

RECEIVED

DEC 18 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Southern Region

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-72-11703-72-04058-72-00124
 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

New Mailing Address

Name Connector (Check one) ☒ and, ☐ or, ☐ and/or
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 ~~103~~

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..

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.

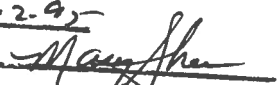


JUDGE Charles J. Roos

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 1879 and 1910 water rights.

Johnny Smith Place - 15 acres,
Irrigated pasture *and water rights*

MDS PA.

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

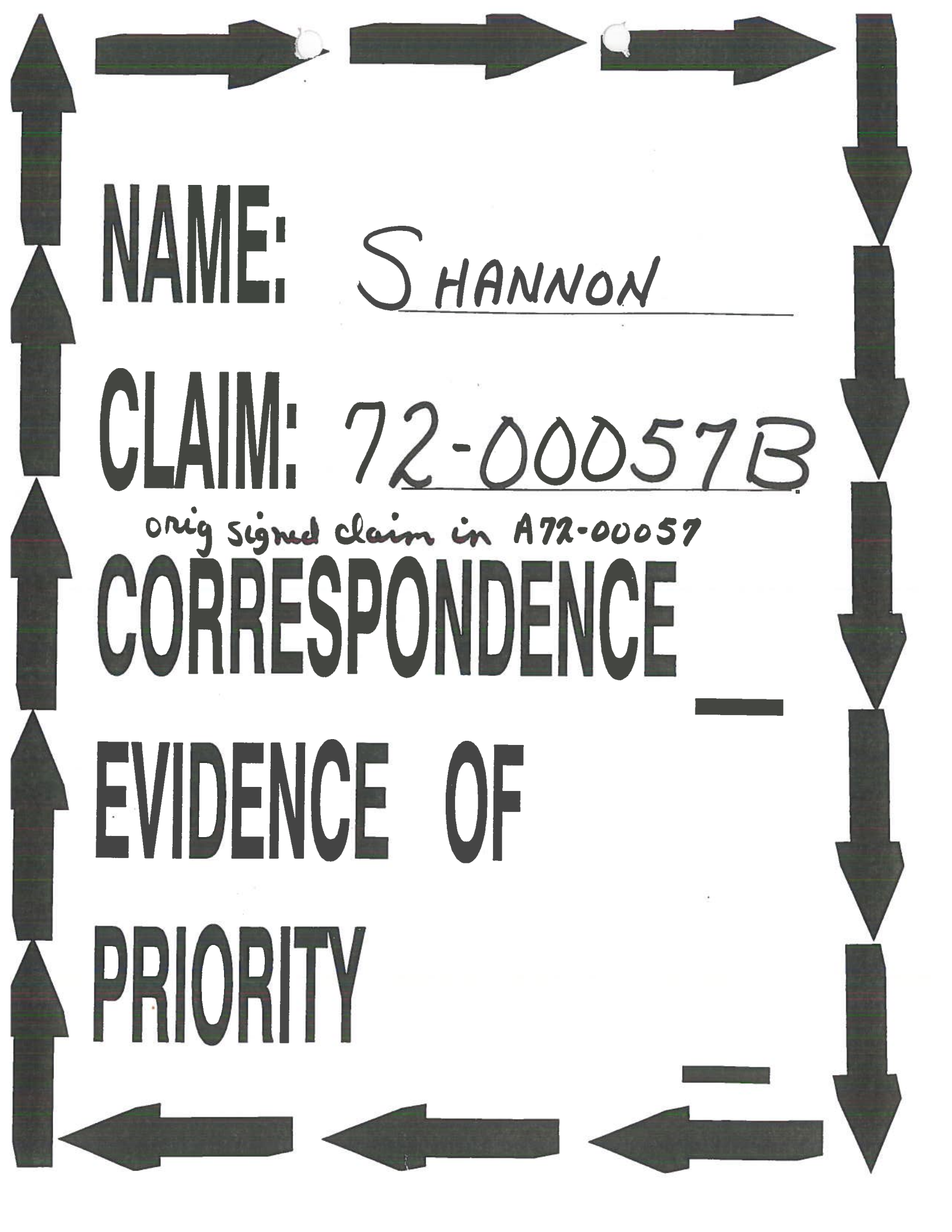
1950 GMC pickup \$ 2,000.00
ID No. 2336

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



NAME:

SHANNON

CLAIM:

72-00057B

orig signed claim in A72-00057

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: A72-00057B
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

1. Name: MICHAEL D SHANNON 208-879-2501
Address: PO BOX 1039
CHALLIS ID 83226

2. Date of Priority: MAY 15, 1877

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	1.000		

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

8. Total consumptive use is 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	3.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	15.0
					Total Acres	15.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A72-00051M

14. Remarks:

THIS WATER RIGHT HAS HISTORICALLY BEEN DELIVERED AS 1887
INSTEAD OF 1877. THE EXACT REASON FOR THIS DISCREPANCY IS
NOT KNOWN AT THE DATE OF THIS FILING.

OWNERSHIP CHANGE ON 5-27-93 KKC. CHANGE BASED UPON WARRANTY DEED
AND PLAT SUBMITTED WITH ORIGINAL CLAIM.

15 ACRES (AKA, PARCEL 1) TO SHANNON AT 1.00 CFS

4.1 ACRES (AKA, PARCEL 2) STAYS WITH SMITH AT 0.10 CFS

RATE PER PARCEL BASED UPON WARRANTY DEED THAT STATES 5 INCHES
STAYS WITH SELLER (SMITH). TOTAL ACRES ON ORIGINAL CLAIM IS;
19.1 AT 1.10 CFS.

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 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

CECIL 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



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



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

POOR
ORIGINAL

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: 72-00057B

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 of the 15 acres I own have been 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 D. Shannon

12-00005-15
Dec. 16, 1998

To Whom it may Concern:

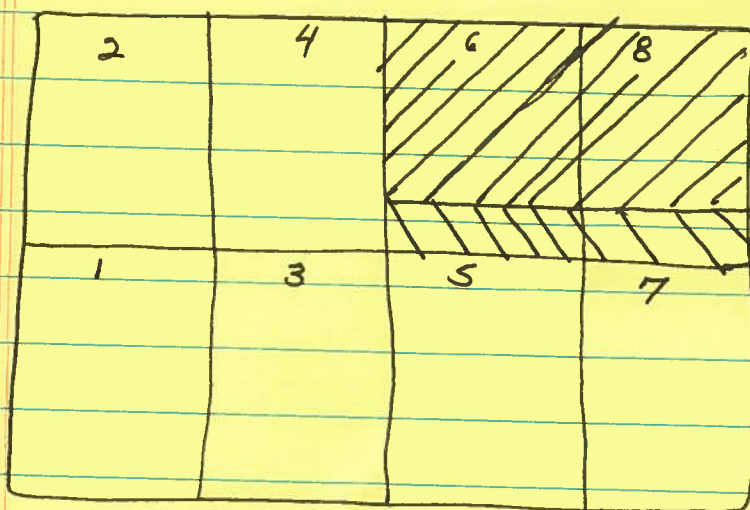
We, John & Charlotte Smith purchased the Ranch property in 1967. The water rights ^{were} included in the sale. This was approximately 70 acres. We flood irrigated this. When property was subdivided, water rights were retained by us. ~~This was~~ Later we irrigated with pump & sprinkle system. This included all of Mike Shannons 15 acres & additional 25 acres that belonged to us.

Charlotte M. Smith
John S. Smith

RECEIVED
DEC 18 1998
Department of Water Resources
Southern Region

COPY

Block 12



warranty deed 49780
Kistley to Gridley
2 inches (.04)
CFS

warranty deed 49781
Coryell to Gridley
2 inches (.04)
CFS

this represents a portion of # 72-00066

11 - 286
17 - 122

hand paid by the said party of the second part, the receipt whereof is hereby acknowledged by these presents grant, bargain, sell and convey and confirm unto the said party of the second part, and to his successors in office and assigns forever, all that certain piece parcel of land situate, lying and being in the County of Custer and State of Idaho, bound and more particularly described as follows, to-wit:

Lots Six (6) and Eight (8), Block Fifty-three (53), Village of Challis.

TOGETHER with all and singular the tenements, hereditaments and appurtenances unto 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 thereunto incident, unto the said party of the second part, and to his successors in office 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 successors in office and assigns, against the said parties of the first and their heirs and against all and every person or persons whomsoever, lawfully claiming 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
Presence of:

Earl J. Walters

Ralph A. Parker

STATE OF IDAHO)
County of Madison) ss.

Aug 23, 1939

On this 23rd day of August, in the year 1939, before me, Ralph A. Parker, a Notary Public in and for said State, personally appeared Earl J. Walters, a widower, known to me to be the persons 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, this day and year in this certificate first above written.

((SEAL))

Ralph A. Parker
Notary Public
Residing at Rexburg, Idaho

Com. Exp. Aug. 6th, 1943

State of Idaho)
County of Custer) ss.

This instrument was filed for record at the request of M. J. Ashton at 9 o'clock A. M., Sept. 8, 1939.

John Boyd
Ex-Officio Recorder

By Frank B. Burtlett
Deputy

Fees, 1.00

No. 49780
WARRANTY DEED

THIS INDENTURE, Made the 7th day of September in the year of our Lord one thousand nine hundred and thirty-nine between Josephine Wirtley, widow, of Challis, County of Custer, State of Idaho, the party of the first part, and HALSEY M. GRIDLEY of Challis, County of Custer, State of Idaho, the party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of sum of Three Hundred and no/100 DOLLARS, lawful money of the United States of America, to in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged by these presents grant, bargain, sell, and convey and confirm unto the said party of

of land situate, lying and being in the County of Custer and State of Idaho, bounded and more particularly described as follows, to-wit:

The North Eighty (80) Feet of Lots Six (6) and Eight (8) in Block Twelve (12) Village of Challis.

Together with all water and water rights, ditch and ditch rights pertaining thereto, being 2 inches date of priority May 15, 1880 and recorded in Judgment Book 1, Page 791.

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 thereunto incident, unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part, and her 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 party of the first part, and her 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 party of the first party has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in presence of:

(\$1.50 revenue stamp attached and canceled.)

Josephine Airtley (Seal)

STATE OF IDAHO)
County of Custer) ss.

On this 7th day of September, in the year 1939, before me John Boyd, Custer County Recorder in and for said State, personally appeared Josephine Airtley, known to me to be the person whose name _____ subscribed to the within instrument, and acknowledged to me that she 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.

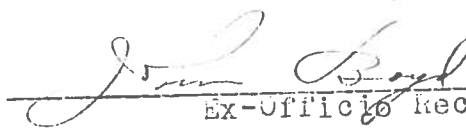
John Boyd, Custer County Recorder
Residing at Challis, Idaho.

By Frank Burstedt, Deputy

((SEAL))

STATE OF IDAHO)
County of Custer) ss.

I hereby certify that this instrument was filed for record at request of M. M. Gridley at 9 o'clock A. M., this 8 day of Sept., A. D. 1939.


Ex-Officio Recorder

Fees, \$1.00

No. 49781
QUITCLAIM DEED



THIS INDENTURE, Made the 7th day of September in the year of our Lord one thousand nine hundred and thirty-nine, between ANNA CORYELL, widow of Challis, County of Custer, State of Idaho, the party of the first part, and RALSEY M. GRIDLEY of Challis, County of Custer, State of Idaho, the party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of One and no/100 DOLLARS, lawful money of the United States of America, to me in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain lots, pieces or parcels of land, situate lying and being in Challis, County of Custer, State of Idaho, bounded and particularly described as follows, to-wit:

All of Lots Six (6) and Eight (8) in Block Twelve (12) of the Village of Challis, except the North Eighty (80) Feet, Together with all the water and water rights, ditch and ditch rights pertaining thereto, being 2 inches, date of priority May 15, 1880 and recorded in Judgment Book 1, Page 791.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to his heirs and assigns forever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and seal, the day and year first above written.

Signed, sealed and delivered in presence of

Anna Coryell (Seal)

STATE OF IDAHO)
County of Custer) ss.

On this 7th day of September, in the year 1939, before me, John Boyd, Custer County Recorder in and for said State, personally appeared Anna Coryell, known to me to be the person whose name _____ subscribed to the within instrument, and acknowledged to me that she 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.

John Boyd, Custer County Recorder
residing at Challis, Idaho

((SEAL))

By Frank Burstedt, Deputy

STATE OF IDAHO)
County of Custer) ss.

I hereby certify that this instrument was filed for record at request of A. M. Gridley at 9 o'clock A. M., this 8 day of Sept., A. D. 1939.

Fees, \$1.00

John Boyd
Ex-officio Recorder

No. 49783
QUITCLAIM DEED
DEED FROM HUSBAND TO WIFE

THIS INSTRUMENT, Made the 12th day of August in the year of our Lord one thousand nine hundred and 39 between William A. Stewart of Challis, County of Custer, State of Idaho the party of the first part, and Florence Gerard Stewart, the wife of said William A. Stewart of Challis, County of Custer, State of Idaho, the party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of the love and affection which he bears towards his wife, the said Florence Gerard Stewart and for the purpose of making her a gift, does by these presents hereby give, release and forever QUITCLAIM, unto the said party of the second part, as her sole

and to her heirs and assigns, all that certain lot, plot and being in Challis, County of Custer, State of Idaho described as follows, to-wit:

(5) Block thirteen (13), and the West half of lot 1, Township 33 North, Range 12 East, Section 36, T33N R12E S36E, as shown on file in the County Recorder's office of said

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and profits thereof.

Fees, 1.00

gather up prop. & 1880 warrants from city lots.

and parcel thereof, and that their title thereto is adjudged to be quieted against all claims, demands, or pretensions of the defendants, and each and all of them, who are hereby perpetually enjoined and debarred from setting up or asserting any claim thereto, or any part thereof.

The lands affected by this decree are situate in the County of Custer, State of Idaho and described as follows, to-wit: SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, ^{Section 12,} Township 12 North, Range 18 East, Boise Meridian.

Done in Chambers at Salmon, Lemhi County, State of Idaho, this 24th day of October, 1947.

Filed 10-24-47

Guy Stevens
District Judge

John Boyd
Clerk.

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF CUSTER.

HALSEY M. GRIDLEY and EDNA B. GRIDLEY,
husband and wife,
Plaintiffs,
vs.

DECREE QUIETING TITLE:

ELSIE TRAPP, FLORENCE TRELOAR, LAURENS
HENRY CHAMBERLAIN, MAURICE ASHTON, if
living, and if dead, the unknown heirs
and unknown devisees of Maurice Ashton,
deceased, GEORGE MCGOWAN, Probate Judge
of Custer County, State of Idaho, in
his capacity as successor in trust of
Amos K. Zeigler, deceased, formerly
Probate Judge of Custer County, State
of Idaho; THE VILLAGE OF CHALLIS, a
municipal corporation of Custer County,
State of Idaho; and the unknown heirs
and unknown devisees of the following
named persons, all deceased: A. C. Bomar
and Florence A. Bomar, his wife, George
Ashton, Leila Ashton, Edwin C. Chamberlain
and Alice B. Chamberlain, his wife,
Alma Black and M. F. Black, wife and
husband, Christian Morler and Alice
Morler, his wife, Richard N. Hull; all
the unknown owners and unknown claimants
and their unknown heirs and unknown
devisees claiming any part of the fol-
lowing described real estate situate
in the Village of Challis, County of
Custer, State of Idaho, to-wit:
All of Lots 6 and 8 of Block 12,
Original townsite of Challis, Idaho.

Defendants.

Judgements 1 791

20

Alice B. Chamberlain

This cause having come on regularly for hearing before the Court, sitting without a jury, in Chambers, at Salmon, County of Lemhi, State of Idaho, on the 24th day of October, 1947, and the defendants, and each and every of them, having been served with process issued out of this court in the manner provided by law and the rules and practice of this Court; And each and every of the defendants having failed to answer or otherwise plead to the Complaint of plaintiffs within the time allowed by law, or at all, and the default of the defendants, and each and every of them, having been duly entered according to law; And the cause having been heard by the Court, sitting as aforesaid, upon oral and written evidence submitted upon behalf of the plaintiffs; and the Court having heard and considered said evidence, and the cause having been submitted to the Court for decision; and the Court having decided the cause in favor of the plaintiffs and against the defendants, and each and every of them; and the Court having filed herein its Findings of Fact and Conclusions of Law,-

NOW, THEREFORE, pursuant to said Findings of Fact and Conclusions of Law, and upon motion of Preston Thatcher of Counsel for plaintiffs;;

claims of the defendants, and each of them, and the claim of all persons claiming or to claim said premises, or any part thereof, through or under said defendants, or either or all of them, are hereby adjudged and decreed to be invalid and groundless; and that the plaintiffs be and are hereby declared and adjudged to be the true and lawful owners of the lands described in the Complaint and hereinafter described, and every part and parcel thereof, and that their title thereto is adjudged to be quieted against all claims, demands or pretensions of the defendants, and each and all of them, who are hereby perpetually enjoined and debarred from setting up or asserting any claim thereto, or any part thereof.

The lands affected by this decree are situate in the County of Custer, State of Idaho and described as follows, to-wit:

All of Lots 6 and 8 of Block 12, original townsite of Challis, Idaho.

Done in Chambers at Salmon, Lemhi County, State of Idaho, this 24th day of October, 1947.

Guy Stevens
District Judge

Filed 10-24-47.

John Boyd
Clerk

No. 99277
IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE DISTRICT OF
IDAHO, EASTERN DIVISION

THE UTAH CONSTRUCTION COMPANY,
a corporation,

Plaintiff,

vs.

John F. Abbott, et al,

Defendants.

IN EQUITY NO. 222
DECREE

I, W. D. McREYNOLDS, Clerk of the above entitled court, do hereby certify the following to be full, true, and correct copies of portions of the Decree entered in the above entitled cause and filed in my office on the fifteenth day of March, 1923.

* * * * *

"PART II.

("SCHEDULE OF RIGHTS.")

c.f.s. is used throughout this schedule to designate a flow of one cubic foot of water per second of time.

Note: The left hand column of this schedule of rights headed "Date of Priority", shows the name of the owner of the water right or water rights decreed; the date or dates of priority, and for convenience the water right or water rights of each individual are given a number, which number appears at the lower left hand corner of the paragraph defining the water right or water rights decreed to each individual. The center column shows the amount of water in c.f.s. under each date of priority. The right hand column gives the point of diversion and describes the land constituting the place of use."

* * * * *

"The respective defendants herein named are entitled to divert from Big Lost River and its tributaries as hereinafter indicated for irrigation and domestic purposes the following amounts:

* * * * *

Joseph F. Keele

1891-May 15 3.6 c.f.s.

To be diverted from Antelope Creek through private ditches having their points of diversion in the Southeast quarter of Section 18, Township 4 North, Range 24 East, B. M., for the irrigation of the following described land, to-wit:

Northwest quarter of the Southwest quarter of Section 9; North half of the Southeast quarter, North east quarter of the Southwest quarter, Southeast quarter of the Northwest quarter and the South half of the Northeast quarter of Section 8 and all that part of the Northwest quarter of the Northeast quarter of Section 8 lying South of a straight line drawn beginning at a point on the West line of the Northwest quarter of the Northeast quarter 20 feet South of the Northwest corner thereof and running thence Southeasterly to a point

Water Right Number - R72-000578

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

CHARLOTTE M

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

JOHN S

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/15/1887 17 SOUTHERN D - DECREED

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

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

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

+ - - - - Code Description Period from Period to Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.850

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.850 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 - A72-00051M

Water right number - R72-00057B

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 -----

----- 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 ----- +
ADAMS, ET. AL. VANDERVOORT, ET. AL. 00/00/0000

----- Comments -----

Date: 10/22/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS
THIS WATER RIGHT HAS HISTORICALLY BEEN DELIVERED AS 1887
NOT KNOWN AT THE DATE OF THIS FILING.

OWNERSHIP CHANGE ON 5-27-93 KCC. CHANGE BASED UPON WARRANTY DEED AND PLAT SUBMITTED WITH ORIGINAL CLAIM.
15 ACRES (AKA, PARCEL 1) TO SHANNON AT 1.00 CFS 4.1 ACRES (AKA, PARCEL 2) STAYS WITH SMITH AT 0.10 CFS
RATE PER PARCEL BASED UPON WARRANTY DEED THAT STATES 5 INCHES STAYS WITH SELLER (SMITH). TOTAL ACRES ON ORIGINAL CLAIM IS;
19.1 AT 1.10 CFS.
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



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.

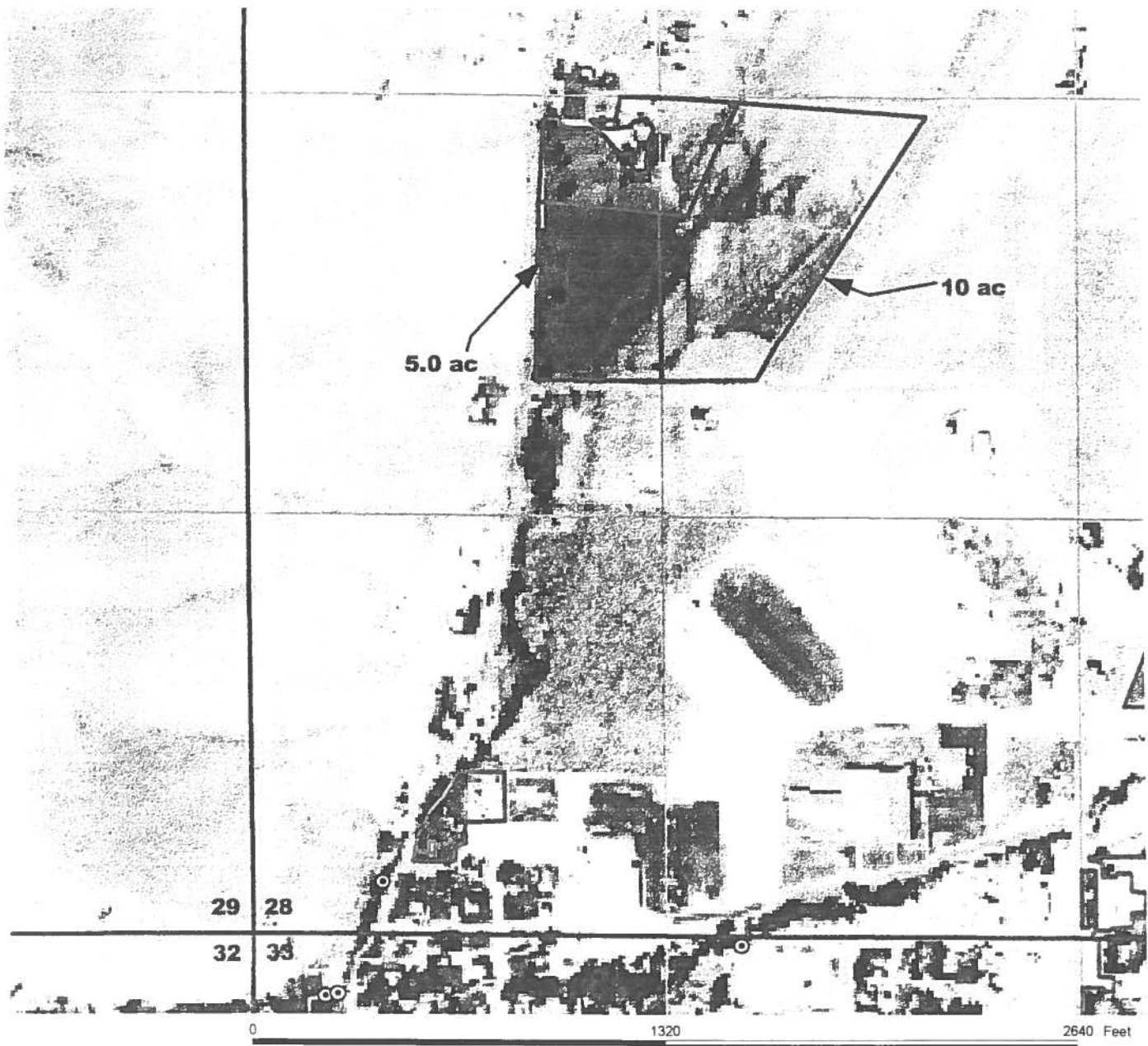
If you need additional, information please contact me.

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

REVIEW OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-000514
00057B

DATE: 12-21-98 1998

REVIEWED BY

KKC

CHALLIS AREA SOIL REVIEW

| SOIL TYPE | BORDER CFS/AC | | FURROW CFS/AC | | OPTIMUM ROTATION | |
|-----------|---------------|------|---------------|------|------------------|---------|
| | PAST | ALFA | PAST | ALFA | PASTURE | ALFALFA |
| ATC | .15 | .13 | | | 6.49 | 7.62 |
| BB1 | .09 | .09 | | | 6.09 | 6.17 |
| BC1 | .16 | .17 | | | 5.82 | 5.46 |
| BK1 | .07 | .06 | | | 10.62 | 11.86 |
| BT1 | .18 | .16 | | | 3.99 | 4.19 |
| BT2 | .41 | .32 | | | 2.34 | 2.87 |
| CB1 | .06 | .06 | | | 11.55 | 13.47 |
| CHA | .21 | .21 | | | 4.52 | 4.76 |
| CP1 | .36 | .36 | | | 2.61 | 2.78 |
| DAF | .18 | .15 | | | 5.33 | 7.27 |
| DB1 | .13 | .11 | | | 5.66 | 6.65 |
| DBB | .13 | .11 | | | 5.71 | 6.69 |
| DBC | .13 | .11 | | | 5.71 | 6.69 |
| DMF | .18 | .21 | | | 5.12 | 4.72 |
| DRF | .18 | .19 | | | 9.08 | 9.68 |
| DT2 | .05 | .04 | | | 12.46 | 16.50 |
| DWA | .14 | .14 | | | 4.79 | 5.01 |
| GO1 | .10 | .12 | | | 12.47 | 10.51 |
| KEG | .08 | .07 | | | 8.73 | 10.06 |
| MBF | .15 | .12 | | | 7.65 | 5.81 |
| MUG | .15 | .14 | | | 4.54 | 4.98 |
| NDL | .13 | .12 | | | 5.30 | 6.06 |

| SOIL TYPE | BORDER CFS/AC | | FURROW CFS/AC | | OPTIMUM ROTATION | |
|-----------|---------------|------|---------------|------|------------------|---------|
| | PAST | ALFA | PAST | ALFA | PASTURE | ALFALFA |
| PD2 | .11 | .12 | | | 5.15 | 4.74 |
| Q | .26 | .21 | | | 13.2 | 10.4 |
| RE2 | .29 | .21 | | | 3.15 | 4.74 |
| RP1 | .19 | .21 | | | 4.89 | 4.57 |
| SH1 | .06 | .05 | | | 9.37 | 12.10 |
| SOC | .08 | .07 | | | 7.38 | 8.08 |
| SSA | .15 | .14 | | | 4.79 | 5.01 |
| SXF | .12 | .11 | | | 6.14 | 6.80 |
| TC1 | .06 | .06 | | | 9.82 | 9.55 |
| TD1 | .04 | .03 | | | 12.46 | 16.50 |
| WB2 | .13 | .13 | | | 5.37 | 5.43 |
| WAA | .19 | .16 | | | 3.81 | 4.23 |
| WBB | .17 | .14 | | | 3.36 | 3.84 |
| WC1 | .07 | .06 | | | 11.24 | 13.45 |
| WPT | .19 | .15 | | | 3.16 | 3.69 |
| WV1 | .07 | .06 | | | 11.24 | 13.45 |
| XHS | | | | | | |
| YN1 | .18 | .14 | | | 5.38 | 6.92 |

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 | 7.0 | 14.8 | .13 | 1.05 CFS |
| | | | | | CFS |
| | | | | | CFS |
| | | | | | CFS |

TOTAL ACRES

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

AIM 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 | |
| LAIM | 14N | 19E | 28 | | | | | | | | | 11.5 | 3.5 | | | | | | | 15 |
| GIS | | | | | | | | | | | | 9.7 | 5.1 | | | | | | | |
| ECOM | | | | | | | | | | | | 9.7 | 5.1 | | | | | | | 14.8 |
| | REVISED GIS Based upon | | | | | | | | | | | 10 | 5 | | | | | | | 15 |
| LAIM | NOE & Warranty deed. | | | | | | | | | | | 10 | 5 | RECOMMENDED. | | | | | | 15 |
| GIS | | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | | |
| LAIM | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | | |

372-DBPOU.SHP
SHAPE NOS.

NOE indicated that the south east corner has been moved and 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 1.05 CFS
1887
00057B 1.00 CFS
1.20 CFS

DBF TABLES UPDATED
B72-DBPOU.DBF
B72-DBPOD.DBF
JPEG LAYOUT

Recom soils rate as limiting factor
1.05
- .20cfs (51M)
.85cfs (57B)

Water Right Number - R72-00057B

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 - - - - +
05/15/1887 17 SOUTHERN D - DECREED

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

| Point of Diversion | | | | | | | Diversion Name |
|--------------------|-----|-----|----------|---------|------|--------|----------------|
| Twn | Rng | Sec | Tract | Lot | RFlg | County | |
| 14N | 19E | 33 | NW NW NW | 627 144 | (37) | CUSTER | |

| Water Use | | Diversion Rate | | Diversion Volume |
|-----------------|-------------|----------------|-----------|------------------|
| Code | Description | Period From | Period To | |
| 01 - IRRIGATION | | 04/01 | 11/01 | 0.830 |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.830 0.0

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

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

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A72-00051M

625
263
51M & 57B

Water right number - R72-00057B

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. *OK*

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF *GSOK*
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 - 10/22/98 KCHRISTE

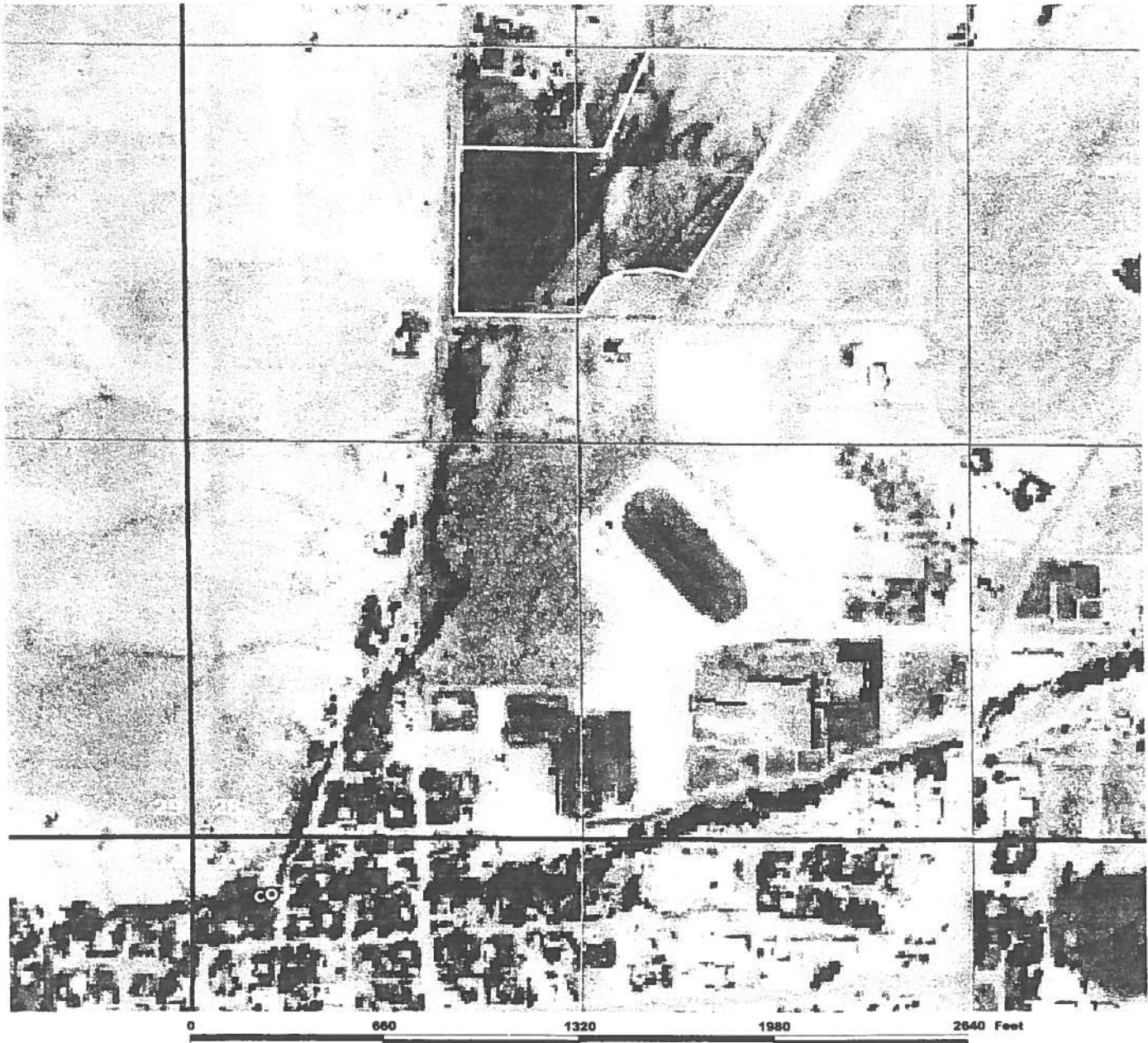
+ - - - - - Comments - - - - - +
Date: 10/22/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS
THIS WATER RIGHT HAS HISTORICALLY BEEN DELIVERED AS 1887
NOT KNOW AT THE DATE OF THIS FILING. *INSTEAD OF 1877. THE EXACT REASON FOR THIS DISCREPANCY IS*

OWNERSHIP CHANGE ON 5-27-93 KKC. CHANGE BASED UPON WARRANTY DEED AND PLAT SUBMITTED WITH ORIGINAL CLAIM.
15 ACRES (AKA, PARCEL 1) TO SHANNON AT 1.00 CFS 4.1 ACRES (AKA, PARCEL 2) STAYS WITH SMITH AT 0.10 CFS
RATE PER PARCEL BASED UPON WARRANTY DEED THAT STATES 5 INCHES STAYS WITH SELLER (SMITH). TOTAL ACRES ON ORIGINAL CLAIM IS;
19.1 AT 1.10 CFS.

+ - - - - - 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 | - X777777 | 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

CLAIM NUMBER

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 |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |
| CLAIM | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | |
| RECOM | | | | | | | | | | | | | | | | | | | |

B72-DBPOU.SHP

SHAPE NOS.

263

claimed Soils Measurement *

00051M - .20CFS

1.03

1.40CFS

00057B - 1.00CFS

1.20CFS

B72-DBPOD.SHP

NOS. DESCRIPTION

144 Sec 28

NWNWLN

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 anlysis 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 | |
|-----------|---------------|------|---------------|------|------------------|---------|
| | PAST | ALFA | PAST | ALFA | PASTURE | ALFALFA |
| ATC | .15 | .13 | | | 6.49 | 7.62 |
| BB1 | .09 | .09 | | | 6.09 | 6.17 |
| BC1 | .16 | .17 | | | 5.82 | 5.46 |
| BK1 | .07 | .06 | | | 10.62 | 11.86 |
| BT1 | .18 | .16 | | | 3.99 | 4.19 |
| BT2 | .41 | .32 | | | 2.34 | 2.87 |
| CB1 | .06 | .06 | | | 11.55 | 13.47 |
| CHA | .21 | .21 | | | 4.52 | 4.76 |
| CP1 | .36 | .36 | | | 2.61 | 2.78 |
| DAF | .18 | .15 | | | 5.33 | 7.27 |
| DB1 | .13 | .11 | | | 5.66 | 6.65 |
| DBB | .13 | .11 | | | 5.71 | 6.69 |
| DBC | .13 | .11 | | | 5.71 | 6.69 |
| DMF | .18 | .21 | | | 5.12 | 4.72 |
| DRF | .18 | .19 | | | 9.08 | 9.68 |
| DT2 | .05 | .04 | | | 12.46 | 16.50 |
| DWA | .14 | .14 | | | 4.79 | 5.01 |
| GO1 | .10 | .12 | | | 12.47 | 10.51 |
| KEG | .08 | .07 | | | 8.73 | 10.06 |
| MBF | .15 | .12 | | | 7.65 | 5.81 |
| MUG | .15 | .14 | | | 4.54 | 4.98 |
| NDL | .13 | .12 | | | 5.30 | 6.06 |

| SOIL TYPE | BORDER CFS/AC | | FURROW CFS/AC | | OPTIMUM ROTATION | |
|-----------|---------------|------|---------------|------|------------------|---------|
| | PAST | ALFA | PAST | ALFA | PASTURE | ALFALFA |
| PD2 | .11 | .12 | | | 5.15 | 4.74 |
| Q | .26 | .21 | | | 13.2 | 10.4 |
| RE2 | .29 | .21 | | | 3.15 | 4.74 |
| RP1 | .19 | .21 | | | 4.89 | 4.57 |
| SH1 | .06 | .05 | | | 9.37 | 12.10 |
| SOC | .08 | .07 | | | 7.38 | 8.08 |
| SSA | .15 | .14 | | | 4.79 | 5.01 |
| SXF | .12 | .11 | | | 6.14 | 6.80 |
| TC1 | .06 | .06 | | | 9.82 | 9.55 |
| TD1 | .04 | .03 | | | 12.46 | 16.50 |
| WB2 | .13 | .13 | | | 5.37 | 5.43 |
| WAA | .19 | .16 | | | 3.81 | 4.23 |
| WBB | .17 | .14 | | | 3.36 | 3.84 |
| WC1 | .07 | .06 | | | 11.24 | 13.45 |
| WPT | .19 | .15 | | | 3.16 | 3.69 |
| WV1 | .07 | .06 | | | 11.24 | 13.45 |
| XHS | | | | | | |
| YN1 | .18 | .14 | | | 5.38 | 6.92 |
| | | | | | | |
| | | | | | | |
| | | | | | | |

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 A72-00051M

DECREED RIGHT @ 3.2 CFS

72-00051 to SEC 27 SW/NE; SE/NW; N 1/2 SW

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]

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 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 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 1/2 NE
N 1/2 SE

[claimed as
A72-00051L]

TRANSFER 2258

STAYS
AS PART K .75 CFS
Just new P/U
SEC 33 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 ratios reduced}
SEC 33 100A in SE 1/4
SEC 34 30A in W 1/2 SW 1/4

see created 5-12-93
KAC

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 Ambruster, Wood, King, Herless 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 license for Wood/Ambruster.

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

5-18-93

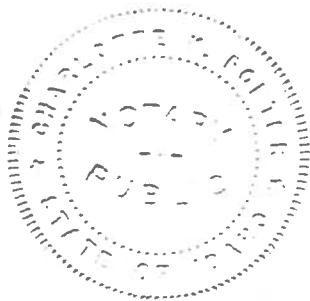
The following is given as testimony concerning the historical long-term and continuous use of irrigation water on the property owned by Johnny & Charlotte Smith and Michael Shannon & Paris Almond and located at the corner of Challis Creek and Clinic Roads in Custer County, and legally described as:

| Township | Range | Section | 1 + of 1 + | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 14N | 19E | 28 | NE SW | | IRR | 11.5 |
| | | | NW SW | | IRR | 3.5 |

TESTIMONIAL STATEMENT

I _____ do attest to the truth of the following information concerning long-term and continuous use of irrigation water on above mentioned property.

I know that there was a ditch on this place in 1930 because some folks live there by name Hise (Pan) that ditch has been used every year since then but how much before that I don't know.



*State: Idaho
County: Custer*

SIGNED William B. Sullivan

DATED Feb. 11 1994

WITNESSED Charles E. Peterson

*Notary Public
Commission Expires 7-14-98*

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

A 72 000 57)
A 72 000 51M)

State of Idaho)
County of)

HARRY T. JAMES being first duly sworn,
deposes and says: TO THE BEST OF MY KNOWLEDGE:

I WAS BORN DECEMBER 18, 1926, ON THE OLD
MAVITY RANCH APPROX. 1/4 MILE NORTH FROM
DIVERSION OF GARDEN CR. AS A CHILD I CAN
REMEMBER THE DITCH WATER FLOWING THRU
THE PROPERTY. THE USE OF SAID WATER
WAS USED TO IRRIGATE ORCHARDS & PASTURE
ALSO WATER WAS USED TO WATER LIVESTOCK

Harry T. James
(Signature)

Subscribed and sworn to before me this
day 18th of February, 1994.

Charlotte A. Porter
(Notary Public)

Residing at Charley, Idaho.

My Commission Expires 7-14-98.



The following is given as testimony concerning the historical long-term and continuous use of irrigation water on the property owned by Johnny & Charlotte Smith and Michael Shannon & Paris Almond, and located at the corner of Challis Creek and Clinic Roads in Custer County, and legally described as:

| Township | Range | Section | 1-4 of 1-4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 14N | 19E | 28 | NE SW | | IRR | 11.5 |
| | | | NW SW | | IRR | 3.5 |

Birth date July 24, 1922

TESTIMONIAL STATEMENT

I John Lorie do attest to the truth of the following information concerning long-term and continuous use of irrigation water on above mentioned property.

Back when I was a boy and Mrs. Treator lived in the old stone brewery, I used to help irrigate a small orchard between the old dirt road and the still existing ditch east of the old brewer. Irrigation water came from this ditch. Mrs. Treator also had the spring water south of the brewery ditch down to irrigate some apple trees that were higher up and on the west side of the road. This water in the ditch, quite plentiful in the spring, was also used for irrigation and for livestock by neighbors south to the north. This water also has been used in recent years for irrigation and for animals down course.

SIGNED

John V. Lorie

DATED

2/14/94

WITNESSED

Charlotte A. Porter Notary Public

State: Idaho

County: Custer

Commission Expires: 7-14-98

The following is given as testimony concerning the historical long-term and continuous use of irrigation water on the property owned by Johnny & Charlotte Smith and Michael Shannon & Paris Almond, and located at the corner of Challis Creek and Clinic Roads in Custer County, and legally described as:

| Township | Range | Section | 1 + of 1 + | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 14N | 19E | 28 | NE SW | | IRR | 11.5 |
| | | | NW SW | | IRR | 3.5 |

TESTIMONIAL STATEMENT

I Harold Leaton do attest to the truth of the following information concerning long-term and continuous use of irrigation water on above mentioned property.

I cannot testify to the earliest years, that I knew of; ditches on said property one running South from Challis Creek; the other running North from Garden Creek.

I do know that, somewhere between 1924-1930, another kid & I got caught stealing apples from the mavity orchard. We consider the orchard being of large size, especially in this area, and it had to be irrigated

I was born, raised, and am spending the rest of my time here (I presume

Born Oct. 16 - 1913

Signed

Harold Leaton

SIGNED

WITNESSED

DATED

February 18, 1994

Charlotte A. Porter

Notary Public

State: Idaho

County: Custer

Commission Expires 7-14-95

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

1877-~~A72-00057~~)
1880-~~A72-00051 M~~)

State of Idaho)
County of _____)

Medie Horton being first duly sworn,
deposes and says: _____

I lived on the Old Mavity Ranch from
1942 to 1950. All the years I lived
there, there was water used for irrigation
out of Garden Creek

Medie Horton
(Signature)

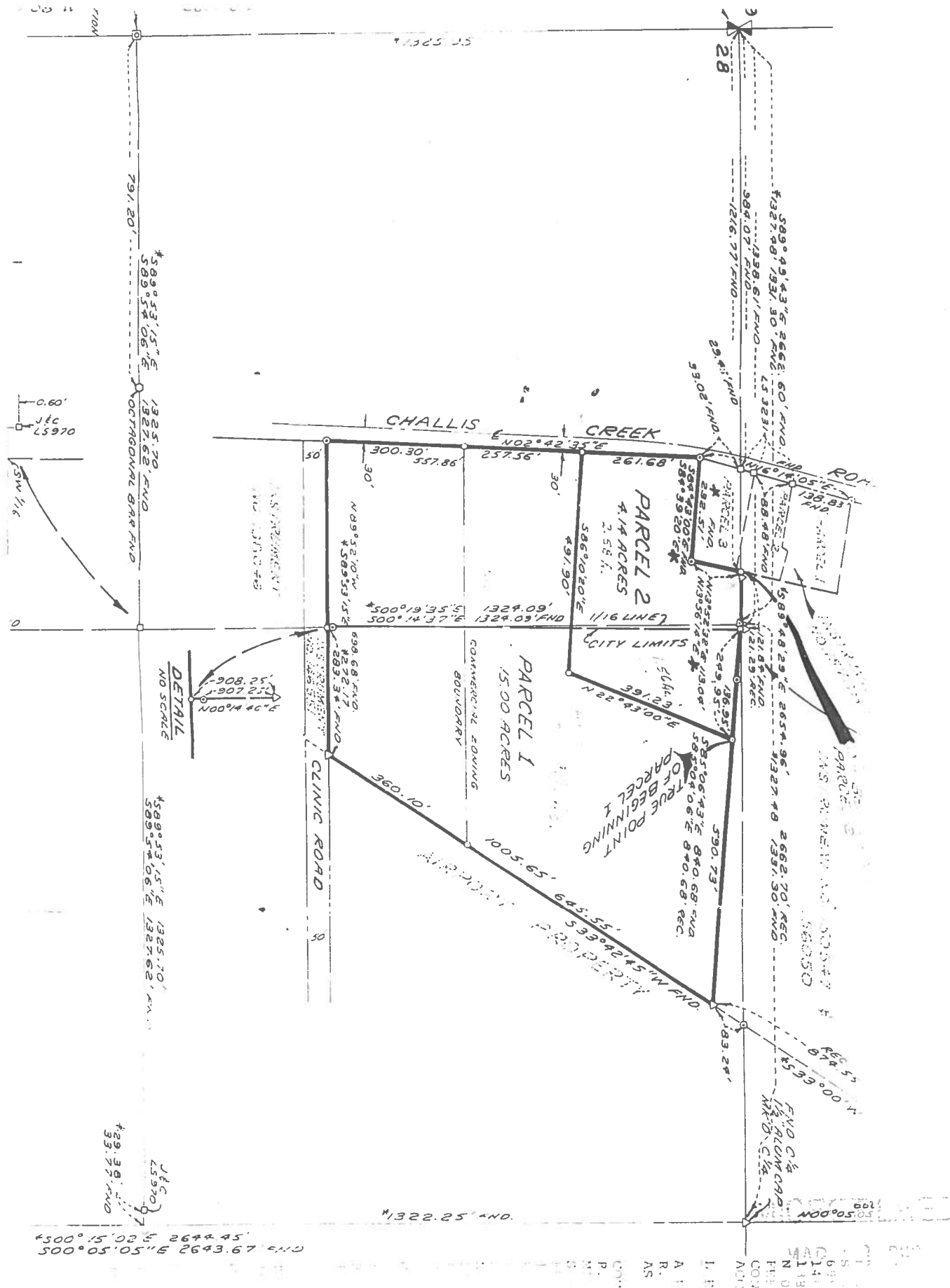
Subscribed and sworn to before me this
day 18th of February, 1994.

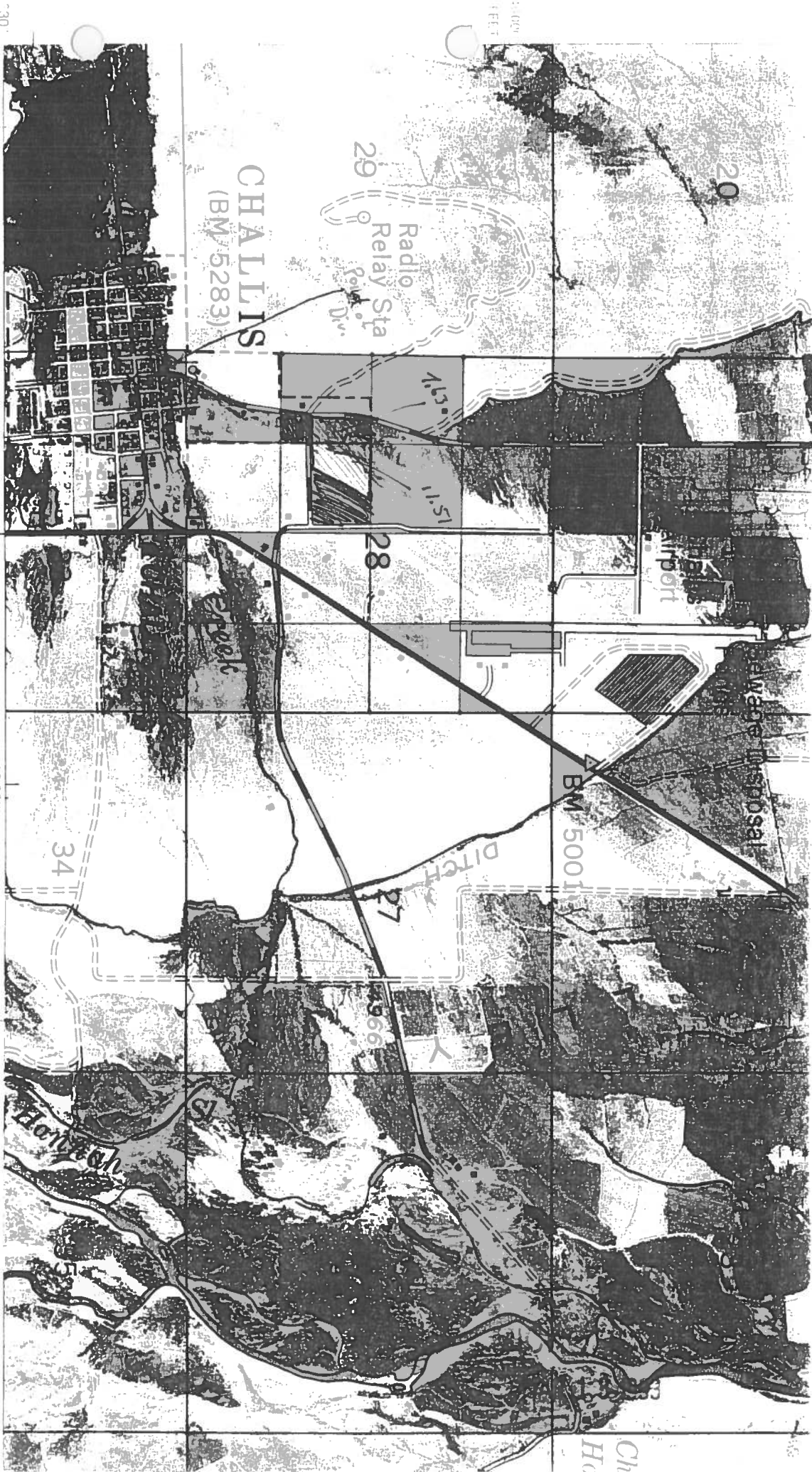
Charlotte A. Porter
(Notary Public)

Residing at Cohasset, Idaho.

My Commission Expires 7-14-98.







114°15' 440 000 FEET 1 6 MI. TO IDAHO 75 CLAYTON 24 MI.

Base Map Prepared by the U.S. Geological Survey
Control by USGS and USC&GS

Topography from aerial photographs by photogrammetric methods
Aerial photographs taken 1954. Advance field check 1956

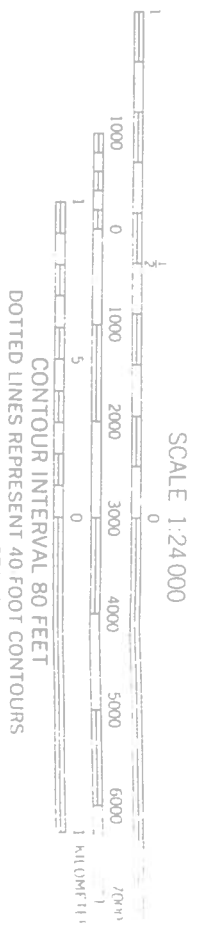
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks.
zone 11

INTERMEDIATE EDITION

Modification to USGS base map by Geomatrix Service
Center from 1979 aerial photography and 1980 corrector
guides furnished by the Intermountain Region



UTM GRID AND UTM MAGNETIC NORTH
DEFINITION: AT CENTER OF SHEET



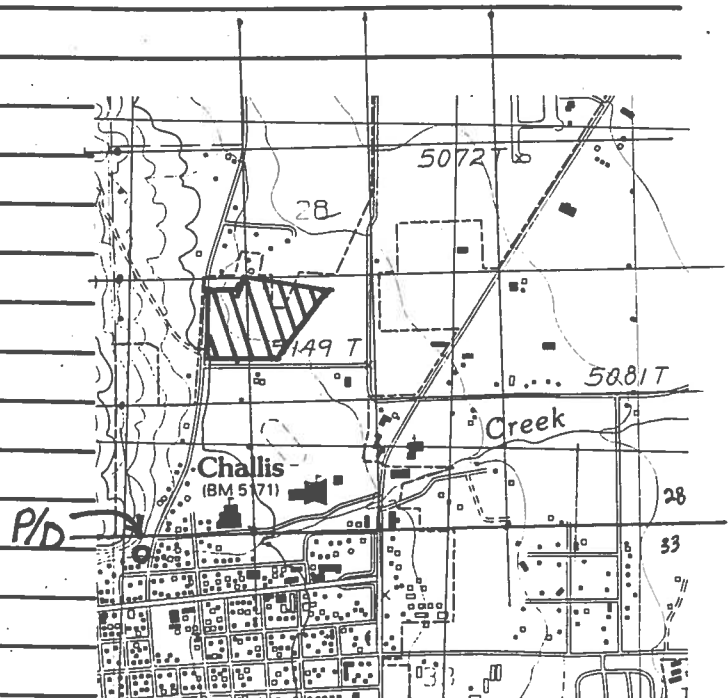
- National Forest Boundary
- Alienated Land within the National Forest Boundary as of 1980
- Primary Highway
- Secondary Highway
- Improved Light Duty

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 | 1.10CFS |
| | | | | | 21 | 40 | | 40 | | | | | | | | | | | | | | |
| | | | | | 22 | 40 | | | 40 | 40 | | | | | | | | | | | | |
| CLAIMED P/U | 72-00051N
72-00057 | | | | 28 | | | | | | | | 115 | 7.6 | | | | | | | 19.1 | 1.10CFS |

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 1 1977