

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: **A72-02136B**

Date Received: 1/17/1990

Receipt No: S010968

Received By: _____

address change

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

1. Name: CLEO ROBERTS 307-283-3576
Address: P.O. BOX 151
SUNDANCE WY 82729

AND

Name: CLYDE FULLER 307-234-9009
Address: 1415 S LOWELL
CASPER WY 82601

2. Date of Priority: JAN 18, 1966

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	15E	25	NE	SE			CUSTER

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
MINING	04/01	10/01	1.000		

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

8. Total consumptive use is 284.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSEHOLD, X/ PLACER MINING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	15E	25	NE	SE		DOMEST	
			NE	SE		MINING	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 32696

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A72-02136B

[] Old Mailing Address: Clyde Fuller
P.O. Box 151
Sundance WY 82729

[] New Mailing Address: Clyde Fuller
1415 S. Lowell
Casper WY 82601

New Telephone Number: (307) 234 9009

[] Signature of Claimant: _____

Date: 3/25/93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

*as per telephone call
from Cleo Roberts.*

*She also said her
telephone number*

should be : 307-283-3576

WK # : 307-283-1007

*Janie Robertson
3-25-92*

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: **A72-02136B**
Date Received: 1/17/1990
Receipt No: S010968
Received By: _____

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

1. Name: CLEO ROBERTS 307-283-3575
Address: P.O. BOX 151
SUNDANCE WY 82729

AND

Name: CLYDE FULLER 307-283-3575
Address: P.O. BOX 151
SUNDANCE WY 82729

2. Date of Priority: JAN 18, 1966

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	15E	25		NE	SE		CUSTER

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
MINING	04/01	10/01	1.000		

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

8. Total consumptive use is 284.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSEHOLD, X/ PLACER MINING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	15E	25	NE	SE		DOMEST	
			NE	SE		MINING	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 32696

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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: A72-02136
Date Received: 1/17/1990
Receipt No: S010968
Received By: 10

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLEO ROBERTS 307-283-3575
Address: P.O. BOX 151
SUNDANCE, WY 82729

AND

Name: CLYDE FULLER 307-283-3575
Address: P.O. BOX 151
SUNDANCE, WY 82729

2. Date of Priority: JAN 18, 1966

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	15E	25	NE	SE			CUSTER

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DOMESTIC	01/01	12/31	0.020		
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1.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 284.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 1 HOUSEHOLD, X/ PLACER MINING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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			NE	SE		MINING	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 32696

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

**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 A72-02136

Date Received _____

Receipt Number 5010968

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

⁵⁰
RECEIVED

JAN 16 1990

Department of Water Resources
Southern Region Office

Please type or print clearly1. Name of Claimant (s) Cleo Roberts and Clyde Fuller Phone (307) 283-3575Mailing Address P.O. Box 151, Sundance, Wyoming Zip 827292. Date of Priority (Only one (1) per claim) January 18, 19663. Source of water supply (a) Treon Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 11 N Range 15 E Section 25,
NE 1/4 of SE 1/4 of 1/4, Govt. Lot, B.M., County of Custer

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates , Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Weir with measuring device and ditch already in place and in use**MICROFILMED****MAR 18 1993**

6. Water is claimed for the following purposes:

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

For Mining purposes from Apr 1 to Oct 1 amount 1.0 or _____

For Domestic purposes from Jan 1 to Dec 31 amount .02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 284.57 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic use for 1 household and placer mining in the Elkhorn Placer

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11N	15E	25													D				
11N	15E	25													X				

Total number of acres irrigated N/A

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
Unknown at this time or None ()

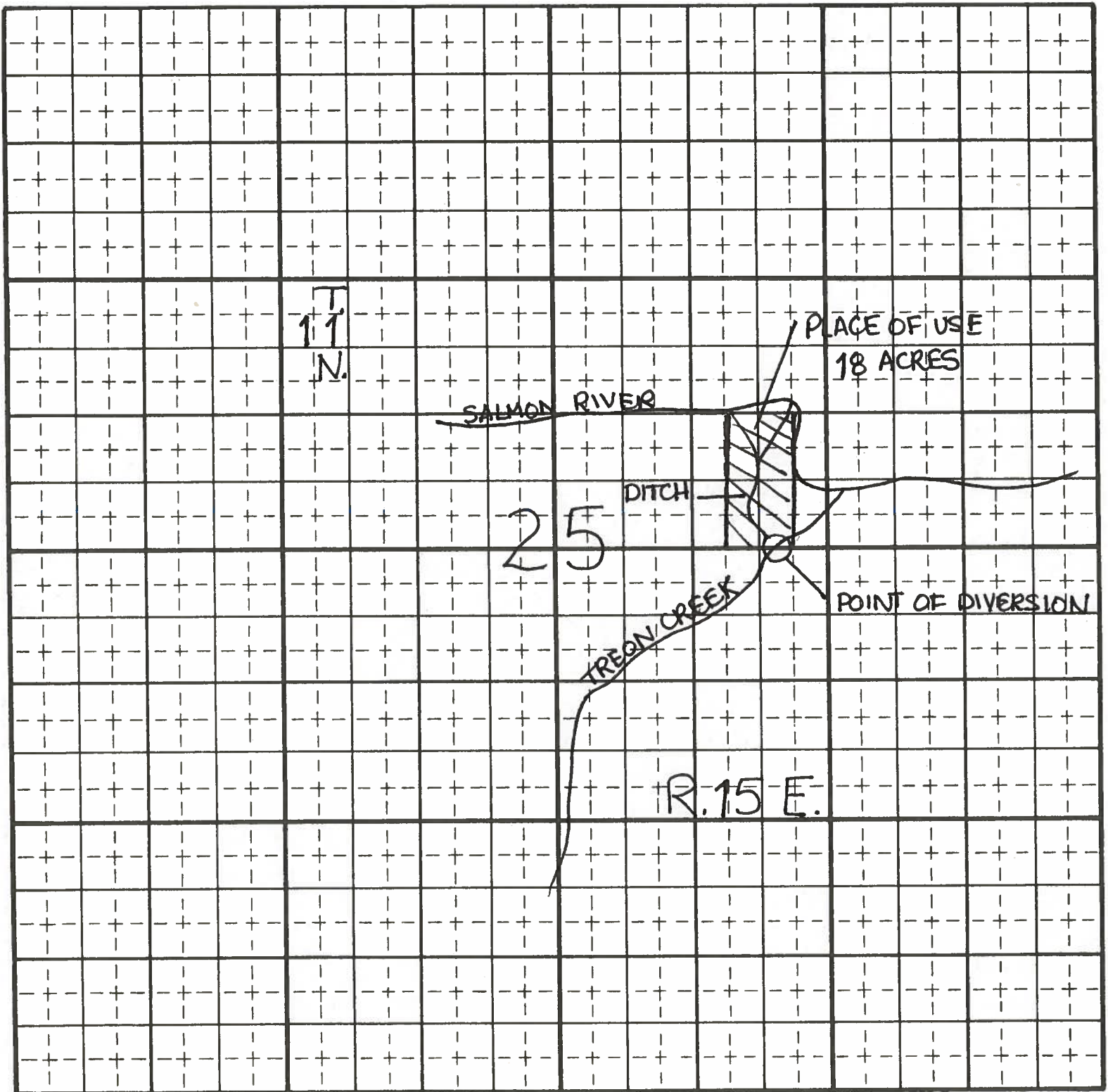
14. Remarks:

Last Name Roberts - Fuller Ident No. _____

MICROFILMED
MAR 18 1993
Copies: White - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: ~~2 inches equals 1 mile~~
4 inches = 1 mile



MICROFILMED

MAR 18 1993

Last Name Roberts-Fuller

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____
If applicable provide IDWR Water Right Number 32696/72-2136
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments None

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

Signature of Claimant (s) Alvin Roberts Date 1/11/90

Clyde L. Fuller Date 1/11/90

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

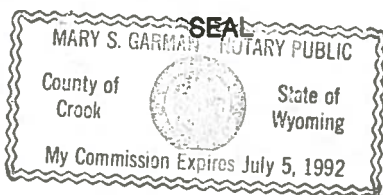
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or WYOMING)
County of CROOK) SS.

Subscribed and sworn (or affirmed) before me this 11th day of January 19 90



Notary Public Mary S. Garman

Residing at Sundance, Wyoming

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Roberts - Fuller Ident. Number _____

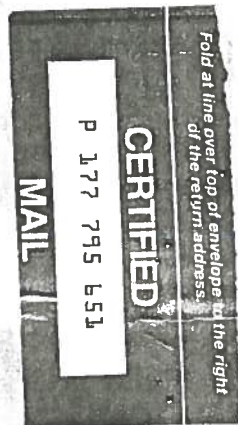
MICROFILMED

MAR 18 1993

Copies White-State, Yellow-Claimant

Cleo Roberts
Clyde Fuller
P.O. Box 151
Sundance, WY 82729

Thank you for using
Return Receipt Service.



**RETURN RECEIPT
REQUESTED**

Idaho Department of Water Resources
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301

Name _____
1st Notice _____
2nd Notice _____
Return _____

*Copy of Mailing Envelope
made 2-12-93
SEC*

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jan. 19, 1990

Re: A72-02136

CLEO ROBERTS
P O BOX 151
SUNDANCE WY 82729

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 you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993



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

10-Mar-1992 12:45

CLEO ROBERTS
PO BOX 151
SUNDANCE WY 82729

Dear Mr. Roberts:

Enclosed are the copies you requested from Adjudication Claim #A72-02136A, as filed by the Armours. I have included copies of everything in their file and hope this will help answer any questions you may have.

Sincerely,


JEANIE ROBERTSON
RECORDS CLERK

/jr
Enclosures

MICROFILMED
MAR 18 1993

MARCH 5, 1992

MR. LOREN O. HOLMES
STATE OF IDAHO
DEPARTMENT OF WATER RESOUR
SOUTHERN REGION
222 SHOSHONE STREET EAST
TWIN FALLS, IDAHO 83301

*AKA (Name)
✓ udy -
Send Complete
Copy of original
Claim file Lef*

RECEIVED

MAR 10 1992

Department of Water Resources
Southern Region Office

DEAR MR. HOLMES:

COULD YOU PLEASE PROVIDE ME WITH THE FOLLOWING INFORMATION:

1. THE DATE THAT MR. ARMOUR FILED ADJUDICATION CLAIM A72-02136A
2. BASIS FOR MR. ARMOUR MAKING SUCH A CLAIM
3. SUPPORTING DOCUMENTS MR. ARMOUR HAS FILED WITH THIS CLAIM

THANK YOU.

Cleo Roberts

CLEO ROBERTS
P.O. BOX 151
SUNDANCE, WYOMING 82729

MICROFILMED

MAR 18 1993

Water Right No.	Current Owner Last, First	S T G	Priority Date	Tributary	# Records 6	
					Total Diversion	Use Code Desc
A72-07098	SPLIT RIGHT,		04/03/1980	SALMON RIVE	0.080	43 DOMEST
A72-07098A	ARMOUR, SAM	L	04/03/1980	SALMON RIVE	0.020	43 DOMEST
	ARMOUR, HOPE					
A72-07098B	TREON CREEK WATERUS	L	04/03/1980	SALMON RIVE	0.080	43 DOMEST
A72-02136	ROBERTS, CLEO	L	01/18/1966	SALMON RIVE	1.000	43 DOMEST
	FULLER, CLYDE					13 MINING
A72-10490	JOHNSON, YVONNE H.	J	06/01/1971	SALMON RIVE	0.040	43 DOMEST
	JOHNSON, VERNON P					
A72-02136A	ARMOUR, SAMUEL F.	L	01/18/1966	SALMON RIVE	1.000	43 DOMEST
	ARMOUR, ILSE A.					13 MINING
						01 IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

Adjudication Claims Filed

MICROFILMED
MAR 18 1993



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

19-Mar-1992

CLEO ROBERTS
CLYDE FULLER
PO BOX 151
SUNDANCE WY 82729

RE: Snake River Basin Adjudication (SRBA)
Custer County - #A72-02136
Identification Number Change

Dear Claimants:

The Identification Number of your Notice of Claim to a Water Right has been changed from A72-02136 to A72-02136B. The suffix has been added in order to distinguish your claim from other claims that may claim a portion of the same original water right. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,

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

Jeanie Robertson
Records Clerk

/jr
Enclosures:
Claim A72-02136B

MICROFILMED

MAR 18 1993



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

25-Mar-1992

CLEO ROBERTS
PO BOX 151
SUNDANCE WY 82729

Dear Ms. Roberts:

Enclosed are two copies of your claim (one for your brother) with the corrections that we talked about by phone this morning.

I've also enclosed some copies of information which we had on water rights claimed by your uncle, Tom Marshall. I could find nothing on rights under the name of Jesse Fuller, your father. I hope this information is what you need for any clarification of your rights.

If I can be of any further assistance to you, please feel free to give me a call at our office.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures

MICROFILMED
MAR 18 1993

RECEIVED

176735

APR 23 1992

Department of Water Resources
Southern Region Office

QUITCLAIM DEED

For value received CLEO M. ROBERTS and CLYDE L. FULLER,
as Personal Representatives of the Estate of MAYE L. FULLER, do
hereby convey, release, remise and forever quit claim unto
Cleo M. Roberts, whose address is Box 151, Sundance, Wyoming,
82729, and Clyde L. Fuller, as tenants in common,
whose current address is 1415 South Lowell, Casper, Wyoming,
82601,

the following described premises, to-wit:

The Westerly one-half of Elkhorn Placer Mineral
Survey No. 3580, in approximate Section 25, Township
11 North, Range 15 East, Boise Meridian, in Custer
County, Idaho, more particularly described as
follows, to-wit:

Beginning at Corner No. 2 of said Mineral Survey No.
3580, run thence North 11° 03' West 1220.71 feet to
Corner No. 3 of Mineral Survey No. 3580; thence North
53° 11' East 775.71 feet to Corner No. 4 of Mineral
Survey No. 3580; thence South 2° 19' East 1582.8
feet to a point on the Southerly boundary of Mineral
Survey No. 3580; thence South 79° 45' West along
said Southerly boundary 458.46 feet to the point of
beginning, containing 18.035 acres.

TOGETHER With all ditch and water rights appurtenant
thereto or used in connection therewith.

together with their appurtenances.

THE ESTATE OF MAYE L. FULLER

BY: Cleo M. Roberts
Cleo M. Roberts

BY: Clyde L. Fuller
Clyde L. Fuller

MICROFILMED

MAR 18 1993

166034

QUITCLAIM DEED

For Value Received Maye L. Fuller, Personal Representative of the estate of Leslie A. Fuller, deceased.

do hereby convey, release, remise and forever quit claim unto Maye L. Fuller

whose current address is P.O. Box 176
Upton, Wyoming 82730

the following described premises, to-wit:

The Westerly one-half of Elkhorn Placer of Mineral Survey No. 3580, in approximate Section 25, T. 11 N., R. 15 E., Boise Meridian, situate in Custer County, Idaho, more particularly described as follows, to-wit:

Beginning at Corner No. 2 of said Mineral Survey No. 3580, run thence N. 11° 03' W. 1220.71 feet to Corner No. 3 of Mineral Survey No. 3580; thence N. 53° 11' E. 775.71 feet to Corner No. 4 of Mineral Survey No. 3580; thence S. 2° 19' E. 1582.8 feet to a point on the Southerly boundary of Mineral Survey No. 3580; thence S. 79° 45' W. along said Southerly boundary 458.46 feet to the Point of Beginning. Containing 18.035 acres.

Together with all ditch and water rights appurtenant thereto or used in connection therewith.

together with their appurtenances.

Dated:

November 15, 1982

Maye L. Fuller
Personal Representative of the
estate of Leslie A. Fuller, deceased

STATE OF IDAHO, COUNTY OF Western

On this 15th day of NOV, 1982,
before me, a notary public in and for said State, personally
appeared Maye L. Fuller, Personal Representative
of the estate of Leslie A. Fuller, deceased

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that *Maye L. Fuller* executed the same.

Richard D. Dumbill
Notary Public
Residing at *Neenah, Wis.*, Idaho
Comm. Expires *May 15, 1984*

STATE OF IDAHO)
COUNTY OF CUSTER)ss.

This instrument was filed for record
at the request of *Maye L. Fuller*
at 2:15 o'clock P.M. *Dec 6* 1982
and duly filed and indexed in the Records of Custer
County.

Jay C. Black
Ex-Officio Recorder
By *Richard A. Hunt* Deputy
Fees *2.00*

FUREY & FUREY
ATTORNEYS AT LAW
116 N. CENTER STREET, P. O. BOX 1127
SALMON, IDAHO 83467

WARRANTY DEED

For Value Received THOMAS R. MARSHALL and EVELYN S. MARSHALL, husband and wife, of Clayton, County of Custer, State of Idaho,

the grantors, do hereby grant, bargain, sell and convey unto LESLIE A. FULLER and MAYE FULLER, husband and wife, of Upton, Weston County, State of Wyoming,

the grantee s, the following described premises, in CUSTER County Idaho, to-wit:

The Westerly one-half of Elkhorn Placer Mineral Survey No. 3580, in approximate Section 25, Township 11 North, Range 15 East, Boise Meridian, in Custer County, Idaho, more particularly described as follows, to-wit:

Beginning at Corner No. 2 of said Mineral Survey No. 3580, run thence North 11° 03' West 1220.71 feet to Corner No. 3 of Mineral Survey No. 3580; thence North 53° 11' East 775.71 feet to Corner No. 4 of Mineral Survey No. 3580; thence South 2° 19' East 1582.8 feet to a point on the Southerly boundary of Mineral Survey No. 3580; thence South 79° 45' West along said Southerly boundary 458.46 feet to the point of beginning, containing 18.035 acres.

TOGETHER with all ditch and water rights appurtenant thereto or used in connection therewith.

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 Grantee s, that they are 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: August 30, 1971.

Thomas R. Marshall
Evelyn S. Marshall

STATE OF IDAHO, COUNTY OF CUSTER

On this 30th day of August, 1971, before me, a notary public in and for said State, personally appeared THOMAS R. MARSHALL and EVELYN S. MARSHALL,

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

Jack B. Jones
Notary Public
Residing at Challis, Idaho
Comm. Expires 5-4-73

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of *L.A. Fuller*

at minutes past 1:00 o'clock p.m.,
this 14th day of Sept,
1971, in my office, and duly recorded in Book
of Deeds at page 4 indexed

Eva M. ...
Ex-Officio Recorder

By Deputy.

Fees \$1.00

Mail to: Box 176

Upton Wyoming 82730

ATTORNEYS AT LAW
116 N. CENTER STREET, P. O. BOX 1127
SALMON, IDAHO 83467

INSTRUMENT No. 134198

A72-02156B

RECEIVED

APR 20 1992
Department of Water Resources
Southern Region Office

Mr. Loren D. Holmes -

for your information in regard to
the Adjudication Claims of the Armours

Cleo Roberts

No. 123500
State of Idaho }
County of Custer } ss.

This instrument was filed for
record at the request of

Frederick Hughes Sacket

at 1:02 o'clock P M

November 14th 1967

and duly recorded in Vol. 36

of Deeds

Page 589

Records of Custer County, Idaho

Glen Munn

Ex-Officio Recorder.

By Margaret Dalton

Deputy

Book # 1780

COMPARED
INDEXED

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS, In pursuance of the provisions of the Revised Statutes of the United States, Chapter Six, Title Thirty-two, and legislation supplemental thereto, there are now deposited in the Bureau of Land Management of the United States the Plat and Field Notes of Survey and a Certificate of the Land Office at Boise, Idaho

accompanied by other evidence whereby it appears that Thomas R. Marshall, Evelyn S. Marshall, Leslie A. Fuller, and Maye Fuller

Leslie and Maye Fuller were the parents of Cleo Roberts and Clyde Fuller. (Evelyn Marshall and Maye Fuller were sisters.)

have entered and paid for the Elkhorn Placer mining claim,

designated as Survey Number 3580, embracing a portion of approximately Section 25 in Township 11 north, Range 15 east and of Section 30 in Township 11 north, Range 16 east of the Boise Meridian, in the Bayhorse Mining District, Custer County, Idaho, the said claim being more particularly described in the official field notes and depicted on the official plat which are expressly made a part of this patent and copies of which are attached hereto.

The premises herein granted contains 36.072 acres.

Excepting and reserving to the United States that right-of-way identified as the Robinson Bar Road No. 40054, and all appurtenances thereto, constructed by the United States through, over, or upon the land herein described and the right of the United States, its agents or employees, to maintain, operate, repair, or improve the same as long as needed or used for or by the United States.

There is reserved to the United States all power rights in the afore-described lands. The United States, its permittees and licensees shall not be responsible or held liable or incur any liability for the damage, destruction, or loss of any such lands or of any facility installed or erected, income, or other property or investments resulting from the actual use of such lands or portions thereof for power development at any time where such power development is made by or under the authority of the United States, sec. 3, Act of August 11, 1955, 69 Stat. 682 (30 U.S.C. 622).

Subject to those rights for transmission line purposes as have been granted to the Salmon River Electric Cooperative, its successors or assigns, by right-of-way I-1538, under the Act of February 15, 1901, 31 Stat. 790, as amended, 43 U.S.C. 959.

11-68-0056

Patent Number _____

I-744

Now KNOW YE, That there is therefore, pursuant to the laws aforesaid, hereby granted by the United States unto the said Thomas R. Marshall, Evelyn S. Marshall, Leslie A. Fuller, and Maye Fuller

, the said placer mining premises, hereinbefore described;

To HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said grantee above named and to their heirs and assigns forever; subject, nevertheless, to the following conditions and stipulations:

FIRST. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on December 27, 1966.

SECOND. That should any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from these presents.

THIRD. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

FOURTH. That in the absence of necessary legislation by Congress, the Legislature of Idaho may provide rules for working the mining claim or premises hereby granted, involving easements, drainage, and other necessary means to the complete development thereof.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Boise, Idaho the

(SEAL)

EIGHTH day of NOVEMBER in the year of our Lord one thousand nine hundred and SIXTY-SEVEN and of the Independence of the United States the one hundred and NINETY-SECOND.

By

Eugene E. Balin

Acting Manager, Idaho Land Office

Patent Number

11-68-0056

Form 4-683
(January 1963)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FIELD NOTES

I-244
Mineral Survey number

3580

State

Idaho

Land District

Of the Survey of the Mining Claim of (name and address of Claimant)

Thomas R. Marshall and Evelyn S. Marshall, Clayton, Idaho
Leslie A. Fuller and Maye Fuller, Upton, Wyoming

Known as the (name of group, if any)

CONSISTING OF LOCATIONS NAMED AND LOCATED AS FOLLOWS

NAME OF LOCATION	DATE	
	LOCATED	AMENDED
Elkhorn Placer	07/18/60	10/06/63



Mining district			County	
Yankee Fork			Custer	
Section	Township	Range (and survey)	Meridian	Survey under order dated
Approx. 25	11 North	15 East	Boise	October 12, 1963
Survey commenced		Survey completed		Name of Mineral Surveyor

Mineral Survey No. 3580

FEET

This survey was made with a Fennel Theodolite No. 123803, with a horizontal circle $3\frac{1}{4}$ ins. diam., a full vertical circle $2\frac{3}{4}$ ins. in diam., both graduated in minutes with estimation to one tenth minute. The instrument was in good condition at the time of the survey and all adjustments were in good order.

All azimuths in this record were determined by the method of angles right referred to the true meridian determined by the following observation:

November 10, 1965, at cor. No. 4 of the Elkhorn placer, in latitude $44^{\circ} 15' N.$, and longitude $114^{\circ} 39' W.$, I make a series of six altitude observations upon the sun for azimuth at approximately equal time intervals, three each with the telescope in direct and reversed positions, observing the center of the sun through a prismatic eye piece and reading the horizontal angle from a reference point in a clockwise direction to the sun.

Mean time of observation (M.S.T.)	- $3^h 10^m PM.$
Declination of sun at mean time of observation	- $8^{\circ} 17' 17''.$
Mean observed altitude	- $18^{\circ} 49.2'.$
Mean horizontal angle	- $50^{\circ} 06.8'.$
Azimuth of the sun	- $S. 39^{\circ} 42.8' W.$
True bearing of reference point	- $S. 10^{\circ} 24.0' E.$

The lines were measured with a Chicago Steel Tape Co. steel tape, 700 feet in length, graduated every foot for the first 10 feet and the remainder at intervals of 10 feet; and a Carlson steel tape, 8 feet in length, graduated in feet, tenths, and hundredths. Both tapes were compared with a standard and found correct.

All lines and connections of this survey have been verified by appropriate methods as prescribed in Sections 674, 35, and 36j, Manual of Surveying Instructions, 1947 edition. All closures are within the limits as prescribed in Section 685 of the aforementioned manual.

The magnetic declination observed at each corner of the survey gave a uniform value of $19^{\circ} 30' E.$

Mineral Survey No. 3580

ELKHORN PLACER

At cor. No. 1 of the Elkhorn placer.

Set an iron post, 30 ins. long, 1 in. diam., 20 ins. in the ground, with brass cap mkd. E-1 3580; from which

The meander cor. on the right bank of the Salmon River, between sec. 25, T. 11 N., R. 15 E., Boise Meridian, and sec. 30, T. 11 N., R. 16 E., Boise Meridian, bears N. $23^{\circ} 22' W.$, 577.77 ft.; an iron post, firmly set, mkd. and witnessed as described in the official record.

No local bearing objects or bearing trees available.

On the high water line on the right bank of the Salmon River.

Thence S. $79^{\circ} 45' W.$

Mineral Survey No. 3580

FEET

225	Road, 12 ft. wide, bears N. 54° W. and S. 54° E.
1070	Treon Creek, 1 ft. wide, flows N. 34° E.
1222.16	Cor. No. 2. Set an iron post, 30 ins. long, 1 in. diam., 17 ins. in the ground, with brass cap mkd. E-2 3580. No local bearing objects or bearing trees available. Thence N. 11° 03' W.
860	Road, 12 ft. wide, bears N. 80° W. and S. 80° E.
1093.71	Point for witness cor. No. 3. Set an iron post, 30 ins. long, 1 in. diam., 22 ins. in the ground, with brass cap mkd. WC E-3 3580; from which A fir, 8 ins. diam., bears N. 66° E., 5.2 ft. dist., mkd. WC E-3 3580 BT. A fir, 7 ins. diam., bears N. 21° W., 15.8 ft. dist., mkd. WC E-3 3580 BT.
1120.71	Cor. No. 3, on high water line, right bank of the Salmon River, where a permanent monument cannot be established. Thence N. 53° 11' E. Along the high water line on the right bank of the Salmon River.
775.71	Cor. No. 4, on high water line, right bank of the Salmon River, where a permanent monument cannot be established. Point for witness cor. bears S. 25° 26' E., 83.8 ft. dist. Set an iron post, 30 ins. long, 1 in. diam., 20 ins. in the ground, with brass cap mkd. WC E-4 3580; from which A fir, 18 ins. diam., bears N. 73° 30' N., 4.9 ft. dist., mkd. WC E-4 3580 BT. A fir, 6 ins. diam., bears S. 18° 45' E., 37.7 ft. dist., mkd. WC E-4 3580 BT. Thence from the true point for cor. No. 4. N. 88° 23' E. Along the high water line on the right bank of the Salmon River.
254.70	Cor. No. 5, on high water line, right bank of the Salmon River, where a permanent monument cannot be established. Point for witness cor. bears S. 37° 43' W., 54.0 ft. dist. Set an iron post, 30 ins. long, 1 in. diam., 18 ins. in the ground, with brass cap mkd. WC E-5 3580; from which

Mineral Survey No. 3580

FEET																	
	A fir, 10 ins. diam., bears S. 50° 30' E., 24.8 ft. dist., mtd. WC E-5 3580 BT. A fir, 12 ins. diam., bears N. 12° W., 15.7 ft. dist., mtd. WC E-5 3580 BT. Thence from the true point for cor. No. 5. S. 21° 07' E.																
1390	Treon Creek, 1 ft. wide, flows N. 80° E.																
1557.33	Cor. No. 1, and place of beginning.																
	AREA <table border="0" style="width: 100%;"> <tr> <td style="width: 80%;">Total area, Elkhorn placer</td> <td style="width: 20%; text-align: right;">Acres 36.072</td> </tr> </table> LOCATION This claim is located in sec. 25, Township 11 North, Range 15 East, Boise Meridian, and sec. 30, Township 11 North, Range 16 East, Boise Meridian, Challis National Forest, Custer County, Idaho. The survey of the Elkhorn placer is identical with the location, or amended location, as marked on the ground. EXPENDITURES The improvements and the value of the labor and improvements made upon or for the benefit of the Elkhorn placer by the claimants or their grantors are as follows: <table border="0" style="width: 100%;"> <tr> <td style="width: 10%;">No. 1</td> <td>The discovery tunnel of the Elkhorn placer, the portal of which being the discovery point, bears N. 21° 05' W., 844 ft. dist., from cor. No. 1; 4 x 6 ft. in size, runs S. 85° W., 30 ft., thence N. 85° W., 40 ft. dist. Value, \$2800.00.</td> </tr> <tr> <td>No. 2</td> <td>A cut, the center of which bears N. 67° 05' W., 91 ft. dist., from cor. No. 1; 30 x 15 ft., 12 ft. face. Value, \$100.00.</td> </tr> <tr> <td>No. 3</td> <td>A cut, the center of which bears N. 49° 30' W., 112 ft. dist., from cor. No. 1; 20 x 50 ft., 10 ft. face. Value, \$150.00.</td> </tr> <tr> <td>No. 4</td> <td>A pit, the center of which bears N. 24° 45' W., 962 ft. dist., from cor. No. 1; 50 x 100 ft., 50 ft. face. Value, \$500.00.</td> </tr> <tr> <td>No. 5</td> <td>A cut, the center of which bears N. 23° 15' W., 1215 ft. dist., from cor. No. 1; 10 x 50 ft., 15 ft. face. Value, \$100.00.</td> </tr> <tr> <td>No. 6</td> <td>A pit, the center of which bears S. 57° 30' E., 25 ft. dist., from cor. No. 2; 50 x 50 ft. face. Value, \$250.00.</td> </tr> <tr> <td>No. 7</td> <td>A pit, the center of which bears N. 53° 05' W., 275 ft. dist., from cor. No. 3; 75 x 40 ft., 20 ft. face. Value, \$200.00.</td> </tr> </table> Five hundred dollars or over has been expended by the claimants or their grantors in such a manner as tends to the development of the Elkhorn placer of this survey subsequent to its location.	Total area, Elkhorn placer	Acres 36.072	No. 1	The discovery tunnel of the Elkhorn placer, the portal of which being the discovery point, bears N. 21° 05' W., 844 ft. dist., from cor. No. 1; 4 x 6 ft. in size, runs S. 85° W., 30 ft., thence N. 85° W., 40 ft. dist. Value, \$2800.00.	No. 2	A cut, the center of which bears N. 67° 05' W., 91 ft. dist., from cor. No. 1; 30 x 15 ft., 12 ft. face. Value, \$100.00.	No. 3	A cut, the center of which bears N. 49° 30' W., 112 ft. dist., from cor. No. 1; 20 x 50 ft., 10 ft. face. Value, \$150.00.	No. 4	A pit, the center of which bears N. 24° 45' W., 962 ft. dist., from cor. No. 1; 50 x 100 ft., 50 ft. face. Value, \$500.00.	No. 5	A cut, the center of which bears N. 23° 15' W., 1215 ft. dist., from cor. No. 1; 10 x 50 ft., 15 ft. face. Value, \$100.00.	No. 6	A pit, the center of which bears S. 57° 30' E., 25 ft. dist., from cor. No. 2; 50 x 50 ft. face. Value, \$250.00.	No. 7	A pit, the center of which bears N. 53° 05' W., 275 ft. dist., from cor. No. 3; 75 x 40 ft., 20 ft. face. Value, \$200.00.
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No. 123500

Mineral Survey No. 3500

No portion of or interest in any of these improvements has been credited heretofore as patent expenditure to any placer claim.

OTHER IMPROVEMENTS

A house, the southwest cor. of which bears N. 50° E., 350 ft. dist.; 10 x 12 ft. in size, the long sides bear S 80° E.
Claimant herein.

FIELD ASSISTANTS

Name	Capacity
W. S. McClain	Chairman

NOV 18 1933

FEET

DESCRIPTIVE REPORT

Pursuant to section 729 Manual of Surveying Instructions edition of 1947, the following report is submitted:

- a. The soil on the claim is limited to a thin mantle which is quite sandy. On the stream banks there is some black soil but it is shallow and confined to the stream banks. There is very little timber on the claim, the bulk of the flat being covered by sagebrush.
- b. Troon Creek was flowing at the time of the survey approximately 15 inches. I would estimate that it will flow during high water 1 second foot.
- c. Reference is made to the List of Expenditures for the workings on the claim made by the claimant or their grantors.
- d. The Stanley-Clayton is the nearest Post Office and trading center and is reached by paved road down the Salmon River approximately 10 miles.
- e. There are no known lodes or lode systems in the vicinity.
- f. The claim is well adapted to placering on a small scale. There are a series of benches above the South Fork which provide sufficient grade and adequate dump ground. Water is available through a series of ditches and a diversion works from Troon Creek and water is also available from the main Salmon River. The ground rises to the southwest from the main Salmon River and sufficient fall could be secured for operation of a small giant. Troon Creek flows sufficient water for ground sluicing. No actual samples were taken from the property but indications are that it has sufficient value to warrant a small mining operation.
- g. See detailed report of Expenditures.
- h. There are no known mines, salt licks, salt springs, or mill sites on the property.

Bill Harris
Mineral Surveyor

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of

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SSOR
5,

FEET

Bill Harris, of Boise, Ada County, Idaho being duly sworn, deposes and says:

That I am a duly commissioned Mineral Surveyor, and have made a survey and examination of the Elkhorn Placer mining claim, located in Tuckee Fork Mining District, Idaho, and that the foregoing descriptive report was prepared after said examination of the property made on the ground by me and is true and correct to the best of my knowledge.

Signed

Bill Harris
Mineral Surveyor

Subscribed and sworn to by said person, Bill Harris.

Before me this 25th day of February, 1966.

Bob V. Fennell
Notary Public

I, W. S. McClain, of Warrem, Idaho, am a citizen of the United States of America over the age of 21; that I am acquainted with the mining ground known as the Elkhorn Placer mining claim, located in the Tuckee Fork Mining District, Idaho, am familiar with said ground. That I have examined the plat, and field notes of the survey and the descriptive report accompanying same by Bill Harris, Mineral Surveyor, and that each statement in said report, relative to the soil, vegetation, streams, location, improvements, and adaptability of the ground are true and correct to the best of my knowledge.

Signed

W. S. McClain

THOMAS R. MARSHALL, Et. al.

KNOWN AS THE

ELKHORN PLACER

SITUATED IN

Approx. Sec. 25, T. 11 N., R. 15 E., B. M. Unsu.
& Sec. 30, T. 11 N., R. 16 E., B. M.

CUSTER COUNTY

Lat. $44^{\circ}15'N.$, Long. $114^{\circ}39'W.$ at Corner No.



Surveyed November 11, 1965

By Bill Harris, Mineral Surveyor

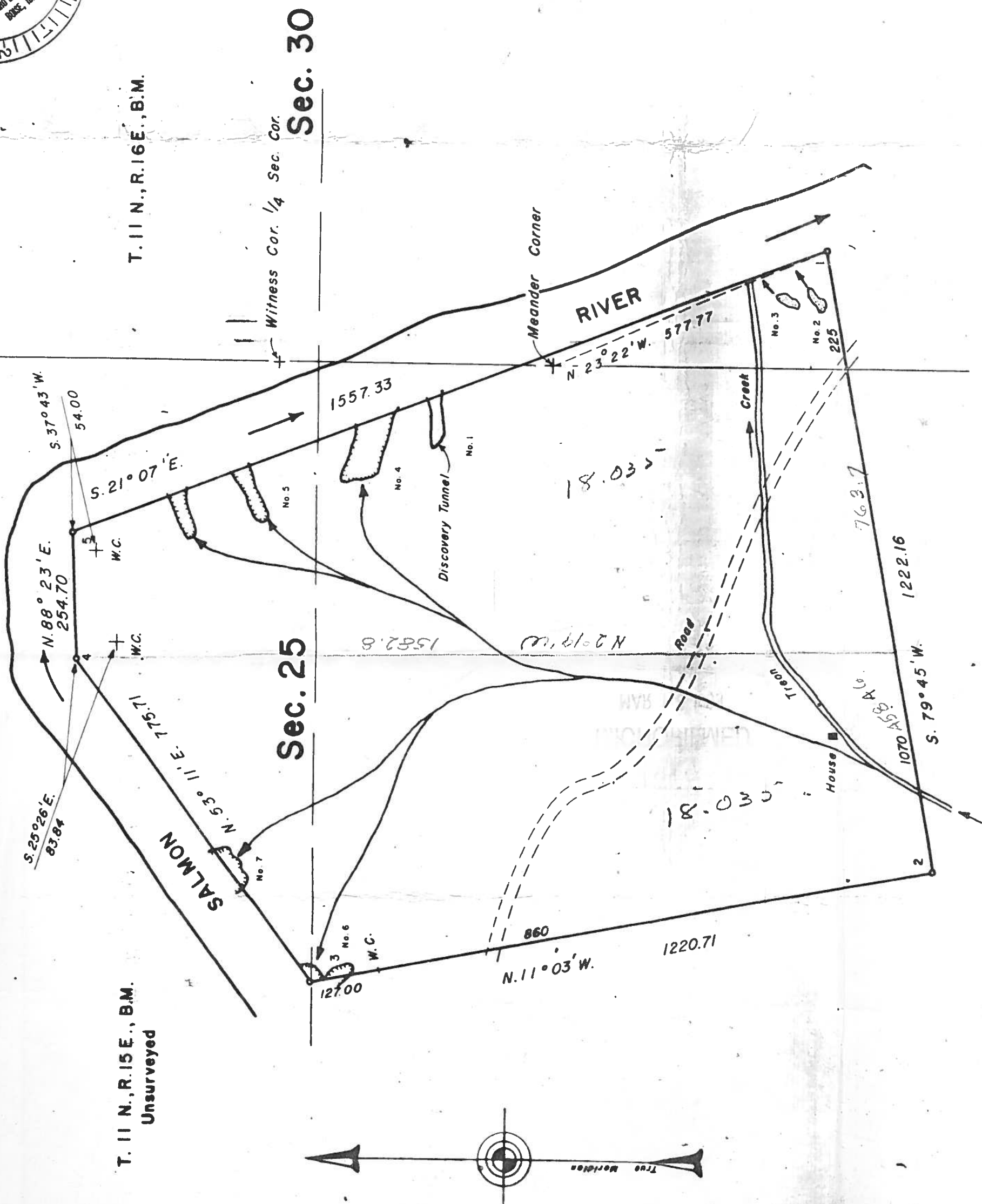
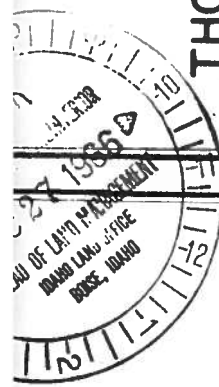
UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT

Idaho State Office Oct. 4, 1966 Boise, Idaho

I hereby certify that this plat of Mineral Survey No. 3580 is strictly conformable to the field notes of said survey which have been examined and approved.

Doc. F. Fallini

State Director



November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
JAN 12 1999
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: 72-02136B

CLYDE FULLER
CLEO ROBERTS
PO BOX 151
SUNDANCE WY 82729

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:

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

DATE: 1-7-99

SIGNATURE: Cleo Roberts

Please print your name: Cleo Roberts



IDWR Employee/Agent Steve Clelland

NAME: CLEO ROBERTS CALLIN 307-283-1007 RE: RE-EXAM TREON CREEK RTS.

SHE WAS CONCERNED ABOUT THE PROPOSED RECOMMENDATION FOR HER TREON CREEK RIGHT. SHE BELIEVES THE FLOWS SHOULD BE HIGHER THAN I HAD REPORTED. I TOLD HER I DID MEASURE THE SYSTEM AT FULL CAPACITY AND THAT'S WHAT IS REPORTED. SHE SAYS THEY WILL BE ENLARGING THE SYSTEM TO INCREASE THE FLOW RATES... CAN I LOOK AT IT AGAIN? I AGREED I WOULD BUT COULD NOT STATE ANYTHING ABOUT POSSIBLE OUTCOMES OR CHANGES UNTIL THE NEW SET-UP WAS MEASURED.

SHE ASKS THAT I WORK IN CONJUNCTION WITH SCHOONEN AND JOHNSON WHEN I CHOOSE TO DO THE EXAM NEXT SUMMER. I TOLD HER I WILL NOTE THE FILE AND PLACE IT TO BE EXAMINED NEXT SUMMER.

I CONFIRMED HER ADDRESS/PHONE AS CLAIMED AND THE NUMBER ABOVE IS FOR HER WORK LOCATION.

AJD749NP
No. R72-021368

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

DATE: 08/21/95
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLYDE FULLER PO BOX 151 SUNDANCE WY 82729 (307) 283-3575	01/18/1966	MINING DOMESTIC	04-01 10-01 01-01 12-31	0.06 CFS 0.01 CFS	21.80 AFA
TOTAL DIVERSION:					0.06 CFS	21.80 AFA

C CLEO ROBERTS
PO BOX 151
SUNDANCE WY 82729
(307) 283-3576

Water Source: TREON CREEK

Tributary to: SALMON RIVER

Stage: LICENSE

Point(s) of Diversion:

T11N R15E S25

SWNESE

CUSTER County

Place of use Legal Description for: MINING

	NE	NW	SW	SE
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
11N 15E 25 :	M	:	:	M

Place of use Legal Description for: DOMESTIC

	NE	NW	SW	SE
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac
11N 15E 25 :	:	:	:	D

POU County: CUSTER

Non-Irrigation Uses: DOMESTIC, 1 HOUSEHOLD; MINING, PLACER MINING

Other Rights: NONE

Remarks: PROPERTY IS ALSO KNOWN AS WEST 1/2, ELKHORN PLACER MINERAL
SURVEY NO. 3580.

Dates: Exam Made Date: 09/23/1993 Verified Date: 08/21/1995

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

DEC 03 1996

AJ0749NP
No. R72-021368

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

DATE: 08/21/95
PAGE: 2

Comments: Date: 03/25/1992 User-ID: ROBERTSO Subject: address change
As per telephone conversation this A.M. with Ms. Roberts, I fixed
the telephone number's last digit and changed the address of Mr.
Fuller. A72-021368 also changed on this date.

Date: 02/17/1993 User-ID: CLELLAN Subject: RECOMMENDATION
WARRANTY DEED SPLITS THE PROPERTY IN EQUAL HALVES, SO IS THE
WATER RIGHT.
FIELD EXAM ON 09-23-93 MEASURED THE SYSTEM CAPACITY AND REC'D
IS MADE FOR THAT AMOUNT.

Date: 08/21/1995 User-ID: SCELLAN Subject: ADJUST VOLUME
CORRECTED VOLUME RATE FROM 25.0 TO 21.8 AF. BASED ON THE FLOW OF
D.06 CFS FOR THE 183 DAY SEASON ALLOWED.

Audit: 08/21/95 SCELLAN

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-02136B

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

IDWR Employee/Agent Steve Clelland

August 21, 1995 3:57pm

NAME:
JIM JOHNSON

CALLIN

RE:
TREON CREEK TRANSFER

HE CONSULTED WITH ME ABOUT THE SRBA EXAM DONE FOR THIS FILE AND DISCUSSED THE PENDING ACTION OF A PROPOSED TRANSFER. THE TRANS. CANNOT BE CHANGED FROM NON-CONS. TO A CONSUMPTIVE RIGHT AS REQUESTED. HE ALSO ADVISED THE POSSIBLE ERROR IN VOLUME CALC.

DEC 03 1996

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED
NOV 01 1994

AJ0749NP
No. R72-021368

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

REVIEWED BY
DATE: 01/14/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CLYDE FULLER PO BOX 151 SUNDANCE WY 82729 (307) 283-3575	01/18/1966	MINING DOMESTIC	04-01 10-01 01-01 12-31	0.06 CFS 0.01 CFS	25.0 AFA
TOTAL DIVERSION:					0.06 CFS	25.0 AFA

C CLEO ROBERTS
PO BOX 151
SUNDANCE WY 82729
(307) 283-3576

Water Source: TREON CREEK Tributary to: SALMON RIVER Stage: LICENSE

Point(s) of Diversion: T11N R15E S25 SWNESE CUSTER County

Place of use Legal Description for: MINING

NE		NW		SW		SE					
T	R S : Lt Ac Lt Ac Lt Ac	SENE : NENW	NWNW	SWNW	SESW : NESW	NWSW	SWSW	SESW : NESW	NWSE	SWSE	SESE : NESW
11N	15E 25 :	M	:	:	:	:	:	:	M	:	:

Place of use Legal Description for: DOMESTIC

NE		NW		SW		SE					
T	R S : Lt Ac Lt Ac Lt Ac	SENE : NENW	NWNW	SWNW	SESW : NESW	NWSW	SWSW	SESW : NESW	NWSE	SWSE	SESE : NESW
11N	15E 25 :	:	:	:	:	:	:	:	:	:	:

POU County: CUSTER

Non-Irrigation Uses: DOMESTIC, 1 HOUSEHOLD; MINING, PLACER MINING

Other Rights: NONE

Remarks: PROPERTY IS ALSO KNOWN AS WEST 1/2, ELKHORN PLACER MINERAL
SURVEY NO. 3580.

Dates: Exam Made Date: 09/23/1993 Verified Date: 01/14/1994
Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Comments: Date: 03/25/1992 User-ID: ROBERTSO Subject: address change
As per telephone conversation this A.M. with Ms. Roberts, I fixed

MICROFILMED
NOV 01 1994

AJ0749NP
No. R72-021368

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

DATE: 01/14/94
PAGE: 2

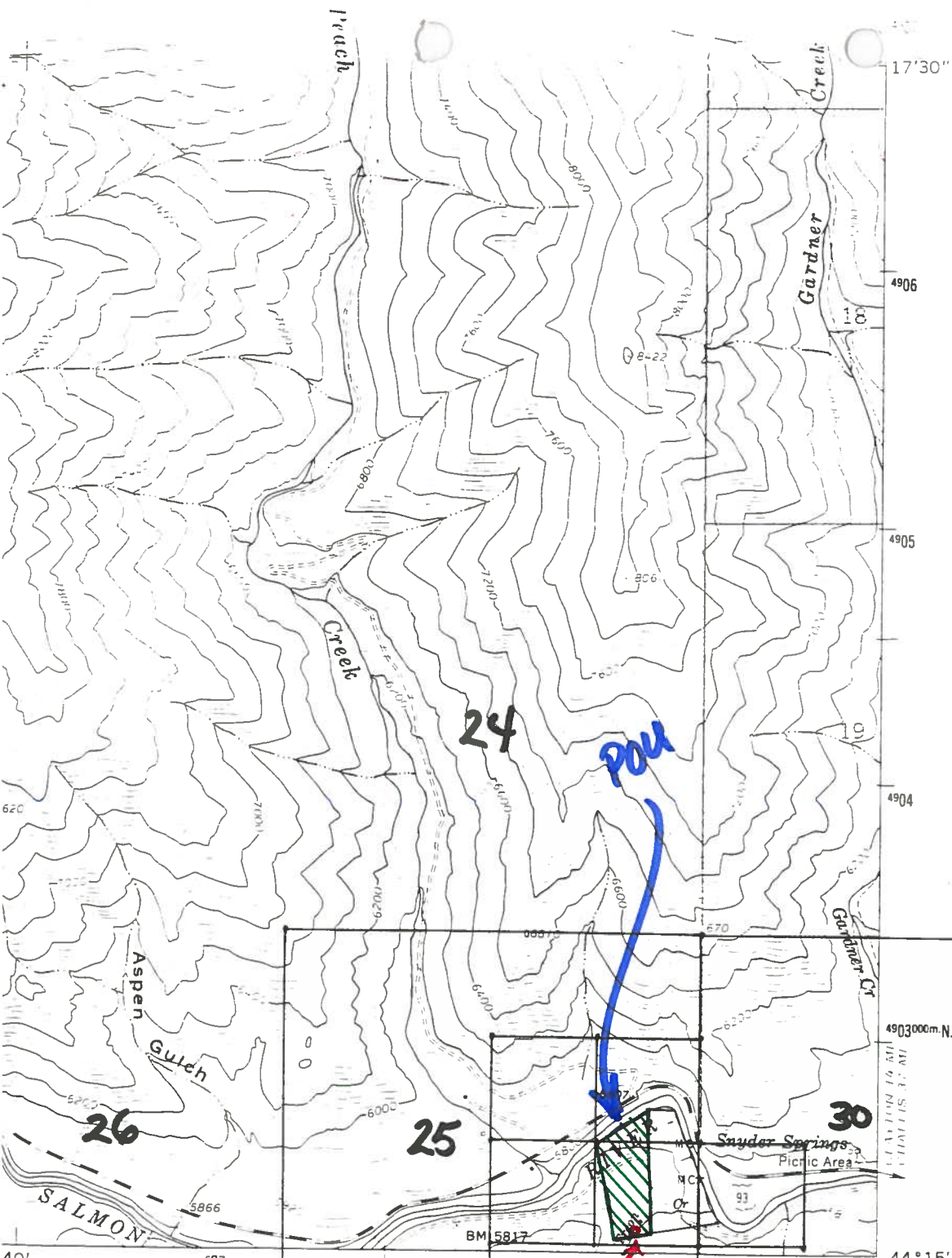
Comments:

Date: 03/25/1992 User-ID: ROBERTISO Subject: address change
the telephone number's last digit and changed the address of Mr.
Fuller. A72-021368 also changed on this date.

Date: 02/17/1993 User-ID: CLELLAND Subject: RECOMMENDATION
WARRANTY DEED SPLITS THE PROPERTY IN EQUAL HALVES, SO IS THE
WATER RIGHT.
FIELD EXAM ON 09-23-93 MEASURED THE SYSTEM CAPACITY AND REC'D
IS MADE FOR THAT AMOUNT.

Audit: 01/14/94 CLELLAND

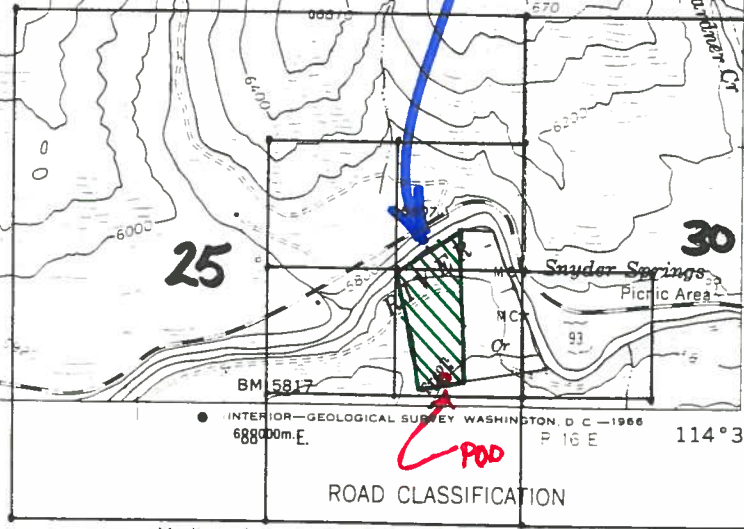
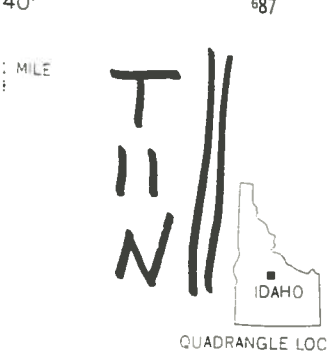
MICROFILMED
NOV 01 1994



U-71

S

19-7



ROAD CLASSIFICATION

Medium-duty Light-duty

Unimproved dirt U.S. Route

R15E

R16E

MICROFILMED

MAR 18 1993

JUN 8 1996

Department of Reclamation

SUNBEAM, IDAHO
N4415—W11437.5/7.5

1964

AMS 3072 I SW—SERIES V893

A72-02136 B
ROBERTS/FULLER



CLAIM OF

THOMAS R. MARSHALL, ETC

KNOWN AS THE

ELKHORN PLACER

SITUATED IN

Approx. Sec. 25, T.11N., R.15E., B.M. Unsu
& Sec. 30, T.11N., R.16E., B.M.

CUSTER COUNTY

Lat. 44° 15' N., Long. 114° 39' W. at Corner Nc



Magnetic Declination 19° 30'

Surveyed November 11, 1965

By Bill Harris, Mineral Surveyor

UNITED STATES DEPARTMENT OF INTERIOR

BUREAU OF LAND MANAGEMENT

Idaho State Office Oct. 4, 1966 Boise, Idaho

I hereby certify that the plat of Mineral Survey No. 3580 is strictly conformable to the field notes & said survey which have been examined and approved

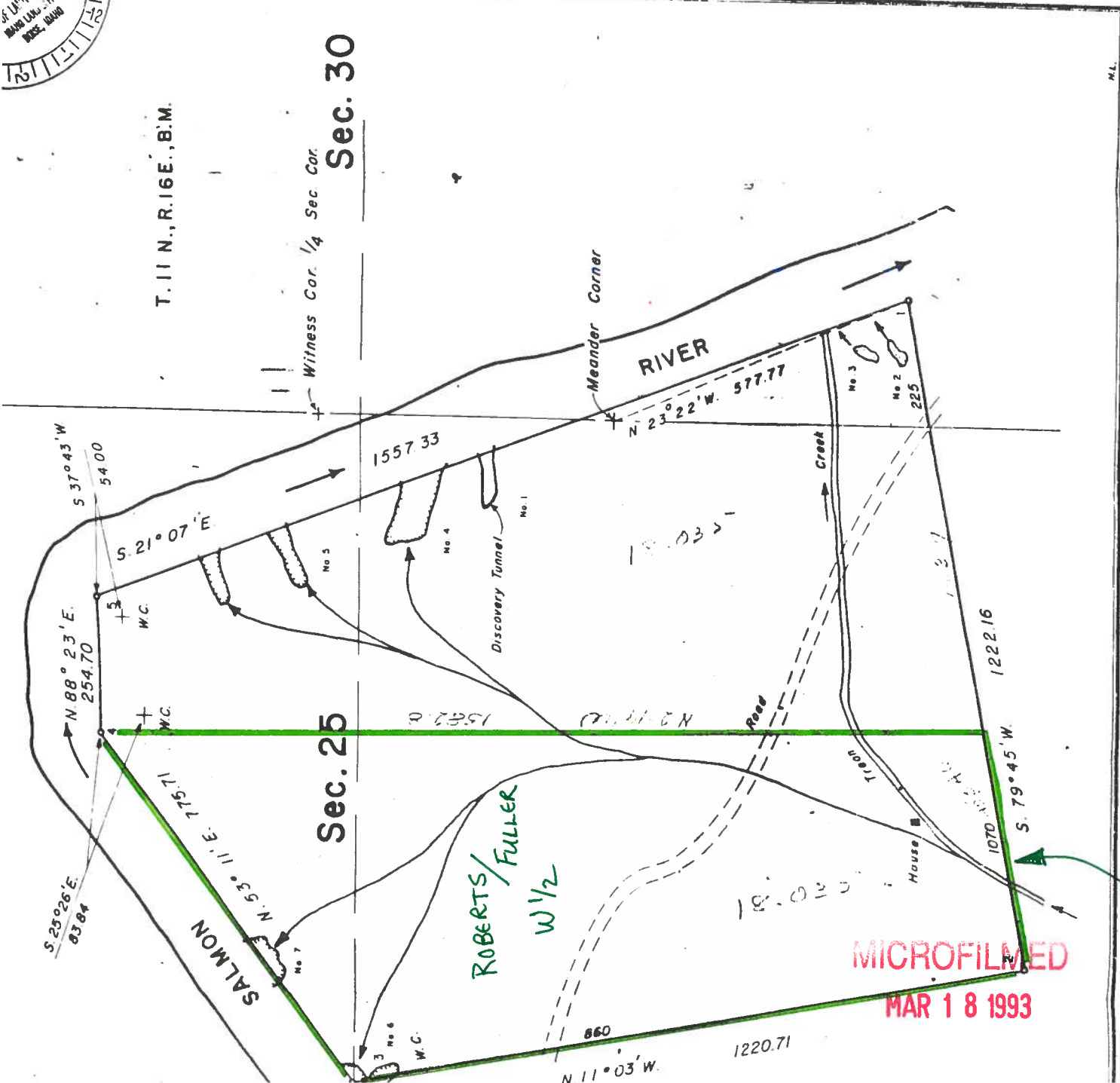
John F. Fallini

State Director

A72-02136 B

ROBERTS/FULLER

WEST 1/2 ELKHORN PLACER PER WARRANTY DEED TO



STATE OF IOWA
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06:32:51
06/02/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-021368

~~LAST: MARSHALL~~ FIRST: THOMAS R.
~~ADDRESS:~~ STATE: ID ZIP: 000
~~CITY:~~ CLAYTON
~~PHONE NUMBER:~~ 208-000-0000
~~OWNER CODE: C~~

LAST: ROBERTS FIRST: CLEO
ADDRESS: P.O. BOX 151
CITY: SUNDANCE STATE: WY ZIP: 82729
PHONE NUMBER: 307-283-3576
OWNER CODE: C

LAST: FULLER FIRST: CLYDE
ADDRESS: 1415 S LOWELL
CITY: CASPER STATE: WY ZIP: 82601
PHONE NUMBER: 307-234-9009

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE FIELD
EXAMINER
N

MICROFILMED

MAR 18 1993

CONTACT PERSON: _____ PHONE NUMBER: (____) _____
DATE OF FIELD EXAM: ____/____/____ APPOINTMENT MADE: Y(____) N(____) TIME: ____:____:____ A(____) P(____)
ACCOMPANIED BY: _____ PHONE NUMBER: (____) _____
RELATIONSHIP TO CLAIMANT: _____
DIRECTIONS TO PROPERTY / REMARKS: _____

9-23-93

Field Exam

Shore Mining + Domestic
uses no claim.

Investigation is being
Done near Domestic
Cabin. Under the
Basis of Right,

See

A. AJ CLAIM: # 672-02136B PRIORITY DATE: 01-18-1966 STAGE: L

B. WR RECORD: # 72-02136 PRIORITY DATE: 01-18-1966 STAGE: L

C. FIELD EXAM REQUIRED?

DOE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE EXAMINER
N N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIM? ~~ST~~ NO (X)

REMARKS:

per liener

RECOMMENDED PRIORITY DATE:

01-18-1966

REVIEWED BY

See

DATE

2-12-93

MICROFILMED

MAR 18 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-02136B	11N	15E	25		NE	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX R PREFIX
 A72-02136A R72-02136A 72-07090
 A72-02136C R72-02136C 72-07098
 A72-07098A R72-07098A 72-07418
 A72-07098B R72-07098B

Sw

SOURCE: TREON CREEK

TRIB: SALMON RIVER

WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-02136	11N	15E	25		NE	SE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
 A72-07090 AJ CLAIMS IN SAME 40 ACRE TRACT
 72-07098 A PREFIX R PREFIX
 A72-10298 NONE

SOURCE: TREON CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

*Confirmed w/ Tops map 1171, Grant Survey and map photo.
 & field station*

*See 2-12-93
 See 1-14-94*

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4

1/4

LOT

COUNTY

SW

SOURCE: TRECEN CREEK

TRIP: SALMON RIVER

REVIEWED BY:

SLC

DATE:

2-12-93

MICROFILMED

MAR 18 1993

A. ROOT WATER RIGHT NUMBERS:

A72-02136A
A72-02136B

R72-02136A

R72-02136B

A72-02136C

R72-02136C

B. POB LISTING

TWP RNS SEC 1/4 1/4 LOT NAME

15E 25

NE SE

ROBERTS, CLEO
BERRY, JILL
BERRY, L. CLEVEL
ARMOUR, SAM
ROBERTS, CLEO
TREDON CREEK WATER USERS
ARMOUR, SAMUEL F.
ARMOUR, SAM
BERRY, L. CLEVEL
TREDON CREEK WATER USERS
ARMOUR, SAMUEL F.
MARSHALL, THOMAS R.
ARMOUR, HOPE
TREDON CREEK WATERUSERS

AJ
\$/ACRES

WR
\$/ACRES

LANDSAT
DATA

FIELD
EXAM.

RETURN
ACRES

A72-02136B /
A72-07098B /
R72-07098B /
A72-07098A /
R72-02136B /
R72-02136C /
R72-02136A /
R72-07098A /
A72-10298 /
A72-02136C /
A72-02136A /
72-02136 /
72-07090 /
72-07098 /
7.5

Mining

11N 15E 25

NE SE

ROBERTS, CLEO
BERRY, JILL
BERRY, L. CLEVEL
ARMOUR, SAM
ROBERTS, CLEO
TREDON CREEK WATER USERS
ARMOUR, SAMUEL F.
ARMOUR, SAM
BERRY, L. CLEVEL
TREDON CREEK WATER USERS
ARMOUR, SAMUEL F.
MARSHALL, THOMAS R.
ARMOUR, HOPE
TREDON CREEK WATERUSERS

A72-02136B /
A72-07098B /
R72-07098B /
A72-07098A /
R72-02136B /
R72-02136C /
R72-02136A /
R72-07098A /
A72-10298 /
A72-02136C /
A72-02136A /
72-02136 /
72-07090 /
72-07098 /
7.5

Dennis

TOTAL ACRES A72-02136B

uses
ARE ~~EXISTING~~ *uses* FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(*X*) N()
IF YES SEE ATTACHED SHEET.

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER *X*

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

*For add:
Sec. 25 SE NE M1416*

RECOMMENDATIONS:

TOTAL ACRES: *8*

REVIEWED BY: *Mining Domestic Uses*

DATE: *2-17-93*

MICROFILMED

MAR 18 1993

A. AJ CLAIMED USES:

PURPOSES
A72-02136R DOMESTIC
A72-02136R MINING

MONTH/DAY
FROM 01-01 TO 12-31
FROM 04-01 TO 10-01

DIVERSION QUANTITY
.020 CFS
1.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.000 CFS

B. WR RECORDED USES:

PURPOSES
72-02136 DOMESTIC
72-02136 MINING

MONTH/DAY
FROM 01-01 TO 12-31
FROM 04-01 TO 10-01

DIVERSION QUANTITY
.020 CFS
1.000 CFS
284.57 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

Y (X) N ()
Y () N ()

Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

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

FIELD DATABASE EXAMINER

MICROFILMED
MAR 18 1993

MEASUREMENT METHOD

Timed 5 gallon Bucket

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

= 0.06 cfs

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
R72-02136A	TREON CREEK	ARMOUR, SAMUEL E.	1.000	0.076		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-07098B	DOMESTIC	BERRY, JILL	FROM 01-01 TO 12-31	0.080 CFS	14.40 AF/A

F. EXAM

Domestic @
- Marshall cabin
only
- means to confirm
multiple uses

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES ----- X 0.02 CFS/ACRE = CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 284.5 AE/A
ACRES ----- X CONSUMPTIVE VOL. AE/A FOR AREA ----- =
TOTAL CONSUMPTIVE USE ----- AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A
ACRES ----- X DIVERSION VOL. AE/A FOR AREA ----- =
TOTAL DIVERSION VOLUME ----- AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

*Based on temporary Docks and
pumped rate amounts in field.
was pumped equally in field.
2-11-93*

*Limit Right:
to Maximum flow rate @ Capacity of system
on 9-23-94 see summary sheet memo dated 1-14-93
see*

Volume: 0.06 cfs x 1.98 AF/cfs x 214 day = 25 AFA

Volume of Domestic use is very small = De Minimis

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD	
	FROM	TO
DOMESTIC	01-01	12-31
MINING	04-01	10-01
TOTAL FOR THIS RIGHT		

REVIEWED BY: *See*

DATE: 2-17-93

REC. DIV RATE CFS	REC. DIV VOL. AE/A	REC. CONS. USE
~~0.020~~ 0.01	~~0.28~~ 0	~~28.5~~
~~0.000~~ 0.50	~~142.00~~ 25	~~28.5~~
~~0.000~~ 0.07	<u>25.0</u>	<u>non consuming</u>

502

FOR AKA

"West 1/2"

Extensive Placer

M. NEAL survey No. 3580

MICROFILMED

MAR 18 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
(~~X~~)
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-02136
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
72-02136	A72-02136A	1.000	R72-02136A	1.000	72-02136	1.000
72-02136	A72-02136B	1.000	R72-02136B	1.000	72-02136	1.000
72-02136	R72-02136A	1.000	R72-02136A	1.000	-	-
72-02136	R72-02136B	1.000	R72-02136B	1.000	72-02136	1.000
72-02136	A72-02136C	0.290	R72-02136C	0.290	-	-

TOTAL CFS 4.290

4.290

1.000

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

Split Review

*Part 4 of this original license has been forfeited
due to non diversion & non use.
Extensive new have 11-appropriated portions of this part 4.
(id: 72-7098)*

Part 8: as recommended here.

*Change from ditch diversion & hydraulic mining
to limited placer claims has reduced the flow
of water used on-site.*

AUTHENTICATION

SIGNATURE:

Jim Cozz

DATE:

1-14-94

NAME OF FIELD EXAMINER:

TITLE:

4
MICROFILMED

MAR 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06:33:51
06/02/92

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-02136B

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		9-23-93 SCW 14	N	6. lie	SCW 2-17-93	SCW 1-14-94	SCW 1-14-94
SCORECE				(Y) 10A (Sw)	1456	SCW 1-14-94		
PLACE OF USE	Y			2	6. beef			
DIV. AMOUNT CE3/VOLUME				(Y)	1456			
CONSUMPTIVE USE				2				
PURPOSES				2				
PERIOD OF USE				2				
BASIS OF CLAIM	Y			(Y)	6.			
REMARKS				(Y)				

* LEFT BY JONES
SENT BY JONES
D. ATTY. 1-5-94

VERIFIED BY CODES

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

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

CLAIM NO. A72-02136B
 DATE DOCUMENT UPDATED 1-14-94
 AGENT SCW

MICROFILMED

MAR 18 1993

CLAIM NUMBER: A72-02136B

OWNER
CODE NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C CLEO ROBERTS

P.O. BOX 151

SUNDANCE WY 82729

(307) 283-3576

01/18/1966

MINING
DOMESTIC

04-01 10-01
01-01 12-31

~~1.00~~ CFS
0.03 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:

~~1.00~~ CFS
0.06

~~25.5~~ AFD

C CLYDE FULLER
1415 S LOWELL
CASPER WY 82601
(307) 234-9009

Water Source: TREON CREEK

Tributary to: SALMON RIVER

Stage: LICENSE

Point(s) of Diversion:

T11N R15E S25

NESE

CUSTER County

Place of use Legal Description for: MINING

NE

NW

SW

SE

T R S : Lt Ac Lt Ac Lt Ac Lt Ac

11N 15E 25 :

NESE NWSE NWSW SESW
Lt Ac Lt Ac Lt Ac Lt Ac

NESE NWSE NWSW SESW
Lt Ac Lt Ac Lt Ac Lt Ac

NESE NWSE NWSW SESW
Lt Ac Lt Ac Lt Ac Lt Ac

M

Place of use Legal Description for: DOMESTIC

NE

NW

SW

SE

T R S : Lt Ac Lt Ac Lt Ac Lt Ac

11N 15E 25 :

NESE NWSE NWSW SESW
Lt Ac Lt Ac Lt Ac Lt Ac

NESE NWSE NWSW SESW
Lt Ac Lt Ac Lt Ac Lt Ac

NESE NWSE NWSW SESW
Lt Ac Lt Ac Lt Ac Lt Ac

D

POU County: CUSTER

Non-Irrigation Uses: D/ 1 HOUSEHOLD, X/ PLACER MINING

Other Rights: NONE

Non-Irrigation Use: D/ 1 HOUSEHOLD, X/ PLACER MINING

Dates: Exam Made Date: Verified Date:

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

MICROFILMED

MAR 1 8 1993

Water Right Number - R72-021368

Prefix Translation: RESEARCH

Old (D) Number - 32696

+ - - - - Last Name - - - - +
*** C - CURRENT OWNER ***
ROBERTS

CLEO

1 - PO BOX 151
2 -
3 -

State- WY Zip- 82729

FULLER

CLYDE

City- SUNDANCE
Phone - 307-283-3576
1 - PO BOX 151
2 -
3 -
City- SUNDANCE
Phone - 307-283-3575

State- WY Zip- 82729

+ - - Priority Date - - +
01/18/1966+ - - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
L - LICENSE

+ - - - Status - - - +

+ - - - - Source - - - - - +
TREON CREEK+ - - - - Tributary - - - - - +
SALMON RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

11N 15E 25 SW NE SE (37) CUSTER

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume
Code43 - DOMESTIC 01/01 12/31 0.010 0.28
13 - MINING 04/01 10/01 0.500 142.00+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - + +
0.500 142.28 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
11N 15E 25 SE NE 13 MINING (37) CUSTER
11N 15E 25 NE SE 13 MINING (37) CUSTER
11N 15E 25 NE SE 43 DOMESTIC (37) CUSTER

Total Acres:

+ - - Diversion Means - HEADGATE AND DITCH

+ - - Non-Irrigation Use - DOMESTIC, 1 HOUSEHOLD; MINING, PLACER MINING

+ - - Other Rights for Same Use - NONE

MICROFILMED
MAR 18 1993Revised
1-14-94
per
GC

Water right number - R72-021368

Prefix Translation: RESEARCH

PROPERTY IS ALSO KNOWN AS WEST 1/2, ELKHORN PLACER MINERAL
SURVEY NO. 3580.

7202136

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Date: 03/25/1992 User Id: ROBERTSO Subject: address change

As per telephone conversation this A.M. with Ms. Roberts, I fixed the telephone number's last digit and changed the address of Mr.
Fuller. A72-021368 also changed on this date.

Date: 02/17/1993 User Id: CLELLAND Subject: RECOMMENDATION

WARRANTY DEED SPLITS THE PROPERTY IN EQUAL HALVES, SO IS THE WATER RIGHT.

Audit Fields
02/17/93 CLELLAND

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	- 00/00/0000	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/17/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010968	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
MAR 18 1993

RECEIVED

176735

APR 23 1992

Department of Water Resources
Southern Region Office

QUITCLAIM DEED

For value received CLEO M. ROBERTS and CLYDE L. FULLER,
as Personal Representatives of the Estate of MAYE L. FULLER, do
hereby convey, release, remise and forever quit claim unto
Cleo M. Roberts, whose address is Box 151, Sundance, Wyoming,
82729, and Clyde L. Fuller, as tenants in common,
whose current address is 1415 South Lowell, Casper, Wyoming,
82601,

the following described premises, to-wit:

- The Westerly one-half of Elkhorn Placer Mineral Survey No. 3580, in approximate Section 25, Township 11 North, Range 15 East, Boise Meridian, in Custer County, Idaho, more particularly described as follows, to-wit:
- Beginning at Corner No. 2 of said Mineral Survey No. 3580, run thence North $11^{\circ} 03'$ West 1220.71 feet to Corner No. 3 of Mineral Survey No. 3580; thence North $53^{\circ} 11'$ East 775.71 feet to Corner No. 4 of Mineral Survey No. 3580; thence South $2^{\circ} 19'$ East 1582.8 feet to a point on the Southerly boundary of Mineral Survey No. 3580; thence South $79^{\circ} 45'$ West along said Southerly boundary 458.46 feet to the point of beginning, containing 18.035 acres.

TOGETHER With all ditch and water rights appurtenant thereto or used in connection therewith.

together with their appurtenances.

THE ESTATE OF MAYE L. FULLER

By: Cleo M. Roberts
Cleo M. Roberts

By: Clyde L. Fuller
Clyde L. Fuller

ROBERTS/FULLER

A72-02136B

MICROFILMED
MAR 18 1993

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

Permit No. 12696/72-2136

This proof is for 1.0 cfs

In Water District No.

1. Name of applicant: Thomas R. Marshall, Clayton, Idaho
2. Source of water supply: Treon Creek, tributary of the Salmon River

3. Location of point of diversion: Is in the NE 1/4, 1/4 of Section 25
T. 11 N. R. 15 E, B.M. County of Custer

4. Describe works as they exist, giving dimensions and capacities of same:

~~mining and domestic use~~

wooden headgate & ditches

There is a wooden headgate in Treon Creek which diverts water to place of use. Mining is primary use of water. There is one culvert.

5. Water is used for: mining & domestic use
6. State whether or not water has been turned into works of diversion:

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):

E 1/2, Sec. 25, T. 11 N, R. 15 E

NW 1/4, Sec. 30, T. 11 N, R. 16 E

on this property, presently not occupied. There are about 4-6 tunnels where mining takes place - allow 1 cfs with .02 cfs more water to exceed 1 cfs total

Q = 1.0 cfs

~~U = (1/2)(1/2)(1/2) = 7302~~ April 1 - 1971

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

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

Remarks:

Place of use is in NE 1/4, Sec. 25, T. 11 N, R. 15 E. I don't believe the other sub should be listed on this permit. There is a total of 37 acres.

This examination was made on the 12 day of Aug, 1971

(Signed) James R. Brier Examiner

72 2136

MICROFILMED

MAR 18 1993



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

Mary S. Garman
Attorney at Law
P.O. Box 398
Sundance, WY 82729-0398

January 5, 1994

RE: Roberts/Fuller transfer application

Dear Ms. Garman,

Loren Holmes asked me to address the matter referenced above, relative to your letter dated 9/28/1993. The first item in your letter has to do with a cancelled check to IDWR in the amount of \$150, dated 1/11/1990. Our database indicates that check #360 was submitted to pay for adjudication claim A72-02136B, and is covered with receipt number S010968 (copy enclosed).

Secondly, the original transfer application filed by your clients was returned to them in 1989, or early 1990, due to submittal without fee. We retained a copy of the transfer against possible loss and for future reference. Mr. Stanton's letter explains the problems with the proposed transfer. IDWR will probably not be able to approve conversion of a non-consumptive usage (placer mining) to a consumptive usage (irrigation), see 42-108 & 42-222 (copies enclosed), due to the issue of expansion of the consumptive use of the water. The transfer proposed changing part of 1.0 cfs - the entire flow rate of the right. Please be advised that your clients appear to have only up to half the original right, as the other half of the original place of use is owned by others. You requested assistance, or advice, in filling out the transfer application. However, in light of the difficulties outlined above, I do not know what numbers to use, though you did help with information on mining usages in the past.

Mr. Stanton explained that one way for your clients to obtain an irrigation right is for them to apply for a ground water-source water right. However, the Director of IDWR placed a moratorium in 1992 on new appropriations which may decrease rivers flows due to the listing of runs of salmon as endangered species. Each application is reviewed and considered separately, and additional information is requested as needed. Applications may be held ~~for~~ indefinitely, pending submittal and acceptance of proof that the development would not reduce flows available for salmon passage or the Director lifts the moratorium. He also mentioned that Treon Creek is over-appropriated, with various rights in contest. Gaining approval for a new permit from Treon Creek would probably be difficult. Another avenue is to transfer

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A72-02136 B

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page 2

a ground water-source irrigation right from other land in the Stanley/Challis area to the intended parcel. Alternatively, separate domestic wells may be developed for the two proposed homes - each would provide up to 1/2 acre of landscape. If one well is developed for the two homes then only 1/2 acre total could be landscaped.

Field review of your clients' SRBA claim this past summer, as well as an ongoing investigation of disputed water rights, indicates that less than the full amount of development as claimed in A72-02136A was found. Final recommendations on the claim for the Directors Report to the court are still being developed. The review shows that the mining diversion was observed to be running at its 0.09 cfs capacity continuously without mining occurring. Diverting without beneficial use occurring is a possible detriment to other users and/or to Treon Creek. During the review it was also discovered that an unapproved diversion for irrigation purposes was occurring on your clients' property. This is an illegal diversion and may also interfere with other water users.

You may submit a transfer application (with fee), or any other type of application, and we can not deny you process. As with the first transfer app. IDWR may request supporting information before we can proceed with processing. If you have any questions please contact me.

Sincerely,



Douglas Jones EIT
Engineering Specialist

enc

cc: files 72-2136, A72-02136A
Loren Holmes

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page 3

IDAHO CODE, in part

42-108. Change in point of diversion, place of use, period of use, or nature of use -- Application of act. The person entitled to the use of water or owning any land to which water has been made appurtenant either by a decree of the court or under the provisions of the constitution and statutes of this state, may change the point of diversion, period of use, or nature of use, and/or may voluntarily abandon the use of such water in whole or in part on the land which is receiving the benefit of the same and transfer the same to other lands, if the water rights of others are not injured by such change in point of diversion, place of use, period of use, or nature of use, provided; if the right to the use of such water, or the use of the diversion works or irrigation system is represented by shares of stock in a corporation or if such works or system is owned and/or managed by an irrigation district, no change in the point of diversion, place of use, period of use, or nature of use of such water shall be made or allowed without the consent of such corporation or irrigation district. Any permanent or temporary change in period or nature of use in or out-of-state for a quantity greater than fifty (50) cfs or for a storage volume greater than five thousand (5,000) acre-feet shall require the approval of the legislature, except that any temporary change within the state of Idaho for a period of less than three (3) years may be approved by the director without legislative approval.

Any person desiring to make such change of point of diversion, place of use, period of use, or nature of use of water shall make application for change with the department of water resources under the provisions of section 42-222, Idaho Code. After the effective date of this act, no person shall be authorized to change the period of use or nature of use, point of diversion or place of use of water unless he has first applied for and received approval of the department of water resources under the provisions of section 42-222, Idaho Code.

42-222. Change in point of diversion, place of use, period of use, or nature of use of water under established rights -- Forfeiture and extension -- Appeals. (1) Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of all or part of the water, under the right shall first make application to the department of water resources for approval of such change. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be changed and the

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changes which are proposed, and shall be accompanied by the statutory filing fee as in this chapter provided. Upon receipt of such application it shall be the duty of the director of the department of water resources to examine same, obtain any consent required by section 42-108, Idaho Code, and if otherwise proper to provide notice of the proposed change in the same manner as applications under section 42-203A, Idaho Code. Such notice shall advise that anyone who desires to protest the proposed change shall file notice of protests with the department within ten (10) days of the last date of publication. Upon the receipt of any protest it shall be the duty of the director of the department of water resources to investigate the same and to conduct a hearing thereon. He shall also advise the watermaster of the district in which such water is used of the proposed change and the watermaster shall notify the director of the department of water resources of his recommendation on the application, and the director of the department of water resources shall not finally determine the action on the application for change until he has received from such watermaster his recommendation thereof, which action of the watermaster shall be received and considered as other evidence.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is consistent with the conservation of water resources within the state of Idaho and is in the local public interest as defined in section 42-203A(5), Idaho Code; except the director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area. The transfer of the right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby. A copy of the approved application for change shall be returned to the applicant and he shall be authorized upon receipt thereof to make the change and the original water right shall be presumed to have been amended by reason of such authorized change. In the event the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to

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page 5

appropriation under this chapter; except that all water rights appurtenant to land contracted in a federal cropland set-aside program, shall not be lost and forfeited for nonuse during the contracted period. The five (5) year period of nonuse for forfeiture of a water right shall begin to accrue upon termination of the contract if a period of nonuse did not occur prior to the effective date of the contract or shall continue to accrue if a period of nonuse occurred prior to the effective date of the contract. Upon proper showing before the director of the department of water resources of good and sufficient reason for nonapplication to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years. Application for an extension shall be made before the end of the five (5) year period upon forms to be furnished by the department of water resources and shall fully describe the right on which an extension of time to resume the use is requested and the reasons for such nonuse and shall be accompanied by the statutory filing fee; provided that water rights appurtenant to land contracted in a federal cropland set-aside program are exempt from this requirement. Upon the receipt of such application it shall be the duty of the director of the department of water resources to examine the same and to provide notice of the application for an extension in the same manner as applications under section 42-203A, Idaho Code. The notice shall fully describe the right, the extension which is requested and the reason for such nonuse and shall state that any person desiring to object to the requested extension may submit a protest to the director of the department of water resources within ten (10) days of the last date of publication. Upon receipt of a protest it shall be the duty of the director of the department of water resources to investigate and conduct a hearing thereon as in this chapter provided. The director of the department of water resources shall find from the evidence presented in any hearing, or from information available to the department, the reasons for such nonuse of water and where it appears to the satisfaction of the director of the department of water resources that other rights will not be impaired by granting an extension of time within which to resume the use of the water and good cause appearing for such nonuse, he may grant one (1) extension of five (5) years within which to resume such use. In his approval of the application for an extension of time under this section the director of the department of water resources shall set the date when the use of water is to be resumed. Sixty (60) days before such date the director of the department of water resources shall forward to the applicant at his address of record a notice by certified mail setting forth the date on which the use of water is to be resumed and a form for reporting the resumption of the use of the water right. If the use of the water has not been

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page 6

resumed and report thereon made on or before the date set for resumption of use such right shall revert to the state and again be subject to appropriation, as provided in this section. In the event the director of the department of water resources determines that a proposed extension of time within which to resume use of a water right shall not be approved as provided in this section, he shall deny same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(3) Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change the point of diversion, place, period of use or nature of use of water under an established right or an application for an extension of time within which to resume the use of water as provided in this section, may, if a protest was filed and a hearing held thereon, seek judicial review pursuant to section 42-1701A(4), Idaho Code. If no protest was filed and no hearing held, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the director and may seek judicial review of the final order of the director following the hearing pursuant to section 42-1701A(4), Idaho Code.

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S010968

1/17/1990

ROBERTS/FULLER

ADJUDICATION FEE

410162

9337

6490

150.00

CHECK

360

\$150.00

A72-02136B

-

Water Right Numbers

-

-

-

Region: SOUTHERN

Signature: _____

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NOV 01 1994

FIELD EXAM SUMMARY FOR TREON CREEK

IDWR STAFF: LOREN HOLMES & STEVE CLELLAND

DATE: SEPTEMBER 23, 1993 1:30 TO 2:00 PM

ALSO PRESENT: SAMUEL ARMOUR, HOPE ARMOUR, LYLE MUNK, DAVE SCHOONEN.

MEASUREMENT METHOD: TIMED FLOW INTO 5 GALLON BUCKET.

LINE MEASURED	MEASURED RATE	GPM	CFS	WATER RIGHT
FULLER IRRIGATION PIPE	5.72 SEC/5 GAL 6.25 SEC/5 GAL	52 48	0.12 0.11	NONE FOUND
FULLER DOMESTIC	1:13 MIN/1 GAL	0.82	0.002	A72-02136B
V. JOHNSON LINE	50 SEC/1 GAL	1.2	0.003	A72-07098B
D. SCHOONEN LINE	28.34 SEC/2 GAL	4.2	0.009	A72-07098B
FULLER MINING LINE	10.62 SEC/5 GAL 10.44 SEC/5 GAL	28.2 28.7	0.063 0.064	A72-02136B

TREON CREEK TOTALS = 86.92 0.19 CFS

Entire Flow of Creek
was Being Diverted at the
Time of Measurement.
see
1-14-93

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A72-02136B

PAGE 2

Field Exam By SCC
9-23-93
w/ LOREN HOLMES

Vernon Johnson line

1:55 pm

1g/50 secs

1.2 gpm

.0026 cfs

1:56

Dave Schoonen line

2g/28.34

= 4.2 gpm

.0094 cfs

2:00 pm Fuller Mining line

5g/10.62 sec

28.2 gpm

5g/10.44

28.7 gpm

* Data copied
to a summary sheet
on 1-14-94 by
gac

$\bar{x} = .0063 \text{ cfs}$

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NOV 04 1994

Total Treon Creek

0.19 cfs

irrigation pipe

see
LT

SEC / 5 GAL

52 GPM

48 GPM

.11 cfs

Holmes

us

en

Domestic

(currently 1/2 acre around cabin
plumbed for cabin use)

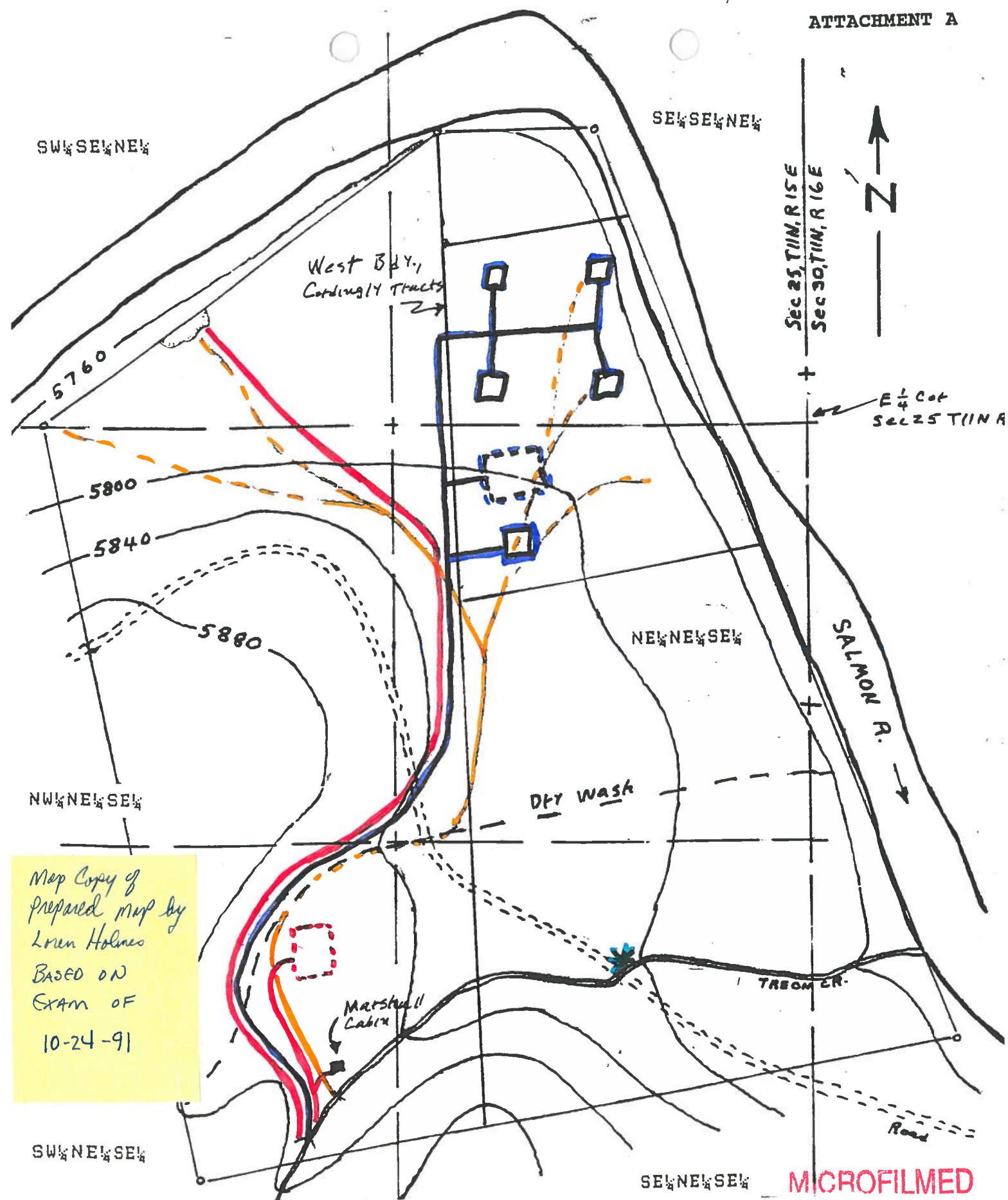
1:13 min per 1 gal

.82 GPM

.0018 cfs

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LEGEND

- Ditches - Lic. 72-2136
- ✱ Location of works commenced under Permit 72-7090
- Pipeline system under Lic. 72-7098 & Permit 72-7418
- Pipelines currently used under Lic. 72-2136

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NORTH

COMMON PROPERTY - JOINT OWNERS

V. Johnson	French
M. Johnson	Schoonen
	Armour (66 2/3%)

POOR ORIGINAL

Right of Way
30 feet wide

OWNED BY OTHER THAN ARMOUR

THAN

ARMOURS

JOHN REUKAUF (Jan '76)

ARMOURS

72-7090
DIVERSION
ESTABLISHED

CORDINGLY TRACTS

EAST 1/2 of M.S. No. 3580

Appx. Section 25 T 11 N, R 15 E, B.M.

and Section 30 T 11 N, R 16 E, B.M.

CUSTER COUNTY, IDAHO ---- ELKHORN PLACER

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1582.80

557.33

16.58

763.70

Treon Creek

Salmon River

II
2.50

III
2.50

II
2.00

~1.25

~1.25

III
7.50

542.72

542.4

605.59

481.1

307.75

405.79

246.1

170.89

95.77

95.76

481.1

182.41

4.70

145.01

312.38

15.84

13.27

85.96

30'

RELOCATED

Existing Road

Right of Way

30 feet wide

POOR ORIGINAL

COMMON PROPERTY - JOINT OWNERS

V. Johnson

M. Johnson

French

Schoonen

Armour (66 2/3%)

OWNED BY OTHER THAN ARMOUR

THAN

ARMOURS

JOHN REUKAUF (Jan '76)

ARMOURS

72-7090

DIVERSION

ESTABLISHED

CORDINGLY TRACTS

EAST 1/2 of M.S. No. 3580

Appx. Section 25 T 11 N, R 15 E, B.M.

and Section 30 T 11 N, R 16 E, B.M.

CUSTER COUNTY, IDAHO ---- ELKHORN PLACER

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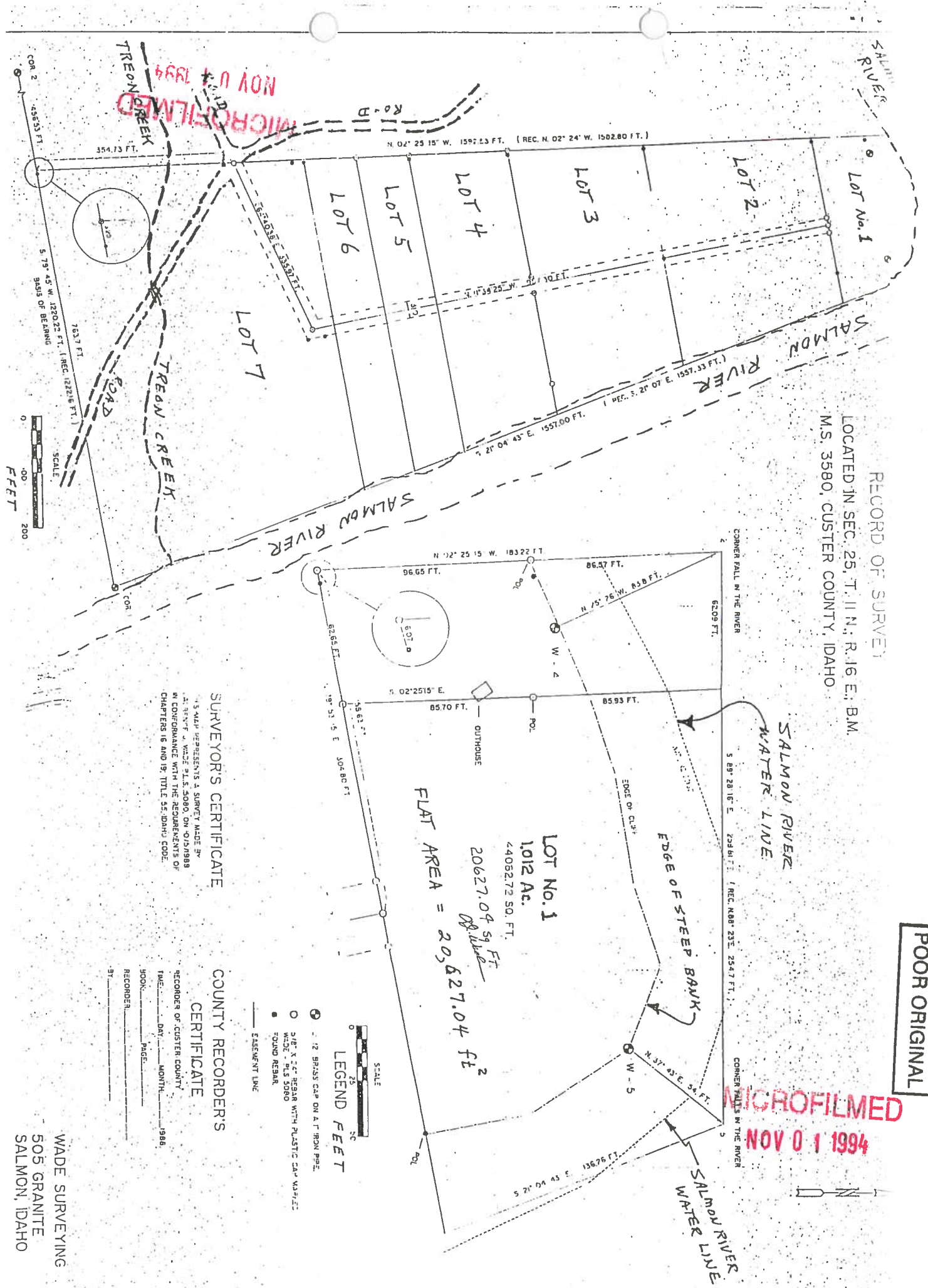
NOV 01 1994

POOR ORIGINAL

RECORD OF SURVEY

LOCATED IN SEC. 25, T. 11 N., R. 16 E., B.M.
M.S. 3580, CUSTER COUNTY, IDAHO

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SURVEYOR'S CERTIFICATE
I, JAMES H. HARRIS, a duly licensed surveyor, do hereby certify that the foregoing is a true and correct copy of the original survey map as filed in the office of the County Recorder of Custer County, Idaho, on the 15th day of May, 1988, in accordance with the requirements of Chapters 16 and 19, Title 55, Idaho Code.

COUNTY RECORDER'S
CERTIFICATE
RECORDED IN CUSTER COUNTY
TIME: DAY: MONTH: 1988.
BOOK: PAGE: 37.

WADE SURVEYING
505 GRANITE
SALMON, IDAHO

2324
2625

POOB ORIGINAL

24 19
25 30

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NOV 0 1 1994

TIN

MICROFILMED

MAR 1 6 1988

C-98
W.K. KIMBLE
SBC

90

MAP FROM FILE & EXAM OF 72-7098

FIELD EXAM BY TERRY BLAN

1-29-86

POOR ORIGINAL

Loren

Enclosed are the maps & copy
of deed showing Right of Way conveyed
to me in 1971 from Armon -

RECEIVED

OCT 31 1991

the right of way was relocated officially
on Oct. 5, 1991 by Court order (green area)

At the time that Armon's done their little shovel
work the right of way was as shown on maps -
the shovel work were entirely & completely within (yellow
the bounds of the 30' wide right of way - Area

Also

I am sure that he didn't pull the wool
over your eyes when he said that he had
irrigated out of the other ditch to the north -
you could see very well that he had not.

I have been running H₂O down that ditch
in a plastic pipe since 1971 & I have
never seen any water pulled out of the ditch
during that time. Certainly there is no evidence
of that either. He didn't even own that portion
of the land at that time, it belonged to a Mr. Ruckhoff.

Thanks

my address after
mar. 1, 1992 will
be -

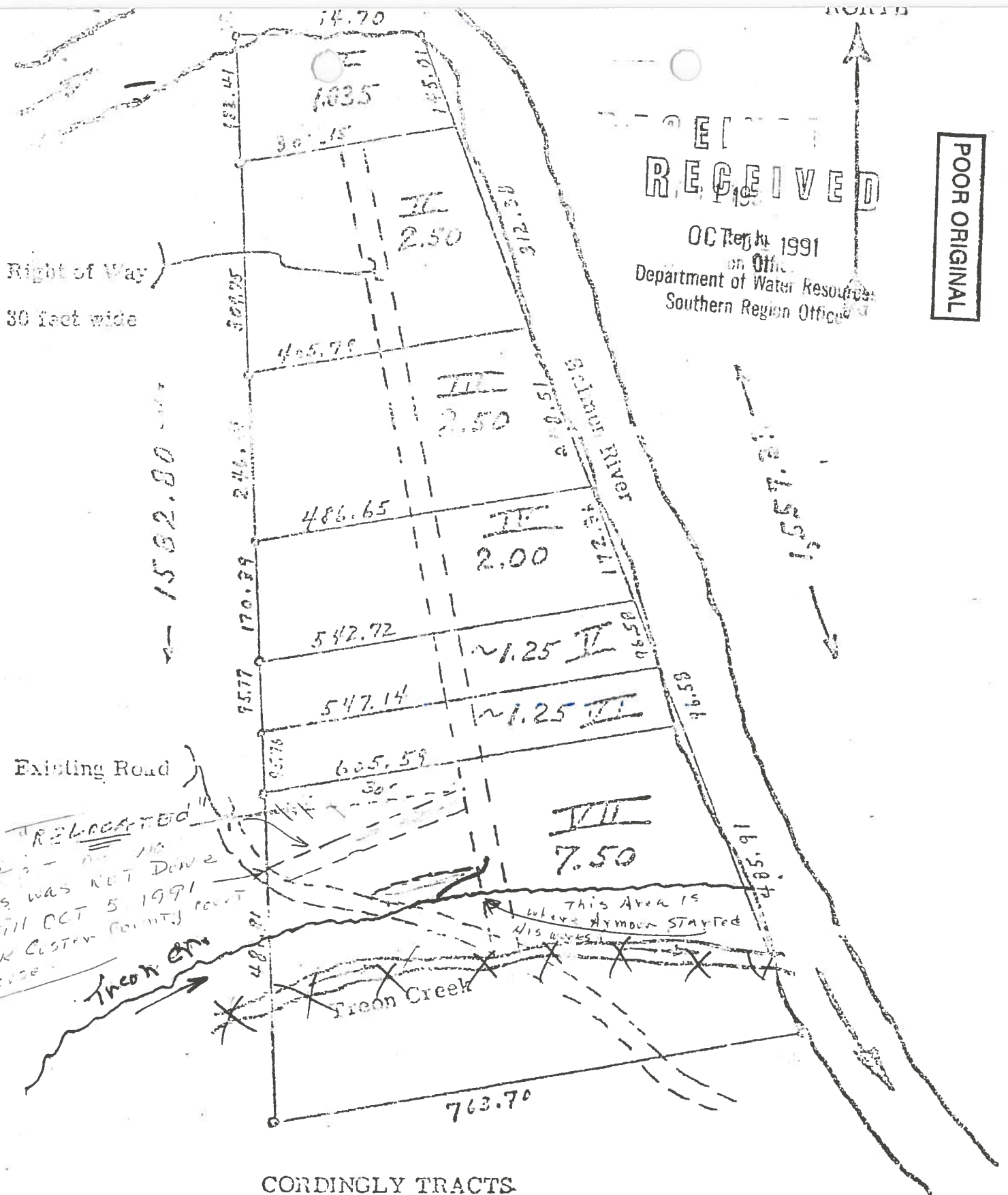
H-C-67, Box 316
Stanley, Idaho
83278

J. P. Johnson
Rt 1, Box 10, A
More, Ida.
83225

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NOV 01 1994

42381 50 SHEETS 5 SQUARE
42382 100 SHEETS 5 SQUARE
42383 200 SHEETS 5 SQUARE
NATIONAL



Warranty Deed

POOR ORIGINAL

THIS INDENTURE Made this 18th day of November in the year of our Lord one Thousand Nine Hundred and Seventy One, between SAMUEL F. ARMOUR and ILSE A. ARMOUR, husband and wife, of Shelley, County of Bingham, State of Idaho the parties of the first part, and VERNON P. JOHNSON and YVONNE H. JOHNSON, husband and wife, of Arco, County of Butte, State of Idaho the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of ONE AND NO/100 (\$1.00)- - - - - DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged I, I, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties of the second part, and to their heirs and assigns forever: All that certain lot piece or parcel of land situate, lying and being in the County of Custer State of Idaho, bounded and more particularly described as follows, to-wit:

TRACT I

An undivided sixteen and two-thirds (16 2/3) per cent interest in the following described property:

A fraction of the Easterly 1/2 of Mineral Survey No. 3580, in approximate Section 25, T. 11 N., R. 15 E., Boise Meridian; more particularly described as follows, to-wit:

Beginning at Corner No. 4 of said M. S. No. 3580, run thence N. 88°23' E. 254.7 feet to Corner No. 5; thence S. 21°07' E. 145.01 feet; thence S. 79°45' W. 304.15 feet; thence N. 2°19' W. 182.41 feet to the point of beginning. Containing 1.035 acres.

Together with all ditch and water rights appurtenant thereto or used in connection therewith.

Also together with a right-of-way over the following described property, excluding Tract No. I, said real property with such exclusion being described as follows:

Parcel A.

The Easterly one-half of Elkhorn Placer Mineral Survey No. 3580, in approximate Section 25, Township 11 North, Range 15 East, Boise Meridian, and in approximate Section 30, Township 11 North, Range 16 East, Boise Meridian, in Custer County, Idaho, more particularly described as follows, to-wit:

Beginning at Corner No. 1 of said Mineral Survey No. 3580, run thence South 79°45' West along the Southerly boundary of Mineral Survey No. 3580 a distance of 763.7 feet; thence North 2°19' West 1582.8 feet to Corner No. 4 of Mineral Survey No. 3580; thence North 88°23' East 254.7 feet to Corner No. 5 of Mineral Survey No. 3580; thence South 21°07' East 1557.33 feet to the point of beginning, containing 18.035 acres.

Said right-of-way being described as follows:

Parcel B.

A strip of land 30.0 feet wide, for purposes of ingress and egress, across a portion of Mineral Survey No. 3580, being 15.0 feet on each side of a line described as follows,

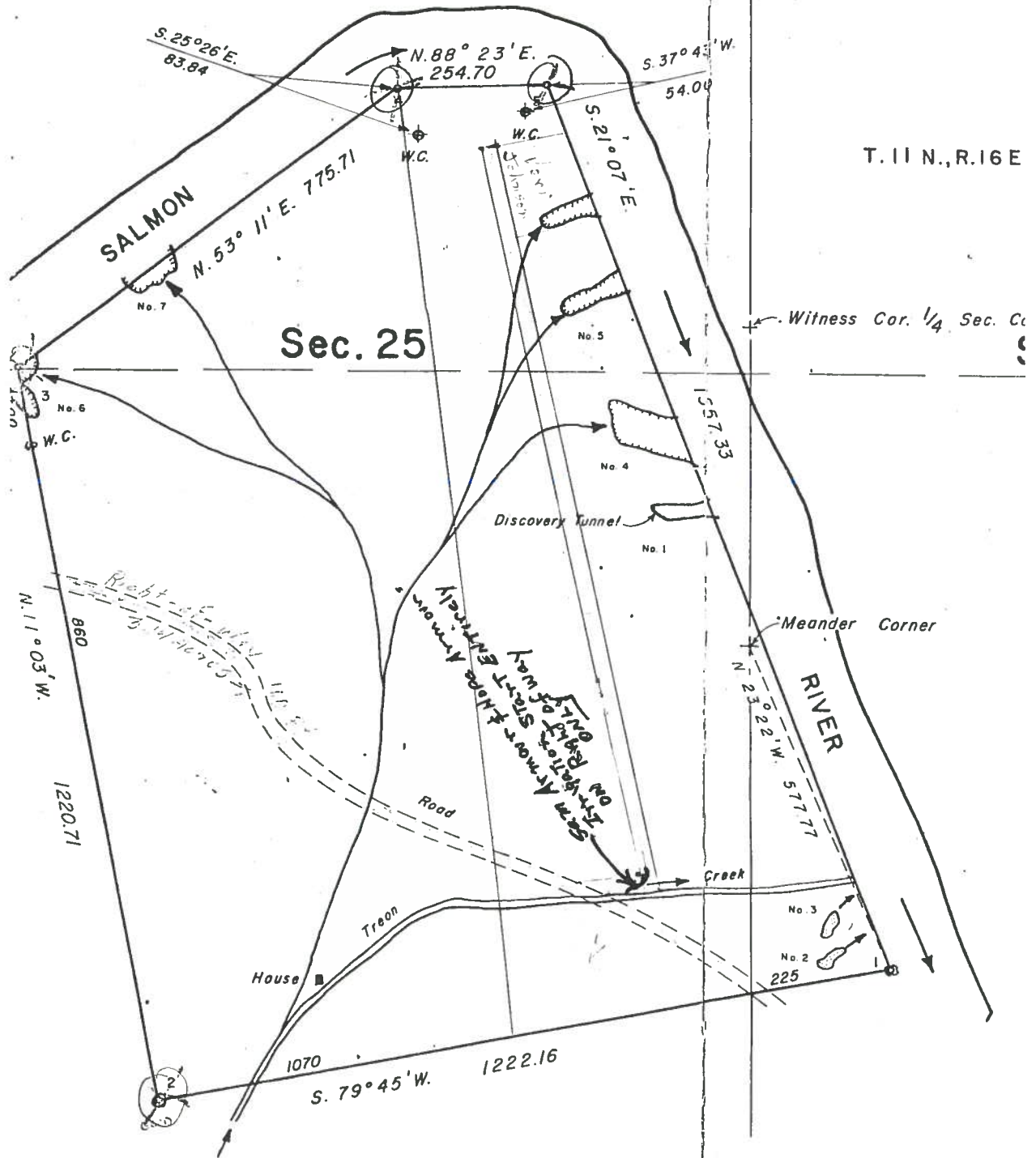
Commencing at Corner No. 4 of said M. S. No. 3580, run thence S. 2°19' E. 182.41 feet; thence N. 78°45' E. 152.57 feet to the point of beginning of the right-of-way herein described; thence extending S. 11°43' E. 1200.0 feet, more or less, To Treon Creek, thence Southwesterly along the North side of Treon Creek to the existing road, such extension to the existing road to be 20 feet in width.

ARMOUR'S claim of start of right of way is completely on this way

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NOV 8 1994

5 WERE IDENTIFIED AND TARGETED
BY B. COOK, B. KREUTZ & I. LIEDEL.
IDENTIFIED BUT NOT TARGETED.

T. 11 N., R. 16 E



NOV 01 1954

$$1'' = 197.12'$$

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR PERMIT NO. 72-7090 IN)
THE NAME OF HOPE ARMOUR AND/OR ILSE ARMOUR)
AND/OR SAM ARMOUR)

ORDER ADOPTING
PROPOSED MEMORANDUM
DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy on the parties on May 6, 1982, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, letters of response was received from Hope Armour on May 19, 1982 and from Sam Armour on May 21, and July 1, 1982; and,

WHEREAS, the Director has considered these letters; and,

WHEREAS, the Director has concluded that no changes are warranted in the Proposed Memorandum Decision and Order;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Decision and Order be adopted and issued as the Final Decision and Order and applicant shall commence the excavation or construction of diverting works within one year of the date his permit is issued and shall proceed diligently until the project is completed and proof of construction of works and application of water to beneficial use be submitted on or before July 1, 1987.

Signed at Boise, Idaho this 20 day of August, 1982



A. KENNETH DUNN

Director

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NOV 01 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF
APPLICATION FOR PERMIT NO. 72-7090 IN THE NAME
HOPE &/OR SAM ARMOUR &/OR ILSE ARMOUR

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this 31st day of August, 1982, true and correct
copies of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER were
mailed postage prepaid to:

Sam and Ilse Armour
1270 Butterfly Drive
San Jose, CA 95120

Hope Armour
128 Martin St.
No. 22
Twin Falls, ID 83301

Vernon P. and/or Yvonne H. Johnson
Box 271
Arco, ID 83213

G. R. Gibson
Box 16
Atomic City, ID 83215

L. Douglas Page
Route 5, Box 27
Blackfoot, ID 83221

D. H. Schoonen
1364 12th St.
Idaho Falls, ID 83401

Thurlo H. French
Box 68
Stanley, ID 83278


RITA I. FLECK
Sr. Secretary
Idaho Department of Water Resources

MICROFILMED

NOV 01 1984

BEFORE THE DIRECTOR THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST)
APPROVAL OF APPLICATION FOR PERMIT)
NO. 72-7090 IN THE NAME OF HOPE &/OR)
SAM ARMOUR &/OR ILSE ARMOUR)

ORDER ISSUING
PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Bobby D. Flesher, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on April 3, 1982, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and
2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral arguments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

DATED this 6th day of May, 1982.


A. KENNETH DUNN
Director
Department of Water Resources

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL	)	PROPOSED
APPLICATION FOR PERMIT NO. 72-7090 IN THE	)	MEMORANDUM DECISION
NAME OF HOPE ARMOUR AND/OR SAM ARMOUR	)	AND ORDER
AND/OR ILSE ARMOUR	)	

On September 14, 1979, Hope Armour, Ilse Armour, and Sam Armour filed an application with the Department of Water Resources to appropriate the waters of Treon Creek tributary to the Salmon River. The applicants proposed to divert 0.32 cubic feet per second of water within the NE1/4SE1/4, Sec. 25, Twp. 11N, Rge. 15E B.M., Custer County, and use 0.24 cubic feet per second for irrigation from April 1 through November 1, and 0.08 cubic feet per second for domestic use from January 1 through December 31.

The water was proposed to be used for the irrigation of a total of 12 acres within the NE1/4SE1/4, Sec. 25, Twp. 11N, Rge. 15E and within the NW1/4SW1/4, Sec. 30, Twp. 11N, Rge. 16E and for domestic water for two homes located within the parcel.

The applicant stated that the only other existing water right on the property was License No. 72-2136.

Notice of the application was published in the Challis Messenger on October 4 and October 11, 1979.

On October 11, 1979, a protest was received from Vernon and Yvonne Johnson. Additional protests were received from Gary R. Gibson, L. Douglas Page, D. H. Schoonen, and Thurlo H. French.

The protestants objected to the application on the basis that ownership of the property was in litigation and that no water right should be issued until ownership of the property was settled. Other objections were that the irrigation use would deplete the flow of Treon Creek (now used for domestic water supply), that the supply of water was insufficient for the purpose intended, that a permit would conflict with the established use of Treon Creek water of providing domestic water to other homesites, and that a permit would not be in

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the local public interest, since the property is within the Sawtooth National Recreation Area where irrigation is not in harmony with the purpose of the NRA.

As part of the departmental review of the application, available records having a bearing on the matter were researched and a field inspection of Treon Creek was made on October 22, 1979.

The land proposed as the place of use is a subdivided parcel known as the Cordingly Tracts, which consists of approximately the easterly half of Mineral Survey No. 3580, known as the Elkhorn Placer.

The Department's field report on the examination for License No. 72-2136, completed August 12, 1971, shows water being used for placer mining mainly within the Cordingly tracts and domestic use for one home located in the westerly one-half of the Elkhorn Placer.

A conference in the matter was held in Twin Falls, Idaho on April 3, 1980. The primary issue discussed was whether the water supply in Treon Creek was sufficient to provide the rate of flow proposed in the application. As a result of the conference, the Department agreed to make a hydrologic analysis of the drainage, and make the information available to the parties for use at a hearing to be conducted at a later date.

Following the April 3, 1980 conference, the applicants and protestants, acting as the Treon Creek Waterusers, jointly filed Application No. 72-7098 to appropriate water from Treon Creek for domestic use for all lots within the Cordingly Tracts. The application was approved on May 23, 1980.

An analysis of the Treon Creek drainage was completed by the Hydrology Section of the Department of Water Resources on April 23, 1980.

In the analysis, the following estimates of yield and flow from the drainage were made:

	MONTHLY AVERAGE							
	Oct-Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
VOLUME (acre-feet)	22	44	150	390	830	460	130	66
FLOW (cfs)	.4	.7	2.5	6.0	14	7.5	2	1.1

Each of the parties was sent a copy of the report.

On May 28, 1981, a hearing in the matter was held in Twin Falls, Idaho. Present at the hearing were applicant Samuel F. Armour, protestants D. H. Schoonen, Vernon P. Johnson, Dorothy M. French, and Thurlo H. French.

Mr. Armour testified that the object of the application was to irrigate _____ acres of land owned free and clear by the applicants, and to supply domestic

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water to two homes to be built on the 1. He maintained that the water supply was sufficient for the intended use, and referred to the Department's analysis of the water supply. He stated that the estimated cost of the irrigation system would be \$2000. He also expressed an opinion that since the establishment of the Sawtooth National Recreation Area, that mining could not be done on the property, therefore, any water right for the purpose of mining was invalid.

The protestants testified that the water supply was not sufficient and that the Department's analysis of the drainage was in error. The protestants testified that the water had been allowed to flow continuously and uninterruptedly through the ditches for a number of years and that this flow has been piped to their homesites for domestic use. The protestants also claimed a prior right to domestic use of the water based on the existing License No. 72-2136 and use, and to the continuation of the flow in ditches reaching their homesites.

The protestants stated that the application was filed for speculation or delay and that the proposed use of the water was contrary to the local public interest.

Protestant Johnson stated that small sluice mining operations have been conducted annually on the property.

At the close of the hearing, the parties were allowed additional time to submit summaries. Summaries were received from D. H. Schoonen and Gary Gibson on June 12, 1981 and from Sam Armour on June 18, 1981. Rebuttals were received from Armour on June 22, 1981, and from Schoonen on July 7, 1981.

Based upon the hearing record, official notice of water right files 72-2136 and 72-7098, and his understanding of the law, the Hearing Officer of the Department of Water Resources proposes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1) Water right License No. 72-2136 evidences a right to the use of water from Treon Creek for placer mining within the Cordingly Tracts and domestic use in one home not within the Cordingly Tracts.

2) Protestants use of water for domestic purposes on the Cordingly Tracts began after May 20, 1971. Protestants have made use of the ditches constructed for the diversion and use of water under License 72-2136 to convey water to their homes.

3) No water right from a surface water source can be established

after May 20, 1971 without an application or permit being filed as required by Section 42-201, Idaho Code.

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4) The protestants now use water for domestic purpose under Permit No. 72-7098 which was filed on April 3, 1980.

5) The water supply in Treon Creek is generally sufficient for the intended purpose, although at times, the flow may not be sufficient to satisfy all appropriations.

6) The applicants have uncontested ownership of 7.5 acres of land within the Cordingly Tracts to which they can apply water for irrigation.

7) The applicants have plans to irrigate with the water and have estimated the cost of the irrigation system.

8) There is no evidence to indicate that the irrigation proposed is not allowed within the Sawtooth National Recreation Area.

9) The use of water under License No. 72-2136 for mining and domestic purposes has established the right of the protestants to use the ditch from Treon Creek to their homesites.

CONCLUSIONS OF LAW

1) The Water Right of the protestants has a priority date of April 3, 1980 and is evidenced by Permit No. 72-7098.

2) The protestants are entitled to use the existing ditches for delivery of water without interference from the applicants.

3) The applicants are entitled to a permit for sufficient water to irrigate 7.5 acres and to supply domestic water to two homes.

ORDER

IT IS, THEREFORE, HEREBY ORDERED That Application for Permit No. 72-7090 be and is APPROVED subject to the following conditions:

1) This permit shall be subject to all prior water rights.

2) The amount of water for irrigation diverted under this permit shall not exceed 0.15 cubic feet per second for the irrigation of 7.5 acres.

3) The applicant shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

4) Proof of construction of works and application of water to beneficial use shall be submitted on or before the date indicated on the Order Adopting the Proposed Memorandum Decision and Order as the Final Decision and

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Order.

5) The issuance of this permit ☐ no way grants any right-of-way or easement across the land of another.

Dated this 6 day of May, 1982.

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BOBBY D. FLEENOR

Hearing Officer

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WATER RIGHT

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

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Tested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	02/11/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	
Licensed Date	-	07/10/1979	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	00/00/0000	Presumption Flag	-			-	

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