

07/07/2006

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

RIGHT NUMBER: 73-15A

NAME AND ADDRESS: CHARLESVIEW LLC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 3.600 CFS

PRIORITY DATE: 02/26/1913

POINT OF DIVERSION:

T13N R23E S28 SWNW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.600 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R23E S20	NWNE	0.90	T13N R23E S20	SWNE	29.00
T13N R23E S20	SENE	3.30	T13N R23E S20	NENW	26.00
T13N R23E S20	NWNW	40.00	T13N R23E S20	SWNW	34.00
T13N R23E S20	SENE	40.00	T13N R23E S20	NESW	32.00
T13N R23E S20	SESW	1.80	T13N R23E S20	NESE	32.00
T13N R23E S20	NWSE	40.00	T13N R23E S20	SWSE	29.00
T13N R23E S20	SESE	39.00	T13N R23E S29	NENE	23.00
T13N R23E S29	NWNE	0.50	T13N R23E S29	SENE	0.10

370.6 ACRES TOTAL

irrigation

Right Nos. 73-15A, 73-2162, 73-4001, 73-4003, 73-10023 and 73-10024 are limited to the irrigation of a combined total of 370.6 acres in a single season.

Right Nos. 73-15A, 73-150C, 73-2159, 73-2162, 73-4001, 73-4003, 73-10023 and 73-10024 are limited to the irrigation of a combined total of 926 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Charlottesville

+ * 73-15A

Pahameroi River

Upper PPU = 370.6 acres

3.6 cfs

X * 73-150C

Pahameroi River
entire PPU = 926 acres

2.32 cfs

200 acres (PPU)

+ * 73-10023 (73-3 + 73-17)

Big Creek

9.6 cfs

370.6 cfs

* 73-2159

ground water

402 acres within 926 acres

+ X * 73-2162

277.5 acres

73-260

* + (B) 73-4001

4.4 cfs

Goldberg Creek

* + (C) 73-4003

2.0 cfs

Spring Creek

* + (A) 73-10024

1.2 cfs

Pahameroi River

0.8 cfs

Spring Creek

8.4 cfs total

* not to exceed 926 acres

+ not to exceed 370.6 acres

X PPU



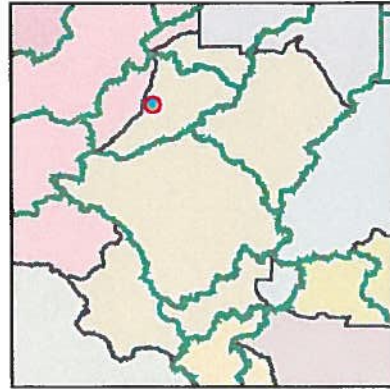
Idaho Department of Water Resources

SRBA Recommendation:

73-15A

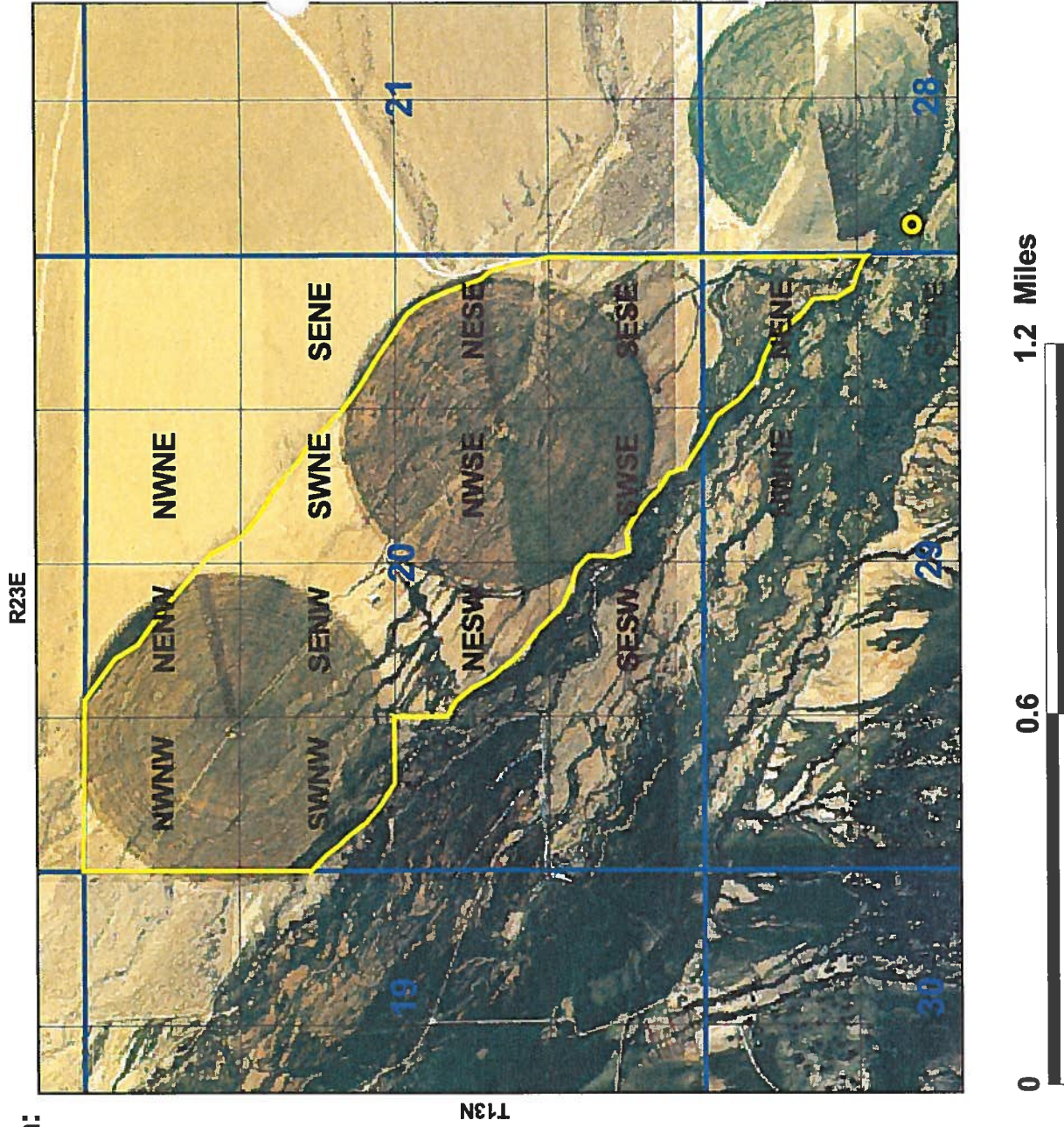
Legend

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



Custer County
IDWR Basin 73

Prepared by R. Brown
On Friday, June 30, 2006
1987/88 Aerial Photography



BARNES

GPS FIELD DATA FORM - IDWR, Water Distribution

2

Water District No.: 73 Water Dist. Div. No.: _____
(if applicable)

Date: 9-20-01 Examiner: Bob Foster

Stream / Source: Pahsimeroi River

Diversion Type: ☒ diversion ☐ exchange ☐ flow station ☐ reservoir

Diversion Name: _____

Point of Diversion: _____

Access: _____

USGS Map: _____
(name) (number)

GPS Site Tag No.: A0011427 GPS File Name: P092016A

GPS Tag Location: headgate

GPS Offset: _____

Watermaster Control: ☒ YES ☐ NO

Diversion Description headgate and wier both need replaced

Measurement: NONE

Water Right Owner: Hatch, Barnes

Current Water Rights: _____

Water Right Number: 73-15
Diversion Rate: 4.8 CFS
Reviewer Name: R. Brown
Date: 3/17/2006

[illegible]

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SCANNED

AUG 29 2000

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: A73-00015A

Date Received: 12/ 1/1989

Receipt No: M005285

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DONALD L BARNES
Address: HC 62 BOX 2190
MAY ID

208-876-4483

83253

AND/OR

Name: DEBRA L BARNES
Address: HC 62 BOX 2190
MAY ID

208-876-4483

83253

2. Date of Priority: FEB 26, 1913

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	23E	29	NE	SE	NE		CUSTER

5. Description of diverting works:

42" PIPE WITH STEEL HDGATE DITCHES AND FLOOD IRR. AND SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.600		

7. Total Quantity Appropriated is:

3.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1425.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

MICROFILMED

NOV 15 1996

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
13N	23E	20	NE		NE		IRR	40.0			
			NW		NE		IRR	40.0			
			SW		NE		IRR	40.0			
			SE		NE		IRR	40.0			
			NE		NW		IRR	40.0			
			NW		NW		IRR	40.0			
			SW		NW		IRR	40.0			
			SE		NW		IRR	40.0			
			NE		SW		IRR	38.0			
			SE		SW		IRR	8.0			
			NE		SE		IRR	40.0			
			NW		SE		IRR	40.0			
			SW		SE		IRR	38.0			
			SE		SE		IRR	40.0			
										Section Acres	524.0
					29	NE		NE		IRR	36.0
NW		NE					IRR	10.0			
							Section Acres	46.0			
							Total Acres	570.0			

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A73-00150C,00188B.

14. Remarks:
CHANGED OWNERSHIP 12/26/95/JT/HWJ

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

LORENZO FALLS

Decree Plaintiff

URIAH WELLS

vs Decree Defendant

MICROFILMED

REAL AND PERSONAL PROPERTY SALE AGREEMENT

THIS AGREEMENT, entered into this 29th day of June, 1995, by and between Charles W. Wunsch and Shirley M. Wunsch, husband and wife (hereinafter "Sellers"), and Donald L. Barnes and Debra Barnes, husband and wife (hereinafter "Buyers"),

WITNESSETH:

WHEREAS, Sellers wish to convey and assign certain real and personal property described hereinafter to the Buyers in exchange for certain consideration described hereinafter and Buyers wish to purchase the same;

NOW, THEREFORE, in consideration of the terms, covenants and conditions hereinafter set forth, the parties agree to the following:

1. PROPERTY DESCRIPTION.

Sellers agree to sell to Buyers on the performance of the agreements of Buyers hereinafter set forth, and to convey by good and sufficient warranty deeds, bills of sale and assignments, free and clear of all liens and encumbrances, excepting any lien or encumbrance that may attach by reason of any act, deed or omission of Buyers, or by operation of this Agreement, and Buyers agree to purchase from Sellers the following-described real and personal property together with all appurtenances thereto:

A. Real Property.

Those parcels of property situated in Custer County, Idaho described more particularly as:

TOWNSHIP 13 NORTH, RANGE 23 EAST, BOISE
MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 20: N1/2; SE1/4; E1/2SW1/4; and SW1/4SW1/4.

SECTION 28: NW1/4SW1/4; S1/2SW1/4 lying Westerly of the
McCoy Lane.

SECTION 29: E1/2; SE1/4NW1/4; E1/2SW1/4; and
NE1/4NW1/4.

SECTION 32: NE1/4NE1/4.

SECTION 33: NW1/4NW1/4 lying Westerly of the McCoy
Lane.

TOGETHER WITH all minerals and mineral rights, water
and water rights, ditches and ditch rights, appurtenant
or otherwise related thereto, whether represented by
decree, license, permit or otherwise, and all
improvements, buildings and fixtures situated on said
property.

SUBJECT TO that certain mortgage dated January 7, 1976,
from J. Grant Baldwin and Evelyn F. Baldwin, husband
and wife, as Mortgagors, to the Federal Land Bank of
Spokane, as Mortgagee, securing the payment of One
Hundred Thousand Dollars (\$100,000.00) and interest,
recorded January 16, 1976, as Instrument No. 141571 in
the records of Custer County, Idaho, as modified by
that certain Mortgage Reamortization Agreement dated
July 30, 1986, recorded August 25, 1986, as Instrument
No. 177776 in the records of Custer County, Idaho.

AND SUBJECT ALSO TO all existing easements or claims of
easement, rights of way, covenants, restrictions,
reservations, applicable building and zoning
ordinances, use regulations and restrictions,
encroachments, overlaps, boundary line disputes and
other matters which would be disclosed by an accurate
survey, inspection of the premises or environmental
assessment, and accruing taxes and assessments.

The above-described property shall hereafter be referred to as
the "Premises."

B. Personal Property.

a. All of the following to the extent assignable
and currently located on or appurtenant to the Premises:

Fencing, irrigation equipment, pumps, motors, water and water
rights, grazing rights and permits, trees, plants, shrubs, stove,

refrigerator, dishwasher, wood stove, TV satellite antenna, Hot Tub, and attached fixtures not reserved or excepted under this Agreement or that Option to Purchase the Premises dated April 7, 1995.

b. Sellers further agree to transfer all ownership rights they currently hold in the following personal property at closing to the Buyers: 24' Tophand Trailer S.N. 45HFS2428L1584113, 7710 Ford Tractor (D470348), 9030 Ford Tractor (BC95559) with loader and New Holland swather, Heston 560 Baler, Disc and Hay Rake, Powder River Shute, Calf Table, 3 Wade Rain 1/4 mile wheel lines, 1 Valley 1/4 mile pivot sprinkler, 2 Mel Brown pivots, and 3 pumps.

c. Sellers further agree to transfer to Buyers a Vicon Baler, RB 1510, SN 70022-00044, for a price of \$8,300.00, which shall be paid by Buyers paying the last payment due on the Sellers' purchase of the above-described 7710 Ford Tractor, which payment is in the amount of \$8,300.00 due October 1, 1995, to Ford Motor Credit, which obligation Buyers hereby assume.

2. PAYMENT.

In consideration of the Sellers' transfer of the above-described property to the Buyers, Buyers shall pay to Sellers the principal amount of One Million One Hundred Seventy-Four Thousand Dollars (\$1,174,000.00) lawful money of the United States of America, which principal amount shall be payable as follows:

MICROFILMED

NOV 15 1996

POOR ORIGINAL

EXECUTED this 29th day of June, 1995.

Charles W. Wunsch
Charles W. Wunsch

Shirley M. Wunsch
Shirley M. Wunsch

Donald L. Barnes
Donald L. Barnes

Debra Barnes
Debra Barnes

BY DONALD L. BARNES
ATTORNEY IN FACT

STATE OF IDAHO

County of CUSTER

ss.

ON THIS 29th day of June, 1995, before me,
Patsy Kindt, a Notary Public in and for said State,
personally appeared Charles W. Wunsch and Shirley M. Wunsch,
husband and wife, known or identified to me to be the persons
whose names are subscribed to the within instrument and
acknowledged to me that they executed the same.

S
E
A
L

Patsy Kindt
Notary Public for Idaho
Residing at: Challis
My Commission Expires: 3/12/98

STATE OF IDAHO

County of CUSTER

ss.

ON THIS 29th day of Ju
June, a Notary F
personally appeared Donald L. Bar
and-wife, known or identified to
are subscribed to the within inst
that they executed the same.

S
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Not
Res
My

STATE OF IDAHO

COUNTY OF CUSTER

ss.

On this 29th day of JUNE in the year
1995, before me, a Notary Public, personally appeared
Donald L. Barnes
known or identified to me to be the person whose name is
subscribed to the within instrument as the attorney in fact of
Debra Barnes and acknowledged to
me that he subscribed the name of Debra Barnes
thereto as principal, and his (her) own name as attorney in fact.

Patsy Kindt
Notary Public
Residing at: Challis, Idaho
Commission expires: 3/12/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

FEB - 9 1993

Department of Water Resources

Eastern District Office
CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 5, 1993

Charles W. Wunsch
P.O. Box 406
Challis, ID 83226

RE: Snake River Basin Adjudication (SRBA)
AR# M000010

Dear Mr. Wunsch:

Payment has not been received as directed in the certified letter you received on January 12, 1993. Rather than returning the claims to you, the record of the claims will go into a rejected status and remain in that category until payment is received from you. The account will continue to accrue interest, and any fees will not be returned whether the claims are investigated or not.

This will be your last notice until such time as the findings of the Director are included in his report to the Court of the water right claims in that area. Without further payment on the claim fee account, the findings of these claims will be that the claims were rejected for insufficient fees.

If your payment and this letter pass in the mail, I apologize for this letter.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:AR:east

File with
A73-00015A.

FILED

APR 18 1994

Idaho Department Of Water Resources
Receipt Maintenance II - Maint. Screen 3

Date: 02/09/93
Time: 13:49:15

Receipt Number : M005285

Page 1 OF 3

Receipt Amt : 373.48

A7300150C	1192.00	A7302147	100.40	A7310022	25.00
A7310025	50.00	A7310024	50.00	A7310023	50.00
A7304004A	50.00	A7304003	50.00	A7304001	50.00
A7300188B	50.00	A7300015A	50.00	A7302162	50.00
A7300174C	50.00	A7302159	50.00		

(Enter=Continue) (GOLD2=Update) (GOLD4=Prev Pg) (GOLD5=Next Pg)

MICROFILMED

APR 18 1994

Water Right Number - 73-00015

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

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

*** C - CURRENT OWNER ***

NESBITT

JOHN W.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

02/26/1913 15 D - DECREED

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +

PAHSIMEROI RIVER SALMON RIVER

+ - - - - Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - Stream Index (Blank if no Index Code)

01 - IRRIGATION

4.800

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +

4.800 3.6

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
13N	23E	18	SE SE		40.0	01	IRRIGATION		37 CUSTER
13N	23E	19	NE NE		40.0	01	IRRIGATION		37 CUSTER
13N	23E	20	SW NE		40.0	01	IRRIGATION		37 CUSTER
13N	23E	20	NW NW		40.0	01	IRRIGATION		37 CUSTER
13N	23E	20	SW NW		40.0	01	IRRIGATION		37 CUSTER
13N	23E	20	SE NW		40.0	01	IRRIGATION		37 CUSTER
13N	23E	20	SW SE		40.0	01	IRRIGATION		37 CUSTER
13N	23E	20	SE SE		40.0	01	IRRIGATION		37 CUSTER

Total Acres: 320.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

A. P/D NOT GIVEN IN DECREE.

B. DECREED FOR USE ON 320 AC. MORE OR LESS.

50⁰⁰ X

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: A73-00015A
Date Received: 11/30/1989
Receipt No: MOD5285
Received By: JDC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLES W. WUNSCH 208-879-4732
Address: P.O. BOX 406
CHALLIS, ID 83226
AND/OR
Name: SHIRLEY M. WUNSCH 208-879-4732
Address: P.O. BOX 406
CHALLIS, ID 83226

A7300015A

2. Date of Priority: FEB 26, 1913

3. Source: PAHSIMEROI RIVER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	23E	29	NE	SE	NE		CUSTER

5. Description of diverting works:
42" PIPE WITH STEEL HDGATE DITCHES AND FLOOD IRR. AND SPRINKLER.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.600		

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

8. Total consumptive use is 1425.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A73-00015A

Page 1

Date: 11/30/89

MICROFILMED
DEC 14 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	23E	20	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	38.0
			SE		SW		IRR	8.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	38.0
			SE		SE		IRR	40.0
			Section Acres					524.0
		29	NE		NE		IRR	36.0
			NW		NE		IRR	10.0
			Section Acres					46.0
			Total Acres					570.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A73-00150C,00188B.

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

LORENZO FALLS

Decree Plaintiff

vs

URIAH WELLS

Decree Defendant

16. Signature(s)

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

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Charles W. Unsch Date: 1 Dec 89
Shirley M. Unsch Date: 12-1-89

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of Dec 19 89

John Dale Corbin
Notary Public

Seal

Residing at Boise Id
My Commission Expires 4/8/94

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BM 5750

Sp

BM 5824
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5871

BM 5907

BM 5946
MICROFILMED
DEC 14 1992 118

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