

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-239A

WATER RIGHT NUMBER: 43-239A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NANCY BIHLMAIER 3032 BANNOCK DR PROVO, UT 84604
Current Owner	FRED BIHLMAIER 3032 BANNOCK DR PROVO, UT 84604
Directors Report Owner	MARJORIE PETTINGILL PO BOX 462 ELBA, ID 83326 (208)683-5532
Directors Report Owner	REDGE P PETTINGILL PO BOX 462 ELBA, ID 83326 (208)683-5532

Priority Date: 04/30/1880

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CLYDE CREEK	CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

CLYDE CREEK	SE1/4NW1/4NE1/4	Sec. 36, Twp 13S, Rge 24E, B.M.
CASSIA County		
CLYDE CREEK	SW1/4SW1/4SE1/4	Sec. 25, Twp 13S, Rge 24E, B.M.
CASSIA County		

Place of Use

IRRIGATION Within CASSIA County

T13S R25E S31 Lot 1 NWNW 41.0

Total Acres: 41

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:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 43-239A

1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
- Irrigation TOTAL OF 41 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS: 43-00239A AND 43-00240A.

Dates and Other Information:

Decreed Date: 06/28/2002
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: AND
Water District Number: 43C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 15, 2002

FRED BIHLMAIER
NANCY BIHLMAIER
3032 BANNOCK DR
PROVO UT 84604

RE: Decreed Water Right 43-239A, 43-240A, 43-10174

Dear Mr. and Mrs. Bihlmaier:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the water right(s) noting the change in owner. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOV 14 2002

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Department of Water Resources
Southern RegionPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.RECEIVED
NOV 04 2002
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 on 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
43-239A					
43-240A					
43-10174					

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**.

Name and Address of Former
Owner/Claimant(s)

REDGE P. PETTINGILL and MARJORIE PETTINGILL

New Owner/Claimant(s)

FRED BIHLMAIER and NANCY BIHLMAIER

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

3032 Bannock Drive

City, State and ZIP Code

Provo, UT 84604

New Telephone Number

() _____

Date you acquired the property

284355

WARRANTY DEED

#36262

For Value Received

REDGE P. PETTINGILL and MARJORIE PETTINGILL, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

FRED BIHLMAIER and NANCY BIHLMAIER, husband and wife
Address: 3032 Bannock Drive, Provo, UT 84604

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

**TOWNSHIP 13 SOUTH, RANGE 25 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO**

Section 31: Lot 1

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2002 and subsequent years, a lien, but not yet due or payable.

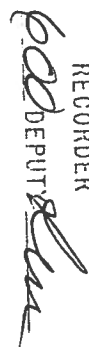
TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all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

Dated: **October 11, 2002**


REDGE P. PETTINGILL


MARJORIE PETTINGILL

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW
02 OCT 15 PM 4 40

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE  DEPUTY

284355

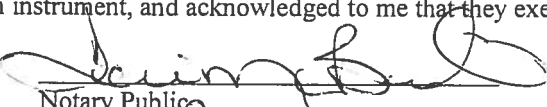
STATE OF IDAHO

COUNTY OF CASSIA

) ss.
)

On this 11th day of **October, 2002**, before me, the undersigned, a Notary Public in and for said State, personally appeared **REDGE P. PETTINGILL and MARJORIE PETTINGILL**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Terri McBride
Notary Public
State of Idaho


Notary Public

Residing at:

My Commission expires: 2-5-08



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 6, 2002

FRED BIHLMAIER
NANCY BIHLMAIER
3032 BANNOCK DR
PROVO UT 84604

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIM 43-239A, 43-240A, 43-10174

Dear Mr. and Mrs. Bihlmaier:

I am in receipt of the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form submitted on your behalf by Land Title & Escrow Inc. Our records, however, cannot be updated without your signatures.

Enclosed is your original ownership change form. Please sign where highlighted on the back of the form and return it to me in the enclosed self-addressed envelope. As soon as I receive the signed document, I will update our records and you will be notified by mail that the change has been completed.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

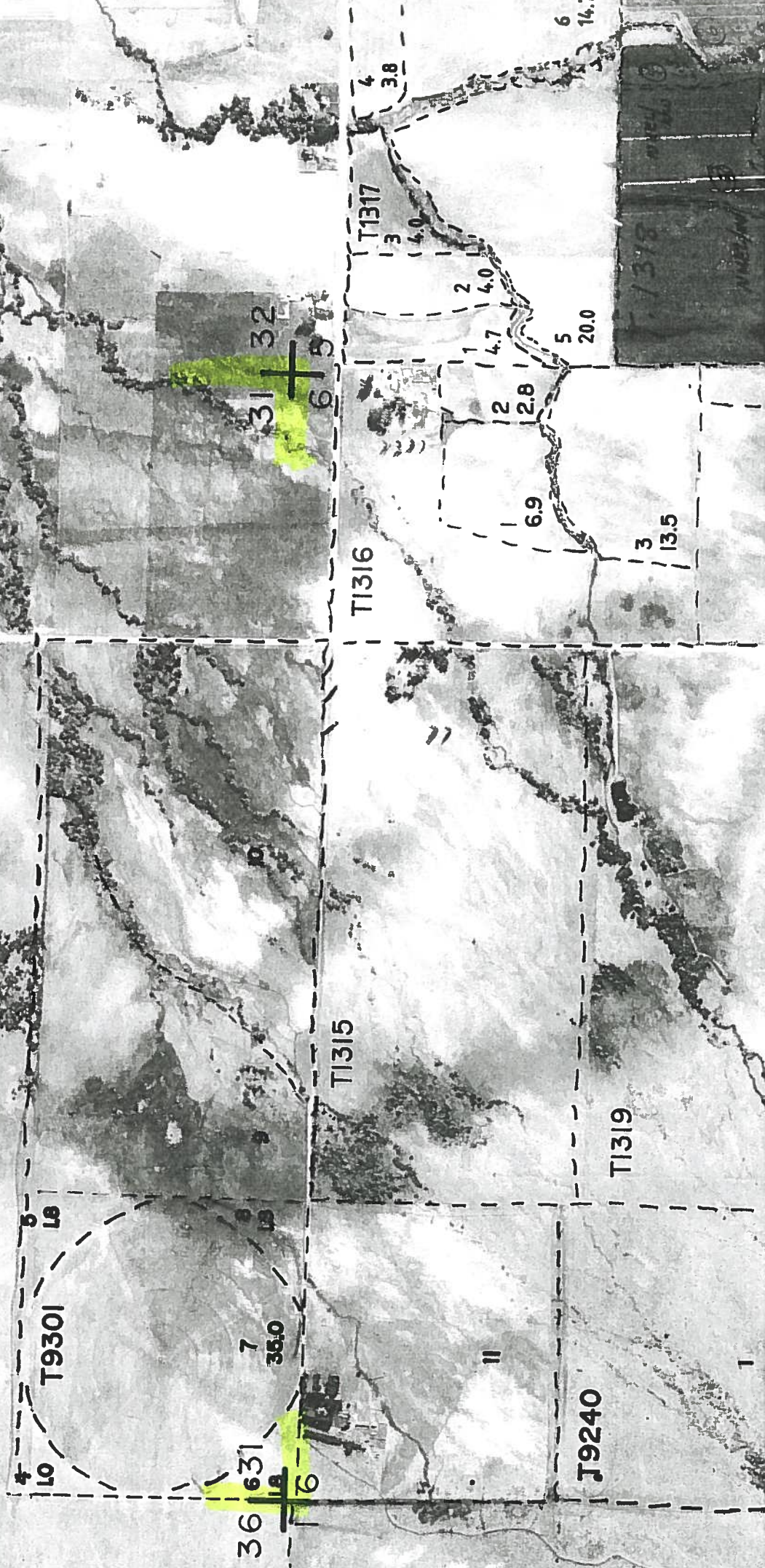
R 24

SEE MAP W28

T13

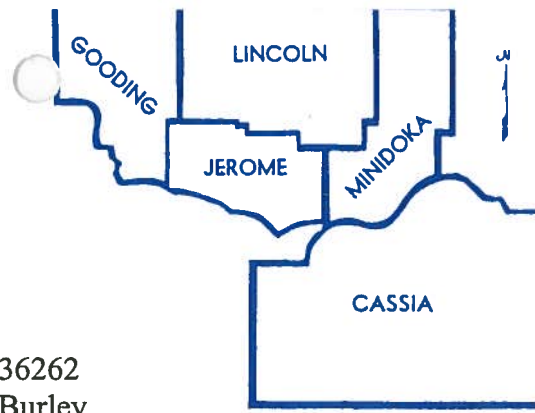
T14

R 25



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: 36262
OFFICE: Burley

November 1, 2002

Idaho Department of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301

RECEIVED
NOV 04 2002
Department of Water Resources
Southern Region

RE: Notice of Change Pettingill/Bihlmaier

Dear Agent:

Enclosed please find a Notice of Change in Water Right Ownership between Redge Pettingill and Fred Bihlmaier along with a copy of the Warranty Deed and Aerial photo. Please note the change on your records.

Should you have any questions concerning this matter, please do not hesitate to contact me at 878-3524.

Very truly yours,
Land Title and Escrow, Inc.

A handwritten signature in blue ink, appearing to read "Terri L. McBride".

Terri L. McBride
Escrow Officer

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: A43-00239A
Date Received: 5/16/1989
Receipt No: MO03594
Received By: JB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: REDGE P. PETTINGILL 208-683-5532
Address: P.O. BOX 462
ELBA, ID 83326

OR
Name: MARJORIE PETTINGILL 208-683-5532
Address: P.O. BOX 462
ELBA, ID 83326

2. Date of Priority: APR 30, 1880

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	24E	36	SW	NE	NE		CASSIA
			NW	NW	NE		CASSIA

5. Description of diverting works:
HEADGATE, OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

7. Total Quantity Appropriated is:
0.100 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
13S	25E	31	NW	NW	1	IRR	42.8
Section Acres							42.8
Total Acres							42.8

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:
43-00240A

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

MICROFILMED

MAR U 2 1993

16. Signature(s)

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

Number of attachments: 1

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): Redge P Kittingjill Date: 5/16/89
Date: _____

State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of May 1989

Anna Baunhoff
Notary Public

Seal

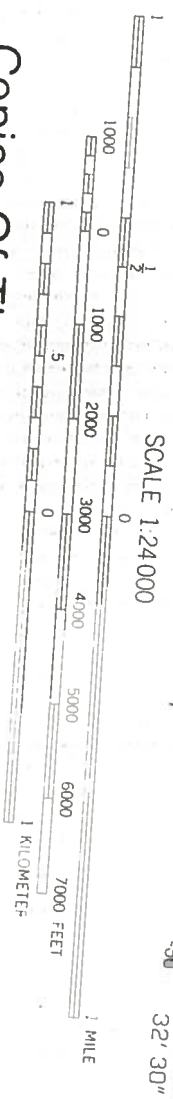
Anna Baunhoff, Notary Public
Residing at Boise, Idaho

Residing at _____
My Commission Expires ~~December 7, 1994~~
My Commission Expires _____



Geological Survey
with the Soil Conservation Service
dated from 1:78 000-scale
on April 20, 1976
3-foot grid ticks: Idaho coordinate
transverse Mercator)
Transverse Mercator grid ticks,
American datum
needed by scanning techniques
able or mismatched images;
positions for map point.

Idaho Department of Water Resources pursuant to
in filing notices of claims and objections on the Snake
employees, its agents, contractors, and reproduction
Supply Co Inc. or its employees, for the area y
mentioned forth on the map



Copies Of These Maps Can Be Obtained
At Bonneville Blue Print, Boise Idaho

THIS MAP COMPLES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

A43-00239A

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Phone ID 83720-0098

ADDRESS SERVICE
REQUESTED

RECEIVED
MAY 24 2001
WATER RESOURCES
WESTERN REGION

RECEIVED
MAY 29 2001
Department of Water Resources
Southern Region



RECEIVED

MAY 22 2001

Department of Water Resources

Handwritten signature



09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-239A

NAME AND ADDRESS: MARJORIE PETTINGILL
PO BOX 462
ELBA ID 83326

REDGE P PETTINGILL
PO BOX 462
ELBA ID 83326

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.100 CFS

PRIORITY DATE: 04/30/1880

POINT OF
DIVERSION:

T13S R24E S25 SWSWSE Within CASSIA County
T13S R24E S36 SENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.100 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S31 Lot 1 NWNW 41.0

41 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 41 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS:
43-00239A AND 43-00240A.

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

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-240A

NAME AND ADDRESS: REDGE P PETTINGILL
PO BOX 462
ELBA ID 83326

MARJORIE PETTINGILL
PO BOX 462
ELBA ID 83326

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.600 CFS

PRIORITY DATE: 04/30/1888

POINT OF
DIVERSION:

T13S R24E S25 SWSWSE Within CASSIA County
T13S R24E S36 SENWNE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T13S R25E S31 Lot 1 NWNW 41.0

41 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 41 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHTS:
43-00239A AND 43-00240A.

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

09/19/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-10174

NAME AND ADDRESS: MARJORIE PETTINGILL
PO BOX 462
ELBA ID 83326

REDGE P PETTINGILL
PO BOX 462
ELBA ID 83326

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 06/24/1964

POINT OF
DIVERSION:

T13S R25E S31 SENWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
STOCKWATER	1/01 12/31	0.030 CFS

PLACE OF USE: DOMESTIC Within CASSIA County

T13S R25E S31 Lot 1 NWNW

STOCKWATER Within CASSIA County

T13S R25E S31 Lot 1 NWNW

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

PARCEL NO. 13S25E313599A STOCKWATER, 40 HOLSTEEN STEERS, 6 HORSES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 26, 2001

RE: Water Rights in Reporting Area 7, Basin 43
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in Basin 43 for the Raft River drainage basin. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note that you have 120 days in which to review your water rights or those of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouses in American Falls, Burley, and Malad City, and at all the Idaho Department of Water Resources offices (see addresses in enclosures).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

NOTICE OF FILING OF DIRECTOR'S REPORT FOR IDWR REPORTING AREA 7, BASIN 43 FOR IRRIGATION AND OTHER WATER RIGHTS

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Reporting Area 7, Basin 43. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and other uses, including some small domestic and stock water uses. The Director's Report for most small domestic and stockwater rights for IDWR Basin 43 was sent to the SRBA court and individual water users on March 2, 1998. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from the 1998 report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third and fourth pages of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed numerically by water right number.
- 2) **List of Claims Recommended to Be Disallowed** -- Water rights recommended to be disallowed are listed numerically by

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **June 18, 2002**, at 1:30 P.M. at the SRBA Courthouse. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations.

Additional information regarding water right claims can be found on the SRBA Web Site at www.srba.state.id.us.

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50. The Docket Sheet is also available on the SRBA Web Site at www.srba.state.id.us.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Southern Region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources
1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*                                     *
*****
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IDWR does not investigate or make recommendations regarding federal law based claims.

Attachment A

Graham Creek and Tributaries

43-10

Grape Creek and Tributaries

43-402	43-403A	43-404	43-405	43-406
43-407	43-2215	43-2247	43-13026	

Stines Creek and Tributaries

43-11	43-12	43-14	43-10013	43-13024
43-13025	43-13106	43-13107		

Almo Creek and Tributaries (except Stines Creek, Grape Creek and Graham Creek)

43-375	43-376	43-379	43-380A	43-380B
43-381	43-382	43-383	43-384	43-385
43-386	43-419	43-2148	43-2186	43-2232A
43-2594	43-10356	43-10545	43-10797	43-10823
43-11198	43-11207	43-11208	43-11227	43-13106
43-13107				

Clear Creek and Tributaries

43-37	43-43	43-45	43-84	43-85
43-116	43-117	43-118	43-119	43-206
43-286A	43-286B	43-286D	43-286E	43-314
43-347	43-415B	43-10116	43-10813	43-10814
43-10824	43-11201	43-13119	43-13120	

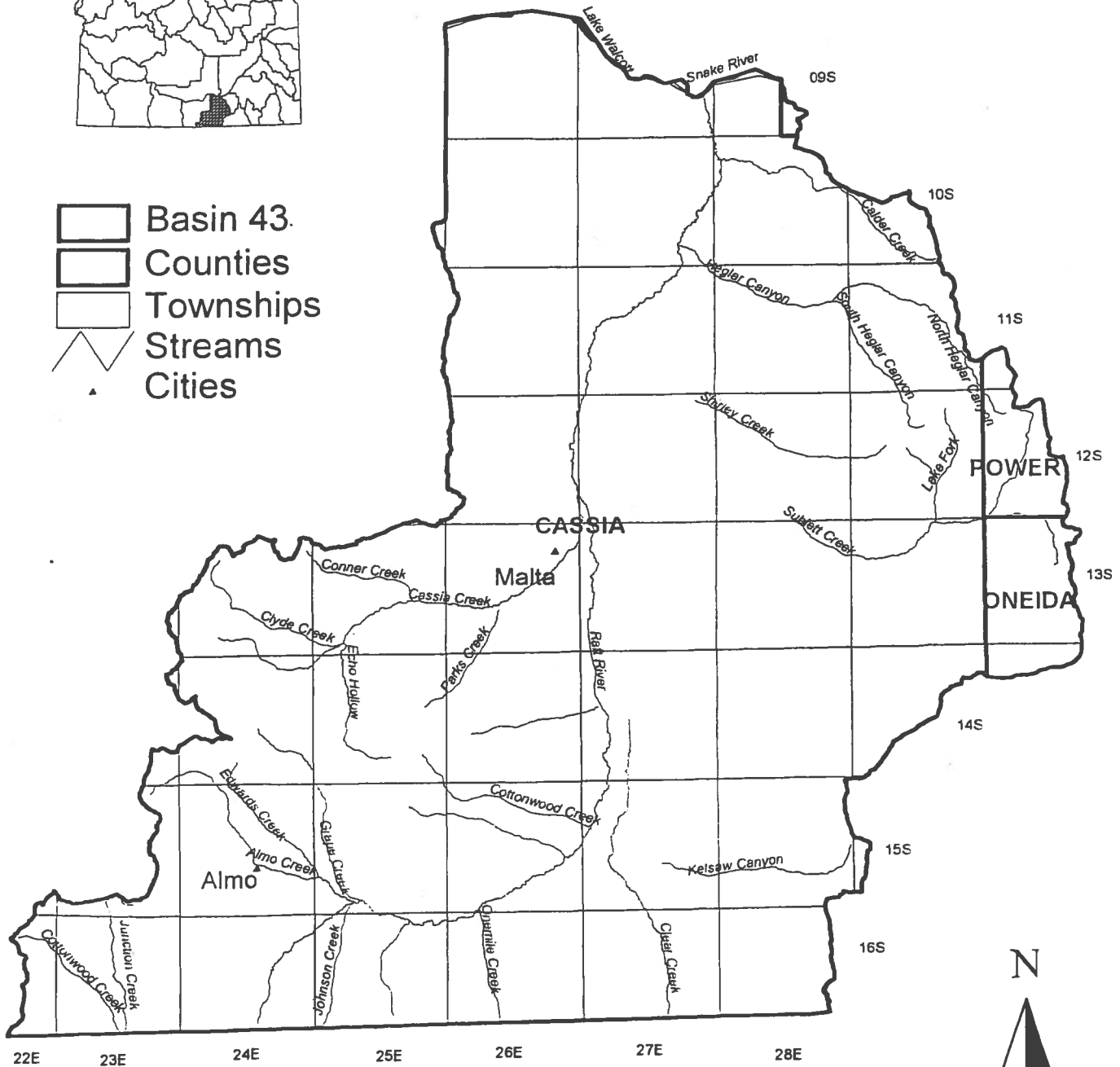
Cassia Creek and Tributaries

43-31	43-51	43-52	43-53	43-62
43-63	43-64	43-65	43-66	43-67
43-68	43-70A	43-70B	43-71A	43-71B
43-72	43-73A	43-73B	43-74A	43-74B
43-80	43-86	43-87	43-88	43-91
43-92	43-93	43-94	43-95	43-96B

Basin 43



-  Basin 43.
-  Counties
-  Townships
-  Streams
-  Cities



5 0 5 10 15 Miles

A horizontal scale bar with markings at 5, 0, 5, 10, and 15 miles.

**NOTICE OF FILING
FEDERAL RESERVED RIGHTS CLAIMS
IN BASIN 43**

INTRODUCTION

The United States of America (USA) has filed with the Snake River Basin Adjudication (SRBA) District Court claim 43-11113 to a federal reserved right in Basin 43.

Complete copies of the claim to a federal reserved right in Basin 43 are available at the SRBA courthouse in Twin Falls and the locations listed at the end of this notice. You may review the claim to a federal reserved right at those locations. Copies of the claim can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A CLAIM TO COURT

What do I do if I disagree with a federal reserved water right claim?

If you disagree with any element of the claim to a federal reserved water right in Basin 43 and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court. You may also download a copy of the objection form from the SRBA Web Site at www.srba.state.id.us.

Your **objection** to the federal reserved water right in Basin 43 must be **received** by the SRBA Court on or before **February 8, 2002**.

What do I do if I want to participate in the court case on a claim to a federal reserved right?

If you want to be involved in the court case on the claim to a federal reserved right, you must file either an objection or a response by the dates provided in this notice. You may also download a copy of the response form from the SRBA Web Site at www.srba.state.id.us.

Your **responses** must be **received** by the SRBA Court on or before **April 12, 2002**.

What happens if there are no objections to the federal reserved water right claim?

An evidentiary hearing on the uncontested federal reserved water right in Basin 43 will be held. Partial decrees will be issued following this hearing.

How will I know about the proceedings on claims to federal reserved water rights to which objections were filed?

A notice will be mailed to you for court dates on those claims where you filed an objection or a response. You will not receive notice of court dates on any other claims to federal reserved rights for which you did not file an objection or response.

Additional information regarding federal reserved water right claims can be found on the SRBA Web Site at www.srba.state.id.us.



02/06/2001

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

RIGHT NUMBER: 43-239A

NAME AND ADDRESS: MARJORIE PETTINGILL
REDGE P PETTINGILL
PO BOX 462
ELBA, ID 83326

SOURCE: CLYDE CREEK

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.1 CFS

VERIFIED BY KKC

PRIORITY DATE: 04/30/1880

POINT OF DIVERSION: T13S R24E S25
T13S R24E S36

SWSWSE
SEWNWE

Within CASSIA County
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4-01 10-31

QUANTITY
0.10 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R25E S31 LOT 1 NWNW 41

41 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 41 ACRES IN A SINGLE IRRIGATION SEASON
COMBINED RIGHTS: 43-00239A AND 43-00240A

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

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

05/03/00 16:11:33
Page 1

Water Right Number - R43-00239A

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
PETTINGILL
Last Name - + First Name - + Address - +
REDGE P
1 - PO BOX 462
2 -
3 -
City- ELBA
Phone - 208-683-5532
1 - PO BOX 462
2 -
3 -
City- ELBA
Phone - 208-683-5532
State- ID Zip- 83326
VERIFIED BY KKC

PETTINGILL

MARJORIE

State- ID Zip- 83326
Phone - 208-683-5532

Priority Date - + 04/30/1880 17 SOUTHERN + - - - - Stage - + Status - +
D - DECREED

Source - + CLYDE CREEK + Tributary - + CASSIA CREEK +

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
13S	24E	25	SW SW SE	(31)		CASSIA	
		36	SE NW NE	(31)		CASSIA	

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31		0.100	

+ - Total Div. Rate - + 0.100 + - Total Div. Volume - + 0.100 + - Total Consumptive Use - + 0.0 + - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13S	25E	31	NW NW	1	41.0	01	IRRIGATION	(31) CASSIA
					Total Acres:	41.0		

+ - - Diversion Means - HEADGATE, OPEN DITCHES
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use - 43-00240A
Remarks -

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 41 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHTS: 43-00239A AND 43-00240A.

Water right number - R43-00239A

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - -
+ - - - - Old Water Right Numbers - - - - -
A4300239A
4300239

+ - - - - Conditions of Approval - - - - -
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.

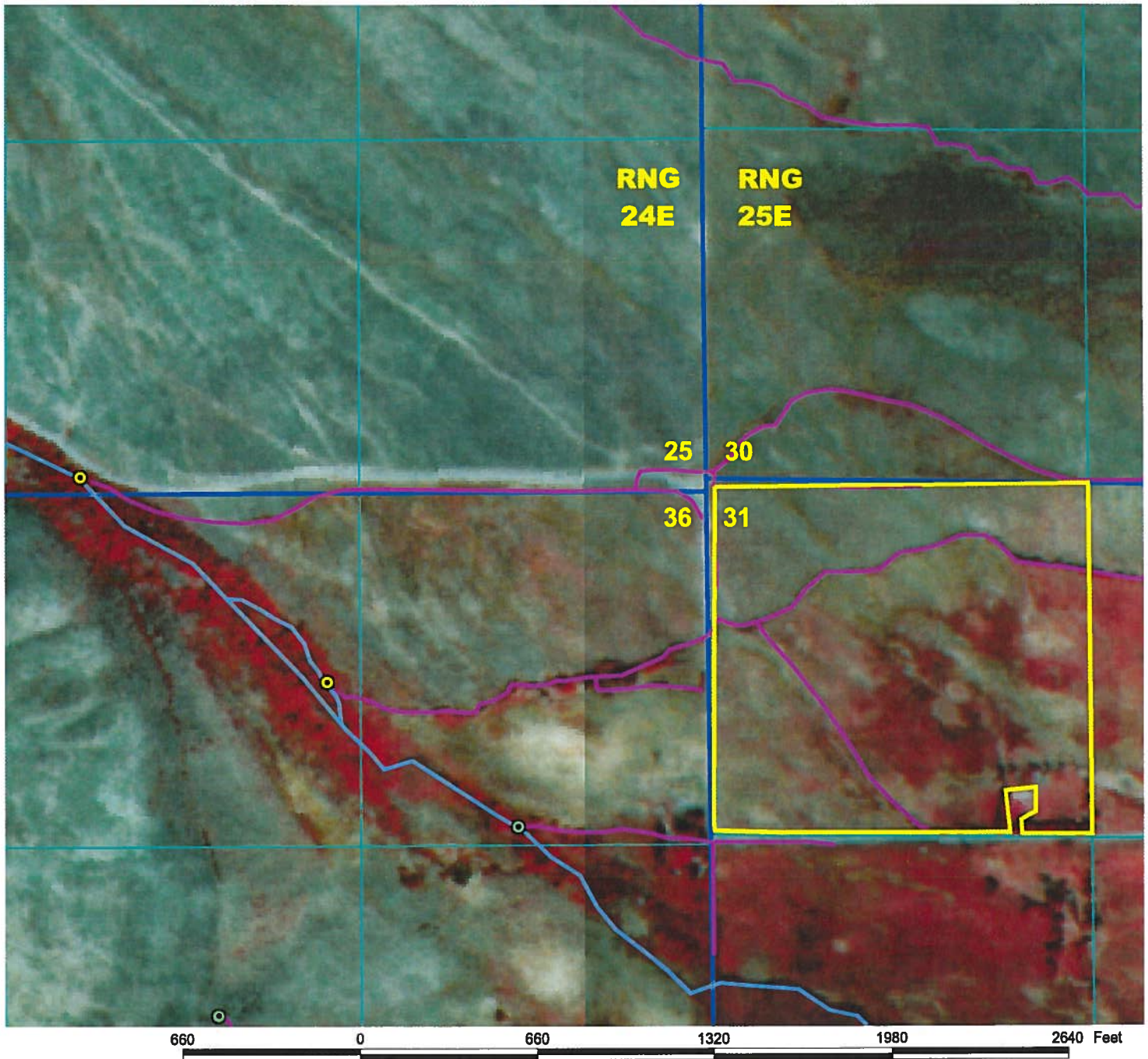
+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - - +
ALBION-IDAHO LAND CO. JOBE ADAMS ET AL 00/00/0000

+ - - - - -Comments- - - - -
No Comments Found

+ - - Audit Fields - - +
05/03/00 KCHRISTE

+ - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 09/13/1994 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Verified Date - 05/03/2000 Old Case Number -
Response Filed Date - 00/00/0000 Last Amended Date - 00/00/0000 Old Judicial District -
Claim Received Date - 05/16/1989 Receipt Number - M003594 Temporary Right - P
POU Ownership Flag - Y Water District - 43C
Name Connector - OR Federal/State Indicator - S
Notice of Error Flag -

RECOMMENDED PLACE OF USE FOR 43-00239A & 43-00240A



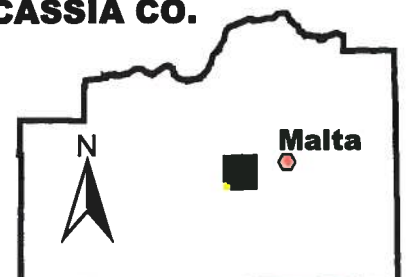
PLACE OF USE

TWP 13S RNG 25E, SEC 31
data entry on: May 3, 2000

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

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

CASSIA CO.



CLAIM NUMBER43-00239A-00240A

DATE5-3-00

TRANSFER NUMBER

AGENTKKC

CLAIMED ACRE TOTAL42.8

GIS ACRE TOTAL41.0

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	25E	31							42.8										42.8
GIS			31							41.4										
RECOM			31							41										41
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP

SHAPE NOS.163

B43-POD.SHP

NOS.8

DESCRIPTION

8

Sec 36

SE NW NE

9

Sec 25

SWSWSE

DBF TABLES UPDATED

B43-DBPOU.DBF5-3

B43-DBPOD.DBF

JPEG LAYOUT43-00239A 00240A Pettingill

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:39:03
05/03/00

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A43-D0239A

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			KKC 9-13-94	N	KKC 5-3-00	✓	✓	
POINT OF DIV	Y		✓	Y	✓	✓	✓	
SOURCE			✓	Y	✓	✓	✓	
PLACE OF USE	Y		✓	Y	✓	✓	✓	
DIV. AMOUNT CFS/VOLUME	Y		✓	N	✓	✓	✓	
CONSUMPTIVE USE	-		✓	-	✓	✓	✓	
PURPOSES OF USE			✓	N	✓	✓	✓	
PERIOD OF USE	Y		✓	Y	✓	✓	✓	
BASIS OF CLAIM	Y		✓	N	✓	✓	✓	
REMARKS			✓	Y	✓	✓	✓	

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:39:03
05/03/00

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A43-00239A

LAST: PETTINGILL FIRST: REDGE P
ADDRESS: PO BOX 462
CITY: ELBA STATE: ID ZIP: 83326
PHONE NUMBER: 208-683-5532

OWNER CODE: C

LAST: PETTINGILL FIRST: MARJORIE
ADDRESS: PO BOX 462
CITY: ELBA STATE: ID ZIP: 83326
PHONE NUMBER: 208-683-5532

OWNER CODE: C

LAST: PARISH FIRST: AF
ADDRESS:
CITY: NA STATE: ID ZIP: 00000
PHONE NUMBER: 208-000-0000

OWNER CODE: O

LAST: PARISH FIRST: IDA
ADDRESS:
CITY: NA STATE: ID ZIP: 00000
PHONE NUMBER: 208-000-0000

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

CONTACT PERSON: No One

PHONE NUMBER: () -

DATE OF FIELD EXAM: 9/13/94

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

Property is against county road & the P/Ds are shared by
other users. the investigation of this right was done in
conjunction with other claim investigations.

A. AJ CLAIM: # A43-00239A PRIORITY DATE: 04-30-1880 STAGE: D

B. WR RECORD: # 43-00239 PRIORITY DATE: 04-30-1880 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☐) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☐) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y(☒) N(☐)

NOTES: 1/2 the decreed P/U matches this P/U therefore I accept this
use as being part of the original decreed rights.

RECOMMENDED PRIORITY DATE:

04-30-1880

REVIEWED BY KKC

DATE 5-3-00

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-00239A	13S	24E	~~36~~	~~SW~~	~~SW~~	~~SE~~		CASSIA		
A43-00239A	13S	24E	36	NW	NW	NE		CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

*

R43-00064

NONE

R43-00230

R43-00231

R43-00239B

R43-00240A

R43-00240B

R43-00249

R43-00250

R43-00332

R43-00333

R43-00334

R43-00335

* 13 A PREFIX CLAIMS WITH THIS POD

SOURCE: Clyde Cr
CASSIA CREEK

TRIB: Cassia Cr
RAFT RIVER

B. WR POINT OF DIVERSION AND SOURCE:

4300239 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: CASSIA CREEK

TRIB: RAFT RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A(☐) Y(☐) N(☒)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☒)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(☐) N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N()

AJ FIELD EXAM

(DATE OF FIELD EXAM

9-13-94

NAME OF EXAMINER

KKC

Y(X) N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: Cassia Creek water cannot reach the property. The current system is the historic system which is 2 P/Ds from Clyde Creek diverting water into earth ditches which carries the water to the P/U. Diversion is through flood & some contour ditches. The recommended P/D in Sec 25 is just north of the section line by approx 60 ft. The site was GPSed on 4-25-00.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP.	RGE.	SEC.	POD			LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
			1/4	1/4	1/4					
13S	24E	36	SW	NE	NE			CASSIA		
13S	24E	36	NW	NW	NE			CASSIA		
		25	SW	SW	SE					
		36	KKC SE	NW	NE					

SOURCE: Clyde Cr
CASSIA CREEK

TRIB: Cassia Cr
RAFT RIVER

REVIEWED BY: KKC

DATE: 5-3-00

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS: A43-00239A
A43-00239B
R43-00239A
R43-00239B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13S	25E	31	NW	NW	1	PETTINGILL, REDGE P		42.8			44.0
			NW	NW	1	PETTINGILL, REDGE P					
			NW	NW	1	PETTINGILL, REDGE P					
			NW	NW	1	PETTINGILL, REDGE P					
			NW	NW	1	PETTINGILL, REDGE P					
			NW	NW	1	PETTINGILL, MARJORIE					
			NW	NW	1	CASSIA CREEK IRRIGATION CO.					
			NW	NW	1	OTTLEY, FRED H.					
			NW	NW	1	OTTLEY, FRED H.					
			NW	NW	1	OTTLEY, FRED H.					
			NW	NW	1	PARISH, A. F.					
			NW	NW	1	PARISH, IDA					

SEE GIS LAYOUT AND LAND LIST FORM
SHOWING ACRE COMPARISON AND
RECOMMENDATION
KKC

ADDITIONAL POU FOUND

TOTAL ACRES A43-00239A 42.80 44.00

POU COUNTY: CASSIA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-00239A	CASSIA CREEK	PETTINGILL, REDGE P	0.100	0.002		
R43-00239A	CASSIA CREEK	PETTINGILL, REDGE P	0.100	0.002		
A43-00240A	CASSIA CREEK	PETTINGILL, REDGE P	0.600	0.014		
R43-00240A	CASSIA CREEK	PETTINGILL, REDGE P	0.600	0.014		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A43-10174	DOMESTIC	PETTINGILL, REDGE P	FROM 01-01 TO 12-31	0.040 CFS	
A43-10174	STOCKWATER	PETTINGILL, REDGE P	FROM 01-01 TO 12-31	0.030 CFS	
R43-10174	DOMESTIC	PETTINGILL, MARJORIE	FROM 01-01 TO 12-31	0.040 CFS	
R43-10174	STOCKWATER	PETTINGILL, MARJORIE	FROM 01-01 TO 12-31	0.030 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(☒) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 43-00240A

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

1/2 of decedent P/4

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N(☒)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N(☒)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

NOTES:

IONS: _____

TOTAL ACRES: 41 N/A(____)

REVIEWED BY: KKC DATE: 5-3-00

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00239A IRRIGATION	FROM 03-15 TO 11-15 <i>dept standard</i>	0.100 CFS	
	<i>4-1 to 10-31</i>	0.100 CFS	
	<i>current dept standard</i>		
TOTAL DIVERSION RATE/VOLUME		0.100 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00239 IRRIGATION	FROM TO	0.200 CFS	
TOTAL DIVERSION RATE/VOLUME		0.200 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☐) Y(☒) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

as split

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☐) Y(☐) N(☒)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A(☒) Y(☐) N(☐)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A(☒) Y(☐) N(☐)

NOTES:

the decree did not list a season of use therefore I am recommending the current dept standard.

See the attached split analysis dated 5-3-00

AJ CLAIM TOTAL DIVERSION RATE: 0.100 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.200 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS)
REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE
OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM
IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD

two ditches exist each has a 9" partial flume with a ditch capacity that exceeds the decreed rate.
SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

1b. CALCULATIONS

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

See Attached narrative dated 5-3-00

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	~~03-15~~	~~11-15~~	0.100	_____	_____	_____	0.0	_____
_____	4-1	10-31	OK	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			0.100	_____	_____	_____	0.0	_____

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: KKC

DATE: 5-3-00

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

comb. P/u Rmk
limit 00239A & Lo 4/ac
00240A

EXPLANATORY CONDITIONS (CODE):

C18

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	☒ ()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00239

	DATABASE	EXAMINER
TOTAL DIVERSION RATE OF WR SPLITS	0.200	<u>See Attachment</u> CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A43-00239A	0.100	R43-00239A	0.100	43-00239	0.200
-	A43-00239B	0.100	R43-00239B	0.100	-	
TOTAL CFS		0.200		0.200		0.200

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)	DATABASE	FIELD EXAMINER
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?	N	Y() N()

NOTES:

AUTHENTICATION:

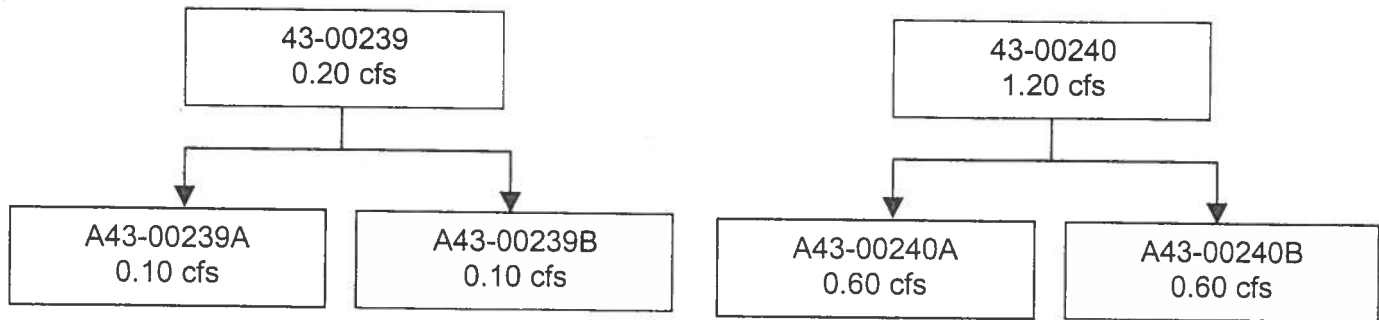
SIGNATURE: Kelly K. Christensen DATE: 5-3-00

NAME OF FIELD EXAMINER: _____ TITLE: Sr Water Resource Agent

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>CCBO 1976</u> IDWR ID NO. _____	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☒ NAPP	DATE OF PHOTO <u>1987-88</u> IDWR ID NO. <u>GIS Rectified</u>	Y() N()
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987 & 1978</u>	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()
☐ OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>6-27-95</u>	<u>5</u>	<u>Focus is on P/Ds</u>
☒ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED <u>5-3-00</u>	<u>1</u>	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER <u>GIS Rec layout</u>	DATE <u>5-3-00</u>	<u>1</u>	_____
☐ OTHER <u>land listing (GIS)</u>	DATE <u>21</u>	<u>1</u>	_____
<u>Prelim Review</u>	<u>7-20-94</u>	<u>1</u>	_____



Pettingill claimed A43-00239A and A43-00240A and Tracy claimed A43-00239B and A43-00240B. The decreed place of use was split with each claimant receiving approximately 40 acres each. The splits reflect the proportionate ownership.

Tracy system analysis:

A43-00239B 0.10 cfs
A43-00240B 0.60 cfs
Total 0.70 cfs

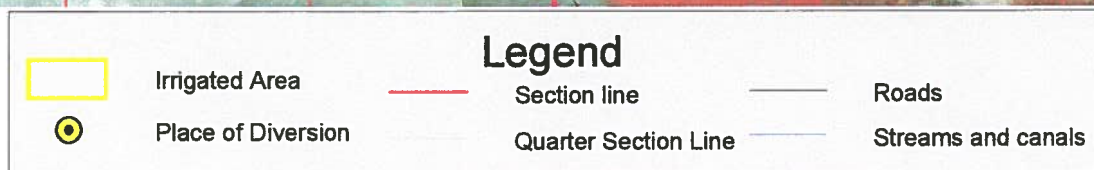
I found 38 acres being irrigated. $38 \text{ ac} * 0.02 \text{ cfs} = 0.76 \text{ cfs}$
The claimed rate is less than 1 inch per acre
Recommend claimed rates of 0.10 and 0.60 cfs respectively.

Pettingill system analysis:

A43-00239A 0.10 cfs
A43-00240A 0.60 cfs
Total 0.70 cfs

I found 42 acres being irrigated. $42 \text{ ac} * 0.02 \text{ cfs} = 0.84 \text{ cfs}$
The claimed rate is less than 1 inch per acre
Recommend claimed rates of 0.10 and 0.60 cfs respectively.

The image is a geological map of a region in the United States, likely the Appalachian area. It features a grid of red lines. Large purple numbers 25, 30, 36, and 31 are placed in the corners. A yellow rectangle highlights a specific area in the center-right. Two yellow circles mark specific points on the left side. The map shows a complex pattern of geological units, with colors ranging from green to red, and various structural features like faults and folds.



in office preliminary review.

7-20-94

Pettingill & Tracy

KKC.

DECREE INFO.

43-00239 4-30-80 0.20 CFS N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec 31

43-00240 4-30-88 1.20 CFS excepting farmstead in NW $\frac{1}{4}$
(2 ACRES)

claimed

00239A .10 CFS

00240A .60 CFS

00239B .10 CFS

00240B .60 CFS

total .20 CFS

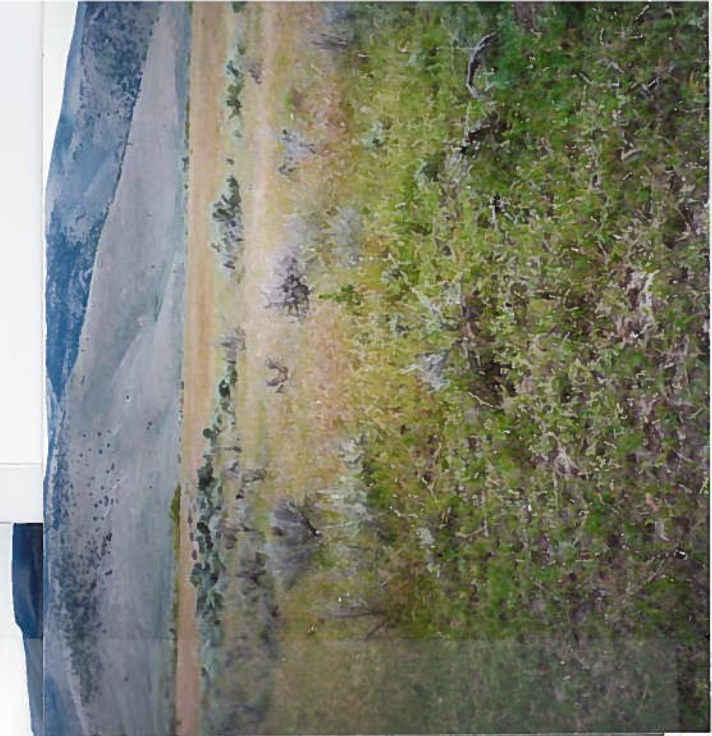
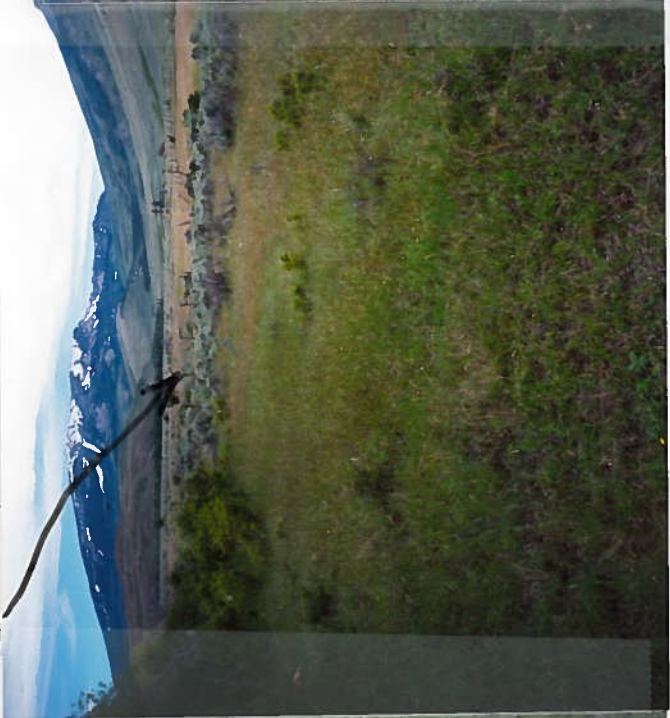
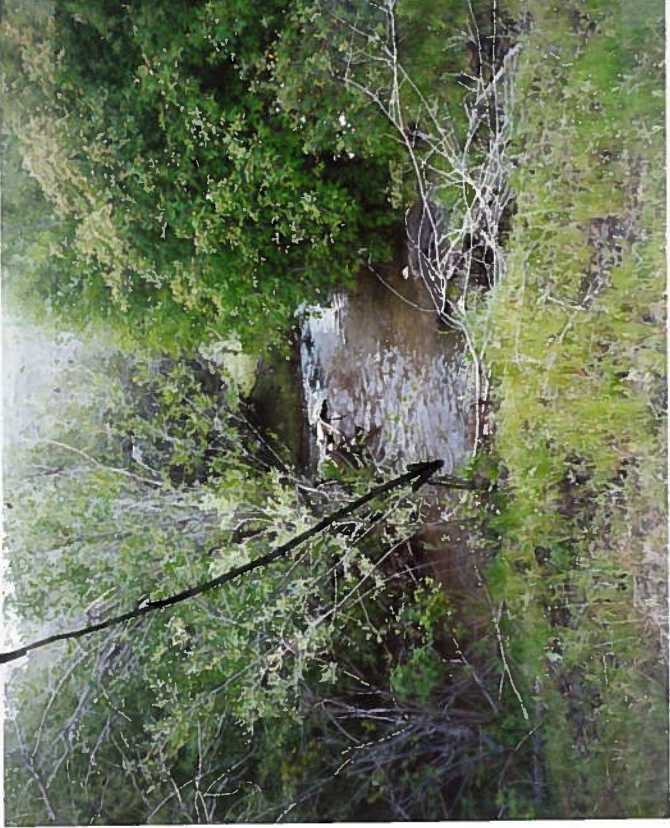
total 1.20 CFS

CLAIM # A43-00239A, A43-00239B, A43-00240A, AND A43-00240B
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 5 BRAIDED STREAM DIVERSION FOR P/D IN TNS 13S; RNG 24E; SEC 36; SE¼NW¼NE¼ B.M.

This shows the rock diversion used to control the amount of water that goes down either channel. The near channel leads to the P/D described in the previous photo set. Although, some control is exercised at this point, this point is not recommended as a point of diversion. This location is approximately 300 yards southeast of the division fence as shown in picture set # 2; file A43-00249. This photo set also shows some small sagebrush areas that indicates that irrigation water does not cover that ground. Those areas are small and have not been excluded from the recommended P/U for the Harper claims. You are looking west on the left to north northeast on the right.

CHANNEL TO P/D

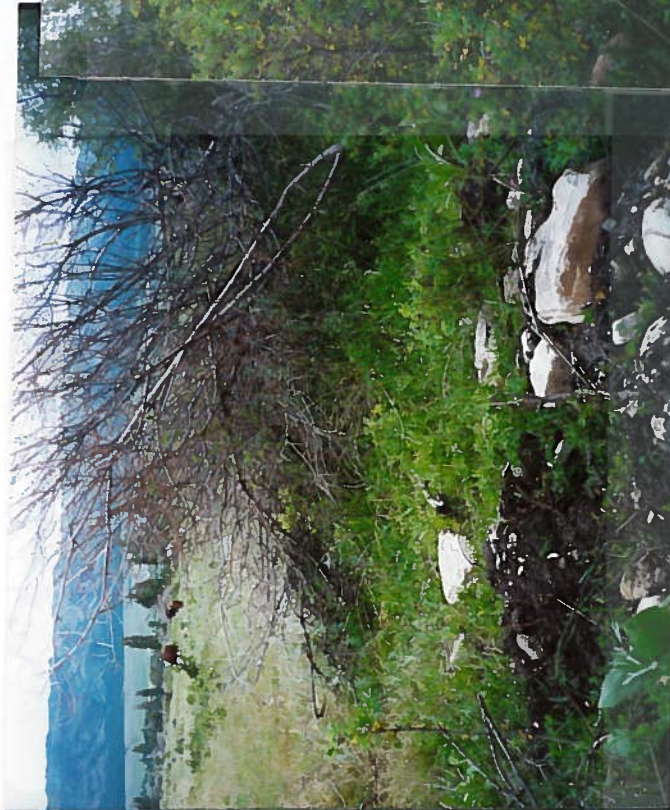
DIVISION FENCE



CLAIM # A43-00239A, A43-00239B, A43-00240A, AND A43-00240B
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 4 P/D IN TNS 13S; RNG 24E; SEC 36; SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ B.M.

This photo set shows the headgate associated with the previously logged parshall flume. You are looking southeast on the right to east on the left. The Clyde Creek channel is braided at this point with another channel running to the south of this one. This channel normally carries water and, therefore, I have recommended this location as the diversion point. At times the claimants construct a rock diversion at the point where the channels split to push additional water down this channel. That point could also be referred to as a diversion point although it is not recommended as such. See the following photo set for that point.

PARSHALL FLUME HEADGATE



CLAIM # A43-00239A, A43-00239B, A43-00240A, AND A43-00240B
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 3

You are looking southeast at the measurement device located in the TNS 13S; RNG 24E; SEC 36; S $\frac{1}{4}$ N $\frac{1}{4}$ NE $\frac{1}{4}$ B.M. This diversion is shared by Harper, Pettingill, Tracy, Nye, and Nelson. This ditch runs roughly east to enter the Pettingill property approximately 550 feet south of the NW corner of his P/U. The ditch continues east northeast across the Pettingill property to enter the Tracy property approximately 300 feet south of Tracy's NW P/U corner. The ditch eventually enters the SE quarter of section 30 above the Nye property to eventually go through a portion of the SW quarter of section 29 and to the Nelson property. There was a hole on the right side of the flume that looked to be carrying approximately 0.20 cfs. The flume has an 18 inch throat and, other than the hole, appeared to be in good shape. I found 4.26 cfs being diverted on this date. This amount did not include the water going through the hole and the system was not at capacity.



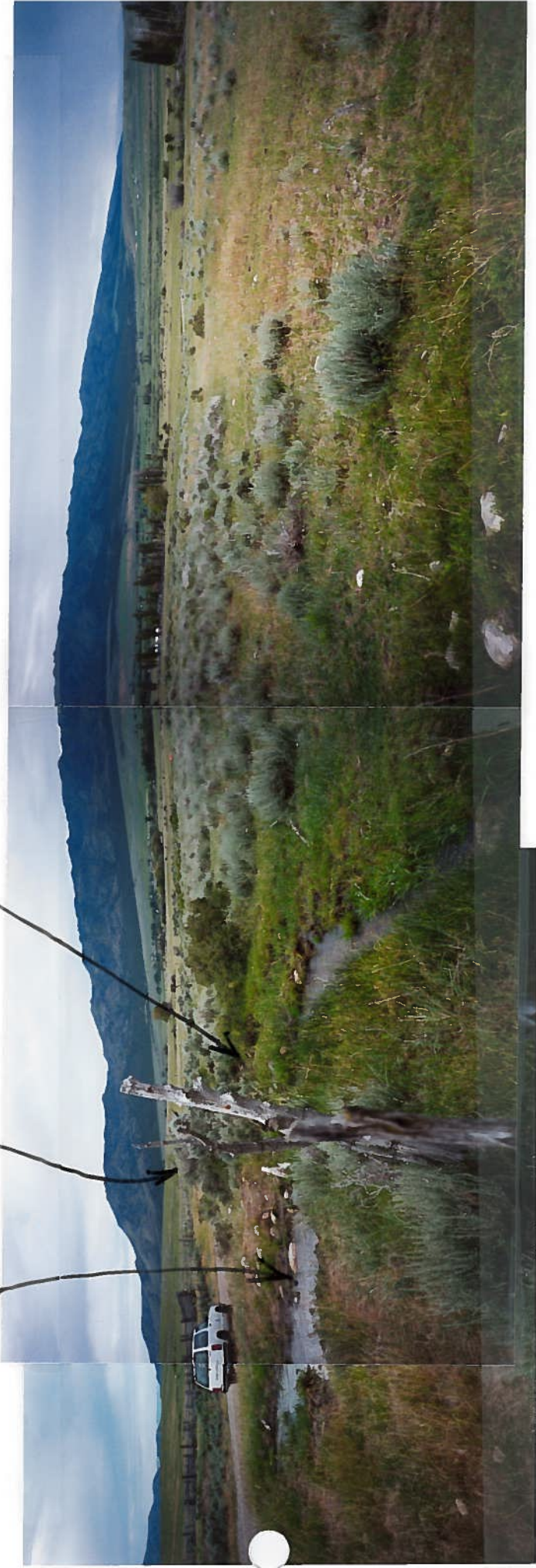
HOLE



CLAIM # A43-00239A, A43-00239B, A43-00240A, AND A43-00240B
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 2

This photo set shows the division of the ditch described in the previous photos. The branch on the left goes under the Elba-Oakley county road and then runs east between the road and the corral. Just past the corral the ditch again divides with one branch continuing east to enter the Pettingill property at the northwest corner of the P/U and the other branch swinging on the contour to the northwest corner of the Tracy P/U. Back at the fence, the ditch also continues east along the fenceline allowing Harper to irrigate the corner. Although the corner is covered by sagebrush irrigation water can and has irrigated this ground and as such is included in the recommended P/U for Harper.

PETTINGILL NW CORNER FOR HARPER
TRACY DITCH PETTINGILL DITCH



CLAIM # A43-00239A, A43-00239B, A43-00240A, AND A43-00240B
DATE PHOTOS TAKEN; 06-27-95
PICTURE SET # 1

This photo set is of the northwestern diversion of two from Clyde Creek for Pettingill and Tracy. This diversion system is also shared by Harper (claims A43-00249, & A43-00250). I found a parshall flume with a nine inch throat diverting 2.18 cfs. The flume base in the convergence section was covered with 1 to 2 tenths of silt. There was no observable difference in the water level between the inlet and the outlet indicating a fully submerged flume. The found rate was not corrected for the found conditions of the flume. The ditch system was not at capacity.

PARSHALL FLUME

HEADGATE

ELBA-OAKLEY COUNTY ROAD

