

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: A43-02281
Date Received: 7/ 3/1989
Receipt No: S008435
Received By:

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RODNEY N HALL 208-645-2517
Address: PO BOX 631
MALTA ID 83342
AND/OR
Name: DORIS J HALL 208-645-2517
Address: PO BOX 631
MALTA ID 83342

2. Date of Priority: AUG 7, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	19	SW	NW	NW	1	CASSIA

5. Description of diverting works:
160' WELL, 50HP PUMP, CONCRETE PIPE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	27E	18	SW	SW		IRR	25.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	18	SE	SW		IRR	15.0
						Section Acres	40.0
		19	NE	NW		IRR	10.0
			NW	NW		IRR	30.0
						Section Acres	40.0
						Total Acres	80.0

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:
A43-00144B, 00031, 04209

14. Remarks:
TRANS. 3062.

CHANGE OF OWNERSHIP MADE 6-28-95 TF. REC'D 3-27-95.

15. Basis of Claim: LICENSE
Water Right Number: 19031



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

June 28, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

RODNEY N AND DORIS J HALL
POO BOX 631
MALTA ID 83342

RE: SRBA Claim(s) A43-10454, A43-10456, A43-04209, A43-02281
A43-04211

Dear Mr. and Mrs. Hall:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

There was no confusion on these five water rights, so you are now listed as owner. Just as soon as I receive a warranty deed or Mr. Kunau's signature on the Notice of Change of Water Right Ownership, you will be listed as owner on the other four water rights.

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

MAR 27 1995

DATE OF CLOSING: 1-6-1993Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) 04209, 04210
Assigned by IDWR: A43-10454, 10456, 10554, 04211, 02281, 00031, 00144B,
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Glen R. Kunau
1941 Miller Ave.
Burley, ID 83318
- ☐ New Owner/Claimant (Purchaser): Rodney N. &/or Doris J. Hall
- ☐ New Mailing Address: PO Box 631
Malta, ID 83342
- ☐ New Telephone Number: () 645 - 2517
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Rodney N. Hall Date 27 Mar 95
Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

223631

WARRANTY DEED

For Value Received GLEN R. KUNAU and DONA KUNAU, husband and wife, an undivided one-half interest; and KRISTIE K. STAFFORD, KAREN PINDER, ROBERT J. KUNAU, SCOTT KUNAU, all married persons dealing with their sole and separate property, and RICHARD G. KUNAU, a single person, an undivided one-half interest

the grantors do hereby grant, bargain, sell and convey unto

RODNEY N. HALL AND DORIS J. HALL, husband and wife
P.O. Box 631, Malta, Idaho 83342

the grantees, the following described premises, to-wit:

TOWNSHIP 13 SOUTH, RANGE 27 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO

Section 18: Lot 4 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 19: Lots 1 and 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$

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

Section 24: E $\frac{1}{2}$ NE $\frac{1}{4}$, EXCEPT that part deeded to the Raft River Rural Electric Cooperative, Inc., a corporation, described as follows:

Commencing at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, running thence 100 feet South along the East boundary line of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 100 feet; thence North 100 feet to the North boundary line thereof; thence East along said North boundary line to the Point of Beginning.

TOGETHER with an easement for a roadway 20 feet wide, being 10 feet on the center line thereof extending over and across the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of the said Section 24, from the real estate herein above described to the existing roadway upon the said premises, together with the right of ingress and egress to the premises first above described over the existing roadway and the right of way hereby conveyed.

SUBJECT TO: General taxes for the year 1993 and subsequent years.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances except as above described, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: January 6, 1993

Robert J. Kunau

Scott Kunau

Richard G. Kunau

Glen R. Kunau

Dona Kunau

Kristie K. Stafford

Karen Pinder

STATE OF IDAHO, COUNTY OF CASSIA:

On this day of , 19 before me, a
notary public in and for said State, personally appeared

known to me to be the person whose name
within instrument, and acknowledged to me that

subscribed to the
executed the same.

Residing at

, Idaho. Comm. Expires

STATE OF
COUNTY OF

ss.

On this 25th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Richard G. Kunau known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

[Signature]
Notary Public
Residing at
Comm. Expires 8/2/93

STATE OF Maryland
COUNTY OF Howard ss.

On this 16th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Kristie K. Stafford known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

[Signature]
Notary Public
Residing at Columbia MD
Comm. Expires My Commission Expires August 24, 1996

COMMONWEALTH OF THE BAHAMAS
ISLAND OF NEW PROVIDENCE
STATE OF CITY OF NASSAU
COUNTY OF EMBASSY OF THE UNITED STATES
OF AMERICA

On this 14th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Karen Pinder known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

[Signature]
~~XXXXXXXXXX~~ ROBIN L. HAASE, VICE CONSUL
Residing at NASSAU, N.P., BAHAMAS
Comm. Expires Indefinitely

RECORDED
FRANK B. KIRKMAN
CASSIA COUNTY, IDAHO
FEE 9.00
DEPUTY

1993 MAR 18 A 9 13

RECORDED AT THE REQUEST OF
CASSIA COUNTY, IDAHO
FILM 242

2236311

STATE OF
COUNTY OF

ss.

On this 25th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Robert J. Kunau known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Paul C. Boel
Notary Public
Residing at
Comm. Expires 8/2/93

STATE OF Ohio
COUNTY OF Hamilton ss.

On this 20th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Scott Kunau known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Rosina E. Perkins
Notary Public
Residing at
Comm. Expires Notary Public, State of Ohio
My Commission Expires March 30, 1993

STATE OF
COUNTY OF

ss.

On this 25th day of January 19 93, before me,
a notary public in and for said State, personally appeared
Glen R. Kunau and Dona Kunau known to me to be the
person whose name is subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal the day and year in this certificate first above written.

Paul C. Boel
Notary Public
Residing at
Comm. Expires 8/2/93

B 120

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: A43-02281
Date Received: 6/14/1989
Receipt No: 4008435
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLEN R. KUNAU 208-678-5310
Address: 1941 MILLER AVE.
BURLEY, ID 83318

2. Date of Priority: AUG 07, 1940

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	27E	19	SW	NW	NW	1	CASSIA

5. Description of diverting works:
160' WELL, 50HP PUMP, CONCRETE PIPE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	27E	18	SW	SW		IRR	25.0
			SE	SW		IRR	15.0
Section Acres							40.0

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MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	27E	19	NE	NW		IRR	10.0
			NW	NW		IRR	30.0
					Section Acres		40.0
					Total Acres		80.0

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:
CASSIA CR. & RAFT RIVER RIGHTS, A43-10554, 00031, 01448, 04209

14. Remarks:
TRANS. 3062.

15. Basis of Claim: LICENSE
Water Right Number: 19031

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): Elen A. Hunan Date: June 23, 1988

Date: _____

State of Idaho)
County of tf) SS.

Subscribed and sworn (or affirmed) before me this 23rd day
of June 19 88
Coni White
Notary Public

Seal

Residing at tf
My Commission Expires 51

CASSIA

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TWP 13 S., RANGE 26 E.B.M.

TWP 13 S., RANGE 27 E.B.M.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32
33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48
49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64
65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96
97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112
113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128
129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144
145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160
161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176
177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192
193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208
209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224
225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240
241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256
257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272
273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288
289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304
305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320
321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336
337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352
353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368
369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384
385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400

MICROFILMED

MAR 03 1993

Last Name KUNAU

Ident No. _____

Copies: White-State, Yellow-Claimant

Date Received

RECEIVED
JUN 09 1989

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

GLEN R. KUNAU

Name of Claimant

1941 MILLER AVE

Post Office Address

BURLEY ID 83318

City, State, Zip Code

CASSIA

County(s) where Place of Use is located

June 8 1989

Date Claim Originally Due

Cassia Cr. Decreed rights + wells
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

DAVE, I was able to finish 1/2 their filings
but line started backing up. Mr. Kunau
has been attempting to file since May. He
agreed to file this extension and will begin to
Claimant requests an extension to June, 1989.
finish next week.

lw

Glen R. Kunau
Signature

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted _____ denied,
and the filing deadline extended to 7/1, 1989.

Signed this 13 day of June, 1989.

David B. Shaw
Director or his designated agent
DAVID B. SHAW

MICROFILMED
MAR 03 1993

08/07/2001

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

RIGHT NUMBER: 43-2281
NAME AND ADDRESS: DORIS J HALL
RODNEY N HALL
PO BOX 631
MALTA, ID 83342

VERIFIED BY: KKC
8-7-01

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL
DIVERSION VOLUME OF 1456 AF. COMBINED RIGHT NOS.: 43-2281, 43-4209, AND
43-4211.

PRIORITY DATE: 08/07/1940

POINT OF DIVERSION: T13S R27E S19 LOT 1 SWNNWN Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.60 CFS 160.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>			
T13S R26E S24	NENE	39	T13S R26E S24 SENE 38
T13S R27E S18 LOT 4	SWSW	49	T13S R27E S18 SESW 28
T13S R27E S19	NWNE	38	T13S R27E S19 SWNE 38
T13S R27E S19	NENW	40	T13S R27E S19 LOT 1 NWNW 48
T13S R27E S19 LOT 2	SWNW	47	T13S R27E S19 SENW 40

405 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE
DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
TOTAL OF 405 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-31,
43-144B, 43-10554, 43-2281, 43-4209, 43-12946, AND 43-4211

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 - License

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-3-2001

File: 43-02281 and others kunau pu

Prepared by Kelly K Christensen

43-02281, 43-04209, & 43-04211

SYSTEM ANALYSIS (GROUNDWATER)
KUNAU CLAIMS

8-7-2001 revision

After reviewing the previous revision Rodney elected to amend his claim to reflect an earlier priority date for fewer acres. He stated that he would rather sacrifice a few acres for priority date. I am recommending the original claimed acres as valid by 1955 (67 acres in sec 24). I am recognizing that the well has the ability to produce an inch per acre for this right and 43-2281.

43-2281	80 ac	1.60 cfs	
43-4211	<u>67 ac</u>	<u>1.34 cfs</u>	147 ac * 0.02 = 2.94 cfs
total	147 ac	2.94 cfs	

43-4209 was also amended for an earlier priority date and for the smaller historic place of use. The original claim was for 236 acres of which 19 acres overlapped with the place of use for 43-2281, based upon the assumption that the two wells were initially separate systems.

Copied from the original recommendation. See pg 3

The claimed priority date is 1940, however the statutory claim indicates in item 5.B. that the well was deepened in 1955 and a 100-hp motor installed delivering water to the place of use through a pivot and sprinkler system. Assuming the 100 hp, at 70% efficiency, pumping at 100 ft against a 40-psi sprinkler system the system capacity would be 3.20 cfs. My recommendation is for the 1955 priority date at 3.20 cfs as developed at that time. The recommended volume limitation for this right is $217 \text{ ac} * 4 = 868 \text{ afa}$. I am not recognizing the earlier priority date, as the currently available information would indicate that a smaller diversion rate was perfected at that time (limited info available).

7-26-2001 revision

Revised recommendation based upon information supplied on 7-26-2001. Rodney Hall described the system for the Kunau property that he purchased as follows. The wells were in in the early 1900s and irrigation was through a flood system. He did not know just when the system was modified by piping water from each well westerly to a common point on the surface water ditch system. From that point water could supply water to any portion of the place of use. He stated that the system was in place by 1962, thus the recommended priority date for the statutory claims from the groundwater sources. As either claim could supply water to all of the place of use by the claimed priority date, the place of use limitations were modified to reflect that change. 43-4211 shares the point of diversion with 43-2281

and as 43-2281 has an earlier priority date, the elements for that right have been reduced to reflect the elements of 43-2281. The systems were open discharge and Rod did not know the system capacity as of 1962 but he thought that it might have been 60 hp on each well. With open discharge and pumping from approximately 15 ft, the system capacity would exceed the 4.00 cfs amended diversion rate for the statutory claims.

The current system is a common pipeline tying groundwater and surface water together to irrigate a permissible place of use (PP/U) found to be 405 acres. The groundwater system does not cover all of the ground included in the surface water rights. Two wells exist within this system and they were claimed through three different rights.

Claims A43-02281 and A43-04211 claim the well located in 13S, 27E, Sec 19, NWNW. Claim A43-04209 claims the well in 13S, 27E, Sec 19, EWNW.

ANALYSIS OF A43-02281

This claim matches the licensed right as transferred. A transfer was filed to correctly identify the point of diversion. A season of use of 3-15 to 11-15 was assigned to this right at that time. All of the claimed and licensed plus additional acreage is irrigated; therefore this right is recognized for its licensed place of use of 80 acres. In reviewing the documents in the microfiche, it appears that the system was developed in 1932 (see Proof of Beneficial use) for the licensed place of use. All information also points to only the licensed acres as being irrigated as of June of 1940.

ANALYSIS OF A43-04211

This claim is from the same well as A43-02281 but is for acres in the adjoining section to the west. That claim identifies 67 acres as the place of use. Within the two forties identified as the place of use I found 65 irrigated acres. Those 65 acres includes a dirt access road as part of the irrigated place of use. It does exclude the Raft River Rural Electric easement property.

The claim indicates a 1940 priority date. Circumstantial evidence on microfiche for 43-2281 would indicate that that ground was not irrigated in 1940. Further the licensing field exam would indicate that the capacity for the system in 1941 was approximately the licensed rate (a Parma water lifter rated at 2.00 cfs). The statutory claim states in item 5.B. that there was a hand dug well in 1940 and the well was deepened in the early 1950s. The assumption is that the current 150-hp motor was installed at that time. Based upon the information currently before me, I am recommending this right with a 1955 priority date, and at 1 inch per acre for the additional acres.

The system in 1955 is not known. Currently I found a 150-hp pump operating a sprinkler system. Lifting from 100 ft and against 40 psi would produce approximately 4.80 cfs at 70% efficiency. The combined diversion rates for 43-2281 and 43-42111 are 3.00 cfs. This is less than the theoretical calculation. Recommended rate is $65 \text{ ac} * 0.02 = 1.30 \text{ cfs}$ and the volume limitation is $65 \text{ ac} * 4 = 260 \text{ afa}$.

43-04209

This is the third groundwater right that is tied into the system. This well is located approximately ¼ mile south of the well described above. The original statutory claim described a place of use in the north ½ NW ¼ of sec 19 and the west ½ NW ¼ of sec 18. There is necessarily some overlap with the claimed place of use for 43-02281 based upon the number of acres claimed in the north ½ NW ¼ of sec 19.

		NWNW	NENW
<u>Actual acres</u>	<u>Lot 1</u>	<u>48.8 ac</u>	<u>39.6 ac</u>
<u>Irrigated acres</u>		<u>47.5</u>	<u>39.6</u>
43-02281		30.0	10
43-04211		28.0	40
total claim acres		58	50

Although the NWNW quarter is over claimed by a minimum of 10.5 acres and the NENW quarter by 10.4 acres, the historical overlap of the systems is not known. It is my understanding that the original systems were independent of each other as far as the ditch systems used irrigated different lands. I am therefore recommending the irrigated acres within the claimed place of use less the 40 acres previously recognized under 43-2281 located in the N½NW¼ of sec 19. The found and recommended place of use is 217 acres. This recognizes acre shifting between quarter/quarters from the claimed place of use to the recommendation.

The claimed priority date is 1940, however the statutory claim indicates in item 5.B. that the well was deepened in 1955 and a 100-hp motor installed delivering water to the place of use through a pivot and sprinkler system. Assuming the 100 hp, at 70% efficiency, pumping at 100 ft against a 40-psi sprinkler system the system capacity would be 3.20 cfs. My recommendation is for the 1955 priority date at 3.20 cfs as developed at that time. The recommended volume limitation for this right is 217 ac * 4 = 868 afa. I am not recognizing the earlier priority date as the currently available information would indicate that a smaller diversion rate was perfected at that time (limited info available).

43-31 & 43-144B (CASSIA CREEK)

43-10554 & 43-4210 (RAFT RIVER)

SYSTEM ANALYSIS (SURFACE WATER)

KUNAU CLAIMS

All three claims identify a common place of use that includes two separate locations. A change of ownership has been submitted that identifies a portion of the claimed place of use. The 'north' portion of the place of use claimed at 345 acres is identified as being sold to Rodney Hall and Glen Kunau maintains the 'south' portion ownership claimed at 126 acres. No information identifying the desired splitting of the rights has been submitted, therefore the claims are being recommended in Glen's name only.

The 'north' place of use includes the decreed place of use for 43-31 and 43-143 and other ground claimed from groundwater sources. The 'southern' place of use does not have any recorded license or decreed rights appurtenant to any of the place of use. Only the three surface water rights are claimed on that ground. After reviewing the 1962 and 1968 aerial photography in arcview, it appears to me that the development of that ground occurred after 1968. My recommendation excludes the entire southern portion of the claimed place of use.

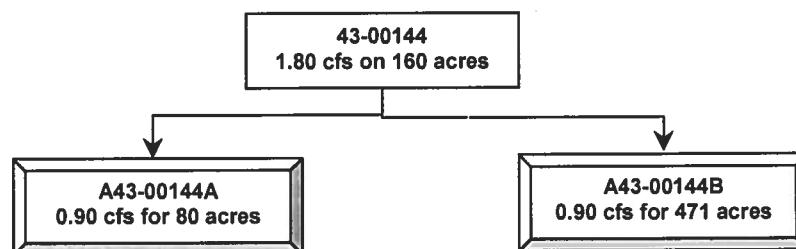
ANALYSIS OF 43-31 (CASSIA CREEK)

The original decreed place of use is entirely within the northern portion of the claimed PP/U and there are no other claims against this right. Transfer 544 removed 43-30, and 43-32 from the same decreed place of use. The decreed season of use is April 1 thru July 1.

The historical place of use includes the Raft River stream channel. The channel has been straightened through the entire PP/U. The farmed ground around the channel has been increased since the channel was straightened. Some of the ground outside the historical fields may have been irrigated with tail water and beneficial use obtained through the increase in ground cover. I am recommending that this claim be limited to the found 165 irrigated acres within the decreed place of use. The PPU is 405 acres and includes both groundwater and surface water rights. The decreed rate of 0.80 cfs is less than one inch per acre for the found place of use and is therefore recommended as claimed.

ANALYSIS OF 43-00144B (CASSIA CREEK)

Two different claimants have claimed this right.



Although the claim A43-00144B indicates a 471-acre place of use, that portion of the place of use within the decreed place of use found irrigated is 77 acres. The diversion rates claimed between the two rights equals the original decreed right. I accept that the two claims do not enlarge or change the place of use for the original right so long as part B is limited to the found 77 acres within the PP/U. These 77 acres include a feedlot that covered 12 acres in 1987 but has historically been irrigated and is therefore included in the recommended place of use. No season of use was given in the decree.

43-10554 identified as 43-00143 (RAFT RIVER)

CLAIM VS DECREE COMPARISON.

Priority date	Diversion rate	Season of use	Place of use
4-1-1883	3.40 cfs	4-1 to 10-1	471 acres within sections 18 & 19 in 13S, 27E and sections 24 & 25 in 13S, 26E
4-1-1883	3.40 cfs	4-1 to 10-1	13S, 27E, Sec 19 Lt 2, W½NE¼, SE¼NW¼

As the claimed information agrees with the decreed information for most of the elements I am recognizing this right as being based upon 43-143.

The point of diversion was not decreed. The claimed place of use is a PP/U that includes the decreed place of use although the claimed place of use for government lots within Sec 18 and 19 are less than the lot acreage found to be irrigated.

Raft River runs south to north through two forty-acre tracts of the decreed place of use. The river channel has been straightened out since 1987. Although some additional acreage may have been added to the system of cultivated ground along the river channel, the number of 'new' acres have not been identified. I found 163 irrigated acres within the original decreed place of use and this is the limitation for this right.

A43-04210

This claim is for Raft River water and is supplemental to other rights. The claim indicates that the water is piped to separate locations. Rodney Hall indicated that this right should be split between Kunau and Hall. As of the date of this review I have not received direction as to how the right should be split.

Evidence of priority was not submitted for this claim. The statutory claim indicates a 1940 priority date but as previously noted the 'southern' portion of the claimed place of use was not irrigated in 1968. Not enough information exists for me to recommend this right at this time.

RECOMMENDATION: DISALLOW - P01, NO LAWFUL APPROPRIATION SHOWN

07/26/2001

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

RIGHT NUMBER: 43-2281

NAME AND ADDRESS: DORIS J HALL
RODNEY N HALL
PO BOX 631
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS

1456

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1620 AF. COMBINED RIGHT NOS.: 43-2281, 43-4209, AND 43-4211.

USE OF THIS RIGHT WITH RIGHT NO. 43-2281 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 4.00 CFS.

PRIORITY DATE: 08/07/1940

POINT OF DIVERSION: T13S R27E S19 LOT 1 SWNNWN Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.60 CFS 160.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T13S R26E S24	NENE	39	T13S R26E S24	SENE	38
T13S R27E S18	LOT 4 SWSW	49	T13S R27E S18	SESW	28
T13S R27E S19	NWNE	38	T13S R27E S19	SWNE	38
T13S R27E S19	NENW	40	T13S R27E S19	LOT 1 NWNW	48
T13S R27E S19	LOT 2 SWNW	47	T13S R27E S19	SENW	40

405 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 405 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-31, 43-144B, 43-10554, 43-2281, 43-4209, 43-12946, AND 43-4211

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 - License

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-3-2001

File: 43-02281 and others kunau pu

Prepared by Kelly K Christensen

43-02281, 43-04209, & 43-04211

SYSTEM ANALYSIS (GROUNDWATER)
KUNAU CLAIMS

Revised recommendation based upon information supplied on 7-26-2001. Rodney Hall described the system for the Kunau property that he purchased as follows. The wells were in in the early 1950s and irrigation was through a flood system. He did not know just when the system was modified by piping water from each well westerly to a common point on the surface water ditch system. From that point water could supply water to any portion of the place of use. He stated that the system was in place by 1962, thus the recommended priority date for the statutory claims from the groundwater sources. As either claim could supply water to all of the place of use by the claimed priority date, the place of use limitations were modified to reflect that change. 43-4211 shares the point of diversion with 43-2281 and as 43-2281 has an earlier priority date, the elements for that right have been reduced to reflect the elements of 43-2281. The systems were open discharge and Rod did not know the system capacity as of 1962 but he thought that it might have been 60 hp on each well. With open discharge and pumping from approximately 15 ft, the system capacity would exceed the 4.00 cfs amended diversion rate for the statutory claims.

The current system is a common pipeline tying groundwater and surface water together to irrigate a permissible place of use (PP/U) found to be 405 acres. The groundwater system does not cover all of the ground included in the surface water rights. Two wells exist within this system and they were claimed through three different rights.

Claims A43-02281 and A43-04211 claim the well located in 13S, 27E, Sec 19, NWNW. Claim A43-04209 claims the well in 13S, 27E, Sec 19, WNW.

ANALYSIS OF A43-02281

This claim matches the licensed right as transferred. A transfer was filed to correctly identify the point of diversion. A season of use of 3-15 to 11-15 was assigned to this right at that time. All of the claimed and licensed plus additional acreage is irrigated; therefore this right is recognized for its licensed place of use of 80 acres. In reviewing the documents in the microfiche, it appears that the system was developed in 1932 (see Proof of Beneficial use) for the licensed place of use. All information also points to only the licensed acres as being irrigated as of June of 1941.

ANALYSIS OF A43-04211

This claim is from the same well as A43-02281 but is for acres in the adjoining section to the west. That claim identifies 67 acres as the place of use. Within the two forties identified as the place of use I found 65 irrigated acres. Those 65 acres includes a dirt

Analysis revised based upon information received 7-26-2001

access road as part of the irrigated place of use. It does exclude the Raft River Rural Electric easement property.

The claim indicates a 1940 priority date. Circumstantial evidence on microfiche for 43-2281 would indicate that that ground was not irrigated in 1940. Further the licensing field exam would indicate that the capacity for the system in 1941 was approximately the licensed rate (a Parma water lifter rated at 2.00 cfs). The statutory claim states in item 5.B. that there was a hand dug well in 1940 and the well was deepened in the early 1950s. The assumption is that the current 150-hp motor was installed at that time. Based upon the information currently before me, I am recommending this right with a 1955 priority date, and at 1 inch per acre for the additional acres.

The system in 1955 is not known. Currently I found a 150-hp pump operating a sprinkler system. Lifting from 100 ft and against 40 psi would produce approximately 4.80 cfs at 70% efficiency. The combined diversion rates for 43-2281 and 43-42111 are 3.00 cfs. This is less than the theoretical calculation. Recommended rate is $65 \text{ ac} * 0.02 = 1.30 \text{ cfs}$ and the volume limitation is $65 \text{ ac} * 4 = 260 \text{ afa}$.

43-04209

This is the third groundwater right that is tied into the system. This well is located approximately ¼ mile south of the well described above. The original statutory claim described a place of use in the north ½ NW ¼ of sec 19 and the west ½ NW ¼ of sec 18. There is necessarily some overlap with the claimed place of use for 43-02281 based upon the number of acres claimed in the north ½ NW ¼ of sec 19.

	NWNW	NENW
Actual acres Lot 1	48.8 ac	39.6 ac
Irrigated acres	47.5	39.6
43-02281	30.0	10
43-04211	28.0	40
total claim acres	58	50

Although the NWNW quarter is over claimed by a minimum of 10.5 acres and the NENW quarter by 10.4 acres, the historical overlap of the systems is not known. It is my understanding that the original systems were independent of each other as far as the ditch systems used irrigated different lands. I am therefore recommending the irrigated acres within the claimed place of use less the 40 acres previously recognized under 43-2281 located in the N½NW¼ of sec 19. The found and recommended place of use is 217 acres. This recognizes acre shifting between quarter/quarters from the claimed place of use to the recommendation.

The claimed priority date is 1940, however the statutory claim indicates in item 5.B. that the well was deepened in 1955 and a 100-hp motor installed delivering water to the place of use through a pivot and sprinkler system. Assuming the 100 hp, at 70% efficiency, pumping at 100 ft against a 40-psi sprinkler system the system capacity would be 3.20 cfs. My recommendation is for the 1955 priority date at 3.20 cfs as developed at that time. The recommended volume limitation for this right is $217 \text{ ac} * 4 = 868 \text{ afa}$. I am not recognizing the earlier priority date as the currently available information would indicate that a smaller diversion rate was perfected at that time (limited info available).

43-31 & 43-144B (CASSIA CREEK)

43-10554 & 43-4210 (RAFT RIVER)

SYSTEM ANALYSIS (SURFACE WATER)

KUNAU CLAIMS

All three claims identify a common place of use that includes two separate locations. A change of ownership has been submitted that identifies a portion of the claimed place of use. The 'north' portion of the place of use claimed at 345 acres is identified as being sold to Rodney Hall and Glen Kunau maintains the 'south' portion ownership claimed at 126 acres. No information identifying the desired splitting of the rights has been submitted, therefore the claims are being recommended in Glen's name only.

The 'north' place of use includes the decreed place of use for 43-31 and 43-143 and other ground claimed from groundwater sources. The 'southern' place of use does not have any recorded license or decreed rights appurtenant to any of the place of use. Only the three surface water rights are claimed on that ground. After reviewing the 1962 and 1968 aerial photography in arcview, it appears to me that the development of that ground occurred after 1968. My recommendation excludes the entire southern portion of the claimed place of use.

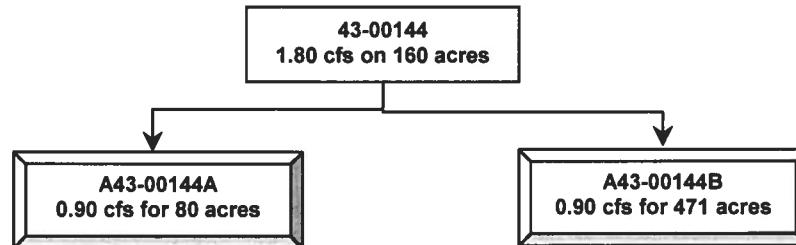
ANALYSIS OF 43-31 (CASSIA CREEK)

The original decreed place of use is entirely within the northern portion of the claimed PP/U and there are no other claims against this right. Transfer 544 removed 43-30, and 43-32 from the same decreed place of use. The decreed season of use is April 1 thru July 1.

The historical place of use includes the Raft River stream channel. The channel has been straightened through the entire PP/U. The farmed ground around the channel has been increased since the channel was straightened. Some of the ground outside the historical fields may have been irrigated with tail water and beneficial use obtained through the increase in ground cover. I am recommending that this claim be limited to the found 165 irrigated acres within the decreed place of use. The PPU is 405 acres and includes both groundwater and surface water rights. The decreed rate of 0.80 cfs is less than one inch per acre for the found place of use and is therefore recommended as claimed.

ANALYSIS OF 43-00144B (CASSIA CREEK)

Two different claimants have claimed this right.



Although the claim A43-00144B indicates a 471-acre place of use, that portion of the place of use within the decreed place of use found irrigated is 77 acres. The diversion rates claimed between the two rights equals the original decreed right. I accept that the two claims do not enlarge or change the place of use for the original right so long as part B is limited to the found 77 acres within the PP/U. These 77 acres include a feedlot that covered 12 acres in 1987 but has historically been irrigated and is therefore included in the recommended place of use. No season of use was given in the decree.

43-10554 identified as 43-00143 (RAFT RIVER)

CLAIM VS DECREE COMPARISON.

Priority date	Diversion rate	Season of use	Place of use
4-1-1883	3.40 cfs	4-1 to 10-1	471 acres within sections 18 & 19 in 13S, 27E and sections 24 & 25 in 13S, 26E
4-1-1883	3.40 cfs	4-1 to 10-1	13S, 27E, Sec 19 Lt 2, W½NE¼, SE¼NW¼

As the claimed information agrees with the decreed information for most of the elements I am recognizing this right as being based upon 43-143.

The point of diversion was not decreed. The claimed place of use is a PP/U that includes the decreed place of use although the claimed place of use for government lots within Sec 18 and 19 are less than the lot acreage found to be irrigated.

Raft River runs south to north through two forty-acre tracts of the decreed place of use. The river channel has been straightened out since 1987. Although some additional acreage may have been added to the system of cultivated ground along the river channel, the number of 'new' acres have not been identified. I found 163 irrigated acres within the original decreed place of use and this is the limitation for this right.

A43-04210

This claim is for Raft River water and is supplemental to other rights. The claim indicates that the water is piped to separate locations. Rodney Hall indicated that this

right should be split between Kunau and Hall. As of the date of this review I have not received direction as to how the right should be split.

Evidence of priority was not submitted for this claim. The statutory claim indicates a 1940 priority date but as previously noted the 'southern' portion of the claimed place of use was not irrigated in 1968. Not enough information exists for me to recommend this right at this time.

RECOMMENDATION: DISALLOW - P01, NO LAWFUL APPROPRIATION SHOWN

05/09/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-4209

DORIS J HALL
PO BOX 631
MALTA ID 83342
Telephone Number: (208)645-2517

RODNEY N HALL
PO BOX 631
MALTA ID 83342
Telephone Number: (208)645-2517

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

on the Statutory claim the Diversion Rate is 3.5 why did you take it down to 3.2 cfs.

2. Describe the changes you wish to make in the proposed recommendation:

TAKE it BACK to 3.5

3. Give a brief explanation as to why you disagree with these portions:

See Statutory claim and Adjudication claim.

 I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12 Jun 01 SIGNATURE: Rodney N Hall
Please print your name: Rodney N Hall

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

RECEIVED
JUN 18 2001
Department of Water Resource:
Southern Region

05/09/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-2281

RODNEY N HALL
PO BOX 631
MALTA ID 83342
Telephone Number: (208)645-2517

DORIS J HALL
PO BOX 631
MALTA ID 83342
Telephone Number: (208)645-2517

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE:

12 Jun 01

SIGNATURE:

Rodney N Hall

Please print your name:

Rodney N Hall

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

RECEIVED

JUN 18 2001

Department of Water Resources
Southern Region

03/19/2001

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

RIGHT NUMBER: 43-2281

NAME AND ADDRESS: DORIS J HALL
RODNEY N HALL
PO BOX 631
MALTA, ID 83342

SOURCE: GROUND WATER

QUANTITY: 1.6 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1620 AF. COMBINED RIGHT
NOS.: 43-2281, 43-4209, AND 43-4211.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 784 AF. COMBINED RIGHT
NOS.: 43-2281 AND 43-4211

VERIFIED BY *KKC*

PRIORITY DATE: 08/07/1940

POINT OF DIVERSION: T13S R27E S19 LOT 1 SWNNWN Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	1.60 CFS 160.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County			
T13S R26E S24	NENE	39	T13S R26E S24 SENE 38
T13S R27E S18 LOT 4	SWSW	49	T13S R27E S18 SESW 28
T13S R27E S19	NWNE	38	T13S R27E S19 SWNE 38
T13S R27E S19	NENW	40	T13S R27E S19 LOT 1 NWNW 48
T13S R27E S19 LOT 2	SWNW	47	T13S R27E S19 SENW 40

405 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 80 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 405 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT
NOS. 43-31, 43-144B, 43-10554, 43-2281, 43-4209, 43-12946, AND 43-4211

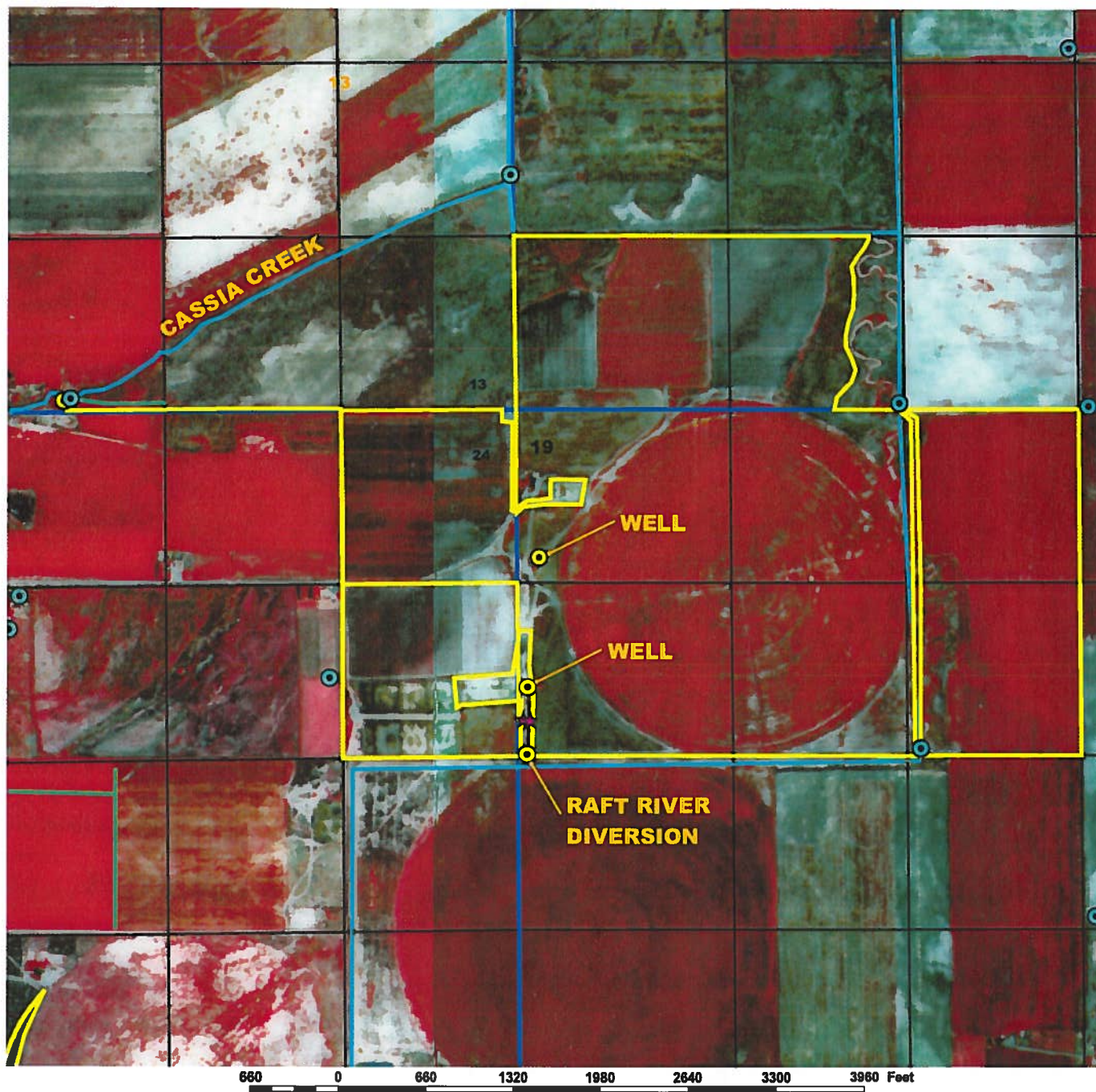
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - License

Idaho Department of Water Resources

**RECOMMENDED PLACE OF USE FOR
43-31, 43-144B, 43-10554, 43-2281, 43-4209, and 43-4211**



PLACE OF USE

TWP 13S, RNG 26E, SEC 24

TWP 13S, RNG 27E, SEC 18 & 19

Data entry on February 16, 2001

GIS PLACE OF USE PRESENTATION

1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY KELLY K CHRISTENSEN

● RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE

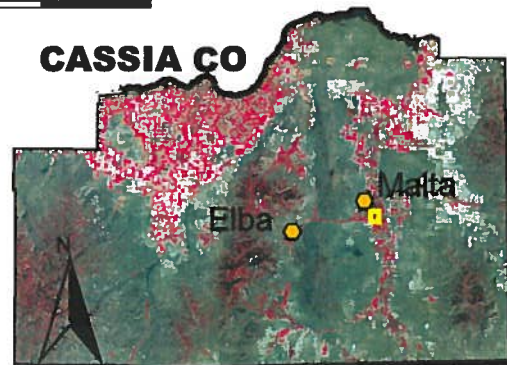


SECTION LINES



QUARTER/QUARTER LINES

CASSIA CO



Idaho Dept of Water Resources
Claims review notes and narrative

Date: 1-3-2001

File: 43-02281 and others kunau pu

Prepared by Kelly K Christensen

43-02281, 43-04209, & 43-04211

**SYSTEM ANALYSIS (GROUNDWATER)
KUNAU CLAIMS**

The current system is a common pipeline tying groundwater and surface water together to irrigate a permissible place of use (PP/U) found to be 405 acres. The groundwater system does not cover all of the ground included in the surface water rights. Two wells exist within this system and they were claimed through three different rights.

Claims A43-02281 and A43-04211 claim the well located in 13S, 27E, Sec 19, NWNW. Claim A43-04209 claims the well in 13S, 27E, Sec 19, SWNW.

ANALYSIS OF A43-02281

This claim matches the licensed right as transferred. A transfer was filed to correctly identify the point of diversion. A season of use of 3-15 to 11-15 was assigned to this right at that time. All of the claimed and licensed plus additional acreage is irrigated; therefore this right is recognized for its licensed place of use of 80 acres. In reviewing the documents in the microfiche, it appears that the system was developed in 1932 (see Proof of Beneficial use) for the licensed place of use. All information also points to only the licensed acres as being irrigated as of June of 1941.

ANALYSIS OF A43-04211

This claim is from the same well as A43-02281 but is for acres in the adjoining section to the west. That claim identifies 67 acres as the place of use. Within the two forties identified as the place of use I found 65 irrigated acres. Those 65 acres includes a dirt access road as part of the irrigated place of use. It does exclude the Raft River Rural Electric easement property.

The claim indicates a 1940 priority date. Circumstantial evidence on microfiche for 43-2281 would indicate that that ground was not irrigated in 1940. Further the licensing field exam would indicate that the capacity for the system in 1941 was approximately the licensed rate (a Parma water lifter rated at 2.00 cfs). The statutory claim states in item 5.B. that there was a hand dug well in 1940 and the well was deepened in the early 1950s. The assumption is that the current 150-hp motor was installed at that time. Based upon the information currently before me, I am recommending this right with a 1955 priority date, and at 1 inch per acre for the additional acres.

The system in 1955 is not known. Currently I found a 150-hp pump operating a sprinkler system. Lifting from 100 ft and against 40 psi would produce approximately 4.80 cfs at 70% efficiency. The combined diversion rates for 43-2281 and 43-42111 are 3.00 cfs. This is less than the theoretical calculation. Recommended rate is $65 \text{ ac} * 0.02 = 1.30 \text{ cfs}$ and the volume limitation is $65 \text{ ac} * 4 = 260 \text{ afa}$.

43-04209

This is the third groundwater right that is tied into the system. This well is located approximately ¼ mile south of the well described above. The original statutory claim described a place of use in the north ½ NW ¼ of sec 19 and the west ½ NW ¼ of sec 18. There is necessarily some overlap with the claimed place of use for 43-02281 based upon the number of acres claimed in the north ½ NW ¼ of sec 19.

	NWNW	NENW
Actual acres Lot 1	48.8 ac	39.6 ac
<u>Irrigated acres</u>	<u>47.5</u>	<u>39.6</u>
43-02281	30.0	10
43-04211	28.0	40
total claim acres	58	50

Although the NWNW quarter is over claimed by a minimum of 10.5 acres and the NENW quarter by 10.4 acres, the historical overlap of the systems is not known. It is my understanding that the original systems were independent of each other as far as the ditch systems used irrigated different lands. I am therefore recommending the irrigated acres within the claimed place of use less the 40 acres previously recognized under 43-2281 located in the N½NW¼ of sec 19. The found and recommended place of use is 217 acres. This recognizes acre shifting between quarter/quarters from the claimed place of use to the recommendation.

The claimed priority date is 1940, however the statutory claim indicates in item 5.B. that the well was deepened in 1955 and a 100-hp motor installed delivering water to the place of use through a pivot and sprinkler system. Assuming the 100 hp, at 70% efficiency, pumping at 100 ft against a 40-psi sprinkler system the system capacity would be 3.20 cfs. My recommendation is for the 1955 priority date at 3.20 cfs as developed at that time. The recommended volume limitation for this right is 217 ac * 4 = 868 afa. I am not recognizing the earlier priority date as the currently available information would indicate that a smaller diversion rate was perfected at that time (limited info available).

43-31 & 43-144B (CASSIA CREEK)**43-10554 & 43-4210 (RAFT RIVER)****SYSTEM ANALYSIS (SURFACE WATER)****KUNAU CLAIMS**

All three claims identify a common place of use that includes two separate locations. A change of ownership has been submitted that identifies a portion of the claimed place of use. The 'north' portion of the place of use claimed at 345 acres is identified as being sold to Rodney Hall and Glen Kunau maintains the 'south' portion ownership claimed at 126 acres. No information identifying the desired splitting of the rights has been submitted, therefore the claims are being recommended in Glen's name only.

43-10554 identified as 43-00143 (RAFT RIVER)

CLAIM VS DECREE COMPARISON.

Priority date	Diversion rate	Season of use	Place of use	
4-1-1883	3.40 cfs	4-1 to 10-1	471 acres within sections 18 & 19 in 13S, 27E and sections 24 & 25 in 13S, 26E	
4-1-1883	3.40 cfs	4-1 to 10-1	13S, 27E, Sec 19	Lt 2, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

As the claimed information agrees with the decreed information for most of the elements I am recognizing this right as being based upon 43-143.

The point of diversion was not decreed. The claimed place of use is a PP/U that includes the decreed place of use although the claimed place of use for government lots within Sec 18 and 19 are less than the lot acreage found to be irrigated.

Raft River runs south to north through two forty-acre tracts of the decreed place of use. The river channel has been straightened out since 1987. Although some additional acreage may have been added to the system of cultivated ground along the river channel, the number of 'new' acres have not been identified. I found 163 irrigated acres within the original decreed place of use and this is the limitation for this right.

A43-04210

This claim is for Raft River water and is supplemental to other rights. The claim indicates that the water is piped to separate locations. Rodney Hall indicated that this right should be split between Kunau and Hall. As of the date of this review I have not received direction as to how the right should be split.

Evidence of priority was not submitted for this claim. The statutory claim indicates a 1940 priority date but as previously noted the 'southern' portion of the claimed place of use was not irrigated in 1968. Not enough information exists for me to recommend this right at this time.

RECOMMENDATION: DISALLOW - P01, NO LAWFUL APPROPRIATION SHOWN

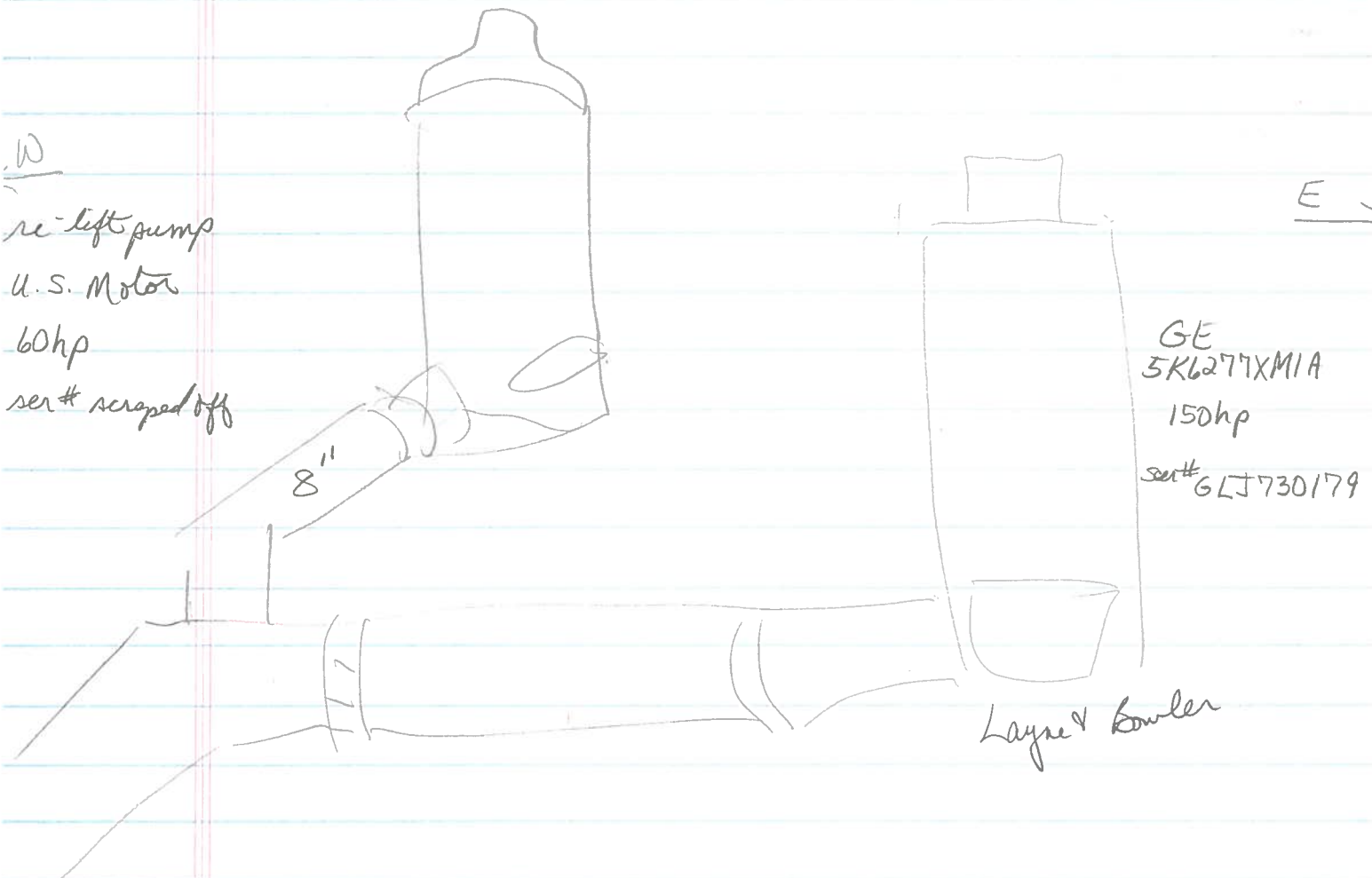
(Windbreak)

NT

43-2281
- 4211

pole # 19073
meter # 39133862

W
re-lift pump
U.S. Motor
60hp
ser # scraped off



E
GE
5K6271XM1A
150hp
ser # 6LJ730179

Layne & Bowler

Field notes
9-1-99
JR

CLAIM NUMBER 43-281-licac=80 DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL _____
 GIS ACRE TOTAL _____

TWP	RNG	SEC	NE				NW				SW				SE			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
13S	27E	18											25	15				
													49	28				
13S	27E	19					10	30										
				38	38		40	48	47	40								

B43-DBPOU.SHP _____
 SHAPE NOS. _____

 43-DBPOD.SHP _____
 NOS. DESCRIPTION _____

 DBF TABLES UPDATED _____
 B43-DBPOU.DBF _____
 B43-DBPOD.DBF _____
 JPEG LAYOUT _____

T13S R26E

T13S R27E

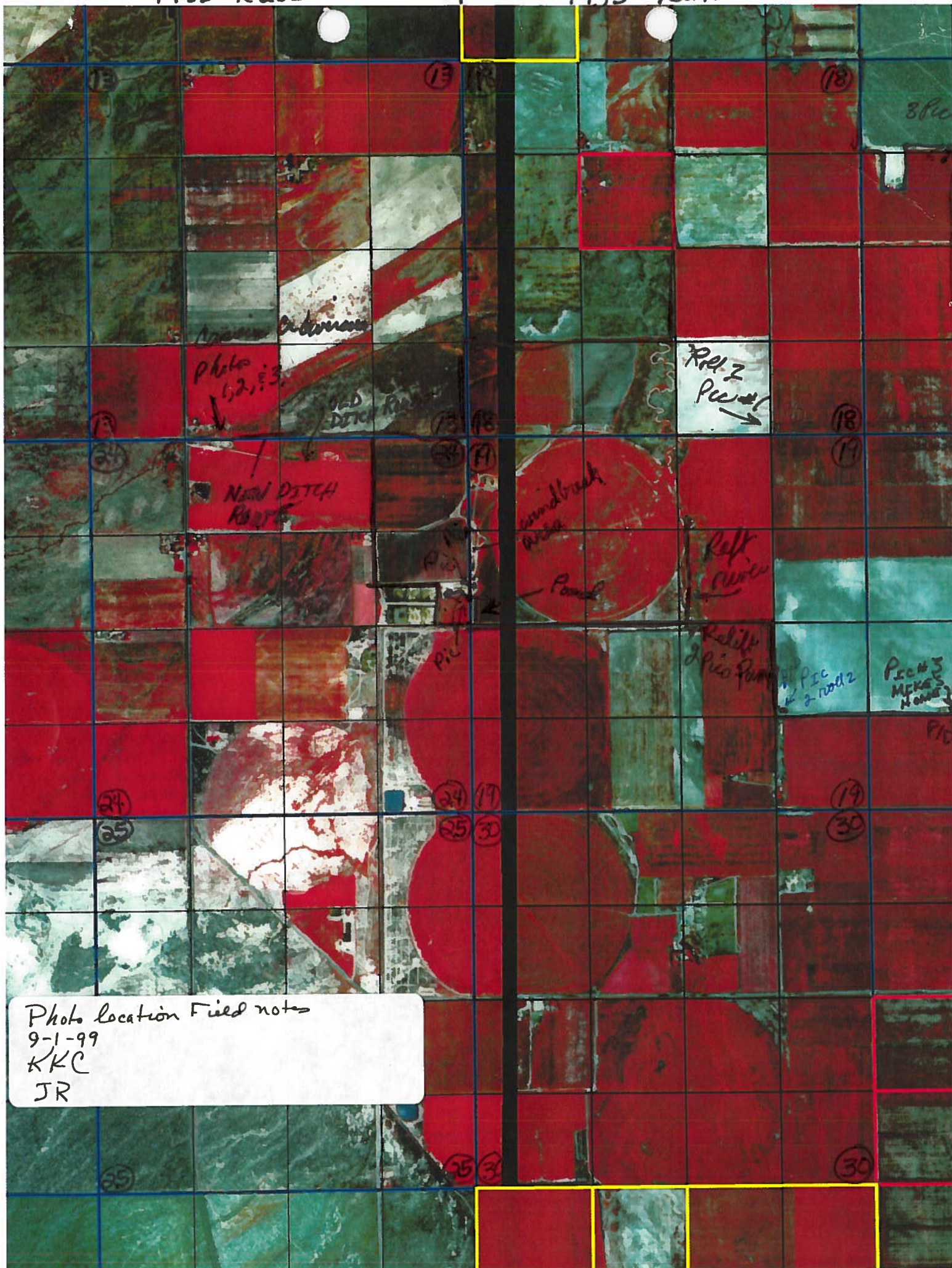


Photo location Field notes
9-1-99
KKC
JR

T13S R26E

T13S R27E

Raf. River Sub
Station

Cassia Co.
Division

Buildings
(Box cars)

iron

field notes
9-1-99
KK
JR.

(24) (19)
(25) (30)

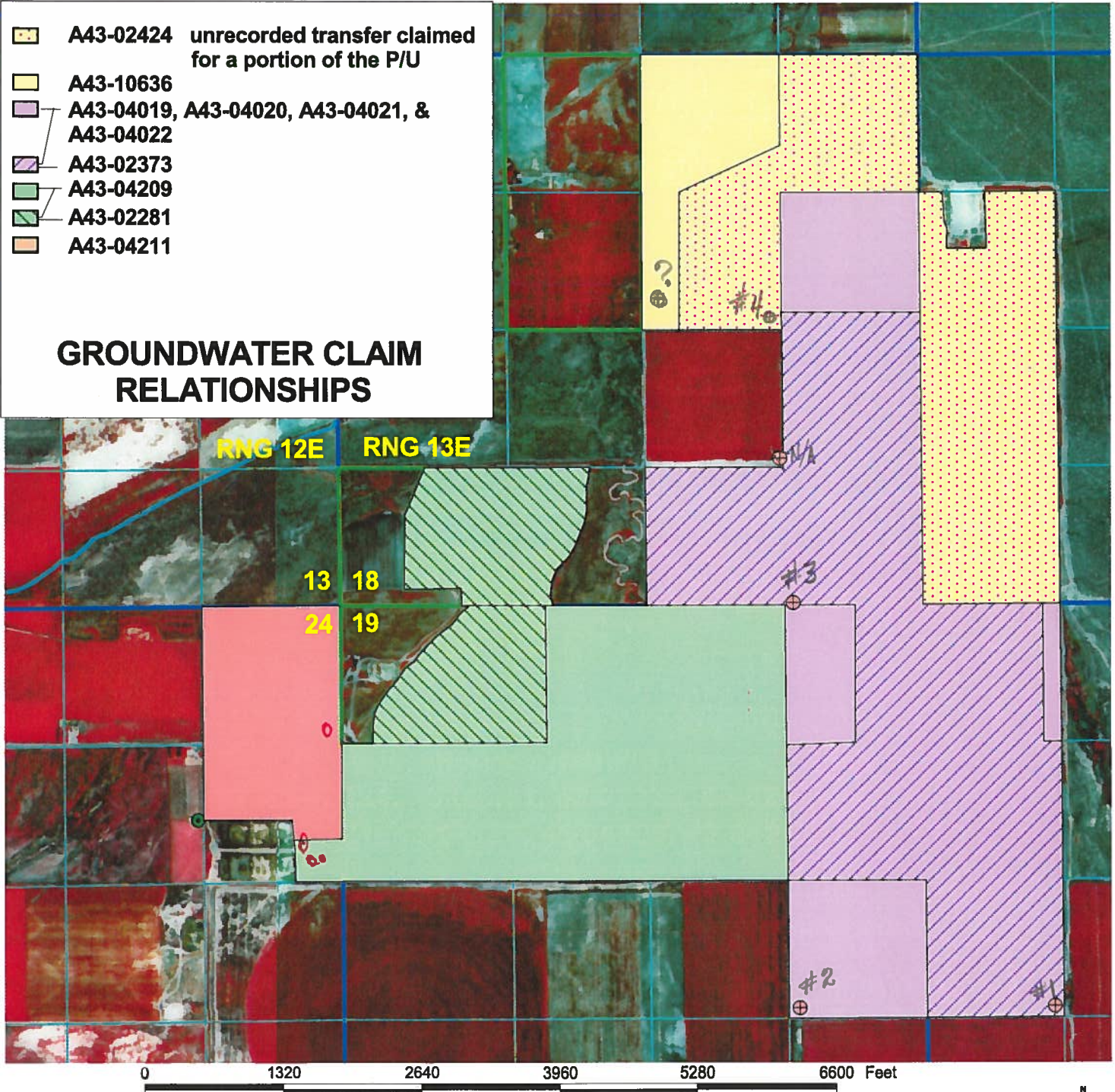
IDAHO DEPARTMENT OF WATER RESOURCES

Rodney Hall P/U

43-00145, 43-00324, 43-02281, 43-02373, 43-02424, 43-04119
43-04120, 43-04121, 43-04122, 43-04209, 43-04211, & 43-10636

-  A43-02424 unrecorded transfer claimed for a portion of the P/U
-  A43-10636
-  A43-04019, A43-04020, A43-04021, & A43-04022
-  A43-02373
-  A43-04209
-  A43-02281
-  A43-04211

GROUNDWATER CLAIM
RELATIONSHIPS



TWP 13S; RNG 26E & 27E;
FIELD EXAM DATE AGENT

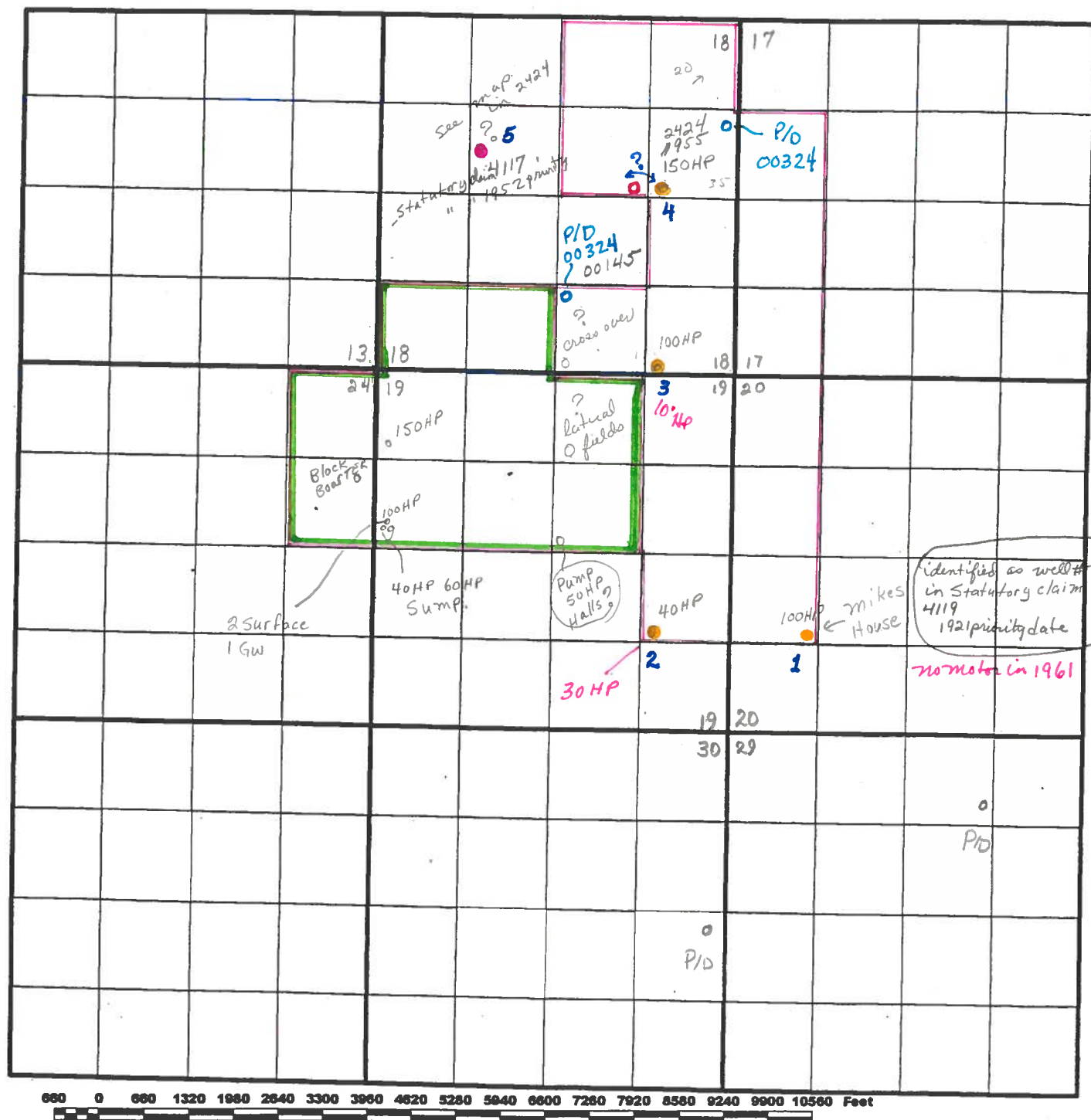
JPEG LAYOUT CREATED _____

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

CASSIA Co.



IDAHO DEPARTMENT OF WATER RESOURCES



Kunawto Hall Claims

27E



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**

**KARL J. DREHER
DIRECTOR**

JULY 11, 2000

RODNEY HALL
PO BOX 631
MALTA ID 83342

RE: GROUNDWATER CLAIMS FOR THE HOME PLACE

Dear Rodney

I realize that this is a busy time of the year for you but as the department is finalizing the recommendations for basin 43 I noted that I still need additional information to be able to recommend some of your rights as you have claimed. I have attached the original questionnaire that I sent you in January. With the information that is currently available, I would have to recommend the diversion rates identified during the licensing field examination for 43-02373. I suspect that the licensing information did not reflect the original development or even the total system capacity developed at that date.

I was wondering what the status was on the Kunau property. I have not received a change of ownership for the claims that I understood were being purchased by you.

I do not believe that the information I currently have is a good representation of your historic development and I would prefer to obtain the additional information now to be able to recommend your claims satisfactorily.

Sincerely

Kelly K Christensen
Sr Water Resource Agent



13.5

4 82.3

T 8958

18

19

6.8

13 10 26 19

102.8

312

47

20.0

3 44

5 5.6

6 16.2

7 132.0

8 4.6

9 75.0

T 1594

2282 18703

2587 18703

State of Idaho
License and Certificate of Water Right

Water License No. 19031.....

Water District No.

Amount 1.6 c.f.s.

Priority Aug. 7, 1940..

THIS IS TO CERTIFY that
of Malta, Idaho
public waters of the State of Idaho, dated Aug. 7, 1940, 19 ; that Permit No. 19031
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.0 second feet, was issued thereunder on April 3, 1941, 19 , showing that said works
were completed on the 8th day of January, 19 41 ; and that on the 29th
day of March, 19 41 ,

JOHN C. HITT

, made application for a permit to appropriate the

Aug. 7, 1940, 19 ; that Permit No. 19031

April 3, 1941, 19 , showing that said works

January, 19 41 ; and that on the 29th

March, 19 41 ,

JUN C. HITT

of Malta, State of Idaho, made proof to the satisfaction of the

Commissioner of Reclamation of Idaho, of the right to use the waters of a well

tributary of, for the purpose of irrigation

, under Use Permit No. 19031 of the Commissioner of Reclamation

and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is

hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7

of Licenses, at page 4130, on the 2nd day of June, 19 42;

The right hereby confirmed dates from August 7, 1940, 19 ;

The Point of Diversion is located

in the NE 1/4 NW 1/4, Sec. 19, Tp. 13 S, R. 27 E, B. M. Cassia

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.6
cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
13 S	27 E	18	SW 1/4 SW 1/4	40	25
			SE 1/4 SW 1/4	40	15
		19	NE 1/4 NW 1/4	40	10
			NW 1/4 NW 1/4	40	30
				179	80

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
this 2nd day of June, 19 42

E. V. BERG

Commissioner of Reclamation

(SEAL)



CHASE A. CLARK, GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

F. V. BERG, COMMISSIONER
BOISE

March 4, 1941

Re: 19031
John Hitt.



Mr. J. Henry Thompson
Malta, Idaho

Dear Mr. Thompson:

We wish to acknowledge receipt of your letter of February 26 in which you enclose proof of completion of works permit number 19031 in the name of John C. Hitt, Malta, Idaho. Also affidavit of publication for beneficial use on the same numbered permit.

In checking over the permit and the map furnished by the applicant showing land descriptions of the applicant's land, we find the following discrepancy:

On the applicant's map, sent in with the first application, lot 4 of Section 18 was shown as being the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ as shown on a copy of map I am enclosing herewith. The same condition in Section 19, Lot 1 being located on the applicant's map as the NW $\frac{1}{4}$ of Section 19. The true location is shown on the lower diagram of copy of enclosed map, showing Lot 4 Section 18 as being the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and Lot 1 as being the NW $\frac{1}{4}$ of Section 19.

Please let us know if the lower map on the enclosed copy is the correct land location and if so does it change the description of the well location?

I am

Thanking you for the above,

Very truly yours,

F. V. BERG.
Commissioner of Reclamation.

By *[Signature]*
Roy W. Thompson
Deputy Commissioner.

RWT:ml.

I have checked with the County records and your lower map is right. Well location should be moved 2 miles west to

correspond with corrected map. I have marked it on your map No. 2. in the sw corner of the nw of the nw sec. 19

Yours Truly, *[Signature]*

19031

19031

Twp- 13-S. R. 27 E

Sec.
1840 49.3
Ac. Ac.40 49.3
Ac. Ac.

Location of well

19

On your map accompanying your application for permit you made your map as shown at left, which does not correspond with your land description. You show Lot 4, Sec 18, and Lot 1 - Sec 19, as being East of other described portions.

Sec.
18

Well.

19

Map below shows proper map location to correspond to land description

Lot A. - Sec. 18 - 49.3 Acres
SE 1/4 SW 1/4 - Sec 18 40 acres

NE 1/4 NW 1/4 Sec. 19 40 acres
Lot 1 - Sec. 19 49.31 acres

19031

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO



Permit No. 19031

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. John C. Hitt - Malta, Idaho - Farmer

Malta Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. No

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. 19031- Aug-19-1940

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Open Well in southwest corner, (about 20 feet in from the corner), of Lot 1, Sec 19, Twp 13, South, Range 27 E.B.M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Open well with 36 inch steel casing-8 inch Parma Pump.
Fordson Tractor-20-h-p-, with mile of ditch to carry water to land. Ditch will safely carry 150 inches water. Ditch.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation-

20 acres in Lot 1 Sec 19

25 acres in Lot 4 Sec. 18

15 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec 18

10 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec 19, Twp 13, R 27E.M.

cultivated land, mostly in alfalfa now.

Ques. 7. If for other than for irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. No

19031

Ques. 8. What is the minimum amount of water required for the purpose specified above?
Ans. 100 inches of water

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.
Ans. same party

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Since June 1 1932- about 80 acres has been irrigated with this water, once each year since that time.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. I have a Cassia Creek decree for this land, and have used the well as supplementary water, when the creek was low.

(Sign)

John C. Hitt

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Malta, County of Cassia, State of Idaho, on this 29 day of March, A. D. 1941.

Henry Thompson
notary public Malta, Idaho.

My commission expires Jan-25-1945.

Permit No. 19031

STATE OF IDAHO
Department of Reclamation

RECEIVED

JAN 10 1941

Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Cassia

John C. Hitt

, being first duly sworn, upon his oath deposes and says:

First: That he is the holder and owner of Permit to Appropriate the Public Waters of the State of Idaho, No. 19031, and that his postoffice address is Malta, Idaho.

Second: That the name of the stream from which said water is to be directed is Open well

Third: That the point of diversion of said water is 40 feet distant from the southwest corner of the NE 1/4 Sec 19, Twp 13 So R 27 E.B.M.

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by February 19, 1941.

Fifth: That the use for which said water is intended is irrigation

Sixth: That on the date above mentioned, the works constructed under said permit were (or were not) fully completed and consisted of the following:

I. Kind of works: 20 foot deep open well with 36 inch galvanized steel casing.

II. Dimensions of work: with tractor operated Parma pump.

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete.)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width two feet, height 18 inches.

(d) Ditch 18 in. width at bottom 8 feet, width at water line feet, depth of water 2 feet; diameter of pipe inches, average grade per mile is 20 feet. Length of conduit is 1 miles.

Seventh: That said works are capable of conducting to the place of intended use 2 second feet of water.

Eighth: That water appropriated under said permit is available for 179 acres of land described as follows: NE 1/4 Sec 19, Twp. 13 So. R. 27 E.B.M. or Lot 1. and Lot 4, SE 1/4 Sec 18 Twp 13 So. R. 27 E.B.M.

Ninth: Remarks: That This well has been in use, and been applied to the land above described since 1932.

Subscribed and sworn to before me this

8

day of

January

1941.

My commission expires Jan-25-1941.

Residing at Malta, Idaho. Notary Public

19031

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 19031

This proof is for Beneficial Use

In Water District No.

1. Name of applicant John Ritt, Alta, Idaho

2. Source of water supply Well

3. Location of point of diversion: Is in the NE1/4

of Section 19

T. 13 S. R. 27 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: A dug well 24ft. deep, cased with 36inch corrugated armco pipe; A motor driven Parma Water Lifter, of 2 Sec.Ft. rating. Ditches 2ft. wide, and 1ft. deep.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): NE1/4 (40), NE1/4 (40), SE1/4 (40), SW1/4 (40) Sec. 18, 13 S, 27 E or 179 Acres

(Submit map on attached plat, showing location and details of above description)

8. What large stream would the water here appropriated finally reach? None

Remarks Normal Water Table 4ft. Pump drawdown 14ft.

This examination was made on the

5th

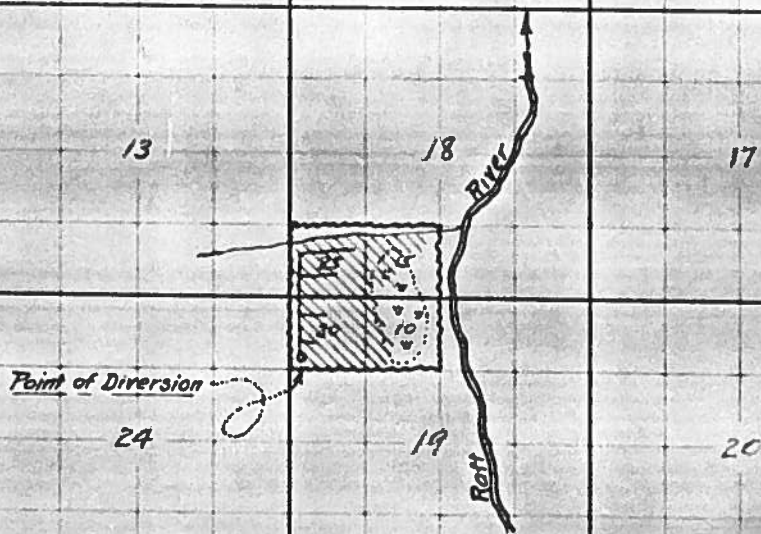
day of June

1941

19031

(Signed)

Robert H. Nelson
Engineer



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

19631