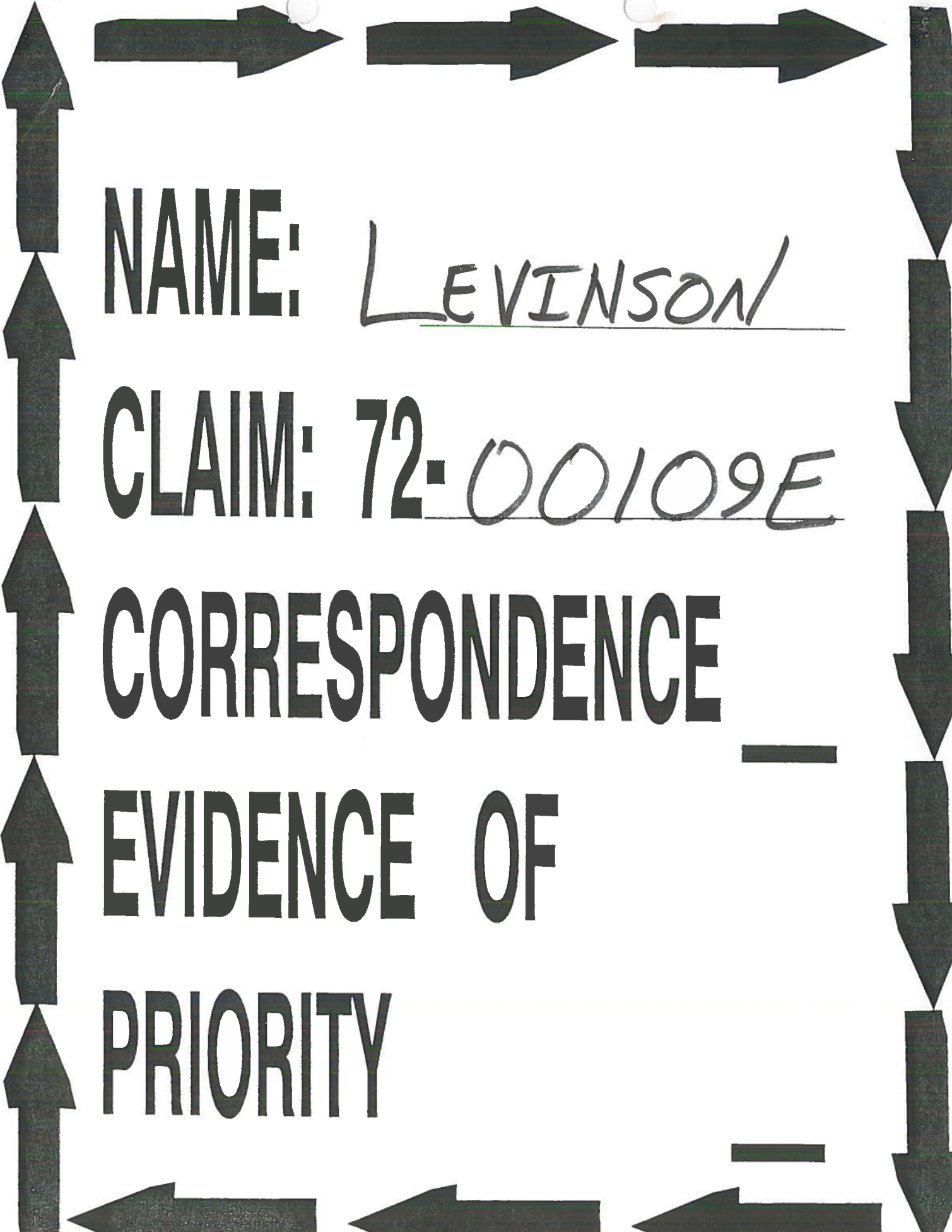




NAME: LEVINSON

CLAIM: 72-00109E

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: **A72-00109E**
Date Received: 9/20/1993
Receipt No: S016219
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: LUTHER B HARTSHORN 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, 1888

3. Source: GARDEN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	18E	3	NW	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	0.320		

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

8. Total consumptive use is 36.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	18E	3	SE	NE		IRR	14.0
			NE	SE		IRR	18.0
						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:
72-00106A

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/19/1914

ADAMS, ET. AL.

Decree Plaintiff

VANDERVOORT, ET. AL.

vs Decree Defendant

September 11, 1993

Mr. Kelly K. Christensen
Sr. Water Resource Agent
Dept. of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

RECEIVED

SEP 20 1993

Dear Kelly,

After our phone conversation near the end of July it took me some time to get up the fortitude to examine and then fill out the 4-page "claim to a water right" form. But it turned out to be not so difficult.

Please find enclosed the completed form, as well as a copy of the letter of July 14 which you sent originally to Madi Levinson, one of the co-owners of our 72-acre ranch 4 1/2 miles West of Challis. Luther Hartshorn, of the same address as Madi, is now also a co-owner, as indicated on the form.

We have taken your advice (option 2), filing for the 1888 water right on this property, related to the original claim A72-00109A. As we understand it, the 1890 water right (part of A72-00106A) has been operational all along, and we do not have to resecure it.

Now that we've understood the particulars of the process, we intend to go ahead and file a claim for the high water which runs out of Daugherty Gulch into our ranch. We have traced the path of this source and that of Daugherty Spring (to which Mr. James has the water right) and affirmed that the two are entirely separate along the length of the surface paths, and that they gather from separate sources.

Also enclosed is a check for the fifty dollar filing fee. Please contact us or Luther and Madi if there is any imprecision in the water rights claim.

Sincerely,

Jay P. Norris wk: 301-286-3367
hm: 301-552-4711



Linda M. Norris



7005 Blue Bird Ct.
Lanham, MD 20706



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

14-Jul-1993

MADI LEVINSON
465 S LINDER RD
MERIDIAN ID 83642

R. KEITH HIGGINSON
Director

RECEIVED

SEP 20 1993

Department of Water Resources
Southern Region Office

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

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

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

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

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

133657 STARK TO
06-30-72 CUMMINGS

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

139317 CUMMINGS TO
05-28-75 BRACK

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

156185 BRACK TO
10-06-80 HUSTON

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

165397 BRACK TO
09-30-82 ODLUM

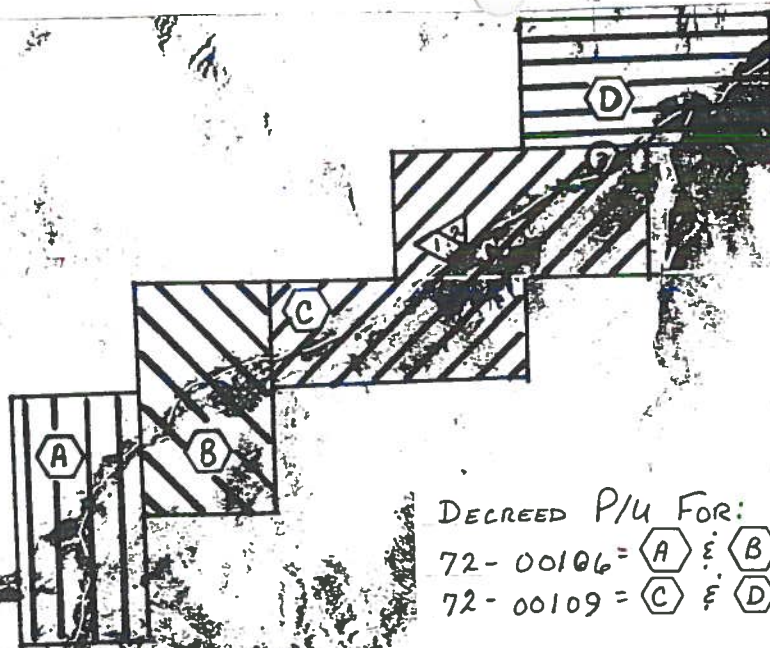
14.88 Acres and 6.95 acres within
the SWSW SEC 35 with all
appurtenances.
This is consistent with the
place of use for A72-00109A

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

ANALYSIS OF WARRANTY DEED TRANSFERS

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

P/U LABEL	CURRENT OWNER	APPLICABLE PORTION OF DECREED RIGHT	
		<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

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

SEP 20 1993

Department of Water Resources
Southern Region Office

Please type or print clearly

(SEE #14, ADDITIONAL CLAIMANTS)

1. Name of Claimant (s) JAY P. AND LINDA M. NORRIS Phone (301) 552-4711Mailing Address 7005 BLUE BIRD CT., LANHAM, MD Zip 207062. Date of Priority (Only one (1) per claim) MAY 15, 19883. Source of water supply (a) GARDEN CREEK
which is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township 13 N Range 18 E Section 3,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of CUSTERAdditional points of diversion if any: (N/A)b. If instream flow, beginning point of claimed instream flow is: (N/A)

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. HEADGATE FEEDS INTOFEEDER DITCH WHICH RUNS LENGTH OF PROPERTYALONG COUNTY ROAD; OFF OF FEEDER DITCH RUNMANY SMALLER DITCHES FANNING ACROSS AREACONTAINED IN THE NE 1/4 SE 1/4 & SE 1/4 NE 1/4PORTION WEST OF THE CREEK AND EAST OF THE ROAD.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from APR 1 to NOV 1 amount 0.32 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.32 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 X 14.6 = 36.5 ^{ACRES} acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCK WATER FOR APPROX 20 HORSES

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	
<u>13</u>	<u>18</u>	<u>3</u>				<u>14</u>									<u>18</u>				<u>32</u>

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 ☒ 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.
MAY 15, 1890 RIGHT, 0.38 CFS; SAME IRRIGATION SYSTEM or None ()
(PART OF CLAIM KNOWN AS A7Z-00106A)

14. Remarks:

THE TWO ADDITIONAL CO-OWNERS / CLAIMANTS ARE:

MADI LEVINSON AND OR LUTHER B. HARTSHORN
465 S. LINDER RD., MERIDIAN, IDAHO 83642
PHONE: 208-888-9293

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

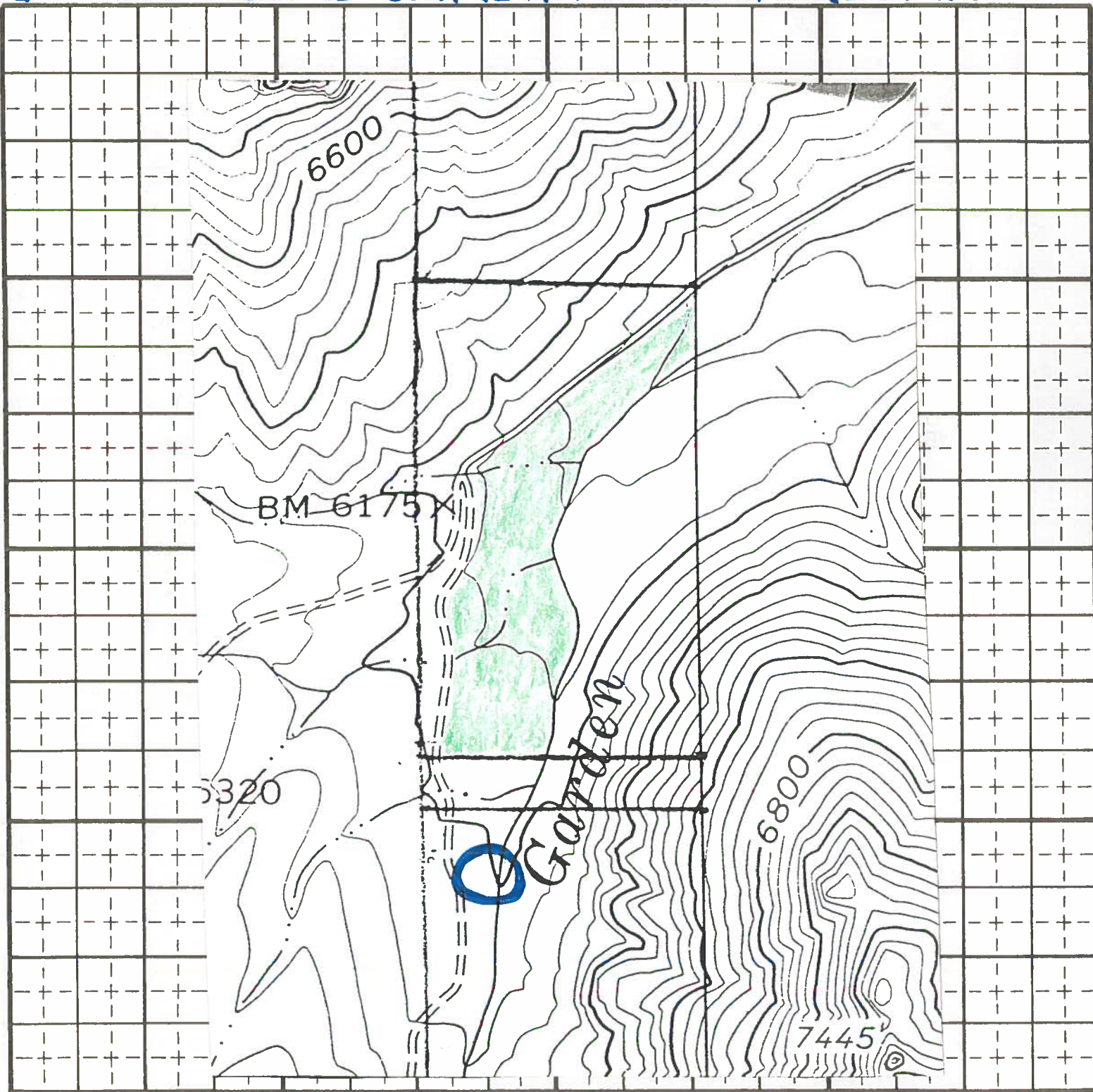
4" = 0.5 MILE

GREEN = AREA OF USE

BLUE CIRCLE =
POINT OF DIVERSION

TOWNSHIP 13N
RANGE 18E
SECTION 3

LARGE RECTANGLE IS SE 1/4 NE 1/4 + NE 1/4 SE 1/4 OF SECTION 3



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree ☒

If applicable provide IDWR Water Right Number A72-00109A

Court _____ Case Number _____ Decree Date MAY 15, 1888

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 _____

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 2: RESEARCH RECORD; LETTER

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

Signature of Claimant (s)

Date SEPTEMBER 11, 1993

Date 9/11/93

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 State of Maryland) SS.

County of Prince Georges)

Subscribed and sworn (or affirmed) before me this 13th day of September 19 93

SEAL

Notary Public

Virginia C Jarvis

Residing at

7701 Greenbelt Rd #110 Greenbelt MD 20770

My Commission Expires

18 September 1996

Please Print Name

Virginia C Jarvis

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 _____ Ident. Number _____

Copies White-State, Yellow-Claimant



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

21-Sep-1993

RE: ADJUDICATION CLAIM NO. A72-00109E

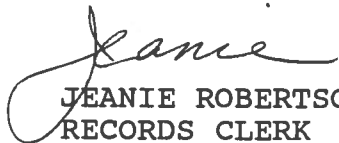
JAY & LINDA NORRIS
LUTHER HARTSHORN
MADI LEVINSON
465 S LINDER RD
MERIDIAN ID 83642

DEAR CLAIMANT(S):

PLEASE FIND ENCLOSED YOUR RECEIPT AND A COPY OF A COMPUTER GENERATED CLAIM(S) BASED ON THE INFORMATION FROM YOUR ORIGINAL CLAIM(S) WHICH HAS BEEN ENTERED IN OUR COMPUTER RECORDS.

PLEASE REVIEW THE COMPUTER GENERATED CLAIM(S) 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 YOUR CLAIM(S), PLEASE CONTACT THIS OFFICE.

SINCERELY,


JEANIE ROBERTSON
RECORDS CLERK

/jr

Enclosures:

COPY

2001-07-17 PM 1:23
FILED
JUL 17 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. 72-00109E, 72-00109L,
72-00109M

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

Luther B Hartshorn
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

Luther B Hartshorn
465 S Linder Rd
Meridian ID 83642

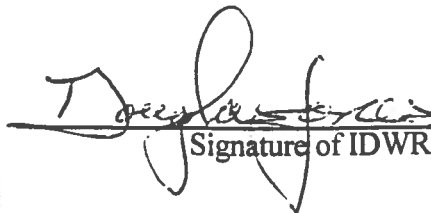
Jeffrey J Yeo
Jette Morache
PO Box 299
Challis ID 83226

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



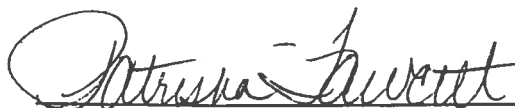
Signature of IDWR Representative

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	Luther B Hortshorn
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-29-200

PAGE: A-2

RIGHT NUMBER: 72-00109E

SPLIT RIGHT: SEE RIGHT NOS. 72-00109L AND 72-00109M.

AJ5856NP

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

DATE: MAR-29-2000
PAGE: A-4

RIGHT NUMBER: 72-00109L

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

MADI LEVINSON
4503 HOOVER
BOISE ID 83705

LUTHER B HARTSHORN
465 S LINDER RD
MERIDIAN ID 83642

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.3 CFS

PRIORITY DATE: 05/15/1888

POINT OF DIVERSION: T13N R18E S03 SWSESE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STOCKWATER, 20 HORSES	04-01 10-31	0.3 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-5

RIGHT NUMBER: 72-00109L (CONT)

EXPLANATORY MATERIAL: (CONT)

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

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

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION 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-6

RIGHT NUMBER: 72-00109M

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: 05/15/1888

POINT OF DIVERSION: T13N R18E S03 SWSESE Within CUSTER County

PURPOSE AND 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

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

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

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

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
Luther Hartshorn

Morish - 1.03 $\rightarrow$ 1400
16.9

$$\frac{1}{17.3} \quad \frac{.021 \text{ CFS}}{.38 \text{ CFS}} \approx .02$$

$$32 \quad .018 \approx \frac{.02}{104 \text{ CFS}}$$

Low
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 1 1997
Department of Water Resources
Eastern Region
RECEIVED
SEP 1 1997
Department of Water Resources
Southern Region

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 & LINDA NORRIS, LUTHER HAKTSORN, MADISON
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..

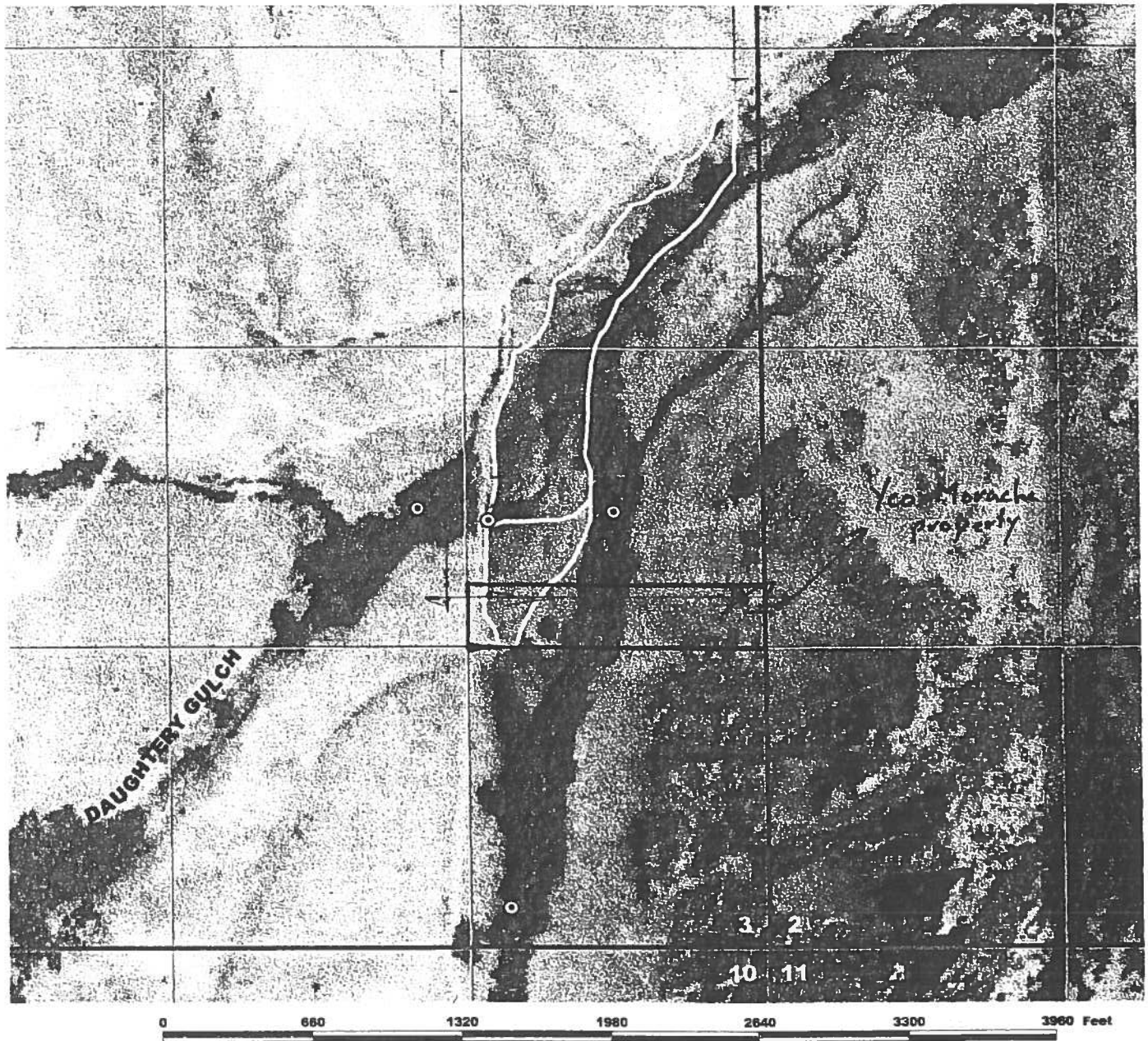
IDAHO DEPARTMENT OF WATER RESOURCES

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 A. Green

SECRETARY

COUNTERSIGNED BY:

Patsy Lindt

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 NE¹/₄SE¹/₄, Section 3, Township 13 North, Range 18 East, Boise Meridian, Custer County, Idaho, described as:

Beginning at the Southwest corner of said NE¹/₄SE¹/₄; thence East along the South line of said NE¹/₄SE¹/₄, 1320 feet, more or less, to the Southeast Corner of said NE¹/₄SE¹/₄; thence North along the East boundary line of said NE¹/₄SE¹/₄, 264 feet; thence West parallel to the South line of said NE¹/₄SE¹/₄, 1320 feet, more or less, to the West line of said NE¹/₄SE¹/₄; thence South along the West line of said NE¹/₄SE¹/₄, 264 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM:

A fraction of the NE¹/₄SE¹/₄ 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 NE¹/₄SE¹/₄ of Section 3; run thence Northerly along the Westerly boundary of the NE¹/₄SE¹/₄ of Section 3 a distance of 264.0 feet; thence East parallel to the Southerly boundary of said NE¹/₄SE¹/₄ 176.0 feet; thence South 0° 31' West, 264.1 feet to a point on the Southerly boundary of the NE¹/₄SE¹/₄ 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

FIRST AMERICAN



First American Title Insurance Company



**POLICY
OF
TITLE
INSURANCE**



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. Gmox

SECRETARY

COUNTERSIGNED BY:

Letsy 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 ~~NE¹SE¹~~₄ 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 ~~NE¹SE¹~~₄ of Section 3; run thence Northerly along the Westerly boundary of the ~~NE¹SE¹~~₄ of Section 3 a distance of 264.0 feet; thence East parallel to the Southerly boundary of said ~~NE¹SE¹~~₄ 176.0 feet; thence South 0° 31' West, 264.1 feet to a point on the Southerly boundary of the ~~NE¹SE¹~~₄ of Section 3; thence West along said Southerly boundary 164.0 feet to the point of beginning.

FIRST AMERICAN



First American Title Insurance Company

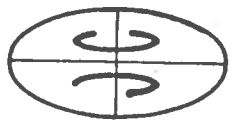


**POLICY
OF
TITLE
INSURANCE**



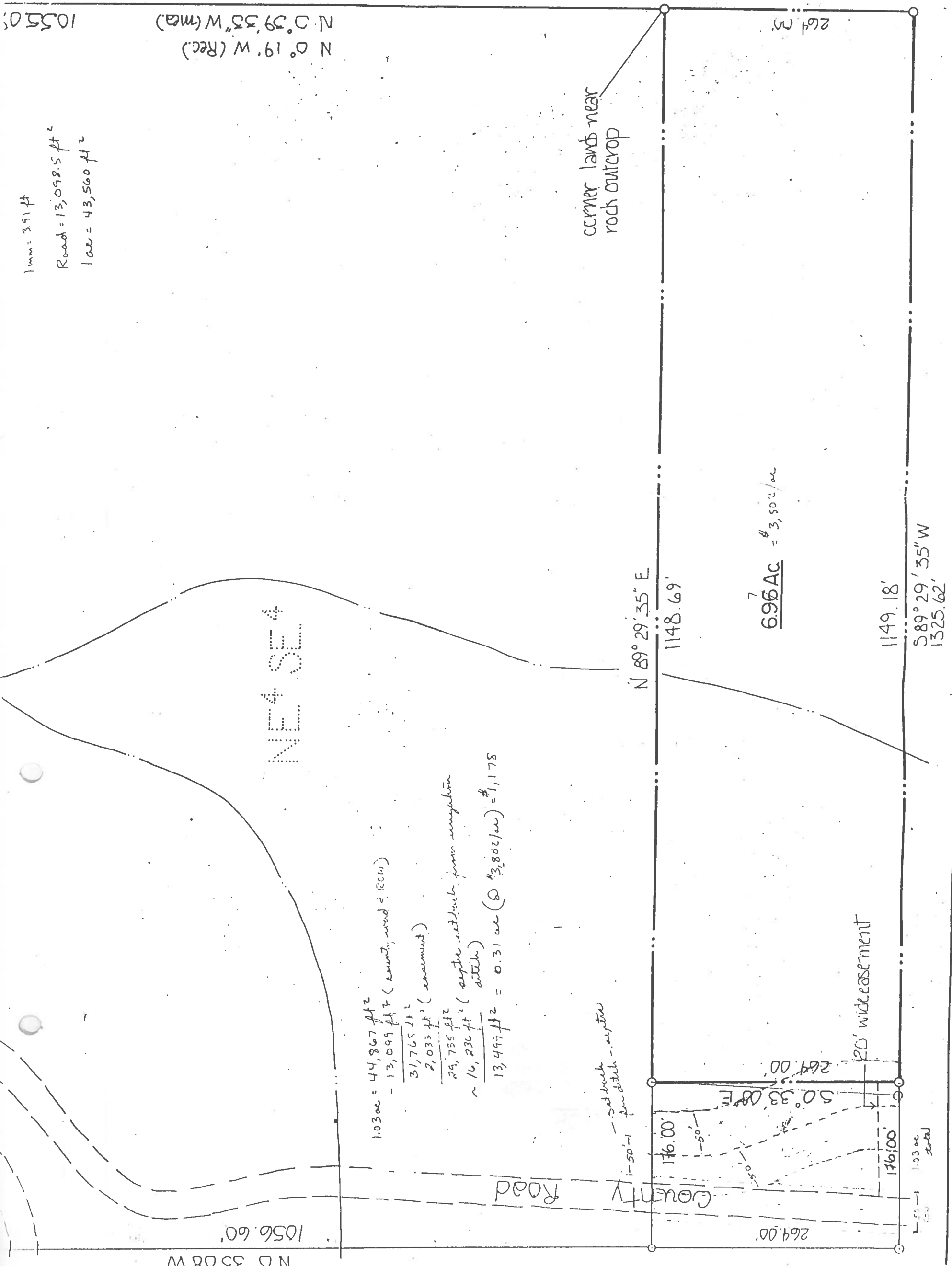
LEGEND

- Lot boundary
- Subdivision
- ⊕ Government
- 1/2" x 24" steel pin
- 1/2" x 24" steel bar



johnston · co
engineers · s
salmon · idaho

1 mm = 391 ft
Road = 13,098.5 ft²
1 ac = 43,560 ft²



1055.0

N 0° 19' W (Rec.)
N 0° 39' 35' W (mea)

NE 4 SE 4

1.03 ac = 44,867 ft²
- 13,099 ft² (count, road = REC)
31,768 ft²
2,033 ft² (easement)
29,735 ft²
~ 16,236 ft² (as per sketch from map)
13,499 ft² = 0.31 ac (at 43,802/ac) = 1,178

50' - 1' for detail - as per

N 89° 29' 35" E

1148.69'

696 AC = 3,502/ac

20' wide easement

1149.18'

589° 29' 35" W
1325.62'

N 89° 23' 41"
5273.18'

33.34

(2410.98)

N 0° 00' 32" E
2425.26

(N 0° 19' W)
N 0° 27' 27" W
2650.28

(2640°)

3

N 89° 25' 40"
5310.56'

CERTIFICATE OF SURVEYOR

I, David A. 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.

1733319

COUNTY RECORDER'S CERTIFICATE



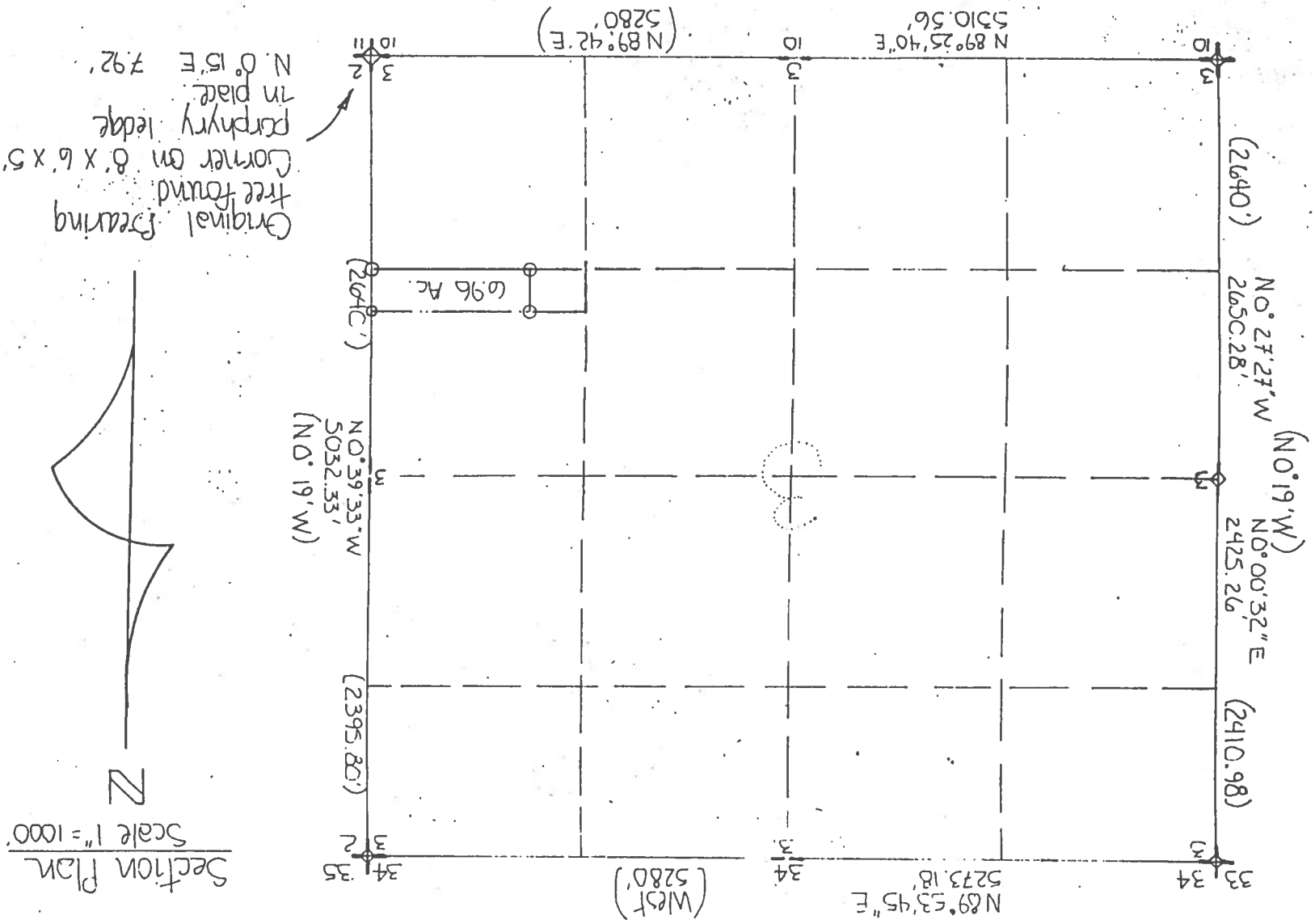
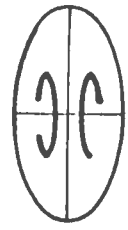
State of Idaho
County of Custer
This is to certify that the foregoing plat was filed in the office of the Recorder of Custer County, Idaho, on this 14th day of February, 1985, at 1:57 p.m. and duly recorded in the records of Survey. Book. _____ of page _____

State of M. Rock Bay 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
 - 2" x 24" steel rod set as boundary corner
 - 2" x 24" steel bar with plastic cap

johnston • couch
engineers • surveyors
salmon • idaho



N 0° 39' 35" W (mea) 10.5509'

DEC 30 1973

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

Case No. 39576

72-00106A and 72-00109E

CHANGE OF ADDRESS

72-00106A and 72-00109E

11/10/99

Signature of IDWR Representative

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 LAW

DATE: NOV-9-1999
PAGE: A-2

RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00109E

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

JAY NORRIS
1532 LONG DRIVE CT
CROFTON MD 21114

MADI LEVINSON
4503 HOOVER
BOISE ID 83705

LUTHER B HARTSHORN
465 S LINDER RD
MERIDIAN ID 83642

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.32 CFS

PRIORITY DATE: 05/15/1888

POINT OF DIVERSION: T13N R18E S03 SWESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION STOCKWATER, 20 HORSES	04-01 10-31	0.32 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:

AJ5856NP

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

DATE: NOV-9-1999
PAGE: A-3

RIGHTS FROM: SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-00109E (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

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

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

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

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
NCAAP 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
NCAAP prepared.*

as 10-29-99

RECEIVED

NOV 02 1999

Department of Water Resources
Southern Region

RECEIVED

OCT 20 1999

Department of Water Resources

RECEIVED

OCT 26 1999

WATER RESOURCES
WESTERN REGION

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
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Boise, Idaho 83720-0098

RECEIVED

OCT 28 1999

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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.*

as 10-29-99

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

11/09/98 11:57:53
Page 1

Water Right Number - R72-00109E

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

NORRIS

JAY

1 - 465 S LINDER RD

2 -

3 -

City- MERIDIAN

Phone - 208-888-9293

State- ID Zip- 83642

HARTSHORN

LUTHER B

1 - 465 S LINDER RD

2 -

3 -

City- MERIDIAN

Phone - 208-888-9293

State- ID Zip- 83642

LEVINSON

MADI

1 - 465 S LINDER RD

2 -

3 -

City- MERIDIAN

Phone - 208-888-9293

State- ID Zip- 83642

NORRIS

LINDA

1 - 465 S LINDER RD

2 -

3 -

City- MERIDIAN

Phone - 208-888-9293

State- ID Zip- 83642

*** O - ORIGINAL OWNER ***

KRISTAN

LOUIS L

1 - 2111 BRENTWOOD DRIVE

2 -

3 -

City- IDAHO FALLS

Phone - 208-529-1074

State- ID Zip- 83402

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/15/1888 17 SOUTHERN D - DECREED

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

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name

13N 18E 3 SW SE SE *GIS 146* (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/15 10/15 0.320

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage -
0.320 0.0

Water right number - R72-00109E

Prefix Translation: RESEARCH

*GIS 264
265*

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	18E	3	SE NE		<i>6.3</i> 5.0	01	IRRIGATION	(37) CUSTER
13N	18E	3	NE SE		<i>11.3</i> 13.0	01	IRRIGATION	(37) CUSTER
Total Acres:					<i>17.3</i> 18.0			

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

- - - Non-Irrigation Use - STOCKWATER, 20 HORSES

- - - Other Rights for Same Use - 72-00106A

- - - Remarks -
No Remarks found.

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

- - - Conditions of Approval -
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.

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

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

- - - Comments -
No Comments Found

- - - 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	- 09/20/1993	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	- S016219	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	- C
		Name Connector	- AND/OR	Notice of Error Flag	-

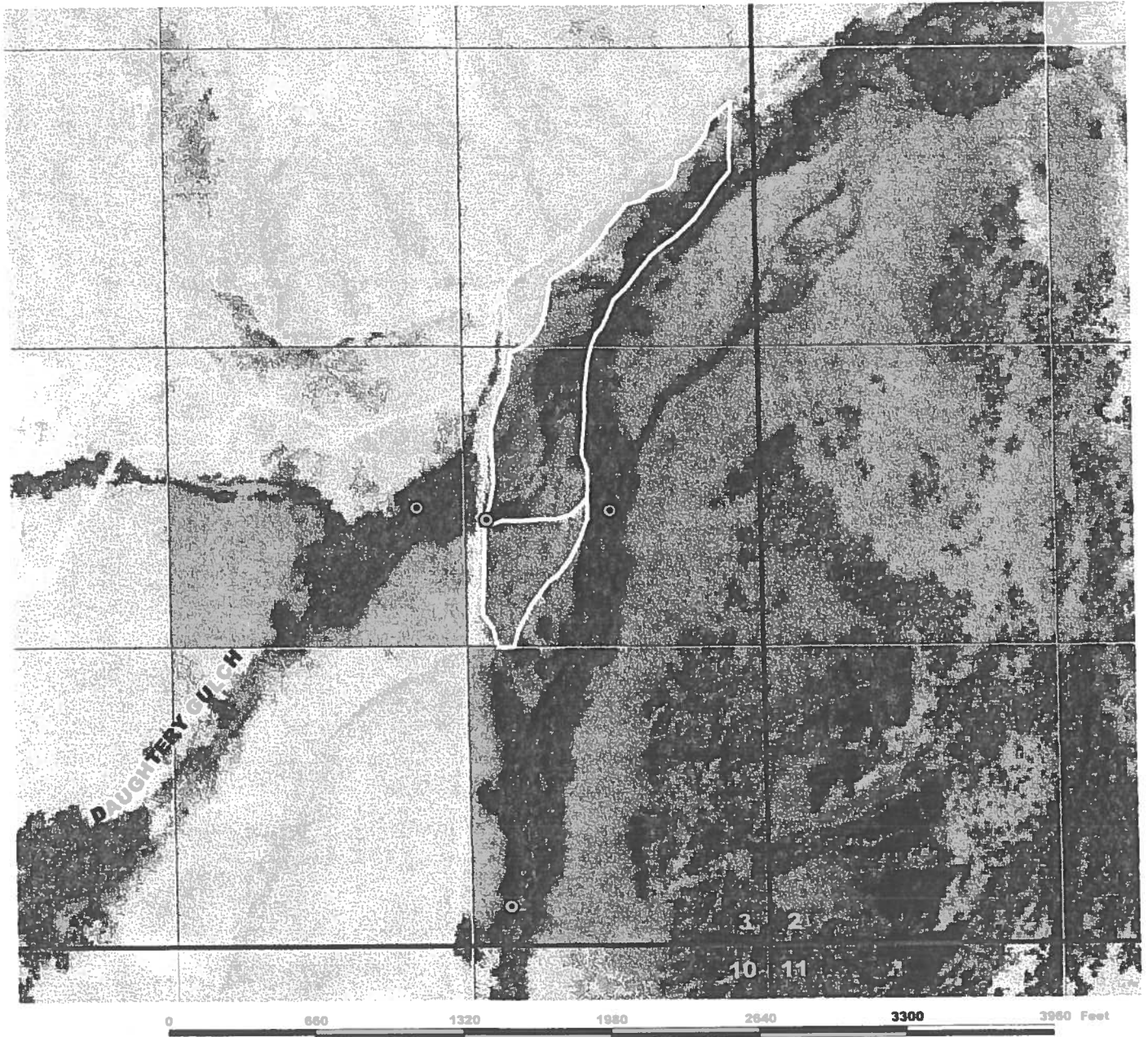
*updated
11-9-98
KJC*

*add POU
P/U = 17.3
106A 109B*

*EXP
F06
106A 109A*

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 72-00106H } Garden Cr DATE 10-22-98 TRANSFER NUMBER Daughter Cr.
72-00109E } AGENT KKC CLAIMED ACRE TOTAL 32
72-16499 Daughter Gulch GIS ACRE TOTAL 18

	Garden Cr			NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	<u>13N</u>	<u>18E</u>	<u>3</u>				<u>12</u>									<u>20</u>				<u>32</u>
GIS							<u>6.3</u>									<u>10.7</u>				
RECOM							<u>6.3</u>									<u>11</u>				<u>17</u>
CLAIM																				
GIS																				
RECOM																				
Daughter Gulch							<u>14</u>									<u>18</u>				<u>32</u>
CLAIM							<u>6.3</u>									<u>6.9</u>				<u>18</u>
GIS							<u>6.3</u>									<u>6.9</u>				<u>18</u>
RECOM																				

B72-DBPOU.SHP

SHAPE NOS. 264 GR only 265 Both GR 72-00106A .72 CFS .38 1.6/CFS 2.40 CFS
72-00109E .32 CFS .32
Daughter 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 + .50 Daughter G.
SWNESE 1.20 CFS total less than
soils Recom 11/min
rate for 72-16499

DBF TABLES UPDATED
 B72-DBPOU.DBF ☒
 B72-DBPOD.DBF ☒
 Jpeg ☒

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 KKC

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DAF	.18	.15			5.33	7.27
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DRF	.18	.19			9.08	9.68
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
G01	.10	.12			12.47	10.51
KEG	.08	.07			8.73	10.06
MBF	.15	.12			7.65	5.81
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

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

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

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

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
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 = _____

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			5-15-93 KRC	N	L2356	KRC 1-28-94		
POINT OF DIV	Y		"	Y	"	"		
SOURCE			"	N	"	"		
PLACE OF USE	Y		"	Y	"	"		
DIV. AMOUNT CFS/VOLUME	Y		"	N	"	"		
CONSUMPTIVE USE	-		"	Y	"	"		
PURPOSES			"	N	"	"		
PERIOD OF USE	Y		"	Y	"	"		
BASIS OF CLAIM	Y		"	N	"	"		
REMARKS								

"VERIFIED BY" CODES

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

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

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

FIRST: LUTHER B
STATE: ID ZIP: 83642

OWNER CODE: C

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

FIRST: MAD I
STATE: ID ZIP: 83642

OWNER CODE: C

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

DATABASE N FIELD EXAMINER

CONTACT PERSON: Madi deussen

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 5/15/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: No one

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A72-00109E PRIORITY DATE: 05-15-1888 STAGE: D
B. WR RECORD: # 72-00109 PRIORITY DATE: 05-15-1888 STAGE: D

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
N

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

NOTES: Saw warranty deed 34-265 water appurtenant to the 405
under this claim were 132 CFS 1888 water ← (this claim)
3 138 CFS 1890 water

The was a bill of sale to therefore I recognize that the
1888 deed was transferred to the ground at that
time.

RECOMMENDED PRIORITY DATE: 05-15-1888

acceptance of Claim

REVIEWED BY

KRC

DATE

1-28-94

QOS neg. to flag transfer
C03

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-00109E	13N	18E	3	NE	SE	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A72-10380	R72-10380

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

7200109 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

NOTES:

I found the POD to be in the SW 10 acre tract rather than the NE as planned. 10 acre tract changing location is based upon field verification & legal description on the plat 21-24.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:				COUNTY	DIVERSION NAME
TWP.	RGE.	SEC.	1/4		
13N	18E	3	SW SE SE	center	
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
—	—	—	—	—	—
SOURCE: GARDEN CREEK	OK	TRIB: SALMON RIVER	OK		

REVIEWED BY: KKC

DATE: 1-28-94

SYSTEM DESCRIPTION:

This would be a change in P/D as the right originally was decreed to Grand in Sec 2 E 35 with this rejection P/D S.
flag with CD 3

A. ROOT WATER RIGHT NUMBERS:

A72-00109A
A72-00109B

A72-00109C

A72-00109D

A72-00109A

A72-00109B

A72-00109C

A72-00109D

A72-00109E

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	18E	3	SE	NE		NORRIS, JAY	A72-00109E /14.0	-	/		16.0
			SE	NE		NORRIS, JAY	A72-00106A /12.0	-	/		
			SE	NE		NORRIS, LINDA	R72-00106A /12.0	-	/		
			SE	NE		KISER, NICK Z.	72-00106	/			
			SE	NE		SPECHT, W. C.	72-02144	/			
											10.0
13N	18E	3	NE	SE		NORRIS, JAY	A72-00109E /18.0	-	/		22.0
			NE	SE		NORRIS, JAY	A72-00106A /20.0	-	/		
			NE	SE		NORRIS, LINDA	R72-00106A /20.0	-	/		
			NE	SE		KISER, NICK Z.	72-00106	/			
			NE	SE		SPECHT, W. C.	72-02144	/			
											20.0

TOTAL ACRES A72-00109E

32.00

38.00

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

18 18

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG:

1

NOTES:

Transfer from Sec 2 & 35 to Sec 3 recognized Flag with coal coal
065

See also additional attachments

RECOMMENDATIONS:

TOTAL ACRES:

18

REVIEWED BY:

KKC

DATE:

1-28-94

A. AJ CLAIMED USES:

PURPOSES
A72-00109E IRRIGATION15 10-15
MONTH/DAY
FROM 04-01 TO 11-01Chg to
deput
S. Spauld

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.320 CFS
.320 CFS

B. WR RECORDED USES:

PURPOSES
72-00109 IRRIGATIONMONTH/DAY
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
1.200 CFS
1.200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD EXAM REQUIRED?	DISCREPANCY?	Y/N	DATE	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 (X)
Y (X) N ()

Explain in notes, below.

NOTES:

Warranty deed 34-265 indicates that .320 CFS of 1888 water was transferred to this property at the date of the sale. I accept this rate as valid. I have been unable to locate any deed to show flow under current irrigation practices therefore .320 is a valid rate when combined with other rights.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 18 x 0.02 CFS/ACRE = 136 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 36.5 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = _____ AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

*Combined Right
2000 ft*

RECOMMENDATIONS :

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
	FROM	TO						
IRRIGATION	04-01	15-16-15	0.320	1.32			36.5	
TOTAL FOR THIS RIGHT			0.320				36.5	

REVIEWED BY: XHC

DATE: 1-28-94

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
FORFEIT/ABANDON _____
ADDITIONAL DIV. AMOUNT _____ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00109

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.200EXAMINER
De Atackland

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM AMT.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A72-00109A	0.170	R72-00109A	0.170	-	-
-	A72-00109B	0.170	R72-00109B	0.170	-	-
A72-00109	A72-00109C	0.880	R72-00109C	0.880	72-00109	1.200
-	A72-00109D	0.060	R72-00109D	0.060	-	-
-	R72-00109A	0.170	R72-00109A	0.170	-	-
-	R72-00109B	0.170	R72-00109B	0.170	-	-
A72-00109	R72-00109C	0.880	R72-00109C	0.880	72-00109	1.200
-	R72-00109D	0.060	R72-00109D	0.060	-	-
-	A72-00109E	0.320	-	-	-	-
TOTAL CFS		2.880		2.560		1.200

DIVERSION RATE REVIEW

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

NOTES:

AUTHENTICATION:

SIGNATURE: _____

DATE: _____

NAME OF FIELD EXAMINER: _____

TITLE: _____

CLAIM F-72-00106A 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

3
DAUGHTERY
SPRING

DAUGHTERY GULCH

P/D

18A

GARDEN CREEK

10
SCALE: 1" = 1333'

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

Shown to me by
Du Koppner

P/U 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
Morris
etc. }

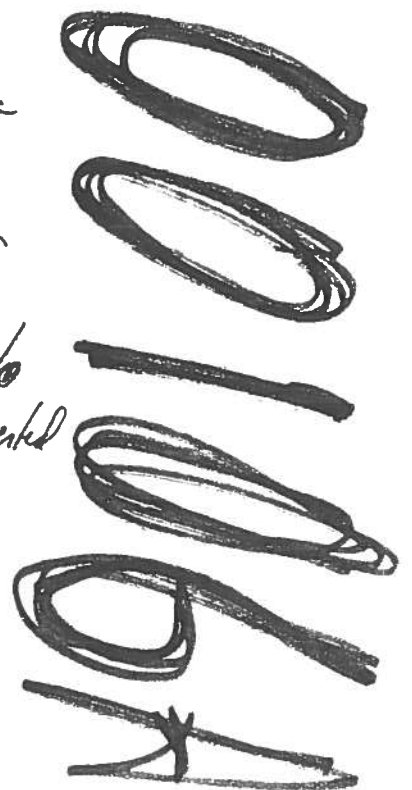
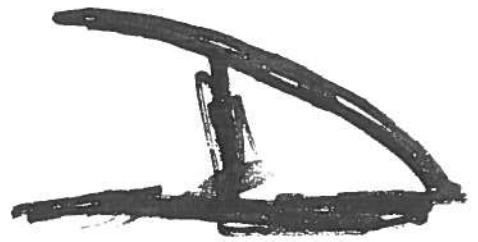
2nd of roll 2

Pictures of P/U taken.

See reference points on map.

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

The second shows the diversion
of Daughtery Gulch water which is
irrigating the northern 1/2 of the P/U. 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
 A72-00106D
 A72-00106E

PAGE: 1/2AGENT: KKCFILES: 72-00106-00109

Analysis of -
 ATTACHMENT SUBJECT: Water Right unrecorded splits & transfers

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

The Places of use under all claims was originally two separate parcels @ the decree date. Eventually both parcels came under one ownership and was subsequently split into smaller parcels. The two water rights decreed have 1888 & 1890 priority dates and the transfers primarily shift the 1890 water to the smaller Places of use. Original claims filed were filed based upon the decree legal description as the current owners did not research warranty deeds for water right history & their current warranty deeds only referenced appurtenant water rights. Claims with different priority dates than claimed have been re-numbered and recommended based ^{primarily} upon warranty deed history. Total acres currently irrigated do not appear to represent an expansion of the irrigated decreed place of use. Changes and of P/D & P/U are flagged with presumption flag "C" with the appropriate C03, C05 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 date
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 RIGHT NO	PRIORITY DATE	DIVERSION RATE	DECREED TWN	PLACE OF USE RNG	SEC	QUARTERS
72-00106	5-15-1890	1.40 CFS	13N 18E	3	SENE,	NESE
			13N 18E	2	LOT 4,	SWNW
72-00109	5-15-1888	1.20 CFS	13N 18E	2	N1/2NW1/4	
			14N 18E	35	S1/2SE1/4,	
					NESE	
			14N 18E	36	NWSW	

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

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

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

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

133657 STARK TO
06-30-72 CUMMINGS

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

139317 CUMMINGS TO
05-28-75 BRACK

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

156185 BRACK TO
10-06-80 HUSTON

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

165397 BRACK TO
09-30-82 ODLUM

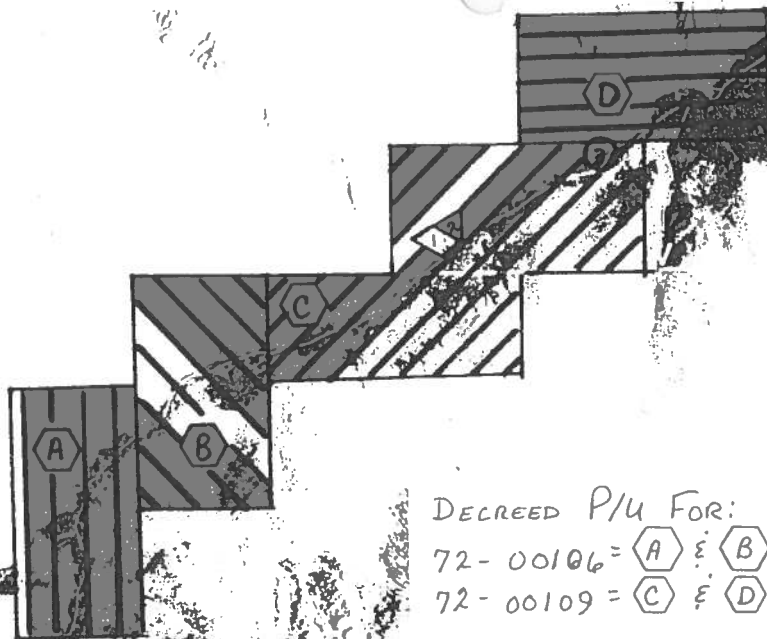
14.88 Acres and 6.95 acres within
the SWSW SEC 35 with all
appurtenances.
This is consistent with the
place of use for A72-00109A

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

ANALYSIS OF WARRANTY DEED TRANSFERS

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

P/U LABEL	CURRENT OWNER	APPLICABLE PORTION OF DECREED RIGHT	
		<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 Morris 888-9293

NAME OF PARTY: A72-000106A

contact new machine 6-7-93

000

Luther Hartshorn

meet Tuesday 6-15 at P/U at 9:00 AM.

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