STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
IN-OFFICE REVIEW of FIELD EXAM REPORT

A. GENERAL INFORMATION

Permit No: 74-7260
Exam Date: 03/26/13

1. Does this qualify for an in-office field exam (IDAPA 035.02.r)? ____Y __X__N
   a. Irrigation of 5 acres or less
   b. Storage of up to 14.6 AF for stockwater purposes only
   c. Any use other than irrigation or storage, if the combined diversion rate is 0.24 cfs or less
   d. Other Benefical Use Field Report Conducted by Don Simpkins 12/03/96

2. Current Owner: Name: Mark Hurley
   Owner of Record Correct? ____Y __X__N
   Address of Record Correct? ____Y __X__N
   If No: Address
Property has been subdivided. Address for Mark Hurley now listed in taxlot data as PO Box 70, Tendoy, ID 83468

3. Beneficial Use Fees have been paid: __X__Y ____N Receipt No: C020079
4. **SOURCE** **TRIBUTARY**
   Unnamed Stream
   Method of Determination: Field Exam
   Change in Source: ____Y ___X__N

B. OVERLAP REVIEW

1. Other water rights with the same place of use: __NO Overlap

Water Right No.	Source	Purpose of Use	Basis
74-7258	Groundwater	Irrigation	Permit
74-15237	Warm Spring Creek	Irrigation	Decreed
74-15020	Pattee Creek	Irrigation	Decreed
74-15627	Pattee Creek	Irrigation	Decreed
74-15687	Pattee Creek	Irrigation	Decreed
74-15699	Pattee Creek	Irrigation	Decreed
74-15700	Pattee Creek	Irrigation	Decreed

Comments: Field Exam indicated 74-7258 & 74-637 overlaps. 74-14343 stockwater, BLM, no overlap. 74-636 – Domestic Right, no overlap. 74-521- across road in NWSW, John Alexander, no overlap. 74-15020, 74-15627, 74-15687, 74-15699, & 74-15700 are splits of 74-637. 74-15236 & 74-15237 are splits of 74-634. 74-15236 (irrigation) may have originally covered land in SWNW & SENW that could have been accomplished transferred in the SRBA.

2. Other water rights with the same point of diversion: _X_NO Overlap

Water Right No.	Source	Purpose of Use	Basis

Comments: Field Exam Indicates 74-7258 is an overlap in POD but has source Groundwater. The POD for 74-7258 & 74-7260 share the same sump pond and system. Per Field Exam the pump is moved to well POD from Pattee Creek Ditch. Per application, this right is supplemental to the Pattee Creek right 74-637.

C. DIVERSION AND DELIVERY SYSTEM

1. **LOCATION OF POINT(S) OF DIVERSION:**

Source	Govt. Lot	¼	¼	¼	Sec.	Twp.	Rge.		County
Unnamed Stream			SW	NW	5	19N	24E	B.M.	Lemhi

Method of Determination: Field Exam

Source Locally Known as Alkali Gulch Creek

Change in POD? ____X ____N Amendment Required? ___X_____N

2. **PLACE OF USE:** Use: Irrigation

Method of Determination: GIS Imagery – NAPP

TWP	RGE	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	24E	5			7.7				18	17	33					34			109.7
		Lot #																	
																Total Acres =			109.7

GIS Review: Found 1.2 of the 3.0 identified in the Field Exam in the NESE - BLM Ground, not owned by Studebaker.
Found 3.7 Acres in NWSW – Not on permit, private owner currently Alexander.
Additional Acreage found in SWNW identified in field exam were north of Warm Springs Creek – see Memo to file from DBF.

Change in POU? ____N__Y__Y Amendment Required? ___Y___X__N

_X_ Delivery System Diagram Attached (required). Indicate all major components and distances between components.

Indicate weir size/pipe as applicable.

_X_ Aerial Photo Attached (required for irrigation of 10+ acres).

_X_ Photo of Diversion and System Attached

4. Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
WellID 287465	John Deer	125		Century	4" output

**Code to correspond with No. on map and aerial photo*

D. FLOW MEASUREMENTS

1.Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Flow Measurement		Pygmy		090171		

2. Measurements: End of Summer Flow Measurement
0.8 wide X .26 Deep – 80 clicks in 48 secs. (1.67)(.8X.26) = 0.35 cfs

E. FLOW CALCULATIONS ____Additional Computation Sheets Attached

Measured Method:

0.02 cfs = 1 inch per acre (IDWR standard) 109.7 acres(0.02 cfs) = 2.2 cfs at 1 inch per acre

Capacity of system per field exam = 3.47 cfs.

Measurement = 2.2 cfs
Permit allowed = 2.0 cfs

License recommend for 2.0 cfs. – permit limiting.

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = 109.7 X 3.5 = 384

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation season) x 1.9835 = 2.0 X 246 X1.9835 = 975.9

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 384

Per Dan Nelson, 06/17/13 – No Volume for Surface Water on License. Add WB7 0.02 cfs at 392 af.

2. Volume Calculations for Other Uses:

G. PURPOSE OF USE

Irrigation __X__Y ____N # Stock_____ Domestic # of Homes _____

Other: < >

Change in Purpose of Use? ____Y __X__N

Method of Determination: Irrigated field visible on GIS Imagery.

If Yes: From Use _____To Use _____Amount _____CFS _____AFA_____

H. NARRATIVE/REMARKS/COMMENTS

- In Wild and Scenic Watershed: Salmon River Excluding Middle Fork
- See Memo from Craig Saxton dated 06/07/13 regarding combined use limits.
- This right is supplemental to right 74-637, split into 74-15020, 74-15627, 74-15687, 74-15699, & 74-15700.
- Per field exam, this system can combine water from permit 74-7258.
- Adjust Period of Use to Meet Current Standard.
- Source Locally Known as Alkali Gulch Creek – no name or stream in NHD/USGS Topo.

Have conditions of permit approval been met? _X__Yes _____No

I. RECOMMENDATIONS

1. Recommended Amounts

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Irrigation	03/15 to 11/15	2.0 CFS	AF
	Totals:	2.0 CFS	AF

2. Recommended Amendments

___Change P.D. as reflected above ___Add P.D. as reflected above __X_None

_X__Change P.U. as reflected above ___Add P.U. as reflected above __None

Other: < >

J. AUTHENTICATION

Field Examiner's Name Danielle Farmer Date 06/17/13

Reviewer Daniel J. Nelson Date 6-17-2013

MEMORANDUM

TO: WATER RIGHT FILES 74-7258 & 74-7260

FROM: DANIELLE BRUNO-FAVREAU

SUBJECT: WATER DELIVERY TO PERMITTED AREAS NORTH OF WARM SPRINGS CREEK

DATE: 6/13/2013

CC:

Water Rights 74-7258 and 74-7260 were originally assigned to Eastern Region and a field exam was conducted by Don Simpkins in 1996. In the field exam for 74-7260, lands north of Warm Springs Creek in 19N24E5NWNW were included in the POU.

Reasoning for understanding that water is not delivered to permitted areas north of Warm Springs Creek are:

1) The field examiner notes: This right has the same place of use as 74-7260 and 74-637.
    a. This is a supplemental right.
    b. POU for 74-7560 does not include 19N24E5NWNW.
    c. Per letter from Studebaker dated April 23, 2007, 74-637 was not used to irrigate land on the north side of Warm Springs Creek.
2) The delivery system for this right is the same as for Permit 74-7560.
    a. If the delivery system is the same for 74-7458 & 74-7460 and the water from both sources comingle in a sump pond, the POU for both rights must be identical.
3) When looking at the system diagram provided in the Field Exam, there is no indication of the system extending North of Warm Springs Creek.

COPY

April 23, 2007

We, Dennis and Leah Studebaker, sold a portion of our ranch to Mark and Angela Hurley on 18 May 1994. The intent during the land transaction was to sell and transfer all water rights (74-00637 amounting to 1.75 cfs) from Pattee Creek onto that portion sold to Mark and Angela Hurley. The portion of the ranch we still owned would be irrigated exclusively from Warm Springs water rights. The entire water right from Pattee Creek was transferred at closing as evidenced by the New Property Owner Notice of Change of Water Right Ownership which also indicates is was not a split of any water right.

To clarify matters no land on the north side of Warm Springs Creek was ever irrigated with water from Pattee Creek. In 1980 a sprinkler irrigation system was added to irrigate land on the south side of Warm Springs creek only.

We sold the entire water right 74-00637 with the property sold to Mark and Angela Hurley. No water from Pattee Creek remained for the portion we retained and later sold to Shirley Cadman.

Dennis R. Studebaker
Dennis R. Studebaker

Leah F. Studebaker
Leah F. Studebaker

Dennis and Leah Studebaker
PO Box 2618
Kenai, AK 99611

The forgoing was acknowledged before me on this 23rd day of April, 2007 by Dennis R. Studebaker and Leah F. Studebaker.

Tona Lucille Bravo
Notary Public for Alaska
My commission expires: 10-26-09

OFFICIAL SEAL
STATE OF ALASKA
TONA LUCILLE BRAVO
NOTARY PUBLIC
My Comm. Exp. 10-26-09

Memo

Date: 6-7-13

To: Danielle

From: Craig

Re: Permits 74-7258 and 74-7260 CVS

See Attached.

74-7258 and 74-7260:

Question: Since we think that 74-7258 and 74-7260 use the same delivery system, should we recommend acreage north of Warm Springs Creek as part of the POU. Exam report for 74-7258 indicates it is part of the POU but 74-7260 does not indicate that it is part of the POU.

Answer: I agree with your analysis that the system probably did not deliver water north of Warm Springs Creek. But if you contact Cadman, you can ask that question as well.

74-7258:

This is a ground water right that is supplemental to the surface water. So we will want to add supplemental conditions. The following conditions are based on the assumption that all of the overlapping rights total 115 acres and the NWNW is not included in the acreage calculations:

Process	Basin Sequence	Owner	Source	POD/POU	SWNE	SWNW	SENW	NESW	NWSW	NESE	NWSE	Total Acres
Water Right	74-15020	BAILEY, ALESHA; BAILEY, SHANE	PATTEE CREEK	POU				10.2				10.2
Water Right	74-15687	BAILEY, ALESHA; BAILEY, SHANE	PATTEE CREEK	POU	4.3		12.3	4.4			0.8	21.8
Water Right	74-15699	HURLEY, MARK A	PATTEE CREEK	POU		12.0	0.5		2.3			14.8
Water Right	74-15700	JOHNSON-JOST, STEPHANIE A; JOST, DOUGLAS	PATTEE CREEK	POU	2.7						17.0	19.7
Water Right	74-7258				7.7	~~21~~ 18	17	33			34	109.7 ~~112.7~~
Water Permit	74-7260	HURLEY, MARK A	ALKALI GULCH CREEK	POU	7.7	~~21~~ 18	17	33			34	109.7 ~~112.7~~
					7.7	~~21~~ 16	17	33	2.3		34	~~115.0~~ 112.0

Supplemental Conditions:

065: If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

104: If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

WB7: This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual maximum diversion volume of ~~403.0~~ 392 (112*3.5) *(115 * 3.5)* af at the field headgate for the place of use.

Apply X35 to both 74-7258 and 74-7260:

2 of 3

X35: Rights 74-7258, 74-7260, 74-15020, 74-15687, 74-15699, and 74-15700 when combined shall not exceed a total diversion rate of 2.3 2.24 cfs *(~~115~~ 112 ac * 0.02 cfs)*, a total annual maximum diversion volume of ~~403~~ af *(~~115~~ * 3.5)* at the field headgate, and the irrigation of ~~115~~ 112 acres.

392 (112 * 3.5)

112 • 0.02 = 2.24 cfs

Note: Don't include BLM land as part of the POU (NESE section 5)

3 of 3

INTEROFFICE MEMORANDUM

TO: CRAIG SAXTON
FROM: DANIELLE FAVREAU
SUBJECT: PERMITS 74-7258-74-7260
DATE: APRIL 9, 2013

Summary of Findings during In-Office Review

Dennis & Leah Studebaker filed permit 74-7258 which was approved on 03/02/89. On 08/15/1994, Studebaker assigned 74-7258 fully to Mark Hurley. On 12/03/1996. Don Simpkins signed the field report.

Dennis & Leah Studebaker filed permit 74-7259 which was approved on 04/03/89. On 10/02/1994, Studebaker assigned 74-7259 fully to Shirley Cadman. 74-7259 includes the front page of a field report where someone has indicated that a field exam was conducted by Don Simpkins. There are also photos in the file which are possibly of the POD and POU of 74-7259 as well has a black and white map with a field drawing indicating acreages that may have been part of a field exam. Also in the file is a Beneficial Use Field Report Review conducted by Nate Arave signed 09/24/07. Nate indicated that 74-7258 did not overlap with this right. Nate also indicated that other overlapping rights (74-637, 74-364, 74-635) exceeded 0.02 cfs/acre by decree. Nate included a Mannings calculation.

Dennis & Leah Studebaker filed permit 74-7260 which was approved on 03/15/89. On 08/15/1994, Studebaker assigned 74-7260 fully to Mark Hurley. On 12/03/1996. Don Simpkins signed the field report.

Per April 23, 2007 letter, Dennis & Leah Studebaker state that on May 18, 1994 they sold a portion of their ranch to Mark Hurley. In the same letter, they indicate that no land on the North Side of Warm Springs Creek was ever irrigated with Warms Springs Creek Water. They later sold that North Side of Warm Springs Creek portion to Shirley Cadman.

Based on the permit filings and April 2007 letter, I believe that Dennis & Leah Studebaker owned all the property included in the permits 74-7258, 74-7259, & 74-7260. In May 1994, Studebaker sold the property covered by the POUs in the above listed permits to Mark Hurley in the NESW, NWSE, SENW, SWNE, & approximately the South Half of the SWNW Sec. 5 1N24E. In October 1994, Studebaker sold the property covered by the POUs in the above listed permits to Shriley Cadman in the Lot 4 NWNW Sec. 5 19N24E & the North Half of the North Half of the SWNW Sec. 5 1N24E (Taxlot PIN = RP19N24E053602). It is not clear from the information in the files when Shirley Cadman acquired the taxlot (RP19N24E051204) that is in the South Half of the North Half of the SWNW Sec. 5 1N24E including the fields on the south side of Warm Springs Creek.

The original decree rights that apply to this property are 74-637, 74-634, 74-635, & 74-636. During the SRBA, 74-634 was split into 74-15236 & 74-15237. During the SRBA, 74-637 was split

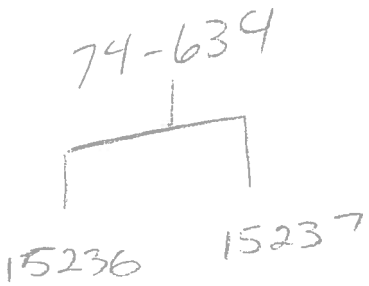
into 74-15020, 74-15627, & 74-15019. 74-15019 was split into 74-15687 & 74-15686. 74-15686 was split into 74-15699 & 74-15700.

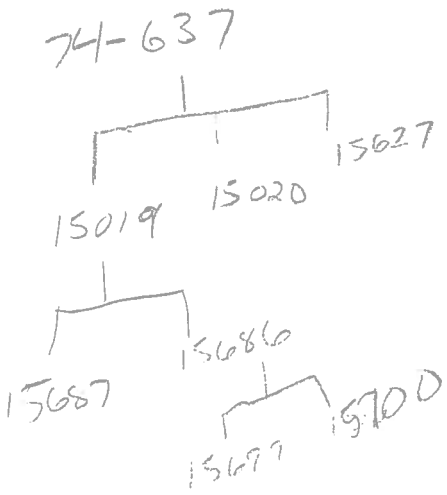
Based on the ownership of the splits of 74-634 & 74-637, Hurley has since split the portion of the Studebaker Ranch originally sold to him in 1994 that are now owned by Jost and Bailey.

74-15627 has a limiting condition referring to Lemhi Instrument # 273346. There is not a copy of Lemhi Instrument # 273346 in PCDOCs that I could find. 74-15627 does cover the property owned by Cadman south of Warm Springs Creek (RP19N24E051204) as well as other ground north of Warm Springs Creek.

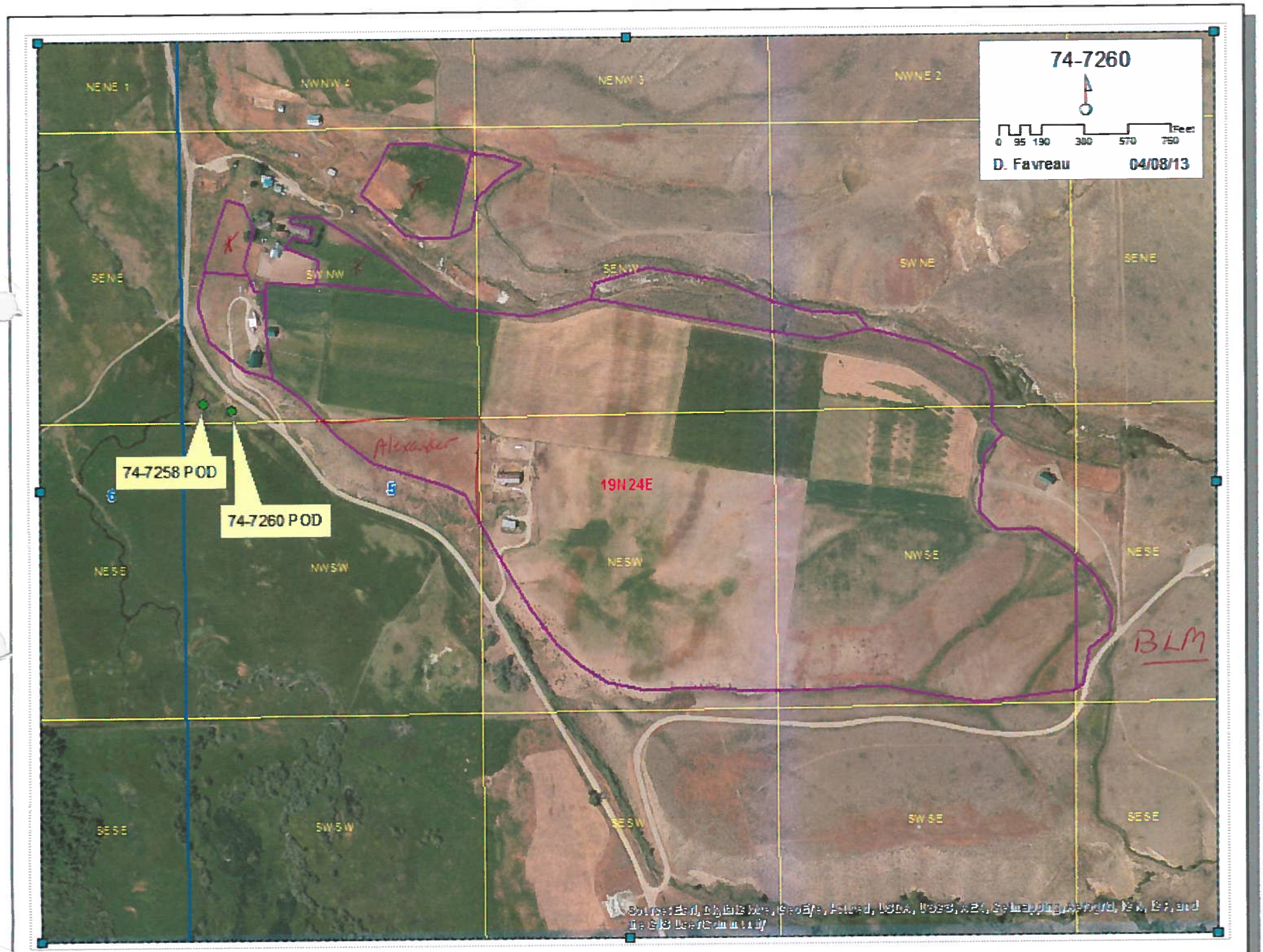
Although the field report for 74-7528 includes acreage overlapping 74-7259, I am not convinced that the system actually reached the fields north of Warm Springs Creek. The system diagram in 74-7258 does not extend to the fields north of Warm Springs Creek. Also, if the waters comingle with 74-7260, why are the fields north of Warm Springs Creek not included in 74-7560? In addition, there is documentations in files related to the splits of 74-637 that indicate that the system does not irrigate the fields north of Warm Spring Creek.

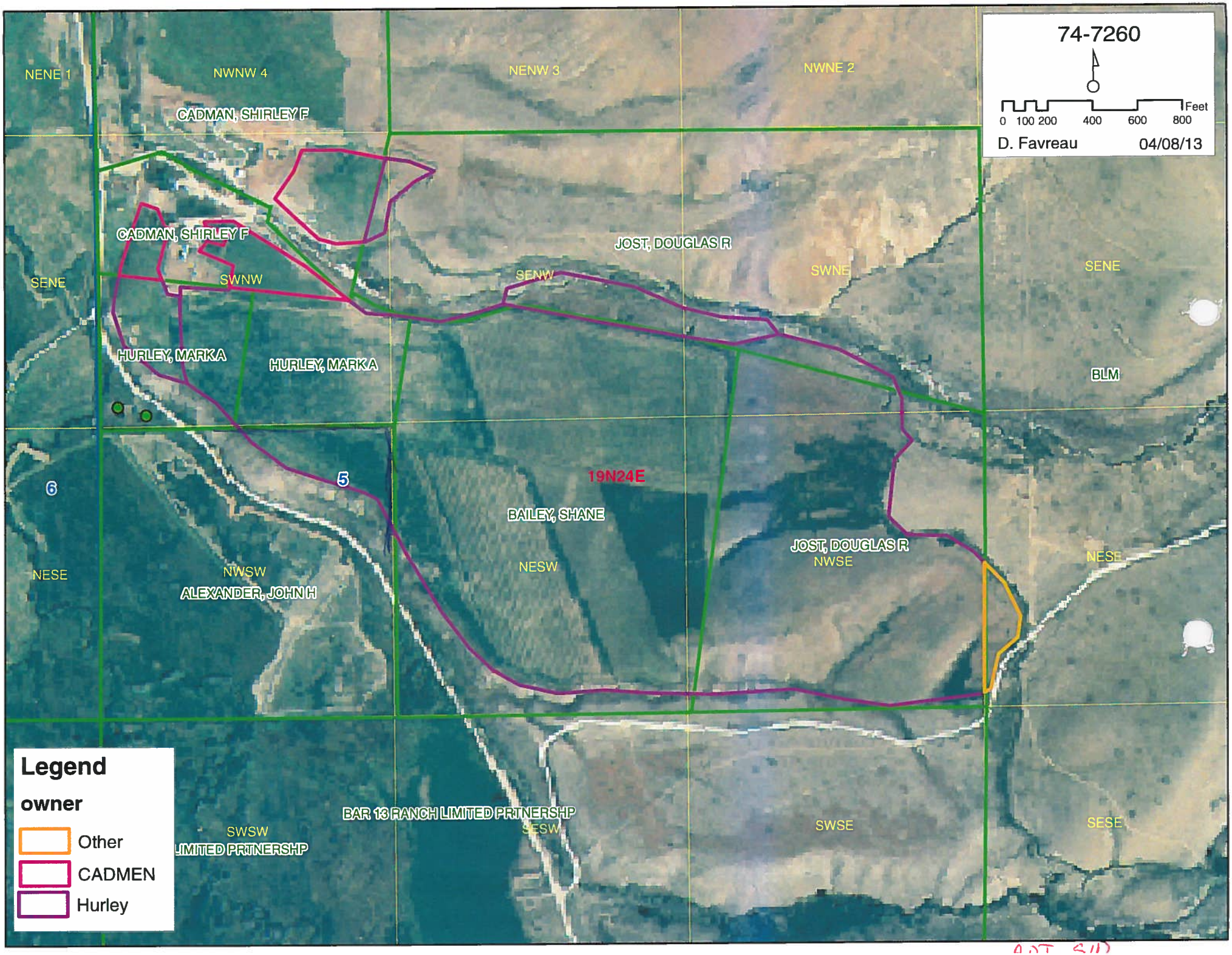
The field exams for all 3 permits include ground not originally owned by Studebaker (BLM and Alexander taxlots). These lands were found irrigated during the field exams put the QQ's were not in the original permits.

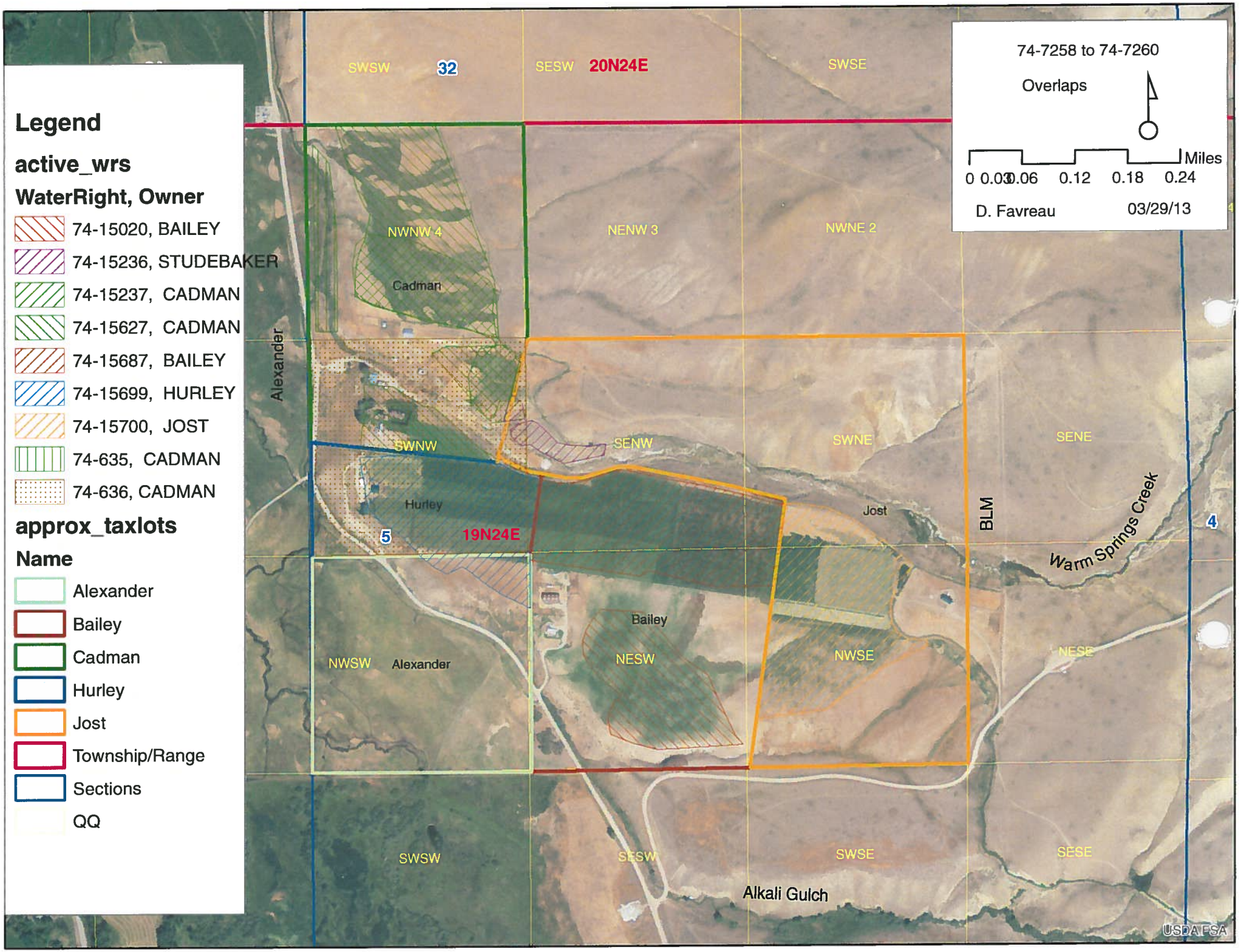




* = OWNED BY CADMAN




74-7260
0 100 200 400 600 800 Feet
D. Favreau 04/08/13
NENE 1
NWNW 4
NENW 3
NWNE 2
CADMAN, SHIRLEY F
CADMAN, SHIRLEY F
JOST, DOUGLAS R
SENE
SWNW
SENW
SWNE
SENE
HURLEY, MARK A
HURLEY, MARK A
BLM
6
5
19N24E
BAILEY, SHANE
JOST, DOUGLAS R
NWSE
NESE
NESE
NWSW
ALEXANDER, JOHN H
NESW
Legend
owner
Other
CADMEN
Hurley
BAR 13 RANCH LIMITED PRTNERSHP
SWSW
LIMITED PRTNERSHP
SESW
SWSE
SESE


Legend
active_wrs
WaterRight, Owner
74-15020, BAILEY
74-15236, STUDEBAKER
74-15237, CADMAN
74-15627, CADMAN
74-15687, BAILEY
74-15699, HURLEY
74-15700, JOST
74-635, CADMAN
74-636, CADMAN
approx_taxlots
Name
Alexander
Bailey
Cadman
Hurley
Jost
Township/Range
Sections
QQ
74-7258 to 74-7260
Overlaps
Miles
0 0.03 0.06 0.12 0.18 0.24
D. Favreau
03/29/13
SWSW
32
SESW
20N24E
SWSE
NWNW 4
Cadman
NENW 3
NWNE 2
Alexander
SWNW
Hurley
SENW
SWNE
SENE
5
19N24E
Jost
BLM
Warm Springs Creek
4
Bailey
NESW
NWSW
Alexander
NWSE
NESE
SWSW
SESW
SWSE
SESE
Alkali Gulch
USDA FSA

Process	Basin Sequence	Draft	Owner	Source	POD/POU	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	Total Acres
Water Permit	74-7258	N	HURLEY, MARK A	GROUND WATER	POD							X										0
Water Permit	74-7258	N	HURLEY, MARK A	GROUND WATER	POU			12.0			40.0	21.0	15.0	35.0					37.0			160
Water Permit	74-7259	N	CADMAN, SHIRLEY F	SPRINGS	POD						X											0
Water Permit	74-7259	N	CADMAN, SHIRLEY F	SPRINGS	POU						30.0											30
Water Permit	74-7260	N	HURLEY, MARK A	ALKALI GULCH CREEK	POD							X										0
Water Permit	74-7260	N	HURLEY, MARK A	ALKALI GULCH CREEK	POU			12.0				21.0	15.0	35.0					37.0			120
Water Right	74-1314	N	US DEPT OF AGRICULTURE	WADE CREEK	POD																	0
Water Right	74-1314	N	US DEPT OF AGRICULTURE	WADE CREEK	POU																	0
Water Right	74-13260	N	UNITED STATES OF AMERICA ACTING THROUGH	SPRING	POD																X	0
Water Right	74-13260	N	UNITED STATES OF AMERICA ACTING THROUGH	SPRING	POU																X	0
Water Right	74-14343	N	UNITED STATES OF AMERICA ACTING THROUGH	WARM SPRING CREEK	POD													X				0
Water Right	74-14343	N	UNITED STATES OF AMERICA ACTING THROUGH	WARM SPRING CREEK	POU				X									X				0
Water Right	74-15020	N	BAILEY, ALESHA; BAILEY, SHANE	PATTEE CREEK	POU									10.2								10.2
Water Right	74-15236	N	STUDEBAKER, DENNIS; STUDEBAKER, LEAH	WARM SPRINGS CREEK	POD								X									0
Water Right	74-15236	N	STUDEBAKER, DENNIS; STUDEBAKER, LEAH	WARM SPRINGS CREEK	POU							0.5	1.4									1.9
Water Right	74-15237	N	CADMAN, SHIRLEY F	WARM SPRINGS CREEK	POD								X									0
Water Right	74-15237	N	CADMAN, SHIRLEY F	WARM SPRINGS CREEK	POU						8.0	2.2										10.2
Water Right	74-15627	N	CADMAN, SHIRLEY F	PATTEE CREEK	POU						11.8	9.0										20.8
Water Right	74-15687	N	BAILEY, ALESHA; BAILEY, SHANE	PATTEE CREEK	POU			4.3					12.3	4.4					0.8			21.8
Water Right	74-15699	N	HURLEY, MARK A	PATTEE CREEK	POU							12.0	0.5		2.3							14.8
Water Right	74-15700	N	JOHNSON-JOST, STEPHANIE A; JOST, DOUGLAS	PATTEE CREEK	POU			2.7											17.0			19.7
Water Right	74-1792B	N	BAR 13 RANCH LTD PARTNERSHIP	LEMHI RIVER	POU											25.0	15.0					40
Water Right	74-521	N	BITTERROOT RANCH	WASTE WATER	POD										X							0
Water Right	74-521	N	BITTERROOT RANCH	WASTE WATER	POU										30.0							30
Water Right	74-635	N	CADMAN, SHIRLEY F	LEMHI RIVER	POU						3.0											3
Water Right	74-636	N	CADMAN, SHIRLEY F	GROUND WATER	POD							X										0
Water Right	74-636	N	CADMAN, SHIRLEY F	GROUND WATER	POU							X										0
Water Right	74-7259	Y	CADMAN, SHIRLEY F	SPRINGS	POD						X											0
Water Right	74-7259	Y	CADMAN, SHIRLEY F	SPRINGS	POU						22.0											22