

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: **A71-02085B**
Date Received: 1/10/1990
Receipt No: C013908
Received By: _____

AMENDED

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

AMENDED

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

AND

Name: ERNEST DAY 208-375-6940
Address: 1919 S PHILLIPI
BOISE ID 83705

2. Date of Priority: JUL 27, 1959

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	8	SE	NE	SE		CUSTER

5. Description of diverting works:
13' WIDE HEADGATE W/ ROCK DIVERSION, EARTH DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	2.160		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	14E	32	SW	NE		IRR	7.0
			SE	NE		IRR	36.0
			NE	SE		IRR	11.0
						Section Acres	54.0
		33	SW	NW		IRR	3.0
						Section Acres	3.0
						Total Acres	57.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
71-10764

14. Remarks:

THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND 71-00029. FISHER CREEK HAS AMPLE WATER FOR EARLY SPRING IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER IRRIGATION SEASON.

ATTACHMENTS: 3 PHOTOGRAPHS

COPY REAL ESTATE CONTRACT

8/30/99, DJ: DRAFT AMENDED CLAIM RECEIVED WITH MOTION TO AMEND THIS DAY. FINALIZATION PENDING ORDER GRANTING MOTION.

15. Basis of Claim: LICENSE

Water Right Number: 28070

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing The Estate of Fred Humphreys and Ernest Day

My name is James P. Speck

My address is Speck & Aanestad, A Professional Corporation

PO Box 987, Ketchum, ID 83340

My phone number is 208-726-4421

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☒ I must amend my Notice of Claim to the use of water in the SRBA because:

The amended claim is for the entire amount of the license - 2.16cfs.

Only 1.14 cfs was claimed originally. IDWR agrees claimant is entitled
to 2.16 cfs for this right.

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Blaine

James P. Speck, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

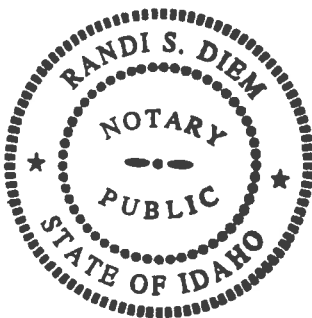
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

J.P. Speck

Attorney signing in representative capacity

Subscribed and sworn to before me on August 27, 1999.
(Insert Date)



Randi S. Diem

Notary Public for Idaho
Residing at: Hailey, ID
My Commission expires: 8-29-03

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on August 24, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

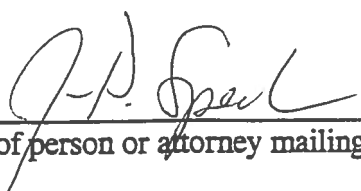
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number 71-02085B

Date Received _____

Receipt Number _____

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

1. Name of Claimant(s): Estate of Fred Humphreys and/or Ernest Day
Phone: 1-781-890-2244
Mailing Address: 10495 Stone Quarry Road
Payette, Idaho 83661
2. Date of Priority: July 27, 1959
3. Source of water supply (a) Salmon River
which is tributary to (b) Snake River
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>¼</u>	<u>Lot</u>	<u>County</u>
8N	14E	8	SE	NE	SE		Custer

Additional points of diversion if any:

5. Description of existing diversion works: headgate, ditch, flood irrigation

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	May 1	October 31	2.16 cfs

7. Total Quantity Claimed: 2.16 cfs

8. Non-irrigation uses:

9. Place of use:

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>TOTALS</u>
9N	14E	32			7	36											11		54
9N	14E	33							3										3
TOTALS																			57.0

10. Place of use is located in Custer County.

11. Do you own the property listed above as place of use? Yes.

12. Describe any other water rights used at the same place and for the same purposes as described above?
71-10764.

13. Remarks:

Last Name: Humphreys/Day

H:\WPDATA\JIM\Humphreys\SRBA\71-02085B\AmendNoticeClaim.wpd

Ident No. 71-02085B

8/27/99

MAP OF PROJECT

(Show clearly the point of diversion, place of use, section number, township and range number)

Scale: 2 inches equals 1 mile

See attached GIS photo/map.

14. Basis of Claim: License

IDWR Water Right Number: 71-02085

Court:

Case Number:

Decree Date:

Plaintiff v. Defendant:

15. 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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments - none.

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

W. Michael Humphreys by 8/27/99
Date
W. MICHAEL HUMPHREYS, personal
representative of the Estate of Fred Humphreys
J. A. Speer, his attorney-in-fact

State of Idaho)
) ss.
County of Blaine)

Subscribed and sworn before me this 27th day of August, 1999.

Randi S. Dean
Notary Public for Idaho
Residing at Hailey, ID
Commission Expires 8-29-03

Last Name: Humphreys/Day

H:\WPDATA\JIM\Humphreys\SRBA\71-02085B\AmendNoticeClaim.wpd

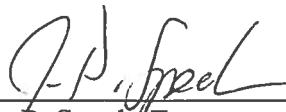
Ident No. 71-02085B

8/27/99

16. Notice of Appearance:

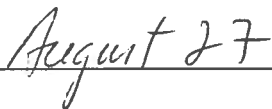
Notice is hereby given that I, James P. Speck, will be acting as attorney at law of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to the address listed below.

Signature: _____



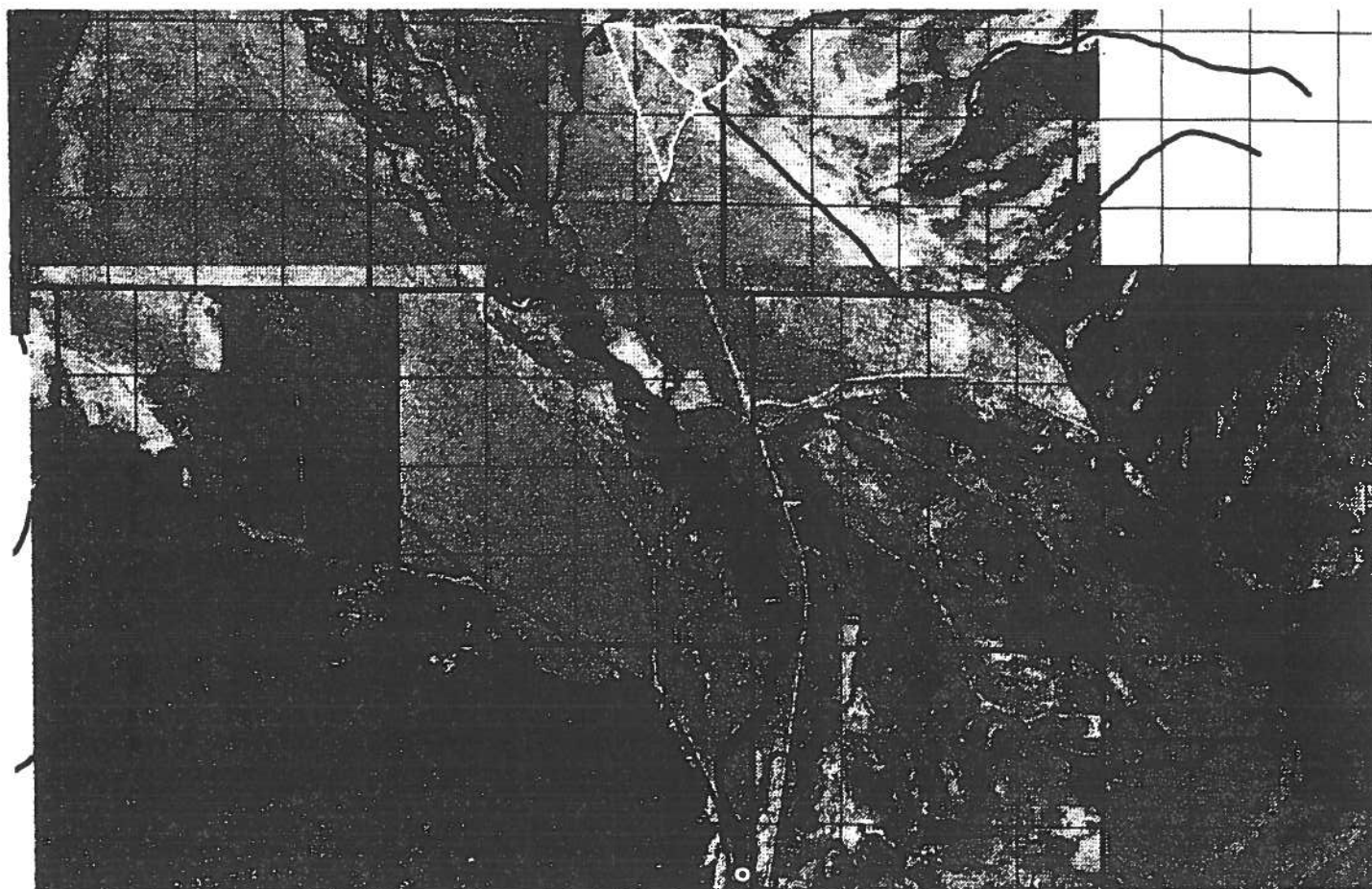
James P. Speck, Esq.
SPECK & AANESTAD
A Professional Corporation
P.O. Box 987
Ketchum, ID 83340

Date: _____, 1999.



IDAHO DEPARTMENT OF WATER RESOURCES

71-02085B& 71-10764



1320 0 1320 2640 Feet



POU:

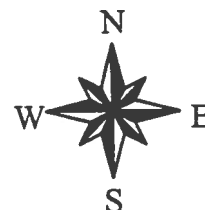
TWP 09N, RGE 14E, SEC 32 & 33

POD:

SALMON RIVER

TWP 08N, RGE 14E

SENESE SEC 8



RECOMMENDED PLACE OF USE

○ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

∨ STREAM AND DITCH CHANNELS

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

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

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

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

August 27, 1999

Special Master Brigitte Bilyeu
SRBA District Court
P. O. Box 2707
Twin Falls ID 83303-2707

RECEIVED
AUG 30 1999
Department of Water Resources
Southern Region

RE: SRBA Subcases 71-02047B and 71-02085B

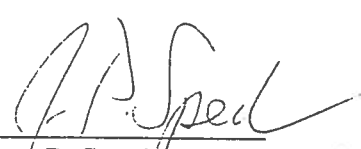
Dear Special Master Bilyeu:

Enclosed please find the original and one copy each of a Motion to File Amended Notice of Claim in the above-referenced Subcases together with a copy of the Special Power of Attorney (Water Rights) signed by W. Michael Humphreys and designating me as his attorney in fact. Please file the Motions and have your clerk conform the copies and return them to me in the stamped and addressed envelope I have also enclosed for that purpose.

Please contact me right away if you have any questions about these Motions. Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd

enclosures

cc: client, w/encl.

Doug Jones, IDWR, w/encl. ✓

Sarah Denniston, IDWR, w/encl.

FAX MEMORANDUM

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

hello Doug:

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

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

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

71-00027B 71-10059

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

RECEIVED

JAN 25 1999

Department of Water Resources
Southern Region

RECEIVED

JAN 14 1999

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 71-02085B

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:

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

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

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

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☒ **Quantity**
Should be: 1.14 cfs

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: As stated in the Notice of Claim. The combined place of use restriction should be deleted.

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

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

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine) ss.

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

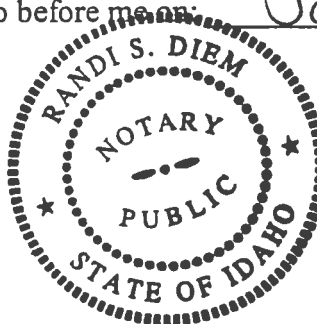
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

JP Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 12, 1999



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

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine)

ss.

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

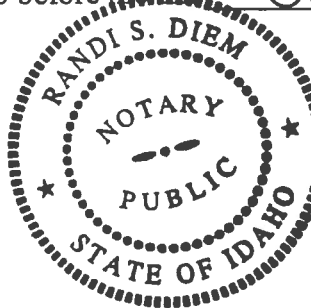
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

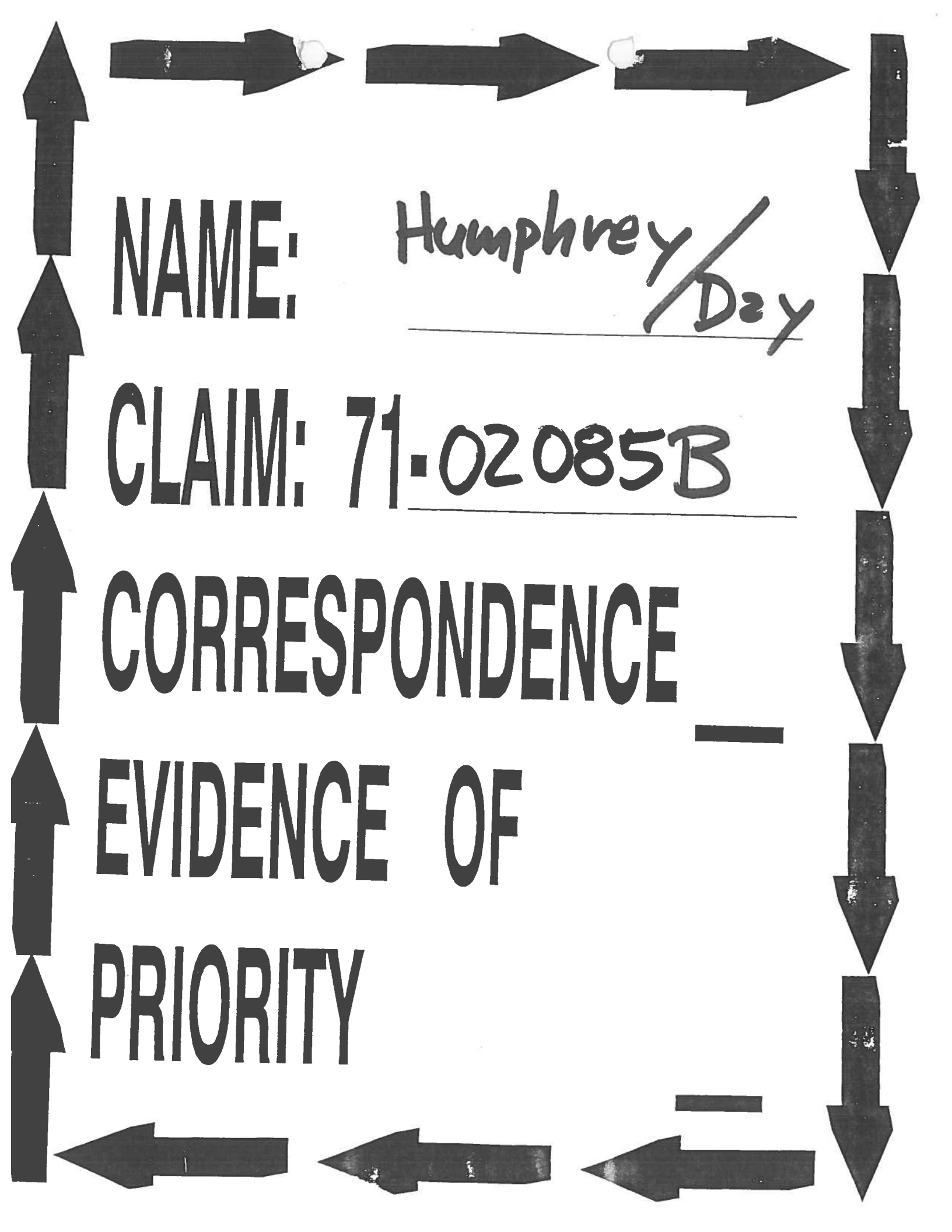
JP Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 12, 1999



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



NAME:

Humphrey / Day

CLAIM: 71-02085B

CORRESPONDENCE

EVIDENCE OF

PRIORITY

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

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

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

September 8, 1998

RECEIVED

SEP 09 1998

Department of Water Resources
Southern Region

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

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

Dear Allen:

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

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

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

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

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS:rsd
cc: clients

72 Abbott Road
Wellesley, MA 02181
August 13, 1998

RECEIVED

AUG 19 1998

Department of Water Resources
Southern Region

VIA Federal Express

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

Dear Sirs;

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

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

Sincerely,



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

July 22, 1998

RECEIVED

AUG 14 1998

Department of Water Resources

NOTICE OF ERROR
REPLY

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: 71-02085B

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

RECEIVED

AUG 19 1998

Department of Water Resources
Southern Region

Daytime Telephone Number: 781.890.2244
Evening Telephone Number: 781.431.1229

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

Quantity
of Acres

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

Quantity should be 1.14 CFS as claimed
of Acres should be 57 as claimed.

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:

W. Ernest Humphreys

Please print your name:

Executive Estate of Fred C. Humphreys



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

February 13, 1996

KARL J. DREHER
DIRECTOR

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

A71-02085B

RECEIVED

FFA 15 1996

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

Department of Water Resources
Southern Region

Dear Mr. Richey:

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

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

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

Sincerely,

Adjudication Bureau Staff

SO:ss:southern:western

Enclosure:

Water Right Listing

#####

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

Claimant

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

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

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

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

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

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

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

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

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

**HUMPHREYS 837052221 1994 04/18/95
FORWARDING TIME EXPIRED
HUMPHREYS, FRED L
10495 STONE QUARRY RD
PAYETTE ID 83661-5134
RETURN TO SENDER**

RECEIVED

APR 20 1995

Department of Water Resources

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

Data Entry *AK*

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: A71-02085B
Date Received: 1/10/1990
Receipt No: *C013900 In Data Base*
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: JUL 27, 1959

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	8	SE	NE	SE		CUSTER

5. Description of diverting works:
13' WIDE HEADGATE W/ ROCK DIVERSION, EARTH DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.140		

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

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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MAR 17 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	14E	32	NE	NE		IRR	36.0
			SW	NE		IRR	7.0
			NE	SE		IRR	11.0
						Section Acres	54.0
		33	SW	NW		IRR	3.0
						Section Acres	3.0
						Total Acres	57.0

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:

THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND 71-00029. FISHER CREEK HAS AMPLE WATER FOR EARLY SPRING IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER IRRIGATION SEASON.

ATTACHMENTS: 3 PHOTOGRAPHS
COPY REAL ESTATE CONTRACT

15. Basis of Claim: LICENSE

Water Right Number: 28070

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Humphreys, Day CL. IDENT. NO. A71-02085BDATE RECEIVED 1-10-90 CK # CE1390B AMOUNT \$ _____

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

Claim checked by: 1-08-91 Date: _____Claim must be returned to claimant: (Yes) ☒ (No) ☐Claimant must be notified of modifications: (Yes) ☒ (No) ☐Receipt Prepared by: _____
Claim data entered by: RT
Sent to claimant by: _____Date: _____
Date: 1-08-91 Checked by: _____ Date: _____

Comments: _____

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MAR 17 1993

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

471-02085B

Date Received

1-10-90

Receipt Number

C013908

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FRED HUMPHREYS / ERNEST DAY Phone (208) 375-6940

Mailing Address 1919 S. PHILLIPS, BOISE, ID Zip 83725

2. Date of Priority (Only one (1) per claim) 7/27/59

3. Source of water supply (a) SALMON RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 8N Range 14E Section 8,
SE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of CUSTER

Additional points of diversion if any: NONE

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

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.

HEAD GATE - WOOD 13' WIDE, 13' DEEP WITH ROCK DIVERSION

AND 22' DEEP DIVERSION

AND ENLARGED WITH NATURAL GRAVEL BANK

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MAR 17 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/15 to 10/15 amount 1.14 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.14 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1.14 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NO

10. Description of place of use:

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>9N</u>	<u>14E</u>	<u>32</u>	<u>36</u>		<u>7</u>										<u>11</u>				<u>54</u>
<u>9N</u>	<u>14E</u>	<u>33</u>							<u>3</u>										<u>3</u>

Total number of acres irrigated 57

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks: THIS IS SUPPLEMENTAL WATER TO FISHBE CREEK WR 71-0025
AND 71-0029. FISHBE CREEK IS AN OPEN DITCH FOR FISHBE
CREEK IRRIGATION NOT FROM DRAINAGE OF A LAND AREA FOR
IRRIGATION PURPOSES.

Last Name _____ Ident No. _____

RECORDED

Copies: White-State Yellow-Claimant
MAR 17 1993

15. Basis of Claim (check one) ☐ Special Use ☐ Posted Notice ☒ License ☐ Permit ☐ Decree ☐
If applicable provide IDWR Water Right Number 71-02085
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) *W. C. Anglin* Date 12-5-89
Ernest Kelly Date 29 Dec 1989

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

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

SEAL

Notary Public *Margie W. Emry*

Residing at BOISE, IDAHO

My Commission Expires 2-22-91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

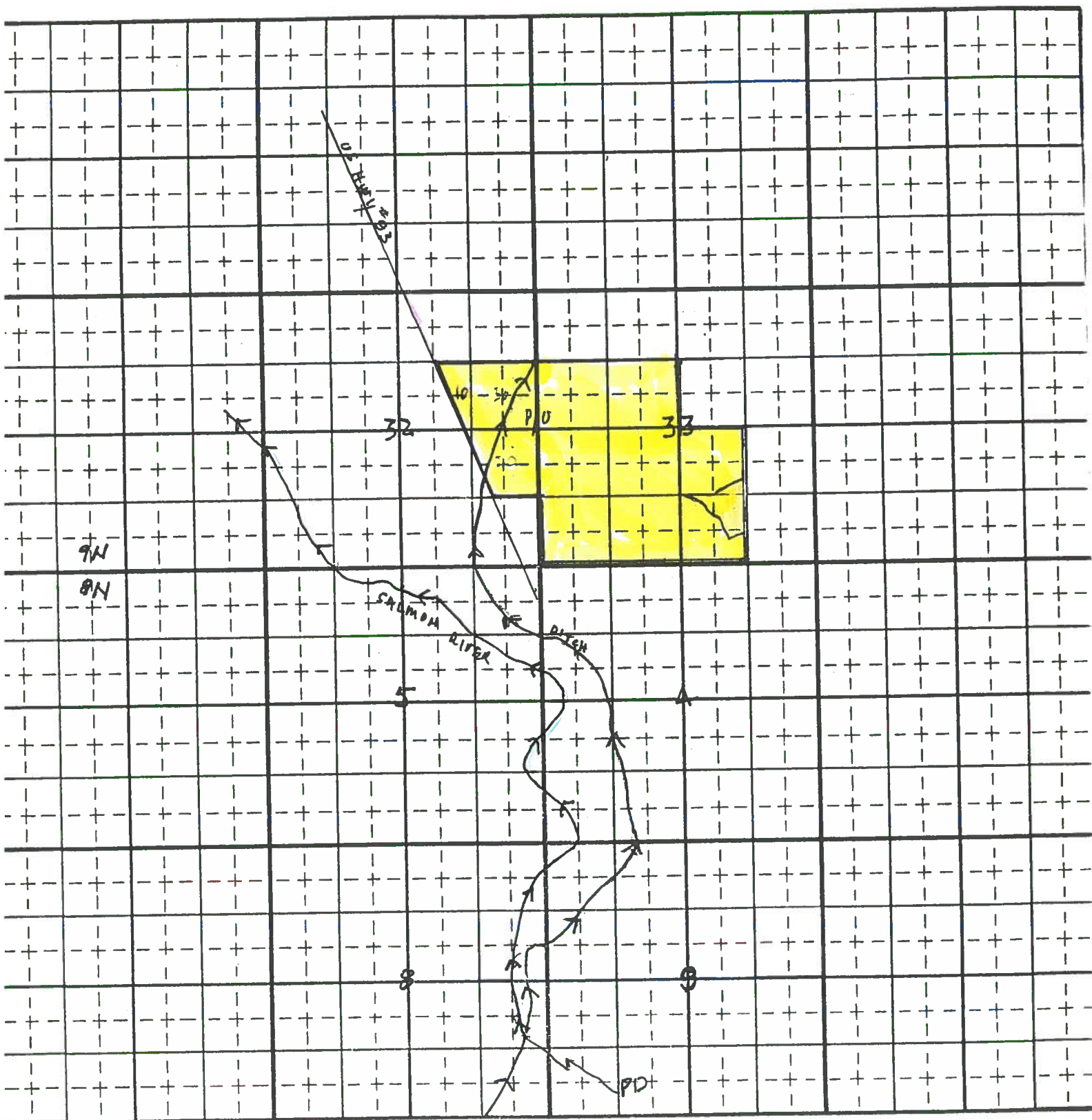
Date _____

Last Name _____ Ident. Number _____

MICROFILMED
Copies White State, Yellow Claimant
MAR 17 1993

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

Scale: 2 inches equals 1 mile



COPY

MONITORING

Last Name HUMPHREY

Ident No. _____

Copies: White-Slate Yellow-Clay

08/18/2000

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

RIGHT NUMBER: 71-2085B

NAME AND ADDRESS: ESTATE OF FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE, ID 836615134

SOURCE: SALMON RIVER TRIBUTARY: Snake River

QUANTITY: 2.16 CFS

PRIORITY DATE: 07/27/1959

POINT OF DIVERSION: T08N R14E S8 LOT 0 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5-01 10-31	2.16 CFS

PLACE OF USE:

<u>IRRIGATION Within CUSTER County</u>					
T09N R14E S32	SWNE	6	T09N R14E S32	SENE	32.9
T09N R14E S32	NESE	7.4	T09N R14E S33	SWNW	2.5
48.8 ACRES TOTAL					

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 234.7 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-
10197, 71-02085B & 71-10764

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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

THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A, 71-02004B, 71-
02063, 71-04037, 71-02085B, 71-10764 & 71-10767

1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

RECEIVED

AUG 30 1999

Department of Water Resources

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

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

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

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

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

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

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

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

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

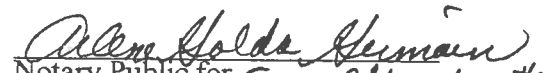
IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26th day of April, 1999.


W. MICHAEL HUMPHREYS

STATE OF Massachusetts)
) ss.
County of Essex)

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

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


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

ALAN LANCE
Attorney General

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

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

In Re SRBA Claimant	)	Subcase Nos. 71-02085B and 71-10764
	)	
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF DAVID R.
	)	TUTHILL, JR. SUBMITTING
	)	SUPPLEMENTAL DIRECTOR'S
	)	REPORT
	)	
	)	

STATE OF IDAHO)
) ss.
County of Ada)

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

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

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

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

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

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

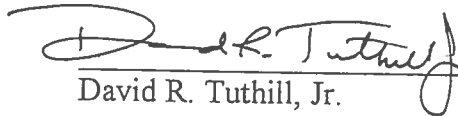
7. I have either personal knowledge of the facts I testify to in this Affidavit, or they are available to me from IDWR records and personnel, and are the type of facts or data that are regularly and customarily considered by experts in the field of water use and water right investigation and administration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

8. I adopt as my testimony and incorporate in this Affidavit the Legal Principles and the Conclusions portions of the Supplemental Director's Report Regarding Claim to Water Right Nos. 71-02085B and 71-10764 dated September 28, 1999, attached to this Affidavit as Exhibit 1.

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

10. In Exhibit 1, I set forth my factual understanding of the law which underlies my opinion on behalf of IDWR regarding its description of specific elements of water right numbers 71-02085B and 71-10764. To the extent, if any, these statements are inaccurate as a matter of fact, the opinions expressed in my report may change.

Dated this 6th day of October, 1999


David R. Tuthill, Jr.

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

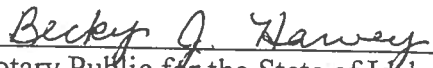

Notary Public for the State of Idaho
Residing at: Boise
My commission expires: 2/25/2003

EXHIBIT 1

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING CLAIM
TO WATER RIGHT NO. 71-02085B and 71-10764**

In Re SRBA

Twin Falls County Civil Case No. 39576
Subcase No. 71-02085B and 71-10764

Report to the SRBA District Court

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

October 6, 1999

The Director of the Idaho Department of Water Resources (IDWR) submits this Supplemental Director's Report Regarding Claims to Water Right Nos. 71-02085B and 71-10764 in accordance with Idaho Code § 42-1412(4) and Administrative Order 1. This supplemental director's report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

Allen Merritt, Regional Manager, IDWR Southern Region investigated claim number 71-02085B and 71-10764, prepared the recommendations for this claim and helped to prepare this Supplemental Report.

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

LEGAL PRINCIPLES UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBERS 71-02085B and 71-10764

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

1. Beneficial use is the basis, measure and extent of any water right.
2. The description of the beneficial use is the description of the water right.
3. Because beneficial use is the basis, measure and extent of any water right, a water right holder is entitled to irrigate only those lands on which water has been historically put to beneficial use pursuant to that water right.
4. Because beneficial use is the basis, measure and extent of any water right, a water right holder is entitled to use only that quantity of water that has been put to beneficial use on those lands historically irrigated pursuant to that water right.
5. The determination of the extent of beneficial use in a water right license is binding on the Department of Water Resources.
6. A water right will be considered abandoned or forfeited to the extent that it has not been beneficially used for five or more years.

**FACTUAL FINDINGS UNDERLYING RECOMMENDATION OF
WATER RIGHT NUMBERS 71-02085B and 71-10764**

I. Basis of Claim

a. Water right number 71-02085B is a licensed right. License number 71-02085 was issued on November 29, 1966 for 2.16 cfs on 108 acres with a priority date of July 27, 1959. A copy of the license is attached as Attachment A.

b. Water right number 71-10764 is a beneficial use right that increases the flow rate diverted for uses described in water right number 71-02085B.

II. Investigation of Water Right No. 71-02085B

This report addresses those elements of water right number 71-02085B that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage) and quantity of water.

A. Place of Use (Irrigated Acreage)

1. License number 71-02085 was issued on 108 acres. The United States Forest Service claimed 0.92 cfs on 68 acres under this license in the SRBA under claim number 71-02085C. The Forest Service claim was disallowed and no objections are pending. Humphreys initially claimed 1.14 cfs on 57 acres under this license, under claim number 71-02085B. Humphreys has recently filed an amended claim to claim the entire rate of flow granted under license number 71-02085 and it is currently in objection process. The amended director's report does not change the Department's recommendation on the place of use.

2. IDWR recommended a total of 48.8 irrigated acres limited to the irrigation of a total of 48.8 acres when combined with 71-10764 and a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, and 71-10764. IDWR recommended this acreage based on the following:

a. On 7/27/1993, IDWR Regional Manager Allen Merritt visited the claimed place of use, conducted a field examination accompanied by Mr. Humphreys and his irrigator, and observed an irrigated parcel within the area claimed under water right number 71-02085B as well as water right numbers 71-00028, 71-00029, 71-10763, 71-10197, and 71-10764.

Mr. Merritt's determination of the extent of irrigation for the larger permitted place of use was supported by the observations of the delivery ditches, the character and lay of the land and vegetation by Mr. Merritt during the field exam. The land was irrigated from the feeder ditch that flows in a northwest direction along the base of the hillside. This ditch defines the eastern boundary of the irrigated land. After the feeder ditch enters the claimants' property a lateral splits off and flows westward along the access road and then angles northwest along a ridge. Lands are watered on both sides of this ditch after it turns and follows the ridge. At a point along the feeder ditch a diffuse

stream is intercepted. On the lower end, i.e. northern end, of the property a ditch from the Salmon River crosses the land in a northeastward direction. Irrigation is made from this ditch to the north. The irrigated lands are pastures. Some of the land was irrigated well, though some was mixed with small or dispersed sagebrush indicating poorer irrigation or lower pasture maintenance. Lands with high-growth of brush with little grass were not included as irrigated.

Mr. Merritt also observed that four sources of water supply water to the property. These sources of water include the Salmon River, Fisher Creek, Fourth of July Creek which is injected into Fisher Creek then rediverted from Fisher Creek and an unnamed diffuse stream situated on the subject property. The diffuse stream is captured in a ditch heading from Fisher Creek.

During the field exam, Mr. Merritt referred to a copy of an aerial photo obtained from the US Forest Service (date of photo unknown). Mr. Humphreys and his irrigator confirmed the areas irrigated and the practices employed on the land with reference to the copy of the aerial photo. During the field exam, Mr. Merritt also referred to NAPP photograph 441-122 dated 8/22/1988, noting that the red and light colored areas on the photo irrigated.

His determination of the extent of irrigation specifically under water right number 71-02085B was supported by the existence of distinct physical features which bound the place of use. On the west side the boundary is State Highway 75. On the east side the boundary is the main ditch. This ditch ends at a northwest trending swale beyond which the water is not applied. The north boundary is Humphreys's property line. An additional area claimed was deleted from the recommended place of use because it is a hill that is inaccessible by gravity irrigation. The irrigated area includes 28.7 acres of the originally licensed place of use and an additional 20.1 acres that is watered from the Salmon River and from Fisher Creek and was included in the recommended place of use as an accomplished transfer under §42-1425, Idaho Code. A land transaction deed, dated 1966, appears to specifically convey all of license 71-02085 to the present owners, or their predecessors. However, not all of the license place of use was conveyed in that transaction.

c. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel found during the field examination using 8-22-1988 NAPP photograph number 441-122, attached as Attachment B, which shows irrigated and nonirrigated areas.

d. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel through GIS technology. Mr. Merritt created four shapes describing the areas of land irrigated by the various sources of water. The shapes were created by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

Shape 1 represents the lands irrigated only from Salmon River. This shape contains approximately 28.7 acres.

Shape 2 represents the lands irrigated from both the Salmon River and water from Fisher Creek/Fourth of July Creek. This shape contains approximately 20.1 acres.

Shape 3 represents the lands irrigated from both Fisher Creek/Fourth of July Creek and from the unnamed stream which diffusely enters the delivery ditch from Fisher Creek. This shape contains approximately 75.8 acres.

Shape 4 represents the lands irrigated only from Fisher Creek/Fourth of July Creek. This shape contains approximately 104.5 acres.

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. The recommendation for 71-02085B is based on shapes 1 and 2 which total 48.8 acres. Therefore, IDWR recommends a total of 48.8 acres irrigated under 71-02085B limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

f. By recommending 48.8 acres under this licensed right, Mr. Merritt determined that the remaining 59.2 acres of the licensed place of use had been forfeited for non use during the period between 1988, the date of the NAPP photo referenced, and 1993, the date of his field exam.

3. Attachment C, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-02085B, as well as 71-10764. It is based on the 8-22-1988 NAPP photograph number 441-122.

B. Quantity of Water

1. Water right number 71-02085B is used through a common system and on the same place of use as water right number 71-10764. IDWR determined that a total of 5.15 cfs is being put to use on this common place of use. The quantity recommended was determined as follows:

a. Hubble and conveyance loss analyses determined that a total of 5.15 cfs is required for the 48.8 acres irrigated.

b. IDWR determined that the claimant, or their predecessors, accomplished a transfer thereby consolidating the licensed flow rate onto fewer acres. IDWR recommended 48.8 irrigated acres and 2.16 cfs under water right number 71-02085B. The duty of water for the amended recommendation was determined to be reasonable by accounting for soil, conveyance and irrigation application methods within the irrigation system.

2. Humphreys and Day originally claimed 1.14 cfs on 57 acres under 71-02085B, which is only a portion of the water right licensed under 71-02085. IDWR's original recommendation was for 0.95 cfs based on the licensed duty of water of 0.02 cfs applied to the recommended 48.8 acres. IDWR's original recommendation for 71-10764 was for 4.2 cfs. Humphreys and Day subsequently amended their claim under 71-02085B to claim 2.16 cfs of this water use under this right. IDWR issued an amended director's report on 71-02085B recommending 2.16 cfs. However, IDWR did not differ from its original finding that 5.15 cfs is put to use on this place of use. Therefore, IDWR issued an amended director's report decreasing its recommendation under 71-10764 to 2.99 cfs.

III. Investigation of Water Right No. 71-10764

This report addresses those elements of water right number 71-10764 that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage), quantity and priority date.

A. Place of Use (Irrigated Acreage)

1. IDWR recommended a place of use of 48.8 acres limited to the irrigation of a total of 48.8 acres when combined with 71-02085B and a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, and 71-2085B. IDWR recommended this acreage based on the following:

a. Water right number 71-10764 provides additional flow rate for the uses described in licensed right 71-02085B.

b. On 7/27/1993, IDWR Regional Manager Allen Merritt visited the claimed place of use, conducted a field examination and observed an irrigated parcel within the area claimed under water right number 71-10764. Please refer to the discussion above with regard to the place of use under water right 71-02085B.

c. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel found during the field examination using 8-22-1988 NAPP photograph number 441-122 which shows irrigated and nonirrigated areas.

d. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel through GIS technology. Mr. Merritt created four shapes describing the areas of land irrigated by the various sources of water. The shapes were created by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

Shape 1 represents the lands irrigated only from Salmon River. This shape contains approximately 28.7 acres.

Shape 2 represents the lands irrigated from both the Salmon River and water from Fisher Creek/Fourth of July Creek. This shape contains approximately 20.1 acres.

Shape 3 represents the lands irrigated from both Fisher Creek/Fourth of July Creek and from the unnamed stream which diffusely enters the delivery ditch from Fisher Creek. This shape contains approximately 75.8 acres.

Shape 4 represents the lands irrigated only from Fisher Creek/Fourth of July Creek. This shape contains approximately 104.5 acres.

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. The recommendation for 71-02085B is based on shapes 1 and 2 which total 48.8 acres. Therefore, IDWR recommends a total of 48.8 acres irrigated under 71-10764 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

3. Attachment C, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-10764, as well as 71-02085B. It is based on 8-22-1988 NAPP photograph number 441-122

B. Quantity of Water

1. Water right number 71-10764 is used through a common system and on the same place of use as water right number 71-02085B. IDWR determined that a total of 5.15 cfs is being put to use on this common place of use. The quantity recommended was determined as follows:

a. Hubble and conveyance loss analyses determined that a total of 5.15 cfs is required for the 48.8 acres irrigated.

b. Conveyance loss to deliver the Field Irrigation Requirement, determined by Hubble analysis to be 3.31 cfs, through the delivery ditch is 1.84 cfs. The conveyance loss flow rate is allocated to water right number 71-10764.

2. IDWR originally recommended 0.95 cfs of this water use under 71-02085B, and 4.2 cfs under 71-10764. Humphreys and Day subsequently amended their claim under 71-02085B to claim 2.16 cfs of this water use under this right. IDWR issued an amended director's report on 71-02085B recommending 2.16 cfs. However, IDWR did not differ from its original finding that 5.15 cfs is put to use on this place of use. Therefore, IDWR issued an amended director's report decreasing its recommendation under 71-10764 to 2.99 cfs.

C. Priority Date

1. Water right number 71-10764 was claimed as a beneficial use water right with a priority date of 7/27/1959.
2. IDWR recommended a priority date of 6/1/1961 based on the following:
 - a. Claimants are requested to provide evidence of priority in support of their beneficial use claims.
 - b. The claimant submitted an affidavit of Fred Humphreys stating that since 1962, water has continuously been diverted onto the claimed place of use in excess of the amount licensed under license 71-02085. This affidavit is attached as Attachment D.
 - c. The license file for 71-10764 contains an affidavit of then permit holder, Furey which states that water was first diverted in June, 1961 for use under the license.
 - d. IDWR recognizes that beneficial use-type water right priority dates are established by the date of first diversion and use of the water.
 - e. IDWR therefore recommended water right 71-10764 with a priority date of 6/1/1961 based on first use of the water.

CONCLUSION

Based on the foregoing legal principles and factual findings, IDWR has determined that its amended recommendations for water right numbers 71-02085B and 71-10764 as represented in Attachment E are accurate and should be so recommended by the Special Master.

ATTACHMENT A

State of Idaho

License and Certificate of Water Right

Water License No. 28070

Amount 2.16 c.f.s.

Water District No.

Priority July 27, 1959

THIS IS TO CERTIFY that JACK B. FUREY & SHERMAN F. FUREY, Jr. of Salmon, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 27, 1959; that Permit No. 28070 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.16 second feet, was issued thereunder on November 29, 1966, showing that said works were completed on the 2nd day of October, 1962; and that on the 2nd day of October, 1962,

JACK B. FUREY & SHERMAN F. FUREY, Jr.

of Salmon, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Salmon River, a tributary of Columbia River, for the purpose of irrigation, under Use Permit No. 28070 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses at page 8605, on the 29 day of November, 1966; The right hereby confirmed dates from July 27, 1959;

The Point of Diversion is located in the NE 1/4 SE 1/4, Sec. 8, Tp. 8N, R. 14E, B. M. County of Custer.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.16 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N	14 E	32	SW 1/4 NE 1/4	40	18
			SE 1/4 NE 1/4	40	30
			NE 1/4 SE 1/4	40	20
			NW 1/4 SE 1/4	40	40
			Total number of acres to be irrigated:		108

This is supplemental to the Fisher Creek Decree and no more than 1 (one) miner's inch per acre will be allowed from the combined sources.

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.

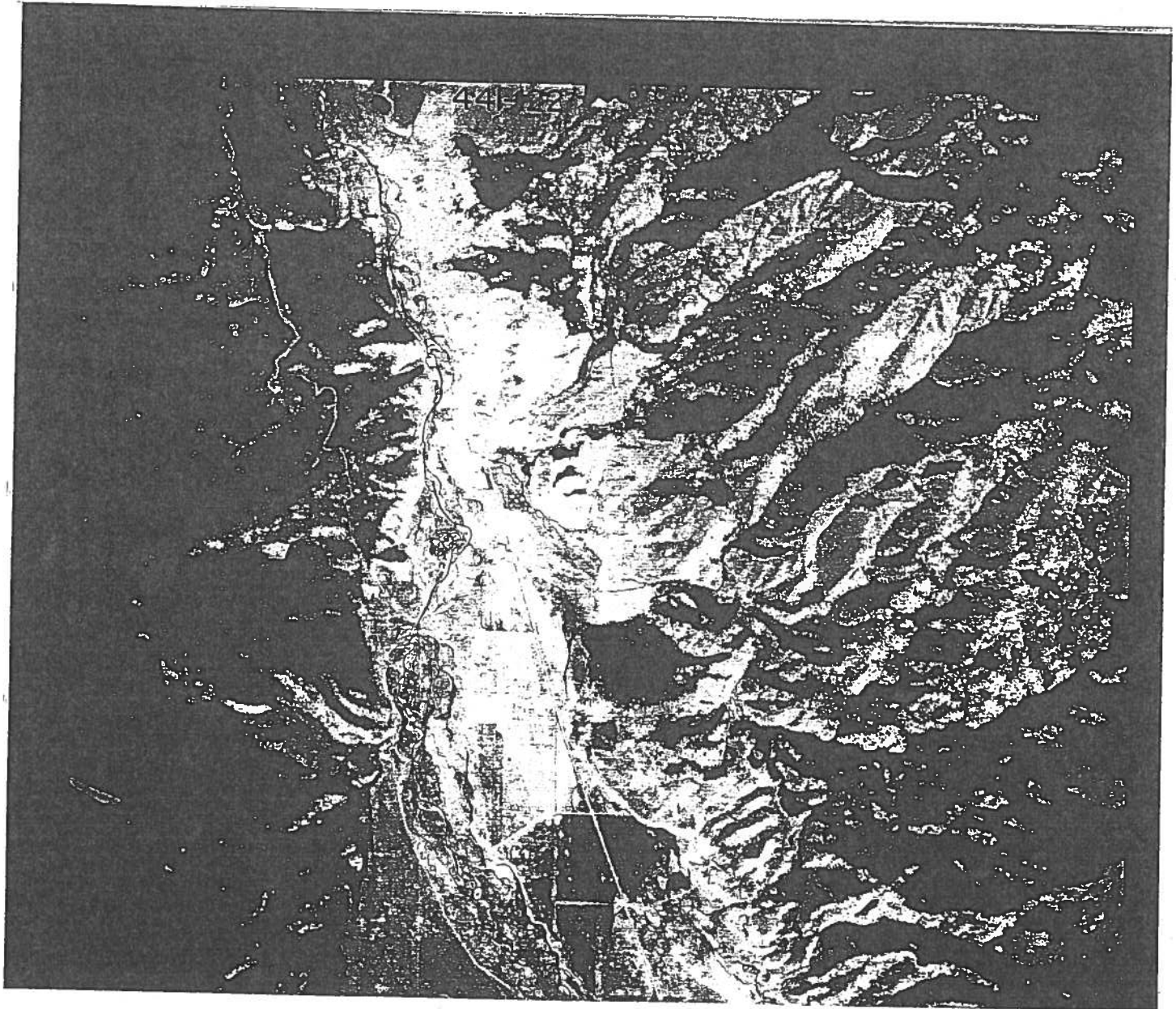
WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 29th day of November, 1966.

S/ R. KEITH HIGGINSON
State Reclamation Engineer.

(SEAL)

71 2085

ATTACHMENT B



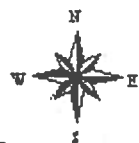
ATTACHMENT C

71-02085B & 71-10764



660 0 660 1320 1980 2640 Feet

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



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

ATTACHMENT D

March 7, 1994

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720

B
MAR 21 1994
Department of Water Resources
Southern Region Office

Re: Salmon River

Dear Gentlemen,

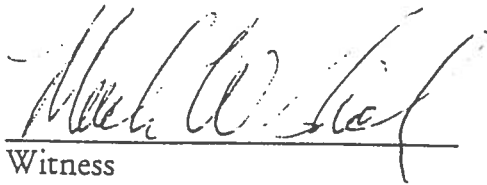
Before I acquired Fisher Creek Ranch, water from the Salmon River was being used on our ranch and also on the adjoining Morgan Williams ranch. Mr. Fury, the previous owner, was granted irrigation water under license #28070, priority date of July 27, 1959.

Since 1962 or before, the Furey's, Fisher Creek Ranch and Morgan Williams's ranch has continuously used this water in excess of the initial filing, due to gravelly soil conditions. To the best of my knowledge, this water has been put to beneficial use since that time.

Best regards,

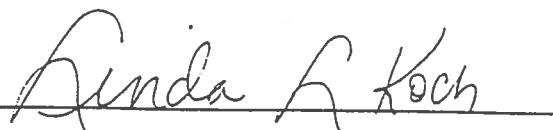


Fred Humphreys


Witness

Subscribed and sworn before me this 17th day of March 1994.

Notary Public



Residing at

Meridian

My Commission Expires

12 - 1997 **NOT RECORDED**

OCT 23 1994

ATTACHMENT E

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-8-1999
PAGE: A-1

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-02085B

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.16 CFS

PRIORITY DATE: 07/27/1959

POINT OF DIVERSION: T08N R14E S08 SENESE Within CUSTER County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 2.16 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SWNE 6 SENE 32.9 NESE 7.4
S33 SWNW 2.5
48.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ5856NP

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

DATE: OCT-8-1999

PAGE: A-2

RIGHTS FROM:

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

RIGHT NUMBER:

71-02085B (CONT)

EXPLANATORY MATERIAL: (CONT)

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

THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.

1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

AJ5856NP

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

DATE: OCT-8-1999

PAGE: A-3

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-10764

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.99 CFS

PRIORITY DATE: 06/01/1961

POINT OF DIVERSION: T08N R14E S08 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 2.99 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SWNE 6 SENE 32.9 NESE 7.4
S33 SWNW 2.5
48.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

THIS RIGHT AND RIGHT NO. 71-02085B IS LIMITED THE IRRIGATION
OF A TOTAL OF 48.8 ACRES IN A SINGLE IRRIGATION SEASON.

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-8-1999
PAGE: A-4

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-10764 (CONT)

OTHER PROVISIONS: (CONT)

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

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.

1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

EXHIBIT 2

ALAN LANCE
Attorney General

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

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

In Re SRBA Claimant	)	Subcase Nos. 71-02085B and 71-10764
	)	
	)	
	)	
	)	
Case No. 39576	)	AFFIDAVIT OF ALLEN MERRITT
	)	
	)	
	)	

STATE OF IDAHO)
) ss.
County of Ada)

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

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

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

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

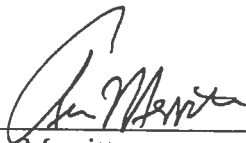
s and hearings in front of the Snake River Basin Adjudication Court, and participated in numerous settlement conferences and meetings with parties to the Snake River Basin Adjudication.

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

5. I conducted the investigation of claims to water right numbers 71-02085B and 71-10764. I also prepared the recommendation for these claims.

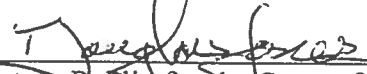
6. Based on my investigation and knowledge of these claims, I adopt as my testimony and incorporate in this Affidavit the Factual findings portions of the Supplemental Director's Report Regarding Claim to Water Right numbers 71-02085B and 71-10764 dated October 6, 1999, attached to the Affidavit of David R. Tuthill, Jr. as Exhibit 1.

Dated this 7th day of October, 1999



Allen Merritt

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



Notary Public for the State of Idaho
Residing at: Buhl ID
My commission expires: 8/8/2001

ALLEN MERRITT
EDUCATION AND WORK EXPERIENCE

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

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

DATED this 7th day of October, 1999.



Allen Merritt, PE

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

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

OCT 07 1999

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OCT 27 1999

Department of Water Resources

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 71-02085B

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:

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

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

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

D. I object to the following elements as recommended in the Amended Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: As stated in the Amended Notice of Claim. The combined place of use restriction should be deleted.
10. **I object because:**
 - ☐ This water should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Water has been beneficially used pursuant to the water right license on the place of use claimed in the Amended Notice of Claim.

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

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

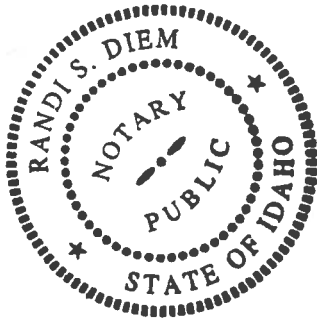
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

James P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

October 6, 1999



Randi S. Diem
Notary Public for Idaho

Residing at Hailey, ID

My Commission expires 8-29-03

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on October 6, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

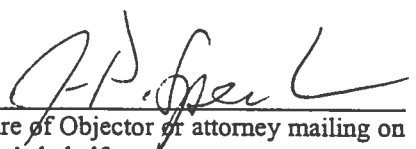
Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661

3. Copies to:

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

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

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



Signature of Objector or attorney mailing on
Objector's behalf

AMENDED DIRECTOR'S REPORT

Subcase Nos. 71-02085B

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources

Karl J. Dreher, Director

David R. Tuthill, Jr., Adjudication Bureau Chief

September 24, 1999

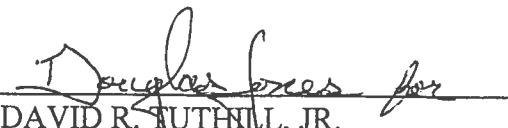
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

This amended director's report increasing the rate of flow for water right number 71-02085B is contingent on the court's acceptance of the proposed amended director's report decreasing the rate of flow for water right number 71-10764. Water rights 71-02085B and 71-10764 are diverted from the same point of diversion and applied to the same place of use. IDWR determined that 5.15 cfs is being put to use on this place of use, originally recommending 4.2 cfs under claim 71-10764, and .95 cfs under claim 71-02085B. By issuing this amended director's report with an increased rate of flow under 71-02085B, IDWR does not differ from its finding that a total of 5.15 cfs under both rights is applied to this place of use. Therefore, the effect of this amended director's report and the proposed amended director's report for 71-10764 is to increase 71-02085B to 2.16 cfs and to decrease 71-10764 to 2.99 cfs.

DISCUSSION

Pursuant to the SRBA Court's Trial Scheduling Order of August 18, 1999, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcases. Respectfully submitted this 24th day of September, 1999.


DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF MAILING

I certify that on 24 Sept, 1999, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

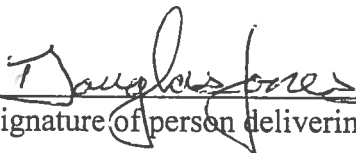
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Custer County Clerk
801 Main St.
Challis, ID 83226

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

James P. Speck
Speck & Aanestad
P.O. Box 987
120 East Avenue
Ketchum, ID 83340

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person delivering form

AJ5856NP

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

DATE: SEP-24-1999

PAGE: A-1

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-02085B

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.16 CFS

PRIORITY DATE: 07/27/1959

POINT OF DIVERSION: T08N R14E S08 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 2.16 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SWNE 6 SENE 32.9 NESE 7.4
S33 SWNW 2.5
48.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ5856NP

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

DATE: SEP-24-1999

PAGE: A-2

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-02085B (CONT)

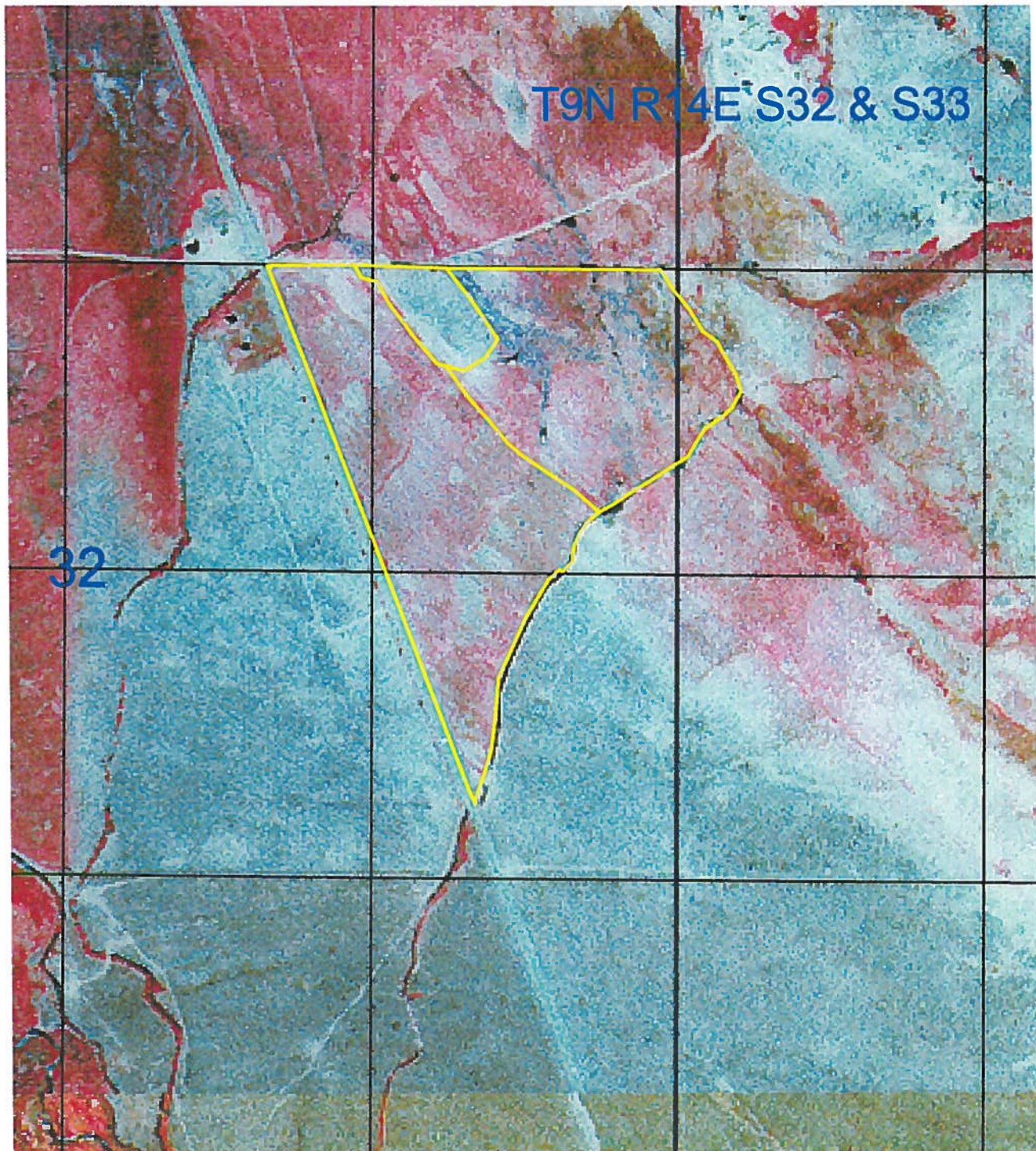
EXPLANATORY MATERIAL: (CONT)

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

THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.

1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

71-02085B & 71-10764



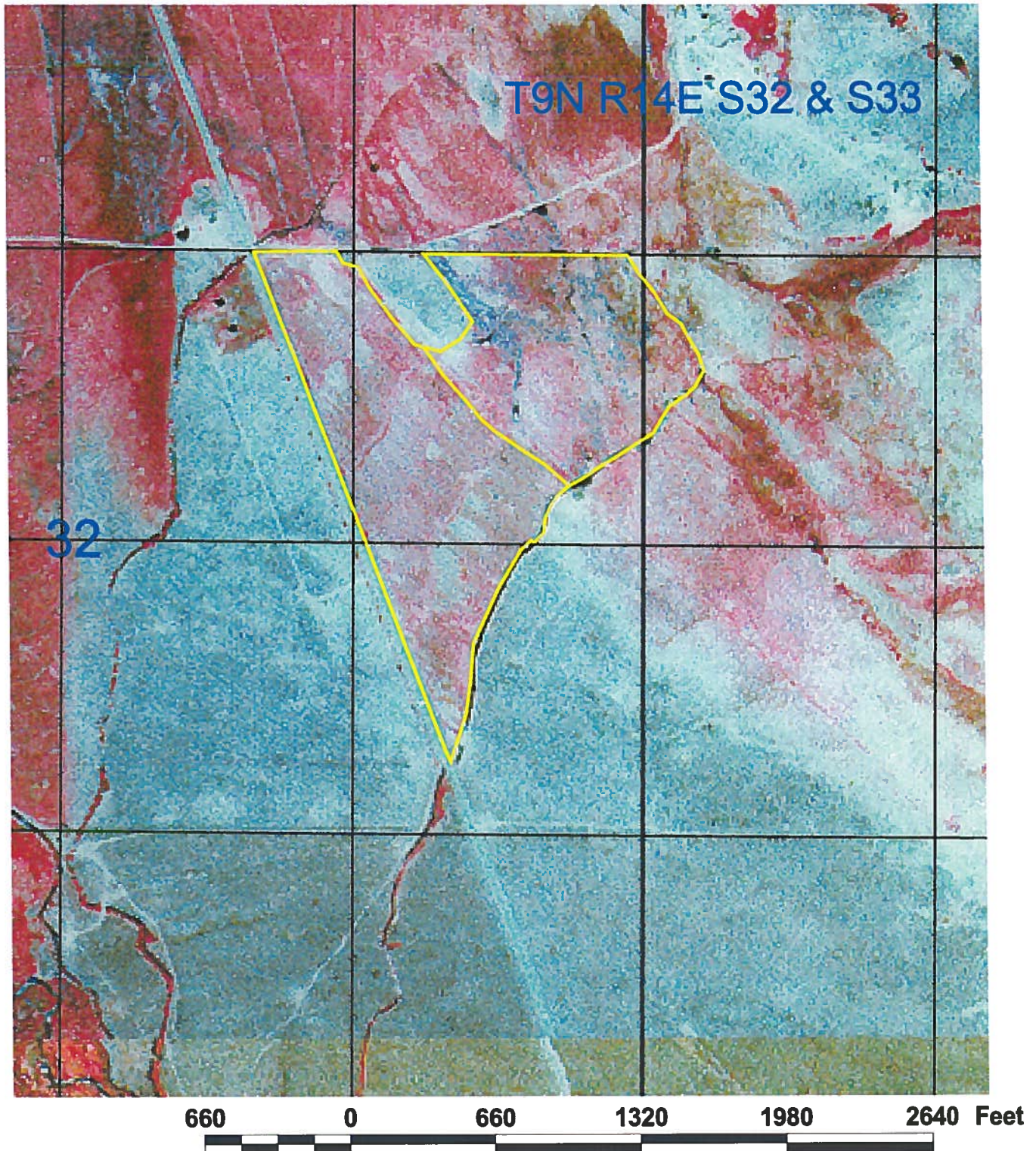
660 0 660 1320 1980 2640 Feet

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



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

71-02085B & 71-10764



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



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

AJ0743NP
(00-124)

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

09/21/99 14:48:37
Page 1

Water Right Number - R71-02085B

Prefix Translation: RESEARCH

Old (D) Number - 28070

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

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
HUMPHREYS

FRED

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

State- ID Zip- 83705

DAY

ERNEST

City- BOISE
Phone - 208-375-6940
1 - 10495 STONE QUARRY RD
2 -
3 -

State- ID Zip- 83705

HUMPHREYS

FRED

City- PAYETTE
Phone - 208-000-0000
1 - 10495 STONE QUARRY RD
2 -
3 -

State- ID Zip- 836615134

DAY

ERNEST

City- PAYETTE
Phone - 208-000-0000
1 - 207 W WASHINGTON
2 -
3 -
City- BOISE
Phone - 208-344-2547

State- ID Zip- 836615134

*** R - REPRESENTATIVE ***
RICHEY

MARK W

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

State- ID Zip- 837025592

+ - - Priority Date - - +
07/27/1959

+ - - - - Region - - - +
17 SOUTHERN

+ - - - - Stage - - - +
L - LICENSE

+ - - - - Status - - - +

+ - - - - Source - - - - +
SALMON RIVER

+ - - - - Tributary - - - - +
SNAKE RIVER

+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot Rflg County
08N 14E 8 SE NE SE (37) CUSTER

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - -
Code Period From Period To
01 - IRRIGATION 05/01 10/31 2.160

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Consumptive Use - + - - KW Usage - +
2.160 0.0

Water right number - R71-020858

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	14E	32	SW NE		6.0		01	IRRIGATION	(37) CUSTER
09N	14E	32	SE NE		32.9		01	IRRIGATION	(37) CUSTER
09N	14E	32	NE SE		7.4		01	IRRIGATION	(37) CUSTER
09N	14E	33	SW NW		2.5		01	IRRIGATION	(37) CUSTER

Total Acres: 48.8

- - - Diversion Means - ROCK DIVERSION TO EARTHEN CANAL TO FLOOD IRRIGATION DITCHES.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 71-10764, 71-00028, 71-00029 & 71-10763

- - - - - Remarks - - - - -

POU1

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-020858 & 71-10764.

EXP

THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-020858, 71-10764 & 71-10767.
1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-020858 AND 71-10764.

- - - - - Old Water Right Numbers - - - - -
7102085

- - - - - Conditions of Approval - - - - -
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 71:
WATER RIGHT NO. SOURCE
NONE NONE
- THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:
WATER RIGHT NO. SOURCE
NONE NONE
- ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

- - - - - Decree Plaintiff - - - - - Decree Defendant - - - - -

- - - - - Decree Date - - - - -
00/00/0000

AJ07&3NP
(00-124)

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

09/21/99 14:48:38
Page 3

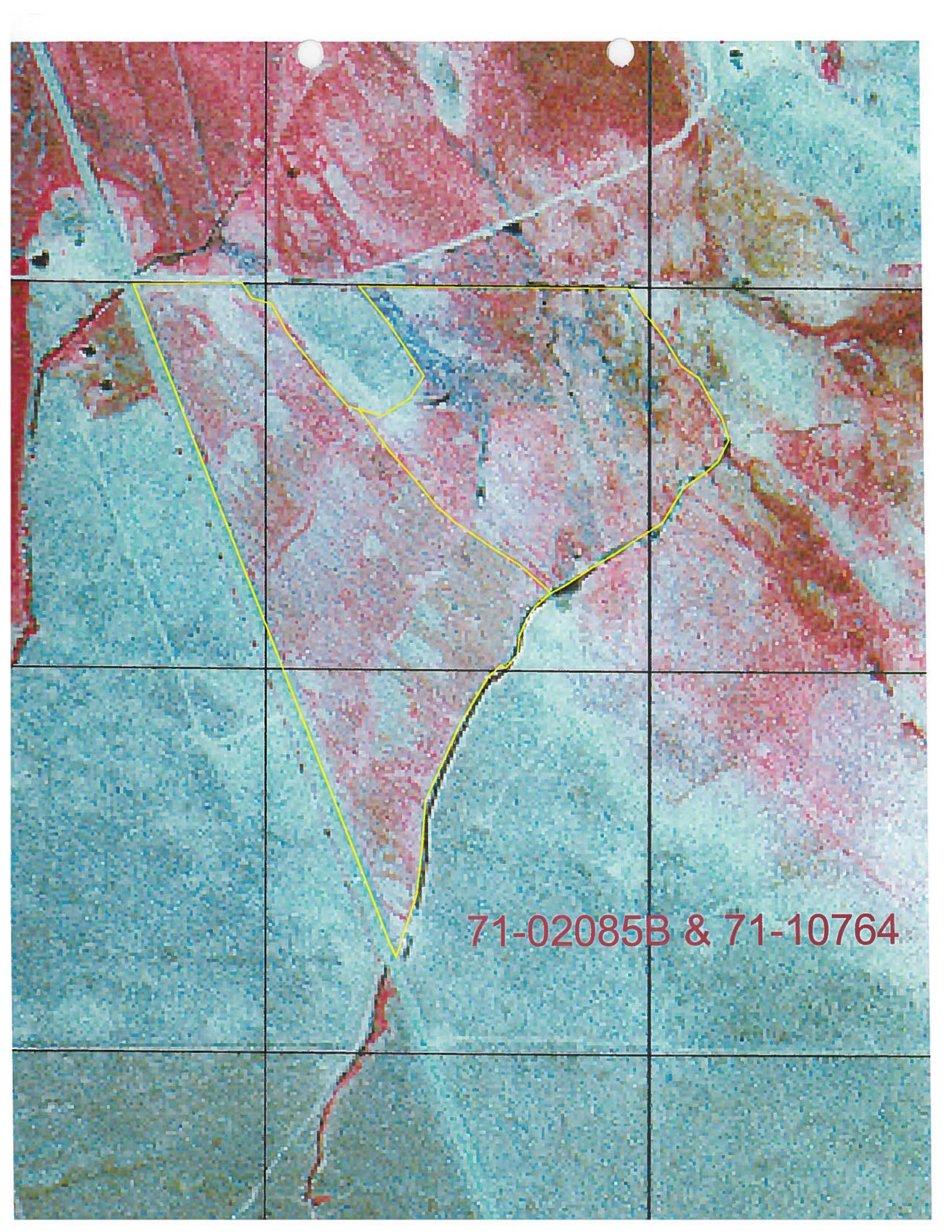
Water right number - R71-020858

Prefix Translation: RESEARCH

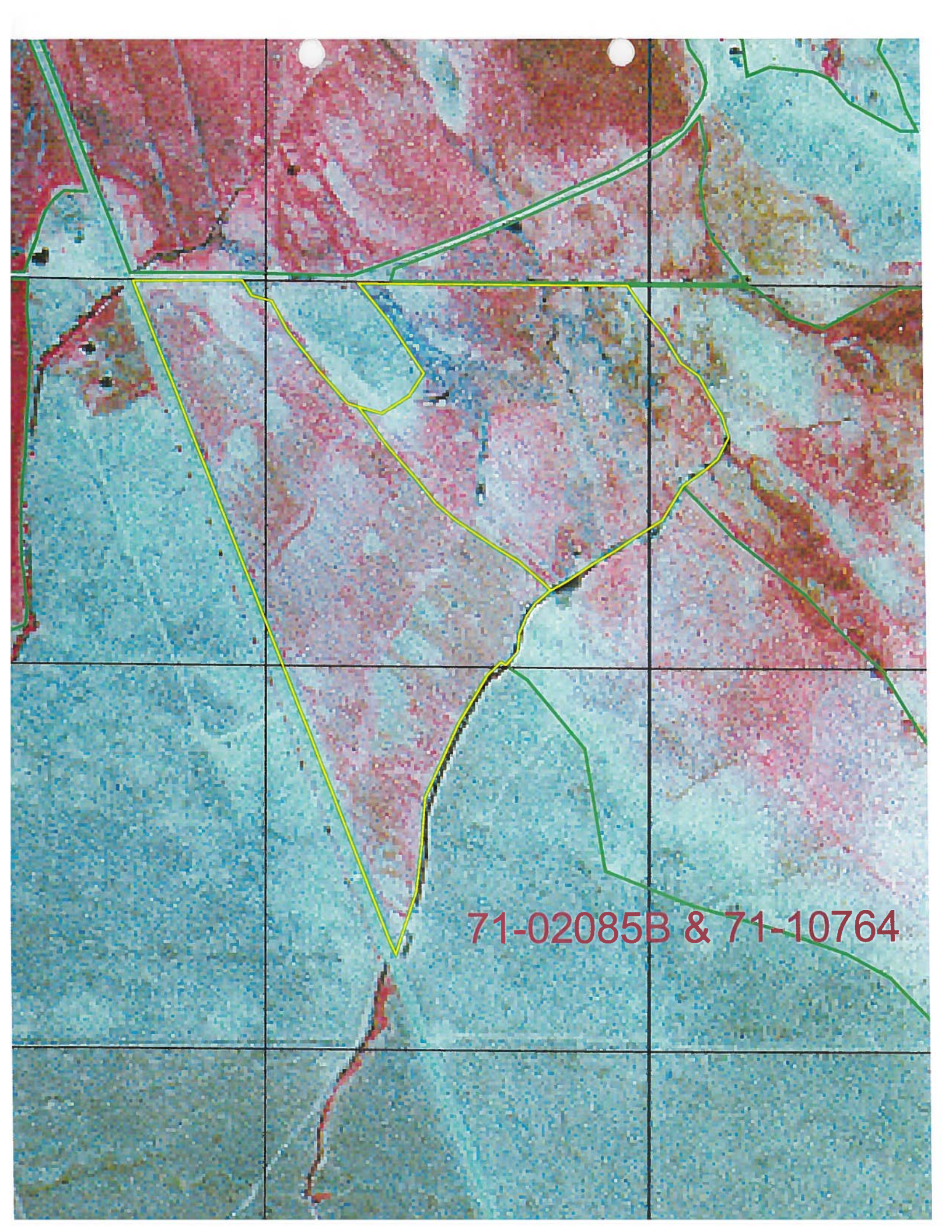
+ - - - - - Comments - - - - - +
Date: 07/06/1994 User Id: MERRITT Subject: COPIED FROM REMARKS
THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND
IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER
ATTACHMENTS: 3 PHOTOGRAPHS
Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
RIGHT NOS: 71-02063, 71-04037, 71-02004A, 71-02004B, 71-02004C,
USE OF THIS RIGHT WITH RIGHT NO. 71-10764 IS LIMITED TO A
THE IRRIGATION OF A COMBINED TOTAL OF 47.5 ACRES IN A SINGLE
1.93 CFS OF RIGHT 71-10764 IS LIMITED TO USE FOR CONVEYANCE
Date: 07/21/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART
Date: 09/21/1999 User Id: DJONES Subject: AMENDED RECOMMENDATION
DRAFT AMENDED RECOMMENDATION PREPARED TO REFLECT CHANGES PER
RECOMMENDATION FOR 71-10764 ALSO AMENDED TO REFLECT CHANGES TO
DESCRIBED ABOVE:
71-10767, 71-02085B & 71-10764.
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 95.0 AF, AND TO
IRRIGATION SEASON.
LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT 71-10764.
OF RECORD THRU AJU10.
AMENDED CLAIM, CONVERSION TO HOST PENDING ORDER GRANTING MOTION.
71-02085B.

+ - - Audit fields - - +
09/21/99 DJONES

+ - - - - - 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 - 00/00/0000 Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 01/10/1990 Last Amended Date - 00/00/0000 Temporary Right - T
Receipt Number - C013908 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND Presumption Flag - C
Notice of Error Flag -

An aerial photograph of a coastal area, possibly a wetland or marsh, showing various shades of blue, green, and brown. A yellow line is drawn across the image, likely indicating a boundary or a specific area of interest. The image is overlaid with a grid of black lines. Two punch holes are visible at the top edge.

71-02085B & 71-10764

An aerial photograph of a coastal area, likely a wetland or marsh. The image is divided into a grid of six rectangular sections by three vertical and three horizontal black lines. A yellow line, possibly a boundary or survey line, starts at the top left, runs horizontally across the top section, then turns diagonally down to the right, and finally runs vertically down to the bottom left. A green line, likely representing the coastline or a water body boundary, runs along the right side of the image, starting from the top right and curving down towards the bottom right. The terrain is a mix of light blue and reddish-brown colors, suggesting different types of vegetation or water levels. Two white circular marks are visible at the top edge of the image.

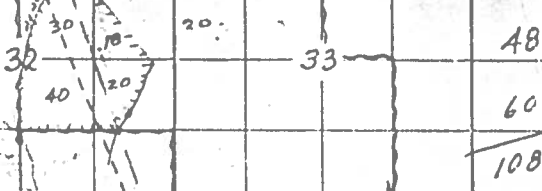
71-02085B & 71-10764

R-14E.

112°
210°

T.
9
N.

T.
8
N.



5 4

8 9

Area - 16.8 A

Subd. 1

Gr. allow 2.16 A

U.S. 44° 46' 23"

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 28070

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Jack B. Furey and Sherman F. Furey, Jr.
2. Source of water supply: Salmon River
3. Location of point of diversion: Is in the NE 1/4 of Section 8
T. 8 N. R. 14 E. S. 14 County of Custer

4. Describe works as they exist, giving dimensions and capacities of same: _____

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: _____

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S 1/4, NE 1/4, Sec. 32, S 1/4, SW 1/4, W 1/4, Sec. 33 all in Twp. 9 N., R. 14 E., S. 14

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

This examination was made on the 14th day of July, 1946(Signed) Don Watta

Examiner

28070

Sherman F. Furey, Jr., for Jack B. Furey and Sherman F. Furey, Jr.
Attorney at Law
Salmon, Idaho
Permit No. 28070

AJ0743NP
(00-124)

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

05/30/98 09:09:07
Page 1

Water Right Number - R71-02085B

Prefix Translation: RESEARCH

Old (D) Number - 28070

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

*** C - CURRENT OWNER ***
HUMPHREYS

FRED
1 - 1919 S PHILLIPI
2 -
3 -
City- BOISE
Phone - 208-375-6940
1 - 1919 S PHILLIPI
2 -
3 -
City- BOISE
Phone - 208-375-6940
1 - 10495 STONE QUARRY RD
2 -
3 -
City- PAYETTE
Phone - 208-000-0000
1 - 10495 STONE QUARRY RD
2 -
3 -
City- PAYETTE
Phone - 208-000-0000

State- ID Zip- 83705

DAY

ERNEST

State- ID Zip- 83705

HUMPHREYS

FRED

State- ID Zip- 836615134

DAY

ERNEST

State- ID Zip- 836615134

*** R - REPRESENTATIVE ***
RICHEY

MARK W

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

State- ID Zip- 837025592

+ - - Priority Date - - +
07/27/1959

+ - - Region - - +
17 SOUTHERN

+ - - Stage - - +
L - LICENSE

+ - - Status - - +

+ - - Source - - - - - +
SALMON RIVER

+ - - Tributary - - - - - +
SNAKE RIVER

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

08N 14E 8 SE NE SE (37) CUSTER

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 09/30 0.950

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.950 0.0

Water right number - R71-020858

Prefix Translation: RESEARCH

Twn		Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	14E	32	SW NE	6.0	01	IRRIGATION	(37)	CUSTER		
09N	14E	32	SE NE	32.9	01	IRRIGATION	(37)	CUSTER		
09N	14E	32	NE SE	7.4	01	IRRIGATION	(37)	CUSTER		
09N	14E	33	SW NW	2.5	01	IRRIGATION	(37)	CUSTER		

Total Acres: 48.8

- - - Diversion Means - ROCK DIVERSION TO EARTHEN CANAL TO FLOOD IRRIGATION DITCHES.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 71-10764, 71-00028, 71-00029 & 71-10763

- - - Remarks - - - - -

POU1
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-020858 & 71-10764.

EXP
THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.
1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

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

- - - Conditions of Approval - - - - -
COS - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

- - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - -
00/00/0000

Comments - - - - -
Date: 07/06/1994 User Id: MERRITT Subject: COPIED FROM REMARKS
THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND
IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER
ATTACHMENTS: 3 PHOTOGRAPHS
Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
RIGHT NOS: 71-02063, 71-04037, 71-02004A, 71-02004B, 71-02004C,
USE OF THIS RIGHT WITH RIGHT NO. 71-10764 IS LIMITED TO A
THE IRRIGATION OF A COMBINED TOTAL OF 47.5 ACRES IN A SINGLE
1.93 CFS OF RIGHT 71-10764 IS LIMITED TO USE FOR CONVEYANCE
DESCRIBED ABOVE:
71-10767, 71-02085B & 71-10764.
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 95.0 AF, AND TO
IRRIGATION SEASON.
LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT 71-10764.
COPY REAL ESTATE CONTRACT

AJ0743NP
(00-124)

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

05/30/98 09:09:08
Page 3

Water right number - R71-020858

Prefix Translation: RESEARCH

+ - - Audit Fields - - +
05/30/98 AMERRITT

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576	
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-		
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-		
Claim Received Date	-	01/10/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P	
			Receipt Number	-	C013908	Water District	-		
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S	
			Name Connector	-	AND	Presumption Flag	-	C	
						Notice of Error Flag	-		

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

71-02085B

DATE: 5/30, 1998

71-10764

REVIEWED BY ADW

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
BG1	5.00	14	* ~~48.8~~ 48.8 *	0.19	= 3.31 CFS
			* *		= CFS
			* *		= CFS
			* *		= CFS

TOTAL ACRES 48.8

IR conc.

DECREED RATE	=		020850	0.95
CLAIMED DIVERSION RATE	=		10764	2.36
ORIGINAL HUBBLE RATE	=			1.84
MEASURED DIVERSION RATE	=			3.31

החל 1979

[illegible]

48.8

B71-DBPOD.SHP

NOS	DESCRIPTION
-----	-------------

60

B71-DBPOU.SHP

SHAPE NOS

116

115

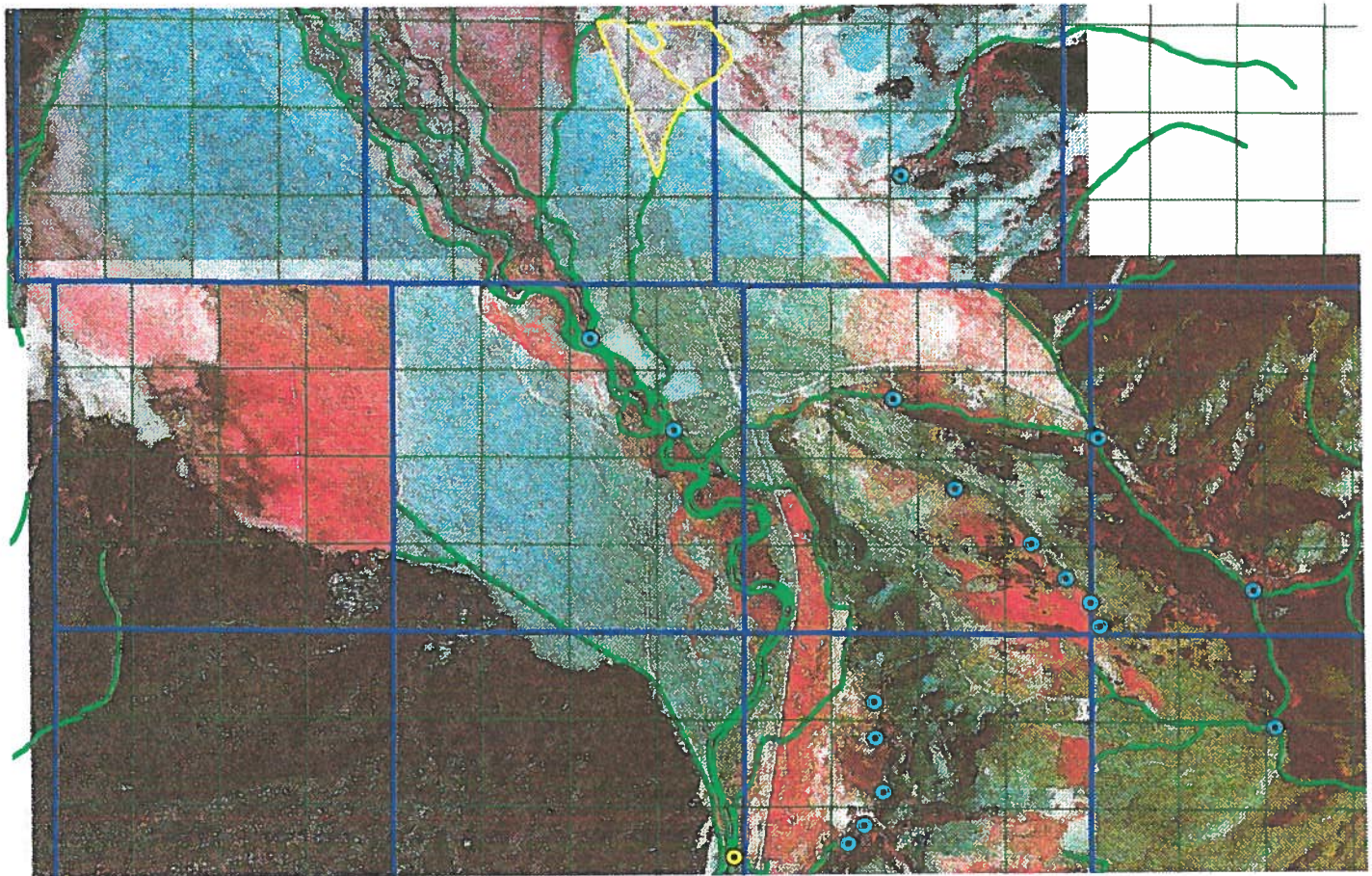
DBF TABLES UPDATED

B71-DBPOD.DBF

החל 1979

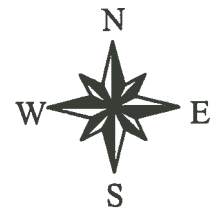
IDAHO DEPARTMENT OF WATER RESOURCES

71-02085B& 71-10764



1320 0 1320 2640 Feet

POU:
TWP 09N, RGE 14E, SEC 32 & 33
POD:
SALMON RIVER
TWP 08N, RGE 14E
SENESE SEC 8



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

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

DIAN

BM
6742

6737



STANDARD

McVey
00030 } Fisher
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71-00038
4th
18

11-00033
4th

71-02014

A map of the Four Forks of the Juba River, showing the confluence of the river into Lake Chad. The map includes labels for 'Spring', 'Juba', 'Four Forks', and 'Lake Chad'. It also shows a network of roads and a railway line.

209

MR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

06/01/98 14:48:04
Page 1

Water Right Number - 71-02085

Prefix Translation: WATER RIGHT

Old (D) Number - 28070

*** C - CURRENT OWNER ***

FUREY

JACK B.

FUREY, JR.

SHERMAN F.

1 -
2 -
3 -
City- SALMON
Phone -
1 -
2 -
3 -
City-
Phone -
State- ID Zip-
State- Zip-

Priority Date - 07/27/1959
Region - 17 SOUTHERN
Stage - L - LICENSE
Status -

Source - SALMON RIVER
Tributary - SNAKE RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion
08N 14E 8 NE SE (37) CUSTER
Diversion Name Diversion Rate Diversion No.

Code Description Period From Period To Water Use
01 - IRRIGATION
2.160
Diversion Rate Diversion Volume

Total Div. Rate - 2.160
Total Div. Volume - 0.0
Total Div. Capacity - 0.0
Total Consumptive Use - 0.0
KM Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	14E	32	SW NE		18.0	01 IRRIGATION		(37) CUSTER	
09N	14E	32	SE NE		30.0	01 IRRIGATION		(37) CUSTER	
09N	14E	32	NE SE		20.0	01 IRRIGATION		(37) CUSTER	
09N	14E	32	NW SE		40.0	01 IRRIGATION		(37) CUSTER	
Total Acres:					108.0				

Diversion Means -
Non-Irrigation Use -
Other Rights for Same Use -
Remarks -
No Remarks found.

Prefix translation: WATER RIGHT

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Shan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date	-	00/00/0000	Verified Date	-	02/11/1985	DLE/Carrey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	07/03/1979	Appl Received	-	00/00/0000	Transfer/Amended	-
Presumption Flag	-		Name Connector	-		POU Ownership Flag	-
SRBA Decreed Flag	-						

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-02085B

11:37:08
05/28/98

LAST: HUMPHREYS
ADDRESS: 1919 S PHILLIP
CITY: BOISE
PHONE NUMBER: 208-375-6940
STATE: ID ZIP: 83705

OWNER CODE: C

LAST: DAY
ADDRESS: 1919 S PHILLIP
CITY: BOISE
PHONE NUMBER: 208-375-6940
STATE: ID ZIP: 83705

OWNER CODE: C

LAST: RICHEY
ADDRESS: 207 W WASHINGTON
CITY: BOISE
PHONE NUMBER: 208-344-2547
STATE: ID ZIP: 837025992

OWNER CODE: R

LAST: FUREY JR
ADDRESS:
CITY: X
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 0

OWNER CODE: 0

LAST: FUREY
ADDRESS:
CITY: SALMON
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: X

OWNER CODE: 0

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y FIELD EXAMINER Y() N()

CLAIM REMARKS: GEN
THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND 71-00029. FISHER CREEK HAS AMPLE WATER FOR EARLY SPRING IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER IRRIGATION SEASON.
ATTACHMENTS: 3 PHOTOGRAPHS
COPY REAL ESTATE CONTRACT

CONTACT PERSON: Fred Humphrey

PHONE NUMBER: () -

DATE OF FIELD EXAM: 7/27/93

APPOINTMENT MADE: Y() N()

ACCOMPANIED BY: Fred Humphrey

TIME: : A() P()

RELATIONSHIP TO CLAIMANT: _____

PHONE NUMBER: () -

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-02085B PRIORITY DATE: 07-27-1959 STAGE: L

B. WR RECORD: # 71-02085 PRIORITY DATE: 07-27-1959 STAGE: L

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* 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?

* 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?

NOTES:

Y() N()

Y() N()

Y() N()

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

Y() N()

RECOMMENDED PRIORITY DATE:

07-27-1959

REVIEWED BY

DATE

On FS lands

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-02085B	08N	14E	8	SE	NE	SE				CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A71-02085C R71-02004A
A71-10764 R71-02004B
A71-10767 R71-02063

WR RECORDS IN SAME 40 ACRE TRACT

71-07154
71-07170

R71-04037
R71-10764
R71-10767

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
71-02085	08N	14E	8	NE	SE					CUSTER		

OTHER WR RECORDS WITH SAME WR POD

71-07154
71-07170

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

A71-02085C R71-02004A
A71-10764 R71-02004B
A71-10767 R71-02063
R71-04037
R71-10764
R71-10767

SOURCE: SALMON RIVER

TRIB: SNAKE 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

7/27/98)

Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM

7/27/98)

NAME OF EXAMINER

APR

Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NBR
08N	14E	8	SE	NE	SE				CUSTER		

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

REVIEWED BY:

APR

DATE:

6/1/98

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

Rock div to custer creek.

A. ROOT WATER RIGHT NUMBERS:

A71-02085A
A71-020858
R71-02085A
R71-020858
A71-02085C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	14E	32	NE	NE		HUMPHREYS, FRED	A71-020858 / 36.0	-			39.0
			NE	NE		CARSTENSEN III, HANS L	A71-04037 / 39.0	-			
			NE	NE		CARSTENSEN III, HANS L	A71-02063 / 40.0	71-02063			40.0
			NE	NE		CARSTENSEN III, HANS L	R71-02063 / 39.0	-			
			NE	NE		CARSTENSEN III, HANS L	R71-04037 / 39.0	-			
09N	14E	32	SW	NE		HUMPHREYS, FRED	A71-020858 / 7.0	-			11.0
			SW	NE		DAY, ERNEST	R71-020858 / 7.0	-			
			SW	NE		HUMPHREYS, FRED	R71-10764 / 7.0	-			
			SW	NE		HUMPHREYS, FRED	A71-10764 / 7.0	-			
			SW	NE		US DEPT OF AGRICULTURE	A71-00028A /	-			
			SW	NE		US DEPT OF AGRICULTURE	A71-00029A /	-			
			SW	NE		US DEPT OF AGRICULTURE	A71-02085C /	-			
			SW	NE		US DEPT OF AGRICULTURE	A71-10766 / 12.0	-			
			SW	NE		SHAW, MARJORIE L.	R71-10766 / 12.0	-			
			SW	NE		SHAW, MARJORIE L.	71-00028				
			SW	NE		SHAW, MARJORIE L.	71-00029				
			SW	NE		FUREY, JACK B.	71-02085				18.0
09N	14E	32	NE	SE		HUMPHREYS, FRED	A71-020858 / 11.0	-			3.0
			NE	SE		DAY, ERNEST	R71-020858 / 8.0	-			
			NE	SE		US DEPT OF AGRICULTURE	A71-00028A /	-			
			NE	SE		US DEPT OF AGRICULTURE	A71-00029A /	-			
			NE	SE		US DEPT OF AGRICULTURE	A71-02085C /	-			
			NE	SE		HUMPHREYS, FRED	A71-10764 / 11.0	-			
			NE	SE		HUMPHREYS, FRED	R71-10764 / 8.0	-			
			NE	SE		SHAW, MARJORIE L.	71-00028				
			NE	SE		SHAW, MARJORIE L.	71-00029				
			NE	SE		FUREY, JACK B.	71-02085				20.0
09N	14E	33	SW	NW		HUMPHREYS, FRED	A71-020858 / 3.0	-			37.0
			SW	NW		HUMPHREYS, FRED	A71-00028 / 37.0	71-00028			
			SW	NW		HUMPHREYS, FRED	R71-10764 / 0.5	-			
			SW	NW		HUMPHREYS, FRED	A71-10193 /	-			
			SW	NW		HUMPHREYS, FRED	A71-00035C / 37.0	-			
			SW	NW		RICHEY, MARK W	A71-000368 / 11.0	-			

7.4

2.5

6.0

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
SW	NW					HUMPHREYS, FRED	R71-00028 / 37.0	-	/		
SW	NW					HUMPHREYS, FRED	A71-10763 / 37.0	-	/		
SW	NW					HUMPHREYS, FRED	A71-10764 / 3.0	-	/		
SW	NW					DAY, ERNEST	R71-02085B / 0.5	-	/		
SW	NW					DAY, ERNEST	R71-10763 / 37.0	-	/		
SW	NW					HUMPHREYS, FRED	71-10193 /	-	/		
SW	NW					SHAW, MARJORIE L.	71-00029 /	-	/		

ADDITIONAL POU FOUND

Sec 22 SENE

32.9

48.8

TOTAL ACRES	A71-02085B	57.00	POU COUNTY: CUSTER	90.00
-------------	------------	-------	--------------------	-------

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

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

Y() N()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-02085B	SALMON RIVER	HUMPHREYS, FRED	1.140	0.020		
A71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
R71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
A71-00028A	FISHER CREEK	US DEPT OF AGRICULTURE	0.600	0.008		
A71-00029A	FISHER CREEK	US DEPT OF AGRICULTURE	0.320	0.004		
A71-00035C	FOURTH OF JULY CREEK	HUMPHREYS, FRED	3.000	0.020		
A71-00036B	FOURTH OF JULY CREEK	RICHEY, MARK W	2.400	0.020		
R71-02063	SALMON RIVER	CARSTENSEN III, HANS L	1.660	0.013		
A71-02063	SALMON RIVER	CARSTENSEN III, HANS L	1.660	0.020		
R71-02085B	SALMON RIVER	DAY, ERNEST	0.950	0.020		
A71-02085C	SALMON RIVER	US DEPT OF AGRICULTURE	0.920	0.013		
R71-04037	SALMON RIVER	CARSTENSEN III, HANS L	8.970	0.071		
A71-04037	SALMON RIVER	CARSTENSEN III, HANS L	10.840	0.086		
R71-10763	FISHER CREEK	DAY, ERNEST	5.020	0.020		

See GIS sheet

CPS

Total

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-10763	FISHER CREEK	HUMPHREYS, FRED	5.020	0.020		
A71-10764	FOURTH OF JULY CREEK	HUMPHREYS, FRED	4.200	0.073		
R71-10764	SALMON RIVER	HUMPHREYS, FRED	4.200	0.088		
R71-10766	SALMON RIVER	US DEPT OF AGRICULTURE	1.420	0.118		
A71-10766	SALMON RIVER	US DEPT OF AGRICULTURE	1.420	0.118		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10193	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	0.070 CFS	
71-10193	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	0.020 CFS	

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

☒ Y ☐ N

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

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

☐ N/A ☒ Y ☐ N

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

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

☐ N/A ☒ Y ☐ N

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

☒ Y ☐ N

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

☒ Y ☐ N

Not on file
Yes on F.S.

NOTES:

DATE: 01/10

48.8

N/A()

DATE: 6/1/98

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A71-020858 IRRIGATION	FROM 04-15 TO 10-15	1.140 CFS	
TOTAL DIVERSION RATE/VOLUME		1.140 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
71-02085 IRRIGATION	FROM TO	2.160 CFS	
TOTAL DIVERSION RATE/VOLUME		2.160 CFS	

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

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

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? ☒ Y() ☒ N()

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

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

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ N/A() ☒ Y() ☒ N()

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

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? ☒ N/A() ☒ Y() ☒ N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ N/A() ☒ Y() ☒ N()

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

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? ☒ N/A() ☒ Y() ☒ N()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 1.140 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.160 CFS

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

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

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

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

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

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

E.

MEASUREMENT METHOD See 7/2/93 AA rev., SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

1b. CALCULATIONS

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 114.0 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 ()

20.51 cfs
@ head of ditch

NOTES:

MR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-15 ~~5/1~~ 7/30	1-140 ~~0.95~~		114.0 ~~114.0~~
TOTAL FOR THIS RIGHT		1.140 ~~0.95~~		114.0

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: Allen

DATE: 6/1/98

FLAG: C

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

POU 1 Ace limit 231.2 with other vts.

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

POD combine with other rights,
1.84 of 71-10764 used for delivery of this
right,

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-02085
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.160

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-02085	A71-02085B	1.140	R71-02085B	0.950	71-02085	2.160
-	A71-02085C	0.920	-	-	-	-

TOTAL CFS

2.060

0.950

2.160

DIVERSION RATE REVIEW

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

DATABASE N FIELD EXAMINER Y () N ()

NOTES:

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

6/1/98

NAME OF FIELD EXAMINER:

TITLE:

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

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

COPY INCLUDED
IN FILE?

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

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES NOTES

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-020858
209

11:37:08
05/28/98

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

BARCODE UPDATED
WHOM/DATE

APK
6/1/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

14:18:45
05/28/98
210

CLAIM NUMBER: A71-020858

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRED HUMPHREYS	07/27/1959	IRRIGATION	04-15 10-15	1.14 CFS	
C	ERNEST DAY				1.14 CFS	

TOTAL DIVERSION: 114.00 AFA
CONSUMPTIVE USE: 1.14 CFS

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: LICENSE

Point(s) of Diversion: T08N R14E S08 SENESE CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: SUM
09N 14E 32	: 36	: 07	: 03	: 11	: 54.0
09N 14E 33	:	:	:	:	: 3.0
					: 57.0

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: NONE

Remarks: GEN THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND 71-00029. FISHER CREEK HAS AMPLE WATER FOR EARLY SPRING IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER IRRIGATION SEASON.
ATTACHMENTS: 3 PHOTOGRAPHS
COPY REAL ESTATE CONTRACT

Dates: Exam Made Date: Verified Date: Objection filed Date:
Misc: Water District Number: Field Inspection Flag: C
Presumption Flag: C

R PROOF

CVR

MAPS

PHOTOS

MISC

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OCT 27 1994

REAL ESTATE CONTRACT

This real estate contract made and entered into this 30th day of August, 1966, by and between JACK E. FURRY and HANCOY J. FURRY, husband and wife, of Challis, Idaho, and STEPHAN F. FURRY, JR. and JO ANN FURRY, husband and wife, of Salmon, Idaho, hereinafter called "Sellers", and ERNEST E. DAY and LOIS H. DAY, husband and wife, and FRED C. HUMPHREYS and MARGARET JANE HUMPHREYS, husband and wife, all of Boise, Idaho, hereinafter called "Buyers."

W I T N E S S E T H :

That for and in consideration of the covenants and agreements herein contained, sellers agree to sell and convey unto buyers, and buyers agree to purchase and pay for the following described real property, situate in Custer County, Idaho, to-wit:

The S½ and NE½ of Section 32; S½ of Section 33; all in Township 9 North, Range 14 E. B. M.; EXCEPTING THEREFROM the following described highway right-of-way; A strip of land 66 feet wide, being 33 feet on each side of the following described center line across the NE½ and the S½ of Section 32 of said Township and Range: Beginning at Station 1300 + 01.7 of the Ketchum-Clayton Highway Survey, which station is approximately 1,320 feet North and 805 feet West, more or less, from the Southeast corner of said Section 32; thence running in a general northerly direction approximately 2,829.4 feet to Station 1323 + 31.1 of said survey, which station is approximately 3,960 feet North and 1,330 feet west, more or less, from the Southeast corner of said Section 32, Township 9 North, Range 14 E. B. M., as shown on the official plats of said Ketchum-Clayton Highway Survey on file in the office of the Department of Public Works of the State of Idaho. Excepting also therefrom that part of the S½ and that part of the NE½ of Section 32, Township 9 North, Range 14 East, Boise Meridian; lying and being West of U. S. Highway No. 93.

Also, decreed water rights for 210 inches with date of priority June 19, 1908 and 112.5 inches with date of priority March 22, 1910, all from Fisher Creek as provided in decree in the case of Cavanaugh vs. Merritt et al; also a water right licensed by the Department of Reclamation, State of Idaho, being license No. 28070 for irrigation water from Salmon River, to be conveyed through the Williams-Furry Canal, and together with all of sellers' rights in and to said Williams-Furry Canal.

Wg: Humphrey

MF 71-2028

*4th July creek
way -
8N-14E
Sect 12 - NE 1/4
71-00033
34
35
36*

*71-00028
71-00028*

*210
112.5
322.5*

*28070
9N-14E
S 32
S 1/2 - 40-18
S 1/2 - 40-30
S 1/2 - 40-20
NE 1/4 - 40-40
NW 1/4 - 40-40
108*

*P.D. - NESE - 8-8N-14E
Priority Date - 7-27-79
216 cfs*

** DECREE RIGHTS -
71-0028 -
71-0029*

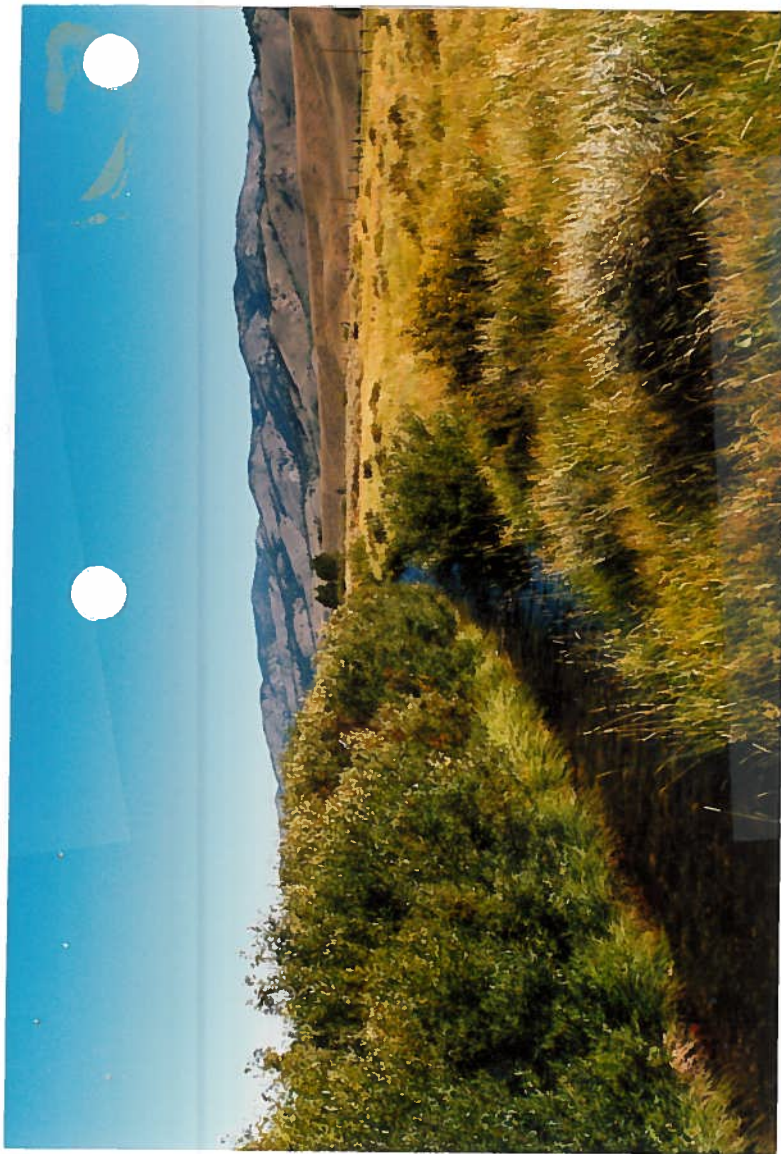
*P.D. - S. Line Lot 3
4-8N-14E*

*71-02002 -
Shaw
8N-14E - Sec 3
P.D. - NW 1/4*

EXCEPTING THEREFROM, the following tract of land and right-of-way: A tract of land lying and being in the $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T. 9 N., R. 14 E., -Doise Meridian, more particularly described as follows, to-wit: Commencing at the Southeast corner of said $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, run thence N. $0^{\circ}02'$ W. along the East boundary of the $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 a distance of 503.3 feet to the point of beginning; thence S. $54^{\circ}02'$ W. 241.9 feet; thence N. $50^{\circ}34'$ W. 572.0 feet; thence N. $62^{\circ}46'$ W. 162.0 feet; thence N. $45^{\circ}04'$ W. 301.0 feet; thence N. $15^{\circ}37'$ W. 171.0 feet; thence N. $48^{\circ}42'$ W. 449.0 feet; thence N. $88^{\circ}48'$ E. 590.2 feet; thence N. $65^{\circ}34'$ E. 684.9 feet to a point on the East boundary of the $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 33; thence S. $0^{\circ}02'$ E. along said East boundary of the $\frac{1}{4}$ SE $\frac{1}{4}$ of section 33 a distance of 1352.3 feet to the point of beginning. Containing 24.342 acres. Also: An access right-of-way 20.0 feet wide along the South side of Section 33 to the Southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33, thence W. $0^{\circ}02'$ W. along the East side of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 33 a distance of 210 feet; thence N. $48^{\circ}00'$ W. 250.0 feet, more or less, to the Southerly corner of the tract of land now conveyed.

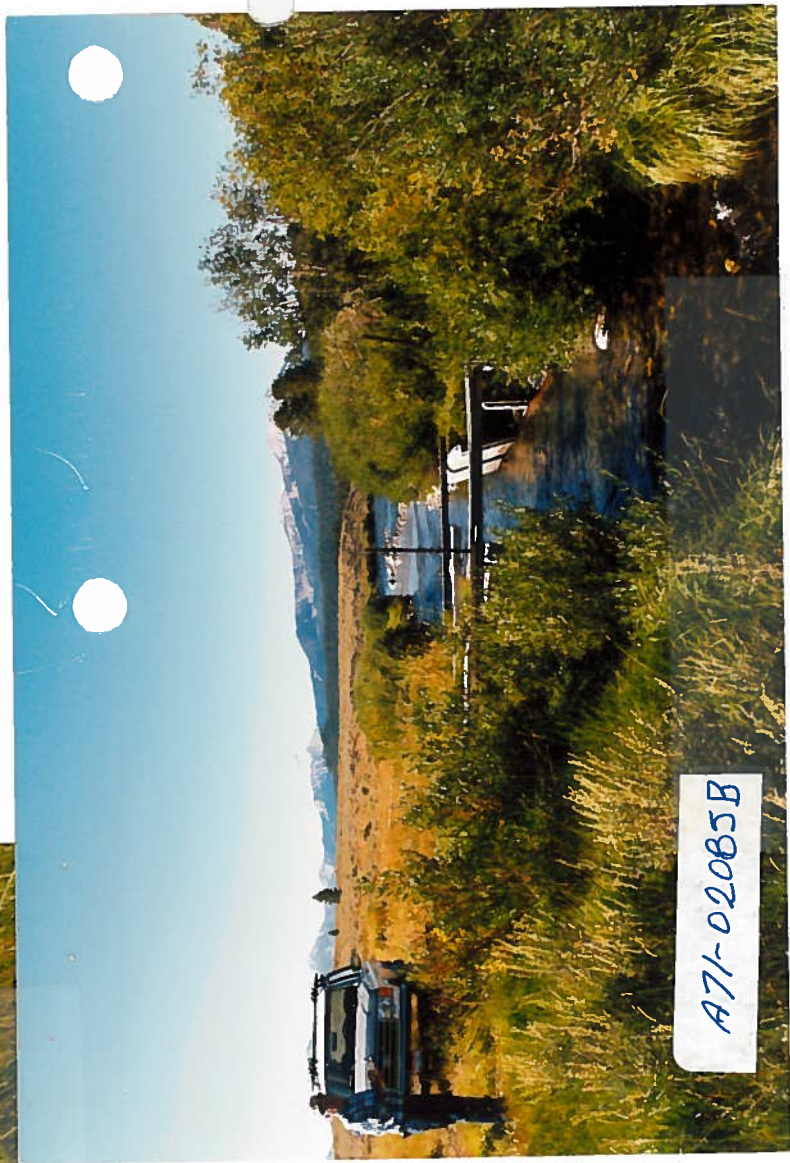
together with all appurtenances thereon or appertaining thereto of every kind and nature.

1. PURCHASE PRICE: It is understood and agreed that the total purchase price is \$76,465.00. It is further understood and agreed that buyers shall pay to sellers a down-payment on said purchase price totaling \$18,908.75 of which down-payment buyers have heretofore paid sellers the sum of \$7,637.50, the receipt of which by sellers is hereby acknowledged. The balance of said down-payment in the amount of \$11,421.25 shall be paid by buyers to sellers within 20 days of the date of this real estate contract. Buyers agree to pay the balance of the purchase price in the sum of \$57,356.25 as follows: \$16,400.00 plus interest thereon at the rate of 6 per cent per annum from August 20, 1966 by assuming and paying according to its terms a certain promissory note and real estate mortgage in the face amount of \$16,800.00 dated November 4, 1964, in which sellers herein are mortgagors and John Hancock Mutual Life Insurance Company is mortgagee, and which mortgage is more particularly described hereinafter; the balance of



WILLIAMS / FOREY
CANAL

P.D.
WILLIAMS FOREY
CANAL



A71-02085B

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MAR 17 1993



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MAR 17 1993

1/09/91

CA13908

\$ 917

#

\$ Humphreys/Day

Acres

71-00028

\$ 260

210 ~~260~~

71-00029

50

113 Same as 260

71-00035

107

150

71-00033B

50

45

71-00034C

125

75

71-00036B

50

120

71-02085

50

57

~~same as 260~~

71-10191

\$ 25 -

Ranch 5.32133 267A

Whitecloud 75

71-10192

25 -

Total Ac. \$ 342

Flat-Irr. \$ 400

D&S : \$ 175

\$ 917

71-10193

25 -

4

25 -

5

25 -

6

25 -

71-07000

25 -

71-10197

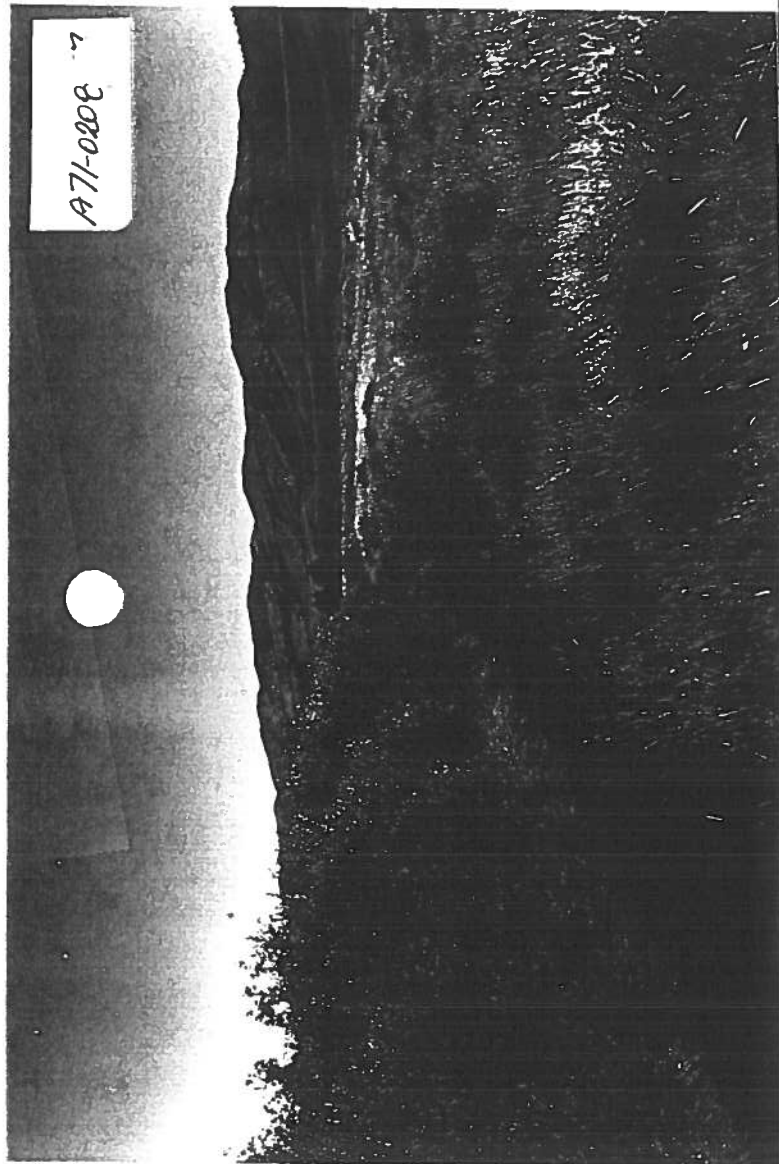
50

20

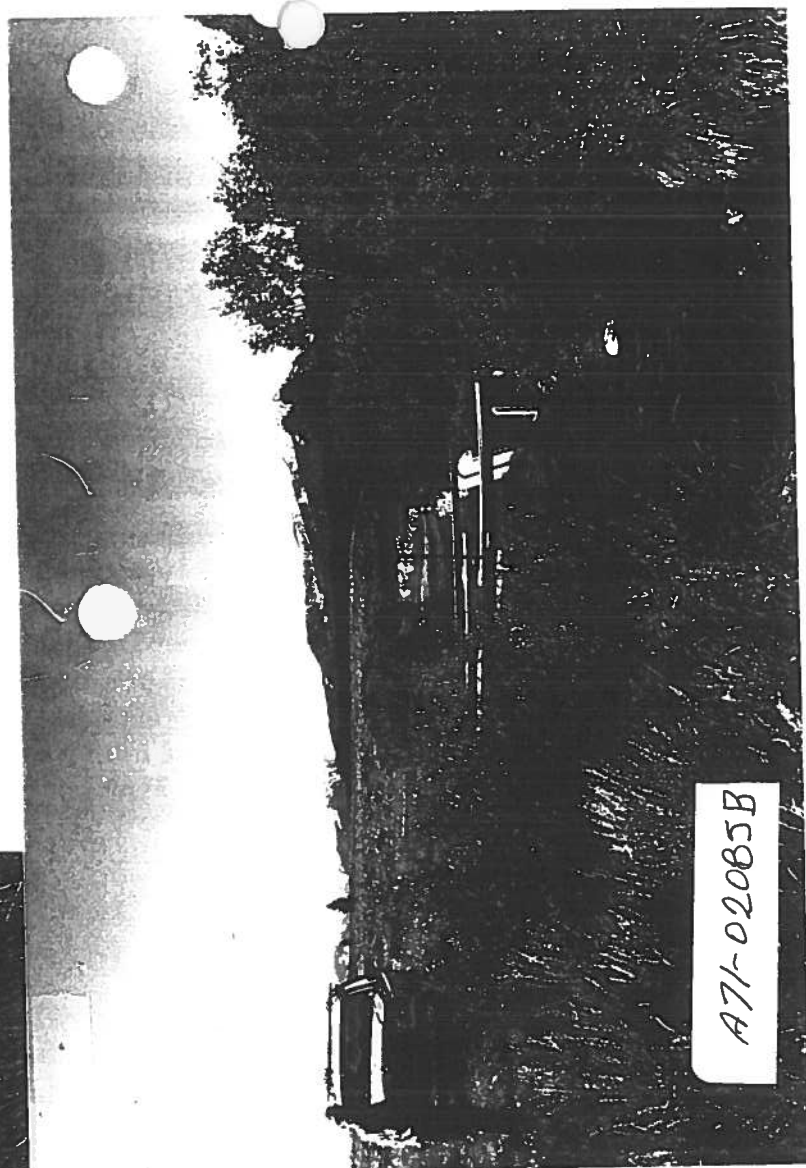
\$ 917

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MAR 17 1993



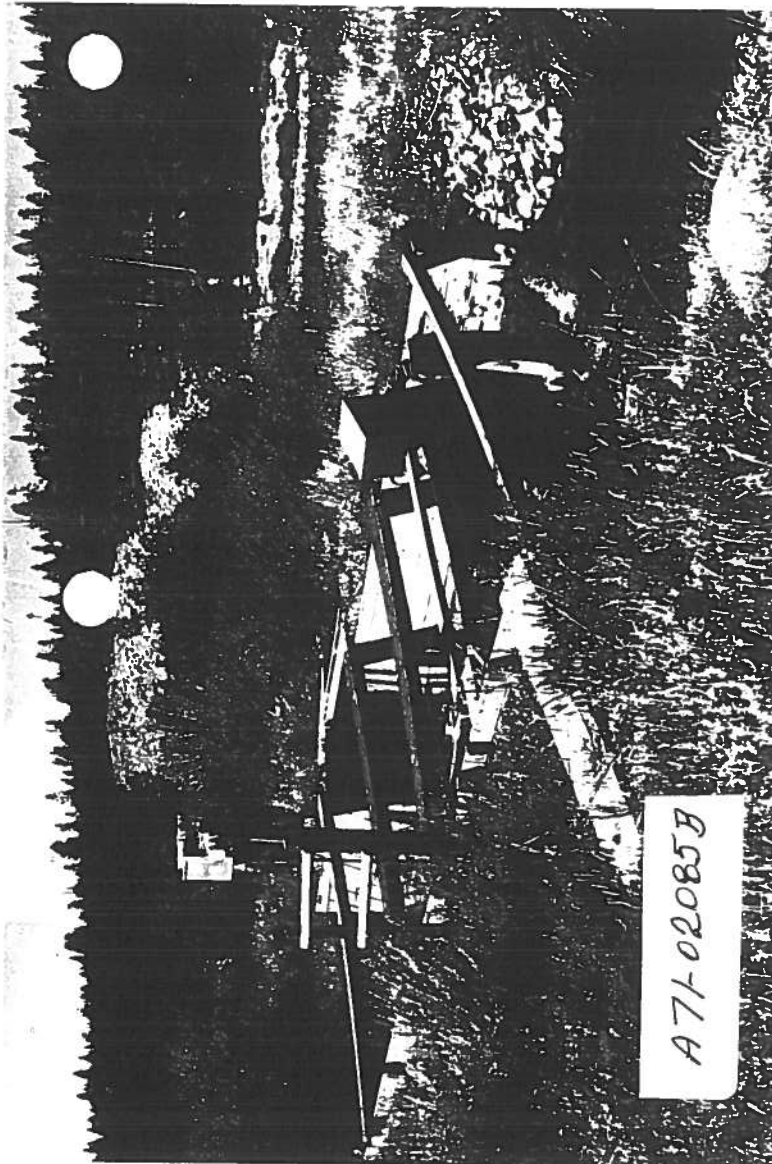
WILLIAMS / FOREY
QANAC



P.D.
WILLIAMS FOREY
QANAC

MICROFILMED

MAR 17 1993



MICROFILMED

MAR 17 1993

1/09/91

C013908

917

#	\$ Hump hreys/Day	Acres	
71-00028	\$ 260	210 ~~#~~	
71-00029	50	113	Same as 260
71-00035	107	150	
71-00033B	50	45	
71-00034C	125	75	
71-00036B	50	120	
71-02085	50	57	~~same as 260~~
71-10191	\$ 25 -		Ranch 5.32#33 267A
			Whitecloud 75
71-10192	25 -		Total Ac. \$ 342
			Flat-Irr: \$ 400
			D&S : \$ 175
			<u>\$ 917</u>
71-10193	25 -		
4	25 -		
5	25 -		
6	25 -		
71-07000	25 -		
71-10197	50	20	
	<u>\$ 917</u>		

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MAR 17 1992

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	14E	4					000340										15		15
		9													5	20	15	20	60
9N	14E	33					00035												150
							31	20	37	24			18	20					
9N	14E	33					00036B												
							11				31	20		40			18		120
9N	14E	32					00028												10
		33				10					37	24	31	40	10	40		18	200
9N	14E	33					00029												
											24	31	20		20		18		113
9N	14E	32					00033B												10
		33				10													
																			35
9N	14E	32	36				02085B												
						7									11				54

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MAR 17 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 11, 1991

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

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

Dear Mark,

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

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

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

Regards,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state:southern

Enclosures:

Yellow Copies of Above Claims
Copy of Revised Map

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MAR 17 1993

Water Right Number - R71-020858

Prefix Translation: RESEARCH

Old (D) Number - 28070

*** C - CURRENT OWNER ***
HUMPHREYS
Last Name - First Name - Address -
FRED
1 - 1919 S PHILLIPI
2 -
3 -
City- BOISE
Phone - 208-375-6940
State- ID Zip- 83705

DAY

ERNEST

*** R - REPRESENTATIVE ***
RICHEY

MARK

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

State- ID Zip- 83705

Priority Date - 07/27/1959
Region - 17 SOUTHERN
Stage - L - LICENSE
Status -

Source - SALMON RIVER
Tributary - SNAKE RIVER

Point of Diversion -
Twn Rng Sec Tract Lot Rflg County
08N 14E 8 SE NE SE (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 09/30 0.950

Total Div. Rate - 0.950
Total Div. Volume -
Total Consumptive Use - 0.0
KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	14E	32	SW NE		7.0	01	IRRIGATION	(37) CUSTER	
09N	14E	32	SE NE		32.0	01	IRRIGATION	(37) CUSTER	
09N	14E	32	NE SE		8.0	01	IRRIGATION	(37) CUSTER	
09N	14E	33	SW NW		0.5	01	IRRIGATION	(37) CUSTER	

Total Acres: 47.5

- - - - - Diversion Means - ROCK DIVERSION TO EARTHEN CANAL TO FLOOD IRRIGATION DITCHES.

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OCT 27 1994

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OCT 27 1994

Excess Flow Evaluation

3/22/94 by ADM

A71-10767 - Furey
A71-02004CA71-10764) Humphrey/Day
A71-02085B)A71-04037) Carstensen
A71-02063)

This evaluation is for the ditch diverting from the Salmon River within the **SENESE** **Sec 8 T8N, R14E**, serving the above identified claims as well as A71-02004A (Mueller) & A71-02004B (Jensen). The latter two do not at this time claim more than the proportionate share of an old license which would require the excess analysis.

On 7/2/93 I met Jack Furey and we measured the ditch @ the fish screen and found 20.51 cfs being diverted.

Evaluation of the Carstensen place finds that 50 acres is solely under this ditch and by using the Hubble Wild flooding procedure this 50 acres justifies (1.73 + 0.63 = 2.36) cfs for irrigation requirement. 2.43⁷ cfs. The lands not solely served by this ditch but which

could be served by this ditch were analysed under the ditch which diverts from the Salmon River within SWSENE Sec 5 T8N R14E. These extra 75 acres justify 3.84 IR (See 2/24/92 Evaluation). As a practical matter these acres can be served by this ditch diverted in sec 8 but I am keeping the evaluation of the lands separate then in my recommendation I intend to lump the lands together & list both points of diversion.

The Humphreys/Dry place was similarly analysed using the Hubble Wild Flooding procedure. On 7/27/93 I met Fred Humphreys & his irrigator Darrell Holloway and went over his claims. Darrell described the setting of the water and the rotation period. They indicated that the lower portion of the ranch was solely irrigated from the Salmon River and the upper portion from Fisher CK / 4th of July CK. We discussed the fact that the Salmon River claim was only for 1 $\frac{1}{2}$ acre and that the observed diversion rate for the ~~OCT 27 1994~~ ¹⁹⁹⁴ would indicate that they were using more. We

discussed them filing for more water. This filing finally came to fruition on 3/21/94 by filing of claim A71-10764. I have determined that 47.5 Acres receive water from the Salmon River. These are 200 of 2 common B61 type soil. The Hubble analysis justifies 3.22 cfs for the 47.5 Acres.

On 7/2/93 I met Jack Furey for review of his claims. He indicated that Marilyn Mueller irrigates his "Thousand Springs Ranch" and she could describe how she does it. On 7/23/93 I talked with Marilyn on the phone and she indicated that she turns the water 2 times per day and in 2 seasons irrigates about 7 times. She indicates that sometimes she gets back over the same spot within 14 days. She indicated on her own property she gets back on it within 6 days. She indicated that she uses the ditch from the Salmon River as well as her neighbor uses the same ditch instead of the water from Fisher CK. She indicated that this trade in source occurred about 18 years ago when Morgan Williams

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OCT 27 1994

allowed them to use the ditch.
Morgan William's is the predecessor to
Cavstensen. This was done since it
was difficult to get the 4th of July
CK water down thru the long ditch
and the ditch from the Salmon River
was so handy.

Based on the information from Mrs
Meuller and from the field investigation
and Hubble analysis for the Furey "Thousand
"Springs" place the land that can be irrigated
from the Salmon River consists of
three soil types and in total justify
5.46 cfs for irrigation of 48 acres.
These same acres except for 4 within
the SWNW sec 9 can also be watered from
waters from 4th of July Creek.

Conveyance losses were split between
the various users as documented on
the attached L123 worksheet.

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OCT 27 1994

P/D from Salmon River

SENESE Sec 8 T8N, R14E

CONVEYANCE LOSS - WORSTELL

AGENT -----ADM
DATE -----28-Mar-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER
RELATED CLAIMS -CARSTENSEN, HUMPHREY/DAY, FUREY, MEULLER, JENSEN

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	1500	11.0	3.00	0.63	5.46	11.25	0.0556	0.30	18.80
2	5000	11.0	3.00	2.08	0.14	5.79	0.3600	0.06	12.72
3	9250	11.0	3.00	3.86	3.22	5.65	0.6825	3.54	10.49
4	3250	8.0	3.00	0.99	2.43	2.43	0.4055	3.65	3.42
5				0.00		0.00	0.0000	0.00	-0.00
6				0.00		0.00	0.0000	0.00	-0.00
7				0.00		0.00	0.0000	0.00	-0.00
8				0.00		0.00	0.0000	0.00	-0.00
9				0.00		0.00	0.0000	0.00	-0.00
10				0.00		0.00	0.0000	0.00	-0.00
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	19000			7.55	11.25			7.55	

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH
SEEPAGE = SOIL SEEPAGE RATE OF REACH
WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

	<u>IR</u>	<u>Conveyance</u>	<u>Total</u>
Furey	5.46	0.36	5.82
Jensen	0.04	↑	0.04
Mueller	0.10	↑	0.10
Humphreys/Day	3.22	3.54	6.76
Carstensen	2.43	3.65	6.08

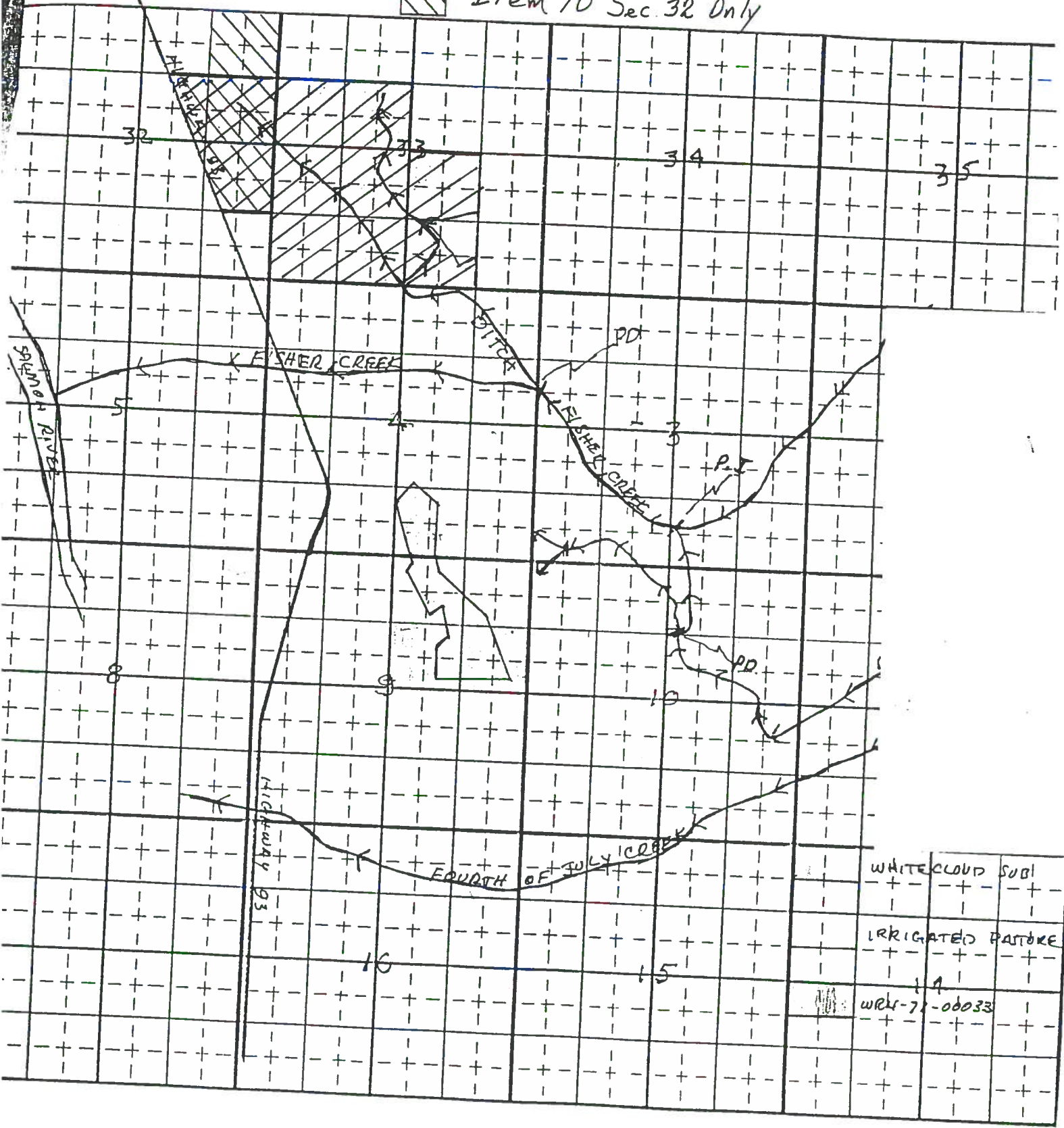
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Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale 2 inches equals 1 mile



Map
Item 10 Sec 32 Only



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MAR 17 1993

Last Name HUMPHREYS Ident No. _____

Copies: White-Stone Station 01-01

Recommended Acres for
71-02085 B & 71-10764

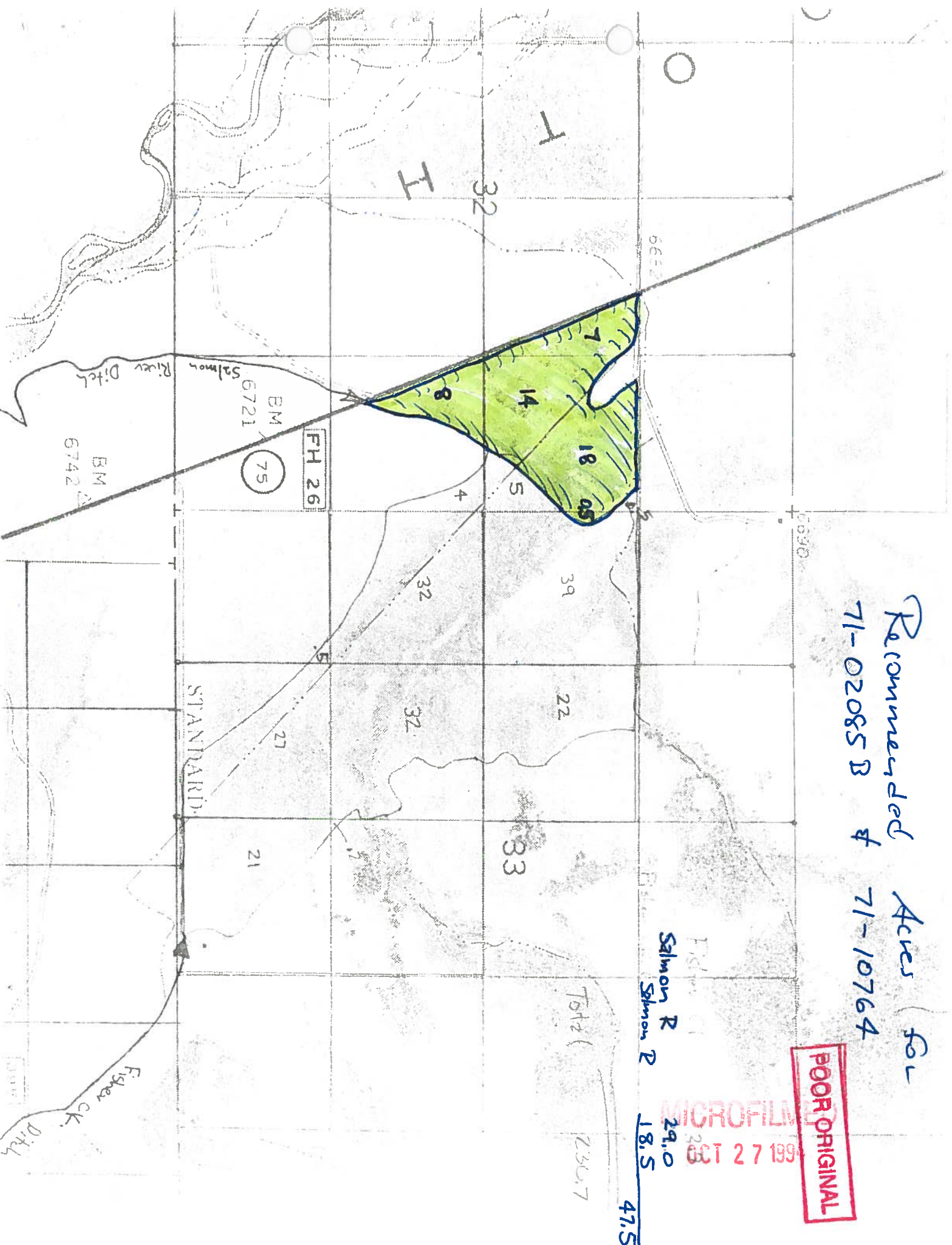
POOR ORIGINAL

Salmon R
Salmon R

29.0
18.5
47.5

Total

236.7



POOR ORIGINAL

CLAIM INIT AD
T. R. S. Q/Q
P/D 8N 14E 8 SENESE
PHOTO V-70
DT. & ID. _____

2.43
3250
8'

3.22
Humphreys/Dog

9250
11'

0.14
Mud Lake
Jensen

5.00
11'

5.46
Furber

1500
11'

Sawtooth Valley
Work Center
Hubspot

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OCT 27 1994

POOR ORIGINAL

CLAIM

INIT

40

T. R. S. Q/Q
P/D 8N 14E 8 SENESE
PHOTO V-70
DT.&ID.

FH 26

BM 6721

75

BM 6742

STANDARD

Sawtooth Valley
Work Center
Campspot

COPY

NAME OF STREAM OR DITCH ----- SALMON RIVER
 LOCATION ----- BELOW FISH SCREEN
 PURPOSE OF MEASUREMENT -- AQUADICATION REVIEW
 BASIS OF VELOCITY CALCULATIONS ----- 1
 IF YOU ARE USING A PYGMY METER ENTER ----- 2
 IF YOU ARE USING A AA METER ENTER ----- 2
 ENTRY ----- =

FOLLOWING THE LAST ENTRY IN:
 "DISTANCE FROM INIT PT" ENTRY MUST = "END"

WATER RIGHT NUMBER IF APPLICABLE -----
 AGENT CONDUCTING MEASUREMENT -----
 ACCOMPANIED BY -----
 PREMEASUREMENT SPIN TEST (MIN/SEC) ---
 POST MEASUREMENT SPIN TEST (MIN/SEC) -

FUREY & OTHERS
 ADM
 JACK FUREY

INITIAL POINT	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	1ST REVS	VELOCITY DATA		CALC W10TH	AREA IN SQ FT	CALCULATED VELOCITY				DISCHARGE IN CFS
						MEASUREMENT TIME/SEC	2ND REVS			1ST POINT VELOCITY	2ND POINT VELOCITY	MEAN VELOCITY		
1.00				0.81										
2.00		1.62			10	23.1	10	28.3	0.50	0.405	0.96	0.79	0.44	0.18
3.00		1.73			10	25.4	10	26.8	1.00	1.620	0.88	0.83	0.88	1.42
4.00		1.75			10	22.0	10	30.8	1.00	1.730	1.01	0.73	0.87	1.48
5.00		1.78			10	19.6	10	13.9	1.00	1.750	1.13	1.59	1.36	1.52
6.00		1.78			10	13.6	10	18.5	1.00	1.780	1.62	1.20	1.41	2.42
7.00		1.80			10	15.5	10	13.9	1.00	1.800	1.43	1.59	1.51	2.51
8.00		1.80			10	14.3	10	16.4	1.00	1.800	1.54	1.35	1.45	2.60
9.00		1.80			10	19.6	10	18.2	1.00	1.800	1.13	1.22	1.18	2.12
10.00		1.80			10	20.3	10	27.9	1.00	1.800	1.09	0.80	0.95	1.71
11.00		1.55			5	26.1	10	28.4	1.00	1.550	0.44	0.79	0.61	0.95
12.00		1.44			5	28.9	10		1.00	1.440	0.40		0.40	0.57
13.00		1.40			5	38.0	10		0.70	0.980	0.31		0.31	0.30
13.40				0.70					0.20	0.140				0.02
END														20.51

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Splitting of Lic. 71-02085
7/6/94 by ADM

The license 71-02085 was licensed for 2.16 cfs on 108 Acres. In the SRDA The USFS claimed 0.92 cfs on 68 Ac under A71-02085C. In the SRBA Humphreys/Deg claimed 1.14 cfs on 57 Ac. under A71-02085B. Furey filed claim A71-02085A but it was later amended to not base the claim on license 71-02085.

In reviewing the license field exam & the license there is a discrepancy in that the zones are not consistent in the various tracts. It appears from the shape of the fields in the field exam that it most correctly describes how it should be but with newer photos the number of zones is not exactly right either.

Based on my field review I find Humphreys irrigates 47.5 Acres from the Salmon River. This is the main water supply but 18.5 of these acres is also supplied or can be supplied water from Fisher CF. I recommend $\frac{47.5}{108} \times 2.16 = 0.95 \text{ cfs}$ for Humphreys' share. The remainder would belong to the USFS but this has been forfeited due to non-use for many years.

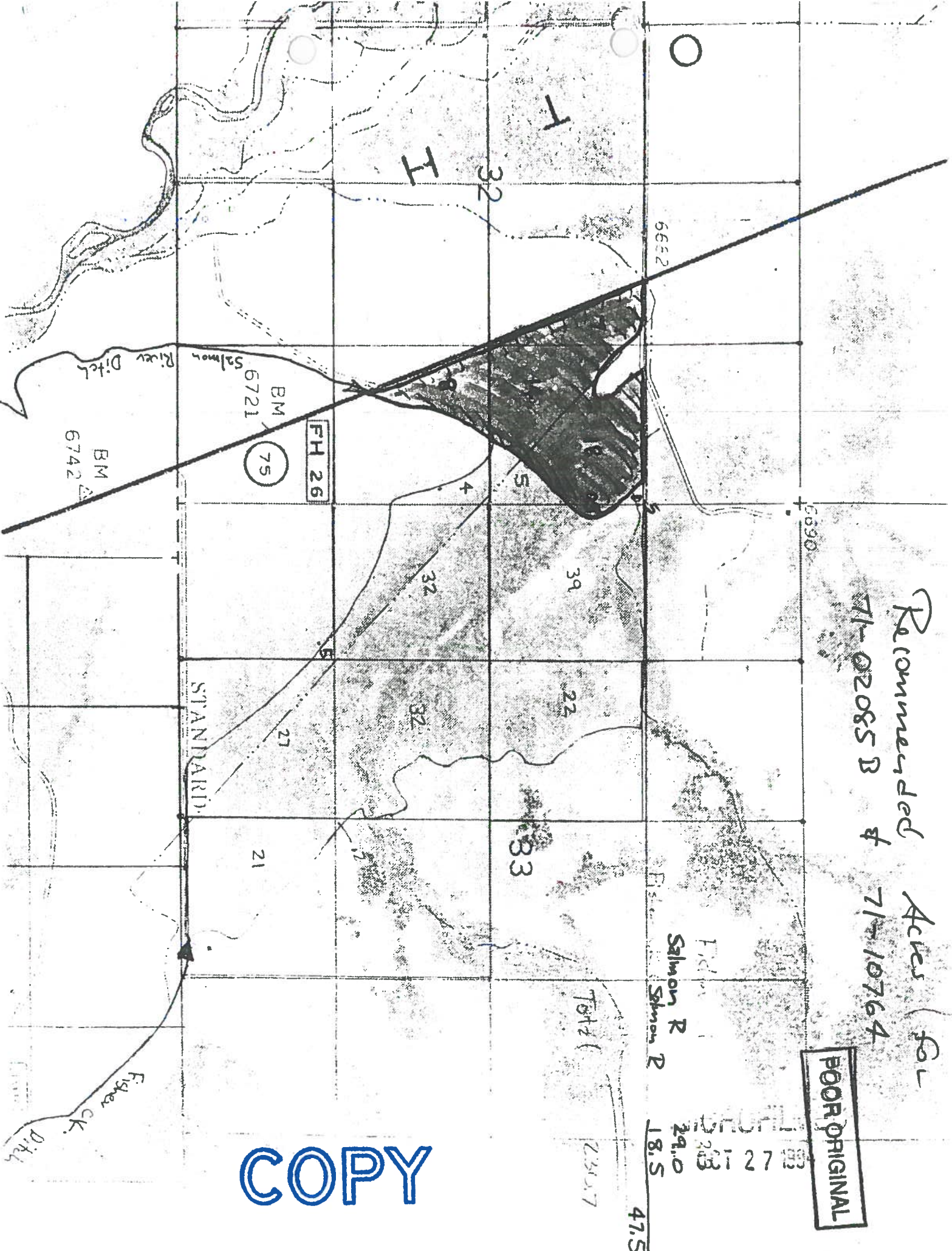
Recommended Acres for
71-02085 B & 71-10764

POOR ORIGINAL

63 72 27 133
29.0
18.5
47.5

Total

Salmon R
Salmon R



COPY

GRADED BORDER EVALUATION

Job name: HUMPREYS

Location: BG1 47.5AC 14DAY

By: ADM

Date: Mar 2, 1994

Roughness coefficient (n)= 0.250

Intake family (If)=3.00

Slope (S)= 0.0200 ft/ft

Border width (W)= 123 ft

Net application (Fn)= 1.32 inches

Border length (L)= 400 ft

Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
3.20	Gross depth is less than required gross application depth					
3.21	Gross depth is less than required gross application depth					
3.22	0.026	22.62	21.24	0.06	5.8	
3.23	0.026	22.69	21.24	0.13	5.8	
3.24	0.026	22.76	21.24	0.20	5.8	
3.25	0.026	22.83	21.24	0.27	5.8	
3.26	0.027	22.90	21.24	0.34	5.8	
3.27	0.027	22.97	21.24	0.41	5.7	
3.28	0.027	23.04	21.24	0.48	5.7	
3.29	0.027	23.11	21.24	0.55	5.7	
3.30	0.027	23.18	21.24	0.62	5.7	

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POOR ORIGINAL

$$\text{slope} = \frac{(6880 - 6680)}{9400} = 0.02$$

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OCT 27 1994

POOR ORIGINAL

5

65

437

Humphreys
B9

FORBIDDEN

001 27 1994

SOIL CHARACTERISTICS initials: ADM date: 06/25/93

Soil Type = BG1...VERY GRAVELLY LOAM
Source of Soils Data = SCS

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family		AWC (ave)	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow		
0	4	0.08	0.11	5.1	6	2	4	1	1.14	3	0.7	1	0.095
4	13	0.08	0.11	5.6	6.5			2	2.06			5	0.095
13	30	0.05	0.1	5.6	6.5			3	2.63			14	0.075
30	60	0.01	0.03	5.6	6.5			4	2.87	alternate method		31	0.02
								5	3.11				61
										NA	NA	61	0
												61	0
												61	0
												61	0
												61	0

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (inches)
alfalfa (hay or seed)	5	0.5	1.56
corn (field or silage)	4	0.5	1.44
grain (winter or spring)	4	0.5	1.44
pasture (or grass hay)	3	0.5	1.32
other (enter below)			

Intake Family

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

6 6

Intake Family

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

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

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

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OCT 27 1994



P/D from Salmon River
delivering to Furey - Humphrey & Gustensen
& others.

Meas. 20.51 cfs

7/2/93
ADm

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OCT 27 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-02085B

00:00:44
05/28/92

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			AD			AD	AD	
POINT OF DIV	Y							
PLACE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y			Y	14.5 calc.			
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y			Y	Standard			
BASIS OF CLAIM	Y							
REMARKS	Y							

VERIFIED BY CODES

TOPO MAP/ORTHO-PHOTO = 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.

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OCT 27 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:44
05/28/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A71-02085B

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

FIRST: FRED
STATE: ID ZIP: 83705

OWNER CODE: C

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

FIRST: ERNEST
STATE: ID ZIP: 83705

OWNER CODE: C

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

FIRST: MARK
STATE: ID ZIP: 837025992

OWNER CODE: K

LAST: EUREY, JR.
ADDRESS: X
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: SHERMAN F.
STATE: ID ZIP: 0

OWNER CODE: 0

LAST: EUREY
ADDRESS: X
CITY: SALMON
PHONE NUMBER: 208-000-0000

FIRST: JACK B.
STATE: ID ZIP: X

OWNER CODE: 0

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
EXAMINER

CLAIM REMARKS: THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND

MICROFILMED
OCT 27 1994

71-00029. FISHER CREEK HAS AMPLE WATER FOR EARLY SPRING
IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER
IRRIGATION SEASON. 3 PHOTOGRAPHS
ATTACHMENTS: COPY REAL ESTATE CONTRACT

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Fred Hunphrey

PHONE NUMBER: () - - - -

DATE OF FIELD EXAM: 7/27/93 APPOINTMENT MADE: Y () N ()

TIME: : A () P ()

ACCOMPANIED BY: Fred Hunphrey

PHONE NUMBER: () - - - -

RELATIONSHIP TO CLAIMANT: _____

ACTIONS TO PROPERTY / REMARKS:

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OCT 27 1994

A. AJ CLAIM: # A71-02085B PRIORITY DATE: 07-27-1959 STAGE: L
B. WR RECORD: # 71-02085 PRIORITY DATE: 07-27-1959 STAGE: L

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

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

REMARKS:

Recommended 25 licensed

RECOMMENDED PRIORITY DATE:
07-27-1959

REVIEWED BY

Am

DATE

7/21/92

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A71-02085B	08N	14E	8	SE	NE	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A71-02085A NONE

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
71-02085	08N	14E	8		NE	SE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE A71-02085A NONE

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

Confirmed P/D is SENSE Sec 8 T8N R14 is claimed
as is Arts. V-70 is in field.

Recommended is claimed.

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:			LOT	COUNTY
TWP.	RGE.	SEC.	1/4	
08N	14E	8	SF	NE
			SF	SE
SOURCE: SALMON RIVER			TRIB: SNAKE RIVER	
REVIEWED BY: <i>[Signature]</i>			DATE: 7/25/92	

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A. ROOT WATER RIGHT NUMBERS: A71-02085A
A71-02085B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECORD ACRES
09N	14E	32	~~NE~~	NE		HUMPHREYS, FRED WILLIAMS, MORGAN C.	A71-02085B /36.0 A71-02063 /40.0	- 71-02063 /40.0	39.0	32	32
09N	14E	32	SW	NE		HUMPHREYS, FRED SHAW, MARJORIE L. SHAW, MARJORIE L. FUREY, JACK B.	A71-02085B /7.0	71-00028 / 71-00029 / 71-02085 /18.0	11.0	7	7
14E	32	NE	SE	SE		HUMPHREYS, FRED SHAW, MARJORIE L. SHAW, MARJORIE L. FUREY, JACK B.	A71-02085B /11.0	71-00028 / 71-00029 / 71-02085 /20.0	3.0	8	8
09N	14E	33	SW	NW		HUMPHREYS, FRED HUMPHREYS, FRED HUMPHREYS, FRED HUMPHREYS, FRED RICHEY, MARK W. SHAW, MARJORIE L.	A71-02085B /3.0 A71-00028 /37.0 A71-10193 / A71-00035C /37.0 A71-00036B /11.0	71-00028 / - - - 71-00029 /	37.0	0.5	0.5
TOTAL ACRES							A71-02085B	57.00	90.00		

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: CUSTER

DUE TO POU DISCREPANCY? (Y/N)

Y

47.5

PRESUMPTION FLAG: C

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

47.5

REVIEWED BY:

ADW

DATE:

7/25/98

UNRECORDED
OCT 27 1998

A. AJ CLAIMED USES:

PURPOSES
A71-02085B IRRIGATION

MONTH/DAY
FROM 04-15 TO 10-15

DIVERSION QUANTITY
1.140 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.140 CFS

E. WR RECORDED USES:

PURPOSES
71-02085 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
2.160 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.160 CFS

PRESUMPTION FLAG: C

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

5/2-5/21 5/1 to 9/30

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

Explain in remarks, below.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 1.140 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.160 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 remarks. **

FLOW MEASUREMENT REQUIRED?

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

Y FIELD DATABASE EXAMINER

B.

MEASUREMENT METHOD

AA Net

SEE ATTACHED CALCULATIONS.

FLOW MEASUREMENT

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

OTHER RIGHTS LISTED IN CLAIM: ~~NONE~~

71-10764

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-02085B	SALMON RIVER	HUMPHREYS, FRED	1.140	0.020		
A71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
A71-00035C	FOURTH OF JULY CREEK	HUMPHREYS, FRED	3.000	0.020		
A71-00036B	FOURTH OF JULY CREEK	RICHEY, MARK W.	2.400	0.020		
A71-02063	SALMON RIVER	WILLIAMS, MORGAN C.	1.660	0.020		

ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10193	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	.070 CFS	

7/2/93

*7/2/93
@ head of ditch*

*See Attached
Split review
7/6/94 by ADP*

NOT RECORDED
OCT 27 1994

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES -----
(Taken from p/u review)

CFS

1b. CALCULATIONS

$\times 0.02 \text{ CFS/ACRE} =$ when combined with 0.02 cfs/acre
DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

71-1076A exceeds

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 114.0 AE/A

ACRES 42.5 $\times$ CONSUMPTIVE VOL. AE/A FOR AREA 2.0 =

TOTAL CONSUMPTIVE USE 95.0 AE/A

) - Combined with 71-1076A limited to 95 AF

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES ----- $\times$ DIVERSION VOL. AE/A FOR AREA ----- =

TOTAL DIVERSION VOLUME ----- AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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OCT 27 1984

RECOMMENDATIONS:

REC.
PURPOSES

IRRIGATION

TOTAL FOR THIS RIGHT

REVIEWED BY:

AW

REC. PERIOD
FROM TO

~~5/1~~ ~~9/30~~
~~04-15~~ ~~10-15~~

REC. DIV
RATE CFS

~~1.140~~ ~~0.95~~
~~1.140~~ ~~1.140~~

REC. DIV
VOL. AF/A

~~NA~~

REC. CONS.
USE

~~114.0~~ ~~114.0~~
~~114.0~~ ~~114.0~~

DATE: 7/25/98

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OCT 27 1998

*When considered with 71-1076d
shall not exceed 95 AF*

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREEIT/ABANTON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-02085

TOTAL DIVERSION RATE OF WR SPLITS
DATABASE
2.160

EXAMINER

CFS

See Attached split review

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
71-02085	A71-02085A	1.160	-		71-02085	2.160
71-02085	A71-02085B	1.140	-		71-02085	2.160
TOTAL CFS		2.300				2.160

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
N

FIELD
EXAMINER

REMARKS:

71-10764 provides ditch loss for delivery of this right.

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

MICROFILMED
OCT 27 1984

CLAIM NUMBER: A71-02085B

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRED HUMPHREYS C ERNEST DAY 1919 S PHILLIP BOISE ID 83705 (208) 375-6940	07/27/1959	IRRIGATION	04-15 10-15	1.14 CFS	1.14 CFS
TOTAL DIVERSION: CONSUMPTIVE USE:						1.14 CFS 114.8 AFA
Water Source: SALMON RIVER						
Tributary to: SNAKE RIVER						
Point(s) of Diversion: T08N R14E S08 SENESE						
Use of use Legal Description for: IRRIGATION						
T	R S	NENE NENE SWNE SENE	NENE NENE SWNW SENW	NENE NENE SWNW SENW	NENE NENE SWNW SENW	NENE NENE SWNW SENW
09N 14E 32		Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac	Lt Ac Lt Ac Lt Ac
09N 14E 33		36	07	03	11	
TOTAL ACRES						54.0 3.0 57.0

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: NONE

Non-Irrigation Use: NONE

Remarks: THIS IS SUPPLEMENTAL WATER TO FISHER CREEK WR 71-00028 AND 71-00029. FISHER CREEK HAS AMPLE WATER FOR EARLY SPRING IRRIGATION BUT FLOW DECREASES TO A MINIMUM FOR REMAINDER IRRIGATION SEASON.

ATTACHMENTS: 3 PHOTOGRAPHS
COPY REAL ESTATE CONTRACT

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag: C
Presumption Flag:

001 27 284