

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: A71-04036A
Date Received: 5/ 9/1990
Receipt No: X111111
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401-2394

2. Date of Priority: MAY 1, 1930

3. Source: UNNAMED DRAIN Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	14E	29	NE	SW			CUSTER
			NW	SE			CUSTER

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	09/30	0.800		
STOCKWATER	04/01	12/01	0.010		

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

8. Total consumptive use is 36.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER/ 25 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	14E	29	NE	SW		IRR	7.0

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OCT 28 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
09N	14E	29	NW SE		IRR	11.0
Section Acres						18.0
Total Acres						18.0

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:
FOREST SERVICE RECORD ID = 04 14 17060201 49 0 0041
ACQUIRED, 1993 BY CONDEMNATION.

15. Basis of Claim: LICENSE

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OCT 28 1994

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 A71-04036
Date Received 4-18-94
Receipt Number _____

AMENDED NOTICE OF CLAIM TO A WATER RIGHT AMENDED

ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah, 84401

2. Date of Priority: 5/1/1930

3. Source of water supply: Unnamed drain Trib. To: Salmon River

4. Location of Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>
9N	14E	29	NESW		Custer
9N	14E	29	NWSE		Custer

5. Description of Diversion Works: Ditch

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>C.F.S.</u>	<u>AFA</u>	<u>Well Depth</u>
Irrigation	5/1	9/30	0.80		
Stockwater	4/1	12/1	0.01		

7. Total quantity appropriated is: 0.80 C.F.S.

8. Total consumptive use is: 36.0 A.F.A.

9. Non-irrigation uses: Stockwater Livestock Numbers: 25 horses

10. Place of Use: (Stockwater same location).

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>	<u>Acres</u>
9N	14E	29	NESW		Custer	7.0
9N	14E	29	NWSE		Custer	11.0

Purpose of Use: Irrigation Acres Irrigated: 18

11. Place of use in Counties: Custer

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

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OCT 28 1994

13. Other Water Rights Used: None

14. Remarks: Acquired, 1993 by condemnation.

15. Basis of Claim: 71-04036 Beneficial use (statutory claim).

Reference Information:

National Forest: Sawtooth

Forest Service Record ID: 04 14 17060201 49 0 0041

IDWR Water State Filing No.: A71-04036

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the Claimant should be mailed to the individuals at the address below:

K. Jack Haugrud
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

MICROFILMED
OCT 28 1994

United States
Department of
Agriculture

Forest
Service

Boise
Adjudication Team

380 E. Parkcenter Blvd.
Suite 330
Boise, ID 83706

Reply To: 2540
Date: April 13, 1994

Mr. Dave Shaw
Adjudication Bureau Chief
State of Idaho
1301 N. Orchard
Boise, ID 83705

RECEIVED
APR 18 1994
Department of Water Resources

Dear Mr. Shaw:

Enclosed are new claims numbered A71-10769 through A71-10773 and amended claims numbered A71-10729, A71-10725, A71-10728, A71-04036, A71-10766, and A71-02004. We would like to thank Allen Merritt for his assistance in preparing and amending these claims.

If you have any questions or need further information, please call contact Kathy Minor or Bob Kenworthy at (208) 387-0835. Thank you very much.

Sincerely,

Kathleen P. Minor

Kathleen P. Minor
Hydrologist, Boise Adjudication Team

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OCT 28 1994

RECEIVED

JAN 25 1994

Department of Water Resources
Southern Region Office

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A71-04036A
Date Received: 5/ 9/1990
Receipt No: X111111
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: UNITED STATES OF AMERICA ACTING THROUGH 801-625-5360
Address: USDA FOREST SERVICE
324 25TH STREET
OGDEN UT 84401-2394

2. Date of Priority: JUN 9, 1908

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	14E	3	SW	NW			CUSTER

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.800		
STOCKWATER	04/01	12/01	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	14E	29	NE	SW		IRR	
			NW	SE		IRR	

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OCT 28 1994

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:
FOREST SERVICE RECORD ID = 04 14 17060201 49 0 0041
ACQUIRED, 1993.

15. Basis of Claim: LICENSE

MICROFILMED
OCT 28 1994

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 A71-04036 *A*
Date Received *12-15-1993* *af*
Receipt Number *X11111*

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

1. Name: UNITED STATES OF AMERICA (USDA Forest Service)
Address: 324 25th Street Phone (801) 625-5360
Ogden, Utah, 84401

2. Date of Priority: 6/9/1908

3. Source of water supply: Fisher Creek Trib. To: Salmon River

4. Location of Point of Diversion:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>
8N	14E	3	SWNW		Custer

5. Description of Diversion Works: Ditch

6. Water is used for the following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>C.F.S.</u>	<u>AFA</u>	<u>Well Depth</u>
Irrigation	6/1	10/1	0.80		
Stockwater	4/1	12/1	0.03		

7. Total quantity appropriated is: 0.83 C.F.S.

8. Total consumptive use is: 0.83 C.F.S.

9. Non-irrigation uses: Livestock Numbers: N/A

10. Place of Use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tract</u>	<u>Gov't Lot</u>	<u>County</u>
9N	14E	29	NESW		Custer
9N	14E	29	NWSE		Custer

Purpose of Use: Irrigation Acres Irrigated: 20

11. Place of use in Counties: Custer

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

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OCT 28 1994

13. Other Water Rights Used: None

14. Remarks: Acquired, 1993

15. Basis of Claim: License, 71-04036

Reference Information:

National Forest: Sawtooth

Forest Service Record ID: 04 14 17060201 49 0 0041

IDWR Water State Filing No.: A71-04036

Notice is hereby given that the United States Department of Justice will represent the Department of Agriculture, Forest Service, in all matters pertaining to the Snake River Basin Adjudication. All notices required by law to be mailed by the Director to the Claimant should be mailed to the individuals at the address below:

K. Jack Haugrud
Daria J. Zane
U.S. Department of Justice
Environment and Natural Resources Division
550 W. Fort Street, Box 33
Boise, ID 83724

This form is an attachment to a letter forwarding the claims of the U.S. Department of Agriculture, Forest Service. The signature and affirmation on such letter constitutes the signature of the authorized agent representing the United States of America required for each such claim.

MICROFILMED
OCT 28 1994

Water Right Number - R71-04036A
Prefix Translation: RESEARCH
Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - - + - - - - Address - - - - - +

*** A - ATTORNEY ***
HAUGRUD, JACK AND/OR GEOFFREY GARVER
1 - US DEPT OF JUSTICE
2 - ENV & NR DIV GEN LIT SEC
3 - PO BOX 663
City- WASHINGTON
Phone - 202-272-4134
State- DC Zip- 200440663

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH
UNITED STATES OF
1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE
1 - FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

USFS
1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- UT Zip- 0

*** R - REPRESENTATIVE ***
BOYLE
1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1930 17 SOUTHERN J - BENEFICIAL USE
+ - - Source - - - - - + - - - - Tributary - - - - - +
UNNAMED DRAIN WILLIAMS CREEK

+ - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
09N 14E 29 SE NE SW (37) CUSTER
SW NW SE (37) CUSTER
SE NW SE (37) CUSTER

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 09/30 0.800
04 - STOCKWATER 04/01 12/01 0.010

On Host Temp 7/17 to 7/18 to
Changed "T" to "P" to
date 7/17/98

Page 3
07/17/98 09:22:40

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

AJ0743NP
(00-124)

Prefix Translation: RESEARCH

Water right number - R71-04036A

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

AJ5808NP
(00-26)

Old (D) Number -

Prefix Translation: RESEARCH

Water Right Number - R71-04036A

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

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH

UNITED STATES OF

1 - USDA FOREST SERVICE
2 - 550 W FORT STREET
3 - PO BOX 33C
City- BOISE
Phone -

State- ID Zip- 83724

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE

1 - FOREST SERVICE
2 - 550 W FORT STREET
3 - PO BOX 33C
City- BOISE
Phone -

State- ID Zip- 83724

USFS

1 -
2 -
3 -
City- X
Phone -

State- ID Zip- 0

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1930 17 SOUTHERN L - LICENSE

+ - - Source - - - - + + - - - - Tributary - - - - - +
UNNAMED DRAIN SALMON RIVER

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot Rflg County Diversion Name

09N 14E 29 NE SW NW SE (37) CUSTER (37) CUSTER

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

01 - IRRIGATION 05/01 09/30 0.800
04 - STOCKWATER 04/01 12/01 0.010

+ - Total Div. Rate - - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.800 36.0

+ - - - - - Place of Use - - - - - Description - - - - - County - - - - - +
TwN Rng Sec Tract Lot Acres Code

09N 14E 29 NE SW 7.0 01 IRRIGATION (37) CUSTER
09N 14E 29 NW SE 11.0 01 IRRIGATION (37) CUSTER

Total Acres: 18.0

+ - - Diversion Means - DITCH

+ - - Non-Irrigation Use - STOCKWATER/ 25 HORSES

On Host 7/17

Water Right Number - R71-04036A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
HAUGRUD, JACK AND/OR GEOFFREY GARVER

1 - US DEPT OF JUSTICE
2 - ENV & NR DIV GEN LIT SEC
3 - PO BOX 663
City- WASHINGTON
Phone - 202-272-4134
State- DC Zip- 200440663

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH

UNITED STATES OF

1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE

USFS

1 - FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- UT Zip- 0

*** R - REPRESENTATIVE ***
BOYLE

GARY

1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360
State- UT Zip- 844012394

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1930 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - + + - - - - Tributary - - - - +
UNNAMED DRAIN WILLIAMS CREEK

+ - - - - Point of Diversion - - - - +
Twn Ring Sec Tract Lot RFlg County
09N 14E 29 SE NE SW (37) CUSTER
SE NW SE (37) CUSTER
SE NW SE (37) CUSTER

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 09/30 0.800
04 - STOCKWATER 04/01 12/01 0.010

Prefix Translation: RESEARCH

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

Total Acres: 18.1

GEN FOREST SERVICE RECORD ID = 04 14 17060201 49 0 0047

EXP A LARGE PORTION OF THE WATER COMPRISING THE UNNAMED DRAIN IS WASTE WATER GENERATED BY DIVERSIONS FROM THE SALMON RIVER WITHIN THE SWSNE S05 AND SENSE S08, T08N, R14E.

- APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
- GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO
- CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT,
- OR TO RECAPTURE IT.

G02 - THIS RIGHT IS SUBJECT TO ADMINISTRATION AS PART OF THE NATURAL
- SOURCE TO WHICH THE WASTE IS TRIBUTARY.

Decree Plaintiff	Decree Defendant	Decree Date
00/00/0000		

-----Comments-----

No Comments Found

06/12/98 AMERRITT

Adjudication Rights Dates and Flags Area				
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number
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

AJ0743NP
(00-124)

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

06/12/98 14:01:49
Page 3

Water right number - R71-04036A

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +					
Claim Received Date	- 05/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	- X111111	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

71-04036A

DATE: 6/12 1998

REVIEWED BY

AD

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

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

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

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL ROTATION (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
Wg1	<u>2.66</u>	<u>14</u>	* <u>9.4</u>	* <u>0.45</u>	= <u>0.80</u> CFS
Bs1	<u>5.00</u>	<u>14</u>	* <u>7.9</u>	* <u>0.19</u>	= <u>0.54</u> CFS
L24	<u>4.00</u>	<u>14</u>	* <u>0.8</u>	* <u>0.30</u>	= <u>0.07</u> CFS
					<u>1.41</u>

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

ORIGINAL HUBBLE RATE = _____

MEASURED DIVERSION RATE = _____

Allow 0.80

LAIM NUMBERS 71-04036A

DATE 6/9/98
AGENT AD

TRANSFER NUMBER _____

HOMESTEAD ENTRY NO. _____

CLAIMED ACRE TOTAL _____

GEOGRAPHIC INFO ACRES _____

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM																			
GIS												5.3	AD			12.8			18.
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B71-DBPOD.SHP

NOS DESCRIPTION

93
94
95

W91 B51 L24
9.4 7.9 0.8

B71-DBPOU.SHP

SHAPE NOS

150

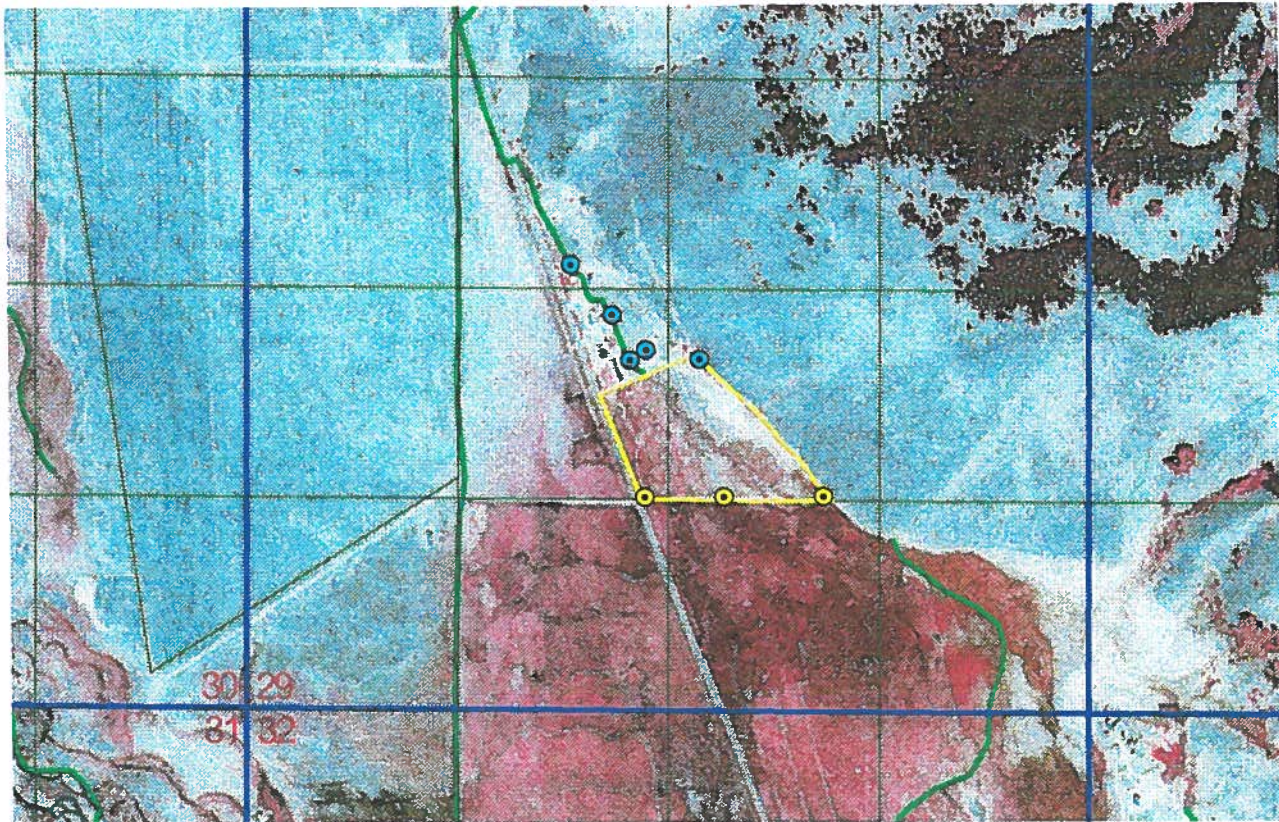
DBF TABLES UPDATED

B71-DBPOD.DBF

B71-DBPOU.DBF

IDAHO DEPARTMENT OF WATER RESOURCES

71-04036A



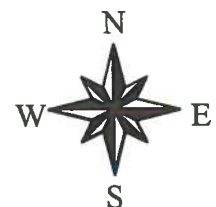
1320 0 1320 2640 Feet

POU:

TWP 09N, RGE 14E, SEC 29

POD:

UNNAMED DRAIN - SENESW, SWNWSE &
SENWSE SEC 29, TWP 09N, RGE 14E



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

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

R PROOF

X

CVR

X

MAPS

PHOTOS

MISC

X

15-Jun-1994

RE: SRBA CLAIM FILE: 71-04036A

I VALDON HANCOCK, REPRESENTING THE USFS, ON THIS DAY HAVE REVIEWED THE DOCUMENTS CONTAINED IN THE ABOVE REFERENCED FILE. IN DOING SO I UNDERSTAND THAT THERE IS NO REPRESENTATION THAT THE DRAFTED "R" RECORD REPRESENTS THE FINAL RECOMMENDATION AND THE DOCUMENTS CONTAINED IN THE FILE ARE SUBJECT TO REVISION, ADDITION &/OR DELETION.

Valdon Hancock

MICROFILMED
OCT 28 1994

Water Right Number - R71-04036A

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - - +

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

*** A - ATTORNEY ***

HAUGRUD, JACK AND/OR GEOFFREY GARVER

1 - US DEPT OF JUSTICE
2 - ENV & NR DIV GEN LIT SEC
3 - PO BOX 663
City- WASHINGTON

State- DC Zip- 200440663

Phone - 202-272-4134

*** C - CURRENT OWNER ***
AMERICA ACTING THROUGH

UNITED STATES OF

1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360

State- UT Zip- 844012394

*** K - ALSO KNOWN AS ***
US DEPT OF AGRICULTURE1 - FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360

State- UT Zip- 844012394

USFS

1 -
2 -
3 -
City- X
Phone - 208-000-0000

State- UT Zip- 0

*** R - REPRESENTATIVE ***
BOYLE

GARY

1 - USDA FOREST SERVICE
2 - 324 25TH STREET
3 -
City- OGDEN
Phone - 801-625-5360

State- UT Zip- 844012394

+ - - Priority Date - - +
05/01/1930+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - +
UNNAMED DRAIN+ - - Tributary - - - +
WILLIAMS CREEK

+ - - Point of Diversion - - - +

+ - -
Twn Rng Sec Tract Lot RFlg County
09N 14E 29 NE SW (37) CUSTER
NW SE (37) CUSTER+ - -
Code Description Period From Water Use Period To Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 09/30 0.800
04 - STOCKWATER 04/01 12/01 0.010

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OCT 28 1994

Prefix Translation: RESEARCH

36.0

(37) CUSTER
(37) CUSTER
(37) CUSTER
(37) CUSTER

+ - - - Diversion Means - DITCHES COLLECT WASTE WATER THEN FLOOD LANDS IRRIGATED

+ - - Other Rights for Same Use - NONE

FOREST SERVICE RECORD ID = 04_14_17060201_49_0_0041
A LARGE PORTION OF THE WATER COMPRISING THE UNMANNED DRAIN IS
WASTE WATER ORIGINALLY DIVERTED FROM THE SALMON RIVER WITHIN
THE SMOENES S05 AND SENSES S08, 108N, R14E.

No Old Water Right Numbers Found

G01 - THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL
 - APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS
 - GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO
 - CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT,
 - OR TO RECAPTURE IT.
 G02 - THIS RIGHT IS SUBJECT TO ADMINISTRATION AS PART OF THE NATURAL
 - SOURCE TO WHICH THE WASTE IS TRIBUTARY.

Decree Dat
00/00/0000

- - -Comments- -
No Comments Found

02/23/94 MERRITT

[illegible]

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39576
OCT 28 1994

Water right number - R71-04036A

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +					
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 05/09/1990	Last Amended Date	- 00/00/0000	Temporary Right	- T
		Receipt Number	-	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

23-Feb-1994 15:14

Fred Stewart
Rt 4, Box 4826
Jerome, ID 83338

RE: SRBA Claim A71-04036

Dear Mr. Stewart

As you recall we met this last summer at your property near Obsidian to go over your Notice of Claims in the Snake River Basin Adjudication for water uses in that area. At that time you indicated that you were in a lawsuit with the government over the ownership of the tract of land south of Sessions. Since we met the United States acting through the Forest Service has filed a Notice of Claim for a water right matching your claim for that same tract of land.

In my review I must decide in whose name to recommend the water use I determined exists. It is generally our policy to recommend the right in the name of the land owner which I have determined to be the United States; however, sometimes water rights can be separated from land by specific reservation of the water right at the time the land changes ownership.

At this point in time I am giving you the opportunity to clearly show that a reservation of the water right existed. If you cannot provide evidence to that affect I must conclude that the water right was not reserved from the property and I must recommend the right in the name of the United States. Since I am finalizing my recommendation I request that you respond within 10 days of the date of this letter if you have a response.

If you have questions please feel free to contact our office.

Sincerely,

Allen D. Merritt, P.E.
Water Rights Supervisor

MICROFILMED
OCT 28 1994

203579

RE: 171-5-256

U.S. District Court
District of Idaho
No. 14-23
Filed Feb 18 1989
Clerk of District Court
by [Signature]

U.S. District Court
District of Idaho
No. 14-23

FEB 18 1989

Clerk of District Court
by [Signature]

POOR ORIGINAL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRED R. STEWART and PHYLLIS
LARRY STEWART, husband and wife;
and ELIZABETH JEAN STEWART;
MAUREEN SUR STEWART; JOSEPH TODD
STEWART; and VICTORIA MAY
STEWART, and THREE JOHN DOES and
ONE JANE DOE,

Defendants

CIVIL NO. 89-4076

AMENDED JUDGMENT

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

1.026 ACRES OF LAND, MORE OR
LESS, SITUATED IN CUSTER COUNTY
STATE OF IDAHO, and ELIZABETH
JEAN STEWART, CUSTER COUNTY
IDAHO, and all UNKNOWN OWNERS,

Defendants.

CIVIL NO. 89-4077

Tract 3072

AMENDED JUDGMENT - 1

MICROFILMED
OCT 28 1994

1 UNITED STATES OF AMERICA,

2 Plaintiff,

3 -vs-

4 1.026 ACRES OF LAND, MORE OR
5 LESS, SITUATED IN CUSTER COUNTY
6 STATE OF IDAHO, and MAURKIN SUE
7 STEWART, CUSTER COUNTY IDAHO,
8 and all UNKNOWN OWNERS,

9 Defendants.

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 -vs-

13 1.026 ACRES OF LAND, MORE OR
14 LESS, SITUATED IN CUSTER COUNTY
15 STATE OF IDAHO, and VICTORIA MAY
16 STEWART, CUSTER COUNTY IDAHO,
17 and all UNKNOWN OWNERS,

18 Defendants.

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 -vs-

22 1.026 ACRES OF LAND, MORE OR
23 LESS, SITUATED IN CUSTER COUNTY
24 STATE OF IDAHO, and JOSEPH TODD
25 STEWART, CUSTER COUNTY IDAHO,
26 and all UNKNOWN OWNERS,

Defendants.

CIVIL NO. 89-4078

Tract 3071

POOR ORIGINAL

CIVIL NO. 89-4079

Tract 3070

CIVIL NO. 89-4080

Tract 3069

MICROFILMED

OCT 28 1994

1
2 UNITED STATES OF AMERICA,
3 Plaintiff,
4

203079
CIVIL NO. 89-4081

Tract 3068

5 --s--
6 29.88 ACRES OF LAND, MORE OR
7 LESS, SITUATED IN CUSTER COUNTY
8 STATE OF IDAHO, and FRED R.
9 STEWART and PHYLLIS LAREY
STEWART, Owners, CUSTER COUNTY
IDAHO; and all UNKNOWN OWNERS,
Defendants.

POOR ORIGINAL

10 Upon consideration of the Stipulation Amending Judgment
11 entered into between Celeste K. Miller, Assistant United States
12 Attorney for the District of Idaho, and Robert E. Williams,
13 III, Attorney for Defendants;

14 IT IS HEREBY ORDERED that the Judgment In a Civil Case
15 entered by this Court on February 5, 1993, be amended to read
16 as follows:

17 1. That All right, title and interest of Fred R. Stewart
18 and Phyllis LaRey Stewart, husband and wife, Joseph Todd
19 Stewart, a single person, Elizabeth Jean Stewart, a single
20 person, Victoria May Stewart, a single person, and Maureen Sue
21 Stewart Litster, a married person dealing with her separate
22 property, in and to the real property which is the subject of
23 this matter, legally described as follows:

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OCT 28 1994

PARCEL 1:

POOR ORIGINAL

A tract of land lying, being in and a part of, the NE1/4SW1/4 and the NW1/4SE1/4, of Section 29, Township 9 N., Range 14 E., B.M., in said County and State, said tract being more particularly described as:
 BEGINNING at the Southeastern corner of the said NW1/4SE1/4 of said Section 29 and running thence Westerly along the South boundary of the NW1/4SE1/4 and the NE1/4SW1/4 of said Section 29, a distance of 1,476.7 feet to a point on the Easterly right-of-way line of U. S. Highway No. 93; running thence N. 21 degrees 01' 31" W., along said right-of-way line a distance of 719.73 feet; thence N. 65 degrees 13' E., a distance of 660.65 feet; thence S. 89 degrees 54' E., a distance of 1,136.8 feet to a point on the Easterly boundary line of the NW1/4SE1/4 of said Section 29; thence Southerly along the East boundary line of said NW1/4SE1/4 of said Section 29 a distance of 949.3 feet, to the PLACE OF BEGINNING, all in Custer County, Idaho, TOGETHER WITH a right of ingress and egress to and from said lands and U. S. Highway No. 93 over and across the following described real property:

A strip of land 30 feet wide over and across a portion of the NE1/4SW1/4 and a portion of the NW1/4SE1/4 of said Section 29, particularly described as follows:
 COMMENCING at the intersection of the Southerly boundary of the NE1/4SW1/4 of said Section 29 and the Easterly right-of-way line of U. S. Highway No. 93 and running thence Northwesterly along said right-of-way line a distance of 719.73 feet to the TRUE POINT OF BEGINNING, said point being the Southwesterly corner of the strip of land herein described; thence continuing Northwesterly along said right-of-way line a distance of 30 feet; thence N. 65 degrees 13' E., a distance of 594.0 feet; thence S. 89 degrees 54' E., 71.3 feet; thence S. 65 degrees 13' W., a distance of 660.65 feet to the PLACE OF BEGINNING, all in Custer County, Idaho . . .

INCLUDING THEREIN those certain tracts of land as described in Warranty Deeds recorded June 6, 1988 as Instruments No. 188952, 188953, 188954, 188955, 188956, 188957, 188958 and 188959, records of Custer County, Idaho more particularly described as follows:

AMENDED JUDGMENT - 4

MICROFILMED
OCT 28 1994

PARCEL II:

POOR ORIGINAL

A tract of land, lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4 and the NE1/4 of the SW1/4, Section 29:

COMMENCING at the Southeastern corner of the said NW1/4 of the SE1/4 of said Section 29 and running thence Westerly N. 89 degrees 34' W., along the Southern boundary of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4 of said Section 29, a distance of 1315.89 feet; thence N. 21 degrees 01' 31" W., a distance of 305.33 feet to the true POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 38' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 38' 29" W., a distance of 150.0 feet to the true POINT OF BEGINNING.

TOGETHER WITH a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188952, records of Custer County, Idaho . . .

PARCEL III:

A tract of land, lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4, Section 29:

COMMENCING at the Southeastern corner of the said NW1/4 of the SE1/4 of said Section 29 and running thence Westerly N. 89 degrees 34' W., along the Southern boundary of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4 of said Section 29 a distance of 1315.89 feet; thence N. 21 degrees 01' 31" W., a distance of 356.35 feet to the TRUE POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 38' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 38' 29" W., a distance of 150.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188953, records of Custer County, Idaho . . .

AMENDED JUDGMENT - 5

MICROFILMED

OCT 28 1994

PARCEL IV:

POOR ORIGINAL

A tract of land lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4, Section 29;

COMMENCING at the Southeastern corner of the said NW1/4 of the SE1/4 of the said Section 29 and running thence Westerly N. 89 degrees 54' W., along the Southerly boundary of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4 of said Section 29, a distance of 1315.89 feet; thence N. 21 degrees 01' 31" W., a distance of 207.13 feet to the TRUE POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 58' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 58' 29" W., a distance of 150.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188954, records of Custer County, Idaho . . .

PARCEL V:

A tract of land lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4 and the NE1/4 of the SW1/4, Section 29;

COMMENCING at the Southeastern corner of the said NW1/4 of the SE1/4 of said Section 29 and running thence Westerly N. 89 degrees 54' W., along the Southerly boundary of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4 of said Section 29, a distance of 1315.89 feet; thence N. 21 degrees 01' 31" W., a distance of 57.95 feet to the TRUE POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 58' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 58' 29" W., a distance of 150.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188955, records of Custer County, Idaho . . .

MICROFILMED
OCT 28 1984

PARCEL VI:

POOR ORIGINAL

A tract of land lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4, Section 29:

COMMENCING at the Southeastern corner of the said NW1/4 of the SE1/4 of said Section 29 and running thence Westerly N. 89 degrees 54' W., along the southerly boundary of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4 of said Section 29 a distance of 1122.92 feet; thence N. 21 degrees 01' 31" W., a distance of 575.10 feet to the TRUE POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 58' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 58' 29" W., a distance of 150.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188956, records of Custer County, Idaho . . .

PARCEL VII:

A tract of land lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4, and NE1/4 of the SW1/4, Section 29:

COMMENCING at the Southeastern corner of the said NW1/4 of the SE1/4 of said Section 29 and running thence Westerly N. 89 degrees 54' W., along the southerly boundary of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4 of said Section 29 a distance of 1122.92 feet; thence N. 21 degrees 01' 31" W., a distance of 425.90 feet to the TRUE POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 58' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 58' 29" W., a distance of 150.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188957, records of Custer County, Idaho . . .

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OCT 28 1994

PARCEL VIII:

POOR ORIGINAL

A tract of land, lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4 and the NE1/4 of the SW1/4, Section 29:

COMMENCING at the Southeasterly corner of the said NW1/4 of the SE1/4 of said Section 29 and running thence Westerly N. 89 degrees 54' W., along the Southerly boundary of the NW1/4 of the SE1/4, and the NE1/4 of the SW1/4 of said Section 29, a distance of 1122.92 feet; thence N. 21 degrees 01' 31" W., a distance of 276.70 feet to the TRUE POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 58' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 58' 29" W., a distance of 150.0 feet to the TRUE POINT OF BEGINNING.

TOGETHER with a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188958, records of Custer County, Idaho. . .

PARCEL IX:

A tract of land lying and being in and a part of Section 29, Township Nine (9) North, Range Fourteen (14) East, B.M., Custer County, Idaho. Said tract being more particularly described as that part of the NW1/4 of the SE1/4 and the NE1/4 of the SW1/4, Section 29:

COMMENCING at the Southeasterly corner of the said NW1/4 of the SE1/4 of said Section 29, and running thence Westerly N. 89 degrees 54' W., along the Southerly boundary of the NW1/4 of the SE1/4 and the NE1/4 of the SW1/4 of said Section 29, a distance of 1122.92 feet; thence N. 21 degrees 01' 31" W., a distance of 127.50 feet to the TRUE POINT OF BEGINNING; thence N. 21 degrees 01' 31" W., a distance of 149.2 feet; thence N. 68 degrees 58' 29" E., a distance of 150.0 feet; thence S. 21 degrees 01' 31" E., a distance of 149.2 feet; thence S. 68 degrees 58' 29" W., a distance of 150.09 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH a right of ingress and egress to and from said lands and Idaho State Highway 75 over and across the following described real property:

As described in that certain Warranty Deed recorded June 6, 1988 as Instrument No. 188559, records of Custer County, Idaho . . . and,

AMENDED JUDGMENT - 8

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OCT 28 1988

POOR ORIGINAL

1 vests in the United States of America upon payment to the
2 Defendants of the total sum of \$600,000.00 (Six Hundred
3 Thousand Dollars). Said sum is just compensation for the
4 taking of the real property described above; and
5

6 2. Payment to the Defendants shall be allocated as
7 follows: the amount of \$360,000.00 (Three Hundred Sixty
8 Thousand Dollars) to Defendants Fred R. Stewart and Phyllis
9 LaRey Stewart; \$60,000.00 to Joseph Todd Stewart; \$60,000.00 to
10 Elizabeth Jean Stewart; \$60,000.00 to Victoria May Stewart; and
11 the sum of \$60,000.00 to Maureen Sue Stewart Litster; and

12 3. That Custer County real property taxes payable for
13 said real property shall be prorated to the date on which title
14 vests in the United States of America; and

15 4. That Andre Litster, spouse of Maureen Sue Stewart
16 Litster, claims no community property interest whatsoever in
17 said real property; and

18 5. That each party to the captioned matter shall pay its
19 own attorneys' fees and costs incurred in any and all stages of
20 litigation of said case; and

21 6. That any party may appeal any or all aspects of this
22 Amended Judgment.

23 DATED this 15 day of February, 1993.

24
25
26
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28
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30
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32
33
34
HONORABLE EDWARD J. LOOGE

LOOGE'S SIGNATURE

MICROFILMED

OCT 28 1994



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

28-Jan-1994 09:24

Randy Breamer
380 E Parkcenter Blvd
Suite 330
Boise, ID 83706

RE: Request For Further Information

Dear Mr. Breamer:

As you may already know last Wednesday, January 26, 1994, I phoned your office and talked with Mr. Bob Kenworthy regarding numerous issues that I need addressed before I finalize my recommendations for the USFS rights in the Sawtooth Valley. Dave Shaw, my boss, wants things wrapped up by March 1, 1994 so I would like a response to these issues as soon as possible, preferably by the first week in February.

The issues I discussed with Bob include:

A71-02004D I question the basis of claim. My review of the original license 71-02004 finds this water right was developed for other lands from a different P/D than what the USFS is presently irrigating. I have copies of unsigned deeds at the time the USFS obtained the property. One deed references a decreed right. One deed references license 71-02004. Since this is all contradictory and license 71-02004 is overclaimed and the amount claimed under A71-02004D does not appear to be sufficient to cover the ditch loss and irrigation application rate that appears to have been historically used I discussed with Bob that maybe you might consider changing the basis of the claim to "Beneficial Use" and claiming more water.

A71-00029A, A71-00028A & A71-02085C These claims by the USFS are for land that appears to have not been irrigated for some time or never irrigated by the sources claimed. I request information as to the aquisition of these water rights since the base rights are overclaimed and also information as to when these lands were last irrigated if ever.

A71-10725 This claim is for USFS land being irrigated by Neider. Neider has filed a competing claim which I have reviewed and it appears that I will allow 1 more acre than you have presently claimed. I discussed with Bob the possibility of you amending your claim accordingly.

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OCT 28 1994

A71-10729 This USFS claim is for a spring historically used at Redfish Lake Lodge. In reviewing the claim in the name of Redfish Lake Lodge for the well serving the Lodge I am under the impression that the spring use not been used for many years. Please provide evidence of when the spring was last used. Regarding related matters I discussed with Bob the claims filed in the name of Redfish Lake Lodge/See and licenses in their name not claimed. Maybe the USFS wishes to file claims for these uses.

A71-02053 This claim is for an old license that does not appear to have been used for a long time. I request information as to when when and by whom it was last used and if used recently how the property was irrigated.

A71-00063 & A71-02008 These claims have similar issues to A71-02053 listed above.

A71-00027A & A71-00026A These claims are for portions of decreed rights that have been fully claimed. In talking with these claimants I understand the water was reserved when Ocamica sold the property. I request that you supply me with deeds as to when the property was obtained by the USFS to confirm that you obtained the rights.

A71-04036 This claim is for land claimed by another (Fred Stewart) who indicated at the time of my field review he had been in litigation with the government. Could you enlighten me as to the outcome of this lawsuit and who owns the property.

Another issue was that of a well developed at Camp Luthy recently. You have claimed one well so I discussed with Bob the possibility of you filing something on the new well. (Either a claim or a permit)

This morning after I started this letter I talked to Bob again on the phone and we discussed a conference call tentatively for Feb 3, 1994 at 10:00am. Hopefully this letter will help us focus on the issues. I hope I have covered all but some new ones may crop up. I will talk to you next week.

Sincerely,



Allen D. Merritt, P.E.
Water Rights Supervisor

MICROFILMED

OCT 28 1994

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

*Replaces
11-04036*

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.

MICROFILMED

OCT 28 1994

PAGE: 1
GENERAL INFORMATION

DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01/24/94
141
CLAIM NUMBER: A71-04036A

LAST: STEWART
ADDRESS: RT. 4 BOX 4826
CITY: JEROME
PHONE NUMBER: 208-825-5104

FIRST: FRED R.
STATE: ID ZIP: 83338

OWNER CODE: 0

LAST: STEWART
ADDRESS: RT. 4 BOX 4826
CITY: JEROME
PHONE NUMBER: 208-825-5104

FIRST: VICTORIA MAE
STATE: ID ZIP: 83338

OWNER CODE: 0

LAST: HAUGRUD, JACK AND/OR GEOFFREY GARVER
ADDRESS: US DEPT OF JUSTICE
ENV & NR DIV GEN LIT SEC
PO BOX 663
WASHINGTON
CITY: WASHINGTON
PHONE NUMBER: 202-272-4134

FIRST:
STATE: DC ZIP: 200440663

OWNER CODE: A

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

FIRST:
STATE: UT ZIP: 0

OWNER CODE: K

LAST: BOYLE
ADDRESS: USDA FOREST SERVICE
324 25TH STREET
CITY: OGDEN
PHONE NUMBER: 801-625-5360

FIRST: GARY
STATE: UT ZIP: 844012394

OWNER CODE: K

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PHONE NUMBER: 208-825-5104

OWNER CODE: 0

LAST: STEWART
ADDRESS: RT. 4 BOX 4826
CITY: JEROME
PHONE NUMBER: 208-825-5104

FIRST: JOSEPH TODD
STATE: ID ZIP: 83338

OWNER CODE: 0

LAST: STEWART
ADDRESS: RT 4 BOX 4826
CITY: JEROME
PHONE NUMBER: 208-825-5104

FIRST: MAUREEN SUE
STATE: ID ZIP: 83338

OWNER CODE: 0

LAST: STEWART
ADDRESS: RT 4 BOX 4826
CITY: JEROME
PHONE NUMBER: 208-825-5104

FIRST: PHYLLIS LAREY
STATE: ID ZIP: 83338

OWNER CODE: 0

LAST: US DEPT OF AGRICULTURE
ADDRESS: FOREST SERVICE
CITY: 324 25TH STREET
PHONE NUMBER: 801-625-5360

FIRST:
STATE: UT ZIP: 844012394

OWNER CODE: K

LAST: AMERICA ACTING THROUGH
ADDRESS: USDA FOREST SERVICE
CITY: 324 25TH STREET
PHONE NUMBER: 801-625-5360

FIRST: UNITED STATES OF
STATE: UT ZIP: 844012394

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y
FIELD
EXAMINER

CLAIM REMARKS: FOREST SERVICE RECORD ID = 04 14 17060201 49 0 0041
ACQUIRED, 1993.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES: _____

The recommendation is the name of Stewart prepared under 471-04036 is being replaced by 71-040364 since USFS owns the land. For review of recommendation see file 471-04036.

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A. AJ CLAIM: # A71-04036A PRIORITY DATE: 06-09-1908 STAGE: L

B. WR RECORD: # 71-04036 PRIORITY DATE: 06-09-1908 STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER

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

IF YES EXPLAIN.

NOTES:

RECOMMENDED PRIORITY DATE:
06-09-1908

REVIEWED BY

DATE

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A71-04036A	08N	14E	3		SW	NW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
A71-04035
A71-04036
A71-10146

WR RECORDS IN SAME 40 ACRE TRACT

71-04035

SOURCE: FISHER CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
71-04036	08N	14E	3		SW	NW		CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

71-04035

NONE

A71-00028
A71-00029
A71-00033B
A71-00035C
A71-00036R
A71-04035
A71-04036
A71-10146

SOURCE: FISHER CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

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NOTES:

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

THP. RGE. SEC.

1/4

1/4

1/4

107

COUNTY

LIVERSON NAME

SOURCE: FISHER CREEK

TRIE: SALMON RIVER

REVISED BY:

LATE:

SYSTEM DESCRIPTION:

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A. ROOT WATER RIGHT NUMBERS:

A71-04036
R71-04036

A71-04036A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	14E	29	NE	SW		HAUGRUD, JACK AND/OR GEORGEY	A71-04036A	7	16.0		
			NE	SW		SESSIONS, J. DON	A71-04049	/	71-04049	/	
			NE	SW		SESSIONS, J. DON	A71-04050	/	71-04050	/	7.0
			NE	SW		STEWART, FRED R.	A71-04036	/	71-04036	/	8.0
			NE	SW		SESSIONS, J. DON	R71-04048	/	71-04048	/	
			NE	SW		SESSIONS, J. DON	R71-04049	/		/	
			NE	SW		SESSIONS, J. DON	A71-04048	/		/	
			NE	SW		STEWART, FRED R.	R71-04036	/		/	
			NE	SW		SESSIONS, J. DON	R71-04050	/		/	
09N	14E	29	NW	SE		HAUGRUD, JACK AND/OR GEORGEY	A71-04036A	7	20.0		
			NW	SE		STEWART, FRED R.	A71-04036	/	71-04036	/	12.0
			NW	SE		STEWART, FRED R.	R71-04036	/		/	
			NW	SE		SESSIONS, J. DON	R71-04050	/		/	
TOTAL ACRES							A71-04036A		36.00		

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y
FIELD EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

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A. AJ CLAIMED USES:

PURPOSES
A71-04036A IRRIGATION
A71-04036A STOCKWATER

MONTH/DAY
FROM 06-01 TO 10-01
FROM 04-01 TO 12-01

DIVERSION QUANTITY
.800 CFS
.030 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.830 CFS

B. WR RECORDED USES:

PURPOSES
71-04036 IRRIGATION
71-04036 STOCKWATER

MONTH/DAY
FROM 06-01 TO 10-01
FROM 04-01 TO 12-01

DIVERSION QUANTITY
.800 CFS
.030 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.800 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y(____) N(____)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(____) N(____) Explain in notes, below.

NOTES:

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.830 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

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

B. MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-04036A	FISHER CREEK	HAUGRUD, JACK AND/OR GEOFFREY	0.830	0.041		
A71-04036	FISHER CREEK	STEWART, FRED R.	0.800	0.040		
R71-04036	UNNAMED DRAIN	STEWART, FRED R.	0.800	0.044		
R71-04050	UNNAMED DRAIN	SESSIONS, J DON	0.060	0.015		
A71-04050	SALMON RIVER	SESSIONS, J. DON	0.140	0.020		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-04036A	STOCKWATER	HAUGRUD, JACK AND/OR GEOFFREY	FROM 04-01 TO 12-01	.030 CFS	
A71-04049	COMMERCIAL	SESSIONS, J. DON	FROM 01-01 TO 12-31	.020 CFS	
R71-04048	COMMERCIAL	SESSIONS, J DON	FROM 01-01 TO 12-31	.060 CFS	4.10 AF/A
R71-04049	COMMERCIAL	SESSIONS, J DON	FROM 01-01 TO 12-31	.020 CFS	
A71-04048	COMMERCIAL	SESSIONS, J. DON	FROM 01-01 TO 12-31	.060 CFS	
R71-04036	STOCKWATER	STEWART, FRED R	FROM 04-01 TO 12-01	.010 CFS	

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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 = AF/A
ACRES $\times$ CONSUMPTIVE VOL. AF/A FOR AREA =
TOTAL CONSUMPTIVE USE AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES $\times$ DIVERSION VOL. AF/A FOR AREA =
TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A		REC. CONS. USE
	FROM	TO		EXAMINER	EXAMINER	
IRRIGATION	06-01	10-01	DATABASE 0.800	EXAMINER	EXAMINER	DATABASE 0.0
STOCKWATER	04-01	12-01	0.030	---	---	---
TOTAL FOR THIS RIGHT			0.830			

REVIEWED BY:

DATE:

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-04036

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A71-04036	0.800	R71-04036	0.800	71-04036	0.800
-	A71-04036A	0.830	-	-	-	-
TOTAL CFS		1.630		0.800		0.800

DIVERSION RATE REVIEW

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

NOTES:

See file A71-04036
for review

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE:

TITLE:

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