

08/24/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 79-4430

NAME AND ADDRESS: ROY FARMER
PO BOX 89
WHITE BIRD ID 83554

SOURCE: NORTH FORK SKOOKUMCHUCK CREEK TRIBUTARY: SKOOKUMCHUCK CREEK

QUANTITY: 0.500 CFS

USE OF THIS RIGHT WITH RIGHT NO. 79-2074 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.64 CFS.

PRIORITY DATE: 11/03/1954

POINT OF DIVERSION:

T28N R02E S34 NENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	~~04/01~~ 10/31 03/15	0.500 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T27N R02E S04 Lot 2 NWNE	16.0	T27N R02E S04 Lot 3 NENW	24.0
T27N R02E S04 Lot 4 NWNW	33.0	T27N R02E S04 SWNW	4.4
T27N R02E S05 Lot 1 NENE	17.0	T27N R02E S05 Lot 2 NWNE	1.0
T27N R02E S05 SWNE	16.0	T27N R02E S05 SENE	13.0
T27N R02E S05 SENW	6.5	T28N R02E S33 SWSW	7.0
T28N R02E S33 SESW	18.0	T28N R02E S33 SWSE	1.1

157 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 79-2074 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 157 ACRES IN A SINGLE
IRRIGATION SEASON.

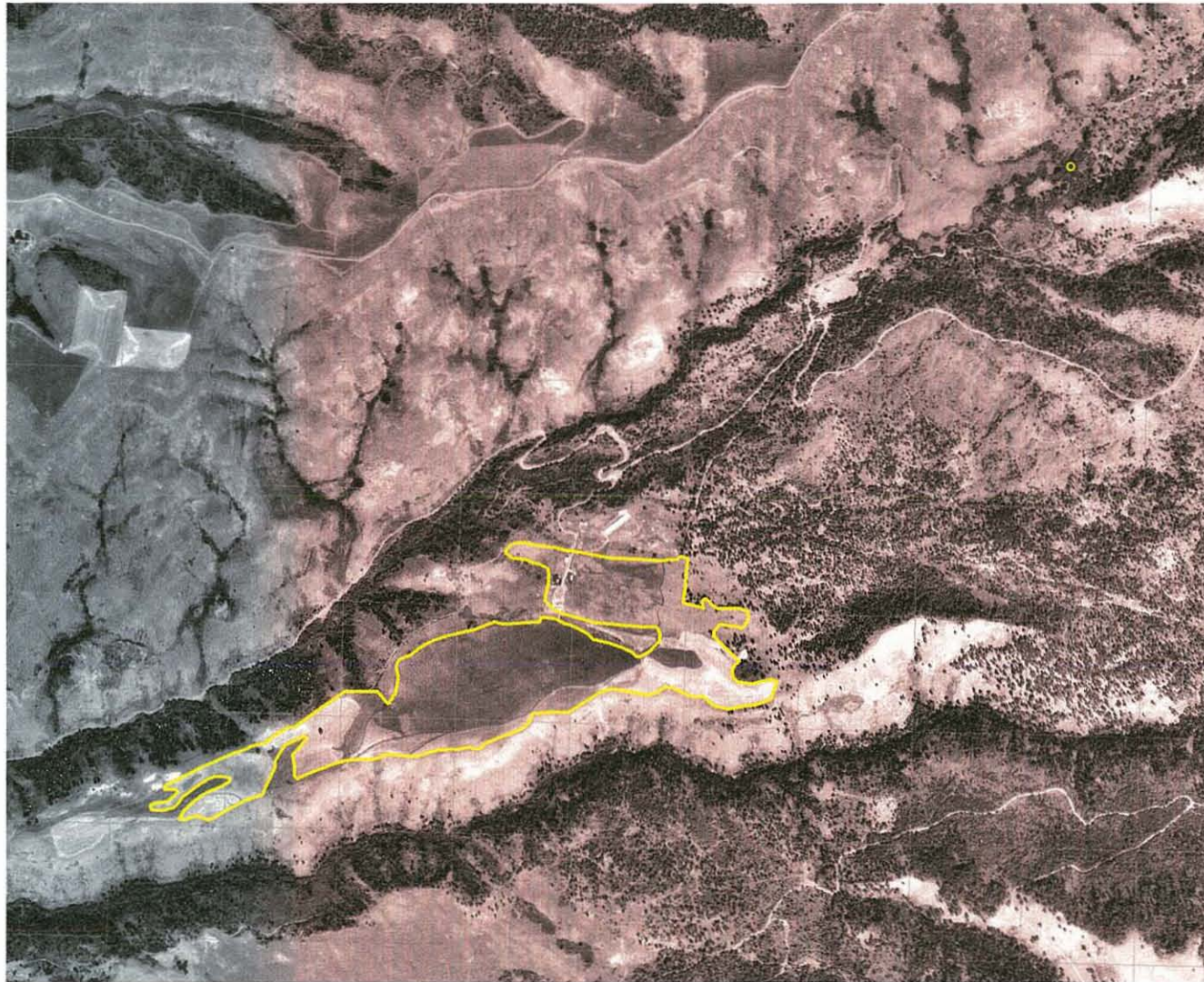
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

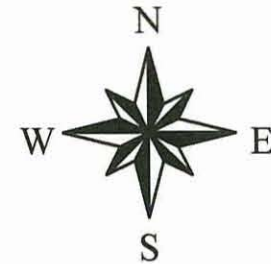
EXPLANATORY MATERIAL: Beneficial Use

79-2074 & 79-4430



T27N R02E
Section(s) 4 & 5
T28N R02E
Section 33

● Point of Diversion
□ Place of Use



Map prepared by: Greg Taylor
Date Prepared: August 24, 2004
Photography: 1992 DOQQ
Idaho Department of Water Resources

0 4000 8000 12000 Feet

A horizontal scale bar with markings at 0, 4000, 8000, and 12000 feet. The bar is divided into segments corresponding to these distances.

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: A79-04430
Date Received: 6/13/1988
Receipt No: W000363
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROY FARMER 208-839-2395
Address: PO BOX 89
WHITE BIRD ID 83554

2. Date of Priority: JAN 1, 1937

3. Source: SKOOKUMCHUCK CREEK, N. FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
28N	02E	27		SE	SW		IDAHO
		34		NE	NW		IDAHO

5. Description of diverting works:
LOG DAM, HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.440		

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

8. Total consumptive use is 108.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

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10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
28N	02E	33	SW	SW		IRR	12.0
			SE	SW		IRR	24.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	36.0
					Total Acres	36.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGE OF OWNERSHIP COMPLETED BY L.R.W. ON 5/26/94.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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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 _____

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

DATE OF CLOSING: 1-17-94

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
 Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
 Lot _____, Block _____, Subdivision/Townsite _____
 If you have additional legal descriptions, please attach separate sheet.

☐ 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)

☐ Water Right Number(s)
Assigned by IDWR:

A79-4430, A79-2074, A79-2032,
A79-10036

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

CUTLER Brothers

257 N.W. 16th ST

ONTARIO, OR 97914

☐ New Owner/Claimant
(Purchaser):

☐ New Mailing Address:

P.O. Box 89

WHITE BIRD, ID 83554

☐ New Telephone Number:

(208) 839-2395

☐ 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:

(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)

Date

Date

☐ Signature of Former
Owner/Claimant(s):

Cutler Bros by R W Cutler

Date

Date May 23-94

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

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: A79-04430
Date Received: 6/10/1988
Receipt No: W000 383 OK
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CUTLER BROTHERS 208-889-8845
Address: 257 N. W. 16TH ST.
ONTARIO, OR 97914

2. Date of Priority: JAN 01, 1937

3. Source: SKOOKUMCHUCK CREEK, N. FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
28N	02E	27		SE	SW		IDAHO
		34		NE	NW		IDAHO

5. Description of diverting works:
LOG DAM, HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.440		

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

8. Total consumptive use is 108.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INSTREAM STOCKWATERING.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
28N	02E	33	SW	SW		IRR	12.0
			SE	SW		IRR	24.0

Section Acres 36.0

A79-04430

Page 1

Date: 06/10/88

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10. Place of Use: Continued

Total Acres 36.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of

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

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 10th day

of June 19 88

Nancy M. Ludgren
Notary Public

Seal

Residing at Boise, Id

My Commission Expires 1-19-1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Date May 26, 1994

[ROY FARMER]
[PO BOX 89]
[WHITE BIRD ID 83554]

Notice of Claim No.(s) A79-02074, A79-02032, A79-10036, A79-04430

Dear Claimant:

Enclosed is **your** copy(s) of the above referenced claim(s) which reflect the change in ownership of the land and appurtenant water rights covered by this claim(s).

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim(s) for final court decree.

If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

Enclosure(s)

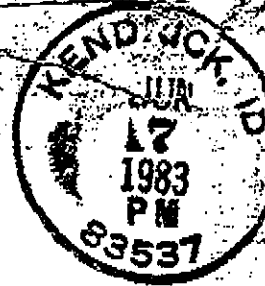
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POOR ORIGINAL

The ground East & West of the house
on the Skookum Chuck Ranch was irrigated
from the ditch in the field.

Anna Senison Heath

Anna Heath
Rt 2 Box 1094A
Kendrick, Idaho
83537



Jerry Nunley
Skookum Chuck Ranch
White Bird, Idaho

for
A79-4430
Evidence of priority
submitted 5-13-84 - L RW

Pg. 1 of 2

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To Whom It May Concern:

I was born and raised on the Schookumchuck Ranch; therefore as far back as I can remember the ground East and West of the house was irrigated from the ditch that's in the field. Left there in 1937.

Larise Penison Roney.

Evidence of priority
Pg. 2 of 2

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State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 9, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

ROSS CUTLER
257 NW 16TH ST
ONTARIO OR 97914

RE: Evidence of Priority, Skookumchuck Ranch

Dear Ross:

I have searched all the Cutler Brothers files and cannot find any evidence of priority documentation. If you will forward what you have available, I will make sure that the documents are placed in all the files.

Also as we discussed, I took a look at the 1954 field exam for 79-02074. There is not a definite reference to any other irrigated acres, but there are 15 acres marked on the map in SWSW Sec 33 near the homesite. These acres are not reflected in the licensing. This is a weak link but may provide some supporting evidence. There is also some mention made of the Maynard place which was purchased by Claude White but never irrigated. It may be that the 1937 priority cannot be firmly substantiated, but send whatever evidence is applicable. As long as irrigation of the additional acres commenced prior to 1971, they may be recommended based on beneficial use.

There will likely be no more action in the Skookumchuck files until the scheduled adjudication verification period or until new owners initiate name changes and/or additional filings. As always, though, I am available to assist if necessary or requested.

Sincerely,

Cindy Hodges
Sr. Water Resource Agent

Enclosure

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MEMO

12/8/1993

TO: FILES A79-02074 AND 04430
FROM: CINDY HODGES
RE: PARTIAL FIELD EXAM, SUPPLEMENTAL INFO

In September 1992, in conjunction with some B/U exams for Skookumchuck Ranch, I did a partial field verification for these claims. Recently, I have had opportunity to look at these again due to the pending sale of the ranch and questions from the potential buyer. I discovered a few additional inconsistencies which will need to be looked into prior to final SRBA recommendations.

I mentioned in my field notes that an actual measurement or Manning's analysis of canal capacity will need to be conducted on the Skookumchuck Canal. The potential buyers mentioned upgrading the existing diversion dam, and I suppose there is a possibility they may try and enlarge the canal as well. Whether or not this occurs will need to be identified during further field checks.

A79-04430 claims a 1937 priority on 36 acres from N. F. Skookumchuck Creek, and A79-02074 claims 132 acres from same source, for a total of 168 irrigated acres. I found 157 irrigated acres (see land list). However, a 1954 field exam on 79-02074 (priority 1950) does not mention the presence of additional irrigated acres above the 132 acres recommended. The exam does reference 10 permitted acres which were owned by another party at the time of permitting, but never irrigated because the owner had died. Curiously, permit 79-02074 was issued for 245 acres; wouldn't any other acres present at the time have been included on the license??

On the other hand, a close look at the 79-02074 field exam map does show 15 acres marked in SWSW Sec 33. This is in the same area that is claimed in A79-04430, and found currently irrigated. I suppose it is possible that the overlap was simply not mentioned for the prior acres, which are up next to the ranch houses and would be the most likely to be first developed. They also do not show up on recent ASCS photography, but I've learned that doesn't necessarily mean anything. Part of this area was old orchard and part had been converted to pasture.

If a 1937 priority cannot be established for the 36 acres under A79-04430, any additional acres were most likely developed after the field exam for 79-02074, but prior to 1971. The date of construction of the canal may be the key. Proof of construction statements shown on microfilm seem to indicate that the canal was constructed between 1950 and 1951, with first application of water in 1952 (see microfilm). There could be an old ditch that serviced the first acres, as they are on a lower contour and more easily accessible from the creek channel.

Ross Cutler thought that some evidence of priority had been submitted during or just following claimstaking for his rights. However, I cannot locate any evidence documents and so have asked him to forward anything he may have before the sale is finalized.

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79-7131

Permit No.

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER Larry Waters DATE SUBMITTED 7-16-90
ADJUDICATION AGENT _____ RESPONSE DUE DATE _____
COUNTY Idaho OWNER'S NAME Cutler Brothers

PERMIT DATA	T	R	S	Q/Q	T	R	S	Q/Q	and NE
P/D	<u>28W</u>	<u>2E</u>	<u>27</u>	<u>SWNW</u>	<u>28W</u>	<u>2E</u>	<u>28</u>	<u>NENE</u>	section 32
P/U	<u>//</u>	<u>//</u>	<u>//</u>	<u>//</u>	<u>//</u>	<u>//</u>	<u>//</u>	<u>//</u>	<u>//</u>

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
☐ Claim filed for permit and copy attached *
☐ Claim filed although not required (proof filed after 11-19-87)
☒ No claim filed or required.

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☐ Name index search
☐ Non-data entry claims search
☒ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached
<u>79-2032</u> Adj No.	<u>9/16/92</u>	☐	☐
<u>79-2074</u> Adj No.	☐	☐	☐
<u>79-4430</u> Adj No.	☐	☐	☐
<u>79-10036</u>	☐	☐	☐

* copies included only if pertinent to permit field exam

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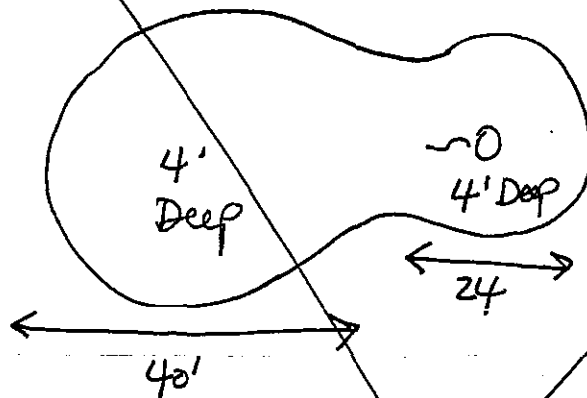
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9/16/92 CJS

3. NESE Sec 28.

$$[(\pi 20^2) + (\pi 12^2)] \times 2 = .08$$

Photo 4.

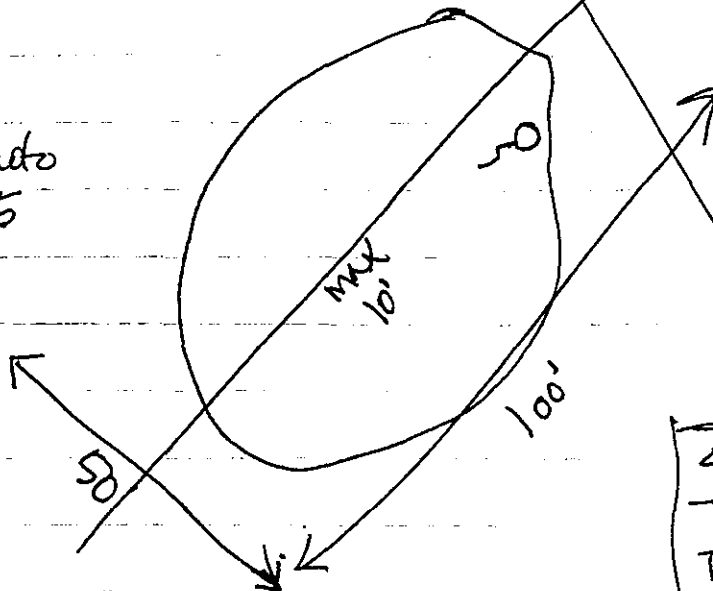


$$V = .08 \text{ AF}$$

$$SA = .04 \text{ ac}$$

4. SWNW Sec 27

Photo 5



$$100 \times 50 \times 5 = .57 \text{ AF}$$

$$V = .57 \text{ AF}$$

$$SA = .06 \text{ ac}$$

4 POND:
TOTAL V = .9 AF
TOTAL SA = .2 ac

5. Irrigation system Photo 6-7
P/O SESE Sec 27 Photo 8-10

PTO pump, portable above ditch. Photo 17
handlines - pressure pump 100 PSI 285 MDT(?)

Photo 16 - gravity sprinklers

in Sec 5 in SW end of parcel

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9/16/92 C84

In Stream Stock - McKenzie
NF McKenzie
NF Skook.
SF Skook.

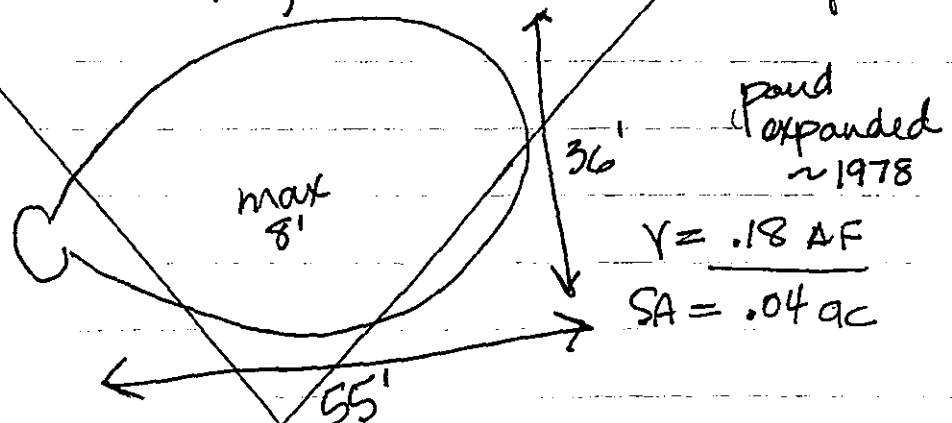
Springs -
South near
McKenzie CK?

Diverted Stock - Irrigation Ditch

Ask Ross about affidavit obtained by
Jerry Nunnely per ditch construction
in 1948 300 head all year

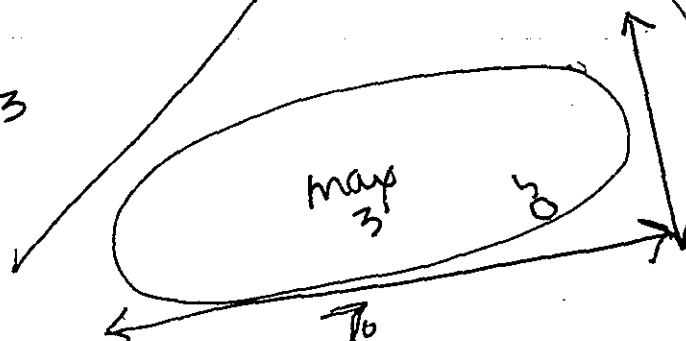
1. NE1/4 Sec 32 actually hand-dug open well (S)
Not artesian - high water table fills pond.

Photo 1-2



2. SE1/4 Sec 28 (Not on ap) Spring arises on
South edge. trib to sinks. Dry @ exam

Photo 3



$$70 \times 20 \times 1.5 = .05 \text{ AF}$$
$$V = .05 \text{ AF}$$
$$SA = .03 \text{ ac}$$

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A79-2074 & A79.4430

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
		27N	2E	4		13		29	31	13										86	
			5	16	1	13	20				3									53	
		28N	2E	33									3	15						18	
																					157
																					~~156~~

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OPEN CHANNEL DISCHARGE MEASUREMENT NOTES (cjh 1/5/92)

1. Name of stream or ditch: Skookumchuck Ranch Diversion Ditch
 2. Location: Skookumchuck Ranch
 3. Person conducting measure: Cindy Hodges
 4. Date and time of measure: 9/16/92 1200
 5. Accompanied by: Randy Nunnely (Ranch foreman)
 6. Measuring device size and ID: Pygmy 090198
 7. Spin test OK? Before: Yes After: Yes
 8. Purpose of measure: Irrigation flow

DIST FROM LEW (feet)	WIDTH (feet)	DEPTH (feet)	OBS DEPTH	REVS	TIME (secs)	VELOCITY (ft/sec)	DISCHARGE (cfs)
0.0							
0.5	0.5	1.0	0.6	0	60	0.00	0.00
1.0	0.5	1.1	0.6	3	60	0.05	0.03
1.5	0.5	1.1	0.6	7	60	0.12	0.06
2.0	0.5	1.1	0.6	14	60	0.23	0.13
2.5	0.5	1.1	0.6	19	60	0.32	0.17
3.0	0.5	1.1	0.6	19	60	0.32	0.17
3.5	0.5	1.0	0.6	21	60	0.35	0.18
4.0	0.5	0.8	0.6	17	60	0.28	0.11
4.5	0.5	0.4	0.6	0	60	0.00	0.00
5.0							
TOTAL DISCHARGE:							0.74

Note: Ditch not at full capacity
 Additional Mannings may be required:

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Skatsumchuck Diversion Ditch

Cindy Hodges

9/16/92 1200 W/ ^{Pandy} ~~Levy~~ Nunnally meter # 090198
Total width

	Depth	Rev	Time	VEL
0 LEW			60	
.5	1 ft	0		
1.0	1.1	3		
1.5	1.1	7		
2.0	1.1	14		
2.5	1.1	19		
3.0	1.1	19		
3.5	1 ft	21		
4.0	.8	17		
4.5	.4	0		
5.0 REW				(SLACK)

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POOR ORIGINAL

Head of ditch
←

Skookumchuck diversion
dam & gate
(rock)



Current
measure
location

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Section 5
gravity
sprinkler
system



Portable PTO
pump used
to irrigate
upper portions

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A79 - 2074 & A79-4430



9/16/92 Photo taken looking South from Banner Ridge
Showing entire place of use. Canal marked. All areas
South of canal are pumped. Southwest end uses gravity
Sprinkler system. Balance under flood.

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POOR ORIGINAL



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

May 6, 1993

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

VICKY LOWE
PO BOX 368
RIGGINS ID 83549

RE: Cutler Brothers Skookumchuck Ranch

Dear Ms. Lowe:

I have completed my analysis of the Skookumchuck Ranch water right filings, based on my field examination of those rights last September. I am prepared to recommend the following uses pursuant to those filings:

Permit 79-07131 will be modified to reflect the four developed stock ponds on Banner Ridge, and recommended to be licensed as supplemental stored stockwater for 600 range cattle. No SRBA claim is required on this right.

Under A79-02074 and A79-04430, I found a total of 157 acres irrigation from North Fork Skookumchuck Creek. Evidence of the 1937 priority for the acres claimed as part of A79-04430 will need to be submitted prior to the finalization of the decree recommendation, but I have no reason at this time to believe that those acres will not be included.

Under A79-02032, internal use for a single home will be recommended. The irrigation use previously on that right has been included in the total 157 acres under the above mentioned rights from Skookumchuck Creek. There are two homes currently using the spring, but I am under the impression that one was recently added, which may necessitate an application for permit filing if that home remains on the system.

Claim A79-10036 will be amended to cover two developed springs located on Bouffard Flat in SW $\frac{1}{4}$ Section 6, T27N R02E. The claim as filed is inappropriate in that the 1978 developed uses are in violation of mandatory permitting statutes, and are represented on the license recommendations for permit 79-07131. Claim A79-10036 will most likely be recommended for stockwater for 300 range cattle at the Bouffard Flat location.

I am still recommending that either the current or new owner of this ranch file instream stockwater claims in the Snake River Basin Adjudication on both the McKenzie Creek and Skookumchuck Creek drainages. These filings are not affected by the moratorium, and may be made by either party, so long as the filing occurs before the decree recommendation deadline for that area, tentatively set for March 1998.

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Applications for Permit Nos. 79-07105 and 79-07110 for hydropower development, which were referred to in Mr. Luke's letter, are on hold at our office and have not been approved for development. Applications for permit are assignable; however, application 79-07105 has been recommended for rejection due to non-current Federal Energy Regulatory Commission (FERC) status, and application 79-07110 is being held pending financial and feasibility verification. No action has been taken on these applications since 1989.

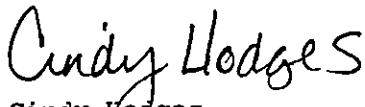
With respect to new water right development in the Salmon River drainage, the Salmon and Clearwater Rivers Moratorium Order, which restricts all new consumptive appropriations from surface water sources, is still in place. The Order has been modified slightly to allow a few additional non-consumptive filings, but does not allow new irrigation. Developments from groundwater are not affected. A copy of the Amended Order is attached.

For your clients, the practical implications of the moratorium are that the development of a spring to deliver stockwater to a trough or tank will be allowed, as will the development of new domestic uses. The enlargement of the stock impoundments on Banner Ridge may be restricted to the deepening of those impoundments only. Enlargement by expanding the surface area of the ponds may cause an additional consumptive loss due to evaporation, but an exemption might be warranted under condition #7a on page 3 of the enclosed Order. These developments would require an approved Application for Permit prior to the commencement of construction.

Lands which have not been irrigated for five consecutive years may have forfeited any appurtenant water rights. New acres and any previously irrigated lands not included in the decree recommendation must have a new water right developed for them. Although new irrigation appropriations and other consumptive filings cannot be processed at this time, we are accepting those applications to be placed on hold until such time that the moratorium is lifted. All applications will then be processed in the order received.

Even though there is still a measure of uncertainty present, I hope this helps answer any questions on the potential for new water right development in the Salmon Drainage. Unfortunately, I am not able to give you any idea as to when the moratorium may be lifted. Please feel free to pass on this information to any interested party.

Sincerely,



Cindy Hodges
Sr. Water Resource Agent

Enclosure

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AUG 08 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

November 27, 1992

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Vicky Lowe
PO Box 368
Riggins ID 83549

RE: Cutler Brothers Skookumchuck Ranch

Dear Ms. Lowe:

Enclosed are proof copies of all water rights on record for Cutler Brothers Ranch. Included are:

Water Right Licenses 79-02032 and 79-02074 and corresponding Snake River Basin Adjudication (SRBA) claims A79-02032 and A79-02074;

Statutory (non-verified) claim to water right 79-04430 and SRBA claim A79-04430;

Water Right Permit 79-07131 (no SRBA claim required); and

SRBA claim A79-10036, based on beneficial use.

In September, I conducted a licensing examination for permit 79-07131, and partial field exams for the SRBA claims. I have not yet made recommendations based on my field visit. Based on my examination, however, I determined that there are some SRBA claims for instream stockwater and early spring developments which still need to be filed. Specifically, I advised instream stockwater claims for both the McKenzie Creek and Skookumchuck Creek drainages, and beneficial use claims for developed springs in SW $\frac{1}{4}$ Section 6, T27N R02E (Bouffard Flat springs). I have contacted Ross Cutler, and we have arranged to make those filings. If a purchase appears pending, please contact one of us so that we may expedite the filing of these claims.

Please contact me at 334-2190 if you have questions pertaining to these rights.

Sincerely,

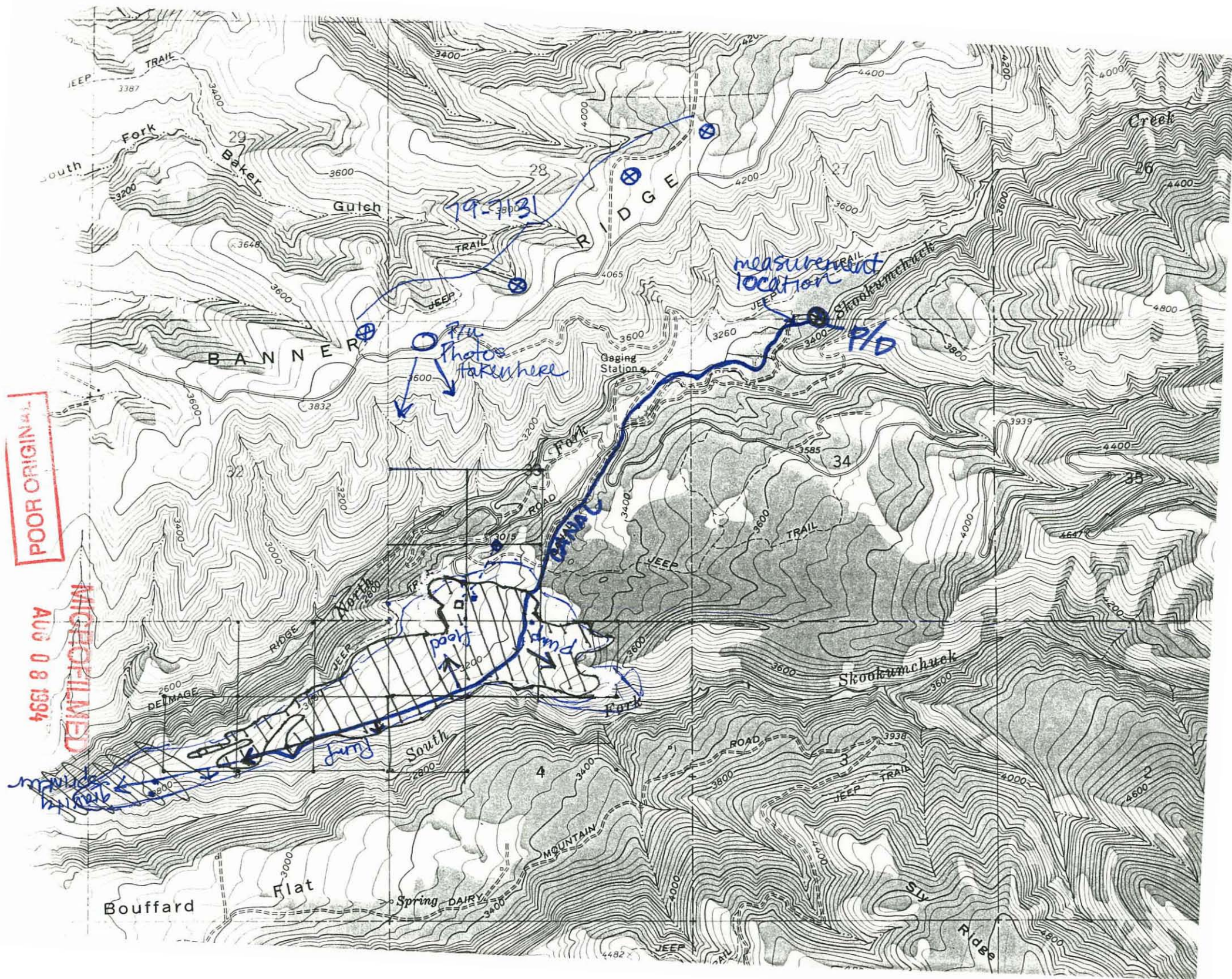
Cindy Hodges
Sr. Water Resource Agent

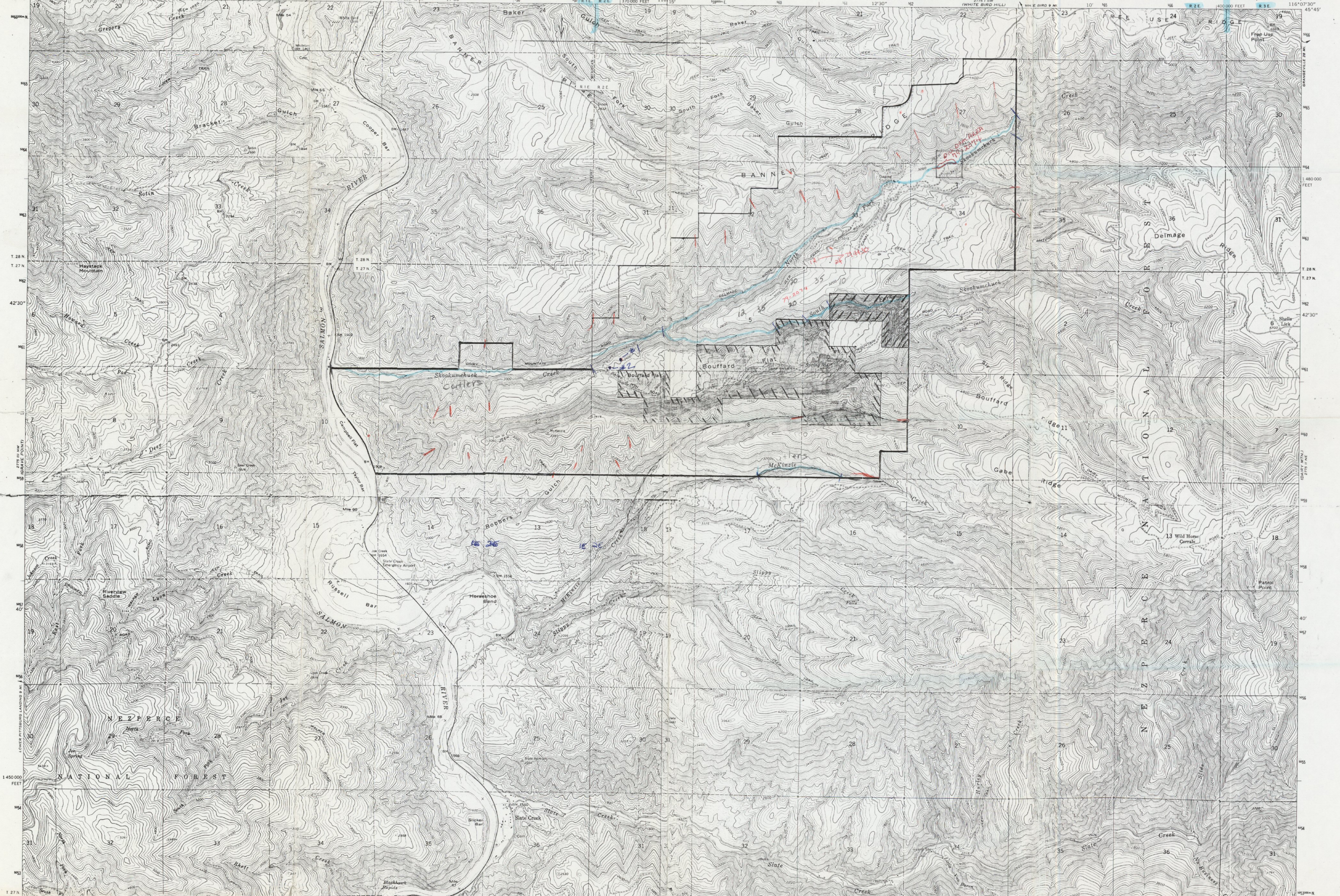
Enclosures

79-7105
79-7110 Power Hold

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SLATE CREEK QUADRANGLE
IDAHO-IDAHO CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

MC KENZIE CREEK QUADRANGLE
IDAHO-IDAHO CO.
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