

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: **A43-10631**
Date Received: 6/ 8/1989
Receipt No: C007301
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ALVIN CARPENTER
Address: HC 61 BOX 1210
MALTA ID

208-645-2347

83342

2. Date of Priority: JUN 1, 1928

3. Source: SPRING

Trib. to: CASSIA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	22	NW	NW	SE		CASSIA

5. Description of diverting works:

DRAIN TILE UNDER FIELD COLLECTING WATER FROM AN OLD SPRING TO P/U

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

7. Total Quantity Appropriated is:

0.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	26E	22	SE	NE		IRR	40.0

Section Acres 40.0

Total Acres 40.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A43-02425, A43-00342, A43-02523, A43-00140 & A43-00141

14. Remarks:

NOTE TO OTHER WR: A43-00342 DOES NOT GO TO MALTA PLACE--13S. 26E SEC. 22. INSTEAD IT GOES TO 14S. 25E. SEC. 6.

*** AMENDED 1-27-92 TO CORRECT THE SOURCE. SOURCE IS ACTUALLY A SPRING THAT WAS DEVELOPED BY A TILE BURIED IN THE SPRING AND THEN PIPED UNDER CASSIA CREEK TO THE P/U. KKC

15. Basis of Claim: BENEFICIAL USE

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): Alvin Carpenter Date: 1/27/92

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 27th day

of January 19 92

Quincy E. Evans
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires July 18, 1995

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: A43-10631
Date Received: 6/08/1989
Receipt No: C007301
Received By: DATA ENT. SEC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ALVIN CARPENTER 208-645-2347
Address: HC 61 BOX 1210
MALTA, ID 83342

2. Date of Priority: JUN 01, 1928

3. Source: CASSIA CREEK Trib. to: RAFT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13S	26E	22	NW	NW	SE		CASSIA

5. Description of diverting works:
HEADGATE AND LATERALS FOR BOTH FLOOD IRR. AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
13S	26E	22	SE	NE		IRR	40.0
Section Acres							40.0
Total Acres							40.0

A43-10631

Page 1

Date: 02/05/90

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MAD 05 1002

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:

A43-02425, A43-00342, A43-02523, A43-00140 & A43-00141

14. Remarks:

NOTE TO OTHER WR: A43-00342 DOES NOT GO TO MALTA PLACE--13S. 26E
SEC. 22. INSTEAD IT GOES TO 14S. 25E. SEC. 6.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A 43-39576
Ident. Number 10631
Date Received 0007301
Receipt Number

RECEIVED
AUG 18 1989

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED

FEB 5 - 1990

Department of Water Resources

ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Alvin Carpenter Phone (208) 645-2347
Mailing Address HC 61 Box 1210 Zip 83342

2. Date of Priority (Only one (1) per claim) X 6/1/28

3. Source of water supply (a) Cassin Creek
which is tributary to (b) Raft River

4. a. Location of existing point of diversion is: Township 13S Range 26E Section 22
NW 1/4 of NW 1/4 of SE 1/4, Govt. Lot, B.M., County of Cassin

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Impoundment and Headgates
gravity into lateral used for flood and sprinkler

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>13S</u>	<u>26E</u>	<u>22</u>				<u>40</u>													<u>40</u>

Total number of acres irrigated 40

11. In which county (ies) are lands listed above as place of use located? Cassia

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

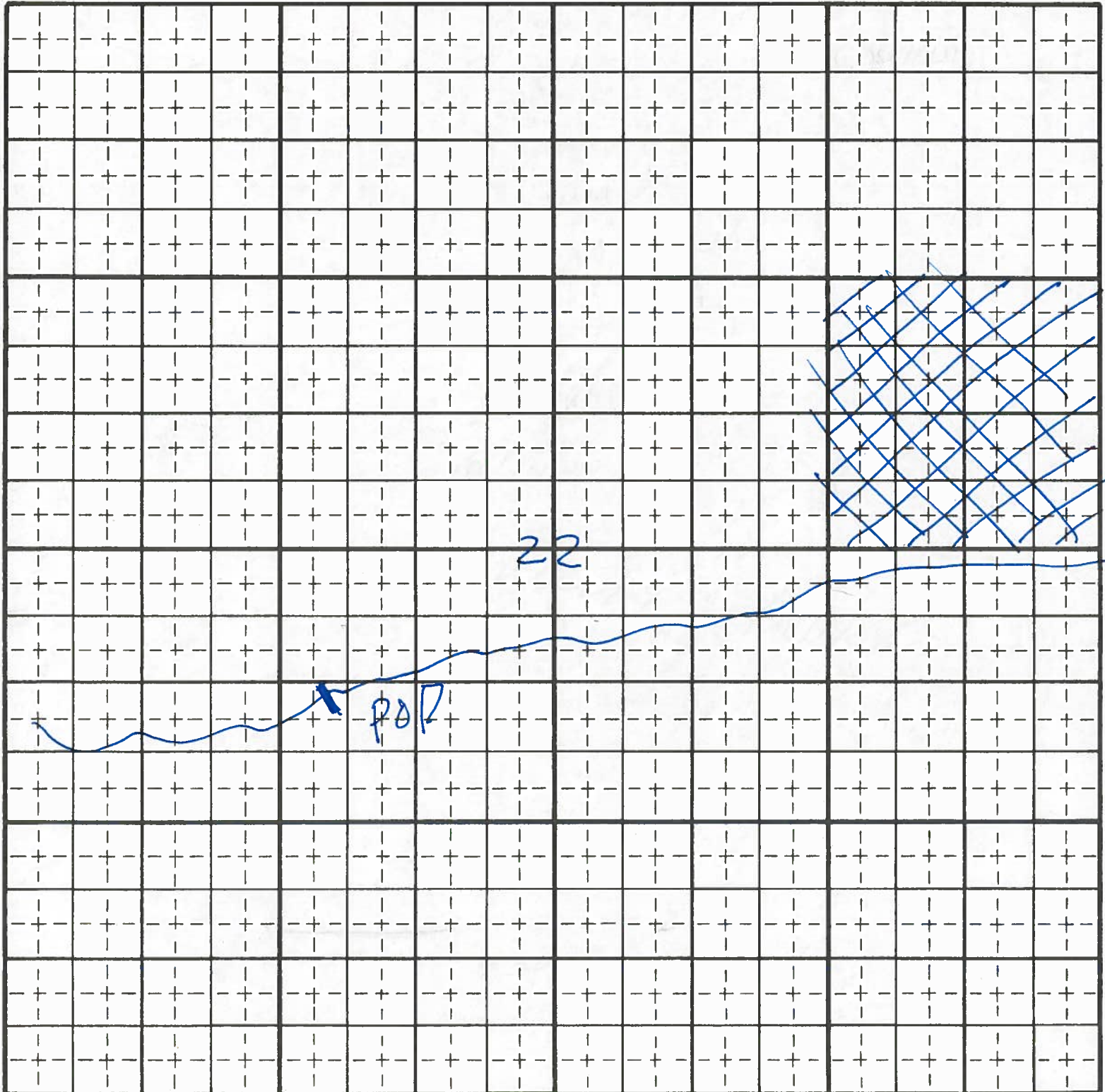
13. Describe any other water rights used at the same place and for the same purposes as described above.
43-02425, 43-00342, 43-02523, 43-00140 or None ()

14. Remarks: 43-00141 43-00142

right number 43-00342 does not go to
old malta place - Sec. T P 12 S - 26 E - Sec. 22
Rather, it goes to 14 S - 25 E - Sec 6.

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

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Alvin Carpenter Date May 30, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Cassia) SS.

Subscribed and sworn (or affirmed) before me this 30 day of May 1989

SEAL

Notary Public Bruce A. Schuld

Residing at BRUCE A. SCHULD, NOTARY PUBLIC

RESIDING AT BOISE, IDAHO

My Commission Expires MY COMMISSION EXPIRES APRIL 11 1995

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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MAR 05 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 10, 1989

Mr. Alvin Carpenter
HC 61 Box 1210
Malta, Idaho 83342

RE: Snake River Basin Adjudication
Claims #A43-00140/#A43-00141/#A43-02523/#A43-02425/
#A43-00342/#A43-00142 - Cassia County

Dear Mr. Carpenter:

We are sending you copies of your "Notices of Claims to Water Rights", numbered A43-10564, and A43-00141, for your property in Cassia County to keep in your records. We have also attached another copy of A43-00141 which you should sign notarize and return to our office.

Claim #A43-00141 now reflects the combination of decreed water rights 43-00141 and 43-00142 as we had previously discussed.

Please return the signed and notarized document to this office at the attention of Bruce Schuld. I hope you have not been overly inconvenienced by the confusion resulting from review of your claims. If you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,

John D. Carlson
Water Rights Supervisor

JDC:BAS:mcc:state

Enclosures:

Claims #A43-10564
#A43-00141 (2)

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 18, 1989

Mr. Alvin Carpenter
HC 61 Box 1210
Malta, Idaho 83342

RE: Snake River Basin Adjudication
Claims #A43-00140/#A43-00141/#A43-02523/#A43-02425/
#A43-00342/#43-00142 - Cassia County.

Dear Mr. Carpenter:

We are sending you copies of your "Notices of Claims to Water Rights", numbered A43-00140, A43-00141, A43-02523, A43-2425, and A43-00342, for your property in Cassia County. We have also attached your receipt #C007301 for \$823.00, a copy of an unnumbered "Notice of Claim to a Water Right", and another "Notice of Claim to a Water Right" we completed for you, which may more accurately described one of your water rights.

The computer generated copies of your "Notices of Claims to Water Rights" numbered A43-00140, A43-00141, A43-02523, A43-02425 and A43-00342, and the receipt #C007301 are for your files.

Your claim for a Beneficial Use Right on Cassia Creek is attached, but this "Notice of Claim to a Water Right" may not accurately represent your right. We have, therefore, continued our research and found that Decreed Water Right 43-00142 describes your lands and uses. Because it is a decreed water right and claims a greater amount of water for your lands, you may wish to lay claim to this right instead of the Beneficial Use right you submitted.

You may, however, submit claims to both the Decreed Right #43-00142 and the Beneficial Use Right. The Decreed Right #43-00142 is an established and documented right which would very likely be upheld by the court as the courts have already decreed the legitimacy of this right. However, the Beneficial Use Right you claim may be rejected in part or entirety as it may represent an expansion of existing rights on a thoroughly appropriated surface water source. Therefore, the decreed right #43-00142 may be far and away the stronger of the two claims to a water right.

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rest of file in Elias folder

Mr. Alvin Carpenter

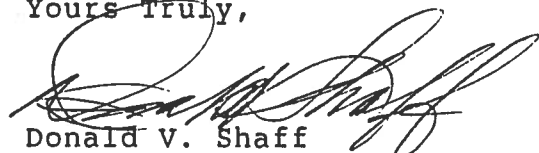
Page 2

July 18, 1989

If you choose to submit the "Notice of Claim to a Water Right" #43-00142 instead of the claim to the Beneficial Use Right, please have the form signed, notarized, and return to this office at the attention of Bruce Schuld by August 18, 1989. If you wish to resubmit the claim to a Beneficial Use Right, you should fill out the attached "Notice of Claim to a Water Right" form completing the Date of Priority, Item #2, which you failed to do originally. This form would also need to be signed, notarized, and returned to this office at the attention of Bruce Schuld by August 18, 1989. If you wish to submit claims to both the Decreed water and the Beneficial Use water return both forms completed with signatures, notary seals, and a fee of \$50.00 for the additional claim by July 31, 1989.

If you have any questions or concerns, please do not hesitate to contact this office.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:BAS:mcc:mcc

Enclosures:

Claims #A43-00140/#A43-00141/#A43-02523

#A43-02425/#A43-00342/#43-00142

Notice of Claim

Receipt #C007301

Long Claim (2) w/Instructions

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C007301

06/08/89
09:14:51

GREEN CANYON RANCH

ADJUDICATION FEES (CARPENTER, ALVIN) 0410162 9337 6490 \$823.00

\$823.00

CHECK 2735

2735 ac
\$123 ✓ \$370 ✓ \$122 ✓ \$50 ✓ \$715
WR/NO: A43-00141 A43-02425 A43-02523 A43-00140 142' \$50

Idaho Department of Water Resources

Region: STATE

Signature: _____

43 2425
2523
~~0014~~ MICROFILMED



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

A43-10631
ALVIN CARPENTER
HC 61 BOX 1210

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,

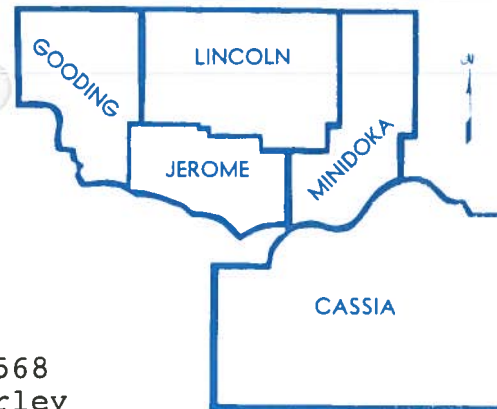
Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: #1568
OFFICE: Burley

February 3, 1992

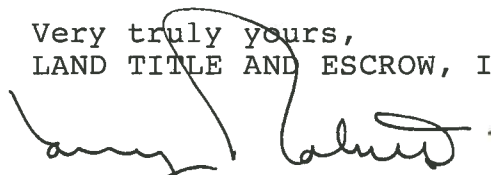
Mr. Alvin Carpenter
P. O. Box 446
Elba, Idaho 83326

Dear Alvin:

Enclosed is a new Affidavit that I have had my Uncle Shirl sign concerning the development of the spring in 1928. I have changed the language to state that he personally observed the Hitts developing the well. He says this is an accurate statement and he had no problem signing this Affidavit.

Should you have any questions concerning this Affidavit, please do not hesitate to contact this office.

Very truly yours,
LAND TITLE AND ESCROW, INC.


Larry Roberts
Manager

LR/nrg
enc.

*For claim #43-10631
this letter refers to affidavit
labeled
Doc. 2.*

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 349, JEROME, IDAHO 83338
PHONE 324-4842 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

MICROFILMED

MAR 05 1993

A F F I D A V I T

State of Idaho)
 : ss.
County of Cassia)

I, SHIRLEY B. HITT, being first duly sworn, do hereby affirm the following:

THAT I am the son of James R. Hitt, who was the son of James B. Hitt and Jane L. Hitt, husband and wife, who in 1928 owned the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22, Township 13 South, Range 26 East, Boise Meridian, Cassia County, Idaho.

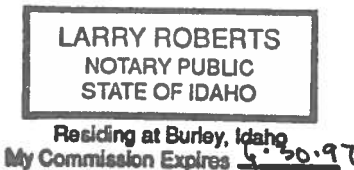
THAT the Affiant in 1928 personally observed James B. Hitt and Jane L. Hitt developing a spring for irrigation purposes in the N $\frac{1}{2}$ SW $\frac{1}{4}$ of 22-13-26 EBM., Cassia County, Idaho. The spring was developed either directly by Mr. and Mrs. Hitt or under their direction and that the spring has been continually used to irrigate property located in the N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 22-13-26 EBM., from 1928 at least to the time the property was sold to Alvin Carpenter and Mary Joyce Carpenter on April 19, 1982.

THAT Affiant understands that the State of Idaho Department of Water will rely upon this Affidavit as part of the evidence to establish a priority date of this spring.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 30th day of January, 1992.

Shirley B. Hitt
Shirley B. Hitt

SUBSCRIBED AND SWORN before me, a Notary Public, this 30th day of January, 1992.



Larry Roberts
Notary Public
Residing at: Burley, Idaho
My Commission Expires: 6-30-97

MICROFILMED

MAR 05 1993

1-27-92

I, Leonard E Hall do testify that I
know the drain on the old Jim Hitt
farm south and west of the town site
of Malta was dug by the year 1930
this farm is now owned and operated
by Alvin Carpenter

Leonard E. Hall

STATE OF IDAHO
COUNTY OF CASSIA

On this 27th day of January 1992 before me a notary public in and
for the said State, personally appeared Leonard E. Hall known to me
to be the person whose name is subscribed to the within instrument
and acknowledged to me that he executed the same.

Barbara Andersen
NOTARY PUBLIC

Residing at Albion, Idaho
My Commission Expires 7/23/93

MICROFILMED

MAR 05 1993

04/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 43-10631

Owner Type Name and Address
Current Owner ALVIN CARPENTER
 2079 E 1700 S
 MALTA, ID 83342
 (208)645-2347

Priority Date: 10/19/1928
Basis: Beneficial Use
Status: Active

Source Tributary to
UNNAMED DRAIN CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15	11/15	0.6 CFS		
Total Diversion			0.6 CFS		

Location of Point(s) of Diversion:

UNNAMED DRAIN NWNWSE Sec. 22 Township 13S Range 26E CASSIA County

IRRIGATION Use:
Acre Limit: 36

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	26E	22		NENE	40		NWNE	29		SENE	36		SWNE	40
				NESE	40		NWSE	40						
				NESW	38		NWSW	30						
		23		NWNW	39		SWNW	35						

Total Acres: 367

Conditions of Approval:

1. C18 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.

Remarks:

1. Place of Use - Irrigation USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 367 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-140, 43-2425, 43-2523, 43-10631, 43-10818, 43-11233, AND 43-11234.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.96 CFS. COMBINED RIGHT NOS.: 43-140, 43-2425, 43-2523, 43-10631, 43-10818, 43-11233, AND 43-11234.

04/05/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 43-10631

Owner Type Name and Address
Current Owner ALVIN CARPENTER
 2079 E 1700 S
 MALTA, ID 83342
 (208)645-2347

Priority Date: 06/01/1928
Basis: Beneficial Use
Status: Active

Source Tributary to
SPRING CASSIA CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	3/15	11/15	0.6 CFS		
Total Diversion			0.6 CFS		

Location of Point(s) of Diversion:

SPRING NWNWSE Sec. 22 Township 13S Range 26E CASSIA County

IRRIGATION Use:
Acre Limit: 40

Place(s) of use:

Place of Use Legal Description: IRRIGATION CASSIA County

<u>Townshi</u>	<u>Rang</u>	<u>Sectio</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
13S	26E	22		SENE	40									

Total Acres: 40

Remarks:

1. General NOTE TO OTHER WR: A43-00342 DOES NOT GO TO MALTA PLACE--13S. 26E SEC. 22. INSTEAD IT GOES TO 14S. 25E. SEC. 6.
 *** AMENDED 1-27-92 TO CORRECT THE SOURCE. SOURCE IS ACTUALLY A SPRING THAT WAS DEVELOPED BY A TILE BURIED IN THE SPRING AND THEN PIPED UNDER CASSIA CREEK TO THE P/U. KKC

09/05/2000

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

RIGHT NUMBER: 43-10631

NAME AND ADDRESS: ALVIN CARPENTER
HC 61 BOX 1210
MALTA, ID 83342

VERIFIED BY: KKC
8-5-00

SOURCE: UNNAMED DRAIN TRIBUTARY: CASSIA CREEK

QUANTITY: 0.6 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.96 CFS. COMBINED RIGHT NOS.: 43-140, 43-2425, 43-2523, 43-10631, 43-10818, 43-11233, AND 43-11234.

PRIORITY DATE: 10/19/1928

POINT OF DIVERSION: T13S R26E S22 NWNWSE 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	0.60 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T13S R26E S22	NENE	40	T13S R26E S22	NWNE	29
T13S R26E S22	SENE	36	T13S R26E S22	SWNE	40
T13S R26E S22	NESE	40	T13S R26E S22	NWSE	40
T13S R26E S22	NESW	38	T13S R26E S22	NWSW	30
T13S R26E S23	NWNW	39	T13S R26E S23	SWNW	35

367 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 367 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-140, 43-2425, 43-2523, 43-10631, 43-10818, 43-11233, AND 43-11234.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 36 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

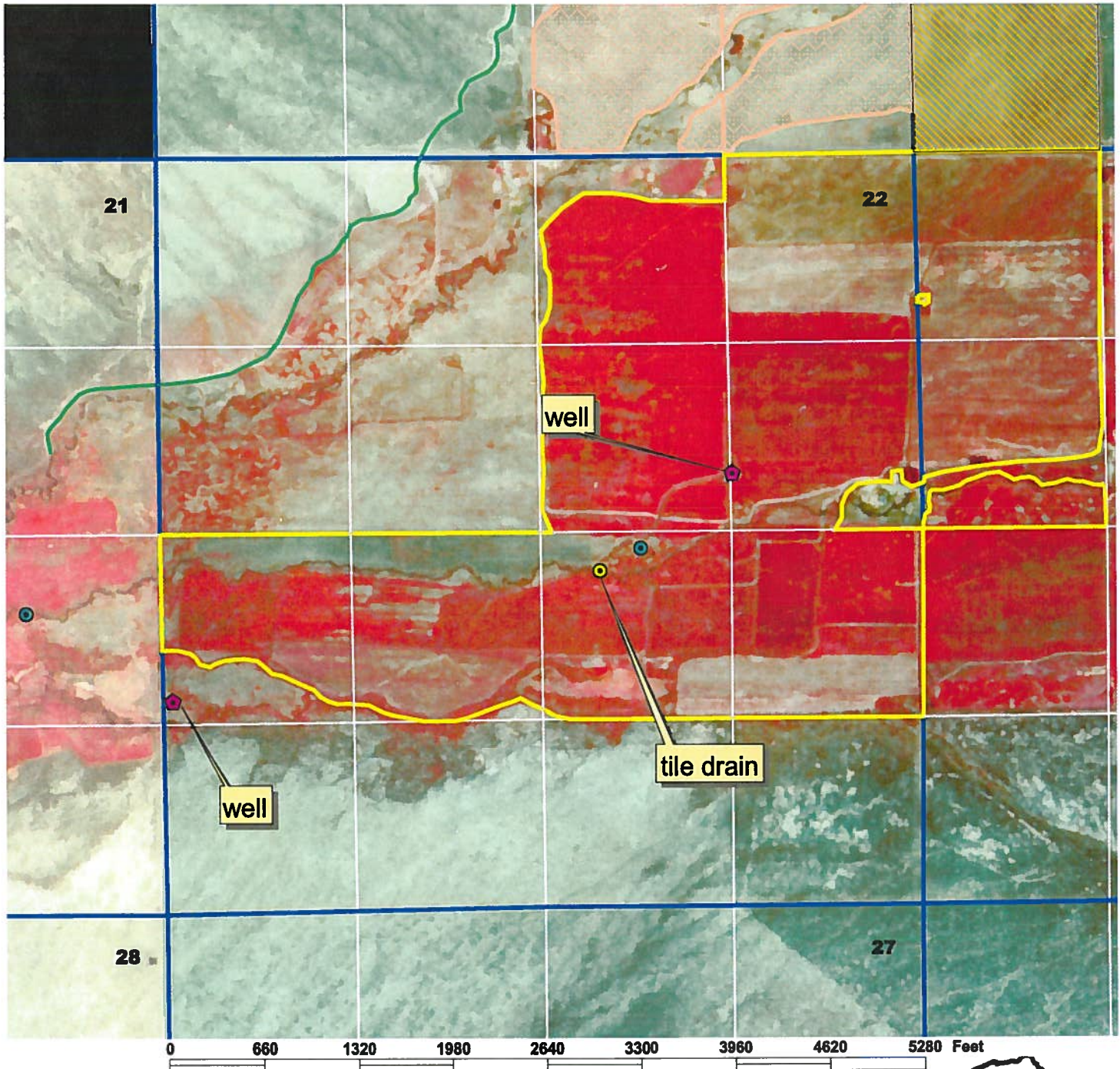
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 Department of Water Resources

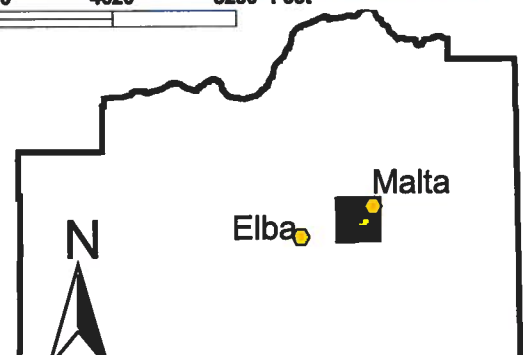
**RECOMMENDED PLACE OF USE FOR
43-00140, 43-02425, 43-02523,
43-10631, 43-10818, 43-11233. and 43-11234**



PLACE OF USE
TWP 13S, RNG 26E, SEC 22
Data entry on AUG 28, 2000

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

-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



CLAIM NUMBER
43-10631
DATE
8-30-00
TRANSFER NUMBER

AGENT
KKC
CLAIMED ACRE TOTAL
40
GIS ACRE TOTAL
367

				NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13S	26E	22	L			40													40
GIS			22	40.3	29.3	39.5	36.7					38.4	29.7			40.2	40			
RECOM			22	40	29	40	36					38	30			40	40			293
CLAIM	13S	26E	23					-	-											
GIS								39.3	34.9											
RECOM								39	35											74
CLAIM																				
GIS																				
RECOM																				

B43-POU.SHP
SHAPE NOS.

B43-POD.SHP
NOS.
DESCRIPTION
This claim was for the SENE of Sec. 22. Within that quarter found 36 irrigated acres. And am therefore recommending those 36 acres. The historical system was a tile drain that carried water from the south side of Cassia Cr. to the north side to eventually dump water in a ditch coming from Cassia Cr. the water was delivered to the claimed quarter and then to additional ground. The water coming out of the tile system apparently was never sufficient to irrigate a large P/U, thus the claim for 40 acres and 0.60CFS. Before 1987 a common mainline system was developed to irrigate all of the above P/U therefore I am recommending this right for 36 ac @ .60CFS with the combined limits as shown on the Recommendation

DBF TABLES UPDATED
B43-DBPOU.DBF
B43-DBPOD.DBF
JPEG LAYOUT
43-00140 Carpenter

SYSTEM ANALYSIS FOR

<u>43-00140, 43-10818,</u>	<u>DECEED RIGHTS</u>
<u>43-02425, 43-02523,</u>	<u>LICENSED GROUND WATER RIGHTS</u>
<u>43-10631,</u>	<u>GROUNDWATER BENEFICIAL USE RIGHT</u>
<u>43-11233</u>	<u>EXPANSION OF GROUND WATER</u>
<u>43-11234</u>	<u>ENLARGEMENT OF SURFACE WATER</u>

The system is surface water diverted into a ditch system to a pond and then pumped into a common mainline that supplies water to the entire 367 irrigated acres. This recommendation recognizes the permissible place of use and further identifies the licensed acres within each right's historical place of use.

The current system consists of a buried mainline with 2 center pivots, and hand lines. The irrigation system includes property owned and claimed separately by Todd Carpenter. This system development of joining the separate properties occurred after 1987 and is not recognized in this review. The system in 1987 included the combined mainline delivery system on Alvin Carpenter's property and was primarily a flood application system.

SURFACE WATER RIGHTS

43-140 was decreed on the N½S½ of sec 22. I found 148 irrigated acres within the decreed place of use. I found a point of diversion located in sec 21 (see map for details) on the Cottle property that historically diverted water from the south side of Cassia Creek into a ditch system that then flowed east southeast and formed the southern border of the irrigated property. This water was also flumed across Cassia Creek near the western border of the property in order to irrigate a portion of the decreed place of use that is north of Cassia Creek. In approximately 1982 this right was also diverted from the sec 22 diversion (see also, below) to supply water to the enlargement acres through the common mainline. I am recommending the 2.60 cfs as previously decreed.

43-10818 is a claim that represents a combination of decreed rights 43-00141 and 43-00142. They were originally decreed with the same priority date. I found 153 irrigated acres within the original combined decreed places of use. The original point of diversion for these rights is located in sec 22 (see map for details) and diverted water northeast from this point. This diversion currently delivers water into the pond that is a part of the combined delivery system and is also a basis for the enlargement claim. 43-141 was decreed for 1.60. 43-142 was also decreed for 1.60 cfs. The claim is for the combined rate of 3.20 cfs that I am recommending for this right.

43-11234 This right is for ground put into production by 1982 primarily through the common mainline system. The claim listed a 1981 priority date but Alvin Carpenter indicated that the mainline system and the irrigation of all of the claimed 69 acres were completed in 1982. Therefore I am recommending this claim with a priority date of 4-14-1982. Surface water is diverted through the Cassia Creek diversion in sec 22 and delivered to a pond and then re-lifted by a centrifugal pump into a mainline system and applied to the ground. This same system also includes the ground water rights. I am recognizing this right as valid under 43-1426 as an enlargement of 43-140, and 43-10818. No additional rate is recognized because of §42-1426. Rate calculation for the recommendation:

<u>TOTAL QUANTITY LIMIT</u>	<u>5.80 cfs</u>
<u>TOTAL IRRIGATED DECEED ACRES</u>	<u>298 acres</u>
<u>ENLARGEMENT ACRES</u>	<u>69 acres</u>
<u>TOTAL</u>	<u>367 acres</u>

5.80 cfs/367 acres =
0.0158 cfs/acre (current rate)
0.0158cfs/acre * 69 acres =
<u>1.09 cfs (recommendation)</u>

GROUND WATER RIGHTS

43-2425 This right is diverted from a well in the NWSW of Sec 22 and was identified as a supplemental water source for the same place of use as the three original decreed rights. The water use has sense been expanded onto the same ground claimed under 43-11234 and 43-11233. This right is tied into the common delivery system and is therefore being recommended within the PP/U and limited to the original number of licensed acres. The licensed and claimed place of use also includes all of the acres licensed under 43-02523. (see combined right analysis)

43-2523 This right is diverted from a well located near the pond used to accumulate the surface water rights and then pump that water into the common mainline system. This well is located in the SENE of sec 22. This right was originally licensed as a supplemental source for the irrigation of the same ground as the two decreed rights claimed under 43-10818. This right has also been expanded onto the same ground claimed under 43-11234 and 43-11233. This right is tied into the common delivery system and is therefore being recommended within the PP/U and limited to the original number of licensed acres. The claimed and licensed acres under this right are also part of the place of use for 43-2425. (see combined right analysis)

43-10631 This right represents ground water collected through a buried tile system running under the field in the N½SW¼ of sec 22. According to Alvin Carpenter, the tile line crossed Cassia Creek just upstream of the point of diversion in the NWSE of sec 22 and then discharged into the ditch that carries water to the pond previously described. The claim identified the SENE of sec 22 as the primary irrigated place of use. This tract is the same tract in which the pond is located.

Within the last few years, (exact date not determined) Alvin indicated that the flume was dug up by his son and the water allowed to flow into Cassia Creek a few feet upstream from the Sec 22 NWSE diversion. I found physical facts that were in line with his statements. I observed tile sections in Cassia Creek and a backhoe channel going from Cassia Creek west-southwest for approximately 100 yards to where an end of a tile section was exposed. There was a small flow coming out of the tile and the backhoe channel was full of water and/or sandy mud. There was no clearly defined bottom to the channel and a measurement was not possible under the given circumstances. At best, to currently utilize the water from this source one would have to recognize an injection into Cassia Creek with the point of re-diversion at the existing point of diversion in the NWSE of sec 22. Alvin indicated that the discharge from the tile system varies with the seasons and his irrigation practices.

I am therefore recommending this right as valid based upon the 1987 status where the tile line carried water into the ditch on the north side of Cassia Creek. Although the system capacity has not been determined, the claim was for 40 acres in the SENE of sec 22. I found 36 irrigated acres within that quarter and am therefore recommending this right for 36 acres within the PP/U and at the claimed rate of 0.60 cfs which is slightly less than one inch per acre. This right is supplemental to other rights on that same ground and when they are all combined, they are limited to the one inch to the acre. The evidence of priority indicated that the system was installed in 1928. This use was not recognized in the Jobe Adams decree, therefore I am recognizing a priority date of one day after the decree or 10-19-1928.

43-11233 This right represents the expansion of the two combined wells in a critical ground water area as identified in Idaho Code 42-1416B.

Alvin Carpenter stated that he developed the property when he purchased it in 1982. Irrigation water was delivered to the property through the buried mainline system. Therefore based upon 43-1416B this right will be recommended for a priority date of 6-30-1985. This is the same irrigated ground as identified in 43-11234. I found 69 irrigated acres based upon the 1987 aerial photography.

COMBINED RIGHT ANALYSIS The groundwater system consists of two wells licensed independently under 43-02425 and 43-02523.

43-02425 was licensed on 285 acres at 4.06 cfs and 43-02523 was licensed on 152 acres within the 285 acre place of use for 43-02425 with a diversion rate of 3.04 cfs. In 1982 the groundwater systems were tied together and applied to the 69 new acres claimed under 43-11233. The 69 acres are an expansion of both licenses.

When 43-02425 and 43-02523 are combined, they are limited to a combined total of **285 acres** as the 152 acres for 43-2523 are within the 285 acres.

As the combined acre limit is 285 acres, the limit for the combined diversion rate is;
 $285 \text{ acres} * 0.02 \text{ cfs/ac} = \mathbf{5.70 \text{ cfs}}$

43-11233 rate analysis. No additional diversion rate is being recommended for this right when combined with 43-02425 and 43-02523. The recommended diversion rate is calculated as follows;

<u>TOTAL QUANTITY LIMIT</u>	<u>5.70 cfs</u>	5.70 cfs/354 acres =
TOTAL IRRIGATED LICENSED ACRES	285 acres	0.016 cfs/acre (current rate)
EXPANSION ACRES	<u>69 acres</u>	
TOTAL	354 acres	$0.016 \text{ cfs/acre} * 69 \text{ acres} =$
		<u>1.11 cfs (recommendation)</u>

Under 42-1416B no additional volume or diversion rate is allowable, therefore, for the combination of the **three rights** the diversion volume limit is $285 \text{ acres} * 4 \text{ af} = \mathbf{1140 \text{ af}}$ and the rate limit is the **5.70 cfs** as identified above.

SUMMARY GROUND WATER

43-02425 is limited to 285 acres within the PPU.

43-02523 is limited to 152 acres within the PPU.

43-11233 is limited to 69 acres within the PPU.

When all three rights are combined they are limited to the irrigation of 285 acres, 5.70 cfs and an annual volume of 1140 af.

SUMMARY SURFACE WATER

43-140 is limited to 148 acres within the PPU at 2.60 cfs.

43-10818 is limited to 150 acres within the PPU at 3.20 cfs.

43-10631 is limited to 36 acres within the PPU at 0.60 cfs. (the tile source right)

43-11234 is limited to 69 acres within the PPU at no additional diversion rate.

When 43-140, 43-10818 and 43-11234 are combined they are limited to the combined diversion rate of 5.80 cfs. As 43-10631 was not claimed on or as a source for the expansion acres I have not included it within the combined limitation for the 69 new acres.

As the groundwater system overlaps with the surface water system and the tile drain system, when they are all used in conjunction, they are limited to one inch per acre.

CLAIM: A43-10631
PHOTO DATE: JULY 28, 2000

KELLY K CHRISTENSEN



Photo set 1

You are looking southwest in this photo. The channel in the foreground is that portion of the field tile that was dug out by Tod Carpenter. The channel runs approximately 200 feet to Cassia Creek. Not visible but within the photo frame is the well for 43-02425. Alvin Carpenter stated that the tile drain was flumed across Cassia Creek and the discharge dumped into the ditch system for decreed rights 43-00141 and 43-00142. I observed tile sections in Cassia Creek that would tend to support this contention. This channel enters Cassia Creek just upstream from that point of diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:57
06/26/00

PAGE: 16
QUICKLOOK INFORMATION

66
CLAIM NUMBER: A43-10631

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

*Electronic CVR
generated*

Kelly K. Christensen
KELLY K CHRISTENSEN
SR WATER RESOURCE AGENT
DATE: 8-30-00

BARCODE UPDATED
WHOM/DATE
