

03/27/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-480

NAME AND ADDRESS: RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598

SOURCE: RATTLESNAKE CREEK

TRIBUTARY: BANNOCK CREEK

QUANTITY: 0.600 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 2.40 CFS. COMBINED RIGHT NOS.: 29-480, 29-13215,
29-13522, 29-2509 AND 29-7272.

PRIORITY DATE: 10/01/1903

This water right will be delivered in accordance with the 1990 Fort Hall Indian Water Rights Agreement where the parties agreed to "continue the historic water allocations pursuant to the Bannock Creek Decree [the decree in United States v. Daniels, (D.Idaho April 9, 1907, unpublished)]." 1990 Fort Hall Indian Water Rights Agreement, p. 8 para. 4. In times of shortage, this water right and other water rights decreed in United States v. Daniels, are superior to the federal based natural flow right nos. 29-466, 29-467, 29-469, 29-470, 29-471, 29-472, 29-473, 29-474, 29-12049 and 29-12848.

POINT OF DIVERSION:

T09S R34E S8 NESW Within POWER County Source: RATTLESNAKE CREEK

T09S R34E S8 SWSWE Within POWER County Source: RATTLESNAKE CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.600 CFS

PLACE OF USE: IRRIGATION Within POWER County

T09S R34E S08	SWNW	5.4	T09S R34E S08	NESW	28.0
T09S R34E S08	NWSW	36.0	T09S R34E S08	SESW	39.0
T09S R34E S08	NWSE	1.9	T09S R34E S08	SWSE	10.0

120.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 120.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-480, 29-13215, 29-13522, 29-2509 AND
29-7272.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 30 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: Decreed

03/27/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

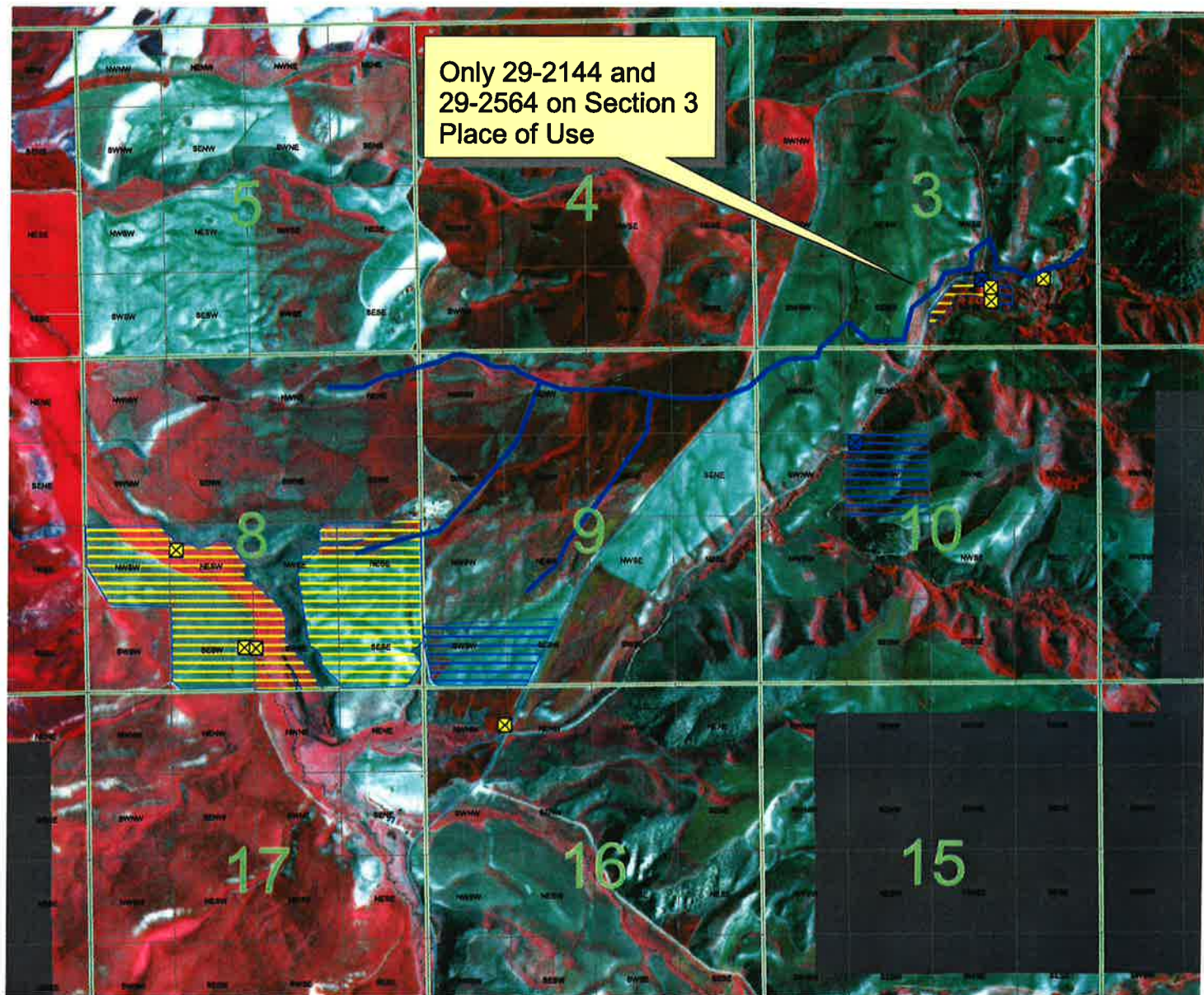
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

Idaho Department of Water Resources

Water Right 29-480, 29-2144, 29-2509,
29-2564, 29-7272, 29-10893, 29-13215

(Color copy of layout on hard disk or in paper file 29-480)



-  Point of Diversion - This Right
-  Point of Diversion - Other Rights
-  Place of Use - This Right
-  Place of Use - Other Rights
-  Township
-  Section
-  Quarter-quarter Section

0.5 0 0.5 Miles

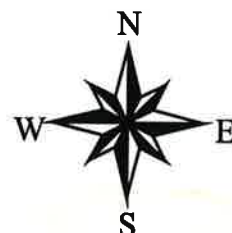


PROFILED

Township 9S Range 34E

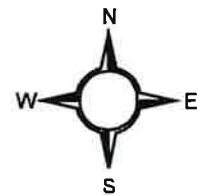
SCANNED

NOV 3 0 2005



Prepared from 1987/1988 NAPP photography by B. Contor, 8/2001.

Summary of Historical POU of Hans and Russell Hayden Claims from Document Review 8/2/2001

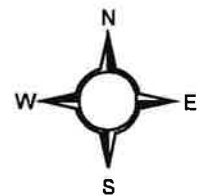
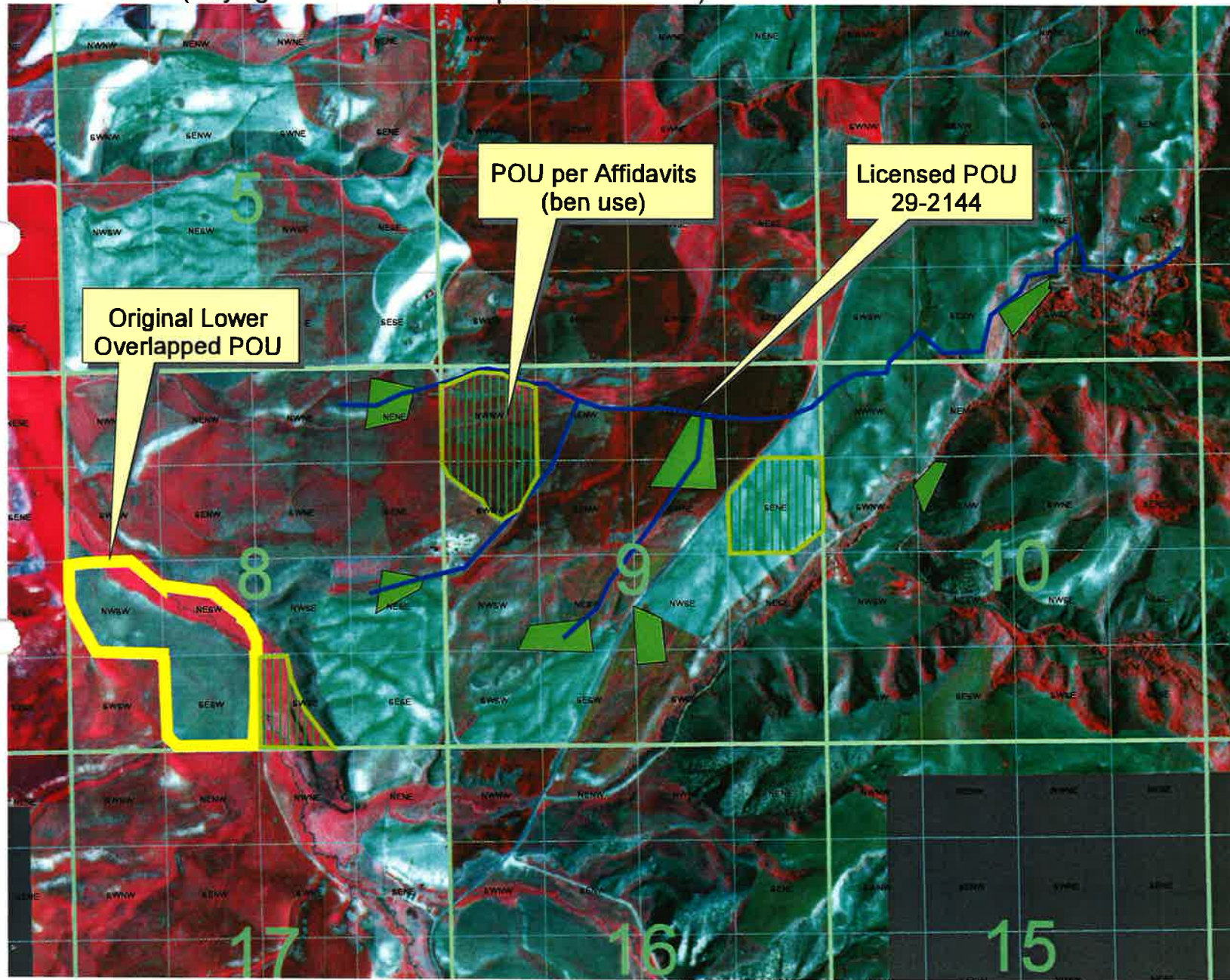


SCANNED
DEC 07 2005

$\Sigma = 105 \text{ acres}$

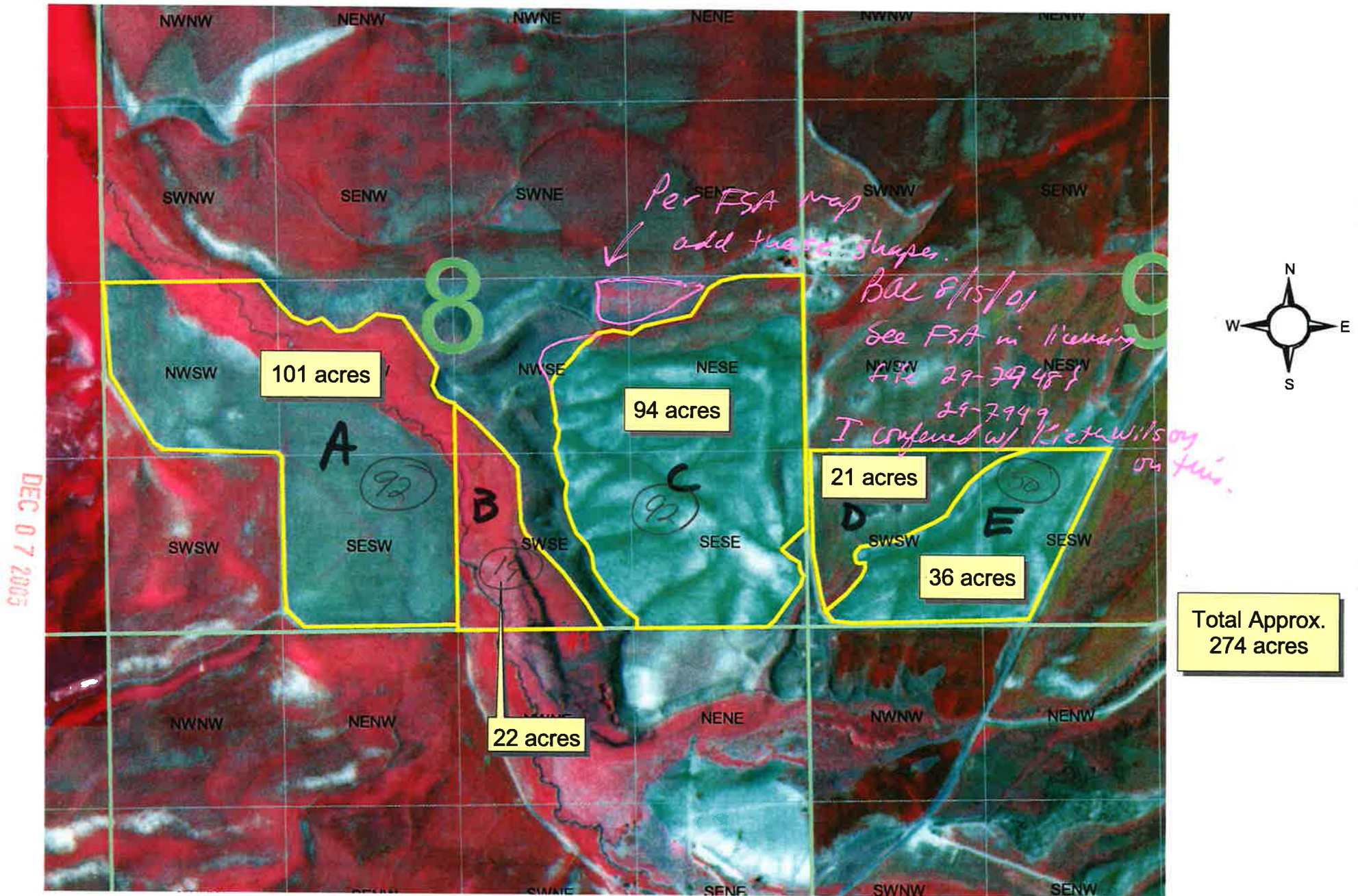
Summary of Historical POU of Hans and Russell Hayden Claims from Document Review 8/2/2001

(only rights claimed to lower place are included)



SCANNED
DEC 07 2005

Summary of Current POU of Hans and Russell Hayden Claims from Field Work 7/26/2001



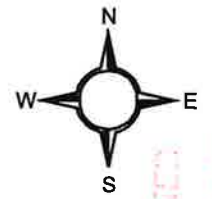
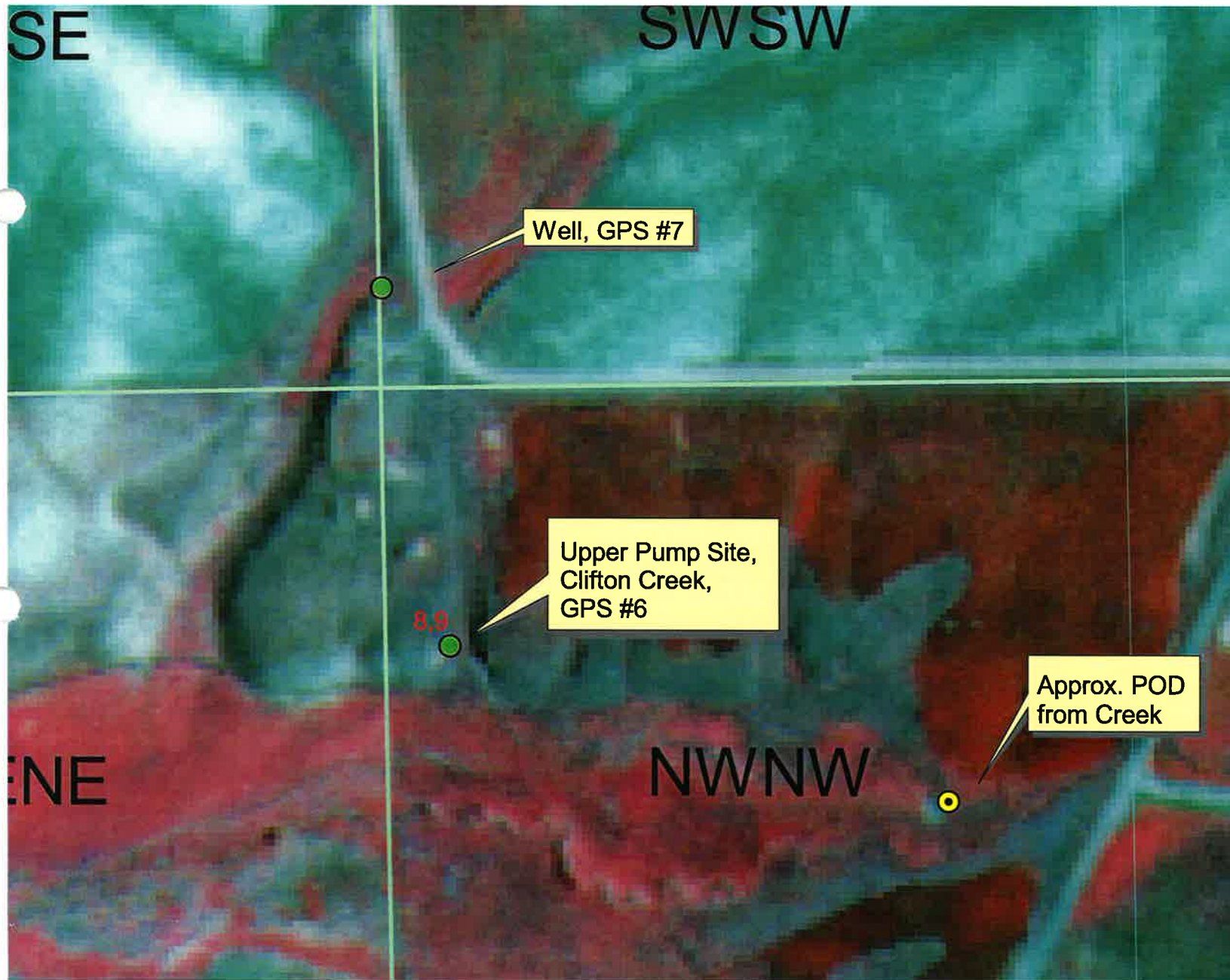
Revised numbers are from claimants' map 7/26/01. I need to adjust shapes a little.

GPS Points from field work 7/26/2001

B. Contor

Red arrows and numbers indicate photos. Photo taken at tail of arrow, camera facing direction arrow points

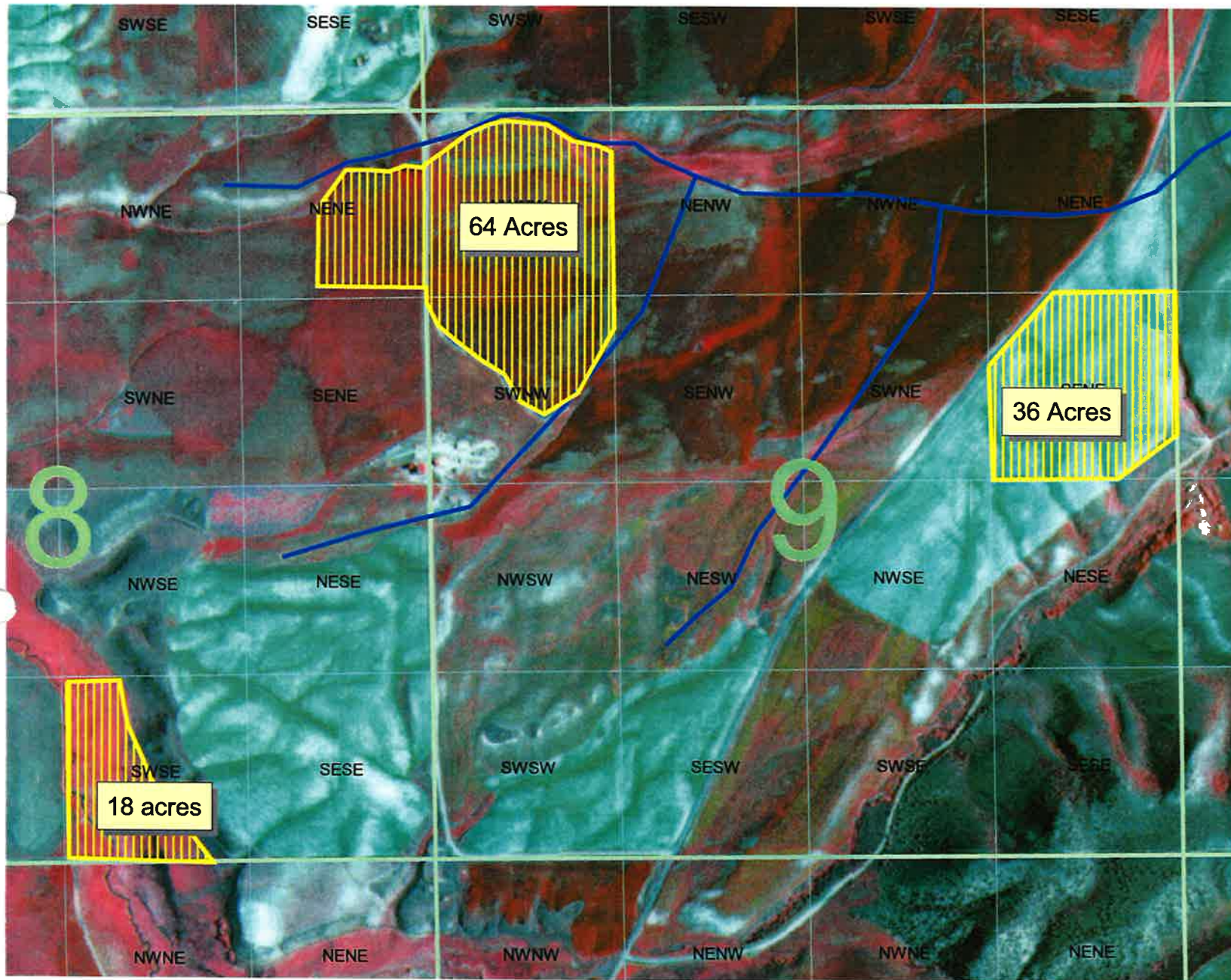
p12 Bac



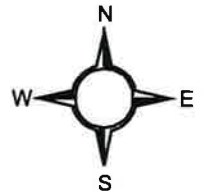
SCANNED
DEC 07 2005

GIS file
7_26_01bc.shp
on East 473
d:/data/b29

Determination of Original POU of Hans and Russell Hayden Beneficial Use (29-10893) per Analysis and Interview with Hans Hayden 8/3/2001.

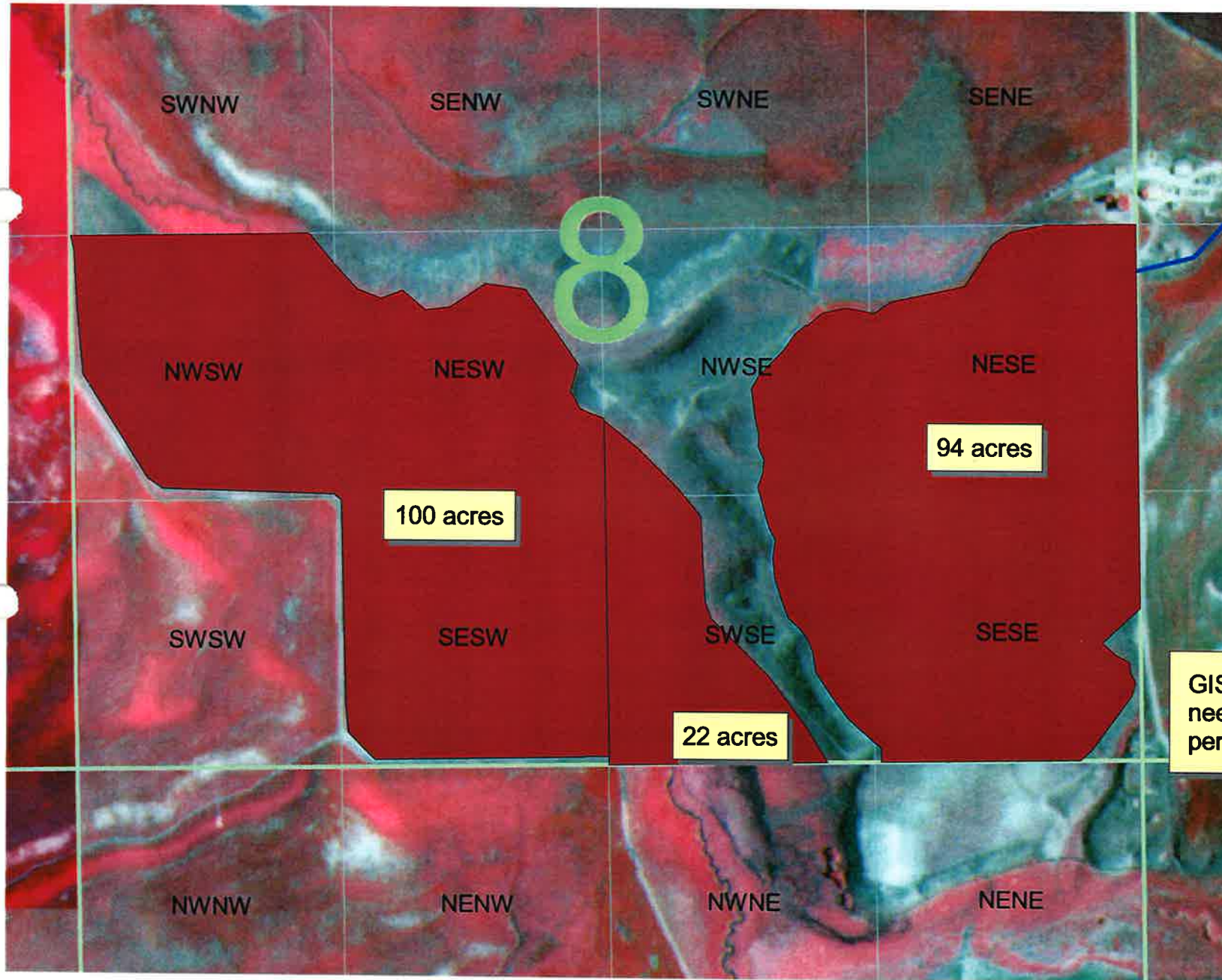


1
64
18
36
118

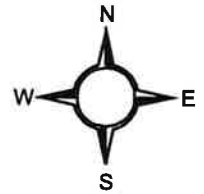


SCANNED
DEC 07 2005

Determination of pre-1987 accomplished transfer of
POU of Hans and Russell Hayden Beneficial Use
(29-10893) per Analysis and Interview with Hans Hayden 8/3/2001.



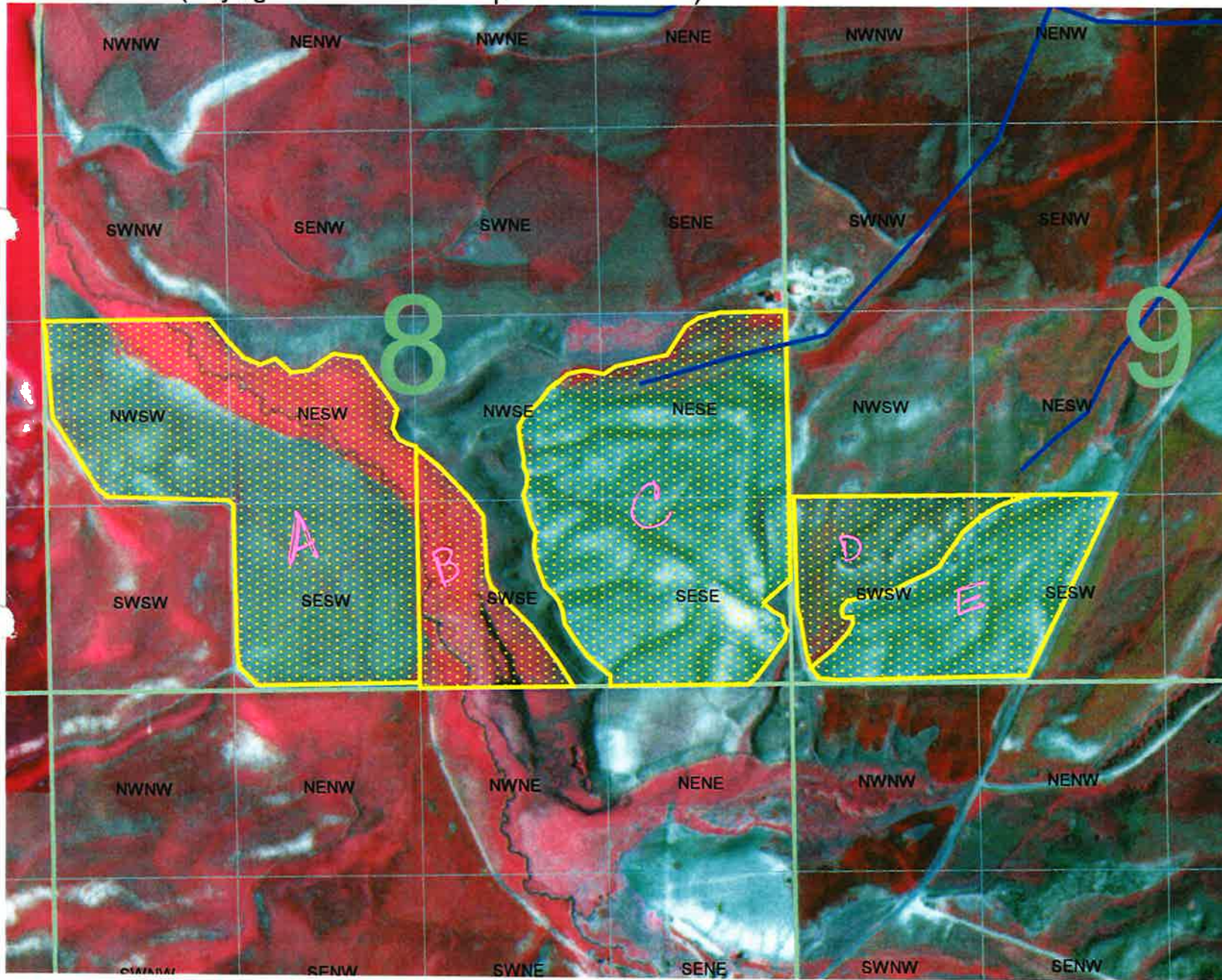
SCANNED
DEC 07 2005



GIS acres may
need adjustment
per FSA photos

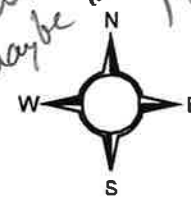
Summary of Current POU of Hans and Russell Hayden Claims

(only rights claimed to lower place are included)



SCANNED
DEC 07 2005

Sprinkler started
about 1985?
maybe late 1970's -
1980's -



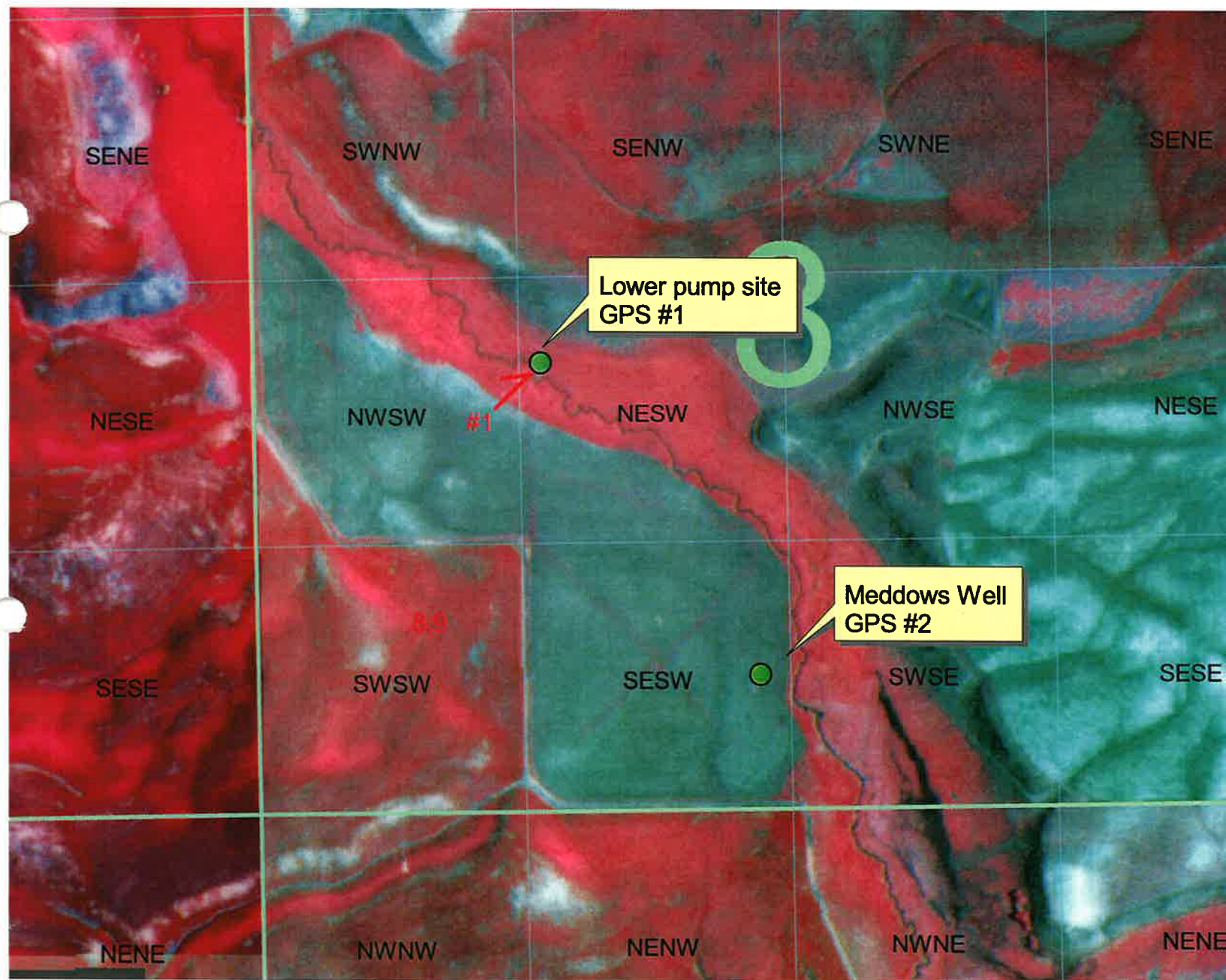
Hans Hayden
says this is
approximately
correct.
Bac
8/3/01

GPS Points from field work 7/26/2001

B. Contor

Red arrows and numbers indicate photos. Photo taken at tail of arrow, camera facing direction arrow points

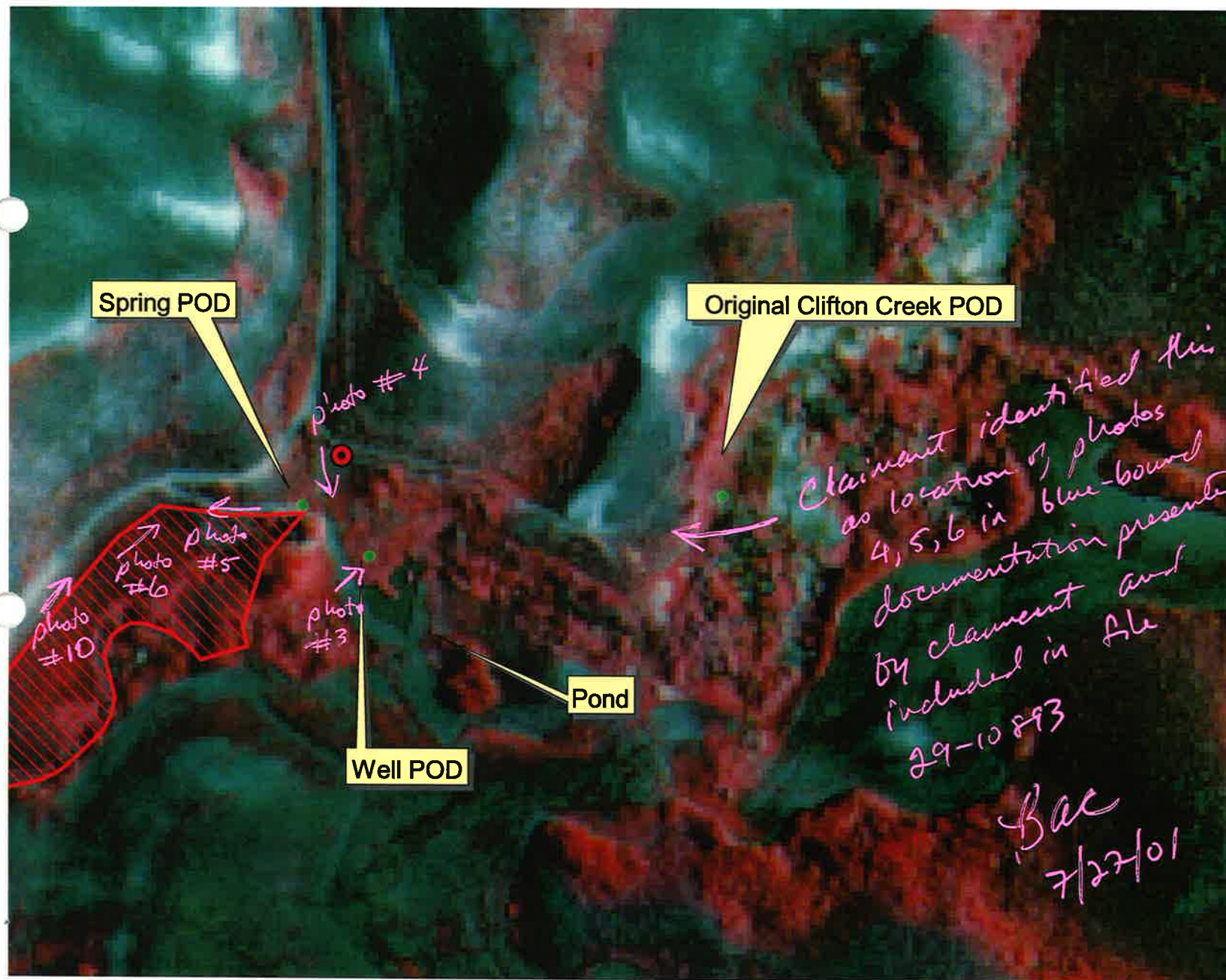
p 2 bac



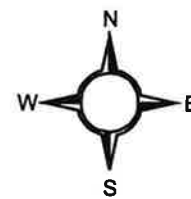
GIS file
7_26_01bc.shp
on East 473
d:/data/b29

GPS Points from field work 7/26/2001

B. Contor



SCANNED
DEC 07 2005

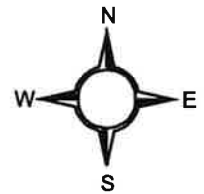
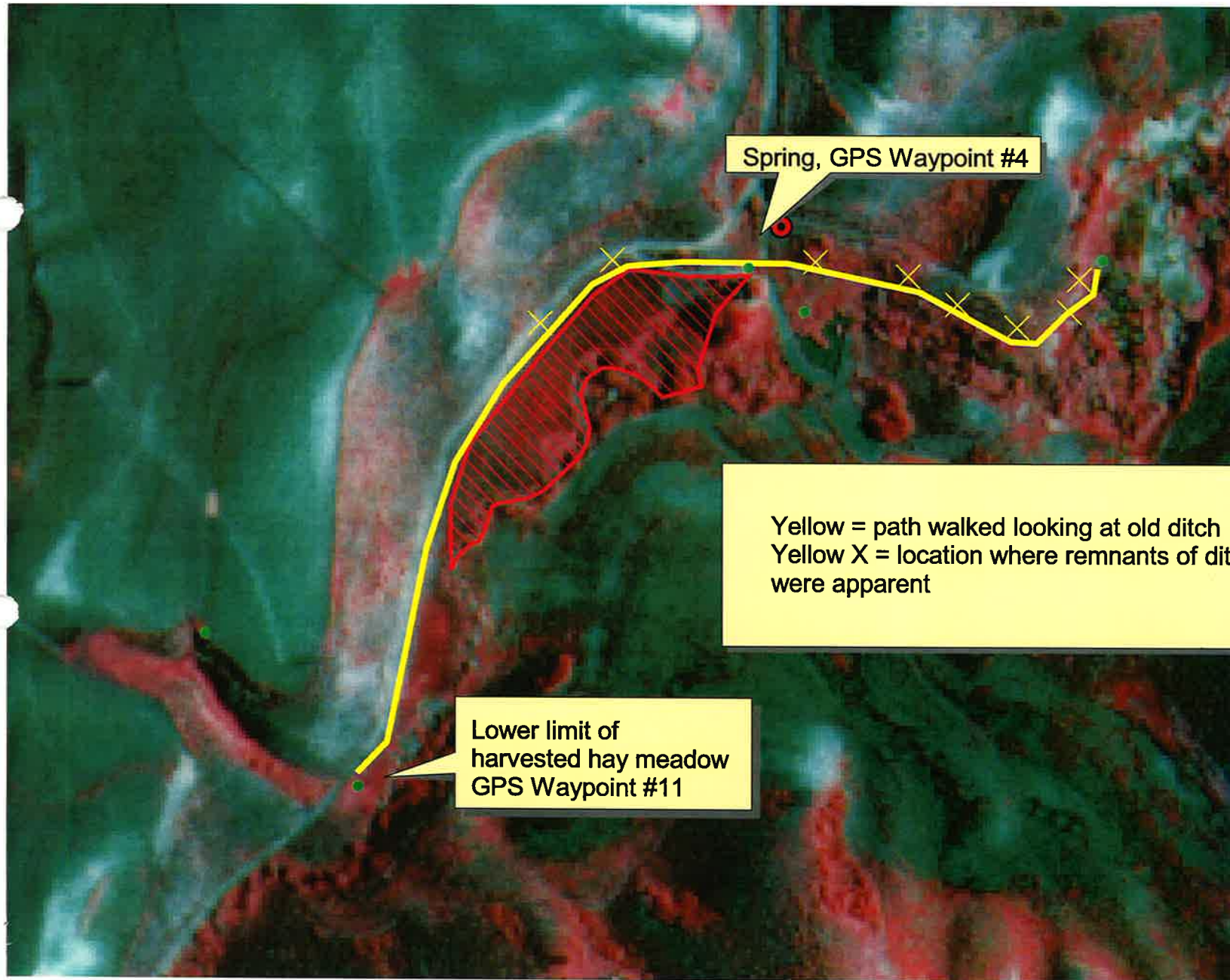


GIS file
7_26_01bc.shp
on East 473
d:/data/b29

p 8 bac

GPS Points from field work 7/26/2001

B. Contor



GIS file
7_26_01bc.shp
on East 473
d:/data/b29

SCANNED
DEC 07 2005

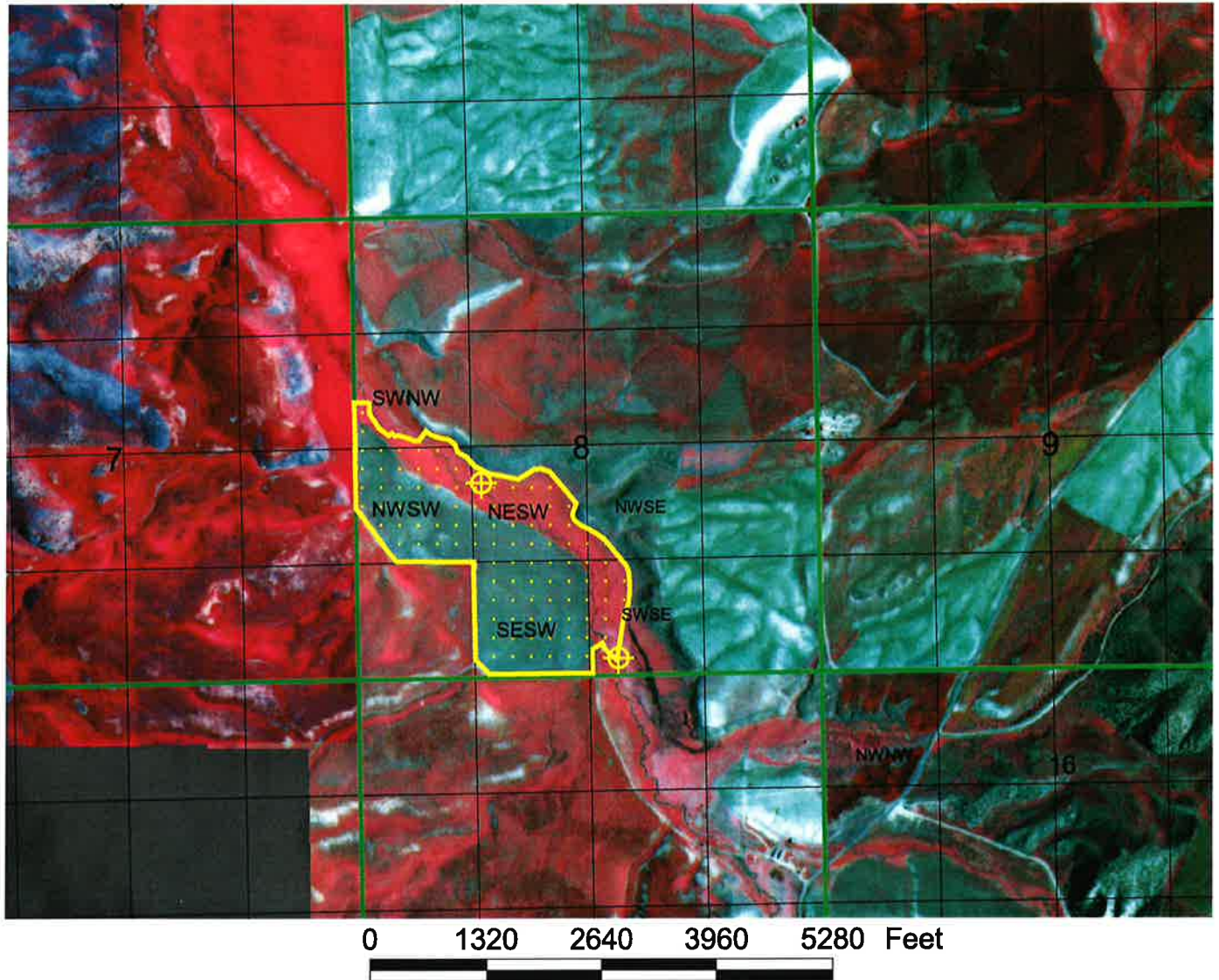
p9 Bue



Department of Water Resources

Claim No: 29-480, 29-13215
29-13522

Twp 09S Rge 34E



Irrigated Acres = 120.3

- Place of use.shp
- Diversion.shp
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: March 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-480 V1

WATER RIGHT NUMBER: 29-480 V1

Comments:

1. bcontor 8/10/2001 Recommendation

Comment: See materials under 29-480 flap and general flap of paper file.

2. bcontor 8/10/2001 PPU and ownership

Comment: Recommended on a PPU basis on lands owned by claimant and lands not owned by claimant. See paper files for letters from both parties requesting this recommendation. Field inspection confirms this matches historical practice.

3. bcontor 8/10/2001 222 acres vs 217

Comment: Apparent discrepancy between E14 and PPU land list is not an error. 29-2144 and 29-2564 include five acres that are not part of the recommended PPU for the other rights. A proposed transfer will move these five acres adjacent to the rest of the PPU.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: C

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

*Recommendation modified
slightly 8/15/01 per conference
w/ Keith Wilson re: POU.
See "General" flap in
paper file 29-480*

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	8/10/2001 3:39:24 PM	bcontor			Active
Priority Date	8/10/2001 3:41:25 PM	bcontor			Active
POD	8/10/2001 3:46:53 PM	bcontor			Active
Source	8/10/2001 3:47:27 PM	bcontor			Active
Source	8/10/2001 3:48:35 PM	bcontor			Active
POU	8/10/2001 4:02:39 PM	bcontor			Active
Use	8/10/2001 4:03:18 PM	bcontor			Active
Season	8/10/2001 4:04:26 PM	bcontor			Active
Quantity	8/10/2001 4:04:44 PM	bcontor			Active
Summary	8/10/2001 4:09:43 PM	bcontor			Active
Summary	8/10/2001 4:56:14 PM	bcontor	8/10/2001 4:56:14 PM	bcontor	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	8/10/2001 3:49:11 PM	bcontor	Edited shape boundary

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-480 V1

POU	8/10/2001 3:49:41 PM	bcontor	Edited shape boundary
POU	8/10/2001 3:50:03 PM	bcontor	Edited PLS
Contacts	8/10/2001 3:39:22 PM	bcontor	1. Appointment has not been scheduled. Comment for 1: Field inspection done 7/27/2001
Priority Date	8/10/2001 3:41:23 PM	bcontor	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (NO) The claim is not coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	8/10/2001 3:44:19 PM	bcontor	Edited point location
POD	8/10/2001 3:44:38 PM	bcontor	Edited PLS
POD	8/10/2001 3:46:50 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (NO) Parent right does not have a Point of Diversion. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: GPS of point shown by operator Hans Hayden. Original was gravity, now pumped from creek. Claim identified several possible pumping locations, operator stated during field exam that GPSd site is the only one that needs to be recommended. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: See answer to #5. 8. (NO) Point of Diversion remark was not required. 9. (NO) Point of Diversion condition was not required.
Source	8/10/2001 3:47:25 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Field inspection, decree 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-480 V1

Source	8/10/2001 3:48:33 PM	bcontor	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. Comment for 7: Field inspection, decree. Note that other rights from this source are decreed to Shoshone-Bannock tribe via the 1990 Ft Hall agreement and 1995 court order. This right was not awarded to the tribes and the language of the agreement acknowledges existence of non-tribal decreed rights on Rattlesnake Creek. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	8/10/2001 4:03:16 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
POU	8/10/2001 4:02:37 PM	bcontor	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: same answer as before 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: see #6 12. (YES) POU remark was required. 13. (NO) POU condition was not required.
Season	8/10/2001 4:04:24 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-480 V1

Quantity	8/10/2001 4:04:42 PM	bcontor	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	8/10/2001 4:09:35 PM	bcontor	6. (YES) Explanatory remark was required. 7. (YES) Additional condition was required. 8. (NO) Did not want to view the recommended right.
Summary	8/10/2001 4:56:12 PM	bcontor	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

MEMORANDUM

To: 29-480
From: Bryce Center
Date: 8/10/2001

Re: Average limitation

Two quarter-quarters are described by the decree as authorized place of use, but the decree is incomplete in that it does not describe acres per quarter.

At a nominal rate of 0.02 cfs/acre, the decreed rate of 0.60 cfs implies 30 acres of irrigation.

Current practice indicates that the lowlands irrigable by gravity means are about 18 acres (see map "Determination of Original" attachment #1 to 8/3/2001 memo under "general" flap in file 29-480).

The more liberal average (30 acres) is used as a description for this right. This does not impact current use of the right but helps define it for possible future transfers.

Bryce C. Center 8/10/2001

SCANNED
NOV 30 2005

PROTECTED

of the northeast quarter, and the northeast quarter of the northeast quarter of section seven, and the northwest quarter of the northwest quarter of section eight, in Township ten, South of Range thirty-four East of Boise Meridian, in Oneida County, Idaho;

29-0478

That said J. C. Snyder is entitled, at all times, for the irrigation of his lands hereinafter described, and for domestic and stock purposes thereon, to the use of one and one-fifth cubic foot per second of time of the waters of said Hattlesnake Creek, a tributary of said Bannock Creek, said right to date from the 29th day of September, 1902, to be used upon and become appurtenant to the following described lands, to-wit: The northeast quarter of the northwest quarter and the north half of the northeast quarter and the southeast quarter of the northeast quarter of section seventeen, in Township nine, South of Range thirty-four East of Boise Meridian, in Oneida County, Idaho;

29-0479

That said George A. Bradley is entitled, at all times, for the irrigation of his lands hereinafter described, and for domestic and stock purposes thereon, to the use of two-fifths of one cubic foot per second of time of the waters of said Hattlesnake Creek, a tributary of said Bannock Creek, said right to date from the 3th day of May, 1902, to be used upon and become appurtenant to the following described lands, to-wit: The northwest quarter of the northeast quarter and the northeast quarter of the northwest quarter section ten, in Township ten, South of Range thirty-four East of Boise Meridian, in Oneida County, Idaho;

29-0480

That said J. H. Meadows is entitled, at all times, for the irrigation of his lands hereinafter described, and for domestic and stock purposes thereon, to the use of three-fifths of one cubic foot per second of time of the waters of Hattlesnake Creek, a tributary of Bannock Creek, said right to date from the 1st day of October, 1903, to be used upon and become appurtenant to the following described lands, to-wit: The east half of the southwest quarter of section eight, in Township nine, South of Range thirty-four East of Boise Meridian, in Oneida County State of Idaho;

29-0481

That said W. E. Verley is entitled at all times, for the irrigation of his lands hereinafter described, and for domestic and stock purposes thereon, to the use of three-fifths of one cubic foot per second of time, of the waters of said Hattlesnake Creek, a tributary of said Bannock Creek, said right to date from the 1st day of October, 1903, to be used upon and become appurtenant to the following described lands, to-wit: The southeast quarter of the southeast quarter of section six, and the northeast quarter of the northeast quarter of section seven, in Township nine, South of Range thirty-four East of Boise Meridian, in Oneida County, State of Idaho.

That any of the foregoing respondents and cross-complainants, who are entitled to the use of any of the waters of said Bannock Creek or its tributaries, as herein decreed, may pool or unite the waters so decreed to them respectively, and use the same jointly or alternately, or in any manner that will secure the greatest benefits and best results in the use of said water, so that the waters so united or pooled, do not exceed in the aggregate the amount so decreed to the parties entering into such arrangements.

That the said D. T. Davis, Charles Bailey, John Gibbons, Thomas Gibbons, Julius Aberture and William Orin, have no right, title, interest or claim in or to the use of any of the waters of said Bannock Creek, or its tributaries, and are hereby forever enjoined from in any manner interfering with the use of any of the parties to whom

That said George W. Bradley is entitled at all times, for the irrigation of his lands hereinafter described, and for domestic and stock purposes thereon, to the use of two-fifths of one cubic foot per second of time of the waters of said Rattlesnake Creek, a tributary of said Bannock Creek, said right to date from the 6th day of May, 1902, to be used upon and become appurtenant to the following described lands, to-wit: NW $\frac{1}{4}$ NE $\frac{1}{4}$: NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, Township 10 south, Range 34, East Boise Meridian, in Oneida County, in the State of Idaho.

29-480 { That said J. H. Meadows is entitled at all times, for the irrigation of his lands hereinafter described, and for domestic and stock purposes thereon, to the use of three-fifths of one cubic foot per second of time of the waters of Rattlesnake Creek, a tributary of said Bannock Creek, said right to date from the 1st day of October 1903, to be used upon and become appurtenant to the following described lands, to-wit: E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, Township 9 South, Range 34 East Boise Meridian, in Oneida County, State of Idaho.

That said W. E. Verley is entitled, at all times, for the irrigation of his lands hereinafter described, and for domestic and stock purposes thereon, to the use of three-fifths of one cubic foot per second of time, of the waters of said Rattlesnake Creek, a tributary of said Bannock Creek, said right to date from the 1st day of October, 1903, to be used upon and become appurtenant to the following described lands, to-wit: SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, Township 9 South, Range 34 East Boise Meridian, in Oneida County, State of Idaho.

That any of the foregoing respondents and cross-complainants, who are entitled to the use of any of the waters of said Bannock Creek or its tributaries, as herein decreed, may pool or unite the waters so decreed to them respectfully, and use the same jointly or alternately, or in any manner that will secure the greatest benefits and best results in the use of said waters, so that the water so united or pooled, do not exceed in the aggregate the amount so decreed to the parties entering into such arrangements.

This decree must be construed in connection with the opinion filed herewith in this case"

The following is an extract taken from the opinion of the above decree.

"It is now considered and held that complainants

PROFILED

SCANNED
NOV 30 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-480

WATER RIGHT NUMBER: 29-480

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J H MEADOWS
	, ID

Priority Date: 10/01/1903

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
RATTLESNAKE CREEK	BANNOCK CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
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<u>Total Diversion:</u>	0.600 CFS
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Location of Point(s) of Diversion
RATTLESNAKE CREEK

Place of UseConditions of Approval:Remarks:

1. General P/D & P/U INCOMPLETE.^^

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-480

Dates and Other Information:

Licensed Date:
Decreed Date: 4/9/1907
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

MAY 10 2001

Log for claim A29-00480

Spatial Dynamics AMH

7/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s34e	8	NESW	23	40	Indiscernible
09s34e	8	NWSW	33	40	Indiscernible
09s34e	8	SESW	36	40	Indiscernible
Totals:			92	120	

AJ5809NP
No. A29-00480

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/23/00
PAGE: 3

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	RUSSELL J HAYDEN PO BOX 598 SODA SPRINGS ID 832760598 (208) 233-2526	10/01/1903	IRRIGATION	03-15 11-15	0.600 CFS	
TOTAL DIVERSION:					0.600 CFS	
CONSUMPTIVE USE:						276.00 AFA

Water Source: RATTLESNAKE CREEK

Tributary to: BANNOCK CREEK

Stage: DECREED

Point(s) of Diversion: T09S R34E S08 SWNESW SENESW NESESW SESESW POWER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
09S	34E	8	:											23	33	36				:	92.0
TOTAL ACRES																			:	92.0	

POU County: POWER

Non-Irrigation Uses: NONE

Other Rights: L/29-07272,29-2509

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-02509 A29-07272

Other Water Rights Listing Overlapping Place(s) of Use:
A29-02509 A29-02564 A29-07272

Remarks: GEN P/D & P/U INCOMPLETE. THIS FLOW IS SELDOM ADEQUATE AND SECOND
PRIORITY TO INDAIN RIGHTS WHICH CAN CALL FOR THE FLOW AT CRITICAL
TIME. THE ABOVE RIGHTS ARE SUPPLEMENTAL WATER ,IS PUMPED FROM
STREAM TO SPRINKLER ALONG THE 1/4 SECTION-HENCE MULTIPLE
DIVERSION.
MODIFIED ADDRESS 3/19/96/JT

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 03/07/90 HAUMANN 06/01/94 COX 03/29/95 POST-STD 03/19/96 JTHOMPSO



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

March 5, 1996

KARL J. DREHER
DIRECTOR

RECEIVED

MAR 13 1996

RUSSELL J HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Notice of Claim No. A29-00480, A29-07111, A29-02498,
A29-07272, A29-02509, A29-02564 & A29-04022
Change of Address

Not modified - as 3-14-96.

Dear Claimant,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

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

Claimant

Russell J Hayden

MICROFILMED

NOV 13 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT

SD-1151-2

Idaho Department of Water Resources
Selection File Maintenance, Screen II

Date 02/29/96
Time 08:48:22

Go to Page _____

A29-00480 _____	A29-02498 _____	A29-02509 _____	A29-02564 _____	A29-04022 _____
A29-07111 _____	A29-07272 _____	R29-04022 _____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Page: 1

*dual
clm's*

REGARDING YOUR WATER RIGHT

THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT

A29-04022

1896

Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

RECEIVED
MAR 08 1996
APR 21 1995
Department of Water Resources
Eastern District Office

RUSSELL J HAYDEN
2573 N MINK CREEK RD
POCATELLO ID 83204

HAYDS73 832043003 1494 04/18/95
FORWARDING TIME EXPIRED
HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598
RETURN TO SENDER

MICROFILMED
NOV 13 1996



**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 Filing Director's Report and Supplemental
Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.

TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

1946

Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720

AZ9-04022



RECEIVED

APR 21 1995

Department of Water Resources

RUSSELL HAYDEN
2573 N MINK CREEK RD
POCATELLO ID 83204

HAYD573 832043003 1494 04/18/95
FORWARDING TIME EXPIRED
HAYDEN
PO BOX 598
SODA SPRINGS ID 83276-0598
RETURN TO SENDER

NOV 12 1996





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

August 10, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Hans Hayden
3747 Mid Crystal Road
Arbon, Idaho 83212

Re: Adjudication Claim 29-13215, Transfer Application

Dear Mr. Hayden:

Enclosed is a copy of an adjudication claim for additional decreed water from Rattlesnake Creek, and a copy of a transfer application to move the five acres of surface-water-irrigation from the upper place down to the lower place.

While I have prepared these documents, they are your documents and will bear your signature. Please review them carefully. Initial any changes you make.

There are some particular things you need to be aware of, too.

Adjudication Claim 29-13215

1. The claim I have prepared is for all of decreed right 29-481 (the Verley right) and for part of 29-478 (the Snyder right). You should be aware that another claim has been filed based upon 29-478.
2. I have left the claimants' names blank, for you to fill in as is appropriate. Please indicate whether you want the name connector to be "and" or "or." The biggest difference is that if the connector is "and," we require signatures of all claimants on the claim, to make any changes to the claim, or to settle any objections or disagreements. If the connector is "or," any of the claimants can sign for all business relating to that claim.

Transfer Application

1. You should recently have received a letter from Cheri Vandermeulen requesting further documentation to change the ownership of 29-2144. To speed along the transfer, I have included Russell Hayden's name on the application, as he is still an owner of record on our database. If you have the documentation Cheri asked for, you

Copy of claim form and transfer are in Byers' correspondence
~ Celebrating Our Centennial Year of Service to Idaho 1895-1995 ~ record.

may cross Russell's name off the application and attach a copy of the documentation to the transfer application. Please send another copy directly to Cheri.

2. This transfer will leave the small groundwater irrigation right intact on the yard and campsite at the upper place, but moves all the recommended surface water down to the lower place.
3. Please send this back as quickly as possible. A notarized signature is required The transfer fee is \$100..

Please feel free to call me at 525-7161 if you have questions. Usually later in the week is a better time to catch me.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

MEMORANDUM

To: Hayden/Mid Crystal Files
Fr: Bryce Contor
Date: 8/3/2001
Re: Office visit with Hans Hayden



Today Hans Hayden visited with me in the office.

1. Attached GIS layout reflects Hans' suggestions for editing the "Summary of Historical POU..." (also attached) as shown by my pink drawing. Hans confirmed my understanding that the licensed POU of 29-2144 does not reflect how water was used by Ben, Russell, or their father after 1926. I conclude that the shape shown is an accomplished transfer of 29-2144 combined with beneficial use claimed under 29-10893 and perfected as evidenced by the Ben and Russell Hayden affidavits in the blue bound book submitted by claimant and filed with 29-10893. Total acres = 118. 29-2144 will be recommended as an accomplished transfer with full licensed acres, 29-10893 will be recommended with (118-acres of 29-2144) as an accomplished transfer of a beneficial use right, priority in accordance with documentation in blue book in file 29-10893.
2. Hans confirmed yellow POU on attached "Summary of Current POU..." is approximately the correct current irrigation. Copy given to Keith Wilson for review of permits 29-7948 and 29-7949.
3. Conversion to sprinklers, accomplished transfer to current POU, occurred late 70's, early 80's? Perhaps 1985?
4. Attached 2000 FSA photo shows current acres.
5. From my interview with Hans it appears the western tracts, labeled "A," "B," and "C" on the "Summary of Current POU..." were put under sprinklers prior to 1987 and therefore can be considered accomplished transfers of the existing rights. The tracts marked "D" and "E" on the east it appears were not irrigated prior to being put into CRP in 1984, and were first irrigated in 1988 as shown by the FSA map. These cannot be accomplished transfers but can be covered by the permits.
6. Tract "C" is shown as SF (summer fallow) on the 1987 FSA map but it apparently was irrigated prior to 1987.
7. I told Hans that I would recommend what I could as accomplished transfer of the original rights, and the rest would be covered under the permits. I have

letters requesting a PPU, I plan to recommend the full current POU with appropriate acreage limitations reflecting pre-1987 accomplished transfers, and let permits 29-7948 and 29-7949 pick up the rest of the acres. The AJ recommendations will list 29-7948 and 29-7949 in the combined limitations. I have notified Keith Wilson that Mr. Hayden requests that the licenses be issued on a PPU basis. I will also prepare a memo for the two permit files describing what was done in the AJ recommendations.

8. Layout "Determination of pre-1987..." attached shows approximately 216 acres in lands that appear to have been irrigated prior to 1987. This acreage may need to be adjusted per FSA photos but appears to be consistent with the acreage in the SW of section 8 under decree 29-480 and various licenses, along with the accomplished transfer of 118 acres of 29-2144 and 29-10893 described in (1) above.
9. Per notarized requests of Hans and Russell Hayden, I plan to recommend all as PPU regardless of ownership. Mr. Hayden and I discussed the difficulty this could create with later selling of part of the lands.
10. I committed to review the Rattlesnake Creek decree and claims, and the information presented in the two-page request dated 7/27/2001 and signed by Hans and Russell, and prepare appropriate claim(s) or amended claims. I told Hans that the 1990 Ft. Hall agreement gave some rights to the tribe and I would not be able to recommend anything that conflicted with that agreement.
11. Per the Russell Hayden affidavit, it appears the five acres in section 3 under 29-2144 have not been forfeited. Hans said that Russell could not affirm that the spring right (29-2498) had been used for irrigation, so I plan to disallow the irrigation portion. The pump house and piping were still in place when I visited the site so I'm comfortable with recommending the domestic portion of that right.
12. I committed to prepare a transfer application to move the five acres of 29-2144 down to the lower place, once it was clear what would be recommended. The intent is to add a five-acre strip to the north edge of whatever POU is recommended as the combined PPU, east of the road in the SW quarter of section 9.
13. This memo accompanies 12 pages of notes, layouts, and FSA maps. These are numbered in the lower right with circled red numbers drawn with a medium tip marker.

14. Hans told me small pump @ max runs
4 lines w/ 3/16" nozzles, large pump @
max runs 6 lines w/ 3/16" nozzles. BAC 8/9/01

7/27, 2001

To whom concerned:

I, Russell Hayden, do request that all water rights on Clifton Creek and Rattlesnake that are in my ownership be place under "PERMISSIBLE PLACE OF USE" status and together with all water rights of Mid Crystal Farms. These include, but are not limited to A29-00480, A29-02509, A29-7272, A29-02498, A29-07110, A29-02564, and Mid Crystal Farms A29-10893, A29-07949, A29-02144, A29-7948.

This request more fully reflects the use of the water as all rights on Clifton Creek that are used or have been used in the last 50 years are included and the land involved are connecting fields in a way that the water use is delivered jointly (sprinkler lines crossing water permit acres in a single field.)


Russell Hayden
Date signed 7/27/01

Notary


Donna Wilson

7/27, 2001

To whom concerned:

I, Hans Hayden as legal representative and owner of Mid Crystal Farms, do request that all water rights on Clifton Creek and Rattlesnake that are in my ownership be place under "PERMISSIBLE PLACE OF USE" status and together with all water rights of Russell Hayden. These include, but are not limited to Mid Crystal Farms water rights of A29-10893, A29-07949, A29-02144, A29-7948 and Russell Hayden water rights of A29-00480, A29-02509, A29-7272, A29-02498, A29-07110, A29-02564.

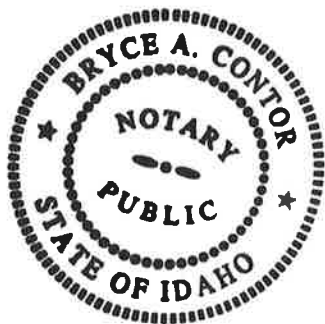
This request more fully reflects the use of the water as all rights on Clifton Creek that are used or have been used in the last 50 years are included and the land involved are connecting fields in a way that the water use in delivered jointly (sprinkler lines crossing water permit acres in a single field.)

Hans Hayden, Mid Crystal Farms

Date signed-----8/3/01

Hans Hayden
For Mid Crystal Farms.

Notary



Signed before me 8/3/01 at Idaho Falls,
Bonneville County.

Bryce A. Contor
Notary Public
Residing at Mud Lake, ID.

My commission expires
10/14/2005

POWER COUNTY ASCS OFFICE
105 N. OREGON TRAIL
CAN FALLS ID 83211-0000

ASCS-468
Crop Year: 1988
Date Of Mailing: 09-07-88

NOTICE OF DETERMINED ACREAGE

PAGE 1 OF 1

Crop/ Land Use (1)	Prac- tice/ Use (2)	Required/ Allot. (3)	Reported Acreage (4)	Deter- mined Acreage (5)	Differ- ence (6)	Foot- note (7)
OATS	NON		.0	.0	-----	1
OATS	IRR		.0	.0	-----	1
BARLY	NON		100.5	100.5	-----	1
BARLY	IRR		.0	.0	-----	1
WHEAT	NON		902.9	908.5	5.6	1
WHEAT	IRR		265.9	265.1	.8	1
ACR	NON	486.4		484.3	2.1	1
CRP			846.4	843.2	3.2	1
CU	NON	.0		277.5	277.5	1
CU	IRR	.0		26.7	26.7	1

Footnotes:

1. The difference between the acreages in column (3) or (4) and the determined acreage does not exceed allowable tolerances. The report for the crop will be considered acceptable.

IMPORTANT NOTICE - Read Carefully

1. This notice of determined acreage shall constitute notice to all persons who as landlord, tenant, or sharecropper are interested in the crops on this farm.
2. If you believe any acreage determined for this farm is not correct, you may have such acreage redetermined by filing a request for redetermination at the County AS Office within 15 days from the date of this notice, and making a cash deposit to cover the cost of redetermination. (Your deposit will be refunded if a significant error in the initial acreage determination is found.)

804
MID CRYSTAL FRMS
C/O HANS HAYDEN
3746 MID CRYSTAL RD
ARBON, ID 83212

Claim Hayden / Mid Crystal
Doc Source 1988 FSA report
provided by claimant
Date 8/3/01 Sig. bac

Photos from 7/26/2001 Fieldwork, Russell Hayden, Ben Hayden, Mid-Crystal Farms AJ Claims.

Photos taken by B. Contor. See attached notes and layouts for locations and directions.

Photo #3. Well at upper Clifton Creek location.



SCANNED
DEC 07 2005

p3 Bac

Photos from 7/26/2001 Fieldwork, Russell Hayden, Ben Hayden, Mid-Crystal Farms AJ Claims.

Photos taken by B. Contor. See attached notes and layouts for locations and directions.

Photo #4, Pond. Taken from hill NW of pond. *looking SE*

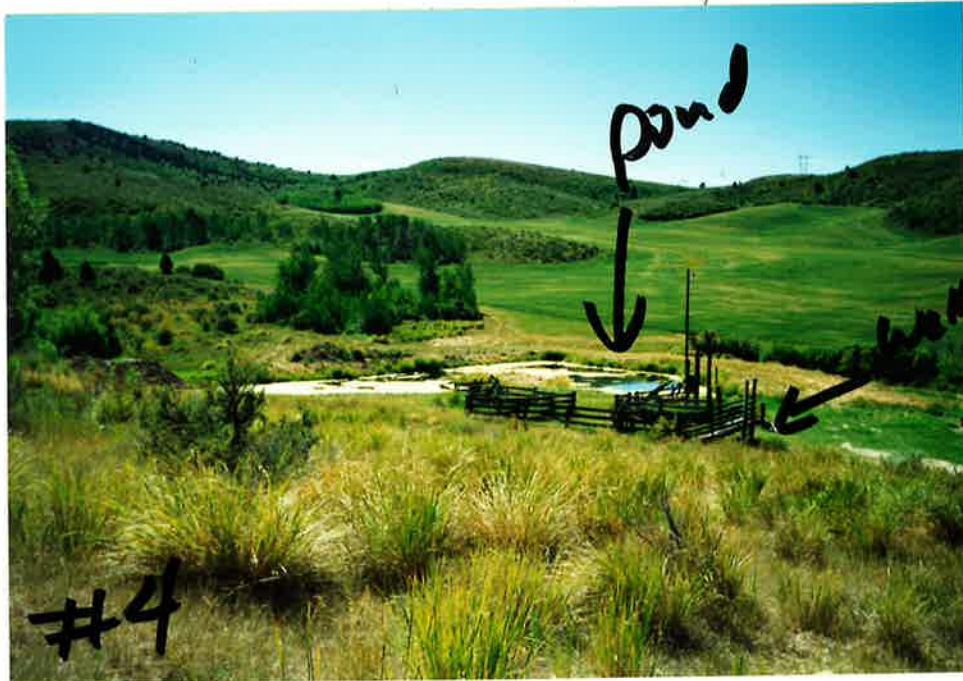


Photo #5, POU for spring/Clifton Creek. Taken from near location of spring looking west.



SCANNED
DEC 07 2005

p4 Bac

Photos from 7/26/2001 Fieldwork, Russell Hayden, Ben Hayden, Mid-Crystal Farms AJ Claims.

Photos taken by B. Contor. See attached notes and layouts for locations and directions.

Photo #6, grove of trees in which spring POD is located. Too dark in trees for photo.



SCANNED
DEC 07 2005

pb Bac

Photos from 7/26/2001 Fieldwork, Russell Hayden, Ben Hayden, Mid-Crystal Farms AJ Claims.

Photos taken by B. Contor. See attached notes and layouts for locations and directions.

Photo #10 (see item #14 in notes), last remnants of ditch on upper end of claimed POU.



SCANNED
DEC 07 2005

p7 Bue

MEMORANDUM

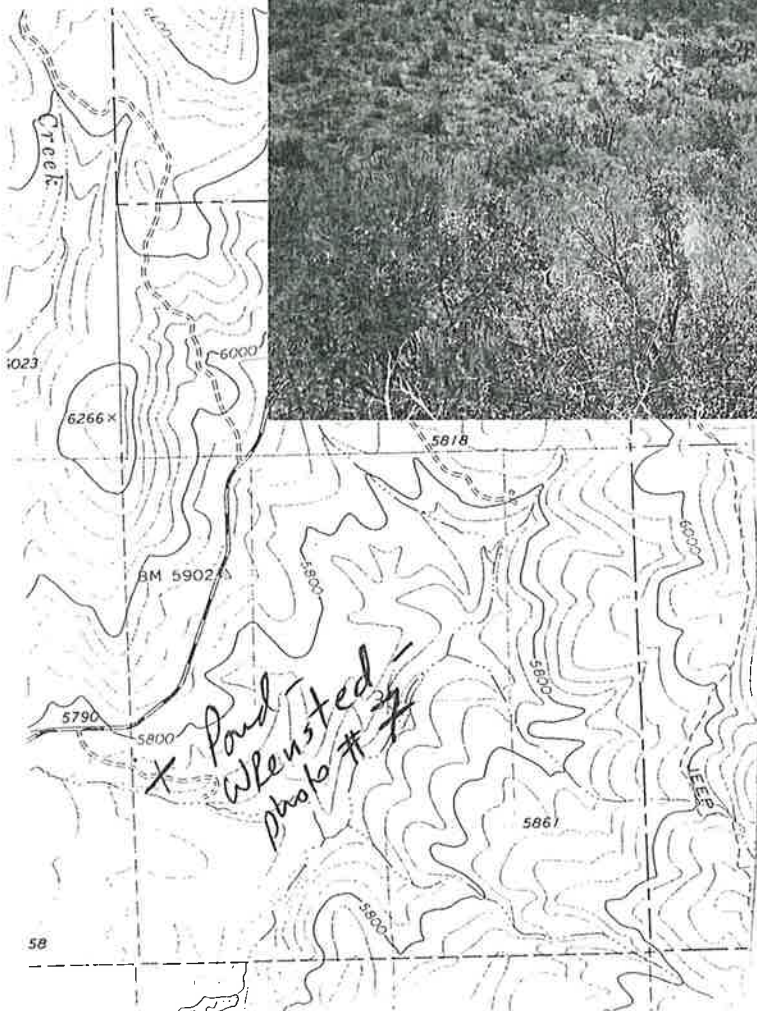
To: Harold Jones
Fr: Bryce Contor
Date: 7/27/2001

Re: Pond, possibly no WR?

This pond was pointed out to me by a concerned downstream user who believes there is no associated WR. It is located at approximately 8S 35E 35, NWSW.

I told the user that if he wanted to take action the appropriate thing to do is write to you. He was unsure whether he wanted to do that.

The photo was taken looking south off the Mink Creek/Arbon highway about one mile SW of the summit.



SCANNED
DEC 07 2005

p10 Bac

Photos from 7/26/2001 Fieldwork, Russell Hayden, Ben Hayden, Mid-Crystal Farms AJ Claims.

Photos taken by B. Contor. See attached notes and layouts for locations and directions.

Photo #8, pump site for Clifton Creek, below house. Photo looking south. Clifton Creek/Rattlesnake Creek confluence south of this location.



Photo #9, showing Cipolletti weir cutout in pump basin. See notes from licensing exam 29-7948.



SCANNED
DEC 07 2005

pil base

Photos from 7/26/2001 Fieldwork, Russell Hayden, Ben Hayden, Mid-Crystal Farms AJ Claims.

Photos taken by B. Contor. See attached notes and layouts for locations and directions.

Photo #1, Lower POD on creek. Known as "Meddows Pump." Uses portable pump, not installed today.



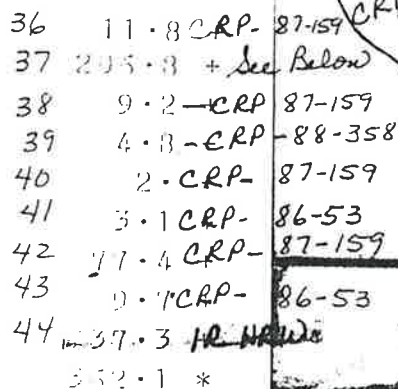
Photo #2, typical installation of portable pump. This site not GPSd as not typically operated here, location not claimed, will not be recommended.



SCANNED
DEC 07 2005

p1 Bac





T-874

mid Cryst 1988

	wt	HCR	SF	CRP	PA	GR	SQU
37-	59.5	NRS	Wht				
37A -	30.1		SF				
37B -	4.5	SF-wht destroyed					
37C -	93.8	Spr BA					
37E	3.3	CRP-88-35					
37F	15.6	SF-Spr BA destroyed					

DEC 07 1999

$$\begin{array}{r} 87-159 \\ 88-358 \\ 86-52 \\ \hline 12.8 \end{array}$$

Claim Hayden/Mid Crystal
Doc Source FSA map provided
by claimant
Date 8/3/01 Sig. Bac



R 37E

5 4
8 9

Box Map
Y-12B

24B

30.0 SP WNT 11.8

T874

fall WNT 176.8

23 11.8 CRP

24 216.0

4.2 CRP

24A

5.4 SP WNT

25 6.3 CRP

CRP 3.1 26

CRP 79.8

26B

9.7 CRP

34.9 ACR 26A

26 127.5

T874

- 1- 11.8
- 2- 216.0
- 3- 6.8
- 4- 127.5
- 362.1

Claim Hayden/Mid Crystal
Doc Source 1987 PSA photo
provided by claimant
Date 8/3/01 Sig. Bac

V
13

SCANNED

DEC 07 2005

7

NOT TO SCALE

T-297-

1-154.8

154.8

Claim Hayday/Mid Crystal

Doc Source 2000 PSA photo
provided by claimant

Date 8/3/01 Sig. Bac

SD
208.4

45.3
4.10

#1896

Mid-Crystal Farms

31-
227.9

224.6

T-2961

30-208.4 +

31-227.9 +

32-94.3 +

33-50.9 +

SCANNED

DEC 07 2005



366 U-15

Claim Hayden/Mid Crystal
Doc Source 2000 FSA photo
provided by claimant
Date 8/3/01 Sig. chac

T-2956

0. *

1- 79.4
2- 17.1
3- 5.2

99.7

T-2961

0. *

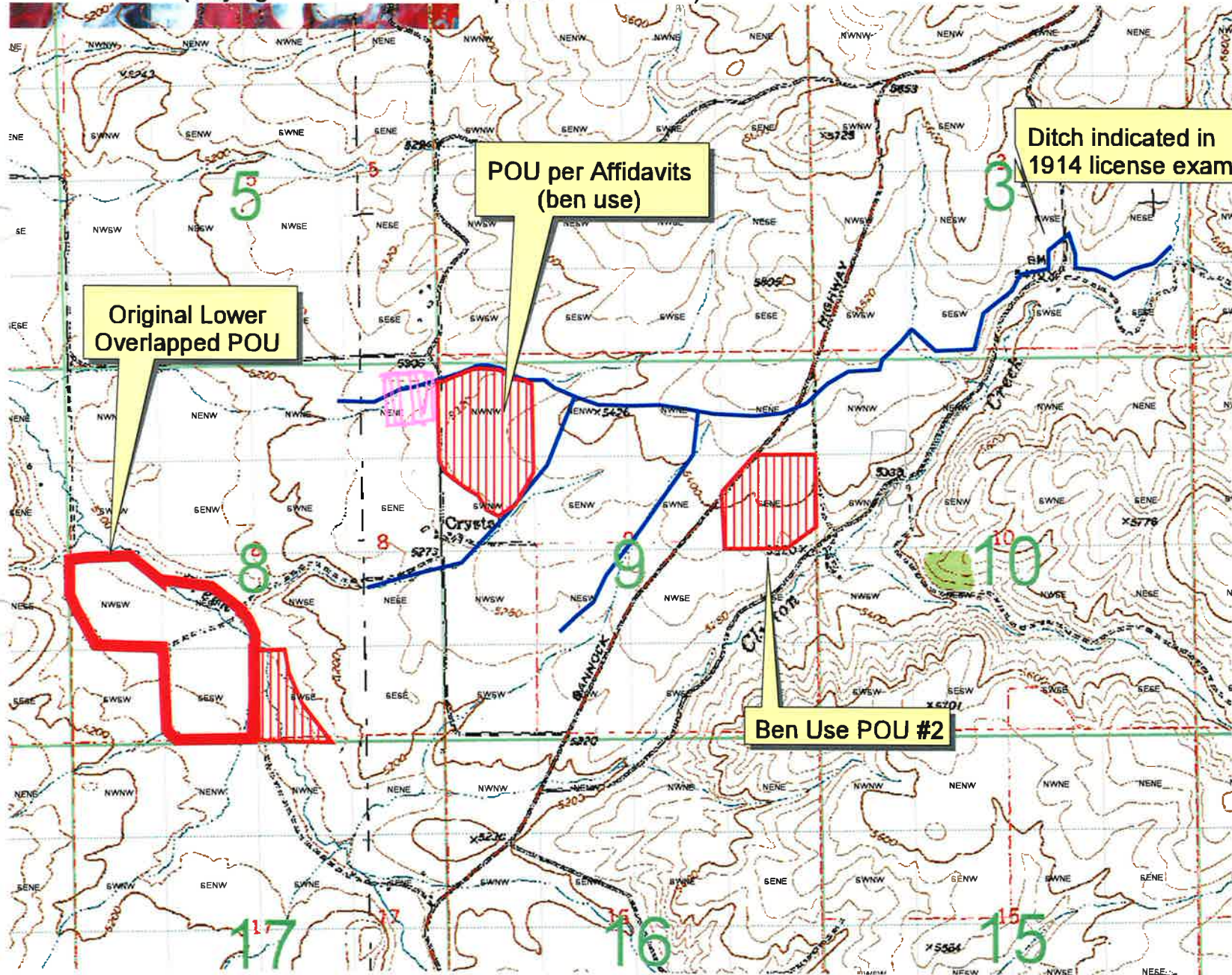
20- 5.7
21- 82.1
22- 37.1
23- 102.
24- 47.1
25- 1.4
26- 306.6
27- 3.1
28- 16.7
29- 100.1

#1896
Mid Crystal Farms

9

Summary of Historical POU of Hans and Russell Hayden Claims

(only rights claimed to lower place are included)

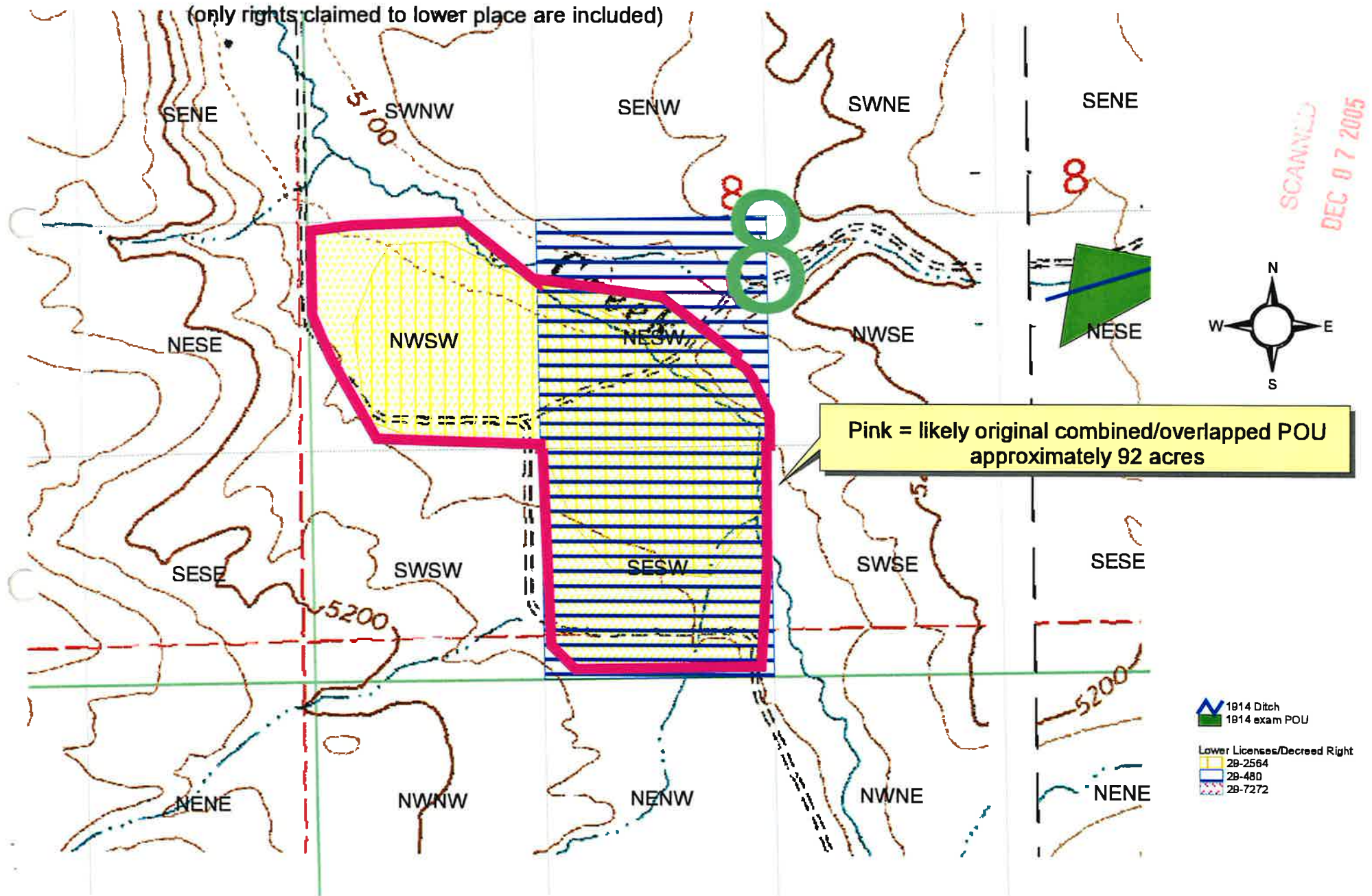


SCANNED
DEC 07 2005

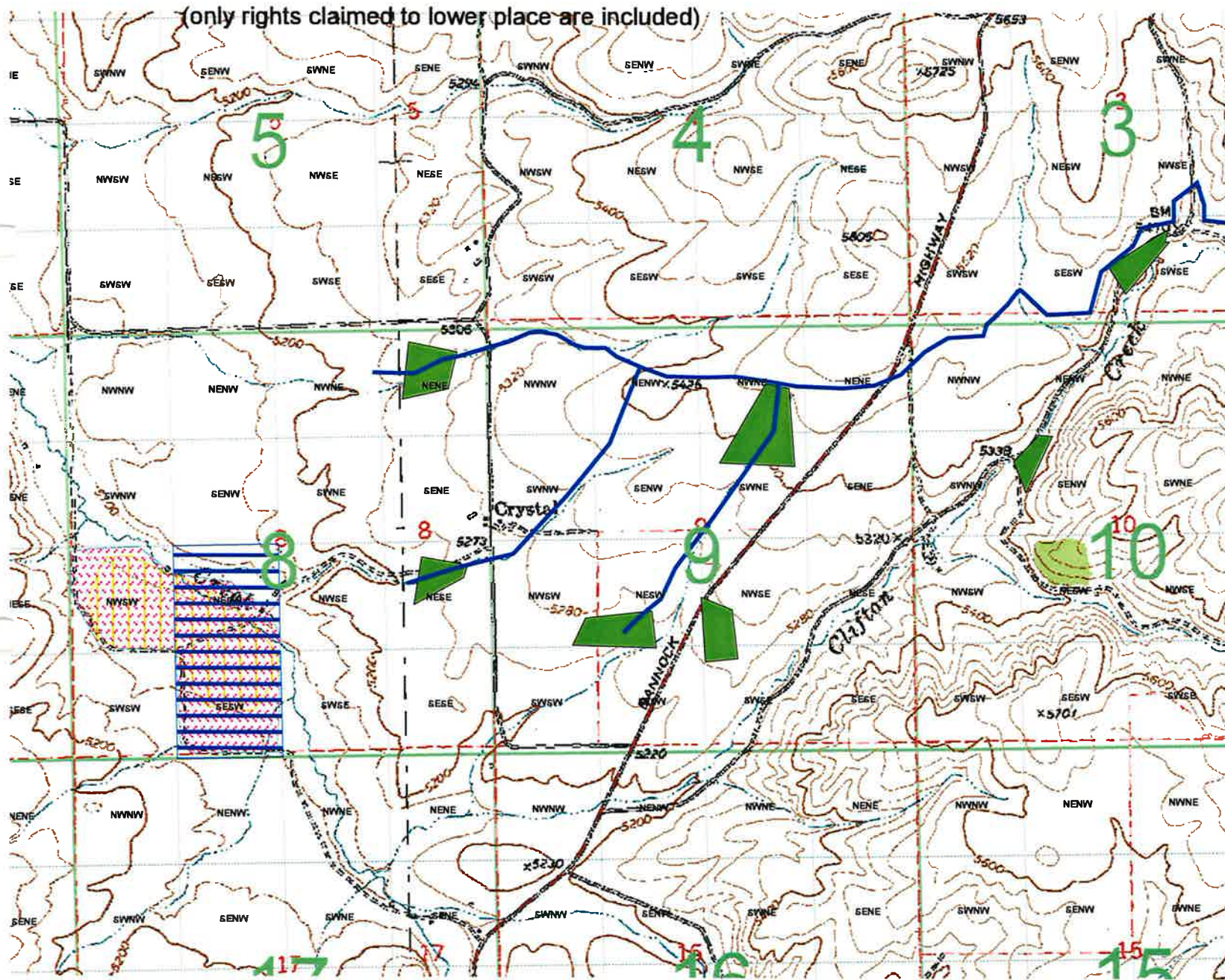
Hans Hayden believes this is worst representation of original use, license description was incorrect. Pline is NENE of 8 is added per Hans' suggestion 8/3/01 Bac

Summary of Historical POU of Hans and Russell Hayden Claims from Document Review 8/2/2001

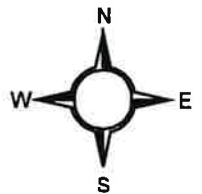
(only rights claimed to lower place are included)



Summary of Historical POU of Hans and Russell Hayden Claims from Document Review 8/2/2001



SCANNED
DEC 07 2005



1914 Ditch
1914 exam POU

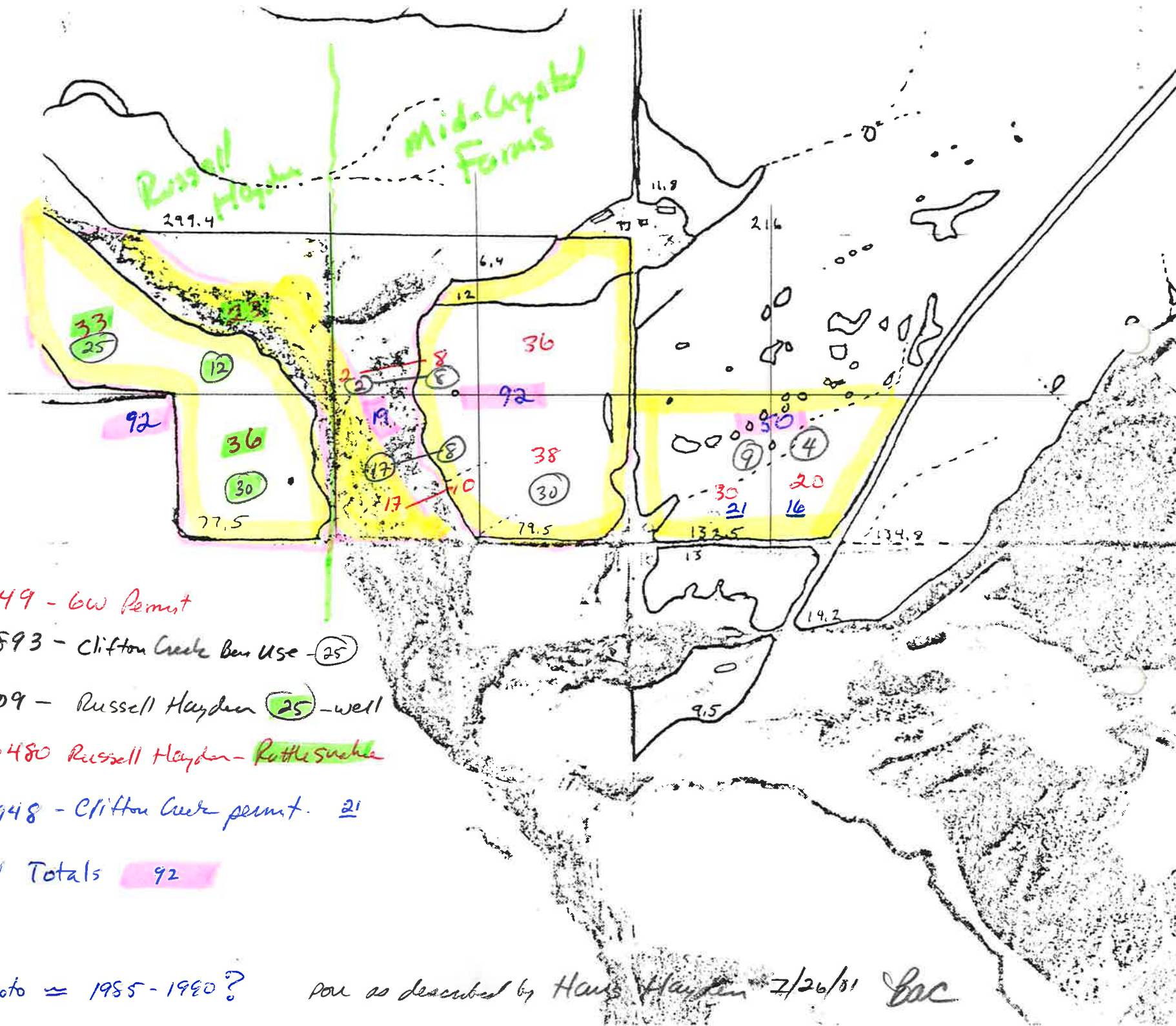
Lower Licenses/Decreed Right
29-2564
29-480
29-7272

map provided by Hans Hayden
7/26/01

Township 9
R 34E

SCANNED
DEC 07 2005

SCANNED
DEC 07 2005



29-7949 - 6W Permit

29-10893 - Clifton Creek Bar Use - (25)

29-2509 - Russell Hayden (25) - well

29-00480 Russell Hayden - Rattlesnake

29-7948 - Clifton Creek permit. 21

Field Totals 92

ASCS photo ≈ 1985-1990?

see as described by Hans Hayden 7/26/01 bac

Well 2509 injects to case, re-diverted @ PD4, PD8
Post-A5 permit 29-7949 overleaps POC, Gw
Post-A5 permit 29-7948 cleaned in A5 - on field exams
down hole 2500 - Get record of exam -

29-1048
Ruthless
29-10843

Bottoms for by handline
w/ portable mainline

Comments by
handlines

5 down
up by
wall -

Please Msg Log

8/15/01 335-2152 Hans Hayden -

I called to explain that my letter abt
Competing claim on 29-478 was in
error - actually ~~it was~~ the other
claim was 29-475, I visited
w/ Mrs. Hayden

Dac

PROTECTED

SCANNED

NOV 3 0 2005

MEMORANDUM

To: Mid Crystal / Hayden files
Fr: Bryce Contor
Date: 8/15/01

Re: Combined Q limitation

1) Allowable cfs

- a) 29-10893 and 29-2144. See memo in paper file 29-10893. 2.36 gfs on 118 acres, accomplished transfer to lands in S8 SE 1/4. (This includes Section 3 lands)
- b) 29-480, 29-2509, 29-7272, ~~29-10893~~, 29-13215.

These rights cover historical irrigation of lands in SW of 8. Overlaps were never addressed in licenses so I assert accomplished transfer to recommended 101 acres. Original distribution system was flood so I calculate 101 acres @ 0.03 cfs/acre = 3.03 gfs.

~~c) Total PPR (including 5 acres above)
is 228 acres $228 \times 0.22 = 4.56$ gfs
These rights~~

c) Total allowable

$$2.36 + 3.03 = 5.39$$

d) Total reg @ current practice

$$228 \times 0.02 = 4.56$$

2) Sum of face-value division rates

29-480 0.60

29-2144 0.98

29-7272 0.62

29-2509 0.93

29-10893 1.38

29-13215 0.60 (^{0.80}~~1.24~~ claimed but
overlap/competing
claim issues may
limit recommendation)

Sum 5.11 (5.75)

3) Conclusion:

At this point do not limit division rate. If 29-13215 recommendation requires, add limitation to all rights later.

BAC 8/15/01

MEMORANDUM

To: Mid Crystal Farms/Hayden files
Fr: Bryce Center
Date: 8/15/01

Re: Place of use

After confering with Keith Wilson and reviewing the TSA map he is reviewing for license 29-7948 and 29-7949, I have adjusted POU to 223 acres and the combined limit to 228 acres.

BAC

Questions for Hans Hayden 8/3/01

✓ 1) Review "Historical" and "Current"
Layouts attached, edit as necessary

✓ 2) Indicate date of accomplished Xfer
3/01 increase in area to current status
a) pre-1971 - additional Ben use claim
b) pre-1987 - on improvement claim
c) post-1987 - permit 89-7948
take affidavit from Hans.

✓ 3) Double-check pump capacities/ nozzle sizes
for ditch pumps.
Small - 4 lines - 3/16"
Large - 6 lines - 3/16"

✓ 4) Return extra copies of blue book

✓ 5) On Russell Hayden own survey 87? y
Ben use claim? n

MEMORANDUM

To: Ben Hayden/Russ Hayden/ Mid Crystal
 From: Bryce Cantor
 Date: 8/2/2001

Re: Division rate review

1) ~~License~~ License/Pool $\Sigma \approx 92 + 62 = 154$ arms w/
 apparent overlaps considered.

$$154 \times 0.02 = 3.08 \text{ ds}$$

$$154 \times 0.03 = 4.62 \text{ ds}$$

a) License? Demand ds $\Sigma =$

29-480	0.60	Rattlesnake Creek
29-2144	0.98	Clifton Creek
29-2564	2.20	GW
29-7272	0.62	GW
29-7110	0.10	GW
$\Sigma =$	4.50	ds
$\Sigma(\text{Savings}) =$	1.58	ds

3) Apparent capacity of current division works/
 flow of Clifton Creek (see 7/27/01 memo
 in 29-10893) is $\approx 3.12 - 4.0$ ds.

4)

$$\frac{3.12}{.02} \approx 156 \text{ arms} \quad \frac{4.0}{.02} \approx 200 \text{ arms}$$

$$\frac{3.12}{.03} \approx 104 \text{ arms} \quad \frac{4.0}{.03} \approx 167 \text{ arms}$$

- 5) Acreage-based calculations in (1) above referred to all WR. Secured/Licensed SW rights are as follows:

29-480 Pattlesnake 0.60 gfs unspac. acres but
up to $\approx$ 60-70 acres.
Diversion rate implies
 $\approx$ 30 acres.

29-2564
29-2144 Clifton (storage) 0.98 gfs

Σ SW 1.58 gfs

- 6) 1914 examiner estimated about 3 $\frac{1}{4}$ gfs -
consistent w/ # (3) above.

- 7) Depending on interview w/ Hans Hayden tomorrow, recommend Ben use right for up to 0.03 gfs/acre on "historical" acres, not to exceed capacity of Clifton creek, which appears to be $\approx$ 3.0-4.0 gfs.

- 8) Note Pump Tech will send pump curves. However it appears pumps are typically operated at $<$ full RPM. Steve Mueller/Keith Wilson discharge near + Cipolletti weir

Diversion memo p 3 8/2/2001

is likely most reliable indication of Clifton Creek Capacity. Total cfs should not exceed Clifton Creek Capacity + Rattlesnake Creek decreed right 0.60 cfs.

MEMORANDUM

To: Ben Hayden / Russ Hayden / Mid Crystal
 From: Bryce Connor
 Date: 8/2/2001

Re: Pot review - pre-A5 license & decree -
 counterpart to lower plate

1) Attached GIS is from review of Hans Hayden maps from 7/26/2001 field work & interview.
 Current irrigation $\approx$ 274 acres.

2) WR database computer record does not list Pot

3) Original decree ²⁹⁻⁴⁸⁰ Alexander E 1/2 SW 1/4 8, 95 34E $\approx$ 80 acres. However 0.60 ds points to 30 acres?

4) License 29-2564 decree same in section 3,
 57 acres in Section 8, in license exempt license,
 62 total.

5) License 29-7222 92 acres in section 8.

6) License 29-2144 - 49 acres in various
 00 sections. GIS attempt to reconstruct
 ditch & irrigate lands fr. examine's notes.
 Ditch constructed per examine's sketch?
 USGS topo. All same plausible except

Pou #2 8/2/01

perhaps pou in Section 10; contours indicate fairly steep location. Note that claimant challenged examiner's findings; says his father also challenged. 7) Affidants for claim 29-10893 appear to decide the following pou:

Ref #2 Ben Hayden SE SW 8 "mostly" 1926
Ref #4 Ben Hayden W 1/2 NW 9 1927
Ref #5 Russell Hayden SE NE 9 early 1930's
SE NE 9
W 1/2 NW 9 } before WW II
SW SW 8
SE NE 9
W 1/2 NW 9
SE NE 9

#9 Ben Hayden E 1/2 SW NW SW 8 (no date given) (60 acres) (between ditto)
(See blue book prepared by claimant)

~~Note that Ref #2 states "SW SW" but~~

8) Taking the liberal assumption that the Ben use claim does not describe an accomplished & for of 29-2144 notes: Average additive. This makes:

Original loan pou 92 acres
Ben use pou 105 acres
29-2144 (less 5 acres above) 57 acres
Total 254 acres

9) Taking the conservative assumption that claimant Hans Hayden's statement to me that license exam 29-2144 was an error, that his father Ben said it had not been integral that way, leads to the conclusion that part of Ben we claim 29-10843 is an accomplished transfer of 29-2144. Then the total "historical" cars are:

Original document/licenses	92
29-2144	57
Ben we "additional" cars	48
$(105 - 57 = 48)$	
Total	<u>197 cars</u>

10)

The latter interpretation seems more likely. Discuss situation again w/ Mr. Hayden tomorrow, and look at 1987 & 2001 PSA photos, before making final decision. Also consider implications of diversion rate.

JBA 8/2/2001

Field Agenda 2/26/01 - Mid Crystal Farms - Bae

- 1) GPS - 3 wells
3 locations pump from creek
- 2) Nameplate engine / pump - pump fr. creek
(see 29-7948 pump)
- 3) Look at - Myler Claimed site
Wheasted - site
- 4) Claim A29-7335 - see layout - Claimed as
licensed -
- 5) 29-0481 - need to file claim - Rattlesnake

Field Notes - Mid Crystal - 7/24/01

B. Carter acc by Ham Hayden

#1) Meadows - lower pump site to cross

Photo #1

GPS waypoint 001

0622117

0173515

#2) Photo #2 - pump

Pacific - 30125

04/620

LH4

DIN ~~for~~ 09761

Lehins clay diesel - 85 hp - no tag

#3) Meadows well - no photo

GPS waypoint 002

0622452

0173048

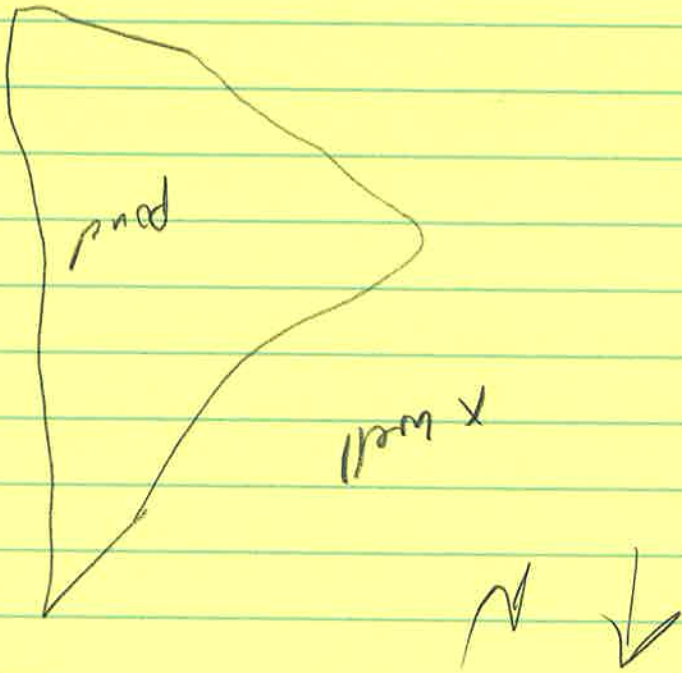
#4) Upper well & pond - photo #3, #4

well GPS waypoints 3

0625989

0174794

Mud Crystal field notes p 2



#5) Spring @ Pond
Waypoint #4

625944
174831

photo #5 = surface Pass
photo #6 = groove in which spring is located

#6) Diversion @ Creek above pond
Waypoint #5

626238
174838

For Mr. Henderson this was used 3 yrs ago - I entered twice

Mid Crystal field #3

- #7) - Pond - see map- photo #7 -
No permit - Wrensted property

see memo to
Harold Jones,
7/27/01

- #8) - Wrensted License-pond - no apparent
irrigation - Mr. Hayden has never seen
it irrigated - no claim as yet -

- #9) Mylar claim -

Mr. Hayden believes has not been watered
since 1935-1940 when road was built.

Mr. Hayden has never seen it used.

Mr. Hayden's father remembered it
used when he was a youngster.

- #10) Clifton Creek diversion below house

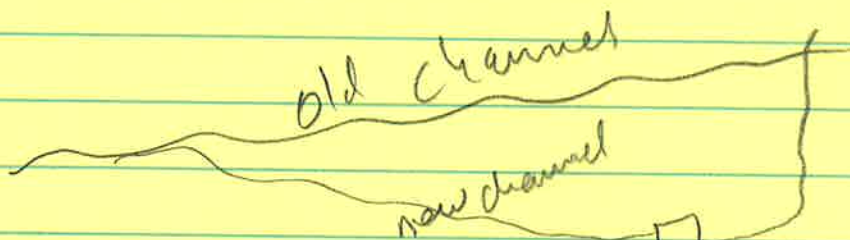
Wapi-t #6

623344

172723

(1000 gpm
in spring)

photo #8, #9



Except in flood all

pd

water flows past pump site

Mid Crystal Field p 4

#11) Well - 29-7949 -

GPS Waypoint 7 623308
172917

#12) Second pump in shop

PACO 4012

11-40127-058201

Serial 01B00403

Engine - Isuzu 100hp -

#13) Mr Hayden will come Thurs. or Friday -

- a) Δ ownership
- b) POA w/ Russell Hayden
- c) Claim 29-481
- d) Transfer application -

#14) Follow-up to upper POA w/o Mr. Hayden

a) Photo #10 shows very little use of ditch on uphill side of POA - I walked entire length, this is only indication I found

b) GPS Waypoint #11 625618
extreme downhill limit of 174398
possible POA

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 29-07949

Proposed Priority: May 16, 1990 Maximum Diversion Rate: 3.22 CFS
This is to certify, that

MID CRYSTAL FARMS
C/O HANS HAYDEN
3747 MID CRYSTAL RD.
ARBON, ID 83212

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

03/15 to 11/15

3.22 CFS

LOCATION OF POINT(S) OF DIVERSION:

**SESE Sec. 8, Township 09S, Range 34E
POWER County**

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	34E	8	NESE 36	NWSE 10	SWSE 27	111
		9	SESE 38	SESW 20		50
			SWSW 30			

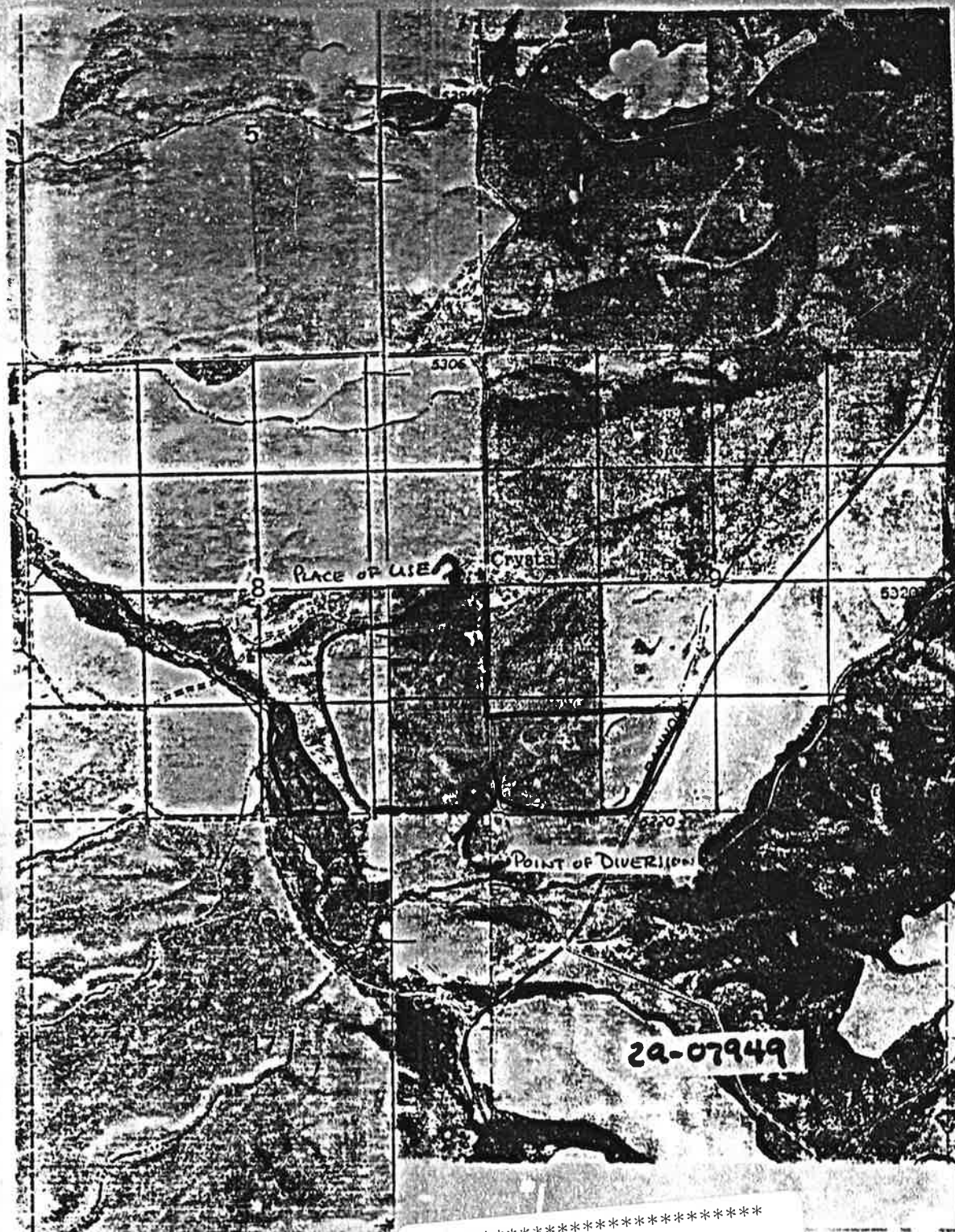
Total number of acres irrigated: 161

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before September 1, 1993.
2. Subject to all prior water rights.
3. The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
4. The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
5. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.
7. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

Claim Hayden/Mid Crystal
Doc Source Claimant

Date 7/27/01 Sig. lac



DO NOT MICROFILM
From WR License File Microfiche

Eastern Region 29-7949
8/10/01 BAC

MAY 10 2001

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: A29-00480
Date Received: 3/07/1990
Receipt No: M006179
Received By: RWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RUSSELL J. HAYDEN 208-233-2526
Address: 2573 N. MINK CREEK RD.
POCATELLO, ID 83204

2. Date of Priority: OCT 01, 1903

3. Source: RATTLESNAKE CREEK Trib. to: BANNOCK CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	34E	8	SW	NE	SW		POWER
			SE	NE	SW		POWER
			NE	SE	SW		POWER
			SE	SE	SW		POWER

5. Description of diverting works:
PUMPED DIRDECTLY FROM RATTLESNAKE CREEK TO SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.600		

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

8. Total consumptive use is 276.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00480

Page 1

Date: 03/07/90

A2900480



MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	34E	8	NE	SW		IRR	23.0
			NW	SW		IRR	33.0
			SE	SW		IRR	36.0
						Section Acres	92.0
						Total Acres	92.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
L/29-07272,29-2509

14. Remarks:
P/D & P/U INCOMPLETE. THIS FLOW IS SELDOM ADEQUATE AND SECOND PRIORITY TO INDAIN RIGHTS WHICH CAN CALL FOR THE FLOW AT CRITICAL TIME. THE ABOVE RIGHTS ARE SUPPLEMENTAL WATER ,IS PUMPED FROM STREAM TO SPRINKLER ALONG THE 1/4 SECTION-HENCE MULTIPLE DIVERSION.

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

UNITED STATES, ET. AL.
Decree Plaintiff

vs

GEORGE DANIELS, ET. AL.
Decree Defendant

(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.

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NOV 13 1992