

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 43-115
Date Received: 4/4/89
Receipt No:
Received By:

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

1. Name of Claimant(s)

Name: ROBIN K CARPENTER Phone: (208) 645-2418
Address: HC 61 BOX 1210
MALTA ID USA 83342

Name: TODD CARPENTER Phone: (208) 645-2418
Address: HC 61 BOX 1210
MALTA ID USA 83342

2. Date of Priority: 04/01/1894

3. Source: CASSIA CREEK Trib. to: Raft River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13S	26E	21	NE NE SE	CASSIA
13S	26E	21	NE SE NE	CASSIA

5. Description of diverting works:

TWO HEADGATES TO EARTHEN DITCHES & BOOSTER PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION	3/15 11/15	1.1	

7. Total Quantity Appropriated is:
1.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	26E	22	NE NW	IRRIGATION	25
			NW NW	IRRIGATION	28
			SW NW	IRRIGATION	38
			SE NW	IRRIGATION	39
				Section Acres	130
				Total Acres	130

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

CASSIA CREEK SPLITS WITHIN THE NENWSE S.21 T.13S, R26E. THIS RIGHT IS DIVERTED OUT OF BOTH THE NORTHERN & MIDDLE STREAMS OF CASSIA CREEK

The ownership was changed based upon a change of ownership and warranty deed. For 43-00112, the warranty deed identified 11 acres remaining with Tracy and the balance going to Carpenter. The change of ownership specified that 11 miners inches remained with the Tracy property. kkc 8-11-2000

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

August 14, 2000

TODD CARPENTER
HC 61 BOX 1210
MALTA ID 83342

RE: CHANGE OF OWNERSHIP FOR 43-00113, 43-00114, AND 43-00115 AND CHANGE OF OWNERSHIP AND SPLIT OF 43-00112 INTO 43-11239 AND 43-11240.

Dear Todd

Enclosed is your copy of 43-11240 and the change of ownership form. This right represents your portion of 43-00112 that was split according to the information supplied on the change of ownership form. Also enclosed are the remaining rights showing the change of ownership.

Please review the enclosed claims to ensure that they represent your intentions.

If you have any questions, please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agt

Enclosures



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

DATE OF CLOSING: ~~July 27, 1993~~ September 3, 1993

SEP 28 1993

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Department of Water Resources

Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM _____ Southern Region Office

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See attached Exhibit "A" for legal description

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- [] Water Right Number(s)

Assigned by IDWR: A43-00112, A43-00113, A43-00114 & A43-00115

- [] Name and Address of Former Owner/Claimant(s)(Seller):

Bryce and Sharon TracyHC 71 Box 1248Malta, Idaho 83342

- [] New Owner/Claimant (Purchaser):

Todd A. and Robin K. Carpenter

- [] New Mailing Address:

HC 61 Box 1210Malta, Idaho 83342

- [] New Telephone Number:

(208) 645 - 2418

- [] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

134 miners inches being transferred to Todd A. Carpenter and Robin K.Carpenter and 11 miners inches being retained by Bryce Tracy andSharon Tracy, from Claim No. A43-00112.

- [] Attach proof of ownership, describe proof attached:

recorded Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s)

Todd A. Carpenter
Robin K. Carpenter
Date 9-3-93Date 9-3-93

- [] Signature of Former Owner/Claimant(s)

Bryce Tracy
Sharon Tracy
Date 9-3-93Date 9-3-93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9-27-93 By: TC

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

226469

WARRANTY DEED

For Value Received

BRYCE TRACY and SHARON TRACY, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
 TODD A. CARPENTER and ROBIN K. CARPENTER, husband and wife
 ADDRESS: HC 61 Box 1210
 Malta, Idaho 83342

Hereinafter called the Grantee, the following described premises situated in CASSIA County, Idaho,
 to-wit:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

TOGETHER WITH all water and water rights, ditches and ditch rights
 used thereon or appurtenant thereto including but not limited to
 Idaho Department of Water Resources Adjudication Claim No. A43-00112,
 A43-00113, A43-00114 and A43-00115, PROVIDED HOWEVER, reserving unto
 the Grantors 11 miners inches of water rights from Claim #A43-00112.

1.22cfs

SUBJECT TO A Covenant that no dairy barns, corrals, holding pens ^{TC}
 or other livestock facilities may be located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ ^{RC}
 of the above described premises; which shall be a covenant running
with the land.

ALSO SUBJECT TO:

SEE ATTACHED EXHIBIT "B"

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee
 and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to
 and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are
 free from all incumbrances except as above described and that Grantor will warrant and defend the
 same from all lawful claims whatsoever.

Dated: September 3, 1993

Bryce Tracy
 Bryce Tracy

Sharon Tracy
 Sharon Tracy

STATE OF IDAHO, COUNTY OF CASSIA

On this 3rd day of Sept. , 1993
 before me, a notary public in and for said State, per-
 sonally appeared

Bryce Tracy and
 Sharon Tracy

known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged
 to me that they ^{LARRY ROBERTS}
 executed the same.
 STATE OF IDAHO

Residing at
 Commission expires:

Burley

6-30-97

Idaho.

RECEIVED

SEP 28 1993

Department of Water Resources
 Southern Region Office

EXHIBIT "A"

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: NW $\frac{1}{4}$, EXCEPTING the following described parcel:

Beginning at the North quarter section corner of
said Section 22, said corner marked by a 5/8"
rebar which shall be the Point of Beginning;
Thence South 00°05'42" East along the East line of
the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 580.47 feet to a
point;
Thence South 74°20'08" West for a distance of 17.40
feet to a $\frac{1}{2}$ " rebar;
Thence South 74°20'08" West for a distance of 427.32
feet to a $\frac{1}{2}$ " rebar;
Thence South 66°32'34" West for a distance of 281.57
feet to a $\frac{1}{2}$ " rebar;
Thence North 00°29'19" East for a distance of 520.49
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 298.19
feet to a $\frac{1}{2}$ " rebar;
Thence North 21°24'26" West for a distance of 19.35
feet to a point on section line;
Thence South 89°45'00" East along section line for
a distance of 797.01 feet to the Point of
Beginning.

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region (P.O.)

EXHIBIT "A"

PARCEL NO. 1:

TOWNSHIP 13 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 25: ALL, EXCEPTING Tax No. 841, more particularly
described as follows:

Beginning at Corner No. 1 from which corner common
to Sections 25 and 36 in Township 13 South, Range
24 East, Boise Meridian and Sections 30 and 31 in
Township 13 South, Range 25 East, Boise Meridian,
bears South 0°12' East 29.14 chains;
Thence North 83°51' West, 54.46 chains to Corner No.
2;
Thence North 46°42' West 17.64 chains to Corner No.
3;
Thence North 16°38' West 23.53 chains to Corner No.
4;
Thence North 84°55' East 11.72 chains to Corner No.
5;
Thence South 54°27' East 36.86 chains to Corner No.
6;
Thence North 81°14' East 26.05 chains to Corner No.
7;
Thence South 47°49' East 8.42 chains to Corner No.
8;
Thence South 0°12' East 18.42 chains to Corner No.
1, the Point of Beginning.

Section 26: SE $\frac{1}{4}$ SE $\frac{1}{4}$

PARCEL NO. 2:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 22: NW $\frac{1}{4}$, EXCEPTING the following described parcel:

Beginning at the North quarter section corner of
said Section 22, said corner marked by a 5/8"
rebar which shall be the Point of Beginning;
Thence South 00°05'42" East along the East line of
the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 580.47 feet to a
point;
Thence South 74°20'08" West for a distance of 17.40
feet to a $\frac{1}{4}$ " rebar;
Thence South 74°20'08" West for a distance of 427.32
feet to a $\frac{1}{4}$ " rebar;
Thence South 66°32'34" West for a distance of 281.57
feet to a $\frac{1}{4}$ " rebar;
Thence North 00°29'19" East for a distance of 520.49
feet to a $\frac{1}{4}$ " rebar;
Thence North 21°24'26" West for a distance of 298.19
feet to a $\frac{1}{4}$ " rebar;
Thence North 21°24'26" West for a distance of 19.35
feet to a point on section line;
Thence South 89°45'00" East along section line for
a distance of 797.01 feet to the Point of
Beginning.

RECEIVED

SEP 22 1993

Department of Water Resources
Southwest Region Office

EXHIBIT "B"

All reservations in Patents or Deeds in the chain of title.

Taxes for 1993 and subsequent years.

Agreement between Charles S. Gamble, Sr. and Mrs. Sarah A. Gamble, husband and wife, parties of the first part, and Gustaf Shallman and Hilda M. Shallman, husband and wife, parties of the second part, dated January 15, 1915, and recorded February 2, 1916, as Instrument No. 22348, in Book 2 of Bills of Sale and Agreements on Page 36, records of Cassia County, Idaho, wherein the parties of the first part granted a right-of-way for a certain irrigation ditch through and across the lands owned by said parties of the first part in Section 22, Township 13 South, Range 26 East of the Boise Meridian.

Right of Way Deed from Charles S. Gamble Jr. and Chrissy Gamble, his wife, parties of the first part, to Cooley P. Charles, party of the second part, dated January 19, 1920, and recorded January 21, 1920, as Instrument No. 45745 in Book 28 of Deeds on Page 399, records of Cassia County, Idaho, conveying a right-of-way for irrigation purposes across the NW $\frac{1}{4}$ of Section 22, Township 13 South, Range 25 East of the Boise Meridian, and containing the following clause: "That this deed being for a right of way shall be permanent only for the purposes specified and when if ever, abandoned for such purposes shall become null and void and the said lands and all rights to the same shall revert back in their entirety to the said parties of the first part and to their heirs and assigns."

A Real Estate Mortgage for Idaho to secure payment of a note for \$35,500.00, and any other amounts as therein provided, together with interest and any other obligations thereby:

Recorded: February 22, 1973 as Instrument No. 68198 on Film No. 80, records of Cassia County, Idaho.
Dated: February 22, 1973
Mortgagor: Bryce K. Tracy and Sharon K. Tracy, husband and wife
Mortgagee: United States of America, acting through the Farmers Home Administration, United States Department of Agriculture

Agreement for Purchase of Power between the Raft River Rural Electric Cooperative, Inc., as Seller, and Bryce Tracy and Sharon P. Tracy, as Consumer, dated April 4, 1978 and recorded December 13, 1978 as Instrument No. 112840 on Film No. 122, records of Cassia County, Idaho, covering the NW $\frac{1}{4}$ of Section 22, Township 13 South, Range 26 East of the Boise Meridian.

RECEIVED

SEP 28 1993

Department of Water Resources
Southern Region Office

LAND TITLE & ESCHOW

FEE 9.00 DEPUTY CM

CASSIA COUNTY, IDAHO
FRANK B. JENNINS
RECORDER

1993 SEP - 3 P 4: 41

RECORDED AT THE REQUEST OF
LAND TITLE & ESCHOW
FILM 248

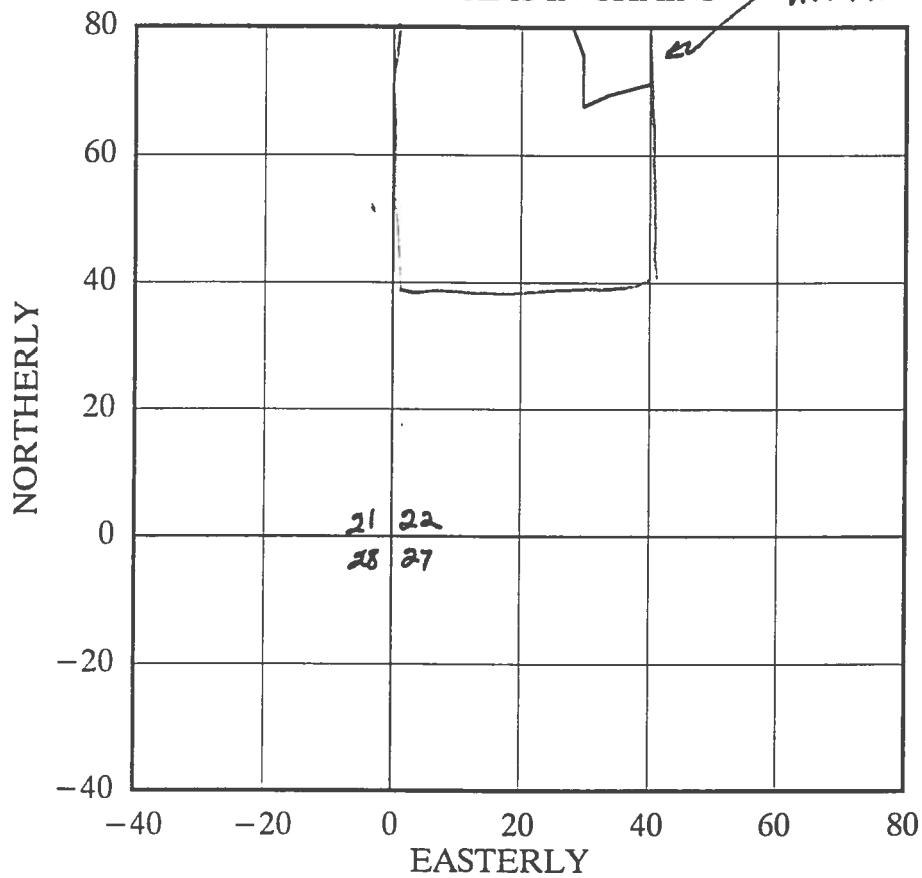
226469

T₁S - 13S R₁g - 26E S₁c - 22

PARCEL PLOT - METES & BOUNDS

DISTANCE IS IN CHAINS

11.14 ACRES



Metes & Bounds plot from Exhibit A Parcel 2
of Warranty deed 226469

MEETS AND BOUNDS TABLE

	X-COR	Y-COR	ANGLE		BEARING	DIST (FT)	CUM ACRES
	DEGREES MINUTES SECONDS						
BEGIN POINT COR.	40.00	80.00					-0.01
(SEE SHEET)	40.01	71.21	0.00	5.00	42.00 SE	580.47	-0.01
	39.76	71.13	74.00	20.00	8.00 SW	17.40	0.58
	33.53	69.39	74.00	20.00	8.00 SW	427.32	2.01
	29.61	67.69	66.00	32.00	34.00 SW	281.57	-6.15
-QUAD COEF-	29.68	75.57	0.00	29.00	19.00 NE	520.49	-10.84
IF NE, X=1,Y=1	28.03	79.78	21.00	24.00	26.00 NW	298.19	-11.17
IF SE, X=1,Y=-1	27.92	80.05	21.00	24.00	26.00 NW	19.35	-11.14
IF SW, X=-1,Y=-1	40.00	80.00	89.00	45.00	0.00 SE	797.01	-11.14

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: A43-00115
Date Received: 4/04/1989
Receipt No: 5006770
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRYCE TRACY 208-645-2584
Address: H.C. 71 BOX 1248
MALTA, ID 83342

AND/OR
Name: SHARON TRACY 208-645-2584
Address: H.C. 71 BOX 1248
MALTA, ID 83342

2. Date of Priority: APR 01, 1894

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	26E	21	NE	SE	NE		CASSIA
			NE	NE	SE		CASSIA

5. Description of diverting works:
TWO HEADGATES TO EARTHEN DITCHES & BOOSTER PUMP TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.100		

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

8. Total consumptive use is 423.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-00115

Page 1

Date: 04/04/89

MICROFILMED
MAR 02 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	22	NE	NW		IRR	36.0
			NW	NW		IRR	28.0
			SW	NW		IRR	38.0
			SE	NW		IRR	39.0
						Section Acres	141.0
						Total Acres	141.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-00112 THRU A43-00115

14. Remarks:
CASSIA CREEK SPLITS WITHIN THE NENWSE S.21 T.13S, R26E. THIS
RIGHT IS DIVERTED OUT OF BOTH THE NORTHERN & MIDDLE STREAMS OF
CASSIA CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ALBION-IDAHO LAND CO.
Decree Plaintiff

vs

JOBE ADAMS ET AL
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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: See M2P
A43-00112

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): Bryce L. Gray Date: 4-4-89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 4th day
of April 19 89
Al D. Mervin
Notary Public

Seal

Residing at Kimberly, ID.
My Commission Expires 6/30/94

09/11/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-115

NAME AND ADDRESS: ROBIN K CARPENTER
TODD CARPENTER
HC 61 BOX 1210
MALTA, ID 83342

VERIFIED BY KKC
9-12-00

SOURCE: CASSIA CREEK TRIBUTARY: Raft River

QUANTITY: 1.1 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.13 CFS. COMBINED RIGHT NOS: 43-113, 43-114, 43-115, AND 43-11240.

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T13S R26E S21 SWSENE Within CASSIA County
T13S R26E S21 NENESE Within CASSIA County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	1.10 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S22	NENW	24	T13S R26E S22 NWNW 5.4
T13S R26E S22	SENW	40	T13S R26E S22 SWNW 37
106.4 ACRES TOTAL			

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 106.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-113, 43-11240, 43-114, AND 43-115.

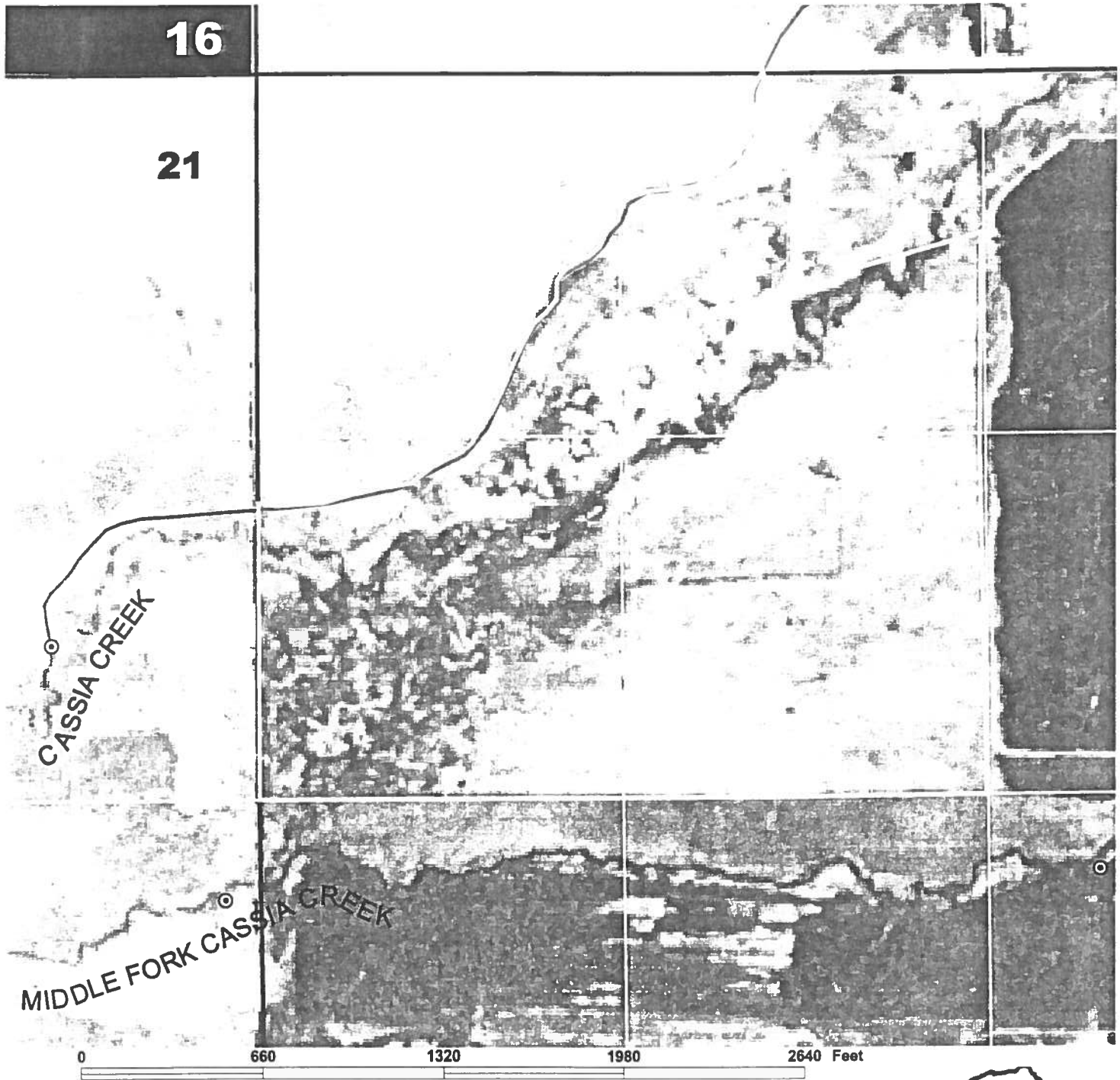
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

FOR THE POINT OF DIVERSION IN T-13S, R-26E, SEC 21 NENESE, THE SOURCE IS ALSO KNOWN AS THE MIDDLE FORK OF CASSIA CREEK.
FOR THE POINT OF DIVERSION IN T-13S, R-26E, SEC 21 SWSENE, THE SOURCE IS ALSO KNOWN AS THE NORTH FORK OF CASSIA CREEK.

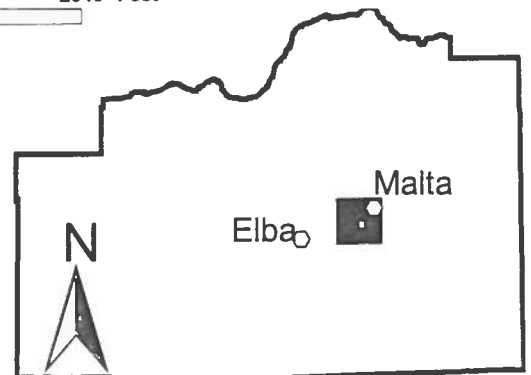
**RECOMMENDED PLACE OF USE FOR
43-113, 43-114, 43-115, and 43-11240**



PLACE OF USE
TWP 13S, RNG 26E, SEC 22
Data entry on Sept 8, 2000

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

- ⊙ RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES



CLAIM NUMBER 43-113 43-11240 DATE 9-11-00 TRANSFER NUMBER _____
 -114 AGENT KKC CLAIMED ACRE TOTAL 130
 -115 GIS ACRE TOTAL 106.4

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	<u>13S</u>	<u>26E</u>	<u>22</u>					<u>25</u>	<u>28</u>	<u>38</u>	<u>39</u>									<u>130</u>
GIS			<u>22</u>					<u>24.2</u>	<u>5.4</u>	<u>36.9</u>	<u>39.8</u>									
RECOM								<u>24</u>	<u>5.4</u>	<u>37</u>	<u>40</u>									<u>106.4</u>
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP _____

SHAPE NOS. _____

B43-POD.SHP _____

NOS. DESCRIPTION _____

Sec 21

SW56NE6

Sec 21

NE56NE6

DBF TABLES UPDATED _____

B43-DBPOU.DBF _____

B43-DBPOD.DBF _____

JPEG LAYOUT 43-00113 Tcarpenter.

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 9-8-2000

File: 43-113 T CARPENTER

Prepared by Kelly K Christensen

SYSTEM ANALYSIS FOR 43-113, 43-114, 43-115, AND 43-11240.

All four rights are from the same system from Cassia Creek and irrigate the same place of use of 106.4 acres. They vary on priority date and diversion rate. 43-11240 was originally part of 43-00112, which was split through a change of ownership. The other portion of 43-112 is being recommended as 43-11239 with Tracy as the current owner. 43-112 was decreed at 0.90 cfs. The change of ownership identified 0.22 cfs remaining with Tracy and the balance of 0.68 going to Todd.

The system and a portion of the P/U have been changed after 1987. A transfer is pending at this time. This recommendation reflects the system as it existed in 1987.

Cassia Creek splits into 3 separate channels in TWP 13S, RNG 26E, SEC 21 NWSE. The northern channel runs diagonally toward the southeast corner of Malta. The Middle fork runs easterly for approximately 2 miles and then turns northeasterly and crosses highway 81 at the Hudspeth Cutoff Historical marker which is located near the NW corner of the NENW of sec 24, TWP 13S, RNG 26E. The third channel identified as the South Fork of Cassia Creek also runs easterly for about 2½ miles to sec 24 where it eventually disappears.

There were 2 points of diversion from Cassia Creek, one from the northern most channel and the second from the middle channel. Both diverted into earth ditches and were delivered to the place of use for flood irrigation. The Middle channel diversion has not been used for a number of years based upon the condition and vegetation growth in and around the ditch and diverting works. I am, however recommending the point of diversion at this time.

Virtually all of the place of use from the northern ditch south to the southern border of the place of use appears to have always been irrigated and my recommendation reflects this. There may be or have been areas of riparian ground around either fork of Cassia Creek that was not directly irrigated, but I considered them to be insignificant and have ignored any of those areas. Currently there is a center pivot delivering water to a majority of the place of use. This pivot is tied into the irrigation system of Alvin Carpenter (his father) and utilizes points of diversion from Cassia Creek on Alvin's property as well as ground water from Alvin's groundwater rights. This use, again, occurred after 1987 and is being addressed by allocations.

I found 106.4 irrigated acres under Todd's ownership that I am recommending. At one inch per acre I am recommending a combined right limitation of 2.13 cfs ($106.4 * 0.02$). Each right individually does not exceed an inch to the acre for the found place of use. No other rights have been perfected for this property.

*Photos & field notes in 43-113 also some info
in 43-140*

Kelly K. Christensen
KELLY K CHRISTENSEN
SR WATER RESOURCE AGENT
DATE: 9-12-00