

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 43-12914
Date Received: 12/26/00
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARVIN C HALL Phone: (208)645-2442
BOX 145
MALTA ID 83342

2. Date of Priority: 10/30/1948

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
13S	26E	14	SW	NW	SE	CASSIA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13S	26E	14	NW	SE	DOMESTIC	

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:

As the domestic use licensed under 43-2326 is developed under an independent system and is used for domestic purposes only, this use was split from the base right.

15. Basis of Claim: License

RECEIVED
MAR 30 2001
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
MAR 15 2001
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
43-213	43-12914				
43-411					
43-10793					
43-2326					
43-2541					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) J. Deward Hall & Estella N. Hall
(Deceased)
4. New Owner/Claimant(s) Marvin C. Hall
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address Marvin C. Hall
- City, State and ZIP Code P.O. Box 145 Malta Idaho 83342
- New Telephone Number (208) 645-2442
5. Date you acquired the property Mar 13, 2001

P.O. Box 145 Malta Idaho ¹⁴⁵ mch

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) Owner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by juvrat AJ Date 4/5/01 WR _____ Date _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

March 20, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MARVIN C HALL
PO BOX 145
MALTA ID 83342

RE: OWNERSHIP CHANGE FOR ADJUDICATION CLAIMS 43-213, 43-411,
43-10793, 43-2326, 43-2541, 43-12914

Dear Mr. Hall:

Thank you for submitting the NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP form on the above claims. Our records, however, cannot be updated without your signature under item 7 on page two of the ownership change form.

Enclosed is your original ownership change form. Please sign where highlighted in green and return the completed form in the enclosed self-addressed envelope. As soon as this information is received, our records will be updated.

Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

Trish Fawcett
Trish Fawcett
Technical Records Specialist

enc.

Thank you!



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

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March 20, 2001

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43-10793, 43-2326, 43-2541, 43-12914

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Thank you for your prompt attention to this matter and should you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

enc.

273904

Donald J. Chisholm, Esquire
Chisholm Law Office
Attorney at Law
223 East Main Street
P.O. Box 1118
Burley, Idaho 83318
Telephone: (208) 678-9181
Fax: (208) 678-4998
ISB # 1134

Attorney for Estate

DISTRICT COURT
CASSIA COUNTY IDAHO
FILED

'01 MAR 9 67 10 02

CLERK OF DISTRICT COURT

BY _____

CLERK

RECEIVED

MAR 15 2001

Department of Water Resources
Southern Region

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

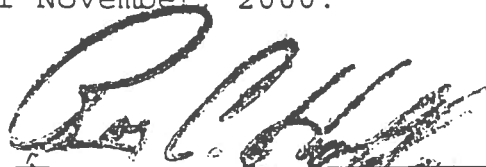
MAGISTRATE DIVISION

IN THE MATTER OF THE	)	CASE NO. SP 92-00099
ESTATE OF:	)	
	)	
J. DEWARD HALL,	)	LETTERS TESTAMENTARY
	)	
Deceased.	)	
	)	
	)	
	)	

The Will of J. Deward Hall, deceased having been proved and admitted to probate in the above-named court in informal proceedings, and Estella Neddo Hall having been appointed as personal representative and having died before completion of administration of the Estate of J. Deward Hall, Marvin Clark Hall is hereby appointed Personal Representative.

WITNESS: The Honorable Magistrate of the District Court, County of Cassia, State of Idaho, with the seal of the Court affixed this 9 day of November, 2000.

(SEAL)

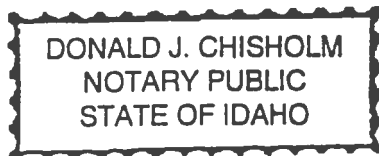
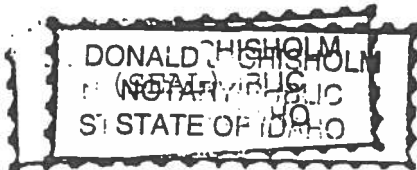

Magistrate Judge

STATE OF IDAHO)
) ss.
County of Cassia)

I hereby accept the duties of Personal Representative of the Estate of J. Deward Hall and do solemnly swear that I will perform according to law, the duties of Personal Representative.

Marvin C. Hall
Marvin Clark Hall

SUBSCRIBED AND SWORN TO before me this 29th day of November, 2000.



Donald Chisholm
Notary Public
Residing at Home
My Commission expires 2-14-2006

INST# 273904
CASSIA COUNTY, IDAHO
DARREL M. ROSKELLEY
RECORDER

FEE 600 DEPUTY LM
DATE 3-13-01
TIME 2:17PM

RECORDED AT THE REQUEST OF

Donald Chisholm

Letters Testamentary
Page 2
estates\hall.ltrs\brb

State of Idaho }
County of Cassia } ss
I hereby certify that the foregoing instrument
is a full, true and correct copy of the original
as filed in this office.
Dated March 9, 2001
Darrel M. Roskelley
Clerk of the District Court, Ex-officio Auditor
and Recorder Cassia County, Idaho
By C. Lechner
Deputy

273907

RECEIVED

MAR 15 2001

DEED OF PERSONAL REPRESENTATIVE

Department of Water Resources
Southern Region

THIS DEED made this 13th day of March, 2001, by and between MARVIN HALL, the duly appointed, qualified and acting Personal Representative of the Estate of Estella Neddo Hall, deceased, and the Estate of John Deward Hall, aka J. Deward Hall, deceased, as Grantor, and MARVIN HALL, as Grantee, whose present address is Box 145, Malta, Idaho 83342.

W I T N E S S E T H:

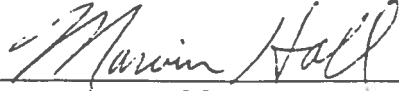
That the said Marvin Hall, Personal Representative of the Estates of Estella Neddo Hall deceased, and J. Deward Hall, deceased, having heretofore duly recorded certified copies of the Letters Testamentary, does hereby grant, release and convey all of the right, title and interest of the Estates of Estella Neddo Hall and J. Deward Hall to the said Marvin Hall, Grantee, the following described real property situated in Cassia County, Idaho, to wit:

E $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 13 South, Range 26 East of the Boise Meridian, Cassia County, Idaho

Together with license # G-30281 of the Idaho Department of Water Resources and the Cassia Creek Water Rights appurtenant thereto.

TO HAVE AND TO HOLD all and singular the above-granted premises, together with the appurtenances, and every part thereof, unto the Grantee, his heirs and assigns forever. And the Grantor does covenant and agree that he is making this conveyance, in pursuance of the authority granted in and by the court wherein he was appointed and the statutes of the State of Idaho.

IN WITNESS WHEREOF, the said Grantor has set his hand the day and year first above written.

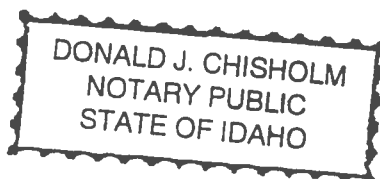

Marvin Hall

STATE OF IDAHO)
) ss.
County of Cassia)

On this 13th day of March, 2001, before me the undersigned notary public in and for said state, personally appeared Marvin Hall, known to me to be the person whose name is subscribed to the within instrument as personal representative of the estates of Estella Neddo Hall and J. Deward Hall, and acknowledged to me that he executed the same as such personal representative.

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

(SEAL)



Donald Chisholm
Notary Public
Residing at
My Commission expires 2-14-2006

INSTR # 273907

CASSIA COUNTY, IDAHO
DARREL M. ROSKELLEY
RECORDER

FEE 600 DEPUTY AM
DATE 3-13-01
TIME 2:20 PM

RECORDED AT THE REQUEST OF

Donald Chisholm

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 43-12914
Date Received: 12/26/00
Receipt No:
Received By:

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

1. Name of Claimant(s)

J DEWARD HALL Phone: (208)642-2528
BOX 1200
MALTA ID USA 83342

2. Date of Priority: 10/30/1948

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
13S	26E	14	SW NW SE	CASSIA

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
13S	26E	14	NW SE	DOMESTIC	

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:

As the domestic use licensed under 43-2326 is developed under an independent system and is used for domestic purposes only, this use was split from the base right.

15. Basis of Claim: License

12/26/2000

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

RIGHT NUMBER: 43-12914
NAME AND ADDRESS: J DEWARD HALL
BOX 1200
MALTA, ID 83342

SOURCE: GROUND WATER

VERIFIED BY KKC

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 10/30/1948

POINT OF DIVERSION: T13S R26E S14 SWNWE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC 1 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE:

DOMESTIC Within CASSIA County
T13S R26E S14 NWSE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Iaho Dept of Water Resources
Claims review notes and narrative

Date: 11-27-2000

File: 43-108 ward 43-121 hall analysis

Prepared by Kelly K Christensen

**PRE EXAM REVIEW
FOR CHARLES WARD AND DEWARD HALL**

Apparent conflict with overlap of 43-215 as decreed Vs how it was claimed.

WARD CLAIMS					
DECREE/ LICENSE	CLAIM	PRIORITY DATE	DECREE /LICENSE RATE	CLAIMED RATE	
43-108	43-10815	6-15-86	0.60	2.20	
43-109		6-15-86	1.60		
43-110	43-110	4-1-94	1.60	1.60	
43-214	Not claimed	7-1-86	0.40		
43-215 (PART)	Not claimed	4-1-94	2.40		Currently claimed in full by Deward Hall
43-2425	43-2452	8-27-56	2.00	2.00	
43-2459	43-2459	7-2-57	0.37	0.37	
43-214	43-214	7-1-86	0.40	0.40	
43-215 pt 43-110	43-11298	7-1-86		2.80	

DIVERSION RATE ANALYSIS

Surface water claims based upon 43-214 not being claimed and ½ of 43-215 not being claimed and a found place of use of 230 acres.

43-10815 2.20 cfs
43-110 1.60 cfs
total 3.80 cfs/230 acres = 0.17 cfs/acre
adding
43-214 0.40 cfs
43-215 (½) 1.20 cfs
total 5.40 cfs/230 acres = 0.023 cfs/acre

The final rate of 0.023 cfs/acre makes the assumption that a portion of 43-215 is still appurtenant to the property and would be claimed along with 43-214.

~~The claimed Cassia Creek decreed rights are all for the southern portion of the claimed place of use. 43-214 and part of 43-215 were decreed to the NWNE and the NENW of sec 23. Neither right has been claimed.~~

43-214 and ½ of 43-215 were claimed on 12-8-2000 as described above as **43-11298**. Combined limitations are as follows. Combination of 43-110 and 43-215 covers the entire place of use, no acre or diversion rate limits required.

For **43-10815**, the base rights were decreed to the southern place of use only, therefore this right is limited to the irrigation of 151 acres within the PP/U. The combined diversion rate does not exceed 1 inch per acre so no rate limit is required for this right.

43-214 was decreed to the north place of use and is therefore limited to 79 acres within the PP/U. When the surface water rights and groundwater rights are combined, they are limited to 1 inch per acre.

Groundwater rights **43-2452** and **43-2459** are from the same point of diversion and for the same place of use. They are limited to 145 acres within the PP/U. The claimed place of use totals the licensed place of use but has been shifted slightly between some of the claimed quarter/quarters.

OFFICE VISIT BY CHARLES WARD 12-8-2000

Charles filed a late claim for 43-214 and amended 43-110 to include 1.2 decreed under 43-215 ($\frac{1}{2}$ of the decreed 2.40 cfs). This claim is to be renumbered to identify the combined status of this claim. Renumbered to 43-11298 on 12-14-2000. We discussed the system as it currently exists. He indicated that there is only one Cassia Creek diversion that he uses and that p/d is just west of his property in the SWNW of sec 23. The well has not been changed. There is a few acres in the NWNE that is not farmed but Charles indicated that that ground will occasionally receive irrigation water. There is a high point in the southeast corner of the NESW that is not irrigated.

HALL CLAIMS					
DECREE/ LICENSE	CLAIM	PRIORITY DATE	DECREE /LICENSE RATE	CLAIMED RATE	
43-121	43-10793	4-1-94	1.60	4.00	Also decreed to ground owned by Ward
43-215		4-1-94	2.40		
43-411	43-411	11-1-86	1.20	1.20	
43-213	Not claimed	7-1-88	0.80		
43-122	Not claimed	4-1-04	1.20		
43-2326	43-2326	9-30-48	1.76 irr 0.04 dom	1.76 irr 0.04 dom	
43-2541	43-2541	11-2-61	2.02	2.02	

DIVERSION RATE ANALYSIS

Surface water claims based upon 43-213 and 43-122 not being claimed and with a found place of use of 195 acres.

43-10793	4.00 cfs
43-411	1.20 cfs
total	5.20 cfs/195 acres = 0.027 cfs/acre
less $\frac{1}{2}$ of 43-215	1.20 cfs
total	4.00 cfs
adding	
43-43-213	0.80 cfs
total	4.80 cfs/195 acres = 0.025 cfs/acre

Note that the last entry indicating a 0.025 cfs/acre still excludes the 1.20 cfs under 43-122. The assumption being that the claimant did not want to claim this right, as the priority date is 4-1-1904.

OFFICE VISIT BY MARVIN HALL ON 12-20-2000

We reviewed his claims, the decree, and the place of use as it pertains to this farmstead and another farmstead in 12s26e Sec 24.

For this farmstead, after reviewing the information, Marvin elected to file for 43-213 but not for 43-122. We discussed the split of 43-215 and he accepted my assessment that Charles Ward had $\frac{1}{2}$ of that claim. I indicated that an amendment to reduce the claim was not necessary.

Marvin stated that Cassia Creek had historically been diverted from a point of diversion in Section 14 NWSW but that the diversion structure washed out many years ago and was never reestablished. The only point of diversion that is used is the claimed point of diversion in Section 22 (per arcview the quarter/quarter is incorrect).

The groundwater system has changed slightly over the years, as the point of diversion in the NESW does not produce as much water as it originally did. He indicated that this is more of a pit development that has been trenched to increase production. The well south of this location provides a majority of the required irrigation. He indicated that there is a well for domestic use at the farmstead that is for domestic use and is independent of the irrigation system. I stated that I would split off the domestic use and recommend it as a valid use under a 10,000 series claim number.

I found 195 irrigated acres and am recommending them as the PP/U for each right. 43-2326 was licensed on 195 acres and claimed on 196 acres. The found acres are 195 acres and the recommendation. There is some shifting between quarter/quarters between the claim and the licensed place of use. All rights when combined are limited to 195 acres.

43-2541 is from the same points of diversion (less the domestic well) but was licensed for 184 acres rather than the 195 acres licensed under 43-2326. The combined, diversion rate for the two ground water rights do not exceed 1" per acre therefore no combined limitation for rate is required. They are limited to a combined diversion volume of $195 * 4 = \underline{780}$ afa.

43-411 was decreed to the northern portion of the claimed place of use and is limited to 117 acres within the PP/U.

43-10793 is based upon 43-121, which is appurtenant to the north 117 acres, while 43-215 is appurtenant to the southern 78 acres. When combined they equal the found place of use, therefore no combined acre limit is required. This claim was for 4.00 cfs, however, I am only recognizing $\frac{1}{2}$ of 43-115 for Mr Hall. Therefore the recommended rate is 4.00 cfs - 1.20 cfs = 2.80 cfs

43-213 was decreed to the southern portion of the place of use and therefore, is limited to 78 acres within the PP/U.

When all rights are combined they are limited to 0.02 cfs per acre.