

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: A71-00033B
Date Received: 11/30/1989
Receipt No: C013908
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRED HUMPHREYS 208-375-6940
Address: 1919 S PHILLIPI
BOISE, ID 83705
AND
Name: ERNEST DAY 208-375-6940
Address: 1919 S PHILLIPI
BOISE, ID 83705

2. Date of Priority: MAY 21, 1918

3. Source: FOURTH OF JULY CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	3	SW	SW	NW	R	CUSTER
			SE	SE	SW	I	CUSTER
		10	SW	NW	NE	R	CUSTER
		12	SW	NE	NE		CUSTER

5. Description of diverting works:
HEADGATE & DITCH, PIPELINE TO FISHER CREEK, HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.900		

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

8. Total consumptive use is 90.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A71-00033B

Page 1

Date: 01/10/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	14E	32	SE	NE		IRR	10.0
						Section Acres	10.0
		33	NW	SW		IRR	20.0
			SW	SW		IRR	10.0
			SE	SW		IRR	5.0
						Section Acres	35.0
						Total Acres	45.0

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:
71-00028, 71-00029, 71-00036, 71-00035

14. Remarks:
DECREED WATER RIGHTS FROM FISHER CREEK ARE ONLY AVAILABLE FOR
EARLY IRRIGATION SEASON (SPRING AND EARLY SUMMER). FOURTH OF
JULY CREEK WATER IS MAIN WATER SUPPLY FOR IRRIGATION OF PART OF
33-9N-14E IN SUMMER AND FALL. APPLICANTS' LAND IS GRAVELLY AND
POROUS AND REQUIRES MORE THAN 1 MINERS INCH/ACRE/SEASON.

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

DAN J. CAVANAGH
Decree Plaintiff

vs

WM. MERRITT, ET AL.
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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Humphreys/Day CLAIM IDENT. NO. A 71-00033E

DATE RECEIVED 1-10-90 CK # _____ AMOUNT \$ _____

- | | YES | NO | Require Info? |
|--|-------------------------------------|--------------------------|---------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | | | |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Claim checked by: [Signature] Date: 1-10-90

Claim must be returned to claimant: (Yes) ☐ (No) ☒

Claimant must be notified of modifications: (Yes) ☐ (No) ☒

Receipt Prepared by: [Signature] Date: 1-18-90
Claim data entered by: [Signature] Date: 1-18-90 Checked by: _____ Date: _____
Sent to claimant by: _____

Comments: _____

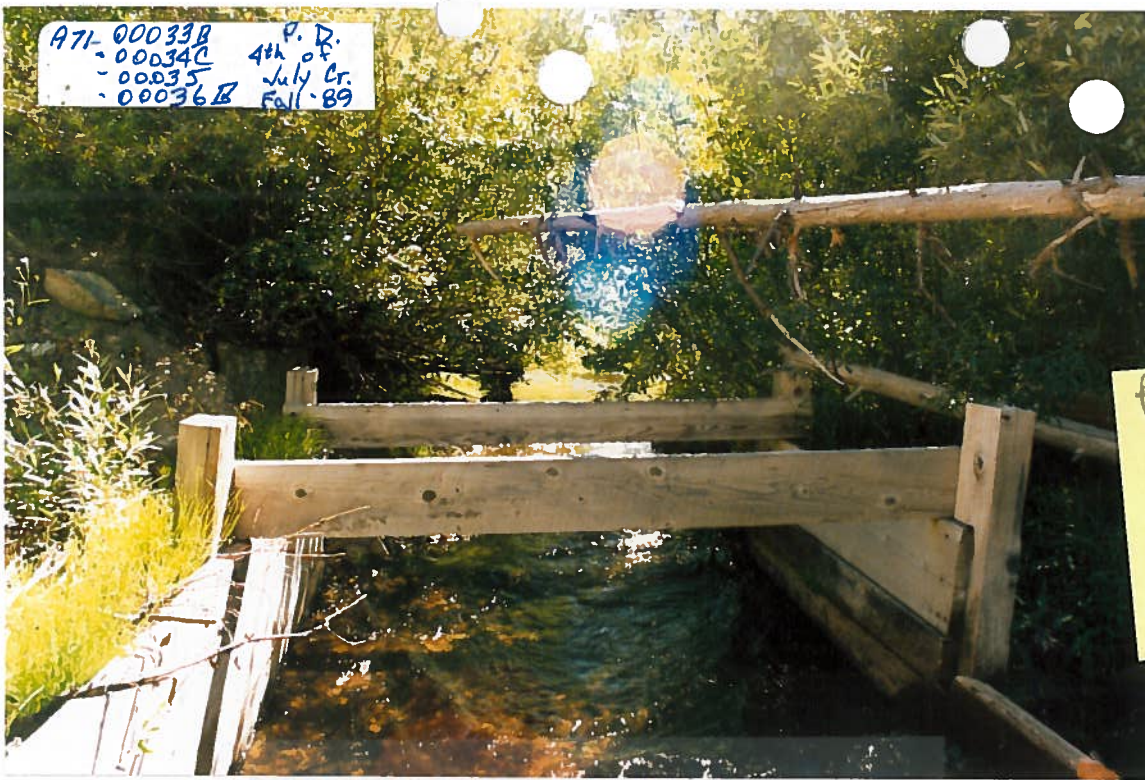
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D P-
 4th JULY CREEK
 DITCH to Fisher Cr
 (Rt), Ditch to
 White Cloud Sub. & Baseys

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P.D.
4th of JULY
CREEK.



DP
4th of JULY
CREEK

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MAR 17 1993

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

COPY

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 471-00033BDate Received 1-10-90Receipt Number CO/3908

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FRED HUMPHREYS/ERNEST DAY Phone (208) 375-6946Mailing Address 1919 S. PHILLIPS, BOISE, ID Zip 837052. Date of Priority (Only one (1) per claim) 5/21/883. Source of water supply (a) FOURTH OF JULY CREEK
which is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township 8N Range 14E Section 12,#1) SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of CLUSTER#2) Additional points of diversion if any: TWP. 8N, R. 14E, SECT 10 - SWNW 1/4

b. If instream flow, beginning point of claimed instream flow is:

POINT OF INJECTION INTO FISHER CREEKTownship 9N Range 14E Section 3, SE 1/4 of SE 1/4 of SW 1/4,Govt. Lot _____ B.M., County of CLUSTER#3) ending point is: Township 8N Range 14E Section 3, SW 1/4 of SW 1/4 of
NW 1/4, Govt. Lot _____ B.M., County of CLUSTER5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.#1) WOOD HEADGATE - 6' WIDE AND IS DIVERTED INTO MAN MADE DITCH. WATER FLOW
MEASURED 8/16/89 (SEASONAL LOW FLOW) 7" DEEP, 2 FT/SEC.#2) CONCRETE PIPE - APPROX 12" IN DIAMETER - DIVERTED TO FISHER CREEK.#3) WOOD HEADGATE - 3.5' WIDE AND IS DIVERTED INTO MAN MADE DITCH. WATER FLOW
MEASURED 8/16/89 (SEASONAL LOW FLOW) 10" DEEP, 2 FT/SECOND

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 4/15 to 10/5 amount 9 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 9 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 90 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) N/A

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
9N	14E	33										20	10	5					35
9N	14E	32				10													10

Total number of acres irrigated 45 ac

11. In which county (ies) are lands listed above as place of use located? CUSTER

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

WATER RIGHTS FROM FISHER CREEK - 71-00028 AND 71-00029, or None ()
FOURTH OF JULY CREEK - 71-00034, 71-00035,

14. Remarks:

DECREED WATER RIGHTS FROM FISHER CREEK ARE ONLY AVAILABLE FOR
EARLY IRRIGATION SEASON (SPRING AND EARLY SUMMER) FOURTH OF JULY CREEK
WATER IS MAIN WATER SUPPLY FOR IRRIGATION OF PART OF 33-9N-14
IN SUMMER AND FALL. APPLICANT'S LAND IS GRAVELLY AND POROUS AND
REQUIRES MORE THAN 1 INCHES INCH/ACRE/SEASON

Last Name HOWARD / DAY Ident No. _____

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Copies: White-State, Yellow-Claimant
MAR 17 1993

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

TWP	RNG	SEC	If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR); the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.																													
10	10	10																														

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ Consent ☒ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number 71-00033

Court SIXTH JUDICIAL DISTRICT Case Number 1363 Decree Date _____

Plaintiff vs Defendant CAVANAGH vs MURPHY

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

Signature of Claimant (s) ✓ [Signature]

Date 12-5-89

Date 29 Dec 1989

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 9th day of JANUARY 19 90

SEAL

Notary Public Margie W. Emery

Residing at BOISE, IDAHO

My Commission Expires 1-22-91

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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Copies White-State, Yellow-Claimant
MAR 17 1993

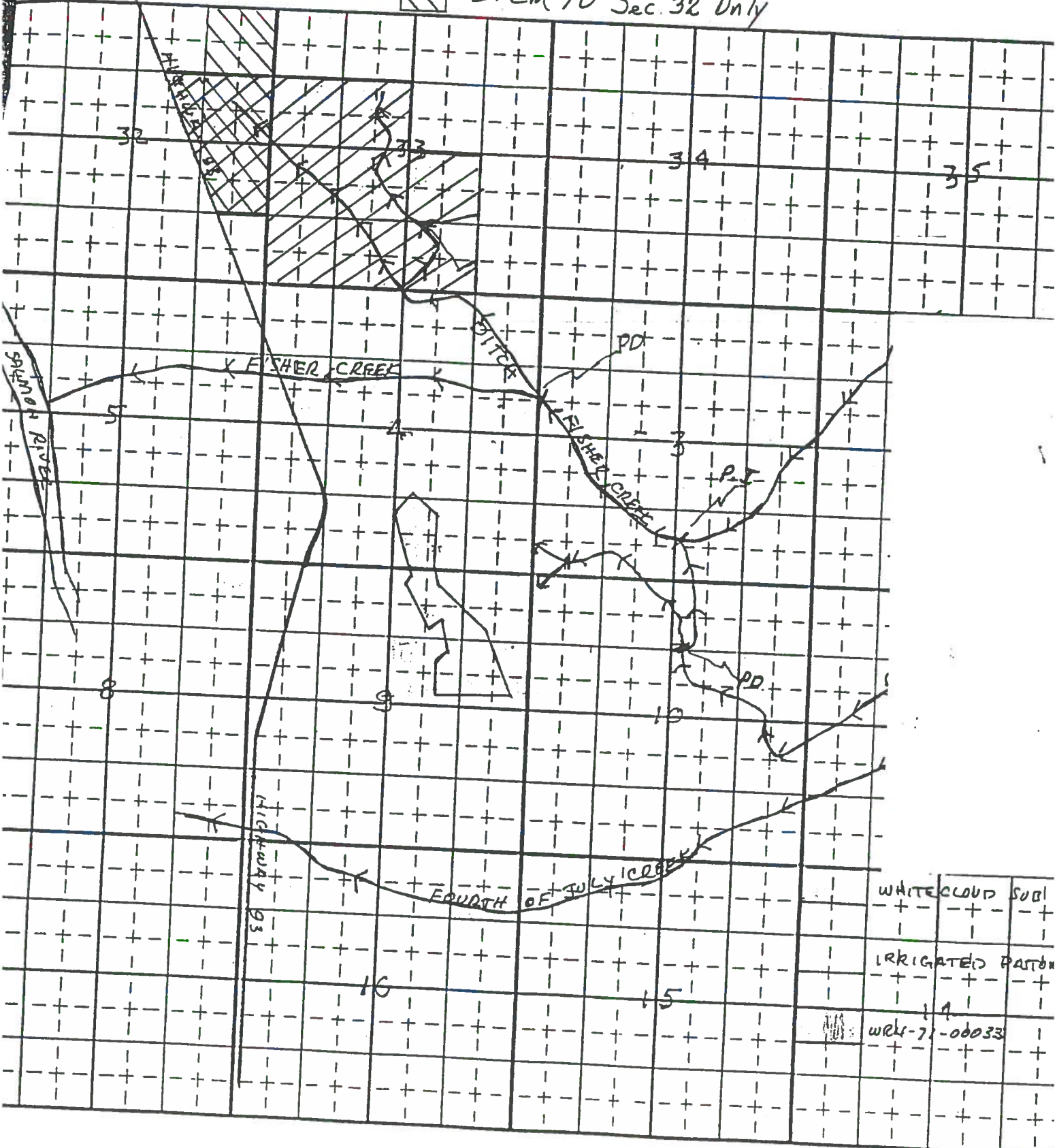
Project: show clearly the place of diversion, place of use, section number, township, and range number.

Scale 2 inches equals 1 mile



Map

Item 10 Sec. 32 Only



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MAR 17 1993

ast Name HUMPHREYS

Ident No. _____

Copies: White-State, Yellow-Claims:nt



A71-00033B 4th July Cr.
-00035 Ph. Enj.
-00036B info
Fall 89 Fisher Cr.

4th JULY CREEK
WATER POINT OF INJECTION
FISHER CREEK



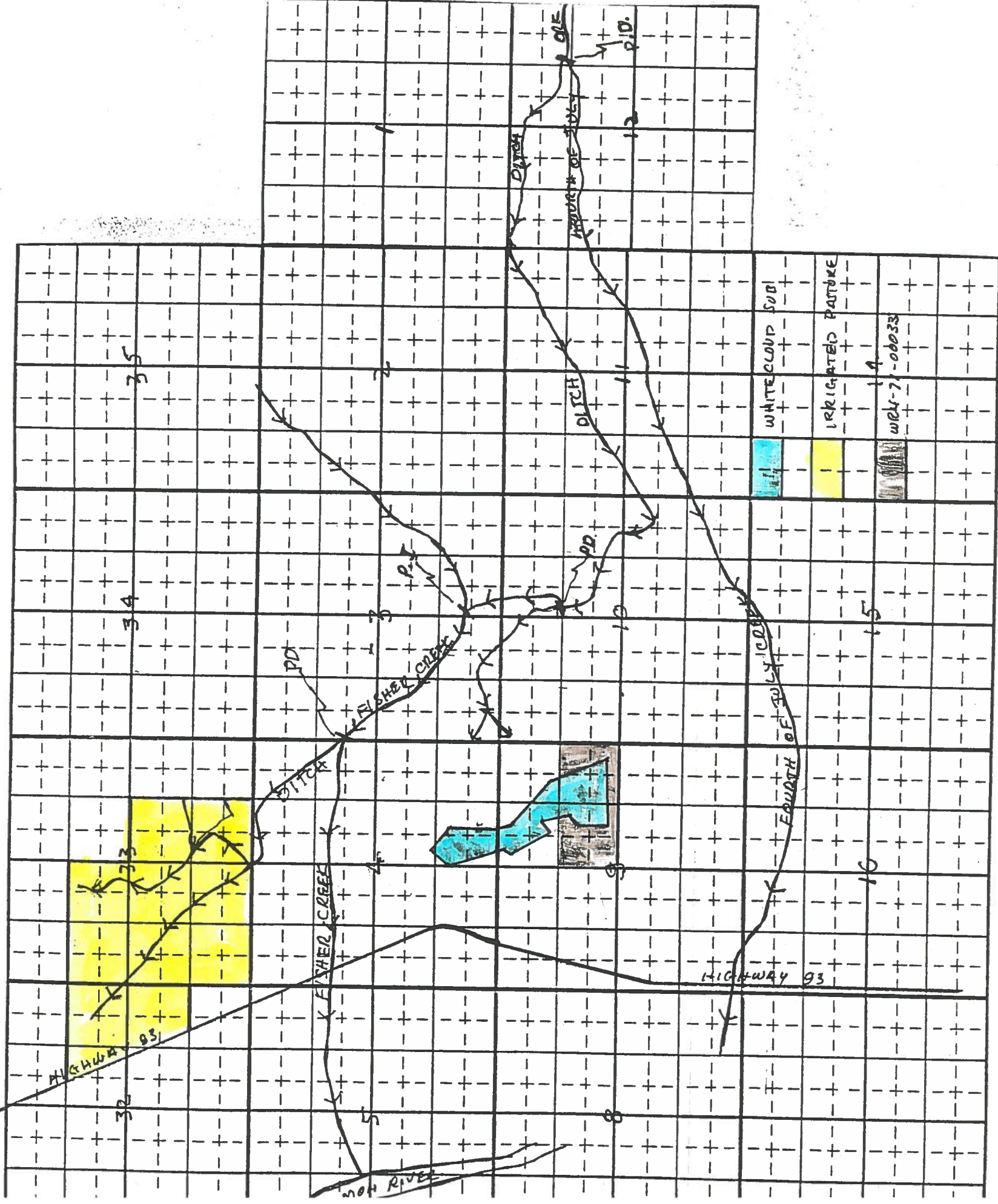
A71-00033B Ini. Ph
-00035 4th July Cr
-00036B To
Fall 89 Fisher Cr

4th JULY CREEK
WATER - POINT OF
INJECTION -
FISHER CREEK.

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Map of Project: show clearly the point or diversion, place of use, section number, ... nlp, and range number.

Scale 2 inches equals 1 mile



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MAD 4 7 1002

act Name

1/09/91

C013908

\$ 917

#	\$ Hump hreys / Day	Acres	
71-00028	\$ 260	210 #	
71-00029	50	113	Same as 260
71-00035	207	150	
71-00033B	50	45	
71-00034C	125	75	
71-00036B	50	120	
71-02085	50	57	same as 260
71-10191	\$ 25 -		Ranch 5.32133 267. Whitecloud 75
71-10192	25 -		Total Ac. \$ 342 Flat-Irr: \$ 400 D&S : \$ 175 <u>\$ 917</u>
71-10193	25 -		
4	25 -		
5	25 -		
6	25 -		
71-07000	25 -		
71-10197	50	20	
	<u>\$ 917</u>		

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LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	14E	4					000340										15		15
		9														5	20	15	20
9N	14E	33					00035	31	20	37	24		18	20					150
9N	14E	33					0003613	11		31	20		40			18			120
9N	14E	32				10	00028												10
		33						37	24	31	40	10	40			18			200
9N	14E	33					00029		24	31	20		20			18			113
9N	14E	32				10	0003313												10
		33										20	10	5					35
9N	14E	32	36		7		020658								11				54
		33						3											3
9N	14E	33					10197			5	10					5			20
8N	14E	4														15			15
		9														5	20	15	20
9N	14E	32	36		10	10									11	7			14
		33						31	20	40	5	10	40	10	40	5	18		

Total number of acres irrigated _____



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 11, 1991

Mark W. Richey
207 W. Washington
Boise, ID 83702-5992

RE: Snake River Basin Adjudication (SRBA)
Custer County - #A71-00028, -00029, -00033B
-00034C, -00035, -00036B, -02085B, -07000,
and -10191 through -10197
Humphrey-Day Claims

Dear Mark,

With an embarrassed apology for the time delay, I have enclosed the copies of the claims submitted by your clients for the properties near the Salmon River. The claims will be held until the investigation of claims in the sub-basin commences.

Using one of the maps submitted with the claims, I have attached a revised map depicting the difference between the claim map and the legal descriptions in Item #10 of the claims. You will see in Section 32, the NE1/4 NE1/4 is described in Item #10, while the NW1/4 SE1/4 is excluded. On the map, the cross-hatchings do not reflect approximate acreage within the tract; merely the tract is covered. Mark, I've pointed this out simply to inform you of the matter. The claims will be investigated and the problem resolved at that time.

Thank you for your patience and assistance in the filing of these claims. If I can be of further help to you in this or other matters, please feel free to contact me.

Regards,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state:southern

Enclosures:

Yellow Copies of Above Claims
Copy of Revised Map

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MAR 17 1993

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

RECEIVED

AUG 30 1999

Department of Water Resources

**SPECIAL POWER OF ATTORNEY
(WATER RIGHTS)**

I, W. MICHAEL HUMPHREYS, individually and as trustee of THE HUMPHREYS TRUST, designate and appoint JAMES P. SPECK, of Blaine County, Idaho, as my attorney in fact and agent (subsequently called "Agent") to act in my name and for my benefit for the specific purposes stated herein only. I grant to my Agent full power and authority to do everything necessary in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my Agent shall lawfully do or cause to be done by virtue of this Special Power of Attorney and the powers herein granted.

1. SPECIFIC GRANT OF POWER. My agent shall have power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, RELATING ONLY TO the preparation and filing of applications for permits to or transfers of water rights, or claims to water rights, with the Idaho Department of Water Resources.

2. REVOCABILITY. This Special Power of Attorney is revocable, provided, that insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my Agent and delivered to such person or institution.

3. INTERPRETATION. This instrument is to be construed and interpreted as a Special Power of Attorney and shall be limited in accordance herewith.

4. DISABILITY OF PRINCIPAL. This Special Power of Attorney shall not be affected by disability of the principal.

5. THIRD-PARTY RELIANCE. Third parties may rely upon the representations of the Agent as to all matters relating to any power granted to my Agent, and no person who may act in reliance upon the representations of the Agent or the authority granted to my Agent shall incur any liability to us or our estates as a result of permitting the Agent to exercise any power.

6. GOVERNING LAW. This Special Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

7. COUNTERPARTS. This Special Power of Attorney may be executed in counterparts. Each executed counterpart of this Special Power of Attorney shall have the force and effect of this original.

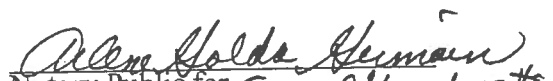
IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26th day of April, 1999.


W. MICHAEL HUMPHREYS

STATE OF Massachusetts)
) ss.
County of Essex)

On this 26th day of April, 1999, before me, the undersigned notary public in and for said state, personally appeared W. MICHAEL HUMPHREYS, known to me to be the person whose name is subscribed to the within Special Power of Attorney, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.


Notary Public for Com. of Massachusetts
Residing at: Swampscott, MA
Commission expires 4/6/01

ALAN LANCE
Attorney General

SARA C. DENNISTON
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900
Fax: (208) 327-5400

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 Claimant	)	Subcase Nos. 71-00033B, 71-00034C,
	)	71-00035C, and 71-00036B
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF DAVID R.
	)	TUTHILL, JR. SUBMITTING
	)	SUPPLEMENTAL DIRECTOR'S
	)	REPORT
	)	
	)	

STATE OF IDAHO)
) ss.
County of Ada)

David R. Tuthill, Jr., being first duly sworn, deposes and states as follows:

1. My name is David R. Tuthill, Jr. I am the Adjudication Bureau Chief for the Idaho Department of Water Resources (IDWR).
2. My work address is Idaho Department of Water Resources (IDWR), 1301 North Orchard, Boise, Idaho 83706. I reside in Boise, Idaho.
3. My educational background includes a Bachelor of Science degree in agricultural engineering from Colorado State University at Fort Collins, Colorado, in 1974, and a Master of Science degree in civil engineering from the University of Colorado at Boulder, Colorado, in

1975. I have also attended and presented papers at numerous seminars on water rights investigation and administration.

4. I have been registered as a professional engineer in Idaho since 1979.

5. I have worked for IDWR for 22 years in the following positions respectively: Adjudication Section Supervisor; Payette Adjudication Supervisor; Water Allocation Section Supervisor; Regional Office Manager of IDWR's Western Regional Office; and currently as Adjudication Bureau Chief. In these positions I have investigated hundreds of water rights, including reviewing their descriptions in decrees, licenses and permits. I have supervised the distribution of water to water right holders and resolved disputes between competing water users. I have extensive first-hand knowledge of how water rights for a variety of uses interact with other water rights from the same source. I have extensive first-hand experience with the difficulty of resolving disputes between water right holders when the water use under a right is not adequately described.

6. I am familiar with the factual and legal basis for IDWR's policy regarding its recommendation of quantity, irrigated acreage, and remarks relating to specific elements of water rights.

7. I have either personal knowledge of the facts I testify to in this Affidavit, or they are available to me from IDWR records and personnel, and are the type of facts or data that are regularly and customarily considered by experts in the field of water use and water right investigation and administration to be a reasonable basis to form an opinion about such water use or water right.

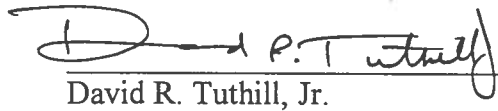
8. I adopt as my testimony and incorporate in this Affidavit the Legal Principles and the Conclusions portions of the Supplemental Director's Report Regarding Claim to Water Right

Nos. 71-00033B, 71-00034C, 71-00035C, and 71-00036B dated October 6, 1999, attached to this Affidavit as Exhibit 1.

9. Attachments B and C to Exhibit 1 are printed color copies representing shape files in IDWR's Geographical Information System database. These printed copies are the type of data regularly and customarily considered by experts in the field of water use and water right investigation and administration to be a reasonable basis to assist in forming an opinion about such water use or water right.

10. In Exhibit 1, I set forth my factual understanding of the law which underlies my opinion on behalf of IDWR regarding its description of specific elements of water right numbers 71-00033B, 71-00034C, 71-00035C, and 71-00036B. To the extent, if any, these statements are inaccurate as a matter of fact, the opinions expressed in my report may change.

Dated this 6th day of October, 1999


David R. Tuthill, Jr.

SUBSCRIBED AND SWORN before me this 6th day of October, 1999

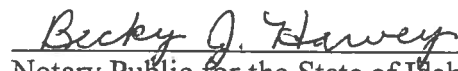

Notary Public for the State of Idaho
Residing at: Boise
My commission expires: 2/25/2003

EXHIBIT 1

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING CLAIMS
TO WATER RIGHT NOS. 71-00033B, 71-00034C, 71-00035C, and 71-00036B**

In Re SRBA
Twin Falls County Civil Case No. 39576
Subcase Nos. 71-00033B, 71-00034C, 71-00035C, and 71-00036B

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill Jr., Adjudication Bureau Chief

October 6, 1999

The Director of the Idaho Department of Water Resources (IDWR) submits this Supplemental Director's Report Regarding Claims to Water Right Nos. 71-00033B, 71-00034C, 71-00035C and 71-00036B in accordance with Idaho Code § 42-1412(4) and Administrative Order 1. This supplemental director's report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill, Jr., Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

Allen Merritt, Regional Manager, IDWR Southern Region investigated claim numbers 71-00033B, 71-00034C, 71-00035C and 71-00036B and prepared the recommendations for these claims and helped to prepare this Supplemental Report.

Doug Jones, Regional Supervisor, IDWR Southern Region helped to prepare this Supplemental Report.

LEGAL PRINCIPLES UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBERS 71-00033B, 71-00034C, 71-00035C and 71-00036B

IDWR's recommendations of the water rights are based upon its application of the following legal principles. These principles are not described for purposes of legal argument, but simply for the purpose of describing the basis of IDWR's recommendations for these water rights. If IDWR's understanding of these principles is erroneous or inaccurate, the conclusions reached in this report may change.

1. Beneficial use is the basis, measure and extent of any water right.
2. The description of the beneficial use is the description of the water right.
3. Because beneficial use is the basis, measure and extent of any water right, a water right holder is entitled to irrigate only those lands on which water has been historically put to beneficial use pursuant to that water right.
4. Because beneficial use is the basis, measure and extent of any water right, a water right holder is entitled to use only that quantity of water that has been put to beneficial use on those lands historically irrigated pursuant to that water right.
5. Previous decrees are evidence of the elements of a water right; however, a previous decree is not conclusive.
6. If a previous decree does not describe all of the elements of a water right required in section 42-1409, Idaho Code, the director shall include in the Director's Report recommendations for those elements not defined by the prior decrees based upon the extent of beneficial use of the water right as of the date of the commencement of an adjudication.
7. A water right will be considered abandoned or forfeited to the extent that it has not been beneficially used for five or more years.

**FACTUAL FINDINGS UNDERLYING RECOMMENDATION OF
WATER RIGHT NUMBER 71-00033B, 71-00034C, 71-00035C and 71-00036B**

I. Basis of Claims

A. Water right number 71-00033B was claimed as being based on the Cavanagh v. Merritt decree. Water right number 71-00033 was decreed to Mr. and Mrs. Geyer McVey and Merton and Emma McVey with a priority date of 5/21/1918, for 0.9 cfs with a place of use in the south half of the northeast quarter of section 9, T8N, R14E, B.M. The decree did not specify the number of acres in the place of use. The Cavanagh v. Merritt decree is attached as Attachment A.

B. Water Right number 71-00034C was claimed as being based on the Cavanagh v. Merritt decree. Water right number 71-00034 was decreed to Mr. and Mrs. Geyer McVey and Merton and Emma McVey with a priority date of 2/27/1919 for 1.5 cfs with a place of use in the north half of the northeast quarter of section 9, T8N, R14E, B.M. The decree did not specify the number of acres in the place of use.

C. Water right number 71-00035C was claimed as being based on the Cavanagh v. Merritt decree. Water right number 71-00035 was decreed to Mr. and Mrs. Geyer McVey and Merton and Emma McVey with a priority date of 4/19/1919 for 3 cfs with a place of use in the southeast quarter of section 4, T8N, R14E, B.M. The decree did not specify the number of acres in the place of use.

D. Water Right number 71-00036B was claimed as being based on the Cavanagh v. Merritt decree. Water right number 71-00036 was decreed to Mr. and Mrs. Geyer McVey and Merton and Emma McVey with a priority date of 7/11/1922 for 2.4 cfs with a place of use in the east half of the southwest quarter of section 9, T8N, R14E, B.M. The decree did not specify the number of acres in the place of use.

II. Investigation of Water Right Numbers 71-00033B

This report addresses those elements of water right number 71-00033B that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage), quantity of water, and point of diversion.

A. Place of Use (Irrigated Acreage)

1. IDWR recommended a total of 2.1 irrigated acres under water right number 71-00033B. IDWR recommended this acreage based on the following:

a. The claim for water right number 71-00033B was filed for the entire water right decreed under 71-00033 in the Cavanagh v. Merritt decree. Claim number 71-00033B was claimed with a place of use within the Humphreys/Day ranch north of Fisher Creek which is not within the decreed place of use under water right 71-00033. Humphreys and Day claimed the decreed right apparently on the theory that they or their predecessors in

title at one time owned the decreed place of use in the Whitecloud Subdivision, and later perfected an accomplished transfer of that decreed right from the Whitecloud Subdivision to the Humphreys/Day ranch.

b. The individuals who currently own portions of the decreed place of use also filed SRBA claims to pro rata shares of water right number 71-00033 as decreed in the Cavanagh v. Merritt decree. Mr. Merritt investigated these claims and recommended the decreed rights to the individual claimants still owning the decreed places of use. During the summer of 1993 Mr. Merritt reviewed deeds in the Custer County Courthouse for the places of used claimed by claimants of the waters of Fisher Creek and Fourth of July Creek and in particular for those claimants who now own the decreed places of use for right 71-00033. No reservation of water rights was found in any of the deeds. Mr. Merritt also conducted field exams of these claims during the summer of 1993 and found that lands were irrigated within the original decreed places of use for right 71-00033. Therefore, Mr. Merritt determined that any water use on the Humphreys/Day ranch did not reflect an accomplished transfer of the rights decreed under Cavanagh v. Merritt. This water use was recommended as a beneficial use right under water right number 71-10763.

d. Humphreys and Day still own a portion of the decreed place of use for water right 71-00033. Therefore, Mr. Merritt investigated their claim as a claim to those portions of the decreed place of use still owned by Humphreys and Day. He recommended a pro rata share of the decreed rights to Humphreys and Day. IDWR recommended four water rights under decreed water right number 71-00033. Each claimant was given a portion of the decreed right based on land ownership and irrigated acreage within the original decreed place of use. The places of use for those rights were recommended as follows:

71-00033A	Mary Mitchell	9.5 acres
71-00033B	Humphreys/Day	2.1 acres
71-00033C	Stahl Trust	24.2 acres
71-00033E	Margaret Braniff	7.4 acres
Total		43.2 acres

e. On 7/27/93 and other dates in 1993 Allen Merritt, IDWR Regional Manager, visited the site of the original tracts covered by decree 71-00033 and observed irrigated lands. He observed that the claimants owned and irrigated a lot within the Whitecloud Subdivision in the decreed place of use.

f. Following the field examinations, Mr. Merritt confirmed the existence and location of the irrigated parcels found during the field examination using 8/8/1988 NAPP photograph number 437-22 which shows areas irrigated and not irrigated, orthophoto quadrangle map V70, copies of plats of ownership in the area and color aerial photography obtained from the USFS dated 8/28/1972.

c. Mr. Merritt determined the size of the irrigated parcels by using GIS technology. IDWR therefore recommends 2.1 acres as irrigated under water right number 71-00033B

for the lands owned by Humphreys/Day which continue to be irrigated within the original tracts decreed under 71-00033.

8. Attachment B attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-00033B, as well as 71-00034C. It is based on 8/8/1988 NAPP photograph No. 437-22.

B. Quantity of Water

1. The quantity of water claimed under water right number 71-00033B was .9 cfs.
2. IDWR recommended .05 cfs under this right. The quantity recommended was determined as follows:
 - a. Mr. Merritt recommended a pro rata portion of the decreed water right 71-00033 to each claimant who claimed a portion of the decreed right, according to the number of irrigated acres held by each claimant within the original decreed tracts of land. IDWR determined that acreage irrigated under water right number 71-00033B totaled 2.1 acres. This resulted in a pro rata share of .05 cfs. The recommendations on the other claims to decreed right 71-00033 are as follows:

71-00033A	Mary Mitchell	0.23 cfs
71-00033B	Humphreys/Day	0.05 cfs
71-00033C	Stahl Trust	0.51 cfs
71-00033E	Margaret Braniff	<u>0.11 cfs</u>
	Total	0.90 cfs

C. Point of Diversion

1. IDWR recommended the point of diversion as, SWNENE section 12, T08N, R14E, B.M. This recommendation was made based on the following:
 - a. On 6/30/93 and again on 7/27/1993, Allen Merritt, IDWR Regional Manager, conducted field examinations in the area and observed the point of diversion delivering water from Fisher Creek (SWSWNW Section 3, T08N, R14E) to the Humphreys/Day ranch north of Fisher Creek, as well as serving another adjacent ranch. During the field exams water was also observed being diverted from Fourth of July Creek (SWNENE Section 12, T08N, R14E) and being conveyed through a common ditch serving the other claimant of rights 71-00033, 71-00034, 71-00035 and 71-00036. This ditch also transports water to Fisher Creek. The south fork of this ditch serves the various users on the plateau between Fisher Creek and Fourth of July Creek and the north fork injects water into Fisher Creek. The point of the injection (NESESW Section 3, T08N, R14E) of Fourth of July Creek water into Fisher Creek is upstream of the Fisher Creek diversion serving the Humphreys/Day ranch north of Fisher Creek. Since this right is only being recommended for the Humphreys/Day land on top of the plateau, the only point of diversion serving these lands is the point located within the SWNENE Section 12, T08N,

R14E. This diversion delivers the waters of Fourth of July Creek into a common ditch that serves the plateau area between Fisher Creek and Fourth of July Creek and provides water to the Humphreys/Day ranch north of Fisher Creek.

b. The locations of the points of diversion and point of injection were confirmed using USGS orthophoto quad map V70, and later using GIS technology, NAPP photo nos. 437-22 (8-8-1987) and 441-137 (8-22-1988).

III. Investigation of Water Right Number 71-00034C

A. Place of Use (Irrigated Acreage)

1. Humphreys and Day claimed a 75 acre place of use under water right number 71-00034C. The claimed place of use is partially on the Whitecloud Subdivision, but not within the place of use decreed in the Cavanagh v. Merritt decree under water right number 71-00034. Apparently, Humphreys and Day claimed this place of use on the theory that they or their predecessors in title previously owned the decreed place of use in the Whitecloud Subdivision and later perfected an accomplished transfer of the entire right to the claimed place of use.

3. During the summer of 1993 Allen Merritt conducted field exams for numerous claims for the waters of Fisher Creek and Fourth of July Creek including those of Humphreys/Day. As part of the investigation deeds were reviewed in the Custer County Courthouse for the claimants of the waters of Fisher Creek and Fourth of July Creek and in particular for the competing claimants for decreed right number 71-00034. No reservation of water rights was found in any of the deeds.

4. The field exams made during the summer of 1993 found that lands were irrigated within the original decreed places of use for water right 71-00034.

5. IDWR recommended a total of 2.6 irrigated acres under water right number 71-00034C. IDWR recommended this acreage based on the following:

a. On 7/27/93 and other dates in 1993 Mr. Merritt visited the site of the original tracts covered by decree 71-00034 and observed irrigated lands. He observed that the claimants owned and irrigated a lot within the Whitecloud Subdivision. The lot he found irrigated was not claimed under 71-00034C, or under any other claim. However, this lot was within the place of use decreed under 71-00034. Therefore, Mr. Merritt concluded that the claimants were entitled to a portion of decreed right 71-00034 and recommended the lot he found irrigated as the place of use for 71-00034C.

b. Following the field examinations, Mr. Merritt confirmed the existence and location of the irrigated parcels found during the field examination using 8/8/1988 NAPP Photograph number 437-22 which shows areas irrigated and not irrigated, orthophoto quadrangle map V70, copies of plats of ownership in the area and color aerial photography obtained from the USFS dated 8/28/1972.

c. IDWR recommended seven water rights under decreed water right number 71-00034. Each claimant was given a portion of the decreed right based on land ownership and irrigated acreage within the original decreed place of use as follows:

71-00034A	Alma Marie Osborn	14.5 acres
71-00034B	Charlotte Stanford	9.2 acres
71-00034C	Humphreys/Day	2.6 acres
71-00034D	J Robb Brady	118.9 acres
71-00034E	Stahl Trust	24.2 acres
71-00034F	Winston Lauder	1.5 acres
71-00034G	Margaret Braniff	<u>7.4 acres</u>
	Total	178.3 acres

d. IDWR therefore recommends 2.6 acres as irrigated under water right number 71-00034C for the lands owned by Humphreys/Day which continue to be irrigated within the original tracts decreed under 71-00034.

7. Attachment B, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-00034C, as well as 71-00033B. It is based on 8/8/1988 NAPP photograph No. 437-22.

B. Quantity of Water

1. The quantity of water claimed under water right number 71-00034C was 1.5 cfs.

2. IDWR recommended .11 cfs under this right. The quantity recommended was determined as follows:

a. Mr. Merritt recommended a pro rata portion of the decreed water right 71-00034 to each claimant who claimed a portion of the decreed right, according to the number of irrigated acres held by each claimant within the original decreed tracts of land. As mentioned above, IDWR determined that acreage irrigated under water right number 71-00033B totaled 2.6 acres. This resulted in a pro rata share of .11 cfs. The recommendations on the other claims to decreed right 71-00034 are as follows:

71-00034A	Alma Marie Osborn	0.42 cfs
71-00034B	Charlotte Stanford	0.26 cfs
71-00034C	Humphreys/Day	0.11 cfs
71-00034D	J Robb Brady	0.22 cfs
71-00034E	Stahl Trust	0.31 cfs
71-00034F	Winston Lauder	0.06 cfs
71-00034G	Margaret Braniff	<u>0.12 cfs</u>
	Total	1.50 cfs

IV. Investigation of Water Right Numbers 71-00035C and 71-00036B

This report addresses those elements of water right numbers 71-00035C and 71-00036B that are in dispute. IDWR understands the dispute to be over all elements of the water right due to IDWR's recommendation that the water right be disallowed.

A. Analysis

1. The claims for water right numbers 71-00035C and 71-00036B were filed for the entire water rights decreed under 71-00035 and 71-00036 in the Cavanagh v. Merritt decree. Claim numbers 71-00035C and 71-00036B were claimed with a place of use within the Humphreys/Day ranch north of Fisher Creek which is not within the decreed place of use under water right 71-00035 or 71-00036. Humphreys and Day claimed the decreed right apparently on the theory that they or their predecessors in title at one time owned the decreed place of use in the Whitecloud Subdivision, and later perfected an accomplished transfer of that decreed right from the Whitecloud Subdivision to the Humphreys/Day ranch. Humphreys and Day do not own any portion of the original decreed place of use.

2. The individuals who currently own portions of the decreed places of use also filed SRBA claims to portions of water right numbers 71-00035 and 71-00036 as decreed in the Cavanagh v. Merritt decree. Mr. Merritt investigated these claims and recommended the decreed rights to the individual claimants still owning the decreed places of use. During the summer of 1993 Allen Merritt investigated numerous claims for the waters of Fisher Creek and Fourth of July Creek including those of Humphreys/Day. As part of the investigation deeds for the places of use claimed under water right numbers 71-00035 and 71-00036 were reviewed in the Custer County Courthouse. No reservation of water rights was found in any of the deeds. Mr. Merritt also conducted field exams of the claims under decreed rights 71-00035 and 71-00036 in the summer of 1993. The field exams found that lands were irrigated within the original decreed places of use for rights 71-00035 and 71-00036 and the decreed right was recommended to current owners of the decreed places of use under water right numbers 71-00035A, 71-00036A, and 71-00036C. Therefore, Mr. Merritt determined that any water use on the Humphreys/Day ranch did not reflect an accomplished transfer of the rights decreed under Cavanagh v. Merritt. Therefore, IDWR disallowed the water rights claimed under number 71-00035C and 71-00036B. IDWR recommended the water use claimed under water right claims 71-00035C and 71-00036B as a beneficial use right under water right number 71-10763.

CONCLUSIONS

Based on the foregoing legal principles and factual findings, IDWR has determined that its recommendations for claim to water right numbers 71-00033B, 71-00034C, 71-00035C and 71-00036B as represented in Attachment C are accurate and should be so recommended by the Special Master.

ATTACHMENT A

①

71-B

No. 1363
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER.

DAN J. CAVANAGH,

Plaintiff,

vs.

Wm. Merritt and Sadie L. Merritt, husband
and wife; Garner Warner (same person as
Garner W. Warner) and Marty Merritt Warner,
husband and wife; Rupert Leslie Niece and
Benda Critchfield Niece, husband and wife;
Andrew Critchfield, a single man; Barney
Lanier and Nellie Merritt Lanier, husband
and wife, and John Brown,

Defendants.

MARJORIE L. SHAW,

Intervenor,

vs.

Wm. Merritt and Sadie L. Merritt, husband
and wife; Garner Warner (same person as
Garner W. Warner) and Marty Merritt Warner,
husband and wife; Andrew Critchfield, a single
man; Barney Lanier and Nellie Merritt Lanier,
husband and wife; Dan J. Cavanagh and Mrs. Dan
J. Cavanagh, husband and wife; Geyer M. McVey
and Mrs. Geyer M. McVey, husband and wife; and
Merton O. McVey and Emma McVey, husband and wife,

Defendants.

and

John H. Thompson and Josephine Thompson, husband
and wife; Kathryn H. Huntington, a widow; Ben
Darrah and Mattie V. Darrah, husband and wife; M.
Bar M. Inc., a corporation; Melvin Chivers and
Stella Chivers, husband and wife; William Chivers
and Estelle Chivers, husband and wife; Roy Chivers
and Elizabeth Chivers, husband and wife; Mike Gini
and Emma Gini, husband and wife; Frank Oster and
Beatrice Oster, husband and wife; Pete Piva and
Louisa Piva, husband and wife; Theodore Cameron, a
bachelor; Cosette L. Peters, a widow; William Paul
and Lillian Paul, husband and wife; and Arthur
Silva and Hattie I. Silva, husband and wife,

Intervenors.

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Department of Reclamation

DE C R E E

MICROFILMED

This cause came on regularly for trial on the 10th day of October,
1939, Chase A. Clark and John L. Bloem appearing as attorneys for plaintiff,
and A. F. James, as attorney for defendants, and Merle L. Drake, J. Wesley
Holden and Harry Holden, as attorneys for John H. Thompson and Josephine

MICROFILMED
JUL 24 1996

Thompson, husband and wife; Kathryn H. Huntington, a widow; Ben Darrah and Mattie V. Darrah, husband and wife; M. Bar M. Inc., a corporation; Melvin Chivers and Stella Chivers, husband and wife; William Chivers and Estelle Chivers, husband and wife; Roy Chivers and Elizabeth Chivers, husband and wife; Mike Gini and Emma Gini, husband and wife; Frank Oster and Beatrice Oster, husband and wife; Pete Piva and Louisa Piva, husband and wife; Theodore Cameron, a bachelor; Cosette L. Peters, a widow; William Paul and Lillian Paul, husband and wife; and Arthur Silva and Hattie I. Silva, husband and wife; and Parry & Thoman, as attorneys for Geyer M. McVey and Mrs. Geyer McVey, husband and wife and Merton O. McVey and Emma McVey, husband and wife; and A. F. James, attorney for intervenor, Marjorie L. Shaw, and it appearing to the court that all the parties hereto and all the parties interested in the determination of this action have appeared by counsel, and it appearing to the court that respective counsel had heretofore made and filed their stipulation that the allegations in plaintiff's complaint, defendants' cross-complaint and complaints in intervention, and cross-complaint to complaint in intervention were true and correct except to those matters as changed by stipulations of the parties filed herein, and by said stipulations it having been agreed that the pleadings should be deemed amended in accordance with said stipulations and the attorneys and all the parties having waived the findings of fact and conclusions of law, and the matter having finally been submitted to the court for its decision, and the stipulations on file herein appearing to be fair and equitable and the matter having been finally submitted to the court for its decision;

It is hereby ORDERED, ADJUDGED AND DECREED:

1. That the pleadings be deemed amended to conform with the stipulations filed herein.

2. That the respective parties to this action are entitled to the uninterrupted use of the flow of the waters of the streams described in the pleadings and stipulations on file herein for their respective lands mentioned and described in said pleadings and stipulations as hereinafter described and appurtenant to said land as hereinafter specified in the following amounts and from the following dates, to-wit:

That Dan J. Cavanagh is the owner of, and entitled to the possession of the following described lands situated in the County of Custer, State of Idaho, to-wit:

TRACT #1

The South Half of the Southeast Quarter of Section 4; the East Half of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; the West Half of the Northeast Quarter; the Northeast Quarter of the Northeast Quarter of Section 9; the East Half of the East Half of Section 8; and the West Half of the West Half of Section 9, all in Township 10 north, Range 13, East Boise Meridian, containing 640 acres, more or less.

EXCEPTING THE FOLLOWING:

(A) Commencing at the Section corner of Sections 3, 4, 9 and 10, in Township 10 North, Range 13, East Boise Meridian and running West 409 feet, on section line between sections 4 and 9, to Stake #1, the beginning of this description; thence North 300 feet to corner Stake #2; thence West 501 feet to corner stake #3; thence South 750 feet to corner stake #4; thence East 150 feet to corner #5; thence North 450 feet to corner stake #6; thence east along section line between sections 4 and 9, 351 feet, to the point of beginning, containing 5 acres, lying in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9 and SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 4, Twp. 10 N. R. 13 E. B. Also the following

JUL 24 1996

described lots in the Townsite of Stanley, which is situated in said NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; Lots 1, 2, 4, 5, 6, 7, 8 and 9 in Block 1; Lots 7, 8, 11 and 12, in Block 2; Lots 1, 2, 3, 4, 5, 8, 10, 11 and 12 in Block 3; Lots 1, 7, 8, 9, 11 and 12 in Block 4; Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 5; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, in Block 6.

(B) Also, as per judgment in Book 3 of Judgments at page 172, for right of way, described as follows, to-wit: A strip of land 50 feet in width and 217 feet in length, being 25 feet on each side of the following described center line; Beginning at a point 35.5 feet North and 1320 feet West of the SE corner of Sec. 4, Twp. 10 N. R. 13 E. B. M., thence South 81° 13' East, 217 feet to a point 2.4 feet North and 1105.5 feet West of SE corner, Sec. 4, Twp. 10 N. R. 13 E. B. M., containing 0.25 acres, situated in Custer County, Idaho.

TRACT #2

Lot 10, Sec. 3; the Southeast Quarter of the Southwest Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter, of Section 9; Lots 2, 3 and 6, in Section 10, all in Township 10 North, Range 13, East Boise Meridian, containing 339.40 acres, more or less.

EXCEPTING THE FOLLOWING:

(A) Beginning at a point 178 feet South of a point 933.5 feet east, more or less, of the NW corner of Section 10, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence South 8° 30' W. 264 feet to corner #2; thence South 58° 30' East, 638 feet, to corner #3; thence North 10° 51' East, 548 feet, to corner #4; thence North 9° 06' East 225 feet, to corner #5; thence South 75° 36' West, 665 feet, more or less, to corner #1;

(B) Beginning at a point which bears South 3° 20' West 448.75 feet from a point 934.64 feet, more or less, due East of the NW corner of Sec. 10, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence South 28° 17' East 937.25 feet to corner #2; thence North 9° 38' East, 507.95 feet to corner #3; thence North 58° 30' West 621.05 feet to corner #1, the place of beginning;

(C) Beginning at a point 1578.84 feet East, more or less, on Section line from SW corner of Sec. 3, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence North 8° 52' East, 1320 feet, to corner #2; thence West 49.5 feet to corner #3; thence South 8° 52' West, 1320 feet to corner #4; thence East 49.5 feet to corner #1, the place of beginning;

(D) Beginning at a point 1653.39 feet East of Section line of NW corner of Lot 2, Sec. 10, Twp. 10 N. R. 13 E. B. M., thence South 10° 25' West 1237.91 feet to the intersection at this point of the west bank of the Salmon River and the right of way of the Stanley-Banks-Clayton Highway, in Lot 2, of Sec. 10, Twp. 10 N. R. 13 E. B. M., thence in a northeasterly direction along the river bank to meander corner between Sections 3 and 10, thence West 106.6 feet to corner #1, the place of beginning.

(E) Beginning at a point 1653.39 feet, more or less, East on Section line between Section 10 and Section 3, Twp. 10 N. R. 13, E. B. M., said point being corner #1, thence North 7° 55' East, 200 feet to corner #2; thence East 87 feet, to West bank of Salmon River; thence Southerly along bank to meander corner between Sections 3 and 10; thence West 106.6 feet to point of beginning, said tract lying wholly in Lot 10, Sec. 3, Twp. 10 N., R. 13 E. B. M.

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TRACT #3

The Northeast Quarter of the Northwest Quarter; the West Half of the Northeast Quarter; and the Northwest Quarter of the Southeast Quarter of Section 8, Township 10 North, Range 13, East Boise Meridian, in Idaho, containing 160 acres, more or less.

TRACT #54

The South Half of the Southwest Quarter of Section 4; and the East Half of the Southeast Quarter of Section 5 in Township 10 North, Range 13 East Boise Meridian, in Idaho, containing 160 acres, more or less.

The North Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter; the Northwest Quarter of the Northeast Quarter; the Northwest Quarter of the Southeast Quarter; and the East Half of the Southeast Quarter of Section 16; Lot 6 of Section 15; and the East Half of the Northeast Quarter, and the East Half of the Southeast Quarter of Section 17, all in Township 10 North, Range 13, East Boise Meridian, containing 470.53 acres, more or less.

71 0003

And appurtenant to said land he is entitled to 240 miner's inches or (4.8 cubic feet per second) of time of the waters of Valley Creek with date of priority May 1, 1939, and with points of diversion from said Valley Creek at a point located in approximately the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 10 North, Range 13 E. B. M., and a point located in approximately the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, Township 10 North, Range 13, E. B. M.

71 0004 71 0005

And, he is also entitled to 100 miner's inches or (2.0 cubic feet per second) of time of the waters of Meadow Creek with date of priority June 1, 1910; and 320 miner's inches or (6.4 cubic feet per second) of time of the waters of Meadow Creek with date of priority July 1, 1910, with points of diversion from Meadow Creek, at a point approximately South 49° 43' West 2733 feet from quarter corner common to Sections 17 and 20 in Township 10 North, Range 13 E. B. M., and also with point of diversion approximately North 71° 55' West 1458 feet from quarter corner common to Sections 16, 17, 20 and 21, Township 10 North, Range 13 E. B. M.; 71 0007

71 0006 71 0008

And that he is entitled to 320 miner's inches or (6.4 cubic feet per second) of time of the waters of Goat Creek with date of priority May 1, 1902; and that he is entitled to 320 miner's inches (Or 6.4 cubic feet per second) of time of the waters of Goat Creek with date of priority June 1, 1902; and that he is entitled to 160/Inches 8r (3.2 cubic feet per second) of time of the waters of Goat Creek with date of priority July 1, 1902; and that he is entitled to 400 miner's inches or (8.0 cubic feet per second) of time of the waters of Goat Creek with date of priority August 1, 1902; and that he is entitled to 320 miner's inches or (6.4 cubic feet per second) of time of the waters of Goat Creek with date of priority September 1, 1902; with points of diversion from Goat Creek at a point located approximately North 26° 14' East 1313 feet from quarter corner common to Sections 8 and 17 Township 10 North, Range 13 E. B. M., and also with point of diversion South 89° 45' West 900 feet from the quarter corner common to Sections 8 and 9, Township 10 North, Range 13 E. B. M., and also with points of diversion approximately South 55° 34' West 1939 feet from quarter corner common to Sections 8 and 17, Township 10 North, Range 13 E. B. M., and also with points of diversion approximately North 85° 35' West 1219 feet from quarter corner common to Sections 8 and 9; Township 10 North, Range 13 E. B. M., also point of diversion from said creek approximately South 8° 3' East 3413 feet from quarter corner common to Sections 5 and 8, Township 10 North, Range 13 E. B. M.

71 0011

That he, Dan J. Cavanagh, plaintiff herein, is entitled to 160 miner's inches or (3.2 cubic feet per second) of time of the waters of Iron

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71 0012

Creek with date of priority May 1, 1902, and he is also entitled to 400 miner's inches or (8.0 cubic feet per second) of time of the waters of said Iron Creek with date of priority June 1, 1902; that he is also entitled to 600 miner's inches or 12.0 cubic feet per second of time of the waters of said Iron Creek with date of priority July 1, 1902, and with points of diversion from said Iron Creek for said rights at approximately North 33° 27' East 1450 feet from quarter corner common to Sections 5 and 8, Township 10 North, Range 13 E. B. M., and also points of diversion from said creek at a point approximately South 61° 47' West 1836 feet from quarter corner common to sections 5 and 8, Township 10 North, Range 13 E. B. M. All of said rights being appurtenant to the lands as hereinbefore described.

That the defendants, Wm. Merritt and Sadie F. Merritt are the owners of, and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 10 North, Range 13 E. B. M.

71 0014 And appurtenant to said land they are entitled to 80 miner's inches or 1.6 cubic feet per second of time of the waters of Meadow Creek with date of priority May 1, 1910 and 160 miner's inches or 3.2 cubic feet per second of time of the waters of Meadow Creek with date of priority July 1, 1910, and with points of diversion near the center of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, and in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 10 North, Range 13 E.B.M.

And appurtenant to said land they are entitled to 40 miner's inches or .8 cubic feet per second of time of the waters of Goat Creek with date of priority May 1, 1902, and with points of diversion from what is known as the Merritt-Cavanagh-Warner ditch in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 10 North, Range 13 E. B. M.

That the defendants, Garner Warner (same person as Garner W. Warner) and Sadie Merritt Warner, are the owners of, and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 10 North, Range 13 E. B. M.

71 0017

And appurtenant to said lands they are entitled to 25 miner's inches or .5 cubic feet per second of time of the waters of Meadow Creek with date of priority May 1, 1910, and 100 miner's inches or 2.0 cubic feet per second of time of the waters of Meadow Creek with date of priority July 1, 1910, with points of diversion near the center of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, and in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 10 North, Range 13 E. B. M.; and in SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and in SE $\frac{1}{4}$ NW $\frac{1}{4}$ all in Sec. 20, Twp. 10 N. R. 13 E. B. M.

That the defendants, Barney Lanier and Nellie Merritt Lanier are the owners of and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 10 North, Range 13 E. B. M., SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 10 North, Range 13 E. B. M.

71 0019

And appurtenant to said lands they are entitled to 45 miner's inches or .9 cubic feet per second of time of the waters of Goat Creek with date of priority May 1, 1902, and 75 miner's inches or 1.5 cubic feet per second of time of the waters of Goat Creek with date of priority June 1, 1902, and 120 miner's inches or 2.4 cubic feet per second of time of the waters of Goat Creek with date of priority August 1, 1902, and with two points of diversion, one of which is the Merritt-Cavanagh-Lanier diversion point above described, and the other shortly below said diversion point, both, however, in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Twp. 10 N. R. 13 E. B. M.

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That the defendant, Andrew Critchfield is the owner of and entitled to the possession of the following described land situated in Custer County, State of Idaho, to-wit:

SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 8, Twp. 10 N. R. 13 E. B. M.

71. 0022 And appurtenant to said lands he is entitled to 25 miner's inches or .5 cubic feet per second of time of the waters of Goat Creek with date of priority May 1, 1902 and 15 miner's inches or .3 cubic feet per second of time of the waters of Goat Creek with date of priority June 1, 1902, and 100 miner's inches or 2.0 cubic feet per second of time of the waters of Goat Creek with date of priority August 1, 1902, and with points of diversion from Goat Creek near the south central part of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8, Township 10 North, Range 13 E. B. M., and southwest of such diversion point located in the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 10 North, Range 13 E. B. M.

71. 0025 And appurtenant to said lands he is entitled to 100 miner's inches or 2.0 cubic feet per second of time of the waters of Iron Creek with date of priority June 1, 1902, and with points of diversion from Iron Creek in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7, Township 10 North, Range 13 E. B. M.

That the defendant John Brown is the owner of and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, all of Section 5, Township 10 North, Range 13 E. B. M.

71. 0026 And appurtenant to said lands he is entitled to 150 miner's inches (or 3.0 cubic feet per second of time) of the waters of Iron Creek with date of priority May 1, 1902, and 200 miner's inches (or 4.0 cubic feet per second of time) of the waters of Iron Creek with date of priority June 1, 1902, and with points of diversion from Iron Creek in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7, Township 10 North, Range 13 E. B. M.

That Intervenor Marjorie L. Shaw is the owner of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, of Section 33, and S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 32, Township 9 North, Range 14 E. B. M.

71. 0028 And appurtenant to said lands she is entitled to 210 miner's inches (or 4.2 cubic feet per second of time) of the waters of Fisher Creek with date of priority June 9, 1908, and 112.50 miner's inches (or 2.25 cubic feet per second of time) of the waters of Fisher Creek with date of priority March 22, 1910, with point of diversion near the south line of Lot 3 of Section 4, Township 8 North, Range 14 E. B. M.

That defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey, and Merton O. McVey and Emma McVey are the owners of and entitled to the possession of the following described land situated in Custer County, State of Idaho, to-wit:

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, and the N $\frac{1}{2}$ of Section 4, Township 8 North, Range 14 E. B. M.

71. 0030

And appurtenant to said lands they are entitled to 70 miner's inches (or 1.4 cubic feet per second of time) of the waters of Fisher Creek with date of priority June 9, 1908, and 37.50 miner's inches (or .75 cubic feet per second of time) of the waters of Fisher Creek with date of priority March 22, 1910, and they are the owners and holders of a valid and subsisting permit for the diversion of 350 miner's inches (or 7 cubic feet per second of time) of the waters of Fisher Creek with date of priority January 30, 1939, and with points of diversion from Fisher Creek as follows: Point 1: On the east line of NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3. Point 2: In the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4. Point 3: In the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4. Point 4: On the south line of Lot 3, of Section 4. Said sections 3 and 4 being in Township 8 North, Range 14 E. B. M.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey, and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described land situated in Custer County, State of Idaho, to-wit:

$S\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 9, Township 8 North, Range 14 E. B. M.

71 0033 And appurtenant to said lands they are entitled to 45 miner's inches (or .9 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority May 21, 1918.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey, and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 9, Township 8 North, Range 14 E. B. M.

71 0034 And appurtenant to said lands they are entitled to 75 miner's inches (or 1.5 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority February 27, 1919.

That the defendants in intervention, Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$SE\frac{1}{4}$ of Section 4, Township 8 North, Range 14 E. B. M.

71 0035 And appurtenant to said lands they are entitled to 150 miner's inches (or 3 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority April 19, 1919.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 4, and $E\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 9 in Township 8 North, Range 14 E. B. M.

71 0036 And appurtenant to said lands they are entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority July 11, 1922.

That the point at which the waters of Fourth of July Creek in the preceding sections decreed to said defendants in intervention are diverted from said stream is approximately in the southwest corner of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 12, Township 8 North, Range 14 E. B. M.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$SW\frac{1}{4}$ of $NW\frac{1}{4}$, and $NW\frac{1}{4}SW\frac{1}{4}$, of Section 3, and the $N\frac{1}{2}$ of Section 4, Township 8 North, Range 14 E. B. M.

71 0037 And appurtenant to said lands they are entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority April 19, 1919.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3; the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 4; the NE $\frac{1}{4}$, and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 9, all in Township 8 North, Range 14 E. B. M.

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~~71 0038~~ And appurtenant to said lands they own and hold a valid and subsisting permit for the diversion of 800 miner's inches (or 16 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority January 30, 1939.

That the point at which the water available under the rights decreed to said defendants in intervention under the two preceding sections is diverted from Fourth of July Creek is approximately in the southwest corner of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12, Township 8 North, Range 14 E. B. M.; that if such water is used for the irrigation of lands lying under and susceptible of irrigation from Fisher Creek, it shall be conveyed into Fisher Creek above the lands of said parties and taken out of said creek at the diversion points of said parties for Fisher Creek water provided in the part of this decree relating to the waters of Fisher Creek.

That the defendants John H. Thompson and Josephine Thompson are the owners of and entitled to the possession of the following described lands situated in the County of Custer, State of Idaho, to-wit:

H. E. Survey No. 109, embracing a portion of Sections eleven and twelve in Township 11 North of Range 12, E. B. M., Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the corner to Sections 1, 2, 11 and 12 in said township bears north three minutes west seventeen and thirteen-hundredths chains distant; thence south forty-seven degrees nineteen minutes east twenty-three and ninety four hundredths chains to corner No. 2; thence South forty-two degrees thirty-six minutes west twenty-five and eighty-seven hundredths chains to corner No. 3; thence south forty-two degrees thirty-six minutes west nine and sixty-nine hundredths chains to corner No. 4; thence north forty-seven degrees twenty-six minutes west forty-four and eighty-nine hundredths chains to corner No. 5; thence, north forty-two degrees thirty-seven minutes east thirty-five and sixty-two hundredths chains to corner No. 6; thence, south forty-seven degrees nineteen minutes east twenty and ninety-three hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and ninety-five hundredths acres, according to the official plat of the survey of said land returned to the General Land Office by the Surveyor-General;

~~71 0039~~ And appurtenant to said lands they are entitled to 60 miner's inches (or 1.2 cubic feet per second of time) of the waters of McGowan Creek, a tributary of Valley Creek, with date of priority June 1, 1904, and with a point of diversion from said McGowan Creek at a point located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 11 North, Range 12 E. B. M.; and they are also entitled to 180 miner's inches (or 3.6 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1912, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12 E. B. M.

John H. Thompson and Josephine Thompson are the owners of and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

H. E. Survey No. 270, embracing a portion of Sections two, ten and eleven in Township 11 North of Range 12 East of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, identical with the corner to said Sections 2, 10, and 11, thence south forty-six degrees twenty-six minutes west eleven and twenty-five hundredths chains to corner No. 2; thence south sixty degrees twenty minutes east nine and forty-hundredths chains to corner No. 3; thence south sixty degrees, twenty minutes east forty-two and six hundredths chains to corner No. 4; thence north forty-two degrees thirty-seven minutes east thirty-two and eight hundredths chains to corner No. 5; thence, north sixty-two degrees, fifteen minutes west twenty and seventy-six hundredths chains to corner No. 6; thence, north fifty-nine degrees

fourteen minutes west thirty and forty-two hundredths chains to corner No. 7; thence, south forty-one degrees eighteen minutes west twenty and eighty-one hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and forty-one hundredths acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General;

71 6041 And appurtenant to said lands, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Hannah Creek, a tributary of Valley Creek and/or Valley Creek, with date of priority May 1, 1913, and with points of diversion from said Hannah Creek and Valley Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 11 North, Range 12, E. B. M.

John Thompson and Josephine Thompson are the owners of, and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 271, embracing a portion of Section two, three and ten in Township eleven north of Range twelve east of the Boise Meridian, in Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, identical with the corner to said Sections two, three and ten; thence, north forty-one degrees eighteen minutes east twenty and eighty-one hundredths chains to corner No. 2; thence, north eightysix degrees twenty-three minutes west thirteen and seventy-seven hundredths chains to corner No. 3; thence, south seventy-nine degrees thirty-four minutes west thirty-five and sixty-eight hundredths chains to corner No. 4; thence, south forty-two degrees thirty-five minutes west thirteen and sixty-four hundredths chains to corner No. 5; thence, south forty-two degrees thirty-five minutes west fourteen and fifty-one hundredths chains to corner No. 6; thence south forty-two degrees twenty-one minutes east thirty-one and eighty-three hundredths chains to corner No. 7; thence, north forty-two degrees forty-six minutes east thirty-five and fourteen hundredths chains to corner No. 8; thence north forty-six degrees twenty-six minutes east twelve and twenty-hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and eighty-six hundredths acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General.

71 6042 And appurtenant to said land, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek with date of priority May 1, 1914, with point of diversion from Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 11 North, Range 12, E. B. M.

John Thompson and Josephine Thompson are the owners of, and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 274, embracing a portion of Section three in Township eleven north of range twelve, east of the Boise Meridian, in Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the south quarter corner to said Section three bears south eighty-nine degrees fifty-four minutes east, four and twenty-two hundredths chains distant; thence north eighty-nine degrees fifty-four minutes west eleven and twenty-five hundredths chains to corner No. 2; thence, north twenty-nine degrees thirty minutes west twenty-two and sixty-five hundredths chains to corner No. 3; thence, north eighteen degrees thirty minutes west twenty-three and forty-four hundredths chains to corner No. 4;

thence, north sixty-nine degrees eleven minutes east twenty-seven and thirty-seven hundredths chains to corner No. 5; thence, south five degrees twenty-one minutes east thirty-nine and forty-seven hundredths chains to corner No. 6; thence, south seventy-six degrees, thirty-seven minutes east ten and eight hundredths chains to corner No. 7; thence, south forty-two degrees thirty-five minutes west thirteen and sixty-four hundredths chains to corner No. 1, the place of beginning, containing one hundred three and ninety-four hundredths acres, according to the Official Plat of the survey of the said land, returned to the General Land Office by the Surveyor General;

71 0043 And appurtenant to said land, they are entitled to 160 miner's inches (or 3.2 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with a point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, E. B. M.

That Kathryn H. Huntington, a widow, is the owner of, and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

H/ E. Survey No. 577, embracing a portion of Sections thirteen and fourteen in Township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the north corner to said sections thirteen and fourteen, bears north eight minutes east ten and fifty-four hundredths chains distant; thence north fifty-eight degrees thirty-five minutes east eighteen and twenty-two hundredths chains to corner No. 2; thence south sixteen degrees twenty-one minutes east twenty-seven and seventy-three hundredths chains to corner No. 3; thence, south sixteen degrees fifty-three minutes east thirty-five and forty-seven hundredths chains to corner No. 4; thence, south eighty-four degrees fifty-seven minutes west thirty-three and ninety-hundredths chains to corner No. 5; thence, north five degrees twenty-eight minutes west fifty-one and eighteen hundredths chains to corner No. 6; thence, north fifty-eight degrees thirty-five minutes east five and eighty-six hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and ninety-six hundredths acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

71 0044 And appurtenant to said lands she is entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1916, and with point of diversion from said Elk Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, East Boise Meridian.

Ben Darrah and Mattie V. Darrah are the owners of, and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

A Tract of 154.86 acres within the Challis National Forest embraced in H.E.S. #420, list #4-882 in Secs. 11, 12, 13, 14, surveyed T. 11 N. R. 12 E. B. M., more particularly described by metes and bounds as follows: Beginning at corner No. 1, which is the quarter corner common to Secs. 10, 11, 14, 15, T. 11 N., R. 12 E. B. M., which bears W. 36.31 chains distant; thence N. 54 deg. 45' W. 3.22 chains to corner No. 2; thence N. 50 deg. 34' E. 24.57 chains to corner No. 3; thence N. 65 deg. 12' W. 18.68 chains to corner No. 4; thence N. 43 deg. 02' E. 19.05 chains to corner No. 5; thence S. 47 deg. 14' E. 39.04 chains to corner No. 6; thence S. 47 deg. 14' E. 19.68 chains to corner No. 7; thence S. 47 deg. 14' E. 1.49 chains to corner No. 8; thence S. 58 deg. 35' W. 18.22 chains to corner No. 9; thence S. 58 deg. 35' W. 5.86 chains to corner No. 10; thence N. 57 deg. 01' W. 12.02 chains to corner No. 11; thence S. 83 deg. 36' W. 15.03

chains to corner No. 12; thence N. 73 deg. 38' W. 7.65 chains to corner No. 13; thence N. 34 deg. 45' W. 7.83 chains to corner No. 1, the place of beginning containing 154.86 acres.

71 0045 And appurtenant to said land, they are entitled to 150 miner's inches (Or 3 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1914, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, East Boise Meridian; and they are also entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1918, and with point of diversion from said Elk Creek at a point located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B.M.

M. Bar M. Inc., a corporation, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 272, embracing a portion of Sections ten and eleven in Township eleven North of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the north corner to said Sections ten and eleven bears north three minutes west thirteen and forty-one hundredths chains distant; thence south sixty-degrees twenty minutes east fifty-six and sixty-nine hundredths chains to corner No. 2; thence south forty-three degrees three minutes west twenty-three and ninety-three hundredths chains to corner No. 3; thence north sixty degrees three minutes west thirty-eight and two hundredths chains to corner No. 4; thence north sixty-six degrees forty-four minutes west twenty nine and sixty four hundredths chains to corner No. 5; thence north forty-two degrees forty-six minutes east twenty-seven chains to corner No. 6; thence south sixty degrees twenty minutes east ten and eighteen hundredths chains to corner No. 1, the place of beginning containing one hundred fifty-nine and twenty-one hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General;

71 0047 And appurtenant to said lands it is entitled to 180 miner's inches (or 3.6 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1914, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 11 North, Range 12, East Boise Meridian; and it is also entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Elk Creek, a tributary of Valley Creek, with date of priority May 1, 1939, and with point of diversion from said Elk Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, Township 11 North, Range 12, E. B. M.

Melvin Chivers and Stella Chivers, William Chivers and Estelle Chivers, Roy Chivers and Elizabeth Chivers, Mike Gini and Emma Gini, Frank Oster and Beatrice Oster and Pete Piva and Louisa Piva, are the owners and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit :

A tract of 159.02 acres within the Challis National Forest, embraced in Homestead Entry Survey No. 134, List 4-881 in Sections 13 and 24, surveyed township 11 north, range 12 East, and Sections 18 and 19, surveyed township 11 north, Range 13 East, Boise Meridian, more particularly described by metes and bounds as follows: Beginning at corner No. 1 from whence the corner common to Sections 13-24-18 and 19 township 11 north, ranges 12 and 13 east, Boise Meridian bears north 0° 1' west 2.97 chains distant; thence north 82° 16' East 10.54 chains to corner No. 2; thence north 15° 40' west 1.63 chains to corner No. 3; thence north 15° 40' west 37.06 chains to corner No. 4; thence north 15° 40' west 25.17 chains to corner No. 5; thence north 45° 00' west 11.41 chains to corner No. 6; thence south 69° 27' west 17.42 chains to corner No. 7; thence south 16° 15' east 64.38 chains to corner No. 8; thence south 16° 15' east 4.78 chains to corner No. 9; thence north

71 0049 82° 16' east 11.90 chains to corner No. 1, the place of beginning. And appurtenant to said lands, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1904, and with point of diversion from said Valley Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B. M.

Melvin Chivers and Stella Chivers are the owners of, and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 133, embracing a portion of Sections eleven, twelve and thirteen in Township eleven north, Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the quarter corner to said Sections eleven and twelve, bears north three minutes west twelve and thirty-nine hundredths chains distant; thence, north forty-two degrees thirty-six minutes east twenty-three and seven-hundredths chains to corner No. 2; thence, south forty-seven degrees twenty-nine minutes east forty-eight and eighty-seven hundredths chains to corner No. 3; thence south forty-two degrees thirty-six minutes west fifteen and sixty-three hundredths chains to corner No. 4; thence south forty-two degrees and thirty-six minutes west seventeen and ten-hundredths chains to corner No. 5; thence north forty seven degrees twenty-four minutes west eighteen and sixty-seven hundredths chains to corner No. 6; thence north forty-seven degrees twenty four minutes west twenty-one and twenty-six hundredths chains to corner No. 7; thence, north forty-seven degrees twenty-four minutes west eight and ninety-five hundredths chains to corner No. 8; thence north forty-two degrees thirty-six minutes east nine and sixty-nine hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and ninety-five hundredths acres, according to the Official Plat of the Survey of the said land returned to the General Land Office by the Surveyor General;

71 0050 And appurtenant to said lands, they are entitled to 240 miner's inches (4.8 cubic feet per second of time) of the waters of Valley Creek, diverted from said Valley Creek and carried down through the properties now owned by John H. Thompson and Josephine Thompson as hereindescribed, to and upon the said lands of the said Melvin Chivers and Stella Chivers, with date of priority May 1, 1915.

Roy Chivers and Elizabeth Chivers are the owners of, and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 421, embracing a portion of Sections twelve and thirteen in Township eleven north of range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, identical with the east corner to said sections twelve and thirteen; thence, south 9 minutes west four and eighty-three hundredths chains to corner No. 2; thence, south sixty-eight degrees thirty-eight minutes west sixty and three-hundredths chains to corner No. 3; thence, north seventeen degrees twenty-four minutes west twenty-eight and fifteen hundredths chains to corner No. 4; thence, south forty-seven degrees twenty-four minutes east eighteen and sixty-seven hundredths chains to corner No. 5; thence, north forty-two degrees thirty-six minutes east seventeen and one-tenth chains to corner No. 6; thence, north forty-two degrees thirty-six minutes east forty-one and sixty-eight hundredths chains to corner No. 7; thence, south sixty-four degrees twenty-three minutes east twelve chains to corner No. 8; thence, south three minutes east twenty-five and fifty-four hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and eighty-five hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General; JUN 2 4 1906

71 0051 And appurtenant to said lands, they are entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Tennell Creek, a tributary of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Tennell Creek at a point located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 11 North, Range 13 E. B. M., and they are also entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Valley Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B. M.

Theodore Cameron, a single man, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 422, embracing a portion of Sections thirteen, fourteen and twenty-four in Township eleven north of Range twelve east of the Boise Meridian, more particularly bounded and described as follows: Beginning at a corner No. 1, from which the north quarter corner to said Section twenty-four bears north eighty-nine degrees fifty-three minutes west one and eighty-nine hundredths chains distant; thence, south twenty degrees fifty-two minutes east eleven and ninety-hundredths chains to corner No. 2; thence, south ten degrees fifty-five minutes east eighteen and eighteen hundredths chains to corner No. 3; thence, south twenty-eight degrees fifty-one minutes west two and fifty-hundredths chains to corner No. 4; thence, south eighty-six degrees forty-four minutes west eighteen and seventeen hundredths chains to corner No. 5; thence, north thirty-five degrees eight minutes west thirty-nine and forty-five hundredths chains to corner No. 6; thence north fifty-eight degrees ten minutes west eight and ninety-one hundredths chains to corner No. 7; thence north fifty-eight degrees ten minutes west five and ninety-eight hundredths chains to corner No. 8; thence, north four degrees thirty-two minutes west seven and fifteen hundredths chains to corner No. 9; thence north eighty-four degrees fifty-seven minutes east five and seventy-hundredths chains to corner No. 10; thence north eighty-four degrees fifty-seven minutes east thirty-four and ninety-five hundredths chains to corner No. 11, thence south twenty degrees fifty-two minutes east nineteen and ninety-one hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and twenty-one hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 0052 And appurtenant to said land he is entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Park Creek, a tributary of Valley Creek, with date of priority May 1, 1913, and with point of diversion from said Park Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 11 North, Range 12, E. B. M., and he is also entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1939, with point of diversion from said Valley Creek at a point located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, E. B. M.

Cosette L. Peters, a widow, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 321, embracing a portion of Section nineteen in Township eleven north of Range thirteen east and Sections twenty four and twenty-five in Township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the east corner to said Sections twenty-four and twenty-five bears east four and ninety-three hundredths chains distant; thence south nineteen degrees west three and eighty-eight hundredths chains to corner No. 2; thence north sixty-seven degrees thirty-minutes west nine and fifty-eight hundredths chains to corner No. 3; thence north sixty-seven degrees thirty minutes west two and fifty-four hundredths chains to corner No. 4; thence north five degrees twenty-two minutes west sixty and ninety-one hundredths chains to

corner No. 5; thence north eighty-eight degrees four minutes east twenty-three and three hundredths chains to corner No. 6; thence north eighty-eight degrees four minutes east eleven and sixteen hundredths chains to corner No. 7; thence south one degree fifty-five minutes east fourteen and ninety-four hundredths chains to corner No. 8; thence south nineteen degrees west thirty-five and fifty-six hundredths chains to corner No. 9; thence south nineteen degrees west fifteen and eight hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and seventy hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 0055 And appurtenant to said lands, she is entitled to 200 miner's inches (or 4 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1914, and with point of diversion from said Valley Creek at a point located in the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 24, Township 11 North, Range 12, E. B.M.

Cosette L. Peters, a widow, is the owner of and entitled to the possession of the following described land, situated in Custer County, State of Idaho, to-wit:

Northeast quarter of the northeast quarter of the northwest quarter, the south half of the northwest quarter of the northeast quarter of the northwest quarter; the southeast quarter of the northeast quarter of the northwest quarter of the northwest quarter, the east half of the southeast quarter of the northwest quarter of the northwest quarter, the southwest quarter of the northeast quarter of the northwest quarter, the west half of the southeast quarter of the northeast quarter of the northwest quarter, the northwest quarter of the northeast quarter of the southeast quarter of the northwest quarter, the southeast quarter of the northwest quarter, the south half of the northeast quarter of the southeast quarter of the northwest quarter, the northwest quarter of the southeast quarter of the northwest quarter, the south half of the southeast quarter of the northwest quarter, the east half of the east half of the southwest quarter of the northwest quarter, the northeast quarter of the southwest quarter, the east half of the east half of the northwest quarter of the southwest quarter, the west half of the southwest quarter of the northwest quarter of the southeast quarter, the northwest quarter of the northwest quarter of the southwest quarter of the southeast quarter, the east half of the northeast quarter of the southwest quarter of the southwest quarter, the southwest quarter of the northwest quarter of the southeast quarter of the southwest quarter and the north half of the north half of the southeast quarter of the southwest quarter of Section nineteen in Township eleven, north of Range thirteen east of the Boise Meridian, Idaho, containing one-hundred sixty acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 0056 And appurtenant to said land, she is entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of said Valley Creek, with date of priority May 1, 1939, with point of diversion from said Valley Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B. M.

William Paul and Lillian Paul are the owners of and entitled to the possession of the following described land, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 319, embracing a portion of sections thirteen and twenty-four in township eleven north of range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the quarter corner to said sections thirteen and twenty-four bears north eighty-nine degrees fifty-three minutes west three and sixty-three hundredths chains distant; thence, north nineteen degrees fifty-three minutes west fifty-six and twelve hundredths

chains to corner No. 2; thence north sixty-nine degrees forty-one minutes east twenty-five and ninety-six hundredths chains to corner No. 3; thence south sixteen degrees fifteen minutes east sixty-four and thirty-eight hundredths chains to corner No. 4; thence, south sixteen degrees fifteen minutes east four and seventy-eight hundredths chains to corner No. 5; thence, south eighty-one degrees forty-one minutes west twenty-two and one-hundredths chains to corner No. 6; thence north nineteen degrees fifty-three minutes west eight and thirty-five hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and eleven hundredths acres according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General;

71 0057 And appurtenant to said lands they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1904, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, E. B. M.

Arthur Silva and Hattie I. Silva are the owners of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 273, embracing a portion of Sections twenty-four and twenty-five in township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the quarter corner to said Sections twenty-four and twenty-five, bears east nine and fifty-six hundredths chains distant; thence, north sixteen degrees twelve minutes west four and seventy-seven hundredths chains to corner No. 2; thence north twenty-three degrees thirty-six minutes east forty-eight and thirty-four hundredths chains to corner No. 3; thence north eighty-four degrees twelve minutes east eight and forty-nine hundredths chains to corner No. 4; thence south five degrees twenty-five minutes east forty-nine and ninety-three hundredths chains to corner No. 5; thence south five degrees twenty-five minutes east ten and five-hundredths chains to corner No. 6; thence south fifty six degrees fifty nine minutes west twenty-nine and thirty-one hundredths chains to corner No. 7; thence north sixteen degrees twelve minutes west twenty-seven and four hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-eight and twenty-seven hundredths acres according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 0058 And appurtenant to said land, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 11 North, Range 12, E. B. M.

It is further ADJUDGED AND DECREED, that the water rights as hereinbefore set forth are established, quieted and confirmed, and that all parties to this action, and all persons claiming under them, their attorneys, agents, servants and employees are hereby perpetually restrained, prohibited and enjoined from interfering with the rights awarded to the others as this decree provides.

It is further ADJUDGED AND DECREED, that the water decreed to the respective tracts of land of the respective parties to this action by this decree has been applied to and used upon the respective tracts of land for

the irrigation thereof from and since the respective dates of priority mentioned in this decree, and that the water decreed to the respective tracts of land described in this decree is necessary for the successful irrigation of said respective tracts of land.

It is further ORDERED, ADJUDGED AND DECREED that the Court retain jurisdiction of this cause to correct any typographical errors in descriptions, points of diversion of dates of priority for a period of one year, and that at any time within said period any party to this action may apply to the Court or Judge thereof for a correction of such error.

Dated this 16th day of January, 1940.

Guy Stevens
Judge of the District Court

Filed this 18th day of Jan., at 4 P. M., A. D. 1940.

John Boyd
Clerk

Frank Burstedt
Deputy

(Recorded in Book 4 of Judgments at page 150)

STATE OF IDAHO,

COUNTY OF CUSTER.

ss.

John Boyd
I, ~~Emmett Donahue~~, Ex-Officio Recorder in and for the County of Custer, in the State of

Idaho, do hereby certify that I have compared the foregoing copy with the record which appears in Volume ..
of *Book 4 of Judgments*, at Pages *150 to 161*
of the Records of Custer County, Idaho, and the same is a full, true and complete copy of such record.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my Seal this

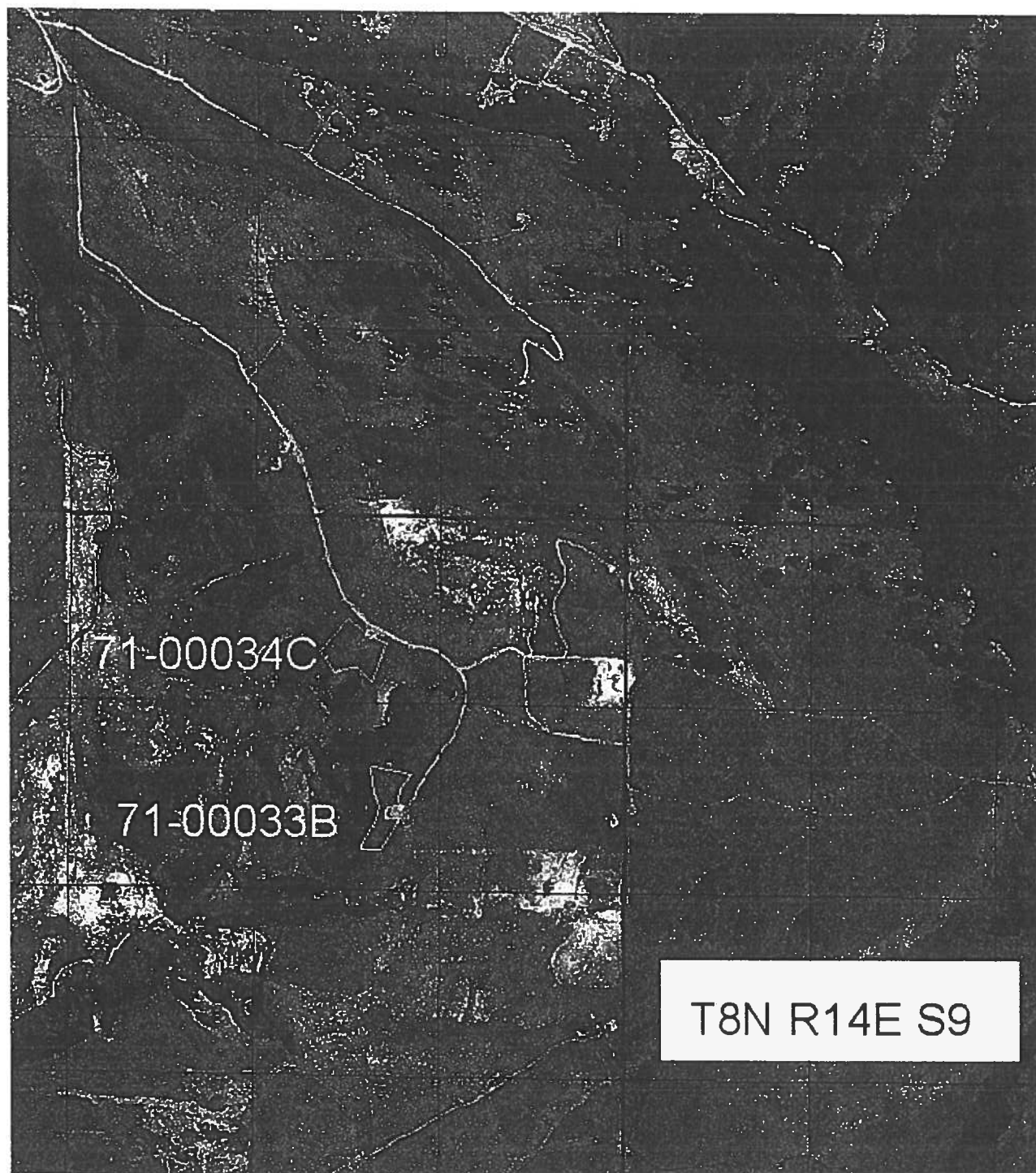
16th day of *August*, 19*44*

John Boyd
Ex-Officio Recorder

JUL 24 1936

ATTACHMENT B

71-00033B & 71-00034C



1320 0 1320 2640 3960 Feet

-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
- Recommended Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAPP
DATA ENTRY: May, 1998
By: Allen Merritt
(Layout by: D. Jones)

ATTACHMENT C

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-19

RIGHTS FROM: SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00033B

NAME & ADDRESS: FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.05 CFS

PRIORITY DATE: D5/21/1918

POINT OF DIVERSION: T08N R14E S12 SWNE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	0.05 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T08N R14E S09 SWNE 2.1
2.1 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-20

RIGHTS FROM: SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00033B (CONT)

EXPLANATORY MATERIAL: (CONT)

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
ON FOURTH OF JULY CREEK DESCRIBED ABOVE: 71-00033A, 71-00033B,
71-00033C, 71-00033E, 71-00034A, 71-00034B, 71-00034C, 71-00034D,
71-00034E, 71-00034F, 71-00034G, 71-00035A, 71-00036C, 71-00037B,
71-00037C & 71-10763.

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-21

RIGHTS FROM: SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00034C

NAME & ADDRESS: ERNEST DAY
FRED HUMPHREYS
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.11 CFS

PRIORITY DATE: 02/27/1919

POINT OF DIVERSION: T08N R14E S12 SWNE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	0.11 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T08N R14E S09 NWNE 2.6
2.6 ACRES TOTAL

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-22

RIGHTS FROM: SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00034C (CONT)

EXPLANATORY MATERIAL: (CONT)

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
ON FOURTH OF JULY CREEK DESCRIBED ABOVE: 71-00033A, 71-00033B,
71-00033C, 71-00033E, 71-00034A, 71-00034B, 71-00034C, 71-00034D,
71-00034E, 71-00034F, 71-00034G, 71-00035A, 71-00036C, 71-00037B,
71-00037C & 71-10763.

AJ5857NP

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS/RIGHTS NOT RECOMMENDED

DATE: OCT-6-1999
PAGE: B-1

W.R. NUMBER	NAME & ADDRESS	CLAIM DISPOSITION	REASON
71-00035C	DAY, ERNEST HUMPHREYS, FRED 1919 S PHILLIP BOISE ID 83705	DISALLOWED	RECOMMENDED AS RIGHT NO. 71-10763.
71-00036B	DAY, ERNEST HUMPHREYS, FRED 1919 S PHILLIP BOISE ID 83705	DISALLOWED	RECOMMENDED AS RIGHT NO. 71-10763.

EXHIBIT 2

ALAN LANCE
Attorney General

SARA C. DENNISTON
Deputy Attorney General
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098
Telephone: (208) 327-7900
Fax: (208) 327-5400

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 Claimant	)	Subcase Nos. 71-00033B, 71-00034C,
	)	71-00035C, and 71-00036B
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF ALLEN MERRITT
	)	
	)	
	)	

STATE OF IDAHO)
) ss.
County of Ada)

Allen Merritt, being first duly sworn on oath, deposes and states as follows:

1. My name is Allen Merritt, and I am the Regional Manager of the Southern Region office of the Idaho Department of Water Resources (IDWR). I make the following statements based upon my personal knowledge of the facts related therein.

2. My work address is Idaho Department of Water Resources (IDWR), Southern Regional Office, 1241 Fillmore St, Suite 200, Twin Falls, ID 83301-3380. I reside in Twin Falls, Idaho.

3. I have previously been qualified by the Snake River Basin Adjudication Court as an expert in the field of water rights investigation, and so testified as such in numerous other trial

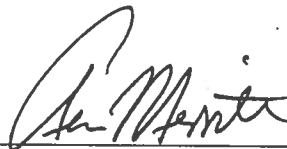
s and hearings in front of the Snake River Basin Adjudication Court, and participated in numerous settlement conferences and meetings with parties to the Snake River Basin Adjudication.

4. My educational background and relevant work experience is described in Exhibit 1 to this affidavit.

5. I conducted the investigation of claims to water right numbers 71-00033B, 71-00034C, 71-00035C, and 71-00036B. I also prepared the recommendation for these claims.

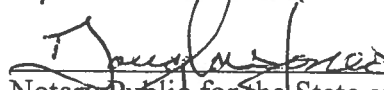
6. Based on my investigation and knowledge of these claims, I adopt as my testimony and incorporate in this Affidavit the Factual findings portions of the Supplemental Director's Report Regarding Claim to Water Right numbers 71-00033B, 71-00034C, 71-00035C, and 71-00036B dated October 6, 1999, attached to the Affidavit of David R. Tuthill, Jr. as Exhibit 1.

Dated this 7th day of October, 1999



Allen Merritt

SUBSCRIBED AND SWORN before me this 7th day of October, 1999


Notary Public for the State of Idaho

Residing at: Buhl, ID

My commission expires: 8/8/2001

ALLEN MERRITT
EDUCATION AND WORK EXPERIENCE

1. My educational background includes an A.A. degree in Mathematics from the College of Southern Idaho in 1971; a B.S. degree in Civil Engineering from the University of Idaho in 1973; and a M.S. in Civil Engineering from the University of Idaho in 1982.
2. I have been registered as a professional engineer in Idaho since 1982. My P.E. certificate is No.4454. To become registered, I spent over four years as an engineer-in-training and passed an eight hour exam.
3. During the winter of 1973 to the winter of 1974 I worked for "Accurate Systems" in Twin Falls, Idaho, a private engineering consultant firm. My duties included property surveying, drafting, and preliminary subdivision design.
4. From late winter of 1974 to the early summer of 1975 I worked for "G.T. Newcomb, Inc." in Twin Falls Idaho. My duties included supervising a construction crew installing pivot sprinkler systems.
5. In the early summer of 1975 I began my employment with IDWR. From 1975 to 1976 I worked in Southern Region as a water right agent. My duties included reviewing various types of applications processed within the region, conducting beneficial use field exams for licensing of water right permits, drafting recommendations for licensing of water right permits, and conducting other water related data collection.
6. From spring of 1976 to the summer of 1979, while working with IDWR, I was a "Water Right Analyst". My duties expanded to include dam safety inspections for dams within the region. In the fall of 1977 to the spring of 1978 I returned to the University of Idaho.
7. During the period at the University of Idaho from the fall of 1977 to the spring of 1978 I attended class for my M.S. degree. During that period I also worked as a graduate assistant for professor Calvin Warnick and my duties included collection of field data for various graduate studies involving irrigation systems and power use. I also drafted figures and reduced data for various other graduate projects assisting other students.
8. In the spring of 1978 I returned to Twin Falls and began again working for IDWR in Twin Falls. In the summer of 1979 I became a "Senior Water Resource Analyst" and worked in this capacity until the fall of 1984. My duties included those described above with more responsible charge. I conducted the more difficult field exams and reviewed the work of others. At times I managed the office while the region's supervisor was absent. During this period I conducted numerous construction inspections for the development of the Cyprus Mine's tailings and sediment retention dams near Challis Idaho.
9. From the fall of 1984 to the spring of 1988 I continued working for IDWR in Twin Falls as a "Water Resource Engineer". Once I obtained my P.E. license the position was eventually upgraded to a "Water Resource Engineer". My duties were much the same as the "Senior Water Resource Analyst" position listed above.
10. Shortly after the commencement of the SRBA, in the spring of 1988, I changed positions within IDWR at Twin Falls and became a "Water Rights Supervisor". My duties included but were not limited to supervising six staff in Twin Falls assigned to the SRBA project. I all coordinated with others in the SRBA Bureau within IDWR to formulate procedures for claims review. I personally assisted in taking thousands of claims and conducted hundreds of claim verifications and recommendations. I worked in this capacity until the fall of 1994.

11. From 1994 to the present I have worked for IDWR in Twin Falls as the "Regional Manager". My duties include overseeing all activities at the Southern Region Office. Among the matters I oversee are personnel, salary and budgetary matters, water right permitting and licensing, dam safety issues, stream channel alteration issues, well construction issues, and coordination and participation with the SRBA unit in Twin Falls.
12. My additional training since college has included, but is not limited to: short courses by the Idaho Personnel Commission including "Elements of Supervision" and "The How and When of Discipline"; various training sessions provided by IDWR including "Arcview computer program use", "Team building", "Sexual Harassment", "Violence in the Work Place" and "Internal Control and Planning". I have also participated in training classes provided by Polysonics/Flosonics for use of the Tyme-Flyte measuring equipment as well as another by BPA for conducting energy audits of irrigation systems. I have also attended workshops involving the topic of "groundwater" and "measurement of water". I have also attended the "Western States Conference of Engineers" where water related issues were discussed.
13. I have lived since childhood in the vicinity of Twin Falls, Idaho except for the time spent at the University of Idaho in Moscow, Idaho as described above.

DATED this 7th day of October, 1999.

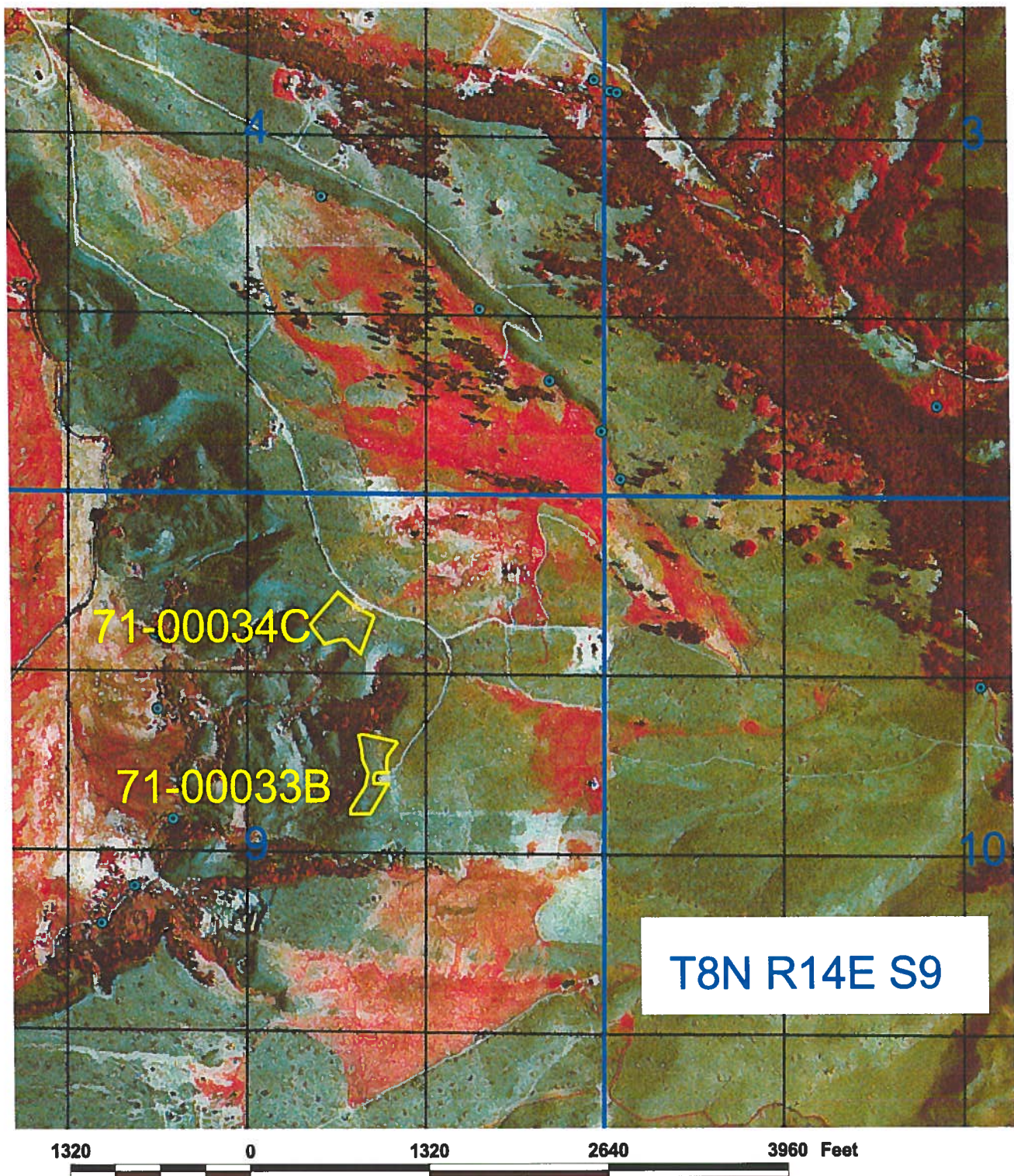


Allen Merritt, PE

SUBSCRIBED AND SWORN before me, a Notary Public in and for the State of Idaho, this ___ day of October, 1999.

Notary Public for Idaho,
Residing in _____, Idaho
My commission expires: _____

71-00033B & 71-00034C



-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAPP
DATA ENTRY: May, 1998
By: Allen Merritt
(Layout by: D. Jones)

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/04/99 14:32:50

Page 1

Water Right Number - 71-00033

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

MC VEY GEYER M. 1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000

MC VEY MRS. GEYER M. 1 -
2 -
3 -
City- State- ID Zip-
Phone - 208-000-0000

MCVEY MERTON O. 1 -
2 -
3 -
City- State- Zip-
Phone -

MCVEY EMMA 1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - -
05/21/1918 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - -
FOURTH OF JULY CREEK SALMON RIVER

+ - - - - Point of Diversion - - - - -
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
08N 14E 12 NE NE (37) CUSTER

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 0.900

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage -
0.900 0.0

+ - - - - Place of Use - - - - -
TwN Rng Sec Tract Lot Acres Code Description County
08N 14E 9 SW NE 01 IRRIGATION (37) CUSTER
08N 14E 9 SE NE 01 IRRIGATION (37) CUSTER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

10/04/99 14:32:50
Page 2

Water right number - 71-00033

Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -

GEN P/D INCOMPLETE. SEE DECREE.

+ - - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -
No Conditions of Approval found.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date -
DAN J. CAVANAGH WM. MERRITT, ET AL. 01/16/1940

+ - - - - - Comments - - - - -
No Comments Found

+ - - Audit Fields - 05/06/85 05/28/88 CONVERT 07/31/89 CURTIS

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 05/06/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		

Hello Doug:

Here's a list of the objected to water rights in basin 71. Dave and Peter will be picking up the original claims for filing with the court Tuesday morning. Southern also should have received copies of the basin 71 objections for the claim file--do you know if you did??

71-00026A	71-00026B	71-00028	71-00029	71-00033B
71-00034C	71-00035C	71-00036B	71-02047A	71-02047B
71-02054	71-02085B	71-04006	71-04018	71-04021
71-10057	71-10080	71-10081	71-10117	71-10139
71-10197	71-10631	71-10763	71-10764	

I'm trying to double check the overlaps (unobjected to) involved--we'll need those original claims also for Tuesday. They are:

71-00027B 71-10059

THANKS FOR YOUR HELP!! Any questions, call me at 327-5458.

FAX MEMORANDUM

TO: DOUG JONES - SOUTHERN AJ SUPERVISOR
FROM: VICKI KELLY - PARALEGAL
DATE: 2/10/99

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD
BENJAMIN W. WORST

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

September 8, 1998

RECEIVED

SEP 09 1998

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: W. Michael and Candice P. Humphreys - Basin 71 Water Rights

Dear Allen:

I represent W. Michael and Candice P. Humphreys who own, individually or through the Humphreys' family, various properties in Basin 71. Will you please send me copies of the complete SRBA claim files including, but not limited to, the claim verification reports, for the following water rights:

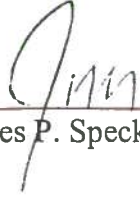
71-02047A
71-04021
71-00028
71-00029
71-00033B
71-10764

71-00034C
71-00035C
71-00036B
71-10763
71-02085

Please call me right away if you have any questions about this request. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
cc: clients

72 Abbott Road
Wellesley, MA 02181
August 13, 1998

RECEIVED

AUG 19 1998

**Department of Water Resources
Southern Region**

VIA Federal Express
Idaho Department of Water Resources
1301 North Orchard Street
Boise, Idaho 83705

Dear Sirs;

I have enclosed Notice of Error Reply Forms for the following Snake River Basin
Adjudication water right claims, in the name of Fred Humphreys & Ernest Day:

71-00028
71-00029
71-00033B
71-00034C
71-00035C
71-00036B
71-10763
71-02085B

Sincerely,



W. Michael Humphreys
Executor, Estate of Fred C. Humphreys

July 22, 1998

NOTICE OF ERROR
REPLY

RECEIVED

AUG 14 1998

Department of Water Resources

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: August 14, 1998

Water right number: 71-00033B

FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE ID 83661-5134

RECEIVED

AUG 19 1998

Department of Water Resources
Southern Region

Daytime Telephone Number: 781.890.2244
Evening Telephone Number: 781.431.1229

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Quantity
of Acres

2. Describe the changes you wish to make in the proposed recommendation:

Quantity should be 0.9 CFS AS CLAIMED
Acres should be 45 AS CLAIMED

3. Give a brief explanation as to why you disagree with these portions:

8.12.98 W. Michael Humphreys
EXECUTOR, ESTATE OF FRED C. HUMPHREYS

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: _____ SIGNATURE: _____
Please print your name: _____



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

PHILIP E. BATT
GOVERNOR

February 13, 1996

KARL J. DREHER
DIRECTOR

MARK W RICHEY MAI
207 W WASHINGTON
BOISE ID 83702-5992

A71-0003313

RECEIVED

FEB 15 1996

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim - List Attached
Fred C. Humphreys - Change of Address

Department of Water Resources
Southern Region

Dear Mr. Richey:

As I explained on the telephone Tuesday morning, IDWR has been notified the address presently in our claim records for Fred Humphreys is incorrect. The Post Office gave his new address as 10495 Stone Quarry Rd., Payette, ID 83661-5134. We need him to confirm this is his correct mailing address. Future notices related to Mr. Humphreys' SRBA claims can be sent only to the address on his claims or as otherwise changed by him. The staff of this agency must avoid relying upon the word of others about his mailing address.

If the Payette address above is correct, please have Mr. Humphreys sign his name at the bottom of this letter, and return it to this office. Otherwise, please ask Mr. Humphreys to make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that Mr. Humphreys receives future notices about SRBA matters.

If the ownership of the property to which the water rights referenced on the attached list has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:southern:western

Enclosure:

Water Right Listing

#####

The address is correct as shown above or as otherwise changed.

Claimant

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

**In Re Snake River Basin Adjudication Case
No. 39576**

**) Notice of Filing Director's Report and Supplemental
) Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

**63336
Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720**

**Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1**

**HUMPHREYS 837052221 1394 04/18/95
FORWARDING TIME EXPIRED
HUMPHREYS, FRED L
10495 STONE QUARRY RD
PAYETTE ID 83661-5134
RETURN TO SENDER**

**FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705**

RECEIVED

APR 20 1995

Department of Water Resources

71-00033#

RECEIVED

JAN 25 1999

Department of Water Resources
Southern Region

RECEIVED

JAN 14 1999

Department of Water Resources

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 71-00033B

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661
Daytime Phone: (781) 890-2244

Name & Address of Attorney, if any:

James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661

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: 0.9 cfs.
4. ☐ **Priority Date**
Should be:
5. ☒ **Point(s) of Diversion**
Should be: As stated in the Notice of Claim
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: The 45 acres as stated in the Notice of Claim.
10. **I object because:**
 - ☐ This water should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Water has been beneficially used in the amount and on the place of use claimed in the Notice of Claim.

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

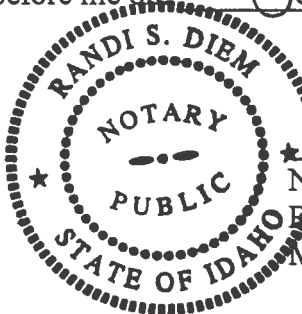
James P. Speck, being first duly sworn, upon oath, deposes and says:

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.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 12, 1999



Randi S. Diem
Notary Public for Idaho
Residing at Blaine Co, ID
My Commission expires 8-29-03

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 of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 12, 1999, 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

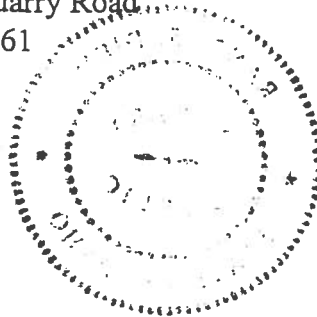
Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661

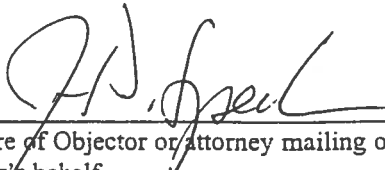
3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734





Signature of Objector or attorney mailing on
Objector's behalf

Copy of USFS Photo



28 002 113

8-28-72

F12

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10202

CLAIM	T.	R.	S.	Q/Q	INIT
P/D					
PHOTO	V-70				
DT. & ID.					

Maripie Shaw

71-00028 } Fisher
71-00029 }

FH 26

BM 6721

75

STANDARD

BM 6742

Cancelled McVey
71-00030 } Fisher
71-00031 }
71-00032 } 4th July
71-00033 } 4th July

Cancelled
71-00038
4th July

4th July

71-00035
4th July

71-00034
4th July

71-00033
4th July

37 34
71-02014
4th July 34

Sawtooth Valley
Work Center
Hillspot

Fourth of July
Spring

Pass

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Cr

SALMON

209

GRADED BORDER EVALUATION

Job name: WHITECLOUD AREA
By: ADM

Location: TP4 10AC BASE 14DAY
Date: Feb 9, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0200 ft/ft Border width (W)= 35 ft
Net application (Fn)= 2.31 inches Border length (L)= 300 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.60	Gross depth is less than required	gross application depth				
0.61	Gross depth is less than required	gross application depth				
0.62	Gross depth is less than required	gross application depth				
0.63	Gross depth is less than required	gross application depth				
0.64	Gross depth is less than required	gross application depth				
0.65	Gross depth is less than required	gross application depth				
0.66	Gross depth is less than required	gross application depth				
0.67	Gross depth is less than required	gross application depth				
0.68	Gross depth is less than required	gross application depth				
0.69	0.020	22.71	20.25	0.15	10.2	
0.70	0.020	23.04	20.25	0.48	10.0	
0.71	0.020	23.37	20.25	0.81	9.9	
0.72	0.021	23.70	20.25	1.14	9.7	
0.73	0.021	24.03	20.25	1.47	9.6	
0.74	0.021	24.36	20.25	1.80	9.5	

GRADED BORDER EVALUATION

Job name: WHITECLOUD AREA
By: ADM

Location: TP4 10AC BASE 21DAY
Date:

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0600 ft/ft Border width (W)= 23 ft
Net application (Fn)= 2.31 inches Border length (L)= 300 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.40		Gross depth is less than required gross application depth				
0.41		Gross depth is less than required gross application depth				
0.42		Gross depth is less than required gross application depth				
0.43		Gross depth is less than required gross application depth				
0.44		Gross depth is less than required gross application depth				
0.45		Gross depth is less than required gross application depth				
0.46	0.020	23.04	20.24	0.49	10.0	(2)
0.47	0.020	23.54	20.24	0.99	9.8	(2)
0.48	0.021	24.04	20.24	1.49	9.6	(2)
0.49	0.021	24.54	20.24	1.99	9.4	(2)

(2) Erosive stream-- non-sod forming crops.

GRADED BORDER EVALUATION

Job name: WHITECLOUD AREA
By: ADM

Location: TP4 10AC BASE 21DAY
Date: Feb 9, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0200 ft/ft Border width (W)= 23 ft
Net application (Fn)= 2.31 inches Border length (L)= 300 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.40	Gross depth is less than required gross application depth					
0.41	Gross depth is less than required gross application depth					
0.42	Gross depth is less than required gross application depth					
0.43	Gross depth is less than required gross application depth					
0.44	Gross depth is less than required gross application depth					
0.45	Gross depth is less than required gross application depth					
0.46	0.020	23.04	20.25	0.48	10.0	
0.47	0.020	23.54	20.25	0.98	9.8	
0.48	0.021	24.04	20.25	1.48	9.6	
0.49	0.021	24.54	20.25	1.98	9.4	

Old (D) Number -

```
+ - - - - Address - - - - - +
```

State- ID Zip- 83705

State- ID Zip- 83705

State- ID Zip- 836615134

State- ID Zip- 836615134

State- ID Zip- 837025592

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+ - - - Status - - -
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	+ - Total Div. Rate	+ - Total Div. Volume	+ - Total Consumptive Use	+ - KM Usage
	0.050		0.0	

Prefix Translation: RESEARCH

Total Acres: 2.1

+ - - Diversion Means - WOODEN & CONCRETE HEADGATE TO GRAVITY DITCH.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
ON FOURTH OF JULY CREEK DESCRIBED ABOVE: 71-00033A, 71-00033B,
71-00033C, 71-00033E, 71-00034A, 71-00034B, 71-00034C, 71-00034D
71-00035A, 71-00034F, 71-00034G, 71-00035A, 71-00036C, 71-00037B
71-00037C & 71-10763.

7100033

- - - Conditions of Approval - - -
No Conditions of Approval found.

+ - - - Decree De
WM. MERRITT, ET AL.

Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
1.17 CRS OF RIGHT NO. 71-10763 IS LIMITED TO USE FOR
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF
71-00034A, 71-00034B, 71-00034C, 71-00034D, 71-00034E, 71-00034F,
CONVEYANCE LOSSES IN DELIVERY OF THIS AND OTHER RIGHTS.
DIVERSION DESCRIBED ABOVE: 71-00035A, 71-00035B, 71-00035C,
71-00035D, 71-00035E, 71-00035F, 71-00035G, 71-00035H, 71-00035I,
71-00035J, 71-00035K, 71-00035L, 71-00035M, 71-00035N, 71-00035O,
71-00035P, 71-00035Q, 71-00035R, 71-00035S, 71-00035T, 71-00035U,
71-00035V, 71-00035W, 71-00035X, 71-00035Y, 71-00035Z, 71-00036A,
71-00036B, 71-00036C, 71-00036D, 71-00036E, 71-00036F, 71-00036G,
71-00036H, 71-00036I, 71-00036J, 71-00036K, 71-00036L, 71-00036M,
71-00036N, 71-00036O, 71-00036P, 71-00036Q, 71-00036R, 71-00036S,
71-00036T, 71-00036U, 71-00036V, 71-00036W, 71-00036X, 71-00036Y,
71-00036Z, 71-00037A, 71-00037B, 71-00037C, 71-00037D, 71-00037E,
71-00037F, 71-00037G, 71-00037H, 71-00037I, 71-00037J, 71-00037K,
71-00037L, 71-00037M, 71-00037N, 71-00037O, 71-00037P, 71-00037Q,
71-00037R, 71-00037S, 71-00037T, 71-00037U, 71-00037V, 71-00037W,
71-00037X, 71-00037Y, 71-00037Z, 71-00038A, 71-00038B, 71-00038C,
71-00038D, 71-00038E, 71-00038F, 71-00038G, 71-00038H, 71-00038I,
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71-00048H, 71-00048I, 71-00048J, 71-00048K, 71-00048L, 71-00048M,
71-00048N, 71-0

05/30/98 AMERRITT

Adjudication Rights Dates and Flags Area						
Court Report Filing	- 00/00/0000	Field Inspection Made	- 09/22/1993	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	- 01/10/1990	Last Amended Date	- 00/00/0000	Temporary Right	-	P
		Receipt Number	- C013908	Water District	-	
		POU Ownership Flag	- Y	Federal/State Indicator	-	S
		Name Connector	- AND	Presumption Flag	-	
				Notice of Error Flag	-	

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS 71-00033B

DATE: May 8, 1998

REVIEWED BY AD

STANLEY BASIN SOIL REVIEW								
SOIL TYPE	OPTIMUM ROTATION	BORDER EFF	BORDER CFS/AC	FURROW EFF	FURROW CFS/AC	MAD	PF	BORDER / FURROW
AM1	4.00	3.5	0.30	22.3	0.05	1.00	1.14	6.09
BG1	5.00	5.8	0.19	34.3	0.03	1.32	1.13	5.99
CNB	7.00	7.8	0.14	47.3	0.02	1.82	1.11	6.20
GO1	14.66	25.5	0.04	24.6	0.04	3.65	1.07	0.96
LA4	4.00	3.7	0.30	23.6	0.05	1.06	1.14	6.46
PY1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RD1	5.66	6.3	0.17	37.9	0.03	1.46	1.12	5.98
RP1	4.33	6.9	0.16	35.2	0.03	1.13	1.13	5.18
SN1	2.66	2.47	0.45	15.4	0.07	0.69	1.14	6.30
ST1	3.33	3.2	0.36	20.3	0.05	0.91	1.14	6.65
TN1	4.66	4.2	0.26	26.9	0.04	1.21	1.13	6.44
TP4	9.33	9.5	0.11	60.0	0.02	2.31	1.10	6.24
WG1	2.66	2.4	0.45	14.9	0.07	0.67	1.14	6.12
WV1	13.00	17.4	0.06	50.3	0.02	3.24	1.08	2.91

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL / ROTATION (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
TP4	9.33	14	2.1	0.11	0.15 CFS
					CFS
					CFS
					CFS

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

ORIGINAL HUBBLE RATE = _____

MEASURED DIVERSION RATE = _____

Allow 0.05

00033B - 0.05

OK



71-00033B

LM NUMBERS _____

DATE 5/4/98

TRANSFER NUMBER _____

HOMESTEAD ENTRY NO. _____

AGENT AD

CLAIMED ACRE TOTAL _____

GEOGRAPHIC INFO ACRES _____

LIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM																			
GIS	8N	14E	9			2.1													2.1
ECOM																			
CLAIM																			
GIS																			
ECOM																			
CLAIM																			
GIS																			
ECOM																			
CLAIM																			
GIS																			
ECOM																			

B71-DBPOD.SHP

2.1

NOS DESCRIPTION

50

B71-DBPOU.SHP

SHAPE NOS

117

2.1

DBF TABLES UPDATED

B71-DBPOD.DBF

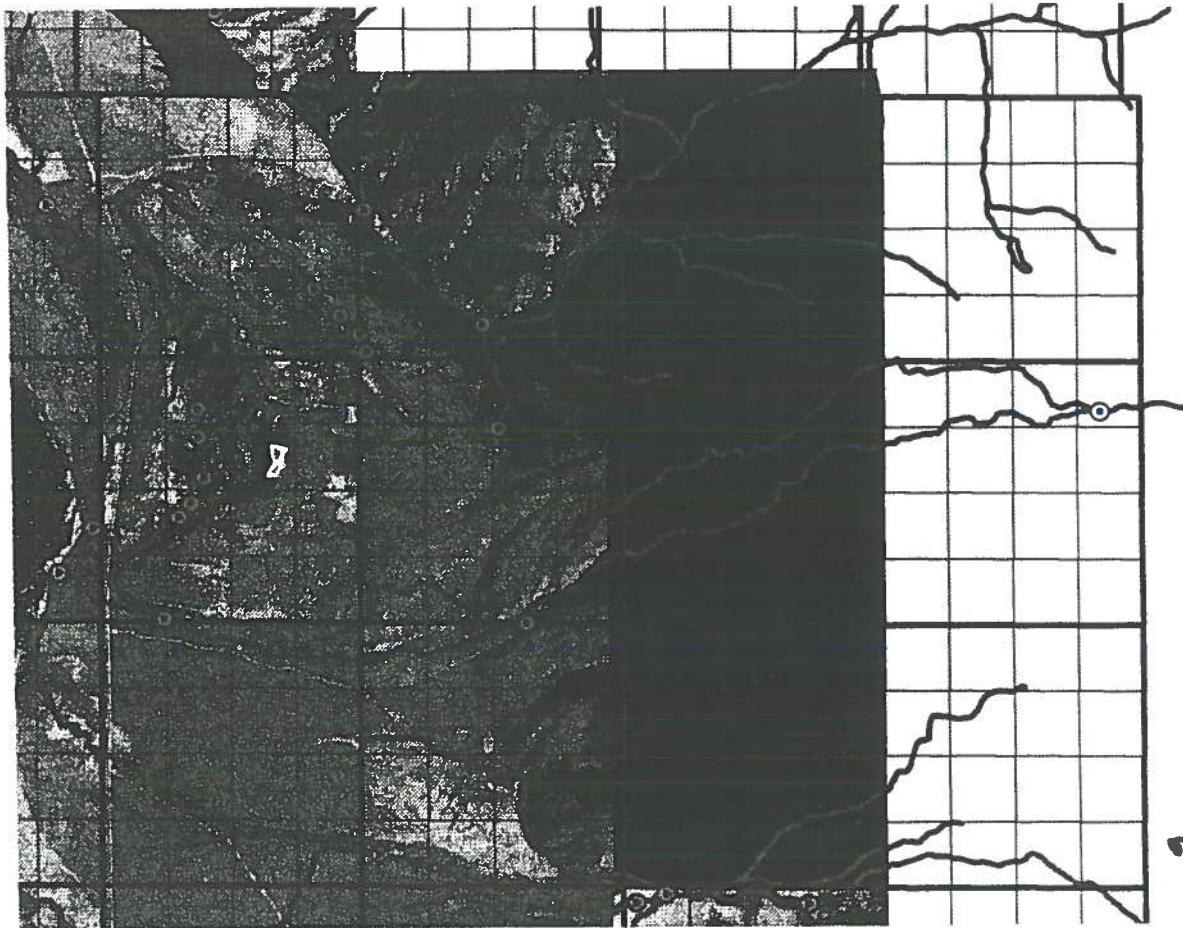


B71-DBPOU.DBF



IDAHO DEPARTMENT OF WATER RESOURCES

71-00033B



1320 0 13202640 Feet



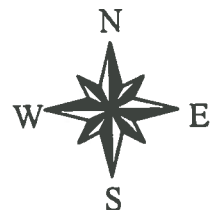
POU:

TWP 08N, RGE 14E, SEC 9

POD:

FOURTH OF JULY CREEK - SWNE, SEC 12

TWP 08N, RGE 14E



RECOMMENDED PLACE OF USE

○ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

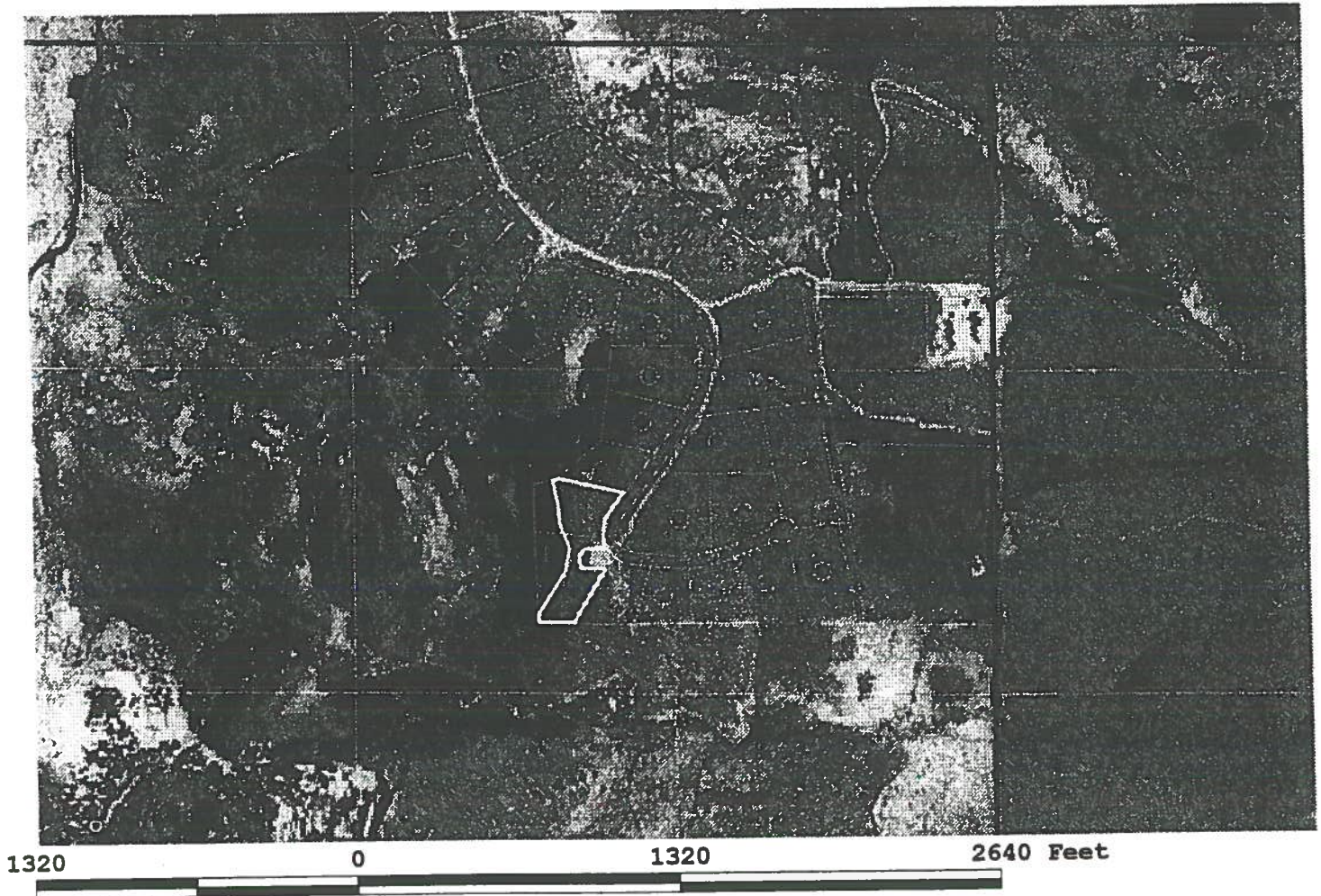
∧ STREAM AND DITCH CHANNELS

COPY

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY MAY 1998
BY ALLEN MERRITT

IDAHO DEPARTMENT OF WATER RESOURCES

71-00033B



POU:

TWP 08N, RGE 14E, SEC 9

POD:

FOURTH OF JULY CREEK - SWNESE, SEC 12

TWP 08N, RGE 14E



RECOMMENDED PLACE OF USE

○ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

∨ STREAM AND DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY MAY 1998
BY ALLEN MERRITT

COPY

IDAHO DEPARTMENT OF WATER RESOURCES
EXCEL PROGRAM

FOR RIGHT NO: 71-00033

BY: ADM
DATE: #####

CREATED ON 2-1-94
BY ADM & KKC
MODIFIED DATE
5/5/98 BY ADM

BASE RATE: 0.90 CFS

OWNER	CLAIMED RATE	ACRES FOUND	FIRST SHARE OF BASE RATE	POTENTIAL SHARE OF BASE RATE	FIRST CUT	2ND ACRE ITERATION	2ND SHARE ITERATION	POTENTIAL SHARE OF REMAINING	SECOND CUT	PRELIM RATE	RATE PER ACRE
A71-00033A MITCHELL	0.27	9.5	24.9%	0.224		9.5	59.0%	0.230	0.230	0.230	0.024
A71-00033B HUMPHREYS	0.90	2.1	5.5%	0.050		2.1	13.0%	0.051	0.051	0.051	0.024
A71-00033C STAHL	0.51	57.7	57.7%	0.520	0.510			0.051		0.510	0.023
A71-00033E BRANIFF	0.26	4.5	11.8%	0.106		4.5	28.0%	0.109	0.109	0.109	0.024
SUMS	1.94	38.1	100.0%	0.900	0.510	16.1	100.0%	0.390	0.390	0.900	
FIRST ITERATION BALANCE											
NOT ALLOCATED ==> 0.390 CFS											
TOTAL POTENTIAL ALLOCATED RATE BEFORE HUBBLE ==> 0.900 CFS											
BALANCE NOT ALLOCATED ==> 0.000 CFS											

Reduced to
16 b7 with
2500000
Bv2 dy

0.23
0.05
0.51
0.11
0.90

CLAIM _____ INIT _____

T. 1 S. Q/Q

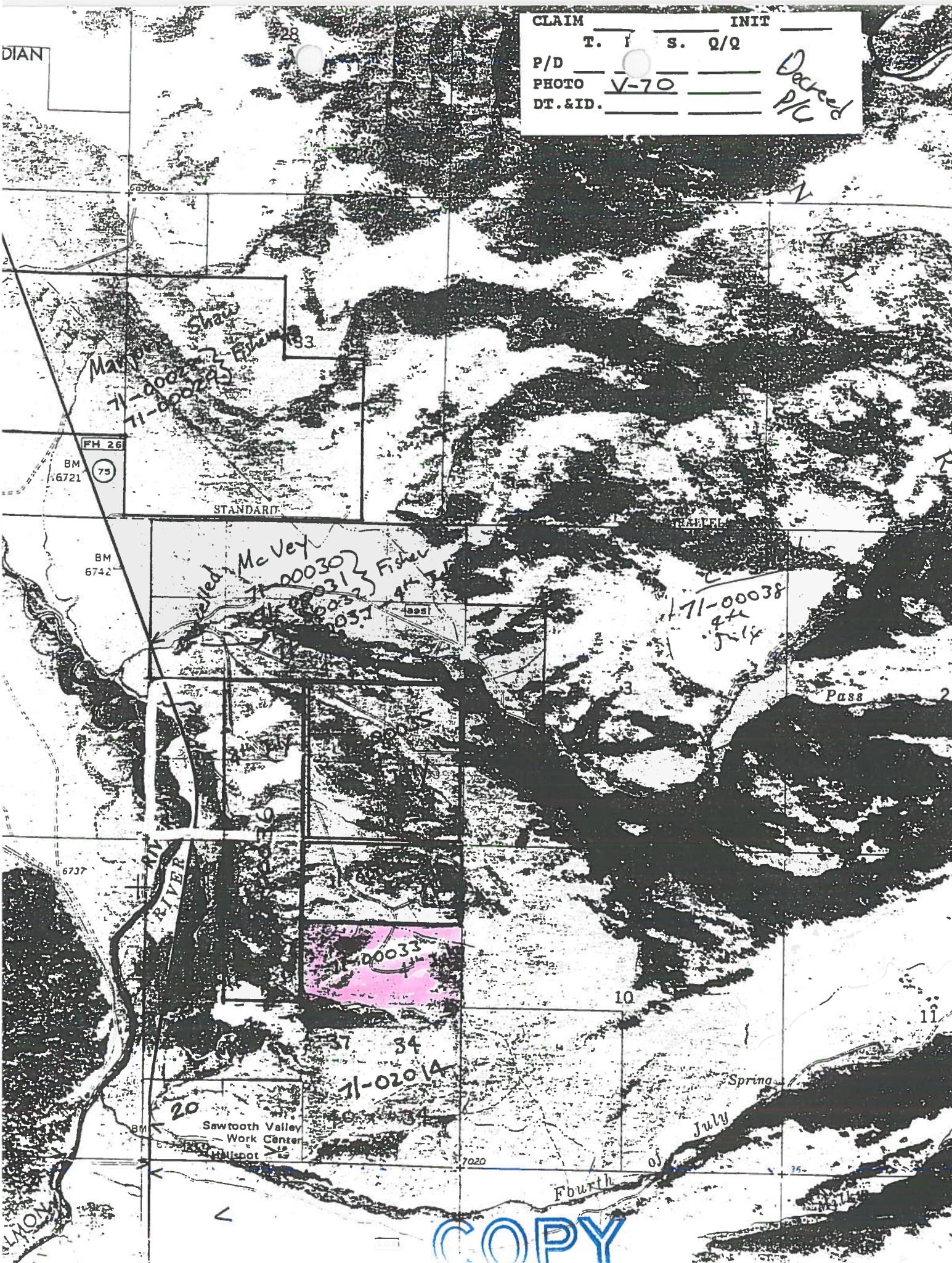
P/D _____

PHOTO V-70 _____

DT.&ID. _____

*Decreed
P/C*

DIAN



COPY

LAST: MC VEY
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: MRS GEYER M
ID ZIP: 0

OWNER CODE: 0

LAST: HUMPHREYS
ADDRESS: 1919 S PHILLIP
CITY: BOISE
PHONE NUMBER: 208-375-6940

FIRST: FRED
ID ZIP: 83705

OWNER CODE: C

LAST: DAY
ADDRESS: 1919 S PHILLIP
CITY: BOISE
PHONE NUMBER: 208-375-6940

FIRST: ERNEST
ID ZIP: 83705

OWNER CODE: C

LAST: RICHEY
ADDRESS: 207 W WASHINGTON
CITY: BOISE
PHONE NUMBER: 208-344-2547

FIRST: MARK W
ID ZIP: 837025592

OWNER CODE: R

LAST: MC VEY
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: GEYER M
ID ZIP: 0

OWNER CODE: 0

LAST: MCVEY
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: MERTON O
ID ZIP: 0

OWNER CODE: 0

LAST: MCVEY
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: EMMA
ID ZIP: 0

OWNER CODE: 0

FIELD EXAM REQUIRED?

DATABASE

FIELD EXAMINER
Y() N()

VERIFICATION REQUIRED DUE TO REMARKS?

Y

CLAIM REMARKS: GEN

DECEASED WATER RIGHTS FROM FISHER CREEK ARE ONLY AVAILABLE FOR
EARLY IRRIGATION SEASON (SPRING AND EARLY SUMMER). FOURTH OF
JULY CREEK WATER IS MAIN WATER SUPPLY FOR IRRIGATION OF PART OF
33-9N-14E IN SUMMER AND FALL. APPLICANTS' LAND IS GRAVELLY AND
POROUS AND REQUIRES MORE THAN 1 MINERS INCH/ACRE/SEASON.

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

Fred Humphreys

PHONE NUMBER: () - -

DATE OF FIELD EXAM:

7/27/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

Fred Humphreys

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

- A. AJ CLAIM: # A71-000338 PRIORITY DATE: 05-21-1918 STAGE: D
- B. WR RECORD: # 71-00033 PRIORITY DATE: 05-21-1918 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:

05-21-1918

REVIEWED BY

DATE

6/1/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-000338	08N	14E	3	SW	SW	NW		R	CUSTER		
A71-000338	08N	14E	3	SE	SE	SW		I	CUSTER		
A71-000338	08N	14E	10	SW	NW	NE		R	CUSTER		
A71-000338	08N	14E	12	SW	NE	NE			CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX

* **

WR RECORDS IN SAME 40 ACRE TRACT

71-00034
71-00035
71-00036
71-00037
71-04035
71-04036

* 27 A PREFIX CLAIMS WITH THIS POD
** 20 R PREFIX CLAIMS WITH THIS POD

SOURCE: FOURTH OF JULY CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
71-00033	08N	14E	12	NE	NE	NE			CUSTER		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

71-00034
71-00035
71-00036
71-00037
***** 22 A PREFIX CLAIMS IN SAME 40 ACRE TRA
***** 16 R PREFIX CLAIMS WITH THIS POD

SOURCE: FOURTH OF JULY CREEK

TRIB: SALMON RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* 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.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

N/A() Y() N()

$$Y(\quad)N(\quad)$$
$$Y(\quad)N(\quad)$$
$$Y(\checkmark) N(\underline{\quad})$$
 ~~$Y(\frac{1}{N})$~~
$$Y(\underline{\quad}) \quad N(\underline{\quad})$$
$$Y(\underline{\quad}) N(\underline{\quad})$$

debate

TRIB: SALMON RIVER

REVIEWED BY: _____

AM

DATE: _____

6/1/98

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

✓ wooden & concrete hardgate to gravity ditches

A. ROOT WATER RIGHT NUMBERS:

A71-00033A	A71-00033B
A71-00033C	
A71-00033D	
R71-00033A	
R71-00033B	
R71-00033C	
R71-00033D	
A71-00033E	
R71-00033E	

B. POULISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	14E	32	SE	NE		HUMPHREYS, FRED	A71-00033B / 10.0	-			37.0
			SE	NE		DAY, ERNEST	R71-020858 / 32.0	-			
			SE	NE		HUMPHREYS, FRED	A71-00028 / 10.0	71-00028	/		
			SE	NE		HUMPHREYS, FRED	R71-10764 / 32.0	-	/		
			SE	NE		HUMPHREYS, FRED	R71-00028 / 10.0	-	/		
			SE	NE		HUMPHREYS, FRED	A71-10764 / 36.0	-	/		
			SE	NE		HUMPHREYS, FRED	A71-10763 / 10.0	-	/		
			SE	NE		DAY, ERNEST	R71-10763 / 10.0	-	/		
			SE	NE		SHAW, MARJORIE L.	71-00029	/			
			SE	NE		FUREY, JACK B.	71-02085	/ 30.0			
			SE	NE							
09N	14E	33	NW	SW		HUMPHREYS, FRED	A71-00033B / 20.0	-			22.0
			NW	SW		HUMPHREYS, FRED	A71-00028 / 40.0	71-00028	/		
			NW	SW		RICHEY, MARK W	A71-00029 / 20.0	71-00029	/		
			NW	SW		RICHEY, MARK W	A71-00036B / 20.0	-	/		
			NW	SW		HUMPHREYS, FRED	R71-00028 / 40.0	-	/		
			NW	SW		HUMPHREYS, FRED	R71-00029 / 20.0	-	/		
			NW	SW		HUMPHREYS, FRED	A71-10763 / 20.0	-	/		
			NW	SW		DAY, ERNEST	R71-10763 / 20.0	-	/		
09N	14E	33	SW	SW		HUMPHREYS, FRED	A71-00033B / 10.0	-			
			SW	SW		HUMPHREYS, FRED	A71-00028 / 10.0	71-00028	/		
			SW	SW		HUMPHREYS, FRED	R71-00028 / 10.0	-	/		
			SW	SW		HUMPHREYS, FRED	A71-00035C / 18.0	-	/		
			SW	SW		HUMPHREYS, FRED	A71-10763 / 20.0	-	/		
			SW	SW		DAY, ERNEST	R71-10763 / 20.0	-	/		

See QS
Sheet

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
-----	-----	-----	-----	-----	-----	------	---------------	---------------	-----------------	----------------	------------------

SW	SW					SHAW, MARJORIE L.		71-00029 /			
09N 14E 33	SE	SW				HUMPHREYS, FRED	A71-000338 / 5.0	-	/		22.0
	SE	SW				HUMPHREYS, FRED	A71-00028 / 40.0	71-00028 /	/		
	SE	SW				RICHEY, MARK W	A71-00029 / 20.0	71-00029 /	/		
	SE	SW				HUMPHREYS, FRED	A71-00035C / 20.0	-	/		
	SE	SW				RICHEY, MARK W	A71-00036B / 40.0	-	/		
	SE	SW				HUMPHREYS, FRED	R71-00028 / 40.0	-	/		
	SE	SW				HUMPHREYS, FRED	R71-00029 / 20.0	-	/		
	SE	SW				HUMPHREYS, FRED	A71-10763 / 40.0	-	/		
	SE	SW				HUMPHREYS, FRED	R71-10763 / 40.0	-	/		
	SE	SW				DAY, ERNEST		-	/		

ADDITIONAL POU FOUND

TOTAL ACRES		A71-000338	45.00	81.00
		POU COUNTY: CUSTER		

Sec 9 *SWNE* *Claimed on lower ranch but recommended on Lots is white sand Subdiv. when deeded.*

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

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

Y () N ()

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
A71-000338	FOURTH OF JULY CREEK	HUMPHREYS, FRED	0.900	0.020		
R71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
A71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
R71-00029	FISHER CREEK	HUMPHREYS, FRED	2.250	0.019		
A71-00029	FISHER CREEK	RICHEY, MARK W	2.250	0.019		
A71-00035C	FOURTH OF JULY CREEK	HUMPHREYS, FRED	3.000	0.020		
A71-00036B	FOURTH OF JULY CREEK	RICHEY, MARK W	2.400	0.020		
R71-02085B	SALMON RIVER	DAY, ERNEST	0.950	0.020		
R71-10763	FISHER CREEK	DAY, ERNEST	5.020	0.020		
A71-10763	FOURTH OF JULY CREEK	HUMPHREYS, FRED	5.020	0.020		
	FISHER CREEK					
	FOURTH OF JULY CREEK					

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-10764	SALMON RIVER	HUMPHREYS, FRED	4.200	0.073		
R71-10764	SALMON RIVER	HUMPHREYS, FRED	4.200	0.088		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 71-00028, 71-00029, 71-00036, 71-00035

Y() N()

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()

() ORTHOPHOTOQUAD, IDMR NO. _____; () TOPOGRAPHIC QUAD, IDMR NO. _____
() NAPP, IDMR NO. _____; () ASCS PHOTO; () OTHER _____ **615**

NOTES:

[illegible]

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-000338 IRRIGATION	FROM 04-15 TO 10-15	0.900 CFS	
TOTAL DIVERSION RATE/VOLUME		0.900 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
71-00033 IRRIGATION	FROM TO	D.900 CFS	
TOTAL DIVERSION RATE/VOLUME		0.900 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: 0.900 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.900 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?

N/A() Y() N()
N/A() Y() N()

* 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?

Y() N()

* 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?

Y() N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD 6/30/93, SEE ATTACHED CALCULATIONS. AF Meter

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 1b. CALCULATIONS

ACRES x 0.02 CFS/ACRE = CFS
(Taken from pou review)

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 = 90.0 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	5/1 04-15	9/30 10-15	0.900 0.05		90.0 90.0
TOTAL FOR THIS RIGHT			0.900 0.05		90.0

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: AD

DATE: 6/1/98

FLAG: C

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

POD considered wfs.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00033
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.900

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-00033	A71-00033A	0.270	R71-00033A	0.230	71-00033	0.900
-	A71-00033B	0.900	R71-00033B	0.050	-	-
-	A71-00033C	0.510	R71-00033C	0.510	-	-
-	A71-00033E	0.260	R71-00033E	0.110	-	-

TOTAL CFS

1.940

0.900

0.900

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 ()?

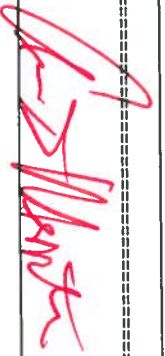
DATABASE
N
FIELD
EXAMINER
Y() N()

NOTES:

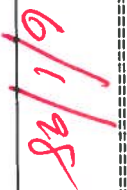
See
Attached

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	IDMR ID NO.	Y() N()
☒ TOPOGRAPHIC	DATE FIELD CHECKED	IDMR ID NO.	Y() N()
☒ NAAPP	DATE OF PHOTO	IDMR 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		
☐ IDMR 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		

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	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE
AD
6/1/98

Field Inspection Flag:
Presumption Flag:

R PROOF

CVR

MAPS

PHOTOS

MISC

Water Right Number - R71-00033B

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HUMPHREYS

FRED

1 - 1919 S PHILLIP
2 -
3 -

State- ID Zip- 83705

DAY

ERNEST

City- BOISE
Phone - 208-375-6940
1 - 1919 S PHILLIP
2 -
3 -

State- ID Zip- 83705

*** R - REPRESENTATIVE ***
RICHEY

MARK W

1 - 207 W WASHINGTON
2 -
3 -
City- BOISE
Phone - 208-344-2547

State- ID Zip- 83705592

+ - - Priority Date - - +
05/21/1918+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

Source - - - - -
FOURTH OF JULY CREEK+ - - Tributary - - - - -
SALMON RIVER+ - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

08N 14E 12 SW NE NE (37) CUSTER

+ - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 05/01 09/30

0.050

+ - Total Div. Rate - + + - Total Div. Volume - +
0.050+ - Total Consumptive Use - + + - KW Usage - +
4.0+ - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
08N 14E 9 SW NE 2.0 01 IRRIGATION (37) CUSTER

Total Acres: 2.0

+ - - Diversion Means - HEADGATE & DITCH

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

Prefix Translation: RESEARCH

1.17 CFS OF RIGHT NO. 71-10763 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS AND OTHER RIGHTS. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 71-00033A, 71-00033B, 71-00033C, 71-00034A, 71-00034B, 71-00034C, 71-00034D, 71-00034E, 71-00035A, 71-00035B, 71-00036C, 71-00037B & 71-10765.

7100033

Conditions of Approval - -
No Conditions of Approval found.

DAN J. CAVANAGH

- - -Comments- - -
No Comments Found

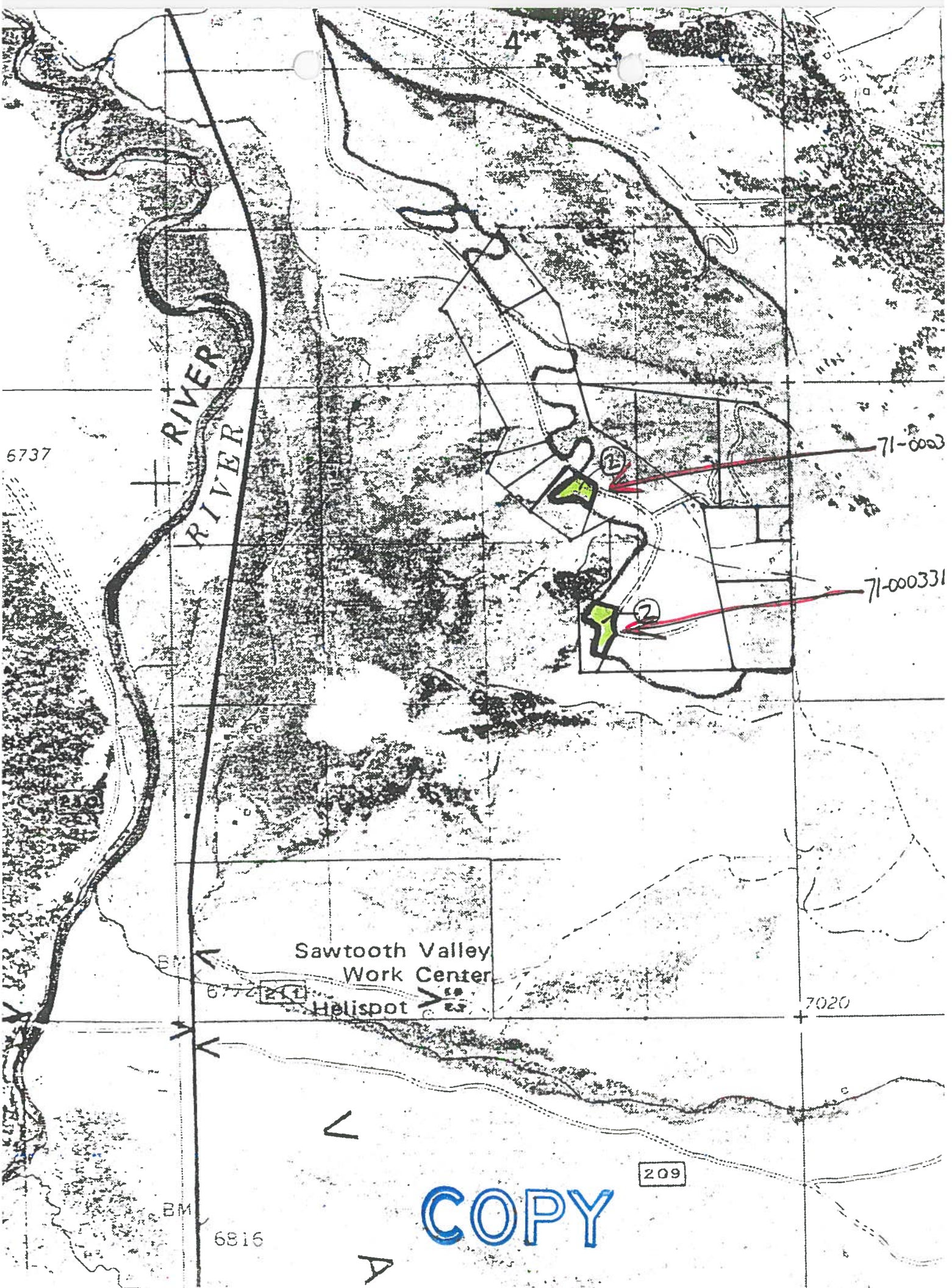
02/14/94 MERRITT

Adjudication Rights Dates and Flags Area

| | | |
|----------------------|---|------------|
| Court Report Filing | - | 00/00/0000 |
| Objection Filed Date | - | 00/00/0000 |
| Response Filed Date | - | 00/00/0000 |
| Claim Received Date | - | 01/10/1990 |

Name Connector PDU Ownership Flag

- Federal/State Indicator - S
- Presumption Flag
- Notice of Error Flag



6737

RIVER
RIVER

71-0003

71-000331

Sawtooth Valley
Work Center
Helispot

6772

7020

209

BM

6816

COPY

IDAHO DEPARTMENT OF WATER RESOURCES
LOTUS FORM - SPLIT

FOR RIGHT NO: 71-00033

BY: ADM
DATE: 02-Feb-94

CREATED ON 2-1-94
BY ADM & KKC
MODIFIED DATE

BASE RATE: 0.90 CFS

| OWNER | CLAIMED
RATE | ACRES
FOUND | FIRST
SHARE
OF BASE
RATE | POTENTIAL
SHARE OF
BASE RATE | FIRST
CUT | 2ND
ACRE
ITERATION | 2ND
SHARE
ITERATION | POTENTIAL
SHARE OF
REMAINING | SECOND
CUT | PRELIM
RATE
SUMMARY | RATE
PER
ACRE |
|----------------------|-----------------|----------------|-----------------------------------|------------------------------------|--------------|--------------------------|---------------------------|------------------------------------|---------------|---------------------------|---------------------|
| A71-00033A MITCHELL | 0.27 | 10.5 | 30.4% | 0.274 | 0.270 | | | | | 0.270 | 0.026 |
| A71-00033B HUMPHREYS | 0.90 | 2 | 5.8% | 0.052 | | 2 | 8.3% | 0.053 | 0.053 | 0.053 | 0.026 |
| A71-00033C STAHL | 0.58 | 22 | 63.8% | 0.574 | | 22 | 91.7% | 0.578 | 0.578 | 0.578 | 0.026 |
| A71-00033D LAUDER | 0.02 | 0 | | | | | | | | | |

*Re-number
A71-00034 F* →

| | | | | | | | | | | |
|-----------------------------|------|------|--------|-------|-------|----|--------|-------|-------|-------|
| SUMS | 1.77 | 34.5 | 100.0% | 0.900 | 0.270 | 24 | 100.0% | 0.630 | 0.630 | 0.900 |
| FIRST ITERATION BALANCE | | | | | | | | | | |
| NOT ALLOCATED ==> 0.630 CFS | | | | | | | | | | |

TOTAL POTENTIAL
ALLOCATED RATE
BEFORE HUBBLE ==> 0.900 CFS

BALANCE NOT
ALLOCATED ==> 0.000 CFS

SOIL CHARACTERISTICS initials: ADM date: 07/09/93

Soil Type = TP4...GRAVELLY LOAM
Source of Soils Data = SCS

| soil depth
(inches) | | AWC
(in/in) | | PH | | organic
(%) | | soil depth
(ft) | AWC
(inches) | intake
family | | AWC
(ave) | |
|------------------------|-------|----------------|-------|-------|-------|----------------|-------|--------------------|-----------------|---------------------|--------|--------------|-------|
| lower | upper | lower | upper | lower | upper | lower | upper | | | flood | furrow | | |
| 0 | 10 | 0.11 | 0.14 | 6.1 | 6.5 | 3 | 5 | 1 | 1.53 | 3 | 0.7 | 1 | 0.125 |
| 10 | 29 | 0.12 | 0.16 | 6.1 | 6.5 | | | 2 | 3.21 | | | 11 | 0.14 |
| 29 | 60 | 0.08 | 0.12 | 6.1 | 7.3 | | | 3 | 4.61 | | | 30 | 0.1 |
| | | | | | | | | 4 | 5.81 | | | 61 | 0 |
| | | | | | | | | 5 | 7.01 | alternate
method | | 61 | 0 |
| | | | | | | | | | | NA | NA | 61 | 0 |
| | | | | | | | | | | | | 61 | 0 |
| | | | | | | | | | | | | 61 | 0 |
| | | | | | | | | | | | | 61 | 0 |
| | | | | | | | | | | | | 61 | 0 |

Management Allowed Deficit (MAD)

| crop | root
depth
(ft) | stress
point | MAD
(inches) |
|--------------------------|-----------------------|-----------------|-----------------|
| alfalfa (hay or seed) | 5 | 0.5 | 3.50 |
| corn (field or silage) | 4 | 0.5 | 2.91 |
| grain (winter or spring) | 4 | 0.5 | 2.91 |
| pasture (or grass hay) | 3 | 0.5 | 2.31 |
| other (enter below) | | | |

Intake Family

choose base number for intake family from table below based on texture
base number (#'s 1 through 7) = 5

6

6

Intake Family

| # | flood | furrow | texture |
|---|-------|--------|--|
| 1 | 0.3 | 0.3 | heavy clays, silty clay (> 60% clay) |
| 2 | 0.5 | 0.35 | clays, slit loam (lake laid), sandy clay |
| 3 | 1 | 0.4 | silty clay loam, clay loam, sandy clay loam, silt loam (stream laid) |
| 4 | 1.5 | 0.5 | silt loam (wind laid), loam, very fine sandy loam |
| 5 | 2 | 0.55 | sandy loam, fine sandy loam, gravelly loam |
| 6 | 3 | 0.7 | very fine sand, loamy sands, gravelly sandy loam |
| 7 | 4 | 0.85 | sand |

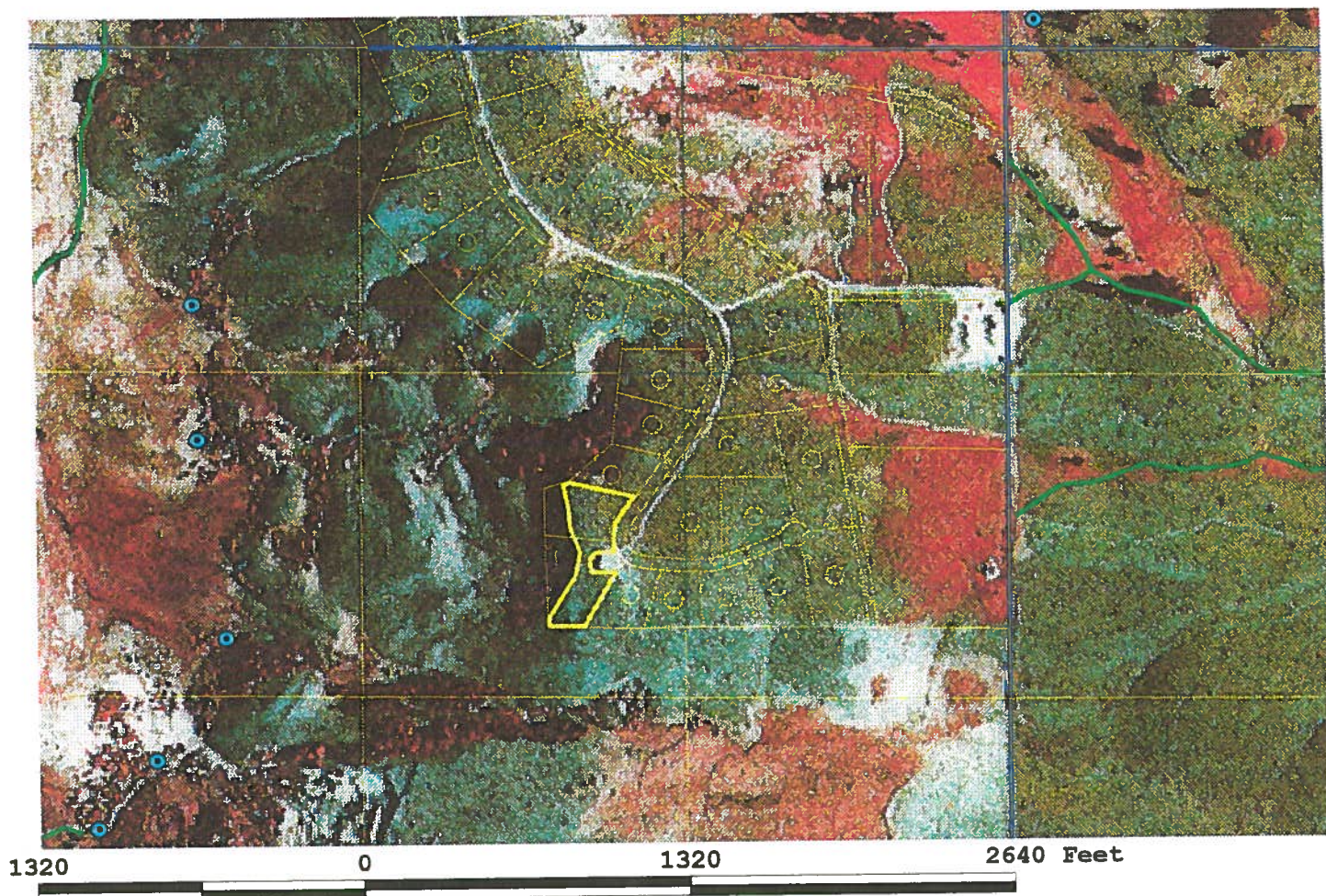
If you wish to assign intake family by an alternate method (from
Table A-3 in Hubble Report or other) enter your selection below.
Enter a value for both flood and furrow if known, otherwise enter zero.
If you do not wish to assign intake family by an alternate method
enter zero for both values.

intake family (flood) = 0
intake family (furrow) = 0



IDAHO DEPARTMENT OF WATER RESOURCES

71-00033B



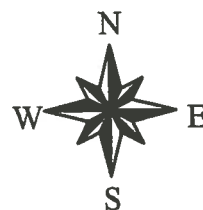
POU:

TWP 08N, RGE 14E, SEC 9

POD:

FOURTH OF JULY CREEK - SWNE, SEC 12

TWP 08N, RGE 14E

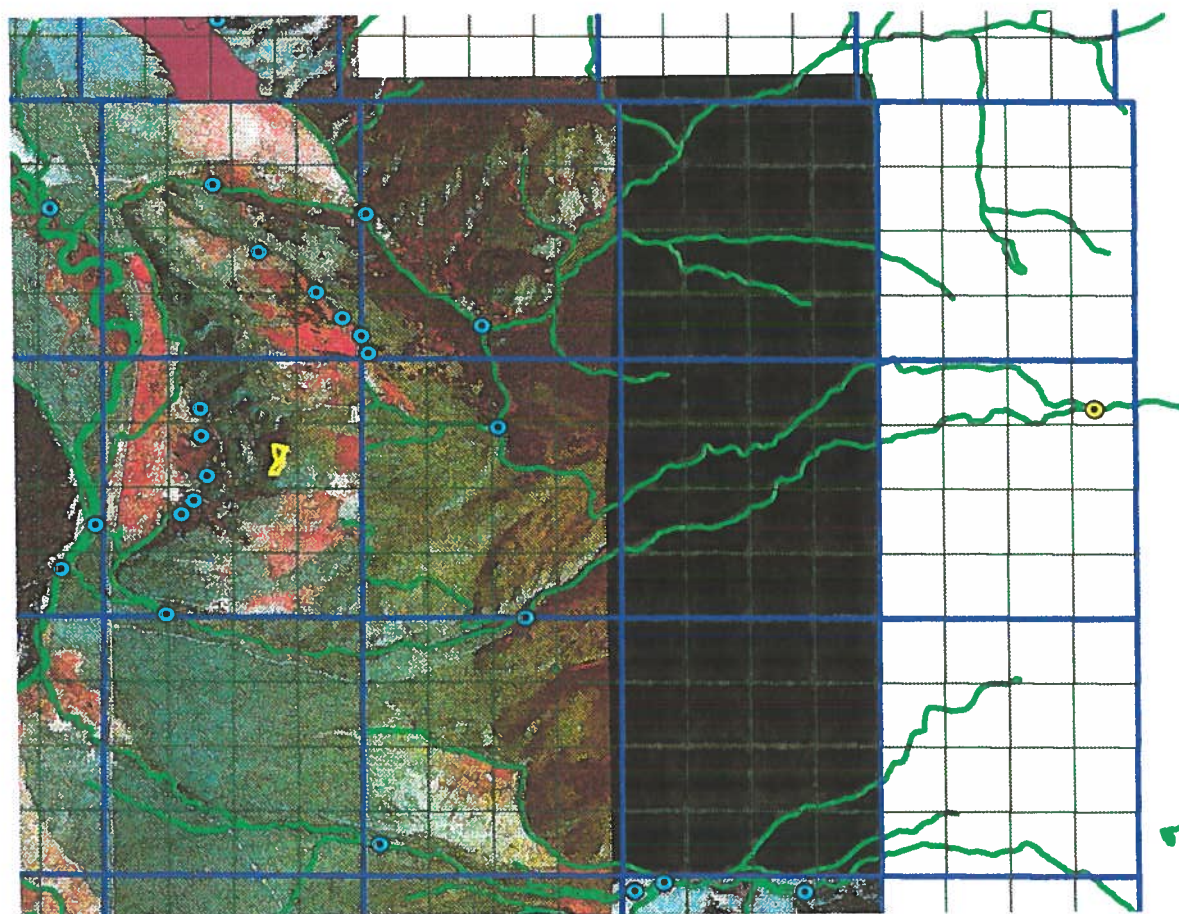


-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES
-  STREAM AND DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
1987 AND/OR 1988 NAPP PHOTOGRAPHY
DATA ENTRY MAY 1998
BY ALLEN MERRITT

IDAHO DEPARTMENT OF WATER RESOURCES

71-00033B



1320 0 1320 2640 Feet

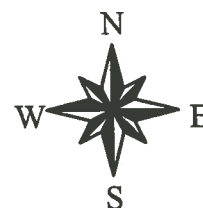
POU:

TWP 08N, RGE 14E, SEC 9

POD:

FOURTH OF JULY CREEK - SWNE, SEC 12

TWP 08N, RGE 14E



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DATA ENTRY MAY 1998
BY ALLEN MERRITT

CLAIM _____ INIT _____

T. 1 S. Q/Q

P/D _____

PHOTO V-70 _____

DT. & ID. _____

*Decreed
P/C*

*Marquette Shrub
71-00028
71-00029*

FH 26

BM 6721

75

STANDARD

BM 6742

*Cancelled McVey
71-00030
71-00031
71-00032
71-00033
71-00034
71-00035
71-00036
71-00037
4th July*

395

*71-00038
24
July*

Pass

RIVER

6737

71-00033

10

71-02014

20

Sawtooth Valley
Work Center

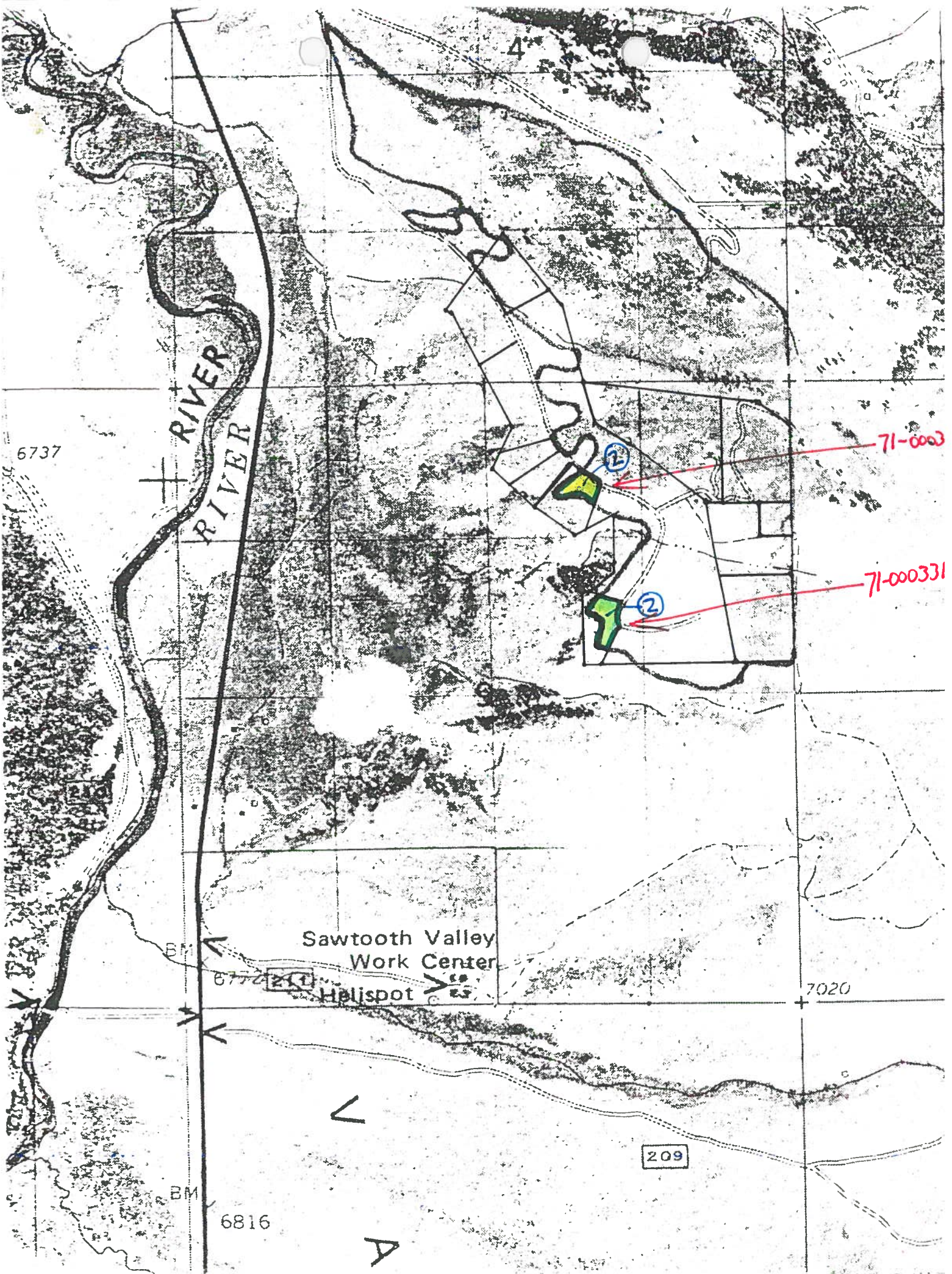
Trailspot

Spring

July

Fourth

209



RIVER
RIVER

6737

71-0003

71-000331

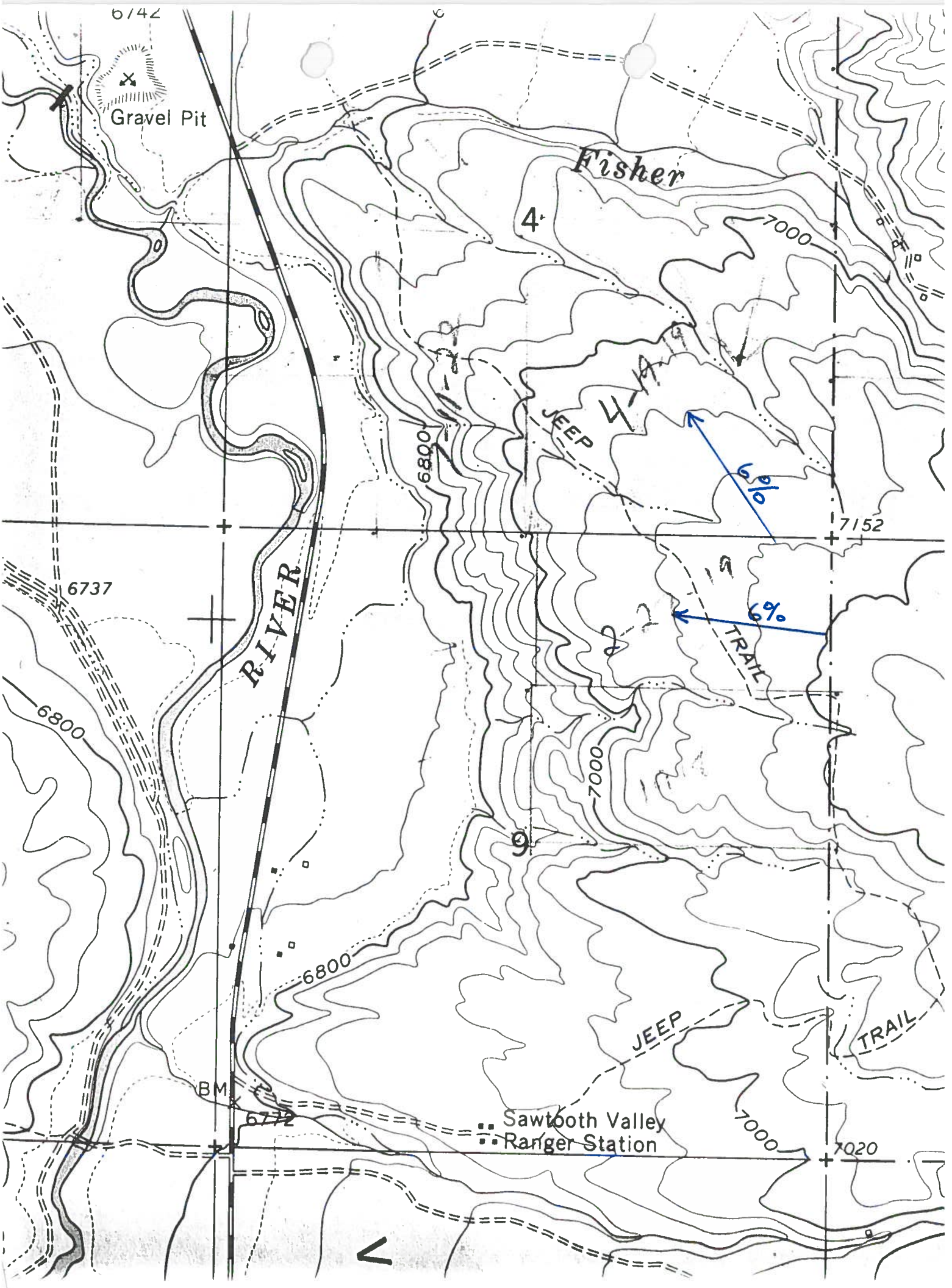
Sawtooth Valley
Work Center

Helispot

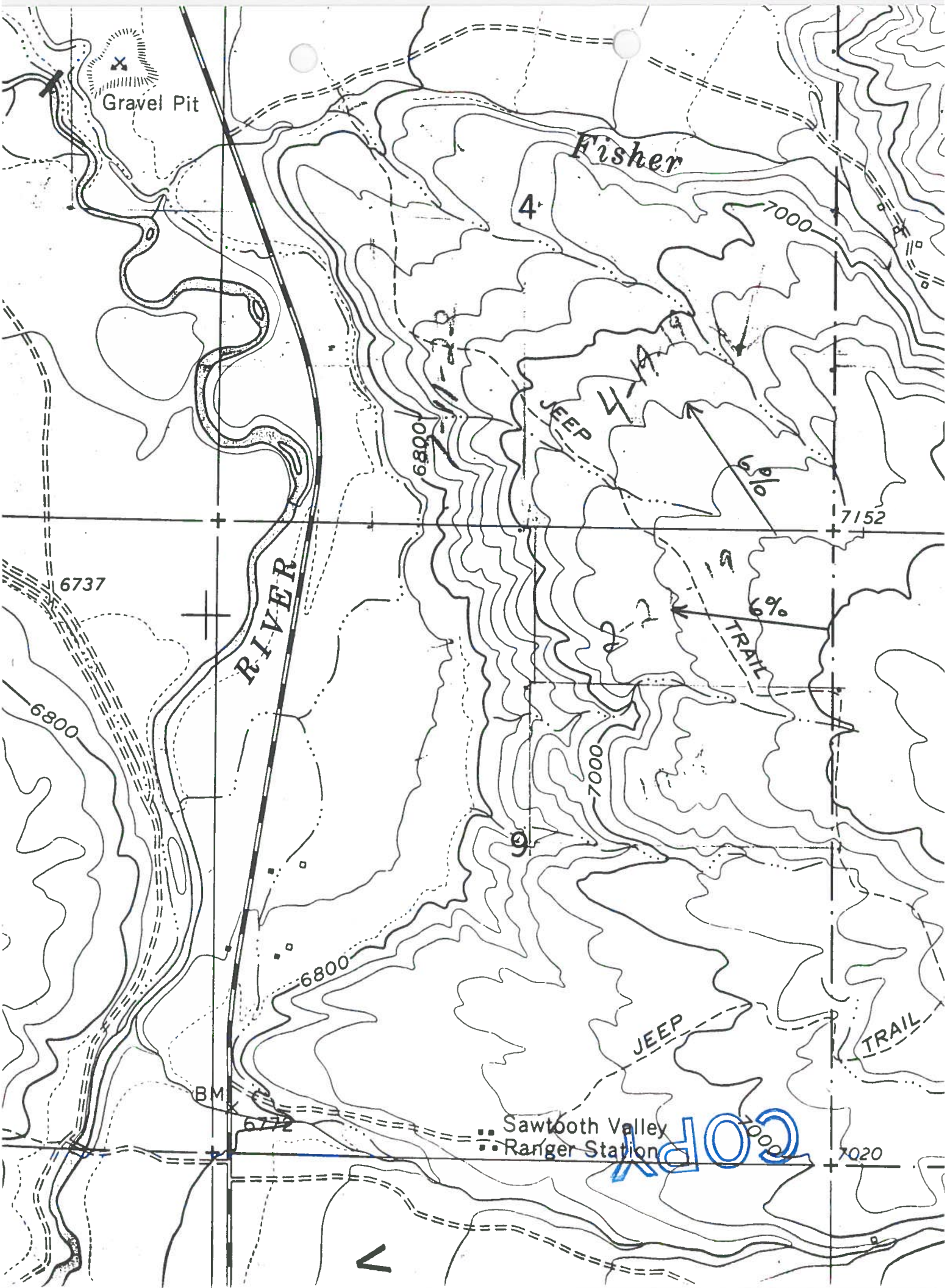
7020

209

6816







Gravel Pit

Fisher

RIVER

4

7000

7152

6737

6800

7000

6800

BM

6772

Sawtooth Valley
Ranger Station

7020

JEEP

6%

6%

TRAIL

JEEP

TRAIL

COPY





GRADED BORDER EVALUATION

Job name: WHITECLOUD AREA
By: ADM

Location: TP4 10AC BASE 14DAY
Date: Feb 9, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0600 ft/ft Border width (W)= 35 ft
Net application (Fn)= 2.31 inches Border length (L)= 300 ft
Inflow time (Ti)= 8 hours, 0 minutes

| Flow per
Border
(cfs) | Unit
Flow
(cfs/ft) | Gross
Application
(in) | Deep
Percolation
(in) | Runoff
(in) | Application
Efficiency
(percent) | Notes |
|-----------------------------|---|------------------------------|-----------------------------|----------------|--|-------|
| 0.60 | Gross depth is less than required gross application depth | | | | | |
| 0.61 | Gross depth is less than required gross application depth | | | | | |
| 0.62 | Gross depth is less than required gross application depth | | | | | |
| 0.63 | Gross depth is less than required gross application depth | | | | | |
| 0.64 | Gross depth is less than required gross application depth | | | | | |
| 0.65 | Gross depth is less than required gross application depth | | | | | |
| 0.66 | Gross depth is less than required gross application depth | | | | | |
| 0.67 | Gross depth is less than required gross application depth | | | | | |
| 0.68 | Gross depth is less than required gross application depth | | | | | |
| 0.69 | 0.020 | 22.71 | 20.24 | 0.16 | 10.2 | (2) |
| 0.70 | 0.020 | 23.04 | 20.24 | 0.49 | 10.0 | (2) |
| 0.71 | 0.020 | 23.37 | 20.24 | 0.82 | 9.9 | (2) |
| 0.72 | 0.021 | 23.70 | 20.24 | 1.15 | 9.7 | (2) |
| 0.73 | 0.021 | 24.03 | 20.24 | 1.48 | 9.6 | (2) |
| 0.74 | 0.021 | 24.36 | 20.24 | 1.81 | 9.5 | (2) |

(2) Erosive stream-- non-sod forming crops.