

RECEIVED

JAN 25 1994

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

Department of Water Resources
Southern Region Office

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: A71-00027A
Date Received: 12/15/1993
Receipt No: X111111
Received By: 

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401-2394

2. Date of Priority: JUN 1, 1902

3. Source: IRON CREEK Trib. to: VALLEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	13E	7	SE	NE			CUSTER

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	09/30	0.163		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	13E	5	SW	SE		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	13.0
					Total Acres	13.0

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:
NONE

14. Remarks:
FOREST SERVICE RECORD ID = 04 14 17060201 59 0083
ACQUIRED PORTION OF DECREE, 71-00027.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH
Decree Plaintiff

WM. MERRITT, ET AL.
vs Decree Defendant

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 A71-00027A
Date Received 12-15-1993
Receipt Number XIII 111

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah, 84401

2. Date of Priority: 6/1/1902

3. Source of water supply: Iron Creek Trib. To: Valley Creek

4. Location of Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>
10N	13E	7	SENE		Custer

5. Description of Diversion Works: Ditch

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>C.F.S.</u>	<u>AFA</u>	<u>Well Depth</u>
Irrigation			0.163		

7. Total quantity appropriated is: 0.163 C.F.S.

8. Total consumptive use is: 0.163 C.F.S.

9. Non-irrigation uses: Livestock Numbers: N/A

10. Place of Use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>
10N	13E	5	SWSE		Custer

Purpose of Use: Irrigation Acres Irrigated: 13

11. Place of use in Counties: Custer

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

COPY
original to court
3/1/99

13. Other Water Rights Used: None

14. Remarks: Acquired

15. Basis of Claim: Portion of Decree, 71-00027

Reference Information:

National Forest: Sawtooth

Forest Service Record ID: 04 14 17060201 59 0083

IDWR Water State Filing No.: A71-00027

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the Claimant should be mailed to the individuals at the address below:

K. Jack Haugrud
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Jan-1994 09:24

Randy Breamer
380 E Parkcenter Blvd
Suite 330
Boise, ID 83706

RE: Request For Further Information

Dear Mr. Breamer:

As you may already know last Wednesday, January 26, 1994, I phoned your office and talked with Mr. Bob Kenworthy regarding numerous issues that I need addressed before I finalize my recommendations for the USFS rights in the Sawtooth Valley. Dave Shaw, my boss, wants things wrapped up by March 1, 1994 so I would like a response to these issues as soon as possible, preferably by the first week in February.

The issues I discussed with Bob include:

A71-02004D I question the basis of claim. My review of the original license 71-02004 finds this water right was developed for other lands from a different P/D than what the USFS is presently irrigating. I have copies of unsigned deeds at the time the USFS obtained the property. One deed references a decreed right. One deed references license 71-02004. Since this is all contradictory and license 71-02004 is overclaimed and the amount claimed under A71-02004D does not appear to be sufficient to cover the ditch loss and irrigation application rate that appears to have been historically used I discussed with Bob that maybe you might consider changing the basis of the claim to "Beneficial Use" and claiming more water.

A71-00029A, A71-00028A & A71-02085C These claims by the USFS are for land that appears to have not been irrigated for some time or never irrigated by the sources claimed. I request information as to the aquisition of these water rights since the base rights are overclaimed and also information as to when these lands were last irrigated if ever.

A71-10725 This claim is for USFS land being irrigated by Neider. Neider has filed a competing claim which I have reviewed and it appears that I will allow 1 more acre than you have presently claimed. I discussed with Bob the possibility of you amending your claim accordingly.

A71-10729 This USFS claim is for a spring historically used at Redfish Lake Lodge. In reviewing the claim in the name of Redfish Lake Lodge for the well serving the Lodge I am under the impression that the spring use not been used for many years. Please provide evidence of when the spring was last used. Regarding related matters I discussed with Bob the claims filed in the name of Redfish Lake Lodge/See and licenses in their name not claimed. Maybe the USFS wishes to file claims for these uses.

A71-02053 This claim is for an old license that does not appear to have been used for a long time. I request information as to when when and by whom it was last used and if used recently how the property was irrigated.

A71-00063 & A71-02008 These claims have similar issues to A71-02053 listed above.

A71-00027A & A71-00026A These claims are for portions of decreed rights that have been fully claimed. In talking with these claimants I understand the water was reserved when Ocamica sold the property. I request that you supply me with deeds as to when the property was obtained by the USFS to confirm that you obtained the rights.

A71-04036 This claim is for land claimed by another (Fred Stewart) who indicated at the time of my field review he had been in litigation with the government. Could you enlighten me as to the outcome of this lawsuit and who owns the property.

Another issue was that of a well developed at Camp Luthy recently. You have claimed one well so I discussed with Bob the possibility of you filing something on the new well. (Either a claim or a permit)

This morning after I started this letter I talked to Bob again on the phone and we discussed a conference call tentatively for Feb 3, 1994 at 10:00am. Hopefully this letter will help us focus on the issues. I hope I have covered all but some new ones may crop up. I will talk to you next week.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

AJ0743NP
(00-124)

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

06/22/99 14:25:11
Page 1

Water Right Number - R71-00027A

Prefix Translation:

RESEARCH

Old (D) Number -

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

UNITED STATES OF

- 1 - USDA FOREST SERVICE
- 2 - 550 W FORT ST MSC 033
- 3 -
- City- BOISE
- Phone -

State- ID Zip- 83724

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE

- 1 - FOREST SERVICE
- 2 - 550 W FORT ST MSC 033
- 3 -
- City- BOISE
- Phone -

State- ID Zip- 83724

USFS

- 1 -
- 2 -
- 3 -
- City- X
- Phone -

State- ID Zip- 0

Priority Date - - - +
06/01/1902

Region - - - +
17 SOUTHERN

Stage - - - +
D - DECREED

Status - - - +

Source - - - - - +
IRON CREEK

Tributary - - - - - +
VALLEY CREEK

Twn Rng Sec Tract Lot Rflg County Point of Diversion - - - - - +
10N 13E 5 SW SE SW (37) CUSTER

Code Description Period From Period To Water Use - - - - - +
01 - IRRIGATION 05/01 10/31 0.130
Diversion Rate Diversion Volume

+ - Total Div. Rate - + + - Total Div. Volume - +
0.130

+ - Total Consumptive Use - + + - KW Usage - +
0.0

Twn Rng Sec Tract Lot Acres Code Description County
10N 13E 5 SW SE 01 IRRIGATION (37) CUSTER

Total Acres: 9.6

- + - - Diversion Means - - DITCH
- + - - Non-Irrigation Use -
- + - - Other Rights for Same Use - 71-00026A

Water right number - R71-00027A

Prefix Translation: RESEARCH

----- Remarks -----

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 9.6 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00026A & 71-00027A.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE:
DITCH AT SMSESM S5: 71-00026B, 71-00027B, 71-00026A, 71-00027A
AND 71-00026C.
FOREST SERVICE RECORD ID = 04 14 17060201 59 0083

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

No Old Water Right Numbers Found

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

- C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 71:
- WATER RIGHT NO. SOURCE
- NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 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 71 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

----- Decree Plaintiff ----- + ----- Decree Defendant ----- + ----- Decree Date ----- +
DAN J. CAVANAGH WM. MERRITT, ET AL. 00/00/0000

Date: 06/22/1999 User Id: AMERRITT Subject: RECOMMENDATION
DRAFTED FOR SFS CONSIDERATION.

----- Audit Fields ----- +
06/22/99 AMERRITT

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 12/15/1993	Last Amended Date	- 08/03/1993	Temporary Right	- P
		Receipt Number	- X777777	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

Old (D) Number -

State- ID Zip- 83724

State- ID Zip- 83724

State- ID Zip- 0

Status - - - +

+

+

+

+ - KW Usage - +

(37) CUSTER

+ - - Other Rights for Same Use - 71-00026A

Water right number - 71-00027A

Prefix Translation: WATER RIGHT

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 9.6 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00026A & 71-00027A.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE:
DITCH AT SWSHW S5: 71-00026B, 71-00027B, 71-00026A & 71-00027A.
FOREST SERVICE RECORD ID = 04, 14, 17060201 59 0083

71-00026A

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
C13 THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:

WATER RIGHT NO. SOURCE
NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:
WATER RIGHT NO. SOURCE
NONE

ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

Decree Plaintiff DAN J. CAVANAGH
Decree Defendant WM. MERRITT, ET AL.
Decree Date 00/00/0000

Audit Fields - 06/29/98 AMERRITT 07/21/98 CWU-DSHA 07/21/98 AUJ10-DS 07/22/98 NU-DSHAF 11/07/98 CPDSHAF 11/10/98 ADT-DSHA

Date: 07/21/1998 User Id: AUJ10-DS Subject: AUJ10 CONDITION UPDATE
CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART OF RECORD THRU AUJ10.

Adjudication Rights Dates and Flags Area

Court Report Filing	Field Inspection Made	Civil Case Number
Objection Filed Date - 11/10/1998	Field Inspection Flag - 00/00/0000	Old Case Number - 39576
Response Filed Date - 00/00/0000	Verified Date - 00/00/0000	Old Judicial District -
Claim Received Date - 12/15/1993	Last Amended Date - 08/03/1993	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 00/00/0000	Water District -
Licensed Date - 00/00/0000	Receipt Number - X111111	Federal/State Indicator - S
	POU Ownership Flag - Y	Presumption Flag -
	Name Connector -	Notice of Error Flag -



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

126-97

1/4/99

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

JAN - 5 1999

LING, NIELSEN
& ROBINSON

Roger Ling
Ling, Nielsen & Robinson
PO BOX 396
RUPERT ID 83350-0396

RE: 71-66026 & 71-00027

Dear Roger,

Enclosed are printouts of the computer records for the recommended parts of the above listed decreed rights. The Estate of Tom J Ocamica had originally filed for the entire rights. However, the USFS had filed competing claims for a portion of original decree (Caravan v Merritt) award.

During claim review information was requested from the USFS to support partial ownership. Deeds from Ocamica through to the present were supplied supporting chain of water right appurtenance (i.e. no reservation of water made during land sale).

Since ownership by the USFS is apparent then the Welp's claims were recommended for the proportional rate. For numerical reference consistency the claims were renumbered by adding a "B" suffix.

Please give me a call if you have other questions.

Sincerely,
Douglas Lee

AJ0743NP
(00-124)

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

06/29/98 15:33:43
Page 1

Water Right Number - R71-00027A

Prefix Translation: RESEARCH

Old (D) Number -

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

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

UNITED STATES OF

1 - USDA FOREST SERVICE
2 - 550 W FORT STREET
3 - PO BOX 33C
City- BOISE
Phone -

State- ID Zip- 83724

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE

1 - FOREST SERVICE
2 - 550 W FORT STREET
3 - PO BOX 33C
City- BOISE
Phone -

State- ID Zip- 83724

USFS

1 -
2 -
3 -
City- X
Phone -

State- ID Zip- 0

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1902 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
IRON CREEK VALLEY CREEK

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
10N 13E 5 SW SE SW (37) CUSTER

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 09/30 0.130

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.130 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10N 13E 5 SW SE 01 IRRIGATION (37) CUSTER

Total Acres: 9.6

+ - - Diversion Means - DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 71-00026A

Water right number - R71-00027A

Prefix Translation: RESEARCH

Remarks

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 9.6 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00026A & 71-00027A.

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE:
DITCH AT SWSWS S5: 71-00026B, 71-00027B, 71-00026A & 71-00027A.
FOREST SERVICE RECORD ID = 04 14 17060201 59 0083

No Old Water Right Numbers Found

Conditions of Approval

Decree Plaintiff DAN J. CAVANAGH

Decree Defendant WM. MERRITT, ET AL.

Audit Fields

Adjudication Rights Dates and Flags Area

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|-----|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 12/15/1993 | Last Amended Date | - 08/03/1993 | Temporary Right | - P |
| | | Receipt Number | - X111111 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

IDAHO DEPARTMENT OF WATER RESOURCES
EXCEL PROGRAM

FOR RIGHT NO: 71-00027

BY: ADM

DATE: 6/23/98

CREATED ON 2-1-94

BY ADM & KKC

MODIFIED DATE

5/5/98 BY ADM

BASE RATE: 4.00 CFS

| OWNER | CLAIMED RATE | ACRES FOUND | FIRST SHARE OF BASE RATE | POTENTIAL SHARE OF BASE RATE | FIRST CUT | 2ND ACRES | 2ND SHARE | POTENTIAL SHARE OF REMAINING | SECOND CUT | PRELIM RATE | RATE PER ACRE |
|-----------------|--------------|-------------|--------------------------|------------------------------|-----------|-----------|-----------|------------------------------|------------|-------------|---------------|
| R71-00027A USFS | 0.16 | 9.6 | 3.38 | 0.134 | | 9.6 | 3.38 | 0.134 | 0.134 | 0.134 | 0.014 |
| R71-00027B WELP | 4.00 | 277.5 | 96.78 | 3.866 | | 277.5 | 96.78 | 3.866 | 3.866 | 3.866 | 0.014 |

0.13

3.87

| SUMS | 4.16 | 287.1 | 100.08 | 4.000 | 0.000 | 287.1 | 100.08 | 4.000 | 4.000 | 4.000 |
|-----------------------------|------|-------|--------|-------|-------|-------|--------|-------|-------|-------|
| FIRST ITERATION BALANCE | | | | | | | | | | |
| NOT ALLOCATED ==> 4.000 CFS | | | | | | | | | | |

TOTAL POTENTIAL
ALLOCATED RATE
BEFORE HUBBLE ==> 4.000 CFS

BALANCE NOT
ALLOCATED ==> 0.000 CFS

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:45:55
06/15/98
54
CLAIM NUMBER: A71-00027A

LAST: US DEPT OF AGRICULTURE
ADDRESS: FOREST SERVICE
550 W FORT STREET
PO BOX 33C

FIRST:

CITY: BOISE

STATE: ID ZIP: 83724

PHONE NUMBER:

OWNER CODE: K

LAST: USFS

FIRST:

ADDRESS:

CITY: X

STATE: ID ZIP: 0

PHONE NUMBER:

OWNER CODE: K

LAST: AMERICA ACTING THROUGH
ADDRESS: USDA FOREST SERVICE
550 W FORT STREET
PO BOX 33C

FIRST: UNITED STATES OF

CITY: BOISE

STATE: ID ZIP: 83724

PHONE NUMBER:

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE

VERIFICATION REQUIRED DUE TO REMARKS?

Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN FOREST SERVICE RECORD ID = 04, 14, 17060201 59 0083
ACQUIRED PORTION OF DECREE, 71-00027.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____ - ____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____ - ____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

| | | |
|--|---------------------------|------------------|
| A. AJ CLAIM: # A71-00027A | PRIORITY DATE: 06-01-1902 | STAGE: D |
| B. WR RECORD: # 71-00027 | PRIORITY DATE: 06-01-1902 | STAGE: D |
| C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? | | Y() N() |
| D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? | | Y() N() |
| E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) | | Y() N() |
| F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS? | | |
| PROOF OF BENEFICIAL USE SUBMITTED | | N/A() Y() N() |
| FIELD EXAM COMPLETED | | N/A() Y() N() |
| FIELD EXAM SENT TO STATE OFFICE | | N/A() Y() N() |
| LICENSE ISSUED | | N/A() Y() N() |
| * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED. | | |
| G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED? | | N/A() Y() N() |
| * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE. | | |
| H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? | | Y() N() |

NOTES: _____

=====

RECOMMENDED PRIORITY DATE: _____

06-01-1902

REVIEWED BY _____ DATE _____

| RIGHT | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD
FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-------|-----------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
|-------|-----------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|

COUNTY

CUSTER

HR RECORDS IN SAME 40 ACRE TRACT

74 0007E

71-00025
71-00036

71-00026

TRIB: VALLEY CREEK

| RIGHT | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD
FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-------|-----------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|
|-------|-----------|------|-----|-----|-----|-----|-------------|--------|----------------|------------------|

| COUNTY | CUSTER |
|--------|--------|
|--------|--------|

AJ CLAIMS IN SAME 40 ACRE TRACT

R PREFIX

A71-00025A

R71-00025B

A71-00025B

A71-00026

A71-00026A
A71-00027

A71-10628

A71-10726

TRIB: VALLEY CREEK

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

N/A() Y() N()

$$Y(\underline{\quad}) N(\underline{\quad})$$

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD | FLAG | COUNTY | DIVERSION NAME | DIVERSION NBR |
|------|------|------|-----|-----|-----|-----|-----|------|--------|----------------|---------------|
| 10N | 13E | 7 | | SE | NE | | | | CUSTER | | |

SOURCE: IRON CREEK

TRIB: VALLEY CREEK

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

A. ROOT WATER RIGHT NUMBERS:

A71-00027
A71-00027A

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|---|-------------------|-----------------|-----------------|----------------|------------------|
| 10N | 13E | 5 | SW | SE | | AMERICA ACTING THROUGH, UNITEDA71-00027A / 13.0 | - | - | | | 41.0 |
| | | | SW | SE | | WELP, THEODORE M | A71-00026 / 15.0 | 71-00026 / | | | |
| | | | SW | SE | | WELP, THEODORE M | A71-00027 / 15.0 | 71-00027 / | | | |
| | | | SW | SE | | US DEPT OF AGRICULTURE | A71-00026A / 13.0 | - | | | |
| | | | SW | SE | | GIFFEN, HOWARD A | A71-10138 / | - | | | |
| | | | SW | SE | | OCAMICA, TOM J | A71-10628 / 15.0 | - | | | |
| | | | SW | SE | | GIFFEN, DOROTHY | 71-10138 / | - | | | |
| | | | SW | SE | | GIFFEN, DOROTHY | A71-10139 / 15.0 | - | | | |
| | | | SW | SE | | GIFFEN, DOROTHY | 71-07175 / 11.0 | 71-02009 / 30.0 | | | |
| | | | SW | SE | | HAWKINS, G. P. | | | | | |

ADDITIONAL POU FOUND

| | | | |
|-------------|------------|--------------------|-------|
| TOTAL ACRES | A71-00027A | 13.00 | 41.00 |
| | | POU COUNTY: CUSTER | |

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------|--------------------------------|-----------|----------------|-----------|----------------|
| A71-00027A | IRON CREEK | AMERICA ACTING THROUGH, UNITED | 0.163 | 0.012 | | |
| A71-00026 | IRON CREEK | WELP, THEODORE M | 3.000 | 0.010 | | |
| A71-00026A | IRON CREEK | US DEPT OF AGRICULTURE | 0.120 | 0.009 | | |
| A71-00027 | IRON CREEK | WELP, THEODORE M | 4.000 | 0.013 | | |
| A71-10139 | IRON CREEK | GIFFEN, DOROTHY | 0.300 | 0.020 | | |
| A71-10628 | IRON CREEK | OCAMICA, TOM J | 7.000 | 0.025 | | |

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|----------|------------------|---------------------|-----------|--------|
| A71-10138 | DOMESTIC | GIFFEN, HOWARD A | FROM 01-01 TO 12-31 | 0.040 CFS | |
| 71-10138 | DOMESTIC | GIFFEN, DOROTHY | FROM 01-01 TO 12-31 | 0.040 CFS | |

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

A. AJ CLAIMED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A71-00027A IRRIGATION | FROM 05-01 TO 09-30 | 0.163 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 0.163 CFS | |

B. WR RECORDED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 71-00027 IRRIGATION | FROM TO | 4.000 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 4.000 CFS | |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.163 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.000 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

E. FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()
IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = _____ AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

| REC.
PURPOSE OF USE | REC. PERIOD | | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|------------------------|-------------|-------|----------------------------|-----------------------|--------------------------|
| | FROM | TO | | | |
| IRRIGATION | 05-01 | 09-30 | DATABASE EXAMINER
0.163 | DATABASE EXAMINER | DATABASE EXAMINER
0.0 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| TOTAL FOR THIS RIGHT | | | 0.163 | | 0.0 |

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____ ACCEPTED AS CLAIMED _____
FORFEIT/ABANDON _____ () ()
ADDITIONAL DIV. AMOUNT _____ () ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00027
TOTAL DIVERSION RATE OF WR SPLITS 4.000

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| 71-00027 | A71-00027 | 4.000 | - | - | 71-00027 | 4.000 |
| - | A71-00027A | 0.163 | - | - | - | - |
| TOTAL CFS | | | | | | 4.163 |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DIVERSION RATE REVIEW

FIELD EXAMINER

DIVERSION RATE

4.000

NOTES:

=====

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

=====

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

| | | | |
|---------------------------------------|--------------------|-------------|-----------|
| () ORTHOPHOTOQUAD | DATE OF PHOTO | IDWR ID NO. | Y() N() |
| () TOPOGRAPHIC | DATE FIELD CHECKED | IDWR ID NO. | Y() N() |
| () MAP | DATE OF PHOTO | IDWR ID NO. | Y() N() |
| () ASCS AERIAL PHOTO | DATE OF PHOTO | | Y() N() |
| () ASCS COLOR SLIDE | DATE OF PHOTO | | Y() N() |
| () BLM OR USFS AERIAL PHOTO | DATE OF PHOTO | | Y() N() |
| () TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY | | Y() N() |
| () SCS SOIL SURVEY MAP | DATE ISSUED | | Y() N() |
| () SUBDIVISION PLAT MAP | DATE OF MAP | | Y() N() |
| () OTHER | DATE | | Y() N() |
| () OTHER | DATE | | Y() N() |
| () OTHER | DATE | | Y() N() |

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

| | | | |
|-----------------------------------|-------------------------|--|--|
| () LICENSING FIELD EXAM | DATE OF FIELD EXAM | | |
| () WATER RIGHT LICENSE | DATE LICENSE SIGNED | | |
| () IDWR APPROVED TRANSFER | DATE TRANSFER APPROVED | | |
| () SYSTEM DESCRIPTION | DATE DRAWN | | |
| () PHOTOGRAPHS | DATE(S) PHOTOS TAKEN | | |
| () SPLIT RIGHT REVIEW | DATE REVIEW COMPLETED | | |
| () HUBBLE ANALYSIS | DATE ANALYSIS COMPLETED | | |
| () CONVEYANCE LOSS ANALYSIS | DATE ANALYSIS COMPLETED | | |
| () FLOW MEASUREMENT CALCULATIONS | DATE SYSTEM MEASURED | | |
| () OTHER | DATE | | |
| () OTHER | DATE | | |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:45:55
06/15/98
69
CLAIM NUMBER: A71-00027A

| MR ELEMENT | DATA DISCREPANCY
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | ELEMENT
DOCUMENTED
WHOM/DATE | COMPLETED
REVIEW
WHOM/DATE | COMPLETED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|---------------------------|-------------------------|---|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE | | | | | | | | |
| POINT OF DIV | | | | | | | | |
| SOURCE | | | | | | | | |
| PLACE OF USE | Y | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | | | | | |
| CONSUMPTIVE USE | - | | | | | | | |
| PURPOSES OF USE | | | | | | | | |
| PERIOD OF USE | Y | | | | | | | |
| BASIS OF CLAIM | Y | | | | | | | |
| REMARKS | Y | | | | | | | |

BARCODE UPDATED
WHOM/DATE

70

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---|---|------------------|-----------------------------|-----------------------|-----------------------|---------------------|
| C | UNITED STATES OF AMERICA ACTING THROUGH | 06/01/1902 | IRRIGATION | 05-01 09-30 | 0.16 CFS | |
| TOTAL DIVERSION: | | | | | 0.16 CFS | |
| Water Source: IRON CREEK | | | | | | |
| Tributary to: VALLEY CREEK | | | | | | |
| Stage: DECREEED | | | | | | |
| Point(s) of Diversion: T10N R13E S07 SENE CUSTER County | | | | | | |
| Place of use Legal Description for: IRRIGATION | | | | | | |
| NE NW SW SE | | | | | | |
| T | NENE NENE SENE | : | NENW NWNW SWNW SENW | : | MESW NMSW SMSW SESW | : |
| R | S : Lt Ac Lt Ac Lt Ac Lt Ac | : | S : Lt Ac Lt Ac Lt Ac Lt Ac | : | NESE NMESE SMESE SESE | : |
| S | : | : | : | : | : | : |
| 10N 13E | : | : | : | : | : | : |
| S | : | : | : | : | : | : |
| TOTAL ACRES | | | | | 13 | 13.0 |
| TOTAL ACRES | | | | | 13.0 | 13.0 |