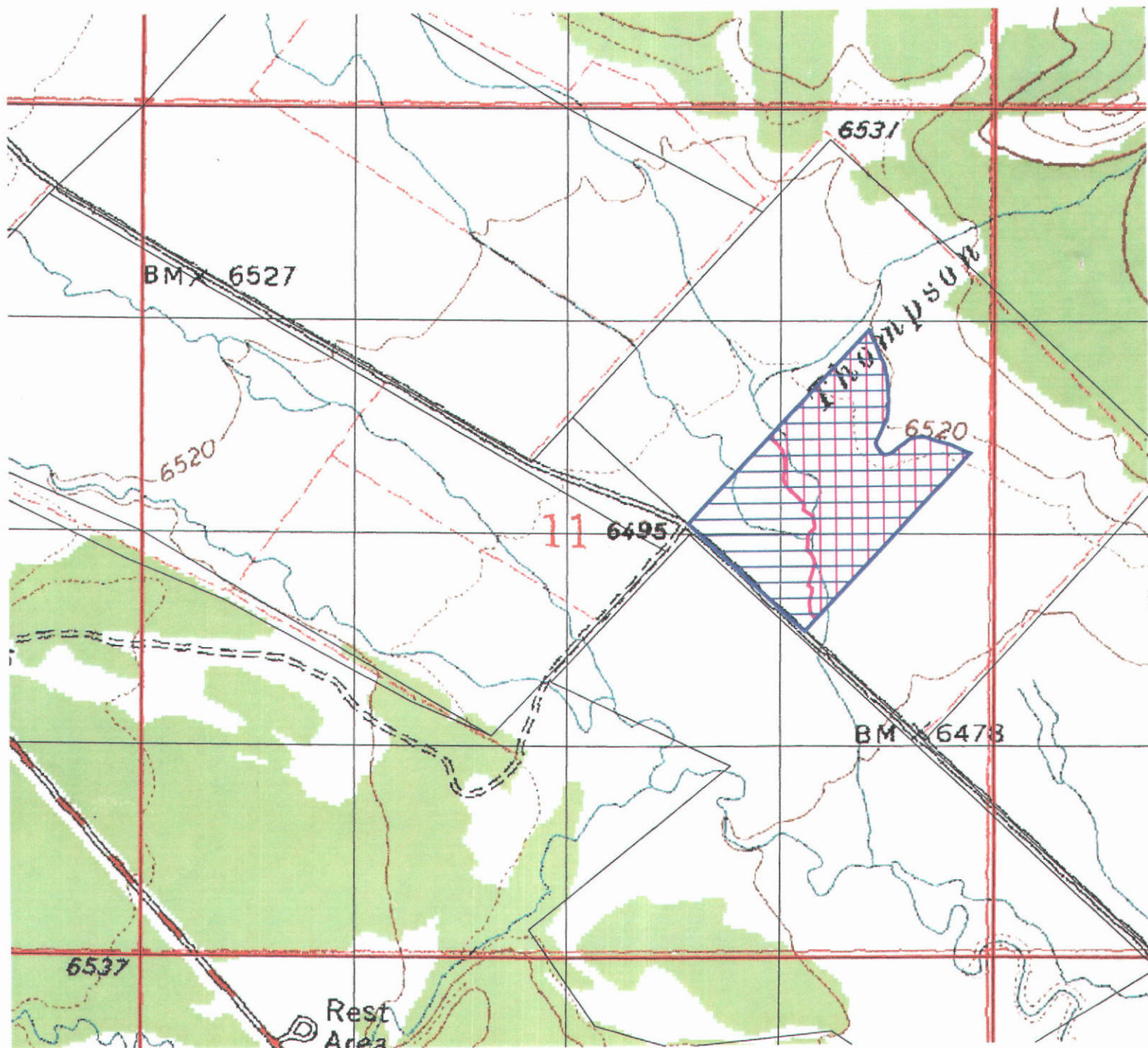
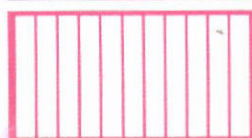


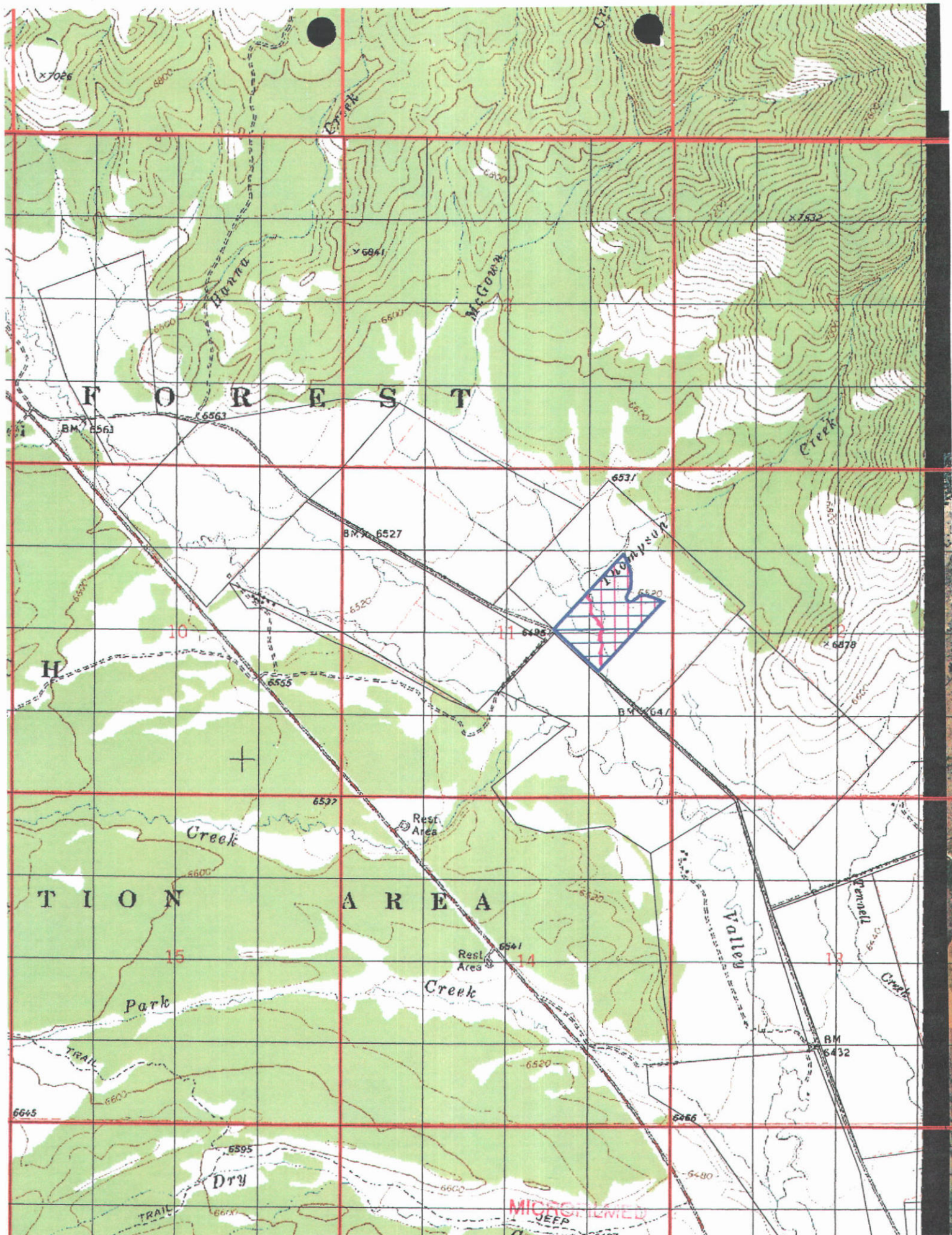
Place of Use for rights 71-39E & 71-40E



Place of Use for right 71-10136A

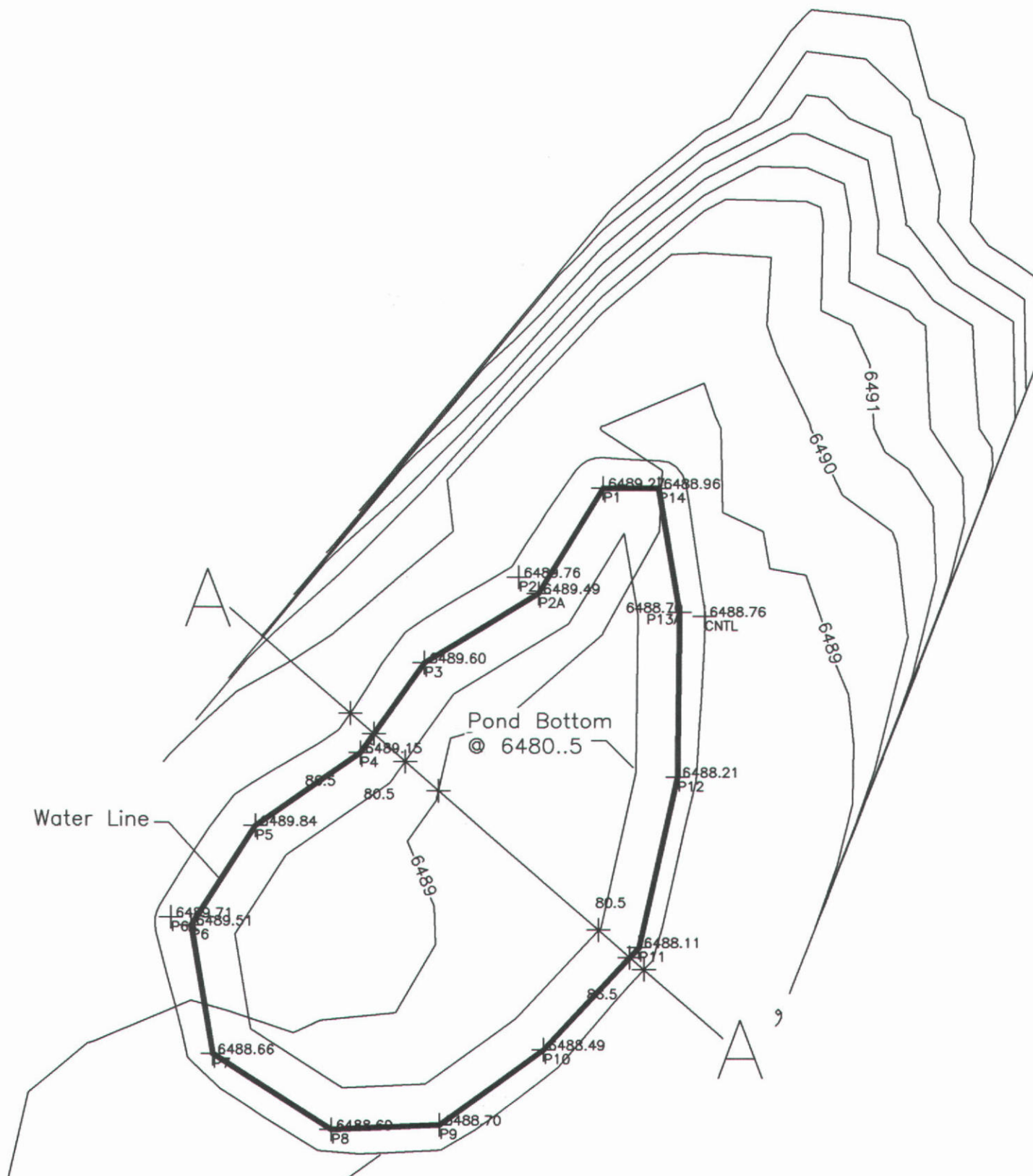
MICROFILMED
AUG 11 2003

Scale: 1" = 1000'



AUG 1 1 2003

T69862

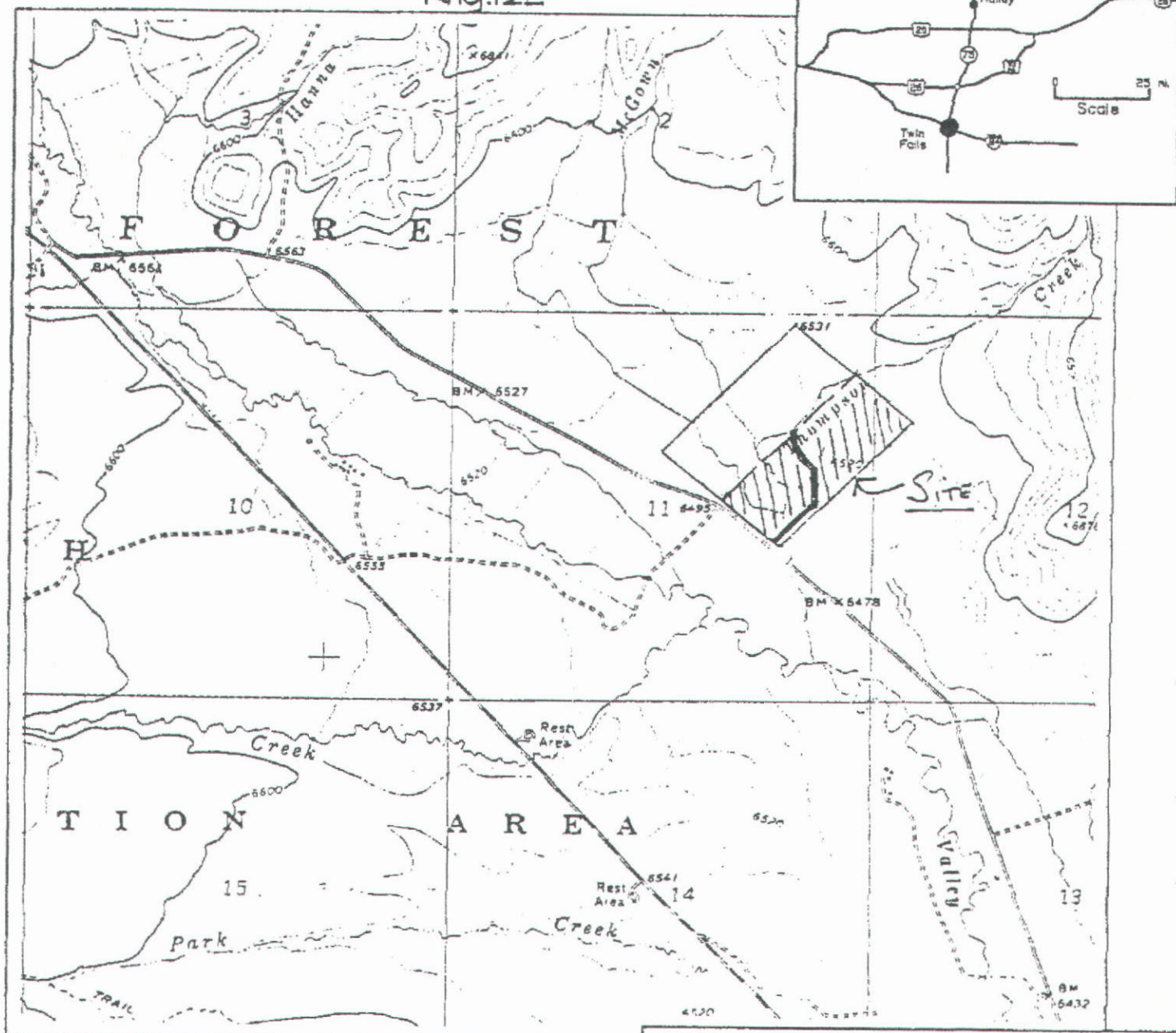


Pond Plan View
Scale: 1"=50'-0"

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AUG 11 2003

T69862

Rng. 12E



Hill - Culvert & Driveway VICINITY MAP

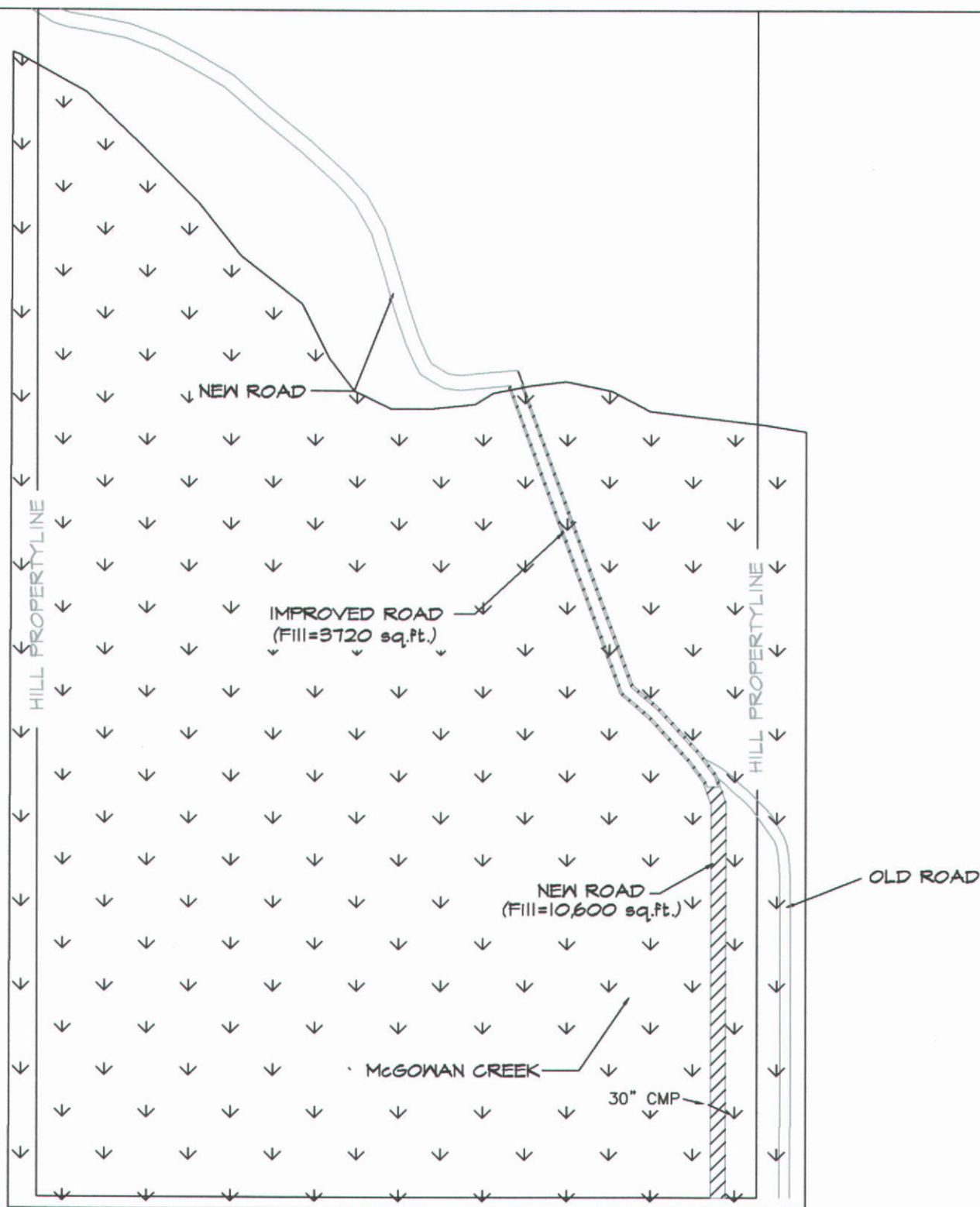
OWNER: PAUL HILL
IN: WETLAND ADJACENT TO MCGOWAN CREEK
NEAR: STANLEY, IDAHO - CUSTER CO.

Fisher & Associates
WETLAND RESOURCE ENHANCEMENTS

DATE:
7/25/95
SHEET:
1 of 3
SCALE:
1" = 2000ft

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AUG 11 2003



VALLEY CREEK ROAD



= WETLAND



= ROAD FILL



Scale: 1"=200'-0"

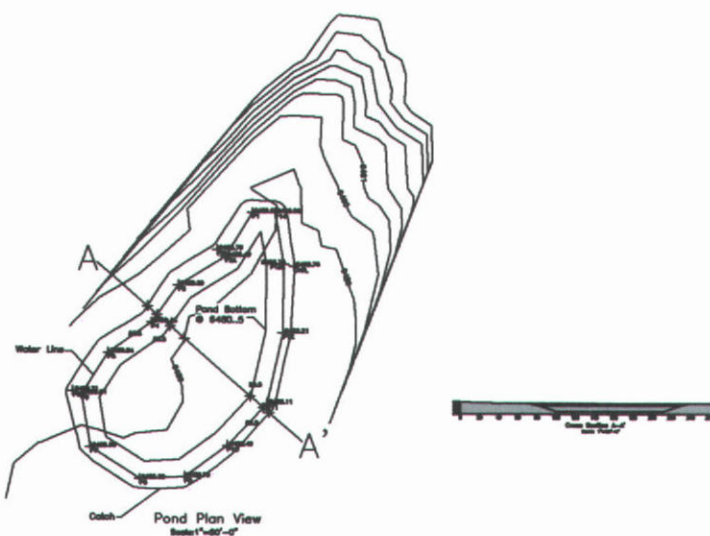
Hill - Culvert & Driveway SITE PLAN

OWNER: PAUL HILL

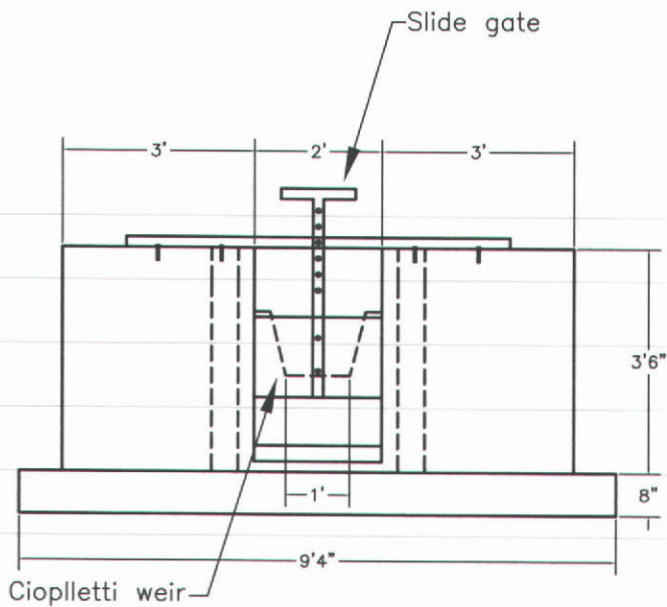
IN: WETLAND ADJACENT TO MCGOWAN CREEK

NEAR: STANLEY, IDAHO - CUSTER CO.

Fisher & Associates
 AQUATIC RESOURCE ENHANCEMENTS
DATE:
7/25/95SHEET:
2 of 3SCALE:
1"=200ft
 MICROFILMED
 AUG 11 2003

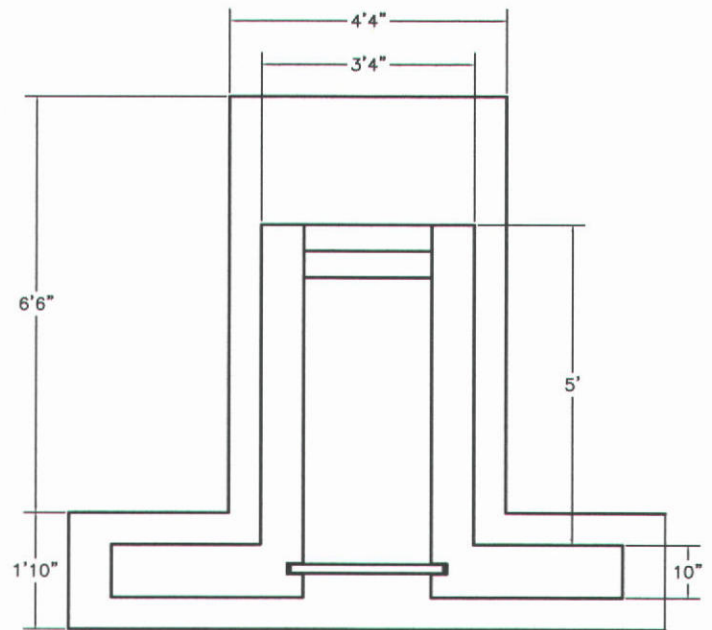


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AUG 11 2003



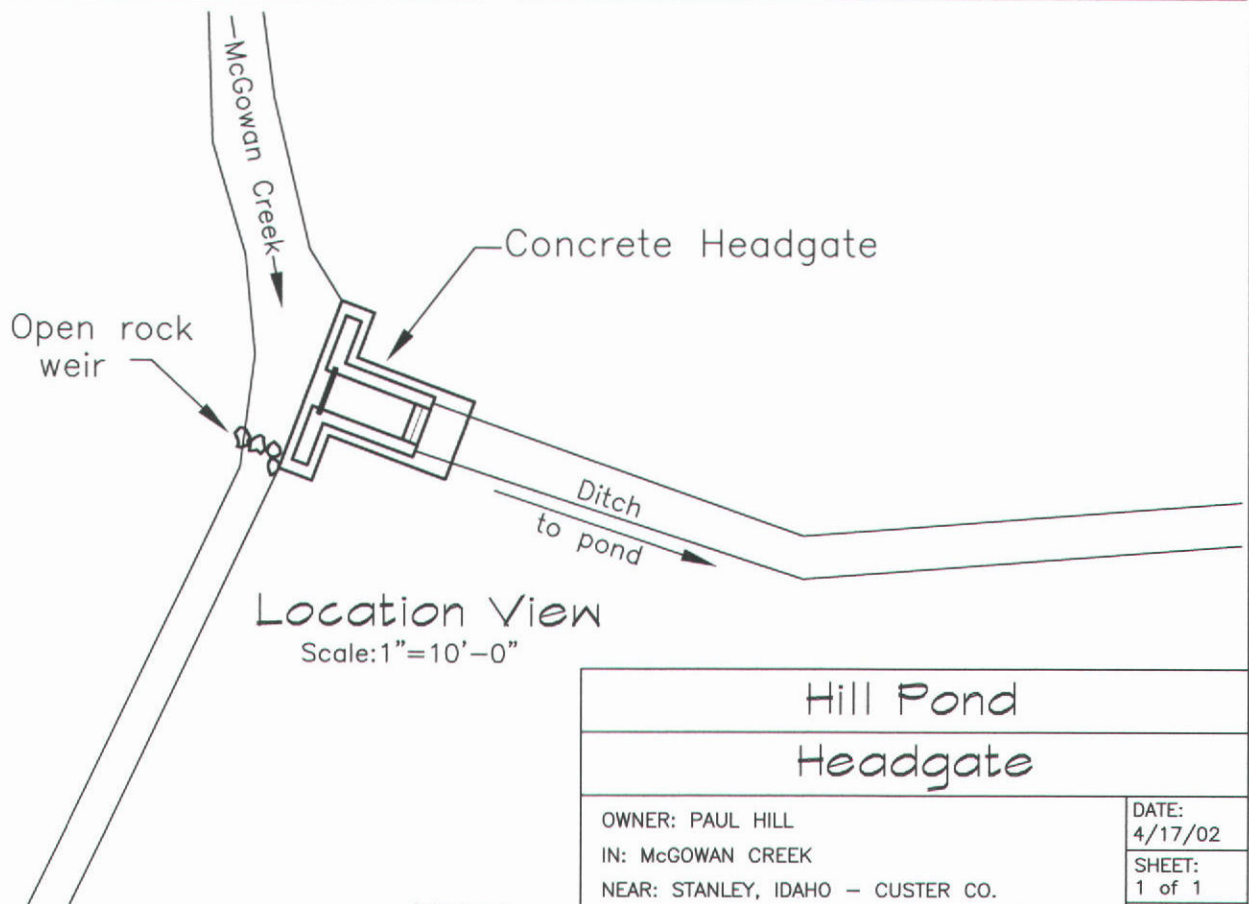
Front View

Scale: 1"=3'-0"



Plan View

Scale: 1"=3'-0"



Location View

Scale: 1"=10'-0"

Hill Pond Headgate

OWNER: PAUL HILL
IN: MCGOWAN CREEK
NEAR: STANLEY, IDAHO - CUSTER CO.

DATE:
4/17/02
SHEET:
1 of 1
SCALE:
Various

MICROFILMED

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

AUG 11 2003

ANALYSIS OF T69862													Sum
Month	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
Days	31	28	31	30	31	30	31	31	30	31	30	31	365
Pond ET dist%		1	2	4	7	12	15	19	16	11	6	4	100
Pond ET chart (inches)	30												
Pond ET (inches)		0.3	0.6	1.2	2.1	3.6	4.5	5.7	4.8	3.3	1.8	1.2	30
Precip(inches)		1.13	1.55	2.03	1.66	1.54	1.19	1.07	1.24	1.2	0.73	0.76	0.88
Pond Makeup (inches)		0	0	0	0.44	2.06	3.31	4.63	3.56	2.1	1.07	0.44	0.02
Acres of pond		0.55											
Pond Makeup (af)		0.00	0.00	0.00	0.02	0.09	0.15	0.21	0.16	0.10	0.05	0.02	0.81
Irrigation CU													
Acres Irrigated		0.55											
IR Pasture mm/day					0	1.61	4.07	4.35	3.34	2.24	0		
IR Pasture (af)	.55acres	0.00	0.00	0.00	0.00	0.09	0.22	0.24	0.19	0.12	0.00	0.00	0.86

Based on this estimate pond will consume 0.81 af

Pasture would have consumed 0.86 af.

Change from pasture to pond is not expensive

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AUG 11 2003

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchill, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated May 23 2002 and ending with the issue dated May 30 2002.

Ruth E Burchill

STATE OF IDAHO

COUNTY OF CUSTER

On this 30th day of May in the year of 2002, before me, a Notary Public, personally appeared Ruth E. Burchill known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Emel M. Peck
Notary Public for Idaho
Residing at Challis

My commission expires: 3-19-04

RECEIVED

MAY 31 2002

Department of Water Resources
Southern Region

WALKER AVE; ASHLAND OR 97520 filed Application for Transfer No. 69862 on 4/29/02 for diversion of a combined total of 0.36 cfs from McGowan Creek tributary to Valley Creek. The purpose of the transfer is to change an irrigation right diverted from McGowan Creek to recreation and aesthetic uses associated with a pond on the applicants property located 4.5 miles west and 5.5 miles north of Stanley.

The ID DEPT OF FISH & GAME, PO BOX 25; BOISE ID 83707 filed an Application for Amendment of Permit No. 71-10879 on 4/22/02. Permit 71-10879 currently authorizes the diversion of 3.0 cfs of water from the Salmon River approximately 5 miles South and 2.5 miles East of Stanley for use in a recreational fishing pond approximately 4.5 miles South and 2.25 miles East of Stanley. The amendment proposes changing the location of the point of diversion to an existing point of diversion located approximately 0.25 miles further upstream than the currently authorized point of diversion.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before June 10, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director
Published 5/23 & 5/30/02.

NOTICE OF APPLICATIONS
Notice is hereby given that two applications have been filed with the Idaho Department of Water Resources concerning water rights within Custer County:

PAUL D. & ANN HILL, PO BOX 281; STANLEY ID 83278 &/or 975

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AUG 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69862

This is to certify that: PAUL D HILL AND
ANN P HILL
PO BOX 281
STANLEY ID 83278
(208)774-3645

PAUL D HILL AND
ANN P HILL
975 WALKER AVE
ASHLAND OR 97520
(541)552-0211

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acres	Total	Source
71-39E	WR/Decreed	06/01/1904	0.36 cfs			32.0	MCGOWAN CREEK
71-40E	WR/Decreed	05/01/1912	1.08 cfs			32.0	VALLEY CREEK

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Ad POD	Period of Use	Nature of Use
71-39E	NO	YES	YES	NO	YES	YES
71-40E	NO	NO	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

Existing Right	New No (changed portion)	Transfer Rate	Transfer Volume	Age Limit	Total Acres	New No (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
71-39E	71-39E	0.36 cfs	2.8 af	N/A	N/A		N/A	N/A	N/A	N/A
71-40E	71-40E	1.08 cfs	N/A	N/A	31.4		N/A	N/A	N/A	N/A
TOTALS		0.36 cfs	2.8 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 1st day of August, 2002


Chief, Water Allocation Bureau

MICROFILMED

AUG 11 2003

WATER RIGHT NO. 71-39E
As Modified by Transfer No. 69862

In accordance with the approval of Transfer No. 69862, Water Right No. 71-39E is now described as follows.

Right Holder: PAUL D HILL AND
 ANN P HILL
 PO BOX 281
 STANLEY ID 83278

PAUL D HILL AND
 ANN P HILL
 975 WALKER AVE
 ASHLAND OR 97520

Priority Date: 06/01/1904

Source: MCGOWAN CREEK

Tributary: VALLEY CREEK

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
RECREATION	05/01	to 10/31	0.36 CFS	
AESTHETIC	05/01	to 10/31	0.36 CFS	
DIVERSION TO STORAGE	05/01	to 10/31	0.36 CFS	
RECREATION STORAGE	01/01	to 12/31		2.8 AF
AESTHETIC STORAGE	01/01	to 12/31		2.8 AF
			0.36 CFS	2.8 AF

LOCATION OF POINT(S) OF DIVERSION:

MCGOWAN CREEK SW 1/4 Sec. 11 Twp 11N Rge 12E CUSTER County

PLACE OF USE: RECREATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 12E 11				X													X

PLACE OF USE: AESTHETIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 12E 11				X													X

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 12E 11				X													X

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 AUG 14 2003

WATER RIGHT NO. 71-39E
As Modified by Transfer No. 69862

PLACE OF USE: AESTHETIC STORAGE

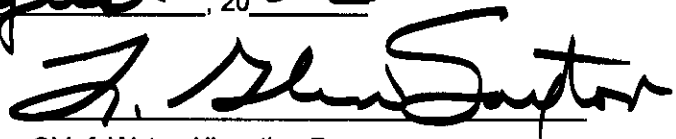
Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N 12E 11				X									X				

CONDITIONS OF APPROVAL

- 1 The first full irrigation season following diversion of water to recreation and aesthetic storage uses under Right 71-39E, the irrigation use under Right 71-40E shall be limited to 31.0 total acres. The reduction of irrigation during the first full irrigation season will provide compensation for the additional storage volume required to fill the pond when combined with the 1.8 af associated with the 0.6 acres no longer irrigated.
- 2 After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
3. All water rights within Basin 71 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
4. Place of use is located within a portion of Homestead Entry Survey No. 109, also described as Lots 1, 2, and 3, Thompson Creek Subdivision.
5. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- 6 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- 7 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of August, 2002


 Chief, Water Allocation Bureau

MICROFILMED
 AUG 11 2003

WATER RIGHT NO. 71-40E
As Modified by Transfer No. 69862

In accordance with the approval of Transfer No. 69862, Water Right No 71-40E is now described as follows.

Right Holder: PAUL D HILL AND
 ANN P HILL
 PO BOX 281
 STANLEY ID 83278

PAUL D HILL AND
 ANN P HILL
 975 WALKER AVE
 ASHLAND OR 97520

Priority Date: 05/01/1912

Source: VALLEY CREEK

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 10/31	1.08 CFS	
			1.08 CFS	

LOCATION OF POINT(S) OF DIVERSION:

VALLEY CREEK NESWNE Sec. 4 Twp 11N Rge 12E CUSTER County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11N	12E	11	4.8	18.8	5.1	2.7	31.4

Total Acres: 31.4

CONDITIONS OF APPROVAL

- 1 Rights 71-40E and 71-10136A when combined shall not exceed the irrigation of 31.4 acres.
2. The first full irrigation season following diversion of water to recreation and aesthetic storage uses under Right 71-39E, the irrigation use under Right 71-40E shall be limited to 31.0 total acres. The reduction of irrigation during the first full irrigation season will provide compensation for the additional storage volume required to fill the pond when combined with the 1.8 af associated with the 0.6 acres no longer irrigated.
- 3 After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
- 4 This right when combined with all other rights shall provide no more than 3.0 afa per acre at the field headgate for irrigation of the lands above

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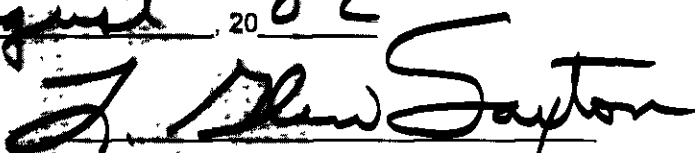
WATER RIGHT NO. 71-40E
As Modified by Transfer No. 69862

CONDITIONS OF APPROVAL

5. All water rights within Basin 71 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
6. Rights 71-40A, 71-40D, 71-40E, 71-40G, 71-40H, 71-41, 71-42A, 71-42B, 71-43A, 71-43B, 71-45, 71-47, 71-49B, 71-50 and 71-52 are also diverted through the point(s) of diversion described above.
7. Place of use is located within a portion of Homestead Entry Survey No. 109, also described as Lots 1, 2, and 3, Thompson Creek Subdivision.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 1st day of August, 2002


Chief, Water Allocation Bureau

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AUG 11 2003

(Internet)

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APR 25 2002

JN 28 2002

Page 1 of 13STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern RegionDepartment of Water Resources
Transfer No. 69862APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Paul & Ann Hill Phone (541) 552-0211 (OR)
(208) 774-3645 (Idaho)
Post Office address 975 Walker Ave., Ashland, OR 97520 (Dec-April)
PO Box 281, Stanely, ID 83278 (May-Nov)

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
- 2 Describe the reason for the proposed changes The applicant proposes to excavate a small recreation & aesthetic pond, and change water right number 71-39E to be used to maintain water levels and water quality in the pond. This right will no longer be used for irrigation purposes.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|---------------------|----------|--------------------|---------------|---------------|
| <u>See attached</u> | | | | to _____ |
| | | | | to _____ |
| | | | | to _____ |
| | | | | to _____ |
2. Total amount of water being transferred 0.36 cubic feet per second and/or _____ acre-feet per annum.
- 3 Source of water McGowan Creek tributary to Valley Creek
4. Point(s) of Diversion: 71-39E 16-14-41 N 12E 64 71-39E

Lot	¼	¼	¼	Sec.	Twp	Rge.	County	Local name for diversion
	SW	SE	NE	11	11N	12E	Custer	

5. Lands irrigated or place of use: 71-39E

Twp.	Rge	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11N	12E	11				RJ									RJ*				

* PER JIM @ WATER RIGHTS INC. 4/29/2002

Total acres _____

69862

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 - ADDENDUM

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

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AUG 11 2003

Right Number	Priority	Amount	Nature of Use	Period of Use
71-39E	06/01/1904	0.36 cfs	Diversion to recreation storage	05/01 to 10/31
71-39E	06/01/1904	0.36 cfs	Diversion to aesthetic storage	05/01 to 10/31
71-39E	06/01/1904	2.75 ac. ft.	Recreation storage	01/01 to 12/31
71-39E	06/01/1904	2.75 ac. ft.	Aesthetic storage	01/01 to 12/31
71-39E	06/01/1904	0.36 cfs	Recreation	05/01 to 10/31
71-39E	06/01/1904	0.36 cfs	Aesthetic	05/01 to 10/31
71-40E	05/01/1912	1.08 cfs	Irrigation	05/01 to 10/31

5 Lands irrigated or place of use: 71-40E

Twp	Rge	Sec	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11N	12E	11			48	188									515	27			3145

PART 1

6 General Information

a. Description of diversion system _____
See attached

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

See attached

d. Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions

Witness my hand this _____ day of _____, 19 _____

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APR 27 2003

State of Idaho
Department Of Water Resources
Application For Transfer Of Water Right

Part 1 Addendum

6. General Information:

a. Description of diversion system

The diversion structure consists of a 12" diameter C-130 slide gate that will divert water into an open ditch in the SWSENE of Section 11, Township 11 North, Range 12 East. The ditch top width is 2.5 feet, and the bottom width is 0.75 feet. At a depth of 0.5 feet, the ditch will convey approximately 0.33 cfs. The ditch will convey water to the applicant's proposed recreation and aesthetics pond. The pond surface area is 0.55 acres, and the capacity is 2.75 acre feet. The pond will be an excavated pit. There will be no embankment of spoils material or dam associated with construction of the pond. At the desired water level design elevation, an outlet structure will be constructed. The outlet will consist of a structure that utilizes flashboards to control the pond water elevation. The outlet will lead to an open ditch with similar dimensions that will convey water directly back to McGowan Creek at a location in the NWNESE of Section 11, Township 11 North, Range 12 East.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

The land now irrigated consists of 32 acres located in the S1/2NE and N1/2SE of Section 11, Township 11 North, Range 12 East. Historically, water from McGowan Creek, Valley Creek and Thompson Creek were used for irrigation. The applicant proposes to change the McGowan Creek water right from irrigation to recreation and aesthetics, and recreation and aesthetics storage. If the purpose of the McGowan Creek right (71-39E) is changed to these uses, 31.45 acres will still be irrigated using the Valley Creek water right (no. 71-40E). The place of use for the applicant's Thompson Creek right (no. 71-10136A) does not include the location of the proposed pond, and is not included in this transfer application. Pursuant to this transfer application, the flow rate for water right number 71-40E will be reduced to 1.06 cfs to avoid an expansion of the right. The remaining 1.06 cfs, is adequate to irrigate 31.45 acres in this climatic area. An additional 0.36 cfs of water is available from Thompson Creek for supplemental irrigation of 18.20 acres of the applicants 32 total acres irrigated. Since ample water will still be available to irrigate the applicants place of use, there, will be no noticeable affect on the land now irrigated using water right no. 71-39E, with the exception of the area that will be occupied by the proposed pond.

MICROFILMED

APR 11 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 71-39E Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 71-00039E on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water McGowan Creek tributary to Valley Creek

4. Date or priority 06/01/1904

5. Water is used for the following purpose.

amount 0.36 cfs for Irrigation purposes from 05/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.36 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp.	Rge.	County	Local name for diversion
	SW	SW	SE	02	11N	12E	Custer	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
11N	12E	11			4.8	18.8									5.7	2.7			32.00

MICROFILMED Total acres 32.00

9. Describe any other water rights used for the same purpose as described above: 71-40E & 71-10136A

71-39E

- 10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use:

Twp.	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

MICRO, NW

AUG 1 2007 Total acres _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT**

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. 71-40E Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. 71-00040E on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

 Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water Valley Creek tributary to Salmon River

4. Date or priority 05/01/1912

5. Water is used for the following purpose.

amount 1.08 cfs for Irrigation purposes from 4/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 1.08 cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp.	Rge.	County	Local name for diversion
	SW	NW	NE	04	11N	12E	Custer	
	NE	SW	NE					

8. Lands irrigated or place of use:

[illegible]

Total acres 32.00

9 Describe any other water rights used for the same purpose as described above 71-39E & 71-10136A

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44-38861-2000

PART 2
71-40ETransfer No T69862

10 To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3 Lands irrigated or place of use

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

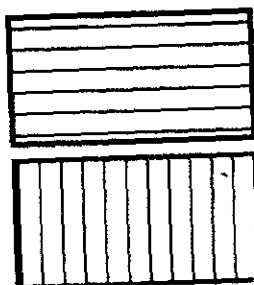
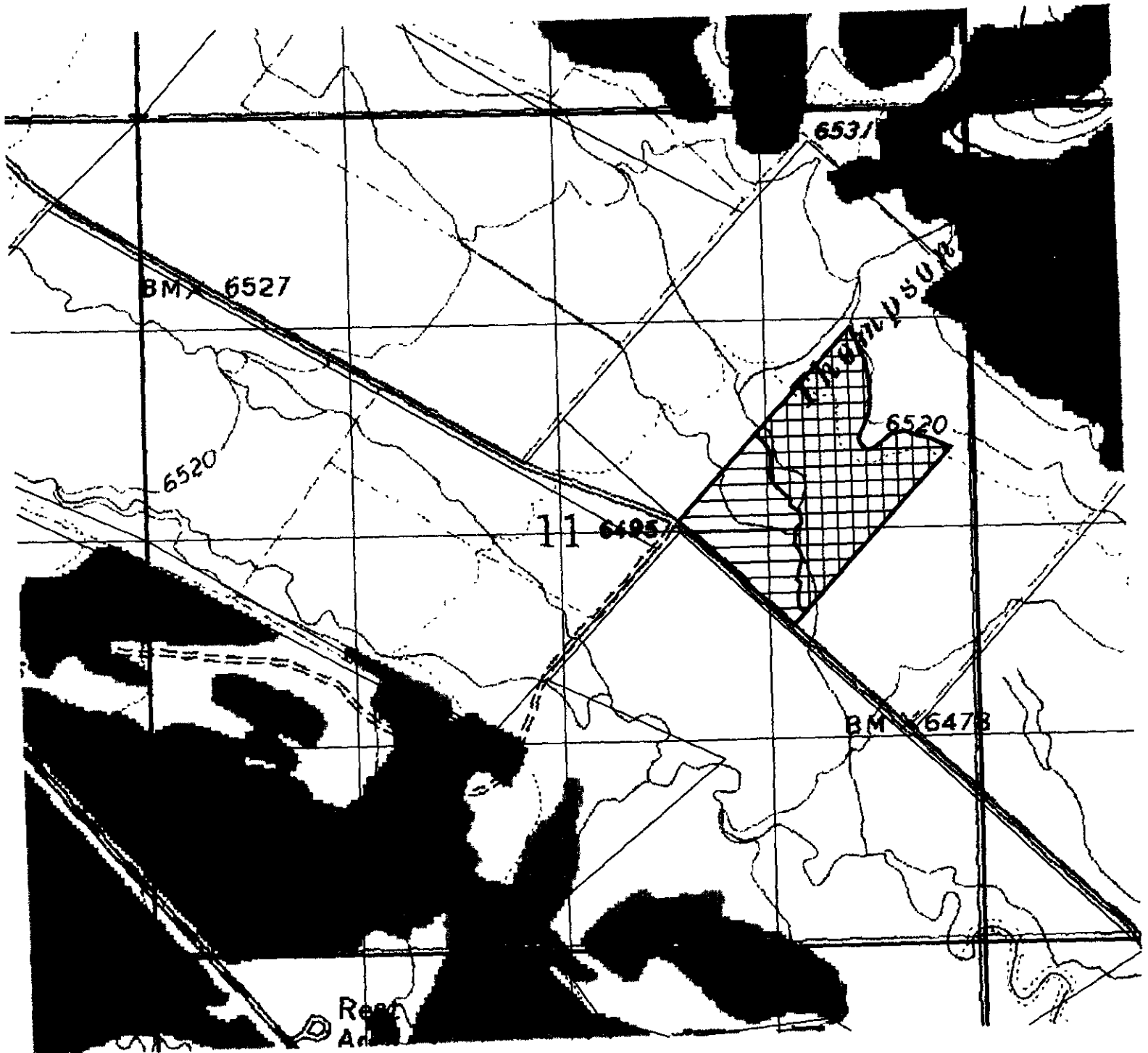
3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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Total acres _____

APR 11 2003



Place of Use for rights 71-39E & 71-40E

Place of Use for right 71-10136A

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AUG 2 1 2003

Scale: 1" = 1000'

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3 - ADDENDUM

B. CHANGES IN NATURE OF USE

<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
Diversion to recreation storage	0.36 cfs	24/184/1	05/01 to 10/31
Diversion to aesthetic storage	0.36 cfs	24/184/1	05/01 to 10/31
Recreation storage	2.75 ac-ft	24/365/1	01/01 to 12/31
Aesthetic storage	2.75 ac-ft	24/365/1	01/01 to 12/31
Recreation	0.36 cfs	24/184/1	05/01 to 10/31
Aesthetics	0.36 cfs	24/184/1	05/01 to 10/31

State of Idaho
Department of Water Resources
Application For Transfer Of Water Right

Part 3 Addendum

2. Quantity and quality of return flows and location of discharge:

The new recreation and aesthetic storage purpose will largely be non-consumptive. The only water consumed will be that lost to evaporation, and seepage from the pond bottom and sides. Seepage losses should return directly back to the creek in the form of groundwater recharge since the pond is located within 100 feet of the creek. Evaporative losses in the pond are estimated to be 1.33 acre feet annually. Since water will be stored for recreation and aesthetic purposes for the entire year, evaporative losses were calculated on a yearly basis. The applicant will take 0.55 acres out of production by constructing the proposed pond. Based on the allowable diversion volume of 30 acre feet per acre for this administrative basin, irrigating this same 0.55 acres would require the diversion of 1.65 acre feet of water from McGowan Creek. Therefore the amount of water diverted necessary to irrigate the area occupied by the proposed pond is greater than the estimated water consumption from evaporative losses in the pond. Stated differently, the proposed new change in nature of use will result in less water consumption. Especially since the pond will be a off stream flow through pond, and the water will return directly back to McGowan Creek. However, to mitigate any adverse affect to water users on McGowan Creek, or Valley Creek, the applicant is proposing to discontinue the use of this water right for irrigation purposes entirely. Therefore, the 32 acre place of use will no longer be irrigated using McGowan Creek Water. The consumptive use associated with the historic irrigation practice on this 32 acre parcel (64 acre feet - 2.0 acre feet consumptive use for Administrative Basin 71) is much greater than the proposed change water use (1.33 acre feet evaporative losses). Since historic crop irrigation requirements result in larger water consumption than recreation and aesthetic purposes, the proposed change should result higher return flows in McGowan Creek below the applicant's outlet. In addition, to avoid the possibility of expanding the applicant's water right number 71-40E, the place of use for this right has been reduced by 0.55 acres (area occupied by pond), ~~and the flow rate proportionately reduced to 1.06 cfs~~ * PER JUNE WATER RIGHTS INC. 4/29/2002 P.S.

The pond will be excavated in poorly drained soils comprised of alluvial loamy sand layers overlying discontinuous clay lenses. Due the fact that the pond will be excavated in a clay lense, seepage losses are not anticipated to be significant and all losses will return to the adjacent creeks (Valley & McGowan)

Due to the small pond size, a constant diversion rate of 0.36 cfs will result in a complete turnover approximately every four days. The pond will have an open outlet ditch with a controlled outlet of similar dimensions that will convey water back to McGowan Creek on the applicant's property. The system will operate as a flow through pond while the ditch is running. Since the pond turnover rate is high, and evaporation losses are less

MICROC, L.L.C.

APR 11, 2003

than crop requirements or those experienced during normal irrigation use, the proposed change in water use should result in increased flows in McGowan Creek.

The quality of water should not be degraded due to the new recreation and aesthetic storage use. The high turnover rate and small size of the pond should ensure that the temperature of the return flows will not be measurably higher than the water naturally flowing in McGowan Creek. The high turnover rate will also inhibit algae growth and/or nutrient loading of the pond water. Therefore, it is not anticipated that the proposed new water use will cause any change in water quality. Since the water will no longer be used for agricultural use (irrigation), the water quality may in fact improve due to decreased exposure to fertilizers, herbicides and stock use commonly associated with farming practices.

3. Describe effects on other water uses resulting from the proposed change:

A search of IDWR's Snake River Basin Adjudication records indicate that there are a total of five water users on McGowan Creek, including the applicant. The McGowan Creek water users all own a portion of the original decreed right (71-39), which was divided when the ranch was subdivided.

A search of IDWR's records for Valley Creek (downstream tributary) indicate that there are a total of 23 water rights and/or users. These water users include the United States Forest Service (USFS) and Idaho Department of Fish and Game (IDFG). The Valley Creek water rights owned by the USFS and IDFG have junior priority dates to the applicant's McGowan Creek decreed right.

Since the new water use will not diminish flows in McGowan Creek as it leaves the applicant's property, none of the downstream water users on McGowan Creek or Valley Creek will be adversely impacted. The applicant is not proposing to divert any additional water than the 0.36 cfs historically diverted. Since the pond will be excavated in poorly drained soils, it may capture groundwater, which may actually increase flows in McGowan Creek, further ensuring no impact to other water users.

The applicant has an understanding of Idaho water law, and the prior appropriation doctrine. If a legitimate call for water is made by a senior downstream water user, the applicant will discontinue the diversion of McGowan Creek water into the proposed pond. The diversion works consists of a C-130 slide gate (headgate), which will allow full control of the water entering the pond.

PART 3

T69862

B. CHANGES IN NATURE OF USE See attached

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

SEE ATTACHED

3. Describe effects on other water uses resulting from the proposed change:

SEE ATTACHED

SEE ATTACHED

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

PAUL D Hill
DAWN P Hill

(Signature of Applicant)



29th day of November, 2001

Julia A. Grimes

(Notary Public)

My commission expires 5-30-04

FOR DEPARTMENT USE ONLY

Transfer contains 13 pages and 8 attachments

Received by P. SKINNER Date 4/25/2002 Protest filed by _____

Prelim. check by _____ Fee \$250.00 5024852

Receipted by P. SKINNER Date 4/29/2002

Published in Charles Messenger Copies of protest forwarded by _____

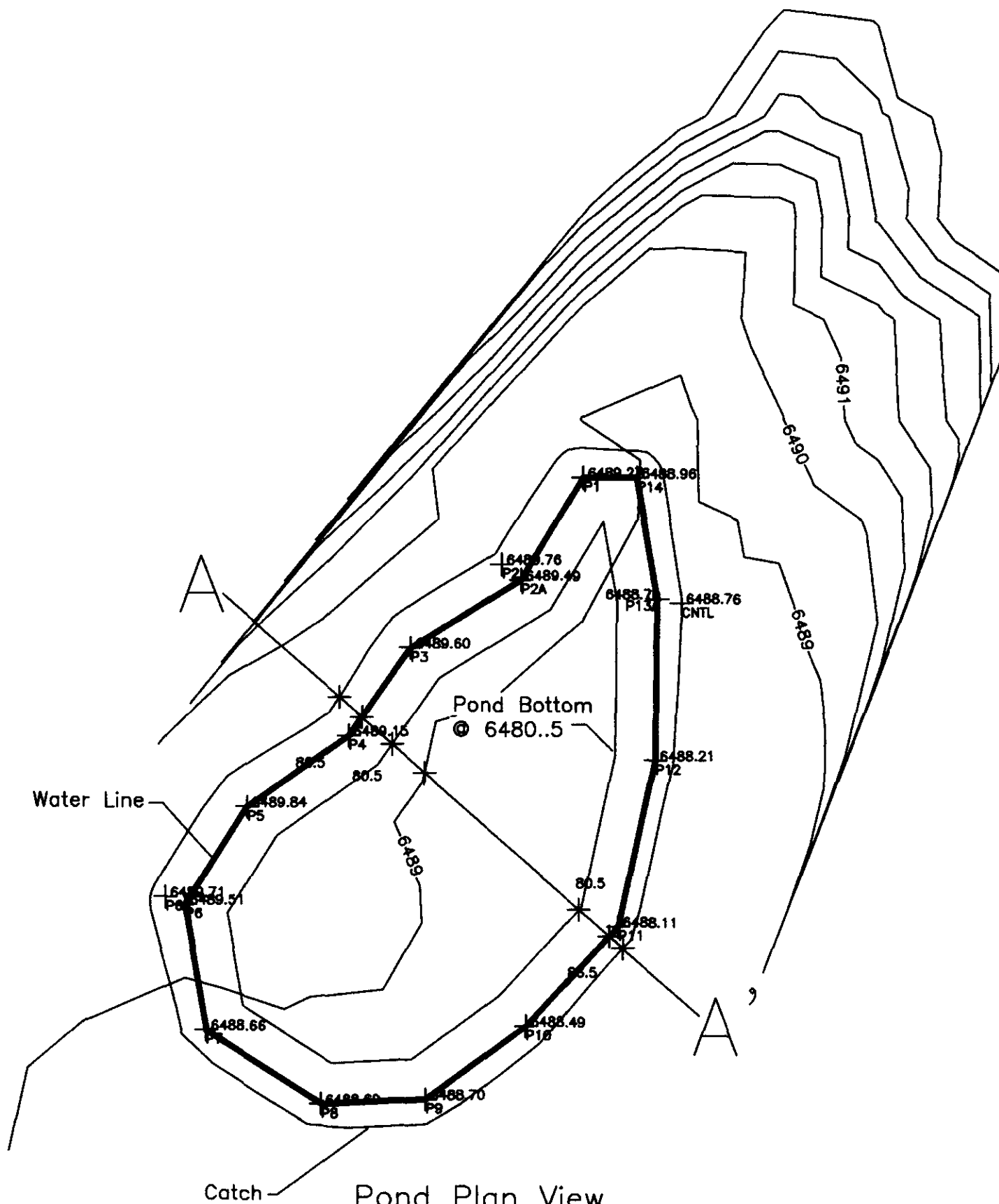
Pub. dates 5/23 & 5/30/02 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

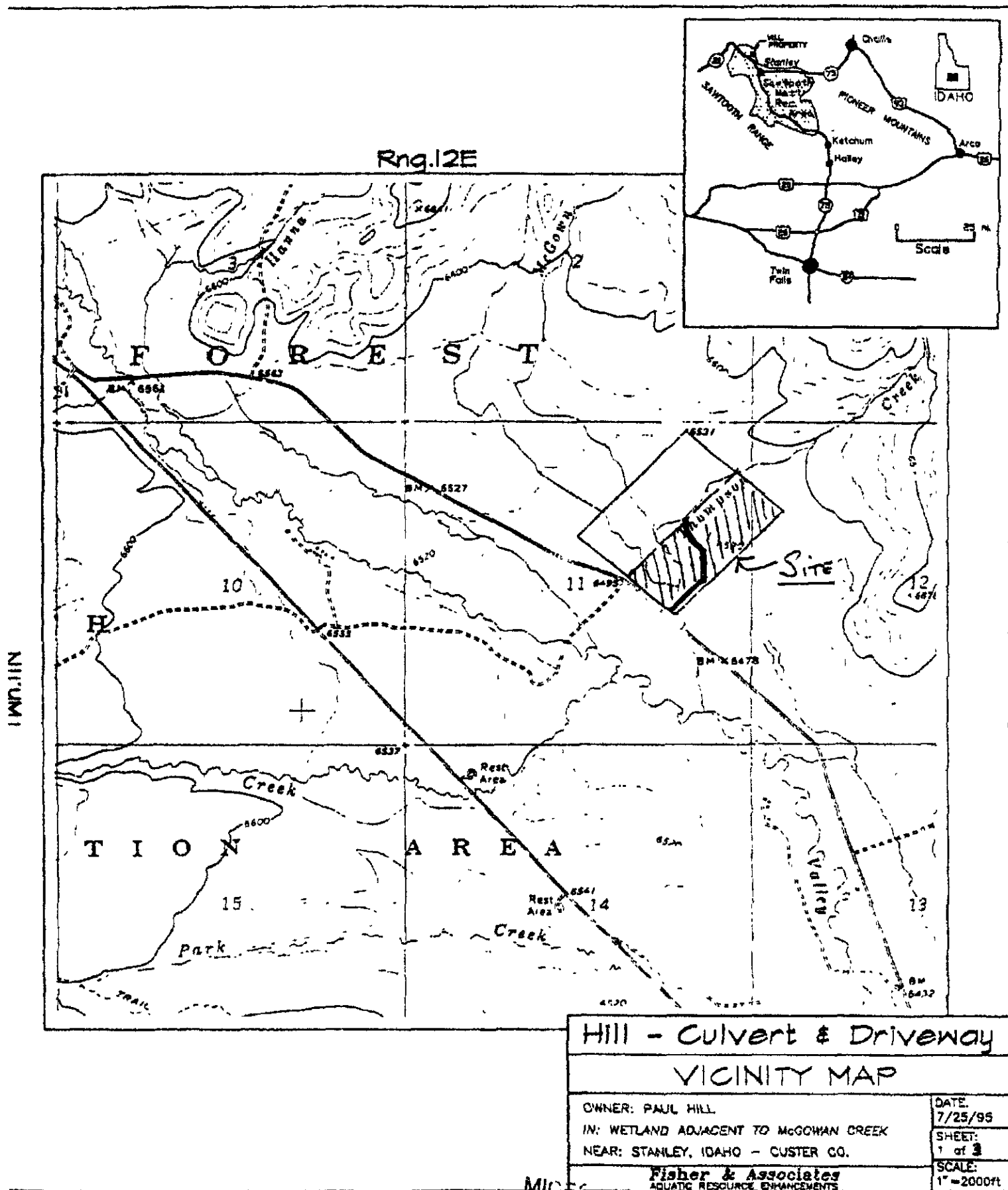
Copy of transfer sent to lien holder _____

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AUG 1 2003



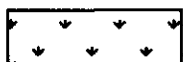
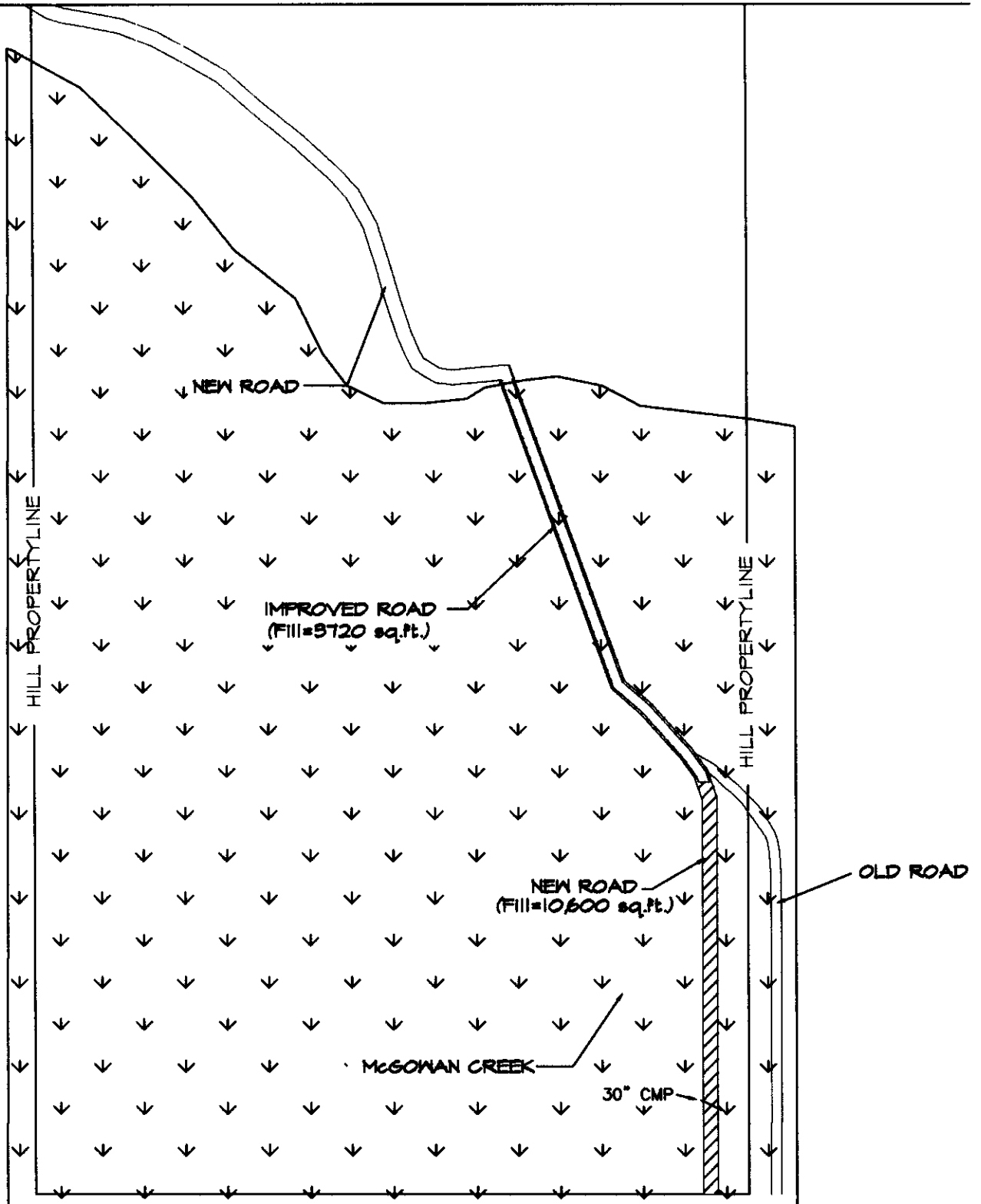
MICROFILMED
AUG 11 2003

T69862



MICROFILMED

Aug 1 2003

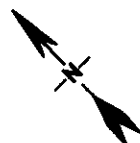


= WETLAND



= ROAD FILL

Scale: 1"=200'-0"



Hill - Culvert & Driveway SITE PLAN

OWNER: PAUL HILL
IN: WETLAND ADJACENT TO McGOWAN CREEK
NEAR: STANLEY, IDAHO - CUSTER CO.

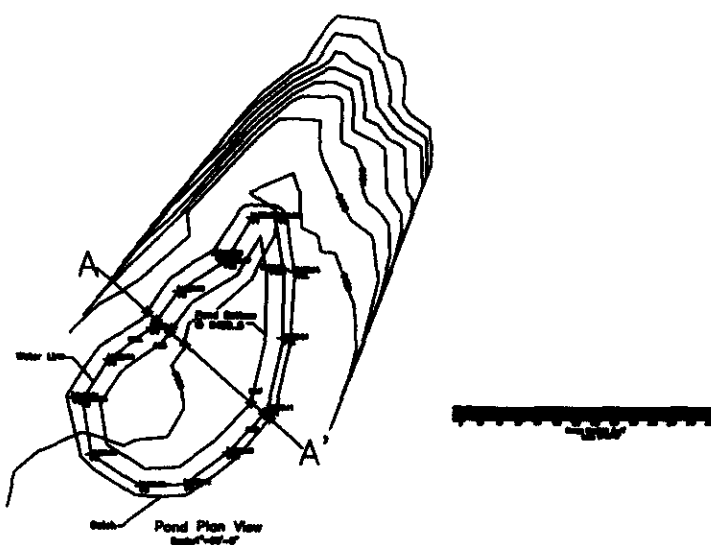
Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

DATE:
7/25/95
SHEET:
2 of 3
SCALE:
1"=200ft

MICROFILMED

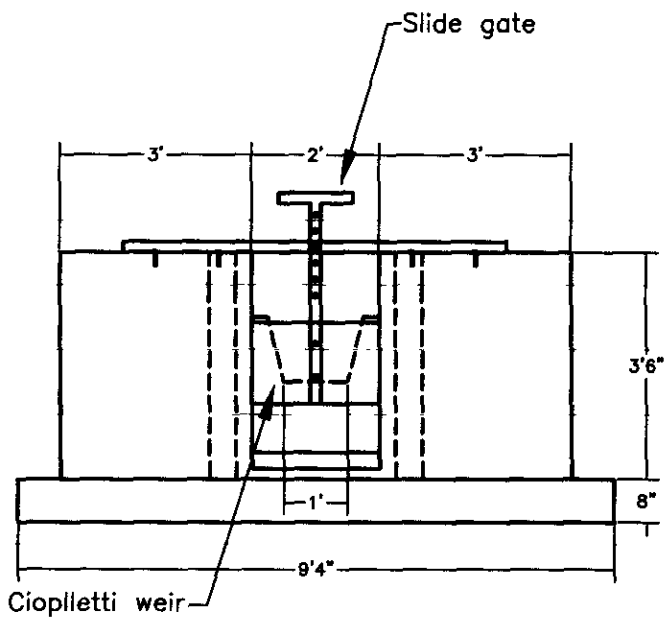
APR 21 2003

T69862

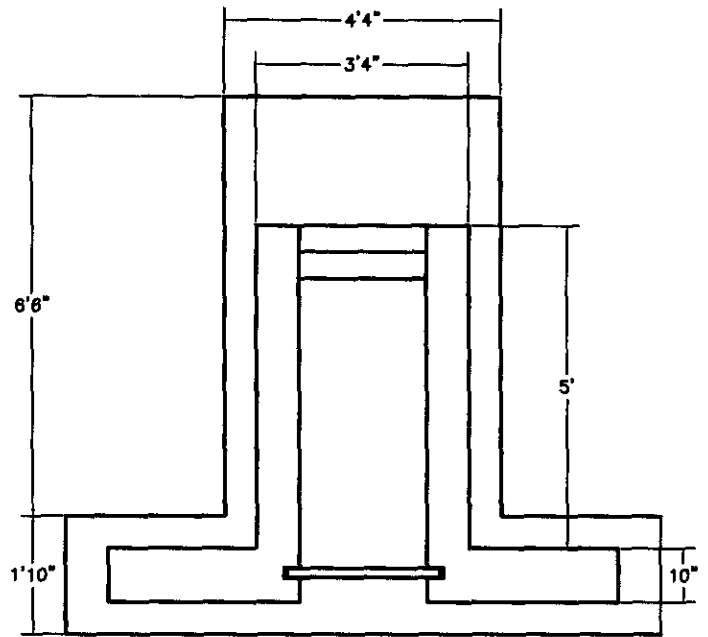


MICROFILMED

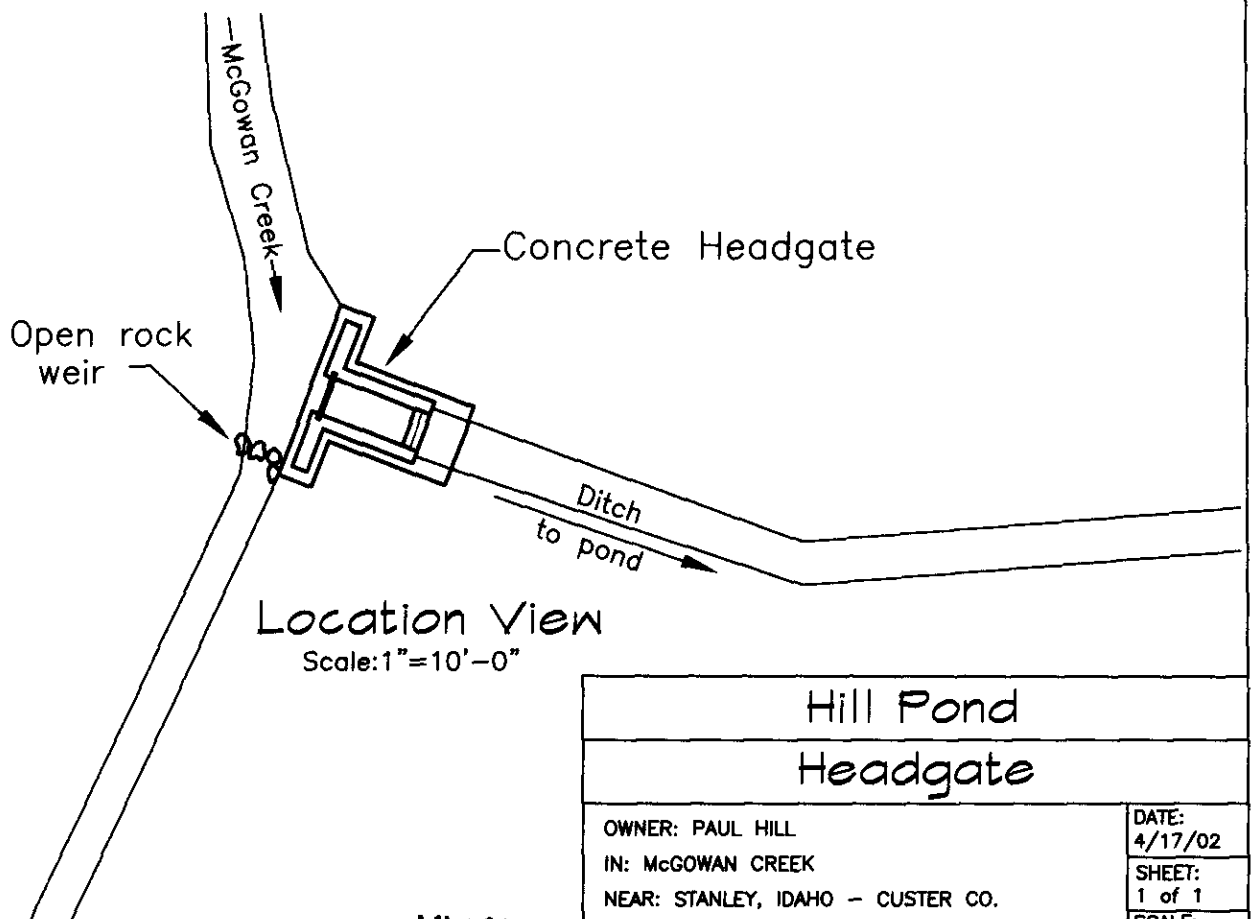
Aug 1, 2003



Front View
Scale: 1"=3'-0"



Plan View
Scale: 1"=3'-0"



Location View
Scale: 1"=10'-0"

Hill Pond Headgate

OWNER: PAUL HILL
IN: MCGOWAN CREEK
NEAR: STANLEY, IDAHO - CUSTER CO.

DATE:
4/17/02
SHEET:
1 of 1
SCALE:
Various

MICROFILMED

Fisher & Associates
AQUATIC RESOURCE ENHANCEMENTS

APR 17 2002

Hill Open Ditch
Worksheet for Trapezoidal Channel

T69862

Project Description	
Project File	t:\wr\clients\le - fir01-033 (fisher-paul hill)\open dit fm2
Worksheet	Hill McGowan Creek ditch to pond
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Input Data	
Mannings Coefficient	0.030
Channel Slope	0.001000 ft/ft
Depth	0.50 ft
Left Side Slope	0.500000 H V
Right Side Slope	0.500000 H V
Bottom Width	0.75 ft

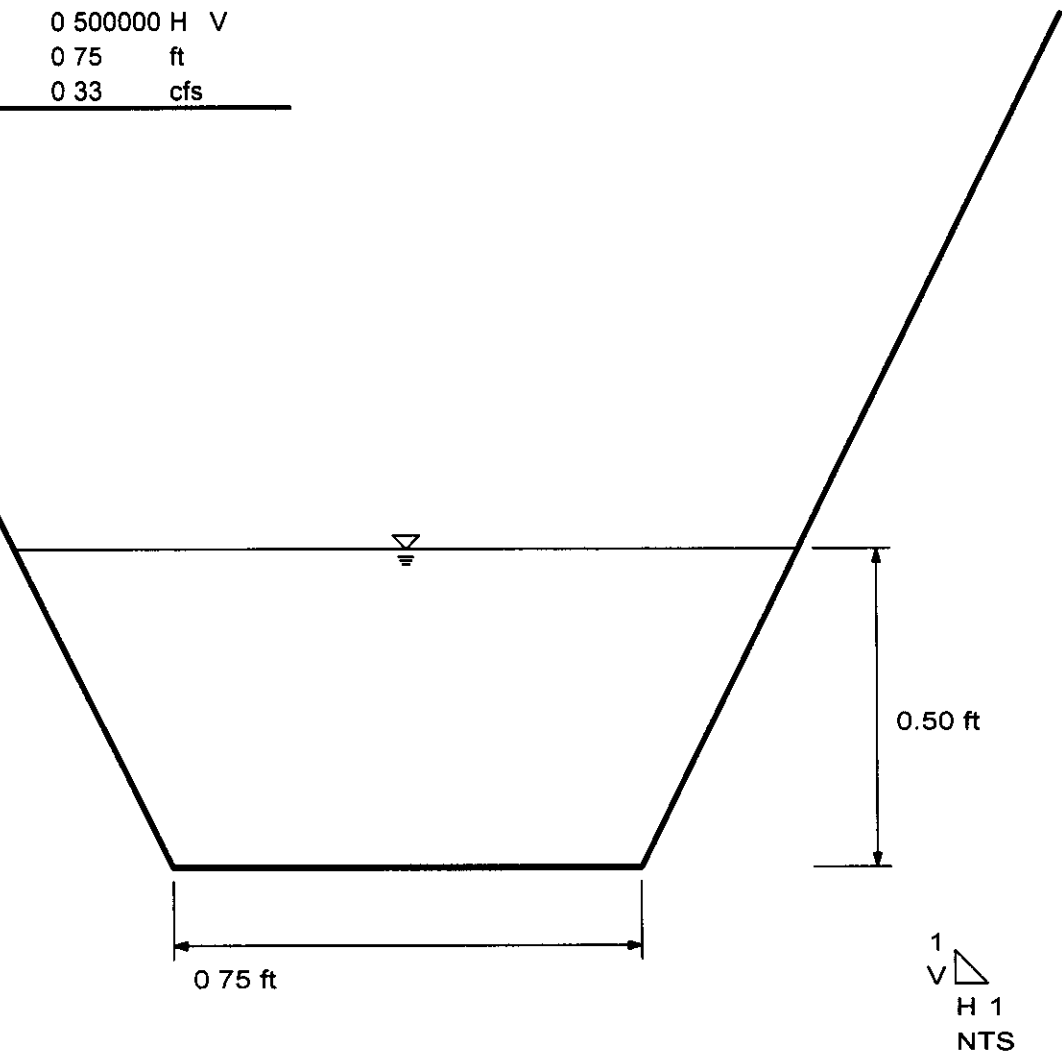
Results	
Discharge	0.33 cfs
Flow Area	0.50 ft ²
Wetted Perimeter	1.87 ft
Top Width	1.25 ft
Critical Depth	0.17 ft
Critical Slope	0.032108 ft/ft
Velocity	0.65 ft/s
Velocity Head	0.01 ft
Specific Energy	0.51 ft
Froude Number	0.18
Flow is subcritical	

T69862

Hill Open Ditch
Cross Section for Trapezoidal Channel

Project Description	
Project File	t:\wr\clients\le - fir01-033 (fisher-paul hill)\open dit fm2
Worksheet	Hill McGowan Creek ditch to pond
Flow Element	Trapezoidal Channel
Method	Manning's Formula
Solve For	Discharge

Section Data	
Mannings Coefficient	0.030
Channel Slope	0.001000 ft/ft
Depth	0.50 ft
Left Side Slope	0.500000 H V
Right Side Slope	0.500000 H V
Bottom Width	0.75 ft
Discharge	0.33 cfs



MICHAEL

11/10/01

ATTACHMENT A
2001 Tax Bill / Receipt

MICROFILMED

AUG 11 2003

769862

TAKE CHECK PAYABLE TO:
JUSTER COUNTY TAX COLLECTOR
P.O. BOX 350
HALLIS, IDAHO 83226

2001 TAX BILL/RECEIPT
BILL# 3992 CODE AREA 47-00

PARCEL NUMBER
RP001130000020
243,50
659,25

1ST HALF DUE
TAX 3,168.69
LATE INT COST TOT

2ND HALF DUE
TAX 3,169.69
LATE INT COST TOT

HILL PAUL D
6 HILL ANN P
26 GREEN HERON SEA PINES
HILTON HEAD
ISLAND SC 29923

LOT 2
THOMPSON CREEK RANCH SUB
T11N R12E

TAXING DISTRICT
STATE 000000000
COUNTY 002153153
SCHOOL 181 003396084
COUNTY ROAD 000000000
SAWTOOTH FIRE 000486460
S. R. CLINIC 000647300
STANLEY LIBRARY 000253746
DISTRICT TOTAL 006936743
SOLID WASTE 75.00
AMOUNT DUE 6,337.31

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENCY YEAR.
TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE
KEEP TOP PORTION FOR YOUR RECORDS
PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

MICHAEL
AUG 11 2001

TAKE CHECK PAYABLE TO:
 JUSTER COUNTY TAX COLLECTOR
 P.O. BOX 350
 HALLIS, IDAHO 83226

2001 TAX BILL/RECEIPT
 BILL# 3993 CODE AREA 47-00 L

PARCEL NUMBER
 RP001130000030
 225,00

1ST HALF DUE	2ND HALF DUE	FULL DUE	TOT MV	225,00
TAX 780.37	TAX 780.37	TAX 1,560.74		
LATE	LATE	LATE		
INT	INT	INT		
COST	COST	COST		
TOT	TOT	TOT		

HILL PAUL D
 8 HILL ANN P
 26 GREEN HERON SEA PINES
 HILTON HEAD
 ISLAND SC 29928

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.002153153	484.00
SCHOOL 181	.003396084	764.00
COUNTY ROAD	.000000000	
SAWTOOTH FIRE	.000486460	109.00
S. B. CLINIC	.000647300	145.00
STANLEY LIBRARY	.000253746	57.00
AMOUNT DUE	.006936743	1,560.00

LCT 3
 THOMPSON CREEK RANCH SUB
 TILIN RIZE

*** IMPORTANT ***
 *** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
 APPLIED TO THE OLDEST DELINQUENT YEAR.
 TO AVOID LATE CHARGES, PAYMENTS MUST BE
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 KEEP TOP PORTION FOR YOUR RECORDS
 PERSONAL CHECKS ARE YOUR RECEIPT
 SUBJECT TO BANK CLEARANCE

RECEIPT NOT VALID UNTIL CHECK CLEARS
 THANK YOU

MICROFILM
 1995 - 1999

AKE CHECK PAYABLE TO:
USTER COUNTY TAX COLLECTOR
•J• BOX 350
HALLIS, IDAHO 83226

2001 TAX BILL/RECEIPT
BILL# 3991 CODE AREA 47-00 L
PARCEL NUMBER
RP001130000010
250,00

1ST HALF DUE
TAX 867.09
LATE
INT
COST
TOT

2ND HALF DUE
TAX 867.09
LATE
INT
COST
TOT

FULL DUE
TAX 1,734.18
LATE
INT
COST
TOT

HILL PAUL D
E HILL ANN P
26 GREEN HERON SEA PINES
HILTON HEAD
ISLAND SC 29928

TAXING DISTRICT
STATE
COUNTY
SCHOOL 181
COUNTY ROAD
SAWTOOTH FIRE
S. R. CLINIC
STANLEY LIBRARY
AMOUNT DUE
RATE
AMOUNT

LOT 1
THOMPSON CREEK RANCH SUB
T11N R12E

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
MONTHLY PAYMENTS ARE ACCEPTED ***

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PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

RECEIPT NOT VALID UNTIL CHECK CLEARS
THANK YOU

MICROFILM
APR 11 2003

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
) Water Right 71-00039E

NAME AND ADDRESS: ANN HILL
PAUL HILL
2635 HABERSHAM RD NW
ATLANTA, GA 30305

SOURCE: MC GOWAN CREEK TRIBUTARY: VALLEY CREEK
QUANTITY: 0.36 CFS
PRIORITY DATE: 06/01/1904
POINT OF DIVERSION: T11N R12E S02 SWSWSE Within Custer County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 05-01 TO 10-31 0.36 CFS

PLACE OF USE: Irrigation Within Custer County
 T11N R12E S11 SWNE 4.8 SENE 18.8
 NESE 5.7 NWSE 2.7
 32.0 Acres Total

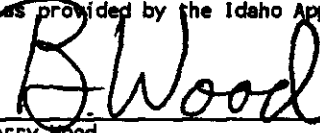
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 32 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E & 71-00040E
THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E, 71-00040E AND 71-10136A

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

PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY
NO. 109.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

APR 1 1999



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 2, 2002

PAUL D HILL
ANN P HILL
975 WALKER AVE
ASHLAND OR 97520

PAUL D HILL
ANN P HILL
PO BOX 281
STANLEY ID 83278

RE: Transfer No.: 69862 - Water Rights 71-39E & 71-40E - Transfer Approval Notice

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

Samuel S. Skaggs
for Jeff Peppersack, Manager
Water Rights Permits Section

JP:klt
Enclosure(s)

MICROFILMED
AUG 17 2003

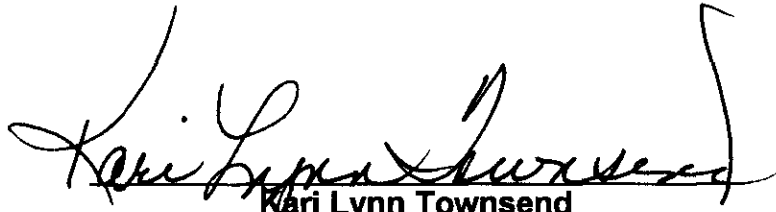
CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below

RE: TRANSFER NO. 69862 - WATER RIGHTS 71-39E & 71-40E

**PAUL D HILL
ANN P HILL
975 WALKER AVE
ASHLAND OR 97520**

**PAUL D HILL
ANN P HILL
PO BOX 281
STANLEY ID 83278**


Kari Lynn Townsend
Secretary

MICROFILMED
AUG 11 2003

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

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AUG 11 2003

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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AUG 11 2003

TRANSFER REVIEW SHEET

(07-02)

TRANSFER # 69862

DATE REVIEWED 7-30-2002 28

SPLIT POD ☒ ADD POD POU ☒ PERIOD ☒ or NATURE ☒ of USE

ALL OF RIGHT(S) W Water Right C=SRBA Claim R=SRBA Recommendation

IRR to POND
W/ 71-39E 1 Pond / / /
W/ 71-40E 1 Reduce IRR acres .6 = Pond/surface area / Overlapping Rt. /
/ / / / /
/ / / / /

PART OF RIGHTS (S)

(Unchanged)

(Changed)

/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/
/	to	/	/

Standard Season 5-1 to 10-31

Standard Volume 3.0/2.0

- (1) ☒ Priority (2) Use (3) Season/W61 (4) ☒ Rate (5) Volume
 (6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map
 Tax Notices/SRBA Decree
 (11) NA Water District (12) Yes Pertinent Conditions (13) No Expansion
 WM/Rcvd per decree Per Region Review

- (1) 71-39E IRR to Div to STOR, AES, REC, AES+REC STOR .34acres + 2.8at
 (2) Allow yr. round storage use, flow uses limited to IRR season pond storage
 (3) Vol. limited by pond capacity on storage uses. *
 (4) Change P/D under 71-39E - No P/D overlaps found.
 (5) Change P/U under 71-39E to new uses.
Reduce P/U under 71-40E to remove .6 acre overlap w/pond.

McGowan Creek Rt for Pond uses only. 71-39E * .6 x 3.0at = 1.8 Need additional .4acre
Valley Creek Rt for IRR, reduced P/U. 71-40E out for initial fill volume of 2.8at.
.6 x 2.0at = 1.2at > .9at C.U. Vol.
per region review.

Conditions/Remarks Reduced IRR initial pond fill under 71-40E.
0.7M, W63, P/U HES 109 + Lots 1, 2, 3 Thompson Creek Sub.
POND 71-39E T07, T08, T19
IRR 71-40E to 27 31.4 acres, W35, W36, R58

WRs for Update Comments - NA -

Database Updated to Reflect Final Action 8-1-2002 28

*Paul D. Hill
P. O. Box 231
Stanley, Idaho 83278*

— RECEIVED

JUL 29 2002

Department of Water Resources

Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83706

July 24, 2002

In re: Application for transfer (No. 69862) of water rights (Nos. 71-39E and 71-40E)

Dears Sirs:

We are writing with regard to the above referenced application pursuant to our recent conversation with Pam Skaggs of your office. We understand the application has been forwarded to your office for final action with a recommendation for approval by your Twin Falls Office. However, we also understand there is a significant backlog of applications in your office awaiting final action and that, under normal circumstances, it could be several months before final action is taken on our application.

This situation is of great concern to us since the primary purpose of our application is to facilitate construction and completion of a water storage pond for fire safety purposes. (The application speaks of recreational use of the pond, but this is a secondary purpose; the consultant assisting us in preparing the application advised that recreational use also encompasses fire safety, since fire safety is not one of the normally listed uses of water rights.)

We live in a rural area approximately ten miles west of the town of Stanley and there is no readily accessible water supply in our immediate vicinity to support a significant fire fighting effort. After the fire experiences of 2000, when two substantial fires burned within a few miles of our home, we felt it was important to rectify this dangerous situation by creating an appropriate water storage pond. As recommended by our local fire department, the pond site is adjacent to our roadway and readily accessible to fire fighting equipment.

While we recognize all applicants for transfers of water rights would like to have action taken as quickly as possible, we respectfully ask that you consider our situation as one that warrants an exception to the normal sequence of acting on applications. Until we can complete the pond, and the stream diversion to maintain it, we remain highly exposed to fire dangers. As you know, this summer (2002) there are already several fires burning in our area, and, based on the past two years experience, the risk of fire is very real. We very much hope you will help us address this risk by expediting action on our application.

Thanking you in advance for your consideration, we remain,

very truly,

Ann & Paul Hill
MICROFILMED
Ann and Paul Hill
JUL 31 2002

IDWR TRANSFER ANALYSIS SHEET

APPLICANT Paul Hill TRANSFER NO. 69862

1. Right number(s) 71-0039E JTC

2. Type of right ☒ Decree ☐ License ☐ Statutory Claim
☐ SRBA Beneficial Use Claim

3. Purpose of transfer ☒ Change P/D ☐ Add P/D ☒ Change P/U
☒ Change N/U ☐ Change Source ☐ Split Right
☒ Other: CHANGE PERIOD OF USE

4. Check Existing Right: ☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

RIGHTS
DECREED IN
SRBA

Comments: RIGHT 71-10136A APPEARS TO OVERLAP POU, BUT
FURTHER EXAMINATION REVEALS THAT GIS SHAPE FOR
71-10136A IS LARGER THAN POU FOR DECREED RIGHT, IN
PARTICULAR WHERE POND IS BEING BUILT. RIGHT 71-10136A
IS CONSIDERED NON OVERLAPPING, AND IS ALSO A FAIRLY UNREMARKABLE

5. Check Proposed Right for amount of land &/or water transferred: SOURCE OF WATER.

Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: NONE APPARENT

69862

i. X Existing rights from same source, on land water is being transferred to; right number(s): _____

SEE COMMENTS RE: 71-10136A

j. X SRBA claim(s) - Comments (NOTE: Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

RIGHTS HAVE BEEN DECREED IN SRBA

k. X Comment letters _____ Yes X No
If yes _____ Water District # _____
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY ASKINNER DATE 4/30/2002
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT _____ Yes

2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 5/16/02

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ✓ Yes _____ No

4. Affidavit of publication received? ✓ Yes _____ No

5. Protests received? _____ Yes ✓ No; Acknowledgement sent? _____ Yes

6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ✓ Approve

2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

✓ Also see attached memo for recommendation dated: 6/25/02

4. By AM Date 6/25/02

RECEIVED
JUN 28 2002

Department of Water Resources

MEMO

FROM: Allen Merritt *AM*

DATE: June 25, 2002

TO: Application for Transfer No. 69862

In the name of: Paul & Ann Hill

SUBJECT: Review and Recommendation

The transfer proposes to dry up 0.55 acres of land irrigated with decreed rights and convert the water to use associated with a 2.75 acre feet pond for aesthetic and recreation purposes as well as flow through the pond of 0.36 cfs. The pond is to be built on the lands intended to be dried up as a result of the transfer. The consumptive aspect of the pond is to be mitigated by the reduction of the 0.55 irrigated acres.

Review of the water rights involved indicates that the rights have been recently decreed in the SRBA.

As I understand the proposal the McGowan Creek water (71-39E) is intended to fill and maintain the pond with flow back to Valley Creek. The McGowan Creek water is not to be used for irrigation anymore. The Valley Creek water (71-40E) is to be reduced in allowable acres as a result of drying up 0.55 acres.

In an effort to evaluate the proposal I have created the attached spreadsheet using the following information: "Monthly Shallow Pond Evaporation in Idaho", precipitation data, and "Brockway & Allen" data from Hubble references. I estimate the following:

Fill pond	2.75	af
Evap	0.81	af
Sum	3.56	af

**I assumed no banking of precipitation through the winter months but did allow credit for average monthly precipitation against average monthly ET in any one month for the pond.

Assuming water being diverted under 71-39E over the entire season of 5/1 to 10/31 of 184 days at a rate of 0.36 cfs would divert 131.4 af. The spreadsheet estimates the consumptive use of 0.86 af for irrigation of 0.55 acres.

It appears that the proposal is in balance as far as total annual consumptive use overall diversion volume.

Recommendation

I recommend that these applications be approved subject to the following conditions:

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JUN 27 2003

WATER RIGHT NO. 71 39E

- GEN This right is limited to storage in a pond with a surface area of 0.55 acres and a storage capacity of 2.75 af.
- GEN The following rights are diverted through the point of diversion described above:
71-00039A, 71-00039D, 71-00039E, 71-00039G, AND 71-00039H.
Property is also known as Thompson Creek Subdivision Lots 1, 2, & 3.
- GEN Property is also known as a portion of Homestead Entry Survey No. 109.
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 71 40E

- GEN Property is also known as a portion of Homestead Entry Survey No. 109.
- GEN The rights listed below are limited to the irrigation of a combined total of 31.45 acres in a single irrigation season
COMBINED RIGHT NOS.: 71-00040E, AND 71-10136A
- T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
- GEN The following rights are diverted through the point of diversion described above:
71-00040A, 71-00040D, 71-00040E, 71-00040G, 71-00040H, 71-00041, 71-00042A, 71-00042B, 71-00043A, 71-00043B, 71-00045, 71-00047, 71-00049B, 71-00050, & 71-00052.
Property is also known as Thompson Creek Subdivision Lots 1, 2, & 3.

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AUG 11 2003

ANALYSIS OF T69862													Sum
Month	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	
Days	31	28	31	30	31	30	31	31	30	31	30	31	365
Pond ET dist-%	1	2	4	7	12	15	19	16	11	6	4	3	100
Pond ET chart (inches)	30												
Pond ET (inches)	0.3	0.6	1.2	2.1	3.6	4.5	5.7	4.8	3.3	1.8	1.2	0.9	30
Precip(inches)	1.13	1.55	2.03	1.66	1.54	1.19	1.07	1.24	1.2	0.73	0.76	0.88	
PondMakeup (inches)	0	0	0	0.44	2.06	3.31	4.63	3.56	2.1	1.07	0.44	0.02	17.63
Acres of pond	0.55												
PondMakeup (af)	0.00	0.00	0.00	0.02	0.09	0.15	0.21	0.16	0.10	0.05	0.02	0.00	
Irrigation CU													
Acres Irrigated	0.55												
IR Pasture mm/day				0	1.61	4.07	4.35	3.34	2.24	0	0.00	0.00	
IR Pasture (af)	55acres	0.00	0.00	0.00	0.09	0.22	0.24	0.19	0.12	0.00	0.00	0.00	

MICRO. LEVEL
106 1 1 2003

Based on this estimate pond will consume 0.81 af

Piston would have consumed 0.86 af.

Change from piston to pond is not expensive

Est. CU and CIR.				Stanley		(Allen & Brockway, 1983)		mm/day and mm/season	
		MO	NYRS.	PREC	ETR	PAST.			
AVE ET	3	3	11	1.14	.35				
AVE IR	3	3	11	90.91					
STDD ET	3	3	11	.56	.57				
STDD IR	3	3	11	90.91					
SKEW ET	3	3	11	.23	-.00				
SKEW IR	3	3	11	90.91					
AVE ET	4	4	11	.99	2.89				
AVE IR	4	4	11	100.00					
STDD ET	4	4	11	.78	.47				
STDD IR	4	4	11	100.00					
SKEW ET	4	4	11	1.21	-1.27				
SKEW IR	4	4	11	100.00					
AVE ET	5	5	11	1.19	4.78	2.14			
AVE IR	5	5	11	81.82	.40	1.01			
STDD ET	5	5	11	.60	.40	.18			
STDD IR	5	5	11	81.82	.43	.52			
SKEW ET	5	5	11	1.14	.43	.43			
SKEW IR	5	5	11	81.82	.02	.02			
AVE ET	6	6	13	1.46	6.45	4.97			
AVE IR	6	6	13	92.31	.49	4.02			
STDD ET	6	6	13	.88	.49	.37			
STDD IR	6	6	13	92.31	.44	.69			
SKEW ET	6	6	13	.57	.44	.44			
SKEW IR	6	6	13	92.31	-.07	-.07			
AVE ET	7	7	11	.79	6.32	4.86			
AVE IR	7	7	11	100.00	.20	4.35			
STDD ET	7	7	11	.60	.15	.15			
STDD IR	7	7	11	100.00	.41	.41			
SKEW ET	7	7	11	.43	-1.10	-1.13			
SKEW IR	7	7	11	100.00	-.16	-.16			
AVE ET	8	8	13	1.03	5.14	3.96			
AVE IR	8	8	13	100.00	.34	3.94			
STDD ET	8	8	13	.78	.27	.27			
STDD IR	8	8	13	100.00	.66	.66			
SKEW ET	8	8	13	.51	.22	.22			
SKEW IR	8	8	13	100.00	-.10	-.10			
AVE ET	9	9	13	1.11	3.76	2.89			
AVE IR	9	9	13	100.00	.53	2.84			
STDD ET	9	9	13	.55	.53	.41			
STDD IR	9	9	13	100.00	.52	.52			
SKEW ET	9	9	13	.59	-.01	-.01			
SKEW IR	9	9	13	100.00	.36	.36			
AVE ET	10	10	11	1.28	2.40				
AVE IR	10	10	11	90.91	.32				
STDD ET	10	10	11	.84	.04				
STDD IR	10	10	11	90.91					
SKEW ET	10	10	11	.74					
SKEW IR	10	10	11	90.91					
AVE ET	4	4	220.2	970.	577.				
AVE IR	4	4	0.0	0.	477.				
STDD ET	4	4	43.6	28.	12.				
STDD IR	4	4	0.0	0.	41.				
SKEW ET	4	4	-.53	1.16	.09				
SKEW IR	4	4			1.57				

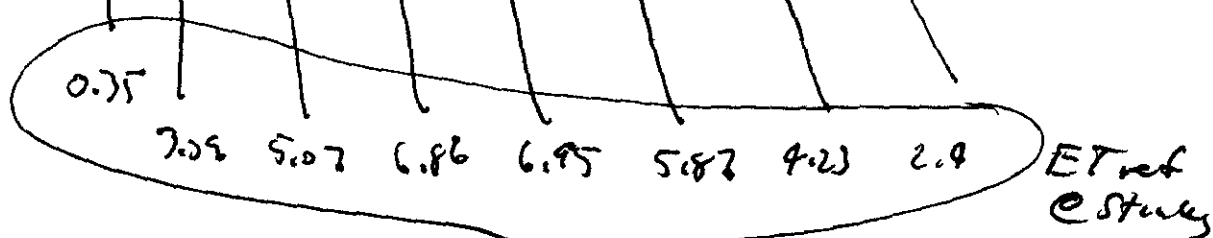
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 AUG 11 2003

Region 4

J	F	M	A	M	J	J	A	S	O	N	D
1	2	4	7	12	15	19	16	11	6	4	3

May - Oct 79
Nov - Apr 21

From Class
30" FW ET
for ponds



Precip @ Stanley

J	1.13
F	1.55
M	2.03
A	1.66
M	1.54
J	1.19
J	1.07
A	1.24
S	1.20
O	0.73
N	0.76
D	0.88

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Aug. 1, 2002

✓ ± 69862

FILE PROGRAM
: Paul Will

71-0039E etc

[illegible]

April 1, 2003

RECEIVE

MAY 31 2002

STATEMENT

Department of Water Resources
Southern Region



Custer Publishing, Inc.

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Dept. of Water
1341 Fillmore St., Ste #200
Twin Falls, Id 83301*

Job No.	Date	DESCRIPTION	Amount
	5/30/02	Notice of Applications 5/23 + 30/02 57 lines T#69862 Amendment 71-10879	\$85.22 OK mb 6/4/02

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

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AUG 11 2003

NOTICE OF APPLICATIONS

Notice is hereby given that two applications have been filed with the Idaho Department of Water Resources concerning water rights within Custer County:

PAUL D. & ANN HILL, PO BOX 281; STANLEY ID 83278 &/or 975 WALKER AVE; ASHLAND OR 97520 filed **Application for Transfer No. 69862** on 4/29/02 for diversion of a combined total of 0.36 cfs from McGowan Creek tributary to Valley Creek. The purpose of the transfer is to change an irrigation right diverted from McGowan Creek to recreation and aesthetic uses associated with a pond on the applicants property located 4.5 miles west and 5.5 miles north of Stanley.

The ID DEPT OF FISH & GAME, PO BOX 25, BOISE ID 83707 filed an **Application for Amendment of Permit No. 71-10879** on 4/22/02. Permit 71-10879 currently authorizes the diversion of 3.0 cfs of water from the Salmon River approximately 5 miles South and 2.5 miles East of Stanley for use in a recreational fishing pond approximately 4.5 miles South and 2.25 miles East of Stanley. The amendment proposes changing the location of the point of diversion to an existing point of diversion located approximately 0.25 miles further upstream than the currently authorized point of diversion.

For specific details regarding the application(s), please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St.-Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before June 10, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Challis Messenger on 5/23 & 5/30/02.

MICROFILMED

MAY 11 2003

OK
AM
5/15/02

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

May 16, 2002

Legal Notice Department
Custer Publishing Co
PO Box 405
Challis ID 83226

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in the Challis Messenger on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary Baldwin

Mary A. Baldwin
Administrative Assistant

MICROFILMED
AUG 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 16, 2002

PAUL D. & ANN HILL
PO BOX 281
STANLEY ID 83278

PAUL & ANN HILL
975 WALKER AVE
ASHLAND OR 97520

RE: Application for **Transfer No. 69862** (Water Right No(s). 71-39E, 71-40E)

Dear Applicant(s):

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the Challis Messenger on 5/23 & 5/30/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (June 10, 200)

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

cc
LEE YELIN
WATER RIGHTS INC
PO BOX 9285
MISSOULA MT 59807

MICROFILMED

AUG 1 2 2002

Baldwin, Mary

From: Blau, Terry
Sent: Wednesday, May 22, 2002 9:53 AM
To: Baldwin, Mary
Subject: RE: NEW info

NO COMMENT

-----Original Message-----

From: Baldwin, Mary
Sent: Thursday, May 16, 2002 3:00 PM
To: Bates, Allan; Blau, Terry
Cc: Baldwin, Mary
Subject: NEW info

FYI, Paul & Ann Hill of Stanley have filed Transfer No. 69862 to change an irrigation right to recreation/aesthetic uses from a pond with water diverted from McGowan Creek in Custer County.

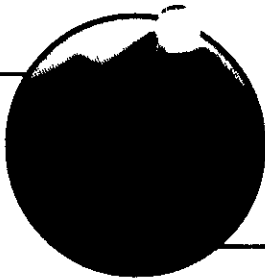
WATER

Bus: (406) 251-6100

Fax: (406) 251-3191

E-mail: wri@bigsky.net

Web Site: <http://missoula.bigsky.net/wri/>



RIGHTS, INC.

P.O. Box 9285 • Missoula, Montana 59807

RECEIVED

APR 25 2002

Department of Water Resources
Southern Region

April 19, 2002

Project No. R01-033

Corey Skinner, P.E.
Water Resource Engineer
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RE: Transfer Application Right No. 71-39E; Paul Hill

Dear Mr. Corey Skinner:

Enclosed please find a transfer application for Paul and Ann Hill, along with a check for the required filing fee of \$250.00. I believe we addressed all of your concerns that were discussed in your March 5, 2002, correspondence. I appreciate your assistance with this matter. If you have any questions or require further information, please don't hesitate to contact me.

Sincerely,

Lee Yelin
Senior Water Rights Specialist

LY/jn

enclosure

cc. Steve Fisher w/encl.
Paul Hill w/encl.

D:\WR\Files\Clients\E - F\R01-033 (Fisher-Paul Hill)\corey skinner cover letter 2.wpd

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T69862



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

T69862

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J DREHER
Director

March 5, 2002

Lee Yellin
Water Rights Inc.
PO Box 9285
Missoula, MT 59807

Dear Mr. Yellin:

Please find enclosed a water right transfer application, in the name of Paul & Ann Hill, that you recently filed with our office. I have also enclosed the filing fee, check # 1238 for \$100.00 in the name of Paul or Ann Hill. According to the Department's transfer fee schedule, the filing fee for a transfer of 0.36 cfs (total listed on application) is \$250.00 instead of the \$100.00 that was submitted. In addition, a preliminary review of the application revealed several items that need to be addressed regarding the application.

The applicant's phone number was not listed on the application. In addition, the Department has record of a different Atlanta address for the applicant than was listed on the application. The check that was included with the application lists the applicant's address as being in Oregon. In addition, Department records also indicate a Stanley, Idaho address for Paul Hill. The applicant's phone number and current mailing address needs to be included on the application.

On the purpose of transfer section (first page) of the application, the change in period of use box was checked, but the period of use description for the description of the right(s) after the proposed change (first page of application) lists a season of use from May 1 to October 31. Note that this is the same period of use listed on the right prior to the proposed change. I assume the applicants intend to store water in the proposed pond throughout the year. This discrepancy regarding the proposed period of use needs to be addressed.

With regards to the description of the right(s) after the proposed change (first page of the application) only recreation storage and aesthetic storage is listed as proposed uses, even though diversion rates (in cubic feet per second) and volumes (in acre-feet) are listed. If my interpretation of the proposal is correct, the applicants desire to develop a water

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MAR 11 2002

Page 2

Yellin/Hill Transfer Letter

March 5, 2002

storage facility that will be filled with water diverted from McGowan Creek. If the storage facility is located off of the stream, the right(s) need to be described as having a diversion to storage component, a storage component, and a natural flow component. The diversion to storage component will be a rate (in cubic feet per second) that describes the amount of water diverted from the creek to fill the pond. The storage component will be a volume (acre-feet) that describes the storage volume of the pond. The natural flow component will be a rate (in cubic feet per second) that describes the water flowing through the system, after the pond is filled ("turnover water"). Various beneficial use adjectives can be added to these uses to further describe the proposed beneficial use (ie. aesthetic storage, diversion to aesthetic storage, recreation, wildlife etc.). In addition, these uses may have different, independent, periods of use (year round for storage, irrigation season for diversions, etc.).

A review of the transfer application revealed that a map showing the location of the point of diversion and place of use (pond location) was not included with the application. A map showing the location of the point of diversion and place of use, relative to existing section and quarter-quarter lines, must be included with all transfer applications. In addition, you may want to consider providing a system diagram to show how water will be diverted from the creek, ran through the pond, and discharged from the pond, back to the creek. The narrative and calculations submitted with the application describe the pond as being excavated and having a depth of 10 feet, but also describe a controlled outlet. Clarification regarding the proposed system would be helpful in interpreting the application and how the system will operate. I am unsure how the point of diversion in Section 11 (listed on the first page of the application) affects this proposal.

A review of the applicant's water rights reveals that they have three decreed water rights (71-39E, 71-40E, and 71-10136A) that could possibly be appurtenant to the land involved with the transfer application. Depending on the location of the pond, the area where the pond is to be constructed may overlap with all three water rights, or perhaps only two of the three water rights. I have included some maps showing the areas where the water rights are appurtenant on the applicant's property for your reference. The application proposes modifying only one of the rights, 71-39E, for the proposed pond, while not modifying the other overlapping right(s). If the application were ultimately approved as proposed, there is the possibility of expansion in use after the proposed transfer, which the Department cannot allow. This possible expansion results because prior to the application the applicants have rights for the irrigation of up to 32 acres, but the transfer proposes the applicants ending up with a pond (that requires a water right) and still retaining rights for the irrigation of up to 32 acres. Since the proposed pond will have a surface area of 0.55 acres, a 0.55 acre portion of the other right(s) should be included as part of the transfer. By reducing the overlapping right(s) accordingly, the possibility of expansion in use will be reduced. The location of the proposed pond will determine whether all three rights, or just two rights, will need to be included in the application.

MICHAEL

406 1 1 2002

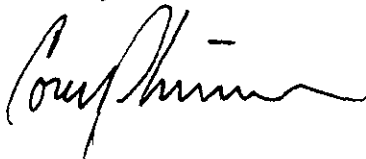
Page 3
Yellin/Hill Transfer Letter
March 5, 2002

It appears that the diversion volumes for the irrigation use on the application and in your analysis were based on a value of 3.5 acre-feet per acre per year. You indicated that this number was based on information provided in a February 3, 2000 letter from Jim Stanton of this office. Please note that this letter from Mr. Stanton refers to a specific project and location. The Department has different diversion volume (field headgate requirements) and consumptive use volume allowances for irrigation use in different parts of the state. I have enclosed a copy of a map that shows these different allowances for different parts of the state for your reference, and future use. Note that for Administrative Basin 71, where the Hill's project is located, the allowable diversion volume (field headgate requirement) is 3.0 acre-feet per acre per year and the allowable consumptive use volume is 2.0 acre feet per acre per year. As previously mentioned in this letter, the listed volume for storage use on the application should reflect the storage capacity of the pond, and the diversion uses should only include rates, and not volumes.

Examination of Part 2, Section A, Item #8, reveals that the entire place of use for right 71-39E prior to the proposed change was not listed.

If you have any questions, or need any further assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, PE
Water Resource Engineer

Enclosures

cc: Paul & Ann Hill -- w/o enclosures

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APR 11 2002

TABLES

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Table 10.—Discharge of standard Cipolletti weirs in second-feet.
 Values below and to the left of heavy lines determined experimentally; others computed from the formula $Q=3.367LH^{3/2}$.
 (See sec. 19.)

Head <i>H</i> , feet	Length of weir, <i>L</i> , feet						
	0.5	1.0	1.5	2.0	3.0	4.0	5.0
0.01	0.002	0.003	0.005	0.007	0.010	0.013	0.017
.02	.005	.010	.014	.019	.029	.038	.048
.03	.009	.018	.026	.035	.053	.070	.087
.04	.013	.027	.040	.054	.081	.108	.135
.05	.019	.038	.057	.075	.113	.151	.188
.06	.025	.050	.074	.099	.148	.196	.247
.07	.031	.062	.093	.125	.187	.249	.312
.08	.038	.076	.114	.152	.229	.305	.381
.09	.045	.091	.136	.182	.273	.364	.455
.10	.053	.107	.160	.213	.319	.426	.532
.11	.061	.123	.184	.246	.369	.491	.614
.12	.070	.140	.210	.280	.420	.560	.700
.13	.079	.158	.237	.316	.473	.631	.789
.14	.088	.176	.265	.353	.529	.705	.882
.15	.098	.196	.293	.391	.587	.782	.978
.16	.108	.216	.323	.431	.646	.862	1.08
.17	.118	.236	.354	.472	.708	.944	1.18
.18	.129	.257	.386	.514	.771	1.03	1.28
.19	.139	.279	.418	.558	.837	1.12	1.39
.20	.151	.301	.452	.602	.903	1.20	1.51
.21	.162	.324	.486	.648	.972	1.30	1.62
.22	.174	.347	.521	.695	1.04	1.39	1.74
.23	.186	.371	.557	.743	1.11	1.48	1.86
.24	.200	.396	.594	.792	1.19	1.58	1.98
.25	.214	.421	.631	.842	1.26	1.68	2.10
.26	-----	.446	.669	.893	1.34	1.78	2.23
.27	-----	.472	.709	.945	1.42	1.89	2.36
.28	-----	.499	.748	.998	1.50	2.00	2.49
.29	-----	.526	.789	1.05	1.58	2.10	2.63
.30	-----	.553	.830	1.11	1.66	2.21	2.77
.31	-----	.581	.872	1.16	1.74	2.32	2.90
.32	-----	.609	.914	1.22	1.83	2.44	3.05
.33	-----	.638	.957	1.28	1.92	2.55	3.19
.34	-----	.667	1.00	1.34	2.00	2.67	3.34
.35	-----	.697	1.05	1.39	2.09	2.79	3.49

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1967

Water Right Report



11/10/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

WATER RIGHT NO. 71-39E

Owner Type	Name and Address
Current Owner	ANN HILL
Current Owner	PAUL HILL
	2635 HABERSHAM RD NW
	ATLANTA, GA 30305
	(404)351-2307
Original Owner	DANIEL L BERMAN
	50 S MAIN ST SUITE 1250
	SALT LAKE CITY, UT 84144
	(801)328-2200

Priority Date: 06/01/1904

Basis: Decreed

Status: Active

Source	Tributary
MCGOWAN CREEK	VALLEY CREEK

MICROFILMED
APR 17 2003

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	5/01	10/31	0.36 CFS	
Total Diversion			0.36 CFS	

Location of Point(s) of Diversion:

MCGOWAN CREEK	SWSWSE	Sec. 02	Township 11N	Range 12E	CUSTER County
---------------	--------	---------	--------------	-----------	---------------

IRRIGATION Use:

Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11N	12E	11		SWNE NESE	4.8 5.7		SENE NWSE	18.8 2.7						

Total Acres: 32

Conditions of Approval:

MICROFILMED
2002 11 12 2003

1. C13	THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
2. C18	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.

Remarks:

1. Place of Use - Irrigation	THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 32 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-00039E & 71-00040E THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-00039E, 71-00040E AND 71-10136A
2. General	PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY NO. 109.
3. Explanatory	THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 71-00039A, 71-00039D, 71-00039E, 71-00039G, AND 71-00039H. PROPERTY IS ALSO KNOWN AS A THOMPSON CREEK SUBDIVISION LOTS 1, 2, & 3.

Dates:

Licensed Date:

Decreed Date: 03/16/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Water Right Report



08/06/2001

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report

WATER RIGHT NO. 71-40E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANN HILL
Current Owner	PAUL HILL
	2635 HABERSHAM RD NW
	ATLANTA, GA 30305
	(404)351-2307
Original Owner	DANIEL L BERMAN
	50 S MAIN ST SUITE 1250
	SALT LAKE CITY, UT 84144
	(801)328-2200

Priority Date: 05/01/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
VALLEY CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	1.08 CFS	
Total Diversion			1.08 CFS	

Location of Point(s) of Diversion:

VALLEY CREEK	SWNWNE	Sec 04	Township 11N	Range 12E	CUSTER County
--------------	--------	--------	--------------	-----------	---------------

IRRIGATION Use:

Acre Limit: 32

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
11N	12E	11		SWNE	4.8		SENE	18.8						
				NESE	5.7		NWSE	2.7						

Total Acres: 32

Remarks:

1. General	P/U IS H.E.S. 109. THIS IS FOR A 2/3 PORTION OF WR 71-00040. ***THE ORIGINAL CLAIM A71-00040B WAS SPLIT BASED UPON THE FORMER OWNER'S SIGNATURE ON FORM 42-1409(7). THE SPLIT IS AS FOLLOWS: PART C TO BERMAN FOR 1.93 CFS PART D TO BRUBAKER FOR 0.47 CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION. KKC 5-8-95 ***** CLAIM SPLIT ON 7-25-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED. PART E TO HILL FOR 1.04 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION. ***** AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS. THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO MODIFIED TO REFLECT THE PLACE OF USE CHANGE. KKC 3-27-98 PART E TO HILL FOR 1.08 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION PART F TO BERMAN FOR 0.84 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.
------------	---

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 03/16/1999

Enlargement Use Priority Date:

Enlargement Statute Priority Date: MICHIGAN

JUL 11 2001

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



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1998 1 1 2003

04/29/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-39E

WATER RIGHT NUMBER: 71-39E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANN HILL 2635 HABERSHAM RD NW ATLANTA, GA 30305 (404)351-2307
Current Owner	PAUL HILL 2635 HABERSHAM RD NW ATLANTA, GA 30305 (404)351-2307
Original Owner	DANIEL L BERMAN 50 S MAIN ST SUITE 1250 SALT LAKE CITY, UT 84144 (801)328-2200

MAIN
RIGHT
BEING
TRANSFERRED

Priority Date: 06/01/1904

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
MCGOWAN CREEK	VALLEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/31	0.360 CFS	
	<u>Total Diversion:</u>	0.360 CFS	

Location of Point(s) of Diversion

MCGOWAN CREEK	SW1/4SW1/4SE1/4	Sec. 2, Twp 11N, Rge 12E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11N	12E	11			4.8	18.8									5.7	2.7			32.0

Total Acres: 32

Conditions of Approval:

1. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

APR 1 2003

CONJUNCTIVELY.

MICROSOFT

400 3 2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-39E

2. C18 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.

Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 71-00039A, 71-00039D, 71-00039E, 71-00039G, AND 71-00039H. PROPERTY IS ALSO KNOWN AS A THOMPSON CREEK SUBDIVISION LOTS 1, 2, & 3.
2. Place of Use - Irrigation THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 32 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E & 71-00040E THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E, 71-00040E AND 71-10136A
3. General PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY NO. 109.

Comments:

1. KCHRISTE 4/1/1998 COPIED FROM REMARKS
Comment: P/U IS H.E.S. 109. THIS IS A 2/3 PORTION OF THE WR 71-00039. THE ORIGINAL CLAIM A71-00039B WAS SPLIT BASED UPON A FORMER OWNER SIGNATURE ON FORM 42-1409(7). THE SPLIT IS AS FOLLOWS: PART C TO BERMAN FOR .64CFS PART D TO BRUBAKER FOR .16CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION. KKC 5-8-95 ***** CLAIM SPLIT ON 7-25-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED. PART E TO HILL FOR 0.35 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION PART F TO BERMAN FOR 0.29 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION. ***** AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS. THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO MODIFIED TO REFLECT THE PLACE OF USE CHANGE. KKC 3-27-98 PART E TO HILL FOR 0.36 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION. PART F TO BERMAN FOR 0.28 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.
2. AJU10-DS 7/21/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. AJU10-DS 6/19/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

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APR 31 2002

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 71-39E

Dates and Other Information.

Licensed Date:
Decreed Date: 3/16/1999
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal: S
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

MICHAEL J. JENSEN

AUG 1 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-40E

WATER RIGHT NUMBER: 71-40E

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANN HILL 2635 HABERSHAM RD NW ATLANTA, GA 30305 (404)351-2307
Current Owner	PAUL HILL 2635 HABERSHAM RD NW ATLANTA, GA 30305 (404)351-2307
Original Owner	DANIEL L BERMAN 50 S MAIN ST SUITE 1250 SALT LAKE CITY, UT 84144 (801)328-2200

OVERCAPPING
IRRIGATION RIGHT
BEING REDUCED

Priority Date: 05/01/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
VALLEY CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/31	1.080 CFS	
<u>Total Diversion:</u>		1.080 CFS	

Location of Point(s) of Diversion

VALLEY CREEK	NE1/4SW1/4NE1/4	Sec. 4, Twp 11N, Rge 12E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
11N	12E	11	4.8	18.8							5.7	2.7			32.0

Total Acres: 32

reduced
5.15 acres

Conditions of Approval:

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

MICHAEL
APR 30 2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-40E

2. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.
3. C18 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.

Remarks:

1. General PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY NO. 109.
2. Explanatory THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 71-00040A, 71-00040D, 71-00040E, 71-00040G, 71-00040H, 71-00041, 71-00042A, 71-00042B, 71-00043A, 71-00043B, 71-00045, 71-00047, 71-00049B, 71-00050, & 71-00052. PROPERTY IS ALSO KNOWN AS A THOMPSON CREEK SUBDIVISION LOTS 1, 2, & 3.
3. Place of Use - Irrigation THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 32 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E & 71-00040E THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E, 71-00040E, AND 71-10136A

Comments:

1. KCHRISTE 5/19/1998 COPIED FROM REMARKS
Comment: P/U IS H.E.S. 109. THIS IS FOR A 2/3 PORTION OF WR 71-00040. ***THE ORIGINAL CLAIM A71-00040B WAS SPLIT BASED UPON THE FORMER OWNER'S SIGNATURE ON FORM 42-1409(7). THE SPLIT IS AS FOLLOWS: PART C TO BERMAN FOR 1.93 CFS PART D TO BRUBAKER FOR 0.47 CFS FOR LOT 6 OF THE THOMPSON CREEK RANCH SUBDIVISION. KKC 5-8-95 ***** CLAIM SPLIT ON 7-25-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED. PART E TO HILL FOR 1.04 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION PART F TO BERMAN FOR 0.89 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION. ***** AN ADMINISTRATIVE MODIFICATION WAS MADE TO THE PLACE OF USE TO REFLECT THE PLACE OF USE AS IDENTIFIED THROUGH THE GIS PROCESS. THIS IS CONSIDERED A MODIFICATION OF THE SPLIT DURING THE CHANGE OF OWNERSHIP PROCESS. THE DIVERSION RATE FOR THIS SPLIT WAS ALSO MODIFIED TO REFLECT THE PLACE OF USE CHANGE. KKC 3-27-98 PART E TO HILL FOR 1.08 CFS (FOR LOTS 1, 2, & 3 OF SUBDIVISION PART F TO BERMAN FOR 0.84 CFS (FOR LOTS 4 AND 5 OF SUBDIVISION.
2. AJU10-DS 7/21/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. AJU10-DS 6/19/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.


 7/1/99

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 71-40E

Dates and Other Information:

Licensed Date:
Decreed Date: 3/16/1999
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal: S
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

MICHAEL L. LEE
2006 . 1 2001

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-10136A

WATER RIGHT NUMBER: 71-10136A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ANN HILL 2635 HABERSHAM RD NW ATLANTA, GA 30305 (404)351-2307
Current Owner	PAUL HILL 2635 HABERSHAM RD NW ATLANTA, GA 30305 (404)351-2307
Original Owner	DANIEL L BERMAN 50 S MAIN ST SUITE 1250 SALT LAKE CITY, UT 84144 (801)328-2200

Priority Date: 01/17/1940

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
THOMPSON CREEK	VALLEY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 10/31	0.360 CFS	
	<u>Total Diversion:</u>	0.360 CFS	

Location of Point(s) of DiversionTHOMPSON CREEK
CUSTER County

SW1/4NE1/4NE1/4

Sec. 11, Twp 11N, Rge 12E, B.M.

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11N	12E	11	.1	17.7	.4		18.2

Total Acres: 18.2

Conditions of Approval:

1. C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 71: WATER RIGHT NO. SOURCE NONE NONE THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN: WATER RIGHT NO. SOURCE NONE NONE ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED

MICHAEL

APR 1 1999

NOTE GIS SHAPE
OVERLAPS 71-39E
AND 71-40E, BUT
SHAPE IS
LARGER
THAN
ACTUAL
RIGHT
∴ THIS
RIGHT NOT
INCLUDED
IN TRANSFER
CONSIDERED
NON OVERLAPPING

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 71-10136A

2. C18 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.

Remarks:

1. Explanatory RIGHT NO. 71-10136B IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE.
2. General PROPERTY IS ALSO KNOWN AS A PORTION OF HOMESTEAD ENTRY SURVEY NO. 109.
3. Place of Use THE RIGHTS LISTED BELOW ARE LIMITED TO THE IRRIGATION OF A COMBINED TOTAL
- Irrigation OF 18.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00039E, 71-00040E, AND 71-10136A.

Comments:

1. KCHRISTE 8/23/1996 COPIED FROM REMARKS
Comment: P/U IS H.E.S. 109. ***** CLAIM SPLIT ON 7-26-1996 BY KKC. OWNERSHIP CHANGE BASED UPON SF 1409-(7) SIGNED BY NEW OWNER WITH WARRANTY DEED. PROPORTIONATE SPLIT BASED UPON THE RECOMMENDED PLACE OF USE TABLE I CREATED. PART A TO HILL FOR 0.36 CFS (FOR LOTS 1,2, & 3 OF SUBDIVISION) PART B TO BERMAN FOR 0.04 CFS (FOR LOTS 4 & 5 OF SUBDIVISION).
2. AJU10-DS 7/21/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. AJU10-DS 6/19/2000 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C18 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

Dates and Other Information:

Licensed Date:
 Decreed Date: 3/16/1999
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Formal Action Date:
 State or Federal: S
 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

MICHAEL

APR 2 1999