

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: **A72-00106D**
Date Received: 1/ 2/1990
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JEROLD P WALSH 702-423-6143
Address: 51 N BAILEY ST
FALLON NV 89406
AND
Name: CAROL J WALSH 702-423-6143
Address: 51 N BAILEY ST
FALLON NV 89406

2. Date of Priority: MAY 15, 1888

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	18E	35	SW	SE			CUSTER

5. Description of diverting works:
PUMP IN CREEK TO A SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.030		3.50
STOCKWATER	01/01	12/31	0.020		0.10

7. Total Quantity Appropriated is:
0.030 C.F.S. (and/or) 3.60 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/10 HORSES, CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	35	SW	SE		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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:
NONE

14. Remarks:

CLAIMANT IS CONSIDERING CHANGING THE P/D DOWNSTREAM AND
UTILIZING A PUMP.

Stockwater use is for 10 horses and range cattle.

2/9/98 TF; CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4716.

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

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

February 9, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

JEROLD P WALSH
CAROL J WALSH
51 N BAILEY ST
FALLON NV 89406

RE: Amendment of SRBA Claim A72-00106D

Dear Claimant:

Pursuant to the approval of Transfer No. 4716, the above referenced Notice of Claim in the Snake River Basin Adjudication has been amended to conform with the transfer. Enclosed you will find a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

S-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4716
WATER RIGHT NO. 72-00106B

RECEIVED

JAN 26 1995

Department of Water Resources
Southern Region

This is to certify that: JEROLD P WALSH
CAROL J WALSH
51 N BAILEY ST
FALLON NV 89406

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.03 CFS	3.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	0.1 AF
Totals		0.03 CFS	3.6 AF

SOURCE

GARDEN CREEK

TRIBUTARY OF

SALMON RIVER

Priority: 05/15/1890

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 35, Township 14N, Range 18E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14N	18E	35	SWSE	1		1
Total number of acres irrigated:						1

PLACE OF USE: STOCKWATER, same as IRRIGATION use

CONDITIONS OF APPROVAL AND REMARKS

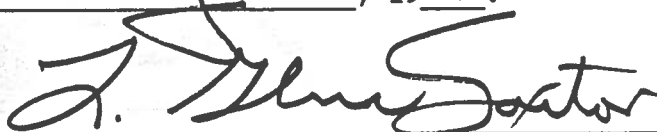
1. Use of water under this water right will be regulated by the watermaster of State Water District No. 72B.

TRANSFER NO. 4716
WATER RIGHT NO. 72-00106B

CONDITIONS OF APPROVAL AND REMARKS

2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. This right when combined with all other rights shall provide no more than .03 cfs per acre nor more than 3.5 afa per acre for the lands above.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Stockwater use is for 10 horses and range cattle.

Dated this 23rd day of January, 1996.


Chief, Water Alloc. Bureau

FROM: Allen Merritt *AM*

DATE: November 7, 1995

TO: Transfer File #4716

SUBJECT: Review and Recommendation

This application requests change of diversion means from a ditch to a pump. SRBA review finds the right valid and ownership correct. After discussion with staff it appears that 0.03 cfs is subject of transfer since 0.03 cfs is allowable rate for sprinkler system on small acreages of less than 5 acres and place of use for this right is 1.0 acres. The remainder of applicant's portion of right (0.06 - 0.03) was required for ditch loss and flood irrigation but this will be forfeited after approval of this transfer since system will now be sprinkler from pump.

RECOMMENDATION

I recommend the transfer be approved subject to the following conditions:

- 1) Subject to SRBA review and approval.
- 2) Under control of watermaster of District 72-B (Garden Creek)
- 3) Must install a measuring device and means of control for use by watermaster.

12-00106 D, 1 77 4116

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4716APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Jerold P. and/or Carol J. Walsh Phone 702-423-6143
Post Office address 51 N. Bailey St. Fallon, NV 89406.

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes We want to change the diversion point of our water right so that we can pump directly from Garden Creek. Also to show how the right has been used for many years. In 9-27-95

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 8 Priority 5-15-1890 Amount (cfs/ac-ft) 0.03 Nature of Use Irrigation Period of Use 4-15 to 10-15
72-00106 0.02 Stockwater 1-1 to 12-31
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 0.03 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Garden Creek tributary to Salmon River
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	SW	SE	35	14N	18E	Custer	

5. Lands irrigated or place of use: No Change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	18E	35															I		I
																	S		

Total acres 1

PART 1**6. General Information:**

a. Description of diversion system Pump in creek to a sprinkler system

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NA

d. Remarks:

This transfer is based on the SRBA recommendation for A72-00106D. See attached CVR for details. If this application is approved the SRBA recommendation will be amended to reflect the reduced diversion rate.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 72-00106 Decreed to Nick Z. Kiser
in case of Adams Et AL vs. Vandervoort Et AL
dated 5-19-1914 in Sixth District county of Custer
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Garden Creek tributary to Salmon River

4. Date or priority 5-15-1890

5. Water is used for the following purpose:

amount 1.40 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.40 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals.
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>13N</u>	<u>18E</u>	<u>2</u>						<u>L74</u> <u>X</u>	<u>X</u>										
		<u>3</u>				<u>X</u>									<u>X</u>				

Total acres _____

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.03 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3	SW	NE	NW	2	13N	18E	Custer	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13N	18E	2						LT 4	X										
		3				X									X				

Total acres 1**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 1.37 cfs for Irrig. purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:
- Unknown

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:
- Unknown

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Info only

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. R72-00106 D on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other

3. Source of water Garden Creek tributary to Salmon River

4. Date or priority 5-15-1890

5. Water is used for the following purpose:

amount .06 for Irrigation purposes from 4-15 to 10-15
(cfs/ac-ft)
amount .02 for Stockwater purposes from 1-1 to 12-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .06 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
3	SW	NE	NW	2	13N	18E	Custer	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	18E	35															1		
																	S		

Total acres 1

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

None

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

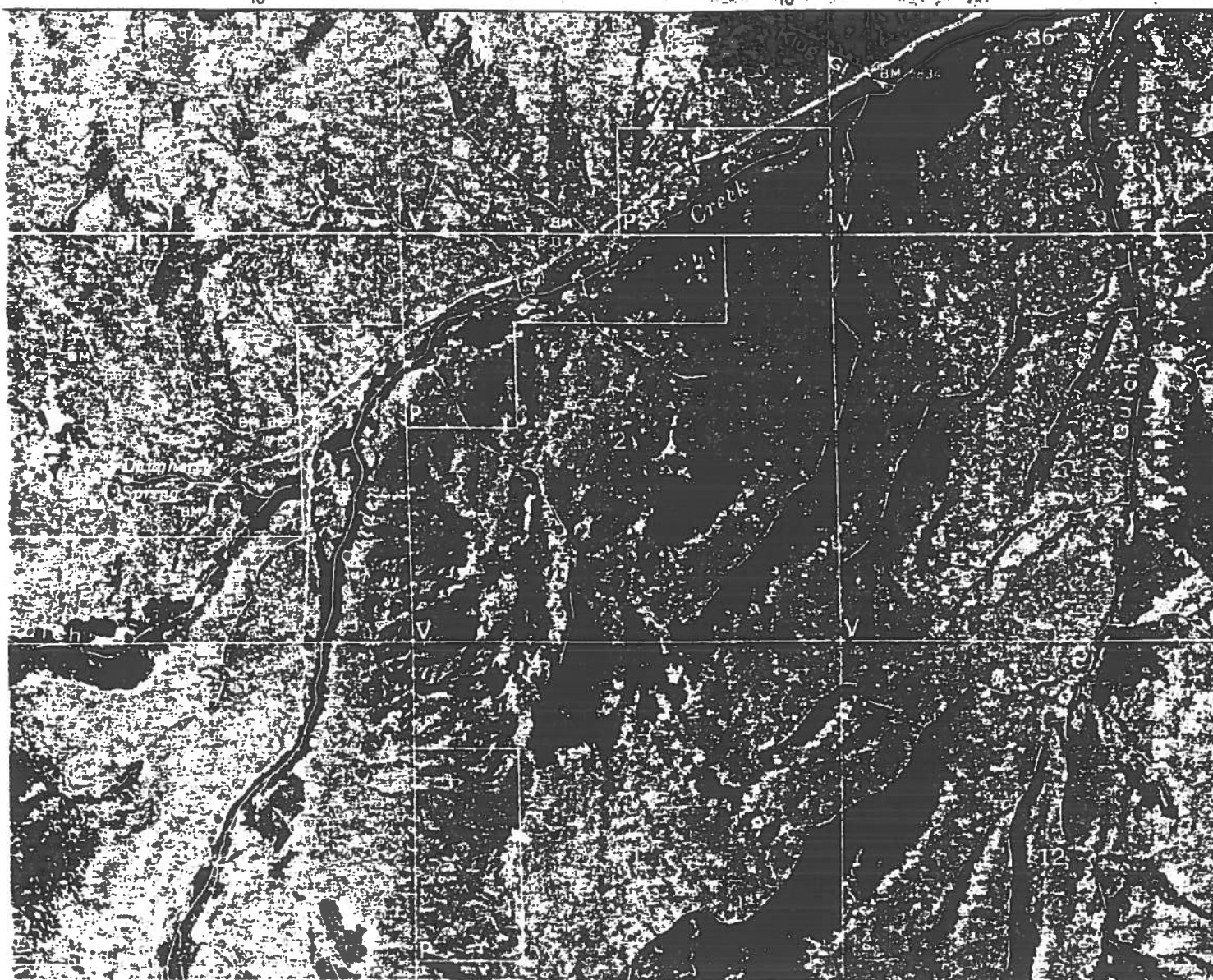
Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

14N, 18E



ANALYSIS OF DECREED WATER RIGHTS 72-00106 AND 72-00109

<u>DECREED RIGHT NO</u>	<u>PRIORITY DATE</u>	<u>DIVERSION RATE</u>	<u>DECREED TWN</u>	<u>PLACE OF USE RNG</u>	<u>SEC</u>	<u>QUARTERS</u>
72-00106	5-15-1890	1.40 CFS	13N 13N	18E 18E	3 2	SENE, NESE LOT 4, SWNW
72-00109	5-15-1888	1.20 CFS	13N 14N 14N	18E 18E 18E	2 35 36	N1/2NW1/4 S1/2SE1/4, NESE NWSW

Evidence of intent to transfer a water right as documented in warranty deed recordings is the basis for this analysis.

<u>WARRANTY DEED NO. AND DATE</u>	<u>PARTIES INVOLVED</u>	<u>LEGAL DESCRIPTION OF PROPERTY TRANSFERRED TWN RNG SEC QUARTERS</u>
20-519	KAISER TO CAMERON KENNETH	13N 18E 2 LOTS 2, 3, & 4; SWNW 13N 18E 3 SENE, NESE 14N 18E 35 S1/2SE1/4 (With all ditch rights and water rights appurtenant there to)
22-270 05-28-34	KLUG TO CAMERON (a quit claim deed)	13N 18E 3 NESE (With all ditch rights and water rights appurtenant there to)

These deeds, in effect, placed both decreed rights and the relevant places of use under one ownership. The property was then referred to as containing 296.79 acres more or less and the water rights were transferred by reference to all appurtenances from that date until 1966. In 1966 the property was split and the intent to transfer water was identified in the warranty deeds as follows;

34-265 12-05-66	COLSON TO KRISTAN	13N 18E 3 SENE, NESE* {With 16" or .32cfs of 1888 water & 19" or .38cfs of 1890 water.} * This is consistent with the place of use for A72-00106A
--------------------	----------------------	---

130824 04-29-71	COLSON TO STARK	13N 18E 2 LOTS 2, 3, & 4; SWNW 14N 18E 35 SWSE SESE (With 44" or .88cfs of 1888 water & 51" or 1.02cfs if 1890 water.) {Reserving 5+- acres, aka the north 165' of the SESE SEC 35 together with 2 miners inches .04cfs of 1890 water}** ** This is consistent with the place of use for A72-00109D
--------------------	--------------------	--

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

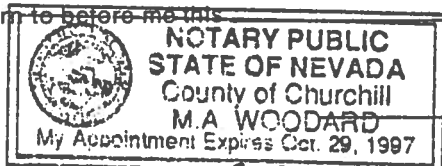
3. Describe effects on other water uses resulting from the proposed change:

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

I understand that any willful misrepresentations made in this application may result in voiding its approval.

[Signature]
(Signature of Applicant)

Subscribed and sworn to before me this

18 day of JUNE, 19 95

[Signature]
(Notary Public)

My commission expires 10-29-97**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 0 attachmentsReceived by MB MTS Date 6/22/95

Protest filed by _____

Prelim. check by J.F. Stanton Fee \$100 5018230Receipted by MTS Date 6-22-95Published in The Challis Messenger

Copies of protest forwarded by _____

Pub. dates 10/12 + 10/19/95

Hearing held by _____ Date _____

Watermaster recommendation requested on 9/25/95Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____

RECEIVED

JUN 22 1995

Department of Water Resources
Southern Region

133657 STARK TO
06-30-72 CUMMINGS

14N 18E 35 SWSE
(With 5" or .10cfs of 1890 water)
This is consistent with the
place of use for A72-00109A and
A72-00109B.

139317 CUMMINGS TO
05-28-75 BRACK

11.56 Acres within the SWSW SEC 35
with all appurtenances.
This is consistent with the
place of use for A72-00109A and
A72-00109B.

156185 BRACK TO
10-06-80 HUSTON

8.69 Acres within the SWSW SEC 35
(With 3" or .06cfs of 1890 water)
This is consistent with the
place of use for A72-00109B

165397 BRACK TO
09-30-82 ODLUM

14.88 Acres and 6.95 acres within
the SWSW SEC 35 with all
appurtenances.

This is consistent with the
place of use for A72-00109A

Subsequent land sales do not indicate a change in water right
appurtenances.

ANALYSIS OF WARRANTY DEED TRANSFERS

As the adjudication claims relating to the two decreed rights
currently do not reflect the warranty deed information, the
analysis will be reflected by place of use ownership rather
than claim number. The place of use is further identified on
the attached orthophotographic quad map.

P/U LABEL	CURRENT OWNER	APPLICABLE PORTION OF DECREED RIGHT	
		72-00106 (1890)	72-00109 (1888)
A	LEVINSON et al	0.38 cfs	0.32 cfs
B&C	JAMES	0.88 cfs	0.88 cfs
D		No water appurtenant	
1	STRICKLAND	0.04 cfs	
2	WALSH	0.06 cfs	
3	MURPHY	0.04 cfs	

MICROFILMED
1987

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: A72-00106D
Date Received: 1/ 2/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JEROLD P WALSH
Address: 51 N BAILEY ST
FALLON NV

702-423-6143

89406

AND

Name: CAROL J WALSH
Address: 51 N BAILEY ST
FALLON NV

702-423-6143

89406

2. Date of Priority: MAY 15, 1888

3. Source: GARDEN CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	18E	2		NE	NW		CUSTER

5. Description of diverting works:
ROCK DIVERSION, HEADGATE, 3' DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.150		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/10 HORSES, CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	35	SW	SE		IRR	6.0
			SW	SE		STOCK	
					Section Acres		6.0
					Total Acres		6.0

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:
NONE

14. Remarks:
CLAIMANT IS CONSIDERING CHANGING THE P/D DOWNSTREAM AND
UTILIZING A PUMP.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ADAMS, ET. AL.

Decree Plaintiff

VANDERVOORT, ET. AL.

vs Decree Defendant

ADAMS, ET. AL. vs VANDERVOORT, ET. AL.
Decree Plaintiff Decree

Originally claimed
as A72-00109B is original
no tained claim is in fact file
Pertinent documentation from that file
transferred to this file
K/KC

MICR
OCT

MICROFILMED
OCT 28 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

14-Jul-1993

JAROLD P WALSH
51 N BAILEY ST
FALLON NV 89406

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A72-00109B

Dear Mr Walsh

I have conducted a warranty deed search for information concerning intent to transfer water rights relating to your property. The information I have obtained I consider the current 'best' information available.

Your water use is related to claims filed by Christopher James, Patsy Strickland, Madi Levinson et al, and Kenneth Murphy as outlined in the two page analysis sheet (attached).

The warranty deed transfers indicate that the applicable water use for your property is a maximum of 0.06 cfs of 1890 priority date water.

Your options are;

1. Do nothing and I will renumber your claim and recommend that claim based upon the available documentation and field examination findings.

2. Provide additional information to support a total of 0.17 cfs of 1888 decreed water being appurtenant to your property.

Although I have not calculated the irrigated ground within your property, it appears to be significantly less than the six claimed acres.

I realize that this may be confusing so please call if you have any additional questions.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent
enclosures

MICROFILMED
OCT 28 1994

ANALYSIS OF DECREED WATER RIGHTS 72-00106 AND 72-00109

DECREED RIGHT NO	PRIORITY DATE	DIVERSION RATE	DECREED TWN	PLACE OF USE RNG	SEC	QUARTERS
72-00106	5-15-1890	1.40 CFS	13N 18E	3	SENE, NESE	
			13N 18E	2	LOT 4, SWNW	
72-00109	5-15-1888	1.20 CFS	13N 18E	2	N1/2NW1/4	
			14N 18E	35	S1/2SE1/4, NESE	
			14N 18E	36	NWSW	

Evidence of intent to transfer a water right as documented in warranty deed recordings is the basis for this analysis.

WARRANTY DEED NO. AND DATE	PARTIES INVOLVED	LEGAL DESCRIPTION OF PROPERTY TRANSFERRED TWN RNG SEC QUARTERS
20-519	KAISER TO CAMERON KENNETH	13N 18E 2 LOTS 2, 3, & 4; SWNW 13N 18E 3 SENE, NESE 14N 18E 35 S1/2SE1/4
	(With all ditch rights and water rights appurtenant there to)	
22-270	KLUG TO	13N 18E 3 NESE
05-28-34	CAMERON (a quit claim deed)	(With all ditch rights and water rights appurtenant there to)

These deeds, in effect, placed both decreed rights and the relevant places of use under one ownership. The property was then referred to as containing 296.79 acres more or less and the water rights were transferred by reference to all appurtenances from that date until 1966. In 1966 the property was split and the intent to transfer water was identified in the warranty deeds as follows;

34-265	COLSON TO	13N 18E 3 SENE, NESE*
12-05-66	KRISTAN	{With 16" or .32cfs of 1888 water & 19" or .38cfs of 1890 water.}
		* This is consistent with the place of use for A72-00106A
130824	COLSON TO	13N 18E 2 LOTS 2, 3, & 4; SWNW
04-29-71	STARK	14N 18E 35 SWSE SESE
		(With 44" or .88cfs of 1888 water & 51" or 1.02cfs if 1890 water.)
		{Reserving 5+- acres, aka the north 165' of the SESE SEC 35 together with 2 miners inches .04cfs of 1890 water}**
		** This is consistent with the place of use for A72-00109D

133657 STARK TO
06-30-72 CUMMINGS

14N 18E 35 SWSE
(With 5" or .10cfs of 1890 water)
This is consistent with the
place of use for A72-00109A and
A72-00109B.

139317 CUMMINGS TO
05-28-75 BRACK

11.56 Acres within the SWSW SEC 35
with all appurtenances.
This is consistent with the
place of use for A72-00109A and
A72-00109B.

156185 BRACK TO
10-06-80 HUSTON

8.69 Acres within the SWSW SEC 35
(With 3" or .06cfs of 1890 water)
This is consistent with the
place of use for A72-00109B

165397 BRACK TO
09-30-82 ODLUM

14.88 Acres and 6.95 acres within
the SWSW SEC 35 with all
appurtenances.
This is consistent with the
place of use for A72-00109A

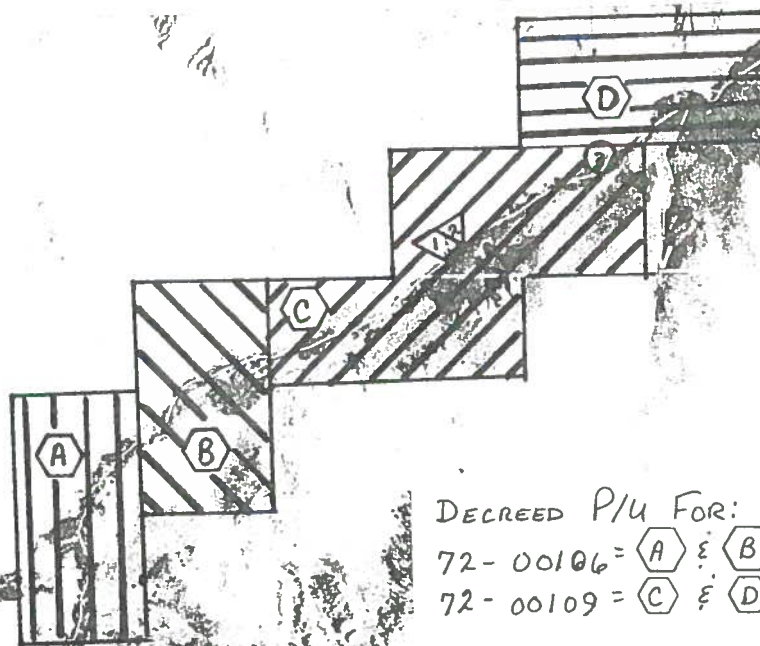
Subsequent land sales do not indicate a change in water right
appurtenances.

ANALYSIS OF WARRANTY DEED TRANSFERS

As the adjudication claims relating to the two decreed rights
currently do not reflect the warranty deed information, the
analysis will be reflected by place of use ownership rather
than claim number. The place of use is further identified on
the attached orthophotographic quad map.

P/U LABEL	CURRENT OWNER	APPLICABLE PORTION OF DECREED RIGHT	
		72-00106 (1890)	72-00109 (1888)
A	LEVINSON et al	0.38 cfs	0.32 cfs
B&C	JAMES	0.88 cfs	0.88 cfs
D		No water appurtenant	
1	STRICKLAND	0.04 cfs	
2	WALSH	0.06 cfs	
3	MURPHY	0.04 cfs	

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DECREED P/U FOR:

72-00106 = A & B

72-00109 = C & D

P/U BY OWNERSHIP AS OF 1993

A = LEVINSON et al

B & C = JAMES

D = NO ADJ CLAIMS FILED IN
THESE QUARTERS

1 STRICKLAND

2 WALSH

3 MURPHY

MICROFILMED

OCT 28 1985

Christensen, Kelly

Subject: status of 72-00106c & d; 72-10356 72-00109a & b
Entry Type: Phone call
Contact: Mike Hanson

Start: Mon 6/14/99 12:00 AM
End: Mon 6/14/99 12:00 AM
Duration: 0 hours

He talked to Corey and Corey referred him to me. I checked on the SRBA status rpt and found that 72-10356 has been decreed since 12-29-97 and that there are currently no objections against the two valid irrigation rights 72-00106C & D. I also stated that the 00109 series rights are not valid but recommended as the 00106 series.

5/20/99

Water Right Number - R72-00106D

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

WALSH

JEROLD P

1 - 51 N BAILEY ST

2 -

3 -

City- FALLON

Phone - 702-423-6143

VERIFIED BY KKC
11-9-98

State- NV Zip- 89406

WALSH

CAROL J

1 - 51 N BAILEY ST

2 -

3 -

City- FALLON

Phone - 702-423-6143

State- NV Zip- 89406

*** O - ORIGINAL OWNER ***

STRICKLAND

PATSY

1 - 19479 HIDDEN VALLEY RD

2 -

3 -

City- GUERNEVILLE

Phone - 707-869-3403

State- CA Zip- 95446

BRACK

LORI

1 - 19479 HIDDEN VALLEY RD

2 -

3 -

City- GUERNEVILLE

Phone - 707-869-3403

State- CA Zip- 95446

BRACK

MICHELLE

1 - 19479 HIDDEN VALLEY RD

2 -

3 -

City- GUERNEVILLE

Phone - 707-869-3403

State- CA Zip- 95446

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - - +
05/15/1890 17 SOUTHERN D - DECREED

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
14N 18E 35 SE SW SE ^{GP}179 (37) CUSTER

Recommendation
Based upon
transfer

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.030 3.50
04 - STOCKWATER 01/01 12/31 0.020 0.10

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.030 3.60 0.0

Water right number - R72-00106D

Prefix Translation: RESEARCH

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	18E	35	SW SE		1.0	01	IRRIGATION	(37) CUSTER
14N	18E	35	SW SE			04	STOCKWATER	(37) CUSTER

Total Acres: 1.0

655
251

+ - - Diversion Means - PUMP IN CREEK TO A SPRINKLER SYSTEM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

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

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72B.

EXP LIVESTOCK, 10 HORSES, RANGE CATTLE

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

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

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
- C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
- M05 - A LOCKABLE MEASURING DEVICE OF A TYPE ACCEPTABLE TO IDWR SHALL
BE PERMANENTLY INSTALLED AND MAINTAINED AS PART OF THE DIVERTING
WORKS.

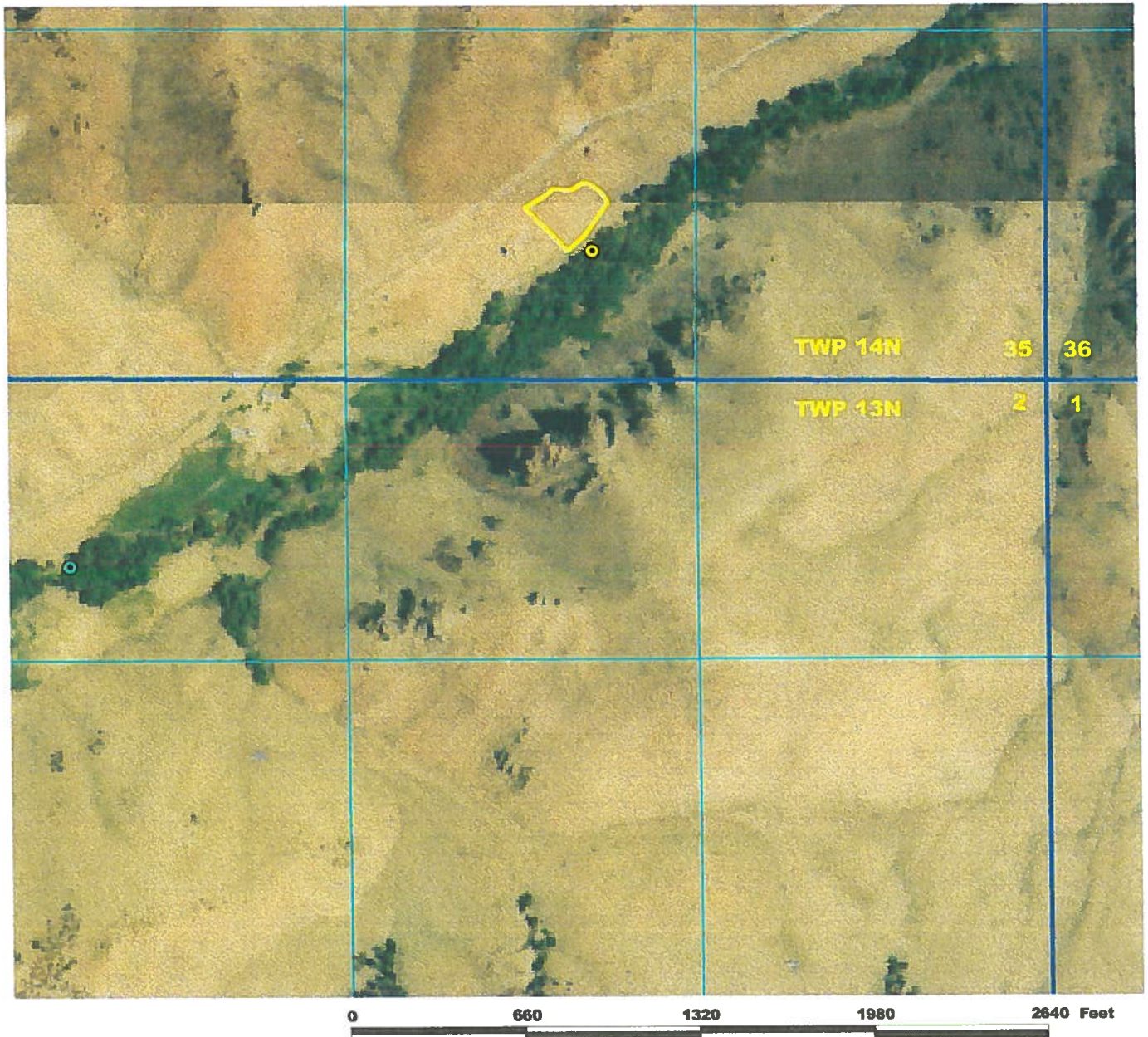
+ - - - - Decree Plaintiff - - - +	+ - - - - Decree Defendant - - - +	+ - Decree Date - +
ADAMS, ET. AL.	VANDERVOORT, ET. AL.	05/19/1914

+ - - Audit Fields - 01/26/94 CHRISTEN 03/30/95 POST-STD 02/05/98 TFAWCETT 02/09/98 TFAWCETT 02/12/98 TFAWCETT
10/21/98 KCHRISTE

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

Date: 01/26/1994 User Id: CHRISTEN Subject: COPIED FROM REMARKS
CLAIMANT IS CONSIDERING CHANGING THE P/D DOWNSTREAM AND UTILIZING A PUMP.
Date: 02/05/1998 User Id: TFAWCETT Subject: TRANSFER/AMENDED CLAIM
CLAIM WAS AMENDED PURSUANT TO APPROVED TRANSFER 4716.
Date: 02/09/1998 User Id: TFAWCETT Subject: CORRECTION OF DIVERTING WORKS DESCRIPTION.
CORRECTED DESCRIPTION OF DIVERTING WORKS TO MATCH THAT LISTED IN TRANSFER 4716.
Date: 02/12/1998 User Id: TFAWCETT Subject: REFORMAT
CLAIM REFORMATTED.

72-00106D
SOURCE = GARDEN CREEK



RECOMMENDED PLACE OF USE
TWP 14N RNG 18E, SEC 35
data entry on October 20, 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 NUMBER

72-00106D

DATE

10-20-98

AGENT

KKC

Approved 1995

TRANSFER NUMBER

4716

CLAIMED ACRE TOTAL

1

GIS ACRE TOTAL

1

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	34	N	18E	35														1	
GIS																		1	
RECOM																		1	
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

251

Recommendation Based upon approved transfer.

B72-DBPOD.SHP

NOS. DESCRIPTION

138 Sec 2 / Transferred from this point to
SW 1/4 NW

139 Sec 35

SE SW SE

DBF TABLES UPDATED

B72-DBPOU.DBF

✓

B72-DBPOD.DBF

✓

Jpeg

ANALYSIS OF TWP 14N, RNG 18E, SEC 35 SW¼SE¼
BASED UPON WARRANTY DEED INFORMATION

Registered	Parties involved	P/U acreage	Water right identification
1972	Stark sold to Cummings WD no. 133657	all 40 acres	with 0.10 cfs of 1890 water (a part of 72-00106)

Cummings then split the forty into 5 tracts and
subsequently sold the tracts to 4 different individuals

1974	Cummings to Brack WD no 139317	11.56 acres	with appurtenances
Mar 1976	Cummings to Gritton WD no 141925	10 acres ±	with 0.03 cfs
Apr 1976	Cummings to Edmunston WD no 142030	8.44 acres	with 0.04 cfs (he purchased 2 joining lots)
1979	Cummings to Brack & Negri WD no 152182	10 acres ±	with 0.03 cfs

RECOMMENDATION

The above transactions represent sales of all of the tracts of the quarter and identifies all 40 acres. To determine the appurtenant share for the 1974 sale to Brack I based my analysis on the currently irrigated place of use for each tract.

Claim	Irrigated P/U	Proportionate share	Recommended rate
A72-00106H	3.3 acres	$3.3/6.3 * 0.10 \text{ cfs} = 0.05$	0.04 cfs (limited to rate specified in warranty deed)
A72-00106C	2.0 acres	$2.0/6.3 * 0.10 \text{ cfs} = 0.03$	0.03 cfs (proportionate share)
A72-00106D	1.0 acres	$1.0/6.3 * 0.10 \text{ cfs} = 0.02$	0.03 cfs (rate specified in warranty deed)
Total	6.3 acres		0.10 cfs

Analysis by
Kelly K Christensen
October 19, 1998



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 7, 1995

JEROLD P WALSH
51 N BAILEY ST
FALLON NV 89406

RE: REQUEST FOR TRANSFER FORMS FOR A72-00106D

Dear Mr Walsh

Enclosed are the transfer forms and instructions. I have also enclosed a proof report on the above adjudication claim for your use.

If you have specific questions concerning the transfer process please contact this office and ask for an allocations agent. If you have questions concerning the adjudication claim please ask for me.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

R PROOF

CVR

MAPS

PHOTOS

MISC

INDEXED

OCT 28 195

Water Right Number - R72-001060

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - first Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
WALSH

JEROLD P

1 - 51 N BAILEY ST
2 -
3 -

State- NV Zip- 89406

WALSH

CAROL J

City- FALLON
Phone - 702-423-6143
1 - 51 N BAILEY ST
2 -
3 -

State- NV Zip- 89406

*** O - ORIGINAL OWNER ***
STRICKLAND

PATSY

1 - 19479 HIDDEN VALLEY RD
2 -
3 -
City- GUERNEVILLE
Phone - 707-869-3403
1 - 19479 HIDDEN VALLEY RD
2 -
3 -

State- CA Zip- 95446

BRACK

LORI

City- GUERNEVILLE
Phone - 707-869-3403
1 - 19479 HIDDEN VALLEY RD
2 -
3 -

State- CA Zip- 95446

BRACK

MICHELLE

City- GUERNEVILLE
Phone - 707-869-3403

State- CA Zip- 95446

+ - - Priority Date - - +
05/15/1890+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - +
GARDEN CREEK+ - - Tributary - - - - +
SALMON RIVER+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot Rflg County

13N 18E 2 SW NE NW 3 (37) CUSTER

+ - - Code Description Period From Period To Water Use - - - - +
Diversion Rate Diversion Volume01 - IRRIGATION 04/15 10/15 0.060
04 - STOCKWATER 01/01 12/31 0.020+ - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Consumptive Use - - + + - KW Usage - - +
0.060 2.5MICROFILMED
OCT 28 1994

MICROFILMED
OCT 28 1994

CLAIM NUMBER: A72-00109B

LAST: KLUG
ADDRESS: X
CITY: X
PHONE NUMBER: 208-000-0000

FIRST: WILLIAM
STATE: ID ZIP: X

OWNER CODE: 0

LAST: STRICKLAND
ADDRESS: 19479 HIDDEN VALLEY RD
CITY: GUERNEVILLE
PHONE NUMBER: 707-869-3403

FIRST: PATSY
STATE: CA ZIP: 95446

OWNER CODE: C

LAST: BRACK
ADDRESS: 19479 HIDDEN VALLEY RD
CITY: GUERNEVILLE
PHONE NUMBER: 707-869-3403

FIRST: LORI
STATE: CA ZIP: 95446

OWNER CODE: C

LAST: BRACK
ADDRESS: 19479 HIDDEN VALLEY RD
CITY: GUERNEVILLE
PHONE NUMBER: 707-869-3403

FIRST: MICHELLE
STATE: CA ZIP: 95446

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE Y FIELD EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: CLAIMANT IS CONSIDERING CHANGING THE P/D DOWNSTREAM AND UTILIZING A PUMP.

*claim removed
A72-00106D
10*

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OCT 28 1994

CLAIM NUMBER: A72-00109E

PHONE NUMBER: ()

[illegible]

PROJECT NUMBER ()

A. AJ CLAIM: # A72-00109B PRIORITY DATE: 05-15-1888 STAGE: D

B. WR RECORD: # 72-00109 PRIORITY DATE: 05-15-1888 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

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

REMARKS: *no record transferred occurred during property sale based upon warranty deed record (see letter to claimant dated July 14, 1993) letter transferred 1890 deed water (72-00106 right) at the time of sale & retained the 1888 water for his property. After researching warranty deeds on contacting claimant & am renumbering this claim & recognizing the 1890 water for this P/U.*

RECOMMENDED PRIORITY DATE

~~05-15-1888~~

5-15-1890

REVIEWED BY

KKE

DATE

1-26-94

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OCT 28 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-00109B	13N	18E	2		NE	NW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
R PREFIX
A72-00109A
NONE

NONE

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

7200109 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

Found P/D as claimed (Add 50 10 acre garden gulch in GVT Lot 3 to deed)
this P/D is shared with.

A72-00106B

00106C

00109C

MICROFILMED

DEC 1 1984

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4 1/4 LOT

COUNTY

130 185 2

SW N5 NW

3

SOURCE: GARDEN CREEK OK

TRIB: SALMON RIVER OK

REVIEWED BY: KHC

DATE: 1-26-93

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OCT 28 1994

A. ROOT WATER RIGHT NUMBERS:

A72-00109A
A72-00109B

A72-00109C

B. FOU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	18E	35	SW	SE		STRICKLAND, PATSY	A72-00109B 7 6.0	-	-	-	3.0
			SW	SE		CURL, JAMES L.	A72-10006 /	-	-	-	
			SW	SE		STRICKLAND, PATSY	A72-00109A / 6.0	-	-	-	
			SW	SE		STRICKLAND, PATSY	A72-10356 /	-	-	-	
			SW	SE		KLUG, WILLIAM	72-00109 /	72-00109 /	-	-	
			SW	SE		SPECHT, W. C.	72-02144 / 15.0	72-02144 / 15.0	-	-	
			SW	SE		STRICKLAND, PATSY	A72-00109B 7 6.0	-	-	-	3.0
			SW	SE		CURL, JAMES L.	A72-10006 /	-	-	-	
			SW	SE		STRICKLAND, PATSY	A72-00109A / 6.0	-	-	-	
			SW	SE		STRICKLAND, PATSY	A72-10356 /	-	-	-	
			SW	SE		KLUG, WILLIAM	72-00109 /	72-00109 /	-	-	
			SW	SE		SPECHT, W. C.	72-02144 / 15.0	72-02144 / 15.0	-	-	
TOTAL ACRES							A72-00109B 6.00				6.00

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

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
DUE TO FOU DISCREPANCY? (Y/N) Y

I found just shy of 1 Acre being irrigated. Per Doug Trostle (renter on property joining this P/u on the west) water was piped down the hill and onto the recommended P/u. I observed a small ditch built to carry water ~~east~~ from that point. The ditch runs ~~east~~ east north east along the southern border of the Cund property, and irrigates the ground from that point to Garden Creek. From the ditch end (at the North West corner of the P/u) water can flow south east to eventually reach the previously discussed ditch. This ground is currently fenced in with the Cund property. Mrs Cund stated that they sometimes park vehicles on this ground. The irrigation & vegetation for this portion is marginal but some was observed to have been made on this property, therefore I am including this as a portion of the recommended P/u. Mrs. Cund stated that the ditch has not

PRESUMPTION FLAG:

REMARKS:

been used since 1988 from his personal knowledge from this point and east. The ground & ditch east of the Civil property indicated a longer period than that (see photos) & am not recommending any ground east of the Civil property.

MICROFILMED
OCT 28 1994

RECOMMENDATIONS:

TOTAL ACRES:

1

REVIEWED BY:

KRC

DATE:

1-26-94

A. AJ CLAIMED USES:

PURPOSES
A72-00109B IRRIGATION
A72-00109B STOCKWATER

15 MONTH/DAY
FROM 04-21-10 TO 04-21-10
FROM 01-01 TO 12-31

15 10-15 recom to
set standards

DIVERSION QUANTITY
.150 CFS
.020 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.170 CFS

B. WR RECORDED USES:

PURPOSES
72-00109 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
1.200 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

Warranty deed information indicates an unrecorded transfer of 0.06 CFS for this property. Irrigation practice have been operative but electrical analysis giving a 15 day notation schedule indicates a need for 0.07 CFS for this ground. Per my travel when irrigation occurred it was in no to two with 18 other users. Very little water has been available for the last several years.

I accept the transfer based upon Warranty deeds as the limiting factor for this use and recommend 0.06 CFS total for this claim.

Stock was not on property at election time use would be logical as claimed through I accept the 10 had listed on the claim as valid & recommend that we @ 0.06 CFS but when cont. with the in use still limited to the 0.06 CFS

Y() N()

Y(X) N()

Explain in remarks, below.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N(☒)

AJ TOTAL CLAIMED DIVERSION RATE: 0.170 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

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

Y DATABASE EXAMINER FIELD

MEASUREMENT METHOD

system capacity FLOW MEASUREMENT
5.28 ac No File A72-001068
SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOLUME
A72-00109B	GARDEN CREEK	STRICKLAND, PATSY	0.170	0.028		
A72-00109A	GARDEN CREEK	STRICKLAND, PATSY	0.170	0.028		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10006	DOMESTIC	CURL, JAMES L.	FROM 01-01 TO 12-31	.040 CFS	

MICROFILMED

OCT 28 1994

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE $\times 0.02$ CFS/ACRE = 0.02 CFS
 ACRES 1 (Taken from p/u review)

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

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

2. IRRIGATION CONSUMPTIVE USE 15.0 AE/A

CLAIMED CONSUMPTIVE USE = 2.5

ACRES 1 $\times$ CONSUMPTIVE VOL. AE/A FOR AREA =

TOTAL CONSUMPTIVE USE 2.5 AE/A

3. IRRIGATION DIVERSION VOLUME AE/A

CLAIMED DIVERSION VOLUME = N/A

ACRES 1 $\times$ DIVERSION VOL. AE/A FOR AREA =

TOTAL DIVERSION VOLUME AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on consumptive use for combined rights.)

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 JUL 19 1981

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. RATE CFS	DIV EXAMINER	REC. VOL. AE/A	DIV EXAMINER	REC. CONS. USE	EXAMINER
in	4-15	10-15	.06				
Stock water	1-1	12-31	.02				
			.06				
TOTAL FOR THIS RIGHT							

PREPARED BY: KKC DATE: 1-26-94

neg lts from same P/D

A72 - 050106B
050106C
050106D
050109C

neg ten capacity is greater than the combined neg capacity than the reservoir. No neg capacity limit for needed.

2.5
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OCT 28 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREST/ABANDON
ADDITIONAL DIV. AMOUNTACCEPTED
AS CLAIMED
() ()
() ()
() ()
NEEDS
REVIEW

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00109

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.200

CFS

SPLITS:

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATE

1-26-94

WR RIGHT
NUMBERSDIVERSION
RATE

-	A72-00109A	0.170	-
-	A72-00109B	0.170	-
A72-00109	A72-00109C	0.880	-

-

-

-

72-00109

1.200

TOTAL CFS

1.220

1.200

DIVERSION RATE REVIEW

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

REMARKS:

AUTHENTICATION:

SIGNATURE:

Deby J. Christensen

DATE:

1-26-94

NAME OF FIELD EXAMINER:

TITLE:

*So Water Resource Agent*RECEIVED
FEB 1 8 43 AM '94

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED WHOM/DATE
PRIORITY DATE			7-8-93 KRC	Y	125/6	1-26-94 KRC		
POINT OF DIV	Y		"	N	"	"		
SOURCE			"	N	"	"		
PLACE OF USE	Y		"	Y	"	"		
DIV. AMOUNT CFS/VOLUME	Y		"	Y	"	"		
CONSUMPTIVE USE	-		"	Y	6	"		
PURPOSES	Y		"	N	"	"		
PERIOD OF USE	Y		"	Y	"	"		
BASIS OF CLAIM	Y		"	Y	"	"		
REMARKS	Y		"	Y	"	"		

VERIFIED BY CODES

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

MAPS USED:

DATE:

ASCS X-13 1978
ORTHO U-24 1974
NAPP
BLM 5-78-21 7-1-88

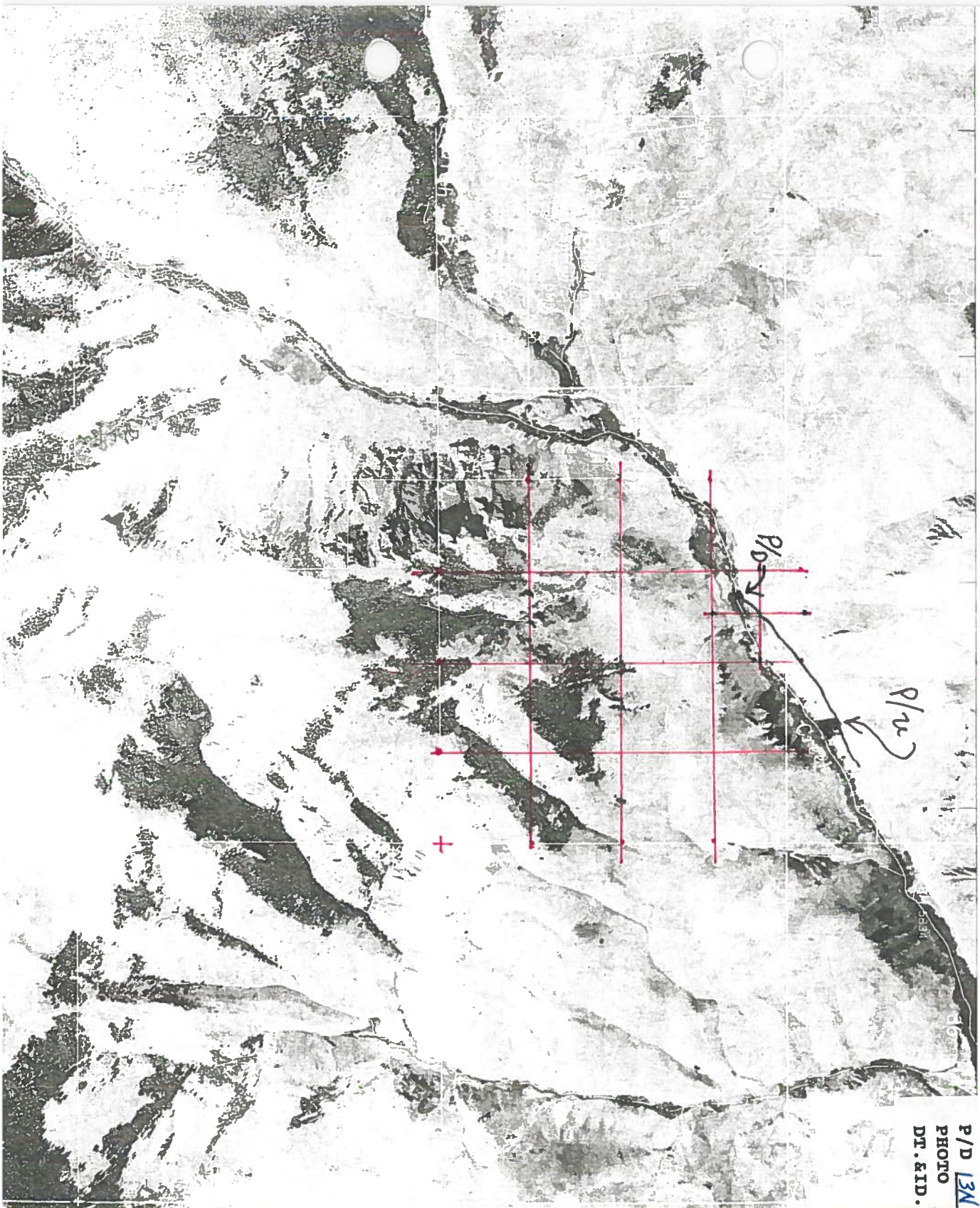
THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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OCT 28 1994

POOR ORIGINAL

BAYHORSE QUAT
IDAHO

20' 13' 15' 17' 30"



CLAIM A72-401070 INIT KKC
T. R. S. D/O
P/D 134 186 2. S. S. S. S.
PHOTO 11-24
DT. AID. 1974

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OCT 1974

POOR ORIGINAL

CLAIM A72-0010C D INIT KKC

T. R. S. Q/Q

P/D 18E 2 SWMSD

PHOTO

X-13

DT. EID. 197X ELight

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OCT 28 1994

L. KNIGHT

J. D. STERCHOS

diach
p/34

3336
2 1

CLAIM # A72-00109B
DATE PHOTOS TAKEN; 7-8-93
PICTURE SET # 1

POOR ORIGINAL

This picture set was taken from the northeast corner of the P/U for A72-00109A and is looking east on the left to southeast on the right. According to Ms Curl, the fences shown in this photo are not on the property line. A portion of the P/U for this claim is the leveled area running from the house lawn back toward the near post. Property owned by Ms Curl runs from the home toward Garden Creek. She also stated that no water has gone beyond this corner in the main ditch since at least 1988. She said that in 1988 water came down the ditch for a day or so but that they were nearly flooded out by seep water that they asked their neighbor to not use the ditch and they complied. She stated that they had piped water from the ditch from the P/U of A72-00109A across the fence to the ground south and west of the home.

MAIN DITCH PROPERTY LINE GARDEN CREEK P/U FOR THIS CLAIM



CLAIM # A72-00109B
DATE PHOTOS TAKEN; 7-8-93
PICTURE SET # 2

POOR ORIGINAL

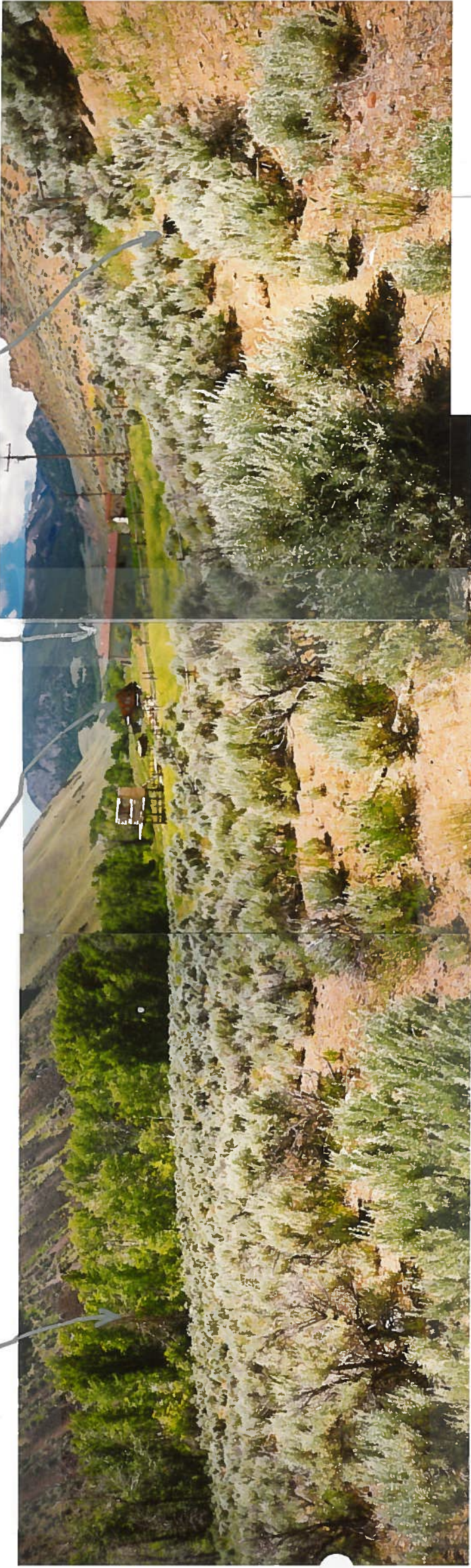
This picture set was taken on the eastern side of the P/U and is looking west on the right to southwest on the left. The picture location is just south of Garden Creek Road and also shows the 55 gal drum culvert that goes under the access road to the Curl property. The main ditch is basically nonexistent from this point on. There is sage brush in the ditch bottom and the sidewall of the ditch no longer exists in large lengths of the ditch. I should not see any indication that this sage brush area had ever been irrigated other than the main ditch crossing the ground.

GARDEN CREEK

P/U FOR A72-00109A

CURL PROPERTY

BARREL CULVERT



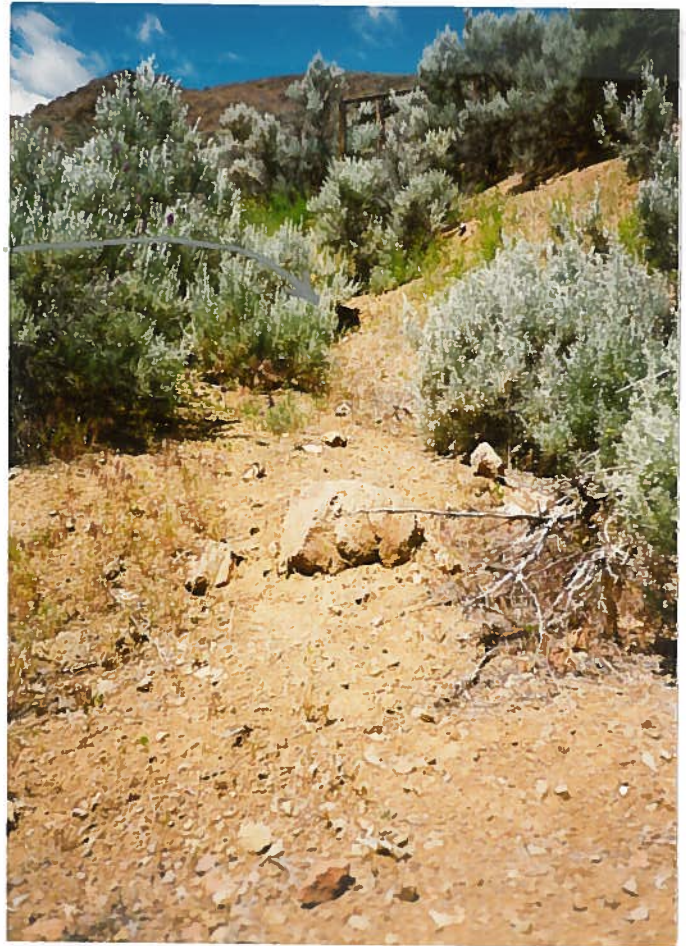
RECEIVED
OCT 28 1993

CLAIM # A72-00109B
PHOTO TAKEN ON 7-8-93
PICTURE SET # 3

POOR ORIGINAL

This is a closer view of the barrel culvert and the ditch bank condition. The ditch could not carry water at this point. This picture is looking northwest.

BARREL CULVERT



PICTURE # 4

This is a closeup of the barrel culvert and shows its deteriorated state. There is a large hole through the barrels which allowed the dirt to partially block the culvert.



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OCT 28 1994

CLAIM # A72-00109B
DATE PHOTOS TAKEN; 7-8-93
PICTURE SET # 5

POOR ORIGINAL

This picture set was taken further east from picture set # 2 and was taken from near the northeast corner of the P/U and is looking west on the right to southwest on the left. The fence line shown is the Garden Creek Road right of way fence and the main ditch route is just to the left of that fence.

MICHOPI LINE

MAIN DITCH ROUTE

KIDS
PLAY
HOUSE



CLAIM # A72-00109B
DATE PHOTOS TAKEN; 7-8-93
PICTURE SET # 5

POOR ORIGINAL

This picture set was taken further east from picture set # 2 and was taken from near the northeast corner of the P/U and is looking west on the right to southwest on the left. The fence line shown is the Garden Creek Road right of way fence and the main ditch route is just to the left of that fence.

MICHOPI LINE

MAIN DITCH ROUTE

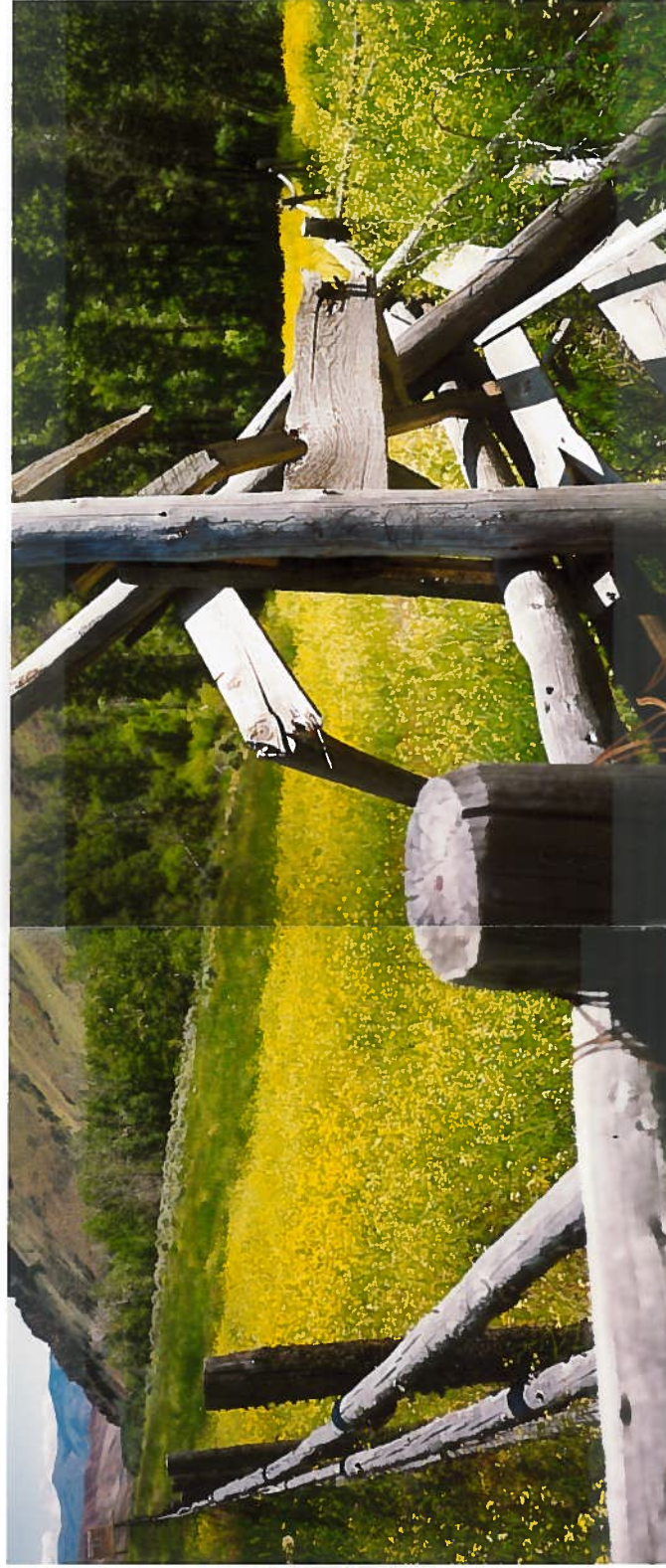
Kenos
PLAY House



CLAIM # A72-00109B
DATE PHOTOS TAKEN; 7-8-93
PICTURE SET # 6

POOR ORIGINAL

This is a closer view of the southern portion of the P/U that indicates beneficial use for this claim. This picture location is just to the right of the right side of picture # 1 and is looking east on the left to southeast on the right. There was a small ditch entering the property at this corner. Ground right of the right fence is a portion of A72-00109B.



06/24/94
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 CLAIM NO. --- A72-00106D Lotus Program:
 AGENT ----- KKC IRR-PRAC.WK3
 DATE ----- 01/26/94 Date form revised:
 4/21/93 by KKC

SOIL CHARACTERISTICS

Soil Type = CP1; REDFISH...GRAVELLY SANDY LOAM
 Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	5	0.08	0.1	5.6	7.3	2	3	1	0.98	3	0.7
5	10	0.07	0.12	5.6	7.3			1	1.00		
10	60	0.02	0.03	5.6	7.3			3	1.57		
								4	1.87	alternate	
								5	2.17	method	
										NA	NA

Management Allowed Deficit (MAD)

				FIELD NOTES AND CALCULATIONS				
					FIELD 1	FIELD 2	FIELD 3	FIELD 4
crop	root depth (ft)	stress point (INCHES)	MAD	FIELD WIDTH	220	0		
				IRRIGATION DAYS	2			
				DRY DAYS	13			
				SET TIME(hours)	8			
alfalfa (hay or seed)	5	0.5	1.09	CALCULATED RUN (run = acres*43560/width)				
corn (field or silage)	4	0.5	0.94	LENGTH (RUN) =	198			
grain (winter or spring)	4	0.5	0.94	CALCULATED BORDER WIDTH (ditch length/irr days * cha				
pasture (or grass hay)	3	0.5	0.79	WIDTH =	5			
other (enter below)				THEORETICAL ROTATION (mad/net irr req in inches per				
				SELECTED MAD =	0.79			
				ROTATION =	3.4 DAYS			

 PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD
 =====

Weather Station = CHALLIS
 Figure No = 10-15

			recomm.	Net Irrigation Requirement (mm/day)							
crop	acres	system	eff.	mar	apr	may	jun	jul	aug	sep	oct
PASTURE	1	FLOOD	3.5		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 1 4 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

+++++

 Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HUBBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

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OCT 28 1994

GRADED BORDER EVALUATION

Job name: A72-00106D
By: KKC

Location: CP1 SOIL FOR 1 ACRE
Date:

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0400 ft/ft Border width (W)= 5 ft
Net application (Fn)= 0.79 inches Border length (L)= 198 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.02	Gross depth is less than required gross application depth					
0.03	Gross depth is less than required gross application depth					
0.04	Gross depth is less than required gross application depth					
0.05	Gross depth is less than required gross application depth					
0.06	Gross depth is less than required gross application depth					
0.07	0.014	24.44	21.76	1.88	3.2	
0.08	0.016	27.93	21.76	5.37	2.8	

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FIELD EXAM ATTACHMENT

POOR ORIGINAL

DATE: 1-26-94

A72-00106A A72-00109C

A72-00106B A72-00109E

A72-00106C

PAGE: 1/2AGENT: KKC

A72-00106D

A72-00106E

FILES: 72-00106- 00109ATTACHMENT SUBJECT: Analysis of -
Water Right unrecorded splits & transfers

A History of water right splits and transfers is based upon warranty deed searches and the current owners apparently accept the deeds as representative of their respective ownership.

The Places of use under all claims was originally two separate parcels @ the decree date. Eventually both parcels came under one ownership and was subsequently split into smaller parcels. The two water rights decreed have 1888 & 1890 priority dates and the transfers primarily shift the 1890 water to the smaller Places of use. Original claims filed were filed based upon the decree legal description as the current owners did not research warranty deeds for water right history & their current warranty deeds only referenced appurtenant water rights. Claims with different priority dates than claimed have been re-numbered and recommended based ^{primarily} upon warranty deed history. Total acres currently irrigated do not appear to represent an expansion of the irrigated decreed place of use. Changes ~~and~~ of P/D & P/U are flagged with presumption flag "C" with the Appropriate CØ3, CØ5 condition codes.

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FIELD EXAM ATTACHMENT

DATE: 1-26-94AGENT: KKC

A72-00106A A72-00109C

A72-00106B A72-00109E

A72-00106C

A72-00106D

A72-00106E

PAGE: 2/2

FILES: _____

ATTACHMENT SUBJECT: _____

Decreed right 72-00106 decreed for 1.40 CFS with a 1890 priority date
Claims against decreed right (as renumbered)

Claim No.	Recommended rate	Change in Decreed		claimant
		P/D	P/U	
A72-00106A	.38 CFS	No	No	Levinson
A72-00106B	.88 CFS	YES	YES	James
A72-00106C	.04 CFS	YES	YES	Strickland
A72-00106D	.06 CFS	YES	YES	Walsh
A72-00106E	.04 CFS	YES	YES	Murphy
Total	1.40 CFS	total recommended matches decreed rate.		

Decreed right 72-00109 decreed for 1.20 CFS with a 1888 priority
Claims against decreed right

Claim Number	Recommended Rate	Change in decreed		claimant
		P/D	P/U	
A72-00109A	N/A	renumbered to		A72-00106C
A72-00109B	N/A	renumbered to		A72-00106D
A72-00109C	.88 CFS	No	No	James
A72-00109D	N/A	renumbered to		A72-00106E
A72-00109E	.32	YES	YES	Levinson
Total	1.20 CFS	total recommended matches decreed rate		

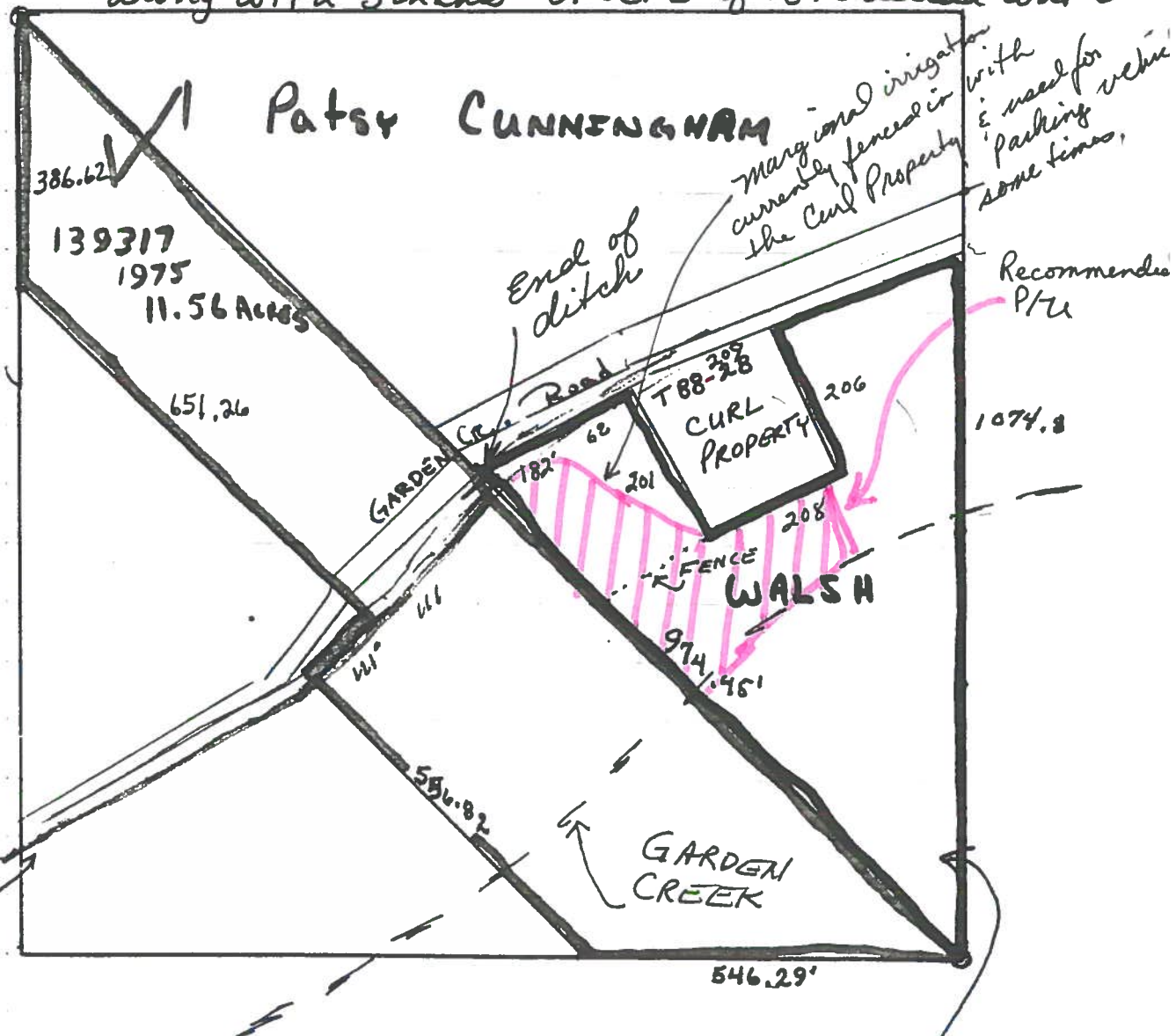
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POOR ORIGINAL

SEC 35 SW/SE

6-30-1972 Stark to Cummings; All 40 acres E 13365' along with 5 inches 0.10 CFS of 1890 decreed water



10-6-1980 Brack to Huston 156185
8.69 Acres
3 inches or ~~0.10 CFS~~ of
1890 decreed ~~water~~

A72-DO 109B

CONVERSATION MEMO

POOR ORIGINAL

FILE: _____

AGENT: _____

DATE: _____

RE: _____

NAME OF PARTY: _____

Jerrold Walsh 702-423-6143 ✓

call after 4:00

Carol Hk 200 on Wed.

called 3:05 PM left msg with machine

Carol Walsh called 6-9-93 4:45 PM.

They just purchased prop & havnt ever seen the property irrigated nor does she know anything about system. No one is using prop as far as she knows.

I told her that I would do a field exam on the property & then contact her if I had any additional questions

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