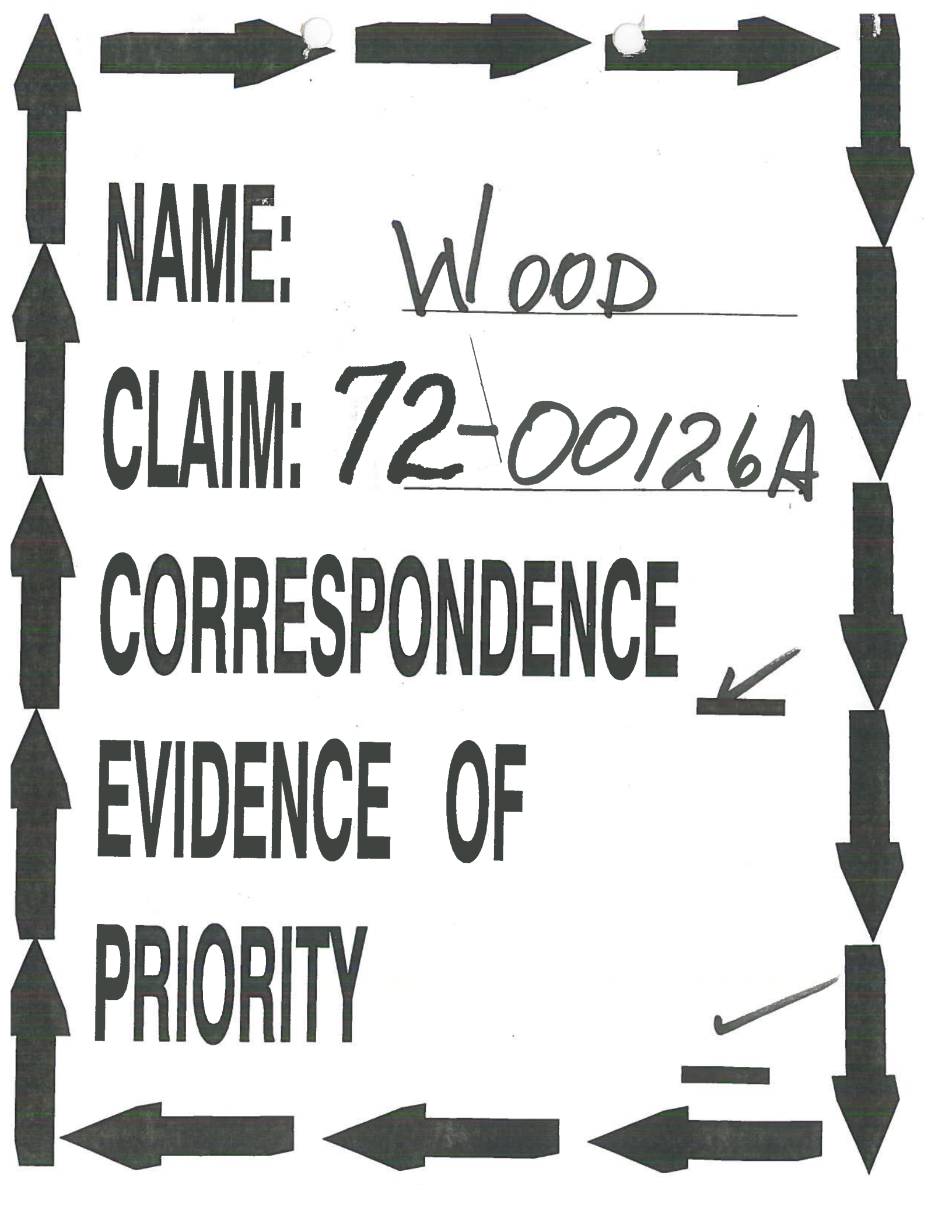




NAME:

Wood

CLAIM: 72-00126A

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: **A72-00126A**
Date Received: 8/28/1989
Receipt No: S008968
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DAVID M WOOD 208-879-5360
Address: PO BOX 946
CHALLIS ID 83226
AND
Name: DEBORAH K WOOD 208-879-5360
Address: PO BOX 946
CHALLIS ID 83226

2. Date of Priority: AUG 15, 1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	18E	36		NW	SW		CUSTER

5. Description of diverting works:
HEADGATE, WEIR, EARTH DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.100		

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

8. Total consumptive use is 15.0 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	31	SE	NW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-07041B, A72-04061B

14. Remarks:
THIS WR IS SPLIT SEE REF. RT. A72-00126.
SEE ENCLOSED LETTER DATED MARCH 9, 1984 FROM ALLEN MERRITT ON THE
DIFFICULTY IN GETTING OUR WATER RIGHT REGISTERED. THE WATER RIGHT
LICENSE 72-7041 AND CLAIM TO WATER RIGHT 72-04061 HAS BEEN SPLIT
BETWEEN US AND DON AND MARY MONZINGO.
****OWNERSHIP CHANGE 12-3-92. KKC.*****

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

ADAMS, ET. AL.

Decree Plaintiff

VANDERVOORT, ET. AL.

vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

NOV 13 1992

DATE OF CLOSING: 11/4/92

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See Attached

☐ 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:

See Attached A72-00126A, A72-10020, A72-04061B, A72-7041B KC

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

☒ New Owner/Claimant
(Purchaser):

David M. & Deborah K. Wood

☒ New Mailing Address:

P.O. Box 946

Challis Idaho 83226

☐ New Telephone Number:

(208) 879-5360

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

Copies of Warranty Deed & Water Rights

(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)

David M. Wood
Deborah K. Wood

Date 11/11/92

Date 11-11-92

☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

MICROFILMED

MAR 18 1993

WARRANTY DEED

For Value Received JAMES A. LYNCH and NOLA A. LYNCH, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto DAVID MICHAEL WOOD and DEBORAH K. WOOD, husband and wife, the grantees, whose current address is P.O. Box 48, Stanley, Idaho 83278, the following described premises, in Custer County, Idaho, to-wit:

See Exhibit "A", attached hereto and incorporated by reference herein as though fully set forth.

RECEIVED

NOV 13 1992

Department of Water Resources
Southern Region Office

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 4 day of November, 1992.

James A. Lynch
JAMES A. LYNCH
Nola A. Lynch
NOLA A. LYNCH

STATE OF IDAHO)
 : ss
County of CUSTER)
On this 4 day of
November, 1992, before
me, a Notary Public, per-
sonally appeared JAMES
A. Lynch AND NOLA A
Lynch husband + wife
known or identified to --

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instru-
ment was filed for record at the
request of Custer County Title
at 50 minutes past 3
o'clock P.M., this 4th day of
November, 1992, in my office,
and duly recorded in Book _____
of Deeds at page _____

MICROFILMED

MAR 18 1993

DESCRIPTION:

A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho.

Commencing at the South Quarter Corner of said Section 31, a distance of 2777.93 feet on a bearing North 1°08'05" East to the Southeast corner of a parcel of land deeded to Gerald and Lida A. Robinson by Watson E. and Phyllis D. Perry as recorded in the Custer County Courthouse, October 15, 1968, as instrument No. 127801; thence North 0°15'40" West, 708.35 feet to a steel bar being the Northeast corner of said parcel; thence North 79°45'58" West, 28.13 feet to the REAL POINT OF BEGINNING; thence South 2°13'10" West, 112.81 feet; thence South 6°56'39" East, 140.88 feet; thence South 18°21'21" West, 40.92 feet; thence South 47°01'39" West, 81.39 feet; thence North 85°12'19" West, 219.29 feet; thence North 88°02'24" West, 281.86 feet to a point on the West boundary of said parcel; thence North 0°28'42" West, 432.53 feet to a point on the South right-of-way of a paved county road; thence a distance of 151.20 feet along a curve concave to the Southwest having a radial of South 2°24'12" West, 837.15 feet and a central angle of 10°20'53"; thence South 77°14'55" East, 424.40 feet to the REAL POINT OF BEGINNING.

EXHIBIT "A"

MICROFILMED

MAR 18 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A72-00126A
Date Received: 8/28/1989
Receipt No: S008968
Received By: See

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES LYNCH 208-879-2461
Address: P.O. BOX 847
CHALLIS, ID 83226

AND/OR

Name: NOLA LYNCH 208-879-2461
Address: P.O. BOX 847
CHALLIS, ID 83226

2. Date of Priority: AUG 15, 1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	18E	36	NW	SW			CUSTER

5. Description of diverting works:
HEADGATE, WEIR, EARTH DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.100		

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

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

9. Non-irrigation uses:

A72-00126A

Page 1

Date: 08/28/89

MICROFILMED
MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	31	SE	NW	IRR	5.0
Section Acres						5.0
Total Acres						5.0

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-07041B, A72-04061B

14. Remarks:

THIS WR IS SPLIT SEE REF. RT. A72-00126.
SEE ENCLOSED LETTER DATED MARCH 9, 1984 FROM ALLEN MERRITT ON THE
DIFFICULTY IN GETTING OUR WATER RIGHT REGISTERED. THE WATER RIGHT
LICENSE 72-7041 AND CLAIM TO WATER RIGHT 72-04061 HAS BEEN SPLIT
BETWEEN US AND DON AND MARY MONZINGO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

ADAMS, ET. AL.

Decree Plaintiff

vs

VANDERVOORT, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

original water right

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 A72-00126A

Date Received _____

Receipt Number 5008968 see

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 24 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) James and/or Nola Lynch Phone (208) 879-2461Mailing Address P.O. Box 847 Challis Idaho Zip 832262. Date of Priority (Only one (1) per claim) August 15, 19103. Source of water supply (a) Garden Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 14N Range 18E Section 36,
_____ 1/4 of NW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Headgate and weir in creek
delivery to earthen ditch which is approximately 1 1/2 miles
long to land to be irrigated

MICROFILMED

MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4-1 to 10-31 amount .10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
14N	19E	31								5									5

Total number of acres irrigated 5

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Water right License 72-7041 Claim to water right 72-4061 or None ()

14. Remarks:

See enclosed letter dated March 9, 1984 from Allen Mannitt on the difficulty in getting our water right registered. The water right license 72-7041 and claim to water right 72-4061 has been split between us and Don and Mary Monzingo

Last Name Lynch Ident No. 72-0126

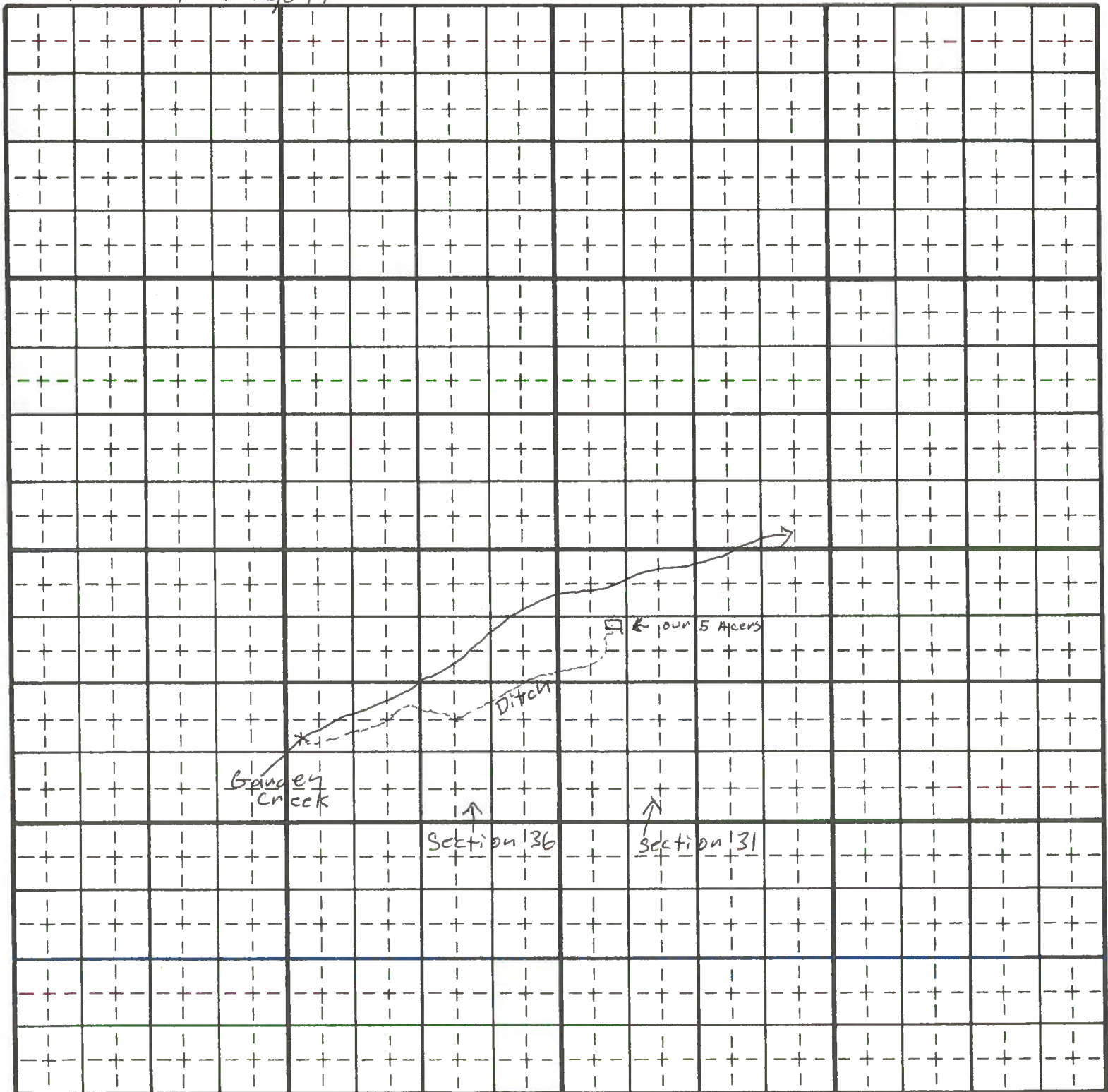
MICROFILMED

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

TWP 14N Range 19E



MICROFILMED

Last Name Lynch

Ident No. 72-0126

Copies Made State, Yellow Claimant
MAR 18 1993

15. Basis of Claim (check one) Be ☐ Special Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree ☒
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date 8/15/1910
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 _____

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

Signature of Claimant (s) *James A. Lynch* Date 8/22/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of CLUSTER) SS.

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

SEAL

Notary Public *Jay Hansen*

Residing at *Challis*

My Commission Expires 1992

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Lynch Ident. Number 72-0126

MICROFILMED

Copies: White-Stat., Yellow-Claimant
MAR 16 1993



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

RECEIVED

AUG 24 1989

Department of Water Resources
Southern Region Office

March 9, 1984

Mary Monzingo
Box 1099
Challis, Idaho 83226

Re: Transfer of 1910 Water Rights

Dear Mrs. Monzingo:

Loren Holmes from our office requested that I research the issues involved with filing transfers to straighten out the 1910 decreed water rights belonging to you and your neighbors.

From all the evidence I have gathered it appears that the 1910 water you and your neighbors have originates from water rights 72-0125 originally decreed to Alex Klug and 72-0126 originally decreed to Marganetha Klug. The following chart shows the tracing of these water rights thru the various owners as evidenced by the deeds I reviewed in the Custer County Courthouse in January of this year:

Alex Klug
Decreed 53" - 8/15/1910
for 84 acres in Lot 2 & 3
Sec. 31, T.14N., R19E

Marganetha Klug
Decreed 80" - 8/15/1910
for 80 acres in
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31
T14N, R19E

From Alex Klug & Martha Klug
Portion of lands and apparently all of
1910 water was deeded to
Watson Perry on July 8, 1965

Watson Perry deeded on September 1, 1962 to Gerald Robinson land in SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T14N, R19E and 10" of 1910 water.

Watson Perry deeded on October 29, 1969 to McKissie and VanderHoven land in Lots 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T14N, R19E and 15" of 1910 water.

Watson Perry deeded on November 30, 1970 to Joe and Ethel Peck land in Lots 2 and 3 and NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T14N, R19E along with other land and 153" of 1910 water excepting the 15" of water and the 17.5 acres of land deeded to McKissie and VanderHoven. In addition Peck's were deeded 1879 water. From this it appears they were deeded 153" - 15" = 138" of 1910 water.

MICROFILMED
MAR 18 1993

Page 2
March 9, 1984

At present it appears that Monzingo and Lynch now have 5" each of 1910 water which is derived from Robinsons 10" and Hartwell and King now have $7\frac{1}{2}$ " each of 1910 water which is derived from McKissie and Van der Houven's 15".

Decreed

72-0125 - 53"

72-0126 - 80"

Total 133"

Deeded

Peck	138"
Monzingo	5"
Lynch	5"
Hartwell	$7\frac{1}{2}$ "
King	$7\frac{1}{2}$ "
Total	<u>163"</u>

As can be seen there is an apparent discrepancy between the amount of 1910 water decreed and what has been deeded. Because of this it appears to me to be inappropriate to proceed to draft transfers until this problem is resolved. I am presenting this information to you and your neighbors so that you can take whatever action you deem necessary to resolve this problem or investigate the matter further to find something which I have not yet uncovered which may have a bearing.

Please note that you have sent us an application for transfer and paid the \$30.00 filing fee which we can return if you decide not to proceed with the application for transfer. Please keep us informed of your progress in resolving this matter.

Sincerely,



Allen D. Merritt
Sr. Water Resource Analyst

ADiv:marya

cc: Peck
Lynch
Hartwell
King

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Aug. 30, 1989

Re: A72-04061B
A72-00126A
A7207041B
A72-10020

JAMES LYNCH
P O BOX 847
CHALLIS ID 83226

Dear Claimant(s):

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

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

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 18 1993

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 10 1998
Department of Water Resources
Southern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-00126A

DEBORAH K WOOD
DAVID M WOOD
PO BOX 946
CHALLIS ID 83226

Daytime Telephone Number: (208) 879-5360
Evening Telephone Number: (208) 879-5360

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Point of Diversion

2. Describe the changes you wish to make in the proposed recommendation:

Instead of NENE SW
Should be 1/4 of 1/4 of 1/4
NW SW

3. Give a brief explanation as to why you disagree with these portions:

This is what my paper work dated 12/3/92
Indicates

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12/17/98 SIGNATURE: Deborah K. Wood
Please print your name: Deborah K. Wood



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

December 22, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**DEBORAH WOOD
PO BOX 946
CHALLIS ID 83226**

**RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS: A72-00126A,
A72-04061B, & A72-07041B – NOTICE OF ERROR RESPONSE**

Dear Deborah

RESPONSE TO A72-00126A

The point of diversion legal description that I recommended was based upon field verification of the physical location for this delivery system. Mike Shannon accompanied me for a portion of the field verification. Mike and the others sharing the ditch did not indicate that the location I identified was incorrect. Based upon the evidence I have, I do not expect to change the legal description of that point of diversion. If you wish to pursue this further you may wish to contact the other individuals that share the system as any changes that would be made would also affect them.

RESPONSE TO A72-04061B

The change in priority date from 4-1-52 to 4-15-52 was based upon the irrigation season standard that was in effect at the time the claim was originally recommended. The department has reviewed the season of use for the entire state and has made changes in some areas. Therefore, I am changing the season of use back to 4-1-52 as this is in conformation with department standards.

The point of diversion for this claim is the same as the one recommended above and the same issues that affect that right will affect this right. I do not expect to change the legal description at this time.

Page 2
Wood
December 22, 1998

RESPONSE TO A72-07041B

During my field examination I found a ditch that collects the waste water from the Shannon property beginning at the southern border of the Armbruster property. It was my understanding that this was the point where the waste water was first controlled and subsequently delivered to Armbruster's and your property. The correct point of diversion for water rights is the point where you first take control of the water. If I have missed something about Armbruster's and your system please explain what elements were missed. You may wish to work with the Armbrusters as any changes to your recommendation will likely affect their recommendation also.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosure

Water Right Number - R72-00126A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

WOOD

DEBORAH K

1 - PO BOX 946

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-5360

WOOD

DAVID M

1 - PO BOX 946

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-5360

*** O - ORIGINAL OWNER ***

LYNCH

NOLA

1 - PO BOX 847

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-2461

LYNCH

JAMES

1 - PO BOX 847

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-2461

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/15/1910 17 SOUTHERN D - DECREED

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

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name
14N 18E 36 NE NE SW *E5131* (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.100

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.100 0.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
14N 19E 31 SE NW 2.9 01 IRRIGATION (37) CUSTER

Total Acres:

2.9

+ - - Diversion Means - HEADGATE, WEIR, EARTH OITCH.

VERIFIED BY *KKS*
11-3-98

E-13
235

Water right number - R72-00126A

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-07041B, 72-04061B

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

QNT USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL *OK*
COMBINED DIVERSION RATE OF 0.27 CFS. 72-00126A, 72-04061B, AND
72-07041B.

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 2.9 ACRES IN A SINGLE IRRIGATION SEASON. *ESSOK*
COMBINED RIGHT NOS.: 72-00126A, 72-04061B, AND 72-07041B.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF *OK*
DIVERSION IN TWP 14N, RNG 18E, SEC 36, NENESW. 72-00124, 72-04058
72-10297A, 72-10017, 72-00125B, 72-00125C, 72-04061A, 72-04061B,
AND 72-00126A.

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

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

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

+ - - Audit Fields - 10/28/92 CHRISTEN 12/03/92 CHRISTEN 04/09/93 CHRISTEN 10/27/93 CHRISTEN 03/30/95 POST-STD
10/19/98 KCHRISTE

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

Date: 12/03/1992 User Id: CHRISTEN Subject: OWNERSHIP CHANGE
CHANGED 12-3-92 KKC

Date: 04/09/1993 User Id: CHRISTEN Subject: COPIED FROM REMARKS

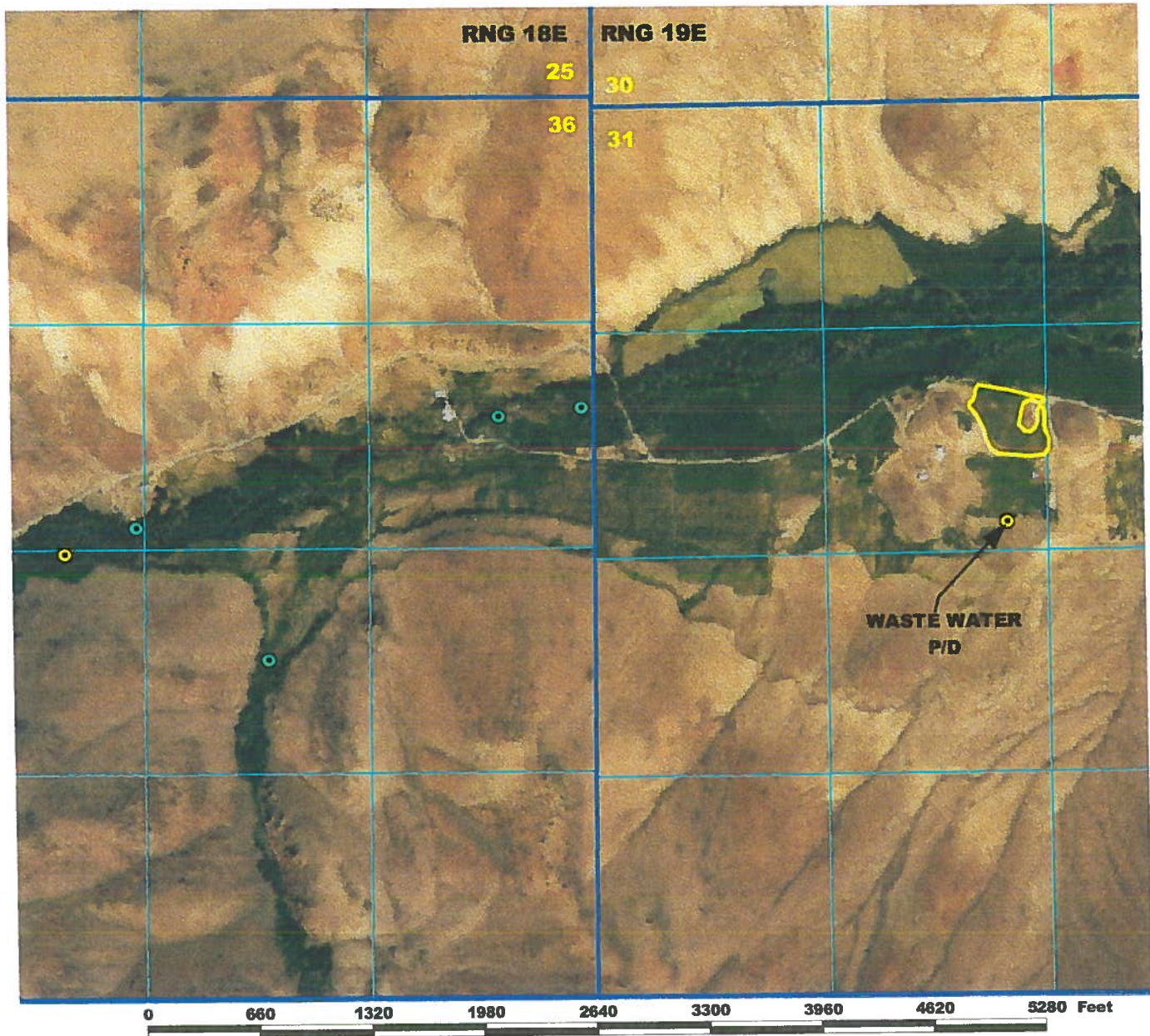
THIS WR IS SPLIT SEE REF. RT. A72-00126.

SEE ENCLOSED LETTER DATED MARCH 9, 1984 FROM ALLEN MERRITT ON THE
DIFFICULTY IN GETTING OUR WATER RIGHT REGISTERED. THE WATER RIGHT LICENSE 72-7041 AND CLAIM TO WATER RIGHT 72-04061 HAS BEEN SPLIT
BETWEEN US AND DON AND MARY MONZINGO.

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

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/02/1993	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	- 08/28/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 72B
Licensed Date	- 00/00/0000	Receipt Number	- S008968	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND	Notice of Error Flag	-

72-00126A & 72-04061B
SOURCE = GARDEN CREEK
72-07041B
SOURCE = WASTE WATER



RECOMMENDED PLACE OF USE
TWP 14N RNG 19E, SEC 31
data entry on October 19, 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

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-00126A 72-07041B
72-04061A

DATE: 10-19, 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
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
<u>DBC</u>	<u>.13</u>	<u>.11</u>			<u>5.71</u>	<u>6.69</u>
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
<u>DBC</u>	<u>5.71</u>	<u>8</u>	<u>2.9</u>	<u>.13</u>	<u>.27</u> CFS
	/		*	*	= CFS
	/		*	*	= CFS
	/		*	*	= CFS
	/		*	*	= CFS

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

2.9

B72-DBPOD.DBF

R PROOF

CVR

MAPS

PHOTOS

MISC

✓

✓

✓

✓

✓

ALEX & MARTHA KLUG DECREED RIGHTS
72-00125 & 72-00126 (both 8-15-1910 priority)
72-00125 @ 1.06cfs for 84 acres
72-00126 @ 1.60cfs for 80 acres

*Preliminary Split Review
as of 12-31-92
KRC*

DOC # 1. WARRANTY DEED READS (and all water rights)
DATED: 7-8-65 COUNTY RECORD NO. 130258
DOC # 2. QUIT CLAIM DEED DATED 9-1-1969 COUNTY RECORD NO. 127800
REFERENCES .20 CFS OF 1910 WATER
DOC # 3. QUIT CLAIM DEED DATED 10-29-69 COUNTY RECORD NO. 135633
REFERENCES .30 CFS OF 1910 WATER FOR 17.5 ACRES
COMBINED TOTAL = 2.66cfs for 164 acres

MICROFILMED
MAR 18 1993

JEROLD ROBINSON
DOC # 1. WARRANTY DEED DATED 9-1-1969
COUNTY RECORD NO. 127801 CONVEYED .20 CFS
DOC # 2 MEMO OF UNDERSTANDING DATED 9-30-69
COUNTY RECORD NO. 127802 ON 10-14-69
MCKISSIE/VanderHoeven
WARRANTY DEED DATED 10-29-69
COUNTY RECORD NO. 135360
CONVEYED .30 CFS
JOE PECK
WARRANTY DEED NO. 136037 DATED 11-30-1970
REFERENCES 3.06 CFS AND EXCLUDES .30 CFS
DEEDED TO MCKISSIE/VanderHoeven
IT IMPLIES THAT 2.76 CFS WAS CONVEYED.

MONZINGO
WARRANTY DEED DATED
8-18-81 RECORDED 8-20-81
INST # 159893 FOR .10 CFS
LINCH
DEEDED .10 CFS

HARDMAN
1982
CONVEYED .30 CFS
HARTWELL
(PER MONZ. TRANSFER AP)
PURCHASED .15 CFS FOR 6.5 ACRES
IN AUG 81 (RECORDED 9-4-81 ??)
KING
CONVEYED .15 CFS

ADJUDICATION CLAIMS FILED:
PORTIONS OF 72-00125 &
72-00126 CLAIMED AS:
A72-10017
MONZINGO
.20 CFS
A72-00126A
LINCH
.10 CFS
A72-00125C
HURLESS
.20 CFS
A72-00125B
KING
.15 CFS
ALL OF 72-00125 &
72-00126 CLAIMED AS:
A72-10297
SHANNON/ALMOND
2.66 CFS

NOW
ARMBRUSTER
.20 CFS

Water Right Number - R72-00126A

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
WOOD

DAVID M

1 - PO BOX 946

State- ID Zip- 83226

VERIFIED BY KRC

WOOD

DEBORAH K

2 -

State- ID Zip- 83226

*** O - ORIGINAL OWNER ***

LYNCH

JAMES

1 - P.O. BOX 847

State- ID Zip- 83226

LYNCH

NOLA

2 -

State- ID Zip- 83226

City- CHALLIS
Phone - 208-879-2461

State- ID Zip- 83226

+ - - Priority Date - - +
08/15/1910

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

Source - - - - +
GARDEN CREEK

+ - - Tributary - - - - +
SALMON RIVER

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

14N 18E 36 NE NE SW (37) CUSTER

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

01 - IRRIGATION

04/15 10/15

0.100

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KM Usage - +
0.100 0.0

+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

14N 19E 31 SE NW 2.5 01 IRRIGATION

(37) CUSTER

Total Acres: 2.5

MICROFILMED
NOV 0 1 1994

+ - - Other Rights for Same Use - 72-07041B, 72-04061B

THE FOLLOWING RIGHTS ARE ALSO DIVERSED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-00125B, 00125C, 04061A, 10017, 10297, 04061B, 00124, & 04058.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.22 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 6.3 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 2.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04061B, AND 72-070A1B.

A DIVERSION RATE OF .088 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-00126A

09:11:31
05/30/92

LAST: ~~LYNCH~~ *WOOD*
ADDRESS: P.O. BOX 847
CITY: CHALLIS
PHONE NUMBER: 208-879-2461

FIRST: JAMES

STATE: ID ZIP: 83226

OWNER CODE: C

LAST: LYNCH
RESS: P.O. BOX 847
CITY: CHALLIS
PHONE NUMBER: 208-879-2461

FIRST: NOLA

STATE: ID ZIP: 83226

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
EXAMINER
Y

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS WR IS SPLIT SEE REF. RT. A72-00126.
SEE ENCLOSED LETTER DATED MARCH 9, 1984 FROM ALLEN MERRITT ON THE
DIFFICULTY IN GETTING OUR WATER RIGHT REGISTERED. THE WATER RIGHT
LICENSE 72-7041 AND CLAIM TO WATER RIGHT 72-04061 HAS BEEN SPLIT
BETWEEN US AND DON AND MARY MONZINGO.

MICROFILMED
NOV 0 1 1994

CONTACT PERSON: David Ward.

PHONE NUMBER: () - - - -

DATE OF FIELD EXAM: 4/2/93

APPOINTMENT MADE: Y () N ()

TIME: : : A () P ()

ACCOMPANIED BY:

PHONE NUMBER: () - - - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

Claimant has ~~over~~ owned the prop since 1991 & hasn't had time to develop the system. He also has no knowledge of how the previous owner operated the irrigation system. Claimant does not believe that the Department has the authority to reduce any of his claims. He stated that he Dept raised the Decreed right A72-00126A, the statutory claim A72-04061B and the water license A72-07041B to him, therefore they Dept cannot touch those rights. It has been those rights are recommended, he stated that he expects to be compensated for that loss by the Dept.

I explained the Snake River Basin Adjudication, the difference between Decreed, license, & Statutory rights and the general basis that give the Dept authority to ~~the~~ change rights if necessary to bring the rights into accordance with the schedule. He did not accept my explanation.

A. AJ CLAIM: # A72-00126A PRIORITY DATE: 08-15-1910 STAGE: D
B. WR RECORD: # 72-00126 PRIORITY DATE: 08-15-1910 STAGE: D

C. FIELD EXAM REQUIRED?
DOE TO PRIORITY DATE DISCREPANCY? (Y/N) N
FIELD EXAMINER No

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

REMARKS: This claim is based upon an unrecorded transfer documented in warranty deeds through property transfers. See attached warranty deed, the to track land sale & water right transfer. The first split in water rights created by the sales by Watson Ferry to Robinson, McKie & Tech created claims to water 0.60 CFS water then decreed. As this property was sold first & the warranty deed was also recorded first & am I recognizing this unrecorded transfer as valid and recommend the priority date as claimed.

RECOMMENDED PRIORITY DATE:
08-15-1910

REVIEWED BY *XK* DATE 4-6-93

MICROFILMED
NOV 01 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-001264	14N	18E	36		NW	SW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX R PREFIX
 A72-04061B NONE
 WR RECORDS IN SAME 40 ACRE TRACT
 72-04058
 72-04061

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

00126 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

P/D verified through a field exam; comparison to maps available.
~~Claimed P/D is a water right to be used for irrigation.~~
 Legal for P/D determined from 0110 photo U-24 as identified
 in field recommend P/D do not be used.

NOT RECORDED
 MAY 11 1984

1/4

107

COUNTY

14N 18E 36

NE NE SA

ewoks

SOURCE: GARDEN CREEK

TRIBE: SALMON RIVER

REVISED BY:

KHC

DATE:

4-6-93

MICROFILMED

NOV 01 1954

A. ROOT WATER RIGHT NUMBERS: A72-00126A

B. FOU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TAN 13E	31	SE	NW			LYNCH, JAMES	A72-00126A / 5.0	-	-		
SE	NW					MONZINGO, DON	A72-04061A / 5.0	-	-		
SE	NW					SPLIT RIGHT	A72-07041 / 10.0	-	-		
SE	NW					MONZINGO, DON	A72-07041A / 5.0	-	-		
SE	NW					LYNCH, JAMES	A72-07041B / 5.0	-	-		
SE	NW					ARMERUSTER, MARK A.	A72-10017 / 5.0	-	-		
SE	NW					MONZINGO, DON	A72-10016 / 5.0	-	-		
SE	NW					ALMOND, PARIS	A72-10297 / 15.0	-	-		
SE	NW					LYNCH, JAMES	A72-10020 / 5.0	-	-		
SE	NW					KEPPNER, RAY	A72-04057 / 8.0	-	-		
SE	NW					KING, GENE	A72-00125B / 4.5	-	-		
SE	NW					KING, GENE	A72-10273 / 5.0	-	-		
SE	NW					LYNCH, JAMES	A72-04061B / 15.0	-	-		
SE	NW					KEPPNER, ESTHER	72-00054 / 40.0	-	-		
SE	NW					THOMPSON, GEORGE	72-04058 / 9.0	-	-		
SE	NW					PECK, JOSEPH M.	72-04061 / 9.0	-	-		
SE	NW					ROBINSON, GERALD	72-04062 / 9.0	-	-		
SE	NW					ROBINSON, GERALD		-	-		

TOTAL ACRES A72-00126A 5.00 35.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, YES (X) NO ()
IF YES SEE ATTACHED SHEET.

C. FIELD EXAM REQUIRED?

DUE TO FOU DISCREPANCY? (Y/N)

DATABASE

FIELD EXAMINER

FOU COUNTY: CUSTER

yes

2.5 2.5

MICROFILMED
NOV 11 1984

PRESUMPTION FLAG: D

REMARKS:

See Attached work sheet for P/U comparison of Deeded, Licensed, & Unpatented claims, adjudication claims, and recommended P/U. See also hand photo for outline of P/U.
Using the platymeter on the ASCS Photo (scale 1" = 660') the P/U was determined to be 4 Acres. This includes a rock out crop within the P/U that is not irrigated. It appears to be less than 1/2 acre and had therefore been included within the P/U area as compared to the scale determined to be 0.8
KKC 10-26-93

RECOMMENDATIONS:

TOTAL ACRES:

~~1.5~~ 2.5

REVIEWED BY:

KKC

DATE:

10-4-6-93

Delegated acres reside on the photo 11-24 & BLM hand photo 5-82-13 agree with found P/U & scaling of each map gives 2.5 acres irrigated.

REPROFIMED
10-01-1994

A. AJ CLAIMED USES:

PURPOSES
A72-00126A IRRIGATION

4-15 - 10-15 no standard

MONTH/DAY
FROM 04-01 TO 10-31

DIVERSION QUANTITY
.100 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.100 CFS

B. WR RECORDED USES:

PURPOSES
72-00126 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
1.600 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.600 CFS

DIVERSION FLAG: D

C. FIELD EXAM REQUIRED?

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

DATABASE EXAMINER
N yes
Y yes
Y yes

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y() N()

Y() N() Explain in remarks, below.

REMARKS:

Recommend changing season of use to Sept Standards.

Recommend 4-15 to 10-15

These flow analysis confirm the need for greater than 1" per acre. Analysis gives a div rate of .22 CFS or ~~0.088 CFS/acre~~ (Remark D08) this claim is for

0.10 cfs and has the earliest priority date therefore I recommend

this claim @ 0.10 CFS KKC 10-26-93

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.100 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.600 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

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

FIELD
DATABASE EXAMINER
Y

FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A72-07041B, A72-04061B

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00126A	GARDEN CREEK	LYNCH, JAMES	0.100	0.020		
A72-00125B	GARDEN CREEK	KING, GENE	0.150	0.025		
A72-04057	GARDEN CREEK	KEPNER, RAY	2.400	0.019		
A72-04061A	GARDEN CREEK (HIGH WATER)	MONZINGO, DON	0.400	0.080		
A72-04061B	GARDEN CREEK	LYNCH, JAMES	0.400	0.080		
A72-07041	WASTE WATER	SPLIT RIGHT	0.200	0.020		
A72-07041A	WASTEWATER	MONZINGO, DON	0.100	0.020		
A72-07041B	WASTE WATER	LYNCH, JAMES	0.100	0.020		
A72-10017	GARDEN CREEK	ARMBRUSTER, MARK A.	0.100	0.020		
A72-10297	GARDEN CREEK	ALMOND, PARIS	2.660	0.013		
A72-11735	GARDEN CREEK	KEPNER, ESTHER	2.420	0.019		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10016	DOMESTIC	MONZINGO, DON	FROM 01-01 TO 12-31	.040 CFS	

*Y () N ()
this claim overlaps completely with
A72-04061B (high water claim)*

Flow measurement required. (See not above)

MICROFILMED
NOV 01 1994

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES ~~15.0~~ X 0.02 CFS/ACRE = ~~15.0~~ 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 = 15.0 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()

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

RECEIVED
NOV 11 1971

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. RATE
D1V
CFS

REC. VOL.
D1V
AF/A

REC. CONS.
USE

IRRIGATION

4-01-93 10-93

DATABASE EXAMINER
2.100 0.10

DATABASE EXAMINER

DATABASE EXAMINER

TOTAL FOR THIS RIGHT

4-15 - 10-15

0.100

REVIEWED BY:

KRC

DATE: 10-26-93

MICROFILMED

NOV 01 1994

com
right

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00126
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.600

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

- A72-00126A

0.100

-

72-00126

1.600

TOTAL CFS

0.100

1.600

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

all the splits are up to date.

AUTHENTICATION:

SIGNATURE:

Kelly A. Christman

DATE:

10-26-93

NAME OF FIELD EXAMINER:

TITLE:

Si Water Resource Dept.

MICROFILMED

NOV 01

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:11:31
05/30/92

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-00126A

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								
POINT OF DIV	Y		10-27-93 4-5-18-93 4-2-98	N ~~add line~~ ~~10-27-93~~	6 1,2,4,6,5	KKC 10-27-93 KKC 10-27-93	KKC 10-27-93	
SOURCE			4-2-93	~~6,5~~ N	6,1,5	KKC 10-27		
DATE OF USE	Y		4-8-93	Y	1,3,4,6,5	" "		
DIV. AMOUNT CFS/VOLUME	Y		10-27-93	N	1,2,4,5,6	" "		
CONSUMPTIVE USE	-		10-27	Y	6	" "		
PURPOSES			4-2-93	N	6,5	" "		
PERIOD OF USE	Y		4-8-93	Y	6,5	" "		
BASIS OF CLAIM	Y		4-6-93	N	1,2,3,6	" "		
REMARKS	Y		10-27	Y	6	10-27		

* VERIFIED BY * CODES

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

BLM color
Photo

MAPS USED:

DATE:

ASCS X-13 1978 F644
ORTHO T-74 4-24 1958 1974
NAPP NOT AVAILABLE
BLM color 5-8C-13 7-1-88

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

MICROFILMED
NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:14:11
05/30/92

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A72-00126A

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JAMES L. BROWN NOLA L. BROWN P.O. BOX 847 CHALLIS ID 83226 (208) 879-2461	08/15/1910	IRRIGATION	4-15 10-15	0.10 CFS	15.0 AFA
<i>Wood, David / Debrah 08/15/1910</i> <i>P.O. Box 946</i> <i>879-5360</i>						
Water Source: GARDEN CREEK Tributary to: SALMON RIVER Stage: DECREED CUSTER County						

Point(s) of Diversion: TIAN RIBE 536 NW NWSW

Use of use Legal Description for: IRRIGATION

	NENE	NUNE	SENE	NENW	NUNW	SENW	NESE	NUSE	SWSE	SESE	SUM
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	5.0
14N 19E 31											5.0
											TOTAL ACRES
											4

POU County: CUSTER

Other Rights: A72-07041B, A72-04061B

Remarks: THIS WR IS SPLIT SEE REF. RT. A72-00126. SEE ENCLOSED LETTER DATED MARCH 9, 1984 FROM ALLEN MERRITT ON THE DIFFICULTY IN GETTING OUR WATER RIGHT REGISTERED. THE WATER RIGHT LICENSE 72-7041 AND CLAIM TO WATER RIGHT 72-04061 HAS BEEN SPLIT BETWEEN US AND DON AND MARY MONZINGO.

Dates: Exam Made Date: 12/09/1985
Verified Date: 12/09/1985
Misc: Water District Number: 72B
Field Inspection Flag: D
Presumption Flag: D

Same system as A72-04061B (high water)

MICROFILMED
NOV 0 1 1992

14

13

18

17

32'30"

POOR ORIGINAL

23

24

19

20

CLAIM A72-00126A INIT KKC
 T. R. S. Q/Q
 P/D 14N 18E 36 NENE SW #2
 PHOTO ORTHO T-74
 DT. & ID. 1956 Flight

VABM Challis
 6730

26

25

30

29

Gulch

Cartwright Gulch

P/u this claim

493200m

CHALLIS 14 MI

35

#3

#2 P/D

#1 P/D

on the photo
 u-24
 1956 flight

P/u for
 A72-00125C

P/u for
 A72-00125B

P/u for A72-00126A
 A72-04061B
 A72-07041B

P/u for A72-10017
 A72-04061A
 A72-07041A

MICROFILMED
 NOV 01 1994

POOR ORIGINAL

CLAIM # 72-001264 INIT KIC
T. R. S. O/O
P/D 144 18E 36 NE 1/4 SW 1/4
PHOTO BLM 5-85-13 200
DT. & ID 7-1-88 12/9/88

MICROFILMED
NOV 11 1994

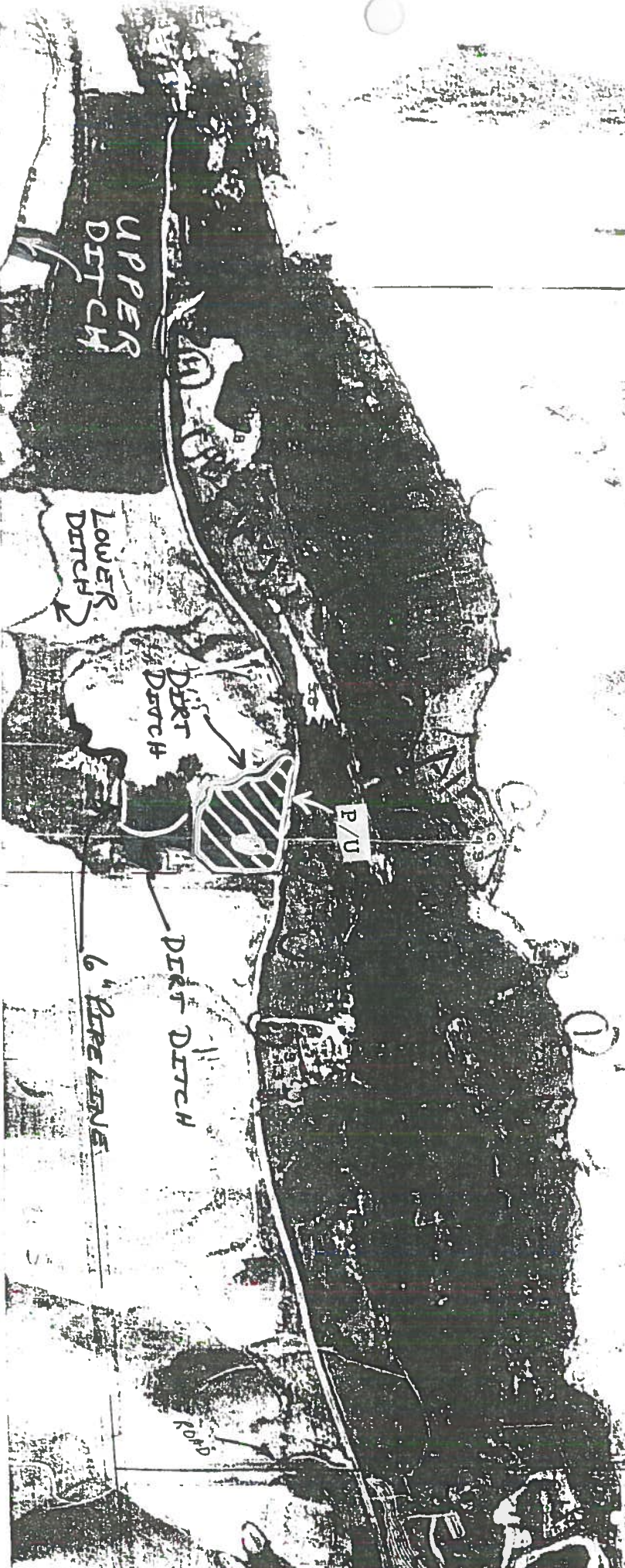
25 30
36 31

20 29
31 32

P/D

P/2

POOR ORIGINAL



30
31

3029
3132

CLAIM #72-001264 INIT KRC
T. R. S. 9/9
P/D 14N 18E 36 NW/4SW (N 1/4 SW 1/4)
PHOTO ASCS V-12
DT. EIR: 1978 Feb 11

MICROFILMED
NOV 1 1994

SOIL CHARACTERISTICS

Soil Type = DBC; DAWTONIA...GRAVELLY LOAM
 Source of Soils Data = Printout From SCS State Office

CLAIM NO. --- A72-00126A, 04061B, & 0704Lotus Program:
 AGENT ----- KKC IRR-PRAC.WK3
 DATE ----- 10/26/93 Date form revised:
 4/21/93 by KKC

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family
lower	upper	lower	upper	lower	upper	lower	upper			flood furrow
0	4	0.12	0.15	6.6	7.3	1	2	1	1.34	2 0.55
4	24	0.09	0.11	7.4	7.8			1	1.44	
24	60	0.06	0.08	7.9	8.4			3	3.38	
								4	4.22	alternate
								5	5.06	method
										NA NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point (INCHES)	MAD	FIELD NOTES AND CALCULATIONS			
				FIELD 1	FIELD 2	FIELD 3	FIELD 4
				FIELD WIDTH	624	0	
				IRRIGATION DAYS	8		
				DRY DAYS	0		
				SET TIME(hours)	8		
alfalfa (hay or seed)	5	0.5	2.53	CALCULATED RUN (run = acres*43560/width)			
corn (field or silage)	4	0.5	2.11	LENGTH (RUN) = 175			
grain (winter or spring)	4	0.5	2.11	CALCULATED BORDER WIDTH (ditch length/irr days * cha			
pasture (or grass hay)	3	0.5	1.69	WIDTH = 26			
other (enter below)				THEORETICAL ROTATION (mad/net irr req in inches per			
				SELECTED MAD = 1.69			
				ROTATION = 7.3 DAYS			

PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

crop	acres	system	recomm. eff.	mar	Net Irrigation Requirement (mm/day)						
					apr	may	jun	jul	aug	sep	oct
PASTURE	2.5	FLOOD	10.1		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 2.5 10 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

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

MICROFILMED
 NOV 01 1994

GRADED BORDER EVALUATION

Job name: A72-00126A, ,07041B
By: KKC

Location: DBC SOILS FOR 2.5 ACRE
Date:

Roughness coefficient (n)= 0.250 Intake family (If)=2.00
Slope (S)= 0.0400 ft/ft Border width (W)= 26 ft
Net application (Fn)= 1.69 inches Border length (L)= 175 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.17	Gross depth is less than required gross application depth					
0.18	Gross depth is less than required gross application depth					
0.19	Gross depth is less than required gross application depth					
0.20	Gross depth is less than required gross application depth					
0.21	Gross depth is less than required gross application depth					
0.22	0.008	16.71	14.59	0.43	10.1	(4)
0.23	0.009	17.47	14.59	1.19	9.7	(4)
0.24	0.009	18.23	14.59	1.95	9.3	

(4) Less than minimum recommended depth of flow.

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NOV 01 1994

POOR ORIGINAL

Ray Keppner

1314.5

LOT 2

Ray Keppner

34-276

T-625

Ray Keppner

Garden Canal

MICROFILMED

NOV 01 1994

LOT 3

589°40'30"W 266.17

384.04

237.56

72-0126
80AC

533.44

295.92

N85°36'W 477.5

587°W 381.7

104° 35'

181°W 53.84

50° 35'

52° 10'W

421.8

590.5

533.44

3010

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15

POOR ORIGINAL

Claims (multiple) P/D for Lower Shannon ditch (southern P/U; northern ditch). Also the source for Armbruster, Wood, King, & Hurless.

PHOTO TAKEN ON 5-18-93

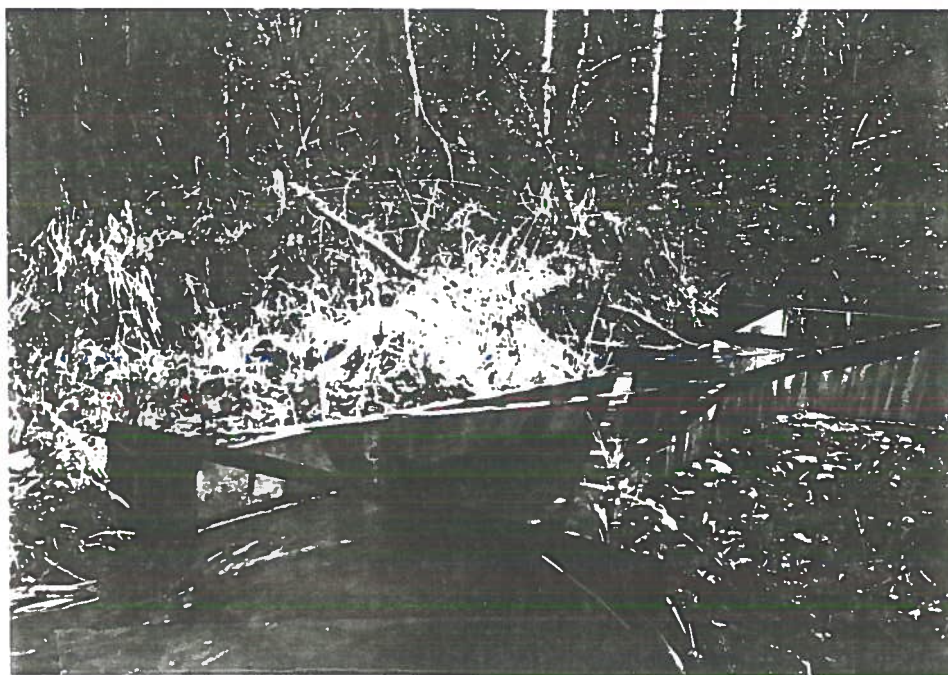
PICTURE # 4

This shows the corner of the diversion structure and the hillside in the background for a physical reference. This photo is looking south southeast.



PICTURE # 5

This picture shows the measurement device and the photo is looking northeast.



REPRODUCTION
JUL 1 1994

5-18-93

Mike Shannon

POOR ORIGINAL

He was not sure how the decreed rights were transferred to the Johnny Smith Place. He would check around & obtain affidavits if he could.

We discussed his claims in general & he felt that he probably would not try to substantiate the 51M claim as there is more water claimed under 57 than there is acres. The rate for that claim alone will prob. be reduced. I did not do a field verification of the P/A for those claims at this time.

I took pictures of the div points for the 'Klug' property. The first pictures were of the Div point that supplied water to the Northern Part of the P/A. The second set covers the "lower" ditch on the south side of the P/A. This ditch also supplies water to Armbruster, Wood, King, Hearless rights.

The third P/D is the 'upper' ditch on the south side. The ditch was recently cleaned and was running at capacity; Both the ditch and the Parshall. This ditch is the original source for the waste water license for Wood Armbruster.

Two pic of Johnny Smith div, 6" on staff gage. The ditch to Shannon's was not full, 9" throat. 5-18-93

MICROFILMED
NOV 0 1994

CLAIM NUMBER _____ DATE _____

AGENT _____

	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	
Decreed	72-00124	14N	18E	36			X	X					X					X			
Decreed	72-00125	14N	19E	31							X			X							84
Decreed	72-00126		19E	31									X					X			80
Statutory Claim	72-04061		19E	31								9									9
Licensed	72-07041		19E	31								10									10

Adjudication

Claims
by owner

	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	
Shannon	A72-00124	14N	19E	31							20	15	40	25				15			115 ²⁰⁰
#2 Shannon	A72-00124	14N	18E	36			20	30									10	25			85
#3 Shannon	A72-10297	14N	19E	31							20	15	40	25			1	15			115 ²⁰⁰
#4 Shannon	A72-10297	14N	18E	36			20	30									10	25			85 ²⁰⁰
King	A72-00125B	14N	19E	31								4.5	1.5								6
Hurless	A72-00125C			31			5							1.7							6.7
Wood	A72-00126A			31								5									5 ²⁰⁰
#2 Wood	A72-04061B			31								5									5 ²⁰⁰
#3 Wood	A72-07041B			31								5									5 ²⁰⁰
Armbruster	A72-10017			31								5									5 ²⁰⁰
#2 Armbruster	A72-04061A			31								5									5 ²⁰⁰
#3 Armbruster	A72-07041A			31								5									5 ²⁰⁰

Recommended P/U.

	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	
Wood	A72-00126A	14N	19E	31								25									

NOT FILMED
NOV 01 1994

WTS 20-1-73

POOR ORIGINAL

WTS (Kear) Pg 42

Hand written notes are bound upon
country records obtained 4-14-93
and analyzed as of 6-22-93.
Original warranty deed copies
placed in File A72-00124

ALEX & MARTHA KLUG DECREEED RIGHTS
72-00125 & 72-00126 (both 8-15-1910 priority)
72-00125 @ 1.06cfs for 84 acres
72-00126 @ 1.60cfs for 80 acres

as of 12-31-92
KKE
an exception in the deed deceders
property now owned by Hurlless (outside
current P/A)

First transfer date as
recorded through country records.

bound upon 127800 10-14-69

JEROLD ROBINSON

DOC # 1. WARRANTY DEED DATED 9-1-1969
COUNTY RECORD NO. 127801 CONVEYED .20 CFS
DOC # 2 MEMO OF UNDERSTANDING DATED 9-30-69
COUNTY RECORD NO. 127802 ON 10-14-69

bound upon 135633 7-17-73

MCKISSIE/Vanderhoeven

WARRANTY DEED DATED 10-29-69
COUNTY RECORD NO. 135630
CONVEYED .30 CFS

bound upon 136037 8-28-73

JOE PECK

WARRANTY DEED NO. 136037 DATED 11-30-1970
REFERENCES 3.06 CFS AND EXCLUDES .30 CFS
DEEDED TO MCKISSIE/Vanderhoeven
IT IMPLIES THAT 2.76 CFS WAS CONVEYED.

Same property as deceders
in 127801. This doc recorded
on 10-14-69. Hurlless & King also recorded
transfer of 3.06 CFS. Recorded
on 7-17-73

MONZINGO
WARRANTY DEED DATED
8-18-81 RECORDED 8-20-81
INST # 159893 FOR .10 CFS

LINCH

DEEDED .10 CFS

HARTWELL

(PER MONZ. TRANSFER AP)
PURCHASED .15 CFS FOR 6.5 ACRES
IN AUG 81 (RECORDED 9-4-81 ??)

KING

CONVEYED .15 CFS

ADJUDICATION CLAIMS FILED:

PORTIONS OF 72-00125 &
72-00126 CLAIMED AS:

A72-10017
MONZINGO
.20 CFS

A72-00126A
LINCH
.10 CFS

A72-00125C
HURLESS
.20 CFS

A72-00125B
KING
.15 CFS

ALL OF 72-00125 &
72-00126 CLAIMED AS:
A72-10297
SHANNON/ALMOND
2.66 CFS

NOW
ARMBRUSTER
.20 CFS

The election specifically
identifies the P/A & 0.30 cfs
now owned by Hurlless & King
warranty deed recorded
on 8-28-73

System description based upon diversion points to P/U.

Three P/Ds from Garden Creek were found.
(see map for numbering system) All three ditches supply water for the Shannon Claims with Garden Cr. as a source (A72-00124, A72-10297, & A72-04058).
Each Diversion also supplies water to another user or group of users.

P/D # 1 also supplies water to Bob Andrews (claim not filed as of 6-22-93)

P/D # 2 supplies water to the following users in order of use:

Hurless - A72-00125C

King - A72-00125B

Armbruster - A72-10017

A72-04061A

Wood - A72-00126A

A72-04061B

P/D # 3 is the original source for waste water claimed & previously licensed for:

Armbruster A72-07041A

Wood A72-07041B

The system from P/D #3 that generated the waste water for A72-07041A & B is now being converted to sprinkler irrigation. **MICROFILMED**
waste water no longer available. **NOV 8 1994** However this claim is being recommended as 5 years of non-use has

6-22-93 Pg 2/3
KKC

not occurred. the ditch systems has the capacity to carry the combined total of each right, therefore, no capacity limitation is required. Some wastewater may be available from P/D #2 (end of ditch).

System Analysis for the Shannon Prop only:

Garden Cr. Claims A72-00124, A72-10297, & A72-04058.

John Gulch Claim A72-11763

As of commencement, all of the P/A covered by P/D #1 was under flood irrigation and the analysis for this ground was based upon flood irr. The ground east of the farmstead is currently being converted to gravity pressure, sprinkler irr with plans to add additional ground in the future to Gravity sprinkler. Spring water originating on the property west of the farmstead is also used for irrigation but was not claimed.

P/D #2 delivers water to a majority of the P/A South of Garden Creek. Approx 17 acres (see map) have historically been sprinkler irrigated (originally via a portable pump & now by gravity pressure) and has been recognized as such in the diu rate analysis. The balance has historically been flood irrigated.

The ground on the east side of the P/A & south of Armbruster/Wood is now irrigated via gravity flood from this P/D but does not cover a lot of ground (Area not determined). Some of this water would be available to Wood/Armbruster as waste water for their use.

MICROFILMED
NOV 1 1994

6-22-93 Pg 3/3
KKC

P/D #3 irrigates the ground furthest south and the pump system for sprinkler ir originated from this ditch. the end of this ditch has been converted to a pipeline (see map) in 1992 and the majority of the Ground (the 18 Acres in the NE SW Sec 31 is now sprinkler irrigated (gravity pressure).

Where the ditch crosses John Gulch is also the P/D for A72-11763. That system is that the ditch merely catches any water originating from John Gulch & carries the water east. Making the P/U for John Gulch water that Ground east of that point & South of Garden Creek. The Gulch ~~is~~ has several small seeps that generate water and reaches the ditch. As the ditch has the capacity to carry greater rate than claimed, the claimed rate is the limiting factor. Mike Shanna stated that the seeps go down by the end of the season.

MICROFILMED

NOV 01 1994

6-22-93

KRC

Pg 1/2

Analysis of Unrecorded Transfer & Preliminary Recommendations

Based upon warranty deed information. Watson Perry transferred more 1910 decreed water (72-00125 & 72-00126) than was originally decreed. The recording dates are as follows.

County recording date

10-14-89 Perry to Robinson for .20 CFS (deed 127800)

now Armbruster A72-10017 Recommended at .10 CFS

Wood A72-00126A " " .10 CFS

7-17-73 Perry to McKissie for .30 CFS

based upon quit claim deed 135633

From Klug to Perry for the current claim P/U

Now Hurless A72-00125C Recommended at .15 CFS

King A72-00125B Recommended at .15 CFS

8-28-73 Perry to Peck (deed 136037)

Now Shannon A72-10297 Recommended at 2.16 CFS

see also the attached flow chart.

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1-1-93

Decreed diversion Rates Analysis

Decreed Rights Appurtenant	Priority	Acre	rate	
72-00125	8-15-1916	84	1.06 CFS	
72-00126	8-15-1910	80	1.60 CFS	
(Subtotal)		164	2.66 CFS	2.66 CFS
72-00124	5-15-79	Notated	1.02 CFS	1.02 CFS
Total				3.68 CFS

Claims based upon Warranty Deed transfers against 1910 decreed water recognized as valid.

A72-00125B	0.15 CFS	
A72-00125C	0.15 CFS	
A72-00126A	0.10 CFS	
A72-10017	0.10 CFS	
A72-10297	2.16 CFS	
Total		<u>2.66 CFS</u>

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11-1-93

Division rate analysis

Found 80 acres irrigated:

Analysis is subdivided on irrigation method and/or soil type. All segments are concurrently irrigated therefore the rates recommended are additive

soil type	irrig method	No. of Acres	Border Analysis rate recommended
YNI	flood	30	2.85 CFS
DBC	flood	33	2.26 CFS
DBC	sprinkler	<u>17</u>	<u>.34</u> CFS (at 0.02 CFS/ACRE)
	total	80	<u>5.45 CFS</u>

$$\frac{5.45}{80} = 0.068 \text{ CFS/Acre}$$

(For remark code DØ8)

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127800

POOR ORIGINAL

P. 11

1993

300 QUITCLAIM DEED

Printed and for sale by State-Print Company, Boise

QUITCLAIM DEED

127800

THIS INDENTURE, Made this 11 day of September,

in the year of our Lord one thousand nine hundred and sixty-nine, between
 MARTHA T. KLUG and ALEX KLUG, husband and wife, KATHLEEN WILLIAMS, a
 married woman, individually, and her husband, AMOS WILLIAMS, as Trustee
 for Alex Klug or Martha Klug, and individually, (sometimes known as Joseph A.
 Williams)
 of Challis County of Custer

State of Idaho, the parties of the first part, and
 WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,

of Challis County of Custer,
 State of Idaho, the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of
 TEN AND NO/100 - - - - - DOLLARS,
 lawful money of the United States of America, to them in hand paid by the said parties of
 the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release
 and forever QUITCLAIM unto the said parties of the second part, and to their heirs and
 assigns, all those certain lots, pieces or parcels of land, situate, lying and being in
 the x County of Custer, State of Idaho, bounded and particularly
 described as follows, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
 and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
 Section 31, Township 14 North, Range 19 East, Boise Meridian, more
 particularly described and bounded as follows, to-wit:

Commencing at the South quarter corner of said Section 31, thence due
 North 2,575.70 feet, more or less, to the Southwest corner of said
 Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence East 55 feet along
 the South line of said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
 thence due North 201.0 feet to the real point of beginning; thence
 continuing due North 728.0 feet, more or less, to a point in the South
 line of the Garden Creek Road, thence North 79° 05' West 599.5 feet
 along the South line of said Garden Creek Road, thence due South 728.0
 feet, more or less, to a point North 79° 05' West from the point of
 beginning, thence South 79° 05' East 599.5 feet to the point of begin-
 ning, containing 10.0 acres, more or less.
 TOGETHER WITH 10 inches of 1910-decreed water from Garden Creek, a
 tributary of Salmon River, located in Custer County, Idaho; and
 TOGETHER WITH an Easement for ditch and ditch-way purposes over the
 lands of the Grantors adjacent to, adjoining, and contiguous with
 the above-described property as the same has been customarily and
 usually used prior to this conveyance.

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APR 14 1993

Department of Water Resources

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POOR ORIGINAL

TOGETHER WITH all and singular the tenement, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

(1) Alex Klug (Seal)
Martha Klug (Seal)
Amos Williams (Seal)
Kathleen Williams (Seal)
Joseph H. Williams (Seal)
Notary Public for the State of Idaho
Challis, Idaho

STATE OF IDAHO
County of Custer

On this 22nd day of September in the year 1969, before me

the undersigned, a Notary Public
in and for said State, personally appeared ALEX KLUG and MARTHA T. KLUG, husband
and wife, and AMOS WILLIAMS and KATHLEEN WILLIAMS, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and
acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and
year in this certificate first above written.

B. J. R. R. R.
Notary Public for the State of Idaho.
Residing at Challis, Idaho 83226
My Com. Expires: 7-14-72

No. 127800
QUITCLAIM DEED

Dated 19 . 19 .
STATE OF IDAHO.
County of Custer
I hereby certify that this instrument was filed
for record at request of
Wood Realty
at Challis, Idaho, A.D. 1969
in my office, and duly recorded by me
on this 22nd day of September 1969
By [Signature] Notary Public
For [Signature] Deputy
Filed to [Signature]

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NOV 1969

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APR 14 1993

Department of Water Resources

127801

Pg 1/2

203- WARRANTY DEED

Printed and for sale by State-York Company, Boise

THIS INDENTURE, Made this 13th day of September, in the year of our Lord one thousand nine hundred and sixty-nine, between WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife, of Challis, County of Custer, State of Idaho, the parties of the first part, and

GERALD ROBINSON and LIDA A. ROBINSON, husband and wife, of Cobalt, County of Lemhi, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 - - - - - DOLLARS,

lawful money of the United States of America, and other good and valuable consideration, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Custer, State of Idaho, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section 31, Township 14 North, Range 19 East, Boise Meridian, more particularly bounded and described as follows, to-wit: Commencing at the South quarter corner of said Section 31, thence due North 2,575.70 feet, more or less, to the Southwest corner of said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence East 55 feet along the South line of said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence due North 201.0 feet to the real point of beginning, thence continuing due North 728.0 feet, more or less, to a point in the South line of the Garden Creek Road, thence North 79° 05' West 599.5 feet along the South line of said Garden Creek Road, thence due South 728.0 feet, more or less, to a point North 79° 05' West from the point of beginning, thence South 79° 05' East 599.5 feet to the point of beginning, containing 10.0 acres, more or less. TOGETHER WITH 10 inches of 1910-decreed water from Garden Creek, a tributary of Salmon River, located in Custer County, Idaho; and TOGETHER WITH an Easement for ditch and ditch-way purposes over the lands of the Grantors adjacent to, adjoining, and contiguous with the above-described property as the same has been customarily and usually used prior to this conveyance.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.

And the parties of the first part, and their heirs, shall and will warrant and by these presents forever defend the premises in the quiet and peaceable possession of the parties of the second part, their heirs and assigns, against the parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming the same shall and will WARRANT and by these presents forever DEFEND.

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Pg 2/2

Department of Water Resources

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IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

{ *Watson E Perry* [Seal]
 { *Phyllis D Perry* [Seal]
 { [Seal]
 { [Seal]

STATE OF IDAHO

County of **Custer**

ss.

On this 12th day of **September** in the year 19 **69**, before me
the undersigned, a Notary Public

In and for said State, personally appeared

WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

James H. Bennett
 Notary Public for the State of Idaho,
 Residing at **Challis**, Idaho **83226**
 My Com. Expires: **1-2-71**

No. 127801

WARRANTY DEED

-70-

Dated 12 19 69

STATE OF IDAHO

County of Custer

I hereby certify that this instrument was filed

for record at request of Watson E. Perry
 at 30 minutes past 11 o'clock P day
 of October A.D. 1969
 in my office, and duly entered in the index of
indebtedness

James H. Bennett
Notary

By James H. Bennett Deputy

Fees, \$ 2.00

Mailed to Challis, Idaho

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APR 14 1993

Department of Water Resources

Southern Region Office

127802

POOR ORIGINAL

Pg 1/3

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, Made and entered into this 30th day of September, 1969, by and between WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife, of Challis, County of Custer, State of Idaho, hereinafter referred to as "Perrys", and GERALD ROBINSON and LIDA A. ROBINSON, husband and wife, of Cobalt, County of Lemhi, State of Idaho, hereinafter referred to as "Robinsons";

W I T N E S S E T H:

WHEREAS, Perrys have sold and conveyed certain property to Robinsons, said property being more particularly described as follows, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW¹/₄NE¹/₄) and of the Southeast Quarter of the Northwest Quarter (SE¹/₄NW¹/₄), Section 31, Township 14 North, Range 19 East, Boise Meridian, more particularly bounded and described as follows, to-wit:

Commencing at the South quarter corner of said Section 31, thence due North 2,575.70 feet, more or less, to the Southwest corner of said Southwest Quarter Northeast Quarter (SW¹/₄NE¹/₄), thence East 55 feet along the South line of said Southwest Quarter Northeast Quarter (SW¹/₄NE¹/₄), thence due North 201.0 feet to the real point of beginning; thence continuing due North 728.0 feet, more or less, to a point in the South line of the Garden Creek Road, thence North 79° 05' West 599.5 feet along the South line of said Garden Creek Road, thence due South 728.0 feet, more or less, to a point North 79° 05' West from the point of beginning, thence South 79° 05' East 599.5 feet to the point of beginning, containing 10.0 acres, more or less; and

WHEREAS, Together with said property, Perrys did convey transfer and assign 10 inches of that 1910-decreed water from Garden Creek, a tributary of Salmon River, Custer County, Idaho;

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Department of Water Resources

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POOR ORIGINAL

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WHEREAS, The parties do want to reach further understandings and agreements pertaining to the ditch rights and ditch-way involved over the lands of Perrys; and

WHEREAS, The parties do desire to set forth in full their complete understandings and agreements in regard thereto;

NOW, THEREFORE, In consideration of FIVE AND NO/100 DOLLARS (\$5.00), in hand paid each party by the other, and in further consideration of the covenants and agreements and understandings herein contained, it is understood and agreed as follows, to-wit:

1. That Robinsons are entitled to 10 inches of that certain water right from Garden Creek presently held by Perrys, such water to be taken under the 1910 decree to the waters of Garden Creek, a tributary of Salmon River, Custer County, Idaho.

2. It is further the understanding and agreement of the parties that Robinsons may continue to deliver the water to the property purchased by them and above-described over the adjoining property of Perrys through the usual and established ditch and ditch-ways, subject, however, to the further understanding and agreement that Robinsons must respond by maintaining and doing such repair and ditch work upon the ditch and ditch-way in direct proportion that their water bears to the total being carried in or through such ditch or ditches.

IN WITNESS WHEREOF, The parties have hereunto set their hands and seals the day and year in this Memorandum of

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JAMES R. BENNETTS
ATTORNEY AT LAW
CHALLIS, IDAHO 83226

JAMES R. BENNETTS
ATTORNEY AT LAW
CHALLIS, IDAHO

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Department of W...

127802
POOR ORIGINAL
Pg 3/3

Understanding first above written.

Watson E. Perry
Watson E. Perry

Phyllis D. Perry
Phyllis D. Perry

Gerald Robinson
Gerald Robinson

Lida A. Robinson
Lida A. Robinson

STATE OF IDAHO,)
: ss.
County of Custer)

On this ^{24th} day of ^{October} September, 1969, before me, the under-
signed, a Notary Public in and for said State, personally appeared
WATSON E. PERRY, PHYLLIS D. PERRY, GERALD ROBINSON and LIDA A.
ROBINSON, known to me to be the persons whose names are subscribed
to the foregoing instrument and acknowledged to me that they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
seal the day and year first above written.

No. 127802
State of Idaho) ss.
County of Custer)

This instrument was filed for
record at the request of _____
at _____ P. M.
_____ 1969
and duly filed and indexed in the
Records of Custer County, Idaho.

Ex-Officio Recorder.

JAMES P. BENNETTS
ATTORNEY AT LAW
CHALLIS, IDAHO 83226

By _____
Deputy.

Daniel N. Rusk
Notary Public for Idaho
P.O. Address: Challis, Idaho 83226
My Com. Expires: 7-14-72

MICROFILMED

JAMES A. BENNETT
ATTORNEY AT LAW
CHALLIS, IDAHO 83