

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: A43-00140
Date Received: 6/29/1989
Receipt No: CO07301
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIN CARPENTER 208-645-2347
Address: HC 61 BOX 1210
MALTA, ID 83342

2. Date of Priority: APR 30, 1883

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	SW	NE	SE		CASSIA

5. Description of diverting works:
HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.600		

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

8. Total consumptive use is 480.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	22	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0

A43-00140

Page 1

Date: 06/29/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	22	NW SE		IRR	40.0

Section Acres 160.0

Total Acres 160.0

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:
43-2523

14. Remarks:

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 _____ 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)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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MAR 02 1993

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

Date Received

Receipt Number

43-00140
C007301

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

JUN 07 1989

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s)

Alvin Carpenter

Phone (208)

645-2347

Mailing Address

HC 61 Box 1210

Zip

833 7/24

2. Date of Priority (Only one (1) per claim)

4/30/1883

3. Source of water supply (a)

Cassia Creek.

which is tributary to (b)

RAFT River

4. a. Location of existing point of diversion is: Township

135

Range

26E

Section

21th

SW

1/4 of NE

1/4 of SE

1/4, Govt. Lot,

B.M., County of

Cassia

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township

Range

Section

1/4 of

1/4 of

1/4,

Govt. Lot

B.M., County of

ending point is: Township

Range

Section

1/4 of

1/4 of

1/4 of

1/4, Govt. Lot

B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Headgate and Laterals

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 2.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.60 (cfs) and/or (b) 480 (acre feet)

8. Total consumptive use claimed is 480 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. 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 use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
<u>135</u>	<u>26E</u>	<u>22</u>									<u>40</u>	<u>40</u>			<u>40</u>	<u>40</u>			<u>160</u>

Total number of acres irrigated

160

11. In which county (ies) are lands listed above as place of use located? _____

Cassia

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

43-2523

or None (☒)

14. Remarks:

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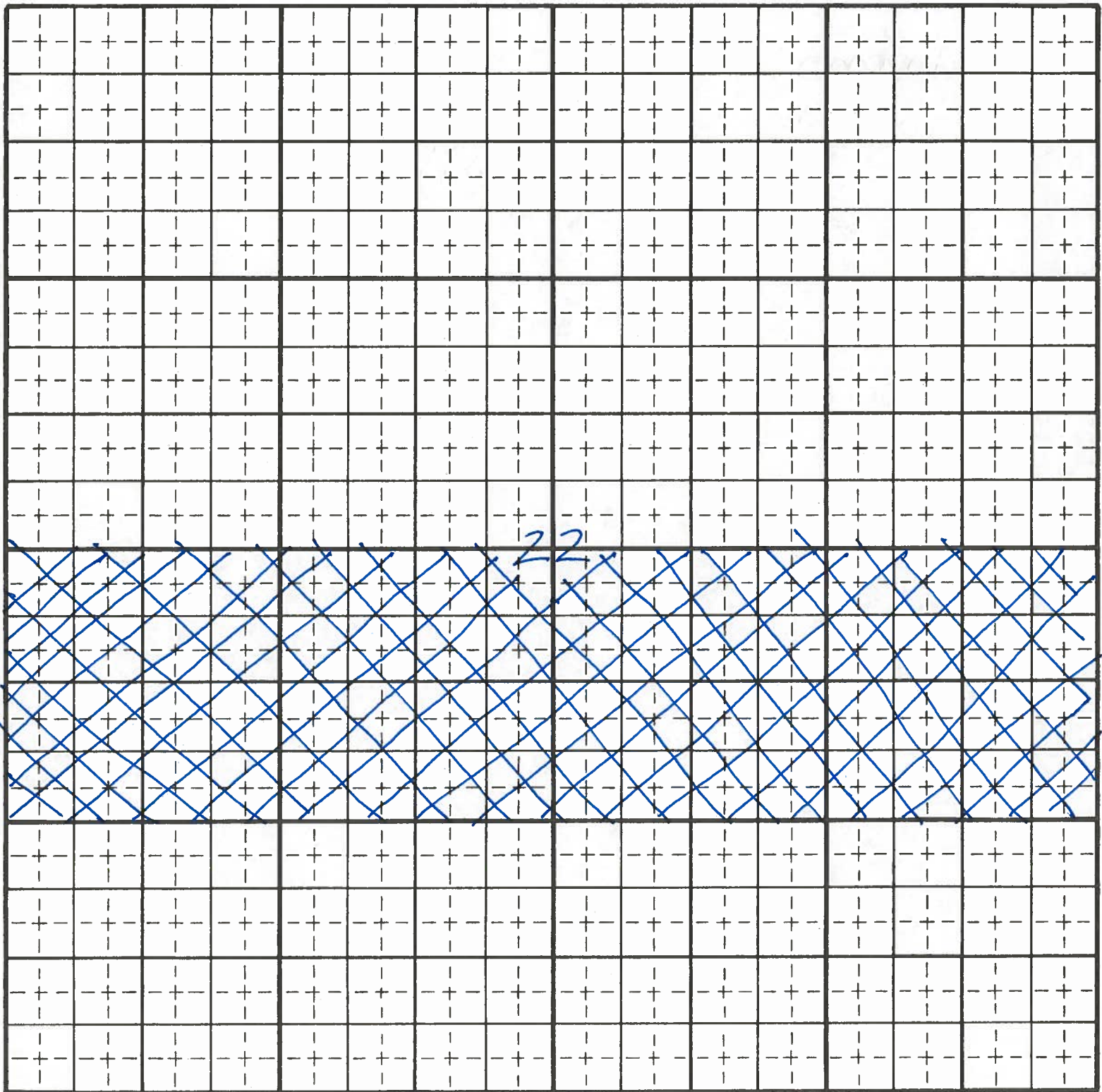
MAR 02 1993

Last Name Carpenter Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name

Carpenter.

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) ☒ Official Use ☐ Posted Notice ☐ License ☐ Permit ☐
Decree ☒
If applicable provide IDWR Water Right Number 43-00140
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Alvin Carpenter Date May 30, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 30 day of May 19 89

SEAL

Notary Public Bruce A. Schuld

Residing at _____

BRUCE A. SCHULD, NOTARY PUBLIC
RESIDING AT BOISE, IDAHO

My Commission Expires MY COMMISSION EXPIRES APRIL 11, 1995

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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MAR 02 1993

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

1/23/1988

IRDA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

CLAIM NO. ENT. NO.

93-00140

DATE RECEIVED

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
- Is the period of use included? ☒ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
- Is the consumptive use correct? ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ *

Claim checked by:

Date:

Claim must be returned to claimant:

(Yes) (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

Overpayment

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MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

RECEIVED

FEB 5 - 1990

Department of Water Resources
Southern Region Office

August 10, 1989

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

Mr. Alvin Carpenter
HC 61 Box 1210
Malta, Idaho 83342

RE: Snake River Basin Adjudication
Claims #A43-00140/#A43-00141/#A43-02523/#A43-02425/
#A43-00342/#43-00142 ✓ - Cassia County

Dear Mr. Carpenter:

We are sending you copies of your "Notices of Claims to Water Rights", numbered A43-10564, and A43-00141, for your property in Cassia County to keep in your records. We have also attached another copy of A43-00141 which you should sign notarize and return to our office.

Claim #A43-00141 now reflects the combination of decreed water rights 43-00141 and 43-00142 as we had previously discussed.

Please return the signed and notarized document to this office at the attention of Bruce Schuld. I hope you have not been overly inconvenienced by the confusion resulting from review of your claims. If you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,

John D. Carlson
Water Rights Supervisor

JDC:BAS:mcc:state

Enclosures:

Claims #A43-10564
#A43-00141 (2)

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MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1989

Mr. Alvin Carpenter
HC 61 Box 1210
Malta, Idaho 83342

RE: Snake River Basin Adjudication
Claims #A43-00140/#A43-00141/#A43-02523/#A43-02425/
#A43-00342/#43-00142 - Cassia County.

Dear Mr. Carpenter:

We are sending you copies of your "Notices of Claims to Water Rights", numbered A43-00140, A43-00141, A43-02523, A43-2425, and A43-00342, for your property in Cassia County. We have also attached your receipt #C007301 for \$823.00, a copy of an unnumbered "Notice of Claim to a Water Right", and another "Notice of Claim to a Water Right" we completed for you, which may more accurately described one of your water rights.

The computer generated copies of your "Notices of Claims to Water Rights" numbered A43-00140, A43-00141, A43-02523, A43-02425 and A43-00342, and the receipt #C007301 are for your files.

Your claim for a Beneficial Use Right on Cassia Creek is attached, but this "Notice of Claim to a Water Right" may not accurately represent your right. We have, therefore, continued our research and found that Decreed Water Right 43-00142 describes your lands and uses. Because it is a decreed water right and claims a greater amount of water for your lands, you may wish to lay claim to this right instead of the Beneficial Use right you submitted.

You may, however, submit claims to both the Decreed Right #43-00142 and the Beneficial Use Right. The Decreed Right #43-00142 is an established and documented right which would very likely be upheld by the court as the courts have already decreed the legitimacy of this right. However, the Beneficial Use Right you claim may be rejected in part or entirety as it may represent an expansion of existing rights on a thoroughly appropriated surface water source. Therefore, the decreed right #43-00142 may be far and away the stronger of the two claims to a water right.

rest of file in Elias Fisher

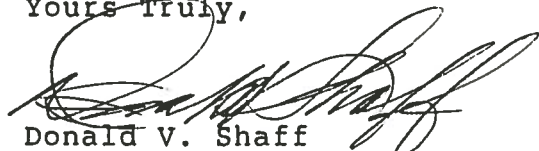
MAR 02 1993

Mr. Alvin Carpenter
Page 2
July 18, 1989

If you choose to submit the "Notice of Claim to a Water Right" #43-00142 instead of the claim to the Beneficial Use Right, please have the form signed, notarized, and return to this office at the attention of Bruce Schuld by August 18, 1989. If you wish to resubmit the claim to a Beneficial Use Right, you should fill out the attached "Notice of Claim to a Water Right" form completing the Date of Priority, Item #2, which you failed to do originally. This form would also need to be signed, notarized, and returned to this office at the attention of Bruce Schuld by August 18, 1989. If you wish to submit claims to both the Decreed water and the Beneficial Use water return both forms completed with signatures, notary seals, and a fee of \$50.00 for the additional claim by July 31, 1989.

If you have any questions or concerns, please do not hesitate to contact this office.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:BAS:mcc:mcc

Enclosures:

Claims #A43-00140/#A43-00141/#A43-02523
#A43-02425/#A43-00342/#43-00142

Notice of Claim

Receipt #C007301

Long Claim (2) w/Instructions

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MAR 02 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

mcc Tickle

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1989

Mr. Alvin Carpenter
HC 61 Box 1210
Malta, Idaho 83342

RE: Snake River Basin Adjudication
Claims #A43-00140/#A43-00141/#A43-02523/#A43-02425/
#A43-00342/#43-00142 - Cassia County.

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Your claim for a Beneficial Use Right on Cassia Creek is attached, but this "Notice of Claim to a Water Right" may not accurately represent your right. We have, therefore, continued our research and found that Decreed Water Right 43-00142 describes your lands and uses. Because it is a decreed water right and claims a greater amount of water for your lands, you may wish to lay claim to this right instead of the Beneficial Use right you submitted.

You may, however, submit claims to both the Decreed Right #43-00142 and the Beneficial Use Right. The Decreed Right #43-00142 is an established and documented right which would very likely be upheld by the court as the courts have already decreed the legitimacy of this right. However, the Beneficial Use Right you claim may be rejected in part or entirety as it may represent an expansion of existing rights on a thoroughly appropriated surface water source. Therefore, the decreed right #43-00142 may be far and away the stronger of the two claims to a water right.

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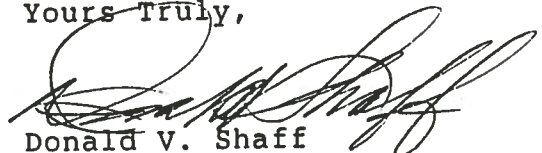
MAR 02 1993

Mr. Alvin Carpenter
Page 2
July 18, 1989

If you choose to submit the "Notice of Claim to a Water Right" #43-00142 instead of the claim to the Beneficial Use Right, please have the form signed, notarized, and return to this office at the attention of Bruce Schuld by August 18, 1989. If you wish to resubmit the claim to a Beneficial Use Right, you should fill out the attached "Notice of Claim to a Water Right" form completing the Date of Priority, Item #2, which you failed to do originally. This form would also need to be signed, notarized, and returned to this office at the attention of Bruce Schuld by August 18, 1989. If you wish to submit claims to both the Decreed water and the Beneficial Use water return both forms completed with signatures, notary seals, and a fee of \$50.00 for the additional claim by July 31, 1989.

If you have any questions or concerns, please do not hesitate to contact this office.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:BAS:mcc:mcc

Enclosures:

Claims #A43-00140/#A43-00141/#A43-02523
#A43-02425/#A43-00342/#43-00142

Notice of Claim

Receipt #C007301

Long Claim (2) w/Instructions

MICROFILMED

MAR 02 1993

C007301

06/08/89
09:14:51

GREEN CANYON RANCH

ADJUDICATION FEES (CARPENTER, ALVIN) 0410162 9337 6490 \$823.00

\$823.00

CHECK 2735

233 ac
\$123 ✓ 53TD ✓ \$122 ✓ \$50 5715
WR/NO: A43-00141 A43-02425 A43-02523 A43-00140 142' \$50

Idaho Department of Water Resources

Region: STATE

Signature: _____

43 2425
2523
00141
MICROFILMED

MAR 02 1993

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-140

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALVIN CARPENTER 2079 E 1700 S MALTA, ID 83342 (208)645-2347

Priority Date: 04/30/1883
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
CASSIA CREEK	RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	2.6 CFS		

Total Diversion	2.6 CFS
-----------------	---------

Location of Point(s) of Diversion:

CASSIA CREEK	NWNESE	Sec. 21	Township 13S	Range 26E	CASSIA County
CASSIA CREEK	NENWSE	Sec. 22	Township 13S	Range 26E	CASSIA County

IRRIGATION Use:
Acre Limit: 148
Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Secio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	26E	22		NESE	40		NWSE	40						
				NESW	38		NWSW	30						
				NENE	40		NWNE	29		SENE	36		SWNE	40
		23		NWNW	39		SWNW	35						

Total Acres: 367

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Remarks:

- | | | |
|----|---------------------------|--|
| 1. | Place of Use - Irrigation | THIS RIGHT IS LIMITED TO THE IRRIGATION OF 148 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. |
| 2. | Place of Use - Irrigation | USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 367 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-140, 43-2425, 43-2523, 43-10631, 43-10818, 43-11233, AND 43-11234. |
| 3. | Explanatory | RIGHT NO. 43-11234 IS AN ENLARGEMENT OF THIS RIGHT AND 43-10818 PURSUANT TO SECTION 42-1426, IDAHO CODE. |
| 4. | Quantity | USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.80 CFS. COMBINED RIGHT NOS.: 43-140, 43-10818, AND 43-11234. |
| 5. | Quantity | USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.96 CFS. COMBINED RIGHT NOS.: 43-140, 43-2425, 43-2523, 43-10631, 43-10818, 43-11233, AND 43-11234. |

04/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-140

Owner Type Name and Address
Current Owner ALVIN CARPENTER
 2079 E 1700 S
 MALTA, ID 83342
 (208)645-2347

Priority Date: 04/30/1883
Basis: Decreed
Status: Active

Source Tributary to
CASSIA CREEK RAFT RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	2.6 CFS		
Total Diversion			2.6 CFS		

Location of Point(s) of Diversion:

CASSIA CREEK SWNESE Sec. 21 Township 13S Range 26E CASSIA County

IRRIGATION Use:
Acre Limit: 160

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	26E	22		NESW	40		NWSW	40						
				NESE	40		NWSE	40						

Total Acres: 160

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

09/05/2000

RIGHT NUMBER: 43-140

NAME AND ADDRESS: ALVIN CARPENTER
HC 61 BOX 1210
MALTA, ID 83342

VERIFIED BY: *AKC*
8-5-00

SOURCE: CASSIA CREEK TRIBUTARY: Raft River

QUANTITY: 2.6 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE
OF 5.80 CFS. COMBINED RIGHT NOS.: 43-140, 43-10818, AND 43-11234.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE
OF 5.96 CFS. COMBINED RIGHT NOS.: 43-140, 43-2425, 43-2523, 43-10631, 43-10818,
43-11233, AND 43-11234.

PRIORITY DATE: 04/30/1883

POINT OF DIVERSION: T13S R26E S21 NWNESE Within CASSIA County
T13S R26E S22 NENWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	2.60 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R26E S22	NESE	40	T13S R26E S22	NWSE	40
T13S R26E S22	NESW	38	T13S R26E S22	NWSW	30
T13S R26E S22	NWNE	29	T13S R26E S22	SENE	36
T13S R26E S22	SWNE	40	T13S R26E S22	NENE	40
T13S R26E S23	SWNW	35	T13S R26E S23	NWNW	39

367 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 148 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 367 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-140,
43-2425, 43-2523, 43-10631, 43-10818, 43-11233, AND 43-11234.

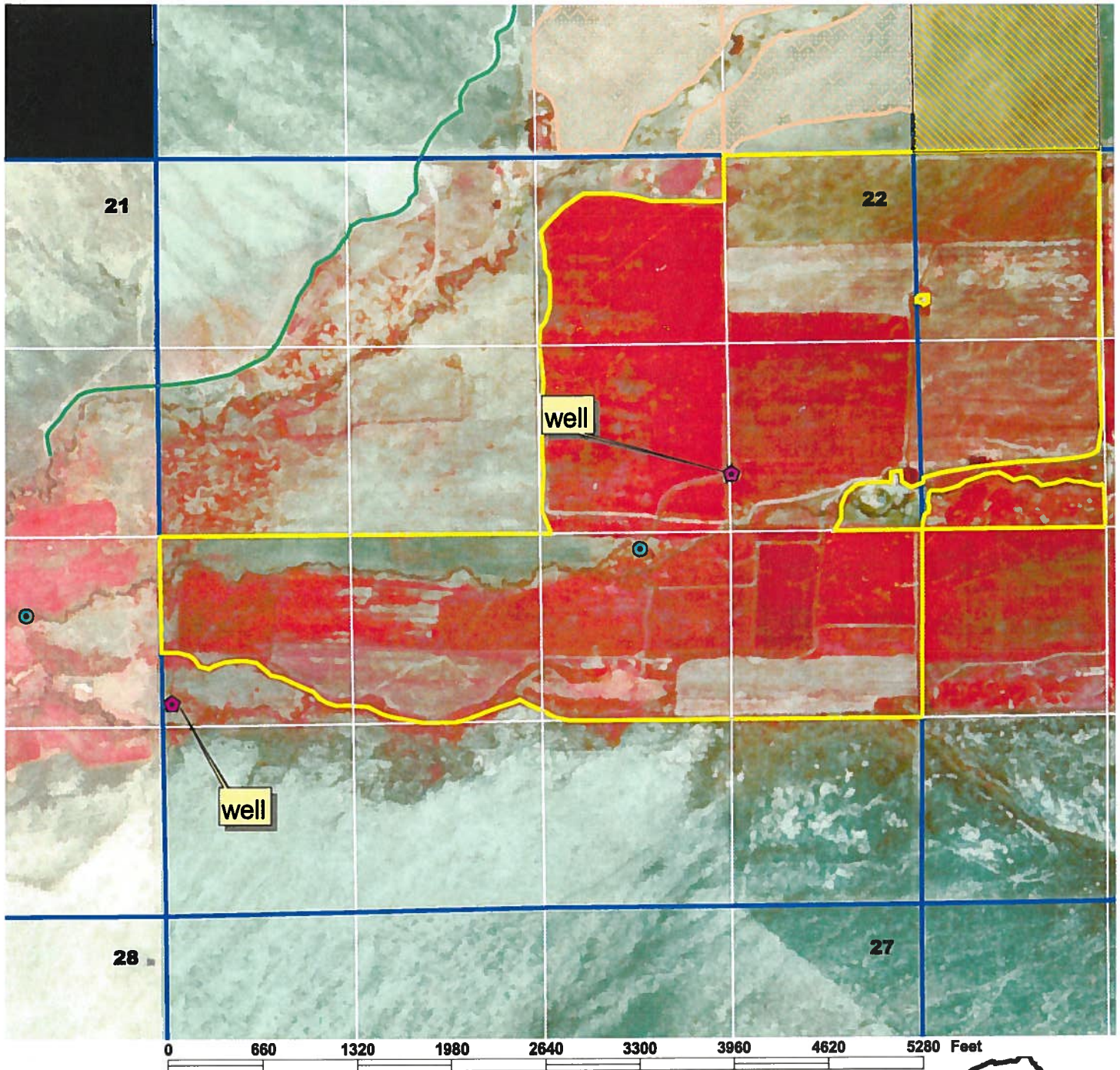
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

RIGHT NO. 43-11234 IS AN ENLARGEMENT OF THIS RIGHT AND 43-
10818 PURSUANT TO SECTION 42-1426, IDAHO CODE.

**RECOMMENDED PLACE OF USE FOR
43-00140, 43-02425, 43-02523,
43-10631, 43-10818, 43-11233. and 43-11234**



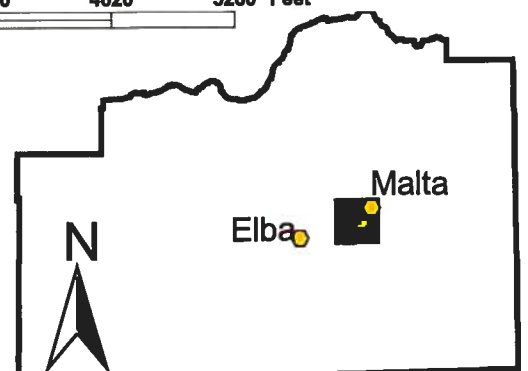
PLACE OF USE

TWP 13S, RNG 26E, SEC 22

Data entry on AUG 28, 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 NUMBERS

43-00140

DATE

8-29-00

AGENT

KKC

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

160

GEOGRAPHIC INFO ACRES

367

	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	13S	26E	22									40	40			40	40		160
GIS				40.3	29.3	39.5	36.2					38.4	29.7			40.2	40		
RECOM				40	29	40	36					38	30			40	40		293
				EXP/ENL															
CLAIM	13S	26E	23																
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

Found

148ac within Decreed P/U for 43-140

SHAPE NOS.

Found

69ac within Enlargement/expansion P/U
claims 43-11233 & 43-11234

43-POD.SHP

Found

150ac within Decreed P/U for 43-141-43-142
claimed under 43-10818

NOS. DESCRIPTION

Total

367 ac

Sec 21

NWNESE gpsed but no Site tag

Sec 22

GPS R072518B

NENWSE Site tag A0004881

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

43-00140 carpenter.

SYSTEM ANALYSIS FOR	
<u>43-00140, 43-10818,</u>	<u>DECEED RIGHTS</u>
<u>43-02425, 43-02523,</u>	<u>LICENSED GROUND WATER RIGHTS</u>
<u>43-10631,</u>	<u>GROUNDWATER BENEFICIAL USE RIGHT</u>
<u>43-11233</u>	<u>EXPANSION OF GROUND WATER</u>
<u>43-11234</u>	<u>ENLARGEMENT OF SURFACE WATER</u>

The system is surface water diverted into a ditch system to a pond and then pumped into a common mainline that supplies water to the entire 367 irrigated acres. This recommendation recognizes the permissible place of use and further identifies the licensed acres within each right's historical place of use.

The current system consists of a buried mainline with 2 center pivots, and hand lines. The irrigation system includes property owned and claimed separately by Todd Carpenter. This system development of joining the separate properties occurred after 1987 and is not recognized in this review. The system in 1987 included the combined mainline delivery system on Alvin Carpenter's property and was primarily a flood application system.

SURFACE WATER RIGHTS

43-140 was decreed on the N½S½ of sec 22. I found 148 irrigated acres within the decreed place of use. I found a point of diversion located in sec 21 (see map for details) on the Cottle property that historically diverted water from the south side of Cassia Creek into a ditch system that then flowed east southeast and formed the southern border of the irrigated property. This water was also flumed across Cassia Creek near the western border of the property in order to irrigate a portion of the decreed place of use that is north of Cassia Creek. In approximately 1982 this right was also diverted from the sec 22 diversion (see also, below) to supply water to the enlargement acres through the common mainline. I am recommending the 2.60 cfs as previously decreed.

43-10818 is a claim that represents a combination of decreed rights 43-00141 and 43-00142. They were originally decreed with the same priority date. I found 153 irrigated acres within the original combined decreed places of use. The original point of diversion for these rights is located in sec 22 (see map for details) and diverted water northeast from this point. This diversion currently delivers water into the pond that is a part of the combined delivery system and is also a basis for the enlargement claim. 43-141 was decreed for 1.60. 43-142 was also decreed for 1.60 cfs. The claim is for the combined rate of 3.20 cfs that I am recommending for this right.

43-11234 This right is for ground put into production by 1982 primarily through the common mainline system. The claim listed a 1981 priority date but Alvin Carpenter indicated that the mainline system and the irrigation of all of the claimed 69 acres were completed in 1982. Therefore I am recommending this claim with a priority date of 4-14-1982. Surface water is diverted through the Cassia Creek diversion in sec 22 and delivered to a pond and then re-lifted by a centrifugal pump into a mainline system and applied to the ground. This same system also includes the ground water rights. I am recognizing this right as valid under 43-1426 as an enlargement of 43-140, and 43-10818. No additional rate is recognized because of §42-1426. Rate calculation for the recommendation:

<u>TOTAL QUANTITY LIMIT</u>	<u>5.80 cfs</u>
<u>TOTAL IRRIGATED DECEED ACRES</u>	<u>298 acres</u>
<u>ENLARGEMENT ACRES</u>	<u>69 acres</u>
<u>TOTAL</u>	<u>367 acres</u>

5.80 cfs/367 acres = 0.0158 cfs/acre (current rate)
0.0158cfs/acre * 69 acres = <u>1.09 cfs (recommendation)</u>

GROUND WATER RIGHTS

- 43-2425** This right is diverted from a well in the NWSW of Sec 22 and was identified as a supplemental water source for the same place of use as the three original decreed rights. The water use has since been expanded onto the same ground claimed under 43-11234 and 43-11233. This right is tied into the common delivery system and is therefore being recommended within the PP/U and limited to the original number of licensed acres. The licensed and claimed place of use also includes all of the acres licensed under 43-02523. (see combined right analysis)
- 43-2523** This right is diverted from a well located near the pond used to accumulate the surface water rights and then pump that water into the common mainline system. This well is located in the SENE of sec 22. This right was originally licensed as a supplemental source for the irrigation of the same ground as the two decreed rights claimed under 43-10818. This right has also been expanded onto the same ground claimed under 43-11234 and 43-11233. This right is tied into the common delivery system and is therefore being recommended within the PP/U and limited to the original number of licensed acres. The claimed and licensed acres under this right are also part of the place of use for 43-2425. (see combined right analysis)
- 43-10631** This right represents ground water collected through a buried tile system running under the field in the N½SW¼ of sec 22. According to Alvin Carpenter, the tile line crossed Cassia Creek just upstream of the point of diversion in the NWSE of sec 22 and then discharged into the ditch that carries water to the pond previously described. The claim identified the SENE of sec 22 as the primary irrigated place of use. This tract is the same tract in which the pond is located.

Within the last few years, (exact date not determined) Alvin indicated that the flume was dug up by his son and the water allowed to flow into Cassia Creek a few feet upstream from the Sec 22 NWSE diversion. I found physical facts that were in line with his statements. I observed tile sections in Cassia Creek and a backhoe channel going from Cassia Creek west-southwest for approximately 100 yards to where an end of a tile section was exposed. There was a small flow coming out of the tile and the backhoe channel was full of water and/or sandy mud. There was no clearly defined bottom to the channel and a measurement was not possible under the given circumstances. At best, to currently utilize the water from this source one would have to recognize an injection into Cassia Creek with the point of re-diversion at the existing point of diversion in the NWSE of sec 22. Alvin indicated that the discharge from the tile system varies with the seasons and his irrigation practices.

I am therefore recommending this right as valid based upon the 1987 status where the tile line carried water into the ditch on the north side of Cassia Creek. Although the system capacity has not been determined, the claim was for 40 acres in the SENE of sec 22. I found 36 irrigated acres within that quarter and am therefore recommending this right for 36 acres within the PP/U and at the claimed rate of 0.60 cfs which is slightly less than one inch per acre. This right is supplemental to other rights on that same ground and when they are all combined, they are limited to the one inch to the acre. The evidence of priority indicated that the system was installed in 1928. This use was not recognized in the Jobe Adams decree, therefore I am recognizing a priority date of one day after the decree or 10-19-1928.

- 43-11233** This right represents the expansion of the two combined wells in a critical ground water area as identified in Idaho Code 42-1416B.

Alvin Carpenter stated that he developed the property when he purchased it in 1982. Irrigation water was delivered to the property through the buried mainline system. Therefore based upon 43-1416B this right will be recommended for a priority date of 6-30-1985. This is the same irrigated ground as identified in 43-11234. I found 69 irrigated acres based upon the 1987 aerial photography.

COMBINED RIGHT ANALYSIS The groundwater system consists of two wells licensed independently under 43-02425 and 43-02523.

43-02425 was licensed on 285 acres at 4.06 cfs and 43-02523 was licensed on 152 acres within the 285 acre place of use for 43-02425 with a diversion rate of 3.04 cfs. In 1982 the groundwater systems were tied together and applied to the 69 new acres claimed under 43-11233. The 69 acres are an expansion of both licenses.

When 43-02425 and 43-02523 are combined, they are limited to a combined total of **285 acres** as the 152 acres for 43-2523 are within the 285 acres.

As the combined acre limit is 285 acres, the limit for the combined diversion rate is;
 $285 \text{ acres} * 0.02 \text{ cfs/ac} = \mathbf{5.70 \text{ cfs}}$

43-11233 rate analysis. No additional diversion rate is being recommended for this right when combined with 43-02425 and 43-02523. The recommended diversion rate is calculated as follows;

<u>TOTAL QUANTITY LIMIT</u>	<u>5.70 cfs</u>	5.70 cfs/354 acres = 0.016 cfs/acre (current rate)
TOTAL IRRIGATED LICENSED ACRES	285 acres	
EXPANSION ACRES	<u>69 acres</u>	0.016cfs/acre * 69 acres =
TOTAL	354 acres	<u>1.11 cfs (recommendation)</u>

Under 42-1416B no additional volume or diversion rate is allowable, therefore, for the combination of the **three rights** the diversion volume limit is $285 \text{ acres} * 4 \text{ af} = \mathbf{1140 \text{ af}}$ and the rate limit is the **5.70 cfs** as identified above.

SUMMARY GROUND WATER

43-02425 is limited to 285 acres within the PPU.

43-02523 is limited to 152 acres within the PPU.

43-11233 is limited to 69 acres within the PPU.

When all three rights are combined they are limited to the irrigation of 285 acres, 5.70 cfs and an annual volume of 1140 af.

SUMMARY SURFACE WATER

43-140 is limited to 148 acres within the PPU at 2.60 cfs.

43-10818 is limited to 150 acres within the PPU at 3.20 cfs.

43-10631 is limited to 36 acres within the PPU at 0.60 cfs. (the tile source right)

43-11234 is limited to 69 acres within the PPU at no additional diversion rate.

When 43-140, 43-10818 and 43-11234 are combined they are limited to the combined diversion rate of 5.80 cfs. As 43-10631 was not claimed on or as a source for the expansion acres I have not included it within the combined limitation for the 69 new acres.

As the groundwater system overlaps with the surface water system and the tile drain system, when they are all used in conjunction, they are limited to one inch per acre.

Field Notes
7-25-00
KRC

ditch
↓

Rough
Tile location

discharge

GPS
location

Pico
P.O. well

Pico
P.O.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:57
06/26/00

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A43-00140

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								
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS								

Electronic CUR
Record generated
KKC

BARCODE UPDATED
WHOM/DATE

Photo set 1

CLAIMS:

A43-00140, A43-02425, A43-02523, and A43-10818

PHOTO DATE:

SEPTEMBER 7, 2000

KELLY K CHRISTENSEN



This photo set is looking northeast on the left to east on the right and primarily shows the well for 43-02425. In the background you can see the southwest portion of the irrigated place of use. This is also the southwest corner of the decreed place of use for 43-00140. A GPS reading was taken for this diversion. The site tag was placed on the north side of the electrical panel pole. The site tag number is A0004880. The GPS rover file number is R072517A The motor is model # 5K6277XH57A and is 150 HP. Ser no. HRJ808113

Photo set 2

This photo is the P/D for 43-00140. Some diversion works were observed but the ditch bottom was approx 2' higher than Cassia Cr. This photo was taken on the south side of the channel.

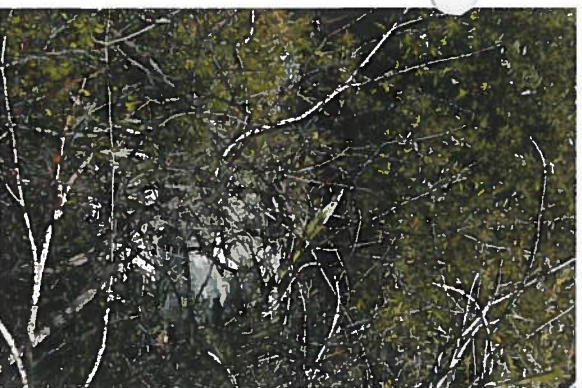


Photo set 3

This photo set was taken from the same location as photo 2 but is looking down the ditch towards a Russian Olive tree that is near the ditch bank. The ditch channel basically runs through the center of this set. (note: it is somewhat overgrown. In my estimation this system has not been used for several years.) You are looking south.

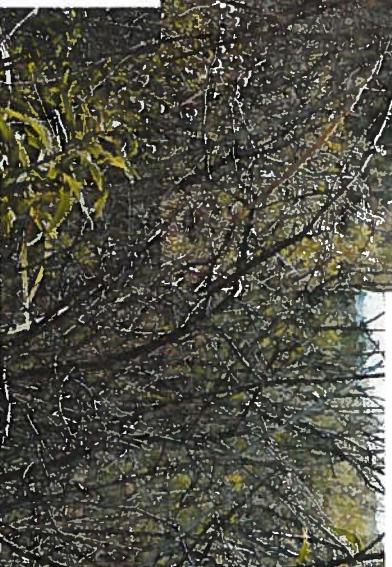


Photo set 4

This shows the control point for the second P/D from Cassia Creek. Water is diverted down the ditch shown and the water is regulated by the head gate shown in conjunction with a parshall flume. Excess water is dumped into a natural drain and carried back to Cassia Creek. The site tag was attached to the head gate. You are looking east-northeast on the right to north-northeast on the left.

Rover file R072518B

Site Tag: A0004881

Measuring device: Parshall flume 1.5' throat

**Photo Set 5**

This shows the point of diversion for 43-00141 and 43-00142. You are looking east on the right to east-northeast on the left. In the background is a electrical pole bridge used by the center pivot to cross Cassia Creek. This is the point of diversion for the head gate shown in photo set 4. The head gate is within the view of this picture set but is obscured by the grass in the foreground.

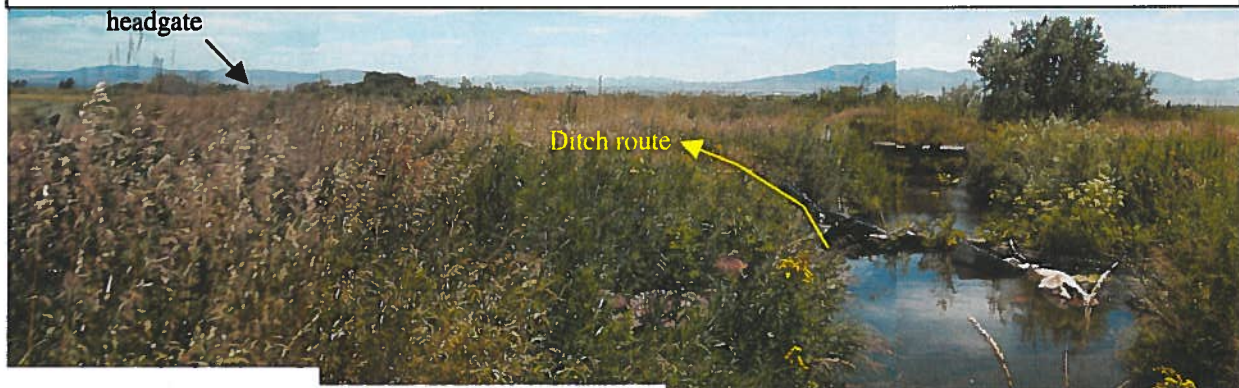


Photo set 6

You are looking north on the right to northwest on the right. This photo location is just north of the well shown in photo set 5 and shows the ground covered by expansion and enlargement claims 43-11233 and 43-11234.

**Photo set 7**

This photo set was taken from the same spot as set 6 but is looking east southeast on the right to northeast on the left and shows the P/U for decreed right 43-00142. The farmstead in the distance is Carpenter's. This shows full irrigation in this area.



7-12-00
field notes
KKC

Alvin purchased in 82

Decreed rights related between separate
decreed P/U's.

Expansion priority = 1982

4661

4618

4793

Pre claim 15
notes on
Deed P/4

275 276
277

105 253

14
12 122
2541

101
102
103

411

215 113

4670

112
113
114
115
Cassia

No 33
DECEED
REG 40

142

2425
214
ONLY

40 40 40 40
20 LICENSE 40 40 40

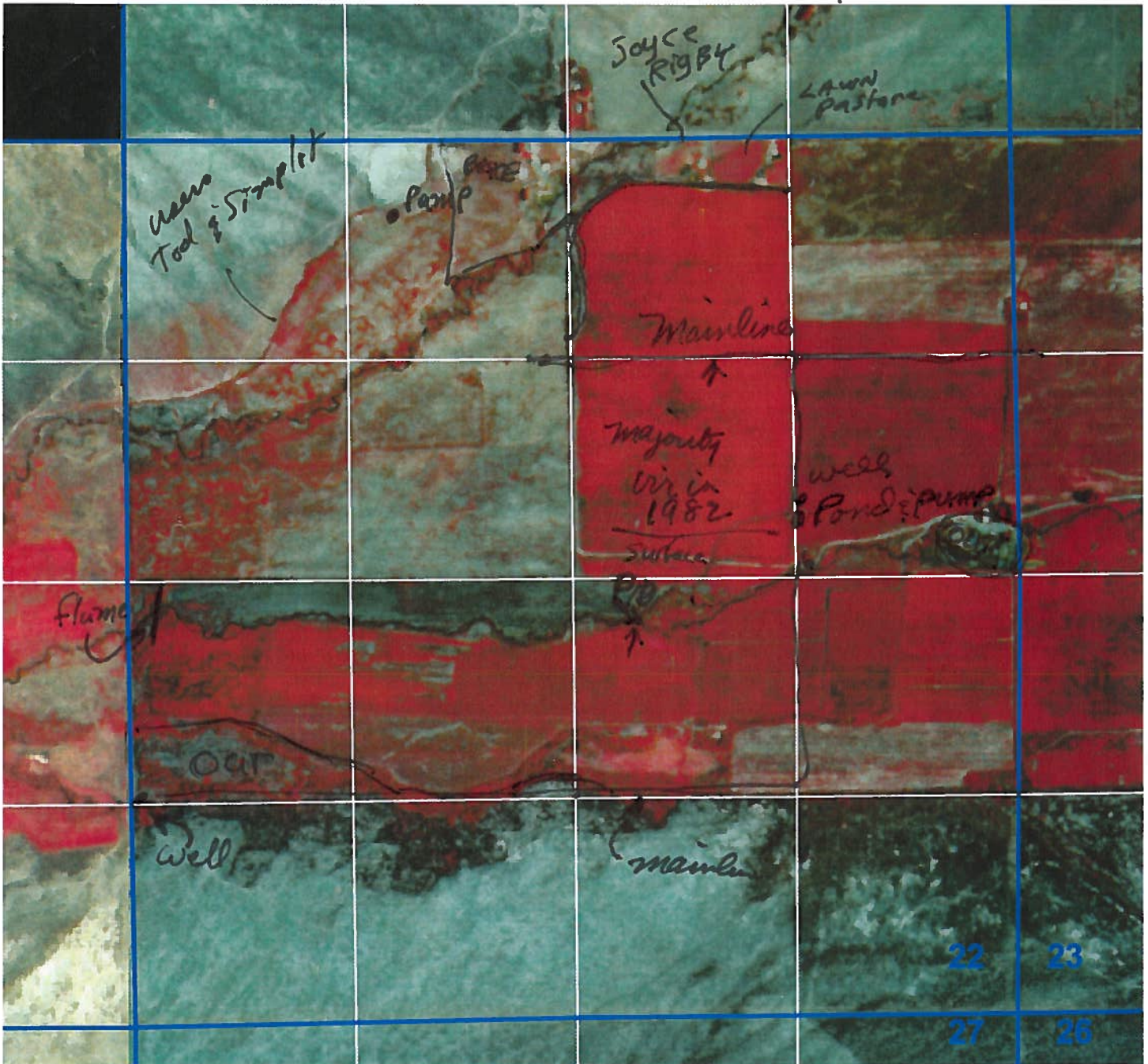
23

4596

4574

**RECOMMENDED PLACE OF USE FOR
1968**

*field notes
7-12-00 KKC*

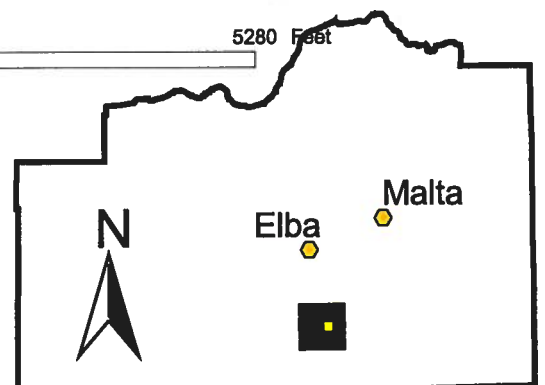


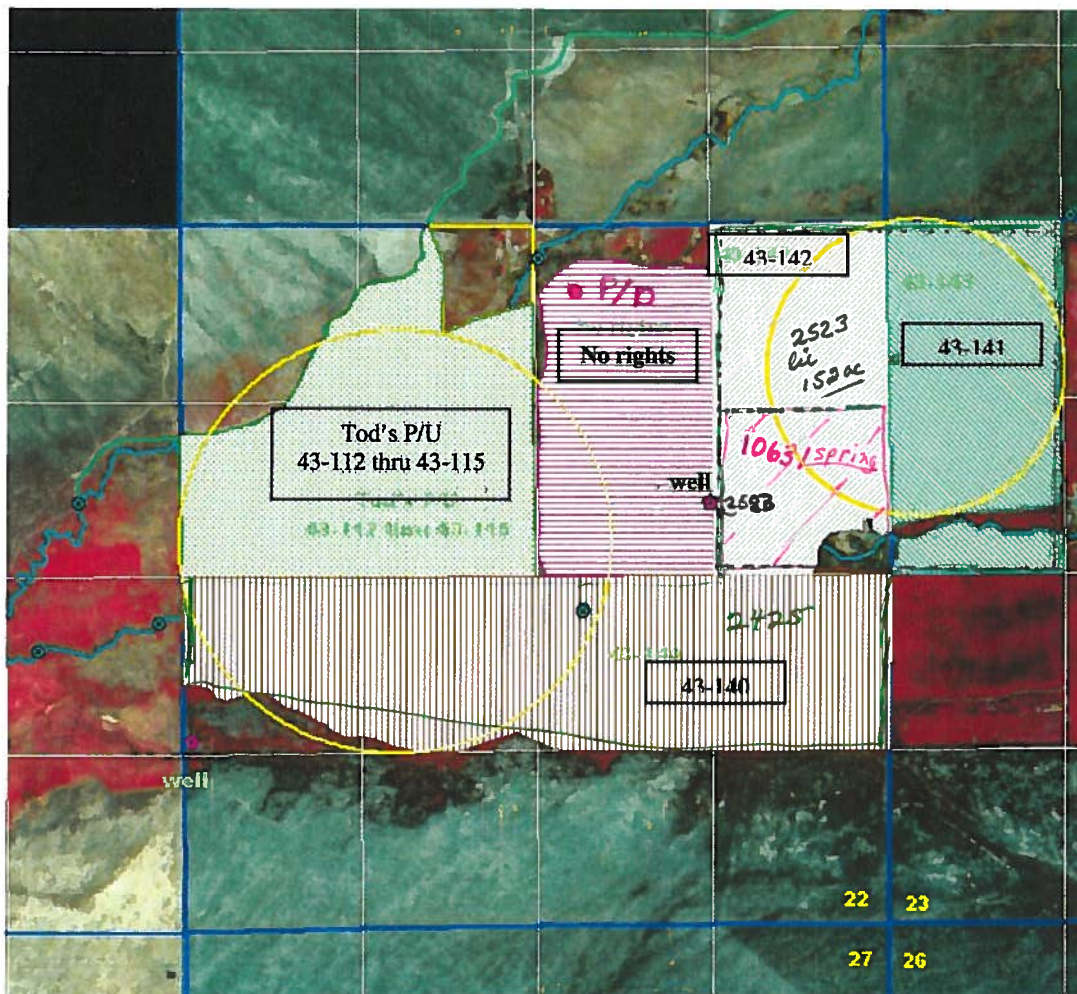
0 1320 2640 3960 5280 Feet

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 30, 31, 32
Data entry on June 15 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**





The situation is; two legally independent owners (father and son). They were in a partnership prior to Tod's purchase of his property. The partnership had to be dissolved to satisfy FHA regulations.

The son (Tod) owns the one parcel with decreed rights 43-112 thru 43-115 from Cassia creek. The property is financed through FHA and has to be maintained as a single ownership to qualify for loan purposes. He has no groundwater rights.

The father (Alvin) owns the other four parcels identified with decreed rights 43-140, 43-141, 43-142 and one parcel identified as No rights. A groundwater right 43-2425 was licensed on 285 overlapping acres with 43-142, 43-141 and 43-140. A second groundwater right 43-2523 was licensed on 152 overlapping acres with 43-141 and 43-142.

The ground identified as No rights was put into full production by approximately 1982. Alvin is going to file two claims. One an expansion claim of the groundwater rights in a critical groundwater area and the second an enlargement of the decreed surface water rights.

CURRENT SYSTEM

The current system is a common mainline that has tied all wells and surface water diversions together. This includes the ground for both individuals thus creating one permissible place of use.

LEGAL ISSUE IN QUESTION

Can we identify the permissible place of use with two separate owners without jeopardizing the legal standing that Tod has to maintain with FHA? Just how should I structure the recommendation?

3-13-00

Christensen, Kelly

To: Spencer, Nick
Cc: Jones, Doug
Subject: Question RE: unstacking rights.

The following attachment hopefully lays out my question graphically.

In general, there are

1. 4 rights decreed and claimed on a forty.
2. All but 11 acres were sold.
3. The owner is retaining 1 in per acre of the "best priority date right (43-00112)
4. The balance 43-00112 and all of the other rights go with the 29+- acres being sold.

My intent is to allow the unstacking and split 43-00112 as indicated on the warranty deed.



43-00112 split
Carpenter.doc

I plan on doing the paperwork at the end of this week. Unless I hear otherwise I am going with my plan.

Kelly K Christensen

43-00112, 43-00113, 43-00114, and 453-00115 were all decreed to twp 13S, rng 26E, Sec 22 NW¼.

They are claimed as such.

There is now a pending ownership change for a portion of the property.

The problem is: The warranty deed splits 43-00112 with 11 miners inches being retained on the exclusion. The balance of 43-00112 and all of the remaining three rights stay on the sold acres (all within the decreed SEC 22 NW ¼).

My intention is to process the ownership as identified on the change of ownership form.

Tracy would retain 0.22 cfs on the 11-acre parcel identified as the exclusion.

Carpenter would receive the balance of 43-00112 or 0.68 cfs on his portion of Sec 22 NW¼.

