

07/26/2001

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

Amendment of the Claim.

RIGHT NUMBER: 43-4209

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

SOURCE: GROUND WATER

QUANTITY: 4 CFS

PRIORITY DATE: 03/15/1955

POINT OF DIVERSION: T13S R27E S19 LOT 2 SWSWN Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03-15 11-15

QUANTITY
4.00 CFS
1,620.00 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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

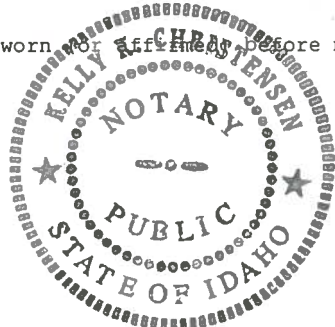
SIGNATURES:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s): *Rodney Hall* Date: *6 aug 01*

State of Idaho)
County of *Twin Falls* SS.

Subscribed and sworn to before me this *6th* day of *Aug* 20 *01*.



Kelly A. Christensen
Notary Public
Residing at *Twin Falls*
My Commission Expires *3-11-01*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 43-4209
Date Received: 7/3/89
Receipt No: S008435
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DORIS J HALL Phone: (208)645-2517
RODNEY N HALL
PO BOX 631
MALTA ID USA 83342

*Amended
7-26-01
KKC*

2. Date of Priority: 03/15/1962

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

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

7. Total Quantity Appropriated is:

4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	24	SE	NE	IRRIGATION	38
			NE	NE	IRRIGATION	39
						Section Acres 77
13S	27E	18	SE	SW	IRRIGATION	28
			SW	SW	IRRIGATION	49
						Section Acres 77
13S	27E	19	NW	NE	IRRIGATION	38
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	48
			SW	NE	IRRIGATION	38
			SE	NW	IRRIGATION	40
			SW	NW	IRRIGATION	47
						Section Acres 251
						Total Acres 405

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CHANGE OF OWNERSHIP MADE 6-28-95 TF. RECD 3-27-95.

The claim was amended to identify a completed permissible place of use of 405 acres, an increase in diversion rate as completed by 1962.

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: _____

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 N. Hall Date: 26 July 01
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this

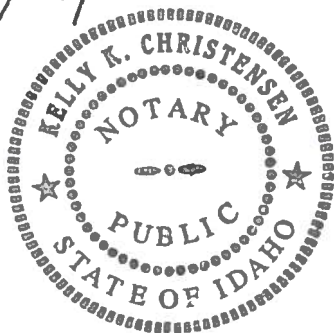
of July 2001

26th day
Kelly K. Christensen

Notary Public

Residing at Twin Falls

My commission Expires 3-11-04



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: A43-04209
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	Lot	County
13S	27E	19	SW	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	01/01	11/15	3.500		

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

8. Total consumptive use is 708.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	24	SE	NE		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	6.0
	27E	19	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	28.0
			SW	NW	IRR	42.0
			SE	NW	IRR	40.0
					Section Acres	230.0
					Total Acres	236.0

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, 10554, 00031, 04211, 04210, 02281

14. Remarks:

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

15. Basis of Claim: STATUTORY CLAIM



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: 1-6-1993

Department of Water Resource
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:

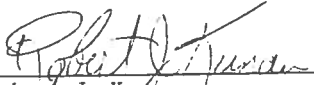
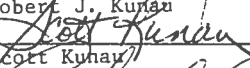
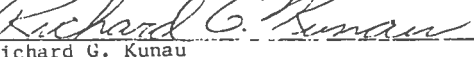
Commencing at the Northeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, running thence 100 feet South along the East boundary line of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$; thence West 100 feet; thence North 100 feet to the North boundary line thereof; thence East along said North boundary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

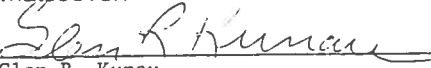
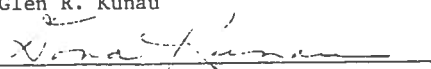
TOGETHER with an easement for a roadway 20 feet wide, being 10 feet on the center line thereof extending over and across the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ of the said Section 24, from the real estate herein above described to the existing roadway upon the said premises, together with the right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

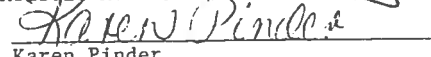
SUBJECT TO: General taxes for the year 1993 and subsequent years.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee^s, their heirs and assigns forever. And the said Grantor^s do hereby covenant to and with the said Grantee^s, that they are the owner^s 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
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

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) ss.
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]
~~ROBIN L. HAASE~~ ROBIN L. HAASE, VICE CONSUL
Residing at NASSAU, N.P., BAHAMAS
Comm. Expires Indefinitely

FEE 9.00 DEPUTY
RECORDED
FRANK O. STEPHENS
CASSIA COUNTY, IDAHO

1993 MAR 18 A 9 13

242
CASSIA COUNTY ABSTRACT
RECORDED AT THE REQUEST OF

11E9E22

450

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: A43-04209
Date Received: 6/29/1989
Receipt No: 5008435
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	Lot	County
13S	27E	19	SW		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	01/01	11/15	3.500		

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

8. Total consumptive use is 708.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13S	26E	24	SE	NE		IRR	6.0

Section Acres 6.0

27E	19	NW	NE	IRR	40.0
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A43-04209

Page 1

Date: 06/29/89

MICROFILMED
MAR 04 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	27E	19	SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	28.0
			SW	NW	IRR	42.0
			SE	NW	IRR	40.0
					Section Acres	230.0
					Total Acres	236.0

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, 10554, 00031, 04211, 04210, ~~02308~~, 02281

14. Remarks:

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: _____

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): Glenn R. Kuman Date: June 29, 1989

Date: _____

State of Idaho)
County of ff) SS.

Subscribed and sworn (or affirmed) before me this 29 th day
of June 19 89 Lon. White
Notary Public

Seal

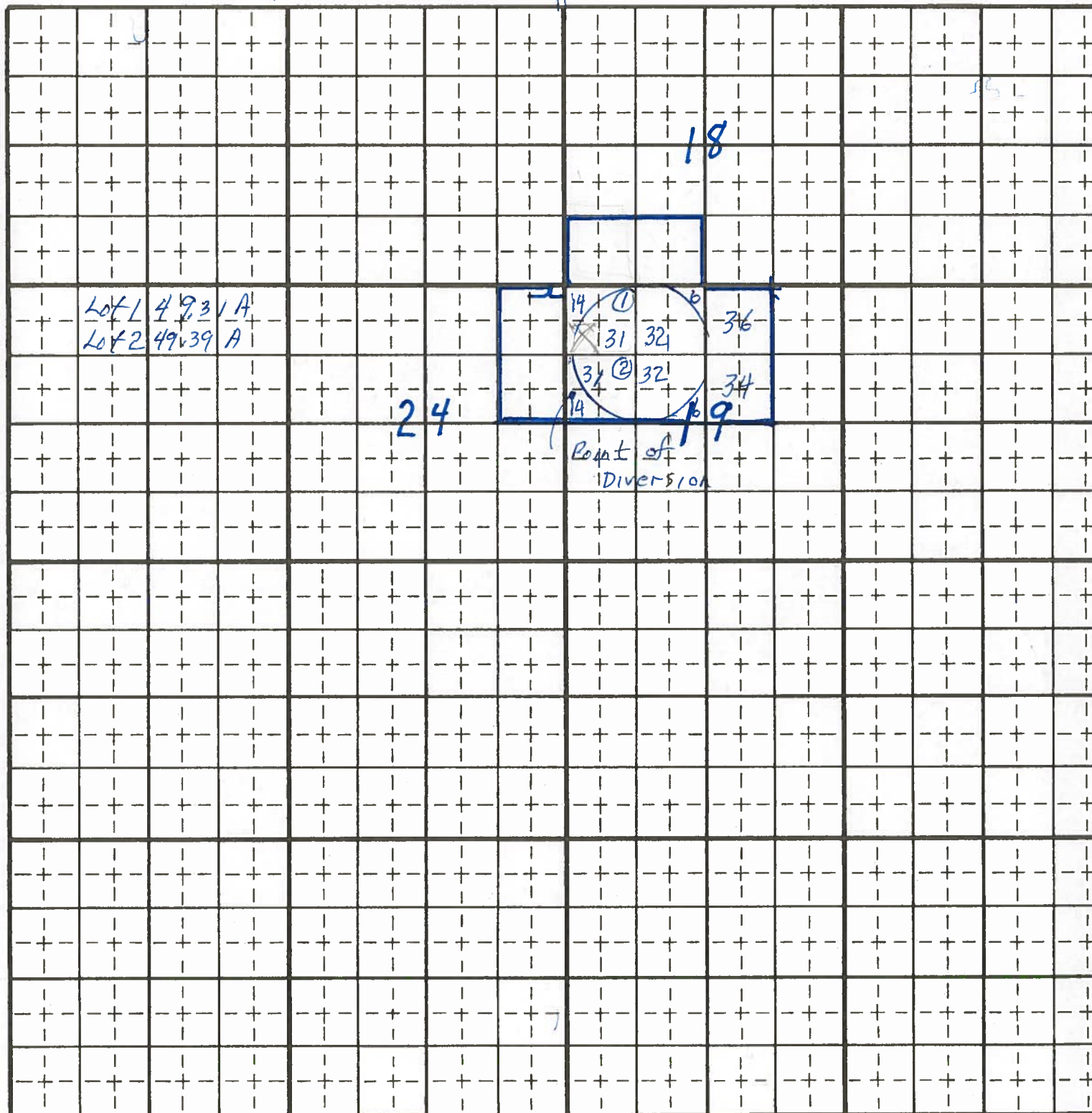
Residing at ff
My Commission Expires 5/94

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., RGE 26 EBM

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



MICROFILMED

MAR 04 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.

MICROFILMED

MAR 04 1993

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-303

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04209
GLEN R. KUNAU
1941 MILLER AVE.

BURLEY

ID 83318

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 04 1993

AFFIDAVIT

I Wesley J. Ostberg residing at 3818 Swan Valley Highway, Irwin, Idaho 83428, do hereby swear and affirm that to the best of my knowledge the following statements are true and correct.

In early 1956 we moved onto the farm described as follows:

Township 13 South Range 27 E.
Section 18: lot 4 and SE 1/4 SW 1/4
Section 19: lots 1 and 2 NE 1/4 NW 1/4
SE 1/4 NW 1/4 and the W 1/2 NE 1/4

Township 13 South Range 26E

Section 24 E 1/2 NE 1/4

All in Cassia, County, State of Idaho.

When we moved onto this farm, the well in Lot 1 and the well in Lot 2 were both tied into the creek water irrigation system using pipeline and ditches. The ground water could be used anywhere the surface water could be used. In 1957-58 we replaced some of the ditches with pipeline because the ditches were sinking too much of the water.

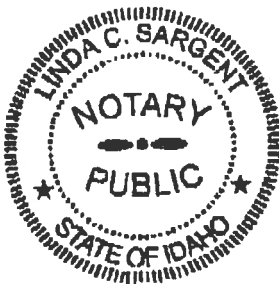
Wesley J. Ostberg
Signature

STATE OF Idaho
COUNTY OF Bannock

Subscribed and sworn to before me this 30th day of July, 2001

notary seal

Linda C. Sargent
notary public



AFFIDAVIT

I Wesley J. Ostberg residing at 3818 Swan Valley Highway, Irwin, Idaho 83428, do hereby swear and affirm that to the best of my knowledge the following statements are true and correct.

In early 1956 we moved onto the farm described as follows:

Township 13 South Range 27 E.

Section 18: lot 4 and SE 1/4 SW 1/4

Section 19: lots 1 and 2 NE 1/4 NW 1/4

SE 1/4 NW 1/4 and the W 1/2 NE 1/4

Township 13 South Range 26E

Section 24 E 1/2 NE 1/4

All in Cassia, County, State of Idaho.

When we moved onto this farm, the well in Lot 1 and the well in Lot 2 were both tied into the creek water irrigation system using pipeline and ditches. The ground water could be used anywhere the surface water could be used. In 1957-58 we replaced some of the ditches with pipeline because the ditches were sinking too much of the water.

Signature

STATE OF _____
COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20____.

notary seal

notary public

43-4209 (South well)

Statutory Claim indicates:

1. Well was dug in 1940
2. Well deepened in 1955 to 400' deep & 20" casing
236 ac irrigated

Sketch shows a pipeline running east from the well.

43-4211 (^{P/D} overlaps with 43-2281)
43-2281 examined in 1941

Statutory Claim indicates:

1. Well deepened in early 1950's
2. P/U = 67 acres (GND west of well)
3. Sketch shows the delivery system as a pipeline going ~~to~~ South west to dump into the main ditch

08/07/2001

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

RIGHT NUMBER: 43-4209
NAME AND ADDRESS: DORIS J HALL
RODNEY N HALL
PO BOX 631
MALTA, ID 83342

SOURCE: GROUND WATER

VERIFIED BY KKC
8-7-01

QUANTITY: 3.2 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: 03/15/1955

POINT OF DIVERSION: T13S R27E S19 LOT 2 SWSWNW Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.20 CFS 868.00 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

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 217 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 1940's 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 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> Lot 1	<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 than 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.

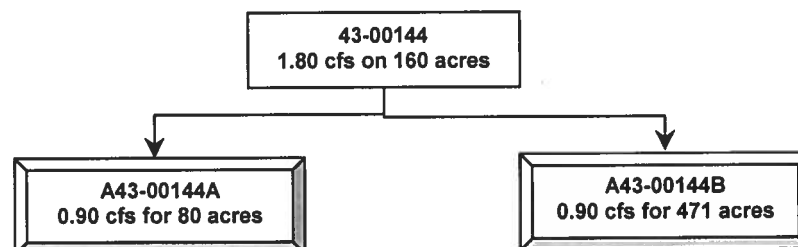
ANALYSIS OF 43-31 (CASSIA CREEK)

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: 43-4209

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

SOURCE: GROUND WATER

QUANTITY: 4 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.

PRIORITY DATE: 03/15/1962

POINT OF DIVERSION: T13S R27E S19 LOT 2 SWSWN 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	4.00 CFS
		1,620.00 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

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 - Beneficial Use

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 1942.

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 on information received 7-26-01

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 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 $217 \text{ ac} * 4 = 868 \text{ afa}$. 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.

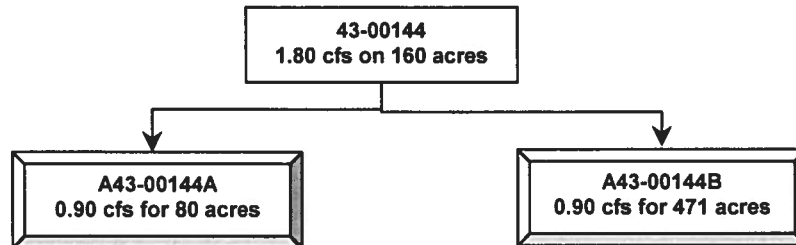
ANALYSIS OF 43-31 (CASSIA CREEK)

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

03/19/2001

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

RIGHT NUMBER: 43-4209

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

SOURCE: GROUND WATER

VERIFIED BY *KKC*

QUANTITY: 3.2 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.

PRIORITY DATE: 11/15/1955

POINT OF DIVERSION: T13S R27E S19 LOT 2 SWSNW

Revised 11-26-01 KKC
Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03-15 11-15	3.20 CFS 868.00 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 217 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 - Beneficial Use

CLAIM NUMBERS
43-4

DATE

AGENT

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL
236

GEOGRAPHIC INFO ACRES
217

				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	26E	24				6													6
GIS			24				38													
OVERLAP with	421	24	35				32													
Recommend		24					6													6
CLAIM	13S	27E	19		40	40		40	28	42	40									25
GIS			19		38	38		40	48	47	40									25
OVERLAP with	2281	19						10	30	55										
Recommend		19			38	38		30	18	47	40									21
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP

SHAPE NOS.

43-POD.SHP

NOS. DESCRIPTION

DBF TABLES UPDATED

B43-DBPOU.DBF

B43-DBPOD.DBF

JPEG LAYOUT

NT

N.E. Corner of Feedlot
(next to tin shed)

43-4209

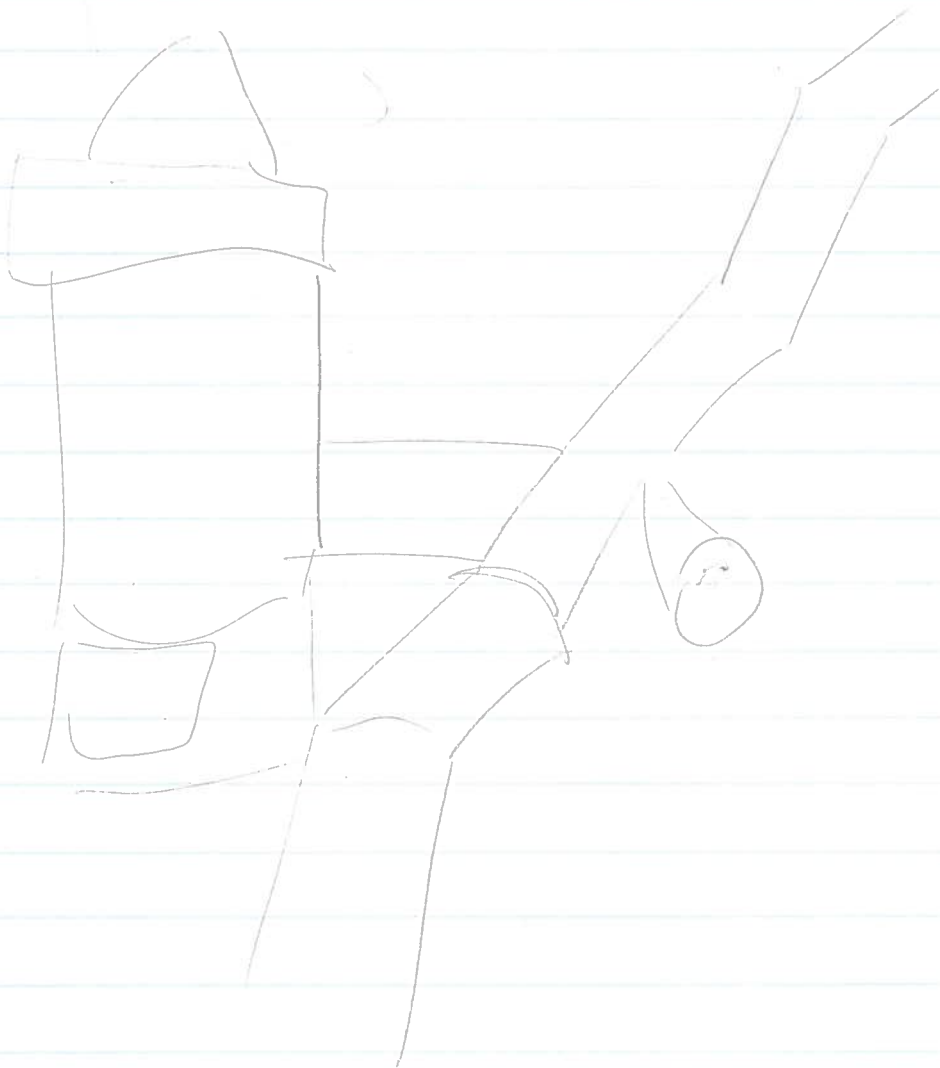
pole # 19-115

U.S. Motor

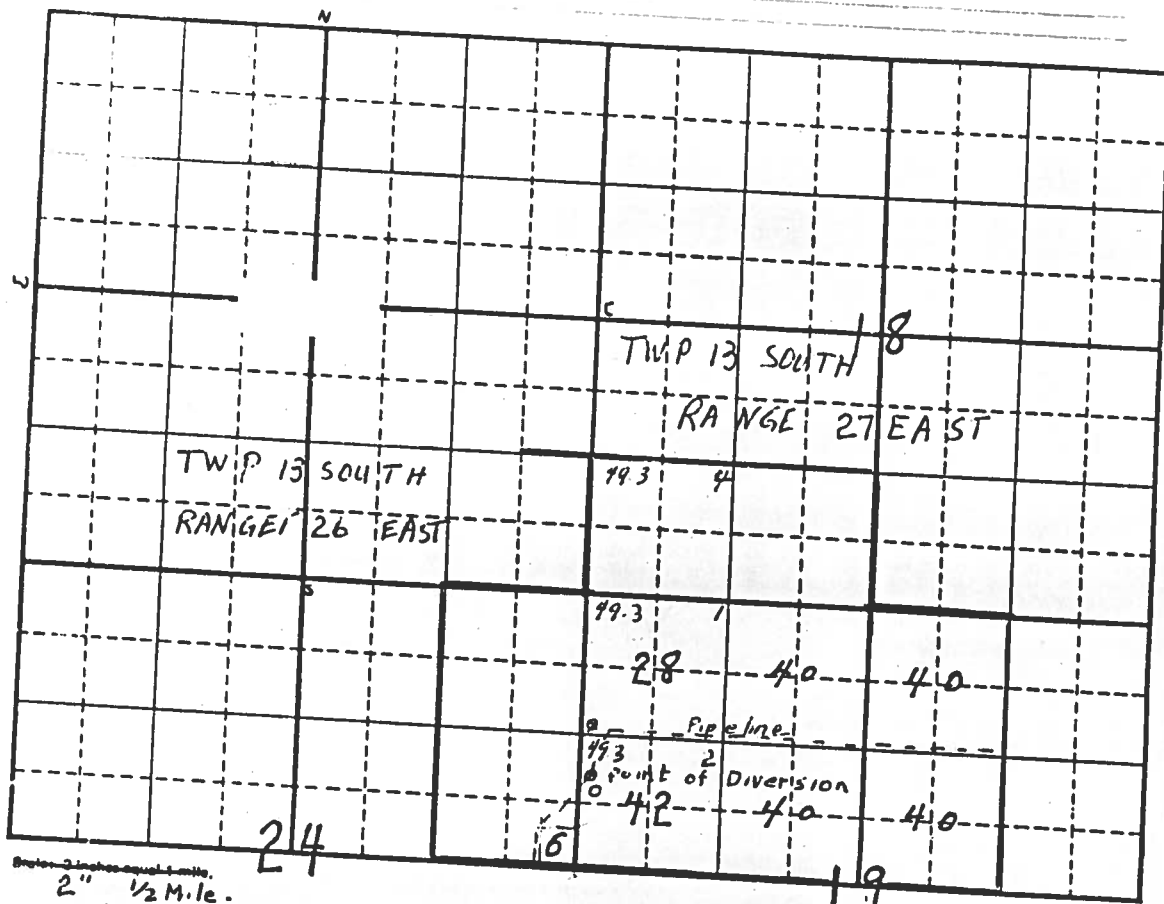
100 hp.

ser # 1374111

4/6 pump
#44271



E



State of Idaho

County of Cassia ss.

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 24th day of June, 1983.

Glenn R. Kuman
(Claimant)

Judith C. Maier
Notary Public
Residing at Burley, Idaho

My commission expires July 2, 1986

FOR DEPARTMENT USE ONLY

Received by Li Date 6/29/83
Prelim. check by Li Date 7/7/84
\$30.00 fee received by Li Date 6/29/83 #29090
Published in South Idaho News
Dates 7/19 & 7/26/84

Exception filed by:

Forwarded to
claimant by:

Date

A F F I D A V I T

RECEIVED

JUN 20 1983

Department of Water Resources
Southern District Office

STATE OF IDAHO)
County of Cassia): ss.

SHIRLEY HITT, being first duly sworn, upon oath, deposes and says as follows:

1. That he is the nephew of Jon C. Hitt;
2. That Jon C. Hitt was the owner of the real property more fully described in Exhibit A, attached hereto and incorporated by reference herein as though fully set forth at this point, which said real property is the location of the wells referred to in the Claims to Water Rights attached hereto;
3. That affiant was familiar with said real property, and has personal knowledge concerning the time when the said wells mentioned in the Claims attached hereto were dug; and that said wells were dug during the summer and fall months of 1940;
4. That affiant observed his uncle, Jon C. Hitt, making use of the water from said wells for the purposes of irrigation; and
5. That affiant has had personal knowledge of the said real property even after said property was sold, and that he knows, of his own personal knowledge that water from the wells described in the Claims attached hereto has been used consistently for purposes of irrigation of crop land since the fall of 1940.

Further, affiant sayeth not.

Shirley Hitt
Shirley Hitt

SUBSCRIBED AND SWORN to before me this 24th day of June,
1983.

Judith C. Maier
NOTARY PUBLIC in and for the
State of Idaho, residing at
Burley, Idaho.

A F F I D A V I T

RECEIVED

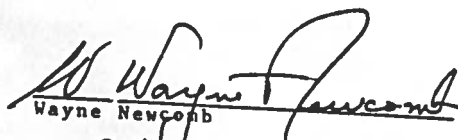
JUN 20 1983

Department of Water Resources
Southern District Office

STATE OF IDAHO)
County of Cassia) ss.

WAYNE NEWCOMB, being first duly sworn, upon oath, deposes and says as follows:

1. That he is a resident of Cassia County, and has personal knowledge of the real property more fully described in Exhibit A, attached hereto and incorporated by reference herein as though fully set forth at this point.
 2. That affiant farmed said real property during the 1950's, and grew potatoes on said real property.
 3. That affiant used the wells more fully described in the Claims of Water Rights for purposes of irrigating his crops; and that the wells described in said Claims are the same wells used by affiant for the irrigation of his crops during the 1950's.
 4. That affiant used said water consistently during the 1950's for the purpose of crop irrigation.
- Further, affiant sayeth not.


Wayne Newcomb

SUBSCRIBED AND SWORN to before me this 24th day of June, 1983.


NOTARY PUBLIC in and for the
State of Idaho, residing at
Burley, Idaho.

RECEIVED

Township 13 South, Range 29, East of the Boise Meridian
Section 18: NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 19: NW $\frac{1}{4}$

Township 13 South, Range 29, East of the Boise Meridian
Section 4: NE $\frac{1}{4}$, NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 5: W $\frac{1}{2}$ of Lot 3, Lot 4, W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 6: W $\frac{1}{2}$, NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 7: NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 2: Township 14 South, Range 29, East of the Boise Meridian
Section 5: Lot 1

PARCEL NO. 3: Township 13 South, Range 27, East of the Boise Meridian
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 $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$

43-4209

Township 13 South, Range 26, East of the Boise Meridian
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, to-wit: Commencing at the NE cor. of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, running thence 100 feet South along the E. boundary line of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ thence West 100 feet, thence North 100 feet to the N. 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 Sec. 24, from the real estate hereinabove 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.

Township 13 South, Range 29, East of the Boise Meridian
Section 27: SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28: W $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$

PARCEL NO. 4:
Township 13 South, Range 29, East of the Boise Meridian
Section 19: SE $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28: NW $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$
Section 32: E $\frac{1}{2}$
Section 33: W $\frac{1}{2}$, SE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$

PARCEL NO. 5:
Township 13 South, Range 29, East of the Boise Meridian
Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$

ALL IN CASSIA COUNTY, STATE OF IDAHO