

Water Right Number - R71-00039F
Prefix Translation: RESEARCH
Old (D) Number -

*** A - ATTORNEY ***
GROOM
BRIT
1 - PO BOX 389
2 -
3 -
City- TWIN FALLS
Phone - 208-734-7510
State- ID Zip- 833030389

*** C - CURRENT OWNER ***
SPLIT RIGHT
1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- 0

*** O - ORIGINAL OWNER ***
BERMAN
DANIEL L
1 - 50 S MAIN ST SUITE 1250
2 -
3 -
City- SALT LAKE CITY
Phone - 801-328-2200
State- UT Zip- 84144

Priority Date - - - +
06/01/1904
Region - - - +
17 SOUTHERN
Stage - - - +
Status - - - +
2 - SEE REMARKS

Source - - - +
MC GOWAN CREEK
HANNA CREEK
SPLIT RIGHT
Tributary - - - +
VALLEY CREEK
VALLEY CREEK

Twn	Rng	Sec	Tract	lot	Rflg	County	Point of Diversion
11N	12E	2	SW SW SE			(37) CUSTER	
		3	NW NE SW			(37) CUSTER	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	11/01		0.280	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Consumptive Use - +		+ - KW Usage - +
0.280				0.0		

Twn	Rng	Sec	Tract	lot	Acres	Place of Use	Code	Description	County
11N	12E	11	NE NE		15.9		01	IRRIGATION	(37) CUSTER
11N	12E	11	SW NE		16.3		01	IRRIGATION	(37) CUSTER
11N	12E	11	SE NE		19.2		01	IRRIGATION	(37) CUSTER
11N	12E	11	NE SE		1.3		01	IRRIGATION	(37) CUSTER
11N	12E	11	NW SE		0.3		01	IRRIGATION	(37) CUSTER
11N	12E	12	SW NW		3.0		01	IRRIGATION	(37) CUSTER
Total Acres:					56.0				

Water right number - R71-00039F

Prefix Translation: RESEARCH

+ - - Diversion Means - COLLECTION DITCH, ROCK DIVERSIONS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A71-00040F & A71-10136B

+ - - Remarks -

GEN SEE NOS. 71-00039G AND 71-00039H.

+ - - Old Water Right Numbers -

7100039
A7100039C

+ - - Conditions of Approval -
No Conditions of Approval found.

+ - - Decree Plaintiff - - - +
DAN J. CAVANAGH

+ - - Decree Defendant - - - +
WM. MERRITT, ET AL.

+ - Decree Date - +
00/00/0000

+ - - Comments - - - - -

Date: 04/01/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS
P/U IS H.E.S. 109.
THE ORIGINAL CLAIM A71-00039B WAS SPLIT BASED UPON A FORMER OWNER
PART C TO BERMAN FOR .64CFS
RANCH SUBDIVISION, KKC 5-8-95
CLAIM SPLIT ON 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF
SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE 1 CREATED.
PART F TO BERMAN FOR 0.29 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).
AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO
THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE
MODIFIED TO REFLECT THE PLACE OF USE CHANGE. KKC 3-27-98
PART F TO BERMAN FOR 0.28 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).
OWNERSHIP CHANGE AND SPLIT RIGHT DATA ENTERED ON 3-30-98 BY KKC
USE CALCULATIONS AND PROPORTIONATE RATE PER ACRE CALCULATIONS.
PART H PLACE OF USE CONTAINS BOTH IRRIGATED GROUND AND NON
PART G TO MAHONEY FOR 0.14 CFS (FOR LOT 4 OF THE SUBDIVISION).
PART F WAS SPLIT INTO PARTS G AND H BASED UPON THE GIS PLACE OF
PART G REFLECTS THE IRRIGATED GROUND ONLY, IN THE PLACE OF USE.
IRRIGATED GROUND.
PART H TO PETERS FOR 0.14 CFS (FOR LOT 5 OF THE SUBDIVISION).

+ - - Audit Fields - - +
04/01/98 KCHRISTE

+ - - 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	- 01/11/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- D
				Notice of Error Flag	-

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: A71-00039F
Date Received: 1/11/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SPLIT RIGHT
Address:

X ID 0

2. Date of Priority: JUN 1, 1904

3. Source: MC GOWAN CREEK
HANNA CREEK
SPLIT RIGHT

Trib. to: VALLEY CREEK
VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	12E	2	SW	SW	SE		CUSTER
		3	NW	NE	SW		CUSTER

5. Description of diverting works:
COLLECTION DITCH, ROCK DIVERSIONS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.280		

7. Total Quantity Appropriated is:
0.280 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
11N	12E	11	NE	NE		IRR	15.9
			SW	NE		IRR	16.3

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	SE	NE		IRR	19.2
			NE	SE		IRR	1.3
			NW	SE		IRR	0.3
			Section Acres				53.0
		12	SW	NW		IRR	3.0
			Section Acres				3.0
			Total Acres				56.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A71-00040F & A71-10136B

14. Remarks:

P/U IS H.E.S. 109.
THIS IS A 2/3 PORTION OF THE WR 71-00039.
THE ORIGINAL CLAIM A71-00039B WAS SPLIT BASED UPON A FORMER OWNER SIGNATURE ON FORM 42-1409(7). THE SPLIT IS AS FOLLOWS:
PART C TO BERMAN FOR .64CFS
PART D TO BRUBAKER FOR .16CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION. KKC 5-8-95

CLAIM SPLIT ON 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED.
PART E TO HILL FOR 0.35 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)
PART F TO BERMAN FOR 0.29 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).

AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS. THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO MODIFIED TO REFLECT THE PLACE OF USE CHANGE. KKC 3-27-98
PART E TO HILL FOR 0.36 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)
PART F TO BERMAN FOR 0.28 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).

OWNERSHIP CHANGE AND SPLIT RIGHT DATA ENTERED ON 3-30-98 BY KKC
PART F WAS SPLIT INTO PARTS G AND H BASED UPON THE GIS PLACE OF USE CALCULATIONS AND PROPORTIONATE RATE PER ACRE CALCULATIONS.
PART G REFLECTS THE IRRIGATED GROUND ONLY, IN THE PLACE OF USE.

14. Remarks: Continued

PART H PLACE OF USE CONTAINS BOTH IRRIGATED GROUND AND NON
IRRIGATED GROUND.

PART G TO MAHONEY FOR 0.14 CFS (FOR LOT 4 OF THE SUBDIVISION).

PART H TO PETERS FOR 0.14 CFS (FOR LOT 5 OF THE SUBDIVISION).

15. Basis of Claim:



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

OCT 30 1996

DATE OF CLOSING: 9/20/96

Department of Water Resources
Southern Region

LEGAL DESCRIPTION OF PROPERTY: Township 11 North Range 12 East
Section 11, 1/4 of 1/4 of 1/4 Govt. Lot, BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

Thompson Creek Ranch Subdivision, Lot 4

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s) Assigned by IDWR: A portion of A71-00039B, A71-00040B, A71-10136

[] Name and Address of Former Owner/Claimant(s)(Seller): Daniel L. Berman
50 S. Main St. Suite 1250
Salt Lake City, UT 84144

[] New Owner/Claimant (Purchaser): J. Michael Mahoney

[] New Mailing Address: 77 Murray Avenue
Larkspur, CA 94939-1003

[] New Telephone Number: (415) 925 - 1549

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
See attached letter from the Idaho Department of Water
Resources dated April 12, 1995.

[] Attach proof of ownership, describe proof attached:

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) J. Michael Mahoney Date 9/26/96

[] Signature of Former Owner/Claimant(s): Daniel L. Berman Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

71-000396



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

REEVALUATION OF THOMPSON CREEK SUBDIVISION LOTS AS IT AFFECTS ADJUDICATION CLAIMS BASED ON 71-00039, 71-00040, AND A71-10136

The department has adopted the computerized Geographic Information System (GIS) as the tool of the future for water rights recording and analysis. This tool provides a greater degree of accuracy, a visual representation of the place of use, and is less prone to error.

The initial claims filed by Mr Berman have currently been proportionately split three different times based upon ownership changes for specific subdivision lots. The original splits of these rights were based upon orthophotography and planimeter acre calculations. The GIS process has calculated the place of use by both overall acreage and acreage by quarter/quarters within each lot (GIS maps attached.) Through GIS there has been a slight acre shift for the irrigated ground within the subdivision and this shift is the basis for the modification of the splits of the original claims.

As a unit GIS calculated an additional 3.5 acres irrigated under adjudication claims A71-00039B and A71-00040B. More acres were claimed under those two rights than was found irrigated. All non-irrigated acres stayed with the split portion that was under Mr Berman's name. As the splits were made, only actually irrigated acres were split from the base right for (A71-00039D & A71-00040D the Brubaker sale), (A71-00039E & A71-00040E the Hill sale), and (A71-00039G & A71-00040G the Mahoney sale). The place of use for (A71-00039H & A71-00040H the Peters sale) includes the recognized 13.8 irrigated acres and the balance of 29.2 non-irrigated acres. The recommendation to the SRBA court will not reflect non-irrigated acres.

Again using GIS, an additional 6 acres irrigated were identified under claim A71-10136. They bring the total irrigated place of use under A71-10136 to three acres more than claimed. That shortage is currently identified under A71-10136B and will be addressed specifically with the Hills.

Because of the increase in acres and the shift within each lot, the proportional rate that is appurtenant to each lot also changed in most cases. See the attached table showing the place of use segregated by lot and quarter/quarter. See also, the attached split tree that identifies the appurtenant diversion rates per lot.

3-30-98
KRC

SALE TO BRUBAKER (lot 6)

The required modifications begin with the first change of ownership where lot 6 was sold to Mr Brubaker.

PLACE OF USE COMPARISON			
lot no.	original lot acres	gis lot acres	proportionate share of P/U
6	14.5	15	20%

MODIFICATION SUMMARY

claim number	original div rate	gis div rate	original acres	gis acres
A71-00039D	.16 cfs	.16 cfs	14.5	15.0
A71-00040D	.48 cfs	.48 cfs	14.5	15.0
A71-00039C	.64 cfs	.64 cfs	88.5	88.0
A71-00040C	.48 cfs	.48 cfs	88.5	88.0

The found irrigated acreage increased $\frac{1}{2}$ acre and the place of use by quarter/quarter (QQ) has also changed. This, however, did not change the proportionate diversion rate for either right. All four rights have been modified to reflect the $\frac{1}{2}$ acre and QQ change. This data reflects irrigated ground only.

SALE TO HILL (lots 1, 2, and 3)

This sale includes a change in acres and also the proportionate rate per acre, therefore, the six rights (post split) have been modified as follows:

PLACE OF USE COMPARISON						
for A71-00039E & A71-00040E				for A71-10136A		
lot no.	original lot acres	gis lot acres	proportionate share of P/U	original lot acres	gis lot acres	proportionate share of P/U
1	10	11	14%	8.0	9.0	38%
2	10	11.3	15%	5.5	5.5	23%
3	11.5	12.4	16%	5.5	6.7	28%
total	31.5	34.7		total	19.0	21.2

MODIFICATION SUMMARY

claim number	original div rate	gis div rate	original acres	gis acres
A71-00039E	.35 cfs	.36 cfs	31.5	34.7
A71-00040E	1.04 cfs	1.08 cfs	31.5	34.7

A71-10136A	.36 cfs	.35 cfs	19.0	21.2
A71-00039F	.29 cfs	.28 cfs	57.0	53.3
A71-00040F	.89 cfs	.84 cfs	57.0	53.3
A71-10136B	.04 cfs	.05 cfs	19.0	21.2

SALE TO HILL (continued)

For Valley Creek and McGowan Creek water GIS calculated an additional 3.2 acres and for Thompson Creek Gis calculated 2.1 additional acres. Based upon a proportionate acre calculation the diversion rates for each right also has to be adjusted. All 6 rights involved in the splits have been modified based upon the GIS calculations. This data reflects irrigated ground only.

SALE TO MICHAEL MAHONEY

As the split rights were not generated using the original planimeter data, no modification of the rights is required. They reflect GIS information only. However, the original planimeter data can be compared to the GIS data through the use of the enclosed charts and tables.

<u>claim number</u>	<u>gis div rate</u>	<u>gis acres</u>
A71-00039G	.14 cfs	13.0
A71-00040G	.41 cfs	13.0
A71-10136B	.05 cfs	2.8

This data reflects irrigated ground only.

SALE TO PETERS (lot 5)

The balance of the place of use remains with the claim portions now in Mr Peter's name. Unlike the previous claims these rights include the originally claimed ground that was found to be outside the irrigated ground.

<u>claim number</u>	<u>gis div rate</u>	<u>gis acres</u>
A71-00039H	.14 cfs	13.8
A71-00040H	.43 cfs	13.8

**VALLEY CREEK SUBDIVISION ANALYSIS OF THE PLACE OF USE
BY SUBDIVISION LOT AND WATER RIGHT SOURCE FOR ADJUDICATION
CLAIMS A71-00039B, A71-00040B, AND A71-10316
AND ANY SUBSEQUENT SPLITS THEREOF**

ACRES IRRIGATED FROM VALLEY CREEK AND MC GOWAN CREEK										ACRES IRRIGATED FROM THOMPSON CREEK					
lot #	NE $\frac{1}{4}$ NE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ SE $\frac{1}{4}$	LOT TOTAL	% OF TOTAL		SW $\frac{1}{4}$ NE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ SE $\frac{1}{4}$	LOT TOTAL	% OF TOTAL	
1				5.7	4.9	.2	11.0	0.14			5.7	3.3	9.0	0.38	
2			.4	6.3	.8	1.9	11.3	0.15			5.4	.1	5.5	0.23	
3			4.4	6.8		.6	12.4	0.16		.1	6.6		6.7	0.28	
4	1.2		7.7	4.1			13.0	0.17		1	1.8		2.8	0.12	
5	3.2	1.1	9.2	.3			13.8	0.18					0.0	0.00	
6	2.1	5.7	7.2				15.0	0.20					0.0	0.00	
Q/Q TOTAL	6.50	6.8	28.9	23.2	5.7	2.7	76.5	1.00		1.1	19.5	3.4	24.0	1.01	

The acreage by lot and quarter/quarter have been calculated through the GIS system on 3-16-1998. This data supersedes the previous lot acre calculations completed using a planimeter on 12-14-1994.

SPLIT TREE FOR:

A71-00039 for 1.20 cfs McGowan Cr
A71-00040 for 3.60 cfs Valley Cr
A71-10136 for 0.40 cfs Thompson Cr

BERMAN

A71-00039B for 0.80 cfs
A71-00040B for 2.40 cfs
A71-10136 for 0.40 cfs

MAHONEY

A71-00039A for 0.43 cfs
A71-00040A for 1.20 cfs

OWNERSHIP CHANGE

BERMAN

A71-00039C for 0.64 cfs
A71-00040C for 1.92 cfs
A71-10136 for 0.40 cfs

**BERMAN'S CLAIMS AS APPURTENANT
TO EACH IRRIGATED PORTION OF THE
REMAINING LOTS UNDER HIS OWNERSHIP**

LOT 1

A71-00039C for 0.11 cfs
A71-00040C for 0.34 cfs
A71-10136 for 0.15 cfs

LOT 4

A71-00039C for 0.14 cfs
A71-00040C for 0.41 cfs
A71-10136 for 0.05 cfs

LOT 2

A71-00039C for 0.12 cfs
A71-00040C for 0.36 cfs
A71-10136 for 0.09 cfs

LOT 5

A71-00039C for 0.14 cfs
A71-00040C for 0.43 cfs

LOT 3

A71-00039C for 0.13 cfs
A71-00040C for 0.38 cfs
A71-10136 for 0.11 cfs

BRUBAKER

LOT 6

A71-00039D for 0.16 cfs
A71-00040D for 0.48 cfs

OWNERSHIP CHANGE

HILL

A71-00039E for 0.36 cfs
A71-00040E for 1.08 cfs
A71-10136A for 0.35 cfs

BERMAN

A71-00039F for 0.28 cfs
A71-00040F for 0.84 cfs
A71-10136B for 0.05 cfs

OWNERSHIP CHANGE

LOT 1

A71-00039E for 0.11 cfs
A71-00040E for 0.34 cfs
A71-10136A for 0.15 cfs

LOT 4

A71-00039F for 0.14 cfs
A71-00040F for 0.41 cfs
A71-10136B for 0.05 cfs

MAHONEY

LOT 4

A71-00039G for 0.14 cfs
A71-00040G for 0.41 cfs
A71-10136B for 0.05 cfs

PETERS

LOT 5

A71-00039H for 0.14 cfs
A71-00040H for 0.43 cfs

LOT 2

A71-00039E for 0.12 cfs
A71-00040E for 0.36 cfs
A71-10136A for 0.09 cfs

LOT 5

A71-00039F for 0.14 cfs
A71-00040F for 0.43 cfs

LOT 3

A71-00039E for 0.13 cfs
A71-00040E for 0.38 cfs
A71-10136A for 0.11 cfs

Prepared by Kelly K Christensen 3-26-98
Data modified from 7-25-1996 analysis
File; C:\Winnet\Profiles\Personal\Kchris\Thompson Creek Sub Tree



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

April 12, 1995

NOEL SITTON
PO BOX 200
STANLEY ID 83278

RE: DATA RELATING TO THOMPSON CREEK RANCH SUBDIVISION LOTS AS
RELATED TO ADJUDICATION CLAIMS A71-00039B, A71-00040B AND
A71-10136.

Dear Noel

The split calculations were made on a proportionate basis based upon irrigated acres per lot verses total irrigated acres. The recommended amounts are rounded to the nearest one hundredth of a cfs. I did not list the proportionate acre factors for the Thompson creek water. Please refer to the 'Analysis of System' table that was mailed earlier for the acreage breakdown.

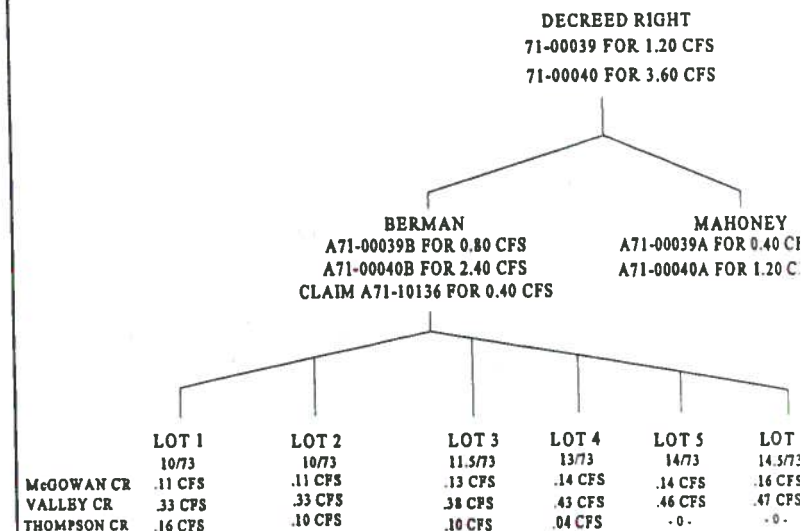
As long as specific lots are still within a single ownership the allotted amounts can just be added together to determine the total share for that ownership. The lots appurtenant to that ownership can be listed in the remarks of the claim.

If you have any additional questions please give me a call.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

THOMPSON CR. RANCH SUBDIVISION POTENTIAL SPLITS OF HES-109



**ANALYSIS OF THE SYSTEM FOR
A71-00039B, A71-00040B AND A71-10136
TO DETERMINE BASIS OF SPLIT**

The irrigated ground covered by the the above claims is within the Thompson Creek Subdivision and is identified by subdivision lot and quarter/quarter by system. This split identifies lot 6 as now owned by Fred and Della Brubaker and lots 1 through 5 as still belonging to Daniel L Berman.

The main ditch delivers both Valley Creek and McGowan Creek water to the entire found 73 acres of irrigation. I also found that 21 of those same acres are also irrigated from Thompson Creek (see map for physical relationship).

The recommended acres per segment has been rounded to the nearest $\frac{1}{2}$ acre with smaller acreages per quarter/quarter per lot ignored.

SUBDIVISION LOT NUMBER	ACRES IRRIGATED FROM VALLEY CR AND MC GOWAN CREEK							ACRES IRRIGATED FROM THOMPSON CR			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ SE $\frac{1}{4}$	LOT TOTAL	SW $\frac{1}{4}$ NE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ SE $\frac{1}{4}$	LOT TOTAL
1				4.5	5	.5	10.00		6	2	8.00
2			.5	6.5	1	2	10.00		5.5		5.50
3			3	8		.5	11.50		5.5		5.50
4	2		6	5			13.00	1	1		2.00
5	3	1	10				14.00	0			0.00
6	2	5	7.5				14.50	0			0.00
QUARTER/QUARTER TOTAL	7.00	6.00	27.00	24.00	6.00	3.00	73.00	1.00	18.00	2.00	21.00

CLAIM _____ INIT KKC
 T. R. S. Q/Q
 P/D VI-68 OrthoPhoto
 PHOTO VI-68 OrthoPhoto
 DT. & ID. 1971 Flight 200%

SOURCE
 71-000408 VALLEY CR 73 Acres
 71-000398 HANNA/MCGOWAN CR
 71-10136 THOMPSON CR 21 Acres

 71-000408 VALLEY CR 38 Acres
 71-000398 HANNA/MCGOWAN CR

SCALE: 1" = 1006

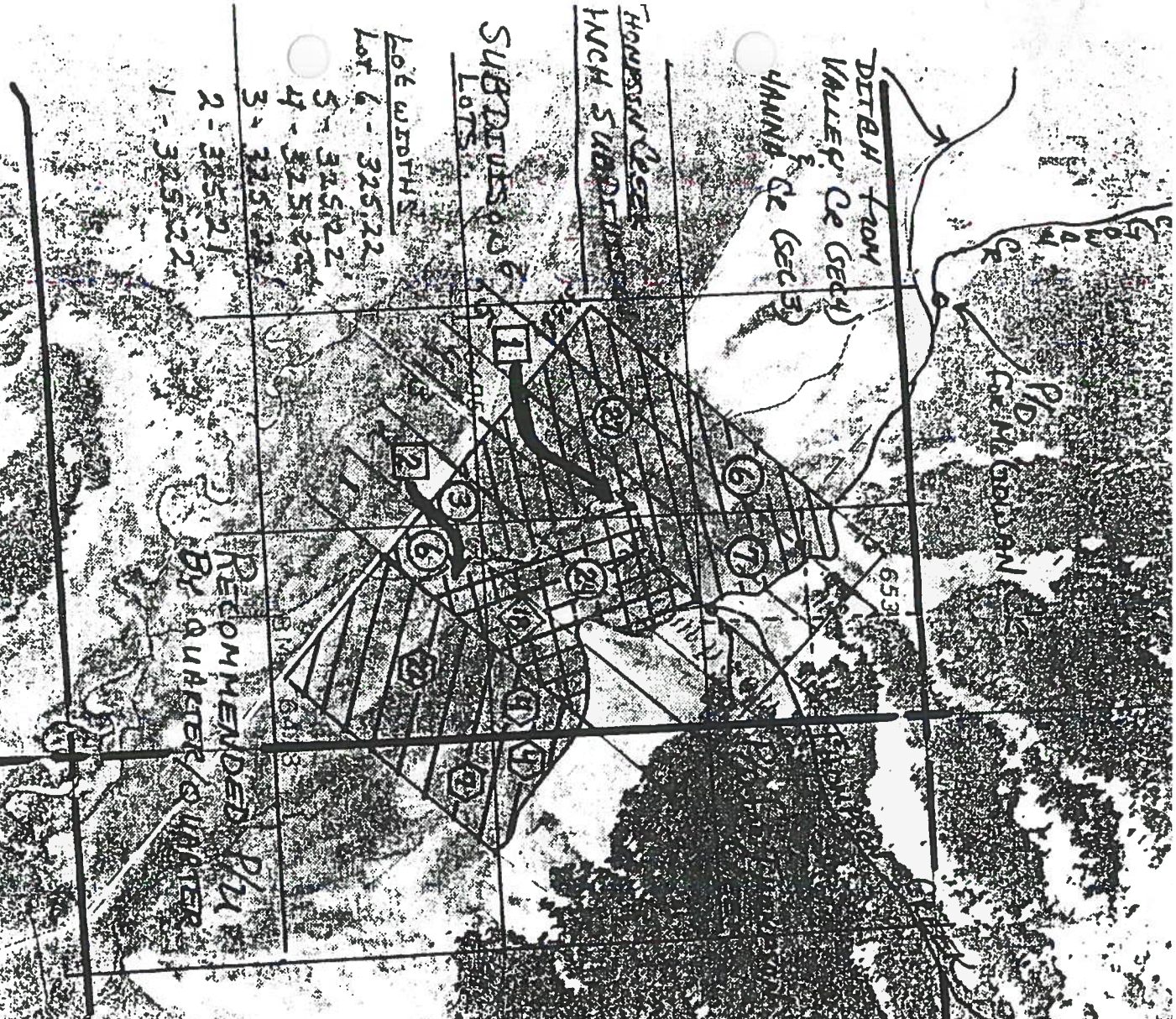
CA = $(1006) \cdot \frac{2 \cdot .009699}{43,560} = .2253$

RECOMMENDED P/L
 BY QUARTER/QUARTER

- Lot widths**
 Lot 6 - 325.22
 5 - 325.22
 4 - 325.22
 3 - 325.22
 2 - 325.21
 1 - 325.22

SUBDIVISIONS
 HANNA/MCGOWAN
 THOMPSON

DITCH FROM
 VALLEY CR (SEC 4)
 HANNA CR (SEC 3)





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 11, 1996

HOGUE, SPECK & AANESTAD, P.A.
JAMES P. SPECK
PO BOX 987
KETCHUM, ID 83340

RE: LOT 5 THOMPSON CR RANCH SUBDIVISION SALE

Dear Mr Speck

I conducted the field verification of the property in question on 9-14-93. Basically, my findings were that all of the homestead entry from the main ditch to the Cow camp road has and is irrigated from a combination of sources and that the claimed diversion rates are reasonable.

A71-00039B (current valid claim after splits A71-00039F) lists the source as McGowan Creek and Hanna Creek. The decree lists McGowan Creek only. This is consistent with my findings during the field verification of the system.

A71-00040B (current valid claim after splits A71-00040F) lists Valley Creek as the source, which I found.

Mr Berman also filed A71-10136 (a beneficial use claim with Thompson Creek as the source) which I found as appurtenant to a portion of the homestead entry. (The claim is now split into parts A and B.

I am enclosing the following documents:

1. Page 8 of the CAVANAUGH vs MERRITT decree.
2. The split tree for all three rights dated 7-35-95
(document C:\data\kelly\71-00039.edg)
3. Analysis of the system (including a subdivision lot matrix cross referenced to the section quarter quarters.
4. A copy of the recommended place of use showing the subdivision lots superimposed over the homestead entry and showing the acres per quarter quarter.

If you have additional questions please contact me.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
Enclosures

6/9/94

COMMUNICATION DOCUMENTATION

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 Kelly K Christensen

DATE

September 13, 1996 11:37am

CUSTOMER

JIM SPECK

SUBJECT: CHANGE OF OWNERSHIP FOR DAN BERMAN, A71-00039F AND
A71-00040F

phone call (X) walk-in (.)

I returned his call concerning the sale of lot 5. He noted a discrepancy between the warranty deed and the current split rates for the related rights. I explained how the current split rates were determined and then explained the valley irrigation relationships. He indicated that the matrix of acres was going to be his method of splitting the claims.

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: **A71-00039F**
Date Received: 1/11/1990
Receipt No: X777777
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DANIEL L BERMAN 801-328-2200
Address: 50 S MAIN ST SUITE 1250
SALT LAKE CITY UT 84144

2. Date of Priority: JUN 1, 1904

3. Source: MC GOWAN CREEK Trib. to: VALLEY CREEK
HANNA CREEK VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	12E	2	SW	SW	SE		CUSTER
		3	NW	NE	SW		CUSTER

5. Description of diverting works:
COLLECTION DITCH, ROCK DIVERSIONS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.290		

7. Total Quantity Appropriated is:
0.290 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 of	Lot	Use	Acres
11N	12E	11	NE	NE		IRR	16.0
			SW	NE		IRR	18.0
			SE	NE		IRR	19.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	NE	SE		IRR	1.0
						Section Acres	54.0
		12	SW	NW		IRR	3.0
						Section Acres	3.0
						Total Acres	57.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A71-00040F & A71-10136B

14. Remarks:

P/U IS H.E.S. 109.
THIS IS A 2/3 PORTION OF THE WR 71-00039.
THE ORIGINAL CLAIM A71-00039B WAS SPLIT BASED UPON A FORMER OWNER SIGNATURE ON FORM 42-1409(7). THE SPLIT IS AS FOLLOWS:
PART C TO BERMAN FOR .64CFS
PART D TO BRUBAKER FOR .16CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION. KKC 5-8-95

CLAIM SPLIT ON 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED.
PART E TO HILL FOR 0.35 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)
PART F TO BERMAN FOR 0.29 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH
Decree Plaintiff

WM. MERRITT, ET AL.
vs Decree Defendant

MAY 20 1995

Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type
(see instructions on back of page)

RECEIVED

DATE OF CLOSING: _____

MAY 25 1995

LEGAL DESCRIPTION OF PROPERTY: Township 11 North Range 12 East Department of Water Resources
Section 11 & 12, 1/4 of 1/4 of 1/4 Govt. Lot HES 109BM Southern Region
Lot 1, 2 & 3, Block, _____, Subdivision/Townsite Thompson Creek Ranch Sub.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A71-00039B, A71-00040B and A71-10136

☐ Name and Address of Former Owner/Claimant(s)(Seller): Daniel L. Berman
Suite 1250, 50 South Main St.
Salt Lake City, UT 84144

☐ New Owner/Claimant (Purchaser): Paul and Ann Hill

☐ New Mailing Address: 2635 Habersham Road, NW
Atlanta, GA 30305

☐ New Telephone Number: (404) 351 - 2307

☐ Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Refer to attached "EXHIBIT A", Lots 1, 2, 3, as provided
by Idaho Department of Water Resources

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s) [Signature] Date 5/18/95

☐ Signature of Former Owner/Claimant(s): [Signature] Date 5/18/95
[Signature] Date 5/22/95
[Signature] Date 5/27/95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____

Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

April 12, 1995

"Exhibit A"

R. KEITH HIGGINSON
Director

NOEL SITTON
PO BOX 200
STANLEY ID 83278

RE: DATA RELATING TO THOMPSON CREEK RANCH SUBDIVISION LOTS AS
RELATED TO ADJUDICATION CLAIMS A71-00039B, A71-00040B AND
A71-10136.

Dear Noel

The split calculations were made on a proportionate basis based upon irrigated acres per lot verses total irrigated acres. The recommended amounts are rounded to the nearest one hundredth of a cfs. I did not list the proportionate acre factors for the Thompson creek water. Please refer to the 'Analysis of System' table that was mailed earlier for the acreage breakdown.

As long as specific lots are still within a single ownership the allotted amounts can just be added together to determine the total share for that ownership. The lots appurtenant to that ownership can be listed in the remarks of the claim.

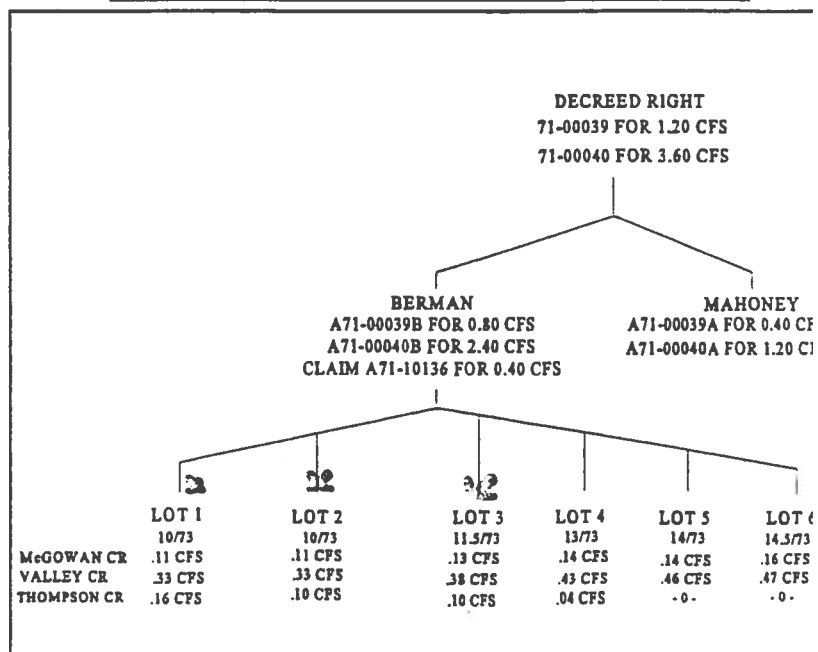
If you have any additional questions please give me a call.

Sincerely

Kelly K.

Kelly K Christensen
Sr Water Resource Agent

**THOMPSON CR. RANCH SUBDIVISION
POTENTIAL SPLITS OF HES-109**



Superseded
3-30-98
KKC

Post-it [™] Fax Note 7871		Date 4/11/95	# of pages 1
To Kelly Christensen	From Noel Sitten		
Co. Dept.	Co. McGowan District Court		
Phone #	Phone # 774-2255		
Fax # 736-3037	Fax # 774-3582		

RECEIVED

APR 11 1995

Department of Water Resources
Southern Region

SUGGESTED DISTRIBUTION OF WATER RIGHTS FOR THOMPSON CREEK RANCH SUBDIVISION, CLUSTER COUNTY, IDAHO.

THOMPSON CREEK

VALLEY/McGOWAN/HANNAH CREEKS

LOT 1 -	.14 C.F.S.	.46 C.F.S.
LOT 2 -	.11 C.F.S.	.49 C.F.S.
LOT 3 -	.11 C.F.S.	.49 C.F.S.
LOT 4 -	.04 C.F.S.	.56 C.F.S.
LOT 5 -	NONE	.60 C.F.S.
LOT 6 -	NONE	.60 C.F.S.
TOTAL	0.400 C.F.S.	3.200 C.F.S.

TOTAL C.F.S. -

LOT 1 - .60 C.F.S.
 LOT 2 - .60 C.F.S.
 LOT 3 - .60 C.F.S.
 LOT 4 - .60 C.F.S.
 LOT 5 - .60 C.F.S.
 LOT 6 - .60 C.F.S.

SPLIT TREE FOR:
A71-00039 for 1.20cfs
A71-00040 for 3.60 cfs
and A71-10136 for 0.40cfs

Includes 0.03 cfs
for stockwater

BERMAN
A71-00039B for 0.80 cfs
A71-00040B for 2.40 cfs
A71-10136 for 0.40 cfs

MAHONEY
A71-00039A for 0.43 cfs
A71-00040A for 1.20 cfs

OWNERSHIP CHG

CLAIM TOTALS BELOW

EACH LOTS PORTION

**BERMAN
LOT 1**
A71-00039C for 0.11 cfs
A71-00040C for 0.33 cfs
A71-10136 for 0.16 cfs

**BERMAN
LOT 2**
A71-00039C for 0.11 cfs
A71-00040C for 0.33 cfs
A71-10136 for 0.10 cfs

**BERMAN
LOT 3**
A71-00039C for 0.13 cfs
A71-00040C for .38 cfs
A71-10136 for 0.10 cfs

**BERMAN
LOT 4**
A71-00039C for 0.14 cfs
A71-00040C for 0.43 cfs
A71-10136 for 0.04 cfs

**BERMAN
LOT 5**
A71-00039C for 0.15 cfs
A71-00040C for 0.46 cfs

EACH BOX REPRESENTS ONE
LOT'S PORTION OF THE
TOTAL RIGHT.

A71-00039C for 0.64cfs
A71-00040C for 1.93 cfs
A71-10136 for 0.40 cfs

**BRUBAKER
LOT 6**
A71-00039D for 0.16 cfs
A71-00040D for 0.47 cfs

**HILL
LOTS 1, 2, & 3**
A71-00039E for 0.35 cfs
A71-00040E for 1.04 cfs
A71-10136A for 0.36 cfs

OWNERSHIP CHG

**BERMAN
LOTS 4 & 5**
A71-00039F for 0.29 cfs
A71-00040F for 0.89 cfs
A71-10136B for 0.04 cfs

*Superseded
3-30-98
KKC*

Prepared by KKC on 7-25-1996
reformatted and expanded from
File C:\data\kelly\abberman2.kkc
this file is:
C:\data\kelly\71-00039.edg

Basis of Split resulting in Rights; 7-25-96
A71-00039 E & F; A71-00040 E & F; & A71-10136 A & B

The rights were split based upon the recommended P/U acre table that lists the Quarter/Quarters (q/q) irrigated by source and further broken down within each q/q by the applicable subdivision lot.

See ANALYSIS OF SYSTEM created Dec 14, 1994 and the orthophoto (enlarged 200%) that shows the recommended P/U Broken down by subdivision lots.

Berman's claims were reduced by the acreage determined to be applicable to lots 1, 2, & 3. Berman's claims are A71-00039F

A71-00040F

A71-10136B

See also, split tree attachment dated 7-25-96

File C:\data\kelly\71-00039.edg

Superseded
3-30-98
JHC

OWNER = PAUL & ANN HILL
 CLAIM NUMBER A71-00039E A71-10136A DATE 7-25-96
A71-00040E AGENT KKC

A71-00039E AND 00040E

CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRES
	T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
LOT 1	A71-					.04	4.5									5	.5			10
LOT 2						.5	6.5									1	2			10
LOT 3						3	8										.5			11.3
TOTAL						3.5	19									6	3			31.

A71-10136A

CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRE
	T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
LOT 1							6									2				8
LOT 2							5.5													5.5
LOT 3							5.5													5.5
TOTAL							17									2				19

Berman sold to Hill (lots 1, 2, & 3). this compilation is from the ANALYSIS OF THE SYSTEM FOR A71-00039, A71-00040B AND A71-10136 TO DETERMINE BASIS OF SPLIT created Dec 14, 1994.

The total line for each section represents the applicable irrigated acres within each quarter quarter.

The total acres identified as appurtenant to Hill's lots are to be subtracted from A71-00039C, A71-00040C and A71-10136 (as applicable) to determine the P/A for the Berman Claims.

Superceded
 3-30-98
 KKC

**ANALYSIS OF THE SYSTEM FOR
A71-00039B, A71-00040B AND A71-10136
TO DETERMINE BASIS OF SPLIT**

The irrigated ground covered by the the above claims is within the Thompson Creek Subdivision and is identified by subdivision lot and quarter/quarter by system. This split identifies lot 6 as now owned by Fred and Della Brubaker and lots 1 through 5 as still belonging to Daniel L Berman.

The main ditch delivers both Valley Creek and McGowan Creek water to the entire found 73 acres of irrigation. I also found that 21 of those same acres are also irrigated from Thompson Creek (see map for physical relationship).

The recommended acres per segment has been rounded to the nearest $\frac{1}{2}$ acre with smaller acreages per quarter/quarter per lot ignored.

SUBDIVISION LOT NUMBER	ACRES IRRIGATED FROM VALLEY CR AND MC GOWAN CREEK							ACRES IRRIGATED FROM THOMPSON CR			
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	NW $\frac{1}{4}$ NE $\frac{1}{4}$	SW $\frac{1}{4}$ NE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ SE $\frac{1}{4}$	NW $\frac{1}{4}$ SE $\frac{1}{4}$	LOT TOTAL	SW $\frac{1}{4}$ NE $\frac{1}{4}$	SE $\frac{1}{4}$ NE $\frac{1}{4}$	NE $\frac{1}{4}$ SE $\frac{1}{4}$	LOT TOTAL
1				4.5	5	.5	10.00		6	2	8.00
2			.5	6.5	1	2	10.00		5.5		5.50
3			3	8		.5	11.50		5.5		5.50
4	2		6	5			13.00	1	1		2.00
5	3	1	10				14.00	0			0.00
6	2	5	7.5				14.50	0			0.00
QUARTER/QUARTER TOTAL	7.00	6.00	27.00	24.00	6.00	3.00	73.00	1.00	18.00	2.00	21.00

*Supervised
868
2008
JK*

*Created
Dec 14, 1994*