

August 2007

Fred Price
% Bureau of Land Management
1387 South Vinnell Way
Boise Idaho, 83709-1657

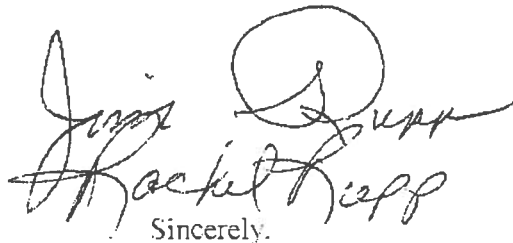
Re: Subcase # 79-04103

Dear Mr. Price,

We agree with you on Subcase 79-04103 . The Priority date for Fiddle Creek is July 20, 1915. The Place of Use T25N RO1E S23 Lot 6 SENW 1.90 is BLM land .

The aerial map used was very old and there are no trees on lot 6. There was an overflow valve that has been removed from Lot 6 and now there is no water on BLM land.
Would you please file all the necessary papers to the court stating that we are in agreement.

Thank You.



Sincerely,

Jim Rupp
Rachel Rupp

RECEIVED
BLM ISO MR
AUG 13 2007
9:00 A.M.

10/23/2006

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

RIGHT NUMBER: 79-4103
NAME AND ADDRESS: RACHEL A RUPP
HC 01 BOX 1
LUCILE ID 83542
JIM RUPP
HC 01 BOX 1
LUCILE ID 83542

Unauthorized POU on BLM:

-The place of use described below is located on public land.

-Agricultural use is not authorized.

SOURCE: FIDDLE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 01/01/1880 - private land not patented until 07-20-1915.

POINT OF
DIVERSION: T25N R01E S22 SESE Lot 6 Within IDAHO County
T25N R01E S23 NWSW Within IDAHO County
T25N R01E S23 NESE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	1.000 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T25N R01E S22 Lot 5 NESE	18.00	T25N R01E S22 Lot 6 SESE	2.40
T25N R01E S23 Lot 5 SWNW	4.70	T25N R01E S23 Lot 6 SENW	1.90
T25N R01E S23 NWSW	13.00		

40 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 79-04103
(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: Jim & Rachel A. Rupp
Address: HC 01 Box 1; Lucile, Idaho 83542

Name:
Address: ;

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: See attached.

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 United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. Claimant's water right should not include this POU. The recommended priority date of 01-01-1880 is greatly senior in time the the date the private land POUs were patented on 07-20-1915.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

) ss.

County of ADA

)

Fredric W. Price, Water Rights Specialist, 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.

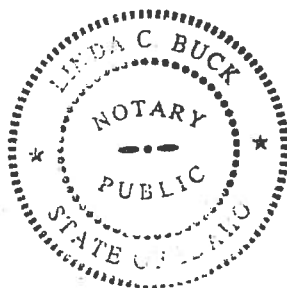
Fredric W. Price
(Signature of person filing objection)

Larry A. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

June 12, 2007

Linda C. Buck
Linda C. Buck



Notary Public for State of Idaho

Residing at: Mountain Home, ID.

My Commission Expires: 12-21-2011

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 June 12th, 2007, 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:

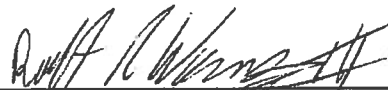
Name: Jim & Rachel A. Rupp
Address: HC 01 Box 1; Lucile, Idaho 83542
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on Objector's behalf

10/23/2006

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

RIGHT NUMBER: 79-4103
NAME AND ADDRESS: RACHEL A RUPP
HC 01 BOX 1
LUCILE ID 83542

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<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	1.000 CFS

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<u>IRRIGATION Within IDAHO County</u>			
T25N R01E S22 Lot 5 NESE	18.00	T25N R01E S22 Lot 6 SESE	2.40
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T25N R01E S23	NWSW 13.00		

BLM

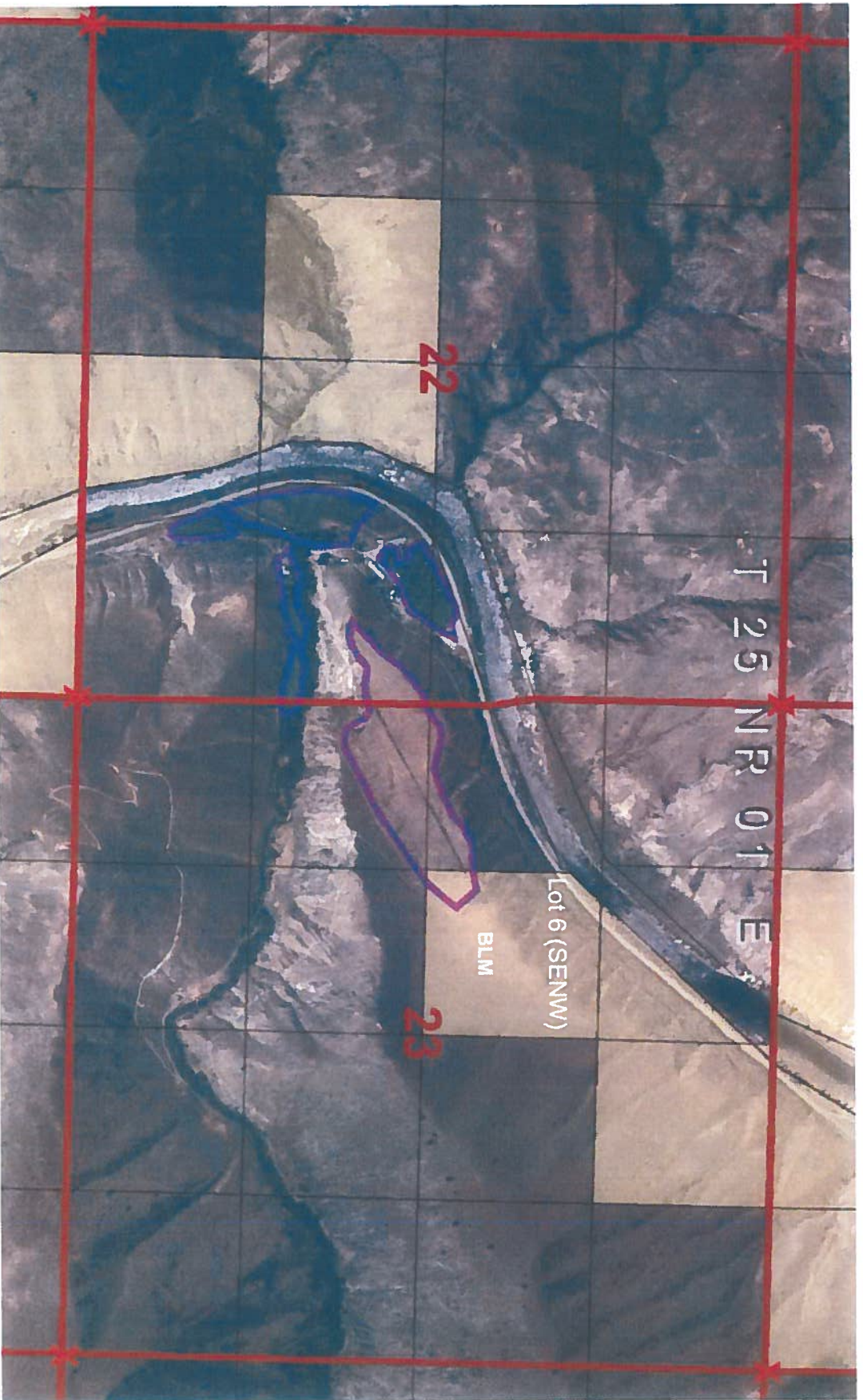
40 ACRES TOTAL

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

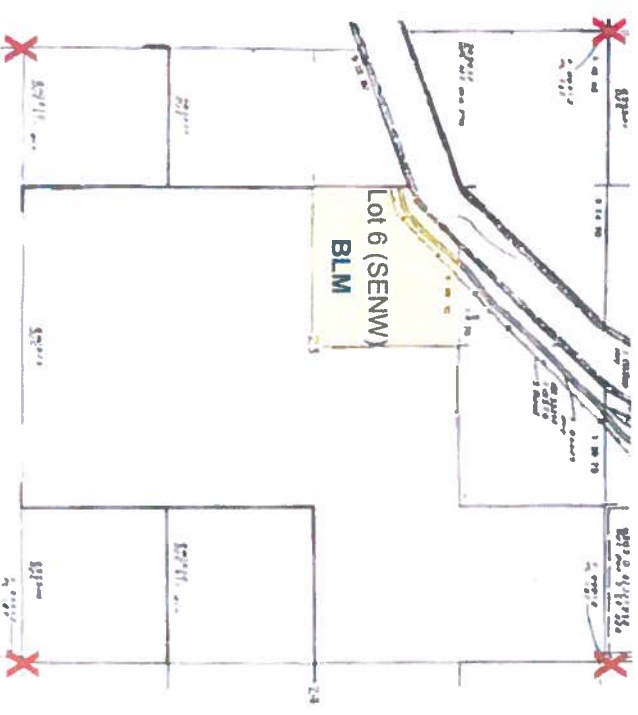
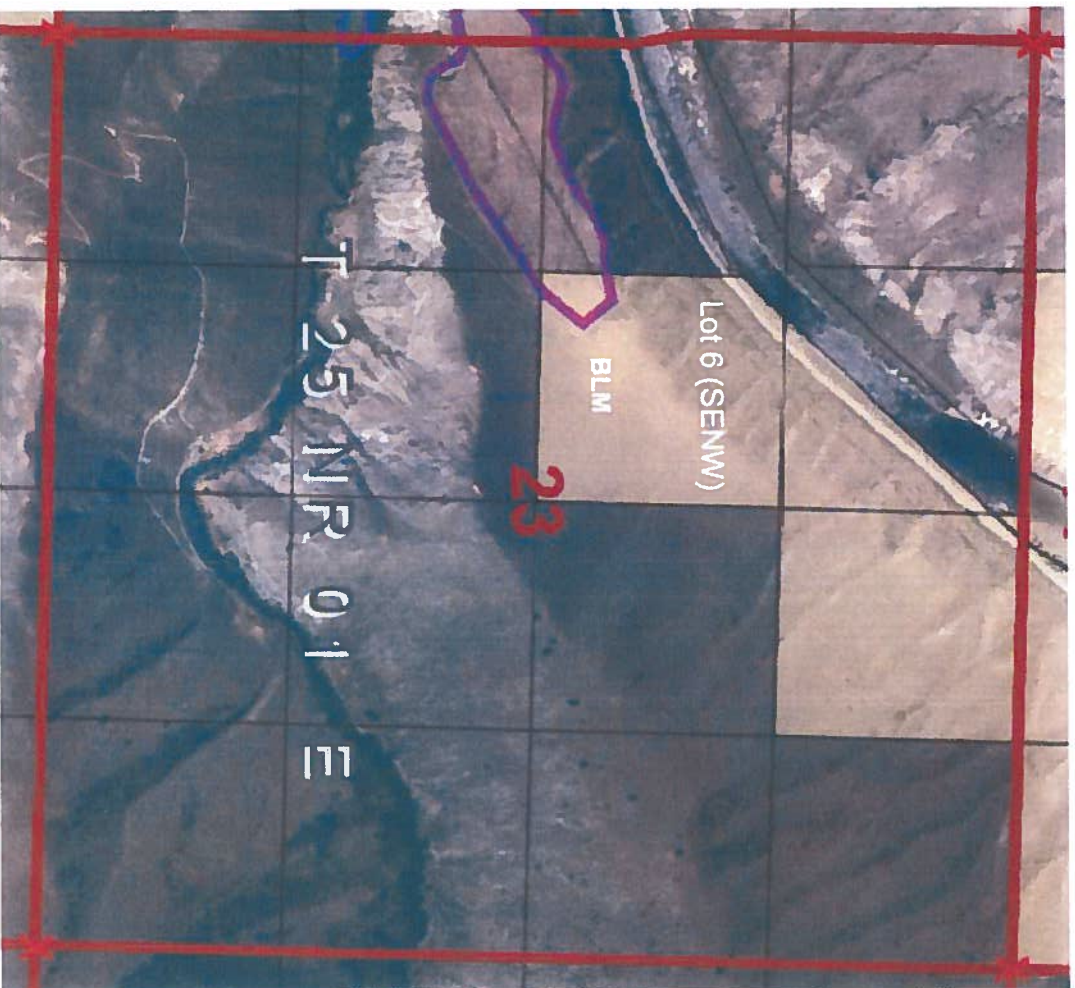
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

79-04103 Jim and Rachel Rupp

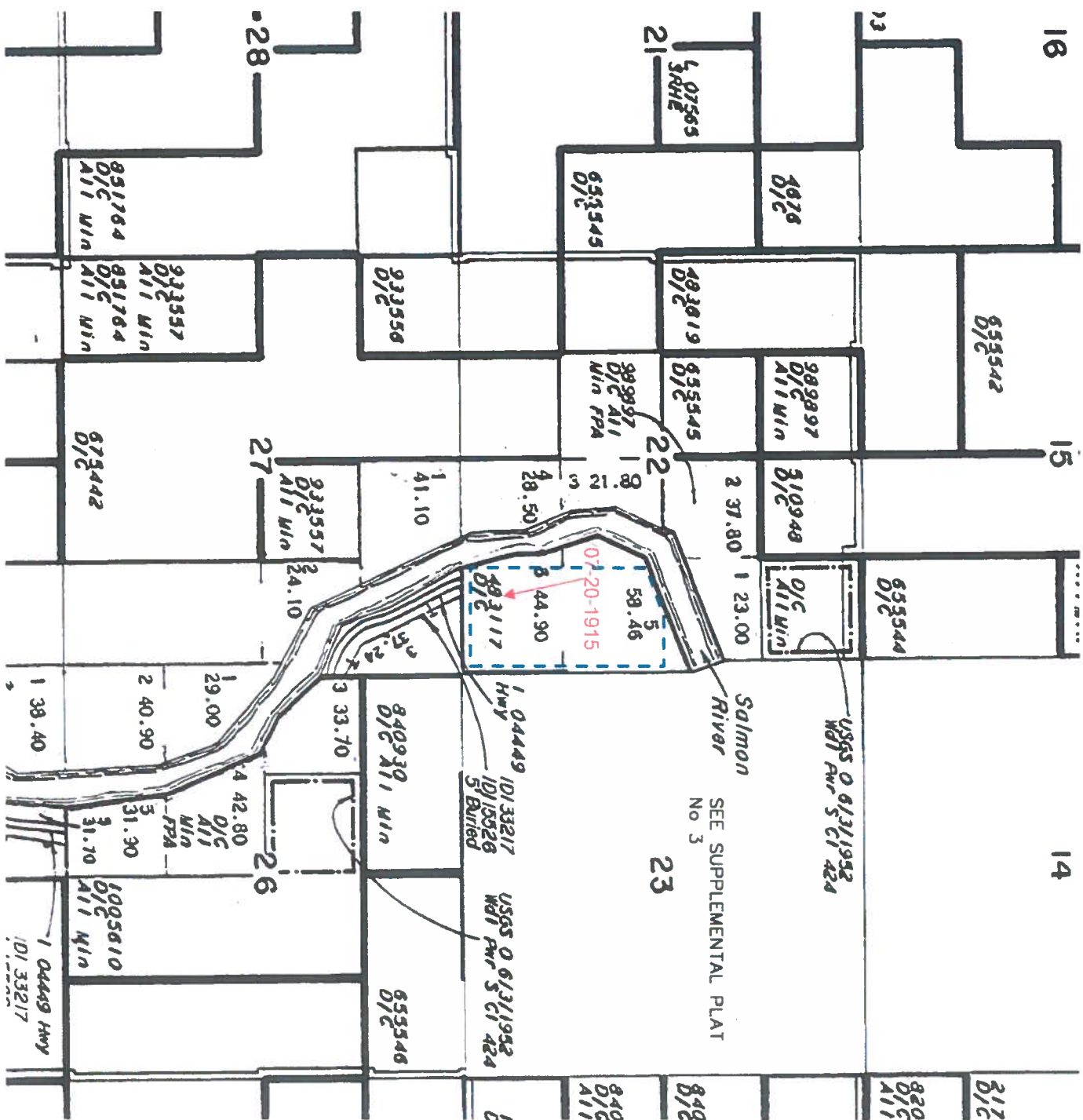


79-04103 Jim and Rachel Rupp

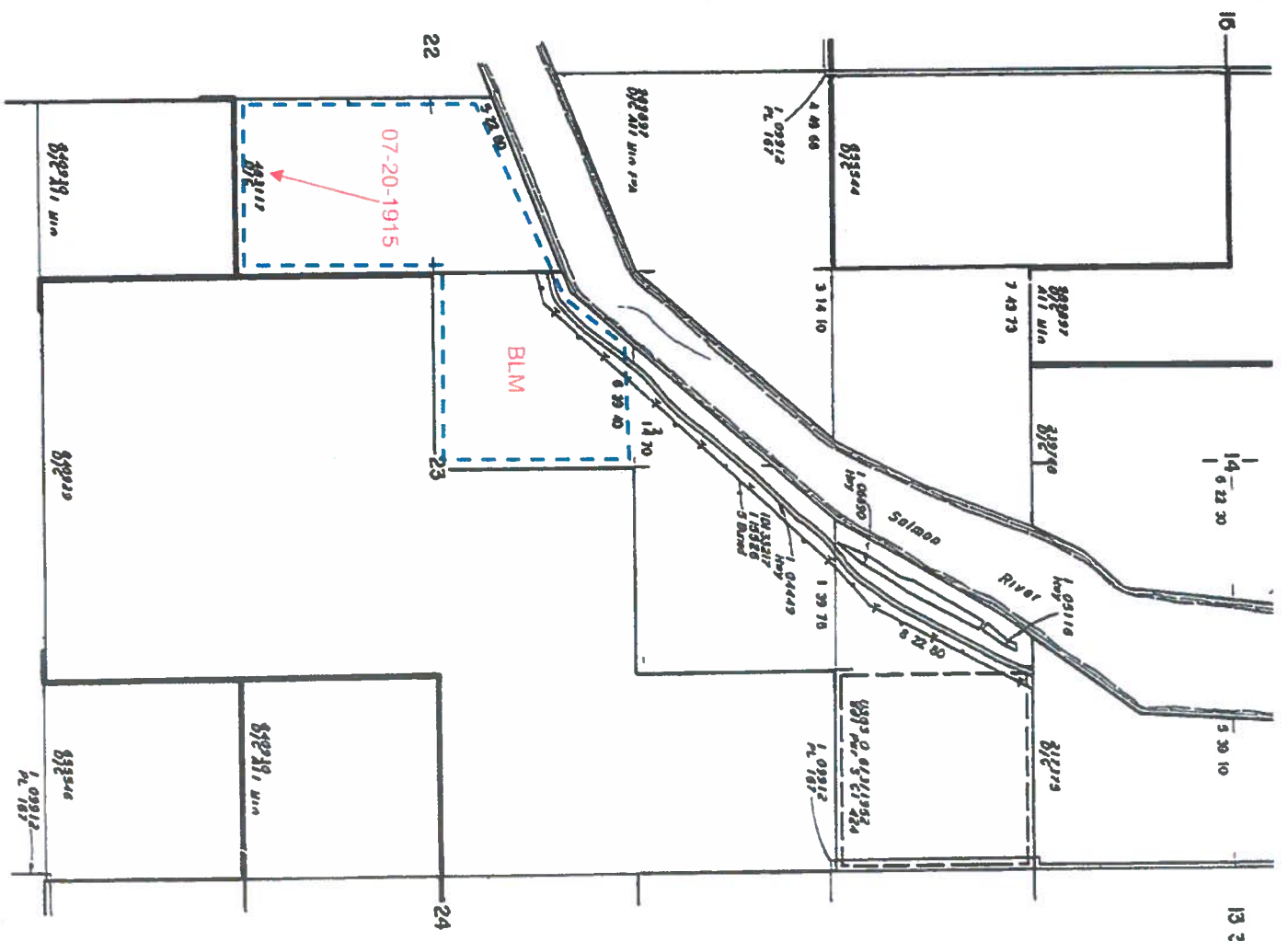


- Claimant is not authorized to farm public land.
- Remove T25N R01E S23 Lot 6 (SENW) 1.90 acres recommendation.
- Adjust shapefile accordingly.

T25N
R01E



T25N	R01E
------	------



The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Lewiston, Idaho.**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Thomas Pogue**

has been established and duly consummated, in conformity to law, for the Lot five and the northwest quarter of the southwest quarter of Section twenty-three and the Lots five and six of Section twenty-two in Township twenty-five north of Range one east of the Boise Meridian, Idaho, containing one hundred sixty-six and sixteen-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTIETH**

(SEAL)

day of **JULY** is the year of our Lord one thousand

also hundred and **FIFTEEN** and of the Independence of the

United States the one hundred and **FORTIETH.**

By the President:

By

Woodrow Wilson
M. P. Le Roy Secretary,
L. B. Lamar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **483117**

9-5377

17746319

MT PLAT

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

[illegible][illegible]

ON 09812 O-1 PL 167 (Act of Cong 07/23/1955)
completed 09/28/1960 as PD surface Mgmt by BLM

HQ 7696 06/11/1962 Open to Entry Subl to Sec
 TAFRA B-5 Dec 2 50 04 00 1978

24 17 1977 Del Pl 167 (Act of Cong. 07/22/1955)

completed 12/01/1964. as of 3/10/68 Mon. for USSS

Act of Cong (Sec 5) 10/03/1968 at public bond

within 1/4 mile of Solomon River, with 1/2 patent
addition to mud & Scurry Rivers system

FOI 91357 incorrectly described SMML Sec 27
instead of SMML Sec 21

WFO 3941 PA JSD (Act of 08/11/2023)
Sec 7: 575ENW, N24ESW

DI 21089 Sides Act 17/10/1985

SEE IF: LOIS I. S. D. NORTON, N.Y.C. (MINUS NAME)
JMS

Chem. All of the above and also claims
22 being read
Sec 12. NWSR (minus Sec and App. Claim)

SCSW, All of the Men and A's Claims
as Surveyed

(Continued on Supplicant's Plot A/R)

FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS

1. The first part of the document is a title page. It contains the title "The Role of the State in the Development of the Economy" and the author's name "John Doe".

2. The second part of the document is an abstract. It provides a brief summary of the main findings of the study.

3. The third part of the document is the introduction. It discusses the importance of the state in the development of the economy and the objectives of the study.

4. The fourth part of the document is the literature review. It examines the existing research on the role of the state in the development of the economy.

5. The fifth part of the document is the methodology. It describes the research methods used in the study.

6. The sixth part of the document is the results and discussion. It presents the findings of the study and discusses their implications.

7. The seventh part of the document is the conclusion. It summarizes the main findings of the study and provides recommendations for future research.

8. The eighth part of the document is the references. It lists the sources used in the study.

9. The ninth part of the document is the appendix. It contains additional information related to the study.

10. The tenth part of the document is the index. It provides a list of the topics covered in the document.

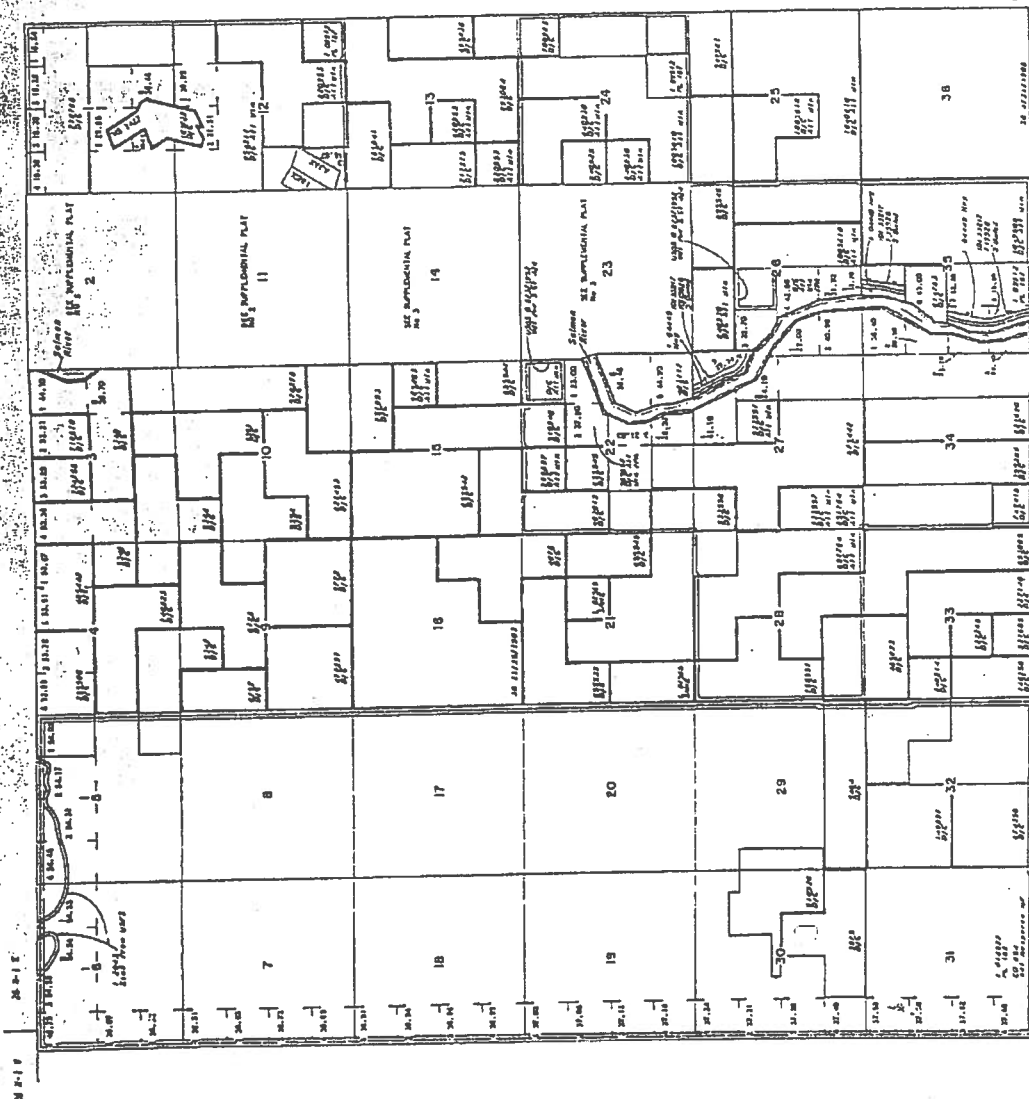
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USE PLAIN:

QX WITHDRAWALS REPRESENT THE LAST

DO NOT BE THE EFFECTIVE DATE SEE
FOR THE DATE OF THE ORIGINAL WITH-- R. - 12

100

[illegible]

Journal of Management Education

This post is for *Maroon's Record of Film*, and should be submitted as a separate posting of the *Maroon's* page only. *Maroon's* page should not include links, images, etc., from other websites. It should be limited to comments of interest to the readers of *Maroon's*. Please do not include any other material.

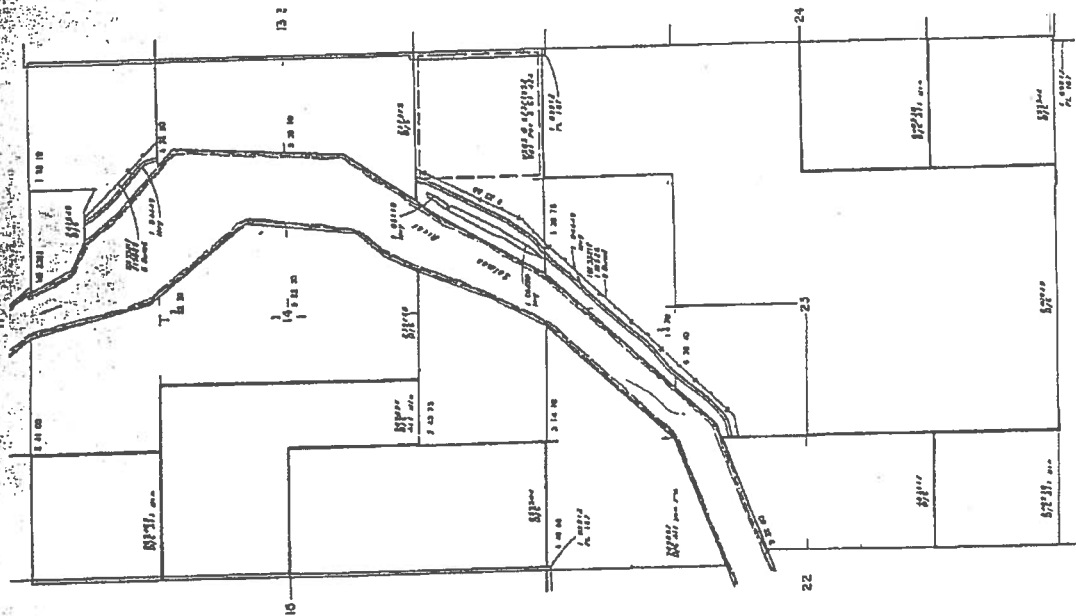
SCALE in Chords

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

TOWNSHIP 25 NORTH RANGE 1 EAST OF THE BOISE MERIDIAN, IDAHO

IDAHO COUNTY 049

CASE PLACED 1907



26

PLAT 1000

PLAT 1001

PLAT 1002

PLAT 1003

PLAT 1004

PLAT 1005

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PLAT 1229

PLAT 1230

Contacts Data Entry Form

Claim Number: 79-4103

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	RACHEL A RUPP	HC 01 BOX 1	LUCILE	ID	83542	(208)628-3712
Current Owner	JIM RUPP	HC 01 BOX 1	LUCILE	ID	83542	(208)628-3712

Date of Field Exam: 8-1-05 Time: 3:00Accompanied By: Jim Rupp Phone Number: (208) 628-3712

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

Fiddle Creek Fruit Stand us Hwy North of Riggins

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number 79-4103

Claimed Priority Date: 1/1/1880

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 1/1/1880

Water Right Basis: Statutory Claim

Recommended Priority Date Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer:

Date:

Point of Diversion and Source Data Entry Form

Claim Number 79-4103

Claimed Point of Diversion and Source

T25N R01E S23 NESE Within IDAHO County Source: FIDDLE CREEK SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T25N R01E S23 NESE Within IDAHO County

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

Fiddle Creek Salmon River

Twp	Rge	Sec	Goy Lot	QQQ of QQ of Q	County	Source
25N	1E	23		SE SE	Idaho	Fiddle Creek
25N	1E	23		SE NW SW	Idaho	Fiddle Creek
25N	1E	23		NW SE	Idaho	Fiddle Creek

Note
Gait lots
Involved

Other rights from this POD? NONE

Document how the POD and Source were verified:

Conversation with Claimant, Jim Rupp,

GPS Location, Photo-quad Map, USGS 7 1/2 Min. Map. (Topo)

On Site Exam.

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 79-4103

Claimed Place Of Use

T25N R01E S22	NESE	8.0	T25N R01E S22	NWSE	4.0
T25N R01E S22	SWSE	3.0	T25N R01E S23	SWNW	10.0
T25N R01E S23	NWSW	25.0			

Total Acres 50

___ Use Claimed POU as Recommended POU

Water Right Place Of Use

T25N R01E S22	NESE	8.0	T25N R01E S22	NWSE	4.0
T25N R01E S22	SWSE	3.0	T25N R01E S23	SWNW	10.0
T25N R01E S23	NWSW	25.0			

Total Acres 50

Recommended Place of Use

_____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
25N	1E	22	NE	SE	Idaho			Irrigation
25N	1E	22	NW	SE	"			"
25N	1E	22	SW	SE	"			"
25N	1E	22	SE	SE	"			"
"	"	23	SE	NW	"			"
"	"	"	NW	SW	"			"
"	"	"	NE	SW	"			"

Total Acres _____

Document how the POU was verified:

Conversation with Jim Rupp, claimant.
On site from Photo Quad Map.

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 79-4103

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation				

Document how the Purpose of Use was verified:

On Site Exam, Conversation with Claimant

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 79-4103

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	1	

Overall Diversion Rate 1 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	1	

Overall Diversion Rate 1 Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

12/05/2005

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

RIGHT NUMBER: 79-4103
NAME AND ADDRESS: RACHEL A RUPP
HC 01 BOX 1
LUCILE ID 83542

JIM RUPP
HC 01 BOX 1
LUCILE ID 83542

SOURCE: FIDDLE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 1.000 CFS
PRIORITY DATE: 01/01/1880
POINT OF DIVERSION:

T25N R01E S22 SESE Lot 6 Within IDAHO County
T25N R01E S23 NWSW Within IDAHO County
T25N R01E S23 NESE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	02/15 11/30	1.000 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T25N R01E S22 Lot 5 NESE	18.0	T25N R01E S22 Lot 6 SESE	2.4
T25N R01E S23 Lot 5 SWNW	4.7	T25N R01E S23 Lot 6 SENW	1.9
T25N R01E S23 NWSW	13.0		

40 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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: A79-04103
Date Received: 6/01/1988
Receipt No: W000276

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JIM RUPP 208-628-3712
Address: HC 01, BOX 1
LUCILLE, ID 83542

AND/OR
Name: RACHEL A. RUPP 208-628-3712
Address: HC 01, BOX 1
LUCILLE, ID 83542

2. Date of Priority: JAN 01, 1880

3. Source: FIDDLE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
25N	01E	23	NE	SE			IDAHO

5. Description of diverting works:
PIPELINE & SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.000		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE, EXCEPT FOR INSTREAM STOCKWATERING.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
25N	01E	22	NE		SE		IRR	8.0
			NW		SE		IRR	4.0
			SW		SE		IRR	3.0
							Section Acres	15.0
		23	SW		NW		IRR	10.0
			NW		SW		IRR	25.0
							Section Acres	35.0
							Total Acres	50.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

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):

Jim Rupp
Rachel A. Rupp

Date:

6/1/88

Date:

6/1/88

State of Idaho)

) SS.

County of

Ada

Subscribed and sworn (or affirmed) before me this 1st day

of

June

19 88

Nancy M. Lindgren
Notary Public

Seal

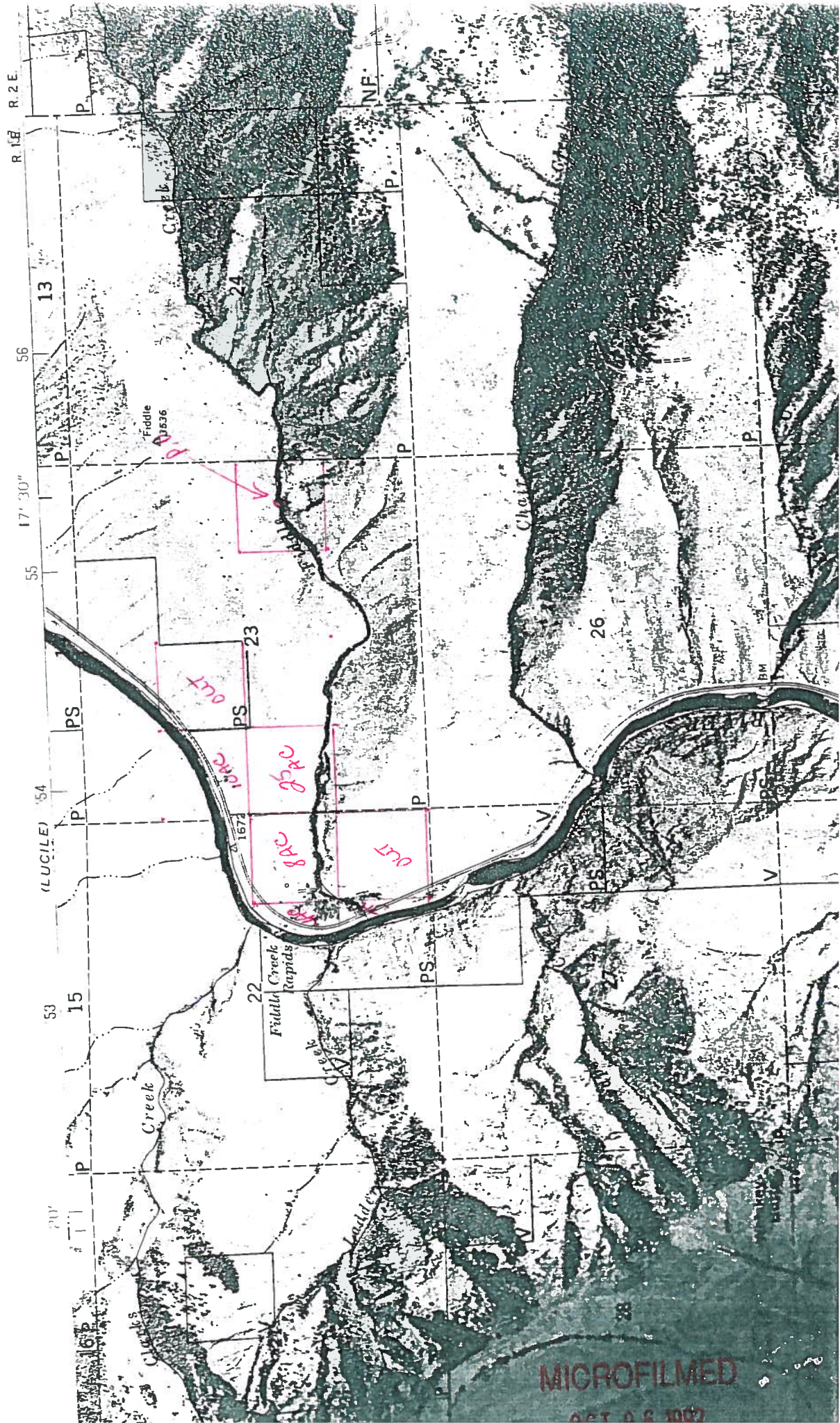
Residing at

Boise

My Commission Expires

1-19-1994

RIGGINS QI
ID/
7.5 MINUTE SERIES



79-4103

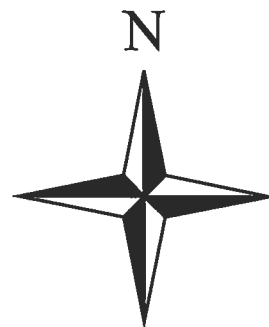
T25N R1E Sections 22 & 23



Place of Use



Point of Diversion



79-4103

Field Exam Notes

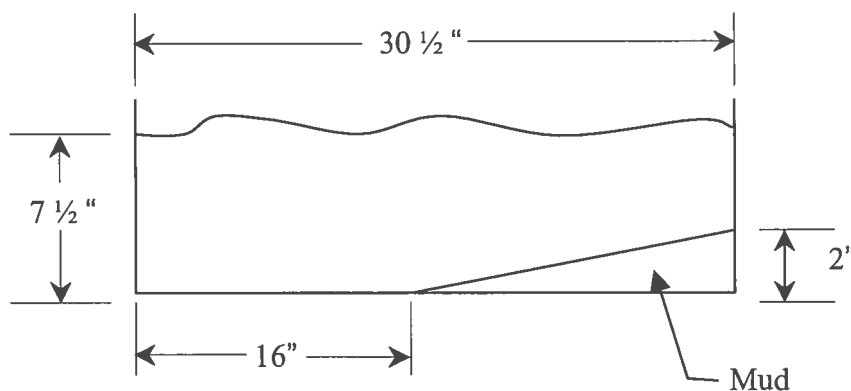
Date of Exam: August 1, 2005

This claim lists Fiddle Creek, tributary to the Salmon River, as the source of water. It also lists only one (1) point of diversion (POD). However, a search of the Idaho Department of Water Resources (IDWR) public web site revealed that the only other water right listing Fiddle Creek as a source is 79-11352. That water right is for stockwater and is owned by the United States of America. The field exam revealed three (3) PODs being used by the claimants, Rachel A. and Jim Rupp, for irrigation. The exam was therefore done for all of the water from Fiddle Creek being used by the Rups.

On the day of the exam, there were three (3) separate systems, each with its own POD and place of use (POU). These three (3) systems are referred to below as the upper, middle, and lower systems. The corresponding POUs for each of these systems are indicated on the photo-quad map.

The upper POD has a GPS location of **N45° 29' 20.5"** by **W116° 17' 45.2"**. The diversion consists of a short earthen ditch from the creek to a concrete box (*Photos 1 & 2*) where there is a six inch (6") intake pipe. The pipe goes to a bubbler (*Photo 3*) that is approximately fifty (50) or sixty (60) feet below the POD. A pipe connects the bubbler with the POU where irrigation is done by sprinklers. The system is pressurized by gravity.

Flow measurements were taken in the concrete box using the orange peel method. The average profile of the box is indicated below (not to scale).



$$7.5\text{in} \times 30.5\text{in} - \frac{2(30.5 - 16)}{2}\text{in} = 214.25\text{in}^2 \leftarrow \text{Profile Area}$$

Three (3) measurements were taken over a ten foot (10') length of the ditch for a total time of forty-four (44) seconds. The flow rate was then determined as follows.

$$\frac{(30 \text{ ft})(214.25 \text{ in}^2) \left(\frac{\text{ft}^2}{144 \text{ in}^2} \right)}{44 \text{ sec.}} \approx 1.01444 \text{ cfs} \approx \mathbf{1.01 \text{ cfs}}$$

A measurement was also taken at the bubbler. The bubbler had a six inch (6") diameter vertical PVC pipe with a water jet above the pipe of five inches (5"). The flow, as determined from Table 71, page 219 of the *Hydraulic Handbook, twelfth edition*, put out by Fairbanks Morse Pump Corporation was **430 gpm** or:

$$\frac{430 \text{ gpm}}{448.83 \text{ gpm} / \text{cfs}} \approx \mathbf{0.958 \text{ cfs}}$$

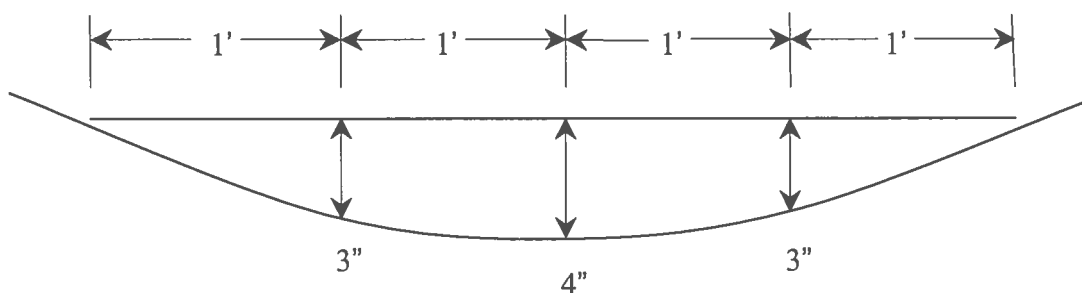
The middle POD has a GPS location of **N45° 29' 18.4"** by **W116° 18' 27"**. The middle diversion consists of short culvert located in a concrete and rock dam on Fiddle Creek (*Photo 4*). The culvert empties into an earthen ditch that extends from 100 to 200 feet to a concrete box (*Photo 5*) and then into a six inch (6") PVC pipe. The water then enters a bubbler located about fifty feet (50') below the concrete box. From there it enters another pipe that conveys it to the POU. Irrigation at the POU is done by sprinklers. The middle system is pressurized by gravity.

Because the stand pipe in the middle bubbler was not vertical, no flow measurements were taken at that point. Flow measurements were taken on the ditch between the dam and the concrete box using the orange peel method. Three (3) measurements totaling twenty-one (21) seconds were taken in a ten foot (10') length of the ditch. The average profile of the ditch where the measurement was taken is shown below (not to scale).

$$30' / 21 \text{ sec.} = 1.43 \text{ ft/sec} = V$$

Dist	w	D	A
0	.5	0	0
1	1	.25'	.25
2	1	.33	.33
3	1	.25	.25
4	.5	0	
4	4		

$$A = .83$$

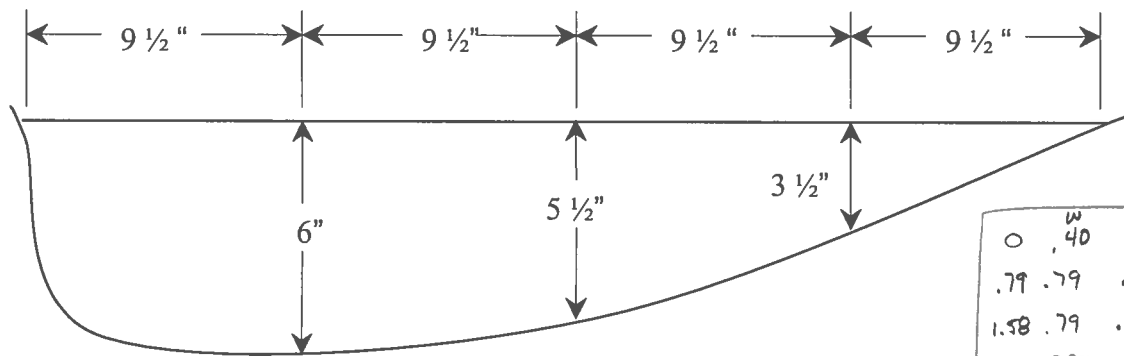


$$(V)(A) = 1.19 \text{ cfs}$$

Poor satellite reception prevented taking a GPS location for the lower POD, however, the POD (Photo 6) was indicated on the photo-quad map by Mr. Rupp. The diversion is accomplished by the placement of rocks in Fiddle Creek and in the ditch coming off of Fiddle Creek. The POU of the lower system is only a few acres and flood irrigation is used.

Flow measurements for the lower system were taken in the ditch using the orange peel method. Four (4) measurements were taken along a five foot (5') run of the ditch for a total time of thirteen (13) seconds. A longer run where a measurement could be reasonably taken was not found. The average profile of the ditch along this run is shown below (not to scale).

$$20' / 13 = 1.54 \text{ ft/sec} = V$$



	W	D	A
0	.40		
.79	.79	.50	.395
1.58	.79	.42	.332
2.37	.79	.29	.23
3.16	.40		
			.96 ft ²

$$(V \times A) = 1.54 \text{ ft/sec} (.96 \text{ ft}^2) = 2.37 \text{ cfs}$$

The claim lists the POD as being in NESE Sec. 23 Rng. 1E Twp. 25N BM. The findings of the exam show that there is also a POD in NWSW of the same section, range and township and a third POD in SESE, Sec. 22 of the same range and township.

Below is a side-by-side comparison of the POU location as given by the claim and as revealed by the exam.

Claim

Sec. 22

NESE
NWSE
SWSE

Sec. 23

SWNW
NWNW

Actual

Sec. 22

NESE
NWSE
SWSE
SESE

Sec. 23

SWNW

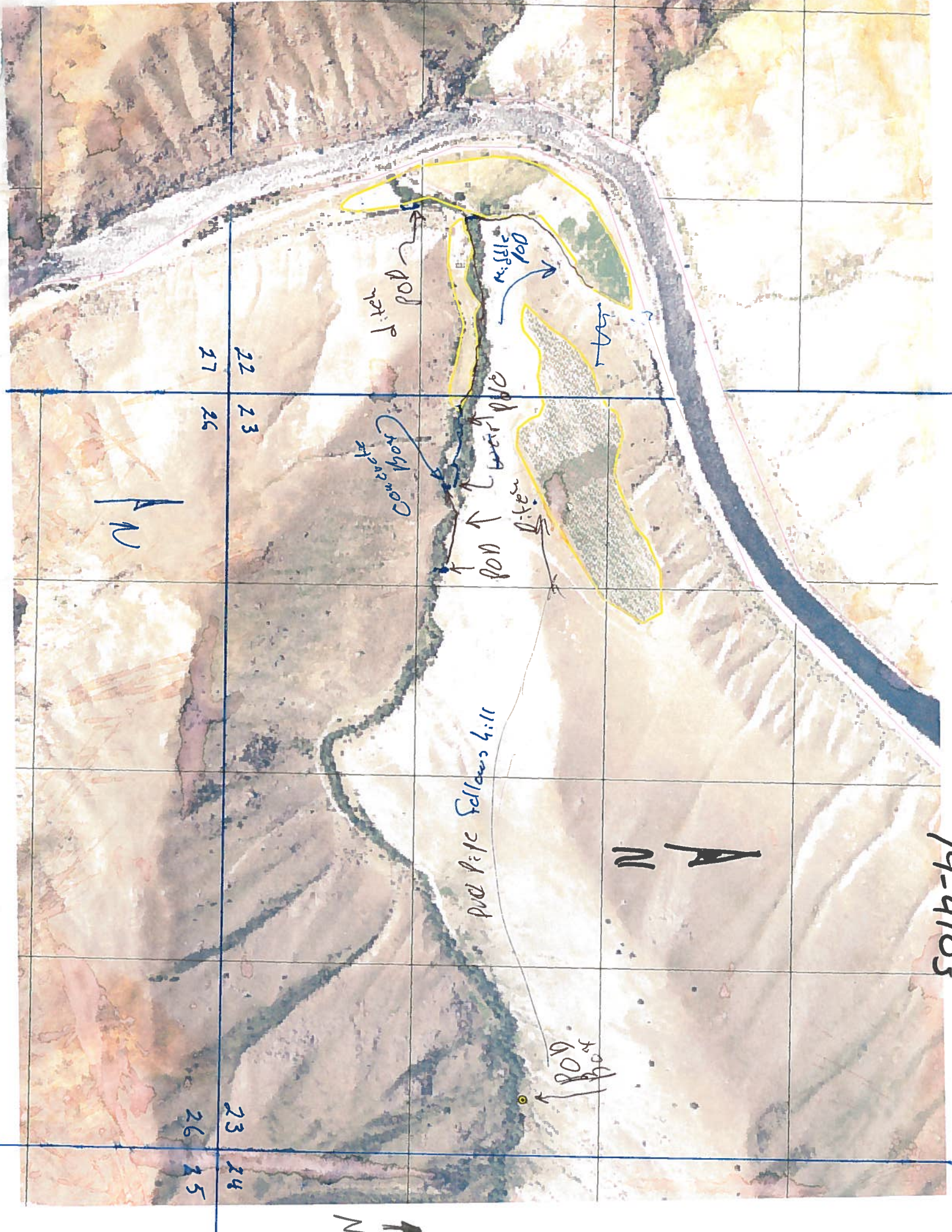
SENW
NWSW
NESW

A search of the IDWR public web site and a conversation with Mr. Rupp indicated that there are no other water rights sharing the same POD or POU as this claim.

Field Examiner:

A handwritten signature in black ink, appearing to read "Jim Summerhagen". The signature is written in a cursive, flowing style.

17-4105



N ↑

79-4103

UNITED STATES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE

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