

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: A72-00176A
Date Received: 11/ 6/1989
Receipt No: S010371
Received By: *o/c HLB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: ROBERT G GRISWOLD
Address: HC 64 BOX 9965
STANLEY ID

83278

208-774-3345

AND/OR

Name: JUDY A HALL GRISWOLD
Address: HC 64 BOX 9965
STANLEY ID

83278

208-774-3345

2. Date of Priority: APR 1, 1879

3. Source: ROAD CREEK

Trib. to: EAST FK. OF SALMON RIVER.

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	18E	24	NE	NE	NE		CUSTER

5. Description of diverting works:
CHECK DAM & DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.090		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	18E	24	NW	NE		IRR	3.0
Section Acres							3.0
Total Acres							3.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

NONE.

14. Remarks:

SOURCE ALSO KNOWN AS MARSH CK.

**THIS CLAIM IS A SPLIT FROM A72-00176.

OWNERSHIP CHANGE MADE 7/12/95 BY TLB. OLITT-FORMER OWNER,
GRISWOLD-NEW OWNER. WARRANTY DEED INCLUDED.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

BRADSHAW, ET. AL.

Decree Plaintiff

LEUZINGER, ET. AL.

vs Decree Defendant

Water Right Number - R72-00176A

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
GRIMOLD

ROBERT G

1 - HC 64 BOX 9965
2 -
3 -

State- ID Zip- 83278

GRISMOLD

JUDY A HALL

City- STANLEY
Phone - 208-774-3345
1 - HC 64 BOX 9965
2 -
3 -

State- ID Zip- 83278

*** O - ORIGINAL OWNER ***
OLITT

SUZANNE

1 - PO BOX 4395
2 -
3 -

State- NV Zip- 89450

OLITT

ARNOLD

City- INCLINE VILLAGE
Phone - 702-831-3505
1 - PO BOX 4395
2 -
3 -

State- NV Zip- 89450

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1879 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROAD CREEK EAST FK. OF SALMON RIVER.

Twn	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion
10N	18E	24	NE NE NE			(37)	CUSTER

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/01		0.090	
+ - Total Div. Rate - + + - Total Div. Volume - +						+ - Total Consumptive Use - + + - KW Usage - +
						0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
10N	18E	24	NW NE		3.0	01	IRRIGATION	(37) CUSTER
					Total Acres:	3.0		

+ - - Diversion Means - CHECK DAM & DITCH TO PLACE OF USE.

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - NONE.

+ - - - - +	- - - - - Old Water Right Numbers
No Old Water Right Numbers Found	

Decree Plaintiff	Decree Defendant	Decree Date
BRADSHAW, ET. AL.	LEUZINGER, ET. AL.	00/00/0000

+ - - Audit Fields - - +
07/12/95 TBACKLUN

Adjudication Rights Dates and Flags Area									
Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576	
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-		
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-		
Claim Received Date	-	11/06/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P	
			Receipt Number	-	S010371	Water District	-		
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S	
			Name Connector	-	AND/OR	Presumption Flag	-		
						Notice of Error Flag	-		



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

JULY 12, 1995

ROBERT GRISWOLD
JUDY HALL-GRISWOLD
HC-64 BOX 9965
STANLEY, ID 83278

RE: SRBA CLAIM A72-00176A
OLITT

DEAR CLAIMANTS:

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DATE OF CLOSING: 12/23/94

JUL 12 1995

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____
Lot 1, Block, 1, Subdivision/Townsite EAST FORK
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 Department of Water Resources Southern Region basis)
- [] Water Right Number(s) Assigned by IDWR: A22-00176A
ARNOLD OLITT AND SUZANNE OLITT,
- [] Name and Address of Former Owner/Claimant(s)(Seller): RICHARD OLITT, SUCCESSOR TRUSTEE OF ARNOLD OLITT REVOCABLE FAMILY TRUST
4771 EVART, MONTCLAIR, CALIF 91763
- [] New Owner/Claimant (Purchaser): ROBERT G. GRISWOLD AND JUDY A. HALL-GRISWOLD
- [] New Mailing Address: HC-64 Box 9965
STANLEY, ID 83278
- [] New Telephone Number: (208) 774-3345
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X 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: WARRANTY DEED

(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): Robert G. Griswold Date 7/7/95
Judy A. Griswold Date 7/7/95
- [] 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: 7/12/95 By: HLB

Claim Numbers of Split, if any:

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

0208041

GANTY DEED

For and in consideration of the sum of \$9965, to the said RICHARD OLIVE as Successor Trustee of the Arnold C. Olive Revocable Family Trust, created October 19, 1990, the grantors do hereby grant, bargain, sell and convey unto R. ERT G. GRIVOLD and J. J. GRIVOLD, husband and wife, the grantees, whose residence is at Ex 9965, Stanley, Idaho 83278, the following premises, in Custer County, Idaho, to-wit:

The East Fork, Custer
County, Idaho, shown by the Official
plat thereof on file in the office
of the said Recorder.

And the said grantors do hereby warrant and assigns forever. And the said grantors do hereby warrant 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 right 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 22 day of December 1994

RICHARD OLIVE, as Successor Trustee
of the Arnold C. Olive Revocable Family
Trust, created October 19, 1990

Richard Olive
RICHARD OLIVE

STATE OF ~~Idaho~~ Idaho
County of ~~Idaho~~ Idaho ss

On this 23 day of
November, 1994, before
me, a Notary Public, per-
sonally appeared

RICHARD OLIVE

known or identified to me
to be the person(s) whose
name(s) are subscribed to
the within instrument, and
acknowledged to me that
he executed the same.

Notary Public

Residing at Stanley, Idaho

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 22 minutes past 2:00
o'clock P.M., the 29th day of
December, 1994, in my office,
and duly recorded in Book
of Deeds at page

Ethel M. Puck

Ex-Officio Recorder

BY

Barbara C. Buechler
Deputy

Fee: \$9⁰⁰

0208041

COUNTY DEED

For Re RICHARD OLITT as Successor Trustee of the Arnold Olitt Revocable Family Trust dated October 19, 1990, the grantors, to hereby grant, sell, convey and convey unto ROBERT G. GRISWOLD and JUDY A. GRISWOLD, husband and wife, the grantees, whose address is Box 9965, Stanley, Idaho 83278, the following premises, in Custer County, Idaho, to-wit:

The East Fork, Custer County, Idaho, as shown by the Official Plat thereof on file in the office of the said Recorder.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, heirs and assigns forever. And the said Grantors do hereby warrant 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 23 day of December, 1994

RICHARD OLITT, as Successor Trustee of the Arnold Olitt Revocable Family Trust, dated October 19, 1990

Richard Olitt
RICHARD OLITT

STATE OF ~~IDAHO~~ CALIFORNIA)
County of ~~CUSTER~~ LOS ANGELES) ss

On this 23 day of December, 1994, before me, a Notary Public, personally appeared
RICHARD OLITT

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that he executed the same.

Maurice W Hoag
Notary Public
Residing at Long Beach, California
Commission Expires 8/18/95

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at the request of Custer County Title at 32 minutes past 2:00 o'clock P.M., the 29th day of December, 1994, in my office, and duly recorded in Book of Deeds at page _____.

Ethel M. Pugh
Ex-Officio Recorder

BY *Barbara C. Buechler*
Deputy

Fee: \$9.00
Mail to:



Richard Olitt
date Oct 19 1990
to Robert G Griswold
and Judy A Hall-Griswold

Lot 1 Block 1, The East
Fork, Custer County

the house and hold
with their
appurtenances

23rd of Dec 1994

Signed
Richard
Olitt

0208041

REALTY DEED

For and in Re of the RICHARD OLIVET as Successor Trustee of the Arnold B. Olivet Revocable Family Trust, dated October 19, 1990, the grantors, do hereby grant, bargain, sell and convey unto RICHARD G. GRIMMOLD and JUDITH A. GRIMMOLD, husband and wife, the grantees, whose address is 1001 N. 9965, Stanley, Idaho 83278, the following premises, in Custer County, Idaho, to-wit:

The East Fork, Custer County, Idaho, as shown by the Official Plat thereof on file in the Office of the said Recorder.

DO HAVE AND I WILL have said premises, with their appurtenances unto said grantees and assigns forever. And the said Grantors do hereby warrant 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 23 day of December, 1994

RICHARD OLIVET, as Successor Trustee of the Arnold B. Olivet Revocable Family Trust, dated October 19, 1990

Richard Olivet
RICHARD OLIVET

STATE OF IDAHO)
County of Custer) ss
On this 23 day of December, 1994, before me, a Notary Public, personally appeared RICHARD OLIVET

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that he executed the same.

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at the request of *Custer County Title* at 32 minutes past 2:00 o'clock P.M., the 23 day of December, 1994, in my office, and duly recorded in Book of Deeds at page

Ethel M. Puck
Ex-Officio Recorder

BY *Barbara C. Buechler*
Deputy

Maurice W. Hoag
Notary Public
Residing at *Long Beach, California*
Commission Expires *8/18/95*

Fee: \$ 9.00
Mail to:



ATTN:

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

222 Shoshone Street East • Twin Falls, Idaho • 83301-6105



RECEIVED

JUL 12 1995

Department of Water Resources
Southern Region

IDAHO DEPT. OF WATER RESOURCES
SOUTHERN REGION
222 Shoshone Street East
Twin Falls, ID 83301

ATTN: FAH-5000.

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: A72-00176A
Date Received: 10/05/1989
Receipt No: 5010371
Received By: R. J. H.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARNOLD OLITT 702-831-3505
Address: P.O. BOX 4395
INCLINE VILLAGE, NV 89450
OR
Name: SUZANNE OLITT 702-831-3505
Address: P.O. BOX 4395
INCLINE VILLAGE, NV 89450
2. Date of Priority: APR 01, 1879
3. Source: ROAD CREEK Trib. to: EAST FK. OF SALMON RIVER.
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 10N | 18E | 24 | NE | NE | NE | | CUSTER |
5. Description of diverting works:
CHECK DAM & DITCH TO PLACE OF USE.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 10/01 | 0.090 | | |
7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A72-00176A

Page 1

Date: 10/30/89

POU: Lot 1 **COPY**
Block 1

MICROFILMED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10N	18E	24	NW NE		IRR	3.0
Section Acres						3.0
Total Acres						3.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE.

14. Remarks:
SOURCE ALSO KNOWN AS MARSH CK.
**THIS CLAIM IS A SPLIT FROM A72-00176.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

BRADSHAW, ET. AL.
Decree Plaintiff

vs

LEUZINGER, 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 X 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):

Rueda Altit
Seyanne Dezel

Date: 10/27/89

Date: 10-27-89

State of California ~~Idaho~~

County of San Diego

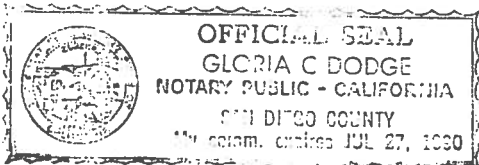
)
) SS.
)

Subscribed and sworn (or affirmed) before me this 27th day

of October 19 89

Gloria C. Dodge
Notary Public

Seal



Residing at San Diego, California
My Commission Expires July 27, 1990

R18E

R19E

4900

4999

TION

12' 30"

4998

4997

ORIGIN PROPERTY

Point of diversion

5653

4995

MICROFILMED

MAR 18 1993

4994



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

Nov. 7, 1989

Re: A72-00176A

.SUZANNE OLITT
.P O BOX 4395
.INCLINE VILLAGE NV 89450

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', written over a horizontal line.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993

COMMUNICATION DOCUMENTATION

September 10, 1998

Regarding:

A72-00176A

Customer:

Robert Griswald

From: Vikie Hancock

[illegible]

Phoned and left message for Mr. Griswald to call me at the office regarding his irrigation system on Road Creek, and also regarding the lots to the west of him.

9:50 - He called me back, stated that the pipeline was put in Sept 1997 to replace washed out p/d above his lot on BLM ground. He worked with BLM on construction of pipeline. Said that his knowledge was that Baker's irrigated his lot when old p/d was in service, but had no knowledge of when that stopped. He purchased in 1995 and the old p/d was out then, but ditches still very much in evidence. He has a purchase agreement for lots 2 & 3. I advised him that there were no claims filed for those lots. He asked me to send him paperwork for filing, which I did.

Claim No. A72-00176A

IDWR Employee/Agent Frank Hitchcock

NAME:

RE:

ROBERT "BOB" GRISWOLD

A72-00176A-OLITT

TT DRJ ABOUT 11 AM THIS DATE. HE BROUGHT ME CALLERS NAME AND A LEGAL DESCRIPTION RE: EAST FORK SUBDIVISION, LOT 1, BLOCK 1. I CROSS-INDEXED MY RECORDS IN BASIN 72 AND SOURCED THE CLAIM NUMBER. I SHOWED DRJ THE FILE AND EXPLAINED THE USAGE TO HIM. HE ASKED ME TO CALL GRISWOLD BACK WHICH I DID. WENT THROUGH THE SRBA AND THE FIELD EXAM OF TWO YEARS AGO. DESCRIBED LACK OF RECCOMENDATION DUE TO LEGAL EVENTS AND SENT HIM 1409A FORMS WITH SAE TO: ROBERT GRISWOLD HC 64 BOX 9965 STANLEY, ID 83278. PHONE IS 1-208-774-3345. MAILED THIS DATE.

TELEPHONE MEMORANDUM

Incoming Call

✓
Outgoing Call 3:23 PM

Returning Call

TO:

OLITT

702-831-3505

DATE:

07-19-1993

FROM:

H

FILE:

-00176A

FILE NO:

SUBJECT:

field team N/A

07-20-93 REMARKS:

N/A

9:00 PM

N/A

08-11-93

10:43 AM

N/A

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

This is a copy of my note to the Bakers
who irrigate our property. On reverse side is their
answer
10/13/89
Arnold Olitt

Dear Mr & Mrs Baker:

As I stated in my phone call
to you, I need to know the
location of the diversion dam
you construct to irrigate our
property. Would you please
indicate its location on the
attached aerial map in red or
some distinguishable color. The
Idaho Water Resources Board needs
this location so they can identify
the Range, Township and Section. It is
1/4. Remember, the distance between
the large squares is one mile.
Enclosed is a self addressed return
envelope for your use. Thanks
Arnold Olitt

OVER

BACK SIDE IS COPIED TO
OTHER SHEET

Arnold Olitt

Enclosed is a signed copy of
our Water Rights adjudication
document.

Also enclosed are the following.

1. Copy of Olitt note to Baker and
their reply - which locates
the point of diversion
2. Copy of Agreement between
Olitts and Bakers as proof
Bakers are irrigating Olitt property
3. Air photo of East Fork
Subdivision showing Olitt
property and location of
diversion point on Road Creek.

I would appreciate receiving a bill
for the total costs and instructions
where to mail the check and how
it should be made out.

MICROFILMED
MAY 18 1999



BACK SIDE COPY OF ARNOLD OLITT NOTE.

10-24-89

Dear Arnold,

The diversion for your ditch is approximately 150 yds. upstream from your boundary line.

I didn't want to mark it on your map for fear I would miss it up.

Betty B.

From the above location, you can pretty accurately describe the point of diversion on page 1 of adjudication sheet attached.

← downstream

→ upstream

For the information of the Idaho Water Resources Board.

AGREEMENT

BETTY BAKER and/or RICHARD BAKER agree to hold SUZANNE OLITT and/or ARNOLD OLITT harmless for any liability which might occur due to damage to or resulting from cattle owned by the Bakers while grazing on Block 1, Lot 1, the East Fork Subdivision, Custer County, Idaho. The Bakers also agree to hold the Olitts harmless for any liability as a result of injury to the Bakers or their family or friends while being on the Olitts' property.

The Olitts have given permission to the Bakers, and only the Bakers, to let their cattle graze on the above-listed property. For this permission, the Bakers agree to irrigate the above property and see that the fences are maintained in good repair in order to keep other cattle from grazing on the Olitts' property.

Said agreement shall be effective from October 1, 1989 to April 1, 1990.

DATED this _____ day of _____, 1989.

SUZANNE OLITT

ARNOLD OLITT

DATED this _____ day of _____, 1989.

BETTY BAKER

RICHARD BAKER

*I have a signed copy of this agreement
AQ.*

MICROFILMED

MAR 18 1993

NAME:

OLITT, A.

CLAIM: A.

72-00176A

CORRESPONDENCE

EVIDENCE OF

PRIORITY

2001 MAY -2 AM 10:21

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

In Re SRBA	)	Subcase: See Exhibit A
	)	
Case No. 39576	)	PARTIAL DECREE OF DISALLOWED
	)	WATER RIGHT CLAIMS

On January 29, 1999, the Director of the Idaho Department of Water Resources filed a *Director's Report for Irrigation & Other Uses, Reporting Area 4, Basin 72* recommending that the water right claims listed on the attached Exhibit A be **disallowed**. No objections were filed to these recommendations, and the time period for filing objects has expired.

As this Court has previously determined, all claims reported to the Court by the Director of IDWR shall appear in a decree. This is required so that there is no confusion over action taken by the Court on all claims reported to it.

THEREFORE IT IS ORDERED AND ADJUDGED that the water right claims listed on Exhibit A are hereby **disallowed with prejudice** and shall not be confirmed in any partial decree or in any final decree entered in the SRBA, Case No. 39576, in whatever form that final decree may take or be styled.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED May 2, 2001

Roger Burdick

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

EXHIBIT A

Subcase Nos:

72-00017	72-07389
72-00097A	72-10063
72-00139A	72-10111
72-00176D	72-10153
72-00176G	72-10170
72-00176H	72-10208
72-00176J	72-10249
72-00176K	72-10252
72-00187A	72-10369
72-00202B	72-10378
72-00217	72-10400B
72-00230F	72-10404
72-00230Q	72-10408
72-00230V	72-10430
72-00232A	72-10437
72-02035	72-10450
72-02065	72-10451
72-02069B	72-10464
72-02069H	72-10494
72-02069L	72-10499
72-02079	72-10511
72-02088G	72-10521
72-02091B	72-10522
72-02091C	72-10535
72-02097A	72-10536
72-02097B	72-10584
72-02136A	72-10861
72-04021A	72-11733
72-04056A	72-16545
72-04078	72-16551
72-04129	
72-04141	
72-04142	
72-04148A	
72-04148B	
72-04154	
72-04155	
72-04156	
72-04159C	
72-04159E	
72-04179A	
72-04179B	
72-04179D	
72-04179E	
72-04179F	
72-04184	
72-04193	
72-07073	
72-07085	
72-07359	

(Subcase list: 72DISALLOW)
5/02/01

CAROL M DAY
PAUL R DAY
5930 ARNEY LANE
BOISE, ID 83707

Twin Falls, ID 83303-2707

RECEIVED
2707

MAY 1 1 2001

Department of Water Resources

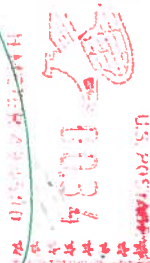
UNDELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE



**Department of Water Resources
Southern Region**

MAY 15 2001

RECEIVED



72-176

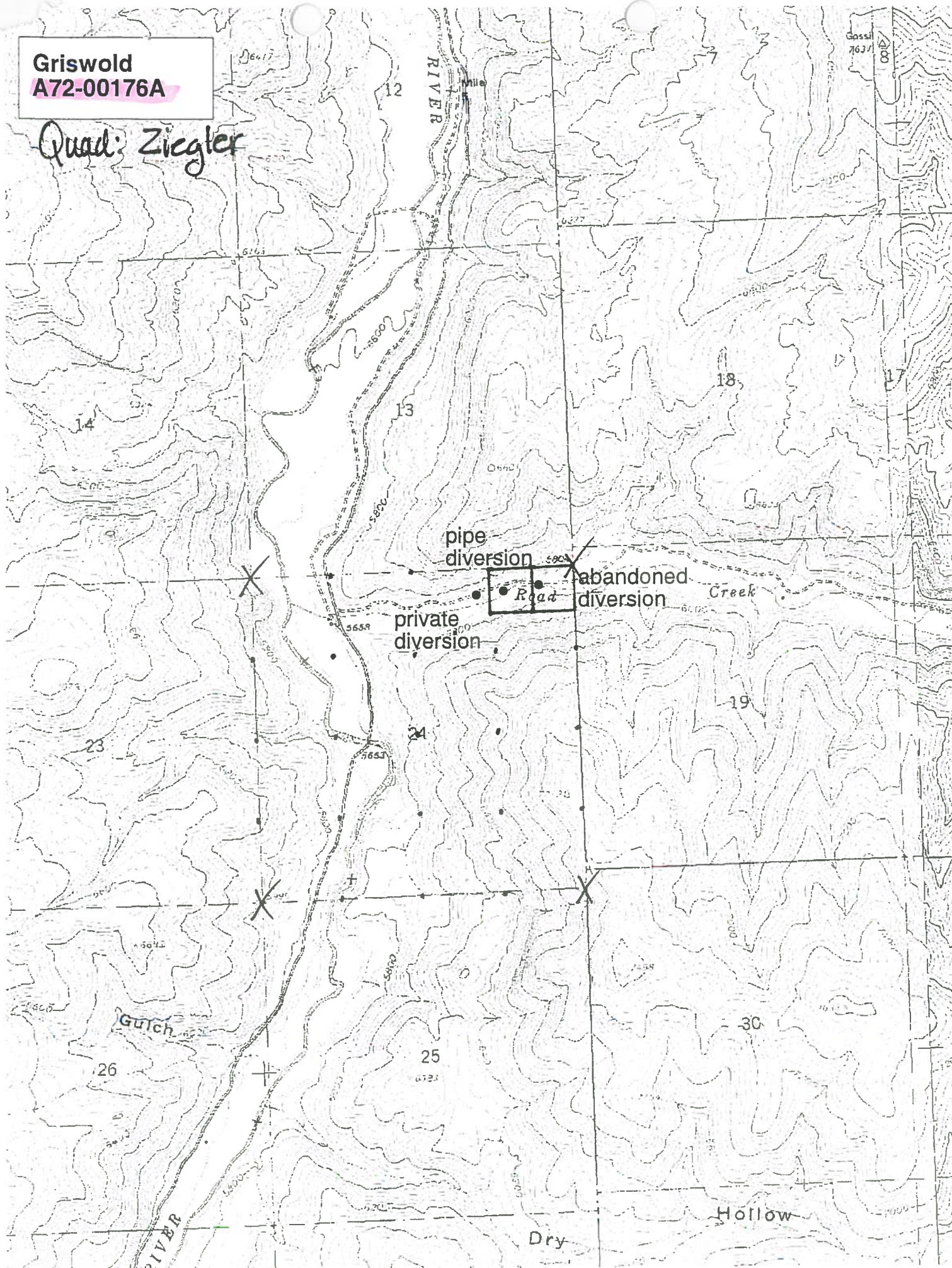
DAY-930 037032016 IN 08 05/04/01
RETURN TO SENDER
NO ORDER ON FILE
UNABLE TO SENDER

附錄

[illegible]

Griswold
A72-00176A

Quad: Ziegler



RECEIVED

JAN 10 2000

Department of Water Resources
Southern Region

FIELD VERIFICATION FORM

Private Irrigation Water Right Claim on BLM/Public Lands

Claim No. 72-00176 A Date 8/30/99
Claimant(s) Griswold
Investigator(s) Bittner / Velthuis Time _____

Quad Map Name/No. Ziegler B3-4414
Contested Legal Description T10N R18E S24 NWNENE
Photo Nos. and/or Description 22-Pipe diver. 23 Aband. Diver. 24-water leaving pipe flowing into ditch on private. (+2 Ditch diversion on private
Is Public Land Now Being Used? YES NO If yes, what type of use?

Pasture Corrals Farmed _____

Is Use Authorized by the BLM? (YES) NO (866 Act Ditch
If yes, Permit/Lease No. _____

Water Source: WELL (DITCH) STREAM CANAL LAKE SPRING Other: _____

Irrigation System: GRAVITY/FLOOD PIVOT WHEEL LINE HAND LINES

If other, please describe. _____

Describe how the irrigation system could be modified to eliminate the use of Public Land. _____

Was GPS Data collected? (YES) NO Way Point or GPS File No. WP-1 Pipe diversion
WP-2 Abandoned Diversion WP-4 Ditch diversion on Private

What feature was GPS'd as the physical boundary of the Public Land?

EDGE OF FIELD FENCE DITCH/CANAL ROAD MARKER OTHER: _____

Remarks...such as is there an encroachment on BLM? Number of acres in trespass? What portion of the 40 acre tract is being used or farmed?

Two 1866 Ditches existed on BLM in the NENE.
One ditch is abandoned
One ditch was put into a pipe for 100' from the
diversion on BLM to the ditch on private





Hancock, Vikie

From: Denniston, Sara
Sent: Thursday, January 06, 2000 10:00 AM
To: Hancock, Vikie; Clelland, Steve
Subject: Griswold

I'm not sure which one of you is the assigned agent, but I just want to let you know that BLM came by with an SF5 today or Griswold 72-00176A. They went back out and realized that there wasn't a trespass, so there are no changes made in the SF5, other than to delete an IDWR typo listing the purpose of use as "none." I've signed the SF5 and it's going to be filed.

Hancock, Vikie

From: Denniston, Sara
Sent: Tuesday, November 16, 1999 9:44 AM
To: Hancock, Vikie
Subject: RE: B72-00193A

Vikie,

72-00230B already has an SF5 filed so is not set for initial hearing. There may be some confusion because the court initially set this for initial hearing even though the SF5 was already filed, but then the court discovered the mistake and vacated the hearing.

72-00176A is also not set for initial hearing, apparently because the objection was late.

> -----Original Message-----

> **From:** Hancock, Vikie
> **Sent:** Tuesday, November 16, 1999 9:30 AM
> **To:** Denniston, Sara
> **Subject:** RE: B72-00193A

>

> Sra,

>

> These SF5's were date-stamped into the office on June 29th.
> Don't know the source. I'm using them along with your
> hearings list to prepare the files for Jeanie and Steve when
> they go to Challis. There are several that are not on your
> list: the Bakers 193A, Dunfee 00230B which was a typo on the
> POD that I have corresponded with Mr. Dunfee on in the past,
> and Griswold 00176A which I have been in contact with the
> claimant about. His POD is just inside the Federal boundary
> and he knows it. I haven't done anything with R records on any
> of them. There are also five here that BLM is objecting to
> IDFG fish screens, which I have ignored since the SO did the
> recommendations for those.

>

> I'll call Fred to get the remark he wants on there. Thanks.

>

> Vikie

>

> -----Original Message-----

> **From:** Denniston, Sara
> **Sent:** Tuesday, November 16, 1999 9:12 AM
> **To:** Hancock, Vikie
> **Subject:** RE: B72-00193A

>

> Oops, I was looking at 72-00193B (which is Richard and
> Cheryl). I looked up 00193A and it looks like the reason
> it's not scheduled for hearing is that the objection came in
> late so the court needs to have a hearing on a motion to file
> late objection. So officially there is no objection filed on A yet.

>

> So you said you got a pack of SF5s, was that from the BLM?
> Could you let me know which ones you're working on?

>

> As to the clarification language, I'm not sure if that
> applies to 00193A since I was looking at the wrong one
> before. However, for future reference, we use this language
> quite frequently. I don't remember the exact wording but
> usually it just says basically "this place of use does not
> include any BLM land." It's much easier than trying to give
> a detailed explanation of which part is BLM and which

RECEIVED

JUN 29 1999

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 72-00176

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494
United States Department of Justice: Environment and Natural Resource Division: General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Robert & Judy Griswold

Address: HC 64 Box 9965 Stanley, ID 83278

Name:

Address:

Name:

Address:

Name:

Address:

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

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

4. ☒ Priority Date

Should be: See attached

5. ☒ Point(s) of Diversion

Should be: See attached

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☒ Place of Use

Should be: See attached

11. I object because:

☐ This water right should not exist.

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

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

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

F.

VERIFICATION (Must be Completed)

State of Idaho)

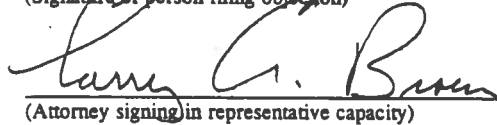
) ss.

County of Ada)

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

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


(Signature of person filing objection)


(Attorney signing in representative capacity)

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



John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Robert & Judy Griswold
Address: HC 64 Box 9965 Stanley, ID 83278

Name:
Address:

Name:
Address:

Name:
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

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

DATE: JAN-26-1999
PAGE: A-613

RIGHTS FROM: SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK

RIGHT NUMBER: 72-00176A

NAME & ADDRESS: JUDY A HALL GRISWOLD *PODION BLM*
ROBERT G GRISWOLD
HC 64 BOX 9965
STANLEY ID 83278

SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK
QUANTITY: 0.04 CFS
PRIORITY DATE: 04/01/1879
POINT OF DIVERSION: T10N R18E S24 NWNENE *BLM* Within CUSTER County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION NONE 04-01 10-31 0.04 CFS
PLACE OF USE: IRRIGATION Within CUSTER County
T10N R18E S24 NWNENE 1.9 ✓
1.9 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
SOURCE IS ALSO KNOWN AS MARSH CREEK.
PROPERTY IS ALSO KNOWN AS LOT 1, BLK 1, EAST FORK SUBDIVISION

POD NO LONGER IN USE

NEW DIVERSION:

T10N R18E S24 NENW1/4

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

July 26, 1999

Regarding:

Customer:

72-00176A

BOB GRISWOLD

[illegible]

I called Mr. Griswold in regard to the BLM objection of his water right on Road Creek. We agreed that his point of diversion as recommended in the SRBA is correctly identified as lying in the NW ¼ NE ¼ NE ¼ of Section 24, T10N, R 18E, and that that location is on BLM property.

He had been in contact with Gloria Romero at BLM in Challis and she was going to have someone else call him about the objection. He was under the assumption that his point of diversion was OK with the BLM.

We also discussed that BLM had indicated that they were objecting to the claim's priority date and place of use. I told him that his priority date was well documented legally by the 1921 decree on the East Fork. He said he knew that the place of use was his property. He was going to contact the BLM again if he didn't hear from them this date, and I told him that any documents he needed from his claim file, or from the original East Fork Decree, were available to him at our office.

RECEIVED

JUL 15 1999

Department of Water Resources
Southern Region

RECEIVED

JUL 13 1999

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 72-00176A

(Insert water right number)

STANDARD FORM 1
AMENDED OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

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

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

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Robert & Judy Griswold

Address: HC 64 Box 9965, Stanley, ID 83278

Name:

Address: ,

Name:

Address: ,

Name:

Address: ,

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: See attached
5. ☒ **Point(s) of Diversion**
Should be: See attached
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

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

E. REASONS SUPPORTING OBJECTION(S):

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

VERIFICATION (Must be Completed)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

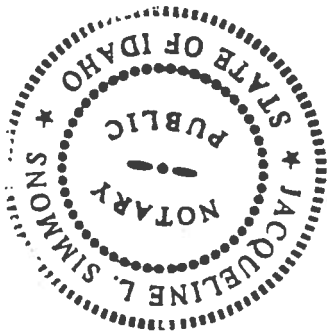
(Signature of person filing objection)

(Attorney signing in representative capacity)

Jacqueline L. Simmons

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 04-07-2005

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on July 9th, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

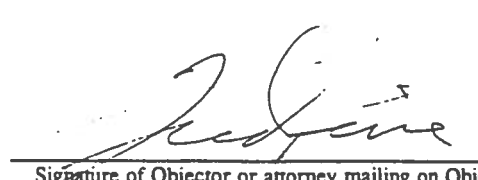
Name: Robert & Judy Griswold
Address: HC 64 Box 9965, Stanley, ID 83278
Name:
Address: ,
Name:
Address: ,
Name:
Address: ,

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

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

DATE: JAN-21
PAGE: A-613

RIGHTS FROM: SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK

RIGHT NUMBER: 72-00176A
NAME & ADDRESS: JUDY A HALL GRISWOLD *POD ON BLM*
ROBERT G GRISWOLD
HC 64 BOX 9965
STANLEY ID 83278
SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK
QUANTITY: 0.04 CFS
PRIORITY DATE: 04/01/1879
POINT OF DIVERSION: T10N R18E S24 *NWNE BLM* Within CUSTER County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION NONE 04-01 10-31 0.04 CFS
PLACE OF USE: IRRIGATION Within CUSTER County
T10N R18E S24 NWNE 1.9 ✓
1.9 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
SOURCE IS ALSO KNOWN AS MARSH CREEK.
PROPERTY IS ALSO KNOWN AS LOT 1, BLK 1, EAST FORK SUBDIVISION

POD NO LONGER IN USE

NEW DIVERSION:

T10N R18E S24 NWNE

EST JUN -2 11 4:20

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

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

In Re SRBA

Case No. 39576

A. Subcase 72-00176 *Invalid #*
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494
United States Department of Justice: Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Robert & Judy Griswold
Address: HC 64 Box 9965 Stanley, ID 83278
Name:
Address:
Name:
Address:
Name:
Address:

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: See attached
5. ☒ **Point(s) of Diversion**
Should be: See attached
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

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

E. REASONS SUPPORTING OBJECTION(S):

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

VERIFICATION (Must be Completed)

) SS.

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


(Signature of person filing objection)

(Attorney signing in representative capacity)

John W. Timberlake

My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

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

1. Original to:

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

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

Name: Robert & Judy Griswold
Address: HC 64 Box 9965 Stanley, ID 83278
Name:
Address:
Name:
Address:
Name:
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-26-1999
PAGE: A-613

RIGHTS FROM: SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK

RIGHT NUMBER: 72-00176A

NAME & ADDRESS: JUDY A HALL GRISWOLD *PODDON BLM*
ROBERT G GRISWOLD
HC 64 BOX 9965
STANLEY ID 83278

SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK
QUANTITY: 0.04 CFS
PRIORITY DATE: 04/01/1879
POINT OF DIVERSION: T10N R18E S24 NWNENE *BLM* Within CUSTER County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION NONE 04-01 10-31 0.04 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T10N R18E S24 NWNENE 1.9 ✓
1.9 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
SOURCE IS ALSO KNOWN AS MARSH CREEK.
PROPERTY IS ALSO KNOWN AS LOT 1, BLK 1, EAST FORK SUBDIVISION

POD NO LONGER IN USE
NEW DIVERSION:

T10N R18E S24 NENWNE

Water Right Number - R72-00176A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
GRISWOLD

ROBERT G

GRISWOLD

JUDY A HALL

*** O - ORIGINAL OWNER ***
OLITT

SUZANNE

OLITT

ARNOLD

1 - HC 64 BOX 9965
2 -
3 -
City- STANLEY
Phone - 208-774-3345
1 - HC 64 BOX 9965
2 -
3 -
City- STANLEY
Phone - 208-774-3345
State- ID Zip- 83278
1 - PO BOX 4395
2 -
3 -
City- INCLINE VILLAGE
Phone - 702-831-3505
1 - PO BOX 4395
2 -
3 -
City- INCLINE VILLAGE
Phone - 702-831-3505
State- NV Zip- 89450

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1879 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + - - - - Tributary - - - - - +
ROAD CREEK SALMON RIVER, EAST FORK

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County
10N 18E 24 NW NE NE (37) CUSTER

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/31 0.040

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
0.040 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10N 18E 24 NW NE 1.9 01 IRRIGATION (37) CUSTER

Total Acres: 1.9

+ - - Diversion Means - BURIED PIPELINE FROM STREAM TO PLACE OF USE

Prefix Translation: RESEARCH

+ - - - Other Rights for Same Use - NONE.

SOURCE IS ALSO KNOWN AS MARSH CREEK.
PROPERTY IS ALSO KNOWN AS LOT 1, BLK 1, EAST FORK SUBDIVISION

No Old Water Right Numbers Found

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Decree
BRADSHAW, ET. AL.

Date: 07/12/1995 User Id: TBACKLUN Subject: C
**THIS CLAIM IS A SPLIT FROM A72-00176.
GRISWOLD-NEW OWNER. WARRANTY DEED INCLUDED.

+ - - Audit Fields - - +

| 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 | - 11/06/1989 |
| Field Inspection Made | - 08/03/1993 |
| Field Inspection Flag | - |
| Verified Date | - 11/10/1998 |
| Last Amended Date | - 00/00/0000 |
| Receipt Number | - S010371 |
| POU Ownership Flag | - Y |
| Name Connector | - AND/OR |

| | | |
|-------------------------|---|-------|
| Civil Case Number | - | 39576 |
| Old Case Number | - | |
| Old Judicial District | - | |
| Temporary Right | - | P |
| Water District | - | |
| Federal/State Indicator | - | S |
| Presumption Flag | - | A |
| Notice of Error Flag | - | |

AJ0749NP
No. R72-00176A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 10/26/95
PAGE: 1

OWNER
CODE NAME & ADDRESS
C ROBERT & GRIWOLD
C JUDY A HALL GRISWOLD

PRIORITY
DATE WATER USE
04/01/1879 IRRIGATION

USE PERIOD
FROM TO
04-15 10-15
TOTAL DIVERSION:
CONSUMPTIVE USE:

DIVERSION
RATE
0.06 CFS
0.06 CFS
10.50 AFA
7.50 AFA

Water Source: ROAD CREEK

Tributary to: EAST FK. OF SALMON RIVER.

Stage: DECREED

Point(s) of Diversion: T10N R18E S24

CUSTER County

Place of use Legal Description for: IRRIGATION

| | NE | NW | SW | SE | SUM |
|---|------|------|------|------|------|
| T R S : Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac Lt Ac | SENE | SENE | SENE | SENE | SENE |
| 10N 18E 24 : | 03 | | | | 3.0 |
| | 1.9 | | | | 1.9 |
| TOTAL ACRES | | | | | 3.0 |

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: NONE.

Dates: Exam Made Date: 08/03/1993 Verified Date: 10/26/1995

Misc: Water District Number: Field Inspection Flag: A
Presumption Flag: A

Condition code for chg & p/d same tract

003
801
501

1 NUMBER B2-00176A

DATE 9-14-98

TRANSFER NUMBER _____

AGENT WA

CLAIMED ACRE TOTAL 3.0

GIS ACRE TOTAL 1.9

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|-----|-----|-----|-----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| | TWP | RNG | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| IM | 10N | 18E | 24 | | 3.0 | | | | | | | | | | | | | | | 3.0 |
| | " | " | " | | 1.9 | | | | | | | | | | | | | | | 1.9 |
| OM | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| IM | | | | | | | | | | | | | | | | | | | | |
| S | | | | | | | | | | | | | | | | | | | | |
| OM | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| IM | | | | | | | | | | | | | | | | | | | | |
| IS | | | | | | | | | | | | | | | | | | | | |
| COM | | | | | | | | | | | | | | | | | | | | |

2-DBPOU.SHP

APPE NOS.

21

2-DBPOD.SHP

OS. DESCRIPTION

38

nw ne ne Sec 24 TION RIBE

BF TABLES UPDATED

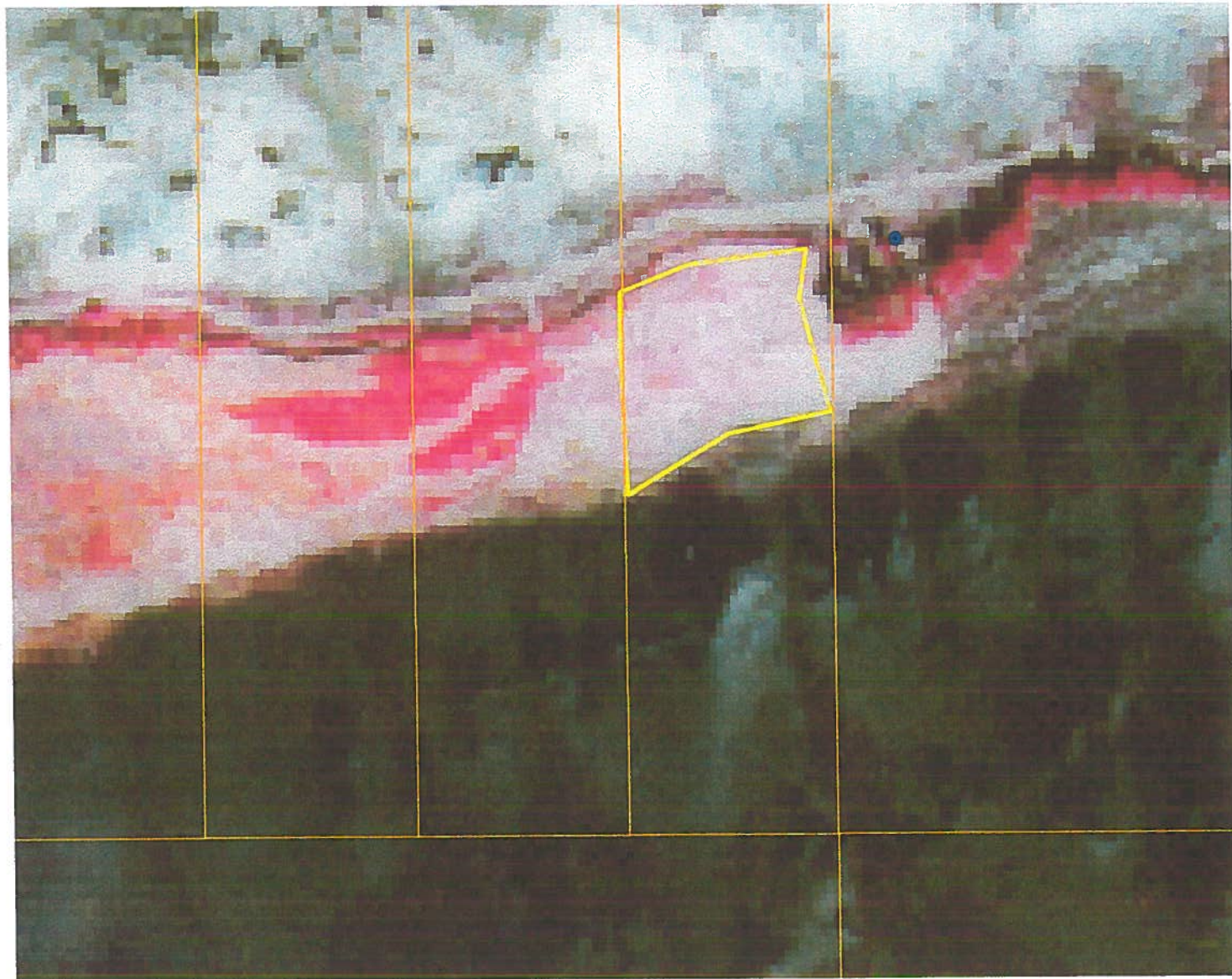
72-DBPOU.DBF

72-DBPOD.DBF

GIS

**RIGHT 72-00176A
GRISWALD**

**RECOMMENDED PLACE OF USE
TWP 10N, RNG 18E, SEC 24
data entry on September 14, 1998**



-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**

GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK

PIPE FLOWS

properly designed @ 5 ft./sec

$$Q = 5 \pi R^2 \quad (R \text{ in ft.})$$

| PIPE
DIAM (in.) | ^{1/100}
CFS | ^{1/10}
MINERS
INCH. | ^{1/10}
GALLONS/
MINUTE |
|--------------------|-------------------------|------------------------------------|---------------------------------------|
| 1 | .03 | 1.5 | 13.5 |
| 2 | .11 | 5.5 | 49.4 |
| 3 | .25 | 12.5 | 112.2 |
| 4 | .44 | 22.0 | 197.5 |
| 6 | .98 | 49.0 | 439.8 |
| 8 | 1.74 | 87.0 | 780.9 |
| 10 | 2.73 | 136.5 | 1225.2 |
| 12 | 3.93 | 196.5 | 1763.8 |
| 14 | 5.34 | 267.0 | 2396.6 |
| 16 | 6.98 | 349.0 | 3132.6 |
| 18 | 8.83 | 441.5 | 3962.9 |
| 20 | 10.90 | 545.0 | 4891.9 |
| 22 | 13.19 | 659.5 | 5919.7 |
| 24 | 15.70 | 785.0 | 7046.2 |

AMOUNT A PIPE WILL
CARRY WHEN VEL = 5 ft/SEC
USED FOR CARRYING CAPACITY
OF GRAVITY SYSTEM. 5 FE/SEC
PROB. RATHER OPTIMISTIC.

THEORETICAL MEASUREMENT

of one hundred sixty inches or three and one-fifth cubic feet per second of time of the flow of the waters of Road Creek, also known as Marsh Creek, for the irrigation of his land described as follows, to-wit: $N\frac{1}{2}$ of the $NW\frac{1}{4}$, the $N\frac{1}{2}$ of the $NE\frac{1}{4}$, Section 20, Township 10, North of Range 19, East of Boise Meridian, his right thereto, dated from April 1st, 1880.

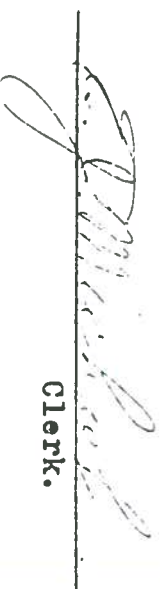
77-0061746

-5- That the defendant, Fridolin Leuzinger, be and he is hereby awarded the right to the use of twenty inches or four tenths cubic feet per second of time of the flow of the waters of Road Creek, also known as Marsh Creek, and also five hundred twenty inches or ten and two-fifths cubic feet per second of time of the flow of the waters of the East Fork of Salmon River, for the irrigation of his said land, described as follows, to-wit: $NE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $S\frac{1}{2}$ of the $NW\frac{1}{4}$, the $N\frac{1}{2}$ of the $SW\frac{1}{4}$, the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ Section 13, and the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$, and the $N\frac{1}{2}$ of the $NW\frac{1}{4}$, Section 24, all in Township 10, North of Range 18, east of Boise Meridian, his dates of priorities to be as follows: from Road Creek also known as Marsh Creek, to date from the first day of April, 1879, and from the East Fork of Salmon River, from the first day of April, 1910.

Done in open Court this 31st day of October, 1921.

Ralph W. Adair,
Judge.

Filed this 31st day of October, A. D. 1921.


Clerk.

COPY

DECE

PRIORITY Doc.
#1

MEMORANDUM

TO: Decree File No. 72-G -- James Bradshaw, et al., vs. Jacob Leuzinger, et al.
FROM: Roberta Garrett
THROUGH: Dave Tuthill *DT*
DATE: February 19, 1980
SUBJECT: Review of Fridolin Leuzinger's Decreed Rights on East Fork Salmon River

In the decree of 10-31-1921, James Bradshaw, et al., vs. Jacob Leuzinger and Fridolin Leuzinger, Fridolin Leuzinger was decreed 20 inches of the waters of Road Creek (4-1-1874) and 520 inches of East Fork Salmon River (4-1-1910) for lands identified in

T. 10 N., R. 18 E.

Section 13: NE4NW4, S2NW4, N2SW4, SW4SW4

24: NW4NE4, N2NW4

In the decree of 7-26-1933, Raymond Gossi, et al., vs. Phillip Gossi, Fridolin Leuzinger was decreed an additional 120 inches of the waters of East Fork Salmon River (5-1-1880) for lands not listed in the decree of 10-31-1921.

T. 10 N., R. 18 E.

Section 24: S2NW4, NE4SW4

The decree of 2-14-1938, Rosa A. Gossi, et al., vs. Paul Giampedraglia, et al. decreed rights on the East Fork Salmon River and named tributaries. Fridolin Leuzinger and his lands in the two prior decrees on East Fork Salmon River were enjoined in this decree:

T. 10 N., R. 18 E.

Section 13: NE4NW4 (11.36 ac.), S2NW4, N2SW4, SW4SW4

24: NW4, NW4NE4, NE4SW4

This decree supercedes all rights on the East Fork Salmon River leaving in effect all rights on Road Creek aka Marsh Creek in the decree of 10-31-1921 as this creek was not a named tributary in the decree.

Priority Doc
#2

MEMORANDUM

Page 2

February 19, 1980

Fredolin Leuzinger's rights are as follows:

72-0176 -- Road Creek -- 20 inches or 0.4 cfs -- 4-1-1874

T. 10 N., R. 18 E.

Section 13: NE4NW4, S2NW4, N2SW4, SW4SW4

24: NW4NE4, N2NW4

72-0230 -- East Fork Salmon River -- 400 inches or 8.0 cfs -- 5-1-1880

T. 10 N., R. 18 E.

Section 13: NE4NW4 (11.36 ac.), S2NW4, N2SW4, SW4SW4

24: NW4, NW4NE4, NE4SW4

rg

cc Southern Region

Split Analysis

72-00176

Source Road Creek
0.04 cfs 19.5 IRE Acres

| AJ Claim Number | Lot # | Recommended div. Amt | Recommended Acres |
|-----------------|-------|----------------------|-------------------|
| A72-00176 A | 1 | .04 | 1.9 |
| A72-00176 C | 4 | .07 | 3.3 |
| A72-00176 E | 5 | .06 | 3.0 |
| A72-00176 F | 6 | <u>.06</u> | <u>3.1</u> |
| Total claimed | | 0.23 cfs | 11.3 ac |

late claims? { 2 }
 { 3 }

| | | | |
|-----------|---|---------------|---------------|
| unclaimed | 7 | .09 | 4.53 |
| | | .06 | 2.97 |
| | | <u> </u> | <u>+ 0.70</u> |
| | | .38 cfs | 19.5 ac |

$$\frac{0.4 \text{ cfs}}{19.5 \text{ ac}} = 0.020 \text{ cfs per acre}$$

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-00176A
17

17:09:38
10/18/95

| 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 | | | | | | | | |
| POINT OF DIV | Y | | 08-03-95
09-14-95
09-16-95
9-2-98
JH, KC | N | 10-14-95
JH, NC | 10-14-95 | 10-26-95 | 10-26-95 |
| SOURCE | Y | | | N | F# | | | |
| PLACE OF USE | Y | | | N | | | | |
| DIV. AMOUNT
CFS/VOLUME | Y | | | N | | | | |
| CONSUMPTIVE USE | - | | | N | | | | |
| PURPOSES OF USE | | | | N | | | | |
| PERIOD OF USE | Y | | | Y | | | | |
| BASIS OF CLAIM | Y | | | N | | | | |
| REMARKS | Y | 07-12-1995
JH, KC | | N | | | | |

BARCODE UPDATED
WHOM/DATE

7/10-26-95

CVR

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-00176A

17:09:38
10/18/95

LAST: GRISWOLD
ADDRESS: HC 64 BOX 9965
CITY: STANLEY
PHONE NUMBER: 208-774-3345
STATE: ID ZIP: 83278

OWNER CODE: C

LAST: GRISWOLD
ADDRESS: HC 64 BOX 9965
CITY: STANLEY
PHONE NUMBER: 208-774-3345
STATE: ID ZIP: 83278

OWNER CODE: C

LAST: OLITT
ADDRESS: PO BOX 4395
CITY: INCLINE VILLAGE
PHONE NUMBER: 702-831-3505
STATE: NV ZIP: 89450

OWNER CODE: 0

LAST: OLITT
ADDRESS: PO BOX 4395
CITY: INCLINE VILLAGE
PHONE NUMBER: 702-831-3505
STATE: NV ZIP: 89450

OWNER CODE: 0

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y FIELD EXAMINER Y() N()

CLAIM REMARKS: SOURCE ALSO KNOWN AS MARSH CK.
**THIS CLAIM IS A SPLIT FROM A72-00176.
OWNERSHIP CHANGE MADE 7/12/95 BY TLB. OLITT-FORMER OWNER,
GRISWOLD-NEW OWNER. WARRANTY DEED INCLUDED.

CONTACT PERSON:

Betty Baxter

PHONE NUMBER:

() 838-2271

(Baxter)

DATE OF FIELD EXAM:

9/16/98

APPOINTMENT MADE:

Y() N()

TIME:

12:00 AM

ACCOMPANIED BY:

same

RELATIONSHIP TO CLAIMANT:

irrigator

PHONE NUMBER:

() - - -

DIRECTIONS TO PROPERTY / NOTES:

Note from J. Hancock 9/14/98:

Field exam 9/2/98 discovered a pipeline in the NE Sec 34 that now delivers water to lot 1. Contacted claimant who stated pipe put in in Sept 1987 to replace old diversion, also in the NE, that was unusable when he purchased property

A. AU CLAIM: # A72-00176A PRIORITY DATE: 04-01-1879 STAGE: D

B. WR RECORD: # 72-00176 PRIORITY DATE: 04-01-1879 STAGE: D

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE?

Y(✓) N()

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE?

Y() N(✓)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW)

Y() N(✓)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED

N/A(✓) Y() N()

FIELD EXAM COMPLETED

N/A() Y() N()

FIELD EXAM SENT TO STATE OFFICE

N/A() Y() N()

LICENSE ISSUED

N/A() Y() N()

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED?

N/A(✓) Y() N()

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY?

Y() N(✓)

NOTES:

See following documents relating to the claim and important records relating to same.

Property documents #1, #2, #3

RECOMMENDED PRIORITY DATE:

04-01-1879

REVIEWED BY

F. Hitchcock

DATE

10-19-1995

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | FLAG | POD | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|------------|-----------|------|-----|-----|-----|-----|------|-----|--------|----------------|------------------|
| A72-00176A | 10N | 18E | 24 | NE | NE | NE | | | CUSTER | | |

OTHER AJ CLAIMS WITH SAME AJ POD MR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX
A72-00176C NONE
A72-00176F NONE
A72-00176K
A72-12357
A72-12358

SOURCE: ROAD CREEK

TRIB: EAST FK. OF SALMON RIVER.

B. MR POINT OF DIVERSION AND SOURCE:

7200176 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: ROAD CREEK

TRIB: SALMON RIVER, EAST FORK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) 08-2-93 Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) 9-2-98 Y() N()

OTHER (DESCRIBE IN NOTES BELOW) V. Harcock Y() N()

Return with local minister of property to confirm POD
09-16-1993.

NOTES: 9-2-98 Field Exam confirmed POD located 9-16-93 incorrect. and POD as claimed non-functioning. Existing POD no more the Section 24, consists of 150' of 8" pipe buried into back of Road Creek and conveying water to a point of open discharge just west of a grade of trees. Pipe has removable cap and valve, installed Sept 1997 per claimant contacted 9-10-98. J. H. Humeck

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()
200

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | POD | FLAG | COUNTY | DIVERSION NAME | DIVERSION NBR |
|------|------|------|-----|-----|-----|-----|-----|------|--------|----------------|---------------|
| 10N | 18E | 24 | NE | NE | NE | | | | CUSTER | | |

[illegible]

SOURCE: ROAD DISTRICT

TRIB: SHAWAN RIVER, EAST FORK

REVIEWED BY: med
DATE: 9-11-98
10-19-1998

SYSTEM DESCRIPTION: DESCRIBED BELOW (☒), SEE LICENSE FILE (☐), OR SEE ATTACHMENT (☒) SEE ATTACH

diversion ditch from Road back turns into field and then
joinstone - one ditch continues the one of the course along
the elevator leading to the west corner the gravel and the
continuing down the field. The branch ditch crosses the
fields) running parallel to the upper ditch and terminates
also. There are numerous traps and checks to drain
water over the pasture and down to the morning of the open
area where the ditch can not above the bank area.

A. ROOT WATER RIGHT NUMBERS:

| | |
|------------|------------|
| A72-00176A | A72-00176B |
| A72-00176F | |
| A72-00176G | |
| A72-00176C | |
| A72-00176H | |
| A72-00176D | |
| A72-00176J | |
| A72-00176E | |
| R72-00176A | |
| A72-00176K | |

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|---------------------|-------------------|---------------|-----------------|----------------|------------------|
| 10N | 18E | 24 | NW | NE | | GRISMOLD, ROBERT G | A72-00176A / 3.0 | - / | 18.0 | | |
| | | | NW | NE | | GRIMOLD, ROBERT G | R72-00176A / 3.0 | - / | | | |
| | | | NW | NE | | GOICOECHEA, JERRY J | A72-00176E / 10.0 | - / | | | |
| | | | NW | NE | | LEUZINGER, FRIDOLIN | 72-00176 / | 72-00230 / | | | |
| | | | NW | NE | | LEUZINGER, FREDOLIN | | | | | |

ADDITIONAL POU FOUND

| | | | |
|-------------|------------|------|-------|
| TOTAL ACRES | A72-00176A | 3.00 | 18.00 |
|-------------|------------|------|-------|

-176A = lot 1 -176E = lot 4 POU COUNTRY: CUSTER

Only lots 1 and 4 within the NWNE are claimed as of this date. The NWNE has been divided into 4 identical 10 acre parcels. Only a portion of the valley along the creek bottom is irrigated, and/or can be irrigated. The remainder of each lot is on the side hills. 9-11-98 J. Stenbeck

1.9 1.9 1.9 1.9

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N() ☒

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|------------|------------|---------------------|-----------|----------------|-----------|----------------|
| A72-00176A | ROAD CREEK | GRISWOLD, ROBERT G | 0.090 | 0.030 | | |
| R72-00176A | ROAD CREEK | GRISWOLD, ROBERT G | 0.090 | 0.030 | | |
| A72-00176E | ROAD CREEK | GOICOECHEA, JERRY J | 0.022 | 0.002 | | |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N() ☒

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: NONE.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() ☒ N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() ☒ N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() ☒ N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() ☒ N()

CHECK DOCUMENTS USED TO VERIFY POB: () ORTHOPHOTOQUAD, IDNR NO. V24; () TOPOGRAPHIC QUAD, IDNR NO. V24;
() NAPP, IDNR NO. V24 NE+SE; () ASCS PHOTO; () OTHER BLM 5-78-5, -7.

NOTES: Recommended Acres determined by ARC view GIS
Using 1987 or 1988 NAPP Aerial Photography, quarter-
quarter, and subdivision TAX LOT line overlays.

RECOMMENDATIONS:

TOTAL ACRES:

1.9 N/A ()

REVIEWED BY:

[Signature] DATE: 10-19-1995
9-14-98

A. AJ CLAIMED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|------------------------------|------------------------|------------------------|
| A72-00176A IRRIGATION | FROM 06-01 TO 10-01
15 15 | 0.090 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 0.090 CFS | |

B. WR RECORDED USES:

| PURPOSE OF USE | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 72-00176 IRRIGATION | FROM TO | 0.400 CFS | |
| TOTAL DIVERSION RATE/VOLUME | | 0.400 CFS | |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE?

Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM?

Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS?

Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS?

Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM?

N/A() Y() N()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.090 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.400 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A (✓) Y () N ()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A () Y () N (✓)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y (✓) N ()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y (✓) N ()

E. MEASUREMENT METHOD portable 15" rectangular broad-spectrum FLOW MEASUREMENT Theoretical

SEE ATTACHED CALCULATIONS. then volume

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 8.19 x 0.02 CFS/ACRE = .04 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y (✓) N ()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y () N ()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 8.19 x DIVERSION VOL. AF/A FOR AREA 0.02 =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 8.19 x CONSUMPTIVE VOL. AF/A FOR AREA 0.02 =

TOTAL CONSUMPTIVE USE 0.1638 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES: AT TIME OF FIELD SKAM THERE WAS NO DISCUSSION OF

WATER THROUGH CRACKS, THEREFORE A MAXIMUM THEORETICAL FLOW RATE WAS DETERMINED, AND SHOWN TO EXCEED AMOUNT OF GAIN.

CHOLESTERIC AC. FLOW RATE WAS DETERMINED, AND SHOWN TO EXCEED AMOUNT OF CHAIN.

Amount of Grain.

NR RECORD CONDITIONS/REMARKS:
SOURCE ALSO KNOWN AS MARSH CK.

SOURCE ALSO KNOWN AS MARSH CK.

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

| REC.
PURPOSE OF USE | REC. PERIOD | | REC. DIV
RATE CFS | REC. DIV
VOL. AF/A | REC. CONS.
USE |
|------------------------|-------------|-------|--------------------------------|---------------------------|------------------------------|
| | FROM | TO | | | |
| IRRIGATION | 04-01 | 10-01 | DATABASE EXAMINER
0.090 .10 | DATABASE EXAMINER
10.5 | DATABASE EXAMINER
0.0 7.5 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| TOTAL FOR THIS RIGHT | | | 0.090 .06 | 10.5 | 0.0 7.5 |

NON-IRRIGATION USES CLAIMED: NONE

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REVIEWED BY:

[Signature]

DATE:

10-19-95

FLAG:

[Handwritten mark]

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

~~ACCEPTED~~
~~AS CLAIMED~~

ROOT WATER RIGHT NUMBER: 72-00176
TOTAL DIVERSION RATE OF WR SPLITS

EXAMINER

CFS

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS |
|----------------------|--------------------------|
| 1 | 1 |
| 2 | 2 |
| 3 | 3 |
| 4 | 4 |
| 5 | 5 |
| 6 | 6 |
| 7 | 7 |
| 8 | 8 |
| 9 | 9 |
| 10 | 10 |
| 11 | 11 |
| 12 | 12 |
| 13 | 13 |
| 14 | 14 |
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| 92 | 92 |
| 93 | 93 |
| 94 | 94 |
| 95 | 95 |
| 96 | 96 |
| 97 | 97 |
| 98 | 98 |
| 99 | 99 |
| 100 | 100 |

CURRENT "R
CLAIM NUM.

RR DIV -
RATE

**MR RIGHT
NUMBERS**

DIVERSION RATE

| | | | | | | |
|-----------|------------|-------|------------|-------|----------|-------|
| - | R72-00176A | 0.090 | R72-00176A | 0.090 | - | - |
| - | R72-00176B | 0.220 | R72-00176B | 0.220 | - | - |
| - | R72-00176F | 0.200 | R72-00176F | 0.200 | - | - |
| - | R72-00176G | 0.240 | R72-00176G | 0.240 | - | - |
| - | R72-00176C | 0.200 | R72-00176C | 0.200 | - | - |
| - | R72-00176H | 0.150 | R72-00176H | 0.150 | - | - |
| A72-00176 | R72-00176D | 0.320 | R72-00176D | 0.320 | 72-00176 | 0.400 |
| 72-00176 | R72-00176J | 0.200 | R72-00176J | 0.200 | 72-00176 | 0.400 |
| - | - | - | - | - | - | - |
| - | R72-00176A | 0.090 | R72-00176A | 0.090 | - | - |
| - | R72-00176K | 0.120 | R72-00176K | 0.120 | - | - |

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW (____) OR SEE ATTACHMENT (____)?

FIELD
EXAMINER
Y () N ()

sum of assets is greater than dollar amount due to
creditors. Provide that all for money get to be
distributed as valid.

AUTHENTICATION:

SIGNATURE:

F. Hittcock

DATE:

10-19-1995

NAME OF FIELD EXAMINER:

F. Hittcock

TITLE:

MANAGER OF SPECIAL AGENTS

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?

☒ ORTHOPHOTOQUAD

DATE OF PHOTO

1974

IDMR ID NO.

124

☒ YES ☐ NO

☒ TOPOGRAPHIC

DATE FIELD CHECKED

1968

IDMR ID NO.

124

☒ YES ☐ NO

☒ MAP

DATE OF PHOTO

09-14-1988

IDMR ID NO.

124 NE SE

☒ YES ☐ NO

☐ ASCS AERIAL PHOTO

DATE OF PHOTO

☐ YES ☐ NO

☐ ASCS COLOR SLIDE

DATE OF PHOTO

☐ YES ☐ NO

☒ BLM OR USFS AERIAL PHOTO

DATE OF PHOTO

07-01-1988

24 ID 88AC

☒ YES ☐ NO

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)

DATE OF SURVEY

☐ YES ☐ NO

☐ SCS SOIL SURVEY MAP

DATE ISSUED

☐ YES ☐ NO

☒ SUBDIVISION PLAT MAP

DATE OF MAP

1978

☒ YES ☐ NO

☐ OTHER

DATE

☐ YES ☐ NO

☐ OTHER

DATE

☐ YES ☐ NO

☐ OTHER

DATE

☐ YES ☐ NO

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

09-16-1998

1

☐ SPLIT RIGHT REVIEW

DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS

DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS

DATE ANALYSIS COMPLETED

9-14-98

1

☒ FLOW MEASUREMENT CALCULATIONS

DATE SYSTEM MEASURED

06-15-1995

1

☒ OTHER

DATE

10-31-1921

1

☒ OTHER

DATE

02-19-1980

2

☒ OTHER

DATE

1993

72

☒ OTHER

DATE

1993

72

☒ OTHER

DATE

1993

72

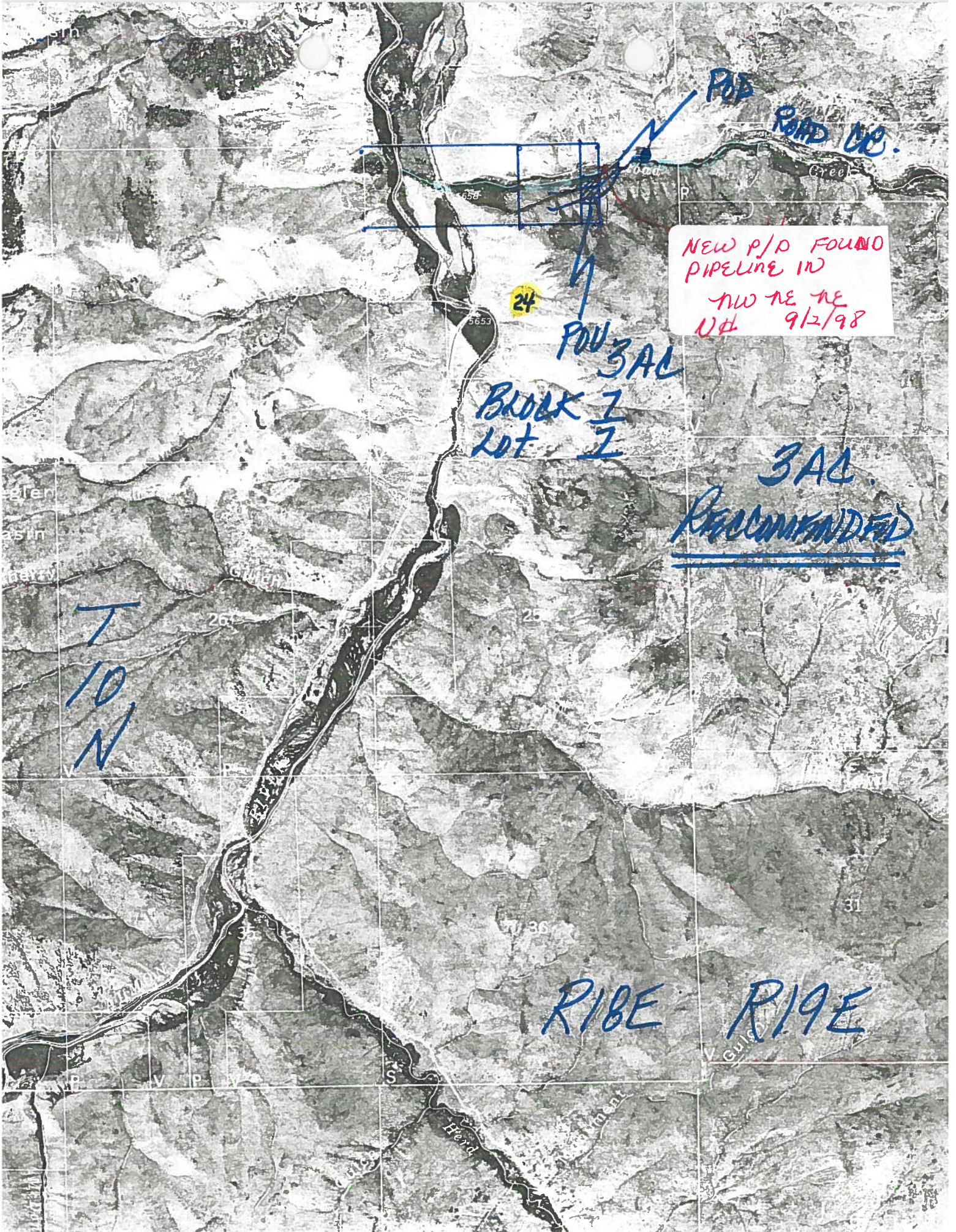
pipe line - theoretical calc

1993 BASIN 72 FIELD WORK - ON FILE IN SO. REGION.

1993 BASIN 72 FIELD WORK - ON FILE IN SO. REGION.

5-785-7.

(ARC view file)



NEW p/d FOUND
PIPELINE IN
NW NE NE
9/2/98

T
10
N

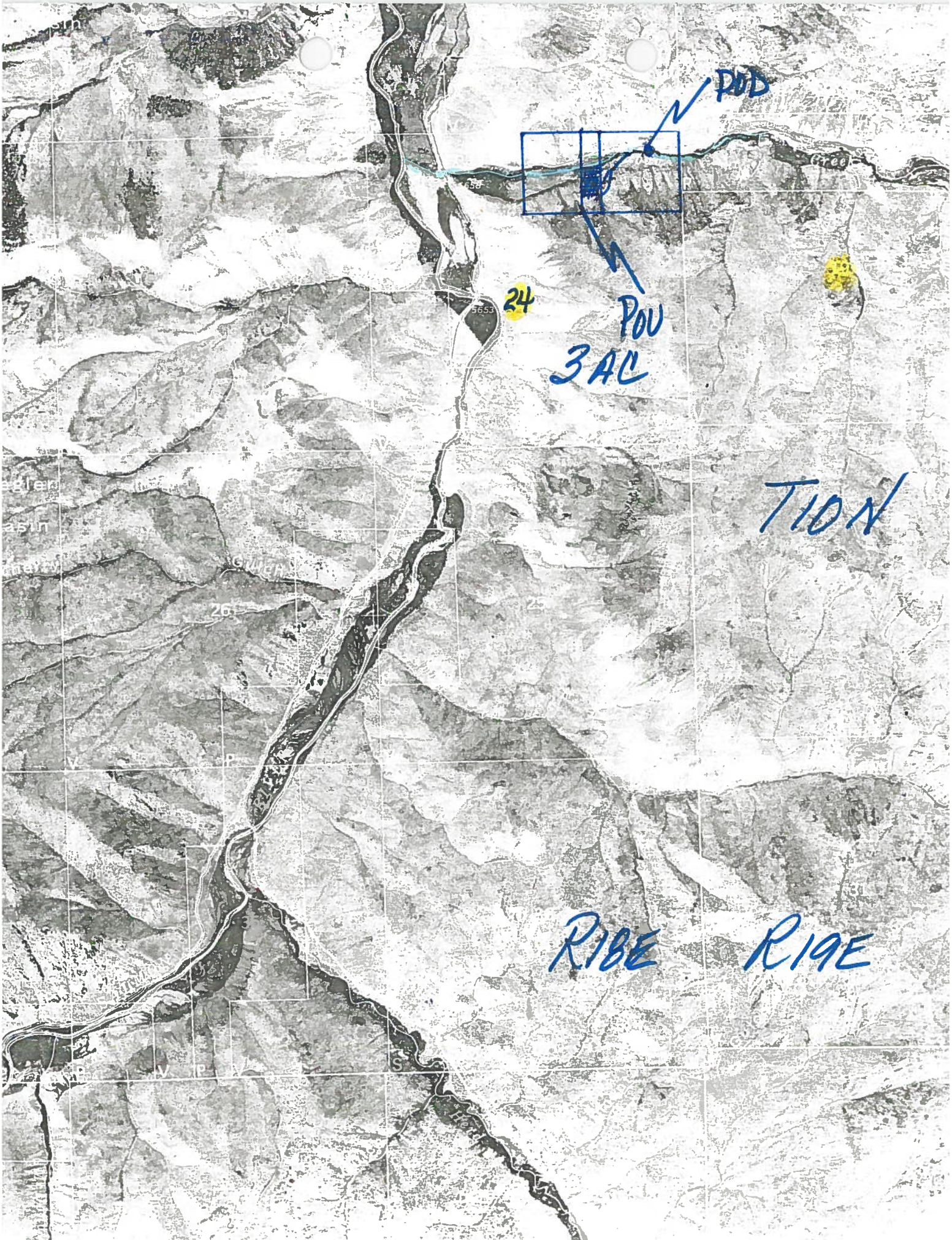
POB 3AC
BLOCK 1
Lot 1

3AC
RECOMMENDED

RIBE R19E

A72-00176A — FOUND IRRIGATED —

GRISWOLD



A7Z-00176A

-AS OBTAINED-

GRISWOLD

decree: BRADSHAW V LEUZINGER
10-31-1921
40 CFS ROAD CREEK
04-01-1879 priority
TION RIBE

§13 NE1/4 NW
SW1/4 NW
N1/4 SW
SW1/4 SW
§24 NW1/4 E
N1/4 NW

NOTE:

this decree was not
superceded by the
current decree for
SAVON RIVER EAST
FORK FLOW, GOSSI
V GIAMPERAGLIA
02-14-1938.



MAPS USED: V24 DATE: 19
ASCS
ORTHO ZIEGLER BASIN, IDAH
NAPP
BLM

A72-00176A - DECREE ROAD CREEK -

GRISWOLD

COUNTY COMMISSIONERS' ACCEPTANCE

The foregoing plat was duly accepted and approved maintenance of all public roads was accepted by the Board of County Commissioners of the County of Custer, Idaho, this _____ day of _____, 1978.

Attest Clerk _____ Chairman _____

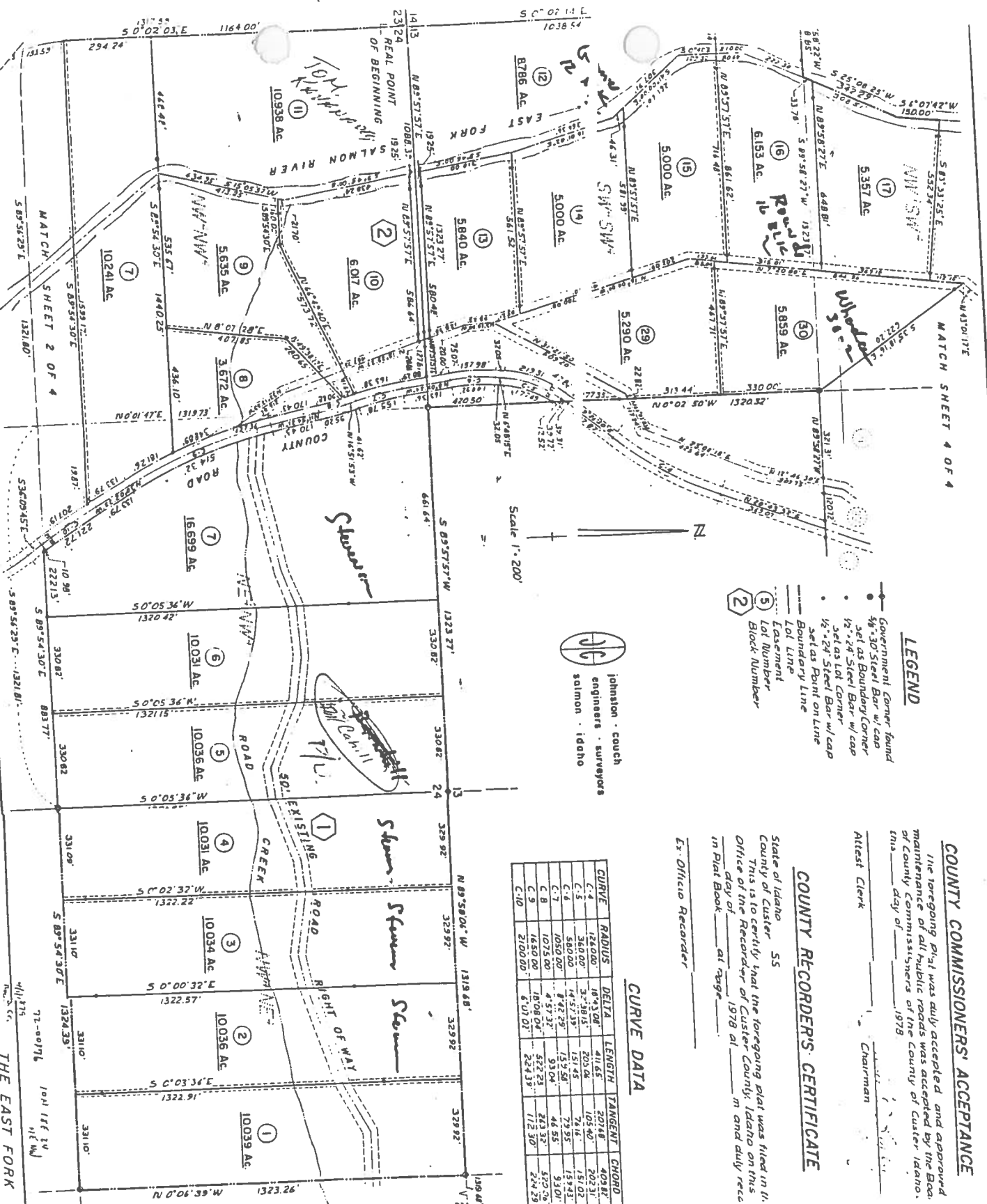
COUNTY RECORDER'S CERTIFICATE

State of Idaho SS
County of Custer
This is to certify that the foregoing plat was filed in the Office of the Recorder of Custer County, Idaho on this day of _____, 1978 at _____ m and duly recd in Plat Book _____ at page _____.

By _____
Official Recorder

CURVE DATA

| CURVE | RADIUS | DELTA | LENGTH | TANGENT | CHORD |
|-------|----------|-----------|---------|---------|---------|
| C-1 | 126.00' | 16°13.04' | 411.65' | 201.48' | 409.87' |
| C-2 | 360.00' | 3°18.15' | 202.40' | 105.40' | 202.31' |
| C-3 | 580.00' | 4°47.39' | 151.45' | 74.14' | 151.02' |
| C-4 | 580.00' | 4°47.29' | 151.50' | 73.95' | 150.93' |
| C-5 | 1050.00' | 4°57.37' | 93.04' | 46.55' | 93.01' |
| C-6 | 1075.00' | 10°08.04' | 52.23' | 26.32' | 52.07' |
| C-7 | 1650.00' | 10°08.04' | 24.39' | 11.23' | 24.29' |
| C-8 | 2100.00' | 6°01.07' | 24.39' | 11.23' | 24.29' |



First of
East Fork of
Salmon River
Subdivision
Custer, Idaho

Field Exam Notes

Claim No: 72-00176A

9/8/1998

Agent: Vikie Hancock

The pipeline point of diversion found for this claim lies approximately 100 yards east (upstream) of the east boundary line of Lot 1, which is marked by a fence line. It consists of an eight-inch plastic pipe which protrudes into Road Creek, a removable rubber cap for the eight-inch pipe, and a valve for adjusting the flow through the pipe. This pipe is buried, and emerges within Lot 1, just west of a group of large trees. It open discharges into the field, and there is evidence of minimal ditches that direct the water across the field to the south and west. The land is marginally irrigated, but appears to have been irrigated this season.

A significant portion of this 10 acre parcel lies on the side hills to either side of the creek bottom, and these acres are not included in the original claim. Additionally, the location of the pipe as it emerges from the ground, makes it impossible to irrigate a portion of the pasture that is uphill from the discharge point. This includes the area around the RV trailer situated to the south of the grove of trees, the grove itself and the area between the trees and the dirt road. (Note that Road Creek does not follow the line of trees through the center of this lot, but follows close to the dirt road, unseen in the pictures. The line of trees probably represents the location of a prior stream channel).

An older, washed-out, point of diversion was found approximately 300 yards above the east fence line of Lot 1. It once diverted water in a ditch to the south, and also into a ditch that ran south, then west, along the hill to the south side of the pasture. Remnants of this ditch extend along the south sides of what is now Lots 2 and 3 and indications are that this p/d was probably used to divert water for use on the entire pasture which now encompasses lots 1-7, East Fork Subdivision, Block 1. It is possible that this point of diversion is the one described by Mary Baker in her letter to Arnold Olitt dated 10-24-89.

FIELD EXAM NOTES

COMMUNICATION DOCUMENTATION

September 15, 1998

Regarding:

Customer:

A72-00176A, -00176C, -00176E, -00176F Road Creek Diversions

From: Vikie Hancock

[illegible]

In regard to a question of when the diversion used by Lots 2-6, Block 1, East Fork Subdivision was moved downstream on Road Creek from the original point of diversion NE NE NE Section 24 to a point in the NE NW NE section 24, I called Betty Baker who had accompanied Frank Hitchcock when he measured the diversion in 1993.

Mrs. Baker was aware of the original point of diversion that Kelly and I found in the trees, on BLM ground, several hundred feet upstream of Lot 1. She said that that diversion was used by Leuzinger, but was abandoned when Kimball and Comstock owned all the land, and remembered that the irrigator for them, Walt Mason, had created the new diversion works downstream. The new diversion that Mason put in is the one that she used in 1989 when she began irrigating the lots for pasture, and the one that Frank measured and photographed in 1993 and 1995. She was not sure what year the new diversion works were created.

Going on the information from Mrs. Baker that owners prior to Ollit (original AJ claimant for Lot 1 in 1989) moved the point of diversion, I called the Custer County courthouse. According to records there, the East Fork Subdivision was created in 1983. Ollit was listed as owner of lot 1 in 1985. The deed conveying the property to Ollit was not in the system, so it was determined that it was conveyed to him prior to 1985, and thus prior to commencement of the adjudication. Therefore, it can be concluded that the diversion works were moved prior to 1987, and prior to the adjudication.

I also asked Mrs. Baker if she thought at the time of the 1993 field exam that she was irrigating Ollit's property (as stated in her letter to him dated 1989). She said that the diversion was above the bottom boundary of Ollit's lot, so that she was irrigating the lower part of it. This would clear up a discrepancy regarding where the diversion works were actually located as placed on a map, and where Lot 1 was actually located in the field. I believe that agent Hitchcock assumed, as I did, that Mrs. Baker was referring to the *upper* boundary of Ollit's property when she wrote that the point of diversion was "150 feet above his lot boundary". From my phone conversation with her today, I realize that she was referring to the *lower* boundary line of lot 1, which is relatively close to the physical location of the current point of diversion.

Field Exam Notes

Claim No: 72-00176A

9/8/1998

Agent: Vikie Hancock

From my field exam conducted 9-2-1998, it appears that there was an error which occurred during the field exam conducted by former agent Frank Hitchcock in locating the point of diversion for Lot 1 Block 1, East Fork Subdivision. Pictures within file number 72-00176A document measurement of the same point of diversion that I, and agent Kelly Christenson, determined was close to the west boundary of Lot 1, and which diverts water only for lots downstream of Lot 1. It would be physically impossible for the diversion works measured by agent Hitchcock on 6-15-95 to deliver water uphill to Lot 1. It is possible that, with the resources available at the time, the exact location of Lot 1 was not accurately determined.

A72-00176A
Griswald

Lot 1 Block 1 East Fork Subdivision
Source: Road Creek

9/10/98
V. Hancock



<<<< East, upstream

West, downstream >>>>

Photos taken on north slope of property, looking south over dirt road, which parallels Road Creek.

Eight-inch pipe is buried into Road Creek bank approximately 100 yards upstream of Lot 1 boundary at fence line. Pipe transports water underground and emerges at end of tree line. It open discharges into field just west of riser. There is evidence of minor ditches directing water across field. R.V. trailer can just be seen beyond trees opposite IDWR truck. The westernmost boundary of lot one lies just east of the corrals, barely seen but noted on photo. Point of diversion for Lots 2-6 is in trees to the far west. Old, washed-out p/d was found 100 yards upstream of photo.

Photos 1,2,3 1998 Roll 1
Tape 98-001

PHOTOS



06-15-1995
Looking southwest over
the POD from Road Cr.

Looking southwest down
the diversion ditch from
the POD towards POD.



Flume measurement
of diversion flows.



Close-up of flume...
note scale for
reading CFS on
opposite side of
flume.



A72-00176

ROAD CR - E.F. SUBD.

06-15-1995

Looking south-
west across
junction of
diversion ditch
curving out
over lots 1-5.



06-15-1995

Looking north
up to the county
road that goes
east along Road
Creek.

The planks provide
access to the POD
and diversion ditch
junction. They
cross the Road C
Channel which is
too deep at this point
to get across any
other way.

A72-00176

Road No. FE Green

04-16-1993

Looking southward
across the
ditch curve
from Road
Curve.
Ditch curve
west along
elevation
area along
POV.



0



09-16-1993

Looking west towards lower
lots 6-7, Block 2 of East
Fork subdivision. Standing
on curve in ditch. The
brush in the background
reaches down to Cherryland.

09-16-1993

Downstream channel
below the POD Farm
Road Curve looking
East.

09-16-1993

Water Right Number - 72-00176

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
LEUZINGER

FRIDOLIN

1 -
2 -
3 -

City -

State - Zip -

Priority Date - 04/01/1879

Region - 17 SOUTHERN

Stage - D - DECREED

Status -

Source - ROAD CREEK

Tributary - SALMON RIVER, EAST FORK

Turn Rng Sec Tract Lot Rflg County Point of Diversion - Stream Index (Blank if no Index Code)

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

01 - IRRIGATION

0.400

Total Div. Rate - 0.400 Total Div. Volume - Total Div. Capacity -

| Turn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|------|-----|-----|-------|-----|-------|---------------|-------------|-------------|
| 10N | 18E | 13 | NE NW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 13 | SE NW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 13 | NE SW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 13 | NE SW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 13 | NW SW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 13 | SW SW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 13 | SW SW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NE | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NE NW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NW | | | 01 IRRIGATION | IRRIGATION | (37) CUSTER |

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

Remarks -

SOURCE ALSO KNOWN AS MARSH CK.

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

WR BASE RIGHT

Page 2

WATER RIGHT

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

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

-----Comments-----
No Comments Found

| Water Rights Dates and Flags Area | |
|-----------------------------------|-------------------------------|
| 0000 | Field Exam Made - 00/00/00/00 |
| 0000 | Protested Date - 00/00/00/00 |
| 0000 | Hearing Date - 00/00/00/00 |
| 0000 | Verified Date - 06/18/11 |
| 0000 | Receipt Number - |
| 0000 | Appl Received - 00/00/00/00 |
| 921 | Presumption Flag - |

QUALITY REVIEW CHECKLIST FOR REPORT READY SRBA CLAIMS

| | N/A | YES | NO | * |
|--|-------------------------------------|-------------------------------------|-------------------------------------|---|
| Does the name and address of the "owners" that will receive mail meet data entry standards? (Check the recommended right for compliance.) | | | ☒ | |
| Does the CVR contain information as to how the priority date was determined? | | ☒ | | |
| If the claim is based on beneficial use, is there an analysis of the evidence of priority submitted? | ☒ | | | |
| Is the stage code correct? | | ☒ | | |
| Did the reviewer initial the recommendation of the priority date? | | ☒ | | |
| Does the CVR contain information as to how the point of diversion was determined? | | ☒ | | |
| Did the reviewer initial the recommendation of the point of diversion, the source and the tributary? | | ☒ | | |
| Does the CVR contain a description of the system that includes information as to how the source and/or tributary were determined? | | ☒ | | |
| Does the CVR contain information as to how the place of use and number of acres (for irrigation rights) were determined? | | | | |
| Did the reviewer initial the recommendation of the place of use? | | ☒ | | |
| Does the CVR contain information as to how the nature of use was determined? | | ☒ | | |
| Does the CVR contain information as to how the season of use was determined? | | ☒ | | |
| If this right overlaps with other rights, was the overlap review completed? | | | | |
| Does the CVR contain information as to how the diversion rate was determined? | | ☒ | | |
| Does the CVR contain information as to how the diversion volume was determined? | | ☒ | | |
| Does the CVR contain information as to how the consumptive use volume was determined? | | | | |
| Did the reviewer initial the recommendation of the nature of use, the season of use, the diversion rate, the diversion volume and the consumptive use volume? | | ☒ | | |
| If the claim is based on a right that has conditions/remarks, have these conditions/remarks been considered in the recommendation? | | ☒ | | |
| Are all appropriate conditions/remarks included in the recommendation? | | ☒ | | |
| If remarks are included, are the remarks consistent with the "standard remarks" described in Adjudication Memo 32? | | ☒ | | |
| Was a split water right/diversion rate review completed? | | | | |
| If this claim is not being recommended, is the status code correct? | ☒ | | | |
| Does the reviewer's signature appear on the CVR? | | ☒ | | |
| Has the "quicklook" page been completed? | | ☒ | | |
| If additional documents were used in the investigation of this right, are copies of those documents included in the file, or is there a reference to the identity and location of the documents? | | ☒ | | |
| Does the file contain a copy of the recommended right? | | ☒ | | |

* See attachment for additional information or explanation.

Quality control review by _____ date _____ Data entry changes by _____ date _____