

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 43-13025
Date Received: 5/25/01
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CURTIS L DURFEE Phone: (208)824-5579
PO BOX 185
ALMO ID USA 83312

MARY LOU DURFEE Phone: (208)824-5579
PO BOX 185
ALMO ID USA 83312

2. Date of Priority: 04/01/1880

3. Source: STINES CREEK Trib. to: ALMO CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
15S	24E	7	SE	SW		CASSIA	
15S	24E	17	NW	NW	SW	CASSIA	R
15S	24E	17	NW	SW	NW	CASSIA	R

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.
IRRIGATION	04/01	10/31	2.14

7. Total Quantity Appropriated is:
2.14 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
15S	24E	17	NE	SW	IRRIGATION	41
			NW	SW	IRRIGATION	41
			SW	SW	IRRIGATION	28
			SE	SW	IRRIGATION	37
					Section Acres	147
					Total Acres	147

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:

5-25-01: OWNERSHIP CHANGE DARRINGTON TO DURFEE RESULTED IN A SPLIT OF 43-10280 INTO 43-13024 (DARRINGTON) AND 43-10325 (DURFEE).

15. Basis of Claim: Decreed

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

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

RECEIVED
MAY 11 2001
 Department of Water Resources
 Southern Region

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
43-10280	43-10280	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *none required*
- 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) IVAN DARRINGTON
4. New Owner/Claimant(s) _____
- Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address _____
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property _____

already Recd →

NOT required →

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	_____	_____

X 7.

Signature of New Owner(s) or Claimant(s) Curtis Dwyer
(include title if applicable)

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 _____ AJ Date _____ WR _____ Date _____

To: Curtis and Mary Lou Durfee
PO Box 185
Almo, Idaho 83312

Split of right 43-10280, source Stines Creek

A signed Change of Ownership form was not received in time change my Preliminary Recommendation of the above referenced right in the name of Ivan Darrington. The enclosed documents describe the right as it existed when I did my field exam. If a signed Change of Ownership form is received, the right will be split into two portions, and will be reflected in my actual recommendation to the SRBA Court as two separate water rights. Your water right well encompass the SW ¼ Section 17 , Ivan Darrington's the SWSE Section 17.

If you have any questions, please don't hesitate to call me here, or to contact me at the public meeting scheduled for Malta.



Vikie Hancock



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MEMO

May 4, 2001

To: Curt Durfee -

Bill Parsons sent me a copy of the warranty deed conveying the SW 1/4 of Section 17 to you from IVAN Darrington, but I need your signature on the enclosed form before I can chg it into your name. Please sign & return as soon as you can

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

Vikie Hancock
Water Resource Agent

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

WILLIAM A. PARSONS
wparsons@pmt.org

RICHARD K. SMITH
smithrk@pmt.org

RANDOLPH C. STONE
rcstone@pmt.org

LANCE A. LOVELAND
love9593@pmt.org

DAVID F. SHIRLEY
dshirley@pmt.org

May 2, 2001

RECEIVED

MAY 03 2001

Department of Water Resources
Southern Region

Vikie Hancock
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

Dear Vikie:

Enclosed is a copy of the Warranty Deed for the Claim No.
43-10280 Ivan Darrington.

If you need anything in addition to this, please advise.

Very truly yours,

PARSONS, SMITH & STONE



William A. Parsons

WAP:cr

RECEIVED

MAY 03 2001

Department of Water Resources
Southern Region

274640

WARRANTY DEED

THIS INDENTURE, made this 27 day of JANUARY,
2000, between EDSIL IVAN DARRINGTON and BARBARA DARRINGTON,
husband and wife, ("Grantor"), and CURTIS L. DURFEE and MARY
LOU DURFEE, husband and wife, whose address is Box 185, Almo,
Idaho 83312, ("Grantee").

W I T N E S S E T H:

The Grantor for and in consideration of the sum of
Ten Dollars (\$10.00), lawful money of the United States of
America, and other good and valuable consideration, to the
Grantor in hand paid by the Grantee, the receipt whereof is
hereby acknowledged, has granted, bargained, and sold and by
these presents does grant, bargain and sell, convey and confirm
unto the Grantee, and to the heirs and assigns of Grantee
forever, all of the following described real estate situated in
the County of Cassia, State of Idaho, to-wit:

The Southwest Quarter (SW $\frac{1}{4}$) of Section 17,
Township 15 South, Range 24 East, Boise
Meridian, and TOGETHER with an easement for
ingress and egress to the foregoing parcel on,
over and across the following described parcel:
Beginning at the Southwest corner of the
Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of
Section 17, Township 15 South, Range 24 East,
Boise Meridian; thence continuing along the
South boundary of said Southwest Quarter
Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) to the Southeast
corner thereof; thence continuing to the
Southeast Quarter Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of
Section 17, Township 15 South, Range 24 East,

Boise Meridian a distance of 50 feet; thence North 50 feet; thence West to the West boundary of the said Southwest Quarter Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 17; thence South 50 feet to the Point of Beginning.

Said easement is for the benefit of the Southwest Quarter (SW $\frac{1}{4}$) of Section 17, Township 15 South, Range 24 East, Boise Meridian, and for ingress and egress thereto.

SUBJECT TO: Accruing taxes, levies and assessments, and easements of record, if any.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all water rights appurtenant to said property, including, but not limited to that portion of water right appurtenant to the above described property as evidenced by A43-10280, and all estate, right, title and interest in and to said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances unto the Grantee and to the heirs and assigns of Grantee forever.

The Grantor shall and will warrant and by these presents will forever defend the said premises in the quiet and peaceable possession of the Grantee, and the heirs and assigns

1 of Grantee against all and every person and persons whomsoever
2 lawfully claiming the same, except as aforesaid.

3 IN WITNESS WHEREOF, the Grantor has executed this
4 Deed the day and year first above written.

5 Edsil Ivan Darrington
6 Edsil Ivan Darrington

7 Barbara Darrington W.D.
8 Barbara Darrington

9 STATE OF IDAHO)
10) ss
11 County of Cassia)

12 On this 29th day of January, in the year 2000,
13 before me, the undersigned, a Notary Public in and for said
14 State, personally appeared EDSIL IVAN DARRINGTON and BARBARA
15 DARRINGTON, husband and wife, known or identified to me to be
16 the persons whose names are subscribed to the within
17 instrument, and acknowledged to me that they executed the same.

18 **TIMOTHY J. SCHNEIDER**
19 **NOTARY PUBLIC**
20 **STATE OF IDAHO**

21 [Signature]
22 Notary Public for Idaho
23 Residing at Hayden, ID
24 My Commission Expires: 5/30/02

25
26
RECORDED IN THE REQUEST OF
Parsons & Smith

APR 26 PM 3 58

FEE 9.00 DEPUTY [Signature]

CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER

274640

RECEIVED

FEB 16 2000

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 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: **A43-10280**
Date Received: 5/31/1989
Receipt No: S007397
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: IVAN DARRINGTON 208-824-5511
Address: BOX 136
ALMO ID 83312

2. Date of Priority: MAR 17, 1879

3. Source: STINE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	17		SW	SW		CASSIA

5. Description of diverting works:
EARTHEN DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	17	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	200.0
					Total Acres	200.0

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:
NONE

14. Remarks:

SEE ATTACHED DECREE. ENTIRE CREEK DECREED TO 4 SEPERATE
PARTIES AND DIVIDED ACCORDING TO SHARES OWNED.
CLAIMANT OWNS 8.5 SHARES.

2-7-2000: AMENDED CLAIM PER PHONE CONVERSATION WITH CLAIMANT IN
RESPONSE TO MY LETTER OF 2-1-2000. ADDED SESW SEC 17 TO CLAIMED
POU.- VH

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 7/ 8/1969

ALMO WATER CO.

Decree Plaintiff

IVAN DARRINGTON

vs

Decree 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: _____

For Individuals:

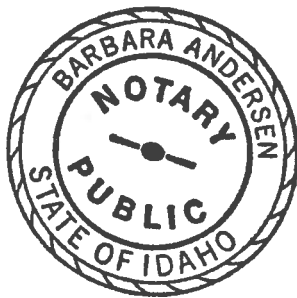
I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Ivan Livingston Date: Feb 14-2020
_____ Date: _____

State of Idaho)
County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of February 20 00
Barbara Andersen
Notary Public

Seal



Residing at Albion, Id
My Commission Expires 7-23-05



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 7, 2000

Ivan Darrington
PO Box 136
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim No.: A43-10280

Dear Ivan,

Per our phone conversation Friday afternoon, here is an amended claim with the acres in the SWSE Section 17 added. You need to sign on page 3, have your signature notarized, and return the claim form to me in order for me to change our records here. I've enclosed a pre-addressed envelope for your convenience. If you have any questions, just give me a call.

Looks like Mother Nature is trying to tease us into thinking it's spring again today!

Sincerely,

Vikie Hancock
Water Resource Agent

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: A43-10280
Date Received: 5/31/1989
Receipt No: S007397
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: IVAN DARRINGTON 208-824-5511
Address: BOX 136
ALMO, ID 83312

2. Date of Priority: MAR 17, 1879

3. Source: STINE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	24E	17	SW	SW			CASSIA

5. Description of diverting works:
EARTHEN DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	24E	17	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0

Section Acres 160.0

A43-10280

Page 1

Date: 05/31/89

MICROFILMED
MAR 04 1993

10. Place of Use: Continued

Total Acres 160.0

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:
NONE

14. Remarks:
SEE ATTACHED DECREE. ENTIRE CREEK DECREED TO 4 SEPERATE
PARTIES AND DIVIDED ACCORDING TO SHARES OWNED.
CLAIMANT OWNS 8.5 SHARES.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 7/08/1969

ALMO WATER CO.

Decree Plaintiff

vs

IVAN DARRINGTON

Decree 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: _____

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): Juan Dainington Date: 5/31/89
_____ Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 31st day
of May 19 89 Lori White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

51024

INDEX

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

ALMO WATER COMPANY, an Idaho
corporation, et al,

Plaintiffs,

vs.

IVAN DARRINGTON, Watermaster of
Water District 8-E, et al,

Defendants.

8968
4:30 P.M.
May 5 1970
Frank B. Kearns
H. B. Black

Civil No. 8968

D E C R E E

* * * * *

WHEREAS, On the 8th day of July, 1969, the plaintiffs, Almo Water Company, et al, duly filed their complaint in equity in the above-entitled Court, which cause was entitled Almo Water Company, an Idaho corporation, William W. Bruesch and Virginia Bruesch, husband and wife, Zenith Taylor and Colleen Taylor, husband and wife, Neil Durfee, a bachelor, Ivan Darrington and Barbara Darrington, husband and wife, and Arthur Taylor, plaintiffs, vs. Ivan Darrington, as WaterMaster of Water District 8-E, Owen Jones, Richard Jones and Norma Jones, husband and wife, Louis Eames, R. Keith Higginson, State Reclamation Engineer, Glen Jones and Doris Jones, husband and wife, Arley Cahoon and Edna Cahoon, husband and wife, defendants, and

WHEREAS, Thereafter due and regular service of the summons was made upon all parties mentioned in said complaint by personal service thereon as shown by the records and file in said action, and

WHEREAS, The above entitled cause came on for hearing before the Honorable Sherman J. Bellwood, Judge of the above-entitled District Court, sitting at Burley, Cassia County, Idaho, within said district, the plaintiffs being represented by A. H. Neilson, John Coleman, and Robert C. Paine and the defendants being represented by Lawrence H. Duffin, except that defendant R. Keith Higginson, was represented by William D. Collins, Assistant Attorney General, who did not appear at said trial. The evidence in said cause was duly submitted and a transcript of the oral evidence was taken and the exhibits offered by the various parties were duly transmitted to the Court

MICROFILMED

MAR 04 1993

1 for consideration, and the Court having taken said cause under advisement,
2 and being fully advised in the premises, did on the 18th day of March, 1970,
3 file its decision in writing directing the entry of a decree in accordance with
4 the views expressed therein.

5 NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

6 I.

7 William W. and Virginia Bruesch, husband and wife, are the owners
8 of all of the waters of Sythe Creek for the irrigation of the following described
9 lands in Cassia County, Idaho:

10 S 1/2 - NE 1/4, NW 1/4 - NE 1/4, NW 1/4 - NW 1/4 of
11 Section 20; E 1/2 - NW 1/4, W 1/2 - NE 1/4, SE 1/4,
12 NE 1/4, and N 1/2 - SE 1/4 of Section 20; N 1/2 - SW 1/4,
Range 24, E., B. M.

13 II.

14 William W. and Virginia Bruesch, husband and wife, Zenith and
15 Colleen Taylor, husband and wife, Arthur Taylor, Ivan and Barbara
16 Darrington, husband and wife, and Neil Durfee are the owners of all of the
17 waters of Stine Creek for the irrigation of the following described lands in
18 Cassia County, Idaho:

19 William W. & Virginia Bruesch: NW 1/4 - NE 1/4, S1/2-NE1/4, N1/2-SE1/4,
20 and SE1/4-SE1/4 of Section 18, all in Township 15 South, Range 24 E.B. M.

21 Zenith & Colleen Taylor: NW1/4-SE1/4, SE1/4-SE1/4 of Section 17; N1/2 -
22 NE1/4 of Section 21; N1/2-NW 1/4 of Section 21; NE1/4-NE1/4 of Section 20;
23 all in Township 15 South, Range 24 E.B. M.

24 Arthur Taylor; Ivan & Barbara Darrington: W1/2-W1/2 and NE1/4-SW1/4 of
25 Section 17, all in Township 15 South, Range 24 E.B. M.

26 Neil Durfee: S1/2-NE1/4 of Section 21, Township 15 South, Range 24 E. B. M.

27 III.

28 The waters of Stine and Sythe Creeks are not tributary to Almo
29 Creek or any other stream and the defendant watermaster of Water District
30 8-E, and the defendant State Reclamation Engineer, are to be enjoined from
31 interfering with the flow of Sythe and Stine Creeks and from measuring the
32 same.

MICROFILMED
MAR 04 1993

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IV.

Defendant Louis Eames is the owner of 1.6 cubic feet per second (80 inches) of the waters of Almo Creek, to be diverted from North Almo Creek, for the irrigation of the SW 1/4 of the NW 1/4 of Section 13; SW 1/4 NE 1/4, SE 1/4 NE 1/4, SE 1/4 NW 1/4, of Section 14 all in Township 15 South, Range 24 East, Boise Meridian, in Cassia County, Idaho, with the right to have the same supplemented to the extent of 1.6 cubic feet per second (80 inches) to be diverted from Edwards Creek for the same lands, this right being supplementary and not additional. Priority date is March 17, 1879.

V.

The water master of District 8-E shall fill said Louis Eames water right from the North Fork of Almo Creek through his diversion therefrom, subject, however, to any water-exchange agreements made between the said Louis Eames and others.

Dated this 29th day of April, 1970.

Sherman Bullman
Judge, District Court.

51021

Notarized by _____ at _____
A. H. Nielson at 30. 4
P. M. this 5 day of May A.D. 1970 in my office and
only recorded on Film No. 45 51021
Frank B. Kearns
Deputy

(Return to file)

RECORDED
INDEXED
MAR 4 1993
that the foregoing instrument is a correct copy of the original in this office.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 1, 2000

Ivan Darrington
PO Box 136
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim Number A43-10280

Dear Mr. Darrington:

I am beginning to put together a recommendation for your claim in Section 17 for the waters of Stines Creek. In going over my notes taken the day that you and Camilla showed me around your property, I remembered that we discussed the fact that you failed to claim the field in the SW SE of the section, even though you are clearly irrigating it.

As I already have documentation in the file that you are still current owner of the SW SE of Section 17, it would not be difficult for you to amend your claim to include that acreage. Please contact me as soon as possible if you wish to do so. We could transact the amendment through the mail so that there would be no need for either of us to travel.

I am including with this letter a draft of the acres being considered for your recommended place of use as of this date. It may help you to identify the extent of the land you irrigate. If you have any questions, please don't hesitate to call.

Sincerely,

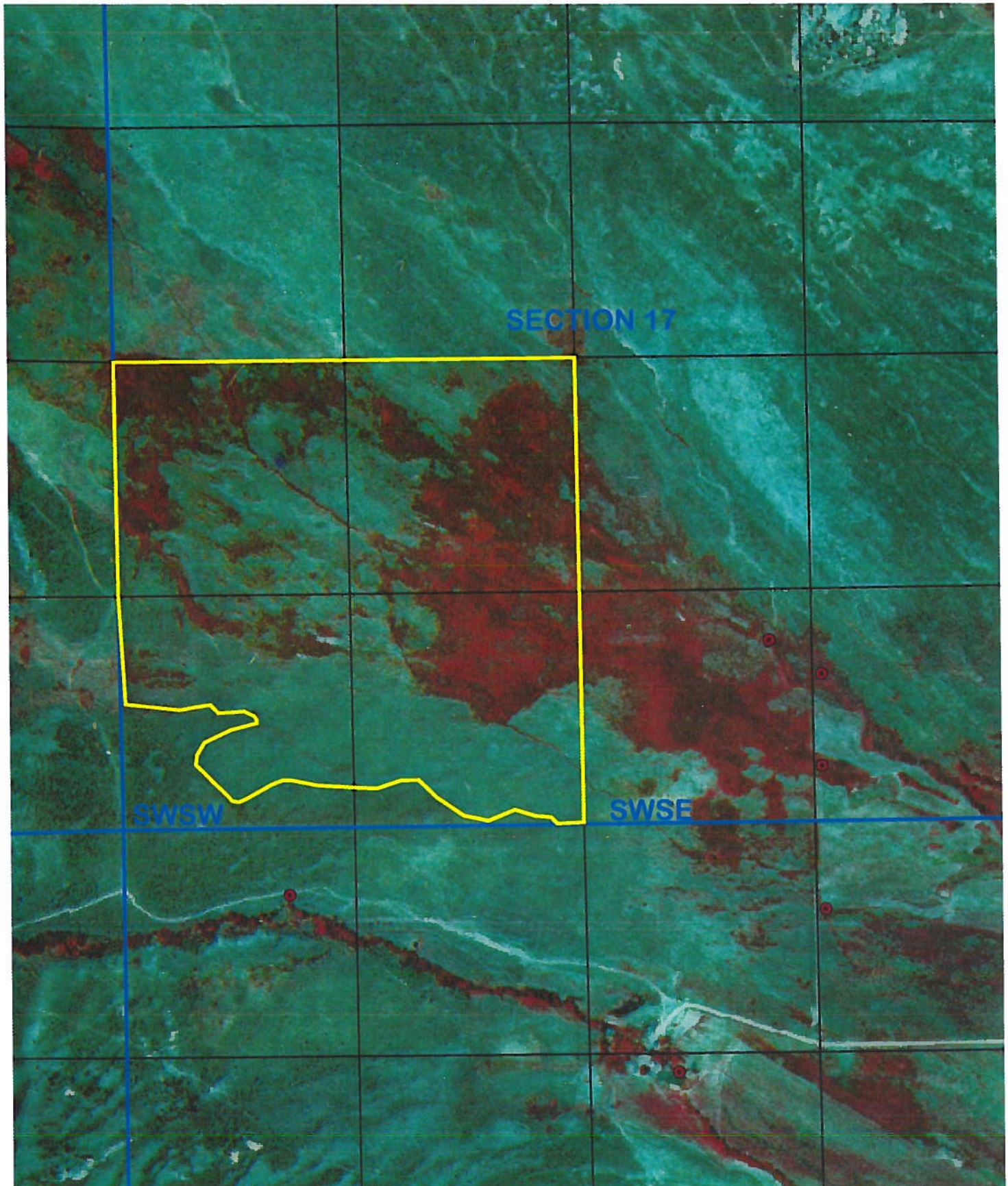
Vikie Hancock
Water Resource Agent

FILE NOTES

CLAIM NO(S): 43-10280

T 15S, R 24E SEC 17,

COPY SENT TO CLAIMANT 2-1-2000



V. HANCOCK

DATE: 02-01-2000

1987/88 NAPP PHOTOGRAPHY



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 18, 1999

Curtis Durfee
PO Box 185
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim Nos: A43-10076 and A43-11199

Dear Curtis,

Enclosed is a copy of your new claim on Almo Creek, and the receipt for fees paid. Please check this document for accuracy in all respects.

It has come to my attention that you purchased property in Sections 17 and 18 from Ivan Darrington. The property you purchased in 1995 was not included in Mr. Darrington's Adjudication Claim for a water right from Stines Creek filed in 1989, so currently there is no claim for irrigation water on this acreage, nor will there be any water right decreed to this acreage in the SRBA. If you are irrigating this property, you may want to contact me to see if it would be possible for you to file a Notice of Claim to a Water Right on Stines Creek water.

I also wanted to remind you that we are in need of proof of priority for the beneficial use of the three springs claimed under A43-10076. If you have any questions about that, or any other issues, feel free to call me here, anytime.

Sincerely,

Vikie Hancock
Water Resource Agent

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

September 16, 1996 8:53am

NAME:
FARLEY, DARRINGTON & STEWART, REID

RE:
PARSONS ESQ. REQUEST TAKEN
BY COREY SKINNER & CCS SENT

WHEN I CAME IN MONDAY, 09-16-1996, AFTER TAKING SICK LEAVE ON 09-13-96, I FOUND A CC OF LETTER TO MR PARSONS FROM COREY LISTING PROFILE REPORTS SENT TO PARSONS PER HIS REQUEST. I RAN CCS OF THE AJ/WR PROOFS AND PROFILES RESPECTIVELY FOR FILES AND WILL ATTACH THIS JCOM ENTRY AS WELL. CHECKED WITH SRBA COURT-TIFFANY SAYS THERE IS A COURT DATE SET FOR DARRINGTON V FARLEY, 09-26 & 27. I WILL ASK SCC WHO HAS BEEN CALLED IN THE PAST BY FARLEY FOR ANY RECENT CONTACTS OR INFORMATION HE MAY HAVE RECIEVED.



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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

September 13, 1996

William A. Parsons
Parsons, Smith, Stone & Fletcher
137 West 13th Street
Box 910
Burley, ID 83318

FRANK,
F.Y.I.

Dear Mr. Parsons:

Pursuant to your request, I have researched the department records concerning the water rights that you inquired about today. Please find the following profile reports enclosed for your convenience:

WATER RIGHT RECORDS

Profiles printed ✓
✓ 43-02283
✓ 43-02327
✓ 43-02413
✓ 43-02461
✓ 43-04098

SNAKE RIVER BASIN ADJUDICATION RECORDS

✓ H-BC

FARLEY
FARLEY
DARRINGTON
DARRINGTON
STEWART, YARD
" "
DARRINGTON
blue A43-04098A ✓
blue A43-10655 ✓
green A43-02413 ✓
green A43-02283 ✓
green A43-02327 ✓
green A43-02461 ✓
green A43-10280 ✓

blue - not ready for
field work.

green - ready for field
work.

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosures

09-26 + 27-96
DARRINGTON
✓
FARLEY

05/25/2001

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

RIGHT NUMBER: 43-13025

NAME AND ADDRESS: CURTIS L DURFEE
MARY LOU DURFEE
PO BOX 185
ALMO, ID 83312

SOURCE: STINES CREEK TRIBUTARY: ALMO CREEK

QUANTITY: 2.14 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.74 CFS. COMBINED RIGHT NOS.: 43-
00011, 43-00012, 43-00014, & 43-13024 & 43-13025.

PRIORITY DATE: 04/01/1880

POINT OF DIVERSION:	T15S R24E S7	SENW		Within CASSIA County
	T15S R24E S17	NWSWNW	Rediversion	Within CASSIA County
	T15S R24E S17	NWNWSW	Rediversion	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	2.14 CFS

PLACE OF USE:

<u>IRRIGATION Within CASSIA County</u>					
T15S R24E S17	NESW	41	T15S R24E S17	NWSW	41
T15S R24E S17	SWSW	28	T15S R24E S17	SESW	37

147 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

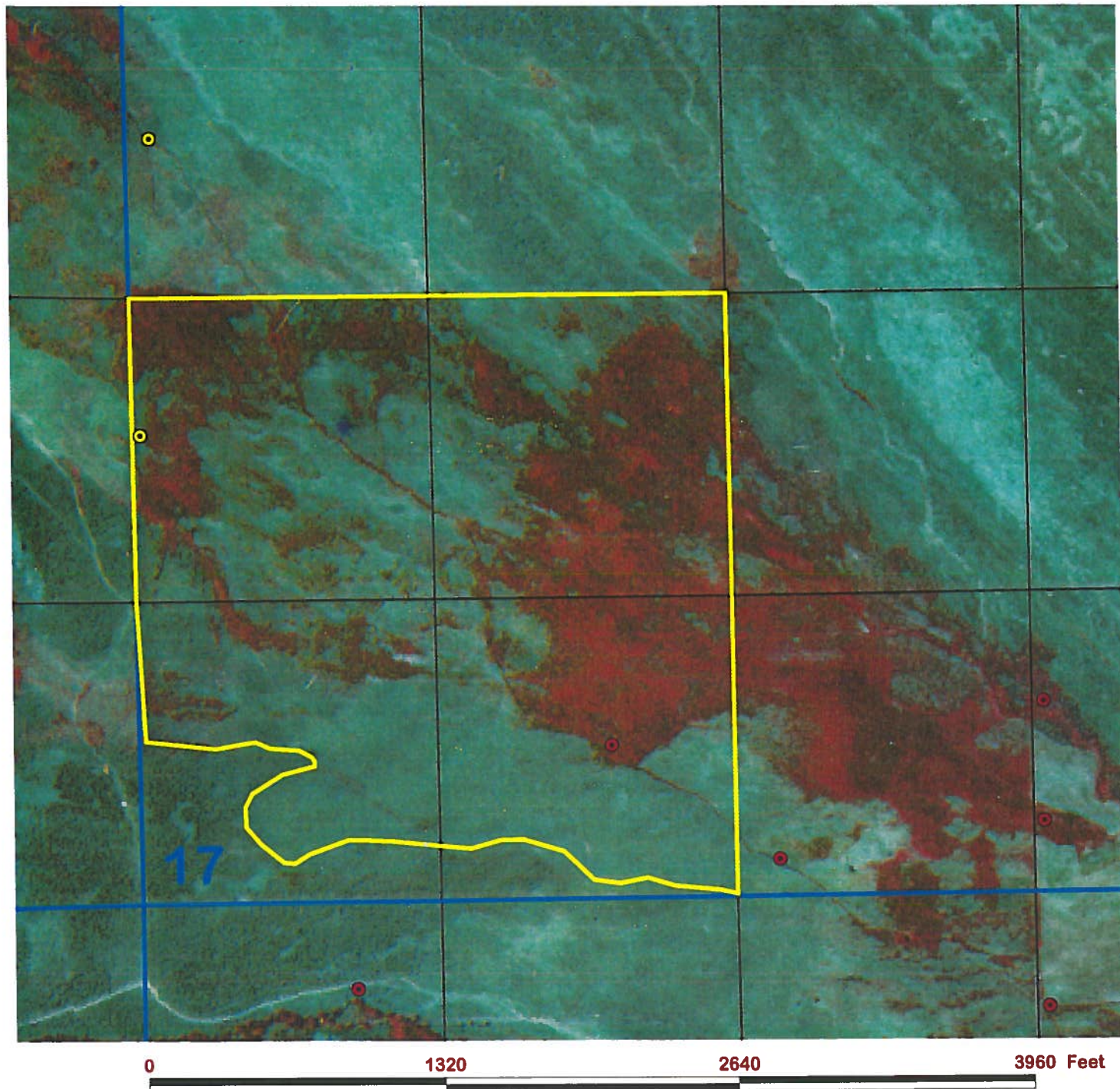
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE AS SW NW SEC 7, T15S, R24E: 43-00011
43-00012, 43-00014 & 43-13024.

Idaho Department of Water Resources

RIGHT: 43-13025

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 17
Data entry on May 25, 2001



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 23, 2001

Bruesch Family Trust

Richard Bruesch
2513 E. Loyola Drive
Tempe, AZ 85284

Ted Tracy
PO Box 197
Almo, Idaho 83312

Neil Durfee
PO Box 174
Almo, Idaho 83312

Ivan Darrington
PO Box 136
Almo, Idaho 83312

Curtis Durfee
PO Box 185
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Stines Creek Diversions
43-0011 Breusch Family, 43-0012 Ted Tracy, 43-0014 Neil Durfee,
43-13024 (split from 43-10280) Ivan Darrington
43-13025 (split from 43-10280) Curtis Durfee

Dear Claimants,

You should now have received your copies of my recommendations of your individual water right claims to the SRBA Court. The above referenced water right claims are those from Stines Creek based upon the rights included in the 1970 Almo Water Company -v- Darrington court action. This letter is to help explain the water right documents that you received.

All of the above rights were recommended with a priority date of April 1, 1880. According to a 1939 affidavit signed by George Durfee, Alice Rice and J.A. Graham, the common diversion works which I have seen referred to as the Hogland Ditch, was constructed in 1880. It is probable that all the acreage now being irrigated on your separate parcels was not developed at the same time, but as some succession of now unknown developments. To preserve the status quo, I have recommended all of your rights with equal priority.

As there were no measurements of historic flow from the diversion on Stines Creek, and as you all expressed that flow was much diminished from its spring high when I conducted my field exams, I returned in September 1999 with an engineer from our State Office to do a theoretical calculation of the capacity of the Hogland Ditch. Richard Bruesch accompanied us, and we took our measurements above the first diversion. Our Department engineer determined that the capacity of the ditch was close to 2.74 cfs (137 inches).

As you are all aware, the combined total of all your claims would exceed the capacity of the ditch, and successful irrigation of each of your lands relies on the rotational use that has historically been practiced among the various land owners. IDWR cannot recognize that rotational use as part of your water right.

For my recommendations, I considered two choices: (1) limit each of you to a proportional share of the 2.74 cfs capacity of the ditch based upon your irrigated acreage, or (2) award each of you one inch per acre up to the capacity of the ditch, and then condition all the rights to a combined total of 2.74 cfs. I chose the latter.

The obvious advantage to my structuring the water rights in this way is that none of you are officially limited to an amount of water that would be inadequate, on it's own, to irrigate your property. The disadvantage is that on the face of it each individual water right may indicate a continuous right to more water than has been historically available to a property. I encourage you as a group, therefore, to formulate a written civil agreement, binding upon each of you and your successors, to more clearly specify any commonly agreed-upon irrigation practices from the main Stines diversion, AKA the Hogland Ditch. IDWR would not administer an agreement such as this, but could file a copy with each water right as additional explanatory information, if you should wish.

For errors or objections to your water rights or the water rights of others included in the recently mailed Basin 43 report, please see the instructions included with your latest recommendations. If I can be of help in any way, don't hesitate to contact me. I have sincerely enjoyed working with each and every one of you.

Regards,

Vikie Hancock
Sr. Water Resource Agent
Southern Regional Office, Twin Falls



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 25, 2001

Curtis and Mary Lou Durfee
PO Box 185
Almo, Idaho 83312

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-13025 (split of original claim 43-10280)

Dear Curtis and Mary Lou,

As you know, documents conveying ownership of the SW ¼ of Section 17 to you from Ivan Darrington were not received in time to change our records for the Preliminary Recommendation Report recently sent to you. They have now been updated. *The enclosed documents reflect your portion of water right 43-10280 as I will recommend it to the SRBA Court.* As you can see, the right has been renumbered to 43-13025.

Please contact me as previously instructed if you have any questions or concerns, and remember that the public meeting is scheduled for May 30th in Malta.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock', is written over a horizontal line.

Vikie Hancock
Sr. Water Resource Agent

Idaho Department of Water Resources

Analysis for Recommendation after Split by Ownership

Prepared by: Vikie Hancock

5/25/01

Regarding: 43-10280

An ownership change split the above right into two portions. 147 irrigated acres in the SW $\frac{1}{4}$ Section 17, T15S, R14E were purchased by Curtis Durfee of Almo. 41 irrigated acres in the SWSE Section 17 were retained by Ivan Darrington.

The entire parcel containing 188 irrigated acres had been irrigated by Ivan Darrington using 2.74 cfs, which was not 1 inch per acre, but was the maximum capacity of the Hogland Ditch from Stines Creek. 2.74 cfs for 188 acres was my recommendation for claim 43-10280 prior to information being received that the parcel had been split.

Since the entire 188 acres had historically been irrigated using 2.74 cfs, the split in ownership would split the 2.74 cfs proportionately.

Claim 43-13024

$2.74/188 \times 41 = 0.59\text{cfs}$ for Ivan Darrington on 41 acres

Claim 43-13025

$2.74/188 \times 147 = 2.14\text{cfs}$ for Curt Durfee on 147 acres

Note: Claim file 43-13025 contains all materials relating to the SRBA investigation and recommendation of parent right 43-10280.

05/09/2001

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 15, 2001

Water right number: 43-10280

IVAN DARRINGTON

PO BOX 136

ALMO ID 83312

Telephone Number: (208)824-5511

RECEIVED

MAY 23 2001

**Department of Water Resources
Southern Region**

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

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

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

X I AGREE with this proposed recommendation: no changes need to be made.

DATE:

May 18-00

SIGNATURE:

Curtis Dwyer

Please print your name: _____

IDWR Regional Office, 1341 Fillmore St, Suite 200, Twin Falls, ID 83301, 2087363033

01/26/2001

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

RIGHT NUMBER:

43-10280

Parent

NAME AND ADDRESS:

IVAN DARRINGTON
BOX 136
ALMO, ID 83312

SOURCE:

STINES CREEK

TRIBUTARY:

ALMO CREEK

QUANTITY:

2.74 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.74 CFS. COMBINED RIGHT NOS.: 43-
00011, 43-00012, 43-00014, & 43-10280.

PRIORITY DATE:

04/01/1880

POINT OF DIVERSION:

T15S R24E S7
T15S R24E S17
T15S R24E S17

SENW
NWSWNW Rediversion
NWNWSW Rediversion

Within CASSIA County
Within CASSIA County
Within CASSIA County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
2.74 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R24E S17	NESW	41	T15S R24E S17	NWSW	41
T15S R24E S17	SWSW	28	T15S R24E S17	SESW	37
T15S R24E S17	SWSE	41			

188 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

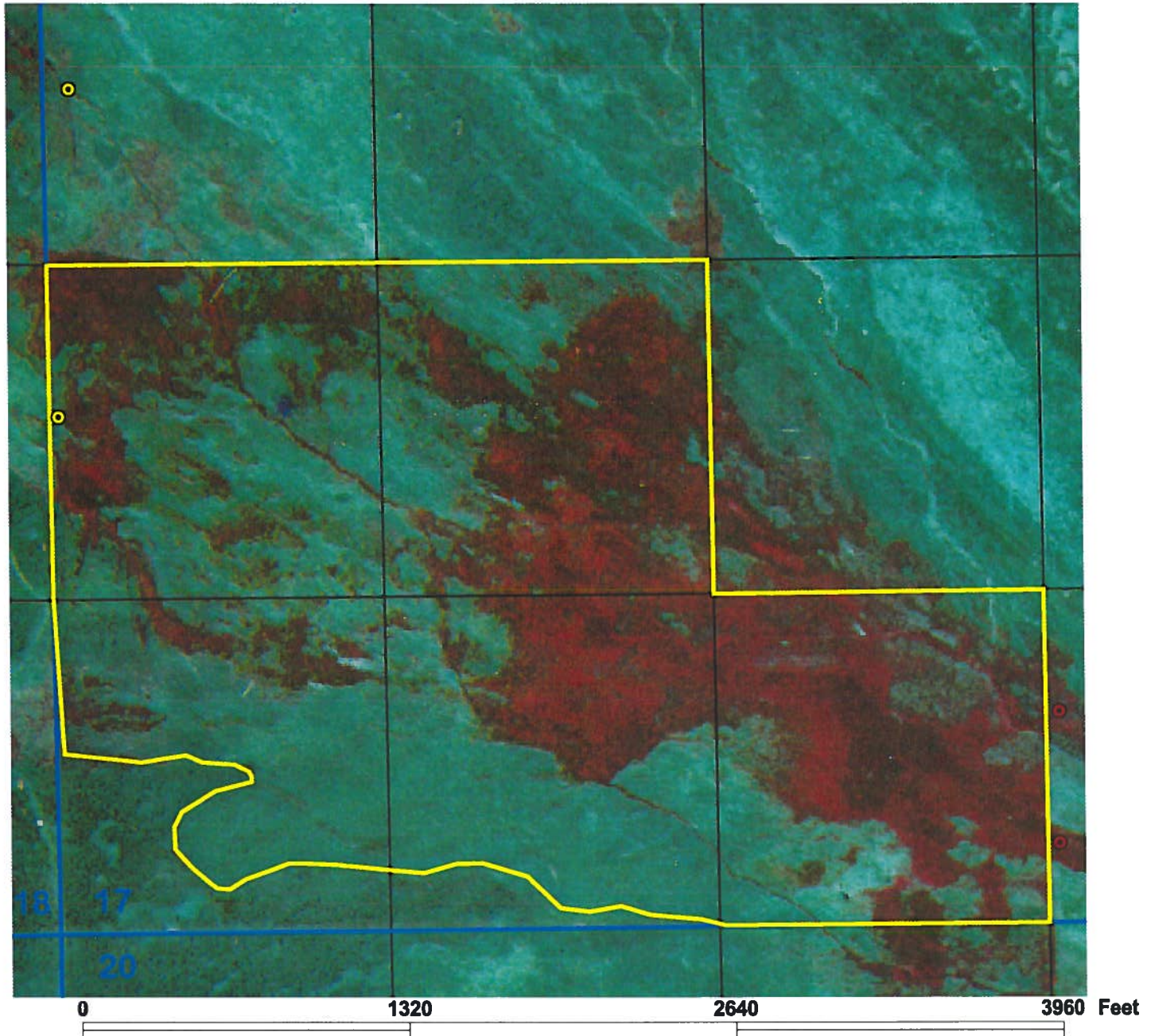
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE AS SW NW SEC 7, T15S, R24E: 43-00011
43-00012, 43-00014.

Idaho Department of Water Resources

RIGHTS: 43-10280

RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, SEC 17
Data entry on February 16, 2000



● RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES

GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY

DATA ENTRY BY VIKIE HANCOCK

Claim 43-10280 PARENT Superseded 5-4-2001 VHL

PARSONS, SMITH & STONE, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS
wparsons@pmt.org

RICHARD K. SMITH
smithrk@pmt.org

RANDOLPH C. STONE
rcstone@pmt.org

LANCE A. LOVELAND
love9593@pmt.org

DAVID F. SHIRLEY
dshirley@pmt.org

TELEPHONE
(208) 678-8382

FAX NO.
(208) 678-0146

February 20, 2001

Attn: Vickie Hancock
Idaho Department of Water Resources
1341 Fillmore Street Ste 200
Twin Falls ID 83301-3380

RECEIVED
FEB 21 2001
Department of Water Resources
Southern Region

Re: 43-10280
Ivan Darrington

Dear Vickie:

Pursuant to your letter of October 31, 2000, I am enclosing a Lease Agreement between the Darringtons and the Durfees.

While I haven't sent a letter to you signed by Darrington, it doesn't seem to be that should be necessary as the Lease clearly talks about the splitting of the water.

If you have any additional questions, please let me know.

Very truly yours,

PARSONS, SMITH & STONE, LLP



William A. Parsons

WAP:jw
Enc
pc: Tim Schneider
Curtis Durfee

ADD Curtis Durfee AS LESSEE per phone
CONVERSATION WITH CANDICE McHUGH
3-15-01. NOTE: SHE ALSO SPOKE WITH
BILL PARSONS RE: THIS MATTER. U.A.

RECEIVED
FEB 21 2001
Department of Water Resources
Southern Region

L E A S E

EDSIL IVAN DARRINGTON and BARBARA DARRINGTON, husband and wife, of Almo, Idaho 83312, ("Lessor") and hereby leases to CURTIS L. DURFEE and MARY LOU DURFEE, husband and wife, Box 185, Almo, Idaho 83312 ("Lessee") the real property (the "Premises") more fully described on Exhibit A attached hereto and made a part hereof by reference on the following terms and conditions:

1. TERM OF LEASE: The term of this lease shall be for a period of time continuing from March 1, 1999 and ending on March 1, 2011, except as herein provided. It is understood and agreed by the parties that the Lessee has leased Parcel 1 and Parcel 2 prior to the execution of this lease under oral arrangements between the parties and it is the intent of the parties to reduce their understanding to this written agreement.

2. RENT: Lessee shall pay to Lessor as rent for the use and possession of the Premises the following:

<u>DATE</u>	<u>AMOUNT DUE</u>
March 1, 1999	\$7,850.00 *
March 1, 2000	\$7,600.00 *
March 1, 2001	\$7,350.00

March 1, 2002	\$7,100.00
March 1, 2003	\$6,860.00
March 1, 2004	\$6,600.00
March 1, 2005	\$6,350.00
March 1, 2006	\$6,100.00
March 1, 2007	\$5,850.00
March 1, 2008	\$5,600.00
March 1, 2009	\$5,350.00
March 1, 2010	\$2,100.00

*Paid on signing the lease pursuant to settlement of case CV00-67D in Cassia County, Idaho

PROVIDED, HOWEVER, that if the Lessor has paid United States Department of Agriculture Farm Service Agency (formerly Farmers Home Administration) all of the obligations owed by the Lessor to said agency then in such event the Lessee may exercise the option hereinafter provided and the rent obligation shall terminate and be of no further force and effect and the payments, if any required by paragraph 24 shall be paid. The Lessee may withhold any lease payments if the Lessor does not pay Farm Service Agency. The Lessee may pay Farm Service Agency, if necessary, to prevent foreclosure by said agency and shall have credit on the lease for the amount so paid to the

1 agency.

2 The Lessor shall furnish the Escrow Agent a receipt
3 showing the appropriate payment to Farm Service Agency.

4 The Lessee is authorized to discuss with Farm Service
5 Agency whether the payments by the Lessor have been made on
6 time.

7 If the payment to Farm Service Agency has not been
8 paid by Lessor, as evidenced by a receipt to the Escrow Agent,
9 by the date the rent is due from the Lessee, the Lessee shall
10 nevertheless make the payment to the Escrow Agent and the
11 Escrow Agent shall disburse the funds by making the
12 disbursement to joint Payees of Farm Service Agency and Lessor.

13 3. USE OF PREMISES: The Premises shall be used for
14 agricultural purposes and shall not be used for any other
15 purpose without the prior written consent of the Lessor.

16 Agricultural purposes means pasturing, growing and harvesting
17 of crops customarily produced in the vicinity of the Premises.

18 4. OPERATIONS ON PREMISES: All operations conducted
19 on the Premises by the Lessee shall be in accordance with the
20 best course of husbandry practiced in the geographical vicinity
21 of the Premises. If the Lessee fails to perform any such
22 obligations in the prescribed manner, after Lessor shall have
23 given Lessee fifteen (15) days written notice of the failure,
24
25
26

1 the Lessor may enter the Premises and take whatever action the
2 Lessor deems necessary to protect the interest of the Lessor
3 therein. Lessee shall reimburse Lessor on demand for the cost
4 of any action Lessor may take under the provisions of this
5 paragraph.

6 5. TAXES AND UTILITIES: During the term of the
7 lease Lessee shall pay all charges for utilities to the
8 Premises, if any, and any taxes, levies or assessments imposed
9 on the Premises during the term of the lease. The Lessor shall
10 timely provide the tax notice to the Lessee before the Lessee
11 has an obligation to pay the taxes.

12 6. WASTE OR NUISANCE: Lessee shall not commit or
13 permit the commission by others of any waste on the Premises
14 nor maintain, commit, or permit the maintenance or commission
15 of any nuisance as defined by Idaho Code to use or permit the
16 use of the Premises for any unlawful purpose.

17 7. HAZARDOUS WASTE: The Lessee shall not allow on
18 the Premises during its term any hazardous waste or toxic
19 substance as the same is defined by law, provided, however, the
20 application of any fertilizer, pesticides or herbicides, that
21 may be authorized by law shall not be deemed a violation of
22 this paragraph.

23 8. MAINTENANCE: Lessee shall keep and maintain the
24
25
26

1 Premises, all improvements thereon, and all facilities
2 appurtenant thereto in good order and repair and in as safe and
3 clean condition as they were received by the Lessee from
4 Lessor, reasonable wear and tear excepted. The Lessee shall
5 maintain the fences surrounding the Premises.

6 9. ALTERATION AND LIENS: Lessee shall not, without
7 the prior written consent of the Lessor, make, or permit any
8 other person to make, any alterations to the Premises, or to
9 any improvements thereon, or facility appurtenant thereto.
10 Lessee shall keep the Premises free and clear of all liens,
11 claims and demands for work performed, materials furnished,
12 operations conducted thereon by Lessee, or at the request of
13 the Lessee.
14

15 10. INSPECTION BY LESSOR: Lessee shall permit Lessor
16 or the agents, representatives, or employees of the Lessor to
17 enter the Premises at reasonable times to inspect the Premises
18 to determine whether Lessee is complying with the terms of this
19 lease, and to do any other lawful acts necessary to protect the
20 interest of the Lessor in the Premises.

21 11. ACCEPTANCE BY LESSEE: Lessee accepts the
22 Premises in their present condition. Lessee represents that
23 the Lessee has inspected the Premises by virtue of prior
24 occupation and is leasing the Premises based upon personal
25
26

1 inspection and not upon any representations made by the Lessor
2 or representatives of the Lessor.

3 12. INDEMNITY: Lessee shall indemnify and hold
4 Lessor free and harmless from all claims, liability, loss,
5 damage, or expense resulting from the occupation and use of the
6 Premises by the Lessee including, without limitation, any
7 claim, liability, loss or damage by reason of injury to person
8 or property; any work performed on the Premises or material
9 furnished; any failure to perform the provisions of this lease
10 or to comply with any requirement imposed upon the Lessee or
11 the Premises by any duly authorized governmental agency or
12 political subdivision; or any failure to pay the obligations
13 for the agricultural operations conducted on the Premises.

14 13. SUBLEASING AND ASSIGNING: Lessee shall not,
15 without the prior written consent of the Lessor, encumber, sign
16 or otherwise transfer this lease or any right or interest
17 herein, in the Premises or sublet all or part of the Premises
18 or allow any persons other than agents of the Lessee or family
19 to occupy or use all or any part thereof. Any transfer or
20 assigning or subletting, the consent of which is required,
21 shall not be unreasonably withheld by the Lessor. The
22 occupation and use of the Premises by an immediate family
23 member of the Lessee or an entity of which the Lessee and the
24
25
26

1 Lessee's family are a part shall not be deemed a violation of
2 this paragraph.

3 14. DEFAULT: If Lessee shall default in performing
4 any term, provision, covenant, or condition required herein by
5 Lessee to be kept, observed and performed, Lessor may terminate
6 this lease and re-enter and regain possession of the Premises
7 in the manner then provided by the State of Idaho laws of
8 unlawful detainer. The Lessee may correct any default during
9 the allowed period of time under the statute.

10
11 15. INSOLVENCY: If the Lessee shall become
12 insolvent this lease shall terminate and Lessor may re-enter
13 and regain possession of the Premises. Lessee shall be deemed
14 insolvent if a receiver is appointed to take possession of all
15 or substantially all of the property of the Lessee, Lessee
16 makes a general assignment for the benefit of creditors, or
17 Lessee is adjudicated as a bankrupt under the Federal
18 Bankruptcy Act.

19 16. ATTORNEY FEES: If either party shall bring an
20 action against the other party hereto concerning the Premises,
21 this lease, or the respective rights and duties, the prevailing
22 party shall be entitled to reasonable attorney fees in addition
23 to all other relief granted. The fees may be determined by the
24 court in such litigation or in a separate action brought for
25
26

1 that purpose.

2 17. NOTICES: Notices shall be given to the parties,
3 if any are required, at the addresses in the opening paragraph
4 of this lease unless either party shall notify the other of a
5 different address.

6 18. BINDING EFFECT: This agreement shall be binding
7 upon the parties, their respective personal representatives,
8 successors and assigns.

9 19. TIME OF THE ESSENCE: Time is of the essence of
10 this lease.

11 20 HEADINGS: Headings in this lease are for
12 convenience only and shall not be used to interpret or construe
13 its provisions.

14 21. ENTIRE AGREEMENT: This lease constitutes the
15 sole agreement between the parties with regard to the subject
16 matter hereof and supersedes all prior understandings or
17 agreements between the parties relative thereto, except the
18 parties shall instruct their attorneys to dismiss Civil Case
19 CV00-67D.
20

21 22. OPTION: The Lessor, for valuable consideration
22 hereby receipted for but not recited, gives the Lessee the
23 exclusive option to purchase upon the following terms and
24 conditions, two parcels of land in Cassia County, Idaho, more
25
26

1 particularly described on Exhibit A as Parcels 1 and 2.

2 23. OPTION PERIOD: This option shall run for a
3 period of time beginning March 1, 1999, and ending March 1,
4 2010, except as hereinafter provided in the paragraph entitled
5 Exercise of Option.

6 24. EXERCISE OF OPTION: Lessee may exercise this
7 option between March 1, 2010, and April 1, 2010, if all terms
8 of the lease have been performed, PROVIDED, HOWEVER, that in
9 the event the Lessor pays all obligations to Farm Service
10 Agency, a division of the United States Department of
11 Agriculture and the lien of such agency is released as to
12 Parcels 1 and 2, then the Lessee may exercise the option by
13 paying to the Lessor for Parcel 2 the sum of money calculated
14 on the basis of \$5,000.00 per year for the remaining years of
15 the lease, together with the sum equal to five percent (5%) of
16 the balance since the last lease payment. By way of example,
17 if the Farm Service Agency obligation is paid by the Lessor
18 after March 1, 2003 then in such event the Lessee would owe
19 Lessor \$35,000.00, being seven (7) years at \$5,000.00 per year
20 plus the interest factor calculated from March 1, 2003, (or the
21 applicable year). The Lessor shall notify the Lessee in
22 writing if the indebtedness and obligation to the Farm Service
23 Agency is paid. If, on the other hand, the Farm Service Agency
24
25
26

1 obligation is not paid prior to March 1, 2010, then in such
2 event the Lessee, assuming all rent payments have been made,
3 shall not be obligated to pay the Lessor any further sums of
4 money for the exercise of the option and the Lessee merely
5 shall be required to notify the Lessor of the exercise of the
6 Option and shall be entitled to the delivery of the deeds in
7 escrow as hereinafter provided. No additional amount shall be
8 required to be paid for the option on Parcel 1.

9
10 25. ESCROW: Upon the execution of this lease there
11 shall be opened an escrow at Land Title and Escrow, Inc., 211
12 West 13th Street, Burley, Idaho. There shall be deposited with
13 such escrow agent the following:

14 25.1. A Warranty Deed to Parcel 1.

15 25.2. A Warranty Deed to Parcel 2.

16 25.3. This Lease.

17 25.4. Escrow Agreement on forms provided by the
18 Escrow Agent.

19 All escrow fees shall be paid one-half by the Lessee and one-
20 half by the Lessor.

21 The Escrow Agent shall be, and is hereby instructed
22 to deliver the deeds to the Lessee upon the happening of the
23 earliest of the following events:

24 1. The Lessee pays all of the rent
25
26

LAWYERS
BURLEY, IDAHO

1 payments required by the lease and the Lessee
2 exercises the option to purchase, or

3 2. The obligation of the Lessor to Farm
4 Service Agency on the property described on
5 Exhibit A is retired and paid, and the Lessee
6 exercises the option and pays the sum of money
7 as provided in the paragraph 24 above.

8 PROVIDED, HOWEVER, that as to Parcels 1 and 2 the exercise of
9 the option may be separate or together. In the event the Farm
10 Service Agency obligation is paid by the Lessor, the Lessee may
11 exercise the option to purchase Parcel 1 without the payment of
12 any additional consideration and that deed may be delivered
13 accordingly by the Escrow Agent to the Lessee. The deed to
14 Parcel 2 shall not be delivered until either the lease is paid
15 in full and the Farm Service Agency paid or the Farm Service
16 Agency is paid and the Lessee pays the amount required by
17 paragraph 24 hereof.
18

19 26. NOTICE OF LEASE: The Lessee may record a notice
20 of interest in the premises by a document filed in the office
21 of the County Recorder, County of Cassia, State of Idaho,
22 entitled "Notice of Contract Interest".

23 27. TAXES: During the term of the lease and in the
24 event of the exercise of the Option the Lessee shall pay all
25
26

1 real estate taxes, levies and assessments taxed, levied and
2 assessed against the Premises. There shall be no prorating of
3 taxed in the event of the exercise of the Option. The Lessor
4 shall deliver timely tax notices to the Lessee so Lessee can
5 timely pay the taxes.

6 28. TITLE INSURANCE: The Lessee shall purchase
7 title insurance at the option of the Lessee, provided, however,
8 that in the event of the exercise of the Option it shall be the
9 responsibility of the Lessor to cause the lien or liens of Farm
10 Service Agency to be released by appropriate recorded
11 documents. Any other liens created against the Property by the
12 Lessor shall likewise be the responsibility of the Lessor to
13 cause the same to be released when the Lessee is entitled to
14 the Deed.
15

16 29. ASSIGNMENT: This Option is nonassignable by the
17 Lessee except to members of the immediate family of the Lessee
18 or entities of which the Lessee or members of the immediate
19 family of the Lessee have majority ownership. This Option may
20 be freely assignable to those persons or entities, but upon
21 written notice to the Lessor.

22 30. NOTICES: Notices required under this Lease and
23 Option shall be given to the parties at the opening paragraph
24 of this lease unless either party notifies the other in writing
25
26

1 of a different address. All notices shall likewise be given to
2 the Escrow Agent, Land Title and Escrow, Inc., 211 West 13th
3 Street, P. O. Box 117, Burley, Idaho 83318.

4 31. APPLICABILITY OF PARAGRAPHS: There are
5 paragraphs throughout this Option Agreement such as Binding
6 Effect, Time of the Essence, Attorney Fees, etc., shall be
7 applicable to the paragraphs having to do with lease and the
8 same shall be likewise applicable to the option portion of the
9 lease although not separately repeated.

10 32. FORM OF DEEDS: The parties have approved the
11 deeds to be deposited in escrow pursuant to this agreement.
12 The easement on Parcel 2 has been approved by the Lessor as it
13 crosses lands not being leased or sold to the Lessee but such
14 easement is for the benefit of Parcel 2. The Lessee may use
15 the area designated in the easement during the term of the
16 lease and provided that the Lessee shall maintain such easement
17 during the term of the lease as well as in the event of the
18 exercise of the option. It is agreed that the easement is a
19 non-exclusive easement that may be used in connection with
20 other property of the Lessor or successors and assigns of the
21 Lessor in the servient parcel.

22 33. MISCELLANEOUS: The Lessee has at the time of the
23 execution of the lease paid the payments due for March 1, 1999
24
25
26

1 and March 1, 2000.

2 Additionally the Lessee has paid to the Lessor the
3 taxes paid on Parcels 1 and 2 for the applicable years in the
4 amount of \$514.31 through 1999. Lessee shall pay the taxes for
5 the year 2000.

6 The Lessor acknowledges the receipt of the lease
7 payments for 1999 and 2000 in the sum of \$7,850.00 and
8 \$7,600.00 respectively. The rent payments for the years 1999
9 and 2000 shall be paid to in the required amount to Farm
10 Service Agency for such years.
11

12 IN WITNESS WHEREOF, this lease has been executed on
13 the 29th day of January, 2000.

14 Edsil Ivan Darrington
15 Edsil Ivan Darrington

16 Barbara Darrington H.D.
17 Barbara Darrington

18 Curtis L. Durfee
19 Curtis L. Durfee

20 Mary Lou Durfee
21 Mary Lou Durfee

22 STATE OF IDAHO)
23) ss
24 County of Minidoka)

25 On this 29th day of January, in the year 2000,
26 before me, the undersigned, a Notary Public in and for said
State, personally appeared EDSIL IVAN DARRINGTON and BARBARA

1 DARRINGTON, husband and wife, known or identified to me to be
2 the persons whose names are subscribed to the within
3 instrument, and acknowledged to me that they executed the same.

4 **TIMOTHY J. SCHNEIDER**
5 **NOTARY PUBLIC**
6 **STATE OF IDAHO**

7
8
9 Notary Public for Idaho
10 Residing at Hepler, ID
11 My Commission Expires: 5/30/06

12 STATE OF IDAHO)
13) ss
14 County of Cassia,)
15 Minidoka,)

16 On this 6 day of July, in the year 2001
17 before me, the undersigned, a Notary Public in and for said
18 State, personally appeared CURTIS L. DURFEE and MARY LOU
19 DURFEE, husband and wife, known or identified to me to be the
20 persons whose names are subscribed to the within instrument,
21 and acknowledged to me that they executed the same.

22 **WILLIAM A. PARSONS**
23 **NOTARY PUBLIC**
24 **STATE OF IDAHO**

25 Notary Public for Idaho
26 Residing at Bun
My Commission Expires: 7/20/2004

LAWYERS
BURLEY, IDAHO

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EXHIBIT A

PARCEL NO. 1:

The West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$)
of Section 8, Township 15 South, Range 24 East,
Boise Meridian.

PARCEL NO. 2:

The Southwest Quarter (SW $\frac{1}{4}$) of Section 17,
Township 15 South, Range 24 East, Boise
Meridian.

ALL IN CASSIA COUNTY, IDAHO.

AND

All water rights on said property, including,
but not limited to A43-10280 \ AJ5809NP.



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 31, 2000

William Parsons
PO Box 910
Burley, Idaho 83318

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-10280 Ivan Darrington

Dear Mr. Parsons,

Enclosed find a computer print out of my draft SRBA recommendation for the above claim, which is appurtenant to property your client, Curtis Durfee, is preparing to lease from Ivan Darrington. Please be aware that this is still a draft recommendation, subject to change.

If Mr. Durfee does decide to exercise an option to purchase the property, the Department can change the ownership of the appropriate portion of the water right into Mr. Durfee's name. Until such time that the Department receives documentation that there is an agreed-upon contract of sale between the parties, however, the water right would remain in the name of the owner of record. An option does exist to protect Mr. Durfee's interest in the water right. Upon receipt of a letter from Mr. Darrington stating his agreement, along with documentation showing Mr. Durfee's interest in the property as leasee, IDWR can add his name as co-owner of record on the appropriate portion of the water right.

I have enclosed a Change of Ownership form for your convenience. If you have any further questions, please call.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent

Water Right Number - R43-10280

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

DARRINGTON

IVAN

1 - BOX 136
2 -
3 -

City- ALMO
Phone - 208-824-5511

State- ID Zip- 83312

Priority Date - 04/09/1880

Region - ERROR IN REGION

Stage - D - DECREED

Status -

Source - STINES CREEK

Tributary - SINKS

Point of Diversion -

Twn	Rng	Sec	Tract	Lot	Rflg	County
15S	24E	7	SE NW			CASSIA
		17	NW SW NW		R	(31) CASSIA
			NW NW SW		R	(31) CASSIA

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		2.740	

01 - IRRIGATION

04/01 10/31 2.740

01 - Total Div. Rate - 2.740

01 - Total Div. Volume - 0.0

01 - Total Consumptive Use - 0.0

01 - KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	24E	17	NE SW		41.0		01	IRRIGATION	(31) CASSIA
15S	24E	17	NW SW		41.0		01	IRRIGATION	(31) CASSIA
15S	24E	17	SW SW		28.0		01	IRRIGATION	(31) CASSIA
15S	24E	17	SE SW		37.0		01	IRRIGATION	(31) CASSIA
15S	24E	17	SW SE		41.0		01	IRRIGATION	(31) CASSIA

Total Acres: 188.0

- - - Diversion Means - EARTHEN DAM

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

- - - Remarks -

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE AS SW NW SEC 7, T15S, R24E: 43-00011
43-00012, 43-00014.

Water right number - R43-10280

Prefix Translation: RESEARCH

Old Water Right Numbers - - - - -
Old Water Right Numbers - - - - -
4300013

Conditions of Approval - - - - -
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
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.

Decree Plaintiff - - - - - + Decree Defendant - - - - - +
ALMO WATER CO. IVAN DARRINGTON 07/08/1969

Comments - - - - -
Date: 02/17/2000 User Id: VHANCOCK Subject: COPIED FROM REMARKS
SEE ATTACHED DECREE. ENTIRE CREEK DECREED TO 4, SEPERATE
CLAIMANT OWNS 8.5 SHARES.
2-7-2000: AMENDED CLAIM PER PHONE CONVERSATION WITH CLAIMANT IN
POU. - VH
Date: 02/17/2000 User Id: VHANCOCK Subject: RECOMMENDATION
PRIORITY DATE PER 1939 AFFIDAVIT, SEASON OF USE IDMR STD, DIV RATE LIMITED BY SYSTEM CAPACITY, POD PER GPS, POU PER ARCVIEW GIS
VERIFIED BY FIELD EXAM. SEE DETAILED NOTES IN FILE.

Audit Fields - - - - -
02/17/00 VHANCOCK

Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 02/07/2000 Old Judicial District -
Claim Received Date - 05/31/1989 Last Amended Date - 02/07/2000 Temporary Right - P
Receipt Number - S007397 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Presumption Flag -
Notice of Error Flag -

CLAIM NUMBER: A43-10280

03/17/1879 IRRIGATION 03-15 11-15 3.20 CFS
4-1-1880 TOTAL DIVERSION: 4-1 10 10 3-1 3.20 CFS 2.74

Tributary to: SINKS

CASSIA County

•

40	100.0	See.
~~TOTAL ACRES~~	~~100.0~~	See
	200	

02 Pt
02645
00013

$\frac{1}{2} \cdot \frac{1}{2}$

RECOMMENDATION NOTES

From: Vikie Hancock

2/16/00

Regarding: Claim A43-10280

This claim is for a portion of Stines Creek based upon an ambiguous decree from 1970. This claimant one of four parties listed as owners of all the waters of Stines Creek with no diversion amounts or priority dates mentioned. This claim is for 1 inch per acre on 160 acres.

See file notes for background information regarding all the claims to Stines Creek included in this Hogland Ditch system: A43-00011, -00012, -00014 and -10280.

The Claimant, Ivan Darrington was a named party in the 1970 Almo Water Company – vs – Ivan Darrington Decree, and his right given number 43-00013. The decree failed to specify any elements of the water right except the place of use and source. The place of use claimed under 43-10280 is different in some respects from that identified in the decree, however other users of this Hogland Ditch system agree that a portion of the original 20 shares of water of Stines Creek is appurtenant to Mr. Darrington's property.

The point of diversion from Stines Creek to the Hogland Ditch is in T15S, R24E, Sec 7 SENW. Irrigation water is re-diverted from the Hogland Ditch in two locations along the boundary line between sections 18 and 17. The NWSWNW Sec 17 re-diversion splits the ditch and conveys half the water south along the section line and half southeasterly through the SWNW Section 17. In the NWNWSW Section 17, the ditch is split again with half continuing south, the remainder running southeast. Water is subsequently diverted into laterals in numerous locations. All the water diverted eventually turns east and enters the property of Ted Tracy.

During my field exam, I found 188 irrigated acres ~~within the claimed 200 acres~~ in the SW quarter and SWSE of section 17. The place of use is all flood irrigated and used for cattle pasture. Along the southern boundary of the SW ¼ of section 17 there are two connected dry knobs that are not irrigated. The southernmost ditch runs along the north flank of these sagebrush covered knobs.

Part of the tracts identified in the 1970 Decree as the place of use belonging to Mr. Darrington has now been sold to Curtis Durfee. This property is the W½ NW¼ section 17, and Mr. Durfee's deed specifically conveys to him all water rights appurtenant to the property. A diversion from the Hoff Ditch to the N½ NW ¼ was shown to me during my field exam of the Bruesch property, and Mr. Darrington confirmed that Durfee was irrigating up there, though there was no

adjudication claim on that place of use. A subsequent conversation with Zenith Taylor confirmed a comment by Bruesch tenant rancher Cordell Sheridan that historically water was never diverted from the Hogland Ditch up that high and never used in the NW quarter of section 17. Based upon the information available to me at this time, I don't believe that water was ever used upon the entire place of use decreed to Mr. Darrington in 1970, and specifically never used in the N½ NW¼ of Section 17. Any water legitimately appurtenant to the NW ¼ would have been effectively moved by accomplished transfer to the SW quarter according to this adjudication claim filed by Darrington 6 years before the date on Durfee's warranty deed. Therefore, no legitimate water rights existed to convey to Durfee in the deed. I received no response from Curtis Durfee to a letter from me regarding the possible filing of a claim to water on this land.

The claimed priority date, like all the Stines Creek claims on this system, is based upon a miss-interpretation of the 1970 Decree. The actual priority date should be based upon the 1939 affidavit signed by George Durfee, Alice Rice and J. A. Graham that stipulates that 1880 was the date water was first put to use with the Hogland Ditch. To preserve the status quo, I am recommending this as the priority date of all claims on this ditch system regardless of place of use.

Based upon the information available, I recommend a maximum diversion rate of 2.74 cfs, which is the maximum capacity of the Hogland Ditch estimated using measurements taken 9-20-1999. As the field examiner, I recognize that an informal rotational agreement exists between the parties which makes all the water in the Hogland Ditch available to the Darrington property for approximately 4.5 days every 10 days. I also recognize that the water available in the ditch changes daily.

NOTE TO FILE

From: Vikie Hancock

2/16/00

Regarding: Claim numbers 43-00011, -00012, -00014, -10280.

Source: Stines Creek

Conveyance System: Hogland Ditch

Location: T15S, R24E, Sections 7, 17, 18, 20, 21.

Irrigation from Stines Creek using the Hogland Ditch system goes back to 1880 when the ditch was first constructed by Ed and Abe Hogland to irrigate 320 acres of land within the valley west of Almo locally known as the Big Cove. The valley lies between Graham Creek in the south and Stines Creek in the north.

The ditch diverts all the water of Stines Creek close to the center of section 7. I have identified the location as the SENW of section 7. The ditch flows roughly south traversing the hillside, while the original Stines Creek channel falls vertically down the hill in a gully running easterly (see exhibit). At a point in section 8 water begins to flow in the natural Stines Creek channel again, gaining water from Johnson Creek (an ephemeral stream) and from runoff coming down gradient from the north. That water is not included in the description of this system.

Twenty shares of Stines Creek water are included in the 1903 incorporation papers of the Almo Water Company. 10 shares are identified as owned by Lorenzo Durfee and 10 shares by Alice Rice, but no place of use is specified for either party, and no diversion value is given for each share. At some unknown point in time, the water of Stines Creek is separated from Almo Water Company. One of the intentions of the 1970 Almo Water Company -v-Ivan Darrington Decree, in fact, is to rule that the water of Stines Creek is not tributary to Almo Creek and not subject to regulation by the watermaster. But this description of 20 shares is the basis for the rotational distribution system that exists today.

Information about the history of irrigation from the Hogland ditch came from Zenith Taylor, with corroboration from Neil Durfee and Ivan Darrington, all elderly gentlemen. Ted Tracy, who purchased property from Taylor and knew that he had some knowledge of area history, introduced me to Mr. Taylor.

Everyone I talked to agreed that there were 20 shares of water on Stines Creek, that a share equaled $\frac{1}{2}$ day of all the water available in the ditch, and that it took 10 days to complete the rotation. Taylor said that his recollection was that all the shares belonged to the Rice Ranch at one time and during this time, the Rice widow, Alice Durfee Rice, traded 2 shares to the Bruesch Ranch. He said that the Bruesch Ranch also got their right to Lone Rock about this time. That left 18 shares reportedly owned by Rice in the lower valley. The property was then split, and Richardson owned half the ranch and 9 of the 18 shares of Stines Creek while Rice retained half the ranch and 9 of the 18 shares.

Wesley Rice was now managing the Rice portion, and sometime around the end of WWII, Rice sold 80 acres and 1 share of water to a son, Billy Rice. This 80 is now owned and irrigated by Neil Durfee. Arthur and Zenith Taylor purchased both the Rice and Richardson properties, combined the 17 remaining shares of water back into one operation, and ran it together for years. Art and Zen Taylor then split the property between them and split the water shares equally. Art sold his portion to Ivan and Barbara Darrington and Zen eventually sold his portion to Ted Tracy.

There was some confusion as to how many days of water Darrington and Tracy were now entitled to, as Zen believed they each had 4.5 days, but that would have amounted to 9 shares each. We went over the math several times, and Zen agreed that there had to have been 17 shares left when he and Art bought the place, and the split would have been 8.5 each. Ted Tracy wondered if the Billy Rice share came out of his half making his allotment less than Darrington's. Taylor said no, that he and Art had split the water equally between them before he sold to Ted.

The irrigation practice in this valley is to flood out from the main ditches, catching and re-directing the water over and over as it makes its way downhill through the various pastures. There are no furrows or corrugates. As water moves downhill from the topmost claimant in section 18, the lower users begin diverting what could be called wastewater from the neighbor's system, which increases the efficiency of water use. Although each of the four claimants has a time when all the water in the ditch is exclusively theirs, each user in the system is also dependent on the tail water of the user above him, and the springs that pop up in the lower valley when abundant water is applied to the upper valley. For sufficient water to be available to all the claimants, the valley must be managed as one system, similar to what would be done if the land were under one owner. Water availability ranges from over-abundant in a wet spring to non-existent in a dry fall.

The original system constructed by Ed and Abe Hogland in 1880 irrigated 320 acres according to a 1939 affidavit signed by George Durfee, Alice Rice and J.A. Graham. The acreage has been increased over time, with 668 irrigated acres identified using 1987 NAPP aerial photos verified by field exam. Part of the property now being irrigated is undoubtedly land that has been irrigated continuously since 1880. Some has undoubtedly been developed in a progression of unknown later dates. Since *all the water* of Stines Creek has been diverted into the Hogland ditch since 1880, the increase of acres irrigated has not meant an increase in diversion amount, but rather an increase in industry to spread the water as far and as thinly as possible while still getting improved grass yields. This would result in an increase in the consumptive use of the creek, but since Stines Creek has been ruled to be a separate system not tributary to Almo Creek, this would cause no injury to users on Almo Creek (Almo Water Company -v- Darrington, 1970).

In my opinion, an important aspect of this system is that all the water users agree to distribute the water according to shares of time with no difference noted as to priority date of use, and I believe the department should preserve that aspect of this system. I therefore recommend that all claims in this system receive a priority date of 04-01-1880.

There were no records of historic flow rates on Stines Creek, and I conducted my field exams of all the claims in late summer, when the water available was much diminished from the higher flows of spring. On September 20th 1999 I returned to the area with Cindy Bird of the State Office and measured the current discharge of the Hogland ditch and made measurements of the ditch to determine bankful capacity. She determined a conservative capacity of 1.7 cfs but agreed that a more liberal capacity could be estimated at 2.7 cfs. I have chosen the more liberal number as the maximum capacity of the system.

It is obvious that there is not enough water available in the system to continuously apply the standard 1-inch per acre to all 668 acres currently being irrigated. However, with the rotational distribution developed by historical property owners, this system is delivering sufficient water to these lands to effect increased crop yields. Based upon the information available at this time, and baring a more accurate measurement of high water flows, I am recommending a diversion rate of 1 inch, or 0.02 cfs, per irrigated acre up to the maximum capacity of 2.74 cfs for all the claims in this system.

The foregoing information regarding the informal rotational distribution system is included for historical notation only, and does not indicate that the Department in any way recognizes the rotation as part of the

eventual SRBA Decreed water right. A letter explaining the limited elements of a water right issued by the department, and encouraging all parties to enter into a civil agreement regarding water use from the Hogland Ditch, should be sent as part of the adjudication review.

*SEE Claim File 43-00011 for GIS
map of entire system.*

Field Exam Notes

Claim No: A43-10280

8/17/1999

Exam date 8-12-1999

Agent: Vikie Hancock

This claim is made by Ivan Darrington. The claimed source is Stines Creek.

Mr. Darrington accompanied me on the field exam. He drove me to the points where he diverts water out of the man made canal. This canal diverts all the water from Stines Creek in middle of Section 7. The canal is also used by claimants Virginia Breusch, Ted Tracy and Neil Durfee.

Claimant stated that his diversions from this canal are made by placing canvas dams in the ditch and letting the water flood out where it will onto the pasture. The lower diversion points were very shallow, and some barely showed signs of use. (See photos). The upper diversions showed more recent use, and in fact were in use at the time of the field exam. The upper diversions were made of earth and rock dams. Claimant also stated that he no longer irrigates the land, that it is now irrigated by his son, George, who was not present. These diversions from the main canal are, in fact, re-diversions. The actual diversion from Stines Creek is in Section 7. A GPS reading was obtained at all but the lowest point of re-diversion.

The place of use is used for cattle pasture. No haying is done. It is fenced into several pastures. The place of use as claimed - in the SW $\frac{1}{4}$ of Section 17 - did look irrigated with the exception of a dry hump in the SE SW and a dry hump in the SW SW. I pointed them out to Mr. Darrington and he admitted that he irrigated all the land but those areas. The SW SE of section 17 also was irrigated, although it is not part of the claimed place of use. Tax records confirm that Mr. Darrington owns the SW SE Section 17, as well as the SW $\frac{1}{4}$ of 17

During the field exam, I attempted to have Mr. Darrington locate our position on the Arc View print-out, and on the topo/quad map copy that I had with me, but as we went along, I felt that his broad generalizations were either due to an inability to clearly see the print-outs, or that he was confused as to where we were, or that he didn't want to be that specific. He often times put the question back on me, smiling and asking me to tell him where we were. He told me several times that he owned 400 acres and irrigated all of it. He specifically indicated that he owned the 160 acres in the SW $\frac{1}{4}$ Sec 17 claimed in the adjudication, the SW SE of section 17, and also the 120 acres located in the NENE Sec 18 and the W $\frac{1}{2}$ of the NW Section 17, and irrigated all of it. He had no explanation at that time as to why he only claimed the SW $\frac{1}{4}$, except that we (the department) had made a mistake on that. Eventually, I told him that I had heard that he had sold part of his property to Curt Durfee. He admitted then that, yes, he had sold the NE NE of Section 18 and the W $\frac{1}{2}$ NW of Section 17 to

Durfee in 1995, but that he hadn't sold him any water rights, and that Durfee was irrigating the land with his (Darrington's) share of Stines Creek. Later, when we located a diversion in what I identified as the SW NW of Section 17, he said that it wasn't irrigated up there in the SW NW, that the diversion was just to split the water along the West fence line to irrigate the SW SW and NW SW of section 17. This seemed to contradict his statement that Durfee used his water rights to irrigate the 120 acres he purchased. It also contradicted a statement made by Cordell Sheridan on August 11th when he pointed out a diversion from the main canal that he said Curt Durfee used to irrigate his place.

Darrington later showed me a 1975 Deed to him from Zenith Taylor for the 120 acres he later sold to Durfee. I also copied an original affidavit he had concerning the original construction of the main canal off of Stines Creek by the Hogland brothers.

SWSE I showed him a map of the acres decreed in 1970, and asked him why he thought that the 1970 Decree hadn't included the SE SW of Section 17. He smiled and said that someone had made that mistake, and he thought he knew who. When I asked him why he hadn't claimed the decreed acres in the N ½ NW, or in the ~~SE SW~~ of Section 17, even though he said they were irrigated, he said that someone else had filed the claims. When I showed him his signature, he said that someone else had filled out the information, and that he had only signed without checking. He then told me that he thought that he probably hadn't claimed the original decreed acres in the N ½ NW because he was selling it to Durfee, but he filed his AJ claims six years before he sold to Durfee. A deed I obtained from the Cassia County Courthouse from Darrington to Durfee dated 1996 conveyed all water and ditch rights to Durfee, although Darrington specifically told me twice that he had not sold Durfee the water rights on that land.

According to the Claimant, Stines Creek water is portioned out on a 10 day cycle. He said that the Breusch land gets 24 hours, Neil Durfee gets 12 hours, and that he and Ted Tracy each get 4 ½ days. Cordell Sheridan confirmed the 24 hours allotted to Breusch and the 10 day rotation, however he said that it has been a very flexible schedule, and that seemed to be working out between the parties.

My belief is that all information from Mr. Darrington must be checked for accuracy in all respects.

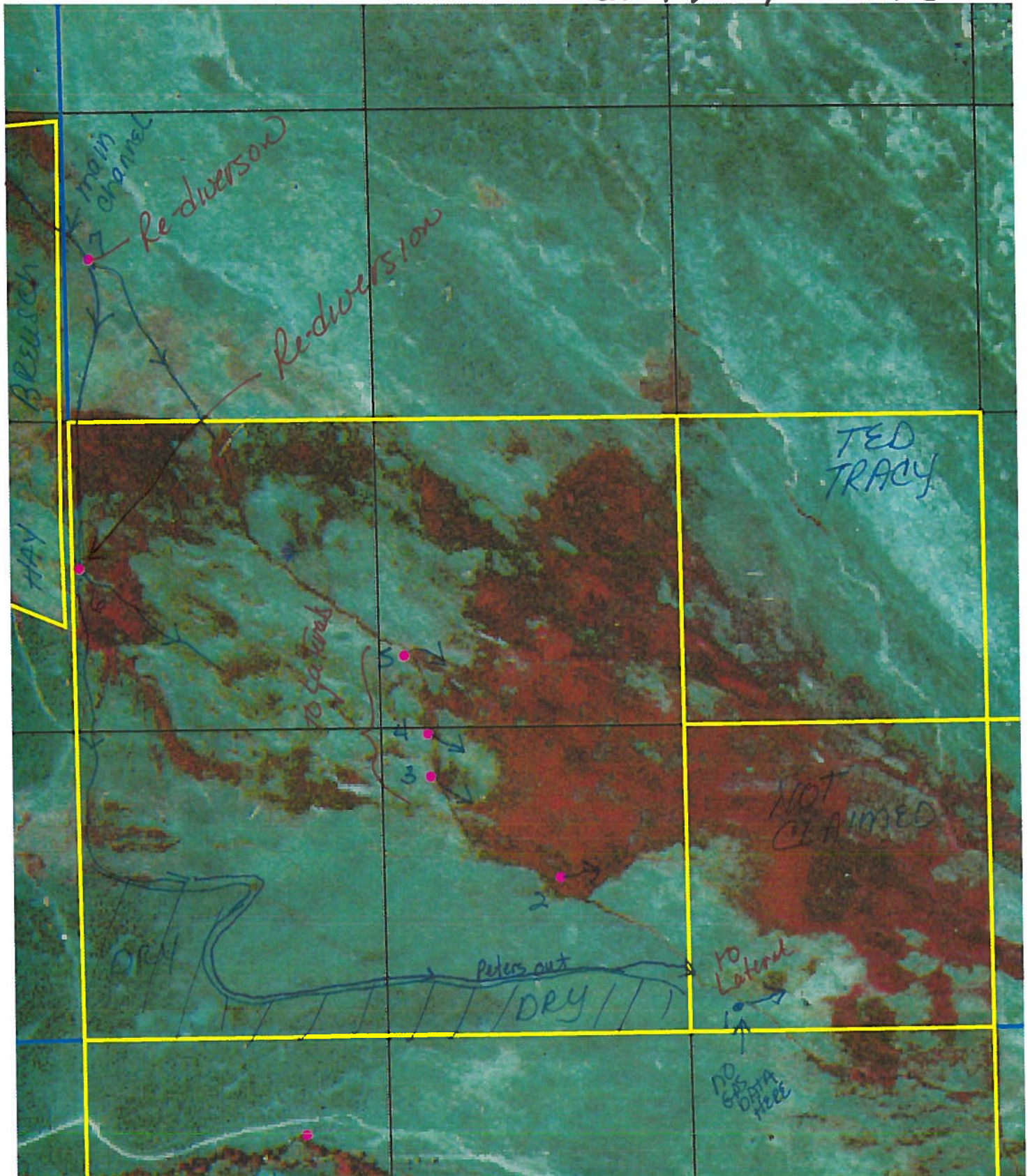
FIELD NOTES

Claim No(s): 43-10280

TWP 15S, RNG 24E,
Section 17

DARRINGTON

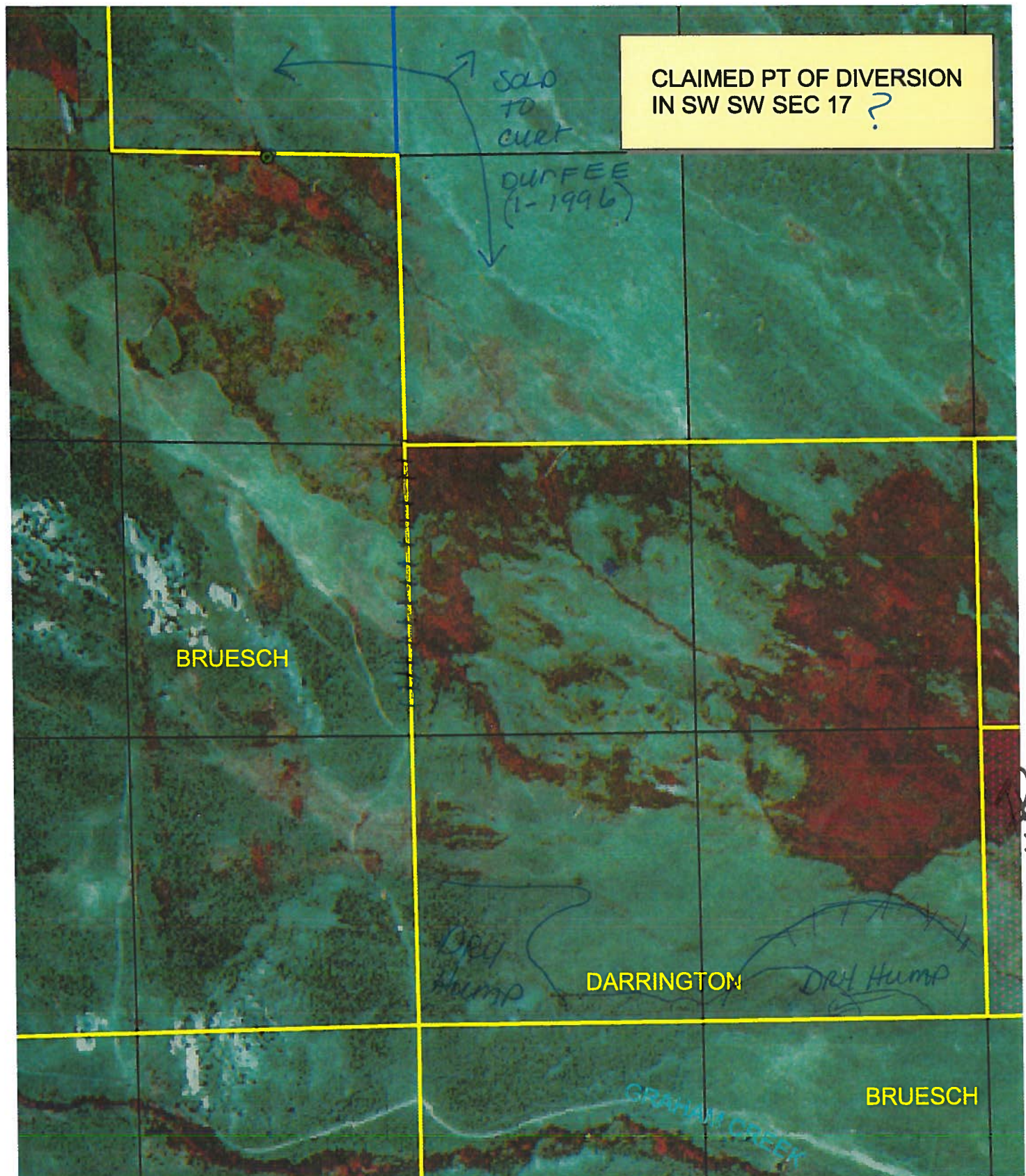
~~1000~~ P/O per GRS



FIELD NOTES

CLAIM NO(S): A43-10280
STINES CREEK

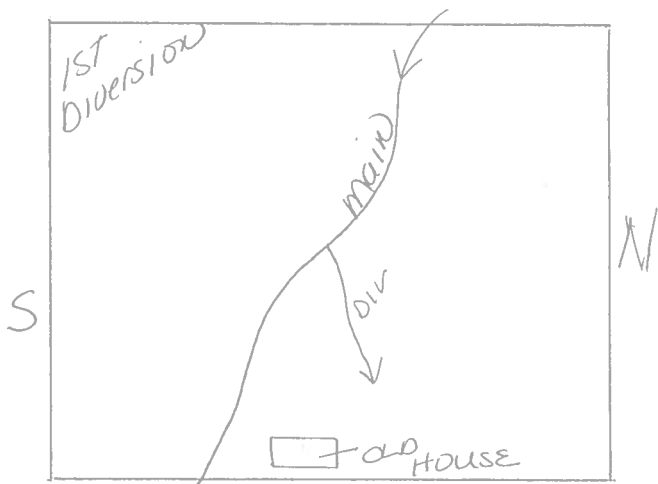
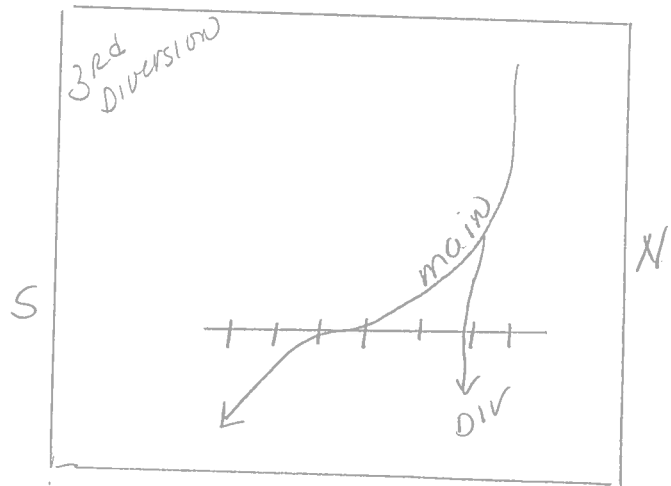
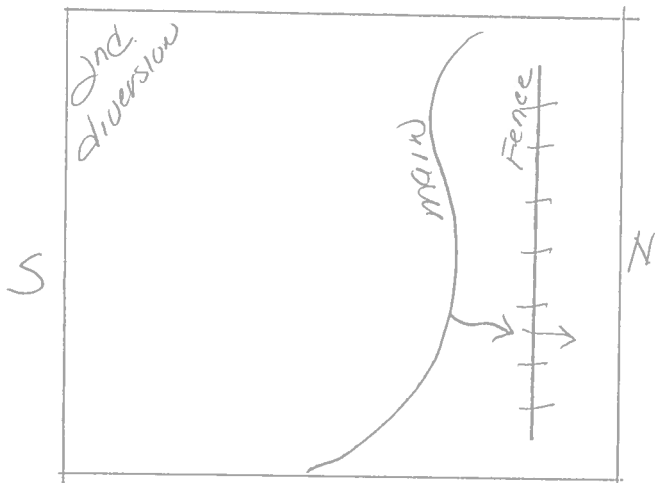
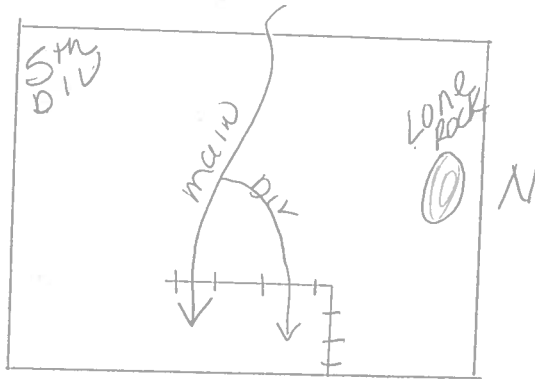
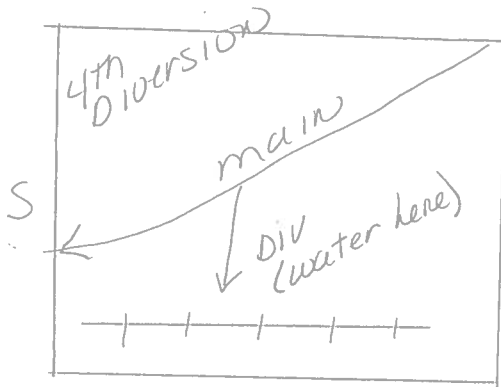
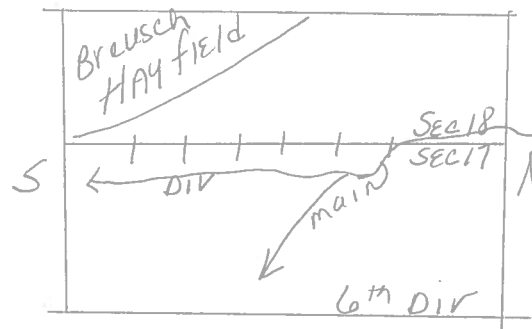
TWP 15S, RNG 24E, Sec 17



V HANCOCK

Date: 8-12-99

1987/1988 NAPP PHOTOGRAPHY



8-12-99 V#

A43-10280

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: A43-10280 Date 8-12 1999

Claimant / Area of Concern: Darrington - Stines Creek Page 1 of 1

Roll	Pic #	Description
19	1	Bottom diversions - no gps data capture
	2	
	3	
	4	
	5	note old house
	5	2 nd diversion RO81217A
	6	dry hump to south of diversion
	7	POU at 2 nd diversion
	8	
	9	3 rd Diversion RO81217B
	10	POU at 3 rd diversion
	11	
	12	
	13	4 th diversion RO81217C
	14	Camilla & water here
20	1	Low Rock 20° E at 170 5 th DIV.
	2	6 th diversion RO81218A looking South
	3	" " Looking East
	4	" " bottom of Breunah hay field
		in section 18
	5	Looking East at diversion to top of 160 acres. Split of main canal (DIV 7)
	6	Looking South along Section 18/17 fence line
18	8	Pld from Stines canal used by Curt Duffee

Agent: Vikie Hancock

Notes: Photo 8 Roll 18 Taken 8-11-99 while riding the Stines canal with Cordell Sheridan.

Note: all the above diversions are from the main hogland-dug channel. the actual diversion on Stines creek is in section 7. These are all re-diversions



↑ Bottom diversion

↓ pool



11/2 - 11/2 20



2nd diversion





3rd Diversion



A43-10280



3rd Diversion



A43-10280



4th diversion

diversion

A43-10280

Roll 20
pix 1



5th diversion SW NE SW Sec 17-5081217D GPS
POU Looking East

Roll 20
pix 2



Breusch
Hay field

Along Fenceline between Sections 17 & 18 in
the NW SW of 17. Looking South at diversion
site #6

042-10280

Roll 20
pix 5, 6



main
channel
continues ←



where barrington
Splits channel
to irrigate the
west side of
the SW 1/4 section 17.

← Fence line between
section 17 & 18

A43-10280



Roll 18
pix 8

DIVERSION USED BY CURT DURFEE.
TOP DIVERSION FROM STINES CANAL ONTO
DARRINGTON'S DECREED POU CIRCA 1970 DECREE.
GPS FILE R081119C - LOCATED IN
NE NE SECTION 18. REPORTEDLY NOT
USED BY DARRINGTON FOR YEARS.

CONVERSATION MEMO

Date: _____

8-9-99

Regarding:

Stine Creek Claim

Customer:

IVAN Barrington

From: Vikie Hancock

[illegible]

Will meet Wednesday with Ivan &
Cordell Sheridan if possible to
see his system. Also, if
not possible with Cordell, will
meet him Thursday August 12 at
10 AM. Darrington

Says there is a 10 day rotation on Stines creek. That once was all owned by Rice. Rice widow traded 1 day to Brush for Team of horses. Rice ^{sold} ~~some~~ came home & was given 80 ac & 12 hours water. This 80 was sold to Neil Burke. Darrington said this left 9 days of water (?) and that is divided between him & Tracy at 4½ each. Says he (Darrington) & brother in law Taylor once owned all of Rice Place

Note: AUC documents state Stines water owned by Rice & Lorenzo Durfee in 1903. Breusch ^{portion} ~~part~~ of 1970 Decree indicates use prior to 1900.

Memorandum

To: File 43-00011

From: Cindy Bird

Date: 11/18/99

Re: Stines Creek

PURPOSE: Estimate maximum flow in Stines Creek.

OBSERVATIONS & FINDINGS: I met with Vikie Hancock and Richard Bruesch on September 20, 1999 to collect data for estimating the maximum flow in Stines Creek.

The low flows of Stines creek was described by Richard as approximately 1/4th the normal flows. The high water mark was determined by visual inspection of the creek banks. The creek had large cobbles on gravel.

The cross sectional areas were determined with an engineer's tape and top-setting rod. The velocity of Stines creek was measured with the Swaffer meter.

A spin-time test was completed on the equipment before and after the test to check the mechanical function of the meter. The equipment was working within specifications.

CONCLUSION: Discharge in Stines creek from the measured flow was 0.23 cfs. The maximum discharge calculation used two conservative methods. They are conservative because of the slower summer flows. The first method used the measured velocities over the maximum area, 1.61 cfs. The second method used an average velocity over the entire area, 1.78 cfs.

1. Name of stream or ditch:

2. Location:

3. Person conducting measure:

4. Date and time of measure:

5. Accompanied by:

6. Measuring device size and ID:

7. Spin test OK?

8. Purpose of measure:

STINES CREEK

UPSTREAM OF TOPMOST BRUESCH DIVERSION

CINDY BIRD & VIKIE HANCOCK

9/20/99

RICHARD BRUESCH

SWOFFER

Before:

Yes

After:

Yes

IRRIGATION FLOW

DIST FROM LEW	WIDTH (feet)	DEPTH (feet)	Area (ft ²)	MEASURED #1 (ft/sec)	VELOCITY #2 (ft/sec)	AVE. DISCHARGE	
						ELOCITY (ft/sec)	(cfs)
3.8							
4.0	0.20	0.2	0.04	1.30	1.37	1.34	0.05
4.2	0.20	0.2	0.04	0.83	0.8	0.82	0.03
4.4	0.20	0.2	0.04	0.66	0.65	0.66	0.03
4.6	0.15	0.2	0.03	0.93	0.95	0.94	0.03
4.7	0.15	0.2	0.03	0.90	0.82	0.86	0.03
4.9	0.30	0.2	0.06	0.37	0.34	0.36	0.02
5.1	0.20	0.2	0.04	0.47	0.49	0.48	0.02
5.3	0.15	0.2	0.03	0.42	0.42	0.42	0.01
5.4	0.15	0.2	0.03	0.29	0.30	0.30	0.01
5.6		0.2	0.00			0.00	0.00

TOT WIDTH 1.7

TOTAL DISCHARGE: 0.23 cfs

1. Name of stream or ditch:

2. Location:

STINES CREEK
UPSTREAM OF TOPMOST BRUESCH DIVERSION

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	Area (ft^2)	MEASURED #1 (ft/sec)	VELOCITY #2 (ft/sec)	AVE. MEAS. VELOCITY (ft/sec)	DISCHARGE Q=VA (cfs)	AVE. VELOCITY (ft/sec)	AVE. DISCHARGE (cfs)
1.0									
4.0	1.60	0.5	0.80	1.30	1.37	0.92	0.74	0.69	0.55
4.2	0.20	0.8	0.16	0.83	0.80	0.82	0.13	0.69	0.11
4.4	0.20	0.8	0.16	0.66	0.65	0.66	0.10	0.69	0.11
4.6	0.15	0.8	0.12	0.93	0.95	0.94	0.11	0.69	0.08
4.7	0.15	0.8	0.12	0.90	0.82	0.86	0.10	0.69	0.08
4.9	0.30	0.8	0.24	0.37	0.34	0.36	0.09	0.69	0.17
5.1	0.20	0.8	0.16	0.47	0.49	0.48	0.08	0.69	0.11
5.3	0.15	0.8	0.12	0.42	0.42	0.42	0.05	0.69	0.08
5.4	0.15	0.8	0.12	0.29	0.30	0.30	0.04	0.69	0.08
5.6	1.45	0.4	0.58	0.29	0.30	0.30	0.17	0.69	0.40
8.3									

TOT WIDTH

4.6

TOTAL DISCHARGE (cfs):

1.61

1.78

155 24E S

NONE
SENE

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Stines Creek Diversion Channel
2. Location: 25' upstream of Beuesch Top diversion
3. Person(s) conducting measurement: Cathy Bird, Vickie Hancock
4. Date of measurement: 9-20-99 5. Weather conditions: warm
6. Measuring device size and ID no.: Swaffer
7. Spin test before: OK after: OK
8. Purpose of measurement: SRBA FF
9. Cross section description: Large ~~rock~~ cobble or gravel

B. MEASUREMENT DATA

Dist. from initial point	Width	Depth OF WATER	Obs. Depth Bankfull	Revolutions	Time in Seconds	Velocity		Area	Discharge
						At point	Average		
1.0			0						
1.5	.5		.1						
2.0	.5		.2						
2.5	.5		.2						
3.1	.6		.9						
3.5	.4		1.0						
3.8	RWE								
4.0	.2	.2	.85			1.3/1.37	1.34		
4.2	.2	.2	.85			.83/.80	.82		
4.4	.2	.2	.85			.66/.65	.66		
4.6	.2	.2	.85			.93/.95	.94		
4.7	.1	.2	.85			.90/.82	.85		
4.9	.2	.2	.85			.87/.34	.36		
5.1	.2	.2	.85			.47/.49	.48		
5.3	.2	.2	.85			.42/.42	.42		
5.4	.2	.2	.85			.29/.30	.30		
5.6	LWE-								
6.0	.6		.4						
6.6	.6		.45			Σ	6.17		
7.0	.4		.5			Ave Vel.	0.69 $\frac{4}{5}$		
7.5	.5		.5						
8.0	.5		.5						
8.3	.3		0						

C. REMARKS Measurement to determine bankfull capacity of diversion channel

OPEN CHANNEL DISCHARGE WORKSHEET FOR CLAIM NO(S): A43-00011,THRU -00014, -10280

[illegible]

DATE: 12-3-2000

AGENT: V. HANCOCK

SOURCE: STINES CREEK

LOCATION: UPSTREAM OF TOPMOST BRUESCH DIVERSION

ALSO SEE MEASUREMENT NOTES

CLAIM NO(S): A43-00011 THRU -00014 & A43-10280

BANKFULL CAPACITY WORKSHEET

DISTANCE FROM INIT POINT	WIDTH	DEPTH	AREA				
1.0	0.25	0					
1.5	0.50	0.10	0.05				
2.0	0.50	0.20	0.10				
2.5	0.55	0.20	0.11				
3.1	0.50	0.90	0.45				
3.5	0.35	1.00	0.35				
3.8	0.25	1.00	0.25	ESTIMATED DEPTH			
4.0	0.20	0.85	0.17				
4.2	0.20	0.85	0.17				
4.4	0.20	0.85	0.17				
4.6	0.15	0.85	0.13				
4.7	0.15	0.85	0.13				
4.9	0.20	0.85	0.17				
5.1	0.20	0.85	0.17				
5.3	0.15	0.85	0.13				
5.4	0.15	0.85	0.13				
5.6	0.30	0.85	0.26	ESTIMATED DEPTH			
6.0	0.50	0.40	0.20				
6.6	0.50	0.45	0.23				
7.0	0.45	0.50	0.23				
7.5	0.50	0.50	0.25				
8.0	0.40	0.50	0.20				
8.3	0.15	-	-				
7.3	7.30		4.03	TOTAL AREA			

AVERAGE VELOCITY 0.68
(SEE ATTACHED)

CAPACITY 2.74

DATE: 01-03-2000
AGENT: V. HANCOCK

SOURCE: STINES CREEK

LOCATION: UPSTREAM OF BREUSCH TOP DIVERSION

ALSO SEE MEASUREMENT NOTES

State Of Idaho (SS
County of Twin Falls (

George L. Durfee - J.A. Graham and Alice Durfee Rice all sworn depose and say they were well acquainted with Ed and Abe Hogland brothers, and that know of their own knowledge said Ed Hogland and Abe Hogland came to the vicinity where Almo Idaho now located in the year 1880, and that the said Ed and Abe Hogland did during the year 1880 and 1881 construct an irrigation canal, for the purpose of diverting all the water of Stines Creek to certain lands described as follows \$0 90 40 11 80

The East half of the Southwest quarter and the West half of Southeast quarter and Southeast quarter of the Southeast quarter of Section Seventeen (17) and the North East quarter of the Northeast quarter of section Twenty (20) and the north half of the Northwest quarter of section Twenty one (21) All in Township Fifteen (15) N of Range Twenty Four (24) EBM In Cassia County State of Idaho

The affiants further say that the point of diversion from Stines Creek was in about the center of Section Seven (7) in Township Fifteen (15) Range Twenty Four (24) EBM that said canal was constructed for the purpose of irrigating said lands and the affiants further state that the said Ed Hogland and Abe Hogland did use said water for the purpose of irrigating said land from 1880 to 1886 inclusive and that during that time the said water right was not molested or contested. The said Affiants further say that this land was purchased from Ed and Abe Hogland by George L. Durfee and Nathaniel A. Rice in the year 1887 and that the water has been used continuously by the said George L. Durfee and Nathaniel A. Rice and their successors and assigns continuously since that date without protest or objection.

0005

George L. Durfee
Alice Durfee Rice
J. A. Graham

On this Twenty first day of January 1939 before me to a Notary Public personally appeared George L. Durfee and J.A. Graham known to me to be the persons whose names to the above instrument and acknowledged to that the IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and date in this certificate first above

8-12-99

TAX ROLLS Cassia Co

T 15 South R24 EBM

- Sec 17 W $\frac{1}{2}$ NW Curtis Durfee RP 15S24E173001A
18 NE NE " RP 15S24E180000A
- Sec 17 SW $\frac{1}{4}$ Darrington
SW SE Darrington
- Sec 17 NW SE, SE SE Ted Tracy
20 NE NE "
21 W $\frac{1}{2}$ N $\frac{1}{2}$ "
- Warrmash (Conservation Fund?)
Sec 17 NE NE, W $\frac{1}{2}$ NE, E $\frac{1}{2}$ NW

2-1-2000

Re-verified IVAN DARRINGTON ownership
of SW SE Section 17 T15S R24E.

DA.

RC0010 8-12-1999
15:22:43

Cassia County

Receipt #: 99-03133

Received From: DEPT OF WATER RESOURCES

Received On: 8-12-1999
Received For
Copies

In the form of Cash

<u>Cost Each</u>	<u>Qty</u>	<u>Instrument</u>	<u>Cost</u>
1.00	1		1.00
Receipt Amount			=====
			\$1.00

Received by:

RENAE

for

Darrell M. Roskelley
County Clerk, Auditor

240564

WARRANTY DEED

#26856

For Value Received

IVAN DARRINGTON and BARBARA DARRINGTON, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

CURTIS LEE DURFEE and MARY LOU DURFEE, husband and wife

Address: P. O. Box 185
Almo, Idaho 83312

Hereinafter called the Grantee, the following described premises situated in Cassia County, Idaho, to-wit:

TOWNSHIP 15 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHOSection 17: W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 18: NE $\frac{1}{4}$ NE $\frac{1}{4}$

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto.

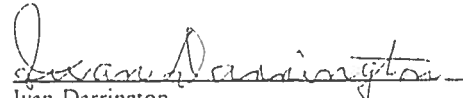
SUBJECT TO:

All reservations in patents or deeds in the chain of title.

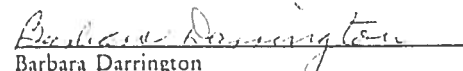
Taxes for 1995 and subsequent years.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 16, 1996



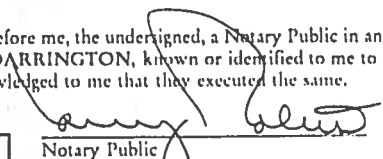
 Ivan Darrington



 Barbara Darrington
STATE OF IDAHO)
) ss.
COUNTY OF Cassia)

On this 16th day of January, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared IVAN DARRINGTON and BARBARA DARRINGTON, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

LARRY ROBERTS
 ☆ NOTARY PUBLIC ☆
 STATE OF IDAHO
 RESIDING AT BURLEY, ID
 MY COMMISSION EXPIRES 8-30-97


 Notary Public
 Residing at: Burley, Idaho
 My Commission Expires: 8-30-97
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILM 272

1996 JAN 17 A 9:46

240564

CASSIA COUNTY, IDAHO
CARRELL M. ROSKELLEY
RECORDER

FEE 300 DEPUTY LM

LAND TITLE & ESCROW

DURFEE, Curtis Lee
& DURFEE, Mary Lou h/w
P O Box 185
Almo, Id 83312

RP 15S24E173001

W $\frac{1}{2}$ NW
S 17 T 15 R 24

4-24-96 split from 15S24E173000

240564 WD Ivan Darrington etux (Barbara) to Curtis Lee Durfee etux
(Mary Lou) 1-16-96

F 273

WARRANTY DEED
(Idaho)

83977

ZENNITH I. TAYLOR and DORA COLLEEN TAYLOR, his wife, of Cassia County, Idaho, hereinafter called the Grantor, for and in consideration of Ten DOLLARS (\$ 10.00), GRANTS, CONVEYS, and WARRANTS to IVAN DARRINGTON and BARBARA DARRINGTON, his wife, of Cassia County, Idaho, hereinafter called the Grantee, as a community property estate, the following-described premises situated in Cassia County, Idaho: *of Almo, Idaho

TOWNSHIP 15 SOUTH, RANGE 24 EAST OF THE BOISE MERIDIAN

Section 17: Southwest Quarter Southeast Quarter, West Half Northwest Quarter
Section 18: Northeast Quarter Northeast Quarter.

SUBJECT TO:

- (a) Accruing taxes, levies and assessments;
- (b) GEOTHERMAL LEASE & AGREEMENT dated March 10, 1972, between Colleen Taylor and Zennith Taylor, husband and wife, and Raft River Rural Electric Cooperative, Inc., recorded July 14, 1972 as Instrument No. 64070 on Film No. 77, records of Cassia County, Idaho.

83977 } SS
State of Idaho
County of Cassia
I hereby certify that the within instrument was
filed at the request of
CASSIA COUNTY ABSTRACT CO.
On 4-37 PM, 1975
At 95
recorded on Film 83977
Inst. #
by Frank B. Kearns, Recorder
Deputy

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that the Grantor is lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as above described; and that Grantor will warranty and forever defend the title thereto against all lawful claims and demands whatsoever.

Dated this 9 day of June, 1975

STATE OF IDAHO
COUNTY OF BOISE

Zennith I. Taylor
Dora Collleen Taylor
ACKNOWLEDGMENT

On this 9 day of JUNE, 1975, before me, ARIEL L. CROOK, the undersigned officer, personally appeared ZENNITH I. TAYLOR

known to me or satisfactorily proven to be the person(s) whose name(s) subscribed to the within instrument,

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

June 16, 1999

Regarding:

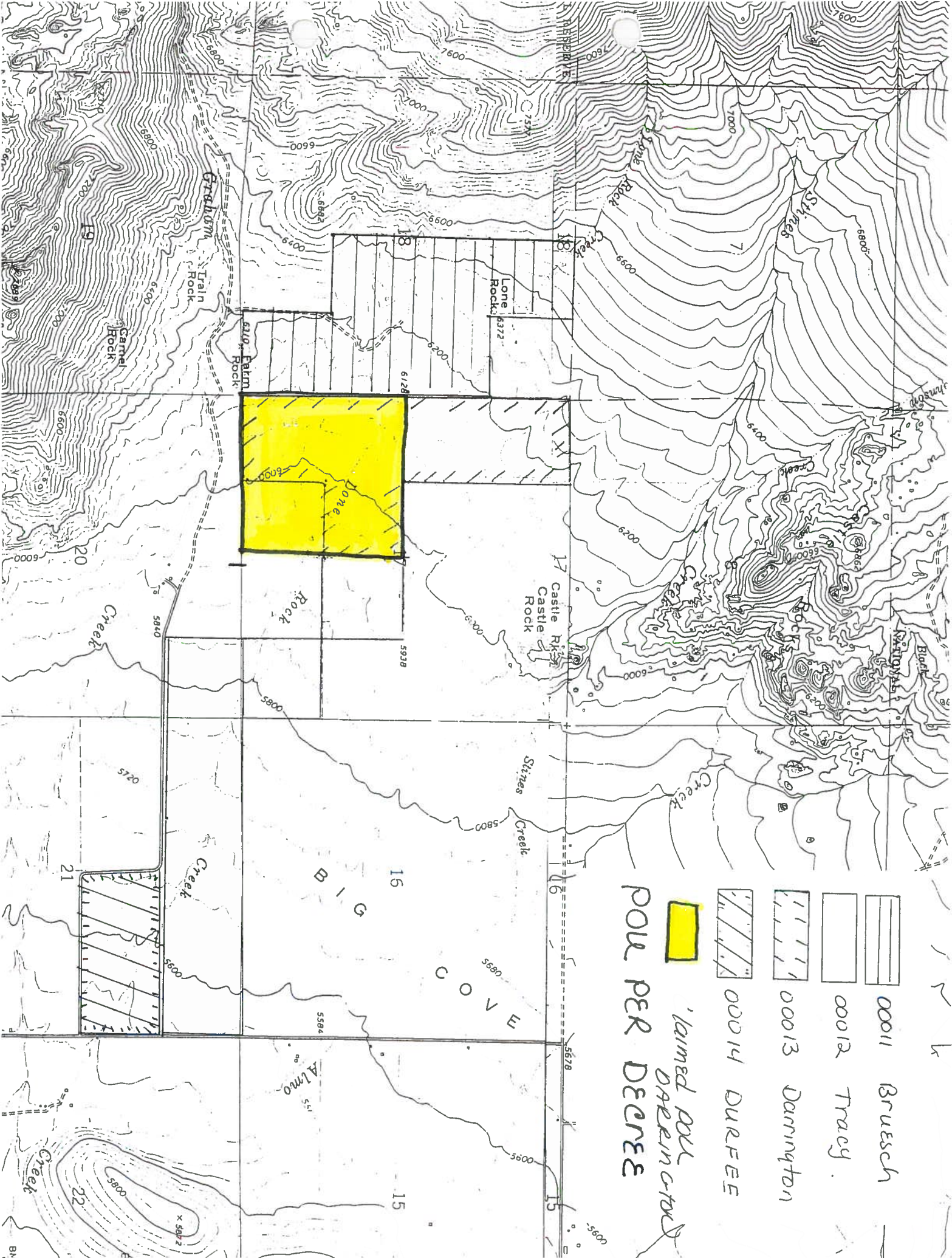
Customer:

Stine Creek Decree, Almo Water vs Darrington 4-29-1970

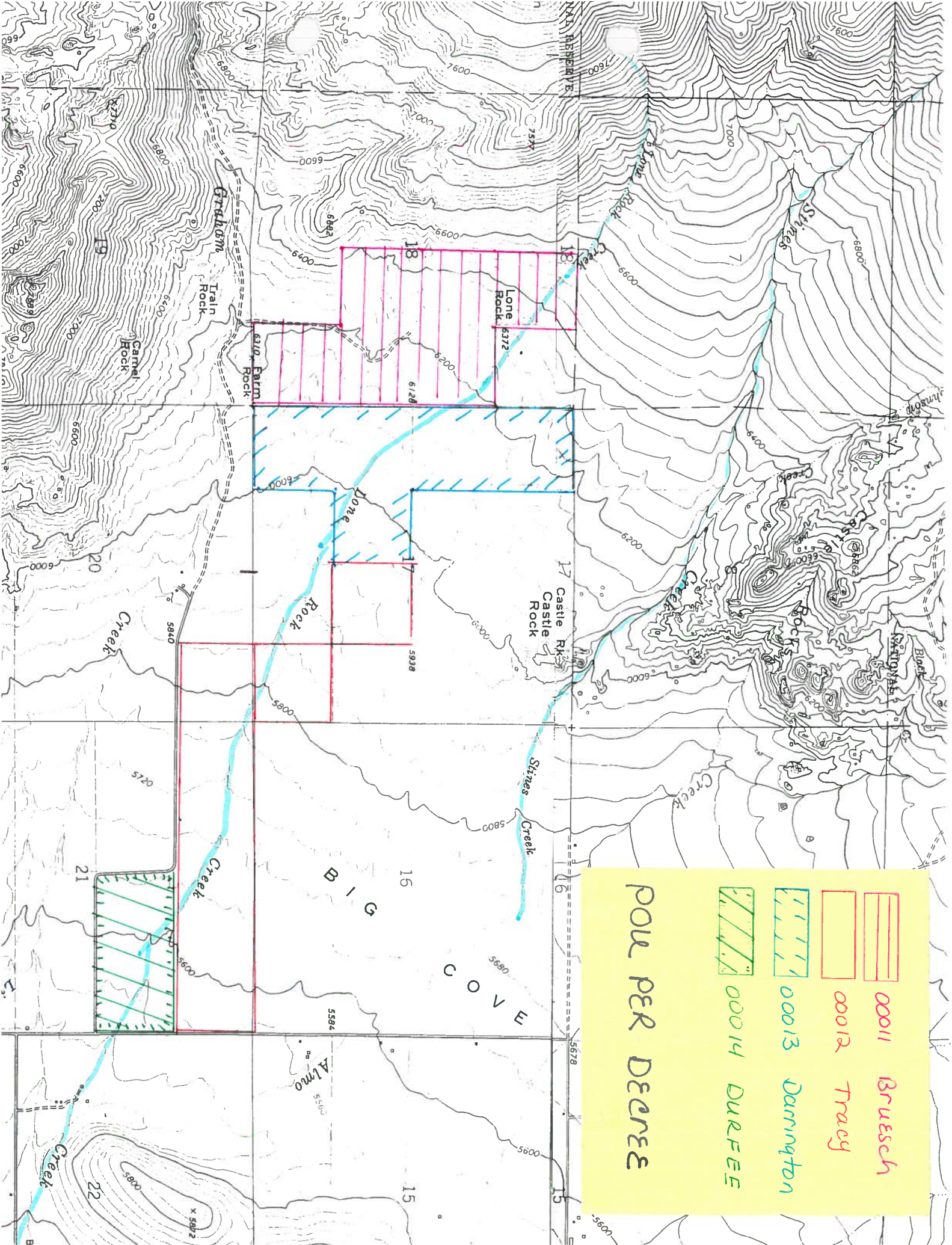
[illegible]

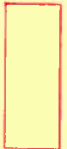
I talked to Nick Spencer about the language in this decree that prohibits the State Reclamation Engineer from measuring the waters of Stine Creek, and how that effects the SRBA, if at all. Nick said that these prohibitions were specific to certain situations, and would not prevent the Department from measuring Stine Creek for the purpose of SRBA investigation, which is a completely different issue from the one that brought about the suit and Decree in 1970.

He also advised me to assure the claimants that the Department is cognizant that the decree resolved a dispute to the agreement of the parties involved, and that we had all intention of supporting the status quo.



-  00011 Brusesh
 -  00012 Tracy
 -  00013 Darrington
 -  00014 DUREEE
 -  'Iaimed POL DAREIN-CTO
- POL PER DECEE



	00011	Bruesch
	00012	Tracy
	00013	Darrington
	00014	Durfee

POL PER DEEREE

File: A43-10280

Water Right Number - A43-00013

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

--- Last Name --- +

+ First Name --- +

--- Address --- +

*** C - CURRENT OWNER ***
DARRINGTON

IVAN

TAYLOR

ARTHUR

RECEIVED
JAN 15 1992

1 -
2 -
3 -
City -
Phone - 208-000-0000

State- ID Zip-

DARRINGTON

BARBARA
Department of Water Resources
Southern Region Office

1 -
2 -
3 -
City -
Phone - 208-000-0000

State- ID Zip-

+ - Priority Date - +
00/00/0000

+ - Region - +
17 SOUTHERN

+ - Stage - +

+ - Status - +
2 - SEE REMARKS

+ - Source - +
STINE CREEK

+ - Tributary -

+ - Rng Sec Tract Lot RFlg County Point of Diversion
65N 46E 36 (99) SUBSCRIPTION

+ - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15

+ - Total Div. Rate - + - Total Div. Volume - +

+ - Total Consumptive Use - + - KW Usage - +
0.0

+ - Rng Sec Tract Lot Acres Code Description County
TWN

Total Acres:

+ - Diversion Means -
+ - Non-Irrigation Use -
+ - Other Rights for Same Use -

MICROFILMED
MAR 04 1993

Water right number - A43-00013.

Prefix Translation: ADJUDICATION CLAIM

Remarks - - - - -
Priority date and point of diversion not given in decree.
Decree entitles this right, along with rights 43-0011/0012/0014,
to all the water of Stine Creek.

THIS RIGHT WAS CLAIMED UNDER A43-10280. THIS RIGHT HAS BEEN
CLAIMED IN FULL. ALB 1-14-92

No Old Water Right Numbers Found

Old Water Right Numbers - - - - -

Conditions of Approval - - - - -
No Conditions of Approval found.+ - - - - Decree Defendant - - - +
IVAN DARRINGTON+ - Decree Date - +
00/00/0000+ - - - - Decree Plaintiff - - - +
ALMO WATER CO.- - - - - Comments - - - - -
No Comments Found+ - - Audit Fields - - +
01/14/92 BAUMHOFF

+ - - - - Adjudication Rights Dates and Flags Area - - - - -

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	01/14/1992	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	X777777	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	
						Notice of Error Flag	-	

MICROFILMED

MAR 4 1993

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:08:39
05/24/95
404
CLAIM NUMBER: A43-10280

LAST: DARRINGTON FIRST: IVAN
ADDRESS: BOX 136
CITY: ALMO STATE: ID ZIP: 83312
PHONE NUMBER: 208-824-5511
OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y FIELD EXAMINER Y() N()
CLAIM REMARKS: SEE ATTACHED DECREE. ENTIRE CREEK DECREED TO 4 SEPERATE PARTIES AND DIVIDED ACCORDING TO SHARES OWNED. CLAIMANT OWNS 8.5 SHARES.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: IVAN DARRINGTON PHONE NUMBER: () - : -
DATE OF FIELD EXAM: 8/12/1999 APPOINTMENT MADE: Y() N() TIME: : : A() P()
ACCOMPANIED BY: Claimant PHONE NUMBER: () - : -
RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Take Big Lost Ranch Rd to Bruesch Ranch Rd
to property. Met claimant at home on
Big Lost Ranch Rd.

A. AJ CLAIM: # A43-10280 PRIORITY DATE: 03-17-1879 STAGE: D

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES:

Priority date claimed is misinterpretation of
Plano maps so is Barrington's decree.
Actual priority date based upon affidavit
in file signed by Dutcher, Graham & Rees in
1839. All digland with from Stines Creek
Claims given same 4-1-1880 priority date

RECOMMENDED PRIORITY DATE:

4-1-1880

REVIEWED BY

[Signature]

DATE

2-16-2000

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A43-10280	15S	24E	17						SW	SW	
									SW	SW	

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: STINE CREEK

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) 8-11-99, NAME OF EXAMINER V. HANCOCK, Y() N()
AJ FIELD EXAM (DATE OF FIELD EXAM) 8-11-99, NAME OF EXAMINER V. HANCOCK, Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

POD from Strano Creek) into England ditch

is 755 W 24E Sec 7 SE NW.

Reductions are at Muskegon Sec 17 and
Muskegon Sec 17. Water is trapped out into
lateral at various points within property
after water collects in old Lone Rock Creek Channel

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
15S	24E	17	SW	SW	SW				CASSIA		

155 24E 7 SE NW Abogland Ditch

17 $\frac{140}{500} \frac{24}{24}$ R

17 hw sw R

1

SOURCE: STINES CC

TRIB: ~~X~~

REVIEWED BY: [Signature] DATE: 2-16-2000

SYSTEM DESCRIPTION: DESCRIBED BELOW (___), SEE LICENSE FILE (___), OR SEE ATTACHMENT (8)

Stirred seed is not tributary to Arno Creek)
per 1970 Arno Works Co - OS - (near Newington)
Dover.

A. ROOT WATER RIGHT NUMBERS: A43-10280

B. POU LISTING						AJ	WR	LANDSAT	FIELD	RECOMM.	
TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	#/ACRES	DATA	EXAM.	ACRES
15S	24E	17	NE	SW		DARRINGTON, IVAN	A43-10280 / 40.0	-	43-00013 /		
			NE	SW		DARRINGTON, IVAN					
15S	24E	17	NW	SW		DARRINGTON, IVAN	A43-10280 / 40.0	-	43-00013 /		
			NW	SW		DARRINGTON, IVAN		43-02148 / 12.0			
			NW	SW		DURFEE, LORENZO					
15S	24E	17	SW	SW		DARRINGTON, IVAN	A43-10280 / 40.0	-	43-00013 /		
			SW	SW		DARRINGTON, IVAN		43-02148 / 5.0			
			SW	SW		DURFEE, LORENZO					
15S	24E	17	SE	SW		DARRINGTON, IVAN	A43-10280 / 40.0	-	/		

See geo

See grid log

ADDITIONAL POU FOUND

TOTAL ACRES A43-10280 160.00

POU COUNTY: CASSIA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N(☒)

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

Amended claim to include all unpatented tracks Feb. 2000.

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

- E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()
- * IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.
- F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A() Y() N()
- G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y() N()
- H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y() N()

CHECK DOCUMENTS USED TO VERIFY POU: (X) ORTHOPHOTOQUAD, IDMR NO. 1976; () TOPOGRAPHIC QUAD, IDMR NO. _____;

(X) NAPP, IDMR NO. 1987-88; () ASCS PHOTO; () OTHER _____

NOTES:

imagated area was located & calculated
by AEC (1988) GIS using 1987-1988 NAPP
Aerial photography & cleared by field exam.

RECOMMENDATIONS:

TOTAL ACRES: 188 N/A()

REVIEWED BY: dfanccar DATE: 2-16-2000

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A43-10280 IRRIGATION	FROM 03-15 TO 11-15	3.200 CFS	
TOTAL DIVERSION RATE/VOLUME		3.200 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
----------------	---------------------------	------------------------	------------------------

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES:

Person I was not in care
recommended current WRE standard
Diversion rate & volume not in care
Purpose I was as claimed & received.

AJ CLAIM TOTAL DIVERSION RATE: 3.200 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A ☒ Y ☐ N ☐

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A ☒ Y ☐ N ☐

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y ☐ N ☒

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y ☒ N ☐

E. FLOW MEASUREMENT

MEASUREMENT METHOD theoretical calculation, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 188 x 0.02 CFS/ACRE = 3.76 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y ☐ N ☒
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y ☐ N ☐

2. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AF/A
ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

diversion rate limited by ditch capacity of 2.74 cfs.

NOTES:

Theoretical calculations of ditch capacity
were based upon measurements taken 9-20-1999.
Ditch capacity is 274 cfs. See attachment
on file.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. COMS. USE
	FROM	TO		EXAMINER	EXAMINER	
IRRIGATION	03-15	11-15	3.200	2.74	—	—
122	4-1	10-31				
TOTAL FOR THIS RIGHT				2.74	—	—

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: Spencer DATE: 2-16-2000

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-10280

DATABASE

EXAMINER

TOTAL DIVERSION RATE OF WR SPLITS

CFS

SPLITS:

OLD RIGHT CURRENT
NUMBERS CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

43-00013

TOTAL CFS

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

FIELD
EXAMINER
Y () N ()

NOTES:

no splits

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

2-16-2002

NAME OF FIELD EXAMINER:

[Signature]

TITLE:

Water Resource Analyst

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO	IDWR ID NO.	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y() N()
☐ NAPP	DATE OF PHOTO	IDWR ID NO.	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

MR 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							

BARCODE UPDATED
WHOM/DATE