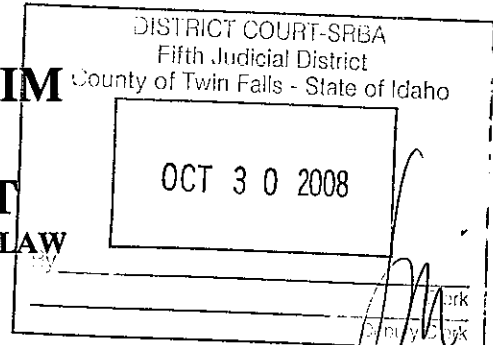


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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 72-16787
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) Richard Douglas Baker and Cheryl K. Baker Phone (208) 838-2269
Mailing Address HC 68 PO Box 350, Clayton, Idaho Zip 83227
2. Date of Priority only (1) per claim) April 1, 1930
3. Source of water supply (a) Herd Creek
which is tributary to (b) Salmon River, East Fork
4. a. Location of existing point of diversion is: Township 10N Range 18E Section 35,
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ NE $\frac{1}{4}$, Govt. Lot, _____ B.M., County of Custer (aka SEFHC-1)
Additional points of diversion if any: T. 10N, R. 18E, Sec. 35, NESESE (aka SEFHC-2)

b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of _____
_____ $\frac{1}{4}$, 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 two (2) diversion works covered by this claim,
designated as SEFHC-1 and SEFHC-2. Each diversion has a headgate in Herd Creek, and diverts water into a
ditch that has a fish screen installed by the Idaho Department of Fish and Game. The diversions are described in
greater detail in the Affidavit of Richard Douglas 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 7.00 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

Last Name Baker Ident. Number 72-16787

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

7. Total quantity claimed (a) 7.00 (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 place 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	
10N	18E	35		1.2	6.6											2.6			10.4

Total number of acres irrigated 10.411. In which county(ies) are lands listed above as place of use located? Custer12. 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 water right is used for irrigation at the place of use described above: 72-190

_____ 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):SEFHC-1: this claim, 72-190 = 3.40 cfsSEFHC-2: this claim, 72-190 = 4.00 cfsLast Name Baker Ident. Number 72-16787

Last Name Baker Ident. Number 72-16787

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) Richard Douglas Baker Date 10/27/08
Cheryl K Baker Date 10/27/08

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

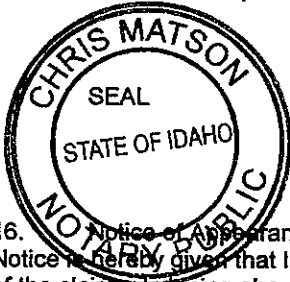
_____ Title
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title organization
and that the statements contained in the foregoing document are true and correct.

Signed of Authorized Agent

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 27th day of October 2008



Notary Public Chris Matson

Residing at Challis, Id

My Commission Expires 7/28/2011

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 10-28-08

Last Name Baker Ident. Number 72-16787

Doug & Cheryl Baker Diversions, Water Rights, Claims & Measurements

East Fork Salmon River

<u>Decreed Diversion Rates</u>				<u>Claims</u>		<u>Ditch Measurements</u>	
				<u>Conveyance</u>	<u>Div. Max</u>	<u>DFG</u>	<u>BOR</u>
SEF-7/8 ¹	72-00193B ²	2.70 cfs				16.00 cfs	13.00 cfs
	72-02095	<u>0.44 cfs</u>					
		3.11 cfs	0.79 cfs ³	+	2.72 cfs	=	3.51 cfs
SEF-9	72-00193B	2.70 cfs					
	72-00194	<u>0.30 cfs</u>					
		3.00 cfs	<u>2.65 cfs</u> ⁴	+	<u>5.85 cfs</u> ⁵	=	<u>8.50 cfs</u>
combined total:		3.44 cfs	3.44 cfs	+	8.57 cfs	=	12.01 cfs
						6.40 cfs	8.50 cfs
						16.00 cfs	+ 8.50 cfs = 24.50 cfs

Herd Creek

<u>Decreed Diversion Rates</u>				<u>Claims</u>		<u>Ditch Measurements</u>	
				<u>Conveyance</u>	<u>Div. Max</u>	<u>IDFG</u>	<u>Baker</u>
SEFHC-1	72-00190	.40 cfs			3.40 cfs	3.40 cfs	
SEFHC-2	72-00190	<u>0.40 cfs</u>			<u>4.00 cfs</u>	<u>3.40 cfs</u>	<u>4.00 cfs</u>
total (combined):		0.40 cfs	+	7.00 cfs ⁶	=	7.40 cfs	3.40 + 4.00 cfs = 7.40 cfs

¹SEF-7 has been consolidated into SEF-8.

²The Bakers' water right no. 72-00193B is diverted through SEF 7/8 and SEF-9.

³This is the estimated portion of the Bakers' water rights that is diverted through SEF-7/8.

⁴This is the estimated portion of the Bakers' water rights that is diverted through SEF-9.

⁵SEF-9 conveyance loss = 8.50 cfs (BOR) - 2.65 cfs = 5.85 cfs

⁶SEFHC-1 & SEFHC-2 conveyance loss total: 7.40 cfs - 0.40 cfs = 7.00 cfs

