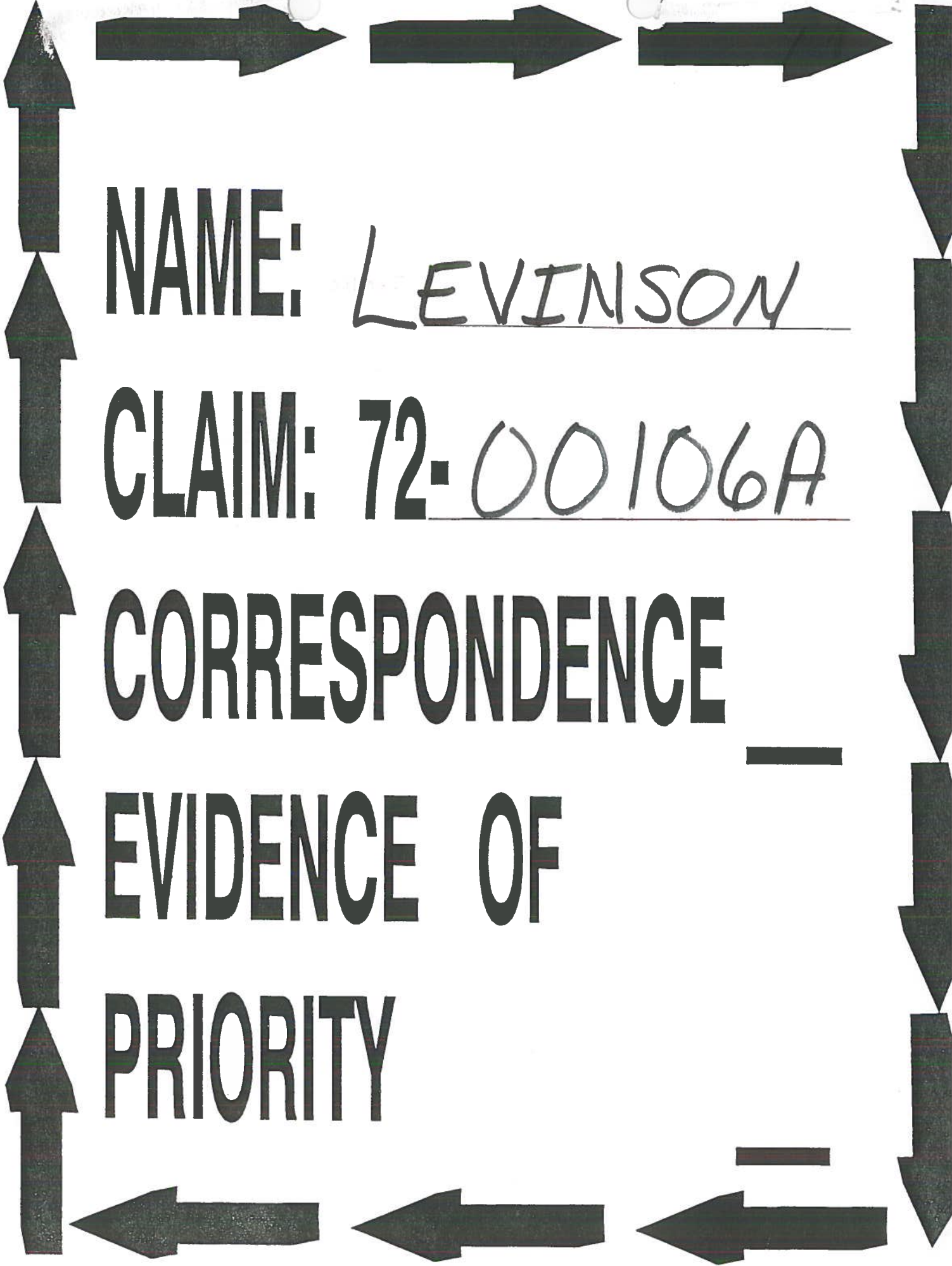




**NAME:** LEVINSON

**CLAIM:** 72-00106A

**CORRESPONDENCE**

**EVIDENCE OF**

**PRIORITY**

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A72-00106A**

Date Received: 12/27/1989

Receipt No: S010766

Received By: \_\_\_\_\_

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

1. Name: JAY NORRIS 208-888-9293  
Address: 465 S. LINDER RD.  
MERIDIAN ID 83642  
AND/OR  
Name: LINDA NORRIS 208-888-9293  
Address: 465 S. LINDER RD.  
MERIDIAN ID 83642  
AND/OR  
Name: UPENDRA DESAI 208-888-9293  
Address: 465 S. LINDER RD.  
MERIDIAN ID 83642  
AND/OR  
Name: MADI LEVINSON 208-888-9293  
Address: 465 S. LINDER RD.  
MERIDIAN ID 83642

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 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 13N      | 18E   | 3       | SE     | SE     |        |     | CUSTER |

5. Description of diverting works:  
ROCK DIVERSION DAM, HEADGATE & DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.720  |      |        |

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:

S/25 HORSES & CATTLE. USE SPRINGS, CREEK, OR DITCHES ALL YEAR

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 13N           | 18E   | 3       | SE     | NE  |     | IRR | 12.0  |
|               |       |         | NE     | SE  |     | IRR | 20.0  |
| Section Acres |       |         |        |     |     |     | 32.0  |
| Total Acres   |       |         |        |     |     |     | 32.0  |

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:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ADAMS, ET. AL.

Decree Plaintiff

VANDERVOORT, ET. AL.

vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



# NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

# RECEIVED

  
MAR 20 1992

Department of Water Resources

DATE OF CLOSING: \_\_\_\_\_

LEGAL DESCRIPTION OF PROPERTY: Township 13 N Range 18 E  
Section 3, SE 1/4 of NE 1/4 of 1/4, Govt. Lot 75-66  
Lot \_\_\_\_\_, Block \_\_\_\_\_, Subdivision/Townsite \_\_\_\_\_  
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company which maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A72-00106A
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Louis Kristan  
211 Brentwood Dr.  
Idaho Falls, Idaho 83402
- ☐ New Owner/Claimant (Purchaser): Jay + Linda Norris, Upendra Desai, Madi Levinson
- ☐ New Mailing Address: 465 S. Linder Rd.  
Meridian, Idaho 83642
- ☐ New Telephone Number: (208) 888-9293
- ☐ 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:

- ☐ 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): Madi Levinson Date 2-11-92  
Upendra Desai Jay + Linda N. Norris Date 3-16-92
- ☐ Signature of Former Owner/Claimant(s): \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_ Date \_\_\_\_\_

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

## FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 3/31/92 By: LC

Further Action Needed:

Further Action Taken

Date: \_\_\_\_\_ By: \_\_\_\_\_

Final Review and Data-Entry

Date: 3/31/92 By: LC

Claim Numbers of Split, if any:

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

MICROFILMED

MAR 18 1993

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
Northern Region Office  
1910 Northwest Blvd - Suite 210  
Coeur d'Alene, ID 83814-2615

MAR 18 1993  
MICROFILMED

IDWR  
SOUTHERN REGION  
222 SHOSHONE ST E  
TWIN FALLS ID 83301



# CARRANTY DEED

196976

For Value Received

LOUIS L. KRISTAN and BETTY A. KRISTAN, husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto JAY P. NORRIS and LINDA M. NORRIS, and UPENDRA D. DESAI, a single person, and MADI LEVINSON, a single person,

the grantees, whose current address is 465 South Linder, Meridian, Idaho 83642

the following described premises, in Custer County, Idaho, to-wit:

See Exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 20, 1990

*James L. Kristan by James R. Bernstein Attorney in fact for Louis L. Kristan*

*Betty A. Kristan by James R. Bernstein Attorney in fact for Betty A. Kristan*

STATE OF IDAHO

COUNTY OF CUSTER

On this 20<sup>th</sup> day of August, in the year 1990, before me, a Notary Public, personally appeared J. R. Bernstein, known & identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

*Public Notary*  
Residing at *Idaho*, Idaho.  
*Notary Public*

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Madi Levinson

at 40 minutes past 11:00 o'clock AM., this 20<sup>th</sup> day of August, 1990, in my office, and duly recorded in Book of Deeds at page

*Ethel M. Beck*  
Ex-Officio Recorder  
By *James R. Bernstein* Deputy

Fees \$ 6.00  
Mail to:

INSTRUMENT No. 196976

Chicago Title Insurance Company of Idaho

MICROFILMED

MAR 18 1993

EXHIBIT "A"

TOWNSHIP 13 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 3: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , EXCEPTING THEREFROM the following described parcel in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ :

A fraction of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the Southwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence East along the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 1320 feet to the Southeast Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence North along the East boundary line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 264 feet; thence West parallel to the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 1320 feet to the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence South along the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 264 feet to the POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM COUNTY ROAD RIGHT-OF-WAY.

MICROFILMED  
MAR 18 1993

State of Idaho  
Department of Water Resources

ASSIGNMENT OF PERMIT

JAY P. NORRIS & LINDA M. NORRIS,  
UPENDRA D. DESAI,

I, LOUIS L. KRISTAN, hereby assign to and MADI LEVINSON

of \_\_\_\_\_ Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. A72-00106A  
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit  
No. \_\_\_\_\_ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within  
each 40 acre subdivision, the point of diversion and the amount of water in cubic  
feet per second for direct diversion, or acre feet for storage)

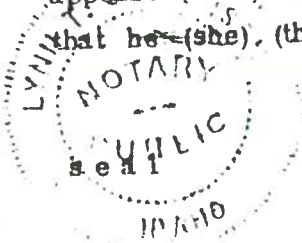
Made this 20th day of August, 19 90.

Permit Holder

Louis L. Kristan by  
James D. Bennett atty in pr.  
Spouse of Permit Holder

State of Idaho )  
County of Custer ) ss.

On this 20th day of August, 19 90, personally  
appeared before me the signer(s) of the above instrument, who duly acknowledged to me  
that he-(she)-(they) executed the same.



My commission expires:

defunct

James D. Bennett  
Notary Public residing at Challis, Idaho

MICROFILMED  
MAR 18 1993

196977

11:40 Madi Levinson  
A 8-20 90

1 Anna Nyle  
300

LEINER 300 300  
EPP 8 1 HAM

SD-33

Last Name: KRISTAN

STATE

S  
E  
LO  
W  
NFirst  
NameWater  
Right No.Priority  
Date

Source

Total  
DiversionUse  
Code Desc

KRISTAN

LOUIS L.

O A72-04153

05/15/1900

SALMON RIVE

1.020

01 IRR

04 STOCK

LOUIS L.

C A72-00106A

05/15/1890

GARDEN CREE

0.720

01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu \_\_\_\_\_)

MICROFILMED

MAR 18 1993



|                         |       |            |           |                   |   |               |    |       |                   |
|-------------------------|-------|------------|-----------|-------------------|---|---------------|----|-------|-------------------|
| SD-0604-2 Township: 13N |       | Range: 18E |           | Section: 3        |   | Tract: NESE   |    | Lot:  |                   |
| S                       | L     | STATE      |           | O                 | S | Max # Records |    | 11    |                   |
| E                       | O     | Water      |           | W                 | T | Priority      |    | Use   |                   |
| L                       | Tract | T          | Right No. | Name              |   | N             | AC | G     | Date              |
|                         |       |            |           | Last, First       |   |               |    |       | Code Desc         |
| -----                   |       | -----      |           | -----             |   | -----         |    | ----- |                   |
| NESE                    |       | A72-00106A |           | KISER, NICK Z.    |   | O             | 20 | D     | 05/15/1890 01 IRR |
|                         |       |            |           | KRISTAN, LOUIS L. |   | C             |    |       |                   |
| NESE                    |       | A72-00106  |           | KISER, NICK Z.    |   | O             |    |       | 05/15/1890 01 IRR |
|                         |       |            |           | SPLIT RIGHT       |   | C             |    |       |                   |

(Enter=Continue)

(GOLD7=This Query)

(Menu \_\_\_\_\_)

MICROFILMED  
MAR 1 8 1993



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

01-Apr-1992 14:23

JAY & LINDA NORRIS, UPENDRA DESAI  
MADI LEVINSON  
465 S. LINDER RD.  
MERIDIAN ID 83642

Re: Ownership Change for Adjudication Claim NO.(S): A72-00106A  
LOUIS KRISTAN

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claim(s) is appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claim(s) noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script, likely belonging to Judy Givens.

Judy Givens  
Adjudication Secretary

/jg

Enclosures

**MICROFILMED**  
**MAR 18 1993**

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

AJ0743NP  
(00-124)

Water Right Number - R72-00106A      Prefix Translation: RESEARCH      Old (D) Number -  
+ - - - - Last Name - - - - +      + - First Name - - +      + - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*  
NORRIS      JAY

1 - 465 S. LINDER RD.  
2 -  
3 -      State- ID      Zip- 83642  
City- MERIDIAN  
Phone - 208-888-9293  
1 - 465 S. LINDER RD.  
2 -  
3 -

State- ID      Zip- 83642  
City- MERIDIAN  
Phone - 208-888-9293  
1 - 465 S. LINDER RD.  
2 -  
3 -

State- ID      Zip- 83642  
City- MERIDIAN  
Phone - 208-888-9293  
1 - 465 S. LINDER RD.  
2 -  
3 -

State- ID      Zip- 83642  
City- MERIDIAN  
Phone - 208-888-9293  
1 - 2111 BRENTWOOD DRIVE  
2 -  
3 -

State- ID      Zip- 83402  
City- IDAHO FALLS  
Phone - 208-529-1074  
1 - 2111 BRENTWOOD DRIVE  
2 -  
3 -

State- ID      Zip- 83402  
City- IDAHO FALLS  
Phone - 208-529-1074  
1 - 2111 BRENTWOOD DRIVE  
2 -  
3 -

State- ID      Zip- 83402  
City- IDAHO FALLS  
Phone - 208-529-1074  
1 - 2111 BRENTWOOD DRIVE  
2 -  
3 -

State- ID      Zip- 83402  
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3 -

State- ID      Zip- 83402  
City- IDAHO FALLS  
Phone - 208-529-1074  
1 - 2111 BRENTWOOD DRIVE  
2 -  
3 -

MICROFILMED  
MAR 18 1993

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

AJ0743NP  
(OD-124)

Water right number - R72-00106A Prefix Translation: RESEARCH

| Twn | Rng | Sec | Tract | Lot  | Acres | Code       | Description | County |
|-----|-----|-----|-------|------|-------|------------|-------------|--------|
| 13N | 18E | 3   | SE NE | 12.0 | 01    | IRRIGATION | (37) CUSTER |        |
| 13N | 18E | 3   | NE SE | 20.0 | 01    | IRRIGATION | (37) CUSTER |        |

Total Acres: 32.0

- - - Diversion Means - ROCK DIVERSION DAM, HEADGATE & DITCH TO PLACE OF USE.
- - - Non-Irrigation Use - S/25 HORSES & CATTLE. USE SPRINGS, CREEK, OR DITCHES ALL YEAR
- - - Other Rights for Same Use - NONE
- - - Remarks - No Remarks found.
- - - No Old Water Right Numbers Found
- - - Conditions of Approval - No Conditions of Approval found.
- - - Decree Plaintiff - - - + - - - Decree Defendant - - - + - - - Decree Date - - - +  
ADAMS, ET. AL. VANDERVOORT, ET. AL. 00/00/0000
- - - Comments - KRISTAN NEW OWNER JAY & LINDA NORRIS, YPENDRA DESAI, MADI COMPLETE REVIEW.

- - - Audit Fields - - - +  
04/01/92 GIVENS

| Adjudication Rights Dates and Flags Area |   |            |                       |   |            |                         |   |       |  |
|------------------------------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|--|
| Court Report Filing                      | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number       | - | 39576 |  |
| Objection Filed Date                     | - | 00/00/0000 | Field Inspection Flag | - |            | Old Case Number         | - |       |  |
| Response Filed Date                      | - | 00/00/0000 | Verified Date         | - | 00/00/0000 | Old Judicial District   | - |       |  |
| Claim Received Date                      | - | 12/27/1989 | Last Amended Date     | - | 00/00/0000 | Temporary Right         | - | P     |  |
|                                          |   |            | Receipt Number        | - | S010766    | Water District          | - | 728   |  |
|                                          |   |            | POU Ownership Flag    | - | Y          | Federal/State Indicator | - | S     |  |
|                                          |   |            | Name Connector        | - | AND/OR     | Presumption Flag        | - |       |  |
|                                          |   |            |                       | - |            | Notice of Error Flag    | - |       |  |

MICROFILMED  
MAR 18 1993

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: A72-00106A  
Date Received: 12/27/1989  
Receipt No: S010766  
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: LOUIS L. KRISTAN 208-529-1074  
Address: 2111 BRENTWOOD DRIVE  
IDAHO FALLS, ID 83402

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   | 3       | SE     | SE     |     |     | CUSTER |

5. Description of diverting works:  
ROCK DIVERSION DAM, HEADGATE & DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.720  |      |        |

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/25 HORSES & CATTLE. USE SPRINGS, CREEK, OR DITCHES ALL YEAR

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 13N      | 18E   | 3       | SE     | NE  |     | IRR | 12.0  |
|          |       |         | NE     | SE  |     | IRR | 20.0  |

Section Acres 32.0

A72-00106A

Page 1

Date: 12/27/89

MICROFILMED  
MAR 18 1993

10. Place of Use: Continued

Total Acres 32.0

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:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ADAMS, ET. AL.

Decree Plaintiff

vs

VANDERVOORT, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not \_\_\_\_\_ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: \_\_\_\_\_

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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 A72-00106A  
Date Received 12-26-1989  
Receipt Number 5010766

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 26 1989

Department of Water Resources  
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) LOUIS L. KRISTAN Phone (208) 529-1074  
Mailing Address 2111 Brentwood Drive, Idaho Falls, Idaho Zip 83402
2. Date of Priority (Only one (1) per claim) 05/15/1890
3. Source of water supply (a) Garden Creek  
which is tributary to (b) Salmon River
4. a. Location of existing point of diversion is: Township 13 N. Range 18 Section 3,  
1/4 of SE 1/4 of SE 1/4, Govt. Lot, E. B.M., County of Custer  
Additional points of diversion if any: \_\_\_\_\_  
b. If instream flow, beginning point of claimed instream flow is:  
Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_  
ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,  
Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. Rock diversion dam in creek, headgate  
and ditch 2-3 feet wide, 6 inches to 12 inches deep, approximately  
300 feet to property.

MICROFILMED

MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 0.7 or \_\_\_\_\_

For Stockwater purposes from 01/01 to 12/31 amount 0.02 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 0.72 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 75 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 25 horses, cows or equivalent; use springs, creek or ditches  
all times of year.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP  | RNG  | SEC | NE 1/4 |       |       |       | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4 |       |       |       | Totals |
|------|------|-----|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|-------|-------|-------|--------|
|      |      |     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 |        |
| 13 N | 18 E | 3   |        |       |       | 12    |        |       |       |       |        |       |       |       | 20     |       |       |       | 32     |
|      |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|      |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|      |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|      |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|      |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|      |      |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 32

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.  
\_\_\_\_\_ or None (X )

14. Remarks:

Last Name KRISTAN Ident No. \_\_\_\_\_

Copies: White - State Yellow - Claimant

MICROFILMED  
MAR 18 1993



15. Basis of Claim (check one) Beneficial Use \_\_\_\_\_ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree X  
If applicable provide IDWR Water Right Number 72-00106  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do \_\_\_\_\_ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

**For Individuals:** I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Louis L. Kuth Date Dec. 22, 1989

Betty A. Kristan Date 22 Dec 1989

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_

of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of BONNEVILLE ) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of December 19 89

SEAL

Notary Public Rutha Thornock

Residing at Idaho Falls

My Commission Expires 12-21-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name KRISTAN Ident. Number \_\_\_\_\_

MICROFILMED

MAR 18 1992  
Copies: White State, Yellow Claimant

- Diversion Means -  
- Non-Irrigation Use -  
- Other Rights for Same Use -

**MICROFILMED**  
**MAR 18 1993**

Water right number - A72-00106

THIS CLAIM IS FOR REFERENCE ONLY. IT HAS BEEN SPLIT  
A72-00106A, LOUIS L. KRISTAN CLAIMED 0.76 CFS, 32 ACRES.

RVW.--12/27/89

Conditions of Approval - - - - -  
No Conditions of Approval found.

[illegible]

+ - - Audit Fields - WORSTELL

[illegible]

MICROFILMED  
MAR 18 1993



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS  
Governor

R. KEITH HIGGINSON  
Director

Dec. 28, 1989

Re: A72-00106A

LOUIS L KRISTAN  
2111 BRENTWOOD DRIVE  
IDAHO FALLS ID 83402

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in black ink, appearing to read 'Judy Givens'.

Judy Givens  
Adjudication Secretary

/jg

Enclosures:

MICROFILMED  
MAR 18 1993

COPY

200 122 -7 P1 1:20  
FILED  
JUL 30 1996  
IDAHO

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

Case No. 39576

NOTICE OF COMPLETED  
ADMINISTRATIVE PROCEEDINGS

SUB CASE NO. 72-00106A, 72-00106L,  
72-00106M

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☒Yes ☐No

**FROM: Claimant/Seller(s):**

Name and Address of Claimant/Seller(s):

Jay Norris  
Linda Norris  
1532 Long Drive Ct  
Crofton MD 21114

Madi Levinson  
4503 Hoover  
Boise ID 83705

Upendra Desai  
465 S Linder Rd  
Meridian ID 83642

**TO: Claimant/Purchaser(s):**

Name and Address of Claimant/Purchaser(s):

Jay Norris  
Linda Norris  
1532 Long Drive Ct  
Crofton MD 21114

Madi Levinson  
4503 Hoover  
Boise ID 83705

Upendra Desai  
465 S Linder Rd  
Meridian ID 83642

Jeffrey J Yeo  
Jette Morache  
PO Box 299  
Challis ID 83226

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 4/5/00

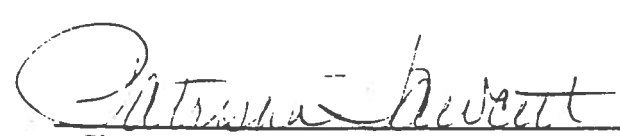
  
Signature of IDWR Representative

### CERTIFICATE OF MAILING

I certify that on 4/7, 2000, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:  
Clerk of the District Court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls ID 83303-2707
2. One Copy to:  
Claimant/Seller for Substitution of Party or attorney of record:  

|                    |                |                   |
|--------------------|----------------|-------------------|
| Jay Norris         | Madi Levinson  | Upendra Desai     |
| Linda Norris       | 4503 Hoover    | 465 S Linder Rd   |
| 1532 Long Drive Ct | Boise ID 83705 | Meridian ID 83642 |
| Crofton MD 21114   |                |                   |
3. One Copy to:  
Claimant/Purchaser for Substitution of Party or attorney of record:  
Jeffrey J Yeo  
Jette Morache  
PO Box 299  
Challis ID 83226
4. One Copy to:  
United States Dept of Justice  
Office of the Attorney General  
550 West Fort Street MSC 033  
Boise ID 83724
5. One Copy to:  
Chief Natural Resources Division  
Environment & Natural Resource Div  
PO Box 4444  
Boise ID 83724

  
Signature of person or attorney mailing the form

AJ5859NP

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

DATE: MAR-29-20

PAGE: A-1

-----  
RIGHT NUMBER: 72-00106A

SPLIT RIGHT: SEE RIGHT NOS. 72-00106L AND 72-00106M.

AJ5856NP

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

DATE: MAR-29-2006  
PAGE: A-1

RIGHT NUMBER: 72-00106L

NAME & ADDRESS: JAY NORRIS  
LINDA NORRIS  
1532 LONG DRIVE CT  
CROFTON MD 21114

MADI LEVINSON  
4503 HOOVER  
BOISE ID 83705

UPENDRA DESAI  
465 S LINDER RD  
MERIDIAN ID 83642

SOURCE: GARDEN CREEK                      TRIBUTARY: SALMON RIVER

QUANTITY: 0.36    CFS

PRIORITY DATE: 05/15/1890

POINT OF DIVERSION: T13N R18E S03                      SWSESE                      Within CUSTER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE                     | PERIOD OF USE  | QUANTITY    |
|-------------------------------|------------------------------------|----------------|-------------|
|                               | IRRIGATION LIVESTOCK, 5 HORSES & C | 04-01    10-31 | 0.36    CFS |

PLACE OF USE: IRRIGATION                      Within CUSTER County  
                  T13N R18E S03                      SENE 6.3                      NESE 10  
                  16.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 16.3 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00106L AND 72-00109L.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 13.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00106L, 72-00109L, AND 72-16499.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

AJ5856NP

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

DATE: MAR-29-200

PAGE: A-2

RIGHT NUMBER: 72-00106L (CONT)

EXPLANATORY MATERIAL: (CONT)

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF  
DIVERSION DESCRIBED ABOVE: 72-00106L, 72-00106M, 72-00109L  
AND 72-00109M.

AJ5856NP

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

DATE: MAR-29-200  
PAGE: A-3

RIGHT NUMBER: 72-00106M

NAME & ADDRESS: JEFFREY J YEO  
JETTE MORACHE  
PO BOX 299  
CHALLIS ID 83226

SOURCE: GARDEN CREEK                      TRIBUTARY: SALMON RIVER

QUANTITY: 0.02    CFS

PRIORITY DATE: 05/15/1890

POINT OF DIVERSION: T13N R18E S03                      SWSESE                      Within CUSTER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY    |
|-------------------------------|----------------|----------------|-------------|
|                               | IRRIGATION     | 04-01    10-31 | 0.02    CFS |

PLACE OF USE: IRRIGATION                      Within CUSTER County  
                    T13N R18E S03                      NESE    1  
                    1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 1 ACRE IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00106M AND 72-00109M.

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

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF  
DIVERSION DESCRIBED ABOVE: 72-00106L, 72-00109L, 72-00106M  
AND 72-00109M.



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

SOUTHERN REGION

April 5, 2000

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

JEFFREY J YEO  
JETTE MORACHE  
PO BOX 299  
CHALLIS ID 83226

RE: SRBA Claim(s) 72-00106A

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett  
Technical Records Specialist

cc: Jay and Linda Norris  
Madi Levinson  
Upendra Desai

Morish - 1.03  $\rightarrow$  1Ac vir  
16.9

$$\frac{1}{17.3}$$

$$\frac{.021}{.38 \text{ CFS}} \text{ CFS} \approx .02$$

$$32 \quad .018 \approx \frac{.02}{1.04 \text{ CFS}}$$

Lev

16.1 AC

**STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES**

**NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
Incomplete forms will be returned.

RECEIVED

SEP 08 1999

Department of Water Resources  
Eastern Region

RECEIVED

SEP 15 1999

Department of Water Resources  
Quinn Darrin

1. Water Right No(s).: 72-00106A and 72-00109E  
 Adjudication Claim No(s).: NONE
2. The following REQUIRED information must be submitted with this form:
  - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.  
AND
  - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant JAY F. LINDA NORRIS, LUTHER HAKTSORN, MADI LEVINSON  
465 S. LINDER ROAD, MERIDIAN, IDAHO 83642
4. New Owner/Claimant(s) JEFFREY J. YEO AND JETTE MORACHE  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address P.O. Box 299  
 City, State and ZIP Code CHALLIS, IDAHO 83226  
 New Telephone Number (208) 879-5066
5. Date you acquired the property MAY 15, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate 3.25 ac Number and type of stock 0  
 Diversion rate in CFS 0.063 Number of homes 1 Other uses NONE  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Jeffrey Yeo  
Jette Morache  
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

AJ5809NP  
No. 72-00106A

=====

Remarks: DIVERSION DESCRIBED ABOVE: 72-00106A AND 72-00109E.

Dates: Exam Made Date: 05/15/1993 Verified Date: Objection Filed Date:

Misc: Water District Number: 72B Field Inspection Flag:  
Presumption Flag:

Comments: Date: 04/01/1992 User-ID: GIVENS Subject: OWNERSHIP CHANGE  
CHANGE OF OWNERSHIP RECEIVED 3/25/92 ORIGINAL OWNER LOUIS  
KRISTAN NEW OWNER JAY & LINDA NORRIS, YPENDRA DESAI, MADI  
LEVINSON. COPY OF DEED SUBMITTED WITH FORM. IDWR WILL  
COMPLETE REVIEW.

Date: 11/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE  
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART  
OF RECORD THRU AJU10.

Audit: 04/01/92 GIVENS 01/28/94 CHRISTEN 03/30/95 POST-STD 11/09/98 KCHRISTE  
11/18/98 KCHRISTE 11/21/98 AJU10-DS 01/17/99 CPDCHAFF 02/04/99 ADT-DSHA

DATE: 04/13/99  
PAGE: 40

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

AJ75809NP  
No. 72-00109E

| OWNER<br>CODE    | NAME & ADDRESS     | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|--------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | JAY NORRIS         | 05/15/1888       | IRRIGATION | 04-01 10-31           | 0.320 CFS         |                     |
| C                | LUTHER B HARTSHORN |                  |            |                       |                   |                     |
| C                | MADI LEVINSON      |                  |            |                       |                   |                     |
| C                | LINDA NORRIS       |                  |            |                       |                   |                     |
|                  | 465 S LINDER RD    |                  |            |                       |                   |                     |
|                  | MERIDIAN ID 83642  |                  |            |                       |                   |                     |
|                  | (208) 888-9293     |                  |            |                       |                   |                     |
| TOTAL DIVERSION: |                    |                  |            |                       | 0.320 CFS         |                     |

Water Source: GARDEN CREEK  
Tributary to: SALMON RIVER  
Stage: DECREED  
CUSTER County

Point(s) of Diversion: T13N R18E S03  
SWSESE

Place of use Legal Description for: IRRIGATION

| NE                        | SE                      | SW                      | SW   |
|---------------------------|-------------------------|-------------------------|------|
| NENE NWNE SWNE SENE       | NENW NWNW SWNW SENW     | NESE NWSE SWSE SESE     |      |
| T R S : Lt Ac Lt Ac Lt Ac | Lt Ac Lt Ac Lt Ac Lt Ac | Lt Ac Lt Ac Lt Ac Lt Ac | SUM  |
| 13N 18E 3 :               | 06 :                    | 11 :                    | 17.3 |
| TOTAL ACRES               |                         |                         | 17.3 |

POU County: CUSTER

Non-Irrigation Uses: STOCKWATER, 20 HORSES

Other Rights: 72-00106A

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 PLACES OF USE PURSUANT TO  
- SECTION 42-1425, IDAHO CODE.
- C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER  
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
- RIGHTS IN BASIN 72:
  - WATER RIGHT NO. SOURCE
  - NONE NONE
  - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER  
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
- RIGHTS IN THE SNAKE RIVER BASIN:
    - WATER RIGHT NO. SOURCE
    - NONE NONE
    - ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES  
- OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED  
- CONJUNCTIVELY.

Remarks: POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 17.3 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00106A AND 72-00109E.

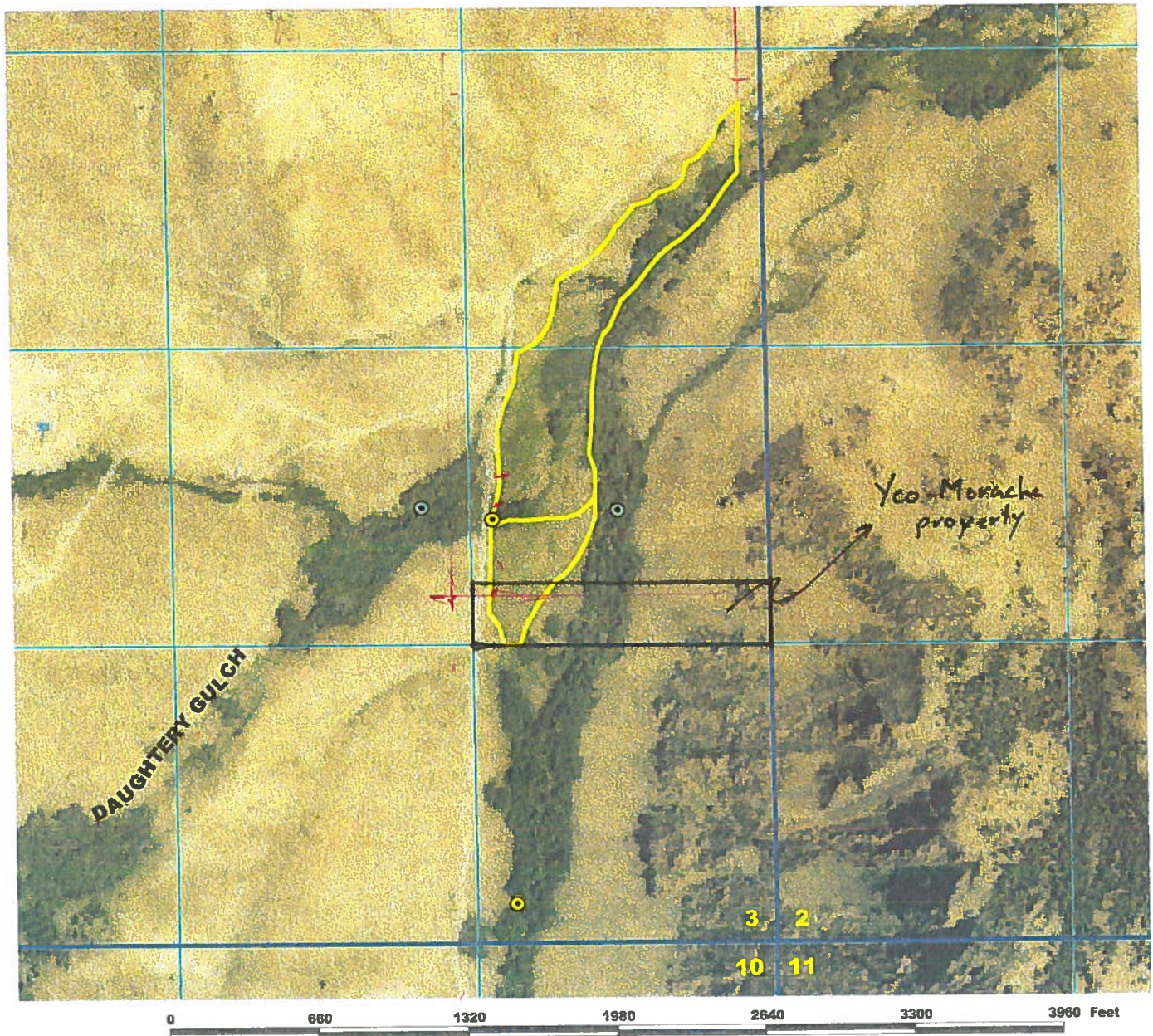
IDAHO DEPARTMENT OF WATER RESOURCES

72-00106A AND 72-00109E

SOURCE = GARDEN CREEK

72-16499

SOURCE = DAUGHTERY GULCH



RECOMMENDED PLACE OF USE  
TWP 13N RNG 18E, SEC 3  
data entry on October 22, 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

Form No. 1402.92  
(10/17/92)  
ALTA Owner's Policy



# POLICY OF TITLE INSURANCE



ISSUED BY

***First American Title Insurance Company***

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



CUSTER COUNTY TITLE, INC  
8th & Main  
P.O. Box 370  
Challis, ID 83226  
(208) 879-4424  
Fax: (208) 879-5249

Agent for.

***First American Title Insurance Company***

***First American Title Insurance Company***

BY

*Parker S. Kennedy*

PRESIDENT

ATTEST

*Mark R. Green*

SECRETARY

COUNTERSIGNED BY:

*Sally Kindt*

J 530927



## SCHEDULE C

Order No. 9473

Policy No. J 530927

The land referred to in this policy is situated in the State of Idaho, County of Custer and is described as follows:

TOWNSHIP 13 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 3:

A fraction of the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the Southwest corner of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; thence East along the South line of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 1320 feet, more or less, to the Southeast Corner of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; thence North along the East boundary line of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 264 feet; thence West parallel to the South line of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 1320 feet, more or less, to the West line of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>; thence South along the West line of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub>, 264 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A fraction of the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho more particularly described as follows, to-wit:

Beginning at the Southwest corner of the said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 3; run thence Northerly along the Westerly boundary of the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 3 a distance of 264.0 feet; thence East parallel to the Southerly boundary of said NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> 176.0 feet; thence South 0° 31' West, 264.1 feet to a point on the Southerly boundary of the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 3; thence West along said Southerly boundary 164.0 feet to the point of beginning.

EXCEPTING and reserving from the above described tract of land and easement for a road right of Way 20.0 feet in width, along the Southerly boundary, extending from the Southeasterly corner in a Westerly direction to the present County Road.

## **SCHEDULE B**

Order No. 9473

Policy No. J 530927

### **EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

#### **PART I**

##### **SECTION 1**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water whether or not the matters excepted under (a), (b), or © are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the year 1997, which are a lien, payable on or before December 20 of said year.

## **SCHEDULE A**

Order No. 9473

Policy No. J 530927

Amount of Insurance: \$26,500.00

Premium \$252.00

Date of Policy: March 17, 1997 4:20 P.M.

1. Name of Insured:

**JEFFERY J. YEO AND JETTE MORACHE**

2. The estate or interest in the land which is covered by this policy is:

**A FEE SIMPLE**

3. Title to the estate or interest in the land is vested in:

**JEFFERY J. YEO AND JETTE MORACHE**

4. The land referred to in this policy is described as follows:

**See attached Schedule C**



**POLICY  
OF  
TITLE  
INSURANCE**

*First American Title Insurance Company*



Form No. 1402.92  
(10/17/92)  
ALTA Owner's Policy



# POLICY OF TITLE INSURANCE



ISSUED BY

***First American Title Insurance Company***

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title, as insured, but only to the extent provided in the Conditions and Stipulations.



CUSTER COUNTY TITLE, INC.  
8th & Main  
P.O. Box 370  
Challis, ID 83226  
(208) 879-4424  
Fax: (208) 879-5249  
Agent for:

***First American Title Insurance Company***

***First American Title Insurance Company***

BY

*Parker S. Kennedy*

PRESIDENT

ATTEST

*Mark R. Ames*

SECRETARY

COUNTERSIGNED BY:

*Kathy Lindt*

J 530947



## SCHEDULE A

Order No. 9524

Policy No. J 530947

Amount of Insurance: \$5,000.00

Premium \$150.00

Date of Policy: May 16, 1997 4:07 P.M.

1. Name of Insured:

JEFFREY J. YEO AND JETTE MORACHE, husband and wife

2. The estate or interest in the land which is covered by this policy is:

A FEE SIMPLE

3. Title to the estate or interest in the land is vested in:

JEFFREY J. YEO AND JETTE MORACHE, husband and wife

4. The land referred to in this policy is described as follows:

See attached Schedule C

## SCHEDULE B

Order No. 9524

Policy No. J 530947

### EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

#### PART I

#### SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; © water rights, claims or title to water whether or not the matters excepted under (a), (b), or © are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. General taxes for the 1997, which are a lien, payable on or before December 20 of said year.
8. Easement 20 Feet in width contained in the Deed dated August 25, 1977, from Michael Henry Madson et. ux. to Johnny D. Norris et. ux., recorded August 25, 1977, as instrument No. 144587, records of Custer County, Idaho.

## SCHEDULE C

Order No. 9524

Policy No. J 530947

The land referred to in this policy is situated in the State of Idaho, County of Custer and is described as follows:

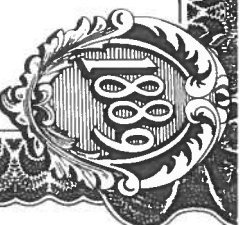
A fraction of the NE<sup>1</sup>/<sub>4</sub>SE<sup>1</sup>/<sub>4</sub> of Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho more particularly described as follows, to-wit:

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FIRST AMERICAN



*First American Title Insurance Company*



**POLICY  
OF  
TITLE  
INSURANCE**



CERTIFICATE OF SURVEYOR

I, David J. Couch, R.L.S. No. 970, State of Idaho, do hereby certify that the survey represented on this plat was performed by me or under my supervision in accordance with the laws of the State of Idaho, in September, of 1981.

173319



COUNTY RECORDER'S CERTIFICATE

State of Idaho  
County of Custer

This is to certify that the foregoing plat was filed in the office of the Recorder of Custer County, Idaho, on this 14<sup>th</sup> day of February 1985, at 1:57 p.m. and duly recorded in the records of Survey. Book \_\_\_\_\_ at page \_\_\_\_\_.

Ethel M. Peck Buy Mary Thompson  
Ex-Officio Recorder

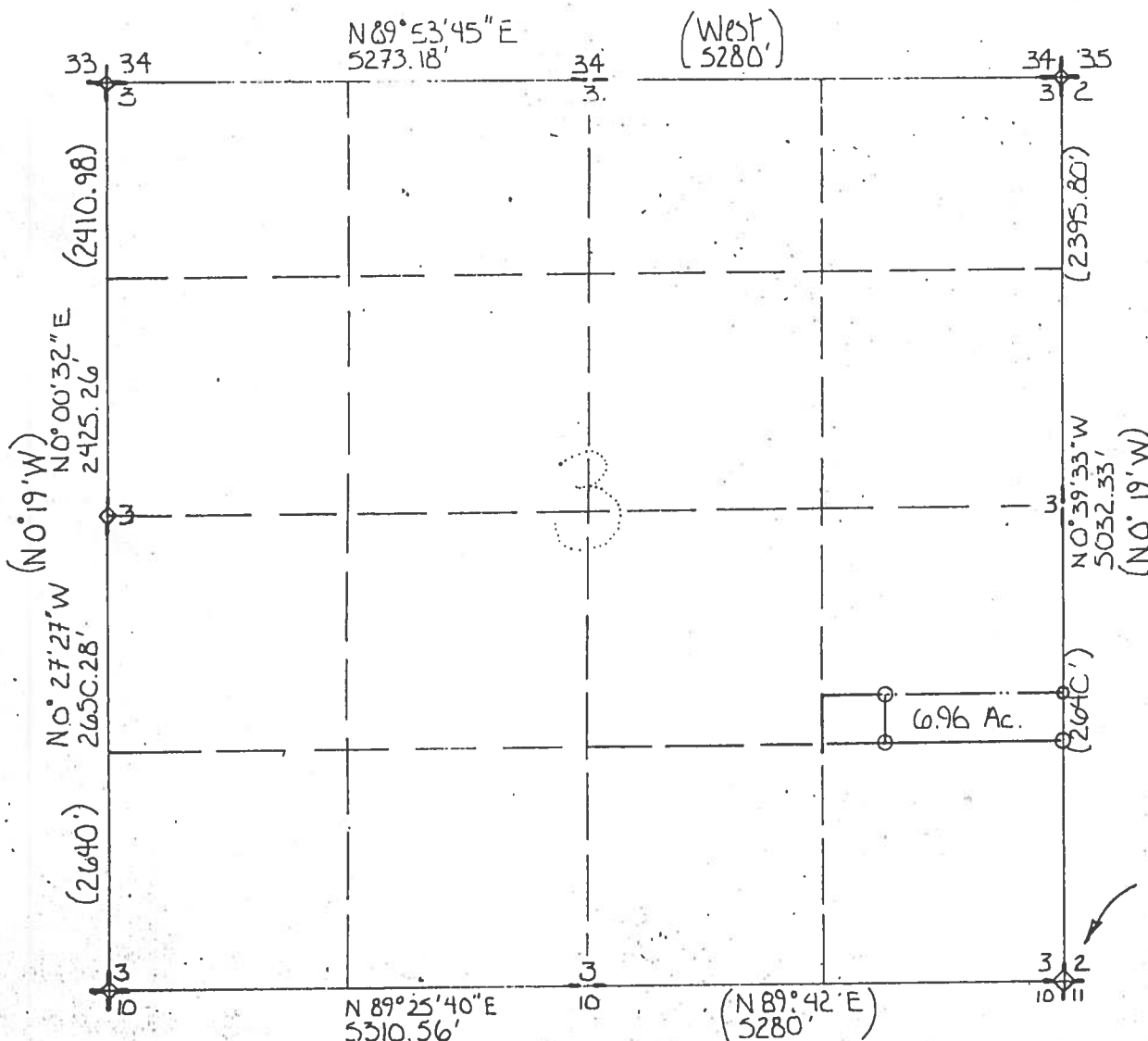
NOTE:  
This document was misrecorded in Lemhi County and found in February 1985. Taken to Custer County for recording.

LEGEND

- Lot boundary line
- Subdivision boundary line
- ⬢ Government Corner found
- 1/2" x 24" Steel rod set as boundary corner
- 1/2" x 24" steel bar with plastic cap



johnston · couch  
engineers · surveyors  
salmon · idaho



Section Plan  
Scale 1" = 1000'



Original bearing  
tree found.  
Corner on 8' x 6' x 5'  
porphyry ledge  
in place.  
N. 0° 15' E 7.92'



DEC 30 1991

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

72-00106A and 72-00109E

Page 1

### CERTIFICATE OF MAILING

I certify that on 11-30-99, 1999, I mailed the original and copies of this form, to the following persons, postage prepaid and addressed as follows:

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:  
Chief, Natural Resources Division  
Office of the Attorney General  
P.O. Box 44449  
Boise, ID 83711-4449

3. One copy to:  
United States Dept. Of Justice  
Environment & Natural Resource Div.  
550 West Fort Street, MSC 033  
Boise, ID 83724

4. One copy to:  
Linda and Jay Norris  
1532 Long Drive Ct.  
Crofton, MD 21114

Madi Levinson  
4503 Hoover  
Boise, ID 83705

  
\_\_\_\_\_  
Signature of Person or Attorney Mailing the Form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-9-1999  
PAGE: A-4

-----  
RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER  
-----  
RIGHT NUMBER: 72-DD1D6A  
NAME & ADDRESS: LINDA NORRIS  
JAY NORRIS  
1532 LONG DRIVE CT  
CROFTON MD 21114  
  
MADI LEVINSON  
4503 HOOVER  
BOISE ID 83705  
  
UPENDRA DESAI  
465 S LINDER RD  
MERIDIAN ID 83642  
  
SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER  
QUANTITY: 0.38 CFS  
PRIORITY DATE: D5/15/1890  
POINT OF DIVERSION: T13N R18E S03 SWSESE Within CUSTER County  
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION LIVESTOCK, 5 HORSES & C 04-01 1D-31 D.38 CFS  
  
PLACE OF USE: IRRIGATION Within CUSTER County  
T13N R18E S03 SENE 6.3 NESE 11  
17.3 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 17.3 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00106A AND 72-00109E.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 13.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00106A, 72-00109E, AND 72-16499.

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

-----  
RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER  
-----  
RIGHT NUMBER: 72-DD1D6A (CONT)

## OTHER PROVISIONS: (CONT)

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 DESCRIBED ABOVE: 72-00106A AND 72-00109E.

| OWNER<br>CODE | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|----------------|------------------|-----------|-----------------------|-------------------|---------------------|
|---------------|----------------|------------------|-----------|-----------------------|-------------------|---------------------|

|   |                                                                        |            |            |             |                  |           |
|---|------------------------------------------------------------------------|------------|------------|-------------|------------------|-----------|
| C | JAY NORRIS<br>1532 LONG DRIVE CT<br>CROFTON MD 21114<br>(410) 451-2322 | 05/15/1890 | IRRIGATION | 04-01 10-31 | 0.380 CFS        |           |
|   |                                                                        |            |            |             | TOTAL DIVERSION: | 0.380 CFS |

C MADI LEVINSON  
4503 HOOVER  
BOISE ID 83705  
(208) 433-8707

C LINDA NORRIS  
1532 LONG DRIVE CT  
CROFTON MD 21114  
(410) 451-2322

C UPENDRA DESAI  
465 S LINDER RD  
MERIDIAN ID 83642  
(208) 888-9293

Water Source: GARDEN CREEK  
Tributary to: SALMON RIVER

Stage: DECREED

Point(s) of Diversion: T13N R18E S03 SWSESE CUSTER County

Place of use legal Description for: IRRIGATION

|           | NE      | NW      | SW      | SE      |                  |
|-----------|---------|---------|---------|---------|------------------|
| T R S     | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac | : SUM            |
| 13N 18E 3 | : 06    | :       | :       | :       | : 17.3           |
|           |         |         |         |         | TOTAL ACRES 17.3 |

POU County: CUSTER

Non-Irrigation Uses: LIVESTOCK, 5 HORSES & CATTLE.

Other Rights: A72-00109E

Conditions of Approval:

- C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER  
- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER  
- RIGHTS IN BASIN 72:  
WATER RIGHT NO. SOURCE  
- NONE  
- 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

DO NOT FILM

Conditions of Approval:

NONE

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

Remarks: POU1

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 17.3 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-D0106A AND 72-001D9E.  
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF  
OR A COMBINED TOTAL OF 13.2 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00106A, 72-00109E, AND 72-16499.

EXP

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF  
DIVERSION DESCRIBED ABOVE: 72-00106A AND 72-00109E.

Dates:

Exam Made Date: 05/15/1993

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 72B

Field Inspection Flag:  
Presumption Flag:

Comments:

Date: 04/01/1992 User-ID: GIVENS Subject: OWNERSHIP CHANGE  
CHANGE OF OWNERSHIP RECEIVED 3/25/92 ORIGINAL OWNER LOUIS  
KRISTAN NEW OWNER JAY & LINDA NORRIS, YPENDRA DESAI, MADI  
LEVINSON. COPY OF DEED SUBMITTED WITH FORM. IDMR WILL  
COMPLETE REVIEW.

Date: 11/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE  
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART  
OF RECORD THRU AJU10.

Date: 10/29/1999 User-ID: SSHERMAN Subject: ADDRESS CHANGE  
ADDRESS CHANGE BY CLAIMANT LETTER FOR NORRIS AND LEVINSON.

Audit:

10/29/99 SSHERMAN

DO NOT FILM

Jay P. and Linda M. Norris  
1532 Long Drive Ct.  
Crofton, MD 21114

RECEIVED  
OCT 20 1999  
Department of Water Resources

Mr. Karl J. Dreher, Director  
State of Idaho  
Department of Water Resources  
1301 North Orchard St.  
P.O. Box 83720  
Boise, Idaho 83720-0098

RECEIVED  
OCT 28 1999  
Department of Water Resources

RECEIVED  
OCT 26 1999  
WATER RESOURCES  
WESTERN REGION

October 13, 1999

Dear Mr. Dreher,

We are writing to you concerning the water right for our property on Garden Creek in Challis, Idaho. Our Ditchmaster, Jack Challis, suggested to us that our adjoining neighbors, Jeff Yeo and Jette Morache, should enjoy an irrigation right with water from the Creek. Since our two properties were once part of an 80 acre parcel (of which we have 72 acres and they have 8 acres), we feel it is fair to give them 9% of our water right (72-00106A and 72-00109E). Approximately four acres of their property is irrigatable bottom land. If we need to fill out forms transferring part of our water right to them, we would be obliged if you could send them to us.

Our property is owned in common by four people and some of us have new addresses. If future correspondence could be sent to all the addresses listed below, we would very much appreciate it. We (Luther Hartshorn, Madi Levinson, and ourselves) have discussed the above apportioning of the water right with Jeff Yeo and Jette Morache, as well as with Jack Challis, and we all find ourselves in agreement with this proposal.

Thank you for your kind attention,

*Linda M. Norris*

Jay P. & Linda M. Norris  
1532 Long Drive Ct.  
Crofton, MD 21114  
(410) 451-2322

*changed record  
NCAP prepared.*

Mr. Luther Hartshorn  
465 S. Linder Rd.  
Meridian, Idaho 83642  
(208) 888-9293

*no change  
req'd.*

Ms. Madi Levinson  
4503 Hoover  
Boise, Idaho 83705  
(208) 433-8707

*changed record  
NCAP prepared.*

*10-29-99*

RECEIVED

NOV 02 1999

Department of Water Resources  
Southern Region

RECEIVED

OCT 20 1999

Department of Water Resources

Jay P. and Linda M. Norris  
1532 Long Drive Ct.  
Crofton, MD 21114

Mr. Karl J. Dreher, Director  
State of Idaho  
Department of Water Resources  
1301 North Orchard St.  
P.O. Box 83720  
Boise, Idaho 83720-0098

RECEIVED

OCT 28 1999

Department of Water Resources

RECEIVED

OCT 26 1999

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WESTERN REGION

October 13, 1999

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*no change  
req'd.*

Ms. Madi Levinson  
4503 Hoover  
Boise, Idaho 83705  
(208) 433-8707

*changed record  
NCAP prepared.*

*as 10-29-99*



## 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

SOUTHERN REGION

DIRK KEMPTHORN  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 9, 1999

MR LUTHER HARTSHORN  
465 S LINDER RD  
MERIDIAN ID 83642

RE: POTENTIAL SPLIT OF 72-00106A AND 72-00109E

Dear Claimants

Your efforts to legalize the water use for the Moraches is commendable but the 'simple' giving of 9% of your diversion rate to them raises numerous questions and possible legal issues. If we can establish the correct legal basis for their water use then the proper procedure required to record that use could be discussed in greater detail.

#### **Possible legal basis for a water right for the irrigation use by Yeo and Jette Morache.**

1. They have a valid claim against one or more of the decreed rights.
2. The property was sold dry sometime in the past but irrigation continued. They would have a beneficial use right based upon the date of the sale.
3. The property was sold dry; irrigation ceased at that time but resumed prior to May 20, 1971 the date of the mandatory permit statute for surface water rights.

#### **Basis 1 discussion**

I did the review and recommendation for all of the splits of the original decreed rights. The basis for my recommendations for the splits and unrecorded changes in place of use was the historical changes as recorded in warranty deeds. The warranty deeds that I researched parceled out all of the decreed water from both of the original decreed rights.

I have not reviewed the historical warranty deed trail for the property currently owned by the Moraches. If their warranty deed (or a predecessor's deed) indicates that they are entitled to a portion of one or more of the rights, then a reevaluation of all competing claimants would be required.

**To initiate this review and establish a claim for Morache, late objections in the Snake River Basin adjudication (SRBA) to all competing rights would be required along with a late claim filing. Late objections generally are accepted by the SRBA until the specific right has been decreed. Please check with the court for additional information concerning late objections and/or late claims.**

#### **Basis 2 discussion**

If by warranty deed the property was sold without water rights, but irrigation continued then there could be the potential for a beneficial use right with a priority date the day after the sale.

**This would require a late claim that must be pre-approved by the SRBA.**

### **Basis 3 discussion**

If the property was sold dry and irrigation ceased for some period of time but eventually irrigation was reestablished, then there could be the potential for a beneficial use right with a priority date as of the date that the irrigation was reestablished.

**This would require a late claim that must be pre-approved by the SRBA.**

### **Potential alternative**

As I have personal knowledge of some of the water use in that area which includes your property, I have an additional alternative for Mr & Mrs Morache to consider. This solution would require active participation by you.

**You dry up an equivalent acreage and then transfer that to the Moraches.** I believe that you have taken some irrigated ground out of production for roads and farmstead buildings. This ground may be available for transfer. You have 5 years from the date of last use to transfer the ground or file an extension of time to avoid forfeiture to protect the water right for those acres. The transfer is based upon an acre per acre basis. If the Moraches are irrigating or wish to irrigate more ground than you have already taken out of production then other alternatives may have to be pursued.

**This alternative would not involve the SRBA. The Moraches would be required to file a transfer with the department and assuming that it is approved, they would then have a portion of your decreed rights.**

### **General questions that need answers**

1. How much ground is, and has been, historically irrigated?
2. Has this property been continuously irrigated since the decreed priority date?
3. What is the historical delivery system and current delivery system?
4. Is there warranty deed documentation of a share in one or more of the decreed rights?

I realize that this letter may be confusing, as I do not have enough facts to propose an actual solution at this time. Also providing all detailed responses on all possible solutions would be difficult to follow in a letter format. Please give me a call if you or the Moraches wish to discuss this further.

Sincerely

Kelly K Christensen  
Sr Water Resource Agent

cc

JAY P & LINDA M NORRIS  
1532 LONG DRIVE CT  
CROFTON MD 21114

MS MADI LEVINSON  
4503 HOOVER  
BOISE ID 83705



**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

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 9, 1999

MS MADI LEVINSON  
4503 HOOVER  
BOISE ID 83705

RE: POTENTIAL SPLIT OF 72-00106A AND 72-00109E

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I did the review and recommendation for all of the splits of the original decreed rights. The basis for my recommendations for the splits and unrecorded changes in place of use was the historical changes as recorded in warranty deeds. The warranty deeds that I researched parceled out all of the decreed water from both of the original decreed rights.

I have not reviewed the historical warranty deed trail for the property currently owned by the Moraches. If their warranty deed (or a predecessor's deed) indicates that they are entitled to a portion of one or more of the rights, then a reevaluation of all competing claimants would be required.

**To initiate this review and establish a claim for Morache, late objections in the Snake River Basin adjudication (SRBA) to all competing rights would be required along with a late claim filing. Late objections generally are accepted by the SRBA until the specific right has been decreed. Please check with the court for additional information concerning late objections and/or late claims.**

**Basis 2 discussion**

If by warranty deed the property was sold without water rights, but irrigation continued then there could be the potential for a beneficial use right with a priority date the day after the sale.

**This would require a late claim that must be pre-approved by the SRBA.**

November 9, 1999  
Page 2  
Levinson

### **Basis 3 discussion**

If the property was sold dry and irrigation ceased for some period of time but eventually irrigation was reestablished, then there could be the potential for a beneficial use right with a priority date as of the date that the irrigation was reestablished.

**This would require a late claim that must be pre-approved by the SRBA.**

### **Potential alternative**

As I have personal knowledge of some of the water use in that area which includes your property, I have an additional alternative for Mr & Mrs Morache to consider. This solution would require active participation by you.

**You dry up an equivalent acreage and then transfer that to the Moraches.** I believe that you have taken some irrigated ground out of production for roads and farmstead buildings. This ground may be available for transfer. You have 5 years from the date of last use to transfer the ground or file an extension of time to avoid forfeiture to protect the water right for those acres. The transfer is based upon an acre per acre basis. If the Moraches are irrigating or wish to irrigate more ground than you have already taken out of production then other alternatives may have to be pursued.

**This alternative would not involve the SRBA. The Moraches would be required to file a transfer with the department and assuming that it is approved, they would then have a portion of your decreed rights.**

### **General questions that need answers**

1. How much ground is, and has been, historically irrigated?
2. Has this property been continuously irrigated since the decreed priority date?
3. What is the historical delivery system and current delivery system?
4. Is there warranty deed documentation of a share in one or more of the decreed rights?

I realize that this letter may be confusing, as I do not have enough facts to propose an actual solution at this time. Also providing all detailed responses on all possible solutions would be difficult to follow in a letter format. Please give me a call if you or the Moraches wish to discuss this further.

Sincerely

Kelly K Christensen  
Sr Water Resource Agent

cc

MR LUTHER HARTSHORN  
465 S LINDER RD  
MERIDIAN ID 83642

JAY P & LINDA M NORRIS  
1532 LONG DRIVE CT  
CROFTON MD 21114



**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

SOUTHERN REGION

DIRK KEMPTHORNI  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 9, 1999

JAY P & LINDA M NORRIS  
1532 LONG DRIVE CT  
CROFTON MD 21114

RE: POTENTIAL SPLIT OF 72-00106A AND 72-00109E

Dear Claimants

Your efforts to legalize the water use for the Moraches is commendable but the 'simple' giving of 9% of your diversion rate to them raises numerous questions and possible legal issues. If we can establish the correct legal basis for their water use then the proper procedure required to record that use could be discussed in greater detail.

**Possible legal basis for a water right for the irrigation use by Yeo and Jette Morache.**

1. They have a valid claim against one or more of the decreed rights.
2. The property was sold dry sometime in the past but irrigation continued. They would have a beneficial use right based upon the date of the sale.
3. The property was sold dry; irrigation ceased at that time but resumed prior to May 20, 1971 the date of the mandatory permit statute for surface water rights.

**Basis 1 discussion**

I did the review and recommendation for all of the splits of the original decreed rights. The basis for my recommendations for the splits and unrecorded changes in place of use was the historical changes as recorded in warranty deeds. The warranty deeds that I researched parceled out all of the decreed water from both of the original decreed rights.

I have not reviewed the historical warranty deed trail for the property currently owned by the Moraches. If their warranty deed (or a predecessor's deed) indicates that they are entitled to a portion of one or more of the rights, then a reevaluation of all competing claimants would be required.

**To initiate this review and establish a claim for Morache, late objections in the Snake River Basin adjudication (SRBA) to all competing rights would be required along with a late claim filing. Late objections generally are accepted by the SRBA until the specific right has been decreed. Please check with the court for additional information concerning late objections and/or late claims.**

**Basis 2 discussion**

If by warranty deed the property was sold without water rights, but irrigation continued then there could be the potential for a beneficial use right with a priority date the day after the sale.

**This would require a late claim that must be pre-approved by the SRBA.**

November 9, 1999  
Page 2  
Norris

### **Basis 3 discussion**

If the property was sold dry and irrigation ceased for some period of time but eventually irrigation was reestablished, then there could be the potential for a beneficial use right with a priority date as of the date that the irrigation was reestablished.

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### **Potential alternative**

As I have personal knowledge of some of the water use in that area which includes your property, I have an additional alternative for Mr & Mrs Morache to consider. This solution would require active participation by you.

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### **General questions that need answers**

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I realize that this letter may be confusing, as I do not have enough facts to propose an actual solution at this time. Also providing all detailed responses on all possible solutions would be difficult to follow in a letter format. Please give me a call if you or the Moraches wish to discuss this further.

Sincerely

Kelly K Christensen  
Sr Water Resource Agent

cc

MR LUTHER HARTSHORN  
465 S LINDER RD  
MERIDIAN ID 83642

MS MADI LEVINSON  
4503 HOOVER  
BOISE ID 83705

08NP  
-26)

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIMS PROOF READING REPORT

11/09/98 11:48:18

Page 1

ter Right Number - R72-00106A

Prefix Translation: RESEARCH

Old (D) Number -

- - - - - Last Name - - - - -

+ - First Name - - +

+ - - - - Address - - - - -

\*\*\* C - CURRENT OWNER \*\*\*

NORRIS

LINDA

1 - 465 S LINDER RD

VERIFIED BY

KKC  
11-9-98

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone - 208-888-9293

DESAI

UPENDRA

1 - 465 S LINDER RD

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone - 208-888-9293

NORRIS

JAY

1 - 465 S LINDER RD

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone - 208-888-9293

LEVINSON

MADI

1 - 465 S LINDER RD

2 -

3 -

City- MERIDIAN

State- ID Zip- 83642

Phone - 208-888-9293

\*\*\* O - ORIGINAL OWNER \*\*\*

KRISTAN

LOUIS L

1 - 2111 BRENTWOOD DRIVE

2 -

3 -

City- IDAHO FALLS

State- ID Zip- 83402

Phone - 208-529-1074

+ - - 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 Diversion Name

13N 18E 3 SW SE SE (37) CUSTER

+ - - - - Water Use - - - - -

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 0.380

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

0.380

0.0

Water right number - R72-00106A

Prefix Translation: RESEARCH

| Place of Use |     |     |       |     |       | County |             |
|--------------|-----|-----|-------|-----|-------|--------|-------------|
| Twn          | Rng | Sec | Tract | Lot | Acres | Code   | Description |
| 13N          | 18E | 3   | SE NE |     | 6.3   | 01     | IRRIGATION  |
| 13N          | 18E | 3   | NE SE |     | 5.0   | 01     | IRRIGATION  |
|              |     |     |       |     | 13.0  |        |             |
|              |     |     |       |     | 11    |        |             |
| Total Acres: |     |     |       |     | 18.0  |        |             |

- - - Diversion Means - ROCK DIVERSION DAM, HEADGATE & DITCH TO PLACE OF USE.

- - - Non-Irrigation Use - LIVESTOCK, 5 HORSES & CATTLE.

- - - Other Rights for Same Use - A72-00109E

- - - Remarks  
No Remarks found.

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

- - - Conditions of Approval  
No Conditions of Approval found.

- - - Decree Plaintiff  
ADAMS, ET. AL.

- - - Decree Defendant  
VANDERVOORT, ET. AL.

- - Decree Date  
05/19/1914

- - - Audit Fields - 04/01/92 GIVENS 01/28/94 CHRISTEN 03/30/95 POST-STD

- - - Comments

Date: 04/01/1992 User Id: GIVENS Subject: OWNERSHIP CHANGE  
CHANGE OF OWNERSHIP RECEIVED 3/25/92 ORIGINAL OWNER LOUIS  
LEVINSON. COPY OF DEED SUBMITTED WITH FORM. IDWR WILL

KRISTAN NEW OWNER JAY & LINDA NORRIS, YPENDRA DESAI, MADI  
COMPLETE REVIEW.

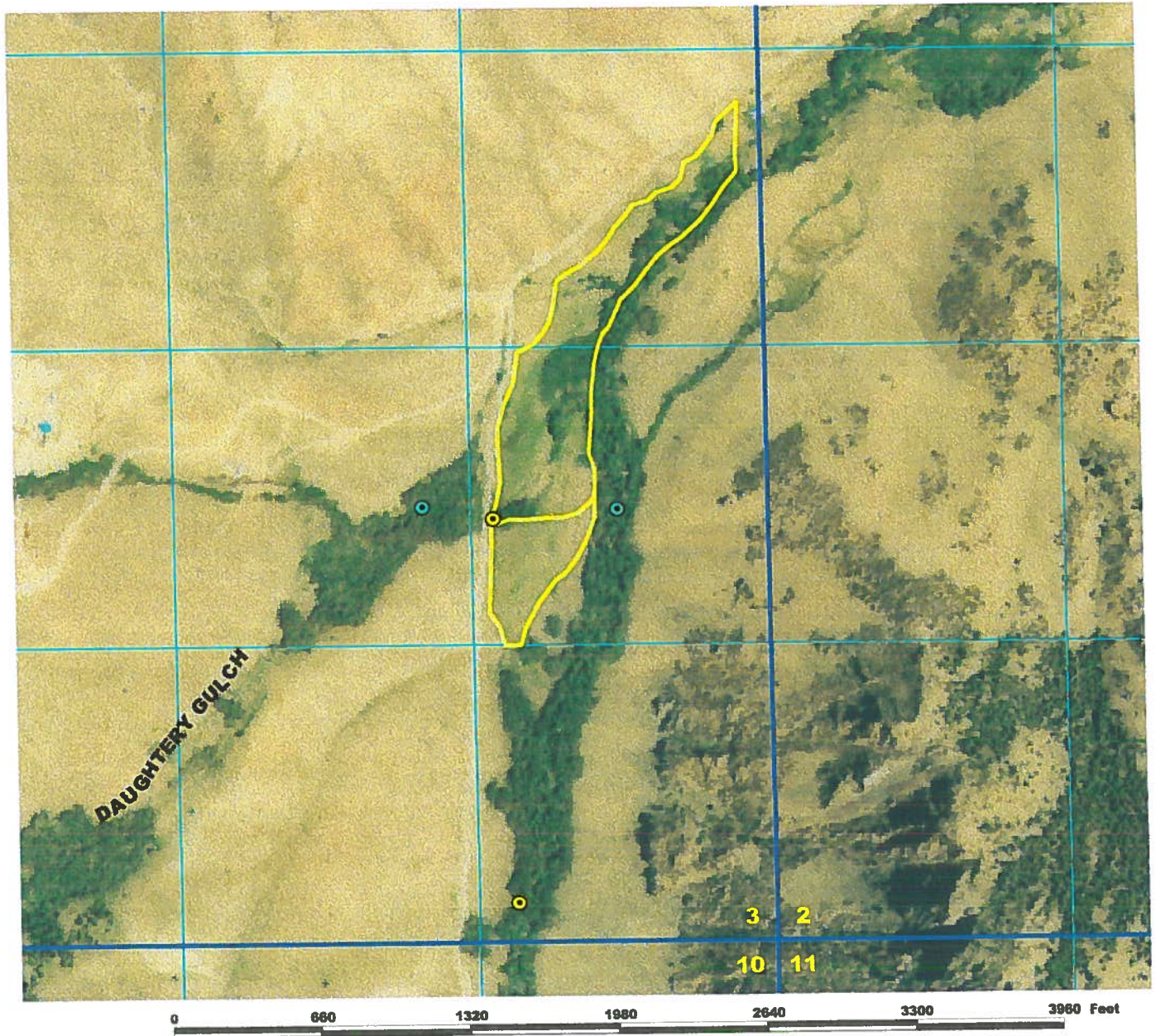
- - - Adjudication Rights Dates and Flags Area

|                      |              |                       |              |                         |         |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing  | - 00/00/0000 | Field Inspection Made | - 05/15/1993 | 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  | - 12/27/1989 | Last Amended Date     | - 00/00/0000 | Temporary Right         | - P     |
| Proof Due Date       | - 00/00/0000 | Proof Made Date       | - 00/00/0000 | Water District          | - 72B   |
| Licensed Date        | - 00/00/0000 | Receipt Number        | - S010766    | Federal/State Indicator | - S     |
|                      |              | POU Ownership Flag    | - Y          | Presumption Flag        | - C     |
|                      |              | Name Connector        | - AND/OR     | Notice of Error Flag    | -       |

*Updated 11-9-98 KKC*  
*2 polygons 264 265*  
*7041 when 106A 109E comb limit 17.3*  
*EXP 109E when 106A 109E - limit to 16499 13.2*

**72-00106A AND 72-00109E**  
**SOURCE = GARDEN CREEK**  
**72-16499**

**SOURCE = DAUGHTERY GULCH**



**RECOMMENDED PLACE OF USE**  
**TWP 13N RNG 18E, SEC 3**  
**data entry on October 22, 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

72-00106A } Garden Cr

DATE

10-22-98

AGENT

KKC

TRANSFER NUMBER

32

CLAIMED ACRE TOTAL

32

GIS ACRE TOTAL

18.1

72-16499 Daugherty Gulch

Garden Cr

32

17.3

Daugherty Cr.

Garden Cr

|                 | NE  |     |     | NW |    |    |     | SW |    |    |    | SE   |    |    |     |
|-----------------|-----|-----|-----|----|----|----|-----|----|----|----|----|------|----|----|-----|
|                 | TWP | RNG | SEC | NE | NW | SW | SE  | NE | NW | SW | SE | NE   | NW | SW | SE  |
| CLAIM           | 13N | 18E | 3   |    |    |    | 12  |    |    |    |    | 20   |    |    | 32  |
| GIS             |     |     |     |    |    |    | 6.3 |    |    |    |    | 10.7 |    |    |     |
| RECOM           |     |     |     |    |    |    | 6.3 |    |    |    |    | 11   |    |    | 17. |
| CLAIM           |     |     |     |    |    |    |     |    |    |    |    |      |    |    |     |
| GIS             |     |     |     |    |    |    |     |    |    |    |    |      |    |    |     |
| RECOM           |     |     |     |    |    |    |     |    |    |    |    |      |    |    |     |
| Daugherty Gulch |     |     |     |    |    |    | 14  |    |    |    |    | 18   |    |    | 32  |
| CLAIM           |     |     |     |    |    |    | 6.3 |    |    |    |    | 6.9  |    |    |     |
| GIS             |     |     |     |    |    |    | 6.3 |    |    |    |    | 6.9  |    |    | 18. |
| RECOM           |     |     |     |    |    |    |     |    |    |    |    |      |    |    |     |

B72-DBPOU.SHP

SHAPE NOS.

264 GR only

265 Both

CLAIM

72-00106A

72-00109E

WD

Shows

Soils meas.

1.72 CFS .38 1.6/CFS 2.40 CFS

.32 CFS .32

B72-DBPOD.SHP

Daugherty Gulch

72-16499

.50 CFS

NOS. DESCRIPTION

146 Sec 3 Garden Cr Recom WD rates for G. Cr .38

SWSESE

.32

.70 CFS

147 Sec 3

SWNESE

+ .50 Daugherty Cr.

1.20 CFS total less than

soils Recom Claimed

rate for 72-16499

DBF TABLES UPDATED

B72-DBPOU.DBF

✓

B72-DBPOD.DBF

✓

9 peg ✓

# REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-00106A 72-16499  
72-00109E

DATE: 10-22, 1998

REVIEWED BY KKE

## CHALLIS AREA SOIL REVIEW

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

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

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

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

| SOIL TYPE | OPTIMAL ROTATION / (chart) | ACTUAL ROTATION / (field) | ACRES PER SOIL TYPE (field) | RATE PER ACRE (chart) | TOTAL DIVERSION RATE |
|-----------|----------------------------|---------------------------|-----------------------------|-----------------------|----------------------|
| BC1       | 5.82                       | 10                        | 10                          | .16                   | .93 CFS              |
| CP1       | 2.61                       | 10                        | 7.3                         | .36                   | .68 CFS              |
|           |                            |                           |                             |                       | CFS                  |
|           |                            |                           |                             |                       | CFS                  |

1.61 CFS

TOTAL ACRES \_\_\_\_\_

DECREED RATE = \_\_\_\_\_

CLAIMED DIVERSION RATE = \_\_\_\_\_

MEASURED DIVERSION RATE = \_\_\_\_\_

**R PROOF**

**CVR**

**MAPS**

**PHOTOS**

**MISC**

**—**

**✓**

**✓**

**✓**

**✓**

2-1-94

I called Louise Stark and she stated that during 'high' water that it takes approx 10 days to irrigate all of the P/U's. When they are cut back to the decreed water & Daughtery Gulch water is not available, they normally irrigate fewer acres. She stated that as long as Daughtery Gulch is running water that they try to keep all that water in the main ditch that borders the Garden Creek road and use that water to irrigate the acres North of the entry point. She stated that on a low snowpack year Daughtery Gulch normally goes dry in mid-May but with a heavy snowpack the flows will hold up into June.

# 879-4574

LAST: NOKRIS  
ADDRESS: 465 S. LINDER RD.  
CITY: MERIDIAN  
PHONE NUMBER: 208-888-9293

FIRST: JAY

STATE: ID ZIP: 83642

OWNER CODE: C

LAST: KRISTAN  
ADDRESS: 2111 BRENTWOOD DRIVE  
CITY: IDAHO FALLS  
PHONE NUMBER: 208-529-1074

FIRST: LOUIS L.

STATE: ID ZIP: 83402

OWNER CODE: O

LAST: NORRIS  
ADDRESS: 465 S. LINDER RD.  
CITY: MERIDIAN  
PHONE NUMBER: 208-888-9293

FIRST: LINDA

STATE: ID ZIP: 83642

OWNER CODE: C

LAST: DESAI  
ADDRESS: 465 S. LINDER RD.  
CITY: MERIDIAN  
PHONE NUMBER: 208-888-9293

FIRST: UPENDRA

STATE: ID ZIP: 83642

OWNER CODE: C

LAST: LEVINSON  
ADDRESS: 465 S. LINDER RD.  
CITY: MERIDIAN  
PHONE NUMBER: 208-888-9293

FIRST: MADI

STATE: ID ZIP: 83642

OWNER CODE: C

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

DATABASE FIELD  
EXAMINER  
N

PHONE NUMBER: ( ) - -

**TIME**

☐ ☐

☐ ☐

**A( ) P( )**

☐ ☐

☐ ☐

PHONE NUMBER: ( ) -

[illegible]

A. AJ CLAIM: # A72-00106A PRIORITY DATE: 05-15-1890 STAGE: D

B. WR RECORD: # 72-00106 PRIORITY DATE: 05-15-1890 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE N FIELD EXAMINER

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

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

REMARKS:

*Found claimed P/4 as described in decision. However I accept this claim as valid. Priority date claimed matches decided priority date. Recommend date as claimed.*

RECOMMENDED PRIORITY DATE:  
05-15-1890

REVIEWED BY

*KTC*

DATE

*1-28-94*

A. AJ CLAIM POINT OF DIVERSTION AND SOURCE:

|            |      |      |      |           |     |     |     |        |
|------------|------|------|------|-----------|-----|-----|-----|--------|
| RIGHT      | TWP. | RGE. | SEC. | 1/4       | 1/4 | 1/4 | LOT | CNTY   |
| A72-00106A | 13N  | 18E  | 3    | <i>sw</i> | SE  | SE  |     | CUSTER |

OTHER AJ CLAIMS WITH SAME AJ POD  
 A PREFIX NONE  
 R PREFIX NONE  
 NONE  
 WR RECORDS IN SAME 40 ACRE TRACT  
 NONE

SOURCE: GARDEN CREEK TRIB: SALMON RIVER

B. WR POINT OF DIVERSTION AND SOURCE:

7200106 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: GARDEN CREEK *OK* TRIB: SALMON RIVER *OK*

C. FIELD EXAM REQUIRED?

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

REMARKS:

*found P/D as claimed (add sw 10th section designation)*

POINT OF DIVERSION REVIEW SHEET CONTINUED

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:  
1/4 1/4

LOT

COUNTY

134 186 3

SW

SE

SE

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

REVIEWED BY:

DATE:

1-28-94

A. ROOT WATER RIGHT NUMBERS:

A72-00106A  
A72-00106B

R72-00106A

B. POU LISTING

| TWP         | RNG | SEC | 1/4 | 1/4 | LOT | NAME                                                            | AJ<br>#/ACRES                        | WR<br>#/ACRES                          | LANGSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-------------|-----|-----|-----|-----|-----|-----------------------------------------------------------------|--------------------------------------|----------------------------------------|-----------------|----------------|------------------|
| T3N         | 18E | 3   | SE  | NE  |     | NORRIS, JAY<br>NORRIS, LINDA<br>KISER, NICK Z.<br>SPECHT, W. C. | A72-00106A /12.0<br>R72-00106A /12.0 | -<br>-<br>72-00106 /<br>72-02144 /10.0 | 16.0            | 5              | 5                |
| T3N         | 18E | 3   | NE  | SE  |     | NORRIS, JAY<br>NORRIS, LINDA<br>KISER, NICK Z.<br>SPECHT, W. C. | A72-00106A /20.0<br>R72-00106A /20.0 | -<br>-<br>72-00106 /<br>72-02144 /20.0 | 22.0            | 13             | 13               |
| TOTAL ACRES |     |     |     |     |     |                                                                 | 32.00                                |                                        | 38.00           | 18             | 18               |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y ( ) N (X)

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE  
Y  
FIELD  
EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

PU Recommended is bordered by the delivery ditch on the west and Garden Creek on the east. Some acreage bordered Garden Creek is heavily covered with trees but the irrigation water in general does cross the ground & vegetation. The recommended POU is

RECOMMENDATIONS:

TOTAL ACRES: 18

REVIEWED BY: RKC

DATE: 1-28-94

## A. AJ CLAIMED USES:

PURPOSES  
A72-00106A IRRIGATIONFROM 04-01-15  
TO 11-01-10-1515-10-15 Negro to  
left stand

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY  
720 CFS

## B. WR RECORDED USES:

PURPOSES  
72-00106 IRRIGATIONFROM MONTH/DAY  
TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY  
1,400 CFS  
1,400 CFS

ASSUMPTION FLAG:

## C. FIELD EXAM REQUIRED?

|                                    | DATE  | FIELD EXAMINER |
|------------------------------------|-------|----------------|
| DUE TO WATER-USE DISCREPANCY?      | (Y/N) | N              |
| 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?

|      |      |
|------|------|
| Y( ) | N( ) |
| Y(X) | N( ) |

Explain in remarks, below.

## REMARKS:

based upon warranty deed record (34-265) the then seller transferred off some 1890 water & transferred on some 1888 water.

with 0.38 of 72-00106 being appropriate. (see additional analysis about attached).

Soil analysis also indicates that space flow are required therefore & am recommending the 0.38 CFS as valid.

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y( ) N(☒)

AJ TOTAL CLAIMED DIVERSION RATE:

0.720 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

1.400 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)

FIELD  
DATABASE EXAMINER  
Y

MEASUREMENT METHOD

FLOW MEASUREMENT

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

A72-00106A  
R72-00106AGARDEN CREEK  
GARDEN CREEKNORRIS , JAY  
NORRIS , LINDADATE RATE  
0.720

0.022

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

*The ditch dip appears to be able to handle a full parallel diversion and based upon the water measurement hand logs (Feb. 1976) it is noted @ 1.1 ft head 3.40 CFS is being diverted. This rate is greater than the effective analogic indicates is required for this soil type under flood irrigation.*

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES 18  $\times$  0.02 CFS/ACRE = .36 CFS  
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 80.0 AF/A

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

TOTAL CONSUMPTIVE USE    AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME =    AF/A

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

TOTAL DIVERSION VOLUME    AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(    ) N(    )

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

-----  
-----  
-----

RECOMMENDATIONS:

REC.  
PURPOSES

REC. PERIOD  
FROM TO

REC. DIV  
RATE CFS

REC. DIV  
VOL. AF/A

REC. CONS.  
USE

IRRIGATION

04-01 15 10-15 21-01

DATABASE EXAMINER  
0.720 38

DATABASE EXAMINER

DATABASE EXAMINER  
80.0 20.0

TOTAL FOR THIS RIGHT

0.720

Corrected

REVIEWED BY: KKC

DATE: 1-28-94

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP  
 FOREFEIT/ABANDON  
 ADDITIONAL DIV. AMOUNT

ACCEPTED  
 AS CLAIMED  
 ( )  
 ( )  
 ( )  
 ( )  
 ( )  
 ( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00106  
 TOTAL DIVERSION RATE OF WR SPLITS

DATABASE  
 1.400

EXAMINER

CFS

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS               | DIVERSION<br>RATE       | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|----------------------------------------|-------------------------|---------------------------|------------------|---------------------|-------------------|
| A72-00106            | A72-00106A<br>A72-00106B<br>R72-00106A | 0.720<br>0.680<br>0.720 | R72-00106A<br>R72-00106A  | 0.720<br>0.720   | 72-00106            | 1.400             |
| TOTAL CFS            |                                        | 2.120                   |                           | 1.440            |                     | 1.400             |

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  
 N

FIELD  
 EXAMINER

REMARKS:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: \_\_\_\_\_

AUTHENTICATION:

DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

05/30/92

CLAIM NUMBER: A72-00106A

| WR ELEMENT                | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                   |                                                 |                            |                        |                     |                                  |                                      |                               |
| POINT OF DIV              | Y                 |                                                 | 5-15-93<br>K K E           | N                      | 1,2,5,6             | K K E<br>1-28-94                 |                                      |                               |
| SOURCE                    |                   |                                                 | "                          | N                      | "                   | "                                |                                      |                               |
| DATE OF USE               | Y                 |                                                 | "                          | Y                      | "                   | "                                |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME | Y                 |                                                 | "                          | Y                      | "                   | "                                |                                      |                               |
| CONSUMPTIVE USE           | -                 |                                                 | "                          | Y                      | "                   | "                                |                                      |                               |
| PURPOSES                  |                   |                                                 | "                          | N                      | "                   | "                                |                                      |                               |
| PERIOD OF USE             | Y                 |                                                 | "                          | Y                      | 6                   | "                                |                                      |                               |
| BASIS OF CLAIM            | Y                 |                                                 | "                          | N                      | "                   | "                                |                                      |                               |
| REMARKS                   |                   |                                                 |                            |                        |                     |                                  |                                      |                               |

\*VERIFIED BY\* CODES

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

MAPS USED: DATE:  
 ASCS W-12 1978  
 ORTHO 4-24 1974  
~~WATERMASTER~~ SC5 5-28-94 MAP 241-161  
 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.

5-11

CLAIM NUMBER: A73-00106A

QUESTIONS  
VOLUME

80.0 AFA

Tributary to: SALMON RIVER

SESE  
SW

CUSTER County

之  
四

|     |     |
|-----|-----|
| SUM | 11  |
| 000 | 000 |
| 000 | 000 |

5/

3

Verified Date:

```
Field Inspection Flag =  
Presumption Flag =
```

```
Field Inspection Flag =  
Presumption Flag =
```

# TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: Louise Stark  
Challis Id

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: water right description for  
Madi Levinson's Property

FROM: IDAHO DEPARTMENT OF WATER RESOURCES  
222 SHOSHONE AVE E  
TWIN FALLS ID 83301

PHONE: 736-3033

FAX: 736-3037

SENDER: Kelly K. Christensen

## CHARGES:

One (1) free copy per request, cover sheet not counted. Two (2) or more copies per request will cost \$0.25 per page. (\$0.50 minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: \_\_\_\_\_  
Please remit to the above address.

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

20-Apr-1994

TO WHOM IT MAY CONCERN

Property owned by Madi Levinson et.al. located within the SENE and NESE of section 3, T-13N, R-18E has a recorded decreed right 72-00106 for 1.40 cfs and this right has a 5-15-1890 priority date.

SNAKE RIVER BASIN ADJUDICATION claims A72-00106A and A72-00109E have been filed with the court and are being reviewed at this time.

Portions of both 72-00106 and 72-00109 have been claimed on grounds outside of the decreed place of use based upon warranty deed information. These uses are also being reviewed at this time.

A handwritten signature in blue ink, reading 'Kelly K. Christensen'. The signature is fluid and cursive, with the first name 'Kelly' and last name 'Christensen' clearly legible.

Kelly K Christensen  
Sr Water Resource Agent



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS  
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20-Apr-1994

TO WHOM IT MAY CONCERN

Property owned by Madi Levinson et.al. located within the SENE and NESE of section 3, T-13N, R-18E has a recorded decreed right 72-00106 for 1.40 cfs and this right has a 5-15-1890 priority date.

Snake River Basin Adjudication claims A72-00106A and A72-00109E have been filed with the court and are being reviewed at this time.

Portions of both 72-00106 and 72-00109 have been claimed on grounds outside of the decreed place of use based upon warranty deed information. These uses are also being reviewed at this time.

Kelly K Christensen  
Sr Water Resource Agent

6-15-93  
KKE

# FIELD NOTES

CLAIM A72-00106A INIT \_\_\_\_\_

T. R. S. Q/Q \_\_\_\_\_

P/D \_\_\_\_\_

PHOTO W-13 \_\_\_\_\_

DT.&ID. \_\_\_\_\_

DITCH

P/D

H. F. HOFFMAN

CLAIM A72-00106A INIT KKC  
T. R. S. Q/Q

P/D  
PHOTO BLM 5-7B-21  
DT.&ID. 7-1-88 Flight

DAUGHTERY  
SPRING

DAUGHTERY GULCH

P/D

GARDEN CREEK

SCALE: 1" = 1333'

CA =  $\frac{(1333)^2 \cdot .009699}{43,560}$  = .3956

CLAIM # A72-00106A, & 72-00109E  
DATE PHOTO TAKEN; 5-15-93  
PICTURE SET # 1

This photo set was taken from the Garden Creek road and is looking east toward the P/D on Garden Creek. Garden Creek runs from right to left through the trees and the P/D is roughly in the center of this photo set.



CLAIM # A72-00106A, & 72-00109E  
DATE PHOTO TAKEN; 5-15-93  
PICTURE SET # 2

This photo shows the P/D and is looking south. The gate was closed on this date.



PICTURE # 3

This picture is looking across the parshall weir (6" throat) toward the P/D shown above. This photo is also basically looking south.



CLAIM # A72-00106A & A72-00109E  
DATE PHOTOS TAKEN; 5-15-93  
PICTURE SET # 4

This photo set was taken at the southern fenceline of the P/U and is looking north on the left to northeast on the right. The ditch follows the fenceline on the left and along the grass sagebrush line on the right. The ditch on the right ends east of the tree line that runs through the center of this photo set.

DAUGHTERY GULCH

PHOTO SET # 5 LOCATION

GARDEN CREEK



CLAIM # A72-00106A & A72-00109E  
DATE PHOTOS TAKEN; 5-15-93  
PICTURE SET # 5

This photo was taken just east of where the Garden Creek ditch crosses Daughtery Gulch. You are looking north on the left to northeast on the right. The water shown is all Daughtery Gulch water at this time. Daughtery Gulch essentially disappears at this point and turns into the ditch system that irrigates the northern portion of the P/U. The Garden Creek ditch bank is just visible on the left and runs along the treelined edge of the field on the left.

GARDEN CREEK



Shown to me by  
Du Koppner  
P/D location

5-15-73

2 pic taken looking South SW

6" weir

no div at this time

2 pic taken

from road

looking east

Mike Scott per Du Koppner

{irrigated for  
Morrison  
etc.}

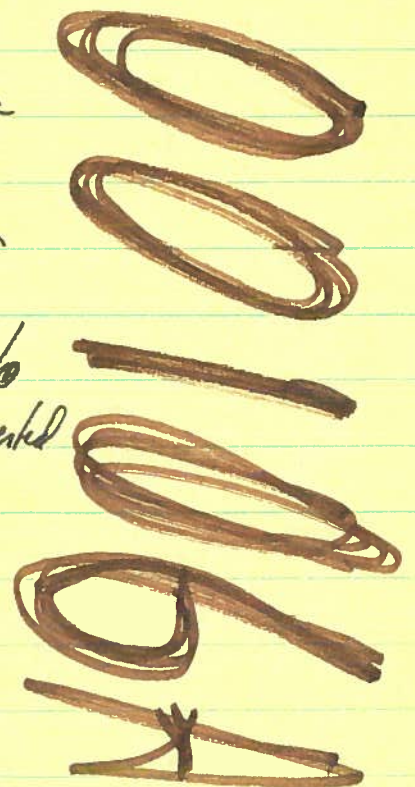
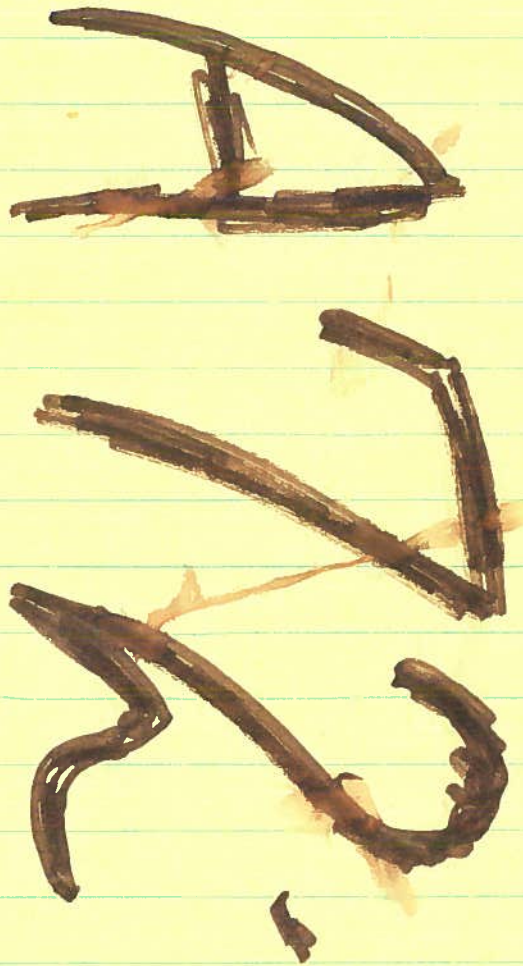
end of roll 2

Pictures of P/U taken.

See Reference points on map.

First set shows the P/U from  
the southern most point on the  
P/G.

The second shows the diversion  
of Daughtery Gulch water which is  
irrigating the northern 1/2 of the P/G. No  
Garden Creek water was being diverted  
at exam time.



## FIELD EXAM ATTACHMENT

DATE: 1-26-94

A72-00106A A72-00109C

A72-00106B A72-00109E

A72-00106C

PAGE: 1/2AGENT: KKC

A72-00106D

FILES: 72-00106

A72-00106E

- 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 <sup>primarily</sup> 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 CP3, CP5 condition codes.

## FIELD EXAM ATTACHMENT

DATE: 1-26-94

A72-00106A

A72-00109C

A72-00106B

A72-00109E

A72-00106C

PAGE: 2/2AGENT: KKC

A72-00106D

FILES: \_\_\_\_\_

A72-00106E

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. |     |            |



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

MADI LEVINSON  
465 S LINDER RD  
MERIDIAN ID 83642

RE: SNAKE RIVER BASIN ADJUDICATION CLAIM A72-00106A

Dear Ms Levinson

Since our earlier telephone conversation I have conducted a warranty deed search for information concerning intent to transfer water rights. 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, Jarold Wash, and Kenneth Murphy as outlined in the two page analysis sheet (attached).

Your options are;

1. Do nothing and the combined diversion rates can be recommended with the 1890 priority date. I would then renumber your claim to reflect that you are claiming the combined diversion rates from each decreed right in one claim.
2. File an additional claim for the same place of use but for 0.32 cfs with a May 15 1888 priority date. In this case your claim A72-00106A would be reduced accordingly. A new claim requires the \$50.00 filing fee but no variable fees would be applicable as they have already been paid through A72-00106A. (claim form enclosed)
3. Provide additional information that you have the legal right to 0.88 cfs of the 1890 decreed right.

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

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

| DECREED<br>RIGHT NO | PRIORITY<br>DATE | DIVERSION<br>RATE | DECREED<br>TWN | PLACE OF USE<br>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,<br>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<br>DEED NO.<br>AND DATE | PARTIES<br>INVOLVED                                           | LEGAL DESCRIPTION OF<br>PROPERTY TRANSFERRED<br>TWN RNG SEC QUARTERS           |
|----------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------|
| 20-519                           | KAISER TO<br>CAMERON KENNETH                                  | 13N 18E 2 LOTS 2, 3, & 4; SWNW<br>13N 18E 3 SENE, NESE<br>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<br>(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 &<br>19" or .38cfs of 1890 water.}                                                                                                                                                        |
|          |           | * This is consistent with the<br>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<br>(With 44" or .88cfs of 1888 water &<br>51" or 1.02cfs if 1890 water.)<br>{Reserving 5+- acres, aka the north<br>165' of the SESE SEC 35 together<br>with 2 miners inches .04cfs of<br>1890 water}** |
|          |           | ** This is consistent with the<br>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

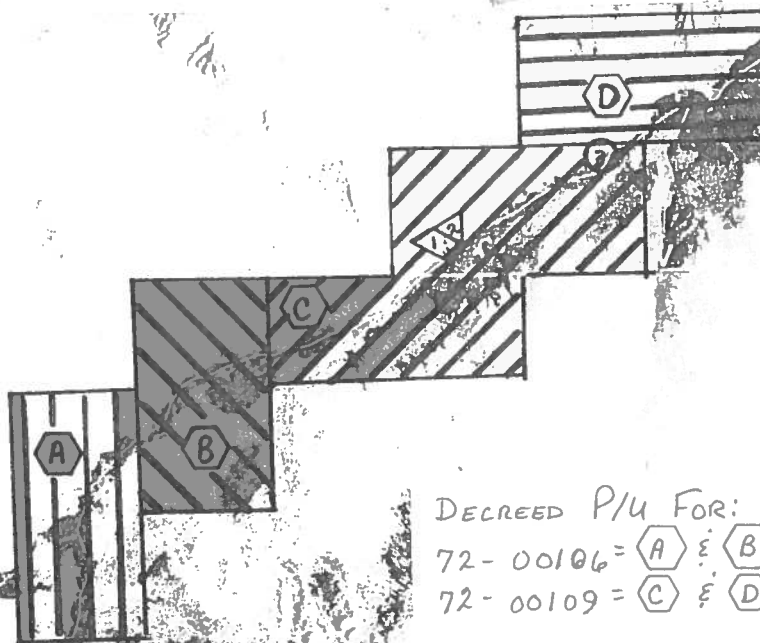
14.88 Acres and 6.95 acres within  
the SWSW SEC 35 with all  
appurtenances.  
This is consistent with the  
place of use for A72-00109A

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.

| <u>P/U</u><br><u>LABEL</u> | <u>CURRENT</u><br><u>OWNER</u> | <u>APPLICABLE PORTION OF DECREED RIGHT</u> |                        |
|----------------------------|--------------------------------|--------------------------------------------|------------------------|
|                            |                                | <u>72-00106 (1890)</u>                     | <u>72-00109 (1888)</u> |
| 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                                   |                        |



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

A 7200106A

CONVERSATION MEMO

FILE: \_\_\_\_\_

AGENT: \_\_\_\_\_

DATE: \_\_\_\_\_

RE:

Jay Norris 888-9293

NAME OF PARTY:

A 72-000106A

contact new machine 6-7-93

000

Luther Hartshorn

meet Tuesday 6-15 at P/U at 9:50 AM.

Madi Levinson called 6-8-93, won't be in Chellis until  
Friday later. She will ck with people running livestock  
on property to see if they can go over system with me.

IM NO

A72-00106A

00106B

00109C

DATE

11-13-92

Gov Lots found section

|              | NUMBER     | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL    | SYSTEM TOTAL |
|--------------|------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----------|--------------|
|              |            |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |          |              |
| DECREED P/L  | 72-00106   | 13N | 18E | 2   |    |    |    |    |    |    | 40 | 40 |    |    |    |    |    |    |    |    |          | 1.40CFS      |
|              |            |     |     | 3   |    |    |    |    |    |    |    |    |    |    |    |    | 40 |    | 40 |    |          |              |
| DECREED P/L  | 72-00109   | 13N | 18E | 2   | 40 |    |    | 40 |    |    |    |    |    |    |    |    |    |    |    |    |          | 1.20CFS      |
|              |            | 14N | 18E | 35  |    |    |    |    |    |    |    |    |    |    |    |    | 40 | 40 | 40 |    |          |              |
|              |            |     |     | 36  |    |    |    |    |    |    |    |    | 40 |    |    |    |    |    |    |    |          |              |
| CLAIMED P/L  | A72-00106A | 13N | 18E | 3   |    |    |    | 12 |    |    |    |    |    |    |    |    | 20 |    |    |    | 32 Acres | .72CFS       |
|              | A72-00106B | 13N | 18E | 2   | 4  |    |    | 14 | 6  | 27 |    |    |    |    |    |    |    |    |    |    | 51       | .68CFS       |
|              | A72-00109C | 13N | 18E | 2   | 4  |    |    | 14 | 6  | 27 |    |    |    |    |    |    |    |    |    |    | 51       | .88CFS       |
| diff source) | A72-04174  | 13N | 18E | 2   | 4  |    |    | 14 | 6  |    |    |    |    |    |    |    |    |    |    |    | 24       | .50CFS       |
|              | A72-10486  | 13N | 18E | 2   | 4  |    |    | 14 | 6  | 27 |    |    |    |    |    |    |    |    |    |    | 51       | .5CFS        |

## CLAIMED DIV RATE

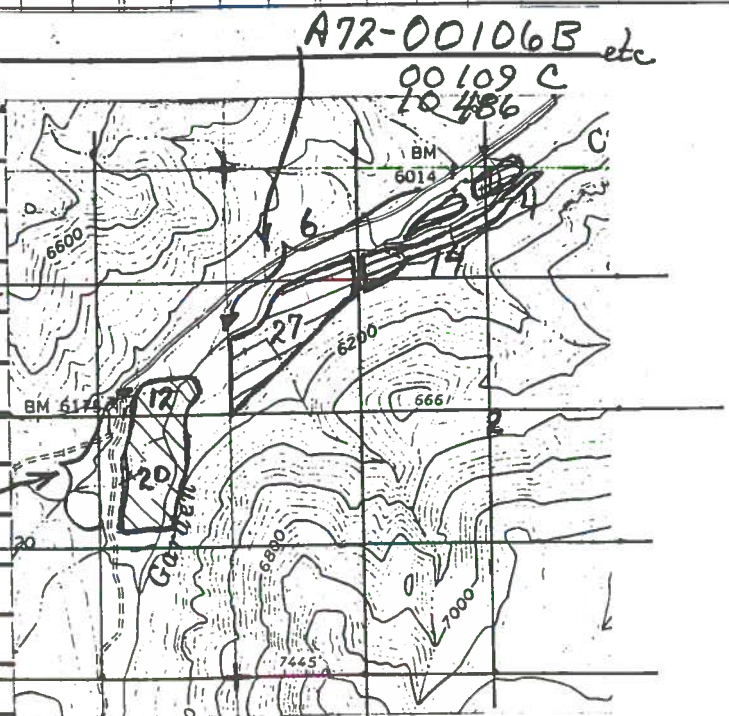
$$A72-00106A \cdot 72CFS/32A = 0.0225CFS/A$$

$$A72-00106B$$

$$A72-00109C \cdot 2.06CFS/51 = 0.0404CFS/A$$

$$A72-10486$$

$$A72-04174 \cdot 5CFS/24A = 0.0208CFS/A$$



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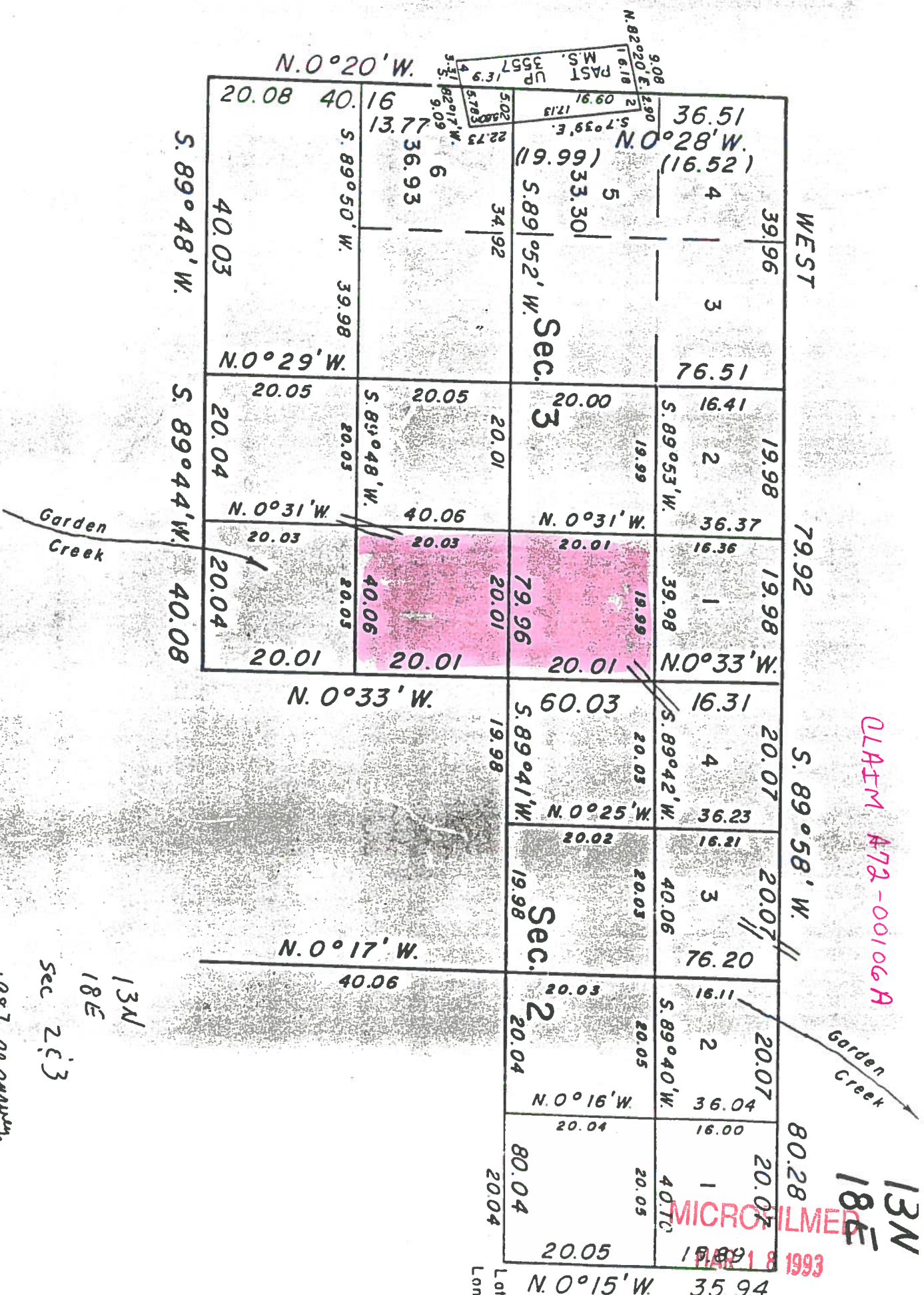
CLAIM A72-00106A

13N  
18E

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PL 89 1 8 1993

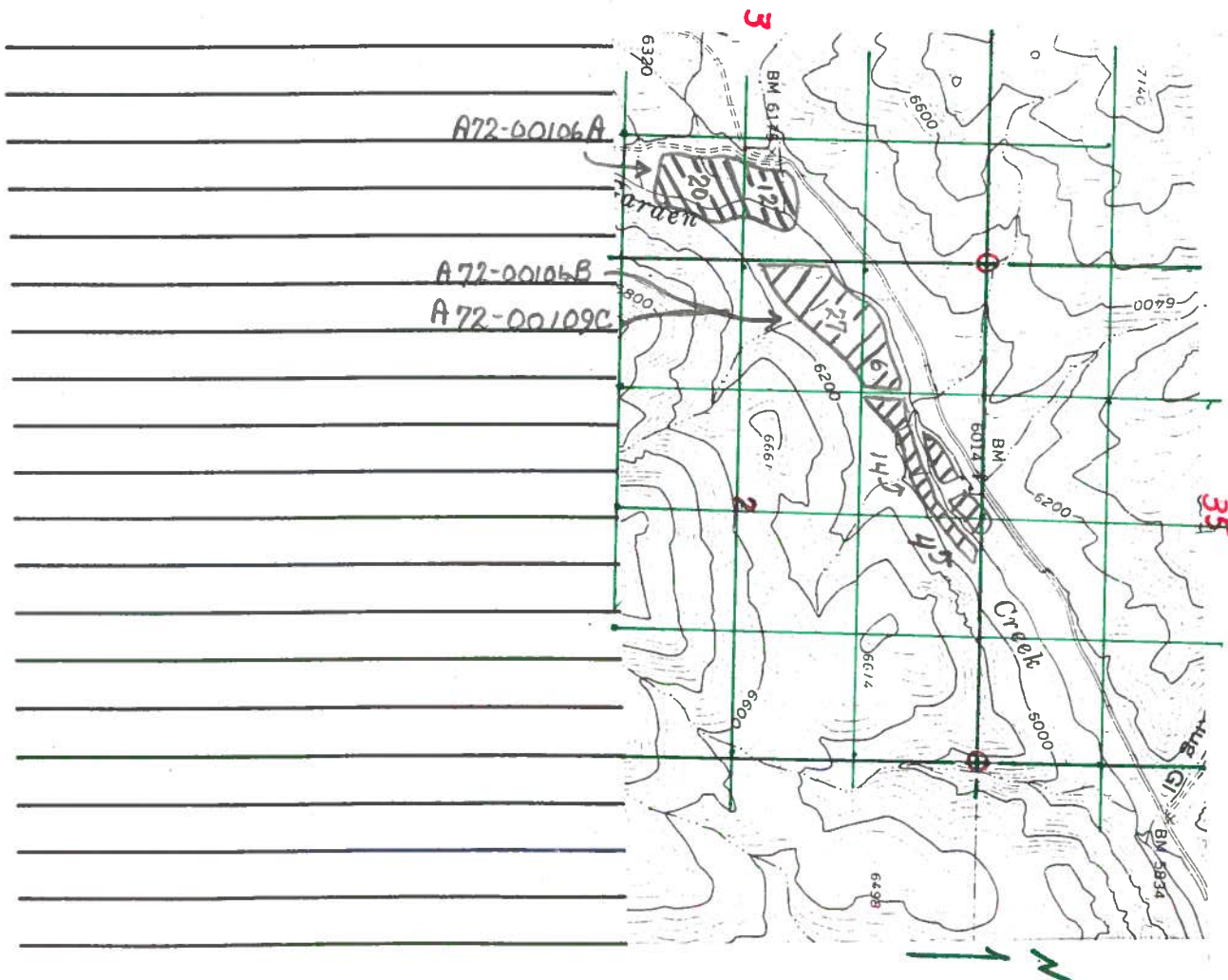
13N  
18E  
Sec 2 & 3  
1987 survey



CLAIM NO \_\_\_\_\_

DATE \_\_\_\_\_

| NUMBER              | TNS | RNG | SEC | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | TOTAL | SYSTEM TOTAL |
|---------------------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
|                     |     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |       |              |
| ECREED P/L 72-00109 | 13N | 18E | 2   | 40 |    |    |    | 40 |    |    |    |    |    |    |    |    |    |    |    | 80    | 1.20cfs      |
|                     | 14N | 18E | 35  |    |    |    |    |    |    |    |    |    |    |    | 40 |    | 40 | 40 |    | 120   |              |
|                     | 14N | 18E | 36  |    |    |    |    |    |    |    |    | 40 |    |    |    |    |    |    |    | 40    |              |
|                     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|                     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|                     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|                     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |
|                     |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |       |              |



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