

RECEIVED
MAY 07 2010
DEPARTMENT OF
WATER RESOURCES

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

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

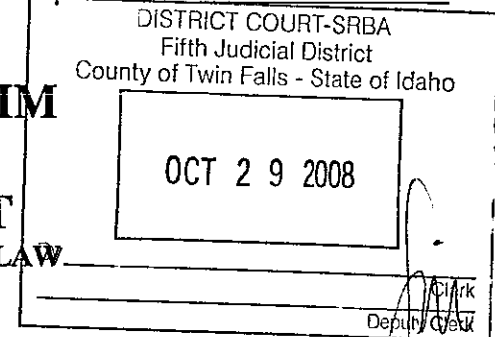
CIVIL CASE NUMBER: 39576

Indent. Number 72-16782

Date Received _____

Receipt Number _____

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



Please type or print clearly

1. Name of Claimant(s) D. Wayne Baker, Melodie L. Baker Phone (208) 838-2440
Mailing Address HC 68 Box 304, Clayton, Idaho Zip 83227

2. Date of Priority only (1) per claim) April 1, 1930

3. Source of water supply (a) Salmon River, East Fork

which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 10N Range 18E Section 12,
_____ 1/4 of SW 1/4 NE 1/4, Govt. Lot, _____ B.M., County of Custer (aka EF-3)

Additional points of diversion if any: All from the Salmon River, East Fork: T. 09N, R. 18E, Sec. 5, Lot 3,
NE1/4NW1/4 (aka EF-11); T. 10N, R. 18E, Sec. 31, SE1/4SW1/4SE1/4 (aka EF-12); T10N, R. 18E, Sec. 31,
SW1/4SW1/4SW1/4 (aka EF-13)

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 enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. There are four (4) diversion works covered by this claim,
designated as EF-3, EF-11, EF-12, and EF-13. Each diversion has a headgate in the East Fork of the Salmon
River. Each diverts water into a ditch that has a fish screen installed by the Idaho Department of Fish and Game.
Each diversion is described in greater detail in the Affidavit of D. Wayne Baker in Support of Motion to File Late
Notices of Claims.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation (conveyance loss) purposes from 4/1 to 10/31 amount 52.86 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

Last Name Baker Ident. Number 72-16782

7. Total quantity claimed (a) 52.86 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is N/A acre fee per annum.
9. Non-Irrigation uses; describe fully (e.g. Domestic: Give number of households served; Stockwater Type and number of livestock etc.) This water right is for conveyance losses in conveying water from the points of diversion to the places of use. There is no consumptive use associated with this claim.
10. Description of place of use:
 a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	18E	4	8.8 lot 1	12.0 lot 2				2.1 lot 4											22.9
9N	18E	5						2.4											2.4
9N	18E	6	6.6 lot 1	4.8 lot 2			0.5 lot 3												11.9
10N	18E	31												7.0			5.7	12.0	24.7
10N	18E	32											15.0	18.0			20.0	22.0	75.0
10N	18E	33											15.0 lot 4	10.3 lot 5			8.2 lot 6		33.5

Total number of acres irrigated 170.4

11. In which county(ies) are lands listed above as place of use located? Custer
12. Do you own the property listed above as place of use? Yes X No _____
13. Describe any other water rights used at the same place and for the same purposes as described above.
The following rights are for irrigation from these diversions: 72-224 (EF-3), 72-225 (EF-3), 72-196 (EF-11), 72-197 (EF-11), 72-199 (EF-11 & EF-12), 72-200 (EF-11 & EF-12), 72-202F (EF-12), 72-201C (EF-13), 72-201F (EF-13), 72-202D (EF-13), 72-202E (EF-13), 72-202G (EF-13) or None ()
14. Remarks:

The maximum combined diversion for irrigation and conveyance loss at each point of diversion under the claimants water rights is limited as follows (see **Exhibit A**):

EF-3: this claim, 72-224 and 72-225 = 15.00 cfs

EF-11: this claim, 72-196, 72-197, 72-199 and 72-200 = 17.0 cfs

EF-12: this claim, 72-199, 72-200, 72-202F = 23.80 cfs

EF-13: this claim, 72-201C, 72-201F, 72-202A, 72-202D, 72-202E and 72-202G = 7.84 cfs

Form No. 42-1409 (2) a 9/88 (Internet)

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 X 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 documents are true and correct.

Signature or Claimant (s) D. Wayne Baker Date 10-22-08
Melodie Baker Date 10-22-08

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

Title _____
of _____, that I have signed the foregoing
Organization _____
document in the space below as _____ of _____
Title _____ organization
and that the statements contained in the foregoing document are true and correct.

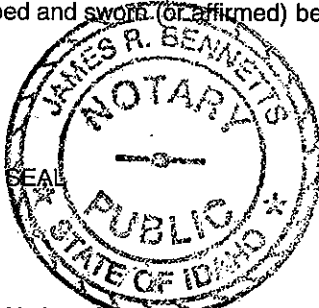
Signed of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Custer) SS.)

Subscribed and sworn (or affirmed) before me this 22nd day of October 2008



Notary Public James R. Bennett

Residing at Challis, Idaho

My Commission Expires 1-21-11

16. Notice of Appearance:

Notice is hereby given that I, Daniel V. Steenson will be acting as attorney at law on behalf of the claimant signing above, and 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 Daniel Steenson

Address P.O. Box 2773, Boise, Idaho 83701

Date 10-27-08

Last Name Baker Ident. Number 72-16782

EXHIBIT A

Wayne Baker Diversions, Water Rights, Claims & Measurements

East Fork Salmon River

Diversions/Water Rights/Late Claims

Measurements

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

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

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

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

EF-3 Water Rights, Claims & Measurements

EF-3 conveyance loss total:

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

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

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

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

EF-12 Water Rights, Claims & Measurements

EF-12 conveyance loss total:

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

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

EF-13 Water Rights, Claims & Measurements

EF-13 conveyance loss total:

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

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

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

EXHIBIT B

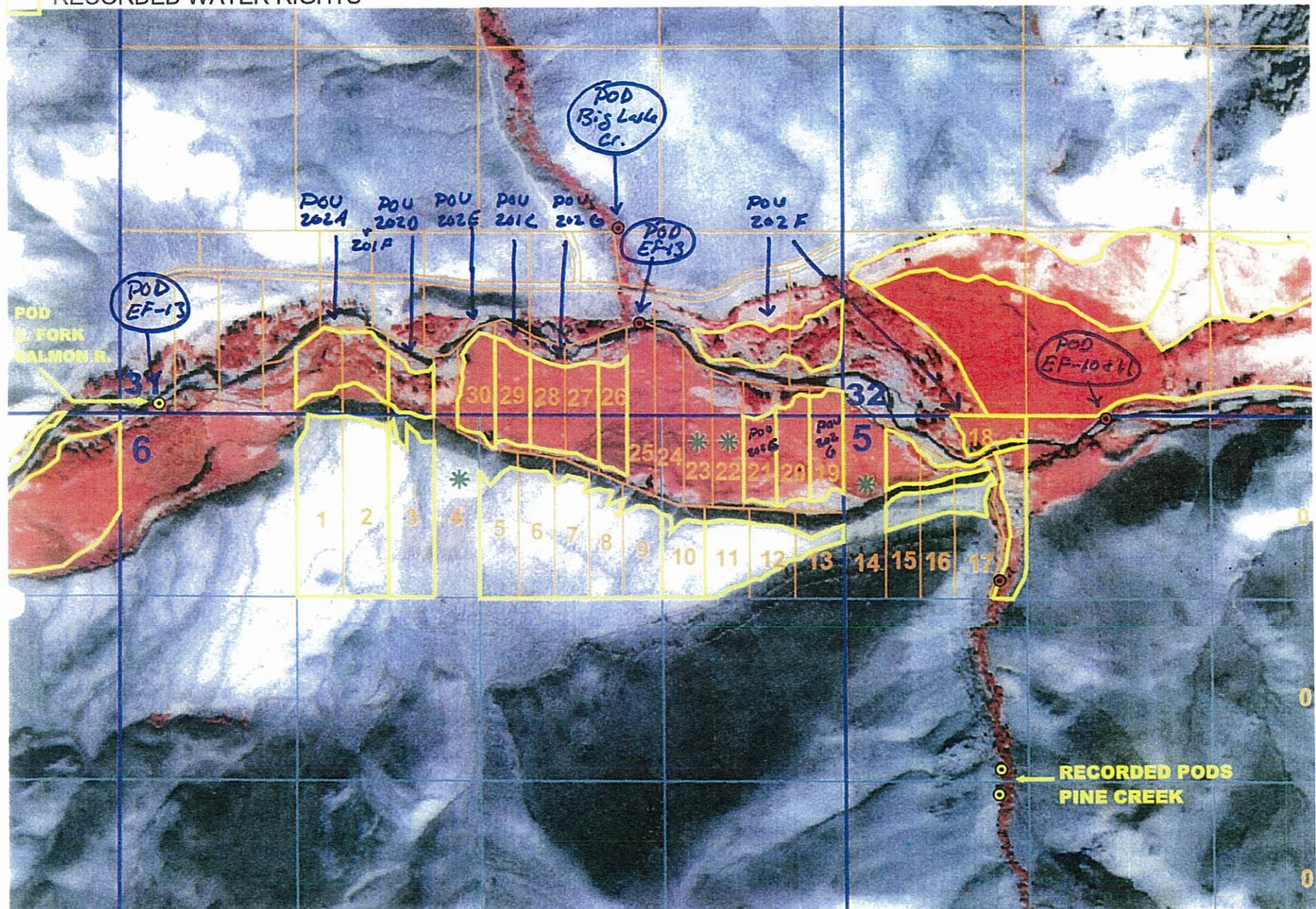
PINE CREEK SUBDIVISION

* LOTS OWNED BY SHOSHONE / BANNOCK TRIBE

□ RECORDED WATER RIGHTS

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

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



IDAHO DEPARTMENT OF WATER RESOURCES

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

RECOMMENDED PLACE OF USE

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

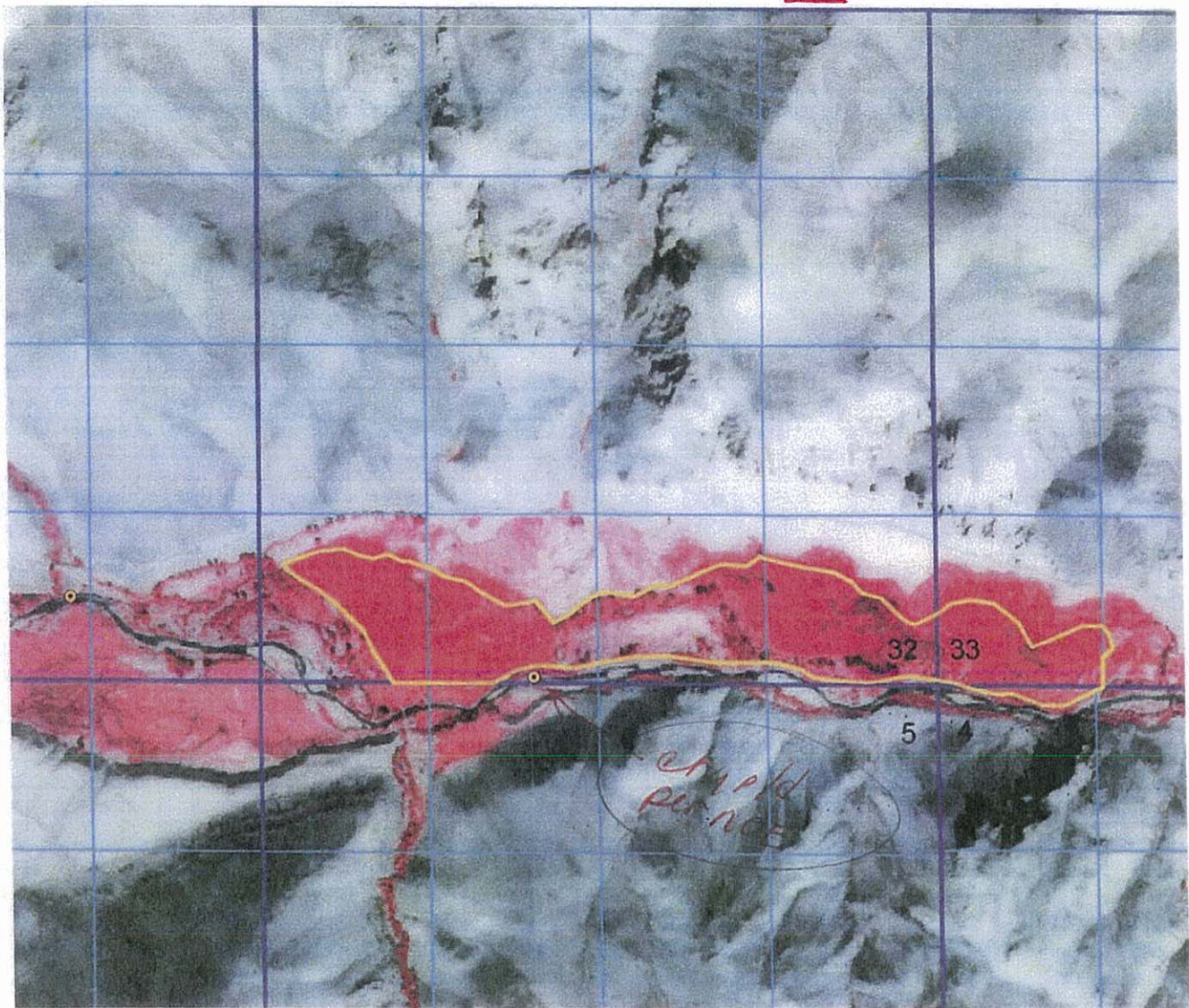
TWP 09N, RNG 18E, SEC 4

data entry on October 28, 1998

PODs are:

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

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



0 1320 2640 3960 5280 Feet



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

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

SUPERCEDED PER NOE 12/28/98

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

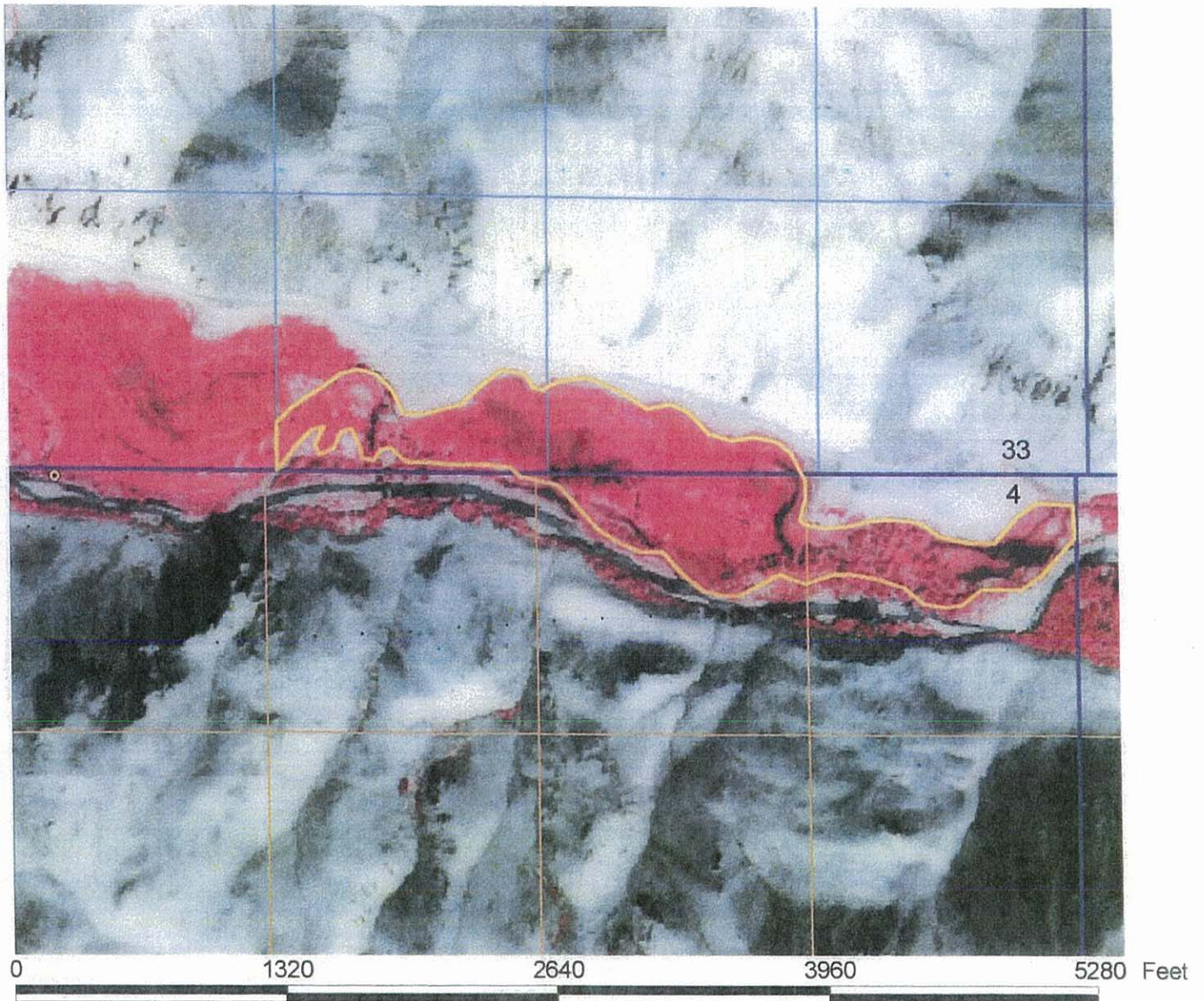
RECOMMENDED PLACE OF USE

TWP 10N, RNG 18E, SEC 33

TWP 09N, RNG 18E, SEC 4

data entry on October 28, 1998

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



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



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

RIGHTS 72-00204
and 72-00205

ZIEGLER
BASIN V24

