

06/29/2006

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

RIGHT NUMBER: 73-10040

NAME AND ADDRESS: JOE CLARK
C/O JUDY GALFANO
7213 PERIMETER RD S
SEATTLE WA 98108

SOURCE: PAHSIMEROI RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 11.200 CFS

PRIORITY DATE: 05/01/1897

POINT OF DIVERSION:

T13N R23E S20 SWNESW Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
11.200 CFS

PLACE OF USE:

IRRIGATION Within LEMHI County

T13N R22E S01 Lot 4 NWNW	0.90	T13N R22E S01	SWNW	19.00
T13N R22E S01 NWSW	35.00	T13N R22E S01	SWSW	41.00
T13N R22E S02 Lot 1 NENE	29.00	T13N R22E S02 Lot 2 NWNE		8.80
T13N R22E S02 SWNE	8.20	T13N R22E S02	SENE	40.00
T13N R22E S02 NESE	40.00	T13N R22E S02	SESE	40.00
T13N R22E S11 NENE	37.00	T13N R22E S11	SENE	33.00
T13N R22E S11 NESE	26.00	T13N R22E S11	SESE	29.00
T13N R22E S12 NWNE	0.40	T13N R22E S12	SWNE	23.00
T13N R22E S12 NENW	2.30	T13N R22E S12	NWNW	41.00
T13N R22E S12 SWNW	40.00	T13N R22E S12	SENW	0.30
T13N R22E S12 NESW	41.00	T13N R22E S12	NWSW	31.00
T13N R22E S12 SWSW	30.00	T13N R22E S12	SESW	37.00
T13N R22E S12 NWSE	41.00	T13N R22E S12	SWSE	39.00
T13N R22E S13 NWNE	22.00	T13N R22E S13	SWNE	12.00
T13N R22E S13 NENW	10.00	T13N R22E S13	NWNW	37.00
T13N R22E S13 SWNW	9.50	T13N R22E S13	SENW	4.50
T13N R22E S13 NESW	0.20	T13N R22E S13	SWSW	9.80
T13N R22E S13 NWSE	23.00	T13N R22E S13	SESE	34.00
T13N R22E S14 NENE	17.00	T13N R22E S14	SENE	0.20
T13N R22E S14 NESE	2.80	T13N R22E S14	NWSE	19.00
T13N R22E S14 SWSE	31.00	T13N R22E S14	SESE	36.00
T13N R22E S23 NENE	40.00	T13N R22E S23	NWNE	36.00
T13N R22E S23 SWNE	23.00	T13N R22E S23	SENE	40.00
T13N R22E S23 NESE	12.00	T13N R22E S24	NENE	8.00
T13N R22E S24 NWNE	0.50	T13N R22E S24	SWNE	30.00
T13N R22E S24 SENE	12.00	T13N R22E S24	NENW	19.00
T13N R22E S24 NWNW	40.00	T13N R22E S24	SWNW	40.00
T13N R22E S24 SENW	40.00	T13N R22E S24	NESW	36.00

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T13N R22E S24	NWSW	27.00	T13N R22E S24	NESE	39.00
T13N R22E S24	NWSE	39.00	T13N R23E S18 Lot 4	SWSW	25.00
T13N R23E S19	NWNE	23.00	T13N R23E S19	SWNE	39.00
T13N R23E S19	SENE	26.00	T13N R23E S19	NENW	39.00
T13N R23E S19 Lot 1	NWNW	36.00	T13N R23E S19 Lot 2	SWNW	7.80
T13N R23E S19	SENW	38.00	T13N R23E S19	NESW	13.00
T13N R23E S19 Lot 3	NWSW	13.00	T13N R23E S19 Lot 4	SWSW	1.50
T13N R23E S19	NESE	39.00	T13N R23E S19	NWSE	40.00
T13N R23E S19	SWSE	7.90	T13N R23E S19	SESE	21.00
T13N R23E S20	NWSW	26.00			

1857.6 ACRES TOTAL

Right Nos. 73-147A, 73-147B, 73-147C, 73-150D, 73-189, 73-259, 73-2165, 73-10040 and 73-10041 are limited to the irrigation of a combined total of 1857.6 acres in a single irrigation season.

This right is limited to the irrigation of 560 acres within the place of use described above 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

Right Nos. 73-147A, 73-147C, 73-150D, 73-189 and 73-10040 are diverted through the point of diversion described above. Right No. 73-10041 is rediverted from the Pahsimeroi River through the point of diversion described above.



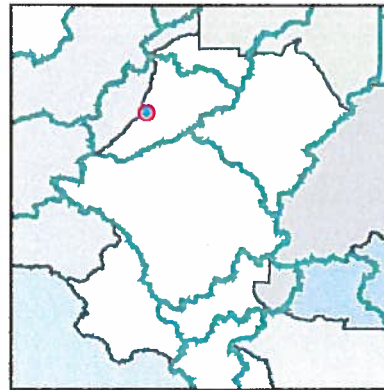
Idaho Department of Water Resources

SRBA Recommendation:

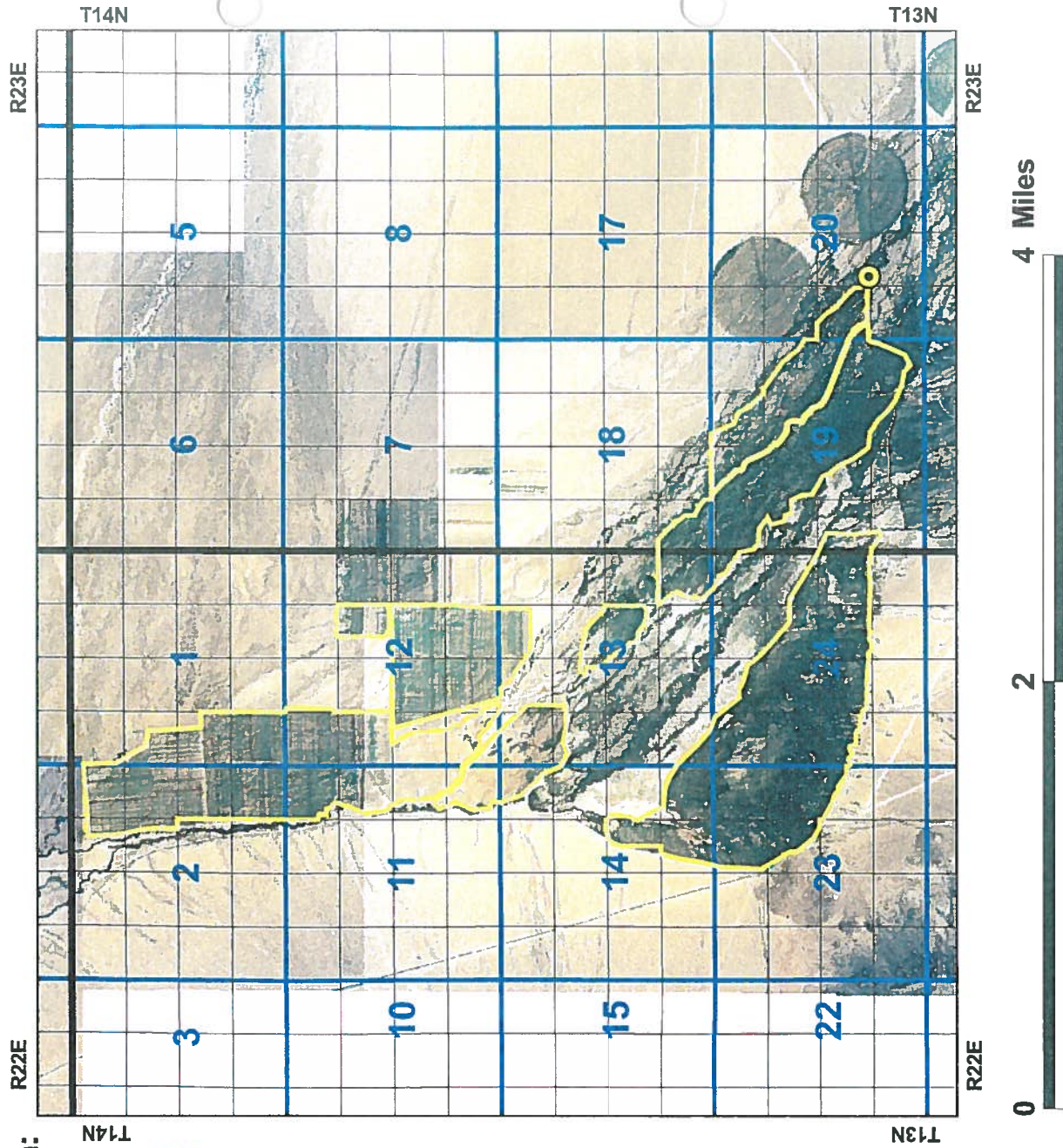
**73-147A, 73-147C,
73-150D, 73-189,
73-10040, 73-10041**

Legend

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



Custer County
IDWR Basin 73



Prepared by R. Brown
On Thursday, June 29, 2006
1987/88 Aerial Photography

AFFIDAVIT

STATE OF Idaho)
County of Blaine) ss.

_____ being first duly sworn upon oath, deposes and states as follows:

1. Garth Chivers, was a part owner and manager of the Pines Ranch from April 1969 to 1997. The ranch used this water annually, without interruption, during the above mentioned years. The points of diversion were from the Pahsimeroi River. To my knowledge the points of diversion have always been the same.

Regarding water right #73-10040

FURTHER YOUR AFFIANT SAITH NOT.

Garth Chivers

SUBSCRIBED AND SWORN to before me this 22 day of June, 2005.

Melody A. Mattson
Notary Public for Idaho
Residing at: Hetchum ID
My commission expires: 4-3-2009

