

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

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

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
	A43-00298A	✓			
	A43-00299A	✓			
	A43-04162	✓			
	43-11264	✓			

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) Grant N. Beyler P.O. Box 52
Malta Id. 83342
4. New Owner/Claimant(s) Dallan D. Spencer Jennifer Spencer
 Name Connector (Check one): [] and, [] or, ☒ and/or
- New Mailing Address P.O. Box 112
- City, State and ZIP Code Malta Id. 83342
- New Telephone Number (208) 645-2629
5. Date you acquired the property 11-15-00

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 <u>A-43-00298A, 44300299A, 443-04162, 43-11264</u>		
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		<u>15.56 acres</u>
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) Dallon D. Spencer
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

271186

QUITCLAIM DEED**For Value Received**

GRANT N. BEYLER and CLARA W. BEYLER as Trustees of the GRANT N. and CLARA W. BEYLER FAMILY TRUST created on September 15, 1996,

do hereby convey, release, remise and forever quitclaim unto

RANDY T. BRIGGS and JAMIE BRIGGS, husband and wife,

whose current address is

P. O. Box 132, Malta, Idaho 83342
the following described premises, to-wit:

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY
IDAHO

SECTION 12: Beginning at a point 40 feet East of the Northwest corner of the SE 1/4 NW 1/4 of said Section 12; thence East along 1/16th section line for 1,280 feet, more or less, to the Northeast corner of said SE 1/4 NW 1/4; thence South 32°09' West 714 feet; thence South 53°42' West 342 feet; thence South 21°49' West 200 feet; thence North 89°58' West 561 feet, more or less, to the East right-of-way boundary of State Highway 81; thence North 159.8 feet; thence East 10 feet; thence North 840.2 feet, more or less, to the Point of Beginning.

EXCEPTING THEREFROM the following described parcel:

Beginning at a point South 89°23' East for 30.00 feet from the Northwest corner of the SE 1/4 NW 1/4 of said Section 12, which point shall be the True Point of Beginning, said point lying on the East right-of-way of Highway 81; thence South 89°23' East along the 1/16th line for 1291.18 feet to a point at the Northeast corner of the SE 1/4; thence South 32°38' West (South 32°09' West Rec.) for 35.36 feet to a point; thence North 89°23' West for 1272.33 feet to a point on the East right-of-way of State Highway 81; thence North 0°26' East for 30.00 feet to the True Point of Beginning.

together with their appurtenances.

Dated: September 12, 2000

Grant N. Beyler

Grant N. Beyler, Trustee

Clara W. Beyler

Clara W. Beyler, Trustee

RECORDED AT THE REQUEST OF
CASSIA COUNTY ABSTRACT

00 SEP 13 AM 11 29

FEE 3.00 DEPUTY *AB*

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

271186

State of Idaho)
County of Cassia) ss.

On this 12th day of September in the year 2000, before me a Notary Public personally appeared Grant N. Beyler and Clara W. Beyler, know or identified to me to be the persons whose names are subscribed to the within instrument as Trustees of the Grant N. and Clara W. Beyler Family Trust created on September 15, 1996, and acknowledged to me that they executed the same as such Trustees.

Fred C. Bell
Notary Public
Residing at Burley, Idaho
Commission expires: 8/2/06

FRED C. BELL
NOTARY PUBLIC
STATE OF IDAHO

INSTRUMENT No.

272809

WARRANTY DEED

#33533

For Value Received

RANDY T. BRIGGS and JAMIE BRIGGS, husband and wife

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

DALLAN D. SPENCER and JENNIFER MARIE SPENCER, husband and wife
Address: P. O. Box 112 - Malta, ID 83342

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

SEE ATTACHED EXHIBIT "A"**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.

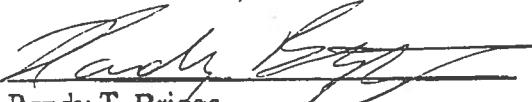
Any assessments levied, or to be levied, by the City of Malta.

Water right conveyed by Quitclaim Deed from Malta Ward of the Church of Jesus Christ of Latter Day Saints, Harvey J. Wight, Bishop, to the Village of Malta, a municipal corporation, dated July 26, 1967 and recorded August 1967 as Instrument No. 36294 on Film No. 51, records of Cassia County, Idaho.

Reservation contained in Warranty Deed from the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah corporation sole, as Grantor, to Grant N. Beyler and Clara W. Beyler, as Grantees, dated July 30, 1986 and recorded August 11, 1986 as Instrument No. 181086 on Film No. 183, records of Cassia County, Idaho.

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: November 15, 2000


Randy T. Briggs
Jamie Briggs

STATE OF IDAHO)

) ss.

COUNTY OF CASSIA)

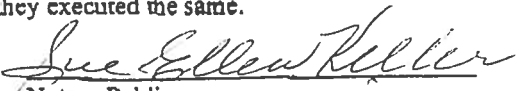
On this 11th day of December, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared **RANDY T. BRIGGS and JAMIE BRIGGS**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.**SUE ELLEN KELLER**
NOTARY PUBLIC
STATE OF IDAHO
Notary PublicResiding at: AlbionMy Commission expires: 4-9-05

EXHIBIT 'A'

TOWNSHIP 13 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 12:

Part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, said corner marked by a 5/8 inch rebar; thence South 00°07'36" West along the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 1317.33 feet to the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$; Thence North 89°55'21" East (East rec.) along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 40.54 feet (40.00 feet rec.) to the East right of way of State Highway 81; thence South 00°20'12" East (South rec.) along said right of way for a distance of 30.00 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 89°55'21" East (South 89°32' East rec.) for a distance of 1265.42 feet (1272.33 feet rec.) to a ½ inch rebar;

Thence South 31°46'11" West (South 32°09' West rec.) for a distance of 685.88 feet to a ½ inch rebar;

Thence South 53°27'33" West (South 53°42' West rec.) for a distance of 342.00 feet to a ½ inch rebar;

Thence South 21°24'33" West (South 21°49' West rec.) for a distance of 192.11 feet (200 feet rec.) to a ½ inch rebar;

Thence South 88°49'04" West (North 89°58' West rec.) for a distance of 343.22 feet to a ½ inch rebar;

Thence South 89°54'44" West (North 89°58' West rec.) for a distance of 220.64 feet to a ½ inch rebar on the East right of way of State Highway 81;

Thence along a non-tangent curve to the left for a distance of 155.80 feet (North - 159.8 feet rec.) to a highway right of way marker, said curve having a radius of 114621.60 feet and a central angle of 0°04'40" and a long chord bearing of North 00°17'52" West for a distance of 155.80 feet;

Thence North 89°39'48" East (East rec.) along the said right of way for a distance of 10.00 feet to a highway right of way marker;

Thence North 00°20'12" West (North rec.) along said right of way for a distance of 815.47 feet to the Point of Beginning.

-Continued-

EXCEPTING THEREFROM the following described tract:

Beginning at the Northwest corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 12, said corner marked by a 5/8 inch rebar; thence South 00°07'36" West along the West line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 1317.33 feet to the Northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 89°55'21" East (East rec.) along the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 40.54 feet (40.00 feet rec.) to the East right of way of State Highway 81; thence South 00°20'12" East (South rec.) along said right of way for a distance of 30.00 feet to a ½ inch rebar which shall be the Point of Beginning;

Thence North 89°55'21" East (South 89°32' East rec.) for a distance of 466.69 feet to a ½ inch rebar;

Thence South 00°20'12" East for a distance of 466.69 feet to a ½ inch rebar;

Thence South 89°55'21" West for a distance of 466.69 feet to a ½ inch rebar on the East right of way of State Highway 81;

Thence North 00°20'12" West (North rec.) along said right of way for a distance of 466.69 feet to the Point of Beginning.

272809

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY

RECORDER

FEE \$9.00 DEPUTY

Plus

01 JAN 3 PM 4 02

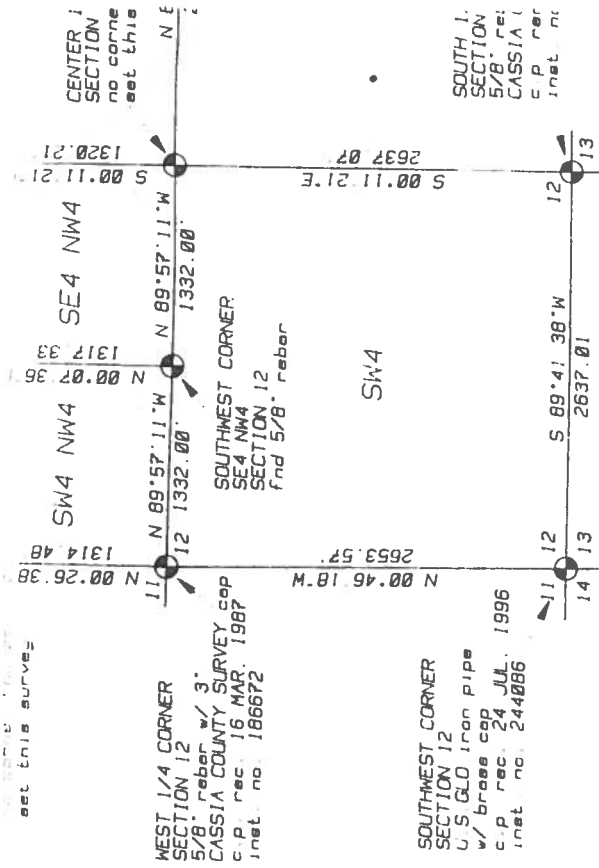
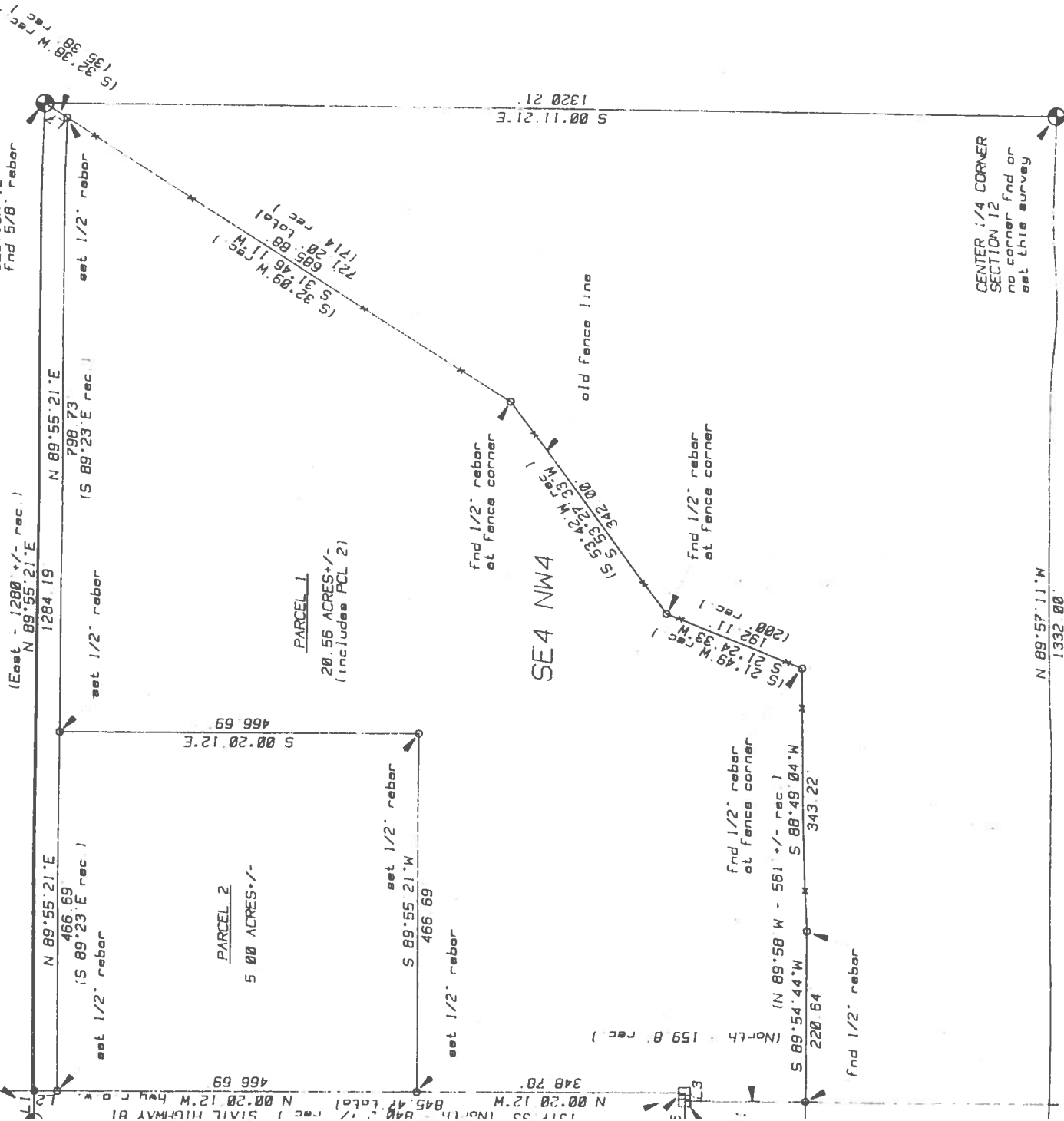
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW



SCALE 1" = 150'

BASIS OF BEARING = GPS ORIENTATION TO NORTH

(East - 40' rec.)



SECTION BREAKDOWN
scale 1" = 1000'

PREVIOUS RECORD OF SURVEY
PROPERTY SURVEY FOR GRANT BEYLER &
TERRY BRIGGS, DMLS # 2420-9181
REC. 25 MAR. 1992, INST. NO. 218181
PROPERTY SURVEY FOR RAFT RIVER
ELECTRIC, DMLS # 3639-9581
REC. 19 JUN. 1995, INST. NO. 237207
PROPERTY SURVEY FOR KENT & TINA LOCK
DMLS # 4517-9781
REC. 2 OCT. 1997, INST. NO. 251497
PROPERTY SURVEY FOR JAY THORNTON CONSTR.
DMLS # 5264-9981
REC. 20 SEP. 1999, INST. NO. 265063

PROPERTY SURVEY
for
RANDY BRIGGS

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: A43-00299A
Date Received: 4/03/1989
Receipt No: 5006759
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GRANT N. BEYLER 208-645-2594
Address: P.O. BOX 52
MALTA, ID 83342

AND/OR
Name: CLARA W. BEYLER 208-645-2594
Address: P.O. BOX 52
MALTA, ID 83342

2. Date of Priority: MAY 31, 1885

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	26E	14	NE	NE	NE		CASSIA

5. Description of diverting works:
CHECK DAM WITH HEADGATE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.256		

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

8. Total consumptive use is 66.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	12	SE	NW		IRR	22.0
Section Acres							22.0
Total Acres							22.0

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:

A43-00298A, A43-00299A, A43-00103A & A43-04162

14. Remarks:

THIS CLAIM IS BASED ON 22/120 PORTION OF ORIGINAL RIGHT.

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 03 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: See Map A43-00103A

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): Grant M. Beyler Date: 4/03/89
Clara E. Beyler Date: 4/03/89

State of Idaho)
County of Therrell) ss.

Subscribed and sworn (or affirmed) before me this 3rd day
of April 19 89
[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/94

10/17/2000

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

RIGHT NUMBER: 43-299A

NAME AND ADDRESS: CLARA W BEYLER
GRANT N BEYLER
PO BOX 52
MALTA, ID 83342

SOURCE: CASSIA CREEK TRIBUTARY: Raft River

VERIFIED BY KKC
10-17-00

QUANTITY: 0.256 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE
THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-4162, 43-298A,
43-299A, AND 43-11264.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 0.40 CFS. COMBINED RIGHT NOS: 43-
4162, 43-298A, 43-299A, AND 43-11264.

PRIORITY DATE: 05/31/1885

POINT OF DIVERSION: T13S R26E S14 NENENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
0.256 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R26E S12 SENW 20
20 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 20 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS. 43-4162, 43-298A, 43-299A, AND 43-11264.

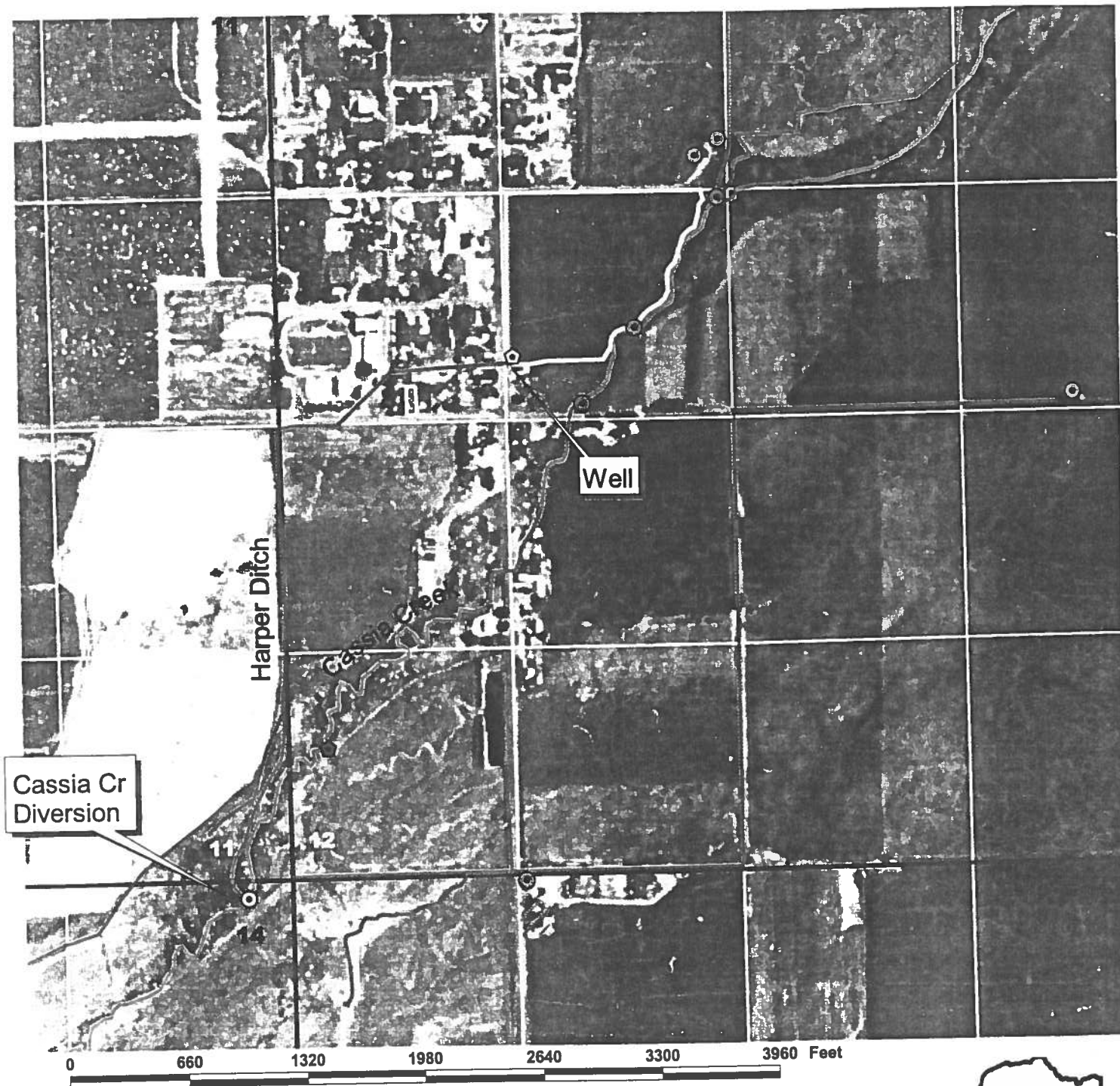
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Split this
ownership into
changes into
43-12970 → BRIGGS
3 ac = .064
43-12971 - Spencer
15 ac .192

RECOMMENDED PLACE OF USE FOR 43-298A, 43-299A, 43-11264 and 43-4162



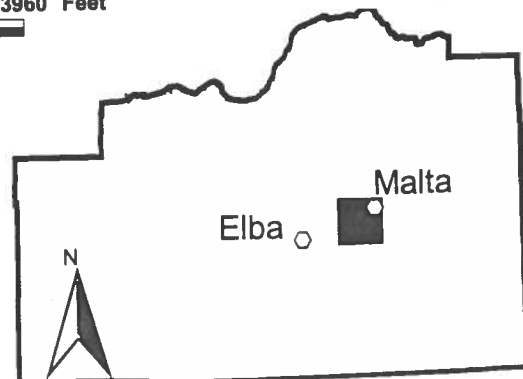
PLACE OF USE
TWP 13S, RNG 26E, SEC 12
Data entry on October 16, 2000

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

○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES
QUARTER/QUARTER LINES



CLAIM NUMBER 43-4162-GW
43-298A 43-11264 Cassia
43-299A } Creek

DATE 10-16-00
AGENT KKC

TRANSFER NUMBER
CLAIMED ACRE TOTAL 22
GIS ACRE TOTAL 20

	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	26E	12								20									22
GIS											20									
RECOM											20									20
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP

Cornman P/U for both surface & G Wright

SHAPE NOS.

B43-POD.SHP

NOS. DESCRIPTION

Sec 12 GPSed

SWSENW (well) Site tag A0004890

Sec 14 Cassia Cr GPSed Site tag 7923

NENE NE diverts into Harper Ditch

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT 43-298A 4162 Beyer

**43-297A, 43-298B, & 43-299B CASSIA CREEK RIGHTS
43-2530B & 43-10236 GROUNDWATER RIGHTS**

The decreed place of use is owned by three separate individuals and claimed by each one. The split between Beyler (43-298A, 43-299A, and a portion of 43-10794 {split into 43-11263 and 43-11264})

Beyler has claimed 22/120ths of the decreed rights

Whitaker has claimed the entire decreed rate for each right on his portion of the decreed place of use

Loock has claimed 0.10 cfs of 43-00297

I am recommending Beyler's claims for 20 acres and 22/120ths of the decreed rates.

I am recommending Whitaker claims for 86 acres and 98/120ths of the decreed rates of 43-298 and 43-299 rates. I am recommending Whitaker's claim 43-279A at 98/120ths less Loock's share of that right.

I am recommending the Loock claim for 4.6 acres and 0.10 cfs (this is less than the legal limit of 1.5 inches per acre for parcels less than 5 acres.

Whitaker Analysis Surface water Rights

The claimed place of use is entirely within the decreed place of use. There is some indication that a portion of the decreed place of use was not always irrigated. However, as of 1987 the place of use was fully farmed and irrigated. Currently there is a small feedlot located in the southeast corner of the recommended place of use. It does not appear on the 1987 NAPP photography and is only an acre or so in size. I am not excluding this ground from my recommendation.

I am recognizing the diversion rates for each claim as follows;

43-297A 1.20 cfs * (98/120) = 0.98 cfs. .98 cfs – 0.10 cfs (Loock portion) = **.88 cfs**

43-298B 0.60 cfs * (98/120) = **0.49 cfs**

43-299B 1.40 cfs * (98/120) = **1.14 cfs**
total 2.51 cfs

The three rights are limited to 1 inch per acre when used together on the **86 acres** which is;
86 acres * 0.02 cfs/acre = **1.72 cfs**

Whitaker Analysis Ground Water Rights

There are two claims from one well for the irrigation of the same ground. Transfer 2627 for 43-02530B was approved in 1981 to add a point of diversion and split off a portion of the licensed place of use based upon the sale of a portion of that ground. The license covered all but 6 of the currently irrigated acres. As irrigation of the additional 6 acres occurred after the establishment of the critical groundwater management area those 6 acres are being recommended under 43-10236 as an expansion in a critical groundwater area (42-1416B).

43-2530B is limited to the transferred acre total of **80 acres** within the PP/U at the licensed rate of **1.60 cfs**.

By Kelly K Christensen Date: October 17, 2000 File: 43-297 beyler whitaker loock analysis.doc

43-10236 is also limited to the same diversion rate of **1.60 cfs** and is limited to **6 acres** within the PP/U.

When the two rights are combined, they are limited to a total diversion volume of;
80 acres * 4 afa = 320 afa.

Beyler Analysis Surface water Rights

The surface water rights are diverted in Sec 14 NENENE and delivered through the Harper ditch. This ditch is shared with other users. The ditch enters the property in the southwest corner and splits with one ditch going north and the other one going east. There is no farmstead on the property.

The original decreed rights have been split through property sales and the proportionate split for Beyler was calculated on a 22/120 ratio based upon ownership of his respective portion of the decreed place of use. The claimed place of use is entirely within the decreed place of use. Based upon the currently available information, it appears that all or nearly the entire place of use is irrigated. The claim was for 22 acres, however I found 20 acres after excluding the highway right of way, the well site, and a small portion of ground around Cassia Creek.

I am recommending the Cassia Creek rights as follows;

43-11264	1.20 cfs * (22/120) =	0.22 cfs
43-298A	0.60 cfs * (22/120) =	0.11 cfs
43-299A	1.40 cfs * (22/120) =	<u>0.256 cfs</u>
	total	0.586 cfs

The three rights are limited to 1 inch per acre when used together on the **20 acres** which is;
20 acres * 0.02 cfs/acre = 0.40 cfs

Beyler Analysis Ground Water Right

Beyler filed 43-4162 as a beneficial use right. The evidence of priority supports a 'dug' well in 1926 which was eventually replaced by the current 'drilled' well in 1957. This water has been used to supplement the surface water on that ground. Grant Beyler stated that the 22 acres was owned by the Church for a long period of time and that he had leased the property and farmed the ground. He indicated that the groundwater was used on the 20 acres only. It did not go to the ground now owned by Look and claimed under 43-10370. He did state that surface water did enter the property in the southwest corner and flow either north or east from that point and that Look did receive surface water at times from the ditch going east.

Mr Beyler submitted data to Scot King (Sr. Dept Agt.) and he analyzed the information and determined that the well has the capacity to deliver in excess of 1 inch to the acre. Therefore I am recommending this right for the irrigation of the same 20 acres described above and for a diversion rate of 0.40 cfs (20 acres * 0.02 cfs/acre).

Look Analysis Surface Water Right

Look claimed 43-297B for the irrigation of 5 acres. The 5 acres were irrigated in 1987 per the NAPP photography. After visiting with Art Whitaker, I am recognizing this right as valid for 4.6 acres and at the claimed rate of 0.10 cfs as an unrecorded transfer. Art had indicated that it was his intent at the time of the original sale that the property would be 'dry'. However the buyer and his predecessors irrigated the property with Cassia Creek water. Art decided that he would not contest Look's filing for this water so long as it was delivered according to the 1894 priority date.

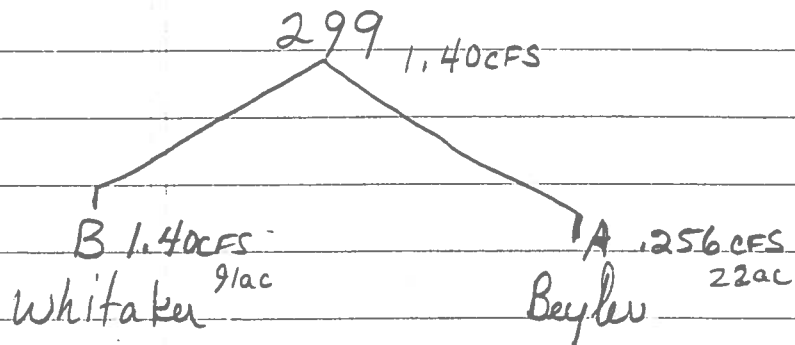
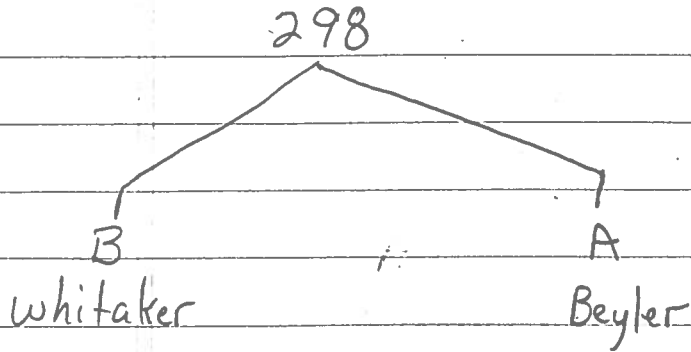
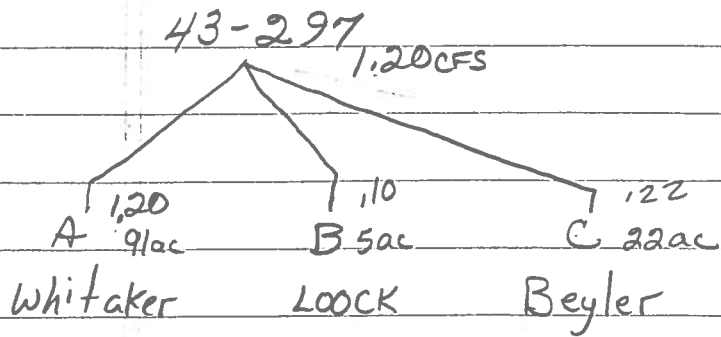
The point of diversion recommended is a 'dug hole' next to Cassia Creek. The water level in the hole is directly related to the flows in Cassia Creek and is therefore recognized as the point of diversion for this right. The exact date that this was constructed but based upon currently available information it was in existence prior to 1987.

Loock Analysis Ground Water Right

The point of diversion recommended above was the claimed point of diversion for the groundwater right 43-10370. I visited with Grant Beyler and he stated that the well water was never used on the 5 acres under the claim. This contrasts with the affidavit submitted by Grant. The other elements of the history indicate that the well water was not used on the 5 acres. Therefore, I am recommending the claim for disallowal; No Beneficial Use Found.

By Kelly K Christensen Date: October 17, 2000 File: 43-297 beyler whitaker loock analysis.doc

Loock/Beyler/Whitaker
split



9-26-00

I talked with Grant Byler
He stated that he has turned the 22 acres
over to his grand son (Randy Criggo)
645 2639

He stated that he gets his water through
the Harper ditch.

Regarding the Deer dog split conflict.
see e-mail to Candice.

SPLIT ANALYSIS FOR 43-00299
 GENERATED Thursday, March 25, 1999
 Kelly K Christensen

SD-0611-2 Basin: 43 Starting Water Right: 00299

SE L	Water Right No.	Name Last, First	OW N	Priority Date	STG/ STS	Source	Use Desc	SY S
	43-00299	SHAW, CHARLES	C	05/31/1885	D/	CASSIA CREEK	IRR	WR
	A43-00299	SPLIT RIGHT RENUMBERED CLAIM	C	05/31/1885	/Z	CASSIA CREEK SPLIT RIGHT RENUMBERED CLAIM	IRR	AJ
	A43-00299A	BEYLER, GRANT N BEYLER, CLARA W	C	05/31/1885	D/	CASSIA CREEK	IRR	AJ
	A43-00299B	WHITAKER, ART WHITAKER, LARENE	C	05/31/1885	D/	CASSIA CREEK	IRR	AJ
	R43-00299A	BEYLER, GRANT N BEYLER, CLARA W	C	05/31/1885	D/	CASSIA CREEK	IRR	AJ
	R43-00299B	WHITAKER, ART WHITAKER, LARENE	C	05/31/1885	D/	CASSIA CREEK	IRR	AJ

END OF DATA...FOR REPORTS - PRESS GOLD1 OR GOLD 6 IF NOT ALREADY ACTIVATED -
 OR MENU OPTION AND/OR PRESS ENTER TO CONTINUE (G8=Cancel)

