

04/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-187

<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: 04/30/1887
 Basls: 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	04/01	10/31	0.8 CFS		

Total Diversion	0.8 CFS
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Location of Point(s) of Diversion:

CROSS CREEK	NWNENW	Sec. 12	Township 14S	Range 24E	CASSIA County
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IRRIGATION Use:
 Acre Limit: 86

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Sectio</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	7	NESE	11		NWSE	14		SWSE	0.8	10	SESE	14
	25E	6		NESW	28	6	NWSW	32	7	SWSW	39			
		7		NWNW	7.2									

Total Acres: 146

Conditions of Approval:

- C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- 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:

- Place of Use - Irrigation 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.
- General A PORTION OF THE PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 105.
- Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 86 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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 153 Elba, Id 83326
- Name Connector (Check one): ☐ and ☒ or ☐ and/or
- New Mailing Address 4079 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 _____

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: A43-00187
Date Received: 1/17/1992
Receipt No: X777777
Received By: KKC

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BERNICE HOGGAN-STEPHENS 208-638-5510
Address: BOX 453
ELBA ID 83326

2. Date of Priority: APR 1, 1887

3. Source: CROSS CREEK 4-30-87 Trib. to: CASSIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	24E	12	NE	NE			CASSIA

5. Description of diverting works:
BARKER DITCH TO P/U, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.800		

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

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

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	24E	1	SE	SE		IRR	12.0
						Section Acres	12.0
	25E	6	NW	SW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	25E	6	SW	SW	7	IRR	39.0
						Section Acres	42.0
		7	NW	NW	1	IRR	11.0
						Section Acres	11.0
						Total Acres	65.0

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:
43-00186

14. Remarks:

P. U. INCLUDES H. E. S. #105 IN T. 14S R. 24E

THIS RIGHT HAS BEEN COMBINED WITH RIGHT 43-00186 UNDER A43-10546 BY BERNICE HOGGAN-STEPHENS.

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 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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ALBION-IDAHO LAND CO.
Decree Plaintiff

JOBE ADAMS ET AL
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Bernice Stephens Date: Mar 23 199
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of March 19 93 Kelly K. Christensen
Notary Public

Seal



Residing at Kimberly Rd
My Commission Expires 3-2-98



35

2

EHI

B

H

G

SW

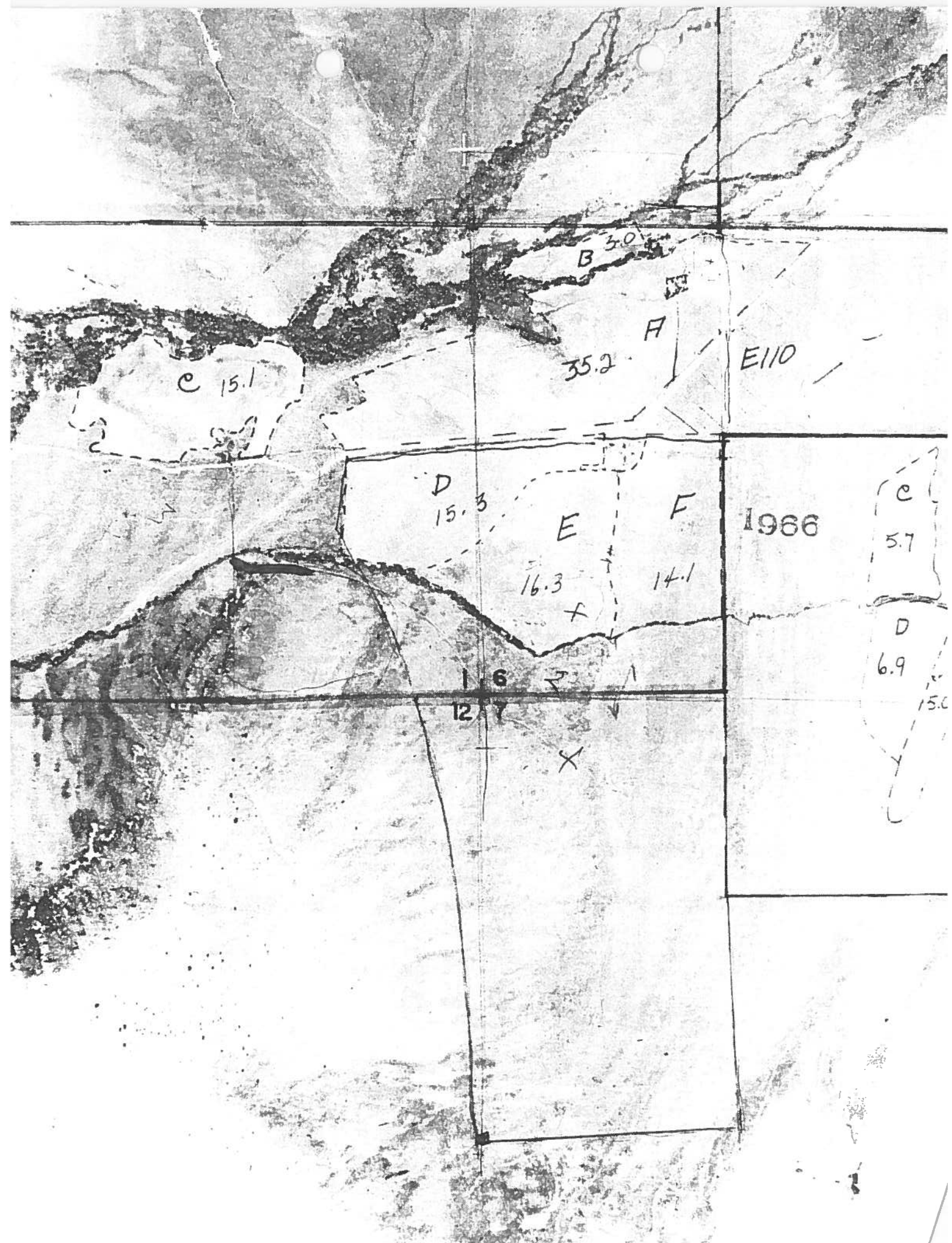
10

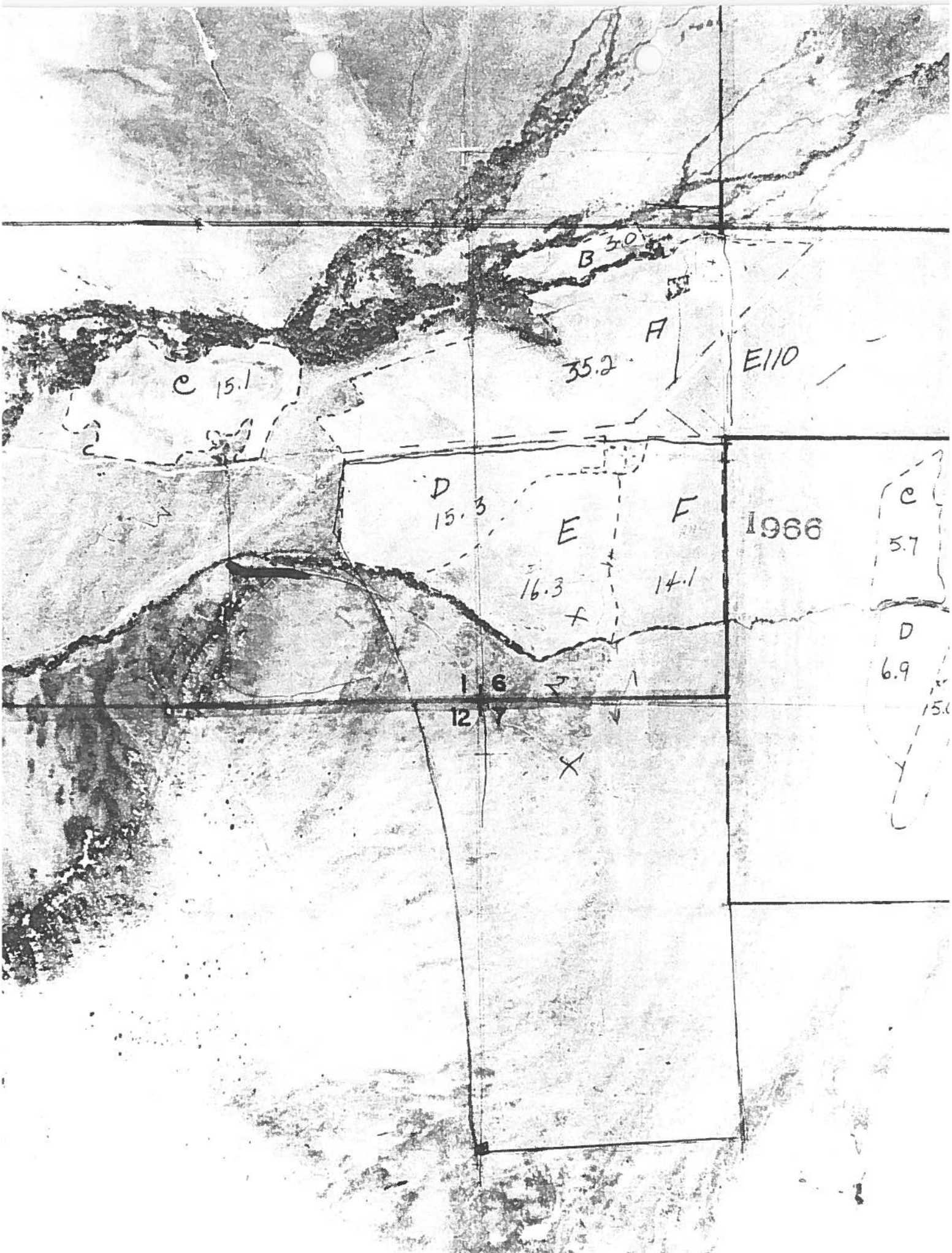
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12

11 12

13





CONVERSATION MEMO

Pg 1/2

A43-10544 } -00186
 -10546 } -00187
 FILE: -10547 } -00263
 AGENT: KKC -00264
 DATE: 3-23-93 -00266
 -00079

RE: split claim/new claim analysisNAME OF PARTY: Bernia Hoggan-Stephens.

Claimant wanted to split rights to reflect the priority dates of the orig decreed rights. Also, it was determined that another right was missed during the original claims taking. No late fees were assessed as the claimant had made an honest attempt to claim all of her water use & didn't understand the ramifications of combining the rights.

Claims split:

additional fees Due!

	Split into:	Result:	additional fees Due!
A43-10544	A43-00263	one new claim but	0 ⁰⁰
	A43-00266	same P/u.	50 ⁰⁰
A43-10546	A43-00186	one new claim but	0 ⁰⁰
	A43-00187	same P/u. (see below for additional analysis)	50 ⁰⁰
A43-10547	NO CHANGE	AMENDED P/u (see below for additional analysis)	8 ⁰⁰
A43-00264	NEW FILING	NEW claim / new Acct	51 ⁰⁰
		total Due	159 ⁰⁰

A43-10544 analysis:

This Claim was split to separate 1883 priority date right from the 1887 priority date right. Historical practice has been that both rights are delivered through the same system and used on the same P/u.

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 ~~re-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 Cr.

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

RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: A43-10544

split into

A43-00264

A43-00263

A43-00266

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

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYST TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
original claim	A43-10544	14S	24E	2													30	10			40	
as amended/split	A43-00263			2													30	10			40	
" "	A43-00266			2													30	10			40	
new claim	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.

A43-10546 split into
CLAIM NUMBER A43-00186
A43-00187
A43-10547 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	145	24E	1																	
orig claim	A43-10547			1													15			15	3
Amended	A43-00186			1													15			15	3
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	145	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 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	145	25E	7																	7
orig claim	A43-10547			7																	7
Amended	A43-00186			7																	7
Amended	A43-00187			7																	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: 43-187

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

SOURCE: CROSS CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.8 CFS

VERIFIED BY *KKC*

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION: T14S R24E S12

NWNENW

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.80 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.