

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: A72-00051M
Date Received: 11/29/1989
Receipt No: MOO 5272
Received By: AD~

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN S. SMITH 208-879-4402
Address: P.O. BOX 27
CHALLIS, ID 83226

AND/OR

Name: CHARLOTTE M. SMITH 208-879-4402
Address: P.O. BOX 27
CHALLIS, ID 83226

2. Date of Priority: MAY 15, 1880

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

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
14N	19E	33	NW		NW		NW		CUSTER

5. Description of diverting works:
ROCK CHECK DAM TO HEADGATE TO EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 47.8 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A72-00051M

Page 1

Date: 11/29/89

MICROFILMED
MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	28	NE	SW		IRR	11.5
			NW	SW		IRR	7.6
Section Acres							19.1
Total Acres							19.1

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:
A72-00057

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ADAMS, ET. AL.

Decree Plaintiff

vs

VANDERVOORT, ET. AL.

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: 1 Mzp

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): John D. Smith Date: 11/29/89
Charlotte M. Smith Date: 11/29/89

State of Idaho Custer)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of Nov. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly Id.
My Commission Expires 6/30/99

RECEIVED

DEC 18 1997

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

72-00051M 72-00057B

1. Water Right No(s): 72-10297A-72-11763-72-04058-72-00124
Adjudication Claim No(s): AJ5853 NP
 2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
Divorce Decree AND Case # CV-95-83
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 - OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
 3. Name and Address of Former Owner/Claimant Michael Shannon and Paris Almond
P.O.B. 1039 Challis, ID 83224
 4. New Owner/Claimant(s) Michael Shannon
Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
New Mailing Address P.O.B. 121 Challis ID. 83224
City, State and ZIP Code _____
New Telephone Number (208) 879-2501
 5. Date you acquired the property Sept 1 1995 Oct 2, 1995
 6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate 10.5 Number and type of stock 40 hd beef
Diversion rate in CFS 6.88 comb. Number of homes N/A Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Michael D. Shannon
Michael D. Shannon
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
 8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

DISTRICT COURT
CUSTER COUNTY
IDAHO

OCT 2 10 51 AM '95

JOHN S. CHAPMAN
MARTIN, CHAPMAN, SCHILD & LASSAW, CHTD.
476 North Twelfth Street, Suite 100
P. O. Box 2898
Boise, Idaho 83701
Telephone: (208) 343-6485

**IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER**

PARIS ALMOND,	)	
vs.	)	Case No. CV-95-83
	)	
MICHAEL D. SHANNON,	)	JUDGMENT AND DECREE
	)	OF DIVORCE
Defendant.	)	
	)	

The above entitled matter coming on regularly to be heard in open Court this 2nd day of October, 1995, the Plaintiff appearing in person and with counsel and the Defendant neither appearing in person nor by counsel; and it appearing to the satisfaction of the Court that the Defendant was duly, regularly and personally served with Summons and Complaint on the 28th day of August, 1995, by accepting service of Summons and Complaint, in Challis, Idaho, and that the time for the Defendant to appear and plead to said Complaint having expired, and the Defendant failing, refusing and neglecting to appear and plead to said Complaint, and proper Affidavit for default having been filed, the default of the Defendant was duly and regularly entered; the Plaintiff introduced evidence in support of his Complaint, and Plaintiff's residency being duly corroborated by law, and the Court being fully advised in the premises, and finding that the allegations of Plaintiff's

Complaint are true and that Plaintiff is entitled to relief thereon;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, and this does Order, Adjudge and Decree as follows:

1. That the bonds of matrimony existing between the parties hereby be and the same are hereby dissolved and terminated, that the Plaintiff be and he is hereby awarded a judgment of divorce of and from the Defendant herein on the grounds of irreconcilable differences, and that each of the parties is restored to the status of a single person.

2. That the Plaintiff and Defendant be awarded joint custody of the minor child of the parties, NORA ANN SHANNON, born October 8, 1987, with the physical custody in the Plaintiff, subject to the right of reasonable visitation granted to the Defendant as specified in the Child Custody and Property Settlement Agreement dated September 1, 1995, attached hereto and incorporated herein.

3. That the Court hereby approves, ratifies and confirms that certain Child Custody and Property Settlement Agreement entered into by the parties on the 1st day of September, 1995, which was introduced into evidence and of which a true copy is attached to this Judgment as Exhibit "A", and by the Court's approval as hereinabove expressed, the Court hereby expressly incorporates said Exhibit "A" into this Judgment and Decree of Divorce, and the parties are hereby ordered to comply with all of the terms and provisions of said Exhibit "A".

4. That the firm of Martin, Chapman, Schild & Lassaw, Chtd. and the attorneys of said firm, are hereby granted leave to withdraw as attorneys of record for the Plaintiff, and notice is hereby given to the parties involved in the above entitled action that the withdrawal by the firm of Martin, Chapman, Park & Burkett and the attorneys of said firm, as the attorneys of record for the Plaintiff, shall become effective on the date that the time for appeal from the final judgment herein granted has expired providing there are no proceedings pending at that time.

DONE AND DATED this 2ND day of October, 1995.

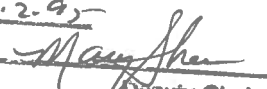


JUDGE Charles J. Roos

STATE OF IDAHO)
COUNTY OF CUSTER)SS

I hereby certify that the foregoing is a full,
true and correct copy of the original on file
in this office.

Date 10.2.95


Deputy Clerk

SCHEDULE "B"

HUSBAND'S PROPERTY:

The entire Peck Place (which contains a total of 730 acres), including the residence: 3 bdrm., 1 bth. shop, 75' x 25' metal bldg., and 1910 water rights.

Johnny Smith Place - 15 acres

Irrigated pasture *and water rights* MDS PA. \$ 37,500.00

1990 Gooseneck trailer \$ 1,250.00
ID No. 007211Spcn

1984 Mustang convertible \$ 2,500.00
ID No. 1FABP27M1EF174369

1973 Yamaha cycle \$ 200.00
ID No. AT1221514

1968 Ford pickup \$ 20,000.00
Handmade art vehicle, "The Tank"
ID No. F10BCD49761

1966 Ford pickup \$ 1,500.00
ID No. F26YR888303

1963 Honda cycle \$ 300.00
ID No. 63H1387

1950 GMC pickup \$ 2,000.00
ID No. 2336

1946 Chevy 1-1/2 ton \$ 1,000.00
ID No. 9MS4813419

1939 Chevy flatbed truck 1-1/2 ton \$ 1,200.00
ID No. IVD065473

Miscellaneous vehicles,
not registered:

Toyota Landcruiser
GMC flatbed pickup
Ford pickup F-100, plate 7C61
GMC cattle truck, plate 4243
Chevy dumptruck, plate 4242
Rambler sedan, plate 1B58729
Flatbed pickup, plate Comm KA894
1959 Ford stationwagon



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor PHILLIP E BATT

R. KEITH HIGGINSON
Director

April 17, 1995

JOHN S SMITH
PO BOX 27
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A72-00051M, A72-00057A
AND A72-00057B

Dear Mr Smith

I have been working with Mike Shannon to verify the status of the water rights for your respective properties and have found some problems that have to be addressed.

Mike found a warranty deed that supports 0.20 cfs of 72-00051 (priority date of May 15, 1880) being transferred to your property and based upon that information I feel that I can recommend that right as claimed under §42-1425. The current claim is entirely in Mike's name.

In reviewing 72-00057, I found that it was decreed with a May 15, 1887 priority date to ground north northeast of your property. Although there is good evidence that water has been used on your property for some time, I currently do not have evidence that substantiates an unrecorded transfer of the water decreed under 72-00057 to your ground. Therefore, I cannot recommend this right under §42-1425. I have discussed this at length with Mike and you can obtain additional information from Mike concerning this issue.

Your claim listed the priority date for A72-00057 as May 15, 1877. Under Idaho code I cannot recommend that right with a priority date earlier than the original decreed date. If additional information is submitted that substantiates an unrecorded transfer, I would be required to recommend that right with a May 15, 1887 priority date.

Mike indicated that he felt that the intent at the time he purchased

April 17, 1995
SMITH
PAGE 2

a portion of the property was for you keep a portion of the right with an earlier priority date, which based upon the available information is actually 72-00051M. If this is correct then a change of ownership form should be completed that would split A72-00051M. I have enclosed a form for your use.

If you have additional questions please contact me and/or Mike.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures
cc Mike Shannon



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECILE D. ANDRUS
Governor PHILLIP E BATT

R. KEITH HIGGINSON
Director

April 17, 1995

MICHAEL D SHANNON
PO BOX 1039
CHALLIS ID 83226

Dear Mike

Enclosed is a copy of the letter to John Smith outlining the information that we discussed earlier on this date. I felt it best to let John know what is going on with the claims for the Johnny Smith place.

Please give me a call if there is anything else that needs to be addressed.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

WARRANTY DEED.

THIS INDENTURE, Made the 17th day of September in the year of our Lord
one thousand nine hundred and Twenty Five between W. W. Adamson and Mabel Adamson,
His wife, of Challis, Coutny of Custer State of Idaho the parties of the first part, and
Fred Mavity of Challis, County of Custer State of Idaho, the party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Three hundred & no/100 Dollars, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that certain water right lying and being in the County of Custer and State of Idaho, and more particularly described as follows, to-wit: Two tenths second feet, the being ten miners inches of water, decreed in the case of John Q. Adams, et-al- vs R. B. Vandervort, et-al in the Sixth Judicial District of Idaho, in and f or Custer County, to Chas, F. Zilkey, with date of priority May 1st, 1880. the same to be conveyed and used upon what is known as the Geo. E. Keyser, ranch, now owned and occupied by the said Fred Mavity.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the rents, issues and profits thereto.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances and privileges therunto incident, unto the said party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part his heirs and assigns, against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same shall and will Warrant and by these presents forever Defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of) W. W. ADAMSON (((SEAL)))
:)
) EMABEL ADAMSON (((SEAL)))

State of Idaho,)
 : ss/
County of Custer)

On this 17th day of September in the year 1925 before me N. C. Hovey a Notary Public in and for said county, personally appeared W. W. Adamson and Mabel Adamson, known to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

N. C. Hovey (((((SEAL))))
Notary Public, residing at Challis, Idaho.

State of Idaho.)
County of Custer) ss.

Recorded at the request of Fred Mavity this 27th day of October A. D. 1925 at 40 minutes past 4 O'clock P. M.

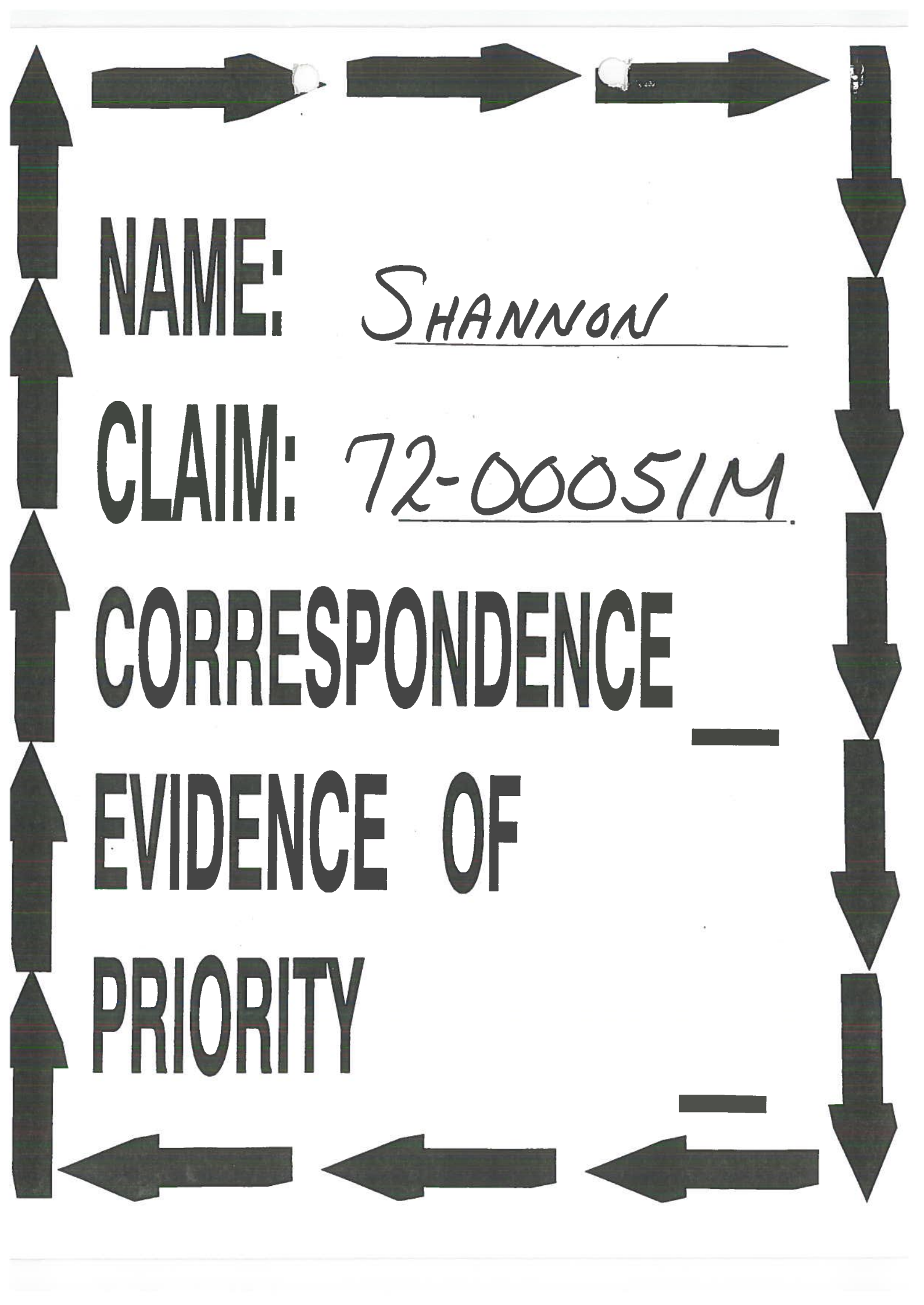
Edmett Donahue Y
Ex- Officio Recorder.

By

John Boyd
Deputy.

Fees, \$1.00

50cents Revenue Stamps attached and canceled.



NAME:

SHANNON

CLAIM:

72-00051M

CORRESPONDENCE

EVIDENCE OF

PRIORITY

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: A72-00051M
Date Received: 11/29/1989
Receipt No: M005272
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

208-879-2501

1. Name: MICHAEL SHANNON
Address: PO BOX 1039
CHALLIS ID

83226

2. Date of Priority: MAY 15, 1880

3. Source: GARDEN CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
14N	19E	33	NW		NW		NW		CUSTER

5. Description of diverting works:
ROCK CHECK DAM TO HEADGATE TO EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 47.8 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
14N	19E	28	NE		SW		IRR	11.5
			NW		SW		IRR	7.6

Section Acres 19.1

10. Place of Use: Continued

Total Acres 19.1

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:
A72-00057

14. Remarks:
OWNERSHIP CHANGE BASED UPON WARRANTY DEED. KKC 5-27-93.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ADAMS, ET. AL.

Decree Plaintiff

VANDERVOORT, ET. AL.

vs Decree Defendant



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

25-Jan-1994

MICHAEL SHANNON
PO BOX 1039
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A72-00051M,
A72-00057A & A72-00057B

Dear Mr Shannon & Mr Smith

I never received the evidence to tie either decreed right to your property north of Challis. Currently these claims are recommended for disallowal but as soon as I receive the information that identifies how and what decreed water was transferred to this property I can change the recommendation. The deadline for the proposed report is tentatively set for the first of March so I need that information as soon as possible.

If you do not remember the details that need answering please call me at this office and I will discuss them with you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

cc. Shannon, Smith



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ 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: A72-00057 and A72-00051M

☐ Name and Address of Former
Owner/Claimant(s)(Seller): John S and Charlotte M. Smith

P.O. Box 27

Challis, ID 83226

☐ New Owner/Claimant
(Purchaser): Michael D. Shannon

☐ New Mailing Address: P.O. Box 1039
Challis, ID 83226

☐ New Telephone Number: (208) 879-2501

☐ 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:

0.10 cfs (5 miners ricks) retained by seller
from right no. A72-00057 for use on 5 acres
in NESE and NWSW of Sec. 28, T14N, R19E (see map)

☐ Attach proof of
ownership, describe
proof attached: 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) Michael Shannon Date April 8, 93

Date

☐ Signature of Former
Owner/Claimant(s): _____ Date _____

Date

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

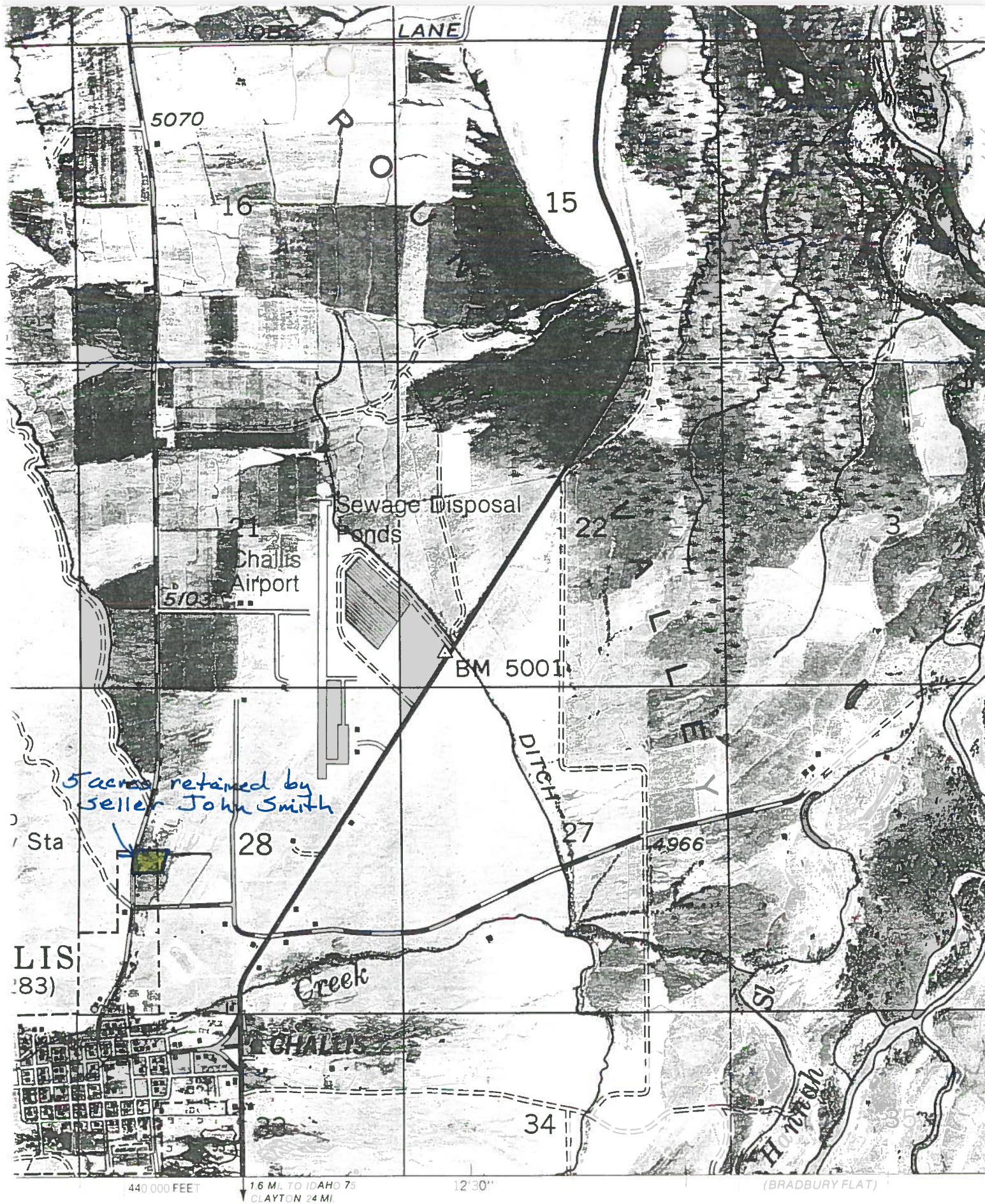
Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

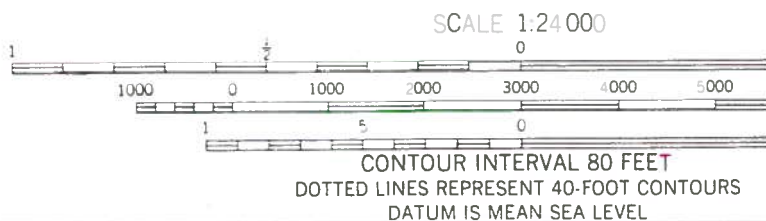
Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

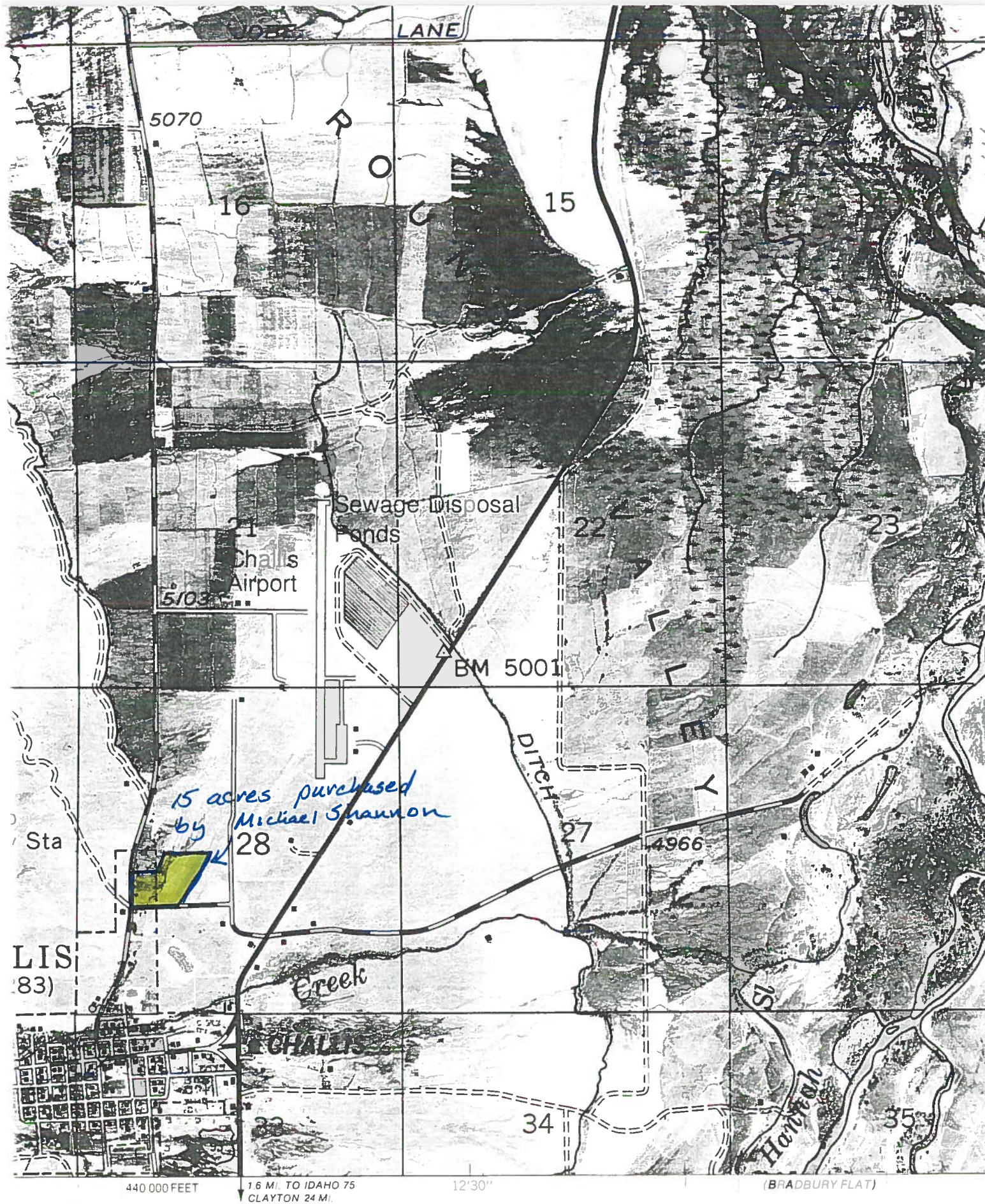


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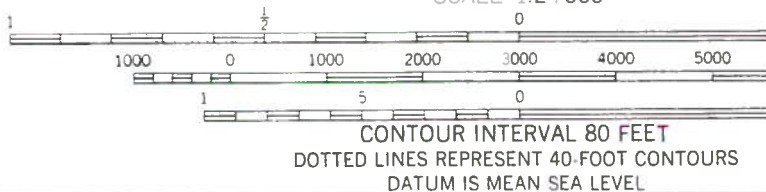
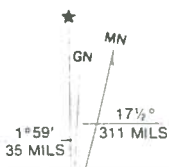




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WARRANTY DEED

For Value Received JOHN S. SMITH and CHARLOTTE M. SMITH, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto MICHAEL D. SHANNON and PARIS ALMOND, husband and wife, the grantees, whose current address is P.O. Box 1039, Challis, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

A parcel of land being a portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 28, T. 14 N., R. 19 E., Boise Meridian, Custer County, Idaho; more particularly described as follows:

Commencing at the 1/4 corner common to Sections 28 and 29, T. 14 N., R. 19 E., B.M.; Thence S. 89°49'23" E., 1338.61 feet along the East-West midsection line of Section 28; Thence S. 85°06'43" E., 249.95 feet along the Southerly line of that parcel recorded on Instrument No. 156050 to the True Point of Beginning; Thence continuing S. 85°06'43" E., 590.73 feet along said line to the Northerly boundary line of the City of Challis, Idaho; Thence S. 33°42'45" W., 1005.65 feet along said boundary line; Thence N. 89°52'10" W., 698.68 feet along the North line of Parcel 1, recorded on Instrument No. 146551 and along the North line of that parcel recorded on Instrument No. 138046 to the Easterly limit of the Challis Creek Road; Thence N. 02°42'35" E., 557.86 feet along said limit; Thence S. 86°10'20" E., 491.90 feet; Thence N. 22°43'00" E., 391.23 feet to the Point of Beginning; containing 15.00 acres, more or less;

TOGETHER WITH all water rights of the Seller, except Seller retains 5 inches of water on water right A 72-00057.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 22nd day of June, 1992.

John S. Smith
JOHN S. SMITH
Charlotte M. Smith
CHARLOTTE M. SMITH

STATE OF IDAHO)

County of Custer) : ss

On this 22nd day of
June, 1992, before
me, a Notary Public, per-
sonally appeared Charlotte
M. Smith & John S. Smith

known or identified to me
to be the person(s) whose
name(s) are subscribed to
the within instrument, and
acknowledged to me that
the executed the same.

Tamara Brauna
Notary Public
Residing at Challis
Commission Expires 6-8-98

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instru-
ment was filed for record at the
request of Mike Shannon
at 30 minutes past 2
o'clock P.M., this 22 day of
June, 1992, in my office,
and duly recorded in Book _____
of Deeds at page _____.

Ethel M. Peck

Ex-Officio Recorder

BY Wanda J. Murphy
Deputy

Fee: \$ 6.00
Mail to:



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

27-May-1993

JOHN S SMITH
PO BOX 27
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A72-00051M &
A72-00057

Dear Mr Smith

Enclosed is a copy of the portion of A72-00057 that was left in your name after the sale to Michael Shannon. I split the diversion rate based upon the warranty deed which gives you five inches of water. The acreage split was based upon the plat in the original claim which indicated that Michael received all of parcel 1. This parcel is for 15 acres which leaves 4.1 acres from the original claim for your portion of that claim.

As the warranty deed indicated that you were only reserving five inches from A72-00057 I changed all of A72-00051M into Michael's name. If this is incorrect please get with Michael and the department to identify any changes needed.

If you have any further questions please contact this office and someone here can discuss them with you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosures



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

27-May-1993

MICHAEL D SHANNON
PO BOX 1039
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A72-00051M &
A72-00057

Dear Mr Shannon

Enclosed are your copies of the above listed claims as changed. Please note on A72-00057 that the split in the diversion rate is based upon the warranty deed reserving 0.10 cfs for Mr Smith. The acreage split was based upon the plat in the original claim which shows parcel 1 as being 15 acres. I have entered 15 acres for your portion which leaves 4.1 acres for Mr Smith's portion. If this is incorrect please contact Mr Smith and the department so that we can correct any mistakes.

I changed the entire right for claim A72-00051M into your name based upon the warranty deed indicating that Mr Smith reserved only five inches of A72-00057. Again, if there is a problem with this analysis please advise me so that it can be corrected.

The above claims came down from the state office in a package which also contained claims A72-04058, A72-11763, and amended claims A72-10297 and A72-00124. I have not reviewed these claims yet but hope to get through them next week.

If you have any further questions please contact this office and someone here can discuss them with you.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosures

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

COPY

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

CIVIL CASE NUMBER: 39576

Ident. Number: A72-00051M
Date Received: 11/29/1989
Receipt No: MOO 5272
Received By: AD~

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

1. Name: JOHN S. SMITH 208-879-4402
Address: P.O. BOX 27
CHALLIS, ID 83226

AND/OR

Name: CHARLOTTE M. SMITH 208-879-4402
Address: P.O. BOX 27
CHALLIS, ID 83226

2. Date of Priority: MAY 15, 1880

3. Source: GARDEN 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	33	NW	NW	NW		CUSTER

5. Description of diverting works:
ROCK CHECK DAM TO HEADGATE TO EARTHEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		

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

8. Total consumptive use is 47.8 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A72-00051M

Page 1

Date: 11/29/89

RECEIVED
11/29/89

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	28	NE	SW		IRR	11.5
			NW	SW		IRR	7.6
Section Acres							19.1
Total Acres							19.1

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:
A72-00057

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

ADAMS, ET. AL.

Decree Plaintiff

vs

VANDERVOORT, ET. AL.

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: 1 Mzp

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): John D. Smith Date: 11/29/89
Charlotte M. Smith Date: 11/29/89

State of Idaho Custer)
County of Twila Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of Nov. 19 89
[Signature]
Notary Public

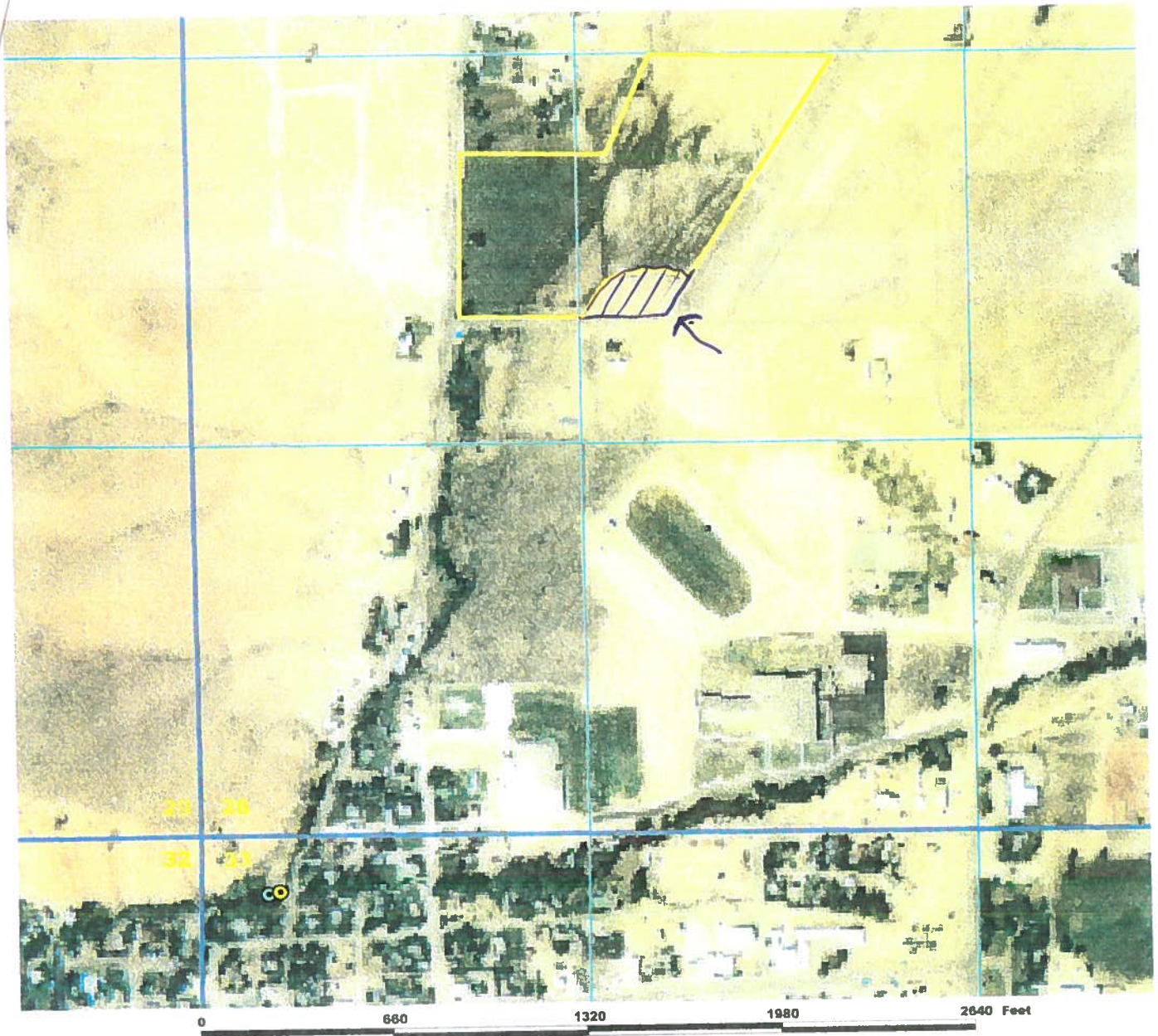
Seal

Residing at Kimberly Id.
My Commission Expires 6/30/99

72-00051M

IDAHO DEPARTMENT OF WATER RESOURCES

72-00051M AND 72-00057B



RECOMMENDED PLACE OF USE
TWP 14N RNG 19E, SEC 28
data entry on October 21, 1998



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

GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

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: 72-00051M

MICHAEL D SHANNON
PO BOX ~~1039~~ 121
CHALLIS ID 83226

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):

total irrigated acres.

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

15 acres irrigated not 14.8 -

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

historically all 15 acres were irrigated and continue to be irrigated.

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

DATE:

Dec 17 '98

SIGNATURE:

Michael D. Shannon

Please print your name:

Michael Shannon

Dec. 16, 1998

To whom it may concern:

We, John & Charlotte Smith purchased the Ranch property in 1967. The water rights ^{were} included in the sale. This was approximately 70 acres. We flood irrigated this. When property was subdivided, water rights were retained by us. ~~This was~~ Later we irrigated with pump & sprinkle system this included all of Mike Shannons 15 acres & additional 2.5 acres that belonged to us.

Charlotte M. Smith
John S. Smith

RECEIVED
DEC 18 1998
Department of Water Resources
Southern Region

Water Right Number - R72-00051M

Prefix Translation:

RESEARCH

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
SHANNON

MICHAEL D

1 - PO BOX 121
2 -
3 -
City- CHALLIS
Phone - 208-879-2501

State- ID Zip- 83226

*** O - ORIGINAL OWNER ***
SMITH

JOHN S

1 - PO BOX 27
2 -
3 -
City- CHALLIS
Phone - 208-879-4402
1 - PO BOX 27
2 -
3 -
City- CHALLIS
Phone - 208-879-4402

State- ID Zip- 83226

SMITH

CHARLOTTE M

+ - Priority Date - - +
05/15/1880

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

+ - - - - Stage - - - +
D - DECREED

+ - - - - Status - - - +

Source - - - - -
GARDEN CREEK

Tributary - - - - -
SALMON RIVER

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

14N 19E 33 NW NW NW (37) CUSTER

+ - - - - Water Use - - - - -
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.200

+ - Total Div. Rate - + + - Total Div. Volume - +
0.200

+ - Total Consumptive Use - + + - KW Usage - +
0.0

+ - - - - Place of Use - - - - -
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 28 NE SW 10.0 01 IRRIGATION (37) CUSTER
14N 19E 28 NW SW 5.0 01 IRRIGATION (37) CUSTER

Total Acres: 15.0

+ - - Diversion Means - ROCK CHECK DAM TO HEADGATE TO EARTHEN DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A72-00057B

VERIFIED BY KHC
12-21-98

Water right number - R72-00051M

Prefix Translation: RESEARCH

----- Remarks -----

QNT USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.05 CFS. COMBINED RIGHT NOS.: 72-00051M AND
72-00057B.

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 15 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00051M AND 72-00057B.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00051M, 72-00057A, AND 72-00057B.

----- Old Water Right Numbers -----

No Old Water Right Numbers Found

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

- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.
- C16 - 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.

----- Decree Plaintiff ----- Decree Defendant ----- Decree Date -----
ADAMS, ET. AL. VANDERVOORT, ET. AL. 00/00/0000

----- Comments -----
Date: 05/27/1993 User Id: CHRISTEN Subject: OWNERSHIP CHANGE
BASED UPON A WARRANTY DEED INDICATING 5 INCHES OF AT2-00057 ONLY, BEING RESERVED BY SELLER, ALL OF THIS CLAIM HAS BEEN CHANGED INTO
SHANNON'S NAME. KKC 5-27-93.
Date: 11/21/1998 User Id: AUJ10-DS Subject: AUJ10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART OF RECORD THRU AUJ10.

----- Audit Fields -----
12/21/98 KCHRISTE

----- 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	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-



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

December 21, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MIKE SHANNON
PO BOX 121
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS: A72-00051M &
A72-00057M

Dear Mike

A72-00051M & A72-00057M (Johnny Smith Place)

I have reviewed your Notice of Error (NOE) response and am changing my recommendation to include the southeast corner of the place of use.

While reviewing your file I reviewed your warranty deed and noticed that I had incorrectly drawn your northern border for the place of use. I have corrected that line. My original recommendation followed the Quarter/Quarter line whereas the warranty specifies S. 85°06'43" E. Once I made both corrections to the P/U, GIS calculated the acreage to be 5 acres in the NWSW and 10 acres in the NESW. I believe that this should resolve the questions you had with this recommendation.

A72-00124, A72-10297A, & A72-04058 (Klug Place)

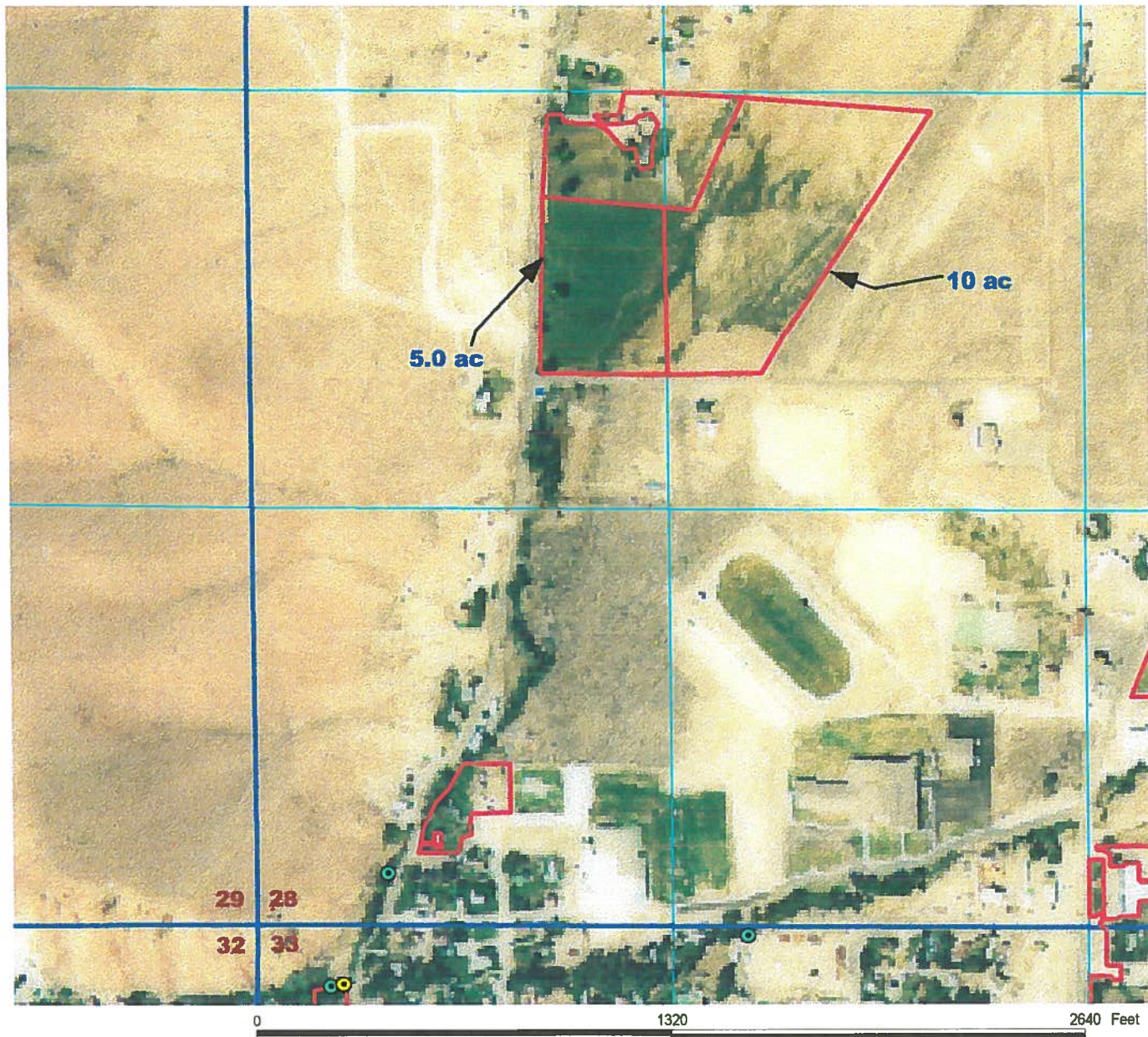
I have added the areas you identified as irrigated through the NOE process. Again, in reviewing my earlier recommendation I found that I had included the place of uses for the three parcels owned by other claimants within Sec 31 SENW. The recommended shape file as identified through GIS has not changed except for the 2 acres I added around your home. I have corrected this error in the data base and the related elements in the revised recommendation. I apologize for my error and the confusion that it may cause.

If you need additional, information please contact me.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosure

72-00051M & 72-00057B
PLACE OF USE MODIFICATION BASED UPON
NOTICE OF ERROR



PLACE OF USE
TWP 14N, RNG 19E, SEC 28
data entry on December 18, 1998



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

GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-00051M
00057B

DATE: 12-21-98, 1998

REVIEWED BY KKC

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION		SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA		PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62	PD2	.11	.12			5.15	4.74
BB1	.09	.09			6.09	6.17	Q	.26	.21			13.2	10.4
BC1	.16	.17			5.82	5.46	RE2	.29	.21			3.15	4.74
BK1	.07	.06			10.62	11.86	RP1	.19	.21			4.89	4.57
BT1	.18	.16			3.99	4.19	SH1	.06	.05			9.37	12.10
BT2	.41	.32			2.34	2.87	SOC	.08	.07			7.38	8.08
CB1	.06	.06			11.55	13.47	SSA	.15	.14			4.79	5.01
CHA	.21	.21			4.52	4.76	SXF	.12	.11			6.14	6.80
CP1	.36	.36			2.61	2.78	TC1	.06	.06			9.82	9.55
DAF	.18	.15			5.33	7.27	TD1	.04	.03			12.46	16.50
DB1	.13	.11			5.66	6.65	WB2	.13	.13			5.37	5.43
DEB	.13	.11			5.71	6.69							
DBC	.13	.11			5.71	6.69	WAA	.19	.16			3.81	4.23
DMF	.18	.21			5.12	4.72	WBB	.17	.14			3.36	3.84
DRF	.18	.19			9.08	9.68	WC1	.07	.06			11.24	13.45
DT2	.05	.04			12.46	16.50	WPT	.19	.15			3.16	3.69
DWA	.14	.14			4.79	5.01	WV1	.07	.06			11.24	13.45
GO1	.10	.12			12.47	10.51	XHS						
KEG	.08	.07			8.73	10.06	YN1	.18	.14			5.38	6.92
MBF	.15	.12			7.65	5.81							
MUG	.15	.14			4.54	4.98							
NDL	.13	.12			5.30	6.06							

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
WB2	5.37	70	14.8	.13	1.05 CFS
	/		*	*	CFS
	/		*	*	CFS
	/		*	*	CFS

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

CLAIM NUMBER
72-00057B
00051M

DATE
12-21-98
AGENT
KKC

TRANSFER NUMBER
CLAIMED ACRE TOTAL
15
GIS ACRE TOTAL
15

				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	28									11.5	3.5							15
GIS												9.7	5.1							
RECOM												9.7	5.1							14.8
	REVISED GIS Based upon NOE & Warranty deed.											10	5							15
CLAIM												10	5	RECOMMENDED.						15
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS.

NOE indicated that the south east corner has been ~~was~~ is original. I accept this as valid and corrected the Shape File accordingly.

B72-DBPOD.SHP

NOS. DESCRIPTION

upon 2nd review of the Warranty Deed I noted that the northern Boundary was approx 4° South of the PD line. I corrected this error at the same time also.

Soils

1886
00051M .20cfs
1887
00057B 1.00cfs
1.20cfs

1.05cfs

DBF TABLES UPDATED

B72-DBPOU.DBF 1.05
- .20cfs (51M)
B72-DBPOD.DBF .85cfs (57B)
JPEG LAYOUT

Recom soils rate as limiting factor

Water Right Number - R72-00051M

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

SHANNON

MICHAEL D

1 - PO BOX 1039

2 -

3 -

City- CHALLIS

Phone - 208-879-2501

VERIFIED BY KKC
11-3-98

State- ID Zip- 83226

*** O - ORIGINAL OWNER ***

SMITH

JOHN S

1 - PO BOX 27

2 -

3 -

City- CHALLIS

Phone - 208-879-4402

State- ID Zip- 83226

SMITH

CHARLOTTE M

1 - PO BOX 27

2 -

3 -

City- CHALLIS

Phone - 208-879-4402

State- ID Zip- 83226

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/15/1880 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GARDEN CREEK SALMON RIVER

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
14N 19E 33 NW NW NW ^{GIS 144} (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.200 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
14N 19E 28 NE SW 9.7 01 IRRIGATION (37) CUSTER
14N 19E 28 NW SW 5.1 01 IRRIGATION (37) CUSTER
Total Acres: 14.8

GIS - 263
SIM 57B

+ - - Diversion Means - ROCK CHECK DAM TO HEADGATE TO EARTHEN DITCH

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A72-00057B

Water right number - R72-00051M

Prefix Translation: RESEARCH

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

QNT USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 1.03 CFS. COMBINED RIGHT NOS.: 72-00051M AND
72-00057B.

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 14.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00051M AND 72-00057B.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF *OKG-15*
DIVERSION DESCRIBED ABOVE: 72-00051M, 72-00057A, AND 72-00057B.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - - - +
ADAMS, ET. AL. VANDERVOORT, ET. AL. 00/00/0000

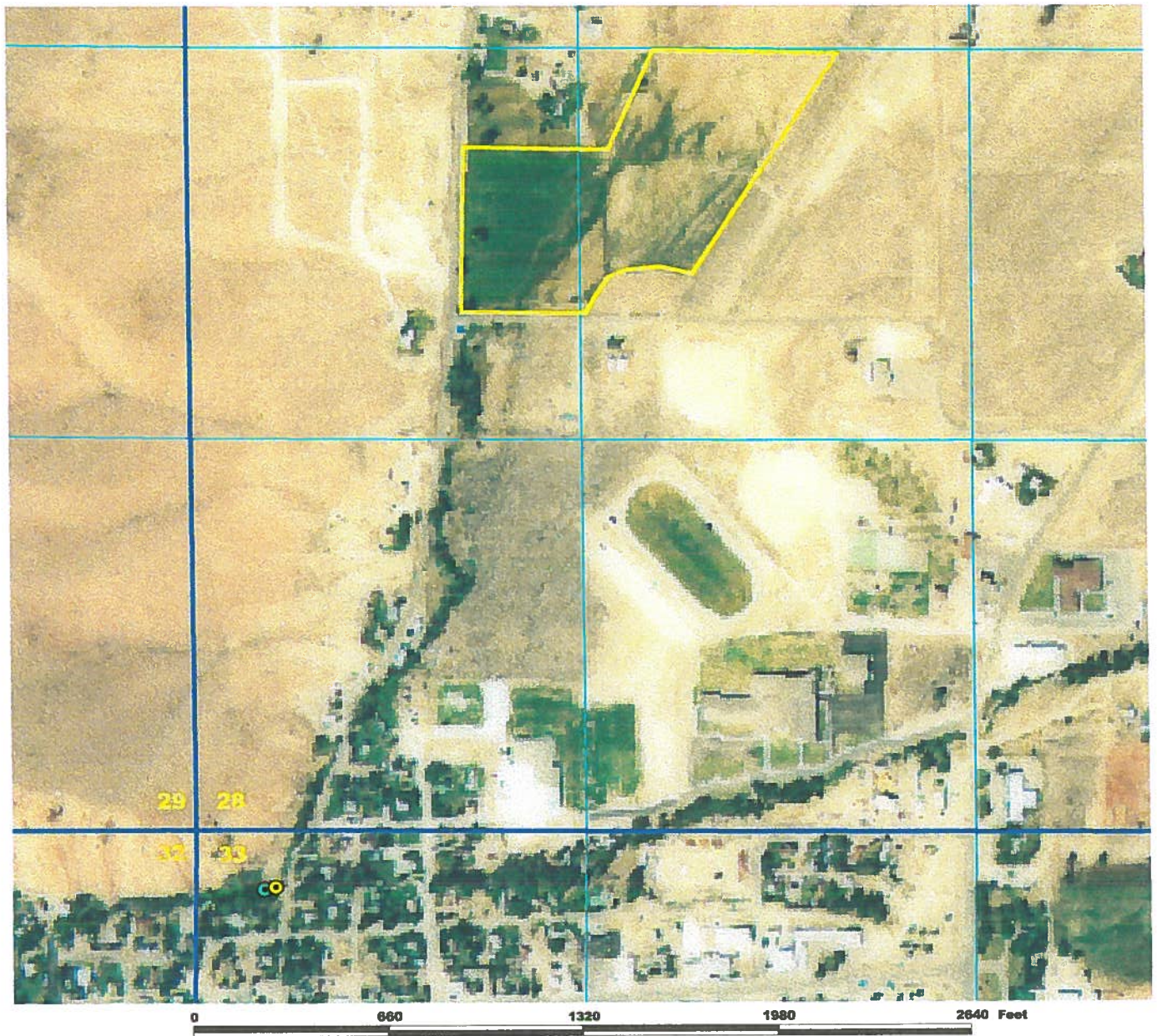
+ - - Audit Fields - 10/28/92 CHRISTEN 05/27/93 CHRISTEN 03/30/95 POST-STD 10/22/98 KCHRISTE

+ - - - - Comments - - - - - +
Date: 05/27/1993 User Id: CHRISTEN Subject: OWNERSHIP CHANGE
BASED UPON A WARRANTY DEED INDICATING 5 INCHES OF A72-00057 ONLY, BEING RESERVED BY SELLER, ALL OF THIS CLAIM HAS BEEN CHANGED INTO
SHANNON'S NAME. KKC 5-27-93.

+ - - - - 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	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/29/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 72B
Licensed Date	- 00/00/0000	Receipt Number	- M005272	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- C
		Name Connector	- AND/OR	Notice of Error Flag	-

72-00051M AND 72-00057B



RECOMMENDED PLACE OF USE
TWP 14N RNG 19E, SEC 28
data entry on October 21, 1998



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

GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

72-00051M

72-00057B

DATE 10-22-98

AGENT KKC

TRANSFER NUMBER

CLAIMED ACRE TOTAL 15

GIS ACRE TOTAL 14.8

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	14N	19E	28									11.5	3.5							15
GIS												9.7	5.1							14.8
RECOM												9.7	5.1							14.8
												~~10.5~~	~~5.1~~							~~15~~
CLAIM												~~11.5~~	~~3.5~~							~~15~~
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS.

263

B72-DBPOD.SHP

NOS. DESCRIPTION

144 Sec 28

NWNW1W

claimed Soils Measurement *

00051M - .20CFS 1.03 1.40CFS

00057B - 1.00CFS

1.20CFS

Hubble rate is limiting factor.

* I measured the system on 5-18-93 and found the noted rate. This, however does NOT represent the system capacity.

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

JPEG LAYOUT

**ANALYSIS OF A PORTION OF
72-00051 AND/OR 72-00057
APPURTENANT TO 'JOHNNY SMITH' PLACE**

Warranty deed between WW Adamson and Mabel Adamson and Fred Mavity dated September 17, 1925 indicates that 0.20 cfs of 72-00051 (priority date of May 1, 1880) was transferred to the Geo. E. Kiser ranch then owned by Fred Mavity.

An affidavit submitted by Harry T. James identifies the property as the Mavity Ranch and that water had always been used on the property for irrigation and stock water for as long as he could remember. He was born on December 18, 1926.

An affidavit by Harold Leaton also identifies the property as the Mavity orchard.

Other affidavits were submitted the identified that the property was irrigated early on.

Based upon the submitted documentation, I accept the 20 inches of water of 72-00051 as being appurtenant to the property.

John Smith filed

<u>claim</u>	<u>rate</u>	<u>acres</u>
A72-00051M	0.20 cfs	19.1 acres
A72-00057	1.10 cfs	19.1 acres

Mike Shannon submitted a change of ownership with warranty deed 0201991 attached. The warranty deed identifies all water rights going to Mike except for 0.10 cfs of A72-00057. A72-00057 was subsequently split into parts A and B based upon this information.

RECOMMENDATION

MIKE SHANNON RECOMMENDATION

<u>CLAIM</u>	<u>RATE</u>	<u>ACRES</u>
A72-00051M	0.20 cfs	14.8 acres
A72-00057B	0.83 cfs	14.8 acres
Totals	1.03 cfs	14.8 acres

(hubble anlaysis is the limiting factor for the rate recommendation)

JOHN S SMITH RECOMMENDATION

<u>CLAIM</u>	<u>RATE</u>	<u>ACRES</u>
A72-00057A	0.10 cfs	3.5 acres

(warranty deed information is the limiting factor)

Kelly K Christensen
Senior Water Resource Agent
October 22, 1998

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS _____

DATE: _____, 1998

REVIEWED BY _____

CHALLIS AREA SOIL REVIEW													
SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION		SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA		PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62	PD2	.11	.12			5.15	4.74
BB1	.09	.09			6.09	6.17	Q	.26	.21			13.2	10.4
BC1	.16	.17			5.82	5.46	RE2	.29	.21			3.15	4.74
BK1	.07	.06			10.62	11.86	RP1	.19	.21			4.89	4.57
BT1	.18	.16			3.99	4.19	SH1	.06	.05			9.37	12.10
BT2	.41	.32			2.34	2.87	SOC	.08	.07			7.38	8.08
CB1	.06	.06			11.55	13.47	SSA	.15	.14			4.79	5.01
CHA	.21	.21			4.52	4.76	SXF	.12	.11			6.14	6.80
CP1	.36	.36			2.61	2.78	TC1	.06	.06			9.82	9.55
DAF	.18	.15			5.33	7.27	TD1	.04	.03			12.46	16.50
DB1	.13	.11			5.66	6.65	WB2	.13	.13			5.37	5.43
DEB	.13	.11			5.71	6.69							
DBC	.13	.11			5.71	6.69	WAA	.19	.16			3.81	4.23
DMF	.18	.21			5.12	4.72	WBB	.17	.14			3.36	3.84
DRF	.18	.19			9.08	9.68	WC1	.07	.06			11.24	13.45
DT2	.05	.04			12.46	16.50	WPT	.19	.15			3.16	3.69
DWA	.14	.14			4.79	5.01	WV1	.07	.06			11.24	13.45
G01	.10	.12			12.47	10.51	XHS						
KEG	.08	.07			8.73	10.06	YN1	.18	.14			5.38	6.92
MBF	.15	.12			7.65	5.81							
MUG	.15	.14			4.54	4.98							
NDL	.13	.12			5.30	6.06							

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
WB2	5.37	10	14.8	.13	1.03 CFS
					CFS
					CFS
					CFS

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

For A72-00051N

DECREED RIGHT @ 3.20

72-00051 to SEC 27 SW/NE; SE/NW; N $\frac{1}{2}$ SW

Tree created 5-12-93
KKC

TRANSFER 353

PART A for 2.7 CFS

TRANSFER 354

PART C for 2.2 CFS

PART D .5 CFS
SEC 33 NW/NE
[NOT CLAIMED]

PART B for .5 CFS
SEC 33 S $\frac{1}{2}$ NE; N $\frac{1}{2}$ S
[claimed as
A72-00051B]

TRANSFER 358

PART E for 1.7 CFS

PART F .5 CFS
SEC 33 NW/NW
SEC 32 NE/NE
[Not Claimed]

TRANSFER 359

PART G for 1.5 CFS

PART H .2 CFS
SEC 28 S $\frac{1}{2}$ SE
10 ACRES
[Not Claimed]

TRANSFER 362

ORIGINALLY
PART I for .5 CFS

ORIGINALLY
PART J 1.0 CFS
SEC 27 SW/SW
SEC 33 NE/NE
SEC 34 NW/NW

TRANSFER 776

PART N for .3 CFS
SEC 33 SE/NW
N $\frac{1}{2}$ SW
SE/SW

[claimed as
A72-00051N]

PART M for .2 CFS

[part M claimed
as A72-00051M but
no evidence of an
unrecorded transfer
submitted as of
5-12-93]

TRANSFER 372

PART K for .75 CFS
(SAME P/U as
Part J)

PART L for .25 CFS
SEC 33 S $\frac{1}{2}$ NE
N $\frac{1}{2}$ SE

[claimed as
A72-00051L]

TRANSFER 2258

STAYS
AS PART K .75 CFS
Just near P/U
SEC 34 NW/NW

[claimed as A72-00051K
with P/U as SEC 27 SW/SW
no evidence of transfer
submitted as of 5-12-93]

TRANSFER 3745

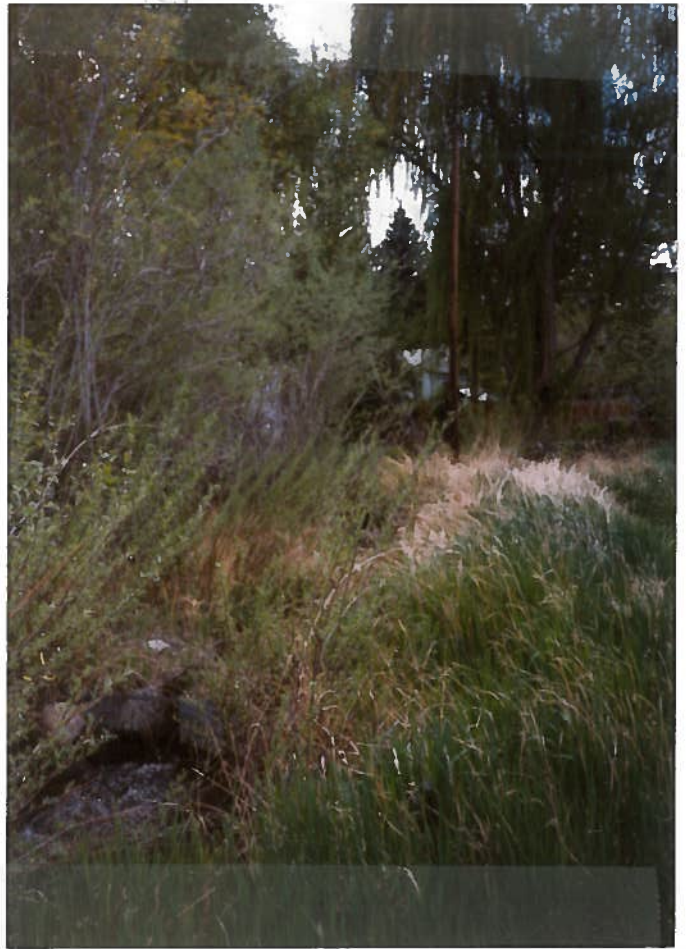
consolidates rights onto
Same P/U {Some ratio reduced}
SEC 33 100A in SE $\frac{1}{4}$
SEC 34 30A in W $\frac{1}{2}$ SW $\frac{1}{4}$

Claims (multiple) 'Johnny Smith' ditch diversion.

PHOTO TAKEN ON 5-18-93

PICTURE # 1

This photo shows the measurment device in the foreground and is looking south southeast toward Garden Creek and the P/D which is hidden by brush.



PICTURE # 2

This photo is a close-up of the measurement device with the hillside in the background as a physical reference. This picture is looking north.



5-18-93

Mike Shannon

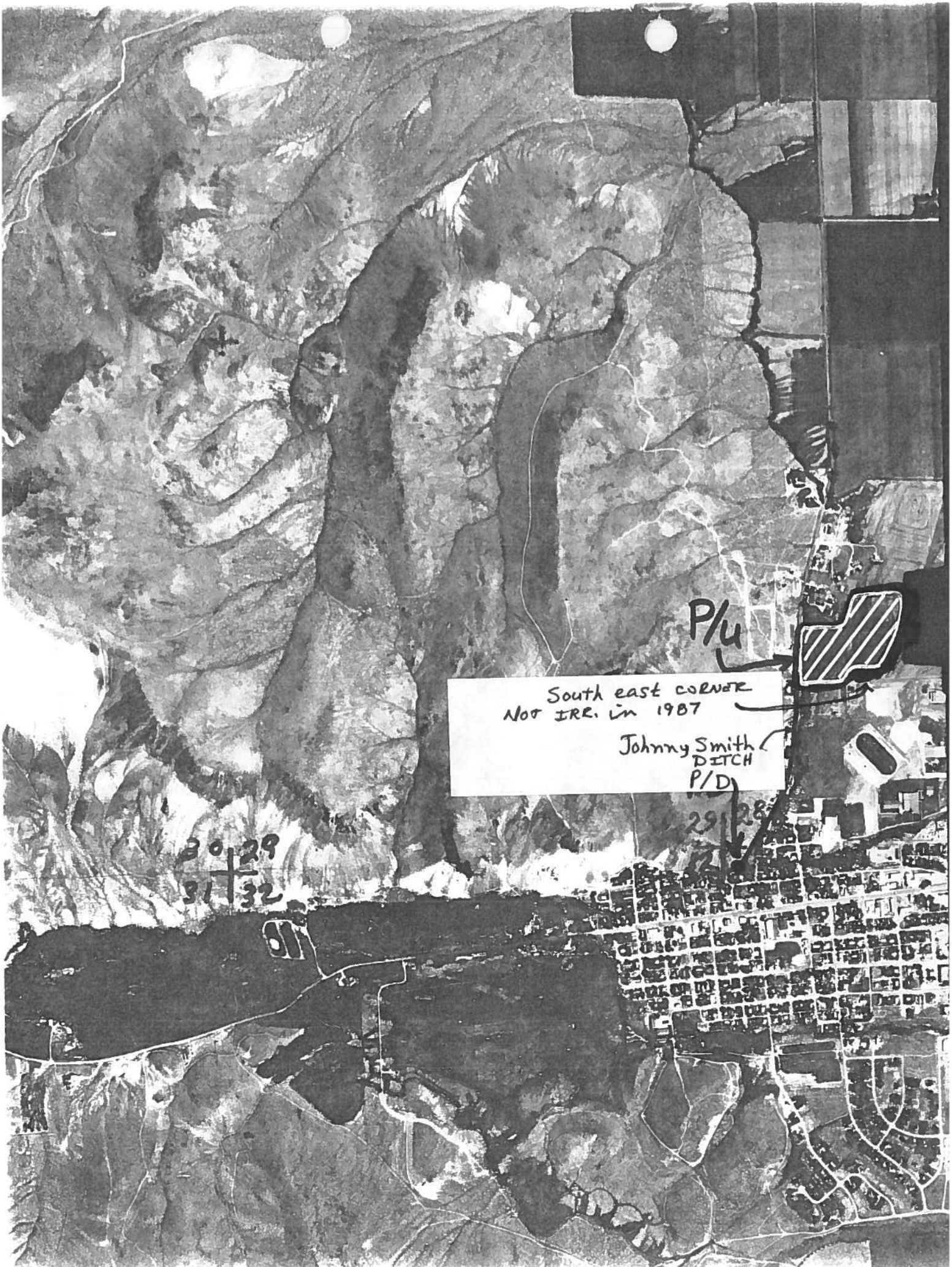
He was not sure how the decreed rights were transferred to the Johnny Smith Place. He would check around & obtain affidavits if he could.

We discussed his claims in general & he felt that he probably would not try to substantiate the 51M claim as there is more water claimed under 57 than there is acres. The rate for that claim alone will prob. be reduced. I did not do a field verification of the P/A for those claims at this time.

I took pictures of the div points for the 'Klug' property. The first pictures were of the Div point that supplied water to the Northern Part of the P/A. The second set covers the "lower" ditch on the south side of the P/A. This ditch also supplies water to Ambuster, Wood, King, Heurless rights.

The third P/D is the 'upper' ditch on the south side. The ditch was recently cleaned and was running at capacity; Both the ditch and the Parshall. This ditch is the original source for the waste water since for Wood/Ambuster.

Two pic of Johnny Smith div, diverting .6" on staff gage. The ditch to Shannon's was not full. 9" throat. 5-18-93



P/4



South east corner
Not IRR. in 1987

Johnny Smith
DITCH
P/D

30 29
31 32

29 28

R PROOF

CVR

MAPS

PHOTOS

MISC

—

—

—

—

—

A PARCE
R. 19 E
DESCRIB

COMMENC
R. 19 E
MIDSECT
SOUTHER
POINT O
LINE TO
S 33°42'

LEG 1

A. PARCI
R. 191
AS FOL.

NETING

R. 19
MIDSEC
S 29° 4

REC

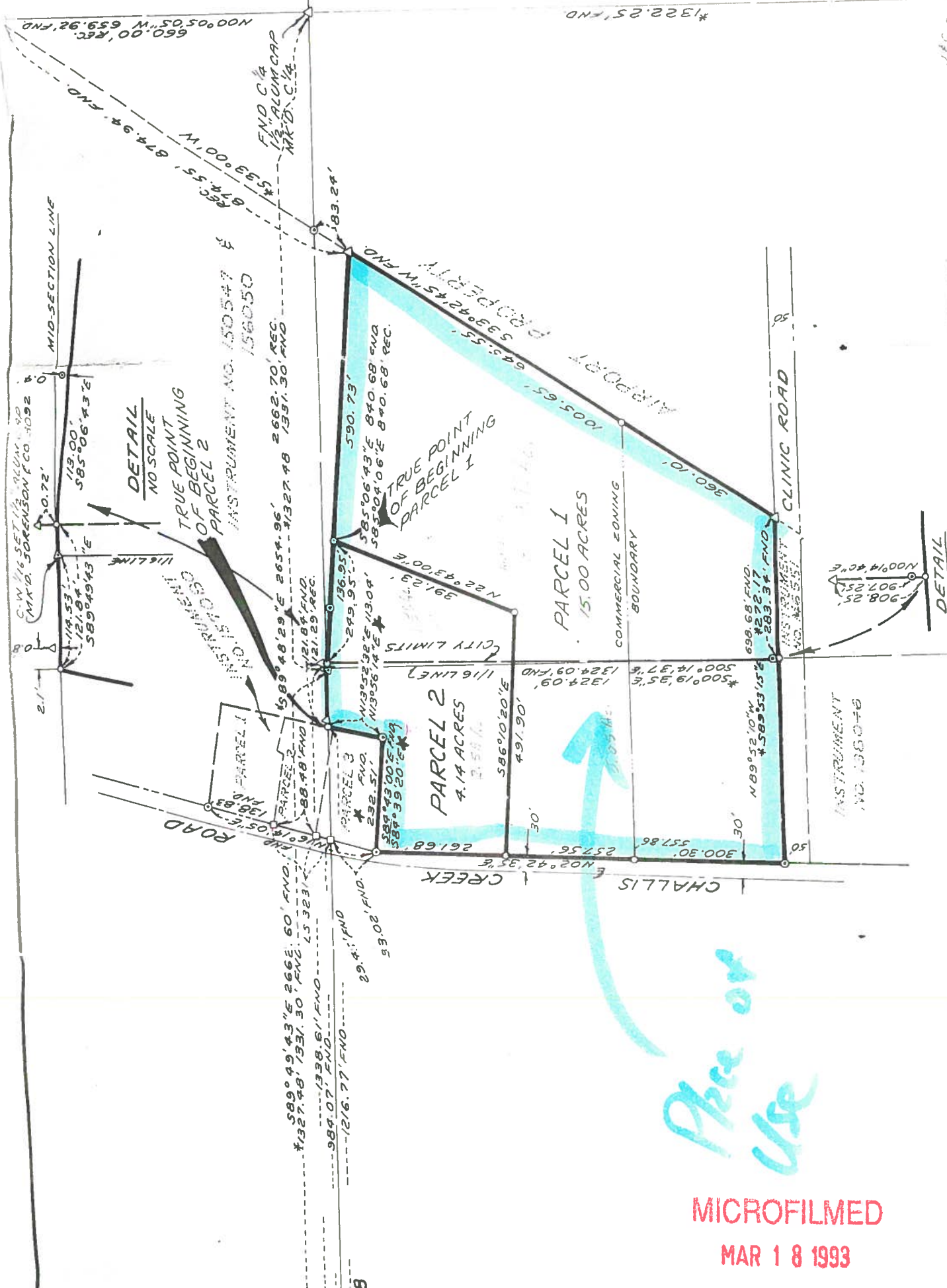
I HERE
BY ME
IDANG

THOMAS
DANIEL

9
C
E
R

2 RECOR

2644.45
5 2643.67 NO

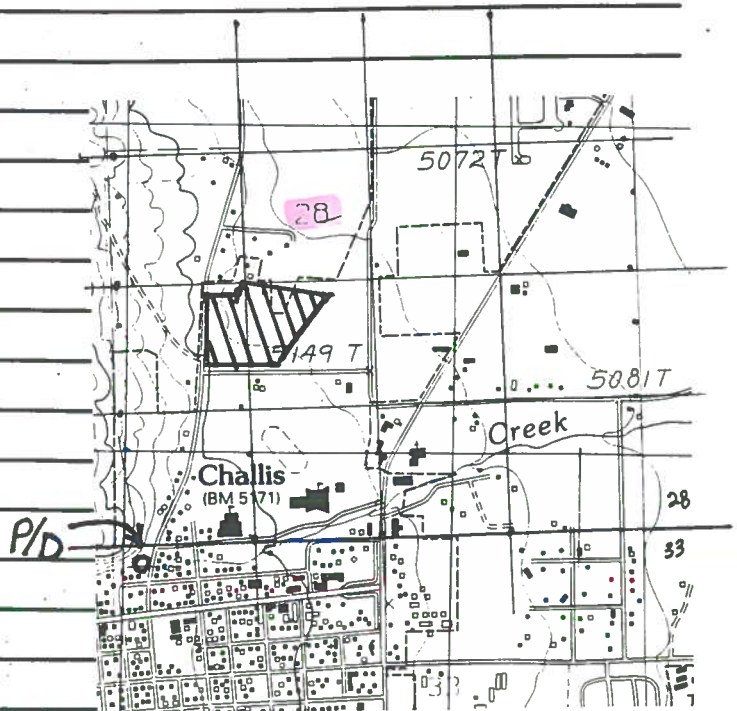


FOR CLAIMS A72-00051N
A72-00057

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
DECREED P/U	A72-00051N	14N	19E	27			40					40	40	40							160	.20
DECREED P/U	72-00057	14N	19E	15									40	40	40	40		40	40			
				16													40		40		520A	1.10
				21	40			40														
				22		40			40	40												
CLAIMED P/U	72-00051N 72-00057			28									115	7.6							19.1	1.10

BOTH RIGHTS
 THE SAME 72-00051N P/U PER TRANSFER 776 (the original decreed P/U)
 for the Drig right)

$$\frac{\text{Combined diversion rate per acre claimed}}{1.10 + .20} = \frac{1.10 + .20}{19.1} = \underline{\underline{0.068 \text{ CFS/ACRE}}}$$



MICROFILMED
 MAR 18 1993

RIGHTS CLAIMED IN ADJUDICATION

72-00051B

72-00051K (Now L)

72-00051L (Now M)

72-00051M (Now N)

72-00051N (Now P)

72-00051O

72-00051

3.2CFS & 160 Acres

TRANSFER 353

SAME DECREE

51A 160 Acres

NEW 160 Acres (SAM P/U as 51A)

51B

.5CFS

CYP

2.7CFS

TRANSFER 354

51C SAME DECREE

51D

NEW

2.20CFS 160 Acres

.50CFS

40 Acres

TRANSFER 358

SAME DECREE

51E 160 Acres

51F

NEW

1.70CFS

.50CFS

80 Acres

TRANSFER 359

SAME DECREE

51G 160 Acres

51H

NEW

1.5CFS

.20CFS

10 Acres

TRANSFER 362

51J (originally I) SAME DECREE

51K (originally J) NEW

NEW

120 Acres

.50CFS 160 Acres

1.0CFS

TRANSFER 372

TRANSFER 776

51N (originally M)

51O (originally N)

51L (originally K)

51M (originally L) NEW

.20CFS

.30CFS

.75CFS

120 Acres

.25CFS

160 Acres

CYP

CYP

TRANSFER 2258

51L

.75CFS

P/U REDUCED to 40 Acres WITHIN the 120 BUTTS

CLAIM NO. A72-00051M

DATE DOCUMENT UPDATED

5-12-93

AGENT

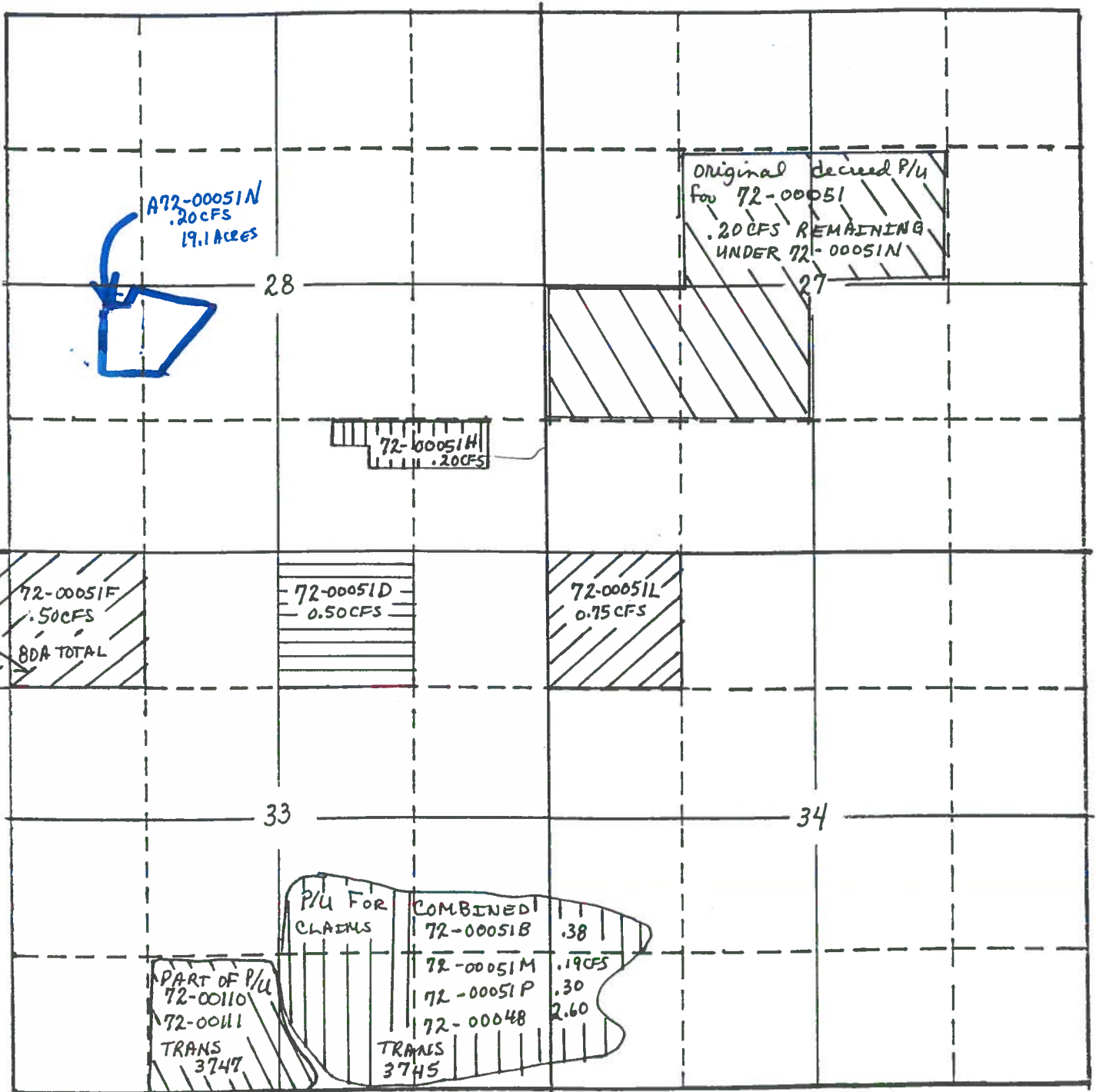
KKC

has revised on 5-12-93 to reflect butts has reviewed KKC

FOR AIM FILE:
DATE:

14N TOWNSHIP
19E RANGE
SECTION

EFFECTS OF TRANSFERS ON 72-00051
72-00048
PART OF 72-00110 &
72-00111



MICROFILMED

MAR 18 1993

LAST: ZILKEYN
ADDRESS:
CITY: XXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: CHARLES F.
ID ZIP: 000

LAST: SMITH
ADDRESS: P.O. BOX 27
CITY: CHALLIS
PHONE NUMBER: 208-879-4402
OWNER CODE: C

FIRST: JOHN S.
ID ZIP: 83226

LAST: SMITH
ADDRESS: P.O. BOX 27
CITY: CHALLIS
PHONE NUMBER: 208-879-4402
OWNER CODE: C

FIRST: CHARLOTTE M.
ID ZIP: 83226

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM

DATABASE N
FIELD EXAMINER

*Claim renumbered as
allocations had renumbered some
rights through transfers. They
decided to drop the "I" suffix
on one split & number it I instead.
This caused splits I through O
to be advanced one alphabetic
unit. Therefore the Mayhew
advances to the N suffix
XHC 11-10-92
(not data entered at this time)*

1992

PHONE NUMBER: () -

APPOINTMENT MADE: Y() N()

[illegible][illegible]

PHONE NUMBER: () -

[illegible]

PRIORITY DATE REVIEW PAGE

A. AJ CLAIM: # A72-00051M PRIORITY DATE: 05-15-1980 STAGE: D

B. WR RECORD: # 72-00051M PRIORITY DATE: 05-15-1980 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE N FIELD EXAMINER

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

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

REMARKS:

RECOMMENDED PRIORITY DATE:

05-15-1980

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-00051M	14N	19E	33	NW	NW	NW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ FOD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX	
A72-000510	R72-000510	72-02005
A72-00057		
A72-00081		

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

10051M THERE IS NO FOD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

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

SOURCE: GARDEN CREEK TRIB: SALMON RIVER

REVIEWED BY: DATE:

A. ROOT WATER RIGHT NUMBERS: A72-00051M
A72-00051D

A72-00051R

A72-00051B

A72-00051L

A72-00051N

R72-00051D

B. POU LISTING

RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	28	NE	SW	SMITH, JOHN S.	A72-00051R / 11.5	-	7		16.0
			NE	SW	SMITH, JOHN S.	A72-00057 / 11.5	-	7		
			NE	SW	ROUND VALLEY IRRIGATION CO.		72-00032 /			
14N	19E	28	NW	SW	SMITH, JOHN S.	A72-00051R / 7.6	-	7		13.0
			NW	SW	SMITH, JOHN S.	A72-00057 / 7.6	-	7		
			NW	SW	SMITH, CHARLOTTE M.	A72-10129 /	-	7		
			NW	SW	KEYSER, GEORGE E.		72-00056 /			
			NW	SW	PHILIPS, ETHEL		72-02149 / 40.0			
			NW	SW	PHILIPS, ETHEL		72-02149C / 40.0			

TOTAL ACRES A72-00051M 19.10

19.10

29.00

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

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: CUSTER

DUE TO POU DISCREPANCY? (Y/N) Y

PRESUMPTION FLAG: 0

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES =

BY THE

DATE _____

A. AJ CLAIMED USES:

PURPOSES
A72-00051M IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.200 CFS
.200 CFS

B. WR RECORDED USES:

PURPOSES
72-00051M IRRIGATION

MONTH/DAY
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.200 CFS
.200 CFS

ASSUMPTION FLAG: D

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()
Y() N() Explain in remarks, below.

REMARKS:

2

DATE/TIME CALCULATIONS: (TRIGGATION)

15. CALCULATIONS

13. IRRIGATION RATE
ACRES ----- X 0.02 CFS/ACRE = CFS
(Taken from D/U Review)-----

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 47.8 AE/A

ACRES * CONSUMPTIVE VOL. AE/A FOR AREA

TOTAL CONSUMPTIVE USE	AE/A
-----	-----

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES * DIVERSION VOL. AE/A FOR AREA

TOTAL DIVERSION VOLUME AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04-01 11-01	DATABASE EXAMINER 0.200	DATABASE EXAMINER -----	DATABASE EXAMINER 47.8
TOTAL FOR THIS RIGHT		0.200		47.8

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNTACCEPTED
AS CLAIMED
NEEDS
REVIEW

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00051

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
3.200

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A72-00051M	0.200	-	-	72-00051M	0.200
-	A72-00051D	0.040	R72-00051D	0.040	-	-
-	A72-00051K	0.750	-	-	72-00051K	0.750
-	A72-00051B	0.500	-	-	72-00051B	0.500
-	A72-00051L	0.250	-	-	72-00051L	0.250
-	A72-00051N	0.300	-	-	72-00051N	0.300
-	R72-00051D	0.040	R72-00051D	0.040	-	-
-	-	-	-	-	72-00051	-
-	-	-	-	-	72-00051A	-
-	-	-	-	-	72-00051C	-
-	-	-	-	-	72-00051D	-
-	-	-	-	-	72-00051E	-
-	-	-	-	-	72-00051F	-
-	-	-	-	-	72-00051G	-
-	-	-	-	-	72-00051H	-
-	-	-	-	-	72-00051I	-
-	-	-	-	-	72-00051J	-

TOTAL CFS

2.080

0.080

3.200

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
NFIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

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

"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.

A72-000514

QUESTION

47.5 AEA

SECRET

CUSTER County

—

U.S. DEPARTMENT OF AGRICULTURE