

61

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: A71-04047
Date Received: 1/12/1990
Receipt No: 5011089
Received By: RLV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL E. MC GOWAN
Address: P.O. BOX 76
STANLEY, ID 83278

208-774-2290

Name: CONNIE MC GOWAN
Address: P.O. BOX 76
STANLEY, ID 83278

208-774-2290

RECEIVED

2. Date of Priority: MAY 01, 1930

JAN 29 1990

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources
Southern Region Office

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	13E	3	NW	NE		2	CUSTER

5. Description of diverting works:
40' WELL, PUMP, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.090		
COMMERCIAL	05/01	10/31	0.080		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 2.0 Acre Feet Per Annum.

9. Non-irrigation uses:
C/10 CABINS, RESTURANT, SERVICE STATION, STORE, GARAGE

A71-04047

Page 1

Date: 01/12/90

MICROFILMED
MAR 17 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	13E	3	NW	NE		DOMEST	
			NW	NE		COMMER	
			NW	NE	2	IRR	3.0
						Section Acres	3.0
						Total Acres	3.0

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:
A71-07027

14. Remarks:
LANDS AT USE ARE IN BLK 4 & 5, LOWER STANLEY TOWNSITE.

15. Basis of Claim: STATUTORY CLAIM

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 _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

RECEIVED

JAN 11 1990

Department of Water Resources
Southern Region Office**Please type or print clearly**1. Name of Claimant (s) MICHAEL E. MCGOWAN OR CONNIE D. MCGOWAN Phone (208) 774-2290Mailing Address P. O. Box 76, Stanley, Idaho Zip 832782. Date of Priority (Only one (1) per claim) 05/01/19303. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 10N Range 13E Section 3,
1/4 of NW 1/4 of NE 1/4, Govt. Lot, 2 B.M., County of Custer

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

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

1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well, approximately 40 feet in depth,
pump at well with lines to cabins, etc.**MICROFILMED****MAR 17 1993**

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 05/01 to 10/15 amount 0.09 or _____

For Commercial purposes from 05/01 to 11/15 amount 0.08 or _____

For Domestic purposes from 01/01 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.21 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Cabins and office dwelling.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10N	13E	3		Lot 2 3															3
			D. & C.																

Total number of acres irrigated 3

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Lands also irrigated from Salmon River with different right. or None ()

14. Remarks:

Commercial cabins on property. Lands at use are in Blocks 4 and 5,
Lower Stanley Townsite (Government Lot 2, Section 3).

Last Name McGOWAN Ident No. _____

MICROFILMED

MAR 17 1993
Copies: White - State, Yellow - Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 71-04047
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 0

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

Signature of Claimant (s) Michael E. McGowan Date 1-8-90
Erin D. McGowan Date 1/8/90

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of ~~Idaho~~/or Arizona)
County of Mohave) SS.

Subscribed and sworn (or affirmed) before me this 9th day of January 1990

SEAL

Notary Public Audrey S. Clarke

Residing at Topock, Arizona

My Commission Expires 8-4-93

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name McGOWAN Ident. Number _____

MICROFILMED

Copies: White-State, Yellow-Claimant
MAR 17 1993

old (D) Number -

+ - - - - Address

1 - BOX 76

CITY- STANLEY

City- STANLEY
Phone -

State- ID Zip- 83278

+ - - - stage - - - t
S - STATUTORY CLAIM

Status - - - +

Tributary - - - - - +

Stream Index (Blank if no Index Code)

(37) CUSTER

Diversion Rate Diversion Volume

0.090
0.080
0.040

lv. race - 1000000
0.210

10N 13E

-- Remarks --
No Remarks found.

MICROFILMED⁺
MAR 17 1993

Adj. flag translation: Standard Water Right Number

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

+ - Decree Date
00/00/0000

05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Pretested Date	00/00/0000	Swan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	-
Start Work Date	00/00/0000	Verified Date	01/28/1986	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number	-	Water District	-
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	-
Decree Date	00/00/0000				

MICROFILMED

MAR 17 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

JAN 19 1990

RECEIVED

JAN 29 1990

Department of Water Resources
Southern Region Office

Michael E. &/or Connie McGowan
P O Box 76
Stanley, ID 83278

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 5084 for \$ 133 which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

[]	Item #1	Name - Address
[]	Item #2	Priority
[]	Item #3	Source
[]	Item #4	Point of Diversion Legal Description
[]	Item #5	Description of Diversion Works
[]	Item #6	Uses descriptions
[]	Item #7	Total Diversion Rate
[]	Item #8	Total Consumptive Use
[]	Item #9	Description of Non-irrigation Uses
[]	Item #10	Place of Use Legal Description
[]	Item #11	County of Place of Use
[]	Item #12	Ownership of Property
[]	Item #13	Other water rights for same uses
[]	Item #14	Remarks
[]	Item #15	Basis of Claim
[]	Item #16	Signature & Notorization
[]	Improper fee	(THE CORRECT FEE IS \$ <u>141</u>)

On claim A71-04047, you claimed .08 cfs for commercial use. The fee for that is \$100 per cfs, or in your case \$8. This makes the total fees due \$141 rather than \$133.

If you will make any necessary corrections and return the documents with the correct fee within 30 days from the date of this letter, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

(Please return correct fee with the enclosed claim)

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures:

* I enclosed another \$1.00

MICROFILMED

MAR 17 1993

Thank
Emi



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Feb. 2, 1990

Re: A71-04047
A71-07027
A71-10142

MICHAEL E MC GOWAN
P O BOX 76
STANLEY ID 83278

Dear Claimant(s):

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

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

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 17 1993



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GovernorR. KEITH HIGGINSON
Director

JAN 19 1990

Michael E. &/or Connie McGowan
P O Box 76
Stanley, ID 83278

AT1-10142 \$25
07027 \$55 } SD11089
04047 \$61 } 1/31/90
14
R.V.

RE: SRBA Claim

Dear Claimant:

Please find enclosed your claim and your check # 5084 for \$ 133 which you submitted to our office. I am returning these pursuant to Rule 10,4 of the Department's Adjudications Rules and Regulations. In checking your claim it appears that the following items need clarification: (Please review enclosed instructions and use enclosed form to refile claim)

- [] Item #1 Name - Address
- [] Item #2 Priority
- [] Item #3 Source
- [] Item #4 Point of Diversion Legal Description
- [] Item #5 Description of Diversion Works
- [] Item #6 Uses descriptions
- [] Item #7 Total Diversion Rate
- [] Item #8 Total Consumptive Use
- [] Item #9 Description of Non-irrigation Uses
- [] Item #10 Place of Use Legal Description
- [] Item #11 County of Place of Use
- [] Item #12 Ownership of Property
- [] Item #13 Other water rights for same uses
- [] Item #14 Remarks
- [] Item #15 Basis of Claim
- [] Item #16 Signature & Notorization
- [] Improper fee (THE CORRECT FEE IS \$ 141)

On claim AT1-04047, by
claimed .08 c+s for
commercial use.
The fee for that is
\$100 per c+s, or in your
case \$8. This
makes the total
fee due \$141.20
than \$133.

If you will make any necessary corrections and return the documents with the correct fee within 30 days from the date of this letter, your filing will not be assessed an additional late filing fee. Please do not hesitate to contact this office if you have any questions or concerns.

Sincerely,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures:

MICROFILMED

MAR 17 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A71-04047
MICHAEL E. MC GOWAN
CONNIE MC GOWAN
P.O. BOX 76
STANLEY

ID 83278

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 17 1992

Department of Water Resources
Southern Region Office



Fishing • Hunting • Housekeeping Cabins
in the Sawtooth Mountains

McGowan's Resort
on the Salmon River

Mike & Connie McGowan
Box 76 - Scenic Highway 75
Stanley, Idaho 83278
Phone 208-774-2290



A71-04097

3/16/92

Dear Mr. Merritt, P.E.,

Enclosed is a letter we received from Mr. Robert N. Savage, which shows our property has been using water from wells and from the river since the 1930's, his family owned our property at the time. Mr. Savage is our Custer County Assessor and has been for quite a few years and is a very reliable person. He may be reached at the Custer County Assessor's office at 1-879-2325 if you need to confirm anything.

If you have any questions, please contact us at the phone number above 1-774-2290.

Best Regards,

Mike & Connie McGowan

MICROFILMED

MAR 17 1993

March 5, 1992

Mike McGowan
P.O. Box 76
Stanley, Idaho 83278

Dear Mr. McGowan:

I am writing this letter at your request, to state that my family bought Lots 6 & 7 Block 4 in 1936 and sold them in 1947. There was a house on the property at the time of purchase.

We had a dug-well there and we used water out of the river. There was cabins and a house on Lots 1, 2, 3, and part of School Street, which had a well and used water out of the river also, as did everyone else in Lower Stanley. Dora Terrel owned and operated the cabins at this time.

Sincerely,

A handwritten signature in cursive script, reading "Robert N. Savage". The signature is fluid and elegant, with a long horizontal stroke at the end.

Robert N. Savage

MICROFILMED

MAR 17 1993

AJ0749NP
No. R71-04047

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 09/09/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD K GUNTER	01/01/1936	IRRIGATION	05-01 10-31	0.02 CFS	1.80 AFA
C	NANCY GUNTER		COMMERCIAL	04-01 11-01	0.05 CFS	1.00 AFA
	3250 W CANYON RIDGE DR					
	TWIN FALLS ID 83301					
	(208) 733-4588					
			TOTAL DIVERSION:		0.05 CFS	2.80 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T10N R13E S03 Lot02(NMNE)

CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NM	SW	SE	
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE NE	NE NE	NE NE	NE NE	SUM
10N 13E 3 : 02-.3 02-.3	:	:	:	:	0.6
					TOTAL ACRES
					0.6

Place of use Legal Description for: COMMERCIAL

	NE	NM	SW	SE	
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE NE	NE NE	NE NE	NE NE	SUM
10N 13E 3 : 02-C 02-C	:	:	:	:	0.6
					TOTAL ACRES
					0.6

POU County: CUSTER

Non-Irrigation Uses: COMMERCIAL/ 16 CABINS WITH LAUNDRY

Other Rights: 71-07027 ALSO PROVIDES IRRIGATION WATER

Conditions of Approval:

- C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 71:
- WATER RIGHT NO. SOURCE
- NONE
- 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
- ALL WATER RIGHTS WITHIN BASIN 71 ARE FROM CONNECTED SOURCES
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
- CONJUNCTIVELY.

Remarks: QNT USE OF THIS RIGHT WITH RIGHT NO. 71-07027 IS LIMITED TO A

Remarks: TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1.8 AF FOR IRRIGATION PURPOSES.

POU1 USE OF THIS RIGHT WITH RIGHT NO. 71-07027 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 0.6 ACRES IN A SINGLE IRRIGATION SEASON.

EXP PROPERTY IS ALSO KNOWN AS LOTS 1, 2 & 3 BLK. 5; AND SCHOOL STREET OF TOWNSITE OF STANLEY (LOWER STANLEY).

Dates: Exam Made Date: 06/17/1993 Verified Date: 09/09/1998 Objection Filed Date:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

September 4, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD K &/or NANCY GUNTER
3250 W CANYON RIDGE DR
TWIN FALLS ID 83301

RE: Notice of Error Response on SRBA Claim 71-04047 & 71-07027

Dear Mr. & Mrs. Gunter,

Enclosed please find revised copies of the above listed SRBA claims.

71-04047: You requested a review of the annual volume quantity (AFY) based on a per bed analysis instead of the per unit analysis. I concur with your suggestion and based upon the figures listed in Appendix IV of the Water Law Handbook I have adjusted the total volume rate to be 2.8 AFY. The enclosed proposed recommendation reflects these changes.

Your disagreement with the remark regarding Conjunctive Management is noted but I am unable to remove this remark as part of the Notice of Error process. This remark is placed on all rights recommended in Basin 71. If you wish to pursue a challenge to this item you will need to file an Objection to the water right when the final Director's Report is issued later. Instructions will accompany that mailing.

71-07027: You requested the total quantity for this right be increased to 0.04 cfs in accordance with the license. The license does list this as 0.04 cfs and I have modified your recommendation accordingly and enclosed your copy.

Again, the issue of Conjunctive Management remarks should be addressed through the filing of Objections as stated above.

Please feel free to contact me at our office if you have further questions on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', with a long horizontal flourish extending to the right.

Steve Clelland
Sr. Water Agent

Enc:

CC: Justin Seamons, Esq.

71-04047

NOE Response & Review - 9/4/98 sec

1. Conj. Mgmt — Requires OBJ.

2. AF quantity?

They provided:		<u>TOTAL BEDS</u>
2 cabins @ 1 bed		2
13 cabins @ 2 beds		26
1 cabin @ 3 beds		3
		<u>31 bed</u>

from App. IV List:
"Motel" 50 gpd/bed

$$\frac{(31 \text{ beds} \times 50 \text{ gal/bed}) (215 \text{ days/yr.})}{325,800 \text{ gal/AF}} \approx 1.0 \text{ AF}$$

V_{comm} 1.0 AFA (was 0.6 AFA)

V_{IRA} 1.8 AFA

V_{Tot} 2.8 AFA (was 2.4 AFA)

see 9/9/98 Records updated
No changes to Conjunctive Mgmt (C13)

CC: JUSTIN SEAMONS, 1201 FALLS AVE E #30, 736-0075

July 22, 1998

IDWR
Rec'd 8/14/98
TJ

**NOTICE OF ERROR
REPLY**

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

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: August 14, 1998

Water right number: 71-04047

GERALD K GUNTER
NANCY GUNTER
3250 W CANYON RIDGE DR
TWIN FALLS ID 83301

Daytime Telephone Number: (208) 733-4588
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
 - A. Mr. Gunter disagrees with the portion, entitled "Other Matters...", regarding conjunctive management.
 - B. Mr. Gunter disagrees with the portion, entitled "Quantity", which states 2.4 AFY.
2. Describe the changes you wish to make in the proposed recommendation:
 - A. Mr. Gunter would like IDWR to drop conjunctive management.
 - B. Mr. Gunter has 16 cabins: 2 cabins have 1 bed; 13 cabins have 2 beds; and 1 cabin has 3 beds. The AFY measurement should reflect "beds" rather than cabins if the measurement category was in fact "Motels".
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 08/14/98 SIGNATURE: Justin Seamon
Please print your name: Justin Seamon, Attorney for Jerry and Nancy Gunter

Water Right Number - R71-04047

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

GERALD K

1 - 3250 W CANYON RIDGE DR
2 -
3 -

State- ID Zip- 83301

GUNTER

NANCY

City- TWIN FALLS
Phone - 208-733-4588
1 - 3250 W CANYON RIDGE DR
2 -
3 -

State- ID Zip- 83301

*** O - ORIGINAL OWNER ***

MICHAEL E

City- TWIN FALLS
Phone - 208-733-4588
1 - PO BOX 76
2 -
3 -

State- ID Zip- 83278

MC GOWAN

CONNIE

City- STANLEY
Phone - 208-774-2290
1 - PO BOX 76
2 -
3 -
City- STANLEY
Phone - 208-774-2290

State- ID Zip- 83278

+ - - Priority Date - - +
01/01/1936+ - - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
J - BENEFICIAL USE

+ - - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
10N	13E	3	NW NE NE	2		(37) CUSTER	

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	09/30	0.020	1.80
10 - COMMERCIAL		04/01	11/01	0.050	0.60

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.050	2.40	0.0	

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
10N	13E	3	NE NE	2	0.3	01	IRRIGATION	(37) CUSTER	
10N	13E	3	NW NE	2	0.3	01	IRRIGATION	(37) CUSTER	
10N	13E	3	NE NE	2		10	COMMERCIAL	(37) CUSTER	
10N	13E	3	NW NE	2		10	COMMERCIAL	(37) CUSTER	
Total Acres:					0.6				

Prefix Translation: RESEARCH

71-07027 ALSO PROVIDES IRRIGATION WATER

Remarks

PROPERTY IS ALSO KNOWN AS LOTS 1, 2 & 3 BLK. 5; AND SCHOOL STREET OF TOWNSITE OF STANLEY (LOWER STANLEY).

+ - - - - +	Old Water Right Numbers	+ - - - - +
No Old Water Right Numbers Found		

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
00/00/0000		

+	-	Comments-	-
Date:	07/15/1993	User Id: MERRITT	Subject: COPIED FROM REMARKS
			LANDS AT USE ARE IN BLK 4 & 5, LOWER STANLEY TOWNSITE.
Date:	01/02/1998	User Id: TFWACETT	Subject: OWNERSHIP CHANGE
			OWNERSHIP CHANGED MCGOMAN TO GUNTER PER 1409(6) AND WARRANTY
		DEED.	ONE CABIN RETAINED BY MCGOMAN.

Adjudication Rights Dates and Flags Area

Court Report Filing	-	00/00/0000	Field Inspection Made	-	06/17/1993	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	01/31/1990	Last Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S011089	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-	AND	Presumption Flag	-	
						Notice of Error Flag	-	

IM NUMBERS A71-04047
A71-07027

DATE 6-30-98
AGENT KKC

TRANSFER NUMBER _____
HOMESTEAD ENTRY NO. _____
CLAIMED ACRE TOTAL _____
GEOGRAPHIC INFO ACRES .6

LIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
07027	10N	13E	3		5														5
GIS			3	.3	.3														.6
ECOM			3	.3	.3														.6
704047	10N	13E	3		3														3
GIS			3	.3	.3														.6
ECOM			3	.3	.3														.6
CLAIM																			
GIS																			
ECOM																			
CLAIM																			
GIS																			
ECOM																			

B71-DBPOD.SHP
NOS DESCRIPTION
155 10N13E Sec 3 RIVER PUMP FOR 71-07027
NW NENE
156 10N13E Sec 3 GROUND WATER FOR 71-04047 (NENWNE of Sec 3)
10N13E Sec 3 2ND RIVER PUMP FOR 71-07027 not marked in GIS
NW NENE as use is firefighting only

B71-DBPOU.SHP
SHAPE NOS
213 for Both Claims.
Layout in 71-07027

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

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: **A71-04047**
Date Received: 1/31/1990
Receipt No: S011089
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: GERALD K GUNTER 208-733-4588
Address: 3250 W CANYON RIDGE DR
TWIN FALLS ID 83301

AND

Name: NANCY GUNTER 208-733-4588
Address: 3250 W CANYON RIDGE DR
TWIN FALLS ID 83301

2. Date of Priority: MAY 1, 1930

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	13E	3		NW	NE	2	CUSTER

5. Description of diverting works:
40' WELL, PUMP, PIPE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/15	0.090		
COMMERCIAL	05/01	10/31	0.080		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 2.0 Acre Feet Per Annum.

9. Non-irrigation uses:
C/10 CABINS, RESTAURANT, SERVICE STATION, STORE, GARAGE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	13E	3	NW	NE	DOMEST	
			NW	NE	COMMER	
			NW	NE	IRR	3.0
					Section Acres	3.0
					Total Acres	3.0

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:
A71-07027

14. Remarks:

LANDS AT USE ARE IN BLK 4 & 5, LOWER STANLEY TOWNSITE.

1/2/98 TF; OWNERSHIP CHANGED MCGOWAN TO GUNTER PER 1409(6) AND
WARRANTY DEED. MCGOWAN RETAINED ONE CABIN.

15. Basis of Claim: STATUTORY CLAIM

OWNER CODE	NAME & ADDRESS	PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
		DATE		FROM	TO	RATE	VOLUME
C	GERALD K GUNTER	01/01/1936	IRRIGATION	05-01	09-30	0.02 CFS	1.80 AFA
C	NANCY GUNTER		COMMERCIAL	04-01	11-01	0.05 CFS	0.60 AFA
	3250 W CANYON RIDGE OR						
	TWIN FALLS ID 83301				TOTAL DIVERSION:	0.05 CFS	2.40 AFA
	(208) 733-4588				CONSUMPTIVE USE:		1.20 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T10N R13E S03 Lot02(NWNENE)

CUSTER County

Place of use Legal Description for: IRRIGATION															
NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
10N	13E	3	: 02-.6												
														TOTAL ACRES	0.6

Place of use Legal Description for: COMMERCIAL															
NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
10N	13E	3	: 02-C												

POU County: CUSTER

Non-Irrigation Uses: COMMERCIAL/ 16 CABINS WITH LAUNDRY

Other Rights: 71-07027 ALSO PROVIDES IRRIGATION WATER

Remarks: GEN PROPERTY IS ALSO KNOWN AS LOTS 1, 2 & 3 BLK. 5; LOTS 6 & 7
BLK. 4 AND SCHOOL STREET OF TOWNSITE OF STANLEY (LOWER STANLEY).
USE OF THIS RIGHT WITH RIGHT NO. 71-07027 IS LIMITED FOR
IRRIGATION PURPOSES TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
VOLUME OF 1.2 AF, TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME
OF 1.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 0.6 ACRES
IN A SINGLE IRRIGATION SEASON.

Dates: Exam Made Date: 06/17/1993 Verified Date: Objection Filed Date:

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



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

January 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GERALD K GUNTER
NANCY GUNTER
3250 W CANYON RIDGE DR
TWIN FALLS ID 83301

RE: SRBA Claim(s) A71-04047 and A71-07027

Dear Mr. and Mrs. Gunter:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the record of current ownership to you. Please find the enclosed copies of the computer record of the claim(s) noting the change in claimant.

The print-outs with an "A" preceding the claim number are copies of the claims as they were filed. The profile reports with an "R" preceding the claim number are draft copies of the claims as they will be reported in the Basin 71/72 Director's Report due before the SRBA court May 1, 1998. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Trish Fawcett".

Trish Fawcett
Technical Records Specialist

enc.

cc: Justin Seamons

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
OCT 28 1997
Department of Water Resources
Southern Region

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

1. Water Right No(s): 71-04047 and 71-07027
Adjudication Claim No(s): _____

2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Michael E. and Connie D. McGowan
P.O. Box 76, Stanley, ID 83728

4. New Owner/Claimant(s) Gerald K. and Nancy Gunter
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address 3250 West Canyon Ridge Drive
City, State and ZIP Code Twin Falls, ID 83301
New Telephone Number (208) 733-4588

5. Date you acquired the property April 11, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

 Number of acres you irrigate _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Gerald Gunter 10-27-97
Nancy Gunter 10-27-97
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

A T T A C H M E N T

6. Gerald K. and Nancy Gunter purchased the following property from Michael E. and Connie D. McGowan on April 11, 1997:

Lots 1, 2, and 3 in Block 5, and the southwest 40 feet of School Street adjoining Lots 1, 2, and 3 in Block 5, and the northeast 40 feet of School Street adjoining Block 4, and the east 10 feet of an alley adjoining Lots 1, 2, and 3 in Block 5, all in Stanley Government Townsite (Lower Stanley) in Custer County, Idaho.

Together with all fixtures, improvements, and WATER RIGHTS located thereon or APPURTENANT THERETO.

See Warranty Deed, dated April 11, 1997 (emphasis added).

The appurtenant water rights are Water Right Nos. 71-04047 and 71-07027.

The foregoing property has 16 cabins. The use of the cabins was and currently is commercial. The foregoing water rights provide water for the cabins, as well as for irrigation and fire protection.

Mr. and Mrs. Gunter did not purchase all of Mr. and Mrs. McGowan's property. They still own a parcel of property, basically located east of the foregoing parcel of property.

Although Mr. and Mrs. Gunter did not purchase all of Mr. and Mrs. McGowan's property, the Idaho Department of Water Resources should **NOT** split either of the foregoing water rights. Please note the following points:

1. The foregoing water rights are appurtenant to the foregoing property only. They do not provide water for Mr. and Mrs. McGowan's property.
2. Water Right No. 71-10142 is appurtenant to Mr. and Mrs. McGowan's property. It provides water for Mr. and Mrs. McGowan's property.

The "claimed" use of water in Water Right No. 71-10142 was domestic: A "house and yard." See Claim to Water Right, dated June 16, 1985. Mr. and Mrs. McGowan have "made changes in the system"; as a result, Water Right No. 71-10142 now provides water for the foregoing house and yard, as well as a "shed used for side businesses, the original home/office, one rental cabin, and [two] rv spaces." See Communication Documentation, dated May 12, 1997.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

CHANGE IN ADDRESS

OCT 28 1997

Department of Water Resources
Southern Region

☐ Water Right Number(s): 71-04047

71-07027

☐ Old Mailing Address: Michael E. and Connie D. McGowan

P.O. Box 76

Stanley, ID 83728

☐ New Mailing Address: Gerald K. and Nancy Gunter

3250 West Canyon Ridge Drive

Twin Falls, ID 83301

☐ New Telephone Number: (208) 733 - 4588

☐ Signature of Claimant(s): Gerald K. Gunter

Gerald K. Gunter

Nancy Gunter 10-27-97

Nancy Gunter

Date: 10-27-97

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

213170

4. Public law 93-40 creating Sawtooth National Recreation Area; regulation promulgated thereunder, published March 20, 1974, in Volume 39, Federal Register, pages 11544 to 11547.

5. Restrictions and reservations contained in the United States patent to said land. Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes and rights to ditches and reservoirs used in connection with such water rights as may be recognized by the local customs, laws and decisions of the courts.

and that they will warrant and defend the same from all other lawful claims whatsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 11th day of April, 1997.

Michael E. McGowan
Michael E. McGowan

Connie D. McGowan
Connie D. McGowan

STATE OF IDAHO)
:ss.
County of Lemhi)

On this 11th day of April, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL E. MCGOWAN and CONNIE D. MCGOWAN, 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.

213170
Custer County Rec. of
Allison T. Telle
and Escrow
Time 2:43 P.M.
4-14-1997
Ethel M. Park
Charles Murphy
WARRANTY DEED, Page 2
-6-



Julie M. Santee
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 6-12-2001

WARRANTY DEED

0213170

For Value Received, MICHAEL E. MCGOWAN and CONNIE D. MCGOWAN, husband and wife, the Grantors, do hereby Grant, Bargain, Sell and Convey unto GERALD GUNTER and NANCY GUNTER, husband and wife, the Grantees, whose current address is 3250 W. Canyon Ridge Drive, Twin Falls, Idaho 83301, those premises in Custer County, Idaho, more particularly described as follows:

LOTS 1, 2 AND 3 IN BLOCK 5, AND THE SOUTHWEST 40 FEET OF SCHOOL STREET ADJOINING LOTS 1, 2 AND 3 IN BLOCK 5 AND THE NORTHEAST 40 FEET OF SCHOOL STREET ADJOINING BLOCK 4 AND THE EAST 10 FEET OF AN ALLEY ADJOINING LOTS 1, 2 AND 3 IN BLOCK 5, ALL IN STANLEY GOVERNMENT TOWNSITE (LOWER STANLEY) IN CUSTER COUNTY, IDAHO.

TOGETHER WITH ALL FIXTURES, IMPROVEMENTS AND WATER RIGHTS LOCATED THEREON OR APPURTENANT THERETO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, 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 they are free from all encumbrances except the following:

1. General taxes for the year 1997 and subsequent years, which are an accruing lien, not yet due and payable.
2. Any and all easements of record and/or easements and claims of easements not shown by the public records but apparent by an inspection of the property transferred hereunder.
3. Any adverse claim based on the assertion that some portion of said land is now, or at any time has been within the boundaries of the Salmon River or by reason of the fact or claim that any portion or portions thereof have been rendered un-navigable by artificial means, or has accreted to such portions so created.

PURCHASE AND SALE AGREEMENT

THIS PURCHASE AND SALE AGREEMENT (the "Agreement") is entered this 11th day of April, 1997, between Michael E. McGowan and Connie D. McGowan, of P.O. Box 76, Stanley, Idaho 83278 (hereafter collectively referred to as the "Sellers"), and GERALD GUNTER and NANCY GUNTER, husband and wife of 3250 W. Canyon Ridge Drive, Twin Falls, Idaho 83301 (hereafter collectively referred to as the "Buyers").

RECITALS

A. Sellers are the owners of that certain real property and log cabins located in Lower Stanley, Idaho. Sellers are willing and able to sell the real property and log cabins to Buyers for consideration as provided in this Agreement.

B. Buyers desire to purchase the real property and assets of Sellers, and are willing to give consideration under the terms and conditions of this agreement.

For valuable consideration received, the parties agree as follows:

1. Conveyance of Real Property. Sellers agree to sell and Buyers agree to purchase upon the terms and conditions of this Agreement that certain real property located in Lower Stanley, Custer County, Idaho, said property being more particularly described as follows:

LOTS 1, 2 AND 3 IN BLOCK 5, AND THE SOUTHWEST 40 FEET OF SCHOOL STREET ADJOINING LOTS 1, 2 AND 3 IN BLOCK 5 AND THE NORTHEAST 40 FEET OF SCHOOL STREET ADJOINING BLOCK 4 AND THE EAST 10 FEET OF AN ALLEY ADJOINING LOTS 1, 2 AND 3 IN BLOCK 5, ALL IN STANLEY GOVERNMENT TOWNSITE (LOWER STANLEY) IN CUSTER COUNTY, IDAHO.

TOGETHER WITH ALL FIXTURES, IMPROVEMENTS AND WATER RIGHTS LOCATED THEREON OR APPURTENANT THERETO.

All of the real property is hereafter referred to generally as "the property".

2. Manner of Payment of Purchase Price. The purchase price of Seven Hundred Fifty Thousand and No/100 Dollars (\$750,000.00) shall be payable as follows:

(a) Earnest Money. Earnest money in the amount of \$10,000.00 which shall be held by the closing agent herein, namely, Alliance Title and Escrow Corp. If Buyers neglect or refuse to comply with the terms or conditions of this Agreement, then the earnest money shall be forfeited and considered as liquidated damages to Sellers.

(b) Down Payment. Buyers shall pay a total of Five Hundred Thousand Dollars (\$500,000.00) at closing, which amount shall include the Ten Thousand Dollars (\$10,000.00) earnest money referred to hereinabove. These funds shall be paid by cash, cashier's check, or certified funds.

(c) Deferred Payment. The balance of the purchase price in the sum of \$250,000.00, together with interest thereon at the rate of 9.25 percent per annum from the date hereof, shall be paid as follows:

(i) \$3,200.82, including interest, on or before May 11, 1997, and \$3,200.82, including interest, on or before the 11th day of each calendar month thereafter until the total purchase price, both principal and interest, is paid in full;

(ii) Interest shall first be deducted from each payment and the balance of each payment shall be applied to the reduction of the principal balance. Interest shall be computed upon the unpaid principal balance to date of payment each time a payment is made. All deferred payments are to be made to the escrow holder hereinafter named;

(iii) All payments shall be applied first to accrued interest, if any, and then to reduction of principal.

(iv) Buyer shall have the right to prepay all or any portion of the deferred balance of the purchase price at any time without penalty.

(v) Buyers shall also pay a late fee of 10% of the amount due for any monthly payment which is five (5) or more days late.

3. Escrow, Closing, and Expense of Closing. An escrow shall be opened to consummate the sale of the property and assets pursuant to this Agreement through Alliance Title and Escrow Corp. in Salmon, Idaho. The closing of this transaction shall take place on April 11, 1997, unless

otherwise specifically agreed to by the parties. The customary closing fees and title insurance fees shall be shared equally by the parties. Titlefact, Inc., P.O. Box 486, Twin Falls, Idaho 83303, shall also act as escrow agent for the deferred payments to be made by Buyers to Sellers. Such escrow costs shall also be shared equally between Buyers and Sellers.

4. Risk of Loss. The risk of loss to the Property or any of the assets being purchased shall remain with Sellers until the time of closing, and Buyers shall have the option to cancel this agreement without further obligation in the event of any material loss, destruction, or damage to the Property or assets by reason of fire or other casualty prior to closing.

5. Title and Title Insurance for Real Property. Sellers shall convey the property to Buyers by Warranty deed. The property is to be marketable as evidenced by a standard owner's form title insurance policy in the amount of \$750,000.00 and subject only to the rights reserved in federal patents, state or railroad deeds, zoning laws, building, and use restrictions and regulation, including those of any governmental unit or agency such as the Sawtooth National Recreation Area, as well as rights of way and easements established or of record. Prior to closing the transaction, Buyers shall receive a title report and commitment from Alliance Title and Escrow Corp. If the title is not marketable and cannot be made marketable, this agreement shall be terminated and Sellers shall pay for any costs incurred for title insurance and closing fees and the earnest money referred to in paragraph 3 (a) hereinabove shall be returned to Buyers.

6. Title to and Transfer of Personal Property. Sellers covenant and agree that all personal property located in the improvements on the property on the date of this Purchase and Sale Agreement shall be and are hereby conveyed to Buyers.

7. Possession. Buyers shall have possession of the Property immediately subsequent to the closing.

8. Water Rights. The parties agree that Sellers have made no representations to Buyers as to the status, amount or priority dates of any water, irrigation or ditch rights and Buyers agree that they have made their own independent investigation of the status of said rights for the purpose of satisfying themselves as to the status, amounts and priority dates of such rights. Sellers have also advised Buyers that the irrigation and water rights appurtenant to said property are subject to adjudication in the case of In

Re the General Adjudication of Right to the Use of Water From the Snake River Basin Water System, Civil Case No. 39576, in the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Twin Falls.

9. Pro-Rations. There shall be pro rated between Buyers and Sellers upon closing, all of the estimated real property taxes and assessments, if any, against the property. In addition, the parties shall pro rate any prepaid sewer assessments which Sellers may have paid prior to the date of closing. Property insurance upon all of the improvements shall be the responsibility of Sellers until closing and of Buyers immediately thereafter.

10. Demolition or Removal of Property. Buyers expressly agree that they shall not demolish any of the improvements located on the property sold hereunder nor shall they remove any fixtures or improvements from the said property during the term of this agreement nor shall they change in any material way the property without prior written consent of Sellers which said consent shall not be unreasonably withheld.

11. Expenses and Commission. Except as otherwise specifically provided herein, Buyers and Sellers each agree to bear their own legal, accounting and other expenses in connection with the preparation and consummation of this Agreement. The parties represent that there is no real estate commission due as a result of this conveyance.

12. Buyers' Representations and Warranties. Buyers represent that they have thoroughly inspected the Property and all parts thereof and accept the same "as is" and there are no warranties express or implied, specifically, the WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, except as herein provided. Buyers also represent that they have independently evaluated the value of the property.

13. Default and Remedies. In the event of default herein by either party the non-defaulting party shall be entitled to any and all remedies, both equitable and legal, as may be available under the law of the state of Idaho.

14. Miscellaneous Provisions.

(a) Attorney Fees. In the event of any action or proceeding brought by either party against the other under this Agreement, the prevailing party shall be entitled to recover all reasonable attorneys fees, including attorneys fees on appeal, and all costs of the litigation. If an action or proceedings is not

commenced, but it is necessary for the party who sought compliance with this Agreement to retain the services of legal counsel in that process, then that party shall be entitled to receive from the party who has failed to perform all reasonable attorneys fees and related costs.

(b) Preparation of Agreement. No presumption shall exist in favor of or against any party to this Agreement as the result of the drafting and preparation of the document.

(c) Survival of Covenants All covenants and conditions in this Agreement are intended to survive delivery by Sellers and acceptance by Buyers of the Warranty Deed and Bill of Sale provided for in Paragraphs 6 and 7 hereinabove.

(d) No Waiver. No waiver of any breach by either party of the terms of this Agreement shall be deemed a waiver of any subsequent breach of the Agreement.

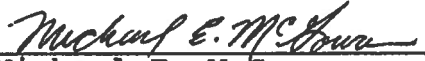
(e) Amendment. No amendment of this Agreement shall be effective unless the amendment is in writing and signed by all of the parties.

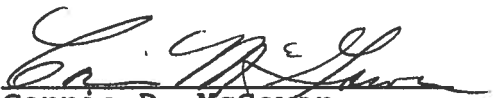
(f) Further Assurances. Any party will, if requested to do so by any other party, sign, acknowledge and deliver any and all such further instruments and documents as may be necessary in order to complete this transaction or carry out the intent and purposes of this Agreement.

(g) Time is of the Essence. Time and timely performance is of the essence of this Agreement.

(h) Counterparts. This Agreement may be executed in counterparts and such counterparts shall constitute an agreement binding on the parties hereto. Further a FAX copy of this Agreement with facsimile signature shall be binding on the parties hereto.

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first above written.


Michael E. McGowan


Connie D. McGowan

SELLERS

Gerald Gunter

Nancy Gunter

BUYERS

IN WITNESS WHEREOF, the parties have signed this Agreement the day and year first above written.

Michael E. McGowan

Connie D. McGowan

SELLERS

Gerald Gunter
Gerald Gunter

Nancy Gunter
Nancy Gunter

BUYERS

STATE OF IDAHO)
County of Lemhi) :ss

On this 11th day of April, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL E. MCGOWAN and CONNIE D. MCGOWAN, 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 first above written.



Laurie M. Santee
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 6-19-2001

STATE OF)
County of) :ss

On this day of April, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared GERALD GUNTER and NANCY GUNTER, 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 first above written.

Notary Public for
Residing at
Commission Expires:

STATE OF IDAHO)
 :SS
County of)

On this day of April, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL E. MCGOWAN and CONNIE D. MCGOWAN, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

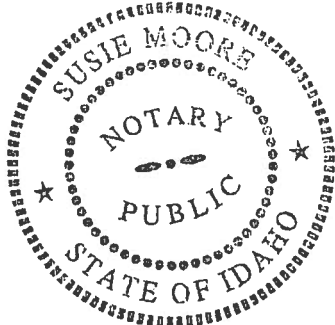
IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Notary Public for Idaho
Residing at , Idaho
Commission Expires:

STATE OF IDAHO)
 :SS
County of TWIN FALLS

On this 11TH day of April, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared GERALD GUNTER and NANCY GUNTER, 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 first above written.



Susie Moore
Notary Public for
Residing at TWIN FALLS
Commission Expires: 11-28-2002

OWNERS

SCHEDULE A

OFFICE FILE NUMBER	POLICY NUMBER	DATE OF POLICY	AMOUNT OF INSURANCE	PREMIUM AMOL
¹ 7-783-C	² 13 0044 106 00000303	³ APRIL 14, 1997 AT 2:44 P.M.	⁴ \$ 750,000.00	⁵ \$2,167.50

1. Name of Insured:

GERALD GUNTER AND NANCY GUNTER,

2. The estate or interest in the land which is covered by this Policy is:

FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

GERALD GUNTER AND NANCY GUNTER, HUSBAND AND WIFE

4. The land herein described is encumbered by the following mortgage or trust deed, and assignments:

A DEED OF TRUST DATED APRIL 11, 1997 BETWEEN GERALD GUNTER AND NANCY GUNTER, HUSBAND AND WIFE, AS GRANTOR, THE ALLIANCE TITLE & ESCROW CORP., AS TRUSTEE, FOR MICHAEL E. MC GOWAN AND CONNIE D. MC GOWAN, HUSBAND AND WIFE, AS BENEFICIARY, IN THE AMOUNT OF \$250,000.00 RECORDED APRIL 14, 1997 AS INSTRUMENT NO. 213171, RECORDS OF CUSTER COUNTY, IDAHO.

and the mortgages or trust deeds, if any, shown in Schedule B hereof.

5. The land referred to in this Policy is described as follows:

LOTS 1, 2 AND 3 IN BLOCK 5, AND THE SOUTHWEST 40 FEET OF SCHOOL STREET ADJOINING LOTS 1, 2 AND 3 IN BLOCK 5 AND THE NORTHEAST 40 FEET OF SCHOOL STREET ADJOINING BLOCK 4 AND THE EAST 10 FEET OF AN ALLEY ADJOINING LOTS 1, 2 AND 3 IN BLOCK 5, ALL IN STANLEY GOVERNMENT TOWNSITE (LOWER STANLEY), IN CUSTER COUNTY, IDAHO.

SCHEDULE A

Owners Form
Reorder Form No. 3089 (Rev. 1/89)

This Policy valid only if Schedule B is attached.

AGENT'S COI

OWNERS

SCHEDULE B

Policy Number: 13 0044 106 00000303
Owners

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

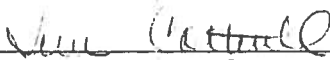
- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
- (3) Easements, or claims of easements, not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
- (6) Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions: The mortgage, if any, referred to in Item 4 of Schedule A.

7. General taxes for the year 1997 and subsequent years, which are an accruing lien, not yet due and payable. Liability for additional assessment and subsequent tax billing, if any, by any reason of improvements made to the insured premises subsequent to January 1, 1997.

8. Any adverse claim based on the assertion that some portion of said land is now, or at any time has been within the boundaries of the Salmon River or by reason of the fact or claim that any portion or portions thereof have been rendered un-navigable by artificial means, or has accreted to such portions so created.

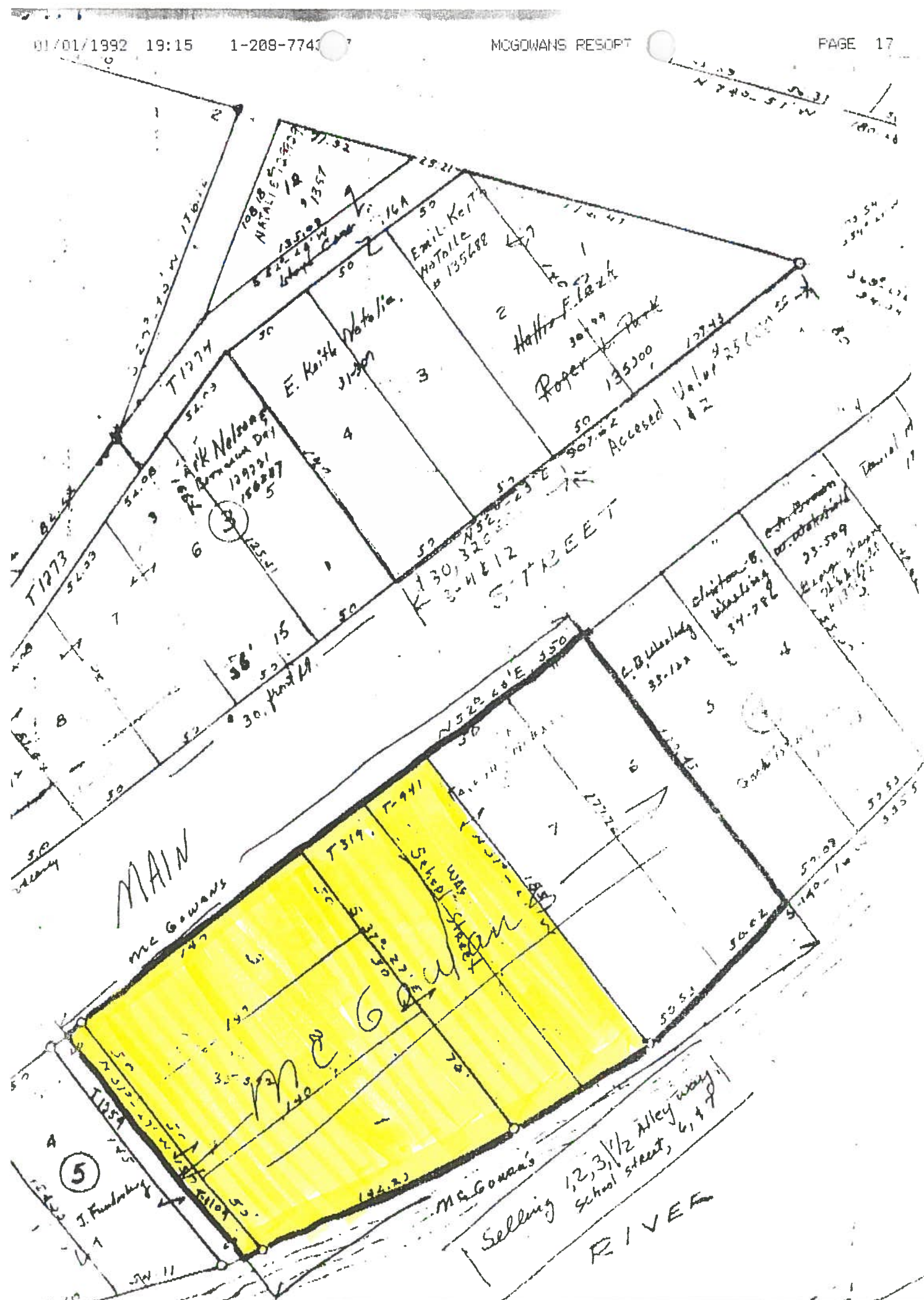
9. Public Law 92-400 creating Sawtooth National Recreation Area; regulation promulgated thereunder, published March 29, 1974, in Volume 39, Federal Register, pages 11544 to 11547.


Authorized Signatory
TERRI COTTERELL

SCHEDULE B (STANDARD COVERAGE)
Owners Form
Reorder Form No. 9128 (Rev. 12/91)

Schedule B of this Policy consists of _____ pages.

AGENT'S COP



COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent Douglas Jones

DATE: June 3, 1997 9:22am **CUSTOMER:** JUSTIN SEAMONS, ATTY

SUBJECT: A71-04047, -07027, 10142
phone call (X) walk-in (.)

Appt w/ Seamons about McGowan to Gunter ownership change requirements. Explained the file information, provided copies of a communication memo I had with McGowan, and a sketch map in the recommendation for -04047. Issues related to how much of the rental cabin property was conveyed (i.e. cabin 13 and the office residence), which well is for what use, where, and since when were discussed.

I showed Seamons where -04047 & -07027 described all the original property. I informed him that where only a portion of the land is conveyed but the intent was to convey all of the claims, then a quit claim is required. I told him that unless a real property transaction describes specifically how things are divvied that IDWR is required to proportionately split appurtenant rights.

I gave Seamons 2 ownership change forms and 2 address change forms for his future use. Seamons indicated that he'd talk to his client (Gunter) and also Fury (McGowan's atty). He'd be back to me with either questions or the ownership change form & supporting documentation.

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent Douglas Jones

DATE:

May 12, 1997 11:43am

CUSTOMER:

MIKE MCGOWAN 879-4372

SUBJECT: 71-10142, -04047, -07027; CHALLIS PROPERTY
phone call (X) walk-in (.)

McGowan returned my call from last Fri and we discussed the rental cabin property in B71. He was concerned that the claim be recorded properly. Our discussion was very long and convoluted as a number of other issues and questions came up.

He described the system and historical use. He also said that part of the property was sold recently and he didn't want to be shorted for what he kept. I described what he originally claimed on the various claims and what we recommended on -10142. He said we screwed up and he uses his '85 well for some uses not described - like two cabins and two rv spaces. I told what was on the original claim - one home and lawn. He agreed he used it for those uses but also had made changes in system and has supplied water to his shed used for side businesses, the original home/office, one rental cabin and the rv spaces.

The conversation revealed that the original "1930" well has not been used for the rental cabin property since about 1978 when a new well was drilled by Hiddleston. I could not determine whether the original well (near the home/office) is still used, though he said that he wants to keep it since he retained lots 6,7 Blk 4. I conclude that three wells are on site, and only two are claimed. McGowan has separated systems since claims taking, so the new owner can not divert water from the old well.

IDWR has not received the owner change info from the new owner of the rental cabins, Gunter. It is uncertain how he will represent his claim or how the split will be crafted.

I informed McGowan that he has 120 days to object to claim. He wondered whether uses existing on site fit claim. I told him that the present claim describes 1 home and yard; limited to 13,000 gpd.

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent JEANIE M ROBERTSON

DATE

CUSTOMER

October 12, 1995 4:06pm MIKE MC GOWAN A71-04047, A47-07027,
A71-10142, A72-04153

SUBJECT: FED. & INDIAN CLAIMS QUESTIONS???????

phone call (X) walk-in (.)

He called with his claim numbers and wondered how they would be affected by the filings. I told him the claims filed by the Feds and the Indian weren't listed that way, it was up to individuals to look at the filings and see if they thought the elements might impact their claims. FAXed him the directions for using the Director's Report and also a list of the remaining claims not withdrawn by the Forest Service. FAX# 774-3307

R PROOF

X

CVR

X

MAPS

X

PHOTOS

X

MISC

MICROFILMED

OCT 27 1994

Water Right Number - R71-04047

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
MC GOWAN

MICHAEL E

1 - PO BOX 76
2 -
3 -

State- ID Zip- 83278

MC GOWAN

CONNIE

City- STANLEY
Phone - 208-774-2290
1 - PO BOX 76
2 -
3 -
City- STANLEY
Phone - 208-774-2290

State- ID Zip- 83278

+ - - Priority Date - - +
01/01/1936+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - - - Tributary - - - - - +

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

10N 13E 3 NW NE NE 2 (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume01 - IRRIGATION
10 - COMMERCIAL05/01 09/30
04/01 11/010.020 1.80
0.050 0.60+ - Total Div. Rate - + - Total Div. Volume - +
0.050 2.40+ - Total Consumptive Use - + - KM Usage - +
1.2

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10N	13E	3	NE NE	2	0.6	01	IRRIGATION	(37) CUSTER
10N	13E	3	NE NE	2		10	COMMERCIAL	(37) CUSTER

Total Acres: 0.6

+ - - Diversion Means - 40' WELL WITH 1 HP PUMP TO PIPELINE NETWORK

+ - - Non-Irrigation Use - COMMERCIAL/ 17 CABINS WITH LAUNDRAY

+ - - Other Rights for Same Use - 71-07027 ALSO PROVIDES IRRIGATION WATER

+ - - - - Remarks - - - - - +

PROPERTY IS ALSO KNOWN AS LOTS 1, 2 & 3 BLK. 5; LOTS 6 & 7
BLK. 4 AND SCHOOL STREET OF TOWNSITE OF STANLEY (LOWER STANLEY).MICROFILMED
OCT 27 1994

Water right number - R71-04047

Prefix Translation: RESEARCH

Remarks
 USE OF THIS RIGHT WITH RIGHT NO. 71-07027 IS LIMITED FOR
 IRRIGATION PURPOSES TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE
 VOLUME OF 1.2 AF, TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME
 OF 1.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 0.6 ACRES
 IN A SINGLE IRRIGATION SEASON.

No Old Water Right Numbers Found

Conditions of Approval
 No Conditions of Approval found.

Decree Plaintiff - - - +

Decree Defendant - - - +

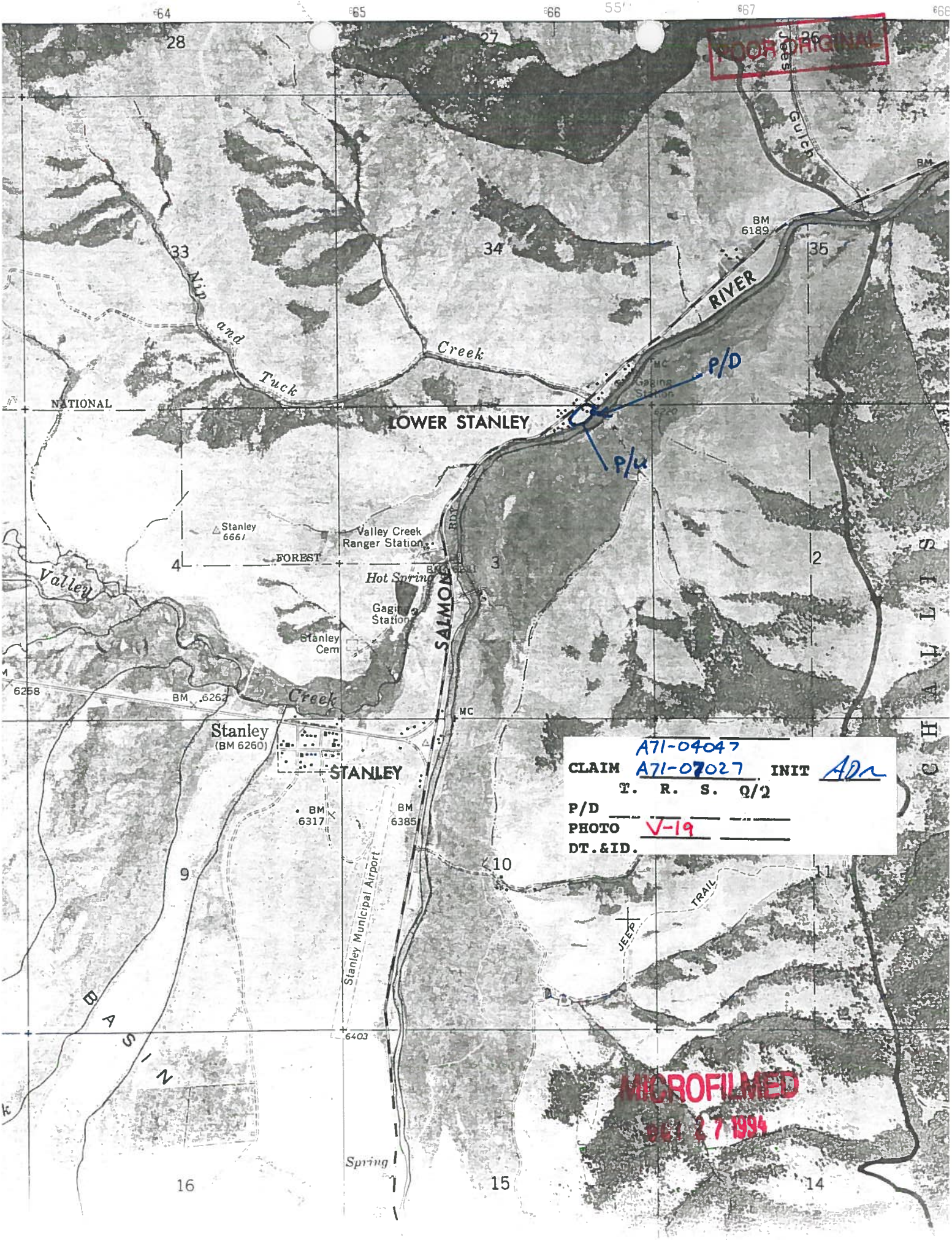
Decree Date - - +
00/00/0000

Comments
 Date: 07/15/1993 User Id: MERRITT Subject: COPIED FROM REMARKS
 LANDS AT USE ARE IN BLK 4 & 5, LOWER STANLEY TOWNSITE.

Audit Fields - - - +
 07/15/93 MERRITT

Adjudication Rights Dates and Flags Area		Civil Case Number
Court Report Filing	- 00/00/0000	39576
Objection Filed Date	- 00/00/0000	
Response Filed Date	- 00/00/0000	
Claim Received Date	- 01/31/1990	
Field Inspection Made	- 06/17/1993	
Field Inspection Flag	- 07/15/1993	
Verified Date	- 00/00/0000	
Last Amended Date	- S011089	
Receipt Number	- Y	
POU Ownership Flag	-	
Name Connector	-	
Federal/State Indicator	- S	
Presumption Flag	-	
Notice of Error Flag	-	

MICROFILMED
OCT 27 1994

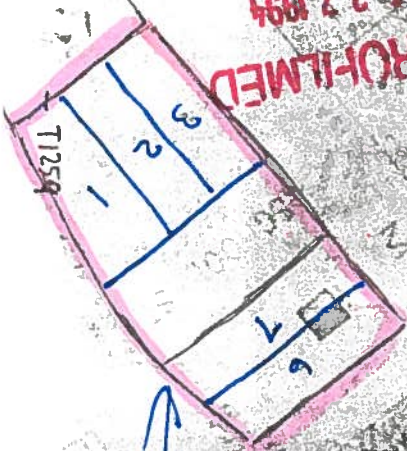


A71-04047
CLAIM A71-07027 INIT Adn
T. R. S. Q/2
P/D _____
PHOTO V-19 _____
DT.&ID. _____

MICROFILMED
JUL 27 1994

copy with
map of
4

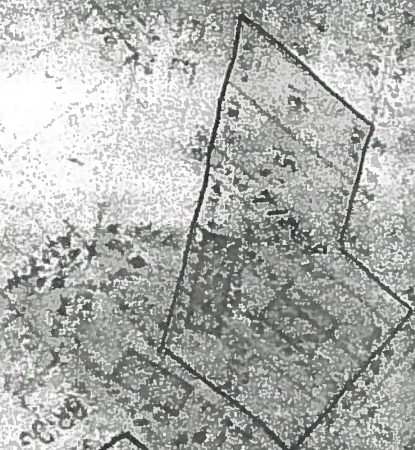
MICROFILMED
OCT 27 1994



Mc Gowen

ALL computed distances
ALL OTHERS NOT RECORDED

Property



Sketches
claim
7-04003

not claimed

7-07001

not claimed

MICROFILMED

OCT 27 1994

POOR ORIGINAL

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-04047

03:34:02
05/28/92

LAST: MC GOWAN
ADDRESS: P.O. BOX 76
CITY: STANLEY
PHONE NUMBER: 208-774-2290

FIRST: MICHAEL E.

STATE: ID ZIP: 83278

POOR ORIGINAL

NAME: MC GOWAN
ADDRESS: P.O. BOX 76
CITY: STANLEY
PHONE NUMBER: 208-774-2290

FIRST: CONNIE

STATE: ID ZIP: 83278

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE FIELD
Y EXAMINER

CLAIM REMARKS: LANDS AT USE ARE IN BLK 4 & 5, LOWER STANLEY TOWNSITE.



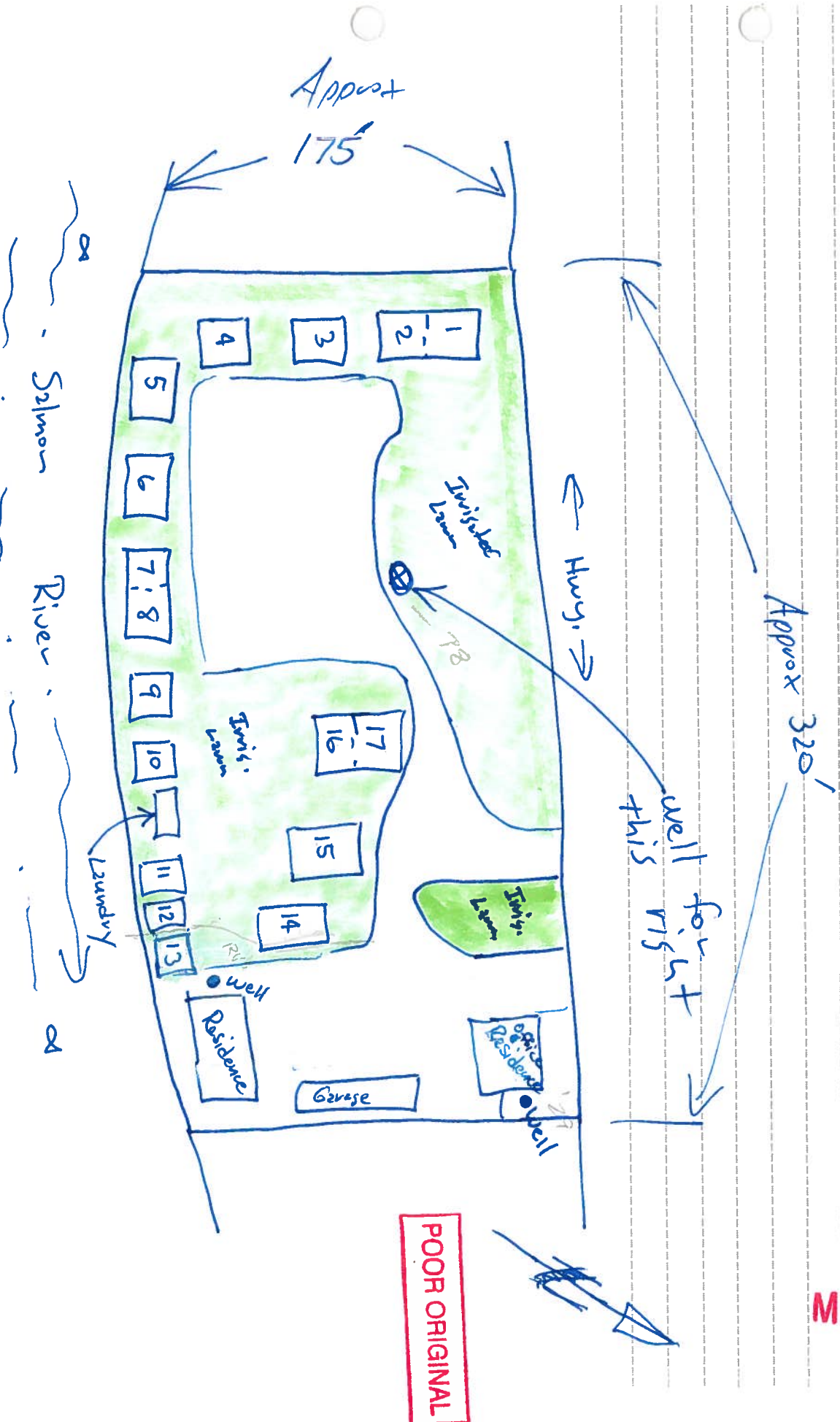
photo by

ADN
6/17/92

MICROFILMED
OCT 27 1994

CONTACT PERSON: _____ PHONE NUMBER: (____) _____
DATE OF FIELD EXAM: 6/17/93 APPOINTMENT MADE: Y(____) N(____) TIME: ____:____ A(____) P(____)
ACCOMPANIED BY: Mike McGowan PHONE NUMBER: (____) _____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS: _____

MICROFILMED
OCT 27 1994



A. AJ CLAIM: # A71-04047 PRIORITY DATE: 05-01-1930 STAGE: S
B. WR RECORD: # 71-04047 PRIORITY DATE: 05-01-1930 STAGE: S

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

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

REMARKS:

~~Affidavit~~ supports use of wife for cabins in 1936 and possibly earlier. Exact # of cabins unclear. Original Statute claim lists 10 cabins. At present there are 17 units. Since residences now have their own wells and there no longer exists the restaurant & service station I recommend 1936 priority for the 17 cabins & investigation.

RECOMMENDED PRIORITY DATE:

05-01-1930

REVIEWED BY

1/1/1936

DATE

7/15/93

MICROFILMED
OCT 27 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY	CUSTER
A71-04047	10N	13E	3		NW	NE	2		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A71-07027 NONE

WR RECORDS IN SAME 40 ACRE TRACT

71-07013
71-07027
71-07132

SOURCE: GROUNDWATER

TRIB:

WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY	CUSTER
71-04047	10N	13E	3		NW	NE	2		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

71-07013
71-07027

A71-07027 NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

REMARKS:

P/D is in NW NE NE Sec 3 (4.2) T10N R13E 25
confined on orthogonal.

MICROFILMED

Oct 27 1994

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

10N 10E 3 NW NE NE

LOT 2 COUNTY Custer

SOURCE: GROUNDWATER TRIB:

REVIEWED BY: AD- DATE: 7/15/93

MICROFILMED
OCT 27 1994

A. ROOT WATER RIGHT NUMBERS: A71-04047

B. POU LISTING

TWP RING SEC 1/4 1/4 LOT NAME

AJ
#/ACRES

WR
#/ACRES

LANDSAT
DATA

FIELD
EXAM.

TOW 13E 3 NE MC GOWAN, MICHAEL E.

A71-04047 /

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

0.6

REVIEWED BY:

ADW

DATE:

7/15/93

MICROFILMED
OCT 27 1994

A. AJ CLAIMED USES:

PURPOSES
A71-04047 IRRIGATION
A71-04047 COMMERCIAL
A71-04047 DOMESTIC

MONTH/DAY
FROM 05-01 TO 10-15
FROM 05-01 TO 10-31
FROM 01-01 TO 12-31

DIVERSION QUANTITY
.090 CFS
.080 CFS
.040 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.210 CFS

B. WR RECORDED USES:

PURPOSES
71-04047 IRRIGATION
71-04047 COMMERCIAL
-04047 DOMESTIC

MONTH/DAY
FROM 05-01 TO 10-15
FROM 05-01 TO 10-31
FROM 01-01 TO 12-31

DIVERSION QUANTITY
.090 CFS
.080 CFS
.040 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.210 CFS

MICROFILMED
OCT 27 1994

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(☒)

RECOMMEND TO WR STANDARDS OR OTHER?

Y(☒) N() Explain in remarks, below.

REMARKS:

No Domestic. Residences use separate wells.
Commercial use is 17 Cbbs units & laundry April 1 to Nov 1
Irrig season is 5/1 to 9/30. Extended season - use for
commercial from 5/1 to 4/1 since owner indicated that
Cbbs open when fishing season & refilling season begins
and it fluctuates.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.210 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.210 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

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OCT 27 1994

MEASUREMENT METHOD Cals below FLOW MEASUREMENT
SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A71-07027

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-04047	GROUNDWATER	MC GOWAN, MICHAEL E.	0.210	0.070		
A71-07027	SALMON RIVER	MC GOWAN, MICHAEL E.	0.110	0.022		
A71-10104	SALMON RIVER	WHEELER, BRILL	1.700	0.009		

See record for overlap.

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10100	COMMERCIAL	FUNDERBURG, JAMES M.	FROM 01-01 TO 12-31	.020 CFS	

$$Q = \frac{8.8 (1 \text{ H.P.}) (.7 \text{ cfs})}{(40 \text{ psi} \times 2.31) + (20')} = 0.05 \text{ cfs.}$$

Inf about
pump obtained
from owner.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.03 CFS
ACRES 0.6 $\times \frac{0.03 \text{ CFS/ACRE}}{\text{(taken from p/u review)}}$ = 0.02 CFS

DOES AMOUNT CLAIMED EXCEED 0.03 CFS/ACRE? Y() N(X)

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 2.0 AF/A
ACRES 0.6 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA 2 =
TOTAL CONSUMPTIVE USE 1.2 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 3 AF/A
ACRES 0.6 $\times$ DIVERSION VOL. AF/A FOR AREA 3 =
TOTAL DIVERSION VOLUME 1.8 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X) (below)

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

Domestic Use - Above (The two residences have their own wells)

Commercial Use - Use in 17 cabins (1 bed/cabin) includes water for laundry for facility

$$V_{com} = \frac{(50 \text{ gpd/unit}) (17 \text{ units}) (215 \text{ days/yr.})}{325700 \text{ gal/AF}} \approx 0.6 \text{ AF/yr}$$

Water is insignificant

Q_{com} = allow capacity of pump = 0.05 cfs

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS USE
	FROM	TO			
IRRIGATION	5/1	9/30	0.090	1.8	2.0
COMMERCIAL	4/1	11/1	0.080	0.6	
DOMESTIC			0.040		

TOTAL FOR THIS RIGHT

0.210

REVIEWED BY:

AK

DATE:

0.05

*This use when combined with 71-07027
Should not exceed 0.6 AF/A, 1.8 AF/A div. vol.,
not 1.2 AF/A consumptive use.*

*Delete Cons. Use
for Admin direction
KJC
12-98*

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-04047

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.210

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "K"
CLAIM NUM.

"K" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

A71-04047

0.210

-

71-04047

0.210

TOTAL CFS

0.210

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:

P/A is lots 1, 2, 3 Blk. 5 lots 7 & 6 Blk 4,
2nd School Street of the old house of
Starkes (lower Starkes).

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

7/15/93

NAME OF FIELD EXAMINER:

TITLE:

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Domestic
K-10-20 sub
No California
Recom.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

03:34:02
05/28/92

PAGE: 13
BUICKLOOK INFORMATION

CLAIM NUMBER: A71-04047

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

* 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.

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OCT 27 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

04:13:27
05/28/92

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A71-04047

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAEL E. MC GOWAN	05/01/1930	IRRIGATION	05-01 10-15	0.09 CFS	
C	CONNIE MC GOWAN		COMMERCIAL	05-01 10-31	0.08 CFS	
	P.O. BOX 76		DOMESTIC	01-01 12-31	0.04 CFS	
	STANLEY ID 83278					
	(208) 774-2290					
TOTAL DIVERSION: CONSUMPTIVE USE:					0.21 CFS	

Water Source: GROUNDWATER

Tributary to:

It(s) of Diversion: TION RISE 503 Lot 2(NAME)

Stage: STATUTORY CLAIM
CUSTER County

Place of use	Legal Description for:	NE	NW	SW	SE	SUM
T R S	NENE NAME SENE	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	
10N 13E 3	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	
TOTAL ACRES						3.0

Place of use	Legal Description for:	NE	NW	SW	SE	SUM
T R S	NENE NAME SENE	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	
10N 13E 3	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	
TOTAL ACRES						3.0

POU County: CUSTER

Non-Irrigation Uses: C/10 CABINS, RESTURANT, SERVICE STATION, STORE, GARAGE

Other Rights: A71-07027

Non-Irrigation Use: C/10 CABINS, RESTURANT, SERVICE STATION, STORE, GARAGE

Remarks: LANDS AT USE ARE IN BLK 4 & 5, LOWER STANLEY TOWNSITE.

Dates: Exam Made Date: 01/28/1986

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

MICROFILMED
OCT 27 1994

WR5809NP
No. 71-04047

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 09/05/92
PAGE: 78

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAEL E. MC GOWAN	05/01/1930	IRRIGATION	05-01 10-15	0.09 CFS	
C	CONNIE MC GOWAN		COMMERCIAL	05-01 10-31	0.08 CFS	
			DOMESTIC	01-01 12-31	0.04 CFS	

TOTAL DIVERSION: 0.21 CFS

Water Source: GROUNDWATER
Tributary to:
Stage: STATUTORY CLAIM

Point(s) of Diversion: T10N R13E S03 Lot 02(NW NE)

Place of use Legal Description for: IRRIGATION

Place of use Legal Description for: IRRIGATION									
		NE		NW		SW		SE	
T	R	S							
10N	13E	3	:	02-03	:	:	:	:	:
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