

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: **A71-10763**  
Date Received: 3/21/1994  
Receipt No: S016671  
Received By: AD

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

2. Date of Priority: JUL 11, 1922

3. Source: FISHER CREEK Trib. to: SALMON RIVER  
FOURTH OF JULY CREEK SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 08N      | 14E   | 3       | SW     | SW     | NW     |     | CUSTER |
|          |       |         | SE     | SE     | SW     | I   | CUSTER |
|          |       | 10      | SW     | NW     | NE     |     | CUSTER |
|          |       | 12      | SW     | NE     | NE     |     | CUSTER |

5. Description of diverting works:  
WOOD HEADGATES TO DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 10/15 | 5.020 |      |        |

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

8. Total consumptive use is 502.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
MISCELLANEOUS STOCKWATER

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 09N           | 14E   | 32      | SE     | NE  |     | IRR | 10.0  |
| Section Acres |       |         |        |     |     |     | 10.0  |
|               |       | 33      | NE     | NW  |     | IRR | 31.0  |
|               |       |         | NW     | NW  |     | IRR | 20.0  |
|               |       |         | SW     | NW  |     | IRR | 37.0  |
|               |       |         | SE     | NW  |     | IRR | 24.0  |
|               |       |         | NE     | SW  |     | IRR | 31.0  |
|               |       |         | NW     | SW  |     | IRR | 20.0  |
|               |       |         | SW     | SW  |     | IRR | 20.0  |
|               |       |         | SE     | SW  |     | IRR | 40.0  |
|               |       |         | SW     | SE  |     | IRR | 18.0  |
| Section Acres |       |         |        |     |     |     | 241.0 |
| Total Acres   |       |         |        |     |     |     | 251.0 |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

71-00028, 71-00029, 71-00033, 71-00035 & 71-00036.

14. Remarks:

DECREED WATER RIGHTS FROM FISHER CREEK ARE ONLY AVAILABLE FOR EARLY IRRIGATION SEASON (SPRING & EARLY SUMMER) FOURTH OF JULY CREEK IS MAIN WATER SUPPLY USED FOR IRRIGATION OF PARTS OF 33-9N-14E IN SUMMER AND FALL. APPLICANTS LAND IS GRAVELY AND POURIOUS AND REQUIRES MOR THAN 1 MINERS INCH/ACRE/SEASON. THE NATIVE SOILS AND LENGTH OF THE DITCH REQUIRES MORE WATER THAN 1" PER ACRE TO PUT IT TO ITS HISTORICAL USE.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: \_\_\_\_\_

**For Individuals:**

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

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

Adj. Flag Translation: Standard Water Right Number

| + - First Name - - + | + - - - - - |
|----------------------|-------------|
|----------------------|-------------|

GEYER M.

| State- | Zip-  |
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| AL     |       |

**MRS. GEYER M.**

State-  
Zip-

**MERTON O.**

State-  
zip-

## EMMA

17

FOURTH OF JULY CREEK

Stream Index (Blank if no Index Code)

(37) CUSTER

| Period From | Period To | Diversion Rate | Diversion Volume |
|-------------|-----------|----------------|------------------|
|-------------|-----------|----------------|------------------|

**1.500**

1.500

082

+ - - Diversion Means -

TRANSFER TO 9N-14E. SECT. 33

Water right number - 71-00034 Adj. flag translation: Standard Water Right Number

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - P/D INCOMPLETE. SEE DECREE. Remarks - - - - -

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

+ - - - - Decree Plaintiff - - - +  
DAN J. CAVANAGH WM. MERRITT, ET AL. + - Decree Date - +  
01/16/1940

+ - - Microfilm Rolls -

+ - - Audit Fields - 05/06/85 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - -  
Proof Due Date - 00/00/0000 Field Exam Made - 00/00/0000 Field Exam Fee -  
Approved/Denied - 00/00/0000 Protested Date - 00/00/0000 Swan Falls -  
Proof Made Date - 00/00/0000 Hearing Date - 00/00/0000 Temporary Right - P  
Start Work Date - 00/00/0000 Verified Date - 05/06/1985 DLE/Carey Act -  
Order Show Cause - 00/00/0000 Receipt Number - Water District -  
Licensed Date - 00/00/0000 Appl Received - 00/00/0000 Transfer/Amended -  
Decree Date - 01/16/1940

March 7, 1994

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

RECEIVED

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 17<sup>th</sup> day of March 1994.

Notary Public Ginda R Koch

Residing at Meridian

My Commission Expires 12-4-97

COPY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number A71-10763

Date Received

Receipt Number

SD16671

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 21 1994

Department of Water Resources  
Southern Region Office

## Please type or print clearly

1. Name of Claimant (s) Fred Humphreys and/or Ernest DAY Phone (208) 375-6940

Mailing Address 1919 S. Phillipi, Boise, Idaho Zip 83705

2. Date of Priority (Only one (1) per claim) July 11, 1922

3. Source of water supply (a) Fourth of July Creek/Fisher Creek  
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 8N Range 14E Section 12,  
SW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Custer

Additional points of diversion if any: T8N, R14E, Section 10, SWNWNE

b. ~~Point of injection into Fisher Creek~~ Point of injection into Fisher Creek

Township 9N Range 14E Section 3, SE 1/4 of SE 1/4 of SW 1/4,

Govt. Lot B.M., County of Custer

Re-diversion  
ending point is: Township 8N Range 14E Section 3, SW 1/4 of SW 1/4 of  
NW 1/4, Govt. Lot B.M., County of Custer5. 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.Wood headgate - 6' wide and is diverted into man made ditch, water flow  
measured 8/16/89 (seasonal low flow) 7" deep 2'/sec

Concrete pipe approximately 12" in diameter, diverted to Fisher Creek

Wood headgate - 3.5' wide and is diverted into man made ditch, water  
flow measured 8/16/89 (seasonal low flow) 10" deep

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount 5.02 or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 5.02 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 502 acre feet per annum.

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

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 |        |
| 9N  | 14E | 32  |        |       |       | 10    |        |       |       |       |        |       |       |       |        |       |       |       | 10     |
| 9N  | 14E | 33  |        |       |       |       | 31     | 20    | 37    | 24    | 31     | 20    | 20    | 40    |        |       | 18    |       | 241    |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 251

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.

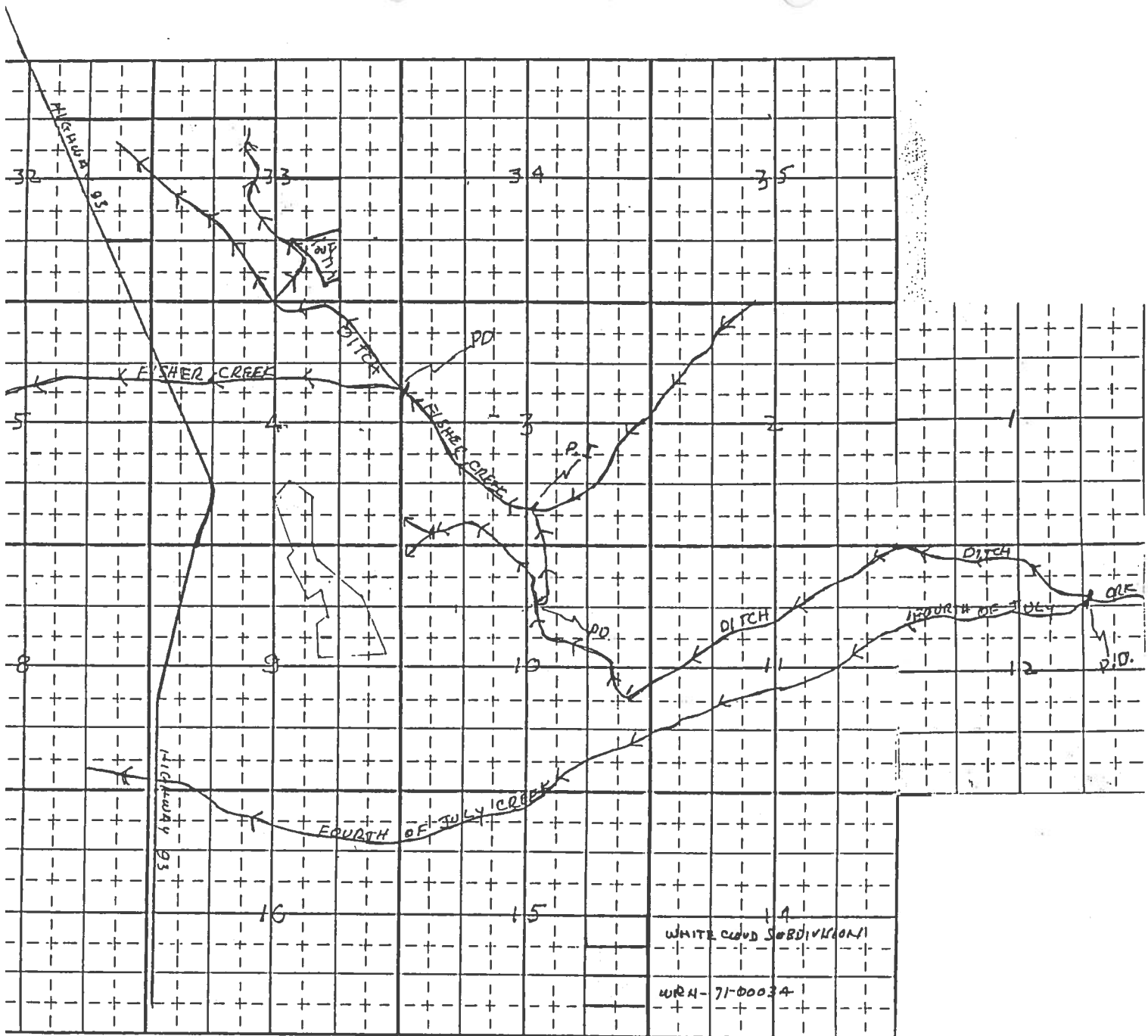
Water rights from Fisher Creek 71-00028 & 71-00029 or None ( )  
from Fourth of July Creek 71-00033, 71-00035 & 71-00036

14. Remarks: Decreed water rights from Fisher Creek are only available for early irrigation season (spring & early summer) Fourth of July Creek is main water supply used for irrigation of parts of 33-9N-14E in summer and fall. Applicants land is gravely and porous and requires more than 1 miners inch/acre/season. The native soils and length of the ditch requires more water than 1" per acre to put it to its historical use.

Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White -State, Yellow-Claimant

2 inches equals 1 mile



10

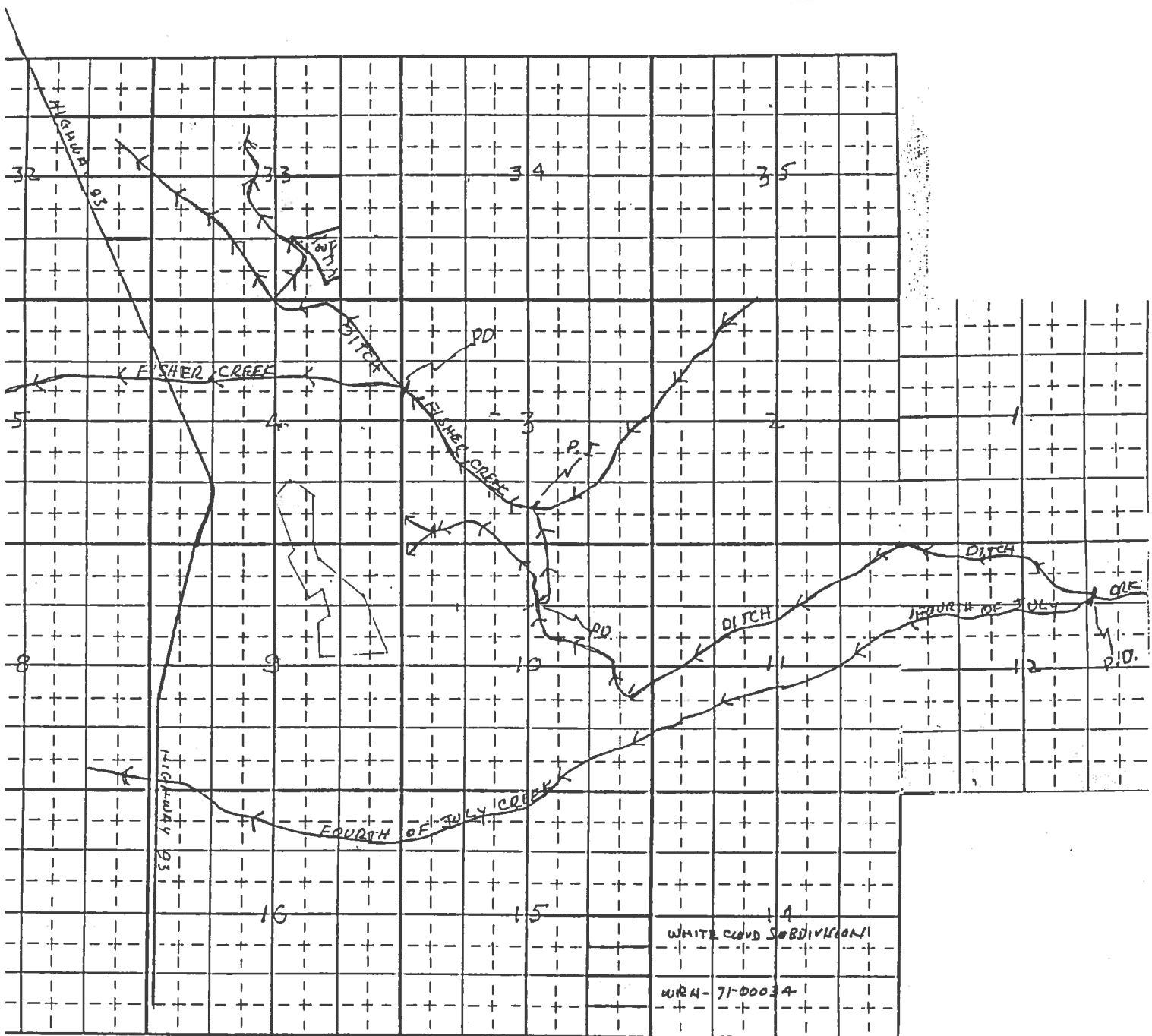
Чотирнадцять / 14 /

Ident No.

A71-10763

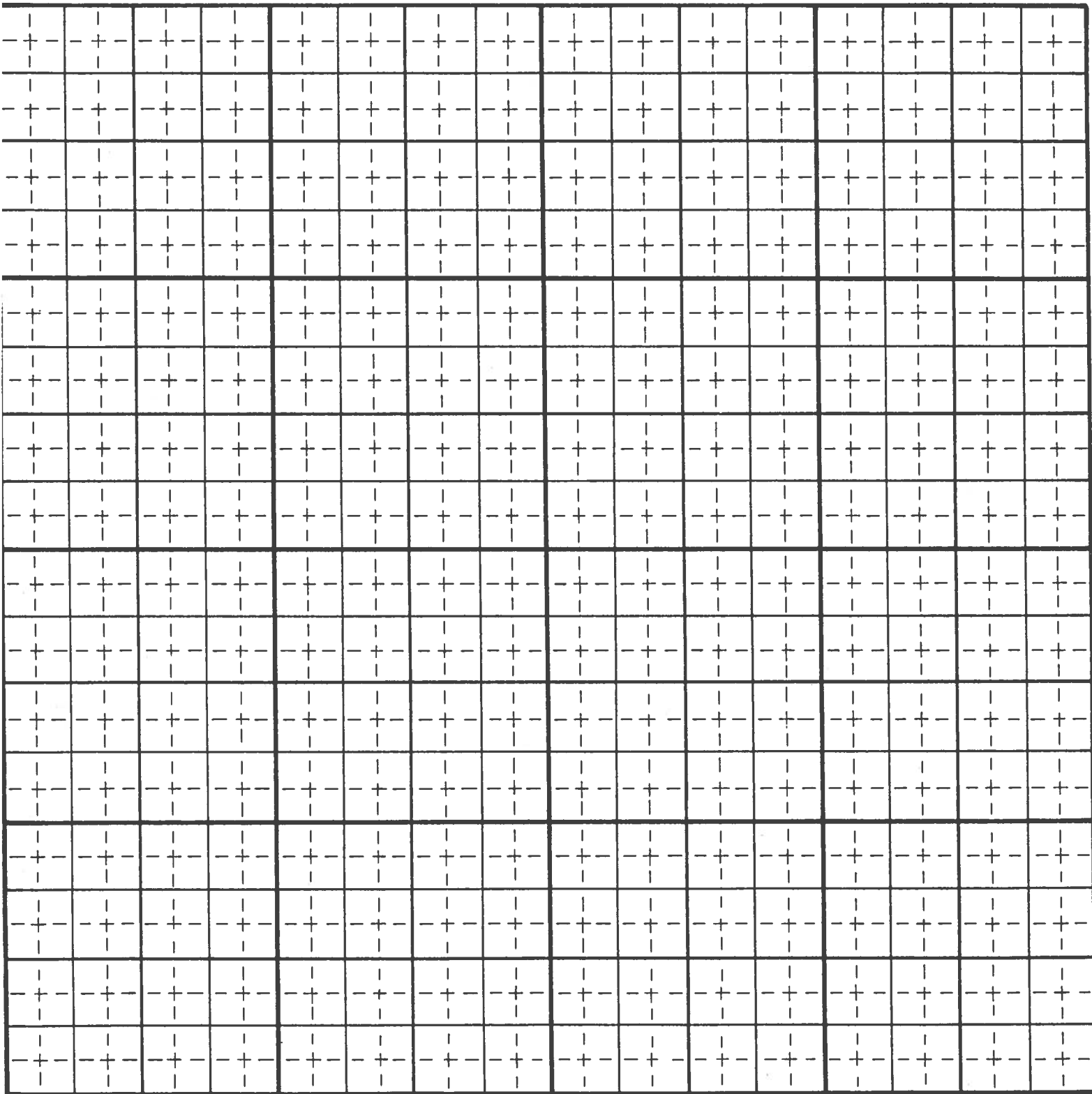
*Copies: White-State, Yellow-Claimant*

2 inches equals 1 mile



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

Scale: 2 inches equals 1 mile



Last Name \_\_\_\_\_ Ident No. \_\_\_\_\_

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
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) Fred Campbell Date 3-17-94  
\_\_\_\_\_  
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 )  
County of Ada ) SS.

Subscribed and sworn (or affirmed) before me this 17<sup>th</sup> day of March 19 94

SEAL

Notary Public Linda H Koch

Residing at Meridian

My Commission Expires 12-4-97

Please Print Name

17. Notice of Appearance:

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

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

Change  
from  Basin  
71 ~~to~~ to  
72

MICROFILMED

OCT 28 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

23-MAR-1994

FRED HUMPHREYS  
ERNEST DAY  
1919 S PHILLIPI  
BOISE ID 83705

RE: ADJUDICATION CLAIM(S) A71-10763 - IDAHO LAND & APPRAISAL RECEIPT  
A71-10764 - "

DEAR CLAIMANT(S):

PLEASE FIND ENCLOSED YOUR RECEIPT AND A COPY OF A COMPUTER  
GENERATED CLAIM(S) BASED ON THE INFORMATION FROM OUR ORIGINAL  
CLAIM(S) WHICH HAS BEEN ENTERED IN OUR COMPUTER RECORDS.

PLEASE REVIEW THE COMPUTER GENERATED CLAIM(S) FOR ACCURACY.  
IN A FEW INSTANCES CLARIFICATIONS MAY HAVE BEEN ADDED BY THE  
DEPARTMENT AT THE TIME OF DATA ENTRY. IF YOU HAVE ANY QUESTIONS  
OR OBJECTIONS REGARDING YOUR CLAIM(S), PLEASE CONTACT THIS OFFICE.

SINCERELY,

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

JUDY GIVENS  
Adjudication Secretary

/jg

ENCLOSURE(S)

MICROFILMED  
OCT 28 1994



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

23-MAR-1994

FRED HUMPHREYS  
ERNEST DAY  
1919 S PHILLIPI  
BOISE ID 83705

RE: ADJUDICATION CLAIM(S) A71-10763 - IDAHO LAND & APPRAISAL RECEIPT  
A71-10764 - "

DEAR CLAIMANT(S):

PLEASE FIND ENCLOSED YOUR RECEIPT AND A COPY OF A COMPUTER GENERATED CLAIM(S) BASED ON THE INFORMATION FROM OUR ORIGINAL CLAIM(S) WHICH HAS BEEN ENTERED IN OUR COMPUTER RECORDS.

PLEASE REVIEW THE COMPUTER GENERATED CLAIM(S) FOR ACCURACY. IN A FEW INSTANCES CLARIFICATIONS MAY HAVE BEEN ADDED BY THE DEPARTMENT AT THE TIME OF DATA ENTRY. IF YOU HAVE ANY QUESTIONS OR OBJECTIONS REGARDING YOUR CLAIM(S), PLEASE CONTACT THIS OFFICE.

SINCERELY,

JUDY GIVENS  
Adjudication Secretary

/jg

ENCLOSURE(S)

MICROFILMED

OCT 28 1994

08/18/2000

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

RIGHT NUMBER: 71-10763

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

SOURCE: FISHER CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 5.02 CFS

PRIORITY DATE: 07/11/1922

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 05-01 10-31          | 5.02 CFS        |

PLACE OF USE:

| <u>IRRIGATION Within CUSTER County</u> |      |      |               |      |      |
|----------------------------------------|------|------|---------------|------|------|
| T09N R14E S32                          | SENE | 21.2 | T09N R14E S32 | NESE | 4    |
| T09N R14E S33                          | SWNW | 39   | T09N R14E S33 | SENE | 20.9 |
| T09N R14E S33                          | NWSW | 31.2 | T09N R14E S33 | NESW | 30.6 |
| T09N R14E S33                          | NWSE | 1.2  | T09N R14E S33 | SWSW | 0.9  |
| T09N R14E S33                          | SESW | 34.8 | T09N R14E S33 | SWSE | 22.2 |

206 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

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

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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.

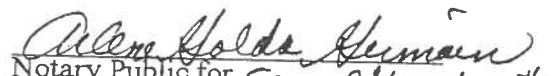
IN WITNESS WHEREOF, I have executed this Special Power of Attorney this 26<sup>th</sup> day of April, 1999.

  
W. MICHAEL HUMPHREYS

STATE OF Massachusetts )  
County of Essex ) ss.

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

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

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

ALAN LANCE  
Attorney General

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

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

In Re SRBA Claimant

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

Case No. 39576

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

STATE OF IDAHO )

) ss.

County of Ada )

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

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

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

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

5. I have worked for IDWR for 22 years in the following positions respectively: Adjudication Section Supervisor; Payette Adjudication Supervisor; Water Allocation Section Supervisor; Regional Office Manager of IDWR's Western Regional Office; and currently as Adjudication Bureau Chiefd. 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.

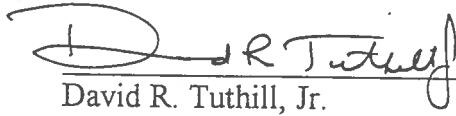
8. I adopt as my testimony and incorporate in this Affidavit the Legal Principles and the Conclusions portions of the Supplemental Director's Report Regarding Claim to Water Right

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

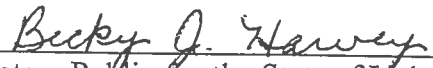
9. Attachments B, C, and D to Exhibit 1 are printed color copies representing shape files in IDWR's Geographical Information System database. These printed copies are the type of data regularly and customarily considered by experts in the field of water use and water right investigation and administration 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 6<sup>th</sup> day of October, 1999

  
David R. Tuthill, Jr.

SUBSCRIBED AND SWORN before me this 6<sup>th</sup> 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, SWNWNE 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,

Intervenors.

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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<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>, 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° 06' 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-Warner 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.

JUL 24 1906

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. 8; 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 $\frac{1}{4}$ NW $\frac{1}{4}$ , 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 13-24-13 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° 00' 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.

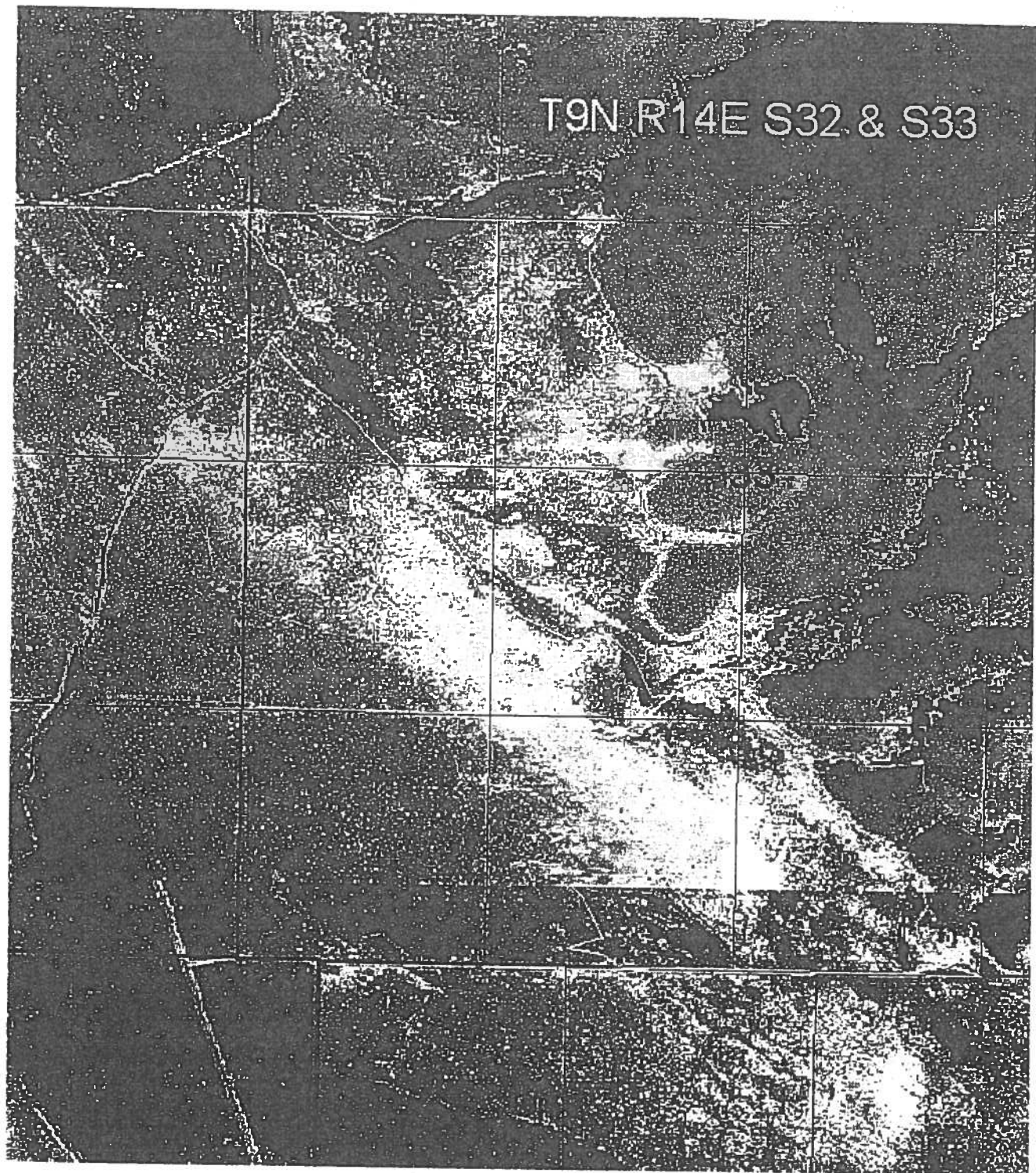
It is further ADJUDGED AND DECREED, that the water rights as hereinbefore set forth are established, quieted and confirmed, and that all parties to this action, and all persons claiming under them, their attorneys, agents, servants and employees are hereby perpetually restrained, prohibited and enjoined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

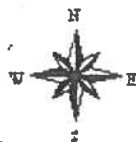
IDAHO DEPARTMENT OF WATER RESOURCES

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

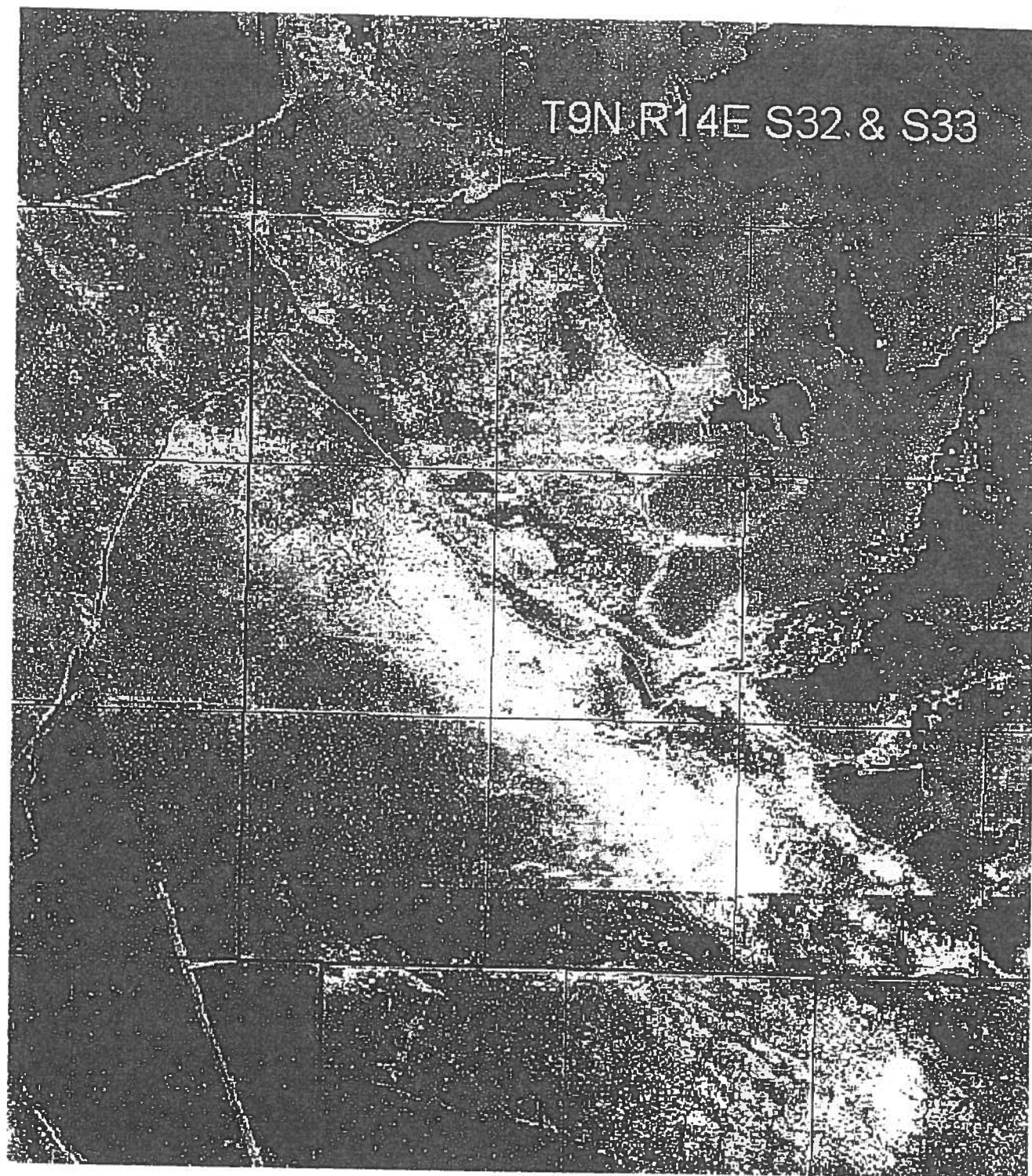


GIS PLACE OF USE PRESENTATION  
PHOTOGRAPHY: 1987 and/or 1988 NAIP  
DATA ENTRY: May, 1998  
By: Allen Merritt  
(Layout by: D. Jones)

# ATTACHMENT C

IDAHO DEPARTMENT OF WATER RESOURCES

71-10197



660 0 660 1320 1980 2640 Feet

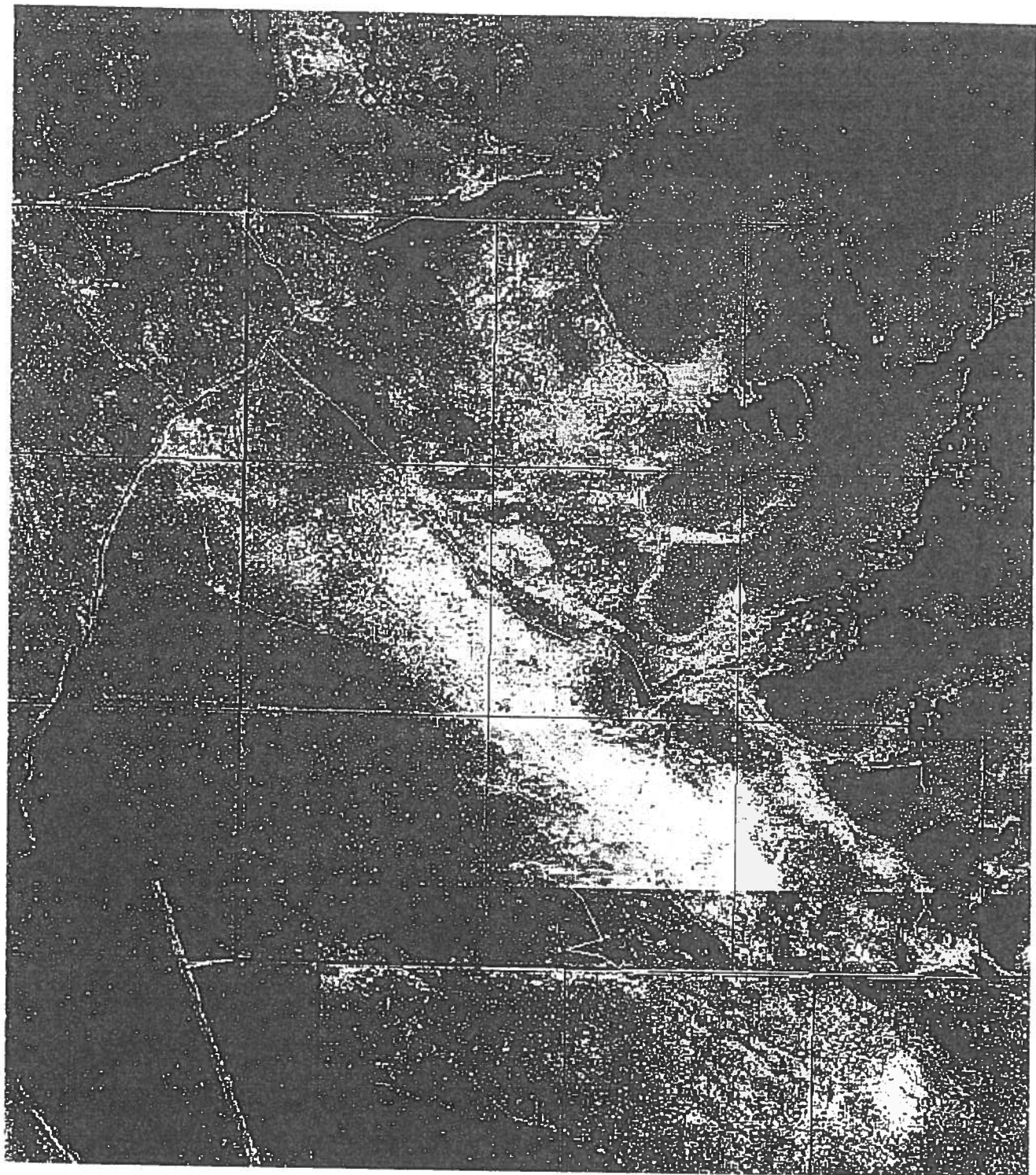
-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



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

# ATTACHMENT 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

RECEIVED

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.

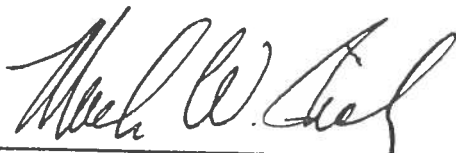
Idaho Department of Water Resources  
Adjudication Bureau  
March 7, 1994  
Page 2

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 17<sup>th</sup> 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             | 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 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 LAWDATE: 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 PHILLIP  
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 NESEW (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              | 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: 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.

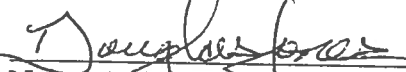
6. Based on my investigation and knowledge of these claims, I adopt as my testimony and incorporate in this Affidavit the Factual findings portions of the Supplemental Director's Report Regarding Claim to Water Right numbers 71-00028, 71-00029, 71-10197, and 71-10763 dated October 6, 1999, attached to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

Dated this 7<sup>th</sup> day of October, 1999



Allen Merritt

SUBSCRIBED AND SWORN before me this 2<sup>nd</sup> 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 7<sup>th</sup> 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: \_\_\_\_\_

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**

RECEIVED

JAN 25 1999

Department of Water Resources  
Southern Region

11-10763  
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 71-10763

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: July 11, 1922
5. ☒ **Point(s) of Diversion**  
Should be: As stated in the Notice of Claim
6. ☐ **Instream Flow Description**  
Should be:
7. ☐ **Purpose(s) of Use**  
Should be:
8. ☐ **Period of Year**  
Should be:
9. ☒ **Place of Use**  
Should be: As stated in the Notice of Claim. The combined place of use restriction should be deleted.
10. **I object because:**
  - ☐ This water should not exist.
  - ☐ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):** Water has been beneficially used as stated in the Notice of Claim.

F.

**VERIFICATION (Must be completed)**

State of Idaho       )  
                              )  
County of Blaine    )       ss.

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

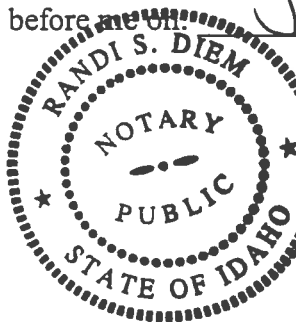
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

James 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:

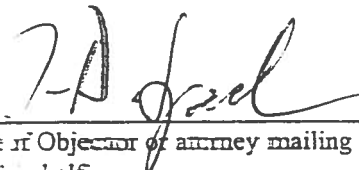
Name: The Estate of Fred Humphreys/Ernest Day  
Address: 10495 Stone Quarry Road  
Payette, ID 83661

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

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 71-00036B

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: As stated in the Notice of Claim
2. ☒ **Source**  
Should be: As stated in the Notice of Claim
3. ☒ **Quantity**  
Should be: As stated in the Notice of Claim
4. ☒ **Priority Date**  
Should be: As stated in the Notice of Claim
5. ☒ **Point(s) of Diversion**  
Should be: As stated in the Notice of Claim
6. ☐ **Instream Flow Description**  
Should be:
7. ☒ **Purpose(s) of Use**  
Should be: As stated in the Notice of Claim
8. ☒ **Period of Year**  
Should be: May 1 through October 31
9. ☒ **Place of Use**  
Should be: As stated in the Notice of Claim
10. **I object because:**  
☐ This water should not exist.  
☒ This water right was not recommended, but should be recommended with the elements described above.

**E. REASONS SUPPORTING OBJECTION(S):** Water has been beneficially used as stated in the Notice of Claim.

F.

**VERIFICATION (Must be completed)**

State of Idaho       )  
                              )  
County of Blaine    )       ss.

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

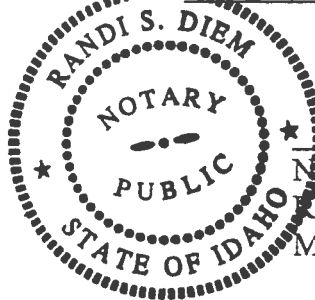
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

\_\_\_\_\_  
(Signature of person filing objection)

James 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

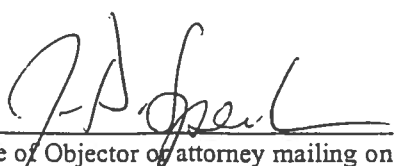
3. Copies to:

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

**SPECK & AANESTAD**

A PROFESSIONAL CORPORATION  
ATTORNEYS

120 EAST AVENUE  
POST OFFICE BOX 987  
KETCHUM, IDAHO 83340

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

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

September 8, 1998

**RECEIVED**

**SEP 09 1998**

Department of Water Resources  
Southern Region

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

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

Dear Allen:

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

|           |           |
|-----------|-----------|
| 71-02047A | 71-00034C |
| 71-04021  | 71-00035C |
| 71-00028  | 71-00036B |
| 71-00029  | 71-10763  |
| 71-00033B | 71-02085  |
| 71-10764  |           |

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

Sincerely yours,

**SPECK & AANESTAD**  
A Professional Corporation

By:   
James P. Speck

JPS:rsd  
cc: clients

72 Abbott Road  
Wellesley, MA 02181  
August 13, 1998

RECEIVED

AUG 19 1998

Department of Water Resources  
Southern Region

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

Dear Sirs;

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "W. Michael Humphreys". The signature is fluid and cursive, with the first name "W." and last name "Humphreys" clearly distinguishable.

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

July 22, 1998

RECEIVED

AUG 14 1998

Department of Water Resources

NOTICE OF ERROR  
REPLY

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

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

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

Water right number: 71-10763

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

RECEIVED

AUG 19 1998

Department of Water Resources  
Southern Region

Daytime Telephone Number:

Evening Telephone Number:

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

PRIORITY DATE  
QUANTITY  
# OF ACRES

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

IF 71-10763 IS THE MOTHER OF 71-00033, 71-00034, 71-00035 & 71-00036  
THEN THE PRIORITY DATE SHOULD BE 1918-1922 AS CLAIMED  
THE QUANTITY SHOULD BE 7.8 CFS AS CLAIMED  
# ACRES SHOULD BE AS CLAIMED.

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

8-12-98 W. Mairiel Humphrey  
EXECUTOR, FRED C. HUMPHREY'S ESTATE

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

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
Please print your name: \_\_\_\_\_



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

A71-10763

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

In Re Snake River Basin Adjudication Case  
No. 39576

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

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

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

**IMPORTANT NOTICE REGARDING YOUR WATER RIGHT**

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

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

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

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

FRED HUMPHREYS  
ERNEST DAY  
1919 S PHILLIPI  
BOISE ID 83705

RECEIVED

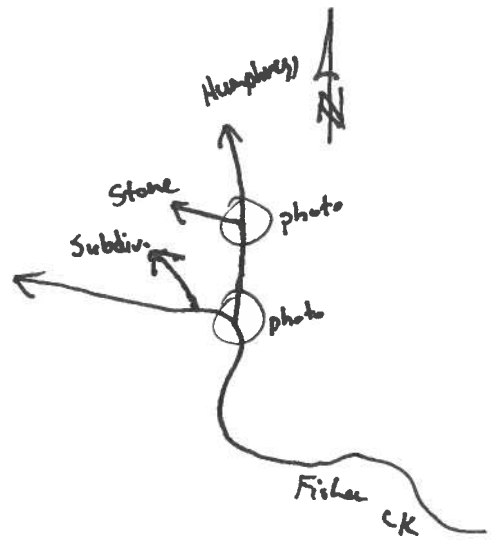
APR 20 1995

Department of Water Resources



To Stone & Humphreys

PD from  
← Fisher CK



between  
& Humphreys.

➔



7/27/93  
A/O

7/27/93  
ADH



Stream from 4<sup>th</sup> of July ck  
just before entering Fisher ck.  
Not measured. Est. 10" of  
water.

7/27/93

40m



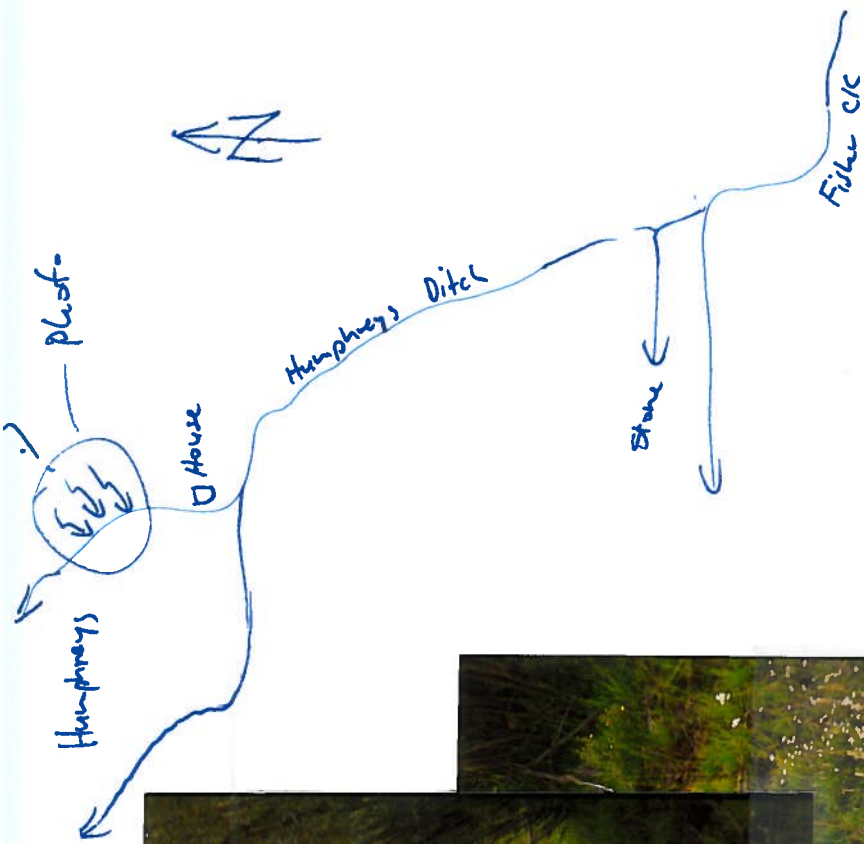
ditch from  
Fisher Ck.



on Southlike looking NW toward  
Hwy

7/27/93  
Adm

A71-10197



Unzoned Stream & Seeps entering  
upper Fisher c/c ditch

AJ0743NP  
(00-124)

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

05/30/98 10:16:25  
Page 1

Water Right Number - R71-10763

Prefix Translation: RESEARCH

Old (D) Number -

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

\*\*\* C - CURRENT OWNER \*\*\*  
DAY

ERNEST

1 - 1919 S PHILLIPI  
2 -  
3 -

State- ID Zip- 83705

HUMPHREYS

FRED

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

State- ID Zip- 836615134

HUMPHREYS

FRED

City- PAYETTE  
Phone - 208-000-0000  
1 - 1919 S PHILLIPI  
2 -  
3 -

State- ID Zip- 83705

DAY

ERNEST

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

State- ID Zip- 836615134

\*\*\* R - REPRESENTATIVE \*\*\*  
RICHEY

MARK W

1 - 207 W WASHINGTON  
2 -  
3 -

State- ID Zip- 837025592

+ - - Priority Date - - +  
05/01/1962

+ - - Region - - - +  
17 SOUTHERN

+ - - Stage - - - +  
J - BENEFICIAL USE

+ - - Status - - - +

+ - - - - Source - - - - - +  
FISHER CREEK  
FOURTH OF JULY CREEK

+ - - - - Tributary - - - - - +  
SALMON RIVER  
SALMON RIVER

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

08N 14E 3 SW SW NW (37) CUSTER DIV/REDIV ON FISHER CK  
12 SW NE NE (37) CUSTER DIV ON FOURTH OF JULY CK  
3 NE SE SW (37) CUSTER INJECT INTO FISHER CK

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 05/01 09/30 5.020

**Prefix Translation:** RESEARCH

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|--------|
|-----|-----|-----|-------|-----|-------|-------------------|-------------|--------|

**Total Acres:** 200.2

+ - - Other Rights for Same Use - 71-00028, 71-00029, 71-02085B, 71-10197 & 71-10764

SRC POINT OF INJECTION INFO AND POINT OF REDIVERSION FROM FISHER CREEK.

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.

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

Water right number - R71-10763

Prefix Translation: RESEARCH

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

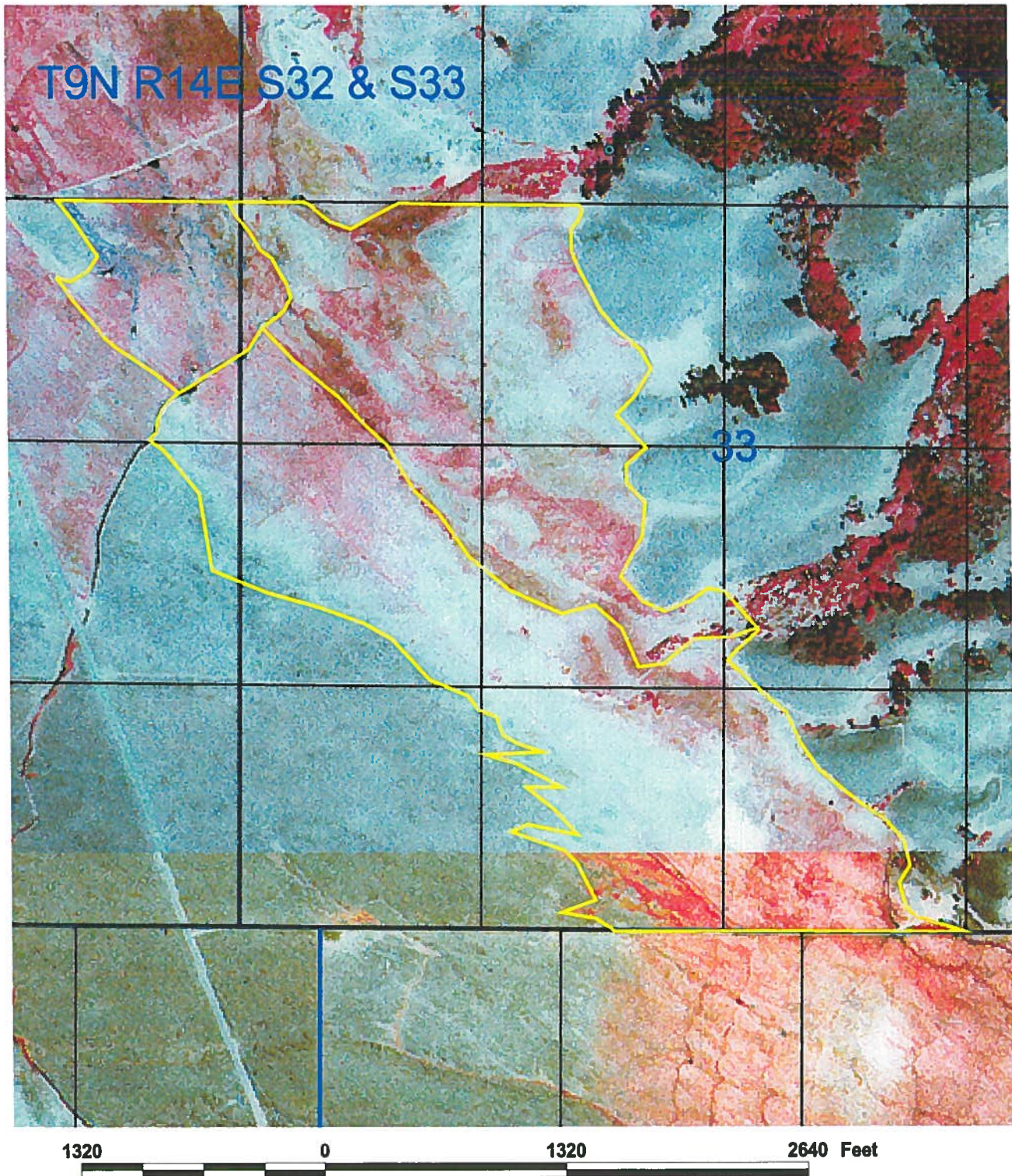
+ - - - - Decree Plaintiff - - - + - - - - Decree Defendant - - - + - - - - Decree Date - +  
00/00/0000

+ - - - - Comments - - - - -  
Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS  
DECREED WATER RIGHTS FROM FISHER CREEK ARE ONLY AVAILABLE FOR  
CREEK IS MAIN WATER SUPPLY USED FOR IRRIGATION OF PARTS OF  
POURIOUS AND REQUIRES MORE THAN 1 MINERS INCH/ACRE/SEASON. THE  
1<sup>st</sup> PER ACRE TO PUT IT TO ITS HISTORICAL USE.  
EARLY IRRIGATION SEASON (SPRING & EARLY SUMMER) FOURTH OF JULY  
33-9N-14E IN SUMMER AND FALL. APPLICANTS LAND IS GRAVELY AND  
NATIVE SOILS AND LENGTH OF THE DITCH REQUIRES MORE WATER THAN

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

+ - - - - Adjudication Rights Dates and Flags Area - - - - -  
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576  
Objection Filed Date - 00/00/0000 Field Inspection Flag - 00/00/0000 Old Case Number -  
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -  
Claim Received Date - 03/21/1994 Last Amended Date - 00/00/0000 Temporary Right - P  
Receipt Number - S016671 Water District -  
POU Ownership Flag - Y Federal/State Indicator - S  
Name Connector - AND Presumption Flag -  
Notice of Error Flag -

71-10763

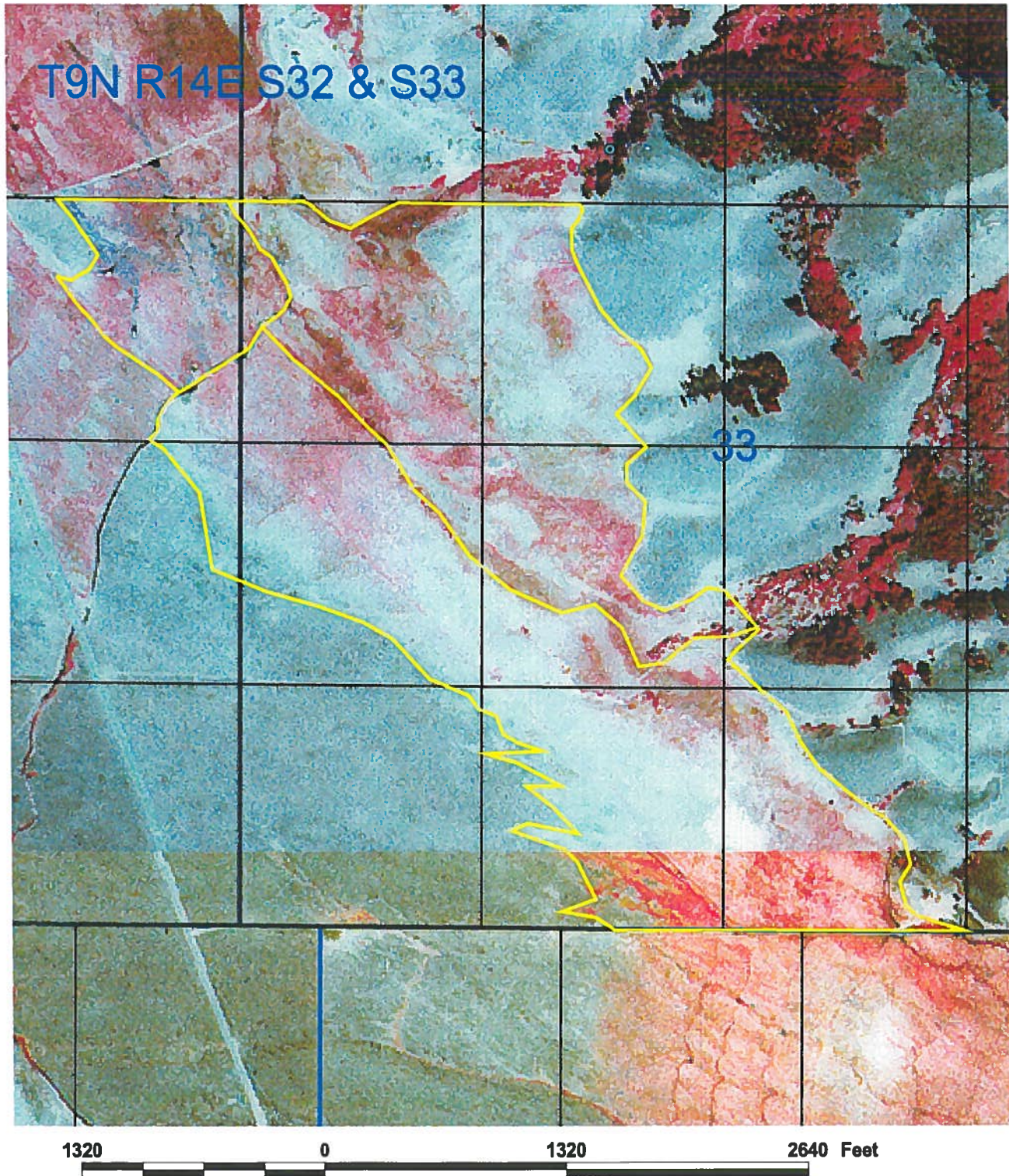


-  Section Lines
-  Quarter/Quarter Lines
-  Recommended Place of Use
-  Recommended Point(s) of Diversion



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

71-10763



-  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)

71-10763

LM NUMBERS

DATE 3/25/91  
AGENT AD

TRANSFER NUMBER

HOMESTEAD ENTRY NO.

CLAIMED ACRE TOTAL

GEOGRAPHIC INFO ACRES

| LIGHT NO | TNS | RNG | SEC | NE |    |    |      | NW |    |      |      | SW   |      |     |      | SE  |      |    |       |
|----------|-----|-----|-----|----|----|----|------|----|----|------|------|------|------|-----|------|-----|------|----|-------|
|          |     |     |     | NE | NW | SW | SE   | NE | NW | SW   | SE   | NE   | NW   | SW  | SE   | NE  | NW   | SW | SE    |
| CLAIM    |     |     |     |    |    |    | 0.1  |    |    |      |      |      |      |     |      |     |      |    |       |
| GIS      | 9N  | 14E | 32  |    |    |    | 17.6 |    |    |      |      |      |      |     |      | 4.0 |      |    | 25.1  |
| ECOM     |     |     |     |    |    |    | 3.4  |    |    |      |      |      |      |     |      |     |      |    |       |
| CLAIM    |     |     |     |    |    |    |      |    |    |      |      |      |      |     |      |     |      |    |       |
| GIS      | 9N  | 14E | 33  |    |    |    |      |    |    | 30.2 |      |      |      |     |      |     |      |    |       |
| ECOM     |     |     |     |    |    |    |      |    |    | 2.5  | 20.9 | 19.8 | 26.9 | 0.2 | 29.8 | 0.5 | 22.2 |    | 175.  |
|          |     |     |     |    |    |    |      |    |    | 6.3  |      | 10.8 | 4.3  |     |      | 0.7 |      |    | 174.9 |
| CLAIM    |     |     |     |    |    |    |      |    |    |      |      |      |      |     |      |     |      |    |       |
| GIS      |     |     |     |    |    |    |      |    |    |      |      |      |      |     |      |     |      |    |       |
| ECOM     |     |     |     |    |    |    |      |    |    |      |      |      |      |     |      |     |      |    |       |
| CLAIM    |     |     |     |    |    |    |      |    |    |      |      |      |      |     |      |     |      |    |       |
| GIS      |     |     |     |    |    |    |      |    |    |      |      |      |      |     |      |     |      |    |       |
| ECOM     |     |     |     |    |    |    |      |    |    |      |      |      |      |     |      |     |      |    |       |

B71-DBPOD.SHP 200,2

| NOS | DESCRIPTION                               |
|-----|-------------------------------------------|
| 50  | SWNE NE Sec 12 8N 14E — Div from 4th July |
| 61  | NWSWNE Sec 10 8N 14E Re-div from ditch    |
| 62  | NESESW Sec 3 8N 14E Inject int Fisher CK  |
| 63  | SWSWNW Sec 3 8N 14E Re-div from Fisher CK |

B71-DBPOU.SHP

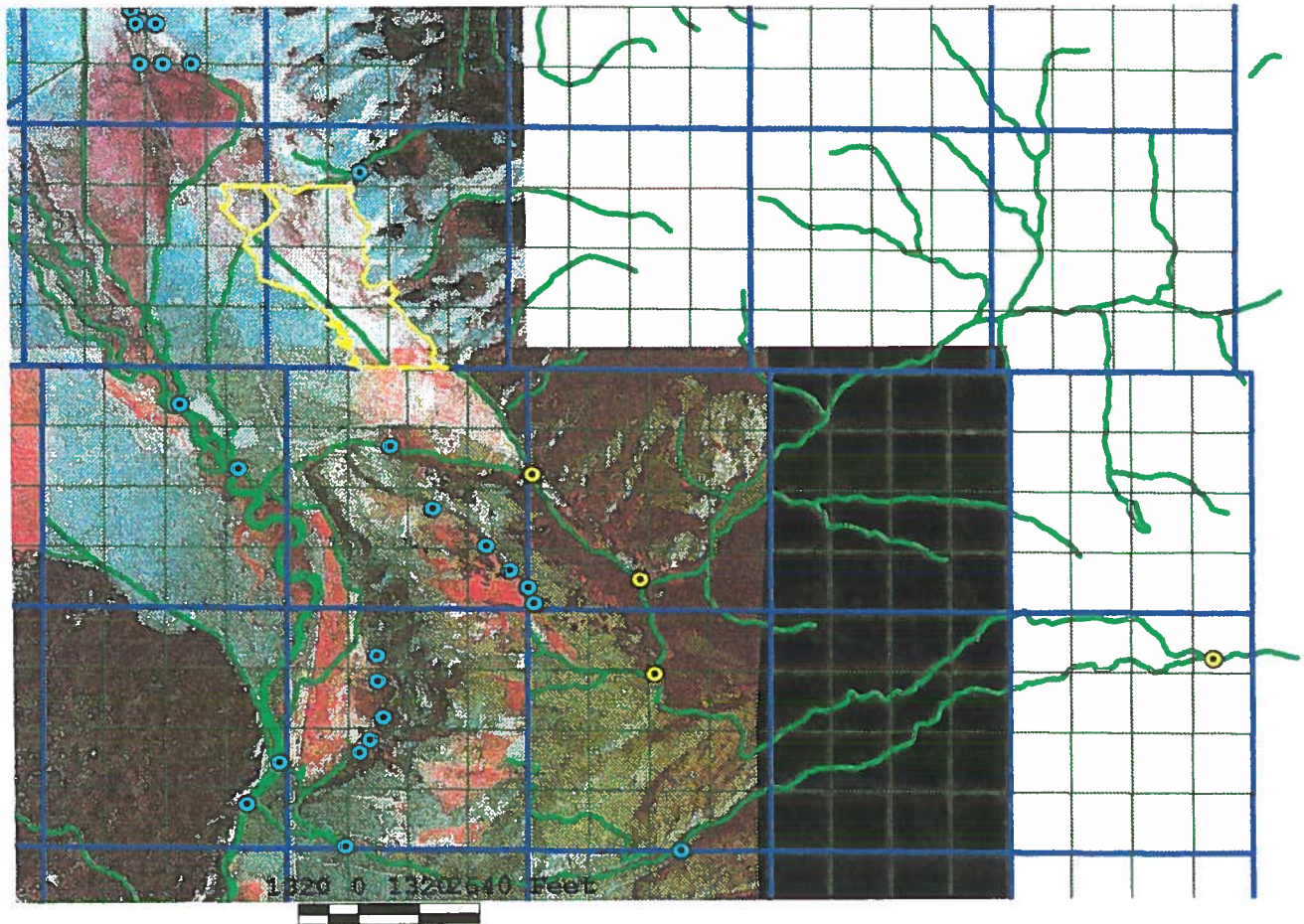
| SHAPE NOS |       |
|-----------|-------|
| 113       | 104.5 |
| 114       | 75.8  |
| 115       | 20.1  |
|           | 200.4 |

Prior to no section then  
1/16/1940  
17th

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

# IDAHO DEPARTMENT OF WATER RESOURCES

## 71-10763



POU:

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

POD:

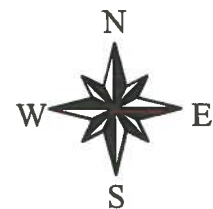
FOURTH OF JULY CREEK - SWNE SEC 12

RE-DIV FROM DITCH - NWSWNE SEC 10

INJECT INTO FISHER CR - NESESW SEC 3

RE-DIV FROM FISHER CR - SWSWNW SEC 3

ALL IN TWP 08N, RGE 14E



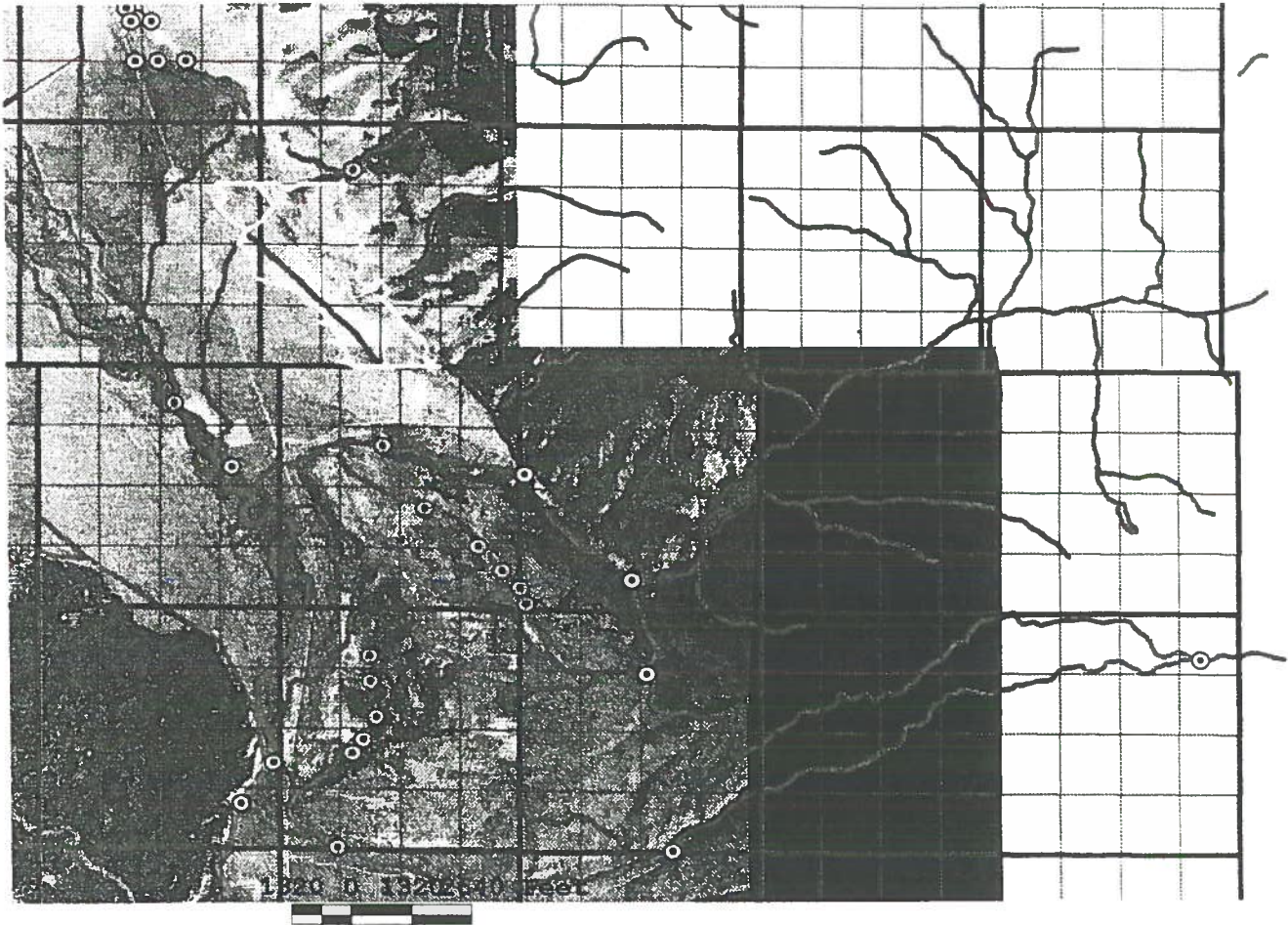
- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES
- STREAM AND DITCH CHANNELS

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

IDAHO DEPARTMENT OF WATER RESOURCES

71-10763

COPY



POU:

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

POD:

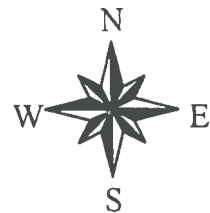
FOURTH OF JULY CREEK - SWNE SEC 12

RE-DIV FROM DITCH - NWSW SEC 10

INJECT INTO FISHER CR - NESEW SEC 3

RE-DIV FROM FISHER CR - SWSW SEC 3

ALL IN TWP 08N, 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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

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

OWNER CODE: C

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

OWNER CODE: C

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

CLAIM REMARKS: GEN  
DECREED WATER RIGHTS FROM FISHER CREEK ARE ONLY AVAILABLE FOR  
EARLY IRRIGATION SEASON (SPRING & EARLY SUMMER) FOURTH OF JULY  
CREEK IS MAIN WATER SUPPLY USED FOR IRRIGATION OF PARTS OF  
33-9N-14E IN SUMMER AND FALL. APPLICANTS LAND IS GRAVELY AND  
POUROUS AND REQUIRES MORE THAN 1 MINERS INCH/ACRE/SEASON. THE  
NATIVE SOILS AND LENGTH OF THE DITCH REQUIRES MORE WATER THAN  
1<sup>st</sup> PER ACRE TO PUT IT TO ITS HISTORICAL USE.

CONTACT PERSON:

Fred Humphrey

PHONE NUMBER: ( ) -

DATE OF FIELD EXAM:

7/27/93

APPOINTMENT MADE: Y( ) N( )

TIME: : A( ) P( )

ACCOMPANIED BY:

Fred Humphrey

PHONE NUMBER: ( ) -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

Clint fled after F.E. to cover historical his water use from Filer C/C. 2nd the historical use of Founts of July C/C injected into Filer C/C of then redirected to beds with Filer C/C deceded wts.

Note that the practice of using Founts of July C/C was initially claimed under deced 71-00033 & 71-00034 but I have not recognized that practice under those wts. This claim accomplishes the same thing 2nd is being recommended.

A. AJ CLAIM: # A71-10763 PRIORITY DATE: 07-11-1922 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:

The claimed priority is based on decrees 71-00037  
but that practice not decreed. I recommend the  
date of 5/1/1962 when letter indicates that problem  
started with white cloud subdiv. water and use  
of that water was put on lower level.

RECOMMENDED PRIORITY DATE:

5-1-1962

REVIEWED BY

Adm

DATE

6/2/98

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 |
|----------------------|----------------|----------------|--------------|---------------|---------------|---------------|--------------|-----|-------------------|-------------------------------------|------------------|
| A71-10763            | 08N            | 14E            | 3            | SW            | SW            | NW            |              |     | CUSTER            | FISHER CREEK DIVERSION              |                  |
| <del>A71-10763</del> | <del>08N</del> | <del>14E</del> | <del>3</del> | <del>SE</del> | <del>SE</del> | <del>SW</del> | <del>1</del> |     | <del>CUSTER</del> | <del>INJECTION INTO FISHER CR</del> |                  |
| A71-10763            | 08N            | 14E            | 10           | SW            | NW            | NE            |              |     | CUSTER            | SPLIT @ 4TH OF JULY DITCH           |                  |
| A71-10763            | 08N            | 14E            | 12           | SW            | NE            | NE            |              |     | CUSTER            | 4TH OF JULY DIVERSION               |                  |

*delete*

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX \* R PREFIX \*\*

MR RECORDS IN SAME 40 ACRE TRACT

71-00033  
71-00034  
71-00035  
71-00036  
71-00037  
71-04035  
71-04036

\* 27 A PREFIX CLAIMS WITH THIS POD  
\*\* 20 R PREFIX CLAIMS WITH THIS POD

SOURCE: FISHER CREEK  
FOURTH OF JULY CREEK

TRIB: SALMON RIVER  
SALMON RIVER

B. MR 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 6/30/93) NAME OF EXAMINER Alm 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 ( )

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD | FLAG | COUNTY | DIVERSION NAME            | DIVERSION NBR |
|------|------|------|-----|-----|-----|-----|-----|------|--------|---------------------------|---------------|
| 08N  | 14E  | 3    | SW  | SW  | NW  |     |     |      | CUSTER | FISHER CREEK DIVERSION    |               |
| 08N  | 14E  | 3    | SE  | SE  | SW  |     |     |      | CUSTER | INJECTION INTO FISHER CR  |               |
| 08N  | 14E  | 10   | SW  | NW  | NE  |     |     |      | CUSTER | SPLIT @ 4TH OF JULY DITCH |               |
| 08N  | 14E  | 12   | SW  | NE  | NE  |     |     |      | CUSTER | 4TH OF JULY DIVERSION     |               |

o/c  
o/c  
o/c  
Delete

SOURCE: Fisher Cr TRIB: Silverson River

REVIEWED BY: Alm

DATE: 6/2/93

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

wood & concrete well sites to ditch.

A. ROOT WATER RIGHT NUMBERS: A71-10763  
R71-10763

B. POULISTING

TWP RNG SEC 1/4 1/4 LOT NAME

AJ  
#/ACRES

WR  
#/ACRES

LANDSAT  
DATA

FIELD  
EXAM.

RECOMM.  
ACRES

|            |    |    |                   |                   |          |      |      |  |  |
|------------|----|----|-------------------|-------------------|----------|------|------|--|--|
| 09N 14E 32 | SE | NE | HUMPHREYS, FRED   | A71-10763 / 10.0  | -        | /    | 37.0 |  |  |
|            | SE | NE | DAY, ERNEST       | R71-02085B / 32.0 | -        | /    |      |  |  |
|            | SE | NE | HUMPHREYS, FRED   | A71-00028 / 10.0  | 71-00028 | /    |      |  |  |
|            | SE | NE | HUMPHREYS, FRED   | R71-10764 / 32.0  | -        | /    |      |  |  |
|            | SE | NE | HUMPHREYS, FRED   | A71-00033B / 10.0 | -        | /    |      |  |  |
|            | SE | NE | HUMPHREYS, FRED   | R71-00028 / 10.0  | -        | /    |      |  |  |
|            | SE | NE | HUMPHREYS, FRED   | A71-10764 / 36.0  | -        | /    |      |  |  |
|            | SE | NE | DAY, ERNEST       | R71-10763 / 10.0  | -        | /    |      |  |  |
|            | SE | NE | SHAW, MARJORIE L. | 71-00029          | /        | /    |      |  |  |
|            | SE | NE | FUREY, JACK B.    | 71-02085          | /        | 30.0 |      |  |  |

|            |    |    |                 |                   |   |   |     |  |  |
|------------|----|----|-----------------|-------------------|---|---|-----|--|--|
| 09N 14E 33 | NE | NW | HUMPHREYS, FRED | A71-10763 / 31.0  | - | / | 7.0 |  |  |
|            | NE | NW | HUMPHREYS, FRED | A71-00035C / 31.0 | - | / |     |  |  |
|            | NE | NW | DAY, ERNEST     | R71-10763 / 31.0  | - | / |     |  |  |

|            |    |    |                        |                   |          |   |      |  |  |
|------------|----|----|------------------------|-------------------|----------|---|------|--|--|
| 09N 14E 33 | NW | NW | HUMPHREYS, FRED        | A71-10763 / 20.0  | -        | / | 31.0 |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | A71-04037 / 6.0   | -        | / |      |  |  |
|            | NW | NW | HUMPHREYS, FRED        | A71-00035C / 20.0 | -        | / |      |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | A71-04034 /       | 71-04034 | / | 20.0 |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | A71-10086 /       | -        | / |      |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | A71-02063 / 8.0   | 71-02063 | / | 8.0  |  |  |
|            | NW | NW | CARSTENSEN, MARY S     | R71-04034 / 7.0   | -        | / |      |  |  |
|            | NW | NW | CARSTENSEN, MARY S     | A72-16547 /       | -        | / |      |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | A72-16548 /       | -        | / |      |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | R71-02063 / 6.0   | -        | / |      |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | R71-04037 / 6.0   | -        | / |      |  |  |
|            | NW | NW | DAY, ERNEST            | R71-10763 / 20.0  | -        | / |      |  |  |
|            | NW | NW | CARSTENSEN 111, HANS L | 71-10086 /        | -        | / |      |  |  |

|            |    |    |                   |                   |          |   |      |  |  |
|------------|----|----|-------------------|-------------------|----------|---|------|--|--|
| 09N 14E 33 | SW | NW | HUMPHREYS, FRED   | A71-10763 / 37.0  | -        | / | 37.0 |  |  |
|            | SW | NW | HUMPHREYS, FRED   | A71-00028 / 37.0  | 71-00028 | / |      |  |  |
|            | SW | NW | HUMPHREYS, FRED   | R71-10764 / 0.5   | -        | / |      |  |  |
|            | SW | NW | HUMPHREYS, FRED   | A71-10193 /       | -        | / |      |  |  |
|            | SW | NW | HUMPHREYS, FRED   | A71-00035C / 37.0 | -        | / |      |  |  |
|            | SW | NW | RICHEY, MARK W    | A71-00036B / 11.0 | -        | / |      |  |  |
|            | SW | NW | HUMPHREYS, FRED   | A71-02085B / 3.0  | -        | / |      |  |  |
|            | SW | NW | HUMPHREYS, FRED   | R71-00028 / 37.0  | -        | / |      |  |  |
|            | SW | NW | HUMPHREYS, FRED   | A71-10764 / 3.0   | -        | / |      |  |  |
|            | SW | NW | DAY, ERNEST       | R71-02085B / 0.5  | -        | / |      |  |  |
|            | SW | NW | DAY, ERNEST       | R71-10763 / 37.0  | -        | / |      |  |  |
|            | SW | NW | HUMPHREYS, FRED   | 71-10193 /        | -        | / |      |  |  |
|            | SW | NW | SHAW, MARJORIE L. | 71-00029          | /        | / |      |  |  |

See  
GIS  
Sheet  
71-00028  
S2NE  
67  
Served  
CIC  
Filer  
decrees.

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME              | AJ<br>#/ACRES     | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-------------------|-------------------|---------------|-----------------|----------------|------------------|
| 09N | 14E | 33  | SE  | NW  |     | HUMPHREYS, FRED   | A71-10763 / 24.0  | -             | /               |                | 28.0             |
|     |     |     | SE  | NW  |     | RICHEY, MARK      | A71-10196 /       | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | HUMPHREYS, FRED   | A71-10197 / 5.0   | -             | /               |                |                  |
|     |     |     | 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   | A71-00028 / 24.0  | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | HUMPHREYS, FRED   | R71-00029 / 24.0  | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | HUMPHREYS, FRED   | R71-10197 / 5.0   | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | DAY, ERNEST       | R71-10763 / 24.0  | -             | /               |                |                  |
|     |     |     | SE  | NW  |     | HUMPHREYS, FRED   | 71-10196 /        | -             | /               |                |                  |
| 09N | 14E | 33  | NE  | SW  |     | HUMPHREYS, FRED   | A71-10763 / 31.0  | -             | /               |                | 37.0             |
|     |     |     | NE  | SW  |     | HUMPHREYS, FRED   | A71-10197 / 10.0  | -             | /               |                |                  |
|     |     |     | 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  |     | DAY, ERNEST       | R71-10763 / 31.0  | -             | /               |                |                  |
| 09N | 14E | 33  | NW  | SW  |     | HUMPHREYS, FRED   | A71-10763 / 20.0  | -             | /               |                | 22.0             |
|     |     |     | NW  | SW  |     | HUMPHREYS, FRED   | A71-00028 / 40.0  | 71-00028      | /               |                |                  |
|     |     |     | NW  | SW  |     | RICHEY, MARK W    | A71-00029 / 20.0  | 71-00029      | /               |                |                  |
|     |     |     | NW  | SW  |     | RICHEY, MARK W    | A71-00036B / 20.0 | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | HUMPHREYS, FRED   | A71-00033B / 20.0 | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | HUMPHREYS, FRED   | R71-00028 / 40.0  | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | HUMPHREYS, FRED   | R71-00029 / 20.0  | -             | /               |                |                  |
|     |     |     | NW  | SW  |     | DAY, ERNEST       | R71-10763 / 20.0  | -             | /               |                |                  |
| 09N | 14E | 33  | SW  | SW  |     | HUMPHREYS, FRED   | A71-10763 / 20.0  | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | HUMPHREYS, FRED   | A71-00028 / 10.0  | 71-00028      | /               |                |                  |
|     |     |     | SW  | SW  |     | HUMPHREYS, FRED   | R71-00028 / 10.0  | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | HUMPHREYS, FRED   | A71-00033B / 10.0 | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | HUMPHREYS, FRED   | A71-00035C / 18.0 | -             | /               |                |                  |
|     |     |     | SW  | SW  |     | DAY, ERNEST       | R71-10763 / 20.0  | 71-00029      | /               |                |                  |
|     |     |     | SW  | SW  |     | SHAW, MARJORIE L. |                   |               |                 |                |                  |
| 09N | 14E | 33  | SE  | SW  |     | HUMPHREYS, FRED   | A71-10763 / 40.0  | -             | /               |                | 22.0             |
|     |     |     | SE  | SW  |     | HUMPHREYS, FRED   | A71-00028 / 40.0  | 71-00028      | /               |                |                  |
|     |     |     | SE  | SW  |     | RICHEY, MARK W    | A71-00029 / 20.0  | 71-00029      | /               |                |                  |
|     |     |     | SE  | SW  |     | HUMPHREYS, FRED   | A71-00033B / 5.0  | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | HUMPHREYS, FRED   | A71-00035C / 20.0 | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | RICHEY, MARK W    | A71-00036B / 40.0 | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | HUMPHREYS, FRED   | R71-00028 / 40.0  | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | HUMPHREYS, FRED   | R71-00029 / 20.0  | -             | /               |                |                  |
|     |     |     | SE  | SW  |     | DAY, ERNEST       | R71-10763 / 40.0  | -             | /               |                |                  |

| TRP | RNG | SEC | 1/4 | 1/4 | LOT | NAME            | AJ<br>#/ACRES     | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-----|-----|-----|-----------------|-------------------|---------------|-----------------|----------------|------------------|
| 09N | 14E | 33  | SW  | SE  |     | HUMPHREYS, FRED | A71-10763 / 18.0  | - /           | 29.0            |                |                  |
|     |     |     | SW  | SE  |     | HUMPHREYS, FRED | A71-00028 / 18.0  | 71-00028 /    |                 |                |                  |
|     |     |     | SW  | SE  |     | RICHEY, MARK W  | A71-00029 / 18.0  | 71-00029 /    |                 |                |                  |
|     |     |     | SW  | SE  |     | DAY, ERNEST     | A71-07000 /       | 71-07000 /    |                 |                |                  |
|     |     |     | SW  | SE  |     | RICHEY, MARK W  | A71-000368 / 18.0 | - /           |                 |                |                  |
|     |     |     | SW  | SE  |     | HUMPHREYS, FRED | R71-00028 / 18.0  | - /           |                 |                |                  |
|     |     |     | SW  | SE  |     | HUMPHREYS, FRED | R71-00029 / 18.0  | - /           |                 |                |                  |
|     |     |     | SW  | SE  |     | DAY, ERNEST     | R71-10763 / 18.0  | - /           |                 |                |                  |
|     |     |     | SW  | SE  |     | HUMPHREYS, FRED | 71-07000 /        | - /           |                 |                |                  |

ADDITIONAL POU FOUND

|             |           |        |        |
|-------------|-----------|--------|--------|
| TOTAL ACRES | A71-10763 | 251.00 | 250.00 |
|-------------|-----------|--------|--------|

200.2

POU COUNTY: CUSTER

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

Y( ) N( )

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

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 |
|------------|----------------------|------------------------|-----------|----------------|-----------|----------------|
| A71-10763  | FISHER CREEK         | HUMPHREYS, FRED        | 5.020     | 0.020          |           |                |
|            | FOURTH OF JULY CREEK |                        |           |                |           |                |
| R71-00028  | FISHER CREEK         | HUMPHREYS, FRED        | 4.200     | 0.020          |           |                |
| A71-00028  | 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          |           |                |
| A71-00033B | FOURTH OF JULY CREEK | HUMPHREYS, FRED        | 0.900     | 0.020          |           |                |
| A71-00035C | FOURTH OF JULY CREEK | HUMPHREYS, FRED        | 3.000     | 0.020          |           |                |
| A71-00036B | FOURTH OF JULY CREEK | RICHEY, MARK W         | 2.400     | 0.020          |           |                |
| R71-02063  | SALMON RIVER         | CARSTENSEN III, HANS L | 1.660     | 0.013          |           |                |
| A71-02063  | SALMON RIVER         | CARSTENSEN III, HANS L | 1.660     | 0.020          |           |                |
| R71-02085B | SALMON RIVER         | DAY, ERNEST            | 0.950     | 0.020          |           |                |
| A71-02085B | SALMON RIVER         | HUMPHREYS, FRED        | 1.140     | 0.020          |           |                |

| CLAIM NO. | SOURCE               | NAME                   | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|----------------------|------------------------|-----------|----------------|-----------|----------------|
| A71-04034 | UNNAMED STREAM       | CARSTENSEN III, HANS L | 0.800     | 0.032          |           |                |
| R71-04034 | UNNAMED STREAM       | CARSTENSEN, MARY S     | 0.490     | 0.070          |           |                |
| A71-04037 | SALMON RIVER         | CARSTENSEN III, HANS L | 10.840    | 0.086          |           |                |
| R71-04037 | SALMON RIVER         | CARSTENSEN III, HANS L | 8.970     | 0.071          |           |                |
| A71-10197 | UNNAMED STREAM       | HUMPHREYS, FRED        | 0.470     | 0.023          |           |                |
| R71-10197 | UNNAMED STREAM       | HUMPHREYS, FRED        | 0.470     | 0.023          |           |                |
| R71-10763 | FISHER CREEK         | DAY, ERNEST            | 5.020     | 0.020          |           |                |
| A71-10764 | FOURTH OF JULY CREEK |                        |           |                |           |                |
| R71-10764 | SALMON RIVER         | HUMPHREYS, FRED        | 4.200     | 0.073          |           |                |
|           | SALMON RIVER         | HUMPHREYS, FRED        | 4.200     | 0.088          |           |                |

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

| CLAIM NO. | PURPOSES   | NAME                   | MONTH/DAY           | RATE      | VOLUME    |
|-----------|------------|------------------------|---------------------|-----------|-----------|
| A71-04034 | STOCKWATER | CARSTENSEN III, HANS L | FROM 01-01 TO 12-31 | 0.030 CFS |           |
| A71-10086 | DOMESTIC   | CARSTENSEN III, HANS L | FROM 01-01 TO 12-31 | 0.040 CFS |           |
| R71-04034 | STOCKWATER | CARSTENSEN, MARY S     | FROM 01-01 TO 12-31 | 0.030 CFS |           |
| A72-16547 | DOMESTIC   | CARSTENSEN, MARY S     | FROM 01-01 TO 12-31 | 0.040 CFS |           |
| A72-16548 | DOMESTIC   | CARSTENSEN III, HANS L | FROM 01-01 TO 12-31 | 0.040 CFS |           |
| 71-10086  | DOMESTIC   | CARSTENSEN III, HANS L | FROM 01-01 TO 12-31 | 0.040 CFS |           |
| A71-10193 | STOCKWATER | HUMPHREYS, FRED        | FROM 01-01 TO 12-31 | 0.070 CFS |           |
| 71-10193  | STOCKWATER | HUMPHREYS, FRED        | FROM 01-01 TO 12-31 | 0.020 CFS |           |
| 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 |           |
| A71-10197 | STOCKWATER | HUMPHREYS, FRED        | FROM 01-01 TO 12-31 | 0.070 CFS |           |
| R71-10197 | STOCKWATER | HUMPHREYS, FRED        | FROM 01-01 TO 12-31 | 0.070 CFS |           |
| A71-07000 | DOMESTIC   | DAY, ERNEST            | FROM 01-01 TO 12-31 | 0.040 CFS | 1.20 AF/A |
| 71-07000  | DOMESTIC   | HUMPHREYS, FRED        | FROM 01-01 TO 12-31 | 0.040 CFS | 1.20 AF/A |

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

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 71-00028, 71-00029, 71-00033, 71-00035 & 71-00036.

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

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

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

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

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y( ) N( )  
H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y( ) N( )

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDWR NO. ; ( ) TOPOGRAPHIC QUAD, IDWR NO. ;  
( ) NAPP, IDWR NO. ; ( ) ASCS PHOTO; ( ) OTHER 615

NOTES:

RECOMMENDATIONS:

TOTAL ACRES: 200.2 N/A( )  
REVIEWED BY: [Signature] DATE: 6/2/98

A. AJ CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A71-10763 IRRIGATION        | FROM 04-15 TO 10-15       | 5.020 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 5.020 CFS              |                        |

B. WR RECORDED USES:

- | PURPOSE OF USE                                                                                                                                                                                 | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|------------------------|------------------------------------------------------------------|
| C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?                                                                                                                           |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?                                                                                                                |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| * IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE. |                           |                        |                                                                  |
| E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?                                                                                                                                |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?                                                                                                                                   |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?                                                                                                                                  |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| * IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.                                                                                                   |                           |                        |                                                                  |
| H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?                                                                                                   |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| * IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.                                                                                               |                           |                        |                                                                  |
| I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?                                                                                                                   |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?                                                                                                 |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |
| * IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.                                                                                             |                           |                        |                                                                  |
| K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?                                                                                                                 |                           |                        | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N |

NOTES: \_\_\_\_\_

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AJ CLAIM TOTAL DIVERSION RATE: 5.020 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. Y( ) N( )

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y( ) N( )

E. MEASUREMENT METHOD At rule in Boulder City FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.

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 =                      502.0 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 ( )

1b. CALCULATIONS

NOTES:

The claimant cont. has been diverted  
25 Ltr water from Filter CK #101  
diverted from South. 5 July CK then injected  
into Filter CK then rediverted. There are  
numerous other decreed rts which flow thru  
these ditches. The use of this water should  
be limited to capacities of ditches. Additionally  
only the amount that actually makes it to  
Filter CK at the point of injection should  
be allowed to be diverted.

REC.  
PURPOSE OF USE

REC. CONS.  
USE  
DATABASE EXAMINER  
~~502.0~~ \_\_\_\_\_

Yehle

TOTAL FOR THIS RIGHT

NON-IRRIGATION USES CLAIMED: MISCELLANEOUS STOCKWATER

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

REVIEWED BY:

~~1~~

DATE:

6/2/98

**FLAG:**

STANDARD CONDITIONS (CODE): -

STANDARD REMARKS (CODE):

pool 231.2 acres combined limit.

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

POD combined limits for both P/D's  
Injection must be measured,  
Some of vish + may be converze  
100%.

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: 71-10763

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 |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | A71-10763             | 5.020          | R71-10763              | 5.020         | -                | -              |
| TOTAL CFS         |                       | 5.020          | 5.020                  |               |                  |                |

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 ( )?

NOTES:

AUTHENTICATION: \_\_\_\_\_  
SIGNATURE: [Signature] DATE: 6/2/98  
NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: \_\_\_\_\_

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

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

COPY INCLUDED  
IN FILE?

|                                                            |                    |             |           |
|------------------------------------------------------------|--------------------|-------------|-----------|
| <input checked="" type="checkbox"/> ORTHOPHOTOQUAD         | DATE OF PHOTO      | IDWR ID NO. | Y( ) N( ) |
| <input type="checkbox"/> TOPOGRAPHIC                       | DATE FIELD CHECKED | IDWR ID NO. | Y( ) N( ) |
| <input checked="" type="checkbox"/> MAPP                   | DATE OF PHOTO      | IDWR ID NO. | Y( ) N( ) |
| <input checked="" type="checkbox"/> ASCS AERIAL PHOTO      | DATE OF PHOTO      |             | Y( ) N( ) |
| <input type="checkbox"/> ASCS COLOR SLIDE                  | DATE OF PHOTO      |             | Y( ) N( ) |
| <input type="checkbox"/> BLM OR USFS AERIAL PHOTO          | DATE OF PHOTO      |             | Y( ) N( ) |
| <input type="checkbox"/> TOWNSHIP SURVEY (GOVERNMENT PLAT) | DATE OF SURVEY     |             | Y( ) N( ) |
| <input checked="" type="checkbox"/> SCS SOIL SURVEY MAP    | DATE ISSUED        |             | Y( ) N( ) |
| <input checked="" type="checkbox"/> SUBDIVISION PLAT MAP   | DATE OF MAP        |             | Y( ) N( ) |
| <input type="checkbox"/> OTHER                             | DATE               |             | Y( ) N( ) |
| <input type="checkbox"/> OTHER                             | DATE               |             | Y( ) N( ) |
| <input type="checkbox"/> OTHER                             | DATE               |             | Y( ) N( ) |

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| LIST OF ATTACHMENTS (CHECK IF ATTACHED)                           | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF<br>PAGES | NOTES |
|-------------------------------------------------------------------|---------------------------------------------|-----------------|-------|
| <input type="checkbox"/> LICENSING FIELD EXAM                     | DATE OF FIELD EXAM                          |                 |       |
| <input type="checkbox"/> WATER RIGHT LICENSE                      | DATE LICENSE SIGNED                         |                 |       |
| <input type="checkbox"/> IDWR APPROVED TRANSFER                   | DATE TRANSFER APPROVED                      |                 |       |
| <input type="checkbox"/> SYSTEM DESCRIPTION                       | DATE DRAWN                                  |                 |       |
| <input checked="" type="checkbox"/> PHOTOGRAPHS                   | DATE(S) PHOTOS TAKEN                        |                 |       |
| <input type="checkbox"/> SPLIT RIGHT REVIEW                       | DATE REVIEW COMPLETED                       |                 |       |
| <input checked="" type="checkbox"/> HUBBLE ANALYSIS               | DATE ANALYSIS COMPLETED                     |                 |       |
| <input type="checkbox"/> CONVEYANCE LOSS ANALYSIS                 | DATE ANALYSIS COMPLETED                     |                 |       |
| <input checked="" type="checkbox"/> FLOW MEASUREMENT CALCULATIONS | DATE SYSTEM MEASURED                        |                 |       |
| <input type="checkbox"/> OTHER                                    | DATE                                        |                 |       |
| <input type="checkbox"/> OTHER                                    | DATE                                        |                 |       |

See file 71-00028

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-10763

09:16:36  
05/29/98

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

BARCODE UPDATED  
WHOM/DATE

AA  
6/2/98

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

09:45:00  
05/29/98  
37

CLAIM NUMBER: A71-10763

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD |       | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------|------------|-------|-------------------|---------------------|
|                  |                |                  |            | FROM       | TO    |                   |                     |
| C                | FRED HUMPHREYS | 07/11/1922       | IRRIGATION | 04-15      | 10-15 | 5.02 CFS          |                     |
| C                | ERNEST DAY     |                  |            |            |       | 5.02 CFS          |                     |
| TOTAL DIVERSION: |                |                  |            |            |       | 502.00 AFA        |                     |
| CONSUMPTIVE USE: |                |                  |            |            |       |                   |                     |

Water Source: FISHER CREEK  
FOURTH OF JULY CREEK  
Tributary to: SALMON RIVER  
SALMON RIVER  
Stage: BENEFICIAL USE

Point(s) of Diversion: T08N R14E S03 S10 S12  
Point(s) of Injection: T08N R14E S03 SESESW  
CUSTER County  
CUSTER County  
CUSTER County

| Place of use legal Description for: IRRIGATION |     |    |   |       |       |       |       |       |       |       |       |       |       |       |       |       |   |
|------------------------------------------------|-----|----|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|---|
| NE                                             |     |    |   | NW    |       |       |       | SW    |       |       |       | SE    |       |       |       |       |   |
| T                                              | R   | S  |   | NE NE | NW NE | SW NE | SE NE | NE SW | NW SW | SW SW | SE SW | NE SE | NW SE | SW SE | SE SE |       |   |
| 09N                                            | 14E | 32 | : | 10    | :     | 31    | 20    | 37    | 24    | :     | 31    | 20    | 20    | 40    | :     | 18    | : |
| 09N                                            | 14E | 33 | : |       | :     |       | :     |       | :     |       | :     |       | :     |       | :     |       | : |
| TOTAL ACRES                                    |     |    |   |       |       |       |       |       |       |       |       |       |       |       |       | 10.0  |   |
|                                                |     |    |   |       |       |       |       |       |       |       |       |       |       |       |       | 241.0 |   |
|                                                |     |    |   |       |       |       |       |       |       |       |       |       |       |       |       | 251.0 |   |

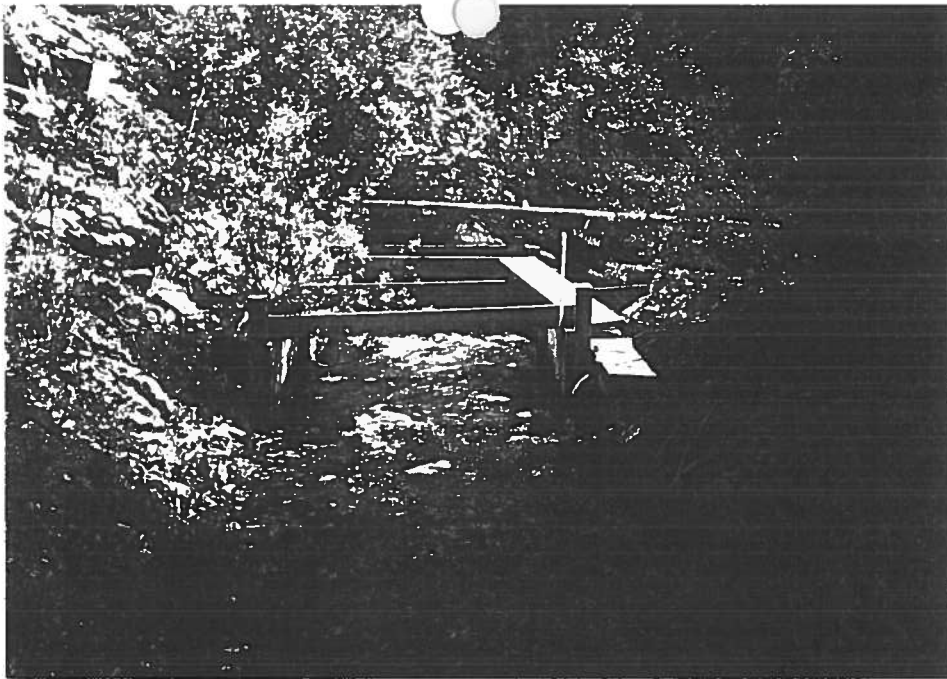
POU County: CUSTER

Non-Irrigation Uses: MISCELLANEOUS STOCKWATER

Other Rights: 71-00028, 71-00029, 71-00033, 71-00035 & 71-00036.

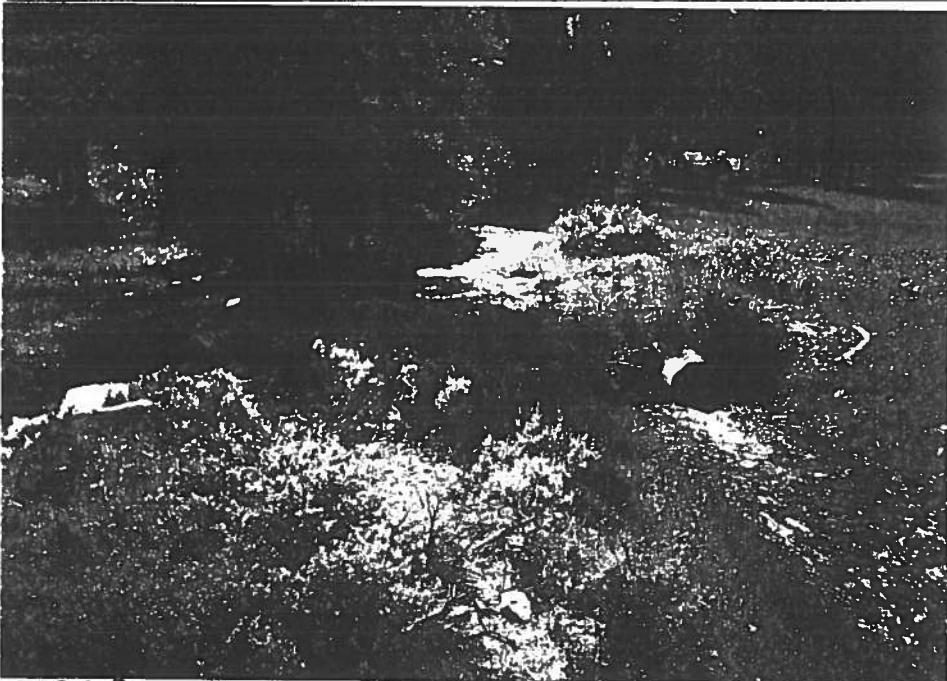
Remarks: GEN  
DECREEED WATER RIGHTS FROM FISHER CREEK ARE ONLY AVAILABLE FOR  
EARLY IRRIGATION SEASON (SPRING & EARLY SUMMER) FOURTH OF JULY  
CREEK IS MAIN WATER SUPPLY USED FOR IRRIGATION OF PARTS OF  
33-9N-14E IN SUMMER AND FALL. APPLICANTS LAND IS GRAVELLY AND  
POURCIOUS AND REQUIRES MOR THAN 1 MINERS INCH/ACRE/SEASON. THE  
NATIVE SOILS AND LENGTH OF THE DITCH REQUIRES MORE WATER THAN  
1<sup>st</sup> PER ACRE TO PUT IT TO ITS HISTORICAL USE.

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



6/30/93  
ADm

P/D on  
4th of July CK



Split of c2u21

→ To white cloud  
Area



Ditches on  
Brady Property

4.80

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NAME OF STREAM OR DITCH      FOURTH OF JULY CREEK
LOCATION      -----
PURPOSE OF MEASUREMENT  --  ABOVE SPLIT
BASIS OF VELOCITY CALCULATIONS  ADJUDICATION REVIEW
IF YOU ARE USING A PYGMY METER ENTER  -----  1

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

| ANGLE<br>OF<br>COEFFICIENT | DISTANCE<br>FROM<br>INIT PT | DEPTH<br>IN<br>FEET | CALC<br>DEPTH<br>END PTS | VELOCITY DATA |                         |             |                         |                       |                       | CALC<br>WIDTH | AREA<br>IN<br>SQ FT | CALCULATED VELOCITY |  |  |      | DISCHARGE<br>IN CFS |      |
|----------------------------|-----------------------------|---------------------|--------------------------|---------------|-------------------------|-------------|-------------------------|-----------------------|-----------------------|---------------|---------------------|---------------------|--|--|------|---------------------|------|
|                            |                             |                     |                          | 1ST<br>REVS   | MEASUREMENT<br>TIME/SEC | 2ND<br>REVS | MEASUREMENT<br>TIME/SEC | 1ST POINT<br>VELOCITY | 2ND POINT<br>VELOCITY |               |                     | MEAN<br>VELOCITY    |  |  |      |                     |      |
| 1.00                       | .                           |                     | 0.20                     |               |                         |             |                         |                       |                       | 0.20          | 0.040               |                     |  |  |      |                     |      |
| 1.40                       | 0.40                        |                     |                          | 10            | 20.8                    |             |                         |                       |                       | 0.40          | 0.160               | 1.07                |  |  | 0.53 | 0.02                |      |
| 1.80                       | 0.45                        |                     |                          | 20            | 21.2                    |             |                         |                       |                       | 0.40          | 0.180               | 2.08                |  |  | 1.07 | 0.17                |      |
| 2.20                       | 0.45                        |                     |                          | 20            | 20.8                    |             |                         |                       |                       | 0.40          | 0.180               | 2.12                |  |  | 2.08 | 0.37                | 0.17 |
| 2.60                       | 0.50                        |                     |                          | 20            | 19.1                    |             |                         |                       |                       | 0.40          | 0.200               | 2.30                |  |  | 2.12 | 0.38                |      |
| 3.00                       | 0.50                        |                     |                          | 20            | 26.9                    |             |                         |                       |                       | 0.40          | 0.200               | 1.64                |  |  | 2.30 | 0.33                |      |
| 3.40                       | 0.50                        |                     |                          | 20            | 26.5                    |             |                         |                       |                       | 0.40          | 0.200               | 1.67                |  |  | 1.64 | 0.33                |      |
| 3.80                       | 0.50                        |                     |                          | 20            | 16.1                    |             |                         |                       |                       | 0.40          | 0.200               | 2.73                |  |  | 1.67 | 0.33                |      |
| 4.20                       | 0.55                        |                     |                          | 20            | 19.7                    |             |                         |                       |                       | 0.40          | 0.220               | 2.23                |  |  | 2.73 | 0.55                |      |
| 4.60                       | 0.55                        |                     |                          | 20            | 29.1                    |             |                         |                       |                       | 0.40          | 0.220               | 1.52                |  |  | 2.23 | 0.49                |      |
| 5.00                       | 0.55                        |                     |                          | 5             | 19.8                    |             |                         |                       |                       | 0.40          | 0.220               | 0.57                |  |  | 1.52 | 0.33                |      |
| 5.40                       | 0.60                        |                     |                          | 5             | 50.2                    |             |                         |                       |                       | 0.30          | 0.180               | 0.24                |  |  | 0.57 | 0.13                |      |
| 5.60                       | 0.60                        |                     |                          | 1             | 40.0                    |             |                         |                       |                       | 0.50          | 0.300               | 0.07                |  |  | 0.24 | 0.04                |      |
| 6.40                       |                             |                     | 0.30                     |               |                         |             |                         |                       |                       | 0.40          | 0.120               |                     |  |  | 0.07 | 0.02                |      |
| END                        |                             |                     |                          |               |                         |             |                         |                       |                       |               |                     |                     |  |  | 0.04 | 0.00                |      |

### 3.63

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NAME OF STREAM OR DITCH      FOURTH OF JULY CREEK
LOCATION -----              BELOW SPLIT BRADY FK
PURPOSE OF MEASUREMENT --    ADJUDICATION REVIEW
BASIS OF VELOCITY CALCULATIONS
IF YOU ARE USING A PYGMY METER ENTER ----- 1
IF YOU ARE USING AN ANEMOMETER ENTER ----- 2

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

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

[illegible]

