

04/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-264

Owner Type Name and Address
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: 04/30/1885
Basis: Decreed
Status: Active

Source Tributary to
SPRINGS 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	0.04 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

SPRINGS SESE Sec. 02 Township 14S Range 24E CASSIA County

IRRIGATION Use:
Acre Limit: 1

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	2		NWSE	1									

Total Acres: 1

Remarks:

1. General SOURCE IS A SPRING WITH THE P/D NOW DOWN THE STREAM FROM THE ORIGINAL DIVERSION.
 USE HAS CHANGED FROM LAWN IRRIGATION TO AN ORCHARD. KKC 3-23-93...

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

RECEIVED
MAR 30 2001
 Department of Water Resources
 Southern Region

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

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
43-263			43-10547		
43-264					
43-266					
43-186					
43-187					

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
Box 453 Elba, Id 83326

4. New Owner/Claimant(s)

Alvin or 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)

Alvin Carpenter
Mary J. Carpenter

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 _____
 Receipted 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: A43-00264
Date Received: 1/17/1992
Receipt No: X777777
Received By: KKC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 30, 1885

3. Source: SPRINGS Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14S	24E	2	SE	SE			CASSIA

5. Description of diverting works:
DITCH TO ORCHARD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		

7. Total Quantity Appropriated is:
0.040 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 of	Lot	Use	Acres
14S	24E	2	NW	SE		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:

14. Remarks:

SOURCE IS A SPRING WITH THE P/D NOW DOWN THE STREAM FROM THE ORIGINAL DIVERSION. USE HAS CHANGED FROM LAWN IRRIGATION TO AN ORCHARD. KKC 3-23-93...

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, 1993

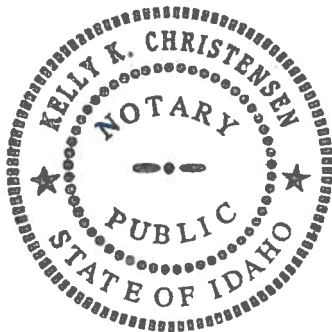
Date: _____

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 Timberly Rd

My Commission Expires 3-2-98

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:

	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 Acc	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 ~~amended~~ ^{amended} to show fewer total acres but when the two rights were compared to the original P/U claimed, an 8 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 ~~determine~~ ^{determine} add acres during final review.

Claim amendment
work sheet.

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

	CLAIM NUMBER				NE				NW				SW				SE				TOT ACR
		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 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	6																	
orig claim	A43-10547			6									30	40	40						110
Amended	A43-00186			6									30	40	40						110
Amended	A43-00187			6										3	39						42
Amended	A43-10547			6										3	39						42
													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																	
orig claim	A43-10547			7					7												7
Amended	A43-00186			7					7												7
Amended	A43-00187			7					11												11
Amended	A43-10547				no acres claimed				11												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

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		
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	SYSTEM 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.

Water Right Number - 43-00264

Prefix Translation: WATER RIGHT

Old (D) Number -

--- Last Name --- + --- First Name --- + --- Address --- +

*** C - CURRENT OWNER ***
RASMUSSEN

MRS. E. S.

1 -
2 -
3 -

City-
Phone -

State- Zip-

+ --- Priority Date --- + --- Region --- + --- Stage --- + --- Status --- +
04/30/1885 17 SOUTHERN D - DECREED

+ --- Source --- + --- Tributary --- +
SPRINGS CASSIA CREEK

+ --- Twn Rng Sec Tract Lot RFlg County --- Point of Diversion --- Stream Index (Blank if no Index Code) --- +

+ --- Code --- Description --- Period From --- Period To --- Water Use --- Diversion Rate --- Diversion Volume --- +

01 - IRRIGATION

0.040

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
0.040

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14S	24E	1	SW NW			01	IRRIGATION		31 CASSIA
14S	24E	1	NW SW			01	IRRIGATION		31 CASSIA
14S	24E	1	SW SW			01	IRRIGATION		31 CASSIA
14S	24E	2	SW NE			01	IRRIGATION		31 CASSIA
14S	24E	2	SE NE			01	IRRIGATION		31 CASSIA
14S	24E	2	NE SE			01	IRRIGATION		31 CASSIA
14S	24E	2	NW SE			01	IRRIGATION		31 CASSIA
14S	24E	2	SW SE			01	IRRIGATION		31 CASSIA
14S	24E	2	SE SE			01	IRRIGATION		31 CASSIA

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 43-0263

+ --- P. U. IS H. E. S. #203; SEE DECREE FOR DESCRIPTION. --- +

+ --- No Old Water Right Numbers found. --- +

43-
00264

WATER PLYOUT

- - Conditions of Approval - -
No Conditions of Approval found.

+ - Decree Date - +
10/18/1928

--Comments--
No Comments Found

Water Rights Dates and Flows Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Protested Date	00/00/0000	Shan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	-
Exam to S.O. Date	00/00/0000	Verified Date	04/08/1985	DUE/Carey Act	P
Order Show Cause	00/00/0000	Receipt Number	-	Hater District	-
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	43C
Precece Date	10/18/1928	Presumption Flag	-		

Water Right Number - 43-00264

Prefix Translation: WATER RIGHT

Old (D) Number -

Last Name - First Name - Address -

*** C - CURRENT OWNER ***
RASMUSSEN

MRS. E. S.

1 -
2 -
3 -
City-
Phone -

State- Zip-

Priority Date - +
04/30/1885

Region - +
17 SOUTHERN

Stage - +
D - DECREED

Status - +

Source - +
SPRINGS

Tributary - +
CASSIA CREEK

Point of Diversion - +
Stream Index (Blank if no Index Code)

Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION

0.040

Total Div. Rate - + Total Div. Volume - + Total Div. Capacity - +
0.040

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
14S	24E	1	SW NW			01	IRRIGATION	31 CASSIA
14S	24E	1	NW SW			01	IRRIGATION	31 CASSIA
14S	24E	2	SW SW			01	IRRIGATION	31 CASSIA
14S	24E	2	SE NE			01	IRRIGATION	31 CASSIA
14S	24E	2	SE NE			01	IRRIGATION	31 CASSIA
14S	24E	2	NE SE			01	IRRIGATION	31 CASSIA
14S	24E	2	NW SE			01	IRRIGATION	31 CASSIA
14S	24E	2	SW SE			01	IRRIGATION	31 CASSIA
14S	24E	2	SE SE			01	IRRIGATION	31 CASSIA

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 43-0263

Remarks -
P. U. IS H. E. S. #203; SEE DECREE FOR DESCRIPTION.

- - - Old Water Right Numbers -
No Old Water Right Numbers found.

Water right number - 43-00264

Prefix Translation:

WATER RIGHT

Conditions of Approval - No Conditions of Approval found.

Decree Plaintiff - ALBION-IDAHO LAND CO. Decree Defendant - JOBE ADAMS ET AL Decree Date - 10/18/1928

Comments - No Comments Found

Audit Fields - 02/11/86 05/28/88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 04/08/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 43C
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 10/18/1928	Presumption Flag	-		

03/21/2001

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

RIGHT NUMBER: 43-264

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

SOURCE: SPRINGS

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.02 CFS

VERIFIED BY. KKC

PRIORITY DATE: 04/30/1885

POINT OF DIVERSION: T14S R24E S2 LOT 10 SWSESE

Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.02 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T14S R24E S2 SESE

0.5

0.5 ACRES TOTAL

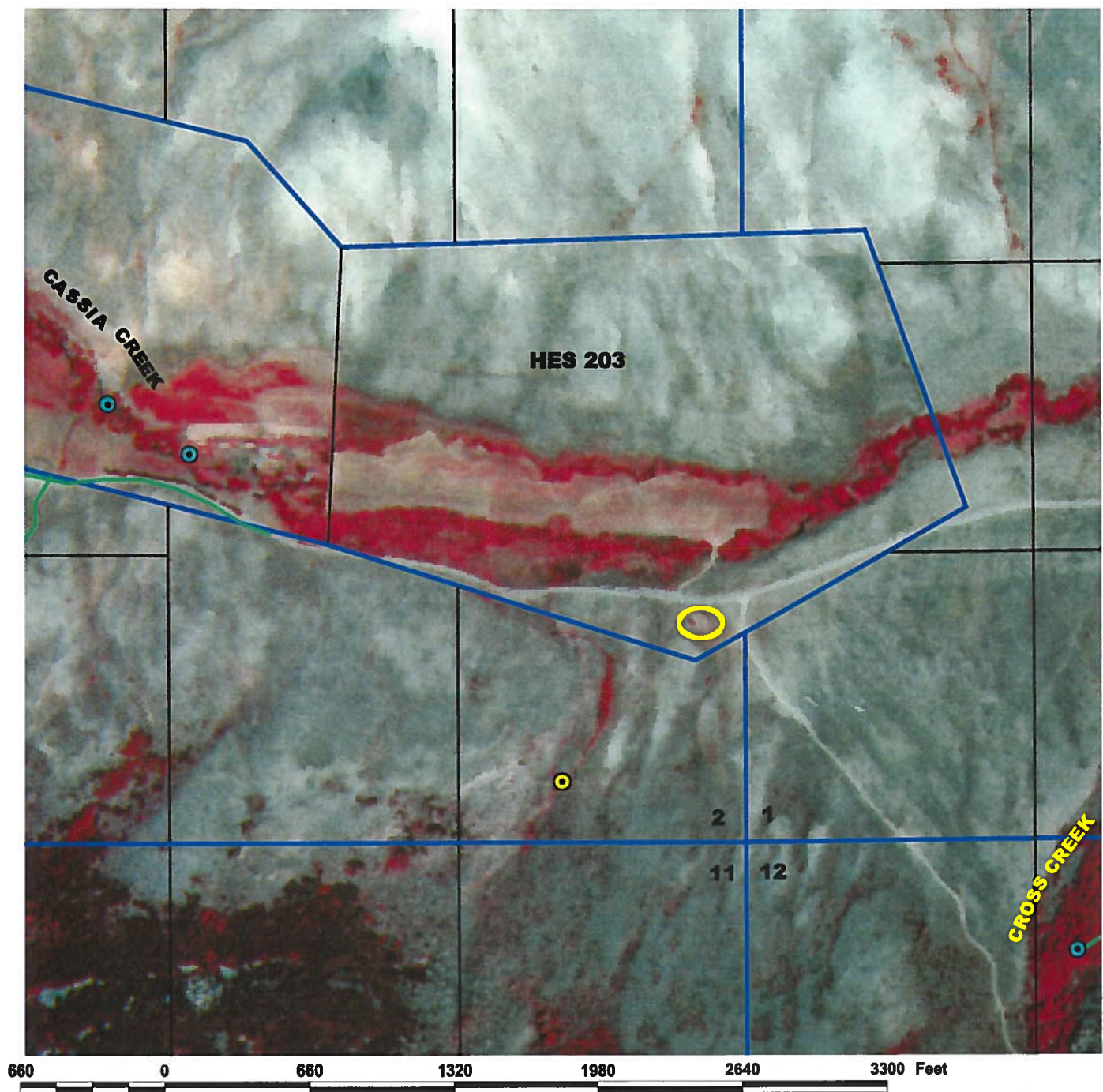
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 203.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Idaho Department of Water Resources
RECOMMENDED PLACE OF USE FOR
43-264



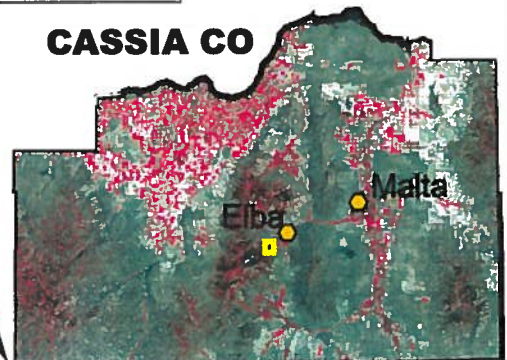
PLACE OF USE
TWP 14S, RNG 24E, SEC 2
 Data entry on March 21, 2001

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

- RECOMMENDED POINT OF DIVERSIO**
- RECOMMENDED PLACE OF USE**
- SECTION LINES**
- QUARTER/QUARTER LINES**



CASSIA CO



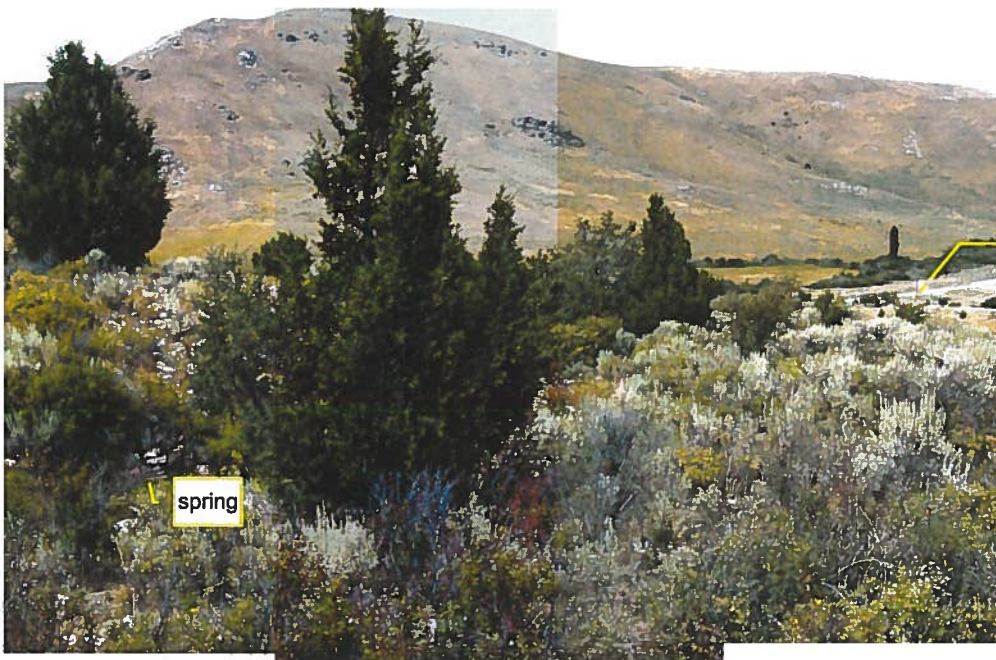
Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-5-2001

File: 43-264 a carpenter

Prepared by Kelly K Christensen

This is a close-up of the rock in spring development. Note the moss growing on the cement between the rocks.



P/U

You are looking northeast
on the right to northwest
on the left.





You are looking southwest in this photo back toward the point of diversion within the south edge of the trees.

Same trees



This photo was taken closer to the cabin and apple tree location and is also looking southwest back toward the point of diversion. Note the marked trees are the same as in the previous photos.