

The SHOSHONE-BANNOCK TRIBES



FORT HALL RESERVATION

PHONE (208) 478-3822

478-3829

FAX No. (208) 237-9736

May 28, 2004

TRIBAL ATTORNEY'S OFFICE

P. O. BOX 306

FORT HALL, IDAHO 83203

RECEIVED

JUN 03 2004

DEPARTMENT OF
WATER RESOURCES

Snake River Basin Adjudication
Clerk of the District Court
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

RE: Late Claim – Water Right No. 72-201B

Dear Clerk:

In 1997 the Shoshone-Bannock Tribes purchased 4 lots within Custer County in the Pine Creek Subdivision: Block 1 Lot 4; Block 1 Lot 14; Block 1 Lot 22 and Block 1 Lot 23. The Shoshone-Bannock Tribes was unaware the water right no. 72-201B was never claimed by the Tribes.

If you have any questions regarding this issue please feel free to contact William Bacon, General Counsel for the Shoshone-Bannock Tribes at (208) 478-3822.

Sincerely,


William Bacon,
General Counsel

Cc: File
Shoshone-Bannock Water Resources Department

JUN 03 2004

DEPARTMENT OF
WATER RESOURCES

**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	)	Subcase <u>72-201B</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in ***SRBA Administrative Order 1, Rules of Procedure*** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is William F. Bacon

My address is P.O. Box 306, Fort Hall, ID 83203

My phone number is: Work (208) 478-3815 Home _____

I am an attorney representing Shoshone-Bannock Tribes

My name is _____

My address is P. O. Box 306, Fort Hall, ID 83203

My phone number is (208) _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ - I did not file a Notice of claim to the use of water in the SRBA because:

This land has been recently acquired by the Shoshone-Bannock Tribes.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bingham

WILLIAM F. BACON Attorney, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

B

Signature of person filing motion

Bee B

Attorney signing in representative capacity

Subscribed and sworn to before me on

May 28, 2004

(Insert Date)

GLENICE E TETON
NOTARY PUBLIC
STATE OF IDAHO

Glenice E. Teton

Notary Public for Bingham, Idaho

Residing at: Bingham, Idaho

My Commission expires: 12/13/06

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 28, 2004 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

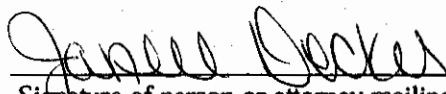
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

RECEIVED

JUN 03 2004

DEPARTMENT OF
WATER RESOURCES

Form No. 42-1409 (2) a 1/88 (Internet)

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Shoshone-Bannock Tribes Phone 208) 238-3822
Mailing Address P.O. Box 306, Fort Hall, ID Zip 83203

2. Date of Priority (Only one (1) per claim) 5/01/1888

3. Source of water supply (a) East Fork of the Salmon River
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 9 Range 18 Section 6,
SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, 4 B.M., County of _____ Custer

Additional points of diversion if any: T. 10 N., R. 18 E., Sec. 31, Lot 4

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Irrigation ditches

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation/Domestic purposes from 3/15 to 11/15 amount 6.0 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 6.0 (cfs) and/or (b) (acre feet)

8. Total consumptive use claimed is acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
09N	18E	5																X	
09N	18E	6													X				

Total number of acres irrigated 314.97

11. In which county (ies) are lands listed above as place of use located? Custer County

12. Do you own the property listed above as place of use? Yes No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
or None (X)

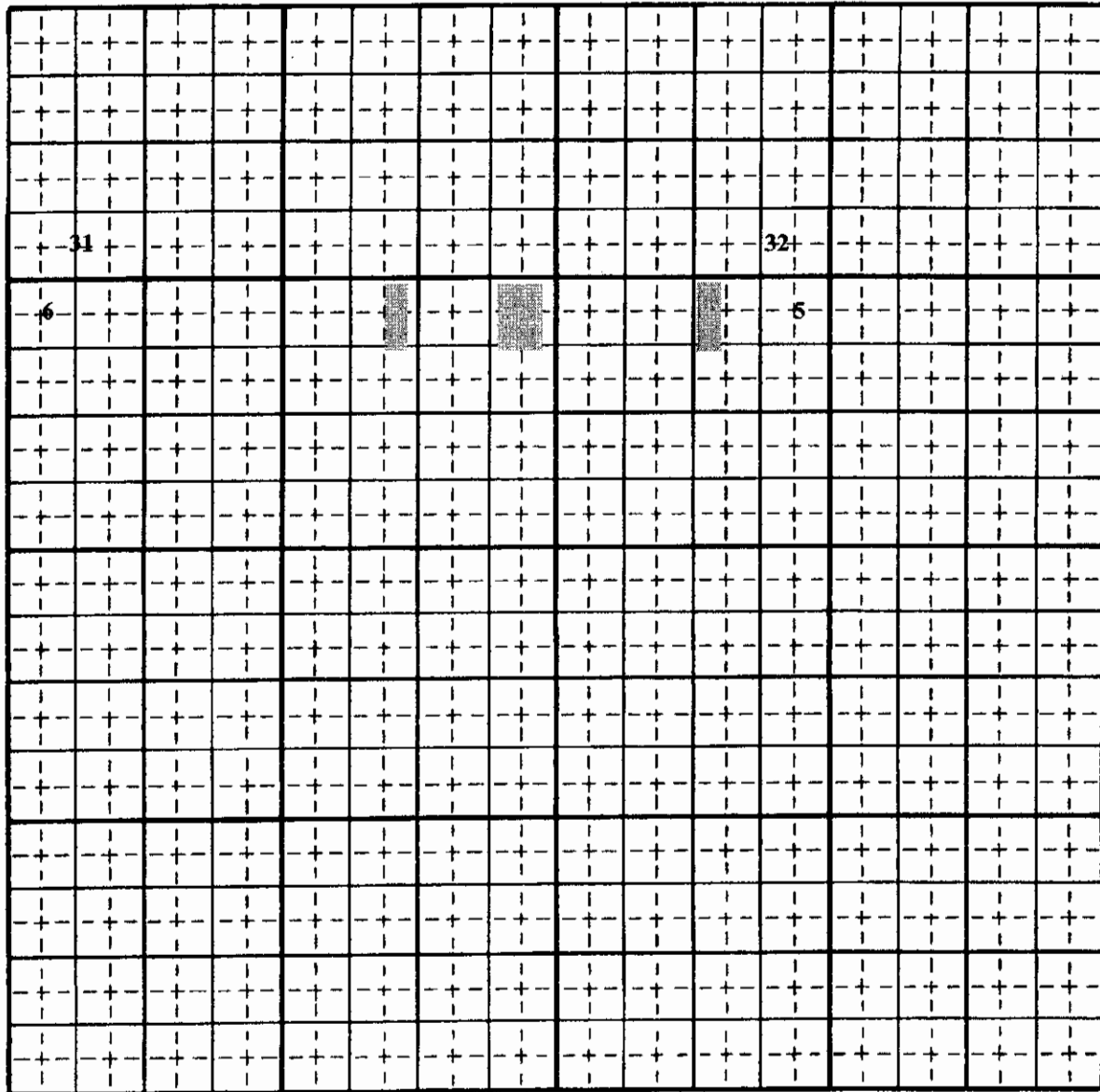
14. Remarks:

Last Name Shoshone-Bannock Tribes Ident No.

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TWP 9 N R 18E Sec 5,6
TWP 10 N R 18E Sec 31



15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____

Court Custer County Case Number 1335 Decree Date 2/14/1938

Plaintiff vs Defendant Gossi v. Giamedraglia

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date 5-28-04

Date _____

For Organizations: I do solemnly swear or affirm that I am Attorney

Shoshone-Bannock Tribes

Title

of _____

Organization

document in the space below as Attorney

of _____

that I have signed the foregoing

Shoshone-Bannock Tribes

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Shoshone-Bannock Tribes

Date 5-28-04

State of Idaho/or _____)

County of Bingham)

SS.

Subscribed and sworn (or affirmed) before me this 28th day of May, 2004

GLENICE E TETON
NOTARY PUBLIC
STATE OF IDAHO

Notary Public Glenice E. Teton

Residing at Bingham, Idaho

My Commission Expires 12/13/06

17. Notice of Appearance:

Notice is hereby given that I, Sick Bacon will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address P.O. Box 306 Fort Hall ID 83203

Date 5-28-04

Last Name BACON

Ident. Number 2766

QUITCLAIM DEED

For Value Received CUSTER COUNTY, STATE OF IDAHO, does hereby convey, release, remise and forever quitclaim unto,

The Shoshone - Bannock Tribes

whose current address is

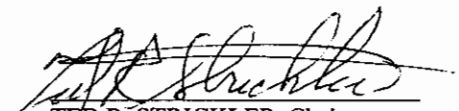
P O Box 306, Fort Hall, Idaho 83203

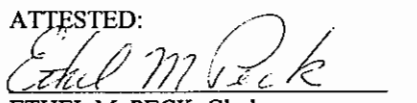
the following described premises, to wit:

Pine Creek Subdivision, Block 1 Lot 4, Custer County, Idaho

together with their appurtenances, save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho.

Dated: This 16th day of January, 1997.


TED R. STRICKLER, Chairman
Custer County Board of Commissioners

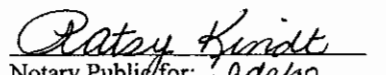
ATTESTED:

ETHEL M. PECK, Clerk
Custer County Board of Commissioners

STATE OF IDAHO)

: ss

County of Custer)

On this 16th day of JANUARY, 1997, before me, Patsy Kindt, a notary public in and for said State, personally appeared Ted R. Strickler and Ethel M. Peck, known or identified to me to be the Chairman of Custer County Board of Commissioners and Clerk of Custer County Board of Commissioners, respectively, that executed the said instrument, and acknowledged to me that such Custer County Commissioner and Clerk executed the same.


Notary Public for: Idaho
Residing at: Challis
Commission Expired: 3/12/98

RECORDING:

Custer County Rec. of
The Shoshone -
Bannock Tribes
3:46 P.M.
1-16-97
Caroline B. Rogers
300



QUITCLAIM DEED

For Value Received CUSTER COUNTY, STATE OF IDAHO, does hereby convey, release, remise and forever quitclaim unto,

The Shoshone - Bannock Tribes
whose current address is

P O Box 306, Fort Hall, Idaho 83203
the following described premises, to wit:

Pine Creek Subdivision, Block 1 Lot 14, Custer County, Idaho

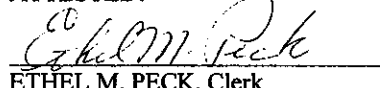
together with their appurtenances, save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho.

Dated: This 16th day of January, 1997.


TED R. STRICKLER, Chairman

Custer County Board of Commissioners

ATTESTED:


ETHEL M. PECK, Clerk

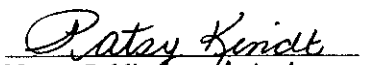
Custer County Board of Commissioners

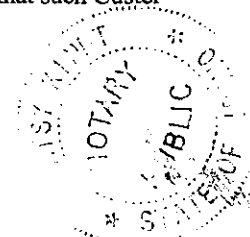
STATE OF IDAHO)

: ss

County of CUSTER)

On this 16th day of JANUARY, 1997, before ME. PATEY
KINDT, a notary public in and for said State, personally appeared Ted R. Strickler and Ethel M. Peck, known or identified to me to be the Chairman of Custer County Board of Commissioners and Clerk of Custer County Board of Commissioners, respectively, that executed the said instrument, and acknowledged to me that such Custer County Commissioner and Clerk executed the same.


Notary Public for: Idaho
Residing at: Challis
Commission Expired: 3/12/98



RECORDING:

Custer County Reg. of
The Shoshone -
Bannock Tribes
3:46 P.M.
1-16-97
Caroline B. Rogers
3:50

QUITCLAIM DEED

For Value Received CUSTER COUNTY, STATE OF IDAHO, does hereby convey, release, remise and forever quitclaim unto,

The Shoshone - Bannock Tribes
whose current address is

P O Box 306, Fort Hall, Idaho 83203

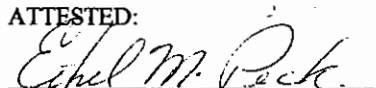
the following described premises, to wit:

Pine Creek Subdivision, Block 1 Lot 22, Custer County, Idaho

together with their appurtenances, save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho.

Dated: This 16th day of January, 1997.


TED R. STRICKLER, Chairman
Custer County Board of Commissioners

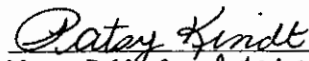
ATTESTED:

ETHEL M. PECK, Clerk
Custer County Board of Commissioners

STATE OF IDAHO)

: ss

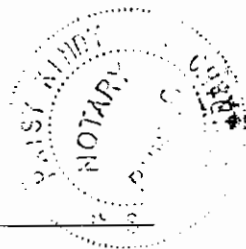
County of CUSTER

On this 16th day of JANUARY, 1997, before me, PATSY KIndt, a notary public in and for said State, personally appeared Ted R. Strickler and Ethel M. Peck, known or identified to me to be the Chairman of Custer County Board of Commissioners and Clerk of Custer County Board of Commissioners, respectively, that executed the said instrument, and acknowledged to me that such Custer County Commissioner and Clerk executed the same.


Notary Public for: Idaho
Residing at: Idaho
Commission Expired: 3/12/98

RECORDING:

Custer County Req. of
The Shoshone -
Bannock Tribes
3:46 P.M.
1-16-97
Caroline B. Rogers
3



QUITCLAIM DEED

For Value Received CUSTER COUNTY, STATE OF IDAHO, does hereby convey, release, remise and forever quitclaim unto,

The Shoshone - Bannock Tribes
whose current address is

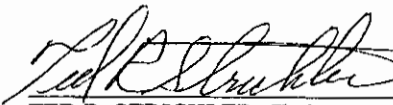
P O Box 306, Fort Hall, Idaho 83203

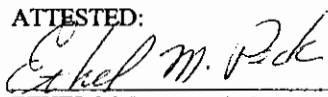
the following described premises, to wit:

Pine Creek Subdivision, Block 1 Lot 23, Custer County, Idaho

together with their appurtenances, save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho.

Dated: This 16th day of January, 1997.


TED R. STRICKLER, Chairman
Custer County Board of Commissioners

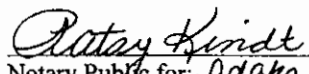
ATTESTED:

ETHEL M. PECK, Clerk
Custer County Board of Commissioners

STATE OF IDAHO)

: ss

County of CUSTER)

On this 16th day of JANUARY, 1997, before me, Patsy Kindt, a notary public in and for said State, personally appeared Ted R. Strickler and Ethel M. Peck, known or identified to me to be the Chairman of Custer County Board of Commissioners and Clerk of Custer County Board of Commissioners, respectively, that executed the said instrument, and acknowledged to me that such Custer County Commissioner and Clerk executed the same.


Notary Public for: Idaho
Residing at: Challis
Commission Expired: 3/12/98

RECORDING:

Custer County Reg. of
The Shoshone -
Bannock Tribes
3:46 P.M.
1-16-97
Caroline B. Rogers
3⁰⁰



PINE CREEK SUBDIVISION

* LOTS OWNED BY SHOSHONE / BANNOCK TRIBE

TWP 09N RNG 18E SEC 5, 6
TWP 10 N RNG 18E SEC 31



V. HANCOCK

1987 NAPP AERIAL PHOTOGRAPHY

of single, unmarried persons; and

It is further ORDERED, ADJUDGED AND DECREED, that the custody of the minor child of the plaintiff and defendant, to wit: Rosslyn Hill Chaney, be, and the same is hereby awarded to the plaintiff.

Done in Open Court this 13th day of January, A. D. 1938.

Guy Stevens
Judge of the District Court.

Filed this 15th day of Jan., A. D. 1938.

Emmett Donahue, Clerk

John Boyd Deputy

No. 1335

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF CUSTER.

ROSA A. GOSSI and FRED GOSSI,)
husband and wife; HATTIE BAKER, a)
widow; MARCO YACOMELLA, a single)
man; GEORGE M., MARY C., and NETTA)
YACOMELLA, all single persons;)
CATERINA PEDRINI, a widow; ELLIS M.)
BAKER and MARY BAKER, husband and)
wife; JOE SCIUCHETTI, a single man;)
ANTONIO YACOMELLA and MRS. ANTONIO)
YACOMELLA, husband and wife; LEO)
BRICKER and FERRY BRICKER, husband)
and wife; L. V. CAROTHERS, a single)
man; DAVE BRICKER and EDNA BRICKER,)
husband and wife; and ELMER FRY and)
RHODA FRY, husband and wife,)

Plaintiffs,

vs.

DECREE

PAUL GIAMPEDRAGLIA and MABEL GIAMPED-)
RAGLIA, husband and wife, and LOUIE)
GIAMPEDRAGLIA and VIOLA GIAMPEDRAGLIA,)
husband and wife, successors in)
interest to GIAMPEDRAGLIA BERNARDO;)
VIRGIL GOSSI, a single man; RAYMOND)
GOSSI and EVA GOSSI, husband and)
wife; ROSE NOWACKI, a single person,)
successor in interest of RAYMOND GOSSI)
and EVA GOSSI; FREDOLIN LEUZINGER, a)
single man; ROSA V. GARMEN, a widow;)
MARION PEEL and LUCY PEEL, husband and)
wife; DAISY PAPWORTH, a widow; ANTHONY)
BRICKER and JACKIE BRICKER, husband and)
wife, and GIAMPEDRAGLIA BERNARDO, suc-)
cessor in interest to DAISY PAPWORTH,)

Defendants.

This cause came on regularly for trial before Hon. Guy Stevens, Judge of said Court, sitting without a jury, on the 14 day of February, 1938, at Challis, Custer County, State of Idaho, pursuant to stipulation of attorneys on file in said action, and the plaintiffs and defendants appearing by their respective attorneys, and the parties hereto, by stipulation duly filed with the court, having agreed upon a decree, and the parties having waived findings of fact and conclusions of law, and the matter having been presented to the court and the same having been fully considered by the court, and the court being fully advised in the premises, the court now finds that the decree should be entered in accordance with the stipulations on file herein,

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That the creeks named and mentioned in the decree herein, are all tributaries of the East Fork of the Salmon River, and said East Fork of the Salmon River and its tributaries lie within the boundary of Custer County, State of Idaho.

herein, are arid in character and will not successfully raise any crops without the artificial application of water thereon by irrigation thereof, and that all of said lands are susceptible of irrigation from the East Fork of the Salmon River and its tributaries.

3. That $1\frac{1}{2}$ inches of water per acre, or its equivalent in cubic feet per second of time, is necessary and ample for the proper irrigation of said land.

4. That the dams and diverting works of the several parties to this action were at the time of the several appropriations, and are now, of sufficient size and capacity to carry and convey water so appropriated to and upon the several tracts of land of the several parties for the irrigation thereof, and that each and every of said ^{several} tracts of land are situated in Custer County, State of Idaho.

5. That each of the parties to this action, plaintiffs and defendants hereinafter named, or their predecessors in interest, were at the time of the several appropriations of water, made as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaint, answer and cross-complaint and stipulation on file herein, and that for the irrigation of the same, the said parties, or their predecessors in interest, did respectively appropriate the quantities of water hereinafter stated, and the dates and from the streams respectively hereinafter stated, and set opposite the names of each of said parties, such water being an estimate under a four inch pressure or its equivalent in cubic feet per second of time, and ever since said dates of the said several appropriations, said waters have been so diverted and used on said lands in the irrigation thereof.

6. That the certain decree of this Court made and entered on the third day of August, 1933 and of record in Book 3 of Judgments at page ³⁵⁰ 350, records of Custer County, Idaho, wherein Raymond Gossi, Rosa V. Carmen, Fredolin Leuzinger and Giampedraglio Bernards were plaintiffs and Philip Gossi was defendant, pursuant to the consent of all the parties to said action or their successors, and the consent of all parties to this action as shown by the pleadings and stipulation of counsel in this action, is hereby modified and corrected as to the quantities of water and dates of priority of appropriation thereon, in the manner and to the extent as in paragraph seven herein set forth.

7. That the following named persons, parties to this suit, are entitled to the uninterrupted use of the flow of the waters of East Fork of the Salmon River and its tributary forks, branches, springs and streams, hereinafter named, upon the lands mentioned and described in the complaint, answer and cross-complaint and stipulations on file herein, and appurtenant to said lands as hereinafter specified, in the following amounts and from the following dates, to-wit:

That ROSA A. GOSSI and FRED GOSSI are the owners of Lots 1 and 2, Section 3, Township 9 North, Range 18, E. B. M.; NW $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25; E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 26; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24; SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, all in Township 10 North, Range 18, E. B. M. and appurtenant to said land they are entitled to .4 cubic feet per second of time of the waters of Herd Creek with date of priority May 1, 1885; .2 cubic feet per second of time of the waters of McDonald Creek with date of priority May 1, 1885; .2 cubic feet per second of time of the waters of Fox Creek with date of priority May 1, 1885; 5.2 cubic feet per second of time of the waters of East Fork of the Salmon River with date of priority May 1, 1885; and .3 cubic feet per second of time of the waters of the East Fork of Salmon River with date of priority May 1, 1936, and with points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 2; SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 3; all in Township 9 North, Range 18, E. B. M.; and NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 35, all in Township 10 North, Range 18, E. B. M.;

That HATTIE BAKER is the owner of SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Section 27, Township 9 North, Range 17, E. B. M., and appurtenant to said land, she is entitled to 1.2 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1915, point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, Township 9 North, Range 17, E. B. M.

That MARCO YACOMELLA is the owner of Lots 1 and 2, Section 4, Township 9 North, Range 18, E. B. M., and Lots 5 and 6, Section 35, Township 10 North, Range 18, E. B. M.; and appurtenant to said land he is entitled to 1.2 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1895 and he is also entitled to 1.2 cubic feet per second of time of the waters of said East Fork of the Salmon River with date of priority May 1, 1936, with point of diversion in Lot 3, Section 4, Township 9 North, Range 18, E. B. M.

00198
00199
00200
That GEORGE M., MARY C., and NETTA C. VACOMELLA are the owners of Lot 4, Section 4, Township 9 North, Range 18, E. B. M.; SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 32, Lot 4, Section 33, all in Township 10 North, Range 18, E. B. M.; and appurtenant to said land they are entitled to 1.5 cubic feet per second of time of the waters of Lake Creek with date of priority May 1, 1895 and with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, Township 10 North, Range 18, E. B. M.; and are entitled to 1.5 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1895 with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 10 North, Range 18, E. B. M.; and 1.3 cubic feet per second of time of the waters of the East Fork of Salmon River with date of priority May 1, 1936, with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 31, Township 10 North, Range 18, E. B. M.

00201
00202
That CATERINA PEDRINI is the owner of Lot 4, Section 5; Lots 1, 2 and 3, Section 6, Township 9 North, Range 18, E. B. M.; Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 31, Township 10 North, Range 18, E. B. M.; and appurtenant to said land she is entitled to 4.5 cubic feet per second of time of the waters of the East Fork of Salmon River and Pine Creek, with date of priority May 1, 1889 and 1.5 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936, and with points of diversion in Lot 4, Section 31, Township 10 North, Range 18, E. B. M.; and SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, Township 9 North, Range 18, E. B. M.

00203
That ELLIS M. BAKER and MARY BAKER are the owners of Lot 4, Section 6, Township 9 North, Range 18, E. B. M.; Lots 1 and 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 1, Township 9 North, Range 17, E. B. M.; and appurtenant to said land they are entitled to 2.0 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1885 with points of diversion in S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, Township 9 North, Range 17, E. B. M.

00204
00205
That ELLIS M. BAKER and MARY BAKER are the owners of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14; Lots 1, 5, 6 and 7, Section 15, Township 9 North, Range 17, E. B. M.; and appurtenant to said land they are entitled to 1.2 cubic feet per second of time of the waters of the East Fork of the Salmon River and Boulder Creek with date of priority May 1, 1911; and .6 cubic feet per second of time of the waters of said East Fork of the Salmon River and Boulder Creek with date of priority May 1, 1936 and with points of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, all in Township 9 North, Range 17, E. B. M.

00206
00207
00208
00209
00210
That JOE SCIUCHETTI, ANTONIO VACOMELLA and MRS. ANTONIO VACOMELLA are the owners of E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 9 North, Range 17, E. B. M. and appurtenant to said land they are entitled to .3 cubic feet per second of time of the waters of Boulder Creek; .1 cubic feet per second of time of the waters from Baker Basin Creek; .1 cubic feet per second of time of the waters of Bluit Creek; and 2.3 cubic feet per second of time of the waters of East Fork of the Salmon River, all with date of priority May 1, 1896 and .8 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with points of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 10, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 14, and SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, all in Township 9 North, Range 17, E. B. M.

00211
00212
That JOE SCIUCHETTI is the owner of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 11, Township 9 North, Range 18, E. B. M. and appurtenant to said land he is entitled to 2 cubic feet per second of time of the waters of the East Fork of the Salmon River, with date of priority May 1, 1885 and .1 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with points of diversion in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 11, Township 9 North, Range 17, E. B. M.

00213
00214
That ANTONIO VACOMELLA and MRS. ANTONIO VACOMELLA are the owners of S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 1, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 9 North, Range 17, E. B. M.; and appurtenant to said land they are entitled to 2.4 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1885, and .8 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 9 North, Range 17, E. B. M.

00215
That LEO BRICKER and JERRY BRICKER are the owners of Lot 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 8 North, Range 18, E. B. M.; and appurtenant to said land they are entitled to 1.2 cubic feet per second of time of the waters of East Fork of the Salmon River, with date of priority August 1, 1925.

00216
00217
That DAVE BRICKER and EDNA BRICKER are the owners of SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 9, Township 8 North, Range 17, E. B. M., and appurtenant to said land they are entitled to .8 cubic feet per second of time of the waters of Bowers Creek with date of priority May 1, 1925 and they are also entitled to 1.6 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936.

00218
That ELMER FRY and RHODA FRY are the owners of Lot 3, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 18, Township 9 North, Range 19, E. B. M., and appurtenant to said land they are entitled to 1.8 cubic feet per second of time of the waters of Herd Creek with date of priority May 1, 1900 with points of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 18, Township 9 North, Range 19, E. B. M.

00219
That L. V. CAROTHERS is the owner of W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$, Section 33, Township 9 North, Range 17, E. B. M.; Lot 4, Section 4 and Lots 1 and 2, Section 5, Township 8 North, Range 17, E. B. M., and appurtenant to said land he is entitled to 1.3 cubic feet per second of time of the waters of Wickiup Creek, Little Wickiup Creek and the East Fork of the Salmon River with date of priority May 1, 1919.

00220
00221
That PAUL GIAMPEDRAGLIA and MABEL GIAMPEDRAGLIA are the owners of N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 27, Township 11 North, Range 18, E. B. M., and appurtenant to said land they are entitled to 3 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 10, 1880 and they are also entitled to 1.4 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936, and with points of diversion in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 10 North, Range 18, E. B. M., and the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 11 North, Range 18, E. B. M.

00222
That LOUIE GIAMPEDRAGLIA and VIOLA GIAMPEDRAGLIA are the owners of S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 26, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 11 North, Range 18, E. B. M., and appurtenant to said land they are entitled to 3 cubic feet per second of time of the waters of the East Fork of

00223 the Salmon River with date of priority May 10, 1880 and they are also entitled to .4 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with points of diversion in the NW¹/₄NW¹/₄, Section 1, Township 10 North, Range 18, E. B. M., and the NE¹/₄SE¹/₄, Section 35, Township 11 North, Range 18, E. B. M.

00224 That VIRGIL GOSSI is the owner of NE¹/₄SW¹/₄, W¹/₂SE¹/₄, SE¹/₄SE¹/₄, Section 35, Township 11 North, Range 18, E. B. M., and appurtenant to said land he is entitled to 3.6 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority April 1, 1881 and also .6 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with point of diversion in the NW¹/₄NW¹/₄, Section 12, Township 10 North, Range 18, E. B. M.

00226 That RAYMOND GOSSI and EVA GOSSI are the owners of Lot 4, S¹/₂NW¹/₄, N¹/₂SW¹/₄, SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, Section 1, NW¹/₄NE¹/₄, Section 12, all in Township 10 North, Range 18, E. B. M., and appurtenant to said land they are entitled to 4.8 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1930 and also .5 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with points of diversion in the NE¹/₄SE¹/₄, NE¹/₄NE¹/₄, Section 12 and SE¹/₄NE¹/₄, Section 13 all in Township 10 North, Range 18, E. B. M.

00228 That ROSA V. CARMEN is the owner of SW¹/₄NE¹/₄, W¹/₂SE¹/₄, SE¹/₄SW¹/₄, Section 12 and 23.64 acres in the NE¹/₄NW¹/₄, Section 13 all in Township 10 North, Range 18, E. B. M., and appurtenant to said land she is entitled to 1.32 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1935 and also .3 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with point of diversion in the SE¹/₄NW¹/₄, Section 13, Township 10, North, Range 18, E. B. M.

00230 That FREDOLIN LEUZZINGER is the owner of 11.56 acres in the NE¹/₄NW¹/₄, all of S¹/₂NW¹/₄, N¹/₂SW¹/₄, SW¹/₄SW¹/₄, Section 13, NW¹/₄, NW¹/₄NE¹/₄, NE¹/₄SW¹/₄, Section 24, all in Township 10 North, Range 18, E. B. M., and appurtenant to said land he is entitled to 8 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1880 and with points of diversion in the SE¹/₄NE¹/₄ and NE¹/₄NE¹/₄, Section 24, Township 10 North, Range 18, E. B. M.

00232 That MARION PEEL and LUCY PEEL are the owners of SW¹/₄SE¹/₄, SE¹/₄SW¹/₄, Section 15, W¹/₂NE¹/₄, NE¹/₄SE¹/₄, NE¹/₄SW¹/₄, Section 22, Township 9 North, Range 17, E. B. M., and appurtenant to said land they are entitled to .6 cubic feet per second of time of the waters of Little Boulder Creek with date of priority May 1, 1920 and 1.3 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1936 and with points of diversion in the SE¹/₄SE¹/₄, NE¹/₄NW¹/₄, Section 22, Township 9 North, Range 17, E. B. M.

00233 That ANTHONY BRICKER and JACKIE BRICKER are the owners of SE¹/₄SW¹/₄, SW¹/₄SE¹/₄, Section 1, NE¹/₄NE¹/₄, NW¹/₄NE¹/₄, Section 19, Township 8 North, Range 17, E. B. M., and appurtenant to said land they are entitled to 1.2 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority August 1, 1925.

00234 That ROSE NOWACKI is the owner of Tracts "A", "B", and "C" in H. E. Survey No. 597 and Tracts "A" and "B" in H. E. Survey No. 722, embracing a portion of, approximately, Sections 29, 30, 31 and 32 in Township 8 North, Range 17, E. B. M., and appurtenant to said land she is entitled to 1.2 cubic feet per second of time of the waters of West Pass Creek and the East Fork of the Salmon River, with date of priority May 1, 1926 and she is also entitled to 1.66 cubic feet per second of time of the waters of West Pass Creek, with date of priority May 1, 1936.

00235 That GIAMPEDRAGLIA BERNARDO is the owner of SW¹/₄NE¹/₄, Section 35, Township 11 North, Range 18, E. B. M., and appurtenant to said land he is entitled to .3 cubic feet per second of time of the waters of the East Fork of the Salmon River with date of priority May 1, 1880.

8.

IT IS FURTHER ADJUDGED AND DECREED That each of the parties to this action shall pay his or her own costs of this action.

9.

That each and every of the parties to this suit, plaintiffs and defendants, their agents, servants, attorneys and employed, and each, every and all persons acting in aid of and for any of the parties to this suit, are hereby forever restrained and enjoined from in any way or manner interfering with or diverting or using the waters of said East Fork of the Salmon River and its tributaries, except in accordance with the terms and provisions of this decree.

Dated this 14th day of February, 1938.

Guy Stevens
District Judge

Filed this 14 day of Feb., A. D. 1938.

Errett Donahue, Clerk

J. L. Boyd
Deputy



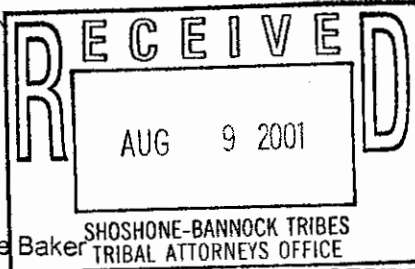
State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION



August 7, 2001

Wayne and Melodie Baker
HC-68 Box 304
Clayton, ID 83227

CERTIFIED MAIL

SHOSHONE-BANNOCK TRIBES
TRIBAL ADMINISTRATION DEPARTMENT

Received By UF

Index No. 500

Refer to LAND, FIRE, WATER

Disposition (10)

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

RE: investigation of alleged illegal water use

Dear Mr. & Mrs. Baker:

Our office has become aware of the diversion of water for irrigation of land within Sections 5 & 6, Twp.09N, Rge.18E, B.M. within and adjacent to the Pine Creek Subdivision in Custer County that does not appear to be in compliance with recorded water rights. Based on a complaint one of our agents has viewed the property and determined that the water rights under your control recorded for use from Pine Creek are being diverted from a new diversion not authorized by current water rights and the diversion is irrigating some lands not currently authorized by a recorded water right.

Please find enclosed a map depicting the apparent problems. The green hashed areas are the acres covered by water rights confirmed by recent Snake River Basin Adjudication proceedings. The area outlined in purple is the acres found irrigated from Pine Creek by our agent's field review. The orange hashed area is the acres without recorded water rights. Please also note the recorded points of diversion and the location of the current or new point of diversion.

Our review of county records indicates that the land where the new point of diversion has been constructed (SESW S5 T09N, R18E) may be owned by the BLM and that the land being irrigated from Pine Creek (approximately 18.8 acres) without a recorded water right is owned by:

- BLM (SENW, SWNE, SENE S6, T09N, R18E)
- Shoshone-Bannock Tribes (Lot 4 and Lot 14, Blk 1, Pine Creek Subdivision)

Since no rights appear to provide for continued irrigation of the above described lands I request your cooperation in:

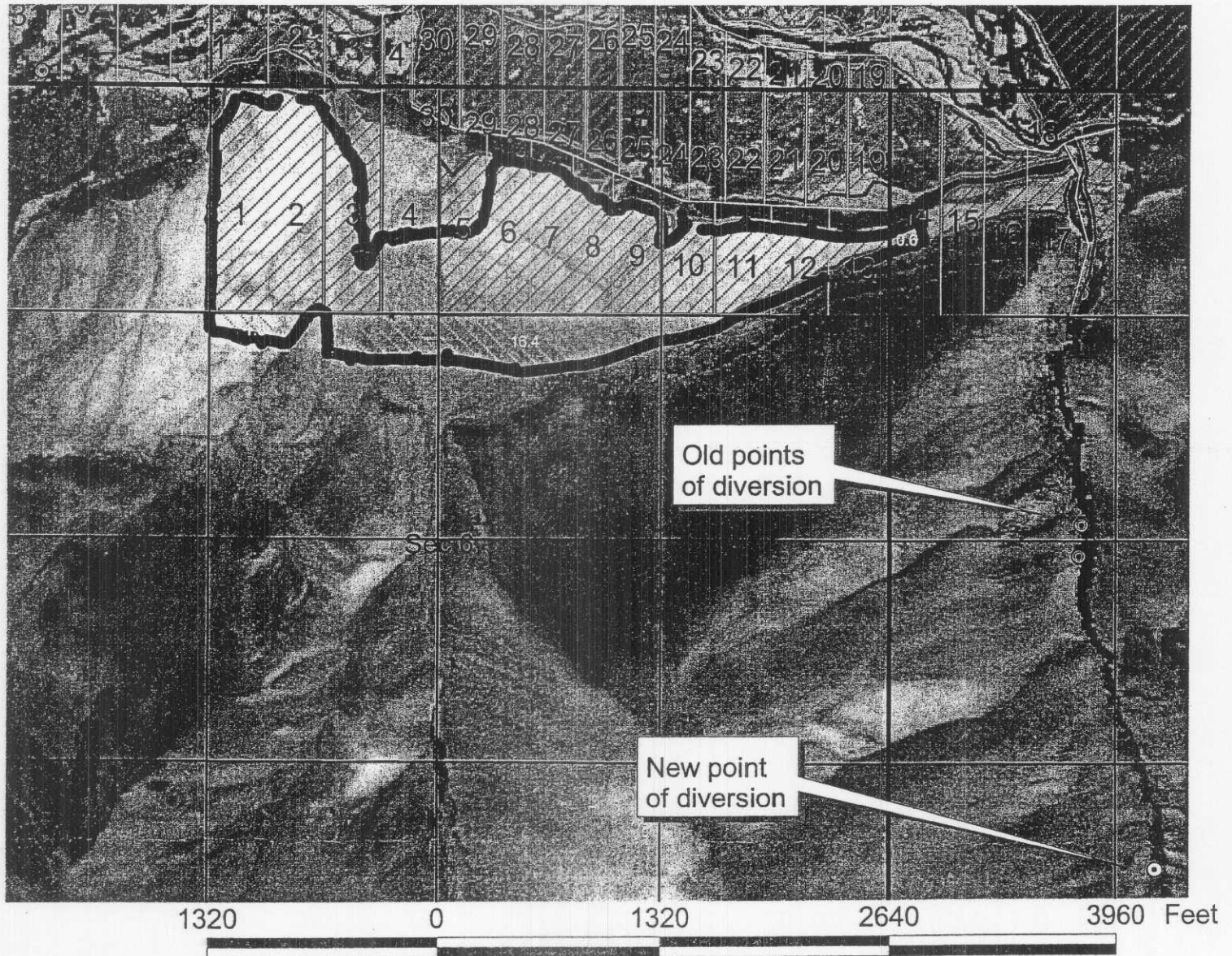
- identifying what water rights cover your development if our records are not correct. (This may involve filing late claims in the SRBA by the owners)
- cease irrigation of the above described lands if they have no right.
- &/or obtain a valid water right to authorize the irrigation.

Since the current water rights do not authorize the new point of diversion from Pine Creek I request your cooperation in ceasing use until a transfer is sought for any existing rights and approval granted from this agency.

Please respond to our office within 14 days of the date of this letter as to the status of your project.

Please note that it is illegal to divert water in Idaho without or not in compliance with a valid water

Potential Illegal Irrigation Pine Creek Subdivision Area



Section 6 and 5
T09N, R18E

- T09n18e-sec.shp
- T09n18eqq.shp
- M071119b.txt
- T110n18e.shp
- T109n18e.shp
- Vhb72-pou.shp
- Baker potential illegal.shp
- Vhb72-pod.shp
- M071119a.txt

By: ADM
8/2/01

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/13/2003

WATER RIGHT NO. 72-201B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	D WAYNE BAKER
Current Owner	MELODIE L BAKER
	HC 68 BOX 304
	CLAYTON, ID 83227-9601
	(208)838-2440
Original Owner	F A KUCKHOFF
Original Owner	CATERINA PEDRINI
	PO BOX 4207
	INCLINE VILLAGE, NV 89450
	(702)831-0462

Priority Date: 05/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PINE CREEK	EAST FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	0.05 CFS	
Total Diversion			0.05 CFS	

Location of Point(s) of Diversion:

PINE CREEK	SESWNW	Sec. 05	Township 09N	Range 18E	CUSTER County
PINE CREEK	NENWSW	Sec. 05	Township 09N	Range 18E	CUSTER County

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
09N	18E	6	1	NENE	3.9									

Total Acres: 3.9

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

Remarks:

1.	Explanatory	PROPERTY IS ALSO KNOWN AS LOT 10, BLK 1, PINE CREEK SUBDIVISION INCIDENTAL STOCKWATER THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-00201A, 72-00201B, 72-00201E, 72-00201H, 72-00201J.
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Dates:

Licensed Date:

Decreed Date: 05/31/2000

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

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

Close

Close

TRANSFER NO. 69678

MELODIE L BAKER

HC 68 BOX 304

CLAYTON ID 83227, has filed Application No. 69678 for changes to the following water rights within
County: CUSTER

Date Received: 2/7/2002

Status: Active

Applicant's Statement of Purpose: Moving POD upstream to use piping rather than open ditch will result in more efficient conveyance which in turn leaves additional water in Pine Creek which will in turn contribute to flows in the Salmon River.

Purpose of Transfer	Water Right Number
Change Point Of Diversion	72-201B

Right No. 72-201B**Priority** May 1 1888 12:00AM**Source** PINE CREEK,**Use** IRRIGATION(3.9 acres) 0.05 CFS,**Total Amount** 0.05 CFS**Point(s) of Diversion** NENWSW S5 T09N R18E, SESWNW S5 T09N R18E,**Place Of Use** L1 NENE S6 T09N R18E,

The purpose of the transfer is to change the above rights as follows:

Proposed Right No. 72-201B**Priority** May 1 1888 12:00AM**Source** PINE CREEK,**Use** IRRIGATION(3.9 acres) 0.05 CFS,**Total Amount** 0.05 CFS**Point(s) of Diversion** SWSESW S5 T09N R18E, NWSESW S5 T09N R18E,**Place Of Use** L1 NENE S6 T09N R18E,