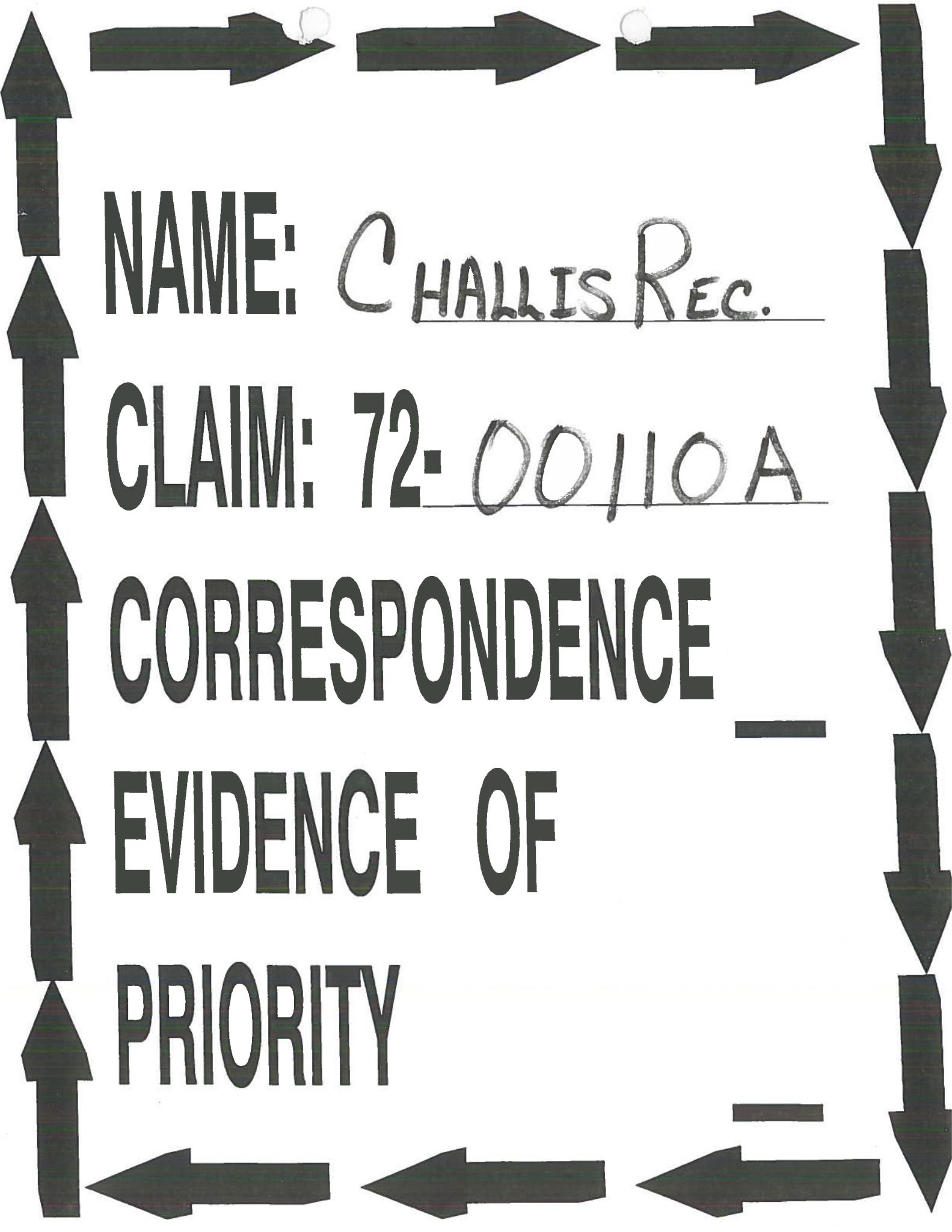




NAME: C HALLIS REC.

CLAIM: 72-00110A

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: A72-00110A
Date Received: 1/12/1990
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CHALLIS RECREATION AND DEVELOPMENT CORP 208-879-2589
Address: PO BOX 81
CHALLIS ID 83226

2. Date of Priority: MAY 15, 1878

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	32	NW	NW			CUSTER

5. Description of diverting works:
SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.480		451.50

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

8. Total consumptive use is 451.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	32	NE	NE		IRR	1.0
			NW	NE		IRR	4.0
			SW	NE		IRR	24.0
			SE	NE		IRR	3.0
			NE	NW		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
14N	19E	32	SE	NW		IRR	12.0	
			NE	SW		IRR	2.0	
			NE	SE		IRR	15.0	
			NW	SE		IRR	10.0	
			SE	SE		IRR	7.0	
			Section Acres					81.0
		33	NW	SW		IRR	3.0	
			SW	SW		IRR	12.0	
			SE	SW		IRR	33.0	
			Section Acres					48.0
			Total Acres					129.0

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:
72-00111A

14. Remarks:

ITEM 5
WATER IS DIVERTED WITH ROCK JETTY INTO METAL MEASURING FLUME.
FLOW IS CONTROLLED BY WHEEL VALVE AT DIVERSION POINT. WATER THEN
FLOWS INTO EARTHEN DITCH SYSTEM AND EVENTUALLY FLOWS INTO 8"
STEEL BURIED PIPELINE WITH ENDPOINT BEING SPRINKLERS.
*** CHANGE OF OWNERSHIP ENTERED ON 8-4-95 BASED UPON SIGNED
1409(7) AND ATTACHED WARRANTY DEED. KKC***

PURSUANT TO APPROVED TRANSFER 4740 DATED JANUARY 23 1996
Combined Right Nos. 72-00110 and 72-00111 shall not exceed the
total combined irrigation of 183.0 acres, nor a total combined
annual diversion volume of 640.5 af.
***** DATA ENTRY BY KKC 2-14-96 *****
CHANGE OF OWNERSHIP SPLITS CLAIM. DATA ENTRY DONE ON 2-15-96 KKC

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Challis Recreation &
Development Corporation

P.O. Box 81, Challis, Idaho 83226

FAX

Date: 02/14/96

Number of pages including cover sheet: 3

To:

Kelly Christensen
Department Of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

Phone: 208-736-3033

Fax phone: 208-736-3037

CC:

From:

Spencer Strand

Phone: 208-879-5300

Fax phone: 208-879-5301

REMARKS:

☐ Urgent

☐ For your review

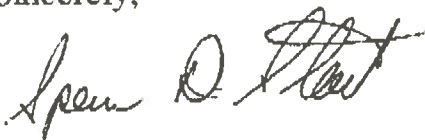
☐ Reply ASAP

☐ Please comment

Dear Kelly,

This is the information I think you need to complete the transaction. I sincerely thank you for all the help you have given me. I also enjoyed our many conversations.

Sincerely,



Spencer Strand

RECEIVED

FEB 14 1996

Department of Water Resources
Southern Region

DEC 03 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

FEB 14 1996

Department of Water Resources
Southern Region

DATE OF CLOSING: FEB 14, 1996

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____ Attached
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Gov. Lot _____, BM.
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 who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A72-00110 & A72-00111
- ☐ Name and Address of Former Owner/Claimant(s) (Seller): Challis Recreation & Development Corporation
Box 81
Challis Idaho 83226
- ☐ New Owner/Claimant (Purchaser): City of Challis
- ☐ New Mailing Address: PO Box 587
Challis, Idaho 83226
- ☐ New Telephone Number: (208) 879-2386
- ☐ 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:
GOLF COURSE → A72-00110 (54/783 * 2.10) = 0.619 ~ 0.62 CFS
CITY OF CHALLIS → A72-00111 (54/783 * 0.86) = 0.253 ~ 0.25 CFS
TOTAL = 0.87 CFS or 43.5 - 44 in

- ☐ 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): John E Walker (Mayor) Date 2-13-96
- ☐ Signature of Former Owner/Claimant(s): Spencer D. Sted (Pres) Date 2-14-96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed: _____

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any: _____

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

DEC 03 1996

PROPERTY DESCRIPTION

A parcel of land located in the SE1/4 of the NW1/4, SW1/4 of the NE1/4, NW1/4 of the SE1/4 and the NE1/4 of the SW1/4 of Section 32, T. 14 N., R. 19 E., B.M., Custer County, State of Idaho, more particularly described as follows:

Beginning at the West 1/16 Corner on the latitudinal centerline of said Section 32 (said point lying N89°08'15"E 1323.71 feet from the West ¼ Corner of said Section 32), thence N00°08'15"E 1136.73 feet along the west 1/16 line of said Section 32 to the northwest corner of the Challis Golf Course, Parcel A, thence S87°27'14"E 190.14 feet along the northerly boundary line of said Parcel A, to the TRUE POINT OF BEGINNING for this description;

thence S 88°00'49"E 603.56 feet;
thence N 87°07'40"E 509.75 feet;
thence N 78°21'08"E 379.60 feet;
thence N 87°39'50"E 126.87 feet;
thence S 50°03'47"E 211.99 feet;
thence S 10°41'52"W 248.40 feet;
thence S 59°24'23"W 175.97 feet;
thence S 10°23'45"E 167.44 feet;
thence S 34°12'07"E 299.73 feet;
thence S 44°48'32"E 259.84 feet;
thence S 62°01'58"E 224.05 feet;
thence S 12°50'44"W 116.33 feet;
thence S 81°46'44"W 136.71 feet;
thence S 42°01'38"W 87.64 feet;
thence S 40°02'25"W 170.84 feet;
thence S 13°03'59"W 148.75 feet;
thence S 16°24'39"E 117.84 feet;
thence S 31°14'49"E 188.91 feet;
thence S 45°35'27"E 502.69 feet;
thence S 37°30'13"W 66.69 feet;
thence N 77°20'15"W 250.95 feet;
thence S 72°02'30"W 193.79 feet;
thence S 50°21'30"W 184.70 feet to the southerly corner of said parcel,
thence N 65°38'05"W 95.05 feet;
thence N 31°05'05"W 312.68 feet;
thence N 28°44'58"W 656.41 feet;
thence N 17°09'57"W 123.68 feet;
thence N 68°50'45"E 154.40 feet;
thence N 30°47'05"W 235.16 feet;
thence N 42°42'34"W 242.58 feet;
thence N 63°26'03"W 590.05 feet;
thence N 81°30'58"W 177.34 feet;
thence S 05°28'54"E 46.90 feet;
thence S 40°38'20"W 68.83 feet;
thence S 89°56'07"W 187.61 feet to a point on said westerly right-of-way line;
thence N 00°08'15"E 733.30 feet to the TRUE POINT OF BEGINNING for

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

February 14, 1996 11:46am

CUSTOMER

SPENCER STRAND 879-2589

SUBJECT: CHANGE OF OWNERSHIP FOR A72-00110 & A72-00111
phone call (X) walk-in (.)

He indicated that the exchange with the City of Challis has been completed and he now wants to complete the change of ownership for the portion going to the City. He indicated that the exchange is based upon the work we did in this office last fall. We discussed the blanks on form 42-1409(7). He stated that he will fax a copy of the property description to me and then mail the ownership change form. His agreement with the City was to have this completed within 10 days. I told him that based upon what we have done and what he has told me, that I see no problem in having it completed in that time.

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

February 12, 1996 9:20am

CUSTOMER

SPENCER STRAND

SUBJECT: CHANGE OF OWNERSHIP FOR A PORTION OF A72-00110 AND
A72-00111

phone call (X) walk-in (.)

He called to let me know that the golfcourse gift to the city of Challis appears to be nearing completion. He indicated that he expects the final paperwork to be completed at the next meeting tomorrow. He asked about the change of ownership procedure and if it could be completed in ten days. I told him that if the gift is based upon the same data that we compiled last fall then I could complete the paperwork within one or two days after receiving the ownership change request. He indicated that around Challis that all the snow is now gone but that there appears to be a good snow pack up high.

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE

December 12, 1995 1:42pm

CUSTOMER

SPINCER STRAND

SUBJECT: POSSIBLE SPLIT OF A72-00110 AND A72-00111
phone call (X) walk-in (.)

He stated that he expects the transfer of the golf course property, as previously identified, will be transferred to the City of Challis tonight. He wanted verification of the numbers that he intends in including in the warranty deed. He stated that he is going to list the adjudication claims and the proportionate split rates and resulting proportionate diversion rate.

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Kelly K Christensen

DATE CUSTOMER
October 10, 1995 8:46am SPENCER STRAND

SUBJECT: TRANSFER FOR A72-00110 & A72-00111
phone call (X) walk-in (.)

He called to let me know that he will be unable to meet with me today. He is busy filing objections to the federal non-consumptive claims.

We discussed the federal filings in general and rescheduled the meeting for the transfer tentatively for next week.

DEC 03 1996

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Kelly K Christensen

We discussed the federal filings in general and rescheduled the meeting for the transfer tentatively for next week.

DEC 03 1996

COMMUNICATION DOCUMENTATION

IDWR Employee/Agent Kelly K Christensen

SUBJECT: CHANGE OF OWNERSHIP FOR GOLF COURSE RE A72-00110 AND
00111
phone call (X) walk-in (.)

I returned his call of Oct 2, 1995 as noted by Steve Clelland. We discussed the status of the pending property gift of the golf course to the city. He decided that it would be best if he brought in some maps and worked through the property to specifically identify the ground to be transferred and the irrigated ground going either way. We also briefly discussed the federal filings and the objection issue for those claims. He indicated that he would like to come in either the 10th or the 11th.

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. _____

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

October 2, 1995 11:33am

NAME:
SPENCER STRAND CALLIN

RE:
QUESTION ON OWNERSHIP

HE WANTED TO KNOW HOW TO CHANGE THE OWNERSHIP OF SRBA CLAIMS AND WHAT WAS NEEDED TO ACCOMPLISH THE CHANGES. I TOLD HIM IT IS A SIMPLE PROCESS TO FILL OUT THE FORM AND LIST THE WATER RIGHTS. PROOF OF OWNERSHIP IS ESTABLISHED BY FORMER OWNER SIGNATURE OR A WARRANTY DEED SHOWING THE TRANSACTION. HE IS DONATING 55 ACRES TO THE CITY ALONG WITH THE WATER RIGHTS; I SUGGESTED HE TALK TO KELLY FOR THE EXACT WATER FLOWS THAT MAY BE RECOMMENDED TO THE PROPERTY.

Phone: 879-2589

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00004J

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Frank Hitchcock

October 2, 1995 2:12pm

NAME:
SPENCER STRAND

RE:
U.S. AND INDIAN CLAIMS
A72-00004J ET AL

TF AT 1:12 PM-TCW TILL 1:30 PM. REVIEWED THE FEDERAL FILINGS SUBJECT TO THE LIMITATIONS. QUOTED FROM THE LEGAL DEPT. MEMOS AND THE MAILED NOTICE.

REVIEWED THE DEPOSITORY AT THE CUSTER CO. COURTHOUSE AND HOW TO USE IT. DISCLAIMED ATTORNEY STATUS.

MAILED HIM: STF 1, CC OF NOTICE MAILED 04-17-1995 AND CC OF PRESS RELEASE SENT OUT 04-11-1995.

COPY

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 7, 1995

SPENCER STRAND
CHALLIS RECREATION & DEVELOPMENT CORP
BOX 81
CHALLIS ID 83226

RE: APPLICATION FOR TRANSFER OF WATER RIGHT FOR 72-00110 AND
72-00111

Dear Spencer

Enclosed is the partially completed Application for Transfer of Water Right for the above claims and selected copies of the transfer application. I have also completed the change of ownership for the respective adjudication claims and have enclosed copies for your records.

In combining the property boundary as described in section I of the warranty deed with the irrigated ground boundary you outlined on the aerial photo I planimetered each quarter quarter and found the acres as shown on page one of the transfer and the land list attached to the warranty deed. That boundary contained 170 acres rather than the estimated 199 as approved through transfer 3747.

I have enclosed a blank part 1 of the application for transfer if you feel some of the information needs to be changed. The two inserts identified as part 2 is just a description of the rights as they were approved through transfer 3747 and will stay the same regardless of the changes you elect to make.

If the paperwork as completed is satisfactory, then complete item 2 page 1, portions of item 6 page 2, and item 10 on pages 4 and 6, sign the transfer form on page 10, and have your signature notarized. As noted on the instructions, the filing fee of \$100.00 is due with the Application for Transfer.

Hopefully this package meets with your approval, however, if you have any questions please give me a call. I am tentatively anticipating being in the Stanley area during a portion the week of August 14th through August 18th.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
Enclosures

DEC 03 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

May 24, 1995

DAN STRAND
BOX 81
CHALLIS ID 83326

RE: REQUEST FOR EXTENSION OF TIME FOR 72-00110 AND 72-00111

Dear Dan

Enclosed are the Extension of Time forms and the fee schedule. After talking to Spencer on the phone I pulled the forms and discovered that the policy is one right per request form and the \$100.00 filing fee per request. I have completed the generic portion of the request form for you based upon the decree and/or information in transfer 3747.

Please review the extension of time forms to verify that I have entered the information as you want and then complete any blank entries that I did not complete.

As water rights transfer with the property you are considered the owner of those rights, however the change of ownership for the adjudication claims has not been completed. As this may cause a delay in processing the 'extension of time', we should finalize the ownership change as soon as possible. I have enclosed a change of ownership form for your use.

If you have any additional questions please give me a call.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

DEC 03 1996



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-Feb-1994

ELAM & BURKE
SCOTT L CAMPBELL
KEY FINANCIAL CENTER
702 WEST IDAHO
PO BOX 1539
BOISE ID 83701

RE: SNAKE RIVER ADJUDICATION CLAIMS A72-00048, A72-00051B,
A72-00051L, A72-00110, AND A72-00111

Dear Mr Campbell

The deadline for final review and recommendation of claims filed in basin 72 is rapidly approaching and I need to finalize the place of use for these claims.

I have enclosed two sets of aerial photos to graphically represent the stages of development of these claims verses the place of use as described in the transfers T-3745 and T-3747. On the face of the taped together orthophotographs I have listed the transfer acres as they were entered and I have either indicated the outside boundary as the existing physical limit or squared off the claimed number of acres within its respective quarter. I have also attached a transparency to those photos with the 1988 irrigated acres highlighted in green. As you can see there is a considerable difference in several areas. Note that in the SWSE of sec 33 44 acres have been identified as irrigated within the two transfers.

I have also enclosed a copy of BLM photo 10-9C-5 (enlarged 200%) that shows the ground irrigated in 1988 as the darker ground. I have also outlined some of the ground in red that has been historically irrigated. The outlined areas west of highway 93 appeared to have been relatively recently

DEC 03 1996

CAMPBELL
PAGE 2
01-Feb-1994

irrigated whereas the ground east of highway 93 outside of the dark area does not appear to have been irrigated for some time (based upon field verification).

Please contact me with your intentions as soon as possible because I am required to make a recommendation even without further direction from the claimants.

Sincerely

Kelly K. Christensen
Sr. Water Resource Agent

enclosures

DEC 03 1996

Quadrant Quarter Lines are notations
 CLAIM _____ INIT KKC
 T. R. S. Q/Q enlarged
 P/D 7-16-88 FLIGHT 200%
 PHOTO ID-BLM 10-9C-5



28 21
 34 34

9541 0 3 1996

1:24,000
FEET

29 Radio Relay Sta

28

BM 5001

DITCH

CHALLIS
(BM 5283)

Creek

34

1°30'N

30°00'N

NOTE: Total
claimed acres in
this quarter equals 44

42°29'

Acres identified in silver
represent the acres listed
on transfers 3745 & 3747
P/U Boundary is my estimate
based either on physical
characteristics or the number
of acres claimed in that quarter

CLAIM	INIT	
T. R. S. Q/Q		
P/D	top ortho	Bottom
PHOTO	T-75	U 25
DT. & ID.	1954	1974

42°28'

8

9

REL 113 1950

RECEIVED

JAN 06 1994

ELAM & BURKE
A Professional Association
ATTORNEYS AND COUNSELORS AT LAW
Established in 1928

KEY FINANCIAL CENTER
702 WEST IDAHO
POST OFFICE BOX 1539
BOISE, IDAHO 83701

Department of Water Resources
Southern Region Office
TELEPHONE
208-343-5454
FACSIMILE
208-384-5844

SCOTT L. CAMPBELL

January 5, 1994

Mr. Kelly Christensen
Senior Water Resource Agent
Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Change of Ownership for Adjudication Claim A72-00048

Dear Mr. Christensen:

The purpose of this correspondence is to confirm the content of our telephone conversation of January 4, 1994. I contacted you to advise you that I have been retained to represent the interests of Thompson Creek Mining Company, particularly involving their water rights in the Snake River Basin Adjudication process.

I mentioned that I was particularly interested in your correspondence of November 30, 1993 to Spencer Strand, a representative of the Challis Recreation and Development Corporation. I have enclosed a copy of that correspondence for ease of reference. *(not enclosed KRC 1-6-94)*

As I pointed out during our telephone conversation, I was concerned with a number of statements which you made in your correspondence to Mr. Strand involving change of ownership with respect to water right 72-00048 and adjudication claim A72-00048. I informed you that I believe that the reference in the deed instruments, conveying certain real property to the Challis Recreation and Development Corporation, erroneously included a reference to water right claim A72-00048.

You confirmed with me that you were aware that some confusion existed with regard to the transfer of the real property and appurtenant water rights from Cyprus Mining Corporation to the Challis Recreation and Development Corporation. You indicated to me that you will not take further action with regard to formalization and finalization of the Snake River Basin Adjudication Director's Report for Basin 72 until adequate documentation has been provided by all of the parties concerned in this matter. You also indicated to me that

DEC 03 1996

Mr. Kelly Christensen
January 5, 1994
Page Two

RECEIVED

JAN 06 1994

Department of Water Resources
Southern Region Office

you had discussed these issues with Mr. Bert Doughty of Thompson Creek Mining Company during your field inspection of the Cyprus water rights in 1993.

As I indicated during our telephone conversation, I will proceed to obtain proper clarification of the appropriate place of use for water right claim A72-00048. I will provide that information to you as soon as possible.

If any developments occur in the interim period, please contact me before any final action is taken by the Department of Water Resources with regard to the recommendations in the Director's Report for water right A72-00048. I will assume that you will extend this courtesy to me, unless I am informed to the contrary in writing.

Thank you for your cooperation with respect to these matters.

Very truly yours,

ELAM & BURKE
A Professional Association

Scott L. Campbell

SLC:ma

cc: Mr. Bert Doughty

DEC 03 1994

RECEIVED

JUN 19 1995

Department of Water Resources
Southern Region

SPECIAL WARRANTY DEED

THIS INDENTURE, made effective the 24th day of October, 1993, is by and between **CYPRUS MINES CORPORATION**, a Delaware corporation, with an address of 9100 East Mineral Circle, P.O. Box 3299, Englewood, Colorado 80155 (hereinafter referred to as "Grantor") and **CHALLIS RECREATION AND DEVELOPMENT CORPORATION**, an Idaho corporation, with an address of P.O. Box 81, Challis, Idaho 83226 (hereinafter referred to as "Grantee").

WITNESSETH:

THAT, Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration to the said Grantor, in hand paid by the said Grantee, its successors and assigns forever, all the estate, right, title, interest, claim and demand whatsoever, of the said Grantor, whether in law or in equity, in and to that certain property with all appurtenant water rights situated in the County of Custer, State of Idaho, more particularly described in Schedule "I" attached hereto and made a part hereof.

TOGETHER with all and singular the hereditament and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever, of the said Grantor, both in law and in equity, of, in and to the above described property, appurtenances thereto, with the hereditament and appurtenances, and except all rights-of-way, reservations, restrictions, easements, covenants and conditions which may or may not be of record.

TO HAVE AND TO HOLD, the above described premises with the appurtenances, unto said Grantee, their heirs, successors and assigns, forever; and the said Grantor for its successors and assigns does covenant and agree to and with the said Grantee's heirs, successors and assigns that it is lawfully seized in fee of the aforesaid property; that it has good right to sell and convey the same to Grantee as aforesaid; and that the before conveyed properties it will specially warrant and defend against its own acts and none others.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed by and through its duly authorized officer effective the date first above written.

CYPRUS MINES CORPORATION

205375

Custer County Reg. of
Custer County
Title _____

Time 11:35 A.M.Nov 17 1993

Ethel M. Peck, Clerk

Wanda J. Murphy

Deputy

21-

By: _____

Kevin Loughrey

Title: Senior Vice President and Secretary

CORPORATION ACKNOWLEDGMENT - IDAHO

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

On this 27th day of October, 1993, personally appeared Kevin Loughrey, known or identified to me to be the Senior Vice President and Secretary who executed the above instrument on behalf of Cyprus Mines Corporation, a Delaware corporation, and acknowledged to me that such corporation executed the same.

In Witness Whereof, I have hereunder set my hand and affixed my official seal the day and year in this certificate first above written.



My Commission Expires Feb. 28, 1998

Pat Brady
Notary Public

P.O. Box 3299
Englewood, Colorado 80155
Business Address

My Commission expires: 2-28-96

SCHEDULE "I"

**ATTACHED TO AND MADE A PART OF THAT CERTAIN
SPECIAL WARRANTY DEED DATED THE ____ DAY OF ____, 1993
BY AND BETWEEN CYPRUS MINES CORPORATION AND
CHALLIS RECREATION AND DEVELOPMENT CORPORATION**

REAL PROPERTY

Beginning at the South quarter corner of Section 33, Township 14 North, Range 19 East of the Boise Meridian; running thence S.89°48'15"W. 2645.57 feet to the Southwest corner of Section 33; thence N.0°18'46"E. 2368.39 feet along the West line of said Section 33; thence N.43°04'18"E. 388.85 feet to the East-West centerline of said Section 33; thence S.89°55'42"E. 174.97 feet along said centerline to the Northwest corner of Challis Southern Addition, Division No. 1; thence along said Challis Southern Addition, S.23°E. 248.12 feet; thence S.14°32'44"E. 489.11 feet; thence S.50°12'W. 70.00 feet; thence S.37°W. 94.26 feet; thence N.53°21'40"W. 233.21 feet; thence S.36°38'20"W. 145.00 feet; thence S.53°21'40"E. 232.30 feet; thence S.37°W. 12.74 feet to the Northwest corner of Lot 8, Block 7 of said Challis Southern Addition; thence S.26°20'E. 210.00 feet; thence S.37°40'E. 148.00 feet; thence S.18°40'E. 205.75 feet to the Southwest corner of said Challis Southern Addition, being also the South line of Blue Mountain Road; thence along said Blue Mountain Road N.85°54'44"E. 122.85 feet to a point of curve with a radius of 776.41 feet and a central angle of 15°24'44"; thence to the left along said curve 208.85 feet to a point of reverse curve with a radius of 716.41 feet and a central angle of 15°24'44"; thence to the right along said curve 192.71 feet; thence N.85°54'44"E. 887.19 feet to a point of curve with a radius of 762.66 feet and a central angle of 25°35'16"; thence to the right along said curve 340.60 feet; thence S.68°30'E. 100.00 feet to a point of curve with a radius of 295.88 feet and a central angle of 29°30'; thence to the left along said curve 152.34 feet; thence N.82°E. 10.33 feet to a point of curve with a radius of 27.04 feet and a central angle of 83°00'54"; thence to the right along said curve 39.18 feet to the West right-of-way line of U.S. Highway No. 93, being a point on a curve with a radius of 3880.00 feet and a tangent that bears S.14°59'06"E.; thence to the left along said curve through a central angle of 8°53'24" a distance of 602.02 feet; thence continuing along said right-of-way S.23°52'30"E. 717.03 feet to the South line of said Section 33; thence S.89°47'25"W. 577.97 feet to the POINT OF BEGINNING;

ALSO:

Beginning at the Southeast corner of Section 32, Township 14 North, Range 19 East of the Boise Meridian; running thence S.89°46'30"W. 1321.26 feet to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 32; thence N.0°16'27"E. 1325.51 feet to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 32; thence S.89°44'14"W. 1322.16 feet to the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 32; thence S.89°50'11"W. 1321.54 feet to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 32; thence N.0°08'32"E. 1321.44 feet to the Southwest corner of the East one-half of the Northwest quarter of said Section 32; thence N.0°08'16"E. 1556.34 feet along the West line of said East one-half of the Northwest quarter to the South line of a county road; thence N.85°37'17"E. 650.52 feet along the South line of said county road; thence S.4°51'23"E. 305.80 feet; thence N.83°43'43"E. 627.88 feet; thence N.85°40'22"E. 857.32 feet; thence N.0°20'26"E. 172.19 feet; thence N.89°34'28"E. 495.73 feet; thence N.29°47'13"W. 11.00 feet; thence N.86°33'00"E. 98.35 feet more or less to the West line of First Street in the Original Townsite of the City of Challis; thence S.3°27'00"E. 1613.90 feet along the West line of said street to the East-West centerline of said Section 32; thence N.89°41'58"E. 861.99 feet along said East-West centerline to a point that is S.89°41'58"W. 264.00 feet from the East quarter corner of said Section 32; thence S.31°15'00"W. 593.66 feet; thence S.50°55'42"E. 264.00 feet; thence N.43°04'18"E. 535.15 feet to the East line of said Section 32; thence S.0°18'46"W. 2368.39 feet to the POINT OF BEGINNING;

EXCEPTING THEREFROM: the dedicated streets and alleys West of First Street as shown on the plat of the Original Townsite of the City of Challis, Idaho.

ALSO EXCEPTING THEREFROM:

Beginning at the Southeast corner of Section 32, Township 14 North, Range 19 East of the Boise Meridian; running thence S.89°46'30"W. 1321.26 feet to the Southwest corner of the Southeast quarter of the Southeast quarter of said Section 32; thence N.0°16'27"E. 1325.51 feet to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 32; thence S.89°44'14"W. 1322.16 feet to the Southwest corner of the Northwest quarter of the Southeast quarter of said Section 32; thence S.89°50'11"W. 1321.54 feet to the Southwest corner of the Northeast quarter of the Southwest quarter of said Section 32; thence N.0°08'32"E. 1321.44 feet to the Southwest corner of the East one-half of the Northwest quarter of said Section 32; thence N.0°08'16"E. 1556.34 feet along the West line of said East one-half of the Northwest quarter to the South line of a county road; thence N.85°37'16"E. along the South line of said county road 517.56 feet to the TRUE POINT OF BEGINNING; running thence N.85°37'16"E. 132.96 feet; thence S.4°51'23"E. 195.88 feet; thence S.85°37'16"W. 134.60 feet; thence N.4°22'44"W. 195.87 feet to the TRUE POINT OF BEGINNING;

TOGETHER with a 40 foot wide access and utility easement the centerline of which is described as follows:

Beginning at a point that is S.4°22'44"E. 58.12 feet from the TRUE POINT OF BEGINNING of the above described tract; running thence S.85°37'16"W. 25.0 feet.

ALSO EXCEPTING THEREFROM:

Beginning at a point that is N.0°02'22"E. along the section line 402.91 feet and East 1646.54 feet from the West quarter corner of Section 32, Township 14 North, Range 19 East of the Boise Meridian, Custer County, Idaho; running thence N.4°18'49"W. 93.06 feet; thence N.86°56'04"E. 102.85 feet; thence S.5°30'14"E. 46.92 feet; thence S.40°38'15"W. 68.79 feet; thence N.89°22'46"W. 55.40 feet to the POINT OF BEGINNING;

INCLUDING a 40 foot wide access and utility easement, the centerline of which is described as follows:

Beginning at a point that is N.0°22'22"E. along the section line 428.30 feet and East 1534.41 feet from the West quarter corner of Section 32, Township 14 North, Range 19 East of the Boise Meridian, Custer County, Idaho; said point being on the East edge of an access and utility easement; running thence S.89°51'45"E. 110.21 feet.

ALSO EXCEPTING THEREFROM:

Beginning at a point that is N.0°02'54"E. along the section line 1901.79 feet and East 1801.84 feet from the Southwest corner of Section 32, Township 14 North, Range 19 East of the Boise Meridian, Custer County, Idaho; running thence N.43°46'54"E. 145.00 feet; thence S.46°13'06"E. 165.00 feet; thence S.43°46'55"W. 145.00 feet; thence N.46°13'06"W. 165.00 feet to the POINT OF BEGINNING.

ALSO SUBJECT TO THE FOLLOWING DESCRIBED EASEMENTS:

A 20 foot wide access and utility easement, the centerline of which is described as follows:

Beginning at a point that is N.0°02'22"E. along the section line 1600.13 feet and East 1807.47 feet from the West quarter corner of Section 32, Township 14 North, Range 19 East of the Boise Meridian, Custer County, Idaho; said point being the centerline of a 20 foot wide access and utility easement at its intersection with Garden Creek Road; thence S.4°22'49"E. 210.87 feet; thence S.85°37'16"W. 194.35 feet to a point of curve having a delta angle of 85°29'01", a radius of 112.80 feet, and a chord of S.42°52'46"W. 153.11 feet; thence to the left along said curve 168.29 feet; thence S.0°08'15"W. 1002.00 feet to a point of curve having a delta angle of 81°00'15", a radius of 255.86 feet, and a chord of S.40°21'53"E. 332.35 feet; thence to the left along said curve 361.73 feet; thence S.80°52'E. 173.28 feet to a point of curve having a delta angle of 32°22', a radius of 248.43 feet, and a chord of S.64°41'E. 138.48 feet; thence to the right along said curve 140.34 feet; thence S.48°30'E. 102.70 feet to a point of curve having a delta angle of 15°30', a radius of 708.08 feet, and a chord of S.56°15'E. 190.97 feet; thence to the

left along said curve 191.55 feet; thence S.64°E. 72.42 feet to a point of curve having a delta angle of 47°37', a radius of 114.65 feet, and a chord of S.40°11'30"E. 92.56 feet; thence to the right along said curve 95.28 feet; thence S.16°23'E. 272.00 feet; thence N.73°37'E. 334.05 feet to a point of curve having a delta angle of 54°23', a radius of 343.81 feet, and a chord of S.79°11'30"E. 314.22 feet; thence to the right along said curve 326.33 feet; thence S.52°E. 332.00 feet to a point of curve having a delta angle of 15°, a radius of 807.55 feet, and a chord of S.59°30'E. 210.81 feet; thence to the left along said curve 211.42 feet; thence S.67°E. 555.00 feet to a point of curve having a delta angle of 53°02'12", a radius of 595.23 feet, and a chord of S.40°28'54"E. 531.52 feet; thence to the right along said curve 550.98 feet; thence S.13°57'46"E. 106.12 feet; thence N.84°30'E. 178.93 feet to a point of curve having a delta angle of 31°17'13", a radius of 724.23 feet, and a chord of N.68°51'23"E. 390.58 feet; thence to the left along said curve 395.47 feet; thence N.53°12'47"E. 817.96 feet to a point of curve having a delta angle of 38°38'11", a radius of 193.28, and a chord of N.72°31'52"E. 127.88 feet; thence to the right along said curve 130.33 feet; thence S.88°09'02"E. 5.35 feet to the boundary line of the Challis Southern Addition, Division No. 1 to the City of Challis, Custer County, Idaho.

A 40 foot wide access and utility easement the centerline of which is described as follows:

Beginning at a point that is N.0°02'22"E. along the section line 0.54 feet and East 1783.39 feet from the West quarter corner of Section 32, Township 14 North, Range 19 East of the Boise Meridian, Custer County, Idaho; running thence S.4°05'07"W. 545.55 feet; thence S.46°06'14"E. 189.68 feet.

A 20 foot wide waterline easement, the centerline of which is described as follows:

Beginning at a point that is N.0°33'52"E. along the North-South centerline of Section 33, 1649.99 feet and West 2313.59 feet from the South quarter corner of Section 33, Township 14 North, Range 19 East of the Boise Meridian, Custer County, Idaho; said point being located in an utility and access easement; running thence N.36°41'17"W. 32.00 feet; thence N.9°58'19"W. 163.27 feet.

A 20 foot wide waterline easement, the centerline of which is described as follows:

Beginning at a point that is N.0°33'52"E. along the North-South centerline of Section 33, 1913.76 feet and West 2224.61 feet from the South quarter corner of Section 33, Township 14 North, Range 19 East of the Boise Meridian, Custer County, Idaho; running thence N.36°38'20"E. 3.00 feet; thence N.53°08'49"E. 249.49 feet to the Westerly boundary of Lot 17, Block 7 of the Challis Southern Addition, Division No. 1 to the City of Challis, Custer County, Idaho.

An easement for an existing roadway from Challis City Reservoir No. 1 Southwesterly to the existing access and utility easement.

The tract of land described hereon contains, after exceptions, 350.8 acres more or less.

WATER RIGHTS

Idaho Department of Water Resources Water Right #A72-00110, subject to adjudication.

Idaho Department of Water Resources Water Right #A72-00111, subject to adjudication.

Idaho Department of Water Resources Water Right #A72-00048, subject to adjudication.

AJ0743NP
(OD-124)

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

11/10/98 12:14:55
Page 1

Water Right Number - R72-00110A

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

CHALLIS RECREATION AND DEVELOPMENT CORP

*** O - ORIGINAL OWNER ***

CYPRUS THOMPSON CREEK MINING CO

1 - PO BOX 81
2 -
3 -
City- CHALLIS
Phone - 208-879-2589

State- ID Zip- 83226

VERIFIED BY KKC
11-10-98

1 - C/O BERT DOUGHTY
2 - PO BOX 62
3 -
City- CLAYTON
Phone - 208-838-2200

State- ID Zip- 83227

Priority Date - 05/15/1878 Region - 17 SOUTHERN D - DECREED Stage - Status -

Source - GARDEN CREEK Tributary - SALMON RIVER

Twn Rng Sec Tract Lot Rflg County Point of Diversion
14N 19E 32 NW NW NW (37) CUSTER UPPER BRADBURY DITCH

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 1.480

Total Div. Rate - 1.480 Total Div. Volume - Total Consumptive Use - KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
14N	19E	32	NE NE	0.6	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	NW NE	3.9	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	SW NE	23.0	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	SE NE	3.1	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	NE NW	3.3	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	SE NW	12.0	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	NE SW	1.6	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	NE SE	15.0	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	NW SE	10.0	0.1	IRRIGATION	(37) CUSTER	
14N	19E	32	SE SE	6.6	0.1	IRRIGATION	(37) CUSTER	
14N	19E	33	NW SW	2.9	0.1	IRRIGATION	(37) CUSTER	
14N	19E	33	SW SW	13.0	0.1	IRRIGATION	(37) CUSTER	
14N	19E	33	SE SW	34.0	0.1	IRRIGATION	(37) CUSTER	

Total Acres: 129.0

655
8/16 158
159

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 72-00111A

Remarks

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION LOCATED IN TWP 14N, RNG 19E, SEC 32 NNNNNN ALSO KNOWN AS THE UPPER BRADBURY DITCH. COMBINED RIGHT NOS.: 72-00048, 72-00051B, 72-00051L, 72-00051N, 72-00080A, 72-00110A, 72-00110B, 72-00111A, 72-00111B AND 72-10257.

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

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

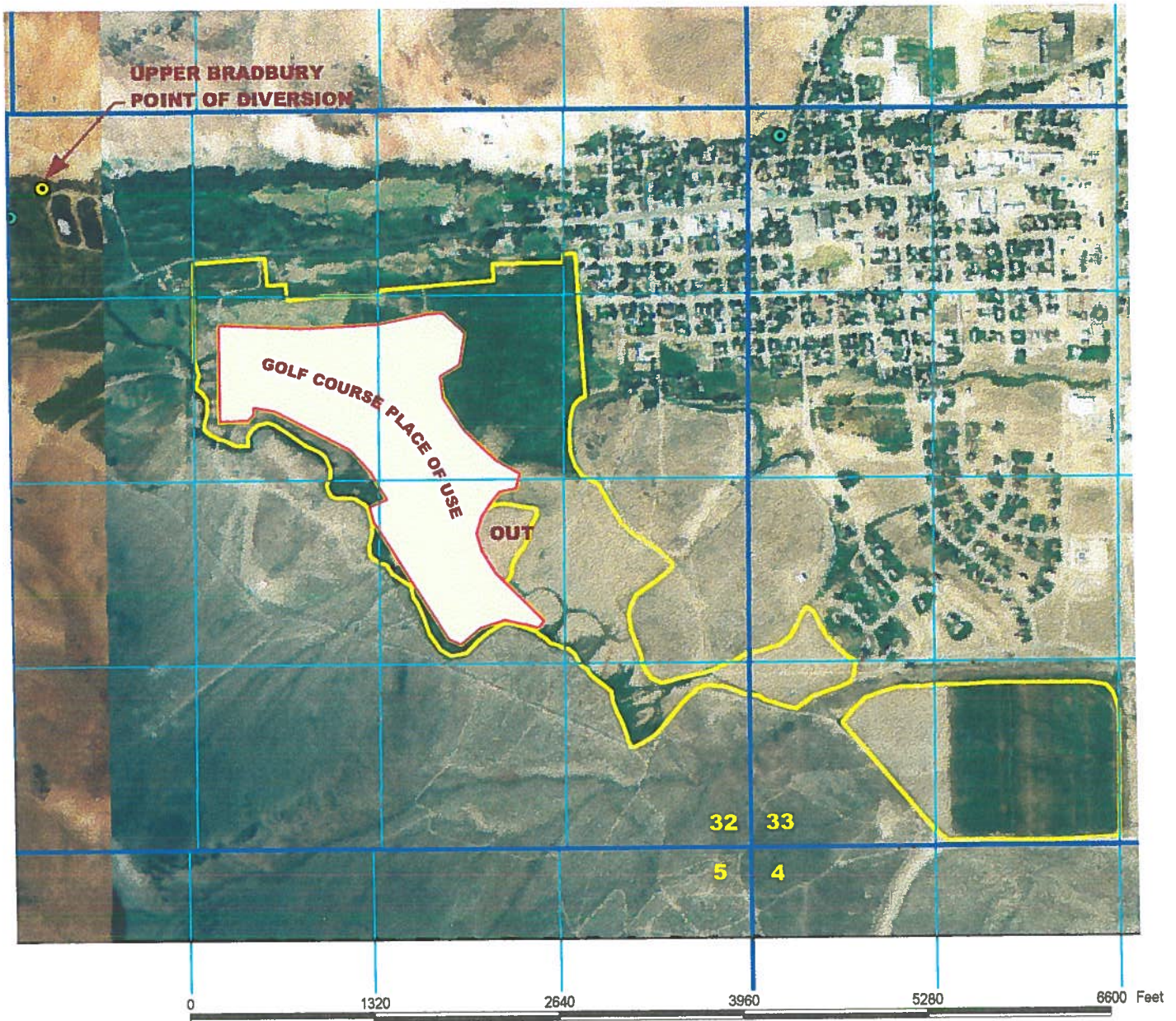
Decree Plaintiff	Decree Defendant	Decree Date
ADAMS, ET. AL.	VANDERVOORT, ET. AL.	00/00/0000

Date:	User Id:	KCHRISTE Subject:	COPIED FROM REMARKS	-Comments-
Item 5			FLOWS INTO EARTHEN DITCH SYSTEM AND EVENTUALLY FLOWS INTO 8"	
STEEL BURIED PIPELINE WITH ENDPOINT BEING SPRINKLERS.			*** CHANGE OF OWNERSHIP ENTERED ON 8-4-95 BASED UPON SIGNED	
1409(7) AND ATTACHED WARRANTY DEED. KKC**			*****	
PURSUANT TO APPROVED TRANSFER 4/740 DATED JANUARY 23 1996			Combined Right Nos. 72-00110 and 72-00111 shall not exceed the	
total combined irrigation of 183.0 acres, nor a total combined			annual diversion volume of 640.5 af.	
***** DATA ENTRY BY KKC 2-14-96 *****			CHANGE OF OWNERSHIP SPLITS CLAIM. DATA ENTRY DONE ON 2-15-96 KKC	

11/10/98 KCHRISTE

Adjudication Rights Dates and Flags Area	
Court Report Filing	- 00/00/0000
Objection Filed Date	- 00/00/0000
Response Filed Date	- 00/00/0000
Claim Received Date	- 01/12/1990
Field Inspection Made	- 07/26/1993
Field Inspection Flag	-
Verified Date	- 00/00/0000
Last Amended Date	- 00/00/0000
Receipt Number	- X777777
POU Ownership Flag	- Y
Name Connector	-
Civil Case Number	-
Old Case Number	-
Old Judicial District	-
Temporary Right	- P
Water District	- 72B
Federal/State Indicator	- S
Presumption Flag	-
Notice of Error Flag	-

72-00110A, & 72-00111A CHALLIS RECREATION & DEVELOPMENT CORP.



RECOMMENDED PLACE OF USE
TWP 14N RNG 19E, SEC 32 & 33
data entry on October 9, 1998



- RECOMMENDED POINT OF DIVERSION
- RECOMMENDED PLACE OF USE
- SECTION LINES
- QUARTER/QUARTER LINES

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

CLAIM NUMBER72-00110A72-00111A

DATE10-10-98

TRANSFER NUMBER4740

AGENTKKC

CLAIMED ACRE TOTAL129

GIS ACRE TOTAL129

				NE				NW				SW				SE				
	TWP	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
LAIM	14N	19E	32	1	4	24	3	3			12	2				15	10		7	81
GIS				.6	3.9	23.4	3.1	3.3			12.3	1.5				15.2	10.3		6.5	
ECOM				.6	3.9	23	3.1	3.3			12	1.5				15	10		6.5	79.1
LAIM	14N	19E	33										3	12	33					48
GIS													2.9	13.2	33.8					
ECOM													2.9	13	34					49.9
LAIM																				
GIS																				
ECOM																				

372-DBPOU.SHP

SHAPE NOS.

158159

P/A Recommendation is based upon transfer 4740 & GIS.

B72-DBPOD.SHP	
NOS.	DESCRIPTION
72	Sec 32 upper Bradbury
	NWNWNW Ditch.

DBF TABLES UPDATED

B72-DBPOU.DBF✓

B72-DBPOD.DBF✓

JPEG LAYOUT



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 13, 1998

Spencer Strand
P.O. Box 377
Challis, ID 83226

Dear Mr. Strand:

Kelly Christensen of this office recently informed me that you are considering developing an excavated pond on your property near the golf course along Garden Creek. Mr. Christensen said that you were inquiring about developing water right(s) for your proposed project.

I have enclosed an application for permit, along with instructions, for your reference. Completing this application, and submitting it to our office with the appropriate fee will enable you to develop a new water right. It should be noted that our office can not process applications for new **surface** water rights in the Salmon River Basin due to the Salmon and Clearwater Basin Moratorium.

I have also enclosed a water right transfer application, along with instructions, for your reference. I have also included an information sheet that discusses the water right transfer process. Since the Challis Recreation and Development Corporation has irrigation water rights out of Garden Creek, A72-00110A and A72-00111A, that are appurtenant to the property where you want to build the pond, you may want to convert portions of these irrigation rights to uses associated with the proposed pond. In addition, if you decide to move these irrigation rights away from the pond site, you would have to do this by the transfer process.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

Enclosures



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 13, 1998

Spencer Strand
P.O. Box 377
Challis, ID 83226

Dear Mr. Strand:

Kelly Christensen of this office recently informed me that you are considering developing an excavated pond on your property near the golf course along Garden Creek. Mr. Christensen said that you were inquiring about developing water right(s) for your proposed project.

I have enclosed an application for permit, along with instructions, for your reference. Completing this application, and submitting it to our office with the appropriate fee will enable you to develop a new water right. It should be noted that our office can not process applications for new **surface** water rights in the Salmon River Basin due to the Salmon and Clearwater Basin Moratorium.

I have also enclosed a water right transfer application, along with instructions, for your reference. I have also included an information sheet that discusses the water right transfer process. Since the Challis Recreation and Development Corporation has irrigation water rights out of Garden Creek, A72-00110A and A72-00111A, that are appurtenant to the property where you want to build the pond, you may want to convert portions of these irrigation rights to uses associated with the proposed pond. In addition, if you decide to move these irrigation rights away from the pond site, you would have to do this by the transfer process.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Corey Skinner'.

Corey Skinner, EIT
Dam Safety Section

Enclosures

AJ0743NP
(CD-124)

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

02/20/96 09:41:28
Page 1

Water Right Number - R72-00110A

Prefix Translation:

RESEARCH

Old (D) Number

*** C - CURRENT OWNER ***

CHALLIS RECREATION AND DEVELOPMENT CORP

VERIFIED BY

KAC

*** O - ORIGINAL OWNER ***
CYPRUS THOMPSON CREEK MINING CO

1 - PO BOX 81
2 -
3 -
City- CHALLIS
Phone - 208-879-2589

State- ID Zip- 83226

1 - C/O BERT DOUGHTY
2 - PO BOX 62
3 -
City- CLAYTON
Phone - 208-838-2200

State- ID Zip- 83227

Priority Date - +
05/15/1878

Region - +
17 SOUTHERN

Stage - +
D - DECREED

Status - +

Source - +
GARDEN CREEK

Tributary - +
SALMON RIVER

Point of Diversion - +
Tm Rng Sec Tract Lot Rflg County
14N 19E 32 NW NW NW (37) CUSTER UPPER BRADBURY DITCH

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 1.480

Total Div. Rate - + Total Div. Volume - + Total Consumptive Use - + KW Usage - +
1.480 0.0

Tm	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
14N	19E	32	NE NE		1.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	NW NE		4.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	SW NE		24.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	SE NE		3.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	NE NW		3.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	SE NW		12.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	NE SW		2.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	NE SE		15.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	NW SE		10.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	SE SE		7.0	01	IRRIGATION	(37) CUSTER	
14N	19E	32	NW SW		3.0	01	IRRIGATION	(37) CUSTER	
14N	19E	33	SW SW		12.0	01	IRRIGATION	(37) CUSTER	
14N	19E	33	SE SW		33.0	01	IRRIGATION	(37) CUSTER	
Total Acres:					129.0				

DEC 03 1996

Prefix Translation: RESEARCH

+ - - Diversion Means - ROCK DAM TO EARTHEN DITCH TO PLACE OF USE

+ - - Non-Irrigation Use -

+ - - other Rights for Same Use - 72-00111A

[illegible]

PURSUANT TO APPROVED TRANSFER 4,740 DATED JANUARY 23 1996 Combined Right Nos. 72-00110 and 72-00111 shall not exceed the total combined irrigation of 183.0 acres, nor a total combined annual diversion volume of 640.5 af.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 72-00080A, 72-00110A, 72-00110B, 72-00111A, 72-00111B, AND 72-10257.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.87 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 135 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 54 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00110A AND 72-00111A

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

A7Z00110

Conditions of Approval

R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 72B.

- watermaster of State Water District No. 72B.

- This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

R39 - A measuring device and lockable controlling works of a type

- acceptable to the Department shall be permanently installed and
- maintained as part of the diverting works.

T07 - The change authorized by this transfer shall be accomplished

- within one (1) year of the date of this approval.
- Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval

- Snake River Basin Adjudication.

Decree Plaintiff	Decree Defendant	Decree Date
ADAMS, ET. AL.	VANDERVOORT, ET. AL.	00/00/0000

+ - Comments - +

AJ0743NP
(00-124)

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

02/20/96 09:41:29
Page 3

Water right number - R72-00110A

Prefix Translation: RESEARCH

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

Date: 02/20/1996 User Id: KCHRISTE Subject: COPIED FROM REMARKS
ITEM 5
FLOW IS CONTROLLED BY WHEEL VALVE AT DIVERSION POINT. WATER THEN FLOWS INTO EARTHEN DITCH SYSTEM AND EVENTUALLY FLOWS INTO 8"
STEEL BURIED PIPELINE WITH ENDPOINT BEING SPRINKLERS.
1409(7) AND ATTACHED WARRANTY DEED. KKC***
PURSUANT TO APPROVED TRANSFER 4740 DATED JANUARY 23 1996
total combined irrigation of 183.0 acres, nor a total combined
***** DATA ENTRY BY KKC 2-14-96 *****
WATER IS DIVERTED WITH ROCK JETTY INTO METAL MEASURING FLUME.
*** CHANGE OF OWNERSHIP ENTERED ON 8-4-95 BASED UPON SIGNED

Combined Right Nos. 72-00110 and 72-00111 shall not exceed the
annual diversion volume of 640.5 af.
CHANGE OF OWNERSHIP SPLITS CLAIM. DATA ENTRY DONE ON 2-15-96 KKC

+ - - - - - Audit Fields - - +
02/20/96 KCHRISTE

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/26/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/20/1996	Old Judicial District	-
Claim Received Date	- 01/12/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- X777777	Water District	- 728
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-00110A

15:53:15
02/20/96

MR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	-		7-26-93 KRC					
POINT OF DIV	-		6-17-93					
SOURCE	-		"					
PLACE OF USE	-		7-26-93					
DIV. AMOUNT CFS/VOLUME	-		transfer					
CONSUMPTIVE USE	-							
PURPOSES OF USE	-							
PERIOD OF USE	-							
BASIS OF CLAIM	-							
REMARKS	-		2-20-96					

Adjudicator recommendation is based upon
approved transfer.

See 2 page memo titled Review of 72-00110 and 72-00111 2-22-96 KRC

List of attachments page attached
all other CWR pages discarded as
the transfer contained pertinent data.

BARCODE UPDATED
WHOM/DATE

signature Kelly K Christensen
date 2-20-96
examiner: KELLY K CHRISTENSEN
title: SR WATER RESOURCE AGENT

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

ATTACHMENTS
in TRANSFER
3 3 1996

☒ ORTHOPHOTOQUAD

DATE OF PHOTO 1954 Feb 4

IDMR ID NO. T-75
Y(X) N() 425 1954

☐ TOPOGRAPHIC

DATE FIELD CHECKED

IDMR ID NO. T-74
Y(X) N() 424 1954

☒ MAP

DATE OF PHOTO

IDMR ID NO.
Y() N()

☐ ASCS AERIAL PHOTO

DATE OF PHOTO

Y() N()

☐ ASCS COLOR SLIDE

DATE OF PHOTO

Y() N()

☒ BLM OR USFS AERIAL PHOTO

DATE OF PHOTO

Y() N()

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

Y() N()

☐ SCS SOIL SURVEY MAP

DATE ISSUED

Y() N()

☐ SUBDIVISION PLAT MAP

DATE OF MAP

Y() N()

☒ OTHER Aerial Photo flown for

DATE

Y() N()

☐ OTHER SPENCER STRAUD

DATE

Y() N()

☐ OTHER

DATE

Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF
PAGES

NOTES

☐ LICENSING FIELD EXAM

DATE OF FIELD EXAM

☐ WATER RIGHT LICENSE

DATE LICENSE SIGNED

☒ IDMR APPROVED TRANSFER

DATE TRANSFER APPROVED

☐ SYSTEM DESCRIPTION

DATE DRAIN

☒ PHOTOGRAPHS

DATE(S) PHOTOS TAKEN

☐ SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

☐ FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

☐ OTHER

DATE

☒ OTHER Memo to file

DATE

16-17-93 found

2.73CFS being diverted system NOT at capacity.

11

7-26-93 6 Photos in File A72-00110 (split right)

JAN 23, 1995 14 (includes maps & Memo relating to ranch)

7-1-88 BLM Photo 24 ID-88AC 5-8C-13



REVIEW OF 72-00110 AND 72-00111

Transfer # 3747 was filed by Cyprus Thompson Creek Mining Company, and after hearings held in Challis, ID, the department approved the transfer. The subject of the hearing was the change in point of diversion for those rights and other rights listed in transfer # 3745. Adjustments were made concerning the diversion rates of some of those rights. No verification of the place of use was made.

During my 1993 field verification of the rights involved, I determined that the place of use identified in the transfers did not exactly match the irrigated and/or intended to be irrigated place of use. I discussed this with Bert Doughty but before an action was taken to resolve the discrepancies, Cyprus Thompson Creek Mining Company sold a portion of their property to Spencer Strand (Challis Recreation and Development Corp). The above listed rights are appurtenant to the ground purchased by Mr Strand.

I worked with Mr Strand to identify the exact place of use irrigated and/or planned to be irrigated under those rights. We also mapped and identified a portion of ground that Mr Strand indicated he was attempting to donate to the City of Challis (property known as the Golf Course). He filed transfer # 4740 on October 18, 1995 to identify the irrigated acres for the two rights. This was approved by the department on January 23, 1996. The adjudication claims were then adjusted to reflect that information.

The donation to The City of Challis was completed on February 14, 1996. Mr Strand called me with the information and subsequently faxed a change of ownership and the legal description of the property transferred to the City. The faxed legal description matches the legal description which was the basis for the place of use map finalized on October 20, 1995. This map and the identified acres are the basis for splitting the above claims.

BASIS FOR ADJUDICATION RECOMMENDATION

The adjudication recommendations for A72-00110A, A72-00110B, A72-00111A, and A72-00111B are based upon allocation data from the last transfer (4740).

February 20, 1996
Review of 72-00110 and 72-00111

The point of diversion recommendation for all claims was modified to identify the NW ten acre tract and that the diversion system is also known as the Upper Bradbury Ditch. Spencer Strand's property claimed under A72-00110A and A72-00111A and the Golf course system claimed under A72-00110B and A72-00111B share the same ditch from the point of diversion to the property but is applied to the irrigated ground by an independent application system.

Remarks were modified to include adjudication remark codes F06 (identifying all rights using the same point of diversion), E09 (identifying the combined limitations of overlapping rights).

FOR ALL CLAIMS LISTED

REMARK CODE	DATA
F06	72-00080A, 72-00110A, 72-00110B, 72-00111A, 72-00111B, AND 72-10257.

FOR 72-00110A AND 72-00111A

REMARK CODE	DATA
E12	0.87 CFS; 135 AFA; 54 ACRES; 72-00110A AND 72-00111A

FOR 72-00110B AND 72-00111B

REMARK CODE	DATA
E12	2.09 CFS; 322.5 AFA; 129 ACRES; 72-00110B AND 72-00111B

CLAIM 72-001080011 INIT KKC

T. R. S. Q/Q

P/D 14N 19E 32 NW1/4NW

PHOTO

DT. & ID. 1995 STRAND'S PERSONAL USE

P/b

SCALE: 1" = 488.7'

CA = $\frac{488.7^2 \times .009699}{43,560} = .05322$

43,560

NE SW

PLACE OF USE PER
TRANSFER 4740
APPROVED JANUARY 23, 1996

P. 1/2

CLAIM A72-00110 & 00111 INIT KKC

T. R. S. Q/Q

P/D 14N 19E 32 NW1/4NWPHOTO ORTHO 11-25DT.&ID. 1974 FlightSEE
MAP
112 ACRES
TOTAL IN THE
SWSW of Sec 33PLACE OF USE PER
TRANSFER 4740
APPROVED JANUARY 23, 1996

Pg 2/2

DEC 03 1996

CLAIM NUMBER A72-00110DATE 10-19-95A72-00111AGENT KKC

CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRES
	T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
GOLF COURSE	14	N19E	32			16					20						18			54
OUTSIDE COURSE			32	1	4	24	3	3			12	2				15	10		7	81
TOTAL			32	1	4	40	3	3			32	2				15	28		7	135

CLAIM NUMBER				NE				NW				SW				SE				TOTAL ACRES
	T N S	R N G	S E C	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	N E	N W	S W	S E	
GOLF COURSE	14	N19E	32	N	O	N	E													-0-
OUTSIDE COURSE			32										3	12	33					48
TOTAL			32										3	12	33					48

GOLF COURSE TOTAL 54OUTSIDE GOLF COURSE TOTAL 129SYSTEM TOTAL 183PROPORTIONAL SPLIT OF THE DIVERSION RATESRIGHT RATEA72-00110 2.10 CFSA72-00111 0.86 CFSGOLF COURSE PORTIONRETAINED BY SPENCER STRANDA72-00110 $(\frac{54}{183} * 2.10) = 0.619 \approx 0.62 \text{ CFS}$ $(\frac{129}{183} * 2.10) = 1.4803 \approx 1.48 \text{ CFS}$ A72-00111 $(\frac{54}{183} * 0.86) = 0.253 \approx 0.25 \text{ CFS}$ $(\frac{129}{183} * 0.86) = 0.606 \approx 0.61 \text{ CFS}$

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4740
WATER RIGHT NO(S). 72-00110/72-00111

RECEIVED

This is to certify that: CHALLIS RECREATION & DEVELOPMENT CO
PO BOX 377
CHALLIS ID 83226

Department of Water Resources
Custer County

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 72-00110 : IRRIGATION Priority: 05/15/1878	04/15 to 10/15	2.10 CFS	640.5 AF
Right No. 72-00111 : IRRIGATION Priority: 05/15/1899	04/15 to 10/15	0.86 CFS	312.2 AF
TOTAL:		2.96 CFS	* 640.5 AF

SOURCE

GARDEN CREEK

TRIBUTARY OF

SALMON RIVER

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 32, Township 14N, Range 19E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
14N 19E 32	NENE 1	NWNE 4	SWNE 40	
	SENE 3	NENW 3	SENE 32	
	NESW 2	NESE 15	NWSE 28	
	SESE .7			135
33	NWSW 3	SWSW 12	SESW 33	48
Total number of acres irrigated:				* 183

DEC 03 1996

TRANSFER NO. 4740
WATER RIGHT NO(S). 72-00110/72-00111

CONDITIONS OF APPROVAL AND REMARKS

- R 1. Use of water under this water right will be regulated by the watermaster of State Water District No. 72B.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- OIE 3. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- *7. Combined Right Nos. 72-00110 and 72-00111 shall not exceed the total combined irrigation of 183.0 acres, nor a total combined annual diversion volume of 640.5 af.

Dated this 23 day of

January, 1996

J. D. Saxon

for Chief, Water Alloc. Bureau

DEC 3 1996

MEMORANDUM

TO: FILE NOS. 72-00110 & 72-00111

FROM: PAM SKAGGS/STATE OFFICE

SUBJECT:. TRANSFER NO. 4740

DATE: January 12, 1996

=====

Transfer No. 4740 was filed to reduce and change the place of use under Right Nos. 72-00110 and 72-00111. No physical change occurs, the current owner wants to more accurately identify the acres irrigated under the current system.

The watermaster was contacted by region staff and had no comment to make regarding this transfer. Season of use and diversion volume were adjusted to current standards.

Recommended conditions include combined right limits, watermaster control, irrigation overlap, measuring device/lockable controlling works and standard transfer conditions.

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

Date Sent to S.D.

JAN 04 1996

INITIAL REVIEW BY: J.F. Stanton Date: 12-6-95
Applicant: Charles Recreation & Development Corp.

1. Right number 72-CC111
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred. See Est. of Time To Avoid Forf.
- h. ☒ Check for expansion in use of right. Comments Proposal will reduce # of acres shown as irrigated - no actual change in P/U
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) N/A - no change in P/U
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 72-B

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on _____ Received on _____
2. Is transfer published correctly? ☐ Yes ☐ No
3. Protest received? ☐ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* - Meas. device & control works
- Under control of Watermaster 72-B
- Subject to SRDA
4. By Am Date 1/4/96

* All uses within Watermaster Districts require special conditions.

DEC 03 1996

T # 4740

Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4740

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Challis Recreation & Development Co. Phone 208 874-2589
Post Office address Box 377 Challis IDAHO 83226

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes TRANSFER 3747 DID NOT PROPERLY IDENTIFY THE ACTUAL IRRIGATED GROUND. THEY REPRESENTED AN ESTIMATED P/U USING QUAD MAPS. THIS TRANSFER IDENTIFIES THE P/U BASED UPON AERIAL PHOTOGRAPHY & INDEPENDENT SURVEY.

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

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|--------------------|---------------|-----------------------------|
| <u>72-00110</u> | <u>5-15-1878</u> | <u>2.10 cfs</u> | <u>IRR.</u> | <u>4-15</u> to <u>10-15</u> |
| <u>72-00111</u> | <u>5-15-1899</u> | <u>0.86 cfs</u> | <u>IRR</u> | <u>4-15</u> to <u>10-15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 2.96 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water GARDEN CREEK tributary to SALMON RIVER
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	32	14N	19E	CLUSTER	UPPER BRADBURY DITCH

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	32	1	4	40	3	3			32	2			15	28		7		135
		33									3	12	33						48

DEC 03 1996

Total acres 183

PART 1

6. General Information:

- a. Description of diversion system WATER IS DIVERTED VIA ROCK DAM INTO A
EARTH DITCH. FLOW IS CONTROLLED VIA WHEEL GATE AT
THE P/D. A PORTION OF THE P/U IS IRR VIA A PUMP SYSTEM
FROM THE DITCH AND ANOTHER PORTION IS GRAVITY SPRINKLER
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

NO CHANGE

d. Remarks:

THE TRANSFER IS BEING FILED TO CORRECT THE
PLACE OF USE AS GENERALLY DESCRIBED ON TRANS.
3747

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____.

DEC 03 1996

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 72-00110 Decreed to JOHN R BRADBURY
 in case of ADAMS et AL vs. VANDERVOORT
 dated MAY 19 1914 in 6th DIST county of CUSTER
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3747 which produced this right.

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

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water GARDEN CREEK tributary to SALMON RIVER

4. Date or priority MAY 15 1878

5. Water is used for the following purpose:

amount 2.1 for irrigation purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 2.1 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	32	14N	19E	CUSTER	UPPER BRADBURY DITCH

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	33												40			14		54
14N	19E	32		11	40		10	2	36						14	32			145

DEC 13 1996

Total acres 199.

9. Describe any other water rights used for the same purpose as described above 72-00111

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

No

If yes, describe EXTENSION OF TIME TO AVOID FORFEITURE FILED

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

DEC 3 1996

Total acres _____

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 72-00111 Decreed to JOHN R BRADBURY
 in case of ADAMS et AL vs. VANDERVOORT
 dated MAY 19 1914 in 6th DIST county of CUSTER
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 3747 which produced this right.

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

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water GARDEN CREEK tributary to SALMON RIVER4. Date or priority MAY 15, 1899

5. Water is used for the following purpose:

amount 0.86 for ir purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 0.86 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	32	14N	19E	CUSTER	UPPER BRADBURY DITCH

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	33											40			14			54
14N	19E	32		11	40		10	2	36						14	32			145

DEC 03 1996

Total acres 1999. Describe any other water rights used for the same purpose as described above 72-00110

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe EXTENSION OF TIME FILED (TO AVOID FORFEITURE)

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

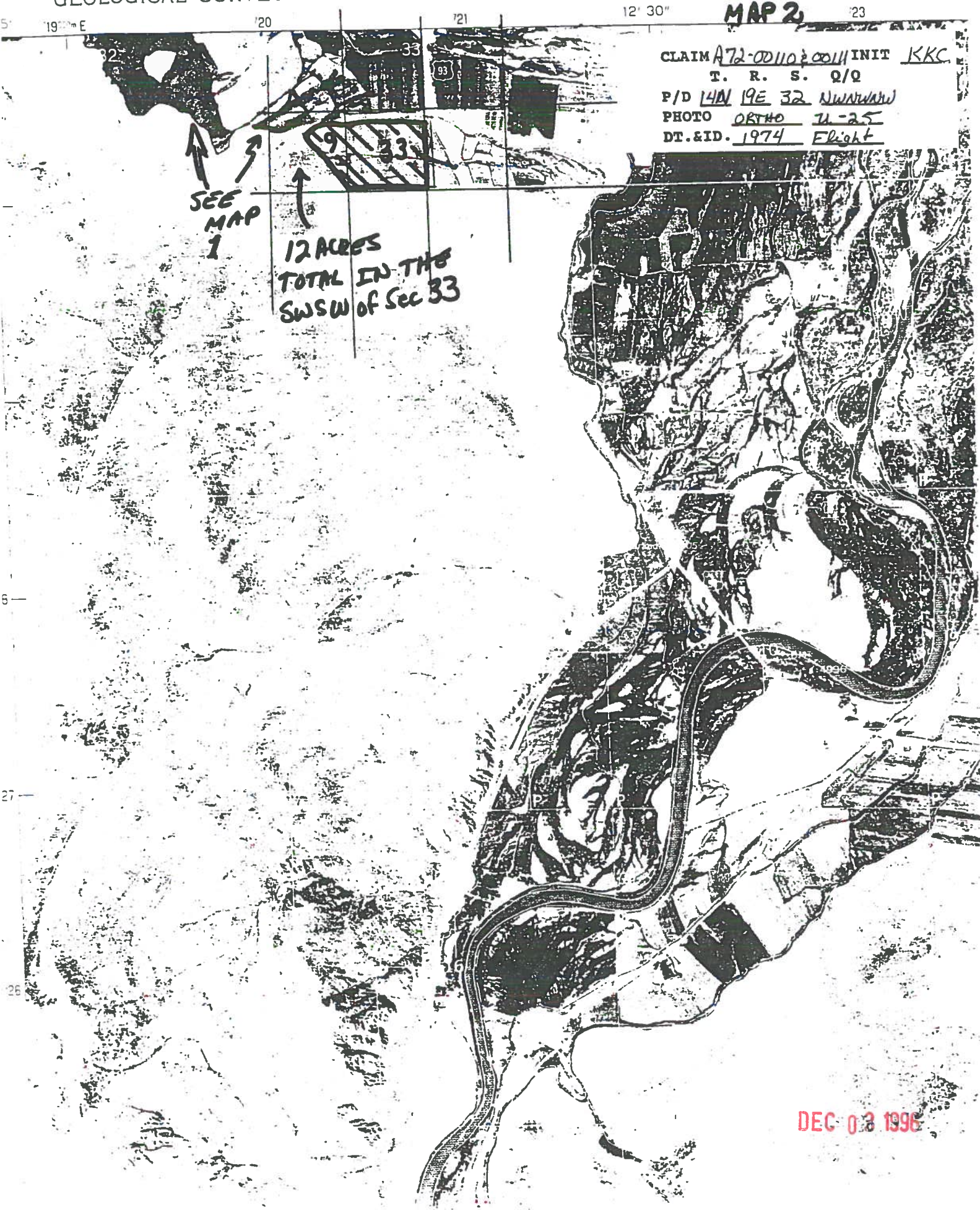
DEC 13 1996

1

Golf course irrigation

SEE MAP 2.

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



DEC 03 1996

PART 3

B. CHANGES IN NATURE OF USE

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

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

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

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

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

Subscribed and sworn to before me this 18 day of oct, 19 95.

[Signature] (Pres)
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 3-2-98

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 3 attachments

Received by KKC Date 10-18-95

Protest filed by _____

Prelim. check by [Signature] Fee \$100(5018587)

Receipted by KKC Date 10-18-95

Published in Challis Messenger

Copies of protest forwarded by _____

Pub. dates 11/30 & 12/7/95

Hearing held by _____ Date _____

Watermaster recommendation requested on 11/20/95

Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

RECEIVED

OCT 21 1995

Department of Water Resources
Southern Region



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

GOVERNOR

KARL J DREHER
DIRECTOR

COMMENTS ON 72-00110 & 72-00111 TRANSFER FILED OCT 18, 1995

This transfer was filed to correct the place of use that was approved under transfer 3747. During my field verification of the adjudication claims of these rights I found that Bert Doughty (for Cyprus Thompson Creek Mining) had just estimated the acres and location of the irrigated place of use from a quad map. A portion of the place of use identified as part of the system was not and is not owned by Cyprus Thompson (now owned by Challis Development and Recreation Corp). The discrepancy was identified through my field verification of the adjudication claims.

Spencer Strand hired a company to produce an aerial photograph for the majority of the property in order to establish the correct place of use. A copy of this aerial photo was used and is attached to the transfer application with the irrigated ground boundaries outlined. Within the boundary is a second outline that represents a golf course that Mr Strand is in the process of transferring to the City of Challis. It is currently owned by Mr Strand and is just part of the overall irrigated ground that he wishes to identify. The golf course acres will be used for splitting the rights in the adjudication when the transfer to the City of Challis is completed.

The scale of this photo was determined by measuring two identifiable matching points on a survey plat for the proposed golf course and the aerial photo. I did not retain a copy of the golf course survey. This transfer identifies 183 irrigated acres rather than the 199 estimated on the previous transfer. This represents the maximum acreage to be irrigated now or in the future.

Spencer Strand submitted a copy of the warranty deed for the property to establish ownership when filing the extension of time to avoid forfeiture and are available for review. Additional copies were not requested for this filing.

DEC 03 1996

Prepared By KKC
October 19, 1995
File - ADJ:STRAND-TRANSFER.72B

T # 4740

R PROOF



CVR

2 Pgs
ONLY

MAPS

COPIES

PHOTOS

SEE
A72-00110

MISC

SEE Also
A72-00110