

NAME: PETERS

CLAIM: 71-00039H

CORRESPONDENCE

X

EVIDENCE OF

PRIORITY

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: A71-00039H
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: JAMES R PETERS 610-793-2117
Address: 605 BROAD RUN ROAD
WEST CHESTER PA 19382

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	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	0.140		

7. Total Quantity Appropriated is:
0.140 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	14.7
			SW	NE		IRR	8.6
			SE	NE		IRR	15.1

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	NE	SE		IRR	1.3
			NW	SE		IRR	0.3
						Section Acres	40.0
		12	SW	NW		IRR	3.0
						Section Acres	3.0
						Total Acres	43.0

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:
A71-00040H

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.

PART H PLACE OF USE CONTAINS BOTH IRRIGATED GROUND AND NON

14. Remarks: Continued

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: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH
Decree Plaintiff

WM. MERRITT, ET AL.
vs Decree Defendant



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

March 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DANIEL L. BERMAN
50 S MAIN ST STE 1250
SALT LAKE CITY UT 84144

RE: CHANGE OF OWNERSHIP AND MODIFICATION TO ADJUDICATION CLAIMS
A71-00039B, A71-00040B, AND A71-10136 AND SUBSEQUENT SPLITS

Dear Mr. Berman

I have enclosed documents that cover the history of the original adjudication claims you filed and as modified through the GIS process, for all ownership changes of the Thompson Creek Subdivision. Normally, I do not provide a history of ownership changes prior to the current change, but as most all claims have been modified and I have to notify other owners as well, I created a packet to allow each individual to review those changes to see the effect on their portion of the original claims.

This project became complex only in that the subdivision was created with boundaries that lay approximately 42° to the quarter/quarter (QQ) lines. As water rights have historically been recorded by irrigated ground per QQ the diagonal lots create QQs with small acreage that was difficult to calculate using equipment previously available. The GIS program allows for more accurate identification of small acreage per QQ therefore the driving factor for the modifications.

I have included a chart, a split tree, a reevaluation analysis, and a GIS layout showing the subdivision to assist you in the review of the packet.

If you have any questions please contact this office and I will assist you.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



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

March 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JAMES R PETERS
605 BROAD RUN ROAD
WEST CHESTER PA 19382

RE: CHANGE OF OWNERSHIP AND MODIFICATION TO ADJUDICATION CLAIMS
A71-00039B, A71-00040B, AND A71-10136 AND SUBSEQUENT SPLITS

Dear Mr Peters

I have enclosed documents that cover the history of the original adjudication claims filed by Mr Berman, as modified through the GIS process, for all ownership changes including your purchase of lot 5 of the Thompson Creek Subdivision. Normally, I do not provide a history of ownership changes prior to the current change, but as most all claims have been modified and I have to notify other owners as well, I created a packet to allow each individual to review those changes to see the effect on their portion of the original claims.

This project became complex only in that the subdivision was created with boundaries that lay approximately 42° to the quarter/quarter (QQ) lines. As water rights have historically been recorded by irrigated ground per QQ the diagonal lots create QQs with small acreage that was difficult to calculate using equipment previously available. The GIS program allows for more accurate identification of small acreage per QQ therefore the driving factor for the modifications.

I have included a chart, a split tree, a reevaluation analysis, and a GIS layout showing the subdivision to assist you in the review of the packet.

If you have any questions please contact this office and I will assist you.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



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.

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			
lot no.	original lot acres	gis lot acres	proportionate share of P/U
1	10	11	14%
2	10	11.3	15%
3	11.5	12.4	16%
total	31.5	34.7	

for A71-10136A			
lot no.	original lot acres	gis lot acres	proportionate share of P/U
	8.0	9.0	38%
	5.5	5.5	23%
	5.5	6.7	28%
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.

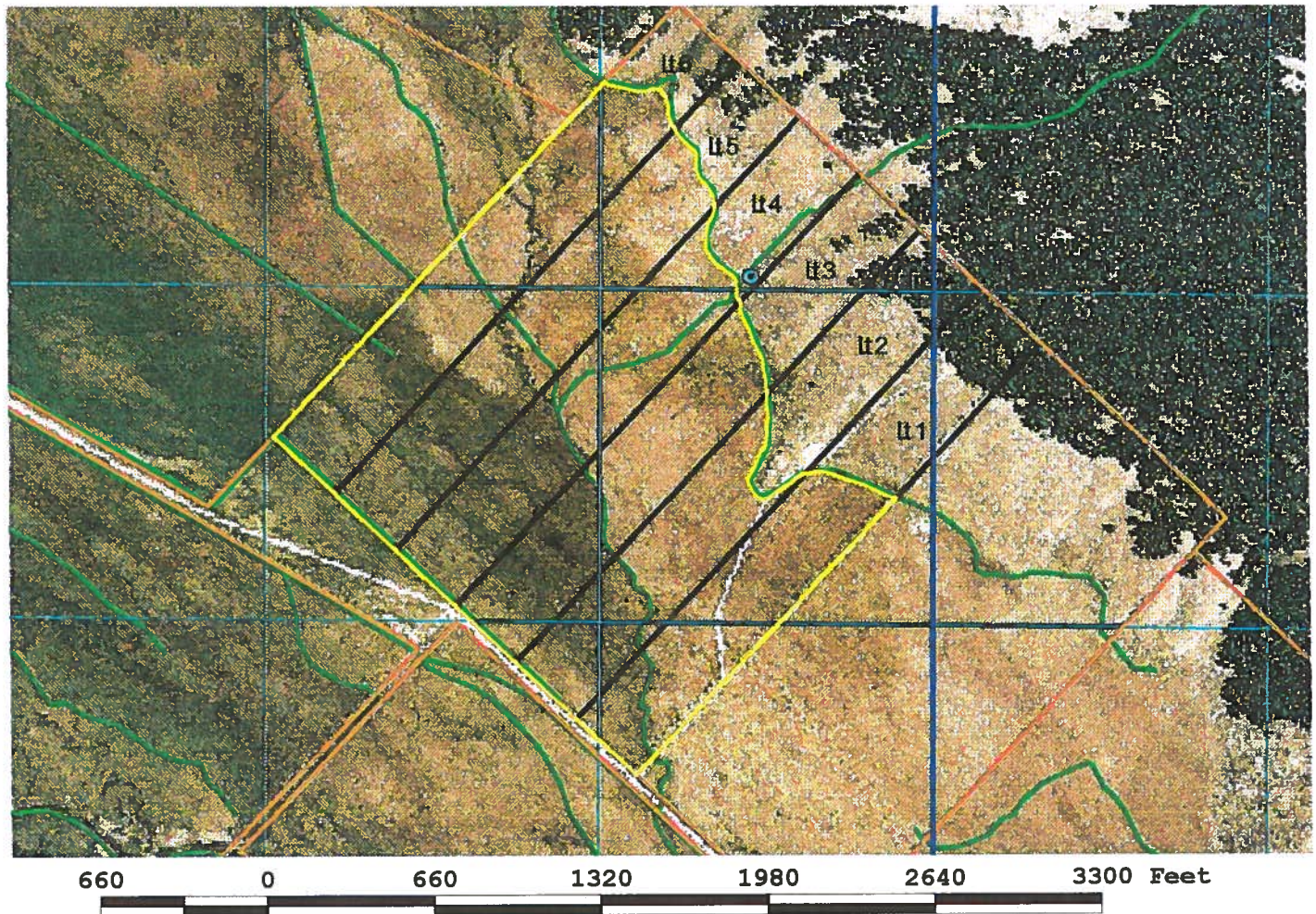
SALE TO PETERS (lot 5)

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.

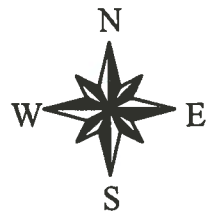
<u>claim number</u>	<u>gis div rate</u>	<u>gis acres</u>
A71-00039H	.14 cfs	13.8
A71-00040H	.43 cfs	13.8

IDAHO DEPARTMENT OF WATER RESOURCES

FOR SPLITS RELATING TO, 71-00039, 71-00040, & 71-10136 HES- 109 (part) THOMPSON CREEK SUBDIVISION



RECOMMENDED PLACE OF USE
VALLEY AND MC GOWAN CR = 76.5 ACRES
THOMPSON CR = 24 ACRES
DATA ENTRY ON MARCH 5, 1998
TWP 11N, RNG 12E,
SEC 11 NE1/4, & N1/2SE1/4

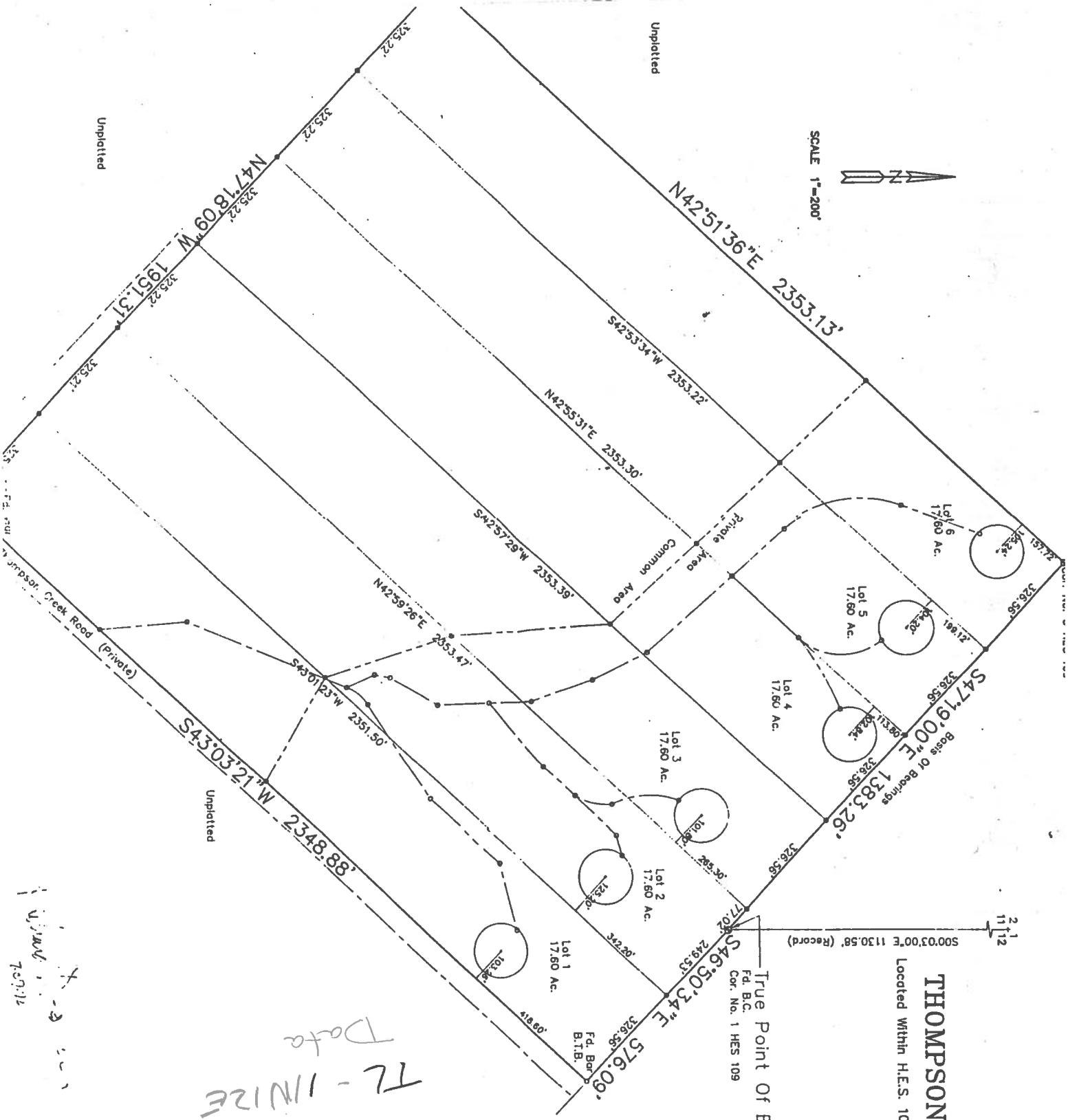
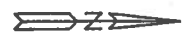


- ▬ RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- ▬ SECTION LINES
- ▬ QUARTER QUARTER LINES
- ▬ THOMPSON CREEK SUBDIVISION
- ▬ HOMESTEAD ENTRY BOUNDARY
- ▬ STREAM AND DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
1992 USFS PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

A Plat Showing THOMPSON CREEK RANCH Located Within H.E.S. 109, Sections 11 & 12, T.11N., R.12E July, 1992

SCALE 1"=200'



Legend

- Set 1/2" Bar capped LS 3621
- o Found 5/8" Bar by B.T. Butler
- o Found Brass Cap by GLO
- o Found Bar (Alum. Cap)

- + Approved Building Area En
- Center Line 40' Private Ro
- Division Line Private/Comm

Notes

1. The developer may relocate an "Private Area" of any lot prior subdivision. No building area 25 feet to any lot line.
2. Each lot owner shall have the envelope on such owner's lot v by the Design Review Committee unreasonably withheld.
3. All roads within this subdivision maintenance and snow removal this subdivision shall be the ot homeowners association. Custer accept, maintain or improve th
4. The developer may establish ec rules and regulations regarding the common and private area benefit. Reference should be n restrictions, rules and regulat

TL - 11N12E
Data

7-9-92



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

OCT 30 1996

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

Department of Water Resources
Southern Region

DATE OF CLOSING: 9/20/96

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 5

☐ 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) A portion of A71-00039B, A71-00040B, A71-10136
Assigned by IDWR:

☐ 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): James R. Peters

☐ New Mailing Address: 605 Broad Run Road
West Chester, PA 19382

☐ New Telephone Number: (610) 793 - 2117

☐ 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): *James R. Peters* 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



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.

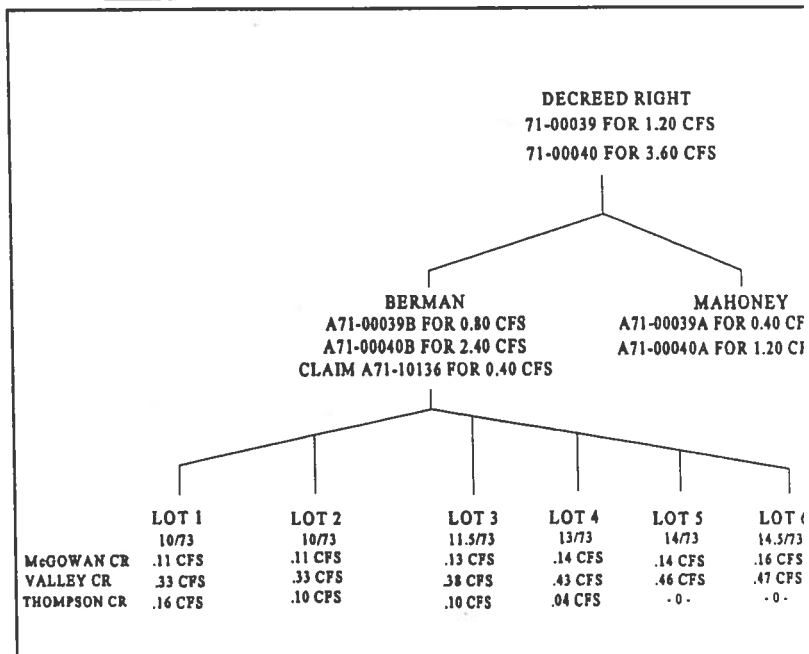
If you have any additional questions please give me a call.

Sincerely

Kelly K.

Kelly K Christensen
Sr Water Resource Agent

THOMPSON CR. RANCH SUBDIVISION POTENTIAL SPLITS OF HES-109



*Superseded
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
3-30-98
KCC*

CLAIM INIT KKC
 T. R. S. Q/O
 P/D U-68 ORTHO PHOTO 200%
 PHOTO U-68 ORTHO PHOTO
 DT. & ID. 1971 Flight

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



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

RECOMMENDED P/U
 BY QUARTER/QUARTER

SCALE: 1" = 1006
 CA = (1006)² * .009699 = 2253
 43,560

Superseded
 3-30-98
 KKC

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
201 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE

REQUESTED

POSTED FIRST CLASS

NOV 10 1998

0.46

POSTMETER
7078757

U.S. POSTA

RECEIVED
NOV 30 1998

RECEIVED
DEC 02 1998

Department of Water Resources

Department of Water Resources
Southern Region

IMPORTANT WATER RIGHT INFORMATION

- ☐ Forwarding Order Expires
- ☐ Insufficient Address
- ☐ Moved Left No Address
- ☐ Unsubscribed ☐ Returned
- ☐ Attempted - Not Known
- ☐ No Such Street
- ☐ No Such Number
- ☐ No Postoffice
- ☐ Deceased
- ☐ Other

F.O.E. RD4 P.O. Box 83720
11/18/98 1998





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

71-00039H
JAMES R PETERS
605 BROAD RUN ROAD
WEST CHESTER PA 19382

RE: Water Rights in Reporting Area 4, Basin 71
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in basin 71 (the Stanley basin). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 60 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and Hailey and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed during the first part of next year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karl J. Dreher', written over a faint, illegible background.

Karl J. Dreher
Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 71-00039H

NAME AND ADDRESS: JAMES R PETERS
605 BROAD RUN ROAD
WEST CHESTER PA 19382

SOURCE: MC GOWAN CREEK TRIBUTARY: VALLEY CREEK

QUANTITY: 0.14 CFS

PRIORITY-DATE: 06/01/1904

POINT OF DIVERSION T11N R12E S02 SWSWSE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	0.14 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T11N R12E S11	NENE	3.9	NWNE	1.1	SWNE	9.2	SENE	0.3
---------------	------	-----	------	-----	------	-----	------	-----

14.5 ACRES TOTAL

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 14.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039H & 71-00040H.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY
NO. 109.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 71-00039A, 71-00039D, 71-00039E,
71-00039G, AND 71-00039H.

PROPERTY IS ALSO KNOWN AS A THOMPSON CREEK SUBDIVISION LOT 5.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 6, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

71-00040H
JAMES R PETERS
605 BROAD RUN ROAD
WEST CHESTER PA 19382

RE: Water Rights in Reporting Area 4, Basin 71
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in basin 71 (the Stanley basin). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 60 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and Hailey and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed during the first part of next year as recommended. You will receive your decree from the SREA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl J. Dreher', written over a horizontal line.

Karl J. Dreher
Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: November 6, 1998
PAGE: 1

RIGHT NUMBER: 71-00040H

NAME AND ADDRESS: JAMES R PETERS
605 BROAD RUN ROAD
WEST CHESTER PA 19382

SOURCE: VALLEY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.43 CFS

PRIORITY-DATE: 05/01/1912

POINT OF DIVERSION T11N R12E S04 NESWNE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		05-01 10-31	0.43 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T11N R12E S11	NENE	3.9	NWNE	1.1	SWNE	9.2	SENE	0.3
14.5 ACRES TOTAL								

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 14.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039H & 71-00040H.

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY
NO. 109.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

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

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 71-00040A, 71-00040D, 71-00040E,
71-00040G, 71-00040H, 71-00041, 71-00042A, 71-00042B, 71-00043A,
71-00043B, 71-00045, 71-00047, 71-00049B, 71-00050, & 71-00052.

PROPERTY IS ALSO KNOWN AS A THOMPSON CREEK SUBDIVISION LOT 5.

NOTICE OF DIRECTOR'S REPORT IDWR REPORTING AREA 4, BASIN 71 FOR IRRIGATION AND OTHER WATER RIGHTS

INTRODUCTION

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Reporting Area 4, Basin 71. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and uses other than small domestic and stock uses. The Director's Report for small domestic and stockwater rights for all of IDWR Basin 71 was sent to the SRBA court and individual water users on April 30, 1997. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from last year's report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your irrigation and other water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.

2) **List of Claims Recommended to Be Disallowed --** Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that have also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

Your objection must be **received** by the SRBA Court on or before **January 14, 1999**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be **received** by the SRBA Court on or before **May 17, 1999**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **March 18, 1999, at 10:00 A.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. (See Note.)

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Southern Region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

**Snake River Basin Adjudication
District Court**

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources

1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

**Idaho Department of Water Resources
Western Region**

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

**Idaho Department of Water Resources
Northern Region**

1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

**Idaho Department of Water Resources
Southern Region**

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

**Idaho Department of Water Resources
Eastern Region**

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Blaine County Courthouse

1st & Croy St.
Hailey, ID 83333

Custer County

801 Main St.
Challis, ID 83226

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 55 or 56.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "groundwater," "unnamed spring," "Common Creek."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*                                     *
*****
```

IDWR does not investigate or make recommendations regarding federal law based claims.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

SEP 29 1998

Department of Water Resources
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 4, 1998

JAMES PETERS
PO BOX 15725
PHILADELPHIA PA 19103-0725

Re: Snake River Basin Adjudication (SRBA)
Water Rights #71-00039H & 71-00040H
Change of Address

9-24-98
response, no

Dear Water Right Holder:

Mail recently sent to you was returned to us by the Postal Service. They also advised us your address has changed to the above address. We have enclosed the returned mail.

Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, **list any other water right claims you have**, and return the letter by August 17, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosures

The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone Number

U.S. Department of Water Resources
Conservation Bureau
P. O. Box 88720
San Diego, CA 92161-0720

71-000404 +

RECEIVED

AUG 03 1998

Department of Water Resources



R71-00039H

JAMES R. PETERS

605

WEST

PETE605* 193820080 1597 06 07/30/98
FORWARD TIME EXP RTN TO SEND
PETERS, JAMES
PO BOX 15725
PHILADELPHIA PA 19103-0725

RETURN TO SENDER



R PROOF

~~X~~

CVR

~~X~~

MAPS

~~X~~ See
71-00039D
for orig

PHOTOS

See
71-00039D

MISC

~~X~~

AJ0743NP
(CD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

05/20/98 14:15:17
Page 1

Water Right Number - R71-00039H

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

PETERS

JAMES R

1 - 605 BROAD RUN ROAD

2 -
3 -
City- WEST CHESTER
Phone - 610-793-2117

State- PA Zip- 19382

VERIFIED BY *KKC*

*** 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 - - - +
D - DECREED

Status - - - +

Source - - - - +
MC GOWAN CREEK

Tributary - - - - +
VALLEY CREEK

TwN Rng Sec Tract Lot RFlg County Point of Diversion
11N 12E 2 SW SW SE (37) CUSTER

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	09/30		0.140	

+ - Total Div. Rate - + - Total Div. Volume - +
0.140

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

TwN	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
11N	12E	11	NE NE		3.9	01	IRRIGATION	(37) CUSTER
11N	12E	11	NW NE		1.1	01	IRRIGATION	(37) CUSTER
11N	12E	11	SW NE		9.2	01	IRRIGATION	(37) CUSTER
11N	12E	11	SE NE		0.3	01	IRRIGATION	(37) CUSTER

Total Acres: 14.5

+ - - Diversion Means - COLLECTION DITCH, ROCK DIVERSIONS

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 71-00040H

Water right number - R71-00039H

Prefix translation: RESEARCH

Remarks

POU1 THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 14.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039H & 71-00040H.

GEN PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY
NO. 109.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 71-00039A, 71-00039D, 71-00039E,
71-00039G, AND 71-00039H.
PROPERTY IS ALSO KNOWN AS A THOMPSON CREEK SUBDIVISION LOT 5.

Old Water Right Numbers

7100039
A7100039F

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: 05/20/1998 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 I 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 H TO PETERS FOR 0.14 CFS (FOR LOT 5 OF THE SUBDIVISION)

Audit Fields
05/20/98 KCHRISTE

Adjudication Rights Dates and Flags Area
Court Report Filing - 00/00/0000 Field Inspection Made - 09/14/1993 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 -

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:45:36
05/18/98

PAGE: 20
QUICKLOOK INFORMATION

20
CLAIM NUMBER: A71-00039H

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			9-14-93 K K C	N	1,2,5,6	K K C 3-27-94	K K C 5-30-98	
POINT OF DIV	Y		9-16-93 K K C	Y	"	"		
SOURCE	Y		"	Y	"	"		
PLACE OF USE	Y		9-14-93 K K C	Y	"	"		
DIV. AMOUNT CFS/VOLUME	Y		9-16-93 K K C	N	1,5,6	"		
CONSUMPTIVE USE	-		-					
PURPOSES OF USE			3-27-94 K K C	N	6	"		
PERIOD OF USE	Y		5-19-98 K K C	Y	6	5-19-98 K K C		
BASIS OF CLAIM	Y		"	N	6	"		
REMARKS	Y		"	Y	6	"		

BARCODE UPDATED
WHOM/DATE

AGE: 19
LIST OF MAPS USED AND ATTACHMENTS

19
CLAIM NUMBER: A71-00039H

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 <u>1971</u> IDWR ID NO. <u>4-68</u>	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 <u>245-110</u>	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>Cosa Field note map</u>	DATE <u>USDA-F 173-11 8-28-92</u>	Y() N()
☒ OTHER <u>GIS</u>	DATE <u>1992 USFS</u>	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 <u>6-2-94</u>	<u>3</u>	<u>general Valley overview</u>
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☒ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED <u>Revised 5-8-98 (1pg)</u>	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>9-21-93</u>	<u>2</u>	_____
☐ OTHER <u>See Attached sheet</u>	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____



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

**ATTACHMENTS TO FIELD REPORT (PG 17) FOR RIGHTS RELATING TO:
71-00039B (SPLIT), 71-00040B (SPLIT) & 71-10136 (SPLIT)**

<u>attachment</u>	<u>date</u>	<u>pages</u>	<u>comments</u>
SUBDIVISION SPLIT TABLE	3-16-98	1	Basis of recom. Developed using GIS
REEVALUATION ANALYSIS OF TABLE & SUBDIV SPLITS	Not dated	3	Completed with subdivision table
BASIS OF RECOMMENDATION @ 00039B, 00040B, & 10136	5-13-98	1	
GIS ACRE LISTING & COMPARISON TABLE	3-16-98	1	
SPLIT TREE	3-26-98	1	

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:45:36
05/18/98

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A71-00039H

LAST: PETERS FIRST: JAMES R
ADDRESS: 605 BROAD RUN ROAD
CITY: WEST CHESTER STATE: PA ZIP: 19382
PHONE NUMBER: 610-793-2117

OWNER CODE: C

LAST: BERMAN FIRST: DANIEL L
ADDRESS: 50 S MAIN ST SUITE 1250
CITY: SALT LAKE CITY STATE: UT ZIP: 84144
PHONE NUMBER: 801-328-2200

OWNER CODE: O

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE

Y

FIELD

EXAMINER

Y() N(☒)

CLAIM REMARKS: GEN

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.
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)

CLAIM REMARKS (CONT'D):

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

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Noel Howard

PHONE NUMBER: () -

DATE OF FIELD EXAM: 9/14/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: no one in field

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-00039H PRIORITY DATE: 06-01-1904 STAGE: D

B. WR RECORD: # 71-00039 PRIORITY DATE: 06-01-1904 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☐) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☐) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

* 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? N/A(☒) Y(☐) N(☐)

* 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? Y(☒) N(☐)

NOTES: the claimed priority date matches the decree
date. And the found P/U matches the decree P/U

therefore I accept the date as claimed

RECOMMENDED PRIORITY DATE:

06-01-1904

REVIEWED BY KKC

DATE 5-19-98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-00039H	11N	12E	2	SW	SW	SE			CUSTER		
A71-00039H	11N	12E	3	NW	NE	SW			CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A71-00039A	R71-00039A
A71-00039D	R71-00039E
A71-00039E	
A71-00039G	

WR RECORDS IN SAME 40 ACRE TRACT

NONE

not part of decree but matches the found P/O for Hanna Cr.

SOURCE: MC GOWAN CREEK
HANNA CREEK

TRIB: VALLEY CREEK
VALLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
71-00039	11N	12E	2	SW	SE				CUSTER		

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A71-00039A	R71-00039A
A71-00039D	R71-00039E
A71-00039E	
A71-00039G	

SOURCE: MC GOWAN CREEK

TRIB: VALLEY CREEK

OK per photo 268

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 _____) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM 9-14-93 NAME OF EXAMINER KKC) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: The decreed right only lists McGowan Co. as the source, & therefore, I am recommending only that source. The found P/D legal desc. for McGowan Co. diversion agrees with the claimed & decreed legal description. The McGowan Creek channel is now the delivery system for all the claims under McGowan Co. sources. The Ditch system normally carries all the stream flow and as such, no physical diversion structure is now required to direct water into the main ditch, therefore, the P/D legal desc. is somewhat (cont Below)

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
11N	12E	2	SW	SW	SE			CUSTER		
11N	12E	3	NW	NE	SW			CUSTER		

SOURCE: McGowan Co. TRIB: Valley Cr.

REVIEWED BY: KKC DATE: 5-19-98

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

(cont) ambiguous. The P/D was determined to be that point where the current channel leaves the Forest Service boundary & is diverted to the main ditch that parallels the tree line and runs east-so-east. Legal determined from field exam comparison to ortho photo 4-68 & GIS analysis.

FIELD EXAM ATTACHMENT

DATE: 6-2-94

PAGE: 1/3

AGENT: KKC

FILES: _____

ATTACHMENT SUBJECT: P/D SYSTEM FOR 11N 12E Sec 4 NE SW NE *

F06::71-00040A, 71-00040B, 71-00042A, 71-00042B, 71-00045,
71-00047, & 71-00050. Related Fish Screen VC-6.

The Forest Service reconstructed the di structure at a location
other than decreed. Date of change unknown at this time.

The ditch leaves the P/D and runs south east along the eastern
border of the Valley. The ditch intercepts Hanna Creek in
11N, 12E Sec 3 NW NE SW with the first major control structure
at this point. The water can be split with one channel roughly
using the old Hanna Cr channel to carry water to the north end
of the Mahoney/Kennedy Property that lays west of the Cow camp road
and is the northern most P/U between Valley Cr & the Cow camp road.
the other Channel continues southeast along the eastern border
of the Valley to the North end of the northern most P/U east
of the Cow camp road. The ditch again divides with
one main ditch paralleling the Cow Camp road on the east and
the other again forming the eastern boundary of the irrigated
portion of the Valley. This portion of the ditch intercepts
McGowan Creek in 11N 12E Sec 2 SW SW SE The main ditch
does not actually join with the McGowan Creek ditch but appears
that it may have at one time. The P/U in this general area
running south & east is a series of drainage channels
and this area appears to be naturally swampy. Valley Creek
water flows across this property and into HES 109 all

* Decreed right 71-00043 in HES 274 is also diverted from the same P/D
but is physically removed from the common overlapping system of the
other rights. It is claimed in part under A71-00043 Forest Service.

FIELD EXAM ATTACHMENT

DATE: 6-2-94PAGE: 2/3AGENT: KKC

FILES: _____

ATTACHMENT SUBJECT: _____

along the NE $\frac{1}{2}$ of the border. The McGowan Creek Ditch (and Valley Cr from Sec 4 somewhat) forms the eastern boundary for the HES 109 & into HES-133. This ditch system runs to HES 421 where it ends. For the HES's (portions of that lay east of the cow camp road (excluding HES-274) are in general irrigated concurrently in that as one HES is irrigated the tail water is either spread directly onto the next HES or is accumulated into a drain or ditch to be respread. Although this could be considered waste water no one has claimed it as such. There are also swampy areas that may or may not be created by the Valley Cr, Hanna Cr, and/or McGowan Cr diversions. This interrelationship runs from HES 271 (the eastern $\frac{1}{2}$) thru HES 270, thru HES 109, thru HES 133, thru HES 421, and HES 319. All east of the Cow camp road. Water flows in general east & south from the cow camp road to the center of the irrigated meadows and south & east from the ditch system that forms the eastern boundary of the irrigated ground. This pattern is clearly visible on USDA F 173-13, 173-11 & others of the 8-28-72 flight similar USDA-F aerial photos 677-193 9-9-77 flight ASCS Aerial flight ~~8-22-52~~ 8-22-52 # DRF-3-167. Ortho Photo K68 to a certain extent also shows this relationship.

Irrigation practices for the fields west of the cow camp road

FIELD EXAM ATTACHMENT

DATE: 6-2-94PAGE: 3/3AGENT: KKC

FILES: _____

ATTACHMENT SUBJECT: _____

and east of Valley Creek is also irrigated in a similar manner. From the SW $\frac{1}{2}$ of HES 271 thru HES 272, thru HES 420 and into HES 577

The channel running South from the Hanna diversion that enters the northern portion of the Mahoney/Keand property west of the cow camp road & part of the HES 274 is either spread across the meadow and/or allowed to stay in a ditch that roughly divides that pasture in half running straight southeast to HES 272 where it is again either spread across the northern portion of the HES or continues in the same ditch & straight thru the middle of HES 272 to HES-420. A ditch follows the cow camp road (on the west side) thru HES-271, 272 420 and into 577. These HES's also share the water similar to the system east of the cow camp road.

Control of water diverted from section four ends roughly in the NW $\frac{1}{4}$ of sec. 13. HES 577 & HES 421 receive some water from the Sec 4 diversion but primarily receive water from other diversions and/or sources.

A small acreage west of Valley creek and within HES 272 is irrigated from Elk Creek. The western portion of HES 420 is also irrigated from Elk Creek but from a diff P/O. This P/O is shared with the deeded right that has been split for two parcels in HES 577. The irrigated ground west of Valley Cr in HES 422 is irrigated from Elk Cr. No other ground west of Valley Cr was found to be currently irrigated (this includes HES 273)

A. ROOT WATER RIGHT NUMBERS: A71-00039A
A71-00039B

A71-00039G

A71-00039H

R71-00039F

R71-00039A

R71-00039B

A71-00039D

A71-00039E

A71-00039F

R71-00039C

R71-00039E

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	12E	11	NE	NE		PETERS, JAMES R	A71-00039H / 14.7	- /	33.0		
			NE	NE		US DEPT OF AGRICULTURE	A71-10202 /	- /			
			NE	NE		BRUBAKER, FRED HAROLO	R71-00040D / 2.1	- /			
			NE	NE		US DEPT OF AGRICULTURE	71-10202 /	- /			
			NE	NE		BRUBAKER, FRED HAROLD	A71-00039D / 2.1	- /			
			NE	NE		MAHONEY, J MICHAEL	A71-00039G / 1.2	- /			
			NE	NE		BRUBAKER, FRED HAROLD	A71-00040D / 2.1	- /			
			NE	NE		MAHONEY, J MICHAEL	A71-00040G / 1.2	- /			
			NE	NE		PETERS, JAMES R	A71-00040H / 14.7	- /			
			NE	NE		HILL, PAUL	A71-10136A / 7.0	- /			
			NE	NE		MAHONEY, J MICHAEL	A71-10136B / 1.0	- /			
			NE	NE		US DEPT OF AGRICULTURE	F71-10202 /	- /			
			NE	NE		THOMPSON, JOHN H.		71-00039 /			
			NE	NE		THOMPSON, JOHN H.		71-00040 /			
11N	12E	11	SW	NE		PETERS, JAMES R	A71-00039H / 8.6	- /	40.0		
			SW	NE		US DEPT OF AGRICULTURE	A71-00041 /	71-00041 /			
			SW	NE		GROOM, BRIT	R71-10136B / 1.0	- /			
			SW	NE		BRUBAKER, FRED HAROLO	R71-00040D / 7.9	- /			
			SW	NE		MAHONEY JR LIFETIME TRUST II,	A71-00047 / 3.0	71-00047 /			
			SW	NE		BRUBAKER, FRED HAROLD	A71-00039D / 7.9	- /			
			SW	NE		HILL, PAUL	A71-00039E / 4.8	- /			

*See GIS
land listing
3-16-98
and split table
based upon GIS
3-16-98*

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	NE		MAHONEY, J MICHAEL	A71-00039G / 7.7	- /			
			SW	NE		BRUBAKER, FRED HAROLD	A71-00040D / 7.9	- /			
			SW	NE		HILL, PAUL	A71-00040E / 4.8	- /			
			SW	NE		MAHONEY, J MICHAEL	A71-00040G / 7.7	- /			
			SW	NE		PETERS, JAMES R	A71-00040H / 8.6	- /			
			SW	NE		MAHONEY JR LIFETIME TRUST II,	R71-00047 / 3.0	- /			
			SW	NE		HILL, PAUL	R71-00039E / 4.8	- /			
			SW	NE		THOMPSON, JOHN H.		71-00039 /			
			SW	NE		THOMPSON, JOHN H.		71-00040 /			
			SW	NE		M BAR M INC.		71-00048 /			
11N	12E	11	SE	NE		PETERS, JAMES R	A71-00039H / 15.1	- /	35.0		
			SE	NE		HILL, PAUL	R71-10136A / 17.0	- /			
			SE	NE		GROOM, BRIT	R71-10136B / 1.0	- /			
			SE	NE		MAHONEY JR LIFETIME TRUST II,	A71-00039A / 10.0	- /			
			SE	NE		MAHONEY JR LIFETIME TRUST II,	A71-00040A / 10.0	- /			
			SE	NE		HILL, PAUL	A71-00039E / 18.8	- /			
			SE	NE		MAHONEY, J MICHAEL	A71-00039G / 4.1	- /			
			SE	NE		HILL, PAUL	A71-00040E / 18.8	- /			
			SE	NE		MAHONEY, J MICHAEL	A71-00040G / 4.1	- /			
			SE	NE		PETERS, JAMES R	A71-00040H / 15.1	- /			
			SE	NE		HILL, PAUL	A71-10136A / 8.2	- /			
			SE	NE		MAHONEY, J MICHAEL	A71-10136B / 1.8	- /			
			SE	NE		MAHONEY JR LIFETIME TRUST II,	R71-00039A / 10.0	- /			
			SE	NE		MAHONEY JR LIFETIME TRUST II,	R71-00040A / 10.0	- /			
			SE	NE		HILL, PAUL	R71-00039E / 18.8	- /			
			SE	NE		THOMPSON, JOHN H.		71-00039 /			
			SE	NE		THOMPSON, JOHN H.		71-00040 /			
11N	12E	11	NE	SE		PETERS, JAMES R	A71-00039H / 1.3	- /	40.0		
			NE	SE		BROWNING, KENT C	R71-00045 / 8.0	71-00045 /			
			NE	SE		BROWNING, KATHRYN M	A71-00045 / 8.0	- /			
			NE	SE		US DEPT OF AGRICULTURE	A71-00050 /	71-00050 /			
			NE	SE		HILL, PAUL	R71-10136A / 2.0	- /			
			NE	SE		MAHONEY JR LIFETIME TRUST II,	A71-00040A / 25.0	- /			
			NE	SE		HILL, PAUL	A71-00039E / 5.7	- /			
			NE	SE		HILL, PAUL	A71-00040E / 5.7	- /			
			NE	SE		PETERS, JAMES R	A71-00040H / 1.3	- /			
			NE	SE		MAHONEY JR LIFETIME TRUST II,	R71-00039A / 25.0	- /			
			NE	SE		MAHONEY JR LIFETIME TRUST II,	R71-00040A / 25.0	- /			
			NE	SE		MAHONEY JR LIFETIME TRUST II,	A71-00039A / 25.0	- /			
			NE	SE		HILL, PAUL	R71-00039E / 5.7	- /			
			NE	SE		THOMPSON, JOHN H.		71-00039 /			
			NE	SE		THOMPSON, JOHN H.		71-00040 /			
			NE	SE		DARRAH, BEN		71-00046 /			
11N	12E	11	NW	SE		PETERS, JAMES R	A71-00039H / 0.3	- /	40.0		
			NW	SE		BROWNING, KENT C	R71-00045 / 28.0	71-00045 /			

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			NW	SE		BROWNING, KATHRYN M	A71-00045 / 28.0	- /			
			NW	SE		MAHONEY JR LIFETIME TRUST II,	A71-00047 / 5.0	71-00047 /			
			NW	SE		HILL, PAUL	A71-00039E / 2.7	- /			
			NW	SE		HILL, PAUL	A71-00040E / 2.7	- /			
			NW	SE		PETERS, JAMES R	A71-00040H / 0.3	- /			
			NW	SE		MAHONEY JR LIFETIME TRUST II,	R71-00047 / 7.0	- /			
			NW	SE		HILL, PAUL	R71-00039E / 2.7	- /			
			NW	SE		THOMPSON, JOHN H.		71-00039 /			
			NW	SE		THOMPSON, JOHN H.		71-00040 /			
			NW	SE		DARRAH, BEN		71-00046 /			
			NW	SE		M BAR M INC.		71-00048 /			
11N	12E	12	SW	NW		PETERS, JAMES R	A71-00039H / 3.0	- /	24.0		
			SW	NW		US DEPT OF AGRICULTURE	A71-00050 /	71-00050 /			
			SW	NW		MAHONEY JR LIFETIME TRUST II,	A71-00039A / 7.0	- /			
			SW	NW		MAHONEY JR LIFETIME TRUST II,	A71-00040A / 7.0	- /			
			SW	NW		PETERS, JAMES R	A71-00040H / 3.0	- /			
			SW	NW		HILL, PAUL	A71-10136A / 3.0	- /			
			SW	NW		MAHONEY JR LIFETIME TRUST II,	R71-00039A / 7.0	- /			
			SW	NW		MAHONEY JR LIFETIME TRUST II,	R71-00040A / 7.0	- /			
			SW	NW		THOMPSON, JOHN H.		71-00039 /			
			SW	NW		THOMPSON, JOHN H.		71-00040 /			

ADDITIONAL POU FOUND

TOTAL ACRES	A71-00039H	43.00	212.00
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POU COUNTY: CUSTER

Found 14 or 5 acres

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 ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-00039H	MC GOWAN CREEK	PETERS, JAMES R	0.140	0.003		
	HANNA CREEK					
R71-00039A	MC GOWAN-HANNAH CREEK	MAHONEY JR LIFETIME TRUST II,	0.430	0.008		
A71-00039A	MC GOWAN CREEK	MAHONEY JR LIFETIME TRUST II,	0.430	0.008		
	HANNAH CREEK					
A71-00039D	MC GOWAN CREEK	BRUBAKER, FRED HAROLD	0.160	0.010		
	HANNA CREEK					
R71-00039E	MC GOWAN CREEK	HILL, PAUL	0.360	0.011		
A71-00039E	MC GOWAN CREEK	HILL, PAUL	0.360	0.011		
	HANNA CREEK					
A71-00039G	MC GOWAN CREEK	MAHONEY, J MICHAEL	0.140	0.010		
	HANNA CREEK					
A71-00040A	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	1.200	0.024		
R71-00040A	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	1.200	0.024		
R71-00040D	VALLEY CREEK	BRUBAKER, FRED HAROLD	0.480	0.032		
A71-00040D	VALLEY CREEK	BRUBAKER, FRED HAROLD	0.480	0.032		
A71-00040E	VALLEY CREEK	HILL, PAUL	1.080	0.033		
A71-00040G	VALLEY CREEK	MAHONEY, J MICHAEL	0.410	0.031		
A71-00040H	VALLEY CREEK	PETERS, JAMES R	0.430	0.010		
A71-00041	VALLEY CREEK	US DEPT OF AGRICULTURE	4.800	0.030		
R71-00045	VALLEY CREEK	BROWNING, KENT C	3.000	0.023		
A71-00045	VALLEY CREEK	BROWNING, KATHRYN M	3.000	0.023		
A71-00047	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	3.630	0.023		
R71-00047	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	3.600	0.033		
A71-00050	VALLEY CREEK	US DEPT OF AGRICULTURE	4.800	0.030		
R71-10136A	THOMPSON CREEK	HILL, PAUL	0.360	0.018		
A71-10136A	THOMPSON CREEK	HILL, PAUL	0.350	0.019		
A71-10136B	THOMPSON CREEK	MAHONEY, J MICHAEL	0.050	0.017		
R71-10136B	THOMPSON CREEK	GROOM, BRIT	0.040	0.020		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10202	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.030 CFS	
71-10202	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	
F71-10202	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	

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

Y(☒) N(☐)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A71-00040H

see analysis

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?

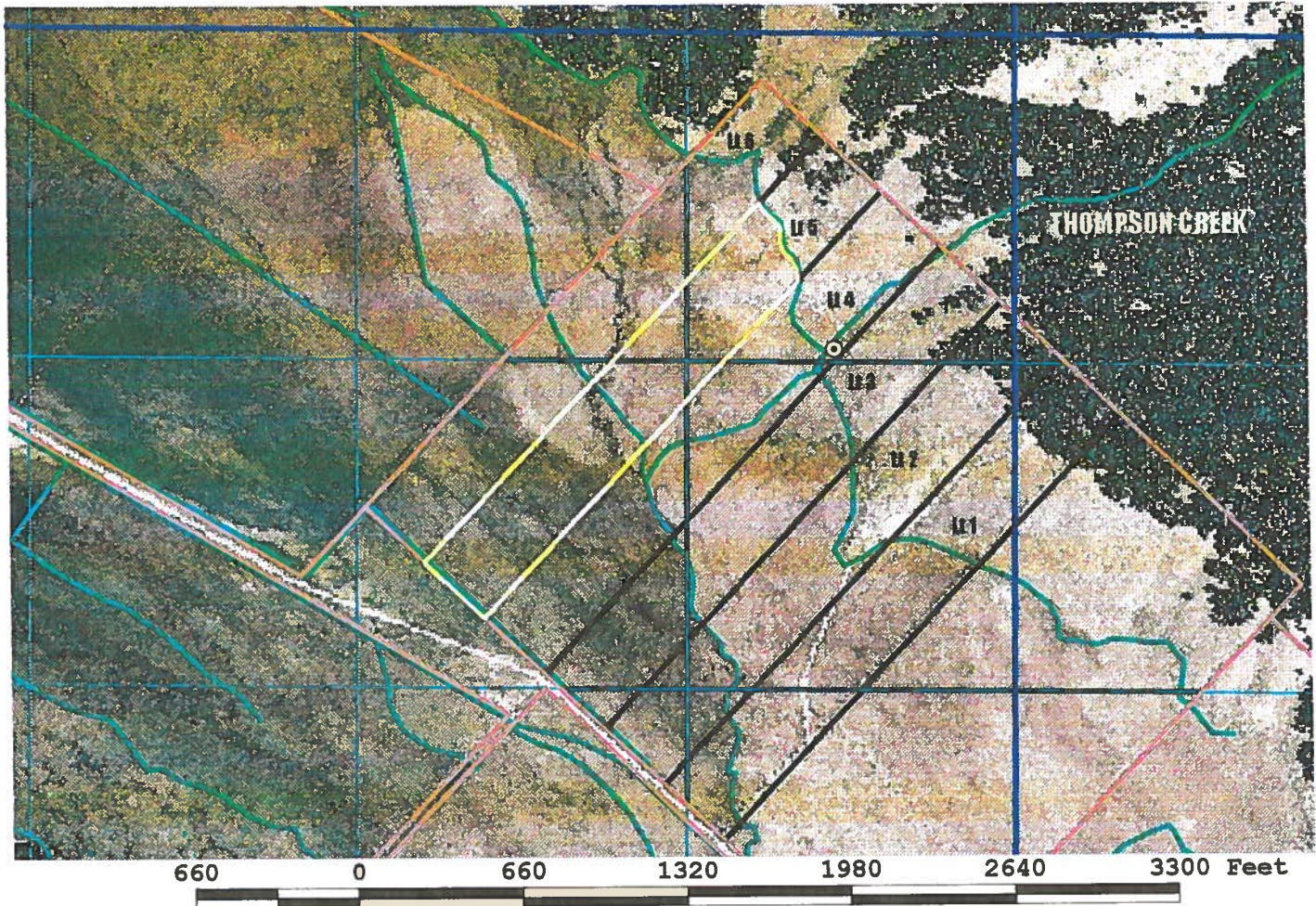
Y(☒) N(☐)

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?

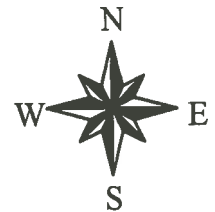
Y(☐) N(☒)

IDAHO DEPARTMENT OF WATER RESOURCES

71-00039H, & 71-00040H,
HES- 109 (part)
THOMPSON CREEK SUBDIVISION
LOT 5



RECOMMENDED PLACE OF USE
VALLEY AND MC GOWAN CR = 14.5 ACRES
DATA ENTRY ON MAY 19, 1998
TWP 11N, RNG 12E,
SEC 11 NE1/4, & N1/2SE1/4



- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES
- THOMPSON CREEK SUBDIVISION
- HOMESTEAD ENTRY BOUNDARY
- ^ STREAM AND DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
1992 USFS PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

CLAIM NUMBERS A71-00039 H
A71-00040 H

DATE _____
AGENT _____

Lot 5

TRANSFER NUMBER _____
HOMESTEAD ENTRY NO. _____
CLAIMED ACRE TOTAL _____
GEOGRAPHIC INFO ACRES _____

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	11N	12E	11																
GIS			11	3.9	1.1	9.2	.3												14.8
CLAIM																			
GIS																			
CLAIM																			
GIS																			
CLAIM																			
GIS																			
CLAIM																			
GIS																			

B71-DBPOD.SHP

NOS DESCRIPTION

32 Sec 4 N15SW NE
 Valley Cr P.O. For
 A71-00040 H

34 Sec 2 SWSWSE
 McGraney Co For
 A71-00039 H

B71-DBPOU.SHP

SHAPE NOS

~~124~~
124

DBF TABLES UPDATED

B71-DBPOD.DBF

B71-DBPOU.DBF

**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.



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

KJC
May 13, 1998

**BASIS OF RECOMMENDATION FOR:
RIGHTS SPLIT FROM A71-00039B, A71-00040B, AND A71-10136**

The irrigated P/U for subdivision lots 1 through 6 of the Thompson Creek Subdivision are identified and operated as a common area (see Thompson Creek Subdivision plat submitted with the change of ownership, Berman-to-Hill). As the irrigation of the subdivision lots is operated as a system, the analysis is also based upon that system and then 'broken down' per lot owner.

The A71-00039 series rights have McGowan creek as a source and this system covers all 76.5 found irrigated acres within the subdivision. The portion appurtenant to the subdivision is 0.80 cfs which is ≈ 0.01 cfs/acre.

The A71-00040 series rights have Valley creek as a source and this system covers the same 76.5 found irrigated acres. The portion appurtenant to the subdivision is 2.40 cfs or ≈ 0.03 cfs/acre.

The A71-10136 series rights have Thompson creek as a source and only cover 24 acres of the subdivision (all within lots 1 through 4). This right was claimed at 0.40 cfs or ≈ 0.017 cfs/acre.

The revised Hubble analysis calculations for the 76.5 acres indicate a maximum requirement of 5.60 cfs. the three rights when combined are for 3.60 cfs which is less than the Hubble analysis requirement, therefore, the recommendation is for the claimed rates and subsequently split through the ownership changes on a proportional rate per acre basis.



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.

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

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. 11-68; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; () ASCS PHOTO; ☒ OTHER GIS 1997
USDA-F 173-11 8-28-72 45FS

NOTES: The P/U was originally calculated using a planimeter on the
ortho photo. However, when the GIS system was made available
the subdivision P/U analysis was re-evaluated; the previous
data was superseded with the GIS data.

RECOMMENDATIONS:

TOTAL ACRES: 14.5 N/A()

REVIEWED BY: KKC

DATE: 5-19-98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-00039H IRRIGATION	FROM ~~04-01~~ ⁵⁻¹ TO ~~11-01~~ ⁹⁻³⁰	0.140 CFS	
TOTAL DIVERSION RATE/VOLUME		0.140 CFS	

the decree did not list a period of use therefore I am going with the current dept 5 standard

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
71-00039 IRRIGATION	FROM TO	1.200 CFS ✓	
TOTAL DIVERSION RATE/VOLUME		1.200 CFS ✓	

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(X)

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

Y() N(X)

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

Y(X) N(X)

* 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(X)

* 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(X) N()

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

N/A(X) 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(X) Y() N()

See split analysis

NOTES:

see analysis sheet. Thomp Cr Sub. (3 pgs)
R.H.

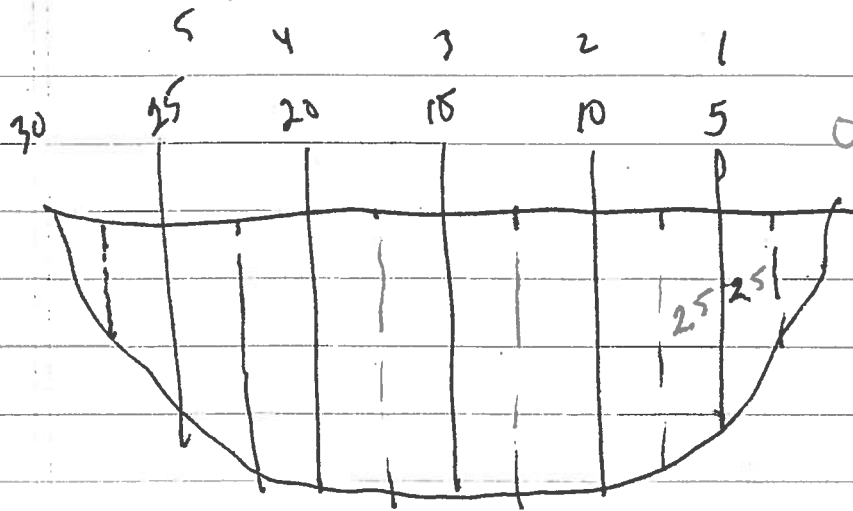
The stream was measured at 0.80 CFS on 9-21-93 but this did not identify the system capacity. Mc Gowan Cr was not flowing enough to fill the channel this late in the season. I estimated the flow to be approx 50% of the system capacity based upon the channel physical characteristics. The 'High water' mark was approximately double the current flow level, therefore the normal flow would be closer to 1.60 CFS. This is 133% greater than the decreed rate from Mc Gowan Creek ~~from~~ under 71-00039.

WATER RIGHT NUMBER IF APPLICABLE ----- A71-00039A & A71-00039B
AGENT CONDUCTING MEASUREMENT & DATE -- KCC - 9/21/93
ACCOMPANIED BY ----- NO ONE
PREMEASUREMENT SPIN TEST (MIN/SEC) ---
POST MEASUREMENT SPIN TEST (MIN/SEC) -
DATE REPORT PREPARED ----- 31-May-94

31-May-94

[illegible]

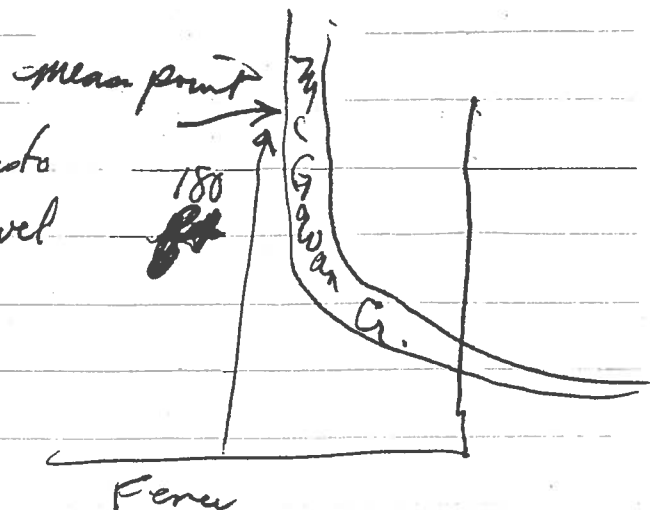
9-21-93



Mc Gowan Cr
Approx 180 ft
from fence line

stat	Depth	Rw	Sec	water clear
1	4	60	1.10.13	sandy gravelly bottom.
			116.85	sides curve up no significant
2	5	60	54.87	vegetation in stream channel
			55.75	water very cold. measurement
3	5	60	36.88	considered good
			36.28	
4	4.5	60	105.48	
			107.69	
5	4	30*	122.27	
		30	120.33	

normal high water mark appears to
be approx 6' above ^{current} water level



AJ CLAIM TOTAL DIVERSION RATE: 0.140 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 1.200 CFS

See split analysis

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. MEASUREMENT METHOD *By meter* Measured 9-21-99 ^{FLOW MEASUREMENT} measured 0.80 CFS estimated 1.60 CFS, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

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 ()

*Hubble Analysis
(Revised 5-8-98)
attached*

**REEVALUATION OF IRRIGATION RATES
BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES**

For CLAIM NUMBERS based/split From: A71-00039B
A71-00040B A71-10136

DATE: May 8, 1998

REVIEWED BY XRC

STANLEY BASIN SOIL REVIEW								
SOIL TYPE	OPTIMUM ROTATION	BORDER EFF	BORDER CFS/AC	FURROW EFF	FURROW CFS/AC	MAD	PF	BORDER / FURROW
AM1	4.00	3.5	0.30	22.3	0.05	1.00	1.14	6.09
BG1	5.00	5.8	0.19	34.3	0.03	1.32	1.13	5.99
CNB	7.00	7.8	0.14	47.3	0.02	1.82	1.11	6.20
GO1	14.66	25.5	0.04	24.6	0.04	3.65	1.07	0.96
LA4	4.00	3.7	0.30	23.6	0.05	1.06	1.14	6.46
PY1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RD1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RP1	4.33	6.9	0.16	35.2	0.03	1.13	1.13	5.18
SN1	2.66	2.47	0.45	15.4	0.07	0.69	1.14	6.30
ST1	3.33	3.2	0.36	20.3	0.05	0.91	1.14	6.65
TN1	4.66	4.2	0.26	26.9	0.04	1.21	1.13	6.44
TP1	9.33	9.5	0.11	60.0	0.02	2.31	1.10	6.24
WG1	2.66	2.4	0.45	14.9	0.07	0.67	1.14	6.12
WV1	13.00	17.4	0.06	50.3	0.02	3.24	1.08	2.91

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL / ROTATION (field)	* ACRES PER SOIL TYPE (field)	* RATE PER ACRE (chart)	= TOTAL DIVERSION RATE
AM1	4	10	* 6	* .30	= .72 CFS
RPI	4.33	10	* 70.5	* .16	= 4.88 CFS
			*	*	= CFS
			*	*	= CFS

5.60 CFS total
 Licensed/DECREED RATE(S) = 3.20 CFS (2 rights)
 CLAIMED DIVERSION RATES = 3.60 CFS (all 3 rights)
 ORIGINAL HUBBLE RATE =
 MEASURED DIVERSION RATE = 1.60 CFS McGowan
Thompson not meas.

NOTES: *see attached
measurement sheets*

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE	CFS	VOL.	AF/A	USE	
IRRIGATION	<u>5</u> ~~04~~ -01	<u>9-30</u> ~~11~~ -01	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
			0.140	☒			0.0	
TOTAL FOR THIS RIGHT			0.140	☒			0.0	

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: KKC

DATE: 5-19-98

FLAG: /

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

JØ1 - Thomp Cr Sub Lt 5
epp FØ6 71-00039A, 39D, 39E, 39G & 39H
Gen JØ2 a portion of HØS 109
Pou1 E14 14.5 Acres 39H & 40H

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	()	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

*See attached
Split fee*

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00039

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	1.200	_____	

and analysis

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-00039	A71-00039A	0.430	R71-00039A	0.430	71-00039	1.200
A71-00039C	A71-00039D	0.160	R71-00039E	0.360	-	
-	A71-00039E	0.360	-		-	
-	A71-00039G	0.140	-		-	
-	A71-00039H	0.140	-		-	
TOTAL CFS		1.230		0.790		1.200

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 (X) OR SEE ATTACHMENT ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

*A71-00039A & A71-00039B claimed & split the decreed 1.20 cfs.
A71-00039A added 0.03 cfs to the rate for stock water that use
was not part of the decree & therefore was excluded from
the recommendation.*

AUTHENTICATION: DATE: 5-19-98

SIGNATURE: Kelly K Christensen
EXAMINER: KELLY K CHRISTENSEN
SR WATER RESOURCE AGENT

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

**BRUBAKER
LOT 6**

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

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

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

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

OWNERSHIP CHANGE

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

FIELD NOTES
EXAM DATE 9-14-93
K/C

CLAIM	INIT
T. R. S. 0/0	
P/D	
PHOTO	USDA-E 677-193
DT. & ID	9-19-77 E&JF

