

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: **A71-10764**
Date Received: 3/21/1994
Receipt No: S016672
Received By: Adm

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

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

AND/OR

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

2. Date of Priority: JUL 27, 1959

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	14E	8	SE	NE	SE		CUSTER

5. Description of diverting works:

13' WIDE HEADGATE W/ ROCK DIVERSION, EARTH DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	4.200		

7. Total Quantity Appropriated is:

4.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 114.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	14E	32	SW	NE		IRR	7.0
			SE	NE		IRR	36.0
			NE	SE		IRR	11.0
						Section Acres	54.0
		33	SW	NW		IRR	3.0
						Section Acres	3.0
						Total Acres	57.0

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:
71-02085B

14. Remarks:

THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959 FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELY SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER TO SUPPLY SEASON LONG IRRIGATION WATER.

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: **OCT 28 1994**

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Fred Humphreys/Ernest Day (208) 375-6940
Name of Claimant Phone Number
1919 S. Phillipi, Boise, Idaho 83705
Mailing Address City State Zip
Custer 1/10/90
County(s) where place of use is located Date claim originally due
71-00034, 71-00035C, 71-00036, 71-02085
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:
These claims were filed 1/10/90. A field review by a Department of
Water Resources official during the summer of 1993 was made. At that
time the official suggested new claims be filed due to the type of
diversions, delivery system and pourous/gravelly soil conditions.

Claimant requests an extension to 1-25-94, 19____
1-25-93, 19____
Signature Ernest Day Date of request
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [X granted] [_____ denied] for the following reasons:

Approved for claims A71-10763 & A71-10764.

and if granted the filing deadline is extended to March 21, 19 94

Signed this 29 day of March

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OCT 28 1994
[Signature]
Director or his designated agent
DAVID B. SHAW

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 A71-10764

Date Received _____

Receipt Number 5016672NOTICE 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 27, 1959
3. Source of water supply (a) Salmon River
which is tributary to (b) SNAKE RIVER
4. a. Location of existing point of diversion is: Township 8N Range 14E Section 8,
SE 1/4 of NE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Custer
Additional points of diversion if any: None
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Wood headgate 13' wide, 1.8" deep with rock diversion out of Salmon River
Ditch - Earthen with natural gravel base

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6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 10/15 amount 4.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 114 acre feet per annum.

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

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			7	36									11				54
9N	14E	33							3										3

Total number of acres irrigated 57

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.
A71-02085B or None ()

14. Remarks: This irrigation water has been put to beneficial use since 1959
for use on this ranch. The type of diversion and porous gravelly soils
have required more than 1" per acre to be diverted in order to supply
season long irrigation water.

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Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A microfiche card with a grid of 16 columns and 16 rows of frames. Each frame contains a small, faint image of a document page. The text "MICROFILMED" is visible in the bottom right corner of the grid.

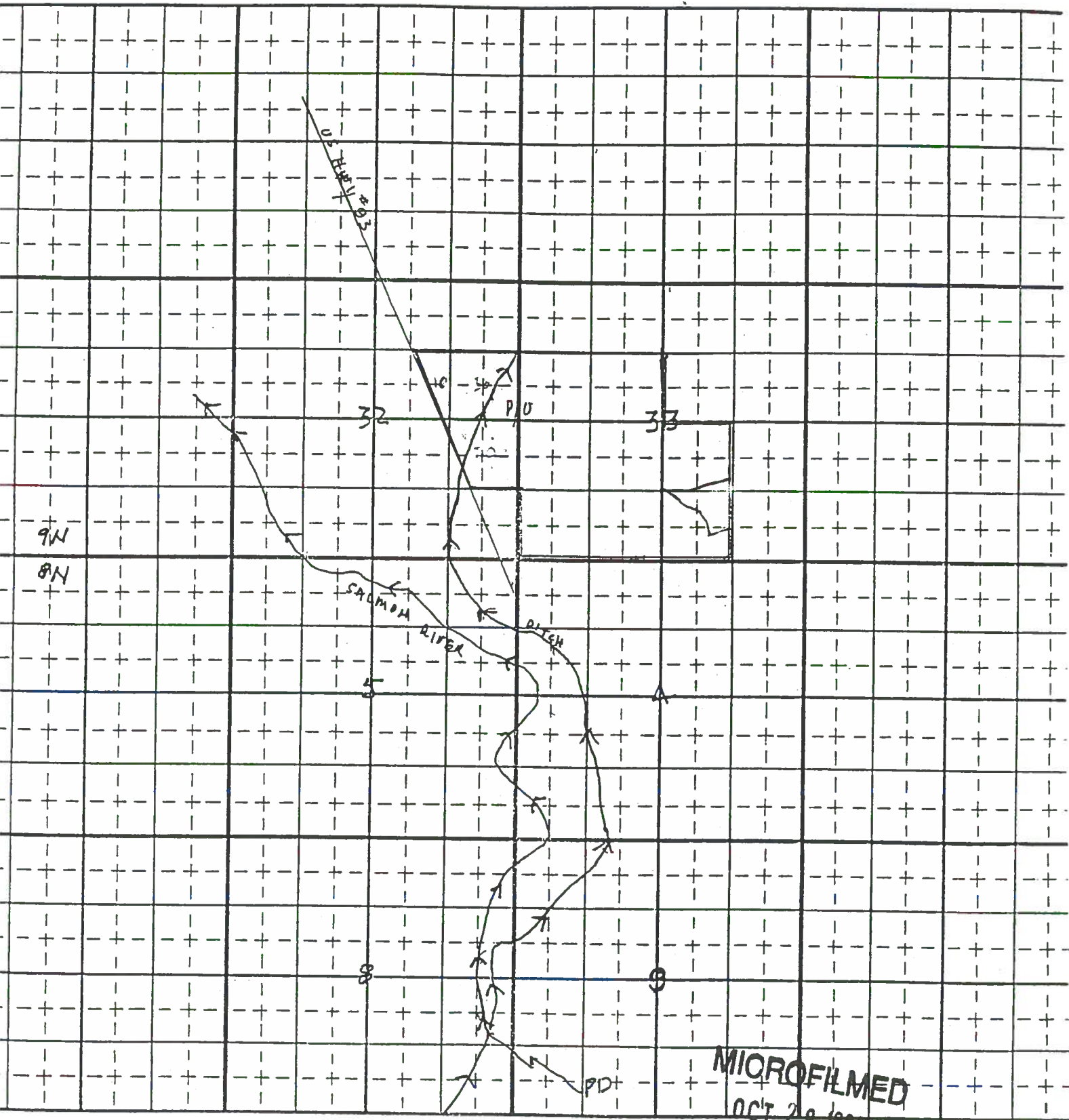
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Last Name Ident No.

pies: White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



15. Basis of Claim (check one) Bel ☒ ial Use ^X Posted Notice ☐ nse ☐ 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) *Ked C. Thompson* 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 17th day of March 19 94

SEAL

Notary Public *Rinda L 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 _____

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Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

To: Dave Shaw

3/22/94

From: Allen Merritt

Attached is an "Extension Request" that I have kept and have not know what to do with it. As background during the summer last I met with Fred Humphreys to review his claims. At that time we discussed his filings for the Salmon River which was based on a portion of license 71-02085 for $1\frac{1}{2}$ acre. At that time it was observed that the river ditch was taking in excess of 20 cfs and serving an estimated 200 acres. We discussed his filing in relation to this and I told him I was limited to recommending only the licenced amount and if he relied upon more water he should consider filing more claims. He indicated he would consider it and probably would file on the excess water since he indicated he needed all he was diverting. Since no claim was ever filed I called Mr. Humphreys early this year and he said he would have his representative take care of it. Mr. Richey the representative proceeded to amend all the claims for more water. These claims included those listed on the extension. When I received the

We received the extension @ that time

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hand written amendments I called Mr. Richey and I questioned whether I should data enter the amendments since he was claiming more water than what the base rights were for. I told him I would data enter them but I could not recommend more than what the base rights were for. I told him if ~~the~~ we were to recommend more water it would have to be on the basis of B.U. claims. He decided that I should return all the amendments and make no data entry and that he would discuss this matter with Mr. Humphreys. On 3/21/94 we received B.U. Claims A71-10763 & A71-10764 receipted under 5016672.

Back to the "extension request"; I think we should consider it for the recent claims since they paid late fees.

ADm

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SD-60
INQUIRY

Idaho Department of Water Resources
Adjudication Screen 4

Date: 04/12/94
Time: 14:32:56

Water Right Number: A71-10763

Stage/Status: J/
Court Report Filing Date: / /
Objection Filed Date: / /
Response Filed Date: / /
Claim Received Date: 3/21/1994
Field Inspection Date: / /
Verified Date: / /
Civil Case Number: 39576
Water District Number:

Receipt Number: S016671
State/Federal Indicator: S
Old Judicial District:
Old Case Number:
PoU Ownership Flag: Y
Field Inspection Flag:
Notice of Error Flag:
Total Acres: 251.0

(Enter=Exit)

(GOLD8=Cancel)

pd \$100
\$ 50 late
\$ 50 filing
why only
50 filing fee?
and 0 ac

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Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 04/12/94
Time: 14:41:24

Rec/No - S016671 AR/No -
From: - IDAHO LAND & APPRAISAL

Receipt Type - CK Doc/No - 13324
Remarks - FOR HUMPHREYS/DAY

MOST CURRENT RECEIPT

Receipt Date: 03/21/1994

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	337		41503	1155		50.00
LATE FEE	337		41503	1155		50.00

Total Due - 100.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A7110763	50.00				

(ENTER=CONTINUE)

(GOLD7=SELECTION SCREEN)

(GOLD8=CANCEL)

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SD-60
INQUIRY

Idaho Department of Water Resources
Adjudication Screen 4

Date: 04/12/94
Time: 14:31:47

Water Right Number: A71-10764

Stage/Status:	J/	Receipt Number:	S016672
Court Report Filing Date:	/ /	State/Federal Indicator:	S
Objection Filed Date:	/ /	Old Judicial District:	
Response Filed Date:	/ /	Old Case Number:	
Claim Received Date:	3/21/1994	PoU Ownership Flag:	Y
Field Inspection Date:	/ /	Field Inspection Flag:	
Verified Date:	/ /	Notice of Error Flag:	
Civil Case Number:	39576	Total Acres:	57.0
Water District Number:			

(Enter=Exit)

(GOLD8=Cancel)

*pd \$50 filing
\$50 late
why not add \$57 ac fee?*

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Idaho Department Of Water Resources
Detail Receipt Summary Screen

Date: 04/12/94
Time: 14:41:35

Rec/No - S016672 AR/No -
From: - IDAHO LAND & APPRAISAL

Receipt Type - CK Doc/No - 13325
Remarks - FOR HUMPHREYS/DAY

MOST CURRENT RECEIPT

Receipt Date: 03/21/1994

Type Of Payment	Fund	FD	PCA	Obj	Subsid	Fee
ADJUDICATION FEE	337		41503	1155		50.00
LATE FEE	337		41503	1155		50.00

Total Due - 100.00

WR/No	WR Fee	WR/No	WR Fee	WR/No	WR Fee
A7110764	50.00				

(ENTER=CONTINUE) (GOLD7=SELECTION SCREEN) (GOLD8=CANCEL)

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DAH PART OF IR R RCE: WATER RIGHTS REPORT

CURRENT OWNER: JACK B. FUREY SHERMAN F. FUREY, JR. SALMON, ID

PRIORITY DATE: 07-27-1959

STAGE: LICENSE

COUNTY: CUSTER SOURCE: SALMON RIVER WATER USE: IRRIGATION

TRIBUTARY: SNAKE RIVER DIVERSION VOLUME:

DIVERSION RATE: 2.160 2.160

PERIOD FROM: PERIOD TO:

TOTAL:		Twp		Rge		Sec		Tract		Lot	
		08N		14E		8		NE SE			
POINT OF DIVERSION:		Twp		Rge		Sec		Tract		Lot	
PLACE OF USE:		09N		14E		32		SW NE		18.0	
		09N		14E		32		SE NE		30.0	
		09N		14E		32		NE SE		20.0	
		09N		14E		32		NW SE		40.0	
								TOTAL ACRES:		108.0	

END OF REPORT

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OCT 28 1994

POOR ORIGINAL

State of Idaho
License and Certificate of Water Right

Water License No. 28070

Amount 2.16 c.f.s.

Water District No.

Priority July 27, 1959

THIS IS TO CERTIFY that JACK B. FUREY & SHERMAN F. FUREY, Jr.
of Salmon, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated July 27, 1959; that Permit No. 28070
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
2.16 second feet, was issued thereunder on November 29, 1966, showing that said works
were completed on the 2nd day of October, 1962; and that on the 2nd
day of October, 1962,
JACK B. FUREY & SHERMAN F. FUREY, Jr.

of Salmon, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of Salmon
River, a tributary of Columbia River, for the purpose of irrigation
, under Use Permit No. 28070 of the Department of Reclamation,
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
14 of Licenses at page 8605, on the 29 day of November, 1966;
The right hereby confirmed dates from July 27, 1959;
The Point of Diversion is located

In the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, Tp. 8N, R. 14E, B. M. County of Custer.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 2.16 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N	14 E	32	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	18
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	30
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	20
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	<u>40</u>
			Total number of acres to be irrigated:		108
This is supplemental to the Fisher Creek Decree and no more than 1 (one) miner's inch per acre will be allowed from the combined sources.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
29th day of November, 1966.

S/ R. KEITH HIGGINSON

State Reclamation Engineer.

(SEAL)

71 2085
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OCT 28 1964

Application For Permit
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 36031
PERMIT No. 28070
DISTRICT No.

POOF ORIGINAL

1. Name of Applicant: Jack B. Furey and Sherman F. Furey, Jr.

Postoffice address: Salmon

County: Lemhi

State: Idaho

- I. If applicant is a corporation, give:
(a) Date and place of incorporation:
(b) Amount of capital stock:
(c) Amount paid in:
(d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
(b) Treasury stock:

- (c) Bond to be issued:
(d) Other resources:

2. Quantity of water claimed: Ten

cubic feet per second.

3. Source of water supply: Salmon River

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$

of section 8 , T. 8 N. , R. 14 E., B. M., County of Custer

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.

(b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 1500

8. Kind of works: Ditch, headgates

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width Six feet; height Four feet.

11. Ditch: Width at bottom 8 feet; width at water line 11 feet; depth of water 2 feet;
dimensions of flume:

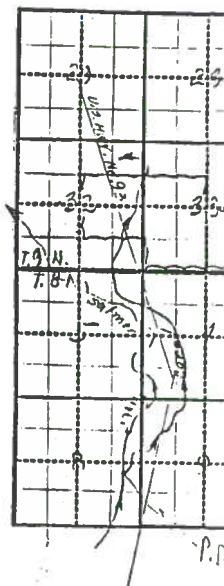
Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.

12. The time required for the completion of such work is 3 years.

13. The time required for the complete application of the water to the proposed use is 3 additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 4.2 cfs from Fisher Creek, Decree, priority June 9, 1908; 2.25 cfs, Fisher Creek, Decree, priority March 22, 1910



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OCT 28 1994

16. (a) Is reservoir to be used? no If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

s/ Sherman F. Furey, Jr. Applicant.

2/ Jack B. Furey

Date of first receipt at Department of Reclamation: 8:00 A.M. July 27, 1959

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

POOR ORIGINAL

The number of this permit is 28070

Recorded in Book 99 Page 28070 Approved August 5, 1959

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed on or before
Work to begin on or before October 5, 1959 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before February 5, 1961
The whole of said work to be completed on or before August 5, 1962
Beneficial use of water appropriated in accordance herewith, to be made on or before August 5, 1965

WITNESS My hand this 5th day of August, 1959

s/ GEO. N. CARTER
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, W. E. DREVLON, Acting Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 5th day of August, 1959.

Countersigned:

(SEAL) By s/ ARNOLD WILLIAMS

By s/ W. E. DREVLON, Acting Governor.

Secretary of State.

REMARKS: Decreed waters from Fisher Creek flow early in the spring, but creek falls so rapidly early in the irrigation season that lands are without water for a large part of the irrigation season, and Salmon River right applied for herewith would be used to irrigate all of applicants land in later part of irrigation season, and to supplement decreed rights in early part of season. Applicants' lands are gravelly and porous requiring more than one miner's inch per acre for adequate irrigation thereof.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2 N	14 E	32			40	40									40	40			160
		33							40	40	40	40			40	40			320
Total number of acres to be irrigated 1																			

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SEP 28 1959

Permit No. 28070
CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that JACK B. FUREY & SHERMAN F. FUREY, Jr. of Salmon, County of Lemhi, and State of Idaho, the holders of Permit No. 28070, issued upon Application No. 36031 bearing date of priority of July 27, 1959, authorizing the diversion of 10.0 second feet of waters of Salmon River, County of Custer, State of Idaho, for irrigation purposes, have fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.16 second feet of the waters of Salmon River that the point of diversion of said waters NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 8, T. 8 N, R. 14 E, B.M. and that the lands proposed to be irrigated by the use or place of use of said water are described as follows, to-wit: S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 32, T. 9 N, R. 14 E, B.M. This is supplemental to the Fisher Creek Decree and no more than 1 (one) miner's inch per acre will be allowed from the combined sources.

Proof of Completion of Works made: October 2, 1962.

Witness my hand this 29th day of November, A.D. 1966.

S/ R. KEITH HIGGINSON
State Reclamation EngineerLICENSE ISSUED FOR 2.16 SEC. FT.
LICENSE PAGE NO. 8691MICROFILMED
OCT 28 1994

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: Salmon River

Dear Gentlemen,

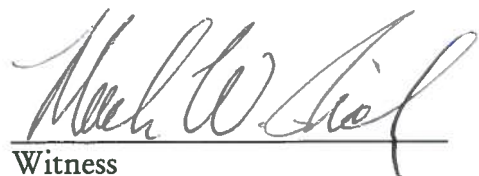
Before I acquired Fisher Creek Ranch, water from the Salmon River was being used on our ranch and also on the adjoining Morgan Williams ranch. Mr. Fury, the previous owner, was granted irrigation water under license #28070, priority date of July 27, 1959.

Since 1962 or before, the Furey's, Fisher Creek Ranch and Morgan Williams's ranch has continuously used this water in excess of the initial filing, due to gravelly soil conditions. To the best of my knowledge, this water has been put to beneficial use since that time.

Best regards,



Fred Humphreys


Witness

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

Notary Public Linda L Koch

Residing at Meridian

My Commission Expires 12-1-97 **MICROFILMED**
OCT 28 1994

08/18/2000

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

RIGHT NUMBER: 71-10764

NAME AND ADDRESS: ESTATE OF FRED HUMPHREYS
ERNEST DAY
10495 STONE QUARRY RD
PAYETTE, ID 836615134

SOURCE: SALMON RIVER TRIBUTARY: Snake River

QUANTITY: 2.99 CFS

PRIORITY DATE: 06/01/1961

POINT OF DIVERSION: T08N R14E S8 LOT 0 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	5-01 10-31	2.99 CFS

PLACE OF USE:

<u>IRRIGATION Within CUSTER County</u>					
T09N R14E S32	SWNE	6	T09N R14E S32	SENE	32.9
T09N R14E S32	NESE	7.4	T09N R14E S33	SWNW	2.5
48.8 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

THIS RIGHT AND RIGHT NO. 71-02085B IS LIMITED THE IRRIGATION
OF A TOTAL OF 48.8 ACRES IN A SINGLE IRRIGATION SEASON

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 RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A, 71-02004B, 71-
02063, 71-04037, 71-02085B, 71-10764 & 71-10767

1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

RECEIVED

SEP 17 1999

Department of Water Resources
Southern Region

RECEIVED

AUG 30 1999

Department of Water Resources

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

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

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

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

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

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

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

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

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

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


W. MICHAEL HUMPHREYS

STATE OF Massachusetts)
County of Essex) ss.

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

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


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

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

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

Subcase Nos. 71-02085B and 71-10764

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

County of Ada

) SS.

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

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

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

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

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

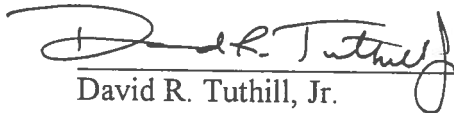
7. I have either personal knowledge of the facts I testify to in this Affidavit, or they are available to me from IDWR records and personnel, and are the type of facts or data that are regularly and customarily considered by experts in the field of water use and water right investigation and administration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

8. I adopt as my testimony and incorporate in this Affidavit the Legal Principles and the Conclusions portions of the Supplemental Director's Report Regarding Claim to Water Right Nos. 71-02085B and 71-10764 dated September 28, 1999, attached to this Affidavit as Exhibit 1.

9. Attachment B to Exhibit 1 is a printed color copy representing a shape file in IDWR's Geographical Information System database. This printed copy is the type of data regularly and customarily considered by experts in the field of water use and water right investigation and administration to be a reasonable basis to assist in forming an opinion about such water use or water right.

10. In Exhibit 1, I set forth my factual understanding of the law which underlies my opinion on behalf of IDWR regarding its description of specific elements of water right numbers 71-02085B and 71-10764. To the extent, if any, these statements are inaccurate as a matter of fact, the opinions expressed in my report may change.

Dated this 6th day of October, 1999


David R. Tuthill, Jr.

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


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

EXHIBIT 1

**SUPPLEMENTAL DIRECTOR'S REPORT REGARDING CLAIM
TO WATER RIGHT NO. 71-02085B and 71-10764**

In Re SRBA

Twin Falls County Civil Case No. 39576
Subcase No. 71-02085B and 71-10764

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. 71-02085B and 71-10764 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 71-02085B and 71-10764, 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 71-02085B and 71-10764

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. Because beneficial use is the basis, measure and extent of any water right, a water right holder is entitled to use only that quantity of water that has been put to beneficial use on those lands historically irrigated pursuant to that water right.
5. The determination of the extent of beneficial use in a water right license is binding on the Department of Water Resources.
6. A water right will be considered abandoned or forfeited to the extent that it has not been beneficially used for five or more years.

**FACTUAL FINDINGS UNDERLYING RECOMMENDATION OF
WATER RIGHT NUMBERS 71-02085B and 71-10764**

I. Basis of Claim

a. Water right number 71-02085B is a licensed right. License number 71-02085 was issued on November 29, 1966 for 2.16 cfs on 108 acres with a priority date of July 27, 1959. A copy of the license is attached as Attachment A.

b. Water right number 71-10764 is a beneficial use right that increases the flow rate diverted for uses described in water right number 71-02085B.

II. Investigation of Water Right No. 71-02085B

This report addresses those elements of water right number 71-02085B that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage) and quantity of water.

A. Place of Use (Irrigated Acreage)

1. License number 71-02085 was issued on 108 acres. The United States Forest Service claimed 0.92 cfs on 68 acres under this license in the SRBA under claim number 71-02085C. The Forest Service claim was disallowed and no objections are pending. Humphreys initially claimed 1.14 cfs on 57 acres under this license, under claim number 71-02085B. Humphreys has recently filed an amended claim to claim the entire rate of flow granted under license number 71-02085 and it is currently in objection process. The amended director's report does not change the Department's recommendation on the place of use.

2. IDWR recommended a total of 48.8 irrigated acres limited to the irrigation of a total of 48.8 acres when combined with 71-10764 and 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, and 71-10764. IDWR recommended this acreage based on the following:

a. On 7/27/1993, IDWR Regional Manager Allen Merritt visited the claimed place of use, conducted a field examination accompanied by Mr. Humphreys and his irrigator, and observed an irrigated parcel within the area claimed under water right number 71-02085B as well as water right numbers 71-00028, 71-00029, 71-10763, 71-10197, and 71-10764.

Mr. Merritt's determination of the extent of irrigation for the larger permitted place of use 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 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. On the lower end, i.e. northern end, of the property a ditch from the Salmon River crosses the land in a northeastward direction. 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 of water 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 irrigated.

His determination of the extent of irrigation specifically under water right number 71-02085B was supported by the existence of distinct physical features which bound the place of use. On the west side the boundary is State Highway 75. On the east side the boundary is the main ditch. This ditch ends at a northwest trending swale beyond which the water is not applied. The north boundary is Humphreys's property line. An additional area claimed was deleted from the recommended place of use because it is a hill that is inaccessible by gravity irrigation. The irrigated area includes 28.7 acres of the originally licensed place of use and an additional 20.1 acres that is watered from the Salmon River and from Fisher Creek and was included in the recommended place of use as an accomplished transfer under §42-1425, Idaho Code. A land transaction deed, dated 1966, appears to specifically convey all of license 71-02085 to the present owners, or their predecessors. However, not all of the license place of use was conveyed in that transaction.

c. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel found during the field examination using 8-22-1988 NAPP photograph number 441-122, attached as Attachment B, which shows irrigated and nonirrigated areas.

d. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel through GIS technology. 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. The recommendation for 71-02085B is based on shapes 1 and 2 which total 48.8 acres. Therefore, IDWR recommends a total of 48.8 acres irrigated under 71-02085B 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.

f. By recommending 48.8 acres under this licensed right, Mr. Merritt determined that the remaining 59.2 acres of the licensed place of use had been forfeited for non use during the period between 1988, the date of the NAPP photo referenced, and 1993, the date of his field exam.

3. 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 71-02085B, as well as 71-10764. It is based on the 8-22-1988 NAPP photograph number 441-122.

B. Quantity of Water

1. Water right number 71-02085B is used through a common system and on the same place of use as water right number 71-10764. IDWR determined that a total of 5.15 cfs is being put to use on this common place of use. The quantity recommended was determined as follows:

a. Hubble and conveyance loss analyses determined that a total of 5.15 cfs is required for the 48.8 acres irrigated.

b. IDWR determined that the claimant, or their predecessors, accomplished a transfer thereby consolidating the licensed flow rate onto fewer acres. IDWR recommended 48.8 irrigated acres and 2.16 cfs under water right number 71-02085B. The duty of water for the amended recommendation was determined to be reasonable by accounting for soil, conveyance and irrigation application methods within the irrigation system.

2. Humphreys and Day originally claimed 1.14 cfs on 57 acres under 71-02085B, which is only a portion of the water right licensed under 71-02085. IDWR's original recommendation was for 0.95 cfs based on the licensed duty of water of 0.02 cfs applied to the recommended 48.8 acres. IDWR's original recommendation for 71-10764 was for 4.2 cfs. Humphreys and Day subsequently amended their claim under 71-02085B to claim 2.16 cfs of this water use under this right. IDWR issued an amended director's report on 71-02085B recommending 2.16 cfs. However, IDWR did not differ from its original finding that 5.15 cfs is put to use on this place of use. Therefore, IDWR issued an amended director's report decreasing its recommendation under 71-10764 to 2.99 cfs.

III. Investigation of Water Right No. 71-10764

This report addresses those elements of water right number 71-10764 that are in dispute. IDWR understands those elements to be Place of Use (irrigated acreage), quantity and priority date.

A. Place of Use (Irrigated Acreage)

1. IDWR recommended a place of use of 48.8 acres limited to the irrigation of a total of 48.8 acres when combined with 71-02085B and 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, and 71-2085B. IDWR recommended this acreage based on the following:

a. Water right number 71-10764 provides additional flow rate for the uses described in licensed right 71-02085B.

b. On 7/27/1993, IDWR Regional Manager Allen Merritt visited the claimed place of use, conducted a field examination and observed an irrigated parcel within the area claimed under water right number 71-10764. Please refer to the discussion above with regard to the place of use under water right 71-02085B.

c. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel found during the field examination using 8-22-1988 NAPP photograph number 441-122 which shows irrigated and nonirrigated areas.

d. Following the field examination, Mr. Merritt confirmed the existence and location of the irrigated parcel through GIS technology. 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. The recommendation for 71-02085B is based on shapes 1 and 2 which total 48.8 acres. Therefore, IDWR recommends a total of 48.8 acres irrigated under 71-10764 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.

3. 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 71-10764, as well as 71-02085B. It is based on 8-22-1988 NAPP photograph number 441-122

B. Quantity of Water

1. Water right number 71-10764 is used through a common system and on the same place of use as water right number 71-02085B. IDWR determined that a total of 5.15 cfs is being put to use on this common place of use. The quantity recommended was determined as follows:

- a. Hubble and conveyance loss analyses determined that a total of 5.15 cfs is required for the 48.8 acres irrigated.
- b. Conveyance loss to deliver the Field Irrigation Requirement, determined by Hubble analysis to be 3.31 cfs, through the delivery ditch is 1.84 cfs. The conveyance loss flow rate is allocated to water right number 71-10764.

2. IDWR originally recommended 0.95 cfs of this water use under 71-02085B, and 4.2 cfs under 71-10764. Humphreys and Day subsequently amended their claim under 71-02085B to claim 2.16 cfs of this water use under this right. IDWR issued an amended director's report on 71-02085B recommending 2.16 cfs. However, IDWR did not differ from its original finding that 5.15 cfs is put to use on this place of use. Therefore, IDWR issued an amended director's report decreasing its recommendation under 71-10764 to 2.99 cfs.

C. Priority Date

1. Water right number 71-10764 was claimed as a beneficial use water right with a priority date of 7/27/1959.
2. IDWR recommended a priority date of 6/1/1961 based on the following:
 - a. Claimants are requested to provide evidence of priority in support of their beneficial use claims.
 - b. The claimant submitted an affidavit of Fred Humphreys stating that since 1962, water has continuously been diverted onto the claimed place of use in excess of the amount licensed under license 71-02085. This affidavit is attached as Attachment D.
 - c. The license file for 71-10764 contains an affidavit of then permit holder, Furey which states that water was first diverted in June, 1961 for use under the license.
 - d. IDWR recognizes that beneficial use-type water right priority dates are established by the date of first diversion and use of the water.
 - e. IDWR therefore recommended water right 71-10764 with a priority date of 6/1/1961 based on first use of the water.

CONCLUSION

Based on the foregoing legal principles and factual findings, IDWR has determined that its amended recommendations for water right numbers 71-02085B and 71-10764 as represented in Attachment E are accurate and should be so recommended by the Special Master.

ATTACHMENT A

State of Idaho

License and Certificate of Water Right

Water License No. 28070

Amount 2.16 c.f.s.

Water District No.

Priority July 27, 1959

THIS IS TO CERTIFY that JACK B. FUREY & SHERMAN P. FUREY, Jr. of Salmon, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 27, 1959; that Permit No. 28070 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.16 second feet, was issued thereunder on November 29, 1966, showing that said works were completed on the 2nd day of October, 1962; and that on the 2nd day of October, 1962,

JACK B. FUREY & SHERMAN P. FUREY, Jr.

of Salmon, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Salmon River, a tributary of Columbia River, for the purpose of irrigation, under Use Permit No. 28070 of the Department of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 14 of Licenses at page 8605, on the 29 day of November, 1966; The right hereby confirmed dates from July 27, 1959; The Point of Diversion is located

In the NE 1/4 SE 1/4, Sec. 8, Tp. 8N, R. 14E, B. M. County of Custer.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.16 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
9 N	14 E	32	SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	18
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	30
			NE $\frac{1}{4}$ SE $\frac{1}{4}$	40	20
			NW $\frac{1}{4}$ SE $\frac{1}{4}$	40	<u>40</u>
			Total number of acres to be irrigated:		108
This is supplemental to the Fisher Creek Decree and no more than 1 (one) miner's inch per acre will be allowed from the combined sources.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

29th day of November, 1966.

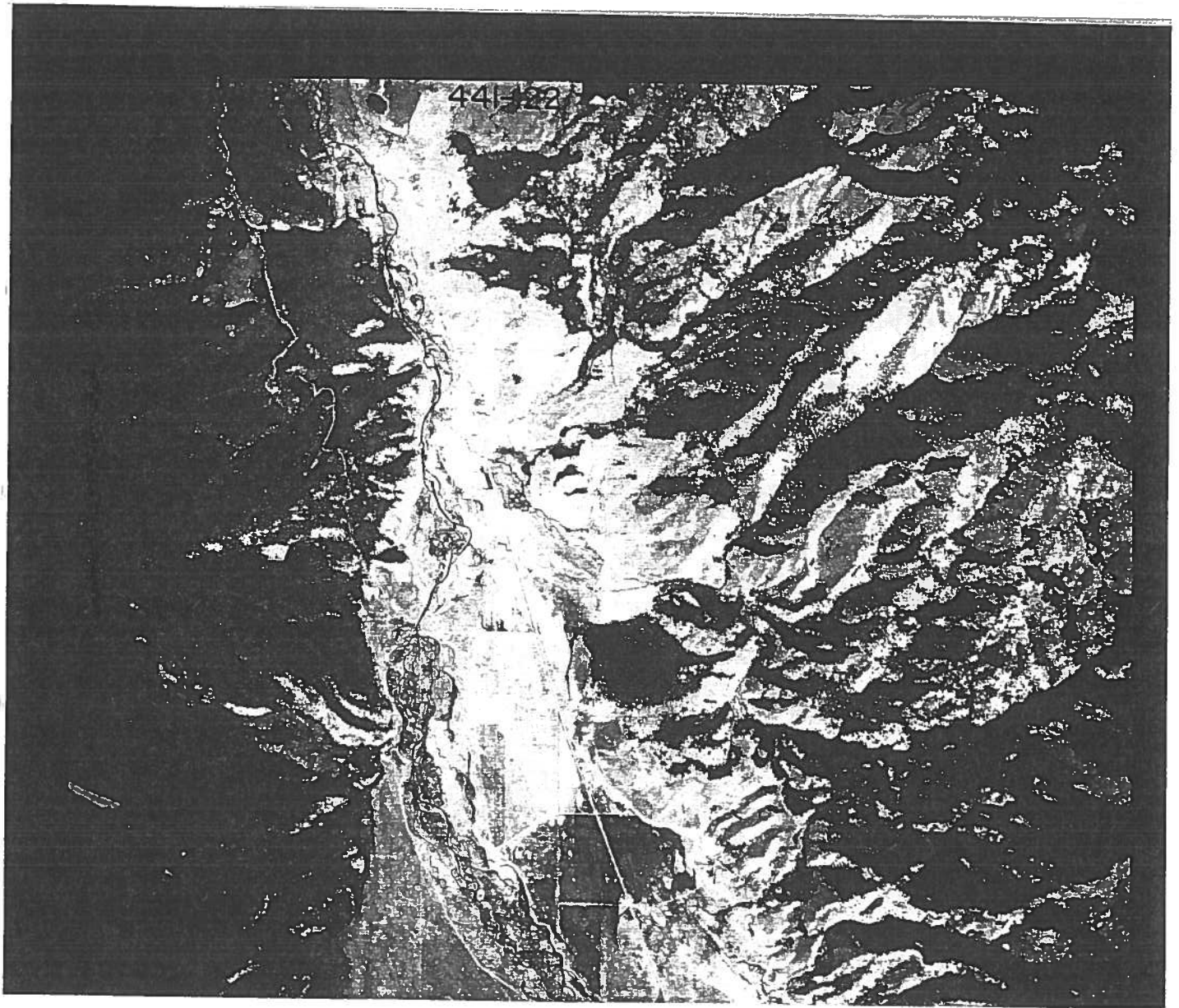
S/ R. KEITH HIGGINSON

State Reclamation Engineer.

(SEAL)

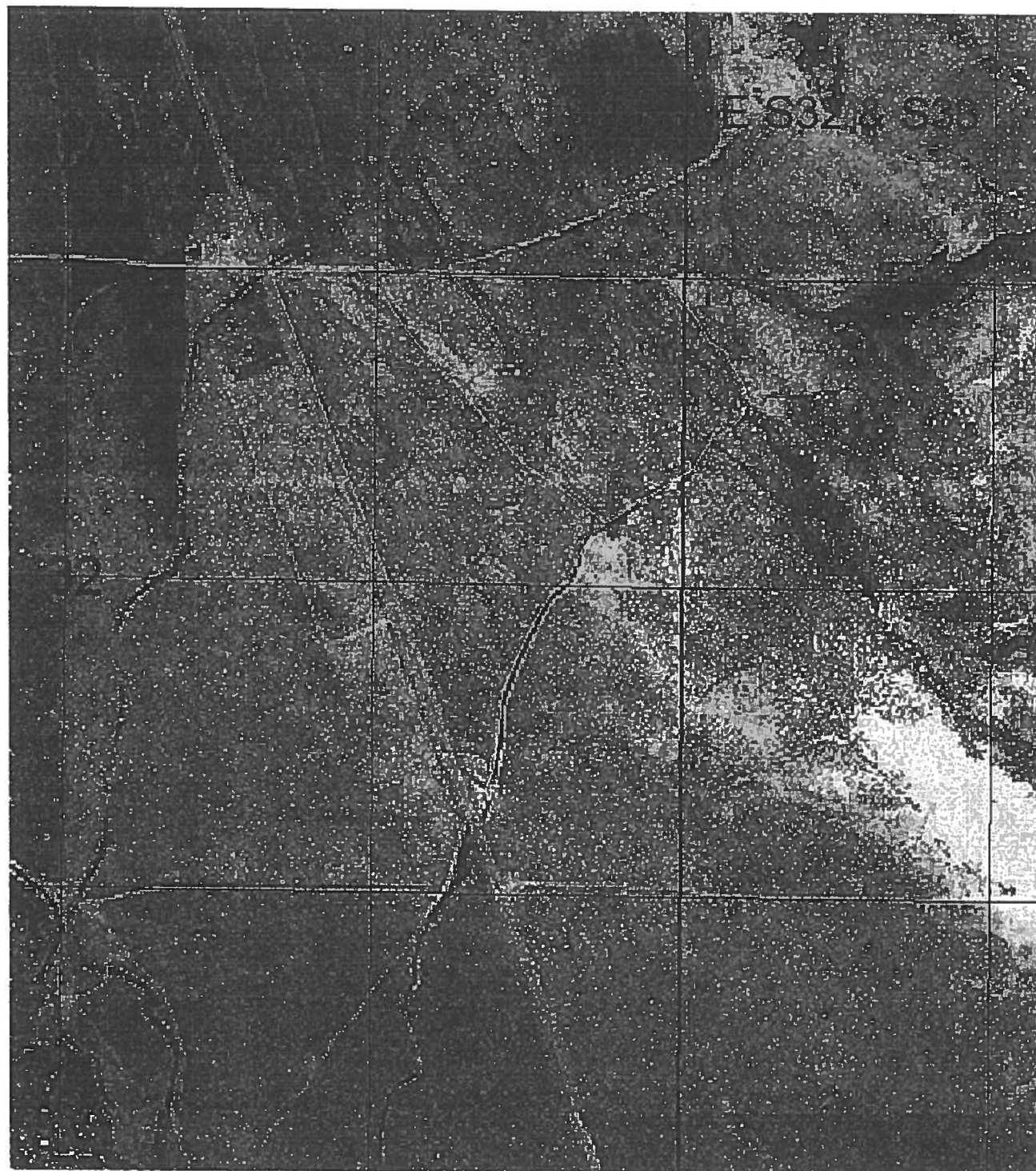
71 2085

ATTACHMENT B



ATTACHMENT C

71-02085B & 71-10764



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 NAPP
DATA ENTRY: May, 1998
By: Allen Merritt
(Layout by: D. Jones)

ATTACHMENT D

March 7, 1994

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

B
MAR 21 1994
Department of Water Resources
Southern Region Office

Re: Salmon River

Dear Gentlemen,

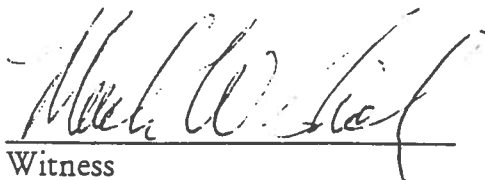
Before I acquired Fisher Creek Ranch, water from the Salmon River was being used on our ranch and also on the adjoining Morgan Williams ranch. Mr. Fury, the previous owner, was granted irrigation water under license #28070, priority date of July 27, 1959.

Since 1962 or before, the Furey's, Fisher Creek Ranch and Morgan Williams's ranch has continuously used this water in excess of the initial filing, due to gravelly soil conditions. To the best of my knowledge, this water has been put to beneficial use since that time.

Best regards,



Fred Humphreys


Witness

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

Notary Public

Residing at

My Commission Expires

Ginda A Koch

Meridian

12 - 1109

MICROFILMED
OCT 23 1994

ATTACHMENT E

AJ5856NP

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

DATE: OCT-8-1999
PAGE: A-1

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-02085B

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.16 CFS

PRIORITY DATE: 07/27/1959

POINT OF DIVERSION: T08N R14E S08 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 2.16 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SWNE 6 SENE 32.9 NESE 7.4
S33 SWNW 2.5
48.8 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.

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - LICENSE

AJ5856NP

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

DATE: OCT-8-1999
PAGE: A-2

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-02085B (CONT)

EXPLANATORY MATERIAL: (CONT)

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

THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.

1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

AJ5856NP

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

DATE: OCT-8-1999
PAGE: A-3

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-10764

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.99 CFS

PRIORITY DATE: 06/01/1961

POINT OF DIVERSION: T08N R14E S08 SENESE Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 05-01 10-31 2.99 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T09N R14E S32 SWNE 6 SENE 32.9 NESE 7.4
S33 SWNW 2.5
48.8 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.

THIS RIGHT AND RIGHT NO. 71-02085B IS LIMITED THE IRRIGATION
OF A TOTAL OF 48.8 ACRES IN A SINGLE IRRIGATION SEASON.

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: OCT-8-1999
PAGE: A-4

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-10764 (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 RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.

1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

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. 71-02085B and 71-10764
	)	
	)	
	)	
	)	
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 71-02085B and 71-10764. 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 71-02085B and 71-10764 dated October 6, 1999, attached to the Affidavit of David R. Tuthill, Jr. as Exhibit 1.

Dated this 7th day of October, 1999



Allen Merritt

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



Notary Public for the State of Idaho
Residing at: Buhl ID
My commission expires: 8/8/2001

ALLEN MERRITT
EDUCATION AND WORK EXPERIENCE

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

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

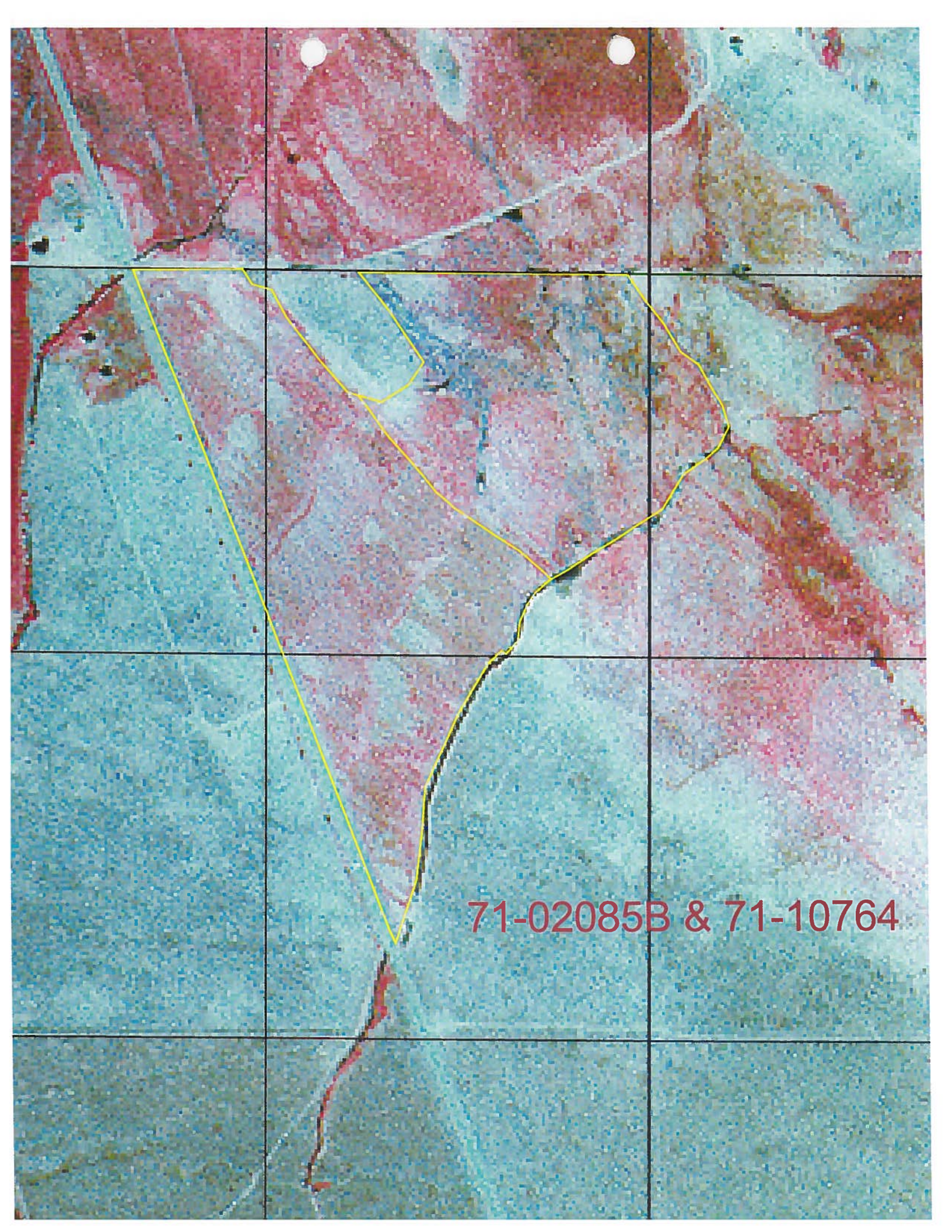
DATED this 7th day of October, 1999.



Allen Merritt, PE

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

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

An aerial photograph of a coastal area, possibly a wetland or marsh, showing various shades of blue, green, and brown. A yellow line is drawn across the image, likely indicating a boundary or a specific area of interest. The image is overlaid with a black grid. Two white circular marks are visible at the top edge. The text "71-02085B & 71-10764" is printed in red in the lower right quadrant.

71-02085B & 71-10764

OCT 07 1999

RECEIVED
OCT 27 1999
Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 71-10764

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 AMENDED 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 Amended 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 27, 1959
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: 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 since the priority date and on the place of use claimed in the Notice of Claim.

F. VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

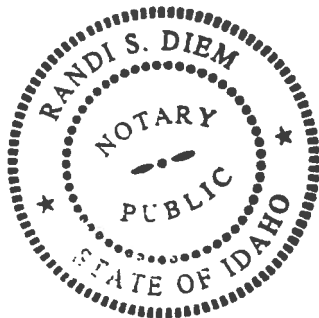
James P. Speck, being first duly sworn, upon oath, deposes and says:

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

(Signature of person filing objection)

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

Subscribed and sworn to before me on: October 6, 1999



Randi S. Diem
Notary Public for Idaho
Residing at Hailey, 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 October 6, 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:

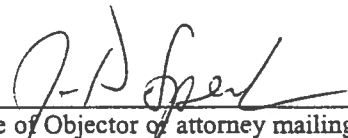
Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661

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

SEP 28 1999

Department of Water Resources

RECEIVED

OCT 06 1999

Department of Water Resources
Southern Region

1999 SEP 27 PM 3:20

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

South
DJ

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

) Subcase: 71-10764
)
)
)
)

ORDER SETTING DEADLINE FOR
AMENDED DIRECTOR'S REPORT

An *Amended Claim* was filed for subcase 71-02085B according to the *Trial Scheduling Order* for these subcases. The Idaho Department of Water Resources filed an *Amended Director's Report* for 71-02085B after investigating the *Amended Claim*. IDWR requested leave to file an *Amended Director's Report* for a related water right, 71-10764. The Court requests that IDWR file an *Amended Director's Report* for 71-10764 to accommodate the proposed change in 71-10764 resulting from the *Amended Claim* for 71-02085B.

The deadline for the *Amended Director's Report* for 71-10764 is **October 1, 1999**.

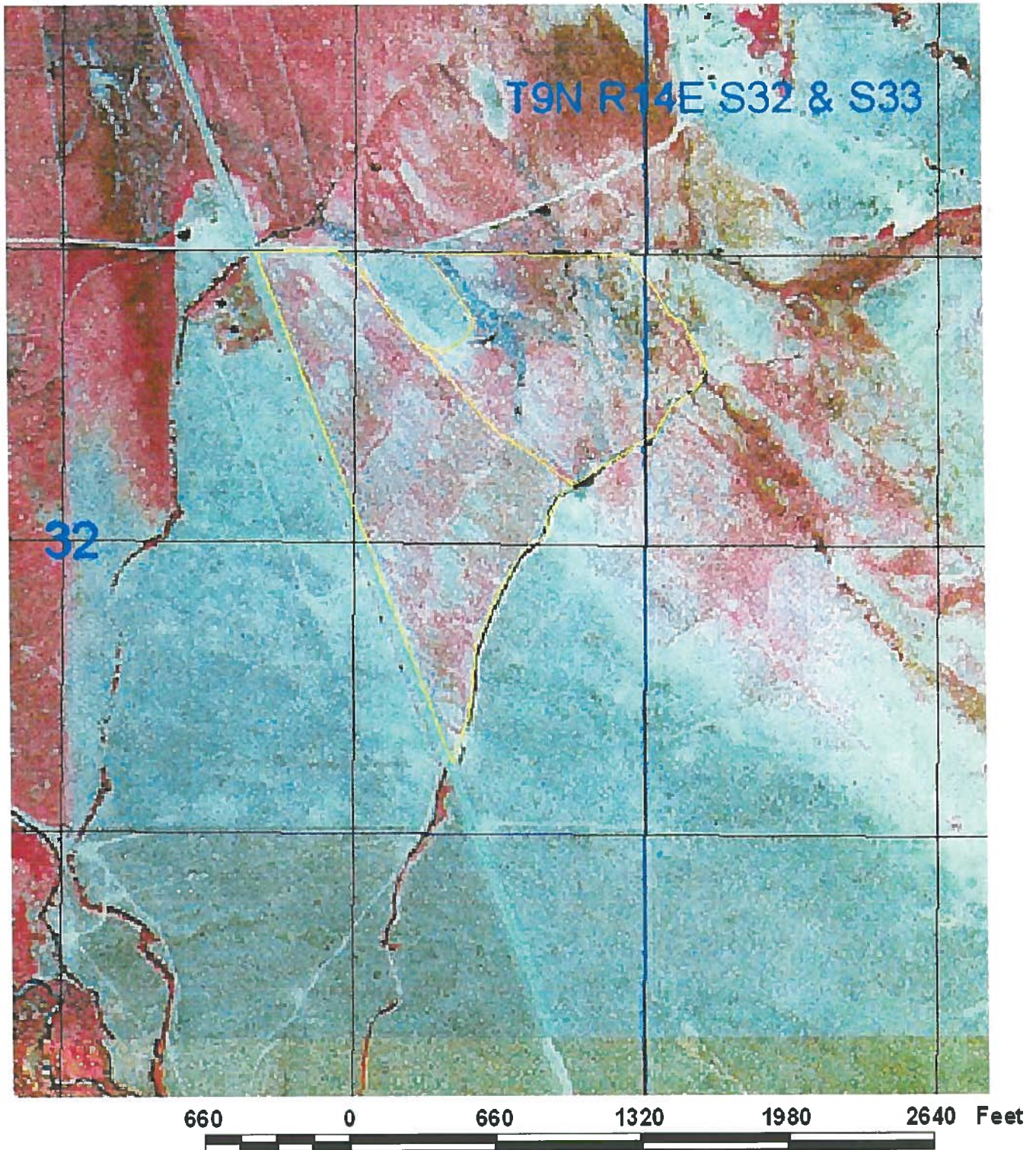
The deadline for Objections to the *Amended Director's Report* is **October 13, 1999**.

DATED September 27, 1999.



BRIGETTE BILYEU
Special Master
Snake River Basin Adjudication

71-02085B & 71-10764



-  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)

AMENDED DIRECTOR'S REPORT

Subcase Nos. 71-10764

In Re SRBA

Twin Falls County Civil Case No. 39576

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

September 30, 1999

DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

This amended director's report decreases the rate of flow for water right number 71-10764 based on the court's acceptance of the amended director's report increasing the rate of flow for water right number 71-02085B. Water rights 71-02085B and 71-10764 are diverted from the same point of diversion and applied to the same place of use. IDWR determined that 5.15 cfs is being put to use on this place of use, originally recommending 4.2 cfs under claim 71-10764, and .95 cfs under claim 71-02085B. By issuing this amended director's report with an decreased rate of flow under 71-10764, IDWR does not differ from its finding that a total of 5.15 cfs under both rights is applied to this place of use. Therefore, the effect of this amended director's report and the amended director's report for 71-02085B is to increase 71-02085B to 2.16 cfs and to decrease 71-10764 to 2.99 cfs.

DISCUSSION

Pursuant to the SRBA Court's Trial Scheduling Order of September 27, 1999, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcases. Respectfully submitted this 30th day of September, 1999.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

CERTIFICATE OF MAILING

I certify that on 30 Sept, 1999, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

Clive Strong
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

United States Department of Justice
Environment & Natural Resources Div.
550 W. Fort Street MSC 033
Boise, ID 83724

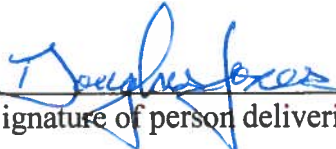
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Custer County Clerk
801 Main St.
Challis, ID 83226

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

James P. Speck
Speck & Aanestad
P.O. Box 987
120 East Avenue
Ketchum, ID 83340

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile



Signature of person delivering form

AJ5856NP

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

DATE: SEP-30-1999

PAGE: A-1

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-10764

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

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 2.99 CFS

PRIORITY DATE: 06/01/1961

POINT OF DIVERSION: T08N R14E S08 SENESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	05-01 10-31	2.99 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County		
	T09N R14E S32	SWNE 6	SENE 32.9	NESE 7.4
	S33	SWNW 2.5		
	48.8 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.

THIS RIGHT AND RIGHT NO. 71-02085B IS LIMITED THE IRRIGATION
OF A TOTAL OF 48.8 ACRES IN A SINGLE IRRIGATION SEASON.

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

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 71-10764 (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 RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.
1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

September 24, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Special Master Brigitte Bilyeu
SRBA District Court
PO Box 2707
Twin Falls, ID 83303-2707

RE: Sub-case number 71-10764

Dear Special Master Bilyeu,

Enclosed is an amended R record showing proposed changes to IDWR's director's report for claim number 71-10764. This water right is diverted from the same point of diversion and applied to the same place of use as licensed right 71-02085B. In investigating these water rights, IDWR determined that 5.15 cfs is being put to use on this place of use. IDWR recommended 4.2 cfs under water right number 71-10764, and .95 cfs under water right number 71-02085B. The claimant filed objections on both of these rights.

The Department has now submitted an amended director's report on 71-02085B pursuant to the amended claim filed on this right. The claimant originally claimed only a portion of the rate of flow under license number 71-02085 under his claim 71-02085B. The amended claim is to the entire rate of flow under license number 71-02085. Since the Department found only 5.15 cfs being applied to the place of use, the rate of flow for right number 71-10764 must be reduced to reflect the increased rate of flow now recommended under 71-02085B. Therefore, the Department requests that you accept the change to its recommendation on the rate of flow for 71-10764 listed in the enclosed amended R record.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor
Southern Adjudication Unit

cc: Jim Speck

OWNER		PRIORITY	WATER USE	USE PERIOD		DIVERSION	DIVERSION
CODE	NAME & ADDRESS	DATE		FROM	TO	RATE	VOLUME
C	ESTATE OF FRED HUMPHREYS	06/01/1961	IRRIGATION	05-01	10-31	2.990 CFS	
C	ERNEST DAY						
	10495 STONE QUARRY RD						
	PAYETTE ID 836615134						
TOTAL DIVERSION:						2.990 CFS	

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T08N R14E S08

SENESE

CUSTER County

Place of use Legal Description for: IRRIGATION															
NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	: Lt Ac	Lt Ac	Lt Ac	Lt Ac
09N	14E	32	:	06	32	:	:	:	07	:	:	:	:	:	46.3
09N	14E	33	:	:	:	:	02	:	:	:	:	:	:	:	2.5
TOTAL ACRES															48.8

POU County: CUSTER

Other Rights: 71-02085B, 71-00028, 71-00029, 71-10763, 71-10197

- Conditions of Approval:
- C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
 - IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
 - RIGHTS IN BASIN 71:
 - WATER RIGHT NO. SOURCE
 - NONE 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.

Remarks: POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197, 71-02085B & 71-10764.

THIS RIGHT AND RIGHT NO. 71-02085B IS LIMITED THE IRRIGATION OF A TOTAL OF 48.8 ACRES IN A SINGLE IRRIGATION SEASON.

EXP THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A, 71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767. 1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN

AJ5809NP
No. R71-10764

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 09/24/99
PAGE: 2

=====

Remarks: DELIVERY OF RIGHTS 71-02085B AND 71-10764.

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

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

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

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 71-10764

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 27, 1959

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☐ **Period of Year**
Should be:

9. ☒ **Place of Use**
Should be: 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 since the priority date and on the place of use claimed in the Notice of Claim.

F. VERIFICATION (Must be completed)

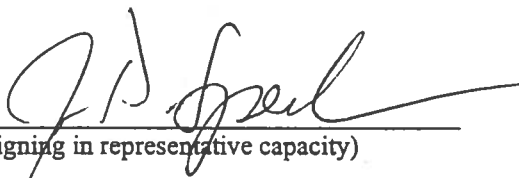
State of Idaho)
)
County of Blaine)

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.

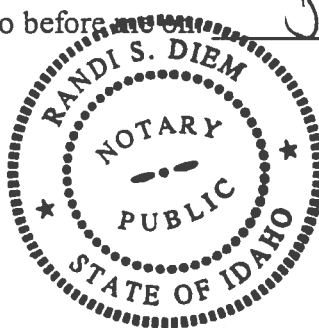
(Signature of person filing objection)



(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:

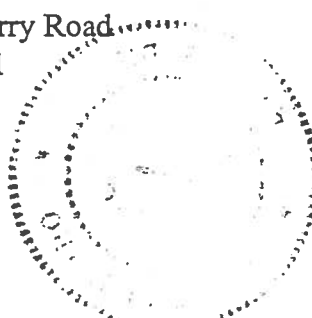
Name: The Estate of Fred Humphreys/Ernest Day
Address: 10495 Stone Quarry Road
Payette, ID 83661

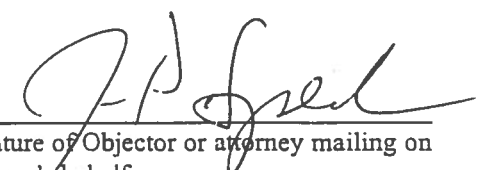
3. Copies to:

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
71-04021
71-00028
71-00029
71-00033B
71-10764

71-00034C
71-00035C
71-00036B
71-10763
71-02085

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

AJ0743NP
(OD-124)

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

09/21/99 16:07:53
Page 1

Water Right Number - R71-10764

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
HUMPHREYS

FRED
1 - 1919 S PHILLIPI
2 -
3 -
City- BOISE
Phone - 208-375-6940
1 - 1919 S PHILLIPI
2 -
3 -
City- BOISE
Phone - 208-375-6940
1 - 10495 STONE QUARRY RD
2 -
3 -
City- PAYETTE
Phone - 208-000-0000
1 - 10495 STONE QUARRY RD
2 -
3 -
City- PAYETTE
Phone - 208-000-0000

State- ID Zip- 83705

DAY
ERNEST

State- ID Zip- 83705

HUMPHREYS

FRED
1 - 10495 STONE QUARRY RD
2 -
3 -
City- PAYETTE
Phone - 208-000-0000
1 - 10495 STONE QUARRY RD
2 -
3 -
City- PAYETTE
Phone - 208-000-0000

State- ID Zip- 836615134

DAY
ERNEST

State- ID Zip- 836615134

*** R - REPRESENTATIVE ***
RICHEY

MARK W

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

State- ID Zip- 837025592

+ - - Priority Date - - +
06/01/1961

+ - - - - Region - - - +
17 SOUTHERN

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

+ - - - - Status - - - +

+ - - - - Source - - - - +
SALMON RIVER

+ - - - - Tributary - - - - +
SNAKE RIVER

+ - - - - Point of Diversion - - - - +
Tm Rng Sec Tract Lot RFlg County
08N 14E 8 SE NE SE (37) CUSTER

+ - - - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 05/01 10/31 2.990

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
2.990 0.0

Water right number - R71-10764

Prefix Translation: RESEARCH

Twn		Rng	Sec	Tract	Lot	Acres	Code	Description	County
09N	14E	32	SW NE			6.0	01	IRRIGATION	(37) CUSTER
09N	14E	32	SE NE			32.9	01	IRRIGATION	(37) CUSTER
09N	14E	32	NE SE			7.4	01	IRRIGATION	(37) CUSTER
09N	14E	33	SW NW			2.5	01	IRRIGATION	(37) CUSTER

Total Acres: 48.8

- - - Diversion Means - ROCK DIVERSION TO EARTHEN CANAL TO FLOOD IRRIGATION DITCHES.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 71-020858, 71-00028, 71-00029, 71-10763, 71-10197

- - - - - Remarks - - - - -

POU1

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

THIS RIGHT AND RIGHT NO. 71-020858 IS LIMITED THE IRRIGATION
OF A TOTAL OF 48.8 ACRES IN A SINGLE IRRIGATION SEASON.

EXP

THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-020858, 71-10764 & 71-10767.
1.84 CFS OF RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-020858 AND 71-10764.

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

- - - - - Conditions of Approval - - - - -
C13 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
- IN BASIN 71 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
- RIGHTS IN BASIN 71:

- WATER RIGHT NO. SOURCE
- NONE 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.

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

Water right number - R71-10764

Prefix Translation: RESEARCH

+ - - - - Comments - - - - -
Date: 07/06/1994 User Id: MERRITT Subject: COPIED FROM REMARKS
THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959 FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELLY
SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER TO SUPPLY SEASON LONG IRRIGATION WATER.
Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:
Right NOS: 71-02063, 71-04037, 71-02004A, 71-02004B, 71-02004C, 71-10767, 71-02085B & 71-10764.
USE OF THIS RIGHT WITH RIGHT NO. 71-02085B IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 95.0 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 47.5 ACRES IN A SINGLE IRRIGATION SEASON.
1.93 CFS OF THIS RIGHT 71-10764 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT 71-02085B.
Date: 07/21/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE OF RECORD THRU AJU10.
CONDITION CODE(S) C13 ADDED IF NOT ALREADY PART
Date: 09/21/1999 User Id: DJONES Subject: AMENDED RECOMMENDATION THE RECOMMENDATION FOR 71-02085B. THE FLOW RATE WAS REDUCED ON
DRAFT AMENDED RECOMMENDATION PREPARED TO REFLECT CHANGES IN IRRIGATION REQUIREMENT ANALYSIS IDENTIFIED A RATE OF 3.31 CFS TO
THIS CLAIM TO TOTAL 5.15 CFS AS RECOMMENDED PREVIOUSLY. FIELD TO 71-10764
IRRIGATE PROPERTY, AND 1.84 CFS FOR CONVEYANCE LOSS, ATTRIBUTED

+ - - Audit Fields - - +
09/21/99 DJONES

+ - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/00D0 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 - T
Receipt Number - S016672 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND Presumption Flag -
Notice of Error Flag -

Old (D) Number -

Address+

State- ID Zip- 83705

State- ID Zip- 83705

State- ID Zip- 836615134

State- ID Zip- 836615134

State- ID Zip- 837025592

```
+ - - - Status - - - +
```

1
2
3
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23
24
25

+

Volume

Use - + - - KW Usage - +
0

Water right number - R71-10764

Prefix Translation: RESEARCH

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
09N	14E	32	SW NE		6.0		01	IRRIGATION	(37) CUSTER
09N	14E	32	SE NE		32.9		01	IRRIGATION	(37) CUSTER
09N	14E	32	NE SE		7.4		01	IRRIGATION	(37) CUSTER
09N	14E	33	SW NW		2.5		01	IRRIGATION	(37) CUSTER

Total Acres: 48.8

- - - Diversion Means - ROCK DIVERSION TO EARTHEN CANAL TO FLOOD IRRIGATION DITCHES.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 71-02085B, 71-00028, 71-00029, 71-10763, 71-10197

- - - Remarks - - - - -

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 231.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 71-00028, 71-00029, 71-10763, 71-10197,
71-02085B & 71-10764.

EXP THE RIGHTS LISTED BELOW ARE EACH DIVERTED THROUGH
POINT OF DIVERSION DESCRIBED ABOVE. RIGHT NOS.: 71-02004A,
71-02004B, 71-02063, 71-04037, 71-02085B, 71-10764 & 71-10767.
1.84 CFS OF THIS RIGHT 71-10764 IS USED FOR CONVEYANCE LOSSES IN
DELIVERY OF RIGHTS 71-02085B AND 71-10764.

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

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

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

- - - Comments - - - - -
Date: 07/06/1994 User Id: MERRITT Subject: COPIED FROM REMARKS
THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959 FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELLY
SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER TO SUPPLY SEASON LONG IRRIGATION WATER.
Date: 05/30/1998 User Id: AMERRITT Subject: COPIED FROM REMARKS
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE:
RIGHT NOS: 71-02063, 71-04037, 71-02004A, 71-02004B, 71-02004C, 71-10767, 71-02085B & 71-10764.
USE OF THIS RIGHT WITH RIGHT NO. 71-02085B IS LIMITED TO A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 95.0 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 47.5 ACRES IN A SINGLE IRRIGATION SEASON.
1.93 CFS OF THIS RIGHT 71-10764 IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT 71-02085B.

AJ0743NP
(00-124)

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

05/30/98 09:17:19
Page 3

Water right number - R71-10764

Prefix Translation: RESEARCH

+ - - - - - 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	-	S016672	Water District	-		
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S	
			Name Connector	-	AND	Presumption Flag	-		
						Notice of Error Flag	-		

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10:24:19
05/29/98
CLAIM NUMBER: A71-10764

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 THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959
FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELLY
SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER
TO SUPPLY SEASON LONG IRRIGATION WATER.

CONTACT PERSON: Fred Humphreys

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 7/27/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: Fred Humphreys

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

This clinic filed after F.E. to
record historical excess use beyond
71-02085B directed from Salmon River.

A. AJ CLAIM: # A71-10764 PRIORITY DATE: 07-27-1959 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:

Priority claimed is based on date when
71-02085 was filed for. I recommend date
of 5/1/1961 closer to when proof submitted &
2nd deposition during that process.

RECOMMENDED PRIORITY DATE:

5-1-1961

REVIEWED BY

APM

DATE

6/2/98

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A71-10764	08N	14E	8	SE	NE	SE		CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
A71-02085B R71-02004A
A71-02085C R71-02004B
A71-10767 R71-02063
R71-02085B
R71-04037
R71-10767

71-02085
71-07154
71-07170

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

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

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA?

N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM?

Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

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

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE?

Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM?

Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM
AJ FIELD EXAM (DATE OF FIELD EXAM

NAME OF EXAMINER

Y() N()
Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

7/27/93
7/2/93

APR

NOTES:

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

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
08N	14E	8	SE	NE	SE			CUSTER		

SOURCE: Silver River TRIB: Suite River

REVIEWED BY:

ABW

DATE:

6/2/98

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

Rock diversion to erthen creek to flood irrigation ditches.

A. ROOT WATER RIGHT NUMBERS: A71-10764
R71-10764

B. POULISTING									
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA
09N	14E	32	SM	NE		HUMPHREYS, FRED	A71-10764 / 7.0	-	11.0
			SM	NE		DAY, ERNEST	R71-02085B / 7.0	-	
			SM	NE		HUMPHREYS, FRED	R71-10764 / 7.0	-	
			SM	NE		HUMPHREYS, FRED	A71-02085B / 7.0	-	
			SM	NE		US DEPT OF AGRICULTURE	A71-00028A /	-	
			SM	NE		US DEPT OF AGRICULTURE	A71-00029A /	-	
			SM	NE		US DEPT OF AGRICULTURE	A71-02085C /	-	
			SM	NE		US DEPT OF AGRICULTURE	A71-10766 / 12.0	-	
			SM	NE		SHAW, MARJORIE L.	71-00028	-	
			SM	NE		SHAW, MARJORIE L.	71-00029	-	
			SM	NE		FUREY, JACK B.	71-02085	18.0	
09N	14E	32	SE	NE		HUMPHREYS, FRED	A71-10764 / 36.0	-	37.0
			SE	NE		DAY, ERNEST	R71-02085B / 32.0	-	
			SE	NE		HUMPHREYS, FRED	A71-00028	-	
			SE	NE		HUMPHREYS, FRED	R71-10764 / 32.0	-	
			SE	NE		HUMPHREYS, FRED	A71-00033B / 10.0	-	
			SE	NE		HUMPHREYS, FRED	R71-00028	-	
			SE	NE		HUMPHREYS, FRED	A71-10763 / 10.0	-	
			SE	NE		DAY, ERNEST	71-00029	-	
			SE	NE		SHAW, MARJORIE L.	71-02085	30.0	
			SE	NE		FUREY, JACK B.			
09N	14E	32	NE	SE		HUMPHREYS, FRED	A71-10764 / 11.0	-	3.0
			NE	SE		DAY, ERNEST	R71-02085B / 8.0	-	
			NE	SE		HUMPHREYS, FRED	A71-02085B / 11.0	-	
			NE	SE		US DEPT OF AGRICULTURE	A71-00028A /	-	
			NE	SE		US DEPT OF AGRICULTURE	A71-00029A /	-	
			NE	SE		US DEPT OF AGRICULTURE	A71-02085C /	-	
			NE	SE		HUMPHREYS, FRED	R71-10764 / 8.0	-	
			NE	SE		SHAW, MARJORIE L.	71-00028	-	
			NE	SE		SHAW, MARJORIE L.	71-00029	-	
			NE	SE		FUREY, JACK B.	71-02085	20.0	
09N	14E	33	SM	NW		HUMPHREYS, FRED	A71-10764 / 3.0	-	37.0
			SM	NW		HUMPHREYS, FRED	A71-00028	-	
			SM	NW		HUMPHREYS, FRED	R71-10764 / 0.5	-	
			SM	NW		HUMPHREYS, FRED	A71-10193 /	-	
			SM	NW		HUMPHREYS, FRED	A71-00035C / 37.0	-	
			SM	NW		HUMPHREYS, FRED	A71-00036B / 11.0	-	
			SM	NW		RICHEY, MARK W	A71-02085B / 3.0	-	
			SM	NW		HUMPHREYS, FRED		-	

See GIS
Sheet 71-02085B 6.0
File

32.9

7.4

2.5

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	NW		HUMPHREYS, FRED	R71-00028 / 37.0	- /			
			SW	NW		HUMPHREYS, FRED	A71-10763 / 37.0	- /			
			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 /	- /			

ADDITIONAL POU FOUND

TOTAL ACRES A71-10764 57.00 88.00

POU COUNTY: CUSTER

Y() N()

48.8

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

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

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
A71-10764	SALMON RIVER	HUMPHREYS, FRED	4.200	0.073		
A71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
R71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
A71-00028A	FISHER CREEK	US DEPT OF AGRICULTURE	0.600	0.008		
A71-00029A	FISHER CREEK	US DEPT OF AGRICULTURE	0.320	0.004		
A71-00033B	FOURTH OF JULY CREEK	HUMPHREYS, FRED	0.900	0.020		
A71-00035C	FOURTH OF JULY CREEK	HUMPHREYS, FRED	3.000	0.020		
A71-02085B	FOURTH OF JULY CREEK	RICHEY, MARK W	2.400	0.020		
A71-02085C	SALMON RIVER	HUMPHREYS, FRED	1.140	0.020		
A71-10763	SALMON RIVER	DAY, ERNEST	0.950	0.020		
R71-10763	SALMON RIVER	US DEPT OF AGRICULTURE	0.920	0.013		
R71-10764	FISHER CREEK	HUMPHREYS, FRED	5.020	0.020		
R71-10763	FOURTH OF JULY CREEK	DAY, ERNEST	5.020	0.020		
R71-10764	FISHER CREEK	HUMPHREYS, FRED	4.200	0.088		

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
R71-10766	SALMON RIVER	US DEPT OF AGRICULTURE	1.420	0.118		
A71-10766	SALMON RIVER	US DEPT OF AGRICULTURE	1.420	0.118		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
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	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: 71-020858

E. IS THE CLAIMED POU 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 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()

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: ☒ ORTHOPHOTQUAD, IDWR NO. _____; ☐ TOPOGRAPHIC QUAD, IDWR NO. _____;
☐ NAPP, IDWR NO. _____; ☒ ASCS PHOTO; ☐ OTHER GIS

NOTES:

TOTAL ACRES: 90.0 N/A()

REVIEWED BY: AK DATE: 9/2/00

[illegible]

DIV. VOL. FOR EACH USE

4.200 CFS

4.200 CFS

DIV. VOL. FOR EACH USE

$$Y(\underline{\quad}) N(\underline{\quad})$$

$N/A(\underline{\quad}) Y(\underline{\quad}) N(\underline{\quad})$

$$Y(\underline{\quad}) \quad N(\underline{\quad})$$
$$Y(\text{---}) \rightarrow N(\text{---})$$
$$Y(\underline{\quad}) \sim N(\underline{\quad})$$

N/A() Y() N()

ED.

N/A() Y() N()

N/A() Y() N()

N/A(✓) Y() N()

NOTES: _____

AJ CLAIM TOTAL DIVERSION RATE: 4.200 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

* 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?

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

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

E. MEASUREMENT METHOD AF/A FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES x 0.02 CFS/ACRE = CFS
(Taken from POU review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 114.0 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 ()

AF/A
7/2/93
20.5(cfs)

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS. USE
	FROM	TO	RATE CFS	EXAMINER	VOL. AF/A	EXAMINER	
IRRIGATION	~~04-15~~	~~10-15~~	4.200				~~14.0~~
TOTAL FOR THIS RIGHT			4.2				

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: AM DATE: 6/2/95

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

Pool 231.2 was consid (ind).

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

Pool consid vts.
1.84 cfs for concrete loss.

de lute

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: 71-10764

DATABASE

EXAMINER

CFS

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
-	A71-10764	4.200	R71-10764	4.200	-	-
TOTAL CFS		4.200	4.200			

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 ()?

DATABASE
N
FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:
SIGNATURE: _____
DATE: _____

TITLE: _____
NAME OF FIELD EXAMINER: _____

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

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

COPY INCLUDED
IN FILE?

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

=====

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☒ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☒ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

See files 71-02085B
and 71-00028.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

10-24-19
05/29/98
17
CLAIM NUMBER: A71-10764

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

BARCODE UPDATED
WHOM/DATE

Am
6/2/98

*See file
71-02085B of
71-00028*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A71-10764

10:31:57
05/29/98
18

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRED HUMPHREYS	07/27/1959	IRRIGATION	04-15 10-15	4.20 CFS	
C	ERNEST DAY				4.20 CFS	
TOTAL DIVERSION:					4.20 CFS	114.00 AFA
CONSUMPTIVE USE:						

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08N R14E S08

SENESE

CUSTER County

Place of use Legal Description for: IRRIGATION

NE											
NW											
SW											
SE											
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
09N	14E	32	:								
09N	14E	33	:								
SUM											
TOTAL ACRES											

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: 71-020858

Remarks: GEN THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959
FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELLY
SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER
TO SUPPLY SEASON LONG IRRIGATION WATER.

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



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

A71-10764

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**

63335
Idaho Department of water Resources
Statehouse Mail
Boise, Idaho 83720

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

HUMPHREYS 837152221 1394 04/18/95
FORWARDING TIME EXPIRED
HUMPHREYS/FRED C
HUMPHREYS 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

R PROOF

X

CVR

X

MAPS

—

PHOTOS

—

MISC

X

MICROFILME

OCT 28 1994

Water Right Number - R71-10764

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - - + - - - - - Address - - - - - +
*** C - CURRENT OWNER ***
HUMPHREYS
FRED
1 - 1919 S PHILLIP
2 -
3 -
City- BOISE
Phone - 208-375-6940
1 - 1919 S PHILLIP
2 -
3 -
City- BOISE
Phone - 208-375-6940
State- ID Zip- 83705

DAY

ERNEST

State- ID Zip- 83705
Phone - 208-375-6940+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
06/01/1961 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + - - - - - Tributary - - - - - +
SALMON RIVER SNAKE RIVER+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
08N 14E 8 SE NE SE (37) CUSTER+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume
Code Description Period From Period To
01 - IRRIGATION 05/01 09/30 4.200
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
4.200 0.0+ - - - - - - - - - - - - - - - Place of Use - - - - - Description County
Twn Rng Sec Tract Lot Acres Code
09N 14E 32 SW NE 7.0 01 IRRIGATION (37) CUSTER
09N 14E 32 SE NE 32.0 01 IRRIGATION (37) CUSTER
09N 14E 32 NE SE 8.0 01 IRRIGATION (37) CUSTER
09N 14E 33 SW NW 0.5 01 IRRIGATION (37) CUSTER

Total Acres: 47.5

+ - - Diversion Means - ROCK DIVERSION TO EARTHEN CANAL TO FLOOD IRRIGATION DITCHES.

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - 71-020858

MICROFILMED
OCT 28 1994MICROFILMED
OCT 28 1994

Water right number - R71-10764

Prefix Translation: RESEARCH

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION

DESCRIBED ABOVE:

RIGHT NOS: 71-02063, 71-04037, 71-02004A, 71-02004B, 71-02004C,
71-10767, 71-02085B & 71-10764.

USE OF THIS RIGHT WITH RIGHT NO. 71-02085B IS LIMITED TO A
TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 95.0 AF, AND TO
THE IRRIGATION OF A COMBINED TOTAL OF 47.5 ACRES IN A SINGLE
IRRIGATION SEASON.

1.93 CFS OF THIS RIGHT 71-10764 IS LIMITED TO USE FOR
CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT AND RIGHT 71-02085B.

No Old Water Right Numbers Found

Conditions of Approval - No Conditions of Approval found.

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

Date: 07/06/1994 User ID: MERRITT Subject: COPIED FROM REMARKS
THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959 FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELLY
SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER TO SUPPLY SEASON LONG IRRIGATION WATER.

Audit Fields - 07/06/94 MERRITT

Adjudication Rights Dates and Flags Area	
Court Report Filing	00/00/0000
Objection Filed Date	00/00/0000
Response Filed Date	00/00/0000
Claim Received Date	03/21/1994
Field Inspection Made	00/00/0000
Verified Date	00/00/0000
Last Amended Date	00/00/0000
Receipt Number	S016672
POU Ownership Flag	Y
Name Connector	AND/OR
Civil Case Number	39576
Old Case Number	
Old Judicial District	
Temporary Right	P
Water District	
Federal/State Indicator	S
Presumption Flag	
Notice of Error Flag	

MICROFILMED

001 28

POOR ORIGINAL

Ques. 7. If for other than irrigation purposes, state how applied, amount of horse power used, etc.

Ans. Not applicable

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 6.8 cubic feet per second, or 140 miner's inches.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. Not applicable

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used. The Water diverted under the above numbered permit was first placed to use in 1961 and has been used throughout the irrigation season until now. Amounting in June, 1961, and throughout the irrigation season and on the same above described September 1961 and in 1962 until September 1962. No water other than that diverted under the above numbered permit have been diverted and those diverted under the above numbered permit have been described.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans.

(Sgd) James M. Reed

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Phillips County of Utah.

State of Utah, on this 2nd day of October, A.D. 1962

My commission expires 7-14-64
James M. Reed
Notary Public

Affidavit in file
71-02085

MICROFILMED
OCT 28 1994

Proo

The deposition

Ques. 1. Stc

Ans. Elmer

Ques. 2. Are

holder of Permit
he reside?

Ans. 11 yrs

Property real

Ques. 3. Have
familiar with its

Ans. ---

Ques. 4. State
conveying water

Ans. Salmon
section 8, Tce
of Custer, 10th
river divide
permit.

Ques. 5. How
conduct to place
Bece

Admitted in
1962

11-10124

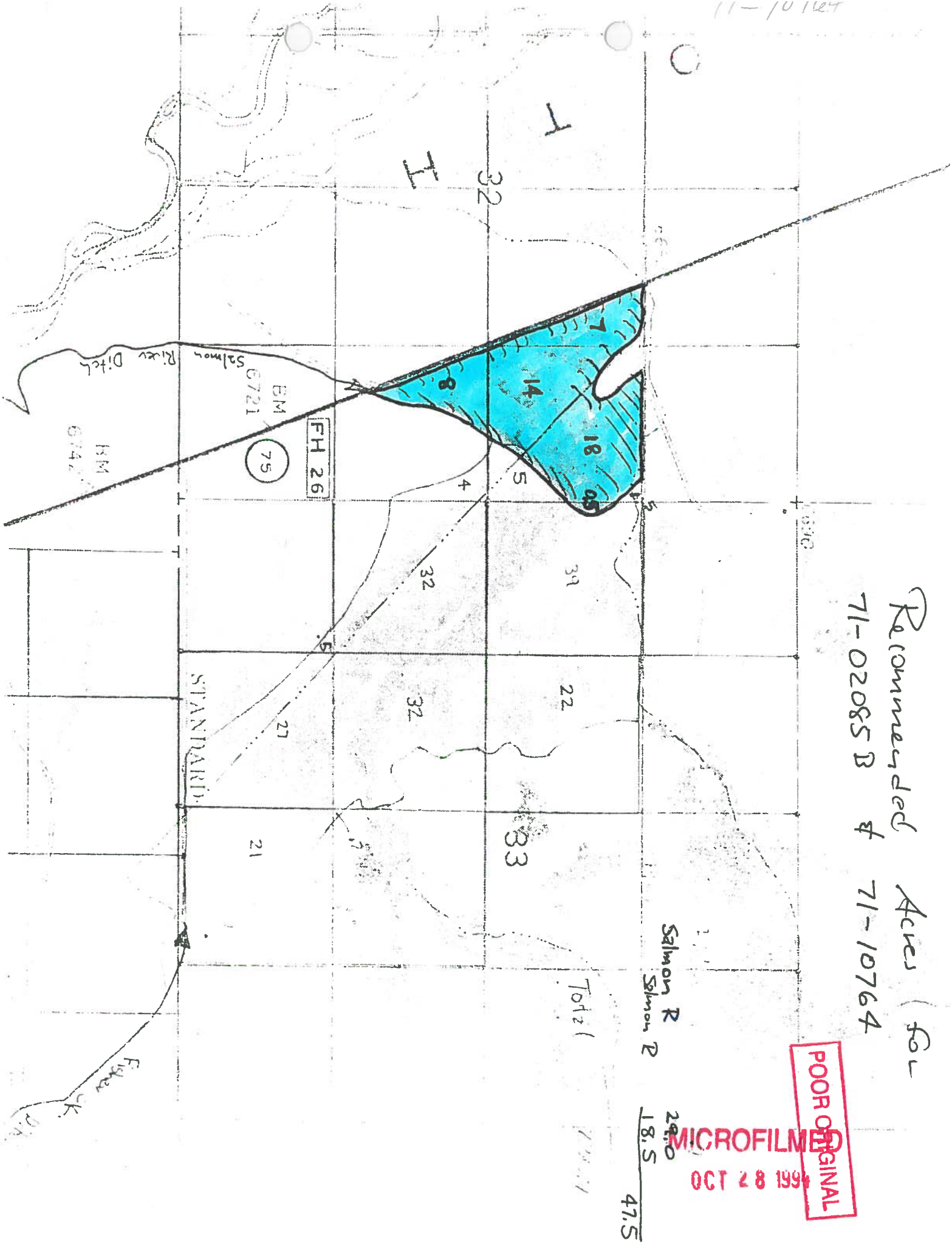
Recommended Acres for
71-02085 B & 71-10764

POOR ORIGINAL

MICROFILMED

OCT 28 1994

24.0
18.5
47.5



Recommended Acres for
71-02085 B & 71-10764

POOR ORIGINAL

OCT 28 1955

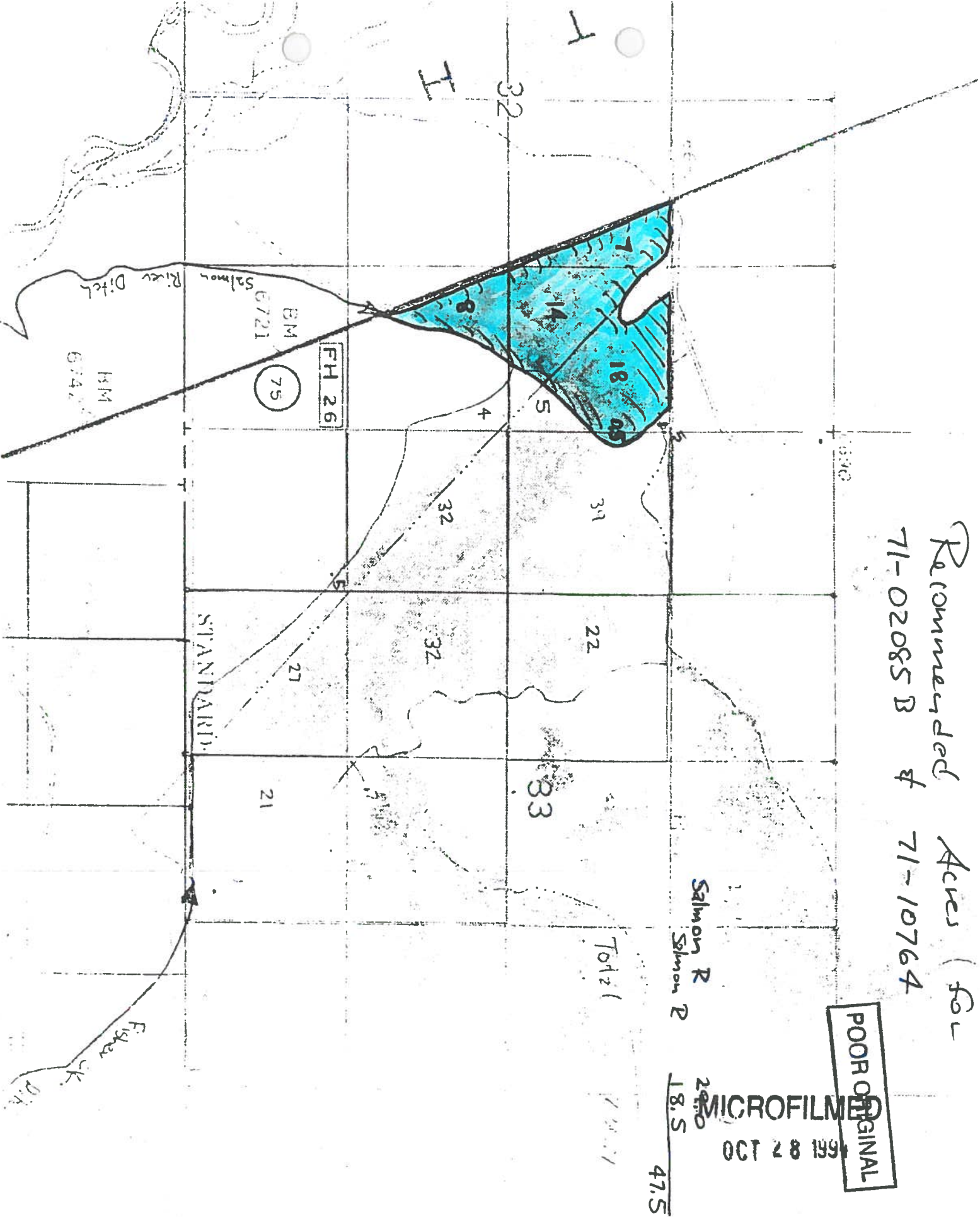
24.0

18.5

47.5

Salmon R
Salmon R

Totals



WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		ADD	Y	ADD 12/24/95	ADD	ADD	
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y			Y	14,5			
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y			Y	Spec'd			
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

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

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A71-10764

17:16:38
03/30/94

LAST: HUMPHREYS
ADDRESS: 1919 S PHILLIPI
CITY: BOISE
PHONE NUMBER: 208-375-6940
OWNER CODE: C
FIRST: FRED
STATE: ID ZIP: 83705

LAST: DAY
ADDRESS: 1919 S PHILLIPI
CITY: BOISE
PHONE NUMBER: 208-375-6940
OWNER CODE: C
FIRST: ERNEST
STATE: ID ZIP: 83705

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
DATABASE Y FIELD EXAMINER

CLAIM REMARKS: THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959
FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELLY
SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER
TO SUPPLY SEASON LONG IRRIGATION WATER.

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CONTACT PERSON: Fred Humphrey

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 7/21/93

APPOINTMENT MADE: Y() N() TIME: : A() P()

ACCOMPANIED BY: Fred Humphrey

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

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A. AJ CLAIM: # A71-10764

PRIORITY DATE: 07-27-1959

STAGE: J

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

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER

F.E. File 71-02055

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

NOTES:

Deposition of Holder filed by Tell Fures is indicated that when my first commenced being used is

Recorded 5/1/1961 as priority which is beginning of Teufel Season and is consistent with affidavits in this file

RECOMMENDED PRIORITY DATE:

5-1-1961

REVIEWED BY

AP

DATE

7/21/94

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JUL 28 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A71-10764	08N	14E	8	SE	NE	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A71-02085B R71-02063
A71-10767 R71-02085B
R71-04037

WR RECORDS IN SAME 40 ACRE TRACT

71-02085
71-07154
71-07170

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

NOTES:

Confirmed P/D is claimed using outlo plots V-70
during F.E.

Recommend is claimed

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OCT 28 1994

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		DIVERSION NAME	
TWP.	RGE. SEC.	LOT	COUNTY
08N	14E 8		Custer
SOURCE:	Silver River	TRIB:	Snake River
REVIEWED BY:	APC	DATE:	7/25/94
SYSTEM DESCRIPTION:			

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JUL 28 1994

A. ROOT WATER RIGHT NUMBERS: A71-10764

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
09N	14E	32	SW	NE		HUMPHREYS, FRED	A71-10764 / 7.0	- /	11.0	7	7
			SW	NE		HUMPHREYS, FRED	A71-02085B / 7.0	- /			
			SW	NE		HUMPHREYS, FRED	R71-02085B / 7.0	- /			
			SW	NE		US DEPT OF AGRICULTURE	A71-00028A /	- /			
			SW	NE		US DEPT OF AGRICULTURE	A71-00029A /	- /			
			SW	NE		US DEPT OF AGRICULTURE	A71-02085C /	- /			
			SW	NE		SHAW, MARJORIE L.	71-00028 /	- /			
			SW	NE		SHAW, MARJORIE L.	71-00029 /	- /			
			SW	NE		FUREY, JACK B.	71-02085 /18.0	- /			
09N	14E	32	SE	NE		HUMPHREYS, FRED	A71-10764 /36.0	- /	37.0	32	32
			SE	NE		HUMPHREYS, FRED	A71-00028 /10.0	- /			
			SE	NE		HUMPHREYS, FRED	A71-00033B /10.0	- /			
			SE	NE		HUMPHREYS, FRED	R71-00028 /10.0	- /			
			SE	NE		HUMPHREYS, FRED	A71-10763 /10.0	- /			
			SE	NE		SHAW, MARJORIE L.	71-00029 /	- /			
			SE	NE		FUREY, JACK B.	71-02085 /30.0	- /			
09N	14E	32	NE	SE		HUMPHREYS, FRED	A71-10764 /11.0	- /	3.0	8	8
			NE	SE		HUMPHREYS, FRED	A71-02085B /11.0	- /			
			NE	SE		HUMPHREYS, FRED	R71-02085B /11.0	- /			
			NE	SE		US DEPT OF AGRICULTURE	A71-00028A /	- /			
			NE	SE		US DEPT OF AGRICULTURE	A71-00029A /	- /			
			NE	SE		US DEPT OF AGRICULTURE	A71-02085C /	- /			
			NE	SE		SHAW, MARJORIE L.	71-00028 /	- /			
			NE	SE		SHAW, MARJORIE L.	71-00029 /	- /			
			NE	SE		SHAW, MARJORIE L.	71-02085 /20.0	- /			
09N	14E	33	SW	NW		HUMPHREYS, FRED	A71-10764 / 3.0	- /	37.0	0.5	0.5
			SW	NW		HUMPHREYS, FRED	A71-00028 /37.0	- /			
			SW	NW		HUMPHREYS, FRED	R71-10193 /	- /			
			SW	NW		HUMPHREYS, FRED	A71-00035C /37.0	- /			
			SW	NW		HUMPHREYS, FRED	A71-00036B /11.0	- /			
			SW	NW		RICHEY, MARK W.	A71-02085B / 3.0	- /			
			SW	NW		HUMPHREYS, FRED	R71-00028 /37.0	- /			
			SW	NW		HUMPHREYS, FRED	R71-02085B / 3.0	- /			
			SW	NW		HUMPHREYS, FRED	A71-10763 /37.0	- /			
			SW	NW		SHAW, MARJORIE L.	71-00029 /	- /			
TOTAL ACRES						A71-10764	57.00		88.00		

47.5

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OCT 28 1994

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE EXAMINER
Y

POU COUNTY: CUSTER

PRESUMPTION FLAG:

NOTES:

RECOMMENDATIONS:

TOTAL ACRES:

47.5

REVIEWED BY:

APR

DATE:

7/25/94

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OCT 28 1994

A. AJ CLAIMED USES:

PURPOSES
A71-10764 IRRIGATION

MONTH/DAY
FROM 04-15 TO 10-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
4.200 CFS
4.200 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

FIELD EXAMINER
DATABASE
Y
Y
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

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

NOTES:

Stand 5/1 to 9/30

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OCT 28 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 4.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** If an amount smaller than the original diversion rate is claimed and an exam is NOT required, explain in notes. **

FLOW MEASUREMENT REQUIRED?

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

B.

MEASUREMENT METHOD Flow Meter, FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 71-020858

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A71-10764	SALMON RIVER	HUMPHREYS, FRED	4.200	0.073		
A71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
A71-00028	FISHER CREEK	HUMPHREYS, FRED	4.200	0.020		
A71-00028A	FISHER CREEK	US DEPT OF AGRICULTURE	0.600	0.008		
A71-00029A	FISHER CREEK	US DEPT OF AGRICULTURE	0.320	0.004		
A71-000338	FOURTH OF JULY CREEK	HUMPHREYS, FRED	0.900	0.020		
A71-00035C	FOURTH OF JULY CREEK	HUMPHREYS, FRED	3.000	0.020		
A71-000368	FOURTH OF JULY CREEK	RICHEY, MARK W.	2.400	0.020		
A71-020858	SALMON RIVER	HUMPHREYS, FRED	1.140	0.020		
A71-020858	SALMON RIVER	HUMPHREYS, FRED	1.140	0.020		
A71-02085C	SALMON RIVER	US DEPT OF AGRICULTURE	0.920	0.013		
A71-10763	FISHER CREEK	HUMPHREYS, FRED	5.020	0.020		
	FOURTH OF JULY CREEK					

Meas. 20,51 of
bed of ditch
7/2/93
MICROFILMED
CT 20

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A71-10193	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	.070 CFS	
R71-10193	STOCKWATER	HUMPHREYS, FRED	FROM 01-01 TO 12-31	.070 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(taken from p/u review)

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

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

1b. CALCULATIONS

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 114.0 AF/A

ACRES 47.5 x CONSUMPTIVE VOL. AF/A FOR AREA 2.0 =

TOTAL CONSUMPTIVE USE 95.0 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

*In combination with
exceeds 1 1/2 ac. See excess
flow evaluation in file
71-02085B.*

*when combined with 71-02085B
Still not exceed 95.0 AF.*

NA

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OCT 28 1994
71-02085B

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

Irvis.

5/1 9/30

DATABASE EXAMINER
4.2

DATABASE EXAMINER
1

DATABASE EXAMINER
2

TOTAL FOR THIS RIGHT

REVIEWED BY:

Adm

DATE:

7/25/94

MICROFILMED
OCT 28 1994

95.0 AF when considered
with 71-02085B

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

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

NEEDS
REVIEW
() ()
() ()
() ()

See excess flow analysis

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 71-10764

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

DATABASE

EXAMINER

CFS

N/A

A71-10764

4.200

TOTAL CFS

4.200

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

NOTES:

This vt. provider didn't lose water for conveyance
of 71-02085B as well as for this vt.
See file A71-02085B for calculation.

AUTHENTICATION:

SIGNATURE:

[Signature]

DATE:

7/25/94

NAME OF FIELD EXAMINER:

TITLE:

MICROFILMED
OCT 28 1994
A71-02085B

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:22:27
03/30/94
14

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A71-10764

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRED HUMPHREYS C ERNEST DAY 1919 S PHILLIP BOISE ID 83705 (208) 375-6940	07/27/1959	IRRIGATION	04-15 10-15	4.20 CFS	114.00 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:	4.20 CFS	114.00 AFA

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T08N R14E S08

SENESE

CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
09N 14E 32	: 07	: 36	: 03	: 11	: 54.0
09N 14E 33	:	:	:	:	: 3.0
TOTAL ACRES	:	:	:	:	: 57.0

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: 71-020858

Remarks: THIS IRRIGATION WATER HAS BEEN PUT TO BENEFICIAL USE SINCE 1959
FOR USE ON THIS RANCH. THE TYPE OF DIVERSION AND POROUS GRAVELLY
SOILS HAVE REQUIRED MORE THAN 1" PER ACRE TO BE DIVERTED IN ORDER
TO SUPPLY SEASON LONG IRRIGATION WATER.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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