

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: A72-00230A
Date Received: 12/05/1989
Receipt No: M005304
Received By: G. V. Z.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRET A. GETTY 208-838-2239
Address: H/C 68, BOX 355
CLAYTON, ID 83227

OR

Name: ANITA L. GETTY 208-838-2239
Address: H/C 68, BOX 355
CLAYTON, ID 83227

2. Date of Priority: MAY 01, 1880

3. Source: E. FORK, SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	18E	24	NE	NE	SW		CUSTER

5. Description of diverting works:
ROCK WING, WOOD HEADGATE, & DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.250		

7. Total Quantity Appropriated is:
0.250 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 22.2 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	18E	13	NE NW		IRR	7.4
Section Acres						7.4
Total Acres						7.4

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE EXCEPT DOMESTIC CLAIM.

14. Remarks:
THIS CLAIM IS A SPLIT FROM WATER RIGHT #72-00230 FOR 0.25 CFS.
|
THE ATTACHED DECREE COVERS THE PLACE OF USE AS T10N, "R19E"
RATHER THAN T10N, "R18E" SEC. 13 WHICH IS THE LANDS ADJACENT
TO THE EAST FORK OF THE SALMON RIVER, THE SOURCE OF THE WATER.

15. Basis of Claim: DECREED

Case Number:

Court : SIXTH

Decree date: 2/14/1938

GOSSI ET AL

Decree Plaintiff

vs

GIAMPEDRAGALIA ET AL

Decree Defendant

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X But Letty Date: X 12-5-89

Date: _____

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of December 1989

Robert V. Horstelt
Notary Public

Seal.

Residing at Twin Falls, Idaho
My Commission Expires January 16, 1995

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 VACOMELLA, a single
man; GEORGE M., MARY C., and NETTA
C. VACOMELLA, all single persons;
CATERINA PEDRINI, a widow; ELLIS M.
BAKER and MARY BAKER, husband and
wife; JOE SCINCHETTI, a single man;
ANTONIO VACOMELLA and MRS. ANTONIO
VACOMELLA, husband and wife; LEO
BRICKER and TERRY 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.

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 LETZINGER, 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.

DECREE

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.

2. That each and every of the tracts of land described in the complaint and answer and cross-complaint in this action, belonging to the several parties plaintiff and defendant

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 on 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, 1935 and of record in Book 5 of Judgments at page ⁵³⁰ 250, records of Custer County, Idaho, wherein Raymond Gossi, Rosa V. Carmen, Fredolin Leuzinger and Giampedraglia Bernardo 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 tributaries, 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 34; 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 $\frac{1}{4}$ NE $\frac{1}{4}$, 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, with 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.

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.; S₁SE₁, S₁SW₁, Section 32, Lot 4, Section 23, 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 SE₁NE₁, 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 SE₁SE₁, Section 31, Township 10 North, Range 18, E. B. M.; and 1.2 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 SE₁SE₁, Section 31, Township 10 North, Range 18, E. B. M.

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, SE₁SW₁, S₁SE₁, 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, 1888 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 SE₁NE₁, Section 3, Township 9 North, Range 18, E. B. M.

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, SW₁NE₁, 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 SW₁NE₁, NE₁SW₁, Section 1, Township 9 North, Range 17, E. B. M.

That ELLIS M. BAKER and MARY BAKER are the owners of SW₁NW₁, 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 .3 cubic feet per second of time of the waters of mid East Fork of the Salmon River and Boulder Creek with date of priority May 1, 1936 and with points of diversion in the SW₁SE₁, Section 10, SW₁SE₁, Section 15, all in Township 9 North, Range 17, E. B. M.

That JOE SCIUCHETTI, ANTONIO VACOMELLA and MRS. ANTONIO VACOMELLA are the owners of E₁NW₁, SW₁NE₁, NE₁SW₁, SE₁SW₁, 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 .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 SW₁SE₁, Section 15, SW₁SE₁, Section 10, NW₁NE₁, Section 14, and SE₁SW₁, Section 11, all in Township 9 North, Range 17, E. B. M.

That JOE SCIUCHETTI is the owner of SW₁SW₁, Section 1, SE₁SW₁, Section 2, N₁NE₁, 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 .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 W₁NE₁, Section 11, Township 9 North, Range 17, E. B. M.

That ANTONIO VACOMELLA and MRS. ANTONIO VACOMELLA are the owners of S₁NW₁, N₁SW₁, Section 1, NE₁SE₁, 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 SE₁SE₁, Section 2, Township 9 North, Range 17, E. B. M.

That LEO BRICKER and JERRY BRICKER are the owners of Lot 3, SE₁NW₁, NE₁SW₁, Section 4, 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 East Fork of the Salmon River, with date of priority August 1, 1925.

That DAVE BRICKER and EDNA BRICKER are the owners of SE₁SE₁NW₁, E₁NE₁SE₁NW₁, W₁W₁SW₁NE₁, NE₁NE₁SW₁, N₁SE₁NE₁SW₁, NW₁NE₁NW₁SE₁, 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 Bowery 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.

That ELMER FRY and RHODA FRY are the owners of Lot 3, E₁SW₁, SW₁SE₁, Section 7, W₁NE₁, NE₁SE₁, Section 18, Township 9 North, Range 19, E. B. M., and appurtenant to said land they are entitled to 1.3 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 SE₁SE₁, NW₁NE₁, Section 18, Township 9 North, Range 19, E. B. M.

That L. V. CROTHERS is the owner of W₁, W₁E₁, Section 23, 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.

That PAUL GIAMPEDRAGLIA and MARIE GIAMPEDRAGLIA are the owners of N₁SW₁, SW₁NW₁, Section 26, SE₁NE₁, NE₁SE₁, Section 27, Township 11 North, Range 18, E. B. M., and appurtenant to said land they are 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 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 NW₁NW₁, Section 1, Township 10 North, Range 18, E. B. M., and the NW₁SE₁, Section 35, Township 11 North, Range 18, E. B. M.

That LOUIE GIAMPEDRAGLIA and VIOLA GIAMPEDRAGLIA are the owners of S₁SW₁, Section 26, NW₁NE₁, SE₁NW₁, 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

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 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.

That VIRGIL GOSSI is the owner of NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, 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 NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12, Township 10 North, Range 18, E. B. M.

That RAYMOND GOSSI and EVA GOSSI are the owners of Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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, 1980 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 NW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 12 and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13 all in Township 10 North, Range 18, E. B. M.

That ROSA V. CARMON is the owner of SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12 and 28.64 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, 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, 1885 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 10, North, Range 18, E. B. M.

That FREDOLIN LEUZINGER is the owner of 11.56 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, all of S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 10 North, Range 18, E. B. M.

That MARION PEEL and LUCY PEEL are the owners of SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, 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 SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22, Township 9 North, Range 17, E. B. M.

That ANTHONY BRICKER and JACKIE BRICKER are the owners of SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

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.

That GIAMPEDRACIA BERNARDO is the owner of SW $\frac{1}{4}$ NE $\frac{1}{4}$, 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, 1885.

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 employees, 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.

Emmett Donahue, Clerk

J. L. Boyd
Deputy

RECEIVED

OCT 01 1993

Department of Water Resources
Southern Region Office

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

RAYMOND GOSSI, ROSA V. CARMEN,
FRIDOLIN LEUZINGER, and

AND FOR CUSTER COUNTY.

RAYMOND GOSSI, ROSA V. CARMEN,
FRIDOLIN LEUZINGER, and

GIAMPEDRAGLIA BERNARDO,
Plaintiffs,

-vs-

PHILLIP GOSSI,

Defendant.

DECREE

This cause came on regularly to be heard and tried before the Court sitting at
Chambers in Blackfoot, Bingham County, Idaho, this 26th day of July, 1933, upon stipu-
lation of Solon B. Clark, counsel of record for the plaintiffs and Phillip Gossi, the
defendant in his own individual capacity.

Upon said hearing it appearing satisfactorily to the Court that all of the parties
hereto and all the parties interested in the determination of this action have appeared
either by counsel or individually and have stipulated that a decree of the waters of
the East Fork of the Salmon River in Custer County, Idaho, might be adjudicated by a
decree of this Court and the Court being fully advised in the premises and having taken
into consideration the complaint filed herein and the answer and cross complaint of the
defendant, Phillip Gossi, as well as the stipulation of the interested parties hereto,
hereby enters the following judgment and decree:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

I.

A. That the plaintiff, Raymond Gossi, is entitled to the use of 320 miner's inches
of the flow of the waters of the East Fork of the Salmon River, date of priority May
1st, 1883, for the irrigation of the following described lands and premises, to-wit:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, ~~SW $\frac{1}{4}$ NW $\frac{1}{4}$~~ , E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec. 1, Twp. 10 N. R.
18; NW $\frac{1}{4}$ NE $\frac{1}{4}$, of Sec. 12, Twp. 10 N., R. 18, E. B. M. to be diverted for such beneficial
use as aforesaid in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Twp. 10 N., Range 18 E. B. M.

B.--That the plaintiff, Rosa V. Carmen, is entitled to the use of 188.64 miner's
inches of the flow of the waters of the East Fork of the Salmon River, date of priority
May 1st, 1883, for the irrigation of the following described lands and premises, to-wit:

Tax in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, containing 20.64 acres, Sec. 13, Twp. 10 N., R. 19 E. B. M. SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, in Sec. 12, Twp. 10 N. R. 19 E., B. M. to be diverted for such beneficial use as aforesaid in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Twp. 10 N., Range 18, E., B. M.

C.--That the plaintiff, Fridolin Leuzinger, is entitled to the use of 120 miner's inches of the flow of the waters of the East Fork of the Salmon River, date of priority May 1st, 1880, for the irrigation of the following described lands and premises, to-wit:

S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, all in Sec. 24, Twp. 10 N., R. 18 E., B. M.

to be diverted for such beneficial use as aforesaid in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 23, Twp. 10 N., Range 18 E., B. M.

D.--That the plaintiff, Giampedraglia Bernardo, is entitled to the use of 280 miner's inches of the flow of the waters of the East Fork of the Salmon River, date of priority May 10th, 1880, for the irrigation of the following described lands and ~~premises~~ premises, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, in Sec. 25, Twp. 10 N., R. 18; E $\frac{1}{2}$ SE $\frac{1}{4}$ in Sec. 26, Twp. 10 N. R. 18; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Sec. 35, Twp. 10 N. R. 18 E., B. M.,

to be diverted for such beneficial use as aforesaid in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 23, Twp. 10 N., Range 18 E., B. M.

D.--That the plaintiff, Giampedraglia Bernardo, is entitled to the use of 280 miner's inches of the flow of the waters of the East Fork of the Salmon River, date of priority May 10th, 1880, for the irrigation of the following described lands and ~~premises~~ premises, to-wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, in Sec. 25, Twp. 10 N., R. 18; E $\frac{1}{2}$ SE $\frac{1}{4}$ in Sec. 26, Twp. 10 N. R. 18; W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, all in Sec. 35, Twp. 10 N. R. 18 E., B. M.,

to be diverted for such beneficial use as aforesaid in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, Twp. 10 N. R. 18 E., B. M.

E.--That the defendant, Phillip Gossel is entitled to the use of 160 miner's inches of the flow of the waters of East Fork of the Salmon River, date of priority April 1st, 1881, for the irrigation of the following described lands and premises, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, in Sec. 35, Twp. 11 N., R. 18 E., B. M. to be diverted for such beneficial use as aforesaid in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2, Twp. N., Range 18 E., B. M.

II.

That irrigation rights and beneficial use and purposes include the right to divert and use water for irrigation, domestic and culinary purposes and the water of livestock.

III.

That each and all of the parties hereto are hereby enjoined and restrained forever from in any manner interfering with the rights as herein adjudicated of any all of the parties hereto.

Dated at Chambers at Blackfoot, Bingham County, Idaho, this 26th day of July 1933.

State of
County of
This
the Off
ins—
duly a





STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

May 26, 1983

Brett Getty
H/C #68 Box 355
Clayton, Idaho 83227

~~Re: Application for Transfer of Water Right~~

Dear Mr. Getty:

~~After considerable analysis and review, we have decided to return your application for transfer of water rights and start proceedings to refund your \$30.00 filing fee.~~

~~A transfer of a water right must result in some change to the right. Your application indicates that neither the point of diversion nor the place of use is to be changed. Therefore, no transfer is necessary.~~

~~In addition, further research showed that the rights described in the transfer application are not the rights which are appurtenant to your land.~~

The rights appurtenant to Lt28, Block 2 of the East Fork Subdivision (7.4 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, T10N, R18E) are as follows:

Water Right No. 72-0176

Decreed to Fridolin Leuzinger in case Bradshaw vs Leuzinger, Sixth District Court, dated October 31, 1921.

→ Source: Road Creek

Amount: .40 cfs

Priority: April 1, 1879

Place of Use: NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, T10N, R18E
NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T10N, R18E

Amount appurtenant to Lt 28, Block 2, East Fork Subdivision: .0082 cfs
(.41 miners inches)

Water Right No. 72-0230

Decreed to Fredolin Leuzinger in case Gossi et al vs Giampedragalia et al, Sixth District Court, dated February 14, 1938.

Source: East Fork. Salmon River

Amount: 8.0 cfs

Priority: May 1, 1880

MICROFILMED

MAR 1 8 1993

Point of Diversion: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, T24, R18E

Place of Use: 11.36 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24, T10N, R18E

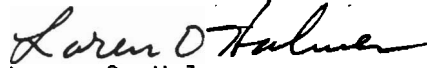
Amount appurtenant to Lt28, Block 2.

East Fork Subdivision: .1341 cfs (6.71 miners inches)

A map is attached showing the location of your property and the places of use of the above water rights.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

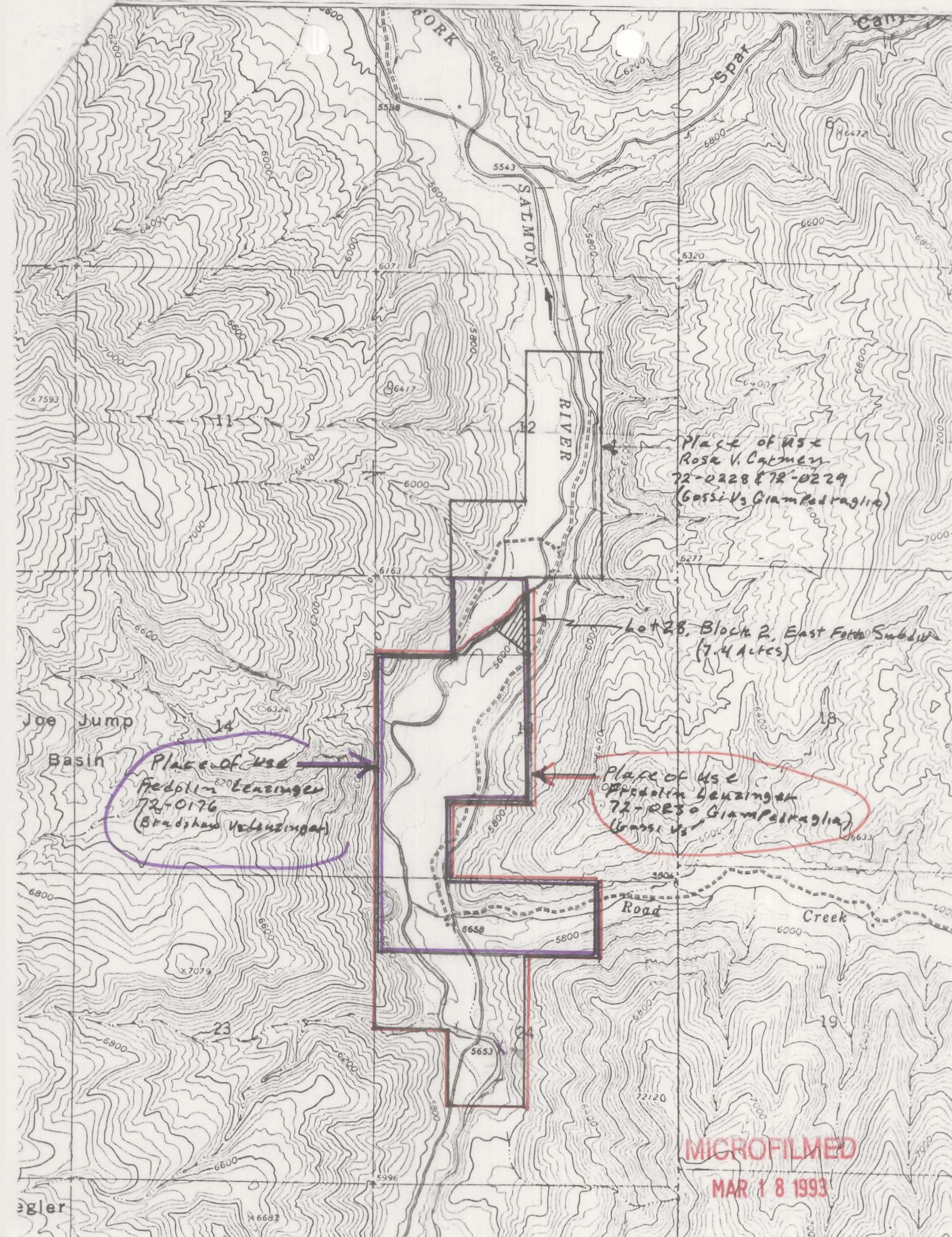


Loren O. Holmes
Southern Region Supervisor

LOH:marya

MICROFILMED

MAR 18 1993



Place of Use
Rosa V. Catmen
72-0228 & 72-0229
(Gossi V. Giampadraglia)

Lot 28, Block 2, East Felt Subdiv
(7.4 Acres)

Place of Use
Fredolin Leuzinger
72-0176
(Bradshaw Leuzinger)

Place of Use
Fredolin Leuzinger
72-RE30 Giampadraglia
(Gossi V.)

MICROFILMED
MAR 18 1993

egler

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00230A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

June 12, 1997 11:17am

NAME:
ANITA GETTY
A72-00230A LOT 28 E.F.F SUBD

RE:
PRITCHETT A72-00230L
LOT 27 E.F. SUBD.

TF AT 10:10-TCW TILL 10:35. GETTING CALLED BY MRS PRITCHETT-MSG8
LEFT ON MACHINE RE: THE WATER AND SHEEP GETTING ON PRITCHETT'S
LOT.

REVIEWED MY CONVERSATION W/MRS PRITCHETT 06-03-1997. REVIEWED TERMS OF WATER USE AND THE UNDERLYING DECREE (LEUZINGER) WATER RIGHT AS SPLIT BY THE LOTS PROPORTIONALLY.

DESCRIBED TO MRS GETTY WHAT I HAD TOLD MRS. PRITCHETT:
CLAIMS IN THE SRBA NOT PROVEN DESPITE REQUEST TO ORIGINAL REAL
ESTATE AGENT TO PROVIDE SAME. QUOTED TIMES AND DATES OF CONTACTS
WITH SANDE HILL FROM EXHIBITS IN THE CLAIM FILE MADE BY ME.

SUGGESTED, ALTHOUGH NOT AN ATTORNEY, THAT THEY DO AS OTHERS HAVE DONE THERE AND ELSEWHERE I.E. ROTATION.

SINCE THERE IS NO WATER DISTRICT AND AS A RESULT NO WATERMASTER THE USERS HAVE ALWAYS TAKEN CARE OF THEIR DELIVERIES THEMSELVES. SOME OF THE YEAR-ROUND RESIDENTS HAVE TURNED WATER FOR ABSENTEE OWNERS OF THE LOTS AND HAVE WRITTEN AGREEMENT TO DO SO WHICH IS WHAT WAS REQUESTED OF SANDE HILL IN 1993.

SHE SPECULATED ABOUT MOVING THE POINT OF DIVERSION TO THE SALMON RIVER, EAST FORK AND I REMIENDED HER THAT I HAD PROVIDED THAT PAPERWORK TO THEM LAST MAY OF 1995.

DESCRIBED D&S SCHEDULE AND SAID THAT IT WOULD BE A LONG TIME BEFORE I WOULD BE UP AGAIN.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00230L

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IDWR Employee/Agent Frank Hitchcock

June 3, 1997 1:00pm

NAME:
TERRI PRITCHETT-MCKAY

RE:
A72-00230L

MSG LEFT ON VOICE MAIL 05-29-97 WHILE I WAS ON LEAVE. RETURNED
CALL 06-02 AT 9:25 AM-LEFT MSG AT OFFICE.

TF WHILE I WAS ON ANOTHER CALL AT 11:25-CALLED BACK AT 11:30-TCW.

SAYS GETTY TOLD HER SHE HAS NO WATER RIGHTS. SHE REMINDED THEM THAT THEY HAD TOLD HER THAT THEY HAD PROVED UP WATER FOR C.W. INVESTMENT CO.

SAYS THAT SANDE HILL, SELLER/BROKER, TOLD HER THAT THE WATER RIGHT WAS GOOD FOR THE LOT AND THERE WERE PAPERS TO PROVE IT. CLAIMANT HAD SPENT A LOT OF MONEY TO PROVE UP THE RIGHTS.

READ TO HER FROM THE FILE-FILE NOTES FROM 1993 ASKING SANDE HILL TO PROVIDE EVIDENCE OF THE WATER USAAGE FOR THE LOTS CLAIMED BY C.W..

LENGTHY DISCUSSION OF SEMANTICS/TERMS OF WATER USE AND THE STATUTES THAT GO TO APPROPRIATION.

DISCLAIMED FREQUENTLY AS NOT AN ATTORNEY AND THAT I COULDN'T ADVISE HER HOW TO PROCEED BUT THAT AS OF THIS DATE THERE STILL ISN'T ANY FORM OF EVIDENCE FOR THE CLAIMS FILED BY C.W. INVESTMENT OR BUYER OF THE LOTS CLAIMED BY C.W..

SHE SAID THAT SHE WOULD PROBABLY CALL ME BACK WITH MORE QUESTIONS BUT THAT SHE WAS GOING TO CONTACT HILL AND REQUEST THE PAPERWORK CITED BY HILL THAT FORMED THE BASIS OF THE SALE.

COPY

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00230A

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IDWR Employee/Agent Frank Hitchcock

May 31, 1995 8:41am

NAME:
BRETT GETTY

RE: **A72-00230A**

TF 05-30-1995 AT 4:45 PM. TCW TILL 4:50 PM.

REVIEW TRANSFER OF THE DITCH POD IN THE SUBDIVISION DITCH DUE TO CONTINUING PROBLEMS WITH USERS AS HE IS AT THE END OF THE DITCH ON THE NORTH END OF THE SUBDIVISION. HE HADN'T READ THE LETTER I SENT HIM LAST WEEK BUT HAD IT THERE WHEN HE LOOKED FOR IT. I WENT OVER THE SALMON OFFICE CONTACT THAT I SUGGESTED IN THE LETTER AND HE SAID THAT HE WOULD CALL BOB. SAID THAT THEY WERE STILL HAVING PROBLEMS WITH LEONARD ON THE USE OF THE WATER AS RECENTLY AS THE DAY BEFORE. WENT OVER HOW WE WILL RECCOMEND THE SRBA CLAIMS SOMEDAY.



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 24, 1995

MR. AND MRS. BRETT GETTY
HC 68
BOX 355
CLAYTON, ID 83227

RE: POSSIBLE TRANSFER OF DIVERSION POINT TO PUMP

*Sent with: instructions - TRANSFER
PART 1 & 2 - " form
COPY - LEONARD memo
" - GETTY memo
" - COVER letter to
DR. / MRS. MAC
MILLEN*

DEAR MR. AND MRS. GETTY:

While I was suprised that Mrs. Getty had my card by the phone and even remembered me I was sorry to hear the reason(s). I have put a letter in the mail to Dr. and Mrs. MacMillen regarding the use of the water on the lots, especially Lot 25 and described the phone call from your new neighbor Mr. Leonard. I enclose a copy for your information...not as caretakers but as adjoining water users identified by Mr. Leonard as "taking" the water.

As promised, I asked about the method of moving the diversion point from the East Fork Subdivision ditch to a pump in the Salmon River, East Fork to deliver your decree portion A72-00230A to your lot. I enclose the forms and instructions for your review. This is easily the hardest form to fill out that we have. Please consider calling our representative in Salmon to discuss your situation and to get help in completing the paperwork if you want to go ahead.

You can reach our Salmon office by calling 756-6644. The agent's name is Bob Foster and he has a recorder on the phone because he has to cover the whole Salmon watershed and is gone a lot. I'll send a copy of this letter to him so he knows that you may be calling him and what it is about.

I am attempting to plan for the second full week of June to be on the East Fork subject to all the usual hitches and starts. I'll stop by when I'm in the subdivision to review the McMillen usages. Thats about it for now. I hope things settle down in the neighborhood. Best wishes.

Sincerely Yours,

Francis G. Hitchcock
enclosures

COPY

cc: Bob Foster

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00230A

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IDWR Employee/Agent Frank Hitchcock

◇◇◇

May 23, 1995 2:15pm

NAME:

MRS. ANITA GETTY
LOT 28 E.F. SUBDIVISION

RE:

CALL FROM MR. LEONARD
LOT 27 E.F. SUBDIVISION

I CALLED MRS. GETTY AT 1:10 PM TO ASK ABOUT THE IRRIGATION PRACTICE FOR LOTS 23, 24 AND 25 TO THE SOUTH OF THEIR PROPERTY BELONGING TO THE MACMILLANS BASED IN PART ON THE LATE CLAIM RECIEVED FOR THE LOT 25 WATER USAGE AND A CALL RECIEVED AT 11:57 AM FROM MR. LEONARD ABOUT THE MACMILLEN'S CARETAKER "TAKING" ALL THE WATER IN THE EAST FORK SUBDIVISION.

SHE SAID THAT THEY ARE NOT CARETAKERS FOR THE MACMILLANS AND THAT WHILE THEY HAVE (AS YEAR-ROUND RESIDENTS) KEPT AN EYE ON THE PROPERTY AND OCCASIONALLY HAVE TURNED OUT WATER ON THE LOTS THEY DO NOT HAVE ANY RELATIONSHIP WITH THE MACMILLANS TO TAKE CARE OF THE PROPERTY.

SHE WENT ON TO SAY THAT THE DAM THAT IS IN THE DITCH IS FROM LAST SEASON AND THAT SHE DIDN'T KNOW THAT THE WATER WAS BEING TURNED IN TO THE DIVERSION DITCH. SHE THOUGHT THAT BRUNKER MUST HAVE CLEANED OUT THE DIVERSION AS HER HUSBAND HADN'T. THERE HAS BEEN NO ATTEMPT ON THEIR PART TO CONTROL THE WATER OR TURN IT OUT ON THE MACMILLAN LOTS AS SUGGESTED BY MR. LEONARD'S CALL TO ME EARLIER.

SHE ASKED ME TO FIND OUT WHAT THEY HAVE TO DO TO MOVE THEIR DIVERSION POINT FORM THE DITCH TO THE RIVER AS THEY ARE HAVING AN INCREASINGLY HARD TIME GETTING THE WATER FROM THE RIVER DIVERSION TO THEIR LOT WHICH IS AT THE EXTREME NORTH END OF THE SUBDIVISION. I TOLD HER THAT I WOULD FIND OUT AND BE IN TOUCH WITH THEM.

PRACTICE FOR HIGH MOUNTAIN PASTURE AND THAT THE WATER IS USUALLY A ROTATION SHARE BASIS AMONGST THE USERS. I SAID SEVERAL TIMES THAT THE DEPARTMENT DOESN'T DO ENFORCEMENT OF PRACTICE IN APPLYING THE WATER.

AGENT NOTE:

I AM NOT AWARE OF A CARETAKER SITUATION FOR THE MACMILLAN PROPERTIES AND IT SEEMS EARLY TO BE TURNING THE WATER. I WILL ASK THE GETTY FAMILY ABOUT IRRIGATION OF THE MACMILLEN LOTS WHEN I CALL ABOUT THE RECENTLY RECIEVED LATE CLAIM FOR LOT 25.

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call 510

Returning Call

838-2239

TO:

GERTY, BRAT, ANITA

DATE:

07-19-1993

FROM:

H

FILE:

-00230A

FILE NO:

SUBJECT:

field exam

09-15-93

- this year -

3 ditches - down middle - about a week
side ditches - " 5 days

let above MacMillan real estate agent asked her to
water - she has done so twice - let report to them - they

REMARKS:

N/A.

have to dam on other

07-20-93

9 06 PM: N/A

side of fence line to spread
water onto their lot.

08-09-93

met them after appt @ MACMILLAN -

3 PM

plan to call report week after fair work.

8-18-93

MRS GERTY -

120

& irrigation of C.W. Investment lots on
the one report to their ground - sort of -
& agreement re anything formal -
appt w/ both - 30/40 mins to do.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

09-14-93

755 CN MRS - W @ 11 after Bradshaw

December 17, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

DEC 23 1998

**Department of Water Resources
Southern Region**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-00230A

BRET A GETTY
ANITA L GETTY
H/C 68 BOX 355
CLAYTON ID 83227

Daytime Telephone Number:

Evening Telephone Number:

208 535 2239

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-19-98

SIGNATURE:

Please print your name:

Bret Getty Anita Getty
Bret Getty Anita Getty

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R72-00230A

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

GETTY

BRET A

1 - H/C 68 BOX 355

2 -

3 -

City- CLAYTON

State- ID Zip- 83227

Phone - 208-838-2239

GETTY

ANITA L

1 - H/C 68 BOX 355

2 -

3 -

City- CLAYTON

State- ID Zip- 83227

Phone - 208-838-2239

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
05/01/1880 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SALMON RIVER, EAST FORK SALMON RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

10N 18E 24 SE NE SW (37) CUSTER EF-5

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.250+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.250 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10N 18E 13 NE NW 5.7 01 IRRIGATION (37) CUSTER

Total Acres: 5.7

+ - - Diversion Means - ROCK WING, WOOD HEADGATE, & DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - NONE.

+ - - Other Rights for Same Use - NONE EXCEPT DOMESTIC CLAIM.

+ - - - - Remarks - - - - - +

EXP PROPERTY IS ALSO KNOWN AS LOT 28, BLK 2, EAST FORK SUBDIVISION

Water right number - R72-00230A Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 72:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN THE SNAKE RIVER BASIN:
- WATER RIGHT NO. SOURCE
- NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
GOSSI ET AL GIAMPEDRAGALIA ET AL 02/14/1938

+ - - - - Comments - - - - - +
Date: 11/13/1998 User Id: VHANCOCK Subject: COPIED FROM REMARKS
THIS CLAIM IS A SPLIT FROM WATER RIGHT #72-00230 FOR 0.25 CFS. |
THE ATTACHED DECREE COVERS THE PLACE OF USE AS T10N, "R19E" RATHER THAN T10N, "R18E" SEC. 13 WHICH IS THE LANDS ADJACENT
TO THE EAST FORK OF THE SALMON RIVER, THE SOURCE OF THE WATER.
Date: 11/21/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
Date: 12/16/1998 User Id: VHANCOCK Subject: CHANGES PER NOE
ADDED ADDITIONAL ACRES TO IRRIGATED PLACE OF USE PER CONVERSATION WITH CLAIMANT DECEMBER 8 1998 IN CHALLIS

+ - - Audit Fields - - +
12/16/98 VHANCOCK

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 12/16/1998 Old Judicial District - SIXTH
Claim Received Date - 12/05/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - M005304 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag -
Notice of Error Flag -



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

December 16, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Bret and Anita Getty
HC 68 Box 355
Clayton, Idaho 83227

RE: Snake River Basin Adjudication (SRBA)
Claim Number A72-00230A:

Dear Mr. and Mrs. Getty:

Enclosed find a corrected GIS place of use image, and a copy of your recommendation that reflects the changes made in irrigated acreage per our conversation in Challis December 8th. Please review these carefully.

I would appreciate your sending the Notice of Error forms back to me, but barring any further communication from you, I will proceed with the recommendation of your claims to the SRBA Court as they now stand.

Thank you for attending the meeting in Challis. As it looks now, the actual Director's Report to the Court should go out sometime toward the end of January 1999. If I can be of any further assistance to you, please don't hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Vikie Hancock'.

Vikie Hancock
Water Resource Agent

IM NUMBER A72-00230A DATE 9-14-98 TRANSFER NUMBER _____
 AGENT UAT CLAIMED ACRE TOTAL 7.4
 GIS ACRE TOTAL 4.9

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
AIM	<u>10N</u>	<u>18E</u>	<u>13</u>					<u>7.4</u>												<u>7.4</u>
IS								<u>4.9</u>												<u>4.9</u>
COM								<u>4.9</u>												<u>4.9</u>
AIM																				
GIS																				
COM																				
AIM																				
GIS																				
COM																				

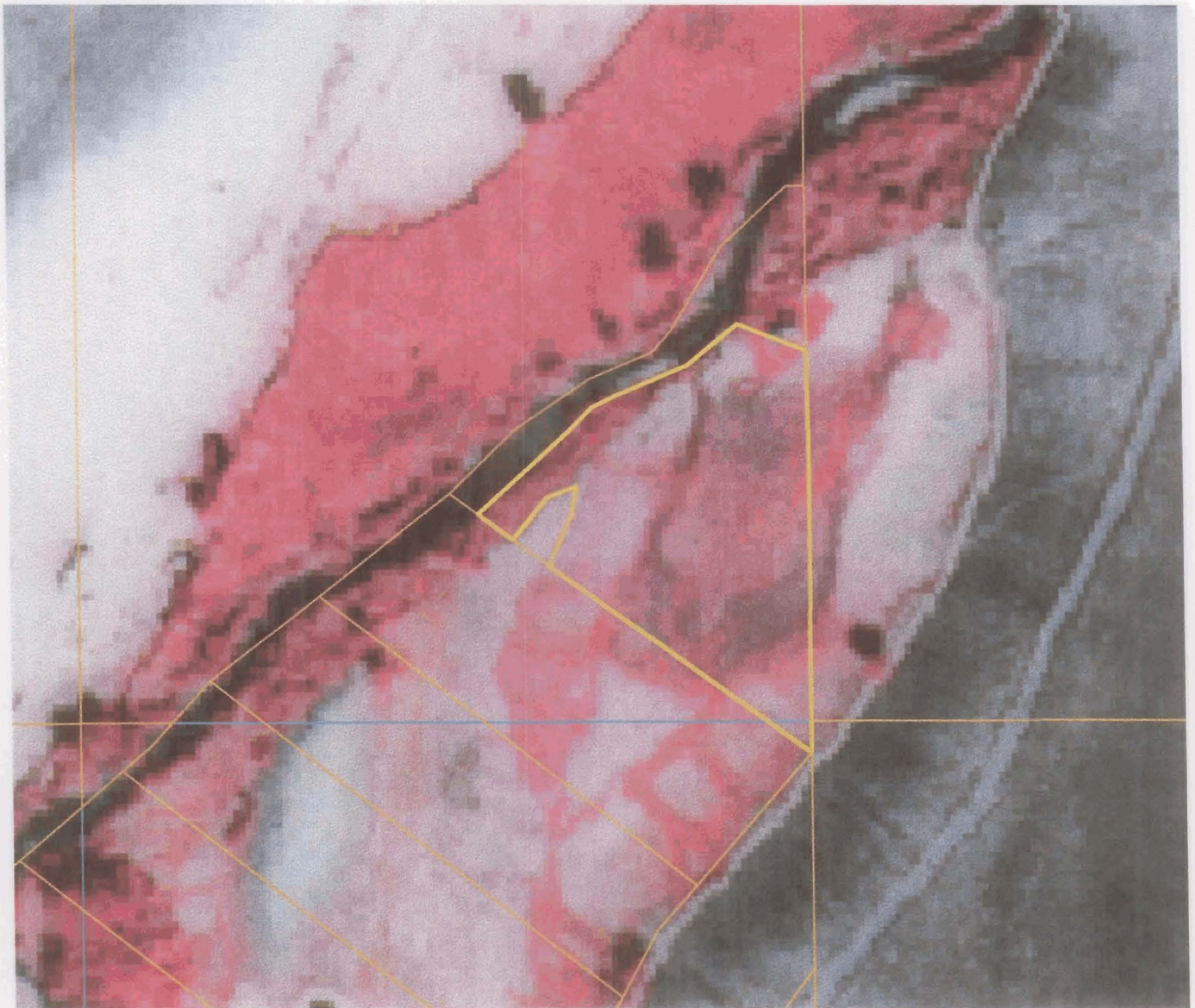
72-DBPOU.SHP Delete acres in T1E T1N Sec 13 per conversation
 HAPE NOS. with Clement on checks 12/8/98. UAT
119

72-DBPOD.SHP
 NOS. DESCRIPTION
30 SE NE SW Sec 24 T10N 18E

DBF TABLES UPDATED _____
 B72-DBPOU.DBF ✓
 B72-DBPOD.DBF ✓

RIGHTS 72-00230A

**RECOMMENDED PLACE OF USE
TWP 10N, RNG 18E, SEC 24
ta entry on December 16, 1998**



0 660 1320 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**

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R72-00230A

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

GETTY

BRET A

1 - H/C 68 BOX 355

2 -

3 -

City- CLAYTON

State- ID Zip- 83227

Phone - 208-838-2239

1 - H/C 68 BOX 355

2 -

3 -

City- CLAYTON

State- ID Zip- 83227

Phone - 208-838-2239

GETTY

ANITA L

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1880 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SALMON RIVER, EAST FORK SALMON RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
10N 18E 24 SE NE SW (37) CUSTER EF-5

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.250

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.250 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
10N 18E 13 NE NW 4.9 01 IRRIGATION (37) CUSTER

Total Acres:

4.9 chm acres

+ - - Diversion Means - ROCK WING, WOOD HEADGATE, & DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - NONE.

+ - - Other Rights for Same Use - NONE EXCEPT DOMESTIC CLAIM.

+ - - - - Remarks - - - - - +

EXP PROPERTY IS ALSO KNOWN AS LOT 28, BLK 2, EAST FORK SUBDIVISION

Prefix Translation: RESEARCH

```
+ - - - Old Water Right Numbers - - - +
```

```
+ - - - Old Water Right Numbers - - - +
```

```
No Old Water Right Numbers Found
```

```
+ - - - Conditions of Approval - - - +
```

```
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
```

```
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
```

```
+ - - Decree Plaintiff - - +          + - - Decree Defendant - - +          + - Decree Date - +
```

```
GOSSI ET AL                          GIAMPEDRAGALIA ET AL                      02/14/1938
```

```
+ - - - Comments - - - +
```

```
Date: 11/13/1998 User Id: VHANCOCK Subject: COPIED FROM REMARKS
```

```
THIS CLAIM IS A SPLIT FROM WATER RIGHT #72-00230 FOR 0.25 CFS.
```

```
THE ATTACHED DECREE COVERS THE PLACE OF USE AS T10N, "R19E"
```

```
TO THE EAST FORK OF THE SALMON RIVER, THE SOURCE OF THE WATER.
```

```
RATHER THAN T10N, "R18E" SEC. 13 WHICH IS THE LANDS ADJACENT
```

```
+ - - Audit Fields - - +
```

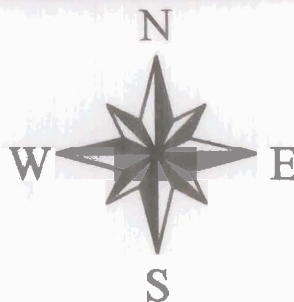
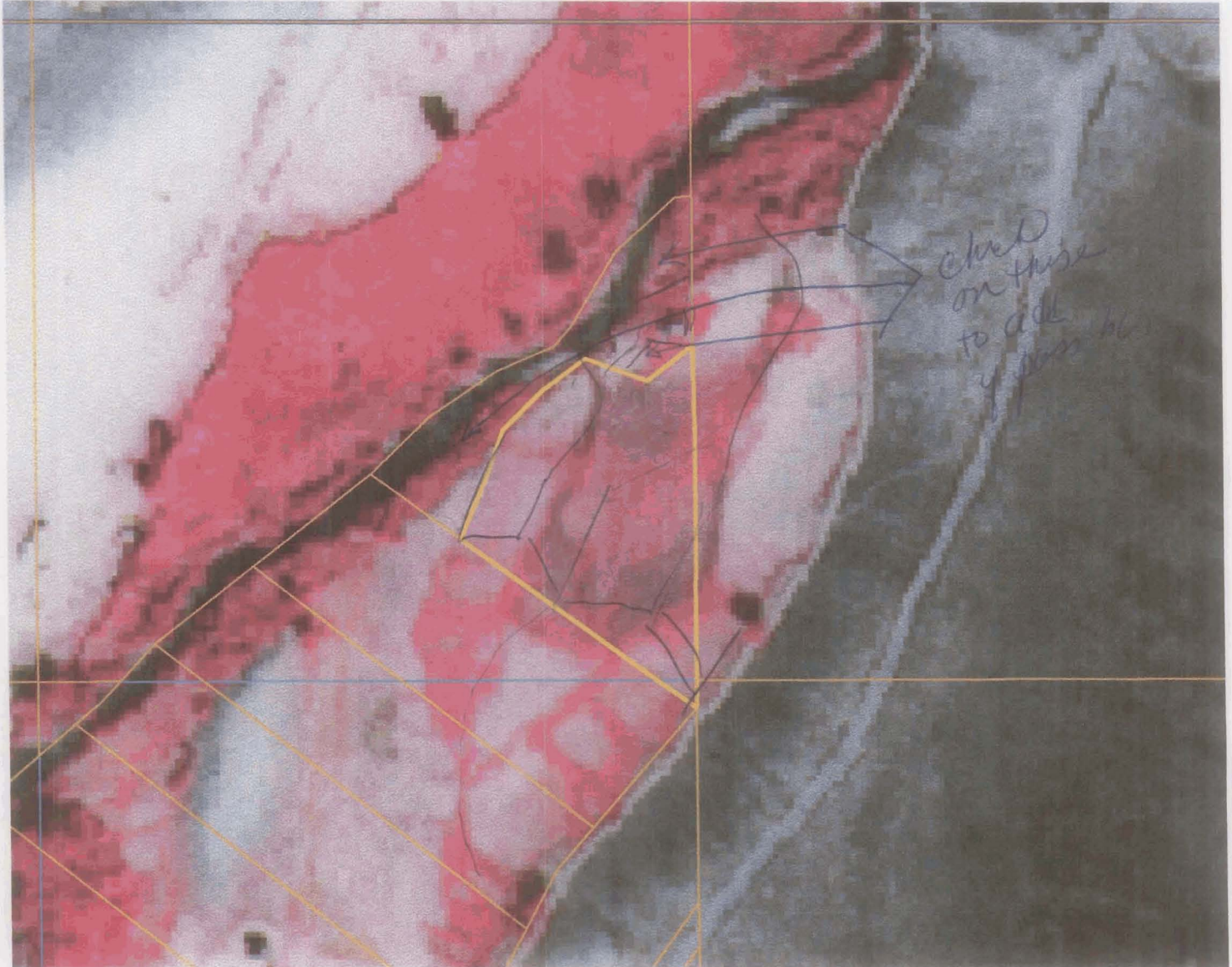
```
11/13/98 VHANCOCK
```

```
+ - - Adjudication Rights Dates and Flags Area - - - +
```

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 11/13/1998	Old Judicial District	- SIXTH
Claim Received Date	- 12/05/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- M005304	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

RIGHT 72-00230A
GETTY

RECOMMENDED PLACE OF USE
TWP 10N, RNG 18E, SEC 24
data entry on September 14, 1998



- 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 PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

SUPERCEDED

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

22-00230A

DATE: 11-13, 1998

REVIEWED BY DA

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DAF	.18	.15			5.33	7.27
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DRF	.18	.19			9.08	9.68
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
G01	.10	.12			12.47	10.51
KEG	.08	.07			8.73	10.06
MBF	.15	.12			7.65	5.81
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
PD2	.11	.12			5.15	4.74
Q	.26	.21			13.2	10.4
RE2	.29	.21			3.15	4.74
RP1	.19	.21			4.89	4.57
SH1	.06	.05			9.37	12.10
SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
TS1	.08	.08			9.82	9.55
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL / ROTATION (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
<u>TS1</u>	/	*	<u>4.4</u>	<u>.08</u>	= <u>.35</u> CFS
<u>BK1</u>	/	*	<u>.5</u>	<u>.07</u>	= <u>.03</u> CFS
_____	/	*	_____	_____	= _____ CFS
_____	/	*	_____	_____	= _____ CFS

TOTAL ACRES 4.9

DECREED RATE = _____

CLAIMED DIVERSION RATE = .25

MEASURED DIVERSION RATE = _____

HUBBLE

A72-0023.

CLEAR-HOT

④

- GENERAL INFORMATION
1. Name of stream or ditch: EF-5 35' below screen
2. Location: EF SUBD @ screen site near bridge over EF
3. Person conducting measurement: BOB FOSTER
4. Date and time of measurement: 06-13-95 2 PM / 2:30
5. Accompanied by: 71
6. Measuring device size and ID no.: SWOFFER # 2100
7. Spin test before measurement OK? OK after measurement OK? _____
8. Purpose of measurement: SRBA CLAIM REVIEW

④

[illegible]

COPY

measurements

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 ³³⁰ 350, records of Custer County

DECRE 2-14-1938

Gossi, et al - v - Giampodraglia, et al

of priority May 1, 1936 and with points of diversion in the NW¹SE¹, NW¹NE¹, Section 16 and SE¹NW¹, Section 13 all in Township 10 North, Range 18, E. B. M.

00228
00229 That ROSA V. CARMEN is the owner of SW¹NE¹, W¹SE¹, SE¹SW¹, Section 12 and 28.64 acres in the NE¹NW¹, 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, 1885 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 SE¹NW¹ Section 13, Township 10, North, Range 18, E. B. M.

00230 That FREDOLIN LEUZINGER is the owner of 11.56 acres in the NE¹NW¹, all of S¹NW¹, N¹SW¹, SW¹SW¹, Section 13, NW¹, NW¹NE¹, NE¹SW¹, 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 SE¹NW¹ and NE¹NW¹, Section 24, Township 10 North, Range 18 E. B. M.

00231
00232 That MARION PEEL and LUCY PEEL are the owners of SW¹SE¹, SE¹SW¹, Section 15, W¹NE¹, E¹NW¹, NW¹SE¹, NE¹SW¹, 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 SE¹SE¹, NE¹NW¹, Section 22, Township 9 North, Range 17, E. B. M.

00233 That ANTHONY BRICKER and JACKIE BRICKER are the owners of SE¹SW¹, SW¹SE¹, Section NE¹NW¹, NW¹NE¹, 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
00235 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.

00236 That GIAMPEDRAGLIA BERNARDO is the owner of SW¹NE¹, Section 35, Township 11 North, Range 18, E. B. M., and appurtenant to said land and 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, 1885

NO POD...

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.

1938 DECREE

14 13

12

FORK

EAST

28
7.40 Ac.

Bret
Getty
157913

tree

MATCH LINE

SWAN

RIVER

Arched
macmen
190554

Jack
Preper
159432

LAWRENCE KELL

C.W. INVESTMENT

21
5.00 Ac.

FORK

SALMON

Hannon Prooty
Wm R. Prooty
160100
176260
20

5.547 Ac

MAPS USED:
ASCS
ORTHO
NAPP
BLM

DATE:

E.F. SUBD. PARTIAL
POV display

A72-00230A

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

EASEMENT AGREEMENT EF-5, FILED AT CUSTER CO. COURTHOUSE ON
11/17/59, PAGES 369-373, BOOK 33.
DITCH OWNERS--G. & V. LEUZINGER.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am _____ of

Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

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: A72-10539
Date Received: 8/16/1990
Receipt No: T017346
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO 208-334-3700
Address: DEPT. OF FISH & GAME
P.O. BOX 25
BOISE, ID 83720

2. Date of Priority: NOV 17, 1959

3. Source: EAST FORK OF SALMON RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	18E	24	NE	SW			CUSTER

5. Description of diverting works:
CONCRETE STRUCTURE, DITCH & BYPASS PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
FISH PROPAGATION	03/15	11/15	0.800		

7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
FISH/ BYPASS PIPE AT FISH SCREEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	18E	24	SE	NW		FISH	

11. Place of use in counties: CUSTER

EVIDENCE OF PRIORITY DATES FOR SALMON RIVER
FISH SCREEN WATER RIGHT CLAIMS
(Continued)

Water Right No.	Screen No.	Proposed Priority Date	Proof of Priority Documentation
A72-10537	EF-3	1963	C.R.P. construction records (1963) and IDFG photo file
A72-10538	EF-4	1963 (rebuilt in 1989)	C.R.P. construction records (1963) and IDFG photo file
A72-10539	EF-5	1963	C.R.P. construction records (1963) and IDFG photo file
A72-10540	EF-6	1963	C.R.P. construction records (1963) and IDFG photo file
A72-10541	EF-7	1963 (rebuilt in 1982)	C.R.P. construction records (1963) and IDFG photo file

MICROFILMED

MAR 19 1993

IF+G PRI. DATA

Fox CR: have a pipeline capping down
the East side of the draw - does
this dump into? in relation to
the flume.

H.C. 2: Pod well above fish screen.

Gerry: ditch goes along access road &
@ fence line corner goes No. along
road - this is opposite where ditch
is in center of lots.

MAC MILLAN: ditch runs along access
road and then around bend to
the Gerry lots - div. box PIX -
blade plastic tubes out of ditch
10 yds So of box - PIX - then
cuts in ditch and big black pipe
50 YDS So. - cuts/taps every 20'
another chuck frame.

MORGAN: ? box No. of eqny crossing but
no signs of taps, cuts, chuck
ditch filled in for crossing to
SHAUGHNESSY.

Lot 22: So. 50 YDS from 22/23 corner
Navy Supage collects under trees
and out on to pasture area.

A72-00230A

SEAN KENNEDY





SEE REVERSE
FOR TEXT

AZ2-00230A

GETTY

- Typo ERROR IN
DECREE... other
REFERRALS HISTORICAL.
* Proof shows RIBEAS
CORRECT.

CVR

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:27:23
05/30/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-00230A

LAST: GETTY ^{HC}
ADDRESS: ^{H/C} 68, BOX 355
CITY: CLAYTON
PHONE NUMBER: 208-838-2239

FIRST: BRET A.

STATE: ID ZIP: 83227

OWNER CODE: C

LAST: GETTY ^{HC}
ADDRESS: ^{H/C} 68, BOX 355
CITY: CLAYTON
PHONE NUMBER: 208-838-2239

FIRST: ANITA L.

STATE: ID ZIP: 83227

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

CLAIM REMARKS: THIS CLAIM IS A SPLIT FROM WATER RIGHT #72-00230 FOR 0.25 CFS.
THE ATTACHED DECREE COVERS THE PLACE OF USE AS T10N, "R19E"
RATHER THAN T10N, "R18E" SEC. 13 WHICH IS THE LANDS ADJACENT
TO THE EAST FORK OF THE SALMON RIVER, THE SOURCE OF THE WATER.

CONTACT PERSON: MRS. GUTH

DATE OF FIELD EXAM: 09/15/93

APPOINTMENT MADE: Y(☒) N(☐)

PHONE NUMBER: () -

TIME: 11:00 A() P()

ACCOMPANIED BY: —

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: wife

DIRECTIONS TO PROPERTY / REMARKS:

@ top of subdivision

NOTE have to have Braden clear out wing dam every August -
concerned about having enough water to irrigate -
has hard time irrigating when others are using.
would like to change POD to pump from river.

A. AJ CLAIM: # A72-00230A PRIORITY DATE: 05-01-1880 STAGE: D

B. WR RECORD: # 72-00230 PRIORITY DATE: 05-01-1880 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(☒)
IF YES EXPLAIN.

REMARKS: Priority date based on decree filed 2-14-38 in Custer
County. Copy in file.

RECOMMENDED PRIORITY DATE:
05-01-1880

REVIEWED BY

D Hancock

DATE

9-9-98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-00230A	10N	18E	24	NE	NE	SW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A72-00230G NONE
A72-00230H
A72-00230J

WR RECORDS IN SAME 40 ACRE TRACT

72-04097
72-04216

SOURCE: E. FORK, SALMON RIVER

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-00230	10N	18E	24		SE	NW		CUSTER
72-00230	10N	18E	24		NE	NW		CUSTER

OTHER WR RECORDS WITH SAME WR POD

72-04216
72-04230

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A72-00176B
A72-00176D
A72-00176G
A72-10202
A72-10359
A72-10542

NONE

SOURCE: SALMON RIVER, EAST FORK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
Y

FIELD
EXAMINER

REMARKS:

CHANGE IN POD FOUND. DISCREPANCY FROM 1938 DECREE. CHANGE IN POD VERIFIED BEFORE 1959 BY DOCUMENTS IN 72-10539, FISH & GAME FISH SCREEN # EF-5, LOCATED JUST UPSTREAM OF POD. (COPIES IN FILE). CURRENT POD VERIFIED BY FIELD EXAM, TOPO MAP.

Condition Code C03

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
10N	18E	24	SW	NE	SW	---	Custer

SOURCE: Salmon River, East Fork

REVIEWED BY: J. Hancock

TRIB: Salmon River

DATE: 9-9-98

A. ROOT WATER RIGHT NUMBERS:

A72-00230A
A72-00230D

A72-00230F

A72-00230G

A72-00230H

A72-00230J

A72-00230K

A72-00230L

A72-00230M

A72-00230N

A72-00230B

A72-00230C

A72-00230P

A72-00230Q

A72-00230R

A72-00230S

A72-00230E

A72-00230T

B. POU LISTING

RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
10N	18E	13	NE	NW	GETTY, BRET A.	A72-00230A / 7.4	- /	24.0	4.8	4.8
			NE	NW	GETTY, BRET A.	A72-10194 /	- /			
			NE	NW	SHERWOOD, ARCHIE	A72-00230F / 20.0	- /			
			NE	NW	SHERWOOD, ARCHIE	A72-00229 / 20.0	72-00229 / 29.0			
			NE	NW	SHERWOOD, ARCHIE	A72-10057 /	- /			
			NE	NW	C. W. INVESTMENT CO.	A72-00230L / 3.0	- /			
			NE	NW	SHERWOOD, ARCHIE	A72-00228A / 20.0	- /			
			NE	NW	LEUZINGER, FRIDOLIN		72-00176 /			
			NE	NW	CARMEN, ROSA V.		72-00228 / 29.0			
			NE	NW	LEUZINGER, FREDOLIN		72-00230 /			
TOTAL ACRES						A72-00230A	7.40	24.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N(✓)
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER
✓

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

ARC VIEW program WITH SUBDIVISION BOUNDARY LINES OVERLAYING NAPP PHOTO (1987)
USED TO CALCULATE IRRIGATED ACRES. VISUAL OBSERVATION IN 1998 AND
PICTURES TAKEN 9-15-93 CONFIRMED ^{THAT} AREAS AROUND DWELLING AND SHEDS,
AS WELL AS DRY SECTION IN SW CORNER OF PASTURE, IS NOT IRRIGATED.

RECOMMENDATIONS:

TOTAL ACRES:

4.8

REVIEWED BY:

Wm Hancock

DATE:

9-9-98

A. AJ CLAIMED USES:

PURPOSES	FROM	MONTH/DAY TO	DIVERSION QUANTITY
A72-00230A IRRIGATION	04-01	11-01	.250 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			.250 CFS

B. WR RECORDED USES:

PURPOSES	FROM	MONTH/DAY TO	DIVERSION QUANTITY
72-00230 IRRIGATION			8.000 CFS
TOTAL DIVERSION RATE/VOLUME CLAIMED			8.000 CFS

SUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY? (Y/N)	N	☒
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)	Y	☐
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)	Y	☐

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.250 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 8.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y() N() IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE EXCEPT DOMESTIC CLAIM.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00230A	E. FORK, SALMON RIVER	GETTY, BRET A.	0.250	0.033		
A72-00228A	SALMON RIVER, EAST FORK	SHERWOOD, ARCHIE	1.320	0.008		
A72-00229	SALMON RIVER, EAST FORK	SHERWOOD, ARCHIE	0.300	0.001		
A72-00230F	SALMON RIVER, EAST FORK	SHERWOOD, ARCHIE	8.000	0.049		
A72-00230L	SALMON RIVER, EAST FORK	C. W. INVESTMENT CO.	0.150	0.030		

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10194	DOMESTIC	GETTY, BRET A.	FROM 01-01 TO 12-31	.040 CFS	
A72-10194	STOCKWATER	GETTY, BRET A.	FROM 01-01 TO 12-31	.020 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 22.2 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

*ubble analysis indicates requirement greater than
amount claimed. Recommend as claimed.
VH 6/6/98*

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AE/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE 0.250 EXAMINER -----	DATABASE EXAMINER -----	DATABASE EXAMINER 22.2 -----
TOTAL FOR THIS RIGHT		0.250		22.2

REVIEWED BY: _____

DATE: _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED	NEEDS REVIEW
()	()
()	()
()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00230

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
8.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A72-00230A	0.250	-	-	-	-
-	A72-00230D	0.200	-	-	-	-
A72-00230	A72-00230E	8.000	-	-	72-00230	8.000
-	A72-00230G	0.160	-	-	-	-
-	A72-00230H	0.150	-	-	-	-
-	A72-00230J	0.150	-	-	-	-
-	A72-00230K	0.150	-	-	-	-
-	A72-00230L	0.150	-	-	-	-
-	A72-00230M	0.150	-	-	-	-
-	A72-00230N	0.150	-	-	-	-
A72-00230	A72-00230B	0.460	-	-	72-00230	8.000
A72-00230	A72-00230C	0.100	-	-	72-00230	8.000
-	A72-00230P	1.230	-	-	-	-
-	A72-00230Q	0.220	-	-	-	-
-	A72-00230R	0.140	-	-	-	-
-	A72-00230S	0.200	-	-	-	-
A72-00230	A72-00230E	0.300	-	-	72-00230	8.000
72-00230	A72-00230T	0.200	-	-	72-00230	8.000
TOTAL CFS		12.360				8.000

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
N

FIELD
EXAMINER

REMARKS:

=====

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

=====

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:27:23
05/30/92

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-00230A

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE		—	—	N	6 (DECREE)	UH 9/9/98		
POINT OF DIV	(Y)	TO: GENTY, FRM: FH 5-24-95	FH 6-13-95					
SOURCE	Y	—	FH 6-13-95	N	1, 4, 5	UH 9-9-98		
PLACE OF USE	(Y)	—	FH 8-18-93	Y	6 (GIS)	UH 9-9-98		
DIV. AMOUNT CFS/VOLUME	(Y)							
CONSUMPTIVE USE	—							
PURPOSES								
PERIOD OF USE	Y	—	FH 8-18-93	N	5	UH 9-9-98		
BASIS OF CLAIM	(Y)							
REMARKS	Y							

See
1-25-93

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAIP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Water Right Number - 72-00230

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LEUZINGER

FREDOLIN

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1880 17 SOUTHERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
SALMON RIVER, EAST FORK SALMON RIVER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)10N 18E 24 NE NW (37) CUSTER
SE NW (37) CUSTER+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

8.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
8.000+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

10N	18E	13	NE NW			01	IRRIGATION	(37) CUSTER
10N	18E	13	SW NW			01	IRRIGATION	(37) CUSTER
10N	18E	13	SE NW			01	IRRIGATION	(37) CUSTER
10N	18E	13	NE SW			01	IRRIGATION	(37) CUSTER
10N	18E	13	NW SW			01	IRRIGATION	(37) CUSTER
10N	18E	13	SW SW			01	IRRIGATION	(37) CUSTER
10N	18E	24	NW NE			01	IRRIGATION	(37) CUSTER
10N	18E	24	NE NW			01	IRRIGATION	(37) CUSTER
10N	18E	24	NW NW			01	IRRIGATION	(37) CUSTER
10N	18E	24	SW NW			01	IRRIGATION	(37) CUSTER
10N	18E	24	SE NW			01	IRRIGATION	(37) CUSTER
10N	18E	24	NE SW			01	IRRIGATION	(37) CUSTER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

WR BASE RIGHT

Water right number - 72-00230

Prefix Translation: WATER RIGHT

+ - - - - Remarks - - - - -
No Remarks found.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
GOSSI, ET. AL. GIAMPEDRAGLIA, ET. AL. 02/14/1938

+ - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 02/11/86 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 05/06/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Decree Date - 02/14/1938	Presumption Flag -	