

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: **A43-02306A**
Date Received: 2/ 6/1992
Receipt No: S014136
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: VALLEY RIVER FARMS LLC 208-645-2517
Address: PO BOX 631
MALTA ID 83342

2. Date of Priority: FEB 5, 1946

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	18	NW	SE	NW		CASSIA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

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:

RAFT RIVER WATER RIGHTS &/OR CASSIA CREEK RIGHTS

14. Remarks:

AMENDMENT

DATE OF PRIORITY AMENDED TO 1946 AS EVIDENCED BY THE ATTACHED
AFFIDAVIT.

9/10/99, CHANGED OWNERSHIP HITT TO VALLEY RIVER AS PER FORM 1409
AND WARRANTY DEED REC'D 7/20/99. C.T.

15. Basis of Claim: LICENSE

Water Right Number: 20302

AFFIDAVIT

I Martha E. Hitt, residing at 3475 N. Fruitland lane #10
Coeur D'Alene Idaho, 83814, Do here by swear and affirm that
the well located; NW/4, SE/4, NW/4 Section:18 Twn:13s Rng:27e
was dug by my husband Grant Hitt and his brother Shirl Hitt
during the first part of the year 1946. That they then
installed a Parma Water Lifter pump powered by a Farmall "H"
tractor and driven by a flat belt. That the water was put to
beneficial use by April 1, 1946 and was pumped by this means
until converted to electricity.

I can remember these dates because my husband Grant Hitt
had just returned from World War II, and because my son
Howard was born in 1947.

Martha E. Hitt

Signature

*This is to the best of my
recollection*

State of Idaho.

County of Kootenai.

Subscribed and sworn to me this 6 day of Feb, 1992.

{ Notary Seal }

Mary A. Jones

Notary Public

exp 3-13-94

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

RECEIVED

AUG 17 1990

Ident. Number: A43-02306A
Date Received: 6/05/1990
Receipt No: 5012579
Received By: TD

Department of Water Resources

Southern Region Office

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

1. Name: MARTHA E. HITT
Address: 3475 N. FRUITLAND LN #10
COER D'ALENE, ID 83814

2. Date of Priority: FEB 05, 1948

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13S	27E	18	NW	SE	NW		CASSIA

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		

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

8. Total consumptive use is 120.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

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

A43-02306A

Page 1

Date: 06/05/90

MICROFILMED

MAR 03 1993

10. Place of Use: Continued

Total Acres 40.0

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:

RAFT RIVER WATER RIGHTS &/OR CASSIA CREEK RIGHTS

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 20302

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): Marta E. Keith Date: Aug 2-1990

Date: _____

State of Idaho)
County of Kootenai) SS.

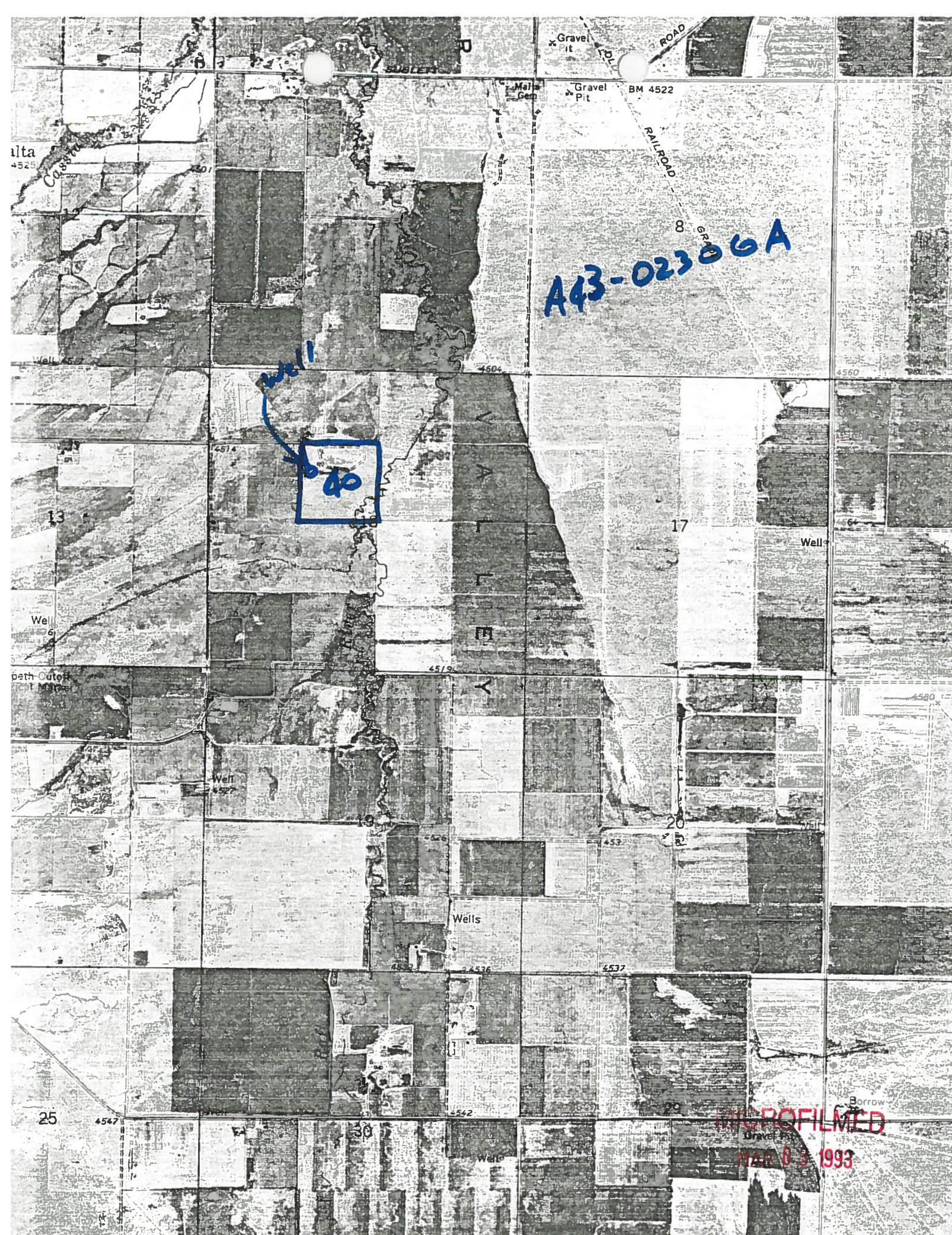
Subscribed and sworn (or affirmed) before me this 2 day
of Aug 1990

Mary A. Jones
Notary Public

Seal

Residing at Coeur d'Alene

My Commission Expires 3-13-94





State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. E, Twin Falls, Idaho 83301

(208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Sept. 7, 1990

Re: A43-02306A

MARTHA E HITT
3475 N FRUITLAND LN #10
COEUR D'ALENE ID 83814

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 03 1993

05/11/2001

**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: 43-2306A

VALLEY RIVER FARMS LLC

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 Resource
Southern Region

12/26/2000

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

RIGHT NUMBER: 43-2306A

NAME AND ADDRESS: VALLEY RIVER FARMS LLC
PO BOX 631
MALTA, ID 83342

SOURCE: GROUND WATER

VERIFIED BY KKC

QUANTITY: 0.8 CFS
160 AFY

PRIORITY DATE: 03/15/1946

POINT OF DIVERSION: T13S R27E S18 NWSNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	0.80 CFS 160.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County
T13S R27E S18 SENW 40

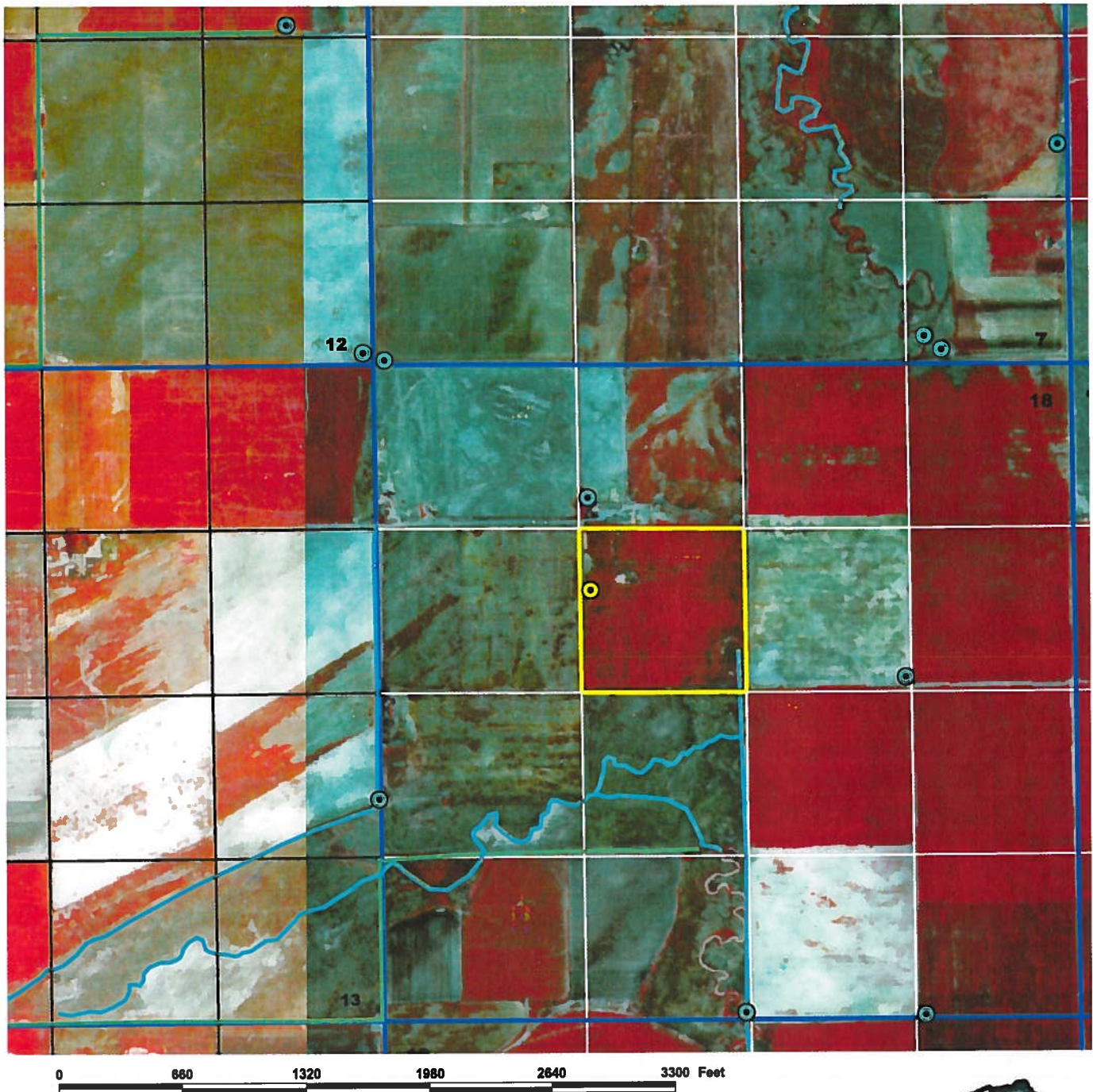
40 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

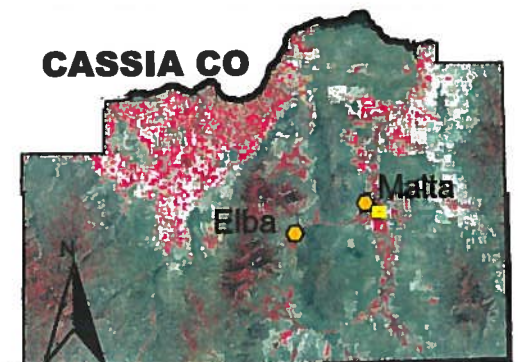
RECOMMENDED PLACE OF USE FOR 43-2306A



PLACE OF USE
TWP 13S, RNG 27E, SEC 18
Data entry on December 26, 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 A43-02306 DATE 12-26-00
 AGENT KKC

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 40
 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
CLAIM	13S	27E	18								40								40
GIS	13S	27E	18								40								40
RECOM	13S	27E	18								40								40
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B43-POU.SHP

SHAPE NOS.

Recommendation includes a bit of a farmstead within the 40 acre tract but appears to be less than 1 acre. Recommend claim 40 acres.

B43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

Idaho Dept of Water Resources
Claims review notes and narrative

Date: 12-26-2000

File: HALL CLAIMS GROUNDWATER SOURCE

Prepared by Kelly K Christensen

HALL CLAIMS GROUNDWATER SOURCE

CLAIM #		WELL NUMBERS					
		1	2	3	4	5	
		S-20 nwsW	S-19 nese	S-18 sese	S-18 swne	S-18 senw	
43-04119	Aj P/D	⊖	⊖	⊖	⊖		
	Wr P/D	Φ					Statutory claim
43-04120	Aj P/D	⊖	⊖	⊖	⊖		
	Wr P/D			Φ			Statutory claim
43-04121	Aj P/D	⊖	⊖	⊖	⊖		
	Wr P/D						Statutory claim
43-04122	Aj P/D	⊖	⊖	⊖	⊖		
	Wr P/D		Φ				Statutory claim
43-02373	Aj P/D	⊖	⊖	⊖			
	Wr P/D	Φ	Φ	Φ			Licensed right
43-02424	Aj P/D	⊖	⊖	⊖	⊖		
	Wr P/D				Φ		Licensed right
43-10636	Aj P/D	⊖	⊖	⊖	⊖	⊖	Combined right
	Wr P/D					Φ	License & Statutory Claims
43-2306A	P/D					⊖	License, Claimed as B/U

Claims 43-04119, 43-04120, & 43-04121 identified wells 1 thru 4 as the point of diversions for each claim. The original statutory claims identified each claim with only one well as shown in the table above. The basis of the adjudication analysis starts with the use as identified in the statutory claims and then expands based upon additional information as provided by the adjudication claim and owner. The 400 acres claimed under the statutory claims are represented by Raft River water under 43-00324 for ground in Sec 19 & 20 and Cassia Creek water under 43-00145 for the ground in Sec 18. Neither acres by quarter/quarter or total acres are given in the decree.

43-04119 identified **well # 1** as the original source with a [priority date of 4-1-1921](#). Affidavits submitted with the statutory claim indicate that Charles Pulsiphor drilled the well in 1921 and then put it to beneficial use that year. The original well was an 'open pit' lined with orange berg. Hall indicated that the well water was delivered to the place of use via a parma water lifter and a gravity ditch system. The affidavit also identified the place of use as the 400 acres as identified on the adjudication claim. The well and delivery system has changed several times over time. Currently there is a 100 hp motor on the well.

43-04120 identified **well # 3** as the original source with a [priority date of 4-1-1941](#). Affidavits submitted with the statutory claim indicate that the well was drilled in 1940 and that beneficial use first occurred in 1941. At this time the original delivery system is unknown. When 43-02373 was licensed, this well was included in the P/D listing. The licensing field exam identified a 10 Hp motor and a layne-bowler pump with 8 inch discharge on the well and that the delivery rate was 1.68 cfs. Hall identified the 4 quarters to the west and north of the well location as the original place of use. I believe that the current motor on the well to be 100 Hp.

43-04121 identified **well # 4** as the original source with a [priority date of 4-1-1957](#). Affidavits submitted with the statutory claim indicate that the well was drilled in 1957 and that beneficial use first occurred in that year. The original pumping system was not identified in the statutory claim or the attached affidavits but the affidavits

identified the diversion rate at 1.20 cfs. Hall identified the NE¼ of sec 18 as the original place of use. The statutory claim and the adjudication claim identified 400 acres as the place of use. This well was also part of 43-02424.

43-04122 identified **well # 2** as the original source with a [priority date of 4-1-1933](#). Affidavits submitted with the statutory claim indicate that the well was drilled in 1933 and that beneficial use first occurred in that year. The original pumping system was not identified in the statutory claim or the attached affidavits but the affidavits identified the diversion rate at 2.0 cfs

43-02373 identified **wells 1, 2 & 3** as the original licensed points of diversion. [The priority date for this right is 1-25-1952](#). The license indicated a 291 acre place of use within the 400 acre place of use identified in statutory claims 43-04119 thru 43-04122. The licensing field examination identified the permitted acres as part of the irrigated place of use on item 7 of the report but excluded a significant portion of the permitted place of use on the section grid layout. The E½NW¼ of sec 20 is BLM property and was irrigated at that time, but according to Rodney Hall the effort to obtain ownership of that ground fell through and was therefore excluded from this right. The ground is not currently being irrigated. The NESE of Sec 19 was also excluded from the recommended place of use. Well # 2 is located in the SW corner of that quarter/quarter and according to Rodney Hall, ditches ran both north and east from this well. As the other forty acre tracts 'down hill' from this point were recommended it is unlikely that this tract was dry. Why it was excluded from the recommendation is not clear in the field examination. The same general circumstance exists for half of the NENE of Sec 19 and the SENE of Sec 18. From Raft River east for generally ½ mile the irrigated ground is flat with little slope. Beyond the ¾ mile range the slope increases and that ground is not irrigated.

Based upon the information currently available I believe that the majority of the 400 acre place of use was irrigated prior to the licensing field exam for 43-02373 and can be recognized under the statutory claims.

43-02424 was licensed from **well # 4** and has a [priority date of 4-4-1955](#). The original licensed place of use included portions of the NENE and SWNE of Sec 18 and additional ground in Sec 7. Mr. Hall filed an application for transfer in 1992. The application was not accepted as Glen Saxton noted that the actual change in place of use occurred prior to 1987 and therefore could be recognized through the adjudication process. The change was to move the irrigation from the ground in Sec 7 to ground in the W½NW¼ and the NWSW of Sec 17

ANALYSIS OF A43-10636 WITH A CLAIMED PRIORITY DATE OF 4-1-1946

This claim claims all 5 points of diversion but identifies only 45 acres in the W½NE¼ of Sec 18 as the place of use. As filed, this claim represents a combination of the following rights 43-2306 (a portion), 43-04117 and 43-04231.

43-02306 was [licensed with a priority date of 2-5-1948](#). The claimed [priority date is 4-1-1946](#). Evidence of priority supporting the 1946 date was submitted. This right was licensed for 85 acres at 1.70 cfs. The licensed place of use was split through an ownership change for a portion of the property in 1979. Hitt retained 40 acres and 0.80 cfs and Hall obtained 45 acres and 0.90 cfs. Subsequently the Hitt property was purchased by Hall (change of ownership submitted in 1999) but was placed in the name of Valley River Farms LLC and is recommended as 43-2306A. It is not recommended within the permissible place of use covered by a majority of the Hall claims.

This claim (43-10636) is being recommended for the 45 claimed and previously licensed acres that were identified in the original license 43-2306. The statutory claims identified in the original claim are not recognized under this right. I am recommending the 4 wells identified under the other rights but not the well recommended under 43-2306A. That well was owned by Hitt until the 1990s and was not part of the Hall system at the commencement of the adjudication.

Claims identifying **Sec 18 NENE** as the
place of use.

The statutory claim **43-04117** shows a **priority date of 4-1-1952** as the date that water from **well # 5** was applied to 15 acres in the NENE of Sec 18.

The statutory claim **43-04231** shows a **priority date of 4-1-1953** and lists **wells 1, 2, 3, and 4** as the diversion points. The place of use is listed as 34 acres within the NENE of Sec 18. A statement on the statutory claim form indicates that 6 acres in the NE corner of that quarter/quarter is irrigated from a different system.

Claim A43-10636 was amended on 2-6-1992 to delete the claimed 40 acres in Sec 18 NENE. Remarks state that those 40 acres were being claimed under A43-02424. Although the place of use was reduced by 40 acres a corresponding reduction in the diversion rate was not made.

Because both 43-04117 and 43-04231 both specifically identified the NENE of Sec 18 and no other acres the inference is that they should no longer be considered relevant to this claim.

That leaves 43-02306 as the basis for this claim.

Available information does not indicate that all 5 wells were tied together in 1946 nor does the licensing information indicate that there was a combined system as of the field verification conducted on 8-1-1951. Proof of Completion of Works signed and dated 12-5-1950 by Grant Hitt. That proof included a statement that ground on the other side of the river was not watered by this well. The sale and splitting of the water right in 1979 indicates that the lands were to be irrigated independently. Hall did not obtain ownership of the entire licensed place of use until the 1999s.

IDAHO

CASSIA

Report ID: ASCS-156EZ

U.S. Dept. of Agriculture

Agri. Stab. & Conserv. Svc.

Abbreviated 156 Farm Record

FARM 3093

Prepared: 12/28/93

Crop Year: 94

Page: 2

No. of Tracts: 6

Current Year

TRACT NO. FARMLAND CROPLAND IRRIGATED HEL 027 A027 W CW FW FC AW MW RW HG CWTE CWNA PCW

CROPLAND

1587	640.0	629.7	629.7	Y	Y	Y	Y	N	N	N
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IDENTIFIER S-18.19.20 T-13 R-27 EE-26

OWNER 1 - RODNEY HALL

1631	340.0	326.3	326.3	N	N	N	N	N	N	N	N
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IDENTIFIER S-29.30 T-13 R-27 EE-28

OWNER 1 - ROGER NEDDO

1632	120.0	116.9	116.9	N	N	N	N	N	N	N
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IDENTIFIER S-29,32 T-13 R-27 EE-28

OWNER 1 - PAUL A WARD

[illegible]

IDENTIFIER S-18 T-13 R-27 EE-26

OWNER 1 - MARTHA E HITT

[illegible]

IDENTIFIER S-18 T-13 R-27 EE-26

OWNER 1 - A D NYE

8958	400.0	379.5	379.5	N	N	Y	N	N	N
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IDENTIFIER DD-26 S-19, 24, 30 T-13 R-27

OWNER 1 - DORIS J HALL; 2 - RODNEY HALL

12 7
13 18

914
T1589

1
45.0

NHEL/W

T1587

T2017

1
36.5

PC
NHEL

1
38.6

NHEL/W

T2018

1
39.4

NHEL/PC

2
41.0

PC
NHEL

3
41.4

NHEL/W

5
38.7

NHEL/W

6
52.8

NHEL/W

T13
13 18
24 19

8
42.3

NHEL/W