

MEMORANDUM

October 16, 2023

Water Right: 63-7776 and Children

Author: SSstorms

Subject: Ownership Split Corrections

In review of the lineage of ownership changes (OCs) and splits of decreed water right (WR) 63-7776, it was recognized that errors were made in processing of those OCs and splits, or lack of splits. These errors have resulted in incorrect acres assigned to WRs 63-7776 and 63-34569, as well as incorrect rates for those and child rights 63-34678, and 63-35336.

The first OC for decreed right 63-7776 was from decreed owners Julie and Kenneth McDaniel to The Christie J Flenniken 2003 Revokable Trust, completed May 20, 2014. In that process, the entirety of WR 63-7776 was designated to The Christie J Flenniken 2003 Revokable Trust however, per the deed, the entirety of the property the right was located on was not conveyed to the Trust. The deed specifically described strips of land as lying on US Highway right of way and on Oregon Short Line Railroad right of way. Those portions of land are equal to 2.6 acres in the NWNW, Sec. 23, T05N, R 05W, and 4.5 acres in the SWSW, Sec. 14, T05N, R 05W. Therefore, only 53.9 acres, 1.08 cfs, and 242.6 af should have been conveyed the Trust, and the remaining 7.1 acres, 0.14 cfs, and 32 af should have remained in the decreed owners' names.

The next OC of WR 63-7776 was completed on July 18, 2018. The conveyance documents show 47.6 acres of the right conveyed to the Mike & Tammy Beggs Family 1995 Revokable Trust. Those 47.6 acres were calculated as 26.6 acres in the NWNW, Sec. 23, T05N, R 05W, and 21 acres in the SWSW, Sec. 14, T05N, R 05W. Since the entirety of the acres in the SWSW were designated to the Beggs Family Trust, it was calculated that there were 26.6 acres conveyed in the NWNW ($47.6 \text{ ac} - 21 \text{ ac} = 26.6 \text{ ac}$), leaving 13.4 acres ($40 \text{ ac} - 26.6 \text{ ac} = 13.4 \text{ ac}$) in that quarter-quarter (QQ) remaining with The Christie J Flenniken 2003 Revokable Trust. Upon reexamination of the parcels and the 2018 conveyance document, the acres designated to 63-34569 should have been 31.1 acres in the NWNW and 16.5 acres in the SWSW. The map included with the conveyance documents also clearly showed a total of 6.3 acres on parcels located in the SENWNW not conveyed to the Beggs Family Trust. Of the 13.4 acres remaining after this split, 7.1 acres were located on the US 95 or Oregon Short Line right of way and should still have remained in the Decreed owner's name, leaving 6.1 acres to remain in The Christie J Flenniken 2003 Revokable Trust. Additionally, during this split, it appears some proportional rate adjustment was made to try and account for the acre differences between the two rights that did not appear to add up, due to the right of way lands not having been recognized. Although the original right was decreed at 0.02 cfs per acre, the calculation resulted in a rate/ac of 0.016 cfs/ac for 63-7776, and 0.021 cfs/ac for child right 63-34569.

The next split was completed on February 26, 2019, where 2.5 acres of 63-7776 were conveyed to Joe R. Pearsons creating child right 63-34678. Processing of this right did convey the correct acres of 2.5 and conveyed the right at 0.02 cfs/ac resulting in 0.05 cfs on the child right. The conveyance of the 0.05 cfs

SUPPORT DATA

IN FILE # 63-7776

and 2.5 acres then reduced parent right 63-7776 to 10.9 acres and 0.17 cfs. Because the child right was conveyed at 0.02 cfs/ac, WR 63-7776 was reduced to 0.015 cfs/ac.

The last split, completed October 19, 2022, conveyed 1.3 acres and 0.03 cfs of 63-7776 to Craig R Lane, creating child right 63-35336. The acres in this split were correct however the rate appeared to be incorrect, as $0.03 \text{ cfs} / 1.3 \text{ ac} = 0.023 \text{ cfs}$, much higher than the 0.015 cfs/ac that 63-7776 was last designated at after the 2019 split. This left WR 63-7776 with 9.6 acres and 0.14 cfs and a rate/ac of 0.014 cfs/ac.

In summary, due to an oversight during the first ownership change in 2014, where 7.1 acres of the right should have remained in the decreed owners' names because those acres were not conveyed in the deed, a series of miscalculations of both rate and acres had occurred of several subsequent OC splits. In actuality, all rights should have been conveyed at 0.02 cfs/ac, and 7.1 acres of the decreed right should have remained in the decreed owners' names, until Idaho Department of Transportation and/or Oregon Shot Line Railroad assert ownership over portions that lie on their land. Volumes were not affected by these calculations and remained at the originally decreed 4.5 af/ac throughout.

The rights should therefore look as follows:

63-7776

THE CHRISTIE J FLENNIKEN 2003 REVOCABLE TRUST

Diversion Rate

0.050 CFS

Volume

11.3 AF

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	23							2.5										2.5

POU Total Acres: 2.5

63-34569

MIKE & TAMMY BEGGS FAMILY 1995 REVOCABLE TRUST

Diversion Rate

0.95 CFS

Volume

214 AF

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	14											16.5						16.5
05N	05W	23							31.1										31.1

POU Total Acres: 47.6

63-34678

ISAIAS RIVAS & EMILIA RIVAS

Diversion Rate
0.050 CFS

Volume
11.3 AF

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	23						2.5											2.5

POU Total Acres: 2.5

63-35336

CRAIG R LANE & DAWN R LANE

Diversion Rate
0.030 CFS

Volume
5.9 AF

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	23						1.3											1.3

POU Total Acres: 1.3

NEW WR # 63-35616

Remaining in Decreed owner: JULIE MC DANIEL & KENNITH MC DANIEL

Diversion Rate
0.140 CFS

Volume
32.0 AF

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	23						2.6					4.5						7.1

POU Total Acres: 7.1

Decreed						Current (errors)						Proposed Correction						Deltas					
WR	Q	V	A	Q/A	V/A	WR	Q	V	A	Q/A	V/A	WR	Q	V	A	Q/A	V/A	WR	Q	V	A	Q/A	V/A
63-7776	1.2	275.00	61.00	0.020	4.51	63-7776	0.14	43.4	9.6	0.015	4.52	63-7776	0.05	11.3	2.5	0.020	4.52	63-7776	-	-	-	0.005	0.00
						63-34569	1.00	214.5	47.6	0.021	4.51	NEW	0.14	32.0	7.1	0.020	4.51	NEW	0.14	32.0	7.1	0.020	4.51
												63-34569	0.95	214.5	47.6	0.020	4.51	63-34569	-	0.0	0.0	-	0.00
												63-34678	0.05	11.2	2.5	0.020	4.48	63-34678	0.00	0.1	0.0	0.000	0.04
												63-35336	0.03	5.9	1.3	0.023	4.54	63-35336	0.00	0.0	0.0	0.000	0.00
Total	1.22	275.00	61.00	0.020	4.51	Total	1.22	275.0	61.0	0.020	4.51	Total	1.22	275.0	61.0	0.020	4.51	Total	0.00	0.0	0.0	0.000	0.00

IDAHO DEPARTMENT OF WATER RESOURCES

8/27/2024

Proof Report

Water Right 63-7776

Owner Type **Name and Address**
 Current Owner THE CHRISTIE J FLENNIKEN 2003
 REVOCABLE TRUST
 C/O CHRISTIE WOOD 23517 ODE LN
 CALDWELL, ID 83607-8959
 (208) 573-7880

Priority Date: 4/16/1973**Basis:** Decreed**Status:** Active

Source
 UNNAMED STREAM

Tributary
 SAND HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.050 CFS	11.3 AF
	<u>Total Diversion</u>		0.050 CFS	11.3 AF

Source and Point(s) of Diversion:

UNNAMED STREAM NWNW

Sec. 23, Twp 05N, Rge 05W, CANYON County

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	23							2.5										2.5

POU Total Acres: 2.5

Conditions of Approval:

1. 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.
2. S39 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Comments:

1 vmusic 8/17/2006 SURFACE RTS

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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NONE. NOT IN AN IRRIGATION DISTRICT OR CANAL CO SERVICE AREA PER ARCVIEW

2 vmusic 8/17/2006 OVERLAPS
NONE

3 vmusic 8/17/2006 PODs
2 PODS IN PERMIT APPLICATION AND ON SRBA CLAIM. 1 LICENSED. 1 RECOMMENDED. WILL
CHANGE IF I HEAR FROM CLAIMANT

4 vmusic 8/17/2006 OWNERSHIP
PER CANYON CO TAXLOT INFO ON ARCVIEW, OWNER IS NOW CHRISTIE J KENNIKEN REV
TRUST. NO OWNERSHIP FILED

5 lharris 2/26/2007 Address Change
Address changed per USPS notice.

6 Ownership 7/18/2018 Split Right
Change
Split into 63-7776 & 63-34569 due to change in ownership.

7 jhersley 7/18/2018 POU
Updated Shape

8 RDemand 2/15/2019 Split Right
Split into 63-34678.

9 RDemand 2/15/2019 Split Right
Ownership Change/Split resulted in creating 63-34678 from 63-7776

10 RDemand 2/15/2019 POU
Updated Shape

11 AOlson 10/19/2022 Split Right
Split into 63-35336.

12 AOlson 10/20/2022 POU
Updated Shape

13 nmiller 8/27/2024 POU
Updated Shape

14 nmiller 8/27/2024 Split Right
Split into 63-35616.

15 nmiller 8/27/2024 Corrected Ownership Change
Changed this right to remove portions of original right not conveyed to this parcel. See Memo in file.

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/27/2024

Dates and Other Information:

Decreed Date: 1/23/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/27/2024

Water Right 63-34569

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MIKE & TAMMY BEGGS FAMILY 1995 REVOCABLE TRUST 7454 W MERCER WAY MERCER ISLAND, WA 98040-5537 (206) 948-7788
Current Owner	JOHN COPE REVOCABLE TRUST 7454 W MERCER WAY MERCER ISLAND, WA 98040-5537 (206) 948-7788
Current Owner	DAVID DUMLER 7454 W MERCER WAY MERCER ISLAND, WA 98040-5537 (206) 948-7788
Current Owner	MICHELLE DUMLER 7454 W MERCER WAY MERCER ISLAND, WA 98040-5537 (206) 948-7788
Current Owner	JEFFREY D EARLE 7454 W MERCER WAY MERCER ISLAND, WA 98040-5537 (206) 948-7788
Current Owner	CASTLEDINE LIVING TRUST 4417 S AKRON ST GREENWOOD VLG, CO 80111-1240 (720) 684-8672

Priority Date: 4/16/1973

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
SAND HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.950 CFS	214.5 AF
	<u>Total Diversion</u>		0.950 CFS	214.5 AF

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/27/2024

Source and Point(s) of Diversion:

UNNAMED STREAM NWNW Sec. 23, Twp 05N, Rge 05W, CANYON County

Place Of Use:

IRRIGATION within CANYON County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	14											21.0						21.0
05N	05W	23						26.6											26.6

POU Total Acres: 47.6

Conditions of Approval:

1. S39 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
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.

Comments:

- 1 jhersley 7/18/2018 split right
Split from 63-7776 due to change in ownership.
- 2 jhersley 7/18/2018 POD
Updated Shape
- 3 jhersley 7/18/2018 POU
Updated Shape
- 4 nmiller 8/27/2024 POU
Updated Shape
- 5 nmiller 8/27/2024 Corrected Ownership Change
Changed this right to remove portions of original right not conveyed to this parcel. See Memo in file.

Dates and Other Information:

Decreed Date: 1/23/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 63

IDAHO DEPARTMENT OF WATER RESOURCES
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Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/27/2024

Water Right 63-34678

Owner Type **Name and Address**
Current Owner ISAIAS RIVAS
1011 E STOCKTON RD
PARMA, ID 83660-5920
(208) 740-4124

Current Owner EMILIA RIVAS
1011 E STOCKTON RD
PARMA, ID 83660-5920
(208) 740-4124

Priority Date: 4/16/1973

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
SAND HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.050 CFS	11.3 AF
	<u>Total Diversion</u>		0.050 CFS	11.3 AF

Source and Point(s) of Diversion:

UNNAMED STREAM NWNW Sec. 23, Twp 05N, Rge 05W, CANYON County

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	23						2.5											2.5

POU Total Acres: 2.5

Conditions of Approval:

- 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. Idaho Code § 42-1412(6).
- S39 The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before <April 1> and after <November 1> under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date

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a partial decree is entered for this right.

Comments:

1	RDemand	2/15/2019	Split Right
This right is the result of split from 63-7776.			
2	RDemand	2/15/2019	POU
Updated Shape			
3	RDemand	2/15/2019	POD
Updated Shape			
4	nmiller	8/27/2024	POU
Updated Shape			
5	nmiller	8/27/2024	Corrected Ownership Change
Changed this right to adjust volume. See Memo in file.			

Dates and Other Information:

State or Federal: S
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/27/2024

Water Right 63-35336

Owner Type **Name and Address**
Current Owner CRAIG R LANE
26783 DEB LN
PARMA, ID 83660-7275
(208) 602-2143

Current Owner DAWN R LANE
26783 DEB LN
PARMA, ID 83660-7275
(208) 602-2143

Priority Date: 4/16/1973

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
SAND HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.030 CFS	5.9 AF
	<u>Total Diversion</u>		0.030 CFS	5.9 AF

Source and Point(s) of Diversion:

UNNAMED STREAM NWNW Sec. 23, Twp 05N, Rge 05W, CANYON County

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
05N	05W	23								1.3									1.3

POU Total Acres: 1.3

Conditions of Approval:

1. 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.
2. S39 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

IDAHO DEPARTMENT OF WATER RESOURCES
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Comments:

1	AOlson	10/19/2022	Split Right
This right is the result of split from 63-7776.			
2	AOlson	10/20/2022	POU
Updated Shape			
3	nmiller	8/27/2024	POU
Updated Shape			

Dates and Other Information:

Decreed Date: 1/23/2009
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Owner Name Connector: AND
Water District Number: 63
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 4.5
Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

8/27/2024

Water Right 63-35616

Owner Type **Name and Address**
Current Owner KENNETH E MC DANIEL
 PO BOX 157
 PARMA, ID 83660-0157
 (208) 722-6310

Current Owner JULIE MC DANIEL
 PO BOX 157
 PARMA, ID 83660-0157
 (208) 249-6778

Priority Date: 4/16/1973

Basis: Decreed

Status: Active

Source
UNNAMED STREAM

Tributary
SAND HOLLOW CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/15	11/15	0.140 CFS	32.0 AF
	<u>Total Diversion</u>		0.140 CFS	32.0 AF

Source and Point(s) of Diversion:

UNNAMED STREAM NWNW Sec. 23, Twp 05N, Rge 05W, CANYON County

Place Of Use:

IRRIGATION within CANYON County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	05W	14											4.5						4.5
05N	05W	23						2.6											2.6

POU Total Acres: 7.1

Conditions of Approval:

- 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.
- S39 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no

Proof Report

subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

Comments:

1 nmiller 8/27/2024 Split Right

This right is the result of split from 63-7776.

2 nmiller 8/27/2024 POU

Updated Shape

3 nmiller 8/27/2024 Corrected Ownership Change

This is a remainder of 63-7776 that was not conveyed to the adjoining parcel owners. See Memo in file.

Dates and Other Information:

Decreed Date: 1/23/2009

Civil Case Number: 39576

Judicial District: FIFTH

State or Federal: S

Water District Number: 63

Generic Max Rate Per Acre: 0.020

Generic Max Volume Per Acre: 4.5

Mitigation Plan: False

Combined Use Limits:

N/A

SubCase:

N/A

Water Supply Bank:

N/A