

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: **A72-00216**
Date Received: 12/19/1989
Receipt No: S010724
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: DAVID R DAVIDSON JR 801-265-9092
Address: 1176 E MURRAY HOLLADAY RD
SALT LAKE CITY UT 84117
AND/OR
Name: JUNE DAVIDSON 801-265-9092
Address: 1176 E MURRAY HOLLADAY RD
SALT LAKE CITY UT 84117
AND/OR
Name: JERRY HOWELLS SR
Address: 68 SOUTH MAIN STREET SUITE 200
SALT LAKE CITY UT 84101
2. Date of Priority: MAY 1, 1925
3. Source: BOWERY CREEK Trib. to: SALMON RIVER, EAST FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 08N | 17E | 9 | NE | SW | SE | | CUSTER |
5. Description of diverting works:
ROCK & LOG DAM, DITCH AROUND CLIFF AND TO PLACE OF USE.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 05/01 | 11/01 | 0.800 | | |
7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 95.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

LAST: BRICKER
ADDRESS:
CITY: XXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: EDNA & DAVE
ID ZIP: 0000

LAST: DAVIDSON JR
ADDRESS: 1176 E MURRAY HOLLADAY RD
CITY: SALT LAKE CITY
PHONE NUMBER: 801-265-9092
OWNER CODE: C
FIRST: DAVID R
UT ZIP: 84117

LAST: DAVIDSON
ADDRESS: 1176 E MURRAY HOLLADAY RD
CITY: SALT LAKE CITY
PHONE NUMBER: 801-265-9092
OWNER CODE: C
FIRST: JUNE
UT ZIP: 84117

LAST: HOWELLS SR
ADDRESS: 68 SOUTH MAIN STREET SUITE 200
CITY: SALT LAKE CITY
PHONE NUMBER: 208-000-0000
OWNER CODE: C
FIRST: JERRY
UT ZIP: 84101

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

CLAIM REMARKS: GEN AC. IRR. = 37.5.

10-7-98: OWNERSHIP CHANGE REC'D 9-22-97. 1/2 INTEREST CONVEYED TO
JERRY HOWELLS PER QUIT CLAIM DEED. NO OWNERSHIP CHANGE FORM REC'D
SEE LETTER IN FILE.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A72-00216 PRIORITY DATE: 05-01-1925 STAGE: D

B. WR RECORD: # 72-00216 PRIORITY DATE: 05-01-1925 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

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

N/A() Y() N()

N/A() Y() N()

N/A() Y() N()

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:

RECOMMENDED PRIORITY DATE:

05-01-1925

REVIEWED BY

DATE

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
A72-00216	08N	17E		9	NE	SW	SE			CUSTER	

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE 72-10531

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: BOWERY CREEK

TRIB: SALMON RIVER, EAST FORK

B. WR POINT OF DIVERSION AND SOURCE:

7200216 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BOWERY 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? Y() N()

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES:

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

POD									
TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	COUNTY	DIVERSION NBR
08N	17E	9	NE	SW	SE			CUSTER	

SOURCE: BOWERY CREEK TRIB: SALMON RIVER, EAST FORK

REVIEWED BY:

DATE:

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A72-00216

B. POU LISTING												
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES	
08N 17E	9	SW	NE			DAVIDSON JR, DAVID R	A72-00216 / 5.0	72-00216 / 5.0				
		SW	NE			DAVIDSON JR, DAVID R	R72-00217 / 5.0	72-00217 / 5.0				
		SW	NE			DAVIDSON JR, DAVID R	A72-00217 / 5.0	-	/			
08N 17E	9	SE	NW			DAVIDSON JR, DAVID R	A72-00216 / 15.0	72-00216 / 15.0				
		SE	NW			DAVIDSON JR, DAVID R	A72-10320 /	-	/			
		SE	NW			DAVIDSON, JUNE	72-10320 /	-	/			
		SE	NW			HAUGRUD, JACK AND/OR GEOFFREY	A72-10874 /	-	/			
		SE	NW			FISH & GAME	A72-10497 /	-	/			
		SE	NW			DAVIDSON JR, DAVID R	R72-00217 / 15.0	72-00217 / 15.0				
		SE	NW			FISH & GAME	R72-10497 /	-	/			
		SE	NW			US DEPT OF AGRICULTURE	R72-10874 /	-	/			
		SE	NW			US DEPT OF AGRICULTURE	72-10874 /	-	/			
		SE	NW			DAVIDSON JR, DAVID R	A72-00217 / 15.0	-	/			
		SE	NW									
		08N 17E	9	NE	SW			DAVIDSON JR, DAVID R	A72-00216 / 15.0	72-00216 / 15.0		
NE	SW					HAUGRUD, JACK AND/OR GEOFFREY	A72-10866 /	-	/			
NE	SW					DAVIDSON JR, DAVID R	R72-00217 / 15.0	72-00217 / 15.0				
NE	SW					USFS	72-10866 /	-	/			
08N 17E	9	NE	SW			DAVIDSON JR, DAVID R	A72-00217 / 15.0	-	/			
		NE	SW									
		NE	SW									
		NE	SW									
08N 17E	9	NW	SE			DAVIDSON JR, DAVID R	A72-00216 / 3.0	72-00216 / 3.0				
		NW	SE			DAVIDSON JR, DAVID R	A72-00217 / 3.0	72-00217 / 3.0				
		NW	SE			DAVIDSON JR, DAVID R	R72-00217 / 3.0	-	/			
		NW	SE									

ADDITIONAL POU FOUND

TOTAL ACRES A72-00216 38.00 38.00
POU COUNTY: CUSTER

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
A72-00216	BOWERY CREEK	DAVIDSON JR, DAVID R	0.800	0.021		
R72-00217	SALMON RIVER, EAST FORK	DAVIDSON JR, DAVID R	1.600	0.042		
A72-00217	SALMON RIVER, EAST FORK	DAVIDSON JR, DAVID R	1.600	0.042		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10320	DOMESTIC	DAVIDSON JR, DAVID R	FROM 01-01 TO 12-31	0.040 CFS	
72-10320	DOMESTIC	DAVIDSON, JUNE	FROM 01-01 TO 12-31	0.040 CFS	
A72-10874	STOCKWATER	HAUGRUD, JACK AND/OR GEOFFREY	FROM 06-01 TO 09-30	0.020 CFS	
A72-10497	FISH PROPAGATION	FISH & GAME	FROM 03-15 TO 11-15	0.800 CFS	
R72-10497	FISH PROPAGATION	FISH & GAME	FROM 04-15 TO 10-15	0.800 CFS	
R72-10874	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	
72-10874	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 09-30	0.020 CFS	
A72-10866	STOCKWATER	HAUGRUD, JACK AND/OR GEOFFREY	FROM 06-01 TO 10-31	0.020 CFS	
72-10866	STOCKWATER	USFS	FROM 06-01 TO 10-31	0.020 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A72-00217

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()

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A72-00216 IRRIGATION	FROM 05-01 TO 11-01	0.800 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
72-00216 IRRIGATION	FROM TO	0.800 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 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: _____

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

PURPOSE OF USE	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	05-01 11-01	DATABASE EXAMINER 0.800	DATABASE EXAMINER	DATABASE EXAMINER 95.0
TOTAL FOR THIS RIGHT		0.800		95.0

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE): _____

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

AJ CLAIM TOTAL DIVERSION RATE: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 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 _____, FLOW MEASUREMENT _____, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 1b. CALCULATIONS
ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from pou review)

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

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 95.0 AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

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

NOTES:

HR RECORD CONDITIONS/REMARKS:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00216	DATABASE	EXAMINER	CFS
TOTAL DIVERSION RATE OF WR SPLITS	0.800		
SPLITS:			
OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.
-	A72-00216	0.800	-
TOTAL CFS		0.800	
			WR RIGHT NUMBERS
			72-00216
			0.800
			DIVERSION RATE
			0.800

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

NOTES:

=====

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

=====

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	IDWR ID NO.	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y() N()
☐ MAP	DATE OF PHOTO	IDWR ID NO.	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()

=====

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

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							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

Water Right Number - R72-00216

Prefix Translation: RESEARCH

Old (D) Number -

Last Name - + First Name - + Address - +

*** C - CURRENT OWNER ***
DAVIDSON, JR.

DAVID R.

1 - 1176 E. MURRAY HOLLADAY RD.
2 -
3 -

City- SALT LAKE CITY State- UT Zip- 84117
Phone - 801-265-9092

DAVIDSON

JUNE

1 -
2 -
3 -
City- SALT LAKE CITY State- UT Zip- 84117
Phone - 801-265-9092

*** 0 - ORIGINAL OWNER ***
BRICKER

EDNA & DAVE

1 -
2 -
3 -
City- XXXX State- ID Zip- 0000
Phone - 208-000-0000

Priority Date - +
05/01/1925

Region - +
17 SOUTHERN

Stage - + Status - +
I - DISALLOWED

Source - +
BOWERY CREEK

Tributary - +
SALMON RIVER, EAST FORK

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

08N 17E 9 NE SW SE (37) CUSTER

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

01 - IRRIGATION 05/01 11/01 0.800

Total Div. Rate - + Total Div. Volume - + Total Consumptive Use - + KW Usage - +
0.800 95.0

Place of Use - + Description County - +

Turn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
08N	17E	9	SW NE		5.0	01	IRRIGATION	(37) CUSTER
08N	17E	9	SE NW		15.0	01	IRRIGATION	(37) CUSTER
08N	17E	9	NE SW		15.0	01	IRRIGATION	(37) CUSTER
08N	17E	9	NW SE		3.0	01	IRRIGATION	(37) CUSTER

Total Acres: 38.0

- - - Diversion Means - ROCK & LOG DAM, DITCH AROUND CLIFF AND TO PLACE OF USE.

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	-	01/25/1994	Old Judicial District	-	
Claim Received Date	-	12/19/1989	Least Amended Date	-	00/00/0000	Temporary Right	-	P
			Receipt Number	-	S010724	Water District	-	
			POU Ownership Flag	-	Y	Federal/State Indicator	-	S
			Name Connector	-		Presumption Flag	-	
				-		Notice of Error Flag	-	

Water Right Number - 72-00216

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***

BRICKER

EDNA

1 -

2 -

3 -

City-

Phone -

1 -

2 -

3 -

City-

Phone -

State-

Zip-

BRICKER

DAVE

1 -

2 -

3 -

City-

Phone -

State-

Zip-

Priority Date - 05/01/1925

Region - 17 SOUTHERN

Stage -

D - DECREED

Salmon River, East Fork

Source -

Point of Diversion -

Stream Index (Blank if no Index Code)

Water Use -

Diversion Rate

Diversion Volume

0.800

0.800

0.800

0.800

0.800

0.800

0.800

0.800

0.800

0.800

0.800

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0.800

0.800

0.800

0.800

0.800

0.800

0.800

0.800

Code - 01 - IRRIGATION

Description -

Period From

Period To

Water Use -

Diversion Rate

Diversion Volume

0.800

0.800

0.800

0.800

0.800

0.800

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0.800

0.800

0.800

Code - 01 - IRRIGATION

Description -

Period From

Period To

Water Use -

Diversion Rate

Diversion Volume

0.800

0.800

0.800

0.800

0.800

0.800

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0.800

0.800

0.800

0.800

Code - 01 - IRRIGATION

Description -

Period From

Period To

Water Use -

Diversion Rate

Diversion Volume

0.800

0.800

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Code - 01 - IRRIGATION

Description -

Period From

Period To

Water Use -

Diversion Rate

Diversion Volume

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Code - 01 - IRRIGATION

Description -

Period From

Period To

Water Use -

Diversion Rate

Diversion Volume

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Code - 01 - IRRIGATION

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Water Use -

Diversion Rate

Diversion Volume

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Code - 01 - IRRIGATION

Description -

Period From

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Water Use -

Diversion Rate

Diversion Volume

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Code - 01 - IRRIGATION

Description -

Period From

Period To

Water Use -

Diversion Rate

Diversion Volume

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Water right number - 72-00216

Prefix Translation:

WATER RIGHT

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

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

No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + +
GOSSI, ET. AL. GIAMPEDRAGLIA, ET. AL. 02/14/1938

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

+ - - Audit Fields - 06/18/85 05/28/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Shan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/18/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 02/14/1938	Presumption Flag	-		

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-00216

LAST: ~~BRICKER~~ FIRST: EUNA & DAVE
ADDRESS: STATE: ID ZIP: 0000
CITY: XXXX
PHONE NUMBER: 208-000-0000
OWNER ~~CODE: 0~~

LAST: DAVIDSON, JR. FIRST: DAVID R.
ADDRESS: 1176 E. MURRAY HOLLADAY RD. STATE: UT ZIP: 84117
CITY: SALT LAKE CITY
PHONE NUMBER: 801-265-9092
OWNER CODE: C

LAST: DAVIDSON FIRST: JUNE
ADDRESS: 1176 E. MURRAY HOLLADAY RD. STATE: UT ZIP: 84117
CITY: SALT LAKE CITY
PHONE NUMBER: 801-265-9092

OWNER CODE: C
FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD
CLAIM REMARKS: AC. IRR. = 37.5. EXAMINER
Y

CONTACT PERSON: _____

PHONE NUMBER: (801) 265-9092

DATE OF FIELD EXAM: ____ / ____ / ____

APPOINTMENT MADE: Y(____) N(____)

TIME: 10:22 A(M) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

07-18-93, medical w/ return call

A. AJ CLAIM: # A72-00216 PRIORITY DATE: 05-01-1925 STAGE: D
B. WR RECORD: # 72-00216 PRIORITY DATE: 05-01-1925 STAGE: D

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) N

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

REMARKS:

REVIEWED BY _____ DATE _____

RECOMMENDED PRIORITY DATE:
05-01-1925

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-00216	08N	17E	9	NE	SW	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

SOURCE: BOWERY CREEK TRIB: SALMON RIVER, EAST FORK

B. WR POINT OF DIVERSION AND SOURCE:

7200216 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BOWERY CREEK TRIB: SALMON RIVER, EAST FORK

C. FIELD EXAM REQUIRED?

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

REMARKS:

A. ROOT WATER RIGHT NUMBERS: A72-00216

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
08N	17E	9	SW	NE		DAVIDSON, JR. ; DAVID K.	A72-00216 / 5.0	72-00216 / 5.0			
			SW	NE		DAVIDSON, JR. ; DAVID K.	A72-00217 / 5.0	72-00217 / 5.0			
08N	17E	9	SE	NW		DAVIDSON, JR. ; DAVID K.	A72-00216 / 15.0	72-00216 / 15.0			
			SE	NW		DAVIDSON, JR. ; DAVID K.	A72-10320 /				
			SE	NW		DAVIDSON, JR. ; DAVID K.	A72-00217 / 15.0	72-00217 / 15.0			
			SE	NW		DEPT. OF FISH & GAME	A72-10497 /				
08N	17E	9	NE	SW		DAVIDSON, JR. ; DAVID K.	A72-00216 / 15.0	72-00216 / 15.0			
			NE	SW		DAVIDSON, JR. ; DAVID K.	A72-00217 / 15.0	72-00217 / 15.0			
17E	9		NW	SE		DAVIDSON, JR. ; DAVID K.	A72-00216 / 3.0	72-00216 / 3.0			
			NW	SE		DAVIDSON, JR. ; DAVID K.	A72-00217 / 3.0	72-00217 / 3.0			
TOTAL ACRES							A72-00216	38.00			38.00

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: CUSTER
DUE TO POU DISCREPANCY? (Y/N) Y

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES
A72-00216 IRRIGATION

MONTH/DAY
FROM 05-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
800 CFS
800 CFS

B. WR RECORDED USES:

PURPOSES
72-00216 IRRIGATION

MONTH/DAY
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
800 CFS
800 CFS

C. SUSMPTION FLAG:

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
N
Y

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N()

RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 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?

DOE 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: A72-00217

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-00216	BOWERY CREEK	DAVIDSON, JR. ; DAVID R.	0.800	0.021		
A72-00217	SALMON RIVER, EAST FORK	DAVIDSON, JR. ; DAVID R.	1.600	0.042		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10320	DOMESTIC	DAVIDSON, JR. ; DAVID R.	FROM 01-01 TO 12-31	.040 CFS	

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: 72-00216

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.800

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

672-00216

0.800

-

72-00216

0.800

TOTAL CFS

0.800

0.800

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
Y

FIELD
EXAMINER

REMARKS:

AUTHENTICATION
SIGNATURE: *F. S. Witham*

DATE: *01-25-1994*

TITLE: *ASSAULT*

NAME OF FIELD EXAMINER:

TITLE:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-00216

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	07-13-93 TT						
SOURCE		08-02-93 TT						
		08-04-93 LTR						
		08-10-93 TT						
		09-15-93 LTR						
PLACE OF USE	Y	10-11-93 RECD						
DIV. AMOUNT CBS/VOLUME	X	10-15-93 LTR						
CONSUMPTIVE USE		10-29-93 TT						
PURPOSES		" " "						
		11-06-93 RECD						
		11-24-93 LTR						
PERIOD OF USE	Y	12-13-93 RECD						
BASIS OF CLAIM	X							
REMARKS	Y							

see
12-30-92

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

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

6. no field exam done...
see correspondence.

PAGE: 13
PROFILE REPORT

CLAIM NUMBER: A72-00216

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID R. DAVIDSON, JR. JUNE DAVIDSON 1176 E. MURRAY HOLLADAY RD. SALT LAKE CITY UT 84117 (801) 265-9092	05/01/1925	IRRIGATION	05-01 11-01	0.80 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.80 CFS	95.0 AYA

Point(s) of Diversion: T08N R17E S09 NESWSE
Water Source: BOWERY CREEK
Tributary to: SALMON RIVER, EAST FORK
Stage: ~~DIAPHRAGM~~ - I
CUSTER County *Adair*

Place of use Legal Description for: IRRIGATION											
NE			NW			SW			SE		
T	R	S	T	R	S	T	R	S	T	R	S
08N	17E	9	05	15	15	03					
NENE			NENW			NESW			NESE		
Lt Ac			Lt Ac			Lt Ac			Lt Ac		
SUM											
38.0											
TOTAL ACRES											
38.0											

POU County: CUSTER
Non-Irrigation Uses: NONE
Other Rights: A72-00217
Non-Irrigation Use: NONE
Remarks: AC. IRR. = 37.5.
Dates: Exam Made Date: *X*
Misc: Water District Number:
Verified Date: 06/18/1985
Field Inspection Flag:
Presumption Flag:

*Comments: 2 temporary use
due to 2 field
crops*

7/ 01-25-1994

Card B03

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	17E	9	SW		NE		IRR	5.0
			SE		NW		IRR	15.0
			NE		SW		IRR	15.0
			NW		SE		IRR	3.0
							Section Acres	38.0
							Total Acres	38.0

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:
A72-00217

14. Remarks:

AC. IRR. = 37.5.

10-7-98: OWNERSHIP CHANGE REC'D 9-22-97. 1/2 INTEREST CONVEYED TO
JERRY HOWELLS PER QUIT CLAIM DEED. NO OWNERSHIP CHANGE FORM REC'D
SEE LETTER IN FILE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

GOSSI, ET. AL.

Decree Plaintiff

GIAMPEDRAGLIA, ET. AL.

vs

Decree Defendant

NOTE TO FILE

From: Vikie Hancock

10/7/98

Regarding: Claim number A72-00216 and A72-00217

On Sept 22, 1997 former Agent Frank Hitchcock received faxed documents indicating that Jerry Howells was $\frac{1}{2}$ owner of the property covered by the above mentioned claims. This quit claim deed dated 7-10-1996, listed the legal description that encompassed the place of use as claimed in the adjudication, and excepted 2.46 acres in the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of section 9.

Upon investigation, I noted that the NENW of section 9 was not part of the place of use, nor mentioned in the legal description of the property quit claimed in the paragraph directly above the "excepted property" description. It is possible that there is an error in the quit claim dated 7-10-96. Lacking any other information, however, I am updating the ownership of the entire place of use, as described in the quit claim deed, to reflect that David Davidson and Jerry Howells, Sr. each have $\frac{1}{2}$ interest in the above claims.

RECEIVED

SEP 22 1997

Department of Water Resources
Southern Region

Recorded at the Request of
and Mail Tax Notices To:
Jerry Howells
68 South Main Street, Suite 200
Salt Lake City, Utah 84101

WARRANTY DEED

David R. Davidson, Jr. and June Davidson, husband and wife, of Salt Lake City, County of Salt Lake, State of Utah, Grantors, do hereby convey, release, remise and forever quitclaim unto Jerry Howells, Sr., Grantee, 68 South Main Street, Suite 200, Salt Lake City, Utah 84101, AN UNDIVIDED ONE HALF (1/2th) INTEREST IN THE FOLLOWING PREMISES IN CUSTER COUNTY, STATE OF IDAHO, TO-WIT:

The West half of the west half of the southwest quarter of the northeast quarter; the southeast quarter of the southeast quarter of the northwest quarter; the east half of the northeast quarter of the southeast quarter of the northwest quarter, the northeast quarter of the northeast quarter of the southwest quarter; the north half of the southeast quarter of the northeast quarter of the southwest quarter; and the northwest quarter of the northwest quarter of the northwest quarter of the southeast quarter of Section nine in Township eight north of Range seventeen east of the Boise Meridian Idaho, containing forty-two acres and fifty hundredths of an acre.

Together with all ditch and ditch rights, water and water rights appurtenant to said premises or used in connection therewith.

EXCEPTING HOWEVER THEREFROM THE FOLLOWING DESCRIBED TRACTS OF LAND:

A PARCEL OF LAND LOCATED IN THE NE 1/4 NW 1/4 SECTION 9 T 8 N R 17 E. BOISE MERIDIAN. CUSTER COUNTY, IDAHO. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4 OF SAID SECTION 9 FROM WHICH THE SE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4 OF SAID SECTION 9 BEARS S 00° 14' 02" E 1314.49 FT THE BASIS OF BEARING OF THIS DESCRIPTION. RUN

Entered
7-10-96

7/10/96

THENCE S 18° 50' 36" W. A DISTANCE OF 849.71 FT TO THE POINT OF BEGINNING::

THENCE S 82° 48' 35" W. A DISTANCE OF 239.51 FT TO THE CENTERLINE OF THE EAST FORK OF THE SALMON RIVER:

THENCE N 03° 55' 52" W ALONG SAID CENTERLINE A DISTANCE OF 369.78 FT;

THENCE N 63° 59' 07" E. A DISTANCE OF 300.16 FT:

THENCE S 00° 49' 25" W. A DISTANCE OF 470.63 FT TO THE POINT OF BEGINNING.

PARCEL CONTAINS 2.46 ACRES

SUBJECT TO: A 30 FT WIDE EASEMENT 15 FT ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4 OF SAID SECTION 9. RUN THENCE S 21° 09' 12" W A DISTANCE OF 756.58 FT TO THE POINT OF BEGINNING:

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE:

S 79° 58' 27" W 33.90 FT: S 40° 32' 02" W 126.48 FT:

S 45° 24' 59" W 17.88 FT

TOGETHER WITH: A 30 FT EASEMENT 15 FT ON EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4 OF SAID SECTION 9. RUN THENCE S 26° 04' 27" W A DISTANCE OF 913.11 FT TO THE POINT OF BEGINNING:

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID CENTERLINE:

S 41° 10' 14" W 14.67 FT: S 69° 59' 13" W 58.59 FT:

S 86° 26' 11" W 81.84 FT: N 82° 47' 23" W 79.57 FT:

N 63° 46' 03" W 92.98 FT: N 70° 15' 49" W 26.17 FT TO THE EASTERLY RIGHT-OF-WAY OF FOREST SERVICE ROAD.

A PARCEL OF LAND LOCATED IN THE NE 1/4 SE 1/4, SECTION 9, T 8 N R 17 E. BOISE MERIDIAN. CUSTER COUNTY, IDAHO. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4 OF SAID SECTION 9 FROM WHICH THE SE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4 OF SAID SECTION 9 BEARS S 00° 14' 02" E 1314.49 FT THE BASIS OF BEARING OF THIS DESCRIPTION. RUN THENCE S 18° 50' 36" E. A DISTANCE OF 849.71 FT TO THE POINT OF BEGINNING:

THENCE N 76° 03' 45" E A DISTANCE OF 285.86 FT TO A POINT ON THE EASTERLY BOUNDARY OF W 1/2 W 1/2 SW 1/4 NE 1/4:

THENCE S 00° 14' 02" E ALONG SAID BOUNDARY A DISTANCE OF 579.17 FT TO THE SE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4 OF SAID SECTION 9:

THENCE S 00° 14' 04" E ALONG THE EASTERLY BOUNDARY OF THE
NW 1/4 NW 1/4 NW 1/4 SE 1/4 OF SAID SECTION 9. A DISTANCE
OF 21.08 FT:

THENCE S 89° 48' 17" W. A DISTANCE OF 89.77 FT:

THENCE N 19° 40' 33" W. A DISTANCE OF 564.66 FT TO THE
POINT OF BEGINNING.

PARCEL CONTAINS 2.46 ACRES.

TOGETHER WITH: A 30 FT WIDE EASEMENT 15 FT ON EITHER SIDE
OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NE CORNER W 1/2 W 1/2 SW 1/4 NE 1/4
OF SAID SECTION 9. RUN THENCE S 10° 15' 29" W. A DISTANCE
OF 783.19 FT TO THE POINT OF BEGINNING:

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID
CENTERLINE:

N 46° 05' 58" W 108.05 FT: S 79° 58' 26" W 90.46 FT:

S 40° 32' 02" W 126.48 FT: S 45° 24' 59" W 17.88 FT:

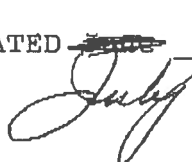
S 41° 10' 14" W 14.67 FT: S 69° 59' 13" W 58.59 FT:

S 86° 26' 11" W 81.84 FT: N 82° 47' 23" W 79.57 FT:

N 63° 46' 03" W 92.98 FT: N 70° 15' 49" W 26.17 FT TO THE
EASTERLY RIGHT-OF-WAY OF FOREST SERVICE ROAD.

Together with their appurtenances.

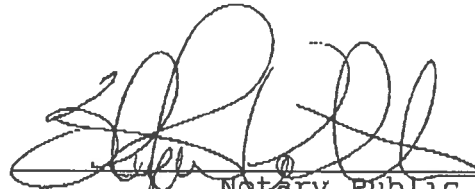
DATED ~~June~~ July 1996.


David R. Davidson, Jr.
June Davidson

STATE OF UTAH)
ss.
County of Salt Lake)

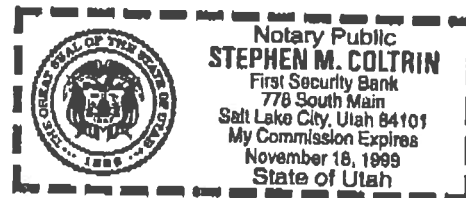
On this 10 day of July, 1996, before me, a Notary Public in
and for said state, personally David R. Davidson, Jr. and June
Davidson, husband and wife, known to me to be the persons whose

names are subscribed to the within instrument and acknowledge to me that they executed the same.



Notary Public
Residing at Salt Lake County, Utah

My Commission Expires
~~January 16, 1999~~
11-18-99



RECEIVED

SEP 22 1997

Department of Water Resources
Southern Region

FAX TRANSMITTAL

TO: *Frank Kitchcock*
FIRM: *State of Idaho Water Resources*
FAX#: *208-736-3037*

CC:

RE: *Warranty Deed / Partition*FROM: *Jerry Fowles*DATE: *9/22/97*

NUMBER OF PAGES IN THIS TRANSMISSION:

COVER SHEET + *4*

*This fax may contain confidential information intended only for the person(s) named above. Any other distribution, copying or disclosure is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone and return the original transmission to us by mail without making a copy. Thank you.

MESSAGE:

PLEASE CALL WITH ANY QUESTIONS OR CONCERNS.

☐ ORIGINAL TO FOLLOW BY MAIL☐ RESPONSE REQUIRED☒ ORIGINAL WILL NOT FOLLOW☐ ACKNOWLEDGMENT
REQUESTED

TELEPHONE CONVERSATION

MEMORANDUM

310 ✓
____ INCOMING CALL

____ OUTGOING CALL

____ RETURNING CALL

313

TO:

H

DATE:

09-22-1997

FROM:

Garry Howell

FILE:

FILE NO:

A72-

SUBJECT:

Ownership - prop

REMARKS:

Confirm FAX # - will send -

ROUTING INSTRUCTIONS:

CALENDER DATES:

FH/ABH

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: A72-00216
Date Received: 12/19/1989
Receipt No: S010724
Received By: B. V. St.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID R. DAVIDSON, JR. 801-265-9092
Address: 1176 E. MURRAY HOLLADAY RD.
SALT LAKE CITY, UT 84117

Name: JUNE DAVIDSON 801-265-9092
Address: 1176 E. MURRAY HOLLADAY RD.
SALT LAKE CITY, UT 84117
2. Date of Priority: MAY 01, 1925
3. Source: BOWERY CREEK Trib. to: SALMON RIVER, EAST FORK
4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
08N	17E	9	NE		SW		SE		CUSTER
5. Description of diverting works:
ROCK & LOG DAM, DITCH AROUND CLIFF AND TO PLACE OF USE.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	11/01	0.800		
7. Total Quantity Appropriated is:
0.800 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 95.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

A72-00216

Page 1

Date: 12/19/89

MICROFILMED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	17E	9	SW		NE		IRR	5.0
			SE		NW		IRR	15.0
			NE		SW		IRR	15.0
			NW		SE		IRR	3.0
							Section Acres	38.0
							Total Acres	38.0

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:
A72-00217

14. Remarks:
AC. IRR. = 37.5.

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

GOSSI, ET. AL.

Decree Plaintiff

vs

GIAMPEDRAGLIA, 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 _____

\$ 88.00

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

A72-008216

Date Received

Receipt Number

5010724

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 18 1989

Department of Water Resources
Southern Region Office

Please type or print clearly JUNE and or1. Name of Claimant (s) David R Davidson Jr Phone (801) 265-9092Mailing Address 1176 E. Murray Holladay Rd Zip 841172. Date of Priority (Only one (1) per claim) 5-1 1925 Salt Lake City Utah3. Source of water supply (a) Bowrey Creek
which is tributary to (b) Salmon River, EAST FORK4. a. Location of existing point of diversion is: Township 8N Range 17E Section 9,
NE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of _____

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.

A dam of rocks & logs
that is partially removed every winter and rebuilt
every spring diverts water to a ditch around a steep
rock cliff and then to the property, then spread over
the land

MICROFILMED

MAR 18 1993

6. Water is claimed for the following purposes:

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

For irrigation purposes from 5/1 to 11/1 amount 0.80 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.80 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 95.0 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	
8N	17E	9			5					15	15					3			38

Total number of acres irrigated 38

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
A72 - 00217 or None ()

14. Remarks:

MICROFILMED

Last Name _____ Ident No. _____

Copies: 1 - State, 1 - County, 1 - Claimant
MAR 18 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 72-00216
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 1

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

Signature of Claimant (s) [Signature] Date Nov 13, 1989
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____ Organization _____, that I have signed the foregoing
document in the space below as _____ Title _____ of _____ 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 Custer) SS.

Subscribed and sworn (or affirmed) before me this 13th day of November 19 89

SEAL

Notary Public [Signature]

Residing at Boise Idaho

My Commission Expires 12/7 1994

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 _____ Ident. Number _____

MICROFILMED

MAR 18 1993
Copies Will be State, Delivered Claimant



C H A L

Salmon

15

15

3

5

POB

10

UNCLASSIFIED
DATE 1-1-2012

A72-00716

80 17E SEC 9

S A M U E L

A E L O N T



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Dec. 22, 1989

Re: A72-10320

A72-00216

A72-00217

DAVID R DAVIDSON JR
1176 E MURRAY HOLLADEY RD
SALT LAKE CITY UT 84117

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

FEB-14-1997
0009

RIGHT NUMBER:

72-10320

NAME AND ADDRESS:

JUNE DAVIDSON
DAVID R DAVIDSON JR
1176 E MURRAY HOLLADEY RD
SALT LAKE CITY UT 84117

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

11/11/1889

POINT OF DIVERSION:

T08N R17E S09

SESENM

Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31

QUANTITY
0.04 CFS

PLACE OF USE:

DOMESTIC
T08N R17E S09

Within CUSTER County
SENM

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP08N17E091201A

RECEIVED

SEP 02 1997

Department of Water Resources
Southern Region

TELEPHONE CONVERSATION

MEMORANDUM

✓ INCOMING CALL

OUTGOING CALL

RETURNING CALL

TO:

DATE:

FROM:

FILE:

FILE NO:

SUBJECT:

REMARKS:

ROUTING INSTRUCTIONS:

CALENDER DATES:

FH/ABH

1047/1051

FH

09-10-1997

TERRY HOWKILLS

DAVIDSON

A72-00216, -00217

1 PM -

SPAR CONVEN CUT - off - OK
12-1 PM.

Suggested:

Wanted to know how directed
how spread in PIV
how many sets to complete
who did this in past in exchange
for running cattle?
any other past usage?
revised my home phone first in case.

CORRESP

TELEPHONE CONVERSATION

MEMORANDUM

____ INCOMING CALL

✓ ____ OUTGOING CALL

____ RETURNING CALL

TO:

DATE:

FROM:

FILE:

FILE NO:

SUBJECT:

REMARKS:

ROUTING INSTRUCTIONS:

CALENDER DATES:

FH/ABH

430/432

HAWKINS, JIMMY

09-09-1997

FH

DAVIDSON DAVID

A72-00216, - A72-00217

09-15 Appt - times... confirm.

Call me @ home if its convenient
208-733-4870 or @ the office, W/bo.
in the next days 208-1736-3033.

SRBA SUPERVISOR FOR HIS REVIEW AND DIRECTION.

Complete a travel advance if you
are going up.

 9/9

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00216, -00217

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

IDWR Employee/Agent Frank Hitchcock

September 8, 1997 11:43am

NAME:
JERRY HOWELLS, UTAH

RE:
DAVIDSON CLAIMS-A72-00216
& A72-00217; FIELD REVIEW.

¹
TF AT 09:54-TCW-REVIEW MY HAVING FORWARDED HIS ATTORNEY'S REQUEST FOR LATE FIELD EXAM TO SUPERVISION AND DEPUTY ATTORNEY GENERAL.

REVIEWED BRIEFLY MY EXPERIENCE WITH CLAIMANT DAVIDSON DURING THE 1993 FIELD REVIEW SEASON. DISCUSSED MY LETTER OF 09-05-1997 TO HIS ATTORNEY FOR EVIDENCE OF THE PARTNERSHIP PARTICIPATION IN THE PROPERTY NOT IDENTIFIED IN THE ORIGINAL CLAIMS.

HE WILL REQUEST MR ANDERSON ESQ TO FORWARD BY FACSIMILE COPIES OF THE DOCUMENTS THAT WILL DEMONSTRATE OWNERSHIP PARTICIPATION. HE WILL BE ON THE PROPERTY MONDAY, 09-15-1997. I CAUTIONED HIM THAT I HAD ALREADY FORWARDED THE ATTORNEY'S LETTER AND HAVEN'T HAD ANY RESPONSE. I WILL FORWARD THIS JOURNAL ENTRY AS WELL.

SUGGESTED THAT HE GIVE ME PHONE NUMBERS/MAILING ADDRESS FOR FUTURE CONTACTS WITH HIM IF THAT WAS AGREEABLE. HE AGREED. I WILL GET IN TOUCH WITH HIM AT ONCE WHEN I HAVE SOME DIRECTION REGARDING POSSIBLE FIELD REVIEW 09-15-1997.

HE DESCRIBED THE BOWERY CREEK DIVERSION, ACREAGE COVERED AND THE TWO LOTS AT 3 ACRES EACH THAT HE AND DAVIDSON HAVE AS WELL AS THE 50% OWNERSHIP OF THE REMAINING 38 ACRES IRRIGATED. I DESCRIBED THE PHOTOS TAKEN OF THE CREEK DIVERSION IN 1993 BEFORE DAVIDSON KEPT ME OFF THE PROPERTY.

JERRY HOWELLS 7055 NORTH STATE ROAD 32 PEOA, UT 84061. PHONE: 801-359-6622; CURRENT RESIDENCE UNTIL 10-01: 801-645-5303 AND AFTER 10-01: 801-336-3333.

CC: NICK by fax.
DET " " hand.
TT-TCW-Charlie 120

TRANSMISSION VERIFICATION REPORT

TIME : 09/08/1997 13:17
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME
FAX NO. /NAME
DURATION
PAGE(S)
RESULT
MODE

09/08 13:16
912083275400-540-044
00:00:57
02
OK
STANDARD
ECM

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: NICK SPENCER, FSC
SPBA
LEGAL
327-5400

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: journal entry - telephone
conf w/ part-owner HOWELLS

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: H

CHARGES:

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

Please consider this document as a billing statement.

The charge for your fax copies is: _____

Please remit to the above address.

COMMENTS:

please advise - date 09-15-97
co-claimant/owner w/ be on property.
Thank you, Nick.



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

September 5, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR JOHN W. ANDERSON ESQUIRE
PRUITT GUSHEE AND BACHTELL
SUITE 1850 BENEFICIAL LIFE TOWER
SALT LAKE CITY, UT
84111-1495

RE: OWNERSHIP INTEREST CLAIMED BY HOWELLS IN DAVIDSON SRBA CLAIMS

Dear John:

Thank your for your letter of August 29, 1997 following our phone conference on Tuesday, August 26.

I immediately sent a copy by facsimile to the deputy attorney general who assisted me during my contacts with David Davidson during the field reviews of the claims to water rights on the Salmon River, East Fork.

As promised, I also turned in a copy to my supervisor in this office for his information. As I suggested to you time is of the essence as the good weather is becoming problematic in the high country.

I haven't heard from your client Mr Howells as of today. In addition, I would like to have some evidence of the partnership position that Mr Howells has in the subject property that the claims identify. There is no mention of a partnership in the paperwork that I have in the form of the claims or mention in my file entries of my contacts with Davidson.

As soon as I have a response from the deputy attorney general and my supervisor I will contact you by phone at once. Please let me hear from you about Mr Howells ownership so that I can identify him as having standing to make the request for field review.

Please call me with any questions. I will be in the office through the next two weeks.

Sincerely Yours,

Francis G. Hitchcock
Water Resource Agent Sr.

ROUTING SLIP

TELECOPIER (801) 531-8468

Distribution		Provided for your:	
Date: 09-03-97		Information	☒
To: DRT		Comments	
From: FH		Approval	
		Signature	
Special Notes: Worked w/ Nick in 1993 on these claims - recommended I status - & field exam(s) at request of claimant Davidson. CC of letter to Nick - cont w/ Nick 09-26-97 after phone conf. w/ attorney.			

@1148

OF COUNSEL

ROBERT G. PRUITT II
BRENT A. BOHMAN

RECEIVED

SEP 03 1997

Department of Water Resources
Southern Region

RE: Water Right Claims A72-00216, A72-00217 and A72-10320

Dear Frank:

As we discussed on Tuesday, August 26, 1997, I have been retained by Jerry Howells to investigate the status of the above-referenced water rights. In the course of my discussion with you, I was disturbed to learn that a field verification on two of the above-referenced water rights has not been conducted. Accordingly, I am asking Jerry Howells to contact you directly and establish a mutually acceptable time for you to meet and conduct the necessary field verification. We want to facilitate your efforts in any way we can.

Finally, you would be a tremendous help if you would provide me copies of the claims on each of the above referenced water rights and any other right which may involve the subject lands.

As indicated to you, Mr. Howells holds an ownership position in the subject lands and is interested in getting all issues involving his water supply finally resolved.

Very truly yours,



John W. Anderson

JWA:pk

cc: Jerry Howells

COPY

TRANSMITTAL COVER SHEET

OMNIFAX G66

TO: NICK SPENCER, ESQ.
SABA LEGAL

smt 11:33 pm receipt / actual time 11:43 AM.

TOTAL PAGES SENT: 2

DOCUMENT DESCRIPTION: pending request for field
work to review two surface water claims
in the name of DAVIDSON as we have discussed.

FROM: IDAHO DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

SENDER: 71

CHARGES:

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

Please consider this document as a billing statement.

The charge for your fax copies is: _____

Please remit to the above address.

COMMENTS: copy to Doug Jones of the letter.

LAW OFFICES
PRUITT, GUSHEE & BACHTTELL
SUITE 1850 BENEFICIAL LIFE TOWER
SALT LAKE CITY, UTAH 84111-1495
(801) 531-8446

TELECOPIER (801) 531-8468

ROBERT G. PRUITT, JR.
OLIVER W. GUSHEE, JR.
THOMAS W. BACHTTELL
A. JOHN DAVIS, III
JOHN W. ANDERSON
FREDERICK M. MACDONALD
JOHN F. WALDO
ANGELA L. FRANKLIN
JOHN S. FLITTON
MICHAEL S. JOHNSON
CHRISTOPHER J. CASTILLO

OF COUNSEL

ROBERT G. PRUITT, III
BRENT A. BOHMAN

August 29, 1997

RECEIVED

SEP 03 1997

Department of Water Resources
Southern Region

Francis G. Hitchcock
Water Resource Agent Senior
State of Idaho
Department of Water Resources, Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

RE: Water Right Claims A72-00216, A72-00217 and A72-10320

Dear Frank:

As we discussed on Tuesday, August 26, 1997, I have been retained by Jerry Howells to investigate the status of the above-referenced water rights. In the course of my discussion with you, I was disturbed to learn that a field verification on two of the above-referenced water rights has not been conducted. Accordingly, I am asking Jerry Howells to contact you directly and establish a mutually acceptable time for you to meet and conduct the necessary field verification. We want to facilitate your efforts in any way we can.

Finally, you would be a tremendous help if you would provide me copies of the claims on each of the above referenced water rights and any other right which may involve the subject lands.

As indicated to you, Mr. Howells holds an ownership position in the subject lands and is interested in getting all issues involving his water supply finally resolved.

Very truly yours,



John W. Anderson

JWA:pk
cc: Jerry Howells

ORIGINAL

LAW OFFICES

PRUITT, GUSHEE & BACHTELL

SUITE 1850 BENEFICIAL LIFE TOWER

SALT LAKE CITY, UTAH 84111



RECEIVED

SEP 03 1997

Department of Water Resources
Southern Region

Francis G. Hitchcock
Water Resource Agent Senior
Department of Water Resources, Southern Region
222 Shoshone Street East
Twin Falls, ID 83301

83301-6103 03



6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00216, -00217.

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

IDWR Employee/Agent Frank Hitchcock

September 2, 1997 9:43am

NAME:
NICK SPENCER, DEPUTY AG, S.O.
08-27-1997; TT AT 9:53

RE:
DAVIDSON CLAIMS-A72-00216,
-00217 AND A72-10320

MSG LEFT TO CALL ME. CALLED AGAIN AT 3:07-TCW-HE COULDN'T GET THROUGH TO ME-LINES FULL.

REVIEWED THE DAVIDSON DISALLOWED CLAIMS WITH HIM WHICH HE REMEMBERED FROM OUR DISCUSSIONS DURING THE FIELD SEASON OF 1993.

HE FELT THAT MY SUGGESTION TO HOWELL'S (UNKNOWN PARTNER OF DAVIDSON TILL NOW) ATTORNEY IS GOOD THAT HE REQUEST A FIELD EXAM OF THE PROPERTY OWNED IN PART BY HIS CLIENT. NICK FEELS THAT THIS WOULD BE A GOOD WAY TO AVOID HAVING TO DO SO DURING NOE PERIOD.

I WILL FORWARD TO HIM WHATEVER FORM OF THE REQUEST I RECIEVE THAT IS ALONG THE LINES OF WHAT I SUGGESTED TO THE LAWYER.

FRANCIS G. HITCHCOCK
 SR. WATER RESOURCE AGENT
 SOUTHERN REGIONAL OFFICE
 (208) 736-3033
 FAX (208) 736-3037
 fhitchco@idwr.state.id.us

101 N. ORCHARD, BOISE, ID 83725

**THE SNAKE RIVER
 BASIN ADJUDICATION
 OF WATER RIGHTS
 MAY AFFECT THE
 BUYING AND SELLING
 OF REAL ESTATE**



In
Idaho

basin or groups of sub-basins in
 report for your reporting area
 informing you that the report for
 sent to the most recent address s
 will be a copy of those portions

**NOTICES IN THE
 ADJUDICATION**

In Adjudication other than notices of
 water rights filed in the Snake River
 Department of Water Resources. Copies of
 adjudication will not be mailed to all parties

with the court will be mailed only to
 t. A monthly docket sheet will be
 of all documents filed with the court in
 hearings scheduled for the following
 the district court clerk in each county
 the docket sheet may be obtained from
 ged to cover the cost of mailing and/or
 ket sheet each month, you should mark
 n. You will be charged a small annual
 mailing. Copies of any document listed
 the offices of the department either in
 d to cover the cost of mailing and/or

in the department will be available for
 Copies of the notices of claims may be

ROUTING SLIP

Distribution	Provided for your:	
Date: 08-26-97	Information	☒
To: MR ANDERSON ESQ.	Comments	☐
From: FH	Approval	☐
	Signature	☐
Special Notes: as promised per our phone conference this afternoon. Please advise if you need copies of correspondence.		

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00216, -00217

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

IDWR Employee/Agent Frank Hitchcock

September 2, 1997 9:34am

NAME:

DAVIDSON, DAVID-JUNE
00216, -00217, AND

RE:

PARTNERSHIP WITH JERRY A72-
HOWELLS-ATTORNEY JOHN
ANDERSON SLC, UT FOR
HOWELLS. TCW.

ERROR IN WP FILING LOST THE WP RECORD IN JOURNAL. SEE WP FILES-FH
AT JOURNAL-DAVIDSON-TCW 08-26-1997.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-00216 ET AL

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

IDWR Employee/Agent Frank Hitchcock

September 2, 1997 9:08am

NAME:

JOHN ANDERSON, ESQ
PRUITT ET AL, SLC, UT
TF AT 1:55 08-26-1997

RE:

DAVID/JUNE DAVIDSON CLAIMS
REPRESENTS PARTNER IN THE
PROPERTY OWNERSHIP.

TCW-REPRESENTS ANOTHER PARTY WHO ALLEGEDLY HAS A 1/2 INTEREST IN THE REAL PROPERTY REPRESENTED BY CLAIMS FOR SALMON RIVER, EAST FORK WATER A72-00216, A72-00217 AND A72-10320. HIS CLIENT IS JERRY HOWELLS (SP?).

AFTER HE DESCRIBED WHY HE WAS CALLING ME I TOLD HIM THAT BOTH OF THE CONSUMPTIVE USE CLAIMS (-00216 AND -00217) WERE CODED FOR DISALLOWAL DUE TO DAVIDSON'S CONTINUED REFUSAL TO ALLOW A FIELD EXAM AND HIS SUBSEQUENT POSITION THAT I HADN'T KEPT AN APPOINTMENT WITH HIM LATE IN THE SEASON TO FINALLY DO THE REVIEW. (SEE COPIES OF ALL CORRESPONDENCE AND FILE ENTRIES REGARDING PHONE CONVERSATIONS WITH DAVIDSON DURING THE FIELD SEASON.)

HE WAS UNAWARE OF ANY PROBLEM(S) AND I ASKED HIM WHAT HE HAD FOR HIS FILE REGARDING THE STATUS OF THE WATER RIGHTS PER REQUESTS FROM ME FOR ACCESS. HE STATED THAT HE DIDN'T HAVE FULL COPIES OF THE WATER RIGHT CLAIMS OR THE CORRESPONDENCE.

I SUGGESTED THAT HE SHOULD HAVE THE FILES AND THE CORRESPONDENCE THAT DOCUMENTED MY ATTEMPTS TO GET PERMISSION FROM DAVIDSON TO SEE THE USAGES. HE AGREED AND I TOLD HIM THAT I WOULD SEND HIM THE COPIES OF THE CLAIMS FIRST AND THAT HE WAS WELCOME TO ANY OF THE DOCUMENTATION REGARDING CONTACTS WITH DAVIDSON. HE FELT THAT THE CLAIMS WOULD BE MOST IMPORTANT FOR NOW.

HE ASKED HOW THE RECOMMENDATION COULD BE DEALT WITH AND I SUGGESTED THAT HE WRITE A LETTER TO MY ATTENTION OUTLINING HIS REPRESENTATION

OF HOWELLS AND THE LACK OF INFORMATION FOR HIS CLIENT REGARDING THE STATUS OF THE WATER RIGHTS AND DAVIDSON'S CONTACTS WITH THIS AGENCY.

I TOLD HIM THAT I WOULD FORWARD HIS REQUEST TO SUPERVISION/ADMINISTRATION AND LET HIM KNOW THE OUTCOME AS SOON AS I COULD GET DIRECTION. I ALSO TOLD HIM THAT A MEASUREMENT THIS LATE IN THE SEASON FOR -00216 (BOWERY CREEK) PROBABLY WOULDN'T BE REPRESENTATIVE OF THE DIVERSION CAPACITY AS CLAIMED.

I ALSO TOLD HIM THAT MY FIELD GLASSING THE REACH OF THE RIVER WHERE THE DIVERSION IS CLAIMED FOR -00217 DIDN'T SHOW ANY WORKS AS DESCRIBED IN THE CLAIM. I SAID THAT I VIEWED THE BANK FROM THE ROAD AND MAY HAVE MISSED SOMETHING.

BOTH CLAIM COPIES WERE MAILED TO HIM 08-26-1997 WITH COPIES OF THE IDAHO WATER PRIMER AND OWNERSHIP BROCHURES.

RECEIVED

DEC 13 1993

Department of Water Resources
Southern Region Office

December 7th, 1993

State of Idaho
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

Dear Mr. Hitchcock:

I have just returned home from a trip to California, and opened your letter dated November 24, 1993, postmarked December 2, 1993. My daughter said it arrived in the mail on December 3rd.

It is hard for me to believe that you could make the statement in the first paragraph of your letter. It is nothing more or less than a blatant falsehood. For your information, I had several witnesses that listened to the telephone conversation, when I called to confirm the November 1st appointment on Friday the 29th of October. The call was made specifically to set up the time that I would meet you on the East Fork. If you remember, I asked if you could be there early in the morning, and you replied you couldn't be there until 10:00 AM or 11:00 AM Monday the 1st of November, because you had to wait for someone that was coming from Boise, that you were supposed to meet at 6:00 AM, and you couldn't leave to go to the East Fork until you picked the person up.

I do have witnesses to our conversation, and records showing that I tried to meet you at great inconvenience and expense to me. To have you deny that you missed your appointment for whatever the real reason, is an insult.

Thank you,



David R. Davidson Jr.

Custom Estate Planning Inc.

DBA

Custom Trust Inc.

1176 East Murray Holladay Rd.
Salt Lake City, Utah 84117



RECEIVED
DEC 13 1993
Department of Water Resources
Southern Region Office

MR. FRANK HITCHCOCK
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST. EAST.
TWIN FALLS, IDAHO 83301





State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

November 24, 1993

Mr. David R. Davidson, Jr.
1176 E. Murray Holladay Road
Salt Lake City, UT 84117

Dear Mr. Davidson:

When you called the second time on October 29, 1993, you told me that you couldn't meet me at your property on November 1 due to the change in travel plans of your partner. You said that you would get back to me and hung up. This was at 10:10 AM on Friday, October 29.

I didn't hear from you and concluded that you were unable to change your arrangements with your partner just as you stated.

Your suggestion that you send me a map for your usage for the next season won't be of help as the examination is to verify your usages as claimed in the adjudication which commenced in November of 1987.

I will not be able to recommend your claims as mentioned before in our correspondence. You will receive official notice at such time as the court assigns a reporting date for Basin 72 where you claimed your usages.

Respectfully,

Francis G. Hitchcock
Water Resource Agent Sr.

November 6, 1993

State of Idaho
State Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

RECEIVED

NOV 10 1993

Department of Water Resources
Southern Region Office

Dear Mr. Frank Hitchcock:

I really cannot say that I understand the imperative nature of your hand written notices and the implied urgency of your attempts to meet with me on the East Fork of the Salmon River, to "examine my irrigation practices and diversion practices on my 42.5 acres of land, all per your stated Idaho State Code Sections 42-217 and 42-1410." As you know, I have made several attempts to meet with you, and you always made it clear that I had to be there at your convenience, not mine.

On October 12, 1993, you confirmed the receipt of my letter of October 11th and suggested that November 1st, in the late morning, you could be there to complete your field examination of my 42.5 acres. Per your suggestion, I advised you by phone that because of the importance of your examination, I would be there November 1st.

As I advised you in my letter, and explained to you when I confirmed this appointment by phone, the only reason I was going to be there, was to close the cabin for the winter and bring the generator back to Salt Lake City to be repaired. I was going to the East Fork for that purpose and I was bringing help to accomplish that task. Unfortunately, the friend that was helping me to remove and transport the generator, could not stay over Sunday night, because of an important meeting here in Salt Lake Monday morning, November 1st. Consequently, I made arrangements to rent a plane so I could get to the East Fork and close the cabin, remove and load the generator and stay over to meet with you as we had agreed upon, and still get back to Salt Lake City to keep some appointments that were important to me. In order to accomplish something that had to be done, and meet with you per the agreed time of between 10:00 -11:00 AM, November 1st, I had to rent an airplane at what turned out to be needless expense, so I could meet with you and return to Salt Lake City by Monday afternoon to meet my commitments. As it turned out, I waited at my place at the East Fork until I could no longer stay, because I consider night flying, instrument flying, and I am not current with my instrument rating. Actually, I stayed so late waiting for you, after 3:00 PM, that I still had a half hour of night flying to make it back to Salt Lake City Monday night. Needless to say I missed my appointments in Salt Lake City. I spent approx-

imately \$300.00 on an airplane, for nothing, because you did not keep your appointment with me.

The next afternoon, Tuesday, November 2nd, I called your office to see if you had called me, or if you had had an accident, which might have caused your failure to keep our appointment. It is now Saturday, the 6th of November, and I still haven't heard from you.

As I said before, I don't understand why I have to do your bidding, when you can't meet per my schedule, and now when we had made a firm appointment, you didn't show.

As I told you, I will not be back to the East Fork until next Spring, and what you need to do, I believe should be at my convenience, not yours.

If you want, I can send you a map and explain our diversion system, and water usage for this coming year, and you can go and inspect at your own convenience, next year.

Please let me know what happened.

Respectfully,

A handwritten signature in dark ink, appearing to read "David R. Davidson", written in a cursive style.

David R. Davidson

Custom Estate Planning Inc.

DBA

Custom Trust Inc.

1176 East Murray Holladay Rd.
Salt Lake City, Utah 84117

RECEIVED

NOV 10 1993

Department of Water Resources
Southern Region Office

MR. FRANK HITCHCOCK
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301



1 1111

From: DWR60::GIVENS
To: HITCHCOCK
CC: GIVENS
Subj: APPOINTMENT

2-NOV-1993 16:13:06.60

HI FRANK - TUES. 11/2 - 4:00 - A MR. DAVE DAVIDSON CALLED ...I ANSWERED
PHONE, HE ASKED FOR YOU..I TOLD HIM YOU WOULD NOT BE IN THE OFFICE TIL THURSDAY
HE WAS UPSET.....SAID HE HAD AN APPOINTMENT WITH YOU 10 - 11 O'CLOCK 11/1 ..
YOU NEVER SHOWED....HE LEFT AT 3:30..HE HAD TO FLY OUT IN THE DARK...HE IS
GOING TO WRITE A LETTER...THOUGHT I HAD BETTER WARN YA!

740

10-29-93

FR1

open office - make coffee
update CHMIS listing
ID pix from FEF 3 to Baker
copy OPQ maps for all F+G
TF DAVIDSON - fill note.

10:05

.10

" " " " " "

confirm 1st call w/ NASH.
return OPQ CES for F+G

11:00

review all F+G as-built
" training confirmation - to file
cont. review AS-BUILDS - F+G

1:00

gas truck / cash travel chle.
TT Challin - phone in review.
let electrician in @ home.

3:00

cont. review of F+G sites as
complete F+G review sent to built
CW M&L - CC FEF 24 as built
review BC claim - look up now
cc docu to Davidson, L&H & S.

.30

review docu for individuals
TF NICK - DAVIDSON, LIV. SILVER

4:30 Pack up for CHANUS

TELEPHONE MEMORANDUM

✓ Incoming Call

Outgoing Call

Returning Call

10¹⁰

TO:

71

DATE:

10-29-93

FROM:

DAVIDSON

FILE:

SMML

FILE NO:

SUBJECT:

Can't make it SUNDAY?

No - already set appts and have other stuff person traveling w/me MON AM. - Can't be there BY 11-noon MON.

exp. lined statute requirement - described claim filed as a sleeping doc - & lawyer's problem w/ his partner - Sunday?

REMARKS:

large ethical problem - husband reportedly to append by whole thing accommodate me. Changing usage anyway - using me not sleep

have used water there over 100 yrs.

say: "Without field exam I can't recommend usage w/ get back to me -

ROUTING INSTRUCTIONS:

CALENDAR DATES:

TELEPHONE MEMORANDUM

✓ Incoming Call

1005

Outgoing Call

Returning Call

TO:

H

DATE:

10-29-93

FROM:

DAVIDSON

FILE:

SMML

FILE NO:

SUBJECT:

per secretary:

REMARKS:

asked for Keith Higginson

secretary explained he would need to call S.D.

could someone here help him?

asked for me

when I plv phone - line dead

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 15, 1993

Mr. David R. Davidson
1176 E. Murray Hollady Road
Salt Lake City, UT 84117

Dear Mr. Davidson:

I recieved your letter dated October 11, 1993 here at my office yesterday, Thursday, October 14, 1993. I have completed my field exams on the East Fork of the Salmon for water claims filed with my department.

There are several loose ends that require me to make one last trip and I can be there, as you suggest, on November 1st late in the morning as I must drive from Twin Falls. We are required by the Idaho State Code Sections 42-217 and 42-1410 to field exam your water uses represented by your claims in the adjudication lawsuit. I must verify the points of diversion, the diversion structure(s), the number of irrigated acres and the irrigation practice. I will take photos to document the usage(s) for the claim files.

Please advise me by mail or phone that you confirm the date and time so that I can coordinate appointments accordingly. I must hear from you in order to keep the suggested date and time.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Francis G. Hitchcock'. The signature is written in a cursive, flowing style.

Francis G. Hitchcock
Water Resource Agent Sr.

State Of Idaho
Department of Water Resources
Southern Region
222 Shoshone St. East
Twin Falls, Idaho 83301

October 11. 1993

RECEIVED

OCT 14 1993

Dear Mr. Francis Hitchcock:

Department of Water Resources
Southern Region Office

I received your letter dated September 15, 1993, marked "fourth notice". Again, by your calculations I was unable to meet per your schecule. Unfortunately, I had made other plans for the dates September 20th thru 23rd, 1993. and September 27th thru 30th, 1993. I tried to change my committments, but could not. This has been a very busy year for me, and I have not been able to spend near as much time on the East Fork of the Salmon as I wanted to. I doubt if I can even go up and protect the property from the hunters this year.

I have definitely made plans to be there (at the property on the East Fork) the weekend of October 30,31st and Nov.1st. Once again I will hope you could meet me at this time, if you have to meet me at the cabin. If you can please let me know

It seems by the tone of your correspondence and phone conversation that you deem it necessary to meet on the property, otherwise, would it be possible to meet elsewhere and answer your inquiries. I ask this question, because I believe this will be my last trip to the property this year. If not, I will try to call and let you know when I will go to the East Fork again this year. Otherwise, I will have to try and meet you this next Spring, after the road opens and the land needs to be watered again.

As you know, I have tried on several occasions to let you know when I could be at the East Fork, but could not make connections with you. I am sorry I cannot make your time be my first priority, but my business has that position. I go to the East Fork on the spur of the moment, when I can; either by small plane or by car. When I can't make it a friend changes the water and takes care of it for me.

I do plan on having different arrangements next year, but at this time I cannot confirm that for a fact.

Please let me know if you can meet me on the 31st of October or the 1st of November.

Thank you.

Respectfully,

A handwritten signature in dark ink, appearing to read 'David R. Davidson', with a stylized, cursive script.

David R. Davidson

Custom Estate Planning Inc.

DBA

Custom Trust Inc.

1176 East Murray Holladay Rd.
Salt Lake City, Utah 84117

RECEIVED

OCT 14 1993

Department of Water Resources
Southern Region Office



MR. FRANCIS HITCHCOCK
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST. EAST
TWIN FALLS, IDAHO 83301-6105

mmmm





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

09-15-1993

MR. DAVID R. DAVIDSON, JR
1176 E. MURRAY HOLLADAY RD.
SALT LAKE CITY, UT. 84117

4th NOTICE

Dear Mr. Davidson:

I have time available to field claim your claims
MON-THURS, Sept 20-23 and Sept 27-30.

Since you filed claims for your water use I am
required to review them on your property.

My department will not force the issue of a
review. However, we cannot make a recommen-
dation to the court without verifying the way
your water claims will be disallowed and
lost without a field claim.

Please contact my office number if you want
to arrange an appointment in the time span
I have available as of today's date.

Frank Hitchcock

GOSST - Own Change
✓ DAVIDSON - 4th NOTICE

U.S. POSTAL SERVICE

CHALLIS ID
UNIT FIN 151550
ZIP CODE 83226
MECHAM BUD # 4
09-15-93 14:13:38
VERSION 18.00

CUSTOMER RECEIPT

090 POSTAGE STAMPS	.58
TOTAL	.58
CASH T	1.00
CHANGE	.42

THANK YOU

TELEPHONE MEMORANDUM

✓ Incoming Call

Outgoing Call

Returning Call

945

TO:

H

DATE:

08-20-1993

FROM:

NICK SPENCER

FILE:

BAKER, E. & DAVIDSON, D.

FILE NO:

SUBJECT:

field exam - on property - review
discussion w/ Dave Shaw re: dist pending

REMARKS:

- A. they filed claim
- B. dist must investigate
- C. we won't force issue
- D. send follow-up letter stating if we can't verify we must disallow claim (s).

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

TELEPHONE MEMORANDUM

✓

Incoming Call *msg left @ motel*

Outgoing Call

Returning Call

TO:

7H

DATE:

08-10-1993

FROM:

DAVIDSON

801-265-9002 SLC

FILE:

FILE NO:

-00216, -00217

SUBJECT:

field exam

Notes:

x msg can read @ motel or @ field from Chairman

REMARKS:

*don't want me on his property telling him how he can use his water that's his problem
 Call from desk clerk @ 5:20 PM -
 call from Chairman for me.*

8:25 PM

Don't appreciate 3rd notice on letter - going to go to a lawyer - have

8:32

*another man - don't want him involved
 away from work - don't want him involved*

gone til 08-28 trying to take his water

told him I would call after

ROUTING INSTRUCTIONS

CALENDAR DATES:

we got people - has got #50 trying to reach on

*his man would be here Th/Fri or Sat this week
 told him I was going home TH - told him required legislative action to field exam - Brown - my first*

08-04-1993

VILLAGE INN
Challis, Id.

MR. DAVID R. DAVIDSON, JR.
1176 E. MURRAY HOLIDAY RD.
SALT LAKE CITY, UT. 84117

3RD NOTICE

Dear Mr. Davidson:

During my second phone call to you on Monday August 2, 1993, you asked that I send you a note about what I need to do regarding your water claim for your property here in Carter County.

I am required to do a Field Exam of the claimed usage(s) and make a report based on my observations and information provided by the claimant to the court as part of the lawsuit.

I enclose copies of your claims for your convenience! I am finishing field exams here this month on the East Fork. Please let me know who is irrigating your property in your absence.

Frank Hitchcock

208-879-2239 motel

enclosures

TELEPHONE MEMORANDUM

Incoming Call

✓
Outgoing Call 10²² AM

Returning Call

TO:

DAVIDSON 801-265-9092

DATE:

07-13-1993

FROM:

H

FILE:

FILE NO:

00216 - 00217

SUBJECT:

Field Exam.

REMARKS:

Spoke to wife - left motel/ok
- he w/ call me back!

08-02-93

8³⁵

write him a note w/ my address -
he w/ let me know when I'm there.
Tried to call me several times after
my previous call - has been out of town
last 3 weeks -

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

Hancock, Vikie

From: Hancock, Vikie
Sent: Wednesday, October 10, 2001 9:04 AM
To: Foster, Bob
Subject: 45-216 Bowery Creek

Bob,

I was the agent that did the recommendation on this right, so I thought that I could give you some info about where it is.

This property is way up the East Fork, and is a beautiful drive. The road into the place is just past Germania Creek and crosses the E. Fk on a fairly new wooden bridge. All of the recommended POU is on the east side of the East Fork, and the only source of water is Bowery creek, as I disallowed their claim to the E. Fk. for non-use. If they have constructed any diversion from the E. Fk it is all new and without a valid water right. Also, there should be no irrigation on the west side of the river, between it and the road. I tell you this because they objected to my recommendation that they were limited to the 17 acres Jeanie and I found capable of being irrigated from Bowery Creek when we were there. (The last time I was there and had contact with the claimants was October 1999).

There is a big new log home on the place, built by Jerry Howells of SLC. The smaller place is David Davidson's. Howells bought part of the land from Davidson and was the one fixing things up and trying to bring the pasture back into shape. I assume that it is he, or someone he has hired, who is diverting all of Bowery Creek. I never went to the POD. Frank visited it back in September 1997, and did some measurements. It looks like he came up with 1.16 cfs - but then you knew Frank's field work better than anyone - and I'm not sure if he was measuring the diversion or what was available in the creek. No pictures and no GPS.

I'm sending you a JPEG of my recommendation, and here is Howells info if you want it:

Jerry Howells Sr
68 South Main Str. Suite 200
Salt Lake City, Ut 84101
801-359-6622 (office)

If you have any questions, give me a call. I swear, these independent East Forkers.

Vikie Hancock



72-00216amend.jp

g

Hancock, Vikie

From: Merritt, Allen
Sent: Tuesday, October 09, 2001 11:58 AM
To: Skinner, Corey; Rounds, Lewis; Foster, Bob
Cc: Hancock, Vikie
Subject: RE: 72-216

Foster may need to check it out.

-----Original Message-----

From: Skinner, Corey
Sent: Tuesday, October 09, 2001 11:56 AM
To: Rounds, Lewis
Cc: Merritt, Allen; Hancock, Vikie
Subject: RE: 72-216

Lewis,

I imagine we will have to look into this one. Do you have any information from the DEQ employee regarding where the dam in the creek is located ?

Corey

-----Original Message-----

From: Rounds, Lewis
Sent: Tuesday, October 09, 2001 10:26 AM
To: Skinner, Corey
Subject: 72-216

Corey,

I don't know who does what in your office so I am sending this to you. If this is not your field, could you please forward it to whoever should get it. A employee of DEQ came into my office this morning inquiring about Bowery Creek in Basin 72. He said someone was diverting the entire creek (around 3 CFS) to irrigate pasture. We looked it up and found only one irrigation right on the creek for 0.8 cfs. The description of the property appears to be correct. The water right number is 72-216. The diversion is a dam in the creek. Could you please let me know what you find out or if you will be sending someone up there to investigate.

Thanks,

Lewis Rounds
Idaho Department of Water Resources
Dam Safety Section
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402
(208) 525-7161

NOTE TO FILE

From: Vikie Hancock

7/5/00

Regarding: Claim number 72-00216, 72-00217

The Findings of Fact dated 12-9-1999 regarding the Special Master's Report for Water Right 72-00216 appears to be in error.

Water right 72-00216 was filed for .80 cfs on Bowry Creek and included in the basin 72 Director's report to the Court for irrigation of 17.2 acres. Co-owner Jerry Howells originally objected to the number of acres recommended, and later withdrew that objection. 72-00216 was never recommended for disallowal. The eventual partial decree is as recommended in the Director's Report.

Water right 72-00217 was filed by the same parties for irrigation from the East Fork Salmon River and recommended for disallowal due to no beneficial use. There was no objection filed to the department's recommendation for 72-00217.

RECEIVED

DEC 10 1999

Department of Water Resources

RECEIVED

JUL 05 2000

Department of Water Resources
Southern Region

1999 DEC -9 AM 11:59

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA
Case No. 39576

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

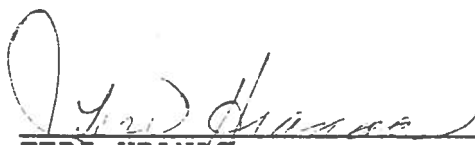
Water Right(s): 72-00216

On December 09, 1999, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 09, 1999.


TERI HRANAC
Deputy Clerk

1999 DEC -9 PM 12: 00
DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO

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

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 72-00216
	)	

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation that this water right be disallowed.

The only objection to this water right was filed by the claimant Jerry Howells, Sr., which was subsequently withdrawn on November 24, 1999.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that this water right be decreed as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 72-00216*.

DATED: December 9, 1999.



THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

SEE NOTE DATED 7-5-2001

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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-00216

1999 DEC -9 PM 12:00
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: DAVID R DAVIDSON JR
JUNE DAVIDSON
1176 E. MURRAY HOLLADAY RD.
SALT LAKE CITY, UT 84117

JERRY HOWELLS SR
68 SOUTH MAIN STREET SUITE 200
SALT LAKE CITY, UT 84101

SOURCE: BOWERY CREEK TRIBUTARY: SALMON RIVER, EAST FORK

QUANTITY: 0.80 CFS

PRIORITY DATE: 05/01/1925

POINT OF DIVERSION: T08N R17E S09 NESWSE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.80 CFS

PLACE OF USE:	Irrigation	Within Custer County
	T08N R17E S09	SENW 4.9
	SWNE 5.3	NWSE 1.9
	NESW 5.1	
	17.2 Acres Total	

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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.

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

RECOMMENDATION

DEC 18 1999

SPECIAL MASTER

1999 DEC -9 PM 12: 00
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 72-00216

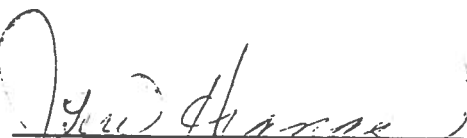
CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 09, 1999, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

DAVID R DAVIDSON JR
JUNE DAVIDSON
1176 E. MURRAY HOLLADAY RD.
SALT LAKE CITY, UT 84117
Phone: 801-265-9092

JERRY HOWELLS SR
68 SOUTH MAIN STREET SUITE 200
SALT LAKE CITY, UT 84101



TERI HRANAC
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/09/99

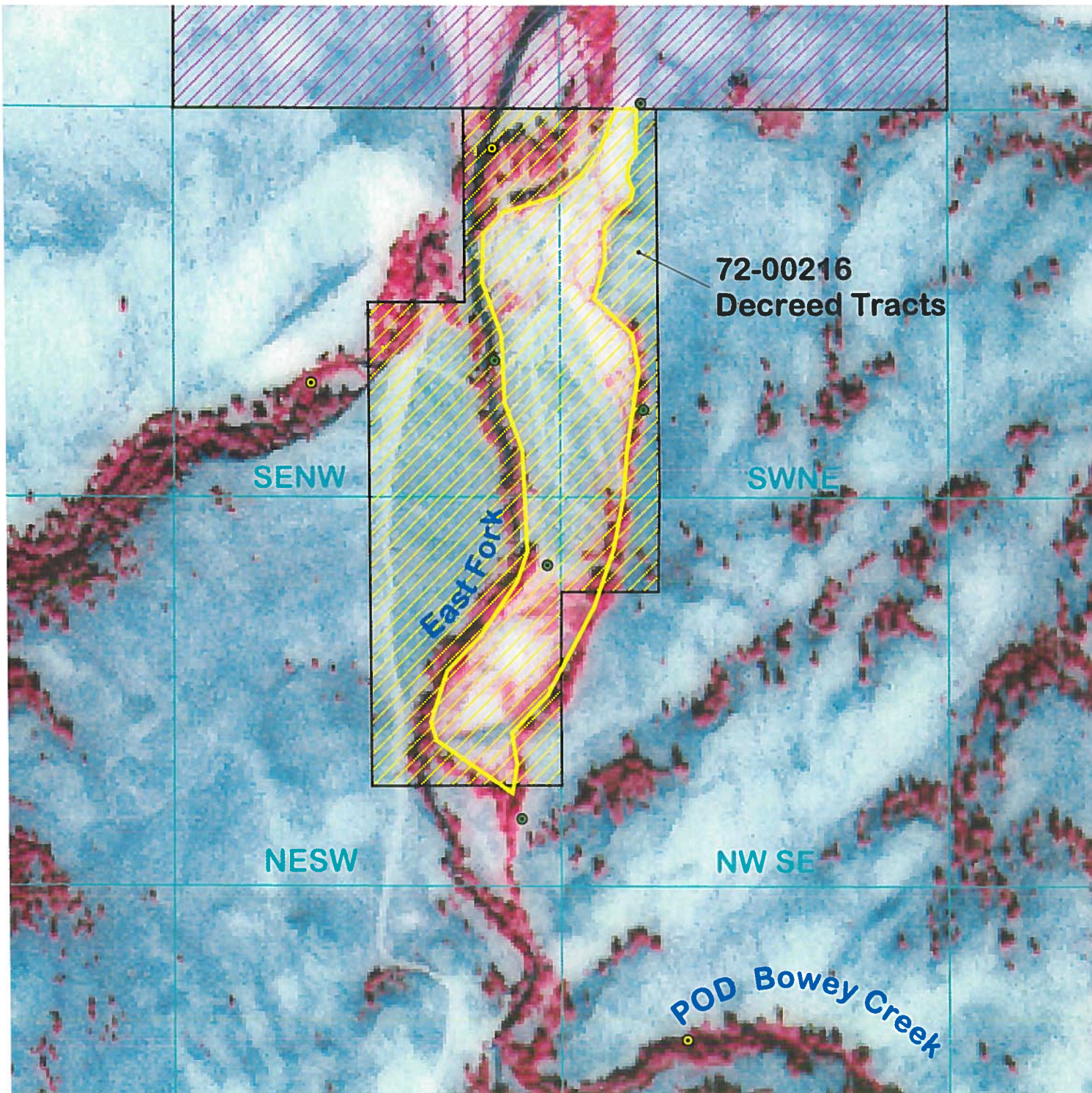
FILE NOTES

A72-00216

Davidson/Howells

DATE: 11-12-1999

17.2 acres



NOTES:

SOURCE - BOWERY CREEK

RIGHT 72-00216

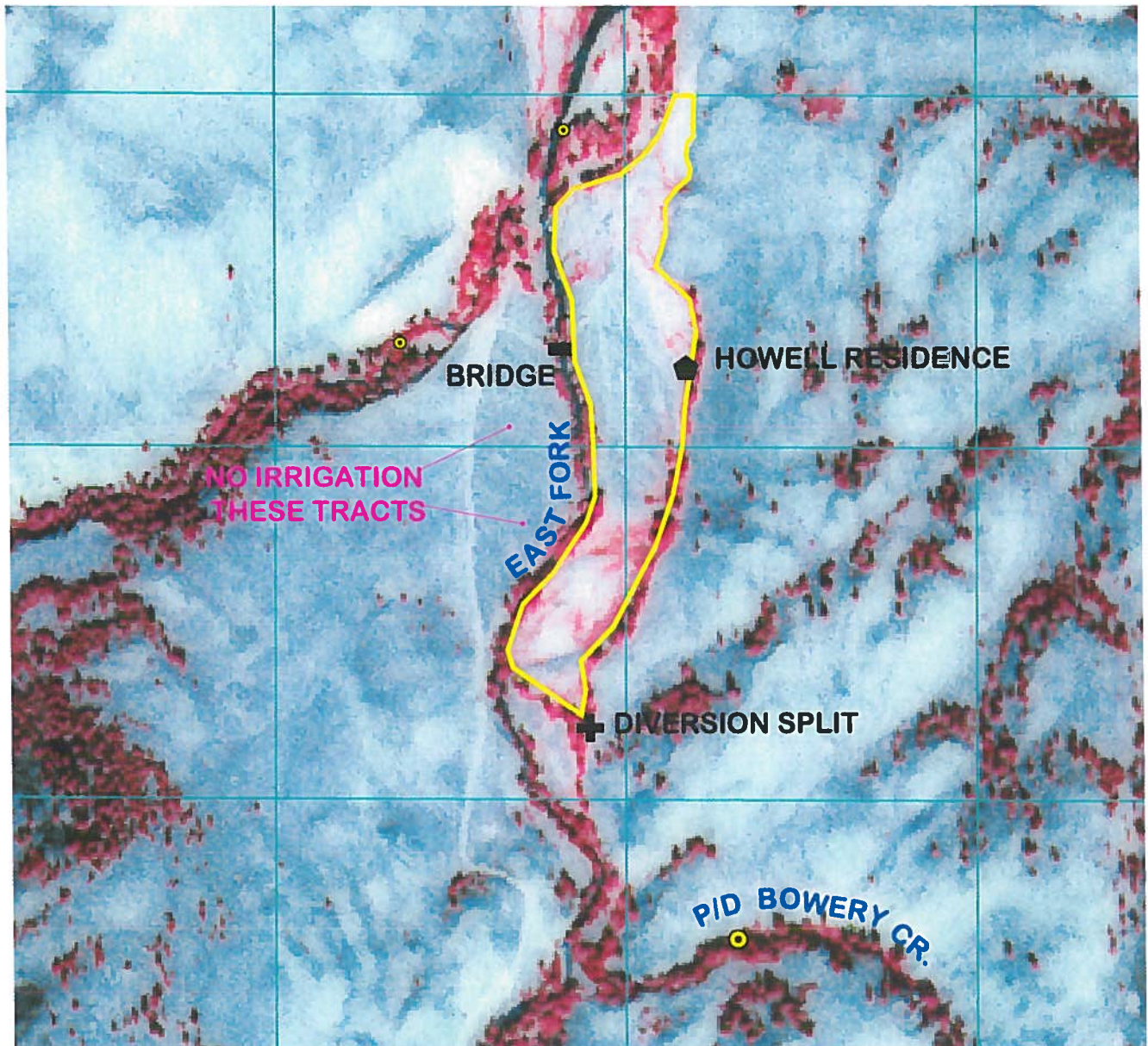
DAVIDSON/HOWELLS

Source: Bowery Creek

RECOMMENDED PLACE OF USE

TWP 08N, RNG 17E,

data entry on Sept. 13, 1999



0 700 1400 2100 2800 Feet



17.2 acres

- 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 PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**



68 South Main Street • Suite 200
Salt Lake City, Utah 84101
801.359.6622 • 800.324.6732
Fax 801.359.6636
HFFB@HOWELLS-FURN.com

RECEIVED

NOV 26 1999

Department of Water Resources

November 23, 1999

Sent by Mail and Facsimile (208) 736-2121

Fifth Judicial District Court
Attn: Deputy Clerk Teri Hranak
P.O. Box 2707
Twin Falls, ID 83303

Re: **NRAY SRBA - Notice of Withdrawal of Objection**
Case No: 39576 Water Right No / Subcase No: 72-00216

Dear Deputy Clerk:

Let this letter reflect my withdrawal of the Objection which was filed with the Court on March 31, 1999. I am withdrawing the objection to the recommended place of use, arguing that it should have been listed as 25 to 30 acres rather than 17.2 acres. I do not understand or relate to the conversion relative to .8CFF stated in the Director's Report and agree to withdraw solely on the basis of acres.

Please note that the Initial Hearing set on the above matter should now be canceled.

Sincerely,

Jerry S. Howells Sr.
Chief Executive Officer

JSH/vg

cc: Idaho Department of Water Resources
Attn: Director of IDWR
P.O. Box 83720
Boise, ID 83720-0098

David and June Davidson
1176 E. Murray Holladay Road
Salt Lake City, UT 84117

Post-it Fax Note 7671		Date 11/5/00	# of pages 1
To Vicky Hancock		From VICKY MURIC	
Co./Dept. IDWR - 50		Co. IDWR - 10001	
Phone #		Phone # 327-7928	
Fax #		Fax #	

RECEIVED

JAN 05 2000

Department of Water Resources
Southern Basin

AJ5809NP
No. 72-00216

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/24/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID R. DAVIDSON, JR.	05/01/1925	IRRIGATION	04-01 10-31	0.800 CFS	
C	JUNE DAVIDSON					
	1176 E. MURRAY HOLLADAY RD.			TOTAL DIVERSION:	0.800 CFS	
	SALT LAKE CITY UT 84117					
	(801) 265-9092					

C JERRY HOWELLS SR
68 SOUTH MAIN STREET SUITE 200
SALT LAKE CITY UT 84101

Water Source: BOWERY CREEK

Tributary to: SALMON RIVER, EAST FORK

Stage: DECREED

Point(s) of Diversion: T08N R17E S09 NESWSE

CUSTER County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																
				NENE	NWNE	SWNE	SENE					NENW	NWNW	SWNW	SENW					NESW	NWSW	SWSW	SESW					NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM		
08N	17E	9	:				05	:							04	:			05	:								01	:	17.2		
																												TOTAL ACRES	17.2			

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: A72-00217

Conditions of Approval:

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

Dates: Exam Made Date: 09/16/1997 Verified Date: 11/17/1998 Objection Filed Date: 03/29/1999

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

Hancock, Vikie

From: Denniston, Sara
Sent: Tuesday, September 14, 1999 5:15 PM
To: Hancock, Vikie
Subject: RE: 72-00216 OBJ

Thanks Vikie. I'll take it from here. I will write him a letter explaining the situation.

-----Original Message-----

From: Hancock, Vikie
Sent: Tuesday, September 14, 1999 4:25 PM
To: Denniston, Sara
Subject: 72-00216 OBJ

Sara,

I did a field exam on the claim that was objected to on the East Fork in Basin 72. He had objected to the number of acres recommended (however on his SF1 he listed it under "quantity" and then explained that there should be 25 to 30 ac, not 17). From what I found, he did good getting 17.2 acres, so I'm not going to change my recommendation. I did amend the GIS shape file to better represent where the 17.2 irrigated acres are, however. What do I do now? Do I send a letter to the claimant/objector and explain my findings, decision and a copy of the new GIS print? How involved do you need to get, at this point? Awaiting direction...

Vikie

TRANSMITTAL COVER SHEET

TO: Sara Denniston

TOTAL PAGES SENT: 3
(including cover sheet)

DOCUMENT DESCRIPTION: 72-00216

FE Notes from 9-10-1999

FROM: _____

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

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

Please consider this document as a billing statement.

The charge for your fax copies is: _____

Please remit to the above address.

SENDER: Vikie

COMMENTS: The GIS Shapefile has been saved
as a JPEG file on my D drive. It's at
d:\basins\layouts filename 72-00216amend.jpg
(in south 313)

RIGHT 72-00216

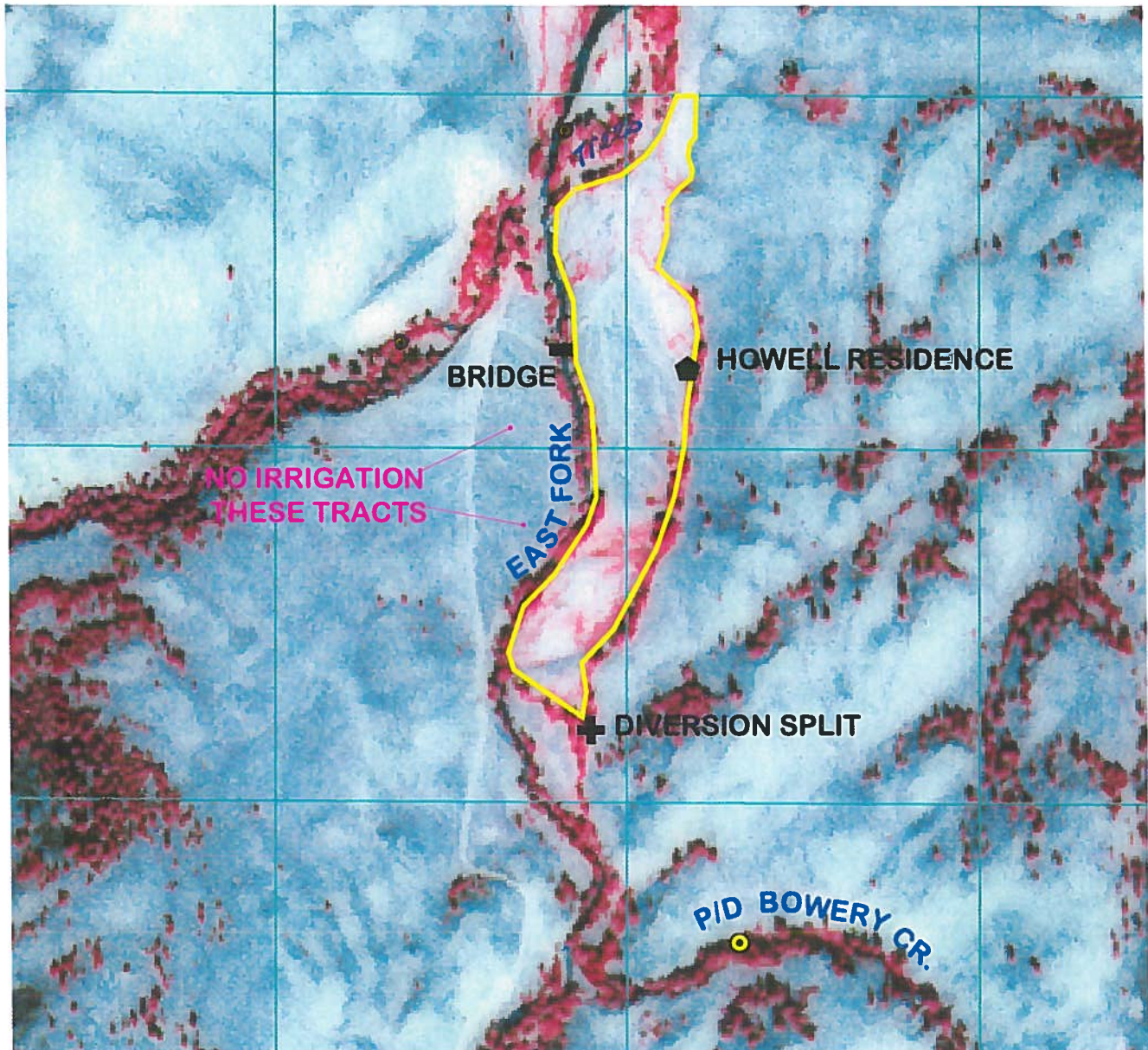
DAVIDSON/HOWELLS

Source: Bowery Creek

RECOMMENDED PLACE OF USE

TWP 08N, RNG 17E,

data entry on Sept. 13, 1999



0 700 1400 2100 2800 Feet



- 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 PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

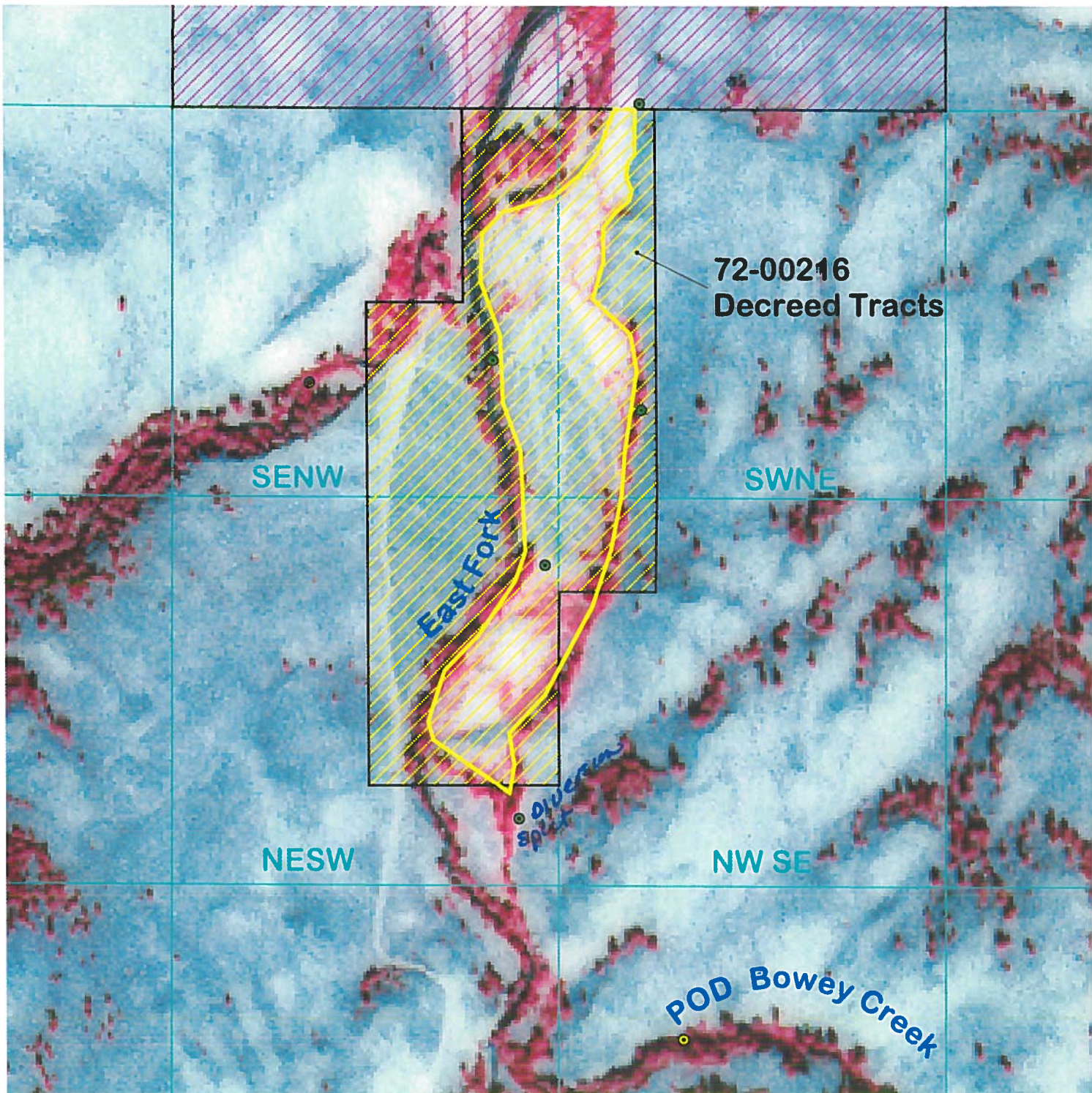
FILE NOTES

A72-00216

Davidson/Howells

DATE: 11-12-1999

T 08N, R 17E, SEC 09



NOTES:

SOURCE - BOWERY CREEK

Field Exam Notes

Field Exam Date: 9-10-1999

Claim No: 72-00216

Agent: Vikie Hancock

This exam was conducted in response to an objection filed in the SRBA by Jerry Howells, co-owner of the property and claim in question. Mr. Howell's objection concerned the number of acres included in the recommended place of use. Although Mr. Howells and I discussed the value of meeting together on the property during telephone conversations earlier in the spring, we were ultimately unsuccessful in connecting by telephone to arrange such a meeting. I eventually left a voice mail message on 9-7-99 informing him of my intentions to examine the place of use on Thursday September 9th or possibly Friday morning the 10th. I stated that if I didn't hear back from him, I would assume I had his permission to be on the property. I was accompanied by Senior Water Resource Agent Jeanie Robertson.

When we arrived, there were construction personnel working on a new residence for Jerry Howells. They had not been in contact with Howells, so I informed them of our intention. One of the men stated that he had been working on the house since the summer of 1998, and had instructions to clean the diversion and conveyance ditch from Bowery Creek, but hadn't had time, yet. He also is involved in the construction of the pipeline to replace the ditch that runs along the eastern boundary of the property. He was aware that Howells had not agreed with my recommendation, and said that Howells wanted to "green the place back up". I asked who was irrigating on the far southern end of the place, and he said David Davidson came up once a month or so.

The place of use, as I recommended it in the Director's Report, is entirely on the east side of the East Fork Salmon River. There is no current irrigation on any part of the property on the west side of the East Fork, and no evidence that there ever was any irrigation there. The irrigated place of use stretches roughly north and south in a valley between the East Fork and a steep hillside. The diversion from Bowery Creek is south of the claimant's property. Water is conveyed to a point just inside the south property line where it is split, more or less equally. One ditch runs along the hillside on the eastern property boundary, goes north past the Howell house and eventually irrigates land in the north 1/3 of the property, as well as the pastureland surrounding the Howell house. The other ditch travels northwestward, is split into a system of laterals, and irrigates the southern 1/3 of the place of use. There is an area of sagebrush which covers the middle third of the property, and shows no sign of recent irrigation. Agent Jeanie Robertson and I could make out some old ditches that could have conveyed irrigation water at some time in the past. This sagebrush-covered middle portion of the place of use was included in my recommendation to the court.

Mr. Howells was convinced that there were more than 17.2 acres of his property irrigated. From my field exam, I determined that my initial recommendation failed to include 0.6 acres of irrigated land at the extreme north end of the property, just south of the boundary fence and east of the trees which grow in a gully formed by the wandering East Fork stream channel. I have included these acres in my amended place of use GIS shape file. I also found that some of the acres included in my original recommendation are not irrigated. These acres are located in the aforementioned middle sagebrush-covered portion of the place of use. I have deleted, from my GIS shapefile, a corresponding 0.6 acres from the non-irrigated sagebrush area bordering the east bank of the East Fork Salmon river. My recommendation stays at 17.2 acres.

Based upon my field exam, I believe that 17.2 irrigated acres is a liberal recommendation. Approximately 5 of the 17.2 acres is not currently being irrigated, and indications are that there has possibly not been irrigation on this five acres for the past five years. With no proof of forfeiture, with a recommended diversion rate adequate to irrigate the 17 acres, and with the knowledge that Mr. Howells is in the process of re-establishing the historical irrigation useage, I am not inclined to reduce the number of acres initially recommended, but alternately, see no evidence that would cause me to increase that number.

An examination was also done of the banks of the East Fork to determine if there was any evidence of past or present diversion works from that source, which was claimed under A72-00217, with the same place of use as 72-00216. Nothing was found that would convey water from the East Fork to either the east or west sides of the river. The original claimant, David Davidson, stated that at one time a flume was raised and lowered into the East Fork, but that it washed out some years prior to 1989. In 1998, he stated to me that it had never been replaced. Claim A72-00217 was disallowed by reason of No Beneficial Use. Mr. Davidson telephoned me to object to that, but when he admitted that there was no diversion, and had not been one since before 1989, I told him I could not reconsider my recommendation of disallowal. There was no formal objection filed in the SRBA. It is only speculation that water from the East Fork was once used to irrigate the middle area of the POU that is now covered with sagebrush.

CLAIM NUMBER
A72-00216

DATE
9-13-99

TRANSFER NUMBER

AGENT
J. Hancock

CLAIMED ACRE TOTAL
3.0

GIS ACRE TOTAL
17.0

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	08N	17E	9			5					15	15					3		
GIS						5.9					4.6	5.0					1.7		
RECOM						5.9					4.6	5.0					1.7		
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.
180

Amended recommendation for POU per field exam conducted 9-10-1999. Found 0.6 additional acres in SWNE but fewer irrigated acres in SE NW & NWSE

B72-DBPOD.SHP

NOS.
95

DESCRIPTION
nw sw se Sec 9 T8N R17E as recommen
Boxley creek is only source

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

AMENDED GIS

9-13-1999

IDAHO DEPARTMENT OF WATER RESOURCES

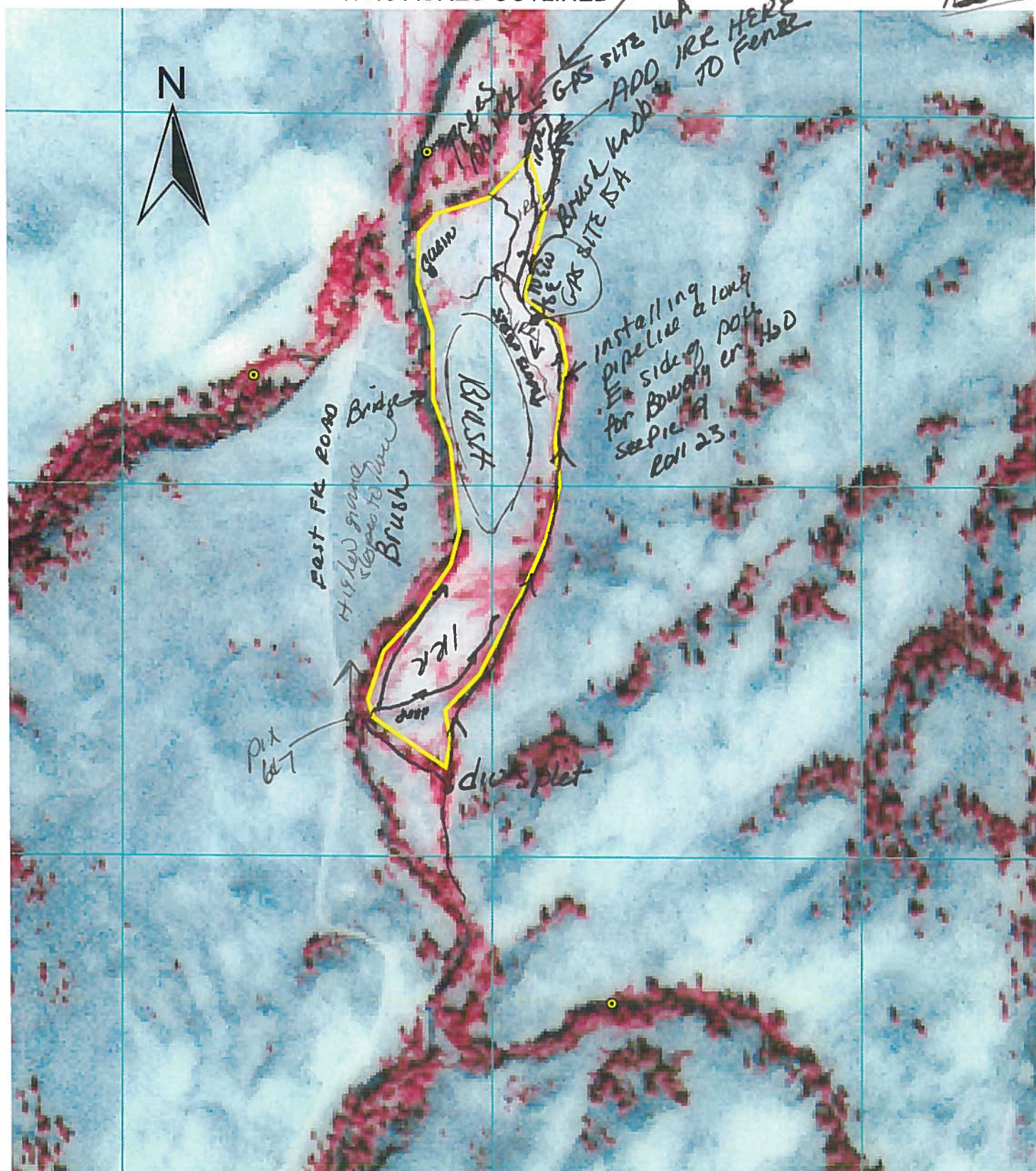
FIELD NOTES - 72-00216

17.15 ACRES OUTLINED

T08N R17E Sec 9

Eq GAS

ec 9  0401



1987/1988 NAPP AERIAL PHOTOGRAPHY

Field Exam 9-10-1999

BLM OWNERSHIP

V HAWCK

T08N R17E Sec 9

BLM OWNERSHIP

V HAWCOCK

FIELD EXAM NOTES AND PHOTO LOG

Claim Nos: 72-00216 Date 9-10 1999

Claimant / Area of Concern: Howells / Davidson O.B.J. Page 1 of 2

Roll	Pic #	Description
23	7	Looking due south from GPS site at House
	8	Hse & GPS site # SO91015A (Howell's House)
	9	Pipe being installed to convey Bowery Cr Water along
	10	
	11	
	12	Pan from brush knob just North of New Hse
	13	
	14	Looking due N of knob at northernmost irr pole
24	1	Trees N of Davidson cabin & SW of GPS site. SO91016A
	2	
	3	Pan of brush area ^{East} of East fork &
	4	
	5	South of bridge. Taken from E. Bridge approach
	6	Void
	7	Pan of brush area north of bridge & west of East fork taken from same point as 8
	8	
	9	Pan of brush area west of East fork & south of bridge. Gate is due west. Taken from west approach to bridge
	10	
	11	Looking North at GPS site SO91016C where sagebrush area ends and irr pasture begins
	12	
	13	Looking south at pasture from same point as 13
	14	

Agent: Vikie Hancock

Notes: Accompanied on Field exam by Senior Water Resource Agent Jeanie Robertson. Claimants not present.

Claim Nos: 72-00216

Date 9-10 1999

Claimant / Area of Concern:

Page 2 of 2[illegible]

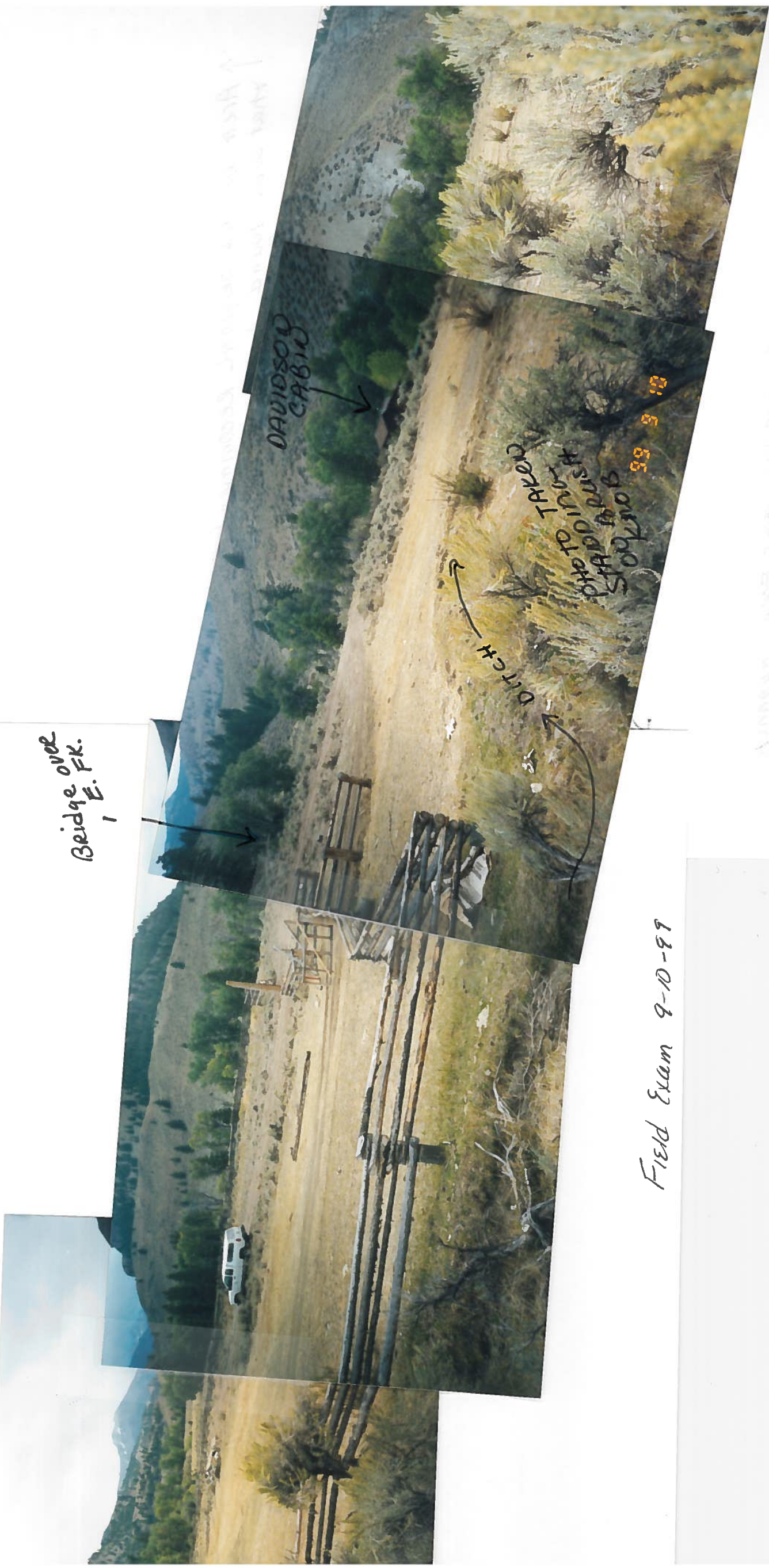
Agent: Vikie Hancock

Notes:

claimed Pole From Brusk knob
Cabin & North of Howell House
East Fork Salmon River

72-00216

Bridge over
E. FK.



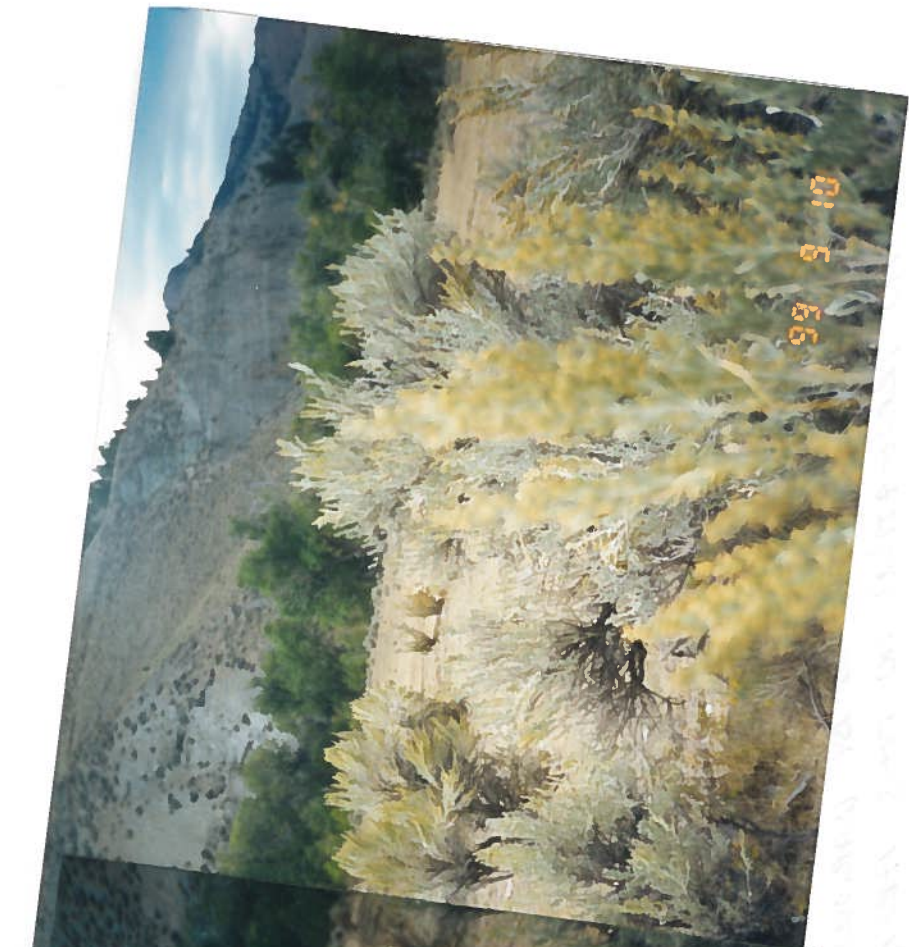
DAVIDSON CABIN
DITCH
TAKEN
PHOTO IN THE
STATION
9-10-89

Field Exam 9-10-89

Brusk knob
Howell House
over

72-00216

Bridge over
E. Fk.



Field Exam 9-10-99

72-00216

Roll 23
pic 10



↑ Area beyond original recommended pool
that was found to be marginally irrigated

Roll 24
pic 1



TREES IN GULLY FORMED BY VARIOUS EAST FORK CHANNELS
NO IRRIGATION IN THIS AREA

Roll 23
pic 7



IRRIGATED AREA JUST SOUTH OF HOWELL HOUSE

Roll 23
pic 9



Pipe line being installed to convey Bowery Cr water along E side of property. Photo Taken looking East, just south of Howell House

res 3,4,5



92-00216

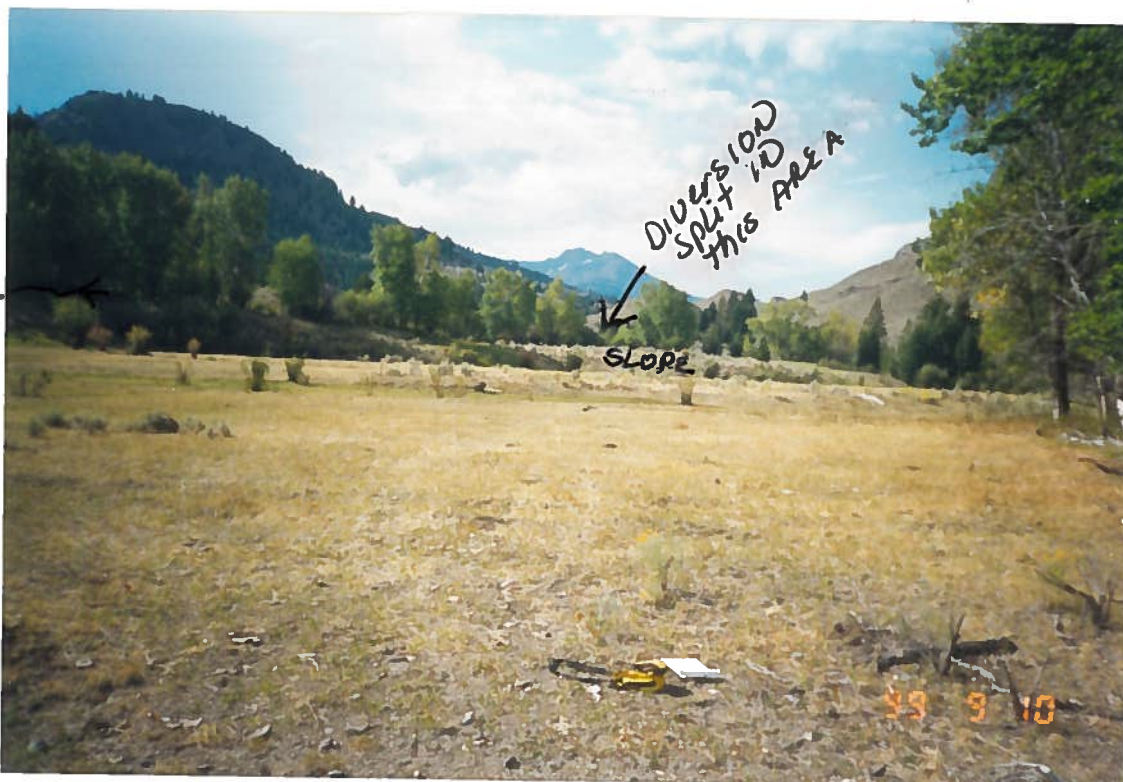
bridge or EF. AREA South of Bridge and East of East Fork



Roll 24
pic 13

← ditch
along here

↑ GPS Site 5091016C Looking North over brushy area.
Some old ditches possibly seen in this area. No current irr



Roll 24
pic 14
DITCH
ALONG
here

DIVERSION
SPLIT IN
THIS AREA

SLOPE

Looking south from same pt as above. Area being
IRRIGATED from here to slope & on top of slope to point
of diversion split.

72-00211



Roll 25
pic 5

To ditch
along E
side of
property &
behind
Howell
House

Diversion split to East & West here
GPS Site #S091016D



Roll 25
pic 3

E FK 10
Sully →
here

← Claimant
fence line

Area south of diversion split. No IER here.

72-00211

72-00216

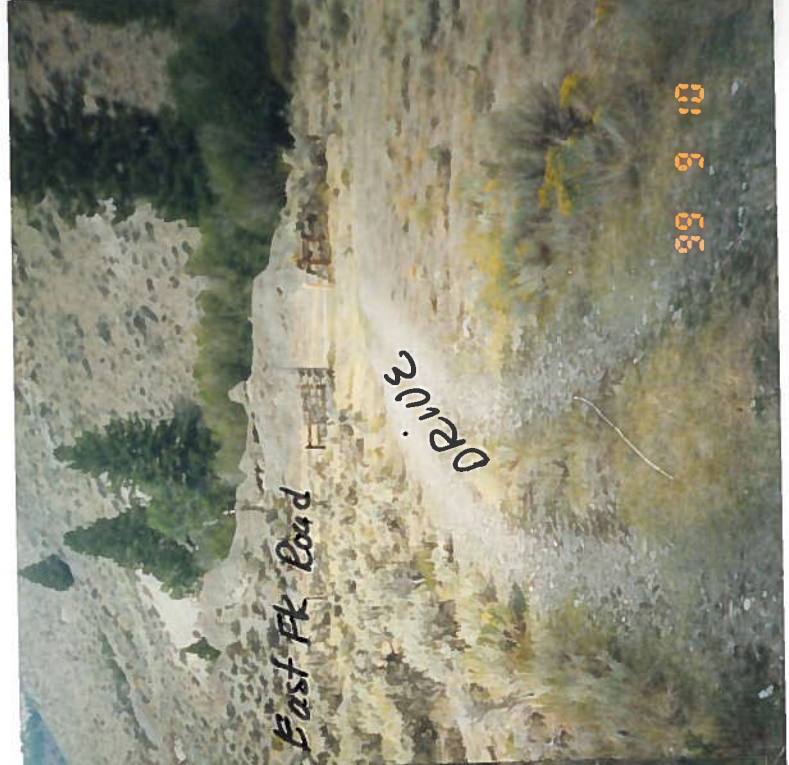
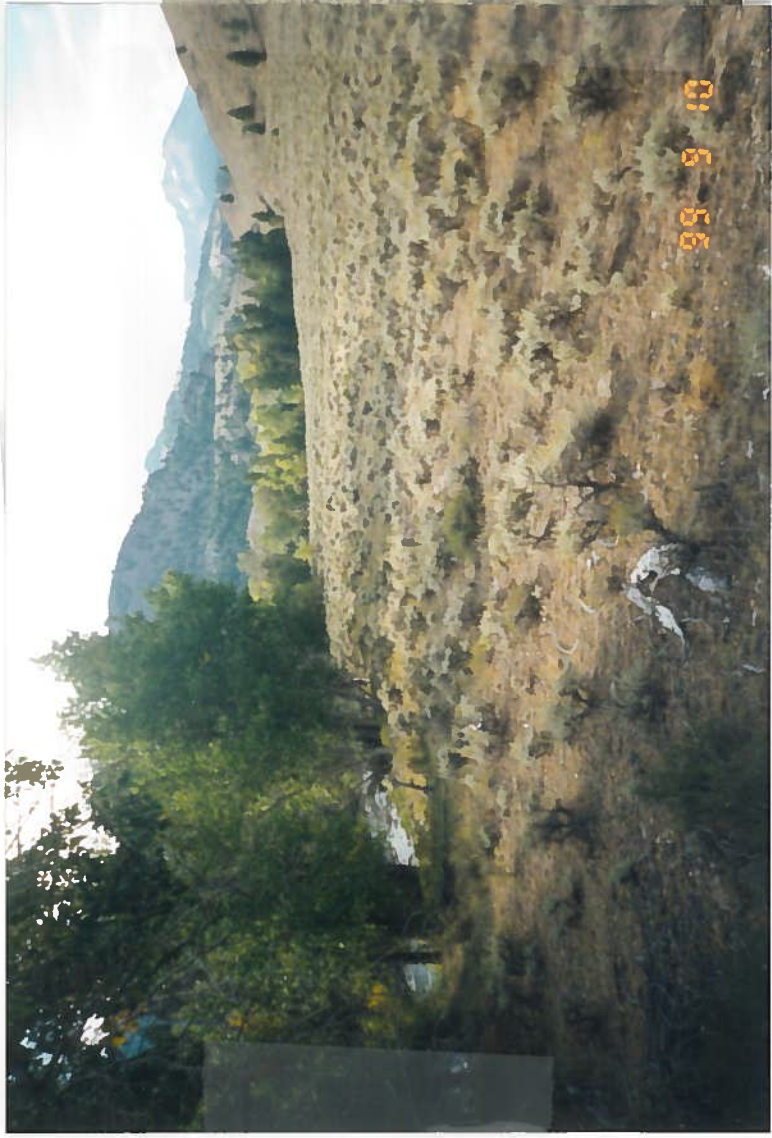
Roll 24 p.c 7 & 8



Area West of East Fork & North of Bridge
Photo taken from West Bridge approach, looking North.

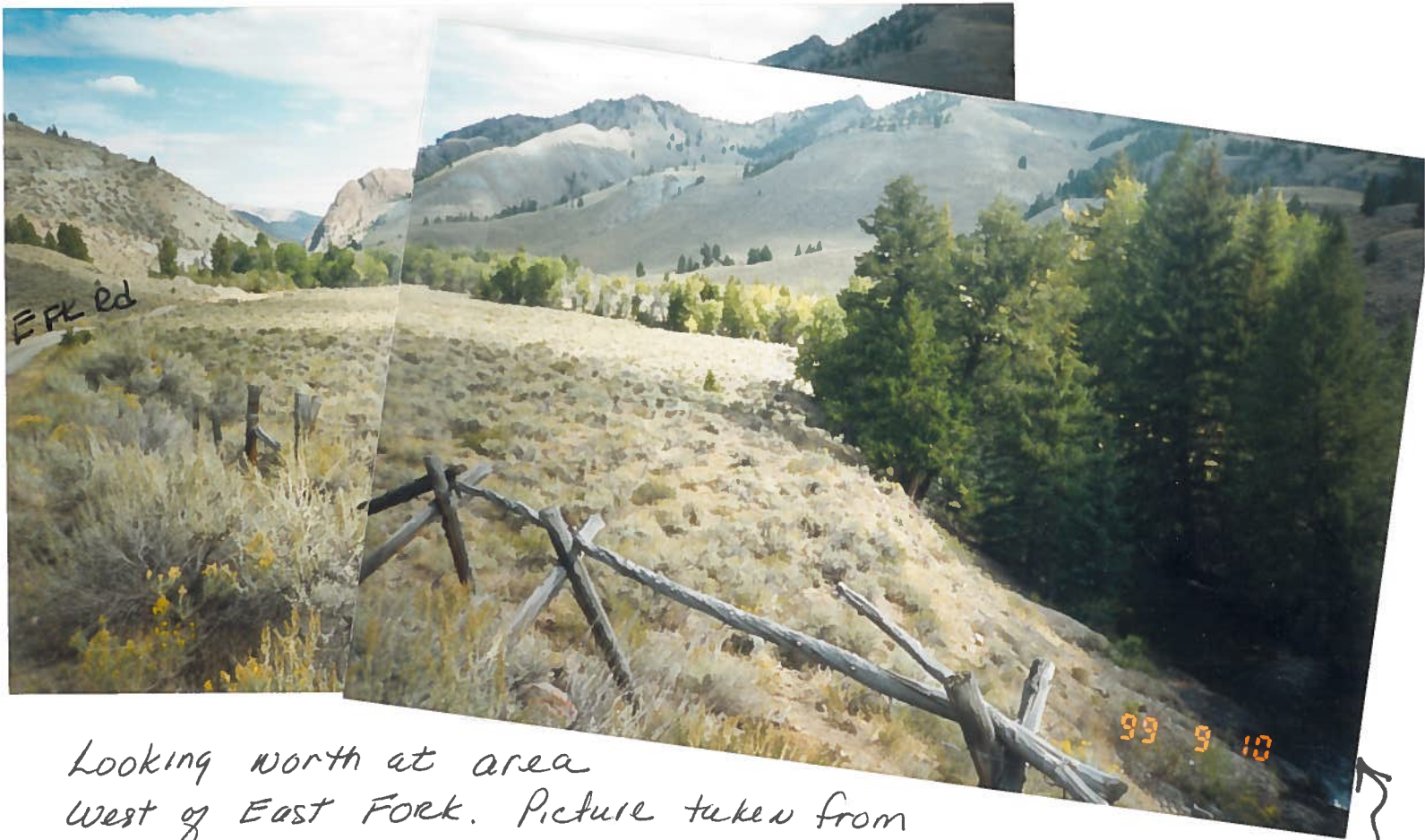
Roll 24 pics 9, 10, 11, 12

72-00216



Area South of Bridge & West of East Fork, looking south
Photo taken from west bridge approach.
No Evidence of pest or present irrigation found here.

Roll 25
pic 6 & 7

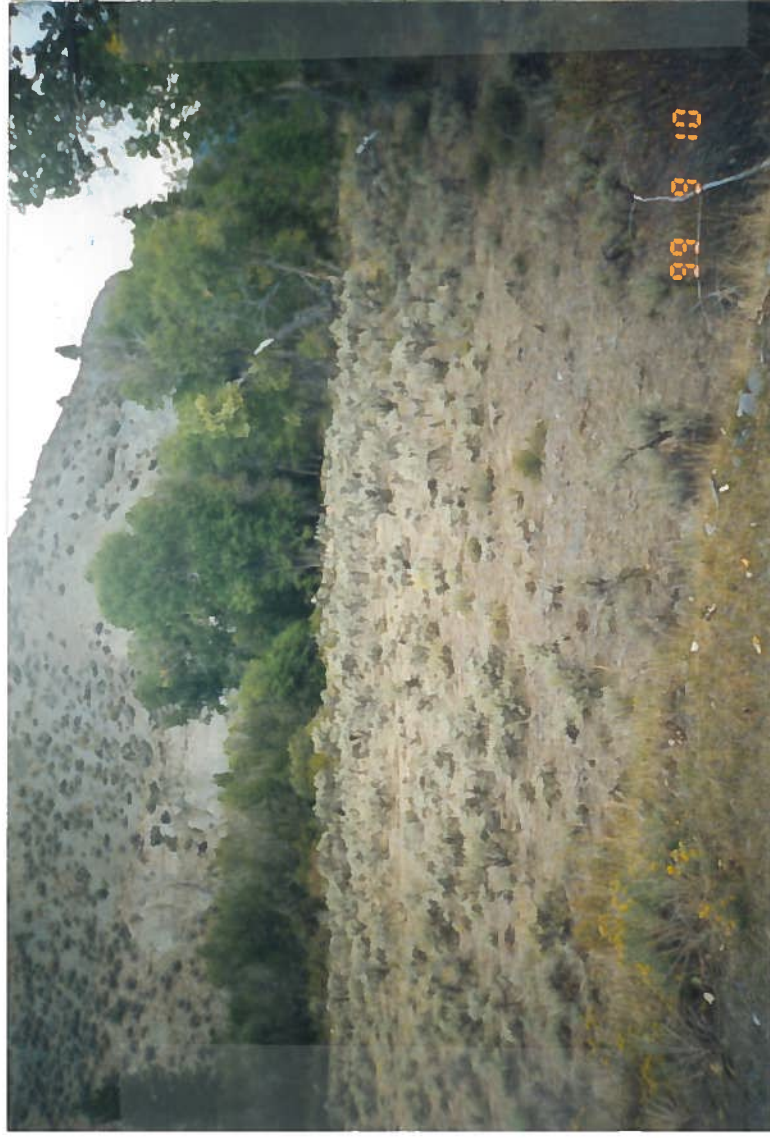


Looking north at area
west of East Fork. Picture taken from
southernmost point of claimant's property,
on west side of East Fork

E. Fork
River

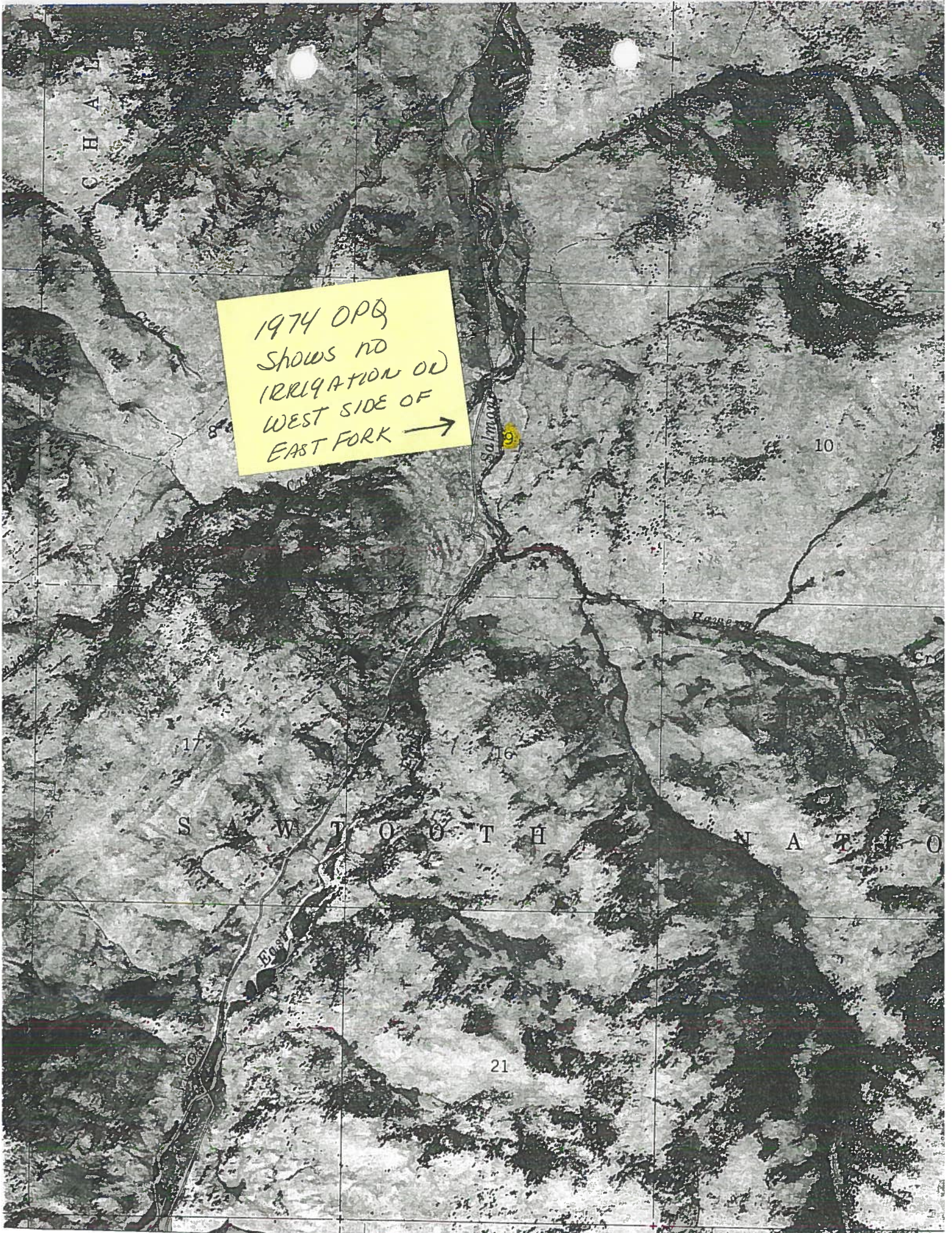
72-000116

Roll 24 p.c 7 & 8



Area West of East Fork & North of Bridge
Photo taken from west Bridge approach, looking North.

72-00216



1974 OPB
Shows no
IRRIGATION ON
WEST SIDE OF
EAST FORK →

CONVERSATION MEMO

Date:

8-30-99

Regarding:

72-00216

Customer:

Jerry Howells Sr

From: Vikie Hancock

[illegible]

Left message on voice mail
to call me regarding the above
claim on East. Tort.

Bus. # : 801-359-6622 wk phone

Missed his call, 8-30-99

Called - out left message, 9-1-99

Called - left message, 9-3-99

9/7/99 - Left message on voice mail that I would do a field exam on his property Sept 9th unless he did not wish me on his property. If I didn't hear from him I would assume it was OK

South
File

RECEIVED

MAY 21 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 72-00316
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Address:

Daytime Phone:

Jerry Howell Sr.
7055 No. SR 32
Pra, Utah 84061
801-359-6422

Name & Address of Attorney, if any:

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

Name:

Address:

Jerry Howell Sr.
6880. Main #200
SLC, Ut. 84101

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: for approx 25-30 acres
(not 17.2)
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
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: _____
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):

F. **VERIFICATION** (Must be Completed)

State of Utah
County of Salt Lake)ss.

Jerry Howell, 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.

Jerry Howell
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: _____

Notary Public for _____
Residing at: _____
My Commission Expires: _____

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 3/29/, 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Jerry K. Kneale Jr.

Address: 681 So. Main #200
S.L.C., UT 84101

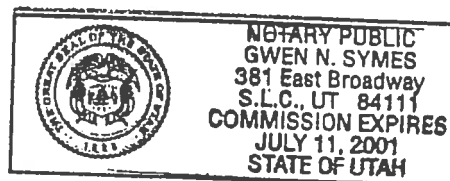
3. Copies to:

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

Jerry K. Kneale Jr.
Signature of Objector or attorney mailing on Objector's behalf



COMMUNICATION DOCUMENTATION

March 16, 1999

Regarding:

72-00216, -00217

Customer:

Jerry Howells

From: Vikie Hancock

[illegible]

Mr. Howells is the co-owner of the property to which the above claims are appurtenant. He called to discuss several matters regarding the claims.

First, he wondered if there should be a domestic use associated with claim number 00216. I asked if he used the waters from Bowery creek for domestic purposes. He said no, that he was going to drill a well this year for a second home on the property. I explained that he would need to get a drilling permit, but that that would not necessarily provide him with a domestic water right. That he could also file a claim in the SRBA at the time that he drilled the well to obtain a domestic water right.

Second, he questioned why there was no water recommended for the property on the west side of the East Fork. I explained that the west side of the river had been irrigated in the past from the East Fork, and that there was no diversion of water from the East Fork. I briefly went over the history of that claim number -00217, and my conversation with Davidson.

He then disputed the number of acres recommended for right number -00216, saying that it should be more like 25 acres. I told him that he would have to formally object to the SRBA Court, at this stage in the process. He asked if we could meet on site this year to ground truth the maps I used for my recommendation, and I agreed that this would be a good idea. I emphasized the importance of his formally objecting to the court in a timely manner, as we would not be able to meet on site for some time. I told him I would send him an objection form, and made sure that he was aware that this was now a court directed process, but also told him to keep in touch so that we could meet on site and

hopefully come to an agreement between us concerning the acres currently being irrigated.

Sent him an SF 1 this date.



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 23, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

David R. Davidson
1176 E. Murray Holladay Rd.
Salt Lake City, Utah 84117

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: A72-00216, A72-00217

Dear Mr. Davidson:

I am writing in response to our phone conversation of December 17th, 1998 and also to your return of our Notice of Error forms regarding the above mentioned water right claims. You raised several issues, so I will address them one at a time.

On the Notice of Error Reply form for irrigation claim 72-00216 you requested well permits for culinary uses, and stated that you had two in use now. I found one claim for domestic (culinary) use in your name for a well on your East Fork property. This water right has already been partially decreed in the Adjudication, and you should have received a copy of documents to that effect. It is identified as claim number 72-10320, and a computer generated profile of this water right is enclosed.

There is no record of another domestic well on your property, either in the name of Davidson or Howells. If you wish to have a water right for this second well, you have two options at this time. The first is to file a late adjudication claim for domestic use. You will be able to do this until the irrigation claims now in the process of being recommended are filed with the SRBA Court in our Director's Report for basin 72. This report is scheduled for delivery to the Court January 12, 1999. After the Director's Report has been sent to the Court, you may still file a claim for domestic use, but must first petition the SRBA Court for permission to do so. Fees for filing a domestic use claim in the Adjudication are \$25.00, and I have provided a form for your convenience, should you decide to file.

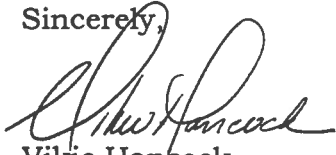
If the well was drilled after 1987, your second option is to file an application for a permit for a domestic well. This process is not part of the Adjudication, but will provide you with a domestic water right. The fees for filing an application for a permit is \$50.00. If you wish to pursue this route, let me know, and I can put you in touch with a Water Right Agent in our office.

During your telephone call to me, substantiated by your faxed Notice of Error Reply, you disagreed with my proposed recommendation of *dissallowed* for your Adjudication Claim 72-00217. As promised, I reviewed the information contained in our file for this claim, and read the information you faxed to me on

December 17th, but I still find no evidence to support a recommendation of irrigation use from the East Fork Salmon River. At the time of former agent Frank Hitchcock's field exam, conducted in 1997 and accompanied by Mr. Howells, he was unable to document any diversion from the East Fork, however did find and measure the diversion from Bowery Creek, claimed under 72-00216. The original claim for water from the East Fork, filed by you in November 1989, states that the diversion works from the East Fork had, at that time, been non-functional for several years, and in your phone conversation to me on December 17th, you stated that you have not diverted water from the East Fork since the time of filing in the Adjudication. There has, therefore, been at least nine years of continuous non-use of water from the East Fork and, in fact, the non-use of water continues to this day.

This is an unfortunate circumstance, but I do not feel that I can recommend a claim when two of the requirements necessary to describe a water right – point of diversion, and diversion rate – do not now exist, regardless of your future plans. Please feel free to forward to me any other documents you think might disprove forfeiture. Baring any additional information, I will recommend this claim to the SRBA Court as it now appears. You will have an opportunity to object to your recommendation at that time, and will receive information on the objection process at the time of mailing of the Director's Report. If you have further questions, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vikie Hancock".

Vikie Hancock
Water Resource Agent

November 20, 1998

NOTICE OF REPLY

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: 72-002 *16*

DAVID R DAVIDSON JR
JUNE DAVIDSON
1176 E MURRAY HOLLADAY RD
SALT LAKE CITY UT 84117

Daytime Telephone Number:
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
We want well permits mentioned, for culinary uses, we have two in use now
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: *12-17-98* SIGNATURE: *David R Davidson*
Please print your name: *David R Davidson*

Water Right Number - R72-00216

Prefix Translation:

RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - +
*** C - CURRENT OWNER ***
DAVIDSON, JR.

DAVID R.

1 - 1176 E. MURRAY HOLLADAY RD.

2 -

3 -

City- SALT LAKE CITY

State- UT Zip- 84117

Phone - 801-265-9092

1 - 1176 E. MURRAY HOLLADAY RD.

2 -

3 -

City- SALT LAKE CITY

State- UT Zip- 84117

Phone - 801-265-9092

1 - 68 SOUTH MAIN STREET SUITE 200

2 -

3 -

City- SALT LAKE CITY

State- UT Zip- 84101

Phone - 208-000-0000

HOWELLS SR

JERRY

*** O - ORIGINAL OWNER ***
BRICKER

EDNA & DAVE

1 -
2 -
3 -
City- XXXX
Phone - 208-000-0000

State- ID Zip- 0000

+ - - Priority Date - - +
05/01/1925+ - - - - Region - - - +
17 SOUTHERN+ - - - - Stage - - - +
D - DECREED

+ - - - - Status - - - +

+ - - - - Source - - - - +
BOWERY CREEK+ - - - - Tributary - - - - +
SALMON RIVER, EAST FORK+ - - - - Point of Diversion - - - - +
Twn Rng Sec Tract Lot RFlg County

08N 17E 9 NE SW SE (37) CUSTER

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

01 - IRRIGATION 05/01 11/01 0.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.800 0.0+ - - - - Place of Use - - - - +
Twn Rng Sec Tract Lot Acres Code Description County08N 17E 9 SW NE 5.3 01 IRRIGATION (37) CUSTER
08N 17E 9 SE NW 4.9 01 IRRIGATION (37) CUSTER
08N 17E 9 NE SW 5.1 01 IRRIGATION (37) CUSTER
08N 17E 9 NW SE 1.9 01 IRRIGATION (37) CUSTER

Total Acres: 17.2

CLAIM NUMBER

A72-00216

DATE

10-7-98

AGENT

DA

TRANSFER NUMBER

CLAIMED ACRE TOTAL

3

GIS ACRE TOTAL

17.

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	08N	17E	9			5					15	15					3		
GIS						5.3					4.9	5.1					1.9		
RECOM						5.3					4.9	5.1					1.9		
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

180

B72-DBPOD.SHP

NOS. DESCRIPTION

95 NW SW SE Sec 9 T 08N R 17E

DBF TABLES UPDATED

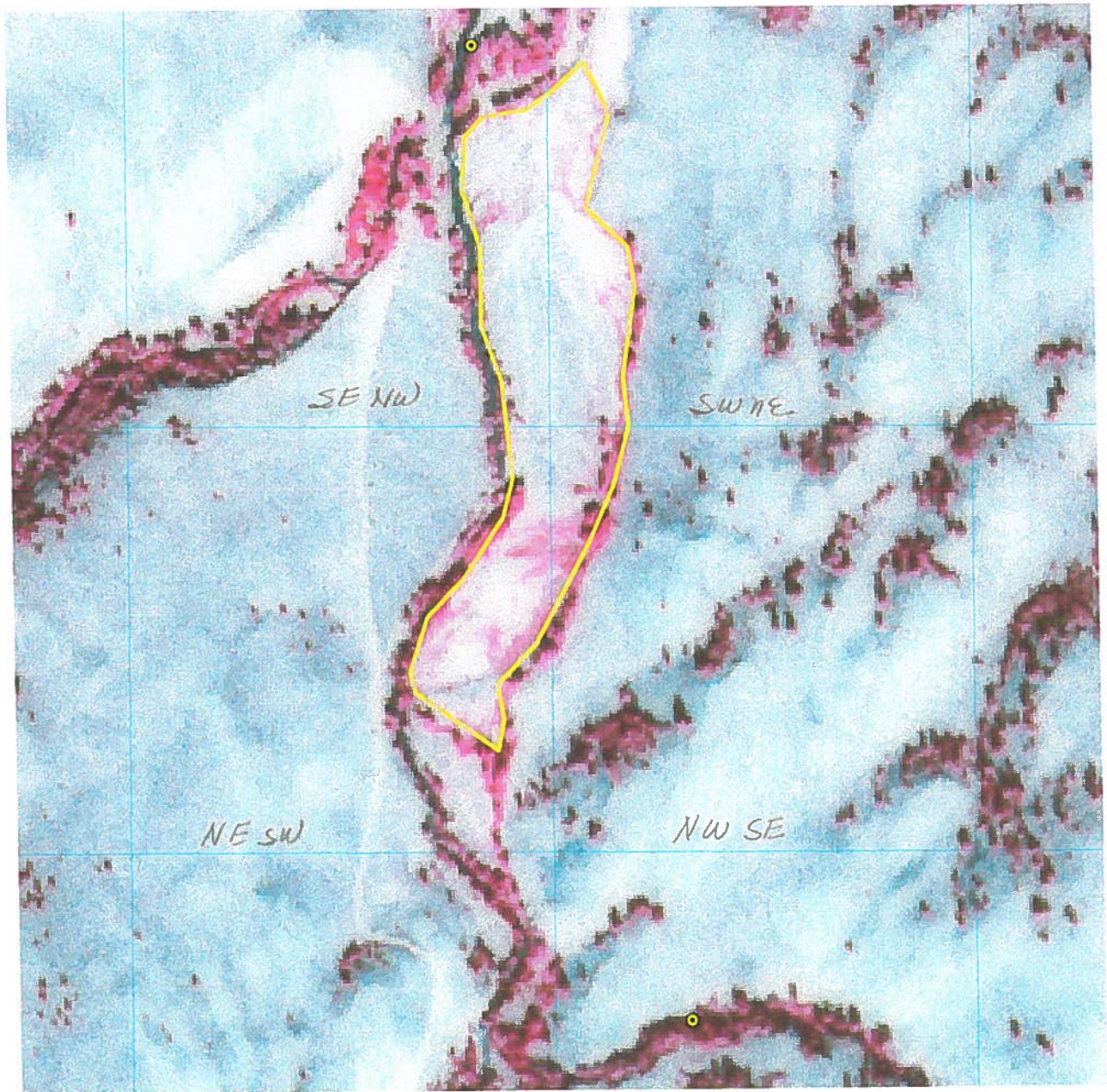
B72-DBPOU.DBF

B72-DBPOD.DBF

GIS

RIGHT 72-00216
DAVIDSON and HOWELLS

RECOMMENDED PLACE OF USE
TWP 09N, RNG 17E, SEC 09
data entry on October 7, 1998



0 1320 2640 Feet



-  **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

38.0
38.0

Del
que
log

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-00216 72-00233

DATE: 11-2, 1998

REVIEWED BY WA

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION		SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA		PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62	PD2	.11	.12			5.15	4.74
BB1	.09	.09			6.09	6.17	RE2	.29	.21			3.15	4.74
BBD							RP1	.19	.21			4.89	4.57
BC1	.16	.17			5.82	5.46	SH1	.06	.05			9.37	12.10
BK1	.07	.06			10.62	11.86	SOC	.08	.07			7.38	8.08
BT1	.18	.16			3.99	4.19	SSA	.15	.14			4.79	5.01
BT2	.41	.32			2.34	2.87	SXF	.12	.11			6.14	6.80
CB1	.06	.06			11.55	13.47	TC1	.06	.06			9.82	9.55
CHA	.21	.21			4.52	4.76	TD1	.04	.03			12.46	16.50
CP1	.36	.36			2.61	2.78	WB2	.13	.13			5.37	5.43
DB1	.13	.11			5.66	6.65	WAA	.19	.16			3.81	4.23
DBB	.13	.11			5.71	6.69	WBB	.17	.14			3.36	3.84
DBC	.13	.11			5.71	6.69	WC1	.07	.06			11.24	13.45
DMF	.18	.21			5.12	4.72	WPT	.19	.15			3.16	3.69
DT2	.05	.04			12.46	16.50	WV1	.07	.06			11.24	13.45
DWA	.14	.14			4.79	5.01	XHS						
GO1	.10	.12			12.47	10.51	YN1	.18	.14			5.38	6.92
HAYSE													
KEG	.08	.07			8.73	10.06							
MUG	.15	.14			4.54	4.98							
NDL	.13	.12			5.30	6.06							

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>CP1</u>	<u>2.61</u>	<u>—</u>	* <u>17.2</u>	* <u>.36</u>	= <u>6.19</u> CFS
—	/	—	*	*	= — CFS
—	/	—	*	*	= — CFS
—	/	—	*	*	= — CFS

TOTAL ACRES 17.2

DECREED RATE = .8

CLAIMED DIVERSION RATE = .8

MEASURED DIVERSION RATE = 1.16

* Based upon similar terrain downstream of claim

HUBBLE

are arid in character and will not successfully raise any crops without the artificial application of water thereon by irrigation thereof, and that all of said lands are susceptible of irrigation from the East Fork of the Salmon River and its tributaries.

3. That 1 1/2 inches of water per acre, or its equivalent in cubic feet per second of time, is necessary and ample for the proper irrigation of said land.

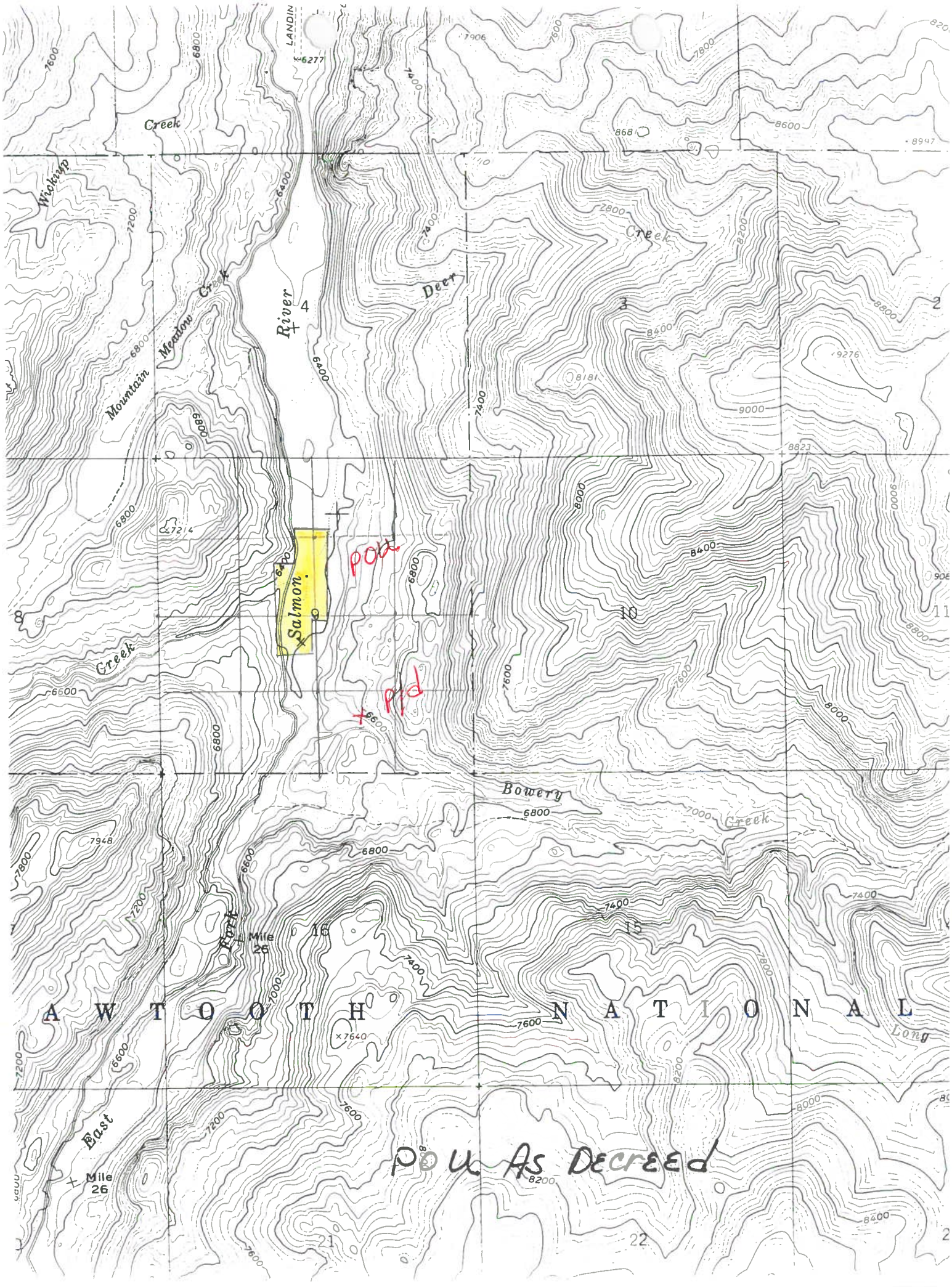
4. That the dams and diverting works of the several parties to this action were at the time of the several appropriations, and are now, of sufficient size and capacity to carry and convey water so appropriated to and upon the several tracts of land of the several parties for the irrigation thereof, and that each and every of said ^{several} tracts of land are situated in Custer County, State of Idaho.

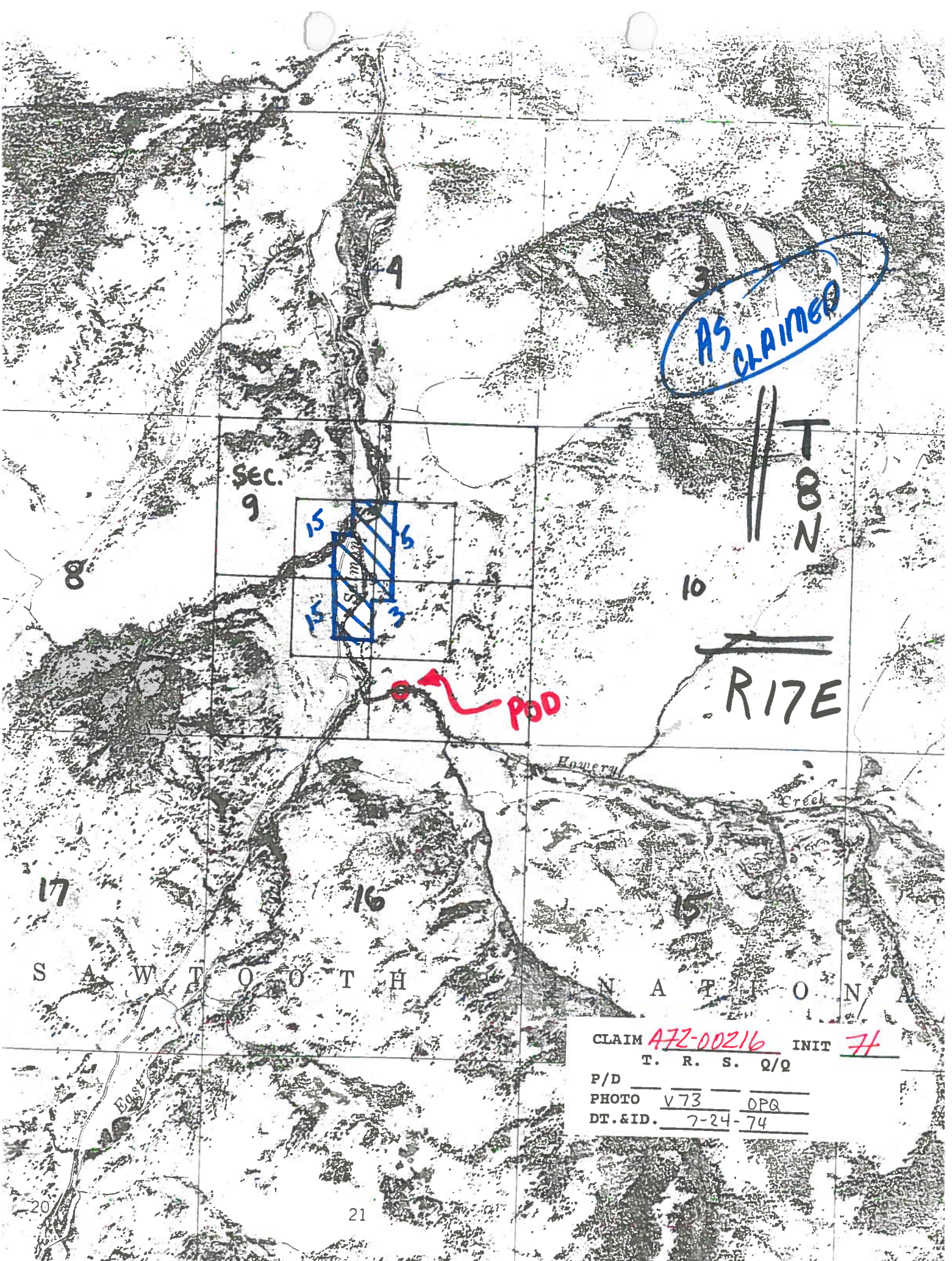
5. That each of the parties to this action, plaintiffs and defendants hereinafter named, or their predecessors in interest, were at the time of the several appropriations of water, made as hereinafter set forth, the owners respectively of the several tracts of land set forth and described in the complaint, answer and cross-complaint and stipulation on file herein, and that for the irrigation of the same, the said parties, or their predecessors in interest, did respectively appropriate the quantities of water hereinafter stated, and the dates and from the streams respectively hereinafter stated, and set opposite the names of each of said parties, such water being an estimate under a four inch pressure or its equivalent in cubic feet per second of time, and ever since said dates of the said several appropriations, said waters have been so diverted and used on said lands in the irrigation thereof.

6. That the certain decree of this Court made and entered on the third day of ³⁰ ~~30~~ records of Custer County.

DECREE 2-14-1938

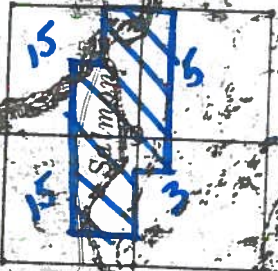
Gossi, et al - v - Giampodraglia, et al





AS CLAIMED

Sec. 9



T
8
N

R 17 E

POD

SAWTOOTH NATIONAL

CLAIM 472-00216 INIT 7H
T. R. S. Q/Q

P/D _____
PHOTO V73 OPQ
DT.&ID. 7-24-74



See photo backs for description.

A7Z-00216

DAVIDSON

Lt 1. .5 2. 5 3 .5 4 .5 Lt

Q 27 37 52 48 52 48 Q

1 1.2 1.2 1.2 1.0 .8

water
level

.5 .6 .6 .6 .5 .4

set

~~2.98~~ .758 1.24 1.24 1.24 1.24 = 1.16 CFS
.678
AVG

09-16-1997

2³⁰ - 3¹⁰

Barny Creek @ P.D.

DAVIDSON-HAWKINS MEASUREMENT A72-00216

09-15-97

Howells

11 30

Jerry
Tony

Verbal w/ neighbors -
Season to season
Cattle

DAVID D.

John
Anderson

QUIT CLAIM - 2.46 > 2 lots
07-10-1996 1.

revised 00217

2. gov

50% undivided
interest in the
remainder.

00217

revised claimant's statement - "flame"
"plan to"

John

here 3 weeks
begin May on my

bridge

photovoltaic
panel

house

①

sagebrush

09-18-97

9.45

Opix

1. Iw/: ASK Brett

1. photo system -
2. attempt to get a measurement at least 1-channel
3. write description of system
a. Gert's improvements w/ backdoor.
4. & evidence to divert - 00217 from E.F.

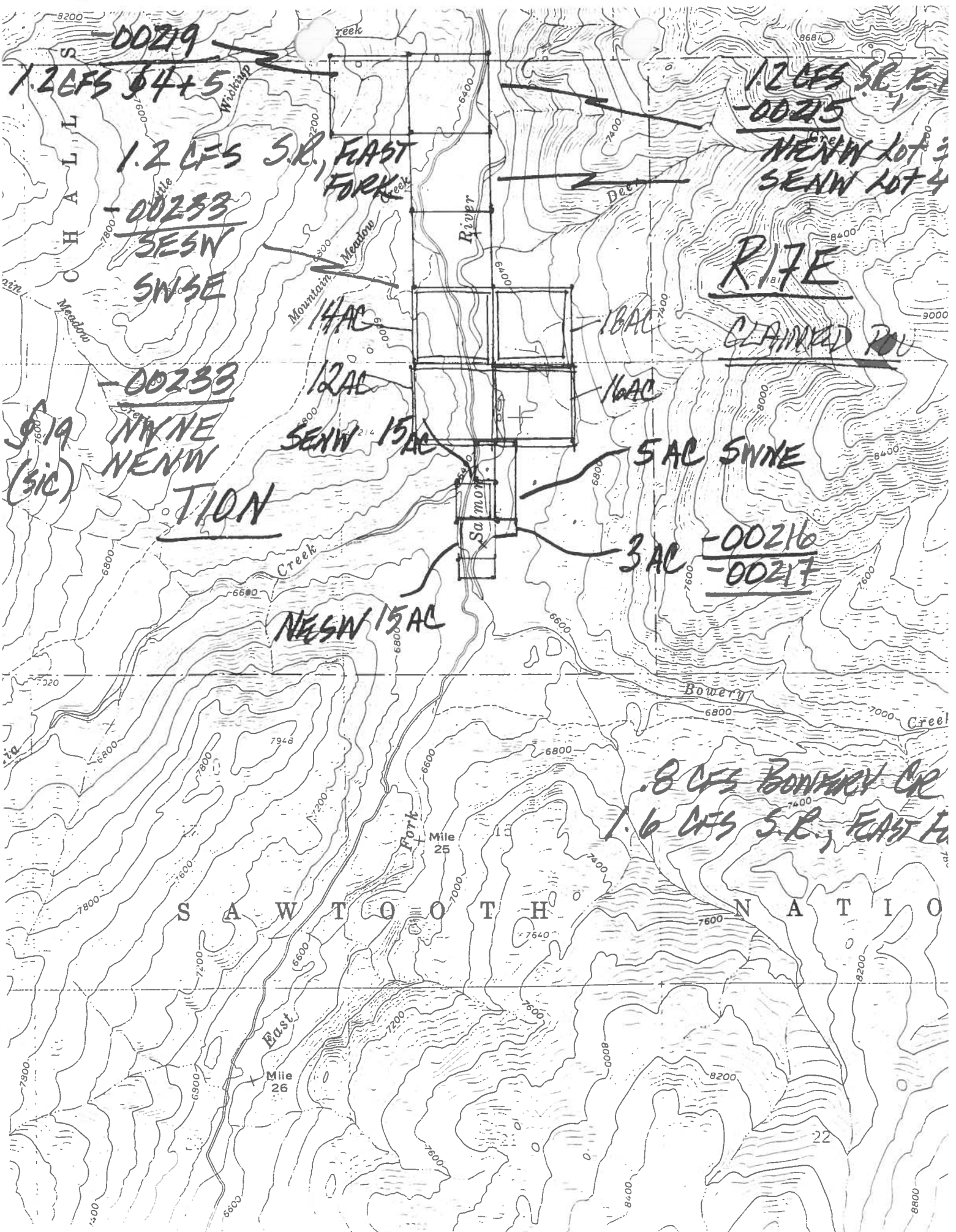
2. Bankruptcy - 1987

1. took back - played as collateral - Jerry held paper - gave D.D. the cabin and put out the 3 AC. and the 50% interest. Zions -

3. Jerry -

1. evidence of property - he wanted
2. quit claim 1cc
3. still pending - M. agreement

look in the Tenzinger -



00219
1.2 CFS 4+5

1.2 CFS S.R., EAST
FORK
00233
SESW
SWSE

00233
NWNE
NENW
T10N

19
(sic)

1.2 CFS S.R., EAST
FORK
00215
NENW Lot 3
SESW Lot 4

RITE
CLAIMED FOR

14AC
12AC
SESW 15AC
16AC
5AC SWNE
3AC
00216
00217
NESW 15AC

.8 CFS BOWERS CR
1.6 CFS S.R., EAST F

SAWTOOTH NATIONAL

72-00216

DEED 69

BRICKER

PAGE: 1
GENERAL INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

13:39:12
10/29/98
1
CLAIM NUMBER: A72-00216

LAST: BRICKER
ADDRESS:
CITY: XXXX
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 0000

OWNER CODE: 0

LAST: DAVIDSON JR
ADDRESS: 1176 E MURRAY HOLLADAY RD
CITY: SALT LAKE CITY
PHONE NUMBER: 801-265-9092
STATE: UT ZIP: 84117

OWNER CODE: C

LAST: DAVIDSON
ADDRESS: 1176 E MURRAY HOLLADAY RD
CITY: SALT LAKE CITY
PHONE NUMBER: 801-265-9092
STATE: UT ZIP: 84117

OWNER CODE: C

LAST: HOWELLS SR
ADDRESS: 68 SOUTH MAIN STREET SUITE 200
CITY: SALT LAKE CITY
PHONE NUMBER: 208-000-0000
STATE: UT ZIP: 84101

OWNER CODE: C

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

CLAIM REMARKS: GEN AC. IRR. = 37.5.

10-7-98: OWNERSHIP CHANGE REC'D 9-22-97. 1/2 INTEREST CONVEYED TO
JERRY HOWELLS PER QUIT CLAIM DEED. NO OWNERSHIP CHANGE FORM REC'D
SEE LETTER IN FILE.

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

TIME: ____:____ A(____) P(____)

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

A. AJ CLAIM: # A72-00216 PRIORITY DATE: 05-01-1925 STAGE: D

B. WR RECORD: # 72-00216 PRIORITY DATE: 05-01-1925 STAGE: D

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

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

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

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

PROOF OF BENEFICIAL USE SUBMITTED

FIELD EXAM COMPLETED

FIELD EXAM SENT TO STATE OFFICE

LICENSE ISSUED

* 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?

* 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?

NOTES:

RECOMMENDED PRIORITY DATE:

05-01-1925

REVIEWED BY

DATE

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
A72-00216	08N	17E	9	NE	SW	SE			CUSTER		

OTHER AJ CLAIMS WITH SAME AJ POD

MR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
NONE 72-10551

R PREFIX
NONE

SOURCE: BOWERY CREEK

TRIB: SALMON RIVER, EAST FORK

B. MR POINT OF DIVERSION AND SOURCE:

7200216 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: BOWERY 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? Y() N()

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (____)									
TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY CLUSTER	DIVERSION NAME
08N	17E	9	NE	SW	SE				
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

SOURCE: BOMERY CREEK TRIB: SALMON RIVER, EAST FORK

REVIEWED BY: _____ DATE: _____

=====

SYSTEM DESCRIPTION: DESCRIBED BELOW (____), SEE LICENSE FILE (____), OR SEE ATTACHMENT (____)

A. ROOT WATER RIGHT NUMBERS: A72-00216

B. POU LISTING						LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	HR #/ACRES
08N	17E	9	SW	NE		DAVIDSON JR, DAVID R	A72-00216 / 5.0	72-00216 / 5.0
			SW	NE		DAVIDSON JR, DAVID R	R72-00217 / 5.0	72-00217 / 5.0
			SW	NE		DAVIDSON JR, DAVID R	A72-00217 / 5.0	- /
08N	17E	9	SE	NW		DAVIDSON JR, DAVID R	A72-00216 / 15.0	72-00216 / 15.0
			SE	NW		DAVIDSON JR, DAVID R	A72-10320 /	- /
			SE	NW		DAVIDSON, JUNE	72-10320 /	- /
			SE	NW		HAUGRUD, JACK AND/OR GEOFFREY	A72-10874 /	- /
			SE	NW		FISH & GAME	A72-10497 /	- /
			SE	NW		DAVIDSON JR, DAVID R	R72-00217 / 15.0	72-00217 / 15.0
			SE	NW		FISH & GAME	R72-10497 /	- /
			SE	NW		US DEPT OF AGRICULTURE	R72-10874 /	- /
			SE	NW		US DEPT OF AGRICULTURE	72-10874 /	- /
			SE	NW		DAVIDSON JR, DAVID R	A72-00217 / 15.0	- /
08N	17E	9	NE	SW		DAVIDSON JR, DAVID R	A72-00216 / 15.0	72-00216 / 15.0
			NE	SW		HAUGRUD, JACK AND/OR GEOFFREY	A72-10866 /	- /
			NE	SW		DAVIDSON JR, DAVID R	R72-00217 / 15.0	72-00217 / 15.0
			NE	SW		USFS	72-10866 /	- /
			NE	SW		DAVIDSON JR, DAVID R	A72-00217 / 15.0	- /
08N	17E	9	NW	SE		DAVIDSON JR, DAVID R	A72-00216 / 3.0	72-00216 / 3.0
			NW	SE		DAVIDSON JR, DAVID R	A72-00217 / 3.0	72-00217 / 3.0
			NW	SE		DAVIDSON JR, DAVID R	R72-00217 / 3.0	- /

ADDITIONAL POU FOUND

TOTAL ACRES A72-00216 38.00 38.00

POU COUNTY: CUSTER

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
A72-00216	BOMERY CREEK	DAVIDSON JR, DAVID R	0.800	0.021		
R72-00217	SALMON RIVER, EAST FORK	DAVIDSON JR, DAVID R	1.600	0.042		
A72-00217	SALMON RIVER, EAST FORK	DAVIDSON JR, DAVID R	1.600	0.042		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10320	DOMESTIC	DAVIDSON JR, DAVID R	FROM 01-01 TO 12-31	0.040 CFS	
72-10320	DOMESTIC	DAVIDSON, JUNE	FROM 01-01 TO 12-31	0.040 CFS	
A72-10874	STOCKWATER	HAUGRUD, JACK AND/OR GEOFFREY	FROM 06-01 TO 09-30	0.020 CFS	
A72-10497	FISH PROPAGATION	FISH & GAME	FROM 03-15 TO 11-15	0.800 CFS	
R72-10497	FISH PROPAGATION	FISH & GAME	FROM 04-15 TO 10-15	0.800 CFS	
R72-10874	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 10-31	0.020 CFS	
72-10874	STOCKWATER	US DEPT OF AGRICULTURE	FROM 06-01 TO 09-30	0.020 CFS	
A72-10866	STOCKWATER	HAUGRUD, JACK AND/OR GEOFFREY	FROM 06-01 TO 10-31	0.020 CFS	
72-10866	STOCKWATER	USFS	FROM 06-01 TO 10-31	0.020 CFS	

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

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A72-00217

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()

NOTES:

TOTAL ACRES: _____ N/A(____)

REVIEWED BY: _____

DATE: _____

[illegible]

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A72-00216 IRRIGATION	FROM 05-01 TO 11-01	0.800 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
72-00216 IRRIGATION	FROM TO	0.800 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 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: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 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. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES x 0.02 CFS/ACRE = 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 x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 95.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

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

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED ()

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV RATE CFS	EXAMINER	REC. DIV VOL. AF/A	EXAMINER	REC. CONS. USE	EXAMINER
	FROM	TO						
IRRIGATION	05-01	11-01	0.800				95.0	
TOTAL FOR THIS RIGHT			0.800				95.0	

NON-IRRIGATION USES CLAIMED: NONE

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

REVIEWED BY: _____ DATE: _____

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-00216
TOTAL DIVERSION RATE OF WR SPLITS

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A72-00216	0.800	-	-	72-00216	0.800
TOTAL CFS		0.800				0.800

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DIVERSION RATE	FIELD EXAMINER
Y	() N()

NOTES:

AUTHENTICATION:
SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

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	IDWR ID NO.	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y() N()
☐ MAPP	DATE OF PHOTO	IDWR ID NO.	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()
☐ OTHER	DATE		Y() N()

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION NO. OF PAGES NOTES

☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM		
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED		
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAIN		
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN		
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☐ OTHER	DATE		
☐ OTHER	DATE		

Water right number - R72-00216

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - A72-00217

Remarks - - - - -

AC. IRR. = 37.5.

NO BENEFICIAL USE FOUND...NO FIELD EXAM POSSIBLE.

Old Water Right Numbers - - - - -

No Old Water Right Numbers Found

Conditions of Approval - - - - -

P03 - NO BENEFICIAL USE FOUND: This is included for a claim based

- on beneficial use that is PROPOSED to be disallowed because

- beneficial use of water was not confirmed by IDWR's field

- examination or by other evidence submitted by the claimant.

Decree Plaintiff - - - +

GOSL, ET. AL.

Decree Defendant - - - +

GIAMPEDRAGLIA, ET. AL.

Decree Date - +

00/00/0000

Comments - - - - -

Date: 01/25/1994 User Id: HITCHCOC Subject: DISALLOWAL

NO FIELD EXAM WAS COMPLETED. CLAIMANT CONTACT HEAVILY DOCUMENTED IN FILE. NUMEROUS WRITTEN AND PHONE CONTACTS DID NOT RESULT IN A

SITE EXAM DUE TO CLAIMANT'S REFUSAL TO ALLOW AGENT ACCESS TO THE PROPERTY.

Audit Fields - - - +

01/25/94 HITCHCOC

Adjudication Rights Dates and Flags Area		Civil Case Number	
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-
Response Filed Date	- 00/00/0000	Verified Date	- 01/25/1994
Claim Received Date	- 12/19/1989	Last Amended Date	- 00/00/0000
		Receipt Number	- S010724
		POU Ownership Flag	- Y
		Name Connector	-
		Notice of Error Flag	-
			- 39576

QUICKLOOK INFORMATION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

15:27:23
05/30/92

WR ELEMENT

FIELD EXAM
Y/N

PRIORITY DATE

CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE

FIELD EXAM
BY WHOM/DATE

CHANGE
CLAIM
Y/N

VERIFIED BY
CODE

COMPLETED
REVIEWED
WHOM/DATE

COMPLETED
DATA ENTRY
WHOM/DATE

VERIFIED
DATE
WHOM/DATE

SOURCE

POINT OF DIV

PLACE OF USE

DIV. AMOUNT
CFS/VOLUME

CONSUMPTIVE USE

PURPOSES

PERIOD OF USE

BASIS OF CLAIM

REMARKS

See
12-30-92

VERIFIED BY CODES

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

THESE CODES ARE USED TO INDICATE
USED FOR THIS FIELD EXAMINATION.

HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
INDICATED ARE ALL CODES WHICH APPLY.

*6. no field exam done...
see correspondence.*

Y	07-13-93 TT	✓	✓	✓	✓	✓	✓
Y	08-02-93 TT	✓	✓	✓	✓	✓	✓
Y	08-04-93 LTR	✓	✓	✓	✓	✓	✓
Y	08-10-93 TT	✓	✓	✓	✓	✓	✓
Y	09-15-93 LTR	✓	✓	✓	✓	✓	✓
Y	10-11-93 REED	✓	✓	✓	✓	✓	✓
Y	10-15-93 LTR	✓	✓	✓	✓	✓	✓
Y	10-29-93 TT	✓	✓	✓	✓	✓	✓
Y	" " "	✓	✓	✓	✓	✓	✓
Y	11-06-93 REED	✓	✓	✓	✓	✓	✓
Y	11-24-93 LTR	✓	✓	✓	✓	✓	✓
Y	12-13-93 REED	✓	✓	✓	✓	✓	✓

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	07-13-93 TT	X	#	6	01-25-94	01-25-94	01-25-94
SCORE		08-02-93 TT						
		08-04-93 LTR						
		08-10-93 TT						
		09-15-93 LTR						
	Y	10-11-93 RECD						
	X	10-15-93 LTR						
		10-29-93 TT						
		" " "						
		11-06-93 RECD						
		11-24-93 LTR						
	Y	12-13-93 RECD						
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS								

VERIFIED BY CODES

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

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

see
12-30-92

6. no field exam done...
see correspondence.

AJ CLAIM TOTAL DIVERSION RATE: 0.800 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

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

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N() Y()

* 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. FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

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

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 x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 95.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

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

CLAIM NUMBER: A72-00216

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DAVID R. DAVIDSON, JR. JUNE DAVIDSON 1176 E. MURRAY HOLLADAY RD. SALT LAKE CITY UT 84117 (801) 265-9092	05/01/1925	IRRIGATION	05-01-11-01	0.80 CFS	0.80 CFS
						95.0 AKA

Water Source: BOWERY CREEK

Tributary to: SALMON RIVER, EAST FORK

Stage: 1

Point(s) of Diversion:

T08N R17E S09

NESWSE

CUSTER County

Actual

Place of use Legal Description for: IRRIGATION

NE		NW		SW		SE		
T	R	S	Ac	T	R	S	Ac	T
08N	17E	9	05					
								03
								TOTAL ACRES
								38.0
								38.0

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: A72-00217

Non-Irrigation Use: NONE

Remarks: AC. IRR. = 37.5.

Dates: Exam Made Date: X

Misc: Water District Number:

Verified Date: 06/18/1985

Field Inspection Flag: Presumption Flag:

Call Bob

Comments: 2 temporary use due to 2 field exam

7/ 01-25-1994