

NAME:

HILL

CLAIM: 71-00040E

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: **A71-00040E**
Date Received: 1/11/1990
Receipt No: X777777
Received By: _____

~~REDACTED~~
~~YOUR FILES~~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

~~REDACTED~~
~~YOUR FILES~~

1. Name: PAUL HILL 404-351-2307
Address: 2635 HABERSHAM RD NW
ATLANTA GA 30305

AND

Name: ANN HILL 404-351-2307
Address: 2635 HABERSHAM RD NW
ATLANTA GA 30305

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	1.080		

7. Total Quantity Appropriated is:
1.080 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	SW	NE		IRR	4.8

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	SE	NE		IRR	18.8
			NE	SE		IRR	5.7
			NW	SE		IRR	2.7
Section Acres							32.0
Total Acres							32.0

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:
A71-00039E & A71-10136A

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 E TO HILL FOR 1.08 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION

PART F TO BERMAN FOR 0.84 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/16/1940



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

PAUL HILL
2635 HABERSHAM RD NW
ATLANTA GA 30305

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

Dear Mr Hill

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 lots 1, 2, and 3 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.

Specific to your claim A71-10136A, the claimed place of use does not coincide well with the found irrigated place of use, however, that can be corrected through my recommendation of the right. The GIS calculations also found 3 irrigated acres more than was claimed. This cannot be corrected through my recommendation. To have those acres recommended you must amend your adjudication claim to include them. If after reviewing the information I have provided and you wish to proceed with the amendment please contact me 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

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.

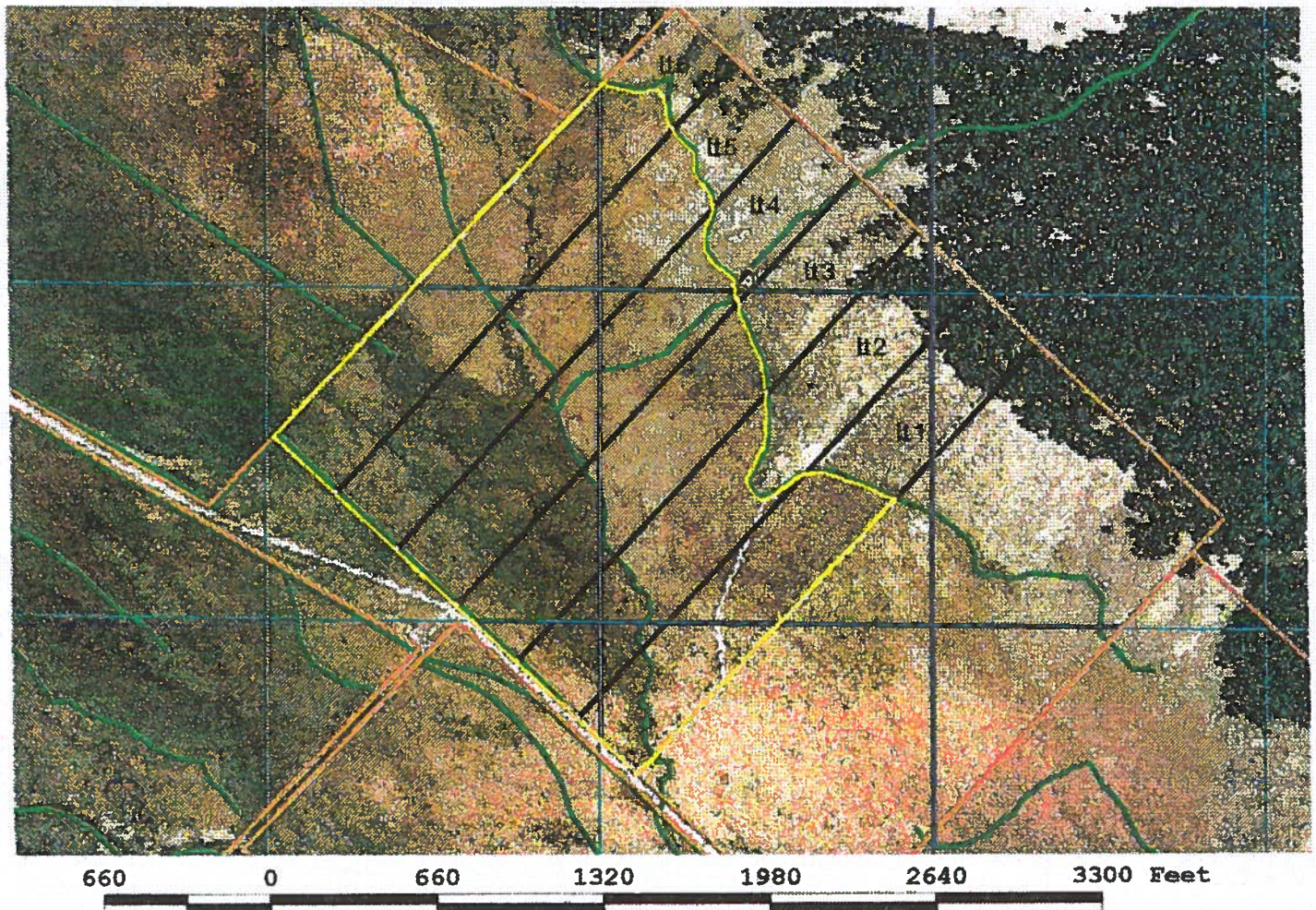
Sincerely

Kelly K Christensen
Sr Water Resource Agent

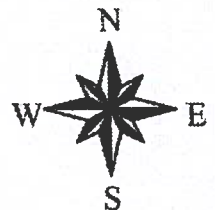
Enclosures

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



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				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

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: **A71-00040E**
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: PAUL HILL
Address: 2635 HABERSHAM RD NW
ATLANTA GA

404-351-2307

30305

AND

Name: ANN HILL
Address: 2635 HABERSHAM RD NW
ATLANTA GA

404-351-2307

30305

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	1.040		

7. Total Quantity Appropriated is:
1.040 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	SW	NE		IRR	3.5

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	SE	NE		IRR	19.0
			NE	SE		IRR	6.0
			NW	SE		IRR	3.0
						Section Acres	31.5
						Total Acres	31.5

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:
A71-00039E & A71-10136A

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.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/16/1940

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 Kelley Johnston	From Noel Sitter		
Co./Dept.	Co. McClen Dredge Pont		
Phone #	Phone # 774-2365		
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.



BASIS FOR RECOMMENDATION FOR: A71-00039B, A71-00040B, AND A71-10136

At the time I conducted a field verification exam for HES-109 the property was split into two segments and irrigated as such. Part A, the southwest portion was and currently is owned by Mr Mahoney. Part B, subsequent to my field verification was subdivided into the Thompson Creek Subdivision consisting of 6 lots. It was and currently is irrigated as a unit. The irrigation practices have not changed based upon the subdivision lot ownership. Currently three different owners exist for the three lots and are claimed as follows;

A71-00039D, and A71-00040D,	for lot 6	owner = Brubaker
A71-00039E, A71-00040E, & A71-10136A	for lots 1, 2, and 3	owner = Hill
A71-00039F, A71-00040F, & A71-10136B	for lots 4 and 5	owner = Berman

As the Thompson Creek Subdivision was and is operated as a unit, for irrigation purposes, my analysis and recommendation is based upon that system. That recommendation has subsequently been split based upon ownership for the individual ownership of the subdivision lots.

LISTING OF ADDITIONAL ATTACHMENTS FOR BASIS OF RECOMMENDATION:

TITLE	DATE	PREPARER
1. P/D SYSTEM FOR 11N, 12E, SEC 4 NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$	6-2-94	KKC
2. ANALYSIS OF THE SYSTEM (Thompson Creek Subdivision table of lot acres)	12-14-94	KKC
3. SPLIT TREE FOR: (claim # listing)	7-25-96	KKC

BASIS FOR SPLITS OF A71-00039B, A71-00040B, AND A71-10136

The splits of these rights were based upon the recommended irrigated acres as shown in the table of attachment 2. I developed the table from the overlay of the subdivision lots on an orthophotographic quad map that outlined the found irrigated place of use. This information was submitted to the claimants for their review prior to splitting the claims. Documentation common to the related rights was developed and filed in the following base rights; A71-00039B, A71-00040B, and A71-10136. The common information consists of field verification information, completed CVRs, assorted maps, and other related documents. Place of use photos are in file A71-00039B.

*Superseded
3-30-98
KKC*

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

Includes 0.03 cfs
for stockwater

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

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

OWNERSHIP CHG

CLAIM TOTALS BELOW

EACH LOTS PORTION

BERMAN LOT 1

A71-00039C for 0.11 cfs
A71-00040C for 0.33 cfs
A71-10136 for 0.16 cfs

BERMAN LOT 2

A71-00039C for 0.11 cfs
A71-00040C for 0.33 cfs
A71-10136 for 0.10 cfs

BERMAN LOT 3

A71-00039C for 0.13 cfs
A71-00040C for .38 cfs
A71-10136 for 0.10 cfs

BERMAN LOT 4

A71-00039C for 0.14 cfs
A71-00040C for 0.43 cfs
A71-10136 for 0.04 cfs

BERMAN LOT 5

A71-00039C for 0.15 cfs
A71-00040C for 0.46 cfs

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

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

BRUBAKER LOT 6

A71-00039D for 0.16 cfs
A71-00040D for 0.47 cfs

HILL

LOTS 1, 2, & 3

A71-00039E for 0.35 cfs
A71-00040E for 1.04 cfs
A71-10136A for 0.36 cfs

OWNERSHIP CHG

BERMAN LOTS 4 & 5

A71-00039F for 0.29 cfs
A71-00040F for 0.89 cfs
A71-10136B for 0.04 cfs

*Suppended
3-30-98
KRC*

Prepared by KKC on 7-25-1996
reformatted and expanded from
File C:\data\kelly\bbberman2.kkc
this file is:
C:\data\kelly\71-00039.edg

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

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

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

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

A71-00040F

A71-10136B

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

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

Superceded
3-30-98
KHC

**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			
	NE¼NE¼	NW¼NE¼	SW¼NE¼	SE¼NE¼	NE¼SE¼	NW¼SE¼	LOT TOTAL	SW¼NE¼	SE¼NE¼	NE¼SE¼	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

*Prepared
88-05-3
JH*

*Checked
Dec 14, 1994*

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

A71-00040E AGENT KKC

A71-
 00039E
 AND
 00040E

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

A71-
 10136A

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

Berman sold to Hill (lots 1, 2, & 3). this compilation is from the ANALYSIS OF THE SYSTEM FOR A71-00039E, 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.

Supplemented
 3-30-98
 KKC

MAY 10 1995

Form 42-1409(7)



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

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

RECEIVED

DATE OF CLOSING: _____

MAY 25 1995

LEGAL DESCRIPTION OF PROPERTY: Township 11 North Range 12 East Department of Water Resources
Section 11 & 12, 1/4 of 1/4 of 1/4 Govt. Lot HES 10, BM Southern Region
Lot 1, 2 & 3, Block, _____, Subdivision/Townsite Thompson Creek Ranch Sub.
If you have additional legal descriptions, please attach separate sheet.

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

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

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

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

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

☐ New Telephone Number: (404) 351 - 2307

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

☐ Attach proof of ownership, describe proof attached: _____

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

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

☐ Signature of Former Owner/Claimant(s) [Signature] Date 5/18/95
[Signature] Date 5/22/95
[Signature] Date 7/27/95

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

FOR IDWR USE ONLY:

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

Further Action Needed:

Further Action Taken
Date: _____ By: _____

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

Claim Numbers of Split, if any:

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



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.

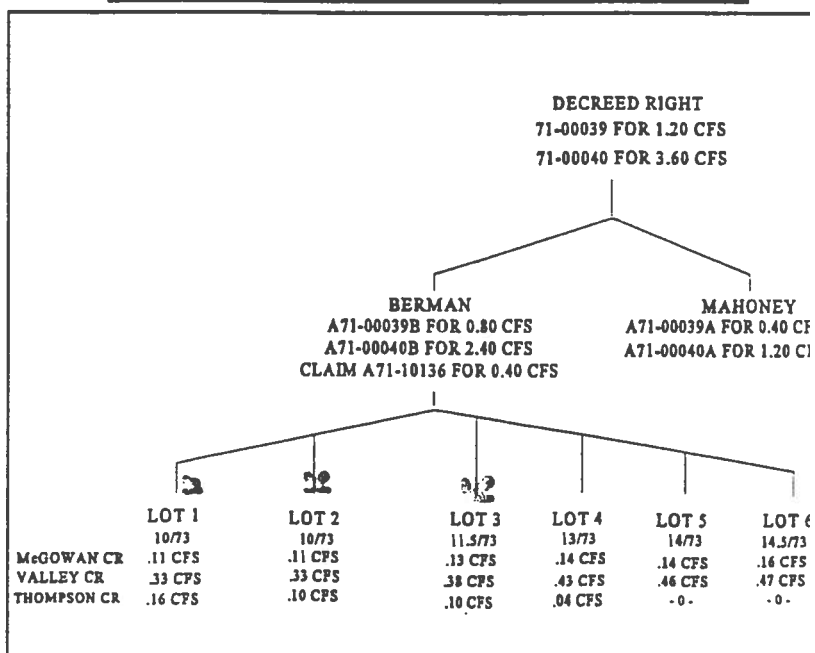
If you have any additional questions please give me a call.

Sincerely

Kelly K.

Kelly K Christensen
Sr Water Resource Agent

THOMPSON CR. RANCH SUBDIVISION POTENTIAL SPLITS OF HES-109



*Supervised
3-30-98
K/C*

Fd. B.C. 6 HES 109

Cor. No. 1 HES 109

2 1
11 12

500°03'00"E 1130.58' (Record)

A Plat Showing

THOMPSON CREEK RANCH SUBDIVISION

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

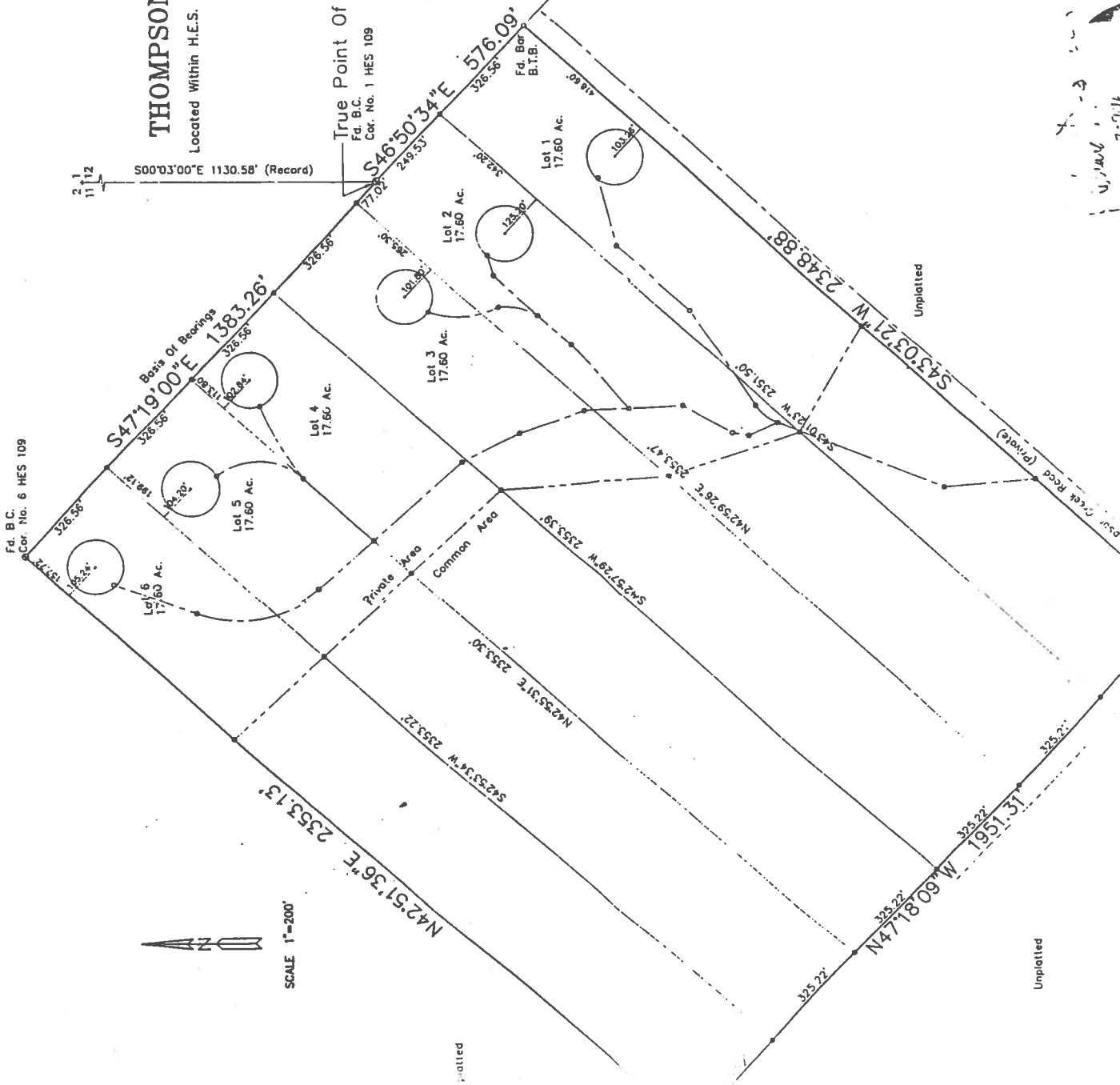
July, 1992



SCALE 1"=200'

True Point Of Beginning

Fd. B.C.
Cor. No. 1 HES 109



Legend

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

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

Notes

- The developer may relocate any building area envelope within the "Private Area" of any lot prior to the sale of the subdivision. No building area envelope will be located within 25 feet to any lot line.
- Each lot owner shall have the right to relocate the building area envelope on such owner's lot with written approval of such relocation by the Design Review Committee, which approval shall not be unreasonably withheld.
- All roads within this subdivision are private streets. Constructive maintenance and snow removal with respect to the roads within this subdivision shall be the obligation of each lot owner or the homeowners association. Custer County is in no way obligated to accept, maintain or improve these roads.
- 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 of mutual benefit. Reference should be made to such easements, covenants, restrictions, rules and regulations.

Unplatted

Unplatted

7/23/92

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

71-10136 A
71-00039 E
71-00040 E



RECEIVED

JUL 01 1999

Department of Water Resources
Southwest Region

NAME AND ADDRESS:

ANN HILL
PAUL HILL
2635 HABERSHAM RD NW
ATLANTA, GA 30305

RETURN
TO SENDER
NOT POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES
AS ADDRESSED

83303-2707



R PROOF

X

CVR

X

MAPS

See 71-00039B
for GES

PHOTOS

See 71-00039D

MISC

X

Old (D) Number -

```
+ - - - - - Address - - - - - +
```

VERIFIED BY

VERIFIED

1 - 2635 HABERSHAM RD NW
2 -
3 -
City- ATLANTA
Phone - 404-351-2307
1 - 2635 HABERSHAM RD NW

State- GA Zip- 30305

City- ATLANTA	State- GA	Zip- 30305
Phone - 404-351-2307		
1 - 50 S MAIN ST SUITE 1250		
2 -		
3 -		
City- SALT LAKE CITY	State- UT	Zip- 84144
Phone - 801-328-2200		

```

+ - - - Stage - - - +
D - DECREED
+ - - - Status - - - +

```

```

- - Tributary - - - - -
SALMON RIVER

```

11N	12E	4	NE SW NE	(37)	CUSTER
-----	-----	---	----------	------	--------

01 - IRRIGATION

1.080

11N

Total Acres: 32.0

+ - - Diversion Means - ROCK DIVERSIONS, COLLECTION DITCH

+ - - Non-Irrigation Use -

Prefix translation: RESEARCH

.....

THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 32 ACRES IN A SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 71-00039E & 71-00040E
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E, 71-00040E, AND 71-10136A

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: 71-00040A, 71-00040D, 71-00040E, 71-00040G, 71-00040H, 71-00041, 71-00042A, 71-00042B, 71-00043, 71-00045, 71-00047, 71-00050, & 71-00052.
PROPERTY IS ALSO KNOWN AS A THOMPSON CREEK SUBDIVISION LOTS 1, 2, & 3.

	Old Water Right Numbers
7100040	
A7100040C	

```

+-----+ Conditions of Approval -----+
|C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION|
| - PURSUANT TO SECTION 42-1425, IDAHO CODE. |

```

	Decree Plaintiff	Decree Defendant	Decree Date
DAN J. CAVANAGH		WM. MERRITT, ET AL	01/16/1940

	+-----+-----+-----+-----+-----+-----+	-Comments-	+-----+-----+-----+-----+-----+-----+
Date: 05/19/1998	User Id:	KCHRISTE	Subject: COPIED FROM REMARKS

PAGE 16 FOR A 3/7 PORTION OF UP 71-0006/0			

P/U IS H.E.S. 109.
 ****THE ORIGINAL CLAIM A71-00040B 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
 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 0.84 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.
 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE
 PART E TO HILL FOR 1.04 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION

 REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS.
 OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO
 PART E TO HILL FOR 1.08 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 19
QUICKLOOK INFORMATION

09:49:57
05/15/98
38
CLAIM NUMBER: A71-00040E

MR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			9-14-93 Kkc	N	1,2,5,6	KKC 3-27-93	KKC 5-19-98	
POINT OF DIV			"	Y	"	"	1	
SOURCE			"	N	"	"		
PLACE OF USE	Y		"	Y	11	3-30-98 Kkc		
DIV. AMOUNT CFS/VOLUME	Y		"	N	1,5,6	"		
CONSUMPTIVE USE	-		9-19-98	-				
PURPOSES OF USE			"	N N	6	3-27-94 Kkc		
PERIOD OF USE	Y		"	Y	6	"		
BASIS OF CLAIM	Y		"	N	6	"		
REMARKS	Y		"	Y	6	5-19-98		

BARCODE UPDATED
WHOM/DATE

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

COPY INCLUDED
IN FILE?

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

☒ ORTHOPHOTOQUAD

DATE OF PHOTO

11 971

IDMR ID NO. 4-68

Y() N()

☐ TOPOGRAPHIC

DATE FIELD CHECKED

IDMR ID NO.

Y() N()

☐ NAPP

DATE OF PHOTO

IDMR ID NO.

Y() N()

☐ ASCS AERIAL PHOTO

DATE OF PHOTO

IDMR ID NO.

Y() N()

☐ ASCS COLOR SLIDE

DATE OF PHOTO

IDMR ID NO.

Y() N()

☐ BLM OR USFS AERIAL PHOTO

DATE OF PHOTO

IDMR ID NO.

Y() N()

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

IDMR ID NO.

Y() N()

☒ SCS SOIL SURVEY MAP

DATE ISSUED

IDMR ID NO.

Y() N()

☒ SUBDIVISION PLAT MAP

DATE OF MAP

IDMR ID NO.

Y() N()

☒ OTHER Coa field note map

DATE

IDMR ID NO.

Y() N()

☒ OTHER GIS (see 000395)

DATE

IDMR ID NO.

Y() N()

☐ OTHER

DATE

IDMR ID NO.

Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM

DATE OF FIELD EXAM

IDMR ID NO.

Y() N()

☐ WATER RIGHT LICENSE

DATE LICENSE SIGNED

IDMR ID NO.

Y() N()

☐ IDMR APPROVED TRANSFER

DATE TRANSFER APPROVED

IDMR ID NO.

Y() N()

☒ SYSTEM DESCRIPTION

DATE DRAWN

IDMR ID NO.

Y() N()

☐ PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

IDMR ID NO.

Y() N()

☒ SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

IDMR ID NO.

Y() N()

☒ HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

IDMR ID NO.

Y() N()

☐ CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

IDMR ID NO.

Y() N()

☒ FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

IDMR ID NO.

Y() N()

☒ OTHER

DATE

IDMR ID NO.

Y() N()

☒ OTHER

DATE

IDMR ID NO.

Y() N()

add page follow

INFO Received from ID Dept F&G 10-19-93

See 000390

6-2-97 3 General Valley District

see below 5-8-98 1



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>
USFS MEASUREMENT RECORD	10-19-93	1	Received from ID Dept F&G
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	

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:49:57
05/15/98
20
CLAIM NUMBER: A71-00040E

LAST: HILL
ADDRESS: 2635 HABERSHAM RD NW
CITY: ATLANTA
PHONE NUMBER: 404-351-2307
STATE: GA ZIP: 30305

OWNER CODE: C

LAST: HILL
ADDRESS: 2635 HABERSHAM RD NW
CITY: ATLANTA
PHONE NUMBER: 404-351-2307
STATE: GA ZIP: 30305

OWNER CODE: C

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

OWNER CODE: 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

FIELD EXAMINER
DATABASE Y () N ()

CLAIM REMARKS: GEN

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 1 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 E TO HILL FOR 1.08 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION
PART F TO BERMAN FOR 0.84 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.

CONTACT PERSON: Max 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: # A71-00040E PRIORITY DATE: 05-01-1912 STAGE: D

B. WR RECORD: # 71-00040 PRIORITY DATE: 05-01-1912 STAGE: D

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

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

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

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

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

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES:

*the claimed priority date matches the record date
and the claimed P/U matches the record P/U therefore
I accept the date as claimed.*

RECOMMENDED PRIORITY DATE:

05-01-1912

REVIEWED BY

XKC

DATE

5-19-98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-00040E	11N	12E	4	SW	NW	NE				CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A71-00040A	R71-00040A
A71-00040D	R71-00042A
A71-00040G	
A71-00040H	
A71-00041	
A71-00042A	
A71-00047	

MR RECORDS IN SAME 40 ACRE TRACT

71-00043
71-00045
71-00047

SOURCE: VALLEY CREEK

TRIB: SALMON RIVER

B. MR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
71-00040	11N	12E	4	NW	NE					CUSTER		

OTHER MR RECORDS WITH SAME MR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
71-00043	A71-00040A
71-00045	A71-00040D
71-00047	A71-00042A
	A71-00040G
	A71-00040H
	A71-00041
	A71-00042A
	A71-00047

SOURCE: VALLEY CREEK

TRIB: SALMON RIVER

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

* 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(X)

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

$$N(A(\underline{\quad})) \neq N(\underline{\quad})$$
$$Y(\underline{\quad}) \text{ N}(\underline{\quad})$$
$$Y(\overline{A}) \cap (\text{---})$$
$$Y(\text{---}) \quad N(\text{---})$$
$$Y(\text{---}) \quad N(\text{---})$$
$$Y(\underline{\quad}) \quad N(\underline{\quad})$$

89-11

1

DIVERSION NBR

CUSTOMER

feed in 2017 to horses V C-6

100

1

TRIB: SALMON RIVER

U-60

DATE: 2-1-78

五

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 diu 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/D between Valley Cr & the Cow camp road
the other Channel continues south east along the eastern border
of the Valley to the North end of the northern most P/D 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/D 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 Co 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 photo 677-193 9-9-77 flight 4 ASCS Aerial flight ~~77~~ 8-22-52 # DRF-3-167. Other Photo 7468 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/Reaney 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 ~~the~~ 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 decreed right that has been split for two parcels in HES 577. The irrigated ground west of Valley Cr in HES 422 is irrigated from back Cr. No other ground west of Valley Cr was found to be currently irrigated (this includes HES 273)

A. ROOT WATER RIGHT NUMBERS:

A71-00040A
A71-00040B
A71-00040G
A71-00040H
R71-00040F
R71-00040A
R71-00040B
A71-00040D
A71-00040E
A71-00040F
R71-00040C

B. POUL LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
T1N	12E	11	SW	NE		HILL, PAUL	A71-00040E / 4.8	-			40.0
			SW	NE		US DEPT OF AGRICULTURE	A71-00041 /	71-00041 /			
			SW	NE		GROOM, BRIT	R71-101368 / 1.0	-			
			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	-			
			SW	NE		MAHONEY, J MICHAEL	A71-00039G / 7.7	-			
			SW	NE		PETERS, JAMES R	A71-00039H / 8.6	-			
			SW	NE		BRUBAKER, FRED HAROLD	A71-00040D / 7.9	-			
			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 /	71-00039 /			
			SW	NE		THOMPSON, JOHN H.	71-00040 /	71-00040 /			
			SW	NE		M BAR M INC.	71-00048 /	71-00048 /			
T1N	12E	11	SE	NE		HILL, PAUL	A71-00040E / 18.8	-			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	-			

See Attach.

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	12E	11	SE	NE		PETERS, JAMES R	A71-00039H / 15.1	-	/		
			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	/	/		
			SE	NE		HILL, PAUL	A71-00040E / 5.7	-	/		40.0
			SE	NE		BROWNING, KENT C	R71-00045 / 8.0	71-00045	/		
			SE	NE		BROWNING, KATHRYN M	A71-00045 / 8.0	-	/		
			SE	NE		US DEPT OF AGRICULTURE	A71-00050 /	71-00050	/		
11N	12E	11	SE	NE		HILL, PAUL	R71-10136A / 2.0	-	/		
			SE	NE		MAHONEY JR LIFETIME TRUST II,	A71-00040A / 25.0	-	/		
			SE	NE		HILL, PAUL	A71-00039E / 5.7	-	/		
			SE	NE		PETERS, JAMES R	A71-00039H / 1.3	-	/		
			SE	NE		PETERS, JAMES R	A71-00040H / 1.3	-	/		
			SE	NE		MAHONEY JR LIFETIME TRUST II,	R71-00039A / 25.0	-	/		
			SE	NE		MAHONEY JR LIFETIME TRUST II,	R71-00040A / 25.0	-	/		
			SE	NE		MAHONEY JR LIFETIME TRUST II,	A71-00039A / 25.0	-	/		
			SE	NE		HILL, PAUL	R71-00039E / 5.7	-	/		
			SE	NE		THOMPSON, JOHN H.	71-00039	/	/		
			SE	NE		THOMPSON, JOHN H.	71-00040	/	/		
			SE	NE		THOMPSON, JOHN H.	71-00046	/	/		
			SE	NE		DARRAH, BEN					
			SE	NE							
11N	12E	11	SE	NE		HILL, PAUL	A71-00040E / 2.7	-	/		40.0
			SE	NE		BROWNING, KENT C	R71-00045 / 28.0	71-00045	/		
			SE	NE		BROWNING, KATHRYN M	A71-00045 / 28.0	-	/		
			SE	NE		MAHONEY JR LIFETIME TRUST II,	A71-00047 / 5.0	71-00047	/		
			SE	NE		HILL, PAUL	A71-00039E / 2.7	-	/		
			SE	NE		PETERS, JAMES R	A71-00039H / 0.3	-	/		
			SE	NE		PETERS, JAMES R	A71-00040H / 0.3	-	/		
			SE	NE		MAHONEY JR LIFETIME TRUST II,	R71-00047 / 7.0	-	/		
			SE	NE		HILL, PAUL	R71-00039E / 2.7	-	/		
			SE	NE		THOMPSON, JOHN H.	71-00039	/	/		
			SE	NE		THOMPSON, JOHN H.	71-00040	/	/		
			SE	NE		THOMPSON, JOHN H.	71-00046	/	/		
			SE	NE		DARRAH, BEN	71-00048	/	/		
			SE	NE		M BAR M INC.					

ADDITIONAL POU FOUND

TOTAL ACRES A71-00040E

32.00

155.00

See
Hatched mark.
w/ GIS data.
328

CLAIM NUMBERS A71-00039E
A71-00040E

DATE 5-19-98 *lots 1, 2, & 3*
AGENT KKC

TRANSFER NUMBER _____
HOMESTEAD ENTRY NO. _____
CLAIMED ACRE TOTAL 32
GEOGRAPHIC INFO ACRES 32

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			4.8	18.8									5.7	2.7		
GIS		Shape #		121		4.7	1.1									2.3	2.7		
		Shape #		120		.1	17.7									3.4			
CLAIM		Total				4.8	18.8									5.7	2.7		
GIS																			
CLAIM				Thompson Cr. P/U shape file															
GIS																			
CLAIM				McGowan / Valley Cr. P/U shape file															
GIS																			

B71-DBPOD.SHP
NOS DESCRIPTION
32 Sec 4 NESWNE
Valley Cr P/D for
A71-00040E
34 Sec 2 SWSE
McGowan Cr P/D
for A71-00039E
B71-DBPOU.SHP

The P/U shape file was unioned into two polygons with shape # 120 being irrigated with water from 3 sources; Valley Cr, McGowan Cr & Thompson Cr
Shape # 121 is irrigated from Valley Cr & McGowan Cr.

SHAPE NOS
120 Thompson Cr / o/r
121 Valley / McGowan Cr

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 superceeds 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

May 13, 1998 *KKC*

**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.

POU COUNTY: CUSTER

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

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

Y () N (X)

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
A71-00040E	VALLEY CREEK	HILL, PAUL	1.080	0.033		
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					
A71-00039E	MC GOWAN CREEK	HILL, PAUL	0.360	0.011		
	HANNA CREEK					
R71-00039E	MC GOWAN CREEK	HILL, PAUL	0.360	0.011		
A71-00039G	MC GOWAN CREEK	MAHONEY, J MICHAEL	0.140	0.010		
	HANNA CREEK					
A71-00039H	MC GOWAN CREEK	PETERS, JAMES R	0.140	0.003		
	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		
A71-00040D	VALLEY CREEK	BRUBAKER, FRED HAROLD	0.480	0.032		
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		
A71-00045	VALLEY CREEK	BROWNING, KATHRYN M	3.000	0.023		
R71-00045	VALLEY CREEK	BROWNING, KENT C	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		
A71-10136A	THOMPSON CREEK	HILL, PAUL	0.350	0.019		
R71-10136A	THOMPSON CREEK	HILL, PAUL	0.360	0.018		
A71-10136B	THOMPSON CREEK	MAHONEY, J MICHAEL	0.050	0.017		
R71-10136B	THOMPSON CREEK	GROOM, BRIT	0.040	0.020		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A71-00039E & A71-10136A

OK

Y (X) N ()

- E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?
N/A() Y(X) 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(X)
- G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?
Y(X) 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(X)

*split based on report
table code of analysis
no hit analysis
after land*



IDAHO DEPARTMENT OF WATER RESOURCES
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KARL J DREHER
DIRECTOR

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

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

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

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

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

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

3-30-98
KKC

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

() NAPP, EDWR NO. _____; (X) ASCS PHOTO; ~~Ø~~ OTHER GIS

NOTES:

TOTAL ACRES: 22 N/A()

REVIEWED BY: KRC DATE: 5-17-70

[illegible]

A. AJ CLAIMED USES:

PURPOSE OF USE PERIOD OF USE (MONTH/DAY)
A71-00040E IRRIGATION FROM ~~5-01~~ 5-1 TO ~~4-01~~ 9-30

TOTAL DIVERSION RATE/VOLUME

1.080 CFS
1.080 CFS

B. WR RECORDED USES:

PURPOSE OF USE PERIOD OF USE (MONTH/DAY)

DIV. RATE FOR EACH USE

DIV. VOL. FOR EACH USE

71-00040 IRRIGATION

FROM TO

3.600 CFS

TOTAL DIVERSION RATE/VOLUME

3.600 CFS

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

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

* 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?

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

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

* 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?

* 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?

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

* 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?

*irrigation season
not allowed, go with
current Dept Standard.*

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

Y(X) N()
Y() N(X)
Y(X) N()

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

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

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

*see letterhead
Reevaluation of
from Li. Sublet
6/3/96*

NOTES:

See Attached Revised Hubble Analysis
and Basis of Recommendation Attachments.

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

Fov

CLAIM NUMBERS based/split From: A71-00039B

DATE: May 8, 1998

A71-00040B A31-10136

REVIEWED BY SKC

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

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

INFORMATION SUPPLIED VIA A PHONE CONVERSATION WITH PHYLLIS
ROSE (ID DEPT FISH AND GAME) ON 10-19-93.

VALLEY CREEK DIVERSION MEASUREMENTS FOR FISH SCREEN OPERATION

VC1 <i>old location</i> (SILVA DITCH)	06-29-93	4.30 CFS
	07-27-93	3.80 CFS
	09-01-93	6.40 CFS
	08-01-59	8.30 CFS
VC2	06-29-93	1.10 CFS
	07-27-93	0.80 CFS
	09-01-93	0.60 CFS
	08-25-59	5.70 CFS
	58 or 59	8.50 CFS
VC3 <i>mahoney</i>	06-29-93	5.50 CFS
	07-27-93	3.80 CFS
	09-01-93	1.60 CFS
	08-01-59	5.20 CFS
VC4 <i>Sec 11 SESESE</i>	1992	NO DIVERSION FOUND
	1993	NO DIVERSION FOUND
	1959	4.40 CFS

VC5 *abandoned*

VC6 *Sec 4 NESW NE*

07-28-93	3.10 CFS
09-01-93	2.20 CFS
1959	35.0 CFS

ditch not at capacity

" " " "

VALLEY CR COMMUNITY DITCH

16.0 CFS (questionable measurement)

ELK CREEK DIVERSION MEASUREMENTS FOR FISH SCREEN OPERATION

EC1	06-29-93	2.10 CFS
	07-27-93	3.30 CFS
	1959	8.70 CFS
EC2	06-29-93	2.30 CFS
	07-27-93	1.20 CFS
	1959	0.70 CFS

AJ CLAIM TOTAL DIVERSION RATE: 1.080 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.600 CFS

AO split

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

N/A () *YES* N ()
N/A () Y () N ()

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

* 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 See ID Dept Fish & Game FLOW MEASUREMENT

measured at hatch and dated 10-19-93, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1b. CALCULATIONS

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

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

See a Hatch

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 ()

NOTES:

MR RECORD CONDITIONS/REMARKS:

MR RECORD CONDITIONS/REMARKS:

NO overlap limitations required as
claimed rates are less than others for
calc..

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
	FROM	TO		EXAMINER	EXAMINER	
IRRIGATION	04-01	11-01	1.080	1.08		0.0
222	5-1	9-30				
TOTAL FOR THIS RIGHT			1.080	1.08		0.0

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: KKC

DATE: 5-19-98

FLAG: D

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

501 Strong C. Sul 1, 2, 3
EXP F06 - P/D's 71-00040A, 400, 40E, 40G & 40H.

GEN 592 - part of HES-109

EXPLANATORY CONDITIONS (CODE):

P01 E14 32A 39E, 40E
E14 18.2A " 10/36A

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FOREFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED

NEEDS
REVIEW

() ()
() ()
() ()

*see split
free*

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00040

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.600

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-00040	A71-00040A	1.200	R71-00040A	1.200	71-00040	3.600
A71-00040C	A71-00040D	0.480	-	-	-	-
-	A71-00040E	1.080	-	-	-	-
-	A71-00040G	0.410	-	-	-	-
-	A71-00040H	0.430	-	-	-	-

TOTAL CFS

3.600

1.200

3.600

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

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

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

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

AUTHENTICATION: DATE: 5-19-98

SIGNATURE: Kelly K. Christensen

EXAMINER: KELLY K CHRISTENSEN

SR WATER RESOURCE AGENT

DATE: _____

TITLE: _____

FIELD NOTES
EXAM DATE 9-14-93
KRC

McGowan

Pi London

5000
Pens. 1000

McGowan

CLAIM INIT
T. R. S. 2/2
P/D
PHOTO 45DA-E 677-193
DT. EID. 9-19-77 EB&H