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DEPT. OF WATER RESOURCES  
SOUTHERN REGION

State of Idaho  
Department of Water Resources  
Transfer of Water Right(s)

**RECOMMENDATION OF WATERMASTER**

Transfer Application No: 74610

Water Right No(s): 45-14108 , 45-13624

Transfer Applicant's Name: CHATBURN BROTHERS INC

Watermaster's Recommendation:

a) ☐ I do not oppose approval of this application.

b) ☒ I do not oppose approval of this application if it is conditioned as follows:

*That his 1892 right that he is setting aside (ground) that the water he is using off of the unnamed creek reaches Shovel Creek ahead of the new Pointy Diversion, as I understand the changes to be. I have no problems with the transfer.*

c) ☐ I oppose approval of this application for the following reasons:

d) ☐ Additional Comment:

Dated this 7 day of April, 2008.

Water District No: 45F

  
Watermaster's Signature

*Jeff Coopes:*

*See attached summary of Jeff Chatburns' Brothers rights -*

*~~Also note that Chatburns Brothers~~*

**MARSH CREEK WATER DISTRICT 45F  
SNAKE RIVER ADJUDICATED  
SURFACE WATER RIGHTS  
2007**

| 2007         |             |           |                           |       |       |       |                  |                          |                |        |      |          |
|--------------|-------------|-----------|---------------------------|-------|-------|-------|------------------|--------------------------|----------------|--------|------|----------|
| Sort Key:    |             |           | CFS                       | IN    | Total | acre  |                  |                          |                | Stream | COMB | Div      |
| Priority     | Date/Decree |           | Rate:                     | inch  | A/C   | Limit | PLS              | NAME:                    | Name:          | ID'S   |      | P        |
|              |             |           |                           |       |       |       |                  |                          |                |        |      | Remarks: |
| HOWELL CREEK |             |           |                           |       |       |       |                  |                          |                |        |      |          |
| HO           | 03/31/1876  | 45-260    | 0.7                       | 35    | 478.5 | 220   | 12S25E16NESENW   | Chatburn Ranch, Jeff/Tam | Howell Creek   | 3796   |      |          |
| HO           | 03/31/1876  | 45-260    |                           |       |       |       | 12S25E9SESWNE    | Chatburn Ranch, Jeff/Tam | Howell Creek   | 3796   |      |          |
| HO           | 03/31/1876  | 45-11008  | 1.4                       | 70    | 478.5 | 237   | 12S25E9SESWNE    | Chatburn Ranch, Jeff/Tam | Howell Creek   | 3796   |      | 45-273   |
| HO           | 03/31/1876  | 45-11008  |                           |       |       |       | 12S25E16NESENW   | Chatburn Ranch, Jeff/Tam | Howell Creek   | 3796   |      | 45-273   |
| HO           | 10/13/1878  | 45-323    | 1.95                      | 97.5  | 97.4  |       | 12S25E4SWNWNE L2 | Chatburn Brothers INC    | Howell Creek   | 4111   |      |          |
| HO           | 12/01/1880  | 45-326A   | 0.78                      | 39    | 478.5 | 60    | 12S25E16NESENW   | Chatburn Ranch, Jeff/Tam | Howell Creek   | 3796   |      |          |
| )            | 12/01/1880  | 45-326A   |                           |       |       |       | 12S25E9SESWNE    |                          |                | 3796   |      |          |
|              |             |           |                           |       |       |       |                  |                          |                |        |      |          |
| HO           | 04/12/1892  |           |                           |       |       |       | HIGH WATER       |                          |                |        |      |          |
| HO           | 04/12/1892  | 45-11007  | 4.75                      | 237.5 | 478.5 | 237   | 12S25E9SESWNE    | Chatburn Ranch, Jeff/Tam | Howell Creek   | 3796   |      |          |
| HO           | 04/12/1892  | 45-11007  |                           |       |       |       | 12S25E16NESENW   |                          |                | 3796   |      |          |
| HO           | 04/12/1892  | 45-244    | 3.78                      | 189   | 478.5 | 241   | 12S25E16NESENW   | Chatburn Ranch, Jeff/Tam | Howell Creek   | 3796   |      |          |
| HO           | 04/12/1892  | 45-244    |                           |       |       |       | 12S25E9SESWNE    |                          |                | 3796   |      |          |
|              |             |           |                           |       |       |       |                  |                          |                |        |      |          |
| MC           | 03/31/1880  |           |                           |       |       |       | MARSH CREEK      |                          |                |        |      |          |
| MC           | 03/31/1880  | 45-532    | 0.5                       |       | 31    |       | 11S25E28NENWSW   | Chatburn Brothers Inc.   | MARSH CREEK    | 4110   |      |          |
|              |             |           |                           |       |       |       |                  |                          |                |        |      |          |
| WC           | 04/30/1881  |           |                           |       |       |       | WARM CREEK       |                          |                |        |      |          |
| WC           | 04/30/1881  | 45-271    | 0.7                       | 35    | 32.8  |       | 11S25E22SWNWSE   | Chatburn Brothers Inc.   | Warm Creek     |        |      |          |
|              |             |           |                           |       |       |       |                  |                          |                |        |      |          |
| UN           | 04/12/1892  |           |                           |       |       |       | UNNAMED STREAM   |                          |                |        |      |          |
| UN           | 04/12/1892  | 45-13624  | 1.95                      |       | 97.4  |       | 11S25E33SESENE   | Chatburn Brothers Inc.   | UNNAMED STREAM | 4111   |      | 45-323   |
| ' 'N         | 04/12/1892  | 45-13624  |                           |       |       |       | 11S25E33SWNESE   |                          |                |        |      |          |
| .J           | 04/12/1892  | 45-14108? | 1.95                      |       | 97.4  |       | 11S25E33SESENE   | Chatburn Brothers Inc.   |                | 4111   |      | 45-323   |
| UN           | 04/12/1892  | 45-14108  |                           |       |       |       | 11S25E33SWNESE   |                          |                |        |      |          |
| If approved  |             | 45-14109  | per telecon w/Jeff Cooper |       |       |       |                  |                          |                |        |      |          |

|    |            |          |      |      |      |                           |                           |             |            |
|----|------------|----------|------|------|------|---------------------------|---------------------------|-------------|------------|
| MC | 04/01/1873 |          |      |      |      | Point Of Diversion        |                           |             |            |
| MC | 04/01/1873 | 45-307B  | 1.2  | 60   | 69   | <b><u>MARSH CREEK</u></b> |                           |             |            |
|    |            |          |      |      |      | 12S24E12SWNWNE            | Chatburn, Bennie Estate   | Marsh Creek |            |
|    |            |          |      |      |      | 12S25E6NWSENE             | See note #1               |             |            |
|    |            |          |      |      |      | 12S25E6SESENW             |                           |             |            |
|    |            |          |      |      |      | Point Of Use Div.         |                           |             |            |
| MC | 04/01/1873 | 45-14062 | 0.71 | 35.5 | 40.5 | 12S24E12SWNWNE            | Chatburn, Bennie Estat #1 | Marsh Creek |            |
| MC | 04/01/1873 |          |      |      |      | 12S25E6SESENW             |                           | Marsh Creek |            |
| MC | 04/01/1873 | 45-14063 | 0.03 | 1.5  | 1.9  | 12S25E6SESENW             | John W. Garland #2        | Marsh Creek |            |
| MC | 04/01/1873 | 45-14064 | 0.2  | 10   | 11.6 | 12S25E6SESENW             | L. Gregg Vance Trust #3   | Marsh Creek |            |
| MC | 04/01/1873 | 45-14065 | 0.26 | 13   | 15   | 12S25E6SESENW             | Scott E. Gardner Trust #4 | Marsh Creek |            |
|    |            |          |      |      |      |                           |                           | Marsh Creek |            |
| MC | 04/01/1873 | 45-307C  |      |      |      | 12S24E12SWNWNE            | Steve & Jacklyn Dowdy #5  | Marsh Creek | City Right |

Note #1: This diversion has not been maintained in over 10 years or I should say since I have been Watermaster (14 yr's) there is no weir on the creek to allow this diversion in the first place and the way they were trying to use it was taking water from POD 12S24E12S, which then was run through pipe across Marsh Creek. At that time a stop proceeding was placed in order by Don Merrill owner of the Merrill Ranch. He only gave permission to use the Div at 12S24E12S (Vaughn Ditch) in delivering through the City System for that property located within the city of Albion.  
 Jeff, If you have any questions please contact me. Don Gunderson, Watermaster 45F

45-307B Per telecon (3/17) with Jeff Cooper, he will get back on any file information on the property splits

Fred Darrington was primary user (leasing) of water right (45-307B) in 2007