

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: A72-00106G
Date Received: 7/ 2/1990
Receipt No: X777777
Received By: _____

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

1. Name: FIRSTFRUITS FOUNDATION
Address: PO BOX 1190
CHALLIS ID 83326 208-879-2729

2. Date of Priority: MAY 15, 1890

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
13N	18E	2			CUSTER

5. Description of diverting works:
HEADGATE, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.560		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
13N	18E	2	NW	NE	IRR	4.0
			NE	NW	IRR	14.0

COPY

Section Acres

10. Place of Use: Continued

Total Acres 18.0

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:
A72-04174, 00109C, 10486

14. Remarks:
PORTION OF 72-00106 DECREE.
- 51 ACRES OF ACTUAL IRRIGATION ALONG GARDEN CREEK.

OWNERSHIP CHANGE 5/24/91 BY AA.
BASIS OF SPLIT RIGHT BASED UPON AN OWNERSHIP CHANGE;
72-00106F JAMES TRUST FOR 9/25ths OF .88 CFS OR .32 CFS AND
72-00106G FIRSTFRUITS FOR 16/25ths OF .88 CFS OR .56 CFS.
THE SPLIT WAS BASED UPON FOUND IRRIGATED ACRES AS DISCUSSED WITH
CHRISTOPHER JAMES ON 8-15-94. KKC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/19/1914

ADAMS, ET. AL.

Decree Plaintiff

VANDERVOORT, ET. AL.

vs Decree Defendant

MICROFILMED
NOV 01 1994



NOTICE OF NEW PROPERTY OWNER CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 09 1994

Department of Water Resources Southern Region Office

DATE OF CLOSING: 5/31/94

LEGAL DESCRIPTION OF PROPERTY: Township 13 North Range 18 East Section 2, 1/4 of 1/4 of 1/4 of Lot 2 & 3, BM. Lot , Block, Subdivision/Townsite

POOR ORIGINAL

- Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- Water Right Number(s) Assigned by IDWR: A72-04174 A72-00109C, A72-10486, A72-16274
- Name and Address of Former Owner/Claimant(s)(Seller): Christopher W. JAMES Trust UDT 2/9/79 Christopher W. JAMES & DEBRA E JAMES, co trustees Box 1190, Challis, ID 83226
- New Owner/Claimant (Purchaser): FirstFruits Foundation UDT 9/29/86
- New Mailing Address: PO Box 1190 Challis, ID 83226
- New Telephone Number: (208) 879-2729
- Does the change in ownership result in a splitting of the water right owned/claimed? yes no If yes, then describe the portion of the water right that is now owned/claimed by the new owner: A72-00109C transfer .30, retain balance A72-10486 transfer .20, retain .30 A72-16274 transfer .10, retained according to irrigated place of use as discussed 8/15/94 C.W.J.
- Attach proof of ownership, describe proof attached: (proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- Signature of New Owner/Claimant(s): Christopher W. James, co tt. Date 6/8/94 Debra E. James, co tt. Date 6/8/94
- Signature of Former Owner/Claimant(s): Christopher W. James, co tt. Date 6/8/94 Debra E. James, co tt. Date 6/8/94

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner
MICROFILMED NOV 8 1994

POOR ORIGINAL

RETAINED BY
CHRISTOPHER JAMES

P/U Box
#72-04174
UNNAMED STREAM
IS SOURCE

DEEDED TO
FIRST FRUITS FOUNDATIONS

BOTH SOURCES

PARTIAL
OVERLAP

11A
UNNAMED
CREEK

7A

8A

FROM GARDEN CREEK
COMPLETE OVERLAP
WITH UNNAMED
STREAM

Garden

MICHAEL

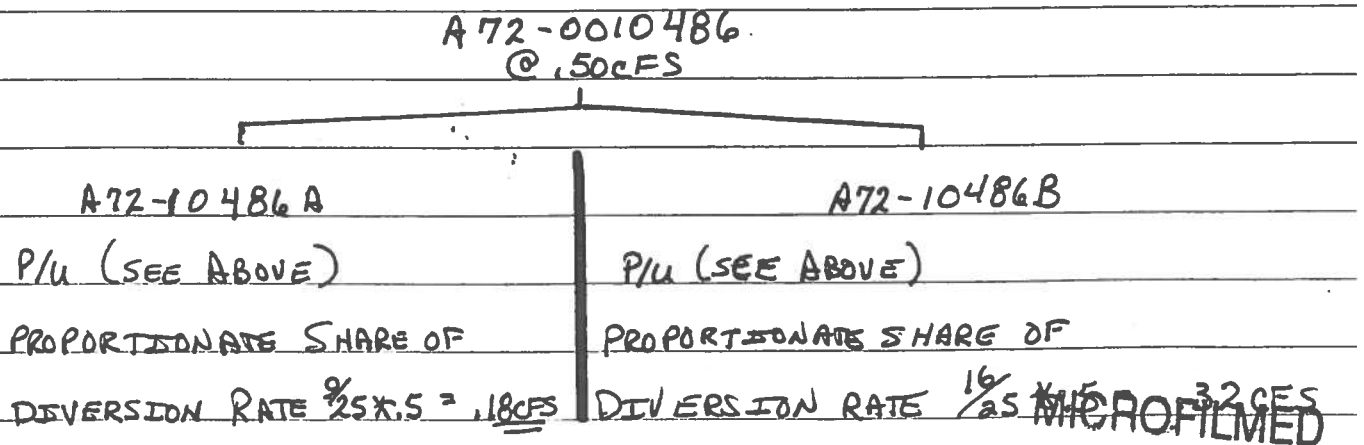
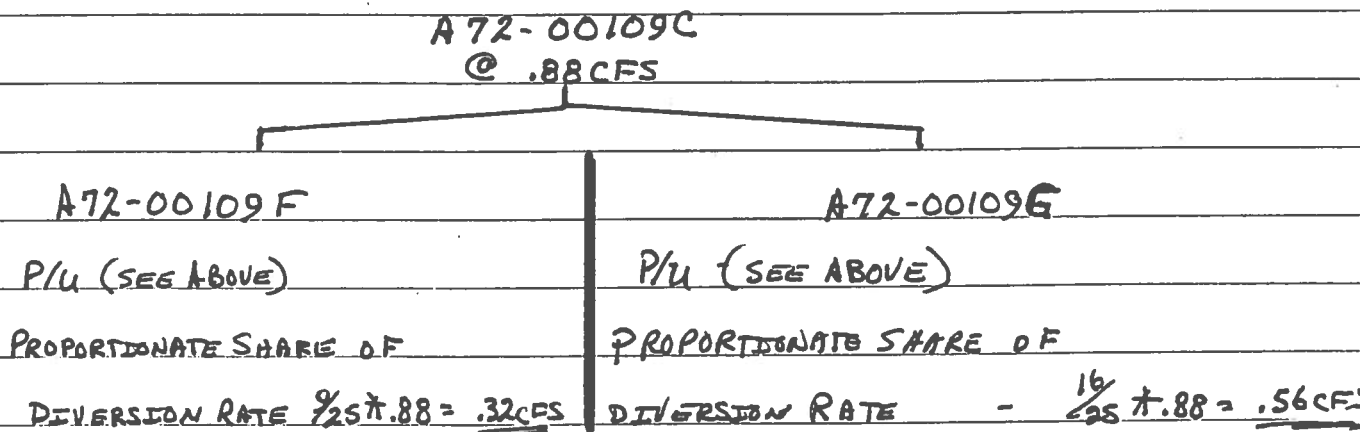
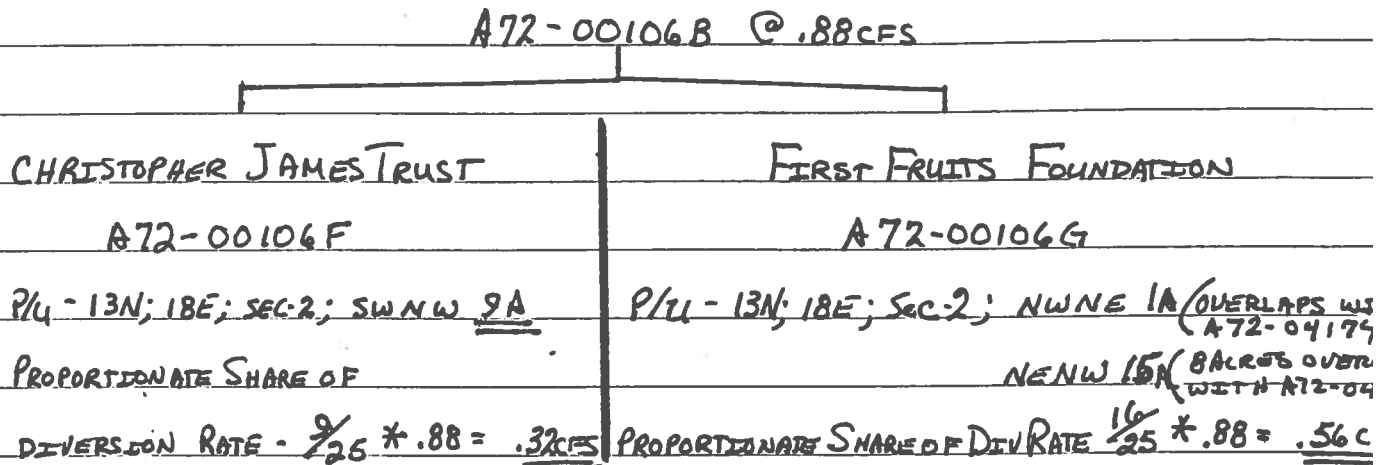
NOV 11

SPLIT RIGHT ANALYSIS & REMAIN RECOMMENDATION

POOR ORIGINAL

For A72-00106B, A72-00109C & A72-10486.

all three rights are from Garden Creek from common P/Ds through the same system and for the same P/U. Total irrigated acres found were 25.



NOV 01 1994

REMARKS FOR CHRISTOPHER JAMES TRUST CLAIMS.

F06: 72-00106F, 72-00109F, 72-10486A, 72-00106G,
72-00109G & 72-10486B (FM. SAME P/D)

E12: .82 CFS 22.5 AF 9 ACRES

72-00106F, 72-00109F & 72-10486A

REMARKS FOR FIRST FRUITS FOUNDATION CLAIMS.

F06: same as above.

E12: 1.44 CFS 40 AF 16 ACRES

72-00106G, 72-00109G & 72-10486B

E12: modified

47.5 AF 19 ACRES

72-00106G, 72-00109G, & 72-10486B & 72-04174B

MICROFILMED

Fill note
8-15-94
KKC

@ Christopher Jamisonhouse.

Discussed how the split was based.
the Trust was gifted Tot 2.3 of Sec 2
the initial estimate was based upon owned
acres not irrigated acres. Actual split of
the irrigated ground is split:

Gifted P/u	Retained P/u
2 A	4
9 A	0
6.5 A	$\frac{1}{2}$
17.5 A in P/u	9
	13 $\frac{1}{2}$ in P/u

MICROFILMED

1-15

Water Right Number - R72-00106J

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
FIRSTFRUITS FOUNDATION

*** O - ORIGINAL OWNER ***
US DEPT OF AGRICULTURE

1 - PO BOX 1190
2 -
3 -
City- CHALLIS
Phone - 208-879-2729
State- ID Zip- 83226
1 - FARMERS HOME ADMINISTRATION
2 - % ROGER HILL
3 - PO BOX 1189
City- SALMON
Phone - 208-756-4417
State- ID Zip- 83467

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

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

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
13N	18E	2	SM NE NW	3		(37) CUSTER	
		3	SE NE SE			(37) CUSTER	

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01		10/31	0.520	
+ - Total Div. Rate - + + - Total Div. Volume - +						
0.520						

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
13N	18E	2	NW NE	2	0.2	01 IRRIGATION		(37) CUSTER
13N	18E	2	NE NW	3	13.0	01 IRRIGATION		(37) CUSTER
Total Acres:					13.2			

+ - - Diversion Means - TWO HEADGATES, DITCHES, FLOOD IRRIGATION
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -
+ - - Remarks -

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF

Water right number - R72-00106J

Prefix Translation: RESEARCH

Remarks
A COMBINED TOTAL OF 13.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106J, 72-00109J, 72-10486C AND
72-04174C.

EXP

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION LOCATED IN TWP 13N, R18E, SEC 2 S4N4E4.
72-00106J, 72-00109J, 72-10486C, 72-00106H, 72-00106K, 72-00109K,
72-10486D, AND 72-00106C.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION LOCATED IN TWP 13N, R18E, SEC 3 SENESE.
72-00106J, 72-00109J, 72-10486C, 72-00106F, 72-00109F,
72-00106K, 72-00109K, 72-10486D, AND 72-10486A.

Old Water Right Numbers

A7200106
A7200106G

- 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.
 - C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
 - NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 - ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
 - DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
 - ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Decree Plaintiff ADAMS, ET. AL.

Decree Defendant VANDERVOORT, ET. AL.

Decree Date 05/19/1974

Date: 01/31/1994 User Id: CHRISTEN Subject: COPIED FROM REMARKS
PORTION OF 72-00106 DECREE.

Date: 08/23/1994 User Id: KCHRISTE Subject: BASIS OF SPLIT RIGHT
THERE WAS AN OWNERSHIP CHANGE SPLITTING THE RIGHT INTO:
72-00106G FIRSTFRUITS FOR 16/25ths OF .88 CFS OR .56 CFS.

CHRISTOPHER JAMES ON 08-15-94. KKC

Date: 08/23/1994 User Id: KCHRISTE Subject: COPIED FROM REMARKS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
ANNUAL CONSUMPTIVE USE VOLUME OF 62.5 AF, AND TO THE IRRIGATION
COMBINED RIGHT NOS.: 72-00109C AND 72-10486.

TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 77.5 AF, AND TO
IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00109C, 72-10486, AND

Date: 11/21/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART

Date: 02/24/2000 User Id: KCHRISTE Subject: SPLIT MODIFIED PER BLM
FRED PRICE REQUESTED THE 0.3 ACRES IN SEC 2 SENW BE MOVED TO BLM

Comments- 51 ACRES OF ACTUAL IRRIGATION ALONG GARDEN CREEK.
OWNERSHIP CHANGE 5/24/91 BY AA.

72-00106F JAMES TRUST FOR 9/25ths OF .88 CFS OR .32 CFS AND
THE SPLIT WAS BASED UPON FOUND IRRIGATED ACRES AS DISCUSSED WITH

DIVERSION DESCRIBED ABOVE: 72-00109D, AND 72-10486.
TOTAL COMBINED DIVERSION RATE OF 2.26 CFS, A TOTAL COMBINED
OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE

OF RECORD THRU AJU10.

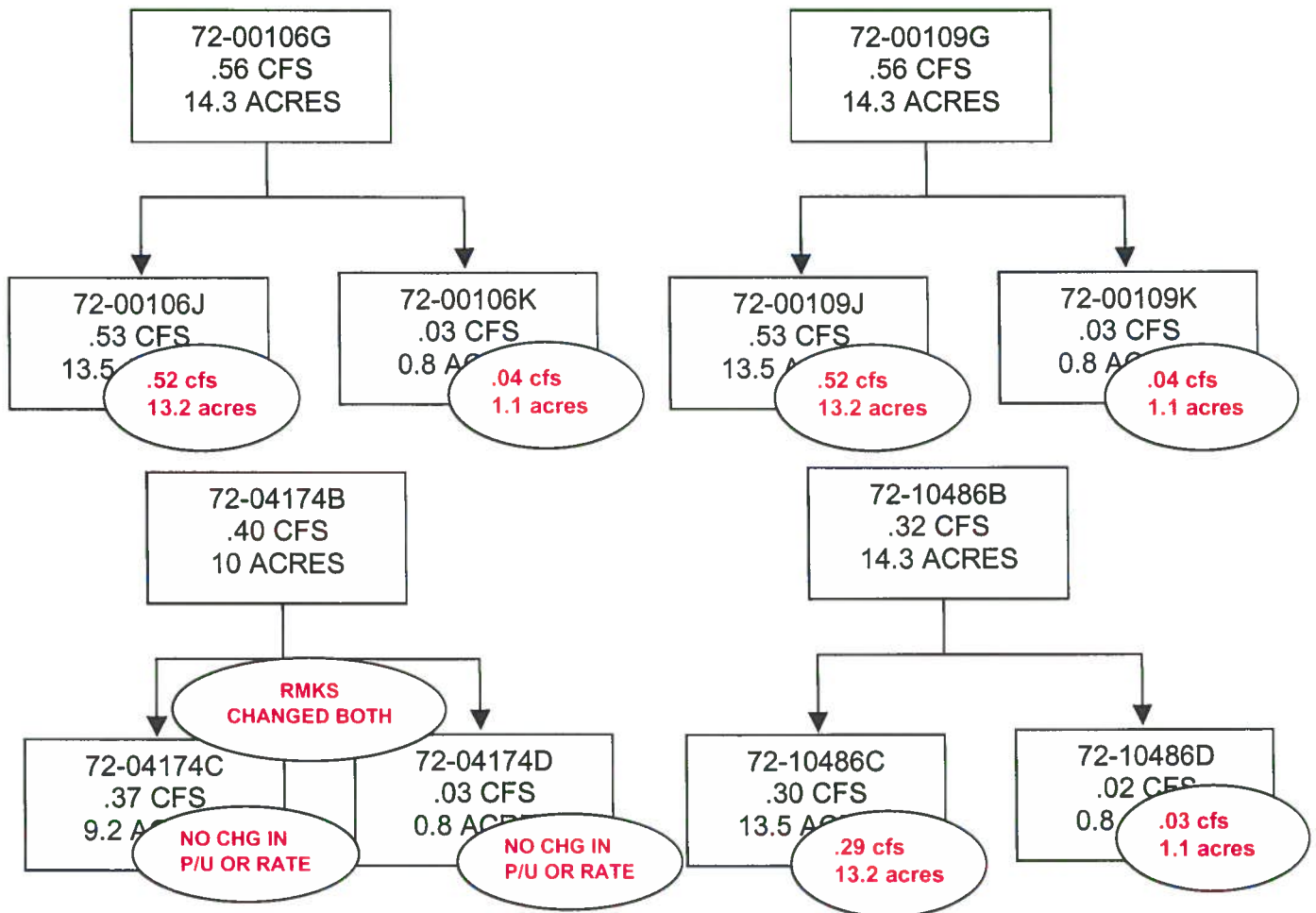
Water right number - R72-00106J

Prefix Translation: RESEARCH

+ - - Audit Fields - - +
02/28/00 KCHRISTE

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	- 01/29/1999	Field Inspection Made	- 06/15/1993	Civil Case Number	-	39576			
Objection Filed Date	- 06/02/1999	Field Inspection Flag	-	Old Case Number	-				
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-				
Claim Received Date	- 07/02/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P				
		Receipt Number	- X777777	Water District	- 72B				
		POU Ownership Flag	- Y	Federal/State Indicator	- S				
		Name Connector	-	Presumption Flag	- C				
				Notice of Error Flag	-				

BELIEVE THAT I HAVE CREATED THE FOLLOWING CLAIMS AND HAVE COMPLETED THE DATA ENTRY FOR EACH ONE OF THEM. I HAVE MANY COUNTRIES AND I DON'T THINK THAT I CAN SAY ANYTHING. I AM CURRENTLY AT THE CRE TRACT ACCORDING TO THE OTHERS DATA. I HAVE THE 1982 RECORDS WHOULD BE SWIMMING TO THE OTHERS WITH GIS. I HAVE NOT PLANNED ANYTHING AND OVER. IF YOU NEED LAYOUTS TOMORROW LET ME KNOW. I WILL DO THE JOB.



Per Kent Foster I left the 0.3 acre overlap on First Fruits claims. Kent indicated that he would contact BLM and get a letter of agreement drafted for the hearing. The agreement will essentially state that the BLM agrees to let the 0.3 acres stay on the claim subject to a transfer to be submitted by first fruits. Let me know if I missed anything.

Kkc

February 11, 2000

FILE: 72-00106g etal splits first fruits sf5 issues

FRED PRICE REQUEST TO ADD THE 0.3 ACRES FROM SEC 2 SENW TO THE BLM CLAIM REQUEST DATE 2-24-2000. Modifications Shown in red inside the ovals at each split.

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, February 24, 2000 6:01 PM
To: Spencer, Nick
Cc: Kelly, Vicki
Subject: BLM CHANGES MIND FOR CHRISTOPHER JAMES OBJECTION

Importance: High

Fred Price requested that the 0.3 acres in Sec 2 SENW be included in the BLM split portion. The transfer will apparently be made from the BLM claims at a later date. I agreed to do the splits and recalculate the rates. ALL CHANGED. Although 72-04174C and D did not include the 0.3 acres the remarks in each claim had to be changed so that the correct acres showed up in the remarks section. Once again I think that I have completed all required data entry changes according to the modified split tree shown in the attachment. The 8 claims should go through backup tonight and be ready for printing tomorrow.

If you have any questions please give me a holler.



72-00106g et al splits
first fr...

claims involved are';

72-00106J
72-00106K
72-00109J
72-00109K
72-04174C
72-04174D
72-10486C
72-10486D

Kelly K Christensen

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/10/00 17:47:12
Page 1

Water Right Number - R72-00106J

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
FIRSTFRUITS FOUNDATION

*** O - ORIGINAL OWNER ***
US DEPT OF AGRICULTURE

SF5
Rrecord
KKC

1 - PO BOX 1190
2 -
3 -
City- CHALLIS
Phone - 208-879-2729
State- ID Zip- 83226
1 - FARMERS HOME ADMINISTRATION
2 - % ROGER HILL
3 - PO BOX 1189
City- SALMON
Phone - 208-756-4417
State- ID Zip- 83467

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/15/189D 17 SOUTHERN D - DECREED

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

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
13N	18E	2	SM NE NW	3		(37) CUSTER	
		3	SE NE SE			(37) CUSTER	

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31		0.530	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.530 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	18E	2	NW NE	2	0.2	01	IRRIGATION	(37) CUSTER
13N	18E	2	NE NW	3	13.0	01	IRRIGATION	(37) CUSTER
13N	18E	2	SE NW	1	D.3	01	IRRIGATION	(37) CUSTER

Total Acres: 13.5

+ - - Diversion Means - TWO HEADGATES, DITCHES, FLOOD IRRIGATION
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -

Superseded
2-24-00
KKC

Water right number - R72-00106J

Prefix Translation: RESEARCH

Remarks

POU1

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 13.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106J, 72-00109J, 72-10486C AND 72-04174C.

EXP

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 2 SW/4NW. 72-00106J, 72-00109J, 72-10486C, 72-00106H, 72-00106F, 72-00109F, 72-00106K, 72-00109K, 72-10486D, 72-10486A AND 72-00106C. THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 3 SE/4SE. 72-00106J, 72-00109J, 72-10486C, 72-00106F, 72-00109F, 72-00106K, 72-00109K, 72-10486D, AND 72-10486A.

Old Water Right Numbers

A7200106
A7200106G

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.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE.

Decree Plaintiff - - - +
ADAMS, ET. AL.

Decree Defendant - - - +
VANDERVOORT, ET. AL.

Decree Date - +
05/19/1914

Date: 01/31/1994 User Id: CHRISTEN Subject: COPIED FROM REMARKS PORTION OF 72-00106 DECREE.

Date: 08/23/1994 User Id: KCHRISTE Subject: BASIS OF SPLIT RIGHT THERE WAS AN OWNERSHIP CHANGE SPLITTING THE RIGHT INTO: 72-00106G FIRSTFRUITS FOR 16/25ths OF .88 CFS OR .56 CFS. CHRISTOPHER JAMES ON 08-15-94. KKC

Date: 08/23/1994 User Id: KCHRISTE Subject: COPIED FROM REMARKS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A ANNUAL CONSUMPTIVE USE VOLUME OF 62.5 AF, AND TO THE IRRIGATION COMBINED RIGHT NOS.: 72-00109C AND 72-10486. TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 77.5 AF, AND TO IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00109C, 72-10486, AND Date: 11/21/1998 User Id: AUJ10-DS Subject: AUJ10 CONDITION UPDATE CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART

Comments - - - - -
51 ACRES OF ACTUAL IRRIGATION ALONG GARDEN CREEK. OWNERSHIP CHANGE 5/24/91 BY AA.

72-00106F JAMES TRUST FOR 9/25ths OF .88 CFS OR .32 CFS AND THE SPLIT WAS BASED UPON FOUND IRRIGATED ACRES AS DISCUSSED WITH

DIVERSION DESCRIBED ABOVE: 72-00109D, AND 72-10486. TOTAL COMBINED DIVERSION RATE OF 2.26 CFS, A TOTAL COMBINED OF 25 ACRES IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE 72-04174. OF RECORD THRU AUJ10.

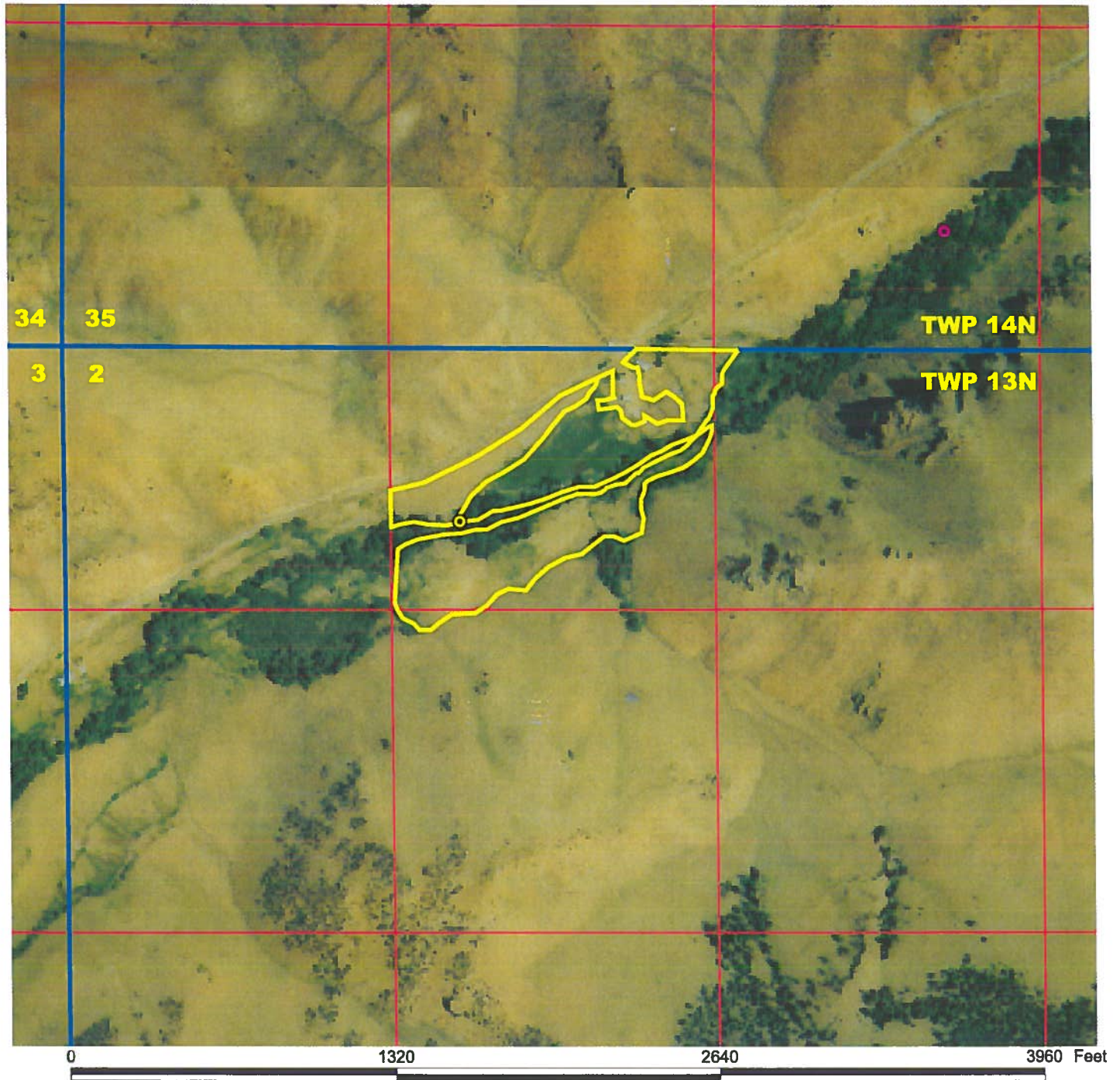
Water right number - R72-00106J

Prefix Translation: RESEARCH

+ - - Audit Fields - - +
02/10/00 KCHRISTE

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	- 01/29/1999	Field Inspection Made	- 06/15/1993	Civil Case Number	-	39576			
Objection Filed Date	- 06/02/1999	Field Inspection Flag	-	Old Case Number	-				
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-				
Claim Received Date	- 07/02/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P				
		Receipt Number	- X777777	Water District	- 72B				
		POU Ownership Flag	- Y	Federal/State Indicator	- S				
		Name Connector	-	Presumption Flag	- C				
				Notice of Error Flag	-				

**RECOMMENDED PLACE OF USE
BASED UPON SF5
72-00106J, 72-00109J, 72-04174C AND 72-10486C**



**RECOMMENDED PLACE OF USE
TWP 13N, RNG 18E, SEC 2
Data Entry on FEBRUARY 11, 2000**



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

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

CLAIM NUMBER 72-00106J
72-04174C 00109J
10486C

DATE 2-11-00
AGENT KKC

TRANSFER NUMBER _____
CLAIMED ACRE TOTAL _____
GIS ACRE TOTAL _____

				NE				NW				SW				SE			
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM																			
GIS	13N	18E	2		.2			13			.3								
RECOM																			
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP
SHAPE NOS. 345
344 510
346 511(BLM)

72-00106G
00109G
10486B
04174B

} these claims were split based upon a SFS agreement between Christopher James and the BLM.
2-24-00

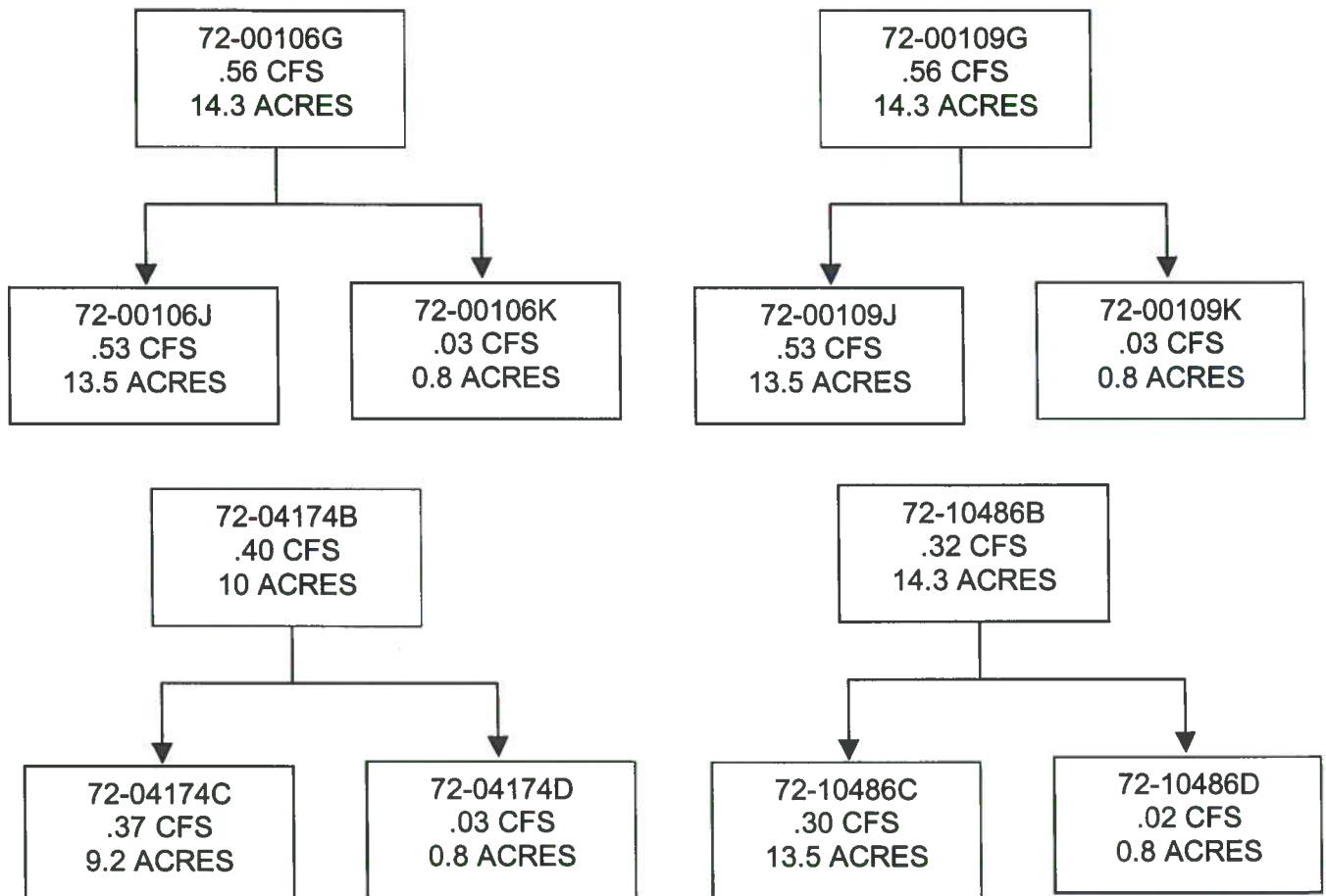
B72-DBPOD.SHP
NOS. DESCRIPTION
138 Sec 2 SWNW
205 Sec 3 SENESE
206 Sec 3 SENWSE
207 Sec 3 NWNE SW

Shape 345 was split into 510 and 511 with 510 representing James' portion of that shape. 511 shape represents the 0.8 ac on BLM Ground.
The 0.30 ac in SENW ~~area~~ is on BLM Ground but has been left on this claim subject to a pending transfer by James. As I understand it, this is part of the settlement agreement between the two parties.
P/D # 138. there was a data entry error on the 10 ac tract. changed it from the SE to the SW.
The PD # 138 & 205 are Garden City divisions for 72-00106J 00109J 10486C
The PD # 206 & 207 are for 72-04174C

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

D:\Data\B72\objection settlement Response
72-00106J - ~~BLM~~ JAMES - SFS layout.

I BELIEVE THAT I HAVE CREATED THE FOLLOWING CLAIMS AND HAVE COMPLETED THE DATA ENTRY FOR EACH ONE OF THEM. I REVIEWED MY DATA ENTRIES AND I DON'T THINK THAT I MISSED ANYTHING. I DID CHANGE THE 10 ACRE TRACT ACCORDING TO ALAN BITTNER'S NOTATION THAT THE SEC 2 LEGAL SHOULD READ SWNENW. I CONFIRMED THAT WITH GIS. I HAVE not UPDATED ANYTHING IN ARCVIEW. IF YOU NEED LAYOUTS TOMORROW LET ME KNOW AND I WILL RUSH THE JOB.



Per Kent Foster I left the 0.3 acre overlap on First Fruits claims. Kent indicated that he would contact blm and get a letter of agreement drafted for the hearing. The agreement will essentially state that the blm agrees to let the 0.3 acres stay on the claim subject to a transfer to be submitted by first fruits.

Let me know if I missed anything.

Kkc

February 11, 2000

FILE: 72-00106g etal splits first fruits sf5 issues

Christensen, Kelly

From: Alan_Bittner@blm.gov
Sent: Wednesday, February 09, 2000 5:58 PM
To: kfoster@holdenlegal.com; kchriste@idwr.state.id.us
Cc: Fred_Price@blm.gov; l2brown@micron.net
Subject: Firstfruits Foundation



Alan Bittner (Embedded image moved to file:

pic26005.pcx)

From: Alan Bittner@BLM on 02/09/2000 05:58 PM

To: kfoster@holdenlegal.com, kchriste@idwr.state.id.us
cc: Fred Price/IDSO/ID/BLM/DOI@BLM, l2brown@micron.net@BLM
Subject: Firstfruits Foundation

Kent and Kelly,

I'am attaching the split water rights for the following claims:

72-00106G split into J + K

72-00109G split into J + K

72-04174B split into C + D

72-10486B split into C + D

They are all WorkPerfect version 9 documents. If this doesn't work, I can fax them.

I only changed the legal descriptions for the POU's and adjusted the total acres. Stockwater was total removed from the BLM portion of claim 72-04174B (D).

Kelly, we need the "combined total acre" language (under the POU) adjusted on each claim.

POD's:

The only legal description that I question is the POD in T13N R18E S2 Lot 3 (SE NENW). According to IDWR's GIS data layer this POD (#138), shows up in the SW NENW (still Lot 3). It is on 72-00106G, 72-00109G and 72-10486B.

The other Garden Crk POD (#205), was never visited and I assume is correct.

The POD's (#206 and 207) (on BLM) coming from Daughtery Gulch and the old mine shaft, I GPS'ed and they are correct.

Please forward your adjusted documents to myself and Fred Price for review. Fred will get the final documents to Larry Brown and each of you for signatures.

alan

(See attached file: 7210486D.wpd)(See attached file: 7200106K.wpd)(See attached file: 7200109J.wpd)(See attached file: 7200109K.wpd)(See attached file:

7204174C.wpd)(See attached file: 7204174D.wpd)(See attached file: 7210486C.wpd)
(See attached file: 7200106J.wpd)

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00106G J

NAME & ADDRESS: FIRSTFRUITS FOUNDATION
PO BOX 1190
CHALLIS ID 83226

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.56 CFS

PRIORITY DATE: 05/15/1890

POINT OF DIVERSION: T13N R18E S02 LOT 3 (SENENW) Within CUSTER County
S03 SENESE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 0.56 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T13N R18E S02 Lot 2 (NWNE) 0.2 Lot 3 (NENW) 13
~~Lot 1 (SENW) 0.3~~
T14N R18E S35 ~~SESW 0.8~~
14.3 13.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106G, 72-00109G, 72-10486B, AND 72-04174B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00106G, 72-00109G, AND 72-10486B.

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION

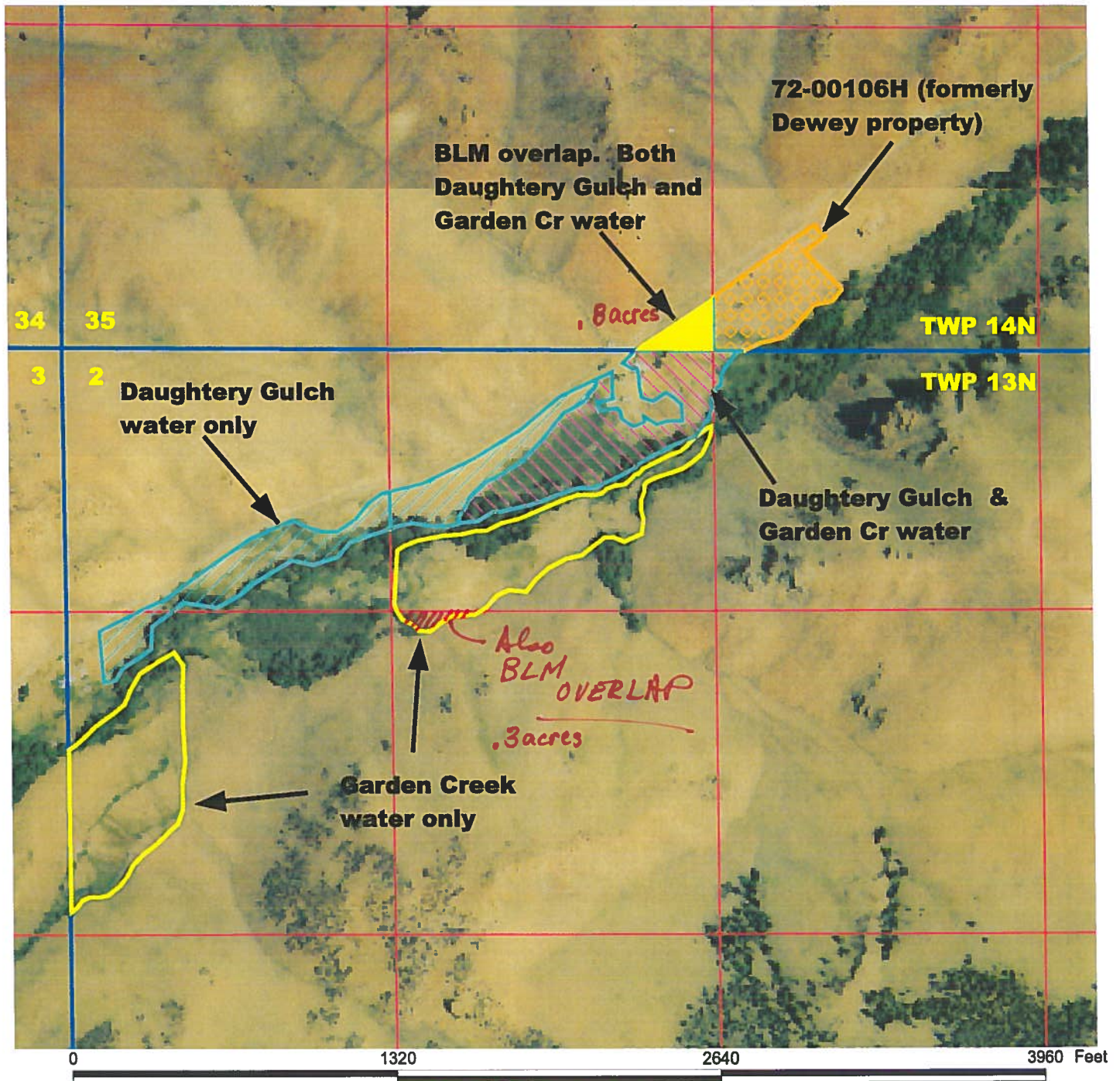
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 2 SENENW. 72-00106G,
72-00109G, 72-10486B, 72-00106H, AND 72-00106C.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 3 SENESE. 72-00106F,
72-00109F, 72-10486A, 72-00106G, 72-00109G, AND 72-10486B.

Christopher James and First Fruits Place of Use Analysis for potential transfer



RECOMMENDED PLACE OF USE
TWP 13N, RNG 18E, SEC 2
TWP 14N, RNG 18E, SEC 35
Data Entry on JANUARY 11, 2000



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

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

RESPONSE TO DATA REQUEST

January 12, 2000

- I. Regarding the overlapping acres on BLM, are the rights to be split or is the intent to transfer the existing recommended acres to another place of use and/or another use (e.g. commercial)?
- II. There are two different areas of place of use overlap on BLM ground. Are both overlapping areas going to be handled in the same manner?

STATISTICS RELATING TO DAUGHTERY SPRING WATER CLAIMS 72-04174A AND 72-04174B

CLAIM NUMBER	IRR DIVERSION RATE	INDEPENDENT ACRES	GARDEN CR OVERLAP ACRES
72-04174A	0.10 cfs	4.0 acres	0.0 acres
72-04174B	0.40 cfs	2.7 acres	
BLM p/u and Garden Cr overlap			0.80 acres
First Fruits p/u and Garden Cr overlap			6.5 acres
total	0.50 cfs	6.7 acres	7.3 acres

The consumptive use volume limitation for the Challis area is 2 afa.

The diversion rate for the discharge from the Mine portal was measured at 0.18 cfs. The measurement was considered good, however there was no ideal area for a pigmy meter measurement for that channel. This rate would not be considered a limiting factor for a diversion rate at this time.

There are two major issues relating to the volume available for transfer.

1. Does the recommended priority date combined with The Garden Creek irrigation district delivery criteria limit the volume based upon an average of cutoff dates for 1914 water rights?
2. Regarding the overlapping acres between the Garden Creek water and Daughtery Spring water.
 - a. To what extent was Daughtery Spring water used on those 7.3 acres with respect to Garden Creek water rights?
 - b. Relating to the extent of Daughtery Spring water use, does this use overlap with Garden Creek irrigation district delivery cutoff dates for 1914 water?

Generically speaking, where there is overlapping systems to change the nature of use of one right (system) the entire place of use has to be dried up. There may be mitigating circumstances for a supplemental right.

The state office has not reviewed the previous statements. I am sending this page and the GIS layout to Pam Skaggs for her review and input. You may wish to contact her for additional input on department policy regarding transfer issues. The State office number is (208) 327-7900.

Kelly K Christensen

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: ~~72-00109G~~ 72-00109J

NAME & ADDRESS: ~~FIRSTFRUITS FOUNDATION~~
~~PO BOX 1190~~
~~CHALLIS ID 83326~~

UNITED STATES OF AMERICA ACTING THROUGH
USDI, BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 S. VINNELL WAY
BOISE, ID 83709-1657

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: ~~0.56 CFS~~ .04

PRIORITY DATE: 05/15/1888

POINT OF
DIVERSION: T13N R18E S02 LOT 3 (SENEW) Within CUSTER County
S03 SENESE

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-15 10-15 31 ~~0.56 CFS~~

PLACE OF USE: IRRIGATION Within CUSTER County
T13N R18E S02 Lot 2 (NWNE) 0.2 Lot 3 (NENW) 13
Lot 1 (SENE) 0.3
T14N R18E S35 SESW 0.8
14.3 1.1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: ~~72-00106G~~ 72-00106J,
72-00106K, ~~72-00109G~~ 72-00109H, 72-00109L, ~~72-10486B~~ 72-10486C,
72-10486D, AND 72-04174B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: ~~72-00106G~~ 72-00106J,
72-00106K, ~~72-00109G~~ 72-00109H, 72-00109L, AND ~~72-10486B~~ 72-
10486C, 72-10486D.

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

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

OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 2 SENENW. ~~72-00106G~~ 72-00106J, 72-00106K, ~~72-00109G~~ 72-00109H, 72-00109J, ~~72-10486B~~ 72-10486C, 72-10486D, 72-00106H, AND 72-00106C.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 3 SENESE. 72-00106F, 72-00109F, 72-10486A, ~~72-00106G~~ 72-00106J, 72-00106K, ~~72-00109G~~ 72-00109H, 72-00109J, AND ~~72-10486B~~ 72-10486C, 72-10486D.

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: ~~72-00109G~~ 72-00109H

NAME & ADDRESS: FIRSTFRUITS FOUNDATION
PO BOX 1190
CHALLIS ID 83326

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.56 CFS (52)

PRIORITY DATE: 05/15/1888

POINT OF DIVERSION: T13N R18E S02 LOT 3 (SENESE) Within CUSTER County
S03

PURPOSE AND PERIOD OF USE: PURPOSE OF USE IRRIGATION PERIOD OF USE 04-15 10-15 31 QUANTITY 0.56 CFS (52)

PLACE OF USE: IRRIGATION Within CUSTER County
T13N R18E S02 Lot 2 (NWNE) 0.2 Lot 3 (NENW) 13
Lot 1 (SENE) 0.3
T14N R18E S35 SESW 0.8
~~14.3~~ 13.2 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: ~~72-00106G~~ 72-00106J, 72-00106K, ~~72-00109G~~ 72-00109H, 72-00109L, ~~72-10486B~~ 72-10486C, 72-10486D, AND 72-04174B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: ~~72-00106G~~ 72-00106J, 72-00106K, ~~72-00109G~~ 72-00109H, 72-00109L, AND ~~72-10486B~~ 72-10486C, 72-10486D.

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.

SOURCE

NONE

NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 2 SENENW. ~~72-00106G~~
72-00106J, 72-00106K, ~~72-00109G~~ 72-00109H, 72-00109J, ~~72-10486B~~
72-10486C, 72-10486D, 72-00106H, AND 72-00106C.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 3 SENESE. 72-00106F,
72-00109F, 72-10486A, ~~72-00106G~~ 72-00106J, 72-00106K, ~~72-00109G~~
72-00109H, 72-00109J, AND ~~72-10486B~~ 72-10486C, 72-10486D.

KC

RECEIVED

JUN 29 1999

Department of Water Resources
Southern Region

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

In Re SRBA

A. Subcase 72-00106G

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Firstfruits Foundation

Address: PO Box 1190 Challis, ID 83226

Name:

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☒ **Name and Address**

Should be: See attached

2. ☐ **Source**

Should be: _____

3. ☐ **Quantity**

Should be: _____

4. ☒ **Priority Date**

Should be: See attached

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: See attached

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant does not have a valid water right with the elements claimed.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

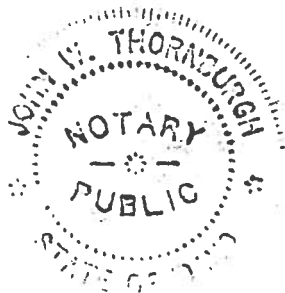
Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Lane G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 1, 1999



John W. Thornburgh
John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 2nd, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

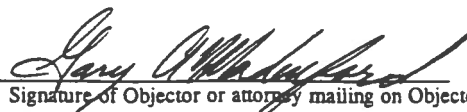
Name: Firstfruits Foundation
Address: PO Box 1190 Challis, ID 83226
Name:
Address:
Name:
Address:
Name:
Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: JAN-26-1999
PAGE: A-381

RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00106G

NAME & ADDRESS: FIRSTFRUITS FOUNDATION
PO BOX 1190
CHALLIS ID 83226

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.56 CFS

PRIORITY DATE: 05/15/1890

POINT OF DIVERSION: T13N R18E S02 LOT 3 (SENESE) Within CUSTER County
S03 SENESE

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 0.56 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T13N R18E S02 Lot 2 (NWNE) 0.2 Lot 3 (NENW) 13 Lot 1 (SENESE) 0.3 BLM
T14N R18E S35 SESE 0.8 BLM
14.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106G, 72-00109G, 72-10486B, AND
72-04174B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106G, 72-00109G, AND 72-10486B.

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

101-29416

LUP auth to Chris James

Sec. 2 & 35



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 15, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

CHRISTOPHER JAMES
PO BOX 1190
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS HELD BY
CHRISTOPHER JAMES TRUST AND FIRSTFRUITS FOUNDATION

Dear Christopher

I have enclosed two transfer forms with attachments for your use. If you have any questions concerning those forms please contact this office and ask for an allocations agent. I have also enclosed GIS layouts of your property showing the current recommendations. You can use that map to identify the areas being dried up and the new place of use.

I have also enclosed a change of ownership form and a profile report for the 'Dewey' claim. If you have any questions concerning this claim please contact me. A layout is also included for this property as you indicated that it was probably to be included in the transfer process.

Good luck in the paper trail concerning your developments on your property.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosures

Christensen, Kelly

Subject: 72-00106F & G and others NOE response
Entry Type: Phone call
Company: First Fruits Foundation

Start: Tue 12/15/98 12:00 AM
End: Tue 12/15/98 12:00 AM
Duration: 0 hours

Categories: Notice of Error

He called and stated that there did not seem to be any problems with the recommendations for his rights and First Fruits rights. He did indicate, however, that he has since changed a point of diversion location and some of the place of use. We discussed the changes and I suggested that he file a transfer to recognize the changes. He asked for transfer forms.

We also discussed the 'Dewey' property that he now owns. I told him that I would send him a change of ownership form for his use.

Water Right Number - R72-00106G

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
FIRSTFRUITS FOUNDATION

1 - PO BOX 1190
2 -
3 -
City- CHALLIS State- ID Zip- 83226
Phone - 208-879-2729

VERIFIED BY KKC
11-9-98

*** O - ORIGINAL OWNER ***
US DEPT OF AGRICULTURE

1 - FARMERS HOME ADMINISTRATION
2 - % ROGER HILL
3 - PO BOX 1189
City- SALMON State- ID Zip- 83467
Phone - 208-756-4417

+ - - Priority Date - - + 05/15/1890

+ - - Region - - - + 17 SOUTHERN

+ - - Stage - - - + D - DECREED

+ - - Status - - - +

+ - - Source - - - - + GARDEN CREEK

+ - - Tributary - - - - - + SALMON RIVER

Point of Diversion							Diversion Name
Twn	Rng	Sec	Tract	Lot	RFlg	County	
13N	18E	2	SE NE NW	3		(37) CUSTER	
		3	SE NE SE			(37) CUSTER	

Water Use		Period From		Period To	Diversion Rate	Diversion Volume
Code	Description					
01 - IRRIGATION		04/15	10/15		0.560	
Total Div. Rate - +		Total Div. Volume - +		Total Div. Capacity - +		Total Consumptive Use - +
0.560						0.0

Place of Use								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	18E	2	NW NE	2	0.2	01	IRRIGATION	(37) CUSTER
13N	18E	2	NE NW	3	13.0	01	IRRIGATION	(37) CUSTER
13N	18E	2	SE NW	1	0.3	01	IRRIGATION	(37) CUSTER
14N	18E	35	SE SW		0.8	01	IRRIGATION	(37) CUSTER
Total Acres:					14.3			

+ - - Diversion Means - TWO HEADGATES, DITCHES, FLOOD IRRIGATION

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-04174B, 72-00109G, & 72-10486B

Water right number - R72-00106G

Prefix Translation: RESEARCH

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

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 7.3 ACRES IN A SINGLE IRRIGATION SEASON. ✓
COMBINED RIGHT NOS.: 72-00106G, 72-00109G, 72-10486B, AND
72-04174B.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 14.3 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00106G, 72-00109G, AND 72-10486B.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF ✓
DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 2 SENENW.
72-00106G, 72-00109G, 72-10486B, 72-00106H, AND 72-00106C. -SRLS

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF ✓
DIVERSION LOCATED IN TWP 13N, RNG 18E, SEC 3 SESE.
72-00106F, 72-00109F, 72-10486A, 72-00106G, 72-00109G, AND
72-10486B. 6 Rto

+ - - - - Old Water Right Numbers - - - - - +
A7200106

+ - - - - 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. 05/19/1914

+ - - - - Audit Fields - 08/23/94 KCHRISTE 08/24/94 KCHRISTE 03/30/95 POST-STD 10/29/98 KCHRISTE

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

Date: 01/31/1994 User Id: CHRISTEN Subject: COPIED FROM REMARKS
PORTION OF 72-00106 DECREE.

Date: 08/23/1994 User Id: KCHRISTE Subject: BASIS OF SPLIT RIGHT
THERE WAS AN OWNERSHIP CHANGE SPLITTING THE RIGHT INTO;
72-00106G FIRSTFRUITS FOR 16/25ths OF .88 CFS OR .56 CFS.
CHRISTOPHER JAMES ON 08-15-94. KKC

Date: 08/23/1994 User Id: KCHRISTE Subject: COPIED FROM REMARKS

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
ANNUAL CONSUMPTIVE USE VOLUME OF 62.5 AF, AND TO THE IRRIGATION
COMBINED RIGHT NOS.: 72-00109C AND 72-10486.

TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 77.5 AF, AND TO
IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00109C, 72-10486, AND

~ 51 ACRES OF ACTUAL IRRIGATION ALONG GARDEN CREEK.
OWNERSHIP CHANGE 5/24/91 BY AA.

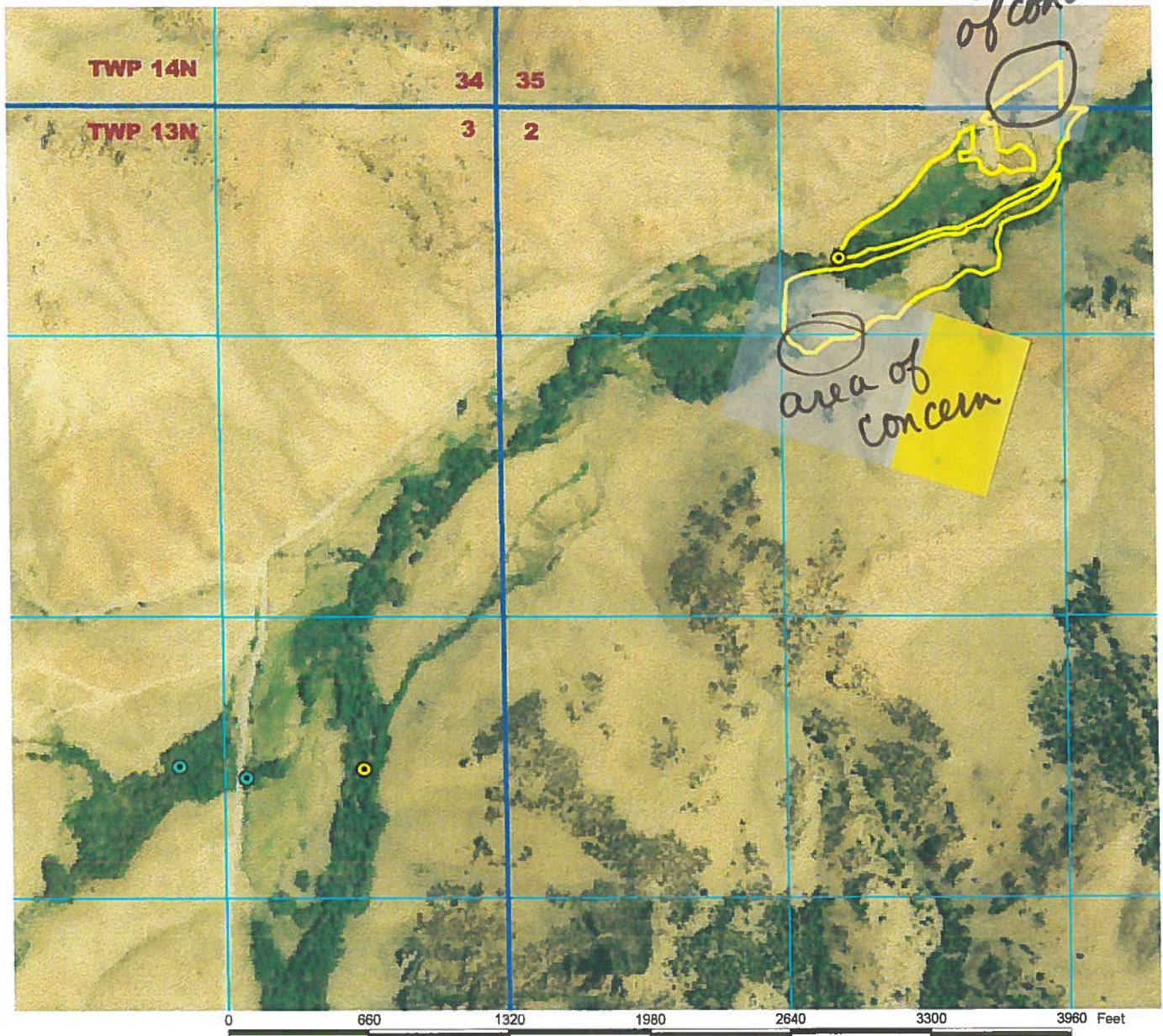
72-00106F JAMES TRUST FOR 9/25ths OF .88 CFS OR .32 CFS AND
THE SPLIT WAS BASED UPON FOUND IRRIGATED ACRES AS DISCUSSED WITH

DIVERSION DESCRIBED ABOVE: 72-00109D, AND 72-10486.
TOTAL COMBINED DIVERSION RATE OF 2.26 CFS, A TOTAL COMBINED
OF A COMBINED TOTAL OF 25 ACRES IN A SINGLE IRRIGATION SEASON.
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
THE IRRIGATION OF A COMBINED TOTAL OF 31 ACRES IN A SINGLE
72-04174.

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/15/1993	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	- 07/02/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P

72-00106G, 72-00109G, & 72-10486B
SOURCE = GARDEN CREEK



RECOMMENDED PLACE OF USE
TWP 13N RNG 18E, SEC 35
TWP 13N RNG 18E, SEC 2
data entry on October 29, 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
72-00106G
72-00109G
72-10486B

DATE
10-29-98
AGENT
KKC

TRANSFER NUMBER
CLAIMED ACRE TOTAL
18
GIS ACRE TOTAL
14.3

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13N	18E	2		4			14			-0-									18
GIS					.2			13			.3									
RECOM					.2			13			.3									13.3
CLAIM	14N	18E	35												-0-					-0-
GIS															.8					
RECOM															.8					.8
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP
SHAPE NOS.
345
345

B72-DBPOD.SHP
NOS.
DESCRIPTION
138
Sec 2
106G
.56
1.91CFS
10.48CFS
Two P/DS
SENESE
109G
.56
10486B
32
205
Sec 3
1.44CFS
SENESE

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

these rights only
O.L. with 4174B
O.L. with
00106G
106 H
109G
106 C
10486B
claim rate
Soils
Meas
O.L. with
106F
106G
108F
109G
10486A
10486B

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS 72-00106G 72-10486B
72-00109G

DATE: 10-29, 1998

REVIEWED BY KKC

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

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

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

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
CP1	2.61	7	14.3	.36	1.91 CFS
					CFS
					CFS
					CFS

TOTAL ACRES _____

DECREED RATE = _____

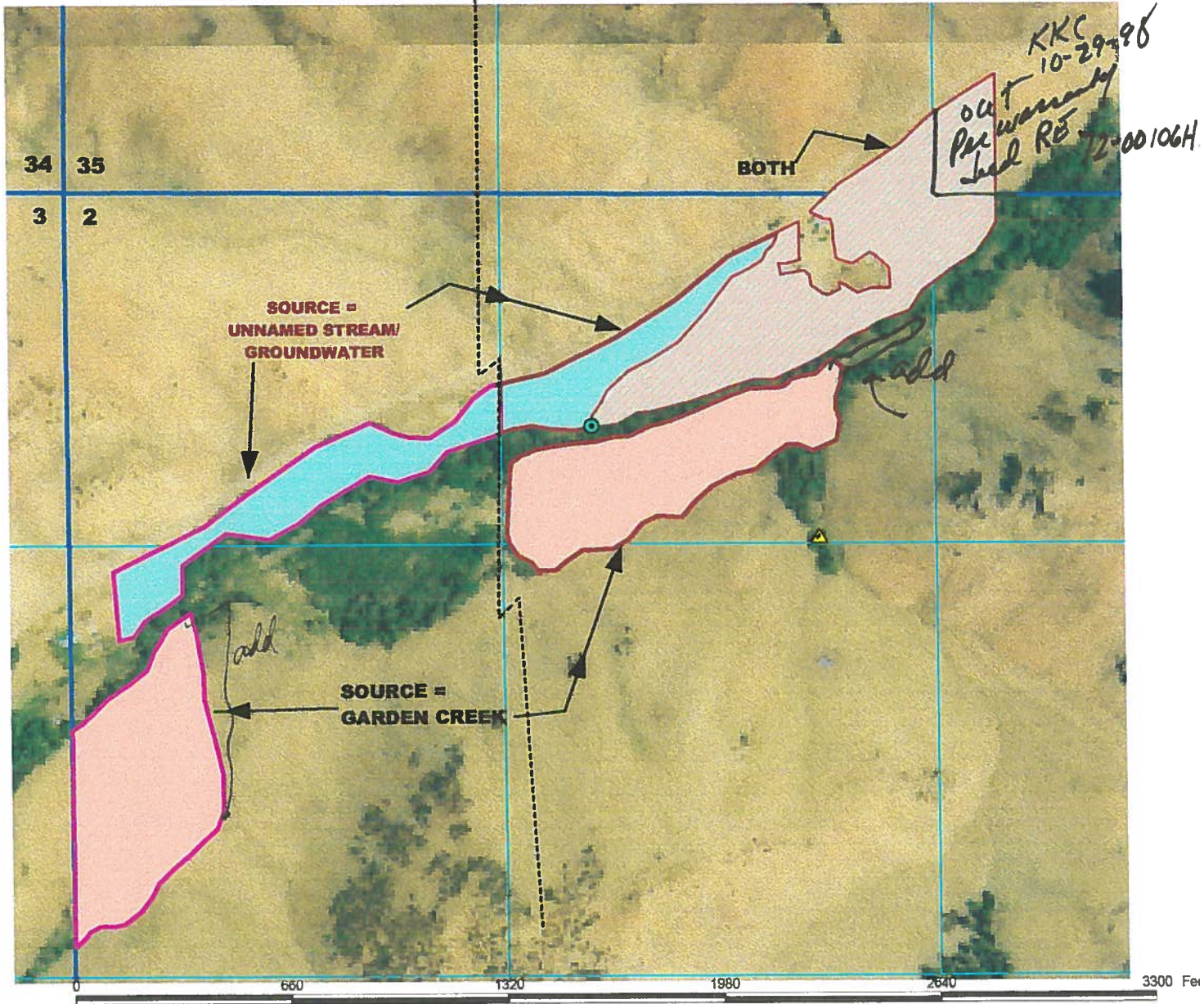
CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

IDAHO DEPARTMENT OF WATER RESOURCES

**CHRISTOPHER JAMES TRUST
GARDEN CREEK RIGHTS
72-00106F, 72-00109F, & 72-10486A
UNNAMED STREAM/GROUNDWATER
72-04174A**

**FIRSTFRUITS FOUNDATION
72-00106G, 72-00109G, & 72-10486B
UNNAMED STREAM/GROUNDWATER
72-04174B**



**RECOMMENDED PLACE OF USE
TWP 14N RNG 18E, SEC 35
TWP 13N RNG 18E, SEC 2
data entry on October 13, 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**

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
NOV 01 1994

Water Right Number - R72-00106G

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
FIRSTFRUITS FOUNDATION*** O - ORIGINAL OWNER ***
U.S. DEPT. OF AGRICULTURE

MC GARY

LAWRENCE

1 - PO BOX 1190
2 -
3 -
City- CHALLIS
Phone - 208-879-2729
State- ID Zip- 83226

1 - FARMERS HOME ADMINISTRATION
2 - % ROGER HILL
3 - P.O. BOX 1189
City- SALMON
Phone - 208-756-4417
State- ID Zip- 83467

1 -
2 -
3 -
City- KETCHUM
Phone - 208-000-0000
State- ID Zip- 83340

+ - 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
		3	SE NE SE			(37) CUSTER

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15		0.560	

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

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	18E	2	NW NE	2	1.0	01	IRRIGATION	(37) CUSTER
13N	18E	2	NE NW	3	15.0	01	IRRIGATION	(37) CUSTER

Total Acres: 16.0

+ - - Diversion Means - TWO HEADGATES, DITCHES, FLOOD IRRIGATION

+ - - Non-Irrigation Use -

MICROFILMED
NOV 01 1994

MICROFILMED
NOV 01 1994

Water right number - R72-001066

Prefix Translation: RESEARCH

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +	
Court Report Filing	- 00/00/0000
Objection Filed Date	- 00/00/0000
Response Filed Date	- 00/00/0000
Claim Received Date	- 07/02/1990
Field Inspection Made	- 06/15/1993
Field Inspection Flag	-
Verified Date	- 08/24/1994
Last Amended Date	- 00/00/0000
Receipt Number	- XXXXXXX
POU Ownership Flag	- Y
Name Connector	-
Civil Case Number	- 39576
Old Case Number	-
Old Judicial District	-
Temporary Right	- P
Water District	- 728
Federal/State Indicator	- S
Presumption Flag	- C
Notice of Error Flag	-

MICROFILMED
NOV 01 1994