

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: **A71-04006**
Date Received: 11/27/1989
Receipt No: M005257
Received By: _____

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

1. Name: THE HUMPHREYS TRUST 208-642-7137
Address: 10495 STONE QUARRY RD
PAYETTE ID 83661

2. Date of Priority: JUN 1, 1962

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	14E	23	NE	NW	NW		CUSTER

5. Description of diverting works:
ROCK DAM, HEADGATE, OPEN DITCH FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	10/01	1.900		

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

8. Total consumptive use is 127.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08N	14E	22	SW	SW		IRR	28.0
			SE	SW		IRR	8.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	36.0
		27	NE	NW	IRR	3.0
			SE	NW	IRR	12.0
					Section Acres	15.0
					Total Acres	51.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A71-10081

14. Remarks:

CHANGE OF OWNERSHIP 11/15/94 ADM

15. Basis of Claim: BENEFICIAL USE

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 _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 15, 1994

W MICHAEL HUMPHREYS, TRUSTEE
THE HUMPHREYS TRUST
10495 STONE QUARRY RD
PAYETTE, ID 83661

RE: SRBA Claims A71-04006, A71-10080, A71-10081 & A71-10082

Dear Mr. & Mrs Humphreys:

Pursuant to the notification that you presently own the property inwhich the above referenced adjudication claims are appurtenant, the department has changed the record of the current owner as you requested. Please find enclosed copies of the computer records of the claims noting the change in claimant. Please review these records and if you have any corrections please contact this office.

Sincerely,

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

Allen Merritt, P.E.
Water Rights Supervisor

Encl:



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

FEB 11 1994

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 1-28-94

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL DESCRIPTION

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A71-04006, A71-10080, A71-10081, A71-10082

[] Name and Address of Former Owner/Claimant(s)(Seller): W. MICHAEL HUMPHREYS AND/OR CANDACE P. HUMPHREYS
10495 STONE QUARRY ROAD
PAYETTE, ID 83661

[] New Owner/Claimant (Purchaser): THE HUMPHREYS TRUST (DATED JANUARY 17, 1994)

[] New Mailing Address: 10495 STONE QUARRY ROAD
PAYETTE, IDAHO 83661

[] New Telephone Number: () _____ - _____

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: DEED

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

[] Signature of New Owner/Claimant(s) W. Michael Humphreys, Trustee Date 1/27/94
Candace P. Humphreys, Trustee Date 1/27/94
[] Signature of Former Owner/Claimant(s) W. Michael Humphreys Date 1/27/94
Candace P. Humphreys Date 1/27/94

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1/15/94 By: AD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 1/15/94 By: AD

Claim Numbers of Split, if any:

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

QUITCLAIM DEED

For Value Received, W. MICHAEL HUMPHREYS and CANDACE P. HUMPHREYS, husband and wife, Grantors, do hereby convey, release, remise and forever quitclaim unto THE HUMPHREYS TRUST, dated January 17, 1994, by and through said Trust's Trustees', W. MICHAEL HUMPHREYS, CANDACE P. HUMPHREYS and FRED C. HUMPHREYS, Grantee, whose address is 10495 Stone Quarry Road, Payette, Idaho, 83661, all of their right, title and interest in and to the following described premises, to-wit:

The Southeast quarter, and the South half of the Northeast quarter, and the East half of the Southwest quarter, and the Southwest quarter of the Southwest quarter of Section Twenty-two, and the East half of the Northwest quarter, and the Northwest quarter of the Northeast quarter of Section Twenty-seven, all in Township Eight North, Range Fourteen East of the Boise Meridian, Custer County, Idaho;

TOGETHER WITH all ditch and ditch rights, water and water rights, range and range rights appurtenant thereto or used in connection therewith.

To have and to hold the said premises, with their appurtenances, unto the said Grantee.

DATED This 21st day of January, 1994.

W. Michael Humphreys
W. MICHAEL HUMPHREYS
Candace P. Humphreys
CANDACE P. HUMPHREYS

STATE OF MASSACHUSETTS)

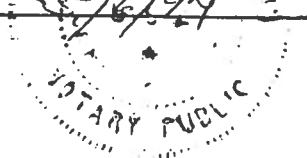
County of Suffolk)

: ss.

On this 21st day of January, 1994, before me, a notary public in and for said state, personally appeared W. MICHAEL HUMPHREYS and CANDACE P. HUMPHREYS, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

William Golda Hermain
Notary Public for Massachusetts
Residing at Boston Massachusetts
Commission expires 11/16/94



Custer County, Idaho
2-3-1994
Eitel M. Peck, Clerk
Deputy



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 1-28-94

RECEIVED

FEB 11 1994

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

SEE ATTACHED LEGAL DESCRIPTION

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: A71-04006, A71-10080, A71-10081, A71-10082

☐ Name and Address of Former Owner/Claimant(s)(Seller): GLADYS LAVERTY AND/OR RAY LAVERTY
PO BOX 178

☐ New Owner/Claimant (Purchaser): CHALLIS, IDAHO 83226
W. MICHAEL HUMPHREYS AND/OR CANDACE P. HUMPHREYS

☐ New Mailing Address: 10495 Stone Quarry Road
Payette, ID 83661

☐ New Telephone Number: (208) 642 - 7137

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: WARRANTY DEED

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

☐ Signature of New Owner/Claimant(s) W. Michael Humphreys Date 1/17/94
Candace P. Humphreys Date 1/17/94

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 1/15/94 By: AD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 1/15/94 By: AD

Claim Numbers of Split, if any:

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

WARRANTY DEED

C205783

For Value Received **RAY LAVERTY** and **GLADYS LAVERTY**, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto **W. MICHAEL HUMPHREYS** and **CANDACE P. HUMPHREYS**, husband and wife,

the grantee S, whose current address is, 10495 Stone Quarry Road, Payette, Idaho 83661
the following described premises, to-wit:

The Southeast quarter, and the South half of the Northeast quarter, and the East half of the Southwest quarter, and the Southwest quarter of the Southwest quarter of Section Twenty-two, and the East half of the Northwest quarter, and the Northwest quarter of the Northeast quarter of Section Twenty-seven, all in Township Eight North, Range Fourteen East of the Boise Meridian, Custer County, Idaho;

TOGETHER WITH all ditch and ditch rights, water and water rights, range and range rights appurtenant thereto or used in connection therewith, without warranty.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.
Dated: January 12, 1994.

Ray Laverty
RAY LAVERTY

Gladys Laverty
GLADYS LAVERTY

RECEIVED

CUSTER COUNTY TITLE INC.

P.O. BOX 370 • CHALLIS, IDAHO 83226
(208) 879-4424 • FAX (208) 879-5249

FEB 11 1994

Department of Water Resources

Southern Region Office

MESSAGE

REPLY

TO

IDWR Southern Region Office
222 Shoshone St. East
Twin Falls, Idaho 83301

DATE

re: 8222 Lavery-Humphreys

DATE

2-8-94

Dear Judy:

Enclosed are two water transfer
forms.

Please direct questions to the
buyer and seller.

Thank you for your help.

Respectfully,

Della Brower

Della Brower

SIGNED

BY

INSTRUCTIONS TO SENDER

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES INTACT.

INSTRUCTIONS TO RECEIVER

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

5000
COPY

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: A71-04006
Date Received: 11-27-89
Receipt No: 1005257
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLADYS LAVERTY 208-879-4494
Address: BOX 178
CHALLIS, ID 83226

OR

Name: RAY LAVERTY 208-879-4494
Address: BOX 178
CHALLIS, ID 83226

2. Date of Priority: JUN 01, 1962

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	23	NE	NW	NW		CUSTER

5. Description of diverting works:
ROCK DAM, HEADGATE, OPEN DITCH FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/15	10/01	1.900		

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

8. Total consumptive use is 127.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	14E	22	SW		SW		IRR	28.0
			SE		SW		IRR	8.0
							Section Acres	36.0
		27	NE		NW		IRR	3.0
			SE		NW		IRR	12.0
							Section Acres	15.0
							Total Acres	51.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

A71-10081

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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: 1

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): Gladys Laverity Date: 11/27/89
Ray Laverity Date: 11/27/89

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 27th day
of November 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3031

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A71-04006
GLADYS LAVERTY
RAY LAVERTY
BOX 178
CHALLIS

ID 83226

RE: Evidence of Priority

RESPONSE DEADLINE
MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **May 1, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 17 1993

RECEIVED

MAR 31 1992

Department of Water Resources
Southern Region

Ray Laverty
P. O. Box 178
Challis, Idaho 83226

March 25, 1992

State of Idaho
Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

REF: Water Adjudication Claim

Dear Sirs:

You sent me water right number **A71-04006** for Sawtooth Valley in your letter but you did not include identification numbers **A71-10081** or **A71-10080**.

Numbers **A71-10081** and **A71-10080** are licensed claims so does that mean nothing has to be done about them at this time?

Sincerely yours,

Ray Laverty

RAY LAVERTY

MICROFILMED

MAR 17 1993

AFFIDAVIT OF WATER USAGE

I do hereby certify that I ~~used~~ the irrigation water used to irrigate the property legally described as follows:

Township 8 N Range 14 E Section 22 1/4 of 1/4 SW SW 28 acres; SE SW 8 acres; Township 8 N Range 14 E Section 27 NE NW 3 acres; SE NW 12 acres.

Known to be owned today by Ray and Gladys Laverty. The purpose of this affidavit is to give proof of usage and the years the individual used it. The number assigned this water claim by the IDWR is number 271-04006 in Custer County Idaho from the Young Ditch.

I used the water in the year(s) From 1962 & still using

Signature Ray Laverty

Printed Name RAY LAVERTY

Date march 27, 1992

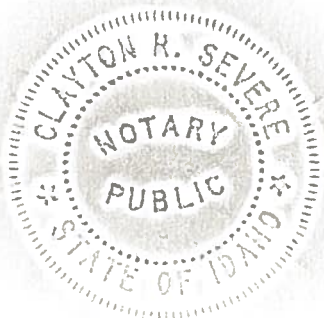
Address Box 178 Challis, Idaho 83226

Explanation (if any):

State of Idaho/or

County of Custer

Subscribed and sworn (or affirmed) before me this 27th day of march 1992.



Notary Public Clayton R. Severe
Residing at Challis, Idaho
My Commission Expires 3-16-1997

MICROFILMED

MAR 17 1993

STATE OF IDAHO,)

County of Blaine) ss.

County of Blaine)

A F F I D A V I T

Martin Young and Wallace Young, of Hailey, first being duly sworn, depose and say as follows, to-wit:

1. That we are U. S. citizens and residents of the State of Idaho, and over 21 years of age.
2. That we have resided in or are familiar with certain Real Estate in the Obsidian area of Custer County.
3. That we have read the Claim of Water Right executed on May 9th, 1977, by Ray Laverty pertaining to certain lands near the Salmon River south of Stanley, Idaho.
4. That we are familiar with the lands of Mr. Laverty and that we recall the matters set forth in the referred to Claim.
5. Based on our experiences and personal knowledge, we state the information contained in the Claim is true.
6. Furthur Affiant sayeth not.

Dated: July 16th, 1977.

Martin Young
Wallace Young

SUBSCRIBED and SWORN to before me this 16th day of July, 1977.

1977.

[Signature]

MICROFILMED
MAR 17 1993

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

RECEIVED

AUG 30 1999

Department of Water Resources

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

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

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

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

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

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

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

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

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

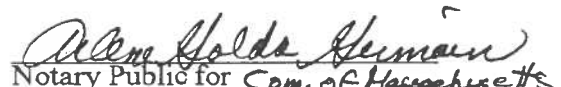
IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26th day of April, 1999.


W. MICHAEL HUMPHREYS

STATE OF Massachusetts)
) ss.
County of Essex)

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

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


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

ALAN LANCE
Attorney General

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

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

In Re SRBA Claimant

) Subcase Nos. 71-04006, 71-10080,
) 71-10081
)
)

Case No. 39576

) AFFIDAVIT OF DAVID R.
) TUTHILL, JR. SUBMITTING
) SUPPLEMENTAL DIRECTOR'S
) REPORT
)
)
)

STATE OF IDAHO)

County of Ada)

) ss.
)

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.

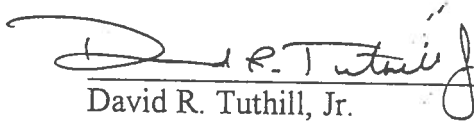
8. I adopt as my testimony and incorporate in this Affidavit the Legal Principles and the Conclusions portions of the Supplemental Director's Report Regarding Claim to Water Right

Nos. 71-04006, 71-10080, and 71-10081 dated October 6, 1999, attached to this Affidavit as Exhibit 1.

9. Attachment C 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 71-04006, 71-10080, and 71-10081. 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

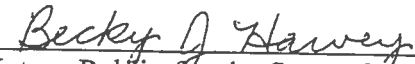

Notary Public for the State of Idaho
Residing at: Boise
My commission expires: 2/25/2003

EXHIBIT 1

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING CLAIM
TO WATER RIGHT NO. 71-04006, 71-10080, and 71-10081**

In Re SRBA

Twin Falls County Civil Case No. 39576
Subcase Nos. 71-04006, 71-10080, and 71-10081

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, 1998

The Director of the Idaho Department of Water Resources (IDWR) submits this Supplemental Director's Report Regarding Claims to Water Right Nos. 71-04006, 71-10080, and 71-10081 in accordance with Idaho Code § 42-1412(4) and Administrative Order 1. This supplemental director's report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill, Jr., Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

Allen Merritt, Regional Manager, IDWR Southern Region, investigated claim numbers 71-04006, 71-10080, and 71-10081 and prepared the recommendations for these claims.

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

LEGAL PRINCIPLES UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBERS 71-04006, 71-10080, and 71-10081

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. The determination of the extent of beneficial use in a water right license is binding on the Department of Water Resources.
5. 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 71-04006, 71-10080, 71-10081

I. Basis of Claims

- A. Water right number 71-04006 is a beneficial use claim.
- B. Water right numbers 71-10080 and 71-10081 are based on the combination of two licenses. License numbers 71-02033 and 71-02034 were issued for a total of 6.84 cfs on 440 acres. Because of a delay in the filing of the proof of beneficial use in the licensing process, both

of these licenses were issued in two stages, so each license has an "A" and a "B" portion. Water right number 71-10080 is a combination of license number 71-02033A and license number 71-02034A (Attachment A), which were licensed for a total of 195 acres. Water right number 71-10081 is a combination of license number 71-02034B and license number 71-02033B (Attachment B), which were licensed for a total of 440 acres.

II. Investigation of Water Right Numbers 71-04006, 71-10080, and 71-10081

This report addresses those elements of water right numbers 71-04006, 71-10081, and 71-10080 that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage).

A. Place of Use

1. IDWR recommended a total of 370.2 irrigated acres for these three water rights. IDWR recommended this acreage based on the following:

a. On 7/1/1993 Allen Merritt, IDWR Regional Manager, conducted a field examination of the claimed place of use, accompanied by Gladys Laverty, the original owner of the property, and observed an irrigated parcel within the area claimed under water right numbers 71-04006, 71-10080, and 71-10081. During the field exam Mrs. Laverty confirmed the areas irrigated on a copy of an aerial photo obtained from the US Forest Service by Mr. Merritt (date of photo unknown). Mrs. Laverty confirmed the dark areas on the photo copy and those red areas on August 8, 1987, NAPP photograph number 437-22 photo which were associated with her land as those lands historically irrigated. This was supported by the observations of Mr. Merritt during the field exam.

b. Mr. Merritt also used GIS technology in analyzing the number of acres irrigated. Mr. Merritt created a GIS shape of the lands irrigated weighing the images on the orthophoto quadrangle V70 and W20 created from aerial photos dated 1984 and 1974 respectively, the NAPP photo and the photo copy representing Mrs. Laverty's confirmation mentioned above. It was determined that 370.2 acres are within the boundaries of the shape and represent the lands irrigated.

c. In recommending a 370.2 acre place of use, Mr. Merritt determined that 69.8 irrigated acres had been forfeited from 440 acres under the licensed places of use claimed under claim number 71-10081. This determination was made based on comparison of the 1984 aerial photo and the 1987 NAPP photo number 437-22, attached as Attachment D, and on Mr. Merritt's 1993 field exam and Mrs. Laverty's confirmation. Mr. Merritt determined that as of the date of his field examination in 1993, no water had been applied to the forfeited 69.8 acres since 1984. Despite the finding of partial forfeiture of the place of use, Mr. Merritt recommended the entire claimed rates of diversion based on his finding of the on-field headgate requirement using the Hubble analysis.

2. 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 71-04006, 71-10080, and 71-10081.

CONCLUSION

Based on the foregoing legal principles and factual findings, IDWR has determined that its recommendation for claims to water right numbers 71-04006, 71-10080, and 71-10081 as represented in Attachment E is accurate and should be so recommended by the Special Master.

ATTACHMENT A

State of Idaho

License and Certificate of Water Right

Water License No. 13039

Amount 1.3 second feet

Water District No.

Priority September 1, 1928

THIS IS TO CERTIFY that MARTIN D. PALMER of Ketchum, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 9, 1917; that Permit No. 13039 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on September 20, 1922, showing that said works were completed on the 5th day of August, 1922; and that on the 2nd day of September, 1937,

GEORGE L. PALMER, ASSIGNEE

of Obsidian, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Champion Creek, a tributary of Salmon River, for the purpose of irrigation, under Use Permit No. 13039 of the Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4229, on the 28th day of August, 1944;

The right hereby confirmed dates from September 1, 1928;

The Point of Diversion is located in the NW 1/4 NE 1/4, Sec. 23, Tp. 8 N., R. 14 E., B. M. Custer County

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 1.3 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 N.	14 E.	22	SW 1/4 NE 1/4	40	5
			SE 1/4 NE 1/4	40	15
			NW 1/4 SE 1/4	40	15
			SW 1/4 SE 1/4	40	30
Total Number of Acres Irrigated					65

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.

State Reclamation Engineer

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 28th day of August, 1944

MARK M. KULP

Commissioner of Reclamation
State Reclamation Engineer

(SEAL)

71 2034

RECEIVED

SEP 9 1945

Department of Water Resources
Division of Water Rights

State of Idaho

License and Certificate of Water Right

Water License No. 13038 Priority September 1, 1928 Amount 2.6 sec. ft.

THIS IS TO CERTIFY that EMMA PALMER

of Heglar, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 9, 1917; that Permit No. 13038 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 4 second feet, was issued thereunder on September 20, 1922, showing that said works were completed on the 5th day of August, 1922; and that on the 2nd day of September, 1937, GEORGE L. PALMER, ASSIGNEE

of Obsidian, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Champion-Creek, a tributary of Salmon River, for the purpose of irrigation under Use Permit No. 13038 of the Commissioner 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 7 of Licenses, at page 4228, on the 28th day of August, 1944;

The right hereby confirmed dates from September 1, 1928;

The Point of Diversion is located

in the NW 1/4 NE 1/4, Sec. 23, Tp. 8 N., R. 14 E., B. M. Custer County.

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 2.6 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated	
8 N.	14 E,	22	NE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓	40	20	
			SW $\frac{1}{4}$ SW $\frac{1}{4}$	40	-	
			SE $\frac{1}{4}$ SW $\frac{1}{4}$ ✓	40	20	
			SW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓	40	35	
			SE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓	40	15	
		27	NW $\frac{1}{4}$ NE $\frac{1}{4}$ ✓	40	20	
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ ✓	40	20	
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	-	
			Total Number of Acres Irrigated -			130

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 28th day of August, 1944

Mark R. Kulp

State Reclamation Engineer

MICROFILMED

ATTACHMENT B

State of Idaho

License and Certificate of Water Right

Water License No. 13039

Amount 1.54 second feet

Water District No.

Priority October 19, 1940

THIS IS TO CERTIFY that MARTIN D. PALMER

of Ketchum, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 9, 1917; that Permit No. 13039 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 3.2 second feet, was issued thereunder on September 20, 1922, showing that said works were completed on the 5th day of August, 1923; and that on the 20th day of October, 1949,

JAMES M. DECKER, Assignee,

of Obsidian, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Champion Creek, a tributary of Selmon River, for the purpose of irrigation, under Use Permit No. 13039 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 8 of Licenses at page 4904, on the 24th day of April, 1952; The right hereby confirmed dates from October 19, 1940;

The Point of Diversion is located

in the NW 1/4 NE 1/4, Sec. 23, Tp. 8 N., R. 14 E., B. M. Custer County

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 1.54 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
8 N.	14 E.	23	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	35
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	30
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	37
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	40
			Number of Acres Actually Irrigated - -		
License previously issued for 1.3 cubic feet per second, with priority of September 1, 1928.					

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

24th day of April, 1952.

(SEAL)

MARK R. KULP
State Reclamation Engineer

71 2034

State of Idaho

License and Certificate of Water Right

Water License No. 13038

Amount 1.4 second feet

Water District No.

Priority October 19, 1940

THIS IS TO CERTIFY that **EMMA PALMER** of **Hegler, Idaho**, made application for a permit to appropriate the public waters of the State of Idaho, dated **July 9**, 19 **17**; that Permit No. **13038** was issued under said application; that Certificate of Completion of works, with a carrying capacity of **Four** second feet, was issued thereunder on **September 20**, 19 **22**, showing that said works were completed on the **5th** day of **August**, 19 **22**; and that on the **20th** day of **October**, 19 **49**.

JAMES M. DECKER, Assignee of **Obaidian**, State of **Idaho**, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of **Champion Creek**, a tributary of **Salmon River**, for the purpose of **irrigation**, under Use Permit No. **13038** 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 **0** of Licenses at page **4903**, on the **24th** day of **April**, 19 **52**; The right hereby confirmed dates from **October 19**, 19 **40**;

The Point of Diversion is located in the **NW 1/4 NE 1/4 Sec. 23**, Twp. **6 N.**, R. **14 E.**, B.M. **Custer County**

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 **1.4** cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated		
6 N.	14 E.	23	NE 1/4 SW 1/4	40	40		
			SW 1/4 SW 1/4	40	32		
			SE 1/4 SW 1/4	40	40		
			SW 1/4 SE 1/4	40	40		
		27	NE 1/4 NE 1/4	40	32		
			NW 1/4 NE 1/4	40	40		
			SE 1/4 NE 1/4	40	40		
			SW 1/4 NE 1/4	40	40		
			Number of Acres Actually Irrigated				298
			License previously issued for 2.4 cubic feet per second, with priority of September 1, 1924.				

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 **24th** day of **April**, 19 **52**.

(SEAL)

MARK R. KULP

State Reclamation Engineer

71 2033

ATTACHMENT C

IDAHO DEPARTMENT OF WATER RESOURCES

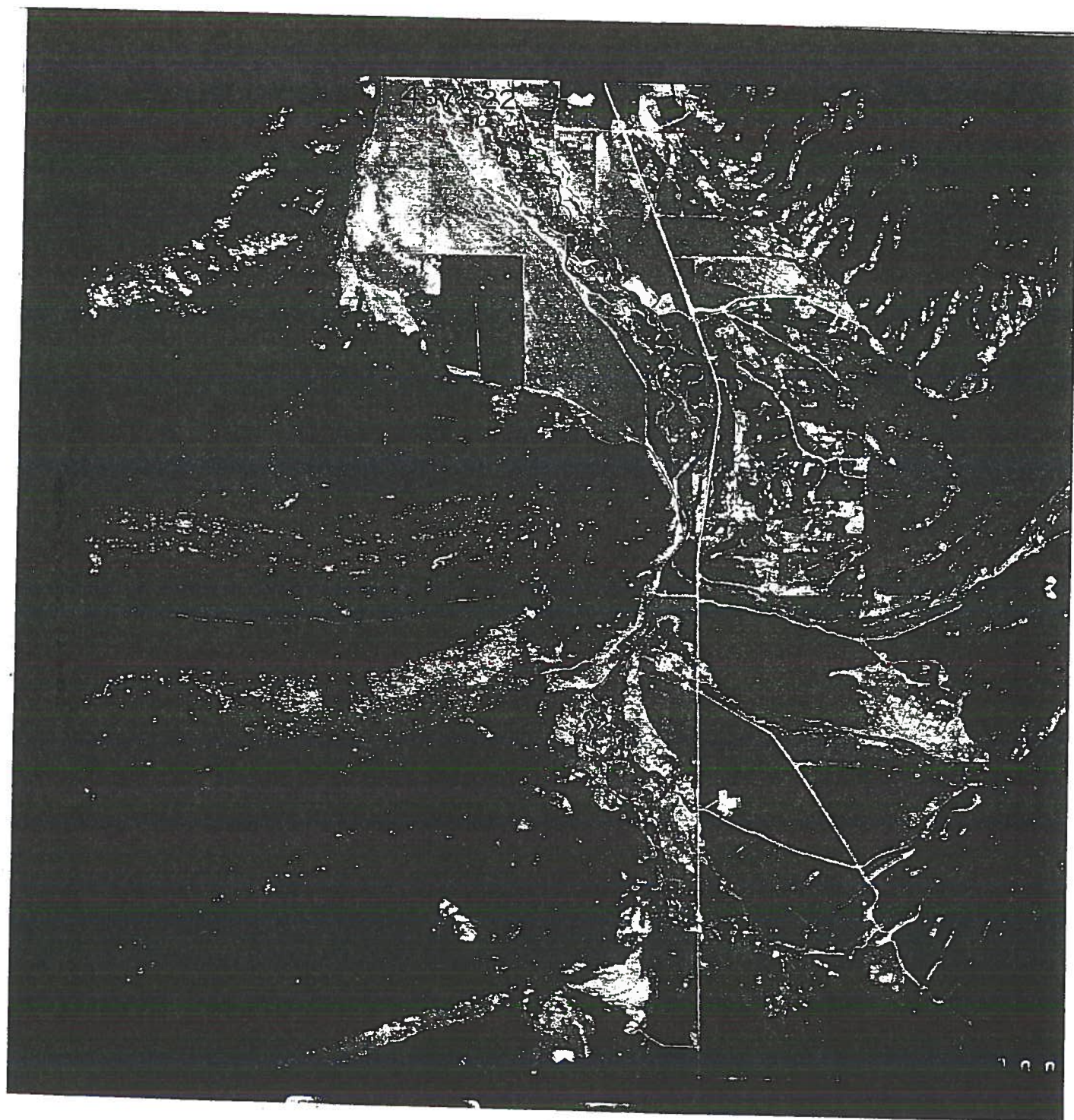
71-10080, 71-10081 & 71-04006



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

ATTACHMENT D

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ATTACHMENT E

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-13

RIGHTS FROM: SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-04006

NAME & ADDRESS: THE HUMPHREYS TRUST
10495 STONE QUARRY RD
PAYETTE ID 83661

SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.9 CFS

PRIORITY DATE: 06/01/1962

POINT OF DIVERSION: T08N R14E S23 NENWNE Within CUSTER County
NENWNW

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 1.9 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T08N R14E S22 SWNE 21 SENE 28.9 NESW 29.5 SWSW 20.7
SESW 37.6 NESE 31.3 NWSE 39.7 SWSE 39.8
SESE 30
S27 NWNE 22.6 NENW 38.4 SENW 30.7
370.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 370.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-10081 & 71-10080

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 - BENEFICIAL USE

AJ5856NP

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

DATE: SEP-28-1999

PAGE: A-14

RIGHTS FROM: SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-04006 (CONT)

EXPLANATORY MATERIAL: (CONT)

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 71-10278, 71-10277, 71-10081,
71-10080, 71-04021 & 71-02026.

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-28-1999
PAGE: A-9

RIGHTS FROM: SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10081

NAME & ADDRESS: THE HUMPHREYS TRUST
10495 STONE QUARRY RD
PAYETTE ID 83661

SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.94 CFS

PRIORITY DATE: 10/19/1940

POINT OF DIVERSION: T08N R14E S23 NENWNE Within CUSTER County
NENWNW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 2.94 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T08N R14E S22 SWNE 21 SENE 28.9 NESW 29.5 SWSW 20.7
SESW 37.6 NESE 31.3 NWSE 39.7 SWSE 39.8
SESE 30
S27 NWNE 22.6 NENW 38.4 SENW 30.7
370.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 370.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-10080 & 71-04006

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-28-1999
PAGE: A-10

RIGHTS FROM: SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10081 (CONT)

EXPLANATORY MATERIAL: (CONT)

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

PORTION OF RIGHT FORFEITED/ABANDONED.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 71-10278, 71-10277, 71-10080,
71-04006, 71-04021 & 71-02026.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 71-02033B AND
71-02034B.

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-3

RIGHTS FROM: SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10080

NAME & ADDRESS: THE HUMPHREYS TRUST
10495 STONE QUARRY RD
PAYETTE ID 83661

SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 3.9 CFS

PRIORITY DATE: 09/01/1928

POINT OF DIVERSION: T08N R14E S23 NENWNE Within CUSTER County
NENWNW

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 3.9 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T08N R14E S22 SWNE 21 SENE 28.9 NESW 29.5 SWSW 20.7
SESW 37.6 NESE 31.3 NWSE 39.7 SWSE 39.8
SESE 30
S27 NWNE 22.6 NENW 38.4 SENW 30.7
370.2 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 195 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO
THE IRRIGATION OF A COMBINED TOTAL OF 370.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-10081 & 71-04006

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

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-4

RIGHTS FROM: SOURCE: CHAMPION CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10080 (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 - LICENSE

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 71-10278, 71-10277, 71-10081,
71-04006, 71-04021 & 71-02026.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 71-02033A AND
71-02034A.

EXHIBIT 2

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 Re SRBA Claimant) Subcase Nos. 71-04006, 71-10080, and
) 71-10081

AFFIDAVIT OF ALLEN MERRITT

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

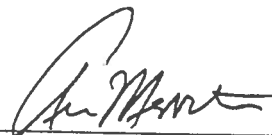
s and hearings in front of the Snake River Basin Adjudication Court, and participated in numerous settlement conferences and meetings with parties to the Snake River Basin Adjudication.

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

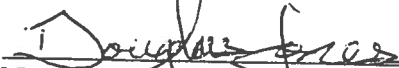
5. I conducted the investigation of claims to water right numbers 71-04006, 71-10080, and 71-10081. I also prepared the recommendation for these claims.

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 71-04006, 71-10080, and 71-10081 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: _____

RECEIVED

JAN 14 1999

Department of Water Resources

71-04006

RECEIVED

JAN 25 1999

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 71-04006

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: The Humphreys Trust
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 Humphreys Trust
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:
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: Combined place of use for this right and 71-10080 and 71-10081 should be 440 acres in the locations stated in the Notice of Claim A71-10081.
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):

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine)

ss.

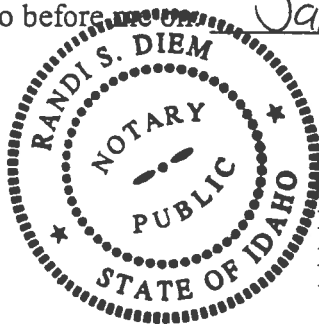
James P. Speck, being first duly sworn, upon oath, deposes and says:

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

(Signature of person filing objection)

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

Subscribed and sworn to before me on January 12, 1999



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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on January 12, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

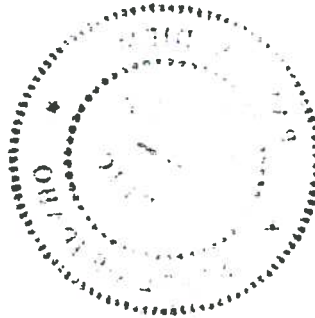
Name: The Humphreys Trust
Address: 10495 Stone Quarry Road
Payette, ID 83661

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

1999 JAN 14 PM 4: 44

DISTRICT COURT - 5TH JUDICIAL DISTRICT
TWIN FALLS CO., IDAHO
FILED

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 71-04006

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: W. Michael Humphreys
The Humphreys Trust

Address: 72 Abbott Road
Wellesley, MA 02181

Daytime Phone: (617) 431-1229

Name & Address of Attorney, if any:

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

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

Name: The Humphreys Trust

Address: 10495 Stone Quarry Rd
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:
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: 51 acres, as claimed (but if combined with 71-10080 and 71-10081, total place of use should be 480 acres).

11. I object because:

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

E. REASONS SUPPORTING OBJECTION(S): The number of acres recommended as a combined place of use for 71-04006, 71-10080, and 71-10081 (370.2 acres) is less than the combined number of acres historically irrigated under the three water rights.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Twin Falls)

Norman M. Semanko, duly sworn, upon oath, deposes and says:

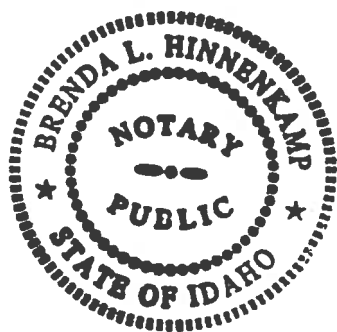
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

1/14/99

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 14, 1999



Brenda L. Hinnenkamp
NOTARY PUBLIC FOR IDAHO

Residing at: Twin Falls, ID

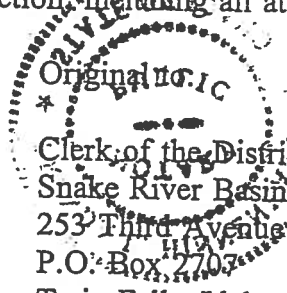
My commission expires: 9/11/2004

INSTRUCTIONS FOR MAILING

You must mail the objection, including all attachments, 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.

CERTIFICATE OF MAILING

I hereby certify that on January 14, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. 
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 owner of the water right at the following address:

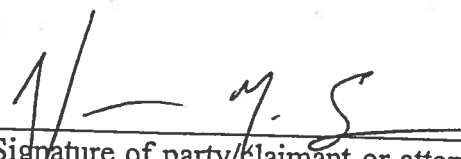
W. Michael Humphreys
The Humphreys Trust
72 Abbott Road
Wellesley, MA 02181
3. Copies to:

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

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

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

HUMPHRY6.OBJ



Signature of party/claimant or attorney
mailing on Objector's behalf

Hello Doug:

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

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

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

71-00027B 71-10059

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

FAX MEMORANDUM

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

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

RECEIVED

AUG 19 1998

Department of Water Resources
Southern Region

Dear Sirs;

I have enclosed Notice of Error Reply Forms for the following Snake River Basin
Adjudication water right claims, in the name of W. Michael & Candace P. Humphreys,
and W. Michael & Candace P. Humphreys, as Trustees of The Humphreys Trust:

71-10080

71-10081

71-04006

71-02047A

71-04021

71-02047B

71-02054

71-04018

Sincerely,



W. Michael Humphreys

July 22, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED

AUG 14 1998

Department of Water Resources

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

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

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

Water right number: 71-04006

THE HUMPHREYS TRUST
10495 STONE QUARRY RD
PAYETTE ID 83661

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):

of Acres

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

of Acres should be as filed

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

8.12.98 w. Michael Hayden

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

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

Water Right Number - R71-04006

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
THE HUMPHREYS TRUST

1 - 10495 STONE QUARRY RD
2 -
3 -
City- PAYETTE
Phone - 208-642-7137

State- ID Zip- 83661

Priority Date - + 06/01/1962 17 SOUTHERN

J - BENEFICIAL USE

Status - +

Source - + CHAMPION CREEK

Tributary - SALMON RIVER

Point of Diversion -

Twn Rng Sec Tract Lot Rflg County
08N 14E 23 NE NW NE (37) CUSTER
NE NW NW (37) CUSTER

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

01 - IRRIGATION 05/01 09/30

1.900

Total Div. Rate - + 1.900 Total Div. Volume - + 0.0 Total Consumptive Use - + KM Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	14E	22	SW NE	21.0	01	IRRIGATION	(37) CUSTER	
08N	14E	22	SE NE	28.9	01	IRRIGATION	(37) CUSTER	
08N	14E	22	NE SW	29.5	01	IRRIGATION	(37) CUSTER	
08N	14E	22	SW SW	20.7	01	IRRIGATION	(37) CUSTER	
08N	14E	22	SE SW	37.6	01	IRRIGATION	(37) CUSTER	
08N	14E	22	NE SE	31.3	01	IRRIGATION	(37) CUSTER	
08N	14E	22	NW SE	39.7	01	IRRIGATION	(37) CUSTER	
08N	14E	22	SW SE	39.8	01	IRRIGATION	(37) CUSTER	
08N	14E	22	SE SE	30.0	01	IRRIGATION	(37) CUSTER	
08N	14E	27	NW NE	22.6	01	IRRIGATION	(37) CUSTER	
08N	14E	27	NE NW	38.4	01	IRRIGATION	(37) CUSTER	
08N	14E	27	SE NW	30.7	01	IRRIGATION	(37) CUSTER	

Total Acres: 370.2

- - - Diversion Means - CHECK DAMS TO EARTHEN DITCHES

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - A71-10081 & A71-10080

Prefix Translation: RESEARCH

POU1 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-10081 & 71-10080

EXP THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 71-10278, 71-10277, 71-10081,
71-10080, 71-04021 & 71-02026.

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

```
+-----+-----+-----+-----+-----+-----+-----+-----+
-Comments-
```

Date: 05/13/1998 User Id: AMERILLT Subject: RECOMMENDATION
THIS CLAIM IS FOR MORE ACRES BUT IN REVIEW THE FIRST TWO RIGHTS
POINT OF DIVERSIONS WHICH HAS HISTORICALLY BEEN DIVERTED.
INCLUDE ENOUGH ACRES BUT THIS CLAIM ALLOWS FOR MORE WATER AT THE

```
+-----+-----+-----+-----+-----+-----+-----+-----+-----+-----+
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	- 11/27/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P

Receipt Number	- M005257	Water District	-
POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- OR	Presumption Flag	-
		Notice of Error Flag	-

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:10:51
05/28/92

CLAIM NUMBER: A71-04006

LAST: LAVERTY
ADDRESS: BOX 178
CITY: CHALLIS
PHONE NUMBER: 208-879-4494

FIRST: GLADYS
STATE: ID ZIP: 83226

OWNER CODE: C

NAME: LAVERTY
ADDRESS: BOX 178
CITY: CHALLIS
PHONE NUMBER: 208-879-4494

FIRST: KAY
STATE: ID ZIP: 83226

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE
N

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

Checked

CONTACT PERSON: Glady Laverdy

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 7/1/93 APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: Glady Laverdy

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: Son

DIRECTIONS TO PROPERTY / REMARKS:

Ownership has changed to The Humphys Trust

A. AJ CLAIM: # A71-04006 PRIORITY DATE: 06-01-1962 STAGE: J
B. WR RECORD: # 71-04006 PRIORITY DATE: 06-01-1962 STAGE: S

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

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? () (X) N

REMARKS:

Affidavit supports priority claimed.

Claim is fine after 2ccr not being recommended but additional rate allowed since 2ccr requires more water that 71-10080 & 71-10081 provide & diversion capacity is greater than 71-10080 & 71-10081. See file 71-10080 for maps, GIS & excess flow analysis.

RECOMMENDED PRIORITY DATE:
06-01-1962

REVIEWED BY

AB

DATE

5/13/58

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A71-04006	08N	14E	23	NE	NW	NW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A71-10081 NONE

WR RECORDS IN SAME 40 ACRE TRACT
71-02026
71-04021
T71-04021

SOURCE: CHAMPION CREEK

TRIB: SALMON RIVER

WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
71-04006	08N	14E	23		NW	NW		CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

71-02026
71-04021
T71-04021

A71-02026
A71-04021
A71-10081

NONE

SOURCE: CHAMPION CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

Recommended for 5th diversion.

See GIS MAP

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4

8N 14E 23

NE NW NW NE

1/4

LOT

COUNTY

Custer

SOURCE: CHAMPION CREEK

TRIB: SALMON RIVER

REVIEWED BY:

ADW

DATE:

5/13/98

A. ROOT WATER RIGHT NUMBERS: A71-04006

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	14E	22	30	30		LAVERITY, GLADYS	A71-04006 / 228.0	71-04006 / 735.0			22.0
			SW	SW		LAVERITY, GLADYS	A71-10081 / 32.0	71-02033B / 32.0			
			SW	SW		DECKER, JAMES M.					
08N	14E	22	30	30		LAVERITY, GLADYS	A71-04006 / 78.0	71-04006 / 715.0			42.0
			SE	SW		LAVERITY, GLADYS	A71-10080 / 20.0				
			SE	SW		LAVERITY, GLADYS	A71-10081 / 40.0				
			SE	SW		LAVERITY, GLADYS	A71-10082 /				
			SE	SW		PALMER, GEORGE L.	71-02033B / 20.0				
			SE	SW		DECKER, JAMES M.	71-02033B / 40.0				
08N	14E	27	NE	NW		LAVERITY, GLADYS	A71-04006 / 73.0	71-04006 / 75.0			39.0
			NE	NW		LAVERITY, GLADYS	A71-10080 / 20.0				
			NE	NW		LAVERITY, GLADYS	A71-10081 / 40.0				
			NE	NW		PALMER, GEORGE L.	71-02033B / 20.0				
			NE	NW		DECKER, JAMES M.	71-02033B / 40.0				
08N	14E	27	SE	NW		LAVERITY, GLADYS	A71-04006 / 712.0	71-04006 / 730.0			33.0
			SE	NW		LAVERITY, GLADYS	A71-10081 / 34.0	71-02033B / 34.0			
			SE	NW		DECKER, JAMES M.					
TOTAL ACRES							A71-04006	51.00	85.00	136.00	

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

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

71-10080

See
GIS
Sheet
is
file

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

370.2

REVIEWED BY:

ADW

DATE:

5/13/68

A. AJ CLAIMED USES:

PURPOSES
A71-04006 IRRIGATION

MONTH/DAY
FROM 05-15 TO 10-01

DIVERSION QUANTITY
1.900 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.900 CFS

B. WR RECORDED USES:

PURPOSES
71-04006 IRRIGATION

MONTH/DAY
FROM 05-15 TO 10-01

DIVERSION QUANTITY
1.900 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.900 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

FIELD
DATABASE EXAMINER
N
N
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

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

Explain in remarks, below.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.900 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.900 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 *p454*, SEE ATTACHED CALCULATIONS.

FLOW MEASUREMENT

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

OTHER RIGHTS LISTED IN CLAIM: A71-10081

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-04006	CHAMPION CREEK	LAVERTY, GLADYS	1.900	0.037		
A71-10080	CHAMPION CREEK	LAVERTY, GLADYS	3.900	0.020		
A71-10081	CHAMPION CREEK	LAVERTY, GLADYS	2.940	0.006		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10082	DOMESTIC	LAVERTY, GLADYS	FROM 01-01 TO 12-31	.030 CFS	

See sheet in 71-10080

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES ~~_____~~ $\times$ 0.02 CFS/ACRE = CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 127.5 AE/A

ACRES ~~_____~~ $\times$ CONSUMPTIVE VOL. AE/A FOR AREA ~~_____~~ =

TOTAL CONSUMPTIVE USE ~~_____~~ AE/A

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.)

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

IRRIGATION

~~05-15~~ ~~12-01~~

DATABASE
1.900

EXAMINER

DATABASE EXAMINER

~~DATABASE~~ ~~EXAMINER~~

TOTAL FOR THIS RIGHT

1.900

REVIEWED BY:

DATE:

AO

5/13/92

~~X~~

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
() ()
() ()
() ()

changed

N/A

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-04006
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.900

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

A71-04006

1.900

-

71-04006

1.900

TOTAL CFS

1.900

1.900

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, is the written review sheet attached? (Y/N)

DATABASE
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

5/10/98

NAME OF FIELD EXAMINER:

TITLE:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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BUICKLOOK INFORMATION

CLAIM NUMBER: A71-04006

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

*VERIFIED BY * CODES

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

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

APR
5/13/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

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PROFILE REPORT

CLAIM NUMBER: A71-04006

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GLADYS LAVERTY RAY LAVERTY BOX 178 CHALLIS ID 83326 (208) 879-4494	06/01/1962	IRRIGATION	05-15 10-01	1.90 CFS	127.5 AFA
TOTAL DIVERSION: CONSUMPTIVE USE:					1.90 CFS	

Water Source: CHAMPION CREEK

Tributary to: SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08N R14E S23

NENWNW

CUSTER County

Point of use Legal Description for: IRRIGATION		NE		NW		SW		SE		SUM
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
08N 14E 22	:	:	:	:	:	:	:	:	:	36.0
08N 14E 27	:	:	:	:	:	:	:	:	:	15.0
TOTAL ACKRES										51.0

POU County: CUSTER

Other Rights: A71-10081

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