

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: A72-04000A
Date Received: 12/05/1989
Receipt No: M005306
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MIKE THOMAS 208-879-4480
Address: SLEEPING DEER RANCH
P.O. BOX 327
CHALLIS, ID 83226

2. Date of Priority: JUL 10, 1956

3. Source: TWIN CREEKS LAKES Trib. to: BEAR CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	17E	5	SE	SW			CUSTER

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	07/15	09/15	10.000		
IRRIGATION STORAGE	01/01	12/31			23.34
IRRIGATION FROM STORAGE	07/15	09/15			23.34

7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) 23.34 A.F.A.

8. Total consumptive use is 146.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	5	NE	NW		IRR	8.0

A72-04000A

Page 1

Date: 12/05/89

MICROFILMED
MAR 18 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	5	NW	NW		IRR	1.5
			SW	NW		IRR	19.0
			SE	NW		IRR	30.0
						Section Acres	58.5
						Total Acres	58.5

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A72-04215A, A72-02081D

14. Remarks:
THIS CLAIM IS FOR 2/3 OF 72-04000.

15. Basis of Claim: STATUTORY CLAIM

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): Mike Thomas Date: 12-5-89

Date: _____

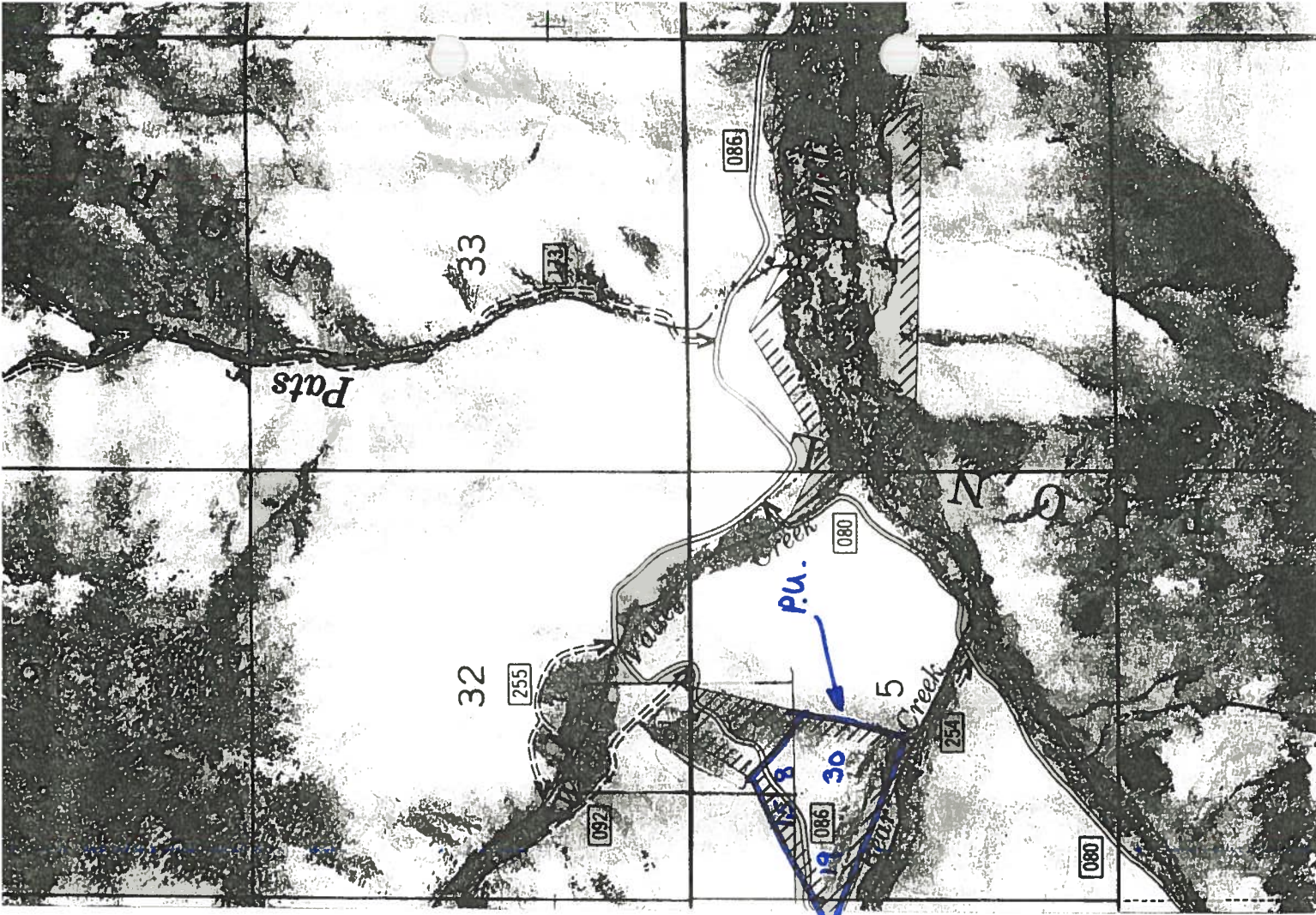
State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of December 19 89

Steve Callahan
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



(TWIN PEAKS SW)

T15N
T14N

MICROFILMED
MAR 18 1993

Robertson, Jean

From: Merritt, Allen
Sent: Thursday, August 17, 2000 2:02 PM
To: 'ccrgo@cyberhighway.net'
Cc: Young, Norm; Luke, Tim; Bob Foster (E-mail); Stanton, Jim; Robertson, Jean; 'mlarkin@idfg.state.id.us'; Merritt, Allen
Subject: Challis Creek

Dear Mr. Challis:

As we discussed in our phone conversation today, our office has received calls from waterusers on Challis Creek expressing concern about a recent letter which you circulated informing users of the potential for cutting 1879 rights on the basis of a futile call. Although I had not seen your letter, I told one inquiring party that in some circumstances delivery of water may be a futile call and delivery of water could be affected. As I understand, a futile call is when delivery of water cannot be made down a stream to a senior user so a junior water user upstream is allowed to continue diversion upstream.

During our phone conversation I understand that you had understood that in situations where a senior user was only being delivered a small portion of their right and due to significant delivery loss in ditches there may be questionable beneficial use so this situation would qualify as a futile call. Although in some situations this may be a futile call, this situation is more difficult to judge and I would caution against determining it to be futile without first involving the department and the right holder.

As I understand from our conversation you have cut all 1879 rights by 50% who are calling for water. You are only able to deliver this water since some of the users higher on the creek have shut off to cut hay. I understand that you envision that after haying is over these 1879 right holders will again call for water. This may result in the 1879 users on the lower end of Challis Creek not being able to get their water resulting in the available water being only delivered to the users higher on the creek. I understand this has been the custom in the past. It is important to document all actions involving futile calls, drying up of reaches etc.; as both watermaster and wateruser you can appreciate your actions are being watched by many interests. Prior to taking action as a futile call, please contact either Tim Luke or myself to discuss the specific situation.

One very important issue that you and the waterusers need to consider is the potential of inadvertently "taking" an endangered species by drying up reaches of Challis Creek.

To underscore this problem I have attached a recent letter from the National Marine Fisheries Service(NMFS) to Governor Kempthorne. If you read the letter you can see on page two that NMFS is considering "injunctive relief and/or penalties". As we discussed, on other streams in the Stanley Basin, "takings" may have occurred this year due to stream reaches being dried up by waterusers. As for Challis Creek I'm not sure if anadromous fish or bull trout are present but before taking any action this determination should be made to avoid "takings" and potential action by NMFS. Actions to dry up reaches of any creek should have consultation with Idaho Department of Fish & Game regarding endangered species and to allow coordination for fishery salvage efforts.



gov letter 1.bmp



gov letter 2.bmp

Caution must be exercised in delivery of water in this critical period. I recommend that the users be fully involved in any action to dry up streams and be given the opportunity to voluntarily rotate diversions to provide maximum benefit to all senior priority users and keep flows in the creeks if possible.

Acknowledging that this year is an unusual drought situation, it is going to require cooperation on the part of all parties to get through the season.

If you have specific questions please feel free to contact this office or Tim Luke in Boise or Bob Foster in Salmon.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Northwest Region
7600 Sand Point Way, N.E.
Bin C15700, Bldg. I
Seattle, Washington 98115-0070

August 10, 2000

Governor Dirk Kempthorne
Statehouse
Boise, Idaho 83720

Dear Governor Kempthorne:

Thank you for your letter regarding fish and water issues in the Lemhi River. I too regard the Lemhi issues as extremely important, both for the anadromous fish resources of concern in the Lemhi drainage as well as test case for similar low flow problems throughout central Idaho. Recently, NMFS enforcement responded to reports of similar problems in upper Salmon River tributaries. These occurrences underscore the need to maintain a major focus on the Lemhi River while also considering whether there are proactive ways to avoid similar problems across the Salmon River Basin, especially in lower-than-normal water seasons like this one.

Regarding the Lemhi River, my staff has met and communicated with various state agencies and local interests over the past several months regarding effects of irrigation on Endangered Species Act listed fish in the Lemhi River. Those meetings have been useful, although we are concerned that water use in the Lemhi will continue to "take" listed species. At the same time, we agree that we need to seek long-range solutions that protect fish and provide stability for water users.

It is not unusual for segments of the Lemhi River to be de-watered during May and August of normal or drier-than-normal water years. During early May of this year, for example, dead and dying fish were documented along recently constructed push-up berms in the Lemhi River. During 1994, a three-mile section of the lower Lemhi River was essentially de-watered for three months through the summer and fall.

Depleted streams can create conditions that "take" listed fish in violation of the Endangered Species Act. Spring/summer chinook salmon, steelhead, and bull trout are listed under the ESA, 16 U.S.C. §§ 1531 et seq. Although the ESA allows for limited authorization for non-Federal entities to incidentally take listed species, no authorizations have been sought in the Lemhi River.



The state and water users have committed to supply 10 cfs of water with pulsing flows up to 35 cfs in the lower seven miles of river from July through mid-September of this year. We appreciate any effort to avoid a recurrence of the dewatering experienced in May. Our concern remains, however, that these flows will not allow adequate adult and juvenile chinook salmon passage and survival, listed species will be taken this season, and NMFS may be forced to seek injunctive relief and/or penalties. Our contractor's extensive work with the Lemhi River data indicates that flows of at least 40 and 60 cfs are needed for adult salmon holding and spawning in the river's middle and lower reaches. Absent an application for exemption, the prospect of "take" violations remains.

We welcome a discussion on Lemhi water management with the state regarding ways to reduce "take" this season, increase our collective understanding of the effect of low Lemhi River flows this year on listed fish, and determine how we might work toward an appropriate course of action for the longer term. As mentioned in the opening paragraph, we would like also to discuss how to anticipate and avoid "take" in other upper Salmon River drainages. John Volkman (503-231-6267) or Ted Meyers (208-378-5696) of my staff will help schedule such a meeting.

Once again, I very much appreciate your efforts in this regard.

Sincerely,

Michael R. Cronin

For William Stelle, Jr.
Regional Administrator

cc: Clive Strong, Idaho Attorney General's Office
Rod Sando, Director, Idaho Department of Fish and Game
Karl Dreher, Director, Idaho Department of Water Resources
Robert Thomas, Chairman of the Board, Water District 74
R.J. Smith, Chairman of the District, Water District 74
✓ Lemhi Irrigation District
Lemhi County
Lemhi Model Watershed
Shoshone-Bannock Tribes
Nez Perce Tribe

Robertson, Jean

From: Merritt, Allen
Sent: Wednesday, August 16, 2000 1:58 PM
To: Luke, Tim
Cc: Stanton, Jim; Robertson, Jean
Subject: Phone call from Sandy Thomas (879-4480) Challis Creek

Mrs. Thomas called Jeanie who forwarded the message to me. Mrs. Thomas was upset about a recent letter sent out by the watermaster (Jack Challis) informing waterusers that there may be the possibility that some of the earliest water rights (1879) may be cut due to a futile call. She indicated that the letter indicates that the watermaster and the advisory board had made this decision. Here message indicated that she thought this type of action was illegal.

I called Mrs. Thomas back and discussed with her what I thought a futile call was and told her that it was legal and had its basis in court cases (I don't know off hand which one).

She was upset since this action to her knowledge had never been taken before. She indicates that in the past users have been given the opportunity to rotate water and she expressed her opinion that this was a conflict of interest. She thinks that it is just an effort for the watermaster to get more water. She also indicated that she thinks the department is lax in not removing Challis as watermaster since he is in a court battle with another wateruser over water matters. She indicated that many of the waterusers are tired of Challis's tactics and behavior.

I told her there was a solution in that the waterusers didn't have to re-elect him. She indicated that there are one or two users who can control the vote since they have most of the water and they are Challis's buddies.

I told her that if there is a situation where a wateruser thinks Challis is not doing things right they may petition to have him removed.

I asked her about the earlier matter where she wanted delivery of her stored water on Bear Creek out of some high lakes. She indicated that she has not gone up to turn it loose and since the watermaster would go along she was not inclined to go. She was leaving it up to her husband.

I asked her to send me a copy of the letter and she said she would.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 2000

Sandy Thomas
Sleeping Deer Ranch
HC 63 Box 1575-4
Challis, ID
83226

RE: Claim 72-04000A

Dear Mrs. Thomas;

We have reviewed the records of Water District 72-C, and find no specific references to the delivery of stored water. The district has generally adopted the provisions of our Watermaster's Handbook, which refers to Sec. 42-801 of the Idaho Code on this question. The watermaster is in charge of deliveries of stored water within his district, but can only charge the same rate as for direct-flow deliveries. For 1999, the charge was about 69 cents per 24-hour second foot (about 2 acre feet). Since your claim is for 23.3 acre feet, it appears that the cost for delivery of the stored water would have been about \$8.11. There would be an additional charge for delivery of the direct-flow portion of this right, of course. If you have further questions, feel free to contact me.

Regards,

James E. Stanton
Sr. Water Resource Agent

Cc: Jack Challis

Robertson, Jean

From: Merritt, Allen
Sent: Monday, July 10, 2000 4:20 PM
To: Luke, Tim
Cc: Stanton, Jim; Robertson, Jean; Foster, Bob
Subject: Delivery of Stored Water on Bear Creek.

As you know Jeanie received a call from Sandy Thomas, a water user on Bear Creek, and indicated that she preferred that the watermaster not be involved in turning the stored water to them since it takes six hours round trip to get to the lakes where the water is stored via horseback. She indicated that historically the watermaster has not been involved yet this year Jack Challis indicated he needed to turn the water.

After consulting Tim, Jeanie and I called Mrs. Thomas back and told her that it appeared that Mr. Challis should be involved with turning and delivering the storage water but we did not know anything about a special charge since it was not addressed in the 2000 annual water meeting resolutions. On Tim's recommendation Jeanie reviewed several years minutes but did not find any reference to making a special per visit charge for delivering storage.

On further review page 15 of the Watermaster's handbook addressed the issue. It points to 42-801 of the IDAHO CODE. My interpretation of that section indicates the watermaster should be appointed by the department to deliver the stored water and the fee could be negotiated or it would be based on the unit cost of delivery in the district.

I have instructed Jim to send Mrs. Thomas a letter with a copy of 42-801 with a copy to Jack Challis. It would be my understanding the charge for delivery would be the same as delivery of other waters in the district unless it can be demonstrated that a special delivery fee has been negotiated or is addressed in resolutions of the district.

7/10/2000
Sandy Thomas (Challis)
208-879-4480
re: storage it. 72-04000A

* needs to have water released
and they have always done
it themselves (about 6 hrs. ride)
but now W. M. (Jack Challis)
says he has to be one to open
headgate and will charge them.
Before, water was always measured
at their 2 headgates by property.
Can they do this themselves?
- Need letter in writing -

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED

DEC 23 1998

Department of Water Resources
Southern Region

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

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

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

Water right number: 72-04000A

MIKE THOMAS
SLEEPING DEER RANCH
~~PO BOX 327~~ HC 63 Box 1575-4
CHALLIS ID 83226

Daytime Telephone Number: 208 879 4480
Evening Telephone Number: SAME

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12-22-98 SIGNATURE: Mike Thomas
Please print your name: MIKE THOMAS

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

11/13/98 09:12:45
Page 1

Water Right Number - R72-04000A

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***

THOMAS

MIKE

1 - SLEEPING DEER RANCH
2 - PO BOX 327
3 -
City- CHALLIS
Phone - 208-879-4480

State- ID Zip- 83226

VERIFIED BY KKC
11-13-98

Priority Date - 07/10/1956

Region - 17 SOUTHERN

Stage - J - BENEFICIAL USE

Status -

Source - UNNAMED LAKES

Tributary - WEST FORK CREEK

Trn	Rng	Sec	Tract	Lot	RFLg	County	Point of Diversion
14N	17E	5	SE SE SW	655	1	(37) CUSTER	
			SE SE SW	224		(37) CUSTER	
18E	6		NE SW NE		R	(37) CUSTER	
			NE SE NW		R	(37) CUSTER	

Code	Description	Period from	Period To	Water Use	Diversion Rate	Diversion Volume
02	IRRIGATION STORAGE	01/01	12/31			23.34
03	IRRIGATION FROM STORAGE	07/15	09/15			23.34

Total Div. Rate - 23.34

Total Consumptive Use - 0.0

Trn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
14N	18E	5	NE NW		2.0	03	IRRIGATION FROM STORAGE	(37) CUSTER
14N	18E	5	NW NW		4.8	03	IRRIGATION FROM STORAGE	(37) CUSTER
14N	18E	5	SW NW		29.0	03	IRRIGATION FROM STORAGE	(37) CUSTER
14N	18E	5	SE NW		18.0	03	IRRIGATION FROM STORAGE	(37) CUSTER
14N	18E	6	SE NE		1.6	03	IRRIGATION FROM STORAGE	(37) CUSTER

Total Acres: 55.4

321

- - - - - Diversion Means - HEADGATE/DITCH

322

- - - - - Non-Irrigation Use -

323

- - - - - Other Rights for Same Use - A72-04215A, A72-02081D

- - - - - Remarks

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION

Water right number - R72-04000A

Prefix Translation: RESEARCH

Remarks

OF A COMBINED TOTAL OF 55.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00008C, 72-02081D, 72-04000A, & 72-04215A

GEN PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY SURVEY NO. 267.

WPA 11-13-98 KKC
AD EX 204 4000A B

7204000

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff

Decree Defendant

Decree Date
00/00/0000

Date: 11/12/1998 User Id: KCHRISTE Subject: COPIED FROM REMARKS
THIS CLAIM IS FOR 2/3 OF 72-04000.

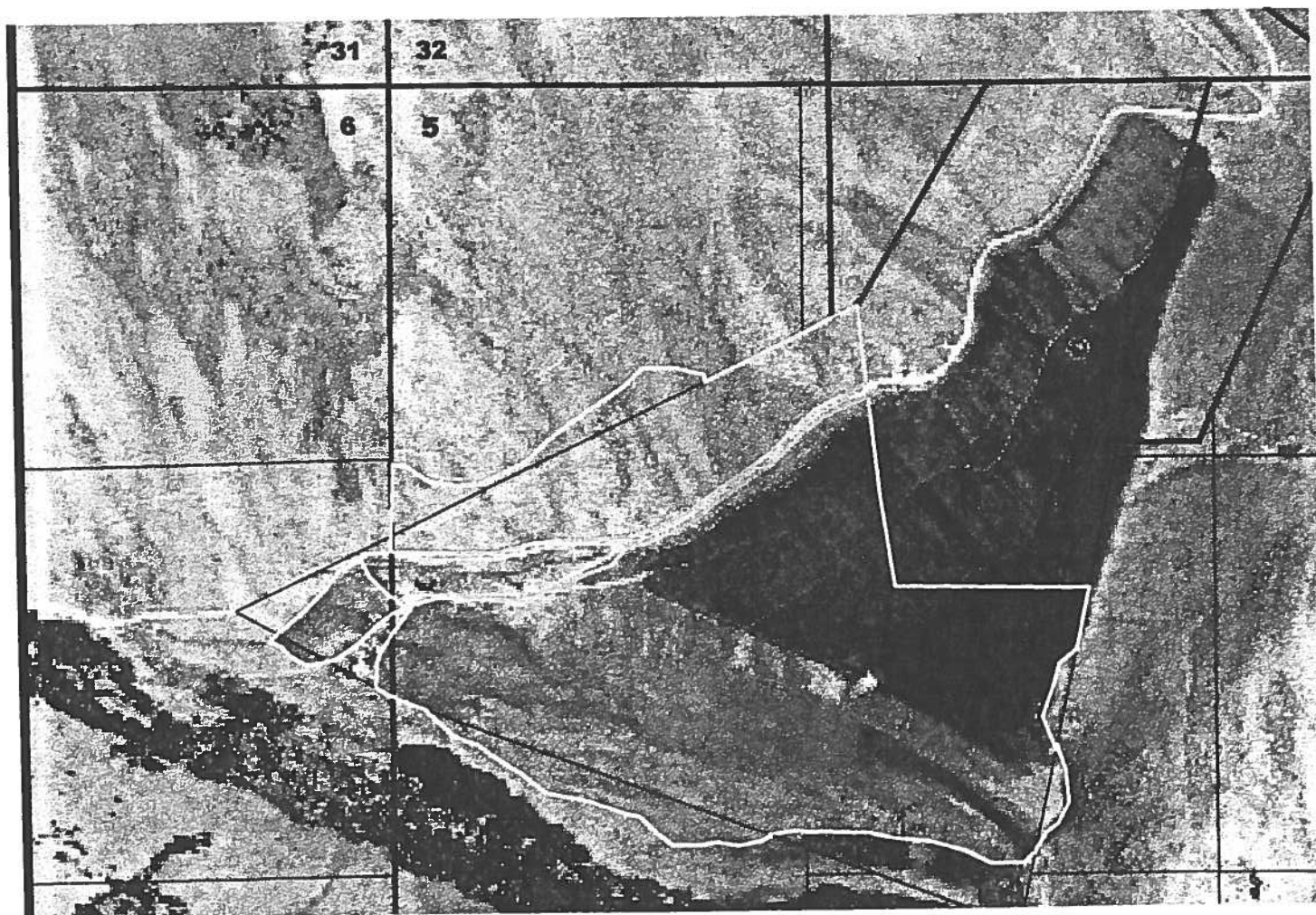
Audit Fields
11/13/98 KCHRISTE

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	- 12/05/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- M005306	Water District	- 72C
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	-	Presumption Flag	-
				Notice of Error Flag	-

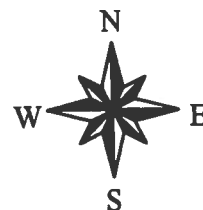
IDAHO DEPARTMENT OF WATER RESOURCES

72-00008C, 72-02081D, 72-04000A 72-04215A



0 660 1320 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 26, 1998
TWP 14N, 18E, SEC . 5 & 6



RECOMMENDED PLACE OF USE

⊙ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

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

AIM NUMBER
72-00008C
72-020810
DATE
10/26/98
HES 267
TRANSFER NUMBER

72-04000A
72-04215A
AGENT
R
CLAIMED ACRE TOTAL
58.5
GIS ACRE TOTAL
55.4

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
AIM	14N	18E	5					8	1.5	19	30									58.5
GIS	14N	18E	5					2	4.8	28.9	18.3									54
ECOM	14N	18E	5					2	4.8	29	18									53.8
AIM	14N	18E	6																	
GIS	14N	18E	6				1.6													1.6
ECOM	14N	18E	6				1.6													1.6
LAIM																				
GIS																				
ECOM																				

372-DBPOU.SHP
SHAPE NOS.
321 = 11 Ac.
322 = 1.6 Ac.
323 = 4.2 Ac.
372-DBPOD.SHP

Soils info is not available at this time for the P/U in question. Representative soils bordering streams in the general area are:
DBB .13 CFS/A
CPI .36 CFS/A
lower in the valley WCI .07 CFS/A.

NOS.
DESCRIPTION
186 14N, 18E, 6 NESENW upper ditch } Bear Cr.
187 14N, 18E, 6 NESWNE lower ditch }
224 14N, 17E, 5 SESESW (72-04000A)

Wtr rate Recom + = 4.93 .089 = CFS / AC.
55.44

DBF TABLES UPDATED
B72-DBPOU.DBF ✓
B72-DBPOD.DBF ✓
JPEG LAYOUT ✓

all soils except WCI show a greater rate per acre requirement than calculated above therefore the rates per claim are acceptable

~~72-0~~

See Below for Claim #5.

11-12-98
KKC

The system is 2 P/D from Challis Creek shared by Thomas & Dale (2 different P/Us). They have split the ownership of 4 different rights. Rights 72-0008 & 72-02081 were previously split thru transfers 680 & 681.

		Claimed		RECOMMEND	
Thomas Rights		P/U	Rate	P/U	
72-0008 C	Bear Cr	55.4	.33 in .02 Stock	55.4	.33 in .02
72-02081 D	"		.60 in 10.00 in		.60 in -0. in
72-04000 A	Twin L.		23.34 AF		23.34 AF
72-04215 A	Bear Cr	4.34	4.00 in .34 Stock		4.00 in .02
				tot	4.93 CFS .02 Stock in stream .02 diverted 4.95 CFS total diverted
Dale Rights		P/U	Rate	P/U	
72-0008 D	Same	40 A	.17 in .04 dom	40	.17 in
72-02081 C	as		.30 in 5.00 in		.30 in -0. in
72-04000 B	above		11.67 AF		11.67 AF
72-04215 B		2.17	2.00 in .17 Stock		2.00 in .02 Stock
					2.47 CFS in .02 Stock 2.49 CFS total diverted

72-04000

No diversion for irrigation is recognized. the natural flow is only diverted for storage. Any live flows reach Bear Creek without being diverted thereby becoming Bear Creek water which is then diverted through the 11. 3 rights.

System total - 7.44 CFS

February 11, 1985

FROM: Terry Blau

TO: File - 72-4000

SUBJECT: Discrepancies in claim

The P/D on this claim SESW, Sec. 5, 14N, 17E corresponds with the projected location of at least one of the lakes at the head of West Fork Creek. Under Item 4D of the claim it gives the location of the lakes as NWNE, Sec. 6, 14N, 18E. This is obviously in error, as the map shows no lakes there and if there were lakes there they could not be tributary to West Fork Creek. This is probably the point of redirection.

Also the claim shows West Fork Creek tributary to Bear Creek when it in fact is tributary to Twin Creek.

The 15 cfs shown should probably be 15 AF see 4a. Glen Hunt with SCS in Challis thought amount released was approximately 1 cfs as per 2-6-85 phone conversation.

72-4000

1:25,000

N A T I O N A L

Edin Lake

White Valley
Mtn

Spruce Gulch
Lake

Spruce

B E A R

Point

Corkscrew Mtn
4548

Spring

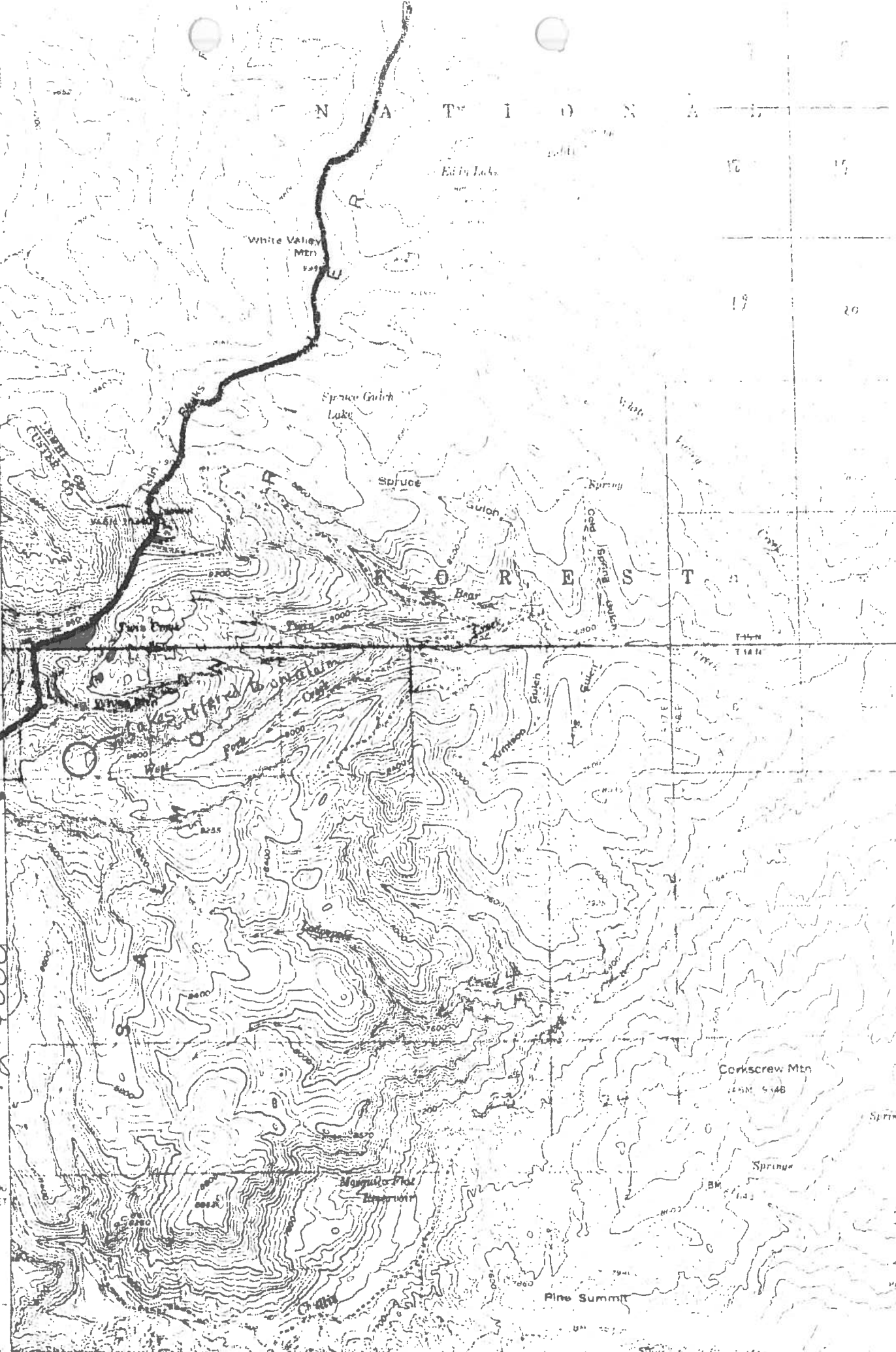
Pine Summit

Mangrove Pine

1:25,000
FEET

77
72

72-4000



DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE IDAHO 83701

March 8, 1968

RECEIVED

MAR 15 1968

Department of Reclamation

Re: Claim to a Water Right

Donald N. Young
Box 212
Challis, Idaho

Dear Mr. Young:

We are returning your personal check in the amount of \$1.00 and your claim to a water right. In order for the Department of Reclamation to process your claim we must have some additional information.

Item 2 of the claim requires the point of diversion and the source of water supply. We believe that from the information you have inserted that your diversion will be of water in the ~~Snake River~~ Snake River, from a source of West Fork Creek, tributary to Bear Creek. If this information is incorrect, please insert the correct information.

Item 3a of the claim requires the date of priority claimed and the quantity claimed under that priority. We require month, day, and year of the priority date. Please insert the required information.

Upon completion of this information, return the document to the Department of Reclamation for processing along with the \$10.00 filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald W. McElDowney

Donald W. McElDowney
Appropriation Examiner

DWM:ks

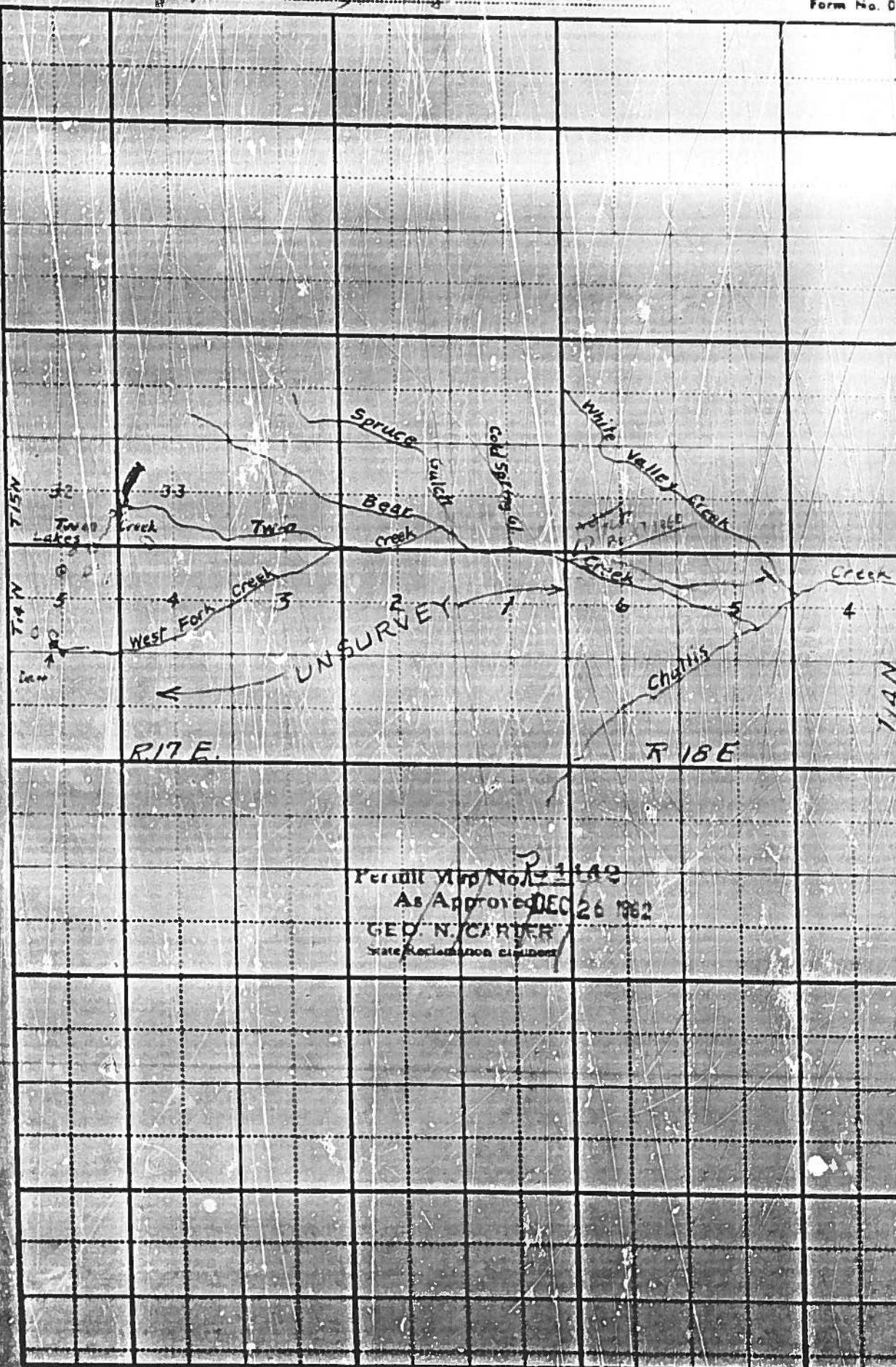
Enclosure: Check for \$10.00
Claim to a water right

72-4000

NAME OF APPLICANT

DEAN D. Young

Form No. 0



Permit No. 1142

As Approved DEC 26 1962

GEO. N. CARTER

State Reclamation Engineer

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

IN THE MATTER OF:)
CLAIM TO A WATER RIGHT BY:)
DONALD N. YOUNG,)

Applicant.)

State of Idaho)
County of Custer)

AFFIDAVIT

RECEIVED
FEB 26 1968
Department of Reclamation

HAROLD H. HUNT

being first duly sworn,

deposes and says: that he is a Citizen of the United States over the age of 21, and of his own true knowledge knows the following facts:

that he has lived in Custer County since the year 1957 and during that time has been well acquainted with Donald N. Young and the operations of his farm near the mouth of Bear Creek in Custer County, Idaho.

That Donald N. Young has taken approximately 25 acre feet of water from Twin Lakes and used said water for the proper irrigation of his ranch on Bear Creek in Custer County, Idaho, in Sections 5 and 6 of Township 14 North, Range 18 East, Boise Meridian.

(signature)

Subscribed and sworn to before me this 12th day of February 1968

(Notary Public)

Residing at Challis, Idaho

My commission expires 3/27/71

b. Do you get water through a ditch owned by several users? Yes If yes, give the name of the ditch _____
The other users and their respective interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered 15 head horses
20 head cattle 75 head sheep

7. Where water is used for domestic or municipal purposes give number of families served & none
name of town supplied none

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation _____

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with attached information and certifies that all statements are true and accurate to the best of his knowledge.

February 7, 1967
(Date)

Donald N. Young
(Signature of Claimant)

State of Idaho

County of Custer ss

On this 7th day of February 1968, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

J. Lesslie Sharp
Notary Public residing at Challis, Idaho

March 17, 1971

For Department Use Only

Examination filed by _____

Forwarded to
claimant by: _____

Date _____

Conveying works length of ditch to place of use is one half mile
width of bottom of ditch is 3 feet depth of water is 4' feet grade of ditch per 100
feet is 3 feet material through which ditch passes is mostly clay and
maximum length of pipe line to first place of use is 90 feet diameter of pipe line is 4" 2"
type of pipe aluminum grade of pipe per 100 feet is 1.45 feet fall

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. I have two sprinklers going one in the water is run through a 4 inch aluminum pipe then reduced to a 2 inch pipe sprinkler unit is 60 feet. I have 1000 feet 4 inch main line also 1000 feet of laterals - 25 rainbirds.

d. If water is stored: name of reservoir no name lakes;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is 35 acre feet;
year construction commenced 1954; year completed 1962; date first used 1954 July 2
period of storage is from Dec. 1 to July 1; is reservoir drained each year yes;
is reservoir on or off stream off explain the reservoir is the
natural lakes that are fed by springs & snow-melt off
feeder canal is used give maximum carrying capacity _____ c.f.s. if reservoir is off stream, describe
location of reservoir by 40-acre subdivisions SW 1/4 of NE 1/4 of Section 6
Township 14 N - Range 18 E B.M. Custer County

has there been any enlargement of the reservoir since it was first built 1914, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres;

[illegible]

Total number of acres to be irrigated 87.0

Explain any significant increase in area irrigated since first use, give dates and acreages if known. *none*

Identification No.

Claim No. 4-1110

Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant DONALD N. YOUNG
Post office address Box 212, Challis, Idaho
2. The point of diversion is on SE 1/4 of SW 1/4 Section 2 Township 14 N
Range 17 E B.M. located on 5 1/2 miles from west fork of
Bear River (name of source)
tributary to Bear River 5 1/2 miles from west fork of County BLAINE

3. Dates of priority claimed: List the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed

July 18, 1954 amount 15 c.f.s. or 35 acre feet
amount c.f.s. or acre feet
amount c.f.s. or acre feet
Total claimed 15 c.f.s. or 35 acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use 1954 period of use from July 15 to Sept 15 (both dates inclusive)
use IRRIGATION period of use from to (both dates inclusive)
use DOMESTIC period of use from Jan 1 to Dec 31 (both dates inclusive)
use period of use from to (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of 44 CF of concrete
ARMCO 10' gate 10' 14" high; length is 10 feet; height is 10 feet;
width at bottom is 4 feet; width at top is feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known 1954
There was no water stored in lake. I put in a controlling head gate in this natural dam & increased the storage water to 15 C.F.S.

b. Underground water diverting works: is well flowing or pumped none, depth of well is feet; diameter of well is inches; type of pump is capacity of pump is g.p.m.; name and address of well driller is

72-4000

IN THE MATTER OF:
CLAIM TO A WATER RIGHT BY
DONALD N. YOUNG.

AFFIDAVIT

Applicant.
State of Idaho)
County of Custer)

FLOYD C. BLACK,

being first duly sworn,

deposes and says: that he is a Citizen of the United States over the age of 21,
and of his own true knowledge knows the following facts:

that he has lived in Custer County since the year 1936 and during that time has
been water master for Water District XC on which is located the farm of Donald N.
Young near the mouth of Bear Creek in Custer County, Idaho;

that Donald N. Young has taken approximately 18 acre feet of water from Twin
Creek Lakes each year and used said water for the proper irrigation of the ranch on
Bear Creek in Custer County, Idaho, in Sections 5 and 6 of Township 14 North, Range
18 East, Boise Meridian; and know that he has used this water for over 10 years.

JCB

Floyd C. Black
(signature)

Subscribed and sworn to before me this 23rd day of February 1968

J. Lewis Sharp
(Notary Public)

Residing at Challis, Idaho

My commission expires March 17, 1971

January 24, 1968

Donald N. Young
P. O. Box 212
Challis, Idaho

Dear Mr. Young:

Thank you for your reply of January 9, 1968. You have stated in your letter that you are simply filing on an existing use of the water, that this use has been in use for 10 to 12 years. We hope that you understand that by filing an application for permit, the only date of priority which you can claim on that water would be the date of filing. In this case it would be January 16, 1968. Even if you are entitled to 10 years priority prior to this date, we suggest that you file a claim to a water right.

By using the claim procedure you may back date the priority to the date of first beneficial use. In this case, you have indicated that it would be 10 to 12 years. Forms for filing a claim to a water right are enclosed. On the back of the application you will find an instruction sheet. If you wish, however, to re-submit your permit, you will receive the January 16, 1968 date of filing.

Also returned in your personal check in the amount of \$10.00 and your application for permit. Give these your reconsideration and contact us if we may be of further assistance.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DW:ks

Enclosure: Claim forms
Check in the amount of \$10.00
Original application

General Encl

March 8, 1948

Re: Claim to a Water Right

Donald M. Young
Box 212
Cullis, Idaho

Dear Mr. Young

We are returning your personal check in the amount of \$10.00 and your claim to a water right. In order for the Department of Reclamation to process your claim we must have some additional information.

Item 2 of the claim requires the point of diversion and the source of water supply. We believe that from the information you have inserted that your diversion will be of water in the NW 1/4, sec. 6, T. 11 N, R. 18 E, from a source of West Fork Creek, tributary to Bear Creek. If this information is incorrect, please insert the correct information.

Item 3a of the claim requires the date of priority claimed and the quantity claimed under that priority. We require a month, day, and year of the priority date. Please insert the required information.

Upon completion of this information, return the document to the Department of Reclamation for processing along with the \$10.00 filing fee. Please contact us if we may be of further assistance.

Very truly yours,

Donald M. McKidney
Appropriation Examiner

DMM:ks

Enclosure: Check for \$10.00
Claim to a water right

Dear Mr. McEldownen

1/9/47

The lakes I'm referring on are the
same lakes I have had filed on for the
past 10 or 12 years.

Only difference in them will be
no dam built a new arrangement has
been made with the forest Service
to install this new controlling
headgate.

(4) Also I have had a wooden
head gate installed in these lakes
for the past 10 or 12 years &
have dried this amount of water.
I got the water master report

on the year of 1946 he said the
measured out 14 feet ft. of water
out of these lakes & the year of
1947 he measured out 10 feet
feet of water.

my head gate had busted off both of
these years & for once I could of
stored 14 second feet of water so
there is what I filed on.

The water master has only been
the last two years of measurement.

72-4000

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1/9/28

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to 10

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water so
77-4000
Kessell
circumstances

Don young!

Am sending old maps & hope
this will help also -

Department of Reclamation

JAN 10 1928

RECEIVED

DON SAMUELSON
GOVERNOR



STATE OF IDAHO

DEPARTMENT OF RECLAMATION
GOV. STATE HOUSE
BOISE, IDAHO 83701

January 4, 1968

RECEIVED

Department of Reclamation

Donald N. Young
Box 212
Challis, Idaho

Dear Mr. Young:

We are returning your application to appropriate public waters of the State of Idaho and your personal check for the amount of \$10.00.

We are not able to accept your application for permit as we are unable to determine the quantity of water you are requesting. We are enclosing for your use in clarifying this issue, a Farm Water Measurement Manual.

Also enclosed is a current instruction sheet. The department has partially completed a typed copy of your application. Please add the required information to the typed copy and return it with the appropriate fee.

Please contact us if we may be of assistance.

Very truly yours,

Donald W. McKelvey
Water Rights Clerk

DWM:ks

Enclosure: Original application
Check for \$10.00
Farm Water Measurement Manual
Instruction sheet
New application form

72-4000