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Attorneys for Claimants David Wayne Baker and Melodie L. Baker

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 Nos. 72-16782 and 72-16783
	)	
	)	
Case 38576	)	AFFIDAVIT OF DAVID WAYNE BAKER IN SUPPORT
	)	OF MOTION TO FILE LATE NOTICES OF CLAIMS
_____	)	
STATE OF IDAHO	)	
	) ss	
COUNTY OF CUSTER	)	

DAVID WAYNE BAKER , being first duly sworn upon his oath, deposes and says that:

1. My name is David Wayne ("Wayne") Baker. I make this affidavit based upon my own personal knowledge and belief of the facts contained herein.
2. My wife, Melodie L. Baker, and I own water rights that have been decreed by the SRBA court. **Exhibit A**, attached hereto, contains a table that shows our diversions, water rights, late claims and measurements, and tables that show water rights, claims and measurements for three (3) East Fork diversions that we use with other East Fork water users. Exhibit A also contains unofficial copies of our partial decrees, documentation of the point of diversion change for water right nos. 72-00196 and 72-00197, and the ownership change for water right no. 72-00201F.

3. The aerial photographs attached hereto as **Exhibit B** is marked to show the locations of our East Fork diversions (EF-3, EF-10/11, EF-12, EF-13) and the lands we irrigate from those diversions. The aerial photograph attached hereto as **Exhibit C** is marked to show the location of our Big Lake Creek diversion and the lands we irrigate from that diversion.

4. I was born in 1956. I have lived along the East Fork of the Salmon River ("East Fork") all my life. I lived on a ranch on the East Fork known as the Carmen Place from 1956 to 1968. In 1968 my parents purchased the Marco Creek Ranch on the East Fork, and I lived there with them until 1989.

5. My wife, Melodie L. Baker, and I purchased the Marco Creek Ranch from my parents in 1994. The Marco Creek Ranch is irrigated with water diverted from the East Fork, through diversions designated as EF-10/11 and EF-12, and with water diverted from a tributary to the East Fork called Big Lake Creek.

6. My wife and I also own land along the East Fork that was once known as the Pedrini Ranch. This land is irrigated with water diverted from the East Fork, through a diversion designated to as EF-13, and with water diverted from a tributary to the East Fork called Pine Creek.

7. My wife and I also own land along the East Fork that was formerly owned by Phillip Gossi. This is our home place. This land is irrigated with water diverted from the East Fork through a diversion designated to as EF-3.

8. My earliest recollections of the irrigated fields, diversions and ditches that I discuss in this affidavit are from 1965.

9. From my earliest recollections to the present, all the land my wife and I now own (fka the Marco Creek Ranch, the Pedrini Ranch, and the Gossi place) has been irrigated to raise hay and

for pasture. From my earliest recollections in 1965 to the present, all of this land has been irrigated with water diverted from the water sources, and through the diversions and ditches described in this affidavit. Today, the main ditches are the same size as they were in 1965. With the exception of EF-10/11 (EF-10 was consolidated into EF-11, and EF-11 was enlarged), the same quantity of water is diverted at each diversion for our fields as was diverted in 1965.

10. Our irrigated fields are located within a narrow canyon, along the East Fork, at or only a few feet above the water level of the river. The lay of the land is such that several diversions and ditch systems are required to irrigate our fields. The soil in the ditches is very porous gravel and river rock. Seepage loss from the ditches has always been very high. Water lost through seepage returns to the river or is picked up by downstream ditches and reused. For these reasons, the majority of the water we have diverted has always been lost to seepage.

11. The only significant change in our diversions has been that, in recent years, fish screens have been added at or near our East Fork (EF numbered) diversions. The screens were sized so that we could continue to divert the quantities of water that we had historically diverted. Attached hereto as **Exhibit D** are our "Flow Agreements" with the Idaho Department of Fish and Game which state the flows Fish and Game measured through our East Fork diversions shortly before the fish screens were installed. There is no fish screen and no Flow Agreement for our Big Lake Creek diversion.

12. Brian Hamilton with the U.S. Bureau of Reclamation, Salmon Field Office, measured our diversions on June 6, 2008. Attached hereto as **Exhibit E** is table containing Mr. Hamilton's measurements of our diversions.

13. Our **EF-3** diversion is our furthest downstream diversion on the East Fork. Attached hereto as **Exhibit F** are photographs of the EF-3 diversion and ditch. The EF-3 ditch, from the diversion to the place of use, is approximately 3 miles long. The bed and banks of the ditch are river rock and gravel, so there is a very large amount of seepage loss in conveying water from the point of diversion to the place of use. As shown in Exhibit A, our EF-3 diversion is included in our water right nos. 72-00224 and 72-00225. Combined, these water rights authorize us to divert 4.20 cfs, far less than the 20.75 cfs measured for our EF-3 Flow Agreement and the 25.1 cfs measured by Brian Hamilton on June 6th, 2008.

14. Our next upstream diversion from the East Fork is **EF-10/11**. This single diversion is the consolidation of EF-10 into the EF-11 diversion. EF-11 was enlarged to divert the additional flow. Attached hereto as **Exhibit G** are photographs showing the EF-10/11 diversion and fish screen (Ex. G, p. 1) and ditch (Ex. G, p. 2). The EF-10/11 ditch, from the diversion to the place of use, is approximately 1.7 miles long. The bed and banks of the ditch are river rock and gravel, so there is a very large amount of seepage loss in conveying water from the point of diversion to the place of use. As shown in Exhibit A, our EF-10/11 diversion is included in our water rights nos. 72-00196, 72-00197, 72-00199, and 72-00200. Combined, these water rights authorize us to divert 2.40 cfs to 5.20 cfs at EF-10/11 (72-00199 and 72-00200 can also be diverted through EF-12), far less than the 23.12 cfs measured for our EF-10 and EF-11 Flow Agreements.

15. Our next upstream diversion from the East Fork is **EF-12**. Attached hereto as **Exhibit H** are photographs showing the EF-12 diversion (Ex H, p. 1), fish screen and ditch (Ex H, p. 2). The EF-12 ditch, from the diversion to the place of use, is approximately 1.2 miles long. The bed and banks of the ditch are river rock and gravel, so there is a very large amount of seepage

loss in conveying water from the point of diversion to the place of use. As shown in Exhibit A, our EF-12 diversion is included in our water right nos. 72-00199, 72-00200 and 72-00202F. Combined, these water rights authorize us to divert 0.27 cfs to 3.07 cfs at EF-12 (72-00199 and 72-00200 can also be diverted through EF-12), far less than the 16 cfs measured for our EF-12 Flow Agreement and the 24.60 cfs measured by Brian Hamilton on June 6th, 2008.

16. Our furthest upstream diversion from the East Fork is **EF-13**. Attached hereto as **Exhibit I** are photographs showing the EF-13 diversion, fish screen and ditch. The EF-13 ditch, from the diversion to the place of use, is approximately 1.5 miles long. The bed and banks of the ditch are river rock and gravel, so there is a very large amount of seepage loss in conveying water from the point of diversion to the place of use. The place of use are two flood irrigated fields that are, collectively, approximately 80 acres. As shown in Exhibit A, our EF-13 diversion is included in our water right nos. 72-00201C, 72-00201F, 72-00202A, 72-00202D, 72-00202E and 72-00202G. Combined, these water rights authorize us to divert 0.92 cfs, far less than the 9.2 cfs measured for our EF-13 Flow Agreement and the 11.50 cfs measured by Brian Hamilton on June 6th, 2008.

17. We have one diversion from **Big Lake Creek**, shown in the photograph attached hereto as **Exhibit J**. There is no fish screen associated with this diversion. The Big Lake Creek ditch, from the diversion to the place of use, is approximately 1.5 miles long. The bed and banks of the ditch are gravel, so there is a very large amount of seepage loss in conveying water from the point of diversion to the place of use. As shown in Exhibit A, our Big Lake Creek diversion is included in our water right no. 72-00198. This water right authorizes us to divert 1.50 cfs, far less than the 6.80 cfs measured by Brian Hamilton on June 6th, 2008.

18. The water quantities in our partial decrees are far less than the quantities we have historically diverted and used, as established by the measurements taken for our "Flow Agreements" with the Idaho Department of Fish and Game and by Mr. Hamilton's measurements. Each diversion and ditch irrigates a different place of use. Due to the seepage losses through our ditch systems, we cannot effectively irrigate our fields with the water quantities provided by our decrees. I understand that our SRBA claims were based on a prior decree that did not provide sufficient water quantities to account for actual seepage loss. Like our ditches, the ground we irrigate is very porous and does not retain water, requiring application of significant quantities of water by flood irrigation to maintain our pastures and grow hay.

19. Clearly, we need and have always diverted and beneficially used, more water than is provided by our decrees. We respectfully request that the IDWR recommend, and the SRBA Court issue decrees for, the late claims we are filing in order to account for seepage losses and continue to provide for irrigation of our fields.

Further your affiant sayeth naught.

Dated this 22nd day of October, 2008.

D. Wayne Baker
D. Wayne Baker

STATE OF IDAHO)
)ss.
County of Custer)

On this 22nd day of October, 2008, before me, the undersigned, a notary public in and for said state, personally appeared D. WAYNE BAKER, known to me to be the individual that executed the foregoing affidavit, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

James R Bennett
Notary Public for Idaho
Residing at Challis Id. 83226
My Commission Expires: 1-21-11

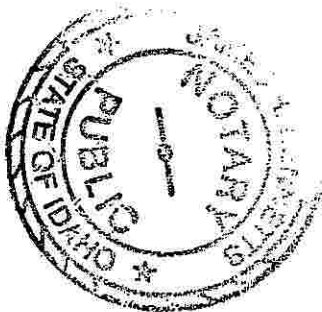


EXHIBIT A

Wayne Baker Diversions, Water Rights, Claims & Measurements

East Fork Salmon River

<u>Diversions/Water Rights/Late Claims</u>						<u>Measurements</u>	
<u>Diversions</u>	<u>Water Rights</u>	<u>Diversion Rates</u>	<u>Conveyance Loss</u>	<u>Late Claim</u>	<u>Diversion Max.</u>	<u>IDFG</u>	<u>BOR</u>
EF-3	72-00224	3.60 cfs					
	72-00225	<u>0.60 cfs</u>					
		4.20 cfs	+ 10.80 cfs	=	15.00 cfs	20.75 cfs	25.10 cfs
EF-10/11 ¹	72-00196	1.20 cfs					
	72-00197	1.20 cfs					
	72-00199	1.50 cfs					
	72-00200	<u>1.30 cfs</u>					
	5.20 cfs - 2.40 cfs ²		+ 14.60 cfs	=	17.00 cfs	EF-10: 6.12 cfs EF-11: 17.00 cfs	8.40 cfs
EF-12	72-00199	1.50 cfs					
	72-00200	1.30 cfs					
	72-00202F	<u>0.27 cfs</u>					
	3.07 cfs - 0.27 cfs ³		+ 20.73 cfs	=	23.80 cfs	16.00 cfs	24.60 cfs
EF-13	72-00201C	0.12 cfs					
	72-00201F	0.12 cfs					
	72-00202A	0.186 cfs					
	72-00202D	0.20 cfs					
	72-00202E	0.12 cfs					
	72-00202G	<u>0.36 cfs</u>					
		<u>1.106 cfs</u>	+ <u>6.73 cfs</u>	=	<u>7.836 cfs</u>	<u>9.20 cfs</u>	<u>16.50 cfs</u>
			52.86 cfs				
	Total:	10.776 cfs	+	52.86	= 63.636 cfs	69.07 cfs	74.60 cfs

¹EF-10 has been consolidated into EF-11.

²Authorized diversion range with 72-00199 and 72-00200 split between EF-11 and EF-12.

³Authorized diversion range with 72-00199 and 72-00200 split between EF-11 and EF-12.

Big Lake Creek

<u>Diversions/Water Rights/Late Claims</u>				<u>Measurements</u>		
<u>Diversions</u>	<u>Water Rights</u>	<u>Diversion Rates</u>	<u>Conveyance Loss / Late Claim</u>	<u>Diversion Max.</u>	<u>IDFG</u>	<u>BOR</u>
Big Lake Cr. ⁴	72-00198	1.50 cfs	+ 5.30 cfs	= 6.80 cfs		6.80 cfs

⁴There is no fish screen associated with this diversion.

EF-3 Water Rights, Claims & Measurements

EF-3 conveyance loss total:

$$25.10 \text{ cfs (BOR)} - 7.49 \text{ cfs (decrees)} = 17.20 \text{ cfs}$$

<u>Decreases</u>	<u>Rates</u>	<u>Decreases</u>		<u>%¹</u>	<u>Conveyance</u>		<u>Total</u>	<u>Ditch Measurements</u>	
		<u>Total</u>			<u>Total</u>	<u>Claims</u>		<u>IDFG</u>	<u>BOR</u>
								20.75 cfs	25.10 cfs
72-00224 (Baker)	3.60 cfs								
72-00225 (Baker)	<u>.60 cfs</u>	<u>4.20 cfs</u>	.6278	x 17.20 cfs =	10.80 cfs	+ 4.20 cfs =	15.00 cfs		
72-00226A (Ingram)	4.63 cfs								
72-00227A (Ingram)	<u>.48 cfs</u>								
	45% x 5.11 cfs	<u>2.30 cfs²</u>	.3438	x 17.20 cfs =	5.91 cfs	+ 2.30 cfs =	8.21 cfs		
72-00226B (Long)	.17 cfs								
72-00227B (Long)	.02 cfs								
72-10537 (Idaho)	<u>.80 cfs</u>	<u>.99 cfs</u>						<u>.99 cfs</u>	
All Rights total:		7.49 cfs		+	16.71 cfs	=	24.20 cfs		

¹For purposes of apportioning conveyance losses to the Baker and Ingram diversions, this is the percentage which the owner's diversion bears to the total irrigation EF-4 diversions (water right no. 72-10537, for bypass flow through the IDFG fish screen, is not included in this calculation.

²Ingrams' water rights are diverted through EF-3 and EF-4. Conveyance loss is apportioned to Ingrams' based upon their diversion of 45% of these water rights at EF-3 to irrigate approximately 45% of the acres within the place of use.

EF-12 Water Rights, Claims & Measurements

EF-12 conveyance loss total:

$$24.60 \text{ cfs (BOR)} - 3.87 \text{ cfs (decrees)} = \mathbf{20.73 \text{ cfs}}$$

<u>Decreases</u>	<u>Decreases</u>			<u>Conveyance</u>			<u>Ditch Measurements</u>	
	<u>Rates</u>	<u>Total</u>	<u>%</u>	<u>Total</u>	<u>Claims</u>	<u>Total</u>	<u>IDFG</u>	<u>BOR</u>
72-00199 (Baker)	1.50 cfs						16.00 cfs	24.6 cfs (6/08)
72-00200 (Baker)	1.30 cfs							
72-00202F (Baker)	<u>0.27 cfs</u>	<u>3.07 cfs</u>		20.73 cfs	20.73 cfs	+ 3.07 cfs = 23.80 cfs		
72-10533 (Idaho)	<u>0.80 cfs</u>	<u>.80 cfs</u>				<u>.80 cfs</u>		
All Rights total:		3.87 cfs		+	20.73 cfs	= 24.60 cfs		

EF-13 Water Rights, Claims & Measurements

EF-13 conveyance loss total:

$$16.50 \text{ cfs (BOR)} - 3.016 \text{ cfs (decrees)} = 13.484 \text{ cfs}$$

		<u>Decreases</u>		<u>Conveyance</u>		<u>Ditch Measurements</u>		
<u>Decreases</u>	<u>Rates</u>	<u>Total</u>	<u>%¹</u>	<u>Total</u>	<u>Claims</u>	<u>Total</u>	<u>IDFG</u>	<u>BOR</u>
							9.20 cfs	16.5 cfs (10/08)
72-00201C (Baker)	.12 cfs							
72-00201F (Baker)	.12 cfs							
72-00202A (Baker)	.186 cfs							
72-00202D (Baker)	.20 cfs							
72-00202E (Baker)	.12 cfs							
72-00202G (Baker)	.36 cfs	1.106 cfs	.4990 x 13.484 cfs = 6.73 cfs		+ 1.106 cfs = 7.836 cfs			
72-00201D (Gillette)	.07 cfs							
72-00202C (Gillette)	.04 cfs	.11 cfs				0.11 cfs		
72-00202J (Guffy)	.12 cfs	.12 cfs				0.12 cfs		
72-10532 (Idaho)	.80 cfs	.80 cfs				0.80 cfs		
72-11760(Goicoechea)	.02 cfs	.02 cfs				0.02 cfs		
72-16652 (Sho Ban)	.66 cfs							
72-16653 (Sho Ban)	.20 cfs	.86 cfs				0.86 cfs		
All Rights total:		3.016 cfs		+	6.73 cfs	=	9.746 cfs	

¹For purposes of apportioning conveyance losses to the Bakers' diversions, this is the percentage which the owner's diversion bears to the total irrigation EF-4 diversions (water right no. 72-10532, for bypass flow through the IDFG fish screen, is not included in this calculation.

SRBA

PARTIAL DECREE 72-00196

Issued on 11-17-2000.

This is not an official copy.

Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS: MELODIE L BAKER
HC 68 BOX 304
CLAYTON, ID 83227
D WAYNE BAKER
HC 68 BOX 304
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 1.20 CFS

PRIORITY DATE: 05/01/1895

POINT OF DIVERSION: T09N R18E S04 LOT 4 (NWNW) Within Custer County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY

PLACE OF USE: Irrigation 04-01 TO 10-31 1.20 CFS

 Irrigation Within Custer County

 T09N R18E S04 LOT 1 (NENE) 8.8 LOT 2 (NWNE) 12.0

 T10N R18E S33 LOT 5 (SESW) 9.7 LOT 6 (SWSE) 8.2

 38.7 Acres Total

 USE OF THIS RIGHT WITH RIGHT NO. 72-00197 IS LIMITED TO THE

 IRRIGATION OF A COMBINED TOTAL OF 39 ACRES IN A SINGLE

 IRRIGATION SEASON.

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

 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. I.C. SECTION 42-1412(6).

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SRBA

PARTIAL DECREE 72-00197

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NAME AND ADDRESS: D WAYNE BAKER
MELODIE L BAKER
HC 68 BOX 304
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER
QUANTITY: 1.20 CFS
PRIORITY DATE: 05/01/1936
POINT OF DIVERSION: T09N R18E S04 LOT 4 (NWNW) Within Custer County
PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 1.20 CFS
PLACE OF USE: Irrigation Within Custer County
T09N R18E S04 LOT 1 (NENE) 8.8 LOT 2 (NWNE) 12.0
T10N R18E S33 LOT 5 (SESW) 9.7 LOT 6 (SWSE) 8.2
38.7 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 72-00196 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 39 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
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. I.C. SECTION 42-1412(6).

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70593

This is to certify that: D WAYNE BAKER And/Or MELODIE L BAKER
HC 68 BOX 304
CLAYTON ID 83227
(208)838-2440

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. A summary of the changes is also listed below. 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

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
72-196	WR/Decreed	05/01/1895	1.20 cfs	N/A	N/A	38.7	SALMON RIVER
72-197	WR/Decreed	05/01/1936	1.20 cfs	N/A	N/A	38.7	SALMON RIVER

Purpose of Transfer (Changes Proposed)

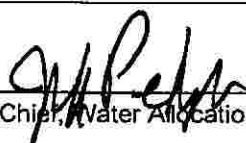
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-196	NO	YES	NO	NO	NO	NO
72-197	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-196	72-196	1.20 cfs	N/A	N/A	38.7		N/A	N/A	N/A	N/A
72-197	72-197	1.20 cfs	N/A	N/A	38.7		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.40 cfs	N/A	N/A	39.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20 day of June, 2003

For 
Chief, Water Allocation Bureau

MICROFILMED

JUN 2 2003

WATER RIGHT NO. 72-196
As Modified by Transfer No. 70593

In accordance with the approval of Transfer No. 70593, Water Right No. 72-196 is now described as follows.

Right Holder: D WAYNE BAKER
 HC 68 BOX 304
 CLAYTON ID 83227-9601

And

MELODIE L BAKER
 HC 68 BOX 304
 CLAYTON ID 83227

Priority Date: May 01, 1895

Source: EAST FORK SALMON RIVER **Tributary:** SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.20 CFS	
			1.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK SALMON RIVER L3 (NENW) Sec. 5 Twp 09N Rge 18E 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	
09N 18E 4	8.8 L 1	12.0 L 2															20.8
10N 18E 33									9.7 L 5				8.2 L 6				17.9

Total Acres: 38.7

MICROFILMED
 APR 1, 2003

WATER RIGHT NO. 72-196
As Modified by Transfer No. 70593

CONDITIONS OF APPROVAL

1. Rights 72-196 and 72-197 when combined shall not exceed the irrigation of 39 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
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.
8. Rights 72-197, 72-199, 72-200, and 72-10534 are also diverted through the point of diversion described above.

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 20 day of June, 20 03

For 
Chief, Water Allocation Bureau

MICROFILMED

APR 1 1 2004

WATER RIGHT NO. 72-197
As Modified by Transfer No. 70593

In accordance with the approval of Transfer No. 70593, Water Right No. 72-197 is now described as follows.

Right Holder: MELODIE L BAKER
 HC 68 BOX 304
 CLAYTON ID 83227

And

D WAYNE BAKER
 HC 68 BOX 304
 CLAYTON ID 83227-9601

Priority Date: May 01, 1936

Source: EAST FORK SALMON RIVER **Tributary:** SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	1.20 CFS	
			1.20 CFS	

LOCATION OF POINT(S) OF DIVERSION:

EAST FORK SALMON RIVER L3 (NENW) Sec. 5 Twp 09N Rge 18E 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	
09N	18E	4	8.8 L 1	12.0 L 2															20.8
10N	18E	33											9.7 L 5				8.2 L 6		17.9

Total Acres: 38.7

MICHAEL
 APR 2 2003

WATER RIGHT NO. 72-197
As Modified by Transfer No. 70593

CONDITIONS OF APPROVAL

1. Rights 72-196 and 72-197 when combined shall not exceed the irrigation of 39 acres.
2. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
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. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
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.
8. Rights 72-196, 72-199, 72-200, and 72-10534 are also diverted through the point of diversion described above.

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 20 day of June, 2003


For Chief, Water Allocation Bureau

MIUAC 1000
AUG 11 2003

SRBA

PARTIAL DECREE 72-00198

Issued on 11-17-2000.

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Contact IDWR or the Court for a Certified Copy.

Choose Landscape Orientation when printing.

NAME AND ADDRESS:	D WAYNE BAKER MELODIE L BAKER HC 68 BOX 304 CLAYTON, ID 83227		
SOURCE:	BIG LAKE CREEK	TRIBUTARY:	SALMON RIVER, EAST FORK
QUANTITY:	1.50 CFS		
PRIORITY DATE:	05/01/1895		
POINT OF DIVERSION:	T10N R18E S31	NWSE	Within Custer County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.50 CFS
PLACE OF USE:	Irrigation		Within Custer County
	T10N R18E S32	SWSW 7.9	SESW 12.0
		SWSE 11.0	SESE 6.3
	S33 LOT 4	(SWSW)10.0	LOT 5 (SESW) 2.0
	49.2 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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. I.C. SECTION 42-1412(6).

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PARTIAL DECREE 72-00199

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NAME AND ADDRESS: D WAYNE BAKER
MELODIE L BAKER
HC 68 BOX 304
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER
QUANTITY: 1.50 CFS
PRIORITY DATE: 05/01/1895
POINT OF DIVERSION: T09N R18E S05 NENW Within Custer County
T10N R18E S31 SWSE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-01 TO 10-31 1.50 CFS

PLACE OF USE: Irrigation Within Custer County

T09N R18E S04 LOT 4	(NWNW) 2.1	
T10N R18E S32	SWSW 15.0	SESW 18.0
	SWSE 20.0	SESE 22.0
S33 LOT 4	(SWSW)15.0	LOT 5 (SESW) 0.6
92.7 Acres Total		

USE OF THIS RIGHT WITH RIGHT NO. 72-00200 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 93 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
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. I.C. SECTION 42-1412(6).

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PARTIAL DECREE 72-00200

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NAME AND ADDRESS:	D WAYNE BAKER MELODIE L BAKER HC 68 BOX 304 CLAYTON, ID 83227		
SOURCE:	SALMON RIVER, EAST FORK	TRIBUTARY:	SALMON RIVER
QUANTITY:	1.30 CFS		
PRIORITY DATE:	05/01/1936		
POINT OF DIVERSION:	T09N R18E S05 T10N R18E S31	NENW SWSE	Within Custer County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE Irrigation	PERIOD OF USE 04-01 TO 10-31	QUANTITY 1.30 CFS
PLACE OF USE:	Irrigation Within Custer County		
	T09N R18E S04 LOT 4	(NWNW) 2.1	
	T10N R18E S32	SWSW 15.0	SESW 18.0
		SWSE 20.0	SESE 22.0
	S33 LOT 4	(SWSW) 15.0	LOT 5 (SESW) 0.6
	92.7 Acres Total		
	USE OF THIS RIGHT WITH RIGHT NO. 72-00199 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 93 ACRES IN A SINGLE IRRIGATION SEASON.		
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:	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. I.C. SECTION 42-1412(6).		

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PARTIAL DECREE 72-00201C

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NAME AND ADDRESS:	CHARLES RICHARD LANCASTER		
	LANCASTER REVOCABLE FAMILY TRU		
	SHARON LANCASTER		
	1785 CAUGHLIN CREEK ROAD		
	RENO, NV 89509		
SOURCE:	SALMON RIVER, EAST FORK	TRIBUTARY:	SALMON RIVER
QUANTITY:	0.12 CFS		
PRIORITY DATE:	05/01/1888		
POINT OF DIVERSION:	T10N R18E S31	SWSWSW	Within Custer County
PURPOSE AND			
PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.12 CFS
PLACE OF USE:	Irrigation		Within Custer County
	T09N R18E S06	NWNE	1.2
	T10N R18E S31	SESW	2.8
	4.0 Acres Total		

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

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
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SRBA PARTIAL DECREE 72-00201F

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Choose Landscape Orientation when printing.

NAME AND ADDRESS: JERRY J GOICOECHEA
JUDITH K GOICOECHEA
PO BOX 6190
BOISE, ID 83707

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 0.12 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T10N R18E S31 LOT 4 (SWSWSW) Within Custer County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.12 CFS
Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE: Irrigation Within Custer County
T10N R18E S31 SESE 3.9
3.9 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.
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. I.C. SECTION 42-1412(6).

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
NOV 30 2007
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
	PD 72-11760				
	PD 72-201	F			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Jerry J. Goicoechea and/or Judith K. Goicoechea
PO Box 6190, Boise, ID 83707
4. New Owner/Claimant(s) Wayne Baker or Melodie L. Baker
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address HC 68 Box 304
- City, State and ZIP Code Clayton, Idaho 83227
- New Telephone Number (208) 838-2440
5. Date you acquired the property _____

SUPPORT DATA
 IN FILE # 72-201F

6. If the change in ownership affects the entire water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) (include title if applicable)
- Melodie J. Baker Co-owner
Wayne Baker Co-owner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only			
Received by <u>DCW</u>	Date <u>12/16/07</u>	Fee <u>\$50</u>	
Received by <u>DCW</u>	Date <u>12/11/07</u>	Receipt No. <u>50 51874</u>	
Processed by _____	Date _____	WR _____	Date _____

DEPT. OF WATER RESOURCES
SOUTHERN REGION

SRBA

PARTIAL DECREE 72-00202A

Issued on 11-17-2000.

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NAME AND ADDRESS:	BETTY BAKER DICK BAKER HC 68 BOX 370 CLAYTON, ID 83227		
SOURCE:	SALMON RIVER, EAST FORK	TRIBUTARY:	SALMON RIVER
QUANTITY:	0.186 CFS		
PRIORITY DATE:	05/01/1936		
POINT OF DIVERSION:	T10N R18E S31 LOT 4	(SWSWSW) Within Custer County	
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.186 CFS
PLACE OF USE:	Irrigation		Within Custer County
	T10N R18E S31	SESW 6.2	
	6.2 Acres Total		

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

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. I.C. SECTION 42-1412(6).

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PARTIAL DECREE 72-00202D

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NAME AND ADDRESS: BETTY L BAKER
DICK L BAKER
HC 68 BOX 370
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 0.20 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1936

POINT OF DIVERSION: T10N R18E S31 LOT 4 (SWSWSW) Within Custer County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.20 CFS
Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:

Irrigation		Within Custer County
T09N R18E S06 LOT 1 (NENE)	3.4	
T10N R18E S31 SESW	2.6	SESE 0.5
6.5 Acres Total		
Stockwater		Within Custer County
T09N R18E S06 LOT 1 (NENE)		
T10N R18E S31 SESW		SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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
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SRBA PARTIAL DECREE 72-00202E

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NAME AND ADDRESS: BETTY L BAKER
DICK L BAKER
HC 68 BOX 370
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 0.12 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1936

POINT OF DIVERSION: T10N R18E S31 LOT 4 (SWSWSW) Within Custer County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.12 CFS
Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE: Irrigation Within Custer County

T09N R18E S06 LOT 2 (NWNE) 0.4	LOT 3 (NENW) 0.5	
T10N R18E S31 SESW 1.6	SWSE 1.5	
4.0 Acres Total		

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

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PARTIAL DECREE 72-00202F

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NAME AND ADDRESS: BETTY L BAKER
DICK L BAKER
HC 68 BOX 370
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 0.27 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1936

POINT OF DIVERSION: T10N R18E S31 SESWSE Within Custer County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.27 CFS
Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:

Irrigation		Within Custer County
T09N R18E S05	NWNW	2.4
T10N R18E S31	SESE	6.7
9.1 Acres Total		
Stockwater		Within Custer County
T09N R18E S05	NWNW	
T10N R18E S31	SESE	

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

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. I.C. SECTION 42-1412(6).

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SRBA PARTIAL DECREE 72-00202G

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NAME AND ADDRESS: BETTY L BAKER
DICK L BAKER
HC 68 BOX 370
CLAYTON, ID 83227

SOURCE: SALMON RIVER, EAST FORK TRIBUTARY: SALMON RIVER

QUANTITY: 0.36 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/01/1936

POINT OF DIVERSION: T10N R18E S31 LOT 4 (SWSWSW) Within Custer County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	0.36 CFS
Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:

Irrigation	Within Custer County	
T09N R18E S06	NENE 3.2	NWNE 3.2
T10N R18E S31	SWSE 4.2	SESE 0.9
11.5 Acres Total		

Stockwater

Within Custer County	
T09N R18E S06	NENE NWNE
T10N R18E S31	SWSE SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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. I.C. SECTION 42-1412(6).

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SRBA PARTIAL DECREE 72-00224

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NAME AND ADDRESS:	D WAYNE BAKER MELODIE L BAKER HC 68 BOX 304 CLAYTON, ID 83227		
SOURCE:	SALMON RIVER, EAST FORK	TRIBUTARY:	SALMON RIVER
QUANTITY:	3.60 CFS		
PRIORITY DATE:	04/01/1881		
POINT OF DIVERSION:	T10N R18E S12	SWNE	Within Custer County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	3.60 CFS
PLACE OF USE:	Irrigation		Within Custer County
	T11N R18E S35	NESW 16.0	NWSE 33.4
		SWSE 25.0	SESE 18.0

92.4 Acres Total

USE OF THIS RIGHT WITH RIGHT NO. 72-00225 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 92.4 ACRES IN A SINGLE IRRIGATION SEASON.

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

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. I.C. SECTION 42-1412(6).

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PARTIAL DECREE 72-00225

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NAME AND ADDRESS:	D WAYNE BAKER MELODIE L BAKER HC 68 BOX 304 CLAYTON, ID 83227		
SOURCE:	SALMON RIVER, EAST FORK	TRIBUTARY:	SALMON RIVER
QUANTITY:	0.60 CFS		
PRIORITY DATE:	05/01/1936		
POINT OF DIVERSION:	T10N R18E S12	SWNE	Within Custer County
PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.60 CFS
PLACE OF USE:	Irrigation		Within Custer County
	T11N R18E S35	NESW 16.0	NWSE 33.4
		SWSE 25.0	SESE 18.0

92.4 Acres Total

USE OF THIS RIGHT WITH RIGHT NO 72-00224 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 92.4 ACRES IN A SINGLE IRRIGATION SEASON.

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

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. I.C. SECTION 42-1412(6).

[Return to SRBA Home Page](#)

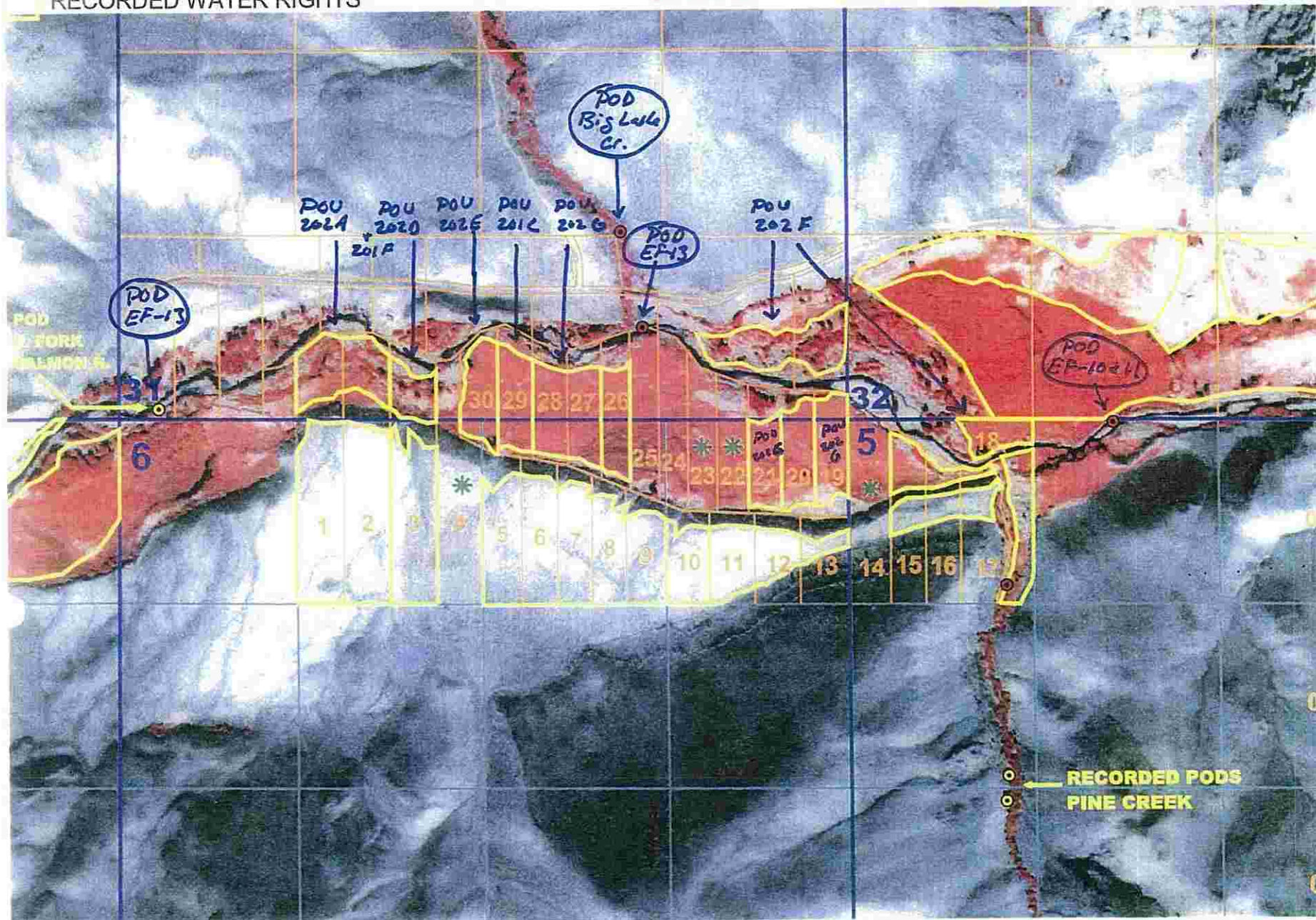
EXHIBIT B

PINE CREEK SUBDIVISION

* LOTS OWNED BY SHOSHONE / BANNOCK TRIBE
 RECORDED WATER RIGHTS

RIGHTS: 72-00201 C
 72-00201 F
 72-00202 A
 72-00202 D
 72-00202 E
 72-00202 F
 72-00202 G

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



IDAHO DEPARTMENT OF WATER RESOURCES

**RIGHTS 72-00199
and 72-00200**

RECOMMENDED PLACE OF USE

TWP 10N, RNG 18E, SEC 32, 33

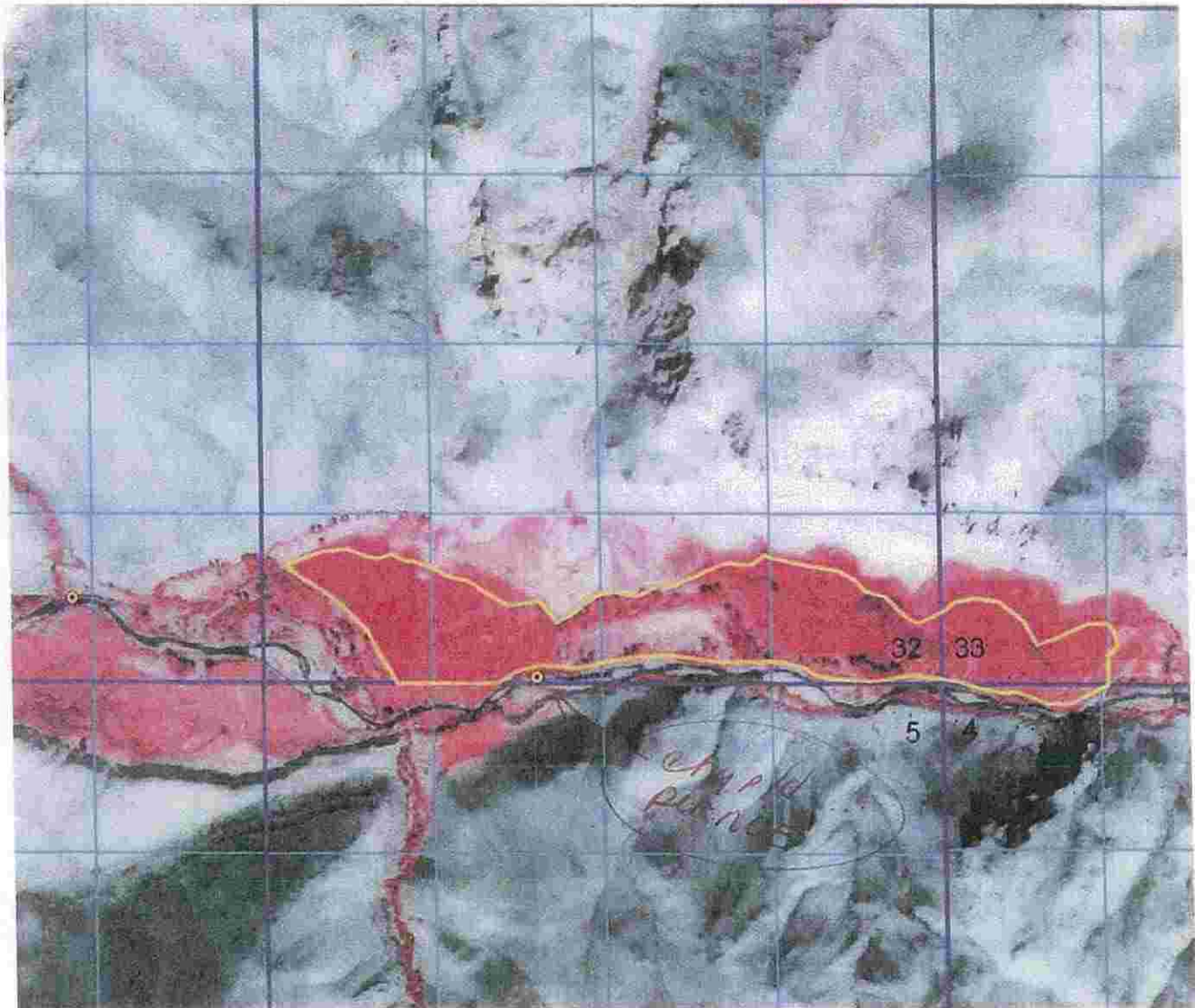
TWP 09N, RNG 18E, SEC 4

data entry on October 28, 1998

PODs are:

EF-11 in TWP 09N, RNG 18E, Sec. 5

EF-12 in TWP 10N, RNG 18E, Sec. 31



0 1320 2640 3960 5280 Feet



-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**

**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

SUPERCEDED PER NOE 12/28/98

**RIGHTS 72-00196,
and 72-00197**

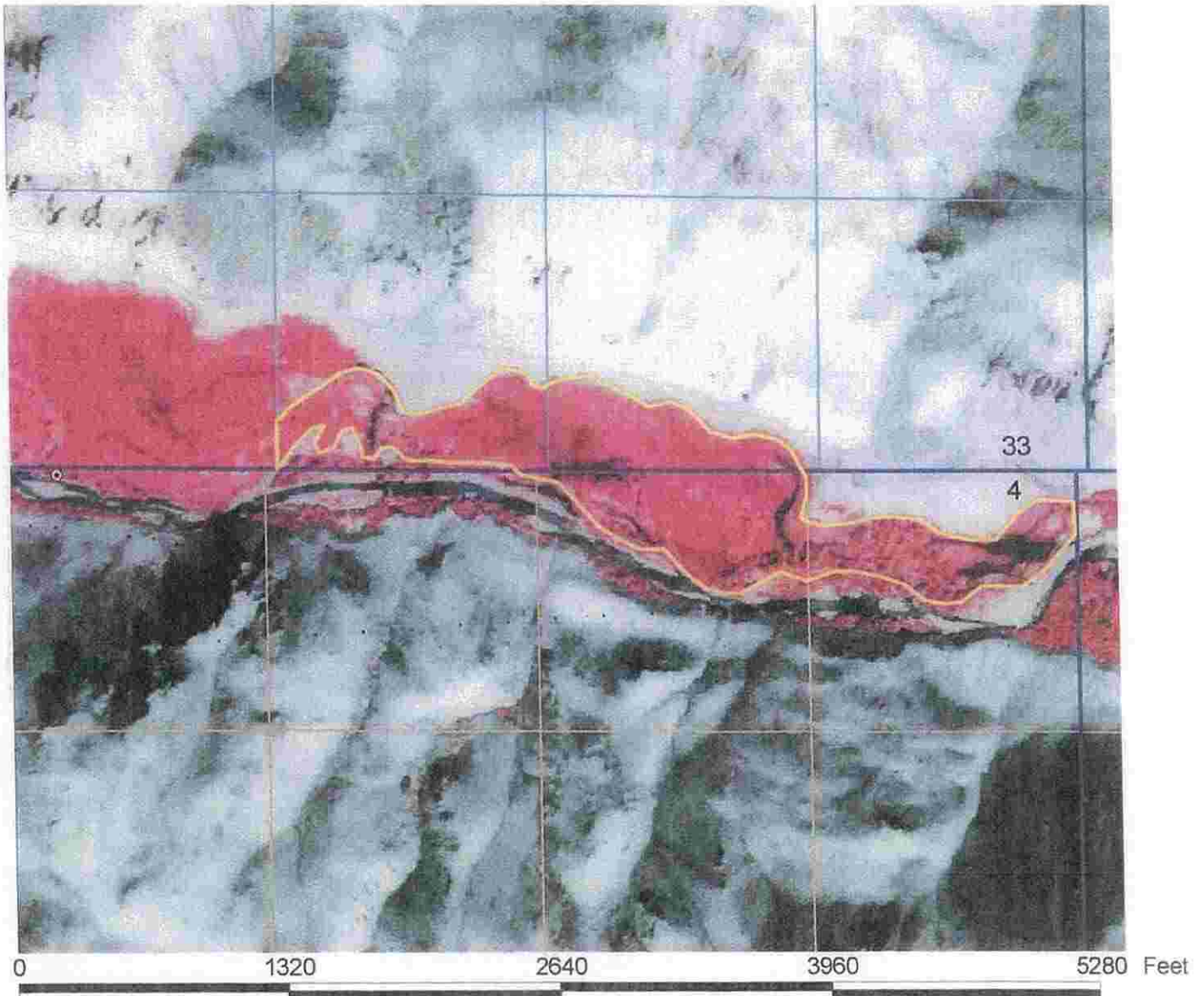
RECOMMENDED PLACE OF USE

TWP 10N, RNG 18E, SEC 33

TWP 09N, RNG 18E, SEC 4

data entry on October 28, 1998

*Point of Diversion is
EF-11 in TWP 09N, RNG 18E, Sec. 5*



-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**



**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

RIGHTS 72-00204
and 72-00205

ZIEGLER
BASIN V24

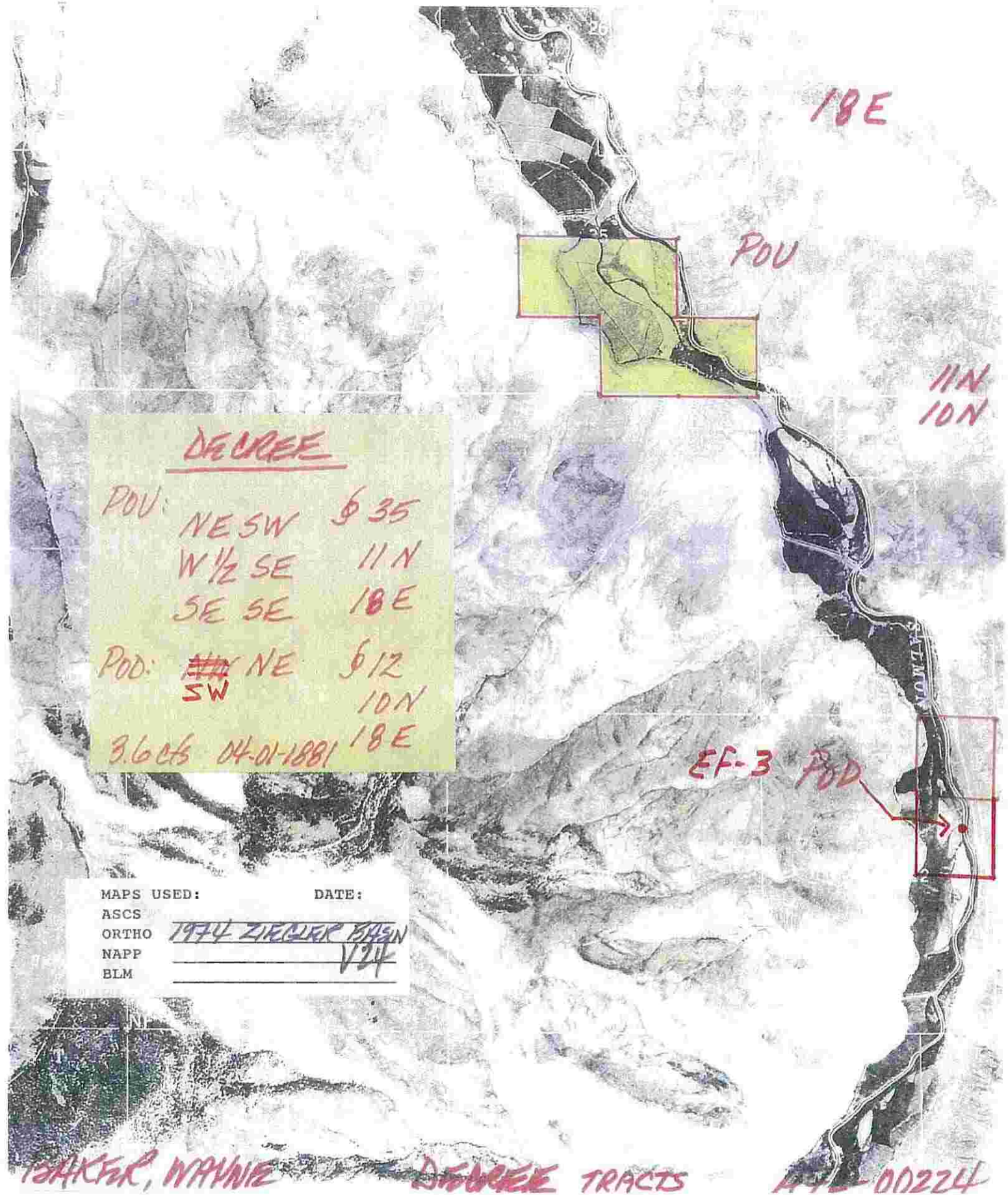
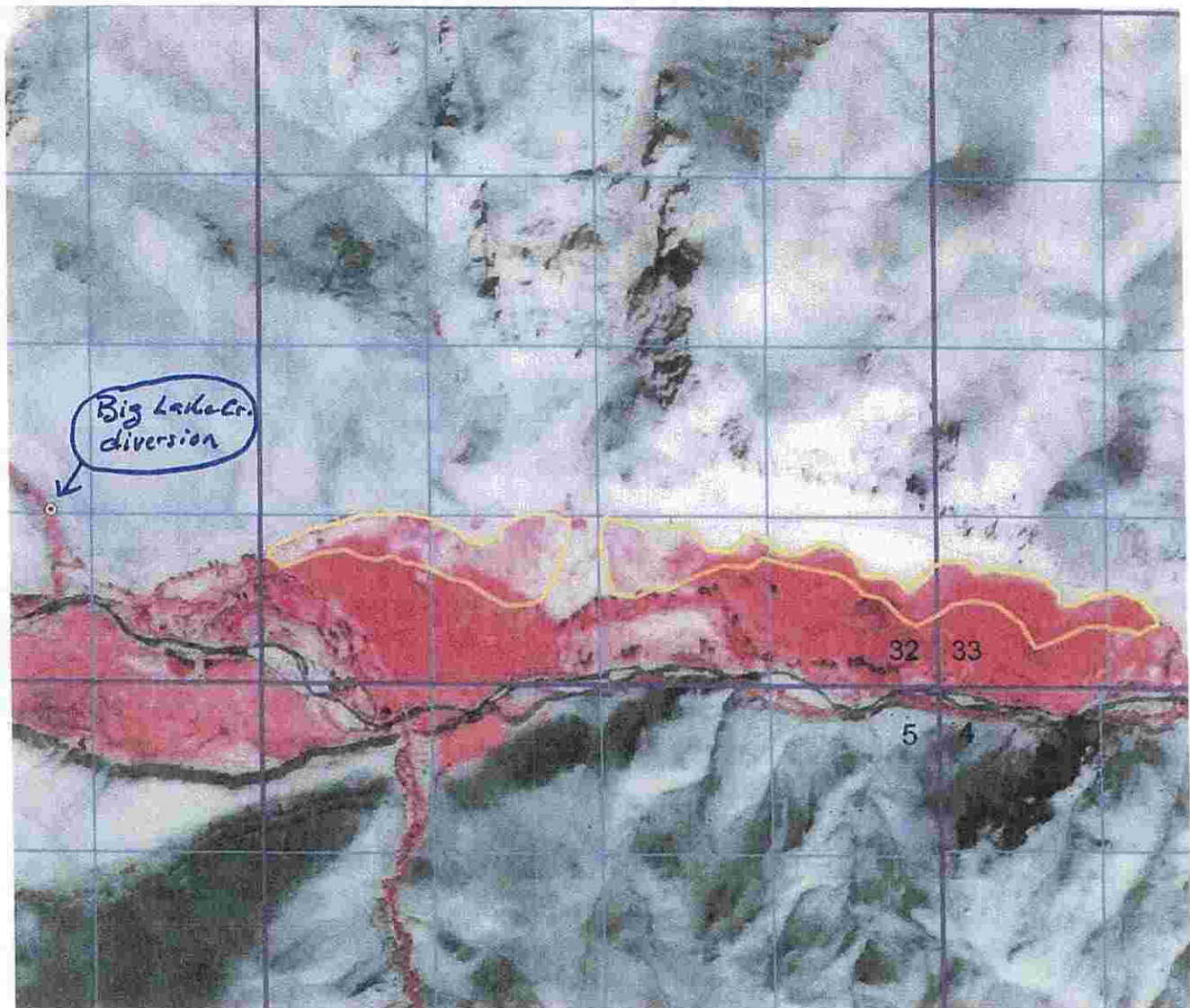


EXHIBIT C

RIGHT 72-00198

RECOMMENDED PLACE OF USE
TWP 10N, RNG 18E, SEC 32, 33
TWP 09N, RNG 18E, SEC 4
data entry on October 28, 1998



0 1320 2640 3960 5280 Feet

-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**

Exhibit C

GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK

EXHIBIT D

OPTIMUM MAXIMUM DIVERSION FLOW AGREEMENT

Between: Idaho Department of Fish and Game and Wayne Baker owner/users) of Salmon East Fork River diversion 10.

Purpose: This agreement is to quantify the optimum maximum flow to be screened for fish protection by the Idaho Department of Fish and Game, and

Whereas: Irrigators have the right to divert flows above their decreed right during maximum flows from the East Fork of the Salmon River, and

Whereas: Maximum flows vary in time of year and in length of time from year to year, and

Whereas: Maximum flows vary in level from year to year, and

Whereas: Measured flows by the Idaho Department of Water Resources (IDWR) and Idaho Department of Fish and Game are only one point in time measurements, and

Whereas: These measurements give only an approximation and not a definitive value for maximum flows, and

Whereas: In the past, the Idaho Department of Fish and Game has designed screening facilities for approximated maximum flows based on their or IDWR flow measurements, and

Whereas: In some cases, measured maximum flows following construction of new fish screens have exceeded design flows, and

Whereas: Idaho Department of Fish and Game is required to meet current design criteria established by National Marine Fisheries Service of 0.4 of a foot per second maximum approach velocity of water through the screen, and

Whereas: Idaho Department of Fish and Game is trying to bring all screening structures into NMFS criteria, and

Flow Agreement
Cont.

Whereas: Costs of the fish screen structure rise in proportion to the water diverted, especially on small diversions, and

Whereas: Cost of building a screen to meet only a short period of maximum flow is a waste of tax payer dollars, and

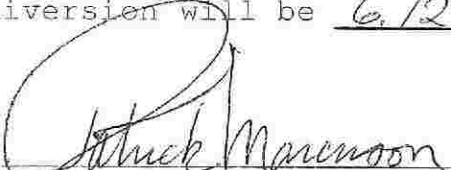
Whereas: Screens which are built to meet maximum flows that are available only during a short period of time or only during occasional years, do not operate efficiently at or near decreed flow levels, and

Whereas: This agreement is not for the purpose of limiting or infringing on irrigator's water rights or the right to divert flows above decreed rights, and

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum measured flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the optimum diverted flow for the above diversion will be 6.12 CFS (306 Idaho's Miners Inches)


Idaho Department of Fish and Game
Pat Marcuson Program Coordinator

1/18/01
Date

Wayne Baper
Water User

1-17-01
Date

Water User

Date

OPTIMUM MAXIMUM DIVERSION FLOW AGREEMENT

Between: Idaho Department of Fish and Game and Wayne Baker owner/users) of Salmon East Fork River diversion 11.

Purpose: This agreement is to quantify the optimum maximum flow to be screened for fish protection by the Idaho Department of Fish and Game, and

Whereas: Irrigators have the right to divert flows above their decreed right during maximum flows from the East Fork of the Salmon River, and

Whereas: Maximum flows vary in time of year and in length of time from year to year, and

Whereas: Maximum flows vary in level from year to year, and

Whereas: Measured flows by the Idaho Department of Water Resources (IDWR) and Idaho Department of Fish and Game are only one point in time measurements, and

Whereas: These measurements give only an approximation and not a definitive value for maximum flows, and

Whereas: In the past, the Idaho Department of Fish and Game has designed screening facilities for approximated maximum flows based on their or IDWR flow measurements, and

Whereas: In some cases, measured maximum flows following construction of new fish screens have exceeded design flows, and

Whereas: Idaho Department of Fish and Game is required to meet current design criteria established by National Marine Fisheries Service of 0.4 of a foot per second maximum approach velocity of water through the screen, and

Whereas: Idaho Department of Fish and Game is trying to bring all screening structures into NMFS criteria, and

Flow Agreement
Cont.

Whereas: Costs of the fish screen structure rise in proportion to the water diverted, especially on small diversions, and

Whereas: Cost of building a screen to meet only a short period of maximum flow is a waste of tax payer dollars, and

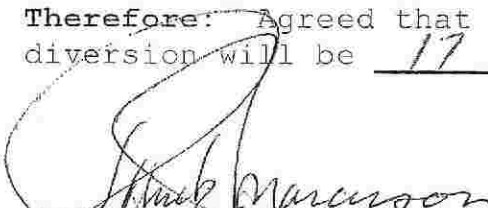
Whereas: Screens which are built to meet maximum flows that are available only during a short period of time or only during occasional years, do not operate efficiently at or near decreed flow levels, and

Whereas: This agreement is not for the purpose of limiting or infringing on irrigator's water rights or the right to divert flows above decreed rights, and

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum measured flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the optimum diverted flow for the above diversion will be 17 CFS (850 Idaho's Miners Inches)


Idaho Department of Fish and Game
Pat Marcuson Program Coordinator

1/18/01
Date

Wayne Baker
Water User

1-17-01
Date

Water User

Date

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the maximum diverted flow for the above diversion will not exceed 16 CFS (800 Idaho's Miners Inches)

Gary Power
Idaho Department of Fish and
Gary Power, Region 7 Supervisor

Date: 5/3/95

Wayne Baker 5-2-95
Diversion Owner\User Date

Diversion Owner\User Date

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the maximum diverted flow for the above diversion will not exceed 16 CFS (800 Idaho's Miners Inches)

Gary Power
Idaho Department of Fish and
Gary Power, Region 7 Supervisor

Date: 5/3/95

Wayne Baker 5-2-95
Diversion Owner\User Date

Diversion Owner\User Date

OPTIMUM MAXIMUM DIVERSION FLOW AGREEMENT

Between: Idaho Department of Fish and Game and D. Wayne Baker, Jerry J. Goicoechea, T. Randy Gillette, L. Jean Guffy, and the Shoshone Bannock Tribes, owner(s)\user(s) of the Salmon East Fork 13 diversion, and also known as SEF-13.

Purpose: This agreement is to quantify the optimum maximum flow to be screened for fish protection by the Idaho Department of Fish and Game, and

Whereas: Irrigators have the right to divert flows above their decreed right during maximum flows from the East Fork River, and

Whereas: Maximum flows vary in time of year and in length of time from year to year, and

Whereas: Maximum flows vary in level from year to year, and

Whereas: Measured flows by the Idaho Department of Water Resources (IDWR) and Idaho Department of Fish and Game are only one point in time measurements, and

Whereas: These measurements give only an approximation and not a definitive value for maximum flows, and

Whereas: In the past, the Idaho Department of Fish and Game has designed screening facilities for approximated maximum flows based on their or IDWR flow measurements, and

Whereas: In some cases, measured maximum flows following construction of new fish screens have exceeded design flows, and

Whereas: Idaho Department of Fish and Game is required to meet current design criteria established by National Marine Fisheries Service of 0.4 of a foot per second maximum approach velocity of water through the screen, and

Whereas: Idaho Department of Fish and Game is trying to bring all screening structures into NMFS criteria, and

Whereas: Costs of the fish screen structure rise in proportion to the water diverted, especially on small diversions, and

Whereas: Cost of building a screen to meet only a short period of maximum flow is a waste of tax payer dollars, and

Whereas: Screens which are built to meet maximum flows that are available only during a short period of time or only during occasional years, do not operate efficiently at or near decreed flow levels, and

Flow Agreement SE1 13

Whereas: This agreement is not for the purpose of limiting or infringing on irrigator's water rights or the right to divert flows above decreed rights, and

Whereas: This agreement is in the best interest for both Idaho Department of Fish and Game and the irrigators to agree on a maximum flow for the above diversion, and

Whereas: If there is no such agreement, Idaho Department of Fish and Game will design and build the fish screen to meet the approximated maximum measured flow, which may or may not be the correct optimum flow. It is

Therefore: Agreed that the optimum diverted flow for the above Diversion, will be 9.2 CFS, (460 Idaho's Miners Inches)


Idaho Department of Fish and Game
Lynn Stratton Program Coordinator

4/10/2007
Date

Wayne Baker
Water User:

4-4-07
Date

Water User:

Date

Water User:

Date

Water User:

Date

Water User:

Date

EXHIBIT E

***East Fork Salmon River
Ditch Flows – Wayne Baker's Diversions***

Measured 6/6/08

Brian Hamilton

US Bureau of Reclamation

EF-3	25.1 cfs	Current Meter	Below Fish Screen
EF-10/11	8.4 cfs	Ramp Flume	Below Fish Screen
EF-12	24.6 cfs	Submerged Orifice	Headgate – above Fish Screen
EF-13	11.5 cfs	Current Meter	No Fish Screen
Big Lake Ck Diversion	6.8 cfs	Current Meter	No Fish Screen

EXHIBIT F



Exhibit F

EXHIBIT G





EXHIBIT H





EXHIBIT I

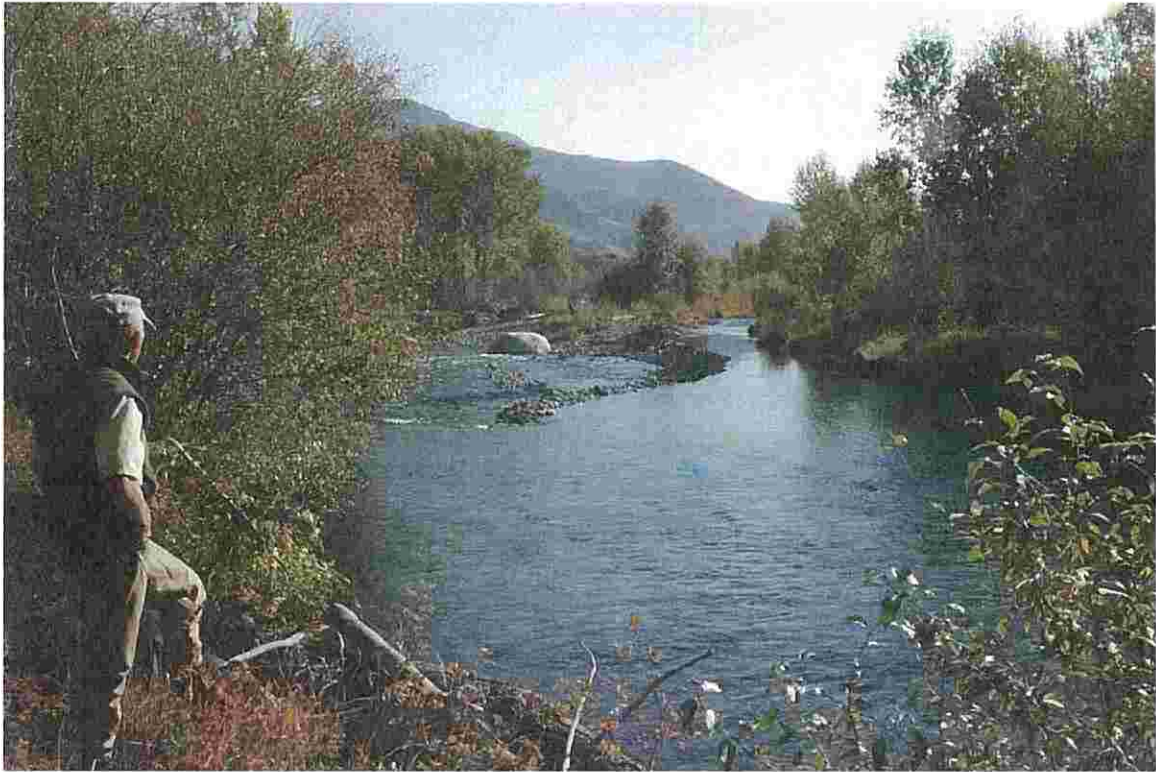


Exhibit I

EXHIBIT J



Exhibit J