

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: A72-02104D

Date Received: 11/22/1989

Receipt No: S010523

Received By: Renumbered Lt. R
(A72-10074)

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WATANA DUNGAN 208-879-2530
Address: PO BOX 1176
CHALLIS ID 83226-1176

AND/OR

Name: JIM L DUNGAN 208-879-2530
Address: PO BOX 1176
CHALLIS ID 83226-1176

2. Date of Priority: OCT 17, 1955

3. Source: UNNAMED STREAM Trib. to: DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	9		SE	NW		CUSTER

5. Description of diverting works:
HEADGATE AND HIGHLINE CANAL WITH FLOOD AND IRR. SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	3	SW	SW		IRR	30.0
			SE	SW		IRR	20.0
Section Acres							50.0
Total Acres							50.0

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:
A72-00012G.

14. Remarks:

POINT OF DIV. IS NOT CLEAR ON MAP.

OWNERSHIP CHANGE 10/5/93 BY JG.
ADDRESS CHANGE 05/18/95 SS.

ORIGINALLY CLAIMED AS A72-10074, DETERMINED TO BE PART OF WATER
RIGHT 72-02104A. jr

15. Basis of Claim: LICENSE

Water Right Number: 26145

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
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

April 15, 1996

JIM L DUNGAN
PO BOX 1176
CHALLIS ID 83226-1176

RE: RENUMBERING OF YOUR SRBA CLAIMS: A72-10073, A72-10074

Dear Mr. Dungan,

As per our phone conversation last Friday, I have enclosed copies of your claims which I have renumbered to more closely identify with the original water right numbers on which they were based. A72-10073 has been renumbered to A72-00012G as in the decreed right and A72-10074 has been renumbered to A72-02104D to match the license. These number changes do not affect your claims in any other way. Refer to these new identification numbers in any future inquiries or correspondence.

As promised, I have also enclosed copies of information on the old water rights from our micro-film files. Some of the papers may be hard to read, but were the best copies I could get. I have arranged the packets by date with the oldest dates on top. Look them over and they should give you a pretty good history of these two rights. When I come to Challis I'll be sure to let you know ahead of time so we can go over these documents if you'd like and walk the ditches to the points of diversion.

At this point, it looks like the watermaster has been delivering your decreed right from the pump and your licensed right from the ditches. If you can gather any information to show otherwise, please let me know. You may be required to file a transfer to move the decreed water back to the ditches. Perhaps you can talk to neighbors or former watermasters (or look at their old delivery records) to answer some of these questions.

Please feel free to give me a call if you have any questions.

Sincerely,

Jeanie Robertson
Sr. Water Right Agent, Adjudication

Enclosures:

Water Right Number - A72-10074 Prefix Translation: ADJUDICATION CLAIM Old (D) Number - 26145

*** C - CURRENT OWNER ***
RENUMBERED CLAIM (A72-02104D)

1 -
2 -
3 -
City- X
Phone - 208-000-0000
State- ID Zip- 0

*** O - ORIGINAL OWNER ***
DUNGAN
MATANA
1 - PO BOX 1176
2 -
3 -
City- CHALLIS
Phone - 208-879-2530
1 - PO BOX 1189
2 -
3 -
City- CHALLIS
Phone - 208-879-4718
1 - PO BOX 1176
2 -
3 -
City- CHALLIS
Phone - 208-879-2530
State- ID Zip- 83226

HOURIHAN
CORNELIUS J
JIM L
State- ID Zip- 83226

Priority Date - - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/17/1955 17 SOUTHERN Z - SEE REMARKS

Source - - - - - + + - - - - Tributary - - - - - +
UNNAMED STREAM
RENUMBERED CLAIM DRAIN

Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
14N 19E 9 SE NW (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.300

+ - Total Div. Rate - - + + - Total Div. Volume - - + + - Total Consumptive Use - - + + - KW Usage - - +
0.300 125.0

Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 3 SW SW 30.0 01 IRRIGATION (37) CUSTER
14N 19E 3 SE SW 20.0 01 IRRIGATION (37) CUSTER

Total Acres: 50.0

Prefix Translation: ADJUDICATION CLAIM

POU Ownership Flag	- Y	Federal/State Indicator	- S
Name Connector	- AND/OR	Presumption Flag	-
		Notice of Error Flag	-

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER
March 27, 1996 11:21am	JIM DUNGAN A72-10073

SUBJECT: AMEND CLAIM
phone call (.) walk-in (X)

He had an appointment to amend his claim to correct the P/D to show where it came off of Challis Creek and where it "Rediverted" onto his property. He also had me change Item #5 on the claim to take out the incorrect reference to the High Line Canal. His neighbor Falma Moye drew the blue line on the enclosed map and said it had always been diverted that way, not from a slough. I suggested he might have her write an affidavit stating that for the file. It diverts on Delbert Hughes' property. If I haven't GPSed the site yet, I will try to in the future.

A72-10074

He would also like to amend this claim which he calls Frog Creek. Said it appears to be from a spring because it never freezes in the winter and he thinks it goes back into Challis Creek. He will try to find out where the actual P/D is and if it does go back into Challis Creek and let me know so we can amend this claim also and GPS the site.



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

30-Jul-1993

MR JIM DUNGAN
~~3440 TAYLOR VIEW~~
~~AMMON ID 83406~~

Idaho Falls
Ph. 527-4131

called Rvw 8/2/93
11:30 pm

RE: Change of Ownership on
Adjudication Claims A72-10073,
A72-10074 & A72-10075.

Dear Mr DUNGAN;

Mr Hourihan has told us that he has sold his property on Challis Creek near Challis ID to you. There are 3 adjudication claims filed on this property. I am sending you an IDWR form to make a change of ownership on these claims since you now own this property. I am also including copies of the profile reports on these claims to familiarize you with the claims and to assist you in completing the Change of Ownership Form. The "Proof of Ownership" referred to near the bottom of the form is usually a copy of the Warranty Deed transferring the ownership to you or Mr. Hourihan's signature.

I am presently making field reviews of Adjudication Claims in the Challis Creek area which includes these claims. I will need to go over the property with you or someone familiar with the irrigation systems for the place in the near future. Please contact me so that we can set a time to do this.

Please contact this office if you have any questions.

Respectfully,

Robert V. Worstell
Sr. Adjudication Agent

4 Enclosures

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent JEANIE M ROBERTSON

DATE April 5, 1996 2:21pm **CUSTOMER** JIM DUNGAN A72-10074

SUBJECT: AMENDING CLAIM
phone call (X) walk-in (.)

Called with the information to amend his claim. He wanted me to change the source to unnamed ditch/stream, but I told him that probably wouldn't be allowed. According to the instruction booklet for filing a claim, they want you to call it unnamed stream, lake, or drain. He said it started as a seepage from the headgate for the Stevens/Webb/Gammache ditch from Challis Creek and continued down to his property being joined by springs along the way. He figures it is at least 75% spring fed. He also wanted to add stockwater use but this claim is based on a license, 72-02104A. It appears that the acres have changed since the license and also that part of it remains unclaimed (1.44 cfs) which he could possibly claim and change to stockwater. I will print up a copy of the transfer next week and look things over a little better before I decide how to proceed here...



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

30-Jul-1993

MR JIM DUNGAN
3440 TAYLOR VIEW
AMMON ID 83406

RE: Change of Ownership on
Adjudication Claims A72-10073,
A72-10074 & A72-10075.

Dear Mr DUNGAN;

Mr Hourihan has told us that he has sold his property on Challis Creek near Challis ID to you. There are 3 adjudication claims filed on this property. I am sending you an IDWR form to make a change of ownership on these claims since you now own this property. I am also including copies of the profile reports on these claims to familiarize you with the claims and to assist you in completing the Change of Ownership Form. The "Proof of Ownership" referred to near the bottom of the form is usually a copy of the Warranty Deed transferring the ownership to you or Mr. Hourihan's signature.

I am presently making field reviews of Adjudication Claims in the Challis Creek area which includes these claims. I will need to go over the property with you or someone familiar with the irrigation systems for the place in the near future. Please contact me so that we can set a time to do this.

Please contact this office if you have any questions.

Respectfully,

Robert V. Worstell
Sr. Adjudication Agent

4 Enclosures



State of Idaho
DEPARTMENT OF WATER RESOURCES

206 Van Dreff, Suite B, Salmon, ID 83467-4117
Phone: (208) 756-6644 FAX: (208) 756-6644

copy

August 29, 1995

RECEIVED

SEP 01 1995

Department of Water Resources
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Jim Dungan
PO Box 1176
Challis Idaho 83226

Mr. Dungan:

This letter is in regards to my meeting with you earlier on August 29, 1995. At that time you had inquired about the the possibility of using water you had identified as waste water to irrigate a portion of your property.

We had discussed the issue of you not having a water right on file with our department for the use of this alleged waste water and the possibilty of the water acutally originating from a diversion on Challis Creek.

I met with Bud Hamilton, Watermaster of Water District 72-C, later that morning and he stated the water in question was from the Voyle diversion on Challis Creek and the ditches and culvert pipe conveying the water to your property were used for irrigation purposes prior to the old ranch being split into lots and sold.

Mr. Hamilton and I walked the delivery system from the Voyle diversion to the point were the water enters the Voyle property above the marshy area where you had stated the water in question comes from.

In my opinon there could be a portion of the water subing from this area, but I believe the majority of the water originates from the Challis Creek diversion and subsequent waste water from other property owners whose property the delivery system flows through.

At this time it would appear that the watermaster may have to divert the water in question back into Challis Creek prior to it reaching your property in order to satisfy downstream rights and you would be limited to your pump diversion from Challis Creek.

If you have any questions or if I can be of further assistance feel free to call me at (208) 756-6644.

Sincerely,

Robert E. Foster
Sr. Water Resource Agent

cc: Bud Hamilton, Watermaster 72-C



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

April 22, 1996

JIM L DUNGAN
PO BOX 1176
CHALLIS ID 83226-1176

RE: TRANSFER APPLICATIONS (A72-00012G, A72-02104D)

Dear Jim,

Enclosed are a couple of Transfer Applications (with extra Part 2's) and a set of instructions. If you have any questions or need help filling them out, feel free to give me a call and I'll try to help or set you up with an allocation agent.

Sincerely,

A handwritten signature in cursive script that reads 'Jeanie'.

Jeanie Robertson
Sr. Water Right Agent, Adjudication

/jr
Enclosures:

6/9/94

COMMUNICATION DOCUMENTATION

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IDWR Employee/Agent JEANIE M ROBERTSON

DATE

April 5, 1996 2:21pm

CUSTOMER

JIM DUNGAN A72-10074

SUBJECT: AMENDING CLAIM

phone call (X) walk-in (.)

Called with the information to amend his claim. He wanted me to change the source to unnamed ditch/stream, but I told him that probably wouldn't be allowed. According to the instruction booklet for filing a claim, they want you to call it unnamed stream, lake, or drain. He said it started as a seepage from the headgate for the Stevens/Webb/Gammache ditch from Challis Creek and continued down to his property being joined by springs along the way. He figures it is at least 75% spring fed. He also wanted to add stockwater use but this claim is based on a license, 72-02104A. It appears that the acres have changed since the license and also that part of it remains unclaimed (1.44 cfs) which he could possibly claim and change to stockwater. I will print up a copy of the transfer next week and look things over a little better before I decide how to proceed here...

TO: File

DATE: May 7, 1996

FROM: Jim Stanton

SUBJECT: Jim Dungan Claim, A72-00012 Part

Yesterday Mr. Dungan was in my office to apply for a water transfer. I was not sure what he needed, so we discussed his water use at length. He also owns a portion of 72-02104, which is actually seepage that comes up in the Bradbury Ditch from Challis Creek. Based on an SCS 660-scale photo supplied by Mr. Dungan, I determined that he waters about 24 acres of the 50 acres he owns. The pump in Challis Creek that the watermaster believes to be the legal point of diversion was installed in 1984 without an approved transfer. Due to the high cost of running the pump, it has only been used a few years since 1984. The Stevens & Bradbury Ditches have been used to supply water from Challis Creek. The only recorded p/d is the Stevens Ditch in Sec. 9, so the transfer proposes to add the Bradbury Ditch in Sec. 8. The pump on the farm will no longer be used. The transfer involves all the Challis Cr. water owned by Mr. Dungan (35"), thereby giving him maximum flexibility in diverting this water to whichever part of the farm needs it most. He irrigates pasture, not row crops.

One problem I found was with the maps. The aerial photo shows Challis Creek as being farther north than does the quad map. The photo is the basis for the transfer in describing the place of use; I assumed that the Section 3/Section 10 corner was in the right place on the photo. SRBA may want to review this if the transfer appears to be incorrect.

MEMORANDUM

TO: Dungan Transfer File (water right 72-00012 part)

FROM: Corey Skinner *CS*

DATE: November 14, 1996

SUBJECT: Staff Review

The enclosed transfer application, filed by Jim L. Dungan, seeks to change and add diversion points to a portion of water right 72-00012. Basically, Mr. Dungan desires to divert his water through existing headgates and ditches instead of pumping his water directly from Challis Creek. The basic idea behind the proposed transfer is pretty straightforward, but some problems arose during the review process.

The first main problem relates to the ownership of the portions of the water right that Mr. Dungan is attempting to transfer. Water right 72-00012 was originally decreed for 3.92 cfs of Challis Creek water for the irrigation of land around Challis Creek. The decreed place of use is now owned by several individuals who own portions of water right 72-00012. However, only 2.64 cfs of the original water right has been recorded in the department's records through the transfer process.

The exact ownership of the untransferred portion of water right 72-00012, 1.28 cfs, was not clear. The SRBA claims based on the untransferred portion of this right totaled 1.40 cfs. Jeanie Robertson, SRBA agent, was conducting the adjudication review for these claims so I asked her for some assistance. Jeanie and I reviewed all the ownership documents in the SRBA files and could not determine the exact ownership of the remaining 1.28 cfs of water right 72-00012.

On September 18th, while in the Challis area, I stopped by the Custer County Courthouse to research the ownership records of the property involved with water right 72-00012. Based on the information here in our office and the information in the courthouse records, I was able to determine the ownership breakdown of water right 72-00012. This ownership breakdown is summarized on the attached ownership split tree for water right 72-00012.

Based on the information here in our office and the information in the Custer County Courthouse, Mr. Dungan actually owns 0.58 cfs of water right 72-00012 instead of the 0.70 cfs he claimed in the SRBA and listed on the enclosed transfer application. In 1978, the untransferred portion of water right 72-00012 amounted to 1.40 cfs after transfers #869 and #2242 and was assigned the water right number 72-00012C. In June of 1981, Thomas and Linda Sullivan obtained 0.70 cfs of water right 72-00012C along

Page 2
Dungan Transfer Memo
11/14/96

with some property according to an enclosed warranty deed (instrument #174316). In 1984, transfer #2862 was approved in the name of Ronald and Shelley Bloxham for 0.12 cfs of the 0.70 cfs of water that the Sullivans obtained in 1981. Proof of ownership for the Bloxham transfer consisted of a Sale Agreement (copy enclosed) between the Bloxhams and the Sullivans that specifically listed 12 acres of the Sullivan property along with 6 inches (0.12 cfs) of water going to the Bloxhams and all of the remaining water being retained by the Sullivans. In 1990, the Sullivans sold their property along with "all water rights" (which included the remaining 0.58 cfs of 37-00012) to Cornelius Hourihan according to instrument #194571 on file at the Custer County Courthouse. Mr. Dungan then purchased his property, and the appurtenant water rights from Mr. Hourihan. Therefore, Mr. Dungan only owns a 0.58 cfs portion of water right 37-00012.

The Second main problem encountered during the review of the enclosed transfer application relates to the exact location of the headgate of the Bradbury Ditch. The Bradbury Ditch headgate is one of the two headgates that Mr. Dungan proposes to change his point of diversion to. The enclosed transfer application, originally listed the location of the Bradbury Ditch headgate as being in the SENENW $\frac{1}{4}$ of Section 8 (T14N, R19E). After discussing the proposed transfer with Jeanie Robertson, Jeanie noted that the listed location for the Bradbury Ditch headgate appeared incorrect. Review of maps and aerial photos here in the office did not lead to an accurate determination of the headgate location.

On July 25th, Jeanie met with Mr. Dungan and went over his proposed water right transfer and GPSed the Bradbury Ditch headgate. After downloading and compiling the GPS data, it was determined that the Bradbury Ditch headgate is actually located within the SWNWNE $\frac{1}{4}$ of Section 8 (T14N, R19E). I changed the listed headgate location and the map on the enclosed transfer application as indicated.

About the only other potential problem relates to a discrepancy between the amount of acres irrigated under the place of use listed on Mr. Dungan's transfer application and the corresponding SRBA claim. The transfer application lists the place of use as 24.0 acres (Part 2B), with no change proposed, while the corresponding SRBA claim lists the place of use as 50.0 acres. However, this should not cause any problems since no expansion in irrigated acres will occur.

In addition, there is one overlapping water right on Mr. Dungan's place of use. The overlapping water right is based on a license, 72-02104A, represented by SRBA claim A72-02104D. This overlap should cause no problems as long as appropriate approval conditions and/or limits are implemented.

Page 3
Dungan Transfer Memo
11/15/96

Overall, Mr. Dungan's proposed transfer is pretty straightforward. There is only one overlapping water right on Mr. Dungan's place of use and it appears that no expansion will occur due to the transfer. In addition, Jeanie Robertson has determined, through her SRBA field work, that Mr. Dungan has been using his water rights and that possible forfeiture should not be an issue in Mr. Dungan's proposed transfer. Therefore there should be no problem approving Mr. Dungan's transfer as long as it is approved in the following manner:

Diversion Rate = 0.58 cfs
(amount actually owned by Mr. Dungan)

Point of Diversion Location(s)
NWNENW $\frac{1}{4}$ of Section 9, Township 14 North, Range 19 East
(Stevens Ditch Headgate)
SWNWNE $\frac{1}{4}$ of Section 8, Township 14 North, Range 19 East
(Bradbury Ditch Headgate)

Place of Use = 24.0 acres
(acres listed on transfer application)

MEMORANDUM

TO: Dungan Transfer File
FROM: Corey Skinner *CS*
DATE: November 18, 1996
SUBJECT: Phone Call with Mr. Dungan

This day, I contacted Mr. Jim Dungan to discuss the advertising and the general processing of his transfer application. The main basis of the conversation related to the amount of water that Mr. Dungan owns. My staff review revealed that Mr. Dungan only owns a 0.58 cfs portion of water right 37-00012 instead of the 0.70 cfs that he thinks he owns. I discussed this ownership amount with Mr. Dungan and he did not agree with my findings. I explained the ownership information that I obtained from the courthouse with Mr. Dungan, but he still thought he was entitled to the 0.70 cfs. I told him that if he had information that proved that he owned more than the 0.58 cfs portion he should submit it to the department as soon as possible.

I discussed with Mr. Dungan how he wanted his advertising prepared, and he decided to advertise his proposed transfer for a 0.70 cfs portion of 37-00012. I explained to Mr. Dungan that at this time, all the information the department has indicates that he only owns a 0.58 cfs portion of 37-00012 and that if his transfer application is approved it would be for that amount unless he could prove that he owned a larger portion.



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE AVE
TWIN FALLS ID 83301
(208) 736-3033 FAX (208) 736-3037

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 18, 1996

Jim L. Dungan
P.O. Box 1176
Challis, ID 83226

Dear Mr. Dungan:

Pursuant to our telephone conversation today, I have enclosed a copy of the ownership split tree for water right 72-00012. This ownership split tree summarizes the various transactions and events that have occurred over the years regarding water right 72-00012. Your property and portion of water right 72-00012 was once owned by Robert C. and Elaine I. Cunningham.

The Cunninghams sold their property to two different parties, Thomas W. & Linda L. Sullivan and Robert E. & Simonne B. Surgeon. The Sullivans and the Surgeons each received 0.70 cfs portions of water right 72-00012 in the transactions. These two transactions are recorded at the Custer County Courthouse, in Challis, as instrument numbers 174316 and 169601.

Your property and water right(s) were a part of the Sullivan's portion. The following is a brief summary of the various transactions and events that occurred regarding the Sullivan's portion of water right 72-00012 before you purchased your property and water rights from Cornelius Hourihan:

06/30/81: Thomas W. Sullivan and Linda L. Sullivan obtain 35 inches (0.70 cfs) of 1879 Challis Creek water from Robert C. Cunningham and Elaine I. Cunningham. (instrument # 174316 recorded at the Custer County Courthouse)

10/21/81: The Sullivans sell 6 inches (0.12 cfs) of 1879 Challis Creek Water (along with property) to Ronald W. Bloxham and Shelley E. Bloxham. (copy of sales agreement enclosed)

04/03/84: Idaho Department of Water Resources approves water right transfer #2862 filed by the Bloxhams for their 6 inches (0.12 cfs) of water right 72-00012. (copy of approved transfer #2862 on file at department office)

11/22/89: The Sullivans file claim A72-10073, later renumbered to A72-00012G, for 0.70 cfs of Challis Creek water in the Snake River Basin Adjudication with the Idaho Department of Water Resources.

November 18, 1996
PAGE 2

1990: The Sullivans sell remaining water and property to Cornelius Hourihan. (instrument # 194571 recorded at the Custer County Courthouse)

All the information that the department currently has indicates that you only own a 0.58 cfs portion of water right 37-00012, instead of the 0.70 cfs portion that the Sullivans claimed in the Snake River Basin Adjudication. As we discussed on the telephone, your transfer application will be advertised for 0.70 cfs, but will be approved by the department for 0.58 cfs unless you can prove that you indeed own 0.70 cfs of Challis Creek water. Once your advertising is prepared, you will receive a letter from our department notifying you of the advertising dates and the remaining steps in the processing of your application.

Please contact me at 736-3033 if you have any questions concerning this matter.

Sincerely,

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

Corey Skinner, EIT
Dam Safety Section

Enclosures

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: **A72-10074**

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Receipt No: S010523

Received By: address change

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ACQUIRED UNDER STATE LAW

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Address: PO BOX 1176
CHALLIS ID 83226-1176
AND/OR
Name: WATANA DUNGAN 208-879-2530
Address: PO BOX 1176
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2. Date of Priority: OCT 17, 1955

3. Source: UNNAMED STREAM Trib. to: DRAIN
Challis Creek

4. Point of Diversion:

? Township Range Section 1/4 of 1/4 of 1/4 Lot County
14N 19E 9 SE NW CUSTER

5. Description of diverting works:
HEADGATE AND HIGHLINE CANAL WITH FLOOD IRR. AND SPRINKLERS.

plume to

6. Water is used for the following purposes:

Purpose From To C.F.S (or) A.F.A.
IRRIGATION 04/01 11/01 0.300

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
-NONE
10 horses, 30 cows

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	3	SW	SW		IRR	30.0 12
			SE	SW		IRR	20.0 25
Section Acres							50.0 37
Total Acres							50.0

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:
A72-10073.

14. Remarks:

POINT OF DIV. IS NOT CLEAR ON MAP.

OWNERSHIP CHANGE 10/5/93 BY JG.
ADDRESS CHANGE 05/18/95 SS.

15. Basis of Claim: LICENSE

Water Right Number: 26145

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: _____

CLARK-HAMILTON

CLARK Don Challis	838-2394
Florence Clyt	838-2311
Jessie Challis	879-5709
Ron Challis	879-4490
CLAY Steven E Clyt	838-2468
CLAYTON MERC Clyt	838-2368
CLEMENTS Otis & Vera Challis	879-2466
CLIFFORD Ryan & Caryn Challis	879-5628
CLOUD Robert Challis	879-2532
COATES Roy Challis	879-2345
Tom Challis	879-2249
COBBLEY Bill Challis	879-2570
Elvin Challis	879-2236
Steve Challis	879-4465
COIL John & Judi Challis	879-4495
COLEMAN Dick Ellis	876-4442
Harry Clyt	838-2365
Starr Ellis	876-4244
COLLINS John Challis	879-4382
COLLOM Jim Challis	879-2442
COMBS Myron Clyt	838-2363
COMMUNITY CHURCH Challis	879-2700
COMMUNITY HOME HEALTH Challis	879-5551
COMPFAX SERVICES-FAX LINE Challis	879-5699
COMSTOCK Willie Elk Bend	894-2405
CONNOLLY Pat Challis	879-5232
CONNOR Jim Challis	879-2741
CONNERS Bertha Challis	879-2219
COOK Jay Challis	879-4395
Jay Challis	879-5234
Martin W Elk Bend	894-2236
Rod Challis	879-4655
COOPER Lynn Challis	879-2799
COPE Stephen Challis	879-2437
COPEN Robert & Dixie Challis	879-5615
CORDINGLEY Don & Helen Challis	879-4398
CORDOVA Orlando A Challis	879-2739
CORGAELLI Randy Challis	879-2432
CORRALES Frank Challis	879-4628
CORRIGAN Dan Challis	879-4623
Elinor Challis	879-4483
Jerry Challis	879-2637
John Challis	879-4408
Mitch Challis	879-4251
Tim Challis	879-4322
COTANT Damon Challis	879-5541
Ryan & Lisa Challis	879-5664
COTIER Michael Challis	879-5325

COUNTY GOVERNMENT

See Government Section

COVINGTON Gary Challis	879-5740
COWDEN Dub Challis	879-5547
COX Eugene M Challis	879-2206
Luella M Challis	879-4514
Sandi Clyt	838-2322
CRANE BEN & SANDI Challis	879-5377
CRANE Earl Challis	879-2397
Earl Challis	879-5715
Patty Challis	879-5535
Rob Challis	879-4631
CRAWFORD Don Challis	879-4485
Raymond Clyt	838-2324
CRESTO Charles Challis	879-2562
CRISP K & B Clyt	838-2447
CROSBY Don Challis	879-4507
CROWTHERS Ervin Elk Bend	894-2440
CULLINANE Ray Clyt	838-2473
CULVER Bill Elk Bend	894-2295
CURL Jim Challis	879-4685
CURTIS Warren Challis	879-2537

CUSTER COUNTY OF

See Government Section

CUSTER DISTRIBUTOR CO Challis	879-2413
CUSTER LAND MANAGEMENT Challis	879-2447
CUSTER PUBLISHING INC Challis	879-4445
CUSTER RECYCLING Challis	879-2425
CUSTER SALOON Challis	879-4274
CUSTER TELEPHONE COOPERATIVE INC Challis	879-2281
REPAIR SERVICE	879-2281
CUSTER TITLE INC Challis	879-4424
CUSTER VIDEO Challis	879-2413
CUTLER Brent May	876-4408
Howard Clayton	838-2366
Michael Challis	879-2339
Steve Challis	879-2276
CUVELIER Dave & Melinda Challis	879-4243

D

DAHL Art Clyt	838-2553
DALLAS Dannette Challis	879-5683
DARKHORSE Saloon May	876-4416
DARLING CREEK BED & BREAKFAST Challis	879-5222
DAVID Ina Challis	879-4582
DAVIDSON Charles Clyt	838-2546
DAVIS Allen Elk Bend	894-2273
Henry C Challis	879-4577
Howard Challis	879-5602
Richard Challis	879-4743
Roy E Challis	879-2516
DEAN Carolyn Challis	879-2488
Dale Challis	879-2742
Dow Challis	879-2574
DEGRADO Robert D Challis	879-5697
DEMPSEY Becky Challis	879-5674
DEVINE Harold B Challis	879-4387
DEVINE'S ANTIQUES & ROCK SHOP Challis	879-2263
DICKERSON Raymond Challis	879-5438
DICKEY Betty Challis	894-2422
DINGES Rich May	876-4453
DIR N J Challis	879-4244
DIXON Ed Clyt	838-2384
Preston May	876-4252
DIZES Bob Challis	879-2317
Bob Challis	879-4567
Ken Challis	879-2402
DMOCHOWSKI John Challis	879-4662
DODD Bill And Nancy May	876-4223
DOERING Kennie L Elk Bend	894-2447
DOLL Frank Ellis	894-2234
Michael & Marisa Elk Bend	894-2487
Norman Challis	879-2271
DOTY Kathryn Challis	879-5365
DOUGHTY Bert Challis	879-2246
DOUGLAS David Challis	879-4652
DOUG'S CHEVRON SERVICE Challis	879-4404
DOWTON Jimmie Jr Challis	879-4610
Jimmy May	876-4264
Sidney Jr May	876-4225
Stanley May	876-4200
Sydney May	876-4201
Terry May	876-4484
Tracy & Angie May	876-4211
DREW Mike & Molly Challis	879-2423
DROBISH Stan Challis	879-4533
DUBIEL Matthew & Linda Challis	879-4418
DUBOIS Dennis	879-4255
DUMALAG Kim Challis	879-5688
DUNFEE Jude Clyt	838-2393
DUNGAN Jim Challis	879-2530
DUNHAM Allan Challis	879-2774
Robbie Challis	879-2405
DUNLAP Jay G Challis	879-4323
Sam Challis	879-4612
DYKSTRW Don Elk Bend	894-2419

E

EAGAR James Challis	879-2496
EARLE Bette Challis	879-2248
G S Challis	879-2582
EARLE WRECKER SERVICE Challis	879-2391
EAST IDAHO FEDERAL CREDIT UNION	879-4545
EASTERLY Eric Elk Bend	894-2450
EBBERTS Bill Jr Challis	879-4664
Jack L Challis	879-2237
Joe Challis	879-2395
William Challis	879-2348
ECKROAT Jerry & Rebecca Clyt	838-2527
EDGE Arthur Challis	879-2552
EICHER Lothar & Alison Elk Bend	894-2444
ELDER Randy Challis	879-4730

ELK BEND FIRE PHONE

Elk Bend	894-2200
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ELK BEND SPORT LODGE Elk Bend

Elk Bend	894-2455
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ELLINGSEN Robert & Dorothy

Challis	879-4348
ELLIOT Howard Challis	879-5356
ELLIS Roy May	876-4465
Scott Challis	879-5665
Shawn & Robin Challis	879-5359
ENGEMANN Douglas May	876-4443
ENZENAUER Phil & Mary Challis	879-2487

CHALLIS-CLAY I-MAY

EPICENTER AQUACULTURE Challis

879-5786

EPICENTER AQUACULTURE-FAX

LINE Challis	879-5787
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ESPE Jim Challis	879-5329
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EVANS Ernest Challis	879-5452
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EVANS RODNEY E DVM Challis	879-4439
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EVARTS Leland Elk Bend	894-2460
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EVELETH Maurice Elk Bend	894-2221
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Russell Elk Bend	894-2498
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F

FABIN Ed Elk Bend	894-2210
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FAIKE David & Elise Challis	879-5291
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FARM BUREAU INSURANCE

CO Challis	879-2553
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FARM BUREAU INSURANCE CO Challis	879-4280
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FARNSWORTH Ronald Challis	879-2791
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FARR Jerrod Challis	879-2744
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Scott Challis	879-2203
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FAUSETT Frank Challis	879-5546
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Gary & Lisa Challis	879-5563
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FEDERAL GOVERNMENT

See Government Section

FEHLING John Challis	879-5726
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FELIX Ramon & Donna Challis	879-5680
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FELTON Chuck & Pam Challis	879-4790
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FELTS William Challis	879-4356
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FENWICK Art Challis	879-2586
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FERNANDEZ Chuck & Claire Challis	879-2408
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FEWER Georgia Challis	879-5479
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FIELD Thomas W Challis	879-5624
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FIELDGROVE Leo & Sarah Elk Bend	894-2488
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FIFE James Elk Bend	894-2475
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FINLEY Arvin Challis	879-5385
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FINS FURS & FEATHERS Challis	879-5377
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FIRE AMBULANCE EMERGENCY Challis	879-2289
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FIRE DEPARTMENT--	
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CHALLIS	879-2289
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CLAYTON	838-2300
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MAY	876-4420
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FIRST SECURITY BANK--	
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FIRST-LINE CUSTOMER ACCOUNT INFORMATION	
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TOLL FREE DIAL 1 & THEN 800 574-4200	
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TELECOMMUNICATIONS FOR THE DEAF	
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TOLL FREE DIAL 1 & THEN 800 658-5050	
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CUSTER COUNTY OFFICE	
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Fourth & Main	879-2551
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FIRST SECURITY BANK Challis	879-2551
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FIRSTFRUITS FOUNDATION Challis	
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FISHER Alfred Clayton	838-2256
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Cecil Mrs Challis	879-2795
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David Challis	879-2788
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Gary Clyt	838-2524
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Gary & Deb Clyt	838-2331
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Leonard Clayton	838-2338
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FITCH Barry Clyt	838-2523
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FITTE Robert J Elk Bend	894-2259
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FITZWATER Bob Challis	879-5640
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FLANNAGAN Robert Elk Bend	894-2298
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FLEMING Vickie Clyt	838-2360
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FLETCHER Craig Challis	879-4532
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FLORES Raul Challis	879-5758
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FLOS SPORTS CLUB Clyt	838-2252
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FLOWER SHOP Challis	879-2340
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FORESTIER George Challis	838-2212
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Rick Challis	879-5328
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FOSTER Frank Clyt	838-2210
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FOWLER John Clyt	838-2436
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Sherrill Challis	879-5573
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FOX Parley Jr Challis	879-2436
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Pat Challis	879-2273
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Robert & Carolyn Challis	879-5403
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FRANK R Allen Challis	879-4368
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FRANKS Beverly Challis	879-4380
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Rick Challis	879-2316
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FREEMAN Tim R Challis	
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FREITAS Kenneth Elk Bend	
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FREMONT'S RADIATOR & REPAIR Challis	
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FRIENDS OF STEPHANIE Challis	
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FROST Don Challis	
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Lewie Challis	
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FULLER Doug Challis	
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Lucille B Ellis	
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FUNARO Silvio J Elk Bend	
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FUNCK Gary R Challis	
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FUNDERBURG Jerry Challis	
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FUNKHOUSER Mike Challis	
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FUREY JACK B atty Challis	
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RES May	
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G

GALLAGHER Mike Challis	
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GARDIPEE Robert Clyt	
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GARDNER Earl Clayton	
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Robert Challis	
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GARFIELD Lawrence Challis	
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GARRETT Patrick Clyt	
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GATEWAY AUTO PARTS Challis	
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GATEWAY MINI MARKET Chall	
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GEARHEART David May	
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GEORGESON Jeff Challis	
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GEREN Frank Elk Bend	
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GETTY Allen Challis	
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Bret Clyt	
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GETTY LOREN Challis	
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GETTY Walt Challis	
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GETTY'S BODY REPAIR Challis	
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GIAMPEDRAGLIA Jay Clyt	
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Richard Clyt	
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GIANNINI Bob & Karen Challis	
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GIBBS Robert Elk Bend	
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GIBSON Glen Challis	
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Mark Challis	
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GILI Matthew Challis	
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GILLIAM Tony Challis	
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GILLIS Larry Challis	
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GIORGI David May	
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State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 11, 1995

RECEIVED

MAY 17 1995

JIM L OR WATANA DUNGAN

PO BOX 1176

CHALLIS ID 83226-1176 (from envelope) *Snake River* Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Notices of Claim No. A72-10073, A72-10074 & A72-10075
Change of Address

Dear Claimants,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claim(s) can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right(s) referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Jim Dungan
Claimant

RECEIVED
MAY 19 1995

Department of Water Resources
Southern Region

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

PAGE: 1

TOTAL DIVERSION:	D.30 CFS	125.00 AFA
CONSUMPTIVE USE:		

Stage: LICENSE

CUSTER County

NE. NM

TOTAL ACRES 50.0

[illegible]

Field Inspection Flag:
Presumption Flag:

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: **A72-10074**
Date Received: 11/22/1989
Receipt No: S010523
Received By: _____

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

1. Name: JIM L DUNGAN 208-522-4131
Address: 3440 TAYLORVIEW
AMMON ID 83406
AND/OR
Name: WATANA DUNGAN 208-522-4131
Address: 3440 TAYLORVIEW
AMMON ID 83406

2. Date of Priority: OCT 17, 1955

3. Source: UNNAMED STREAM Trib. to: DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	9	SE	NW			CUSTER

5. Description of diverting works:
HEADGATE AND HIGHLINE CANAL WITH FLOOD IRR. AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	3	SW	SW		IRR	30.0
			SE	SW		IRR	20.0
Section Acres							50.0
Total Acres							50.0

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:
A72-10073.

14. Remarks:
POINT OF DIV. IS NOT CLEAR ON MAP.

OWNERSHIP CHANGE 10/5/93 BY JG.

15. Basis of Claim: LICENSE

Water Right Number: 26145

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 7/20/93

RECEIVED

AUG 04 1993

Department of Water Resources

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

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

RECEIVE

AUG 06 1993

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) Department of Water Resources Southern Region Office

☐ Water Right Number(s) Assigned by IDWR: A72-10073, A72-10074, A72-10075

☐ Name and Address of Former Owner/Claimant(s)(Seller): CORNELIUS J. HOURIHAN

P. O. Box 1189

☐ New Owner/Claimant (Purchaser): CHALLIS, ID 83226

JIM L. AND/OR WATANA DUNGAN

☐ New Mailing Address: 3440 TAYLORVIEW

AMMON, ID 83406

☐ New Telephone Number: (208) 522 - 4131

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

☐ Attach proof of ownership, describe proof attached: Copy of Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): Jim L. Dungan Date 7-20-93

☐ Signature of Former Owner/Claimant(s): Cornelius J. Hourihan Date 7-20-93

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10/5/93 By: LS

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

WARRANTY DEED

For Value Received

CORNELIUS J. HOURIHAN, an unmarried man, dealing with his sole and separate property,

the grantor , does hereby grant, bargain, sell and convey unto

JIM L. DUNGAN and WATANA DUNGAN, husband and wife,

the grantees , whose current address is, 3440 Taylorview, Ammon, ID 83406,
the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

A parcel of land located in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Section 3, and N $\frac{1}{2}$ NW $\frac{1}{4}$, Section 10, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the Northwest Section Corner of said Section 10, which is the REAL POINT OF BEGINNING, a distance of 470.00 feet on a bearing of South 0°18'44" East along the West boundary of Section 10 to a point in the center of Challis Creek; thence the following courses and distances along the center of Challis Creek:

North 64°31'37" East, 29.14 feet;
North 37°55'47" East, 183.83 feet;
North 85°54'52" East, 84.21 feet;
North 65°49'15" East, 161.14 feet;
South 87°34'59" East, 308.27 feet;
North 84°50'53" East, 60.00 feet;
North 84°50'52" East, 184.99 feet;
South 79°37'05" East, 133.18 feet;
North 83°25'05" East, 130.86 feet;
South 82°30'54" East, 138.18 feet;
North 60°53'17" East, 291.87 feet;
East, 158.00 feet;
North 59°31'00" East, 163.62 feet;
North 80°32'16" East, 121.66 feet;
North 14°39'24" West, 134.37 feet;
North 33°33'02" East, 113.99 feet;
South 87°41'36" East, 273.22 feet;
North 52°40'16" East, 174.81 feet;
North 68°03'29" East, 204.65 feet to a point on the East boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3; thence
North 0°32'24" West, 964.97 feet to the Northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 89°28'16" West, 2190.74 feet, more or less, to the Northeast corner of the land described in the Deed to Anthony Gamache, et. al., recorded October 6, 1971, as instrument No. 132261, records of Custer County, Idaho, thence
South 0°31'14" East, 1029.71 feet to the Southeast corner of said Gamache land; thence
South 89°28'16" West, 440.00 feet to a point on the West boundary of Section 3; which point is also the Southwest corner of said Gamache land; thence
South 0°31'14" East, 294.00 feet to the REAL POINT OF BEGINNING.
EXCEPTING THEREFROM

A parcel of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows: Commencing at the Southwest corner of Section 3; thence
294.00 feet on a bearing of North 0°31'14" West; thence
North 39°28'16" East, 440.00 feet; thence
North 0°31'14" West, 1029.71 feet to a point on the Northerly boundary of the S $\frac{1}{2}$ SW $\frac{1}{4}$; thence
North 39°28'16" East, 1708.74 feet along said North boundary to the REAL POINT OF BEGINNING. Thence continuing on said North boundary North 89°28'16" East, 482.00 feet to the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence
South 0°32'24" East, 964.97 feet along the East boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point in the center of Challis Creek; thence the following courses and distances along thence center of Challis Creek;

CONTINUED:

South 68°03'29" West, 204.65 feet; thence
South 52°41'16" West, 171.1 feet; thence
North 87°41'34" West, 162.38 feet; thence
North 1136.41 feet to the REAL POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM:

A parcel of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at the Northwest Section Corner of said Section 10, a distance of 294.00 feet on a bearing of North 0°31'14" West, thence
North 89°28'16" East, 440.00 feet; thence
North 0°31'14" West, 1029.71 feet to a point on the Northerly boundary of the S $\frac{1}{2}$ SW $\frac{1}{4}$; thence
North 89°28'16" East, 1366.11 feet to the REAL POINT OF BEGINNING; thence continuing on said North boundary North 89°28'16" East, 342.63 feet; thence
South 1136.41 feet to a point in the center of Challis Creek; thence the following courses and distances along the center of Challis Creek:
North 87°41'34" West, 110.84 feet;
South 33°33'02" West, 113.99 feet;
South 14°39'24" East, 134.37 feet;
South 80°32'16" West, 121.66 feet;
South 59°31'00" West, 96.15 feet; thence
North 1422.56 feet to the REAL POINT OF BEGINNING.

0204438

Custer County Reg. of
Salmon Rines
Realty
Time 10:20 A.M.
July 30 1993
Ethel M. Peck, Clerk
Wendy Murphy
1200 Deputy

SD-0601-2 Last Name: HOURIHAN

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	-----	-	-----	-----	-----	-----	-----
-	HOURIHAN						
-	TINA W.	C	A72-00158A	05/01/1906	WEST FORK O	0.460	01 IRR
-	TINA W.	C	A72-00159A	05/01/1919	WEST FORK O	0.460	01 IRR
-	TINA W.	C	A72-00160A	09/19/1931	MORGAN CREE	0.230	01 IRR
-	CORNELIUS	O	A72-00160	09/14/1931	SALMON RIVE SPLIT RIGHT	0.020	43 DOMEST
-	CORNELIUS J	C	A72-10075 ✓	11/02/1982	GROUNDWATER	0.040	43 DOMEST
-	TINA	C	A72-10035	05/01/1906	SPRING	0.040	43 DOMEST
-	CORNELIUS J	C	A72-10073 ✓	05/01/1879	CHALLIS CRE	0.700	01 IRR
-	CORNELIUS J	C	A72-10074 ✓	10/17/1955	UNNAMED STR	0.300	01 IRR
-	CORNELIUS J	C	R72-10073	05/01/1879	CHALLIS CRE	0.700	01 IRR
-	TINA W.	C	R72-00158A	05/01/1906	WEST FORK O	0.460	01 IRR
-	TINA W.	C	R72-00159A	05/01/1919	WEST FORK O	0.460	01 IRR
-	TINA W.	C	R72-00160A	09/19/1931	MORGAN CREE	0.230	01 IRR
-	CORNELIUS J	C	R72-10074	10/17/1955	UNNAMED STR	0.300	01 IRR
-	TINA	C	R72-10035	05/01/1906	SPRING	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0601-2 Last Name: HOURIHAN

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
-	-----	-	-----	-----	-----	-----	-----
-	HOURIHAN						
-	TINA W.	C	A72-00158A	05/01/1906	WEST FORK O	0.460	01 IRR
-	TINA W.	C	A72-00159A	05/01/1919	WEST FORK O	0.460	01 IRR
-	TINA W.	C	A72-00160A	09/19/1931	MORGAN CREE	0.230	01 IRR
-	CORNELIUS	O	A72-00160	09/14/1931	SALMON RIVE	0.020	43 DOMEST
-					SPLIT RIGHT		
-	CORNELIUS J	C	A72-10075✓	11/02/1982	GROUNDWATER	0.040	43 DOMEST
-	TINA	C	A72-10035	05/01/1906	SPRING	0.040	43 DOMEST
-	CORNELIUS J	C	A72-10073✓	05/01/1879	CHALLIS CRE	0.700	01 IRR
-	CORNELIUS J	C	A72-10074✓	10/17/1955	UNNAMED STR	0.300	01 IRR
-	CORNELIUS J	C	R72-10073	05/01/1879	CHALLIS CRE	0.700	01 IRR
-	TINA W.	C	R72-00158A	05/01/1906	WEST FORK O	0.460	01 IRR
-	TINA W.	C	R72-00159A	05/01/1919	WEST FORK O	0.460	01 IRR
-	TINA W.	C	R72-00160A	09/19/1931	MORGAN CREE	0.230	01 IRR
-	CORNELIUS J	C	R72-10074	10/17/1955	UNNAMED STR	0.300	01 IRR
-	TINA	C	R72-10035	05/01/1906	SPRING	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0601-2 Last Name: HOURIHAN

STATE

S E L	First Name	O W N	Water Right No.	Priority Date	Source	Total Diversion	Use Code Desc
-	-----						
-	HOURIHAN						
-	TINA W.	C	A72-00158A	05/01/1906	WEST FORK O	0.460	01 IRR
-	TINA W.	C	A72-00159A	05/01/1919	WEST FORK O	0.460	01 IRR
-	TINA W.	C	A72-00160A	09/19/1931	MORGAN CREE	0.230	01 IRR
-	CORNELIUS	O	A72-00160	09/14/1931	SALMON RIVE	0.020	43 DOMEST
-					SPLIT RIGHT		
-	CORNELIUS J	C	A72-10075 ✓	11/02/1982	GROUNDWATER	0.040	43 DOMEST
-	TINA	C	A72-10035	05/01/1906	SPRING	0.040	43 DOMEST
-	CORNELIUS J	C	A72-10073 ✓	05/01/1879	CHALLIS CRE	0.700	01 IRR
-	CORNELIUS J	C	A72-10074 ✓	10/17/1955	UNNAMED STR	0.300	01 IRR
-	CORNELIUS J	C	R72-10073	05/01/1879	CHALLIS CRE	0.700	01 IRR
-	TINA W.	C	R72-00158A	05/01/1906	WEST FORK O	0.460	01 IRR
-	TINA W.	C	R72-00159A	05/01/1919	WEST FORK O	0.460	01 IRR
-	TINA W.	C	R72-00160A	09/19/1931	MORGAN CREE	0.230	01 IRR
-	CORNELIUS J	C	R72-10074	10/17/1955	UNNAMED STR	0.300	01 IRR
-	TINA	C	R72-10035	05/01/1906	SPRING	0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 14N Range: 19E Section: 3				Tract:		Lot:				
S	L	STATE	O	S	Max # Records	80				
E	O	Water	Name	W	T	Priority	Use			
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
—	SESW	A72-10074	BRADBURY, MILLIE	O	20	L	10/17/1955	01	IRR	
—			SULLIVAN, TOM W.	O						
—			SULLIVAN, LINDA L.	O						
—			HOURIHAN, CORNELIUS J	C						
—	SESW	A72-00012E	SPLIT RIGHT	C			05/01/1879	01	IRR	
—			MILLICK, WILLIAM	O						
—	SESW	A72-00012F	MILLICK, WILLIAM	O	12	D	05/01/1879	01	IRR	
—			BLOXHAM, RONALD W.	C						
—			BLOXHAM, SHELLEY E.	C						
—	SESW	A72-10127	BLOXHAM, RONALD W.	C		J	11/01/1982	43	DOMES	
—			BLOXHAM, SHELLEY E.	C						
—	SESW	R72-10073	MILLICK, WILLIAM	O	20	D	05/01/1879	01	IRR	
—			SULLIVAN, LINDA L.	O						
—			HOURIHAN, CORNELIUS J	C						
—			SULLIVAN, TOM W.	O						
—	SESW	R72-00012F	BLOXHAM, RONALD W.	C	12	D	05/01/1879	01	IRR	

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 14N Range: 19E Section: 3			Tract:		Lot:		
S	L	STATE	O	S	Max # Records	80	
E	O	Water	W	T	Priority	Use	
L	Tract T	Right No.	N	AC	G	Date	Code Desc
---	---	-----	---	---	---	---	---
---	SWSW	R72-10073	O	30	D	05/01/1879	
---	SWSW	A72-04162	C	9	S	03/01/1911	01 IRR
---	SWSW	R72-10075	C				
---		SULLIVAN, TOM W.	O		J	11/02/1982	43 DOME
---		SULLIVAN, TOM W	O				
---		HOURLIHAN, CORNELIUS J	C				
---	SWSW	A72-02104A	O	12		10/17/1955	01 IRR
---		BRADBURY, MILLIE	C				
---		SPLIT RIGHT	C				
---	SESW	R72-10074	O	20	L	10/17/1955	01 IRR
---		BRADBURY, MILLIE	O				
---		SULLIVAN, TOM W.	O				
---		SULLIVAN, LINDA L.	O				
---		HOURLIHAN, CORNELIUS J	C				
---	SESW	A72-10073	O	20	D	05/01/1879	01 IRR
---		MILLICK, WILLIAM	O				
---		SULLIVAN, TOM W.	O				
---		SULLIVAN, LINDA L.	O				
---		HOURLIHAN, CORNELIUS J	C				

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

SD-0604-2 Township: 14N			Range: 19E		Section: 3		Tract:		Lot:	
S	L		STATE		O	S	Max #	Records	80	
E	O	Water	Name		W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
-	-	-	-	-	-	-	-	-	-	-
-	SWSW		R72-10074	BRADBURY, MILLIE	O	30	L	10/17/1955	01	IRR
-				SULLIVAN, TOM W.	O					
-				SULLIVAN, LINDA L.	O					
-				HOURLIHAN, CORNELIUS J	C					
-	SWSW		A72-10073	MILLICK, WILLIAM	O	30	D	05/01/1879	01	IRR
-				SULLIVAN, TOM W.	O					
-				SULLIVAN, LINDA L.	O					
-				HOURLIHAN, CORNELIUS J	C					
-	SWSW		A72-10074	BRADBURY, MILLIE	O	30	L	10/17/1955	01	IRR
-				SULLIVAN, TOM W.	O					
-				SULLIVAN, LINDA L.	O					
-				HOURLIHAN, CORNELIUS J	C					
-	SWSW		A72-10075	SULLIVAN, LINDA L.	O		J	11/02/1982	43	DOMES
-				HOURLIHAN, CORNELIUS J	C					
-				SULLIVAN, TOM W.	O					
-	SWSW		A72-00012E	SPLIT RIGHT	C			05/01/1879	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

Water Right Number - R72-10074 Prefix Translation: RESEARCH Old (D) Number - 26145

*** C - CURRENT OWNER *** Last Name - + First Name - + Address - +

DUNCAN JIM L 1 - 3440 TAYLORVIEW State- ID Zip- 83406

DUNCAN WATANA 2 - City- AMMON Phone - 208-522-4131 1 - 3440 TAYLORVIEW State- ID Zip- 83406

*** O - ORIGINAL OWNER *** CORNELIUS J 1 - PO BOX 1189 State- ID Zip- 83406

HOURIHAN 2 - City- CHALLIS Phone - 208-879-4718 State- ID Zip- 83226

Priority Date - + 10/17/1955 17 SOUTHERN L - LICENSE Stage - + Status - +

Source - + UNNAMED STREAM Tributary - + DRAIN

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

14N 19E 9 SE NW (37) CUSTER

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

01 - IRRIGATION 04/01 11/01 0.300 + - Total Div. Rate - + 0.300 + - Total Consumptive Use - + 125.0

Place of Use - + Description County

14N 19E 3 SW SW 30.0 01 IRRIGATION (37) CUSTER

14N 19E 3 SE SW 20.0 01 IRRIGATION (37) CUSTER

Total Acres: 50.0

+ - - Diversion Means - HEADGATE AND HIGHLINE CANAL WITH FLOOD IRR. AND SPRINKLERS.

+ - - Non-Irrigation Use - NONE

Prefix Translation: RESEARCH

	Remarks
+ - - - -	POINT OF DIV. IS NOT CLEAR ON MAP.

ATZ02104A

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

Decree Plaintiff	Decree Defendant	Decree Date
00/00/0000		

+	-	Comments-	+
Date:	10/06/1993	User Id: GIVENS	Subject: OWNERSHIP CHANGE
CHANGE OF OWNERSHIP RECEIVED	08/04/93	S.O. 08/06/93	THIS REGION. FORMER OWNER CORNELIUS J. HOURIHAN NEW OWNERS JIM L. &/OR MATANA DUNCAN. COPY OF WARRANTY DEED SUBMITTED WITH FORM.

10/06/93 GIVENS

+ - - - - - Adjudication Rights Dates and Flags Area - - - - -									
Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576			
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-				
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-				
Claim Received Date	- 11/22/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P				
		Receipt Number	- S010523	Water District	-				
		POU Ownership Flag	- Y	Federal/State Indicator	- S				
		Name Connector	- AND/OR	Presumption Flag	-				
				Notice of Error Flag	-				

Remarks:	POINT OF DIV. IS NOT CLEAR ON MAP.	
Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:



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

06-Oct-1993

JIM L DUNGAN
WATANA DUNGAN
3440 TAYLORVIEW
AMMON ID 83406

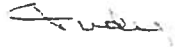
RE: Adjudication Claim(s) No. A72-10073, A72-10074, A72-10075
CORNELIUS J HOURIHAN

Dear Claimant(s):

Pursuant to notification that you presently own the property in which the above-referenced Adjudication Claim is appurtenant, the Department has changed the record of the current owner as you requested. Please find enclosed a copy of the computer record of our recommendation to the court noting the change in claimant.

Please review the record(s) and if you have any questions, please contact this office.

Sincerely,


Judy Givens
Adjudication Secretary

/jg

Enclosures

c.c. Salmon River Realty
PO Box 367
Challis ID 83226

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: A72-10074
Date Received: 11/22/1989
Receipt No: S010523
Received By: _____

OCT 25 1991

Department of Water Resources

Snake River Basin Office

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CORNELIUS J HOURIHAN 208-879-4718
Address: PO BOX 1189
CHALLIS ID 83226

2. Date of Priority: OCT 17, 1955

3. Source: UNNAMED STREAM Trib. to: DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	9	SE	NW			CUSTER

5. Description of diverting works:
HEADGATE AND HIGHLINE CANAL WITH FLOOD IRR. AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	3	SW	SW		IRR	30.0
			SE	SW		IRR	20.0

A72-10074

Page 1

Date: 10/16/91

MICROFILMED
MAR 18 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	50.0
					Total Acres	50.0

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:
A72-10073.

14. Remarks:
POINT OF DIV. IS NOT CLEAR ON MAP.

15. Basis of Claim: LICENSE

Water Right Number: 26145

72-02104A



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
OCT 15 1991

DATE OF CLOSING: 2890

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township 14N Range 19E
Section 9, 1/4 of SE 1/4 of NW 1/4, Govt. Lot , BM
Lot , Block , Subdivision/Townsite .
If you have additional legal descriptions, please attach separate sheet.

RECEIVED

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis) OCT 25 1991
Department of Water Resources
Southern Region Office
- ☐ Water Right Number(s)
Assigned by IDWR: A72-10074
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Tom W. Sullivan and/or Linda L. Sullivan
P.O. Box 648
Challis, Idaho 83326
- ☐ New Owner/Claimant (Purchaser): Cornelius J. Hourihan
- ☐ New Mailing Address: P.O. Box 1189
Challis, Idaho 83326
- ☐ New Telephone Number: (208) 879-4718
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Cornelius J. Hourihan Date 10/9/91
- ☐ Signature of Former Owner/Claimant(s) Linda Sullivan Date 10-1-91

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 10-16-91 By: afreyer
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

former owner signed.

ok Joe 10/17/91

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

MICROFILMED

MAR 18 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A72-10074
Date Received: 11/16/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM W. SULLIVAN 208-879-4283
Address: P.O. BOX 648
CHALLIS, ID 83226

AND/OR

Name: LINDA L. SULLIVAN 208-879-4283
Address: P.O. BOX 648
CHALLIS, ID 83226

2. Date of Priority: OCT 17, 1955

3. Source: UNNAMED STREAM Trib. to: DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	9	SE	NW			CUSTER

5. Description of diverting works:
HEADGATE AND HIGHLINE CANAL WITH FLOOD IRR. AND SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A72-10074

Page 1

Date: 11/16/89

MICROFILMED
MAR 18 1993

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

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

CIVIL CASE NUMBER: 39576

RECEIVED

NOV 22 1989

Ident. Number: A72-10074

Date Received: 11/16/1989

Receipt No: 5010523

Received By: ADM 11/22/89

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM W. SULLIVAN 208-879-4283
Address: P.O. BOX 648
CHALLIS, ID 83226

AND/OR

Name: LINDA L. SULLIVAN 208-879-4283
Address: P.O. BOX 648
CHALLIS, ID 83226

2. Date of Priority: OCT 17, 1955

3. Source: UNNAMED STREAM Trib. to: DRAIN

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	9	SE	NW			CUSTER

5. Description of diverting works:
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IRRIGATION	04/01	11/01	0.300		

7. Total Quantity Appropriated is:
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8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A72-10074

Page

1

11/16/89

MICROFILMED
MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	3	SW	SW		IRR	30.0
			SE	SW		IRR	20.0
						Section Acres	50.0
						Total Acres	50.0

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:
A72-10073.

14. Remarks:
POINT OF DIV. IS NOT CLEAR ON MAP.

15. Basis of Claim: LICENSE
Water Right Number: 26145

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): Linda Sullivan Date: 11/16/89

Date: _____

State of Idaho)
County of Custer) SS.

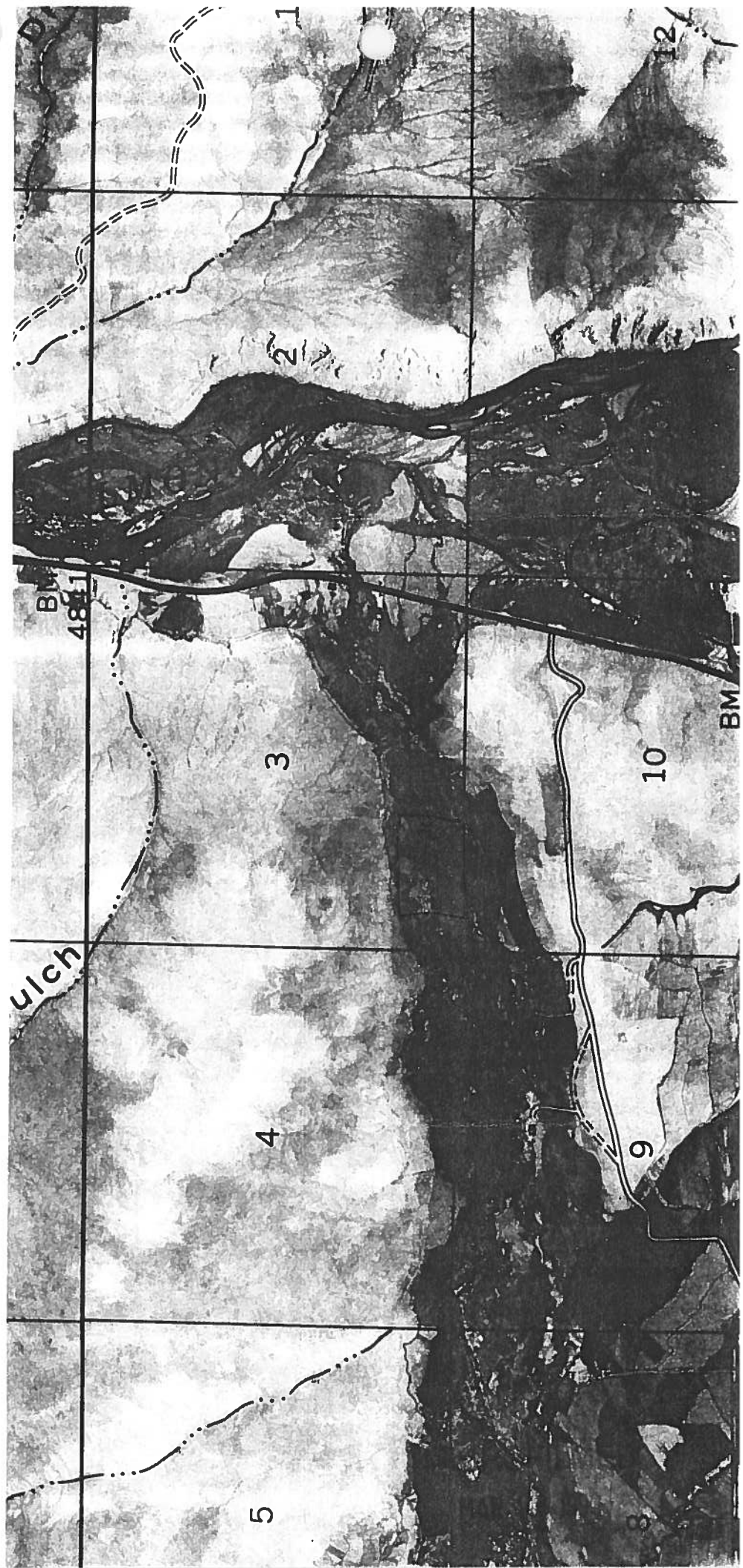
Subscribed and sworn (or affirmed) before me this 16 day
of Nov 19 89

John Dal Corno
Notary Public

Seal

Residing at Bowie Id

My Commission Expires 4/7/94





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Nov. 22, 1989

Re: A72-10073
A72-10074
A72-10075

TOM W SULLIVAN
P O BOX 648
CHALLIS ID 83226

Dear Claimant(s):

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

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

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993

DATE: 12/28/98
PAGE: 1

Dates:	Exam Made Date:	Verified Date:	12/28/1998	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:		

AJ0749NP
No. R72-02104D

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

DATE: 12/28/98
PAGE: 2

Comments: Date: 11/18/1998 User-ID: JROBERTS Subject: COPIED FROM REMARKS
POINT OF DIV. IS NOT CLEAR ON MAP.

OWNERSHIP CHANGE 10/5/93 BY JG.
ADDRESS CHANGE 05/18/95 SS.

ORIGINALLY CLAIMED AS A72-10074, DETERMINED TO BE PART OF WATER
RIGHT 72-02104A. Jr

Date: 12/28/1998 User-ID: JROBERTS Subject: REMOVED "NONE"
REMOVED "NONE" FROM NON-IRRIGATION USE FIELD.

Audit: 12/28/98 JROBERTS

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED
DEC 11 1998
Department of Water Resources
Southern Region

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

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

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

Water right number: 72-02104D

WATANA DUNGAN
JIM L DUNGAN
PO BOX 1176
CHALLIS ID 83226-1176

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:
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: 12-9-98 SIGNATURE: Jim Dungan
Please print your name: Jim Dungan

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

DATE: 11/18/98
PAGE: 1

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C WATANA DUNGAN

10/17/1955

RIGATION

04-01 10-31

0.30 CFS

C JIM L DUNGAN
DO NOV 11 1976

P.O. BOX 1176

CHALLIS ID 8322261176
 7308X 870 3530

Water Source: CHALLIS CREEK

UNNAMED STREAM

Tributary to:

**SALMON RIVER
CHALLIS CREEK**

Stage: LICENSE

Point(s) of Diversion:

T14N R19E S08
200

605

SWANNE
MANNEN

CUSTER County
CUSTER County

Place of use Legal Description for: IRRIGATION

NE

22

[illegible]

POU County: CUSTER

Non-Irrigation Uses: ~~NONE~~ / none

Other Rights: 72-000126

Remarks: POU1 USE OF THIS RIGHT WITH RIGHT NO. 72-00012G IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 24.2 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date
--------	-----------------	----------------	----------------------

Misc:	Water District Number:	Field Inspection Flag:
-------	------------------------	------------------------

Field Inspection
Presumption Flag:

IM NUMBER 72-000/2G
72-021040

DATE 10/22/98
AGENT JR

TRANSFER NUMBER
CLAIMED ACRE TOTAL 50
GIS ACRE TOTAL 24.2

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
AIM	14N	19E	3											30	20					50
IS	14N	19E	3											12	5.7					17.
COM	14N	19E	3											12	5.7					17.
AIM	14N	19E	10																	
IS	14N	19E	10					.3	6.2											6.
COM	14N	19E	10					.3	6.2											6.
AIM																				
GIS																				
COM																				

172-DBPOU.SHP

HAPE NOS.
278 = 13 Ac.
279 = 12 Ac.

372-DBPOD.SHP

NOS. DESCRIPTION
123 14N, 19E, 08 SWNWNE (Challis Cr.)
125 14N, 19E, 09 NWNE NW (unnamed stream trib. to Challis Cr.)

de 11-13-98

DBF TABLES UPDATED

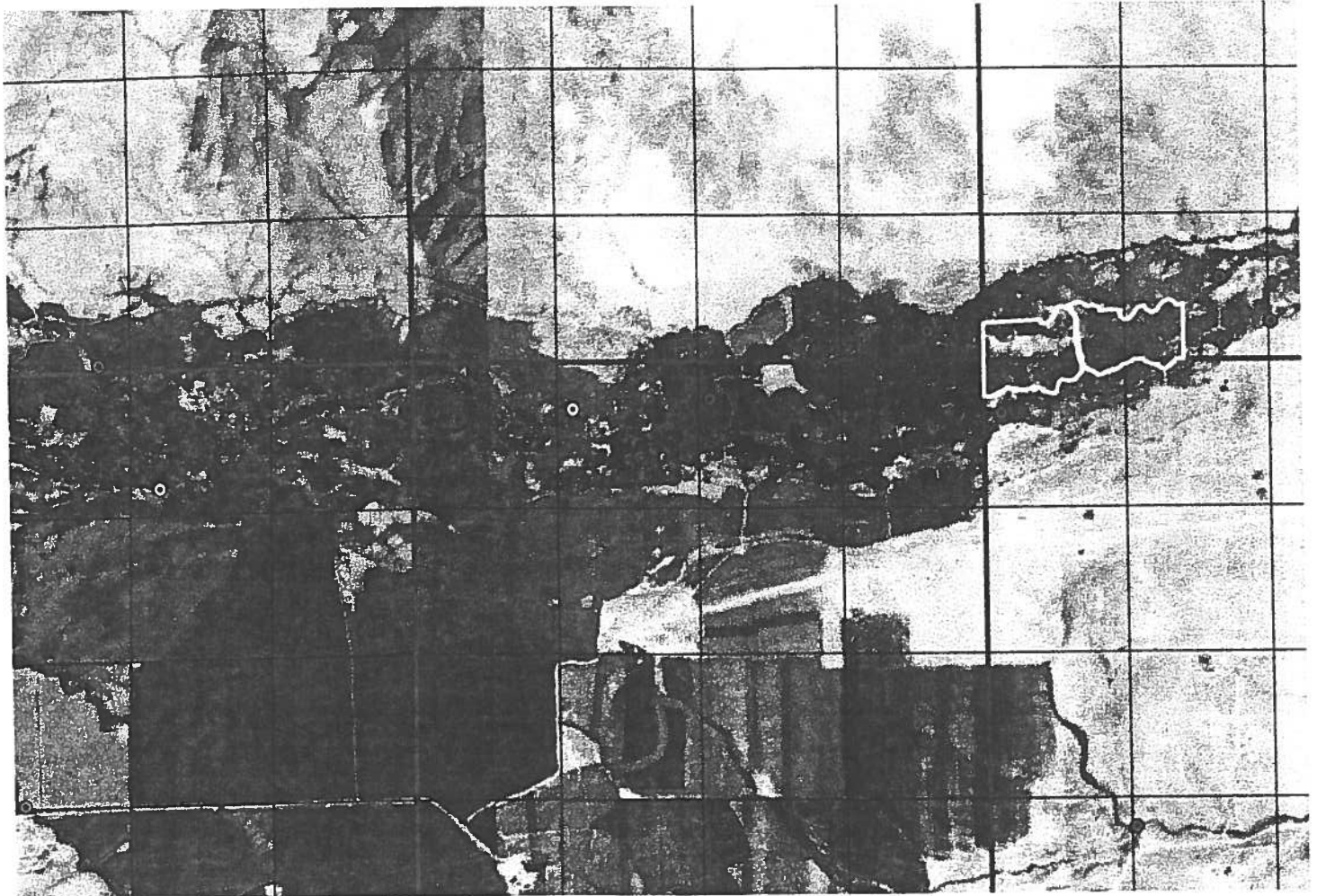
B72-DBPOU.DBF ✓

B72-DBPOD.DBF ✓

JPEG LAYOUT ✓

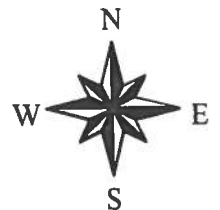
IDAHO DEPARTMENT OF WATER RESOURCES

72-00012G & 72-02104D



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 22, 1998
TWP 14N, 19E, SEC. 3 & 10



RECOMMENDED PLACE OF USE

⊙ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

REEVALUATION OF IRRIGATION RATES BASED UPON 1990 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-000126
72-021040

DATE: 11/18, 1998

REVIEWED BY X

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BB2						
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DB1	.13	.11			5.66	6.65
DEB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
GO1	.10	.12			12.47	10.51
HAYSE						
KEG	.08	.07			8.73	10.06
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

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

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

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

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
same { WV1	11.24	?	19	.07	= 1.33 CFS
{ WC1	11.24	?	5	.07	= .35 CFS
					= CFS
					= CFS

TOTAL ACRES 24

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

1.68

72-000126 .58
72-021040 .3
 .88

rec. as claimed

AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

11/24/98 14:28:12
Page 1

Water Right Number - A72-02104C

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 26145

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

*** C - CURRENT OWNER ***

UNCLAIMED

1 -
2 -
3 -
City- XXXXXXXXX State- ID Zip- 0000000
Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

BRADBURY MILLIE

1 -
2 -
3 -
City- CHALLIS State- ID Zip- 00000
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/17/1955 17 SOUTHERN N - NOT CLAIMED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
UNNAMED STREAM DRAIN

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

14N 19E 9 SE NW (37) CUSTER

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

01 - IRRIGATION 04/01 11/01 1.440

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.440 0.0

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

| | | | | | | | | |
|-----|-----|----|-------|--|------|----|------------|-------------|
| 14N | 19E | 9 | NE NE | | 12.0 | 01 | IRRIGATION | (37) CUSTER |
| 14N | 19E | 9 | SE NE | | 5.0 | 01 | IRRIGATION | (37) CUSTER |
| 14N | 19E | 10 | NE NW | | 10.0 | 01 | IRRIGATION | (37) CUSTER |
| 14N | 19E | 10 | NW NW | | 22.8 | 01 | IRRIGATION | (37) CUSTER |

Total Acres: 49.8

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

GEN THIS REPRESENTS THE UNCLAIMED PORTION OF A72-02104A 1.44 CFS. jr

*more could
be claimed
by Junger?*

Water right number - A72-02104C Prefix Translation: ADJUDICATION CLAIM

+ - - - - 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 - - - + + - Decree Date - +
00/00/0000

+ - - Audit Fields - 04/11/96 JROBERTS

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

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 11/16/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - |
| Licensed Date | - 00/00/0000 | Receipt Number | - X999999 | Federal/State Indicator | - S |
| | | POU Ownership Flag | - Y | Presumption Flag | - |
| | | Name Connector | - | Notice of Error Flag | - |

WR5809NP
No. 72-02104A

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/24/98
PAGE: 1

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|-----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | MILLIE BRADBURY | 10/17/1955 | IRRIGATION | 04/01 11/01 | 1.740 CFS | |
| TOTAL DIVERSION: | | | | | 1.740 CFS | |

Water Source: UNNAMED STREAM

Tributary to: DRAIN

Stage: LICENSE

Point(s) of Diversion: T14N R19E S09 SENW , CUSTER County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|------|------|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | : | SUM |
| 14N | 19E | 3 | : | | | | | | | | | | | 12 | 25 | | | | | : | 37.0 |
| 14N | 19E | 9 | : | 12 | | | | 05 | | | | | | | | | | | | : | 17.0 |
| 14N | 19E | 10 | : | | | | | | 10 | 22 | | | | | | | | | | : | 32.8 |
| TOTAL ACRES | | | | | | | | | | | | | | | | | | | | 86.8 | |

Pou County: CUSTER

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
72-02104B

Other Water Rights Listing Overlapping Place(s) of use:
72-00012D 72-00012E 72-00012F 72-00015 72-00025B 72-02104B 72-04162 72-07540 72-07561 T72-00012G
T72-00012H

Dates: App. Received: Priority Date: 10/17/1955
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 07/10/1979

Misc: Water District Number: Field Exam Fee:

Audit: 10/26/89 CURTIS

IDAHO DEPARTMENT OF WATER RESOURCES
LOTUS FORM - SPLIT

FOR RIGHT NO: 72-00012E

BY: RVW
DATE: 20-Apr-94

CREATED ON 2-1-94
BY ADM & KKC
MODIFIED DATE
.....

BASE RATE: 1.28 CFS

| OWNER | CLAIMED
RATE | ACRES
FOUND
IRRIGATED | FIRST
SHARE
OF BASE
RATE | POTENTIAL
SHARE OF
BASE RATE | FIRST
CUT | 2ND
ACRE
ITERATION | 2ND
SHARE
ITERATION | POTENTIAL
SHARE OF
REMAINING | SECOND
CUT | PRELIM
RATE
SUMMARY | RATE
PER
ACRE |
|----------------------|-----------------|-----------------------------|-----------------------------------|------------------------------------|--------------|--------------------------|---------------------------|------------------------------------|---------------|---------------------------|---------------------|
| A72-10073 DUNGAN | 0.70 | 50 | 80.4% | 1.029 | 0.700 | 7.3 | 59.8% | 0.347 | 0.347 | 0.700 | 0.014 |
| A72-10198 (SUR) MOYE | 0.50 | 7.3 | 11.7% | 0.150 | | 4.9 | 40.2% | 0.233 | 0.200 | 0.347 | 0.048 |
| A72-00021B (DUKE) | 0.20 | 4.9 | 7.9% | 0.101 | | | | | | 0.200 | 0.041 |

$0.7 + .033 = 0.733$

| SUMS | 1.40 | 62.2 | 100.0% | 1.280 | 0.700 | 12.2 | 100.0% | 0.580 | 0.547 | 1.247 |
|-----------------------------|------|------|--------|-------|-------|------|--------|-------|-------|-------|
| FIRST ITERATION BALANCE | | | | | | | | | | |
| NOT ALLOCATED ==> 0.580 CFS | | | | | | | | | | |

TOTAL POTENTIAL
ALLOCATED RATE
BEFORE HUBBLE ==> 1.247 CFS
BALANCE NOT
ALLOCATED ==> 0.033 CFS

A

1.) check Watermaster Records

(was there an old "flume" down on delivery ditch from Section 9 which washed out?)

-according to Blopham's transfer # 2862, this was why he filed a transfer to put a pump in the Creek, he never had the money to do this so now he just pumps with a portable gas pump from the two wastewater ditches (one Fire Creek) and claims 1879 rights. (He amended his claim to reflect this and Bob recommended that way.)

(asked Singer to check)

✓ 2.) Compare decree w/ W.R. & AJ records.

✓ 3.) Renumber 10,000's if appropriate tracks are found

4.) Physically track source for sloughs (follow trail of 1879 diversion in Section 9)

WV Rm
SPRNG



WB
13581

A
1.14 cts
26.8 Ac.
B
1.14 cts
1.2 Ac.
1.88 cts
94 Ac. cts

AJ
A12-02104A
SPLIT

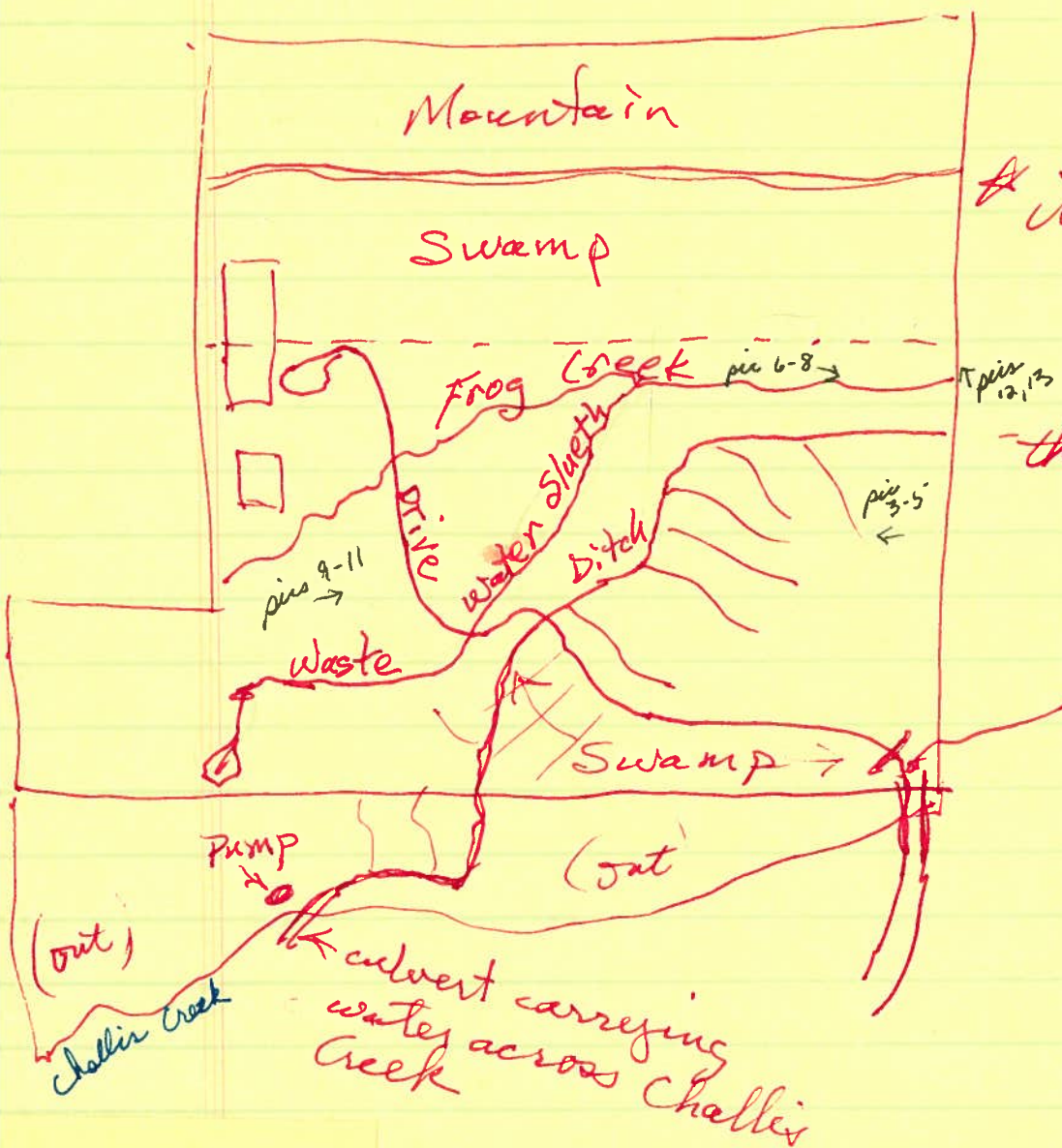
A12-02104B
50 Ac

1.44
unclaimed

A12-02104B
will 1/4 cts
1.2 Ac.

look up stop
13581

Dungar Place



* irrigates about
30-33 acres
like his W.R. sa
the rest just subs

pump = decree
1879

flume = license
1955

C:\GEO-PC\DATA\JEANIE\R072516A.COR

| | Recs | Mean | Std Dev | Minimum | Maximum |
|-----------|------|----------------|---------|----------------|--------------|
| Latitude | 206 | 44°33'43.12"N | 4.19 | 44°33'43.06"N | 44°33'43.18 |
| Longitude | 206 | 114°14'29.47"W | 2.39 | 114°14'29.53"W | 114°14'29.42 |
| Altitude | 206 | 5167.27 | 3.13 | 5159.82 | 5179. |

No velocity records in file.

No DOP records in file.

Start GPS Week #863 on 07/25/96 at 16:24:53

End GPS Week #863 on 07/25/96 at 16:26:35

Datum : NAD-27 CONUS
Coordinate System : Latitude/Longitude
Altitude Mode : Height Above Ellipsoid
Altitude/Distance Units : Feet
Velocity Units : Meters/Second

DUNGAN
HEADGATE

N
115N
111N

(TWIN PEAKS SE)



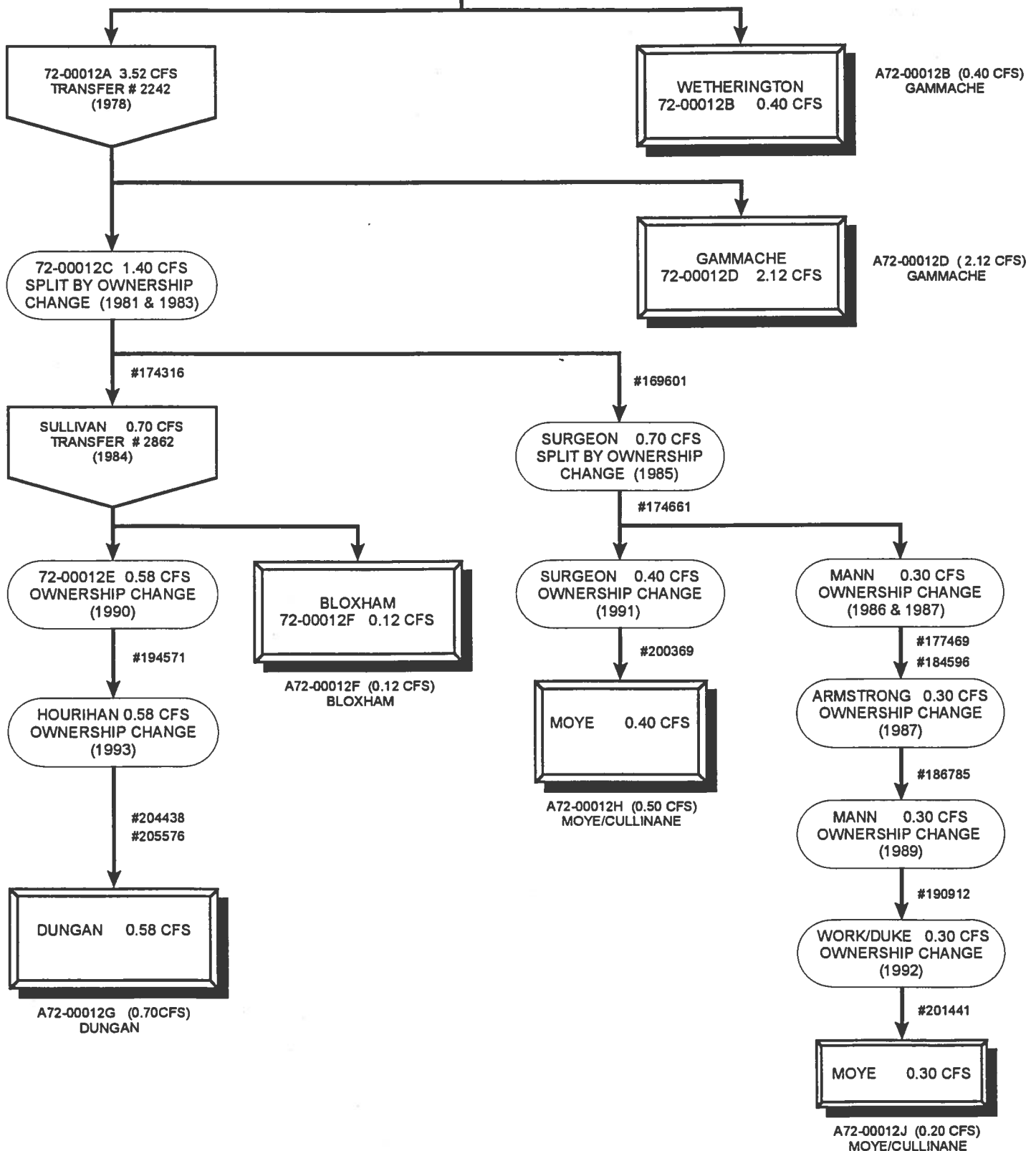
MICROFILMED
MAR 18 1993

To A72-10073

OWNERSHIP
SPLIT TREE FOR
72-00012
3.92 CFS

TRANSFER # 869
(1956)

UPDATED
10-25-96 BY CWS



09/24/96 C.S.

AFTER 1978 (TRANSFER # 2242)

1.40 cfs REMAINED OF 72-00012 (APPARENTLY OWNED BY THE CUNNINGHAM'S)

#174316
06/30/81

0.70 cfs (SULLIVAN'S)

T# 2862
SALE AGREEMENT

10/21/81
TRANSFER # 2862
APPROVED IN 1984

0.12 cfs
BLOXHAMS

A72-00012 F

0.58 cfs (SULLIVAN'S)

#194571
(includes all water rights)

0.58 cfs (HOURIHAN)

#204438
#205576
(in mention of water)

0.58 cfs
DUNGAN

A72-00012 G

#169601
11/10/82

0.70 cfs (SURGEON'S)

#174661
08/14/85

0.40 cfs (SURGEON'S)

0.30 cfs (MANN'S)

#177469 07/26/86

0.30 cfs (ARMSTRONG)

#184596
MAY '87

0.30 cfs (ARMSTRONG)

#186785 INDENTURE 10/22/87
("all appurtenances")

0.30 cfs (MANN'S)

#190912 01/10/89
("and appurtenances")

0.30 cfs (SUE WORK/DUKE)

#201441 04/08/92

0.30 cfs (Moye)

A72-00012 J

#200369
07/15/91

0.40 cfs (MOYE)

A72-00012 H

174316

WARRANTY DEED

For Value Received ROBERT C. CUNNINGHAM and ELAINE I. CUNNINGHAM,
husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto THOMAS W. SULLIVAN and
LINDA L. SULLIVAN, husband and wife,

the grantees s, whose current address is Route 1-L
Challis, Idaho 83226, County Idaho, to-wit:
the following described premises, in Custer

See Exhibit "A" attached hereto and made a
part hereof.

TOGETHER With an 1879 decreed water right from Challis
Creek, Custer County, Idaho, in the amount of 35 inches.
ALL of the remaining water and water rights are reserved
and retained by Grantors.

DESCRIPTION:

A parcel of 12
Section 10, To
County, Idaho,

Commencing at
which is the R
bearing of Sou
to a point in
and distances

North 64°31'37"
North 37°55'47"
North 85°54'52"
North 65°49'15"
South 87°34'59"
North 84°50'53"
North 84°50'52"
South 79°37'05"
North 83°25'05"
South 82°30'54"
North 60°53'17"
East, 158.00
North 59°31'00"
North 80°32'10"
North 14°39'24"
North 33°33'05"
South 87°41'30"
North 32°40'10"
North 68°03'21"
the SE 1/4 SW 1/4 of
North 0°32'24"
thence South
east corner o
recorded Octo
County, Idaho
South 0°31'14"
Gamache land;
South 89°28'11"
Section 3; wh
land; thence
South 0°31'14"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they are the owners in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: June 30, 1981.

[Signature]

Elaine Cunningham

STATE OF IDAHO, COUNTY OF CUSTER
On this 30th day of June, 1981,
before me, a Notary Public in and for the said State, per-
sonally appeared ROBERT C. CUNNINGHAM
and ELAINE I. CUNNINGHAM, husband
and wife,

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

Glenda H. Marshall
Notary Public
Residing at Challis
Comm. Expires Life

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of American Land

at 50 minutes past 11 o'clock a M.
this 12th day of July
1985, in my office, and duly recorded in Book
of Deeds at Page

Ethel M. Peak
Ex-Officio Recorder
By *Mary Thompson* Deputy.

Fees \$ 400
Mail to:

INSTRUMENT NO.

174316

AM and ELAINE I. CUNNINGHAM,
ife,

THOMAS W. SULLIVAN and

226,
County Idaho, to-wit:

from Challis
t of 35 inches.
ts are reserved

purtenances unto the said Grantees .
ors do hereby covenant to and
ple of said premises; that they are free

tal claims whatsoever.

WHO, COUNTY OF
by that this instrument was filed for record at
American Land
minutes past 11 o'clock A.M.,
12th day of July
ice, and duly recorded in Book

the M. Peck
Ex-Officio Recorder

Vary Thompson Deputy.

EXHIBIT "A"

DESCRIPTION:

A parcel of land located in the S $\frac{1}{4}$ SW $\frac{1}{4}$, Section 3, and the N $\frac{1}{4}$ SW $\frac{1}{4}$, Section 10, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more specifically described as follows:

Commencing at the Northwest Section Corner of said Section 10, which is the REAL POINT OF BEGINNING, a distance of 470.00 feet on a bearing of South 0°18'44" East along the West boundary of Section 10 to a point in the center of Challis Creek; thence the following courses and distances along the center of Challis Creek:

North 64°31'37" East, 29.14 feet;
North 37°55'47" East, 183.83 feet;
North 85°54'52" East, 84.21 feet;
North 65°49'15" East, 161.14 feet;
South 87°34'59" East, 308.27 feet;
North 84°50'53" East, 60.00 feet;
North 84°50'52" East, 184.99 feet;
South 79°37'05" East, 133.18 feet;
North 83°25'05" East, 130.86 feet;
South 82°30'54" East, 138.18 feet;
North 60°53'17" East, 291.87 feet;
East, 158.00 feet;
North 59°31'00" East, 163.62 feet;
North 80°32'16" East, 121.66 feet;
North 14°39'24" West, 134.37 feet;
North 33°33'02" East, 113.99 feet;
South 87°41'36" East, 273.22 feet;
North 32°40'16" East, 174.81 feet;
North 68°03'29" East, 204.63 feet to a point on the East boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3; thence
North 0°32'24" West, 964.97 feet to the Northeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 89°28'16" West, 2190.74 feet, more or less, to the Northeast corner of the land described in the Deed to Anthony Gamache, et.al., recorded October 6, 1971, as instrument No. 132261, records of Custer County, Idaho; thence
South 0°31'14" East, 1029.71 feet to the Southeast corner of said Gamache land; thence
South 89°28'16" West, 440.00 feet to a point on the West boundary of Section 3; which point is also the Southwest corner of said Gamache land; thence
South 0°31'14" East, 294.00 feet to the REAL POINT OF BEGINNING.

12 ACRES SOLD TO RONALD AND SHELLEY

BLOXHAM 10/21/81 ALONG WITH

6" OF 1879 CHALLIS CREEK WATER

PER SALES AGREEMENT IN

TRANSFER # 2811 FILE

INSTRUMENT NO.

TRANSFER # 2862
SALE AGREEMENT

SALE AGREEMENT

THIS SALE AGREEMENT, Made and entered into this 21st day of October, 1981, by and between THOMAS W. SULLIVAN and LINDA L. SULLIVAN, husband and wife, of County of Custer, State of Idaho, hereinafter referred to as "Sellers", and RONALD W. BLOXHAM and SHELLEY E. BLOXHAM, husband and wife, of County of Custer, State of Idaho, hereinafter referred to as "Buyers";

W I T N E S S E T H:

That, for and in consideration of the covenants and agreements herein contained Sellers agree to sell and convey unto Buyers, and Buyers agree to purchase and pay for the following real property, situate, lying and being in the County of Custer, State of Idaho, as follows, to-wit:

REAL PROPERTY

More particularly described on Exhibit "A" attached hereto and made a part hereof.

1. PURCHASE PRICE: It is understood and agreed that the total purchase price is THIRTY SIX THOUSAND AND NO/100 DOLLARS (\$36,000.00), TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00) of which has been received by Sellers and the receipt of which is hereby acknowledged. The balance of the purchase price of TWENTY FOUR THOUSAND AND NO/100 DOLLARS (\$24,000.00) principal together with interest thereon at the rate of 11% per annum shall be paid as follows, to-wit:

S. R. BENNETTS
ATTORNEY AT LAW
P. O. BOX 36
LIS, IDAHO 83276
(208) 879-4488

EXHIBIT "A"

A parcel of land located in the S1/2SW1/4, Section 3, T. 14 N., R. 19 E., B.M., Custer County, Idaho, more particularly described as follows:

Commencing at the Northwest Section Corner of said Section 10, a distance of 294.00 feet on a bearing of N. 0°31'14" W.; thence N. 89°28'16" E., 440.00 feet; thence N. 0°31'14" W., 1029.71 feet to a point on the Northerly boundary of the S1/2SW1/4; thence N. 89°28'16" E., 1708.74 feet along said North boundary to the REAL POINT OF BEGINNING. Thence continuing on said North boundary N. 89°28'16" E., 482.00 feet to the Northeast corner of the SE1/4SW1/4; Thence S. 0°32'24" E., 964.97 feet along the East boundary of the SE1/4SW1/4 to a point in the center of Challis Creek; Thence the following courses and distances along the center of Challis Creek;
S. 68°03'29" W., 204.65 feet;
S. 52°40'16" W., 174.81 feet;
N. 87°41'34" W., 162.38 feet.
Thence North 1136.41 feet to the REAL POINT OF BEGINNING, said parcel contains 12.00 Acres.

TOGETHER WITH Access at least 30 feet in width for reasonable ingress and egress to and from said property as follows:

Commencing at the Southwest corner of the described property, run thence along and adjacent to the North bank of Challis Creek approximately 450 feet, more or less, to a certain bridge over the described Creek which is now in place and continuing in a reasonable width thence across such bridge southerly along the established or platted roadway or any replacement thereof to the Challis Creek County Road.

TOGETHER WITH A 1879 decreed water right from Challis Creek, Custer County, Idaho, in the amount of 6 inches. All of the remaining water and water right is reserved and retained by Sellers.

WARRANTY DEED

For Value Received ROBERT C. CUNNINGHAM and ELAINE I. CUNNINGHAM,
husband and wife,

The grantors do hereby grant, bargain, sell and convey unto ROBERT E. SURGEON and SIMONNE B. SURGEON, husband and wife,

the grantees whose current address is P. O. Box 59
Challis, Idaho 83226, County Idaho to-wit
the following described premises in Custer

Tract 1:
Lot 14, Rock Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument No. 15530, records of Custer County, Idaho.

EXCEPTING THEREFROM,
A parcel of land located in the NE1/4, Section 9, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more specifically described as follows:
Commencing at the Northeast Section Corner of said Section 9, a distance of 770.00 feet on a bearing of South 0°15'22" East along the East boundary of Section 9; thence South 89°21'53" West, 810.00 feet to a point on the Easterly bank of Challis Creek and being the REAL POINT OF BEGINNING; thence South 46°09'13" West, 124.14 feet along said Easterly bank; thence North 0°15'22" West, 85.00 feet; thence North 89°21'53" East, 90.00 feet to the Real Point of Beginning.

Tract 2:
A parcel of land located in the NE1/4, Section 9, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more specifically described as follows:
Commencing at the Northeast Section Corner of said Section 9, a distance of 770.00 feet on a bearing of South 0°15'22" East along the East boundary of Section 9; thence South 89°21'53" West, 910.00 feet; thence South 0°15'22" East, 298.66 feet to the REAL POINT OF BEGINNING; thence South 22°05'11" West, 112.42 feet; thence South 8°01'09" East, 320.56 feet; thence North 0°15'22" West, 422.36 feet to the Real Point of Beginning.

TOGETHER WITH 35 inches of 1879 water.

ALL OF THE ABOVE LANDS, including Tract 11 above, are conveyed SUBJECT TO Those certain Sanitary regulations and restrictive covenants dated June 3, 1981 from Robert C. Cunningham and Elaine I. Cunningham, husband and wife, to the Public, recorded June 10, 1981, as instrument No. 15531 and 15532, records of Custer County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises, that they are free from all incumbrances except all restrictions, covenants and easements of right and record, and also SUBJECT TO that obligation in the approximate amount of \$17,000.00, secured by that certain deed of trust recorded November 7, 1983, as instrument No. 16733, records of Custer County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated November 10, 1983.

Robert C. Cunningham
Robert C. Cunningham
Elaine I. Cunningham
Elaine I. Cunningham

STATE OF IDAHO COUNTY OF CUSTER
On this 10th day of November 1983
before me and, duly in and for the said State personally
appeared ROBERT C. CUNNINGHAM and
ELAINE I. CUNNINGHAM, husband and wife,
known or identified to me to be the persons whose names
are subscribed to the within instrument and acknowledged to me
that they executed the same
Glenda G. Maxwell
Notary Public
Idaho
Residing at Challis
Comm Expires Life

STATE OF IDAHO COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at the
request of Custer County Title
at 12 minutes past 3 o'clock PM
this 10th day of November
in my office and duly recorded in Book
of Deeds at Page
Echid M. Puck
Ex. Officer Recorder
B, *Puck Extension* Dep. -
Fees \$200
Mail to CCT

INSTRUMENT NO

159601

WARRANTY DEED

174661

For Value Received We, Robert E. Surgeon and Simonne B. Surgeon,

husband and wife,

the grantor, do hereby grant, bargain, sell and convey unto

Don A. Mann and Glenda G. Mann, husband and wife,

the grantees, whose current address is Box 131, Donnelly, Idaho 83615

the following described premises, in

Custer

County Idaho, to-wit:

See Attached Exhibit A

Description

A portion of Lot 24, as shown by the Official Plat of Custer County, Idaho,

Commencing at the corner of Lot 14 North, Range 19 East, 0°18'44" East, 770.00 feet to the North line of the True Point of Beginning along the North line of said Lot 24; to a point on the north line of said Lot 24; corner of said Lot 24; 20°50'47" West 587.99 feet Point of Beginning.

TOGETHER WITH 15 miner inches of 1379 Challis Creek water.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he, the owner, in fee simple of said premises, that they are free from all incumbrances

SUBJECT TO CURRENT TAXES.

and that he will warrant and defend the same from all lawful claims whatsoever

Dated: August 14, 1985

Robert E. Surgeon
Simonne B. Surgeon

STATE OF IDAHO, COUNTY OF Custer
On this 14th day of August, 1985,
before me, a notary public in and for the said State, personally appeared Robert E. Surgeon and Simonne B. Surgeon,

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

Notary Public
Residing at Challis, Idaho
Comm. Expires 11/1/86

STATE OF IDAHO, COUNTY OF Custer
I hereby certify that this instrument was filed for record at the request of Custer County Trust
at 30 minutes past 1:45 PM
this 14th day of August, 1985, in my office, and duly recorded in Book of Deeds at Page

Edna M. Pack
Ex-Officio Recorder
Paul P. Linn
Deputy

Fees \$4.00
Mail to

174661

and Simone B. Surgeon,

Idaho 83615

County Idaho, to-wit:

Description

Exhibit "A"

A portion of Lot 24, Rocky Mountain Meadows, Custer County, Idaho, as shown by the Official Plat thereof, recorded as instrument No. 158530, records of Custer County, Idaho, more particularly described as follows, to wit:

Commencing at the corner common to Sections 3, 4, 9, and 10, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho; thence South 0°18'44" East, 770.00 feet on and along the section line common to said Sections 9 and 10 to the Northeast corner of Lot 24, Rocky Mountain Meadows Subdivision the True Point of Beginning; thence South 89°21'53" West, 409.00 feet on and along the North line of said Lot 24; thence South 5°22'49" East, 887.38 feet to a point on the northerly right-of-way line of a County Road; thence easterly along said County Road right-of-way 532.71 feet; to the Southeast corner of said Lot 24; thence North 1°09'19" East, 280.56 feet; thence North 20°50'47" West 587.99 feet to the Northeast corner of said Lot 24, the True Point of Beginning.

P.C.S. S.B.S.

& Water.

purtenances unto the said Grantee^s,
or do hereby covenant to and
ple of said premises; that they are free

ul claims whatsoever

HO, COUNTY OF Custer
that this instrument was filed for record at
Custer County, Idaho

minutes past 1 o'clock P.M.,
4th day of August
re, and duly recorded in Book

Chas M. Beck
Ex-Officio Recorder
Rich P. Brown
Deputy.

164596

WARRANTY DEED

For Value Received DON A. MANN AND GLENDA G. MANN, Husband and wife,

the grantors, do hereby grant, bargain, sell and convey unto

EDWIN A. ARMSTRONG AND KAREN L. ARMSTRONG, Husband and wife.

the grantees, whose current address is 2018 D. Eniwetok
Barstow, California 92311

the following described premises, in Custer County Idaho, to-wit:

A portion of Lot 24, Rocky Mountain Meadows, Custer County, Idaho,
as shown by the Official Plat thereof, recorded as instrument No.
158530, records of Custer County, Idaho, more particularly described
as follows, to-wit:

Commencing at the corner common to Sections 3, 4, 9 and 10, Township
14 North, Range 19 East, Boise Meridian, Custer County, Idaho, thence
South 0°18'44" East, 770.00 feet on and along the Section line common
to said Sections 9 and 10, to the Northeast corner of Lot 24, Rocky
Mountain Meadows Subdivision the True Point of Beginning; thence South
89°21'53" West, 409.00 feet on and along the North line of said Lot 24;
thence South 5°22'49" East, 887.38 feet to a point on the Northern right-
of-way line of a County Road; thence Easterly along said County Road
right-of-way 532.71 feet; to the Southeast corner of said Lot 24; thence
North 1°09'19" East, 288.56 feet; thence North 20°50'47" West 587.99 feet
to the Northeast corner of said Lot 24, the True Point of Beginning.

TOGETHER with 15 miner inches of 1879 Challis Creek Water.

THIS DEED IS BEING RE-RECORDED TO CORRECT AND TRANSFER WATER RIGHTS.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantors do hereby covenant to and
with the said Grantees, that they the owner s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: May 11, 1987

DON A. MANN

GLENDA G. MANN

STATE OF IDAHO

COUNTY OF Valley

Before me, a Notary Public, personally appeared
Don A. Mann & Glenda G. Mann
known or identified to me by the person whose name s are
subscribed to the within instrument, and acknowledged to me that
they executed the same.

Bruce L. Burkett

Notary Public, Idaho

Comm. expires: Aug 21-88

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of Custer County Title

at 30 minutes past 11 o'clock A.M.
this 11 day of May
1987, in my office, and duly recorded in Book
of Deeds at Page

Ethel M. Pack

Ex-Officio Recorder

By Mary Thompson Deputy

Fees \$200
Mail to:

INSTRUMENT No.

INSTRUMENT No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. _____

This permit is for _____

In Water District No. _____

1. Name of applicant *Elia Redbury*2. Source of water supply: *Waste waters which naturally drain off real property owned by Elia Redbury*

3. Location of point of diversion: Is in the _____ of Section _____

T. 14 N. R. 12 E., 1st County of *Custer*

4. Describe works as they exist, giving dimensions and capacities of same: *Natural drainage and waste waters collect in the unnamed stream which is actually an old channel of Challis Cr. It does not now have a distinct connection to the present channel but at the P.D. all the water is turned into the ditch and flows to fields by gravity. Ditch is 2 to 3 foot wide bottom and is fast flowing.*

5. Water is used for: *Irrigation*6. State whether or not water has been turned into works of diversion: *yes*

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

25 acres in the SW 1/4 of Sec. 2., 35 acres in the NE 1/4 of Sec. 3.,

5 acres in the NW 1/4 of Sec. 10., 10 acres in the SE 1/4 of Sec. 9.,

15 acres in the NW 1/4 of Sec. 9., all in Twp. 14 N., R. 12 E., 1st Co.

Water is pumped across the stream in a board flume 2' x 1' x 20' long

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

In abundance of water is used on this ground and it returns to the stream flow eventually

This examination was made on the _____

day of: *October**1938*(Signed) *O. H. Thompson*

Examiner

October 19, 1956

RE: Permit No. 26145

Millie Bradbury
Challis
Idaho

Dear Madam:

We now have on file the report of our field engineer on examination for beneficial use on your Permit No. 26145 which shows that you have irrigated 94 acres of land in the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10; and the E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 9, Township 14 North, Range 19 East, B.M., with the waters of an unnamed stream (waste water), with point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, same Township and Range.

However, since the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10 was not included in your original Permit, the enclosed application for amendment to the land list should be completed and returned to this department for record.

A License can then be issued for 1.88 second feet of water upon receipt of the statutory license fee of \$12.00, being at the rate of \$2.00 for each 40 acre subdivision in which the land is located.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

R:hll
Enc.

26145

Jim Dungan
A72-10074

part of original license 72-02104
94Ac - 94" - 1.88 cfs

license
exam identified { 12 Ac in SWSW Sect. 3
25 Ac in SESW Sect. 3 }

Transfer #3581 split into

(A)
1.74 cfs
86.8 Ac.

⑧
.14 of
7.21 Ac. (Lot #23)

this claim is a portion of A

- 37 Ac. in Sect. 3 ($37 \times .02 = .74 \text{ cfs}$?)
- why only claimed .3 cfs ?
- system capacity ?
- $.3 \div .02 = 15 \text{ Ac}$ (only irrigate 15 Ac. in Sect. 3 w/ flow ditch ?)
- need to walk ditch and check P/O with license expm
- see if springs added to ditch ?
- don't seem to have a claim on wastewater, Frog Cr. &
- beneficial use ?
(when began w/ proof of priority ?
amount diverted ?)

~~0.07~~
~~0.07~~
~~0.09~~
 0.07
 0.07
 0.09

When was that pump put in? > 11 years > Sullivan
 put in, whom?
 by whom?
 Watermaster Records indicate that's how the right has been delivered even though W.R. records claim don't mention the pump as P/D

12 Ac SWSW
 25 Ac SE5W
 original license 72-02104 was for 94 Ac. = 94 in. = 1.88 cfs

T3581 split into

A 1.74 cfs 86.8 Ac.
 B 1.14 cfs 7.21 Ac. (Att #83)

this claim is a portion of A for about 37 inq. acres in Sect. 3 claimed .3
 could prob. claim .74 for the 37 Ac.
 (1.44 is unclaimed)

Section 3 SWSW
 claim 30
 license 12
 own 30 or so
 irrigate?
 SE5W
 claim 20
 license 25
 own 12 or so
 irrigate?
 Section 10 NWNW
 claim 0
 license 30
 own 10 or so
 irrigate?
 NENW
 claim 0
 license 10
 own 3-5-?
 irrigate?



WHILE YOU WERE OUT

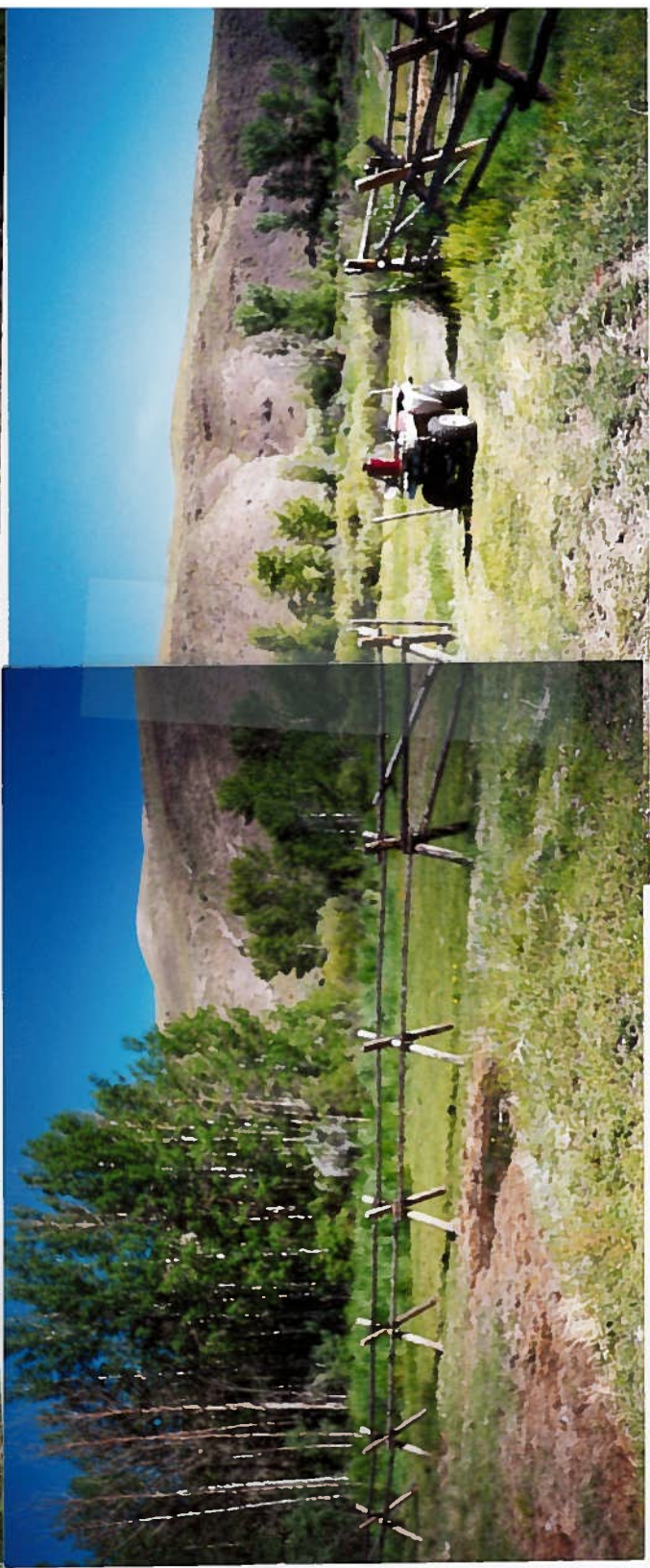
| Area Code | Number | Extension |
|-----------|--------|-----------|
|-----------|--------|-----------|

Message _____

Operator _____

#71100

* Koppo has groundwater only
Barham added specified deer
only, other sts. retained



8/25/93

Cornelius Houvihan

Source is from Bradbury Ditch
thru channel east of Felma Moya and
culvert across the creek - Not much
water gets to this property. Head
of ditch is up in Bradbury Place.
Others take water along the way.

Sullivan put pump in creek + 8"
line to run 15 or 20 "heads"

Houvihan ^{has} had the property for about 5
years

Some of it not irrigated but
gets "sub" (small field NE of House)

Sullivan transferred Diversion Point

Jim Dungan Claims

Ditch with Bradburn Water goes down
^{South}
~~North~~ edge of pasture

62 paces east from Downway to property line

A72-10073



R18-11
9/14/93

Culvert that carries ^{Challis Creek} Water from the "Bradbury Ditch"
on the south side of Challis Creek to the north
side to irrigate the Dungan property.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

April 22, 1996

JIM L DUNGAN
PO BOX 1176
CHALLIS ID 83226-1176

RE: TRANSFER APPLICATIONS (A72-00012G, A72-02104D)

Dear Jim,

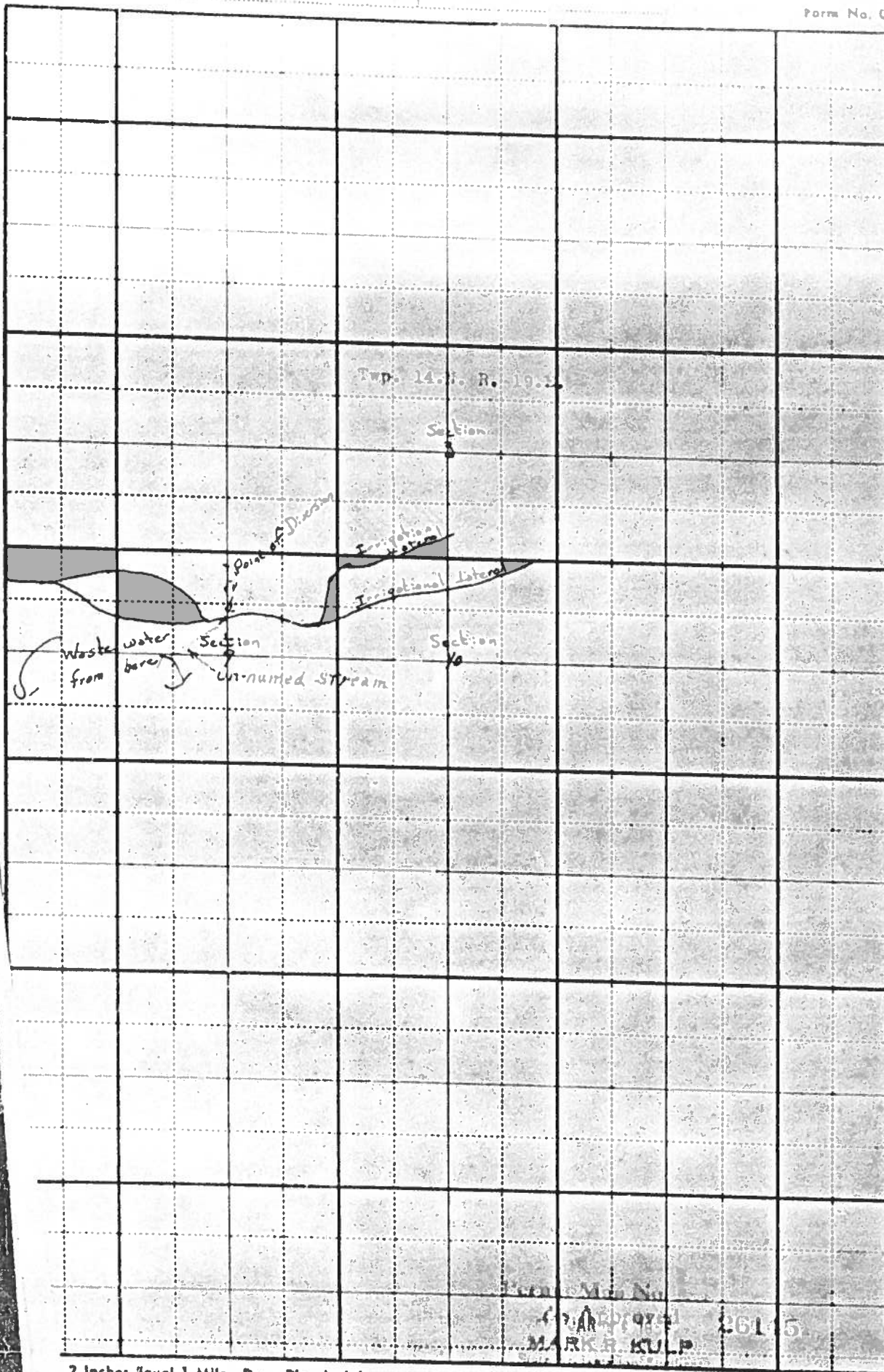
Enclosed are a couple of Transfer Applications (with extra Part 2's) and a set of instructions. If you have any questions or need help filling them out, feel free to give me a call and I'll try to help or set you up with an allocation agent.

Sincerely,

A handwritten signature in cursive script that reads "Jeanie".

Jeanie Robertson
Sr. Water Right Agent, Adjudication

/jr
Enclosures:



Form No.

MARKER KULP

26115

26145

A72-10073



R18-12

9/14/93

Dungan Pump - from Challis Creek water
GE 10HP pump, single phase motor. Cornell Centrifugal
pump Mod 2W 10 2; 2" inlet x 2" outlet



R18-10

9/14/93

Close up view of above pump Pressure gage 0-100 PSI
8' Lift; Pump feeds a 10" Aluminum Pipe Mainline