

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: **A43-04120**
Date Received: 6/ 5/1990
Receipt No: S012386
Received By: _____

AMENDED

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

AMENDED

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

2. Date of Priority: APR 1, 1941

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	SE	SW	NE		CASSIA
			SW	SE	SE		CASSIA
		19	SW	NE	SE		CASSIA
		20	SE	NW	SW		CASSIA

5. Description of diverting works:
FOUR WELLS & PUMPS TO PIPELINES & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		

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

8. Total consumptive use is 1200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13S	27E	18	SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
			Section Acres					160.0
		19	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SE		IRR	40.0
			Section Acres					120.0
		20	NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			NW		SW		IRR	40.0
			Section Acres					120.0
			Total Acres					400.0

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:

A43-02373 AND A43-04110 THRU A43-04122

14. Remarks:

THIS RIGHT COMBINED WITH OTHERS INTO COMMON PIPELINE NETWORK
CONNECTING SEVERAL WELLS IN THE MID 1960'S.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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MAR 04 1993

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): Dodney M. Hall Date: 15 Jan 92
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of January 19 92

Charles Owens
Notary Public

Seal

Residing at Twin Falls Twin Falls, Idaho

My Commission Expires _____ July 18, 199.

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MAR 04 1993

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: A43-04120
Date Received: 6/05/1990
Receipt No: 5012386
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RODNEY N. HALL 208-645-2517
Address: P.O. BOX 631
MALTA, ID 83342

AND/OR
Name: DORIS J. HALL 208-645-2517
Address: P.O. BOX 631
MALTA, ID 83342

2. Date of Priority: APR 01, 1945

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	SE	SW	NE		CASSIA
			SW	SE	SE		CASSIA
		19	SW	NE	SE		CASSIA
		20	SE	NW	SW		CASSIA

5. Description of diverting works:
FOUR WELLS & PUMPS TO PIPELINES & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.500		

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

8. Total consumptive use is 1200.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A43-04120

Page 1

Date: 06/05/90

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MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
13S	27E	18	SE		NE		IRR	40.0	
			NE		SE		IRR	40.0	
			SW		SE		IRR	40.0	
			SE		SE		IRR	40.0	
					Section Acres				160.0
		19	NE		NE		IRR	40.0	
			SE		NE		IRR	40.0	
			NE		SE		IRR	40.0	
						Section Acres			
		20	NW		NW		IRR	40.0	
			SW		NW		IRR	40.0	
			NW		SW		IRR	40.0	
				Section Acres				120.0	
			Total Acres				400.0		

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:

A43-02373 AND A43-04110 THRU A43-04122

14. Remarks:

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15. Basis of Claim: STATUTORY CLAIM

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: See Map A43-04119
See Affidavit on Microfilm.

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):

Rodney M. Hall

Date:

5 June 91

Date:

State of Idaho

)

County of

Twin Falls

)

SS.

Subscribed and sworn (or affirmed) before me this

5th

day

of

June

19

90

[Signature]
Notary Public

Seal

Residing at

Kinseely, ID

My Commission Expires

6/30/92



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

A43-00324 +
Permanent files

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 1, 1989

Mr. Sherl L. Chapman, Consultant
410 S. Orchard, Suite 144
Boise, ID 83705

Coanes.

*1-90-91
late fee paid
+ claims filed
6/5/89 5012386
See attached receipt.
Tanni Smith*

RE: Snake River Basin Adjudication SRBA Claim
Mr. Rodney Hall of Malta, Idaho
Cassia County

Dear Mr. Chapman:

In response to your letter of May 26, 1989 and the reasons given therein for the late filing of the above mentioned Adjudication claims.

This letter is a denial of Extension of Time for the filing of the above referenced Notice of Claims to a Water Right. The original filing deadline for the claims is June 8, 1989. The extension is denied on the basis the claimant has not shown diligence in preparing these claims.

This extension is denied under the authority of §42-1409 (10), Idaho Code.

Signed this 1st day of June, 1989.

David B. Shaw
Adjudication Bureau Chief

DBS;ds

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MAR 04 1993

Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 01/30/90
Time: 12:09:00

Rec/No - S012386 AR/No -
From: - HALL, RODNEY &/OR DORIS

Receipt Type - CK Doc/No - 3638
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 06/05/1990

Type Of Payment
ADJUDICATION FEE
LATE FEE

Program	Acct	Class	Fee
410162	9337	6490	1160.00
410162	9337	6490	550.00

Total Due - 1710.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A4300324	290.00	A4300145	210.00	A4310639	25.00
A4310638	25.00	A4310637	25.00	A4304122	50.00
A4304121	50.00	A4304120	50.00	A4304119	50.00
A4310636	135.00	A4302373	50.00	A4302424	200.00

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

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MAR 04 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04120
RODNEY N. HALL
DORIS J. HALL
P.O. BOX 631
MALTA

ID 83342

RE: Evidence of Priority

RESPONSE DEADLINE

FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date**, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

Please submit the required evidence supporting the priority date(s) by **February 3, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 4 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04119 ;
RODNEY N. HALL
DORIS J. HALL
P.O. BOX 631
MALTA

A43-04120 ;

A43-04121 ; A43-04122 ;
A43-10636

ID 83342

evidence in
microfiche

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

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Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 04 1993

2:25 PM 8 Feb 92 I talked to Kelly Chir
about affidavits on water right claims.
he stated that he would check the microfiche and
call me back in 30 minutes and let me know.

Kelly called back at about 2:43 PM. and told me that he
had found the affidavits and that they appeared to be correct.

FOR CLAIMS A43- 04119
 A43 - 04120
 A43 - 04121
 A43 - 04122

Affidavits confirming priority date
can be found in the micro film records.
checked 1-8-92
KKC

MICROFILMED

MAR 04 1993

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: 43-4120

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

RECEIVED
JUN 14 2001
Department of Water Resources

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

original claim was for 2.5 cfs.

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

change it BACK to 2.5 from 1.33

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

See AFS. valids on this wall.

 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

Rodney Hall

HISTORY OF ORIGINAL WELLS 1,2,3, &4

In response to your letters, I will give you as complete a history of the referenced well as is possible. The people involved in digging the early wells are now dead.

In the 1920's, 1930's, 1940's, and early 1950's the water table in the southeast corner of the NW 1/4, SW 1/4 of section 20 Twsp.13 South range27 E.B.M. stood at about 7 ft, more or less.

The four original were all dug in this corner because this was the highest point of elevation of this farm. Water would gravity flow to any location on the 400 acres. All of the wells discharged into a common ditch and could be used in any combination to irrigate any place on the farm. Also the surface water from Clear Creek and Raft River entered the farm at the southeast corner of the NW1/4 SW 1/4 section 20 Twsp 13S Range 27E.

The wells were dug with a tool called an orange peel. The tool was attached to a wire rope [cable]threaded through the pulleys on a derrick. The tool was raised and lowered by a team of horses and in later years by a tractor.

The tool was lowered into the well with the jaws open. A latch was then tripped. As the cable was tightened the jaws closed gathering material from the bottom of the well. The tool was then lifted from the well and the cuttings were deposited on the ground. This process was repeated until the well was completed.

The location of well # 1 is about 150 ft. west then 50 north of the southeast corner of the NW 1/4 of SW 1/4 section 20 Twsp135 R 27 EBM. On this well 2 x 4 lumber and iron wagon tires were used to construct a casing. A wagon tire was placed in the hole. Pointed 2 x 4s were then stood on end around the outside of the wagon tire. A second wagon tire was placed on the outside of the 2 x 4s to hold them in place. More wagon tires were added as required. As the hole was dug casing would follow. If driving was required, a large mallet was used to drive the casing.

Well #1 was constructed in a 20"x 40" flat-bottomed pit the bottom of which was just above the water table. The top of the casing was driven down to the water level.

The well was completed and in use by April 1, 1921. A Parma Water Lifter pump was installed and was driven with a flat belt powered by a case tractor, model 12-30. The 12 represents drawbar horsepower and the 30 belt horsepower. The well produced a continuous flow of 2 cfs.

Because the wagon tires and 2 x 4 casing was relatively short lived, the well was later replaced by an orange peel concrete cased well located about 10 ft. southwest of the original well. The casing is the same type as that used in # 2.

Well # 2 is located four ft. north and three ft. west of the southeast corner of the NW 1/4 SW 1/4 section 20 Twmsp 135 Range 27 EBM. This well was dug in 1932-33 using the orange peel method of digging. The casing was concrete poured in place as the well was dug. An inside and outside circular steel form was used. Condensed milk cans were used as spacers between the forms. After the concrete had set, the ends of the cans were knocked out to allow water to enter the casing.

As the well was deepened, gravity pulled the casing down the hole. When the casing top was down to ground level, another ring was poured. This process was repeated until the well was finished.

This well was completed and put into service on or before April 1, 1933.

The water was pumped by a Parma Water Lifter pump belt driven by an engine from a wrecked Dodge car. The horsepower of the engine is unknown but was sufficient to sustain production of two cfs.

Well # 3 is located five ft. northwest of the southeast corner of the NW 1/4 SW 1/4 section 20 Twsp 135 Range 27 EBM. Well #3 was dug by the same method as well # 2. It was completed in time to go into production on April 1, 1940. An Economy pump was installed. It was driven by a 10 hp electric motor and produced a sustained 2.5 cfs.

Well # 4 is located 353 ft. west and 30 ft. north of the southeast corner of the NW 1/4 SW 1/4 section 20 Twsp 135 Range 27 EBM. This well was dug by the same method as well #2. It was completed and went on line on April 1, 1947. The pump is of unknown make and was driven by a 7.5 hp electric motor. It produced a sustained 1.2 cfs.

Well # 2 is partially filled but is available for inspection. Well # 4 still has the pump in it. It is partially filled and is available for inspection. Wells # 1 and 3 are completely filled but can be dug out with a back hoe for inspection if necessary.

OBSERVATIONS:

Exact depths of the above wells are unknown but range between 30-40 ft.

Wells -- General profile

0-6 or 8 ft.--heavy silt

6 or 8 ft.- 40 ft.--coarse gravel

Lift was 20 ft. or less

An observer could see the water flow into the casing from the south side and out the north side.

Over the years the amount of available surface water in Raft River decreased due to increased diversions in Utah, and the construction of Lynn Reservoir in Utah. Increased diversions Clear Creek in Utah totally eliminated the available water from Clear Creek.

Also, a severe drought occurred in 1933-34.

The only way to keep irrigating was to dig more wells.

To the best of my knowledge based on the information I have been able to gather, the preceding is a true and correct statement of the history of original wells 1,2,3, and 4.

By the early 1950s more drought had occurred, and the U.S. Department of Agriculture subsidized the drilling of more wells in the Raft River Valley. This resulted in drying up the shallow wells 1,2,3, and 4 and the Raft River which was a spring-fed stream.

The water table also declined and shallow orange peel wells were replaced with deeper drilled wells. The shallow wells 1,2,3, and 4 were combined into three wells now known as wells 1,2, and 3. Combined production of the four original wells was 7.7 cfs.

This well [43-4019] is within 15 ft. of well #1 in the history. As nearly as can be determined, the motor size was 30 hp and production was 2 cfs.

This well [43-4020] was originally developed as a replacement for part of the original wells 1,2,3, and 4. The water table continued to decline, and the well was deepened. A new pump with pressure bowls was installed.

This well[43-4021] is not one of the four original wells discussed in the historical introduction. The land and well were part of another farm.

Rodney Hall

HISTORY OF ORIGINAL WELLS 1,2,3, &4

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The tool was lowered into the well with the jaws open. A latch was then tripped. As the cable was tightened the jaws closed gathering material from the bottom of the well. The tool was then lifted from the well and the cuttings were deposited on the ground. This process was repeated until the well was completed.

The location of well # 1 is about 150 ft. west then 50 north of the southeast corner of the NW 1/4 of SW 1/4 section 20 Twsp135 R 27 EBM. On this well 2 x 4 lumber and iron wagon tires were used to construct a casing. A wagon tire was placed in the hole. Pointed 2 x 4s were then stood on end around the outside of the wagon tire. A second wagon tire was placed on the outside of the 2 x 4s to hold them in place. More wagon tires were added as required. As the hole was dug casing would follow. If driving was required, a large mallet was used to drive the casing.

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OBSERVATIONS:

Exact depths of the above wells are unknown but range between 30-40 ft.

Wells -- General profile

0-6 or 8 ft.--heavy silt

6 or 8 ft.- 40 ft.--coarse gravel

Lift was 20 ft. or less

An observer could see the water flow into the casing from the south side and out the north side.

Over the years the amount of available surface water in Raft River decreased due to increased diversions in Utah, and the construction of Lynn Reservoir in Utah. Increased diversions Clear Creek in Utah totally eliminated the available water from Clear Creek.

Also, a severe drought occurred in 1933-34.

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The water table also declined and shallow orange peel wells were replaced with deeper drilled wells. The shallow wells 1,2,3, and 4 were combined into three wells now known as wells 1,2, and 3. Combined production of the four original wells was 7.7 cfs.

This well [43-4019] is within 15 ft. of well #1 in the history. As nearly as can be determined, the motor size was 30 hp and production was 2 cfs.

This well [43-4020] was originally developed as a replacement for part of the original wells 1,2,3, and 4. The water table continued to decline, and the well was deepened. A new pump with pressure bowls was installed.

This well[43-4021] is not one of the four original wells discussed in the historical introduction. The land and well were part of another farm.

12/28/2000

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

RIGHT NUMBER: 43-4120
NAME AND ADDRESS: DORIS J HALL
RODNEY N HALL
PO BOX 631
MALTA, ID 83342

SOURCE: GROUND WATER

VERIFIED BY KKC

QUANTITY: 1.33 CFS

WHEN COMBINED THE FOLLOWING RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE. COMBINED RIGHT NOS. 43-145, 43-324, 43-2327, 43-2424, 43-4119, 43-4120, 43-4121, 43-4122, AND 43-10636

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2532 AF. COMBINED RIGHT NOS.: 43-2327, 43-2424, 43-4119, 43-4120, 43-4121, 43-4122, AND 43-10636

PRIORITY DATE: 04/01/1941

POINT OF DIVERSION:	T13S R27E S18	SESWNE	Within CASSIA County
	T13S R27E S18	SWSESE	Within CASSIA County
	T13S R27E S19	SWNESE	Within CASSIA County
	T13S R27E S20	SENWSW	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	1.33 CFS 640.00 AFY

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R27E S17	SWNW	35	T13S R27E S17	NWSW	40
T13S R27E S17	SWSW	40	T13S R27E S18	NENE	40
T13S R27E S18	NWNE	40	T13S R27E S18	SWNE	40
T13S R27E S18	SENE	40	T13S R27E S18	NESE	40
T13S R27E S18	SWSE	40	T13S R27E S18	SESE	40
T13S R27E S19	NENE	40	T13S R27E S19	SENE	40
T13S R27E S19	NESE	40	T13S R27E S20	NWNW	40
T13S R27E S20	SWNW	40	T13S R27E S20	NWSW	38

633 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 160 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 633 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS. 43-145, 43-324, 43-2327, 43-2424, 43-4119, 43-4120, 43-4121, 43-4122, AND 43-10636

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

**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					Basis for claim	Place of use		Diversion rate	
		1	2	3	4	5		Claimed acres	Recom- med acres	Claimed - Licensed rate	Recom- mended rate
		S-20 NWSW	S-19 NESE	S-18 SESE	S-18 SWNE	S-18 SENW					
43-04119	Aj P/D	⊖	⊖	⊖	⊖			400 ac	238 ac	2.00 cfs	1.34 cfs
	Wr P/D	Φ					Statutory claim				
43-04120	Aj P/D	⊖	⊖	⊖	⊖			400 ac	160 ac	2.50 cfs	1.33 cfs
	Wr P/D			Φ			Statutory claim				
43-04121	Aj P/D	⊖	⊖	⊖	⊖			400 ac	40 ac	1.20 cfs	0.80 cfs
	Wr P/D						Statutory claim				
43-04122	Aj P/D	⊖	⊖	⊖	⊖			400 ac	398 ac	2.00 cfs	1.33 cfs
	Wr P/D		Φ				Statutory claim				
43-02373	Aj P/D	⊖	⊖	⊖				291 ac	291 ac	3.82 cfs	3.82 cfs
	Wr P/D	Φ	Φ	Φ			Licensed right				
43-02424	Aj P/D	⊖	⊖	⊖	⊖			190 ac	190 ac	3.14 cfs	3.14 cfs
	Wr P/D				Φ		Licensed right				
43-10636	Aj P/D	⊖	⊖	⊖	⊖	⊖	Combined right	45 ac	45 ac	1.70 cfs	0.90 cfs
	Wr P/D					Φ	License & Statutory Claims				
								License totals only	526 ac	633 ac PP/U	
I am recommending 633 acres as the permissible place of use. Of that place of use, 526 acres were irrigated with 7.86 cfs. 633 acres at one inch per acre requires 12.66 cfs							Rate at 1" per acre = 12.66 cfs Licensed <u>7.86 cfs</u> Difference 4.80 cfs				
The system has been modified many times over the years with the specific capacity of an individual well going up and down for various reasons. The best information is that the system had the capability to deliver 1" per acre by 1963 (mandatory permit statutes). Historical pumping capacity is currently not available for the statutory claims. Lacking any data, I have recommended the statutory claims on a percentage basis for the balance of the diversion rate exceeding the combined licensed rates up to one inch per acre based upon my understanding of the historical irrigated place of use. The recommended place of use consists of 633 acres which includes all groundwater rights and previously decreed surface water rights. The surface water rights are 43-145 and 43-324											
Different system ↓											
43-2306A	P/D					⊖	License, Claimed as B/U			0.80 cfs	0.80 cfs

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 Jobe Adams decree.

ANALYSIS BY INDIVIDUAL CLAIM

43-04119 identified **well # 1** as the original source with a priority date of 4-1-1921. Charles Pulsiphor submitted an affidavit in 1948 and an additional 3 affidavits were submitted in 1981, with the statutory claim, that indicate that Charles Pulsiphor drilled the well in 1921 and then put it to beneficial use that year. The 1948 affidavit identified a place of use of approximately 240 acres. The subsequent affidavits enlarged the claimed place of use to 400 acres. 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 well and delivery system has changed several times over the years. Currently there is a 100-hp motor on the well. See the table above for rate and acre limitations.

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. See the table above for rate and acre limitations.

43-04121 identified **well # 4** (in Section 18) as the original source with a priority date of 4-1-1957 (on the claim itself). The affidavits indicate that the well is in Section 20. I believe that the affidavits are incorrect and that the claim form itself represents what the affidavits were identifying. 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. I am therefore recommending this claim for the found 40 acres and at 0.80 cfs (one inch per acre). 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. This well is located at the southern end of the recommended place of use and the natural flow for the property is basically south to north. The historical irrigated place of use may have been smaller than the claimed place of use. However, as it is physically possible to irrigate all or nearly all of the claimed place of use under a gravity system from the original well, I am recognizing the currently irrigated acres within the claimed place of use (398 acres).

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 1990s.

Center Well
(End of Mainline)

Pole # 19038

Get Field
↑

E ↑

43-4020

↑
S

N →

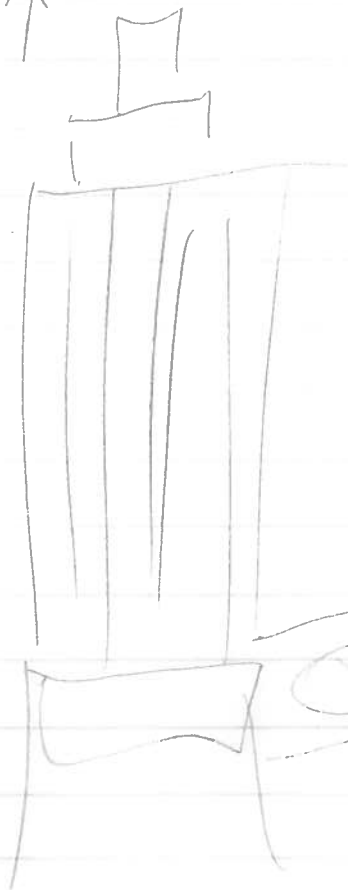
G.E.

DTJ 408379

100 h.p.

4B Pump

28214



↓
Off Field

W ↓

IDAHO DEPARTMENT OF WATER RESOURCES

Found Acres within the Claimed P/U

43 - 4120

			40		acres in red are found acres using areview after reviewing the 1962 & 1968 aerial photos & the 1987 NAPP Photos call in Review KRC		
	18			40			
				40			
		40	40				
			P/D				
			40	40			
			40	40			
	19				20		
			40	38	total P/U = 398ac claim = 400 P/U matches 43-4122		

000 0 660 1320 1980 2640 3300 3960 4620 5280 5940 6600 7260 7920 8580 9240 Feet

evidence of priority = 1941
well #3 statement indicates
2.5 CFS as capacity. No supporting documents.

Claim No. 43-4120

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 43-225a, Idaho Code

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Rodney Hall (name of claimant)
of Malta, Idaho (mailing address), claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Ground Water
_____, tributary to, _____
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right

Amount	<u>2.5 cfs</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>3-15</u>	To	<u>11-15</u>
Amount		Use		Period of Use:	From		To	
Amount		Use		Period of Use:	From		To	
	(cfs, gpm or a/l)		(dom., irri- stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 2.5 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) April 1, 1945
A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source) Well #3
SE ¼ SE ¼, Sec. 18 Twp. 13S Rgn. 27E B.M. County of Cassia
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Well, electric pump and motor. Open ditch distribution and gravity irrigation system to crops.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

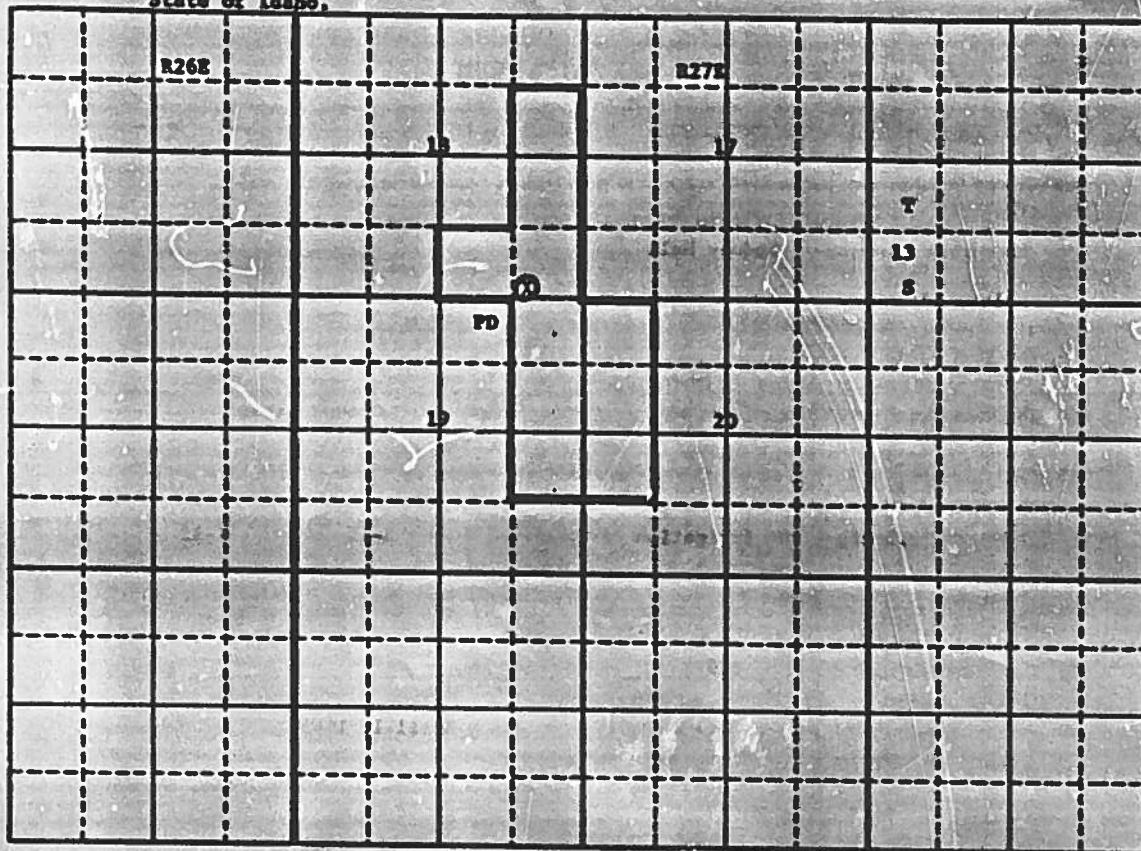
[illegible]

Total No. of acres 400

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: N/A

- (7) If you are claiming water as a member of an organization, list name of organization: N/A

(8) Remarks This claim is an effort to clarify the water rights as established through diversion of water to beneficial use in the past. Many wells were hand dug or drilled at different times to provide water to the lands as described. The aggregate quantity of water is within the statutory limit as set by the State of Idaho.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of Ada)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 3rd day of August, 1981.

Rodney M. Hall
(Chairman)

Audrey A. Beckstead
Notary Public

Residing at Boise, Idaho

My commission expires February 1, 1985

macep
(initials)

1/20/82
1/1/82 For Department Use Only

Received by <u>KG</u>	Date <u>1/11/82</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GP</u>	Date <u>2-2-82</u>		claimant by:	
\$10.00 fee received by <u>GP</u>	Date <u>1/11/82</u>	<u>#2, 1864</u>		
Approved for publication by				
Published in <u>Boise Idaho Times</u>				
Dates <u>2/11 + 2/18/82</u>				

43-04120

AFFIDAVIT

1. Roger C. Neils, of Malta, Idaho 83342
Post Office Address

do hereby affirm that I have personal knowledge of the well located in the
NW 1/4, SW 1/4, Section 20, Township 13S, Range 27E, commonly known
as the W3 well. Information I can formally attest to is as follows:

1. Date drilled 1940
2. Well driller _____
3. Date of first use of water April 1, 1941
4. Nature of use Irrigation
5. Quantity of water diverted 2.5 cubic feet per second
6. Lands irrigated by this well _____

7. Duration of use each year, from 3-15 to 11-15
8. Other information NW/4 NW/4; SW/4 NW/4; NW/4 SW/4 Section 20 :
NE/4 NE/4; SE/4 NE/4; NE/4 SE/4 Section 19 : SE/4 SE/4; SW/4 SE/4;
SE/4 NE/4; NE/4 SE/4 Section 18, all in T13S, R27E.

Roger C. Neils
Signature

STATE OF Idaho
County of Cassia

Subscribed and sworn to before me this 9th day of June, 1981

(NOTARY SEAL)

Gene B. Bahr
Notary Public

AFFIDAVIT

I, George W. Weddo, of Malden, Idaho
Post Office Address

do hereby affirm that I have personal knowledge of the well located in the
NW 1/4, SW 1/4, Section 20, Township 13S, Range 27E, commonly known
as the #3 well. Information I can formally attest to is as follows:

1. Date drilled 1940
2. Well driller _____
3. Date of first use of water April 1, 1941
4. Nature of use Irrigation
5. Quantity of water diverted 2.5 cubic feet per second
6. Lands irrigated by this well _____

7. Duration of use each year, from 3-15 to 11-15
8. Other information NW/4 NW/4; SW/4 NW/4; NW/4 SW/4 Section 20 ;
NE/4 NE/4; SE/4 NE/4; TE/4 SE/4 Section 19 ; SE/4 SE/4; SW/4 SE/4;
SE/4 NE/4; NE/4 SE/4 Section 18, all in T13S, R27E.

George W. Weddo
Signature

STATE OF Idaho
County of Cassia

Subscribed and sworn to before me this 23rd day of July, 1981

(NOTARY SEAL)

Jane Baxter
Notary Public

AFFIDAVIT

I, J. J. McAdams, of Rt #1 Keiser Rd Xuma, Mo. 63631
Post Office Address

do hereby affirm that I have personal knowledge of the well located in the
SW 1/4, SW 1/4, Section 20, Township 13S, Range 27E, commonly known
as the 93 well. Information I can formally attest to is as follows:

1. Date drilled 1940
2. Well driller _____
3. Date of first use of water April 1, 1941
4. Nature of use Irrigation
5. Quantity of water diverted 2.5 cubic feet per second
6. Lands irrigated by this well _____

7. Duration of use each year, from 3-15 to 11-15
8. Other information SW/4 NW/4; SW/4 NE/4; NW/4 SW/4 Section 20 ;
NE/4 NE/4; SE/4 NE/4; NE/4 SE/4 Section 19 ; SE/4 SE/4; SW/4 SE/4;
SE/4 NE/4; NE/4 SE/4 Section 18, all in T13S, R27E.

J. J. McAdams
Signature

STATE OF Missouri
County of Stoddard

Subscribed and sworn to before me this 5th day of July, 19 41

(NOTARY SEAL)

[Signature]
Notary Public

AFFIDAVIT

1. Roger C. Nello, of Malta, Idaho 83342
Post Office Address

do hereby affirm that I have personal knowledge of the well located in the
1/4, 1/4, Section 10, Township 12, Range 7E, commonly known
as the well. Information I can formally attest to is as follows:

1. Date drilled 1978
2. Well driller
3. Date of first use of water 1978
4. Nature of use
5. Quantity of water diverted 2.5 cfs, 7.5 ft per second
6. Lands irrigated by this well
7. Duration of use each year, from 1-1 to 11-1
8. Other information NE/4 NW/4; SW/4 NE/4; SE/4 NW/4; SW/4 SE/4; Section 10;
NE/4 NE/4; SE/4 NE/4; NE/4 SE/4; Section 19; SE/4 SE/4; SW/4 SE/4;
SE/4 NE/4; NE/4 SE/4 Section 19, all in T13S, R27E.

Roger C. Nello
Signature

STATE OF Idaho
County of Cassia

Subscribed and sworn to before me this 9th day of June, 1981

(NOTARY SEAL)

Gene Baxter
Notary Public