

Water Right Number - R72-04174D

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH

UNITED STATES OF

1 - USDI BUREAU OF LAND MANAGEMENT
2 - IDAHO STATE OFFICE
3 - 1387 S VINNELL WAY
City- BOISE State- ID Zip- 837091657
Phone - 208-373-4000

*** D - DIR RPT OWNER ***
FIRSTFRUITS FOUNDATION

1 - PO BOX 1190
2 -
3 -
City- CHALLIS State- ID Zip- 83226
Phone - 208-879-2729

*** K - ALSO KNOWN AS ***
BLM

1 -
2 -
3 -
City- X State- ID Zip- 0
Phone -

*** O - ORIGINAL OWNER ***
US DEPT OF AGRICULTURE

1 - FARMERS HOME ADMINISTRATION
2 - % ROGER HILL
3 - PO BOX 1189
City- SALMON State- ID Zip- 83467
Phone - 208-756-4417

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/20/1914 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
UNNAMED STREAM GARDEN CREEK
GROUNDWATER UNNAMED STREAM

Point of Diversion						
Tw	Rng	Sec	Tract	Lot	RFlg	County
13N	18E	3	NW NE SW		(37)	CUSTER
			SE NW SE		(37)	CUSTER
			NW NE SW	I	(37)	CUSTER
			SE NW SE	R	(37)	CUSTER

Water Use		Diversion Rate		Diversion Volume	
Code	Description	Period From	Period To		
01	IRRIGATION	04/01	10/31	0.030	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.030 0.0

Prefix Translation: RESEARCH

Total Acres: 0.8

+ - - Other Rights for Same Use -

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE. 72-04174A, 72-04174C, AND 72-04174D.

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

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

C18 - 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.

FRED PRICE REQUESTED THE 0.3 ACRES IN SEC 2 SENW BE MOVED TO BLM

Water right number - R72-04174D

Prefix Translation: RESEARCH

+ - - Audit Fields - - +

02/24/00 KCHRISTE

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

Court Report Filing	- 01/29/1999	Field Inspection Made	- 06/15/1993	Civil Case Number	- 39576
Objection Filed Date	- 06/02/1999	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/02/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 72B
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

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*SF5
Record
KKC
Superceded
5-24-00
KKC*

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/20/1914 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
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GROUNDWATER UNNAMED STREAM

Point of Diversion						
Tw	Rng	Sec	Tract	Lot	RFlg	County
13N	18E	3	NW NE SW		(37)	CUSTER
			SE NW SE		(37)	CUSTER
			NW NE SW	I	(37)	CUSTER
			SE NW SE	R	(37)	CUSTER

Water Use		Diversion Rate		Diversion Volume	
Code	Description	Period From	Period To		
01	IRRIGATION	04/01	10/31	0.030	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.030 0.0

Prefix Translation: RESEARCH

+	Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County	+
	13N	18E	35	SE SW		0.8	01	IRRIGATION	(37) CUSTER	

Total Acres: 0.8

+ - - Diversion Means - DITCH FROM UNNAMED STREAM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

..... Remarks

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 0.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106K, 72-00109K, 72-10486D, AND
72-04174D.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE. 72-04174A, 72-04174C, AND 72-04174D.

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

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 - ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

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

-----Comments-----

Date: 01/31/1994 User Id: CHRISTEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 5/24/91 BY AA.

Date: 08/19/1994 User Id: KCHRISTE Subject: BASIS OF SPLIT DONE ON 8-19-92

THE ORIGINAL CLAIM WAS SPLIT INTO PARTS A FOR 3/15THS OF THE FOUND P/U FOR CHRISTOPHER JAMES TRUST AND THIS PORTION FOR 12/15 FOR FIRSTFRUITS FOUNDATION. SPLIT BASED UPON A CONVERSATION WITH CHRISTOPHER JAMES ON 8-15-94. KKC

Date: 11/22/1996 User Id: KCHRISTE Subject: ADDITION OF PERSONAL REPRESENTATIVE

BASED UPON A LETTER DATED 11-19-96 FROM CHRISTOPHER JAMES BOB COMPTON WAS ADDED TO THE CLAIM.

Date: 11/21/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE

CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART

OF RECORD THRU AJU10.

AJ0743NP
(OD-124)

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

02/10/00 17:49:39
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Water right number - R72-04174D

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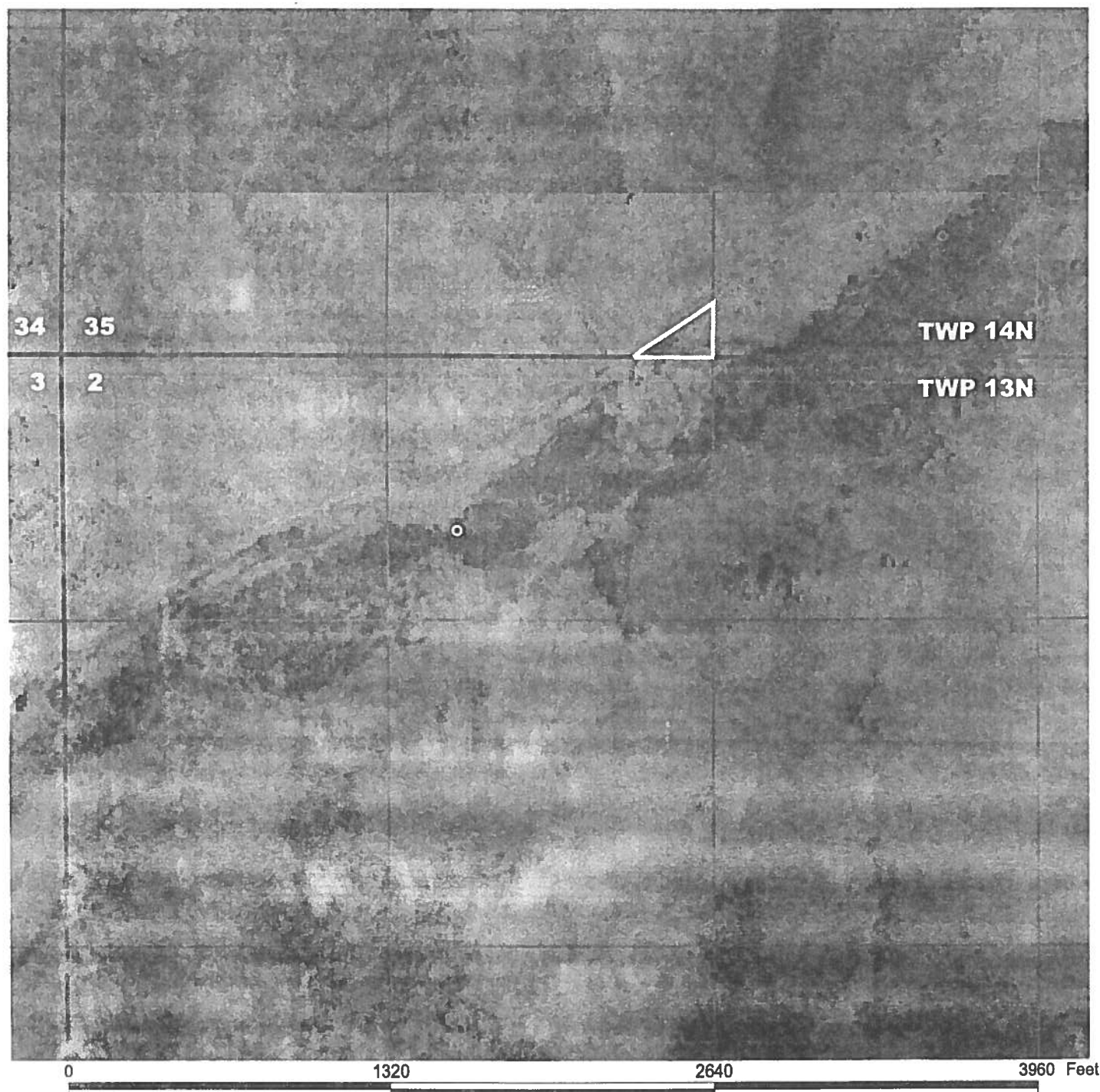
+ - - Audit Fields - - +

02/10/00 KCHRISTE

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

Court Report Filing	- 01/29/1999	Field Inspection Made	- 06/15/1993	Civil Case Number	- 39576
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		Receipt Number	- X777777	Water District	- 72B
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

**RECOMMENDED PLACE OF USE
BASED UPON SF5
72-00106K, 72-00109K, 72-04174D AND 72-10486D**



**RECOMMENDED PLACE OF USE
TWP 14N, RNG 18E, SEC 35
Data Entry on FEBRUARY 11, 2000**

**⊙ RECOMMENDED POINT OF DIVERSION
SECTION LINES**

**GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY**

CLAIM NUMBER 72-00106K DATE 2-11-00 TRANSFER NUMBER _____
72-04174D 72-00109K AGENT KKC CLAIMED ACRE TOTAL _____
72-10486D GIS ACRE TOTAL .8

	TWP	RNG	SEC	NE				NW				SW				SE			
CLAIM				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
GIS	<u>14N</u>	<u>18E</u>	<u>35</u>												<u>.8</u>				<u>.8</u>
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP Shape 72-00106G
345 } these claims were split based
SHAPE NOS 5114 510 JAMES -00109G } upon a SFS agreement between
BLM 346 513 -10486B } Christopher James and the BLM.
BLM 512 674 FF 2-24-00 KKC 04174B

B72-DBPOD.SHP The 0.8 acres represent that portion of
NOS. DESCRIPTION the original recommended P/U under the Base
205 Sec 3 SENESE claims that is actually on BLM property and
138 Sec 2 SWNE NW that Christopher wishes to continue to irrigate
206 Sec 3 SENWSE under a BLM land use agreement.

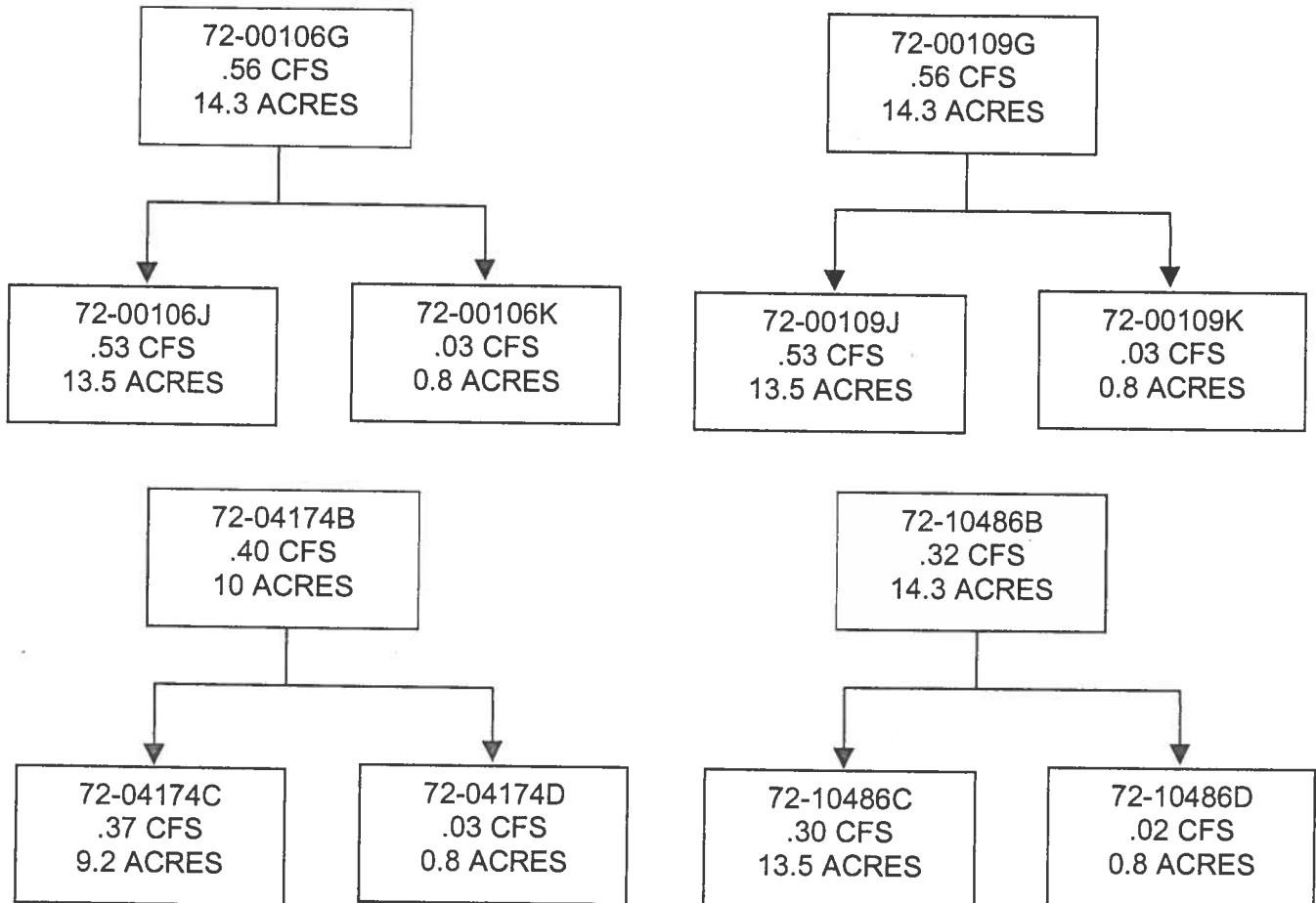
207 Sec 3 NWNE SW P/D 205 does not deliver water to this claim. it
only delivers water to Ground South of Garden Creek

DBF TABLES UPDATED P/D 138 there was a data entry error on the 10 Acre tract &
B72-DBPOU.DBF ✓ changed it from the SE to the SW. this P/D serves Both
B72-DBPOD.DBF ✓ James & BLM for the Garden Cr Water claims.

JPEG LAYOUT 2-11-00 P/Ds 206 & 207 are for all part of 72-04174 A thru I
that are currently valid.

D:\Data\B72\objection settlement response\72-00106K-BLM-SFS layout.

I BELIEVE THAT I HAVE CREATED THE FOLLOWING CLAIMS AND HAVE COMPLETED THE DATA ENTRY FOR EACH ONE OF THEM. I REVIEWED MY DATA ENTRIES AND I DON'T THINK THAT I MISSED ANYTHING. I DID CHANGE THE 10 ACRE TRACT ACCORDING TO ALAN BITTNER'S NOTATION THAT THE SEC 2 LEGAL SHOULD READ SWNENW. I CONFIRMED THAT WITH GIS. I HAVE not UPDATED ANYTHING IN ARCVIEW. IF YOU NEED LAYOUTS TOMORROW LET ME KNOW AND I WILL RUSH THE JOB.



Per Kent Foster I left the 0.3 acre overlap on First Fruits claims. Kent indicated that he would contact blm and get a letter of agreement drafted for the hearing. The agreement will essentially state that the blm agrees to let the 0.3 acres stay on the claim subject to a transfer to be submitted by first fruits.

Let me know if I missed anything.

Kkc

February 11, 2000

FILE: 72-00106g etal splits first fruits sf5 issues

Christensen, Kelly

From: Alan_Bittner@blm.gov
Sent: Wednesday, February 09, 2000 5:58 PM
To: kfoster@holdenlegal.com; kchriste@idwr.state.id.us
Cc: Fred_Price@blm.gov; l2brown@micron.net
Subject: Firstfruits Foundation



pic26005.pcx



7210486D.wpd



7200106K.wpd



7200109J.wpd



7200109K.wpd



7204174C.wpd



7204174D.wpd



7210486C.wpd



7200106J.wpd

Alan Bittner (Embedded image moved to file:

pic26005.pcx)

From: Alan Bittner@BLM on 02/09/2000 05:58 PM

To: kfoster@holdenlegal.com, kchriste@idwr.state.id.us
cc: Fred Price/IDSO/ID/BLM/DOI@BLM, l2brown@micron.net@BLM
Subject: Firstfruits Foundation

Kent and Kelly,

I'am attaching the split water rights for the following claims:

72-00106G split into J + K

72-00109G split into J + K

72-04174B split into C + D

72-10486B split into C + D

They are all WorkPerfect version 9 documents. If this doesn't work, I can fax them.

I only changed the legal descriptions for the POU's and adjusted the total acres. Stockwater was total removed from the BLM portion of claim 72-04174B (D).

Kelly, we need the "combined total acre" language (under the POU) adjusted on each claim.

POD's:

The only legal description that I question is the POD in T13N R18E S2 Lot 3 (SE NENW). According to IDWR's GIS data layer this POD (#138), shows up in the SW NENW (still Lot 3). It is on 72-00106G, 72-00109G and 72-10486B.

The other Garden Crk POD (#205), was never visited and I assume is correct.

The POD's (#206 and 207) (on BLM) coming from Daughtery Gulch and the old mine shaft, I GPS'ed and they are correct.

Please forward your adjusted documents to myself and Fred Price for review. Fred will get the final documents to Larry Brown and each of you for signitures.

alan

(See attached file: 7210486D.wpd)(See attached file: 7200106K.wpd)(See attached file: 7200109J.wpd)(See attached file: 7200109K.wpd)(See attached file:

7204174C.wpd)(See attached file: 7204174D.wpd)(See attached file: 7210486C.wpd)

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: GROUNDWATER TRIBUTARY: UNNAMED STREAM

RIGHT NUMBER: 72-04174B D

NAME & ADDRESS: ~~FIRSTFRUITS FOUNDATION~~ USDI BLM
~~PO BOX 1190~~ IDAHO STATE OFFICE
~~CHALLIS ID 83226~~ 1387 S VINNELL WAY
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM TRIBUTARY: GARDEN CREEK
GROUNDWATER UNNAMED STREAM

QUANTITY: 0.4 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 05/20/1914

POINT OF DIVERSION: T13N R18E S03 NWNE SW Within CUSTER County
SENWSE
NWNE SW (INJECTION)
SENWSE (REDIVERSION)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.4 CFS
	STOCKWATER	04-01 10-31	0.01 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
~~T13N R18E S02 Lot 2 (NWNE) 0.2~~ ~~Lot 3 (NENW) 9~~
T14N R18E S35 SESW 0.8
± .8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106G, 72-00109G,
72-04174B, & 72-10486B

STOCKWATER	Within CUSTER County
T13N R18E S02 Lot 2 (NWNE)	Lot 3 (NENW) 9
T14N R18E S35 SESW	

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

~~THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.~~

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:
WATER RIGHT NO. SOURCE

NONE

NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED
SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE
ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RIGHT NO. 72-04174A IS ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE.