

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A Beneficial Use Field Report is prepared by a water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with a permit during the development period authorized by the permit and any extensions of time previously approved.

A. GENERAL INFORMATIONPermit No. 13-75531. Owner Roland and Lila Hull Phone No. (208) 776-5115Current address PO Box 777 Lava ID 832462. Examiner's name Kerrie Matthews EXAM DATE 9-15-20113. Accompanied by _____ Email Kerriemathews@idwr.idaho.gov

Address _____

Relationship to permit holder NONE Phone No. (208) 525-71614. Source Spring, tributary to Cub River**B. OVERLAP REVIEW**1. Other water rights with the same place of use NONE2. Other water rights with the same source and point of diversion NONE**C. DIVERSION AND DELIVERY SYSTEM**

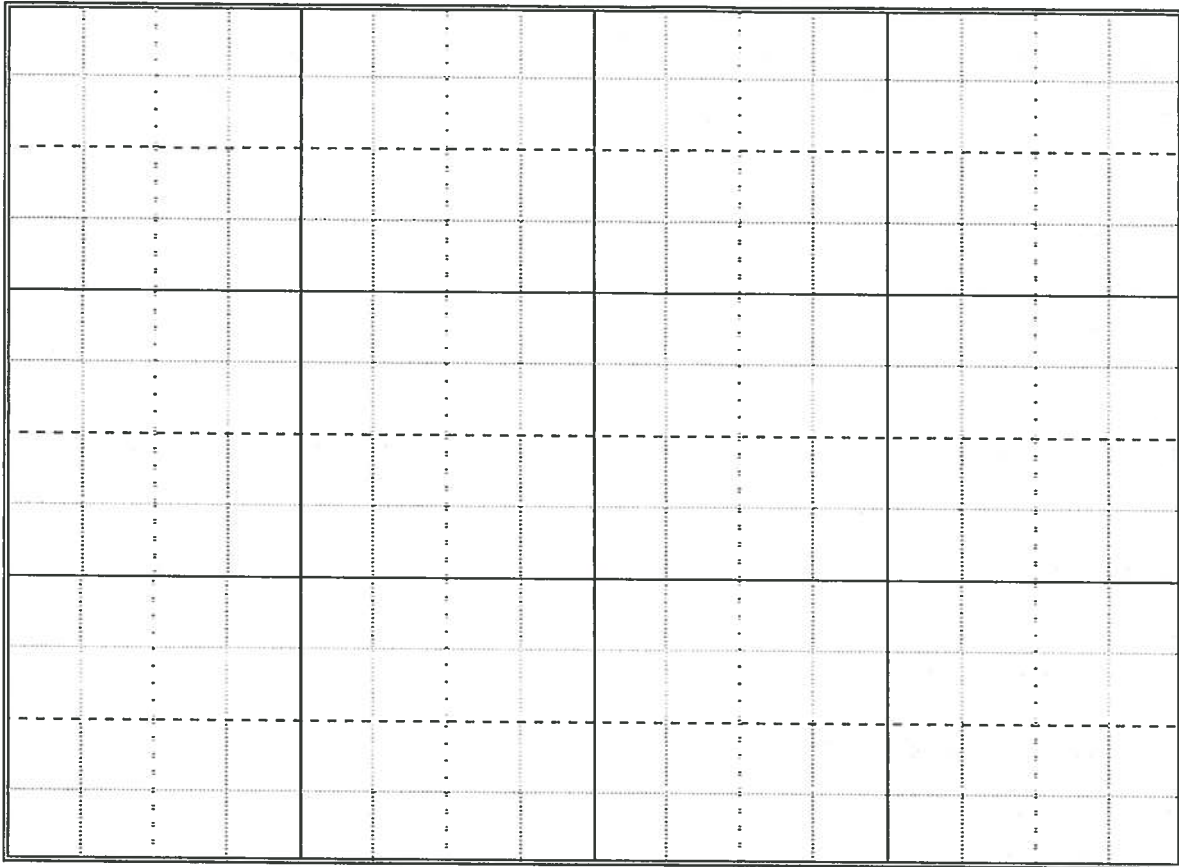
1. Point(s) of Diversion:

Ident. No.	Gov't Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Method of Determination/Remarks
		NW	NE	NN	18	15S	41E	Franklin	Application, GIS, Conversation w/ local Homeowners.

2. Place(s) of Use: Method of determination Application, GIS, conversation w/ local Homeowners

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	41E	18					D												

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe diameter (inside), as applicable. Use the space provided or ☐ see attached.



Scale: 1" = _____

- ☒ Copy of USGS Quadrangle attached showing location(s) of point(s) of diversion and place(s) of use (required)
☐ Aerial photo attached (required for irrigation of 10+ acres)
☐ 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

*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

2. Measurements: Standard domestic rate - unable to measure

E. NARRATIVE/REMARKS/COMMENTS

9-15-2011 - Could not find a home at the described place of use. At the location was a steep hillside and cattle. Talked to several neighbors both South and North of the property - there is no home in the area, and the only thing up by the spring is a gravel pit. You cannot access because private with a locked gate.

9-28-2011 - Spoke with Roland Hull on the telephone - the spring is located on property owned by his uncle. There is no home on the property he owns. He uses piped water from the spring to water 5 head of cattle. There has never been a home and doesn't know if there will ever be.

10-11-2011 - Spoke with Lynn @ Franklin County Assessors Office. Roland Hull owns 18 acres between Robert Hull and Cynthia Hull (archival) in the place of use described. Robert Hull owns the property where the point of diversion is located.

Has the permit holder met all conditions of permit approval, including any mitigation requirements and/or measuring device installation requirements? ☐ Yes ☐ No If no, what must be done to meet the permit requirements?

F. FLOW CALCULATIONS☐ Additional computation sheets attached

Measured Method:

*Standard domestic rate***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

 $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>Domestic (other)</i>	<i>01/01</i>	<i>12/31</i>	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
Totals:			_____	_____

2. Recommended Amendments

☐ Change P.D. as reflected on page 1☐ Add P.D. as reflected on page 1☐ None☐ Change P.U. as reflected on page 1☐ Add P.U. as reflected on page 1☐ Other**I. AUTHENTICATION**

Field Examiner's Signature

Kennie Mathew

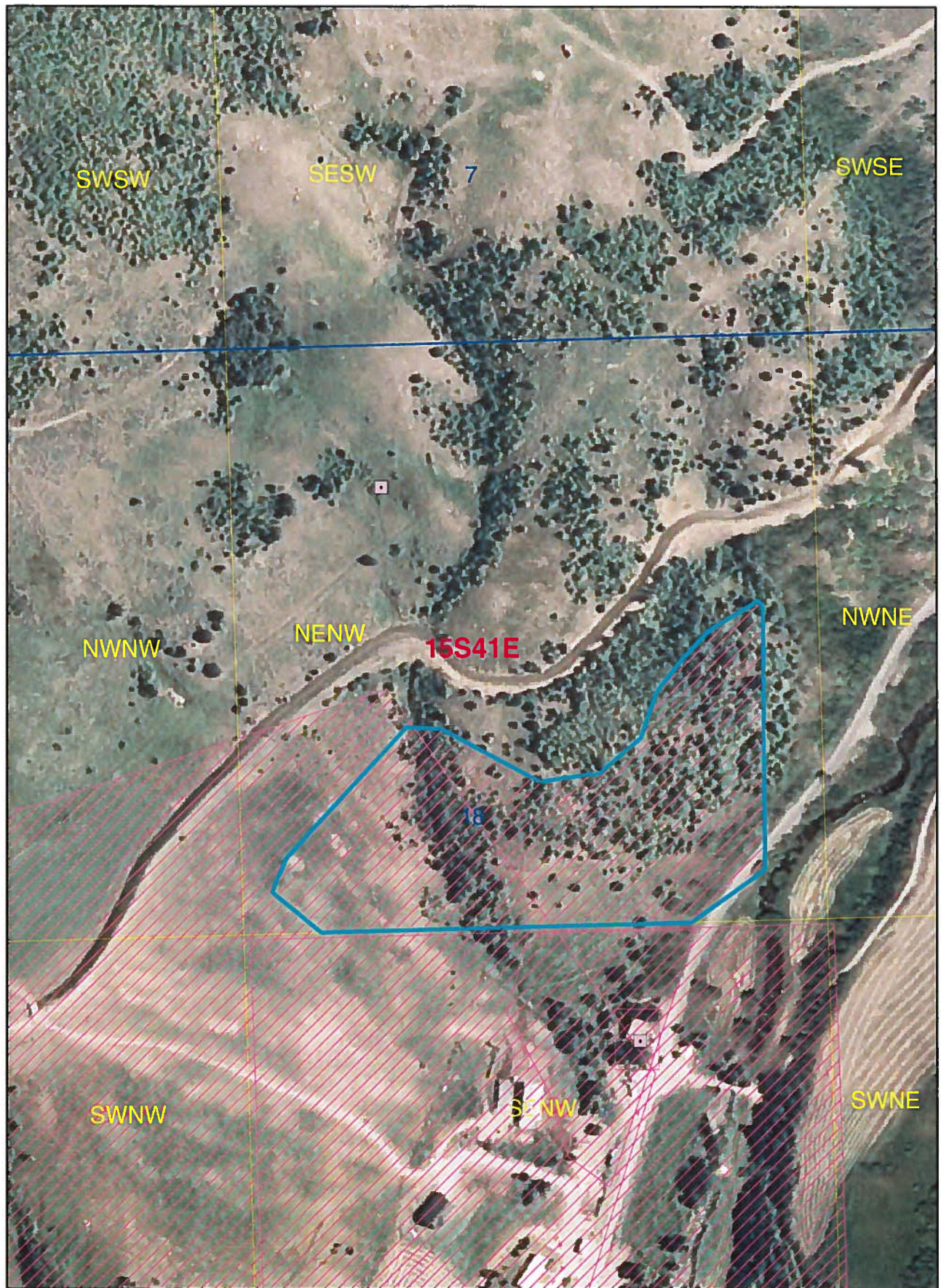
Date

9-15-2011

SEAL

Reviewer _____

Date _____



13-7553

MEMORANDUM

Date: January 21, 2010
To: Water Right File 13-7553 and 13-7457
From: medl
Re: ownership mixup

On Jan 11, 2010, I received an office day call that resulted in extensive follow-up by me and a senior agent in IDWRs Eastern Region.

The initial call was from a realtor attempting to assist a client by confirming the status of a water right. The client had been told she had a water right and I was given 13-7553 as the number. I located the place-of-use for that permit and explained the difference between a permit and a license related to a change in ownership. I also explained that this permit had been protested when the appropriation was greater than 0.04cfs or a single domestic use. I learned from the realtor's statements, that there was more water use occurring than what had been permitted under 13-7553.

A neighbor's licensed right 13-7457 was also part of the discussion. Paraphrasing: the neighbor is contending that the spring source for license 13-7457 is fully appropriated. And that no additional water is available because the spring on the property in question and the spring for 13-7457 are one and the same. Use above and beyond what was licensed under 13-7457 may be occurring. I shared the contact information for the Cub River 13A watermaster and encouraged the realtor and/or her client to connect with him and express their concerns.

In the course of our conversation, I learned that the property in question had exchanged hands several times. The Department's ownership records for 13-7553 have not been updated and probably do not reflect current ownership. I encouraged the realtor to advise her client to connect with the Eastern Region office and begin the permit process for the additional use. And because maps of the place-of-use were not available to any of the interested parties, I sent an electronic map; an ArcMap screen shot showing the permit 13-7553 place-of-use at a scale which also showed license 13-7457 place-of-use.

The owner of the property in question paid a visit to the Eastern Region office and Denise Kidman was the agent assigned to assist. My screen shot and other documents including a warrantee deed, which I had not seen, were provided to agent Kidman. The permitted 13-7553 place-of-use is in Twn 15S, Rge 41E section 18, but the property in question is located in Twn 15S, Rge 41E section 7. In short, the property in question was not the place-of-use for the permit or of any other active water right. The property owner purchased the property without confirming the validity of the water right information she was given but is taking steps not to pass on that misinformation. Agent Kidman initiated claim (or new permit) processing and forwarded a copy of the warrantee deed and plot diagram to be placed in the file.

According to the map in permit 13-7553 the Hull family had owned most of the property in this area. I am not convinced that the Roland Hull named on the warrantee deed is the same Roland Hull that is named on permit 13-7553. However, that permit property and any associated water rights have passed to another generation of the Hull family. Permit 13-7553 ownership will need to be resolved at some future date.

Although proof of beneficial use has been submitted for permit 13-7553, from my review at this time it is questionable that any beneficial use has occurred.

WARRANTY DEED

For Value Received ROLAND LEROY HULL and RUBY HULL, husband and wife,

the grantors do hereby grant, bargain, sell and convey unto PETER HULL and IDA MAE HULL, husband and wife,

whose current address is Pocatello, Idaho

the grantees, the following described premises, in Franklin County Idaho, to wit:

Beginning
Township 15 South, Range 41 East of the Boise Section 7; commencing at a point 270 feet East and 669.5 feet South of the Northwest corner of the Southeast quarter of the Southeast quarter of Section 7; and running thence South 386 feet, thence West 300 feet, thence North 386 feet, thence East 300 feet to the point of beginning.....

Included in the above described property is a permanent right of way and easement for ingress and egress across the adjoining properties above described.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 21st day of October 1977.

Roland Leroy Hull
ROLAND LEROY HULL

Ruby Hull
RUBY HULL

STATE OF IDAHO COUNTY OF Franklin

On this 21st day of October 1977,
before me, a Notary Public and for said State, personally appeared
ROLAND LEROY HULL and
RUBY HULL.

144170

Known to me to be the person s whose names are
subscribed to this within instrument, and acknowledged to
me that they executed the same.

[Signature]
Notary Public
Pocatello, Idaho
My Comm. Expires 30 February 1980

Recorded in the record of

[Signature]

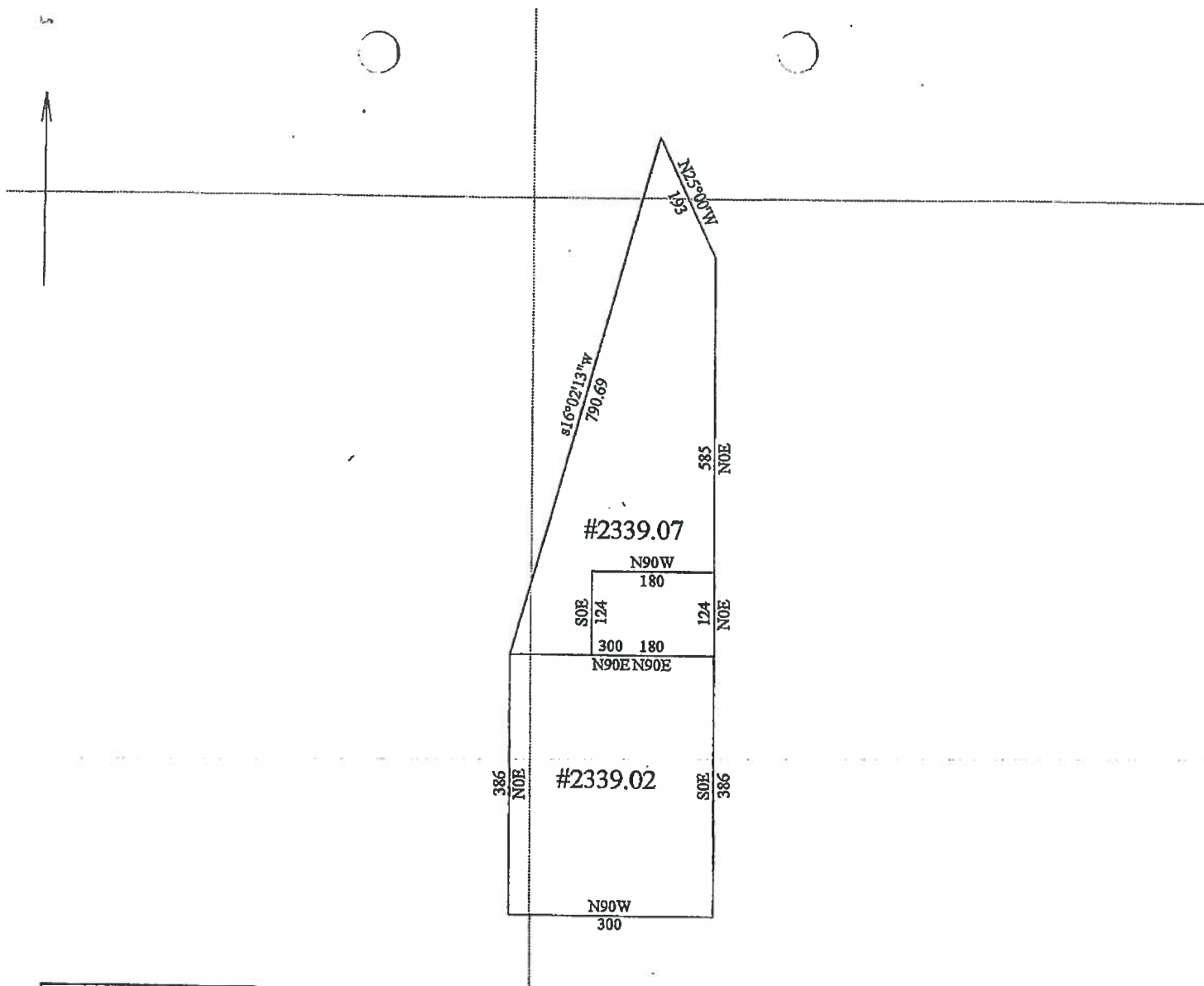
OCT 25 1977

MICHAEL D. WARD, RECORDER

FRANKLIN COUNTY, IDAHO

RECORDED

INDEXED



Title:		Date: 06-27-2007
Scale: 1 inch = 225 feet	File: MURDOCK D FAM TRST 237838,39 #2339.07 #2339.02.des	
+Tract 1: 3.164 Acres: 137846 Sq Feet: Closure = n25.5343w 0.00 Feet: Precision = 1/876055: Perimeter = 1869 Feet -Tract 2: 0.512 Acres: 22320 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999: Perimeter = 608 Feet +Tract 3: 2.658 Acres: 115800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision > 1/999999: Perimeter = 1372 Feet Net Area= 5.311 Acres: 231326 Sq Feet		
001=/NW,SE,SE,7,15S,41E	009=/NW,SE,SE,7,15S,41E	017=/NW,SE,SE,7,15S,41E
002=/N90E 270	010=/N90E 270	018=/N90E 270
003=/S0E 669.5	011=/S0E 669.5	019=/S0E 669.5
004=/N0E 585	012=/N0E 124	020=/S0E 386
005=/N25.00W 193	013=/N90W 180	021=/N90W 300
006=s16.0213w 790.69 ?	014=/S0E 124	022=/N0E 386
007=/N90E 300	015=/N90E 180	023=/N90E 300
008=@0-	016=@0+	