

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: A71-00044  
Date Received: 2/16/1990  
Receipt No: S011227  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: KENT C BROWNING  
Address: 18803 STUDEBAKER RD  
CERRITOS CA 90701  
AND  
Name: KATHRYN M BROWNING  
Address: 18803 STUDEBAKER RD  
CERRITOS CA 90701
2. Date of Priority: MAY 1, 1916
3. Source: ELK CREEK Trib. to: VALLEY CREEK
4. Point of Diversion:  

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11N      | 12E   | 11      | SE     | SE     | SW  |     | CUSTER |
5. Description of diverting works:  
CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION
6. Water is used for the following purposes:  

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 4.800 |      |        |
7. Total Quantity Appropriated is:  
4.800 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 298.0 Acre Feet Per Annum.
9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-----|-------|
| 11N      | 12E   | 11      | SE            | SW  |     | IRR | 1.0   |
|          |       |         | SW            | SE  |     | IRR | 15.0  |
|          |       |         | SE            | SE  |     | IRR | 11.0  |
|          |       |         | Section Acres |     |     |     | 27.0  |
|          |       | 13      | NW            | NW  |     | IRR | 18.0  |
|          |       |         | SW            | NW  |     | IRR | 33.0  |
|          |       |         | SE            | NW  |     | IRR | 1.0   |
|          |       |         | NE            | SW  |     | IRR | 3.0   |
|          |       |         | NW            | SW  |     | IRR | 34.0  |
|          |       |         | SW            | SW  |     | IRR | 4.0   |
|          |       |         | SE            | SW  |     | IRR | 2.0   |
|          |       |         | Section Acres |     |     |     | 95.0  |
|          |       | 14      | NE            | NE  |     | IRR | 19.0  |
|          |       |         | NW            | NE  |     | IRR | 6.0   |
|          |       |         | SE            | NE  |     | IRR | 2.0   |
|          |       |         | Section Acres |     |     |     | 27.0  |
|          |       |         | Total Acres   |     |     |     | 149.0 |

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:  
A71-00044, A71-00046 AND A71-02055A

14. Remarks:  
P/U IS PORTION OF HES # 420 AND # 577.  
LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.  
\*\*\*\*\*  
OWNERSHIP CHANGE 2/8/94 BY JG.  
ATTORNEY CHANGE 9-1-94 BY TLB.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

# **Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)**

Name(s) of Claimant (please print):

Kent Browning

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

Kneeland Korb, Collier & Legg  
PO Box 249  
Patchum, ID 83340

Attorney's Phone (208) 726-9311

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A71-00044 A71-00045 A71-00046 A71-02055A

**For Individuals:**

Authorized signature(s) Date 8-15-94

[Signature]  
Kathleen M. Brey

**For Organizations:**

I am \_\_\_\_\_ of \_\_\_\_\_, and I

Title

Organization

have signed the foregoing document in the space below as

\_\_\_\_\_ of \_\_\_\_\_.

Title

Organization

Signature of Authorized Agent \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Organization \_\_\_\_\_

IDWR Use:

Date Received \_\_\_\_\_

Data Entry \_\_\_\_\_

11 15 16 17 18

**AUG 31 1994**

Department of Water Resource  
Southern Region Office

LAW OFFICES  
KNEELAND, KORB, COLLIER & LEGG

KNEELAND PROFESSIONAL BUILDING

128 SADDLE ROAD, SUITE 103

P.O. BOX 249

KETCHUM, IDAHO 83340

(208) 726-9311

TELEFAX (208) 726-4515

ROBERT KORB III  
BRUCE COLLIER  
ANN LEGG  
DAVID C. EPIS

G.R. KNEELAND  
OF COUNSEL

HAILEY OFFICE:

301 FIRST AVENUE SOUTH

P.O. BOX 606

HAILEY, IDAHO 83333

(208) 788-4733

TELEFAX (208) 788-5101

January 10, 1994

Kelly Christensen  
Idaho Department of Water Resources  
220 Shoshone East  
Twin Falls, Idaho 83303

RE: Circle A Ranch, Stanley, Idaho  
KK&C File No. 6356

RECEIVED

JAN 11 1994

Department of Water Resources  
Southern Region Office

Dear Mr. Christensen:

I appreciate your assistance by telephone last week concerning the status of the water rights for the Circle A Ranch. I understand that you have completed your field verification for the water rights and that you believe there are no problems and that the decreed water rights are verified. Also, I understand there have not been any protests in the Valley Creek area by other parties or users and that to date no one has claimed water in excess to their decreed right. However, I understand that some users may have used additional water in addition to their decreed amount and if this additional use is justified and used consistently over the years it may relate back to the initial decree. Please send our office a copy of the water rights owner transfer for completion at your earliest convenience.

Thank you.

KNEELAND, KORB, COLLIER & LEGG



Robert Korb

RK:HKH

Enclosure(s): as stated

cc: client



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

18-May-1994

KNEELAND KORB COLLIER AND LEGG  
ROBERT KORB  
128 SADDLE RD SUITE 103  
PO BOX 249  
KETCHUM ID 83340

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A71-00044,  
A71-00045, A71-00046, & A71-02055A

Dear Mr Korb

Enclosed is an Acknowledgement of Change in Attorney form to give you the authority to act on the Brownings behalf.

The administration has instructed me that, based upon the current 'Gag Order' issued by the court, I am unable to initiate any conversation concerning the Brownings claims. I am, however, able to respond to questions regarding information relating to the claims. I have enclosed copies of portions of pages 10 and 11 of the Cavanugh vs Merritt decree that relate to the Brownings property for your information.

Hopefully the department will soon receive further direction from the court and/or steering committee that will clarify the authority the department has in claims verification.

If you have any further questions please contact this office.

Sincerely

Kelly K. Christensen  
Sr. Water Resource Agent

enclosure



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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128 SADDLE RD SUITE 103  
PO BOX 249  
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Dear Mr Korb

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Hopefully the department will soon receive further direction from the court and/or steering committee that will clarify the authority the department has in claims verification.

If you have any further questions please contact this office.

Sincerely

Kelly K. Christensen  
Sr. Water Resource Agent

enclosure

443 577

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: A71-00044  
Date Received: 2/14/1990  
Receipt No: 5011227  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CHRISTENSEN 1987 TRUST 208-726-3668  
Address: C/O DOUGLAS CHRISTENSEN  
KETCHUM, ID 83340

2. Date of Priority: MAY 01, 1916

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11N      | 12E   | 11      | SE     | SE     | SW  |     | CUSTER |

5. Description of diverting works:  
CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 4.800  |      |        |

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

8. Total consumptive use is 298.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 11N      | 12E   | 11      | SE     | SW  |     | IRR | 1.0   |
|          |       |         | SW     | SE  |     | IRR | 15.0  |
|          |       |         | SE     | SE  |     | IRR | 11.0  |

Section Acres 27.0

A71-00044

Page 1

Date: 02/14/90

RECEIVE

MAY 10 1994

Resource Region Office

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 11N      | 12E   | 13      | NW     | NW  |     | IRR           | 18.0  |
|          |       |         | SW     | NW  |     | IRR           | 33.0  |
|          |       |         | SE     | NW  |     | IRR           | 1.0   |
|          |       |         | NE     | SW  |     | IRR           | 3.0   |
|          |       |         | NW     | SW  |     | IRR           | 34.0  |
|          |       |         | SW     | SW  |     | IRR           | 4.0   |
|          |       |         | SE     | SW  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 95.0  |
|          |       | 14      | NE     | NE  |     | IRR           | 19.0  |
|          |       |         | NW     | NE  |     | IRR           | 6.0   |
|          |       |         | SE     | NE  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 27.0  |
|          |       |         |        |     |     | Total Acres   | 149.0 |

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:  
A71-00044, A71-00046 AND A71-02055A

14. Remarks:  
P/U IS PORTION OF HES # 420 AND # 577.  
LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.

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: See Map A71-00045

For Organizations:

I do solemnly swear or affirm that I am TRUSTEE of  
Title  
CHRISTENSEN 1987 TRUST, that I have signed the foregoing  
Organization  
document in the space below as TRUSTEE of  
Title  
CHRISTENSEN 1987 TRUST and that the statements contained in the  
Organization  
foregoing document are true and correct.  
Signature of Authorized Agent  
Trustee. CHRISTENSEN 1987 TRUST  
Title and Organization  
FEBRUARY 14, 1990  
Date

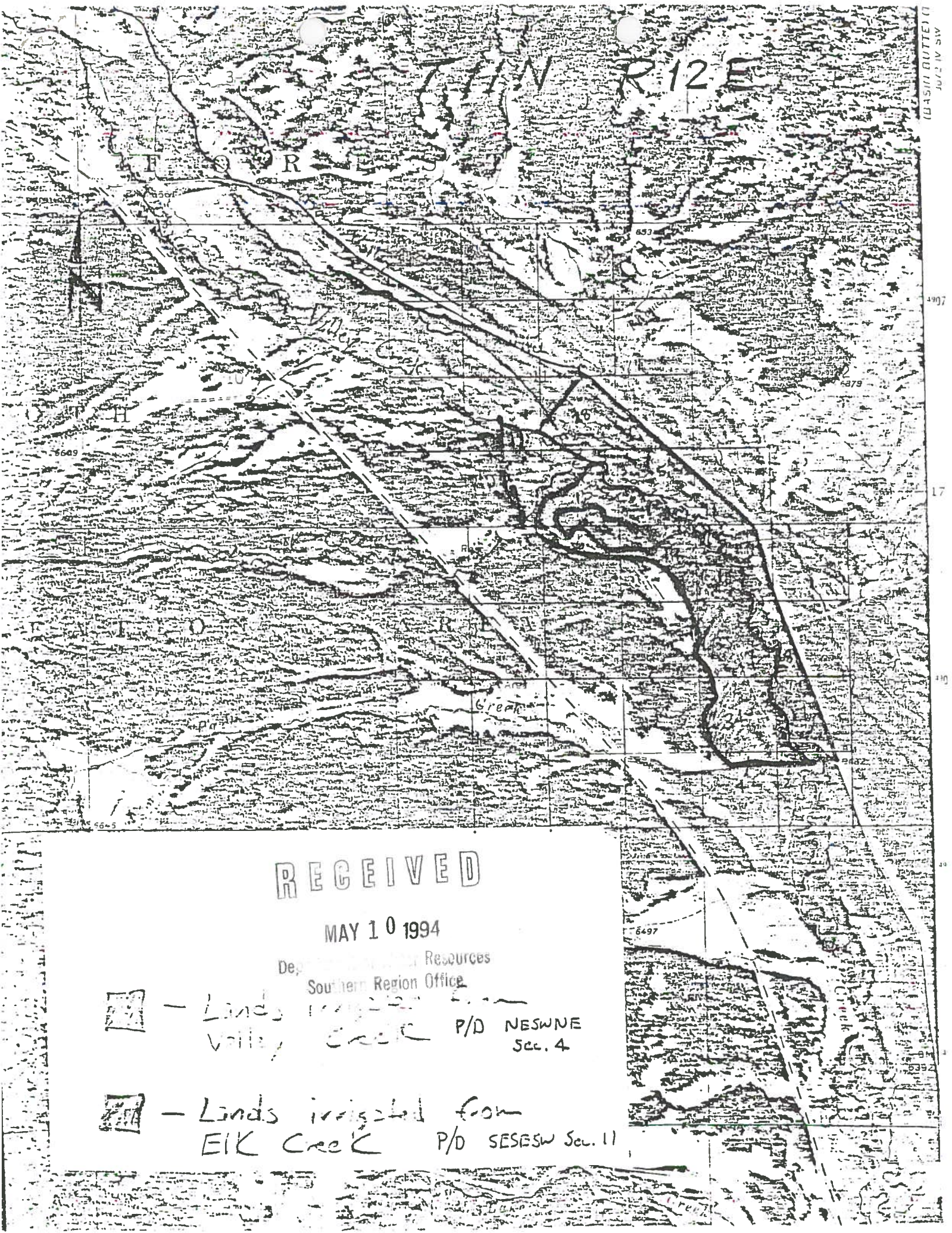
State of Idaho )  
County of Twin Falls ) SS.

Subscribed and sworn (or affirmed) before me this 14<sup>th</sup> day  
of Feb. 19 90

[Signature]  
Notary Public

Seal

Residing at Kimberly, ID  
My Commission Expires 6/30/92



RECEIVED

MAY 10 1994

Department of Resources  
Southern Region Office



Lands irrigated from  
Valley Creek P/D NESWNE  
Sec. 4



Lands irrigated from  
Elk Creek P/D SESESW Sec. 11

QUITCLAIM DEED

RECEIVED

MAY 10 1994

FOR VALUE RECEIVED

Douglas M. Christensen and Ann L. Christensen, husband and wife, or their Successors, Trustees of the Christensen Trust Dated march 17, 1987

Resources  
Southern Region Office

do(es) hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

Christensen Limited Partnership, an Idaho Limited Partnership

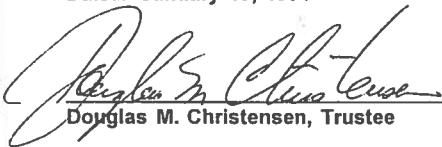
whose address is: HC 64 Box 8288, Ketchum, ID 83340

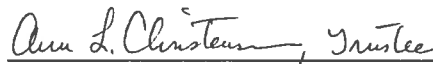
the following described premises situated in Custer County, Idaho, to wit:

The Snake River Basin Adjudication of Water Rights under Identification Nos. A71-00044 and A71-02055A, a copy of each which is attached as Exhibit "A" hereto and made a part hereof.

together with their appurtenances.

Dated: January 19, 1994

  
Douglas M. Christensen, Trustee

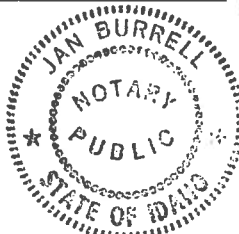
  
Ann L. Christensen, Trustee

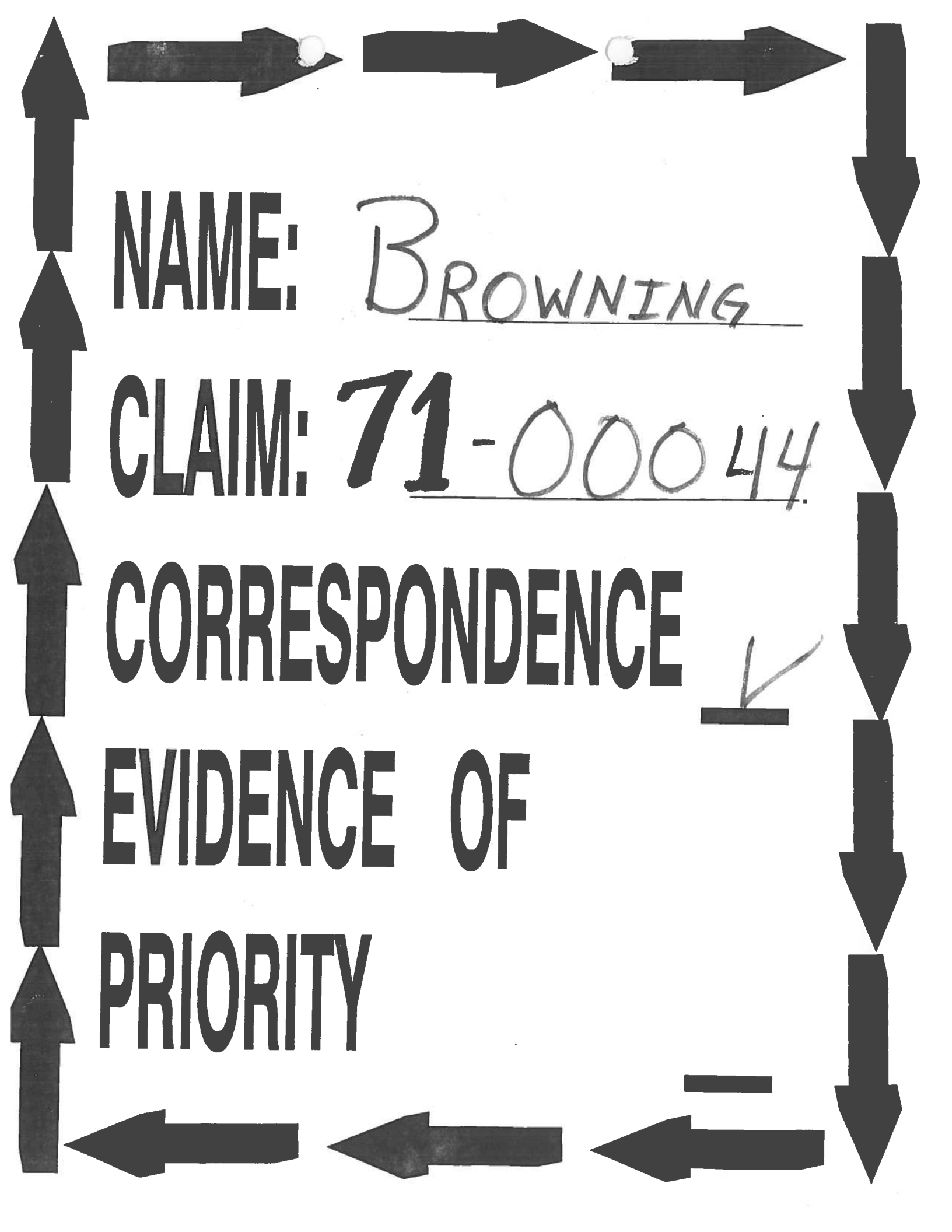
State of Idaho  
County of Blaine

On this January 20, 1994, before me, a notary public in and for said State, personally appeared Douglas M. Christensen and Ann L. Christensen known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustees of Christensen Trust Dated March 17, 1987 and acknowledged to me that he/she executed the same on behalf of said trust.

WITNESS my hand and official seal.

  
Notary Public  
Residing at Hailey  
Commission Expires: 2-18-98





NAME: BROWNING

CLAIM: 71-00044

CORRESPONDENCE



EVIDENCE OF

PRIORITY

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: **A71-00044**  
Date Received: 2/16/1990  
Receipt No: S011227  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: KENT C BROWNING  
Address: 18803 STUDEBAKER RD  
CERRITOS CA

90701

AND

Name: KATHRYN M BROWNING  
Address: 18803 STUDEBAKER RD  
CERRITOS CA

90701

2. Date of Priority: MAY 1, 1916

3. Source: ELK CREEK

Trib. to: VALLEY CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 11N      | 12E   | 11      | SE     | SE     | SW  |     | CUSTER |

5. Description of diverting works:

CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 4.800 |      |        |

7. Total Quantity Appropriated is:

4.800 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 298.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

10. Place of Use:

| Township | Range | Section | 1/4 of        | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-----|-------|
| 11N      | 12E   | 11      | SE            | SW  |     | IRR | 1.0   |
|          |       |         | SW            | SE  |     | IRR | 15.0  |
|          |       |         | SE            | SE  |     | IRR | 11.0  |
|          |       |         | Section Acres |     |     |     | 27.0  |
|          |       | 13      | NW            | NW  |     | IRR | 18.0  |
|          |       |         | SW            | NW  |     | IRR | 33.0  |
|          |       |         | SE            | NW  |     | IRR | 1.0   |
|          |       |         | NE            | SW  |     | IRR | 3.0   |
|          |       |         | NW            | SW  |     | IRR | 34.0  |
|          |       |         | SW            | SW  |     | IRR | 4.0   |
|          |       |         | SE            | SW  |     | IRR | 2.0   |
|          |       |         | Section Acres |     |     |     | 95.0  |
|          |       | 14      | NE            | NE  |     | IRR | 19.0  |
|          |       |         | NW            | NE  |     | IRR | 6.0   |
|          |       |         | SE            | NE  |     | IRR | 2.0   |
|          |       |         | Section Acres |     |     |     | 27.0  |
|          |       |         | Total Acres   |     |     |     | 149.0 |

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:

A71-00044, A71-00046 AND A71-02055A

14. Remarks:

P/U IS PORTION OF HES # 420 AND # 577.

LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.

\*\*\*\*\*

OWNERSHIP CHANGE 2/8/94 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH

Decree Plaintiff

WM. MERRITT, ET AL.

vs Decree Defendant



Department of Water Resources  
Southern Region Office

MAR - 3 1994

REGISTERED

March 2, 1994

Idaho Department of Water Resources  
Southern Region  
Attn: Judy Giles  
222 Shoshone Street East  
Twin Falls, ID 83301

Re: Order No. 19593

Browning/Christensen  
Ptn. Sections 13 & 14 T11N R12E HES 420

Dear Judy,

In connection with the above mentioned order, please find attached copies/originals of the following documents:

|              |                                                                  |
|--------------|------------------------------------------------------------------|
| <u>  x  </u> | A Copy of the Quitclaim Deed.                                    |
| <u>  x  </u> | Original New Property Notice of Change of Water Right Ownership. |

If you have any questions, please feel free to call me.

Sincerely,

**SAWTOOTH TITLE COMPANY**

Jan L. Burrell  
Vice-President

JLB/nls

Attachment(s)

## QUITCLAIM DEED

FOR VALUE RECEIVED

Douglas M. Christensen and Ann L. Christensen, husband and wife, or their Successors, Trustees of the Christensen Trust Dated March 17, 1987

do(es) hereby CONVEY, RELEASE, REMISE and FOREVER quit claim unto

Kent C. Browning and Kathryn M. Browning, husband and wife

whose address is: 18803 Studebaker Road, Cerritos, CA 90701

the following described premises situated in Custer County, Idaho, to wit:

The Snake River Basin Adjudication of Water Rights under identification Nos. A71-00045 and A71-00046, a copy of each which is attached as Exhibit "A" hereto and made a part hereof.

Accepted and Approved KB

Accepted and Approved KB

together with their appurtenances.

Dated: February 8, 1994

Douglas M. Christensen  
Douglas M. Christensen, Trustee

Ann L. Christensen  
Ann L. Christensen, Trustee

State of Idaho  
County of Blaine

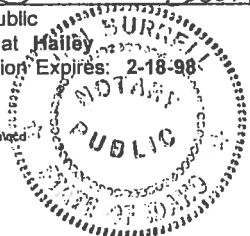
On this February 18, 1994, before me, a notary public in and for said State, personally appeared Douglas M. Christensen and Ann L. Christensen known or identified to me to be the person(s) whose name(s) is subscribed to the within instrument as Trustees of Christensen Trust Dated March 17, 1987 and acknowledged to me that he/she executed the same on behalf of said trust.

WITNESS my hand and official seal.

Jan L. Burrell  
Notary Public

Residing at Malley  
Commission Expires: 2-18-98

J.escrowform@idaho.gov



RECEIVED

MAR - 3 1994

Department of Water Resources  
Southern Region Office



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

# RECEIVED

Please print or type  
(see instructions on back of page)

DATE OF CLOSING: \_\_\_\_\_

MAR - 3 1994

**LEGAL DESCRIPTION OF PROPERTY:** Township 11 North Range 12 East  
Section 11, 12, 13, 14 1/4 of 1/4 of 1/4, Govt. Lot \_\_\_\_\_, BM. \_\_\_\_\_  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources  
Southern Region Office

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A71-00045 and A71-00046
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Christensen Trust Dated Marcy 17, 1987  
HC 64 Box 8288  
Ketchum, ID 83340
- ☐ New Owner/Claimant (Purchaser): Kent C. Browning and Kathryn M. Browning
- ☐ New Mailing Address: 18803 Studebaker Rd.  
Cerritos, CA 90701
- ☐ New Telephone Number: ( ) -
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no  
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: \_\_\_\_\_

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s): Kent C. Browning Date 3/1/94  
Kathryn M. Browning Date 3/1/94
- ☐ Signature of Former Owner/Claimant(s): Douglas G. Christensen Date \_\_\_\_\_  
Alan L. Christensen Date \_\_\_\_\_

(Signature of former claimant(s) is not required if proof of ownership is attached.)

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 5/18/94 By: JC

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 5/11/94 By: JC

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources  
Copies to Former Owner and New Owner



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

18-Jan-1994

KNEELAND, KORB, COLLIER & LEGG  
ROBERT KORB  
KNEELAND PROFESSIONAL BUILDING  
128 SADDLE ROAD SUITE 103  
PO BOX 249  
KETCHUM ID 83340

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A71-00044,  
A71-00045, A71-00046, & A71-02055A. YOUR FILE NO. 6356.

Dear Mr Korb

Enclosed is the Change of Ownership form to identify the new owner of the property. All claims, if they are to be transferred alike, can be identified on the one form. The form should be self explanatory but if you have any questions please call this office for information. As we know the claims involved, the legal description of property section is not necessary. I have also enclosed an Acknowledgment of Change in Attorney form for your use to formally identify you as the legal representative for these rights. The department cannot take any action on claims initiated by parties other than the claimant without written authorization from the claimant.

Your letter dated January 10, 1994 indicated that your understanding of the current status for the claims was that the decreed water rights were verified. It was not my intention to indicate that the claims were verified, rather, that I have completed the field verification of the physical use of those claims and that I have not identified any problems at this time. I have not completed the system review, which includes a detailed comparison of the field examination findings verses decree records, and any potential discrepancies cannot be anticipated which is what I intended on communicating to you during our conversation.

If you have any further questions please contact this office and I can discuss them with you.

Sincerely

Kelly K. Christensen  
Sr. Water Resource Agent  
enclosures

LAW OFFICES  
KNEELAND, KORB, COLLIER & LEGG

KNEELAND PROFESSIONAL BUILDING

128 SADDLE ROAD, SUITE 103

P.O. BOX 249

KETCHUM, IDAHO 83340

(208) 726-9311

TELEFAX (208) 726-4515

ROBERT KORB III  
BRUCE COLLIER  
ANN LEGG  
DAVID C. EPIS

G.R. KNEELAND  
OF COUNSEL

HAILEY OFFICE:

301 FIRST AVENUE SOUTH  
P.O. BOX 606

HAILEY, IDAHO 83333

(208) 788-4733

TELEFAX (208) 788-5101

January 10, 1994

Kelly Christensen  
Idaho Department of Water Resources  
220 Shoshone East  
Twin Falls, Idaho 83303

RE: Circle A Ranch, Stanley, Idaho  
KK&C File No. 6356

RECEIVED

JAN 13 1994

Department of Water Resources  
Southern Region Office

Dear Mr. Christensen:

I appreciate your assistance by telephone last week concerning the status of the water rights for the Circle A Ranch. I understand that you have completed your field verification for the water rights and that you believe there are no problems and that the decreed water rights are verified. Also, I understand there have not been any protests in the Valley Creek area by other parties or users and that to date no one has claimed water in excess to their decreed right. However, I understand that some users may have used additional water in addition to their decreed amount and if this additional use is justified and used consistently over the years it may relate back to the initial decree. Please send our office a copy of the water rights owner transfer for completion at your earliest convenience.

Thank you.

KNEELAND, KORB, COLLIER & LEGG



Robert Korb

RK:HKH

Enclosure(s): as stated

cc: client

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: A71-00044  
Date Received: 2/14/1990  
Receipt No: 5011227  
Received By: \_\_\_\_\_

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CHRISTENSEN 1987 TRUST 208-726-3668  
Address: C/O DOUGLAS CHRISTENSEN  
KETCHUM, ID 83340

2. Date of Priority: MAY 01, 1916

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

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 11N      | 12E   | 11      | SE     | SE     | SW     |     | CUSTER |

5. Description of diverting works:  
CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 4.800  |      |        |

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

8. Total consumptive use is 298.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
NONE

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 11N      | 12E   | 11      | SE     | SW     |     | IRR | 1.0   |
|          |       |         | SW     | SE     |     | IRR | 15.0  |
|          |       |         | SE     | SE     |     | IRR | 11.0  |

Section Acres 27.0

A71-00044

Page 1

Date: 02/14/90

MICROFILMED

MAR 17 1993

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 11N      | 12E   | 13      | NW     | NW  |     | IRR           | 18.0  |
|          |       |         | SW     | NW  |     | IRR           | 33.0  |
|          |       |         | SE     | NW  |     | IRR           | 1.0   |
|          |       |         | NE     | SW  |     | IRR           | 3.0   |
|          |       |         | NW     | SW  |     | IRR           | 34.0  |
|          |       |         | SW     | SW  |     | IRR           | 4.0   |
|          |       |         | SE     | SW  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 95.0  |
|          |       | 14      | NE     | NE  |     | IRR           | 19.0  |
|          |       |         | NW     | NE  |     | IRR           | 6.0   |
|          |       |         | SE     | NE  |     | IRR           | 2.0   |
|          |       |         |        |     |     | Section Acres | 27.0  |
|          |       |         |        |     |     | Total Acres   | 149.0 |

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:  
A71-00044, A71-00046 AND A71-02055A

14. Remarks:  
P/U IS PORTION OF HES # 420 AND # 577.  
LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.

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

DAN J. CAVANAGH  
Decree Plaintiff

WM. MERRITT, ET AL.  
Decree Defendant

(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.

MICROFILMED  
MAR 17 1993

1

RECEIVED  
MAR 17 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls: Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Douglas M. Christensen  
HC 64 Box 8288  
Ketchum, ID 83340

JAN 19 1990

1 of 3

RE: SRBA Claim

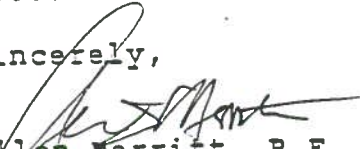
Dear Claimant:

Please find enclosed your claim and your check # NO CHECK for \$ N/A which you submitted to our office. I am returning these pursuant to Rule 10.4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification:

- ☐ Item #2 Priority
- ☐ Item #4 Point of Diversion Legal Description
- ☐ Item #6 Uses descriptions
- ☐ Item #9 Description of Non-irrigation Uses
- ☒ Item #10 Place of Use Legal Description *PLEASE Complete! Acres?*
- ☒ Item #16 Signature & Notorization
- ☒ Improper fee (THE CORRECT FEE IS \$ 50 per claim + \$1.00/acre)
- ☒ Other or Remarks

~~If you wish to continue to press your claim please find enclosed instructions and another claim form to use.~~ If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional \$50.00 late fee.

Sincerely,

  
Allen Merritt, P.E.  
Water Rights Supervisor

ADM:adm  
Enclosures:

See

If you would like to  
set up an appointment  
just give us about 2 weeks  
notice.

MICROFILMED

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

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

Date Received

Receipt Num---

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

71-0044

No Notary

Please type or print clearly

1. Name of Claimant (s) DOUGLAS M. & ANN L. CHRISTENSEN 1987 Trust Phone (208) 726-3668Mailing Address HC 64 Box 8288 KETCHUM ID ~~83340~~ Zip 833402. Date of Priority (Only one (1) per claim) MAY 1, 19163. Source of water supply (a) ELK CREEK  
which is tributary to (b) VALLEY CREEK4. a. Location of existing point of diversion is: Township 11N Range 12E Section 13,  
1/4 of NW 1/4 of NW 1/4, Govt. Lot, B.M., County of CLUSTER

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. 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. HEADGATE/ DITCH

MICROFILMED

MAR 17 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

*Douglas M. Christensen*

JAN 19 1990

RE: SRBA Claim

2 of 3

Dear Claimant:

Please find enclosed your claim and your check # No check for \$ N/A which you submitted to our office. I am returning these pursuant to Rule 10.4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification:

- ☐ Item #2 Priority
- ☐ Item #4 Point of Diversion Legal Description
- ☐ Item #6 Uses descriptions
- ☐ Item #9 Description of Non-irrigation Uses
- ☒ Item #10 Place of Use Legal Description *Please Complete! Acres?*
- ☒ Item #16 Signature & Notorization
- ☒ Improper fee (THE CORRECT FEE IS \$ 50 per claim + \$1.00/ACRE)
- ☒ Other or Remarks

~~If you wish to continue to press your claim please find enclosed instructions and another claim form to use.~~ If you will make the necessary corrections and return your claim with the correct fee and a copy of this letter within 30 DAYS of the date of this letter, your filing will be considered timely and will not be assessed an additional \$50.00 late fee.

Sincerely,

Allen Merritt, P.E.  
Water Rights Supervisor

ADM:adm  
Enclosures:

*Jcc*

MICROFILMED

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

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 \_\_\_\_\_  
Date Received \_\_\_\_\_  
Receipt Number \_\_\_\_\_

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

\*SPLIT\*  
71-2055  
- this claim exists @  
state host  
No Notary

Please type or print clearly

1. Name of Claimant (s) DOUGLAS M. & ANN L. CHRISTENSEN 1987 TRUST Phone (208) 726-3668  
Mailing Address HC 64 Box 8288 KETCHUM ID Zip 83340
2. Date of Priority (Only one (1) per claim) 9/07/1930
3. Source of water supply (a) ELK CREEK  
which is tributary to (b) VALLEY CREEK
4. a. Location of existing point of diversion is: Township 11N Range 12E Section 13,  
1/4 of NW 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of CUSTER  
Additional points of diversion if any: \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. 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. HEADGATE / DITCH

MICROFILMED

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

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 \_\_\_\_\_

Date Received \_\_\_\_\_

Receipt Number \_\_\_\_\_

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

71-0044

No Notary

Please type or print clearly

1. Name of Claimant (s) DOUGLAS M. & ANN L. CHRISTENSEN 1987 Trust Phone (208) 726-3668Mailing Address HC 64 Box 8288 KETCHUM ID ~~83340~~ Zip 833402. Date of Priority (Only one (1) per claim) MAY 1, 19163. Source of water supply (a) ELK CREEK  
which is tributary to (b) VALLEY CREEK4. a. Location of existing point of diversion is: Township 11N Range 12E Section 13,  
\_\_\_\_\_ 1/4 of NW 1/4 of NW 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of CLUSTER

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. 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. HEADGATE/DITCH

MICROFILMED

MAR 17 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Feb. 23, 1990

Re: A71-02055  
A71-00046  
A71-00045  
A71-00044

CHRISTENSEN 1987 TRUST  
C/O DOUGLAS CHRISTENSEN  
H C 64 BOX 8288  
KETCHUM ID 83340

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, appearing to read 'Judy'.

Judy Givens  
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

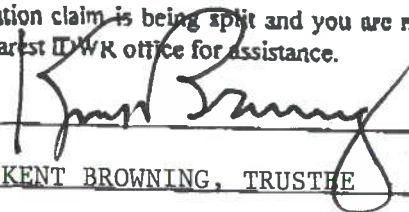
MAR 17 1993

**STATE OF IDAHO**  
**IDAHO DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

**RECEIVED****AUG 14 1998**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
 Incomplete forms will be returned.

Department of Water Resources  
 Southern Region

1. Water Right or Adjudication Claim No(s): A71-00044, A71-00045, A71-00046, 71-02055A
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
  - AND**
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
  - OR**
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant KENT & KATHRYN BROWNING  
18803 STUDEBAKER ROAD, CERRITOS, CA 90703
4. New Owner/Claimant(s) KENT & KATHRYN BROWNING FAMILY TRUST DATED MARCH 22, 1994  
 Name Connector (Check one): ☐ and ☐ or ☐ and/or  
 New Mailing Address 18803 STUDEBAKER ROAD  
 City, State and ZIP Code CERRITOS, CA 90703  
 New Telephone Number (562) 924-1414
5. Date you acquired the property 1/31/94
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s)   
KENT BROWNING, TRUSTEE
- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

RECORDING REQUESTED BY  
AND AFTER RECORDING RETURN TO:

KNEELAND, KORB, COLLIER & LEGG  
P. O. Box 249  
Ketchum, Idaho 83340  
KKC&L File No. 6356

Custer County Reg. of

Kneeland, Korb &

Collier

Time 10:50 A.M.

11-15 1994

Etzel M. Peck, Clerk

Wanda Murphy  
6<sup>00</sup> Deputy

### QUITCLAIM DEED

FOR VALUE RECEIVED, Kent C. Browning and Kathryn M. Browning, Husband and Wife, as Grantors, do hereby convey, release, remise and forever quitclaim unto Kent C. Browning and Kathryn M. Browning, Trustees of the Kent and Kathryn Browning Family Trust, dated March 22, 1974, as Grantee, whose current address is 18803 Studebaker Road, Cerritos, CA 90701, and to Grantees' heirs and assigns forever, the premises situated in Custer County, Idaho, described on Exhibit A and by this reference made a part hereof.

Together with all appurtenances.

DATED: October 24, 1994.

GRANTORS:

Kent C. Browning

Kathryn M. Browning  
Kathryn M. Browning

STATE OF CALIFORNIA )  
County of LOS ANGELES ) ss.

On this 27th day of OCTOBER, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Kent C. Browning and Kathryn M. Browning, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they subscribed the same.

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

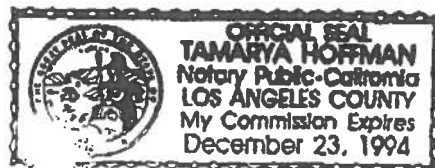
(seal)

Tamarya Hoffman  
NOTARY PUBLIC for

Residing at Cerritos, California  
Commission Expires 12-23-94

QUITCLAIM DEED

1



DESCRIPTION

EXHIBIT A

207786

Forest Homestead Entry No. 420, embracing a portion of Sections 11, 12, 13 and 14 in Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at Corner No. 1 from which the quarter corner of said Section 11 and 14 bears East 1.75 chains distant; thence  
 North 34°45' West 3.22 chains to Corner No. 2; thence  
 North 50°34' East 24.57 chains to Corner No. 3; thence  
 North 65°12' West 18.68 chains to Corner No. 4; thence  
 North 43°2' East 19.05 chains to Corner No. 5; thence  
 South 47°14' East 39.04 chains to Corner No. 6; thence  
 South 47°14' East 19.68 chains to Corner No. 7; thence  
 South 47°14' East 1.49 chains to Corner No. 8; thence  
 South 58°35' West 18.22 chains to Corner No. 9; thence  
 South 58°35' West 5.86 chains to Corner No. 10; thence  
 North 57°1' West 12.02 chains to Corner No. 11; thence  
 South 83°30' West 15.03 chains to Corner No. 12; thence  
 North 73°58' West 7.64 chains to Corner No. 13; thence  
 North 34°45' West 7.83 chains to Corner No. 1 the PLACE OF BEGINNING.

Homestead Entry Survey No. 577, embracing a portion of Sections 13, and 14 in Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, more particularly described and bounded as follows:

Beginning at Corner 1 from which the North Corner to said Sections 13 and 14 bears North 8' East 10.54 chains distant; thence  
 North 58°35' East 18.22 chains to Corner No. 2; thence  
 South 16°21' East 27.73 chains to Corner No. 3; thence  
 South 16°53' East 35.47 chains to Corner No. 4; thence  
 South 84°57' West 33.90 chains to Corner No. 5; thence  
 North 5°28' West 51.18 chains to Corner No. 6; thence  
 North 58°35' East 5.86 chains to Corner No. 1, the place of beginning.  
 EXCEPTING THEREFROM the following described tract:

Beginning at Corner No. 5 of said H. E. S. NO. 577, thence  
 North 84°57' East along the Southerly boundary of H. E. S. NO. 577 a distance of 950.0 feet; thence North 5°03' West 300.0 feet; thence North 46°10' West 1160.1 feet; thence South 84°57' West 195.7 feet to a point on the Westerly boundary of H. E. S. NO. 577; thence South 5°28' East along the Westerly boundary of H. E. S. NO. 577 a distance of 1174.1 feet to the point of beginning.

Including the Snake River Basin Adjudication of Water Rights Under Identification Numbers A71-00044; A71-00045; A71-00046; and A71-0255A.

Ann Legg, Esq.  
KNEELAND, KORB, COLLIER & LEGG  
128 Saddle Road  
P. O. Box 249  
Ketchum, ID 83340

Attorney for Kent Browning

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 APPEARANCE

MO: Idaho Department of Water Resources, its attorney of record, and to all other parties of record.

YOU WILL PLEASE TAKE NOTICE that Ann Legg of the firm KNEELAND, KORB, COLLIER & LEGG of Post Office Box 249, Ketchum, Idaho 83340, hereby enters the appearance of said firm as attorneys of record for Kent Browning and Circle A Ranch in the above entitled matter.

DATE: this 27th day of June, 1554.

KNEELAND, KORB, COLLIER & LEGG

By Ann Legg  
Ann Legg  
Attorneys for Kent Browning

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3rd day of June 1994,  
I served a true and correct copy of the within and foregoing  
document upon the attorney named below in the manner noted:

Idaho Department of Water Resources  
222 Shoshone Street East  
Twin Falls, Idaho 83301-6602

✓  
By depositing copies of the same in the United States  
Mail, postage prepaid, at the post office at Ketchum,  
Idaho.

By hand delivering copies of the same to the office of  
the attorney at his/her offices.

By telecopying copies of same to said attorney at his  
telecopier number \_\_\_\_\_, and by then  
mailing copies of the same in the United States Mail,  
postage prepaid, at the post office in Ketchum, Idaho.

Ann Legg  
Ann Legg

July 22, 1998

**NOTICE OF ERROR  
REPLY**

71-00044  
**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: 71-00044

KENT C BROWNING  
KATHRYN M BROWNING  
18803 STUDEBAKER RD  
CERRITOS CA 90701

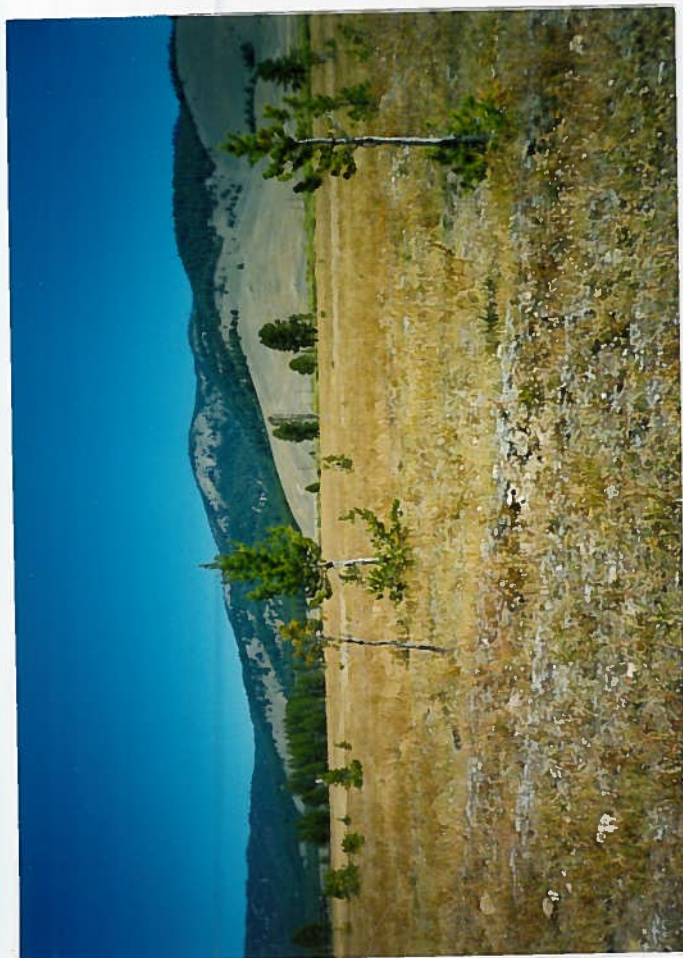
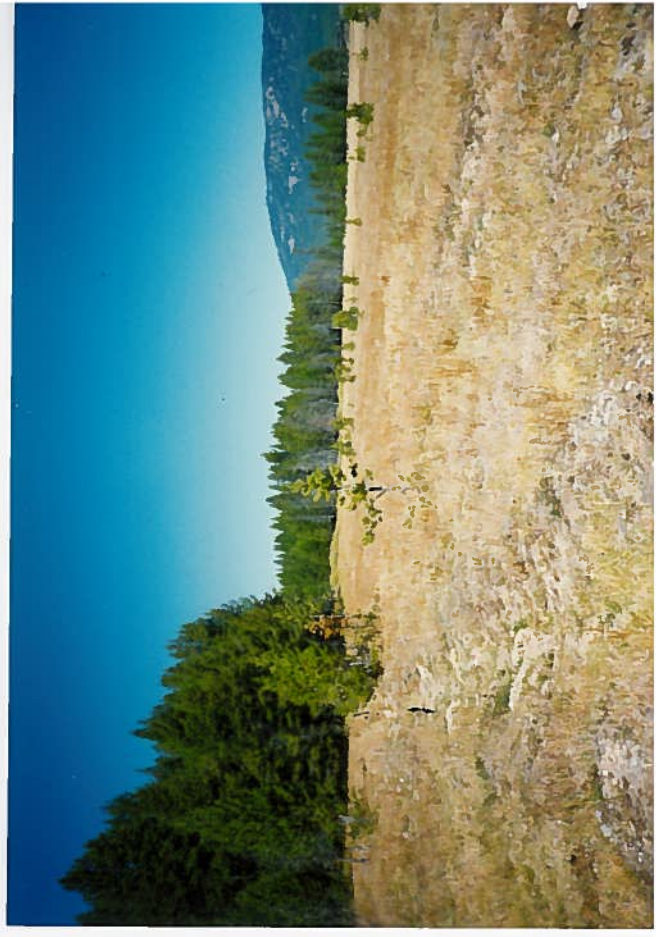
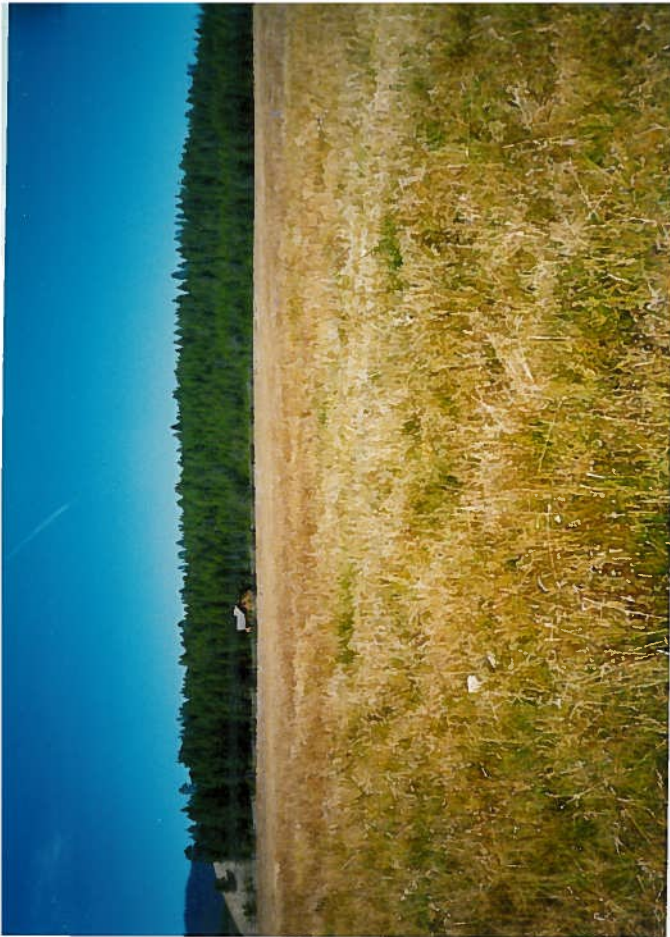
Daytime Telephone Number:  
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

**RECEIVED**  
**AUG 18 1998**  
Department of Water Resources  
Southern Region

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

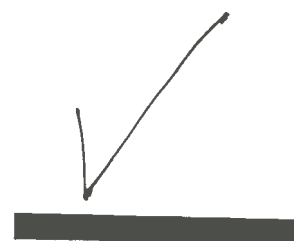
DATE: 8/12/98 SIGNATURE: [Signature]  
Please print your name: Kent Browning



**R PROOF**



**CVR**



**MAPS**



**PHOTOS**



**MISC**



Old (D) Number -

+

State- CA Zip- 90701

State- CA Zip- 90701

State- ID Zip- 83340

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

|  | Twn | Rng | Sec | Tract | Lot | Place of Use<br>Acres Code | Description | County      |
|--|-----|-----|-----|-------|-----|----------------------------|-------------|-------------|
|  | 11N | 12E | 11  | SE SW |     | 0.6 01                     | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 11  | SW SE |     | 12.2 01                    | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 11  | SE SE |     | 5.1 01                     | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 13  | NW NW |     | 3.0 01                     | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 13  | SW NW |     | 17.0 01                    | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 13  | NE SW |     | 1.0 01                     | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 13  | NW SW |     | 19.0 01                    | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 13  | SW SW |     | 2.0 01                     | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 13  | SE SW |     | 1.1 01                     | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 14  | NE NE |     | 15.0 01                    | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 14  | NW NE |     | 7.0 01                     | IRRIGATION  | (37) CUSTER |
|  | 11N | 12E | 14  | SE NE |     | 1.0 01                     | IRRIGATION  | (37) CUSTER |

Water right number - R71-00044

Prefix Translation: RESEARCH

| + | Twn | Rng | Sec | Tract | lot | Acres | Code | Place of Use | Description | County |
|---|-----|-----|-----|-------|-----|-------|------|--------------|-------------|--------|
|---|-----|-----|-----|-------|-----|-------|------|--------------|-------------|--------|

**Total Acres:** 84.0

+ - - Diversion Means - CHECK DAM TO EARTHEN DITCH FOR GRAVITY FLOOD IRRIGATION

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 71-00046

|  |                                     |
|--|-------------------------------------|
|  | + . - + . - + . - + . - + . - + . - |
|  | <b>- Remarks -</b>                  |

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 47 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 420 AND A PORTION OF HES 577.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF  
DIVERSION DESCRIBED ABOVE: 71-00044, 71-00044B, AND 71-00046.

```

+-----+
7100044 Old Water Right Numbers +-----+

```

[illegible]

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

[illegible]

| +     | -----                                                           | Comments-----                                                 |
|-------|-----------------------------------------------------------------|---------------------------------------------------------------|
| Date: | 06/30/1994 User Id: GIVENS                                      | Subject: OWNERSHIP CHANGE                                     |
|       | CHANGE OF OWNERSHIP RECEIVED 5/10/94 ORIGINAL OWNER CHRISTENSEN | LIMITED PARTNERSHIP NEW OWNERS KENT C AND KATHRYN M BROWNING. |
|       | QUITCLAIM ATTACHED TO FORM.                                     |                                                               |
| Date: | 05/29/1998 User Id: KCHHISTE                                    | Subject: COPIED FROM REMARKS                                  |
|       | P/U IS PORTION OF HES # 420 AND # 577.                          | LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.     |

07/07/98 KCHRISTE

| + - - - - - Adjudication Rights Dates and Flags Area - - - - - |              |                       |              |                       |   |       |
|----------------------------------------------------------------|--------------|-----------------------|--------------|-----------------------|---|-------|
| Court Report Filing                                            | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number     | - | 39576 |
| Objection Filed Date                                           | - 00/00/0000 | Field Inspection Flag | -            | Old Case Number       | - |       |
| Response Filed Date                                            | - 00/00/0000 | Verified Date         | - 00/00/0000 | Old Judicial District | - |       |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:46  
05/16/94

PAGE: 15  
QUICKLOOK INFORMATION

CLAIM NUMBER: A71-00044

| MR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   |                                                 | KKC<br>9-10-93             | N                      | 42,5,6              | KKC<br>5-16-94                   | KKC<br>5-99-98                       |                               |
| POINT OF DIV              | Y                 |                                                 | "                          | N                      | "                   | "                                |                                      |                               |
| SOURCE                    |                   |                                                 | "                          | N                      | "                   | "                                |                                      |                               |
| PLACE OF USE              | Y                 |                                                 | "                          | Y                      | "                   | "                                |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME |                   |                                                 |                            |                        |                     |                                  |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 |                            |                        |                     |                                  |                                      |                               |
| PURPOSES                  |                   |                                                 | KKC<br>9-10-93             | N                      | 6                   | KKC                              |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 | "                          | Y                      | "                   | KKC<br>5-16-94                   |                                      |                               |
| BASIS OF CLAIM            |                   |                                                 | "                          | N                      | "                   | "                                |                                      |                               |
| REMARKS                   | Y                 |                                                 |                            |                        |                     | KKC<br>5-99-98                   |                                      |                               |

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION  
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Division Note  
Revised 7-1-98  
KKC  
(See memo)

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

14:36:46  
05/16/94

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: A71-00044

LAST: CHRISTENSEN 1987 TRUST  
ADDRESS: C/O DOUGLAS CHRISTENSEN  
HC64 BOX 8288  
CITY: KETCHUM  
PHONE NUMBER: 208-726-3668  
OWNER CODE: 0  
FIRST: ID ZIP: 83340  
STATE:

LAST: BROWNING  
ADDRESS: 18803 STUDEBAKER RD  
CITY: CERRITOS  
PHONE NUMBER: 208-000-0000  
OWNER CODE: C  
FIRST: KENT C  
STATE: CA ZIP: 90701

LAST: BROWNING  
ADDRESS: 18803 STUDEBAKER RD  
CITY: CERRITOS  
PHONE NUMBER: 208-000-0000  
OWNER CODE: C  
FIRST: KATHRYN M  
STATE: CA ZIP: 90701

FIELD EXAM REQUIRED?  
VERIFICATION REQUIRED DUE TO REMARKS?  
CLAIM REMARKS:  
P/U IS PORTION OF HES # 420 AND # 577.  
LAND IRRIGATED IS ON THE SOUTH WEST SIDE OF VALLEY CREEK.  
\*\*\*\*\*  
OWNERSHIP CHANGE 2/8/94 BY JG.

CONTACT PERSON: Kevin Swigart

PHONE NUMBER: ( ) - -

DATE OF FIELD EXAM: 9/10/93

APPOINTMENT MADE: Y( ) N( )

TIME: : A( ) P( )

ACCOMPANIED BY: no one in the field

PHONE NUMBER: ( ) - -

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / NOTES:

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A. AJ CLAIM: # A71-00044 PRIORITY DATE: 05-01-1916 STAGE: D  
B. WR RECORD: # 71-00044 PRIORITY DATE: 05-01-1916 STAGE: D

C. FIELD EXAM REQUIRED? DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N( )  
IF YES EXPLAIN.

NOTES:

claimed priority date matches  
the record date except  
as claimed.

RECOMMENDED PRIORITY DATE:  
05-01-1916

REVIEWED BY KRC

DATE 5-16-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A71-00044 | 11N  | 12E  | 11   | SE  | SE  | SW  |     | CUSTER |

OTHER AJ CLAIMS WITH SAME AJ POD  
 A PREFIX R PREFIX  
 A71-00046 R71-00046 71-00046  
 A71-02055A 71-07147

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 71-00044 | 11N  | 12E  | 13   |     | NW  | NW  |     | CUSTER |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT  
 A PREFIX R PREFIX

71-00057  
 71-07157  
 NONE R71-00057

SOURCE: ELK CREEK

TRIB: VALLEY CREEK

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY?    | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|----------------|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | N        |                |

NOTES:

The deed legal doc is incorrect as Elk Creek has never flowed through Sec 13. No other P/D found to accept the claimed P/D as being the same. Flag with CDS as a legal doc correction not a physical change. Verified from all maps available that officially 71468 on both sides.

A. ROOT WATER RIGHT NUMBERS: A71-00044  
R71-00044

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                          | AJ<br>#/ACRES    | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-------------------------------|------------------|---------------|-----------------|----------------|------------------|
| 11N | 12E | 11  | SE  | SW  |     | BROWNING, KENT C              | A71-00044 / 1.0  | -             | /               |                | 3.0              |
|     |     |     | SE  | SW  |     | BROWNING, KENT C              | A71-00046 / 1.0  | 71-00046      | /               |                |                  |
|     |     |     | SE  | SW  |     | BROWNING, KENT C              | R71-00046 / 1.0  | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | CHRISTENSEN 1987 TRUST        | R71-00044 / 1.0  | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | HAUGRUD, JACK AND/OR GEOFFREY | R71-10199 /      | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | DARRAH, BEN                   |                  | 71-00045      | /               |                |                  |
|     |     |     | SE  | SW  |     | STATE OF IDAHO                |                  | 71-07147      | /               |                |                  |
| 11N | 12E | 11  | SW  | SE  |     | BROWNING, KENT C              | A71-00044 / 15.0 | -             | /               |                | 31.0             |
|     |     |     | SW  | SE  |     | BROWNING, KATHRYN M           | A71-00045 / 5.0  | 71-00045      | /               |                |                  |
|     |     |     | SW  | SE  |     | BROWNING, KENT C              | A71-00046 / 15.0 | 71-00046      | /               |                |                  |
|     |     |     | SW  | SE  |     | BROWNING, KENT C              | R71-00045 / 5.0  | -             | /               |                |                  |
|     |     |     | SW  | SE  |     | BROWNING, KENT C              | R71-00046 / 15.0 | -             | /               |                |                  |
|     |     |     | SW  | SE  |     | CHRISTENSEN 1987 TRUST        | R71-00044 / 15.0 | -             | /               |                |                  |
|     |     |     | SW  | SE  |     | HAUGRUD, JACK AND/OR GEOFFREY | A71-10199 /      | -             | /               |                |                  |
|     |     |     | SW  | SE  |     | HAUGRUD, JACK AND/OR GEOFFREY | R71-10199 /      | -             | /               |                |                  |
| 11N | 12E | 11  | SE  | SE  |     | BROWNING, KENT C              | A71-00044 / 11.0 | -             | /               |                | 38.0             |
|     |     |     | SE  | SE  |     | BROWNING, KATHRYN M           | A71-00045 / 25.0 | 71-00045      | /               |                |                  |
|     |     |     | SE  | SE  |     | BROWNING, KENT C              | A71-00046 / 11.0 | 71-00046      | /               |                |                  |
|     |     |     | SE  | SE  |     | BROWNING, KENT C              | R71-00045 / 25.0 | -             | /               |                |                  |
|     |     |     | SE  | SE  |     | BROWNING, KENT C              | R71-00046 / 11.0 | -             | /               |                |                  |
|     |     |     | SE  | SE  |     | CHRISTENSEN 1987 TRUST        | R71-00044 / 11.0 | -             | /               |                |                  |
|     |     |     | SE  | SE  |     | HAUGRUD, JACK AND/OR GEOFFREY | A71-00050 /      | 71-00050      | /               |                |                  |
|     |     |     | SE  | SE  |     | STATE OF IDAHO                |                  | 71-07156      | /               |                |                  |
| 11N | 12E | 13  | NW  | NW  |     | BROWNING, KENT C              | A71-00044 / 18.0 | 71-00044      | /               |                | 39.0             |
|     |     |     | NW  | NW  |     | BROWNING, KATHRYN M           | A71-00045 / 17.0 | 71-00045      | /               |                |                  |
|     |     |     | NW  | NW  |     | BROWNING, KENT C              | A71-00046 / 18.0 | 71-00046      | /               |                |                  |
|     |     |     | NW  | NW  |     | BROWNING, KENT C              | R71-00045 / 17.0 | -             | /               |                |                  |
|     |     |     | NW  | NW  |     | BROWNING, KENT C              | R71-00046 / 18.0 | -             | /               |                |                  |
|     |     |     | NW  | NW  |     | YACOMELLA, ANTONY R.          | A71-00049A / 2.0 | -             | /               |                |                  |
|     |     |     | NW  | NW  |     | YACOMELLA, BILL ROY           | A71-00051 / 2.0  | 71-00051      | /               |                |                  |
|     |     |     | NW  | NW  |     | YACOMELLA, ANTONY R.          | A71-00052 / 2.0  | 71-00052      | /               |                |                  |
|     |     |     | NW  | NW  |     | CHRISTENSEN 1987 TRUST        | R71-00044 / 18.0 | -             | /               |                |                  |
|     |     |     | NW  | NW  |     | YACOMELLA, TONY S             | R71-00049A / 2.0 | -             | /               |                |                  |
|     |     |     | NW  | NW  |     | YACOMELLA, ANTONY R           | R71-00051 / 2.0  | -             | /               |                |                  |
|     |     |     | NW  | NW  |     | YACOMELLA, ANTONY R           | R71-00052 / 2.0  | -             | /               |                |                  |
|     |     |     | NW  | NW  |     | HAUGRUD, JACK AND/OR GEOFFREY | A71-00050 /      | 71-00050      | /               |                |                  |
|     |     |     | NW  | NW  |     | STATE OF IDAHO                |                  | 71-07157      | /               |                |                  |
| 11N | 12E | 13  | SW  | NW  |     | BROWNING, KENT C              | A71-00044 / 33.0 | 71-00044      | /               |                | 37.0             |

*Review by KLC*  
*ATLAS*  
*3 3*  
*HES 577*  
*HES 420*  
*HES 420*

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME                    | AJ<br>#/ACRES     | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-------------------------|-------------------|---------------|-----------------|----------------|------------------|
| 11N | 12E | 13  | SW  | NW  |     | BROWNING, KATHRYN M     | A71-00045 / 5.0   | -             | /               |                | 18               |
|     |     |     | SW  | NW  |     | BROWNING, KENT C        | A71-00046 / 33.0  | -             | /               |                | 18               |
|     |     |     | SW  | NW  |     | BROWNING, KENT C        | R71-00045 / 5.0   | -             | /               |                | 4E5 577          |
|     |     |     | SW  | NW  |     | BROWNING, KENT C        | R71-00046 / 33.0  | -             | /               |                |                  |
|     |     |     | SW  | NW  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 33.0  | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | BROWNING, KENT C        | A71-00044 / 1.0   | 71-00044      | /               |                |                  |
|     |     |     | SE  | NW  |     | BROWNING, KATHRYN M     | A71-00045 / 8.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | BROWNING, KENT C        | A71-00046 / 1.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | BROWNING, KENT C        | R71-00045 / 8.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | YACOMELLA, ANTONY R.    | A71-00049A / 3.0  | -             | /               |                |                  |
| 11N | 12E | 13  | SE  | NW  |     | YACOMELLA, BILL ROY     | A71-00051 / 3.0   | 71-00051      | /               |                |                  |
|     |     |     | SE  | NW  |     | YACOMELLA, ANTONY R.    | A71-00052 / 3.0   | 71-00052      | /               |                |                  |
|     |     |     | SE  | NW  |     | MAHONEY, JR., DANIEL J. | A71-00057 / 30.0  | 71-00057      | /               |                |                  |
|     |     |     | SE  | NW  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 1.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | YACOMELLA, TONY S       | R71-00049A / 3.0  | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | YACOMELLA, ANTONY R     | R71-00051 / 3.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | YACOMELLA, ANTONY R     | R71-00052 / 3.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | MAHONEY JR, DANIEL J    | R71-00057 / 17.0  | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | BROWNING, KENT C        | R71-00046 / 1.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | STATE OF IDAHO          | 71-07158          | /             |                 |                |                  |
| 11N | 12E | 13  | NE  | SW  |     | BROWNING, KENT C        | A71-00044 / 3.0   | 71-00044      | /               |                | 4.1.0            |
|     |     |     | NE  | SW  |     | BROWNING, KATHRYN M     | A71-00045 / 17.0  | -             | /               |                |                  |
|     |     |     | NE  | SW  |     | BROWNING, KENT C        | A71-00046 / 3.0   | -             | /               |                |                  |
|     |     |     | NE  | SW  |     | BROWNING, KENT C        | R71-00045 / 17.0  | -             | /               |                |                  |
|     |     |     | NE  | SW  |     | MAHONEY, JR., DANIEL J. | A71-00057 / 15.0  | 71-00057      | /               |                |                  |
|     |     |     | NE  | SW  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 3.0   | -             | /               |                |                  |
|     |     |     | NE  | SW  |     | MAHONEY JR, DANIEL J    | R71-00057 / 13.0  | -             | /               |                |                  |
|     |     |     | NE  | SW  |     | BROWNING, KENT C        | R71-00046 / 3.0   | -             | /               |                |                  |
|     |     |     | NE  | SW  |     |                         |                   |               |                 |                |                  |
|     |     |     | NE  | SW  |     |                         |                   |               |                 |                |                  |
| 11N | 12E | 13  | NW  | SW  |     | BROWNING, KENT C        | A71-00044 / 34.0  | 71-00044      | /               |                | 20.0             |
|     |     |     | NW  | SW  |     | BROWNING, KATHRYN M     | A71-00045 / 1.0   | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | BROWNING, KENT C        | A71-00046 / 34.0  | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | BROWNING, KENT C        | R71-00045 / 1.0   | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | BROWNING, KENT C        | R71-00046 / 34.0  | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | BROWNING, KENT C        | A71-02055 / 22.0  | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | LORD, MARGARET P.       | A71-10074 /       | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | LORD, CHARLES E.        | R71-10074 /       | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 34.0  | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | LORD, MARGARET P        | R71-02055 / 22.0  | -             | /               |                |                  |
| 11N | 12E | 13  | NW  | SW  |     | BROWNING, KENT C        | A71-02055A / 22.0 | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | BROWNING, KENT C        | A71-00044 / 4.0   | 71-00044      | /               |                | 32.0             |
|     |     |     | SW  | SW  |     | BROWNING, KENT C        | A71-00046 / 4.0   | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | RENUMBERED RIGHT        | A71-10054 / 25.0  | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | BROWNING, KENT C        | R71-00046 / 4.0   | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 4.0   | -             | /               |                |                  |
|     |     |     | SW  | SW  |     |                         |                   |               |                 |                |                  |
|     |     |     | SW  | SW  |     |                         |                   |               |                 |                |                  |
|     |     |     | SW  | SW  |     |                         |                   |               |                 |                |                  |
|     |     |     | SW  | SW  |     |                         |                   |               |                 |                |                  |

*Revised*  
*18*  
*18*  
*18*  
*4E5 577*  
*4E5 577*  
*4E5 577*  
*4E5 577*  
*4E5 577*  
*4E5 577*

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                    | #/ACRES          | LR         | LANDSAT | FIELD | RECONM. |
|-------------|-----|-----|-----|-----|-----|-------------------------|------------------|------------|---------|-------|---------|
|             |     |     |     |     |     |                         |                  |            | DATA    | EXAM. | ACRES   |
| 11N         | 12E | 13  | SE  | SM  |     | BROWNING, KENT C        | A71-00044 / 2.0  | 71-00044 / |         |       |         |
|             |     |     | SE  | SM  |     | BROWNING, KATHRYN M     | A71-00045 / 2.0  | -          |         |       |         |
|             |     |     | SE  | SM  |     | BROWNING, KENT C        | A71-00046 / 2.0  | -          |         |       |         |
|             |     |     | SE  | SM  |     | RENUMBERED RIGHT        | A71-10054 / 4.0  | -          |         |       |         |
|             |     |     | SE  | SM  |     | BROWNING, KENT C        | R71-00045 / 2.0  | -          |         |       |         |
|             |     |     | SE  | SM  |     | BROWNING, KENT C        | R71-00046 / 2.0  | -          |         |       |         |
|             |     |     | SE  | SM  |     | MAHONEY, JR., DANIEL J. | A71-00054 / 35.0 | 71-00054 / |         |       |         |
|             |     |     | SE  | SM  |     | MAHONEY, JR., DANIEL J. | A71-00057 / 3.0  | 71-00057 / |         |       |         |
|             |     |     | SE  | SM  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 2.0  | -          |         |       |         |
|             |     |     | SE  | SM  |     | MAHONEY JR, DANIEL J    | R71-00054 / 35.0 | -          |         |       |         |
|             |     |     | SE  | SM  |     | MAHONEY JR, DANIEL J    | R71-00057 / 2.0  | -          |         |       |         |
|             |     |     | SE  | SM  |     | CAMERON, THEODORE       | 71-00053 /       | -          |         |       |         |
| 11N         | 12E | 14  | NE  | NE  |     | BROWNING, KENT C        | A71-00044 / 19.0 | 71-00044 / |         |       |         |
|             |     |     | NE  | NE  |     | BROWNING, KENT C        | A71-00046 / 19.0 | 71-00046 / |         |       |         |
|             |     |     | NE  | NE  |     | BROWNING, KENT C        | R71-00046 / 19.0 | -          |         |       |         |
|             |     |     | NE  | NE  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 19.0 | -          |         |       |         |
|             |     |     | NE  | NE  |     | DARRAH, BEN             | 71-00045 /       | -          |         |       |         |
| 11N         | 12E | 14  | NW  | NE  |     | BROWNING, KENT C        | A71-00044 / 6.0  | -          |         |       |         |
|             |     |     | NW  | NE  |     | BROWNING, KENT C        | A71-00046 / 6.0  | 71-00046 / |         |       |         |
|             |     |     | NW  | NE  |     | BROWNING, KENT C        | R71-00046 / 6.0  | -          |         |       |         |
|             |     |     | NW  | NE  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 6.0  | -          |         |       |         |
|             |     |     | NW  | NE  |     | DARRAH, BEN             | 71-00045 /       | -          |         |       |         |
| 11N         | 12E | 14  | SE  | NE  |     | BROWNING, KENT C        | A71-00044 / 2.0  | 71-00044 / |         |       |         |
|             |     |     | SE  | NE  |     | BROWNING, KENT C        | A71-00046 / 2.0  | -          |         |       |         |
|             |     |     | SE  | NE  |     | BROWNING, KENT C        | R71-00046 / 2.0  | -          |         |       |         |
|             |     |     | SE  | NE  |     | CHRISTENSEN 1987 TRUST  | R71-00044 / 2.0  | -          |         |       |         |
| TOTAL ACRES |     |     |     |     |     |                         | A71-00044        | 149.00     | 343.00  |       |         |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y ( ) N ( )  
IF YES SEE ATTACHED SHEET:

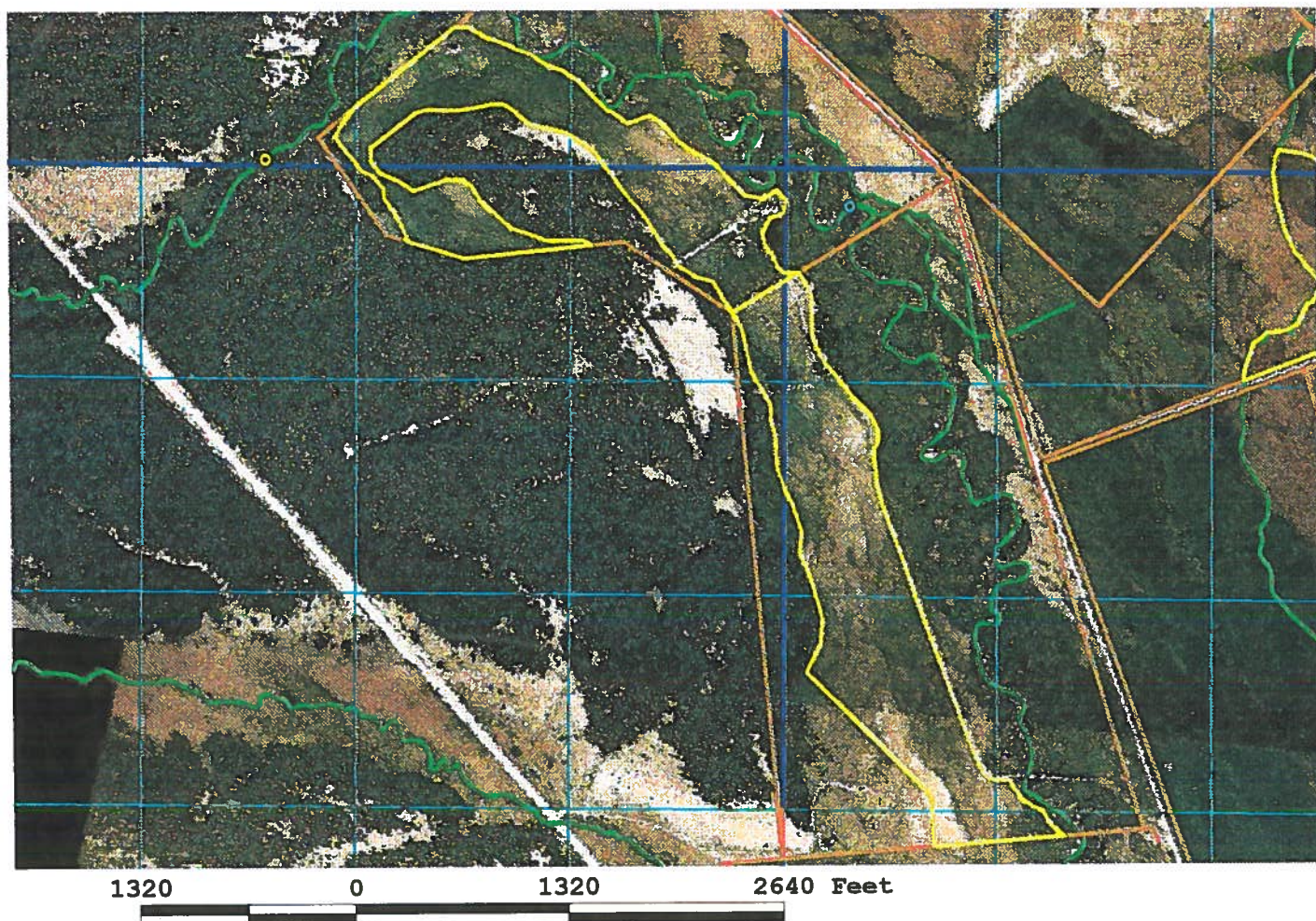
C. FIELD EXAM REQUIRED? DATABASE Y FIELD EXAMINER POU COUNTY: CUSTER  
DUE TO POU DISCREPANCY? (Y/N)

Area calculated from ortho photo enlarged 200% see attached map.

Revised  
HES-420 420  
HES-577 514  
HES-577 577  
HES-420 374  
HES-577 474  
total 844

# IDAHO DEPARTMENT OF WATER RESOURCES

**71-00044 & 71-00046  
HES- 420 AND 577  
SOURCE - ELK CREEK**



**RECOMMENDED PLACE OF USE TOTAL = 84 ACRES**

**71-00044 = 47 ACRES**

**71-00046 = 37 ACRES**

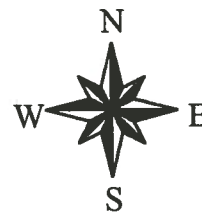
**DATA ENTRY ON MARCH 5, 1998**

**TWP 11N, RNG 12E,**

**SEC 11, SESW, S1/2 SE1/4**

**SEC 13, W1/2NW1/4, SW1/4**

**SEC 14, NE1/4**



- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES
- HOMESTEAD ENTRY BOUNDARY
- ~ STREAM AND DITCH CHANNELS

**GIS PLACE OF USE PRESENTATION  
1992 USFS PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN**

AIM NUMBERS 71-00044  
HES 577

DATE 2-5-98  
AGENT KKC

TRANSFER NUMBER \_\_\_\_\_  
HOMESTEAD ENTRY NO. 420 & 577  
CLAIMED ACRE TOTAL 149  
GEOGRAPHIC INFO ACRES 47

| RIGHT 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    | 11N | 12E | 11  |      |    |    |    |     |    |    |    |    |    |     | 1   |    |    | 15   | 11  |
| GIS      |     |     |     |      |    |    |    |     |    |    |    |    |    |     | .6  |    |    | 12.2 | 5.1 |
| RECOM    |     |     |     |      |    |    |    |     |    |    |    |    |    |     | *   |    |    | *    | *   |
| CLAIM    | 11N | 12E | 13  |      |    |    |    | 18  | 33 | 1  |    | 3  | 34 | 4   | 2   |    |    |      |     |
| GIS      |     |     |     |      |    |    |    | 2.9 | 17 |    |    | .7 | 19 | 1.8 | 1.3 |    |    |      |     |
| RECOM    |     |     |     |      |    |    |    | 3   | 17 |    |    | 1  | 19 | 2   | 1   |    |    |      |     |
| CLAIM    | 11N | 12E | 14  | 19   | 6  |    | 2  |     |    |    |    |    |    |     |     |    |    |      |     |
| GIS      |     |     |     | 15.4 | 7  |    | 1  |     |    |    |    |    |    |     |     |    |    |      |     |
| RECOM    |     |     |     | 3    | *  |    | 1  |     |    |    |    |    |    |     |     |    |    |      |     |
|          |     |     |     | *    |    |    |    |     |    |    |    |    |    |     |     |    |    |      |     |
| CLAIM    |     |     |     |      |    |    |    |     |    |    |    |    |    |     |     |    |    |      |     |
| GIS      |     |     |     |      |    |    |    |     |    |    |    |    |    |     |     |    |    |      |     |
| RECOM    |     |     |     |      |    |    |    |     |    |    |    |    |    |     |     |    |    |      |     |

12 Acres are in HES 420

B71-DBPOD.SHP  
NOS DESCRIPTION  
41

\* = irrigated P/U in HES-420 & decreed under 71-00046

the Permissible Place of Use for the combined Homestead Entries is: 71-00044 - HES-577 - 47 acres  
71-00046 - HES-420 - 37  
total -> 84 acres

B71-DBPOU.SHP  
SHAPE NOS  
73 - (47 acres in HES 577)  
72 - 37 acres in HES 420

DBF TABLES UPDATED  
B71-DBPOD.DBF  
B71-DBPOU.DBF

PRESUMPTION FLAG: 1c

NOTES:

47 Remark E89  
Limit this claim to 51 acres within the Riverside PTH.  
as there are the acres found irrigated within HES-577 declared

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

47 84  
51 Acres within the PTH of 81 Acres  
KAC DATE: 5-16-94

change  
made  
5-29-98  
KAC

A. AJ CLAIMED USES:

PURPOSES  
A71-00044 IRRIGATION

FROM 04-01-01  
MONTH/DAY  
TO 04-01-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

4.800 CFS  
DIVERSION QUANTITY

B. WR RECORDED USES:

PURPOSES  
71-00044 IRRIGATION

FROM  
MONTH/DAY  
TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

4.800 CFS  
DIVERSION QUANTITY

PRESUMPTION FLAG:

0 dy h c

C. FIELD EXAM REQUIRED?

DUE TO WATER-USE DISCREPANCY? (Y/N)  
DUE TO DIVERSION RATE DISCREPANCY? (Y/N)  
DUE TO PERIOD FROM/TO DISCREPANCY? (Y/N)

FIELD EXAMINER  
DATABASE  
N  
N  
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

NOTES:

Y( ) N(X)  
Y(X) N( )

Explain in notes, below.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 4.800 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: 4.800 CFS

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*  
\*\* If an amount smaller than the original diversion rate is \*\*  
\*\* claimed and an exam is NOT required, explain in notes. \*\*

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N

FIELD EXAMINER

B.

MEASUREMENT METHOD

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? ☒ Y ☐ N ☐ IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A71-00044, A71-00046 AND A71-02055A

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM NO.  | SOURCE       | NAME                          | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|--------------|-------------------------------|-----------|----------------|-----------|----------------|
| A71-00044  | ELK CREEK    | BROWNING, KENT C              | 4.800     | 0.032          |           |                |
| R71-00044  | ELK CREEK    | CHRISTENSEN 1987 TRUST        | 4.800     | 0.032          |           |                |
| A71-00045  | VALLEY CREEK | BROWNING, KATHRYN M           | 3.000     | 0.023          |           |                |
| R71-00045  | VALLEY CREEK | BROWNING, KENT C              | 3.000     | 0.023          |           |                |
| A71-00046  | ELK CREEK    | BROWNING, KENT C              | 1.600     | 0.010          |           |                |
| R71-00046  | ELK CREEK    | BROWNING, KENT C              | 1.600     | 0.010          |           |                |
| R71-00049A | VALLEY CREEK | YACOMELLA, TONY S             | 1.020     | 0.006          |           |                |
| A71-00049A | VALLEY CREEK | YACOMELLA, ANTONY R.          | 1.020     | 0.006          |           |                |
| A71-00050  | VALLEY CREEK | HAUGRUD, JACK AND/OR GEOFFREY | 4.800     | 0.030          |           |                |
| R71-00051  | TENNEL CREEK | YACOMELLA, ANTONY R           | 2.400     | 0.015          |           |                |
| A71-00051  | TENNEL CREEK | YACOMELLA, BILL ROY           | 2.400     | 0.015          |           |                |
| A71-00052  | VALLEY CREEK | YACOMELLA, ANTONY R.          | 2.400     | 0.015          |           |                |
| R71-00052  | VALLEY CREEK | YACOMELLA, ANTONY R.          | 2.400     | 0.015          |           |                |
| R71-00054  | VALLEY CREEK | MAHONEY JR, DANIEL J          | 2.430     | 0.020          |           |                |
| A71-00054  | VALLEY CREEK | MAHONEY JR, DANIEL J.         | 2.430     | 0.020          |           |                |
| R71-00057  | VALLEY CREEK | MAHONEY JR, DANIEL J          | 4.800     | 0.030          |           |                |
| A71-00057  | VALLEY CREEK | MAHONEY JR, DANIEL J.         | 4.800     | 0.030          |           |                |
| R71-02055  | ELK CREEK    | LORD, MARGARET P              | 0.440     | 0.020          |           |                |

*See the Attachment dated 5-29-98 KKC*



May 29, 1998

**DIVERSION RATE ANALYSIS FOR:  
71-00044, 71-00044B, AND 71-00046**

*KJC*

All three rights come from the same point of diversion and use the same delivery system with 71-00044 and 71-00046 being claimed within a Permissible Place of Use (PPU). Therefore, they are combined in the hubble review for analysis purposes.

**HUBBLE ANALYSIS**

Only a small fringe area on the edges of the place of use is a soil type other than Rp1. For analysis purposes Rp1 is the only soil considered. The general practices in this Valley Creek basin is to cover the property as fast as they can when water is available, normally taking 10 to 20 days to start over. I used a 10 day rotation for this property. The 1997 revised hubble analysis using Allen Merritt's rate per acre table calculated a required diversion rate of 6.72 cfs which is greater than the combined decreed rate of 6.40 cfs. Although the system was not diverting that rate when the field examination was conducted on 9-10-93 the system appeared to be able to carry in excess of the total decreed rate. I am therefore recommending these rights as follows:

**A71-00044 and A71-00044B**

A71-00044 claimed the entire diversion rate and A71-00044B was originally claimed as A71-02055. Research, warranty deeds, and conversations with Kevin Swigert indicate that the water use on the Bein property was actually part of the decreed right 71-00044. All available information indicates that there was a proportionate split of the right.

Using the GIS system, I found 60 irrigated acres within HES 577 with Christensen's portion being 47 acres and Bein's portion being 13 acres.

Therefore I calculated the following appurtenant diversion rates for each claimant.

|             |            |                       |     |
|-------------|------------|-----------------------|-----|
| Christensen | A71-00044  | $47/60 * 4.80 = 3.76$ | cfs |
| Bein        | A71-00044B | $13/60 * 4.80 = 1.04$ | cfs |

I have mailed a letter to Bein dated 5-29-98 describing the conflict between the original claim and my findings.

#### DIVERSION RATE RECOMMENDATION

The proportionate rate of 3.76 cfs is the current recommendation for A71-00044 but A71-00044B is currently limited to the claimed rate of 0.44 cfs.

#### PLACE OF USE RECOMMENDATION

A71-00044 was claimed within a permissible place of use with A71-00046. I found a common system and therefore accept the PPU as valid. The total PPU is 84 acres with A71-00044 limited to 47 acres within the PPU and A71-00046 limited to 37 acres within the PPU.

A71-00044B is for 13 acres and does not overlap with any other rights.

| CLAIM NO.  | SOURCE           | NAME              | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------------|-------------------|-----------|----------------|-----------|----------------|
| A71-02055  | ELK CREEK        | LORD, MARGARET P. | 0.440     | 0.020          |           |                |
| A71-02055A | ELK CREEK        | BROWNING, KENT C  | 0.440     | 0.020          |           |                |
| A71-10054  | PARK CREEK       | RENUMBERED RIGHT  | 2.400     | 0.060          |           |                |
|            | RENUMBERED RIGHT |                   |           |                |           |                |

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

| CLAIM NO. | PURPOSES   | NAME                          | MONTH/DAY      | RATE     | VOLUME |
|-----------|------------|-------------------------------|----------------|----------|--------|
| R71-10199 | STOCKWATER | HAUGRUD, JACK AND/OR GEOFFREY | 06-01 TO 10-31 | .030 CFS |        |
| A71-10199 | STOCKWATER | HAUGRUD, JACK AND/OR GEOFFREY | 06-01 TO 10-31 | .030 CFS |        |
| A71-10074 | DOMESTIC   | LORD, CHARLES E.              | 01-01 TO 12-31 | .040 CFS |        |
| R71-10074 | DOMESTIC   | LORD, CHARLES E               | 01-01 TO 12-31 | .040 CFS |        |

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N( )

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 298.0 AF/A

ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A

ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =

TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N( )

*See table  
analysis dated  
5-29-98  
KKC*

# REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

71-000447 84A    71-000448-13A  
71-00046

DATE: May <sup>29</sup> 1998

REVIEWED BY KKC

| 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 |
|-----------|----------------------------|---------------------------|-----------------------------|-----------------------|----------------------|
| RPI       | 4.33                       | 10                        | * 97                        | * .16                 | = 6.72 CFS           |
| RPI       | 4.33                       | 10                        | * 84                        | * .16                 | = 5.82 CFS           |

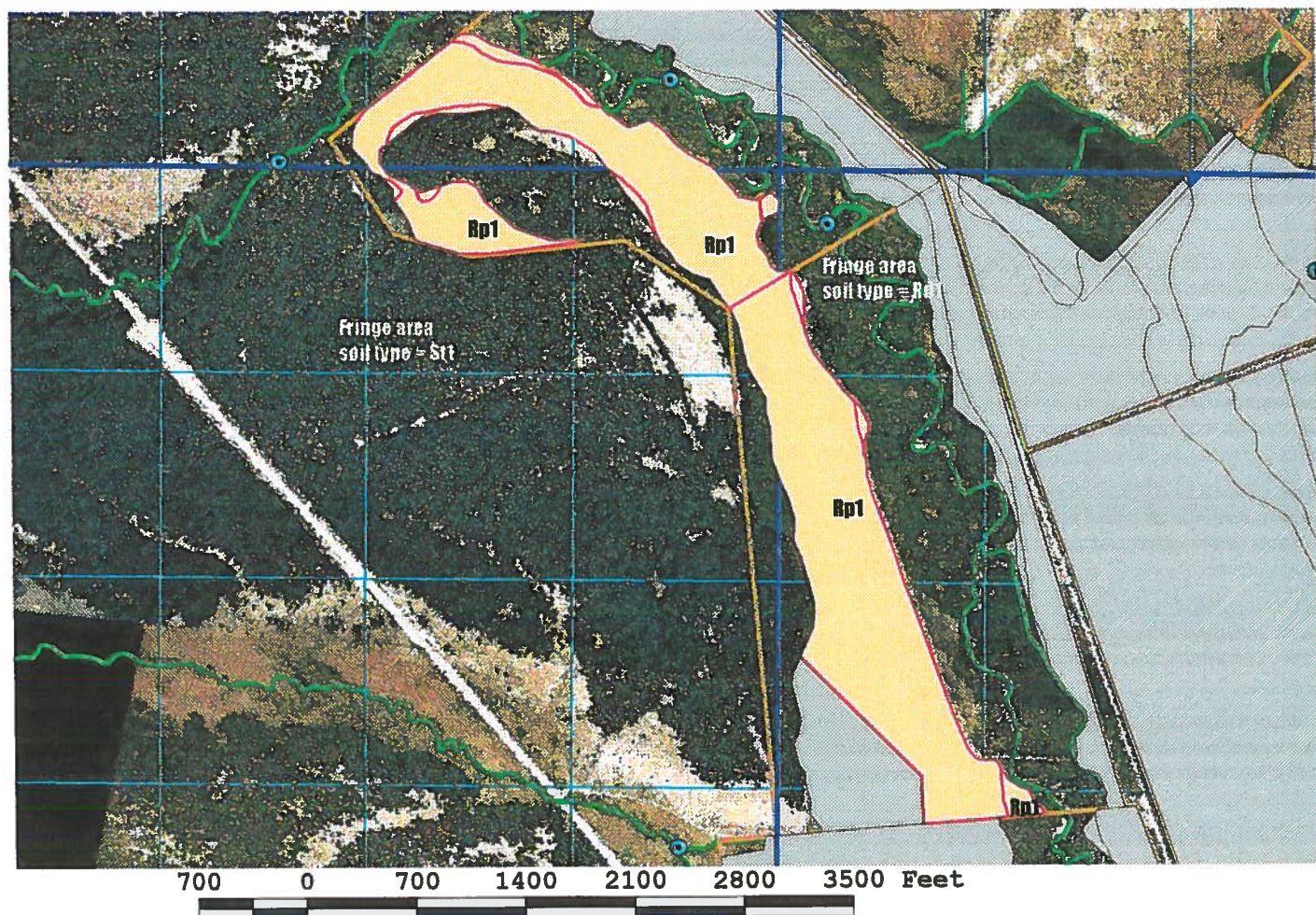
TOTAL ACRES 97    Both rights comb.    DECREED RATE = 6.40 CFS

See CVR for additional comments.

CLAIMED DIVERSION RATE =  
ORIGINAL HUBBLE RATE =  
MEASURED DIVERSION RATE =

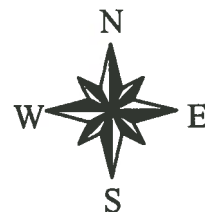
# IDAHO DEPARTMENT OF WATER RESOURCES

71-00044, & 71-00046,  
HES- 420 & 577  
BROWNING



**PLACE OF USE SOILS ANALYSIS  
USING SCS SOILS OVERLAY  
DATA ENTRY ON MAY 29, 1998**

| HES | SOIL TYPE | ACRES |
|-----|-----------|-------|
| 420 | RP1       | 34    |
|     | ST1       | 1.6   |
|     | RD1       | 1.6   |
| 577 | RP1       | 45.2  |
|     | RD1       | 1.6   |



- RECOMMENDED PLACE OF USE
- SOILS BOUNDARY
- SECTION LINES
- QUARTER QUARTER LINES
- HOMESTEAD ENTRY BOUNDARY

GIS PLACE OF USE PRESENTATION  
1992 USFS PHOTOGRAPHY  
DATA ENTRY BY KELLY K CHRISTENSEN

P/U IS H. E. S. 577.  
AC. IRRIG. NOT SPECIFIED. FARM = 159.96 AC.  
P/D MAY BE INCORRECT; NOT ON STREAM.

NOTES: (Include limitations on CONSUMPTIVE USE for combined rights.)

RECOMMENDATIONS:

| REC. PURPOSES        | REC. PERIOD FROM TO | REC. DIV RATE CFS     | REC. DIV VOL. AF/A | REC. CONS. USE         |
|----------------------|---------------------|-----------------------|--------------------|------------------------|
| IRRIGATION           | 04-01 11-01         | <del>4.800</del> 3.76 | DATABASE EXAMINER  | <del>298.0</del> 298.0 |
| TOTAL FOR THIS RIGHT |                     | 4.800                 |                    | 298.0                  |

REVIEWED BY: KKC

DATE: 5-29-98

4.36 cfs 9-1-98  
Divided by KC  
see attached memo.



DIVERSION RATE ANALYSIS FOR:  
71-00044, 71-00044B, & 71-00046<sup>1</sup>

Based upon a conversation with Mr Bein on 7-2-1998 I am changing my recommendations for the above rights. Mr Bein indicated that he felt that the original claimed rate of 0.44 cfs was sufficient for his use on the recommended place of use for A71-00044B. He further stated that he felt that the balance of the water was still being used on the place of use for A71-00044. After reviewing the evidence available I am recommending the following:

| Claim no.  | Browning          | Bein              |
|------------|-------------------|-------------------|
| A71-00044  | 4.36 cfs 47 acres |                   |
| A71-00044B |                   | 0.44 cfs 13 acres |
| A71-00046  | 1.60 cfs 37 acres |                   |
| Total      | 5.96 cfs 84 acres | 0.44 cfs 13 acres |

Hubble analysis based upon a 10-day rotation and 84 acres of RP1 soil for Browning gives a required diversion rate of 5.82 cfs.

Decreed rate less Hubble rate =  $5.96 - 5.82 = 0.14$  cfs  
Difference as a percentage of the Hubble rate =  $0.14/5.82 \approx 0.02$  %

As the combined decreed rate is within 2% and the irrigation rotation days as identified by the claimant is greater than the theoretical requirement for this soil type (4.33 days) I am recommending the full amount for the Browning claims.

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: 71-00044  
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 4.800

EXAMINER

*See above*  
*A. H. Hansen*  
CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | A71-00044             | 4.800          | R71-00044              | 4.800         | 71-00044         | 4.800          |

TOTAL CFS

4.800

4.800

4.800

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 sheet attached? (Y/N)

DATABASE Y

FIELD EXAMINER

NOTES:

AUTHENTICATION DATE: 5-29-98  
SIGNATURE: *Kelly K. Christensen*  
EXAMINER: KELLY K CHRISTENSEN  
SR WATER RESOURCE AGENT

DATE: \_\_\_\_\_  
TITLE: \_\_\_\_\_

5-16-94

KKC Pg 1/

## Preliminary Review of Elk Creek diversions claimed under A71-00044, 00046, 2055A & 2055.

### P/D Analysis.

I found 1 P/D supplying water to the area in HES-420 & HES-577 that were claimed under the four listed claims. The licensed right 71-02055 was superseded by 71-00044 (see additional analysis in Attachment dated 5-12-94)

The legal desc of the Found P/D matches the decreed & claimed P/D for 71-00046 and the claimed P/D of A71-00044

The P/D ~~claimed~~<sup>decreed</sup> under 71-00044 is the NWNW Sec 13.

this location matches a P/D from Valley Creek that supplies water to ground East of Valley Creek and the 'Cow camp' road. I do not believe that Elk Creek ever flowed through Sec 13 thus the decree is in error.

I did not find a P/D as described by 71-02055 nor did the decreed rights find that P/D therefore that P/D is considered to have been abandoned prior to 1940 (the decade)

Recommendation Analysis  
based upon current information

5-16-94

KKC

Pg 2/

1. A71-00046 is claimed as decreed & therefore can be recognized as claimed subject to P/U acre recommendation based upon field exam. The P/U includes the acres in Hes 420 (as decreed) and the acres in Hes 577 currently owned by Browning. The combined H.E.S. is represent a permissible Place of use & is therefore a chg in P/U CDS

2) A71-00044 is to be split between Browning and Lord proportionately based upon irrigated acreage as identified in warranty deed 131095. (specifically Pg 2)

A71-00044A represents the Browning portion and is for 51 acres and A71-00044B represents the Lord portion and is for 13 Acres.

The claimed & found P/Ds do not agree therefore the claims require cond code CQ3 and is considered a correction in legal description rather than a physical change in location of the P/D.

Further A71-00044A & claimed P/U is the ground within HES-577 as decreed plus the P/U covered by 71-00046 (a permissible Place of Use) flag CDS.

The P/U for A71-00044B is wholly within HES-577 and therefore does NOT require a P/U condition Flag.

9-10-93

#1

P/D for E of Valley Cr in Sec 3

Shared

MAhoney  
(Dave Muscavog)  
Christensen Trust  
Toni Yacomella

#2 P/D just So of Thompson Cr juncture as indicated  
on other photo Thompson Cr water does not reach P/D  
covered by this claim.

#3

P/D Elk Creek (W of Valley Cr.)

irr 6<sup>1</sup>/<sub>2</sub> days cross P/D.

South end is corrugated on 30 to 40' spacing  
with flood irr between corrugations.

can utilize "waste" water varying with irr area

---

East side irr takes 14 days.

some 48 hour sets on N end

irr/sub along Valley Cr. quality of irr hard to  
distinguish between irr water & sub from Valley Cr.

## 3

Amount 0.44 Sec. Ft.

Priority September 7, 1930

HELEN HEISE HUFFINGTON

The Point of Diversion is located  
in the NE  $\frac{1}{4}$  NE  $\frac{1}{4}$ , Sec. 15, Tp. 11, R. 12 E., B. M. Custer County.

**Description and location of use:**

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

**R. W. FARIS**  
Commissioner of Reclamation

71 2055

Ques 8. What is the minimum amount of water required for the purpose specified above?  
Ans. 4 c.y.f. and is very rocky and gravelly. 2 ft. in day, and requires a great amount of water.  
Ques 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.  
Ans.

Ques 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.  
Ans. Has been used in irrigating the land. Irrigation commenced in Spring of 1922, and has continued ever since.

Ques 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the land herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. The affiant and permit holder, claims 160 miners inches in addition to amount on which proof is submitted under the permit. This additional right was established by usage in 1922, when first appropriation was made. The right covered by the permit is in addition to the right claimed thru usage. It is intended to have the latter right established by a decree of court.

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Idaho Falls, County of Bonneville, State of Idaho, on this 10th day of September, A.D. 1932.

*John H. Johnson*  
Notary Public, Idaho Falls, Ida.

My commission expires: March 11th, 1934.

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

REPORT OF ENGINEER

Project No. 1734  
Name of Project, *Salmon River*  
Name of Water Right, *Elk Creek*  
Location of point, *1 mi. N. 35° E.*  
*11 N. 12 E. B. M. corner* *Custer* Section *15*

Describe works and give dimensions. *A diversion dam of logs directs into a ditch 3 ft. wide, 1.5 ft. deep. Dam is 20 ft. long 4 ft. high.*

Water is used for *Irrigation*

Whether or not water has been turned into works of diversion *yes*

List legal subdivisions of lands to be irrigated. If private for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation.)  
*Designated as Forest Homestead Entry No. 577 in Custer County, Idaho, and being parts of Sections 13 and 14, T. 11 N., R. 12 E. B. M.*

Submit map or attached plan, showing location and details of above description.

What river stream would the water here appropriated usually reach? *Salmon River*

Remarks

This examination was made on the

*18th*

day of

*July*  
*Edith Johnson*

*1934*

(Signed)

Engineer

FIELD EXAM ATTACHMENT

DATE: 5-12-94

AGENT: KKC

orig doc  
in

PAGE: 1/1

FILES:

A71-02055

A71-02055A

ATTACHMENT SUBJECT: Analysis of 71-02055  
And related Adjudication claims

71-02055 had a 9-7-1930 priority date  
with a field verification date of 7-18-1934.

The Cavanagh vs Merritt decree dated 1-16-94  
included but not limited to, Valley Creek diversions  
and the tributaries to Valley Creek.

Specifically described is 71-00044 which  
is the diversion from Elk Creek being appurtenant  
to the ground within HES 577. This is the  
same place of use as described in the licensing  
field exam for 71-02055. The exam identified  
22 acres as being irrigated and a diversion capacity  
of 3.2 CFS.

This right was replaced with the decreed  
right and as such is not currently  
a valid water right.

A71-02055 - recommended for disallowal code "I"  
Remark P06 & referencing A71-00044B

A71-02055A is to be renumbered to A71-00044A  
and recommended as a valid right based  
upon the Cavanagh vs Merritt decree.  
see CWR for system analysis &  
Addition of Lib.

6037

CLAIM \_\_\_\_\_ INIT \_\_\_\_\_  
T. R. S. Q/Q *field exam*  
P/D \_\_\_\_\_ *late*  
PHOTO *Forest Service 173-12 91-10 98*  
DT.&ID. *8-28-72 Flight*

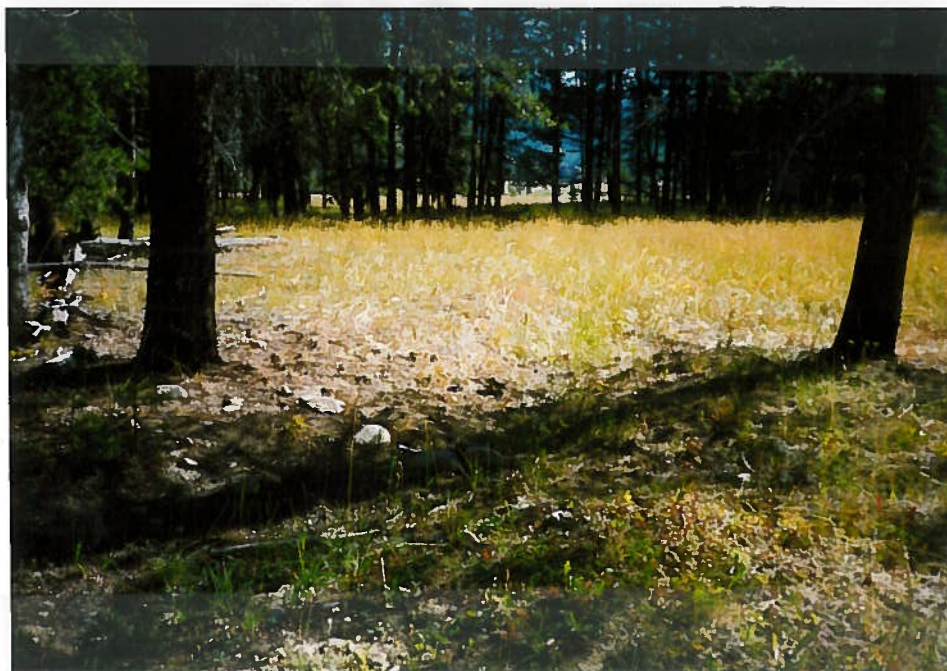
CLAIM # A71-00044  
DATE PHOTO TAKEN; 9-10-93  
PICTURE # 5

This photo was taken within the tree grove shown in photo sets 2 & 3 and is looking northwest toward the northwest side of the grove. The four way headgate would roughly be just out of the picture range on the left outside of the grove.



PICTURE # 6

This photo was taken just northwest of the above picture but is looking east and shows the irrigated open area within the northeast portion of the grove. Only this small area of the grove receives water.



CLAIM # A71-00044

DATE PHOTO TAKEN; 9-10-93

PICTURE # 1

This picture shows the diversion works on Elk Creek and is looking northeast toward the fish screen two to three hundred feet down the ditch.



CLAIM # A71-00044  
DATE PHOTOS TAKEN; 9-10-93  
PICTURE SET # 2

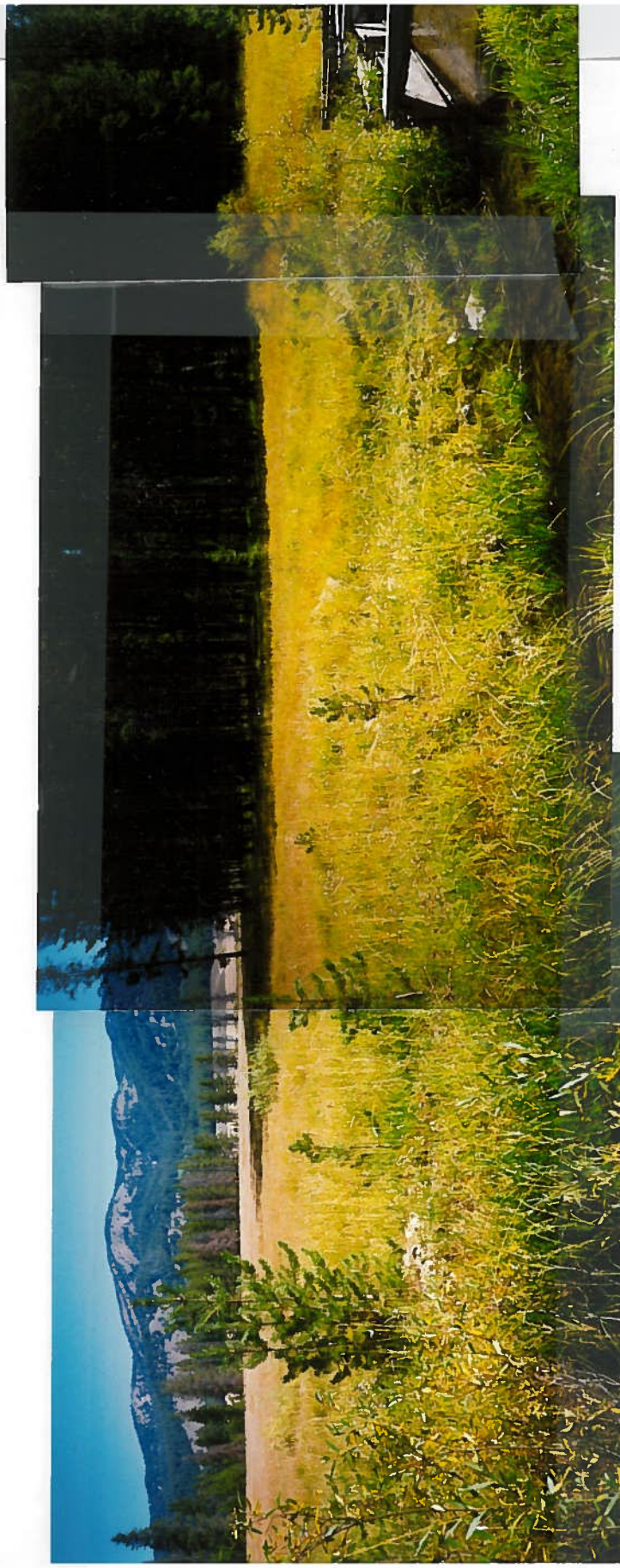
This photo set was taken at the northwest edge of the P/U and is looking northeast on the left to southeast on the right. Picture set # 3 was taken just beyond the two trees in the foreground on the right and shows the same tree grove centered in this photo set.

PICTURE SET # 3  
LOCATION



CLAIM # A71-00044  
DATE PHOTOS TAKEN; 9-10-93  
PICTURE SET # 3

You are looking northeast on the left to southeast on the right. The trees centered in this photo are excluded from the recommended P/U as the ditches go around this knob. The ditch splits at this point with three ditches running through the break on the right, and the other going along the left side of the center grove of trees.



**CLAIM # A71-00044**

**DATE PHOTO TAKEN; 9-10-93**

**PICTURE # 4**

This photo shows the northeast portion of the P/U and is looking northeast toward Valley Creek. The area beyond the dead trees is subirrigated from Valley Creek and is not recommended as a portion of the P/U. There is a small catch ditch just visible that carries water southeast away from the subirrigated area for use further southeast. (see map)

**CATCH DITCH**

