

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: **A72-00230J**  
Date Received: 1/10/1990  
Receipt No: S010913  
Received By: \_\_\_\_\_

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: PAUL R DAY 208-853-3622  
Address: 5930 ARNEY LANE  
BOISE ID 83707

AND/OR

Name: CAROL M DAY 208-853-3622  
Address: 5930 ARNEY LANE  
BOISE ID 83707

2. Date of Priority: MAY 1, 1880

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     | NE     | SW  |     | CUSTER |

5. Description of diverting works:  
DIVERSION FROM RIVER TO 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 | 0.150 |      |        |

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

8. Total consumptive use is 12.5 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   | 24      | NW     | NW  |     | IRR | 5.0   |
| Section Acres |       |         |        |     |     |     | 5.0   |
| Total Acres   |       |         |        |     |     |     | 5.0   |

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

14. Remarks:

THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV.  
IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

\_\_\_\_\_  
Decree Plaintiff

vs

\_\_\_\_\_  
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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

JANUARY 14, 1992

R. KEITH HIGGINSON  
Director

PAUL R & CAROL DAY  
5930 ARNEY LANE  
BOISE ID 83707

RE: CHANGE IN OWNERSHIP FOR SRBA CLAIM NO. A72-00176H &  
A72-00230J

DEAR MR. & MRS. DAY,

PURSUANT TO YOUR REQUEST FOR A CHANGE IN OWNERSHIP AND/OR THE NOTIFICATION THAT YOU PRESENTLY OWN THE PROPERTY IN WHICH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S) IS APPURTENANT, THE DEPARTMENT **HAS CHANGED** THE RECORD OF THE CURRENT OWNERS AS YOU REQUESTED.

IF YOU HAVE ANY FURTHER CORRECTIONS OR QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,

A handwritten signature in cursive script, appearing to read 'Steve Clelland'.

STEVE CLELLAND  
WATER RESOURCE AGENT

ENC:  
SCC

MICROFILMED

MAR 18 1993



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type  
(see instructions on back of page)

RECEIVED

DEC 20 1992

RECEIVED

DEC 14 1992

DATE OF CLOSING: 12/24/92

Department of Water Resources

Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 10 North Range 10 East

Section 24, 1/4 of 1/4 of 1/4 Govt. Lot 1, By 1

Lot 1, Block 1, Subdivision/Townsite 1

If you have additional legal descriptions, please attach separate sheet. Attended

RECEIVED

DEC 16 1992

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) Department of Water Resources  
Southern Region Office

☒ Water Right Number(s)  
Assigned by IDWR: A 72-00000 AND A72-002305

☐ Name and Address of Former Owner/Claimant(s)(Seller): 1. M. Investment Company PO Box 1000 3104 Reno, NV 89505

☐ New Owner/Claimant (Purchaser): Paul R. & Carol M. Day

☐ New Mailing Address: 5930 Arroyo Lane Boise, ID 83707

☐ New Telephone Number: (208) 333-3422

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Cover of Closing Statement

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) [Signature] Date 12-24-92

☒ Signature of Former Owner/Claimant(s): N/A Date 12-24-92

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

### Initial Review and Data-Entry

Date: 12-22-92 By: SCC

### Further Action Needed:

SIGNATURE BY NEW OWNERS

### Further Action Taken

Date: 1-13-93 By: SW

### Final Review and Data-Entry

Date: 1-13-93 By: SW

Claim Numbers of Split, if any:

IS CLAIM A72-002305 INCLUDED? yes  
(above)

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner

MICROFILMED

MAR 18 1993

STATEMENT OF SETTLEMENT  
SELLERS ☒ BUYERS ☐ BORROWERS ☐

BUYER: PAUL R. AND CAROL M. DAY, husand and wife ORDER NO. 7-542-C: E-1233-lms  
SELLER: C. W. INVESTMENT COMPANY DATE: SEPT. 24, 1992  
BROKER: ROBIE REAL ESTATE PRO-RATION DATE: SEPT. 24, 1992  
LENDER: NONE PROPERTY ADDRESS:

|                                                      |           | DEBIT     | CREDIT    |
|------------------------------------------------------|-----------|-----------|-----------|
| SALE PRICE                                           |           |           | 17,800.00 |
| EARNST MONEY DEPOSIT TO                              |           |           |           |
| ADVANCE DEPOSIT TO                                   |           |           |           |
| DEED OF TRUST PAYABLE TO:                            |           |           |           |
| DEED OF TRUST PAYABLE TO:                            |           |           |           |
| NEW LOAN AMOUNT AT                                   |           |           |           |
| INTEREST FROM                                        | TO at \$  |           |           |
| RESERVES:                                            |           |           |           |
| TAXES                                                | MO. at \$ |           |           |
| INSURANCE                                            | MO. at \$ |           |           |
| PMI                                                  | MO. at \$ |           |           |
| LOAN DISCOUNT FEE                                    | %         |           |           |
| LOAN ORIGATION FEE                                   | %         |           |           |
| APPRAISAL FEE                                        |           |           |           |
| PHOTO & INSPECTION FEE                               |           |           |           |
| CREDIT REPORT FEE                                    |           |           |           |
| HAZARD INSURANCE PREMIUM                             |           |           |           |
| PMI INSURANCE PREMIUM                                |           |           |           |
| TAX REGISTRATION FEE                                 |           |           |           |
| LOAN ASSUMED                                         |           |           |           |
| MONTHLY PAYMENT DUE                                  |           |           |           |
| PRINCIPAL                                            |           |           |           |
| INTEREST FROM                                        | TO at \$  |           |           |
| RESERVE BALANCE                                      |           |           |           |
| ASSUMPTION FEE                                       |           |           |           |
| PRO-RATIONS:                                         |           |           |           |
| **TAXES TOTAL \$148.30 = 268 days at .4063           |           | 108.88    |           |
| INSURANCE                                            |           |           |           |
| IRRIGATION                                           |           |           |           |
| RENT                                                 |           |           |           |
| RENT DEPOSITS                                        |           |           |           |
| DELINQUENT TAXES                                     |           |           |           |
| EXPRESS FEE                                          |           | 10.00     |           |
| TITLE INSURANCE                                      |           | 198.00    |           |
| ESCROW SET UP FEE                                    |           |           |           |
| ESCROW CLOSING FEE                                   |           | 100.00    |           |
| RECORDING FEES                                       |           | 6.00      |           |
| RECONVEYANCE FEE                                     |           |           |           |
| SURVEY TOTAL \$500.00 \$75.00 paid by Realtor        |           | 425.00    |           |
| ATTORNEY'S FEES                                      |           |           |           |
| BROKER'S COMMISSION 7 % TO ROBIE REAL ESTATE         |           | 1,246.00  |           |
| SUB-TOTALS                                           |           | 2,093.88  | 17,800.00 |
| BALANCE TO <del>BUYER</del> SELLER/ <del>BUYER</del> |           | 15,706.12 |           |
| TOTALS                                               |           | 17,800.00 | 17,800.00 |

The 1992 taxes are pro-rated on the 1991 tax amount. The signatories herein, hereby acknowledge that there may be a difference between the amount of taxes pro-rated and the actual amount of taxes. It is further acknowledged that under the Idaho Code Sections 63-203, "Taxpayers Property Declaration", (personal property); 63-403, "New and Additional Assessments"; 63-3905, "Reporting", (newly constructed improvements), additional taxes may be levied. We further agree to hold American Land Title Company harmless for any such pro-ration differences. We further agree to hold American Land Title Company harmless for any additional taxes which may be levied. Taxes will be re-adjusted between the buyer and seller when actual tax statements become available and same is hereby agreed to by the signatories hereon.

WE HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE STATEMENT:

|                                             |                                         |                                                   |                                                 |
|---------------------------------------------|-----------------------------------------|---------------------------------------------------|-------------------------------------------------|
| ROBERT I. COWLES<br><i>Robert I. Cowles</i> | MARY D. COWLES<br><i>Mary D. Cowles</i> | DONALD L. WILKERSON<br><i>Donald L. Wilkerson</i> | MARY ANN WILKERSON<br><i>Mary Ann Wilkerson</i> |
|---------------------------------------------|-----------------------------------------|---------------------------------------------------|-------------------------------------------------|

FUTURE OR CURRENT MAILING ADDRESS: P.O. BOX 3464 RENO, NV 89505

MICROFILMED

MAR 18 1993



STATEMENT OF SETTLEMENT  
SELLERS ☐ BUYERS ☒ BORROWERS ☐

BUYER: PAUL R. AND CAROL M. DAY, husband and wife ORDER NO. 7-542-C: E-1233-lms  
SELLER: C. W. INVESTMENT COMPANY DATE: SEPT. 24, 1992  
BROKER: ROBIE REAL ESTATE PRO-RATION DATE: SEPT. 24, 1992  
LENDER: NONE PROPERTY ADDRESS:

|                                                    | DEBIT     | CREDIT    |
|----------------------------------------------------|-----------|-----------|
| SALE PRICE                                         | 17,800.00 |           |
| EARNST MONEY DEPOSIT TO AMERICAN LAND TITLE        |           | 200.00    |
| ADVANCE DEPOSIT TO                                 |           |           |
| DEED OF TRUST PAYABLE TO:                          |           |           |
| DEED OF TRUST PAYABLE TO:                          |           |           |
| NEW LOAN AMOUNT AT                                 |           |           |
| INTEREST FROM TO at \$                             |           |           |
| RESERVES:                                          |           |           |
| TAXES MO. at \$                                    |           |           |
| INSURANCE MO. at \$                                |           |           |
| PMI MO. at \$                                      |           |           |
| LOAN DISCOUNT FEE %                                |           |           |
| LOAN ORIGATION FEE %                               |           |           |
| APPRAISAL FEE                                      |           |           |
| PHOTO & INSPECTION FEE                             |           |           |
| CREDIT REPORT FEE                                  |           |           |
| HAZARD INSURANCE PREMIUM                           |           |           |
| PMI INSURANCE PREMIUM                              |           |           |
| TAX REGISTRATION FEE                               |           |           |
| LOAN ASSUMED                                       |           |           |
| MONTHLY PAYMENT DUE                                |           |           |
| PRINCIPAL                                          |           |           |
| INTEREST FROM TO at \$                             |           |           |
| RESERVE BALANCE                                    |           |           |
| ASSUMPTION FEE                                     |           |           |
| PRO-RATIONS:                                       |           |           |
| **TAXES TOTAL \$148.30 = 268 days at .4063         |           | 108.88    |
| INSURANCE                                          |           |           |
| IRRIGATION                                         |           |           |
| RENT                                               |           |           |
| RENT DEPOSITS                                      |           |           |
| DELINQUENT TAXES                                   |           |           |
| FEDERAL EXPRESS                                    | 10.00     |           |
| TITLE INSURANCE                                    |           |           |
| ESCROW SET UP FEE                                  |           |           |
| ESCROW CLOSING FEE                                 |           |           |
| RECORDING FEES                                     |           |           |
| RECONVEYANCE FEE                                   |           |           |
| ATTORNEY'S FEES                                    |           |           |
| BROKER'S COMMISSION % TO                           |           |           |
| SUB-TOTALS                                         | 17,810.00 | 308.88    |
| BALANCE <del>TO</del> FROM <del>SELLER</del> BUYER |           | 17,501.12 |
| TOTALS                                             | 17,810.00 | 17,810.00 |

The 1992 taxes are pro-rated on the 1991 tax amount. The signatories herein, hereby acknowledge that there may be a difference between the amount of taxes pro-rated and the actual amount of taxes. It is further acknowledged that under the Idaho Code Sections 63-203, "Taxpayers Property Declaration", (personal property); 63-403, "New and Additional Assessments"; 63-3905, "Reporting", (newly constructed improvements), additional taxes may be levied. We further agree to hold American Land Title Company harmless for any such pro-ratio differences. We further agree to hold American Land Title Company harmless for any additional taxes which may be levied. Taxes will be re-adjusted between the buyer and seller when actual tax statements become available and same is hereby agreed to by the signatories hereon.

WE HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE STATEMENT:

PAUL R. DAY

CAROL M. DAY

FUTURE OR CURRENT MAILING ADDRESS: 5930 ARNEY LANE, BOISE, ID 83703

MICROFILMED

MAR 18 1993

LETTER OF CLOSING INSTRUCTIONS  
TO

IN 126101010

DEC 16 1992



Department of Water Resources

Escrow No. E-1233-1ms

Date Sept 24 1992

We, the undersigned, hereby instruct American Land Title Co. hereinafter referred to as "Closing Agent", when in receipt of all documents and monies as set out herein, to close this transaction according to the following instructions and information:

The parties have entered into a contract for the purchase and sale of subject property entitled SALE AGREEMENT and dated AUG. 30 19 92, hereinafter referred to as the contract. The "Closing Agent" is hereby instructed to close the transaction in accordance with the terms of the contract as well as these instructions. HOWEVER, in the event the terms of the contract and the terms of these instructions shall conflict, the terms of these instructions shall control.

PROPERTY: Lot 9 IN BLOCK 2 of EAST FORK SUBDIVISION IN CUSTER COUNTY

BUYER: PAUL R. AND CAROL M. DAY, husband and wife

SELLER: C. W. INVESTMENT COMPANY, R.I. COWLES, Managing Agent  
ROBERT I. AND MARY D. COWLES, DONALD L. AND MARY ANN WILKERSON

TERMS:

Sale Price \$ 17,800.00

Payable as follows:

|                                 |                     |                                    |
|---------------------------------|---------------------|------------------------------------|
| Earnest Money Deposit           | \$ <u>200.00</u>    | held by <u>AMERICAN LAND TITLE</u> |
| Cash (approximate)              | \$ <u>17,600.00</u> |                                    |
| Assumption of                   | \$ _____            | approximate balance owing to _____ |
| Assumption of                   | \$ _____            | approximate balance owing to _____ |
| New Loan amount                 | \$ _____            | from _____                         |
| Deed of Trust (Mortgage) amount | \$ _____            | in favor of _____                  |
|                                 | \$ _____            |                                    |
|                                 | \$ _____            |                                    |

In the event more than one deed of trust or mortgage is to be recorded in connection with this transaction, said liens shall be recorded in the following order of priority:

1st lien shall be in favor of \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
2nd lien shall be in favor of \_\_\_\_\_ in the amount of \$ \_\_\_\_\_  
3rd lien shall be in favor of \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

In the event this transaction involves a new loan or assumption of existing loan, these instructions must conform to the instructions of that lender.

PRO-RATION DATE: SEPT. 24, 1992 CLOSING DATE: SEPT. 24, 1992. The "Closing Agent" is instructed to pro-rate all items to be pro-rated as of the above date with the seller being responsible for all such items up to but not including the date of pro-ration and the Buyer being responsible for such items from and including the date of pro-ration.

The property taxes for 19 92 shall be pro-rated on the basis of the 19 91 tax assessed. If the amount assessed is not known, taxes shall be pro-rated based on the estimate of \$ 148.30. The parties hereto acknowledge that there may be a difference between the amount of taxes pro-rated and the actual tax assessment levied. The parties further acknowledge that under Idaho Code Sections 63-403 and 63-2203, and Title 63, Chapter 39 "New and Additional Assessments," "Adjustments of Taxes by the Board of Commissioners," and "Tax on Newly Constructed and Occupied Residential and Commercial Structures," additional taxes may be levied. The parties hereto agree to hold the closing agent harmless for any pro-ration difference or additional taxes and agree to promptly adjust any such difference between themselves. The "Closing Agent" shall not pro-rate any utility charges, unless specifically instructed to do so. THE FOLLOWING ITEMS SHALL BE PAID BY BUYER (B), SELLER (S), DIVIDED BETWEEN BUYER AND SELLER EVENLY UNLESS OTHERWISE STATED (D) OR PAID OUTSIDE CLOSING (POC)

|                                                                                                |                                                |                                 |
|------------------------------------------------------------------------------------------------|------------------------------------------------|---------------------------------|
| <u>      </u> Attorney's Fees                                                                  | <u>      </u> S Title Insurance, Owners Policy | <u>      </u> Assumption Fee    |
| <u>      </u> S Closing Fee                                                                    | <u>      </u> Title Insurance, Loan Policy     | <u>      </u> Escrow Set-up Fee |
| <u>      </u> S Survey                                                                         | <u>      </u> X IRS 1099-B                     |                                 |
| <u>      </u> S Real Estate Commission of <u>      </u> 7 % to <u>      </u> ROBIE REAL ESTATE |                                                |                                 |
| <u>      </u> Real Estate Commission of <u>      </u> % to <u>      </u>                       |                                                |                                 |

TITLE INSURANCE: Insurer SECURITY UNION Order No. 7-542-G

|                                                                                       |                          |
|---------------------------------------------------------------------------------------|--------------------------|
| <u>      </u> S ( <u>      </u> X ) std ( <u>      </u> ) ext. coverage owners policy | Amt. \$ <u>17,800.00</u> |
| <u>      </u> ( <u>      </u> ) std ( <u>      </u> ) ext. coverage loan policy       | Amt. \$ _____            |
| <u>      </u> ( <u>      </u> ) std ( <u>      </u> ) ext. coverage purchasers policy | Amt. \$ _____            |

HAZARD INSURANCE:

       Assume Existing,        X Obtain New, From        Paid       

(Revised May, 1987)

MICROFILMED

MAR 18 1993

When the "Closing Agent" has received all properly executed documents and all funds necessary for the completion of this transaction and the title insurer is in a position to issue the type of policy(s) set out above, subject only to exceptions No's 1 - 11 as set out in their commitment or preliminary report dated SEPT. 16, 1992, and their usual printed exceptions, the "Closing Agent" is hereby authorized and instructed to record or file all necessary documents and disburse funds deposited in accordance with the amounts shown on the closing statement. Minor adjustments may be made for additional interest due to delay in disbursing beyond the control of the "Closing Agent", for which the respective party shall be given an accounting.

In the event this transaction does not close for any reason, the "Closing Agent" shall be entitled to reimbursement for any and all costs expended by it and shall be further entitled to an escrow cancellation fee not to exceed one half of the normal fee and the parties hereto agree to be jointly and severally liable for same. Further, any earnest money deposited with the "Closing Agent" shall be refunded only upon written instructions from the parties hereto. EXCEPT that, in the event the earnest money has been deposited by the Broker, the "Closing Agent" is hereby authorized to refund same to the broker's trust account for his disposition to the parties and in the event the "Closing Agent" has incurred expenses in connection herewith, the "Closing Agent" shall be entitled to retain so much of the earnest money as it is entitled to hereunder for the reimbursement of said expenses.

The "Closing Agent" shall have no responsibility for compliance with any truth-in-lending, usury or consumer protection laws of the United States or the State of Idaho.

The "Closing Agent" is directed to comply with the instructions contained herein and the parties hereto agree to indemnify and hold harmless the "Closing Agent" from any and all actions or losses related hereto other than failure to comply herewith, including but not limited to any attorney's fees or costs incurred by the "Closing Agent" in defending itself in any such action.

BY THEIR EXECUTION OF THESE INSTRUCTIONS, THE BUYER AND SELLER ACKNOWLEDGE THE FOLLOWING:

- 1) The "Closing Agent" is not acting as a representative or advocate of either party,
- 2) The documents prepared in connection with this transaction will affect the legal rights of the parties, and the parties rights or interests in those documents may differ,
- 3) Any documents typed by the "Closing Agent" have been done so at our direction or the direction of our counsel,
- 4) The "Closing Agent" is not licensed to practice law and no legal advice—advice as to the content of the documents, nor advice as to the merits of the transaction has been offered by the "Closing Agent", and
- 5) THE "CLOSING AGENT" HAS ADVISED THE PARTIES HERETO TO SEEK THE ADVICE OF INDEPENDENT COUNSEL IF ANY PART OF THIS TRANSACTION IS NOT FULLY UNDERSTOOD.

ADDITIONAL INSTRUCTIONS:

BUYER:

PAUL R. DAY

CAROL M. DAY

American Land Title Company

BY:

LAURIE M. SANTEE  
Asst. Manager

SELLER:

ROBERT L. COWLES

MARY D. COWLES

DONALD L. WILKERSON

MARY ANN WILKERSON

MICROFILMED

MAR 18 1993

When the "Closing Agent" has received all properly executed documents and all funds necessary for the completion of this transaction and the title insurer is in a position to issue the type of policy(s) set out above, subject only to exceptions No's 1 - 11 as set out in their commitment or preliminary report dated SEPT. 16, 1992, and their usual printed exceptions, the "Closing Agent" is hereby authorized and instructed to record or file all necessary documents and disburse funds deposited in accordance with the amounts shown on the closing statement. Minor adjustments may be made for additional interest due to delay in disbursing beyond the control of the "Closing Agent", for which the respective party shall be given an accounting.

In the event this transaction does not close for any reason, the "Closing Agent" shall be entitled to reimbursement for any and all costs expended by it and shall be further entitled to an escrow cancellation fee not to exceed one half of the normal fee and the parties hereto agree to be jointly and severally liable for same. Further, any earnest money deposited with the "Closing Agent" shall be refunded only upon written instructions from the parties hereto. EXCEPT that, in the event the earnest money has been deposited by the Broker, the "Closing Agent" is hereby authorized to refund same to the broker's trust account for his disposition to the parties and in the event the "Closing Agent" has incurred expenses in connection herewith, the "Closing Agent" shall be entitled to retain so much of the earnest money as it is entitled to hereunder for the reimbursement of said expenses.

The "Closing Agent" shall have no responsibility for compliance with any truth-in-lending, usury or consumer protection laws of the United States or the State of Idaho.

The "Closing Agent" is directed to comply with the instructions contained herein and the parties hereto agree to indemnify and hold harmless the "Closing Agent" from any and all actions or losses related hereto other than failure to comply herewith, including but not limited to any attorney's fees or costs incurred by the "Closing Agent" in defending itself in any such action.

BY THEIR EXECUTION OF THESE INSTRUCTIONS, THE BUYER AND SELLER ACKNOWLEDGE THE FOLLOWING:

- 1) The "Closing Agent" is not acting as a representative or advocate of either party,
- 2) The documents prepared in connection with this transaction will affect the legal rights of the parties, and the parties rights or interests in those documents may differ,
- 3) Any documents typed by the "Closing Agent" have been done so at our direction or the direction of our counsel,
- 4) The "Closing Agent" is not licensed to practice law and no legal advice—advice as to the content of the documents, nor advice as to the merits of the transaction has been offered by the "Closing Agent", and
- 5) THE "CLOSING AGENT" HAS ADVISED THE PARTIES HERETO TO SEEK THE ADVICE OF INDEPENDENT COUNSEL IF ANY PART OF THIS TRANSACTION IS NOT FULLY UNDERSTOOD.

ADDITIONAL INSTRUCTIONS:

BUYER:

PAUL R. DAY

CAROL M. DAY

American Land Title Company

BY:

LAURIE M. SANTEE  
Asst. Manager

SELLER:

ROBERT I. COWLES

MARY D. COWLES

DONALD L. WILKERSON

MARY ANN WILKERSON

MICROFILMED

MAR 18 1993

**SCHEDULE C**

**File Number:** 7-542-G

The land referred to in this Commitment is described as follows:

A PARCEL OF LAND LOCATED IN THE NW1/4NW1/4, SECTION 24, TOWNSHIP 10 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, DESCRIBED AS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 24, FROM WHICH THE NORTHWEST SECTION CORNER BEARS SOUTH 89 DEGREES 57' 57" WEST, A DISTANCE OF 1400.20 FEET ON A BEARING OF SOUTH 78 DEGREES 09' 15" WEST TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE COUNTY ROAD AND THE REAL POINT OF BEGINNING. FROM THIS REAL POINT OF BEGINNING, A DISTANCE OF 280.65 FEET ON A BEARING OF SOUTH 49 DEGREES 38' 17" WEST; THENCE SOUTH 08 DEGREES 07' 28" WEST, 407.85 FEET; THENCE NORTH 89 DEGREES 54' 30" WEST, 535.67 FEET TO A POINT IN THE CENTER OF THE EAST FORK; THENCE NORTH 15 DEGREES 05' 57" EAST, 413.25 FEET ALONG THE CENTER OF THE EAST FORK; THENCE SOUTH 89 DEGREES 54' 30" EAST, 160.00 FEET; THENCE NORTH 66 DEGREES 49' 40" EAST, 573.72 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF THE COUNTY ROAD; THENCE SOUTH 16 DEGREES 51' 53" EAST, 41.62 FEET TO THE REAL POINT OF BEGINNING.

ALSO KNOWN AS LOT 9 IN BLOCK 2 OF THE EAST FORK SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF FILED FOR RECORD SEPTEMBER 22, 1978, AS INSTRUMENT NOS. 148378 THROUGH 148381 RECORDS OF CUSTER COUNTY, IDAHO.

**SCHEDULE C**  
Commitment  
Reorder Form No. 11124

10241 Ac

MICROFILMED

MAR 18 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

DECEMBER 21, 1992

R. KEITH HIGGINSON  
Director

PAUL R & CAROL DAY  
5930 ARNEY LANE  
BOISE ID 83707

RE: CHANGE IN OWNERSHIP FOR SRBA CLAIM NO. A72-00176H &  
A72-00230J

DEAR MR. & MRS. DAY,

PURSUANT TO YOUR REQUEST FOR A CHANGE IN OWNERSHIP AND/OR THE NOTIFICATION THAT YOU PRESENTLY OWN THE PROPERTY IN WHICH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S) IS APPURTENANT, THE DEPARTMENT **HAS NOT CHANGED** THE RECORD OF THE CURRENT OWNERS AS YOU REQUESTED. YOUR REQUEST FORM HAS BEEN ENCLOSED AND RETURNED TO YOU.

THE CHANGE OF OWNERSHIP FORM NEEDS TO BE SIGNED BY YOU AS THE NEW OWNER. ALSO PLEASE FIND ENCLOSED ANOTHER WATER RIGHT CLAIM A72-00230J THAT APPEARS TO BE FOR THE SAME LANDS YOU HAVE PURCHASED. YOU MAY WANT TO INCLUDE THIS CLAIM ON YOUR CHANGE OF OWNERSHIP FORM.

IF YOU HAVE ANY FURTHER CORRECTIONS OR QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,

STEVE CLELLAND  
WATER RESOURCE AGENT

ENC:  
SCC

MICROFILMED

MAR 18 1993

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: **A72-00230J**  
Date Received: 1/10/1990  
Receipt No: S010913  
Received By: \_\_\_\_\_

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: C. W. INVESTMENT CO. 702-323-7267  
Address: A GENERAL PARTNERSHIP  
P.O. BOX 3464  
RENO NV 89505

2. Date of Priority: MAY 1, 1880

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     | NE     | SW  |     | CUSTER |

5. Description of diverting works:  
DIVERSION FROM RIVER TO 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 | 0.150 |      |        |

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

8. Total consumptive use is 12.5 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   | 24      | NW     | NW  |     | IRR | 5.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 5.0   |
|          |       |         |            |     | Total Acres   | 5.0   |

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

14. Remarks:

THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV.  
IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)

15. Basis of Claim: DECREEED

*Corrected ADM*

Case Number:

Court :

Decree date: / /

\_\_\_\_\_  
Decree Plaintiff

\_\_\_\_\_  
vs 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): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
 ) SS.  
County of \_\_\_\_\_ )

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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: A72-00230J  
Date Received: 1/10/1990  
Receipt No: S010913  
Received By: Dr. V. J.

**NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW**

1. Name: C. W. INVESTMENT CO. 702-323-7267  
Address: A GENERAL PARTNERSHIP  
P.O. BOX 3464  
RENO, NV 89505

2. Date of Priority: MAY 01, 1880

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     | NE     | SW  |     | CUSTER |

5. Description of diverting works:  
DIVERSION FROM RIVER TO 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 | 0.150  |      |        |

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

8. Total consumptive use is 12.5 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   | 24      | NW     | NW  |     | IRR | 5.0   |
| Section Acres |       |         |        |     |     |     | 5.0   |

A72-00230J

Page 1

Date: 01/11/90

MICROFILMED  
MAR 18 1993

10. Place of Use: Continued

Total Acres 5.0

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

14. Remarks:

THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV.  
IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)

15. Basis of Claim: ~~BENEFICIAL USE~~

*Decree*

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): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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 A 72-00230 JDate Received 1-8-90Receipt Number 5010913

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 8 1990

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) C. W. Investment Co., A General Partnership Phone (702) 323-7267Mailing Address P.O. Box 3464, Reno NV Zip 895052. Date of Priority (Only one (1) per claim) 5-1-18803. Source of water supply (a) 1) East Fork Salmon R. and 2) Road Creek  
which is tributary to (b) 1) Salmon River and 2) East Fork Salmon R.4. a. Location of existing point of diversion is: Township 10N Range 18E Section 24,  
NE 1/4 of NE 1/4 of SW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Custer

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

MICROFILMED

MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr 1 to Nov 1 amount 0.15 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.15 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 12.5 acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|-----|-----|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|     |     |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 10N | 18E | 24  |        |       |       |       |        | 5.00  |       |       |        |       |       |       |        |       |       |       | 5.00   |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 5.00

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

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

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

14. Remarks: This application is for 5.00 Acres of Lot 9, Block 2 in  
"The East Fork" Subdivision (see attached Subdivision map).

MICROFILMED

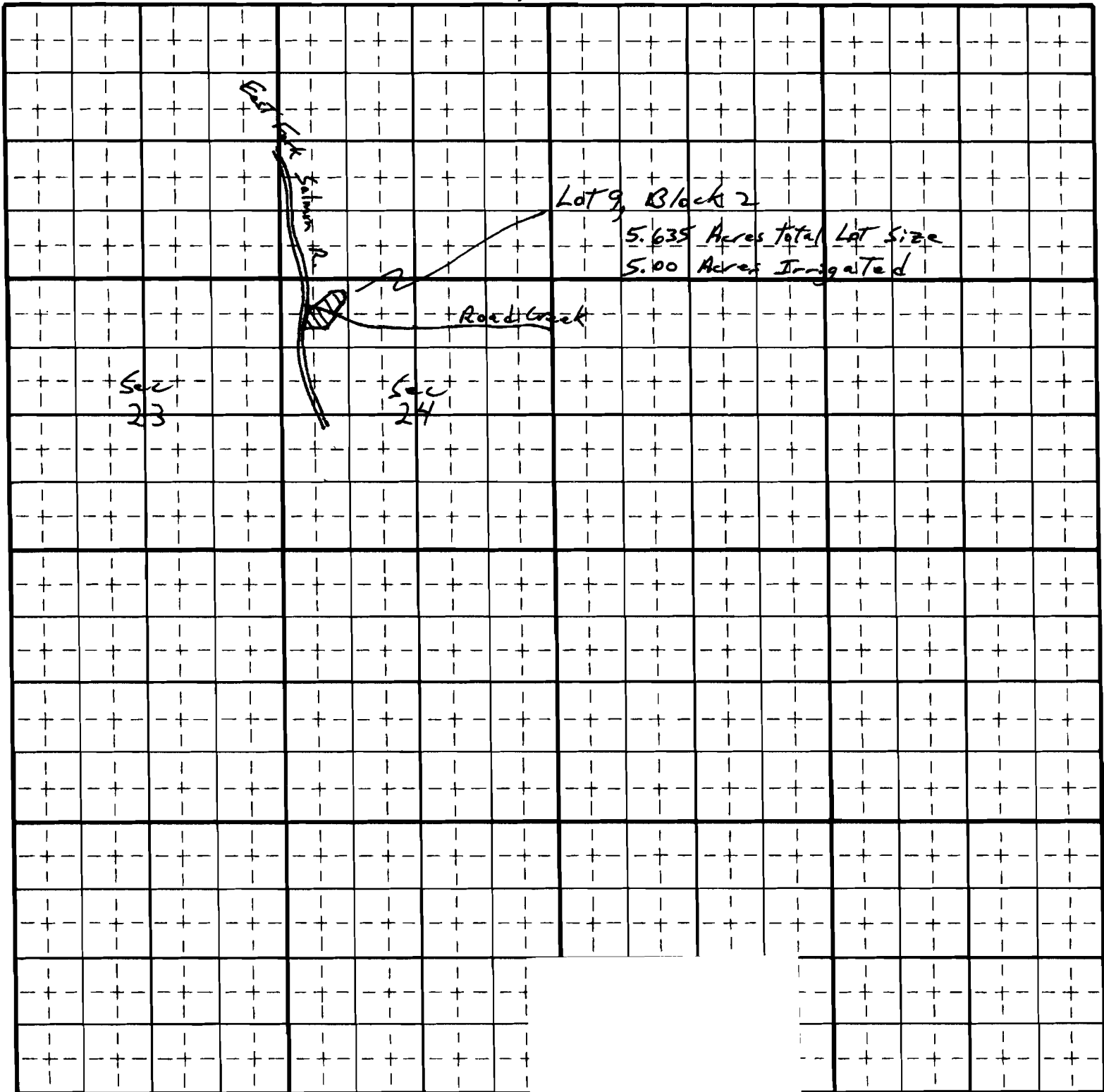
Last Name C.W. Investment Co. Ident No. \_\_\_\_\_

Copies: When Date Year of Payment

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

Scale: 2 inches equals 1 mile

T10N R18E



Q DIV. WORKS

MICROFILMED

Last Name C.W. Investment Co. Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

MAR 18 1993

15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number 72-00230  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs 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 do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am General Partner  
Title

of C.W. Investment Co., A General Partnership, that I have signed the foregoing  
Organization

document in the space below as General Partner of C.W. Investment Co., A General Partnership  
Title Organization

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

Signature of Authorized Agent R. J. Coombs

Title and Organization General Partner Date 1/5/90  
C.W. Investment Co., A General Partnership

State of Idaho/or Nevada )  
County of Washoe ) SS.

Subscribed and sworn (or affirmed) before me this 5<sup>th</sup> day of January 19 90

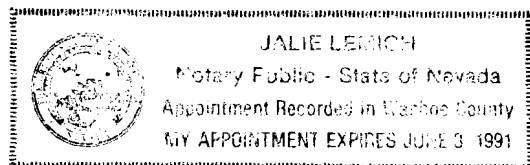
SEAL

Notary Public Jalie Leshon

Residing at Reno, Nevada

My Commission Expires 6-3-91

Please Print Name



17. Notice of Appearance:

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

Signature \_\_\_\_\_

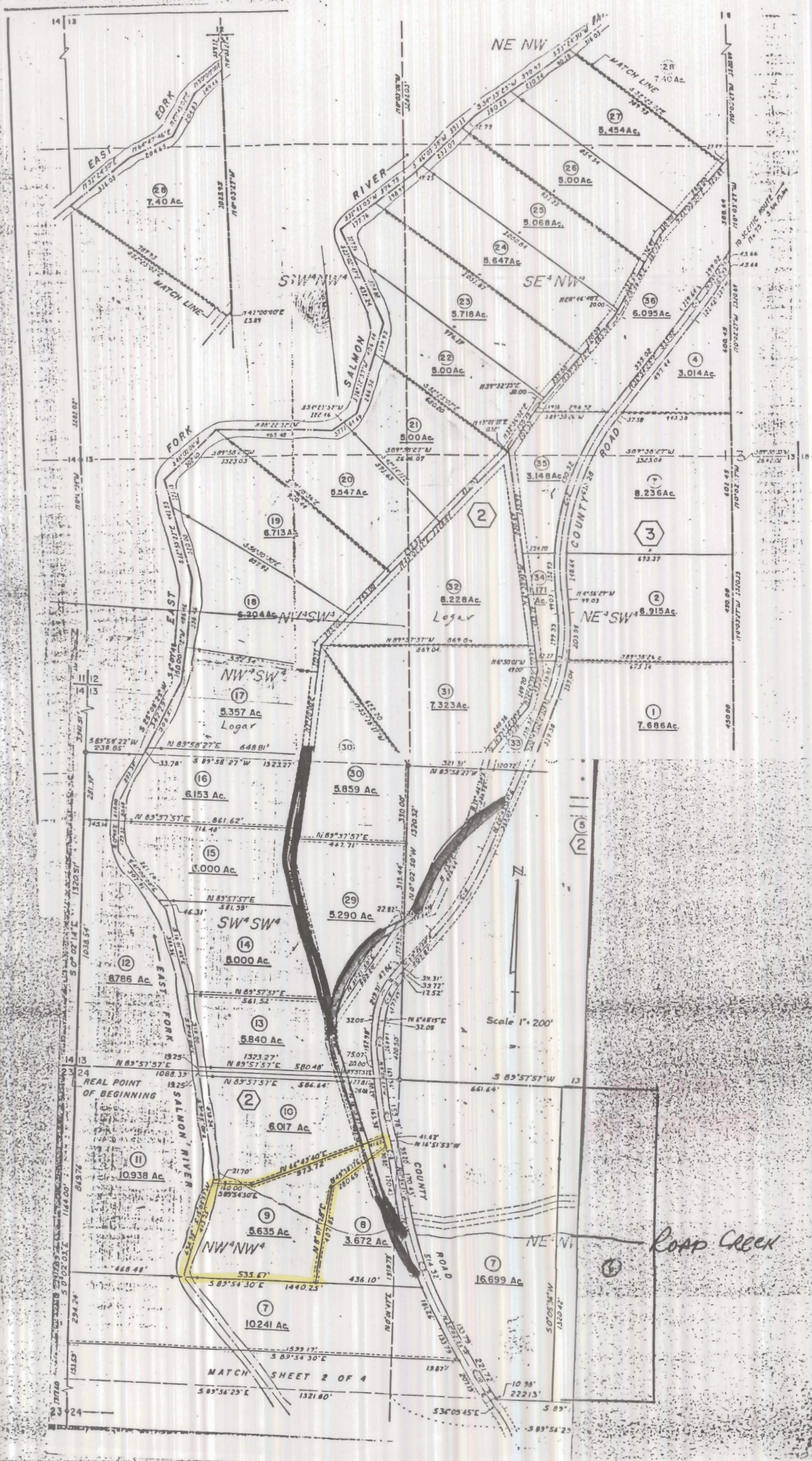
Address \_\_\_\_\_

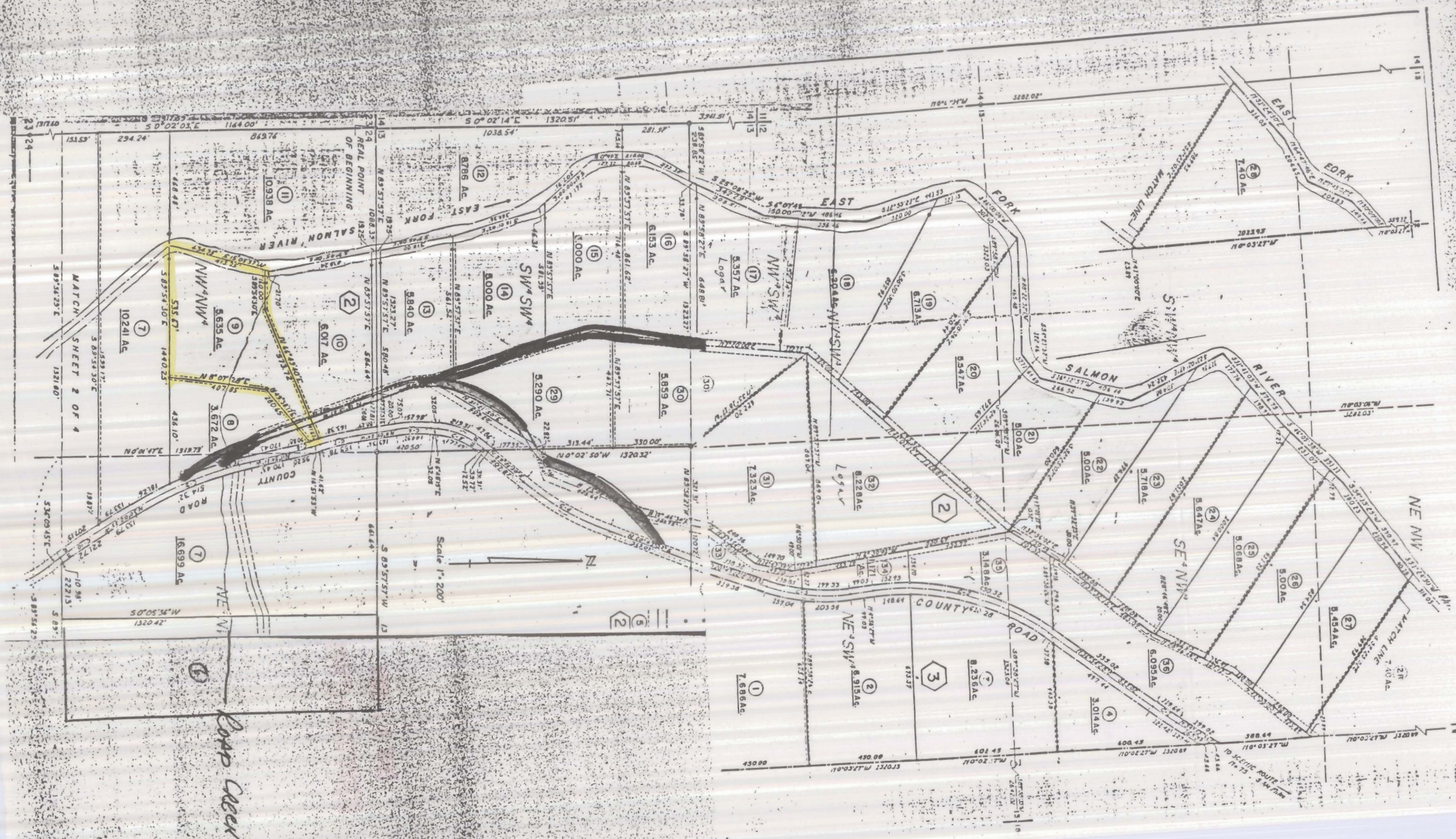
Date \_\_\_\_\_

Last Name C.W. Investment Co. Ident. Number \_\_\_\_\_

MICROFILMED

Copies White-1 Yellow-0 MAR 18 1993





RECEIVED

JAN 8 1990

Department of Water Resources  
Southern Region Office

Idaho Dept. of Water Resources  
2143 4th Ave. East  
Twin Falls, ID 83301  
ATTENTION: Robert V. Worstell

January 4, 1990

Dear Bob,

Enclosed are eight water right applications Form No. 42-1409(2)a, along with 2 checks to cover filing fees.

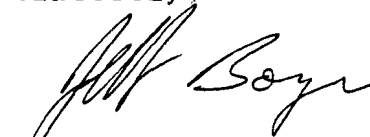
I have enclosed one complete copy of "The East Fork" subdivision map and attached an abbreviated version of same to each respective application with the individual lot highlighted. I hope the extra maps will help with your review of the applications.

As we discussed I would appreciate your help with Question Numbers 2,4,5, and 15 on each application. The forms are returned with the yellow, applicants copy, attached because the answers to these questions are not complete.

If I can help with any questions, please call me at (702) 784-5242.

Thankyou very much for all your help in completing these applications.

Sincerely,



Jeff Boyer

MICROFILMED

MAR 18 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Jan. 12, 1990

C W INVESTMENT CO  
A GENERAL PARTNERSHIP  
P O BOX 3464  
RENO NV 89505  
Dear Claimant(s):

Re: A72-00176F  
A72-00230J  
A72-00230K  
A72-00230L  
A72-00230M  
A72-00230N

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens  
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993



## 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 3, 1998

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

Mr. Paul R. Day  
5930 Arney Lane  
Boise, Idaho 83707

RE: Snake River Basin Adjudication (SRBA)  
Claim Numbers: A72-00230J and A72-00176J

Dear Mr. Day:

Per our phone conversation earlier today, I am sending you the computer generated image of your property, based on 1988 NAPP aerial photography. The East Fork Subdivision lot lines, provided to us by Custer County, are also apparent as an overlay. Please mark on this map, and be as specific as possible when indicating the places that you irrigate by ditch or sprinkler, and where you place your pump.

Also, please provide me with the make and model of your pump, the horsepower, and the gallon-per-minute rating of your sprinkler heads, if known. This information will assist me in calculating the capacity of your diversion works. If you irrigate both by gravity, and by pump, please indicate the percentage of each.

Thank you for your prompt attention to this matter, and your cooperation in the SRBA. If you have any questions, please feel free to call me here at the office.

Sincerely,

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

Vikie Hancock  
Water Resource Agent

## **COMMUNICATION DOCUMENTATION**

December 3, 1998

**Regarding:**

**A72-00230J AND A72-00176H**

**Customer:**

**PAUL DAY**

**From: Vikie Hancock**

AAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAAA

Mr. Day called regarding the preliminary Director's Report that he received and the disallowing of his two claims on lot 9 due to no beneficial use found. He stated that he used a portable pump to irrigate the area along his driveway between lot 8 and lot 10, and also ditches. He said that he pumps out of the ditch that runs along the road with East Fork water, and that sometimes he pumps out of Road Creek, but not as often.

I told him that I would send him a GIS photo so that he could mark on it and show us where and how he irrigates.



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

March 5, 1994

C.W. Investment Co.  
PO Box 3464  
Reno, Nevada 89505

Dear Mr. Cowles:

Your letter dated February 11, 1994 was recieved here on February 14, 1994 and the Certified Mail receipt signed for return.

The information recited clarifies how the incomplete claim forms were filled out. Your mention of the Water Rights Proof Reading Reports dated 9-22-1987 documenting the answers to the incomplete fields in your claims forms indicates that you are satisified with Mr. Worstell's work in completing your claims.

Thank you for your effort in clarifying the source of the information inserted into the forms after they were recieved by us.

Yours Truly,

A handwritten signature in black ink that reads "Francis G. Hitchcock". The signature is written in a cursive style with a large, prominent 'F' and 'H'.

Francis G. Hitchcock  
Water Resource Agent Sr.

A72-00230J

DAY

# C.W. Investment Co.

February 11, 1994

Idaho Department of Water Resources  
Southern Region  
222 Shoshone St. East  
Twin Falls, ID 83301  
Attention: Mr. Francis Hitchcock

RECEIVED

FEB 14 1994

Department of Water Resources  
Southern Region Office

Dear Mr. Hitchcock,

In response to your letter of 1/31/94, SRBA Claims: A72-00176F, 00230J, 00230K, 00230L, 00230M, 00230N were completed with considerable help from Mr. Worstell of the IDWR staff. The cooperative relationship between Mr. Boyer (acting as my agent) and Mr. Worstell is documented by 1) Mr. Boyer's letter of 1/4/90 to Mr. Worstell, 2) five or more telephone conversations to Mr. Worstell logged by Mr. Boyer between 10/31/89 and 6/29/90, and 3) certified mail receipts dated 1/7/90 and 1/12/90. At our request, Mr. Worstell completed questions 2,4,5 and was to plot the point of diversion in order to complete question #15 on the "Notice Of Claim" forms prior to the filing deadline. This is documented by draft forms in our possession, by his initials on the certified mail receipt dated 1/7/90, and his logged phone call to Jeff Boyer on 1/9/90 in which he suggested that we file a second claim on an alternate source for the water right on Lot 6, Block 1.

The competent help of Mr. Worstell was very much appreciated and was necessary on those questions that involved local inspections of physical features (i.e., #4, #5 and the P.O.D. for #15) and on questions relating to existing water right decrees (i.e., #2). Since completion of the filings, we verified the information provided by Mr. Worstell. I have copies of the "Water Rights Proof Reading Reports" dated 9/22/87 that document answers to Questions #2 and #15, and have confirmed answers to Questions #4, #5, and #15 with Mrs. Baker (one of the local irrigators) by telephone.

In order to clarify your broader questions regarding these filings, it was our clear understanding (based on several conversations between Mr. Boyer and Mr. Worstell before and after the filings were made) that it was the intent of the Department to help complete these filings where knowledge of local decrees or specific physical features was required. On several occasions Mr. Boyer was assured that the applications could be completed WITHOUT our direct observation. We were given the distinct impression that this type of assistance was absolutely normal and customary.

We believe this should answer the questions raised in your letter and would appreciate a written response to that effect.

Sincerely,

A handwritten signature in cursive script, reading "Robert Cowles". The signature is written in dark ink and is positioned above the printed name and company.

Robert Cowles  
C.W. Investment Co.



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

January 31, 1994

C. W. Investment Co.  
A General Partnership  
P. O. Box 3464  
Reno, NV 89505

Dear Sirs: SRBA Claims: A72-00176F, -00230S, -00230K, -00230L,  
-00230M, -00230N.

I am currently reviewing the claims you submitted on January 8, 1990, as part of our field exams completed in the East Fork Subdivision last summer. I enclose a copy of the cover letter we recieved with the claims that describes incomplete responses to fields 2, 4, 5, and 12.

There aren't any notes in the file to show any basis for information to complete these essential parts of the claims. In order to complete my review of these claims I need to have a written reply over your signature identifying the information for each water use claimed for each lot.

I can't tell from the forms how the information for each claim was filled in. None of the maps in each claim have a point of diversion shown. All of the sections are filled in on the original forms but there is no way of determining the source of the information as the letter states that these fields couldn't be answered by Jeff Boyer who signed the letter and submitted the fees.

Your written response must reach me by February 15, 1994. We are working towards a deadline in order to report our recommendations to claimants and ultimately to the court.

Yours Truly,

Francis G. Hitchcock  
Water Resource Agent Sr.

enclosures

TELEPHONE MEMORANDUM

✓ Incoming Call 10<sup>45</sup> to 11<sup>08</sup>  
 Outgoing Call  
 Returning Call

TO: Bob Westall - then - FH  
 DATE: 02-07-1993  
 FROM: JEFF BOYER

FILE: C.W. INVESTMENT / DAY & LOGAR  
 FILE NO: Claims  
 SUBJECT: FEF SUBD LOTS - elements of  
 claim not originally submitted

REMARKS: fed hydrologist - Truckee River  
 only agent worked w/ was Westall

& saw my decree ... don't know how to respond  
 what is pri date? what is diversion works  
 how to respond to open fields  
 suggested Co. Rickard and Robil's agent  
 ROUTING INSTRUCTIONS: & reviewed each field in detail as to  
 what is needed for claim to be  
 complete - esp. map sheet w/ PD...  
 he w/ review his phone logs - w/ need more  
 time to try to respond

TELEPHONE MEMORANDUM

✓ Incoming Call 01-27-94 11:10  
 ✓ Outgoing Call 4:15 msg  
 Returning Call

TO: NICK - LEGAL  
 DATE: 01-26-1994  
 FROM: FH

FILE: C.W. INVESTMENT CO  
 FILE NO: - ALL -

SUBJECT: in complete as used, then  
 fill & fill in ex. map by agent; one  
 fill (LV) & fill also.  
 pleadings & complete - query to  
 Christy in order to be acceptable  
 for filing

REMARKS:

01-27-94

Review w/ receiving agent if possible -  
 if taken over the phone, confirm  
 and make fill w/ signed documents

Review w/ him this, [unclear]  
 (did so verbally... 4 [unclear])

ROUTING  
 INSTRUCTIONS:

CALENDAR  
 DATES:

RECEIVED

JAN 8 1990

Department of Water Resources  
Southern Region Office

Idaho Dept. of Water Resources  
2148 4th Ave. East  
Twin Falls, ID 83301  
ATTENTION: Robert V. Worstell

January 4, 1990

Dear Bob,

Enclosed are eight water right applications Form No. 42-1409(2)a, along with 2 checks to cover filing fees.

I have enclosed one complete copy of "The East Fork" subdivision map and attached an abbreviated version of same to each respective application with the individual lot highlighted. I hope the extra maps will help with your review of the applications.

As we discussed I would appreciate your help with Question Numbers 2,4,5, and 15 on each application. The forms are returned with the yellow, applicants copy, attached because the answers to these questions are not complete.

If I can help with any questions, please call me at (702) 784-5242.

Thankyou very much for all your help in completing these applications.

Sincerely,



Jeff Boyer

MICROFILMED

MAR 18 1993

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

Water Right Number - R72-00230J Prefix Translation: RESEARCH Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
DAY

PAUL R

1 - 5930 ARNEY LANE

2 -

3 -

City- BOISE

State- ID Zip- 83707

Phone - 208-853-3622

DAY

CAROL M

1 - 5930 ARNEY LANE

2 -

3 -

City- BOISE

State- ID Zip- 83707

Phone - 208-853-3622

\*\*\* O - ORIGINAL OWNER \*\*\*  
C W INVESTMENT CO

1 - A GENERAL PARTNERSHIP

2 - PO BOX 3464

3 -

City- RENO

State- NV Zip- 89505

Phone - 702-323-7267

+ - - 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 0.080

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +  
0.080 0.0

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County

10N 18E 24 NW NW 1.0 01 IRRIGATION (37) CUSTER

Total Acres: 1.0

+ - - Diversion Means - DIVERSION FROM RIVER TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

Water right number - R72-00230J

Prefix Translation: RESEARCH

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

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE: 72-00230A, 72-00230B, 72-00230C,  
72-00230D, 72-00230E, 72-00230G, 72-00230H, 72-00230J, 72-00230K,  
72-00230L, 72-00230M, 72-00230N, 72-00230P, 72-00230R, 72-00230T,  
72-00230U, 72-00230W, 72-00230X, 72-00230Y, 72-00230AA.  
PLACE OF USE ALSO KNOWN AS LOT 9 BLOCK 2 EAST FORK SUBDIVISION

+ - - - - 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 - +  
00/00/0000

+ - - - - Comments - - - - - +  
Date: 01/14/1993 User Id: CLELLAND Subject: CHANGE OF OWNERSHIP  
FORMS AND SETTLEMENT AGREEMENT SUBMITTED.  
Date: 02/01/1994 User Id: HITCHCOC Subject: COPIED FROM REMARKS  
THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV. IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)  
Date: 12/18/1998 User Id: VHANCOCK Subject: CHANGES DUE TO NOE  
DUE TO FURTHER EVIDENCE SUPPLIED BY MR DAY, THIS RECOMMENDATION WAS CHANGED FROM DISALLOWED TO IRRIGATION OF 1 ACRE. SEE FILE.

+ - - Audit Fields - - +  
12/18/98 VHANCOCK

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 08/31/1993 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 12/18/1998 | Old Judicial District   | -       |
| Claim Received Date  | - 01/10/1990 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S010913    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/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 18, 1998

**PHILIP E. BATT**  
**GOVERNOR**

**KARL J. DREHER**  
**DIRECTOR**

Paul R. and Carol Day  
5930 Arney Lane  
Boise, Idaho 83707

RE: Snake River Basin Adjudication (SRBA)  
Claim Numbers: A72-00230J and A72-00176H

Dear Mr. and Mrs. Day:

Enclosed find a copy of the corrected GIS image of your irrigated place of use for claim number A72-00230J. Also enclosed is a copy of my proposed recommendation for the other elements of this water right. My determination of your right is based upon a computer calculation of the area you irrigate, which identified 0.96 acres. The 1938 decree appurtenant to your claim allocated 0.03 cfs of water per acre, however, a recent soil and climate analysis of your property indicates that, under extreme conditions, 0.08 cfs per acre may be necessary to adequately irrigate your land. As we discussed on the phone, I will not be able to recommend claim number A72-00176H for water from Road Creek.

Please review your corrected recommendation A72-00230J for East Fork water. I would appreciate your sending the Notice of Error form 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 taking the time to discuss your claims. 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,

Vikie Hancock  
Water Resource Agent

## COMMUNICATION DOCUMENTATION

December 18, 1998

**Regarding:**

A72-00230J and A72-00176H

**Customer:**

PAUL DAY

**From: Vikie Hancock**

[illegible]

I called Mr. Day to discuss my findings in regard to his claims referenced above. I explained to him that I would be able to recommend his claim for water from the East Fork ditch for the area north of Road Creek for Claim number 00230J. I also told him that, without documentation that the p/d in the East Fork River had existed before 1987, I couldn't recommend the area along the East Fork south of Road Creek. He indicated that there would be no evidence that irrigation from the pump in East Fork existed before 1987.

I told him that I also had to have evidence that a point of diversion from Road Creek, to irrigate the land south of the creek and shaded on his map, had existed before 1987. I discussed with him my conversation with Gary Leuzinger in which Gary told me that they had not historically diverted water from Road Creek to irrigate the land that is now lot 9. Mr. Day told me that he thought Maloney had used Road Creek water to flood his yard and over into the area that is now Days driveway, but never to irrigate the area that he described irrigating with a pump on his map to me.

I informed Mr. Day that I would not be able to recommend his claim from Road Creek, but would allow his claim from the East Fork Ditch for the area shaded north of Road Creek. He seemed most interested in protecting his right to East Fork water, and to be satisfied with my explanation. Pleasantries of the season were exchanged.

## ***NOTE TO FILE***

**From:** Vikie Hancock

12/11/98

**Regarding:** Claim number A72-00230J

Paul R. Day

This claim was recommended as disallowed in the preliminary director's report, as no indication of active irrigation was found by field exam. Through subsequent communication with Mr. Day, I find the following:

The area irrigated from the East Fork ditch, as indicated by Mr. Day on the map he returned to me on December 10, 1998, is calculated by GIS ARC VIEW as 0.88 acres. (The conveyance referred to as the East Fork ditch is the main ditch serving the East Fork Subdivision, and has a point of diversion of SE NE SW Section 24, and is served by IDFG fish screen EF-5). Mr. Day's lot 9 East Fork Subdivision is on land covered by a decree dated 1938 which awards .03 cfs per acre of water from the East Fork Salmon River. Investigation determined that, at the time of subdivision, it was more likely that there was .05 cfs of water being applied per acre, due to changes in irrigated acres. Hubble analysis of the 0.88 acres irrigated by Mr. Day on lot 9 indicates that a rate of 0.08 cfs per acre may be required to adequately irrigate this land. Mr. Day shows that he irrigates this portion by both gravity and sprinkler, placing a pump into the East Fork ditch.

Mr. Day also identifies land along the East Fork Salmon River, south of Road Creek which bisects the lot, and indicates that this area is irrigated by pumping out of the river and sprinkling. Due to the geography of the lot, this portion of the property would be unable to receive water by gravity from the East Fork Ditch, as the conveyances described by Mr. Day lie to the north of Road Creek. It is also noted, that directly east of this sprinkler irrigated area is a high dry knob which extends southerly through lots 7, 6, 5 and 4, and no evidence of past irrigation works were seen bringing water from the south (upstream) to this described area on lot 9. A point of diversion for the pump is not claimed by the original claimants in 1990, and there is no transfer on file. Mr. and Mrs. Day purchased this property in 1992 and began irrigating at that time. In correspondence in the file dated 7-19-93 (within the CVR), between agent Frank Hitchcock and Mrs. Day, she makes no mention of the pump. It can be determined, therefore, that irrigation on this portion of the lot from this point of diversion did not exist before 1987.

Water Right Number - R72-00230J

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
DAY

PAUL R

1 - 5930 ARNEY LANE  
2 -  
3 -

City- BOISE State- ID Zip- 83707

Phone - 208-853-3622

DAY

CAROL M

1 - 5930 ARNEY LANE

2 -  
3 -

City- BOISE

State- ID Zip- 83707

Phone - 208-853-3622

\*\*\* O - ORIGINAL OWNER \*\*\*  
C W INVESTMENT CO

1 - A GENERAL PARTNERSHIP

2 - PO BOX 3464

3 -

City- RENO

State- NV Zip- 89505

Phone - 702-323-7267

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +  
05/01/1880 17 SOUTHERN I - DISALLOWED

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

+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Diversion Name

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

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

04/01 11/01

0.150 0.08

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
0.150 0.08 12.5

+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County

10N 18E 24

NW NW

5.0

01 IRRIGATION

(37) CUSTER

Total Acres:

5.0

0.00 96

+ - - Diversion Means - DIVERSION FROM RIVER TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

~~0.000000 0.00~~  
1.00 x 0.05 = 0.05  
~~0.000000 0.00~~  
14.00 x 0.08 = 1.12  
~~0.000000 0.00~~  
0.00 x 0.07 = 0.00

File

Water right number - R72-00230J

Prefix Translation: RESEARCH

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

GEN NO BENEFICIAL USE FOUND.

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

+ - - - - Conditions of Approval - - - - - +  
P03 - NO BENEFICIAL USE FOUND: This is included for a claim based  
- on beneficial use that is PROPOSED to be disallowed because  
- beneficial use of water was not confirmed by IDWR's field  
- examination or by other evidence submitted by the claimant.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +  
00/00/0000

+ - - Audit Fields - 11/13/92 CLELLAND 01/14/93 CLELLAND 02/01/94 HITCHCOC

+ - - - - Comments - - - - - +

Date: 01/14/1993 User Id: CLELLAND Subject: CHANGE OF OWNERSHIP  
FORMS AND SETTLEMENT AGREEMENT SUBMITTED.

Date: 02/01/1994 User Id: HITCHCOC Subject: COPIED FROM REMARKS

THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV. IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)

Date: 02/01/1994 User Id: HITCHCOC Subject: DISALLOWAL

NO BENEFICIAL USE FOUND. NO EVIDENCE OF DIVERSION WORKS, DITCHES OR SYSTEM TO SPREAD WATER ON THE PROPERTY. CLAIMANT STATES SHE  
HAS NO KNOWLEDGE OF WATER USAGE FOR THE PARCEL. ORIGINAL CLAIM WAS TURNED IN W/O PRIORITY DATE, POD, DIVERSION WORKS OR POD ON  
THE MAP DISPLAY BY THE SELLER.

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

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 08/31/1993 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 02/01/1994 | Old Judicial District   | -       |
| Claim Received Date  | - 01/10/1990 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date       | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | -       |
| Licensed Date        | - 00/00/0000 | Receipt Number        | - S010913    | Federal/State Indicator | - S     |
|                      |              | POU Ownership Flag    | - Y          | Presumption Flag        | -       |
|                      |              | Name Connector        | - AND/OR     | Notice of Error Flag    | -       |

CLAIM NUMBER 72-002305 DATE 12-18-98 TRANSFER NUMBER \_\_\_\_\_  
 AGENT WHL CLAIMED ACRE TOTAL 5  
 GIS ACRE TOTAL .96

|       | TWP        | RNG        | SEC       | NE |    |    |    | NW |            |    |    | SW |    |    |    | SE |    |    |    |            |
|-------|------------|------------|-----------|----|----|----|----|----|------------|----|----|----|----|----|----|----|----|----|----|------------|
|       |            |            |           | NE | NW | SW | SE | NE | NW         | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |            |
| CLAIM | <u>10N</u> | <u>18E</u> | <u>24</u> |    |    |    |    |    | <u>5.0</u> |    |    |    |    |    |    |    |    |    |    | <u>5</u>   |
| GIS   |            |            |           |    |    |    |    |    | <u>.96</u> |    |    |    |    |    |    |    |    |    |    | <u>.96</u> |
| RECOM |            |            |           |    |    |    |    |    | <u>.96</u> |    |    |    |    |    |    |    |    |    |    | <u>.96</u> |
|       |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |
| CLAIM |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |
| GIS   |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |
| RECOM |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |
|       |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |
| CLAIM |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |
| GIS   |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |
| RECOM |            |            |           |    |    |    |    |    |            |    |    |    |    |    |    |    |    |    |    |            |

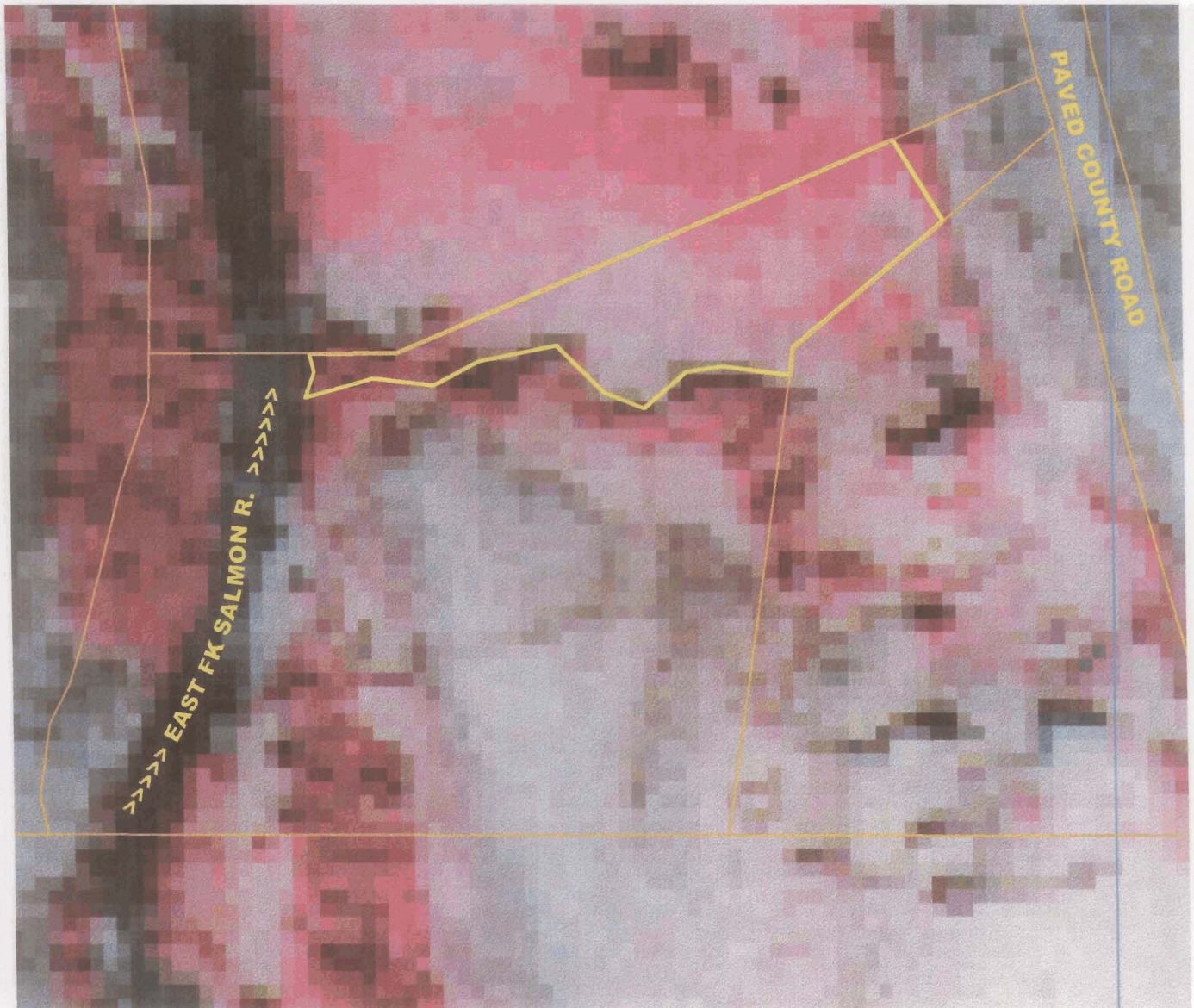
B72-DBPOU.SHP \_\_\_\_\_  
 SHAPE NOS. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

B72-DBPOD.SHP \_\_\_\_\_  
 NOS. DESCRIPTION \_\_\_\_\_  
 \_\_\_\_\_  
30 EF5 SE NE SW Section 24 T10N R18E  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

DBF TABLES UPDATED \_\_\_\_\_  
 B72-DBPOU.DBF \_\_\_\_\_  
 B72-DBPOD.DBF \_\_\_\_\_

**RIGHT 72-00230J**

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



0 330 660 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

# REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

12-00230J

 DATE: 12-10, 1998

REVIEWED BY

CAH

## 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    |
| WEB       | .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>          </u>          | <u>          </u>         | <u>1</u>                    | <u>.08</u>            | <u>.08</u> CFS        |
| <u>          </u> | <u>          </u>          | <u>          </u>         | <u>          </u>           | <u>          </u>     | <u>          </u> CFS |
| <u>          </u> | <u>          </u>          | <u>          </u>         | <u>          </u>           | <u>          </u>     | <u>          </u> CFS |
| <u>          </u> | <u>          </u>          | <u>          </u>         | <u>          </u>           | <u>          </u>     | <u>          </u> CFS |

 TOTAL ACRES 22.96

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

.15

72-00230J 72-00176H

## NOTES:

Claim # A72-002305 and A72-001765

RECEIVED

DEC 10 1993

**Department of Water Resources  
Southern Region**

OVER

My wife and I spent 3-4 weeks every summer at our prop.

When we were there we would place sprinkler at different locations marked on map and would run these 24 hrs a day.

Our neighbors would irrigate for us at the times we were not there, in the ditch that runs close to North prop line (marked on map)

The portion of prop. that we watered is shaded on map.

I would guess that we used gravity about 25% and pump 75%

The pump is a Shindaiwa GP-45 gas powered

The sprinkler is a rain bird on a stand and is a commercial size.

Paul R. Jay

5930 Arnegan

Boise Id

83703

H# 8533734

W# 4686721

Water Right Number - R72-00230J      Prefix Translation: RESEARCH      Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*

DAY      PAUL R      1 - 5930 ARNEY LANE  
2 -  
3 -  
City- BOISE      State- ID Zip- 83707  
Phone - 208-853-3622

DAY      CAROL M      1 - 5930 ARNEY LANE  
2 -  
3 -  
City- BOISE      State- ID Zip- 83707  
Phone - 208-853-3622

\*\*\* O - ORIGINAL OWNER \*\*\*

C W INVESTMENT CO      1 - A GENERAL PARTNERSHIP  
2 - PO BOX 3464  
3 -  
City- RENO      State- NV Zip- 89505  
Phone - 702-323-7267

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +

05/01/1880      17 SOUTHERN      I - DISALLOWED

+ - - - - Source - - - - - +      + - - - - Tributary - - - - - +

SALMON RIVER, EAST FORK      SALMON RIVER

+ - - - - Point of Diversion - - - - - +

| Twn | Rng | Sec | Tract    | Lot | RFlg | County |
|-----|-----|-----|----------|-----|------|--------|
| 10N | 18E | 24  | NE NE SW |     | (37) | CUSTER |

+ - - - - Water Use - - - - - +

| Code            | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION |             | 04/01       | 11/01     | 0.150          |                  |

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

0.150      12.5

+ - - - - Place of Use - - - - - +

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County      |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 10N | 18E | 24  | NW NW |     | 5.0   | 01   | IRRIGATION  | (37) CUSTER |

Total Acres: 5.0

+ - - Diversion Means - DIVERSION FROM RIVER TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

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

+ - - - - Remarks - - - - -  
NO BENEFICIAL USE FOUND.

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

+ - - - - Conditions of Approval - - - - -  
P03 - NO BENEFICIAL USE FOUND: This is included for a claim based  
- on beneficial use that is PROPOSED to be disallowed because  
- beneficial use of water was not confirmed by IDWR's field  
- examination or by other evidence submitted by the claimant.

+ - - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - Decree Date - +  
00/00/0000

+ - - - - Comments - - - - -  
Date: 01/14/1993 User Id: CLELLAND Subject: CHANGE OF OWNERSHIP  
FORMS AND SETTLEMENT AGREEMENT SUBMITTED.  
Date: 02/01/1994 User Id: HITCHCOC Subject: COPIED FROM REMARKS  
THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV. IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)  
Date: 02/01/1994 User Id: HITCHCOC Subject: DISALLOWAL  
NO BENEFICIAL USE FOUND. NO EVIDENCE OF DIVERSION WORKS, DITCHES OR SYSTEM TO SPREAD WATER ON THE PROPERTY. CLAIMANT STATES SHE  
HAS NO KNOWLEDGE OF WATER USAGE FOR THE PARCEL. ORIGINAL CLAIM WAS TURNED IN W/O PRIORITY DATE, POD, DIVERSION WORKS OR POD ON  
THE MAP DISPLAY BY THE SELLER.

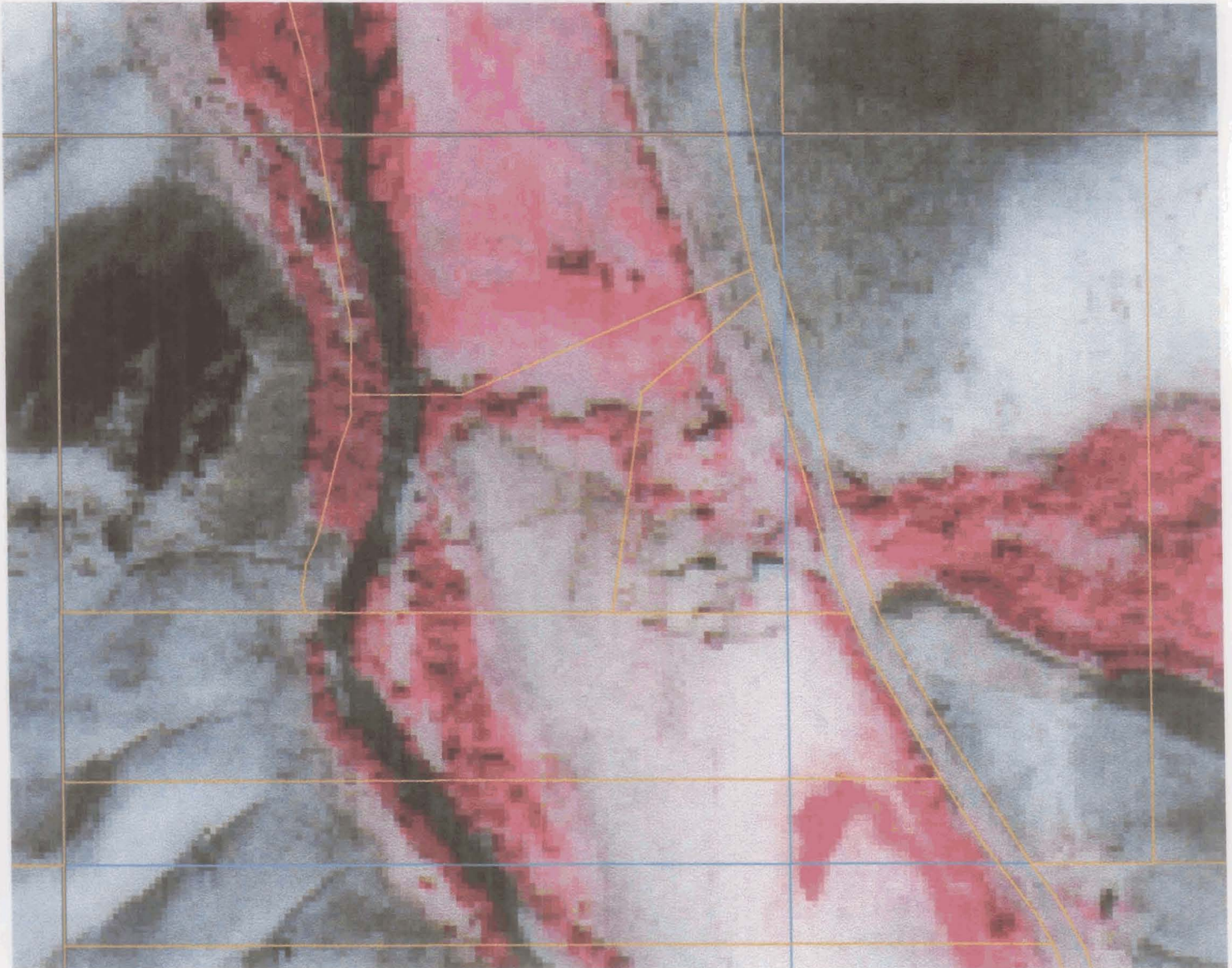
+ - - Audit Fields - - +  
02/01/94 HITCHCOC

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

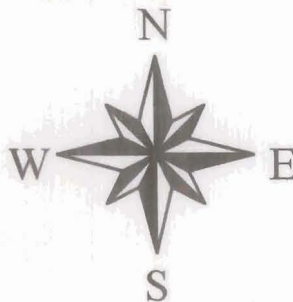
|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 08/31/1993 | Civil Case Number       | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number         | -       |
| Response Filed Date  | - 00/00/0000 | Verified Date         | - 02/01/1994 | Old Judicial District   | -       |
| Claim Received Date  | - 01/10/1990 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S010913    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |

**RIGHT 72-00230J  
DAY**

**RECOMMENDED PLACE OF USE  
TWP 10N, RNG 18E, SEC 24  
data entry on September 18 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 PHOTOGRAPHY  
DATA ENTRY BY VIKIE HANCOCK**

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 <sup>several</sup> 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 <sup>330</sup> 350, records of Custer County:

DECREES 2-14-1938

Gossi, et al - v - Campedraglia, et al

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.

00228  
00229 That ROSA V. CARMEN 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.

00230 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.

00231  
00232 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 1.2 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.

00233 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 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.

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 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

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

17:56:43  
05/30/92

CLAIM NUMBER: A72-00230J

| OWNER                                                                                                                                                                                     | CODE | NAME & ADDRESS | PRIORITY   | DATE       | WATER USE   | USE PERIOD | DIVERSION RATE | DIVERSION VOLUME |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|----------------|------------|------------|-------------|------------|----------------|------------------|
| C. M. INVESTMENT CO.<br>A GENERAL PARTNERSHIP<br>P.O. BOX 3464<br>RENO NV 89505<br>(702) 323-7267                                                                                         | C    |                | 05/01/1880 | IRRIGATION | 04-01 11-01 |            | 0.15 CFS       | 0.15 CFS         |
| <p>Water Source: EAST FORK OF SALMON RIVER</p> <p>Tributary to: SALMON RIVER</p> <p>Point(s) of Diversion: TION RISE S24 NENESW</p> <p>Place of use Legal Description for: IRRIGATION</p> |      |                |            |            |             |            |                |                  |
| <p>Stage: <del>RECEIVED</del></p> <p>CUSTER County I</p> <p>Disposal</p>                                                                                                                  |      |                |            |            |             |            |                |                  |
| <p>TOTAL DIVERSION: 0.15 CFS</p> <p>CONSUMPTIVE USE: 12.5 AFA</p>                                                                                                                         |      |                |            |            |             |            |                |                  |

Non-Irrigation Uses: NONE  
Other Rights: NONE

Other Rights: NONE

Non-Irrigation Use: NONE

Remarks:

THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK  
IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)

Exam Made Date: 08-31-1993  
Verified Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag:

## to comments

Remarks:

ADD PDE

QHA: P83

NO BENZYLAL USE FOUND

02-01-1904 H

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

17:16:14  
05/30/92

PAGE: 13  
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-00230J

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   |                                                 | 08-31-93<br>H              | N<br>DISALLOW          | 60                  | 7/02-01-94                       | 7/02-01-94                           |                               |
| POINT OF DIV              | (Y)               |                                                 |                            |                        | 5                   |                                  |                                      |                               |
| SOURCE                    | Y                 |                                                 |                            |                        | 60                  |                                  |                                      |                               |
| PLACE OF USE              | (Y)               |                                                 |                            |                        | 5+62                |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | (Y)               |                                                 |                            |                        | N/A                 |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        | N/A                 |                                  |                                      |                               |
| PURPOSES                  |                   |                                                 |                            |                        | 5                   |                                  |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 |                            |                        | N/A                 |                                  |                                      |                               |
| BASIS OF CLAIM            | (Y)               |                                                 |                            |                        | 1,4,5,62            |                                  |                                      |                               |
| REMARKS                   | (Y)               |                                                 |                            |                        | P83                 |                                  |                                      |                               |

12-11-92

*du*

\*VERIFIED BY\* CODES

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

60. aerial  
62. BLM aerial

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

See A72-00176 H (companion claim for same POV)

NOTE: Original claim form(s) submitted w/o priority date, POV, diversion  
witness, map POV, or basis of claim.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

17:16:14  
05/30/92

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A72-00230J

LAST: C. W. INVESTMENT CO.  
ADDRESS: A GENERAL PARTNERSHIP  
P.O. BOX 3464  
CITY: RENO  
PHONE NUMBER: 702-323-7267

FIRST:

STATE: NV ZIP: 89505

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE  
Y

FIELD  
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV.  
IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)

FIELD EXAMINATION INFORMATION

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

DATE OF FIELD EXAM: 08/31/1993

APPOINTMENT MADE: Y(\_\_\_\_) N(✓)

TIME: \_\_\_\_:\_\_\_\_ A(\_\_\_\_) P(\_\_\_\_)

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: (\_\_\_\_) \_\_\_\_-\_\_\_\_

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

07-19-1993, TCW Carol M. Day: & usage currently, &  
knowledge of any irrig use, historically for the property. Some flooding  
takes place on the North side of Road Creek due to easement there.

& knowledge of any irrigation of this (these) acres by year-round  
residents who do irrigate for other land owners.

Pix show ground w/o any effects of irrigation - no diversion works  
found or ditches observed. Aerial map review shows & irrigation or  
delivery system

RECOMMEND DISSALLOWAL H 02-01-1994

A. AJ CLAIM: \* A72-00230J PRIORITY DATE: 05-01-1980 STAGE: D  
B. WR RECORD: \* 72-00230 PRIORITY DATE: 05-01-1980 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:

=====

RECOMMENDED PRIORITY DATE:  
05-01-1980

REVIEWED BY

DATE

=====

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

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

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

WR RECORDS IN SAME 40 ACRE TRACT

72-04097  
72-04216

SOURCE: EAST FORK OF 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:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|------|------|------|-----|-----|-----|-----|--------|
|------|------|------|-----|-----|-----|-----|--------|

SOURCE:

REVIEWED BY:

TRIB:

DATE:

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

| P   | RNG | SEC | 1/4 | 1/4 | LOT | NAME                 | AJ<br>#/ACRES    | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|----------------------|------------------|---------------|-----------------|----------------|------------------|
| 10N | 18E | 24  | NW  | NW  |     | C. W. INVESTMENT CO. | A72-00230J / 5.0 | - /           | 19.0            |                |                  |
|     |     |     | NW  | NW  |     | QUINN, RUSSELL T     | A72-00176J / 8.0 | - /           |                 |                |                  |
|     |     |     | NW  | NW  |     | QUINN, RUSSELL T     | A72-00230T / 8.0 | - /           |                 |                |                  |
|     |     |     | NW  | NW  |     | MALONEY, MICHAEL M.  | A72-00176B / 3.0 | - /           |                 |                |                  |
|     |     |     | NW  | NW  |     | MALONEY, PATRICIA A. | A72-00230D / 3.0 | - /           |                 |                |                  |
|     |     |     | NW  | NW  |     | MALONEY, MICHAEL M.  | A72-04230 /      | 72-04230 /    |                 |                |                  |
|     |     |     | NW  | NW  |     | MALONEY, MICHAEL M.  | A72-10359 /      | - /           |                 |                |                  |
|     |     |     | NW  | NW  |     | C.W. INVESTMENT CO.  | A72-00176H / 5.0 | - /           |                 |                |                  |
|     |     |     | NW  | NW  |     | MC MAHON, M. POLLY   | A72-00176D / 6.0 | - /           |                 |                |                  |
|     |     |     | NW  | NW  |     | MCMAHON, M. POLLY    | A72-00230E / 6.0 | - /           |                 |                |                  |

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                | AJ<br>#/ACRES     | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|---------------------|-------------------|---------------|-----------------|----------------|------------------|
|             |     |     | NW  | NW  |     | RAVANADGH, TOM      | A72-002300 / 10.9 | - /           |                 |                |                  |
|             |     |     | NW  | NW  |     | DUNFEE FAMILY TRUST | A72-00230B / 3.0  | - /           |                 |                |                  |
|             |     |     | NW  | NW  |     | LEUZINGER, FRIDOLIN |                   | 72-00176 /    |                 |                |                  |
|             |     |     | NW  | NW  |     | LEUZINGER, FREDOLIN |                   | 72-00230 /    |                 |                |                  |
| TOTAL ACRES |     |     |     |     |     |                     | A72-00230J        | 5.00          |                 | 19.00          |                  |

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

SUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

DATE: \_\_\_\_\_

A. AJ CLAIMED USES:

PURPOSES  
A72-00230J IRRIGATION

MONTH/DAY  
FROM 04-01 TO 11-01

DIVERSION QUANTITY  
.150 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.150 CFS

B. WR RECORDED USES:

PURPOSES  
72-00230 IRRIGATION

MONTH/DAY  
FROM TO

DIVERSION QUANTITY  
8.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

8.000 CFS

RESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)  
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)  
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD  
EXAMINER  
DATABASE  
N  
Y  
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: 0.150 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

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM NO.  | SOURCE                    | NAME                 | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|---------------------------|----------------------|-----------|----------------|-----------|----------------|
| A72-00230J | EAST FORK OF SALMON RIVER | C. W. INVESTMENT CO. | 0.150     | 0.030          |           |                |
| A72-00176B | ROAD CREEK                | MALONEY, MICHAEL M.  | 0.220     | 0.055          |           |                |
| A72-00176D | ROAD CREEK                | MC MAHON, M. POLLY   | 0.320     | 0.053          |           |                |
| A72-00176H | ROAD CREEK                | C.W. INVESTMENT CO.  | 0.150     | 0.030          |           |                |
| A72-00176J | ROAD CREEK                | QUINN, RUSSELL T     | 0.200     | 0.020          |           |                |
| A72-00230B | SALMON RIVER, EAST FORK   | DUNFEE FAMILY TRUST  | 0.460     | 0.020          |           |                |
| A72-00230D | SALMON RIVER, EAST FORK   | MALONEY, PATRICIA A. | 0.200     | 0.050          |           |                |
| A72-00230E | SALMON RIVER, EAST FORK   | MCMAHON, M. POLLY    | 0.300     | 0.050          |           |                |
| A72-00230G | SALMON RIVER, EAST FORK   | KAVANAUGH, TOM       | 0.220     | 0.020          |           |                |
| A72-00230T | SALMON RIVER, EAST FORK   | QUINN, RUSSELL T     | 0.200     | 0.020          |           |                |

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

| CLAIM NO.  | PURPOSES   | NAME                | MONTH/DAY           | RATE     | VOLUME |
|------------|------------|---------------------|---------------------|----------|--------|
| A72-00176B | STOCKWATER | MALONEY, MICHAEL M. | 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 = 12.5 AE/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AE/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AE/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AE/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(\_\_\_\_) N(\_\_\_\_)

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

RECOMMENDATIONS:

| REC.<br>PURPOSES     | REC. PERIOD<br>FROM TO | REC. DIV<br>RATE CFS | REC. DIV<br>VOL. AF/A | REC. CONS.<br>USE |
|----------------------|------------------------|----------------------|-----------------------|-------------------|
|                      |                        | DATABASE EXAMINER    | DATABASE EXAMINER     | DATABASE EXAMINER |
| IRRIGATION           | 04-01 11-01            | 0.150 -----          | -----                 | 12.5 -----        |
| TOTAL FOR THIS RIGHT |                        | 0.150                |                       | 12.5              |

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

| ACCEPTED<br>AS CLAIMED | NEEDS<br>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<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A72-00230A               | 0.250             | -                         |                  | -                   |                   |
| -                    | A72-00230B               | 0.200             | -                         |                  | -                   |                   |
| A72-00230            | A72-00230F               | 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:

*L. G. Hitchcock*

DATE:

*02-01-1994*

NAME OF FIELD EXAMINER:

TITLE:

*Division*

## **Field Exam Notes**

**Claim No: 72-00230J**

**9/11/1998**

**Agent: Vikie Hancock**

Kelly Christensen and I walked the Day property (lot 9, claim 72-00230J) after talking to the Maloney tenant, Tracy Shaw, who stated that she irrigated the Day's property. We found no evidence of that. The lot is nearly all upon a rise of ground that would be impossible to gravity irrigate from any of the existing ditches carrying water from the East Fork, and no evidence of pumping from the East Fork, or Road Creek which runs along the north border. We did find a well with a drip system going to a maximum of 10 small, recently planted trees. The pan photos that Frank Hitchcock took in August of 1993 shows the layout of this area very well. The ridge of high ground that is the Day lot extends south into lot 7, also owned by Maloneys, and into lots 4, 5 and 6, owned by Dunfee.

*FIELD EXAM NOTES*

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call 405 / 420

Returning Call

TO:

Paul R Day, Carol M.

DATE:

07-19-1943

FROM:

H

FILE:

-00176H, -00230 J✓

FILE NO:

SUBJECT:

Field Exam

REMARKS:

& using man & elc,  
found wire on easement N. side of Road C.

& knowledge of H2O use -

white panel - Maloney sitting - their house -  
girl man sitting

ROUTING  
INSTRUCTIONS:

Consent? - explained reason for  
exam

CALENDAR  
DATES:

gave her o/c. # and name  
reviewed claims w/ her

FIELD EXAM NOTES

08-03-93

all previously done by MAISONET

10<sup>07</sup>

★ NW - fence line of MAISONET parcel  
★ easement to run for DAY to cr.  
McMAHON parcel has been using  
short Ranty for hire -  
also QUINN'S parcel -

IRRIG water from Mc Mahon w/go onto PIERER'S lot

IRRIG 1 Full week NORMALLY - alternate

MAILING in AZ:

P.O. Box 5064  
APACHE JUNCTION, AZ  
85278

602-982-7943

ROBIE R.E.  
Call STAY:

SANDY HILL 879-2211

08-31-93

NOTE:

EEF H2O thru QUINN'S lot used to go  
onto DAY'S ground - QUINN'S POD served  
DAY'S ground

MAISONET'S PUMP - was live done - tenant w/ put  
there in next season.

6-23-81

8164

1:12000

LN78-RN1

31

POU

CLAIM A72-00230-J INIT 7H

P/D T. R. S. Q/Q

POU & URG visible...

PHOTO BLM plate 31

DT. & ID. LN78-RN1 06-23-81

POD

A72-00230-J

DAVP

NAPP

443-45

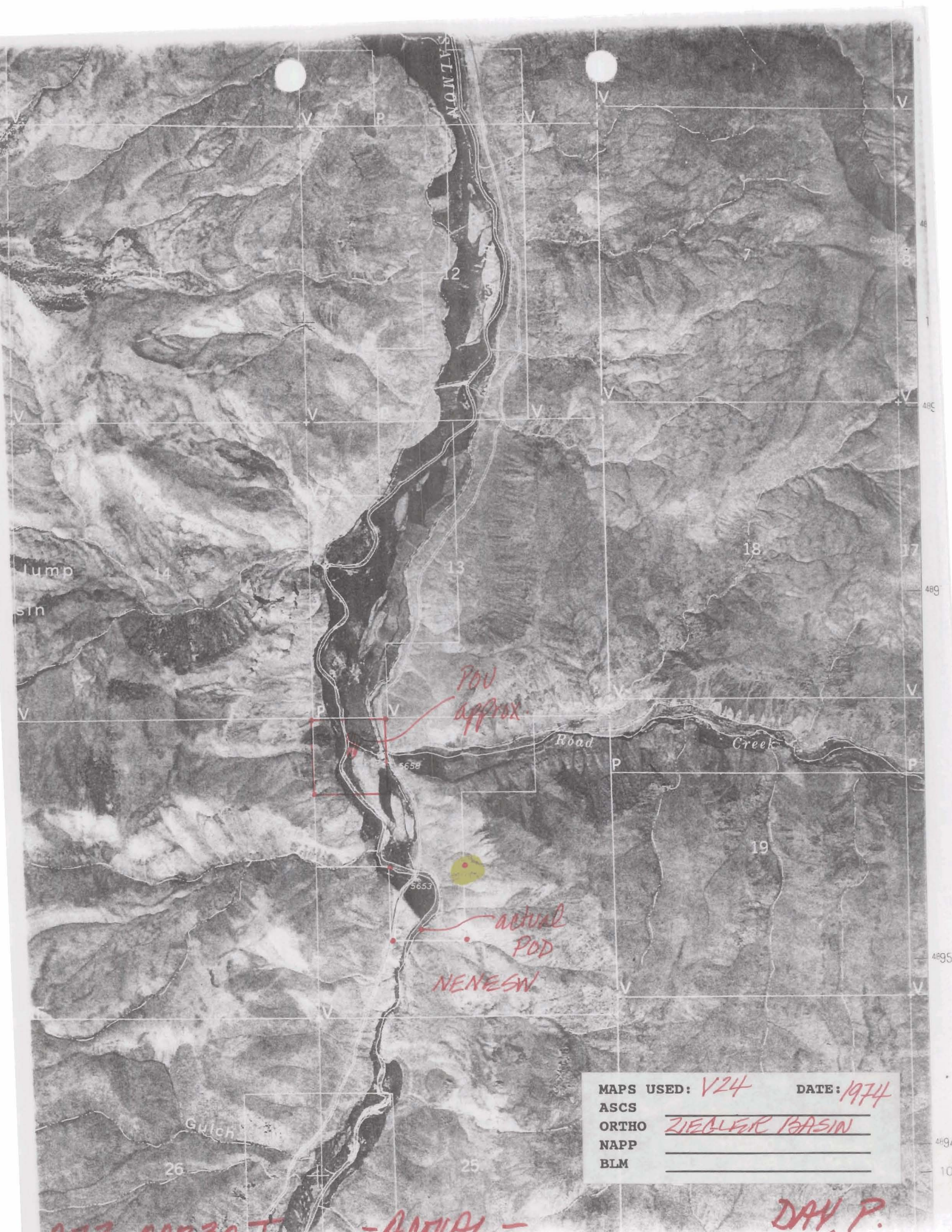
9-14-88



CLAIM A72-00230J INIT 71  
POV T. R. S. Q/Q  
P/D & IRRIG. Visible...  
PHOTO NAPP  
DT.&ID. 09-14-88 443-45

A72-00230J

DAH, P.



MAPS USED: V24      DATE: 1974  
ASCS  
ORTHO ZIEGLER BASIN  
NAPP  
BLM

277 00030 - DATA -      DAY P.

R19E

R18E

14

13

POU (APPROX.) NW NW

23

POD  
NENE SW

24

SW

T  
10  
N

26

26

CLAIM A72-00230J INIT 7H

T. R. S. Q/Q/R

P/D ION 18E 24 NENE SW

PHOTO V24 OPQ

DT. & ID. 7-24-74

A72-00230J

- AS CLAIMED -

NAV D

**A72-00230J**  
**Day**

**Lot 9 Block 2 East Fork Subdv.**  
**Source: East Fk Salmon River**

**9/11/98**  
**V. Hancock**



<<<< South                      North>>>>

Photo taken from a knob overlooking lot 10 to lot 9. Photo looking southwest.

Photo shows that Day's property, which can be seen on the dry rise between the telephone pole and open-sided shed is still dry ground.

**See pan shot taken 8-3-93 by Frank Hitchcock.**

**Photo 8    1998 Roll 2**

**Tape 98-003**

Part shot of day  
Part Lot 9, manure  
Lot 8, manure  
Lot 7, manure  
Lot 2-6, manure  
Lot 10, manure  
Lot 8-3-93  
F Hitches



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

Water Right Number - 72-00230      Adj. Flag Translation:      Standard Water Right Number      Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
LEUZINGER      FREDOLIN      1 -  
2 -  
3 -  
City-      State-      Zip-  
Phone -

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

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

+ - - - - Point of Diversion - - - - - +  
TwN      Rng      Sec      Tract      Lot      RFlg      County

10N      18E      24      NE NW      (37)      CUSTER  
10N      18E      24      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

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

WR BASE RIGHT



Water Right Number - R72-00230J      Prefix Translation: RESEARCH      Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*

DAY      PAUL R      1 - 5930 ARNEY LANE  
2 -  
3 -  
City- BOISE      State- ID Zip- 83707  
Phone - 208-853-3622

DAY      CAROL M      1 - 5930 ARNEY LANE  
2 -  
3 -  
City- BOISE      State- ID Zip- 83707  
Phone - 208-853-3622

\*\*\* O - ORIGINAL OWNER \*\*\*

C W INVESTMENT CO      1 - A GENERAL PARTNERSHIP  
2 - PO BOX 3464  
3 -  
City- RENO      State- NV Zip- 89505  
Phone - 702-323-7267

+ - - Priority Date - - +      + - - Region - - - +      + - - Stage - - - +      + - - Status - - - +

05/01/1880      17 SOUTHERN      D - DECREED

+ - - - - Source - - - - - +      + - - - - Tributary - - - - - +

EAST FORK OF SALMON RIVER      SALMON RIVER

+ - - - - Point of Diversion - - - - - +

| Twn | Rng | Sec | Tract    | Lot | RFlg | County |
|-----|-----|-----|----------|-----|------|--------|
| 10N | 18E | 24  | NE NE SW |     | (37) | CUSTER |

+ - - - - Water Use - - - - - +

| Code            | Description | Period From | Period To | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|----------------|------------------|
| 01 - IRRIGATION |             | 04/01       | 11/01     | 0.150          |                  |

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

0.150           12.5

+ - - - - Place of Use - - - - - +

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County      |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 10N | 18E | 24  | NW NW |     | 5.0   | 01   | IRRIGATION  | (37) CUSTER |

Total Acres: 5.0

+ - - Diversion Means - DIVERSION FROM RIVER TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

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

Water right number = R72-00230J

Prefix Translation: RESEARCH

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

THIS CLAIM IS FOR 5 ACRES IN LOT 9, BLOCK 2 OF EAST FORK SUBDIV.  
IN CUSTER CO., IDAHO. (SEE ATTACHED MAP)

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

No Old Water Right Numbers Found

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +  
00/00/0000

+ - - - - -Comments- - - - - +

Date: 01/14/1993 User Id: CLELLAND Subject: CHANGE OF OWNERSHIP  
FORMS AND SETTLEMENT AGREEMENT SUBMITTED.

+ - - Audit Fields - - +

01/14/93 CLELLAND

+ - - - - - 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         | - 00/00/0000 | Old Judicial District   | -       |
| Claim Received Date  | - 01/10/1990 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
|                      |              | Receipt Number        | - S010913    | Water District          | -       |
|                      |              | POU Ownership Flag    | - Y          | Federal/State Indicator | - S     |
|                      |              | Name Connector        | - AND/OR     | Presumption Flag        | -       |
|                      |              |                       |              | Notice of Error Flag    | -       |