

04/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-266

<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
Basis: Decreed
Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01	10/31	0.4 CFS		
Total Diversion			0.4 CFS		

Location of Point(s) of Diversion:

CASSIA CREEK	NESW	Sec. 02	Township 14S	Range 24E	CASSIA County
CASSIA CREEK	NWSE	Sec. 02	Township 14S	Range 24E	CASSIA County

IRRIGATION Use:
Acre Limit: 45

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townshl</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14S	24E	1		NWSW	5									
		2		NESE	30		NWSE	10						

Total Acres: 45

Remarks:

1. General

***CLAIM SPLIT OFF A43-10544 AS PRIORITY DATE IS CONSIDERED CRITICAL. A43-00263 IS THE OTHER RIGHT. BOTH RIGHTS ARE CO-MINGLED IN A COMMON SYSTEM AND IRRIGATE COMMON ACRES.
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 1153 Elba, Id 83326
4. New Owner/Claimant(s) Alvin E. 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: A43-00266
Date Received: 1/17/1992
Receipt No: 5015536
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, 1887

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

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

5. Description of diverting works:
TWO DIFFERENT DITCHES

COPY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.400		

7. Total Quantity Appropriated is:
0.400 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	1	NW	SW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		2	NE	SE	IRR	30.0
			NW	SE	IRR	10.0
					Section Acres	40.0
					Total Acres	45.0

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:

43-00263; DIFFERENT PRIORITY DATE

14. Remarks:

***CLAIM SPLIT OFF A43-10544 AS PRIORITY DATE IS CONSIDERED CRITICAL. A43-00263 IS THE OTHER RIGHT. BOTH RIGHTS ARE CO-MINGLED IN A COMMON SYSTEM AND IRRIGATE COMMON ACRES. 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.

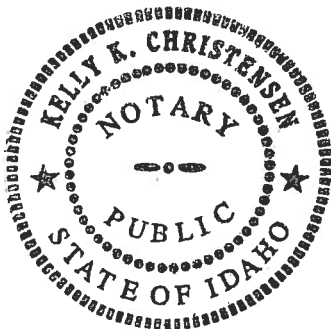
Signature of Claimant(s): Bernie Stephens Date: Mar. 23/98
Date: _____

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



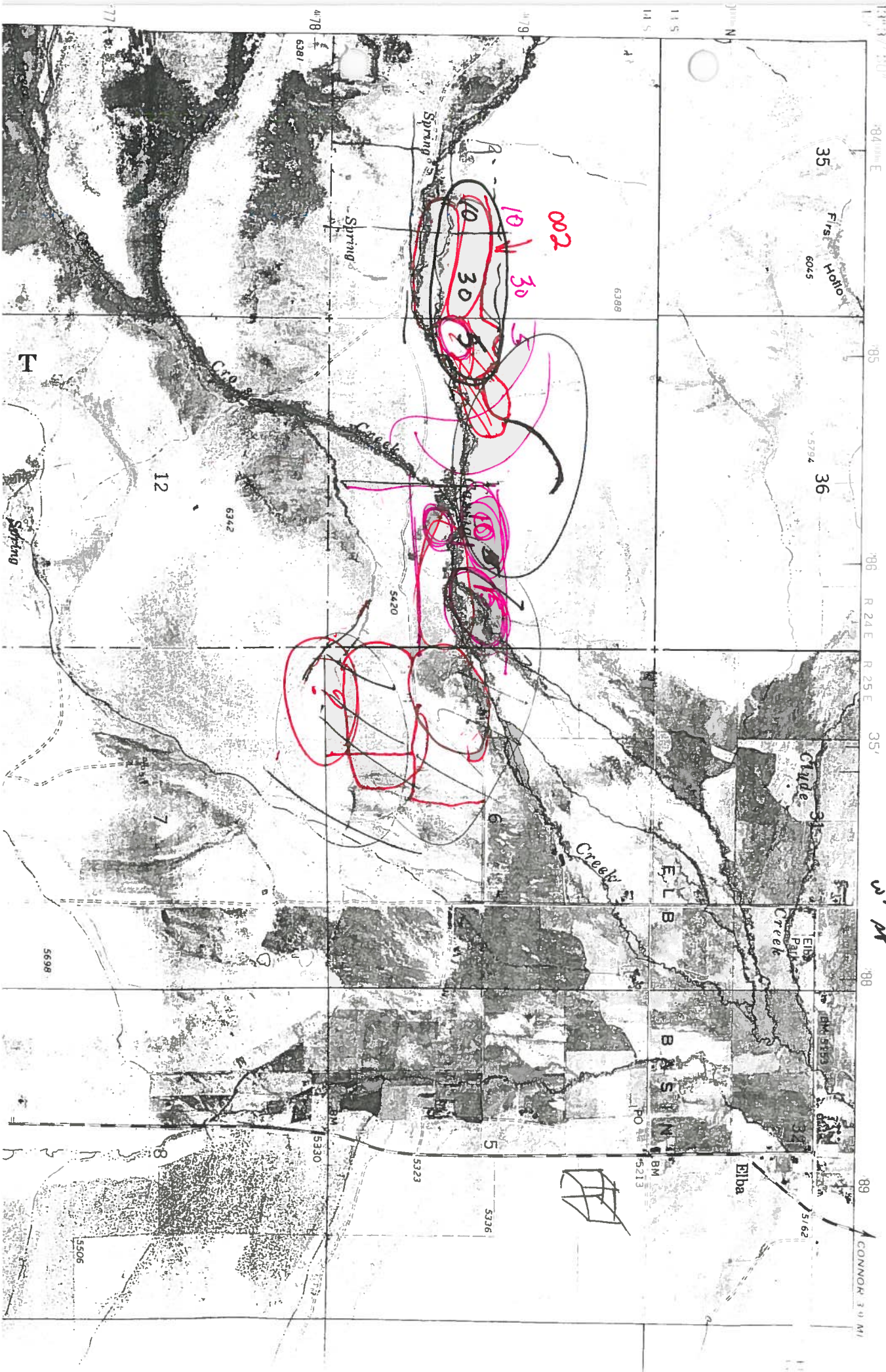
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R24E R25E

Dennis Hogan - Stephens

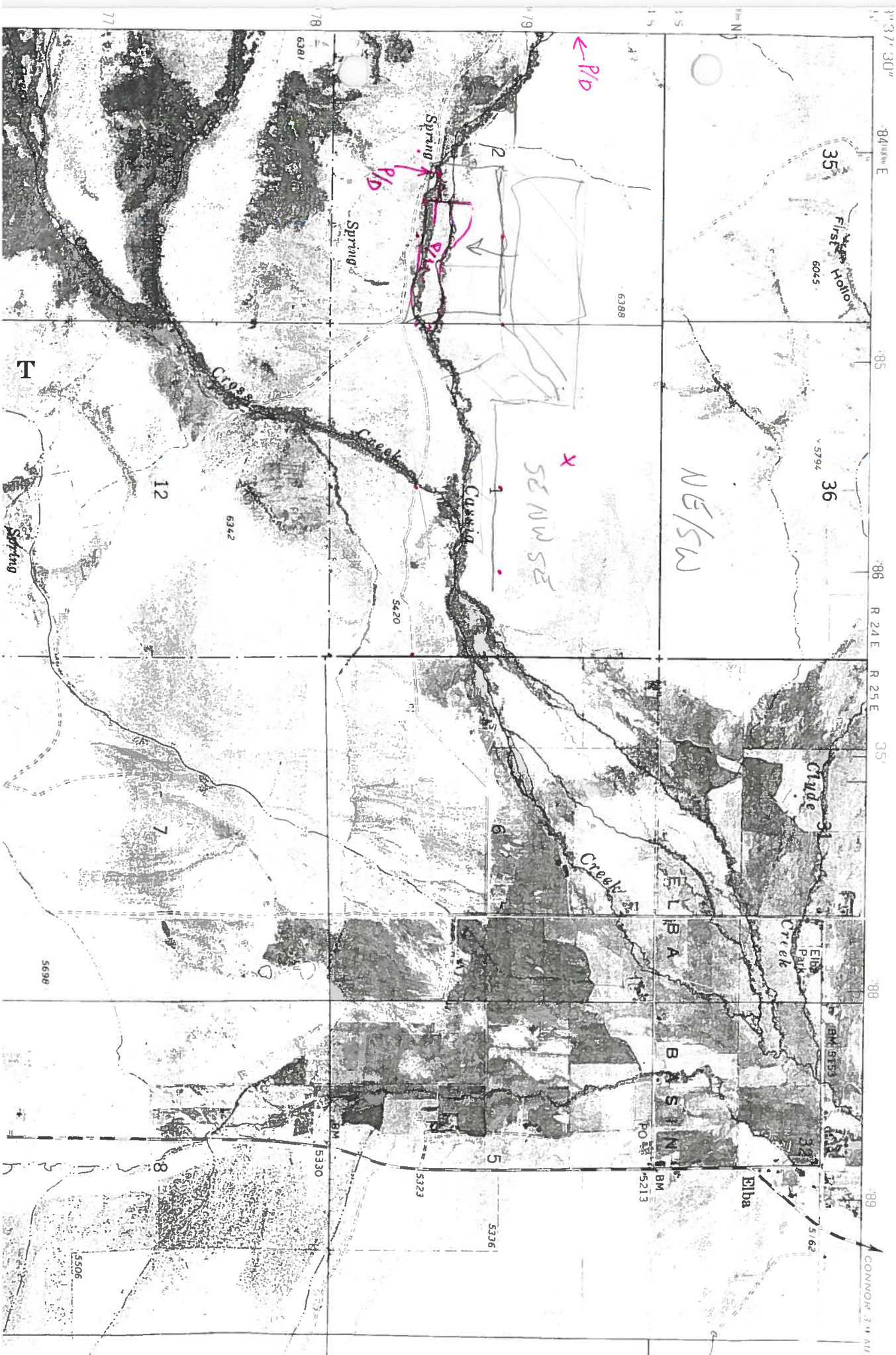
Scouty made out 5-03
Scouty claims 311C
is his plot on KTC

MA8
DD-30



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

R24E R25E



CONVERSATION MEMO

Pg 1/2

143-10544 } -00186
 -10546 } -00187
 FILE: -10547 } -00263
 AGENT: KKC -00264
 DATE: 3-23-93 -00266
 -00079

RE:

Split claim/new claim analysis

NAME OF PARTY:

Bernie 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!
A 43-10544	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 describe correctly. Acres probably need to be shifted from Sec 2 to Sec 1, maybe an amendment will be necessary to ~~state~~ add acres during final review.

RECOMMENDED PERMISSIBLE PLACE OF USE:

CLAIMS: A43-10544

split into

A43-00263

A43-00264

A43-00266

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

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

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

Claim amendment
work sheet.

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

	CLAIM NUMBER				NE				NW				SW				SE				TOT AC
		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	30
Amended	A43-00186			1													15			15	30
Amended	A43-00187			1																12	12
Amended	A43-10547			1																12	
																	15	10			25

	CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRE
		T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
orig claim	A43-10546	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 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	145	25E	7						7											7
orig claim	A43-10547			7						7											7
Amended	A43-00186			7						11											11
Amended	A43-00187			7						11											11
Amended	A43-10547				no acres claimed																11

Amended claimed acres.

A43-00186 = 65

A43-00187 = 65 (same acres as 00186)

A43-10547 = 90

total claimed 155

total of orig claimed acres

A43-10546 = 147

(same acres) A43-10547 = 147

- 155
- 147

8 acres previously not claimed or paid for

2002 SEP 12 AM 11:10
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) **ORDER OF PARTIAL DECREE**
) **For Water Right 43-00266**
)

On July 31, 2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 43-00266 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED September 12, 2002



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

ORDER OF PARTIAL DECREE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 43-00266

SEP 12 AM 11:10
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: ALVIN CARPENTER
MARY J CARPENTER
2079 E 1700 S
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.40 CFS

PRIORITY DATE: 04/30/1987

POINT OF DIVERSION: T14S R24E S02 NENESE Within Cassia County
SWNWSE

BOTH POINTS OF DIVERSION LIE WITHIN HOMESTEAD ENTRY SURVEY 206.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.40 CFS

PLACE OF USE:	Irrigation		Within Cassia County
	T14S R24E S01	NESW 3.0	NWSW 9.0
	LOT 8 () 5.0		
	S02	NENESE 19.0	NWSE 9.0
	45.0 Acres Total		

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 45 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-263 AND 43-266

THE USE OF WATER UNDER THIS RIGHT WITHIN 14S, 24E, S02, AND
WITHIN 14S, 24E, S01, NWSW (9.0 ACRES) IS LIMITED TO HOMESTEAD
ENTRY SURVEY NO. 203.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

2002 SEP 12 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 43-00266

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 43-00266 was mailed
on September 12, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

ALVIN CARPENTER
MARY J CARPENTER
2079 E 1700 S
MALTA, ID 83342
Phone: 208-645-2347

ROBBIN GLATZ
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
09/12/02

KC

RECEIVED

FEB 19 2002

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
)
)
)
)
)

A. Subcase 43-00266

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Alvin Carpenter

Address: 2079 E 1700 S; Malta, ID. 83342

Name: Mary J. Carpenter

Address: 2079 E 1700 S; Malta, ID. 83342

Name:

Address: ;

Name:

Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: February 7, 2002

Linda C. Buck



Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Feb. 8, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Alvin Carpenter
Address: 2079 E 1700 S; Malta, ID. 83342

Name: Mary J. Carpenter
Address: 2079 E 1700 S; Malta, ID. 83342

Name:

Address: ;

Name:

Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

09/19/2001

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

RIGHT NUMBER: 43-266
NAME AND ADDRESS: ALVIN CARPENTER
2079 E 1700 S
MALTA ID 83342

MARY J CARPENTER
2079 E 1700 S
MALTA ID 83342

-MIXED POU

-THE PLACE OF USE IDENTIFIED BELOW
CONTAINS BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

SOURCE: CASSIA CREEK

TRIBUTARY: RAFT RIVER

QUANTITY: 0.400 CFS

-MIXED POD

-THE POINT OF DIVERSION IDENTIFIED BELOW
CONTAINS BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POD SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

PRIORITY DATE: 04/30/1887

POINT OF
DIVERSION:

T14S R24E S2 NENESE Within CASSIA County
T14S R24E S2 SWNWSE Within CASSIA County BLM

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
4/01 10/31

QUANTITY
0.400 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R24E S01	NESW	3.0	T14S R24E S01	NWSW	14.0
T14S R24E S02	NESE	19.0	<u>T14S R24E S02 BLM</u>	NWSE	<u>9.0</u>

45 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 45 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-263 AND 43-266

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

THE POD DESCRIBES MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER
POINT OF DIVERSION WOULD RESOLVE BLM'S OBJECTION TO POD;

**"THE POINT OF DIVERSION WITHIN SWNWSE, S02, T14S, R24E, LIES
WITHIN HOMESTEAD ENTRY SURVEY 206."**

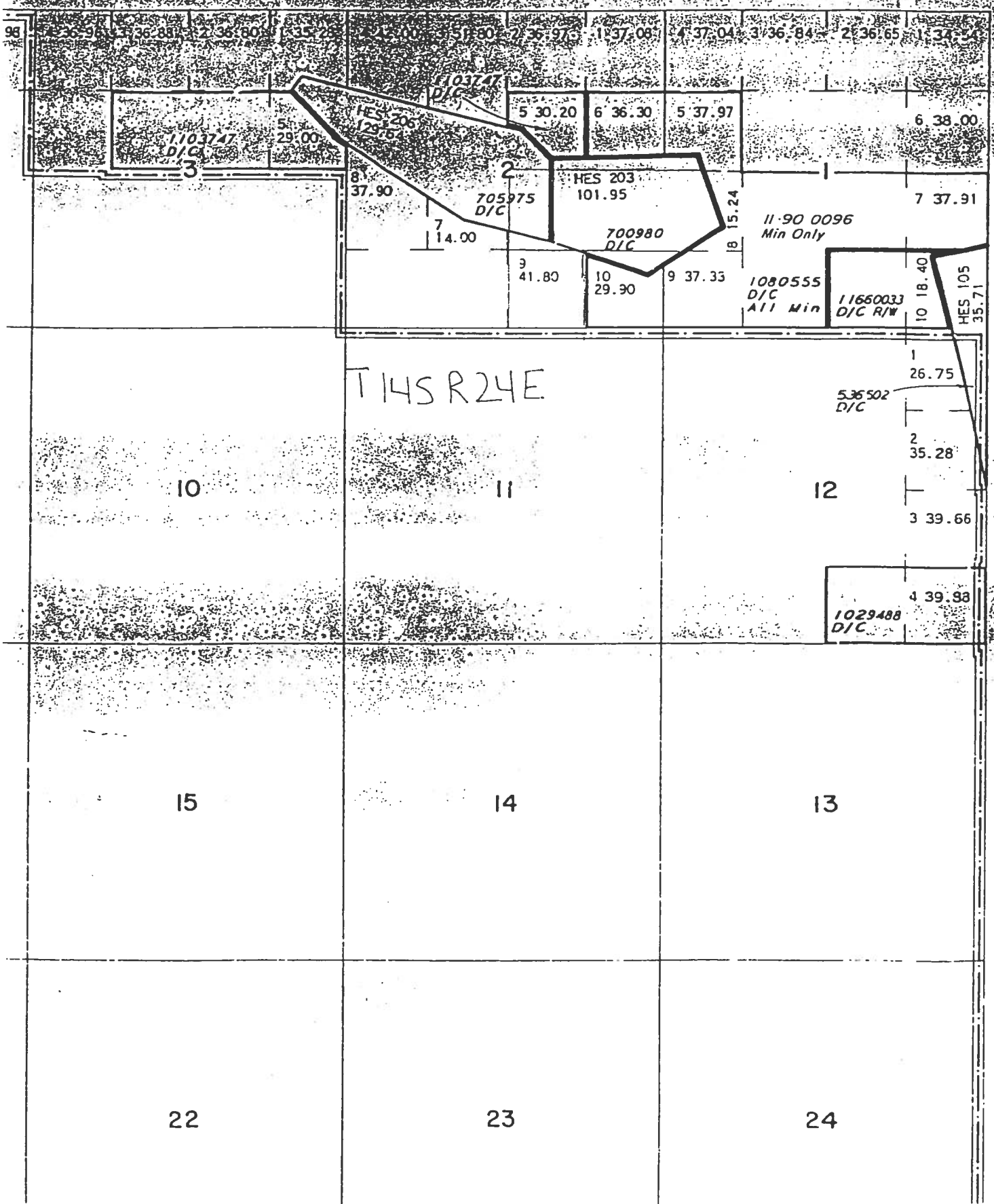
THE POU DESCRIBES MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER
PLACE OF USE WOULD RESOLVE BLM'S OBJECTION TO POU;

**"THE USE OF WATER UNDER THIS RIGHT WITHIN NWSE, S02, T14S, R24E,
IS LIMITED TO HOMESTEAD ENTRY SURVEY NO 203."**

ANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

A COUNTY

DISTRICT SEC. 3



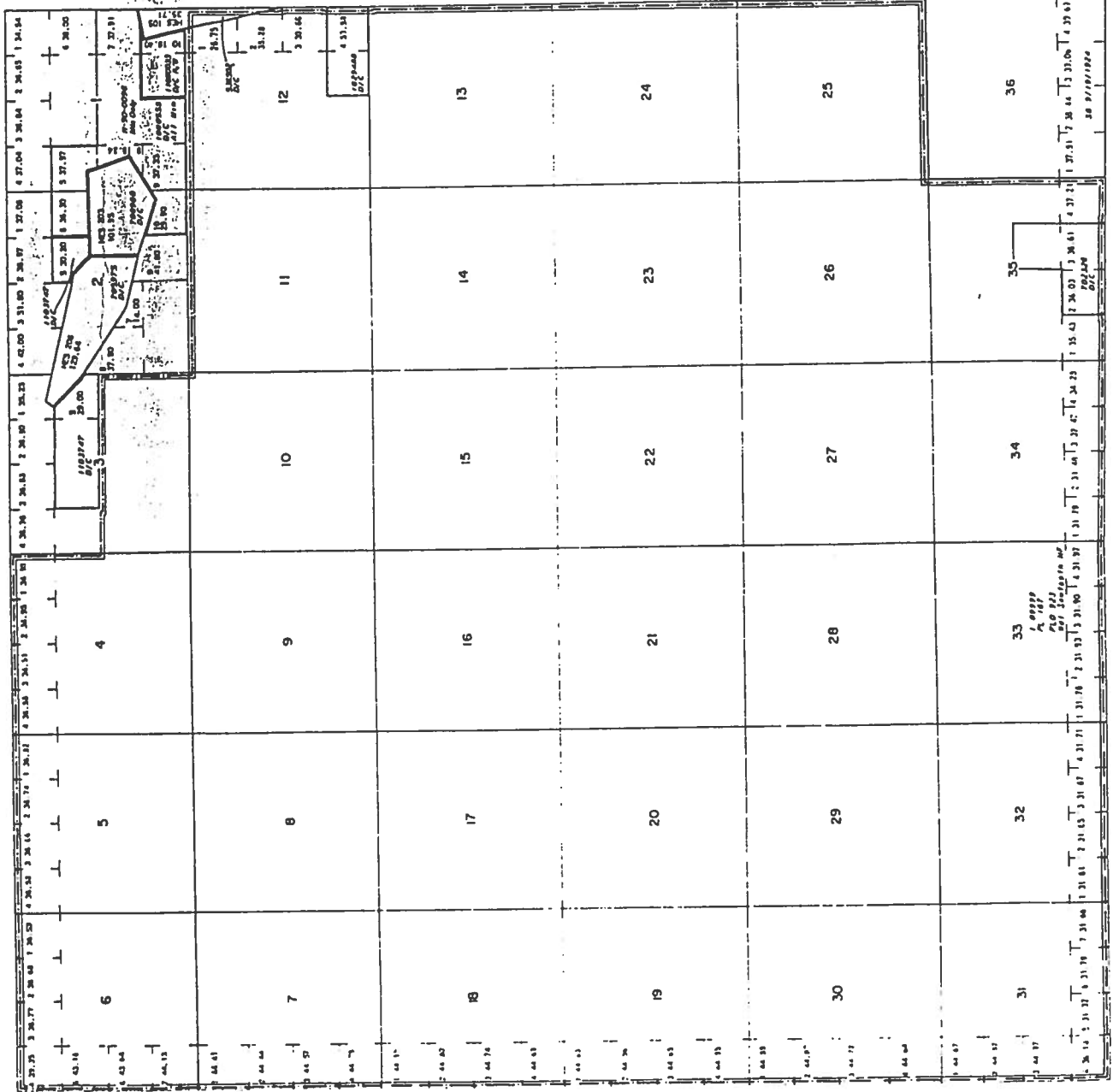
TOWNSHIP 14 SOUTH RANGE 24 EAST OF THE BOISE MERIDIAN, IDAHO

CASSIA COUNTY

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

BOULET DISTRICT SEC 3

MT PLAT



INDEX TO SEGREGATED TRACTS			
TRACT NO.	T.	R.	SEC.
1	14	24	1
2	14	24	2
3	14	24	3
4	14	24	4
5	14	24	5
6	14	24	6
7	14	24	7
8	14	24	8
9	14	24	9
10	14	24	10
11	14	24	11
12	14	24	12
13	14	24	13
14	14	24	14
15	14	24	15
16	14	24	16
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28	14	24	28
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30	14	24	30
31	14	24	31
32	14	24	32
33	14	24	33
34	14	24	34
35	14	24	35
36	14	24	36

1. 09999 Det. Pl. 187 (Act of Cong. 7/22/1933)
Completed 1/13/1962, all of surface land by USFS

TOP ORDER EFFECTIVE REMOVAL OR USE OF
UNDEVELOPED LANDS WRITTEN TO INDEX OF
MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
NOV. 1973	
USE PLAT.	

THE NOTATION SHOWN ON WITHDRAWALS REPRESENT THE LAST
ACTION TAKEN BUT MAY NOT BE THE EFFECTIVE DATE, SEE
THE HISTORICAL INDEX FOR THE DATE OF THE ORIGINAL WITH-
DRAWAL ORDER.

WARNING: STATEMENT
This plat is the "owner's Record of Title," and should be used
only as a guide to the location of the land. It does not
show the actual location of the land. The actual location
should be determined by a survey of the land.

SCALE in Chains
0 5 10 20 30 40 50

Drawn by
T. 143
R. 243

03/20/2001

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

RIGHT NUMBER: 43-266

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

SOURCE: CASSIA CREEK TRIBUTARY: RAFT RIVER

QUANTITY: 0.4 CFS

VERIFIED BY: KKC

PRIORITY DATE: 04/30/1887

POINT OF DIVERSION: T14S R24E S2 NENESE Within CASSIA County
T14S R24E S2 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 10-31	0.40 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T14S R24E S1	NESW	3	T14S R24E S1	NWSW	14
T14S R24E S2	NESE	19	T14S R24E S2	NWSE	9

45 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 45 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-263 AND 43-266

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THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
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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

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			7-1-94 KSC	N		15 KSC 7-21-00		
POINT OF DIV	Y			Y				
SOURCE				N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME				N				
CONSUMPTIVE USE				N				
PURPOSES				N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM				N				
REMARKS	Y			Y				

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION INDICATED ARE ALL CODES WHICH APPLY.

This right is recommended within
 a claimed & Decreed P.D. The system
 analysis notes are in file 43-002663
 No other pages of this CLE retained
 as they are blank.

Kelly K. Christensen
 Sr. Water Resource Agent
 7-21-00