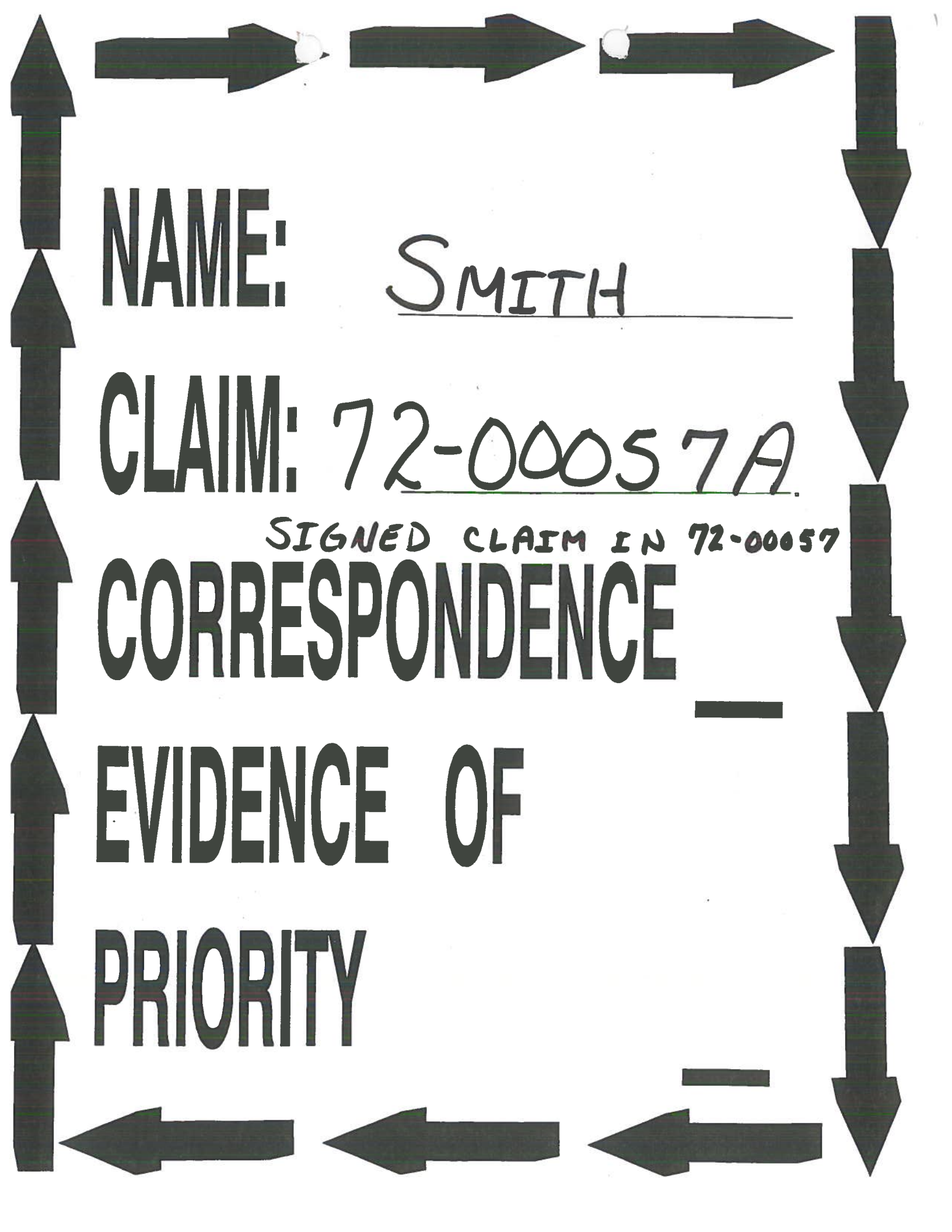




NAME:

SMITH

CLAIM: 72-00057A

SIGNED CLAIM IN 72-00057

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: **A72-00057A**
Date Received: 11/29/1989
Receipt No: M005272
Received By: _____

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

**COPY FOR
YOUR FILES**

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, 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	0.100		

7. Total Quantity Appropriated is:
0.100 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	NW	SW		IRR	4.1
Section Acres							4.1
Total Acres							4.1

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:

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. ANDERSON
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

JOHN S SMITH
PO BOX 27
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

WARRANTY DEED

0201911

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 2nd day of June, 19 92.

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

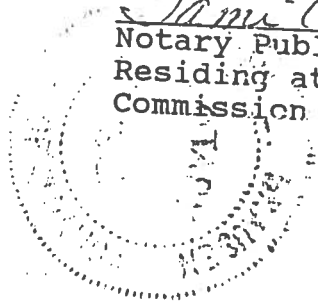
STATE OF IDAHO)

County of Custer) : ss

On this 22nd day of
JUNE, 1992, before
me, a Notary Public, per-
sonally appeared Charles
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
they executed the same.

Tamir C. Brauser
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

Wander 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

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 18 1998
Department of Water Resources
Southern Region

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: 72-00057A

JOHN S SMITH
CHARLOTTE M SMITH
PO BOX 27
CHALLIS ID 83226

Daytime Telephone Number: 879-4402
Evening Telephone Number: Same

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): *We disagree with the priority date of 1857. We bought it as 1877.*

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

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

If you look at the 11/29/89 papers you will see that the priority date was 1877

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

DATE: 12-16-98 SIGNATURE: Charlotte M. Smith, John S. Smith
Please print your name: CHARLOTTE M. SMITH JOHN S. SMITH



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 22, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JOHN SMITH
PO BOX 27
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM: 72-00057A

Dear John

The following is a summary of the research I utilized to establish the recommended priority date of 1887.

1. 72-00057 was decreed with a 5-15-1887 priority date.
2. No other claims were filed against 72-00057.
3. Warranty deed dated September 17, 1925 between WW Anderson and Mabel Adamson And Fred Mavity indicates that 0.20 cfs of 72-00051 (5-1-1880 priority date) was transferred to the Geo. E Kiser ranch then owned by Fred Mavity.
4. A data base search for water rights with a priority date between 3-1-1877 and 6-1-1877 identified the following base rights. 72-00138, 72-00139, 72-00140, and 72-00141. All of these rights were decreed through the Breyer vs Rogers decree and have Warm Springs Creek as a source. The decreed place of use for these rights is either in TWP 12N RNG 20E or TWP 13N RNG 20E.
5. In visiting with other water users in the area several indicated that water has been delivered to the property for many years but they did not believe that it was 1877 water.

At this time I am unable to identify a legal basis for recommending an 1877 priority date water right to your property. If you have additional information relating to the 1877 right that would be appurtenant to your property please provide me with that information.

Sincerely

Kelly K Christensen
Senior Water Resource Agent

Water Right Number - R72-00057A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT 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

VERIFIED BY *KKC*
11-3-98

+ - - 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 Diversion Name
14N 19E 33 NW NW NW *GD 144* (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.100

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.100 0.0

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 28 NW SW 3.5 01 IRRIGATION (37) CUSTER
Total Acres: 3.5 *P/4 EDS = 262*

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

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use -

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

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

Water right number - R72-00057A

Prefix Translation: RESEARCH

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

+ - - - - Old Water Right Numbers - - - - - +
7200057

+ - - - - 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

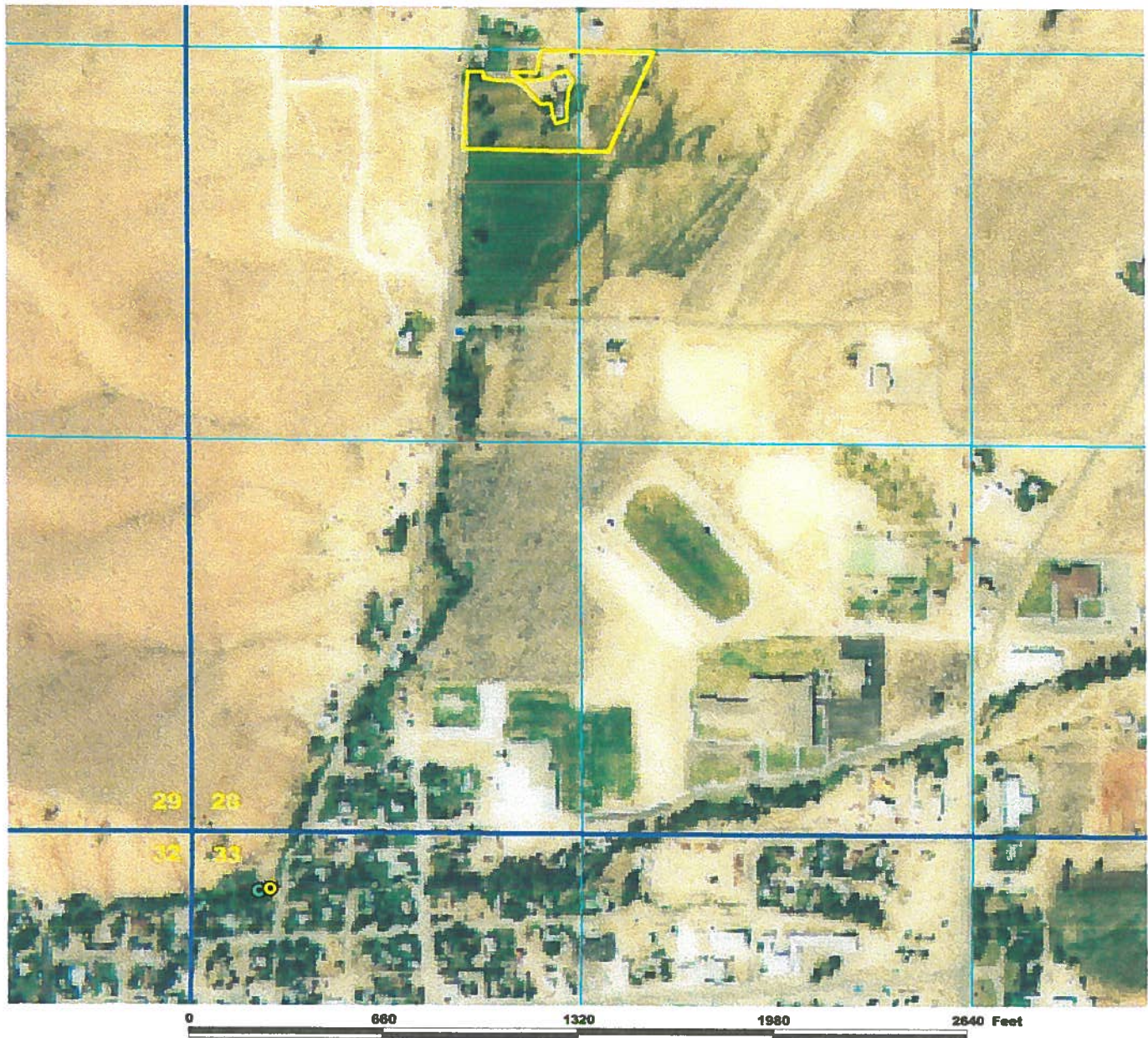
+ - - - - Comments - - - - - +

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

+ - - - - 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	-

72-00057A



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

CLAIM NUMBER72-00057A

DATE10-21-98

TRANSFER NUMBER

AGENTKKE

CLAIMED ACRE TOTAL4.1

GIS ACRE TOTAL3.5

	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										4.1						4.1
GIS													2.1	1.4					3.5
RECOM													2.1	1.4					3.5
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

262

B72-DBPOD.SHP

NOS. DESCRIPTION

144 Sec 33

NW1/4

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

Jpeg X

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-00057A

DATE: 10-22, 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
G01	.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	3.5	.13	.24 CFS
					CFS
					CFS
					CFS

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = .1

MEASURED DIVERSION RATE = _____

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

R PROOF

CVR

MAPS

PHOTOS

MISC

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Mike Shannon

He was not sure how the deeded 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, 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 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

5338 JL
GREEN-M
5320

T-573

E. McFarland

20 21
29 28
R+M Ranch
FSN-37
Roberts
Green
Circuit

B-408
R-60661
4088
Suck & die

Johnny
SMITH

MIKE

DITCH

CLAIM _____ INIT _____
T. R. S. Q/Q
P/D 14N 19E 28 1978
PHOTO ID. ASCS Z 12 Flight

B-537

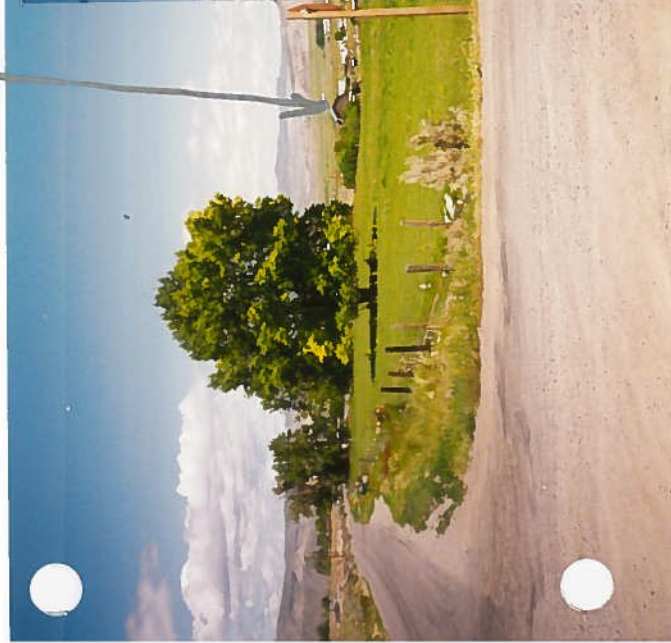
POWERS

Mike

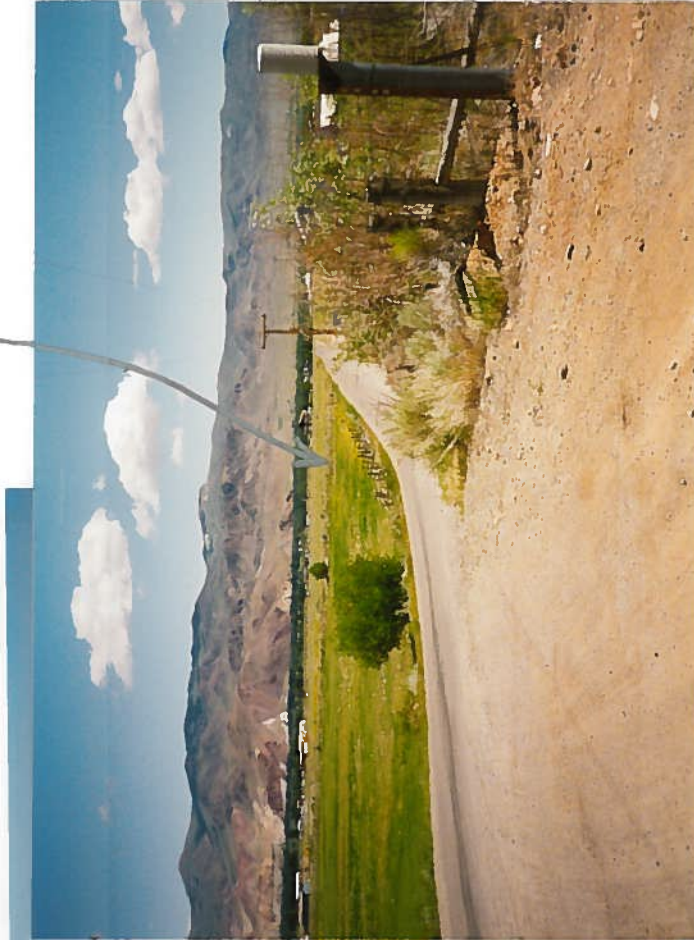
CLAIM # A72-00057A & B
DATE PHOTOS TAKEN; 7-8-93
PICTURE SET # 1

This photo set was taken from the southwest corner of the P/U for A72-00057A in the foreground and P/U for A72-00057B around the farmstead. The Johnny Smith Ditch crosses under the road running to the right.

**FARMSTEAD
OF THE P/U FOR A72-00057B**



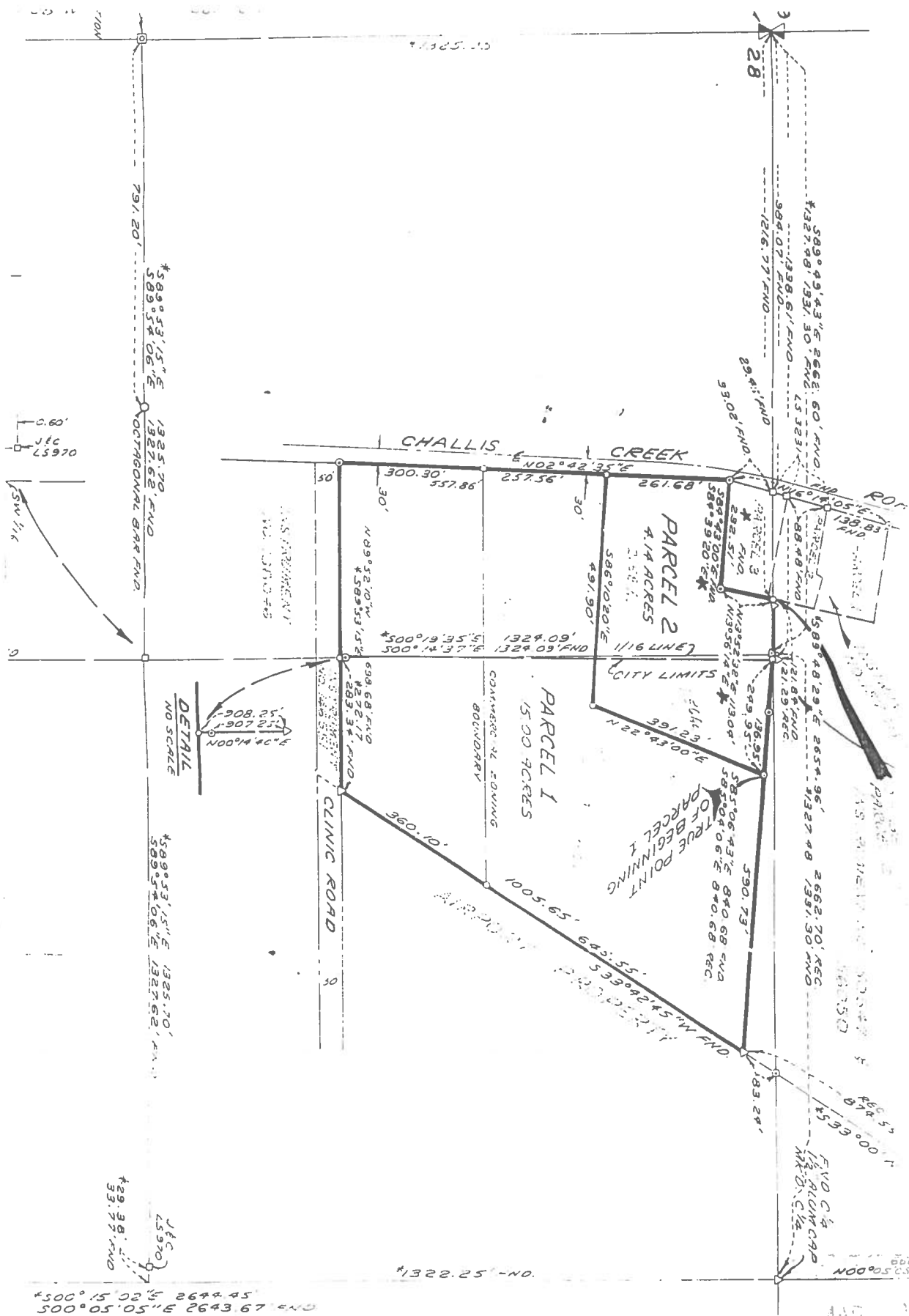
**EASTERN BOUNDARY
FOR A72-00057A**



CLAIM # A72-00057A & B
PHOTO TAKEN ON 7-8-93
PICTURE SET # 2

This picture is looking east and shows the current pipeline system used to deliver water to the eastern portion of the P/U for gravity sprinkler irrigation. The original ditch is visible paralleling the pipeline to the tree.



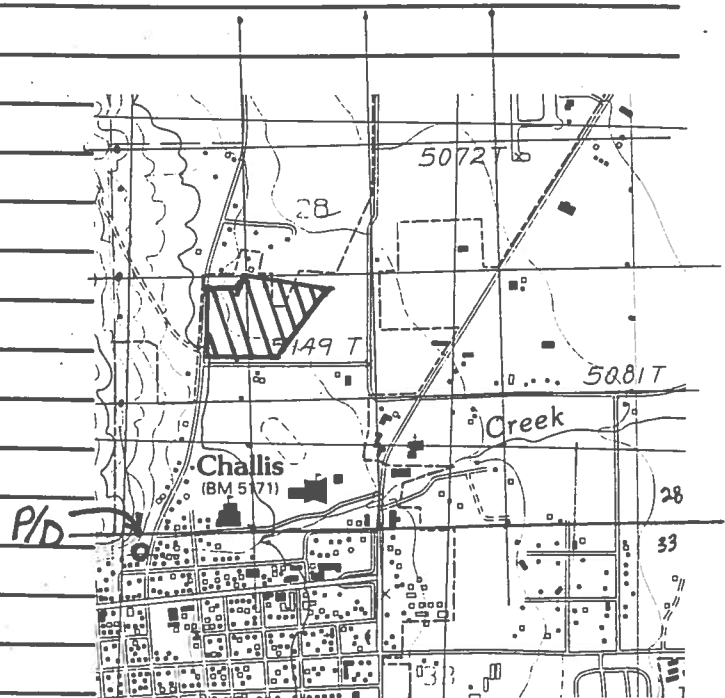


For Claims A72-00051N
A72-00057

	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		
DEED P/U	72-00051N	14N	19E	27			40					40	40	40							160	.20
DEED 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	76							19.1	1.10CFS

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

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



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MAR 1 1977