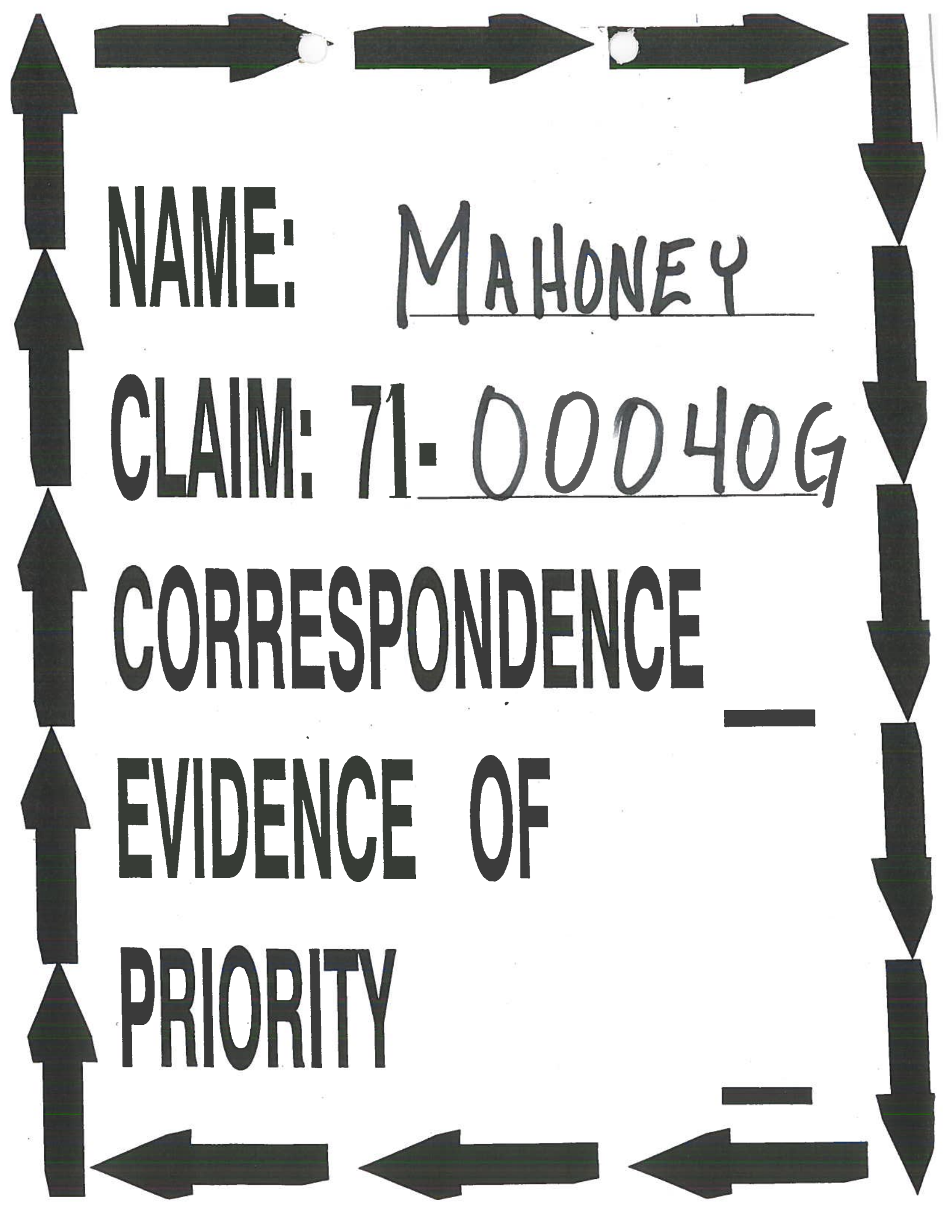




NAME: MAHONEY

CLAIM: 71-00040G

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: A71-00040G
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: J MICHAEL MAHONEY 415-925-1549
Address: 77 MURRY AVE
LARKSPUR CA 94939-1003

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 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	0.410		

7. Total Quantity Appropriated is:
0.410 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	1.2
			SW	NE		IRR	7.7
			SE	NE		IRR	4.1

Section Acres 13.0

10. Place of Use: Continued

Total Acres 13.0

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:
A71-00039G & A71-10136B

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 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF
1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE
SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED.

PART E TO HILL FOR 1.04 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)

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

AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO
REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS.
THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE
OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO
MODIFIED TO REFLECT THE PLACE OF USE CHANGE KKC 3-27-98

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

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

OWNERSHIP CHANGE AND SPLIT RIGHT DATA ENTERED 3-30-98 BY KKC.

PART F WAS SPLIT INTO PARTS G AND H BASED UPON THE GIS PLACE OF
USE CALCULATIONS AND PROPORTIONATE RATE PER ACRE CALCULATIONS.

PART G REFLECTS THE IRRIGATED GROUND ONLY, IN THE PLACE OF USE.

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

PART G TO MANONEY FOR .41 CFS (FOR LOT 4 OF THE SUBDIVISION)

PART H TO PETERS FOR .43 CFS (FOR LOT 5 OF THE SUBDIVISION)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/16/1940



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

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

OCT 30 1996

DATE OF CLOSING: 9/20/96

LEGAL DESCRIPTION OF PROPERTY: Township 11 North Range 12 East

Idaho Department of Water Resources
Southern Region

Section 11, 1/4 of 1/4 of 1/4 Govt. Lot , BM.

Lot , Block , Subdivision/Townsite .

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

Thompson Creek Ranch Subdivision, Lot 4

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

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

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

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

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

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

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

Resources dated April 12, 1995.

[] Attach proof of ownership, describe proof attached:

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

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

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

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

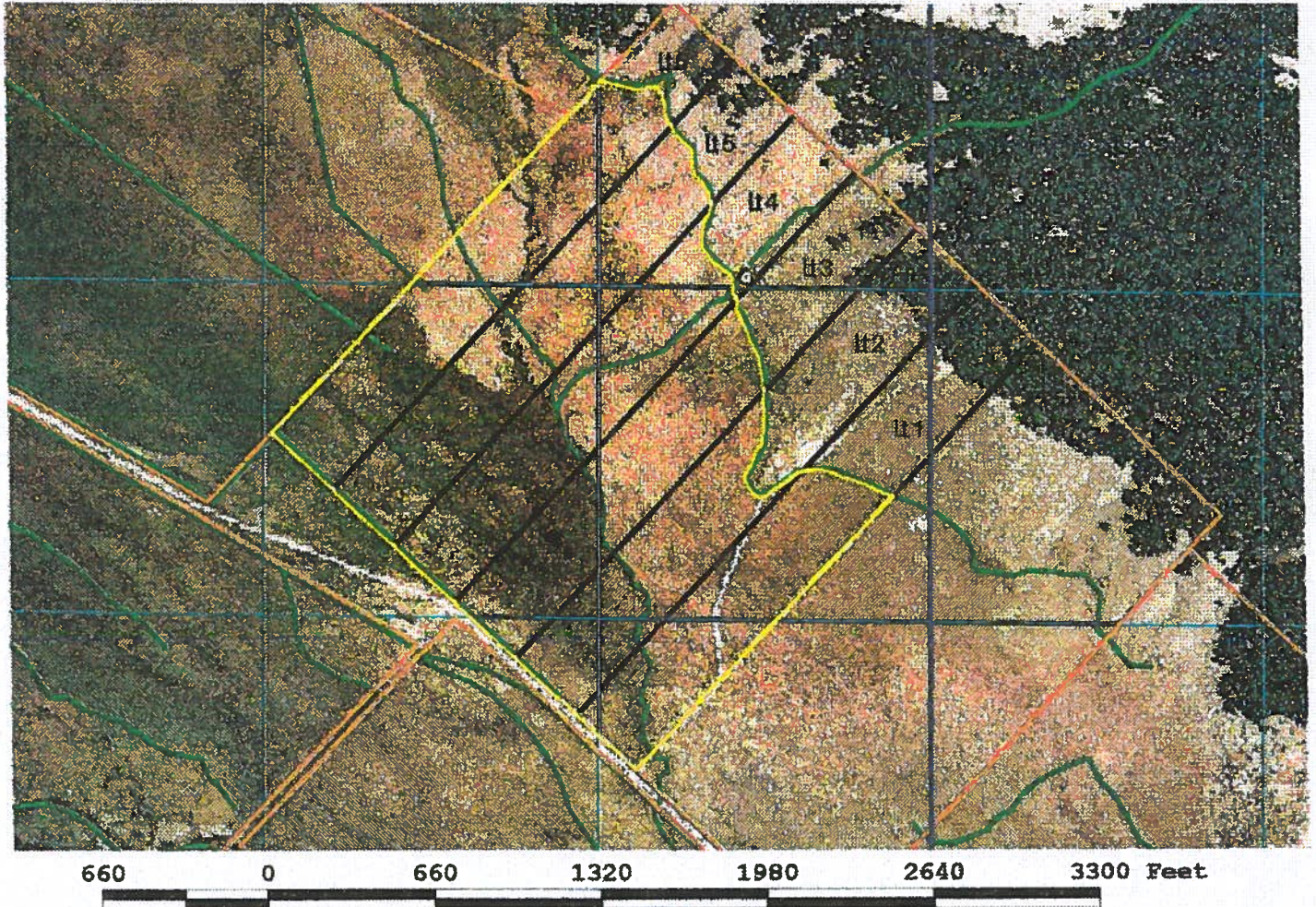
Date: By:

Claim Numbers of Split, if any:

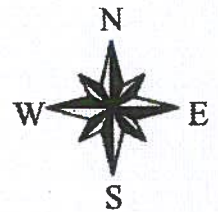
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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

APR 21 1998

Department of Water Resources
Southern Region

Kelly K Christensen
Sr. Water Resource Agent
State of Idaho
Department of Water Resources

April 18, 1998

Dear Mr. Christensen,

Thanks so much for your rapid response to my letter and its questions, which you have answered perfectly. It is certainly nice to know that you and your staff are so efficient and knowledgeable and I will certainly contact you again in the future if any more questions (dumb or not!) occur to me. As you say, it is better to ask questions now than find out answers later that one might find disagreeable, as in the case of the Snake River Basin Adjudication procedure. That was an excellent example, to say the least.

Thanks again very much for your time and patience and I hope you will have a fine spring and summer.

Very best wishes,

Michael Mahoney

J. Michael Mahoney
77 Murray Ave
Larkspur, CA 94939-1003



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

April 14, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

J MICHAEL MAHONEY
77 MURRAY AVE
LARKSPUR CA 94939-1003

RE: RESPONSE TO QUESTIONS

Dear Mr Mahoney

The answers I am providing are answers that apply to water use in Idaho in general and I have tried to anticipate what your potential uses might be.

QUESTION 1. Can you share Thompson Creek water to do small irrigating around the house?

ANSWER 1. The quick answer is no. That would basically be adding acres irrigated to the place of use and Idaho Code does not support expanding a water right. You do have the option of filing a transfer to 'dry up' an equivalent irrigated acreage and moving that to the home site. However, you may have problems accomplishing that based upon what I read in the warranty deeds concerning the subdivision and the common irrigation place of use.

QUESTION 2. Well water to provide water for the living quarters.

ANSWER 2. Groundwater is generally considered a separate source and therefore its development would be an independent right.

A portion of Idaho code defining domestic uses (abbreviated).

42-111. Domestic purposes defined. (1) For purposes of sections 42-221, 42-227, 42-230, 42-235, 42-237a, 42-242, 42-243 and 42-1401A, Idaho Code, the phrase "domestic purposes" or "domestic uses" means:

(a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or

(b) ((for small commercial uses. ((omitted))))

April 14, 1998
MAHONEY
PAGE 2

(2) For purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

(3) ((Multiple domestics use ((omitted))))

Answer 2. (continued) For irrigation greater than $\frac{1}{2}$ acre at this time you may apply and upon approval, develop a groundwater source for the irrigation of that ground. (it can be tied in with a domestic use)

As far as dumb questions goes, as rapidly as things are changing concerning water rights and moratoriums and such, I don't believe that I have all the answers right now. So, if you have more questions, please call this office and we will be happy to assist you. I'd much rather see people ask questions to 'know' what to do than just stumble along and later find out what will happen. The end result is basically the Snake River Basin Adjudication. We are finding their answers now even if they did not ask a question. And some of them do not like the answers.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

Kelly K. Christensen
Sr. Water Resource Agent
State of Idaho
Department of Water Resources

April 5, 1998

APR 13 1998

Department of Water Resources
Southern Region

Dear Mr. Christensen:

Thank you so much for your letter and the information contained therein concerning the water rights on the Thompson Creek Ranch Subdivision near Stanley, Idaho.

It is obvious that you have done a tremendous amount of very complicated work on this project and it is greatly appreciated. At the moment I do not have any questions about it but if in the future I do I will certainly contact you in that regard.

On second thought, I do have one question and that is would it be possible to use my share of the Thompson Creek water to do some small irrigating projects near the living quarters if I ever build a house on my lot? Thompson Creek actually runs, I believe, mostly in the spring and then pretty much dries up as the summer goes along. So there might not be enough water there to do anything with. I imagine well water would provide water for the living quarters area. Does that also come under the water allotted from the three sources for this lot. (I guess I had more questions than I thought!)

These are probably pretty dumb questions to which I should already know the answer, but since I don't any information you could give me in this regard would of course be greatly appreciated.

Thank you again for all the incredible amount of work you have done to sort through and straighten out all these claims. It is most impressive!

Very best regards,

Mike Mahoney
J. Michael Mahoney

77 Murray Ave
Larkspur, CA 94939-1003



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

J MICHAEL MAHONEY
77 MURRY AVE
LARKSPUR CA 94939-1003

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

Dear Mr Mahoney

I have enclosed documents that cover the history of the original adjudication claims filed by Mr Berman, as modified through the GIS process, for all ownership changes including your purchase of lot 4 of the Thompson Creek Subdivision. Normally, I do not provide a history of ownership changes prior to the current change, but as most all claims have been modified and I have to notify other owners as well, I created a packet to allow each individual to review those changes to see the effect on their portion of the original claims.

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

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

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

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

March 31, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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



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: **A71-00040F**
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

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	0.840		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	NE	NE		IRR	15.9
			SW	NE		IRR	16.3
			SE	NE		IRR	19.2
			NE	SE		IRR	1.3
			NW	SE		IRR	0.3

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	53.0
		12	SW	NW	IRR	3.0
					Section Acres	3.0
					Total Acres	56.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A71-00039F & A71-10136B

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 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED.
PART E TO HILL FOR 1.04 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)
PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).

AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS. THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO MODIFIED TO REFLECT THE PLACE OF USE CHANGE KKC 3-27-98

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

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

PART G TO MAHONEY FOR 0.41 CFS (FOR LOT 4 OF THE SUBDIVISION.)

14. Remarks: Continued

PART H TO PETERS FOR 0.43 CFS (FOR LOT 5 OF THE SUBDIVISION.)

15. Basis of Claim:



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

**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.

SPLIT TREE FOR:

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

BERMAN

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

MAHONEY

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

OWNERSHIP CHANGE

BERMAN

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

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

LOT 1

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

LOT 4

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

LOT 2

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

LOT 5

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

LOT 3

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

BRUBAKER

LOT 6

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

OWNERSHIP CHANGE

HILL

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

BERMAN

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

LOT 1

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

LOT 4

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

LOT 2

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

LOT 5

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

LOT 3

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

OWNERSHIP CHANGE

MAHONEY

LOT 4

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

PETERS

LOT 5

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

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

Post-it [®] Fax Note 7671		Date 4/11/95	# of pages 1
To Kelly Christensen	From Noel Sutton		
Co./Dept.	Co. McGowan District Forest		
Phone #	Phone # 774-2355		
Fax # 736-3037	Fax # 774-3542		

RECEIVED

APR 11 1995

Department of Water Resources
Southern Region

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

THOMPSON CREEK

VALLEY/McGOWAN/HANNAH
CREEKS

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

TOTAL C.F.S. -

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

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent Kelly K Christensen

DATE

CUSTOMER

September 13, 1996 11:37am

JIM SPECK

SUBJECT: CHANGE OF OWNERSHIP FOR DAN BERMAN, A71-00039F AND
A71-00040F
phone call (X) walk-in (.)

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



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.

*Supervised
3-30-98
KKC*

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

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

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

2. Date of Priority: 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	0.890		

7. Total Quantity Appropriated is:
0.890 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	18.0
			SE	NE		IRR	19.0
			NE	SE		IRR	1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	54.0
		12	SW	NW	IRR	3.0
					Section Acres	3.0
					Total Acres	57.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A71-00039F & A71-10136B

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 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED.

PART E TO HILL FOR 1.04 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)

PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 & 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

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
KHC*

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

**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

*Imprceded
8-30-98
KKC*

*Created
Dec 14, 1994*

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 the Quarter/Quarters (q/q) irrigated by source and further broken down within each q/q by the applicable subdivision lot.

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

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

A71-00040F

A71-~~000~~10136B

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

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

Supervised
3-30-98
LHC

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-							.045									5	.5			10
LOT 2								.565									1	2			10
LOT 3								38										.5			11.5
TOTAL								3.519									6	3			31.5

A71-10136A

	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
3-30-98

MAY 19 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 7/7/95
- (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



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.

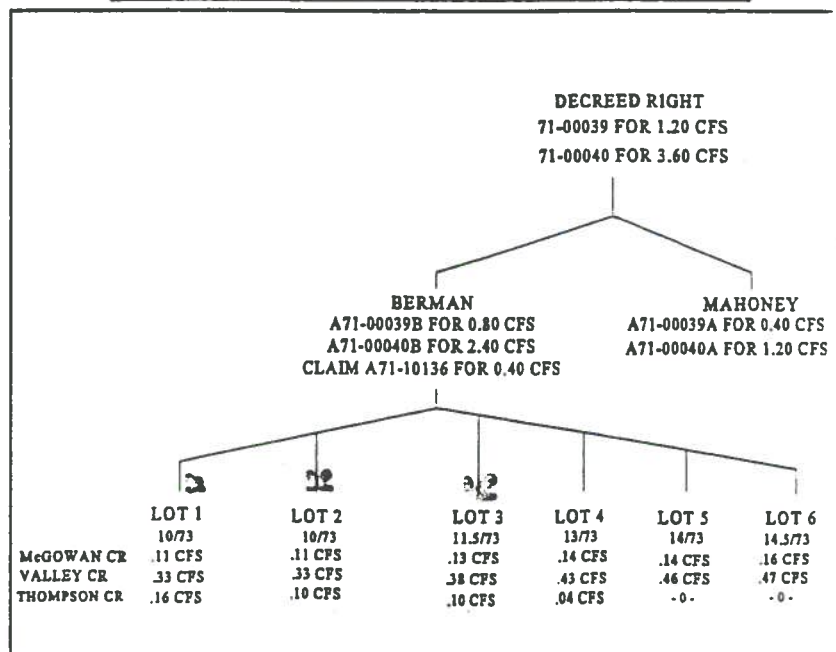
If you have any additional questions please give me a call.

Sincerely

Kelly K.

Kelly K Christensen
Sr Water Resource Agent

THOMPSON CR. RANCH SUBDIVISION POTENTIAL SPLITS OF HES-109



*Supervised
3-30-90*

Fd. B.C.
Cor. No. 6 HES 109

2.1
11.12

A Plat Showing

THOMPSON CREEK RANCH SUBDIVISION

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

July, 1992

SCALE 1"=200'

True Point of Beginning

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

Legend

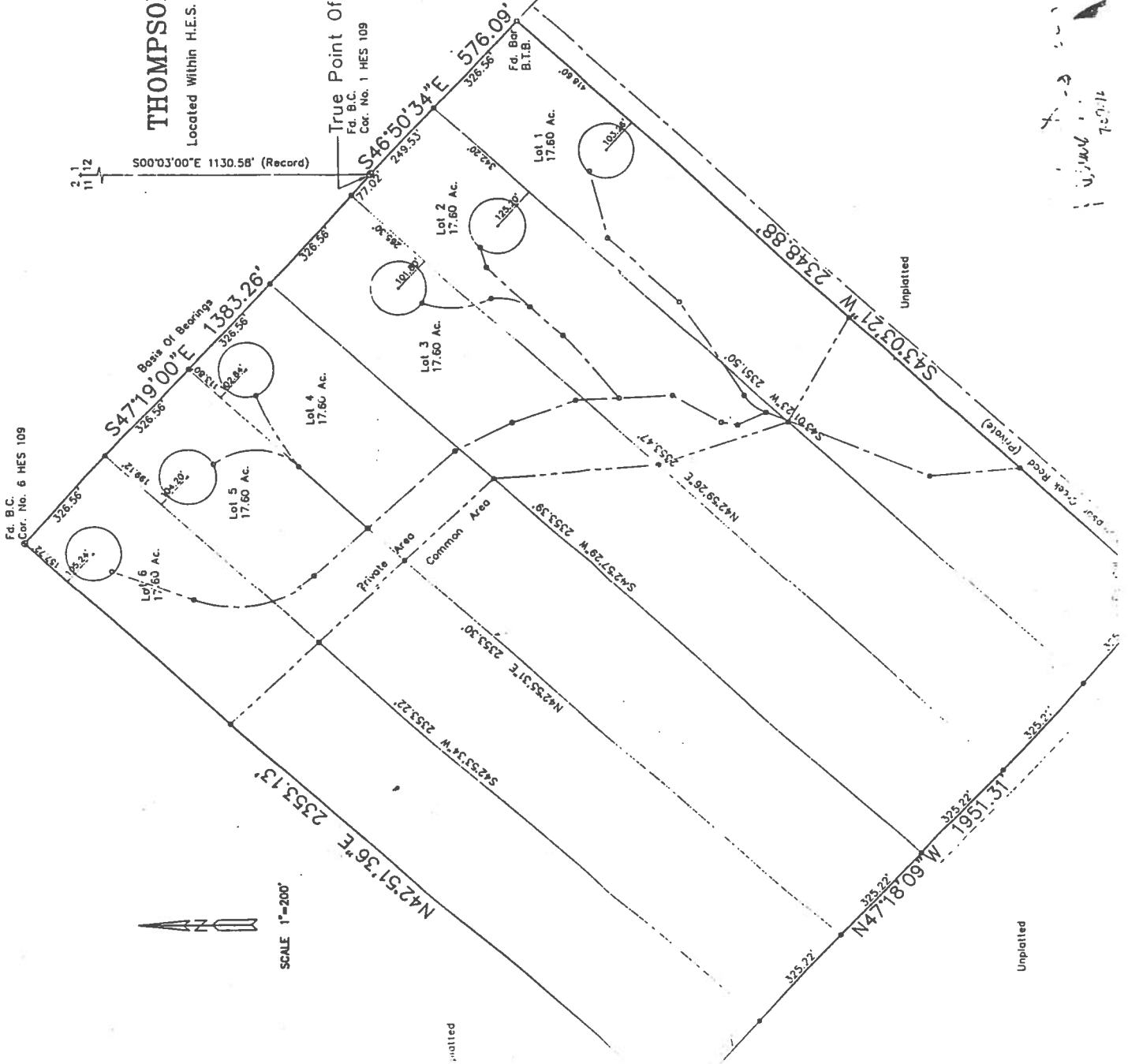
- Set 1/2" Bar capped LS 3621
- Found 5/8" Bar by B.T. Butler
- Found Brass Cap by GLO
- Found Bar (Alum. Cap)

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 of any lot prior to the sale of the subdivision. No building area envelope will be located 25 feet to any lot line.
- 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 be unreasonably withheld.
- All roads within this subdivision are private streets. Construction and snow removal with respect to the roads within this subdivision shall be the obligation of each lot owner or homeowners association. Custer County is in no way obligated to accept, maintain or improve these roads.
- The developer may establish easements, covenants, restrictive rules and regulations regarding the rights of lot owners within the common and private areas as well as other matters to the benefit. Reference should be made to such easements, covenants, rules and regulations.



Unplatted

7/23/92

Water Right Number - R71-00040F

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

+ - - - - 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 0.840

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.840 0.0

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

Total Acres: 56.0

Water right number - R71-00040F

Prefix Translation: RESEARCH

- - - Diversion Means - ROCK DIVERSIONS, COLLECTION DITCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - A71-00039F & A71-101368

- - - Remarks -

GEN SEE NOS 71-00040G AND 71-00040H.

- - - Old Water Right Numbers -

7100040
A7100040C

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

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

- - - Date: 04/01/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS
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 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF
SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE 1 CREATED.

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

AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO
THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE

MODIFIED TO REFLECT THE PLACE OF USE CHANGE KKC 3-27-98

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

OWNERSHIP CHANGE AND SPLIT RIGHT DATA ENTERED ON 3-30-98 BY KKC.

USE CALCULATIONS AND PROPORTIONATE RATE PER ACRE CALCULATIONS.

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

PART G TO MAHONEY FOR 0.41 CFS (FOR LOT 4 OF THE SUBDIVISION.)

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

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/11/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	- D
				Notice of Error Flag	-

CLAIM _____ INIT _____
T. R. S. 2/Q
P/D _____
PHOTO USDA-F 677-193
DT.&ID.9-19-77 EB945

T. R. S. Q/Q

P/D

PHOTO
USDA-F 677-193

DT. & ID. 9-19-77 Eligible

July 22, 1998

71-00040G KC
**NOTICE OF ERROR
REPLY**

RECEIVED
JUL 31 1998
Department of Water Resources

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: August 14, 1998

Water right number: 71-00040G

J MICHAEL MAHONEY
77 MURRY AVE
LARKSPUR CA 94939-1003

RECEIVED
AUG 05 1998
Department of Water Resources
Southern Region

Daytime Telephone Number: 415-927-2441
Evening Telephone Number:

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

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

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

✓ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 7/27/98 SIGNATURE: J. Mahoney
Please print your name: _____

R PROOF

X

CVR

X

MAPS

See
71-00039G

PHOTOS

See
71-00039D

MISC

X

AJ0743NP
(00-124)

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

05/20/98 15:22:37
Page 1

Water Right Number - R71-00040G

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
MAHONEY J MICHAEL
1 - 77 MURRY AVE
2 -
3 -
City- LARKSPUR
Phone - 415-925-1549
State- CA Zip- 949391003

VERIFIED BY KKC

*** O - ORIGINAL OWNER ***
BERMAN

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

+ - Priority Date - + 05/01/1912 + - Region - + D - DECREEED + - Status - +
+ - Source - + VALLEY CREEK + - Tributary - + SALMON RIVER +

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

+ - Code - + Description - + Period From - + Water Use - + Diversion Rate - + Diversion Volume - +
01 - IRRIGATION 05/01 09/30 0.410

+ - Total Div. Rate - + 0.410 + - Total Div. Volume - + + - Total Consumptive Use - + 0.0 + - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11N	12E	11	NE NE		1.2	01	IRRIGATION	(37) CUSTER
11N	12E	11	SW NE		7.7	01	IRRIGATION	(37) CUSTER
11N	12E	11	SE NE		4.1	01	IRRIGATION	(37) CUSTER
					Total Acres:	13.0		

+ - Diversion Means - ROCK DIVERSIONS, COLLECTION DITCH
+ - Non-Irrigation Use -
+ - Other Rights for Same Use - 71-00039G & 71-10136B
+ - Remarks -

POU1 THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A

Water right number - R71-00040G

Prefix Translation: RESEARCH

+ - - - - - Remarks - - - - - +

COMBINED TOTAL OF 13 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039G & 71-00040G.
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 2.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039G, 71-00040G, & 71-101368.

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

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 71-00040A, 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 LOT 4.

+ - - - - - Old Water Right Numbers - - - - - +

7100040
A7100040F

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

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

+ - - - - - Comments - - - - - +

Date: 05/20/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS
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. KCC 5-8-95
CLAIM SPLIT ON 7-26-1996 BY KCC. 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 & 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 KCC 3-27-98
PART F TO BERMAN FOR 0.84 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).
OWNERSHIP CHANGE AND SPLIT RIGHT DATA ENTERED 3-30-98 BY KCC.
USE CALCULATIONS AND PROPORTIONATE RATE PER ACRE CALCULATIONS.
PART H PLACE OF USE CONTAINS BOTH IRRIGATED GROUND AND NON
PART G TO MANONEY FOR .41 CFS (FOR LOT 4 OF THE SUBDIVISION)
PART E TO HILL FOR 1.08 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)

PART F WAS SPLIT INTO PARTS G AND H BASED UPON THE GIS PLACE OF
PART G REFLECTS THE IRRIGATED GROUND ONLY, IN THE PLACE OF USE.
IRRIGATED GROUND
PART H TO PETERS FOR .43 CFS (FOR LOT 5 OF THE SUBDIVISION)

+ - - - - - Audit fields - - - +
05/20/98 KCHRISTE

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/14/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:22:18
05/18/98

PAGE: 19
QUICKLOOK INFORMATION

40
CLAIM NUMBER: A71-00040G

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			9-14-93 K K C	N	1256	K K C 3-27-94	K K C 5-20-98	
POINT OF DIV			"	Y	"	"		
SOURCE			"	N	"	"		
PLACE OF USE	Y		"	Y	"	3-30-98 "		
DIV. AMOUNT CFS/VOLUME	Y		"	N	1,5,6	"		
CONSUMPTIVE USE	-		-	-	-	-		
PURPOSES OF USE			5-20-98	N	6	5-20-98 K K C		
PERIOD OF USE	Y		"	Y	6	"		
BASIS OF CLAIM	Y		"	N	6	"		
REMARKS	Y		"	Y	6	"		

BARCODE UPDATED
WHOM/DATE

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1971</u> IDWR ID NO. <u>4-68</u>	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
☐ NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
☒ SCS SOIL SURVEY MAP	DATE ISSUED <u>245-110</u>	Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
☒ OTHER <u>Casa Field note map</u>	DATE <u>USDA-F 173-11 8-28-92</u>	Y() N()
☒ OTHER <u>GIS</u>	DATE <u>1992 USFS</u>	Y() N()
☐ OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
☒ SYSTEM DESCRIPTION	DATE ~~DRAWN~~ <u>6-2-91</u>	<u>3</u>	<u>general Valley overview</u>
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
☒ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED <u>Revised 5-8-98 (1pg)</u>		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>9-21-93</u>	<u>2</u>	
☐ OTHER <u>See Attached sheet</u>	DATE _____		
☐ OTHER _____	DATE _____		



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

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:22:18
05/18/98

PAGE: 1
GENERAL INFORMATION

22
CLAIM NUMBER: A71-00040G

LAST: MAHONEY FIRST: J MICHAEL
ADDRESS: 77 MURRY AVE
CITY: LARKSPUR STATE: CA ZIP: 949391003
PHONE NUMBER: 415-925-1549

OWNER CODE: C

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

OWNER CODE: O

FIELD EXAM REQUIRED? FIELD
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE EXAMINER
Y 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 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF
1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE
SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED.
PART E TO HILL FOR 1.04 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)
PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).

AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO
REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS.
THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE
OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO
MODIFIED TO REFLECT THE PLACE OF USE CHANGE KKC 3-27-98
PART E TO HILL FOR 1.08 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION)
PART F TO BERMAN FOR 0.84 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).

OWNERSHIP CHANGE AND SPLIT RIGHT DATA ENTERED 3-30-98 BY KKC.
PART F WAS SPLIT INTO PARTS G AND H BASED UPON THE GIS PLACE OF
USE CALCULATIONS AND PROPORTIONATE RATE PER ACRE CALCULATIONS.
PART G REFLECTS THE IRRIGATED GROUND ONLY, IN THE PLACE OF USE.
PART H PLACE OF USE CONTAINS BOTH IRRIGATED GROUND AND NON
IRRIGATED GROUND
PART G TO MANONEY FOR .41 CFS (FOR LOT 4 OF THE SUBDIVISION)

CLAIM REMARKS (CONT'D):

PART H TO PETERS FOR .43 CFS (FOR LOT 5 OF THE SUBDIVISION)

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Noel Howard

PHONE NUMBER: () -

DATE OF FIELD EXAM: 9/14/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: no one in field

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: -

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-00040G 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? Y(☒) N(☐)

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

N/A(☐) Y(☐) N(☐)

FIELD EXAM COMPLETED

N/A(☐) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE

N/A(☐) Y(☐) N(☐)

LICENSE ISSUED

N/A(☐) Y(☐) N(☐)

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

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

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

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☐) N(☐)

NOTES: the claimed priority date matches the decreed priority
date & is claimed for the decreed P/r

therefore I accept that date as claimed

RECOMMENDED PRIORITY DATE:

05-01-1912

REVIEWED BY KKC

DATE 5-20-98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-00040G	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
A71-00040E	
A71-00040H	
A71-00041	
A71-00042A	
A71-00047	

WR RECORDS IN SAME 40 ACRE TRACT

71-00043
71-00045
71-00047

SOURCE: VALLEY CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

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

OTHER WR RECORDS WITH SAME WR POD

71-00043
71-00045
71-00047

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A71-00040A	R71-00040A
A71-00040D	R71-00042A
A71-00040E	
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(☒)

* 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.

Flag C
CØ3

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A(☒) Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y(☒) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N()

AJ FIELD EXAM

(DATE OF FIELD EXAM

9-14-93

NAME OF EXAMINER

KKC

Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: I found the P/D in the NE SW NE. Apparently the Forest Service reconstructed the diversion structure downstream from the original location. The date of the move is unknown. Legal description verified thru field exam and on the photo U. 68

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY CUSTER	DIVERSION NAME	DIVERSION NBR
11N	12E	4	~~SW~~	~~NW~~	NE					
			NE	SW					(Tied in with USFS fish screen UC-6)	

SOURCE: VALLEY CREEK OK

TRIB: SALMON RIVER OK

REVIEWED BY:

KKC

DATE:

5-20-98

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

dated
5-13-98

FIELD EXAM ATTACHMENT

DATE: 6-2-94PAGE: 1/3AGENT: KKC

FILES: _____

ATTACHMENT SUBJECT: P/D SYSTEM FOR 11N 12E Sec 4 NE SW NE *F 06:: 71-00040A, 71-00040B, 71-00042A, 71-00042B, 71-00045,
71-00047, & 71-00050. Related Fish Screen VC-6.The Forest Service reconstructed the di structure at a location
other than decreed. Date of change unknown at this time.The ditch leaves the P/D and runs south east along the eastern
border of the Valley. The ditch intercepts Hanna Creek in
11N, 12E Sec 3 NW NE SW with the first major control structure
at this point. The water can be split with one channel roughly
using the old Hanna's 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 C & the Cow camp road.
The other Channel continues southeast along the eastern border
of the Valley to the North end of the northern most P/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 a ditch to be re-spread. Although this could be considered waste-water no one has claimed it as such. There are also swampy areas that may or may not be created by the Valley Cr, Hanna Cr, and/or McGowan Cr diversions. This interrelationship runs from HES 271 (the eastern $\frac{1}{2}$) thru HES 270, thru HES 109, thru HES 133, thru HES 421, and HES 319. All east of the Cow camp road. Water flows in general east & south from the cow camp road to the center of the irrigated meadows and south & east from the ditch system that forms the eastern boundary of the irrigated ground. This pattern is clearly visible on USDA-F 173-13, 173-11 & others of the 8-28-72 flight similar USDA-F aerial photos 677-193 9-9-77 flight ASCS Aerial flight ~~77~~ 8-22-52 # DRF-3-167. On the Photo U68 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/Seawdy 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 NW 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 deeded right that has been split for two parcels in HES 577. The irrigated ground west of Valley Cr in HES 422 is irrigated from 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
R71-00040D

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	12E	11	NE	NE		MAHONEY, J MICHAEL	A71-00040G / 1.2	- /	33.0		
			NE	NE		US DEPT OF AGRICULTURE	A71-10202 /	- /			
			NE	NE		BRUBAKER, FRED HAROLD	R71-00040D / 2.1	- /			
			NE	NE		US DEPT OF AGRICULTURE	71-10202 /	- /			
			NE	NE		BRUBAKER, FRED HAROLD	A71-00039D / 2.1	- /			
			NE	NE		MAHONEY, J MICHAEL	A71-00039G / 1.2	- /			
			NE	NE		PETERS, JAMES R	A71-00039H / 14.7	- /			
			NE	NE		BRUBAKER, FRED HAROLD	A71-00040D / 2.1	- /			
			NE	NE		PETERS, JAMES R	A71-00040H / 14.7	- /			
			NE	NE		HILL, PAUL	A71-10136A / 7.0	- /			
			NE	NE		MAHONEY, J MICHAEL	A71-10136B / 1.0	- /			
			NE	NE		US DEPT OF AGRICULTURE	F71-10202 /	- /			
			NE	NE		THOMPSON, JOHN H.		71-00039 /			
			NE	NE		THOMPSON, JOHN H.		71-00040 /			
11N	12E	11	SW	NE		MAHONEY, J MICHAEL	A71-00040G / 7.7	- /	40.0		
			SW	NE		US DEPT OF AGRICULTURE	A71-00041 /	71-00041 /			
			SW	NE		GROOM, BRIT	R71-10136B / 1.0	- /			
			SW	NE		BRUBAKER, FRED HAROLD	R71-00040D / 7.9	- /			
			SW	NE		MAHONEY JR LIFETIME TRUST II,	A71-00047 / 3.0	71-00047 /			
			SW	NE		BRUBAKER, FRED HAROLD	A71-00039D / 7.9	- /			
			SW	NE		HILL, PAUL	A71-00039E / 4.8	- /			

See attachment
(GIS table)

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	NE		MAHONEY, J MICHAEL	A71-00039G / 7.7	- /			
			SW	NE		PETERS, JAMES R	A71-00039H / 8.6	- /			
			SW	NE		BRUBAKER, FRED HAROLD	A71-00040D / 7.9	- /			
			SW	NE		HILL, PAUL	A71-00040E / 4.8	- /			
			SW	NE		PETERS, JAMES R	A71-00040H / 8.6	- /			
			SW	NE		MAHONEY JR LIFETIME TRUST II,	R71-00047 / 3.0	- /			
			SW	NE		HILL, PAUL	R71-00039E / 4.8	- /			
			SW	NE		THOMPSON, JOHN H.		71-00039 /			
			SW	NE		THOMPSON, JOHN H.		71-00040 /			
			SW	NE		M BAR M INC.		71-00048 /			
11N	12E	11	SE	NE		MAHONEY, J MICHAEL	A71-00040G / 4.1	- /	35.0		
			SE	NE		HILL, PAUL	R71-10136A / 17.0	- /			
			SE	NE		GROOM, BRIT	R71-10136B / 1.0	- /			
			SE	NE		MAHONEY JR LIFETIME TRUST II,	A71-00039A / 10.0	- /			
			SE	NE		MAHONEY JR LIFETIME TRUST II,	A71-00040A / 10.0	- /			
			SE	NE		HILL, PAUL	A71-00039E / 18.8	- /			
			SE	NE		MAHONEY, J MICHAEL	A71-00039G / 4.1	- /			
			SE	NE		PETERS, JAMES R	A71-00039H / 15.1	- /			
			SE	NE		HILL, PAUL	A71-00040E / 18.8	- /			
			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 /			

ADDITIONAL POU FOUND

TOTAL ACRES

A71-00040G

13.00

108.00

POU COUNTY: CUSTER

found 13A

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

Y() N(☒)

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

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

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

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

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

* IF YES, COMPLETE OVERLAP REVIEW:

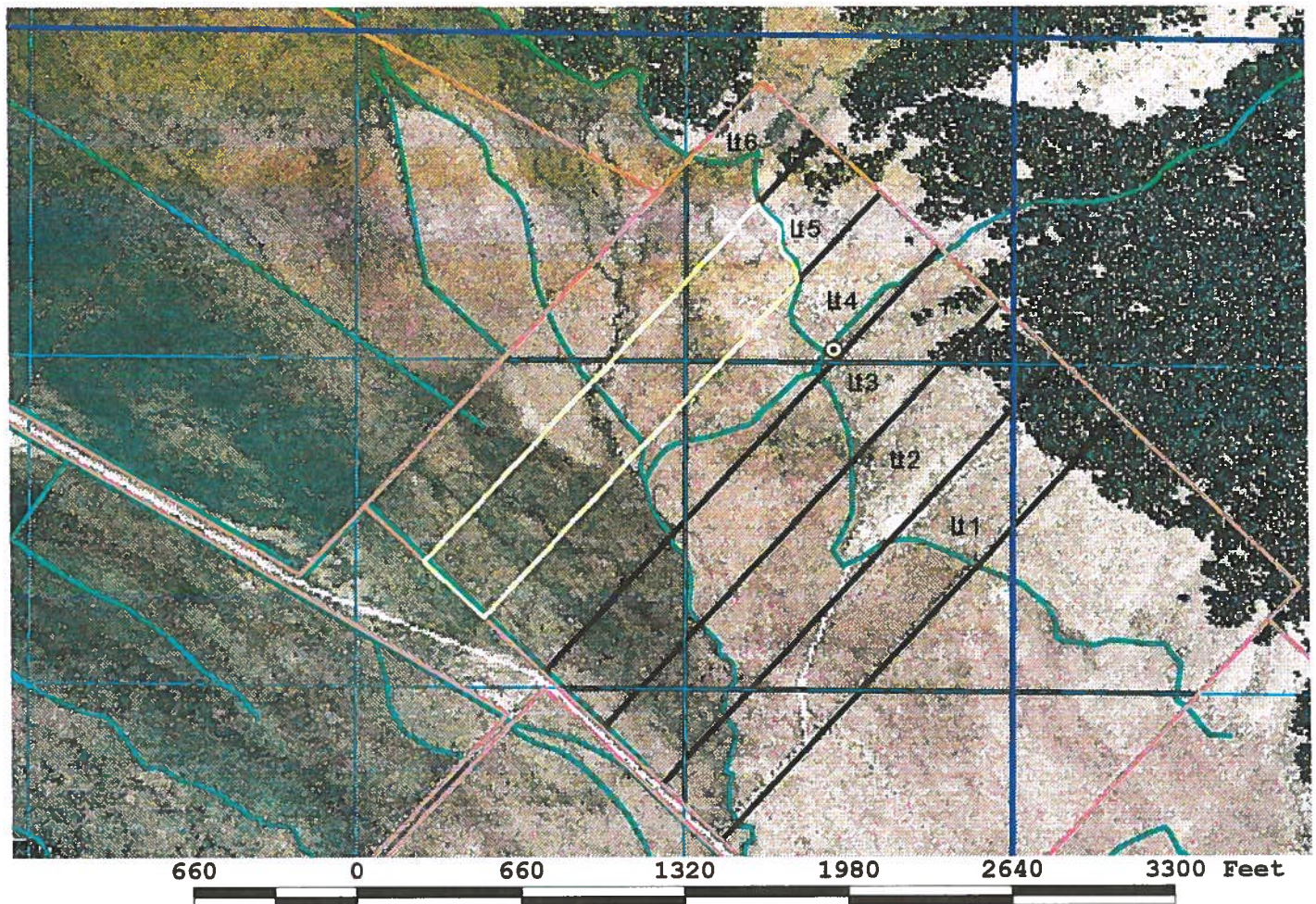
OTHER RIGHTS LISTED IN CLAIM: A71-00039G & A71-10136B

*See at La Chusca
valley Cr Sub analysis
table with GIS DATA*

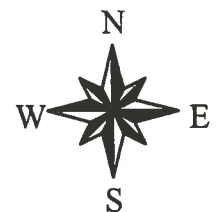
Y(☒) N()

IDAHO DEPARTMENT OF WATER RESOURCES

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



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



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

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

CLAIM NUMBERS A71-00039G
A71-00040G
A71-10136B

DATE 5-18-98
 AGENT KKC

TRANSFER NUMBER _____
 HOMESTEAD ENTRY NO. _____
 CLAIMED ACRE TOTAL 13
 GEOGRAPHIC INFO ACRES 13

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	<u>11N</u>	<u>12E</u>	<u>11</u>	<u>1.2</u>	<u>7.7</u>	<u>4.1</u>		<u>total</u>												<u>13</u>
GIS			<u>11</u>	<u>1.2</u>	<u>6.7</u>	<u>2.3</u>		<u>10.2</u>	<u>shape</u>		<u>122</u>									
					<u>1</u>	<u>1.8</u>		<u>2.8</u>	<u>shape</u>		<u>123</u>									
CLAIM	<u>total</u>			<u>1.2</u>	<u>7.7</u>	<u>4.1</u>		<u>13.0</u>												<u>13</u>
GIS																				
CLAIM																				
GIS																				
CLAIM																				
GIS																				

B71-DBPOD.SHP

P/U is Thompson Cr Subdivision Lot 4

NOS DESCRIPTION

32 Sec 4 NESWNE
Valley Cr P/O for
A71-00040G

34 Sec 2 SWSWSE
McGowan Cr P/O for

B71-DBPOU.SHP A71-00039G

SHAPE NOS

122 Valley Cr / McGowan Cr P/O
123 Thompson Cr P/U.

DBF TABLES UPDATED

B71-DBPOD.DBF X

B71-DBPOU.DBF X

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

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

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



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

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

KJC
May 13, 1998

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

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

The A71-00039 series rights have McGowan creek as a source and this system covers all 76.5 found irrigated acres within the sub division. The portion appurtenant to the sub division 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.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y(☒) N()

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

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N(☒)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

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

Y() N(☒)

*Split based upon
table calc & reeval
of split right analysis*



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REC
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

CHECK DOCUMENTS USED TO VERIFY POU: (☒) ORTHOPHOTOQUAD, IDWR NO. 4-68; () TOPOGRAPHIC QUAD, IDWR NO. _____;

() NAPP, IDWR NO. _____; () ASCS PHOTO; (☒) OTHER GIS 1992

NOTES: USDAF 173-11 8-28-92 flight

RECOMMENDATIONS:

TOTAL ACRES: 13 N/A()

REVIEWED BY: KKC

DATE: 5-20-98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-00040G IRRIGATION	FROM ⁵ ~~04~~ -01 TO ^{9 30} ~~11~~ -01	0.410 CFS	
TOTAL DIVERSION RATE/VOLUME		0.410 CFS	

*period of use
not decreed. Reconn
current dept
standards.*

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? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

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

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☐) N(☒)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☐) N(☒)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

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

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☐) N(☒) *See attached
reevaluation of T.Cr
subdiv
(3 P9 RAT)*

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

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☒) Y(☐) N(☐)

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

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☒) Y(☐) N(☐)

NOTES: See Attached - Revised Hubble Analysis
and Basis of Recom

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

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

DATE: May 8, 1998

REVIEWED BY *RC

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

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

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

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

5.60 CFS total
 Licensed/DECREED RATE(S) = 3.20 CFS (2 rights)
 CLAIMED DIVERSION RATES = 3.60 CFS (all 3 rights)
 ORIGINAL HUBBLE RATE =
 MEASURED DIVERSION RATE = 1.60 CFS McGowan
Thompson'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

<i>old location</i> VCI (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 <i>abandoned</i>			
VC6 <i>Sec 4 NESW NE</i>	07-28-93	3.10 CFS	<i>ditch not at capacity</i>
	09-01-93	2.20 CFS	<i>" " " "</i>
	1959	35.0 CFS	(questionable measurement)
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: 0.410 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.600 CFS

as split

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y() N()

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

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

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

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y() N()

E. MEASUREMENT METHOD See ID Dept Fish & Game measurement Attached (dated 10-19-93) ^{FLOW MEASUREMENT} SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

1b. CALCULATIONS

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

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

See Attachments

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

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

NOTES:

WR RECORD CONDITIONS/REMARKS:

*no overlap limits
required as claimed rates
are less than excess flow calculations*

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
		DATABASE EXAMINER	DATABASE EXAMINER	DATABASE EXAMINER
IRRIGATION	5 9-30 04-01 11-01	0.410 ✓		0.0
TOTAL FOR THIS RIGHT		0.410 ✓		0.0

NON-IRRIGATION USES CLAIMED: none

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

REVIEWED BY: K KC

DATE: 5-20-98

FLAG: 0

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

JØ1 Thompson Sub L+ 4
exp - FØ6 - comb. rights 71-00040A, D, E, G, H, and others.
GEN - JØ2 - part of Hco 109
POU1 E14 - 13A 39G 40G
E14

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

SPLIT TREE FOR:

A-00039 for 1.20 cfs McGowan Cr
 71-00040 for 3.60 cfs Valley Cr
 A71-10136 for 0.40 cfs Thompson Cr

BERMAN

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

MAHONEY

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

OWNERSHIP CHANGE

BERMAN

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

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

LOT 1

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

LOT 4

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

LOT 2

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

LOT 5

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

LOT 3

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

BRUBAKER

LOT 6

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

OWNERSHIP CHANGE

HILL

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

BERMAN

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

OWNERSHIP CHANGE

LOT 1

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

LOT 4

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

MAHONEY

PETERS

LOT 2

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

LOT 5

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

LOT 4

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

LOT 5

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

LOT 3

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

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

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

*See split
free*

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00040

	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	3.600	_____	

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	R71-00040D	0.480	-	
-	A71-00040E	1.080	-		-	
-	A71-00040G	0.410	-		-	
-	A71-00040H	0.430	-		-	
TOTAL CFS		3.600		1.680		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 ()?

DATABASE	FIELD EXAMINER
N	Y() N()

NOTES:

AUTHENTICATION: DATE: 5-20-98

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

DT. & ID. 9-19 77 Elkhart

FIELD NOTES
EXAM DATE 9-14-93
KCC