

04/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-186

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALVIN CARPENTER
Current Owner	MARY J CARPENTER
	2079 E 1700 S
	MALTA, ID 83342
	(208)645-2347
Original Owner	BERNICE HOGGAN-STEPHENS
	BOX 453
	ELBA, ID 83326
	(208)638-5510

Priority Date: 04/01/1894
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary to</u>
CROSS CREEK	CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	2.38 CFS		
Total Diversion			2.38 CFS		

Location of Point(s) of Diversion:

CROSS CREEK	NENW	Sec. 12	Township 14S	Range 24E	CASSIA County
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IRRIGATION Use:
Acre Limit: 65

Place(s) of use:

Place of Use Legal Description: IRRIGATION	CASSIA County
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<u>Townshi</u>	<u>Rang</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>
14S	24E	1		SESE	12									
	25E	6		NWSW	3	7	SWSW	39						
		7	1	NWNW	11									

Total Acres: 65

Remarks:

1. General P. U. INCLUDES H. E. S. #105 IN T. 14S R. 24E | THIS RIGHT HAS BEEN COMBINED WITH 43-00187 UNDER A43-10546 BY BERNICE HOGGAN-STEPHANS.
| THIS RIGHT HAS BEEN CLAIMED IN FULL.
ALB 1-17-92 ***** A43-10546 HAS BEEN SPLIT INTO A43-00186 AND A43-00187 AS CLAIMANT WANTS TO PRESERVE EACH RIGHT'S SPECIFIC PRIORITY DATE. ACRES CLAIMED HAVE BEEN AMENDED AND THE SOURCE HAS BEEN AMENDED. WATER IS DELIVERED THROUGH THE BARKER DITCH FOR BOTH CLAIMS. KKC 3-15-93.*****

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
MAR 30 2001
 Department of Water Resources
 Southern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>43-263</u>	_____	___	<u>43-10547</u>	_____	___
<u>43-264</u>	_____	___	_____	_____	___
<u>43-266</u>	_____	___	_____	_____	___
<u>43-186</u>	_____	___	_____	_____	___
<u>43-187</u>	_____	___	_____	_____	___

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Bernice Hoggan-Stephens
4. New Owner/Claimant(s) Box 1153 Elba, Id 83326
Huineor Mary S. Carpenter
 Name Connector (Check one): ☐ and ☒ or, ☐ and/or
- New Mailing Address 2079 E 1700 S
- City, State and ZIP Code Malta, ID 83342
- New Telephone Number 208 645-2347
5. Date you acquired the property 4-25-1995

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED

FEB 20 1978

Department of Water Resources
Southern District Office

MEMORANDUM DECISION

AND ORDER

IN THE MATTER OF APPLICATION FOR
PERMIT NO. 43-7084 IN THE NAME OF
ALVIN CARPENTER &/or BERNICE STEPHENS

On July 5, 1977, Alvin Carpenter and/or Bernice Stephens of Elba, Idaho filed with the Department of Water Resources an application for permit to appropriate 5.00 cubic feet per second of water from a groundwater source. The application proposed to pump water from a well located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, Twp. 14S, Rge. 24E B.M. and inject it into Cassia Creek in return for water to be diverted from Cassia Creek at points within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2, Twp. 14S, Rge. 24E B.M. for the irrigation of 580 acres of the applicants' land.

The application was protested by Keith Darrington on August 12, 1977.

On October 18, 1977, a hearing was held in Burley, Idaho. Testimony and evidence was presented by both the applicants and protestant and the matter was submitted to the Director of the Department of Water Resources for decision.

On May 8, 1978, prior to the issuance of a decision, the applicants filed an amended application with the Department.

The amended application proposed to add a second well in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Twp. 14S, Rge. 25E B.M. for the purpose of pumping water into the Barker Ditch and irrigating the land adjacent to the well. Water would be diverted from the Barker Ditch in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, Twp. 14S, Rge. 25E B.M. to irrigate the lands of the applicants.

Notice of the amended application was published in the South Idaho Press on May 23 and May 30, 1978.

On June 5, 1978, the Department received a protest against the amended application from Keith Darrington.

A conference on the matter was held in Burley, Idaho on November 2, 1978. The applicants and protestant were present and represented themselves.

The main issue which was placed before the Department by the parties was whether or not the injection of groundwater into the Barker Ditch in exchange for surface water diverted from the ditch would adversely affect the rights of the protestant.

The protestant maintained that the applicants' proposal would interfere

43-7084

with his decreed rights because groundwater would have to be pumped into the ditch whenever the applicants were diverting surface water from the ditch and in the event of a failure of the pump, the applicants might continue to divert the water although none was being replaced in the ditch.

He also expressed concern that his decreed right to water rising and flowing in a dry wash (43-0441) would be interfered with.

It was brought out in the discussion that the water in the dry wash was also used by both the applicants and protestant to carry water decreed under other rights.

The applicants offered to deliver groundwater into the dry wash if this would resolve the protest, but no agreement was reached on this proposal.

The applicants and protestant agreed to allow the Director of the Department of Water Resources to reach a decision based upon the information obtained during the conference. The Director of the Department of Water Resources has considered the issues and based upon his understanding of the law, makes the following Findings of Fact, Conclusions of Law, Order:

FINDINGS OF FACT

1) On July 22, 1977, the Department found that there is unappropriated groundwater available in this area and by order, opened the Almo-Elba Basins to the appropriation of groundwater.

2) The waters of Cassia Creek have been decreed by the district court in the case of Albion-Idaho Land Co. vs. Jobe Adams, et. al, October 18, 1928 and are administered by the watermaster of Water District 43-C.

3) The Barker Ditch is a lateral ditch whose source of water is Cassia Creek. The waterusers on the ditch are not formally organized as a lateral ditch users association.

4) The applicant, Alvin Carpenter, is the holder of Right No. 43-0342 for 1.30 cubic feet per second with a priority of June 1, 1882. The right is delivered through the Barker Ditch.

5) The protestant, Keith Darrington, holds decreed rights 43-0094 for 1.00 cubic feet per second, April 30, 1879; 43-0095 for 1.20 cubic feet per second, April 30, 1880; and 43-0093 for 0.30 cubic feet per second, April 1, 1894 for the diversion and use of Cassia Creek.

He also holds Right No. 43-0441 for 0.80 cubic feet per second for water in a dry wash with a priority of April 1, 1886, decreed in the case of Joseph R.

Hurd vs. Lorenzo Darrington in district court, January 9, 1933.

6) The lands and diversion points of the protestant are located downstream on the Barker Ditch from the applicants' point of injection of groundwater.

CONCLUSIONS OF LAW

1) There is sufficient groundwater available to satisfy the applicants' appropriation.

2) The exchange of groundwater for surface water in the Barker Ditch can be made without injury to the rights of the protestant.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Permit No. 43-7084 is APPROVED subject to the following conditions:

1) A totalizing measuring device shall be installed and maintained at the points of diversion from the wells.

2) Measuring devices of a type approved by the Department shall be installed at the point of exchange (Cassia Creek) and point of injection of groundwater into Cassia Creek and the point of diversion from Barker Ditch.

3) This permit shall not be assigned or sold without first securing written approval of the Director of the Department of Water Resources.

4) The average yearly diversion from the wells for irrigation purposes shall not exceed 3.00 acre-feet per acre from all combined sources over any five (5) year period.

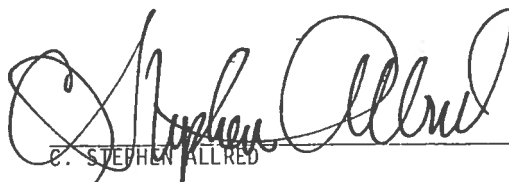
5) The use of water diverted under this permit is subject to control of the watermaster of State Water District No. 43-C, Cassia Creek.

6) Any water diverted from the Barker Ditch under the exchange proposed by this permit shall be replaced simultaneously with an equal amount of groundwater pumped into the ditch.

7) Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 1984.

8) The permit be and is subject to all prior rights.

Dated this 8 day of February, 1979.


C. STEPHEN ALLRED
Director

237182

CORRECTION QUITCLAIM DEED

That on the 25th day of April, 1995, the undersigned, Bernice Stephens, fka Bernice Hoggan, executed a Quitclaim Deed wherein the property attached on Exhibit "A" was transferred to Alvin E. Carpenter and Mary Jane Carpenter. Said Quitclaim Deed was recorded on April 27, 1995, as Instrument No. 236315, on Film No. 265, in the records of the Recorder of Cassia County, State of Idaho. The middle name of one of the receiving parties was incorrect. This Correction Quitclaim Deed is to correct the name listed as Mary Jane Carpenter to Mary Joyce Carpenter, therefore,

FOR VALUE RECEIVED, BERNICE STEPHENS, Bernice Hoggan, of Elba, Cassia County, Idaho, does hereby convey, release, remise and forever quitclaim unto ALVIN E. CARPENTER and MARY JOYCE CARPENTER, husband and wife, whose mailing address is HC-61, Box 1210, Malta, Idaho 83342, all interest in and to the property described on Exhibit "A" attached hereto and made a part hereof, together with any and all appurtenances thereunto belonging.

DATED this 15 day of June, 1995.

Bernice Stephens
BERNICE STEPHENS, fka
Bernice Hoggan

STATE OF IDAHO)
 ss.
County of County)

On this 15 day of June, 1995, before me the undersigned, a Notary Public in and for said State, personally appeared Bernice Stephens, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Bernice Stephens
NOTARY PUBLIC FOR IDAHO
Residing at: Paul
My Commission Expires: 1-4-2000

Lot 7 of Section 6; Lots 1 and 2 of Section 7, Township 14 South, Range 25, East of the Boise Meridian and a portion of Township 14 South, Range 24, East of the Boise Meridian, designated by Surveyor General as H.E. Survey No. 105, more particularly described as follows: Beginning at Corner No. 1 identical with the Corner of Section 1 and 12, in Township 14 South, Range 24, East Boise Meridian, and Section 6 and 7 in Township 14 South, Range 25, East Boise Meridian; thence South 57' East 39.28 chains to Corner No. 2; thence North $12^{\circ}1'$ West 60.95 chains to Corner No. 3; Thence North $84^{\circ}59''$ East 12.02 chains to Corner No. 4; Thence South 8' East 21.31 chains to Corner No. 1, the place of beginning, containing in the aggregate 165 and 70/100 acres.

Together with all water appurtenant to the afore-described premises from Green Canyon Creek or Cassia Creek, however evidenced, whether by decree or whether acquired as evidenced by share in the Cassia Creek Reservoir Co., Inc.

H. E. Survey No. 203, embracing a portion of approximate Sections 1 and 2 in Township 14 South, Range 24, East Boise Meridian, Idaho more particularly bounded and described as follows: Beginning at corner No. 1 from which the West Quarter corner to Section 6 in Township 14 South, Range 25, East of the Boise Meridian bears North $74^{\circ}27'$ East 66.31 chains distant; thence South $60^{\circ}42'$ West 21.58 chains to corner No. 2; thence North $72^{\circ}15'$ West 26.73 Chains to Corner No. 3; thence North $2^{\circ}53'$ East 20.65 chains to Corner No. 4; thence North $88^{\circ}22'$ East 36.35 chains to Corner No. 5; thence South $19^{\circ}44'$ East 20.44 chains to Corner No. 1 the place of beginning, containing 101.95 acres;

Lots 5, 7, 8 and 9, Northwest Quarter of the Southeast Quarter, Northeast Quarter of the Southwest Quarter, Southeast Quarter of the Southwest Quarter of Section 1, Township 14 South, Range 24, East Boise Meridian;

Lots 6 and 10 of Section 2, Township 14 South, Range 24, East Boise Meridian, containing 314.65 acres;

Continued -

Lot 6 and the Northeast Quarter of the Southwest Quarter of Section 6, Township 14 South, Range 25, East Boise Meridian; Excepting therefrom the following described parcels of land to-wit:

Commencing at the Northeast corner of Lot 6 of said Section 6, Township 14 South, Range 25, East Boise Meridian; thence running East 80 rods to the Northeast corner of the said Northeast Quarter of the Southwest Quarter of said Section 6; thence South on the line between the Southeast Quarter and the Southwest Quarter of said Section 6, 32 rods; thence West 24 rods; thence North 20 rods; thence West 56 rods; thence Northerly 12 rods to the place of beginning; also, except a strip of land beginning at a point 12 rods South and 24 rods West of the Northeast corner of the Northeast Quarter of the Southwest Quarter of Section 6, Township 12 South, Range 25, East Boise Meridian; thence in a Southwesterly direction across the Northeast Quarter of the Southwest Quarter of said Section 6, to the Southwest corner of said Lot 6, being a strip of land 4 rods wide and having been laid out and declared to be a County Road.

TOWNSHIP 14 SOUTH, RANGE 24 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 1: Lot 10, SW1/4SE1/4

RESERVING UNTO the United States from the lands hereby granted, a stock driveway 100 feet on each side of the centerline described as beginning at the corner common to Sections 1 and 12, T. 14 S., R. 24 E., B.M., thence North $0^{\circ}08'$ W. 1324.4 feet; thence S. $85^{\circ}01'$ W on a line to the point of intersection with the easterly line of Lot 10 said Section 1, the true point of beginning; thence S. $58^{\circ}36'$ W on a line to the point of intersection with the westerly line of the SW1/4SE1/4 said Section 1, and all appurtenances thereto constructed by the United States, through, over or upon the lands herein described, and the right to the United States, its officers, agents, or employees, to maintain, operate, repair, or improve the same so long as needed or used.

CONVERSATION MEMO

B/2/2

FILE: continuedAGENT: KKCDATE: 3-23-93

RE: _____

NAME OF PARTY: _____

A43-10546 and A43-10547 were ^{originally} claimed with a common P/U but, according to Mrs Stephens, historical practice has been that the P/U has been divided & water delivered based upon priority date. Therefore 10546 was split into 186 & 187 for fewer acres (common P/U for these two rights). 10547 was ~~amended~~ ^{amended} to show fewer total acres but when the two rights were compared to the original P/U claimed, an ~~acre~~ increase was found.

A43-00264 was determined to have not been filed. Therefore Mrs Stephens claimed the right at this time. She stated that the original use was a pipe diversion at or near the spring running NE to a farmstead where it was used to irrigate a yard. This has been abandoned and the use is to now to allow the water to flow in a natural channel to eventually be diverted via a ditch to ~~the~~ a one acre orchard near Cassia Co.

NOTE: for A43-00263 & 00266. The P/U is probably not describe correctly. Acres probably need to be shifted from Sec 2 to Sec 1, maybe an amendment will be necessary to ~~state mine~~ add acres during final review.

RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: A43-10544

split into

A43-00263

A43-00264

A43-00266

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<i>original claim</i>	A43-10544	14S	24E	1									5								5	
<i>as amended/split</i>	A43-00263			1									5								5	
" "	A43-00266			1									5								5	

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
<i>original claim</i>	A43-10544	14S	24E	2													30	10			40	
<i>as amended/split</i>	A43-00263			2													30	10			40	
" "	A43-00266			2													30	10			40	
<i>new claim</i>	A43-00264			2														1			1	

A43-00263 & A43-00266 have a common P/U
 A43-00264 adds one new acre to ~~system~~ total acres irrigated under all rights in aggregate.

Claim amendment
work sheet.

CLAIM NUMBER A43-10546 A43-10547
A43-00186 A43-00187 split into
amended no number DATE 3-22-93
change AGENT KKC

	CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRE
		T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
orig claim	A43-10546	14S	24E	1																	
orig claim	A43-10547			1													15			15	30
Amended	A43-00186			1													15			15	30
Amended	A43-00187			1																12	12
Amended	A43-10547			1																12	
																	15	10			25

	CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRE
		T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
orig claim	A43-10546	14S	25E	6									30	40	40						110
orig claim	A43-10547			6									30	40	40						110
Amended	A43-00186			6										3	39						42
Amended	A43-00187			6										3	39						42
Amended	A43-10547			6									30	35							65

	CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRES
		T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
orig claim	A43-10546	14S	25E	7					7												7
orig claim	A43-10547			7					7												7
Amended	A43-00186			7					11												11
Amended	A43-00187			7					11												11
Amended	A43-10547				no acres claimed																11

Amended claimed acres.

A43-00186 = 65

A43-00187 = 65 (same acres as 00186)

A43-10547 = 90

total claimed 155

total of orig claimed acres

A43-10546 = 147

(same acres) A43-10547 = 147

155
- 147

8 acres previously not claimed or paid for

03/21/2001

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

RIGHT NUMBER: 43-186

NAME AND ADDRESS: BERNICE HOGGAN-STEPHENS
BOX 453
ELBA, ID 83326

SOURCE: CROSS CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 2.38 CFS

VERIFIED BY KKC

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION: T14S R24E S12

NWNENW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
2.38 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R24E S1	LOT 7	NESE	11	T14S R24E S1		NWSE	14
T14S R24E S1		SWSE	0.8	T14S R24E S1	LOT 10	SESE	14
T14S R25E S6		NESW	28	T14S R25E S6	LOT 6	NWSW	32
T14S R25E S6	LOT 7	SWSW	39	T14S R25E S7		NWNW	7.2

146 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 146 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS. 43-186, 43-187, and 43-10547.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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

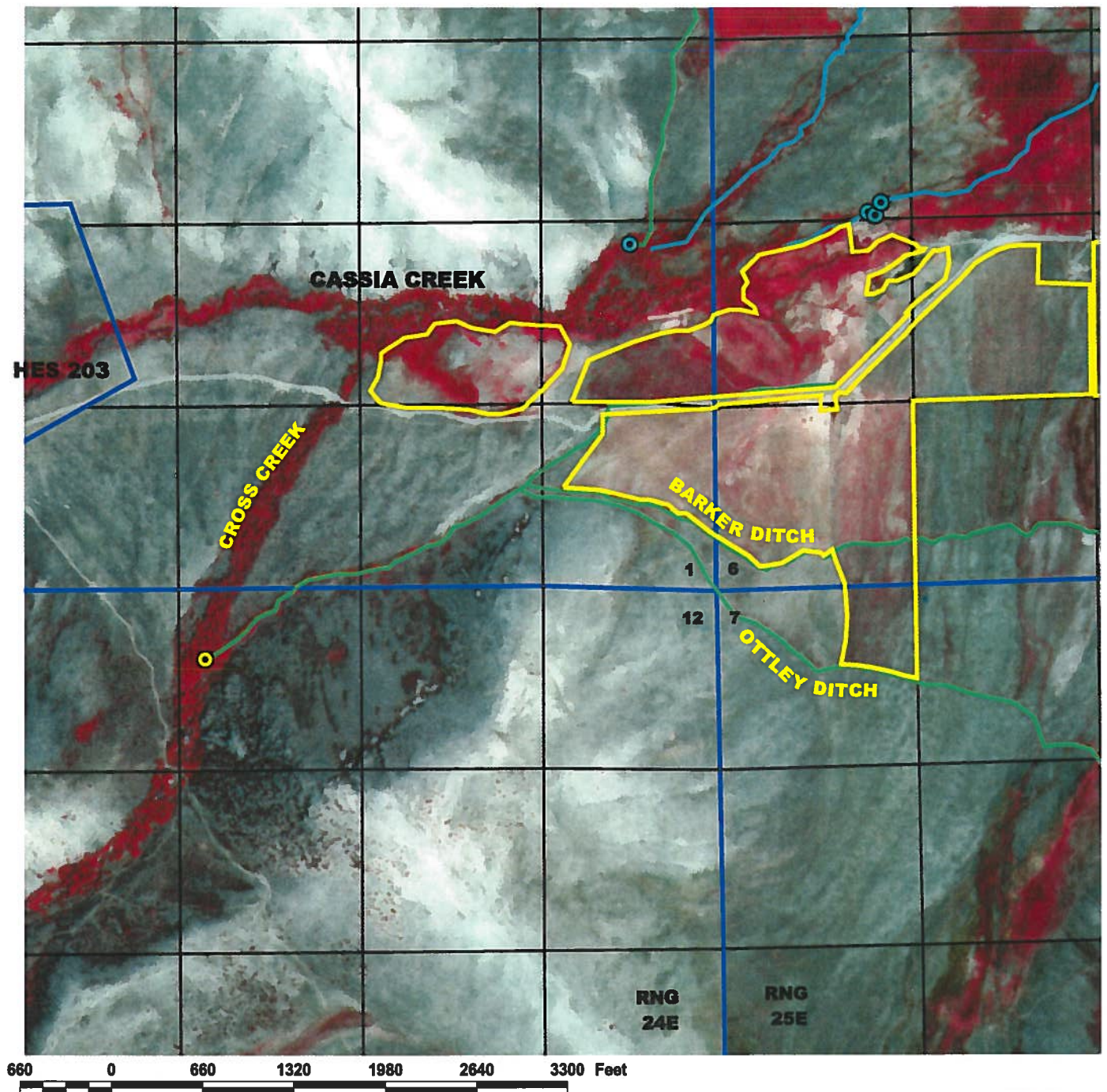
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

A PORTION OF THE PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY
SURVEY NO. 105.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

Idaho Department of Water Resources
RECOMMENDED PLACE OF USE FOR
43-186, 43-187, AND 43-10547



PLACE OF USE
TWP 14S, RNG 24E, SEC 1
TWP 14S, RNG 25E, SEC 6 & 7
Data entry on March 21, 2001

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**



home P/U
 Decreed Rights claimed Ac
 43-79 } 90
 (43-10547 } found 59

43-186	}	claimed Ac	15	65
		65 ac	38	
43-187	}	found	7.1	155
			60.1	

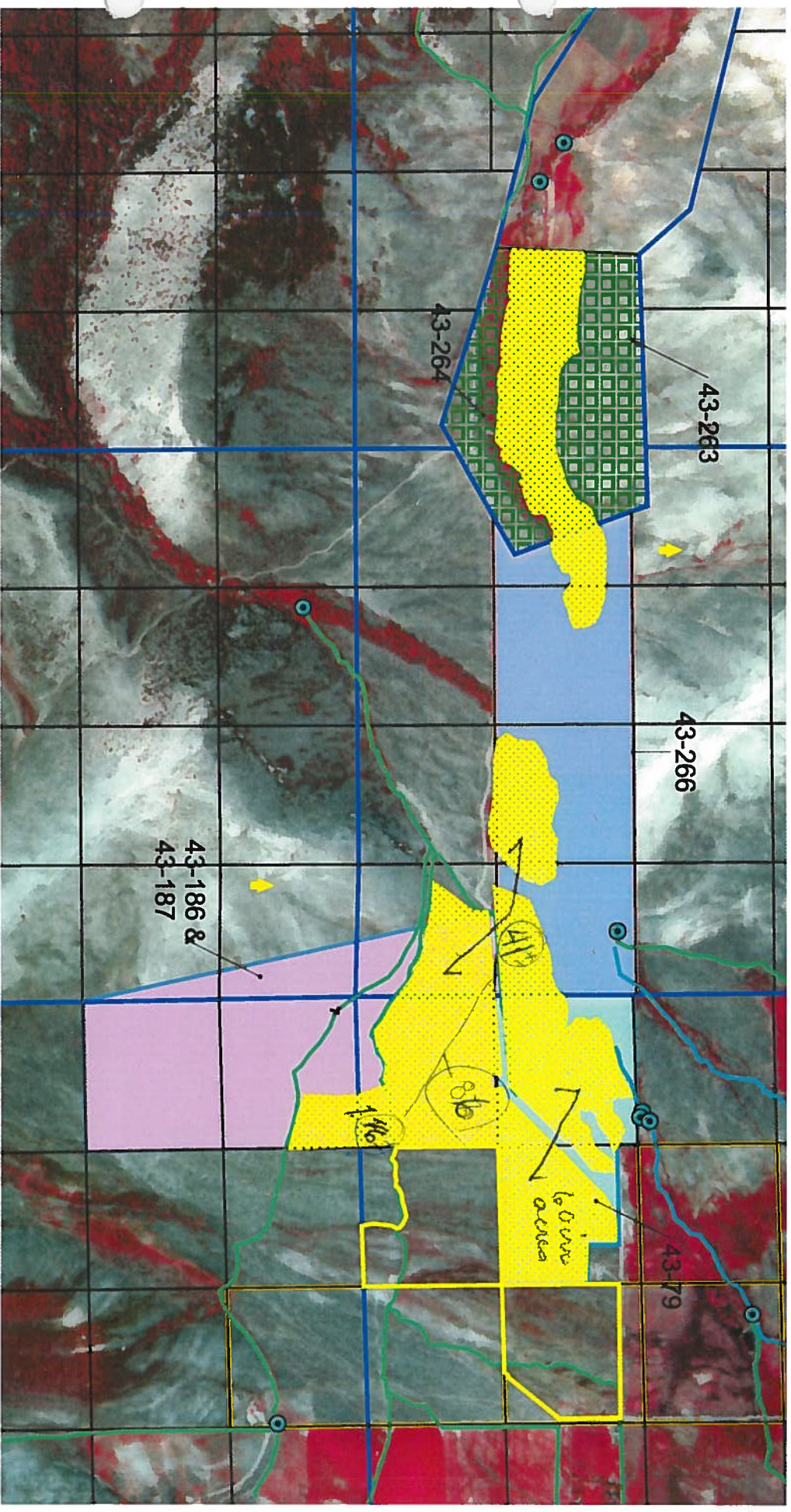
Recommend an accomplished transfer to the irrigated ground in Sec 2 that was originally part of the decreed P/U for 43-266. Recommending 43-266 as an accomplished transfer to the same P/U as 43-263.

Acres limit = 65 ac (as claimed)

146.8 total Acres

CARPENTER DECREED P/U

FIELD NOTES



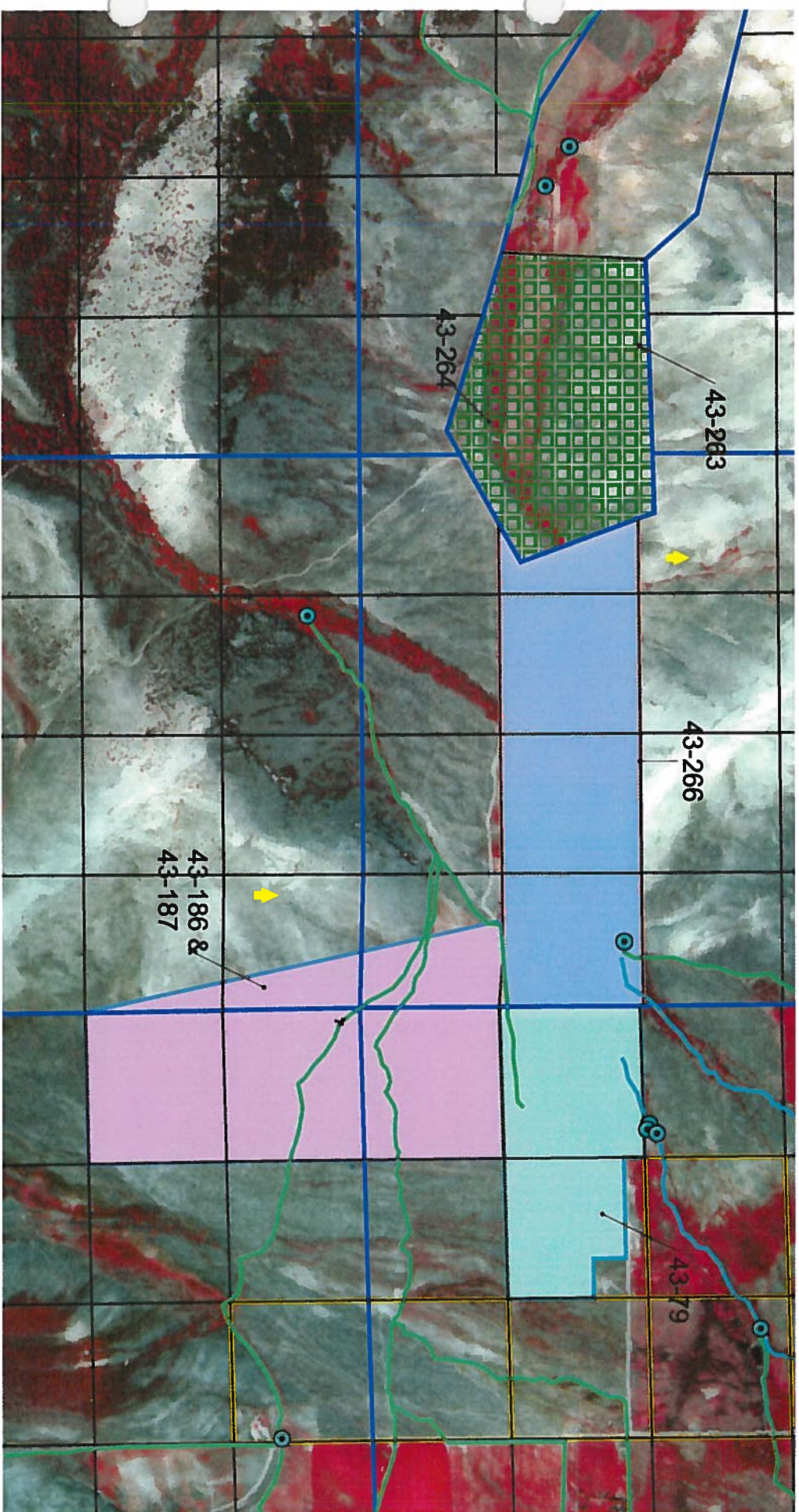
43-~~263~~ (6-8-1883) .86 cfs
43-~~264~~ (4-30-1885) .04 cfs

43-79 (4-30-1883) 1.6 cfs
43-~~266~~ (4-30-1887) .4 cfs

43-186 (4-1-1894) 2.38 cfs
43-187 (4-30-1887) .80 cfs

CARPENTER DECREED P/U

FIELD NOTES



CLAIM _____ INIT _____
T. R. S. Q/Q

P/D _____
PHOTO ASCS W-30
DT.&ID. 1987 Flight

1+6
2+7

2862
14320

NHEL/W

T1961

NHEL

3

9.6

8+

NHEL/W

4

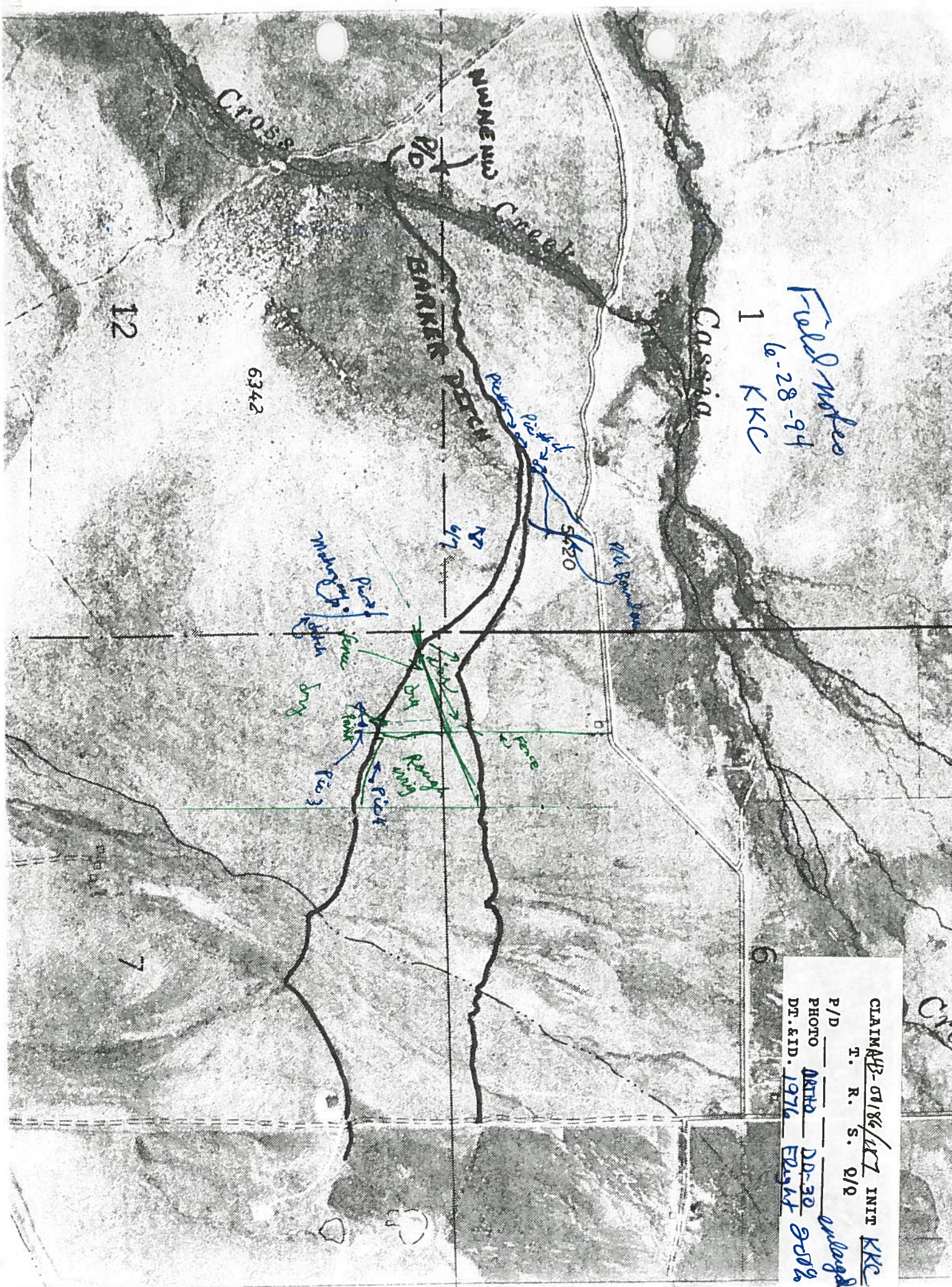
11.7

2

9.5

Field notes
6-28-94
1 KKC

CLAIM# 07/86/127 INIT KKC
T. R. S. Q/O
P/D
PHOTO DATE DD-30 200%
DT. #ID. 1976 ED94



CLAIM NUMBER _____ DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL _____
 GIS ACRE TOTAL **145**

**HES
105**

TWP	RNG	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
14S	24E	1													11.5	14.4	.84	14.7
															12	14	.8	15
			Acres used to update PLS												11	14	.8	14
14S	25E	6									27.8	31.8	38.2					
											28	32	38					
			Acres used to update PLS												28	32	39	
14S	25E	7								7.1								
										7.1								
			Acres used to update PLS															
			KKC 3-21-01 0x1															

B43-DBPOU.SHP

SHAPE NOS.

43- 79 claimed 90ac 1.60 acres under decreased
 43-1867 " 65ac 2.38 P/U for 43-266 (26.8ac)
 187 } 0.80
 4.78cFS

43-DBPOD.SHP

NOS. DESCRIPTION

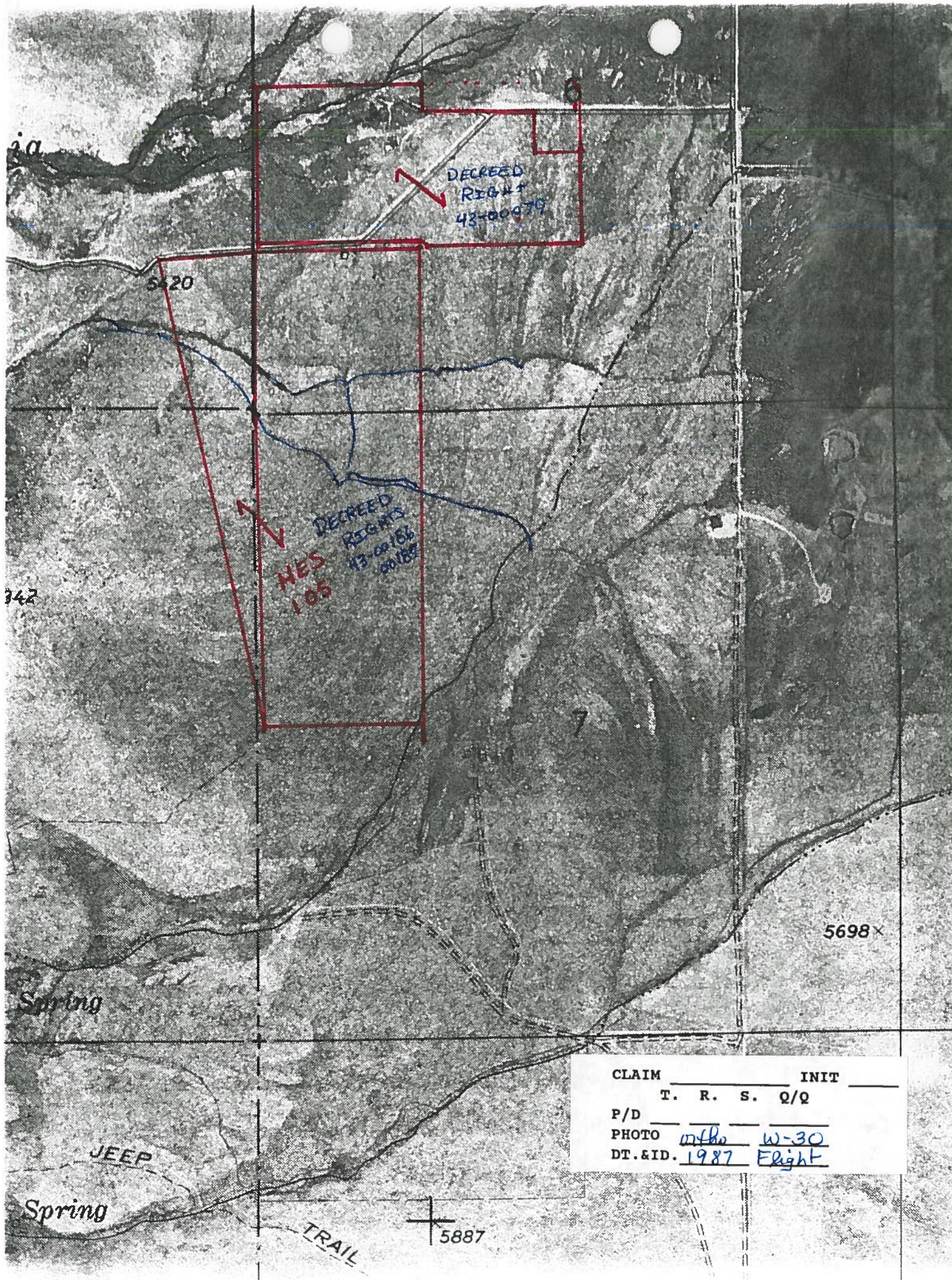
Acres limit calc
 Sec 2 41.8
 Sec 6 38
 Sec 7 7.1
 86.9
 claimed for 65ac
 limit to 65 acres within
 PPU.

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT



CLAIM	INIT			
	T.	R.	S.	Q/Q
P/D				
PHOTO	mtho		W-30	
DT.&ID.	1987		Flight	

CLAIM # A72-000186, 00187
DATE PHOTO TAKEN; 6-28-94
PICTURE # 1

This photo shows the first diversion from the Barker ditch and this ditch carries water to the west side of the ground south of the Cassia Creek road and to the field north of the Cassia Creek road and west of the farmstead. You are looking northeast in this photo.



PICTURE # 2

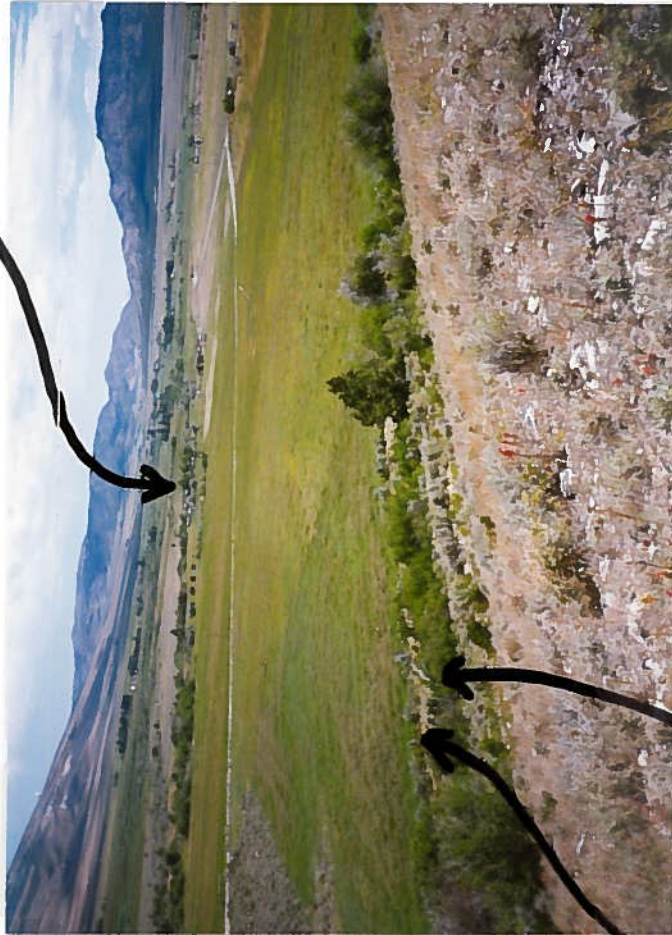
This photo shows the main split in the Barker ditch. The Barker ditch follows the brush on the left and the Ottley ditch swings right through the willows. You are looking east northeast in this photo.



CLAIM # A43-00186, 00187
DATE PHOTOS TAKEN; 6-28-94
PICTURE SET # 3

This photo set shows the ground referenced in photo # 1. This ground is irrigated with Cross creek water. You are looking north northeast on the left to east northeast on the right.

CASSIA CREEK SECONDARY DITCH
ROAD SHOWN IN PICTURE # 1



BARKER DITCH

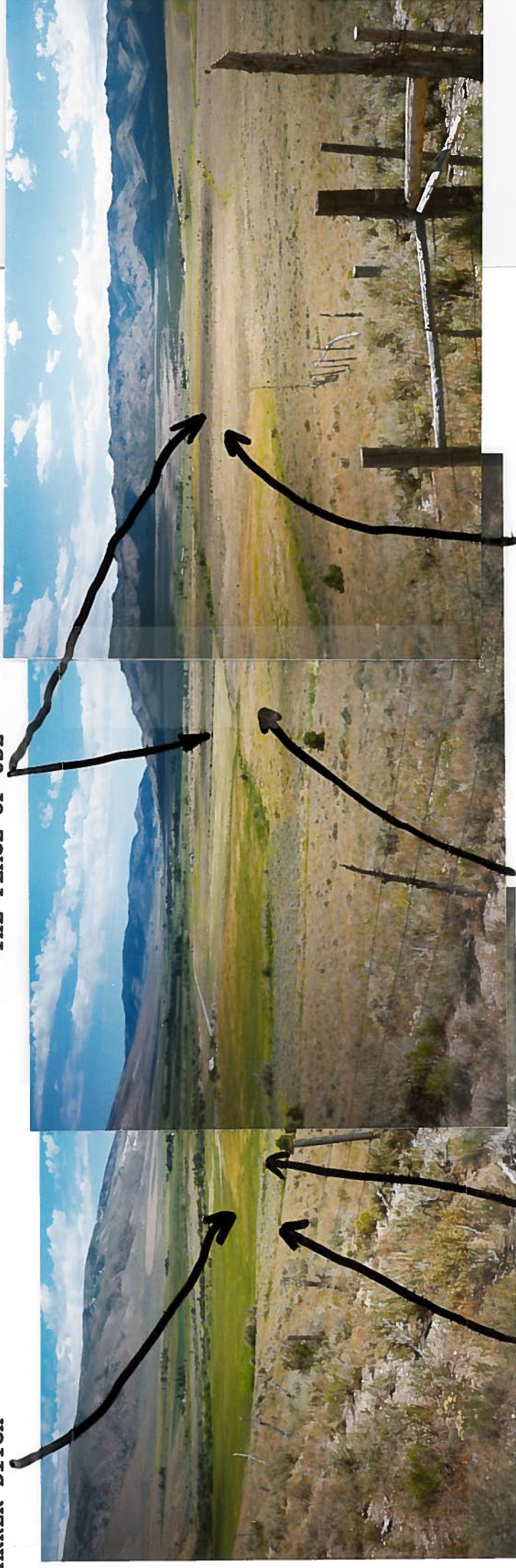
OTTLEY DITCH

CLAIM # A43-00186, 00187
DATE PHOTOS TAKEN; 6-28-94
PICTURE SET # 4

This photo is looking northeast on the left to east on the right and was taken alongside the western boundary fence. This was taken to show the irrigated ground from the Barker ditch to the Challis Creek road. This also shows some of the irrigation from the Ottley ditch to the Barker ditch as evidenced by the yellow growth (clover). Ground further east starting just east of the point in the Barker ditch has a diversion from the ditch and some control ditches crossing the ground. It was not irrigated this year and no irrigated ground is visible. Note that the ground has very little sagebrush growth. Marginal irrigation has occurred on this ground.

GROUND NORTH OF
THE BARKER DITCH

EASTERN BOUNDARY OF
THE PLACE OF USE



OTTLEY DITCH

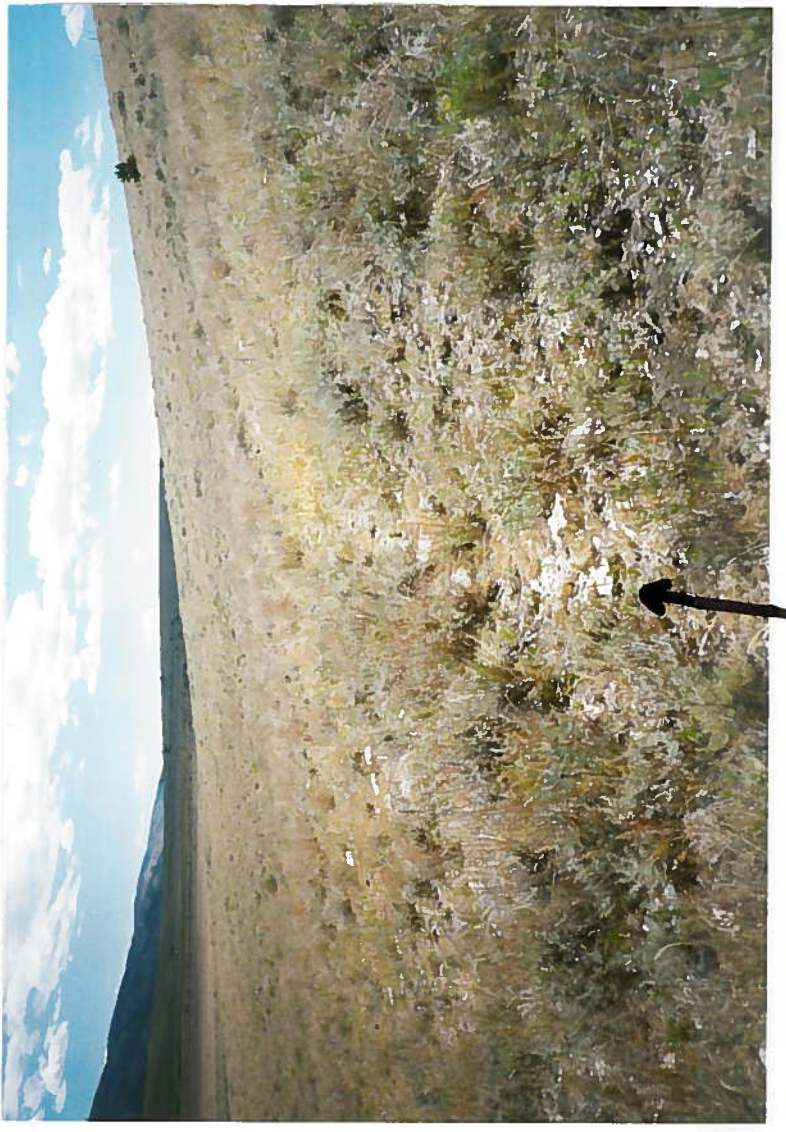
BARKER DITCH

CLOVER PATCH

MARGINAL IRRIGATION

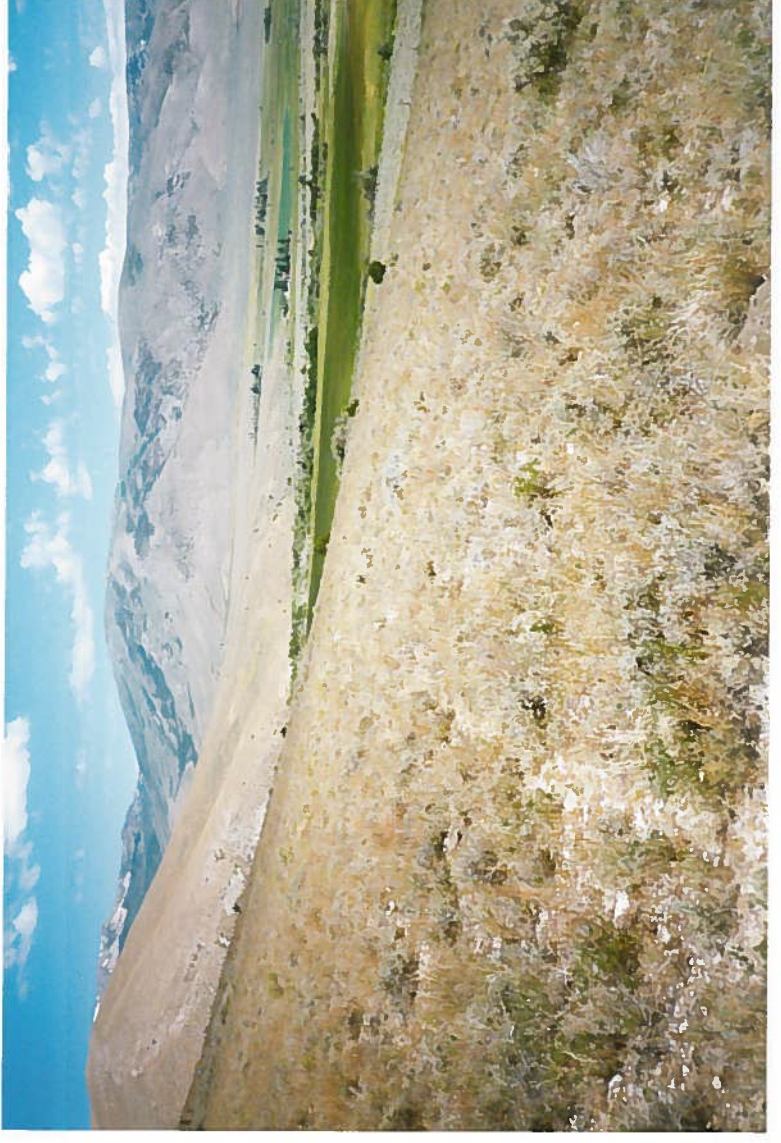
CLAIM # A72-000186, 00187
DATE PHOTO TAKEN; 6-28-94
PICTURE # 5

This photo was taken on the hillside west of the ground irrigated by the Ottley and Barker ditches. You are looking south in this photo. I was standing in the 'ditch' which is somewhat visible in this photo. The ditch is in serious disrepair and shows no evidence of use for many years. I walked out two to three hundred yards of the ditch (south of this point) and observed several spots where the ditch was basically non-existent. No evidence of any attempt to maintain the ditch was observed. The vegetation on either side of the ditch showed no difference in composition indicating no irrigation for some time also. Note the mahogany tree on the right; this is a landmark as noted in picture # 7.



CLAIM # A72-000186, 00187
DATE PHOTO TAKEN; 6-28-94
PICTURE # 6

This photo was taken from the same spot as picture # 5 but this photo is looking north. Again, this photo shows the deteriorated condition of the ditch and the lack of vegetation differentiation on either side of the ditch.



CLAIM # A72-000186, 00187
DATE PHOTO TAKEN; 6-28-94
PICTURE # 7

This photo was taken from the Ottley ditch just east of the first 'point' formed in the ditch as it crosses a small natural drainage. You are looking west southwest in this photo at the hillside shown in pictures 5 & 6. Note that no irrigation differences are visible on the hillside.

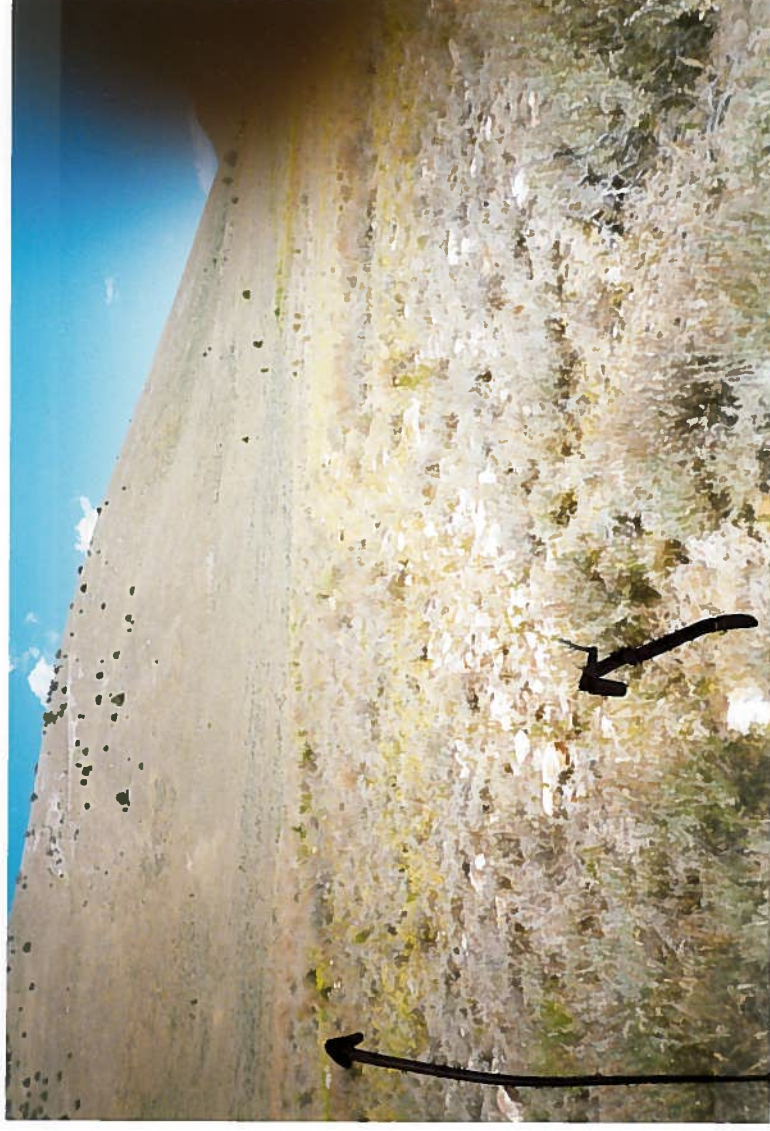
**MAHOOGANY TREE
SHOWN IN PICTURE # 5**

**APPROXIMATE DITCH
ROUTE**



CLAIM # A72-000186, 00187
DATE PHOTO TAKEN; 6-28-94
PICTURE # 8

This photo was taken from a point just east of the location for photo # 7 and is looking west northwest across the Ottley ditch. This was taken to show the lateral that is diverted from the Ottley ditch just east of the crossing point described in photo # 7. This lateral parallels the Ottley ditch to the eastern boundary fence of the P/U.



OTTLEY DITCH

LATERAL