

**STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

RECEIVED**AUG 14 1998**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources
Southern Region

1. Water Right or Adjudication Claim No(s): A71-00044, A71-00045, A71-00046, 71-02055A

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant KENT & KATHRYN BROWNING
18803 STUDEBAKER ROAD, CERRITOS, CA 90703

4. New Owner/Claimant(s) KENT & KATHRYN BROWNING FAMILY TRUST DATED MARCH 22, 1994
New Mailing Address Name Connector (Check one): [] and [] or [] and/or
18803 STUDEBAKER ROAD
City, State and ZIP Code CERRITOS, CA 90703
New Telephone Number (562) 924-1414

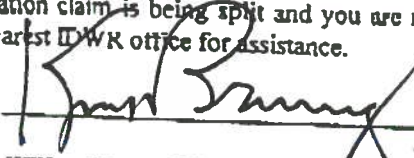
5. Date you acquired the property 1/31/94

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) 
KENT BROWNING, TRUSTEE

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

6356

0207786

RECORDING REQUESTED BY
AND AFTER RECORDING RETURN TO:

KNEELAND, KORB, COLLIER & LEGG
P. O. Box 249
Ketchum, Idaho 83340
KKC&L File No. 6356

Custer County Reg. of

Kneeland, Korb &

Collier

Time 10:50 A.M.

11-15 1994

Ethel M. Peck, Clerk

Wanda Murphy

6⁰⁰

Deputy

QUITCLAIM DEED

FOR VALUE RECEIVED, Kent C. Browning and Kathryn M. Browning, Husband and Wife, as Grantors, do hereby convey, release, remise and forever quitclaim unto Kent C. Browning and Kathryn M. Browning, Trustees of the Kent and Kathryn Browning Family Trust, dated March 22, 1994, as Grantee, whose current address is 18803 Studebaker Road, Cerritos, CA 90701, and to Grantees' heirs and assigns forever, the premises situated in Custer County, Idaho, described on Exhibit A and by this reference made a part hereof.

Together with all appurtenances.

DATED: October 24, 1994.

GRANTORS:

Kent C. Browning
Kent C. Browning

Kathryn M. Browning
Kathryn M. Browning

STATE OF CALIFORNIA

County of LOS ANGELES

) ss.

On this 27th day of OCTOBER, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Kent C. Browning and Kathryn M. Browning, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they subscribed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

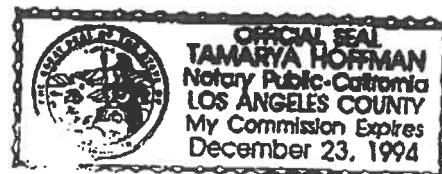
(seal)

Tamara Hoffman
NOTARY PUBLIC for

Residing at Cerritos, California
Commission Expires 12-23-94

QUITCLAIM DEED

1



DESCRIPTION

EXHIBIT A

207786

Forest Homestead Entry No. 420, embracing a portion of Sections 11, 12, 13 and 14 in Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at Corner No. 1 from which the quarter corner of said Section 11 and 14 bears East 1.75 chains distant; thence
 North 34°45' West 3.22 chains to Corner No. 2; thence
 North 50°34' East 24.57 chains to Corner No. 3; thence
 North 65°12' West 18.68 chains to Corner No. 4; thence
 North 43°2' East 19.05 chains to Corner No. 5; thence
 South 47°14' East 39.04 chains to Corner No. 6; thence
 South 47°14' East 19.68 chains to Corner No. 7; thence
 South 47°14' East 1.49 chains to Corner No. 8; thence
 South 58°35' West 18.22 chains to Corner No. 9; thence
 South 58°35' West 5.86 chains to Corner No. 10; thence
 North 57°1' West 12.02 chains to Corner No. 11; thence
 South 83°30' West 15.03 chains to Corner No. 12; thence
 North 73°58' West 7.64 chains to Corner No. 13; thence
 North 34°45' West 7.83 chains to Corner No. 1 the PLACE OF BEGINNING.

Homestead Entry Survey No. 577, embracing a portion of Sections 13, and 14 in Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, more particularly described and bounded as follows:

Beginning at Corner 1 from which the North Corner to said Sections 13 and 14 bears North 8' East 10.54 chains distant; thence
 North 58°35' East 18.22 chains to Corner No. 2; thence
 South 16°21' East 27.73 chains to Corner No. 3; thence
 South 16°53' East 35.47 chains to Corner No. 4; thence
 South 84°57' West 33.90 chains to Corner No. 5; thence
 North 5°28' West 51.18 chains to Corner No. 6; thence
 North 58°35' East 5.86 chains to Corner No. 1, the place of beginning.
 EXCEPTING THEREFROM the following described tract:
 Beginning at Corner No. 5 of said H. E. S. NO. 577, thence
 North 84°57' East along the Southerly boundary of H. E. S. NO. 577 a distance of 950.0 feet; thence North 5°03' West 300.0 feet; thence North 46°10' West 1160.1 feet; thence South 84°57' West 195.7 feet to a point on the Westerly boundary of H. E. S. NO. 577; thence South 5°28' East along the Westerly boundary of H. E. S. NO. 577 a distance of 1174.1 feet to the point of beginning.

Including the Snake River Basin Adjudication of Water Rights Under Identification Numbers A71-00044; A71-00045; A71-00046; and A71-0255A.

Ann Legg, Esq.
KNEELAND, KORB, COLLIER & LEGG
128 Saddle Road
P. O. Box 249
Ketchum, ID 83340

Attorney for Kent Browning

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re Snake River Basin
Adjudication

)
) Case No. 39576
)
)
)
)
)
)
)

NOTICE OF APPEARANCE

TO: Idaho Department of Water Resources, its attorney of record, and to all other parties of record.

YOU WILL PLEASE TAKE NOTICE that Ann Legg of the firm KNEELAND, KORB, COLLIER & LEGG of Post Office Box 249, Ketchum, Idaho 83340, hereby enters the appearance of said firm as attorneys of record for Kent Browning and Circle A Ranch in the above entitled matter.

DATED this 3rd day of June, 1994.

KNEELAND, KORB, COLLIER & LEGG

By

Ann Legg

Ann Legg

Attorneys for Kent Browning

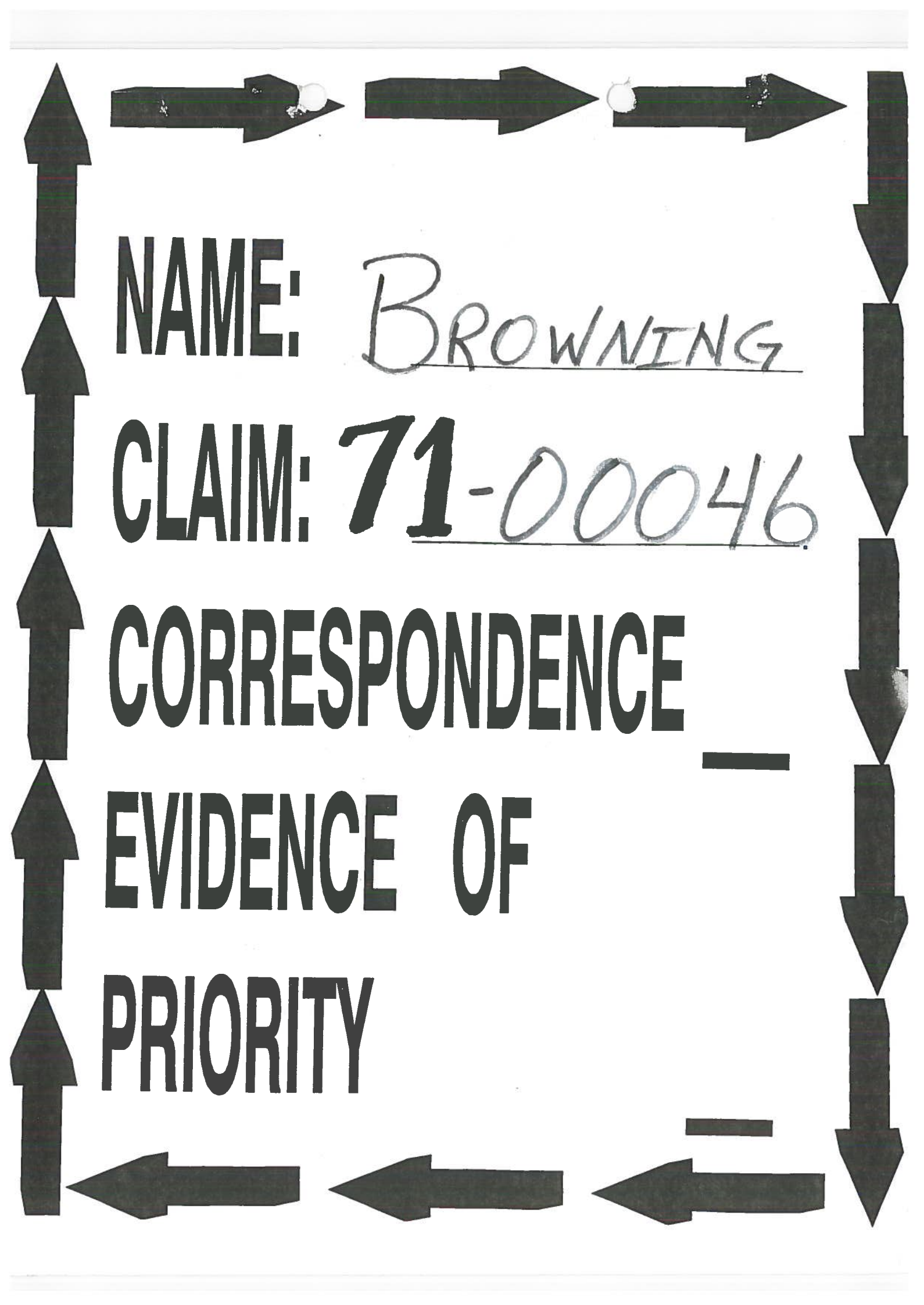
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of June 1994,
I served a true and correct copy of the within and foregoing
document upon the attorney named below in the manner noted:

Idaho Departmen of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301-6602

- ☒ By depositing copies of the same in the United States
Mail, postage prepaid, at the post office at Ketchum,
Idaho.
- ☐ By hand delivering copies of the same to the office of
the attorney at his/her offices.
- ☐ By telecopying copies of same to said attorney at his
telecopier number _____, and by then
mailing copies of the same in the United States Mail,
postage prepaid, at the post office in Ketchum, Idaho.

Ann Legg
Ann Legg



NAME: BROWNING

CLAIM: 71-00046

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: A71-00046

Date Received: 2/16/1990

Receipt No: S011227

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENT C BROWNING
Address: 18803 STUDEBAKER RD
CERRITOS CA 90701

AND

Name: KATHRYN M BROWNING
Address: 18803 STUDEBAKER RD
CERRITOS CA 90701

2. Date of Priority: MAY 1, 1918

3. Source: ELK CREEK Trib. to: VALLEY CREEK

4. Point of Diversion:

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

5. Description of diverting works:
CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is 298.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11N	12E	11	SE		SW		IRR	1.0
			SW		SE		IRR	15.0
			SE		SE		IRR	11.0
							Section Acres	27.0
		13	NW		NW		IRR	18.0
			SW		NW		IRR	33.0
			SE		NW		IRR	1.0
			NE		SW		IRR	3.0
			NW		SW		IRR	34.0
			SW		SW		IRR	4.0
			SE		SW		IRR	2.0
							Section Acres	95.0
		14	NE		NE		IRR	19.0
			NW		NE		IRR	6.0
			SE		NE		IRR	2.0
							Section Acres	27.0
							Total Acres	149.0

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:

A71-00044, A71-00046 AND A71-02055A

14. Remarks:

P/U IS PORTION OF HES # 420 AND # 577.
 LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.

 OWNERSHIP CHANGE 5/9/94 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH

Decree Plaintiff

WM. MERRITT, ET AL.

vs Decree Defendant

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

Kent Browning

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

Kneeland Korb Collier & Leese
PO Box 249
Ketchum, ID 83340

Attorney's Phone (208) 726-9311

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A71-00044 A71-00045 A71-00046 A71-00055A

For Individuals:

Authorized signature(s) Date 8-15-94

[Signature]
Kneeland Korb Collier & Leese

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

of _____.

Title

Organization

Signature of Authorized Agent _____

Title _____ Date _____

Organization _____

IDWR Use:

Date Received _____

Data Entry _____

Revised Date 4-03-92

11 15 16 17 18

AUG 31 1994

Department of Water Resource
Southern Region Office

Water Right Number - A71-00046

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** A - ATTORNEY ***
KNEELAND, KORB, COLLIER, & LEGG1 - PO BOX 249
2 -
3 -
City- KETCHUM
Phone - 208-726-9311
State- ID Zip- 83340*** C - CURRENT OWNER ***
BROWNINGKENT C
1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
State- CA Zip- 90701

BROWNING

KATHRYN M

1 - C/O DOUGLAS CHRISTENSEN
2 -
3 -
City- KETCHUM
Phone - 208-726-3668
State- ID Zip- 83340*** O - ORIGINAL OWNER ***
CHRISTENSEN 1987 TRUST+ - - Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1918 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ELK CREEK VALLEY CREEK+ - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
11N 12E 11 SE SE SW (37) CUSTER+ - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 1.600+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.600 298.0+ - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
11N 12E 11 SE SW 1.0 01 IRRIGATION (37) CUSTER
11N 12E 11 SW SE 15.0 01 IRRIGATION (37) CUSTER
11N 12E 11 SE SE 11.0 01 IRRIGATION (37) CUSTER
11N 12E 13 NW NW 18.0 01 IRRIGATION (37) CUSTER

Water right number - A71-00046

Prefix Translation: ADJUDICATION CLAIM

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

POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- AND	Presumption Flag	- D
		Notice of Error Flag	-



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-May-1994

KNEELAND KORB COLLIER AND LEGG
ROBERT KORB
128 SADDLE RD SUITE 103
PO BOX 249
KETCHUM ID 83340

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A71-00044,
A71-00045, A71-00046, & A71-02055A

Dear Mr Korb

Enclosed is an Acknowledgement of Change in Attorney form to give you the authority to act on the Brownings behalf.

The administration has instructed me that, based upon the current 'Gag Order' issued by the court, I am unable to initiate any conversation concerning the Brownings claims. I am, however, able to respond to questions regarding information relating to the claims. I have enclosed copies of portions of pages 10 and 11 of the Cavanugh vs Merritt decree that relate to the Brownings property for your information.

Hopefully the department will soon receive further direction from the court and/or steering committee that will clarify the authority the department has in claims verification.

If you have any further questions please contact this office.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosure

ninety-four hundredths acres, according to the Official Plat of the survey of the said land, returned to the General Land Office by the Surveyor General;

71 0043 And appurtenant to said land, they are entitled to 160 miner's inches (or 3.2 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with a point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, E. B. M.

That Kathryn H. Huntington, a widow, is the owner of, and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

H/ E. Survey No. 577, embracing a portion of Sections thirteen and fourteen in Township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the north corner to said sections thirteen and fourteen, bears north eight minutes east ten and fifty-four hundredths chains distant; thence north fifty-eight degrees thirty-five minutes east eighteen and twenty-two hundredths chains to corner No. 2; thence south sixteen degrees twenty-one minutes east twenty-seven and seventy-three hundredths chains to corner No. 3; thence, south sixteen degrees fifty-three minutes east thirty-five and forty-seven hundredths chains to corner No. 4; thence, south eighty-four degrees fifty-seven minutes west thirty-three and ninety-hundredths chains to corner No. 5; thence, north five degrees twenty-eight minutes west fifty-one and eighteen hundredths chains to corner No. 6; thence, north fifty-eight degrees thirty-five minutes east five and eighty-six hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and ninety-six hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

71 0044 And appurtenant to said lands she is entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1916, and with point of diversion from said Elk Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, East Boise Meridian.

Ben Darrah and Mattie V. Darrah are the owners of, and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

A Tract of 154.86 acres within the Challis National Forest embraced in H.E.S. #420, list #4-882 in Secs. 11, 12, 13, 14, surveyed T. 11 N. R. 12 E. B. M., more particularly described by metes and bounds as follows: Beginning at corner No. 1, which is the quarter corner common to Secs. 10, 11, 14, 15, T. 11 N., R. 12 E. B. M., which bears W. 36.31 chains distant; thence N. 34 deg. 45' W. 3.22 chains to corner No. 2; thence N. 50 deg. 34' E. 24.57 chains to corner No. 3; thence N. 65 deg. 12' W. 18.68 chains to corner No. 4; thence N. 43 deg. 02' E. 19.05 chains to corner No. 5; thence S. 47 deg. 14' E. 39.04 chains to corner No. 6; thence S. 47 deg. 14' E. 19.68 chains to corner No. 7; thence S. 47 deg. 14' E. 1.49 chains to corner No. 8; thence S. 58 deg. 35' W. 18.22 chains to corner No. 9; thence S. 58 deg. 35' W. 5.86 chains to corner No. 10; thence N. 57 deg. 01' W. 12.02 chains to corner No. 11; thence S. 83 deg. 30' W. 15.03

chains to corner No. 12; thence N. 73 deg. 38' W. 7.65 chains to corner No. 13; thence N. 34 deg. 45' W. 7.83 chains to corner No. 1, the place of beginning containing 154.80 acres.

71 0045 And appurtenant to said land, they are entitled to 150 miner's inches (Or 3 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1914, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, East Boise Meridian; and they are also entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1918, and with point of diversion from said Elk Creek at a point located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B.M.

M. Bar M. Inc., a corporation, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 272, embracing a portion of Sections ten and eleven in Township eleven North of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the north corner to said Sections ten and eleven bears north three minutes west thirteen and forty-one hundredths chains distant; thence south sixty- degrees twenty minutes east fifty-six and sixty-nine hundredths chains to corner No. 2; thence south forty-three degrees three minutes west twenty-three and ninety-three hundredth chains to corner No. 3; thence north sixty degrees three minutes west thirty-eight and two hundredths chains to corner No. 4; thence north sixty-six degrees forty-four minutes west twenty nine and sixty four hundredths chains to corner No. 5; thence north forty-two degrees forty-six minutes east twenty-seven chains to corner No. 6; thence south sixty degrees twenty minutes east ten and eighteen hundredths chains to corner No. 1, the place of beginning containing one hundred fifty-nine and twenty-one hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General;

71 0047 And appurtenant to said lands it is entitled to 180 miner's inches (or 3.6 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1914, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, East Boise Meridian; and it is also entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1939, and with point of diversion from said Elk Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 11 North, Range 12, E. B. M.

Melvin Chivers and Stella Chivers, William Chivers and Estelle Chivers, Roy Chivers and Elizabeth Chivers, Mike Gini and Emma Gini, Frank Oster and Beatrice Oster and Pete Fiva and Louisa Fiva, are the owners and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit :

A tract of 159.02 acres within the Challis National Forest, embraced in Homestead Entry Survey No. 134, List 4-381 in Sections 15 and 24, surveyed township 11 north, range 12 East, and Section 18 and 19, surveyed township 11 north, Range 13 East, Boise Meridian, more particularly described by metes and bounds as follows:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

10-May-1994

KENT C BROWNING
KATHRYN M BROWNING
18803 STUDEBAKER RD
CERRITOS CA 90701

RE: ADJUDICATION CLAIM(S) A71-00045 & A71-00046
Christensen Trust Dated March 17, 1987

Dear Claimant(s):

Pursuant to the notification that you have purchased property with the above-referenced Adjudication Claim, we have changed the Department's record(s) as you have requested. Please review the record(s) for accuracy.

Should you have any questions, please feel free to contact me at this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg
Enclosure
c.c. Sawtooth Title Co.

QUITCLAIM DEED

FOR VALUE RECEIVED

Douglas M. Christensen and Ann L. Christensen, husband and wife, or their Successors, Trustees of the Christensen Trust Dated March 17, 1987

do(es) hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

Kent C. Browning and Kathryn M. Browning, husband and wife

whose address is: 18803 Studebaker Road, Cerritos, CA 90701

the following described premises situated in Custer County, Idaho, to wit:

The Snake River Basin Adjudication of Water Rights under Identification Nos. A71-00045 and A71-00046, a copy of each which is attached as Exhibit "A" hereto and made a part hereof.

Accepted and Approved KB

Accepted and Approved KB

together with their appurtenances.

Dated: February 8, 1994

Douglas M. Christensen
Douglas M. Christensen, Trustee

Ann L. Christensen
Ann L. Christensen, Trustee

State of Idaho
County of Blaine

On this February 18, 1994, before me, a notary public in and for said State, personally appeared Douglas M. Christensen and Ann L. Christensen known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustees of Christensen Trust Dated March 17, 1987 and acknowledged to me that he/she executed the same on behalf of said trust.

WITNESS my hand and official seal.

Jan L. Burrell
Notary Public
Residing at Malley
Commission Expires: 2-18-98

J:\escrow\forms\qcd



RECEIVED

MAR - 3 1994

Department of Water Resources
Southern Region Office

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: A71-00046
Date Received: 2/14/1990
Receipt No: 5011227
Received By: APC

RECEIVED

MAR - 3 1994 NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
1. Name: CHRISTENSEN 1987 TRUST 208-726-3668
Address: C/O DOUGLAS CHRISTENSEN
KETCHUM, ID 83340

2. Date of Priority: MAY 01, 1918

3. Source: ELK CREEK Trib. to: VALLEY CREEK

4. Point of Diversion:

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

5. Description of diverting works:
CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

7. Total Quantity Appropriated is: 1.600 C.F.S. (and/or) A.F.A.
298.0 Acre Feet Per Annum.

8. Total consumptive use is

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	SE	SW		IRR	1.0
			SW	SE		IRR	15.0
			SE	SE		IRR	11.0

Section Acres 27.0

A71-00046

Page

1

Date: 2/14/90

Accepted and Approved

KB

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	13	NW	NW		IRR	18.0
			SW	NW		IRR	33.0
			SE	NW		IRR	1.0
			NE	SW		IRR	3.0
			NW	SW		IRR	34.0
			SW	SW		IRR	4.0
			SE	SW		IRR	2.0

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14

MAR - 3 1994

Department of Water Resources
Southern Region Office

NE	NE	IRR	19.0
NW	NE	IRR	6.0
SE	NE	IRR	2.0

Section Acres 95.0

Section Acres 27.0

Total Acres 149.0

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:
A71-00044, A71-00046 AND A71-02055A14. Remarks:
P/U IS PORTION OF HES # 420 AND # 577.
LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

DAN J. CAVANAGH
Decree Plaintiff

vs

WM. MERRITT, ET AL.
Decree Defendant

A71-00046

Page

2

Date: 02/14/90

Accepted and Approved

Accepted and Approved

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: See Map A71-00045

For Organizations:

I do solemnly swear or affirm that I am TRUSTEE of
CHRISTENSEN 1987 TRUSTS, that I have signed the foregoing
Organization
document in the space below as TRUSTEE of
Title
CHRISTENSEN 1987 TRUSTS and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

TRUSTEE-CHRISTENSEN 1987 TRUST
Title and Organization

FEBRUARY 14, 1990
Date

RECEIVED

MAR - 3 1994

Department of Water Resources
Southern Region Office

State of Idaho } ss.
County of Twin Falls }

Subscribed and sworn (or affirmed) before me this 14th day
of Feb. 19 90

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/94



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 11 North Range 12 East
Section 11, 12, 13, 14 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.

☐ 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: A71-00045 and A71-00046

☐ Name and Address of Former Owner/Claimant(s)(Seller): Christensen Trust Dated Marcy 17, 1987
HC 64 Box 8288
Ketchum, ID 83340

☐ New Owner/Claimant (Purchaser): Kent C. Browning and Kathryn M. Browning

☐ New Mailing Address: 18803 Studebaker Rd.
Cerritos, CA 90701

☐ New Telephone Number: () _____ - _____

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ 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) Kent C. Browning Date 3/1/94

Kathryn M. Browning Date 3/1/94

☐ Signature of Former Owner/Claimant(s) Christensen Trust Date _____

Christensen Trust 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: 5/11/94 By: SC

Further Action Needed:

Further Action Taken: 1/94

Date: _____ By: _____

Final Review and Data-Entry

Date: 5/11/94 By: SC

Claim Numbers of Split, if any:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

18-Jan-1994

KNEELAND, KORB, COLLIER & LEGG
ROBERT KORB
KNEELAND PROFESSIONAL BUILDING
128 SADDLE ROAD SUITE 103
PO BOX 249
KETCHUM ID 83340

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A71-00044,
A71-00045, A71-00046, & A71-02055A. YOUR FILE NO. 6356.

Dear Mr Korb

Enclosed is the Change of Ownership form to identify the new owner of the property. All claims, if they are to be transferred alike, can be identified on the one form. The form should be self explanatory but if you have any questions please call this office for information. As we know the claims involved, the legal description of property section is not necessary. I have also enclosed an Acknowledgment of Change in Attorney form for your use to formally identify you as the legal representative for these rights. The department cannot take any action on claims initiated by parties other than the claimant without written authorization from the claimant.

Your letter dated January 10, 1994 indicated that your understanding of the current status for the claims was that the decreed water rights were verified. It was not my intention to indicate that the claims were verified, rather, that I have completed the field verification of the physical use of those claims and that I have not identified any problems at this time. I have not completed the system review, which includes a detailed comparison of the field examination findings verses decree records, and any potential discrepancies cannot be anticipated which is what I intended on communicating to you during our conversation.

If you have any further questions please contact this office and I can discuss them with you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent
enclosures

LAW OFFICES
KNEELAND, KORB, COLLIER & LEGG

KNEELAND PROFESSIONAL BUILDING

128 SADDLE ROAD, SUITE 103

P.O. BOX 249

KETCHUM, IDAHO 83340

(208) 726-9311

TELEFAX (208) 726-4515

ROBERT KORB III
BRUCE COLLIER
ANN LEGG
DAVID C. EPIS

G.R. KNEELAND
OF COUNSEL

HAILEY OFFICE:

301 FIRST AVENUE SOUTH
P.O. BOX 606

HAILEY, IDAHO 83333

(208) 788-4733

TELEFAX (208) 788-5101

January 10, 1994

Kelly Christensen
Idaho Department of Water Resources
220 Shoshone East
Twin Falls, Idaho 83303

RE: Circle A Ranch, Stanley, Idaho
KK&C File No. 6356

RECEIVED

JAN 11 1994

Department of Water Resources
Southern Region Office

Dear Mr. Christensen:

I appreciate your assistance by telephone last week concerning the status of the water rights for the Circle A Ranch. I understand that you have completed your field verification for the water rights and that you believe there are no problems and that the decreed water rights are verified. Also, I understand there have not been any protests in the Valley Creek area by other parties or users and that to date no one has claimed water in excess to their decreed right. However, I understand that some users may have used additional water in addition to their decreed amount and if this additional use is justified and used consistently over the years it may relate back to the initial decree. Please send our office a copy of the water rights owner transfer for completion at your earliest convenience.

Thank you.

KNEELAND, KORB, COLLIER & LEGG



Robert Korb

RK:HKH

Enclosure(s): as stated

cc: client

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: A71-00046
Date Received: 2/14/1990
Receipt No: 5011227
Received By: APR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHRISTENSEN 1987 TRUST
Address: C/O DOUGLAS CHRISTENSEN
KETCHUM, ID 83340 208-726-3668
2. Date of Priority: MAY 01, 1918
3. Source: ELK CREEK Trib. to: VALLEY CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 11N | 12E | 11 | SE | SE | SW | | CUSTER |
5. Description of diverting works:
CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 1.600 | | |
7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 298.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	12E	11	SE	SW		IRR	1.0
			SW	SE		IRR	15.0
			SE	SE		IRR	11.0
Section Acres							27.0

A71-00046

Page 1

Date: 02/14/90

MICROFILMED
MAR 17 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	13	NW	NW		IRR	18.0
			SW	NW		IRR	33.0
			SE	NW		IRR	1.0
			NE	SW		IRR	3.0
			NW	SW		IRR	34.0
			SW	SW		IRR	4.0
			SE	SW		IRR	2.0
						Section Acres	95.0
		14	NE	NE		IRR	19.0
			NW	NE		IRR	6.0
			SE	NE		IRR	2.0
						Section Acres	27.0
						Total Acres	149.0

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:
A71-00044, A71-00046 AND A71-02055A

14. Remarks:
P/U IS PORTION OF HES # 420 AND # 577.
LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

DAN J. CAVANAGH
Decree Plaintiff

vs

WM. MERRITT, ET AL.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: See Map A71-00045

For Organizations:

I do solemnly swear or affirm that I am TRUSTEE of
Title
CHRISTENSEN 1987 TRUSTS, that I have signed the foregoing
Organization
document in the space below as TRUSTEE of
Title

CHRISTENSEN 1987 TRUSTS and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

TRUSTEE-CHRISTENSEN 1987 TRUST
Title and Organization

FEBRUARY 14, 1990
Date

State of Idaho)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Feb. 19 90

[Signature]
Notary Public

Seal

Residing at Kimberly, ID.

My Commission Expires 6/30/94



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Feb. 23, 1990

Re: A71-02055

A71-00046

A71-00045

A71-00044

CHRISTENSEN 1987 TRUST
C/O DOUGLAS CHRISTENSEN
H C 64 BOX 8288
KETCHUM ID 83340

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 17 1993

71-00046

July 22, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

AUG 14 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: 71-00046

KENT C BROWNING
KATHRYN M BROWNING
18803 STUDEBAKER RD
CERRITOS CA 90701

RECEIVED

AUG 18 1998

Department of Water Resources
Southern Region

Daytime Telephone Number:

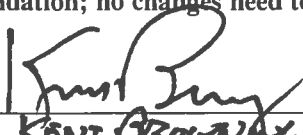
Evening Telephone Number:

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: 8/12/98 SIGNATURE: 
Please print your name: KENT BROWNING

R PROOF

X

CVR

X

MAPS

See 71-00044

PHOTOS

See 71-00044

MISC

X

Water Right Number - R71-00046

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
BROWNING

KENT C

BROWNING

KATHRYN M

1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
State- CA Zip- 90701
VERIFIED BY *KKC*
6-1-98

*** O - ORIGINAL OWNER ***
CHRISTENSEN 1987 TRUST

1 - C/O DOUGLAS CHRISTENSEN
2 -
3 -
City- KETCHUM
Phone - 208-726-3668
State- ID Zip- 83340

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1918 17 SOUTHERN D - DECREED

+ - - Source - - - - - + - - - - - Tributary - - - - - +
ELK CREEK VALLEY CREEK

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

11N 12E 11 SE SE SW (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 05/01 09/30 1.600

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
1.600 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
11N	12E	11	SE SW		0.6	01	IRRIGATION	(37) CUSTER	
11N	12E	11	SW SE		12.2	01	IRRIGATION	(37) CUSTER	
11N	12E	11	SE SE		5.1	01	IRRIGATION	(37) CUSTER	
11N	12E	13	NW NW		3.0	01	IRRIGATION	(37) CUSTER	
11N	12E	13	SW NW		17.0	01	IRRIGATION	(37) CUSTER	
11N	12E	13	NE SW		1.0	01	IRRIGATION	(37) CUSTER	
11N	12E	13	NW SW		19.0	01	IRRIGATION	(37) CUSTER	
11N	12E	13	SW SW		2.0	01	IRRIGATION	(37) CUSTER	
11N	12E	13	SE SW		1.1	01	IRRIGATION	(37) CUSTER	
11N	12E	14	NE NE		15.0	01	IRRIGATION	(37) CUSTER	
11N	12E	14	NW NE		7.0	01	IRRIGATION	(37) CUSTER	
11N	12E	14	SE NE		1.0	01	IRRIGATION	(37) CUSTER	

Prefix Translation: RESEARCH

Total Acres: 84.0

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 71-00044 & 71-00046

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 37 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 420 AND A PORTION OF HES 577.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 71-00044, 71-00044B, AND 71-00045.

7100046

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

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

OF HES # 420 AND # 577.

06/01/98 KCHRISTE

+ Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/10/1993	Civil Case Number	- 39516
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	-

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			9-10-93 KKC	N	1,2,5,6	KKC 5-17-94	KKC 6-1-98	
POINT OF DIV	Y		"	N	"	"		
SOURCE			"	N	"	"		
PLACE OF USE	Y		"	Y	"	"		
DIV. AMOUNT CFS/VOLUME			"	N	"	KKC 6-1-98		
CONSUMPTIVE USE	-							
PURPOSES			6-1-98 KKC	N	6	"		
PERIOD OF USE	Y		"	Y	6	"		
BASIS OF CLAIM			"	N	6	"		
REMARKS	Y		"	Y	6	"		

"VERIFIED BY" CODES

- TOPO MAP/ORTHO-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

MAPS USED:

DATE:

ASCS 245-110
ORTHO 1971
WATERMASTER 6-17-197
NAPP 373-112 8-28-72
FIELD EXAM

ASCS DRF-3-167 8-22-52

GIS
1992 USDA-F photo.
KKC
From Chellis Thomas
Office.

CONTACT PERSON: Kevin Sargent

PHONE NUMBER: () -

DATE OF FIELD EXAM: 8/10/24 APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: no one in the field

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: manager

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-00046

PRIORITY DATE: 05-01-1918

STAGE: D

B. WR RECORD: # 71-00046

PRIORITY DATE: 05-01-1918

STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE EXAMINER
NARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N()
IF YES EXPLAIN.

NOTES:

*claimed priority date matches record date
accept as claimed.*

RECOMMENDED PRIORITY DATE:

05-01-1918

REVIEWED BY

KKC

DATE

5-17-94

FIELD EXAM ATTACHMENT

DATE: 5-12-94

AGENT: KKC

PAGE: 1/1

FILES: A71-02055
A71-02055A

ATTACHMENT SUBJECT: Analysis of 71-02055
And related Adjudication claims

71-02055 had a 9-7-1930 priority date with a field verification date of 7-18-1934.

The Cavanagh vs Merritt decree dated 1-16-194 included, but not limited to, Valley Creek diversions and the tributaries to Valley Creek.

Specifically described is 71-00044 which is the diversion From Elk Creek being appurtenant to the ground within HES 577. This is the same place of use as described in the licensing field exam for 71-02055. The exam identified 22 acres as being irrigated and a diversion capacity of 3.2 CFS.

This right was replaced with the decreed right and as such is not currently a valid water right.

A71-02055 - recommended for disallowal code "I" Remark P06 & referencing A71-00044B

A71-02055A is to be renumbered to A71-00044 and recommended as a valid right based upon the Cavanagh vs Merritt decree.
see CVR For system analysis & Additional details

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A71-00046	11N	12E	11	SE	SE	SW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A71-00044 R71-00044
A71-02055A

WR RECORDS IN SAME 40 ACRE TRACT

71-07147

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
71-00046	11N	12E	11	SE	SW			CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

71-07147

NONE R71-00044

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
QUE TO SOURCE DISCREPANCY?	(Y/N)	N	

NOTES:

The claimed P/D matches the decreed P/D & I found the P/D as claimed

no change required

P/D & Source legal description determined from field verification & location on the on the plat 71-68

1/4	1/4
-----	-----

1/4

LOT

COUNTY

DIVERSION NAME

No Chg needed

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

REVIEWED BY:

天

DATE

5-17-94

SYSTEM DESCRIPTION:

A. ROOT WATER RIGHT NUMBERS: A71-00046
R71-00046

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	SE	SW		BROWNING, KENT C	A71-00046 / 1.0	71-00046 /			
			SE	SW		BROWNING, KENT C	R71-00046 / 1.0	-			
			SE	SW		CHRISTENSEN 1987 TRUST	R71-00044 / 1.0	-			
			SE	SW		BROWNING, KENT C	A71-00044 / 1.0	-			
			SE	SW		HAUGRUD, JACK AND/OR GEOFFREY	R71-10199 /	-			
			SE	SW		DARRAH, BEN	71-00045 /	-			
			SE	SW		STATE OF IDAHO	71-07147 /	-			
11N	12E	11	SW	SE		BROWNING, KENT C	A71-00046 / 15.0	71-00046 /			
			SW	SE		BROWNING, KATHRYN M	A71-00045 / 5.0	71-00045 /			
			SW	SE		BROWNING, KENT C	R71-00045 / 5.0	-			
			SW	SE		BROWNING, KENT C	R71-00046 / 15.0	-			
			SW	SE		CHRISTENSEN 1987 TRUST	R71-00044 / 15.0	-			
			SW	SE		HAUGRUD, JACK AND/OR GEOFFREY	A71-10199 /	-			
			SW	SE		BROWNING, KENT C	A71-00044 / 15.0	-			
			SW	SE		HAUGRUD, JACK AND/OR GEOFFREY	R71-10199 /	-			
11N	12E	11	SE	SE		BROWNING, KENT C	A71-00046 / 11.0	71-00046 /			
			SE	SE		BROWNING, KATHRYN M	A71-00045 / 25.0	71-00045 /			
			SE	SE		BROWNING, KENT C	R71-00045 / 25.0	-			
			SE	SE		BROWNING, KENT C	R71-00046 / 11.0	-			
			SE	SE		CHRISTENSEN 1987 TRUST	R71-00044 / 11.0	-			
			SE	SE		HAUGRUD, JACK AND/OR GEOFFREY	A71-00050 /	71-00050 /			
			SE	SE		BROWNING, KENT C	A71-00044 / 11.0	-			
			SE	SE		STATE OF IDAHO	71-07156 /	-			
11N	12E	13	NW	NW		BROWNING, KENT C	A71-00046 / 18.0	71-00046 /			
			NW	NW		BROWNING, KATHRYN M	A71-00045 / 17.0	71-00045 /			
			NW	NW		BROWNING, KENT C	R71-00045 / 17.0	-			
			NW	NW		BROWNING, KENT C	R71-00046 / 18.0	-			
			NW	NW		YACOMELLA, ANTONY R.	A71-00049A / 2.0	-			
			NW	NW		YACOMELLA, BILL ROY	A71-00051 / 2.0	71-00051 /			
			NW	NW		YACOMELLA, ANTONY R.	A71-00052 / 2.0	71-00052 /			
			NW	NW		CHRISTENSEN 1987 TRUST	R71-00044 / 18.0	71-00044 /			
			NW	NW		YACOMELLA, TONY S	R71-00049A / 2.0	-			
			NW	NW		YACOMELLA, ANTONY R	R71-00051 / 2.0	-			
			NW	NW		YACOMELLA, ANTONY R	R71-00052 / 2.0	-			
			NW	NW		HAUGRUD, JACK AND/OR GEOFFREY	A71-00050 /	71-00050 /			
			NW	NW		BROWNING, KENT C	A71-00044 / 18.0	-			
			NW	NW		STATE OF IDAHO	71-07157 /	-			
11N	12E	13	SW	NW		BROWNING, KENT C	A71-00046 / 33.0	-			

Revised
5/2/98
KLC
5-1-98

3 3

HES
577

(420)

12 12
HES 420

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	HR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	12E	13	SE	NW		BROWNING, KATHRYN M	A71-00045 / 5.0	-	/		
			SE	NW		BROWNING, KENT C	R71-00045 / 5.0	-	/		
			SE	NW		BROWNING, KENT C	R71-00046 / 33.0	-	/		
			SE	NW		CHRISTENSEN 1987 TRUST	R71-00044 / 33.0	-	/		
			SE	NW		BROWNING, KENT C	A71-00044 / 33.0	-	/		
			SE	NW		BROWNING, KENT C	A71-00046 / 1.0	-	/		
			SE	NW		BROWNING, KATHRYN M	A71-00045 / 8.0	-	/		
			SE	NW		BROWNING, KENT C	R71-00045 / 8.0	-	/		
			SE	NW		YACOMELLA, ANTONY R.	A71-00049A / 3.0	-	/		
			SE	NW		YACOMELLA, BILL ROY	A71-00051 / 3.0	-	/		
11N	12E	13	SE	NW		YACOMELLA, ANTONY R.	A71-00052 / 3.0	-	/		
			SE	NW		YACOMELLA, ANTONY R.	A71-00057 / 30.0	-	/		
			SE	NW		MAHONEY, JR., DANIEL J.	A71-00057 / 30.0	-	/		
			SE	NW		CHRISTENSEN 1987 TRUST	R71-00044 / 1.0	-	/		
			SE	NW		YACOMELLA, TONY S	R71-00049A / 3.0	-	/		
			SE	NW		YACOMELLA, ANTONY R	R71-00051 / 3.0	-	/		
			SE	NW		YACOMELLA, ANTONY R	R71-00052 / 3.0	-	/		
			SE	NW		BROWNING, KENT C	A71-00044 / 1.0	-	/		
			SE	NW		MAHONEY JR, DANIEL J	R71-00057 / 17.0	-	/		
			SE	NW		BROWNING, KENT C	R71-00046 / 1.0	-	/		
11N	12E	13	NE	SW		STATE OF IDAHO	71-07158	-	/		
			NE	SW		BROWNING, KENT C	A71-00046 / 3.0	-	/		
			NE	SW		BROWNING, KATHRYN M	A71-00045 / 17.0	-	/		
			NE	SW		BROWNING, KENT C	R71-00045 / 17.0	-	/		
			NE	SW		MAHONEY, JR., DANIEL J.	A71-00057 / 15.0	-	/		
			NE	SW		CHRISTENSEN 1987 TRUST	R71-00044 / 3.0	-	/		
			NE	SW		BROWNING, KENT C	A71-00044 / 3.0	-	/		
			NE	SW		MAHONEY JR, DANIEL J	R71-00057 / 13.0	-	/		
			NE	SW		BROWNING, KENT C	R71-00046 / 3.0	-	/		
			NE	SW		BROWNING, KENT C	A71-00046 / 34.0	-	/		
11N	12E	13	NW	SW		BROWNING, KATHRYN M	A71-00045 / 1.0	-	/		
			NW	SW		BROWNING, KENT C	R71-00045 / 1.0	-	/		
			NW	SW		BROWNING, KENT C	R71-00046 / 34.0	-	/		
			NW	SW		LORD, MARGARET P.	A71-02055 / 22.0	-	/		
			NW	SW		LORD, CHARLES E.	A71-10074 /	-	/		
			NW	SW		LORD, CHARLES E	R71-10074 /	-	/		
			NW	SW		CHRISTENSEN 1987 TRUST	R71-00044 / 34.0	-	/		
			NW	SW		LORD, MARGARET P	R71-02055 / 22.0	-	/		
			NW	SW		BROWNING, KENT C	A71-00044 / 34.0	-	/		
			NW	SW		BROWNING, KENT C	A71-02055A / 22.0	-	/		
11N	12E	13	SW	SW		BROWNING, KENT C	A71-00046 / 4.0	-	/		
			SW	SW		RENUMBERED RIGHT	A71-10054 / 25.0	-	/		
			SW	SW		BROWNING, KENT C	R71-00046 / 4.0	-	/		
			SW	SW		CHRISTENSEN 1987 TRUST	R71-00044 / 4.0	-	/		
11N	12E	13	SW	SW		BROWNING, KENT C	A71-00044 / 4.0	-	/		
			SW	SW		BROWNING, KENT C	A71-00044 / 4.0	-	/		
			SW	SW		BROWNING, KENT C	A71-00044 / 4.0	-	/		
			SW	SW		BROWNING, KENT C	A71-00044 / 4.0	-	/		

Review

577

577

HES
577

(577)

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, () NO
IF YES SEE ATTACHED SHEET:

POU COUNTY: CUSTER	FIELD
	EXAMINER

Y	DATABASE

A71-00046 (HES-420) - ~~408A~~
A71-00044A (HES-577) - ~~577A~~ 47 OK

~~acres on 8/9. calculated from
ortho photo 7-6-68 enlarged 2~~

100% of Dist

846K

12

91 91 91
91 91 91

~~8~~

420 mark
Permit
2001
4 weeks
7/17
KDC

Perkins Bank & Trust Co

CLAIM NUMBERS 71-00046 DATE 2-5-98
HES-420 AGENT KXC

TRANSFER NUMBER _____
 HOMESTEAD ENTRY NO. 420-57
 CLAIMED ACRE TOTAL 149
 GEOGRAPHIC INFO ACRES 37

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</u>			<u>15</u>	<u>11</u>
GIS			<u>11</u>												<u>.6</u>			<u>12.2</u>	<u>5.1</u>
RECOM															<u>1</u>			<u>12</u>	<u>5</u>
CLAIM	<u>11N</u>	<u>12E</u>	<u>13</u>					<u>18</u>	<u>33</u>	<u>1</u>		<u>3</u>	<u>34</u>	<u>4</u>	<u>2</u>				<u>98</u>
GIS			<u>13</u>					<u>2.9</u>	<u>17</u>	<u>0</u>		<u>.7</u>	<u>19</u>	<u>1.8</u>	<u>1.3</u>				
RECOM								<u>*</u>	<u>*</u>			<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>				
CLAIM	<u>11N</u>	<u>12E</u>	<u>14</u>	<u>19</u>	<u>6</u>		<u>2</u>												<u>27</u>
GIS				<u>15.4</u>	<u>7</u>		<u>1</u>												
RECOM				<u>12</u>	<u>7</u>		<u>*</u>												<u>19</u>
				<u>* 30 acres in HES 577</u>															
CLAIM																			
GIS																			
RECOM																			

B71-DBPOD.SHP

NOS DESCRIPTION * = irrigated p/u in HES 577 & decreed under 71-00046

B71-DBPOU.SHP

SHAPE NOS
72- 37 - HES-420 PPU = 84 acres
73 - 47 - HES-577
71-00044-HES-577 - 47 acres
total -> 84 acres

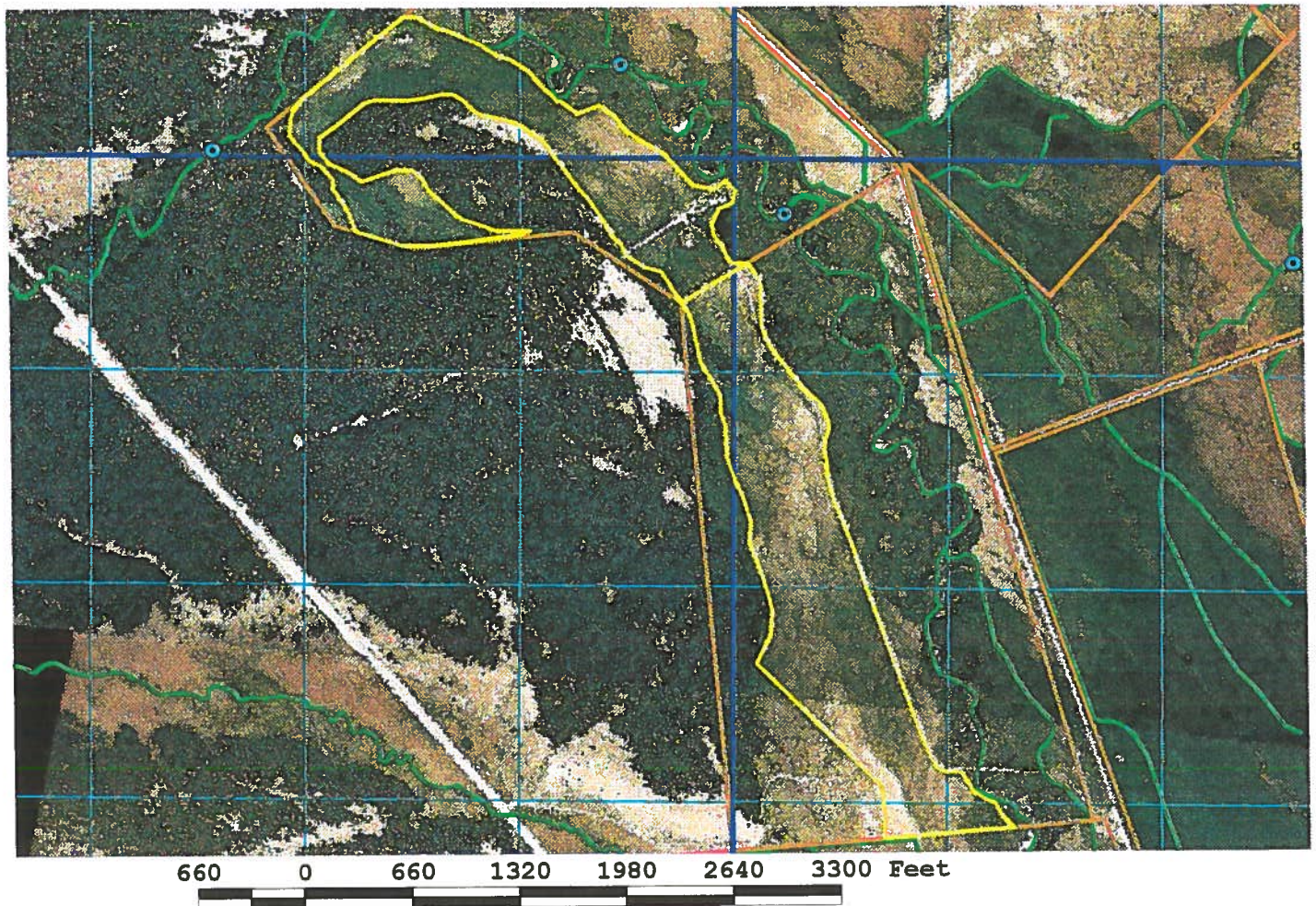
See also
71-00044 for balance of P/u

DBF TABLES UPDATED

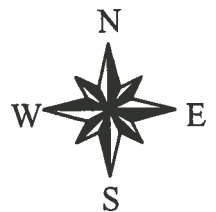
B71-DBPOD.DBF ✓
 B71-DBPOU.DBF ✓

IDAHO DEPARTMENT OF WATER RESOURCES

71-00044 & 71-00046
HES- 420 & 577
SOURCE = ELK CREEK



RECOMMENDED PLACE OF USE = 84 ACRES
DATA ENTRY ON MARCH 5, 1998
TWP 11N, RNG 12E,
SEC 11, SESW, & S1/2SE1/4
SEC 13, W1/2NW1/4, SW1/4,
SEC 14, NE1/4



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

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

PRESUMPTION FLAG: D

NOTES:

This right was decreed to acre within HES-420. The same system serves this right & H71-000444 and was claimed as a unimproved right. Therefore a recommendation this right on the ~~94~~ acre record but limiting this right in Remarks to the 40 acre total of land acres within HES-420

RECOMMENDATIONS:

81 97 (No limit in E09) (K041) 87 37

TOTAL ACRES:

94

REVIEWED BY:

KKC

DATE:

3-17-94

KKC
6-1-98
Review
G.S.
Mum

A. AS CLAIMED USES:

PURPOSES
A71-00046 IRRIGATIONFROM 04-01 MONTH/DAY
TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.600 CFS

DIVERSION QUANTITY

1.600 CFS

5-1 9-30 recommends
dept standards

B. WR RECORDED USES:

PURPOSES
71-00046 IRRIGATIONFROM MONTH/DAY
TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.600 CFS

DIVERSION QUANTITY

1.600 CFS

PRESUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	N
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

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

Explain in notes, below.

NOTES:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y (X) N ()

AJ TOTAL CLAIMED DIVERSION RATE: 1.600 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***

** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD DATABASE EXAMINER
N

B.

MEASUREMENT METHOD

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y (Y) N () IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A71-00044, A71-00046 AND A71-02055A

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-00046	ELK CREEK	BROWNING, KENT C	1.600	0.010		
R71-00044	ELK CREEK	CHRISTENSEN 1987 TRUST	4.800	0.032		
A71-00044	ELK CREEK	BROWNING, KENT C	4.800	0.032		
A71-00045	VALLEY CREEK	BROWNING, KATHRYN M	3.000	0.023		
R71-00045	VALLEY CREEK	BROWNING, KENT C	3.000	0.023		
R71-00046	ELK CREEK	BROWNING, KENT C	1.600	0.010		
A71-00049A	VALLEY CREEK	YACOMELLA, ANTONY R.	1.020	0.006		
R71-00049A	VALLEY CREEK	YACOMELLA, TONY S	1.020	0.006		
A71-00050	VALLEY CREEK	HAUGRUD, JACK AND/OR GEOFFREY	4.800	0.030		
R71-00051	TENNEL CREEK	YACOMELLA, ANTONY R	2.400	0.015		
A71-00051	TENNEL CREEK	YACOMELLA, BILL ROY	2.400	0.015		
A71-00052	VALLEY CREEK	YACOMELLA, ANTONY R.	2.400	0.015		
R71-00052	VALLEY CREEK	YACOMELLA, ANTONY R.	2.400	0.015		
R71-00054	VALLEY CREEK	MAHONEY JR, DANIEL J	2.430	0.020		
A71-00054	VALLEY CREEK	MAHONEY, JR., DANIEL J.	2.430	0.020		
R71-00057	VALLEY CREEK	MAHONEY JR, DANIEL J	4.800	0.030		
A71-00057	VALLEY CREEK	MAHONEY, JR., DANIEL J.	4.830	0.030		
R71-02055	ELK CREEK	LORD, MARGARET P	0.440	0.020		



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

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

May 29, 1998

DIVERSION RATE ANALYSIS FOR: 71-00044, 71-00044B, AND 71-00046

All three rights come from the same point of diversion and use the same delivery system with 71-00044 and 71-00046 being claimed within a Permissible Place of Use (PPU). Therefore, they are combined in the hubble review for analysis purposes.

HUBBLE ANALYSIS

Only a small fringe area on the edges of the place of use is a soil type other than Rp1. For analysis purposes Rp1 is the only soil considered. The general practices in this Valley Creek basin is to cover the property as fast as they can when water is available, normally taking 10 to 20 days to start over. I used a 10 day rotation for this property. The 1997 revised hubble analysis using Allen Merritt's rate per acre table calculated a required diversion rate of 6.72 cfs which is greater than the combined decreed rate of 6.40 cfs. Although the system was not diverting that rate when the field examination was conducted on 9-10-93 the system appeared to be able to carry in excess of the total decreed rate. I am therefore recommending these rights as follows:

A71-00044 and A71-00044B

A71-00044 claimed the entire diversion rate and A71-00044B was originally claimed as A71-02055. Research, warranty deeds, and conversations with Kevin Swigert indicate that the water use on the Bein property was actually part of the decreed right 71-00044. All available information indicates that there was a proportionate split of the right.

Using the GIS system, I found 60 irrigated acres within HES 577 with Christensen's portion being 47 acres and Bein's portion being 13 acres.

Therefore I calculated the following appurtenant diversion rates for each claimant.

Christensen	A71-00044	$47/60 * 4.80 = 3.76$	cfs
Bein	A71-00044B	$13/60 * 4.80 = 1.04$	cfs

I have mailed a letter to Bein dated 5-29-98 describing the conflict between the original claim and my findings.

DIVERSION RATE RECOMMENDATION

The proportionate rate of 3.76 cfs is the current recommendation for A71-00044 but A71-00044B is currently limited to the claimed rate of 0.44 cfs.

PLACE OF USE RECOMMENDATION

A71-00044 was claimed within a permissible place of use with A71-00046. I found a common system and therefore accept the PPU as valid. The total PPU is 84 acres with A71-00044 limited to 47 acres within the PPU and A71-00046 limited to 37 acres within the PPU.

A71-00044B is for 13 acres and does not overlap with any other rights.

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-02055	ELK CREEK	LORD, MARGARET P.	0.440	0.020		
A71-02055A	ELK CREEK	BROWNING, KENT C	0.440	0.020		
A71-10054	PARK CREEK	RENUMBERED RIGHT	2.400	0.060		
	RENUMBERED RIGHT					

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
R71-10199	STOCKWATER	HAUGRUD, JACK AND/OR GEOFFREY	FROM 06-01 TO 10-31	.030 CFS	
A71-10199	STOCKWATER	HAUGRUD, JACK AND/OR GEOFFREY	FROM 06-01 TO 10-31	.030 CFS	
A71-10074	DOMESTIC	LORD, CHARLES E.	FROM 01-01 TO 12-31	.040 CFS	
R71-10074	DOMESTIC	LORD, CHARLES E	FROM 01-01 TO 12-31	.040 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE $\times 0.02 \text{ CFS/ACRE} =$ CFS
(Taken from P/U review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 298.0 AF/A

ACRES $\times$ CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES $\times$ DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

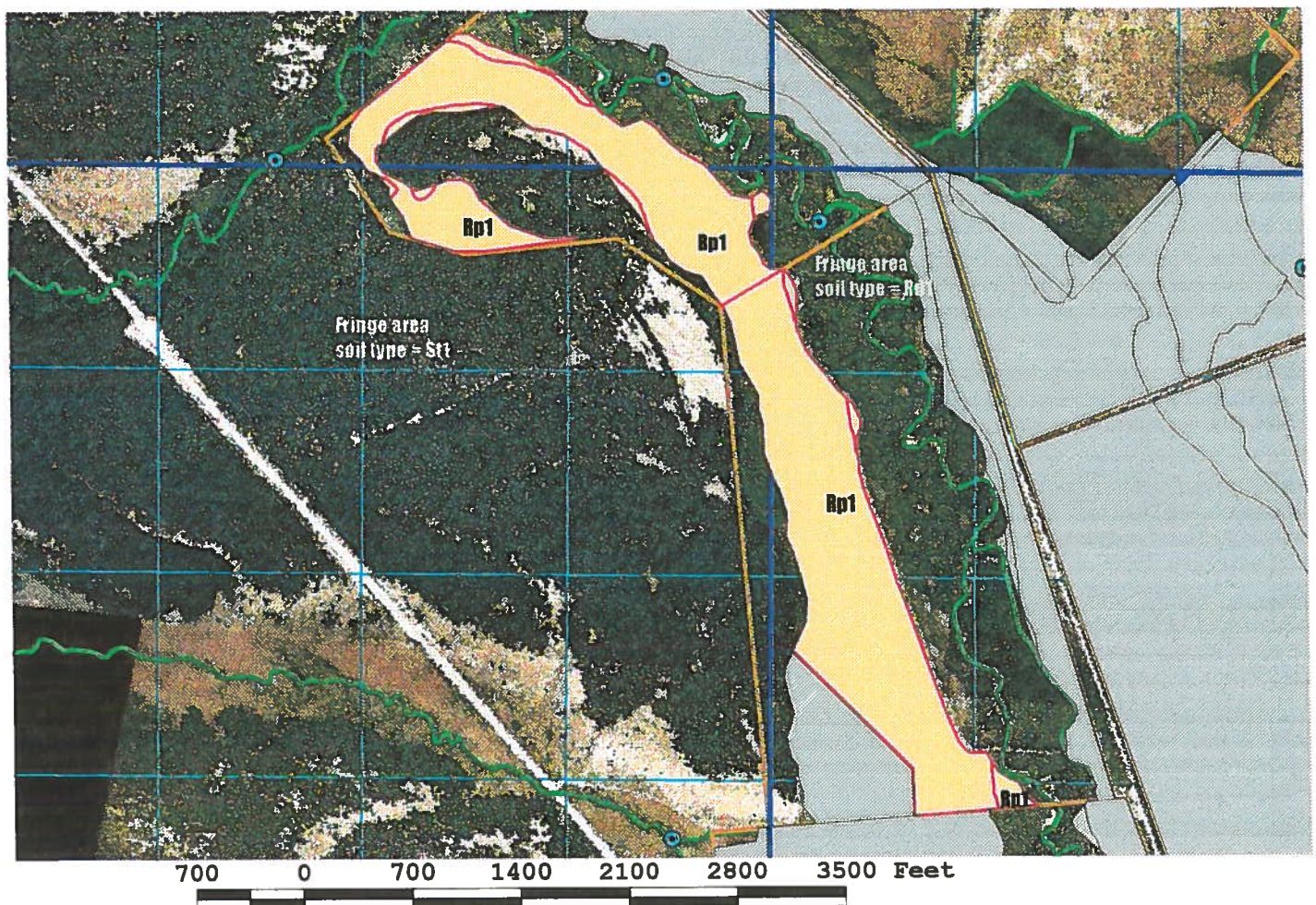
SEE ATTACHED SHEET? Y() N()

1b. CALCULATIONS

See hydrology

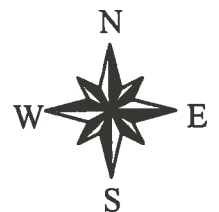
IDAHO DEPARTMENT OF WATER RESOURCES

71-00044, & 71-00046,
HES- 420 & 577
BROWNING



**PLACE OF USE SOILS ANALYSIS
USING SCS SOILS OVERLAY
DATA ENTRY ON MAY 29, 1998**

HES	SOIL TYPE	ACRES
420	RP1	34
	ST1	1.6
	RD1	1.6
577	RP1	45.2
	RD1	1.6



- RECOMMENDED PLACE OF USE
- SOILS BOUNDARY
- SECTION LINES
- QUARTER QUARTER LINES
- HOMESTEAD ENTRY BOUNDARY

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

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

71-000447 84A

71-000448-13A

DATE: May ²⁹ 8, 1998

71-000465

REVIEWED BY KKC

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
TP4	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
RP1	4.33	10	97	.16	6.72 CFS
					CFS
					CFS
					CFS

TOTAL ACRES 97 Both rights comb. DECEED RATE = 6.40 CFS

See C/R for additional comments.

CLAIMED DIVERSION RATE =
ORIGINAL HUBBLE RATE =
MEASURED DIVERSION RATE =

P/U IS H. E. S. 420.
AC. IRRIG. NOT SPECIFIED. FARM = 154.86 AC.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

REC. PERIOD
PURPOSES FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

IRRIGATION

5-01 9-30

DATABASE EXAMINER
1.600 1.600

DATABASE EXAMINER

DATABASE EXAMINER
298.0

TOTAL FOR THIS RIGHT

1.600

298.0

REVIEWED BY:

KKE

DATE:

6-1-98

Good code
Q/P
Remains EXP. F 06
71-00044
71-00044B
71-00044C
limit to 37k
P441 K 06
HES 420 and a part of
577.
GEN

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00046

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 1.600

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A71-00046	1.600	R71-00046	1.600	71-00046	1.600

TOTAL CFS

1.600

1.600

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 sheet attached? (Y/N)DATABASE
YFIELD
EXAMINER

NOTES:

AUTHEN

SIGNAT

AUTHENTICATION: DATE: 6-1-98

NAME (

SIGNATURE: Kelly K. Christensen

EXAMINER: KELLY K. CHRISTENSEN

SR WATER RESOURCE AGENT



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PHILIP E BATT
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KARL J DREHER
DIRECTOR

DIVERSION RATE ANALYSIS FOR:
71-00044, 71-00044B, & 71-00046¹

Based upon a conversation with Mr Bein on 7-2-1998 I am changing my recommendations for the above rights. Mr Bein indicated that he felt that the original claimed rate of 0.44 cfs was sufficient for his use on the recommended place of use for A71-00044B. He further stated that he felt that the balance of the water was still being used on the place of use for A71-00044. After reviewing the evidence available I am recommending the following:

Claim no.	Browning	Bein
A71-00044	4.36 cfs 47 acres	
A71-00044B		0.44 cfs 13 acres
A71-00046	1.60 cfs 37 acres	
Total	5.96 cfs 84 acres	0.44 cfs 13 acres

Hubble analysis based upon a 10-day rotation and 84 acres of RP1 soil for Browning gives a required diversion rate of 5.82 cfs.

Decreed rate less Hubble rate = $5.96 - 5.82 = 0.14$ cfs
Difference as a percentage of the Hubble rate = $0.14/5.82 \approx 0.02 \%$

As the combined decreed rate is within 2% and the irrigation rotation days as identified by the claimant is greater than the theoretical requirement for this soil type (4.33 days) I am recommending the full amount for the Browning claims.

5-16-94

KKC Pg 1/

Preliminary Review of Elk Creek diversions claimed under A71-00044, 00046, 2055A & 2055.

P/D Analysis.

I found 1 P/D supplying water to the area in HES-420 & HES-577 that were claimed under the four listed claims. The licensed right 71-02055 was superseded by 71-00044 (see additional analysis in Attachment dated 5-12-94). The legal desc of the Found P/D matches the decreed & claimed P/D for 71-00046 and the claimed P/D of A71-00044.

The P/D ~~claimed~~^{decreed} under 71-00044 is the NWNW Sec 13. This location matches a P/D from Valley Creek that supplies water to ground East of Valley Creek and the 'Cow camp' road. I do not believe that Elk Creek ever flowed through Sec 13 thus the decree is in error.

I did not find a P/D as described by 71-02055 nor did the decreed rights find that P/D therefore that P/D is considered to have been abandoned prior to 1940 & the decreed date.

5-16-94

Recommendation Analysis
based upon current information

KKC Pg 2/

1. A71-00046 is claimed as decreed & therefore can be recognized as claimed subject to P/U acre recommendation based upon field exam. The P/U includes the acres in HES 420 (as decreed) and the acres in HES 577 currently owned by Browning. The combined H.E.S.'s represent a permissible Place of Use & is therefore a chg in P/U.

2) A71-00044 is to be split between Browning and Lord proportionately based upon irrigated acreage as identified in Warranty deed 131095. (specifically Pg 2)

A71-00044A represents the Browning portion and is for 51 acres and A71-00044B represents the Lord portion and is for 13 Acres.

The claimed & found P/D's do not agree therefore the claims require cond code ~~CD3~~ and is considered a correction in legal description rather than a physical change in location of the P/D.

Further A71-00044A's claimed P/U is the ground within HES-577 as decreed plus the P/U covered by 71-000 (a permissible Place of Use) flag CD 5.

The P/U for A71-00044B is wholly within HES-577 and therefore does NOT require a P/U condition Flag.

9-10-93

#1

P/D for E of Valley Cr in Sec 3

Shared

← MAhoney
(Dave Muscavag)
Christensen Trust
Toni Yacomella

#2 P/D just So of Thompson Cr juncture as indicated
on or the photo Thompson Cr water does not reach P/D
covered by this claim.

#3

P/D Elk Creek (W of Valley Cr.)
irr 6¹/₂ days cross P/D.

South end is corrugated on 30 to 40' spacing
with flood irr between corrugations.

can utilize "waste" water varying with irr area

East side irr takes 14 days.
some 48 hour sets on N end

irr/sub along Valley Cr. quality of irr hard to
distinguish between irr water & sub from Valley Cr.