 NWNW		2.800 CFS		Y	01
A61-00278	BENNETT CREEK FARMS	04/01/1882	D	04S 08E 26 NWSW		2.800 CFS		Y	01
A61-00278	BENNETT CREEK FARMS	04/01/1882	D	04S 08E 26 SWSW		2.800 CFS		Y	01
A61-00282	POWERS, FRANKLIN JACK	04/01/1883	D	04S 08E 1 NESESW		1.020 CFS		N	01
A61-00279	BENNETT CREEK FARMS	04/01/1885	D	04S 08E 23 SWSW		2.000 CFS		Y	01
A61-00279	BENNETT CREEK FARMS	04/01/1885	D	04S 08E 26 NWSW		2.000 CFS		Y	01
A61-00279	BENNETT CREEK FARMS	04/01/1885	D	04S 08E 26 SWSW		2.000 CFS		Y	01
A61-00279	BENNETT CREEK FARMS	04/01/1885	D	04S 08E 26 NWNW		2.000 CFS		Y	01
A61-00284	WALKER, MARGARET	03/01/1886	D	04S 08E 12 NESWSW		2.280 CFS		Y	01
A61-00284	WALKER, MARGARET	03/01/1886	D	04S 08E 1 SENESW		2.280 CFS		Y	01
A61-00284	WALKER, MARGARET	03/01/1886	D	04S 08E 12 SESWSW		2.280 CFS		Y	01
A61-00360	BENNETT CREEK FARMS	04/01/1886	D	04S 08E 26 NWSW		0.400 CFS		Y	01
A61-00360	BENNETT CREEK FARMS	04/01/1886	D	04S 08E 26 SWSW		0.400 CFS		Y	01
A61-00360	BENNETT CREEK FARMS	04/01/1886	D	04S 08E 23 SWSW		0.400 CFS		Y	01
A61-00360	BENNETT CREEK FARMS	04/01/1886	D	04S 08E 26 NWNW		0.400 CFS		Y	01
A61-00359	BENNETT CREEK FARMS	05/01/1886	D	04S 08E 26 NWSW		0.200 CFS		Y	01
A61-00359	BENNETT CREEK FARMS	05/01/1886	D	04S 08E 26 NWNW		0.200 CFS		Y	01
A61-00359	BENNETT CREEK FARMS	05/01/1886	D	04S 08E 26 SWSW		0.200 CFS		Y	01
A61-00359	BENNETT CREEK FARMS	05/01/1886	D	04S 08E 23 SWSW		0.200 CFS		Y	01
A61-00287	STEPHENS & SONS	10/01/1887	D	03S 08E 25 NWNW		1.500 CFS		N	01
A61-00358	POWERS, FRANKLIN JACK	03/01/1892	D	03S 08E 25 NWNW		0.450 CFS		N	01
A61-00362	POWERS, FRANKLIN JACK	03/01/1892	D	03S 08E 25 NWNW		1.710 CFS		N	01
A61-00277	BENNETT CREEK FARMS	04/01/1897	D	04S 08E 26 NWSW		3.000 CFS		Y	01
A61-00277	BENNETT CREEK FARMS	04/01/1897	D	04S 08E 26 NWNW		3.000 CFS		Y	01
A61-00277	BENNETT CREEK FARMS	04/01/1897	D	04S 08E 23 SWSW		3.000 CFS		Y	01
A61-00277	BENNETT CREEK FARMS	04/01/1897	D	04S 08E 26 SWSW		3.000 CFS		Y	01
A61-02006	POWERS, FRANKLIN JACK	01/28/1908	D	03S 08E 25 NWNW		5.940 CFS		N	01
A61-11831	ARELLANO, JUANITA R	12/19/1908	J	05S 08E 15 NESWNW	E	0.110 CFS		Y	04
A61-11831	ARELLANO, JUANITA R	12/19/1908	J	05S 08E 15 NWNWNW	B	0.110 CFS		Y	04
A61-02013	POWERS, FRANKLIN JACK	03/17/1909	L	04S 08E 1 NESESW		1.050 CFS		N	01
A61-02014	POWERS, FRANKLIN JACK	05/10/1909	L	04S 08E 1 NESESW		5.000 CFS		N	01
A61-02011	ARELLANO, KIMBERLY DANIELLE	12/02/1909	L	05S 08E 10 NESESW		1.100 CFS		Y	01
A61-02011	ARELLANO, KIMBERLY DANIELLE	12/02/1909	L	05S 08E 9 SESESE		1.100 CFS		Y	01
A61-02034	CARL F REYNOLDS AND SONS	08/09/1914	L	04S 08E 12 NWNE		1.600 CFS		N	01
A61-10676	HAMMETT LIVESTOCK COMPANY	01/01/1922	J	05S 08E 27 SWSWNE		0.060 CFS		N	04
A61-02092	CARL F REYNOLDS AND SONS	05/21/1952	L	04S 08E 34 NWNE		4.500 CFS		Y	01
A61-02092	CARL F REYNOLDS AND SONS	05/21/1952	L	04S 08E 34 NWSE		4.500 CFS		Y	01
A61-02096	US DEPT OF INTERIOR	03/05/1953	L	03S 08E 25 NWNW		5.000 CFS		N	04
A61-02320	US DEPT OF INTERIOR	03/11/1954	L	03S 08E 25 NWNW		15.000 AFA		N	05

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	STG	POINT OF DIVERSION	FLG	TOTAL DIVERSION	POD DIVERSION NAME	*MPOD	USE
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 16 NENE		4.000 AFA		Y	05
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 16 NENE		4.000 AFA		Y	05
A61-02236A	CARL F REYNOLDS AND SONS	03/24/1965	P	04S 08E 1 SESW		2996.000 AFA		N	01
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 9 SESE		4.000 AFA		Y	05
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 9 SESE		4.000 AFA		Y	05
A61-07244	CARL F REYNOLDS AND SONS	12/10/1975	P	05S 08E 3 NWNE		2000.000 AFA		Y	01
A61-07244	CARL F REYNOLDS AND SONS	12/10/1975	P	04S 08E 34 SWSE		2000.000 AFA		Y	01
A61-07244	CARL F REYNOLDS AND SONS	12/10/1975	P	04S 08E 34 NWSE		2000.000 AFA		Y	01
A61-07273	CARL F REYNOLDS AND SONS	06/25/1976	P	04S 08E 1 SESW		100.000 CFS		Y	02
A61-07273	CARL F REYNOLDS AND SONS	06/25/1976	P	04S 08E 15 NWNW		100.000 CFS		Y	02
WATER SOURCE: WARM SPRINGS CREEK									
A61-02092	CARL F REYNOLDS AND SONS	05/21/1952	L	04S 08E 34 NWNE		4.500 CFS		Y	01
A61-02092	CARL F REYNOLDS AND SONS	05/21/1952	L	04S 08E 34 NWSE		4.500 CFS		Y	01
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 9 SESE		4.000 AFA		Y	05
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 9 SESE		4.000 AFA		Y	05
A61-02236A	CARL F REYNOLDS AND SONS	03/24/1965	P	04S 08E 1 SESW		2996.000 AFA		N	01
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 16 NENE		4.000 AFA		Y	05
A61-02236	US DEPT OF INTERIOR	03/24/1965	L	04S 08E 16 NENE		4.000 AFA		Y	05

OD-5813
WR5813NP
SELECTION FILE: CHODGES_BEN_F

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

DATE: 12/06/95
TIME: 11:00:09
PAGE: 1

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (only 1)

WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	S T G	POINT OF DIVERSION	F L G	TOTAL DIVERSION	POD DIVERSION NAME	*M P O D	U S E
WATER SOURCE: BENNETT CREEK										
61-00291	HALL, ADIN M.	C		D			7.400 CFS		N	01
61-00292	HUTCHINS, O.H.	C		D			0.800 CFS		N	01
61-00290	ROSS, C. F.	C		D			2.280 CFS		N	01
61-00289	ROSS, IDA E.	C		D			1.890 CFS		N	01
61-00286	ROSS, IDA E.	C	03/01/1867	D			0.00 AFA		N	
61-00286A	ROSS, IDA E.	C	03/01/1867	D			1.090 CFS		N	01
61-00286B	ROSS, IDA E.	C	03/01/1867	D	03S 08E 25 NWNW		0.800 CFS		N	01
61-00285	ROSS, CHARLES F.	C	03/01/1867	D			0.00 AFA		N	
61-00285B	ROSS, CHARLES F.	C	03/01/1867	D	03S 08E 25 NWNW		1.600 CFS		N	01
61-00285A	ROSS, CHARLES F.	C	03/01/1867	D			0.680 CFS		N	01
61-00281	WILSON, WILLIAM E.	C	03/01/1872	D			2.860 CFS		N	01
61-00283	BLACKMAN, WILLIAM H.	C	03/01/1872	D			4.760 CFS		N	01
61-00361	WILSON, WILLIAM E.	C	03/01/1876	D			0.700 CFS		N	01
61-00278	HALL, ADIN M.	C	04/01/1882	D			2.800 CFS		N	01
61-00282	WILSON, WILLIAM E.	C	04/01/1883	D			1.020 CFS		N	01
61-00279	HALL, ADIN M.	C	04/01/1885	D			2.000 CFS		N	01
61-00284	HENLEY, J. H.	C	03/01/1886	D	04S 08E 1 NESW		2.280 CFS		Y	01
61-00284	HENLEY, J. H.	C	03/01/1886	D	04S 08E 1 SENW		2.280 CFS		Y	01
61-00360	HALL, ADIN M.	C	04/01/1886	D			0.400 CFS		N	01
61-00359	HALL, ADIN M.	C	05/01/1886	D			0.200 CFS		N	01
61-00287	DAVIS, M. L.	C	10/01/1887	D			1.500 CFS		N	01
61-00362B	ROSS, IDA E.	C	03/01/1892	D	04N 03W 15 SWSE		0.910 CFS		N	01
61-00362A	ROSS, IDA E.	C	03/01/1892	D			0.800 CFS		N	01
61-00358	ROSS, CHARLES F.	C	03/01/1892	D			0.450 CFS		N	01
61-00288B	BLACKWELL, SAMUEL B.	C	04/30/1893	D	04S 08E 13 SESW		1.600 CFS		N	01
61-00280	HALL, ADIN M.	C	04/30/1893	D			4.400 CFS		N	01
61-00288A	BLACKWELL, S. B.	C	04/30/1893	D	04S 08E 13 SESW		2.800 CFS		N	01
61-00277	HALL, ADIN M.	C	04/01/1897	D			3.000 CFS		N	01
61-02003	WALLER, C. F.	C	07/18/1907	L	05S 08E 15 SWSE		3.200 CFS		N	01
61-02006D	ROSS, IDA E.	C	01/28/1908	L	03S 08E 24 NWSW		0.800 CFS		N	01
61-02006C	ROSS, CHARLES F.	C	01/28/1908	L	03S 08E 24 NWSW		2.800 CFS		N	01
61-02006B	ROSS, CHARLES F.	C	02/08/1908	L	03S 08E 25 NWNW		2.340 CFS		N	01
61-02013	WILSON, ANNA R.	C	03/17/1909	L	04S 08E 1 SESW		1.050 CFS		N	01
61-02014	WILSON, WILLIAM E.	C	05/10/1909	L	04S 08E 1 NESW		5.000 CFS		Y	01
61-02014	WILSON, WILLIAM E.	C	05/10/1909	L	04S 08E 1 SESW		5.000 CFS		Y	01
61-02014	WILSON, WILLIAM E.	C	05/10/1909	L	04S 08E 12 SENW		5.000 CFS		Y	01
61-02011	COMMERFORD, JOHN	C	12/02/1909	L	05S 08E 9 SESE		1.100 CFS		N	01
61-02034	RICE, MAUDE	C	08/09/1914	L	04S 08E 13 SENW		1.600 CFS		N	01
61-02092	HALL, RUBY	C	05/21/1952	L	04S 08E 34 NWNE		4.500 CFS		Y	01
61-02092	HALL, RUBY	C	05/21/1952	L	04S 08E 34 NWSE		4.500 CFS		Y	01
61-02096	US DEPT OF INTERIOR	C	03/05/1953	L	03S 08E 25 NWNW		5.000 CFS		N	04
61-02236C	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 1 SENW		2996.00 AFA		Y	02
61-02236D	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 15 NWNW		2996.00 AFA		Y	02
61-02236B	US DEPT OF INTERIOR	C	03/24/1965	L	04S 08E 16 NENE		4.00 AFA		Y	05

IDAHO DEPARTMENT OF WATER RESOURCES
WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

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WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	S T G	POINT OF DIVERSION	F L G	TOTAL DIVERSION		POD DIVERSION NAME	*MPOD	USE
61-02236C	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 15 NWNW		2996.00	AFA		Y	02
61-02236B	US DEPT OF INTERIOR	C	03/24/1965	L	04S 08E 9 SESE		4.00	AFA		Y	05
61-02236D	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 1 SENW		2996.00	AFA		Y	02
61-07244	TRAVELERS INSURANCE CO., THE	C	12/10/1975	P	05S 08E 3 NWNE		2000.00	AFA		Y	02
61-07244	TRAVELERS INSURANCE CO., THE	C	12/10/1975	P	05S 08E 3 NENE		2000.00	AFA		Y	02
61-07273	TRAVELERS INSURANCE CO., THE	C	06/25/1976	P	04S 08E 1 SESW		100.000	CFS		N	02
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 27 SWSWNE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 22 NESWSE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 27 SESWNE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 22 SESWSE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 27 NENWSE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 27 NENWNE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 27 NWNWSE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 22 NENWSE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 22 SENWSE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 27 NWSWNE		3.260	CFS		Y	01
61-07466	DILWORTH, M J	C	12/30/1981	P	05S 08E 27 SENWNE		3.260	CFS		Y	01
61-07561	GALEY, JR., FRANK S.	C	04/19/1984	P	04S 08E 1 SESW		50.000	CFS		N	02
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 10 SENWSW		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 9 SESE		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 9 SENESE		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 10 SWSW		4.000	CFS		Y	01
61-07711	ARELLANO, COREY K	C	10/30/1995	A	05S 08E 10 SESW		1.600	CFS		Y	01
61-07711	ARELLANO, COREY K	C	10/30/1995	A	05S 08E 9 SESE		1.600	CFS		Y	01
61-07712	ARELLANO, COREY K	C	11/14/1995	A	05S 08E 15 NWNWNW		1.600	CFS	BENNETT CREEK	Y	02
61-07712	ARELLANO, COREY K	C	11/14/1995	A	05S 08E 15 SWNW		1.600	CFS	WELL (SINGLE PT)	Y	02
61-07712	ARELLANO, COREY K	C	11/14/1995	A	05S 08E 15 NWNW		1.600	CFS	WELL (SINGLE PT)	Y	02

WATER SOURCE: COMMERFORD SPRINGS

61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 9 SESE		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 10 SENWSW		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 10 SWSW		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 9 SENESE		4.000	CFS		Y	01

WATER SOURCE: GROUNDWATER

61-07712	ARELLANO, COREY K	C	11/14/1995	A	05S 08E 15 NWNWNW		1.600	CFS	BENNETT CREEK	Y	02
61-07712	ARELLANO, COREY K	C	11/14/1995	A	05S 08E 15 NWNW		1.600	CFS	WELL (SINGLE PT)	Y	02
61-07712	ARELLANO, COREY K	C	11/14/1995	A	05S 08E 15 SWNW		1.600	CFS	WELL (SINGLE PT)	Y	02

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
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WATER RIGHT NUMBER	OWNER NAME	O C	PRIORITY DATE	S T G	POINT OF DIVERSION	F L G	TOTAL DIVERSION		POD DIVERSION NAME	*MPOD	USE
WATER SOURCE: SPRINGS											
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 9 SESE		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 10 SWSW		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 10 SENWSW		4.000	CFS		Y	01
61-07614	BUTLER, CARLYLE	C	09/07/1989	A	05S 08E 9 SENESE		4.000	CFS		Y	01
WATER SOURCE: WARM SPRINGS CREEK											
61-02092	HALL, RUBY	C	05/21/1952	L	04S 08E 34 NWNE		4.500	CFS		Y	01
61-02092	HALL, RUBY	C	05/21/1952	L	04S 08E 34 NWSE		4.500	CFS		Y	01
61-02236B	US DEPT OF INTERIOR	C	03/24/1965	L	04S 08E 16 NENE		4.00	AFA		Y	05
61-02236D	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 15 NWNW		2996.00	AFA		Y	02
61-02236B	US DEPT OF INTERIOR	C	03/24/1965	L	04S 08E 9 SESE		4.00	AFA		Y	05
61-02236C	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 1 SENW		2996.00	AFA		Y	02
61-02236C	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 15 NWNW		2996.00	AFA		Y	02
61-02236D	GALEY, JR., FRANK S.	C	03/24/1965	P	04S 08E 1 SENW		2996.00	AFA		Y	02

CORRESPONDENCE
& MEMORANDUMS

LIST OF SRBA CLAIMS AFTER OWNERSHIP CHANGE OF BENNETT CREEK RANCH OWNERS JACK & BETTY POWERS SOLD TO THE FOLLOWING NEW CLAIMANTS

TO ARK PROPERTIES, INC

A61-10335
-02014A
-02013A
-02006A
-00362C
-00361A
-00358A
-00282A
-00281A
-10377A
-04111
-00300
-00302

TO MICHAEL KENN & CARLA BECKMAN

A61-02014B
-02013B
-02006E
-00362D
-00361B
-00358B
-00282B
-00281B
-10377B
-02208
-02017

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 28, 1997

NORMAN M SEMANKO
ATTORNEY AT LAW
PO BOX 1906
TWIN FALLS ID 83303-1906

Re: Notice of Pending Cease and Desist Order

Dear Mr. Semanko:

This letter is a follow-up to a notice of pending cease and desist order signed jointly by Mel Schulte and me and sent to Mr. & Mrs. Powers on March 10, 1997. You called and asked that I reconsider the facts and the legal basis for the notice. You also sent a written request for reconsideration. Mel Schulte and I reviewed the decreed water rights and the data gathered by the investigating adjudication staff. We also reviewed some of the statutes governing the department's authority to issue cease and desist orders.

We concluded the following after our review:

1. The decree does not specifically describe the number of acres irrigated by the low temperature geothermal well. It describes places of use by public land survey parcels without specifying the number of acres in each parcel. The decree also does not specify the total number of acres irrigated for each water right. If all of the parcels described by the decree had been irrigated, water right nos. 61-00300 and 61-00302 could have authorized irrigation of 1,040 acres. This number of acres greatly exceeds the historical place of use.

2. The adjudication staff can find no evidence of historical irrigation of the 172 acres in sections 12 and 13, T4S, R8E, referred to in the March 10, 1997 notice. Two prior land owners verified that the land was not irrigated for a period of at least 25 years preceding your ownership of the property by Powers.

3. The Department of Water Resources does not have clear authority to issue a cease and desist order to force the cessation of irrigation of lands not previously irrigated but included in the place of use described generally by the decree.

The conclusion that the department does not have clear authority to issue a cease and desist order does not change our opinion that the land is being illegally developed without a water right, and that Powers should not irrigate the 172 acres. At the present time, enforcement proceedings against Powers, however, may have to be initiated by other water users who might be injured by the enlargement of use, not the department.

You asked for a description of the scope of the informal moratorium. Applications for permit proposing irrigation and most consumptive uses are not being processed at this time, regardless of whether the applications propose diversion of surface water, ground water or low temperature geothermal water. Your questions about the applicability of Idaho Code § 42-233 are worthy issues, but are raised prematurely, and will be addressed when application for permit no. 61-07732, filed by Powers, is processed pursuant to Idaho Code § 42-203A.

Respectfully,

Gary Spackman

GS:st

CC: Jack Powers
W. H. & Helen McGrew
John M. & Teresa McCallum
Sean Powers
Norm Young
Mel Shulte

RECEIVED
MAR 19 1997
WATER RESOURCES
WESTERN REGION

ROSHOLT, ROBERTSON & TUCKER
Chartered
ATTORNEYS AT LAW

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

[N A. ROSHOLT
[AN ROBERTSON
[ES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
JOHN K. SIMPSON
PATRICK D. MADIGAN
TIMOTHY J. STOVER
NORMAN M. SEMANKO

March 17, 1997

OVERNIGHT MAIL

Gary Spackman
Manager, Western Region Office
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Jack and Betty Powers

Dear Gary:

This letter is meant to confirm and reiterate the concerns expressed during our telephone conversation last week.

1. Notice of Pending Cease and Desist Order.

The enclosed "Notice of Pending Cease and Desist Order", dated March 10, 1997, states that Jack and Betty Powers have "no established water rights appurtenant to" 172 acres in T04S, R08E, Sections 12 & 13. See, Exhibit "A". We do not agree.

The Powers are the owners of two decreed ground water rights, 61-00300 (1899 priority) and 61-00302 (1961 priority), totaling 22.5 cfs for irrigation and last decreed in 1967. The 1967 decree for these two rights indicates that the rights are for use in T04S, R08E, Sections 12 & 13, among other areas. See, Exhibit "B". However, the number of acres in each area is not set forth in the decree, as indicated in the water right profile reports for these rights. See, Exhibit "C".

The Powers have claimed these two ground water rights in the Snake River Basin Adjudication (SRBA) for a total of 22.5 cfs on 815 acres. Included in these claims are 725 acres in T04S, R08E, Sections 12 & 13. See, Exhibit "D". Various decreed and licensed surface water rights (61-00281, 61-00282, 61-00361, and 61-02014) have also been claimed on these acres. Of course, this is the area addressed in your correspondence.

A comparison of the decree and SRBA claims indicates that an accomplished transfer may have occurred pursuant to I.C. Sec. 42-1425. For example, while the 1967 decree indicates irrigation in T04S, R08E, Sections 1, 11, 12, 13 & 14, the SRBA claims indicate irrigation only in T04S, R08E, Sections 1, 12 & 13 (Compare, Exhibits "B" and "C" to Exhibit "D").

The total number of acres authorized for irrigation, as well as the number of acres in each quarter-quarter, and the possibility of an accomplished transfer, are issues that have not yet been addressed in the SRBA. As a result, we do not understand the basis on which the Department now asserts that a cease and desist order should be issued. In short, no formal determination has yet been made whether the 172 acres in Sections 12 & 13 are with or without a water right.

We understand and appreciate that the Department's preliminary conclusion may be that the 172 acres are without a valid water right. However, no formal determination has been made either by the Department (through a transfer proceeding) or by the SRBA District Court. In fact, the Department has not yet made a formal recommendation in the SRBA. When it does, the Powers will have an opportunity to file an objection and submit evidence and legal arguments to the contrary. I.C. Secs. 42-1411 and 42-1412. Likewise, if and when a transfer application is filed, the Powers will have a similar opportunity.

In short, no enforceable legal determination exists concluding that the 172 acres are without a water right. In fact, two ground water rights are decreed appurtenant to the disputed area (Sections 12 & 13) and the Powers have filed ground and surface water claims in the SRBA including these acres. How, then, can the Department summarily conclude that the 172 acres are without a water right and threaten to issue a cease and desist order at this point in time?

I had understood the Department's general policy to be that it will not institute a cease and desist action when there is a genuine conflict regarding the number or location of acres authorized to be irrigated under an existing water right. Typically, the Department looks to the SRBA to resolve such conflicts and refrains from taking any enforcement action in the interim. I would think that the pending Idaho Supreme Court cases on actual beneficial use and partial forfeiture also make it difficult for the Department to pursue enforcement actions in scenarios like the Powers.

For all of these reasons, and given the current set of circumstances, we respectfully request that the Department withdraw its "Notice of Pending Cease and Desist Order", dated March 10, 1997, prior to April 1, 1997.

2. Pending Application for Permit.

While reserving the right to maintain our claims in the SRBA, we have nonetheless agreed to "overfile" on the 172 acres that the Department apparently believes are without a water right.

You indicated that the permit application submitted by the Powers on or about January 10, 1997 is on hold indefinitely as the result of an informal moratorium on further processing or approval of irrigation permit applications.

Please provide us with a description of the scope of the informal moratorium. We are curious about whether it encompasses low-temperature geothermal aquifers. If it does, we wonder why. Low-temperature geothermal water is not generally authorized for irrigation use, subject to certain statutory exemptions. I.C. Sec. 42-233. As a result, it does not make much sense to include it in an irrigation-related moratorium.

We respectfully request that our application for permit be processed as soon as possible, giving due consideration to the arguments advanced for a discretionary exemption from the irrigation limitations placed on low-temperature geothermal water under I.C. Sec. 42-233. We believe the particular circumstances of the Powers case warrant an exemption. Of course, this would also alleviate the problem discussed above. We presume this is the reason that the Department encouraged the Powers to file the application.

We appreciate your cooperation and look forward to hearing back from you.

Sincerely,

NORMAN M. SEMANKO

03139701.NMS

Enclosures

cc: Mel Schulte
Jack and Betty Powers
Sean Powers
Terry Scanlan

Exhibit A

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 10, 1997

COPY

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

Re: NOTICE OF PENDING CEASE AND DESIST ORDER

Dear Jack & Betty:

Several times during our review of the Snake River Basin Adjudication claims for your Bennett Creek ranch, we discussed with you the need to establish water rights for the new acres you put into production during 1996. These are the 172 acres within T04S, R08E, Sections 12 & 13 lying South of the large geothermal well.

The 1997 irrigation season is approaching and there are no established water rights appurtenant to the 172 acres described above. We want to reiterate our plans to issue a cease and desist order if any irrigation water is applied to this land prior to the establishment of valid water rights.

It is still our plan to measure the flow from the large geothermal well prior to the start of the 1997 irrigation season. We will contact Sean at a later date to schedule a time.

Sincerely,
Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Western Region Office
(208) 334-2190

Sincerely,
Gary Spackman

Gary Spackman
Manager, Western Region Office
Department of Water Resources
(208) 334-2190

CC: Terry Scanlan
Sean Powers

Exhibit B

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

ADIN HALL and RUBY HALL, husband and wife,

Plaintiffs,

-vs-

WILLIAM H. WALKER and MARGARET WALKER, husband and wife;

GILBERT C. WALKER and LENA WALKER, husband and wife;

WORTH E. WALKER and PAULINE WALKER, husband and wife;

GILBERT WALKER AND SONS, a co-partnership, consisting of GILBERT C. WALKER, LENA M. WALKER, WORTH E. WALKER and WILLIAM H. WALKER;

HAZEL ROWENA LEE, as executrix of the estate of WORTH S. LEE, also known as WORTH SCOTT LEE and also known as WORTH S. LEE, JR.;

HAZEL ROWENA LEE;

Defendants.

Civil No. 2248

D E C R E E

The plaintiffs herein being represented by Anderson, Kaufman, Anderson & Ringert; the defendants William H. Walker and Margaret Walker, Gilbert C. Walker and Lena Walker, Worth E. Walker and

Pauline Walker and Gilbert Walker and Sons, a partnership, being represented by Parry, Robertson & Daly, and the defendants Hazel Rowena Lee, individually and as executrix of the estate of Worth S. Lee, deceased, being represented herein by Hall & Rowett, and the said parties having executed and filed with the Court a written stipulation for the entry of a decree settling and adjusting the respective rights of the parties, NOW, THEREFORE;

Pursuant to the stipulation of the parties, IT IS HEREBY FOUND BY THE COURT AS FOLLOWS:

1. The defendants William H. Walker and Margaret Walker, husband and wife; Gilbert C. Walker and Lena Walker, husband and wife; Worth E. Walker and Pauline Walker, husband and wife; and Gilbert Walker and Sons, a co-partnership consisting of Gilbert C. Walker, Lena M. Walker, Worth E. Walker and William H. Walker, are hereinafter referred to collectively as the defendants Walker. Hazel Rowena Lee, as executrix of the estate of Worth S. Lee, also known as Worth Scott Lee and also known as Worth S. Lee, Jr., and Hazel Rowena Lee, individually, are hereinafter referred to collectively as defendants Lee.

2. The plaintiffs Adin Hall and Ruby Hall, husband and wife, have released, relinquished, transferred and conveyed to the defendants Lee all of their right, title, claim and interest in and to the waters of the Hot Springs, sometimes known as the Lee Hot Springs, located near the corner common to Sections Sixteen, Seventeen, Twenty and Twenty-one, Township Three South, Range Eight East, Boise Meridian, in Elmore County, Idaho, which waters flow into a creek known as Warm Springs Creek, and the said plaintiffs have transferred and conveyed to the defendants

Lee all of their right, title, claim and interest in and to all waters produced by the said Lee Hot Springs and to all waters from said springs flowing in Warm Springs Creek after being so produced, and that by virtue of such transfer and conveyance, the defendants Lee are now the owners of all of the rights of the plaintiffs in and to the waters produced at said Hot Springs and flowing therefrom into Warm Springs Creek.

3. The defendants Walker are the owners of an artesian well located in the Northwest Quarter of the Northeast Quarter of Section Eight, Township Four South, Range Nine East, Boise Meridian, in Elmore County, Idaho, drilled pursuant to Permit No. G25745 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of June 10, 1955, and which said well is hereinafter referred as the Walker well.

4. The defendants Lee are the owners of an artesian well located in the Northwest Quarter of the Southeast Quarter of Section One, Township Four South, Range Eight East, Boise Meridian, Elmore County, Idaho, which well was drilled pursuant to Permit No. G29317 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of January 19, 1961, and which said well is hereinafter referred to as the Lee well.

5. Waters flowing from the Lee Hot Springs and from the Walker well and the Lee well, both of which are artesian wells, all come from a common source of water in the same aquifer or the same subterranean body of water and the flow of water from both artesian wells tends to decrease, interfere with and eliminate the flow of the Lee Hot Springs.

6. Each tract of land herein described is arid in character and requires the artificial application of water to render such tract valuable for agricultural purposes and the amount of water awarded to each party under the provisions hereof is necessary for the successful irrigation and cultivation of the land to which the water is made appurtenant.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

01 0300 1. During the irrigation season of each year, which season is hereby established as beginning April 1 and ending on November 1, the defendants Lee shall have the right to use 125 miner's inches of continuous flow of water from the Lee artesian well, with a priority date of May 1, 1889, which amount of water represents and is in lieu of the flow of the Lee Hot Springs, and withdrawal of said water from the Lee well will constitute a change of the point of diversion and a change of the place of use of the entire flow of the Lee Hot Springs and of the waters flowing therefrom into Warm Springs Creek and shall be for use upon and shall be appurtenant to the following described land located in Elmore County, Idaho, to-wit:

The West Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section One; the North Half, the Southwest Quarter and the West Half of the Southeast Quarter of Section Twelve; the Southeast Quarter of the Southeast Quarter of Section Eleven; the West Half of the Northeast Quarter, the North Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section Thirteen; and the Northeast Quarter of the Northeast Quarter of Section Fourteen, all in Township Four South, Range Eight East, Boise Meridian.

120
560
40
?
300
40
960

2. During said irrigation season, the defendants Walker shall have the right to the use of 320 miner's inches of continuous flow of water from the Walker artesian well with a priority date of June 10, 1955, for use upon the following described lands located in Elmore County, Idaho, to-wit:

G1 0301

Walker Well OK

The Southwest Quarter, the West Half of the East Half, and the Southeast Quarter of the Southeast Quarter of Section Eight; the Southwest Quarter of the Southwest Quarter of Section Nine; the North Half of the North Half of Section Seventeen; the East Half of the Northeast Quarter, the North Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section Twenty-nine; the South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section Ten; the West Half of the Northwest Quarter of Section Fifteen; the East Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Sixteen, all in Township Four South, Range Nine East, Boise Meridian.

360
40
160
200
120
80
120
960

G1 0302 3. During said irrigation season, the defendants Lee, in addition to the rights provided for in paragraph 1 above, shall be entitled to and shall have the right to the use of 1000 miner's inches of continuous flow of water from the Lee well with a priority date of January 19, 1961, for use upon and which water shall be appurtenant to the real property of the defendants Lee described in paragraph 1 above.

4. Neither the defendants Lee nor the defendants Walker shall have the right, without the consent of the other, to pump water from their respective wells.

5. For a period of three years from and after October 18, 1967, the defendants Lee shall not withdraw more than 200 miner's inches of continuous flow of water at any time from the Lee artesian well unless it is sooner determined to the satisfaction

of the defendants Lee and Walker that the water supply is ample for a larger withdrawal.

6. The right of the defendants Lee to withdraw 125 miner's inches of continuous flow under paragraph 1 above is hereby established as the first right in order of priority; that the right of the defendants Walker to withdraw 320 miner's inches of continuous flow is hereby established as the second right in order of priority and the right of the defendants Lee under paragraph 3 above to withdraw 1000 miner's inches of continuous flow is hereby established as the third right in order of priority; that if the Lee well does not produce an artesian flow of 125 miner's inches of continous flow throughout each entire irrigation season, the defendants Walker shall reduce the flow of water from the Walker well in an amount sufficient to insure the continued artesian flow of 125 miner's inches of water from the Lee well throughout each entire irrigation season; that if the Walker well, subject to the foregoing limitation, does not produce an artesian flow of 320 miner's inches of water throughout each entire irrigation season, the defendants Lee will reduce the flow of water from the Lee well under the rights set forth in paragraph 3 above in an amount sufficient to insure the continued artesian flow of 320 miner's inches of water from the Walker well throughout each entire irrigation season, but in no event shall the defendants Lee be required to reduce the flow of their well below the 125 miner's inches recognized as a first right, as set forth in paragraph 1 above.

7. Before the start of the irrigation season for the year 1968, the defendants Lee and the defendants Walker shall each construct at their respective wells a permanent-type concrete

or metal weir adequate for accurate measurement of the water produced by their well; that both wells shall be maintained and equipped at the owner's expense with the necessary valves and equipment to control the flow of water from the wells and for capping and closing off completely the flow of water from said wells when the same are not in use; that both of said wells shall be kept closed at all times except during said irrigation season; provided, however, that during the nonirrigation season each of said parties shall be entitled to withdraw from their respective wells for domestic purposes, including water for livestock, an amount not to exceed one miner's inch of water.

water master control provision

8. At the written request of either the defendants Lee or the defendants Walker, transmitted to the other, the operation of both artesian wells shall be placed in charge of the water master of Bennett Creek, providing such water master be willing to take charge of and supervise the operation of the wells pursuant to this decree. If such water master be not so willing, then another person shall be selected by said parties to serve as water master, to take charge of the operation of the two wells in accordance with this decree; that if the parties are unable to agree upon such a water master, then he shall be selected by three arbitrators, one chosen by the defendants Lee, one by the defendants Walker and a third by the two thus chosen. The decision of any two of the three arbitrators shall determine who shall serve as water master. The expenses and compensation of such board of arbitrators and of the water master for services in connection with the operation of the wells and the cost of providing a pressure gauge shall be borne equally by the

defendants Lee and the defendants Walker.

9. The rights and duties of the defendants Lee and the defendants Walker shall inure to the benefit of and be binding upon the heirs, administrators, executors, successors and assigns of the said parties insofar as the same are related to the ownership of the land and the operation of the artesian wells above described, and each of said parties is hereby ordered to comply with the provisions of this decree.

10. All of the parties hereto, their agents, employees, attorneys, privies and successors in interest are, and each of them is hereby, enjoined and restrained from any and all interference with the enjoyment of the rights to the use of said subterranean waters, as set forth in this decree and the rights and priorities, as herein determined and awarded, be and each of them is hereby quieted and confirmed as against each and every party to this action.

11. All pleadings filed herein be and the same are hereby amended to conform to the terms of this decree and each party shall pay his own costs herein.

Dated this 6 day of [illegible] 1967.

[illegible]
District Judge

APPROVED:

ANDELSON, KAUFMAN, ANDERSON & RINGERT

By [illegible]
Attorneys for Plaintiffs

PARRY, ROBERTSON & DALY

By [illegible]
Attorneys for Defendants Walker

HALL & ROWETT

By [illegible]
Attorneys for Defendants Lee

STATE OF IDAHO)
County of [illegible])

[illegible]

Exhibit C

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	HAZEL ROWENA LEE	01/19/1961	IRRIGATION	00/00	00/00	20.000 CFS	
				TOTAL DIVERSION:		20.000 CFS	

Water Source: GROUNDWATER Tributary to: Stage: DECREED

Point(s) of Diversion: T04S R08E S01 NWSE ELMORE County

Place of use Legal Description for: IRRIGATION

			NE					NW					SW					SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
04S	08E	1												I		I	I		
04S	08E	11																I	
04S	08E	12	I	I	I	I	I	I	I	I									
04S	08E	13		I	I		I	I		I	I					I			
04S	08E	14	I																

Pou County: ELMORE

Dates: App. Received: Priority Date: 01/19/1961
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM H. WALKER	06/10/1955	IRRIGATION	00/00	00/00	6.400 CFS	
				TOTAL DIVERSION:		6.400 CFS	

Water Source: GROUNDWATER Tributary to: Stage: DECREED

Point(s) of Diversion: T04S R09E S08 NWNE ELMORE County

Place of use Legal Description for: IRRIGATION

			NE					NW					SW					SE					
			NENE		NWNE		SWNE	SENE		NENW		NWNW		SWNW	SENW		NESW		NWSW		SWSW	SESW		NESE		NWSE		SWSE	SESE		SUM
T	R	S	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt Ac	Lt	Ac	
04S	09E	8			I		I										I		I		I	I				I		I			
04S	09E	9																			I										
04S	09E	10																			I	I						I			
04S	09E	15										I		I																	
04S	09E	16		I				I																		I					
04S	09E	17		I		I					I		I																		
04S	09E	29		I				I																I		I		I			

Pou County: ELMORE

Remarks: PROTESTANT - TOM GILL
PARTIES AGREED TO RUN TESTS ON WELL INTERFERENCE AND PROVIDE US WITH DATA.

Dates: App. Received: Priority Date: 06/10/1955
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Exhibit D

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANKLIN JACK POWERS	05/01/1889	IRRIGATION	04-01	11-01	2.50 CFS	
C	ELIZABETH M POWERS						
	PO BOX 1238			TOTAL DIVERSION:		2.50 CFS	
	GLENNS FERRY ID 83623			CONSUMPTIVE USE:			2445.00 AFA
	(208) 366-2802						

Water Source: GROUNDWATER Tributary to: Stage: DECREED

Point(s) of Diversion: T04S R08E S01 NENWSE ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
04S	08E	1												25		25 40			90.0
04S	08E	12	38	40	40	39	35	06	20	33	40	33	40	40		40 40			484.0
04S	08E	13		38	40		38	10		35	40					40			241.0
																TOTAL ACRES			815.0

POU County: ELMORE

Non-Irrigation Uses: NONE.

Other Rights: CLAIM NO.'S A61-00302 & A61-02014.

Remarks: GEN CHANGE OF OWNERSHIP 7/28/95 MTS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANKLIN JACK POWERS	01/19/1961	IRRIGATION	04-01	11-01	20.00 CFS	
C	ELIZABETH M POWERS						
	PO BOX 1238			TOTAL DIVERSION:		20.00 CFS	
	GLENNS FERRY ID 83623			CONSUMPTIVE USE:			2445.00 AFA
	(208) 366-2802						

Water Source: GROUNDWATER Tributary to: Stage: DECREED

Point(s) of Diversion: T04S R08E S01 NENWSE ELMORE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
04S	08E	1												25		25	40		90.0
04S	08E	12	38	40	40	39	35	06	20	33	40	33	40	40		40	40		484.0
04S	08E	13		38	40		38	10		35	40					40			241.0
																TOTAL ACRES			815.0

POU County: ELMORE

Non-Irrigation Uses: NONE.

Other Rights: CLAIM NO. A61-00300, A61-02014.

Remarks: GEN CHANGE OF OWNERSHIP 7/28/95 MTS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

March 18, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY, ID 83623

Re: Amended claims

During several of our previous meetings you indicated you wanted to utilize the permissible place of use concept for your Bennett Creek water rights. This concept recognizes the historical use of the water by which any and all rights have been used anywhere on the ranch and not exclusively on the land to which the rights are appurtenant.

With my letter dated November 12, 1996 I sent you amended claim forms that recognized a 510 acre permissible place of use. Since then, with the assistance of Terry Scanlan, we increased the land list to 604 total acres. Enclosed are amended claim forms for all of your Bennett Creek rights that show the 604 acre place of use. To complete the amended claims prior to splitting the claims for the parcel you sold, I need one of your notarized signatures on each form. Please return the executed claims to my attention.

There are no fees for amending the claims. If you have any questions please let me know.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

March 10, 1997

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

Re: NOTICE OF PENDING CEASE AND DESIST ORDER

Dear Jack & Betty:

Several times during our review of the Snake River Basin Adjudication claims for your Bennett Creek ranch, we discussed with you the need to establish water rights for the new acres you put into production during 1996. These are the 172 acres within T04S, R08E, Sections 12 & 13 lying South of the large geothermal well.

The 1997 irrigation season is approaching and there are no established water rights appurtenant to the 172 acres described above. We want to reiterate our plans to issue a cease and desist order if any irrigation water is applied to this land prior to the establishment of valid water rights.

It is still our plan to measure the flow from the large geothermal well prior to the start of the 1997 irrigation season. We will contact Sean at a later date to schedule a time.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Western Region Office
(208) 334-2190

Sincerely,

Gary Spackman
Manager, Western Region Office
Department of Water Resources
(208) 334-2190

CC: Terry Scanlan
Sean Powers

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX TRANSMITTAL COVER SHEET

FAX # (208) 334-2348

DATE: 2/19/97

TO: Norm Young

FROM: Gary Spackman

DOCUMENT DESCRIPTION: Letter to Jack Powers. Please review & comment

TOTAL PAGES SENT: 1 **+ COVER SHEET**

CONTACT: Gary

2/20/97

Mel –
Norm asked me to wait to send this letter until after the northwest governors' summit meeting on February 24, 1997. He doesn't want to identify the interstate water dispute issues in print.

Gary

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 18, 1997

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

Re: NOTICE OF PENDING CEASE AND DESIST ORDER

Dear Jack & Betty:

Several times during our review of the Snake River Basin Adjudication claims for your Bennett Creek ranch, we discussed with you the need to establish water rights for the new acres you put into production during 1996. These are the 172 acres within T04S, R08E, Sections 12 & 13 lying South of the large geothermal well.

The 1997 irrigation season is approaching and there are no established water rights appurtenant to the 172 acres described above. We want to reiterate our plans to issue a cease and desist order if any irrigation water is applied to this land prior to the establishment of valid water rights.

We received on January 14, 1997 your application for permit requesting to irrigate the subject 172 acres from the large geothermal well. However, the application is currently being held without action because of an interstate water controversy. We do not know when the controversy will be resolved, nor do we know when notice of the application can be published. After the notice is published and any protests resolved, some significant issues must be addressed. Diversion of water proposed by the application could injure other users diverting from the aquifer. Also, the law requires the heat value of the water be utilized prior to using the water for irrigation. Because of these delays, it is unlikely the Department of Water Resources can approve your application for permit prior to April 1st, the start of the irrigation season.

It is still our plan to measure the flow from the large geothermal well prior to the start of the 1997 irrigation season. We will contact Sean at a later date to schedule a time.

Sincerely,
Mel Schulte
Mel Schulte
ADJUDICATION BUREAU
Western Region Office
(208) 334-2190

Sincerely,

Gary Spackman
Manager, Western Region Office
Department of Water Resources
(208) 334-2190

CC: Terry Scanlan

Not mailed – Revised 3-10-97

MEMORANDUM

RE: Jack & Betty Powers Application for Permit to irrigate 172 more acres from their geothermal well.

FROM: Mel Schulte

DATE: January 3, 1997

On this date, Lori Graves and I met with Glen Saxton at the Western Region Office to discuss a draft copy of the application described above that we anticipate being filed in the near future. The discussion centered around the issues of injury, expansion, exemption from I.C. 42-233(1), the limited capacity of the geothermal aquifer and the potential for irrigation of illegal acres in the Spring of 1997.

When the application is filed, Glen indicated we would proceed as follows:

1) The application would not be processed until the anadromous fish political issue is resolved and clearance is received from the Director.

2) After #1 above is satisfied, advertising would be completed and processing would continue under either:
a) if protests are received, pre-hearing conferences and hearings would be scheduled to resolve the protests....OR
b) if no protests are received the application would be denied, approved with conditions or approved without conditions.

3) Staff analysis of the application would address injury to other users from the geothermal aquifer, the impact to the aquifer if additional consumptive uses are allowed and how the provisions of 42-233(1) relating to first using the heat source from the water first would be satisfied.
a) additional information from the applicants concerning these issues would most likely be needed.

Glen said the additional acres put under irrigation in the Spring of 1996 is clearly an illegal expansion. He said we would plan to issue a cease and desist order next Spring if no valid water rights are in place for these new acres. He recommended the Powers family be advised in writing some time in February that a cease and desist would be forthcoming if they illegally irrigate. He also suggested the new regional manager be apprised of this situation.

MTS

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 12, 1996

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

RE: Amended claims

Dear Jack & Betty:

Enclosed are several amended claim forms for your Bennett Creek water rights. These amended claims comply with your desire to use a permissible place of use so that all rights will be appurtenant to each acre of land. As we discussed during our previous meeting, this concept recognizes how the Bennett Creek water has been historically used on the ranch. Also, when the claims are split due to a split in ownership of the ranch, each acre will receive a prorated share of each claimed right.

You will note on the enclosed forms that the place of use describes the 510 acres historically irrigated with creek water and the two points of diversion historically used to divert water from Bennett Creek. When these claims are subsequently split, the points of diversion and place of use will be split to comply with the change of ownership of the land.

To complete the amended claims, one of you should sign the claim forms in front of a notary public. Please return the signed forms to my attention so that I can prepare our records prior to the change of ownership request that is forthcoming. There are no fees for filing these amended claims. If you have any questions or discussion concerning this matter please let me know.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

CC: Sean Powers
Terry Scanlan

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

October 28, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

Re: October 24, 1996 meeting

Dear Jack & Betty:

We appreciate the opportunity to meet with you, Sean and Terry Scanlan on October 24th. We were able to discuss and clarify some important water right and SRBA issues relating to your Bennett Creek Ranch. This letter summarizes the content of our meeting.

The first item we discussed is whether the decree for the large hot water well will allow for expanded acres in excess of the historically irrigated acres. The historical usage is the basis of the decreed water rights and any additional acres require a new water right. The role of the Snake River Basin Adjudication is to determine the historical use and clarify any ambiguities in the decree. We think the data we obtained concerning the prior 25 years operation of the ranch is good information but, we welcome any additional documentation you can provide us concerning this issue.

Sean inquired if McGrews have filed a transfer to move the water right from the Walker well to the Two plus well. They have not. We anticipate using the transfer application you intend to file to exchange the 125 inches of 2nd and 3rd priorities as the process to replace the Two plus well for the Walker well. Because the Two plus replaced the Walker well prior to 1987 we can recognize it under Idaho law as an "accomplished transfer." The filing of this transfer application is important because it will also establish the historical place of use for your large geothermal well and the Two plus well.

The next major issue we discussed is the need to establish legal water rights for the 183 acres South of the large well and some options available to do this. One option is to apply for a new water right using the large well. For this application to be successful, you will need to comply with Idaho Code section 42-233(1). Enclosed for your information is a copy of I.C. 42-233.

A second option is to transfer water from other parcels of land to the 183 acres. As we discussed, this procedure does not allow for the "unstacking" of rights. It requires an equal amount of land be dried up by transferring all appurtenant water and water rights from the "transferred from" land to the 183 acres.

We briefly discussed the option of obtaining a permit to develop a groundwater source from a cold water well for the 183 acres. You indicated this did not appear to be a feasible alternative because a number of "dry holes" have already been drilled in the area by other parties.

Please keep in mind that you can also use a combination of the options described above to provide water for the subject 183 acres or any part of the 183 acres you want to cover.

The timing of the applications you intend to file is critical. The department must comply with certain statutory requirements in advertising, processing and resolving protests that could delay approvals beyond the start of the next irrigation season. In the future if land is irrigated that does not have a valid water right we would be required to issue a "cease and desist" order. If you would fail to comply with the order there are statutory penalties that can be imposed.

Another matter we discussed is the change of ownership filing for the portion of the ranch you sold. Please complete and return the forms we provided. Include a copy of the deed that conveys the property to the new owners. You indicated you still want us to prepare our recommendations using the permissible place of use concept. Therefore, when we split the water right claims for the parcel you sold, that land will receive a prorated share of each and every right that is deliverable to that land.

We still need evidence to support the January 1, 1872 priority date claimed by the McGrews in the claims for the Hot Springs Creek ranch. As I indicated in my October 21, 1996 letter, until we receive sufficient documentation to confirm that date or another date, our only alternative is to recommend the claims be disallowed.

The last thing we discussed was our intention to perform in March 1997 a live flow simultaneous measurement of the Two plus well and your large geothermal well. We will schedule a time and discuss the details at a later date.

If we can provide you with copies of our file information or application forms to assist in your filings, please let us know.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

CC: Sean Powers
Terry Scanlan
Steve Lester

42-233. Low temperature geothermal resource. (1) The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water. Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; [and] (iii) the exemption is in the public interest.

(2) Any owner of a well who engages in the drilling, redrilling, modifying or deepening of any low temperature geothermal well shall file with the director of the department of water resources a surety bond or cash bond in the penal sum of not less than five thousand dollars ($5,000) or more than twenty thousand dollars ($20,000) as determined by the director of the department of water resources based on the temperature, depth and pressure of the resource, the size and depth of the well, and any other relevant factors. The surety or cash bond shall be conditioned upon the proper compliance with the provisions of this chapter and chapter 40, title 42, Idaho Code, and rules and regulations promulgated pursuant thereto. The bond shall remain in effect for one (1) year following completion of drilling, redrilling, modifying or deepening of the well or until released in writing by the director, whichever occurs first.

(3) All permits, licenses, decreed rights and valid claims to a right to the use of ground water which would be classified as a low temperature geothermal resource having a priority date prior to July 1, 1987, remain valid and the bond provisions of subsection (2) of this section are not applicable unless the well from which the right diverts water is modified or deepened. The provisions of this section shall not be applicable to all permits, licenses and rights to the use of geothermal resources as defined in chapter 40, title 42, Idaho Code, which would be classified as a low temperature geothermal resource under this section, issued or proclaimed prior to July 1, 1987, and the bond provisions of subsection (2) of this section are not applicable to such wells.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 21, 1996

MR & MRS JACK POWERS
PO BOX 1239
GLENNS FERRY ID 83623

Dear Jack & Betty:

We were prepared to meet with you at 1:00 pm on Thursday, October 17th but, evidently there was some confusion concerning that time and date. Below are some issues and concerns that we were prepared to discuss with you.

During two meetings at your Bennett Creek ranch and the meeting in our office with Terry Scanlan on May 21st, we discussed the need for you to file some applications. We are concerned because to this date we have not received any applications.

It was our understanding that you would file, with Terry Scanlan's assistance, an Application for Transfer to request a transfer of priorities as specified in your Agreement with the McGrews dated January 18, 1995. This application is an important filing because it will also establish the historical place of use for your largest geothermal well and the historical place of use for the McGrew's Two Plus well.

Another of our concerns focuses on the need to establish water rights on the 183 acres South of the large geothermal well and North of the county road that do not have appurtenant historical water rights. During our meeting on May 21st we discussed several options available to you but again we have not received any applications that address this concern.

It was brought to our attention you may have sold part of the Bennett Creek ranch and are attempting to sell the entire ranch. There is a legal requirement to file changes of ownership for water rights and adjudication claims. Due to the nature of the water rights and claims appurtenant to your ranch, any partial sales at this time creates a very complex situation. We have not developed our recommendations for your water right claims. We have been waiting to integrate into our recommendations the applications mentioned above. Consequently, we do not know at this time how to split the water right claims as the result of a partial sale.

We have some serious concern about the future application of both surface and well water on your Bennett Creek ranch. It is important that appropriate applications be filed as soon as possible to allow sufficient time to process them prior to the next irrigation season. We are available to provide you with our file information, but again suggest you use a private consultant to assist in preparation and filing any applications.

It is important for you to recognize that the timely filing of your applications is critical. Unless you have on file with the department in the near future some applications that can be processed

and approved without protests to cover the concerns mentioned above it is possible they may not be approved before the next irrigation season. The result being you will have 183 acres without legal water rights that cannot be irrigated.

During several of our previous meetings and in my letter to you dated April 8, 1996, I indicated we still need evidence to support the priority date for the two Hot Springs Creek ranch claims. Both claims filed by the McGrews specify a priority date of January 1, 1872. To this date we have not received any documentation to establish a priority date. Until we receive sufficient evidence to support that date or any other priority date, our only alternative is to recommend the claims be disallowed. If these claims are decreed by the SRBA court as disallowed claims there would be no legal water rights appurtenant to that property.

The last item we wanted to discuss with you is our plans to simultaneously measure in March 1997 the rate of discharge from your large geothermal well and the Two Plus well. It is our intention to open both wells to their full capacities at the exact same time and perform live flow measurements in the discharge ditches. We think the information we obtain will be a good estimate of the maximum capacities of the two wells.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Western Region Office
(208) 334-2190

Sincerely,

Steve Lester

Steve Lester
Deputy Regional Manager
Western Region Office
(208) 334-2190

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 9, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK & BETTY POWERS
PO BOX 1239
GLENNS FERRY ID 83623

Dear Mr & Mrs Powers:

We have completed our initial review of the historical use of the water rights for your Bennett Creek ranch. Enclosed is a copy of an ASCS aerial map that describes the fields we believe were historically irrigated and the sources of water for each field. We think it is time to meet with the two of you and Sean again to review the map and discuss the options you have to make legal the changes you are currently making.

My initial review indicates there is a total of approximately 622 acres irrigated on the ranch. These acres consist of 510 acres with Bennett Creek water and 112 acres with only artesian well water. There appears to be about 320 acres South of the large well that have both Bennett Creek water and artesian well water. There is also about 60 acres South of the small artesian well that have both Bennett Creek and well water.

The 622 acre number mentioned above is an important number. That is the maximum number of acres that can be irrigated under the current and historical water rights. To irrigate more than that number requires obtaining additional water rights. The historical water rights are also specific as to which acres can be irrigated under each right. To change those acres requires the approval of the department after the proper applications have been filed.

We are concerned that you are irrigating land to which there is no appurtenant water right nor application pending to cover this land with a water right. It is imperative the proper applications be filed in the near future. We need to discuss the application options you have so that you can decide how you want to proceed. We would like to meet with you and Sean at the ranch on Wednesday, May 15th between 9 and 10 in the morning. Please call me at the number below to confirm you are available at that time.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

MEMORANDUM

TO: Powers claims files

DATE: April 25, 1996 mTD.

From: Mel Schulte

On April 22nd Ron Howerton and I met with Sean Powers during our field work for the Bennett Creek ranch. At the time of our meeting Sean was assisting a crew that was burying a main line from the artesian well cooling pond to the fields South of the pond.

The following questions and issues were discussed with Sean:

1. How are the wheel lines adjacent to Bennett Creek pressurized? Sean indicated they no longer used the wheel lines at that location and were gravity irrigating those fields. He said they were going to use the lines on the fields South of the pond.

2. The delivery ditch on the West side of Bennett Creek ends near the power lines. Sean agreed that the portion of the field South of the power lines were not irrigated. We advised him that our estimate of the field size was 151 acres and he agreed with the estimate.

3. I informed Sean that the McGrews had claimed stock water for 500 head at the Bennett Creek ranch and 400 head at the Hot Springs Creek ranch and he indicated those numbers were acceptable to him.

4. We discussed with Sean that all of the evidence we have collected indicates the springs in Section 25 have not been used for any irrigation for at least 25 years meaning that part of the license had been forfeited. He agreed it does not appear there has been any irrigation from the spring for many years. We told him we might be able to recommend instream stock water and they might consider filing a new application for irrigation from the springs if they wanted to develop them at a later date. He said he would discuss this issue with his father.

5. We inquired to Sean if the corrugated pipe used as a sump that is located near the creek NW of the small artesian well is still used. He said it was not and they had no intention of using it.

6. Sean said the springs near the main house and corrals were used only for domestic and stock water. He said they were tied together in a mainline but the one nearest the house was not being used in the house due to high coliform levels. He said he was not aware of any irrigation from the springs. He indicated the capacity of the springs was insufficient to provide much irrigation and there is no system to deliver irrigation water from the springs. It now appears that what historically was considered to be irrigation from these springs is more natural subbing due to a high water table.

7. We told Sean we would discuss with them in the next several weeks what options they have in filing applications to accomplish what they want to do in changing their irrigation practices so that they are legal. He was informed that they may need to file some transfer applications and they should be aware that if the applications are protested they will have to resolve the protests before the applications are approved. He said his neighbor was the only one that should protest and he was not a problem. We informed him that he is an area that is becoming more and more sensitive and protests from others is very possible. He was also informed that if some one complained about the changes they are making and we found them to be illegal we would be forced to make them stop any illegal practice.

MTS

ADJUDICATION MEMORANDUM

CLAIMANT: Powers CLAIM NO: Various

EMPLOYEE: Mel Schulte DATE: 3-15-96.

SUBJECT: Meeting with Tom Gill - historical use of water on the Bennett Creek ranch.

On March 13, 1996 Ron Howerton and myself met Tom Gill at 11:00 am at the Pilot truck stop. Tom Gill owned the ranch now owned by the Powers family from 1969 to 1985. We reviewed the map describing the irrigation system and place of use that was prepared during our meeting with John McGlew on 2-7-1996. Mr. Gill agreed with our system description but added two additional fields that he said were historically irrigated. One field is the pasture on the East side of the creek at the extreme North edge immediately South of the county road. The other field is the pasture area East of the main house bordered by the creek, the county road, the corrals and house and the pastures to the South. Mr. Gill indicated that from his experience about 80 acres were irrigated from the hot well on the bench area South of the well. He indicated he never delivered water to any fields South of the county road from the well.

CONVERSATION MEMORANDUM

DATE 3-15-1996

FILE Powers claims

NAME OF PARTY Sean, Jack & Betty Powers

EMPLOYEE Mel Schulte

RE: Meeting on 3-13-96 with Powers family.

On 3-13-96 Ron Howerton and I met with the Powers family to discuss the upcoming review of their claims. We informed them we were concerned with the historical use of water on their ranch. We tried to impress on them that our recommendations would have to be defensable to the point that if they were objected to by anyone else that our recommendations would stand up to challenges in court and they (Powers) would have to defend the recommendations. We told them that our position is To work with them to arrive at the best recommendations possible.

They think there were more acres irrigated from the biggest artesian well then suggested by Tom McGill and John McGrew. We told them to find evidence such as ASCS crop and aerial map records to support their contentions and that we needed more evidence than just affidavits. They want to redesign their irrigation system to add more acres to the fields south of the larger well and we told them we will try to assist them through transfers and/or PPA to accomplish their goals.

Mel

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 15, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK AND BETTY POWERS
PO BOX 1239
GLENNS FERRY ID 83623

RE: TRANSFER APPLICATION FOR THE "LEE AND WALKER" WELLS

Dear Jack and Betty:

Department staff have had a chance to make a preliminary determination regarding the acres that will be involved in the transfer for the second and third priority water rights from the "Lee and Walker" wells. The information compiled to date suggests two things concerning all three priority rights from the wells.

First, the issue of forfeiture could become somewhat complicated for a portion of your property. I refer to the southeast end of the place of use for the first and third priority rights in which it appears that some preparation is underway to cultivate this land, possibly via irrigation. It appears that this land has never been irrigated or at least has not been irrigated for more than five consecutive years.

The department is obligated to determine if forfeiture of a right or a portion of a right has occurred through lack of use whenever a transfer application is filed to change the place of use. Under the agreement signed by you and the McGrews, the second and third priority rights will be split and will include changes in places of use. "Lack of use" is defined as five or more consecutive years in which water is not applied to a beneficial use. This same review must occur to some degree in the Snake River Basin Adjudication (SRBA) even if a transfer application is not filed. Elmore County is currently undergoing SRBA review to determine the validity of water rights claimed in the adjudication process.

While particular water rights and/or SRBA claims may include the area in the southeast portion of your land, there is some doubt regarding the validity of rights to irrigate that portion. I wanted to alert you to this possibility to avoid unpleasant surprises later in the transfer and/or SRBA process.

Second, as staff work continues, it has become apparent that it would not be appropriate for department personnel to prepare the transfer application due to the level of regulatory review that must be applied to such an application. This office will have to withdraw its offer to prepare the application for you but will continue to provide any technical data and other information such as map copies and so forth to assist you in filing the transfer.

I regret that this situation has become somewhat complicated and hope this new perspective does not unduly inconvenience you. I believe that your interests and the McGrews' interests will be better served by having someone other than

department staff prepare the application. You might want to wait until the final field verification for the rights has been completed and summarized by this office before turning to the actual application preparation. When the department completes its summary of the situation, the information will be available to you and should be helpful in going through the transfer process.

Please let me know if you need more information. Meanwhile, this office will continue its field verification process and will contact you when a summary is completed for the water rights and/or SRBA claims in question.

Sincerely,

Steve Lester
Water Rights Supervisor

c: Wm. and H. McGrew

ADJUDICATION MEMORANDUM

CLAIMANT: Powers family CLAIM NO: A01-00300, 00302, etal

EMPLOYEE: Mel Schulte DATE: 2-8-96

SUBJECT: Meeting with John McGrew at NRCS in Mt Home

On Feb. 7, 1996 Ron Howerton, Lori Graves and myself met with John McGrew and Jackie, NRCS employee, at the Mtn Home office. The purpose of our meeting was to diagram on aerial maps the delivery systems and irrigated fields relating to the Bennett Creek ranch (Powers claims) and the Cold Springs Creek ranch (McGrew claims). John was helpful in describing the systems and fields as he knew them from his families operations of both places. Jackie provided information based on her past experience in helping to design the current systems and some recent involvement in helping to design a new system for the Powers family.

Per John McGrew:

1) Surface water on all fields except the higher ground South of the big hot water well.

2) Smaller hot water well used on East side of creek South of the well.

3) Large artesian hot water well used on

ADJUDICATION MEMORANDUM

CLAIMANT: _____ CLAIM NO: _____

EMPLOYEE: _____ DATE: 2-8-96

SUBJECT: Meeting with John McGrew fields South of well on both sides of creek and one field on bench area straight South of well.

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

February 2, 1996

Jack and Betty Powers
PO Box 1239
Glenns Ferry, ID 83623

RE: TRANSFER APPLICATION FOR RIGHT NOS. 61-00301 AND 61-00302

Dear Jack and Betty:

The staff at this office met today to discuss the best procedure to use in filing the transfer application that is referred to in the agreement signed by you and the McGrews regarding the above-referenced second and third priority rights from the "Lee and Walker" wells.

Our recommendation is that the transfer filing should be delayed until field verification of water uses is completed for both owners' property. The transfer will be part of the overall water right picture for both ownerships and therefore cannot be looked at in isolation from the entire irrigation picture under both ownerships. This office already has a considerable amount of data, maps, aerial photographs and so forth but still needs to complete the field inspections. Once the field verification is conducted, department staff can prepare recommendations for each ownership and can prepare the proper transfer application for your consideration.

We think this approach would be the most efficient and the least costly for you. It is extremely doubtful that the transfer process could be completed prior to the upcoming irrigation season. While the department cannot sanction any uses of water not covered by recorded water rights and/or adjudication claims, it is difficult to foresee any problems that might occur if both owners had some temporary arrangement for the upcoming irrigation season regarding uses of the "Lee and Walker" wells provided that such an arrangement does not injure any other parties.

This office will conduct the field work at the earliest opportunity this spring. The transfer application will then be prepared and sent to you. Meanwhile, please do not hesitate to contact me if you need any help.

Sincerely,

Steve Lester
Water Rights Supervisor

cc: Wm. and Helen McGrew

RECEIVED
JUL 20 1995
WATER RESOURCES
WESTERN REGION

July - 17 - 95

Dear Jean -

that 1800+ water right bottled me + but that I have it figured out -

there was a big hot spring at end of hot creek - they had bath houses etc there - the water went down Hot Creek and was used for farming - that must be where Worth Lee - (was it?) had his water right from 1800+ -

LEE WELL →

Bill Walker - drilled the first hot well - stopping the Hot spring flow -

WALKER WELL →

Next was Hall? drilled second well - then legal actions - Gill well ? ← GILL WELL

Next Blackwell drilled got hot water - capped that well - it leaks a little -

2-PLUS → WELL

Jan [illegible] in place of Walker Mel - This is a letter from Mrs. opened - th; McGrew explaining some 6 well like is items on the well & you have pressure some their claims for. It's just a brief history of them & I'm not sure if we need to use this, but it may come in handy later. No tape ask- needed & respond - I spoke with Jan. Just needs to be filed. THIS JAN that's off my mind for the moments. Hope you can make some sence out of it.

Sincerely
Helen - McGrew -

P.S. Else Riggs thought there was an earth quake about the time the Hot spring went dry -

RECEIVED
JUL 20 1995
WATER RESOURCES
WESTERN REGION

July - 17 - 95

Dear Jean -

That 1600+ water right bottle done + but what a hard it figured out -

there was a big hot spring at end of Hot creek - they had bath houses etc there - the water went down Hot Creek and was used for farming that must be where Worth Lee - (was it?) had his water right from 1600+ -

LEE WELL → Bill Walker drilled the first hot well - stopping the Hot spring flow - WALKER WELL

Next Aden Hall ?? drilled second well - then legal actions - Gill well ← GILL WELL

Next Blackwell drilled got hot water - Capped that well - it leaks a little.

2-PLUS WELL → Last 2 Plus drilled - using it in place of Walker well as it goes down when Gill well is opened -

the hot well on Beam place is not a deep well like the others, but they seems to effect the pressure some on it.

Spoke to John - said he is awfully busy - Powers filled their pond clear to the top - ten feet or more than has been normal - Hope my asking about things will make them think.

that's off my mind for the moment. Hope you can make some sence out of it.

Sincerely
Helen McGrew -

P.S. Else Riggs thought there was an earth quake about the time the Hot Spring went dry -

RECEIVED
JUL 20 1995
WATER RESOURCES
WESTERN REGION

Kimberly Test Well

Beam

Bill Wolf #2

Blackwell #3

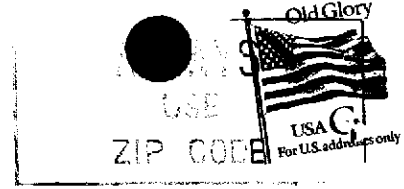
Walker #1

2 Plus #4

Added water map.

Mrs. W. M[redacted]ew
P.O. Bo[redacted]
Glenns F[redacted], ID 83623-0965





Jan Shurte
Idaho Dept. of Water Res.
2735 Airport Way.
Boise, Idaho. 83705

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL

DISTRICT OF THE STATE OF IDAHO, IN AND FOR ELMORE COUNTY.

Adin M. Hall and W. E. Wilson
Plaintiffs.

Vs.

Wm. H. Blackman Chas. Geernart
Chas. F. Ross, Mrs. Ida Ross,
Benj. Sparlin, John McCuen
S. B. Blackwell and M. L. Davis,
Defendants.

D E C R E E.

And now this cause coming on to be heard upon the modified findings of fact and the conclusions of law hereinbefore filed, and upon the remittature from the Supreme Court and the Court being fully advised in the premises, it is ordered, adjudged and decreed;

I.

That the Plaintiff Adin M. [illegible] the use of the amount of water h[illegible] of Bennett Creek, in each year, [illegible]

1st. For Hall Pre-emption [illegible] from April 1st, 1879.

2nd. For Hall Homestead, 1[illegible] 1st, 1882; 10 inches of water, d[illegible]

3rd. For Hall's Desert Ent[illegible] 1885; 20 inches, dating from Apr[illegible]

4th. For Northeast quarter [illegible] of northwest quarter and lot No. 3, [illegible] 9 east; also southwest quarter o[illegible] d Southeast quarter of Southeast q[illegible] range 9 East, and lot 4 of secti[illegible] 5 south, range 9 east, 220 inche[illegible] 1893.

1st. That the plaintiff W[illegible] he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, towit:

Finding of Facts & Concul.

Adin Hall the only Wilson Atty @ Elmore Cnty Recorders office

WH Blackman

405 Case #

Bk 3 of Judgements in Dist. Ct, Page 31

450 N. 4th

334-2766

(John Yandell

45, 8E N½ SE, SENE, S27; SWNW, S26 (160ac)

45, 8E NWNW, S26; N½ NE, SWNE, S27 (160ac)

45, 8E E½ SE, S22; W½ SW, S23 (160ac)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL

DISTRICT OF THE STATE OF IDAHO, IN AND FOR ELMORE COUNTY.

Adin M. Hall and W. E. Wilson Plaintiffs.	)	
Vs.	)	D E C R E E.
Wm. H. Blackman Chas. Geerhart Chas. F. Ross, Mrs. Ida Ross, Benj. Sparlin, John McCuen S. B. Blackwell and M. L. Davis, Defendants.	)	

And now this cause coming on to be heard upon the modified findings of fact and the conclusions of law hereinbefore filed, and upon the remittature from the Supreme Court and the Court being fully advised in the premises, it is ordered, adjudged and decreed;

I.

That the Plaintiff Adin M. Hall be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, towit:

1st. For Hall Pre-emption claim, 150 inches of water, dating from April 1st, 1879.

2nd. For Hall Homestead, 140 inches of water, dating from April 1st, 1882; 10 inches of water, dating from May 1st, 1886.

3rd. For Hall's Desert Entry, 100 inches, dating from April 1st, 1885; 20 inches, dating from April 1st 1886.

4th. For Northeast quarter of southwest quarter and south half of northwest quarter and lot No. 3, section 5, township 5 south, range 9 east; also southwest quarter of southwest quarter of section 33, and Southeast quarter of Southeast quarter, section 32, Township 4 South, range 9 East, and lot 4 of section 4, and lot 1, Section 5, township 5 south, range 9 east, 220 inches of water, dating from April 30th, 1893.

II.

1st. That the plaintiff William E. Wilson be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, towit:

0281 Powers

For the Ethell tract north of the road 145 inches, dating from March 1st, 1872; 35 inches, dating from March 1st, 1875.

61-0281 61-0282 Powers

2nd. for use upon the Marley Tract, 51 inches of water, dating from April 1st 1883.

III.

That the defendant William H. Blackman be and he is hereby awarded the use of the waters hereinafter stated from the waters from Bennett Creek in each year, from the following dates, towit:

61-283 Sec 13 SWNW NWSW NWNW XXXX Sec 14 SENE NESE NENE T4S R8E 238" 3-1-1872

Walker 61 0283 1st. For use upon the Southwest quarter of the northwest quarter and the northwest quarter of the Southwest quarter of Section 13, and the Southeast quarter of the northeast quarter and the Northeast quarter of the Southeast quarter of Section 14 and all that portion of the Northwest quarter of the Northwest quarter of Section 13 and the northeast quarter of the Northeast quarter of Section 14, which lies South of that certain line given as the South line of the William E. Wilson Tract, being all in Township 4 South of Range 8 east 238 inches, dating from March 1st, 1872.

↑ Cert. of Cert. are dated 4-10-43 covering these two apps

61-284 Sec 13 SWSW Sec 14 S½SE NWSE W½NE Sec 23 N½NE Sec 24 NWNW 114" 3-1-1886

Ober 61 0284 2nd. For use upon the Southwest quarter of the Southwest quarter of Section 13, and the Northwest quarter of the Northwest quarter of Section 24, the North half of the Northeast quarter of Section 23, the Southhalf of the Southeast quarter and the Northwest quarter of the Southeast quarter and the West half of the Northeast quarter of Section 14, all in Township 4 South of Range 8 East, 114 inches, dating from March 1st, 1886.

IV.

That the defendant Charles F. Ross be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters in Bennett Creek, in each year, from the following dates, towit:-

A61-10377 61 0285 Powers

1st. For use upon the Charles F. Ross Homestead, 114 inches dating, from March 1"/, 1867; (22½ inches, dating from March 1" 1892.

Powers 61-0358

V.

That the defendant Ida E. Ross be and she is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, to-wit:-

61 0286 1st. For the G. B. Ross Pre-emption, 94½ inches, dating from March 1st. 1867; 85½ inches, dating from March 1st 1892.

61-10377 Powers

61-0362 Powers → T160

VI.

That the defendants M. L. Davis and Charles Guerhart be and they are hereby awarded the use of the water hereinafter stated, from the water of Bennett Creek, in each year, from the following dates towit:-

Stephens 61 0287 1st. Upon the South half of the Southwest quarter, the Northwest quarter of the Northwest and the Southwest quarter of the Southwest quarter of Section 25, Township 3 South, Range 8 East, 75 inches dating from October 1st, 1887.

VII.

That the defendant S. B. Blackwell be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek in each year, from the following dates, to-wit:-

61 0288 1st. For use upon the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 5, and the West half of the Northeast quarter of Section 8 Township 5, South of Range 9 East, and the West half of the Southeast quarter of Section 8, Township 5 South, Range 9 East, 220 inches, dating from April 30" 1893. Trans 11 p4

61-00288A " B Half-Moon

VIII.

That all of said water heretofore awarded to the respective parties to this action shall be measured at the point or points of diversion thereof, from the channel of said stream, in a box or boxes, headgate or headgates, constructed for measuring water at a four inch pressure, or its equilalent in second-feet, and said water shall be measured at said point or points of diversion, under a four inch pressure, or its equivalent in second-feet.

IX.

That insofar as the rights of any of the parties to this action have heretofore been determined and adjudged by decree of this court the same shall not, by this decree, be disturbed.

X.

It is further ordered, adjudged and decreed that the several parties hereto, whose rights to the use of the waters of said Bennett Creek are of even date, shall, whenever the amount of water flowing in said Channel or stream is insufficient in quantity to supply the amount of water herein awarded, share in the use of the water in proportion that the several quantities awarded, of same date, bears to the whole quantity flowing in said stream at such time of scarcity, not, however, to interfere with the rights of an earlier or prior date.

XI.

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to use of the waters of Bennett Creek herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased such party or parties shall turn the waters of said stream used by them back into the channel thereof; that each and every of the plaintiffs and defendants, their servants, attorneys, employees, privies and successors in interest are hereby enjoined and restrained from any and all interference with or diversion of the waters of said Bennett Creek except as provided in this decree whenever such interference, diversion or use would in any manner interferewith the quantity of water awarded by this decree to any of the other parties of this action.

XII.

That the Costs and disbursements of each party here shall be

Dated 5-15-1902

CERTIFICATE OF TRUE COPY--RECORDER

Gazette Printers, Glenns Ferry, Idaho

STATE of IDAHO } ss.
County of Elmore }

I, F. M. Hobbs, Auditor and Recorder in and for the County of Elmore, State of Idaho, do hereby certify that the foregoing is a true and correct copy of the original.....Decree of Adin M. Hall et al to Wm. H. Blackman et al

now on.....record.....in my office. In Book B Page 39 of Judgments.

Given under my hand and official seal at Mountain Home, Idaho, this, the 24th day of May A. D. 1916

ATTEST: F M Hobbs Auditor and Recorder

By.....Deputy

Bennett Creek Decree

In the District Court of the Fourth Judicial District of the State of Idaho, in and for Elmore County

Adm H Hall Ed O E Wilson
Plaintiffs

vs.

Wm H. Blackman, Chas. Gerkert, Chas. F. Ross, Mrs. Ida Ross, Benj. Sparlin, John McCann, S. B. Blackwell Ed M. L. Davis
Defendants

Findings of Fact and Conclusions of Law.

This cause came on regularly to be heard on the 4th day of December A.D. 1899, before the Court without a jury, a jury having been expressly waived in open Court, upon the plaintiffs' Complaint and the answer and cross-Complaint of the following named defendants to-wit: William H. Blackman, Charles Gerkert, Charles F. Ross, Mrs. Ida Ross and S. B. Blackwell, N. M. Reiner, appearing for plaintiff Hall and W. E. Borah Ed E. M. Wolfe appearing as attorneys for plaintiff Wilson and J. H. Hawley and Grant L. Wigman appearing as attorneys for William Blackman, Charles Gerkert, as administrator of the Estate of Lucinda Gerkert, deceased, and Mrs. Davis, who was substituted as a party defendant, having succeeded to the rights of Charles Gerkert, and W. C. Howie who appeared as attorney for Charles F. Ross and Ida Ross; Witnesses on behalf of said plaintiffs and said defendants and each of them having been sworn and examined and cross-examined the evidence closed and the trial was concluded on the 7th day of December, A.D. 1899, and the findings of fact and conclusions of law were duly made and filed, and a decree in accordance therewith was duly rendered and entered; thereupon certain of the parties to this action took their appeals therefrom to the Supreme Court of this State, and after consideration of the said appeals, the Court rendered the opinion and judgment and ordered the modification of said decree in certain particulars with respect to the rights of the defendants, Blackman and ordered that the findings of fact, conclusions of law and decree should be modified accordingly

Now, therefore, on this 15th, day of May A.D. 1902, the Court being fully advised in the premises does in accordance with the mandate of the Supreme Court, master and files the following Modified Findings of Fact and Conclusions of Law, to-wit:

Findings of Fact.

1st. That all of the lands mentioned in the pleadings herein are arid and require water, artificially applied during the irrigating season of each year, in order to successfully raise a crop of any kind; with the exception of a limited acreage on several of the tracts of land owned by the respective parties, and in such cases the amount of said lands not requiring irrigation are not included in the acreage for which water is allowed.

2nd. That the amount of water necessary to irrigate the lands herein is one inch, and no more, per acre of all the lands of the several parties for which water is hereby decreed, with the exception of Charles F. and Ida Ross for whose lands 1½ inches per acre are necessary, the said water always to be measured under a four-inch pressure or second-feet.

3d. Each person using water from Bennett Creek shall, before he is entitled to use the same, place and maintain at the point or points where such water is diverted a headgate or headgates and box or boxes suitably constructed for measuring water in inches under a four-inch pressure or its equivalent in second-feet.

4th. That all parties using water under and by virtue of this decree should, as soon as the beneficial use thereof has ceased and within the time within which they are authorized to use said water, return the same to the channel of said Creek.

5th. That the parties hereto entitled to the use of the water of Bennett Creek should not be permitted to change the place or places of diversion of said water, to the detriment of any party hereto.

6th. That all parties hereto, to whom water is awarded, should construct suitable ditches and laterals for the economical distribution and use of such water.

of southwest quarter of Section thirty-three and South-east quarter of Southeast quarter, section thirty-two, township four South, Range nine east and lot four of section four and lot one, section five, township five South, Range nine east.

1893 – April 30, 220 inches — 48, 8E

William E. Wilson – For use upon southwest quarter of the Southwest quarter of section twelve and the South-east quarter of the Southeast quarter of Section eleven and the northeast quarter of the northeast quarter of Section fourteen and the northwest quarter of the northwest quarter of section thirteen all in township four South of range eight east, except a certain piece or parcel described as follows, to-wit: Commencing at a stone in center of lane, four rods less two feet and seven inches south of the Southwest corner of the Southeast quarter of the Southeast quarter of Section eleven, township four South, Range eight East, from said stone running in a Southeasterly direction for the center of the lane to a stone 29 rods less 15 feet and eight inches due south of the corner of the Sections 11, 12, 13 and 14, thence on a line in the center of the lane to a stone 7 rods less 3 feet from thence in a northeasterly direction making a right angle with the line in the center of the lane 17 rods to a stone, from thence in an east-erly direction parallel with the line in the center of the lane to the eastern boundary of said land. The lands for which water is given and herein described are north of the line in the center of the lane and to the point where right angle is described running in a northeast-erly direction 17 rods, thence in a southeasterly direction parallel with the line in the center of the lane to the eastern boundary; also the South half of the North-west quarter and the north half of the Southwest quarter of Section 12, township four South, range 8 East known in these proceedings as the Ethell tract, north of the road.

1872 – March 1st, 143 inches — 61-00281

1876 – March 1st, 35 inches — 61-00361

William E. Wilson – For use upon the

S12, SWSW
S11, SESE
S14, NENE
S13, NWNW

45, 8E
S12, S½NW
N½SW

7th. That the several tracts of lands hereinafter mentioned were at the times of the several appropriations of water made for use thereon as hereinafter stated, owned by the several parties claiming the respective tracts, or their grantors or predecessors in interest; and that the said parties, their grantors or predecessors in interest appropriated heretofore at the dates mentioned herein the several amounts of the waters of said Bennett Creek, herein stated for a beneficial use, and ever since have used the same upon said lands and are entitled to the use of said waters upon said lands in the order of their priority, in the amounts and from the dates hereinafter stated.

S27, N½SE, SENE, S26, SWNW, 4S, 8E

Adin M. Hall. The North Half of the Southeast quarter, the southeast quarter of the Northeast quarter of Section Twenty-seven and the southwest quarter of the Northwest quarter of Section Twenty-Six, Township Four South of Range eight east, containing one hundred and sixty acres and designated in this action as "Hall's Re-emption", to-wit:

1879- April 1st, 150 inches. 61-00277

S26, NWNW S27, N½NE SWNE 4S, 8E

Adin M. Hall- For use upon the northwest quarter of the northwest quarter of Section twenty-Six and the north half of the northeast quarter and the Southwest quarter of the northeast quarter of section twenty-seven Township four South of range eight east, containing one hundred and Sixty acres, designated in this action as "Hall's Homestead"

1882- April 1st, 140 inches. 61-00278

1886 May 1st 10 inches. 61-00359

S22, E½SE, S23, W½SW 4S, 8E

Adin M. Hall- For use upon east half of Southeast quarter of Section twenty-two and west half of Southwest quarter of Section twenty three, Township four South, range eight east, containing 160 acres, known in this action as "Hall's Desert entry," to-wit:

1885- April 1st, 100 inches. 61-00279

1886- April 1st, 20 inches. 61-00360

Adin M. Hall for use of Northeast quarter of Southwest quarter, and South half of the Northwest quarter and lot no. three, Section five, township [illegible] the range nine east; also Southwest

45,8E
S12, NENE
S1, SESW S
W½SE-

Northeast quarter of the northwest quarter of Section 12 and the Southeast quarter of the Southwest quarter and the west half of the Southeast quarter of Section in Township 4 South of range 8 east, Known as the Marley Tract, to wit:

1883 – April 1st 51 inches 61-00282

William H. Blackman – For use upon the Southwest quarter of the northwest quarter and the northwest quarter of the Southwest quarter of section 13, and the Southeast quarter of the northwest quarter and the northeast quarter of the Southeast quarter of Section 14 and all that portion of the northwest quarter of the northwest quarter of section 13, and the northeast quarter of the northeast quarter of Section 14 which lies south of that certain line given as the south line of the William E. Wilson Tract, being all in township four South of range eight east

1872 – March 1st, 2.38 inches

William H. Blackman – For use upon the Southwest quarter of the Southwest quarter of Section 13, and the northwest quarter of the northwest quarter of Section 24, the north half of the northeast quarter of Section 23, the south half of the Southeast quarter and the northwest quarter of the Southeast quarter and the west half of the northeast quarter of Section 14 all in township four South of range eight east, 11¼ inches, dating from March 1st 1886

35, 8E
S36,
E½SW
E½NW

Charles F. Ross – For use upon the east half of the Southwest quarter and the east half of the northwest quarter of Section 36, in township 3 South of range 8 east, Known as the Charles F. Ross Homestead to wit:

1½" /acre
61-00285

1867 – March 1st, 11¼ inches 61-00285

1892 – March 1st, 22½ inches 61-00358

4 8E S
S1, E½NW
NESW

Ida E. Ross – For use upon the east half of the northwest quarter and the northeast quarter of the Southwest quarter of Section 1, township 4 South, range 8 east, Known as the [illegible] Tract, to wit:

1½" /acre

1867 – March 1st, 94½ inches. 61-00286
1892 – March 1st, 85 7/10 inches. 61-00362

M. L. Davis and Charles Seerkorn. – To be used upon the South half of the Southwest quarter, the Northwest quarter of the northwest quarter and the Southwest quarter of the northwest quarter of Section 25, Township 3 South, range 8 east, to wit:

1887 – October 1st, 75 inches.

A. P. Blackwell – For use upon southwest quarter of the Southeast quarter and the Southwest quarter of the Southwest quarter of Section 5, and west half of the northeast quarter of Section 8, township 5 South Range 9 east, and west half of the Southeast quarter of Section 8, township 5 South range 9 east, ~~containing~~ Containing of 240 acres, to wit:

1893 – April 30th, 220 inches

8th. That in so far as the rights of the respective parties in this action were litigated, adjudged and decreed by Judgement of this Court made and entered on the 4th day of April 1892 the same shall not be affected by the decree in this action.

9th. That the several parties to this action whose rights to the use of the water under ~~this~~ decree are of even date shown, when ever the amount flowing in the Channel of said Bennett Creek is insufficient in quantity to supply the amounts of water herein awarded, share in the use of said water in the proportions the several quantities awarded, as of the same date, bears to the quantity of water flowing in said stream at such time of scarcity, not, however, interfering with the rights of any earlier or prior rights.

That each party of this action should pay his or her Costs.

Conclusions of Law.

And, as conclusions of law from the foregoing facts, the Court finds:

1st. That plaintiff, Adin M. Hall is entitled to the following amounts of the waters of Bennett Creek from the following dates:

For use upon the track known as Hall's Pre-emption 150 inches, dating from April 1st, 1879.

For use upon the track known as Hall's Homestead 140 inches, dating from April 1st 1882; 10 inches, dating from May 1st, 1886.

For use upon track known as Hall's Desert Entry, 100 inches dating from April 1st, 1885; 20 inches, dating from April 1st 1886.

For use upon the Northeast quarter of Southwest quarter and South half of northwest quarter and lot No. 3 Section 5, township 5 South, range 9 east; also southwest quarter of Southwest quarter of Section 33, and Southeast quarter of Southeast quarter, Section 32 township 4 South, Range 9 East, and lot 4 of section 4, and lot 1, Section 5, township 5 South, Range 9 East, 220 inches, dating from April 30th, 1893.

2nd. — That the plaintiff William E. Wilson is entitled to the following amounts of the waters of Bennett Creek from the following dates;

For use upon the Ethel track north of the road, 143 inches, dating from March 1st, 1872; 35 inches, dating from March 1st, 1876,

William E. Wilson for use upon the Hurley track 57 inches, dating from April 1st 1883.

3rd. That the defendant Wm. H. Blackman is entitled to the following amounts of the waters of Bennett Creek from the following dates:—

William H. Blackman for use upon the Southwest quarter of the Northwest quarter and the northwest quarter of the Southwest quarter of Section 18, and Southeast quarter of the northeast quarter and the northeast quarter of the Southeast quarter of Section 14, and all that portion of the northwest quarter of the northwest quarter of Section 13, and the northeast quarter of the northeast quarter of Section 14, which lies South of that certain line known as the South line of William E. Wilson track, being all in township 4 South of range 8 east, 238 inches, dating from March 1st, 1872.

William H. Blackman for use upon the

Southwest quarter of the Southwest quarter of section 13, and the northeast quarter of the northwest quarter of Section 24, the north half of the Northeast quarter of Section 23, the South half of the Southeast quarter and the northwest Quarter of the Southeast quarter and the west half of the northeast quarter of section 14, all in township 4 South of Range 8 East, 1¼ inches, dating from March, 1st, 1886.

4th.- That Charles F. Ross is entitled to the use of the waters of Bennett Creek from the following dates:- For the Charles F. Ross Homestead 1¼ inches, dating from the 1st, day of March 1867; 22½ inches dating from March 1st, 1892.

5th. That Ida E. Ross is entitled to the use of the waters of Bennett Creek in the following amounts from the following dates; 94½ inches dating from March 1st, 1867; 85½ inches, dating from March 1st, 1892.

6th. That M. S. Dennis and Charles Gerhart are entitled to the use of the waters of Bennett Creek, for use upon their lands hereinbore described, 75 inches, dating from October 1st, 1887.

7th. That S. B. Blackwell is entitled to the use of the waters of Bennett Creek upon his lands herein before described, in the amount of 220 inches, dating from April 30th, 1893.

8th. That the several parties to this action whose rights to the use of the waters of Bennett Creek are of even date, are entitled, whenever the amount of water flowing in the Channel of said Stream is insufficient in quantity to supply the amount of water herein awarded, to share in the use of said water in proportion that the several quantities awarded, as of the same date, bears to the quantity of water flowing in said Stream at such time of scarcity, not, however, interfering with the rights of any earlier or prior rights.

9th. That each of the parties hereto, to whom water is awarded, shall, before being allowed to use the same place and maintain at the point or

points where he or she diverts said water from the channel of said stream, a headgate or headgates, and a box or boxes, suitably constructed for measuring water in inches, under a four inch pressure or its equivalent in second-feet.

10th. That each party hereto to whom water is awarded shall, whenever the beneficial use thereof ceases, turn the water of said stream so used into the channel thereof. That each and every party hereto, their agents attorneys, employees and privies and their successors in interest, shall be enjoined and restrained from interfering, in any manner, with the waters of said stream except as provided in the decree herein.

11th.- That the costs and disbursements of each party herein shall be paid by each party.

Let Judgement be entered accordingly.

Dated May 15th, 1902.

Kirtland K. Perky. Judge,
of the Fourth Judicial District of the State of Idaho,
in and for Elmore County.

Filed May 15th 1902 at 4 o'clock P.M. A. L. Smith Clerk
By J.W. Ball, Deputy.

In the District Court of the Fourth Judicial District of the State of Idaho, in and for Elmore County.

Adin M. Hall & W. E. Wilson
Plaintiffs
vs.
Wm. H. Blackman, Chas. Gerhart, Chas. F. Ross, Mrs. Della Ross, Benj. Sparlin, John McCann, H. C. Blackman & M. L. Davis.
Defendants.

Decree.

And now this cause coming on to be heard upon the modified findings of fact and the conclusions of law heretofore filed, and upon the remittature from the Supreme Court and the Court being fully advised in the premises, it is ordered, adjudged & decreed:

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I.

That the Plaintiff Adam M Hall be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek in each year, from the following dates, to-wit:

1st. For Hall Pre-emption claim 150 inches of water, dating from April 1st, 1879.

2nd. For Hall Homestead, 140 inches of water, dating from April 1st, 1882; 10 inches of water, dating from May 1st, 1886.

3d. For Hall's Desert Entry, 100 inches, dating from April 1st, 1885; 20 inches, dating from April 1st 1886.

4th. For Northeast quarter of Southwest quarter and South half of northwest quarter and lot No. 8, section 5, township 5 South, range 9 east; also Southwest quarter of Southwest quarter of section 33, and Southeast quarter of Southeast quarter, section 32, Township 4 South, range 9 East, and lot 4 of section 4, and lot 1, section 5, township 5 South, range 9 east, 220 inches of water, dating from April 30th, 1893.

II.

1st. That the plaintiff William E. Wilson be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, to-wit:

For the Ethell tract, north of the road, 143 inches, dating from March 1st, 1872; 35 inches, dating from March 1st, 1876.

2nd. For use upon the Marley Tract, 51 inches of water, dating from April 1st 1883.

III.

That the defendant William H Blackman be and he is hereby awarded the use of the waters hereinafter stated from the waters from Bennett Creek in each year, from the following dates, to-wit:

1st. For use upon the Southwest quarter of the northwest quarter and the northwest quarter of the Southwest quarter of Section 13, and the South ~~North~~ half of the ~~South~~ east quarter

and the Northeast quarter of the South East quarter of Section 14 and all that portion of the Northwest quarter of the Northwest quarter of Section 13, and the Northeast quarter of the Northeast quarter of Section 14, which lies South of that certain line given as the South line of the William E. Wilson Tract, being all in Township 4 South of Range 8 East 238 inches, dating from March 1st, 1872.

2nd. For use upon the Southwest quarter of the Southwest quarter of Section 13, and the Northwest quarter of the Northwest quarter of Section 24, the North half of the Northeast quarter of Section 23, the South half of the Southeast quarter and the Northwest quarter of the Southeast quarter and the West half of the North East quarter of Section 14, all in Township 4 South of Range 8 East, 114 inches, dating from March 1st 1886.

IV.

That the defendant Charles F. Ross be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters in Bennett Creek, in each year, from the following dates, to-wit:-

1st. For use upon the Charles F. Ross Homestead, 114 inches, dating from March 1st, 1867; 22½ inches, dating from March 1st 1892.

V.

That the defendant Ida E. Ross be and she is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek, in each year, from the following dates, to-wit:-

1st. For the G.B. Ross Pre-Emption, 94½ inches, dating from March 1st. 1867; 85½ inches, dating from March 1st 1892.

VI

That the defendants M.L. Davis and Charles Geerhart be and they are hereby awarded the use of the water hereinafter stated, from the water of Bennett Creek, in each year, from the following dates, to-wit:-

1st. Upon the South half of the Southwest quarter, the Northwest quarter of the northwest and the Southwest quarter of the Southwest quarter of Section 25, Township 3 South, Range 8 East, 75 inches dating from October 1st. 1887.

VII.

That the defendant, S.B. Blackwell be and he is hereby awarded the use of the amount of water hereinafter stated, from the waters of Bennett Creek in each year, from the following dates, to-wit:-

1st. For use upon the Southwest quarter of the South East quarter and the Southeast quarter of the Southwest quarter of Section

5. and the West half of the Northeast quarter of Section 8. Township 5, South of Range 9 East, and the West half of the Southeast Quarter of Section 8. Township 5 South, Range 9 East, 220 inches, dating from April 30th 1893.

VIII.

That all of said water heretofore awarded to the respective parties to this action shall be measured at the point or points of diversion thereof, from the Channel of said Stream, in a box or boxes, headgate or headgates, constructed for measuring water at a four inch pressure, or its equivalent in second-feet, and said water shall be measured at said point or points of diversion, under a four inch pressure, or its equivalent in second-feet.

IX.

That in so far as the rights of any of the parties to this action have heretofore been determined and adjudged by decree of this Court the same shall not, by this decree, be disturbed.

X.

It is further ordered, adjudged and decreed that the several parties hereto, who rights to the use of the waters of said Bennett Creek are of even date, shall, whenever the amount of water flowing in said Channel or stream is insufficient in quantity to supply the amount of water herein awarded, share in the use of the water in proportion that the several quantities awarded, of same date, bears to the whole quantity flowing in said stream at such time of scarcity; not, however, to interfere with the rights of an earlier or prior date.

XI

It is further ordered, adjudged and decreed that none of the parties hereto, or their successors in interest, shall have the right to use of the waters of Bennett Creek herein awarded, except for a beneficial purpose; and that whenever the beneficial use has ceased such party or parties shall turn the waters of said stream used by them back into the Channel thereof; that each and every of the plaintiffs and defendants, their servants, attorneys, Employees, privies and successors in interest, are hereby enjoined and restrained from any and all interference with or diversion of the waters of said Bennett Creek except as provided in this decree whenever such interference, diversion or use would in any manner interfere with the quantity of water awarded by this decree to any of the other parties of this action.

XII

That the Costs and disbursements of each party there shall be paid by each party.

Dated May 15th 1902.

Kirtland I. Perky.
District Judge.

Judge of the Fourth Judicial District of the State of Idaho,
In and for Elmore County.

Filed May 15th 1902.

A. G. Smith Clerk
By J. W. Ball. Deputy.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICTOF THE STATE OF IDAHO IN AND FOR ELMORE COUNTY.

John H. Hampton, plaintiff,

VS.

Crown Point Gold Mining Company, Defendant,

JUDGEMENT.

Now on this 17th, day of May, 1902, this cause came regularly on for hearing. the plaintiff appeared by Wyman & Wyman his attorneys, but the defendant appeared not. And it appearing to the Court that the defendant has been regularly served with summons herein and has appeared and demurred to plaintiff's complaint, and that it subsequently withdrew its demurrer and was given till May 16, 1902 in which to answer and further that said defendant has not answered said complaint but that its default has been regularly entered.

It is by the Court ordered, considered and adjudged that the plaintiff, John H. Hampton do have and recover of and from the defendant Crown Point Gold Mining Company, Limited, the sum of six hundred forty-one and 73/100($641.73) dollars and costs of suit taxed in the sum of Eleven dollars and Seventy Cents. Kirtland I. Perky, District Judge.

May 17th, 1902.

Filed May 17th, 1902, A. G. Smith, Clerk, By J. W. Ball, Deputy Clerk.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT, IN AND FOR ELMORE COUNTY, IDAHO.

Effie M Stine, Plaintiff,

VS.

Errel L. Stine, Defendant.

DECREE OF DIVORCE.

This cause coming on regularly to be heard this 14th, day of May 1902, upon the complaint filed herein, the default of the defendant for want of answer having been entered, and upon the proofs taken from which it appears that all the material allegations of the

61-C 2-1

(6)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

*
*
*

ADIN HALL and RUBY HALL, husband and wife,

Plaintiffs,

-vs-

WILLIAM H. WALKER and MARGARET WALKER, husband and wife;

GILBERT C. WALKER and LENA WALKER, husband and wife;

WORTH E. WALKER and PAULINE WALKER, husband and wife;

GILBERT WALKER AND SONS, a co-partnership, consisting of GILBERT C. WALKER, LENA M. WALKER, WORTH E. WALKER and WILLIAM H. WALKER;

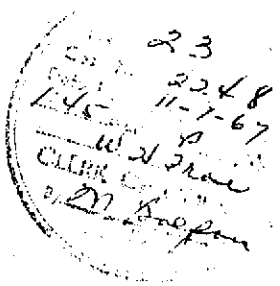
HAZEL ROWENA LEE, as executrix of the estate of WORTH S. LEE, also known as WORTH SCOTT LEE and also known as WORTH S. LEE, JR.;

HAZEL ROWENA LEE;

Defendants.

Civil No. 2248

D E C R E E



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*
*

The plaintiffs herein being represented by Anderson, Kaufman, Anderson & Ringert; the defendants William H. Walker and Margaret Walker, Gilbert C. Walker and Lena Walker, Worth E. Walker and

PARRY, ROBERTSON & DALY
RECEIVED
1967
A.M. P.M.

Pauline Walker and Gilbert Walker and Sons, a partnership, being represented by Parry, Robertson & Daly, and the defendants Hazel Rowena Lee, individually and as executrix of the estate of Worth S. Lee, deceased, being represented herein by Hall & Rowett, and the said parties having executed and filed with the Court a written stipulation for the entry of a decree settling and adjusting the respective rights of the parties, NOW, THEREFORE;

Pursuant to the stipulation of the parties, IT IS HEREBY FOUND BY THE COURT AS FOLLOWS:

1. The defendants William H. Walker and Margaret Walker, husband and wife; Gilbert C. Walker and Lena Walker, husband and wife; Worth E. Walker and Pauline Walker, husband and wife; and Gilbert Walker and Sons, a co-partnership consisting of Gilbert C. Walker, Lena M. Walker, Worth E. Walker and William H. Walker, are hereinafter referred to collectively as the defendants Walker. Hazel Rowena Lee, as executrix of the estate of Worth S. Lee, also known as Worth Scott Lee and also known as Worth S. Lee, Jr., and Hazel Rowena Lee, individually, are hereinafter referred to collectively as defendants Lee.

2. The plaintiffs Adin Hall and Ruby Hall, husband and wife, have released, relinquished, transferred and conveyed to the defendants Lee all of their right, title, claim and interest in and to the waters of the Hot Springs, sometimes known as the Lee Hot Springs, located near the corner common to Sections Sixteen, Seventeen, Twenty and Twenty-one, Township Three South, Range Eight East, Boise Meridian, in Elmore County, Idaho, which waters flow into a creek known as Warm Springs Creek, and the said plaintiffs have transferred and conveyed to the defendants

Lee all of their right, title, claim and interest in and to all waters produced by the said Lee Hot Springs and to all waters from said springs flowing in Warm Springs Creek after being so produced, and that by virtue of such transfer and conveyance, the defendants Lee are now the owners of all of the rights of the plaintiffs in and to the waters produced at said Hot Springs and flowing therefrom into Warm Springs Creek.

3. The defendants Walker are the owners of an artesian well located in the Northwest Quarter of the Northeast Quarter of Section Eight, Township Four South, Range Nine East, Boise Meridian, in Elmore County, Idaho, drilled pursuant to Permit No. G25745 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of June 10, 1955, and which said well is hereinafter referred as the Walker well.

4. The defendants Lee are the owners of an artesian well located in the Northwest Quarter of the Southeast Quarter of Section One, Township Four South, Range Eight East, Boise Meridian, Elmore County, Idaho, which well was drilled pursuant to Permit No. G29317 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of January 19, 1961, and which said well is hereinafter referred to as the Lee well.

5. Waters flowing from the Lee Hot Springs and from the Walker well and the Lee well, both of which are artesian wells, all come from a common source of water in the same acquifer or the same subterranean body of water and the flow of water from both artesian wells tends to decrease, interfere with and eliminate the flow of the Lee Hot Springs.

6. Each tract of land herein described is arid in character and requires the artificial application of water to render such tract valuable for agricultural purposes and the amount of water awarded to each party under the provisions hereof is necessary for the successful irrigation and cultivation of the land to which the water is made appurtenant.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

61 0300 1. During the irrigation season of each year, which season is hereby established as beginning April 1 and ending on November 1, the defendants Lee shall have the right to use 125 miner's inches of continuous flow of water from the Lee artesian well, with a priority date of May 1, 1889, which amount of water represents and is in lieu of the flow of the Lee Hot Springs, and withdrawal of said water from the Lee well will constitute a change of the point of diversion and a change of the place of use of the entire flow of the Lee Hot Springs and of the waters flowing therefrom into Warm Springs Creek and shall be for use upon and shall be appurtenant to the following described land located in Elmore County, Idaho, to-wit:

The West Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section One; the North Half, the Southwest Quarter and the West Half of the Southeast Quarter of Section Twelve; the Southeast Quarter of the Southeast Quarter of Section Eleven; the West Half of the Northeast Quarter, the North Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section Thirteen; and the Northeast Quarter of the Northeast Quarter of Section Fourteen, all in Township Four South, Range Eight East, Boise Meridian.

45, 8E
S1 = W½SE = 80 ac
SESW = 40
S12 = N½ = 320
SW¼ = 160
W½SE = 80
S11 = SESE = 40
S13 = W½NE = 80
N½NW = 80
SENW = 40
NESW = 40
NWSE = 40
S14 = NENE = 40
1,040

2. During said irrigation season, the defendants Walker 61 0301 shall have the right to the use of 320 miner's inches of continuous flow of water from the Walker artesian well with a priority date of June 10, 1955, for use upon the following described lands located in Elmore County, Idaho, to-wit:

T. 2196

The Southwest Quarter, the West Half of the East Half, and the Southeast Quarter of the Southeast Quarter of Section Eight; the Southwest Quarter of the Southwest Quarter of Section Nine; the North Half of the North Half of Section Seventeen; the East Half of the Northeast Quarter, the North Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section Twenty-nine; the South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section Ten; the West Half of the Northwest Quarter of Section Fifteen; the East Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Sixteen, all in Township Four South, Range Nine East, Boise Meridian.

45, 9E
S8, SW¼ W½ E½ (360
SESE (40
S9, SWSW (160
S17, N½ N½
S29, E½ NE, SWSE (200
N½ SE
S10, S½ SW, SWSE (120
S16, W½ NW (80
S16, E½ NE, NWSE
120
1080 ac

61 0302 3. During said irrigation season, the defendants Lee, in addition to the rights provided for in paragraph 1 above, shall be entitled to and shall have the right to the use of 1000 miner's inches of continuous flow of water from the Lee well with a priority date of January 19, 1961, for use upon and which water shall be appurtenant to the real property of the defendants Lee described in paragraph 1 above.

4. Neither the defendants Lee nor the defendants Walker shall have the right, without the consent of the other, to pump water from their respective wells.

Cannot pump without consent of other party!

5. For a period of three years from and after October 18, 1967, the defendants Lee shall not withdraw more than 200 miner's inches of continuous flow of water at any time from the Lee artesian well unless it is sooner determined to the satisfaction

of the defendants Lee and Walker that the water supply is ample for a larger withdrawal.

6. The right of the defendants Lee to withdraw 125 miner's inches of continuous flow under paragraph 1 above is hereby established as the first right in order of priority; that the right of the defendants Walker to withdraw 320 miner's inches of continuous flow is hereby established as the second right in order of priority and the right of the defendants Lee under paragraph 3 above to withdraw 1000 miner's inches of continuous flow is hereby established as the third right in order of priority; that if the Lee well does not produce an artesian flow of 125 miner's inches of continous flow throughout each entire irrigation season, the defendants Walker shall reduce the flow of water from the Walker well in an amount sufficient to insure the continued artesian flow of 125 miner's inches of water from the Lee well throughout each entire irrigation season; that if the Walker well, subject to the foregoing limitation, does not produce an artesian flow of 320 miner's inches of water throughout each entire irrigation season, the defendants Lee will reduce the flow of water from the Lee well under the rights set forth in paragraph 3 above in an amount sufficient to insure the continued artesian flow of 320 miner's inches of water from the Walker well throughout each entire irrigation season, but in no event shall the defendants Lee be required to reduce the flow of their well below the 125 miner's inches recognized as a first right, as set forth in paragraph 1 above.

7. Before the start of the irrigation season for the year 1968, the defendants Lee and the defendants Walker shall each construct at their respective wells a permanent-type concrete

or metal weir adequate for accurate measurement of the water produced by their well; that both wells shall be maintained and equipped at the owner's expense with the necessary valves and equipment to control the flow of water from the wells and for capping and closing off completely the flow of water from said wells when the same are not in use; that both of said wells shall be kept closed at all times except during said irrigation season; provided, however, that during the nonirrigation season each of said parties shall be entitled to withdraw from their respective wells for domestic purposes, including water for livestock, an amount not to exceed one miner's inch of water.

8. At the written request of either the defendants Lee or the defendants Walker, transmitted to the other, the operation of both artesian wells shall be placed in charge of the water master of Bennett Creek, providing such water master be willing to take charge of and supervise the operation of the wells pursuant to this decree. If such water master be not so willing, then another person shall be selected by said parties to serve as water master, to take charge of the operation of the two wells in accordance with this decree; that if the parties are unable to agree upon such a water master, then he shall be selected by three arbitrators, one chosen by the defendants Lee, one by the defendants Walker and a third by the two thus chosen. The decision of any two of the three arbitrators shall determine who shall serve as water master. The expenses and compensation of such board of arbitrators and of the water master for services in connection with the operation of the wells and the cost of providing a pressure gauge shall be borne equally by the

defendants Lee and the defendants Walker.

9. The rights and duties of the defendants Lee and the defendants Walker shall inure to the benefit of and be binding upon the heirs, administrators, executors, successors and assigns of the said parties insofar as the same are related to the ownership of the land and the operation of the artesian wells above described, and each of said parties is hereby ordered to comply with the provisions of this decree.

10. All of the parties hereto, their agents, employees, attorneys, privies and successors in interest are, and each of them is hereby, enjoined and restrained from any and all interference with the enjoyment of the rights to the use of said subterranean waters, as set forth in this decree and the rights and priorities, as herein determined and awarded, be and each of them is hereby quieted and confirmed as against each and every party to this action.

11. All pleadings filed herein be and the same are hereby amended to conform to the terms of this decree and each party shall pay his own costs herein.

Dated this 6 day of November 1967.

W. Ray Chestnut
District Judge

APPROVED:

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By _____
Attorneys for Plaintiffs

PARRY, ROBERTSON & DALY

By _____
Attorneys for Defendants Walker

HALL & ROWETT

By _____
Attorneys for Defendants Lee

Filed of record in Book 40, page 159.

Filed in Box 83 of State archives

State of Idaho
County of Elmore } ss

I hereby certify that the instrument is a true and correct copy of the original on file or of record in this office.

Date 11-2-67

_____
Clerk
Ex-Officio Auditor and Recorder

By _____
Deputy

GEOTHERMAL WELL
DECREE

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF ELMORE

* * *

ADIN HALL and RUBY HALL, husband and wife,

Plaintiffs,

-vs-

WILLIAM H. WALKER and MARGARET WALKER, husband and wife;

GILBERT C. WALKER and LENA WALKER, husband and wife;

WORTH E. WALKER and PAULINE WALKER, husband and wife;

GILBERT WALKER AND SONS, a co-partnership, consisting of GILBERT C. WALKER, LENA M. WALKER, WORTH E. WALKER and WILLIAM H. WALKER;

HAZEL ROWENA LEE, as executrix of the estate of WORTH S. LEE, also known as WORTH SCOTT LEE and also known as WORTH S. LEE, JR.;

HAZEL ROWENA LEE;

Defendants.

Civil No. 2248

D E C R E E

* * *

The plaintiffs herein being represented by Anderson, Kaufman, Anderson & Ringert; the defendants William H. Walker and Margaret Walker, Gilbert C. Walker and Lena Walker, Worth E. Walker and

Pauline Walker and Gilbert Walker and Sons, a partnership, being represented by Parry, Robertson & Daly, and the defendants Hazel Rowena Lee, individually and as executrix of the estate of Worth S. Lee, deceased, being represented herein by Hall & Rowett, and the said parties having executed and filed with the Court a written stipulation for the entry of a decree settling and adjusting the respective rights of the parties, NOW, THEREFORE;

Pursuant to the stipulation of the parties, IT IS HEREBY FOUND BY THE COURT AS FOLLOWS:

1. The defendants William H. Walker and Margaret Walker, husband and wife; Gilbert C. Walker and Lena Walker, husband and wife; Worth E. Walker and Pauline Walker, husband and wife; and Gilbert Walker and Sons, a co-partnership consisting of Gilbert C. Walker, Lena M. Walker, Worth E. Walker and William H. Walker, are hereinafter referred to collectively as the defendants Walker. Hazel Rowena Lee, as executrix of the estate of Worth S. Lee, also known as Worth Scott Lee and also known as Worth S. Lee, Jr., and Hazel Rowena Lee, individually, are hereinafter referred to collectively as defendants Lee.

2. The plaintiffs Adin Hall and Ruby Hall, husband and wife, have released, relinquished, transferred and conveyed to the defendants Lee all of their right, title, claim and interest in and to the waters of the Hot Springs, sometimes known as the Lee Hot Springs, located near the corner common to Sections Sixteen, Seventeen, Twenty and Twenty-one, Township Three South, Range Eight East, Boise Meridian, in Elmore County, Idaho, which waters flow into a creek known as Warm Springs Creek, and the said plaintiffs have transferred and conveyed to the defendants

Lee all of their right, title, claim and interest in and to all waters produced by the said Lee Hot Springs and to all waters from said springs flowing in Warm Springs Creek after being so produced, and that by virtue of such transfer and conveyance, the defendants Lee are now the owners of all of the rights of the plaintiffs in and to the waters produced at said Hot Springs and flowing therefrom into Warm Springs Creek.

3. The defendants Walker are the owners of an artesian well located in the Northwest Quarter of the Northeast Quarter of Section Eight, Township Four South, Range Nine East, Boise Meridian, in Elmore County, Idaho, drilled pursuant to Permit No. G25745 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of June 10, 1955, and which said well is hereinafter referred as the Walker well.

4. The defendants Lee are the owners of an artesian well located in the Northwest Quarter of the Southeast Quarter of Section One, Township Four South, Range Eight East, Boise Meridian, Elmore County, Idaho, which well was drilled pursuant to Permit No. G29317 issued by the Department of Reclamation of the State of Idaho, which permit has a priority date of January 19, 1961, and which said well is hereinafter referred to as the Lee well.

5. Waters flowing from the Lee Hot Springs and from the Walker well and the Lee well, both of which are artesian wells, all come from a common source of water in the same acquifer or the same subterranean body of water and the flow of water from both artesian wells tends to decrease, interfere with and eliminate the flow of the Lee Hot Springs.

2. During said irrigation season, the defendants Walker 61 0301 shall have the right to the use of 320 miner's inches of continuous flow of water from the Walker artesian well with a priority date of June 10, 1955, for use upon the following described lands located in Elmore County, Idaho, to-wit:

The Southwest Quarter, the West Half of the East Half, and the Southeast Quarter of the Southeast Quarter of Section Eight;	360
the Southwest Quarter of the Southwest Quarter of Section Nine; the North Half of the North Half of Section Seventeen;	40
the East Half of the Northeast Quarter, the North Half of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section Twenty-nine; the	160
South Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section Ten; the West Half of	200
the Northwest Quarter of Section Fifteen; the East Half of the Northeast Quarter and the Northwest Quarter of the Southeast Quarter of Section Sixteen, all in Township Four South, Range Nine East, Boise Meridian.	120
	80
	120
	1080

61 0302 3. During said irrigation season, the defendants Lee, in addition to the rights provided for in paragraph 1 above, shall be entitled to and shall have the right to the use of 1000 miner's inches of continuous flow of water from the Lee well with a priority date of January 19, 1961, for use upon and which water shall be appurtenant to the real property of the defendants Lee described in paragraph 1 above.

4. Neither the defendants Lee nor the defendants Walker shall have the right, without the consent of the other, to pump water from their respective wells.

5. For a period of three years from and after October 18, 1967, the defendants Lee shall not withdraw more than 200 miner's inches of continuous flow of water at any time from the Lee artesian well unless it is sooner determined to the satisfaction

6. Each tract of land herein described is arid in character and requires the artificial application of water to render such tract valuable for agricultural purposes and the amount of water awarded to each party under the provisions hereof is necessary for the successful irrigation and cultivation of the land to which the water is made appurtenant.

IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

61 0300 1. During the irrigation season of each year, which season is hereby established as beginning April 1 and ending on November 1, the defendants Lee shall have the right to use 125 miner's inches of continuous flow of water from the Lee artesian well, with a priority date of May 1, 1889, which amount of water represents and is in lieu of the flow of the Lee Hot Springs, and withdrawal of said water from the Lee well will constitute a change of the point of diversion and a change of the place of use of the entire flow of the Lee Hot Springs and of the waters flowing therefrom into Warm Springs Creek and shall be for use upon and shall be appurtenant to the following described land located in Elmore County, Idaho, to-wit:

The West Half of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section One; the North Half, the Southwest Quarter and the West Half of the Southeast Quarter of Section Twelve; the Southeast Quarter of the Southeast Quarter of Section Eleven; the West Half of the Northeast Quarter, the North Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section Thirteen; and the Northeast Quarter of the Northeast Quarter of Section Fourteen, all in Township Four South, Range Eight East, Boise Meridian.	120 560 40 280 40 1040

of the defendants Lee and Walker that the water supply is ample for a larger withdrawal.

6. The right of the defendants Lee to withdraw 125 miner's inches of continuous flow under paragraph 1 above is hereby established as the first right in order of priority; that the right of the defendants Walker to withdraw 320 miner's inches of continuous flow is hereby established as the second right in order of priority and the right of the defendants Lee under paragraph 3 above to withdraw 1000 miner's inches of continuous flow is hereby established as the third right in order of priority; that if the Lee well does not produce an artesian flow of 125 miner's inches of continous flow throughout each entire irrigation season, the defendants Walker shall reduce the flow of water from the Walker well in an amount sufficient to insure the continued artesian flow of 125 miner's inches of water from the Lee well throughout each entire irrigation season; that if the Walker well, subject to the foregoing limitation, does not produce an artesian flow of 320 miner's inches of water throughout each entire irrigation season, the defendants Lee will reduce the flow of water from the Lee well under the rights set forth in paragraph 3 above in an amount sufficient to insure the continued artesian flow of 320 miner's inches of water from the Walker well throughout each entire irrigation season, but in no event shall the defendants Lee be required to reduce the flow of their well below the 125 miner's inches recognized as a first right, as set forth in paragraph 1 above.

7. Before the start of the irrigation season for the year 1968, the defendants Lee and the defendants Walker shall each construct at their respective wells a permanent-type concrete

or metal weir adequate for accurate measurement of the water produced by their well; that both wells shall be maintained and equipped at the owner's expense with the necessary valves and equipment to control the flow of water from the wells and for capping and closing off completely the flow of water from said wells when the same are not in use; that both of said wells shall be kept closed at all times except during said irrigation season; provided, however, that during the nonirrigation season each of said parties shall be entitled to withdraw from their respective wells for domestic purposes, including water for livestock, an amount not to exceed one miner's inch of water.

water master control provision

8. At the written request of either the defendants Lee or the defendants Walker, transmitted to the other, the operation of both artesian wells shall be placed in charge of the water master of Bennett Creek, providing such water master be willing to take charge of and supervise the operation of the wells pursuant to this decree. If such water master be not so willing, then another person shall be selected by said parties to serve as water master, to take charge of the operation of the two wells in accordance with this decree; that if the parties are unable to agree upon such a water master, then he shall be selected by three arbitrators, one chosen by the defendants Lee, one by the defendants Walker and a third by the two thus chosen. The decision of any two of the three arbitrators shall determine who shall serve as water master. The expenses and compensation of such board of arbitrators and of the water master for services in connection with the operation of the wells and the cost of providing a pressure gauge shall be borne equally by the

defendants Lee and the defendants Walker.

9. The rights and duties of the defendants Lee and the defendants Walker shall inure to the benefit of and be binding upon the heirs, administrators, executors, successors and assigns of the said parties insofar as the same are related to the ownership of the land and the operation of the artesian wells above described, and each of said parties is hereby ordered to comply with the provisions of this decree.

10. All of the parties hereto, their agents, employees, attorneys, privies and successors in interest are, and each of them is hereby, enjoined and restrained from any and all interference with the enjoyment of the rights to the use of said subterranean waters, as set forth in this decree and the rights and priorities, as herein determined and awarded, be and each of them is hereby quieted and confirmed as against each and every party to this action.

11. All pleadings filed herein be and the same are hereby amended to conform to the terms of this decree and each party shall pay his own costs herein.

Dated this 6 day of November, 1967.

District Judge

APPROVED:

ANDERSON, KAUFMAN, ANDERSON & RINGERT

By _____
Attorneys for Plaintiffs

PARRY, ROBERTSON & DALY

By _____
Attorneys for Defendants Walker

HALL & ROWETT

By _____
Attorneys for Defendants Lee

STATE OF IDAHO }
County of Bonneville } ss

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.

Dated: 11-27-67

Clerk
Bonneville County and Recorder

By _____
Deputy

WELL TEST DATA

DEPARTMENT OF WATER RESOURCES

Water Right No
(if applicable

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: LEE WELL 140 DEGREES F
2. Location: BELOW WELL APPOX 175' IN DITCH
3. Person(s) conducting measurement: MEL SCHULTE, RON HOWERTON
4. Date of measurement: 3-27-97 13:05 5. Weather conditions:
6. Measuring device size and ID no.: PYGMY # 090175
7. Spin test before: YES after: YES
8. Purpose of measurement: CAPACITY FLOW
9. Cross section description:

B. MEASUREMENT DATA

Dist. from initial point	Width	Depth	Obs. Depth	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
LEW	1.0								
	1.5	.5	.6	38	40				
	2.5	.6		30					
	3.5	.75		50					
	4.5	.75		59					
	5.5	.8		57					
	6.5	.7		49					
	7.5	.7		40					
	8.5	.65		33					
	9.5	.6		32					
	10.5	.55		37					
	11.4	.35	↓	24	↓				
REW	12.2								

C. REMARKS

LEE WELL 140 DEGREES F

1. Name of stream or ditch: DITCH
2. Location: BELOW WELL, 175' APPROX
3. Person conducting measure: MEL SCHULTE AND RON HOWERTON
4. Date and time of measure: 03-27-97 13:05
5. Accompanied by: SEAN POWERS-OWNER
6. Measuring device size and ID: PYGMY # 090175
7. Spin test OK? Before: Yes After: Yes
8. Purpose of measure: CAPACITY FLOW

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
1.0							
1.5	1.0	0.5	0.6	38	40	0.95	0.48
2.5	1.0	0.6	0.6	30	40	0.75	0.45
3.5	1.0	0.8	0.6	50	40	1.25	0.94
4.5	1.0	0.8	0.6	59	40	1.48	1.11
5.5	1.0	0.8	0.6	57	40	1.43	1.14
6.5	1.0	0.7	0.6	49	40	1.23	0.86
7.5	1.0	0.7	0.6	40	40	1.00	0.70
8.5	1.0	0.7	0.6	33	40	0.83	0.54
9.5	1.0	0.7	0.6	32	40	0.80	0.52
10.5	0.9	0.6	0.6	24	40	0.60	0.31
11.4	1.3	0.4	0.6	24	40	0.60	0.26
12.2							

TOT WIDTH 11.2 TOTAL DISCHARGE: 7.30

365 INCHES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. (if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: LEE-WELL
2. Location: 175' BELOW WELL
3. Person(s) conducting measurement: MEL SCHULTE RON HOWERTON
4. Date of measurement: 3/27/97 13:05 5. Weather conditions: WINDY
6. Measuring device size and ID no.: 090175
7. Spin test before: OK after:
8. Purpose of measurement: MAX FLOW
9. Cross section description: ACCOMPANIED BY SHAWN POWERS

B. MEASUREMENT DATA 140°

Dist. from initial point	Width	Depth	Obs. Depth	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
LEW	1.0	~~0~~	~~0~~						
	1.5	.5	.6	38	40				
	2.5	.6	.6	30	40				
	3.5	.75	.6	50	40				
	4.5	.75	.6	59	40				
	5.5	.8	.6	57	40				
	6.5	.7	.6	49	40				
	7.5	.7	.6	40	40				
	8.5	.65	.6	33	40				
	9.5	.6	.6	32	40				
	10.5	.55	.6	37	40				
	11.4	.35	.6	24	40				
REW	12.2	~~0~~	~~0~~	~~0~~	NA				
						AT WEIR 75' FROM WELL			
LEW	~~0~~	~~.45~~	~~.6~~	~~NA~~					
	.5	.45		186	40				
	1.5			181	40				
	2.5			180	40				
	3.5			172	40				
	4.~~9~~	.3		118	4				
REW	4.9	~~.3~~							

C. REMARKS

SIGNATURE

LEE WELL 140 DEGREES F

1. Name of stream or ditch: WEIR BOX IN DITCH
2. Location: 75 FEET FROM WELL
3. Person conducting measure: MEL SCHULTE & RON HOWERTON
4. Date and time of measure: 3/27/97 13:05
5. Accompanied by: SEAN POWERS
6. Measuring device size and ID: PYGMY # 090175
7. Spin test OK? Before: Yes After: Yes
8. Purpose of measure: CAPACITY FLOW

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
0.0							
0.5	1.0	0.5	0.6	186	40	4.65	2.09
1.5	1.0	0.5	0.6	181	40	4.53	2.04
2.5	1.0	0.5	0.6	180	40	4.50	2.03
3.5	1.0	0.3	0.6	172	40	4.30	1.23
4.4	1.0	0.3	0.6	118	40	2.95	0.84
4.9							

TOT WIDTH 4.9 TOTAL DISCHARGE: 8.22

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED
SEP 17 1996
WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 28, 1996

Memo:
To: Mel Schulte, Ron Howerton, and Lori Graves
From: Shane Bendixsen
Subject: Lee, Walker, and Two-Plus Wells.

Problem:

The subject area is located approximately 13 miles east of Mountain Home, Idaho in T4S, R8&9E (see Figure 1). Currently three artesian wells are completed in the area which draw upon the same aquifer (the Lee, Walker, and Two-Plus.) The Lee well is decreed for 1,125 miners inches or 22.5 cubic feet per second (cfs). This is also equivalent to 10,098 gpm. It is my understanding this is considered much more than could ever be used. Therefore a more accurate estimate of the Lee well capacity is needed.

Aquifer Description:

Castelin (1993), characterized the system as a confined geothermal system in "fracture-dominated silicic-volcanic rock system". He also stated that work done by Anderson (1964) produced the most reasonable transmissivity (T) value at approximately 30,000 gallons per day per foot (gpd/ft). Other pump tests have produced higher T values, but those were short term tests and no negative boundaries were encountered as would be present throughout an irrigation season. Storativity was estimated at 0.00006 (i.e. a confined system).

Method:

Aquifer head values in the spring of 1993 measured by Castelin (1993) and in 1964 measured by Anderson (1964) were approximately 100 feet above land surface at the Lee well or at an elevation of approximately 3495 feet. Castelin (1993) also noted and approximately documented seasonal potentiometric (pressure) fluctuations in the three wells. Therefore a mathematical model that approximates the seasonal potentiometric surface should provide some estimate for previous flow rates. Data are not available to create a numerical model, but data are sufficient for a simple analytical model. Work completed by Anderson (1964), and Castelin (1978 & 1993), provide ample data as long as several assumptions are made.

The method chosen for this study was based on Theis (1935). The reader is referred to Freeze and Cherry (1979, p. 317) for a further explanation. Assumptions are:

-the aquifer has infinite areal extent, is homogeneous with uniform thickness, is confined and the potentiometric surface is horizontal.

-the pumping rate is constant, ground water flow is horizontal, and the well fully penetrates the aquifer.

While not all of these conditions are met, an adequate approximation can be made. Aquifer thickness was approximated at 500 feet based on well construction data. The growing season, or the length of time at which the wells would flow, was estimated at 210 days based on work completed by Everson and others (1978). It was also assumed that the wells were equipped with pumps and would continue to flow even after the potentiometric surface fell below the well head elevation.

"QuickFlow" Analytical Ground Water Flow Model by Geraghty & Miller (1991) was used for computations. The reader is referred to Geraghty & Miller (1991) for model verification.

Results:

Figure 1, "Section A-A'" presents potentiometric contours and a cross-section based on the models results. Note this is not a geologic cross-section. The flow rates for the Lee well (1.6 cfs) and the Two-Plus well (1.0 cfs) closely match the potentiometric drawdowns observed by Castelin (1993). The Walker would cease flowing, the Two-Plus well was close to a no flow condition, and the Lee well would still flow, but lost considerable head.

Assuming land irrigated with the Lee well is 319 acres and for the Two-Plus is 246 acres, this would correspond to an discharge rate of approximately 2.1 and 1.7 acre feet per acre (AF/A) respectively. Work completed by Allen and Brockway (1983) suggest an average consumptive use for the area of approximately two AF/A. This assumes the crops grown are potatoes, grains, and hay. Pasture and some other crops would have a higher consumptive use. Therefore the flow rates closely approximate the consumptive use. The model assumes 210 days of continuous flow at the same rate. Actual flow associated with the application rate may be much higher (i.e. a inefficient delivery system will greatly increase the application rate).

Figure 2, "Section B-B'", presents the same wells flowing for the same amount of time, but with an discharge rate of three AF/A (2.3 cfs and 1.8 cfs for the Lee and Two-Plus wells respectively). Note that the Two-Plus well would cease flowing.

Therefore it is unlikely the actual diversion rate has ever exceeded 3 AF/A.

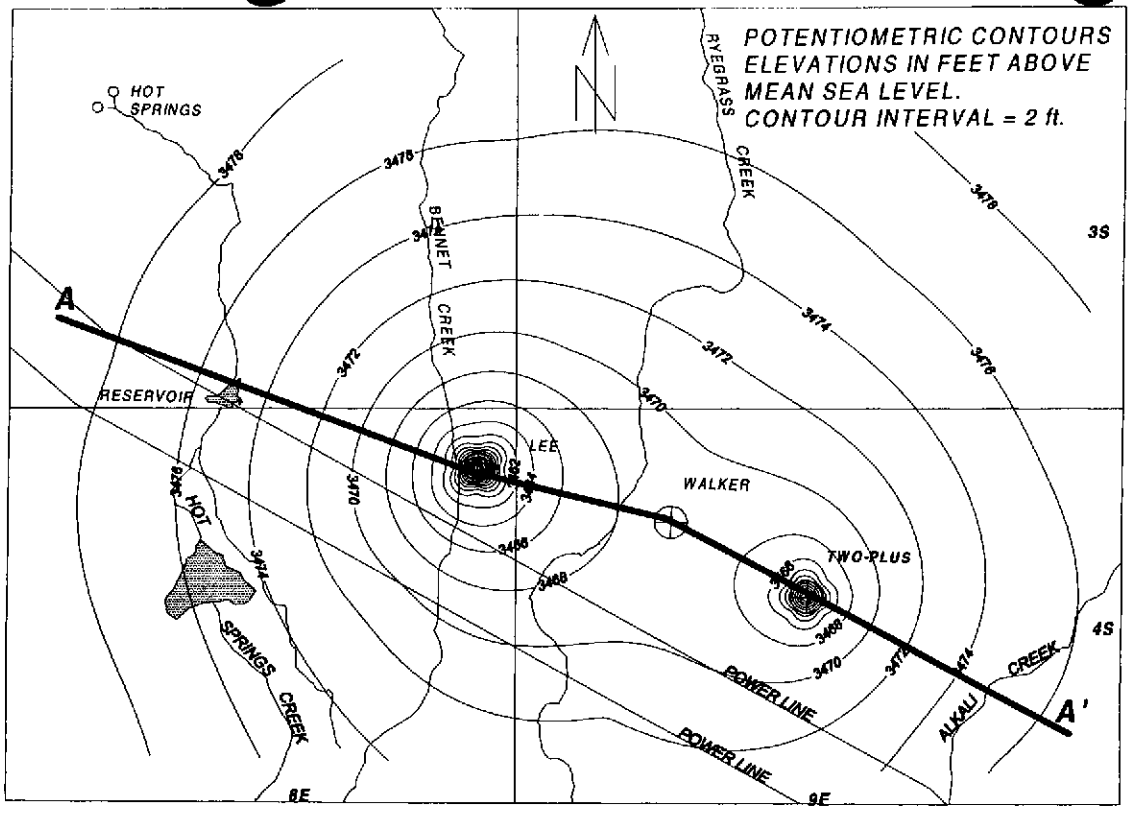
As a point of interest (Figure 3, "Section C-C'"), if the Lee well was pumped at 22.5 cfs the model suggests that the potentiometric surface would fall below the well head elevation for both the Lee and Walker wells within the first 24 hours. The Two-Plus well would cease flowing after approximately seven days. Conversely, if the Two-Plus well was pumped at 22.5 cfs, the same would be true except the Lee well would not cease flowing until after 35 days. Also if the Two-Plus well were pumped at 9 cfs, simulation suggests the Lee well would cease flow after 210 days. The same would be true for the Lee well (i.e. the Two-Plus would cease flowing) if pumped at 8 cfs for 210 days.

Data are not available to exactly determine what the previous flow rate for the Lee well has been. Data are available though to suggest that it has been greater that 1.6 cfs (2.1 AF/A) and less than 2.3 cfs (3 AF/A). This also assumes that land use has not changed.

cc: Wayne Haas

SIMULATION SHOWING POTENTIOMETRIC CONTOURS AND CROSS-SECTION AFTER 210 DAYS OF CONTINUOUS FLOW.

FLOW RATES:
LEE WELL: 1.6 cfs
WALKER WELL: NO FLOW
TWO PLUS: 1.0 cfs



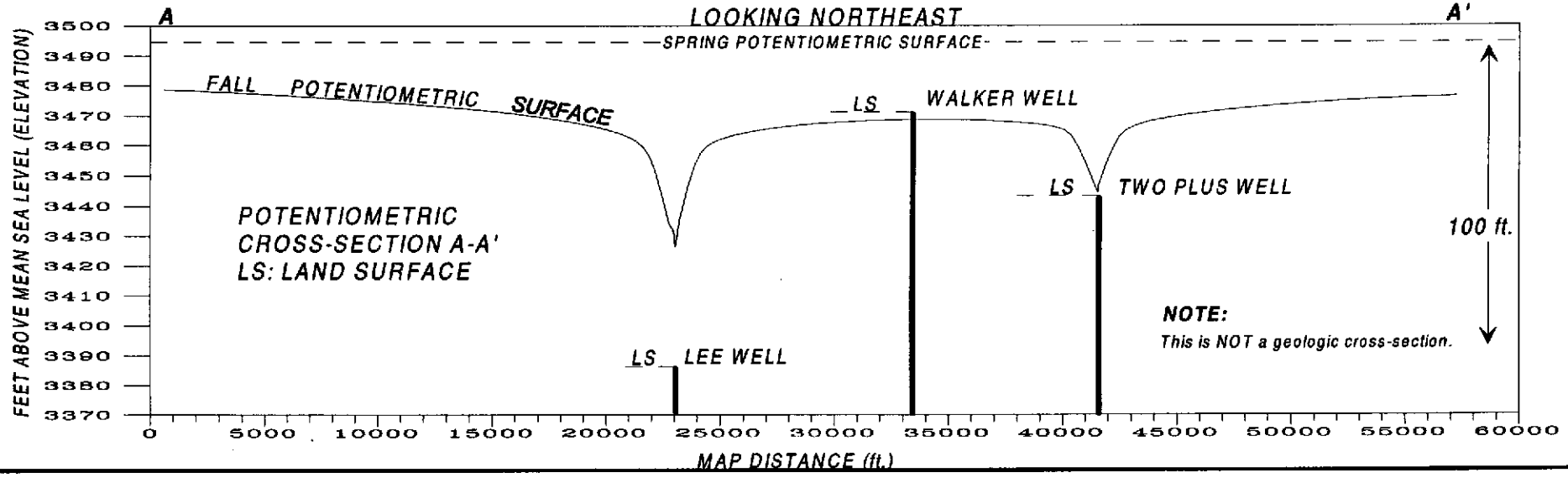
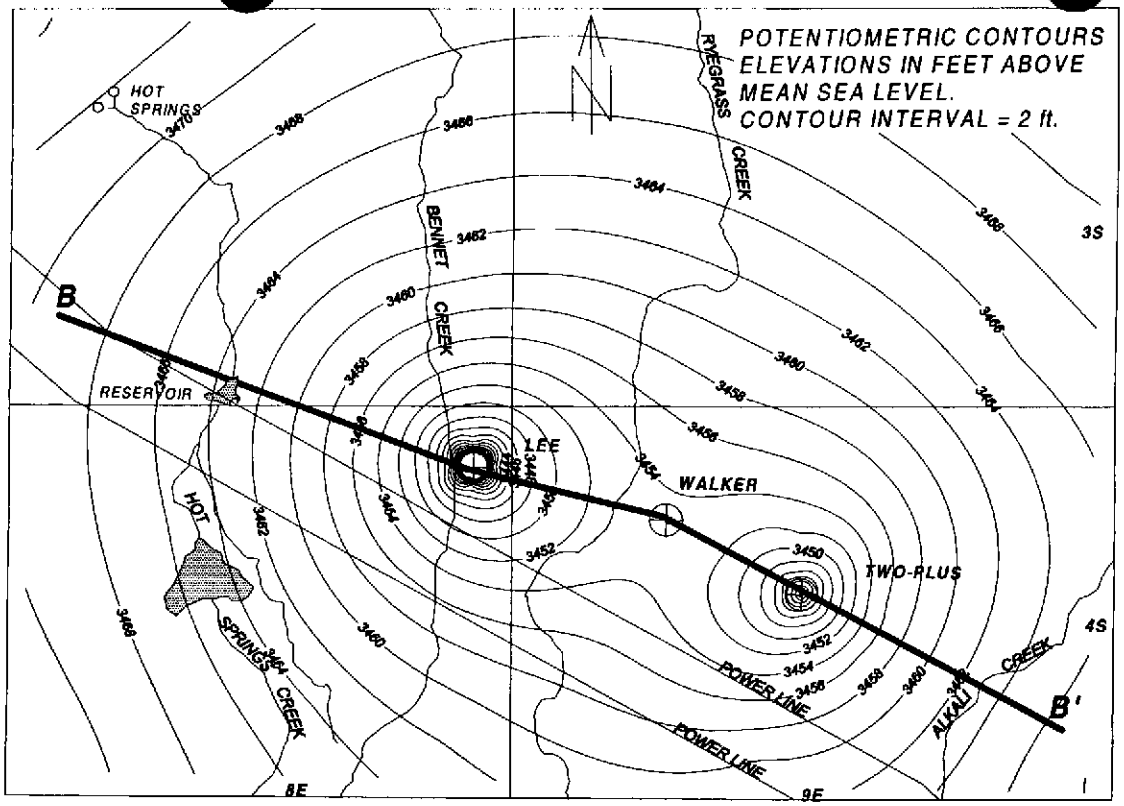


FIGURE 1.

SIMULATION SHOWING POTENTIOMETRIC CONTOURS AND CROSS-SECTION AFTER 210 DAYS OF CONTINUOUS FLOW.

FLOW RATES:
LEE WELL: 2.3 cfs
WALKER WELL: NO FLOW
TWO PLUS: 1.7 cfs

ASSUMES AN APPLICATION RATE OF THREE AF/A



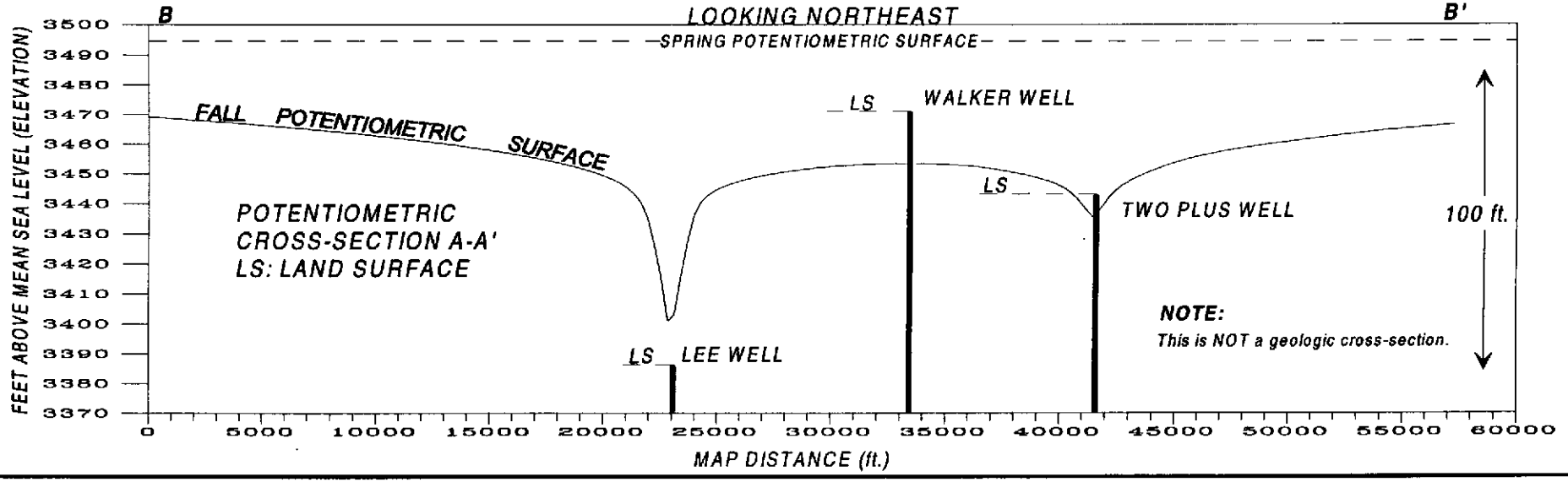
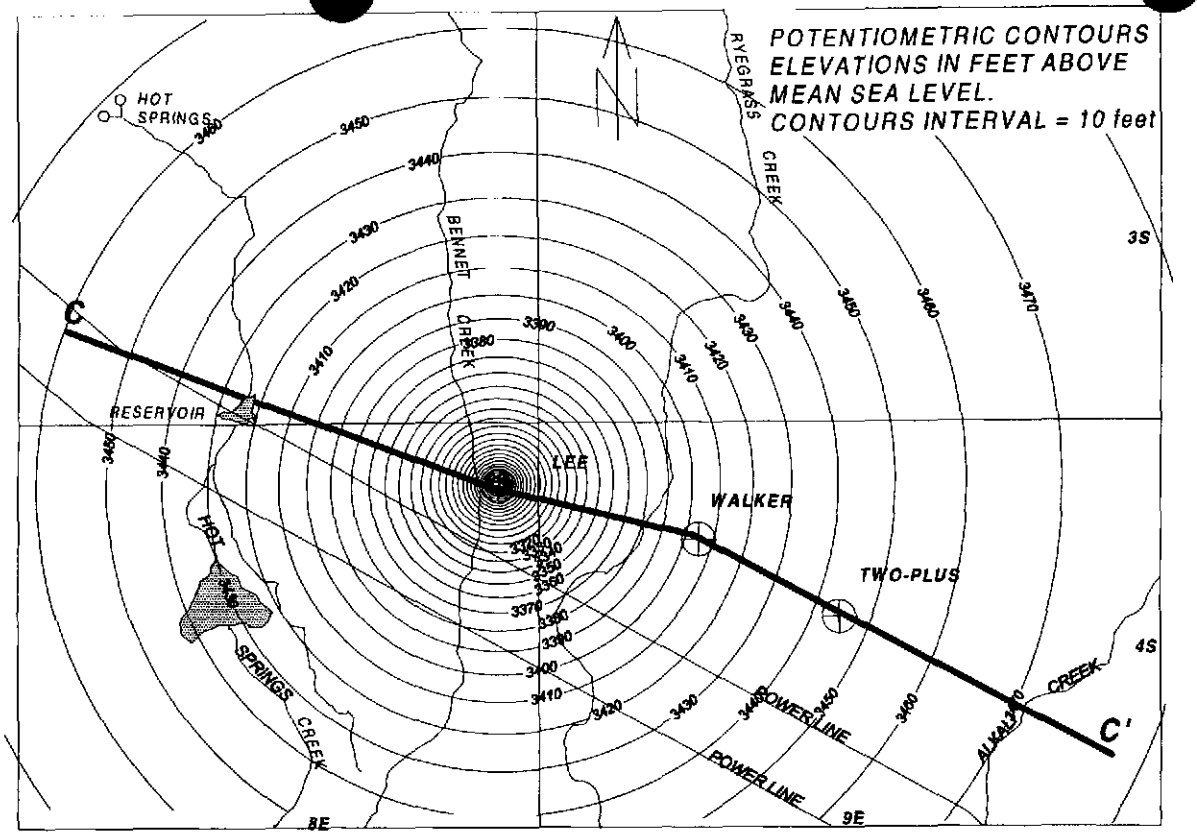


FIGURE 2.

SIMULATION SHOWING POTENTIOMETRIC CONTOURS AND CROSS SECTION AFTER SEVEN DAYS OF CONTINUOUS FLOW.

FLOW RATES:
LEE WELL: 22.5 cfs
WALKER WELL: NO FLOW
TWO PLUS: NO FLOW



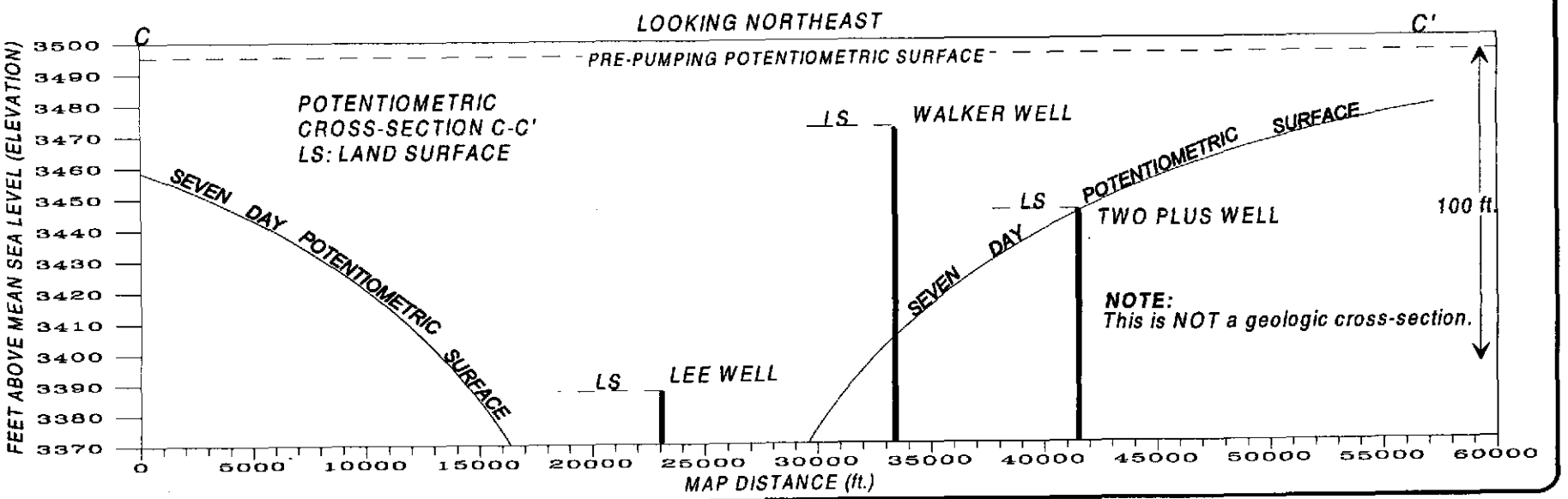


FIGURE 3.

References

Allen, R.G., and Brockway, C.E., Estimating Consumptive Irrigation Requirements for Crops in Idaho; Research Technical Completion Report, Idaho Water and Energy Resources Research Institute; August, 1983.

Anderson, K.E., Well Interference Study, Near Mountain Home, Idaho; Prepared for the Worth S. Lee Estate, Pierce Hall, Attorney; May, 1964.

Castelin, P.M., Memo to Lori Graves, Western Region IDWR; Two-Plus Aquifer Test Results; May, 1993.

Everson, D.O., Faubion, M., and Amos, D.E., Freezing Temperatures and Growing Seasons in Idaho, Spring and Fall; Agricultural Experiment Station, University of Idaho; Bulletin 494; January, 1978.

Geraghty & Miller, Inc., Quickflow Analytical Ground-Water Flow Model, Analytical 2D Ground-Water Flow Model, Version 1.0: 10700 Parkridge Boulevard, Suite 600, Reston, Virginia, 11091; 1991.

Freeze, Allan R., and Cherry, John A., Groundwater, Prentice-Hall, Inc. Englewood Cliffs, New Jersey, 07632; 1979.

Idaho Department of Water Resources, Results of the Walker-Lee-Two Plus Well Test Elmore County, Idaho, IDWR Open File Report, April, 1978.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

MEMORANDUM

To: Lori Graves

From: Paul Castelin PMC

Date: May 27, 1993

Subject: Two-Plus Aquifer Test Results

This is a summary of events that took place during the instrumentation and conduct of the aquifer testing using the Two-Plus well as the production well and the Walker and Ross wells as observation wells. There are also some comparisons to results from previous aquifer tests. Personnel involved included Lori Graves, Ken Neely, Lin Campbell, and Paul Castelin.

Hydrogeology of the Aquifer System:

Well logs of wells completed in this thermal aquifer show that it is predominantly a fracture-dominated silicic-volcanic rock confined system, probably very similar to faulted, silicic volcanic aquifer systems that have been developed by wells in Owyhee County and to a lesser extent at Boise. Most of the wells completed in the system are sub-parallel to the Mount Bennett Hills a couple of miles to the north and trending about northwesterly (Figure 1). It is very likely that all wells are completed in or near faults known to exist along the north margin of this part of the Western Snake River Plain, implying that aquifer characteristics will be strongly influenced by the preferred orientation of faults/fracture sets. No suitable observation wells were found lateral to the trend of the fault system to test this hypothesis, however.

Instrumentation:

The Two-Plus and Ross wells were equipped with liquid-filled 30-lb. pressure gauges teed also to a Unidata data logger querying a Unidata 0-145-lb pressure transmitter. Each well location was logged using a Trimble Basic global-positioning system unit.

Even though the pressure transmitters had much too large a range (and therefore poor resolution and accuracy at the low range) we decided to see what results we would get. The Walker well was instrumented with an In-Situ Hermit 2000 datalogger with a 10 psia transducer set at about 5.42 feet below the top plate of the casing flange.

Conduct of Testing:

Wells were instrumented on Friday, April 2, with a multiple-step flow test to be run Monday, April 5. Following the multiple-step test, the wells would be allowed to recover overnight. On April 6, a constant-rate test was initially anticipated to be run for 48 hours, followed by measurements of recovery until about 90% of the recovery was complete. Antecedent trend of water levels in the aquifer system were monitored from April 2-5.

Results and Uses for the Multiple-Step Data:

Multiple-step flow tests were run April 5, at rates of 300, 600, 1200, and 1800 gallons per minute (gpm). A fifth step of 2400 gpm was attempted but even with the gate valve full open, it was impossible to obtain 2400 gpm. Maximum flow rate was estimated to be about 2000 gpm (4.5 cfs). Full recovery of pressures was allowed at the end of each step before the next step was started. Recovery was extremely rapid following each step, usually being complete within very few minutes. Each step was run for 25 minutes. Results are as follows:

Step	Rate (gpm)	Drawdown (ft)
1	300	1.4
2	600	3.7
3	1,200	10.3
4	1,800	23.0

Plotting the results on log-log paper, Discharge vs. Drawdown, (Figure 2) it was apparent that drawdown was not proportional to discharge at the 1,800 gpm rate, indicating some well loss due to turbulent flow in the fractures supplying the well, not an unusual or unexpected result. High well loss reduces the amount of available drawdown, and should be avoided when aquifer system pressures are low. To maximize the amount of flow for the drawdown, long-term operation of this well should probably not exceed about 1,200 gpm. For short-term periods of flow, this is not as important, as recovery of water levels occurs between periods of flow.

Results and Uses for Constant-Rate and Recovery Data:

Observation well data from the Walker well during the constant-rate flowing of the Two-Plus well at about 1,800 gpm indicates a highly-transmissive system. Using both the Theis and Cooper-Jacob analytical methods for the drawdown phase of the test, the transmissivity (T) of the aquifer was estimated to be about 325,000 gpd/ft, with a storativity of about 0.00006. These values indicate that the drawdown for a given period of time is relatively low, but very widespread, and indicate a confined aquifer of very limited compressibility. Since this test was run for only 300 minutes, the value of T represents a relatively small part of the aquifer around the Two-Plus well. Recovery data from the test was slightly more difficult to interpret, but did provide similar results: a transmissivity of about 378,000 gpd/ft.

Tests run by IDWR in 1978, however, obtained values for transmissivity of about 39,000 gpd/ft, about one order of magnitude smaller than our results. This occurred because the 1978 test, run for three days, did identify a negative boundary that reduced the effective transmissivity. Keith Anderson, a private consultant, performed a four-day test in 1964, flowed the Lee well about 1,125 gpm (2.5 cfs), and monitored the pressure changes at both the Lee and Walker wells. His test data show yet another negative boundary encountered after about a day and a half (2,100 minutes). The drawdown versus time plot for his data after 2,100 minutes indicates an effective transmissivity of about 29,600 gpd/ft. Because of the length of his test and the appearance of aquifer boundaries late in the test, Anderson's data is best for making longer-term predictions of the season-long effects of flow. These are discussed below.

Comments about Licensing of Two-Plus Well:

I'm no authority on the licensing process, but I can give you some ideas to consider. First, the Two-Plus, Walker, and Lee wells are all completed in the same aquifer system (the Ross well is not) and therefore mutually interfere when flowing. Not all the wells are at the same elevation, so as in this case, when the aquifer is confined and the wells free-flow, the well highest in elevation will cease flowing first, the next lowest second, and so on as the irrigation season (and withdrawals from the system) progresses. Figure 2 shows the concept; the dashed lines indicate the progressive decline of the water table as the irrigation season progresses.

The Two-Plus well was capable of producing 1,800 gpm for the 300-minute duration of the constant-rate drawdown test with a 9-inch orifice on the end of the 10.25-inch I.D. discharge pipe. Only about 6.7 feet of drawdown was still available at the end of the 300-minute period. Using Anderson's value for T of 29,600 gpd/ft, a rate of 1,800 gpm could be sustained throughout a 210 day irrigation season if an initial

wellhead pressure of about 40 psig existed at the beginning of the season. This April, near the high-pressure peak for the year, the wellhead pressure was only 13 psig. From the step-testing we know that zero drawdown is reached within minutes with the valve full open and certainly well short of 2,400 gpm. Therefore, with a starting wellhead pressure of about 13 psig, the flow rate from Two-Plus alone that could be sustained for the entire irrigation season is only about 200 gpm.

It should be remembered, however, that when the Two-Plus well was tested no other wells were flowing, therefore they were not interfering with the Two-Plus well. In actual operation, with other wells such as the Walker and Lee flowing, the Two-Plus may produce significantly less than 2,000 gpm, even over the short term, and less than 200 gpm over the irrigation season.

It's a tough one to know how to license the Two-Plus individually. With no ability to pump the well, once the pressure in the system declines, they're done. Once the pressure head declines below the Walker well discharge, that leaves only Two-Plus and Lee wells capable of flowing. As heads continue to decline, Two-Plus will cease flowing first, then the Lee well. As long as all wells are owned by one owner, we should license for total amount required for irrigation, stock, and whatever uses are itemized on the permit. If the pressure in the aquifer is high enough, the water will be available, if not, it won't. If the property is subdivided, it becomes a whole new ball game, and we'll need to deal with that as it comes. A condition or conditions may need to be put on the license saying something to the effect that upon subdivision the specific water rights will need to be re-negotiated.

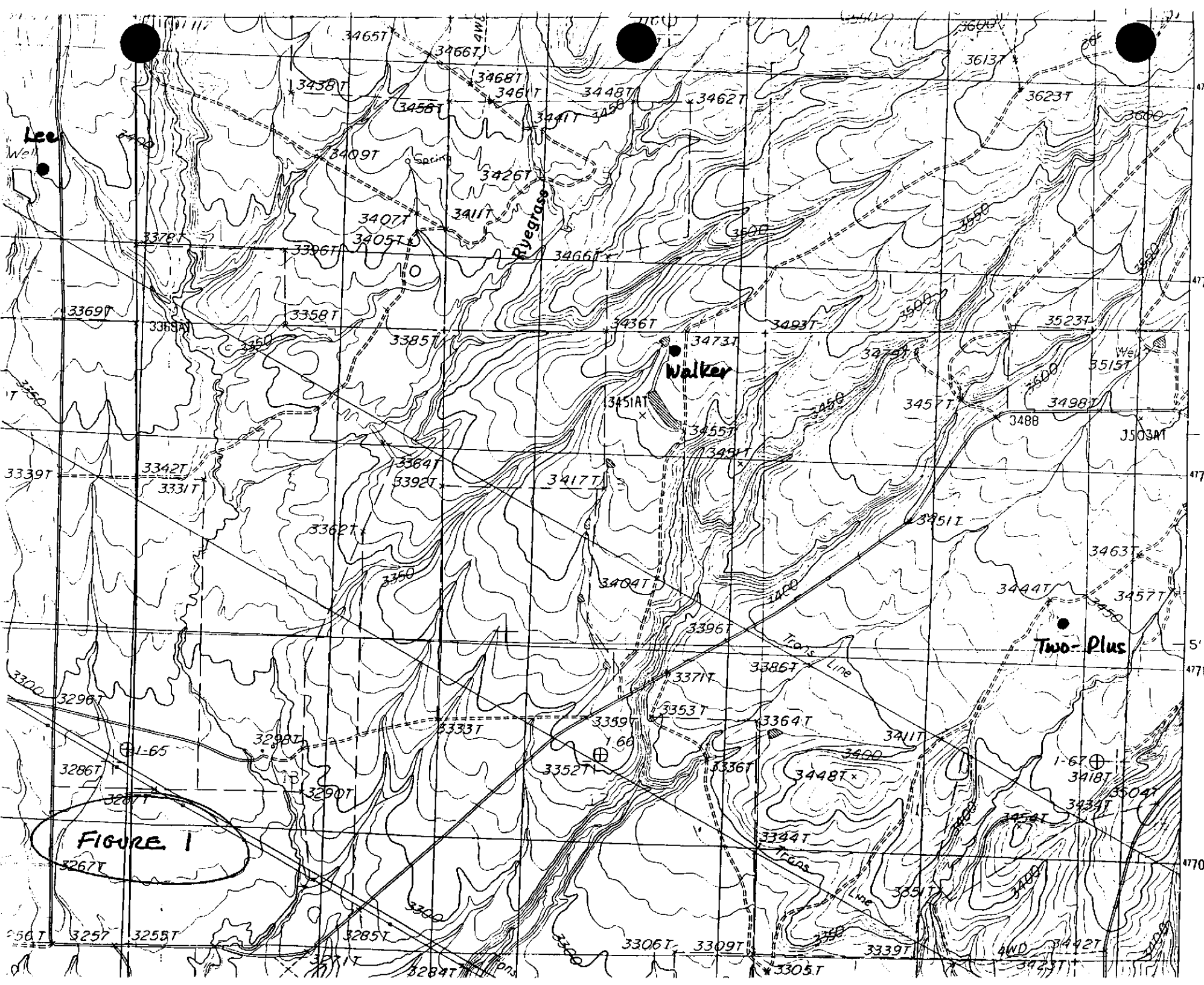
References:

Anderson, Keith E., 1964, Well Interference Study Near Mountain Home, Idaho for Worth S. Lee Estate, 5 p.

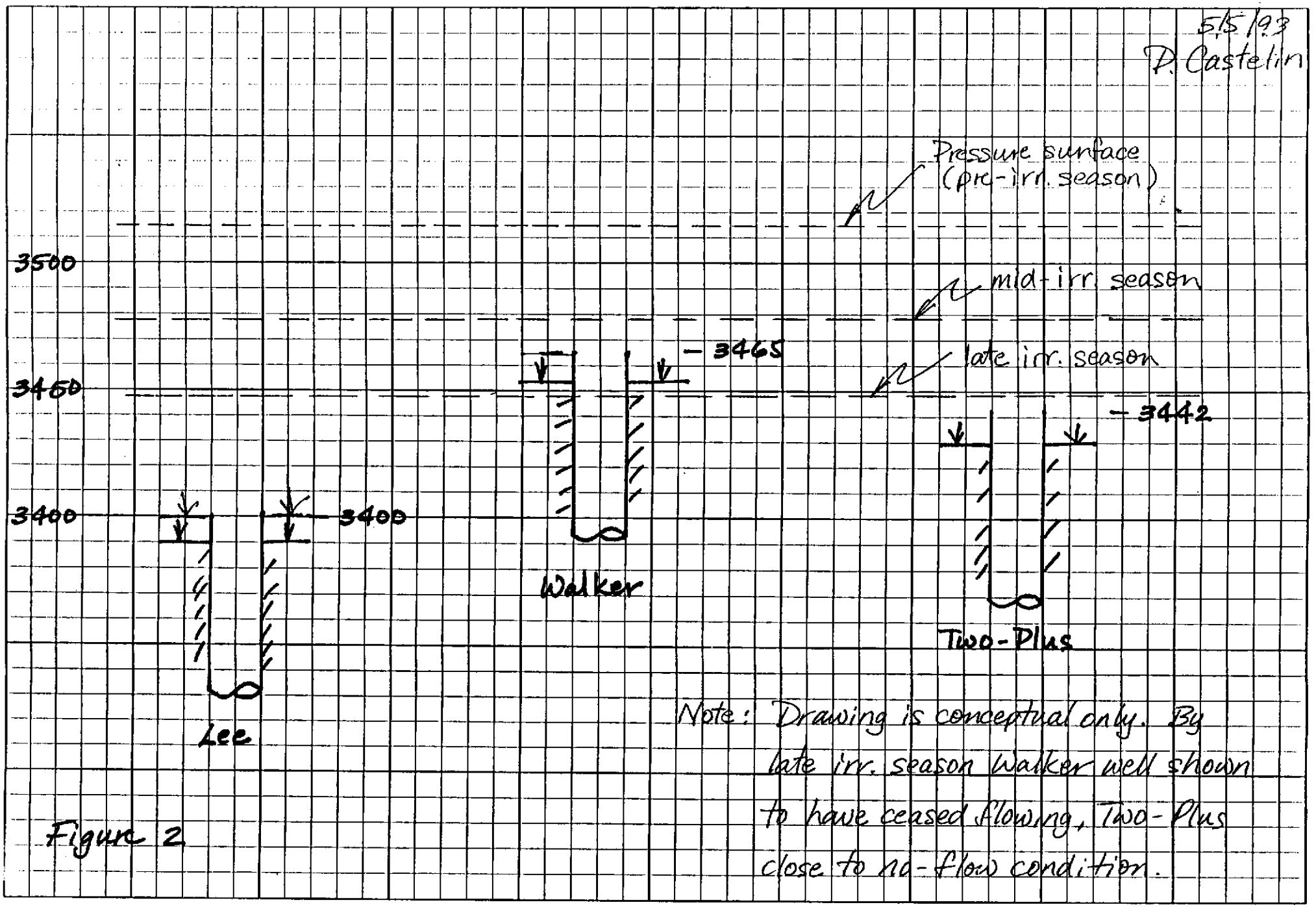
Driscoll, Fletcher G.,ed., 1986, Groundwater and Wells, 2nd Ed., 1089 p.

IDWR Open-File Report, 1978, Results of Walker-Lee-Two Plus Well Test, Elmore County, Idaho, 23 p.

Freeze, R.A. and John A. Cherry, 1979, Groundwater, 604 p.


Lee
Well
Spring
Ryegrass
Walker
Two-Plus
Trans Line
Trans Line
I-65
I-66
I-67
4WD
FIGURE 1

5/5/93
D. Castelin



Note: Drawing is conceptual only. By late irr. season Walker well shown to have ceased flowing, Two-Plus close to no-flow condition.

Figure 2

MEMORANDUM

TO: *Lee-Walker-Hall File*

FROM: *Paul Castelin*

DATE: *March 24, 1993*

SUBJECT: *Results of field visit March 23, 1993*

Ken Neely, Lori Graves and I met initially with Bill McGrew, the owner of the wells that we wanted to visit, about 9:00 a.m. The purpose of the visit is to determine what needs to be done in order to conduct a water rights licensing exam on Bill McGrew's Two-Plus well. The well is a geothermal well in a confined aquifer with some pressure at land surface, with no pump, so an exam will need to determine an appropriate sustained rate that the well can be licensed for. Bill's wife took us to the Lee, 2+, and Walker wells. Later, we met with John McGrew, who returned with us to the Walker well and then took us to the Ross well. All wells were located using a Trimble GPS receiver; locations given below are approximate. Pressure readings were done with a Weksler 30-psi liquid-filled gage. Bill McGrew - 366-2480; John McGrew - 366-2201.

Lee Well: 4S-8E-01dba; about 3400 foot elevation. 12-inch diameter production casing, 14-inch surface casing. Under considerable pressure, valves leaking big time (>50 gpm), in need of immediate repair. No place for suitable temperature or pressure determination. Flexible hose coupling on well head can be used for future pressure readings during a well test, but will require the fitting of a 3½-inch male 3-4 inch nipple, with sufficient reducers to bring orifice down to ½-inch NPT.

Two-Plus: 4S-9E-09dda; about 3440 elevation. Has brass stopcock and gage (inoperative) on top casing flange. Pressure measured at 12psig, at 10:30 a.m. 3/23/93, with the 1½-inch discharge on the north side of the casing open, flowing 20-30 gpm. Shut-in pressure showed no change on the gage. Temperature measured at the 1½-inch discharge pipe was 59°C. (138°F.). The discharge pipe is 11 inches in diameter, about 5 feet long, with the discharge valve at the extreme outboard end. To equip the well for discharge measurements, an extension at least 6 feet long with either a threaded or flanged end will need to be installed, incorporating a pressure port at the horizontal midline of the pipe extension, about 4 feet downstream of valve. John McGrew is interested in building one for us, especially since it can also be used to adjust discharge from the well for normal operations.

Walker: 4S-9E-08aba; about 3470 elevation. Casing diameter is 14-inch, with two discharge pipes exiting the casing to the west. One discharge line (the upper) is 14 inch O.D., reducing by means

of a flange to about 11 inches O.D., in which line a valve is placed. Also, incorporated in the concrete pad of the well is an 8-inch O.D. discharge line culminating in a valve. A ½-inch NPT brass stopcock is situated in the middle of a blind flange on top of the casing. The stopcock is situated on top of a stack of reducing bushings having across-the-flats measurements of 2½, 2, 1¼, 1½, 1, and 7/8 inches. Pressure measured at the stopcock was less than 1psig. Concrete pad had name of Walker marked in it.

(Parcel 6) 3S
1-02208
1-23-1966
Ross: 4S-8E-36cda; about 3402 elevation. Well was discharging to an elevated cooling device of perforated 8-inch pipe; no estimate of flow, but probably less than 100 gpm. A 2-inch line from the well to a nearby house may have been discharging an additional small quantity of water, since it is reportedly used for space heating and hot water use in the house, but the valve is very stiff, maybe inoperative. The well is also equipped with a hose bib on the north side of the well and a brass stopcock with pressure gage mounted in the middle of a steel plate welded to the top of the casing.

Pressure at the stopcock measured 21.8 psig at 1150 3/23/93. Temperature measured at the hose bib was 68.5°C. (155°F.). Concrete pad has Lukehart name marked in it. Would be a good observation well for well tests since it has good means of shutting in and ports for monitoring pressure.

Bill Walker: Lives in a house located in 4S 9E 18bda. Was one of the litigants in the original lawsuit leading to the decree which controls the amount and operation of the Lee-Walker-Hall wells (which now are all under the ownership of Bill McGrew). Bill Walker clarified that our location of the Blackwell well was wrong; rather than being in his location, he showed a location in 4S-9E-05dbd or 05dcb. Also, he offered the use of information in his head and files relating to data collected, or any other aspect of the thermal water system in the area.

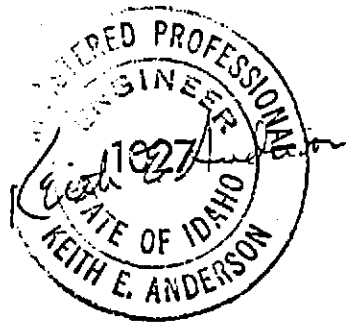
Ron Hiddleston: visited briefly with Ron to find out if he happened to have a suitable flange for John McGrew to construct a decent discharge pipe. As it turned out, he didn't, but recommended Paramount Supply in Boise, 345-5432, for parts.

CABLE ADDRESS: KEAWATER

TELEPHONE: 342-6629
AREA CODE 208

KEITH E. ANDERSON
ENGINEER - GEOLOGIST
606 IDAHO BLDG. - P. O. BOX 1411
BOISE, IDAHO 83701

LEE-WALKER-HALL RANCHES
Groundwater Study
Elmore County, Idaho



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MAY 28 1996
WATER RESOURCES
WESTERN REGION

February 1966

LEE-WALKER-HALL RANCHES
Groundwater Study
Elmore County, Idaho

INTRODUCTION

This report presents the results of observations for a period of approximately one year of groundwater conditions in Elmore County, Idaho. The investigation has been made in order to observe fluctuation of water levels or water pressures in drilled wells and the flow of Hot Springs, in accordance with an agreement reached in the District Court, Third Judicial District, Elmore County, Idaho in February 1965. Under a stipulation agreed to in that court, this study was requested with the primary purpose to obtain an estimate of the perennial flow of Hot Springs provided that the drilled artesian wells in question were not being used.

A series of measurements have been made commencing in February 1965 and continuing through mid-January 1966.

The parties represented in the investigation are as follows:

1. Estate of Worth S. Lee, represented by Perce Hall.
2. William H. Walker, represented by Parry, Robertson & Daly
3. Aden Hall, represented by Anderson, Kaufman & Anderson.

METHODS OF STUDY

Water Levels

Water levels were observed frequently in three drilled wells in

the vicinity. These are known as the Lee No. 1 well (the large flowing well), the Walker well, and the Lee No. 2 well (located immediately adjacent to Hot Springs). Additional observations were made at Blackwell well situated between the Lee No. 1 and Walker wells, although these observations were limited to determination of flow rather than measurement of water level.

Water levels were measured in the Lee No. 2 well using a steel tape. Water levels in the Lee No. 1 and Walker wells represent artesian pressures above land surface and were measured by using a calibrated pressure gage and converting the pressure in pounds per square inch into an equivalent pressure in feet of water.

The results of the water level measurements in all wells are tabulated on a sheet included with this report.

Flow Measurements

Flow from the Hot Springs was measured commencing in June 1965 when the Springs once again began to flow. Flow measurements were also made at the Blackwell well which has no provision for shutting off the flow.

Measurements of flow from the Hot Springs were estimated until the quantity reached sufficient volume to be gaged accurately. At that time the flows were measured with a portable weir installation or with a small current meter. Flows from the Blackwell well were measured by use of the coordinate method applied to the stream of water issuing from the discharge pipe.

All of the measurements are considered to be within a range of accuracy of 5 percent which is considered normal for these types of flows and methods of measurement.

A summary of the measured flows, in gallons per minute, is presented in a tabulation included with this report.

Temperature

Water temperatures of the several sources issuing at Hot Springs were measured several times during the course of the investigation. These temperatures were observed at the point where the water issues from the ground and were determined with a calibrated mercury thermometer. A sketch map showing the location of measuring points and the measured temperatures is included with this report.

Closing of Wells

As a part of the original agreement and stipulation in District Court, it was agreed that the Lee No. 1 and Walker wells would be closed and the valves locked and sealed during the course of the investigation.

At all times that the wells were visited in the field, as shown by the dates of measurements included with this report, the condition that the wells be closed was observed to be met. In addition to these ground inspections, the wells were also inspected from the air on unannounced dates as follows:

March 3, 4, 9, 12, and 20, 1965

June 22, 1965

August 24 and 27, 1965

September 14, 1965

November 2, 1965

Although some of the ditches leading away from the wells were observed to contain some standing water, it was evident at all times that this was due to insignificant leakage at the well, or from inflow from surface run-off. There was never any indication that either of the wells had been operated or opened during the course of the study and it is concluded that the terms of the agreement were strictly complied with by all parties concerned.

CONCLUSIONS

Spring Flow

Based upon the measurements made during the past year, it is concluded that the best estimate of perennial maximum spring flow at Hot Springs amounts to 560 gpm or 62.5 Idaho miner's inches. This maximum flow would probably not be reached until another period of two to four years has elapsed during which time none of the flowing wells are allowed to be operated.

The water temperature at the Hot Springs is estimated to now be at approximately the maximum temperature. This would indicate that the future water temperatures from Hot Springs can be expected to be between 150 and 160 degrees Fahrenheit.

Lee Well No. 2

The Lee well No. 2 drilled immediately adjacent to the Hot Springs, has commenced to flow due to the recovery of groundwater levels.

This flow commenced early in February 1966 and will continue in the future unless other operations are conducted in such a manner as to lower the water level at this location which would then not only reduce or stop the flow from the Lee well No. 2 but also reduce and ultimately stop the flow from Hot Springs.

The Lee well No. 2 serves as an excellent measuring point for ground-water conditions in the Hot Springs vicinity. The observations of water level in this well during 1965 indicated that at the time the water level in this well is approximately 13½ ft. below the top of the steel casing the Springs commence to flow.

Future measurements of Spring flow will not accurately reflect the conditions at the Springs prior to the drilling of the Lee well No. 2 unless this well is capped and further flow prevented from it. Under the existing conditions, with this well open, the total flow from the Hot Springs area can be expected to be greater than would be the case if this well had not been drilled.

Effect of Blackwell Well

The Blackwell well commenced to flow in the summer of 1965 and its flow was measured on two occasions.(September 10, 1965 and January 15, 1966). On both occasions of measurement, the flow from the Blackwell well was found to be very small and its effect at the Hot Springs area--in regard to flow from the Springs or water level in the Lee No. 2 well--is considered to be insignificant.

RECOMMENDATIONS

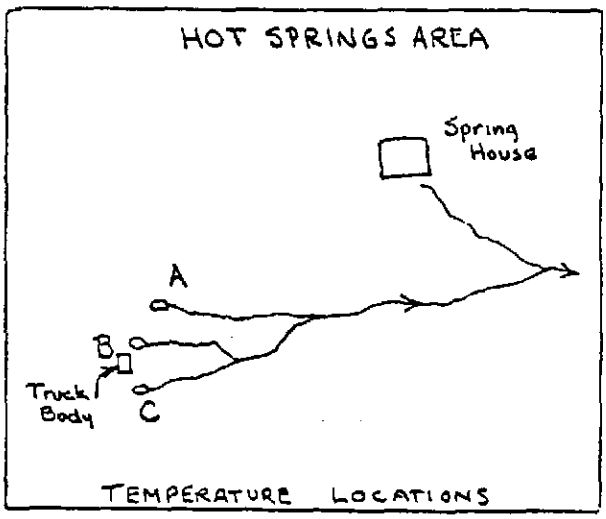
It is recommended that a permanent weir be installed in the main

channel at the Hot Springs location if future flows from the Springs are to be maintained. This weir should be located in such a manner that all of the Spring channels are directed into the channel above the weirs so that the total flow can be observed.

It is also recommended that a permanent control valve be installed on the Lee No. 2 well to prevent dissipation of water from this well in the future. If this well is to be equipped with a pump, however, such control valve would not be necessary.

February 28, 1966
Boise, Idaho

GROUNDWATER TEMPERATURE DATA



Observation Points

Date	"House"	"A"	"B"	"C"	Blackwell Well
June 30, 1965	133	—	—	—	—
Sept 6	147	157	145	148	—
Sept 10	—	—	—	—	106
Jan 15, 1966	150	156	155	153	108

(all readings in degrees Fahrenheit)

LEE-WALKER-HALL GROUNDWATER STUDY
Elmore County, Idaho

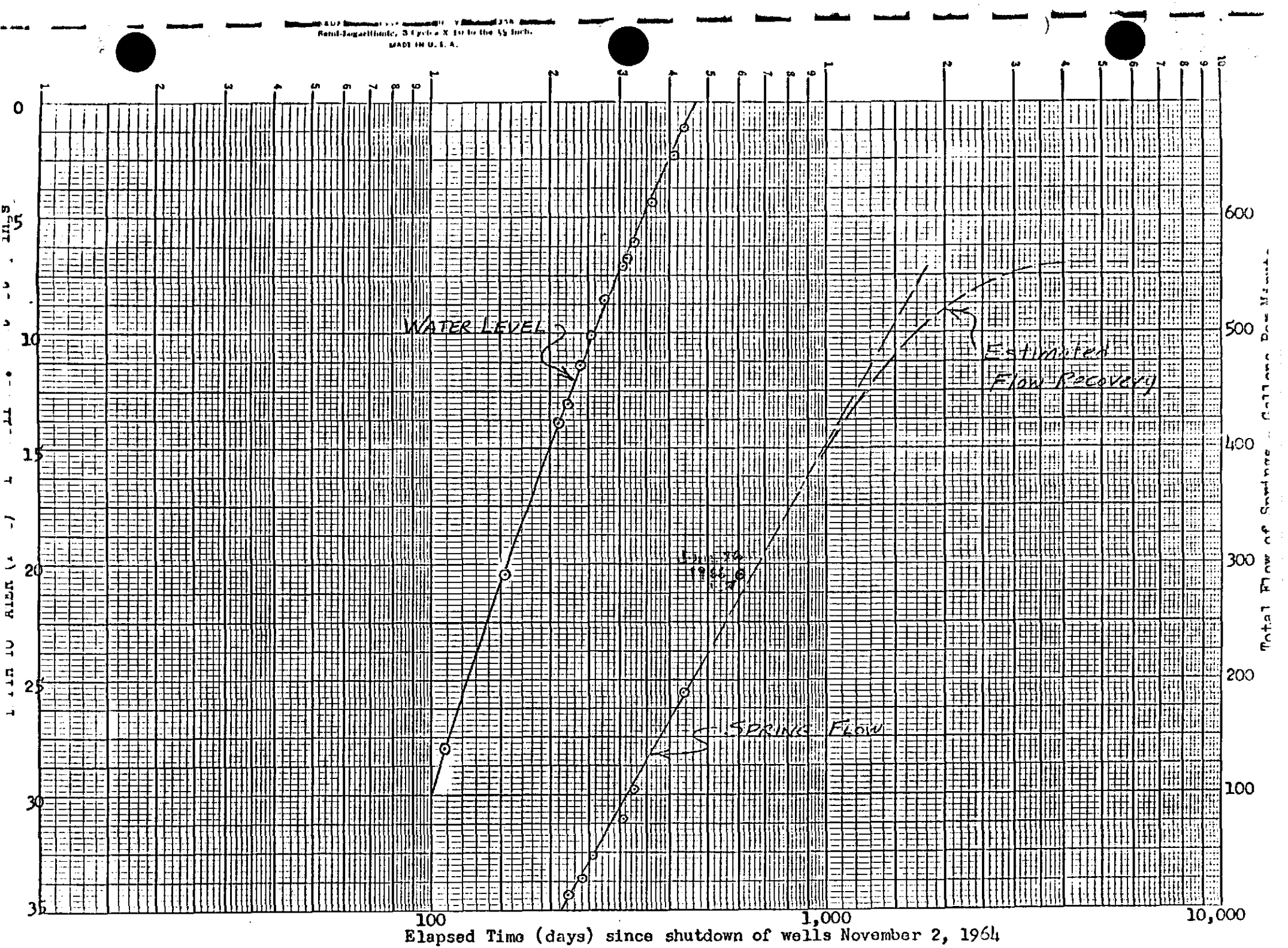
Observed Data Tabulation

Measured Water Levels (Ft. above or below ground)

Date	Lee No. 1	Lee No. 2	Walker	Remarks
Nov. 2, 1964				Approx. date all wells closed
Feb. 18, 1965		28.		
April 4		20.4		
May 31		13.92		Moist ground near Hot Springs
June 11		13.01		Hot Springs flowing
June 30		11.31		
July 16	∠123.5	10.08	∠66	
Aug. 5		8.60		
Sept. 6	∠132.5	7.08	∠70.5	
Sept. 10	∠133.	6.74	∠70.5	
Sept. 24	∠134.	6.03	∠70.	
Oct. 30		4.38		
Dec. 17		2.31		
Jan. 15, 1966	∠135.	1.08	∠69.5	

Measured Flows (Gallons Per Minute)

Date	Hot Springs	Blackwell Well	Remarks
May 31, 1965	(Moist ground)	—	
Early June	—	—	Hot Springs flow started
June 11	13	—	
June 30	27	—	
July 16	48	—	
Sept. 6	79	—	
Sept. 10	—	44	
Sept. 24	105	—	
Jan. 15, 1966	189	66	


WATER LEVEL
Estimated
Flow Recovery
SPRING FLOW
0
5
10
15
20
25
30
35
600
500
400
300
200
100
100
1,000
10,000
Elapsed Time (days) since shutdown of wells November 2, 1964

IDAHO DEPARTMENT OF WATER RESOURCES

OPEN-FILE REPORT

RESULTS OF
WALKER – LEE – TWO-PLUS WELL TEST
ELMORE COUNTY, IDAHO

April 1978

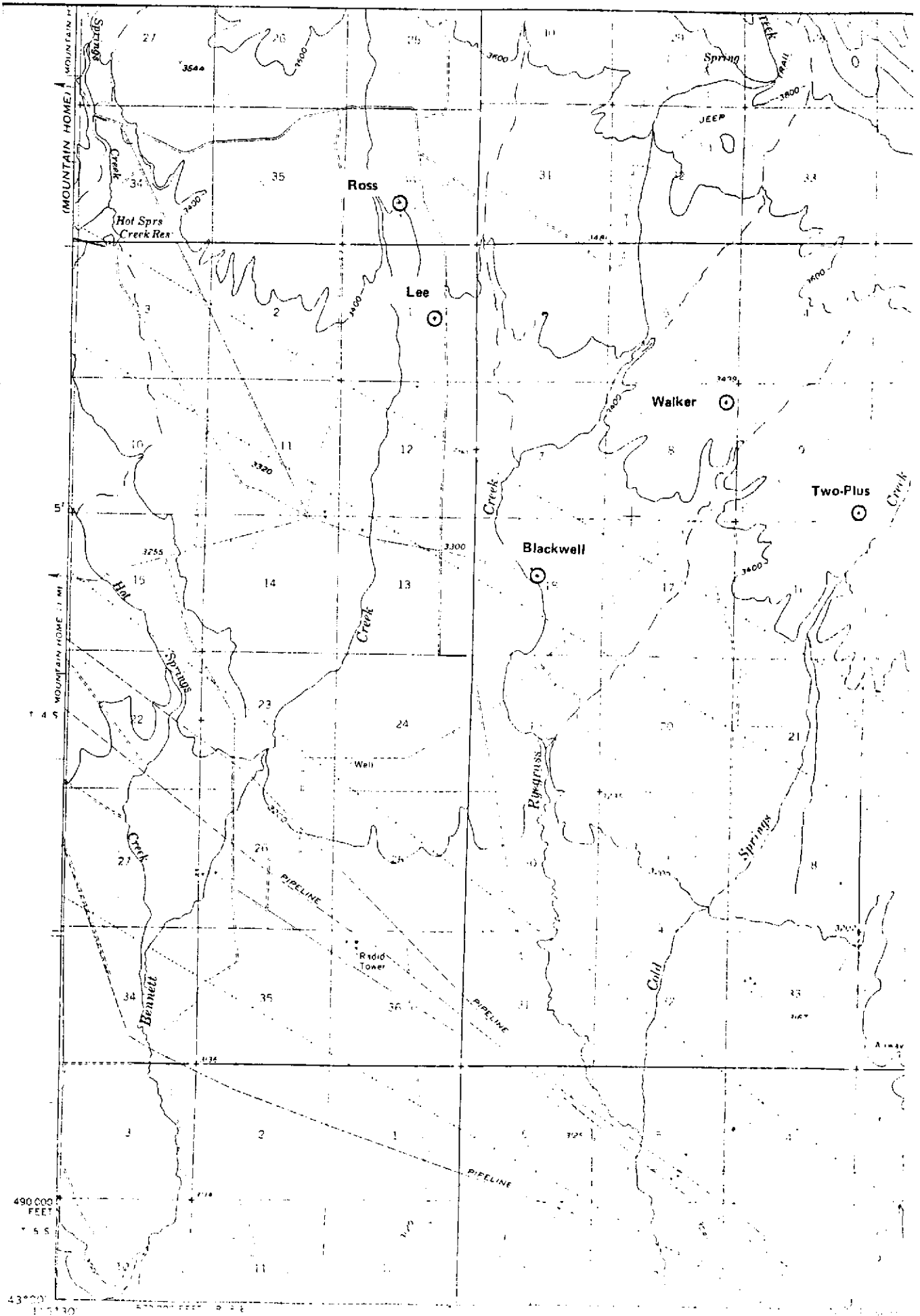
IDAHO DEPARTMENT OF WATER RESOURCES

OPEN-FILE REPORT

WALKER - LEE - TWO-PLUS WELL TEST
April 1978

The purpose of this well test was to determine whether the newly drilled Two-Plus well is withdrawing water from the aquifer subject to the Walker-Lee Decree (Decree number 61-C). The Walker-Lee system is located in Elmore County, Idaho in the Bennett Creek area. This system has been the subject of previous studies by Keith E. Anderson, a consultant geologist/ engineer. Included with this report are copies of previous reports completed by Mr. Anderson. Anderson's studies were used as the basis for a court decree issued in November 1967 which controls the operation of the Walker and Lee wells.

There are several other hot, flowing wells in the same area, as shown in figure 1. The Blackwell well is used for stockwater only and since the water use is very small, the potential effects of this well on other water uses is probably negligible. The Ross well was drilled about the time that the Walker-Lee litigation was concluding and since this water use is not particularly large, no effort was made to include this water right in the decree. The Ross well is used for stockwater, space heating, household hot water, and irrigation. This water right is evidenced by permit number 61-2208 for which proof of beneficial use has been submitted and a field examination of the water use has been made. Another small well was drilled at the Lee Springs,


Ross
Lee
Walker
Two-Plus
Blackwell
Hot Sprs
Creek Rec
Hot Springs Creek
Bennett Creek
Pigpass Creek
Cold Springs
PIPELINE
Radio Tower
Well
JEEP TRAIL
490 000 FEET
T 4 S
T 5 S
(MOUNTAIN HOME)

located within the SW¼SW¼ of Sec. 16 and NE¼NE¼ of Sec. 20, Twp. 3S, Rge. 8E, B.M. This well was drilled in an attempt to recover the flow of the hot springs and was never put into production since it does not flow.

The Walker well, the Lee well, and the Two-Plus well are large irrigation wells. The Two-Plus well is the newest well in this area and has caused water right concerns by the earlier water users since it is also a hot, flowing well. The Two-Plus water right is evidenced by permit number 61-7288. This well test to determine whether mutual interference exists between the Lee, Walker, and Two-Plus wells is the Department's initial response to these concerns.

The test consisted of two basic parts: 1) measurements of recovery since the previous irrigation season were made during the period from December 1977 until April 1978, and 2) the flow test which was completed during the week of April 3, 1978. Although most concern was centered on the Two-Plus water use, it was decided to include the Ross well in the test to make the interference study as complete as possible. Recovery data was taken at the Lee Springs well since it is a demonstrated observation point for the Walker-Lee system, but due to the travel distance involved no measurements were made during the flow test. No measurements were made at the Blackwell well.

To summarize, recovery measurements were made at the Lee Springs well, the Ross well, the Lee well, the Walker well, and the Two-Plus well and flow test measurements were made at the Ross well, the Lee well, the Walker well, and the Two-Plus well. The recovery measurements were made by William MacAllister and the flow test measurements were made by Lee Sisco, Ervin Ballou, and William MacAllister. The well test was designed and the preliminary arrangements made by William MacAllister and Paul Castelin.

Flow Test Description

The flow test consisted of flowing the Lee well and taking pressure measurements at the Ross well, the Walker well, and the Two-Plus well. The recovery data and Keith E. Anderson's previous data were used to predict drawdowns, assuming all the observation wells were in the same system. These predictions are included with the data in this report.

From the drawdown predictions, it was decided to run the test for three days. Mercury manometers were used for precise pressure measurements at the Walker well and the Two-Plus well; but due to the high pressure, it was necessary to use a pressure gauge at the Ross well. It was initially planned that Department personnel would be stationed at the Lee well, the Ross well, and the Walker well with the person at the Lee well moving to take measurements at the Two-Plus well after the flow from the Lee well had stabilized. The data and the calculations from these measurements follow.

Recovery Data

For recovery data times, $t_\gamma = 0$ is chosen as December 12, 1977 since the Two-Plus well was flowed at about 4.5 cubic feet per second for the two-week period prior to this date. All other irrigation uses from wells in this area ended by at least November 1, 1977. Note that the heads listed are in feet above land surface at the respective observation point.

Recovery of
LEE WELL

time (hours)	head (feet)
82	54.3
106	57.8
129	58.9
154	58.9
176	58.9
201	60.1
371	62.4
562	64.7
754	65.8
924	67.0
1090	69.3
1239	67.3
1402	72.0
1577	72.0
1762	74.2
1931	72.0
2101	78.5
2365	78.5
2531	80.7

Recovery Data
LEE SPRINGS

time (hours)	head (feet)
370	-65.59
562	-64.65
753	-63.85
926	-62.77
1089	-62.05
1239	-61.15
1402	-60.15
1576	-59.25
1762	-58.62
1931	-57.37
2100	-56.75
2530	-54.50

Recovery of
ROSS WELL

time (hours)	head (feet)
106	43.9
129	43.9
154	43.9
177	42.7
202	41.6
371	46.2
562	48.5
754	48.5
924	49.7
1090	50.8
1239	52.0
1403	56.6
1577	60.1
1762	57.8
1931	58.9
2100	68.1
2222	72.7
2365	67.6
2532	68.7

Recovery of
WALKER WELL

time (hours)	head (feet)
85	-5.72
107	-5.50
130	-4.65
154	-4.28
177	-4.23
202	-4.00
371	-0.53
563	1.09
754	3.34
925	5.65
1090	2.90
1240	3.80
1403	5.80
1762	8.70
1931	10.20
2102	11.60
2223	12.83
2366	14.14
2532	14.91
2719	16.18

Recovery of
TWO-PLUS WELL

time (hours)	head (feet)
148	14.70
172	13.90
196	13.90
220	13.90
244	13.90
268	13.90
292	12.70
460	13.90
652	16.20
844	18.50
1012	20.80
1180	19.60
1324	20.20
1492	20.80
1684	23.10
1852	23.10
2020	25.40
2188	25.40
2308	27.41
2452	28.77
2620	29.92

If the recovery is assumed to be of the form:

$$\text{head} = m \log (\text{time}) + b \qquad \text{(after Jacob)}$$

where m and b are constants, then linear regression techniques can be used to determine the best straight line fit to the semi-log plots of the recovery data. The results of this analysis are shown in Table 1.

Table 1

Well	m	b	R
Lee Springs	13.19	-101.1	0.96
Ross	18.16	1.72	0.88
Lee	14.64	26.14	0.96
Walker	10.80	- 25.95	0.90
Two-Plus	11.78	14.36	0.93

In Table 1 "R" is the correlation coefficient and from the R values in the table, it appears we have chosen the correct form for the recovery.

The equation that describes the operation of a non-leaky aquifer is:

$$s = \frac{264\ Q}{T} \log \frac{0.3\ T\ t}{r^2 S} \qquad \text{(Jacob formula)}$$

where
Q is in gpm
r is in feet
T is in gpd/ft
t is in days
s is in feet
S is dimensionless

Thus from the recovery data we can calculate the transmissibility as follows:

$$T = \frac{264\ Q}{m}$$

To calculate T use the average of the slopes of the recovery data.

Thus, $T = \frac{264\ Q}{m} = \frac{264\ (20\ 20\ \text{gpm})}{13.71\ \text{ft}} = 3.9 \times 10^4$ gpd/ft

This agrees reasonably well with the transmissibility value calculated by Keith Anderson in his study report dated May 1964. Anderson's transmissibility value was: $T = 2.96 \times 10^4$ gpd/ft.

Calculations of the predicted drawdowns were made using data from the May 1964 Keith Anderson study since this data was the only data available with which to make the calculations. The raw data from this study is given in part in Table 2. Measurements listed are those taken on the Walker well.

Table 2

time (minutes)	head (feet)
1760	47.28
2115	46.88
4375	43.10
5975	42.15

A linear regression was performed using the same form as the recovery data. The results are as follows:

$Q = 2.5$ cfs
$r = 10{,}500$ feet
$b = 80.75$
$m = 10.27$
$R = 0.9952$

thus: $$T = \frac{-264\ Q}{m} = 2.88 \times 10^4 \frac{gpd}{ft}$$

The t_o value is defined as the t value when the drawdown is zero and t_o was calculated from the linear regression equation. From this:

$$S = \frac{0.3\ T\ t_o}{r^2} = 2.8 \times 10^{-5}$$

where S is the storage coefficient, the amount of water taken into or released from storage per unit area of the aquifer per unit change in head.

These values for S and T were used to predict the expected drawdowns measurements. Since the distances between the wells involved are large, a more exact equation must be used to calculate the drawdown, S:

$$s = \frac{114.6\ Q}{T} W(u) \qquad \text{(Theis equation)}$$

where

$$W(u) = -0.5772 - \ln u + u - \frac{u^2}{2 \cdot 2!} + \frac{u^3}{3 \cdot 3} - \ldots$$

$$u = \frac{1.87\, r^2 S}{Tt}$$

The results are given in the following tables:

Two-Plus Well r = 20,000 feet

t(days)	t(min)	u	w(u)	s in feet
6.94	100	10.41	1.991×10^{-5}	0.0002
0.139	200	5.310	7.943×10^{-4}	0.0006
0.208	300	3.472	7.226×10^{-3}	0.06
0.278	400	2.598	2.194×10^{-2}	0.18
0.347	500	2.081	4.375×10^{-2}	0.35
0.694	1000	1.041	0.2049	1.64
1.04	1500	6.944×10^{-1}	0.3778	3.02
1.39	2000	5.196×10^{-1}	0.5367	4.28
1.74	2500	4.151×10^{-1}	0.6777	5.41
2.08	3000	3.472×10^{-1}	0.7999	6.38
2.43	3500	2.972×10^{-1}	0.9126	7.28
2.78	4000	2.598×10^{-1}	1.014	8.09
3.00	4320	2.407×10^{-1}	1.074	8.57 = 3.7 PSI

Walker Well r = 10,500 feet

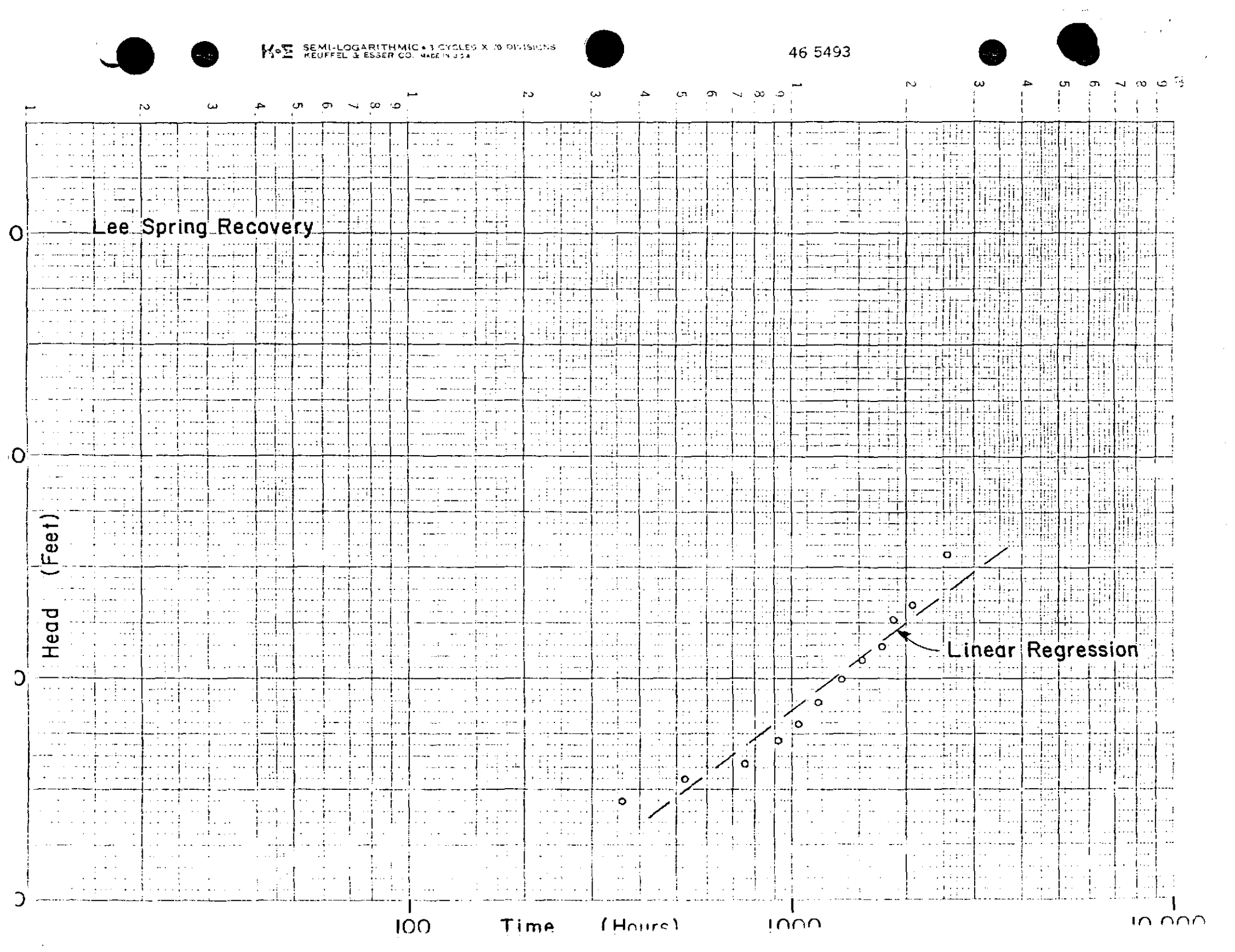
t(min)	u	w(u)	s
100	2.866	1.55×10^{-2}	0.12
200	1.433	0.1106	0.88
300	0.9555	0.2365	1.89
400	0.7166	0.3623	2.89
500	0.5733	0.4797	3.83
1000	0.2866	0.9398	7.50
1500	0.1911	1.260	10.06
2000	0.1433	1.504	12.00
2500	0.1147	1.700	13.57
3000	9.555×10^{-2}	1.864	14.88
3500	8.190×10^{-2}	2.005	16.00
4000	7.166×10^{-2}	2.129	16.99
4320	6.635×10^{-2}	2.201	17.57 = 7.6 PSI

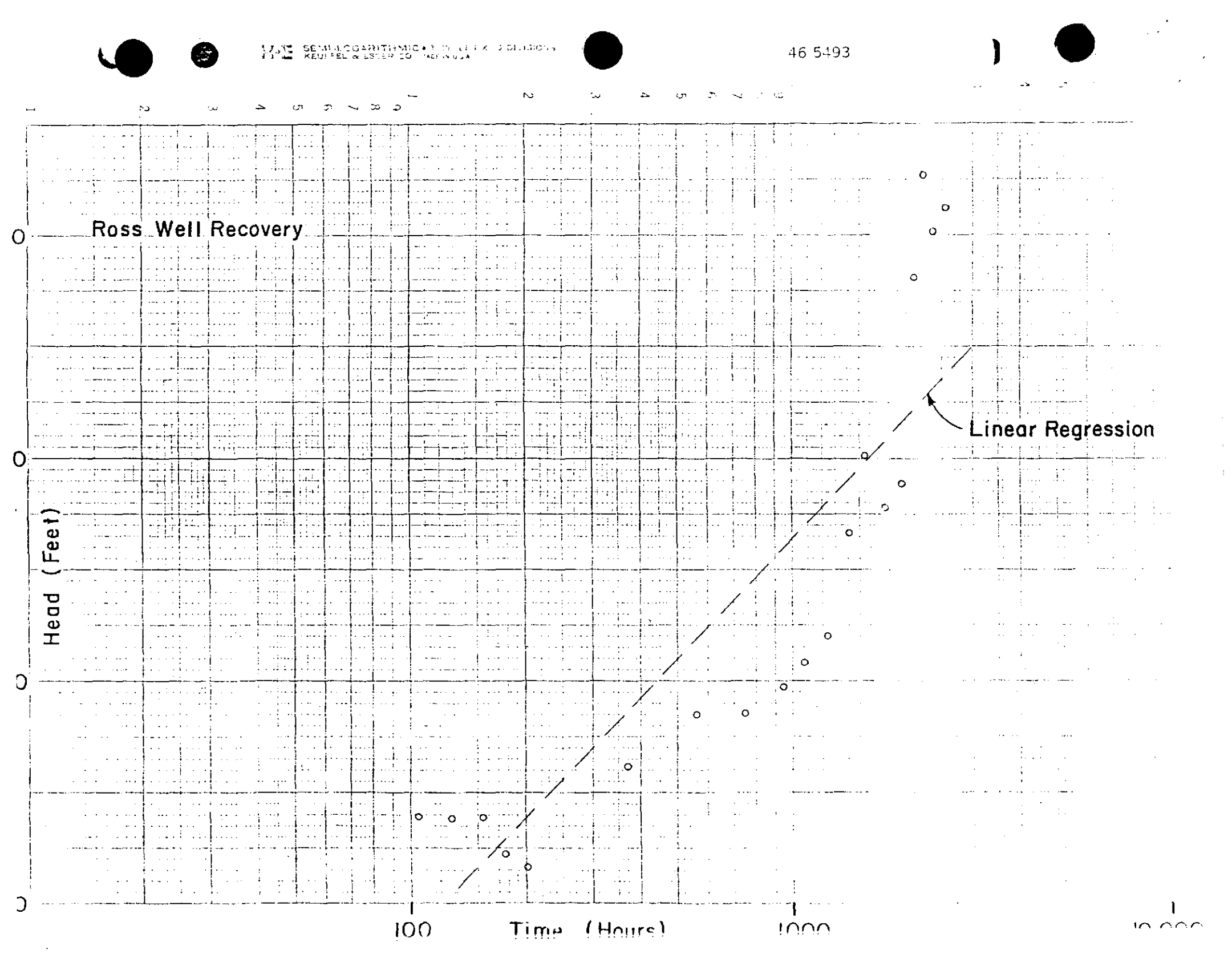
Ross Well r = 4,000 feet

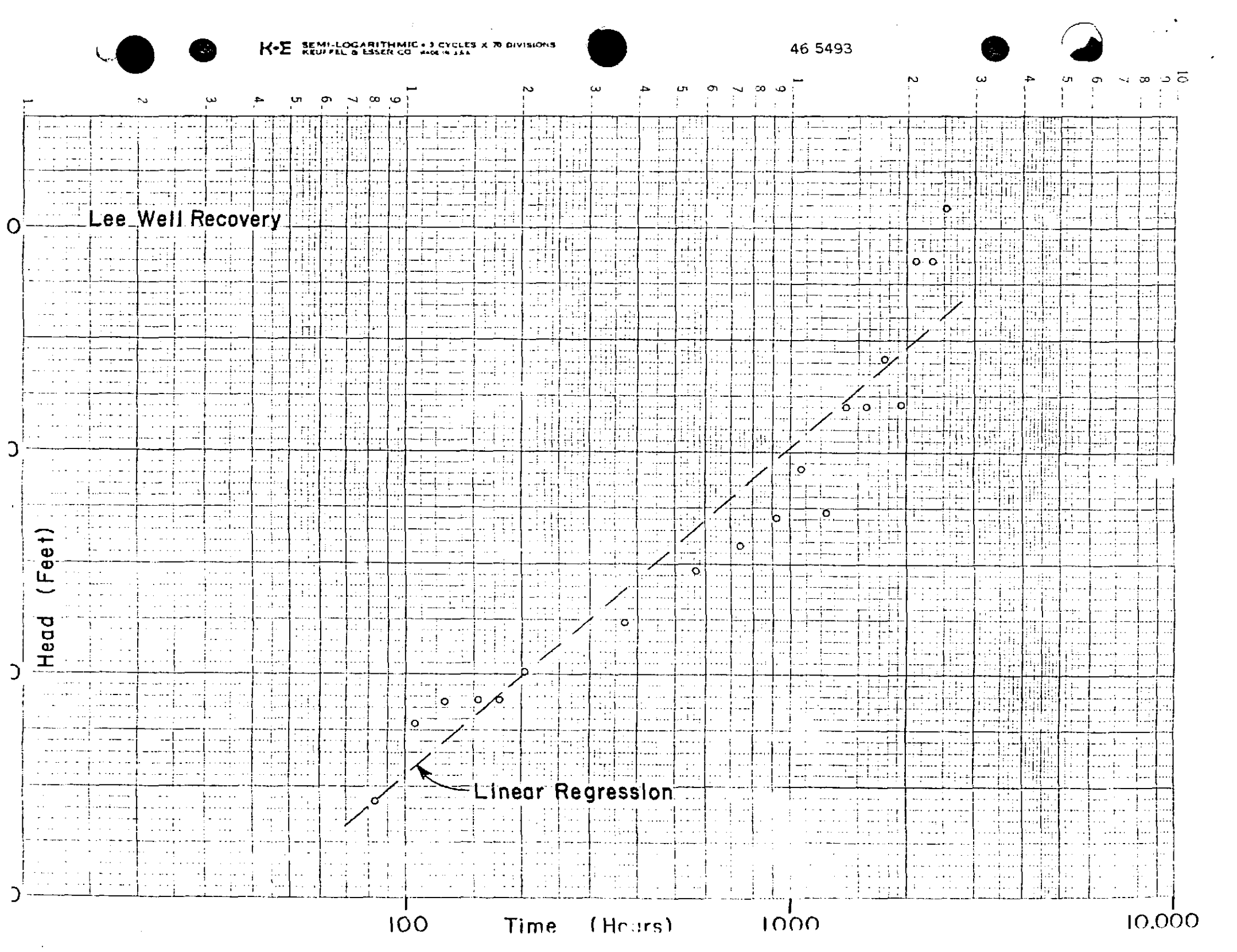
t(min)	u	w(u)	s	
100	.4160	0.6763	5.40	
200	.2080	1.190	9.50	
300	.1387	1.532	12.23	
400	.1040	1.788	14.27	
500	8.320×10^{-2}	1.991	15.89	
1000	4.160×10^{-2}	2.644	21.10	
1500	2.773×10^{-2}	3.036	24.23	
2000	$2.080 \times 10-2$	3.316	26.46	
2500	1.664×10^{-2}	3.535	28.21	
3000	1.387×10^{-2}	3.715	29.65	
3500	1.189×10^{-2}	3.867	30.86	
4000	1.040×10^{-2}	3.999	31.92	
4320	9.629×10^{-3}	4.075	32.52	= 14 PSI

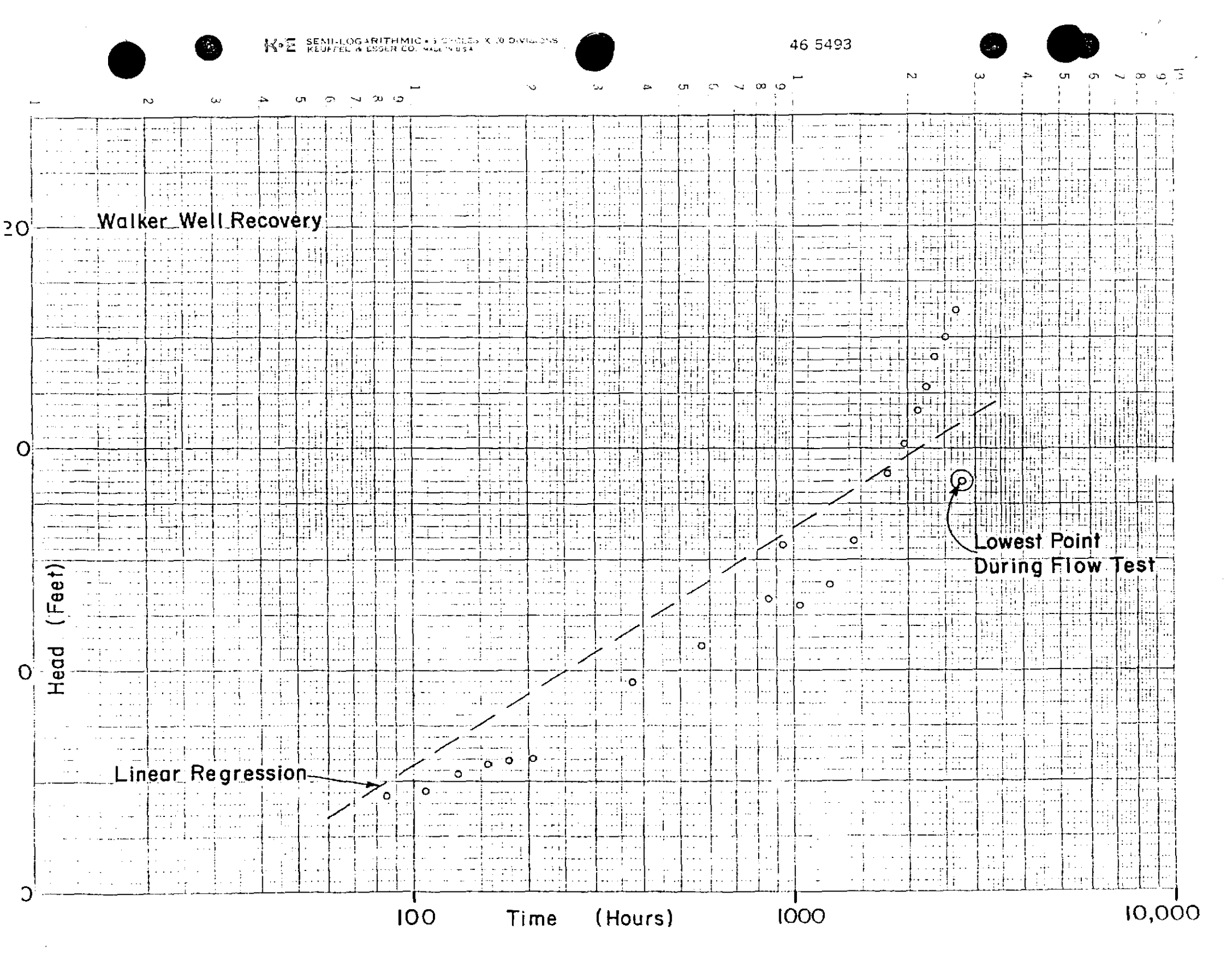
Lee Springs r = 27,000 feet

t(min)	u	w(u)	s
1000	1.885	5.743×10^{-2}	0.46
2000	0.9426	0.2418	1.93
3000	0.6284	0.4294	3.43
4000	0.4713	0.5962	4.76
5320	0.4364	0.6451	5.15

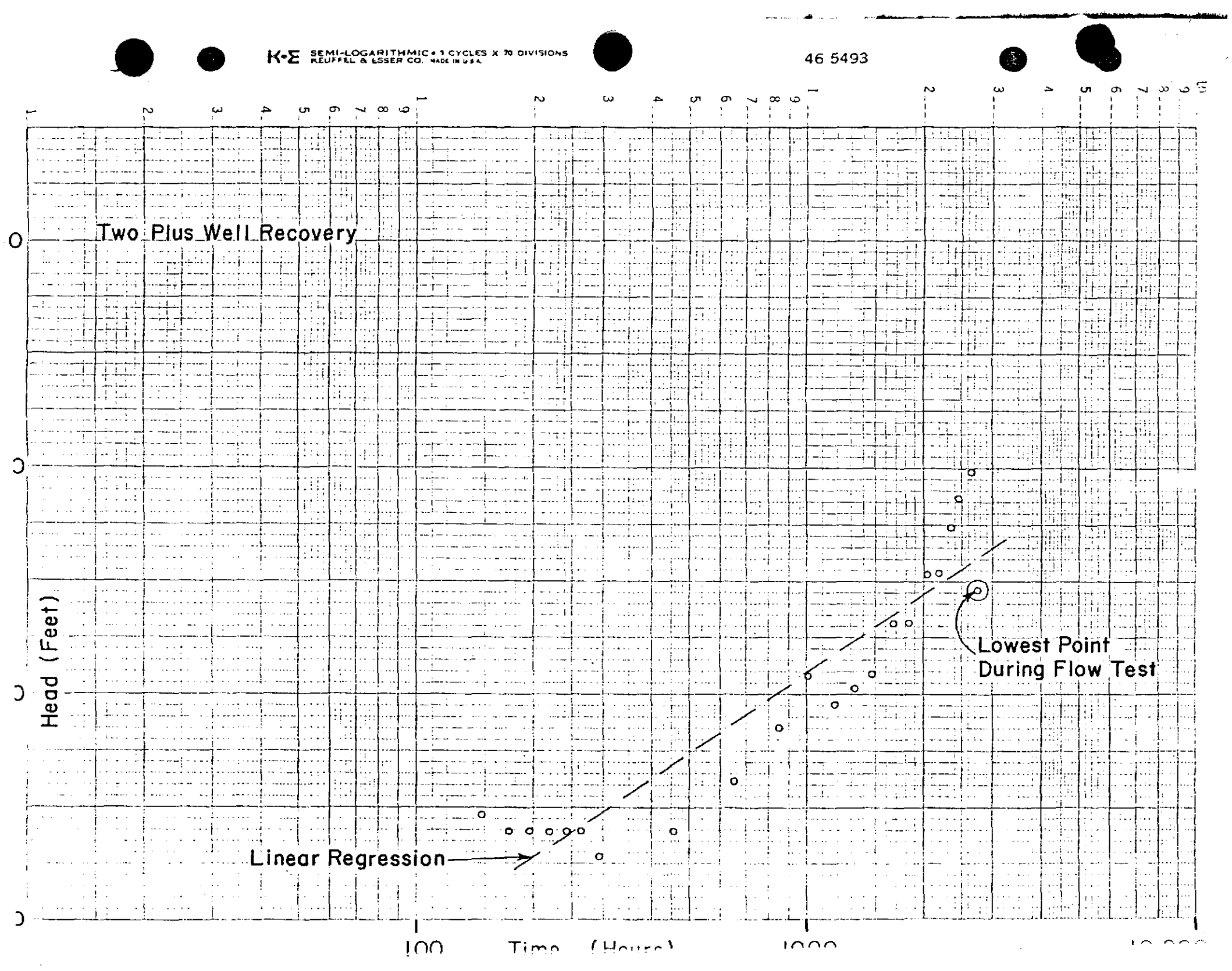

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46 5493
Lee Spring Recovery
Head (Feet)
Linear Regression
100
Time (Hours)
1000
10,000


Ross Well Recovery
Linear Regression
Head (Feet)
100
Time (Hours)
1000


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Lee Well Recovery
Head (Feet)
Linear Regression
100
Time (Hours)
1000
10,000


K&E SEMI-LOGARITHMIC
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Walker Well Recovery
Lowest Point
During Flow Test
Linear Regression
Head (Feet)
Time (Hours)
100
1000
10,000
20
0
0
0

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Flow Test

The drawdown listed in the data tables that follow takes into account recharge effects. This was done by assuming that recovery measured before the test continued at the same rate through the test.

The Ross well presented a particular problem since the current owners of the well were using a small amount of water for household uses. Thus, some fluctuations observed are due to the withdrawal of water at the Ross well, some are due to natural recharge, and some are due to withdrawal from the Lee well. Since the predicted effect of flowing the Lee well was so large, no attempt was made initially to have the well completely shut in. When it became apparent that the effect at the Ross well was going to be small if any, the well was completely shut in.

The recharge predictions for the test period were not calculated from the full recharge data. It was assumed that the latter part of the recovery curve would be most applicable to the test period. In the case of the Walker and Two-Plus wells the lowest point that the wells were drawn down to was plotted on the recovery curve to see which section of the curve should be used to predict natural recovery. The last eight recovery points were chosen for the Walker well linear regression.

In the case of the Ross well all but the first five points were used in the linear regression since the first five points probably reflect withdrawals from the system. The results of all linear regressions for recovery prediction are given below:

	m	b	R
Ross	31.10	- 39.31	0.89
Walker	37.11	-111.4	0.996
Two-Plus	37.72	- 99.44	0.97

Recall that these results are for the calculation of head, h, where h is given by:

$$h = m \log t + b$$

These results do not agree exactly with the heads measured at the beginning of the test. To correct for this discrepancy, it is assumed that the slope, m, is correct and that b must be adjusted to give an h equal to the measured head at $t_2 = 0$. The results used to predict the recovery are given below:

	m	b
Ross	31.10	- 42.12
Walker	37.11	-111.48
Two-Plus	37.72	- 98.20

Thus the drawdown, s, is given by:

$$s = m \log t_1 + b - (\text{head})$$

where the head is the head measured.

The data for the flow test is given in the following tables, and graphed in the following graphs. The values for t_1 are for recovery data times since the end of the 1977 irrigation period, t_2 for the time, in minutes from the beginning of the flow test.

Ross Well

Date	Time	t_1(hr)	t_2(min)	Head(ft)	s(ft)
3 Apr. 78	21:50	2710	- 650	71.6	- 7.0
4 Apr. 78	1:17	2713	- 443	68.1	- 3.4
4 Apr. 78	6.12	2718	- 148	67.0	- 2.3
4 Apr. 78	8:40	2721	0	64.7	0
4 Apr. 78	8:41	2721	1	64.7	0
4 Apr. 78	8:42	2721	2	64.7	0
4 Apr. 78	8:43	2721	3	64.7	0
4 Apr. 78	8:44	2721	4	64.7	0
4 Apr. 78	8:45	2721	5	64.7	0
4 Apr. 78	8:46	2721	6	64.7	0
4 Apr. 78	8:47	2721	7	64.7	0
4 Apr. 78	8:48	2721	8	64.7	0
4 Apr. 78	8:49	2721	9	64.7	0
4 Apr. 78	8:50	2721	10	68.1	- 3.4
4 Apr. 78	9.00	2721	20	68.1	- 3.4
4 Apr. 78	9:10	2721	30	68.1	- 3.4
4 Apr. 78	9:20	2721	40	68.1	- 3.4
4 Apr. 78	9:30	2722	50	68.1	- 3.4
4 Apr. 78	9:40	2722	60	68.1	- 3.4
4 Apr. 78	9:50	2722	70	68.1	- 3.4
4 Apr. 78	10:00	2722	80	68.1	- 3.4
4 Apr. 78	10:10	2722	90	68.1	- 3.4
4 Apr. 78	10:20	2722	100	68.1	- 3.4
4 Apr. 78	12:00	2724	200	67.0	- 2.3
4 Apr. 78	13:40	2726	300	73.9	- 9.2
4 Apr. 78	15.20	2727	400	69.3	- 4.6
4 Apr. 78	17:00	2729	500	65.8	- 1.1
4 Apr. 78	18:38	2731	598	67.0	- 2.3
4 Apr. 78	20:20	2732	700	68.1	- 3.3
4 Apr. 78	22:00	2734	800	65.8	- 1.0
4 Apr. 78	23:40	2736	900	67.0	- 2.2
5 Apr. 78	1:20	2737	1000	67.0	- 2.2
5 Apr. 78	9:40	2746	1500	67.0	- 2.2
5 Apr. 78	18:00	2754	2000	67.0	- 2.1
6 Apr. 78	2:40	2763	2520	67.0	- 2.1
6 Apr. 78	*13:00	2773	3140	73.9	- 8.9
6 Apr. 78	13:05	2773	3145	76.2	-11.2
6 Apr. 78	13:10	2773	3150	76.2	-11.2
6 Apr. 78	13:50	2774	3190	77.4	-12.4
6 Apr. 78	14:00	2774	3200	78.0	-13.0
6 Apr. 78	14:10	2774	3210	78.0	-13.0
6 Apr. 78	14:20	2774	3220	78.5	-13.5
6 Apr. 78	14:30	2775	3230	78.5	-13.5
6 Apr. 78	14:40	2775	3240	78.5	-13.5
6 Apr. 78	14:50	2775	3250	78.5	-13.5
6 Apr. 78	15:00	2775	3260	78.5	-13.5
6 Apr. 78	16:22	2776	3342	78.5	-13.5
6 Apr. 78	17:56	2778	3436	78.5	-13.5
7 Apr. 78	8:45	2793	4325	78.5	-13.4
7 Apr. 78	9.25	2793	4365	78.5	-13.4
7 Apr. 78	11:48	2796	4508	78.5	-13.4

* Well shut in completely

Data Reduction Well Test

Walker Well

Date	Time	t_1(hr)	t_2(min)	Head(ft)	s(ft)
3 Apr. 78	22:34	2711	- 606	15.90	0.02
4 Apr. 78	1:41	2714	- 419	16.00	-0.06
4 Apr. 78	6:36	2719	- 124	16.18	-0.21
4 Apr. 78	8:40	2721	0	15.98	0.0
4 Apr. 78	8:50	2721	10	15.88	0.10
4 Apr. 78	9:00	2721	20	15.78	0.20
4 Apr. 78	9:10	2721	30	15.68	0.30
4 Apr. 78	9:20	2721	40	15.58	0.40
4 Apr. 78	9:30	2722	50	15.48	0.51
4 Apr. 78	9:40	2722	60	15.36	0.63
4 Apr. 78	9:50	2722	70	15.26	0.73
4 Apr. 78	10:00	2722	80	15.21	0.78
4 Apr. 78	10:10	2722	90	15.16	0.83
4 Apr. 78	10:20	2722	100	15.06	0.93
4 Apr. 78	12:00	2724	200	14.46	1.54
4 Apr. 78	13:40	2726	300	14.06	1.95
4 Apr. 78	15.20	2727	400	13.72	2.30
4 Apr. 78	17:00	2729	500	13.35	2.68
4 Apr. 78	18:40	2731	600	13.05	2.99
4 Ap. 78	20:20	2732	700	12.65	3.40
4 Apr. 78	22:00	2734	800	12.40	3.66
4 Apr. 78	23.40	2736	900	12.20	3.87
5 Apr. 78	1:20	2737	1000	11.90	4.18
5 Apr. 78	9:40	2746	1500	11.00	5.13
5 Apr. 78	18:00	2754	2000	10.55	5.63
6 Apr. 78	2:00	2762	2480	10.00	6.22
6 Apr. 78	10:40	2771	3000	9.50	6.77
6 Apr. 78	16.43	2777	3363	9.35	6.96
7 Apr. 78	8.08	2792	4288	8.50	7.90
7 Apr. 78	10.34	2795	4434	9.40	7.01

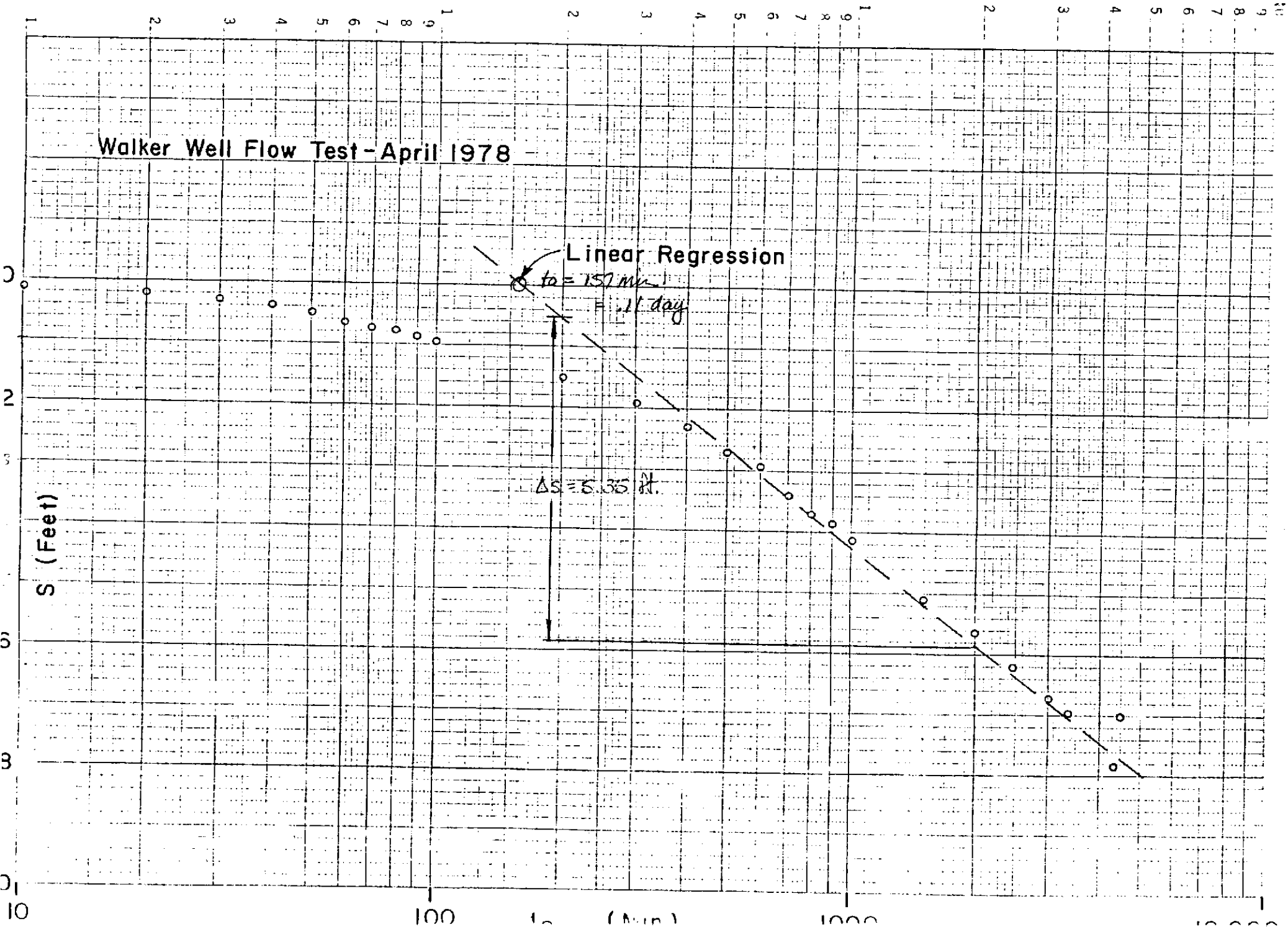
Data Reduction Well Test

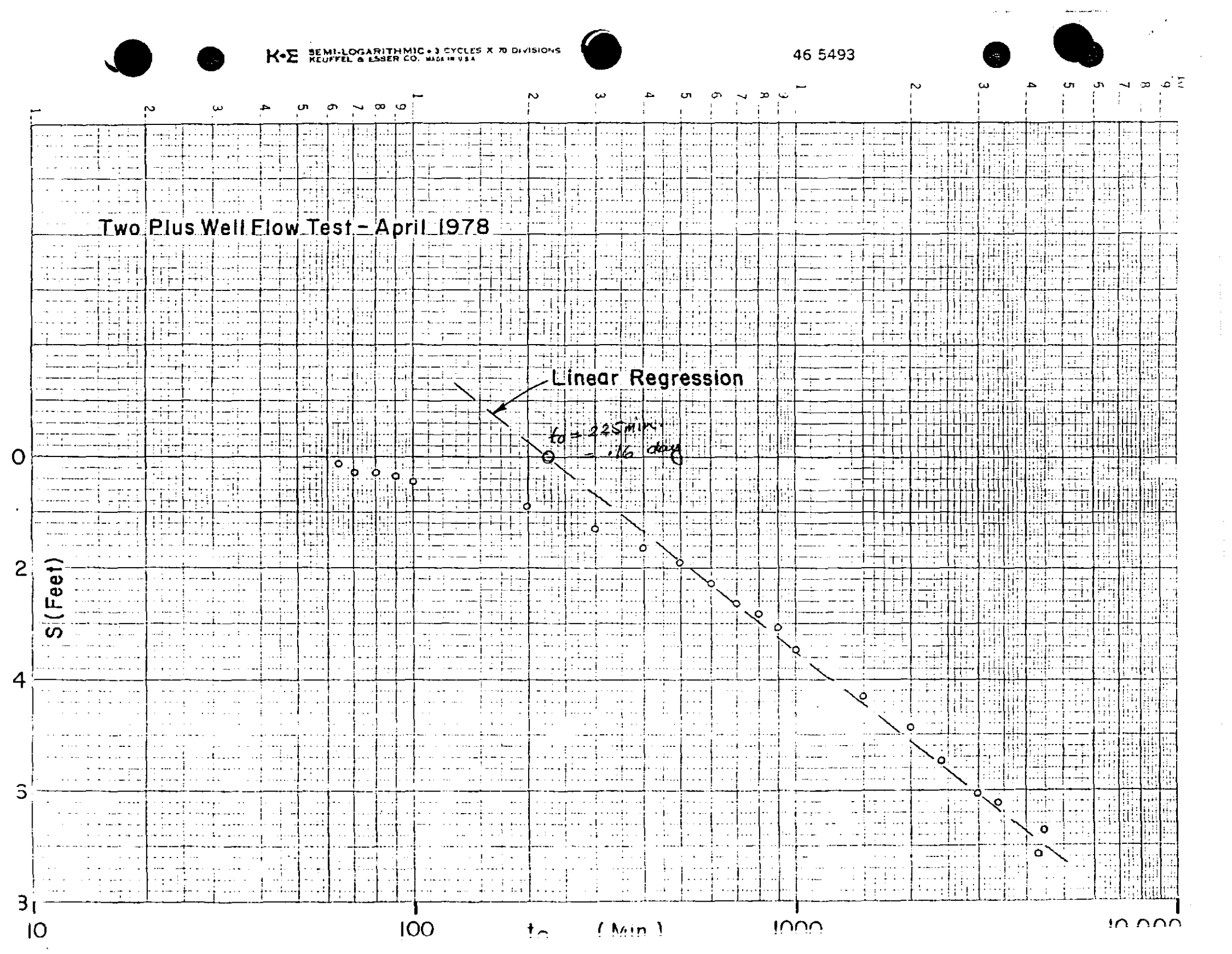
Two-Plus Well

Date	Time	t_1(hr)	t_2(hr)	Head(ft)	s(ft)
3 Apr. 78	23:02	2711	- 578	31.91	-0.61
4 Apr. 78	1:59	2714	- 401	31.41	-0.09
4 Apr. 78	6:50	2719	- 110	31.59	-0.25
4 Apr. 78	7:50	2720	- 50	31.49	-0.14
4 Apr. 78	9:44	2722	64	31.19	0.17
4 Apr. 78	9:50	2722	70	31.09	0.27
4 Apr. 78	10:00	2722	80	31.04	0.32
4 Apr. 78	10:10	2722	90	30.99	0.37
4 Apr. 78	10:20	2722	100	30.94	0.43
4 Apr. 78	12:00	2724	200	30.49	0.89
4 Apr. 78	13:40	2726	300	30.09	1.30
4 Apr. 78	15.20	2727	400	29.79	1.61
4 Apr. 78	17:00	2729	500	29.49	1.92
4 Apr. 78	18:40	2731	600	29.14	2.28
4 Apr. 78	20:20	2732	700	28.79	2.64
4 Apr. 78	22:00	2734	800	28.59	2.85
4 Apr. 78	23:40	2736	900	28.29	3.16
5 Apr. 78	1:20	2737	1000	27.99	3.47
5 Apr. 78	9:40	2746	1500	27.19	4.32
5 Apr. 78	18:00	2754	2000	26.69	4.87
6 Apr. 78	2:00	2762	2480	26.09	5.51
6 Apr. 78	10:40	2771	3000	25.64	6.01
6 Apr. 78	16:55	2777	3375	25.49	6.20
7 Apr. 78	8:23	2792	4303	24.59	7.19
7 Apr. 78	11:05	2795	4465	25.04	6.76

K+E SEMI-LOGARITHMIC • 3 CYCLES X 70 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.

46 5493




K•E SEMI-LOGARITHMIC • 3 CYCLES X 70 DIVISIONS
KEUFFEL & ESSER CO. MADE IN U.S.A.
46 5493
Two Plus Well Flow Test - April 1978
Linear Regression
t_0 = 225 min
= .16 days
S (Feet)
0
2
4
6
8
10
100
1000
10,000
t_c (Min.)

No graph was drawn for the Ross well data since no drawdown was observed. From the graphs of the Walker and Two-Plus wells points were chosen for a linear regression assuming, as before, a non-leaky aquifer system, of the form:

$$s = \frac{264\ Q}{T} \log \frac{(0.3\ T\ t)}{r^2 S}$$

For the Walker well points after t_2 = 300 minutes were chosen and for the Two-Plus well points after t_2 = 400 minutes were chosen for the linear regressions in order to use points on the straight-line portion of the curve. The results are:

	m	b	R	t_o(min)	S	T(gpd/ft)
Walker	5.42	-11.81	.997	163	3.03×10^{-5}	1.08×10^{-5}
Two-Plus	5.42	-12.82	.997	232	1.5×10^{-5}	1.06×10^{-5}

Conclusions

The effects measured in the Walker-Lee system are dramatic and immediate. When the Lee well was opened the observer at the Walker well indicated that he could see a pressure change on the mercury manometer within 30 seconds.

From the data collected during this test it is clear that the Two-Plus well is withdrawing water from the same source as the Walker and Lee wells. The transmissibility calculated for the Walker well and the Two-Plus well agree very closely, but the values do not agree with that reported by Keith Anderson in his May 1964 report.

This difference can be explained by noting that Anderson's test was run longer than the current test and if the data taken during the Anderson test is limited to the three-day period, a shallower slope will be obtained. The shallower slope will yield a larger transmissibility more in agreement with the results of this test. What the steeper slope of the longer Anderson study

may indicate is that a barrier is encountered in the system and that somewhere past the point where we ended measurements the yield of the aquifer decreases significantly.

Probably the more surprising conclusion of this test is that the Ross well is not in the Walker-Lee system. The effect expected should have been readily measurable even with the small household withdrawal of water, but even with the well completely shut-in no effect was seen.

This test successfully proved mutual well interference to exist and the results clear. The ability of the mercury manometers to indicate small pressure changes accurately was invaluable to produce reliable results from the test.

Date: June 27, 1978 1978 Paul M. Castetter

William H. MacAllister

BENNETT CR. DECREE
LEGAL DESCRIPTIONS

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

February 2, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

ELMORE COUNTY RECORDERS OFFICE
150 SOUTH 4TH EAST
MTN HOME ID 83647

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WATER RESOURCES
WESTERN REGION

ATTN: Mrs Becker

Dear Mrs Becker:

As a follow up to our telephone conversation, listed below are the tracts in Elmore County to which I am attempting to find legal descriptions. These parcels are listed in the Bennett Creek Decree only by name without any kind of land description. All of the parcels are in the Bennett Creek area North of Hammett. If you can provide me with copies of the recorded documents for the parcels below, I would be most appreciative.

1. Hall Homestead
2. Hall Desert Entry
3. Hall Pre-emption claim
4. The Ethell Tract — #339 SE¼NW, N½SW, S12, 11-10-1887
5. The Marley Tract
6. Charles F. Ross Homestead — 15/624 patent (1911); 18-348 Homestead (1923); 18/624 Deed (1928) —
7. G. B. Ross Pre-emption claim — #248 - 3-15-1876, = Sec 1 - 120ac

Please mail the copies to my attention at the address above. You can call me at the number below if you need additional information.

Sincerely,

Mel Schulte

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

ContactElmoreCountyletter

Charles E. Edson - #835 - NE NE, S12; W½ SE, SESW S1 10-17-1889.

James P Welson #462494, NW NW, S12 3-13-1915

Henry B. Kreuzbeck = #878566, NE¼, S12 12-7-1922.

Wood Lee, #1211203 NWSE, S12 8-8-1960

Patent
Book 15 page 624

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WATER RESOURCES
WESTERN REGION

Instrument No. 13030.

MAr. 27 1911

Boise 05167. 4-1024.

THE UNITED STATES OF AMERICA,

TO ALL WHOM THESE PRESENTS SHALL COME , GREETING:

WHEREAS, a certificate of the register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claiment Charles F. Ross according to the provisions of the Act of Congress of April 24, 1820, entitled " An Act making further provision for t the sale of Public Lands" and the acts supplemental thereto, for the Lot Four, The Southwest Quarter of the Northwest Quarter, and the Northwest Quarter of the Southwest Quarter of Section One in Township Four South of Range Eight East of the Boise Meridian, Idaho, containing one hundred twenty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in considerations of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto th said claiment and to the heirs of the said claiment the Tract above described; TO HAVE AND TO HOLD the same , together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claiment forever; subject to any veste and accrued water rights for mining , agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the localcustoms, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way there reserving, also, to the United States on for ditches or canals constructed by the authority of the United States, all coal in the lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the Act of March 3, 1909,--35 Stat., 844.

IN TESTIMONY WHEREOF, I, William H. Taft President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the Thieteenth day of March i the year of our Lord one thousand nine hundred and Eleven and of the Independence the United States the one hundred and thirty fifth.

By the President. Wm. H. Taft.

Seal. By M. P. LeRoy, Secretary,
H. W. Sanford
Recorder of the General Land Office.

RECORDED: PATENT NUMBER 183824

348 Patent DK
Book 18

Instrument No. 33780.

Boise 05167. 4-1050

RECEIVED
FEB 2 2 1996
WATER RESOURCES
WESTERN REGION

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, on March 13, 1911, patent No. 183824 issued to CHarles F. Ross for the Lot four, the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of Section one in Township four south of Range eight east of the Boise Meridian, Idaho, containing one Hundred twenty acres, reserving to the United States all coal in said lands, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the Act of March 3, 1909; and

WHEREAS, the lands so conveyed have been subsequently classified as noncoal in character:

NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in accordance with the Act of Congress approved April 14, 1914 (Public No. 83), authorizing, under such conditions, the issuance of new or supplemental patent without such reservation, does hereby remise, releas and forever quitclaim unto the said CHarles F. Ross and to His Heirs and assigns, all right, title, interest, and estate to and in the above-described lands which may be vested in and possessed by it by virtue of the reservation hereinbefore mentioned and recited.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my Hand, at the City of Washington, the Eighteenth day of May in the year of our Lord one thousand nine Hundred and Fifteen and of the Independence of the United States the one Hundred and Thirty-ninth.

By the President: Woodrow Wilson

Land Office Seal. By M. P. LeRoy, Secretary.

L. Q. C. Lamar

RECORDED: Patent Number 473252 Recorder of the General Land Office.

STATE OF IDAHO,)
: SS.
COUNTY OF ELMORE,)

I Hereby certify that this instrument was filed for record at request of CHas. Ros at 55 minutes past 11 o'clock A. M., this 11th day of Oct. A. D. 1923 in my office, and duly recorded in Book 18 of Patents at Page 348.

F. M. Hobbs

Fees $1.00 Ex. Officio Recorder.

624 Book 18 ~~Patent~~

RECEIVED
FEB 22 1996
WATER RESOURCES
WESTERN REGION

STATE Of IDAHO, }
COUNTY Of ELMORE, } ss. Deed for school land sold to C F Ross

I hereby certify that this instrument was filed for record at request of H. H. Eaton at 40 minutes past 2 o'clock P. M., this 28th day of Feb. A. D. 1928 in my office, and duly recorded in Book 18 of Patents at Page 623.

F. M. Hobbs
Ex. Officio Recorder,

Fees $.80

Instrument No. 40792.
Deed No. 4860.
Certificates Nos. 3795-3796-3797-3798.

STATE Of IDAHO

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, oN the 25th day of April 1910, all that tract or parcel of School land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to C. F. Ross, of Mountain Home County of Elmore and State of Idaho, for the aggregate price of Twenty-seven Hundred Twenty and no/100 DOLLARS

AND WHEREAS, The said sum of TweNty-seven Hundred Twenty and no/100 DOLLARS has been fully paid to the proper receiving officer for the State of Idaho, by C. F. Ross as shown by the records in the office of the State board of Land Commissioners the said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described.

NOW, KNOW YE, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of Twenty-seven Hundred Twenty and no/100DOLLARS to the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said C. F. Ross his heirs and assigns, all of the said tract and parcel of land situated in the County of Elmore and State of Idaho, and described as follows, to-wit:

The West Half of the Northwest Quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$) aNd the West Half of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Thirty-six (36), Township Three (3) South, Range Eight (8) East of the Boise Meridian, containing One Hundred Sixty (160) acres, more or less.

TO HAVE AND TO HOLD the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said C. F Ross his heirs and assigns, in fee simple forever.

IN WITNESS WHEREOf, I, H. C. Baldridge the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the State Board of Land Commissioners to be hereunto affixed, this 20th day of February A. D. 1928.

Countersigned:
Fred E. Lukens — H. C. Baldridge
Secretary of State — Governor
Countersigned:
I. H. Nash
State Land Commissioner

Seal of State of Idaho.

Land Commissioner's Seal.

STATE Of IDAHO }
COUNTY Of ADA } ss.

On this 20th day of February A. D. 1928, before me, a Notary Public in and for said State, personally appeared H. C. Baldridge, known to me to be the Governor, and Fred E. Lukens, known to me to be the Secretary of State, and I. H. Nash known to me to be the Land Commissioner, of the State of Idaho, and acknowledged te me that they, as such Governor, Secretary of State, and State Land Commissioner, of the State of Idaho, and the State of Idaho executed

the foregoing deed.

IN WITNESS WHEREOf, I have hereunto set my hand and seal on the day and year last above written.

Jeanne L. Anderson
Notarial Seal. Notary Public, residing at Boise, Idaho

STATE Of IDAHO, }
COUNTY Of ELMORE, } ss.

I hereby certify that this instrument was filed for record at request of C. E. Ross at 55 minutes past 11 o'clock A. M., this 29th day of Febry. A. D. 1928 in my office, and duly recorded in Book 18 of Patents at Page 624.

F. M. Hobbs
Ex. Officio Recorder.

Fees $.80

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WATER RESOURCES
WESTERN REGION

STATE OF IDAHO,
County of ADA. } ss.

Chas. F. Ross being first duly sworn, upon his oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:
E½ NW¼, E½ SW¼, Section 36, Township 3 south Range 8 east, B. M.

as evidenced by the decree dated 15th day of May, 1902 in the cause entitled Adin M. Hall and W. E. Wilson, Plaintiffs, vs. Wm. H. Blackmen, et al, Defendant, brought in the district court of the Fourth Judicial District of the State of Idaho, ~~xx~~

~~That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No.~~

That he intends to change the point of diversion, ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ ~~xxxxxxxxxxxxxxxxxxxxxxxxxx~~

61-00358

of the 22½ inches dating from March 1st, 1892 awarded by the said Decree, to the following described point:
In the NW¼ NW¼, Sec. 25, T.3 S., R.8 E., being a point S 47° 15' E. 500 feet from section corner common to Secs. 23, 24, 25 & 26, said township.

That such change will be made for the following reasons, to-wit:
Affiant is the owner of the following described adjoining lands: W½ W½ Sec. 36, T.3 S., R.8 E., W½ NW¼, NW¼ SW¼, and W½ NE¼, Sec. 1, T.4 S., R.8 E., B. M., and is the holder of Permit No. 3382 to appropriate the waters of Bennett Creek, one point of diversion named in said permit being identical with that to which it is affiant's intention to change the point of diversion of the water awarded by the said decree. By making this change affiant will be enabled to maintain a more compact irrigation system and will also be enabled to eliminate and abandon the ditch heretofore used for the diversion and distribution of the said 22½ inches dating from March 1st, 1892 awarded by said decree. By making such change it will be unnecessary to maintain the works of diversion and headgates and canals as used by him since 1892, and it will be necessary to use only the works of diversion named in the said permit, as amended, together with those used by him for the diversion of the 114 inches dating from March 1st, 1867, awarded by said decree. It is not the intention of affiant to change the point of diversion of the said 114 inches dating from March 1st, 1867.

61-00285 Not included

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

Chas F. Ross

Subscribed and sworn to before me this 6th day of December, 1911.

Ruby Mellen
Notary Public.

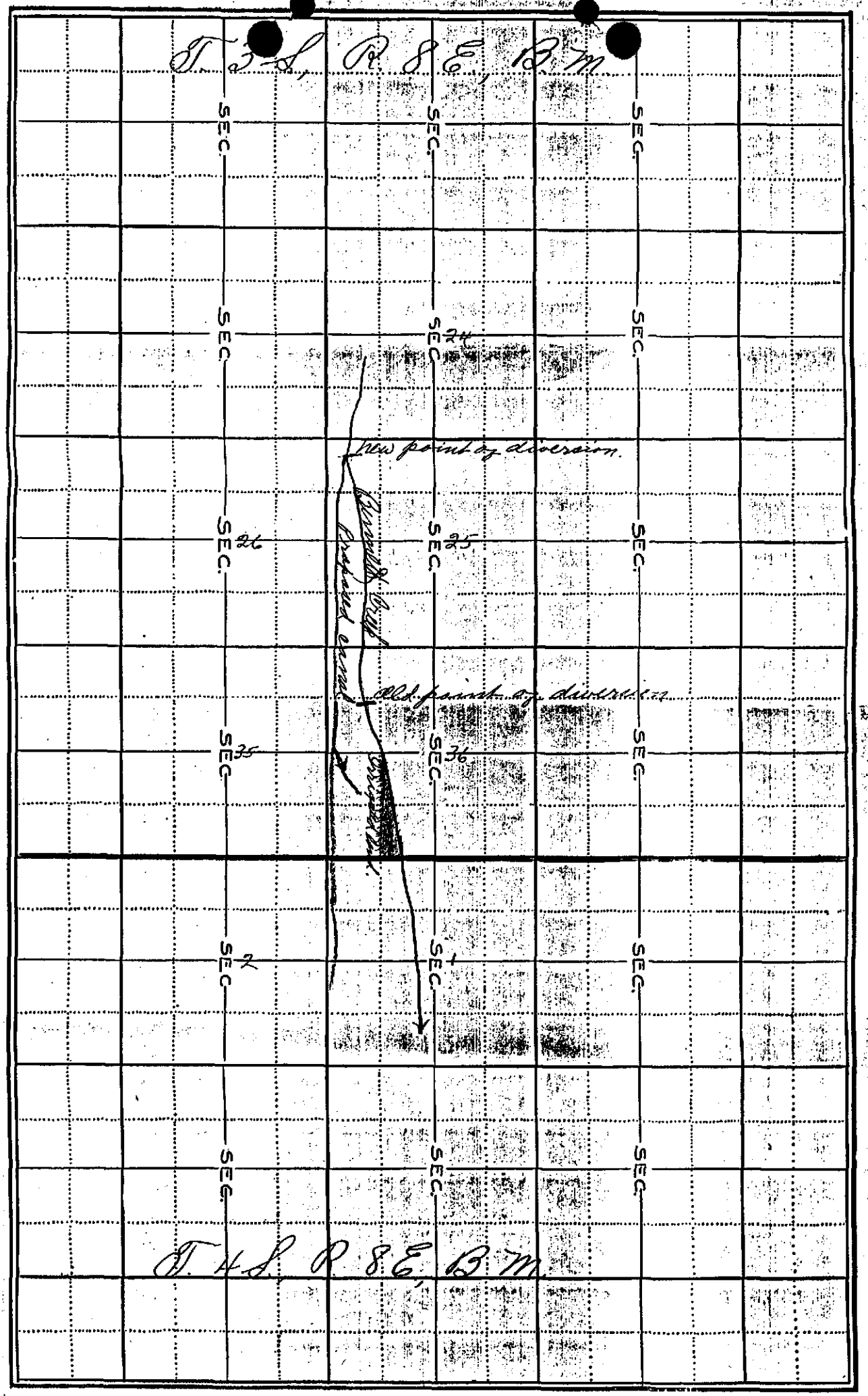
My commission expires Aug. 16/1915

(over.)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 1st P. M. Dec. 13 1911
R E Robinson
STATE ENGINEER.

#157

Name of Applicant Chas. H. Rass



STATE OF IDAHO,
County of Elmore } ss.

Ida E. Ross being first duly sworn, upon ~~his~~ her oath deposes and says:

That she is the owner of a decreed water right appurtenant to the following described land to-wit:

E½ NW¼, NE¼ SW¼, Section 1, Township 3 south, Range 8 east, B. M.

as evidenced by the decree dated the 15th day of May 1903.

in the cause entitled Adin M. Hall and W. E. Wilson, Plaintiffs,

vs. Wm. H. Blackman, et al, Defendant, brought

in the district court of the Fourth Judicial District of the State of Idaho, ~~or~~

~~That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. _____.~~

Right 61-00362

That she intends to change the point of diversion, ~~as described in said decree or permit, to the following described point:~~ of the 85½ inches dating from March 1st, 1892, awarded by the said decree, to the following described point:

In the NW¼ NW¼, Sec. 25, T.3 S., R.8 E., being a point S.47° 15' E. 500 feet from the section corner common to Sections 23, 24, 25 and 26, said township.

That such change will be made for the following reasons, to-wit:

~~Affiant is the owner of the following described adjoining lands: E½ NW¼, NE¼ SW¼, Section 1, Township 4 south, Range 8 east, B. M.,~~ and her husband, Chas. F. Ross, is the holder of Permit No. 3382 to appropriate the waters of Bennett Creek, one point of diversion named in said permit being identical with that to which it is affiant's intention to change the point of diversion of the 85½ inches of water awarded by said decree. By making this change affiant will be enabled to maintain a more compact irrigation system and will also be enabled to eliminate and abandon ~~the ditch heretofore used for the diversion and distribution of the said 85½ inches, dating from March 1st, 1892, awarded by said decree. By making such change it will be unnecessary to maintain the works of diversion~~ and headgates and canals as used by her since 1892, and it will be necessary to use only the works of diversion named in the said permit, as amended, together with those used by her for the diversion of the 94½ inches, dating from March 1st, 1867, awarded by said decree. It is not the intention of affiant to change the point of diversion of the 94½ inches dating from 3-1-'67.

That no one will be injured by such change and that deponent will make such change at his own risk.

61-00286 not included

And further deponent saith not.

Ida E. Ross

Subscribed and sworn to before me this 6th day of December, 1911.

Notary Public.

My commission expires Aug 16-1915

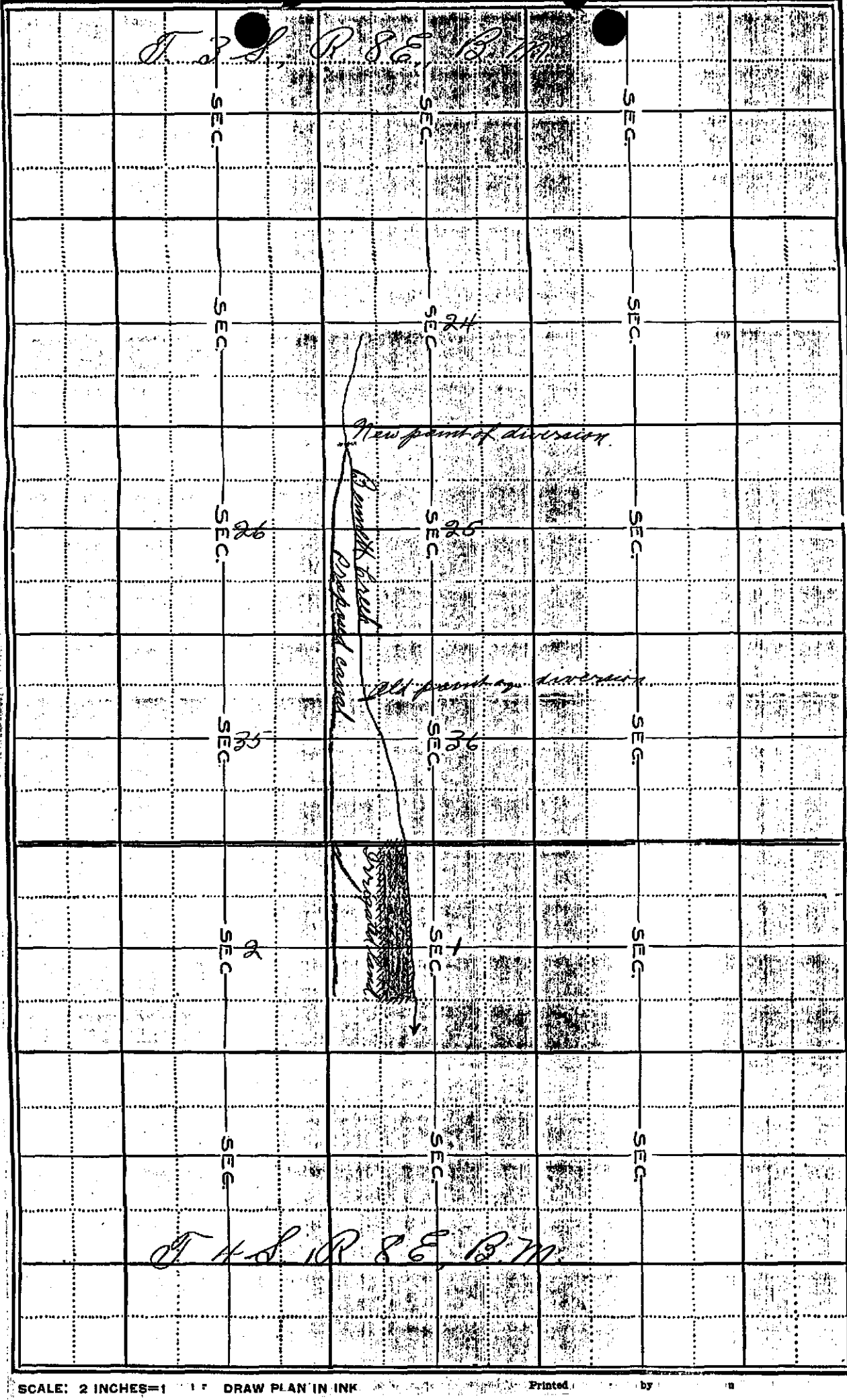
(over.)

Received and filed for record in the office of the State Engineer at Boise, Idaho, at 9 A.M. Dec. 13 1911

STATE ENGINEER.

T160

Name of Applicant Ida C. Veal



SCALE: 2 INCHES=1 ' ' DRAW PLAN IN INK Printed by

Application for Transfer of Water Right

STATE OF IDAHO,
County of Elmore } ss.

Charles F. Ross, being first duly sworn, deposes and says:

That his name is Charles F. Ross; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Mountain Home, Idaho

That he is the owner and using a certain water right of 140 miners inches of the waters of Bennett Creek

County of Elmore, State of Idaho, ~~decreed to~~ belonging to Charles F. Ross, by decree of Judge ..... of the ..... Judicial District of the State of Idaho, in and for the County of ....., in the case of ..... vs. ....., said decree bearing date of .....

(or obtained by virtue of License No. 3382, issued by the State Engineer of the State of Idaho, dated April 7, 1911), for the purpose of irrigating the following described lands situate, lying and being in the County of Elmore and State of Idaho, to-wit: NW¼NW¼, SW¼NW¼, NW¼SW¼, SW¼SW¼, Sec. 36, T. 3 S., R. 8 E. NW¼NW¼, SW¼NW¼, N½NW¼NE¼, SW¼NE¼, Sec. 1, T. 4 S., R. 8 E., B.M.

.....and is the person (or the representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. the person to whom said license was issued.

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream at a point in the NW¼NW¼, Sec. 25, T. 3 S., R. 8 E., B.M.

and conducted to the above described lands through a ditch.

as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 80 miners inches of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Elmore and State of Idaho, to-wit: E½NW¼, E½SW¼, Sec. 36, T. 3 S., R. 8 E., B.M.

That his reasons for desiring to make such transfer are as follows: That a part of the last above described land is very gravelly and when water is short, it can be used to a better advantage on the above described land, so she is transferring 80 inches of an earlier right to the first above described lands, which are more easily irrigated, and the 80 inches of a later right to the last-described land; and to irrigate only the portion that is so gravelly only in flood water time when there is an abundance of water.

That he intends to divert and convey said 60 miners inches of water to the tract of land last above described in the following manner, to-wit: by two ditches taken out of said Creek in said Sec. 25, T. 3 S., R. 8 E., B.M., already constructed, and one ditch in Section 24, T. 3 S., R. 8 E., B.M. already constructed.

as set forth upon the map hereto attached; and

That no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Commissioner of the Division, in accordance with the provisions of Section 11, House Bill No. 146, of the Laws of the Seventh Session of the Legislature of the State of Idaho.

Charles F. Ross

Subscribed and sworn to before me this 10th day of March A. D. 1916.

[illegible]

Notary Public

STATE OF IDAHO,
County of Elmore } ss.

Worth S. Lee and Ceil Lee

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at Mountain Home, Idaho that he is a user of water from Bennett Creek, County of Elmore, State of Idaho; that he has read or heard read the foregoing affidavit and petition of Charles F. Ross, and is familiar with its allegations, and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Worth S. Lee

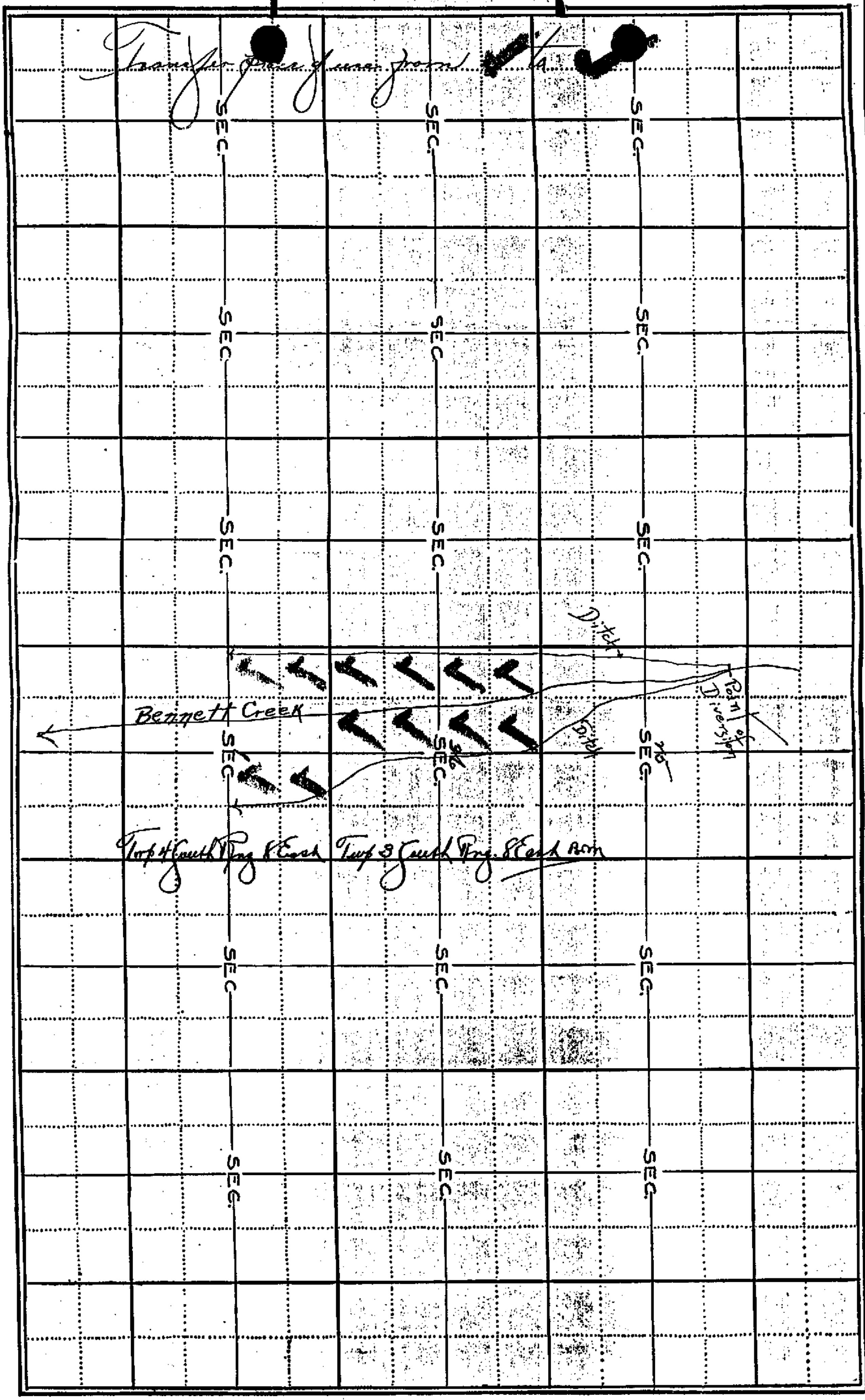
Ceil Lee

Subscribed and sworn to before me this 10th day of March A. D. 1916

[illegible]

Notary Public.

Name of Applicant Charles F. Ross. License No. 3382.



SCALE: 2 INCHES=1 MILE. DRAW PLAN IN INK.

Printed and for sale by the Statesman Shop, Boise, Idaho.

From Halls, Inc vs J. H. & Goldie Henley
Findings of Fact and Conclusions of Law
Dated April 10, 1943

II

That the plaintiff Halls, Inc., is the owner of the lands situate in the County of Elmore, State of Idaho, particularly described as follows, to-wit:

N½SE, SENE, S27; SWNW, S26; 4S, 8E.

The north half of the southeast quarter and the southeast quarter of the northeast quarter of section twenty-seven and the southwest quarter of the northwest quarter of section twenty-six, township four south, range eight east, Boise Meridian, containing one hundred and sixty acres and designated as Hall's Pre-emption.

NWNW, S26; NENE, SWNE, S27; N½NE, 4S, 8E.

The northwest quarter of the northwest quarter of section twenty-six and the north half of the northeast quarter and the southwest quarter of the northeast quarter of section twenty-seven, township four south, of range eight east, Boise Meridian, containing one hundred and sixty acres, known as Hall's Homestead.

E½SE, S22; W½SW, S23; 4S, 8E.

The east half of the southeast quarter of section twenty-two and west half of the southwest quarter of section twenty-three, township four south, range eight east, Boise Meridian, containing one hundred sixty acres, known as Hall's Desert Entry.

The northeast quarter of the southwest quarter, and south half of the northwest quarter and lot three, section five, township five south, range nine east Boise Meridian; also the southwest quarter of southwest quarter of section thirty-three, and southeast quarter of southeast quarter, section thirty-two, township four south, range nine east, Boise Meridian, and lot four of section four and lot one, section five, township five south, range nine east, Boise Meridian, and designated in this action as Hall Tract No. 4.

III

That the defendants J. H. Henley and Goldie Henley are now and for more than one year immediately preceding the commencement of this action have been husband and wife and are now and for more than one year immediately preceding the commencement of this action have been the owners of and in possession of the lands situate in Elmore County, Idaho, particularly described, as follows:

The southwest quarter of the northwest quarter of section thirteen, and the southeast quarter of the northeast quarter and the northeast quarter of

said tract of land in the order of their priority waters from the flow of Bennett Creek of the amount and of the priority as follows:

DESIGNATION OF LANDS	AMOUNT OF WATER RIGHT IN MINERS INCHES.	DATE OF PRIORITY
Henley Tract No. 1	238 inches	March 1, 1872
Hall's Pre-emption	150 inches	April 1, 1879
Hall's Homestead	140 inches	April 1, 1882
Hall's Desert Entry	100 inches	April 1, 1885
Henley Tract No. 2	114 inches	March 1, 1886
Hall's Desert Entry	20 inches	April 1, 1886
Hall's Homestead	10 inches	May 1, 1886
Hall Tract No. 4	220 inches	April 30, 1893

X

That the point of diversion from Bennett Creek for the diversion of said right of 238 inches of a priority of March 1, 1872, for the irrigation of the Henley Tract No. 1, established and used by the defendants and their predecessors in interest since prior to said adjudication is situate in the southwest quarter of the southwest quarter of section twelve, township four south, range eight east, Boise Meridian, and is referred to as Henley Diversion No. 1,

That the point of diversion from Bennett Creek for the diversion of said right of 114 inches of a priority of March 1, 1886, for the irrigation of the Henley Tract No. 2, established and used by the defendants and their predecessors in interest since prior to said adjudication is situate in the northeast quarter of the southwest quarter of section one, township four south, range eight east, Boise Meridian, and is referred to as Henley Diversion No. 2.

of this action have been husband and wife and are now and for more than one year immediately preceding the commencement of this action have been the owners of and in possession of the lands situate in Elmore County, Idaho, particularly described, as follows:

The southwest quarter of the northwest quarter of section thirteen, and the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of section fourteen, and all that portion of the northwest quarter of the northwest quarter of section thirteen, and the northeast quarter of the northeast quarter of section fourteen, which lies south of that certain line known as the south line of the William E. Wilson Tract, being all in township four south of range eight east, Boise Meridian and designated in this action as Henley Tract No. 1.

Henley #1
NWNW SWNW, S 13
SENE, NESE, NENE, S. 14
4S 8E
61-00283

The southwest quarter of the southwest quarter of section thirteen, and the northwest quarter of the northwest quarter of section twenty-four, the north half of the northeast quarter of section twenty-three, the south half of the southeast quarter and the northwest quarter of the southeast quarter and the west half of the northeast quarter of section fourteen Boise Meridian, designated in this action as Henley Tract No. 2.

Henley #2
SWSW, S.13
S½SE, NWSE, W½NE, S.14
NWNW, S.24
N½NE, S.23
4S 8E
61-00284

IV

That the said described lands of the plaintiff are arid lands and will not produce crops without the aid of artificial irrigation but with the aid of artificial irrigation will produce valuable crops of hay and grain.

V

That the said lands of the plaintiff are now planted to hay and grain.

VI

That the only source of water for the irrigation of said lands is Bennett Creek.

VII

That Bennett Creek has its source north of and above the said described lands of each and all of the parties hereto and

extends and runs southerly first through a portion of the said described lands of the defendants and then next through the lands of the plaintiff.

VIII

That in an action in the District Court of the Fourth Judicial District of the State of Idaho, in and for Elmore County, in an action wherein Adin M. Hall and W. E. Wilson are plaintiffs and Wm. H. Blackman, Chas. Geerhart, Chas. F. Ross, Mrs. Ida Ross, Benj. Sparlin, John McCuen, S. B. Blackwell and M. L. Davis were defendants, the rights to the use of the waters of said Bennett Creek were adjudicated and determined by the court by findings of fact and conclusions of law dated and filed on the 15th day of May, 1902, and by decree of the court based thereon, also dated and filed the 15th day of May, 1902.

That such findings of fact and conclusions of law are recorded in the office of the County Recorder of the said County of Elmore in Book 3 of Judgment Record in District Court, at page 31, and that said decree was also recorded in such office in Book 3 of Judgment Record in District Court, at page 39.

That the lands hereinbefore described as those of the plaintiff are designated and described in said findings of fact and conclusions of law and decree, as being the lands of Adin M. Hall and that the said Adin M. Hall is a predecessor in interest of the plaintiff.

That the lands hereinbefore described as those of the defendants are designated and described in said findings of fact and conclusions of law as the lands of William Blackman, and that William Blackman is a predecessor in interest of the defendants herein.

TRANSFER AGREEMENT

[redacted]

AGREEMENT

THIS AGREEMENT, made and entered into this 18th day of January, 1995, by and between WILLIAM McGREW and HELEN BRANDT McGREW, husband and wife, hereinafter referred to as "McGREWS", and FRANKLIN POWERS and ELIZABETH POWERS, husband and wife, hereinafter referred to as "POWERS",

WHEREAS, McGrews are the owners of certain parcels of property located in Elmore County, State of Idaho, and;

WHEREAS, By agreement executed contemporaneously with this agreement, McGrews have sold to Powers that certain parcel of real property, commonly known as the Gill Ranch, and;

WHEREAS, McGrews will retain ownership of other parcels of property, including but not necessarily limited to, what is commonly known as the Walker Ranch, and;

WHEREAS, The parcel of property known as the Gill Ranch was previously owned by parties by the name of Lee, and;

WHEREAS, The parcel of property commonly known as the Walker Ranch was formally owned by parties by the name of Walker, and;

WHEREAS, By decree of the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Elmore, entered on November 1, 1967, in civil case number 2248, the said District Court of the Fourth Judicial District set forth by decree, a copy of which is attached hereto, certain water rights to the parties owning what is now known as the Gill Ranch and the Walker Ranch, and;

RECEIVED
JAN 10 1996
WATER RESOURCES
WESTERN REGION

WHEREAS, Pursuant to the entry of the decree and the knowledge of the parties, there exists on the property known as the Gill Ranch one (1) artesian well. Further, there existed at the time of the decree on the property known as the Walker Ranch, one (1) artesian well. Further, an additional well, known as the "2 plus" well has since been drilled on the Walker Ranch, and;

WHEREAS, The parties understand it to be a fact that said wells on the Gill property and the Walker property are from the same aquifer, and thus drawing water from one well could affect the availability of water from the other well. Further such condition was acknowledged in the above-mentioned decree, and;

WHEREAS, Pursuant to the decree, during the irrigation season, as defined in said decree beginning April 1 and ending November 1 of each year, the property known as the Gill property had a first right to use 125 miner's inches of continuous flow of water from the artesian well located on said property. Pursuant to said decree, said water rights had a priority date of May 1, 1889, for use upon the Gill Ranch property, as described in said decree, which amount of water represents and is in lieu of the flow of water from the Lee Hot Springs, and;

WHEREAS, Further pursuant to said decree, the property known as the Walker Ranch was allotted during the irrigation season above-defined, to have the right to the use of 320 miner's inches of continuous flow of water from the well on the property known as the Walker property. Further, pursuant to said decree, said water rights had a priority date of June 10, 1955, for use upon the Walker Ranch property, as described in said decree, and;

WHEREAS, Further pursuant to said decree, the property known as the Gill Ranch was awarded further water rights as a third priority to 1,000 miner's inches of continuous

flow from the well on the property known as the Gill Ranch. Pursuant to said decree, the priority date of these water rights was January 19, 1961, for use upon and which were appurtenant to said real property known as the Gill Ranch, and;

WHEREAS, Further, said decree prohibited the owner of either parcel of property from pumping from the artesian wells without the consent of the other, and;

WHEREAS, Subsequent to McGrews' purchasing both parcels of property known as the Gill Ranch and the Walker Ranch, said water rights still remain appurtenant to the property, as set forth in said decree, and;

WHEREAS, The parties acknowledge that 125 inches of water available to the Gill Ranch during the irrigation season, probably is not adequate to provide sufficient irrigation for the ranch operation, and;

WHEREAS, the parties wish to set forth their understanding of and transfer of certain water rights.

NOW THEREFORE, In consideration of the mutual covenants contained herein, the parties agree as follows:

Consent to pump

1. That to the extent allowed by law, and the availability of water, each party hereto consents that the other may place a pump in the respective wells referred to herein, and pump from said wells.

2. McGrews hereby transfers to Powers 125 miner's inches of water to be drawn from the above referred to artesian well on the Gill Ranch, to be applied to the property known as the Gill ranch, for irrigation purposes during the irrigation season as described above. Said 125 miner's inches of water are transferred from the 320 miner's inches of decreed rights appurtenant to the real property known as the Walker Ranch.

01-00761

3. McGrew hereby retains, and Powers hereby relinquishes, 125 miner's inches of decreed rights appurtenant to the property known as the Gill ranch, as third priority under said decree. Said 125 miner's inches hereby retained shall be applied to the property known as the Walker property.

4. Both parties shall be mutually responsible for and agree to cooperate in any application process for transfer of the water rights as agreed herein.

5. The parties hereto hereby acknowledge that there currently exists litigation in the district court of the fifth judicial district, in and for the State of Idaho, known as the Snake River Adjudication, which may have an adverse impact on the rights of either party to access the amounts of water set forth herein. The parties further acknowledge that said adjudication may void the rights granted hereunder.

6. The sellers believe they have filed all the necessary applications and notices and have not abandoned or forfeited the water rights which are the subject of the agreement.

7. Powers specifically acknowledges that McGrew has not, and does not, guarantee the current or continuing availability of the 125 miner's inches of water rights hereby transferred to Powers. Further, Powers does not guarantee the current or continuing availability of the 125 miner's inches retained by McGrew.

8. This agreement shall terminate and be void in the event Powers do not purchase the property known as the Gill Ranch.

9. The parties acknowledge that this agreement was prepared by an attorney at the request of the McGrews, and that the Powers have been advised to seek independent legal advice concerning the terms hereof, if they desire, prior to their execution hereof.

10. The terms and conditions of this agreement shall extend to and be binding upon

the heirs, administrators, successors, executors and assigns of the respective parties hereto.

11. Should either party be required to file suit or seek legal assistance to enforce their rights, hereunder, the prevailing party shall be entitled to recover reasonable attorney's fees to include paralegal fees, and costs incurred.

IN WITNESS WHEREOF, The said parties have hereunto set their hands the day and year in this agreement first above written.

DATED this 18 day of January, 1995.

McGREWS:

WILLIAM McGREW

HELEN BRANDT McGREW

POWERS:

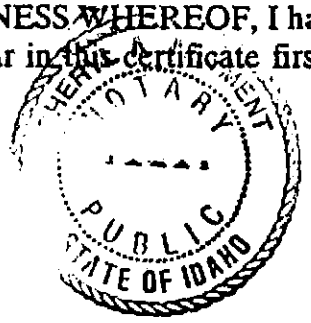
FRANKLIN POWERS

ELIZABETH POWERS

STATE OF IDAHO,)
) ss.
County of Elmore)

On this 18th day of January, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared WILLIAM McGREW and HELEN BRANDT McGREW, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

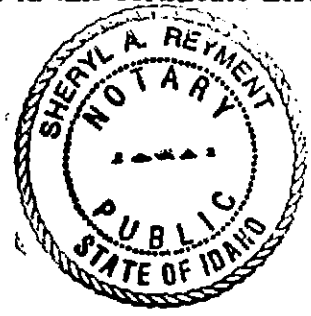


Sheryl A Reyment
Notary Public for Idaho
Residing at: MOUNTAIN HOME
My Commission expires: 12-27-99

STATE OF)
) ss.
County of Elmore)

On this 18th day of January, 1995, before me, the undersigned, a Notary Public in and for said state, personally appeared FRANKLIN POWERS and ELIZABETH POWERS, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



Sheryl A Reyment
Notary Public for Idaho
Residing at: MOUNTAIN HOME
My Commission expires: 12-27-99

FIELD SLOPE MEASUREMENT FORM FOR EXCESSIVE FLOW DATA

forms.slope.field

FIELD AGENT: Mel Schulte \ Ron Howerton

FX DATE: 3-29-1996

CLAIM NUMBER(S): Powers \ Bennett Creek Ranch

FIELD NUMBER: #10 (Optional)

LOCATION: ¼ mile North of house and corrals

FIELD READINGS

SLOPE DATA:

	UPHILL	DOWNHILL
UPPER STADIA	4.41	7.37
MIDDLE (SLOPE)	3.58	6.29
LOWER STADIA	2.76	5.20

Stadia Difference: 1.65 (UPHILL) + 2.17 (DOWNHILL) X 100 = 382' SLOPE LENGTH

Slope Difference: 6.29 (DOWNHILL) - 3.58 (UPHILL) = 2.71 FT DIST

NOTE: The downhill reading must be higher than the uphill reading.

CALCULATIONS:

2.71 (FT DIST) / 382 (SLOPE LENGTH) = .007 SLOPE FT/FT

FIELD SLOPE MEASUREMENT FORM FOR EXCESSIVE FLOW DATA

forms.slope.field

FIELD AGENT: Mel Schulte / Row Howerton

FX DATE: 3-27-1996

CLAIM NUMBER(S): Powers / Bennett Creek Ranch (Beckman)

FIELD NUMBER: West field (Optional)

LOCATION: Large field on West side of Creek - first (uphill) reading was near the gate

FIELD READINGS

SLOPE DATA:

	UPHILL	DOWNHILL
UPPER STADIA	2.76	11.14
MIDDLE (SLOPE)	2.06	9.72
LOWER STADIA	1.36	8.34

Stadia Difference: 1.40 (UPHILL) + 2.80 (DOWNHILL) X 100 = 420 (SLOPE LENGTH)

Slope Difference: 9.72 (DOWNHILL) - 2.06 (UPHILL) = 7.66 (FT DIST)

NOTE: The downhill reading must be higher than the uphill reading.

CALCULATIONS:

7.66 (FT DIST) / 420 (SLOPE LENGTH) = .018 SLOPE FT/FT

FIELD SLOPE MEASUREMENT FORM FOR EXCESSIVE FLOW DATA

forms.slope.field

FIELD AGENT: Mel Schulte / Row Howerton

FX DATE: 3/27/1996

CLAIM NUMBER(S): Powers / Bennett Creek Ranch (Beckman

FIELD NUMBER: #2 (Optional)

LOCATION: 200' North of South end (small house)

FIELD READINGS

SLOPE DATA:

	UPHILL		DOWNHILL		
UPPER STADIA	4.40		8.1		
MIDDLE (SLOPE)	3.45		7.45		
LOWER STADIA	2.51		6.8		
Stadia Difference:	1.89 (UPHILL)	+	1.3 (DOWNHILL)	X 100 =	319 (SLOPE LENGTH)
Slope Difference:	7.45 (DOWNHILL)	-	3.45 (UPHILL)	=	4 (FT DIST)

NOTE: The downhill reading must be higher than the uphill reading.

CALCULATIONS:

4	/	319	=	.013
FT DIST		SLOPE LENGTH		SLOPE FT/FT

FIELD SLOPE MEASUREMENT FORM FOR EXCESSIVE FLOW DATA

forms.slope.field

FIELD AGENT: Mel Schulte / Ron Howeeton

FX DATE: 3-27-1996

CLAIM NUMBER(S): Powers / Bennett Creek Ranch (Beckman)

FIELD NUMBER: #1 (Optional)

LOCATION: 200' South of Road

FIELD READINGS

SLOPE DATA:

	UPHILL		DOWNHILL		
UPPER STADIA	1.79		7.59		
MIDDLE (SLOPE)	1.08		6.8		
LOWER STADIA	0.36		6.01		
Stadia Difference:	1.43 (UPHILL)	+	1.58 (DOWNHILL)	X 100 =	301.00 ~~144.58~~ (SLOPE LENGTH)
Slope Difference:	(DOWNHILL)	-	(UPHILL)	=	(FT DIST)

NOTE: The downhill reading must be higher than the uphill reading.

CALCULATIONS:

5.72	/	301 ~~144.58~~	=	.019
FT DIST		SLOPE LENGTH		SLOPE FT/FT

EAST DITCH LOWER REACH

1. Name of stream or ditch: BENNETT CREEK
2. Location: 100' NORTH OF COUNTY ROAD
3. Person conducting measure: MEL SCHULTE & RON HOWERTON
4. Date and time of measure: 04-09-96 15:15
5. Accompanied by: N/A
6. Measuring device size and ID: PYGMY # 090175
7. Spin test OK? Before: Yes After: Yes
8. Purpose of measure: IRRIGATION FLOW

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
1.0							
1.5	0.8	0.9	0.6	104	40	2.60	1.75
2.0	0.5	0.8	0.6	84	40	2.10	0.84
2.5	0.5	0.8	0.6	95	40	2.38	0.95
3.0	0.5	0.8	0.[illegible]	104	40	2.60	1.04
3.5	0.4	0.6	0.[illegible]	82	40	2.05	0.49
3.8	0.7	0.5	0.6	48	40	1.20	0.39
4.3							

TOT WIDTH

TOTAL DISCHARGE: 5.47

East ditch
Upper 7.29 cfs
Lower 5.47 "
1.82 "

(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: East ditch from Bennett Creek
2. Location: 100' North of County Road
3. Person(s) conducting measurement: RH & MS
4. Date of measurement: 15:15 4-9-96 5. Weather conditions:
6. Measuring device size and ID no.: 070175 - Pygmy meter
7. Spin test before: OK after: OK
8. Purpose of measurement: determine conveyance loss
9. Cross section description: uniform

B. MEASUREMENT DATA

Dist. from initial point	Width	Depth	Obs. Depth	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
LEW	= 1.0	0							
1.5	1.5	.9		104	40	2.6		.45	1.17
2.0	.5	.8		84	40	2.1		.40	.84
2.5	.5	.8		95	40	2.375		.40	.95
3.0	.5	.8		104	40	2.6		.40	1.04
3.5	.5	.6		82	40	2.05		.30	.615
3.8	.8	.5		48	40	1.2		.40	.48
REW	43	0							
									5.10

C. REMARKS

SIGNATURE

POWERS CLAIMS FROM WEST DITCH UPPER REACH

1. Name of stream or ditch: BENNETT CREEK
2. Location: 50' BELOW DIVERSION FROM BENNETT CR
3. Person conducting measure: MEL SCHULTE & RON HOWERTON
4. Date and time of measure: 04-22-96 09:30
5. Accompanied by: N/A
6. Measuring device size and ID: PYGMY # 090175
7. Spin test OK? Before: Yes After: Yes
8. Purpose of measure: DITCH CAPACITY FOR DITCH LOSS

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
1.0							
1.5	0.8	0.7	0.6	94	40	2.35	1.23
2.0	0.5	0.7	0.6	96	40	2.40	0.84
2.5	0.5	0.7	0.6	109	40	2.73	0.95
3.0	0.5	0.7	0.6	111	40	2.78	0.97
3.5	0.5	0.7	0.6	100	40	2.50	0.88
4.0	0.5	0.7	0.6	114	40	2.85	1.00
4.5	0.5	0.6	0.6	72	40	1.80	0.50
5.0	0.9	0.3	0.6	49	40	1.23	0.31
5.6							
TOT WIDTH	4.6				TOTAL DISCHARGE:		6.37

West ditch

Upper 6.37 cfs

Lower 5.40 "

.97 "

.0 .10 .20 .30 .40 .50 .60 .70 .75 .80

Form 219-N
7/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. (if applicable)

Open Channel Discharge Measurement Notes

.90

A. GENERAL INFORMATION

1. Name of stream or ditch: Powers West Ditch - lower reach .92
2. Location: 100 yds upstream from 1st diversion in field
3. Person conducting measurement: RHC DMS .94
4. Date and time of measurement: 4-22-96 - 10:30 am
5. Accompanied by: .96
6. Measuring device size and ID no.: Pigmy - 090175 CMD -
7. Spin test before measurement OK? yes after measurement OK? yes .97
8. Purpose of measurement: ditch to estimate ditch loss .98

B. MEASUREMENT DATA

.99

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or ____	Area	Discharge
LEW=1.0											
	1.5		1.0		80	40					
	2.0		1.1		51	"					
	2.5		1.2		74	"					
	3.0		1.3		43	"					
	5.5		1.1		48	"					
REW=4.3											

1.00 .99 .98 .97 .96 .94 .92 .90 .85

.0 .10 .20 .30 .40 .50 .60 .70 .75 .80

POWERS CLAIMS, WEST DITCH, LOWER REACH

1. Name of stream or ditch: BENNETT CREEK
2. Location: 100 YARDS UPSTREAM FROM FIRST FIELD
3. Person conducting measure: MEL SCHULTE & RON HOWERTON
4. Date and time of measure: 04-22-96 10:30
5. Accompanied by: N/A
6. Measuring device size and ID: PYGMY # 090175
7. Spin test OK? Before: Yes After: Yes
8. Purpose of measure: DITCH CAPACITY, FOR DITCH LOSS

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
1.0							
1.5	0.8	1.0	0.6	80	40	2.00	1.50
2.0	0.5	1.1	0.6	51	40	1.28	0.70
2.5	0.5	1.2	0.6	74	40	1.85	1.11
3.0	0.5	1.3	0.6	43	40	1.08	0.70
3.5	1.1	1.1	0.6	48	40	1.20	1.39
4.3							

TOT WIDTH 3.3 TOTAL DISCHARGE: 5.40

(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Powers West ditch - Upper reach
2. Location: 50' below diversion
3. Person(s) conducting measurement: MS & RH
4. Date of measurement: 4-22-96 5. Weather conditions: cloudy
6. Measuring device size and ID no.: Pigmy 090175" - CMD # 89205
7. Spin test before: _____ after: _____
8. Purpose of measurement: capacity for ditch loss
9. Cross section description: uniform gravel bottom

B. MEASUREMENT DATA

Dist. from initial point	Width	Depth	Obs. Depth	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
LEW = 1		.							
1.5		.7		94	40				
2.0		.7		96	"				
2.5		.7		109	"				
3.0		.7		111	"				
3.5		.7		100	"				
4.0		.7		114	"				
4.5		.55		72	"				
5.0		.3		49	"				
5.6 = REW									

C. REMARKS _____

SIGNATURE _____

EAST DITCH FROM BENNETT CREEK UPPER REACH

1. Name of stream or ditch: BENNETT CREEK
2. Location: 50' FROM DIVERSION
3. Person conducting measure: MEL SCHULTE & RON HOWERTON
4. Date and time of measure: 04-09-96
5. Accompanied by: N/A
6. Measuring device size and ID: PYGMY # 090175
7. Spin test OK? Before: Yes After: Yes
8. Purpose of measure: IRRIGATION FLOW

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
1.0							
1.5	0.8	0.5	0.6	11	40	0.28	0.10
2.0	0.8	0.9	0.6	21	40	0.53	0.35
3.0	1.0	1.0	0.6	83	40	2.08	2.08
4.0	1.0	1.1	0.6	87	40	2.18	2.39
5.0	1.0	1.1	0.6	64	40	1.60	1.76
6.0	0.8	1.0	0.6	30	40	0.75	0.56
6.5	0.8	0.8	0.6	3	40	0.08	0.05
7.0							
TOT WIDTH	6.0				TOTAL DISCHARGE:		7.29

(if a...licable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Upper Reach East ditch from Bennett Creek
2. Location: 50' downstream from diversion in NWNW, S25, 3S, 8E
3. Person(s) conducting measurement: MFS & RH
4. Date of measurement: 4-9-96 5. Weather conditions: clear & sunny
6. Measuring device size and ID no.: Pygmy - 090175
7. Spin test before: ok after: ok
8. Purpose of measurement:
9. Cross section description: uniform bottom

B. MEASUREMENT DATA

Dist. from initial point = 0	Width	Depth	Obs. Depth	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
1 LEW									
1.5	.5	.5		11	40	.275		.25	.07
2.0	1.0	.9		21	40			.90	.47
3.0	1.0	1.0		83	"			1.0	2.08
4.0	1.0	1.1		87	"			1.1	2.39
5.0	1.0	1.1		64	"			1.1	1.76
6.0	1.0	1.0		30	"			1.0	.75
6.5	.5	.8		3	"			.4	.03
7.0	REW								
									7.55

C. REMARKS

SIGNATURE

MANNING EQUATION CHANNEL CAPACITY RESULTS 03-25-1996

File Number: POWERS
Claimant: POWERS
Channel measured: SWSW S25 03S 08E 200' NORTH OF ROAD
Date of measurement: 03 20 1996
Measurement location:
WEST DITCH 200' NORTH OF COUNTY ROAD
Calculation prepared by: MS RH
Comments about the measurement:
THIS MEASUREMENT IS RELATIVE TO SEVERAL CLAIMS FOR POWERS
MEASUREMENT CONDUCTED BETWEEN 10 AND 11 AM

The results of the calculation are:
The length of the channel measured is 303 feet.
The upstream and downstream rod readings are 4.52 and 5.43 feet.
The channel cross section is 1.38 ft-sq.
The wetted perimeter is 3.80 feet.
The hydraulic radius is 0.36 feet.
The slope is 0.0030
The roughness coefficient is 0.0250
The flow velocity is 1.664 ft/sec.
The rate of flow is 2.30 cfs.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): Various

Name of Claimant(s): Powers

Name of Ditch, Canal, or Stream: West ditch 200' N of Road

Date of Measurement: 3-20-96 Data Collected By: MS & RH

Measurement Location: SW 1/4 SW 1/4 Section 25 T 3S R 8E

Cross Section Data

Basis: high water mark( ) maximum capacity( )

Note: minimum of five depth or rod readings; first and last must be equal or zero

	Upstream depth or rod reading	distance from initial point		Downstream depth or rod reading	distance from initial point
1.	0	0	7.	0	0
2.	.25	.5	8.	.3	.5
3.	.5	1.0	9.	.45	1.0
4.	.5	1.5	10.	.7	1.5
5.	.4	2.0	11.	.7	2.0
6.	.2 / 0	2.5 / 2.8	12.	.6 / .5 / .35 / .10 / 0	2.5 / 3.0 / 3.5 / 4.0 / 4.3

Slope Data

Basis: high water mark( ) channel bottom( ) land surface( )

Level Readings:	upstream	downstream	
upper stadia	5.4	6.09	
center	4.52	5.43	
lower stadia	3.69	4.77	channel length
stadia difference	(1.71	+ 1.32) x 100 =	303'

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes(X)

BASIC "n" CHANNEL MATERIAL			
earth	.020	X	(1)
rock	.025		(2)
fine gravel	.024		(3)
coarse gravel	.028		(4)

CHANNEL OBSTRUCTIONS			
negligible	.000	X	(1)
minor	.010		(2)
	.015		(3)
appreciable	.020		(4)
	.030		(5)
severe	.040		(6)
	.050		(7)
	.060		(8)

SURFACE IRREGULARITY			
smooth	.000	X	(1)
minor	.005		(2)
moderate	.010		(3)
severe	.020		(4)

VEGETATION			
low	.005	X	(1)
	.010		(2)
medium	.015		(3)
	.020		(4)
	.025		(5)
high	.030		(6)
	.040		(7)
	.050		(8)
very high	.060		(9)
	.075		(10)
	.100		(11)

VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION			
gradual	.000	X	(1)
occasional	.005		(2)
frequent	.010		(3)
	.015		(4)

DEGREE OF MEANDERING			
minor	1.00	X	(1)
appreciable	1.15		(2)
severe	1.30		(3)

CROSS SECTION NUMBER 1

For File Number POWERS for the SWSW S25 03S 08E 200' NORTH OF ROAD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.25	0.25	0.50
3	0.50	0.50	1.00
4	0.50	0.50	1.50
5	0.40	0.40	2.00
6	0.20	0.20	2.50
7	0.00	0.00	2.80

The area for this cross section is 0.90 square feet
and the wetted perimeter is 3.03 feet.

CROSS SECTION NUMBER 2

For File Number POWERS for the SWSW S25 03S 08E 200' NORTH OF ROAD

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.30	0.30	0.50
3	0.45	0.45	1.00
4	0.70	0.70	1.50
5	0.70	0.70	2.00
6	0.60	0.60	2.50
7	0.50	0.50	3.00
8	0.35	0.35	3.50
9	0.15	0.15	4.00
10	0.00	0.00	4.30

The area for this cross section is 1.86 square feet
and the wetted perimeter is 4.58 feet.

MANNING EQUATION CHANNEL CAPACITY RESULTS 03-25-1996

File Number: POWER OWEN
Claimant: POWER OWEN
Channel measured: EAST DITCH
Date of measurement: 03 20 1996
Measurement location:
SESW S25 03S 08E
200' NORTH OF COUNTY ROAD
Calculation prepared by: MS RH
Comments about the measurement:
THIS MEASUREMENT IS RELATIVE TO SEVERAL CLAIMS FOR POWERS AND OWEN
MEASUREMENT CONDUCTED BETWEEN 10 AND 11 AM

The results of the calculation are:
The length of the channel measured is 352 feet.
The upstream and downstream rod readings are 2.66 and 6.98 feet.
The channel cross section is 1.22 ft-sq.
The wetted perimeter is 3.78 feet.
The hydraulic radius is 0.32 feet.
The slope is 0.0123
The roughness coefficient is 0.0350
The flow velocity is 2.226 ft/sec.
The rate of flow is 2.73 cfs.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): Various

Name of Claimant(s): Powers

Name of Ditch, Canal, or Stream: East ditch 200' N of Road

Date of Measurement: 3-20-96 Data Collected By: MS & RH

Measurement Location: SE 1/4 SW 1/4 Section 25 T 35 R 8E

Cross Section Data

Basis: high water mark( ) maximum capacity(✓

Note: minimum of five depth or rod readings; first and last must be equal or zero

	Upstream depth or rod reading	distance from initial point		Downstream depth or rod reading	distance from initial point
1.	0	0	7.	0	0
2.	.45	.5	8.	.45	.5
3.	.45	1.0	9.	.55	1.0
4.	.4	1.5	10.	.50 .50	1.5 2.0
5.	.35	2.0	11.	.35	2.5
6.	.35 .35 .20 0	2.5 3.0 3.5 4.0	12.	0	3.0

Slope Data

Basis: high water mark(✓ channel bottom( ) land surface( )

Level Readings:	upstream	downstream	
upper stadia	3.79	7.59	
center	2.66	6.98	
lower stadia	1.54	6.32	channel length
stadia difference	(2.25 +	1.27) x 100 =	352

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes(✓

BASIC "n" CHANNEL MATERIAL			
earth	.020	X	(1)
rock	.025		(2)
fine gravel	.024		(3)
coarse gravel	.028		(4)

CHANNEL OBSTRUCTIONS			
negligible	.000		(1)
minor	.010	X	(2)
	.015		(3)
appreciable	.020		(4)
	.030		(5)
severe	.040		(6)
	.050		(7)
	.060		(8)

SURFACE IRREGULARITY			
smooth	.000	X	(1)
minor	.005		(2)
moderate	.010		(3)
severe	.020		(4)

VEGETATION			
low	.005	X	(1)
	.010		(2)
medium	.015		(3)
	.020		(4)
	.025		(5)
high	.030		(6)
	.040		(7)
	.050		(8)
very high	.060		(9)
	.075		(10)
	.100		(11)

VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION			
gradual	.000	X	(1)
occasional	.005		(2)
frequent	.010		(3)
	.015		(4)

DEGREE OF MEANDERING			
minor	1.00	X	(1)
appreciable	1.15		(2)
severe	1.30		(3)

CROSS SECTION NUMBER 1

For File Number POWER OWEN for the EAST DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.45	0.45	0.50
3	0.45	0.45	1.00
4	0.40	0.40	1.50
5	0.35	0.35	2.00
6	0.35	0.35	2.50
7	0.35	0.35	3.00
8	0.20	0.20	3.50
9	0.00	0.00	4.00

The area for this cross section is 1.27 square feet
and the wetted perimeter is 4.24 feet.

CROSS SECTION NUMBER 2

For File Number POWER OWEN for the EAST DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.45	0.45	0.50
3	0.55	0.55	1.00
4	0.50	0.50	1.50
5	0.50	0.50	2.00
6	0.35	0.35	2.50
7	0.00	0.00	3.00

The area for this cross section is 1.17 square feet
and the wetted perimeter is 3.32 feet.

MANNING EQUATION CHANNEL CAPACITY RESULTS 03-19-1997

File Number: POWERS/BENNETT CREEK RANCH
Claimant: POWERS
Channel measured: WEST DITCH
Date of measurement: 3/27/1996
Measurement location:
ONE FOURTH MILE DOWNSTREAM FROM POD
NENW
Calculation prepared by: MEL SCHULTE
Comments about the measurement:

The results of the calculation are:
The length of the channel measured is 363 feet.
The upstream and downstream rod readings are 3.96 and 5.50 feet.
The channel cross section is 1.69 ft-sq.
The wetted perimeter is 4.27 feet.
The hydraulic radius is 0.39 feet.
The slope is 0.0042
The roughness coefficient is 0.0250
The flow velocity is 2.090 ft/sec.
The rate of flow is 3.53 cfs.

CROSS SECTION NUMBER 1

For File Number POWERS/BENNETT CREEK RANCH for the WEST DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.38	0.38	0.50
3	0.41	0.41	1.00
4	0.41	0.41	1.50
5	0.37	0.37	2.00
6	0.35	0.35	2.50
7	0.30	0.30	3.00
8	0.25	0.25	3.50
9	0.15	0.15	4.00
10	0.00	0.00	4.30

The area for this cross section is 1.30 square feet
and the wetted perimeter is 4.48 feet.

CROSS SECTION NUMBER 2

For File Number POWERS/BENNETT CREEK RANCH for the WEST DITCH

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.50	0.50	0.50
3	0.70	0.70	1.00
4	0.78	0.78	1.50
5	0.80	0.80	2.00
6	0.78	0.78	2.50
7	0.60	0.60	3.00
8	0.00	0.00	3.50

The area for this cross section is 2.08 square feet
and the wetted perimeter is 4.07 feet.

MANNING EQUATION - DATA COLLECTION

Claim Number(s): Powers

Name of Claimant(s): West ditch - ¼ mile below P1D in ditch

Name of Ditch, Canal, or Stream: flowing from West to East 3/27/96 14:20

Date of Measurement: 3-27-96 Data Collected By: Ms Rdh

Measurement Location: NE 1/4 NW 1/4 Section 12 T 45 R 8E

Cross Section Data

Basis: high water mark( ) maximum capacity(X)

Note: minimum of five depth or rod readings; first and last must be equal or zero

	Upstream depth or rod reading	Upstream distance from initial point		Downstream depth or rod reading	Downstream distance from initial point
1.	0	0	7.	0	0
	.38	.5			
2.	.41	1.0	8.	.5	.5
	.41	1.5			
3.	.37	2.0	9.	.7	1.0
	.35	2.5			
4.	.30	3.0	10.	.78	1.5
5.	.25	3.5	11.	.8	2.0
6.	.15	4.0	12.	.78	2.5
	0	4.2		.6	3.0
				0	3.5

Slope Data

Basis: high water mark(X) channel bottom( ) land surface( )

Level Readings:	upstream	downstream	
upper stadia	5.05	6.23	
center	3.96	5.50	
lower stadia	2.87	4.78	channel length
stadia difference	(2.18 +	1.45) x 100 =	363'

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes(X)

BASIC "n" CHANNEL MATERIAL			
earth	.020	X	(1)
rock	.025		(2)
fine gravel	.024		(3)
coarse gravel	.028		(4)

CHANNEL OBSTRUCTIONS			
negligible	.000	X	(1)
minor	.010		(2)
	.015		(3)
appreciable	.020		(4)
	.030		(5)
severe	.040		(6)
	.050		(7)
	.060		(8)

SURFACE IRREGULARITY			
smooth	.000	X	(1)
minor	.005		(2)
moderate	.010		(3)
severe	.020		(4)

VEGETATION			
low	.005	X	(1)
	.010		(2)
medium	.015		(3)
	.020		(4)
	.025		(5)
high	.030		(6)
	.040		(7)
	.050		(8)
very high	.060		(9)
	.075		(10)
	.100		(11)

VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION			
gradual	.000	X	(1)
occasional	.005		(2)
frequent	.010		(3)
	.015		(4)

DEGREE OF MEANDERING			
minor	1.00	X	(1)
appreciable	1.15		(2)
severe	1.30		(3)

FIELD SLOPE MEASUREMENT FORM FOR EXCESSIVE FLOW DATA

forms.slope.field

FIELD AGENT: Meldehlte \ Ron Howerton

FX DATE: 3-27-1996

CLAIM NUMBER(S): Powers \ Bennett Creek Ranch

FIELD NUMBER: _____ (Optional)

LOCATION: _____

FIELD READINGS

SLOPE DATA:

	UPHILL	DOWNHILL
UPPER STADIA		
MIDDLE (SLOPE)		
LOWER STADIA		

Stadia Difference: _____ (UPHILL) + _____ (DOWNHILL) X 100 = [ ] SLOPE LENGTH

Slope Difference: _____ (DOWNHILL) - _____ (UPHILL) = [ ] FT DIST

NOTE: The downhill reading must be higher than the uphill reading.

CALCULATIONS:

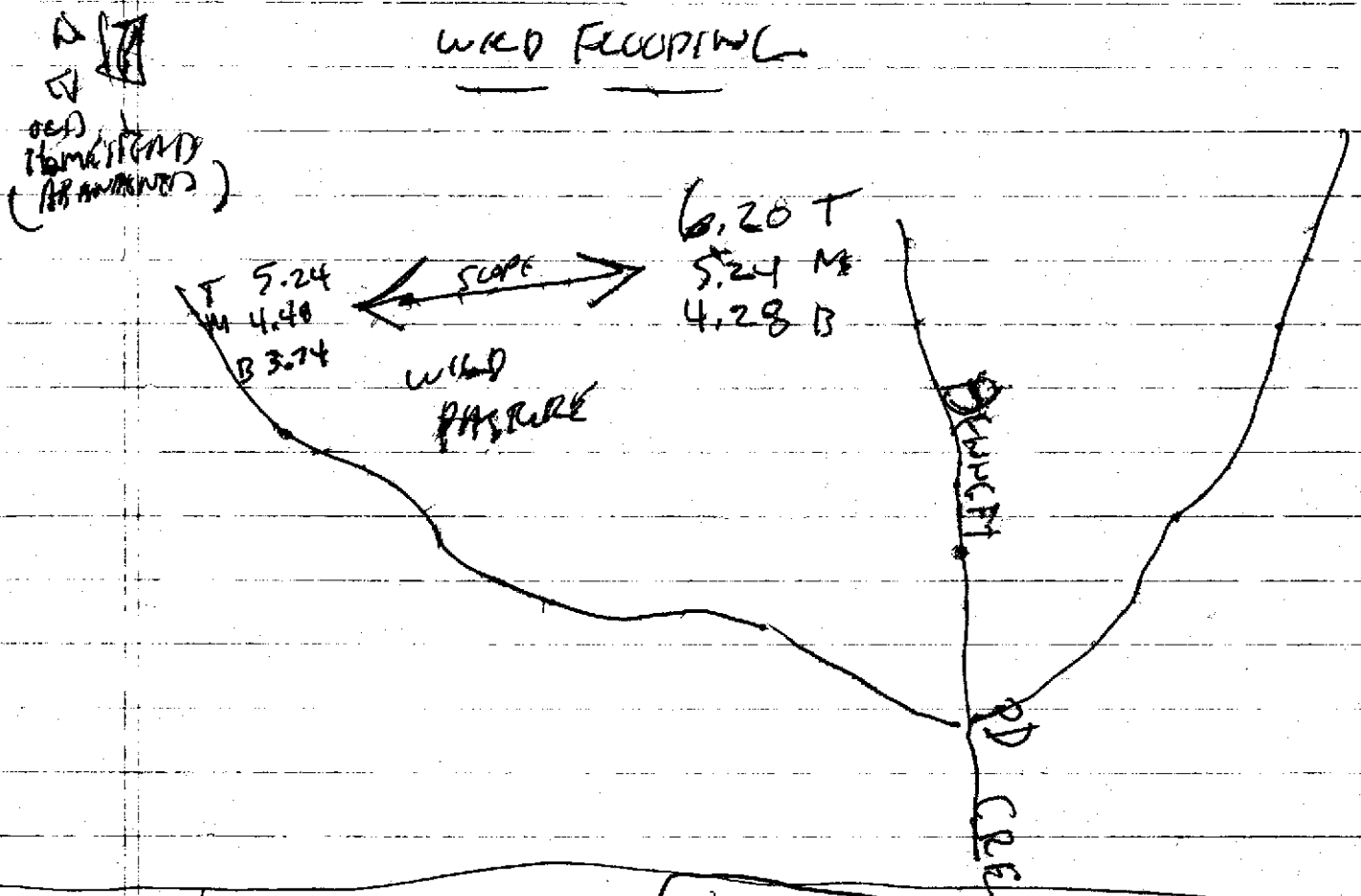
[ ] (FT DIST) / [ ] (SLOPE LENGTH) = [ ] SLOPE FT/FT

3-27-96

Jamp P.O. Box #4000
30" culvert - 6' to water

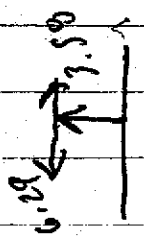
LOWER BENNETT OR P&O EAST DITCH

1) GROUND LOOKS SPRINKLED & GRAVITY WILD FLOODING



1/4 mile N of House in field #10

	upper		Lower
Top	~~5.40~~	7.37	4.41
Mid	~~5.31~~	6.29	3.58
bottom	~~4.69~~	5.20	2.76



See form

MISC. NOTES, ETC

[redacted]

Split calculations

B = 388/604 = 64.2% to Beckmans

A = 216/604 = 35.8% to Powers/McCallum/ARK

Decreed Rights	DR	CU	A DR	B DR
A61-10377	4.17 cfs.	1530AF	1.48	2.68
" -00281	2.86 "	"	1.02	1.84
-00282	1.02 "	"	.37	.65
-00358	.45 "	"	.16	.29
-00361	.70 "	"	.25	.45
-00362	1.71 "	"	.61	1.10
	10.91 cfs		3.90 cfs.	7.01 cfs.

Licensed Rights		DR	CU	DR
A61-02006	5.94 "	1530AF	2.13	3.81
-02013	I = 1.05 "	159AF	.38	.67
	S = .12 "		.04	.08
-02014	I = 5.00 "	639AF	1.79	3.21
	S = .12 "		.04	.08
	I = 11.99		I = 4.30	I = 7.69

-02208 GW I = .90 cfs (B = .02) -270AF/1.4 100% to Beckmans

"R" A61-02017 (Springs) 2.00 cfs " " "

Estimated ditch capacity at POD in S25 = 13.66 cfs

Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
03S	08E	36	NE	NW		IRR	7.0
			NW	NW		IRR	13.0
			SW	NW		IRR	16.0
			SE	NW		IRR	10.0
			NE	SW		IRR	21.0
			NW	SW		IRR	28.0
			SW	SW		IRR	39.0
			SE	SW		IRR	16.0
						Section Acres	150.0
04S	08E	1	NW	NE		IRR	10.0
			SW	NE		IRR	12.0
			NE	NW		IRR	33.0
			NW	NW		IRR	38.0
			SW	NW		IRR	40.0
			SE	NW		IRR	32.0
			NE	SW		IRR	33.0
			NW	SW		IRR	40.0
			SE	SW		IRR	19.0
			SW	SE		IRR	2.0
						Section Acres	259.0
		11	SE	SE		IRR	6.0
						Section Acres	6.0
		12	NE	NW		IRR	29.0
			NW	NW		IRR	5.0
			SW	NW		IRR	22.0
			SE	NW		IRR	25.0
			NE	SW		IRR	23.0
			NW	SW		IRR	32.0
			SW	SW		IRR	31.0
			SE	SW		IRR	15.0
						Section Acres	182.0
		13	NE	NW		IRR	5.0
			NW	NW		IRR	2.0
						Section Acres	7.0
						Total Acres	604.0

"B" = 388 ac.

"A" 216 ac.

Bennett Creek Ranch - Rights vs Claims

WR	DR	Ac	Source	AJ	DR	Ac	Source
61-00285A (D) T167	.68	Ross Home	BC	10377 (P)	4.17	480	BC
3-1-1867 00285B (D)	1.60	"	BC	Combine - 00285A+B, 00286A+B			
3-1-1867 -00286A (D) T160	1.09	Ross Pasture	BC				
-00286B (D)	.80	"	BC				
3-1-1892 -00362A (D) T160	.80	"	BC	00362 (D)	1.71	480	BC
-00362B (D)	.91	"	BC	Combine 00362 A+B			
-02006B (L)	2.34	117	BC	02006 (L)	5.94	480	BC
F28-1908 -02006C (L) T159	2.80	—	BC	Combine 02006B, C, +D			
-02006D (L) T159	.80	—	BC				
-02017 (L)	2.0	100	Spring	02017 (L)	2.0	100	Spring
-02208 (L)	.90	60	GW	02208 (L)	.90	60	GW
3-[illegible]-1892 00358 (D)	.45	Ross Home	BC	00358 (D)	.45	480	BC
3-1-1872 -00281 (D)	2.86	other tract	BC	00281 (D)	2.86	815	BC
4-1-1883 00282 (D)	1.02	Marion tract	BC	00282 (D)	1.02	815	BC
3-1-1876 00361 (D)	.70	other tract	BC	00361 (D)	.70	815	BC
5-10-1909 -02014 (L)	5.0	280	BC	02014	5.0	213	BC
3-1-1872 04111 (S)	.80	40	Spring	04111	.80	40	Spr.
3-17-1909 -02013 (L)	1.05	53	BC	02013	1.05	53	BC
5-1-1889 00300 (D)	2.5	—	GW	00300	2.5	815	GW
1-19-1961 00302 (D)	20.0	—	GW	00302	20.0	815	GW

BC deceased = 10.91 cfs
BC-licensed = 11.99 "
GW = deceased 22.5 cfs
GW-licensed .90 cfs
Springs-licensed 2.0 "
Springs-Statutory .82 "

Powers Claims P/D's

		AJ	WR
Groundwater			
45, 8E, S1,	NENWSE	-A61-00300	- ok
		-00302	- ok.
45, 10E, S10,	SESESW	- Ownership ?	
35, 8E, S36,	SESW	-A61-02208	- ok
	S27, NWNENW	- A61-10365	-DeS - None.
Bennett Creek			
45, 8E, S1,	SESW	- A61-00281	- Not specified
		-02013	- ok
		-00282	- Not specified
		-00301	- Not specified
		-02014	- ok
35, 8E, S25,	NWNW	- A61-00287	- W/O Owen - 00285B
		-00362	-00286B
		-10377	-02006B
		-00358	-02096 - BLM
		-02006	
	S36, NESW	- A61-10377	- None
Springs			
35, 8E, S25,	SWSWSE	A61-02017	- ok.
45, 8E, S12,	SWNWSW	A61-04111	- ok
	SENWSW	"	- ok
	NESWSW	"	ok.
45, 8E, S11,	SESESE	A61-10335	- None.
		DRS.	

Unnamed Streams	AJ	WR
* 35, 8E, S22, NESW	A61-10364 -10987-BLM	None
Partial ownership problem		
, SWSW	A61-10364	None

WATER ALLOCATION
FILINGS

Attachment B 12/9/96

DRAFT

Form 202
10/92

Ident. No. 61-7732

Rec - 1-14-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Franklin Jack Powers and Elizebeth M. Powers Phone 208-366-2802

   Post office address P.O. Box 1238, Glenns Ferry, ID 83623

2. Source of water supply groundwater which is a tributary of NA

3. Location of point of diversion is NE ¼ of NW ¼ of SE ¼, Govt. Lot _____

   Sec. 1 Township 4S Range 8E B.M. Elmore County; additional

   points of diversion if any: _____

4. Water will be used for the following purposes:

   Amount 3.44 (cfs ~~or acre-feet per annum~~) for irrigation purposes from 4-1 to 11-1 (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

   Amount _____ (cfs or acre-feet per annum) for _____ purposes from _____ to _____ (both dates inclusive)

5. Total quantity to be appropriated is (a) 3.44 cubic feet per second and/or (b) _____ acre feet per annum

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. existing ditches, cooling pond, pipes, and sprinklers

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.

   c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

   d. Is ground water with a temperature of greater than 85°F being sought? yes, see remarks

   e. If well is already drilled, when? 1961; Drilling firm _____; Well was drilled for *(well owner)* Worth Lee

7. Time required for the completion of the works and application of the water to be proposed beneficial use is one years *(minimum 1 year)*.

DRAFT

8. Description of proposed uses (*if irrigation only, go to item 9*):

a. Hydropower; show total feet of head and proposed capacity in KW. _____

b. Stockwatering; list number and kind of livestock. _____

c. Municipal; show name of municipality. _____

d. Domestic; show number of households. _____

e. Other; describe fully. _____

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (*example: D for Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4S	8E	1												24		15	11		50
		11																6	6
		12		38	40		29	5	22	34	36	35	40	38		40	40		397
		13		40 (39)			32	2 (20)											92
		14	4																4

Total number of acres to be irrigated 172*

*Application seeks irrigation of 172 acres within (549)-acre permissible place of use.

10. Describe any other water rights used for the same purposes as described above. includes land list for
63-00300, 63-00307, Bennett Creek, springs decreed historical rights

11. a. Who owns the property at the point of diversion? applicant

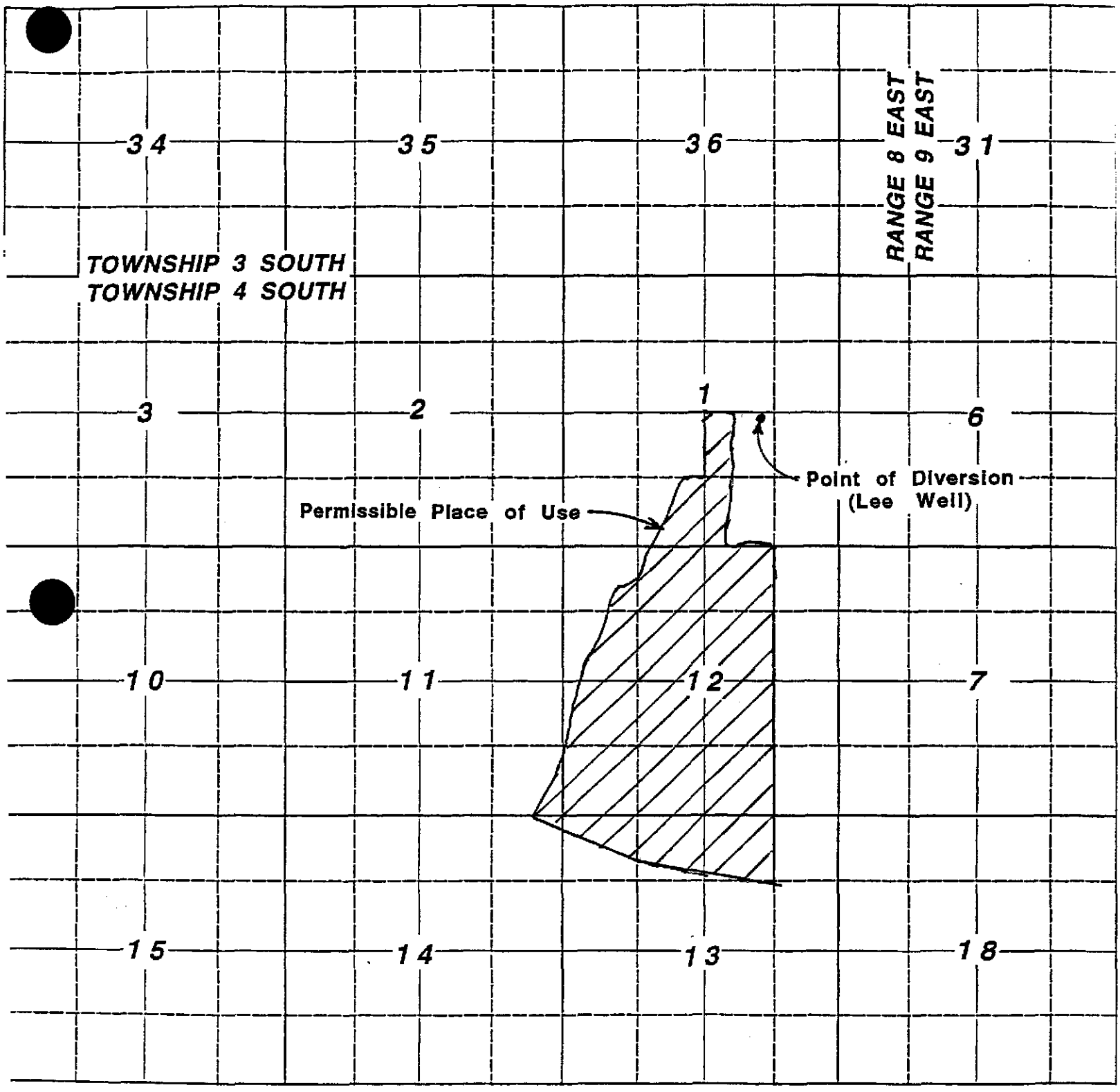
b. Who owns the land to be irrigated or place of use? applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: attached

DRAFT

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

_____

(Applicant)

Received by _____ Date _____ Time _____ Prelim. check by _____

Fee $ _____ Receipted by _____ # _____ Date _____

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 _____.

   c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

   d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

   e. Other:

DRAFT

Remarks

DRAFT

This application adds 172 acres to the area historically irrigated by artesian flow from the Lee Well (NENWSE Section 1, T4S, R8E) under water rights 61-00300 and 61-00302. These additional 172 acres were not consistently irrigated by the Lee Well prior to 1995. However, recent water savings have occurred from improved irrigation efficiency (i.e., conversion to sprinkler irrigation) allowing irrigation of more acres using the same diversion rate and volume from the Lee Well. Therefore, this application for permit does not propose any increase to the historic diversion rate or volume from the Lee Well, but simply adds additional acres to the historic place of use.

The place of use listed on the application consists of a permissible place of use totaling 549 acres. However, the application is for only 172 acres within this permissible place of use. The remaining 377 acres within the permissible place of use are irrigated under water rights 61-00300 and 61-00302.

The water from the Lee Well has a temperature in excess of 85°F, and is therefore considered a low temperature geothermal resource. This application requests an exemption from the requirement in Idaho Code 42-233 to use the heat value of the resource for the following reasons.

1. There will be no increase in the loss of heat value from the resource since the diversion volume and rate will not increase as a result of this permit.

2. There is no other economically viable source of water available for this use with a temperature of 85 degrees or less.

3. There is no feasible alternative use of the resource because existing decreed water rights prohibit use of the geothermal water from the aquifer except during the irrigation season.

4. The exemption is in the local public interest.

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANKLIN JACK POWERS	08/23/1966	IRRIGATION	04-01	11-01	0.90 CFS	270.00 AFA
C	ELIZABETH M POWERS		DOMESTIC	01-01	12-31	0.02 CFS	1.40 AFA
	PO BOX 1238						
	GLENNS FERRY ID 83623			TOTAL DIVERSION:		0.90 CFS	271.40 AFA
	(208) 366-2802			CONSUMPTIVE USE:			180.00 AFA

Water Source: GROUNDWATER Tributary to: Stage: LICENSE

Point(s) of Diversion: T03S R08E S36 SESW ELMORE County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
04S 08E 1		10	10		20 35			10 20	35								60.0
03S 08E 36												10					
															TOTAL ACRES		60.0

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: ELMORE

Non-Irrigation Uses: DOMESTIC USE FOR 1 HOME.

Other Rights: CLAIM NO.'S A61-00286, 02006.

Remarks: GEN CHANGE OF OWNERSHIP 7/28/95 MTS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

12/9/96 Attachment C

DRAFT

DRAFT

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Franklin Jack Powers and Elizebeth M. Powers Phone 208-366-2802

Post Office address P.O. Box 1238, Glenns Ferry, ID 83623

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes (1) Exchange 125 inches of 2nd priority (61-00301) and 3rd priority (61-00302) water rights, per real estate sales agreement for the Gill Ranch, (2) clarify historical permissible place of use for the water rights, (3) change the point of diversion from the Walker Well to the Lee Well for the 125 inches of 2nd priority water right, and (4) change the point of diversion from the Lee Well to the Walker and 2-Plus Wells for the 125 inches of 2nd priority water right.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use		
61-00301 B	6-10-1955	2.50 cfs	irrigation	4-1	to	11-1
61-00302A	1-19-1961	17.50 cfs	irrigation	4-1	to	11-1
					to	
					to	

2. Total amount of water being transferred 20.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
NA	NE	NW	SE	1	4S	8E	Elmore	Lee Well

5. Lands irrigated or place of use: Should be PPU description

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	8E	1												24		15	11		50
		11																6	6
		12		38	40		29	5	22	34	36	35	40	38		40	40		397
		13		40			32	20											92
		14	4																4

*377-acre irrigated area within (549)-acre permissible place of use

Total acres 377*

assumes approval of permit

Form 1-222
12-92

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

DRAFT

Name of applicant William H. McGrew and Helen B. McGrew Phone _____

Post Office address P.O. Box 965, Glenns Ferry, ID 83623

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes (1) Exchange 125 inches of 2nd priority (61-00301) and 3rd priority (61-00302) water rights, per real estate sales agreement for the Gill Ranch, (2) clarify historical permissible place of use for the water rights, (3) change the point of diversion from the Walker Well to the Lee Well for the 125 inches of 2nd priority water right, and (4) change the point of diversion from the Lee Well to the Walker and 2-Plus Wells for the 125 inches of 2nd priority water right.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
61-00301A	6-10-1955	3.90 cfs	irrigation	4-1	to 11-1
61-00302B	1-19-1961	2.50 cfs	irrigation	4-1	to 11-1
					to
					to

2. Total amount of water being transferred 6.40 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		~~NW~~	~~NE~~	~~8~~	~~4S~~	~~9E~~	~~Elmore~~	~~Walker Well (61-00301A & 302B)~~
		~~SW~~	~~SW~~	~~10~~ 9	4S	9E	Elmore	2-Plus Well (61-00302B)
	SE	SE	SE					

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4S	9E	15							6										6
		16	19	12	10	28	1				6				3				79
		29	32			40									28	33	28		161

Total acres 246

Transfer No. _____

PART 1

DRAFT

6. General Information:

a. Description of diversion system three artesian geothermal wells, cooling ponds, pipes, ditches, and sprinklers

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

none

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 ____.

_____

TRANS NO.

PART 2

DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-00301

STAGE: DECREED

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	to	6.40 CFS

SOURCE

GROUNDWATER

Priority: 06/10/1955

LOCATION OF POINT(S) OF DIVERSION: NWNE , Sec. 8, Township 04S, Range 09E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04S	09E	8	NWNE		SWNE		NESW		
			NWSW		SWSW		SESW		
			NWSE		SWSE				
		9	SWSW						
		10	SWSW		SESW		SWSE		
		15	NWNW		SWNW				
		16	NENE		SENE		NWSE		
		17	NENE		NWNE		NENW		
			NWNW						
		29	NENE		SENE		NESE		
			NWSE		SWSE				

CONDITIONS/REMARKS:

1. PROTESTANT - TOM GILL
   PARTIES AGREED TO RUN TESTS ON WELL INTERFERENCE AND PROVIDE US WITH DATA.

PART 2

DRAFT

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

no If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.50 cfs for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	8	4S	9E	Elmore	Walker Well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount 3.90 cfs for irrigation purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NE	8	4S	9E	Elmore	Walker Well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

TRANS NO.

PART 2

DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 61-00302

STAGE: DECREED

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE
IRRIGATION	to	20.00 CFS

SOURCE

GROUNDWATER

Priority: 01/19/1961

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 1, Township 04S, Range 08E
ELMORE County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04S	08E	1	SESW		NWSE		SWSE		
		11	SESE						
		12	NENE		NWNE		SWNE		
			SENE		NENW		NWNW		
			SWNW		SENW				
		13	NWNE		SWNE		NENW		
			NWNW		SENW		NESW		
			NWSE						
		14	NENE						

CONDITIONS/REMARKS:

PART 2

Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
no If yes, describe _____

DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.50 cfs (cfs/ac-ft) for irrigation purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	1	4S	8E	Elmore	Lee Well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)*

1. amount 17.50 cfs (cfs/ac-ft) for irrigation purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	SE	1	4S	8E	Elmore	Lee Well

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

Transfer No. _____

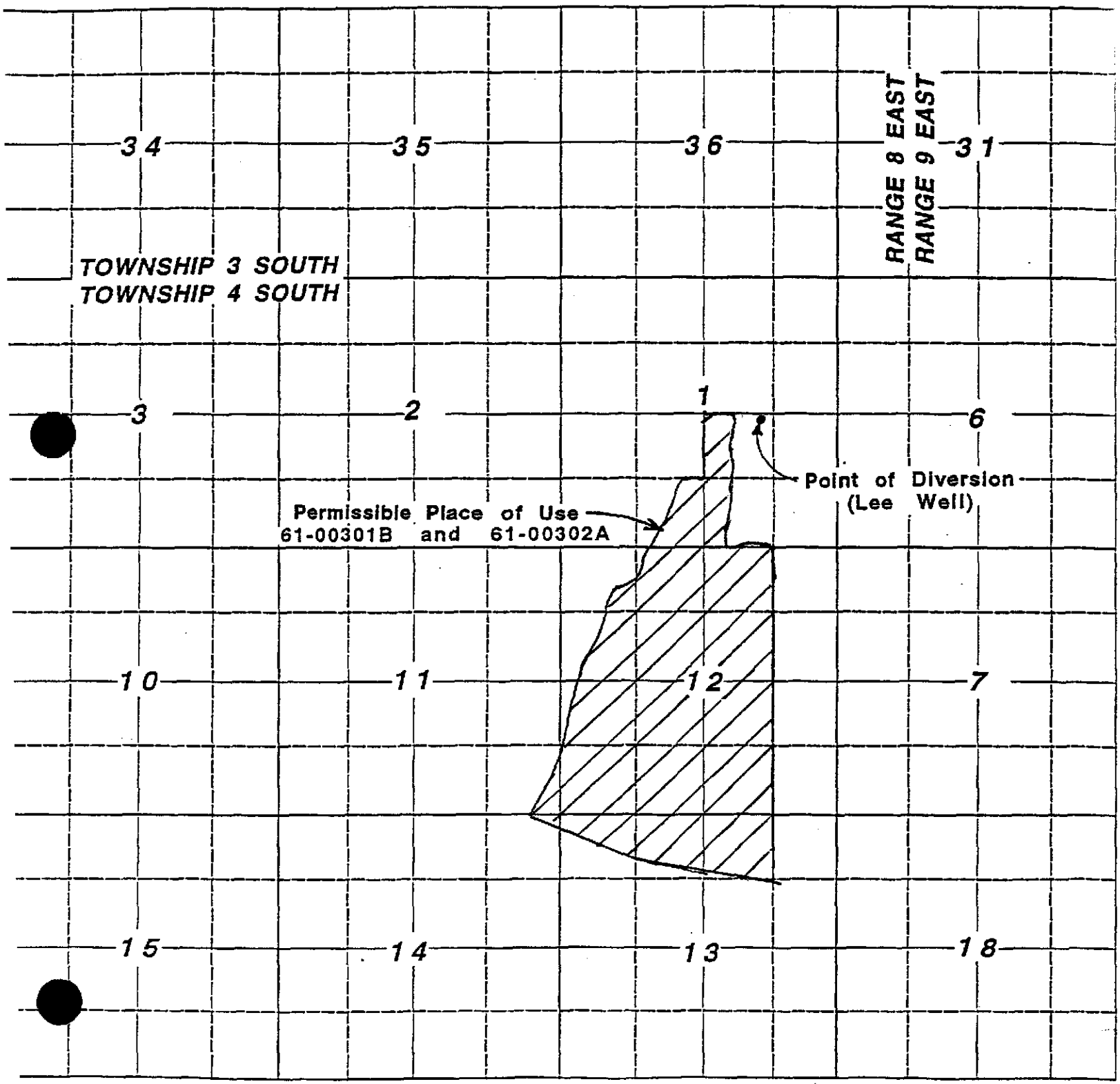
DRAFT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. _____

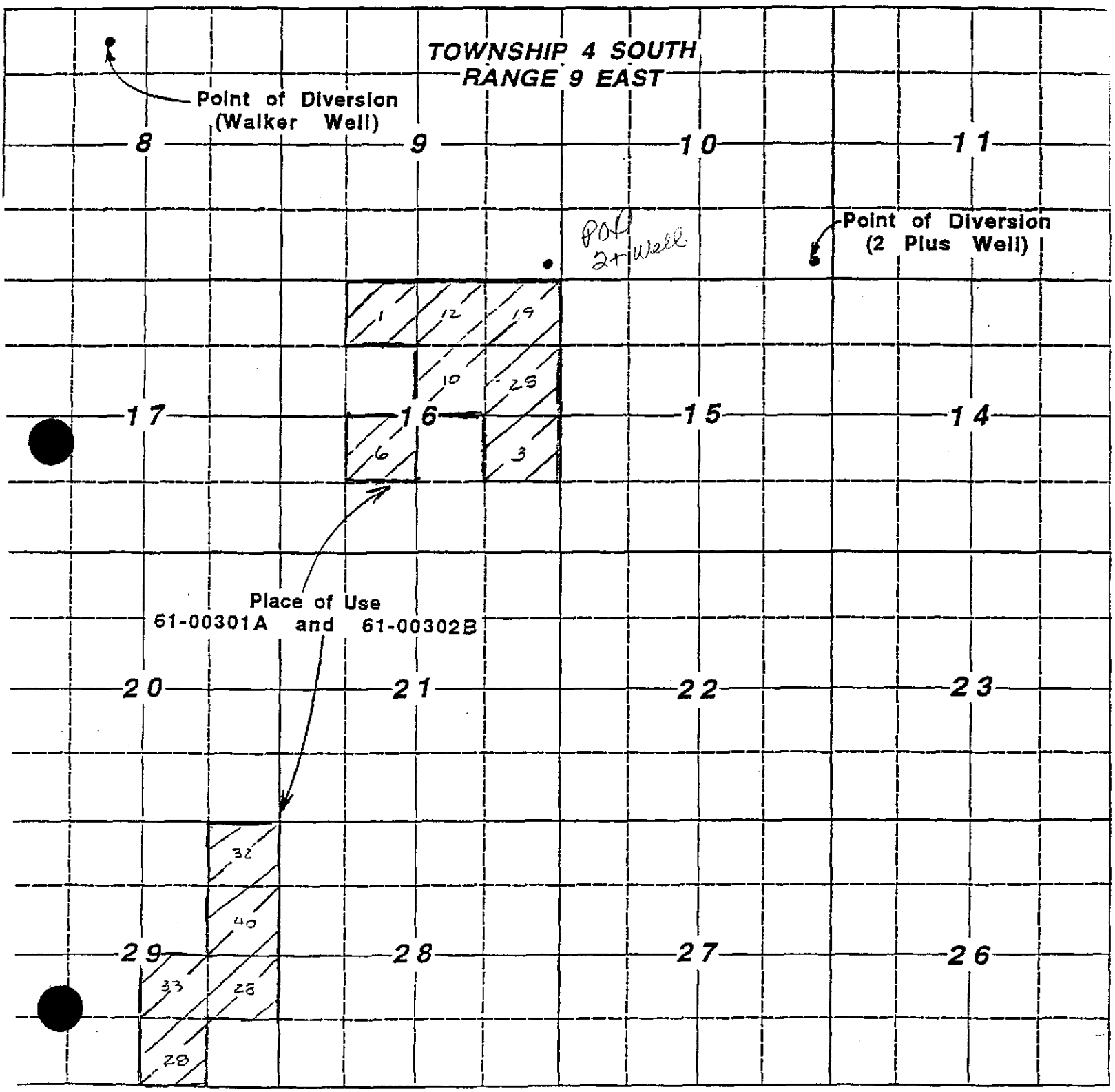
DRAFT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Transfer No. _____

PART 3

DRAFT

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge:
no change

3. Describe effects on other water uses resulting from the proposed change:
none

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

_____
(Signature of Applicant)

Subscribed and sworn to before me this _____ day of _____, 19____.

_____
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____ _____

Receipted by _____ Date _____ _____

Published in _____ Copies of protest forwarded by _____

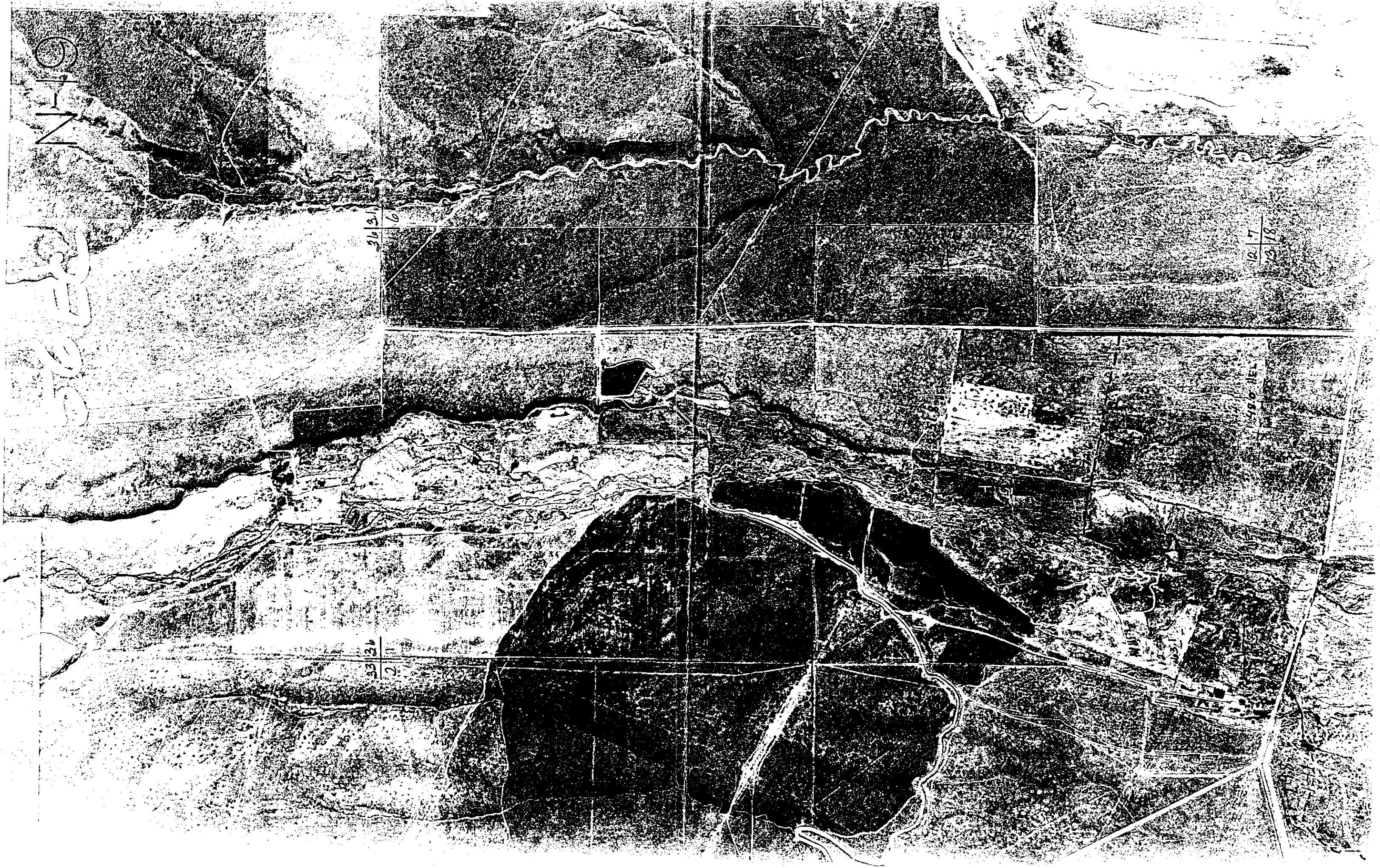
Pub. dates _____ Hearing held by _____ Date _____

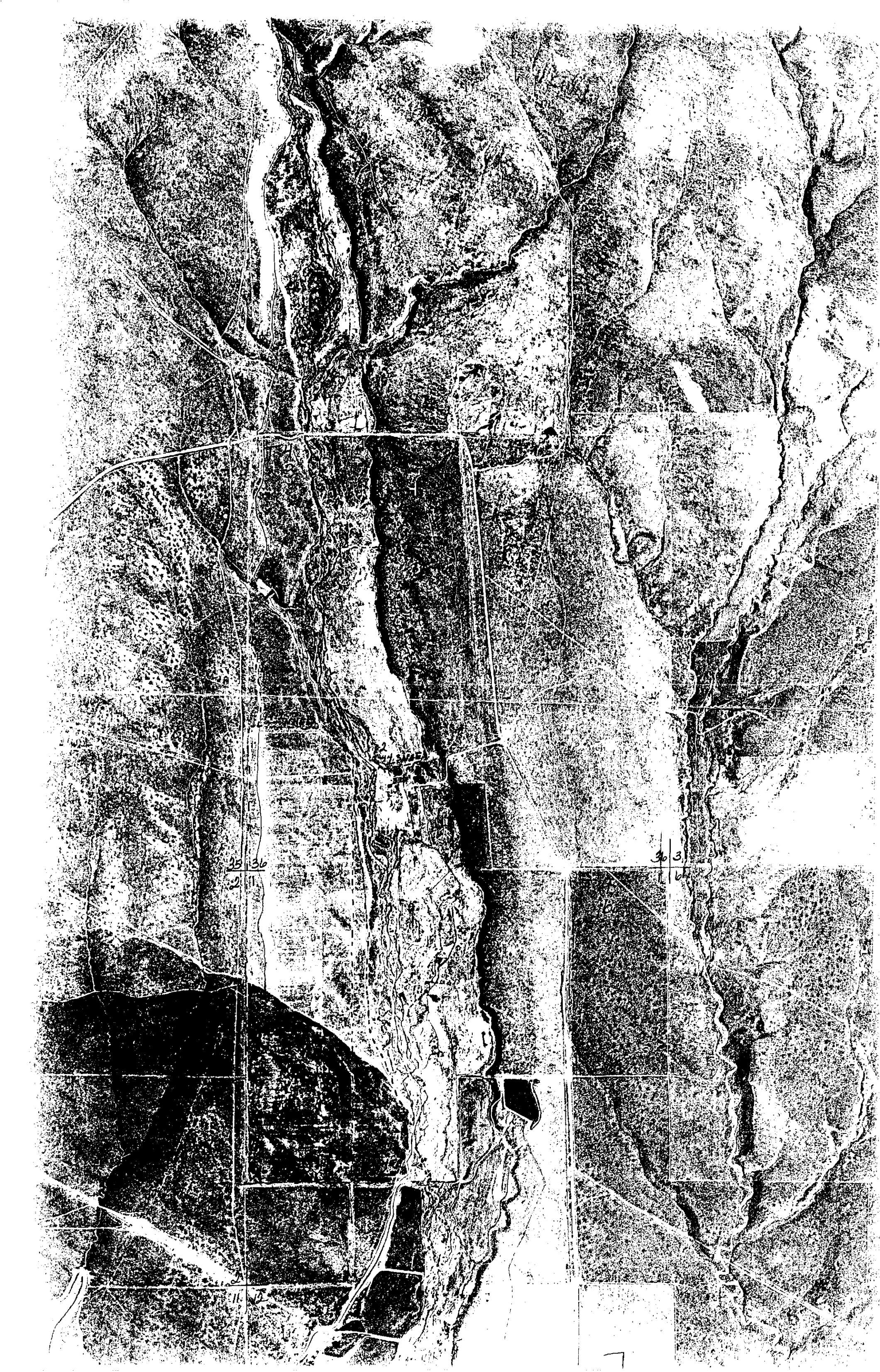
Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

26 25
35 36
A6
T4
OUT
19.9
1977
B
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OUT
C
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D
112.5
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J1
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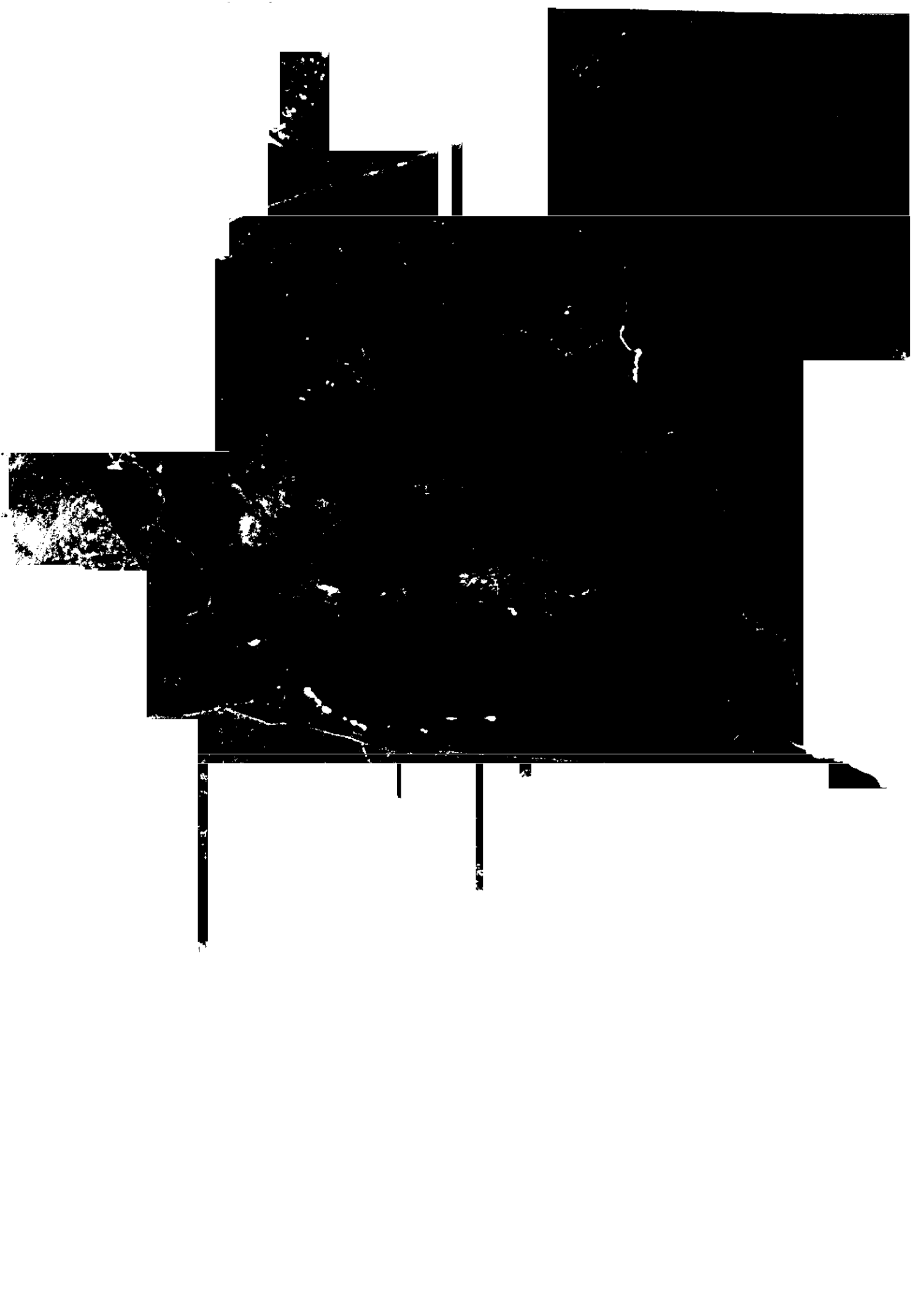

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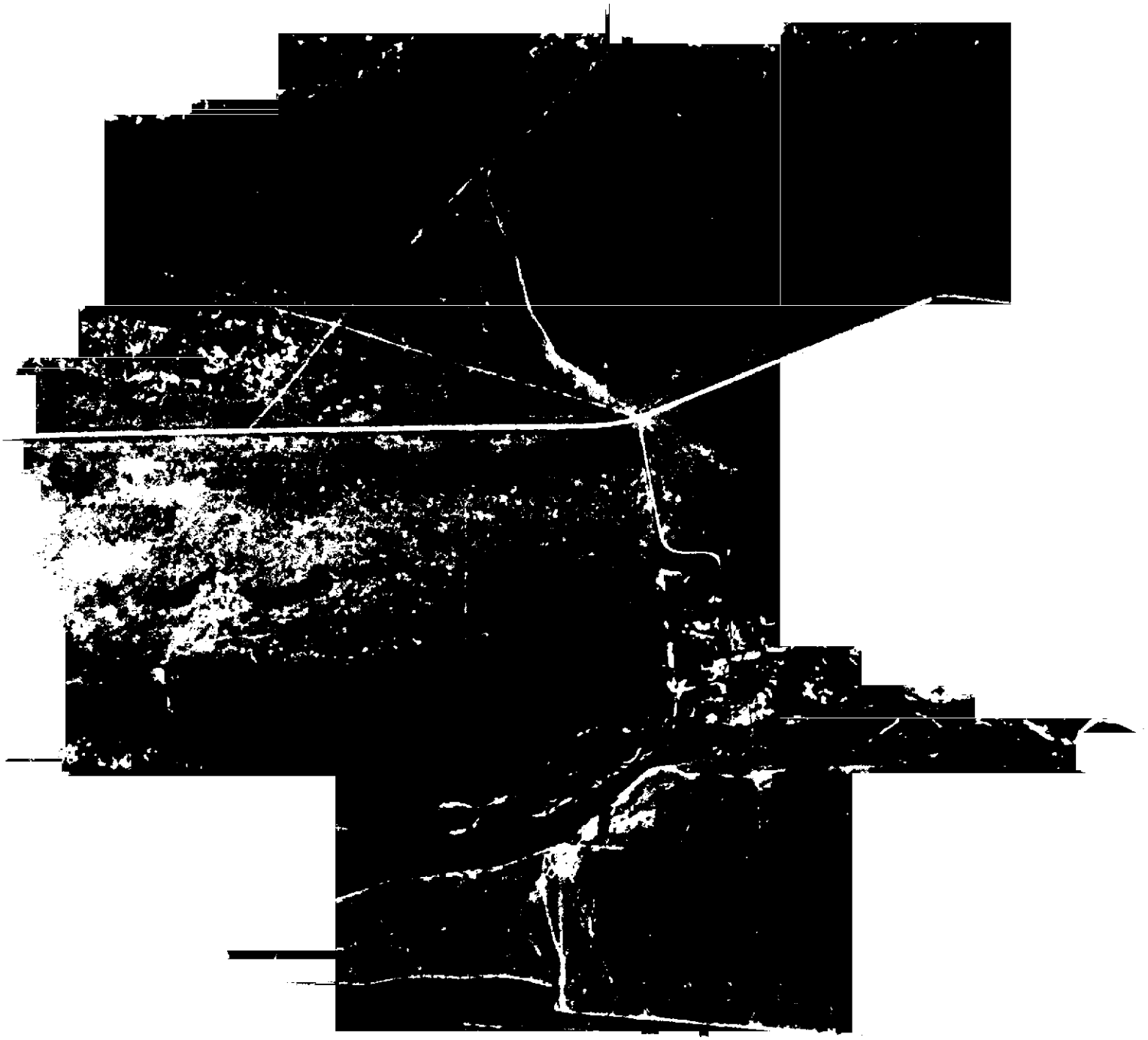



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1987

Originals









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