

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 73-12035
Date Received: 11/17/1989
Receipt No: M005245
Received By: SCC

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

1. Name of Claimant(s)

DICK H COLEMAN Phone: (208)876-4244
33 PAHSIMEROI RD
ELLIS ID USA 83235

STARR W COLEMAN Phone: (208)876-4244
33 PAHSIMEROI RD
ELLIS ID USA 83235

2. Date of Priority: 06/01/1882

3. Source: SPRINGS Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16N	20E	36	NE SE NE	LEMHI	

5. Description of diverting works:

COLLECTION DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.33	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
1.33 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
16N	20E	25	SE	NW		IRRIGATION	14
			NW	SE		IRRIGATION	6
						Section Acres	20
16N	20E	36	SE	NW		STOCKWATER	
			NW	SE		STOCKWATER	
						Total Acres	20

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Statutory Claim

[Return to SRBA Home Page](#)

HTML12

ELLIS ID 83235
STATUS: ADMIN PROCEED PENDNG SPECIAL MASTER: DOLAN, TERRENCE A.
WATER SOURCE: SPRINGS TRIBUTARY: PAHSIMEROI RIVER
ISSUES: QUANTITY OF WATER USED
POINT(S) OF DIVERSION DESCRIPTION
PLACE OF USE OR IRRIGATED ACRES IN EACH 40 A.
0

STARR W COLEMAN	C PRO SE
ROBERT W CHEWNING	O PRO SE
DICK H COLEMAN	C PRO SE

11-29-2007	OBJ 01 F/B CHEWNING, ROBERT W	RB	02-18-2008	0001
06-23-2008	ORIGINAL NOTICE OF CLAIM			
<u>07-08-2009</u>	NOTICE SETTING INITIAL HEARING	1S	08-12-2009	0930
08-12-2009	INITIAL HEARING HELD	1H	08-12-2009	0930
08-12-2009	MINUTES			
<u>08-14-2009</u>	ORDER SETTING STATUS CONFERENCE	US	12-10-2009	0300
12-10-2009	STATUS CONFERENCE HELD	UH	12-10-2009	0300
12-10-2009	MINUTES			
12-10-2009	ORDER SETTING STATUS CONFERENCE	US	04-15-2010	1130
12-11-2009	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ	12-09-2010	

1/4/2010

01/04/2010

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

RIGHT NUMBER: 73-12035

NAME AND ADDRESS: DICK H COLEMAN
33 PAHSIMEROI RD
ELLIS ID 83235

STARR W COLEMAN
9603 W WRIGHT ST
BOISE ID 83709

SOURCE: PAHSIMEROI RIVER TRIBUTARY: SALMON RIVER

Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Springs at the original point of diversion in the NESENE, S36, T16N, R20E, and to the amount of water that actually reaches the Pahsimeroi River.

QUANTITY: 0.390 CFS

This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1945

POINT OF DIVERSION:

T16N R20E S25 SENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.360 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T16N R20E S25 SENW 13.00 T16N R20E S25 NWSE 4.60

STOCKWATER in LEMHI County

T16N R20E S36 SENW T16N R20E S36 NWSE

17.6 ACRES TOTAL

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.

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.

Prior to the diversion and use of water under this water right, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow from Springs at the original point(s) of diversion, at the mouth of Springs and at the point of diversion from the Pahsimeroi River.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

The right holder shall accomplish the change authorized by this transfer by December 24, 2010.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The following rights are diverted through point(s) of diversion described above: 73-4104, 73-12035.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75431

This is to certify that: STARR W COLEMAN
 9603 W WRIGHT ST
 BOISE ID 83709
 208-362-1957

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
73-12035	AJC/Beneficial Use	04/01/1945	0.39 cfs	N/A	N/A	17.6	SPRINGS

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
73-12035	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
73-12035	73-12035	0.39 cfs	N/A	N/A	17.6		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.39 cfs	N/A	N/A	17.6		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 24 day of December, 2009

Ernest Carlson
 for Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 73-12035

WATER RIGHT NO. 73-12035
As Modified by Transfer No. 75431

In accordance with the approval of Transfer No. 75431, Water Right No. 73-12035 is now described as follows.

Right Holder: STARR W COLEMAN
9603 W WRIGHT ST
BOISE ID 83709

Or

DICK H COLEMAN
33 PAHSIMEROI RD
ELLIS ID 83235

Priority Date: April 01, 1945

Source: PAHSIMEROI RIVER

Tributary: SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	04/01	to 10/31	0.36 CFS
STOCKWATER	01/01	to 12/31	0.03 CFS

LOCATION OF POINT(S) OF DIVERSION:

PAHSIMEROI RIVER SENW Sec. 25 Twp 16N Rge 20E LEMHI County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals	
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
16N 20E 25								13.0									4.6	17.6

Total Acres: 17.6

PLACE OF USE: STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
16N	20E	36							X							X			

WATER RIGHT NO. 73-12035
As Modified by Transfer No. 75431

CONDITIONS OF APPROVAL

1. Diversion of water from the Pahsimeroi River is limited to those times water is available for diversion under this right and priority from Springs at the original point of diversion in the NESENE, S36, T16N, R20E, and to the amount of water that actually reaches the Pahsimeroi River.
2. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 73.
3. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow from Springs at the original point(s) of diversion, at the mouth of Springs and at the point of diversion from the Pahsimeroi River.
5. This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The following rights are diverted through point(s) of diversion described above: 73-4104, 73-12035.
9. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
10. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 24 day of December, 2009


for Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 75431**APPLICATION FOR TRANSFER OF WATER RIGHT
MINIMUM REQUIREMENTS CHECKLIST**

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule and water right proof report or details report for Part 2A of the transfer application are available from any Department office or on the Department's website at <http://www.idwr.idaho.gov/>.

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A

* Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Proof Report (obtained from Department) or Details Report (obtained on website) describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-9.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☒ ☐ #2a Water Right ownership documentation if Dept. records do not show the transfer applicant as the current water right owner.
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at <http://www.idwr.idaho.gov/water/rights/>.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☐ ☒ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.)
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Other. Please describe: _____

RECEIVED

FEB 20 2009

Department of Water Resources
Eastern Region

75 431

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Starr W. or Gloria J. Coleman Phone (208) 876-4244

Mailing address 33 Pahsimeroi Road Ellis ID 83235 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

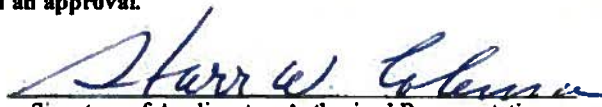
☒ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
- OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
- OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

STARR W. COLEMAN
Print Name and Title if applicable

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

A. PURPOSE OF TRANSFER

- 1 ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2. point of diversion will be changed to resolve an objection and to reflect current irrigation practices

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1. <u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>		<u>Source & Tributary</u>
73-12035	0.36	Irrigation	04/01	to 10/31	Pahsimeroi River
73-12035	.03	Stockwater	01/01	to 12/31	Pahsimeroi River
				to	
				to	
				to	
				to	
				to	
				to	
				to	
				to	
Total <u>0.39</u> cfs and/or _____ ac-ft					

2. Total amount of water being transferred or changed .039 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
yes			SE	NW	25	16N	20E	Custer	Pahsimeroi River	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres (for irrigation use) _____

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: 20 HP pump in river with sprinkler system

- b. Who owns the property at the point(s) of diversion? applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: none

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: will share POD with 73-4104

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 73-12035

Priority Date: 04/01/1945

Origin: Adjudication Recommendation

Basis: Beneficial Use

Status: Active

Source: SPRINGS

Tributary to: PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.36 CFS		
STOCKWATER	01/01 12/31	0.03 CFS		
Total Diversion		0.39 CFS		

Source and Point(s) of Diversion:

SPRINGS NESENE 16N 20E 36 LEMHI

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 20E 25								13.0								4.6	17.6

Total Acres: 17.6

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N 20E 36								X								X	

Conditions/Remarks:

1. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. 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.
3. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Transfer No. _____
Receipt No. _____

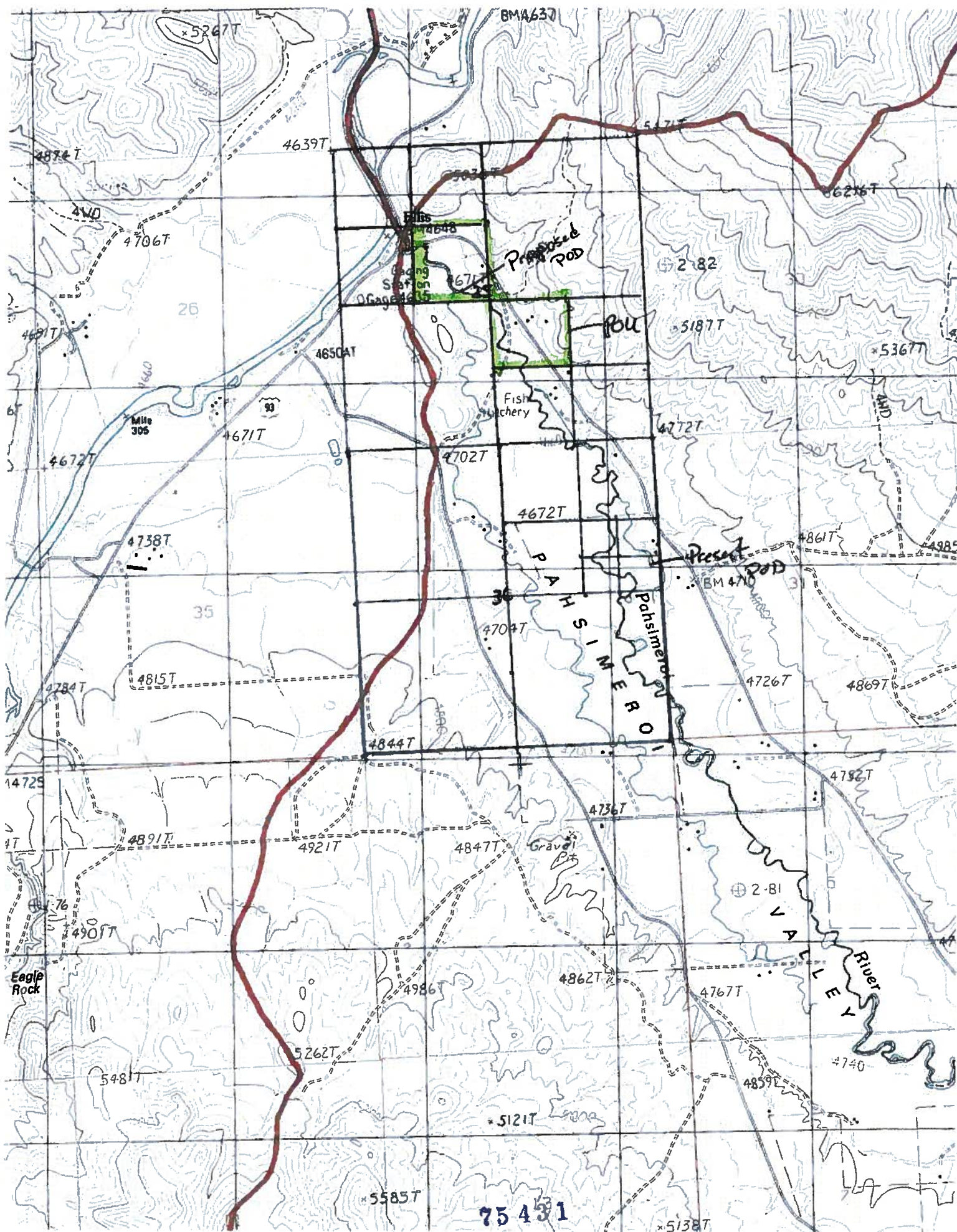
Current Water Right No. 73-12035

Documentation of Ownership of the Current Place of Use

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances? **N6**

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer **N/A**

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use? **N O**



MAKE CHECK PAYABLE TO:
MARY ANN HEISER(208)756-2816
LEMHI COUNTY TAX COLLECTOR
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467

2008 TAX BILL/RECEIPT

BILL#
CODE AREA 5-0000

PARCEL NUMBER
RP16N20E252413A
L 15,232

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	
TAX	32.68	TAX	32.68	TAX	65.36		15,232
LATE		LATE		LATE			
INT		INT		INT			
COST		COST		COST		WAC	5.929
TOT		TOT		TOT		TOT ACS	64.232

COLEMAN STARR W
& COLEMAN GLORIA J
33 PAHSIMEROI RD
ELLIS ID 83235

T-80 LESS T-1320 LESS T-5192
NE4NW4 T-78 T-79 LESS T-1221 &
T-2463 & T-2400 & T-2864
& T-2972
25 16 20

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***

PAYMENT OPTIONS AVAILABLE.
CALL 208-756-2816 EXT. 231 FOR DETAILS.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

**** AVOID ADDITIONAL LATE FEES &
INTEREST.**** **\$20 WILL BE ADDED FOR
CHECKS RETURNED BY BANK.

TAXING DISTRICT	RATE	
STATE	.000000000	
LEMHI COUNTY	.003293414	50.
SCHL 181 TORT	.000030066	.
SCHL 181 PLANT	.000068815	1.
SCHL 181 SPLMT	.000344074	5.
NO CUSTER FIRE	.000357839	5.
LEMHI LIBRARY	.000198625	3.
AMOUNT DUE	.004292833	65.

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE

COLEMAN, STARR W



2008
BILL# 6896

2ND HALF



AMOUNT DUE 32.68

LEMHI COUNTY
RP16N20E252413A
5-0000

LATE
INT
COST
TOTAL

DELINQUENT IF NOT PAID ON OR BEFORE

JUNE 20, 2009

DATE PAID

CHECK #

75 43 1

MADE CHECK PAYABLE TO:
MARY ANN HEISER(208)756-2816
LEMHI COUNTY TAX COLLECTOR
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467

2008 TAX BILL/RECEIPT

BILL# 6
CODE AREA 5-0000

PARCEL NUMBER
RP16N20E254201A
L 62,337
I 155,909

1ST HALF DUE		2ND HALF DUE		FULL DUE			
TAX	313.65	TAX	313.65	TAX	627.30	TOT MV	218,246
LATE		LATE		LATE		HM-	86,560
INT		INT		INT		NET MV	131,686
COST		COST		COST		TOT ACS	6.061
TOT		TOT		TOT			

COLEMAN STARR WESLEY
& COLEMAN GLORIA J
33 PAHSIMEROI ROAD
ELLIS ID 83235

T-1221
25 16 20
DESCRIPTION FROM LITERAL TO
COLEMAN DIFFERS FROM ELLIS TO
LITERAL--DESCR. IN JACKET

33 PAHSIMEROI RD

*** IMPORTANT ***
PLEASE READ BOTH FRONT AND BACK
*** MONTHLY PAYMENTS ARE ACCEPTED ***
PAYMENT OPTIONS AVAILABLE.
CALL 208-756-2816 EXT. 231 FOR DETAILS.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

**** AVOID ADDITIONAL LATE FEES &
INTEREST.**** **\$20 WILL BE ADDED FOR
CHECKS RETURNED BY BANK.

TAXING DISTRICT	RATE	
STATE	.000000000	
LEMHI COUNTY	.003293414	433.7
SCHL 181 TORT	.000030066	3.1
SCHL 181 PLANT	.000068815	9.1
SCHL 181 SPLMT	.000344074	45.1
NO CUSTER FIRE	.000357839	47.1
LEMHI LIBRARY	.000198625	26.1
DISTRICT TOTAL	.004292833	565.1
SOLID WASTE		62.1
AMOUNT DUE		627.1

FOR PROPER CREDIT THIS STUB MUST BE RETURNED WITH PAYMENT
PERSONAL CHECKS ARE SUBJECT TO BANK CLEARANCE.

COLEMAN, STARR WESLEY



2008
BILL# 6900

2ND HALF



AMOUNT DUE 313.65

LEMHI COUNTY
RP16N20E254201A
5-0000

LATE
INT
COST
TOTAL

DELINQUENT IF NOT PAID ON OR BEFORE JUNE 20, 2009
DATE PAID CHECK #

75 431

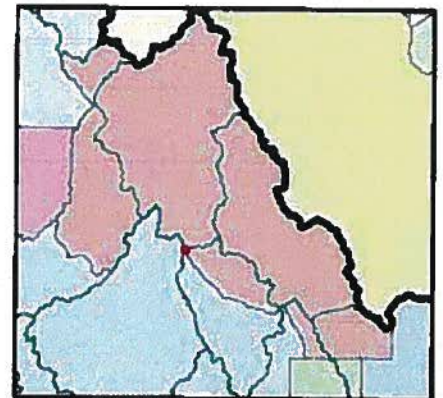


Idaho Department of Water Resources

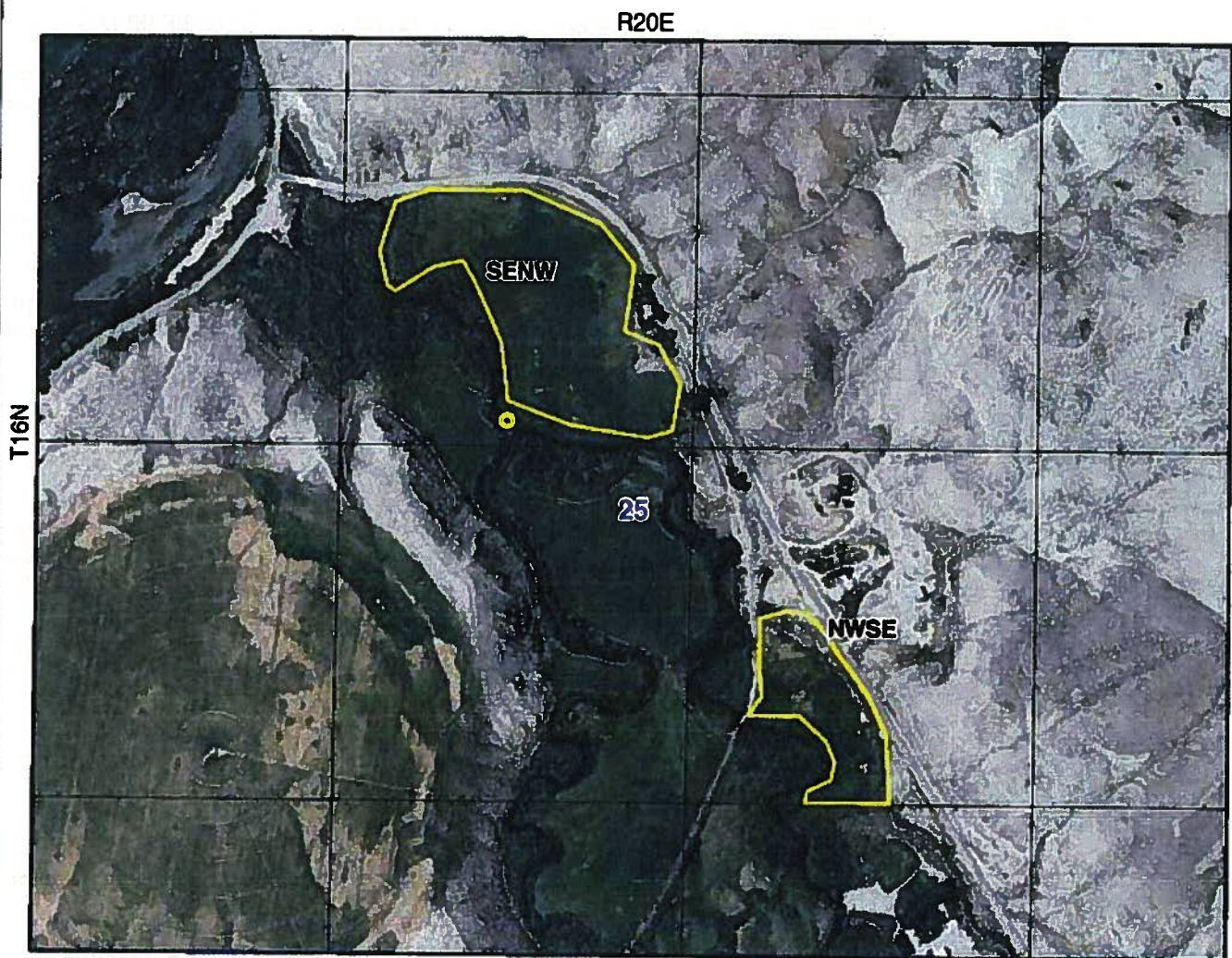
SRBA Claim
73-12035
(IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 73



Prepared by Blake Jordan
On February 25, 2009
2006 Aerial Photography

0 0.125 0.25 0.5 Miles

From: D. Shaff
Conversation with Coleman & Chewing

8-12-09

Coleman Chewing Off. 73-12035
Transfer approval will solve
IPCo easement problem. Trailer
@ Fish Hatchery sewage from
3/4 mile of ditch Coleman has
from pond.
Transfer would solve

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

In Re SRBA)

Case No. 39576)
_____)

A. Subcase 73-12035
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ROBERT W. CHEWNING

Address: 139 PAHSIMEROI RD
ELLIS, IDAHO 83235

Daytime Phone: (208) 876-4291

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: DICK H. COLEMAN & STARR W. COLEMAN

Address: 33 PAHSIMEROI RD
ELLIS, IDAHO 83235

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.21 CFS
4. ☐ **Priority Date**
Should be: _____
5. ☒ **Point of Diversion**
Should be: T16N R26E S36 NE NE NE
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use** IRRIGATION T16N R20E S25 NW SE 4.60
Should be: STOCK WATER T16N R20E S25 NW SE
LEMHI COUNTY 4.60 ACRES TOTAL
10. ☐ **I object because:**
 - ☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** _____

SEE ATTACHMENTS 1, 2, 3, 4, 5, 6

F.

VERIFICATION (must be completed)

State of Idaho)
County of Custer)ss.

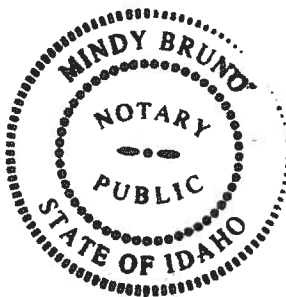
Robert W. Chewning, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Robert W. Chewning
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: November 19, 2007



Mindy Brund
Notary Public for Thomson Stephens Law
Residing at: Challis, ID
My Commission Expires: 2-9-13

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on _____, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

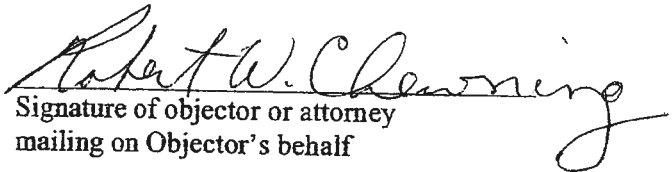
Name: STAR R W, COLEMAN
Address: 33 PAHSIMEROI RD
ELLIS, IDAHO 83235

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

November 6, 2007

ATTACHMENT No. 1 TO SUBCASE 73 - 12035

**DICK H. COLEMAN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235**

**OBJECTION BY:
ROBERT W. CHEWNING
139 PAHSIMEROI RD
ELLIS, ID 83235**

This Claim 73 - 12035 was apparently the eventual action by the IDWR after our IDWR Notice Of Change In Water Right Ownership was filed on Claim A73 - 04105 following our purchase of property from the Colemans on Nov. 10, 1996. It should be noted that Mr. Starr Coleman and his wife, Gloria, gave up all claim to the water from the point of diversion listed in Subcase 73 - 12035, the pond, in a Purchase Agreement they signed when we purchased this property, see ATTACHMENT N. 2. Since the date of this purchase, Mr. Starr Coleman has not used nor made any attempt to use the water from this point of diversion. Mr. Starr Coleman does use water from warm springs which are the point of diversion for our Claim 73 - 11960. Apparently, he has not filed a claim on this water. Where I have checked the Point of Diversion on the objection, the "should be" is the location of these warm springs; over 1/3 of a mile from the point of diversion listed in this Subcase 73 - 12035, the pond. There is a barrier in the ditch to keep these two distinct water sources from mingling. I perform sole maintenance on the ditch associated with original Claim 73 - 12036, the pond, and cut it in/out during the irrigation season. Mr. Starr Coleman performs maintenance on the ditch that travels north toward his property from the point of diversion for Claim 73 - 11960, warm springs, and I perform maintenance on the ditch that travels south from this point. Mr. Starr Coleman irrigates approximately 4.60 acres from these warm springs and not the other 13.00 acres listed in this Subcase 73 - 12035. These 13.00 acres are watered by irrigation sprinklers with water being pumped from the Pahsimeroi River. At 2 inches per acre this would be about 0.18 CFM from the warm springs, with 0.03 CFM for stockwater. The Place of Use listed for stockwater in Subcase 73 - 12035 is our property, and Mr. Starr Coleman does not graze cattle there. It seems clear that there was little review of Claims 73 - 12035, 73 - 12036 and 73 - 11960 before they were reported to the SRBA Court. It should be noted that Dick H. Coleman has been deceased for many years. I was only engaged once, on June 24, 1997, by a representative of the IDWR in any investigation of these claims; although, I wrote a number of letters and made phone calls to IDWR explaining the details of these claims. All requests for corrective action were ignored. The records of the IDWR

field trip on June 24, 1997, and the records of our IDWR Notices Of Change In Water Right Ownership filed on Nov. 16, 1996 and on Nov. 26, 2001 were all lost. Fortunately, I retained copies of most of these records. To help in understanding this objection and the details of this Subcase 73 - 12035, I am including our IDWR Notice Of Change In Water Right Ownership dated Nov. 21, 2001 (see ATTACHMENT No. 3), my letter to IDWR dated 02/09/05 (see ATTACHMENT No. 4), IDWR letter to me dated Feb. 16, 2005 (see ATTACHMENT No. 5) and my letter of concern to IDWR dated March 2, 2005 (see ATTACHMENT No. 6).

ATTACHMENT NO. 2 TO SUBCASE 73 - 12035

**DICK H. COLEMAN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235**

**OBJECTION BY:
ROBERT W. CHEWNING
139 PAHSIMEROI RD, ELLIS, ID 83235**



REAL ESTATE PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING THE GENERAL PRINTED PROVISIONS ON THE REVERSE SIDE AND ANY ATTACHMENTS, CAREFULLY, BEFORE SIGNING. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY BEFORE SIGNING.

1. AGENCY DISCLOSURE. At the time of signing this agreement the agent working with the buyer represented Limited dual Agency and the agent working with the seller represented Limited dual Agency. Each party signing this document confirms that prior written disclosure of agency was provided to him/her in this transaction. Each party to this transaction has read and understands the contents of the agency disclosure brochure previously received.

Listing Agency Salmon River Realty MLS#
 Listing Agent Name L.T. Stevenson MLS#
 Phone # 208-879-2225

Selling Agency Same as Listing MLS#
 Selling Agent Name _____ MLS#
 Phone # _____

ID# 319168 Robert W. Cheuning & Virginia H. Cheuning H/W
 (hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" commonly known as Coleman Property
 Legally described as: Tr. 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
 (A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED ON ATTACHED PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes Seller to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete). Local NE 1/4, Sec 36, TWP 10N, R30E, B.1M - 384A 1/2

2. EARNEST MONEY.

(a) Buyer hereby deposits as Earnest Money and a receipt is hereby acknowledged of Ten thousand \$10,000 evidenced by:
☐ Cash ☒ Personal Check ☐ Cashier's Check ☐ Note ☐ Duff or _____ dollars
 (b) Earnest Money to be deposited in trust account upon acceptance by all parties and shall be held by: ☐ Listing Broker ☐ Selling Broker ☐ Other _____ or the benefit of the parties hereto, and _____ (broker) shall hold the completely executed broker's copy of this agreement and is responsible for the closing.
 (c) The parties agree that _____ Title Company shall provide title policy and preliminary report of commitment and the "closing agency" for this transaction shall be _____ If a long-term escrow / collection is involved, then the escrow holder shall be _____

3. TOTAL PURCHASE PRICE IS

One hundred Eighty thousand \$180,000 Dollars
 (a) \$ 180,000 Payable as follows:
 (b) \$ 10,000 Cash at closing, including above Earnest Money (Closing costs are additional)
 Balance of the purchase price (M.I.P. not included).

4. FINANCING.

This agreement is contingent upon the Buyer securing the following financing: ☐ FHA ☐ VA ☐ CONV ☐ FHA ☐ FmHA ☐ Assumption of existing loan(s) ☐ Other.
 (a) New Financing. New loan balance as noted above is a year(s) _____ years at _____ % per annum. (If FHA or VA loan is sought, read the applicable provisions on the reverse side hereof.) Buyer shall pay no more than _____ points plus origination fee if any. Seller to pay only the discount points necessary in order to obtain above described financing but not to exceed _____ points. Any reduction in points shall first accrue to the benefit of the ☐ Buyer ☐ Seller ☐ Divided Equally
 (b) Assumption. Buyer to ASSUME and ☐ will or ☐ will not be required to qualify for an EXISTING LOAN(S) of approximately \$ _____ at no more than _____ % with monthly payments of approximately \$ _____
 Type of loan _____
 Lender ☐ P ☐ I. This agreement does ☐ does not require Lender to release Seller's liability

Buyer shall apply for such loan or assumption within three (3) business days after Seller's acceptance of this agreement. If an appraisal is required under Buyer's financing contingency, premises must appraise at no less than purchase price.

5. OTHER FINANCING, TERMS AND/OR CONDITIONS:

Contingent upon buyer obtaining financing. Contingent upon appraisal of a suitable building site. Buyer to pay cost of health & safety inspection. Buyer to pay cost of spring on NE 1/4 of property & share from 1/2 acre to the NW 1/4 lot by 1/2 acre 9/10 of spring on NE 1/4 of property.

6. ITEMS SPECIFICALLY INCLUDED IN THIS SALE:

(If FmHA financing is sought see item 18 on reverse side) all water & water rights pertaining to farm located on 1/2 1/2 (Cheuning's property).

7. ITEMS SPECIFICALLY EXCLUDED IN THIS SALE:

8. COSTS PAID BY: Costs in addition to those listed below may be incurred by Buyer and Seller. Unless otherwise agreed hereon, Buyer shall purchase Seller's reserve account if loan assumption. Extended Coverage Title Policy requested by law or required by lender. See item # 21 on reverse side.

Costs Paid By	Appraisal	Loan Assumpt.	Well Inspect.	Pump/Inspect. Septic	Lender/Code Inspection Fee	Lender/Code Repairs	Contract/Insur. Document Prep	Tax Service	Closing Fee	Long Term Escrow Fees
BUYER										Set-up Annual/Monthly Fees
N/A	X	X	X	X	X	X	X	X	X	
SELLER										
SHARE EQUALLY										

Cost of lender or code repairs not to exceed \$ _____
 CLOSING. On or before the closing date, Buyer and Seller shall deposit with the closing agency all funds and instruments necessary to complete the sale. The closing date shall be no later than 2001.1996

9. POSSESSION. Buyer shall be entitled to possession on ☒ closing ☐ other _____ "Closing" means the date on which all documents are either recorded or accepted by an escrow agent and the sale proceeds are available to Seller. Taxes and water assessments (using the last available assessment as a basis), rents, interest and reserves, liens, encumbrances or obligations assumed and utilities shall be pro-rated as of closing. Buyer shall pay for fuel in tank, amount to be determined by the supplier of Seller's expense.

10. ACCEPTANCE. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of 24 Aug 96. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

☐ SEE ATTACHED ADDENDUM(S)

SIGNATURES

Date 8-20-96 Buyer ROBERT W. CHEUNING Date 8-20-96 Buyer VIRGINIA H. CHEUNING
 Buyer Robert W. Cheuning Buyer Virginia H. Cheuning
 Address 4062, Box 1008 Address Same
 City ELLIS City Same
 Hm. Ph. 208-876-4291 Hm. Ph. _____
 State IDAHO State _____
 Zip 83235 Zip _____
 Bus. Ph. _____ Bus. Ph. _____

On this date, I/we hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller. I/we further acknowledge receipt of a true copy of this agreement signed by both parties.

☐ SIGNATURE(S) SUBJECT TO COUNTER OFFER

☐ SEE ATTACHED COUNTER OFFER(S)
 Date 24 Aug 96 Seller Starla Colson
 Seller Starla Colson
 Address _____
 City _____ State _____ Zip _____
 Hm. Ph. _____ Bus. Ph. _____
 I/we of _____ true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this _____ day of _____ 19____

☐ SEE ATTACHED ADDENDUM ☐ SEE ATTACHED LESS RIGHT TO CONTINUE TO MARKET PREMISES

Date 24 Aug 96 Seller Glenn S. Coleman
 Seller Glenn S. Coleman
 Address _____
 City _____ State _____ Zip _____
 Hm. Ph. _____ Bus. Ph. _____
 I/we of _____ true copy of the foregoing agreement, signed by the Seller and containing the full and complete legal description of the premises, is hereby received on this _____ day of _____ 19____

- 1. Buyer agrees to transfer of 30" (270 gpm) of water from pond fed by Walker Springs to Coleman's property north of Fish Hatchery. Seller agrees to transfer the remaining claim to the water from the pond to the property being sold as described in paragraph 1 above. Seller to perform transfer prior to closing. Seller to transfer the 30 inches from the pond to the river and change point of diversion downstream.**
- 2. Seller agrees to transfer 3" (27 GPM) from spring on property described in paragraph 1 above with property being sold. Buyer agrees to transfer of remaining water from this spring to seller's property north of Fish Hatchery.**
- 3. Buyer & Seller agree the above statements lack legal descriptions & precise detail. Both agree that oral commitments have been made and both buyers & sellers acknowledge understanding the above commitments.**

This is an ADDENDUM to the Real Estate Purchase and Sale Agreement and Receipt for Earnest Money:

Earnest Money Dated: 30 Aug 96, 19 96 ID # 319168

ADDRESS: Ellis Idaho

BUYER (S) Robert & Virginia Cheuning

SELLER (S) Starr & Gloria Coleman

The undersigned Parties hereby agree as follows:

1- Buyer agrees to transfer of 30" (27 Gpm) of water from pond fed by Walker Springs to Colorado property north of Fish Hatchery. Seller agrees to transfer the remaining claim to the water from the pond to the property being sold as described in paragraph 1 above. Seller to perform transfer prior to closing. Seller to transfer the transfer from the pond to the river & change point of diversion downstream.
2- Seller agrees to transfer 3" (27 Gpm) from spring on property described in paragraph 1 above with property being sold. Buyer agrees to transfer of remaining water from this spring to seller property north of Fish Hatchery.

3- Buyer & Seller agree the above 3 statements lack legal descriptions & precise details. Both agree that oral commitments signed over made and both agree & seller acknowledge understanding the above commitments.

Buyer Robert W. Cheuning
Virginia H. Cheuning

Seller Starr W. Coleman
Gloria J. Coleman

STATE OF IDAHO, COUNTY OF LEMHI

On this 11th day of October, 1996, before me a Notary Public in and for said State, personally appeared STARR W. COLEMAN, GLORIA J. COLEMAN, ROBERT W. CHEUNING AND VIRGINIA H. CHEUNING, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same. The herein agreement, upon its execution by both parties, is made an integral part of the aforementioned Agreement.

Robert W. Cheuning BUYER
Virginia H. Cheuning BUYER

Starr W. Coleman SELLER
Gloria J. Coleman SELLER

DATED: 8-25-96

DATED: 8/25/96

TIME: 1300

☐ A.M.

☐ P.M.

TIME: 13:10

☐ A.M.

☐ P.M.

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BROKER'S COPY

0272438
Custer County Rep. of
Robert W. Cheuning
Time 3:12 PM Date 3/2/97
Edith M. Peck, Clerk
Janet L. Dargatzis 9:00
Deputy

RECEIVED
NOV 21 2007
DEPARTMENT OF
WATER RESOURCES

ATTACHMENT NO. 3 TO SUBCASE 73 - 12035

DICK H. COLEMAN & STARR W. COLEMAN
33 PAHSIMEROI RD, ELLIS, ID 83235

OBJECTION BY:
ROBERT W. CHEWNING
139 PAHSIMEROI RD, ELLIS, ID 83235

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-12035 V1

WATER RIGHT NUMBER: 73-12035 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DICK H COLEMAN 33 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4244
Current Owner	STARR W COLEMAN 33 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4244

Priority Date: 04/01/1945

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	PAHSIMEROI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.360 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.390 CFS	

Location of Point(s) of Diversion

SPRINGS	NE1/4SE1/4NE1/4	Sec. 36, Twp 16N, Rge 20E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	20E	25								13.0								4.6	17.6

Total Acres: 17.6

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	20E	36								X								X	

Should be 25

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-12035 V1

Conditions of Approval:

1. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
2. 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.
3. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. cfritsch 1/22/2007 Claim Review

Comment: Claim review was not completed. Quantity recommended at 0.02 cfs per acre and status set to active.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
Water District Number: 73
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
POD	5/31/2006 1:42:58 PM	dfavreau			Active
Source	5/31/2006 2:37:56 PM	dfavreau			Active
POU	5/31/2006 2:39:54 PM	dfavreau			Active
Season	5/31/2006 2:41:14 PM	dfavreau			Active
Use	5/31/2006 2:42:05 PM	dfavreau			Active
Priority Date	8/25/2006 2:39:16 PM	rbrown			Active
Summary			01/22/2007	cfritsch	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	5/31/2006 1:41:09 PM	dfavreau	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-12035 V1

POD	5/31/2006 1:42:58 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POU	5/31/2006 1:42:25 PM	dfavreau	Updated PLS for Active POU
Source	5/31/2006 2:37:56 PM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (No) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Via GIS review of aerial photography
POU	5/31/2006 2:39:54 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (No) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - via GIS review of aerial photography
Season	5/31/2006 2:41:14 PM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-12035 V1

Use	5/31/2006 2:42:05 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (No) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - via GIS review of aerial photography
General	8/25/2006 2:39:17 PM	rbrown	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (Yes) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - affidavit of Jack Furey in file
POD	8/25/2006 2:50:38 PM	rbrown	Updated shape
POD	8/25/2006 2:52:24 PM	rbrown	Updated PLS
POD	8/25/2006 2:52:10 PM	rbrown	Updated shape
POD	8/25/2006 2:50:57 PM	rbrown	Updated PLS
Summary	1/22/2007 10:52:00 AM	cfritsch	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-12035 V1

SubCase:

SubCase Number: 73-12035
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: cfritsch
Basis of Claim: Beneficial Use
Date Filed: 11/28/2007 Objection Status: Active

Water Supply Bank:



Idaho Department of Water Resources

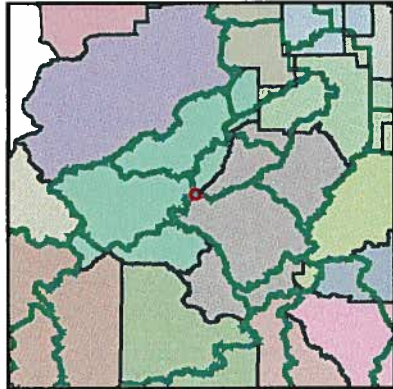
SRBA Recommendation:

73-12035

(Irrigation)

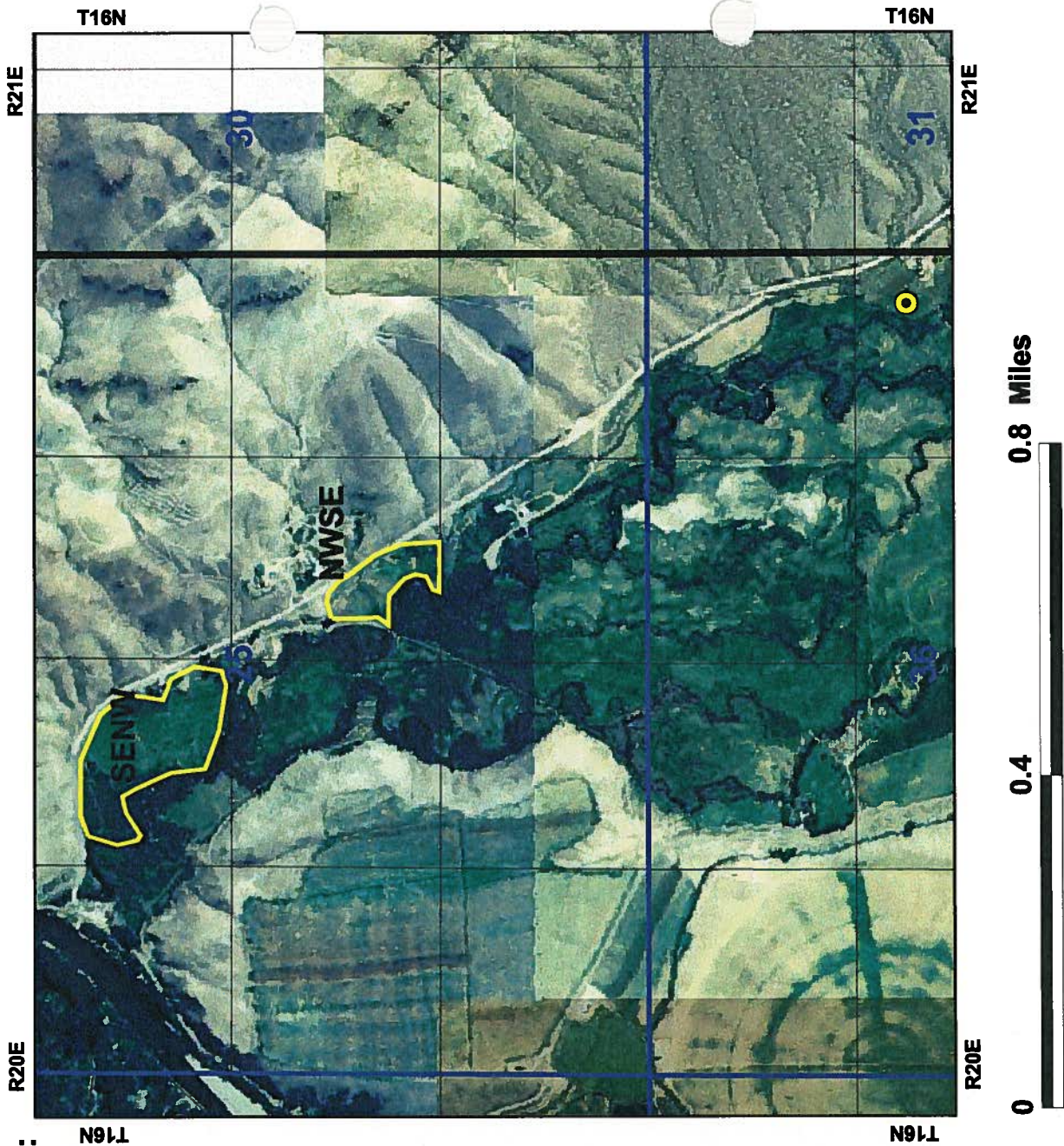
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi, Custer Counties
IDWR Basin 73

Prepared by D. Favreau
On Wednesday, May 31, 2006
1987/88 Aerial Photography



Idaho Dept. of Water Resources
322 E. Front St., Boise ID
August 25, 2006

To: file 73-12035, 73-12036
From: Roxanne Brown
Subject: change of source for 73-12035

These claims represent a split of statutory claim 73-4105. Mr. Chewning (73-12036) states, in a letter dated 2/16/2005, that Mr. Coleman (73-12035) has abandoned the subject springs under an agreement that he transfer his point of diversion to a pump in the Pahsimeroi River.

Mr. Coleman filed two transfers in 1995. Transfer #4753 for claim 73-4104 was approved in 1998 for irrigation from the Pahsimeroi River of land south and west of the river.

The transfer for land under 73-4106 was withdrawn. No transfer has been completed for the land under 73-12035, the subject of the agreement between Mr. Coleman and Mr. Chewning.

Jim Martiny inspected Mr. Coleman's property in 2005 and found it irrigated by a pump in the Pahsimeroi River. It would appear Mr. Coleman must complete the necessary transfer to honor his agreement with Mr. Chewning.

The claim is being recommended to represent the use of water from the original source at the time of the commencement of the SRBA. Mr. Coleman must file a transfer to correct his point of diversion and source. If the claim was disallowed at this point, Mr. Coleman would have nothing to transfer.

RECEIVED
FEB 15 2005
DEPARTMENT OF
WATER RESOURCES

02-09-05

Robert W. Chewning
139 Pahsimeroi Road
Ellis, Idaho 83235

ref: Water Right Claims

A 73 - 04105

A 73 - 04106

Telephone call 02-08-05

Roxanne Brown
Sr. Water Resources Agent
State of Idaho Department
of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720 - 0098

Dear Ms. Brown,

Not long after my wife and I purchased the property irrigated by the above two claims from Starr and Gloria Coleman, I contacted Robert E. Foster, Sr. Water Resources Agent Water Distribution in Salmon, concerning changing Water Right Claim A 73-04105. He told me that I should file a "New Pproperty Owner Notice of Change of Water Right Ownership" with him. This I did on 11-16-1996 and a copy of the correspondance is included as Enclosure One to this letter. Please note that the spring referred to in my letter to Mr. Foster in paragraph 2 of Addendum #1 to the Agreement to Purchase is the springs we subsequently filed upon as 73-11960. These springs, from the point where they enter the irrigation ditch, flow south toward the pond, point of origin, referenced in Water Right Claim A 73-04105 (increasing the water available in that claim), and flow north toward the Coleman's property north of the fish hatchery (this is the entire source of water in the irrigation ditch going to Coleman's property). From the time of purchase of the property from the Coleman's, Mr. Coleman has not tried to use the water originating from our pond, but he does use water from these springs. I do not know if he has every filed a claim on these springs.

Several years passed and we had not heard anything about our "Notoce of Change of Water Right Ownership" concerning A 73-04105. We were told that it had been forwarded to Idaho Falls, but could not find anyone there who had seen it. I eventually made telephone contact with Allen B. Ruberry, Sr. Water Resource Agent Adjudication Bureau. He was helpful and sent me a letter dated 30 March 2001 with several attachments. A copy is included as Enclosure Two to this letter.

Needless to say, I was disappointed that no record of our attempt to change ownership was included in our file.

Before I could meet with Mr. Ruberry, my neighbor across the river, Sydney Downton, opened up a diversion to the Pahsimeroi River that had been collapsed for some years. The Department of Fish and Game was preparing to install a fish screen that was going to involve our property purchased from the Colemans. See Enclosure Three. I decided it was time to also file a "Notice of Change in Water Right Ownership" for the water right claim A 73-04106 that the Coleman's had made on this diversion.

I met with Mr. Ruberry in his office in Idaho Falls on 27 November 2001. I gave him a "State of Idaho Department of Water Resources Notice of Change of Water Right Ownership" for A 73-04105 and A 73 - 04106* with supporting attachments at that time. See Enclosure Four ("The Real Estate Purchase and Sale Agreement and Receipt of Earnest Money" attached to the "Notice of Change of Water Right Ownership" can be seen in Enclosure One). While meeting with Mr. Ruberry Water Right Claim A 73-11960 was drawn up and submitted. See Enclosure Five.

When I left Mr. Ruberry I had agreed to research and forward records which would support the Dates of Priority on claims A 73-04105, A 73-04106 and A 73-11960. He had also requested a copy of the Court Order is Case No. CV-94-229 which relates to Claim A 73-04105. I subsequently sent him a letter dated 22 December 2001 with Affidavits signed by Jack B. Furey, a long time resident of the Pahsimeroi Valley, concerning claims Nos. A 73-0415 and A 73-0416. I also sent him a copy of page 289, "Book A. of Water Rights" found in the Lemhi Courthouse with a signature of Boise Ellis in 1886 claiming water from a stream and irrigation ditch in the Pahsimeroi Valley. At that time I believed it related to waters and ditch in claim A 73-0415. I have subsequently found that it actually relates to my claims ~~73-4080~~ and ~~73-4079~~. The Boise Ellis who signed the "Book A. of Water Rights" in 1886 was the father of Boise H. Ellis, who with his wife Mary H, first purchased property in 1924 that would have been irrigated by the ditch in A 73-0415. He was the father of Dick H. Coleman and grandfather of Starr Coleman who first filed A ~~73-0415~~. Boise H. Ellis purchased the property in 1934 that was irrigated by the water in both claims A ~~73-0415~~ and A ~~73-0416~~. Starr Coleman had said in the court proceedings in Court Case No. CV-94-229 that the pond and ditch in A 73-0415 predated his grandfather. See Enclosure Six.

We do appreciate your assistance in this matter. It seems that the "Change of Water Right Ownership" for claims A 73-04105 and A 73-04106 have been in the process far too long. If there are additional supporting records needed, please let me know.

Sincerely,

Robert W. Chewning



Mr. Robert E. Foster
Idaho Dept. of Water Resources
206 Van Dreff, Suite B,
Salmon, Idaho 83467

ROBERT W. CHEWNING
HC 62, BOX 1008
ELLIS, IDAHO 83235
(208) 876-4291
11-16-96

RECEIVED
FEB 15 2005
DEPARTMENT OF
WATER RESOURCES

Dear Mr. Foster,

Enclosed is our New Property Owner
Notice of Change of Water Right Ownership form
with supporting documentation for the property
we purchased from Mr. & Mrs. Starr W. Coleman.
I am sorry that the Agreement to Purchase
is such a poor copy. However, Lyn Stevenson of
Salmon River Realty (208-879-2225) has the
original if any changes need to be made. I
have sent a signed copy of the Notice of
Change of Water Right Ownership to Mr. Starr
Coleman. Please note that paragraph 2 of
Addendum #1 to the Agreement to Purchase refers
to a spring on the property itself for which there
apparently has never been a claim to water filed.
Thank you for your assistance in this matter.

Sincerely,
Robert W. Chewning

Idaho Dept. of Water Resources
322 E. Front St., Boise ID
August 25, 2006

To: file 73-12035, 73-12036
From: Roxanne Brown
Subject: change of source for 73-12035

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