

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: **A72-00004C**
Date Received: 11/27/1989
Receipt No: S010535
Received By: _____

Owner Change

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

1. Name: DWIGHT SIMMONS 208-879-2538
Address: HC 63 BOX 1552
CHALLIS ID 83226

AND

Name: CINDY SIMMONS 208-879-2538
Address: HC 63 BOX 1552
CHALLIS ID 83226

2. Date of Priority: MAY 1, 1879

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	7	SW		NW		CUSTER

5. Description of diverting works:
10" PIPELINE, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.044		

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

8. Total consumptive use is 6.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	16	SE	SE		IRR	2.5

MICROFILMED
OCT 31 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.5
					Total Acres	2.5

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

DECREED WATER CURRENTLY NOT USED, PROPERTY FOR SALE, CLAIMANT WANTS TO PRESERVE WATER RIGHT FOR FUTURE BUYER. 2.2" WATER FROM 72-00004B WATER RIGHT DECREED TO PROPERTY.
LOT 10, 3-S-INC.
ACTUAL ACRES IRRIGATED = 2.43
***CHANGE OF OWNER - FROM EMERICKS TO SIMMONS'S ON 8/19/1991.
NOTICE OF CHANGE RECEIVED ON 5/21/1993. COPY OF WARRANTY DEED ON FILE. RVW. 5/24/1993.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/ 9/1911

STEPHENS, ET. AL.
Decree Plaintiff

SHAW, ET. AL.
vs Decree 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: _____

MICROFILMED
OCT 31 1994

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
001 31 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type

(see instructions on back of page)

RECEIVED

DATE OF CLOSING: 8-23-91

MAY 21 1993

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 19 E
 Section 16, NE 1/4 of SW 1/4 of 1/4 Govt. Lot
 Lot 10, Block, 3-S-I, Subdivision/Townsite
 If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
Southern Region Office

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A72-00004C
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Walter & Inga Emerick, Trustees
2671 Beacon Avenue
Ventura, CA. 93003
- ☐ New Owner/Claimant (Purchaser): Dwight & Cindy Simmons
- ☐ New Mailing Address: H163 Box 1552
Challis, Id. 83226
- ☐ New Telephone Number: (208) 879-2538
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
 If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☒ Attach proof of ownership, describe proof attached: Copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Cindy Simmons Date 5/18/93
- ☐ Signature of Former Owner/Claimant(s): Dwight Simmons Date 5-18-93

(Signature of former claimant(s) is not required if proof of ownership is attached.)

MICROFILMED

JUL 31 1994

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

page 2
Dwight Simmons

Legal Description -

NW $\frac{1}{4}$ of the SE $\frac{1}{4}$

RECEIVED

MAY 21 1993

Department of Water Resources
Southern Region Office

MICROFILMED
JUL 31 1994

POOR ORIGINAL

OF OWNER

RECEIVED

State of Idaho
County of Custer

MAY 21 1993

we undersigned are the duly
ative owners in fee
described property. Department of Water Resources
h half of section 16 Southern Region Office
an Custer County, Idaho
ribed as follows:

1/4 COR. Sec. 16 from which
V00°01'-48"W. Run thence
the P.O.B. and the NW Cor
here in described:

617.80 ft.

129.41 ft.

169.18 ft.

136.86 ft.

0.11 ft. to 11.70 ft.

~~As~~ this a
notary personally ap
is subscribe
of owner an
he execute
IN WITNESS
Set my hand
Seal the da
-ificate firm

MICROFILMED

OCT 31 1994

Notary Public

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: A72-00004C
Date Received: 11/27/1989
Receipt No: S010535
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WALTER F. EMERICK, JR.
Address: 2671 BEACON AVE.
VENTURA, CA 93003

AND/OR

Name: INGA EMERICK
Address: 2671 BEACON AVE.
VENTURA, CA 93003

2. Date of Priority: MAY 01, 1879

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	7		SW	NW		CUSTER

5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.044		

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

8. Total consumptive use is 6.2 Acre Feet Per Annum.

9. Non-irrigation uses:

A72-00004C

Page 1

Date: 11/27/89

MICROFILMED

MAR 17 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	16	SE SE		IRR	2.5
Section Acres						2.5
Total Acres						2.5

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
DECREED WATER CURRENTLY NOT USED, PROPERTY FOR SALE, CLAIMANT
WANTS TO PRESERVE WATER RIGHT FOR FUTURE BUYER. 2.2" WATER FROM
72-00004B WATER RIGHT DECREED TO PROPERTY.
LOT 10, 3-S-INC.
ACTUAL ACRES IRRIGATED = 2.43

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 10/09/1911

<u>STEPHENS, ET. AL.</u>	vs	<u>SHAW, ET. AL.</u>
Decree Plaintiff		Decree 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: 2

For Individuals:

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

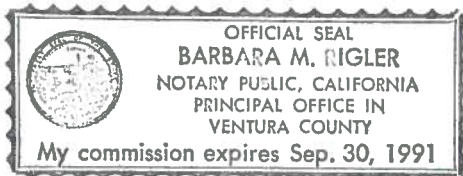
Signature of Claimant(s): Walter F. Emerick Jr Date: 11/21/89
Inga F. Emerick Date: 11/21/89

State of ~~Idaho~~ ^{CALIFORNIA})
County of VENTURA) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of November 19 89

Barbara M. Rigler
Notary Public

Seal



Residing at 2020 Sunset dr
Ventura, CA 93001
My Commission Expires Sept 30, 1991

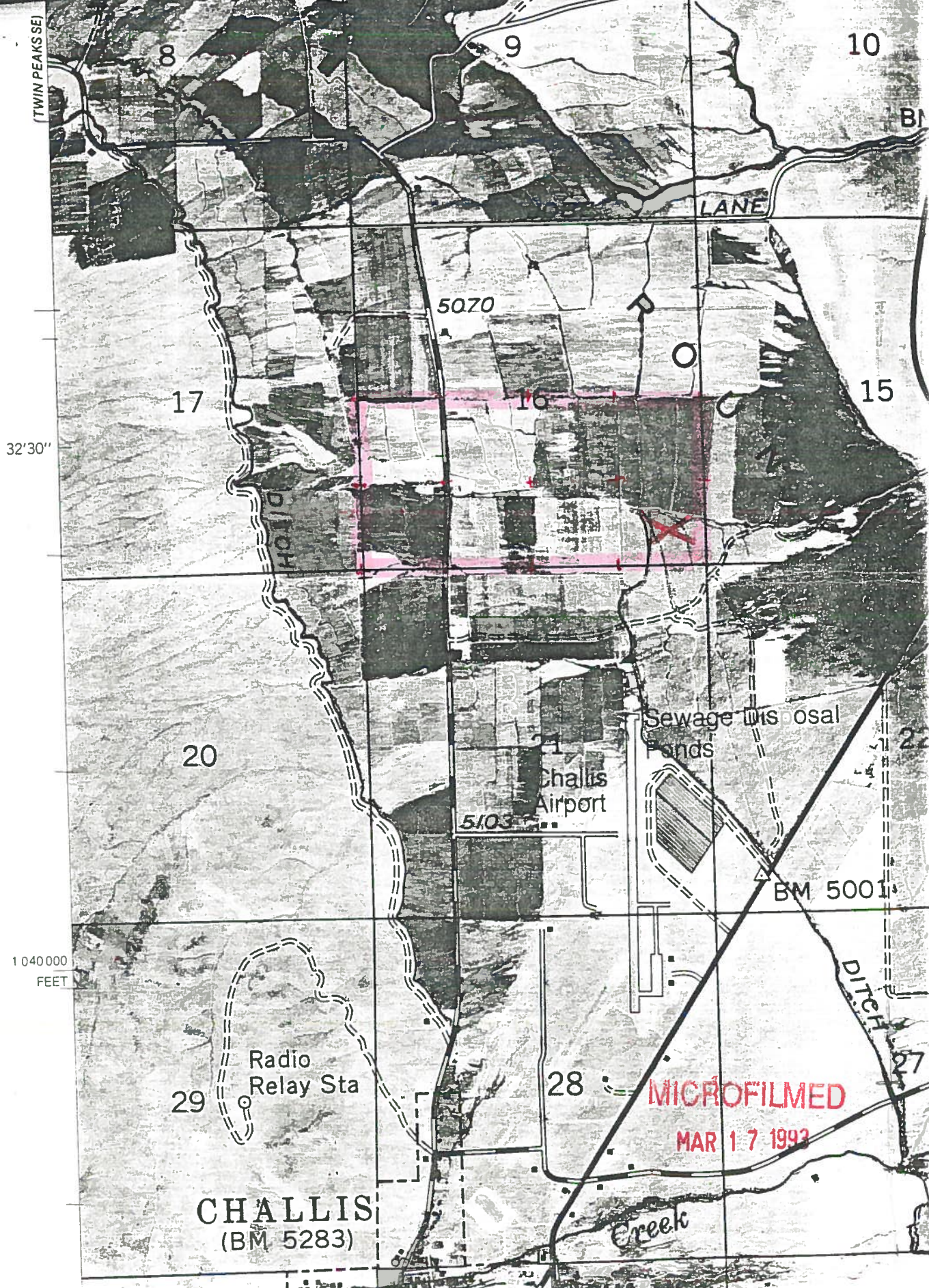
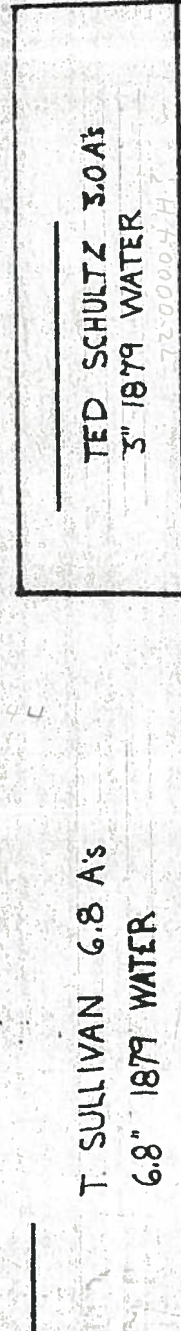
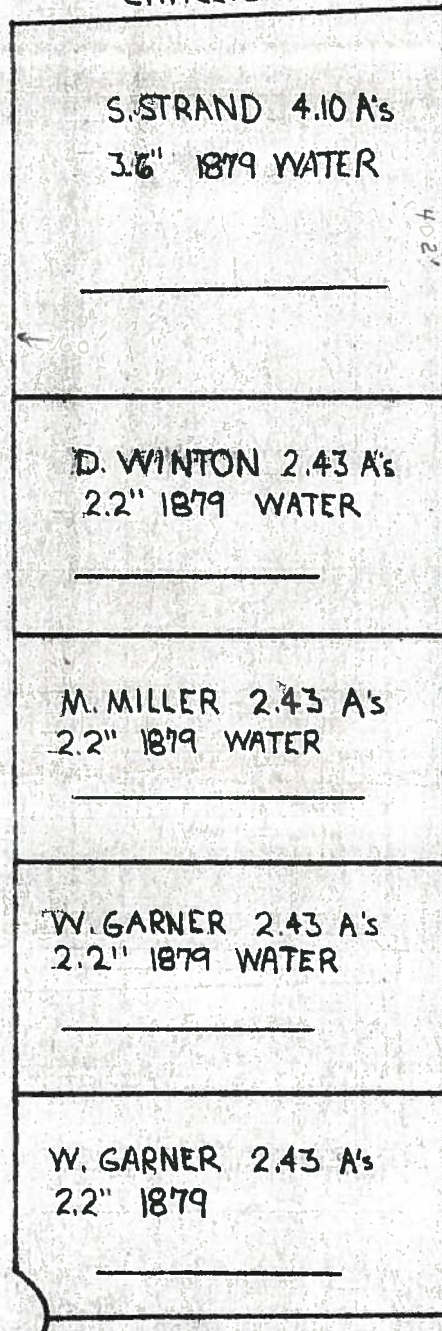
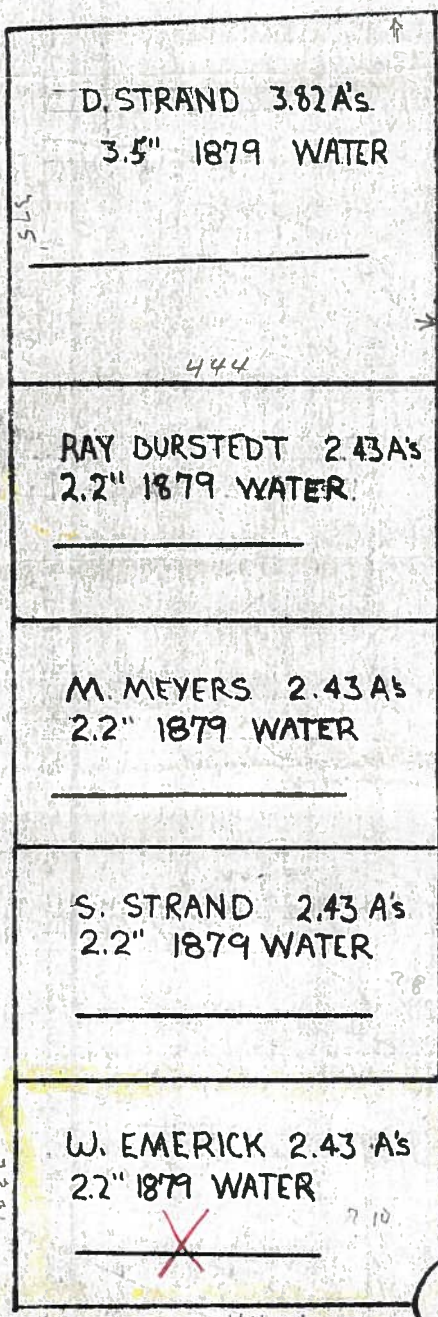
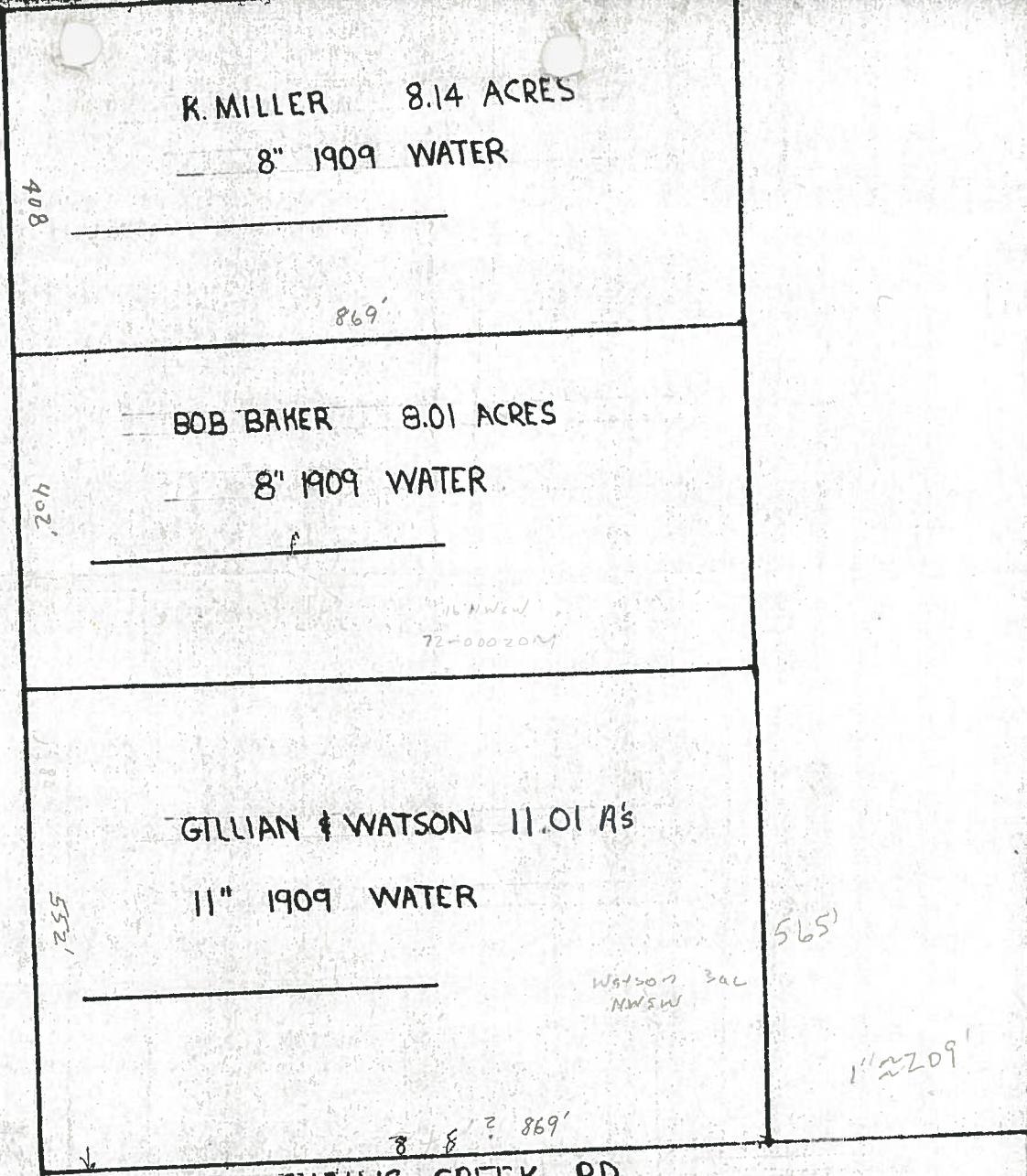


EXHIBIT "A"



CUSTER COUNTY, IDAHO

SECTION 16, 14N, 11E

SW NE 1/4

SE NW 1/4

NN 1/4 SW 1/4

SW NW

Challis Cr. Road

H. SCHULTZ
72-00004H 3.164

T. SULLIVAN 6.804 to 791

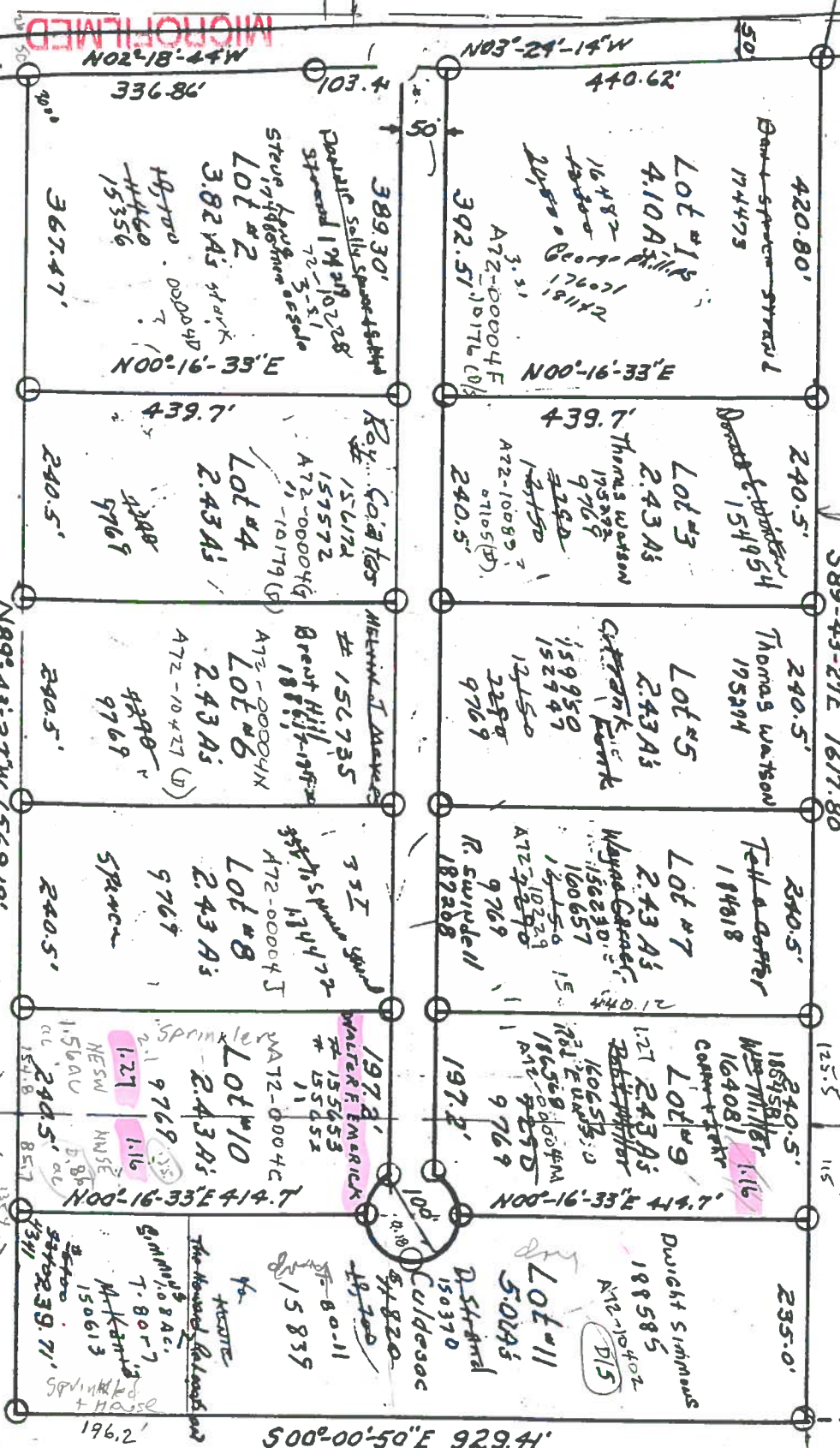
NW SE 1/4

MICROFILMED

MAR 17 1993

MICROFILMED

MAR 17 1993



W. HAMMOND

A72-00004E
00032B

Scale 1"=200'

(NE SW)

(NW SE)

HAMMOND A72-00004E
00032B

(SW SW)

(SE SW)

(SW SE)

RIGHT NUMBER: 72-00004C

NAME AND ADDRESS: DWIGHT SIMMONS
CINDY SIMMONS
HC 63 BOX 1552
CHALLIS ID 83226

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.044CFS

PRIORITY-DATE: 05/01/1879

POINT OF DIVERSION T14N R19E S07 LOT 10 (SWNWNW) Within CUSTER County
S17 NENWSE (R)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	-04-01 10-31	0.044 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S16 NESW 1.7 NWSE 0.8
2.5 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 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 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

PROPERTY ALSO KNOWN AS LOT 10, 3SI SUBDIVISION.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF RE-DIVERSION DESCRIBED ABOVE: 72-00004C, 72-00004D, 72-00004F, 72-00004G, 72-00004H, 72-00004J, 72-00004M, 72-00004N, 72-00004R, 72-00004S, 72-00004T, 72-00020A, 72-00020L, 72-00020M, 72-10083.



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

December 29, 1998

DWIGHT SIMMONS
CINDY SIMMONS
HC 63 BOX 1552
CHALLIS ID 83226

RE: 72-00004C

Dear Mr. and Mrs. Simmons,

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim listed above. Your NOE questions the diversion rate and the location of the point of diversion relative to other rights out of the same pipeline.

Based on information in the transfer file, I have re-calculated the diversion rates for your subdivision and have been able to recommend the rates that were originally deeded. I have enclosed a proposed recommendation based on this new rate.

I have also checked the point of diversion and all rights out of the pipeline should have the same legal description.

If you still do not agree with the proposed recommendation to the court, you may file an objection with the court after you receive the final recommendation of your water right. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely,

Jeanie Robertson
Senior Water Resource Agent

SPLIT ANALYSIS OF 72-00004B

Jeanie Robertson
12-16-98

transfer rate	transfer acres
1.17	76

right number	claim acres	recom acres	deeded rate	claim rate	preliminary recom rate	deeded rate/ recom acres
72-00004C	2.5	2.5	0.044	0.044	0.03	0.018
72-00004D	6.8	4.8	0.136	0.136	0.07	0.028
72-00004F	4	4	0.072	0.08	0.06	0.018
72-00004G	2.4	2.1	0.044	0.044	0.03	0.021
72-00004H	3.1	2.6	0.06	0.06	0.03	0.023
72-00004J	2.4	2.3	0.044	0.044	0.03	0.019
72-00004K	18	18	0.36	0.36	0.27	0.020
72-00004L	9	8.4	0.18	0.18	0.12	0.021
72-00004M	2.2	2.2	0.044	0.05	0.03	0.020
72-00004N	2.4	1.6	0.044	0.044	0.024	0.028
72-00004R	4.8	4.7	0.088	0.088	0.07	0.019
72-00004S	3	3	0.07	0.07	0.04	0.023
72-00004T	2	2	0.044	0.088	0.03	0.022
totals	62.6	58.2	1.23	1.288	0.834	

based upon data
in T-2429

rate based upon deeded rate
divided by the recommended
acres

Shaded rates represent the deeded rate
to be recommended for these rights.

K. MILLER 8.1 ACRES

8" 1909 WATER

BOB BAKER 8.01 ACRES

8" 1909 WATER

GILLIAN & WATSON 11.01 A's

11" 1909 WATER

CHALLIS CREEK RD.

-10228 (60)

D. STRAND 3.82 A's

3.5" 1879 WATER

(3)

LOT 2

-00004G (61)

RAY DURSTEDT 2.43 A's

2.2" 1879 WATER

(2.1)

LOT 4

-00004H (62)

M. MEYERS 2.43 A's

2.2" 1879 WATER

(1.6)

LOT 6

-00004J (63)

S. STRAND 2.43 A's

2.2" 1879 WATER

(2.3)

LOT 8

-00004K (64)

W. EMERICK 2.43 A's

2.2" 1879 WATER

(2.5)

LOT 10

X -00004F (59)

S. STRAND 4.10 A's

3.6" 1879 WATER

(4)

LOT 1

-00004R (5)

D. WINTON 2.43 A's

2.2" 1879 WATER

(4.7)

LOT 3

-00004R (5)

M. MILLER 2.43 A's

2.2" 1879 WATER

LOT 5

-10229 (66)

W. GARNER 2.43 A's

2.2" 1879 WATER

(2)

LOT 7

-00004M (65)

W. GARNER 2.43 A's

2.2" 1879

(2.2)

LOT 9

(67) (6.6)

-00004H

TED SCHULTZ 3.0 A's

5" 1879 WATER

(6.8)

-00004D

SULLIVAN 6.8 A's

6.8" 1879 WATER

(11.9)

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

11.9

MICROFILMED

11002

Floyd
Majors
(15)

-00004P (69)

(5.6)

who owns
Lot 11 (?)
not claimed (?)

DATE: 12/23/98
PAGE: 1

TOTAL DIVERSION: 0.04 CFS

Stage: DECREED

CUSTER County

NE.

TOTAL ACRES

2

• • •

TH	C16
----	-----

- CONJUNCTIVELY.

WATER DISTRICT 72-C.

72-00004S, 72-00004T, 72-00020A, 72-00020L, 72-00020M, 72-10083.

Exam Made Date:

Verified Date: 12/23/1998

Objection Filed Date:

Water District Number: 72C

Field Inspection Flag:

AJ0749NP
No. R72-00004C

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

DATE: 12/23/98
PAGE: 2

Comments:

Date: 01/05/1993 User-ID: WORSTELL Subject: COPIED FROM REMARKS
DECREED WATER CURRENTLY NOT USED, PROPERTY FOR SALE, CLAIMANT
WANTS TO PRESERVE WATER RIGHT FOR FUTURE BUYER. 2.2" WATER FROM
72-00004B WATER RIGHT DECREED TO PROPERTY. (SEE COMMENT BELOW)
LOT 10, 3-S-INC.

ACTUAL ACRES IRRIGATED = 2.43

IDWR NOTE: P/U APPEARS TO BE IN THE NE1/4 OF SW1/4 & NW1/4 OF
THE SE1/4. _____ TO BE AMENDED. RVM 4/28/93.

Date: 10/08/1993 User-ID: WORSTELL Subject: COPIED FROM REMARKS
***CHANGE OF OWNER - FROM EMERICK'S TO SIMMONS'S ON 8/19/1991;
NOTICE OF CHANGE RECEIVED ON 5/21/1993. COPY OF WARRANTY DEED
ON FILE. RVM 5/24/1993.

Date: 11/05/1998 User-ID: JROBERTS Subject: DIVERSION RATE LIMITATION
TRANSFER #2429 SET DIVERSION RATE AT 0.015 CFS/AC.

Date: 11/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 12/22/1998 User-ID: JROBERTS Subject: DIVERSION RATE INCREASE
IN RESPONSE TO NOE I HAVE RE-FIGURED THE DIVERSION RATES FOR THIS
SUBDIVISION AND RECOMMENDED THE DEEDED RATES.

Audit: 12/23/98 JROBERTS

November 20, 1998

**NOTICE OF ERROR
REPLY**

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-00004C

DWIGHT SIMMONS
CINDY SIMMONS
HC 63 BOX 1552
CHALLIS ID 83226

(Assisted by
D. Tutthill.
Jeanie - check w/
me re: questions)

Daytime Telephone Number:

Evening Telephone Number:

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

1. Desire 0.044 cfs, as per deed - check other acres under this transfer #2429. If fewer than 76 acres found, share remaining water among found acres.

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

2. P/d check - relative to other rts on this system.

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

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

DATE: Dec 8 1998 SIGNATURE: _____

Please print your name: _____

Dwight Simmons

DATE: 11/05/98
PAGE: 1

Stage: DECREED

CUSTER County
CUSTER County

MM

Other Rights: NONE

PROPERTY IS ALSO KNOWN AS LOT 10, 3SI SUBDIVISION.

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

Misc: Water District Number: 72C Field Inspection Flag: Presumption Flag:

CLAIM NUMBER 72-00004C DATE 10/9/98
 AGENT JR

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 2.5
 GIS ACRE TOTAL 2.5

				NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	14N	19E	16																2.5	2.5
GIS	14N	19E	16									1.7					.8			2.5
RECOM	14N	19E	16									1.7					.8			2.5
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS. POU AKA Lot #10 of 3SI Subdivision JDI EXP
64

B72-DBPOD.SHP

NOS. DESCRIPTION
3 14N, 19E, 07 SWNW NW (10)
14 14N, 19E, 17 NENW SE

Transfer 2429
 set div. rate
 @ .015 cts/Ac.

DBF TABLES UPDATED

B72-DBPOU.DBF ☒

B72-DBPOD.DBF ☒

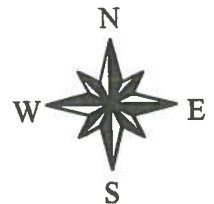
IDAHO DEPARTMENT OF WATER RESOURCES

72-00004C
DWIGHT & CINDY SIMMONS



0 660 1320 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 9, 1998
TWP 14N, 19E, SEC . 16



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

K. MILLER 8.1 ACRES

8" 1909 WA

BOB BAKER 8.01 ACRES

8" 1909 WATER

GILLIAN & WATSON 11.01 A's

11" 1909 WATER

CHALLIS CREEK RD.

Floyd
Majors (15)

-10228 (60)

D. STRAND 3.82 A's
3.5" 1879 WATER

(3)

LOT 2

X - 00004 F (59)

S. STRAND 4.10 A's
3.6" 1879 WATER

(4)

LOT 1

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RAY BURSTEDT 2.43 A's
2.2" 1879 WATER

(2.1)

LOT 4

- 00004 R (5)

D. WINTON 2.43 A's
2.2" 1879 WATER

(4.7)

LOT 3

- 00004 N (62)

M. MEYERS 2.43 A's
2.2" 1879 WATER

(1.6)

LOT 6

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M. MILLER 2.43 A's
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LOT 5

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2.2" 1879 WATER

(2.5)

LOT 10

- 00004 M (65)

W. GARNER 2.43 A's
2.2" 1879

(2.2)

LOT 9

(67) (6.6)

- 00004 H
TED SCHULTZ 3.0 A's
3" 1879 WATER

- 00004 A (68)

T. SULLIVAN 6.8 A's
6.8" 1879 WATER

MICROFILMED

MAR 17 1993

who owns
LOT 11 (7)
not claimed (?)

Walt ~~Simmons~~
~~Emerick Sr.~~

4/2/93

~~A72-00004C~~

Field north of House - not irrigated
(250'-300') X 0.02 miles not claimed
EW H-5

Walt Emerick Jr

A72-0004C

Sprinklers, Pasture not used in 1972

R. L. Taylor A72-00002C

8 acres claimed

Sprinklers? yes

Contains House + Bldgs

Earth mound - behind House

R PROOF



CVR



MAPS



PHOTOS

MISC



CLAIM NO. 72-0004C

DATE DOCUMENT UPDATED

4/28/93

AGENT

R/VW.

Water Right Number - R72-00004C

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
SIMMONS

DWIGHT

SIMMONS

CINDY

*** O - ORIGINAL OWNER ***
EMERICK, JR.

WALTER F.

EMERICK

INGA

1 - HC 63 BOX 1552
2 -
3 -
City- CHALLIS
Phone - 208-879-2538
1 - HC 63 BOX 1552
2 -
3 -
City- CHALLIS
Phone - 208-879-2538
State- ID Zip- 83226
1 - 2671 BEACON AVE.
2 -
3 -
City- VENTURA
Phone - 208-000-0000
1 - 2671 BEACON AVE.
2 -
3 -
City- VENTURA
Phone - 208-000-0000
State- CA Zip- 93003

+ - - Priority Date - - +
05/01/1879

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - +
CHALLIS CREEK

+ - - Tributary - - - - +
SALMON RIVER

+ - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County
14N 19E 7 NW SW NW 2 (37) CUSTER
17 NE SW NE (37) CUSTER
VIA HIGH LINE CANAL

+ - - Water Use - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.044
+ - - Total Div. Rate - + - - Total Div. Volume - +
0.044

+ - - Total Consumptive Use - + - - KW Usage - +
6.2

+ - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 16 NE SW 1.6 01 IRRIGATION (37) CUSTER
14N 19E 16 NW SE 0.9 01 IRRIGATION (37) CUSTER

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OCT 31 1994

Water right number - R72-00004C Prefix Translation: RESEARCH

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
Total Acres:						2.5			

- - - Diversion Means - 10" PIPELINE, SPRINKLER IRRIGATION -GRAVITY PRESSURE LINE.

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - NONE

Remarks
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-00032M, 72-04141, 72-04163,
72-04179C, 72-04179D, 72-04180D, 72-04180E, 72-10039, 72-10138
AND 72-10388.
WATER IS DELIVERED THROUGH THE HIGH LINE CANAL.

- - - Old Water Right Numbers - - - - -
7200004B

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

- - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - - +
STEPHENS, ET. AL. SHAW, ET. AL. 10/09/1991

- - - Comments - - - - -
Date: 01/05/1993 User Id: WORSTELL Subject: COPIED FROM REMARKS
DECREED WATER CURRENTLY NOT USED, PROPERTY FOR SALE, CLAIMANT
72-00004B WATER RIGHT DECREED TO PROPERTY. (SEE COMMENT BELOW)
ACTUAL ACRES IRRIGATED = 2.43
IDMR NOTE: P/U APPEARS TO BE IN THE NE1/4 OF SW1/4 & NW1/4 OF
Date: 10/08/1993 User Id: WORSTELL Subject: COPIED FROM REMARKS
***CHANGE OF OWNER - FROM EMECKIC'S TO SIMMONS'S ON 8/19/1991;
ON FILE. RVW 5/24/1993. NOTICE OF CHANGE RECEIVED ON 5/21/1993. COPY OF WARRANTY DEED
RVW 4/28/93.

- - - Audit Fields - - - +
10/08/93 WORSTELL

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	-	11/27/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P	
			Receipt Number	-	S010535	Water District	-	72C	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S	
			Name Connector	-	AND/OR	Presumption Flag	-		
				-		Notice of Error Flag	-		

MICROFILMED
OCT 31 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:38
05/30/92

CLAIM NUMBER: A72-00004C

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		RW 3/30/93	N				
POINT OF DIV	Y			Y	1,3			
SOURCE	Y			N				
PLACE OF USE	Y			Y	1,2,3,5			
DIV. AMOUNT CFS/VOLUME	Y			Y	5			
CONSUMPTIVE USE	-			Y				
PURPOSES	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS	Y			Y				

VERIFIED BY CODES

TOPO MAP/ORTHO-PH = 1 - **TT**
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAAPP PHOTOS = 4 - **nam photos a4 ID 88 AC 10-9C-7 7/16/1988**
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

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

MICROFILMED
OCT 31 1994

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:38
05/30/92

CLAIM NUMBER: A72-00004C

LAST: EMERICK JR.
ADDRESS: 2671 BEACON AVE.
CITY: VENTURA
PHONE NUMBER: 208-000-0000

FIRST: WALTER F.
STATE: CA ZIP: 93003

*Owner Change 5/21/93
To Dwight + Cindy Simmons*

OWNER CODE: C

NAME: EMERICK
ADDRESS: 2671 BEACON AVE.
CITY: VENTURA
PHONE NUMBER: 208-000-0000

FIRST: INGA
STATE: CA ZIP: 93003

*HC 63 Box 1552
Challis ID 83226
Phone (208) 879-2538*

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE Y FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

~~DECEASED WATER CURRENTLY NOT USED. PROPERTY FOR SALE. CLAIMANT
WANTS TO PRESERVE WATER RIGHT FOR FUTURE BUYER. 2.2* WATER FROM
LOT 10, 3-S-INC.
ACTUAL ACRES IRRIGATED = 2.43~~

MICROFILMED
JUL 31 1992

CONTACT PERSON:

DWIGHT SIMMONS

DATE OF FIELD EXAM:

4/30/93
5/11/93

APPOINTMENT MADE: Y() N()

PHONE NUMBER: ()
TIME: 11:00 AM) P()
PHONE NUMBER: ()

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

Property plots out to be in the NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of SE $\frac{1}{4}$
of Sec 16 with 72-00004D & 00004H RW 12/31/92
T14N R19E

MICROFILMED
OCT 31 1994

A. AJ CLAIM: # A72-00004C PRIORITY DATE: 05-01-1979 STAGE: D

B. WR RECORD: # 72-00004B² PRIORITY DATE: 5-1-1879 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER

Y

FIELD EXAMINER
A

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

REMARKS:

RECOMMENDED PRIORITY DATE:

5-1-1879

REVIEWED BY: A.L. 21 DATE: 4/28/1993

MICROFILMED
JUL 31 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY	CUSTER
A72-00004C	14N	19E	7	NW	SW	NE	2		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX NONE

A72-000032H
A72-04141
A72-04163
A72-04179C
A72-04179D
A72-04180D
A72-04180E
A72-10039
A72-10138
A72-10388

F06

72-00002B
72-00004A
72-00004B
72-00011D
72-00012D
72-00020D
72-02044
72-04049
72-04085
72-04141
72-04163
72-04164
72-04179
72-04180
72-07278
72-07291

SOURCE: CHALLIS CREEK TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

7200004 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

C. FIELD EXAM REQUIRED?

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

REMARKS:

Diverted from High Line Canal to Buried Pipe line to deliver water to the north side of this claim

MICROFILMED

UL 3-1-1993

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4		1/4	LOT	COUNTY
TWP.	RGE.	SEC.				
14N	19E	7	NW	SW	NW	A
		17	NE	NW	SE	R
Custer						
SOURCE: Challis Creek						
REVIEWED BY: 3/30/93						
4/28/93 } Date By R.L.W.						
TRIB: Salmon River						

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001 3 1 1994

A. ROOT WATER RIGHT NUMBERS:

A72-10039 Sullivan J + T Sec 17 NE 36 & NW 36
A72-00004D Kumbull

A72-00004E Hammer

A72-00004C

A72-00004F Phillips

A72-00004G Coates

A72-00004H Schulz

A72-10228 Long

A72-10229 Swindell

A72-00004J Strand

A72-00004K Strand

A72-00004M Evans

A72-10381 Evans D/S Lot 9

A72-00004L Peterson

A72-00004N Hill

A72-10381

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	DISK REVIEW DATA	LANDSAT	FIELD EXAM.	RECOMM. ACRES
14N	19E	16	SW	SW	SE	EMERICK, JR. WALTER F.	A72-00004C 72.5	-	1.6	37.0		0.9
			SE	SE	SE	GINI DITCH COMPANY INC.	A72-10482 /40.0	-				
			SE	SE	SE	GINI DITCH COMPANY INC.	A72-10480 /40.0	-				
			SE	SE	SE	GINI DITCH COMPANY INC.	A72-10481 /40.0	-				
			SE	SE	SE	MC KINNEY, PETER	72-00057 /					
			SE	SE	SE	PIVA, MARION	72-02085 /27.0					
			SE	SE	SE	GINI DITCH ASSOC.	72-04150 /40.0					

TOTAL ACRES A72-00004C

2.50

37.00

2.5

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y

FIELD EXAMINER X

POU COUNTY: CUSTER

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OCT 31 1994

PRESUMPTION FLAG:

REMARKS:

Review showed that claim was for the wrong legal Description & Determined by Sub-Division Plat, OPA maps, Topog Maps and Field Exam.

RECOMMENDATIONS:

TOTAL ACRES:

8.5

REVIEWED BY:

G.L. 24

DATE:

4/26/93

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APR 31 1994

A. AJ CLAIMED USES:

PURPOSES
A72-00004C IRRIGATION

MONTH/DAY
FROM 04-15 TO 10-15

DIVERSION QUANTITY
.044 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.044 CFS

B. WR RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

TOTAL DIVERSION RATE/VOLUME CLAIMED

C. 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)

Y
Y
Y

FIELD
DATABASE EXAMINER

Y
Y
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Explain in remarks, below.

REMARKS:

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061 31 1991

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.044 CFS
WR ROOT 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 remarks. **

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

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00004C	CHALLIS CREEK	EMERICK, JR., WALTER F.	0.044	0.017		
A72-10480	SALMON RIVER	GINI DITCH COMPANY INC.	120.000	0.041		
A72-10481	SALMON RIVER	GINI DITCH COMPANY INC.	67.000	0.023		
A72-10482	SALMON RIVER	GINI DITCH COMPANY INC.	25.300	0.008		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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UL 31 1031

0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.018 CFS
ACRES 2.5 $\times$ 0.03 CFS/ACRE = 0.045
(Taken from p/u review)

1b. CALCULATIONS
~~less than 5 acres allowed 0.03 cfs/ac~~
only 0.0044 claimed

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 6.2 AF/A

ACRES 2.5 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 6.25 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 2.5 $\times$ DIVERSION VOL. AF/A FOR AREA 3.5 = 1/1

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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Oct 31 1964

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CUNGS.
USE

Tr

4/15 10/15

0.044

N/A

6.25

TOTAL FOR THIS RIGHT

0.044

6.25

REVIEWED BY:

A.D. 3K

DATE:

4/28/89

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UC 31 1331

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()

NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00004

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
22.130

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
72-00004B	1125 A72-10039	0.110	-	-	72-00004B	1.170
72-00020C	A72-10039	0.110	-	-	72-00020C	2.230
A72-00004B	A72-00004D	0.136	-	-	72-00004B	1.170
A72-00004A	A72-00004E	1.520	-	-	72-00004A	2.350
72-00004B	A72-00004C	0.044	-	-	72-00004B	1.170
72-00004B	A72-00004F	0.080	-	-	72-00004B	1.170
72-00004B	A72-00004G	0.044	-	-	72-00004B	1.170
72-00004B	A72-00004H	0.060	-	-	72-00004B	1.170
72-00004B	A72-10228	0.070	-	-	72-00004B	1.170
72-00004B	A72-10229	0.088	-	-	72-00004B	1.170
A72-00004B	A72-00004J	0.044	-	-	72-00004B	1.170
A72-00004B	A72-00004K	0.360	-	-	72-00004B	1.170
A72-00004B	A72-00004M	0.050	-	-	72-00004B	1.170
A72-00004B	A72-10381	0.060	R72-10381	0.060	72-00004B	1.170
A72-00004B	A72-00004L	0.180	-	-	72-00004B	1.170
A72-00004B	A72-00004N	0.044	-	-	72-00004B	1.170
A72-00004B	R72-10381	0.060	R72-10381	0.060	72-00004B	1.170

TOTAL CFS

3.060

0.120

22.130

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

REMARKS:

See attached Sheets

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OCT 31 1994

AUTHENTICATION:

SIGNATURE:

Robert W. Horstall

DATE:

4/28/93

NAME OF FIELD EXAMINER:

Robert Horstall

TITLE:

Sr. W.R. Agent (Adjudication)

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DIYERSTION
VOLUME

6-2 AEA

Stage: INCREASE

CUSTER County

	SE	SASE	SESE	
Ac	Lt	Ac	Lt	Ac
TOTAL ACRES			02	
				SUM
				2.5
				2.5

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OCT 31 1994

SD-62
MODIFY CLAIM

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 09/09/92
Time: 11:52:23

Water Right Number: A72-00004B *1.17 cfs* FIRST PAGE
13. Remarks: TRANS. 2429. THIS IS A SPLIT WR AND THIS CLAIM FOR REFERENCE
AC. IRRIG. = 76.15.
A72-00004C WALTER EMERICK, JR., .044 CFS.
A72-00004D JOHN KIMBALL, 0.136
A72-10039 FOR 0.11 CFS SULLIVAN (MAY BE PART OF THIS RIGHT...)
(MAY BE PART OF 72-00020C)
(SEE ALSO A72-00020C.)
**A72-00004E FOR 1.52 CFS HAMMOND CLAIMS PART OF 72-00004A
AND IS LISTED HERE FOR NUMBERING PURPOSES ONLY.....
A72-00004F FOR 0.08 CFS PHILLIPS
A72-00004G FOR 0.044 CFS COATES
A72-10228 FOR 0.07 CFS LONG
A72-10229 FOR 0.088 CFS SWINDELL
A72-00004H FOR 0.06 CFS SCHULTZ
A72-00004J FOR 0.044 CFS STRAND ON LOT 8 3-S-I
A72-00004K FOR 0.36 CFS STRAND ON LAND SEC. 17 CONT. --->

(GOLD2=Update) (GOLD4=Prev Screen) (GOLD6=End of Data) (Enter=Exit)
(GOLD3=Add Std Rmk) (GOLD5=Next Screen) (GOLD7=Copy to Comments) (GOLD8=Cancel)

441 31 1994
MICROFILMED

SD-62
MODIFY CLAIM

Idaho Department of Water Resources
Adjudication Remarks Screen

Date: 09/09/92
Time: 11:53:13

Water Right Number: A72-00004B

13. Remarks: A72-00004K FOR 0.36 CFS STRAND ON LAND SEC. 17 CONT. --->_____
A72-00004L FOR 0.18 CFS PETERSON ON LAND SEC. 17_____
A72-00004M FOR 0.05 CFS RODNEY EVANS_____
A72-00004N FOR 0.044 CFS FOR BRENT HILL ON LOT 6 3-S-I SUBD._____

REVIEW INDICATES THAT 72-00004B HAS BEEN COMPLETELY CLAIMED.
HOWEVER 72-00004A APPEARS TO BE UNDERCLAIMED.
ALB 3-24-92_____

(GOLD2=Update) (GOLD4=Prev Screen) (GOLD6=End of Data) (Enter=Exit)
(GOLD3=Add Std Rmk) (GOLD5=Next Screen) (GOLD7=Copy to Comments) (GOLD8=Cancel)

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OCT 31 1994

POOR ORIGINAL

HIGH LINE CANAL

R 9 E

CHALLIS CR. RD

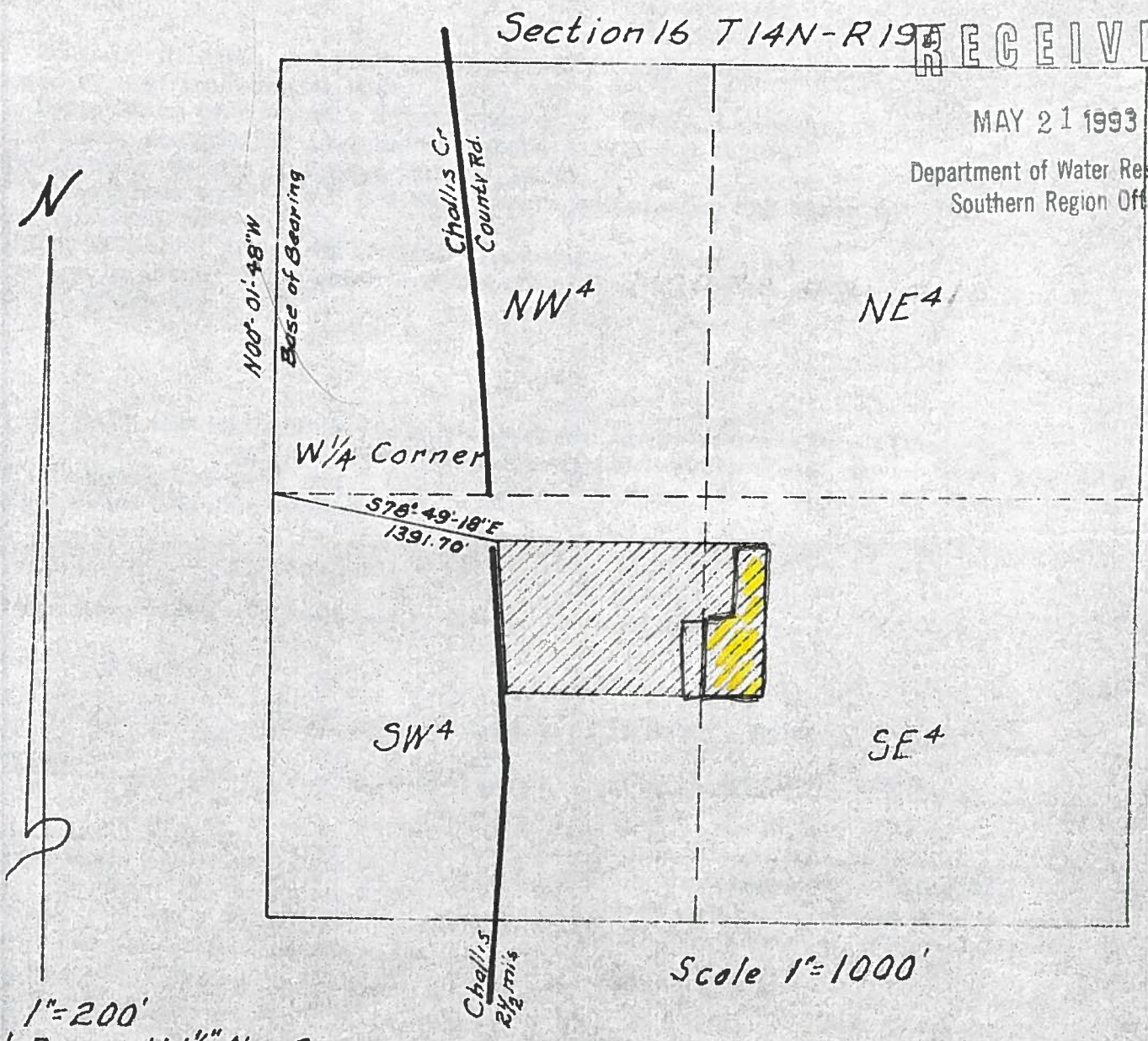
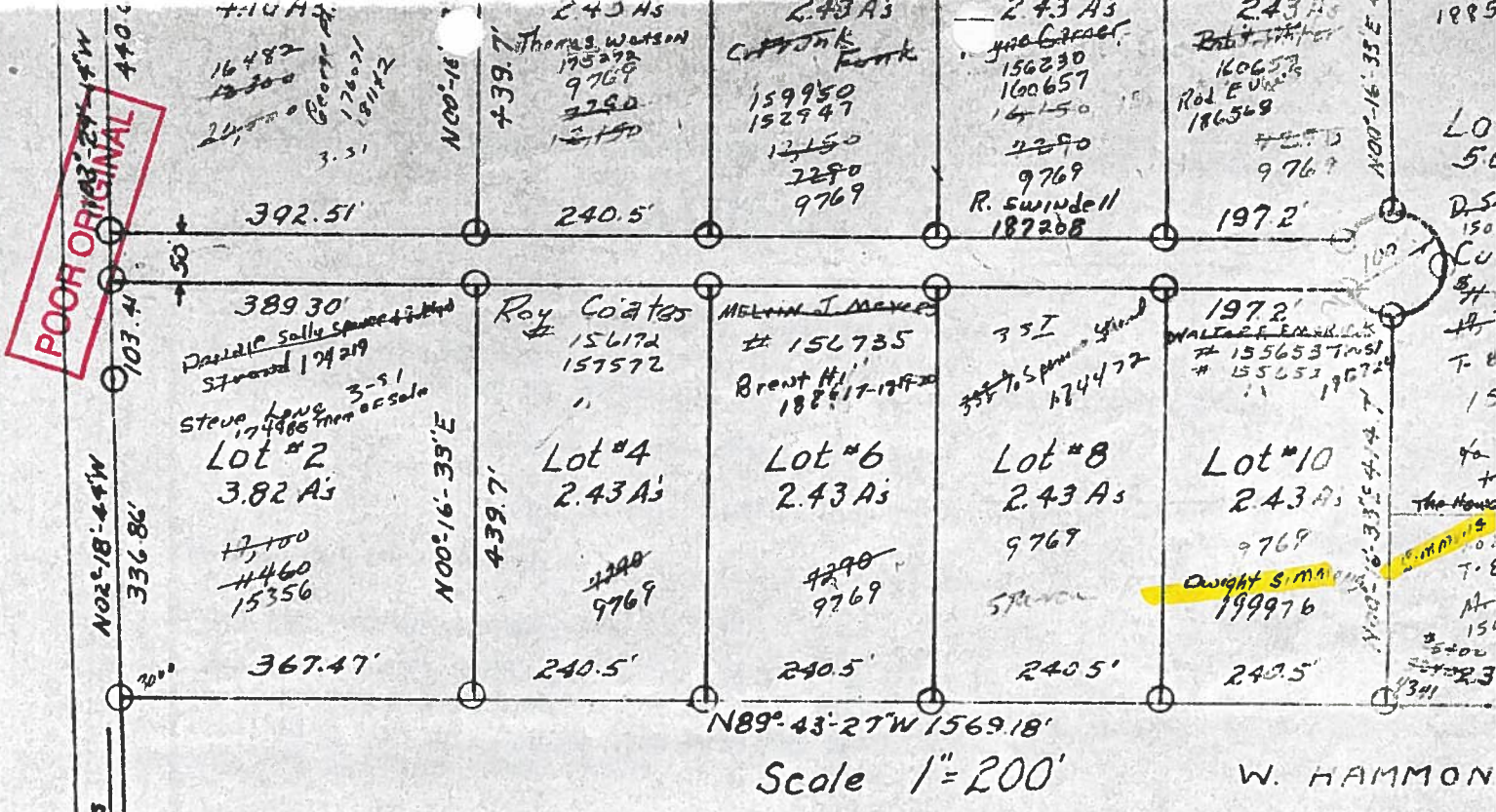
PIU A72-00004C

Scale
1" ≈ 1100'

From BLM Photo
24 ID-884C
10-90-7
7/16/1988

2X Enlargement

MICROFILMED



Scale 1"=200'
 ○ Steel Pins with 1/2" Alum. Caps

VICINITY MAP

TAFT ENGINE
CHALLIS, ID.

WARRANTY DEED

0199976

FOR VALUE RECEIVED Walter F. Emerick Jr. and Inga F. Emerick H/W, Trustees under the Walter F. Emerick, Jr. and Inga F. Emerick Trust dated July 17, 1990, recorded as Instrument No. 196724 in Custer County, Idaho.

The Grantor s, do hereby grant, bargain, sell and convey unto

Dwight Simmons and Lucinda Simmons H/W,

The Grantees, whose address is H/C 62, Box 1552 Challis, Idaho 83226

the following described premises, to-wit:

Lot Ten (10), 3-S-I Subdivision, in the S ½, Section 16, Township 14 N, Range 19 E, Boise Meridian, Custer County, Idaho, according to the Official Plat thereof, now on file with the said Custer County, Idaho Recorder as Instrument No. 152914.

SUBJECT TO:

Zoning, building, and land use requirements and restrictions imposed by any governmental unit.

Declaration of covenants dated December 5, 1979 and Sanitary Regulations, recorded as instrument numbers 152915 and 152916 respectively, records of Custer County, Idaho.

Obligations under the 3-S-I Water Users Association and Water Users Agreement therewith.

TOGETHER WITH 2.21 inches of Challis Creek water, Salmon River tributary, priority 1879, which are the only water rights conveyed with the premises.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees . Their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances

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

Dated: 8/19/91

Walter F. Emerick, Jr., Trustee Walter F. Emerick, Jr., Trustee
Inga F. Emerick, Trustee Inga F. Emerick, Trustee

STATE OF ~~IDAHO~~ COUNTY OF VENTURA
 CALIFORNIA

On this 19 day of August, 1991, before me, a notary public in and for said State, personally appeared
WALTER F. EMERICK, JR. TRUSTEE
INGA F. EMERICK, TRUSTEE

known to me to be the persons who ~~name~~ subscribed to the within instrument, and acknowledged to me that THEY executed the same.

Adeline D. Drew
 Notary Public

Residing at VENTURA

Comm. Expires 9-17-91
 OFFICIAL SEAL
 ADELINE D. DREW
 NOTARY PUBLIC, CALIFORNIA
 PRINCIPAL OFFICE IN
 VENTURA COUNTY
 My commission expires Sep. 17, 1991

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of Lucinda Simmons

at 35 minutes past 3:00 o'clock P.m.,
 this 23rd day of August,
 1991, in my office, and duly recorded in Book
 of Deeds at page

Ethel M. Beck
 Ex-Officio Recorder

By Jauna Tyler Deputy.

Fees \$ 3.00
 Mail to:

PIONEER TITLE COMPANY
 OF BANNOCK COUNTY
 Pocatello, Idaho - 208-233-9595



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

24-May-1993

MR & MRS DWIGHT SIMMONS
HC 63 BOX 1552
CHALLIS ID 83226

Re: Ownership change for Adjudication Claim No. A72-00004C

Dear Claimant:

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claim is appurtenant, the Department has changed the record of the current owners as you requested. Enclosed is a copy of the computer record of the claim with the change in the claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script that reads 'Robert Worstell'.

Robert Worstell
Sr Adjudication Agent

1 Enclosure

MICROFILMED
JUL 31 1994

Transfer No.

Water Right No. 72-0004

POOR ORIGINAL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHTS
To Change the Point of Diversion

APPROVED
RIGHT OVER

To Change the Point of Diversion and or the Place of Use
3-5-11

Name of applicant D-S-I, Inc. Division and/or the Place of Use
Post office address DANNIE H. STRAND (Sec.) Phone 829-4415
821 E. CHALLIS, IDAHO 83206
A. DESCRIPTION OF RIGHT AS RECORDED

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to THOMAS CHIVERS
in case of John Stephens et al (Name) vs CC SHAW et al
dated 10-09-1911 in _____ county of Custer

b. License No. _____ (Name of court) _____ county of Custer
 c. Claim No. _____ issued by the Idaho Department of Water Resources
 on file with the Idaho Department of Water Resources
 If applicant is not the original holder of this _____

c. Claim No. _____ issued by the Idaho Department of Water Resources
_____ on file with the Idaho Department of Water Resources
If applicant is not the original holder of this right, explain how it was acquired and attach a copy of
the deed or other evidence of ownership of the land to which the right is appurtenant
TRIPLE PURCHASE

TRIPLE PURCHASE OF DEED

3. Source of water CHILLIS CR tributary to SALMON RIVER
4. Date of priority 05-01-1879

4. Date of priority 05-01-1879

5. Water is used for the following purposes:

amount 3.52 CB for TRILLATION purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____

8. Total amount of water under right: a. 352 cubic feet per second
b. 512 &/or acre feet per annum

7. Location of original point of diversion is 510 ft ^{or} 51 acres feet per annum
Township 14N Range 19E % of NW % of Section 7
Additional points of diversion, if any _____, B.M., in CUSTER County

Additional points of diversion, if any

3. Lands irrigated or place of use:

[illegible]

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OCT 20 1994

9. Describe any other water rights used for the same purposes as described above

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. 1.17 cubic feet per second
&/or
b. 55 acre feet per annum

POOR ORIGINAL

2. Point of diversion SW 1/4 1/4 NW 1/4 Section 7 Township 14N
Range 19E B.M. CLUSTER County _____
Additional points _____

3. Place of use:

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	16									40.0	27.21					8.94		76.15

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

76.15

No
CHANGE

1. Change in point of diversion

a. Amount of water to be diverted _____ c.f.s. &/or _____ acre feet
b. Point(s) of diversion 1/4 1/4 Section _____ Township _____
Range _____ B.M. _____ County _____
Additional points _____

c. Description of diverting works _____

d. Describe the reasons for applying for a change in the point(s) of diversion _____

2. Change in place of use

a. Describe the lands or place of use to which the right will be transferred:

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	
14N	19E	17				1.0									5.21	5.0			27.21
		16									40.0				8.94				48.94

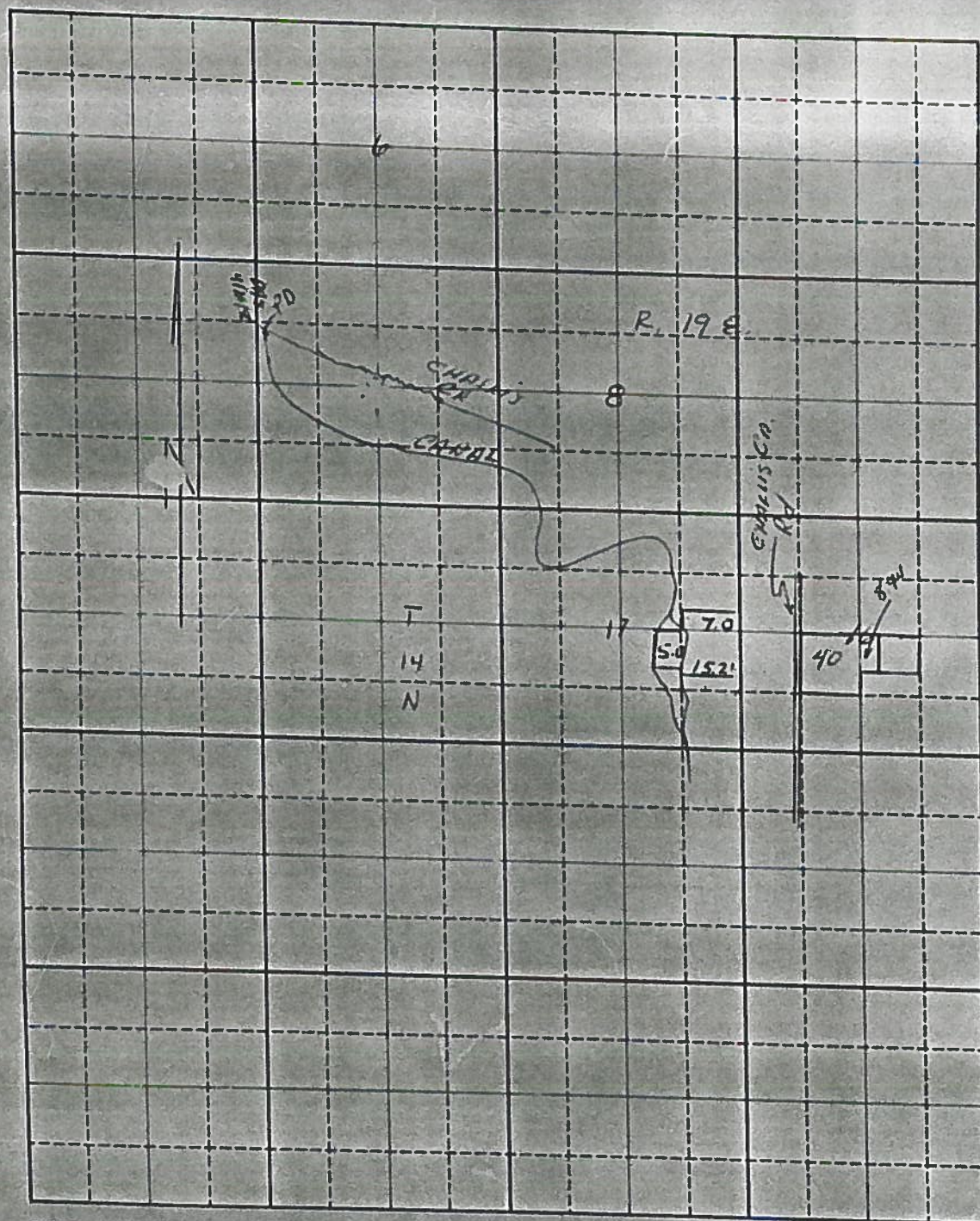
Total number of acres to be irrigated

76.15

MICROFILMED
JUL 31 1994

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.

POOR ORIGINAL



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED
OCT 31 1994

POOR ORIGINAL

the grantors, do hereby grant, bargain, sell and convey unto DANNIE A. STRAND and SALLY STRAND, SPENCER STRAND and EVELYN STRAND, and THOMAS W. SULLIVAN and LINDA L. SULLIVAN,
the grantee s, whose current address is CHALLIS, IDAHO 83226

the following described premises, in CUSTER ^{4th} County Idaho, to-wit:
A fraction of Section 16, T. 14 N., R. 19 E., Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the West 1/4 corner of Section 16 and the Point of Beginning run South 88°44'29" East 1329.71 feet; thence South 02°01'54" East 213.81 feet; thence South 89°43'27" East 631.41 feet; thence North 0°32'55" West 211.99 feet; thence South 89°35'39" East 1016.39 feet; thence South 0°00'50" East 1472.07 feet; thence North 88°54'59" West 393.08 feet; thence North 03°54'42" West 74.82 feet; thence South 88°05'47" West 858.51 feet; thence North 01°16'43" East 124.59 feet; thence North 87°39'40" West 337.18 feet; thence North 02°18'44" West 435.73 feet; thence South 88°47'38" West 1384.01 feet; thence North 0°36'36" East 891.91 feet to the Point of Beginning, containing approximately 76.15 acres.
SUBJECT TO an existing Custer County public road right of way, and appurtenant thereto or used in connection therewith, including twenty-eight (28%) per cent in and to the Mosquito Flat storage waters of Challis Creek (Salmon River tributary), and 58.54 miners inches of decreed water from Challis Creek (Salmon River tributary) with priority May 1, 1879, and all ditch and ditch rights represented thereby in the Lowline canal and in the Highline canal (formerly the Round Valley Irrigation Company ditch).

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee s, that the y artha owners in fee simple of said premises; that they are free from all incumbrances

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

Dated: OCTOBER 27, 1977

Mark D. Stark
MARK D. STARK

Brenda J. Stark
BRENDA J. STARK

STATE OF IDAHO, COUNTY OF Custer
On this 27 day of OCT, 1977,
before me, a notary public in and for the said State, personally appeared
Mark D. Stark and Brenda J. Stark
husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Ray Smith
Notary Public
Residing at Challis, Idaho
Comm. Expires Lifetime

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____,
1977, in my office, and duly recorded in Book _____ of Deeds at Page _____

Ex-Officio Recorder

By _____
Fees \$ _____
Mail to: _____

MICROFILMED
OCT 31 1977

4. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

3-S-INC.

David H. Strano (SEC)
(Signature of applicant)

Subscribed and sworn to before me this 3rd day of April, 19 80.

Loren O. Holmes
(Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 72-0004 and said application is hereby approved, subject to the following limitations and conditions:

(1) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this right is subject to control by the watermaster of State Water District # 72-C Challis Creek.

Witness my hand this 30th day of January, 19 81.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by Gray Date 4/3/81

Prelim. check by JD Fee 4/14/80

Receipted by marjo Date 4/6/80 #17190

Published in Custer Publishing Co.

Pub. dates 5/9 + 5/16/80

Watermaster recommendation requested on 5/27/80

rec'd.

Protest filed by

Copies of protest forwarded by

Hearing held by

Recommended for

by DL DRT

MICROFILMED

311834



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 27, 1989

Re: A72-00004C

WALTER F EMERICK JR
2671 BEACON AVE
VENTURA CA 93003

Dear Claimant(s):

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

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

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
OCT 31 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

28-Apr-1993

MR & MRS WALTER EMERICK, JR.
2671 BEACON AVE.
VENTURA CA 93003

Re: Amendment to Adjudication Claim A72-00004C

Dear Mr. & Mrs. Emerick:

I am reviewing the adjudication claims for water uses from Challis Creek near Challis, ID. Your claim A72-00004C gave the legal description of the place of use as the SE1/4 of the SE1/4 of Section 16, T14N, R19E. When I looked for your property in Lot #10 of the 3 SI subdivision, I found it fell in parts of 2 40 acre tracts in section 16 as follows: In the NE1/4 of the SW1/4 there was 1.6 acres and in the NW1/4 of the SE1/4 there was 0.9 acres for a total of 2.5 acres as you claimed. Please check your records to see if this is correct. I am enclosing a copy of part of USGS topographic map T-75 with your property marked on it for your reference.

If you find that your claim should be amended in this way, please reply not later than June 1, 1993, so that I can send you an amended copy of your claim for your notarized signature. This will correct our files to properly record your adjudication claim.

A remark on your claim said the property was for sale. If the place has been sold, please send us the name and address of the new owner so we can send them a "Change of Ownership" form.

Please contact me promptly if you need further information.

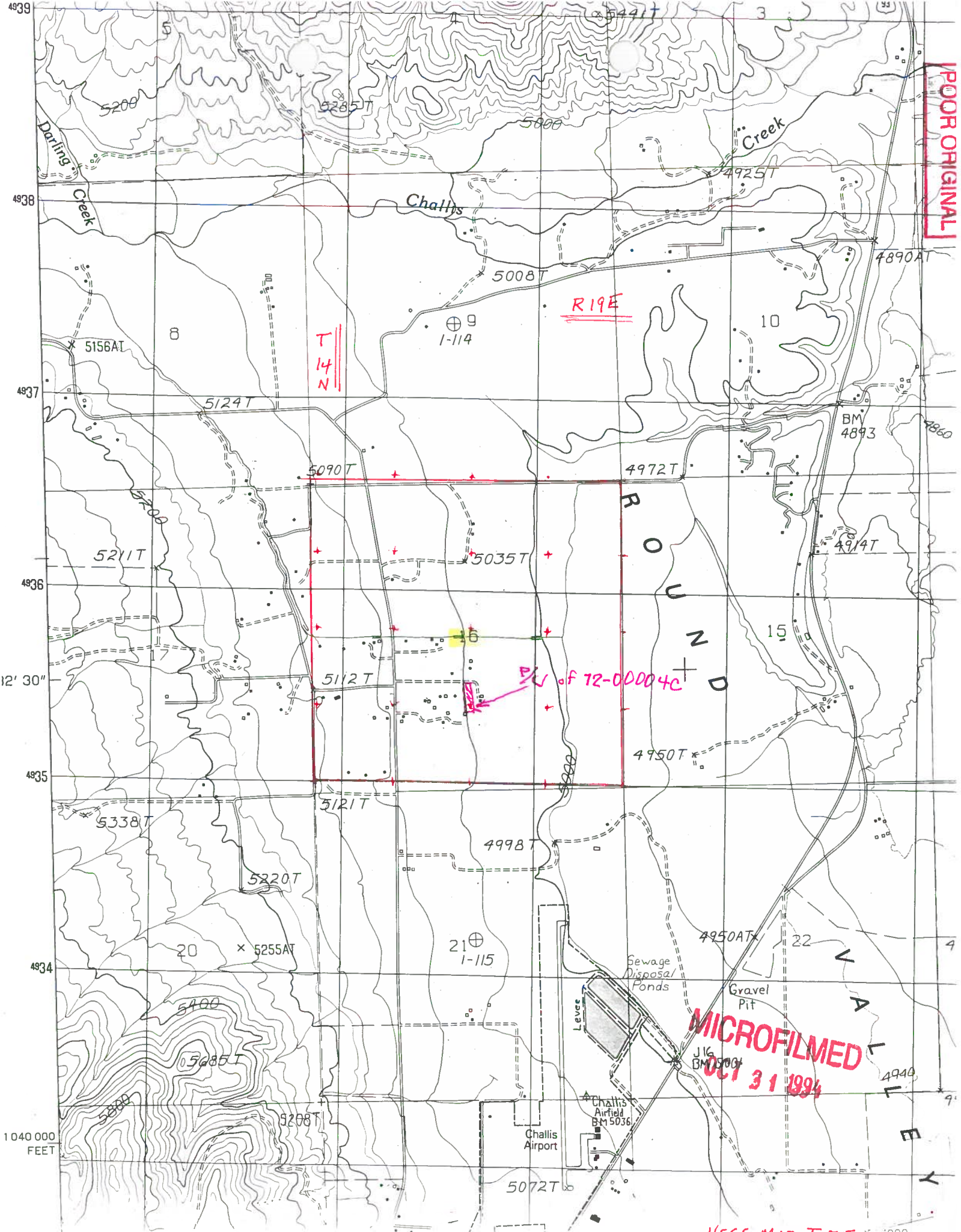
Sincerely,

Robert Worstell
Sr Adjudication Agent

1 Enclosure

MICROFILMED
OCT 31 1994

POOR ORIGINAL



Water Right Number - 72-000048

Prefix Translation:

WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
3 S INC.

1 - P.O. BOX 81
2 -
3 -

State- ID Zip- 83226

STRAND

DANNIE A.

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

State- Zip-

*** O - ORIGINAL OWNER ***
CHIVERS

THOMAS

City-
Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/01/1879 17 SOUTHERN D - DECREED

Source - - - - -
CHALLIS CREEK

Tributary - - - - -
SALMON RIVER

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

14N 19E 7 SW NW (37) CUSTER

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

01 - IRRIGATION

1.170

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.170

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14N	19E	16	NE SW	3556-?	40.0	01	IRRIGATION	(37) CUSTER	
14N	19E	16	NW SE		9.0	01	IRRIGATION	(37) CUSTER	
14N	19E	17	SE NE		7.0	01	IRRIGATION	(37) CUSTER	
14N	19E	17	NE SE		15.0	01	IRRIGATION	(37) CUSTER	
14N	19E	17	NW SE		5.0	01	IRRIGATION	(37) CUSTER	

Total Acres: 76.0

+ - - Diversion Means -

WATER RIGHT

+ - - Other Rights for Same Use -

+	-----	Remarks
	TRANS. 2429.	
	AC. IRRIG. = 76.15.	

+-----Conditions of Approval-----+

R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

R04 - Use of water under this water right will be regulated by the
- Watermaster of State Water District No. &DISTRICT.

Decree Plaintiff	Decree Defendant	Decree Date
STEPHENS, ET.AL.	SHAW, ET.AL.	10/09/1911

+ -Comments-
+ No comments Found

+ - - Audit Fields - 00/00/00

Water Rights Dates and Flags Area	
Proof Due Date	- 00/00/0000
Approved/Denied	- 00/00/0000
Proof Made Date	- 00/00/0000
Exam to S.O. Date	- 00/00/0000
Order Show Cause	- 00/00/0000
Licensed Date	- 00/00/0000
Decree Date	- 10/09/1911
Field Exam Made	- 00/00/0000
Protested Date	- 00/00/0000
Hearing Date	- 00/00/0000
Verified Date	- 05/06/1985
Receipt Number	-
Appl Received	- 00/00/0000
Field Exam Fee	-
Swan Falls	-
Temporary Right	- P
DLE/Carey Act	-
Water District	- 72C
Transfer/Amended	- P

Virtual Cal. RECEIVED
May 5, 1993

MAY 10 1993

Department of Water Resources
Southern Region Office

Mr Robert Worstell:

Re: Amendment to adjudication claim A72-0004 c

Dear Sir:

We are no longer the owner of the property in question. The property was sold about the middle of August 1991 to a Dwight H Simmons and Lucinda L Simmons. Ph 879-2538

Their address at that time was H/c 63 Box 1552 Challis Idaho.

The Real Estate agent who handled the transaction is L I Stevenson Box 367 Challis Idaho 83226.

I hope this information will be helpful to you.

Sincerely
Walter J. Emenech Jr

Idaho



Department of Water Resources

222 Shoshone St. East, Twin Falls, ID 83301

ROBERT WORSTELL
WATER AGENT
ADJUDICATION BUREAU
(208) 736-3033

5/12/93

Dwight Simmons

HC 63 Box 1552

Re: 472-00004C

Challis, ID 83226

Dear Dwight;

Here is the change of
Ownership form you need. I am
also enclosing a proof Report of
Emerick's claim and ^{a copy of} the letter +
map I sent them last month,
to bring you up to date.

If this property's legal description
is incorrect the claim can be
amended to make it right.

Respectfully,

Robert W. Worstell

Water Right Number - R72-00004C

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

1 - HC 63 BOX 1552

City- CHALLIS
Phone - 208-879-2538

CINDY

City- CHALLIS
Phone - 208-879-2538

WALTER F.

INGA

City- VENTURA
Phone - 208-000-0000

+ - -	Priority Date	- - +	+ - - - Region	- - - +	+ - - - Stage	- - - +	+ - - - Status
		05/01/1879	17 SOUTHERN	D - DECREE			

Source - - - - - Tributary
CHALLIS CREEK SALMON RIVER

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

14N	19E	7 NW SW NW	2 CUSTER (37)	VIA HIGH LINE CANAL
		17 NE SW NE	R CUSTER (37)	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
1	1	1	1	1	1	1

01 - IRRIGATION	06/15	10/15	0.044
-----------------	-------	-------	-------

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.044		6.2	

+	Town	Range	Section	Tract	Lot	Acres	Place of Use	Code	Description	County	+
---	------	-------	---------	-------	-----	-------	--------------	------	-------------	--------	---

01	IRRIGATION	CUSTER (37)
01	IRRIGATION	CUSTER (37)

Notice of Error Flag