

Data Entry *[Signature]*

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: A71-10197
Date Received: 1/10/1990
Receipt No: C013908
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

AND

Name: ERNEST DAY 208-375-6490
Address: 1919 S PHILLIPI
BOISE, ID 83705

2. Date of Priority: MAY 31, 1920

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	14E	33	SE	SW	NE		CUSTER

5. Description of diverting works:
NO DIVERSION WORK (SEE REMARKS)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	08/01	0.400		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is 40.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER SUPPLYING WATER FOR APPROX. 180 PAIR (STOCK COWS)

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	14E	33	SE	NW		IRR	5.0
			NE	SW		IRR	10.0
			NE	SW		STOCK	
			NW	SE		IRR	5.0
			NW	SE		STOCK	
						Section Acres	20.0
						Total Acres	20.0

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:
UNNAMED CREEK ORIG. ON FOREST SERVICE LAND FLOWS ONTO PARCEL AND
EMPTIES INTO IRRIG. DITCH. MAINLY SPRING AND EARLY SUMMER RUN-OFF
CAN BE USED FOR EARLY IRRIGATION ON NATIVE PASTURE ABOVE
IRRIGATION DITCH AND LIMITED STOCKWATER. SUPPLY NOT DEPENDABLE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME Humphreys, Jay CLAIM IDENT. NO. A71-10197

DATE RECEIVED 1-10-90 CK # 0013908 AMOUNT \$ _____

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

Claim checked by: [Signature] Date: 1-09-91

Claim must be returned to claimant: (Yes) (No)

Claimant must be notified of modifications: (Yes) (No)

Receipt Prepared by: _____ Date: _____
Claim data entered by: [Signature] Date: 1-09-91 Checked by: _____ Date: _____
Sent to claimant by: _____ Date: _____

Comments: _____
MICROFILMED
MAR 17 1993

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

COPY

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

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

A71-10197

1-10-90

C013908

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FRED HUMPHREY, ERNET DAY Phone (208) 375-6940
Mailing Address 1919 S. PHILLIPS, BOISE, ID Zip 83705
2. Date of Priority (Only one (1) per claim) 5/1920
3. Source of water supply (a) UN-NAMED CREEK
which is tributary to (b) SALMON RIVER.
4. a. Location of existing point of diversion is: Township 9N Range 14E Section 33,
SE 1/4 of SW 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of _____
Additional points of diversion if any: N/A.
- b. If instream flow, beginning point of claimed instream flow is: N/A
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____
_____ 1/4, Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

NO DIVERSION WORK.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For IRRIGATION purposes from 4/15 to 8/1 amount .40 or _____

For STOCK WATER purposes from 1/1 to 12/31 amount .07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .47 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 40 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCK WATER - USED IN CONJUNCTION W/ SPRING FOR
180 PAIR OF STOCK COWS & CALVES - EARLY SUMMER STOCK WATER.

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	
9H	14E	33								5	10					5			20
9H	14E	33									5					5			

Total number of acres irrigated 20

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

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

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

or None (X)

14. Remarks:

UN-NAMED CREEK - ORIG. ON FOREST SERVICE LAND. FLOW
ON TO PARCEL AND EMPTIES INTO IRRIG. DITCH. MAINLY
SPRING AND EARLY SUMMER RUN-OFF. CAN BE USED FOR EARLY
IRRIGATION ON NATIVE PASTURE ABOVE IRRIGATION DITCH AND
LIMITED STOCK WATER. SUPPLY NOT DEPENDABLE.

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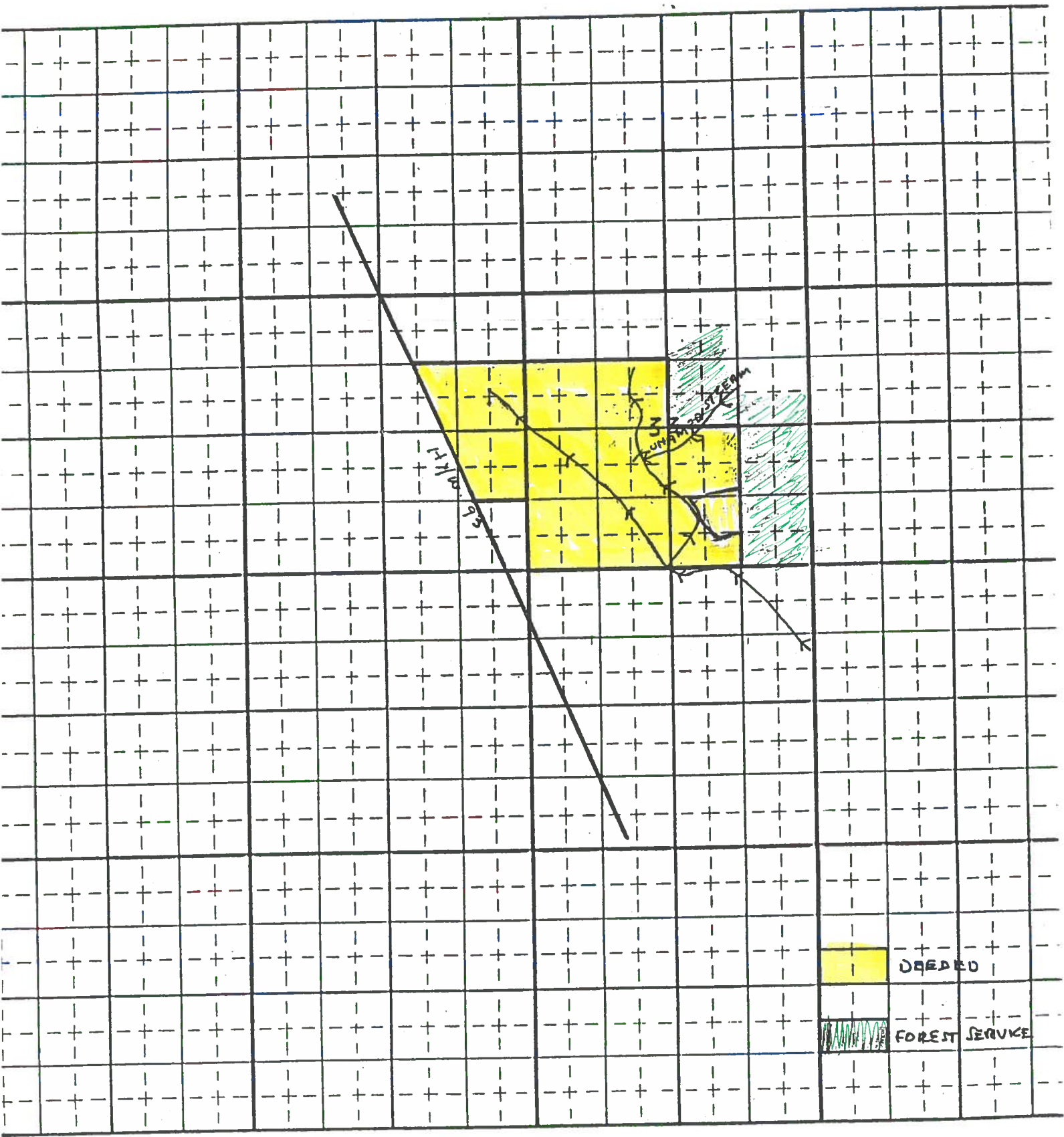
Last Name HOMANDEYS/DAY Ident No. _____

MAR 17 1983

Copies: 1 - State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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Last Name ALONSO / DA

Ident No.

MAR 17 1983 State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) ☒ Kate C. Humphrey Date 12-5-89

Don Day Date _____

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

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

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

SEAL

Notary Public

Residing at

My Commission Expires

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 HUMPHREYS / DAY Ident. Number _____

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MAR 17 1993

Copies White-State, Yellow-Claimant

1/09/91

CA13908

\$ 917

#	\$ Humphreys/Day	Acres
771-00028	\$ 260	210 AE
771-00029	50	113 Same as 260
771-00035	107	150
471-00033B	50	45
771-00034C	125	75
471-00036B	50	120
471-02085	50	57 same as 260
471-10191	\$ 25 -	Ranch 5.32433 2674 Whitecloud 75
471-10192	25 -	Total Ac. \$ 342 Flat-Irr. \$ 400 D&S : \$ 175 \$ 917
471-10193	25 -	
4	25 -	
5	25 -	
6	25 -	
471-07000	25 -	
471-10197	50	
	<u>\$ 917</u>	

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MAR 17 1993

LAND LIST ATTACHMENT

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	14E	4					000340										15		15
		9													5 20	15 20			60
9N	14E	33					00035	31 20	37 24			18 20							150
9N	14E	33					00036B	11	31 20	40				18					120
9N	14E	32				10	00028												10
		33						37 24	31 40	10 40				18					200
9N	14E	33					00029	24 31	20					18					113
9N	14E	32				10	00033B												10
		33								20 10	5								35
9N	14E	32 36			7		02085B							11					54
		33						3											3
9N	14E	33					10197		5 10					5					20
8N	14E	4															15		15
		9													5 20	15 20			60
9N	14E	32 36				10								11 7					14
		33							31 20	37 24	31 40	18 10	40	5 18					79

Total number of acres irrigated _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 11, 1991

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

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

Dear Mark,

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

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

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

Regards,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:state:southern

Enclosures:

Yellow Copies of Above Claims
Copy of Revised Map

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MAR 17 1993

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

Scale 2 inches equals 1 mile



Map
Item 10 Sec 32 Only



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MAR 17 1993

Last Name HUMPHREYS Ident No. _____

Copies: White, Scan, Map, etc.



ate 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

A71-10197
FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIP
BOISE

ID 83705

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

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MAR 17 1993

FRED C. HUMPHREYS & ASSOCIATES

FRED C. HUMPHREYS
PRESIDENT

March 4, 1992

RECEIVED

MAR 05 1992

Department of Water Resources
Southern Region Office

Mr. Allen Merritt, P.E., Water Rights Supervisor
Southern Region
State of Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Water Right Number - A71-10197
Adjudication Claim

Dear Mr. Merritt:

The water rights to the best of my knowledge can only be claimed by the historical use of the water, which dates back to a water rights suit that was settled in 1908 between Dan Cavanaugh and William Merritt, with Marjorie Shaw as intervenor. I am sure your office has the record of the lawsuit over the water rights on the property that this water right was filed on.

This stream on which I filed for water does originate on U. S. Forest Service land and runs down through and into the irrigation ditch on the subject property. It has not run through into the Salmon River drainage since these ditches were originally put in before the 1908 lawsuit was filed, and the water has been beneficially used for irrigation since that time period; and that suit is the best evidence I have of priority.

There are no neighbors in the Valley that could attest to that. There is one that I could possibly get an affidavit from who has the ranch adjoining my ranch on the north. He is in his seventies and lives in Challis and would have personal knowledge and may be able to execute an affidavit that would attest that the stream has been there and put into use for irrigation and stock water during the time of his memory, as he was raised on this ranch.

To the best of my knowledge, all of the Shaw family are deceased who would have any memory of the water situation.

This place was purchased in 1966 by the present owners from Jack Furey, an attorney in Challis, who has owned several pieces of property and still owns some in the Basin, but is retired from active law practice, and he could possibly be helpful in supplying an affidavit. I think your own records from this 1908 suit any any filings thereafter offer the best evidence.

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MAR 17 1993

March 4, 1992

Would an affidavit from me or Mr. Furey or Morgan Williams, the adjoining neighbor, be sufficient to establish an early priority? My only concern is that someone could file on mineral rights or other use on the Forest Service land and could establish rights on this water. The small creek runs a good runoff in the early spring, but by mid-August is down to zero.

Certainly I would appreciate your response so that I may meet the May 1, 1992, deadline.

Sincerely,



Fred C. Humphreys
President

1b

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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

R. KEITH HIGGINSON
Director

06-Mar-1992 09:23

Fred C. Humphreys
PO Box 8247
Boise ID 83733

RE: Proof of Priority of SRBA Claim A71-10197

Dear Mr. Humphrey:

In response to your recent letter regarding our request for evidence of the priority for your claim A71-10197, I have reviewed the Cavanaugh vs. Merritt decree and it does not specifically address water from an un-named stream as your claim describes. It does decree rights to the use of Fisher Creek and you have claimed these decrees in the SRBA under claims A71-00028 and A71-00029. Without doing the field exam for this and other claims in the area I will not be able to conclude that the water for the un-named stream was diverted at the same time the decrees were developed. If it is the same delivery ditch from Fisher Creek that collects this un-named stream then it may be reasonable to conclude that the priority is 1908, the same as the Fisher Creek water; however, if this claim is for a stream unconnected to the Fisher Creek diversion ditch then we will need evidence of when this diversion from the un-named stream was developed.

I hope this answers your question. To play it safe I would suggest you gather as much evidence of use and include it with your claim.

Sincerely,

Allen Merritt, P.E.
Water Right Supervisor

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MAR 17 1993

FRED C. HUMPHREYS & ASSOCIATES

FRED C. HUMPHREYS
PRESIDENT

RECEIVED

MAR 12 1992

Department of Water Resources
Southern Region Office

March 11, 1992

Mr. Allen Merritt, P.E., Water Right Supervisor
Southern Region, State of Idaho
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Proof of Priority of SRBA Claim A71-10197

Dear Mr. Merritt:

Thank you for the prompt reply to my letter which did not make it clear that the water from the stream in question has run into the delivery ditch from Fisher Creek since the time this ditch was constructed, which I have to believe was prior to the 1908 suit as the suit was over this water. There is no physical evidence that the water has ever gone anywhere else since this pasture land was developed.

I will attempt to get an affidavit from Morgan Williams, who is in his seventies and has lived on the adjoining ranch where he was raised. Because of his age and he now lives in Challis, I am not sure what I can get; and if I can get an affidavit from him it probably won't be until after the cutoff date referred to in your letter.

It is not worth the cost to your office of a field examination.

Sincerely,



Fred C. Humphreys
President

1b

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MAR 17 1993

FRED C. HUMPHREYS & ASSOCIATES

FRED C. HUMPHREYS
PRESIDENT

RECEIVED

MAR 19 1992

Department of Water Resources
Southern Region Office

March 18, 1992

Mr. Allen Merritt, P.E., Water Right Supervisor
State of Idaho, Southern Region
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Proof of Priority of SRBA Claim A71-10197

Dear Mr. Merritt:

Enclosed is an affidavit from my neighbor there in Stanley which is pretty self-explanatory.

To the best of my knowledge this is the only one I feel to be the most credible. I could probably get one from Mr. Furey, who is a retired attorney and owned the ranch previous to our purchasing it, but I think he was rather a short-term owner.

I would appreciate your advising me if this provides sufficient support.

Sincerely,



Fred C. Humphreys
President

Enclosure

1b

MICROFILMED
MAR 17 1993

AFFIDAVIT RECEIVED

MAR 19 1992

Department of Water Resources
Southern Region Office

STATE OF IDAHO)

County of Custer)

ss:

I, the undersigned affiant, MORGAN C. WILLIAMS, being first duly sworn, do depose and state as follows:

That I have been on the ranch adjacent to the north of the Humphreys-Day ranch for approximately 60 years and that I am acquainted with the small creek, un-named, originating on Forest Service ground just south of the line dividing my property and the Humphreys-Day property; and this stream runs into the irrigation water diverted from Fisher Creek, and no further, and becomes part of the irrigation system of the water diverted from Fisher Creek for the Humphreys-Day property since this ditch was built approximately 60 years ago.

FURTHER AFFIANT SAITH NOT.

DATED this 13th day of March, 1992.

Morgan C. Williams

Subscribed and sworn to before me this 13 day of March, 1992.

Jo Ann Bennetts

Notary Public for Idaho

Resident at Challis

My commission expires 8-5-94

MICROFILMED

MAR 17 1993

Merritt, Allen

From: Merritt, Allen
Sent: Friday, December 15, 2000 11:06 AM
To: Music, Vicky
Subject: RE: I hate to even bring up the name!



71-10197 pod.jpg

Attached is a map of where the point of diversion should be. SWNWSE is correct.

You are correct that it was claimed in SESWNE.

You are correct that on page 3 it is written to recommend as claimed. However page 3 is the analysis of the priority date so "recommended as claimed" refers to the priority date of 5/31/1920.

You are correct that page 5 lists SWNWSE as the recommended POD. That still should be the recommended POD. The original Director's report had it correct.

It seems that when things started to get monkeyed with with the new data migration, etc the claimed POD got pulled over. This should be corrected so that the POD is as originally recommended in SWNWSE.

-----Original Message-----

From: Music, Vicky
Sent: Friday, December 15, 2000 10:37 AM
To: Merritt, Allen
Subject: I hate to even bring up the name!

Hi Allen. We are trying to wrap up the Humphreys subcases [yes, still] and Jim Speck had a question about the change in the POD of 71-10197 - it was orig recommended as SENWSE, and has been changed to SESWNE. I see it was claimed in the SESWNE, yet on page 5 of the CVR, it is crossed out and SWNWSE is written in. Page 3 in the CVR says to recommend as claimed. Am wondering if this is a typo you caught after it was recommended, or if something else happened. Appreciate your help - thanks!

Vicky Music
Paralegal - IDWR
327-7928

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

Merritt, Allen

From: Music, Vicky
Sent: Friday, December 15, 2000 10:37 AM
To: Merritt, Allen
Subject: I hate to even bring up the name!

Hi Allen. We are trying to wrap up the Humphreys subcases [yes, still] and Jim Speck had a question about the change in the POD of 71-10197 - it was orig recommended as SENWSE, and has been changed to SESWNE. I see it was claimed in the SESWNE, yet on page 5 of the CVR, it is crossed out and SWNWSE is written in. Page 3 in the CVR says to recommend as claimed. Am wondering if this is a typo you caught after it was recommended, or if something else happened. Appreciate your help - thanks!

Vicky Music
Paralegal - IDWR
327-7928

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

08/18/2000

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

RIGHT NUMBER: 71-10197

NAME AND ADDRESS: ERNEST DAY
FRED HUMPHREYS
1919 S PHILLIPI
BOISE, ID 83705

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.47 CFS

PRIORITY DATE: 05/31/1920

POINT OF DIVERSION: T09N R14E S33 LOT 0 SESWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05-01 10-31	0.4 CFS
STOCKWATER	01-01 12-31	0.07 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County					
T09N R14E S32	SENE	0.1	T09N R14E S33	SENE	20.9
T09N R14E S33	NESW	19.8	T09N R14E S33	NWSE	0.5
T09N R14E S33	NWSW	4.3	T09N R14E S33	SWNW	30.1
STOCKWATER Within CUSTER County					
T09N R14E S33	NESW		T09N R14E S33	NWSE	
75.7 ACRES TOTAL					

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

STOCKWATER FOR 360 HEAD OF RANGE CATTLE.

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

RECEIVED

AUG 30 1999

Department of Water Resources

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

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

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

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

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

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

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

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

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

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


W. MICHAEL HUMPHREYS

STATE OF Massachusetts)
County of Essex) ss.

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

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


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

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

In Re SRBA Claimant

Case No. 39576

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

STATE OF IDAHO

)

) SS.

County of Ada

)

3. My educational background includes a Bachelor of Science degree in agricultural engineering from Colorado State University at Fort Collins, Colorado, in 1974, and a Master of Science degree in civil engineering from the University of Colorado at Boulder, Colorado, in 1978.

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

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

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

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

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

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

Nos. 71-00028, 71-00029, 71-10197, and 71-10763 dated October 6, 1999, attached to this Affidavit as Exhibit 1.

9. Attachments B, C, and D to Exhibit 1 are printed color copies representing shape files in IDWR's Geographical Information System database. These printed copies are the type of data regularly and customarily considered by experts in the field of water use and water right investigation and administration to be a reasonable basis to assist in forming an opinion about such water use or water right.

10. In Exhibit 1, I set forth my factual understanding of the law which underlies my opinion on behalf of IDWR regarding its description of specific elements of water right numbers 71-00028, 71-00029, and 71-10197. To the extent, if any, these statements are inaccurate as a matter of fact, the opinions expressed in my report may change.

Dated this 6th day of October, 1999


David R. Tuthill, Jr.

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

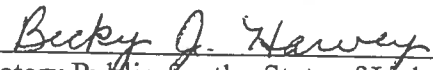

Notary Public for the State of Idaho
Residing at: Boise
My commission expires: 2/25/2003

EXHIBIT 1

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING CLAIM
TO WATER RIGHT NO. 71-00028, 71-00029, 71-10197, and 71-10763**

In Re SRBA

Twin Falls County Civil Case No. 39576
Subcase Nos. 71-00028, 71-00029, 71-10197, and 71-10763

Report to the SRBA District Court

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

October 6, 1999

The Director of the Idaho Department of Water Resources (IDWR) submits this Supplemental Director's Report Regarding Claims to Water Right Nos. 71-00028, 71-00029, 71-10197, and 71-10763 in accordance with Idaho Code § 42-1412(4) and Administrative Order 1. This supplemental director's report was prepared under the supervision of Karl J. Dreher, Director, and David R. Tuthill Jr., Adjudication Bureau Chief for IDWR. The following persons assisted in the preparation of the following portions of this report:

Allen Merritt, Regional Manger, IDWR Southern Region investigated claim number 71-00028, 71-00029, 71-10197, and 71-10763, prepared the recommendations for this claim and helped to prepare this Supplemental Report.

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

LEGAL PRINCIPLES UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBERS 71-00028, 71-00029, 71-10197, and 71-10763

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

1. Beneficial use is the basis, measure and extent of any water right.
2. The description of the beneficial use is the description of the water right.
3. Because beneficial use is the basis, measure and extent of any water right, a water right holder is entitled to irrigate only those lands on which water has been historically put to beneficial use pursuant to that water right.
4. Previous decrees are evidence of the elements of a water right, but they are not conclusive as to the elements of a water right.
5. If a previous decree does not describe all of the elements of a water right required in section 42-1409, Idaho Code, the director shall include in the Director's Report recommendations for those elements not defined by the prior decrees based upon the extent of beneficial use of the water right as of the date of the commencement of an adjudication.

FACTUAL FINDINGS UNDERLYING RECOMMENDATION OF WATER RIGHT NUMBERS 71-00028, 71-00029, 71-10197, and 71-10763

I. Basis of Claim

- a. Water right number 71-00028 is based on the Cavanagh v. Merritt decree. This water right was decreed to Marjorie Shaw for 4.20 cfs with a priority date of 06/09/1908

for use on an unspecified number of acres on lands within Sections 32 and 33, T09N, R14E. The Cavanagh v. Merritt decree is attached as Attachment A.

b. Water right number 71-00029 is based on the Cavanagh v. Merritt decree. This water right was decreed to Marjorie Shaw for 2.25 cfs with a priority date of 03/22/1910 for use on an unspecified number of acres on lands within Sections 32 and 33, T09N, R14E.

c. Water right number 71-10197 is a beneficial use right.

II. Investigation of Water Right No. 71-00028 and 71-00029

This report addresses those elements of water rights number 71-00028 and 71-00029 that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage).

A. Place of Use (Irrigated Acreage)

1. IDWR recommended a total of 200.2 irrigated acres for water rights 71-00028 and 71-00029 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. IDWR recommended this acreage based on the following:

a. On 7/27/1993 IDWR Regional Manager Allen Merritt conducted a field examination on the claimed place of use, accompanied by Mr. Humphreys and his irrigator, and observed an irrigated parcel within the area claimed under these water rights. The extent of land irrigated was supported by the observations of the delivery ditches, the character and lay of the land and vegetation by Mr. Merritt during the field exam. The land was irrigated from the feeder ditch from Fisher Creek that flows in a northwest direction along the base of the hillside. This ditch defines the eastern boundary of the irrigated land. After the feeder ditch enters the claimants' property a lateral splits off and flows westward along the access road and then angles northwest along a ridge. Lands are watered on both sides of this ditch after it turns and follows the ridge. At a point along the feeder ditch a diffuse stream is intercepted for use under water right 71-10197. On the lower end, i.e. northern end, of the property a ditch from the Salmon River carrying water rights 71-02085B and 71-10764, crosses the land in a northeastward direction. Fisher Creek waters can flow into the ditch from the Salmon River. Irrigation is made from this ditch to the north. The irrigated lands are pastures. Some of the land was irrigated well, though some was mixed with small or dispersed sagebrush indicating poorer irrigation or lower pasture maintenance. Lands with high-growth of brush with little grass were not included as irrigated.

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

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

d) In analysis of the number of acres irrigated, GIS technology was utilized. Mr. Merritt created four shapes describing the areas of land irrigated by the various sources of water. The shapes were created by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

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

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

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

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

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. Recommendations for 71-00028 and 71-00029 are based on shapes 2, 3 and 4 which (after rounding) total 200.2 acres. IDWR therefore recommends 200.2 acres as irrigated under water right numbers 71-00028 and 71-00029 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

2. Attachment B, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-00028 and 71-00029.

III. Investigation of Water Right No. 71-10197

This report addresses those elements of water right number 71-10197 that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage).

A. Place of Use (Irrigated Acreage)

1. IDWR recommended a total of 75.8 irrigated acres limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-02085B, 71-10197, and 71-10764. IDWR recommended this acreage based on the following:

a) On 7/27/1993 IDWR Regional Manager Allen Merritt conducted a field examination on the claimed place of use and observed an irrigated parcel within the area claimed under these water rights. See the above discussion of water rights 71-00028 and 71-00029 for an explanation of Mr. Merritt's observations during the field examination.

b) In analysis of the number of acres irrigated, GIS technology was utilized. Mr. Merritt created a GIS shape file by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

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

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

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

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

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764. The recommendation for 71-10197 was based on shape 3 which totals 75.8 acres. IDWR therefore recommends 75.8 acres as irrigated under water right number 71-10197 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

2. Attachment C, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-10197.

IV. Investigation of Water Right Number 71-10763

This report addresses those elements of water right numbers 71-10763 that are in dispute. IDWR understands these elements to be Place of Use (irrigated acreage), the point of diversion, and the priority date.

A. Place of Use

1. Water right number 71-10763 is the beneficial use right which was recommended in lieu of Mr. Humphreys's claim to the decreed rights claimed in full under 71-00033B, 71-00034C, 71-00035C, and 71-00036B by Humphreys and Day. A supplemental director's report for the decreed rights has been filed separately.

2. IDWR recommended a total of 200.2 irrigated acres under water right number 71-10763, limited to the irrigation of a combined total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B, and 71-10764. IDWR recommended this acreage based on the following:

a) On 7/27/1993 IDWR Regional Manager Allen Merritt conducted a field examination on the claimed place of use and observed an irrigated parcel within the area claimed under these water rights. See the above discussion of water rights 71-00028 and 71-00029 for an explanation of Mr. Merritt's observations during the field examination.

b) In analysis of the number of acres irrigated, GIS technology was utilized. Mr. Merritt created a GIS shape file by weighing the images on the orthophoto quadrangle V70 created from aerial photos dated 1984, the NAPP photo and the photo copy representing Mr. Humphreys confirmation mentioned above. The four shapes represent the following:

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

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

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

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

The total acres actually found irrigated were 228.9, but rounded by quarter quarter section, the GIS calculation resulted in a combined place of use of a total of 231.2 acres for water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-

10764. The recommendation for 71-10197 was based on shape 3 which totals 75.8 acres. IDWR therefore recommends 200.2 acres as irrigated under water right number 71-10763 limited to the irrigation of a total of 231.2 acres in a single irrigation season when combined with water right numbers 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B and 71-10764.

2. Attachment D, attached hereto, is a copy of a Geographic Information Systems Shape File delineating in yellow the place of use recommended by IDWR under water right number 71-10763.

B. Point of Diversion

1. IDWR recommended a point of diversion at SWSWNW section 3, T8N, R14E, B.M., and SWNE section 12, T8N, R14E, B.M., and NESESW section 3, T8N, R14E, B.M.. IDWR recommended these points of diversion based on the following:

a. On 6/30/1993, and again on 7/27/1993, Mr. Merritt conducted field examinations in the area and observed the point of diversion which delivers water from Fisher Creek (SWSWNW section 3, T8N, R14E) to the subject lands and another adjacent ranch. During the field exams water was also observed being diverted from Fourth of July Creek at SWNE section 12, T8N, R14E and being conveyed to the subject property through a common ditch also serving other users. Mr. Merritt also observed that some of the water diverted from Fourth of July Creek and delivered by the above described ditch is injected into Fisher Creek at NESESW section 3, T8N, R14E, a point upstream of the Fisher Creek diversion which serves the subject lands. One of the claimed points of diversion, SWNE section 10, T8N, R14E was not recommended. This claimed point of diversion is at or near the point where the common ditch from Fourth of July Creek splits. The south fork below this split serves other users on the plateau between Fisher Creek and Fourth of July Creek and the north fork below this split injects water into Fisher Creek. This point was not reported because IDWR does not normally administer rediversions from a ditch.

b. Following the field exam, Mr. Merritt confirmed the locations of the points of diversion and the point of injection using USGS orthophoto quad map V70. He also confirmed the locations of the points of diversion and point of injection through GIS technology using NAPP photo number 441-122 and/or 441-137 dated 8/22/1988, and NAPP photo number 437-22 dated 8/8/1987.

C. Priority Date

1. Water right number 71-10763 was claimed with a priority date of 7/11/1922, the priority date listed for decreed rights 71-00035 and 71-00036.

2. IDWR recommended a priority date of 5/1/1962. IDWR recommended this priority date based on the following:

- a. The affidavit of Fred Humphreys dated March 7, 1994 indicating that water began to be used on the claimed place of use in 1962. The affidavit is attached as Attachment E.

CONCLUSION

Based on the foregoing legal principles and factual findings, IDWR has determined that its recommendation for number of acres irrigated for claim to water right numbers 71-00028, 71-00029, 71-10197, and 71-10763 as represented in Attachment F are accurate and should be so recommended by the Special Master.

ATTACHMENT A

①

71-B

No. 1363
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER.

DAN J. CAVANAGH,

Plaintiff,

vs.

Wm. Merritt and Sadie L. Merritt, husband
and wife; Garner Warner (same person as
Garner W. Warner) and Marty Merritt Warner,
husband and wife; Rupert Leslie Niece and
Bonda Critchfield Niece, husband and wife;
Andrew Critchfield, a single man; Barney
Lanier and Nellie Merritt Lanier, husband
and wife, and John Brown,

Defendants.

MARJORIE L. SHAW,

Intervenor,

vs.

Wm. Merritt and Sadie L. Merritt, husband
and wife; Garner Warner (same person as
Garner W. Warner) and Marty Merritt Warner,
husband and wife; Andrew Critchfield, a single
man; Barney Lanier and Nellie Merritt Lanier,
husband and wife; Dan J. Cavanagh and Mrs. Dan
J. Cavanagh, husband and wife; Geyer M. McVey
and Mrs. Geyer M. McVey, husband and wife; and
Merton O. McVey and Emma McVey, husband and wife,

Defendants.

and

John H. Thompson and Josephine Thompson, husband
and wife; Kathryn H. Huntington, a widow; Ben
Darrah and Mattie V. Darrah, husband and wife; M.
Bar M. Inc., a corporation; Melvin Chivers and
Stella Chivers, husband and wife; William Chivers
and Estelle Chivers, husband and wife; Roy Chivers
and Elizabeth Chivers, husband and wife; Mike Gini
and Emma Gini, husband and wife; Frank Oster and
Beatrice Oster, husband and wife; Pete Piva and
Louisa Piva, husband and wife; Theodore Cameron, a
bachelor; Cosette L. Peters, a widow; William Paul
and Lillian Paul, husband and wife; and Arthur
Silva and Hattie I. Silva, husband and wife,

Intervenor.

RECEIVED

AUG 18 1944

Department of Reclamation

D E C R E E

This cause came on regularly for trial on the 10th day of October,
1939, Chase A. Clark and John L. Bloem appearing as attorneys for plaintiff,
and A. F. James, as attorney for defendants, and Merle L. Drake, J. Wesley
Holden and Harry Holden, as attorneys for John H. Thompson and Josephine

MICROFILMED

JUL 24 1996

described lots in the Townsite of Stanley, which is situated in said NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 9; Lots 1, 2, 4, 5, 6, 7, 8 and 9 in Block 1; Lots 7, 8, 11 and 12, in Block 2; Lots 1, 2, 3, 4, 5, 8, 10, 11 and 12 in Block 3; Lots 1, 7, 8, 9, 11 and 12 in Block 4; Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 in Block 5; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, in Block 6.

(B) Also, as per judgment in Book 3 of Judgments at page 172, for right of way, described as follows, to-wit: A strip of land 50 feet in width and 217 feet in length, being 25 feet on each side of the following described center line; Beginning at a point 35.5 feet North and 1320 feet West of the SE corner of Sec. 4, Twp. 10 N. R. 13 E. B. M., thence South 81° 13' East, 217 feet to a point 2.4 feet North and 1105.5 feet West of SE corner, Sec. 4, Twp. 10 N. R. 13 E. B. M., containing 0.25 acres, situated in Custer County, Idaho.

TRACT #2

Lot 10, Sec. 3; the Southeast Quarter of the Southwest Quarter; the North Half of the Southeast Quarter; the Southwest Quarter of the Southeast Quarter, of Section 9; Lots 2, 3 and 6, in Section 10, all in Township 10 North, Range 13, East Boise Meridian, containing 339.40 acres, more or less.

EXCEPTING THE FOLLOWING:

(A) Beginning at a point 173 feet South of a point 933.5 feet east, more or less, of the NW corner of Section 10, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence South 8° 30' W. 264 feet to corner #2; thence South 58° 30' East, 638 feet, to corner #3; thence North 10° 51' East, 548 feet, to corner #4; thence North 9° 08' East 225 feet, to corner #5; thence South 75° 36' West, 665 feet, more or less, to corner #1;

(B) Beginning at a point which bears South 3° 20' West 448.75 feet from a point 934.64 feet, more or less, due East of the NW corner of Sec. 10, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence South 28° 17' East 937.25 feet to corner #2; thence North 9° 38' East, 507.95 feet to corner #3; thence North 58° 30' West 621.05 feet to corner #1, the place of beginning;

(C) Beginning at a point 1578.84 feet East, more or less, on Section line from SW corner of Sec. 3, Twp. 10 N. R. 13 E. B. M., said point being corner #1, thence North 8° 52' East, 1320 feet, to corner #2; thence West 49.5 feet to corner #3; thence South 8° 52' West, 1320 feet to corner #4; thence East 49.5 feet to corner #1, the place of beginning;

(D) Beginning at a point 1653.39 feet East of Section line of NW corner of Lot 2, Sec. 10, Twp. 10 N. R. 13 E. B. M., thence South 10° 25' West 1237.91 feet to the intersection at this point of the west bank of the Salmon River and the right of way of the Stanley-Banks-Clayton Highway, in Lot 2, of Sec. 10, Twp. 10 N. R. 13 E. B. M., thence in a northeasterly direction along the river bank to meander corner between Sections 3 and 10, thence West 106.6 feet to corner #1, the place of beginning.

(E) Beginning at a point 1653.39 feet, more or less, East on Section line between Section 10 and Section 3, Twp. 10 N. R. 13, E. B. M., said point being corner #1, thence North 7° 55' East, 200 feet to corner #2; thence East 87 feet, to West bank of Salmon River; thence Southerly along bank to meander corner between Sections 3 and 10; thence West 106.6 feet to point of beginning, said tract lying wholly in Lot 10, Sec. 3, Twp. 10 N., R. 13 E. B. M.

JUL 24 1996

71. 0012

Creek with date of priority May 1, 1902, and he is also entitled to 400 miner's inches or (8.0 cubic feet per second) of time of the waters of said Iron Creek with date of priority June 1, 1902; that he is also entitled to 600 miner's inches or 12.0 cubic feet per second of time of the waters of said Iron Creek with date of priority July 1, 1902, and with points of diversion from said Iron Creek for said rights at approximately North 33° 27' East 1450 feet from quarter corner common to Sections 5 and 8, Township 10 North, Range 13 E. B. M., and also points of diversion from said creek at a point approximately South 61° 47' West 1836 feet from quarter corner common to sections 5 and 8, Township 10 North, Range 13 E. B. M. All of said rights being appurtenant to the lands as hereinbefore described.

That the defendants, Wm. Merritt and Sadie F. Merritt are the owners of, and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

W $\frac{1}{2}$ SE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 17, Township 10 North, Range 13 E. B. M.

71. 0014 And appurtenant to said land they are entitled to 80 miner's inches or 1.6 cubic feet per second of time of the waters of Meadow Creek with date of priority May 1, 1910 and 160 miner's inches or 3.2 cubic feet per second of time of the waters of Meadow Creek with date of priority July 1, 1910, and with points of diversion near the center of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, and in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 10 North, Range 13 E. B. M.

71. 0016 And appurtenant to said land they are entitled to 40 miner's inches or .8 cubic feet per second of time of the waters of Goat Creek with date of priority May 1, 1902, and with points of diversion from what is known as the Merritt-Cavanagh-Lanier ditch in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Township 10 North, Range 13 E. B. M.

That the defendants, Garner Warner (same person as Garner W. Warner) and Sadie Merritt Warner, are the owners of, and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 20, Township 10 North, Range 13 E. B. M.

71. 0017

And appurtenant to said lands they are entitled to 25 miner's inches or .5 cubic feet per second of time of the waters of Meadow Creek with date of priority May 1, 1910, and 100 miner's inches or 2.0 cubic feet per second of time of the waters of Meadow Creek with date of priority July 1, 1910, with points of diversion near the center of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 20, and in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 20, Township 10 North, Range 13 E. B. M.; and in SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, and in SE $\frac{1}{4}$ NW $\frac{1}{4}$ all in Sec. 20, Twp. 10 N. R. 13 E. B. M.

That the defendants, Barney Lanier and Nellie Merritt Lanier are the owners of and entitled to the possession of the following described land situated in the County of Custer, State of Idaho, to-wit:

SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 17, Township 10 North, Range 13 E. B. M.,
SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 17, Township 10 North,
Range 13 E. B. M.

71. 0019

And appurtenant to said lands they are entitled to 45 miner's inches or .9 cubic feet per second of time of the waters of Goat Creek with date of priority May 1, 1902, and 75 miner's inches or 1.5 cubic feet per second of time of the waters of Goat Creek with date of priority June 1, 1902, and 120 miner's inches or 2.4 cubic feet per second of time of the waters of Goat Creek with date of priority August 1, 1902, and with two points of diversion, one of which is the Merritt-Cavanagh-Lanier diversion point above described, and the other shortly below said diversion point, both, however, in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 17, Twp. 10 N. R. 13 E. B. M.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey, and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described land situated in Custer County, State of Idaho, to-wit:

$S\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 9, Township 8 North, Range 14 E. B. M.

71 6033 And appurtenant to said lands they are entitled to 45 miner's inches (or .9 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority May 21, 1918.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey, and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$N\frac{1}{2}$ of $NE\frac{1}{4}$ of Section 9, Township 8 North, Range 14 E. B. M.

71 6034 And appurtenant to said lands they are entitled to 75 miner's inches (or 1.5 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority February 27, 1919.

That the defendants in intervention, Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$SE\frac{1}{4}$ of Section 4, Township 8 North, Range 14 E. B. M.

71 6035 And appurtenant to said lands they are entitled to 150 miner's inches (or 3 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority April 19, 1919.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$E\frac{1}{2}$ of $SW\frac{1}{4}$ of Section 4, and $E\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 9 in Township 8 North, Range 14 E. B. M.

71 6036 And appurtenant to said lands they are entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority July 11, 1922.

That the point at which the waters of Fourth of July Creek in the preceding sections decreed to said defendants in intervention are diverted from said stream is approximately in the southwest corner of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 12, Township 8 North, Range 14 E. B. M.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

$SW\frac{1}{4}$ of $NW\frac{1}{4}$, and $NW\frac{1}{4}SW\frac{1}{4}$, of Section 3, and the $N\frac{1}{2}$ of Section 4, Township 8 North, Range 14 E. B. M.

71 6037 And appurtenant to said lands they are entitled to 80 miner's inches (or 1.6 cubic feet per second of time) of the waters of Fourth of July Creek with date of priority April 19, 1919.

That the defendants in intervention Geyer M. McVey and Mrs. Geyer M. McVey and Merton O. McVey and Emma McVey, are the owners of and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

fourteen minutes west thirty and forty-two hundredths chains to corner No. 7; thence, south forty-one degrees eighteen minutes west twenty and eighty-one hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and forty-one hundredths acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General;

71 6041 And appurtenant to said lands, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Hannah Creek, a tributary of Valley Creek and/or Valley Creek, with date of priority May 1, 1913, and with points of diversion from said Hannah Creek and Valley Creek in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 11 North, Range 12, E. B. M.

John Thompson and Josephine Thompson are the owners of, and entitled to the possession of the following described lands situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 271, embracing a portion of Section two, three and ten in Township eleven north of Range twelve east of the Boise Meridian, in Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, identical with the corner to said Sections two, three and ten; thence, north forty-one degrees eighteen minutes east twenty and eighty-one hundredths chains to corner No. 2; thence, north eightysix degrees twenty-three minutes west thirteen and seventy-seven hundredths chains to corner No. 3; thence, south seventy-nine degrees thirty-four minutes west thirty-five and sixty-eight hundredths chains to corner No. 4; thence, south forty-two degrees thirty-five minutes west thirteen and sixty-four hundredths chains to corner No. 5; thence, south forty-two degrees thirty-five minutes west fourteen and fifty-one hundredths chains to corner No. 6; thence south forty-two degrees twenty-one minutes east thirty-one and eighty-three hundredths chains to corner No. 7; thence, north forty-two degrees forty-six minutes east thirty-five and fourteen hundredths chains to corner No. 3; thence north forty-six degrees twenty-six minutes east twelve and twenty-hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and eighty-six hundredths acres, according to the official plat of the survey of the said land, returned to the General Land Office by the Surveyor General.

71 6042 And appurtenant to said land, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek with date of priority May 1, 1914, with point of diversion from Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 10, Township 11 North, Range 12, E. B. M.

John Thompson and Josephine Thompson are the owners of, and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 274, embracing a portion of Section three in Township eleven north of range twelve, east of the Boise Meridian, in Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the south quarter corner to said Section three bears south eighty-nine degrees fifty-four minutes east, four and twenty-two hundredths chains distant; thence north eighty-nine degrees fifty-four minutes west eleven and twenty-five hundredths chains to corner No. 2; thence, north twenty-nine degrees thirty minutes west twenty-two and sixty-five hundredths chains to corner No. 3; thence, north eighteen degrees thirty minutes west twenty-three and forty-four hundredths chains to corner No. 4;

chains to corner No. 12; thence N. 73 deg. 38' W. 7.65 chains to corner No. 13; thence N. 34 deg. 45' W. 7.83 chains to corner No. 1, the place of beginning containing 154.86 acres.

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

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

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

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

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

A tract of 159.02 acres within the Challis National Forest, embraced in Homestead Entry Survey No. 134, List 4-381 in Sections 13 and 24, surveyed township 11 north, range 12 East, and Sections 18 and 19, surveyed township 11 north, Range 13 East, Boise Meridian, more particularly described by metes and bounds as follows: Beginning at corner No. 1 from whence the corner common to Sections 13-24-18 and 19 township 11 north, ranges 12 and 13 east, Boise Meridian bears north 0° 1' west 2.97 chains distant; thence north 82° 16' East 10.54 chains to corner No. 2; thence north 15° 40' west 1.63 chains to corner No. 3; thence north 15° 40' west 37.06 chains to corner No. 4; thence north 15° 40' west 25.17 chains to corner No. 5; thence north 45° 06' west 11.41 chains to corner No. 6; thence south 69° 27' west 17.42 chains to corner No. 7; thence south 16° 15' east 64.38 chains to corner No. 8; thence south 16° 15' east 4.78 chains to corner No. 9; thence north

71 0051 And appurtenant to said lands, they are entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Tennell Creek, a tributary of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Tennell Creek at a point located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 7, Township 11 North, Range 13 E. B. M., and they are also entitled to 120 miner's inches (or 2.4 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Valley Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 11 North, Range 12, E. B. M.

Theodore Cameron, a single man, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 422, embracing a portion of Sections thirteen, fourteen and twenty-four in Township eleven north of Range twelve east of the Boise Meridian, more particularly bounded and described as follows: Beginning at a corner No. 1, from which the north quarter corner to said Section twenty-four bears north eighty-nine degrees fifty-three minutes west one and eighty-nine hundredths chains distant; thence, south twenty degrees fifty-two minutes east eleven and ninety hundredths chains to corner No. 2; thence, south ten degrees fifty-five minutes east eighteen and eighteen hundredths chains to corner No. 3; thence, south twenty-eight degrees fifty-one minutes west two and fifty hundredths chains to corner No. 4; thence, south eighty-six degrees forty-four minutes west eighteen and seventeen hundredths chains to corner No. 5; thence, north thirty-five degrees eight minutes west thirty-nine and forty-five hundredths chains to corner No. 6; thence north fifty-eight degrees ten minutes west eight and ninety-one hundredths chains to corner No. 7; thence north fifty-eight degrees ten minutes west five and ninety-eight hundredths chains to corner No. 8; thence, north four degrees thirty-two minutes west seven and fifteen hundredths chains to corner No. 9; thence north eighty-four degrees fifty-seven minutes east five and seventy hundredths chains to corner No. 10; thence north eighty-four degrees fifty-seven minutes east thirty-four and ninety-five hundredths chains to corner No. 11, thence south twenty degrees fifty-two minutes east nineteen and ninety-one hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and twenty-one hundredths acres, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 0052 And appurtenant to said land he is entitled to 120 miner's inches (or 2.4 cubic feet per second of time of the waters of Park Creek, a tributary of Valley Creek, with date of priority May 1, 1913, and with point of diversion from said Park Creek at a point located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 11 North, Range 12, E. B. M., and he is also entitled to 120 miner's inches (or 2.4 cubic feet per second of time of the waters of Valley Creek, with date of priority May 1, 1939, with point of diversion from said Valley Creek at a point located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, E. B. M.

Cosette L. Peters, a widow, is the owner of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 321, embracing a portion of Section nineteen in Township eleven north of Range thirteen east and Sections twenty four and twenty-five in Township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1 from which the east corner to said Sections twenty-four and twenty-five bears east four and ninety-three hundredths chains distant; thence south nineteen degrees west three and eighty-eight hundredths chains to corner No. 2; thence north sixty-seven degrees thirty-minutes west nine and fifty-eight hundredths chains to corner No. 3; thence north sixty-seven degrees thirty minutes west two and fifty-four hundredths chains to corner No. 4; thence north five degrees twenty-two minutes west sixty and ninety-one hundredths chains to

chains to corner No. 2; thence north sixty-nine degrees forty-one minutes east twenty-five and ninety-six hundredths chains to corner No. 3; thence south sixteen degrees fifteen minutes east sixty-four and thirty-eight hundredths chains to corner No. 4; thence, south sixteen degrees fifteen minutes east four and seventy-eight hundredths chains to corner No. 5; thence, south eighty-one degrees forty-one minutes west twenty-two and one-hundredths chains to corner No. 6; thence north nineteen degrees fifty-three minutes west eight and thirty-five hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and eleven hundredths acres according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General;

71 6057 And appurtenant to said lands they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1904, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 11 North, Range 12, E. B. M.

Arthur Silva and Mattie I. Silva are the owners of and entitled to the possession of the following described lands, situated in Custer County, State of Idaho, to-wit:

H. E. Survey No. 273, embracing a portion of Sections twenty-four and twenty-five in township eleven north of Range twelve east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the quarter corner to said Sections twenty-four and twenty-five, bears east nine and fifty-six hundredths chains distant; thence, north sixteen degrees twelve minutes west four and seventy-seven hundredths chains to corner No. 2; thence north twenty-three degrees thirty-six minutes east forty-eight and thirty-four hundredths chains to corner No. 3; thence north eighty-four degrees twelve minutes east eight and forty-nine hundredths chains to corner No. 4; thence south five degrees twenty-five minutes east forty-nine and ninety-three hundredths chains to corner No. 5; thence south five degrees twenty-five minutes east ten and five-hundredths chains to corner No. 6; thence south fifty six degrees fifty nine minutes west twenty-nine and thirty-one hundredths chains to corner No. 7; thence north sixteen degrees twelve minutes west twenty-seven and four hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-eight and twenty-seven hundredths acres according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

71 6058 And appurtenant to said land, they are entitled to 240 miner's inches (or 4.8 cubic feet per second of time) of the waters of Valley Creek, with date of priority May 1, 1915, and with point of diversion from said Valley Creek at a point located in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 24, Township 11 North, Range 12, E. B. M.

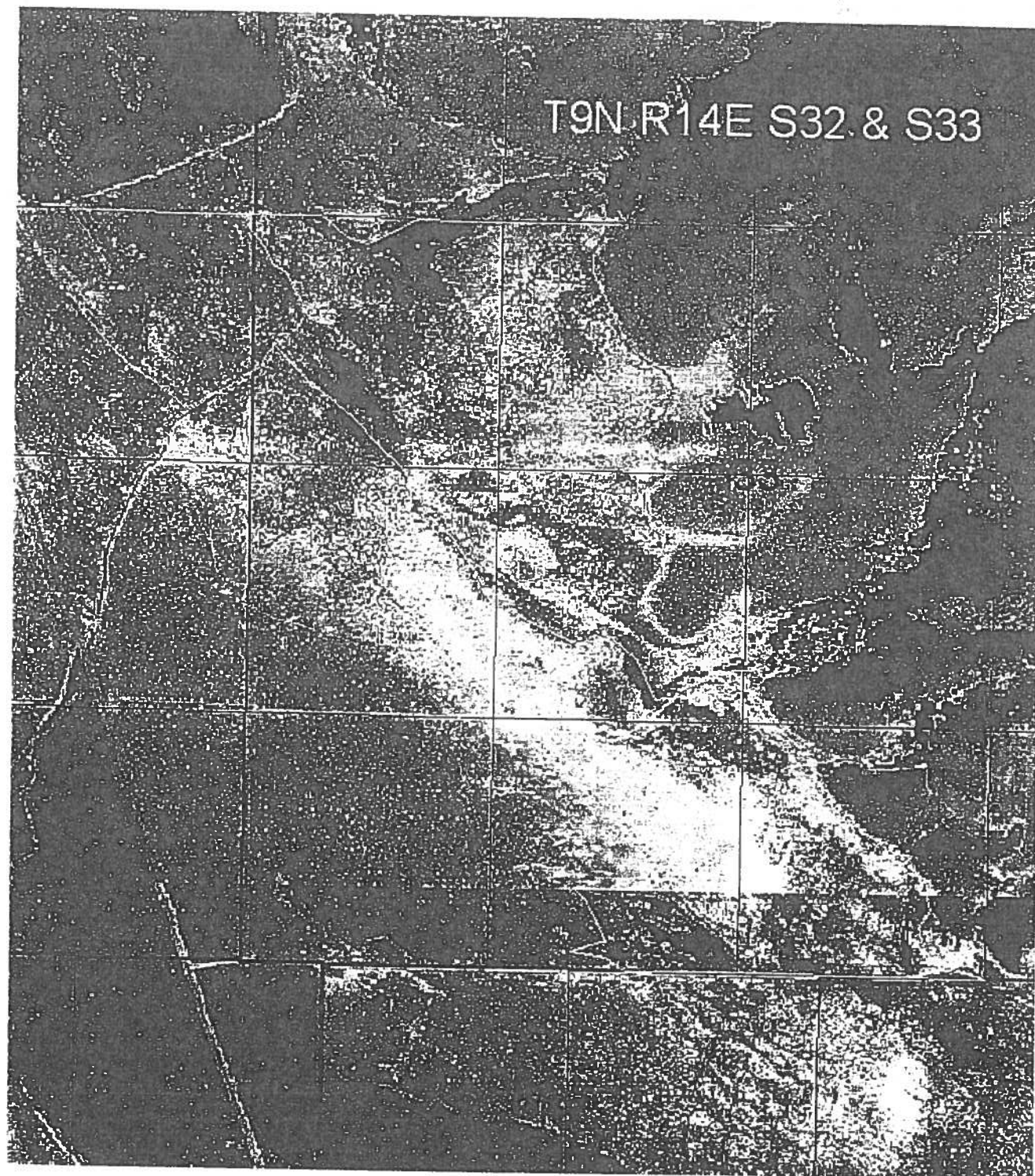
It is further ADJUDGED AND DECREED, that the water rights as hereinbefore set forth are established, quieted and confirmed, and that all parties to this action, and all persons claiming under them, their attorneys, agents, servants and employees are hereby perpetually restrained, prohibited and enjoined from interfering with the rights awarded to the others as this decree provides.

It is further ADJUDGED AND DECREED, that the water decreed to the respective tracts of land of the respective parties to this action by this decree has been applied to and used upon the respective tracts of land for

ATTACHMENT B

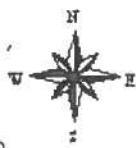
IDAHO DEPARTMENT OF WATER RESOURCES

71-00028, 71-00029



660 0 660 1320 1980 2640 Feet

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

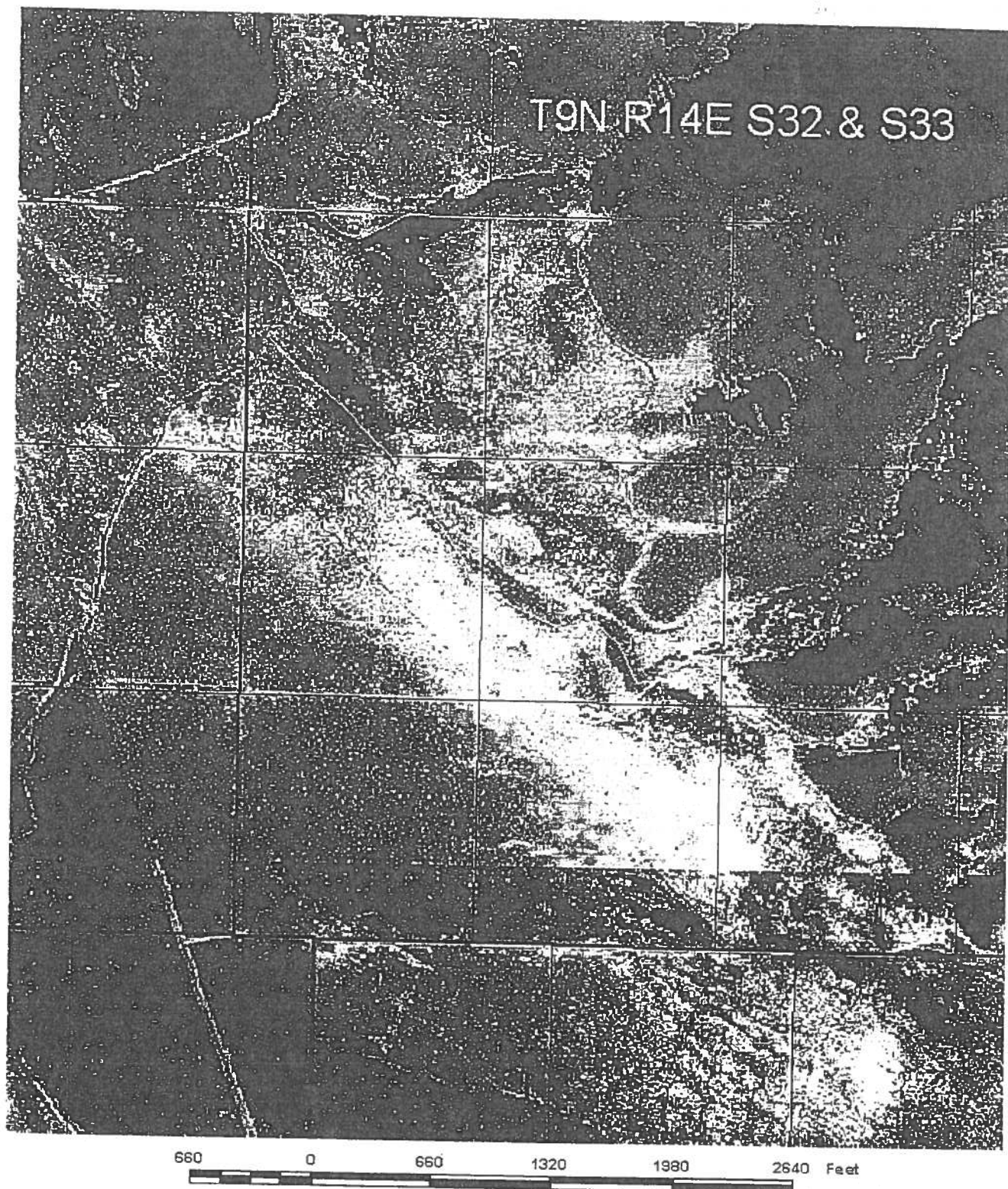


GIS PLACE OF USE PRESENTATION
PHOTOGRAPHY: 1987 and/or 1988 NAIP
DATA ENTRY: May, 1998
By: Allen Merritt
(Layout by: D. Jones)

ATTACHMENT C

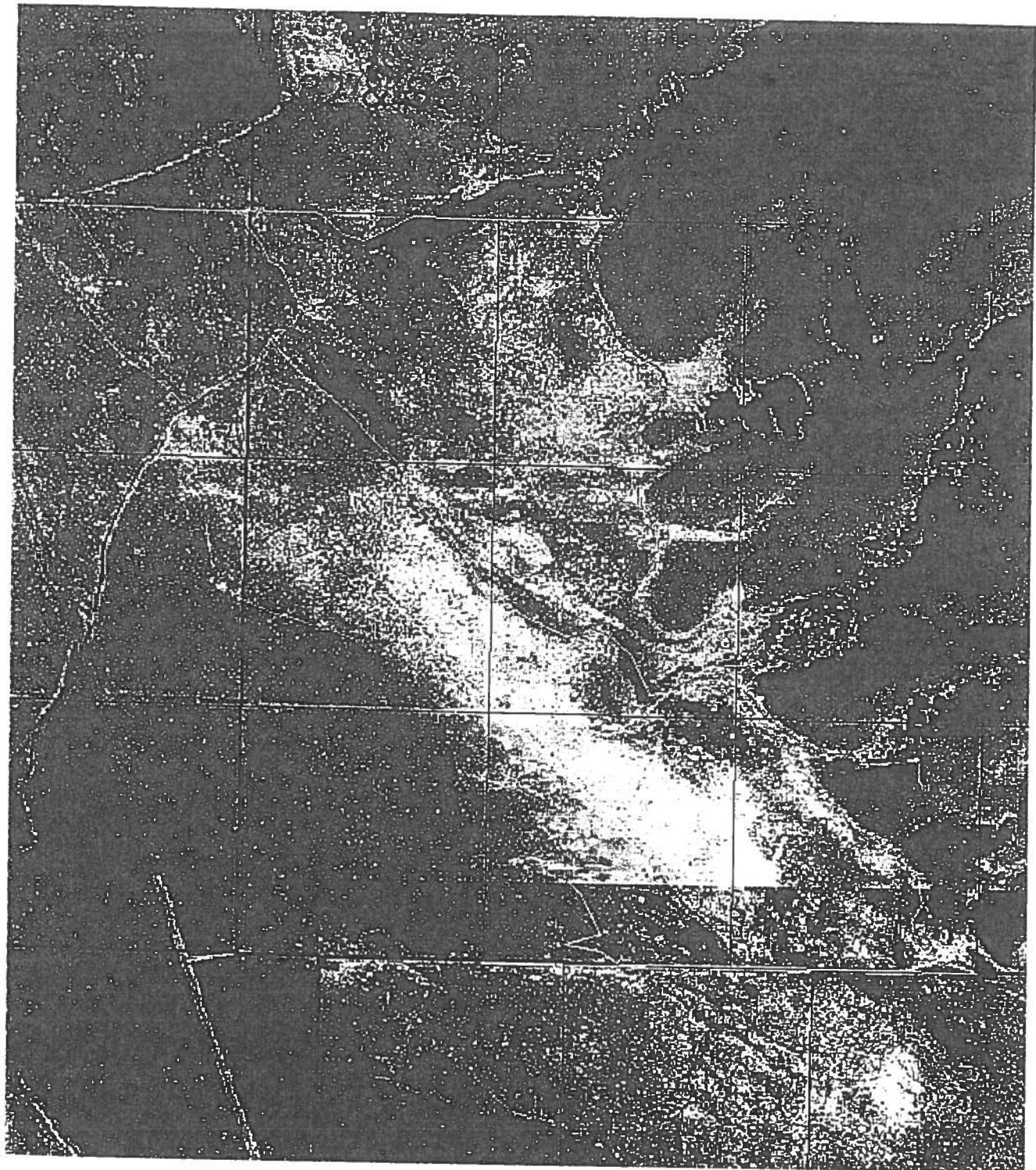
IDAHO DEPARTMENT OF WATER RESOURCES

71-10197



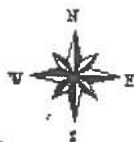
ATTACHMENT D

71-10763



1320 0 1320 2640 Feet

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



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

ATTACHMENT E

March 7, 1994

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

REGISTERED

MAR 21 1994

Department of Water Resources
Southern Region Office

Re: Fourth of July Creek

Dear Gentlemen,

In 1962, both my property and that of the adjoining neighbor, approximately 120 acres, were supplied irrigation water from Fourth of July Creek. This creek ran down the side hill unrestricted, turning into Fisher Creek. Because of erosion problems due to the water running down the hillside, the Forest Service requested that the owners keep the water off the side hill.

A group of individuals bought 100 acres on top of the hill and developed White Cloud Subdivision No. 1. Almost all of this 100 acres was irrigated by Fourth of July Creek water. Because the property was subdivided and roads were put in, there was no control on how water was to be used on the subdivision's 100 acres. Due to this uncontrolled water, excessive erosion was created. After a couple of dry years this water was needed to maintain grass for my property that was irrigated by Fisher Creek water. I found an old diversion ditch before the water got to the subdivision property. (Shown on the map accompanying the claim.) The water has been continuously diverted from that diversion point to Fisher Creek for the last 15 years and used on the Fisher Creek Ranch, that I own, and also on the land now owned by the Stones.

There has also been some intermittent use of water by the subdivision scattered along Fisher Creek. Since that subdivision was established, there has been somewhat of a continuing hassle with property owners on how much water they were entitled to, which, to the best of my knowledge, was zero out of Fourth of July Creek and one-fourth of Fisher Creek water. I put in two, four foot headgates with padlocks in Fisher Creek and the locks were constantly broken. I always let a modest amount of water go down Fisher Creek to be used by the subdivision. These people continuously broke the locks to misappropriate more than their share of water, particularly on weekends. I eventually asked the Custer County Sheriff's office to address this problem. A Deputy Sheriff came up and notified the people in the subdivision that they had to abide by existing water rights. That did not fully correct the problems, but it reduced the misappropriation of the water.

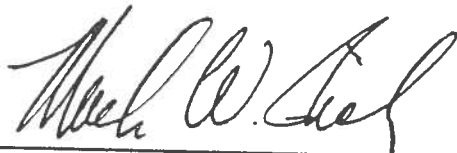
Idaho Department of Water Resources
Adjudication Bureau
March 7, 1994
Page 2

A filing was made on surplus Fourth of July Creek water when this adjudication commenced. Since that time, this water has been continuously put to use on my property and the Stone property on Fisher Creek.

Best regards,



Fred Humphreys



Witness

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

Notary Public Ginda R Koch

Residing at Meridian

My Commission Expires 12-4-97

ATTACHMENT F

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-15

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00028

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

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 4.2 CFS

PRIORITY DATE: 06/09/1908

POINT OF DIVERSION: T08N R14E S03 SWSNW Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 4.2 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SENE 21.1 NESE 4
S33 SWNW 39 SENW 20.9 NESW 30.6 NWSW 31.2
SWSW 0.2 SESW 29.8 NWSE 1.2 SWSE 22.2
200.2 ACRES TOTAL

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: SEP-28-1999
PAGE: A-16

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00028 (CONT)

OTHER PROVISIONS: (CONT)

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B,
71-00037B, 71-00028, 71-00029 & 71-10763.

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-17

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00029

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

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 2.25 CFS

PRIORITY DATE: 03/22/1910

POINT OF DIVERSION: T08N R14E S03 SWSNW Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	2.25 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T09N R14E S32	SENE 21.1	NESE 4		
	S33	SWNW 39	SENE 20.9	NESW 30.6	NWSW 31.2
		SWSW 0.2	SENE 29.8	NWSE 1.2	SWSE 22.2
	200.2 ACRES TOTAL				

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

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

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

DATE: SEP-28-1999

PAGE: A-18

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-00029 (CONT)

OTHER PROVISIONS: (CONT)

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B,
71-00037B, 71-00028, 71-00029 & 71-10763.

AJ5856NP

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

DATE: SEP-28-1999
PAGE: A-27

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10197

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

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

QUANTITY: 0.47 CFS

PRIORITY DATE: 05/31/1920

POINT OF DIVERSION: T09N R14E S33 SWNWSE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	0.4 CFS
	STOCKWATER	01-01 12-31	0.07 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SENE 0.1
S33 SWNW 30.2 SENW 20.9 NESW 19.8 NWSW 4.3
NWSE 0.5
75.8 ACRES TOTAL

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

STOCKWATER Within CUSTER County
T09N R14E S33 NESW NWSE

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

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

DATE: SEP-28-1999

PAGE: A-28

RIGHTS FROM: SOURCE: UNNAMED STREAM TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10197 (CONT)

OTHER PROVISIONS: (CONT)

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

WATER RIGHT NO.	SOURCE
-----------------	--------

NONE	NONE
------	------

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

WATER RIGHT NO.	SOURCE
-----------------	--------

NONE	NONE
------	------

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER FOR 360 HEAD OF RANGE CATTLE.

AJ5856NP

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

DATE: OCT-6-1999

PAGE: A-1

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10763

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

ERNEST DAY
FRED HUMPHREYS
1919 S PHILLIPI
BOISE ID 83705

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER
FOURTH OF JULY CREEK SALMON RIVER

POINT OF INJECTION INTO AND POINT OF REDIVERSION FROM FISHER
CREEK.

QUANTITY: 5.02 CFS

PRIORITY DATE: 05/01/1962

POINT OF DIVERSION: T08N R14E S03 SWSNW Within CUSTER County
S12 SWNE
S03 NESESW (INJECTION)

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	5.02 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County			
	T09N R14E S32	SENE 21.1	NESE 4		
	S33	SWNW 39	SENE 20.9	NESW 30.6	NWSW 31.2
		SWSW 0.2	SESE 29.8	NWSE 1.2	SWSE 22.2
	200.2 ACRES TOTAL				

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

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-6-1999
PAGE: A-2

RIGHTS FROM: SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 71-10763 (CONT)

OTHER PROVISIONS: (CONT)

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
FROM FISHER CREEK DESCRIBED ABOVE: 71-00030C, 71-00031B,
71-00037B, 71-00028, 71-00029 & 71-10763.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION
ON FOURTH OF JULY CREEK DESCRIBED ABOVE: 71-00033A, 71-00033B,
71-00033C, 71-00033E, 71-00034A, 71-00034B, 71-00034C, 71-00034D,
71-00034E, 71-00034F, 71-00034G, 71-00035A, 71-00036C, 71-00037B,
71-00037C & 71-10763.

ONLY AMOUNT MEASURED AT POINT OF INJECTION DESCRIBED ABOVE MAY
BE REDIVERTED AT POINTS OF REDIVERSION DESCRIBED ABOVE.

PORTIONS OF THIS RIGHT MAY BE USED FOR CONVEYANCE LOSSES IN
DELIVERY OF THE RIGHTS LISTED ABOVE.

EXHIBIT 2

ALAN LANCE
Attorney General

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

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

In Re SRBA Claimant

) Subcase Nos. 71-00028, 71-00029,
) 71-10197, and 71-10763
)
)
)

Case No. 39576

) AFFIDAVIT OF ALLEN MERRITT
)
)
)
)

STATE OF IDAHO)

) ss.

County of Ada)

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

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

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

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

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

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

5. I conducted the investigation of claims to water right numbers 71-00028, 71-00029, 71-10197, and 71-10763. I also prepared the recommendation for these claims.

6. Based on my investigation and knowledge of these claims, I adopt as my testimony and incorporate in this Affidavit the Factual findings portions of the Supplemental Director's Report Regarding Claim to Water Right numbers 71-00028, 71-00029, 71-10197, and 71-10763 dated October 6, 1999, attached to the Affidavit of David R. Tuthill, Jr. as Exhibit 1.

Dated this 7th day of October, 1999



Allen Merritt

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



Notary Public for the State of Idaho

Residing at: Buhl ID

My commission expires: 8/8/2001

ALLEN MERRITT
EDUCATION AND WORK EXPERIENCE

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

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

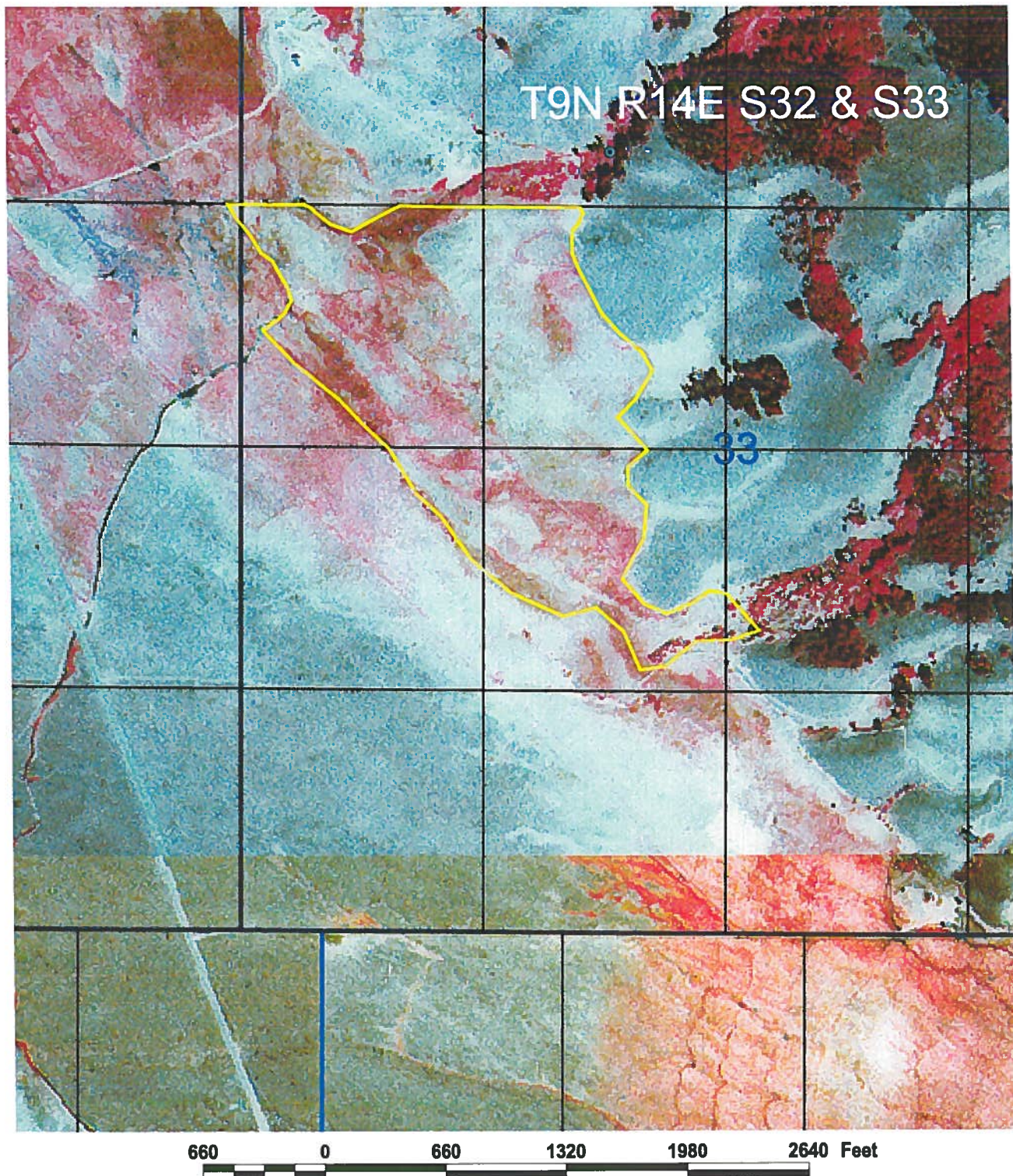
DATED this 7th day of October, 1999.


Allen Merritt, PE

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

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

71-10197

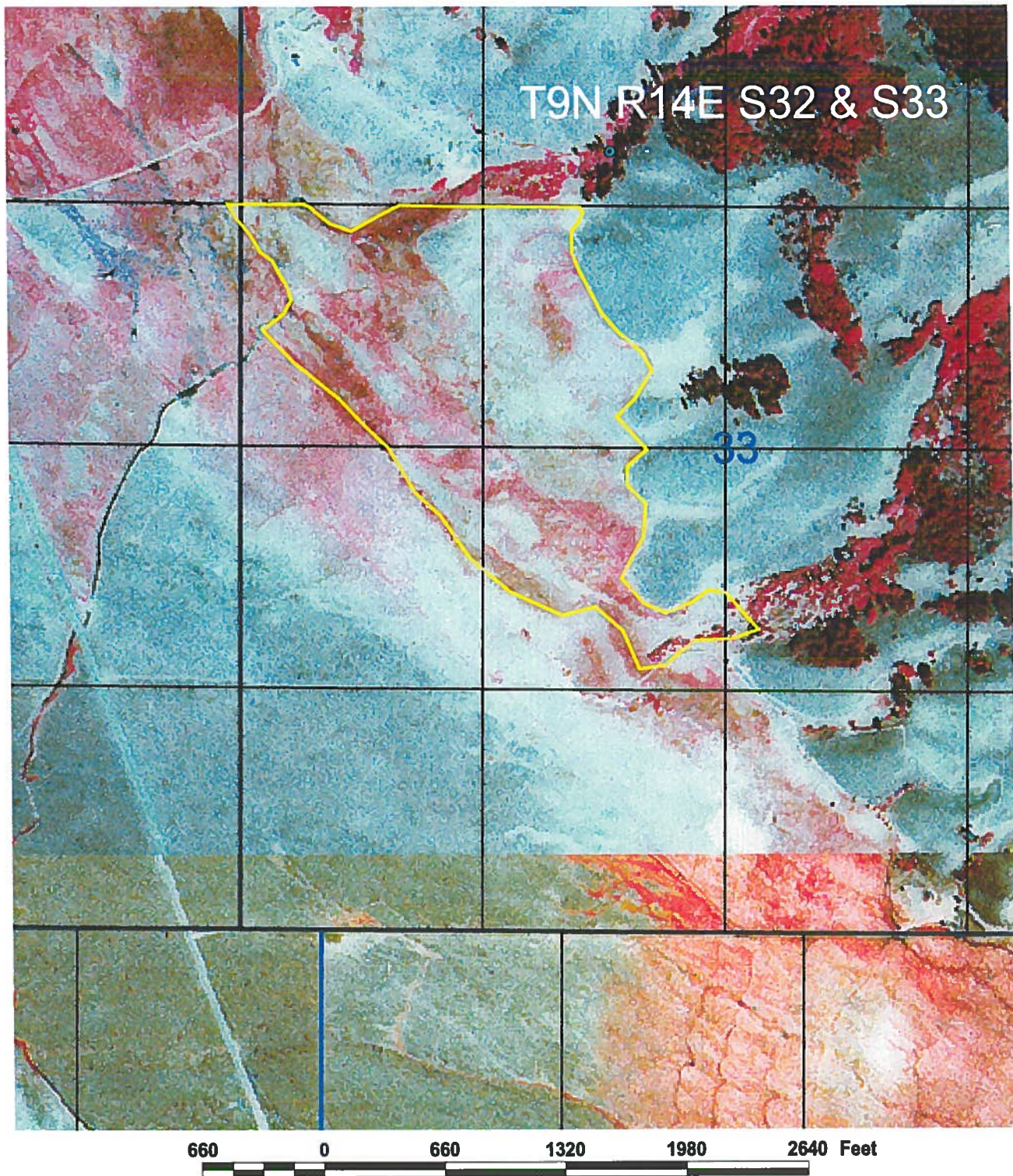


-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



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

71-10197

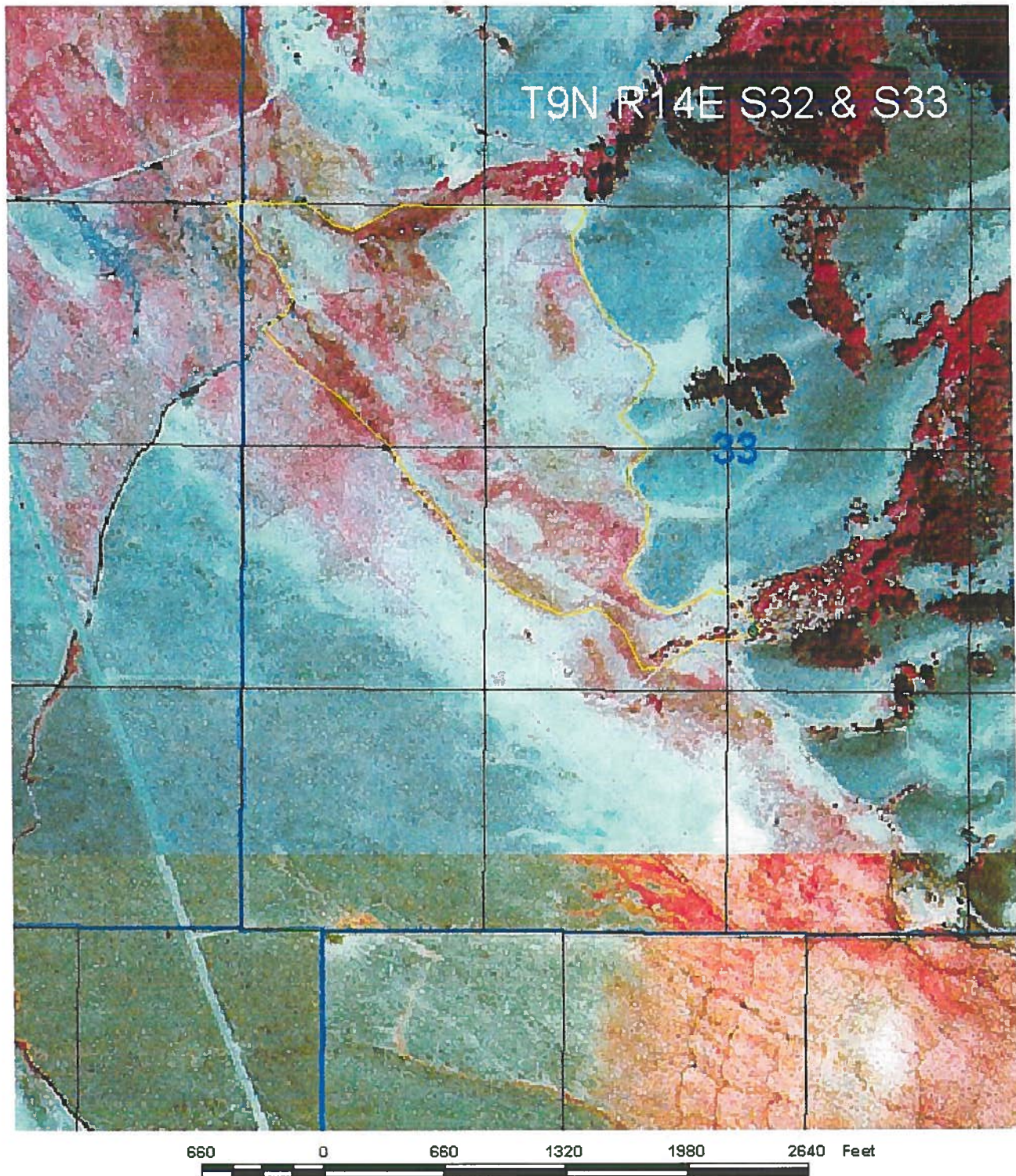


-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



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

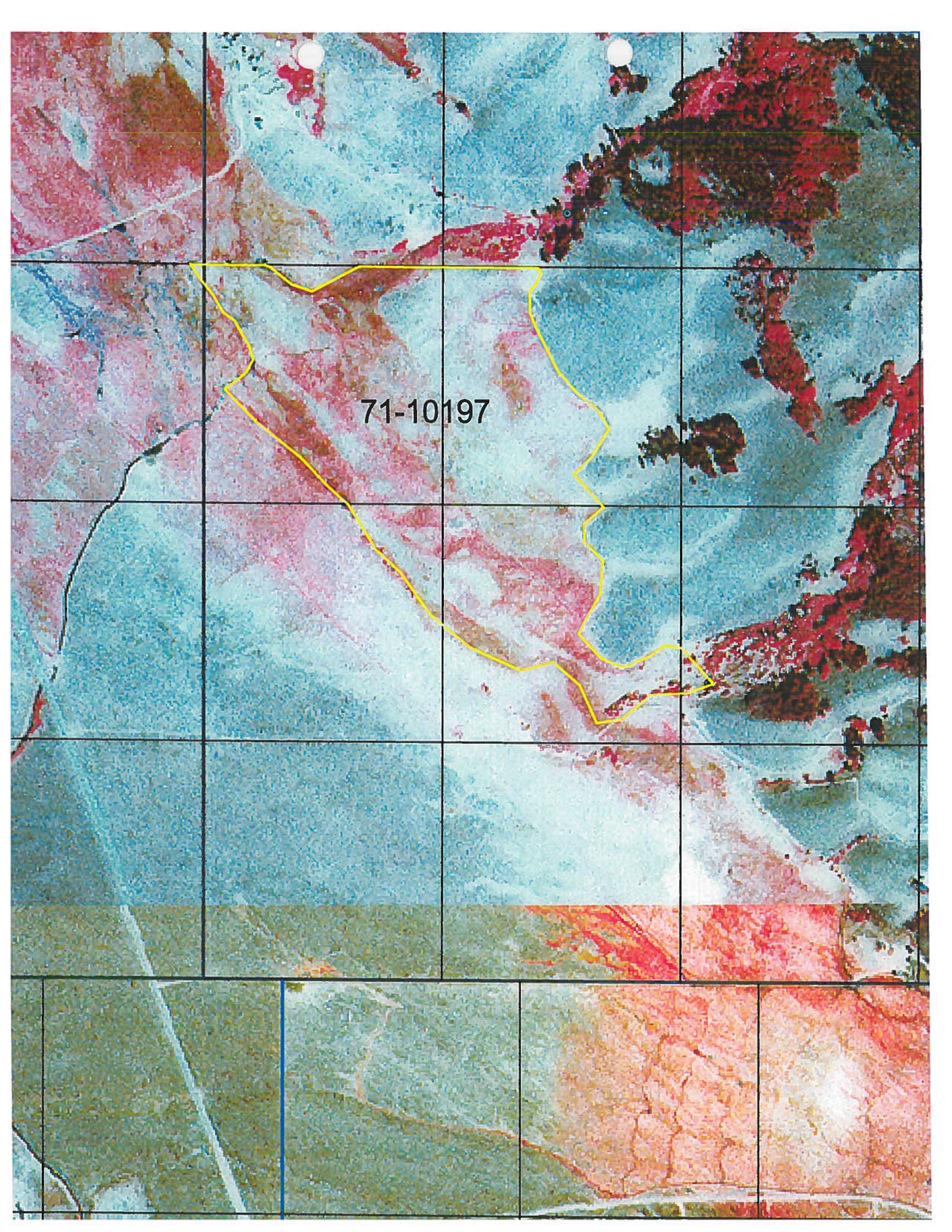
71-10197



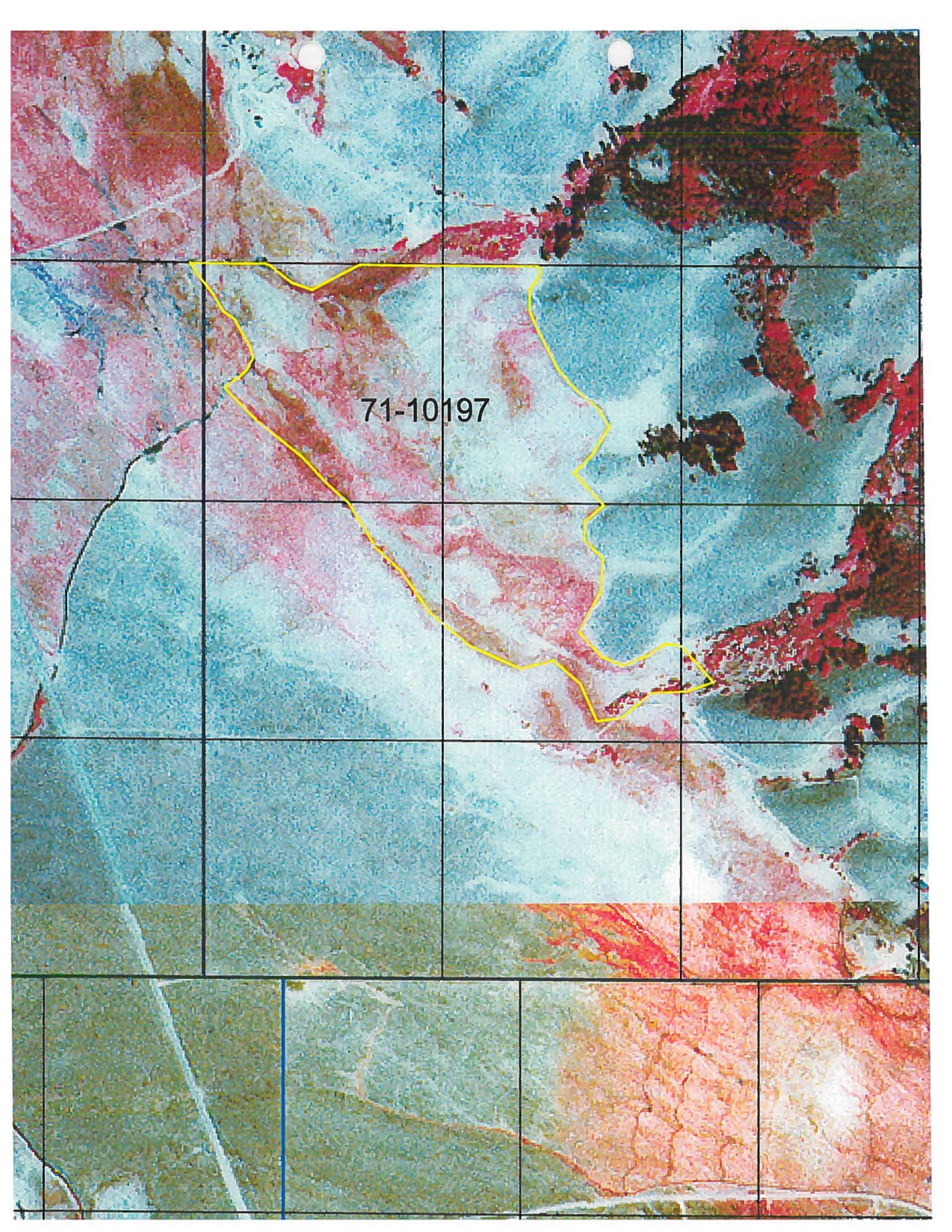
-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



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



71-10197



71-10197

This is an aerial photograph of a coastal region, likely in Alaska, showing a mix of land and water. A yellow boundary line is drawn across the image, enclosing a specific area. The land is characterized by various shades of brown, tan, and green, indicating different vegetation or terrain types. The water is a deep blue. A black grid is overlaid on the entire image. The text '71-10197' is printed in the center of the yellow-outlined area.

RECEIVED

JAN 25 1999

Department of Water Resources
Southern Region

71-1019,
RECEIVED

JAN 14 1999

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 71-10197

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

Name & Address of Attorney, if any:

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

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

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

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

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

E. REASONS SUPPORTING OBJECTION(S):

F.

VERIFICATION (Must be completed)

State of Idaho)
)
County of Blaine)

ss.

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

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

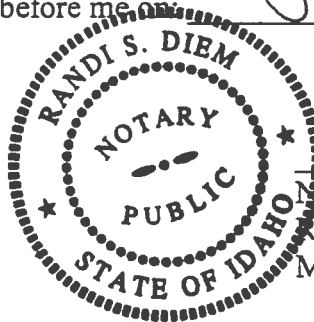
(Signature of person filing objection)

J.P. Speck

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 12, 1999



Randi S. Diem

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

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

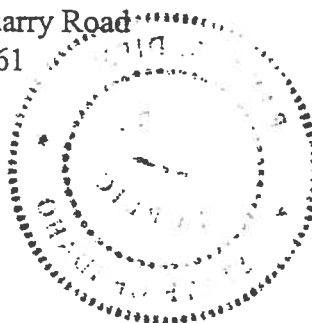
Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661

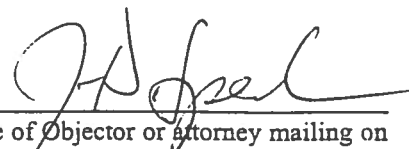
3. Copies to:

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

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

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





Signature of Objector or attorney mailing on
Objector's behalf

Hello Doug:

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

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

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

71-00027B 71-10059

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

FAX MEMORANDUM

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

February 13, 1996

KARL J. DREHER
DIRECTOR

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

A71-10197

RECEIVED

FEB 15 1996

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

Department of Water Resources
Southern Region

Dear Mr. Richey:

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

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

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

Sincerely,

Adjudication Bureau Staff

SO:ss:southern:western
Enclosure:

Water Right Listing

#####

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

Claimant

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

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

Department of Water Resources
House Mail
e, Idaho 83720

HUMAN 830622Z 1994 04/18/95
FORWARDING TIME EXPIRED
MINER/STONE QUARRY RD
10495 ID 83661-5134
PAYETTE RETURN TO SENDER

FRED HU
ERNEST
1919 S
JOISE I

FRED HUMPHREYS
ERNEST DAY
1919 S PHILLIPI
BOISE ID 83705

Water Right Number - R71-10197 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
HUMPHREYS

FRED

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

State- ID Zip- 83705

DAY

ERNEST

State- ID Zip- 83705

HUMPHREYS

FRED

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

State- ID Zip- 836615134

DAY

ERNEST

State- ID Zip- 836615134

*** R - REPRESENTATIVE ***
RICHEY

MARK W

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

State- ID Zip- 837025592

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/31/1920 17 SOUTHERN J - BENEFICIAL USE

+ - - Source - - - - - + + - - - - Tributary - - - - - +
UNNAMED STREAM SALMON RIVER

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

09N 14E 33 SW NW SE (37) CUSTER

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

01 - IRRIGATION 05/01 09/30 0.400
04 - STOCKWATER 01/01 12/31 0.070

+ - - Total Div. Rate - - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
0.470 0.0

AJ0743NP
(00-124)

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

Water right number - R71-10197 Prefix Translation: RESEARCH

| Tw | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|-------------|
| 09N | 14E | 32 | SE NE | | 0.1 | 01 | IRRIGATION | (37) CUSTER |
| 09N | 14E | 33 | SW NW | | 30.2 | 01 | IRRIGATION | (37) CUSTER |
| 09N | 14E | 33 | SE NW | | 20.9 | 01 | IRRIGATION | (37) CUSTER |
| 09N | 14E | 33 | NE SW | | 19.8 | 01 | IRRIGATION | (37) CUSTER |
| 09N | 14E | 33 | NW SW | | 4.3 | 01 | IRRIGATION | (37) CUSTER |
| 09N | 14E | 33 | NW SE | | 0.5 | 01 | IRRIGATION | (37) CUSTER |
| 09N | 14E | 33 | NE SW | | | 04 | STOCKWATER | (37) CUSTER |
| 09N | 14E | 33 | NW SE | | | 04 | STOCKWATER | (37) CUSTER |

Total Acres: 75.8

- + - - Diversion Means - DITCHES
- + - - Non-Irrigation Use -
- + - - Other Rights for Same Use - 71-00028, 71-00029, 71-10763, 71-10764 & 71-020858
- + - - Remarks -

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

EXP STOCKWATER FOR 360 HEAD OF RANGE CATTLE.

No Old Water Right Numbers Found

No Old Water Right Numbers

No Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date

Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
UNNAMED CREEK ORIG. ON FOREST SERVICE LAND FLOWS ONTO PARCEL AND
CAN BE USED FOR EARLY IRRIGATION ON NATIVE PASTURE ABOVE
IRREGULAR SPRING AND EARLY SUMMER RUN-OFF
IRRIGATION DITCH AND LIMITED STOCKWATER. SUPPLY NOT DEPENDABLE.

Audit Fields

05/30/98 AMERRITT

Adjudication Rights Dates and Flags Area

Court Report Filing

Objection Filed Date

Response Filed Date

Field Inspection Made

Field Inspection Flag

Verified Date

Civil Case Number

Old Case Number

Old Judicial District

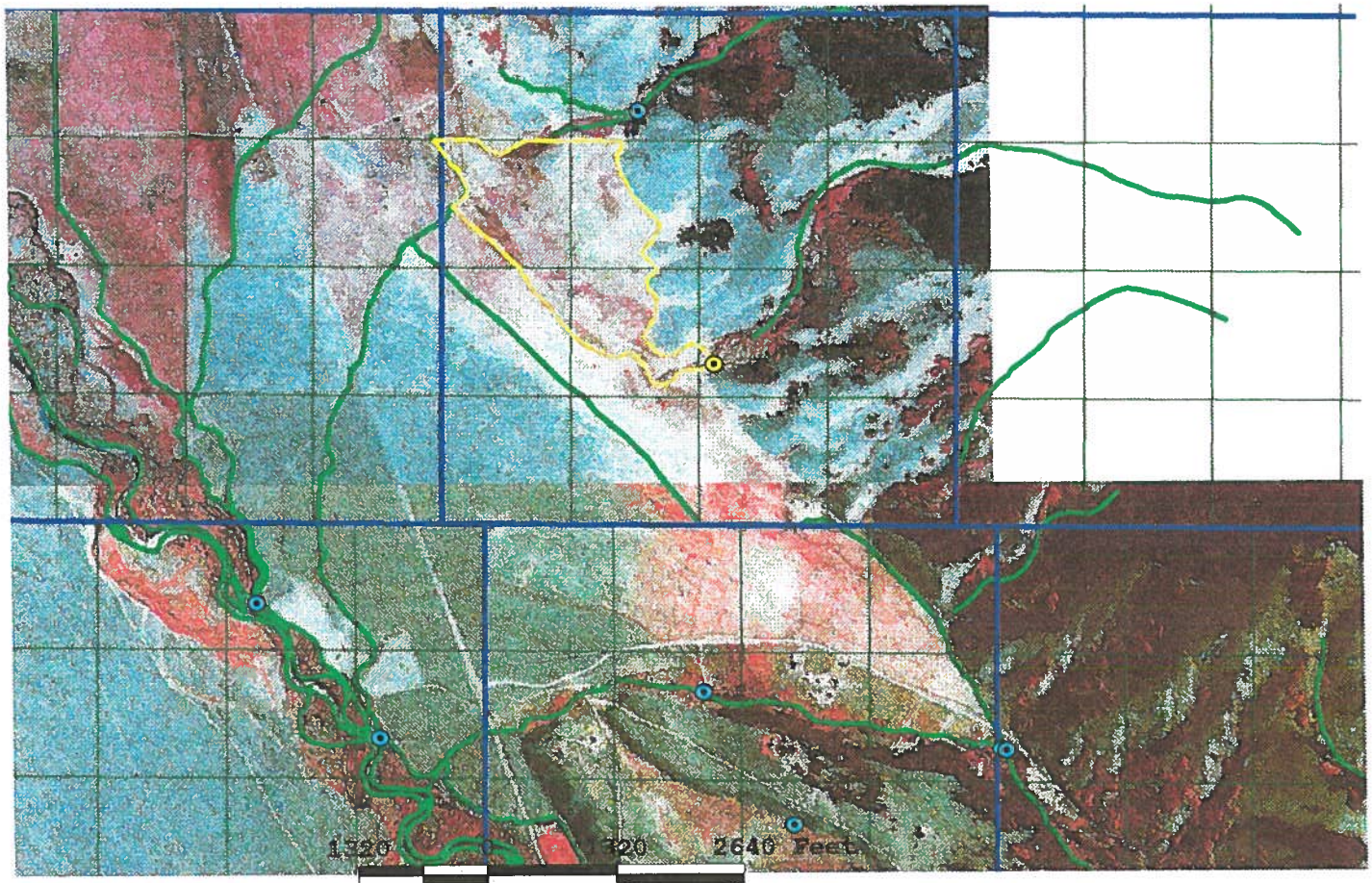
Water right number - R71-10197

Prefix Translation: RESEARCH

| | | | | |
|---------------------|--------------|--------------------|--------------|-------------------------|
| + - - - - | - - - - - | - - - - - | - - - - - | - - - - - |
| Claim Received Date | - 01/10/1990 | Last Amended Date | - 00/00/0000 | Temporary Right |
| | | Receipt Number | - C013908 | Water District |
| | | POU Ownership Flag | - Y | Federal/State Indicator |
| | | Name Connector | - AND | Presumption Flag |
| | | | | Notice of Error Flag |
| | | | | - P |
| | | | | - S |

IDAHO DEPARTMENT OF WATER RESOURCES

71-10197



POU:

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

POD:

UNNAMED STREAM - SWNWSE SEC 33

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 MAY 1998
BY ALLEN MERRITT

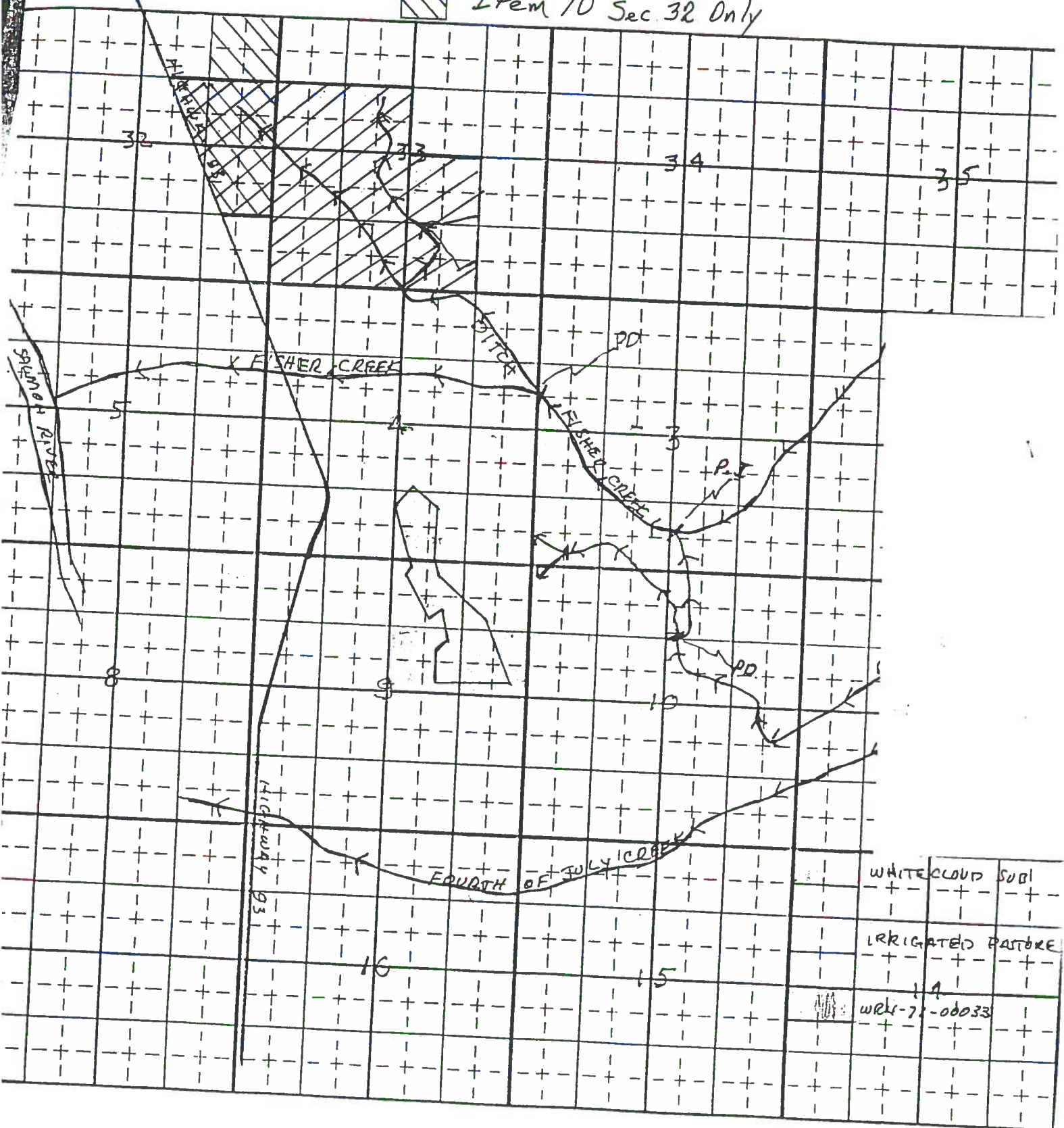
71-10197

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

Scale 2 inches equals 1 mile



Map
Item 10 Sec 32 Only



MICROFILMED

MAR 17 1993

Last Name HUMPHREYS Ident No. _____

Copies: White-State, Yellow-Claimant

71-10197

CLAIM NUMBERS _____

DATE 3/25/98
AGENT Adm

TRANSFER NUMBER _____

HOMESTEAD ENTRY NO. _____

CLAIMED ACRE TOTAL _____

GEOGRAPHIC INFO ACRES _____

| RIGHT NO | | | | NE | | | | NW | | | | SW | | | | SE | | | |
|----------|-----|-----|-----|----|----|----|---------------|----|----|------|------|------|-----|----|----|-----|----|----|------|
| | TNS | RNG | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | 9N | 14E | 33 | | | | 87 | | | 30.2 | 20.9 | 19.8 | 4.3 | | | 0.5 | | | 75.7 |
| ECOM | | | | | | | | | | | | | | | | | | | |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | 32 | | | | 0.1 | | | | | | | | | | | | 0.1 |
| ECOM | | | | | | | | | | | | | | | | | | | |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | |

B71-DBPOD.SHP

NOS DESCRIPTION

71 SW NW SE 33 ✓

B71-DBPOU.SHP

SHAPE NOS

114 ✓

DBF TABLES UPDATED

B71-DBPOD.DBF ✓

B71-DBPOU.DBF ✓

75.8

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-10197

09:16:36
05/29/98

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

OWNER CODE: C

LAST: DAY
ADDRESS: 1919 S PHILLIP
CITY: BOISE
PHONE NUMBER: 208-375-6490
STATE: ID ZIP: 83705

OWNER CODE: C

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

OWNER CODE: R

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

CLAIM REMARKS: GEN UNNAMED CREEK ORIG. ON FOREST SERVICE LAND FLOWS ONTO PARCEL AND
EMPIES INTO IRRIG. DITCH. MAINLY SPRING AND EARLY SUMMER RUN-OFF
CAN BE USED FOR EARLY IRRIGATION ON NATIVE PASTURE ABOVE
IRRIGATION DITCH AND LIMITED STOCKWATER. SUPPLY NOT DEPENDABLE.

CONTACT PERSON: Fred Humphress

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

ACCOMPANIED BY: Fred Humphress

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A71-10197 PRIORITY DATE: 05-31-1920 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

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

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

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

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED?

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

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

NOTES:

See affidavit & letters in
file. I is persuasive that ditch
was collect, flow was prior to
1920.

Recommend is cleared.

RECOMMENDED PRIORITY DATE:

5-31-1920

REVIEWED BY

APR

DATE

6/1/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------|-----------|------|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| A71-10197 | 09N | 14E | 33 | SE | SW | NE | | | | | |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A71-10195 71-10195
MR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: UNNAMED STREAM

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

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

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

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

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

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

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

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

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

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) 7/27/93) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) 7/27/93) Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

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

| TP. | RGE. | SEC. | LOT | FLAG | COUNTY | DIVERSION NAME | DIVERSION NBR |
|-----|------|---------------|---------------|---------------|--------|----------------|---------------|
| 09N | 14E | 33 | | | | | |
| | | SE | SW | NE | | | |
| | | 1/4 | 1/4 | 1/4 | | | |

53 KM 55

SOURCE: unnamed TRIB: 5/6/10

REVIEWED BY:

DATE:

~~6/19~~

SYSTEM DESCRIPTION: DESCRIBED BELOW (7), SEE LICENSE FILE (), OR SEE ATTACHMENT ()

< Ditches.

Written collected by ditto from Fisher CK.
See vts. 71-00028 & 71-00029

A. ROOT WATER RIGHT NUMBERS: A71-10197
R71-10197

B. POULISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | MR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|-------------------|-------------------|---------------|-----------------|----------------|------------------|
| 09N | 14E | 33 | SE | NW | | HUMPHREYS, FRED | A71-10197 / 5.0 | - | / | | 28.0 |
| | | | SE | NW | | RICHEY, MARK | A71-10196 / | - | / | | |
| | | | SE | NW | | HUMPHREYS, FRED | A71-00028 / 24.0 | 71-00028 | / | | |
| | | | SE | NW | | RICHEY, MARK W | A71-00029 / 24.0 | 71-00029 | / | | |
| | | | SE | NW | | HUMPHREYS, FRED | A71-00035C / 24.0 | - | / | | |
| | | | SE | NW | | HUMPHREYS, FRED | R71-00028 / 24.0 | - | / | | |
| | | | SE | NW | | HUMPHREYS, FRED | R71-00029 / 24.0 | - | / | | |
| | | | SE | NW | | HUMPHREYS, FRED | R71-10197 / 5.0 | - | / | | |
| | | | SE | NW | | HUMPHREYS, FRED | A71-10763 / 24.0 | - | / | | |
| | | | SE | NW | | DAY, ERNEST | R71-10763 / 24.0 | - | / | | |
| | | | SE | NW | | HUMPHREYS, FRED | 71-10196 / | - | / | | |
| 09N | 14E | 33 | NE | SW | | HUMPHREYS, FRED | A71-10197 / 10.0 | - | / | | 37.0 |
| | | | NE | SW | | HUMPHREYS, FRED | A71-00028 / 31.0 | 71-00028 | / | | |
| | | | NE | SW | | RICHEY, MARK W | A71-00029 / 31.0 | 71-00029 | / | | |
| | | | NE | SW | | RICHEY, MARK W | A71-00036B / 31.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | R71-00028 / 31.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | R71-00029 / 31.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | R71-10197 / 10.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | A71-10763 / 31.0 | - | / | | |
| | | | NE | SW | | DAY, ERNEST | R71-10763 / 31.0 | - | / | | |
| 09N | 14E | 33 | NE | SW | | HUMPHREYS, FRED | A71-10197 / | - | / | | 37.0 |
| | | | NE | SW | | HUMPHREYS, FRED | A71-00028 / 31.0 | 71-00028 | / | | |
| | | | NE | SW | | RICHEY, MARK W | A71-00029 / 31.0 | 71-00029 | / | | |
| | | | NE | SW | | RICHEY, MARK W | A71-00036B / 31.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | R71-00028 / 31.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | R71-00029 / 31.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | R71-10197 / 10.0 | - | / | | |
| | | | NE | SW | | HUMPHREYS, FRED | A71-10763 / 31.0 | - | / | | |
| | | | NE | SW | | DAY, ERNEST | R71-10763 / 31.0 | - | / | | |
| 09N | 14E | 33 | NW | SE | | HUMPHREYS, FRED | A71-10197 / 5.0 | - | / | | 3.0 |
| | | | NW | SE | | HUMPHREYS, FRED | A71-10194 / | - | / | | |
| | | | NW | SE | | HUMPHREYS, FRED | R71-10197 / 5.0 | - | / | | |
| | | | NW | SE | | HUMPHREYS, FRED | 71-10194 / | - | / | | |
| | | | NW | SE | | SHAW, MARJORIE L. | 71-00028 / | 71-00028 | / | | |
| | | | NW | SE | | SHAW, MARJORIE L. | 71-00029 / | 71-00029 | / | | |
| | | | NW | SE | | FOX, WILLIAM D | 71-07136 / | 71-07136 | / | | |
| 09N | 14E | 33 | NW | SE | | HUMPHREYS, FRED | A71-10197 / | - | / | | 3.0 |
| | | | NW | SE | | HUMPHREYS, FRED | A71-10194 / | - | / | | |

See
GIS
Sheet.

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|-------------------|-----------------|---------------|-----------------|----------------|------------------|
| | | | NW | SE | | HUMPHREYS, FRED | R71-10197 / 5.0 | - | | | |
| | | | NW | SE | | HUMPHREYS, FRED | 71-10194 / | / | | | |
| | | | NW | SE | | SHAW, MARJORIE L. | | 71-00028 / | | | |
| | | | NW | SE | | SHAW, MARJORIE L. | | 71-00029 / | | | |
| | | | NW | SE | | FOX, WILLIAM D | | 71-07136 / | | | |

ADDITIONAL POU FOUND

| | | | |
|-------------|-----------|-------|--------|
| TOTAL ACRES | A71-10197 | 20.00 | 108.00 |
|-------------|-----------|-------|--------|

POU COUNTY: CUSTER

75.8

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

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

Y() N()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|----------------------|-----------------|-----------|----------------|-----------|----------------|
| A71-10197 | UNNAMED STREAM | HUMPHREYS, FRED | 0.470 | 0.023 | | |
| A71-00028 | FISHER CREEK | HUMPHREYS, FRED | 4.200 | 0.020 | | |
| R71-00028 | FISHER CREEK | HUMPHREYS, FRED | 4.200 | 0.020 | | |
| R71-00029 | FISHER CREEK | HUMPHREYS, FRED | 2.250 | 0.019 | | |
| A71-00029 | FISHER CREEK | RICHEY, MARK W | 2.250 | 0.019 | | |
| A71-00035C | FOURTH OF JULY CREEK | HUMPHREYS, FRED | 3.000 | 0.020 | | |
| A71-00036B | FOURTH OF JULY CREEK | RICHEY, MARK W | 2.400 | 0.020 | | |
| R71-10197 | UNNAMED STREAM | HUMPHREYS, FRED | 0.470 | 0.023 | | |
| A71-10763 | FISHER CREEK | HUMPHREYS, FRED | 5.020 | 0.020 | | |
| R71-10763 | FOURTH OF JULY CREEK | FISHER CREEK | 5.020 | 0.020 | | |
| R71-10763 | FOURTH OF JULY CREEK | DAY, ERNEST | 5.020 | 0.020 | | |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|------------|-----------------|---------------------|-----------|--------|
| A71-10197 | STOCKWATER | HUMPHREYS, FRED | FROM 01-01 TO 12-31 | 0.070 CFS | |
| A71-10196 | STOCKWATER | RICHEY, MARK | FROM 01-01 TO 12-31 | 0.070 CFS | |
| 71-10196 | STOCKWATER | HUMPHREYS, FRED | FROM 01-01 TO 12-31 | 0.020 CFS | |
| R71-10197 | STOCKWATER | HUMPHREYS, FRED | FROM 01-01 TO 12-31 | 0.070 CFS | |
| A71-10194 | STOCKWATER | HUMPHREYS, FRED | FROM 01-01 TO 12-31 | 0.070 CFS | |
| 71-10194 | STOCKWATER | HUMPHREYS, FRED | FROM 01-01 TO 12-31 | 0.020 CFS | |

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? ☒ Y ☐ N

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ Y ☐ N

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

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

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? ☒ Y ☐ N

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

CHECK DOCUMENTS USED TO VERIFY POU:

☒ ORTHOPHOTOQUAD, IDMR NO. _____; ☐ TOPOGRAPHIC QUAD, IDMR NO. _____;
☒ NAPP, IDMR NO. _____; ☒ ASCS PHOTO; ☒ OTHER GIS

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

75.8

N/A()

REVIEWED BY:

ADW

DATE:

6/1/98

Not all of the above areas were checked but in reality this water meadows with water from Fisher CK. The 75.8 acres are those supplied by both meadow waters.

CLAIM NUMBER: A71-10107

DIV. VOL. FOR EACH USE

0.400 CFS
0.070 CFS

0.470 CFS

DIV. VOL. FOR EACH USE

Y() N()
N/A() Y() N()

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

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

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

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

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

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

N/A() Y() N()

NOTES:

Cows present daily extra. Allow 360
as clipped.

AJ CLAIM TOTAL DIVERSION RATE: 0.470 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? ☒ N/A ☐ Y ☐ N ☐
B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? ☒ N/A ☐ Y ☐ N ☐

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

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

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

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? ☒ Y ☐ N ☐

E. MEASUREMENT METHOD FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

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

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 40.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

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

Est. water flowing but not measured. Estimated more flows either is per acre or to 2nd. claimed.

NOTES:

[illegible]

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

| PURPOSE OF USE | REC. PERIOD | | REC. DIV | | REC. DIV | | REC. CONS. USE |
|----------------------|-------------|-------|----------|----------|-----------|----------|----------------|
| | FROM | TO | RATE CFS | EXAMINER | VOL. AF/A | EXAMINER | |
| IRRIGATION | 04-15 | 08-01 | 0.400 | ✓ | | | 40.0 |
| STOCKWATER | 01-01 | 12-31 | 0.070 | ✓ | | | 50.0 |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| TOTAL FOR THIS RIGHT | | | | 0.47 | | | |

NON-IRRIGATION USES CLAIMED: STOCKWATER SUPPLYING WATER FOR APPROX. 180 PAIR (STOCK COWS)

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

REVIEWED BY: AN

DATE: 6/1/98

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

Pool 231.2 combined see list with other rty.

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

Stock for 360 head,

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: 71-10197

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| - | A71-10197 | 0.470 | R71-10197 | 0.470 | - | - |
| TOTAL CFS | | 0.470 | 0.470 | | | |

DIVERSION RATE REVIEW

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

FIELD EXAMINER
DATABASE N Y() N()

NOTES:

AUTHENTICATION:
SIGNATURE: _____
DATE: _____
TITLE: _____

NAME OF FIELD EXAMINER: _____

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

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

COPY INCLUDED
IN FILE?

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

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES NOTES

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

See file 71-00028

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:16:36
05/29/98
17
CLAIM NUMBER: A71-10197

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

BARCODE UPDATED
WHOM/DATE

AA
6/1/98

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-10197

09:23:32
05/29/98
18

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|---------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | FRED HUMPHREYS | 05/31/1920 | IRRIGATION | 04-15 08-01 | 0.40 CFS | |
| C | ERNEST DAY | | STOCKWATER | 01-01 12-31 | 0.07 CFS | |

TOTAL DIVERSION: 0.47 CFS
CONSUMPTIVE USE: 40.00 AFA

Water Source: UNNAMED STREAM
Point(s) of Diversion: T09N R14E S33
Tributary to: SALMON RIVER
Stage: BENEFICIAL USE
CUSTER County

Place of use Legal Description for: IRRIGATION

| NE | NW | SW | SE |
|---------------------------------|---------------------------|---------------------------|---------------------------|
| 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 Lt Ac Lt Ac Lt Ac |
| 09N 14E 33 : | : 05 | : 10 | : 05 |
| | TOTAL ACRES | | 20.0 |

Place of use Legal Description for: STOCKWATER

| NE | NW | SW | SE |
|---------------------------------|---------------------------|---------------------------|---------------------------|
| 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 Lt Ac Lt Ac Lt Ac |
| 09N 14E 33 : | : S | : S | : S |

Non-Irrigation Uses: STOCKWATER SUPPLYING WATER FOR APPROX. 180 PAIR (STOCK COWS)
Other Rights: NONE

Remarks: GEN UNNAMED CREEK ORIG. ON FOREST SERVICE LAND FLOWS ONTO PARCEL AND
EMPTYIES INTO IRRIG. DITCH. MAINLY SPRING AND EARLY SUMMER RUN-OFF
CAN BE USED FOR EARLY IRRIGATION ON NATIVE PASTURE ABOVE
IRRIGATION DITCH AND LIMITED STOCKWATER. SUPPLY NOT DEPENDABLE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

R PROOF

CVR

MAPS

PHOTOS

MISC
