
INTEROFFICE MEMORANDUM

TO: TRANSFER FILE NO. 5301 AND 5302
FROM: KELLY K CHRISTENSEN
SUBJECT: ADJUDICATION REVIEW OF TRANSFER
DATE: 01/05/99

T-5301 analysis:

This transfer deals with surface water rights that are within a PP/U which is greater than the combined place of uses for the related decreed rights. Oakley Canal Co. shares are also used on the same PP/U. 45-02448 was licensed for the same P/U but according to the applicant is used on ground in Sec 6 only. 45-04217 is another groundwater right that according to the applicant is used on ground in Sec 31 only. After review, I accept Jim's finding that the applicant's assertions are valid. The change in place of use occurs in Sec 6 only and therefore 45-04217 is no longer considered in this review and is not included in the transfer process. It is subject to adjudication review at a later date.

The PP/U is being reduced by 22 acres (all acres being 'dried up' are within Sec 6). The surface water is being transferred to the balance of the PP/U while the groundwater right (see T-5302) appurtenant to the 22 acres is being transferred to a different location (approximately 5 miles south) for stockwater use.

A45-00425A & A45-00443B

Both rights have been split in the adjudication process as follows:

<u>Claim #</u>	<u>Claimant</u>	<u>Rate</u>	<u>Acres</u>
A45-00425F	H Cranney & Sons	0.008 cfs	4 acres
A45-00425G	K Cranney	0.822 cfs	406 acres
A45-00443D	H Cranney & Sons	0.004 cfs	4 acres
A45-00443E	K Cranney	0.406 cfs	406 acres

The adjudication review for these rights did not identify any conflicts with the way they were claimed. Nor was any apparent conflict with other claimants found.

Both 45-00425A and 45-00443B were decreed to the SE 1/4 of section 31 which is approximately 160 acres. Although a farmstead exists in the SESE and may have existed at the time of the decree I recommend that 45-00425F and 45-00443E be limited to 156 acres within the transferred PP/U. The two rights when combined should also be limited to the same 156 acres. Likewise 45-00425F and 45-00443D should be limited to the same 4 acres.

A45-10594

Claim A45-10594 was filed by the Cranney Brothers and a change of ownership was filed with the adjudication just after the transfer was submitted. That change of ownership split the original

claim into part A (retained by Cranney Brothers) and part B (going to Kim Cranney). This transfer should reference only A45-10594B at a reduced place of use and diversion rate.

However, in researching the allocations records for rights with a 4-12-1892 priority date and the corresponding adjudication claims against those rights, I could not establish the legal basis for this claim based upon the existing documentation. A two page summary of the research is attached in the document titled. "ADJUDICATION REVIEW OF DECREED RIGHTS WITH A PRIORITY DATE OF 04-12-1892".

At this time, for this transfer to proceed, I recommend that this claim as currently split into parts A and B be removed from the transfer process with the adjudication recommendation being, DISALLOWED, no lawful appropriation shown for both parts.

T-5202 analysis:

This transfer deals only with the groundwater right 45-02448 that was licensed to the same PP/U identified in T-5201. The right was originally licensed for the larger place of use and is now recognized as being appurtenant to the current and smaller place of use in Sec 6 only. I agree with the allocations analysis and recommendation for this right. No acre limitation for this right is required as it is valid for all acres recommended in Sec 6 after the transfer.

Additional Concerns

A45-04217 is claimed for irrigation of the SE 1/4 and the E 1/2 of the SW 1/4 of Section 31 which is a portion of the PP/U involved in the transfers listed above. The ownership of this claim is in the name of Harold Cranney & Sons. This is in conflict with the ownership of the transfers as they are in the name of Kim and/or Janet Cranney.

No other rights were found using an AJQ5 search on the claimed point of diversion related to this right.

ADJUDICATION REVIEW OF DECREED RIGHTS WITH A

PRIORITY DATE OF 04-12-1892

COMPARISON OF ALLOCATIONS RECORDS VS ADJUDICATION CLAIMS

ALLOCATION NUMBER	OWNER OF RECORD	RATE	ADJUDICATION NUMBER	RATE	CLAIMANT
45-00420	Iverson	2.00	A45-12437	3.70 cfs	St Id
45-00421	Anderson	2.00	A45-00421	2.00 cfs	Mitton
45-00422	Rivers	1.70	A45-12437	comb rt	St Id
45-00423A	Rose	1.10	A45-00423A	1.10 cfs	Cranney
45-00423B	Rose	1.36	A45-00423B	1.36 cfs	Cranney
45-00424	Stranger	2.50	A45-00424	2.50 cfs	Cranney
45-00425A	Larsen	0.833	A45-00425A	0.833 cfs	Cranney SPLIT RIGHT
			A45-00425F	0.008 cfs	Split from 00425A
			A45-00425G	0.822 cfs	Split from 00425A
45-00425C	Okleberry	0.067		unclaimed	
45-00425D	Okleberry	1.60	A45-00425D	1.60 cfs	Cranney
45-00426	Rose	1.60	A45-00426	1.60 cfs	St Id
45-00430	Sessions	1.72	A45-12446	2.47 cfs	Pickett
45-00431	Homer	0.96	A45-00431	0.96 cfs	Pickett
45-00432	Maby	0.96	A45-00432	0.96 cfs	Pickett
45-00433	Bray	2.72	A45-00433	2.72 cfs	Cranney
45-00434	Johns	0.80	A45-00434	0.80 cfs	Cranney
45-00435A	Cooper	0.75	A45-00435A	0.75 cfs	Cranney
45-00435B	Larsen	0.75		comb rt	Pickett
45-00725A	Poulton	3.60	Fully claimed as: A45-00427A 4.288 cfs Kirk Woodhouse A45-00427B 2.112 cfs Clyde Goodrich		
45-00725B	Poulton	1.20			
45-00725C	Cranney	0.80			
45-00725D	Poulton	0.80			
unknown base right			A45-10594	2.13 cfs	Cranney
			A45-10594A	0.04 cfs	Cranney & Sons
			A45-10594B	2.11 cfs	J Cranney

A45-00708D 0.80 cfs Paul Woodhouse
A45-00724D 0.80 cfs Paul Woodhouse

TABLE ANALYSIS

All allocations rights have been claimed except for 45-00425C.

Kirk Woodhouse, Paul Woodhouse, and Clyde Goodrich have over claimed rights 45-00725A thru 45-00725D. This may have been partially caused by a double entry of the 1892 rights identified in the Poulton vs Foster decree (IDWR DECREE FILE # 45-K-2).

That decree combined three 4-12-1892 priority date decreed rights and then distributed the ownership as shown on the allocations data base as rights 45-00725A through 45-00725D. When the decree was data entered, two agents independently assigned numbers to the four rights, which led to duplicate rights on the database. There was an attempt to correct this error but adding suffixes to a right number that was used for a different use which created another error. A December 1998 review of the database corrected the duplicate and overlapping numbers, leaving the 45-00725A thru 45-00725D series as the only valid rights on the allocations database. The number trail is shown below.

PRE 45-K-2 DECREE NO.	INITIAL NO. ASSIGNED	2 ND NO. ASSIGNED	3 RD NO. ASSIGNED	4 TH NO. ASSIGNED
45-00427	45-00708A	45-00715	45-00724A	45-00725A
45-00428	45-00708B	45-00717	45-00724B	45-00725B
45-00429	45-00708C	45-00719	45-00724C	45-00725C
	45-00708D	45-00721	45-00724D	45-00725D

Remark points to numbers
45-00714 thru 45-00721

Deleted from data base

Remaining number
sequence remaining on
data base after the
December 1998 records
review by the State office.

Harold Cranney & Sons filed A45-10594 as a valid 04-12-1892 priority date right. They were unable to identify the allocations record that this claim is based upon but they did provide a John Hancock mortgage rider dated 2-1-1966 that identified that 148.16 miners inches (2.963 cfs) was part of the property. The place of use described in that document covers a portion of the place of use claimed under A45-10594.

There is not enough information to identify which base right that this claim may be against. Also, if this right is determined to be valid, then other rights will likely have to be disallowed.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866PHILIP E. BATT
GOVERNORKARL J. DREHER
DIRECTORTRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-7866

DATE: 12/28TO: Kelly CFROM: Charla

DOCUMENT DESCRIPTION: _____

COVER SHEET + 2 PAGES

CONTACT: _____ IF YOU DO NOT RECEIVE ALL THE PAGES

THANK YOU!

Think I have it all straightened out. What a mess - I've done all the data entry marked on the attached memos. Let me know if you have any questions.

INTER-DEPARTMENT MEMO — 1

FROM Jim, Southern

DATE 12-2-85

to Roberta Garrett

SUBJECT Water Rights 45-0427, 0428, 0429, Iverson vs. Isaachson Decree, File 45-K

These rights were established by the above decree, but no land list was given in the decree. In the Poulton vs. Foster decree (file 45-2-3), the three rights were pooled into a single block of water and then re-divided into four parts, each part now having a separate land list. Since it was impossible to trace the history of the original rights, the pooled right was given the number 45-0708. This number was then split into Parts A, B, C, & D, although the new numbers were not written on our copy of the Poulton vs. Foster decree. These numbers are presently in the computer, however. When Terry was checking this decree, he erroneously gave a second set of numbers to these rights, i. e. 45-0715, 0717, 0719, 0721. These numbers were written on a copy of the Foster decree sent to you by Terry. I just discovered that 45-0708 applies to another right not related to the Foster decree. So I propose to use 45-0725 (the next unused number) for the combined right (45-0427, 0428, 0429), to be split into Parts A, B, C, & D. Numbers 45-0715, 0717, 0719, & 0721 would then be invalid. This goes along with the numbering system that Dave Tuthill & I developed when I started working on decreed rights for the data base six years ago, and I think it is imperative that we continue to use the same system. A copy of the re-numbered decree is attached, but I won't make computer entries until you OK it (as we discussed).

SIGNATURE

JAMES J. CAULDWELL, JR. 12/2/85

0724 had also been used for another right
parts A-D given 0725

INTER-DEPARTMENT MEMO — 1

DATE 12-9-85

FROM Roberta

to Jim

SUBJECT Your memo of 12-2-85
Water Right 45-0445, Cauldwell vs. Anderson Decree, File 45-K
Water Rights 45-0427, 0428, Iverson vs. Isaachson Decree, File 45-K

Before making a decision on the numbering of the decrees, Dave Tuthill would like to have an abstract of the decrees in question. Attached are abstract forms for this purpose.

When completed, please send the completed abstract along with the copies of decrees and your request for a new number and/or number change for his determination.

Thanks

SIGNATURE

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Jim, Southern

DEC 9 1985

DATE 12-2-85

to Roberta Garrett

Department of Water Resources

SUBJECT Water Right 45-0445, Cauldwell vs. Anderson Decree, File 45-K

This right was decreed for 3.2 cfs in the above decree, with no place of use given in the decree. In the later Poulton vs. Foster decree (File 45-K-2), this right was split into four parts, each with a separate amount and land list. The correct way to number these parts is 45-0445A, B, C, & D, which is what I did when coding & entering the rights. However, Terry changed these numbers to 45-0714, 0716, 0718, & 0720, which is obviously a case of double numbering and therefore incorrect. He sent you a copy of the Poulton vs. Foster decree with these new numbers written in the left margin. The original numbers were not written on my copy of the decree; a copy of the decree is attached with the correct numbers on it.

ok

Make as
Numbers Not Used.

JS

SIGNATURE

INTER-DEPARTMENT MEMO — 1

FROM Roberta

DATE 12-9-85

to Jim

SUBJECT Your memo of 12-2-85
Water Right 45-0445, Cauldwell vs. Anderson Decree, File 45-K
Water Rights 45-0427, 0428, Iverson vs. Isaachsen Decree, File 45-K

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Thanks

12-10-85

SIGNATURE