

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 43-00441
Date Received: 5/17/89
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

Name: RUEL BARKER Phone: (801)375-7237
Address: 1621 W 950 N
PROVO UT USA 84604

AND

Name: KATHRYN H BARKER Phone: (801)375-7237
Address: 1621 W 950 N
PROVO UT USA 84604

2. Date of Priority: 04/01/1886

3. Source: DRY WASH Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
14S	25E	5	SE NW NW 0		CASSIA
14S	25E	5	NW NE NW 0		CASSIA
14S	25E	5	NW SE NW 0		CASSIA
14S	25E	5	SW NW NW 0		CASSIA
14S	25E	5	SE NE NW 0		CASSIA

5. Description of diverting works:

MEASURING HEADGATE, BARKER, RICE-LESSEY, &/OR DRY WASH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/10	11/01	0.8	

7. Total Quantity Appropriated is:
0.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14S	25E	5	NE NW	3	IRRIGATION	35
			NW NW	4	IRRIGATION	35
					Section Acres	70
					Total Acres	70

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:

SEE DECREE FOR FURTHER DESCRIPTION OF LANDS

*****CHANGE OF OWNERSHIP MADE BASED UPON WARRANTY DEED SUBMITTED TO THE
DEPT. THE WARRANTY DEED STATES IN PART, ...AND ALL WATER AND WATER RIGHTS,
AND ALL OTHER RIGHTS AND PRIVILEGES... KKC 7-31-2000

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORN
GOVERNOR

July 31, 2000

KARL J. DREHER
DIRECTOR

RUEL BARKER
1621 W 950 N
PROVO UT 84604

RE: CHANGE OF OWNERSHIP FOR 43-00094, 43-00095 AND 43-00441

Dear Ruel

Enclosed are the copies of the adjudication claims showing the change in ownership. They do not, however, represent the final recommendation. The recommendation should be out later this fall. I observed some of the ground being retained by Vivian as being irrigated but as the warranty deed indicated that you have received all of the water rights, I have changed the entire rights into your name. My recommendation will also reflect the same thing.

If you have any questions please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

**DIRK KEMPTHORNE
GOVERNOR**

JULY 31, 2000

**KARL J. DREHER
DIRECTOR**

VIVIAN DARINGTON
1191 E 2000 S
ELBA ID 83342

RE: CHANGE OF OWNERSHIP FOR 43-00094, 43-00095 AND 43-00441

Dear Vivian

Based upon the information in the warranty deed, all of each of the rights were to be changed into Ruel's name which I have now done.

If you have any questions please contact this office.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

RECEIVED

JUL 12 2000

Department of Water Resources
Southern Region

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 43-00441 43-0094
 Adjudication Claim No(s): 43-0095

 2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s) (These are usually attached to your deed or on file with the county.)
 - OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 Vivian Darrington
1191 East 2000 South

 4. New Owner/Claimant(s) Elba, ID 83342
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address Ruel Barker / Kay Barker
 City, State and ZIP Code 1621 W. 950 N. Provo, UT 846
 New Telephone Number (801) 375-7237

 5. Date you acquired the property May 17, 2000

 6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
- Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____
7. Signature of New Owner(s) or Claimant(s) Ruel Barker
Kay Barker
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

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

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Department of Water Resources
Southern Region

EXHIBIT C
PURCHASE MONEY MORTGAGE

MORTGAGE, made this 17th day of May, 2000, by RUEL M. BARKER and KATHRYN H. BARKER, husband and wife, of 1621 West 950 North, Provo, Utah 84604 ("Mortgagor") to VIVIAN DARRINGTON, a single person, of 1191 East 2000 South, Burley, Idaho 83318, ("Mortgagee").

W I T N E S S E T H:

The Mortgagor, for and in consideration of the sum of One Hundred Sixty-Eight Thousand Five Hundred and No/100 Dollars (\$168,500.00) and other good and valuable consideration, herein receipted for but not recited, in lawful money of the United States of America, receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed, assigned, transferred, set over and mortgaged unto the Mortgagee, the successors and assigns of Mortgagee, the real estate described on Schedule A located in Cassia County, State of Idaho.

AND TOGETHER with all and singular the improvements thereon and all water and water rights, and all other rights and privileges owned by the Mortgagor or belonging to, or with, leading to, connected with or usually had or enjoyed in connection with the real estate or any part thereof, whether or not hereinabove expressly mentioned or described and all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining and the rents, issues and profits

Attn: Kelly Christensen

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JUL 12 2000

Department of Water Resources
Southern Region

In the official documents, the property listed as lot 1 & 2 for Aunt Mamie property there is an 1894 water Decree on the the Job Adams decree.

We would like to update this file also and would appreciate your help with this.

Thank-you!

Any questions contact:

Tom Ottley
638-5571

or

Ruel Barker

801-375-7237

SCHEDULE A

Parcel No. 1:

GROUND NOT IRRIGATED

The SW 1/4 of Section 33, Township 13 South, Range 25 East of the Boise Meridian, Cassia County, Idaho.

P/U is East of Section 33
Less: (Tax 6460A)

A parcel of land located in the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 13 South, Range 25 East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows as surveyed by Desert West Land Surveys, Job No. 3621-95B1, dated 14 April 1995, and recorded as Instrument Number 237205, records of Cassia County, Idaho:

See map { Beginning at the West 1/4 corner of said Section 33, said corner marked by a 5/8" rebar; Thence North 89°38'33" East (East rec.) along the 1/4 section line for a distance of 20.00 feet to the POINT OF BEGINNING;
Thence South 00°01'27" West (South rec.) for a distance of 330.00 feet (20 rods rec.) to a point;
Thence North 89°38'33" East (East rec.) for a distance of 466.54 feet to a point;
Thence North 00°16'41" East for a distance of 330.01 feet to a point on the 1/4 section line;
Thence South 89°38'33" West (West rec.) along said 1/4 section line for a distance of 468.01 feet to the POINT OF BEGINNING.

Less: (Tax 7381)

A parcel of land located in the Northwest 1/4 of the Southwest 1/4 of Section 33, Township 13 South, Range 25 East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

Beginning at the West 1/4 corner of said Section 33, said corner marked by a 5/8" rebar which shall be the POINT OF BEGINNING;

Thence North 89°38'33" East along the 1/4 section line for a distance of 20.00 feet to a point;

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JUL 26 2000

Department of Water Resource
Southern Region

Thence South $00^{\circ}01'27''$ West (South, rec.) along the West line of the Elba Cemetery for a distance of 330.00 feet to a point;

Thence North $89^{\circ}38'33''$ East (East, rec.) along the South line of the Elba Cemetery for a distance of 466.54 feet to a point;

Thence South $00^{\circ}16'41''$ West for a distance of 42.99 feet to a $5/8''$ rebar;

Thence North $89^{\circ}24'10''$ West for a distance of 486.37 feet to a $5/8''$ rebar on the West line of Section 33;

Thence North $00^{\circ}01'27''$ East along said line for a distance of 339.67 feet to a $5/8''$ rebar;

Thence North $00^{\circ}01'27''$ East along said line for a distance of 25.21 feet to the POINT OF BEGINNING.

Parcel No. 2:

Main in ground?
Lots 1, 2, 3, and 4 of Section 5, Township 14 South, Range 25 East of the Boise Meridian, Cassia County, Idaho.

Less:

A parcel of land located in Lot 3 of Section 5, Township 14 South, Range 25 East of the Boise Meridian described as follows:

(Dawson's Farmstead)
Beginning at the N $1/4$ corner of said Section 5, said corner marked by a $5/8''$ rebar with a 3" cap on top which shall be the POINT OF BEGINNING;

Thence South $89^{\circ}58'00''$ West (West, rec.) along section line for a distance of 600.00 feet to a point;

Thence South $00^{\circ}30'23''$ East (South rec.) parallel to the East Boundary line of Lot 3 for a distance of 400.00 feet to a point;

Thence North $89^{\circ}58'00''$ East (East, Rec.) parallel to the North boundary line of Section 5 for a distance of 600.00 feet to the East boundary line of Lot 3;

Thence North $00^{\circ}30'23''$ West (North, rec.) along the East boundary line of Lot 3 for a distance of 400.00 feet to the POINT OF BEGINNING.

Parcel No. 3:

top portion of the SW 1/4
A parcel of land located in the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

Beginning 65.12 rods North of the Southwest corner of the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, running thence East 80 rods, thence North 14.88 rods, thence West 80 rods, thence South 14.88 rods to point of beginning.

Parcel No. 4:

Top portion of Lde SE NW
A parcel of land located in the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

Beginning 65.12 rods North of the Southeast corner of the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, running thence West 80 rods, thence North 14.88 rods, thence east 80 rods, thence South 14.88 rods to point of beginning.

Less:

A parcel of land located in the Northwest quarter of Section 5, Township 14 South, Range 25, East of the Boise Meridian, Cassia County, Idaho, more particularly described as follows:

just part of ir and (see end of section for additional notes)
Beginning at the South 1/4 section corner of said Section 5, said corner marked by a U.S. GLO iron pipe with brass cap; thence North $00^{\circ}30'23''$ West along the East line of the W 1/2 of Section 5 for a distance of 2624.20 feet to the Center 1/4 section corner of Section 5; thence North $00^{\circ}30'23''$ West along the East line of the W 1/2 of Section 5 for a distance of 1074.48 feet to the NE corner of that property as deeded to Alvin & Mary J. Carpenter by Warranty Deed dated 31 May 1974 and recorded in the office of the County Recorder of Cassia County on 28 Mar. 1975 as Instrument Number 82172, which shall be the POINT OF BEGINNING;

Thence South $89^{\circ}48'21''$ West along the North line of the Carpenter Property as mentioned above for a distance of 473.01 feet;

Thence North $60^{\circ}08'52''$ East for a distance of 102.87 feet to a 1/2" rebar;

Thence North $70^{\circ}07'42''$ East for a distance of 31.37 feet to a 1/2" rebar;

Thence North 89°22'25" East for a distance of 346.42 feet to a 1/2" rebar;

Thence North 89°22'25" East for a distance of 7.32 feet to the East line of the SE 1/4 NW 1/4;

Thence South 00°30'23" East along the East line of the SE 1/4 NW 1/4 for a distance of 64.13 feet to the POINT OF BEGINNING.

The parcel is on the hillside in the NE corner of the SE NW. it is outside of the irrigated ground. It describes the roadway into the Carpenter Property.

ALL IN CASSIA COUNTY, STATE OF 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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-00441
Date Received: 5/17/1989
Receipt No: M003614
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KEITH O. DARRINGTON 208-638-5551
Address: ELBA, ID 83326
OR
Name: VIVIAN W. DARRINGTON 208-638-5551
Address: ELBA, ID 83326

2. Date of Priority: APR 01, 1886

3. Source: DRY WASH Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14S	25E	5	NW	NE	NW		CASSIA
			SE	NE	NW		CASSIA
			SW	NW	NW		CASSIA
			SE	NW	NW		CASSIA
			NW	SE	NW		CASSIA

5. Description of diverting works:
MEASURING HEADGATE, BARKER, RICE-LESSEY, &/OR DRY WASH DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/10	11/01	0.800		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

A43-00441

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Date: 05/17/89

MICROFILMED

MAR 03 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14S	25E	5	NE	NW	3	IRR	35.0
			NW	NW	4	IRR	35.0
Section Acres							70.0
Total Acres							70.0

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:
WR #43-00094, 43-00095,

14. Remarks:
SEE DECREE FOR FURTHER DESCRIPTION OF LANDS.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

HURD

Decree Plaintiff

vs

DARRINGTON

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): Keith Arrington Date: 5-17-89

Date: _____

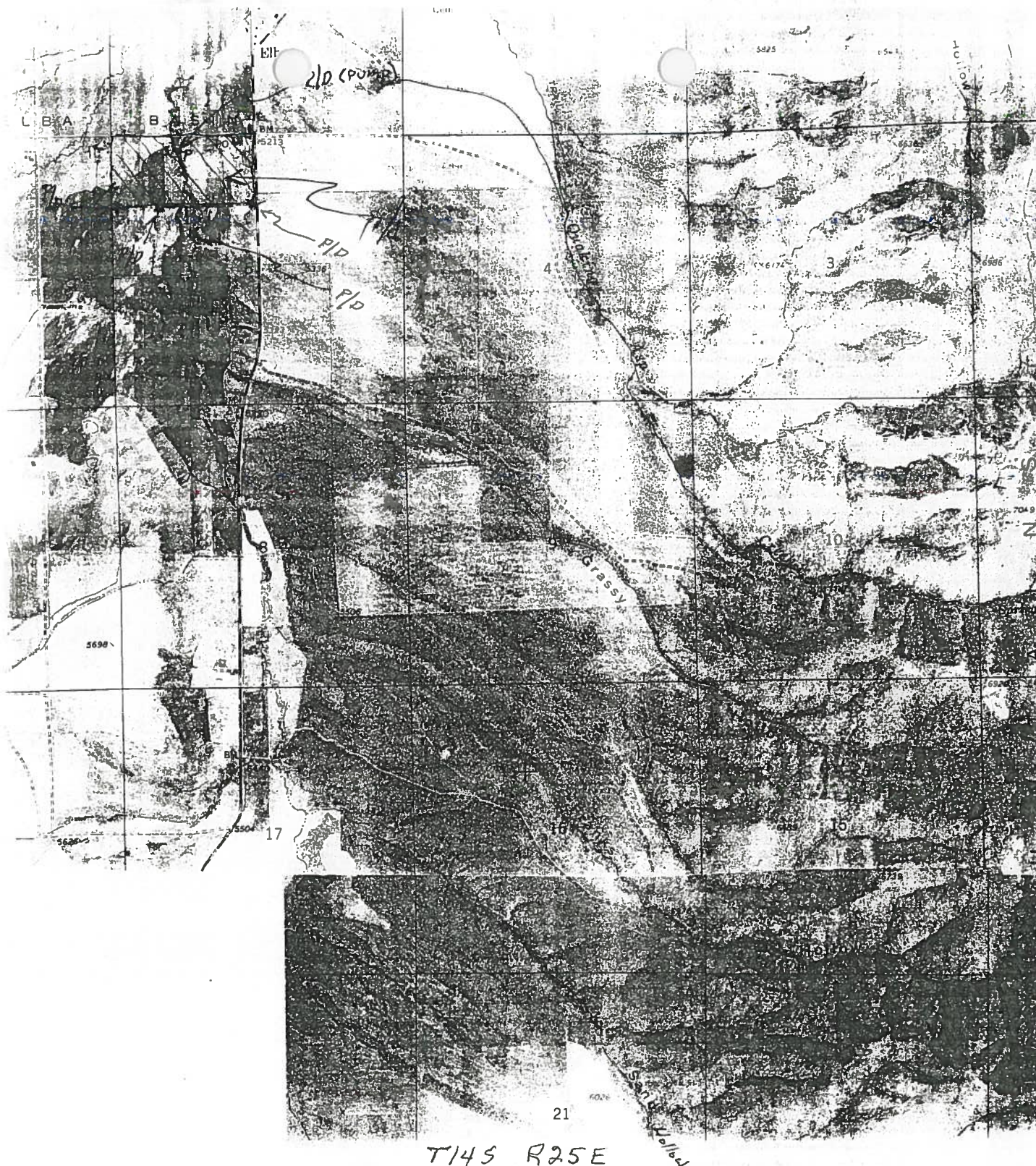
State of Idaho)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of May 19 89

Robert V. Horstall
Notary Public

Seal

Residing at Twin Falls, Idaho
My Commission Expires 1/16/1995



MICROFILMED
MAR U 3 1993

IDAHO DEPARTMENT OF WATER RESOURCES 09/12/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right 43-441

NAME AND ADDRESS: KATHRYN H BARKER
1621 W 950 N
PROVO UT 84604

RUEL BARKER
1621 W 950 N
PROVO UT 84604

SOURCE: DRY WASH

TRIBUTARY: CASSIA CREEK

QUANTITY: 0.80 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 1.45 CFS. COMBINED RIGHT NOS: 43-93, 43-94, 43-95, AND 43-441

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION:

T14S R25E S5 NENWN Lot 4 Within CASSIA County

T14S R25E S5 NWSENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.800 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T14S R25E S05	SENW	6.3	T14S R25E S05	SWNW	7.1
T14S R25E S05 Lot 3	NENW	27.0	T14S R25E S05 Lot 4	NWNW	32.0

72.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 72.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.
43-93, 43-94, 43-95, AND 43-441.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: Decreed

43-00441

point of diversion and mannings measurement locations

Field exam date: 9-21-99

Micro cassette recording (99.3)

agents involved Kelly K Christensen

Scott King

Cindy Bird

Page 2



This is the **third** mannings measurement location. You are looking north northeast in this photo also.



This is the **fourth** mannings measurement location. You are looking north northeast in this photo also. This station was approximately 20 feet south of the first major bend in the ditch system that is on the Carpenter property.

43-00441

point of diversion and mannings measurement locations

Field exam date: 9-21-99
Micro cassette recording (99.3)

agents involved Kelly K Christensen
Scott King
Cindy Bird

Page 1



wash
This photo is looking northwest across the diversion structure on Dry Creek. The opening on the left (west) is the creek channel and can be blocked by inserting boards into a metal rail structure forcing water down the right (east) channel which is the ditch. This structure is approximately 450 feet south of the Darrington property boundary. The structure appeared sound. The stream channel has a lot of brush around the edges that may affect the flows somewhat. The ditch channel is buried in grass as evidenced in the photos below.



wash
This is the first mannings measurement location. You are looking north northeast in this photo. This location as well as the other locations are well grassed in. However, as this system is dependent on surface water and that water is normally only available in the first part of the year, water use would not be impeded by the grass at that time. The channel is normally dry at this point most of the summer. Water does rise in the Dry Creek channel north of this point when the fields to the south of this location are being irrigated. I did observe water standing in the channel about 30 feet down stream from the diversion structure.



This is the second mannings measurement location. You are looking north northeast in this photo also. There was some indication of a high water mark on the ditch bank at most stations. A reading was made at this point for each station.

09/12/2000

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

RIGHT NUMBER: 43-441

NAME AND ADDRESS: KATHRYN H BARKER
RUEL BARKER
1621 W 950 N
PROVO, UT 84604

VERIFIED BY *KKC*
9-12-00

SOURCE: DRY WASH TRIBUTARY: CASSIA CREEK

QUANTITY: 0.8 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION
RATE OF 1.45 CFS. COMBINED RIGHT NOS: 43-94, 43-95, AND 43-441

PRIORITY DATE: 04/01/1886

POINT OF DIVERSION: T14S R25E S5 LOT 4 NENWNW Within CASSIA County
T14S R25E S5 NWSENW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.80 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T14S R25E S5	SENW	6.3	T14S R25E S5	SWNW	7.1
T14S R25E S5 LOT 3	NENW	27	T14S R25E S5 LOT 4	NWNW	32

72.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 72.4 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-94,
43-95, AND 43-441.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 40 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

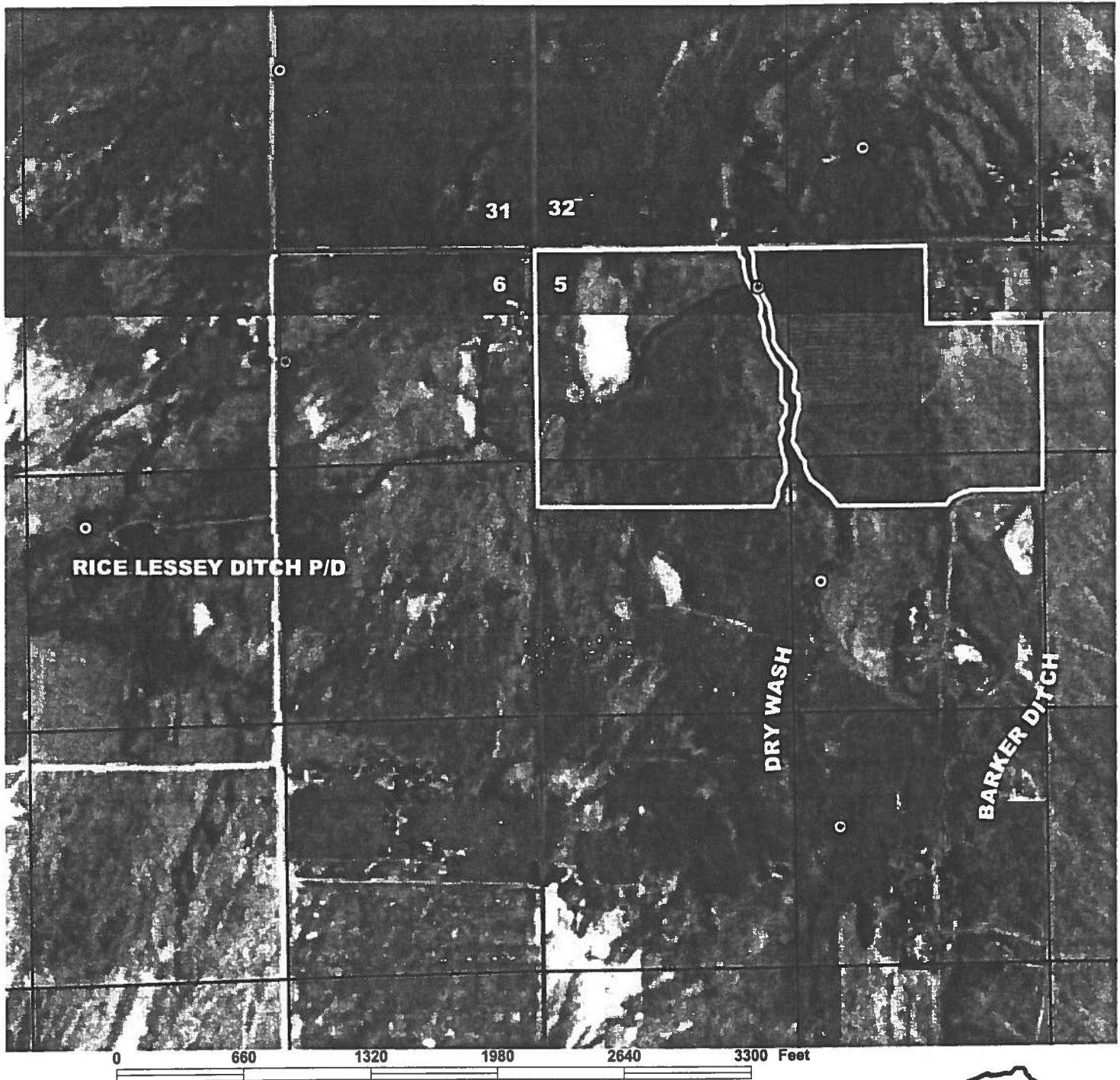
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

Version 3

**RECOMMENDED PLACE OF USE FOR
43-00094, 43-00094, and 43-00441**



PLACE OF USE

TWP 14S, RNG 25E, SEC 5

Data entry on AUG 2, 2000

GIS PLACE OF USE PRESENTATION

1987/1988 NAPP AERIAL PHOTOGRAPHY

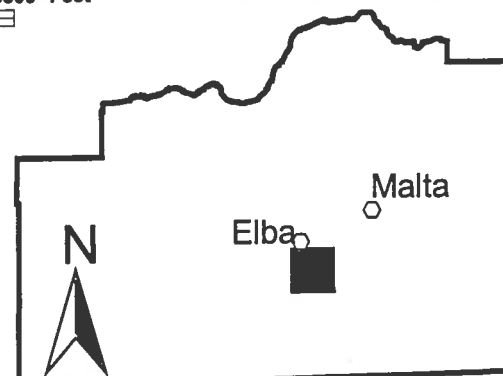
DATA ENTRY BY KELLY K CHRISTENSEN

⊙ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



CLAIM NUMBER 43-00094 DATE 7-31-00 TRANSFER NUMBER _____
00095 AGENT KKC CLAIMED ACRE TOTAL 80
00441 GIS ACRE TOTAL 72

	TWP	RNG	SEC	NE				L3 44NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	14S	25E	5	L				40	40										8
GIS								26.6	31.6	7.2	6.3								
RECOM								27	32	7.2	6.3								7
CLAIM	43-00441		5					17.1	16.2		3.6					total			
GIS																			
RECOM								17	16							total			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP Lots 3 & 4 are $\approx$ 33 ac ea. The field boundary extends into the S 1/2 NW 1/4 making the Prop $\approx$ 80 acres.
SHAPE NOS. 32 See Warranty deed submitted with Chg Ownership
33 Darrington to Barker.

- B43-POD.SHP _____
- NOS. DESCRIPTION _____
- 12 NENWNW Sec 5 (Drywash Pump site)
 - 11 ~~SW~~ SE NW Sec 5 Drywash gravity div.
KKC change based upon GPS Data.
 - 10 NWSWNE Sec 6 (Rice-Lessey ditch)
 - 13 NWNE NW Sec 12 (Barker Ditch) ((14S-24E))

DBF TABLES UPDATED _____

B43-DBPOU.DBF 9-13-99 Revised 7-31-00 Dry Creek has been historically applied to approx 37 acres.

B43-DBPOD.DBF 9-13-99 the decree lists 80 cfs on 40 ac @ 1"

JPEG LAYOUT B43-00094 Darrington As the P/U for Dry Wash is not clear I am recommending this right with a 40 Ac line

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:49:23
08/31/99

PAGE: 15
QUICKLOOK INFORMATION

48
CLAIM NUMBER: A43-00441

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			9-14-99 K K C	N	9-14-99 K K C	8-3-00 K K C		
POINT OF DIV	Y		9-7-99 K K C	Y	"			
SOURCE			6-20-95 K K C	N	9-15-99 K K C			
PLACE OF USE	Y		9-7-99 K K C	Y	"			
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-		—					
PURPOSES OF USE			9-7-99 K K C	N	9-15-99 K K C			
PERIOD OF USE	Y		9-15-99 K K C	Y	"			
BASIS OF CLAIM			9-7-99 K K C	N	"			
REMARKS	Y		9-15-99 K K C	Y	"			

BARCODE UPDATED
WHOM/DATE

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

See A43-00094 for listing

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:49:23
08/31/99

PAGE: 1
GENERAL INFORMATION

34
CLAIM NUMBER: A43-00441

LAST: DARRINGTON FIRST: KEITH O
ADDRESS:
CITY: ELBA STATE: ID ZIP: 83326
PHONE NUMBER: 208-638-5551

OWNER CODE: C

LAST: DARRINGTON FIRST: VIVIAN W
ADDRESS:
CITY: ELBA STATE: ID ZIP: 83326
PHONE NUMBER: 208-638-5551

OWNER CODE: C

FIELD EXAM REQUIRED? FIELD
EXAMINER
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y Y() N()

CLAIM REMARKS: GEN SEE DECREE FOR FURTHER DESCRIPTION OF LANDS.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: LAURA DARRINGTON (DAUGHTER) PHONE NUMBER: () -
VIVIAN DARRINGTON
DATE OF FIELD EXAM: 2/7/99 APPOINTMENT MADE: Y() N() TIME: 10:00 A() P()
ACCOMPANIED BY: PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

VISIT IN VIVIAN'S HOME

A. AJ CLAIM: # A43-00441 PRIORITY DATE: 04-01-1886 STAGE: D

B. WR RECORD: # 43-00441 PRIORITY DATE: 04-01-1886 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N()

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y() N()

FIELD EXAM COMPLETED N/A(☒) Y() N()

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y() N()

LICENSE ISSUED N/A(☒) Y() N()

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

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y() N()

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

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N()

NOTES: *The decree described Dry Creek KKC and their property as the
P/U. Therefore as I found 2 divisions on Dry Creek Wash
for the ~~the~~ Decreed P/U I accept the basis of this claim
as correct.*

*Latest decree is Joseph R. Hurd vs Lorenzo Darrington
dated Jan 9, 1933*

*KKC
8-1-00*

RECOMMENDED PRIORITY DATE:

04-01-1886 *OK*

REVIEWED BY

KKC

DATE

9-14-99

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMB
A43-00441	14S	25E	5	NW	NE	NW			CASSIA		
A43-00441	14S	25E	5	SE	NE	NW			CASSIA		
A43-00441	14S	25E	5	SW	NW	NW			CASSIA		
A43-00441	14S	25E	5	SE	NW	NW			CASSIA		
A43-00441	14S	25E	5	NW	SE	NW			CASSIA		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A43-00094	R43-00094
A43-00095	R43-00095
A43-10178	R43-00124
	R43-10178

WR RECORDS IN SAME 40 ACRE TRACT

43-07084

SOURCE: DRY WASH

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

4300441 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: DRY WASH

TRIB: SINKS

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

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

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

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

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

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

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

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

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

9-7-99
06-20-95 - located a common diversion between Darington & Barker. (A43-00135)
5-22-95 - verified source location for Barker Ditch.

Basically Wrong

the 5 points describe the locations where various ditches enter the property. Not where water was diverted from a source.
KKE
9-14-99

The decree does not specify Points of Diversion.

NOTES: ^{Wash KKC} Actual diversion from Dry Creek occurs at 2 different points. (see field map) the map is in A43-00094
One diversion is a dam, ditch & flood system & the other is a pump system. See also Attachment dated 9-10-99

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NB
14S	25E	5	NW	NE	NW			CASSIA		
14S	25E	5	SE	NE	NW			CASSIA		
14S	25E	5	SW	NW	NW			CASSIA		
14S	25E	5	SE	NW	NW			CASSIA		
14S	25E	5	NW	SE	NW			CASSIA		
14S	25E	5	NE	NW	NW				(Pump diversion)	12
14S	25E	5	SW	SE	NW				(gravity diversion)	11

SOURCE: DRY WASH ^{OK}

TRIB: SINKS ^{OK}

REVIEWED BY: KKC DATE: 9-15-99

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

Analysis for A43-00094, 43-00095 & 43-00441,
& a lrd Sept 10, 1999 (2 pages)

A. ROOT WATER RIGHT NUMBERS: A43-00441
R43-00441

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14S	25E	5	NE	NW	3	DARRINGTON, KEITH O	A43-00441 / 35.0	43-00441 /		31.0	
			NE	NW	3	DARRINGTON, KEITH O	A43-00094 / 40.0	43-00094 /			
			NE	NW	3	DARRINGTON, KEITH O	A43-10178 /	- /			
			NE	NW	3	DARRINGTON, VIVIAN W	A43-00095 / 40.0	43-00095 /			
			NE	NW	3	DARRINGTON, KEITH O	R43-00094 / 40.0	- /			
			NE	NW	3	DARRINGTON, VIVIAN W	R43-00095 / 40.0	- /			
			NE	NW	3	DARRINGTON, VIVIAN W	R43-00441 / 35.0	- /			
			NE	NW	3	DARRINGTON, KEITH O	R43-10178 /	- /			
			NE	NW	3	CASSIA CREEK IRRIGATION CO.		43-00015 /			
			NE	NW	3	DARRINGTON, SARAH MARIA		43-00093 /			
14S	25E	5	NW	NW	4	DARRINGTON, KEITH O	A43-00441 / 35.0	43-00441 /		34.0	
			NW	NW	4	DARRINGTON, KEITH O	A43-00094 / 40.0	43-00094 /			
			NW	NW	4	DARRINGTON, VIVIAN W	A43-00095 / 40.0	43-00095 /			
			NW	NW	4	DARRINGTON, KEITH O	R43-00094 / 40.0	- /			
			NW	NW	4	DARRINGTON, VIVIAN W	R43-00095 / 40.0	- /			
			NW	NW	4	DARRINGTON, VIVIAN W	R43-00441 / 35.0	- /			
			NW	NW	4	CASSIA CREEK IRRIGATION CO.		43-00015 /			
			NW	NW	4	DARRINGTON, SARAH MARIA		43-00093 /			

ADDITIONAL POU FOUND

TOTAL ACRES A43-00441 70.00 65.00

POU COUNTY: CASSIA

*See GIS List
dated Sept 10, 1999
See field map in
A43-00094*

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

Y(☒) N(☐)

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

*See P/U analysis
dated 9-10-99*

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-00441	DRY WASH	DARRINGTON, KEITH O	0.800	0.011		
A43-00094	CASSIA CREEK	DARRINGTON, KEITH O	0.100	0.001		
R43-00094	CASSIA CREEK	DARRINGTON, KEITH O	0.100	0.001		
R43-00095	CASSIA CREEK	DARRINGTON, VIVIAN W	1.200	0.015		
A43-00095	CASSIA CREEK	DARRINGTON, VIVIAN W	1.200	0.015		
R43-00441	DRY WASH	DARRINGTON, VIVIAN W	0.800	0.011		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A43-10178	DOMESTIC	DARRINGTON, KEITH O	FROM 01-01 TO 12-31	0.040 CFS	
A43-10178	STOCKWATER	DARRINGTON, KEITH O	FROM 01-01 TO 12-31	0.020 CFS	
R43-10178	DOMESTIC	DARRINGTON, KEITH O	FROM 01-01 TO 12-31	0.040 CFS	
R43-10178	STOCKWATER	DARRINGTON, KEITH O	FROM 01-01 TO 12-31	0.020 CFS	

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

Y(☒) N(☐)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: WR #43-00094, 43-00095,

from Cassia Creek

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

N/A(☐) Y(☐) N(☐)

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

See analysis sheet.

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

N/A(☐) Y(☐) N(☐)

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

Y(☐) N(☐)

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

Y(☐) N(☒)

PAGE: 7

PLACE OF USE REVIEW SHEET CONTINUED

40

CLAIM NUMBER: A43-00441

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. _____; () TOPOGRAPHIC QUAD, IDWR NO. _____;

() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER _____

NOTES: GIS layout.

RECOMMENDATIONS:

TOTAL ACRES: 40 acres within 74.5 PP4 N/A()

REVIEWED BY: KKC

DATE: 9-15-99

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-00441 IRRIGATION	FROM 04-10 TO 11-01 ¹⁰⁻³¹	0.800 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
43-00441 IRRIGATION	FROM TO	0.800 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

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

Y(☒) N(☐)

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

N/A(☐) Y(☒) N(☐)

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

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

Y(☒) N(☐)

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

Y(☐) N(☒)

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

Y(☒) N(☐)

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

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

N/A(☐) Y(☒) N(☐)

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

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

N/A(☐) Y(☒) N(☐)

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

N/A(☒) Y(☐) N(☐)

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

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

N/A(☒) Y(☐) N(☐)

NOTES:

I found the irrigation use as described in the analysis attached.

The decree did not specify a season of use therefore, I am recommending this right at the current department standard season of use.

AJ CLAIM TOTAL DIVERSION RATE: 0.800 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

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

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

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

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N()

E. FLOW MEASUREMENT
MEASUREMENT METHOD Mannings COP (lowest. 2.94 CFS), SEE ATTACHED CALCULATIONS *KKC 8-3-00*

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 40 x 0.02 CFS/ACRE = .80 CFS
(Taken from pou review)

1b. CALCULATIONS

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

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

2. IRRIGATION DIVERSION VOLUME

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

3. IRRIGATION CONSUMPTIVE USE

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

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

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	04-10 4-1	11-01 10-31	DATABASE 0.800 OK	EXAMINER _____	DATABASE _____	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			0.800 OK	_____	_____	_____	0.0	_____

NON-IRRIGATION USES CLAIMED: NONE.

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

REVIEWED BY: KKC

DATE: 9-15-99

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

POU1 KØ6 (40 acres)
E14 (74.5 acres) 43-00094 & 43-00095 & 43-0044/
72.4 KKC
8-3-00

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

NOTES: _____

WR RECORD CONDITIONS/REMARKS:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-00441

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A43-00441	0.800	R43-00441	0.800	43-00441	0.800
TOTAL CFS		0.800		0.800		0.800

DIVERSION RATE REVIEW

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

DATABASE
Y

FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE: Kelly K. Christensen DATE: 8-3-00

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

Dry Wash 43-00441

9-7-99
KKC

use is mainly to pump from the Dry wash near the North end of the property. Water rises in Dry creek after the channel enters the property and is diverted by the pump. IN the spring time when Black Hollow is running Dry wash is also diverted through a ditch system with the Point of Division on the property to the South.

Pump system is a PTO Pump off a tractor into handlines. normal operation is 2 fall lines 68 heads pressure nozzle rating = 4 GPM? listed as .4 End of line is ~~at~~ close to 20 PSI at top of hill.

Dry wash water is exchanged with water in Rice Jersey when needed to irrigate W's of property. Dry wash water returns to R/L near P/D (pump). Water is taken from the R/L at the point that the R/L enters the property on the SW corner of the P/L.

Summary Sheet

File Name: darrington.xls
Water Right No. A43-00441
Owner: Keith and Vivian Darrington
Source/Trib. Dry Wash/Sinks
Diversión Name: Darrington Ditch
Location: Cassia County, 14S 25E 05 SENW
Document Description: Channel cross-section surveys, 9/21/1999 by Kelly Christensen, Cindy Bird, & Scott King

Prepared by: Cindy Bird
Date: 10/4/99

	Grass Removed:	Grass not Removed:
Measured Flow:	None cfs	None cfs
Average (Est.) Flow:	7.46 cfs	2.24 cfs
Average Velocity:	5.68 fps	1.70 fps
Slope:	0.0069	0.0069
Average Manning's n:	0.03	0.10

File Name: darrington.xls

Wtr Rt No: A43-00441

Owner: Keith & Vivian Darrington

Source/Trib: Dry Wash/Sinks

Diversion Name: Darrington Ditch

Location: Cassia County, 14S 25E 05 SENW

Document Description: Channel cross-section surveys, 9/21/1999 by Kelly Christensen, Cindy Bird, Scott King

Prepared By: Cindy Bird

Date: 10/4/99

Arbitrary Datum: 1000 ft

HI: 4.62 ft

HI Elevation: 995.38 ft

Important Equations:

Manning's: $U = 1.49 \cdot R^{2/3} \cdot S^{0.5} / n$

Froude No: $U / \sqrt{g \cdot D}$

Abbreviation Legend:

LTB / RTB: Left/Right Top Bank

LHW / RHW: Left/Right High Water Mark

LEW / REW: Left/Right Edge of Water

Thalweg: Bottom of channel

average slope: 0.0069

Constants:

U=velocity

R=hydraulic radius (A/P

A=area

P=wetted perimeter

S=Slope

Q=flow

D=hydraulic depth=A/T

T=top width

g=gravitational const 32.2 ft/s

Cross-Section	Station (ft)	Rod (cntr-ft)	Rod (top-ft)	Rod (btm-ft)	Distance (ft)	Elevation (ft)	Arbitrary	Description
A	0.0	5.50				994.50	LTB	
A	2.4	6.82	7.24	6.39	85.00	993.18	LHW	
A	3.8	6.96				993.04		
A	4.8	7.89				992.11	Thalweg	
A	6.2	7.84				992.16		
A	7.8	7.07				992.93		
A	8.0	6.82				993.18	RHW	
A	9.6	5.73				994.27	RTB	

sum
est. n: 0.03 grass removed
Hyd Rad: 0.539 ft
Est Flow: 8.74 cfs
Froude no: 0.6
Velocity: 2.7 ft/sec

B	0.0	5.39				994.61	LTB	
B	2.4	7.30				992.70	LHW	
B	3.7	8.26	7.53	7.1	43.00	991.74		
B	4.5	8.38				991.62	Thalweg	
B	5.6	8.12				991.88		
B	6.5	7.29				992.71	RHW	
B	7.8	6.64				993.36	RTB	

sum: 2.869 4.780
est. n: 0.03 grass removed
Hyd Rad: 0.600 ft
Est Flow: 8.40 cfs
Froude no: 0.6
Velocity: 2.9 ft/sec

HW	HW
Depth	Wetted
	Area
	Perimeter

0.00	0.168
0.14	1.284
1.07	1.406983
1.02	1.530
0.25	1.365613
0.00	0.225
	1.400893
	1.775641

HW	HW
Depth	Wetted
	Area
	Perimeter

0.00	1.0133
0.97	1.616
1.09	1.0308
0.83	0.809
0.00	0.8250
	1.130
	1.224

File Name: darrington.xls

Wtr Rt No: A43-00441

Owner: Keith & Vivian Darrington

Source/Trib: Dry Wash/Sinks

Diversion Name: Darrington Ditch

Location: Cassia County, 14S 25E 05 SENW

Document Description: Channel cross-section surveys, 9/21/1999 by Kelly Christensen, Cindy Bird, Scott King

Prepared By: Cindy Bird

Date: 10/4/99

Arbitrary Datum: 1000 ft

HI:

HI Elevation: 995.38 ft

Important Equations:

Manning's: $U = 1.49 \cdot R^{2/3} \cdot S^{0.5} / n$

Froude No: $U / \sqrt{g \cdot D}$

Abbreviation Legend:

LTB / RTB: Left/Right Top Bank

LHW / RHW: Left/Right High Water Mark

LEW / REW: Left/Right Edge of Water

Thalweg: Bottom of channel

average slope: 0.0089

Constants:

U=velocity

R=hydraulic radius (A/P

A=area

P=wetted perimeter

S=Slope

Q=flow

D=hydraulic depth=A/T

T=top width

g=gravitational const 32.2 ft/s

Cross-Section		Station (ft)	Rod (cntr-ft)	Rod (top-ft)	Rod (btm-ft)	Distance (ft)	Elevation (ft)	Arbitrary	Description
A	0.0	5.50					994.50	LTB	
A	2.4	6.82	7.24		6.39	85.00	993.18	LHW	
A	3.8	6.96					993.04		
A	4.8	7.89					992.11	Thalweg	
A	6.2	7.84					992.16		
A	7.8	7.07					992.93		
A	8.0	6.82					993.18	RHW	
A	9.6	5.73					994.27	RTB	

sum 3.207 5.949
est. n: 0.1 grass not removed
Hyd Rad: 0.539 ft
Est Flow: 2.62 cfs
Froude no: 0.2
Velocity: 0.8 ft/sec

Cross-Section		Station (ft)	Rod (cntr-ft)	Rod (top-ft)	Rod (btm-ft)	Distance (ft)	Elevation (ft)	Arbitrary	Description
B	0.0	5.39					994.61	LTB	
B	2.4	7.30	7.53		7.1	43.00	992.70	LHW	
B	3.7	8.26					991.74		
B	4.5	8.38					991.62	Thalweg	
B	5.6	8.12					991.88		
B	6.5	7.29					992.71	RHW	
B	7.8	6.64					993.36	RTB	

sum: 2.869 4.780
est. n: 0.1 grass not removed
Hyd Rad: 0.600 ft
Est Flow: 2.52 cfs
Froude no: 0.2
Velocity: 0.9 ft/sec

HW Depth

HW Area

Wetted Perimeter

HW Surface (est)
Station (ft) WSE (ft)
2.40 993.18
8.00 993.18

sum

HW Depth

HW Area

Wetted Perimeter

HW Surface (est)
Station (ft) WSE (ft)
2.40 992.71
6.50 992.71

sum:

Cross-Section				Arbitrary		Distance (ft)		Rod (top-ft)		Rod (cntr-ft)		Elevation (ft)		Description	
Cross-Section	Station (ft)	Rod (cntr-ft)	Rod (top-ft)	Distance (ft)	Elevation (ft)	Description	HW Surface (est)	Station (ft)	WSE (ft)	HW Depth	HW Area	Wetted Perimeter	HW	Wetted	
C	0.0	6.32			993.68	LTB									
C	3.1	7.75	7.97	7.54	992.25	LHW	2.85	992.35	0.10	0.0900	1.273				
C	4.2	8.39			991.61		6.65	992.35	0.74	0.5550	0.706				
C	4.9	8.48			991.52	Thalweg			0.83	0.7885	0.838				
C	5.7	8.23			991.77				0.58	0.7250	1.293				
C	6.8	7.55			992.45	RHW									
C	8.2	6.18			993.82	RTB									
sum:															
est. n: 2.1585 4.110															
Hyd Rad: 0.1 grass not removed															
Est Flow: 0.525 ft															
Froude no: 1.73 cfs															
Velocity: 0.2															
0.8 ft/sec															
D	0.0	6.46			993.54	LTB									
D	2.9	8.03	8.5	7.55	991.97	LHW									
D	4.0	8.69			991.31										
D	4.7	8.79			991.21	Thalweg									
D	5.3	8.65			991.35		2.65	992.11	0.14	0.1260	1.283				
D	5.7	7.75			992.25	RHW	5.65	992.11	0.80	0.5200	0.707				
D	8.4	6.09			993.91	RTB			0.90	0.4500	0.616				
sum:															
est. n: 2.2740 3.591															
Hyd Rad: 0.1 grass not removed															
Est Flow: 0.633 ft															
Froude no: 2.07 cfs															
Velocity: 0.2															
0.9 ft/sec															

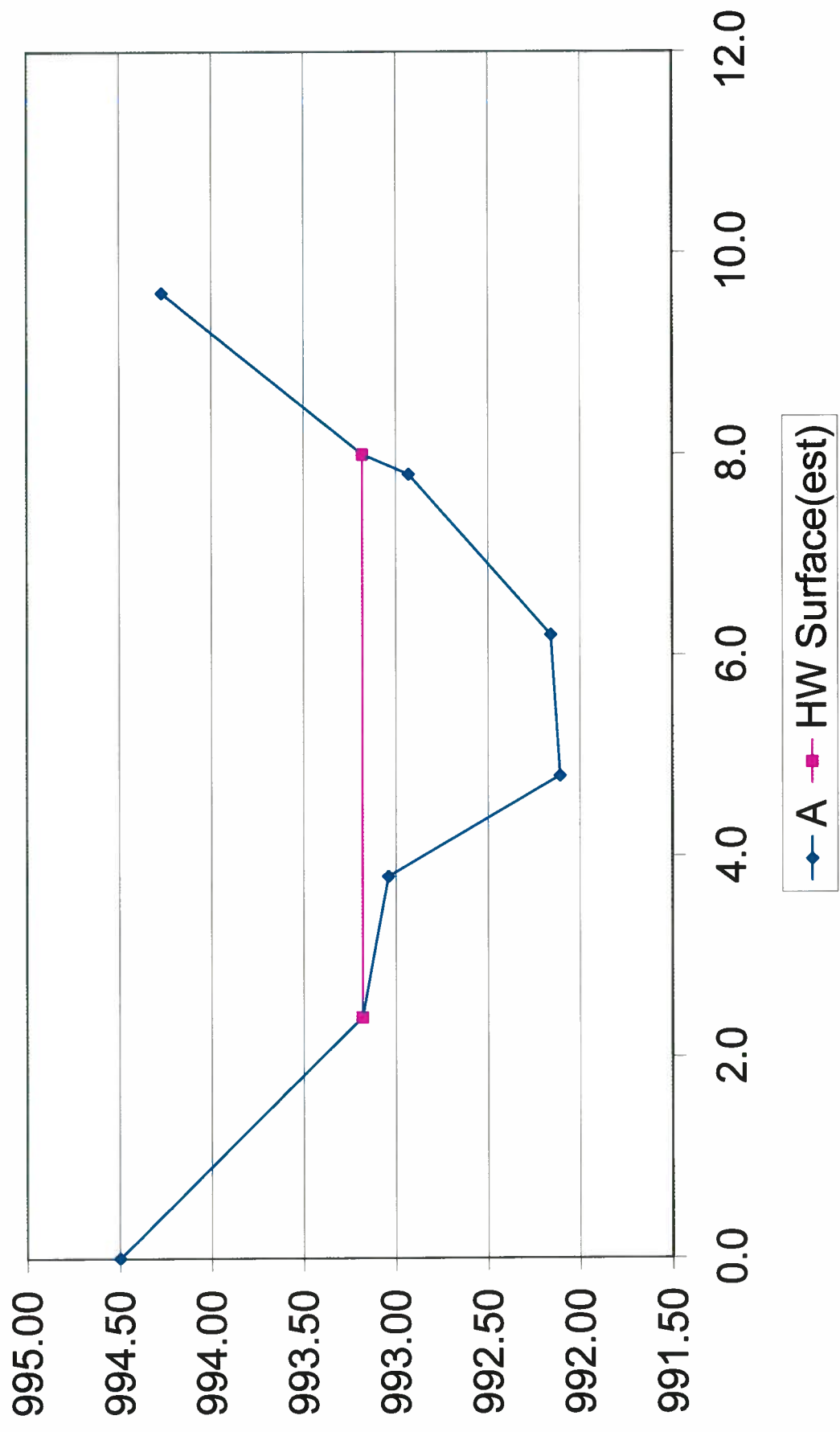
Slope Computations

FROM	TO	D Elev (ft)	Dist (ft)	SLOPE	Dist (ft)	SLOPE	from ditch	ab	bc	cd
A	B	0.48	42.00	1.1%	44.5	1.1%	0	0.011	0.005	0.005
B	C	0.45	86.00	0.5%	76.1	0.6%	10	0.011	0.005	0.005
C	D						30	0.010	0.007	0.005
							40	0.008	0.014	0.004

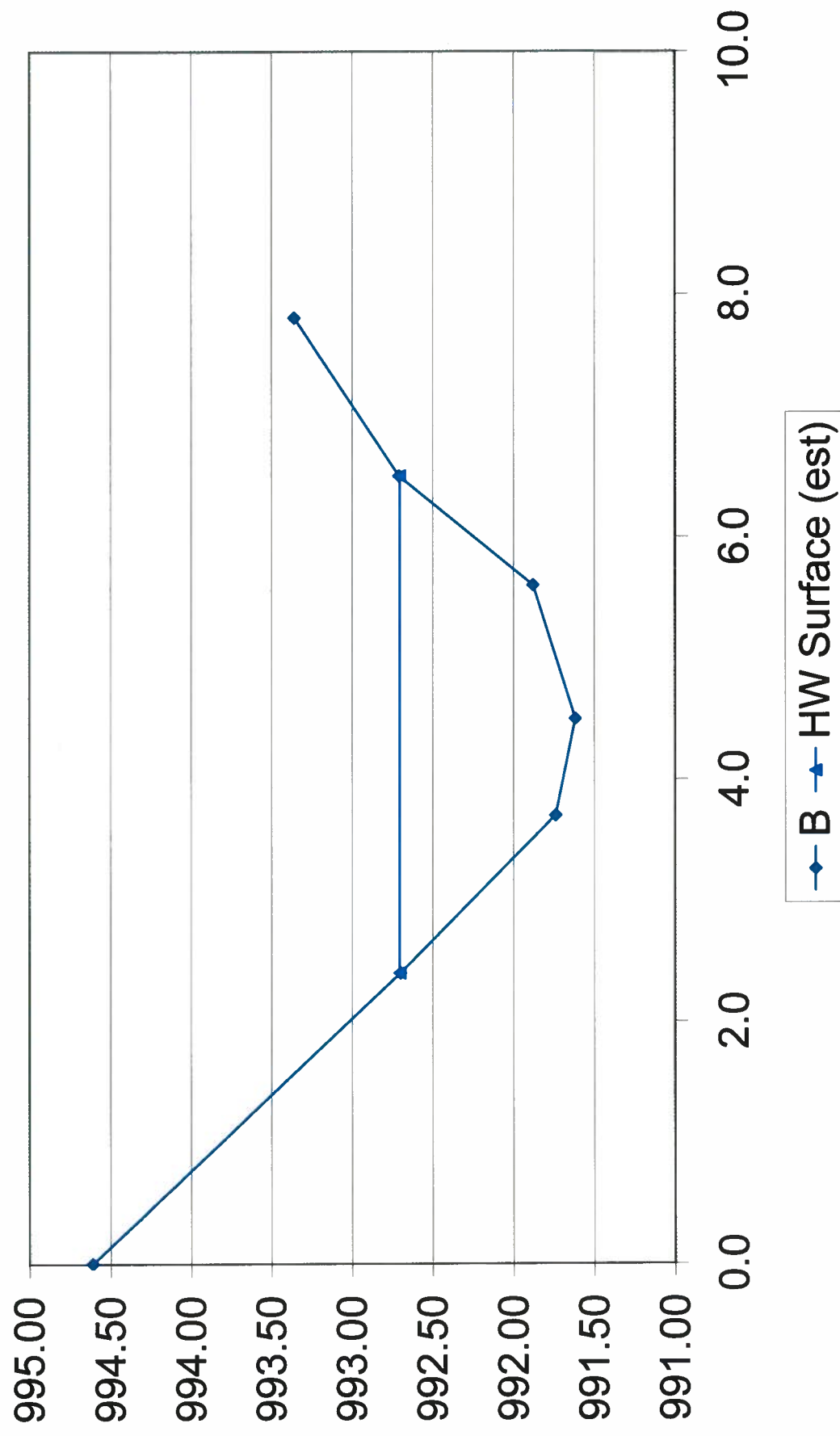
Instrument distance varied this table-->>> for determining most likely slope.

max slope = 0.75% if inst 40 ft from ditch
min slope = 0.67% if inst 0 ft from ditch
likely slope = 0.69% if inst 20 ft from ditch
Most likely instrument distance from ditch selected to be 20 feet
based on above analysis and personal recollection of survey procedure.

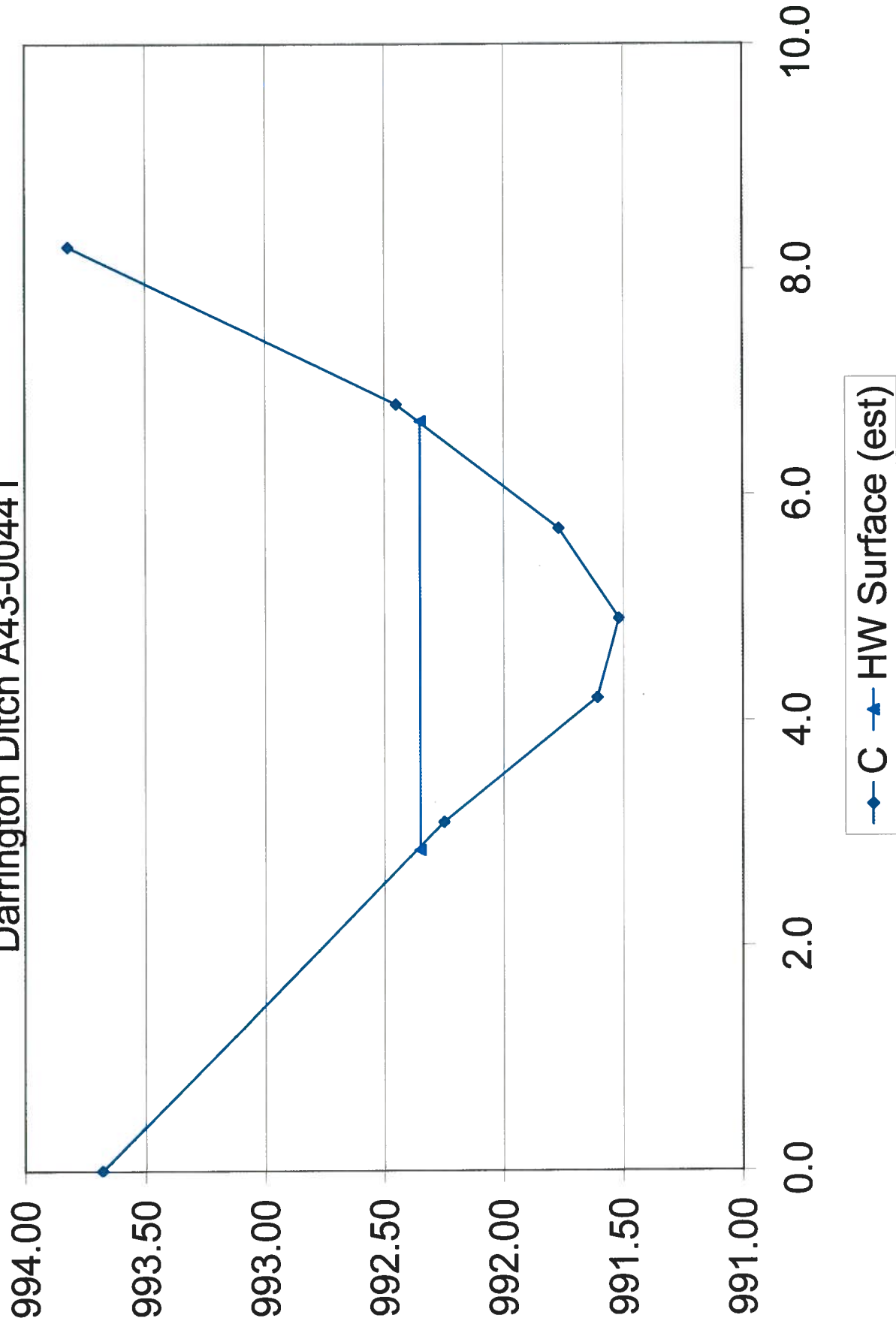
Darrington Ditch A43-00441



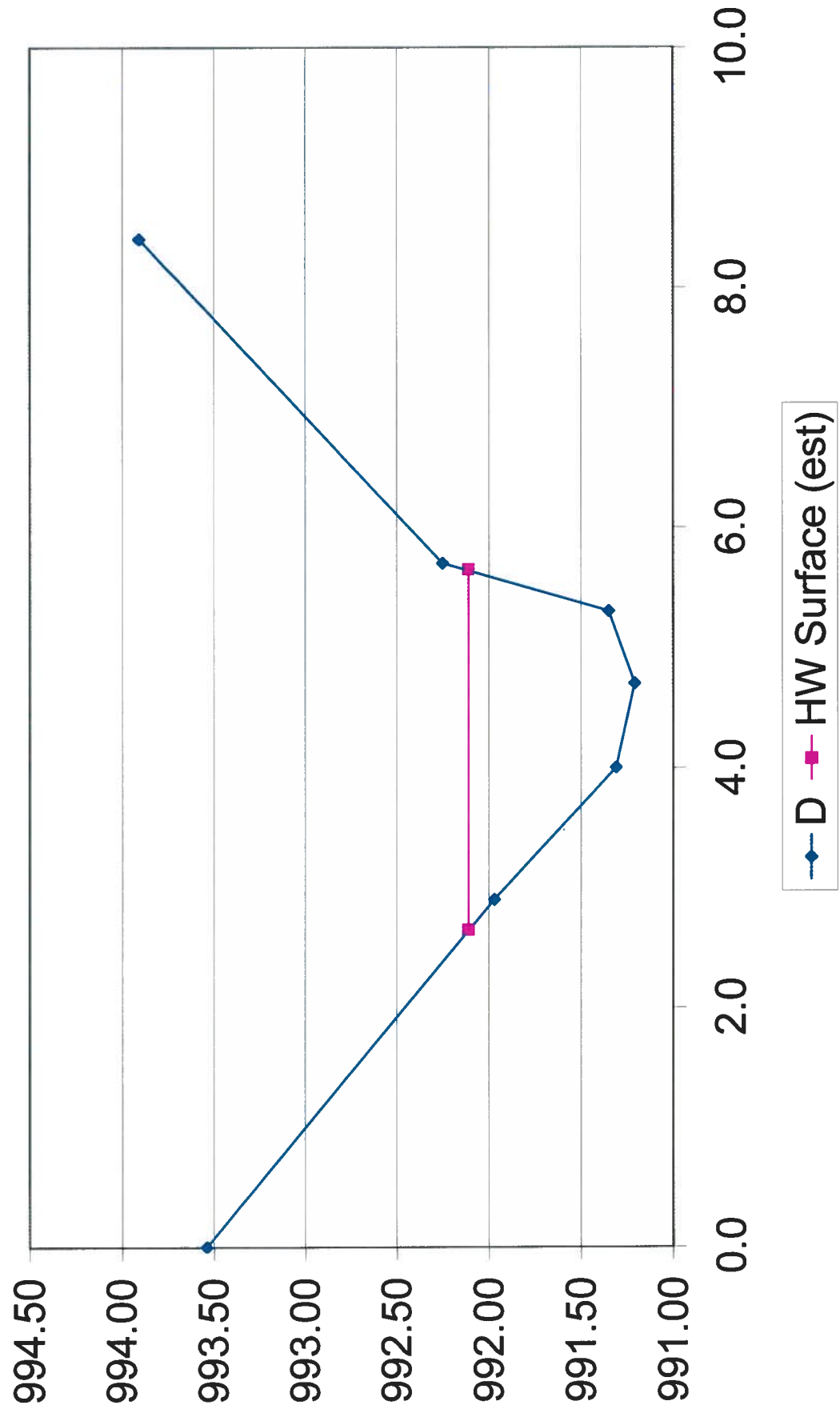
Darrington Ditch A43-00441



Darrington Ditch A43-00441



Darrington Ditch A43-00441





A43-00441
 KEITH & VIVIAN DARRINGTON
 SEPTEMBER 21, 1999
 DARRINGTON DITCH
 K. CHRISTENSEN, C. BIRD &
 S. KING

MANNING EQUATION - DATA COLLECTION

Claim Number(s): A 43-00441
 Name of Claimant(s): Darrington
 Name of Ditch, Canal, or Stream: Darrington Ditch
 Date of Measurement: 9/21/99 Data Collected By: CB, SK, KC
 Measurement Location: SE 1/4 NW 1/4 Section 5 T 145 R 25E

Cross Section Data

Basis: high water mark() maximum capacity()

Note: minimum of five depth or rod readings; first and last must be equal or zero

depth or rod reading	distance from initial point	depth or rod reading	distance from initial point
1. _____	_____	7. _____	_____
2. _____	_____	8. _____	_____
3. _____	_____	9. _____	_____
4. _____	_____	10. _____	_____
5. _____	_____	11. _____	_____
6. _____	_____	12. _____	_____

Slope Data

Basis: high water mark() channel bottom(☒) land surface()

Level Readings:	upstream	downstream	
upper stadia	<u>7.24</u>	<u>8.50</u>	
center	<u>6.82</u>	<u>8.03</u>	
lower stadia	<u>6.39</u>	<u>7.55</u>	channel length
stadia difference	(<u>.85</u> + <u>.95</u>) x 100 =		<u>180'</u>

Note: for elevations, the downstream rod reading must be higher than the upstream rod reading

Comments

Are maps and/or photos attached? yes()

©
12:00

Station	Center
1) 0.0	6.32
LEW 2) 3.1	T 7.97
	C 7.75
	B 7.54
3) 4.2	8.39
Thelweg 4) 4.9	8.48
5) 5.7	8.23
REW 6) 6.8	7.55
7) 8.2	6.18

Darrington.
A43-00441

$$T = 3.7 \text{ ft.}$$

$$d = .83 \text{ ft.}$$

$$8.48 - \frac{(7.55 + 7.75)}{2} = .83$$

$$A = \frac{2}{3}dT = \frac{2}{3}(.83)(3.7) = 2.0$$

$$P = T + \frac{8d^2}{3T} = 3.7 + \frac{8(.83)^2}{3(3.7)} =$$

©
12:10

1) 0.0	6.46
LEW 2) 2.9	T 8.50
	C 8.03
	B 7.55
3) 4.0	8.60 8.69
Thelweg 4) 4.7	8.79
5) 5.3	8.65
REW 6) 5.7	7.75
8.4	6.09

$$T = 2.80$$

$$d = 8.79 - 8.89 = .90$$

$$r = \frac{2dT^2}{3T^2 + 8d^2} = \frac{2(.90)(2.8)^2}{3(2.8)^2 + 8(.9)^2}$$

$$r = \frac{14.112}{23.52 + 6.48} = \frac{14.112}{30} = .4$$

LEW/REW = high water marks
No Flow today

Station

Left

Headgate. T 5.95. ~~Right~~ edge.

C 5.5

B 5.05

From RE. $\rightarrow$ H.W. 2.4'

LEW 2) 2.4 T 7.24
C - ~~6.70~~ 6.82
B 6.39

$$T = 8.0 - 2.4 = 5.60$$

$$d = 7.89 - 6.82 = 1.07$$

3) 3.8 6.94

Thelweg 4 4.8 7.89

5) 4.2 7.84

REB 6 7.8 ~~6.9~~ 7.07

REW 7) 8.0 6.82

9.6 5.73

⑧ 4.50 1) 0.0 5.39

LE 2) 2.4 T 7.53

C 7.30

B 7.10

$$T = 6.5 - 2.4 = 4.10$$

$$d = 8.38 - 7.30 = 1.08$$

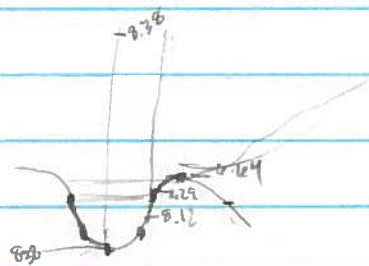
3) 3.7 8.26

Thelweg 4) 4.5 8.38

5) 5.6 8.12

REW 6) 6.5 7.29

7) 7.8 7.64



Prepared by Kelly K Christensen
September 10, 1999

D:\Data\basin data\b43\aj
analysis\ANALYSIS FOR A43-00094

ANALYSIS FOR A43-00094 43-00095, & 43-00441

Historical practice has been that the property has and is irrigated from 3 different sources, Cassia Creek through the Rice Lessey Ditch, Cross Creek through the Barker Ditch, and Dry wash through a ditch and gravity system and a pump system. The claims list numerous points of diversion, however they represent where the ditches enter the property rather than where the water is diverted from the source. The adjudication recommendation describes the points of diversion at the location where the water is diverted from the sources.

The claims indicated that the place of use was in the N $\frac{1}{2}$ NW $\frac{1}{4}$. All aerial photography indicates that approximately 15 acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$. This was later confirmed by the county assessor. Apparently there has historically been confusion over the property boundaries for this property and the next two properties south of this system. The claimant submitted a revised warranty deed to correct the discrepancy. To the best of my knowledge those acres were part of the place of use prior to the Jobe Adams decree. I am therefore recommending these rights with the acres in the S $\frac{1}{2}$ NW $\frac{1}{4}$ as part of the original place of use and, therefore, I do not consider them to be an enlargement of the original decreed place of use.

*See also Chgo own
Warranty deed
Darrington to
Barker
KRC
8-3-00*

Claims A43-00094 and A43-00095 were decreed as having Cassia Creek as the source. Other rights within the decree describe Cassia Creek as the source when in reality the correct source is actually another named stream tributary to Cassia Creek. The diversion from Cross Creek is considered to be in the same circumstance. Therefore, I am recommending both of these rights with two points of diversions. One from each source. Both sources are shown on the recommendations.

The claimant indicated that their historical use is to alternate the diversion of the rights between the two sources based upon the needs of the property. In general the northwestern corner of the property is irrigated from the Rice Lessey Ditch and the rest is irrigated from the Barker Ditch. All of the place of use can be irrigated from these two points of diversion.

Claim A43-00441 was decreed with the source being from Dry ~~Creek~~ ^{Wash KRC}. This source is diverted from two different locations, one a pumping and the other a gravity system.

The system operation currently is to use the gravity system to irrigate ground east of the Dry Wash as far east as the gravity system will allow. Ms Darrington indicated that the use is normally just in the early spring.

She further stated that during the irrigation season water rises in the Dry Wash channel below that point of diversion. The water that rises in the Dry Wash can be diverted through the pump system that has been established approximately 230 feet south of the point where the channel leaves the property. The water is delivered to the ground east of Dry Wash and up to the base of the hillside. This area is approximately $\frac{1}{2}$ of the NENW (lot 3). She indicated that they have also allowed the water in Dry Wash to enter the Rice Lessey Ditch just north of the pump location as an exchange system.

When they allow the Dry Wash water to enter the Rice Lessey Ditch, they then divert a matching amount from the Rice Lessey at the point where the ditch enters the property at the southwest corner of the NWNW quarter. That water is used to irrigate the same ground as previously described under the Rice Lessey Ditch system.

Dry Wash water has historically irrigated approximately 37 to 40 acres. As the right was decreed for 0.80 cfs and at an inch to the acre the acreage would be 40 acres I am recommending this right as limited to 40 acres within the PP/U.

Virtually all of the owned property is irrigated through one system or another. The claimant indicated that since a secondary ditch system coming from the Barker ditch has been rerouted that they have difficulty irrigating a small area in the SW corner of the property. However, I am not excluding that ground from the recommended place of use.

①

43-C

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA.

Joseph R. Hurd,

Plaintiff,

vs.

JUDGMENT AND DECREE.

Lorenzo Darrington,

Defendant.

George Darrington and Mary
Darrington, his wife.
Intervenors.

This cause came regularly on for hearing before the Court, without a jury, Honorable Doran H. Sutphen, presiding, on the 8th day of February, 1932 on the amended complaint of the plaintiff, the anser and cross complaint of the defendant, Lorenzo Darrington, the answer of the plaintiff to the cross complaint and the complaint in intervention of the intervenors, George Darrington and Mary Darrington, his wife, and the answer of the plaintiff to the complaint in intervention of the intervenors.

The plaintiff appeared in person and by his attorneys, Hawley and Worthwine, and the defendant, Lorenzo Darrington, and Intervenors, George Darrington and Mary Darrington, his wife appeared in person, and by their attorney, S. T. Lowe.

Thereupon witnesses on behalf of the plaintiff were sworn, examined and cross examined and documentary evidence introduced and the plaintiff rested. Witnesses on behalf of the defendant and cross complainant and intervenors were sworn, examined and corss examined and documentary evidence introduced, and the defendant and cross complainant and intervenors rested. Witnesses on behalf of the plaintiff were sworn, examined and cross examined in rebuttal and the plaintiff rested. Witnesses on behalf of the defendant and cross complainant and intervenors were sworn, examined and cross examined in sur-rebuttal and the defendant and cross complainant and intervenors rested. The evidence being closed after hearing the arguments of counsel, counsel were given time in which to file and serve written briefs. Written briefs having been duly filed by the respective counsel, and the court being fully advised and having made and filed herein his Findings of Fact and Conclusions of Law, and having found and concluded: That the plaintiff is not the owner or holder of any right, title, claim or interest in, or easement over, upon or across the lands of the defendant, Lorenzo Darrington, to construct and/or maintain a dam across the Dry Wash and/or a ditch leading from said dam and wash, and extending North drom the dam to the point of confulence of the Rice Lessey Ditch and Dry Wash. That the plaintiff has no right, title or interest in or to the water rising and/or flowing in the said Dry Wash. That the cross complainant and intervenors are the owners of the use and the right to the use of all of the water that rises and/or flows in the Dry Wash and are entitled to a judgment and decree of this Court quieting their title to the said water.

NOW, THEREFORE, by virtue of the law and by reason of the premises aforesaid, it is hereby ordered, adjudged and decreed:

1.

That the complaint of the plaintiff, and each and every cause set forth therein, be, and the same is hereby dismissed, and the defendant wholly discharged and relieved therefrom.

2.

That the cross complainant, Lorenzo Darrington and the Intervenor, George Darrington and Mary Darrington, his wife, are the owners of the use and the right to the use of all of the water rising and/or flowing in the Dry Wash, not exceeding, however, forty (40) inches, or .8 cubic foot per second, with date of priority of April 1, 1886, for irrigation of, and stock and domestic purposes, upon the following described real estate in the County of Cassia, State of Idaho, to-wit:

43 0541 Beginning at the Northwest corner of Lot four (4) in Section five (5), Township fourteen (14) South, Range twenty-five (25) East Boise Meridian, thence running East along the North boundary line of said Section to a point two hundred eleven (211) feet West of the Northeast corner of Lot three (3) of said Section five (5); thence South parallel with the East boundary line of said Lot three (3), two hundred ninety-one (291) feet; thence East Two hundred eleven (211) feet to the East boundary line of said Lot three (3), thence South along the East boundary line of said lot three (3), to the Southeast corner of said Lot three (3); thence West along the South boundary line of said Lots three (3) and four (4) to the Southwest corner of Lot four (4); thence North parallel with the West boundary line of said section five (5) to the point of beginning.

That the said water may be diverted and used upon the said premises at any point or points of diversion upon said premises or by turning the same into the Rice Lessey Ditch at the point of confluence of the Rice Lessey Ditch with the Dry Wash, and diverting the amount that is turned into the Rice Lessey Ditch from the said Ditch, after the same enters upon the lands of the Intervenor, between the point where the Rice Lessey Ditch enters upon the lands of the Intervenor and the point of confluence of the Rice Lessey Ditch and the Dry Wash.

3.

That the plaintiff and Cross Defendant, Joseph R. Hurd, his heirs, executors, administrators and assigns, and all persons claiming thru or under then, or either or any of them, be, and they are, and each of them, is hereby perpetually enjoined and estopped from diverting any of the water rising and/or flowing in the Dry Wash, or any part or parcel thereof, or from making, asserting or claiming any right, title, claim or interest of, in or to the same, or any part thereof, or from obstructing or otherwise interfering with the use of the said water or any portion of the same, in any manner whatsoever.

4.

That the plaintiff and cross defendant, Joseph R. Hurd, his heirs, executors, administrators, assigns, and successors in interest be, and they are, and each of them, is perpetually enjoined, restrained and estopped from making, constructing or maintaining any dam or obstruction of any kind whatsoever in the channel of the Dry Wash, upon the premises of the defendant and cross complainant, Lorenzo Darrington, and/or from making, constructing, maintaining, cleaning out or repairing any dam or ditch leading from the Dry Wash over, across or upon the lands of the defendant and cross complainant, Lorenzo Darrington, and extending South of the point of confluence of the Dry Wash and the Rice Lessey Ditch.

5.

That the defendant and cross complainant, Lorenzo Darrington and the Intervenor, George Darrington and Mary Darrington, his wife, have and recover from the plaintiff and cross defendant, Joseph R. Hurd, all their costs and disbursements of suit to be taxed at the sum of \$182.50 together with interest thereon from the date of this judgment until paid at the rate of seven per cent, and that the defendant and intervenors have execution for the enforcement of this judgment.

DATED this 9th day of January, 1933.

D. H. Sutphen
District Judge.

Certificate of True Copy—Recorder.

State of Idaho, }
County of Cassia } ss.

I, Calvin E. Wright

County Recorder of Cassia County, Idaho,
do hereby certify that the foregoing is a true and correct copy of the original Judgment and
Decree

now on Record in my office Book 7 Judgments, page 475

Given under my hand and the seal of said court, at office in Burley, Idaho
this 12th day of August A. D. 1936

Attest: Calvin E. Wright

County Recorder.

By

Blunderson

Deputy.