

**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. Department of Water Resources
Incomplete forms will be returned. 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
New Mailing Address Name Connector (Check one): ☐ and ☐ or ☐ and/or
18803 STUDEBAKER ROAD

City, State and ZIP Code CERRITOS, CA 90703

New Telephone Number (562) 924-1414

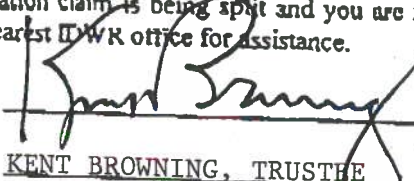
5. Date you acquired the property 1/31/94

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.

6356

0207786

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

Date 10:50 A.M.

11-15 1994

Ethel M. Peck, Clerk

Wanda Murphy

600

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, 1994, 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
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.

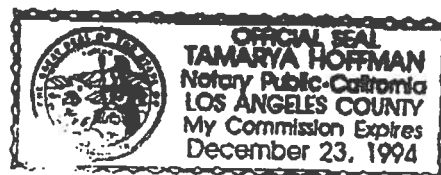
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

(seal)

Tamara 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 3rd day of June, 1954.

KNEELAND, KORB, COLLIER & LEGG

By Ann Legg
Ann Legg
Attorneys for Kent Browning

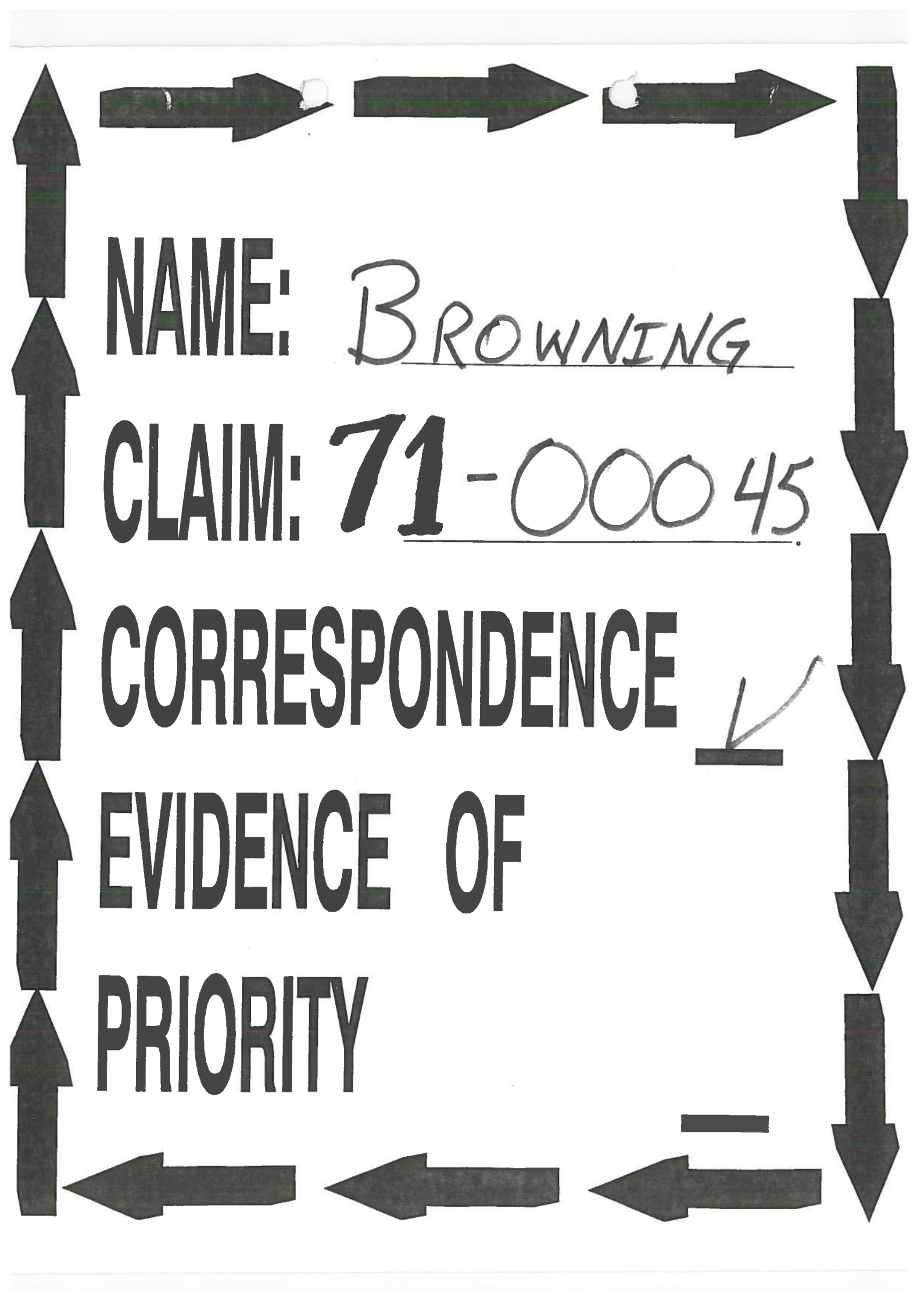
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd 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



NAME: BROWNING

CLAIM: 71-00045

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: **A71-00045**
Date Received: 2/16/1990
Receipt No: S011227
Received By: _____

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

1. Name: KATHRYN M BROWNING
Address: 18803 STUDEBAKER RD
CERRITOS CA 90701

AND

Name: KENT C BROWNING
Address: 18803 STUDEBAKER RD
CERRITOS CA 90701

2. Date of Priority: MAY 1, 1914

3. Source: VALLEY CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	12E	4	NE	SW	NE		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	3.000		

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

8. Total consumptive use is 254.0 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	NE		SE		IRR	8.0
			NW		SE		IRR	28.0
			SW		SE		IRR	5.0
			SE		SE		IRR	25.0
							Section Acres	66.0
		12	SW		SW		IRR	11.0
							Section Acres	11.0
		13	NW		NW		IRR	17.0
			SW		NW		IRR	5.0
			SE		NW		IRR	8.0
			NE		SW		IRR	17.0
			NW		SW		IRR	1.0
			SE		SW		IRR	2.0
							Section Acres	50.0
							Total Acres	127.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U IS PORTION OF HES # 420 AND # 577.
LAND IRRIGATED IS ON THE NORTH EAST SIDE OF VALLEY CREEK.
LAND ON SOUTH WEST SIDE OF VALLEY CREEK IS IRRIGATED FROM
ELK CREEK.

OWNERSHIP CHANGE 5/9/94 BY JG.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

DAN J. CAVANAGH

Decree Plaintiff

WM. MERRITT, ET AL.

vs Decree Defendant



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

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
Ketchum, 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]
Kneeland Korb, Collier & Legg

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 _____

Revised Date 4-03-92

11 15 16 17 18 19

AUG 31 1994

Department of Water Resource
Southern Region Office

Water Right Number - A71-00045

Prefix Translation:

ADJUDICATION CLAIM

Old (D) Number -

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

*** A - ATTORNEY ***
KNEELAND, KORB, COLLIER, & LEGG

1 - PO BOX 249
2 -
3 -
City- KETCHUM
Phone - 208-726-9311
State- ID Zip- 83340

*** C - CURRENT OWNER ***
BROWNING

KATHRYN M

1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
State- CA Zip- 90701

BROWNING

KENT C

State- CA Zip- 90701

*** O - ORIGINAL OWNER ***
CHRISTENSEN 1987 TRUST

1 - C/O DOUGLAS CHRISTENSEN
2 - H.C. 64 BOX 8288
3 -
City- KETCHUM
Phone - 208-726-3668
State- ID Zip- 83340

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1914 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - Tributary - - - - -
VALLEY CREEK SALMON RIVER

+ - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot RFlg County

11N 12E 4 NE SW NE (37) CUSTER

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

01 - IRRIGATION 04/01 11/01 3.000

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
3.000 254.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
11N	12E	11	NE SE		8.0		01	IRRIGATION	(37) CUSTER
11N	12E	11	NW SE		28.0		01	IRRIGATION	(37) CUSTER
11N	12E	11	SW SE		5.0		01	IRRIGATION	(37) CUSTER
11N	12E	11	SE SE		25.0		01	IRRIGATION	(37) CUSTER

Prefix Translation: ADJUDICATION CLAIM

Total Acres: 127.0

+ - - Other Rights for Same Use - NONE

OWNERSHIP CHANGE 5/9/94 BY JG.
ATTORNEY CHANGE 9-1-94 BY TLB.

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

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

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 02/16/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S011227	Water District	-

Water right number - A71-00045

Prefix Translation: ADJUDICATION CLAIM

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

POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- AND	Presumption Flag	- D
		Notice of Error Flag	-



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

10-May-1994

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

RE: ADJUDICATION CLAIM(S) A71-00045 & A71-00046
Christensen Trust Dated March 17, 1987

Dear Claimant(s):

Pursuant to the notification that you have purchased property with the above-referenced Adjudication Claim, we have changed the Department's record(s) as you have requested. Please review the record(s) for accuracy.

Should you have any questions, please feel free to contact me at this office.

Sincerely,

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

Judy Givens
Adjudication Secretary

/jg
Enclosure
c.c. Sawtooth Title Co.

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: A71-00045
Date Received: 2/14/1990
Receipt No: 5011227
Received By: AD

RECEIVED

MAR - 3 1994

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHRISTENSEN 1987 TRUST
Address: C/O DOUGLAS CHRISTENSEN
H.C. 64 BOX 8288
KETCHUM, ID 83340

208-726-3668

2. Date of Priority: MAY 01, 1914

3. Source: VALLEY CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	12E	4	NE	SW	NE		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	3.000		

7. Total Quantity Appropriated is 3.000 C.F.S. (and/or) A.F.A.
254.10 Acre Feet Per Annum.

8. Total consumptive use is

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	12E	11	NE	SE		IRR	8.0
			NW	SE		IRR	28.0

A71-00045

Page 1

Date: 02/14/90

Accepted and Approved KB

Accepted and Approved KB

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11N	12E	11	SW	SE		IRR	5.0
			SE	SE		IRR	25.0
					Section Acres		66.0
		12	SW	SW		IRR	11.0
					Section Acres		11.0
		13	NW	NW		IRR	17.0
			SW	NW		IRR	5.0
			SE	NW		IRR	8.0
			NE	SW		IRR	17.0
			NW	SW		IRR	1.0
			SE	SW		IRR	2.0
					Section Acres		50.0
					Total Acres		127.0

RECEIVED

MAR - 3 1994

Department of Water Resources
Southern Region Office

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

P/U IS PORTION OF HES # 420 AND # 577.
 LAND IRRIGATED IS ON THE NORTH EAST SIDE OF VALLEY CREEK.
 LAND ON SOUTH WEST SIDE OF VALLEY CREEK IS IRRIGATED FROM
 ELK 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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]
Signature of Authorized Agent

TRUSTEE - CHRISTENSEN 1987 TR
Title and Organization

RECEIVED

MAR - 3 1994

Department of Water Resources
Southern Region Office

State of Idaho

County of Twin Falls) ss.

Subscribed and sworn (or affirmed) before me this 14th day

of Feb. 19 90

[Signature]
Notary Public

Seal

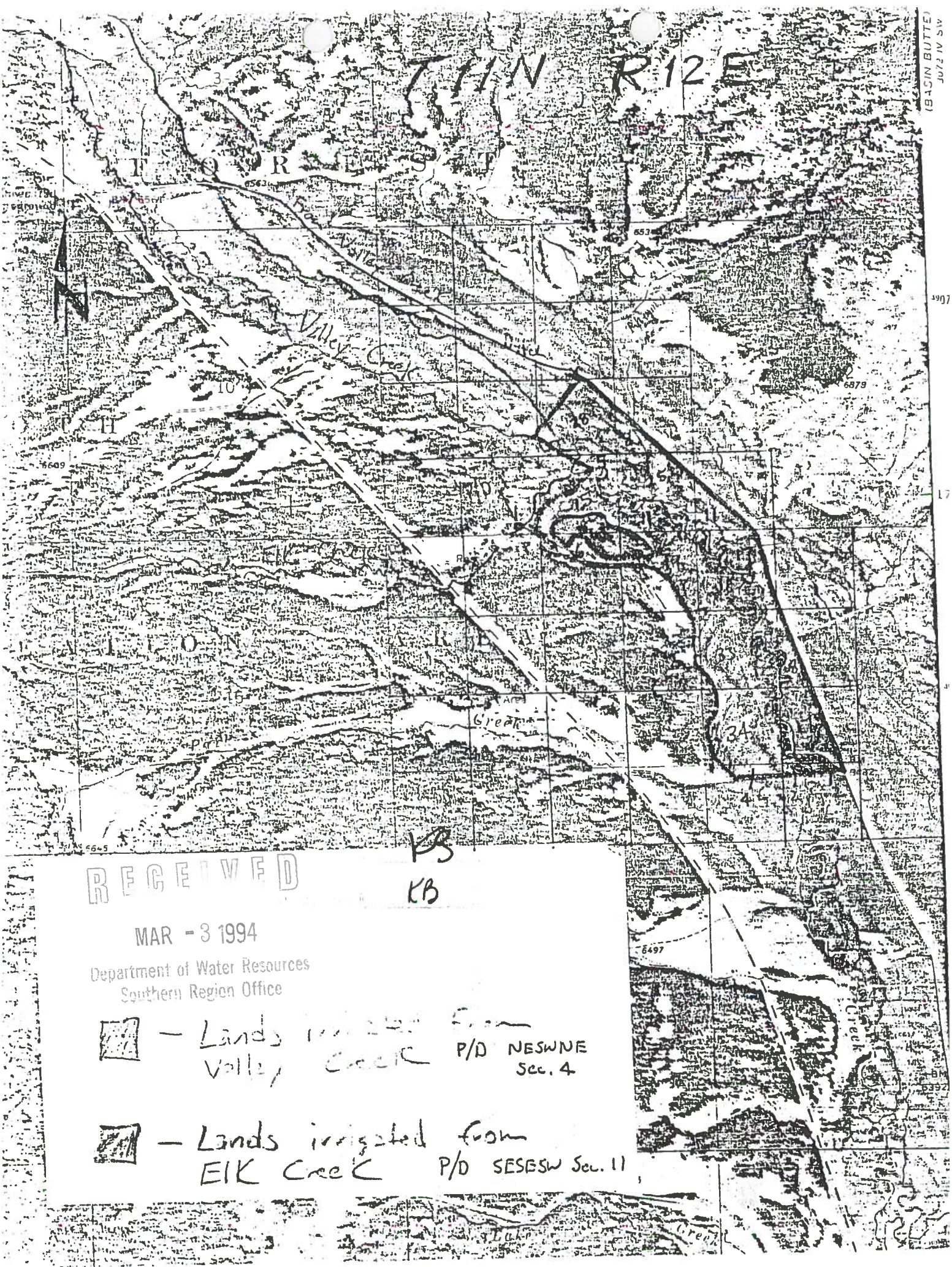
Residing at Kimberly, ID.

My Commission Expires 6/30/94

(BACN BUTTE)
107/2 SW

T11N R12E

T10R E1S



RECEIVED

MAR - 3 1994

Department of Water Resources
Southern Region Office

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

 - Lands irrigated from
Eik Creek P/D SESESW Sec. 11



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVE

MAR 8 1994

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 1/31/94

LEGAL DESCRIPTION OF PROPERTY: Township 11 North Range 12 East
Section 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.

HES 577

☐ 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 A71-02055A

☐ Name and Address of Former Owner/Claimant(s)(Seller): Christensen Limited Partnership

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 1/24/94

☐ Signature of Former Owner/Claimant(s): Kathryn M. Browning Date 1/24/94
Christensen Limited Partnership Date Jan 20, 1994
Arthur L. Christensen Date Jan 19, 1994

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 2/8/94 By: jc

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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

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

RECEIVED

JAN 11 1994

Department of Water Resources
Southern Region Office

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: A71-00045
Date Received: 2/14/1990
Receipt No: 5011227
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHRISTENSEN 1987 TRUST 208-726-3668
Address: C/O DOUGLAS CHRISTENSEN
H.C. 64 BOX 8288
KETCHUM, ID 83340

2. Date of Priority: MAY 01, 1914

3. Source: VALLEY CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	12E	4	NE	SW	NE		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	3.000		

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

8. Total consumptive use is 254.0 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	NE	SE		IRR	8.0
			NW	SE		IRR	28.0

A71-00045

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	11	SW	SE		IRR	5.0
			SE	SE		IRR	25.0
					Section Acres		66.0
		12	SW	SW		IRR	11.0
					Section Acres		11.0
		13	NW	NW		IRR	17.0
			SW	NW		IRR	5.0
			SE	NW		IRR	8.0
			NE	SW		IRR	17.0
			NW	SW		IRR	1.0
			SE	SW		IRR	2.0
					Section Acres		50.0
					Total Acres		127.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

DAN J. CAVANAGH
Decree Plaintiff

vs

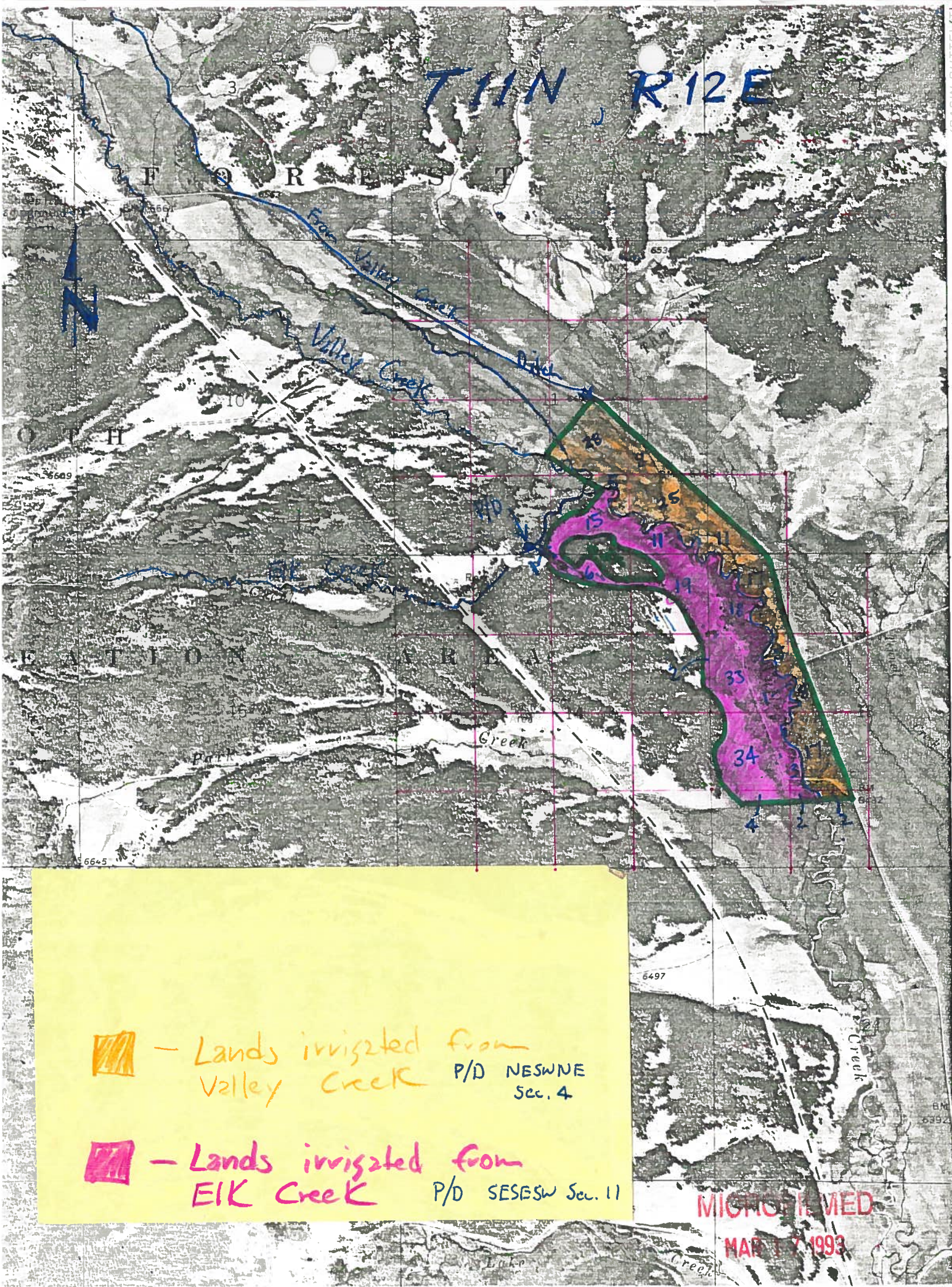
WM. MERRITT, ET AL.
Decree Defendant

(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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organizations:

CHRISTENSEN 1987 TRUST and that the statements contained in the
Organization
foregoing document are true and correct.

MICROFILMED
MAR 17 1993



TIN RIZE

FOREST

Valley Creek

Valley Creek

Eik Creek

Creek

Creek



Lands irrigated from Valley Creek

P/D NESWNE Sec. 4



Lands irrigated from Eik Creek

P/D SESESW Sec. 11

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 your 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

71-00045

July 22, 1998

**NOTICE OF ERROR
REPLY**

RECEIVE

AUG 14 1998

Department of Water Resou

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: 71-00045

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

RECEIVED

AUG 18 1998

Department of Water Resources
Southern Region

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:

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

DATE: 8/12/98

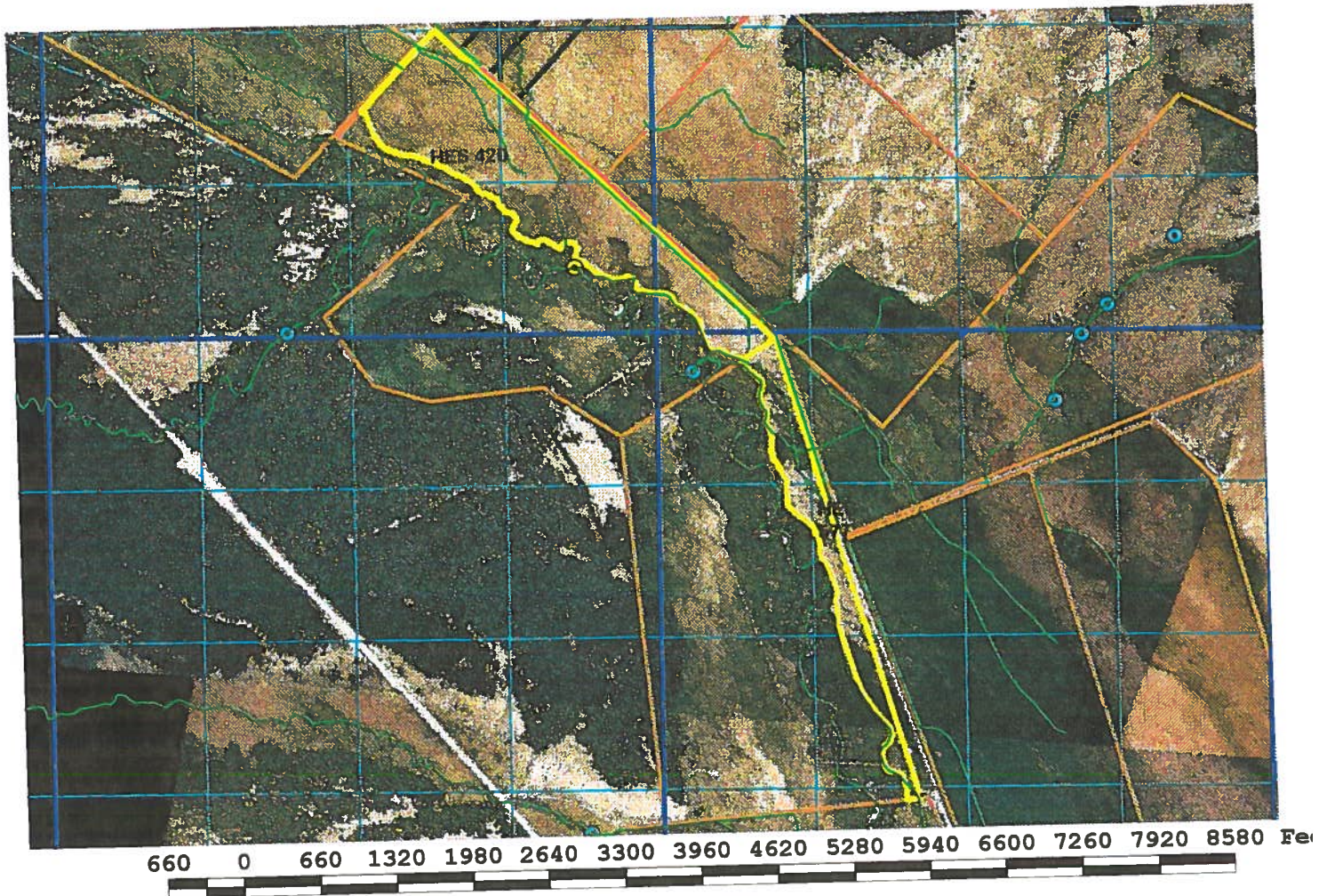
SIGNATURE: Kent Browning

Please print your name: Kent Browning

IDAHO DEPARTMENT OF WATER RESOURCES

71-00045

SOURCE = VALLEY CREEK
A PORTION OF HES 420 & 577



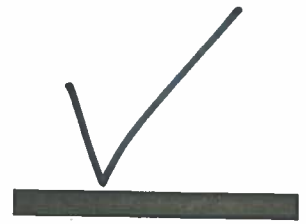
FOUND IRRIGATED
HES 420 = 59.2 ACRES
HES 577 = 20.0 ACRES
DATA ENTRY ON JUNE 1, 1998
TWP 11N, RNG 12E,
HES 420 SEC 11, SE1/4; SEC 13. NWNW
HES 577 SEC 13, W1/2NW1/4, SENW, & E1/2SW1/4



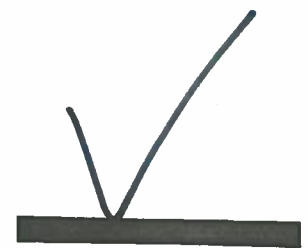
- ▬ RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- ▬ SECTION LINES
- ▬ QUARTER QUARTER LINES
- ▬ HOMESTEAD ENTRY BOUNDARY
- ▬ STREAM AND DITCH CHANNELS

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

R PROOF



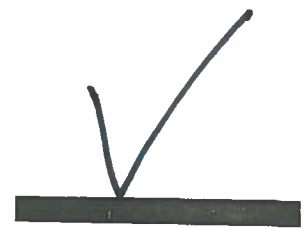
CVR



MAPS



PHOTOS



MISC



Water Right Number - R71-00045

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
BROWNING
Last Name - + First Name - + Address - +
KENT C
1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
State- CA Zip- 90701

BROWNING

KATHRYN M

1 - 18803 STUDEBAKER RD
2 -
3 -
City- CERRITOS
Phone - 208-000-0000
State- CA Zip- 90701

*** O - ORIGINAL OWNER ***
CHRISTENSEN 1987 TRUST

1 - C/O DOUGLAS CHRISTENSEN
2 - HC 64 BOX 8288
3 -
City- KETCHUM
Phone - 208-726-3668
State- ID Zip- 83340

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1914 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
VALLEY CREEK SALMON RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
11N 12E 4 NE SW NE (37) CUSTER

+ - - - - Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume
Code Description
01 - IRRIGATION 05/01 09/30 3.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
3.000 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
11N 12E 11 NE SE 7.7 01 IRRIGATION (37) CUSTER
11N 12E 11 NW SE 23.0 01 IRRIGATION (37) CUSTER
11N 12E 11 SW SE 0.7 01 IRRIGATION (37) CUSTER
11N 12E 11 SE SE 18.0 01 IRRIGATION (37) CUSTER
11N 12E 12 SW SW 7.5 01 IRRIGATION (37) CUSTER
11N 12E 13 NW NW 2.3 01 IRRIGATION (37) CUSTER

Total Acres: 59.2

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

POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	-	Presumption Flag	- C
		Notice of Error Flag	-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:07:15
07/07/98

PAGE: 19
QUICKLOOK INFORMATION

19
CLAIM NUMBER: A71-00045

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			9-10-93 K K C	N	K K C 7-7-98	K K C 7-7-98		
POINT OF DIV			"	N				
SOURCE			"	N				
PLACE OF USE	Y		"	Y				
DIV. AMOUNT CFS/VOLUME			7-7-98 K K C	N				
CONSUMPTIVE USE	-		N/A	-				
PURPOSES OF USE			7-7-98 K K C	N				
PERIOD OF USE	Y		"	Y				
BASIS OF CLAIM			"	N				
REMARKS	Y		"	Y				

BARCODE UPDATED
WHOM/DATE

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

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
() ORTHOPHOTOQUAD	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y() N()
() NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y() N()
() ASCS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() ASCS COLOR SLIDE	DATE OF PHOTO _____	Y() N()
() BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y() N()
() TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y() N()
() SCS SOIL SURVEY MAP	DATE ISSUED _____	Y() N()
() SUBDIVISION PLAT MAP	DATE OF MAP _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()
() OTHER _____	DATE _____	Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
() LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
() WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
() IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
() SYSTEM DESCRIPTION	DATE DRAWN _____	_____	_____
() PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
() SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
() HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
() FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
() OTHER _____	DATE _____	_____	_____
() OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:07:15
07/07/98

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A71-00045

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

OWNER CODE: C

LAST: CHRISTENSEN 1987 TRUST FIRST:
ADDRESS: C/O DOUGLAS CHRISTENSEN
HC 64 BOX 8288
CITY: KETCHUM STATE: ID ZIP: 83340
PHONE NUMBER: 208-726-3668

OWNER CODE: O

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

OWNER CODE: C

LAST: KNEELAND KORB COLLIER & LEGG FIRST:
ADDRESS: PO BOX 249
CITY: KETCHUM STATE: ID ZIP: 83340
PHONE NUMBER: 208-726-9311

OWNER CODE: A

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: GEN P/U IS PORTION OF HES # 420 AND # 577.
LAND IRRIGATED IS ON THE NORTH EAST SIDE OF VALLEY CREEK.
LAND ON SOUTH WEST SIDE OF VALLEY CREEK IS IRRIGATED FROM
ELK CREEK.

OWNERSHIP CHANGE 5/9/94 BY JG.
ATTORNEY CHANGE 9-1-94 BY TLB.

CONTACT PERSON: Kevin Swigut

PHONE NUMBER: () -

DATE OF FIELD EXAM: 9/10/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: no one in field

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: manager

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-00045 PRIORITY DATE: 05-01-1914 STAGE: D

B. WR RECORD: # 71-00045 PRIORITY DATE: 05-01-1914 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)

FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)

FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)

LICENSE ISSUED N/A(☒) Y(☐) N(☐)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: The claimed P/U covers ground in both HES-420 & HES-577.
This right was decreed to ground in HES-420 & I found
irrigation corresponding to the decree.
∴ I accept the priority date as claimed

RECOMMENDED PRIORITY DATE:

05-01-1914

REVIEWED BY KKC

DATE 7-7-98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
							FLAG			
A71-00045	11N 12E	4	NE	SW	NE			CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD WR RECORDS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A71-00041 ** NONE
** 14 R PREFIX CLAIMS WITH THIS POD

SOURCE: VALLEY CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
							FLAG			
71-00045	11N 12E	4		NW	NE	2		CUSTER		

OTHER WR RECORDS WITH SAME WR POD AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
71-00043 A71-00040D NONE
71-00047 A71-00040E
A71-00040G
A71-00040H
A71-00041
A71-00047

SOURCE: VALLEY CREEK

TRIB: SALMON RIVER

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

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

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

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

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N(☒)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(☒) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y(____) N(____)

AJ FIELD EXAM

(DATE OF FIELD EXAM

9-10-93

NAME OF EXAMINER

KKC

Y(____) N(____)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: I found the P/D as claimed. This P/D was apparently moved by the Forest Service (date of move unknown). The decreed P/D may have been in the same Q.A. I am recognizing the claimed P/D as an accomplished transfer flagged 'C', CØ 3 cond code.

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

TWP.	RGE.	SEC.	POD			LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
			1/4 NE	1/4 SW	1/4 NE					
11N	12E	4								

SOURCE: VALLEY CREEK

TRIB: SALMON RIVER

REVIEWED BY:

KKC

DATE:

7-7-98

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

FIELD EXAM ATTACHMENT

DATE: 6-2-94

PAGE: 1/3

AGENT: KKC

FILES: _____

ATTACHMENT SUBJECT: P/D SYSTEM FOR 11N 12E Sec 4 NE SW NE *

F06:: 71-00040A, 71-00040B, 71-00042A, 71-00042B, 71-00045,
71-00047, & 71-00050. Related Fish Screen VC-6.

The Forest Service reconstructed the di structure at a location
other than decreed. Date of change unknown at this time.

The ditch leaves the P/D and runs south east along the eastern
border of the Valley. The ditch intercepts Hanna Creek in
11N, 12E Sec 3 NW NE SW with the first major control structure
at this point. The water can be split with one channel rough
using the old Hanna Cr channel to carry water to the north end
of the Mahoney/Kennedy Property that lays west of the Cow camp road
and is the northern most P/D between Valley G & the Cow camp road
the other Channel continues southeast along the eastern border
of the Valley to the North end of the northern most P/D east
of the Cow camp road. The ditch again divides with
one main ditch paralleling the Cow Camp road on the east and
the other again forming the eastern Boundary of the irrigated
portion of the Valley. This portion of the ditch intercepts
McGowan Creek in 11N 12E Sec 2 SW SW SE The main ditch
does not actually join with the McGowan Creek ditch but appears
that it may have at one time. The P/D in this general area
running south & east is a series of drainage channels
and this area appears to be naturally swampy. Valley Creek
water flows across this property and into HES 109 all

* Decreed right 71-00043 Co HES 274 is also diverted from the same P/D
but is physically removed from the common overlapping system of the
other rights. It is claimed in part under A71-00043 Forest Service.

FIELD EXAM ATTACHMENT

DATE: 6-2-94PAGE: 2/3AGENT: KKC

FILES: _____

ATTACHMENT SUBJECT: _____

along the NE $\frac{1}{2}$ of the border. The McGowan Creek Ditch (and Valley Cr from Sec 4 somewhat) forms the eastern boundary for the HES 109 & into HES-133. This ditch system runs to HES 421 where it ends. For the HES's (or portions of that lay east of the cow camp road (excluding HES-274) are in a general irrigated concurrently in that as one HES is irrigated the tail water is either spread directly onto the next HES or is accumulated into a drain or a ditch to be respread. Although this could be considered waste water no one has claimed it as such. There are also swampy areas that may or may not be created by the Valley Cr, Hanna Cr, and/or McGowan Cr diversions. This interrelationship runs from HES 271 (the eastern $\frac{1}{2}$) thru HES 270, thru HES 109, thru HES 133, thru HES 421, and HES 319. All east of the Cow camp road. Water flows in general east & south from the cow camp road to the center of the irrigated meadows and south & east from the ditch system that forms the eastern boundary of the irrigated ground. This pattern is clearly visible on USDA F 173-13, 173-11 & others of the 8-28-72 flight similar USDA-F aerial photos 677-193 9-9-77 flight 4 ASCS Aerial flight ~~77~~ 8-22-52 # DRF-3-167. On the Photo 768 to a certain extent also shows this relationship.

Irrigation practices for the fields west of the cow camp road

FIELD EXAM ATTACHMENT

DATE: 6-2-94PAGE: 3/3AGENT: KKC

FILES: _____

ATTACHMENT SUBJECT: _____

and east of Valley Creek is also irrigated in a similar manner. From the SW $\frac{1}{2}$ of HES 271 thru HES 272, thru HES 420 and into HES 577.

The channel running South from the Hanna diversion that enters the northern portion of the Mahoney/Kennedy property west of the cow camp road & part of the HES 274 is either spread across the meadow and/or allowed to stay in a ditch that roughly divides that pasture in half running straight southeast to HES 272 where it is again either spread across the northern portion of the HES or continues in the same ditch straight thru the middle of HES 272 to HES-420. A ditch follows the cow camp road (on the west side) thru HES-271, 272 420 and into 577. These HES's also share the water similar to the system east of the cow camp road.

Control of water diverted from section four ends roughly in the NW NW of sec. 13. HES 577 & HES 421 receive some water from the Sec 4 diversion but primarily receive water from other diversions and/or sources.

A small acreage west of Valley creek and within HES 272 is irrigated from ~~the~~ Elk Creek. The western portion of HES 420 is also irrigated from Elk Creek but from a diff P/O. This P/O is shared with the deeded right that has been split for two parcels in HES 577. The irrigated ground west of Valley Cr in HES 422 is irrigated from back Cr. No other ground west of Valley Cr was found to be currently irrigated (this includes HES 273)

A. ROOT WATER RIGHT NUMBERS: A71-00045
R71-00045

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	12E	11	NE	SE		BROWNING, KATHRYN M	A71-00045 / 8.0	71-00045 /			40.0
			NE	SE		MAHONEY JR LIFETIME TRUST II,	R71-00040A / 23.0	- /			
			NE	SE		HILL, PAUL	R71-00040E / 5.7	- /			
			NE	SE		US DEPT OF AGRICULTURE	R71-00050 / 2.6	71-00050 /			
			NE	SE		BROWNING, KENT C	R71-00045 / 7.7	- /			
			NE	SE		US DEPT OF AGRICULTURE	A71-00050 /	- /			
			NE	SE		MAHONEY JR LIFETIME TRUST II,	A71-00040A / 25.0	- /			
			NE	SE		HILL, PAUL	A71-00039E / 5.7	- /			
			NE	SE		PETERS, JAMES R	A71-00039H / 1.3	- /			
			NE	SE		HILL, PAUL	A71-00040E / 5.7	- /			
			NE	SE		PETERS, JAMES R	A71-00040H / 1.3	- /			
			NE	SE		MAHONEY JR LIFETIME TRUST II,	A71-00039A / 25.0	- /			
			NE	SE		MAHONEY JR LIFETIME TRUST II,	R71-00039A / 23.0	- /			
			NE	SE		HILL, PAUL	R71-00039E / 5.7	- /			
			NE	SE		HILL, PAUL	R71-10136A / 0.4	- /			
			NE	SE		THOMPSON, JOHN H.		71-00039 /			
			NE	SE		THOMPSON, JOHN H.		71-00040 /			
			NE	SE		DARRAH, BEN		71-00046 /			
11N	12E	11	NW	SE		BROWNING, KATHRYN M	A71-00045 / 28.0	71-00045 /			40.0
			NW	SE		HILL, PAUL	R71-00040E / 2.7	- /			
			NW	SE		MAHONEY JR LIFETIME TRUST II,	R71-00047 / 6.0	71-00047 /			
			NW	SE		BROWNING, KENT C	R71-00045 / 23.0	- /			
			NW	SE		MAHONEY JR LIFETIME TRUST II,	A71-00047 / 5.0	- /			
			NW	SE		HILL, PAUL	A71-00039E / 2.7	- /			
			NW	SE		PETERS, JAMES R	A71-00039H / 0.3	- /			
			NW	SE		HILL, PAUL	A71-00040E / 2.7	- /			
			NW	SE		PETERS, JAMES R	A71-00040H / 0.3	- /			
			NW	SE		HILL, PAUL	R71-00039E / 2.7	- /			
			NW	SE		THOMPSON, JOHN H.		71-00039 /			
			NW	SE		THOMPSON, JOHN H.		71-00040 /			
			NW	SE		DARRAH, BEN		71-00046 /			
			NW	SE		M BAR M INC.		71-00048 /			
11N	12E	11	SW	SE		BROWNING, KATHRYN M	A71-00045 / 5.0	71-00045 /			31.0
			SW	SE		BROWNING, KENT C	R71-00044 / 12.2	- /			
			SW	SE		BROWNING, KENT C	R71-00046 / 12.2	71-00046 /			
			SW	SE		US DEPT OF AGRICULTURE	F71-10199 /	- /			
			SW	SE		BROWNING, KENT C	R71-00045 / 0.7	- /			
			SW	SE		BROWNING, KENT C	A71-00044 / 15.0	- /			
			SW	SE		BROWNING, KENT C	A71-00046 / 15.0	- /			
			SW	SE		US DEPT OF AGRICULTURE	A71-10199 /	- /			

See GIS
List
Dated 3-12-95

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	SE		US DEPT OF AGRICULTURE	71-10199 /	- /			
11N	12E	11	SE	SE		BROWNING, KATHRYN M	A71-00045 / 25.0	71-00045 /		38.0	
			SE	SE		BROWNING, KENT C	R71-00044 / 5.1	- /			
			SE	SE		BROWNING, KENT C	R71-00046 / 5.1	71-00046 /			
			SE	SE		BROWNING, KENT C	A71-00044 / 11.0	- /			
			SE	SE		BROWNING, KENT C	A71-00046 / 11.0	- /			
			SE	SE		US DEPT OF AGRICULTURE	A71-00050 /	71-00050 /			
			SE	SE		US DEPT OF AGRICULTURE	R71-00050 / 1.7	- /			
			SE	SE		BROWNING, KENT C	R71-00045 / 18.0	- /			
11N	12E	12	SW	SW		BROWNING, KATHRYN M	A71-00045 / 11.0	71-00045 /		37.0	
			SW	SW		US DEPT OF AGRICULTURE	A71-00050 /	71-00050 /			
			SW	SW		US DEPT OF AGRICULTURE	R71-00050 / 26.0	- /			
			SW	SW		BROWNING, KENT C	R71-00045 / 7.5	- /			
			SW	SW		DARRAH, BEN		71-00046 /			
11N	12E	13	NW	NW		BROWNING, KATHRYN M	A71-00045 / 17.0	71-00045 /		39.0	
			NW	NW		BROWNING, KENT C	R71-00044 / 3.0	71-00044 /			
			NW	NW		BROWNING, KENT C	R71-00046 / 3.0	71-00046 /			
			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		US DEPT OF AGRICULTURE	R71-00050 / 0.8	71-00050 /			
			NW	NW		YACOMELLA, ANTONY R	R71-00052 / 2.1	- /			
			NW	NW		BROWNING, KENT C	R71-00045 / 2.3	- /			
			NW	NW		BROWNING, KENT C	A71-00046 / 18.0	- /			
			NW	NW		US DEPT OF AGRICULTURE	A71-00050 /	- /			
			NW	NW		BROWNING, KENT C	A71-00044 / 18.0	- /			
			NW	NW		STATE OF IDAHO		71-07157 /			
			NW	NW		STATE OF IDAHO		71-07156 /			
11N	12E	13	SW	NW		BROWNING, KATHRYN M	A71-00045 / 5.0	- /		37.0	
			SW	NW		BROWNING, KENT C	R71-00044 / 17.0	71-00044 /			
			SW	NW		BROWNING, KENT C	R71-00046 / 17.0	- /			
			SW	NW		BROWNING, KENT C	A71-00044 / 33.0	- /			
			SW	NW		BROWNING, KENT C	A71-00046 / 33.0	- /			
11N	12E	13	SE	NW		BROWNING, KATHRYN M	A71-00045 / 8.0	- /		39.0	
			SE	NW		YACOMELLA, ANTONY R	A71-00049A / 3.0	- /			
			SE	NW		YACOMELLA, BILL ROY	A71-00051 / 3.0	71-00051 /			
			SE	NW		YACOMELLA, ANTONY R	A71-00052 / 3.0	71-00052 /			
			SE	NW		YACOMELLA, ANTONY R	R71-00052 / 6.6	- /			
			SE	NW		MAHONEY JR LIFETIME TRUST II,	R71-00057 / 21.0	71-00057 /			
			SE	NW		BROWNING, KENT C	A71-00044 / 1.0	71-00044 /			
			SE	NW		BROWNING, KENT C	A71-00046 / 1.0	- /			
			SE	NW		MAHONEY JR LIFETIME TRUST II,	A71-00057 / 30.0	- /			

See
GIS
Land Unit
dated 3-12-98

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	12E	13	NE	SW		BROWNING, KATHRYN M	A71-00045 / 17.0	- /	41.0		
			NE	SW		BROWNING, KENT C	R71-00044 / 1.0	71-00044 /			
			NE	SW		BROWNING, KENT C	R71-00046 / 1.0	- /			
			NE	SW		MAHONEY JR LIFETIME TRUST II,	R71-00057 / 15.0	71-00057 /			
			NE	SW		BROWNING, KENT C	A71-00044 / 3.0	- /			
			NE	SW		BROWNING, KENT C	A71-00046 / 3.0	- /			
			NE	SW		MAHONEY JR LIFETIME TRUST II,	A71-00057 / 15.0	- /			
11N	12E	13	NW	SW		BROWNING, KATHRYN M	A71-00045 / 1.0	- /	20.0		
			NW	SW		BROWNING, KENT C	R71-00044 / 19.0	71-00044 /			
			NW	SW		BEIN, WILLIAM C	R71-00044B / 9.0	- /			
			NW	SW		BROWNING, KENT C	R71-00046 / 19.0	- /			
			NW	SW		BROWNING, KENT C	A71-00044 / 34.0	- /			
			NW	SW		BROWNING, KENT C	A71-00046 / 34.0	- /			
			NW	SW		BROWNING, KATHRYN M	A71-02055A / 22.0	- /			
			NW	SW		BEIN, WILLIAM C	A71-00044B / 22.0	- /			
			NW	SW		BEIN, WILLIAM C	A71-10074 /	- /			
			NW	SW		BEIN, LINDA H	71-10074 /	- /			
11N	12E	13	SE	SW		BROWNING, KATHRYN M	A71-00045 / 2.0	- /	41.0		
			SE	SW		BROWNING, KENT C	R71-00044 / 1.1	71-00044 /			
			SE	SW		BROWNING, KENT C	R71-00046 / 1.1	- /			
			SE	SW		MAHONEY JR LIFETIME TRUST II,	R71-00057 / 1.8	71-00057 /			
			SE	SW		MAHONEY JR LIFETIME TRUST II,	R71-00054 / 11.0	71-00054 /			
			SE	SW		BROWNING, KENT C	A71-00044 / 2.0	- /			
			SE	SW		BROWNING, KENT C	A71-00046 / 2.0	- /			
			SE	SW		BENNETTS, JAMES	A71-00053 / 4.0	71-00053 /			
			SE	SW		MAHONEY JR LIFETIME TRUST II,	A71-00054 / 35.0	- /			
			SE	SW		BENNETTS, JAMES	R71-00053 / 4.0	- /			
			SE	SW		MAHONEY JR LIFETIME TRUST II,	A71-00057 / 3.0	- /			
			SE	SW		STATE OF IDAHO		71-07158 /			

ADDITIONAL POU FOUND

TOTAL ACRES

A71-00045

127.00

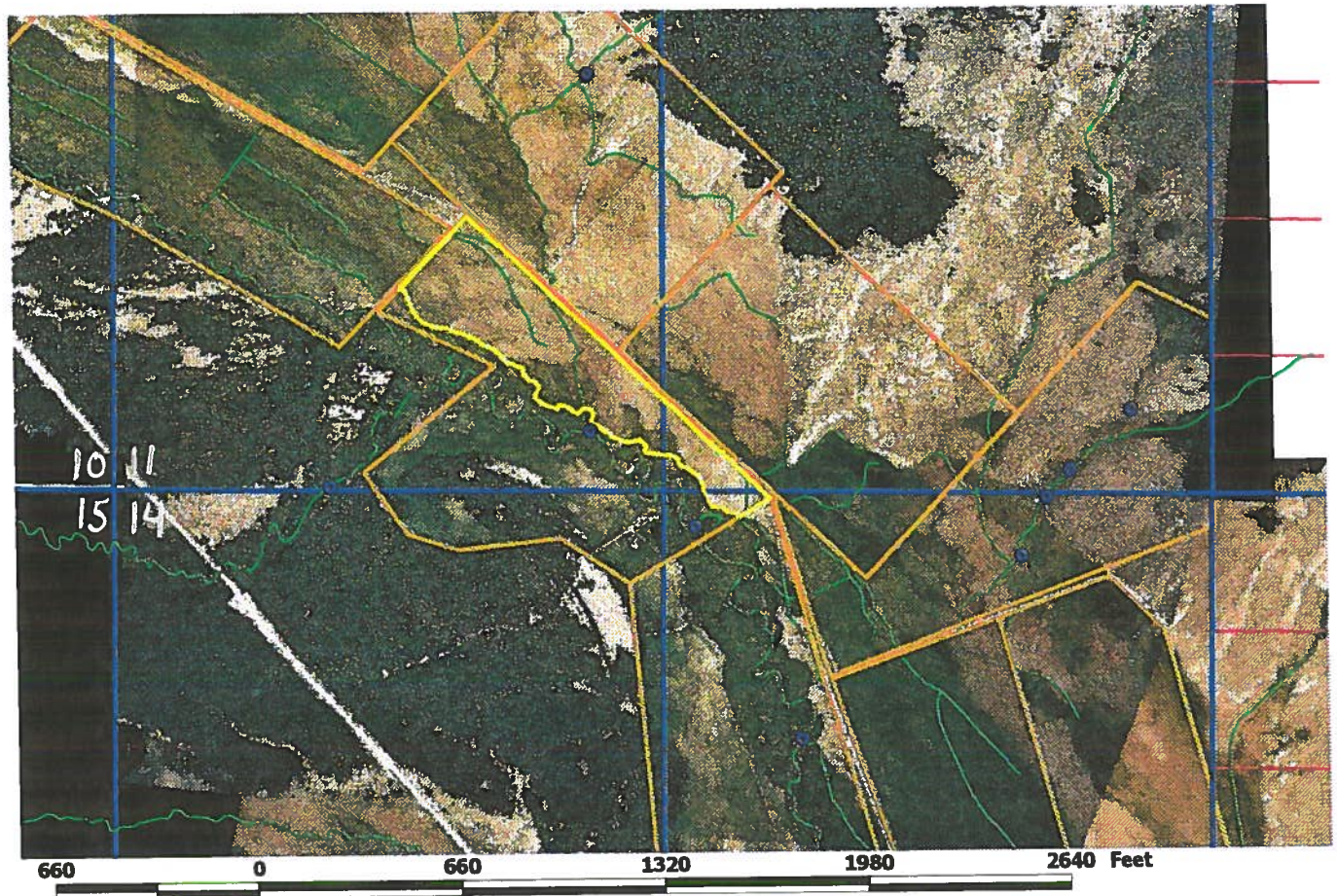
485.00

POU COUNTY: CUSTER

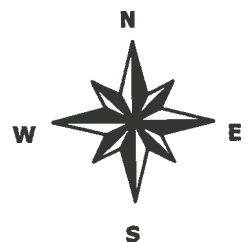
59.2 Acres
Per Island list
dated 3-12-98
KRC

IDAHO DEPARTMENT OF WATER RESOURCES

71-00045
SOURCE = VALLEY CREEK



RECOMMENDED PLACE OF USE
DATA ENTRY ON JULY 7, 1998
TWP 11N; RNG 12E;



- ⊙ RECOMMENDED POINT OF DIVERSION
- ▭ RECOMMENDED PLACE OF USE
- ▭ SECTION LINES
- ▭ QUARTER QUARTER LINES
- ▭ HOMESTEAD ENTRY BOUNDARY

GIS PLACE OF USE PRESENTATION
1992 USDA-F PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

CLAIM NUMBERS 71-00045DATE 3-12-98

TRANSFER NUMBER _____

HOMESTEAD ENTRY NO. 420AGENT KKCCLAIMED ACRE TOTAL 577.127

GEOGRAPHIC INFO ACRES

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	<u>11N</u>	<u>12E</u>	<u>11</u>													<u>8</u>	<u>28</u>	<u>5</u>	<u>25</u>
GIS			<u>11</u>													<u>7.7</u>	<u>22.9</u>	<u>0.7</u>	<u>17.9</u>
RECOM			<u>11</u>					<u>All acres within HES-420</u>								<u>7.7</u>	<u>23</u>	<u>.7</u>	<u>18</u>
CLAIM	<u>11N</u>	<u>12E</u>	<u>12</u>											<u>11</u>					
GIS			<u>12</u>											<u>7.5</u>					<u>7.5</u>
RECOM								<u>all acres within HES-420</u>								<u>7.5</u>			
CLAIM	<u>11N</u>	<u>12E</u>	<u>13</u>					<u>17</u>	<u>5</u>	<u>8</u>		<u>17</u>	<u>1</u>		<u>2</u>				
GIS			<u>13</u>					<u>10.1</u>	<u>1.4</u>	<u>5.1</u>		<u>5.4</u>	<u>-0-</u>		<u>.3</u>				<u>22.</u>
RECOM			<u>13</u>					<u>2.3</u>											<u>2.</u>
								<u>7.8</u>	<u>1.4</u>	<u>5.1</u>		<u>5.4</u>			<u>.3</u>				<u>20</u>
CLAIM																			
GIS																			
RECOM																			

B71-DBPOD.SHP

NOS DESCRIPTION

32 Sec 4 NESWNE P/O for B. & R. HES-5 P/O HES-420 49.4
7.5

42 Sec 11 SWSESE P/O for HES-577 only 2.3
59.2 Acres

B71-DBPOU.SHP

SHAPE NOS

221 - P/O within HES-420 (71-00045)

222 - P/O within HES-577

P/O HES 577 20.0 acres
total 79.2

DBF TABLES UPDATED

B71-DBPOD.DBF

B71-DBPOU.DBF

For A71-00045

1/23/95

RECEIVED

JAN 30 1995

Department of Water Resources
Southern Region

Kelly K. Christensen

5. Water Resource Agent

In regard to your letter to
Anthony Ypsomella dated December
10, 1994 and Re: Snake River Adj
Claims A71-00051, and A71-00052.

Your question was when was
there a change in the point of diversion -
this happened in the early 1940's when
Kathryn Huntington and my great
uncle Ray Chivers had a serious
disagreement where by Kathryn
kept taking water out of Uncle
Ray's ditch to irrigate the land
on the west side of the road which
belonged to the Huntington family
and was known as the Triple H Ranch -
Uncle Ray got mad and told

Kathryn to take the ditch and
he would build a new one.
At that time Uncle Ray owned
the "Paul Place" just South of
the cattle ~~sales~~ ~~other~~
so this ditch served both ranches.

I was about 10 to 10 years old when
this happened and I was born in
1935.

Madge E. Ypsomella

Mother of: Tom Ypsomella

Bill Ypsomella

Anthony Ypsomella

Wife of: Tony S Ypsomella

M. Ypsomella

PO Box 51

Challis, ID

83226

RECEIVED

JAN 30 1995

Department of Water Resources
Southern Region

Department of Water Resources
Attn: Kelly Christensen

222 Shoshone Street East

Idaho Falls, Id. 83301-6105



original filed in
A71-00051
KHC



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 1, 1998

KNEELAND KORB & LEGG
ROBERT KORB
PO BOX 249
KETCHUM ID 83340

RE: BROWNING ADJUDICATION CLAIM A71-00045

Dear Mr Korb

I am preparing the recommendation for adjudication claims to be included in the July directors report to the Snake River Basin Adjudication court.

Since our last communication in January of 1994 I have obtained additional information and the legislature has passed 42-1426 which both potentially affect this claim.

FACTORS RELATING TO THE CLAIM

1. 71-00045 was decreed to HES 420 only.
2. Cavanaugh vs Merritt decree was issued on 1-16-1940.
3. Madge Yacomella submitted a letter stating that to her personal knowledge, the current Yacomella diversion ditch for HES 421 located at TNS 11S; RNG 12E; SEC 13; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ B.M. was built between 1943 and 1945. (copy attached)
4. She further states that the then owner of HES 577 was taking water from the point of diversion located at TNS 11S; RNG 12E; SEC 11; SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ B.M. to irrigate ground on the west side of the road. (specific legal descriptions is my interpretation)
5. Mandatory permit statute active date May 20, 1971 for surface water rights.
6. The Idaho state legislature passed 42-1426 in 1994 which describes enlargement rights.

OPTION 1, DO NOTHING

Based upon the information currently available to me I am required to recognize A71-00045 as limited to 59.2 acres (acres within HES 420) during any one irrigation season within a permissible place of use of 79.2 acres (irrigated ground within both HESSs). If this is acceptable, nothing needs to be done, however, if you want a right for the additional acres and/or water then a second claim is required.

June 1, 1998
KORB
PAGE 2

OPTION 2, FILE AN ENLARGEMENT CLAIM

I do not feel that the system I found during my field examination meets the requirements of the enlargement statute 42-1426. My interpretation of the system is that a second point of diversion was added along with an additional diversion rate to irrigate ground in HES 577. You may, however, file an enlargement claim if that is your wish.

OPTION 3, FILE A BENEFICIAL USE CLAIM

The information on record indicates that the ground in HES 577 was initially irrigated in early to mid 1940s. That a diversion rate sufficient to irrigate that ground was also developed. I have created a shape file using the department's GIS program and I have enclosed a copy of the acre listing as calculated by that program. I have also enclosed a layout showing both HESSs as I expect to recommend them.

A claim fee of \$50.00 is required for another claim however neither a late fee or variable acre fee are required as they were covered through the original filing. I have enclosed a claim form for your client's use.

If you have any questions please give me a call as soon as possible. I do not expect to be in the office during the week of 6-15 through 6-19.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

[illegible]

CUSTOMER:
ANN LEGG ATT FOR BROWNING

DATE: June 26, 1998 1:18 pm

SUBJECT: POTENTIAL BENEFICIAL USE CLAIM
phone () walk-in (X)

She came in to discuss the Browning water use on HES 577. After going over all 4 claims relating to the Browning property she decided that she will advise her client to file a beneficial use claim. I explained the basis for the data that I documented for the Valley Cr water use in HES 577. She copied the information and then took a claim form and left.

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

[illegible]

CUSTOMER:
ANN LEGG

DATE: June 29, 1998 4:31 pm

SUBJECT: POTENTIAL BENEFICIAL USE RIGHT FOR BROWNING
phone (X) walk-in()

She called to discuss the paperwork that I gave her on her visit to this office. Apparently there is some confusion concerning the Valley cr irrigation of the ground in HES 577. After discussing the issues with her I suggested that she also include the point of diversion located at TNS 11N; RNG 12E; SEC 4; NE~~4~~SW~~4~~NE~~4~~ B.M. I told her that I still feel that the irrigation of the ground in HES 577 was still a beneficial use primarily independent of 71-00045. I indicated that I would be willing to discuss my recommendations and observations with Mr Browning. She indicated that she thought that he would be in the area next week. I again expressed my desire to make sure that I hadn't missed part of the irrigation system and, if necessary, I would meet Mr Browning in Stanley.

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

Y() N()

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

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-00045	VALLEY CREEK	BROWNING, KATHRYN M	3.000	0.023		
R71-00039A	MC GOWAN CREEK	MAHONEY JR LIFETIME TRUST II,	0.400	0.010		
A71-00039A	MC GOWAN CREEK	MAHONEY JR LIFETIME TRUST II,	0.430	0.008		
	HANNAH CREEK					
R71-00039E	MC GOWAN CREEK	HILL, PAUL	0.360	0.011		
A71-00039E	MC GOWAN CREEK	HILL, PAUL	0.360	0.011		
	HANNA CREEK					
A71-00039H	MC GOWAN CREEK	PETERS, JAMES R	0.140	0.003		
	HANNA CREEK					
R71-00040A	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	1.200	0.031		
A71-00040A	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	1.200	0.024		
A71-00040E	VALLEY CREEK	HILL, PAUL	1.080	0.033		
R71-00040E	VALLEY CREEK	HILL, PAUL	1.080	0.033		
A71-00040H	VALLEY CREEK	PETERS, JAMES R	0.430	0.010		
R71-00044	ELK CREEK	BROWNING, KENT C	3.760	0.044		
A71-00044	ELK CREEK	BROWNING, KENT C	4.800	0.032		
R71-00044B	ELK CREEK	BEIN, WILLIAM C	0.440	0.033		
A71-00044B	ELK CREEK	BEIN, WILLIAM C	0.440	0.020		
R71-00045	VALLEY CREEK	BROWNING, KENT C	3.000	0.050		
R71-00046	ELK CREEK	BROWNING, KENT C	1.600	0.019		
A71-00046	ELK CREEK	BROWNING, KENT C	1.600	0.010		
R71-00047	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	3.600	0.032		
A71-00047	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	3.630	0.023		
A71-00049A	VALLEY CREEK	YACOMELLA, ANTONY R	1.020	0.006		
R71-00050	VALLEY CREEK	US DEPT OF AGRICULTURE	4.800	0.057		
A71-00050	VALLEY CREEK	US DEPT OF AGRICULTURE	4.800	0.030		
A71-00051	TENNELL 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	0.047		
A71-00053	PARK CREEK	BENNETTS, JAMES	2.400	0.060		
R71-00053	PARK CREEK	BENNETTS, JAMES	1.050	0.026		
R71-00054	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	2.400	0.060		
A71-00054	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	2.430	0.020		
R71-00057	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	4.800	0.030		
A71-00057	VALLEY CREEK	MAHONEY JR LIFETIME TRUST II,	4.830	0.030		
A71-02055A	ELK CREEK	BROWNING, KATHRYN M	0.440	0.020		
R71-10136A	THOMPSON CREEK	HILL, PAUL	0.360	0.019		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
F71-10199	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	
A71-10199	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.030 CFS	
71-10199	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	
A71-10074	DOMESTIC	BEIN, WILLIAM C	FROM 01-01 TO 12-31	0.040 CFS	
71-10074	DOMESTIC	BEIN, LINDA H	FROM 01-01 TO 12-31	0.040 CFS	

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

Y() N(☒)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

*Multiple rights are
diverted from the
same P/D but are for
other HES's,*

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

N/A() Y(☒) N()

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

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

N/A() Y() N(☒)

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

Y(☒) N()

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

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: () ORTHOPHOTOQUAD, IDWR NO. U-68; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; () ASCS PHOTO; () OTHER GIS - 1992
45751

NOTES: I found irrigation from Valley Cr for ground east of Valley Creek for both HES 420 & HES-577. The P/D & delivery system in Sec 4 supplies water to the irrigated ground in both HESs. I found another P/D in Sec 11 that delivers water only to the river ground in HES-577. Additionally (see letter from Madge Yacomella dated 1-23-95) indicates that the irrigator in HES-577 was developed in the early 1940's and is a separate system and therefore a separate right from this claim.

I am recognizing only those Acres within HES-420 as the valid P/U for this claim. I see GIS list for a cre per QQ listing.

RECOMMENDATIONS:

TOTAL ACRES: 59.2 N/A()

REVIEWED BY: KKC

DATE: 7-7-98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-00045 IRRIGATION	FROM <u>5</u> <u>9-30</u> 04-01 TO 11-01	3.000 CFS	
TOTAL DIVERSION RATE/VOLUME		3.000 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
71-00045 IRRIGATION	FROM TO	3.000 CFS	
TOTAL DIVERSION RATE/VOLUME		3.000 CFS	

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

Y(☒) N(☐)

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

N/A(☐) Y(☒) N(☐)

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

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

Y(☒) N(☐)

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

Y(☐) N(☒)

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

Y(☒) N(☐)

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

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

N/A(☐) Y(☒) N(☐)

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

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

N/A(☐) Y(☒) N(☐)

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

N/A(☒) Y(☐) N(☐)

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

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

N/A(☒) Y(☐) N(☐)

*Recommend
Current Dept
Standards
as Seasonal use was
not detected.*

NOTES:

See the revised Hubble Analysis for
div rate analysis.

AJ CLAIM TOTAL DIVERSION RATE: 3.000 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 CFS

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

N/A() Y(☒) N()

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

N/A() Y(☒) N()

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

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

Y() N(☒)

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

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

Y(☒) N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD

*See ID Dept F&G measurement notes
dated 10-19-93*

SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

1b. CALCULATIONS

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

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 254.0 AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

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

*See Revised
Habitat Analysis
dated 8-1-98*

INFORMATION SUPPLIED VIA A PHONE CONVERSATION WITH PHYLLIS
ROSE (ID DEPT FISH AND GAME) ON 10-19-93.

VALLEY CREEK DIVERSION MEASUREMENTS FOR FISH SCREEN OPERATION

<i>dis location</i> VCI (SILVA DITCH)	06-29-93	4.30 CFS	
	07-27-93	3.80 CFS	
	09-01-93	6.40 CFS	
	08-01-59	8.30 CFS	
VC2	06-29-93	1.10 CFS	
	07-27-93	0.80 CFS	
	09-01-93	0.60 CFS	
	08-25-59	5.70 CFS	
	58 or 59	8.50 CFS	
VC3 <i>mahoney</i>	06-29-93	5.50 CFS	
	07-27-93	3.80 CFS	
	09-01-93	1.60 CFS	
	08-01-59	5.20 CFS	
VC4 <i>Sec 11 SESESE</i>	1992	NO DIVERSION FOUND	
	1993	NO DIVERSION FOUND	
	1959	4.40 CFS	
VC5 <i>abandoned</i>			
VC6 <i>Sec 4 NESW NE</i>	07-28-93	3.10 CFS	<i>ditch not at capacity</i>
	09-01-93	2.20 CFS	<i>" " " "</i>
	1959	35.0 CFS	(questionable measurement)
VALLEY CR COMMUNITY DITCH		16.0 CFS	(questionable measurement)

ELK CREEK DIVERSION MEASUREMENTS FOR FISH SCREEN OPERATION

EC1	06-29-93	2.10 CFS
	07-27-93	3.30 CFS
	1959	8.70 CFS
EC2	06-29-93	2.30 CFS
	07-27-93	1.20 CFS
	1959	0.70 CFS

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

A71-00045

DATE: June 1, 1998

Also HES-577

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
-----------	----------------------------	---------------------------	-----------------------------	-----------------------	----------------------

HES 420	RPI	4.33 /	14	* 53.7	* .16	= 2.66 CFS	} <u>3.06 CFS</u>
	RDI	5.66 /	14	* 5.8	* .17	= .40 CFS	
HES 577	RPI	4.33 /	14.52	* 15.2	* .16	= .75 CFS	} <u>.93 CFS</u>
	RDI	4.8 /	14	* 4.8	* .17	= .28 CFS	

TOTAL ACRES _____

DECREED RATE = 3.00

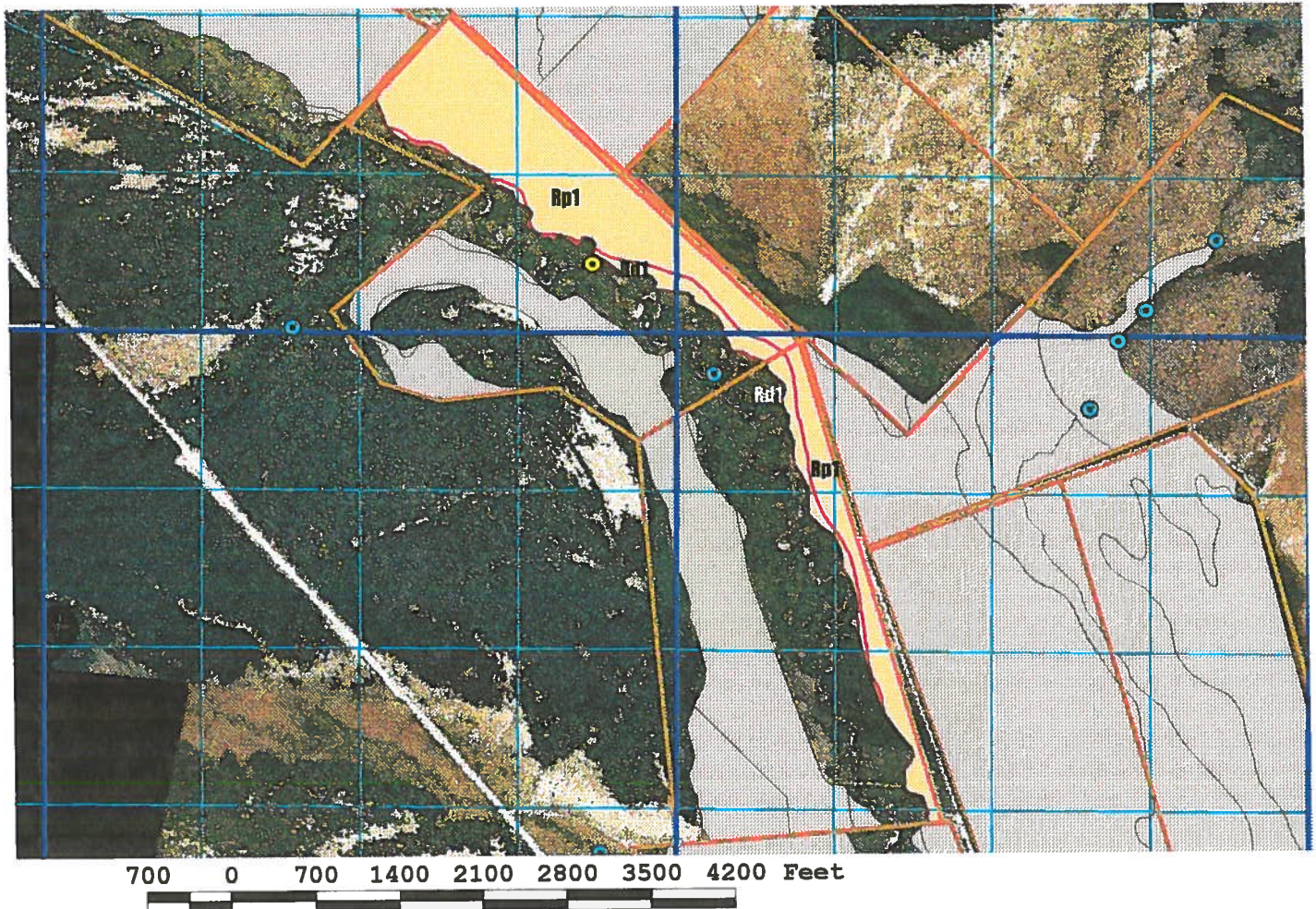
CLAIMED DIVERSION RATE = _____

ORIGINAL HUBBLE RATE = _____

MEASURED DIVERSION RATE = _____

IDAHO DEPARTMENT OF WATER RESOURCES

71-00045 PARTS OF 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	53.4
	RD1	5.8
577	RP1	15.2
	RD1	4.8



- 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

NOTES: Hubble analysis indicates that the decreed
div rate is necessary for the irrigation
of the found irrigated P/U within HES-420
therefore I recommend the decreed & claimed
rate KKC.

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 5 11-81 930	DATABASE EXAMINER 3.000 OK	DATABASE EXAMINER _____	DATABASE EXAMINER 254.0
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT		3.000 OK	_____	254.0

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: KKC

DATE: 7-7-98

FLAG: C

STANDARD CONDITIONS (CODE):

EXP - F06 multiple Right to fm sec 4 div system

STANDARD REMARKS (CODE):

Gen J02
HES-420

EXPLANATORY CONDITIONS (CODE):

C03 cond code Flag "C"

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	☒	☐
FORFEIT/ABANDON _____	☐	☐
ADDITIONAL DIV. AMOUNT _____	☐	☐

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-00045

TOTAL DIVERSION RATE OF WR SPLITS	DATABASE 3.000	EXAMINER _____	N/A CFS
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SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-00045	A71-00045	3.000	R71-00045	3.000	71-00045	3.000
TOTAL CFS		3.000		3.000		3.000

DIVERSION RATE REVIEW

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

DATABASE	FIELD EXAMINER
Y	Y() N()

NOTES:

AUTHEN AUTHENTICATION: DATE: 7-7-98
SIGNATURE: Kelly K Christensen
EXAMINER: KELLY K CHRISTENSEN
NAME O SR WATER RESOURCE AGENT

DATE: _____
TITLE: _____

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 junction as indicated
on or the photo Thompson Cr water does not reach P/4
covered by this claim.

#3

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

irr 6¹/₂ days cross P/u.

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.

chains to corner No. 12; thence N. 73 deg. 38' W. 7.65 chains to corner No. 13; thence N. 34 deg. 45' W. 7.83 chains to corner No. 1, the place of beginning containing 154.80 acres.

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

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

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

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

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

A tract of 159.02 acres within the Challis National Forest, embraced in Homestead Entry Survey No. 134, List 4-381 in Sections 13 and 24, surveyed township 11 north, range 12 East, and Sections 18 and 19, surveyed township 11 north, Range 13 East, Boise Meridian, more particularly described by metes and bounds as follows

ninety-four hundredths acres, according to the Official Plat of the survey of the said land, returned to the General Land Office by the Surveyor General;

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

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

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

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

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

A Tract of 154.86 acres within the Challis National Forest embraced in H.E.S. #420, list #4-882 in Secs. 11, 12, 13, 14, surveyed T. 11 N. R. 12 E. B. M., more particularly described by metes and bounds as follows: Beginning at corner No. 1, which is the quarter corner common to Secs. 10, 11, 14, 15, T. 11 N., R. 12 E. B. M., which bears W. 36.31 chains distant; thence N. 34 deg. 45' W. 3.22 chains to corner No. 2; thence N. 50 deg. 34' E. 24.57 chains to corner No. 3; thence N. 65 deg. 12' W. 18.68 chains to corner No. 4; thence N. 43 deg. 02' E. 19.05 chains to corner No. 5; thence S. 47 deg. 14' E. 39.04 chains to corner No. 6; thence S. 47 deg. 14' E. 19.68 chains to corner No. 7; thence S. 47 deg. 14' E. 1.49 chains to corner No. 8; thence S. 58 deg. 35' W. 18.22 chains to corner No. 9; thence S. 58 deg. 35' W. 5.86 chains to corner No. 10; thence N. 57 deg. 01' W. 12.02 chains to corner No. 11; thence S. 83 deg. 30' W. 15.03

CLAIM # A71-00044
DATE PHOTOS TAKEN; 9-10-93
PICTURE SET # 1

This photo set was taken from the southeast corner and is looking west on the left to north northwest on the right. Valley Creek is just beyond the electrical pole and the closer trees.

VALLEY CREEK

P/U FOR A71-02055

COWCAMP ROAD



CLAIM # A71-00045

DATE PHOTO TAKEN; 9-10-93

PICTURE # 2

This photo is looking southeast across the ditch for A71-00044 and a portion of the diversion wing for claims A71-00052 and A71-00057. The buck fence is the P/U boundary between this claim and A71-00044.

COW CAMP ROAD

DIVERSION WING



A71-00044 DITCH

VC-4 FISH SCREEN DRIVE

CLAIM # A71-00045
DATE PHOTOS TAKEN; 9-10-93
PICTURE SET # 1

This photo was taken from the northeast corner of the P/U and is looking southeast on the left to southwest on the right. The ditch shown originates from the northern most P/D from Valley Creek and flows through the P/U for claims A71-00042A and A71-00047 before reaching this point.



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

This photo is looking southeast and shows a meander that leaves Valley Creek to eventually rejoin Valley Creek at the P/D for A71-00044 shown in photo # 3. This meander is considered to be the western boundary for a portion of the P/U for A71-00045. The P/D is between the trees on the right and this point. The same trees are beside the P/D in the NWNW of Sec. 13.



COW CAMP CORRALS

P/D FOR SEC 13

P/D THIS CLAIM

PICTURE # 3

This shows the P/D for this claim and is looking southeast. The Christensen farmstead west of Valley Creek is on the left of this photo.

COW CAMP CORRALS

MEANDER SHOWN IN PHOTO # 2



P/D SEC 13