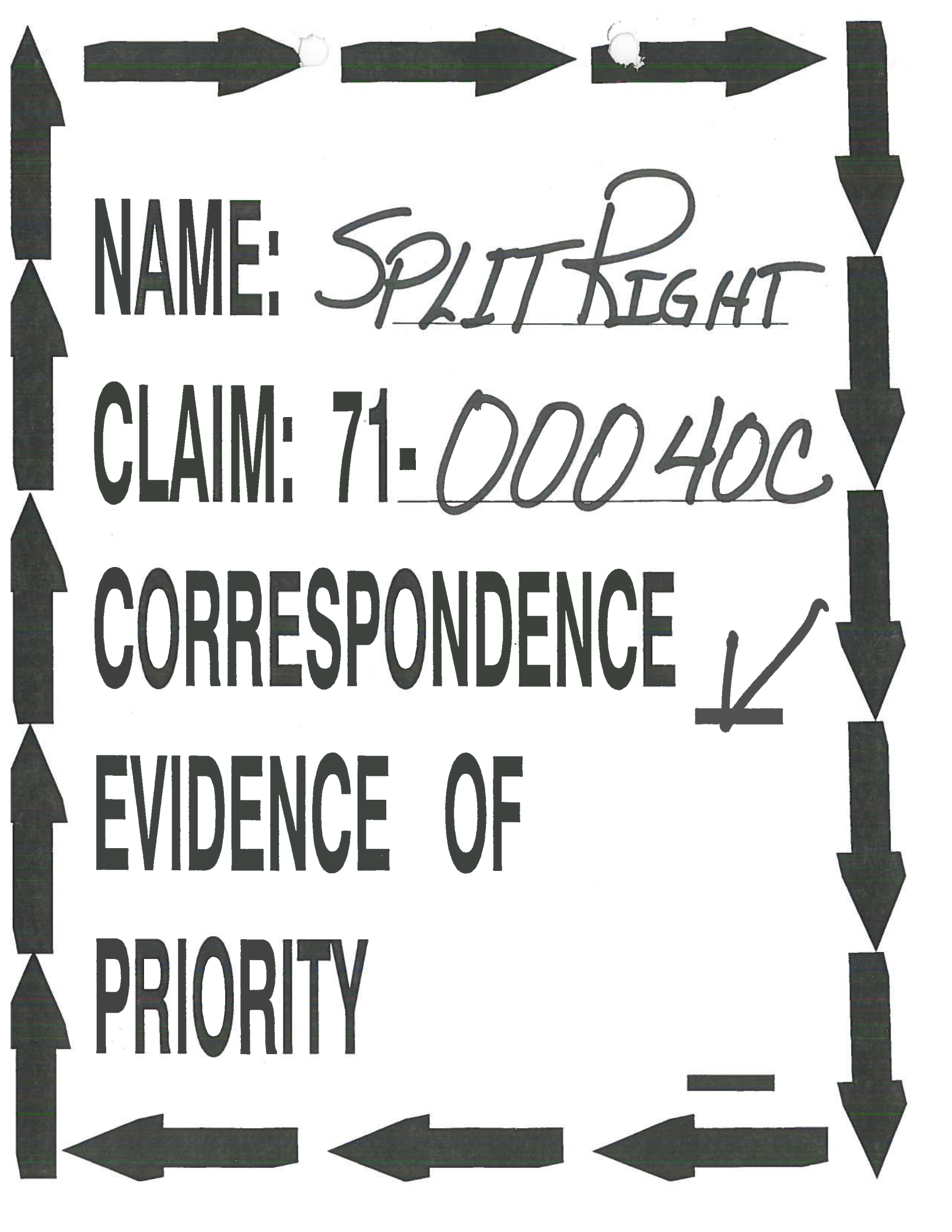




NAME: SPLIT RIGHT

CLAIM: 71-00040C

CORRESPONDENCE

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: A71-00040C
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: MAY 1, 1912
3. Source: VALLEY CREEK Trib. to: SALMON RIVER
SPLIT RIGHT
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 11N | 12E | 4 | SW | NW | NE | | CUSTER |
5. Description of diverting works:
ROCK DIVERSIONS, COLLECTION DITCH
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.920 | | |
7. Total Quantity Appropriated is:
1.920 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	15.9
			SW	NE		IRR	21.1
			SE	NE		IRR	38.0
			NE	SE		IRR	7.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	NW	SE		IRR	3.0
						Section Acres	85.0
		12	SW	NW		IRR	3.0
						Section Acres	3.0
						Total Acres	88.0

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:
A71-00039B & A71-10136

14. Remarks:

P/U IS H.E.S. 109.

THIS IS FOR A 2/3 PORTION OF WR 71-00040.

***THE ORIGINAL CLAIM A71-00040B WAS SPLIT BASED UPON THE FORMER OWNER'S SIGNATURE ON FORM 42-1409(7). THE SPLIT IS AS FOLLOWS:

PART C TO BERMAN FOR 1.93 CFS

PART D TO BRUBAKER FOR 0.47 CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION. KKC 5-8-95

CLAIM SPLIT ON 7-25-1996 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 1.04 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION. PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 AND 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 C TO BERMAN FOR 1.92 CFS

PART D TO BRUBAKER FOR 0.48 CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION.

15. Basis of Claim: DECREED

Case Number:

Court :



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

**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

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 2
A71-00039C for 0.12 cfs
A71-00040C for 0.36 cfs
A71-10136 for 0.09 cfs

LOT 3
A71-00039C for 0.13 cfs
A71-00040C for 0.38 cfs
A71-10136 for 0.11 cfs

LOT 4
A71-00039C for 0.14 cfs
A71-00040C for 0.41 cfs
A71-10136 for 0.05 cfs

LOT 5
A71-00039C for 0.14 cfs
A71-00040C for 0.43 cfs

OWNERSHIP CHANGE

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

LOT 1
A71-00039E for 0.11 cfs
A71-00040E for 0.34 cfs
A71-10136A for 0.15 cfs

LOT 2
A71-00039E for 0.12 cfs
A71-00040E for 0.36 cfs
A71-10136A for 0.09 cfs

LOT 3
A71-00039E for 0.13 cfs
A71-00040E for 0.38 cfs
A71-10136A for 0.11 cfs

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

LOT 4
A71-00039F for 0.14 cfs
A71-00040F for 0.41 cfs
A71-10136B for 0.05 cfs

LOT 5
A71-00039F for 0.14 cfs
A71-00040F for 0.43 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

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: **A71-00040C**
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**

[REDACTED]

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

2. Date of Priority: MAY 1, 1912

3. Source: VALLEY CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.930		

7. Total Quantity Appropriated is:
1.930 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	16.0
			SW	NE		IRR	21.5
			SE	NE		IRR	38.0
			NE	SE		IRR	7.0
			NW	SE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	85.5
		12	SW	NW	IRR	3.0
					Section Acres	3.0
					Total Acres	88.5

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:
A71-00039B & A71-10136

14. Remarks:

P/U IS H.E.S. 109.

THIS IS FOR A 2/3 PORTION OF WR 71-00040.

***THE ORIGINAL CLAIM A71-00040B WAS SPLIT BASED UPON THE FORMER OWNER'S SIGNATURE ON FORM 42-1409(7). THE SPLIT IS AS FOLLOWS:
PART C TO BERMAN FOR 1.93 CFS
PART D TO BRUBAKER FOR 0.47 CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION. KKC 5-8-95

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH

Decree Plaintiff

WM. MERRITT, ET AL

vs Decree Defendant

Post-it Fax Note 7671		Date 4/11/95	# of pages 1
To Kelly Christensen	From Noel Sifton		
Co./Dept.	McGowan Creek, Pent		
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.
CUSTER 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	<u>0.400 C.F.S.</u>	<u>3.200 C.F.S.</u>

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

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

Includes 0.03 cfs
for stockwater

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 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

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

OWNERSHIP CHG

*superseded
3-30-98
KKC*

Prepared by KKC on 7-25-1996
reformatted and expanded from
File C:\data\kelly\aberman2.kkc
this file is:
C:\data\kelly\71-00039.edg

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

A71-00040E AGENT KKC

71-
00039E
AND
0040E

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-					.045										5.5				10
LOT 2						.565										1.2				10
LOT 3						3.8										.5				11.5
TOTAL						3.519										6.3				31.5

71-
10136A

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						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 A71-00039E, A71-00040E 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.

Supervised
 KKC
 3-30-98

Basis For Split

for A71-00039C & D and A71-00040C & D

The rights were split based upon the recommended P/U acre table that lists the quarter/quarters 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 lot 6. Berman's claims are A71-00039C and A71-00040C

As Thompson Creek water cannot reach lot 6, A71-10136 was not split.

KHC

7-25-96

Superseded
KHC
2-30-98

**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	

*Superseded
KRC 3-30-98*

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 Section 11 & 12, 1/4 of 1/4 of 1/4 Govt. Lot HES 10, BM
Lot 1, 2 & 3, Block, _____, Subdivision/Townsite Thompson Creek Ranch Sub.
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southeast Region

- ☐ 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? ☒ 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 of Former Owner/Claimant(s) [Signature] Date 5/22/95
- ☐ Signature of Former Owner/Claimant(s) [Signature] Date 7/7/95
- (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.

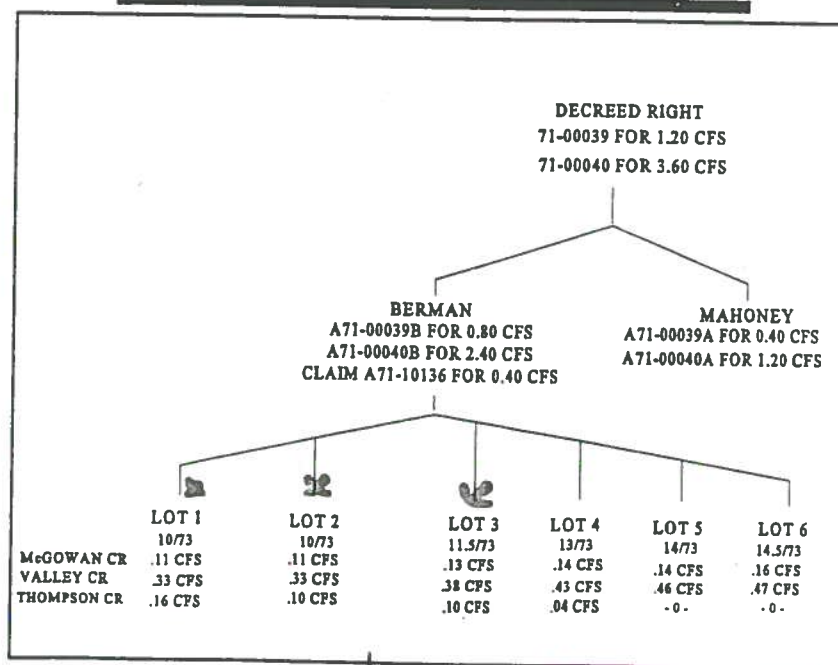
If you have any additional questions please give me a call.

Sincerely

Kelly K.

Kelly K Christensen
Sr Water Resource Agent

THOMPSON CR. RANCH SUBDIVISION POTENTIAL SPLITS OF HES-109



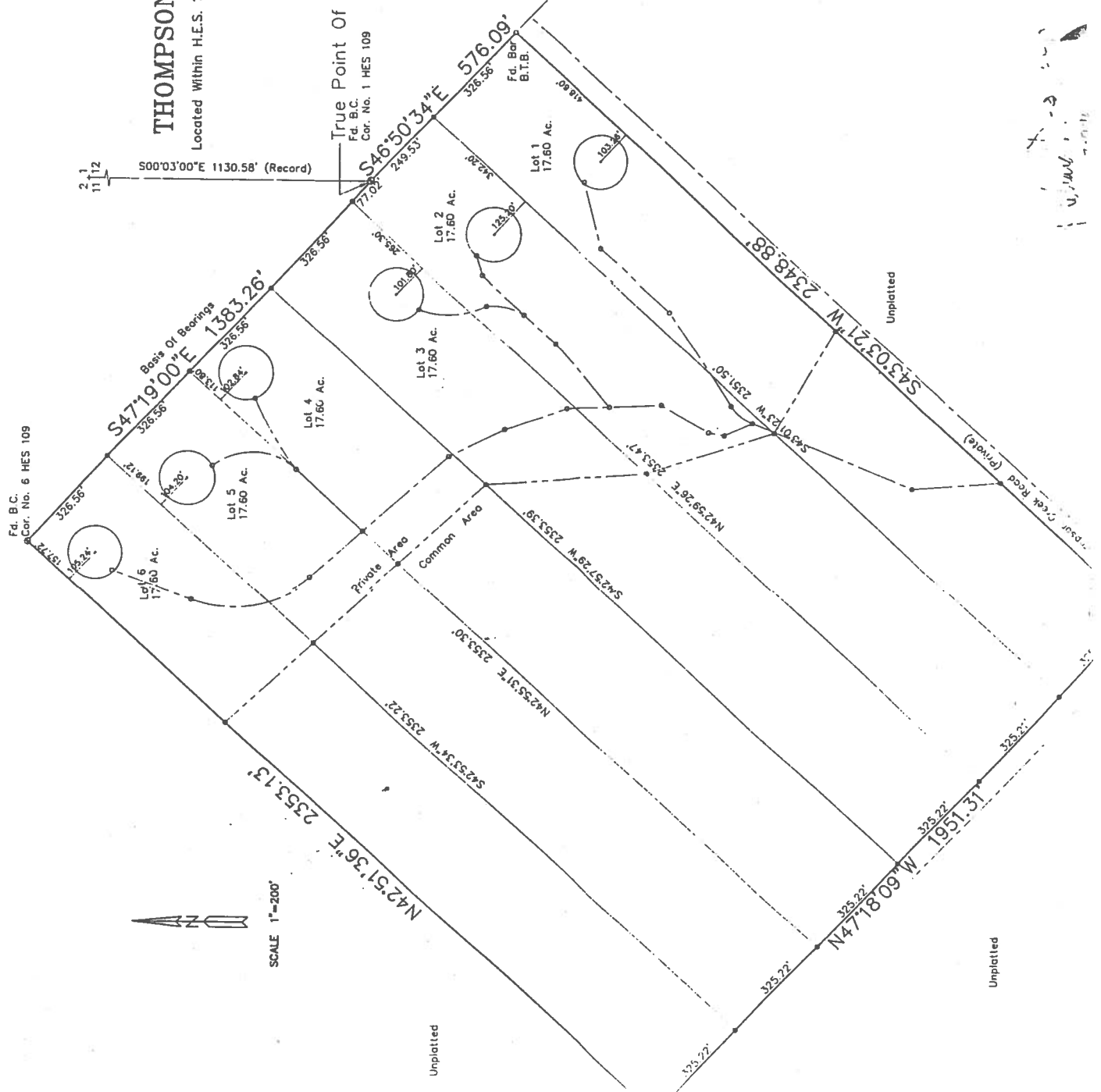
Superseded
KHC 3-30-98

A Plat Showing

THOMPSON CREEK RANCH SUBDIVISION

Located Within H.E.S. 109, Sections 11 & 12, T.11N., R.12E., B.M., Custer County

July, 1992



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 Envelope
- Center Line 40' Private Road & Public Utility Easement
- - - Division Line Private/Common Area

Notes

1. The developer may relocate any building area within the "Private Area" of any lot prior to the sale of the lot subdivision. No building area envelope will be located closer than 25 feet to any lot line.
2. Each lot owner shall have the right to relocate the building envelope on such owner's lot with written approval of such by the Design Review Committee, which approval shall not unreasonably be withheld.
3. All roads within this subdivision are private streets. Construction and maintenance and snow removal with respect to the roads within this subdivision shall be the obligation of each lot owner and homeowners association. Custer County is in no way obligated to accept, maintain or improve these roads.
4. The developer may establish easements, covenants, restrictions, rules and regulations regarding the rights of lot owners within the common and private areas as well as other matters for the benefit. Reference should be made to such easements, restrictions, rules and regulations.

7/23/92

Basis For Split
for A71-00039C & D and A71-00040C & D

The rights were split based upon the recommended P/U acre table that lists the quarter/quarters 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 lot 6. Berman's claims are A71-00039C and A71-00040C

As Thompson Creek water cannot reach lot 6, A71-10136 was not split.

KKC

7-25-96

ВУ ККС

DT. & ID. 1971 Flight

21 Acres

38 ALRES

71 -000398 HANNA/McGowan CR

Valid claims as of 8-23-91

A71-00039D A71-00040G

000395

00040F

A71-10136A

10131 B

$$CA = \frac{(1006)^2 \cdot 0.009699}{43,560} = \underline{22.53}$$


RECOMMENDED
P/U AS OF 11-30-94

CLAIM _____ INIT KKC
 T. R. S. Q/Q _____
 P/D _____
 PHOTO 11-68 ORTHO PAIR
 DT. & ID. 1971 Flight

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

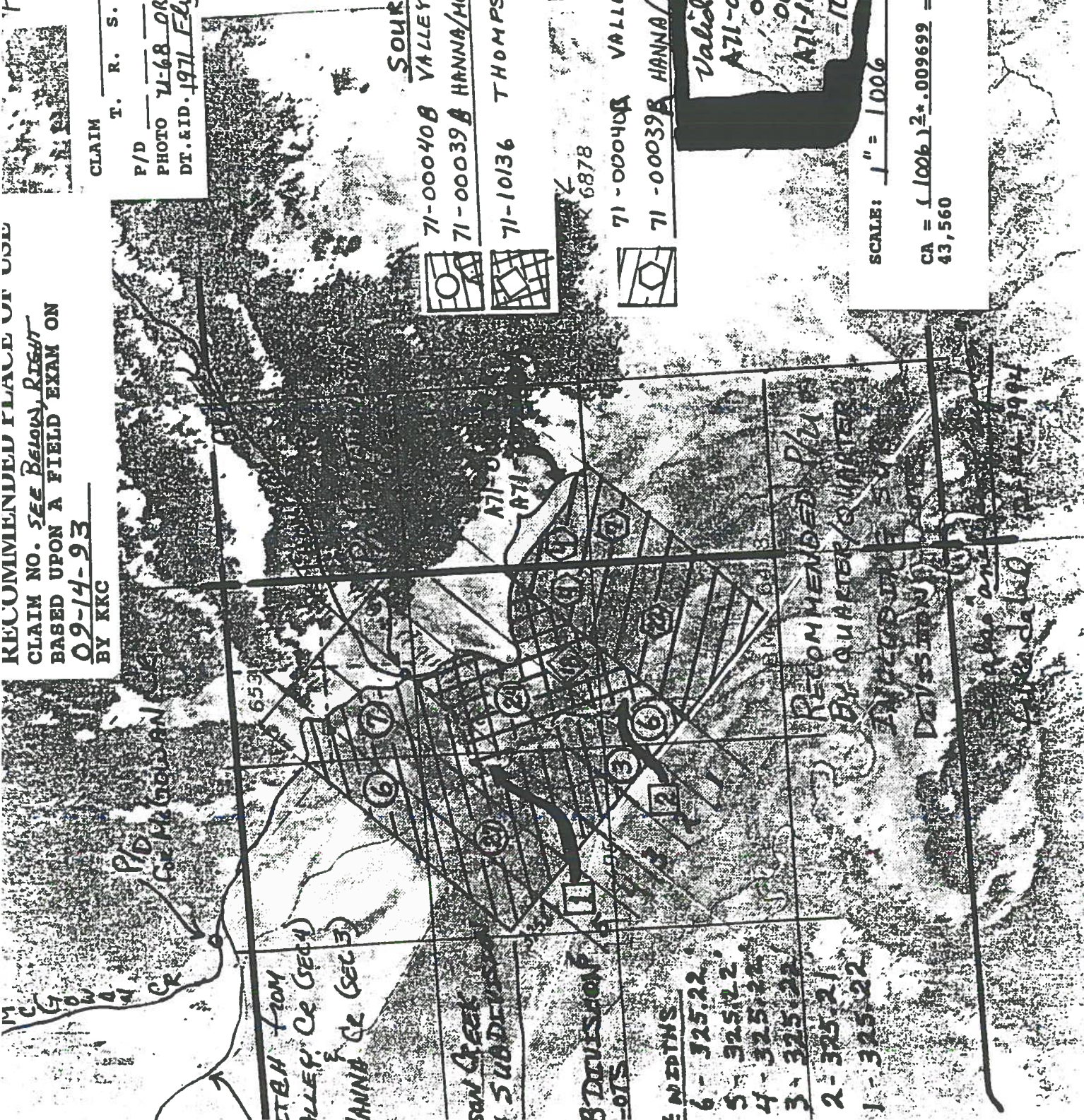
71-000408 VALLEY CR 38 ACRES
 71-000398 HANNA/MCGOWAN CR

SCALE: 1" = 1006
 CA = (1006)² * .009699 = 22.53
 43,560



RECOMMENDED PLACE OF USE
 CLAIM NO. SEE BELOW, RIGHT
 BASED UPON A FIELD EXAM ON
09-14-93
 BY KKC

REF TIME
8-23-96
 CLAIM INIT KKC
 T. R. S. Q/Q
 P/D enlarged
 PHOTO U-68 ORTHO PAIR
 DT. & ID. 1971 Flight 200%



SOURCE
 71-00040B VALLEY CR 73 ACRES
 71-00039B HANNA/MCGOWAN CR
 71-10136 THOMPSON CR 21 ACRES

71-00040B VALLEY CR 38 ACRES
 71-00039B HANNA/MCGOWAN CR

Valid claims as of 8-23-96
 A71-00039D A71-00040D
 00039E 00040E
 00039F 00040F
 A71-10136A 10136B

SCALE: 1" = 1006
 CA = $\frac{1006 \times 1006}{43,560} = .2353$

RECOMMENDED P/U
 BY QUARTER/QUARTER
 IN ACCORDANCE WITH
 DEPARTMENT OF
 LAND AND NATURAL RESOURCES
 DIVISION
 1994

CLAIM _____ INIT KKC

T. R. S. Q/Q

P/D

PHOTO ASCS DAF-3-167

DT. & ID. 8-22-52 FLIGHT

RECOMMENDED P/D's

VALLEY CR.	IIN 12E SEC 4	NESWNE
HANNA CR.	IIN 12E SEC 3	NW NESW
McGOWAN CR.	IIN 12E SEC 2	SW SWSE
THOMPSON CR.	IIN 12E SEC 11	SW NWNE

71-000398
71-000408
71-000436

71-00039A
71-00040A

PROT

NEEK

Water Right Number - R71-00040C

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - +

*** 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 - - + + - - Region - - - + + - - - Stage - - - - + + - - - Status - - - - +
05/01/1912 17 SOUTHERN 2 - SEE REMARKS

+ - - - - Source - - - - - + - - - - Tributary - - - - - +
VALLEY CREEK SALMON RIVER
SPLIT RIGHT

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
11N 12E 4 SW NW NE (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.920

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.920 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
11N 12E 11 NE NE 01 IRRIGATION (37) CUSTER
11N 12E 11 SW NE 01 IRRIGATION (37) CUSTER
11N 12E 11 SE NE 01 IRRIGATION (37) CUSTER
11N 12E 11 NE SE 01 IRRIGATION (37) CUSTER
11N 12E 11 NW SE 01 IRRIGATION (37) CUSTER
11N 12E 12 SW NW 01 IRRIGATION (37) CUSTER

Total Acres: 88.0

Water right number - R71-00040C Prefix Translation: RESEARCH

+ - - Diversion Means - ROCK DIVERSIONS, COLLECTION DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A71-000398 & A71-10136

GEN SEE NOS 71-00040E AND 71-00040F.

7100040
A71000408

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

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

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

+ - Decree Date - +
00/00/0000

Date: 08/22/1996 User Id: KCHRISTE Subject: COPIED FROM REMARKS

P/U IS H.E.S. 109.

***THE ORIGINAL CLAIM A71-000408 WAS SPLIT BASED UPON THE FORMER PART C TO BERMAN FOR 1.93 CFS

RANCH SUBDIVISION. KKC 5-8-95

CLAIM SPLIT ON 7-25-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE 1 CREATED.

PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.)

Date: 04/01/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS

THIS IS FOR A 2/3 PORTION OF WR 71-00040.

P/U IS H.E.S. 109.

***THE ORIGINAL CLAIM A71-000408 WAS SPLIT BASED UPON THE FORMER PART C TO BERMAN FOR 1.93 CFS

RANCH SUBDIVISION. KKC 5-8-95

CLAIM SPLIT ON 7-25-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE 1 CREATED.

PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.)

AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO REFLECT THE PLACE OF USE CHANGE. KKC 3-27-98

THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE MODIFIED TO REFLECT THE PLACE OF USE CHANGE. KKC 3-27-98

PART D TO BRUBAKER FOR 0.48 CFS FOR LOT 6 OF THE THOMPSON CREEK

PART C TO BERMAN FOR 1.92 CFS

RANCH SUBDIVISION.

+ - - Audit Fields - - +

04/01/98 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	-