

RECEIVED

JAN 25 1996

Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A72-04005

Date Received: 1/ 2/1990

Receipt No: S010797

Received By: Scu

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SALMON RIVER HEREFORD RANCH 208-879-4406
Address: HC 63 BOX 1760
CHALLIS ID 83226

2. Date of Priority: NOV 1, 1917

3. Source: WARM SPRING CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	2	NE	NW	SE		CUSTER

5. Description of diverting works:
ROCK DAM IN CREEK, OPEN DITCH - IN-DITCH STOCK WATERING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.330		
MINIMUM INSTREAM FLOW	11/01	03/31	1.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1500 CATTLE AND 15 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	19E	2	NE	NW		STOCK	
			NE	NW		MIF	
			NW	NW		STOCK	

DEC 03 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	19E	2	NW	NW		MIF	
			SE	NW		STOCK	
			SE	NW		MIF	
			NE	SW		MIF	
			NW	SE		MIF	

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:
THIS CLAIM IS FOR WINTER STOCKWATER, THE MINIMUM FLOW IS
REQUIRED TO KEEP THE WATER FROM FREEZING.

15. Basis of Claim: BENEFICIAL USE

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 Organizations:

I do solemnly swear or affirm that I am Owner of
Title
Salmon River Herford Rh. that I have signed the foregoing
Organization
document in the space below as Owner of
Title
Salmon River Herford Rh. and that the statements contained in the
Organization
foregoing document are true and correct.

Margaret Westergaard
Signature of Authorized Agent
Salmon River Herford Rh.
Title and Organization
Jan. 23, 1996
Date

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 23 day

of January 19 96

Seal

Charlotte D. Miller
Notary Public

Residing at Challis

My Commission Expires 4-10-98

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 72-04005

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

January 5, 1996 11:30am

NAME: ROCKY WESTERGARD CALLIN RE: STOCKWATER FLOWS

HE WANTED TO KNOW WHAT COULD BE DONE TO CHANGE HIS RIGHT FOR THE STOCK FLOWS ON THE CLAIMS HE HAS MADE FOR WARM SPRING CREEK FLOWS. I ASKED HIM IF I COULD CHECK OUT THE FILES AND CALLBACK... OK. PHONE: 879-4406 CLAIM: A72-04005

CALLBACK: January 5, 1996 2:30 PM

CALLED TO INFORM HIM HE MAY AMEND THE CLAIM. RECOMMENDATION SHOULD BE ALLOWED SINCE IT IS FOR AN INSTREAM FLOW. **NO ANSWER**

January 9, 1996 3:32pm

NAME: ROCKY WESTERGARD CALLIN RE: F/U ON CALL

HE CALLED TO ASK ABOUT THE CLAIM CHANGES... I EXPLAINED THAT IT APPEARS TO BE AN IN STREAM USE, THE WATER WILL BE THERE ANYWAY AND HAS BEEN, SHOULD BE ABLE TO SIMPLY AMEND THE CLAIM TO EXTEND THE SEASON. I WILL SEND HIM A COPY OF THE OLD CLAIM AND AN AMENDED VERSION TO SIGN AND RETURN.

DEC 13 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

January 19, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

ROCKY WESTERGARD
SALMON RIVER HEREFORD RANCH
HC 63 BOX 1760
CHALLIS ID 83226

RE: REQUEST FOR AMENDED SRBA CLAIM NO. A72-04005

DEAR MR. WESTERGARD,

Please accept my apologies for the late response to you request. Enclosed please find the copy of an amended version of your claim A72-04005 with the revisions we discussed by phone. A spelling correction was also made to the name 'Hereford'.

If this is correct and how you wish the claim to appear sign and notarize and return to our office. If you have any corrections to make feel free to write in the corrections and initial the changes. Call if you have further questions.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

Claim No. A72-04005

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

January 18, 1996 1:14pm

RE:

CALLIN

F/U CALL ON THE -4005

HE SAID HE HAD NOT RECEIVED THE AMENDED CLAIM DOCUMENTS AS WE HAD DISCUSSED EARLIER. I THOUGHT I HAD SENT THEM... I WILL CHECK AROUND AND RE-SUBMIT TO HIM TODAY.

DEC 03 1996

COMMUNICATION DOCUMENTATION

DEC 3 1945

\$ 250⁰⁰

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: A72-04005
Date Received: 1/2/1990
Receipt No: 5010797
Received By: _____

DEC 28 1989
Department of Water Resources
Southern Region Office

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

1. Name: SALMON RIVER HERFORD RANCH 208-879-4406
Address: HC 63 BOX 1760
CHALLIS, ID 83226

2. Date of Priority: NOV 01, 1917

3. Source: WARM SPRING CREEK Trib. to: SALMON RIVER

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13N	19E	2	NE	NW		STOCK	
			NE	NW		MIF	

A72-04005

Page 1

Date: 12/06/89

MICROFILMED
MAR 18 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	19E	2	NW		NW		STOCK	
			NW		NW		MIF	
			SE		NW		STOCK	
			SE		NW		MIF	
			NE		SW		MIF	
			NW		SE		MIF	

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:
THIS CLAIM IS FOR WINTER STOCKWATER, THE MINIMUM FLOW IS
REQUIRED TO KEEP THE WATER FROM FREEZING.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am partner Title _____ of

Salmon River Heretford Ranch, that I have signed the foregoing Organization

document in the space below as partner Title _____ of

Salmon River Heretford Ranch and that the statements contained in the Organization

foregoing document are true and correct.

Barry Westling
Signature of Authorized Agent

partner of Salmon River Heretford Ranch
Title and Organization

12-6-89

Date

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 6th day
of December 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994
My Commission Expires _____

A72-04005

R19E

14N

13A





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04005
SALMON RIVER HERFORD RANCH
HC 63 BOX 1760

CHALLIS

ID 83226

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. **The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit.** The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, **proof must be provided supporting the priority date you have claimed.**

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by **May 1, 1992**, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993

CHALLIS

ID 83226

DAVIT - WATER USE

RECEIVED

MAR 31 1992

RE: WATER RIGHT NO.

Department of Water Resources
Southern Region Office

STATE OF IDAHO)

County of Custer)

A72-04005
: ss. SALMON RIVER HERFORD Ranch
HC 63 BOX 1760
CHALLIS, ID. BOX 1760 83226

The undersigned, first being duly sworn, deposes and says as follows:

1. That I have resided almost all of my lifetime in North Custer County, since my birth on the 26 day of April, 1915.

2. That I have reviewed the attached IDWR printout, Exhibit A, and the same is made a part of this Affidavit.

3. That as a child and young adult I resided on the property described as the place of use on the attached printout and I particularly recall that as a high school senior I was on my way to Challis with a friend, Vince Hardman, in the late fall or winter months of 1932. We were driving a 1928 Chevrolet and Vince had not removed the crank after starting the motor. As we crossed a bump in what is now called the Challis Hot Springs Road, the crank flew out causing damage and we had to stop. It is my recollection and I state as a fact that the bump in the road was caused by the warm spring water running under the road to supply the water for the purposes set forth under this claim for water right. I later acquired the lands from my family and can state that of my own knowledge the water continued in use for the stated purposes from 1932 forward without substantial interruption. Further, the extent of the use made is accurate. I am not able to personally verify use prior to 1932, but in all likelihood the true priority date may well be earlier.

4. I state that the above is true and accurate.

DATED: March 27th, 1992.

Frank Burstedt
Frank Burstedt

SUBSCRIBED AND SWORN TO before me this 27th day of March, 1992.

James Bennett
Notary Public for Idaho
Residing at: Challis, Idaho
My Comm. Expires:

1-13-93

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

APR 14 2003

Department of Water Resources

January 28, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHRISTINE SCHOWENGERDT
RICHARD SCHOWENGERDT
2794 HIGHWAY 93 S
SALMON ID 83467-5396

R FEB 5 2002 D
RECEIVED

RE: Snake River Basin Adjudication (SRBA)
Water Rights #72-4004, 72-4192C, 72-7073, 72-10235, 75-10053
5

Dear Water Right Holders:

10 Conds Modified 4-15-03. ss

Mail sent to you by the SRBA District Court was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have (e.g., Salmon River Ranch?), and return this letter by February 8, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Richard W Schowengerdt

Water Right Holder's Signature

208 899-4572

Telephone No.

SCANNED

APR 14 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

Box 38

January 28, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHRISTINE SCHOWENGERDT
RICHARD SCHOWENGERDT
2794 HIGHWAY 93 S
SALMON ID 83467-5396

4-8-02
response
-10

RECEIVED

MAY 08 2002

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Water Rights #72-400J, 72-4192C, 72-7073, 72-10235, 75-10053
4005

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Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have (e.g., Salmon River Ranch?), and return this letter by February 8, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Water Right Holder's Signature

Telephone No.

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



SCH0250 530663030 1501 25 01/11/02
NOTIFY SENDER OF NEW ADDRESS
SCHOWENGERDT
2794 HIGHWAY 93 S
SALMON ID 83467-5396



1/18/02 LP

not reported to Court yet

RECEIVED

JAN 16 2002

Department of Water Resources

Christine CIDS

229557 }
8568 }

75-10053

72-4005 - PD 10-9-2001

72-4192C

72-7073 - PD 5-2-2001

72-10235 PD 10-12-2001

Richard CIDS

229573 }
8585 }
8586 }
8588 }

Needs a letter sent -

Why?

CHRISTINE SCHOWENGERDT
RICHARD SCHOWENGERDT
250 N SUMMIT MOORS DR
OCONOMOWOC, WI 53066

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

In Re SRBA)
Case No. 39576)
_____)

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

Water Right 72-04005

2001 OCT -9 PM 4: 54

SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: SALMON RIVER RANCHES LTD CO
250 N SUMMIT MOORS DR
OCONOMOWOC, WI 53066

RECEIVED

NOV - 2 2001

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.84 CFS

Department of Water Resources

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

PRIORITY DATE: 11/01/1932

POINT OF DIVERSION: T13N R19E S02 SENESE Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	11-01 TO 03-31	0.84 CFS

PLACE OF USE:	Stockwater	Within Custer County
	T13N R19E S02 LOT 03 (NENW) SENESE	LOT 03 (NWNW) NESW

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

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

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

RECEIVED

NOV 13 2001

Department of Water Resources
Southern Region

RULE 54(b) CERTIFICATE

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

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

STATE OF IDAHO
District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707



NOT DELIVERABLE
AS ADDRESSED
UNABLE TO FORWARD

Please Forward

65ND

Salmon River Ranches Ltd Co
250 N Summit Moors Dr
Oconomowoc, WI 53066

83303-2707



1999 JUN 10 PM 4:00

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

In Re SRBA	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE PROCEEDINGS
Case No. 39576	)	
	)	Water Right 72-04005
_____	)	

IDWR has completed the following Administrative Proceeding:

- ☐ Change of Address
- ☒ Substitution of Party
- ☐ I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water
right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 72-04005

From (Claimant/Seller):

Name of Claimant: CHRISTINE SCHOWENGERDT
RICHARD SCHOWENGERDT
Address: 250 N SUMMIT MOORS DR
OCONOMOWOC WI 53066
Phone: (414) 965-3524

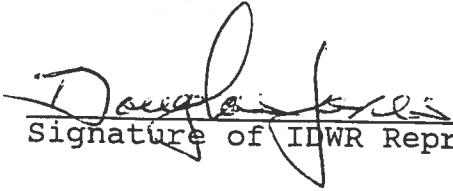
To (Claimant/Purchaser):

Name of Claimant: SALMON RIVER RANCHES LTD CO
Address: 250 N SUMMIT MOORS DR
OCONOMOWOC ID 53066
Phone: (414) 965-3524

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 6/8/99


Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
6/7/1999

72-04005

PAGE 2

COB/

CERTIFICATE OF MAILING

I certify that on 6/10/99 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

CHRISTINE SCHOWENGERDT
RICHARD SCHOWENGERDT
250 N SUMMIT MOORS DR
OCONOMOWOC WI 53066
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

SALMON RIVER RANCHES LTD CO
250 N SUMMIT MOORS DR
OCONOMOWOC ID 53066
WI
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ5856NP

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

DATE: JUN-7-1999
PAGE: A-5

RIGHTS FROM: SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04005

NAME & ADDRESS: SALMON RIVER RANCHES LTD CO
250 N SUMMIT MOORS DR
OCONOMOWOC WI 53066

SOURCE: WARM SPRING CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.84 CFS

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

PRIORITY DATE: 11/01/1932

POINT OF DIVERSION: T13N R19E S02 SENESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	11-01 03-31	0.84 CFS

PLACE OF USE: STOCKWATER Within CUSTER County
T13N R19E S02 Lot 3 (NENW) Lot 3 (NWNW) SENW NESW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 1500 CATTLE AND 15 HORSES



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

June 10, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SALMON RIVER RANCHES LTD CO
250 N SUMMIT MOORS DR
OCONOMOWOC WI 53066

RE: SRBA Claim(s) 72-04005

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

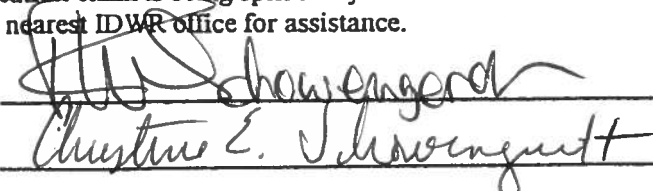
Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

JAN 14 1999

Department of Water Resources
Southern Region

1. Water Right Number(s) A72-04005, R72-04005
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) RICHARD W AND/OR CHRISTINE E SCHOWENGERDT
250 N SUMMIT MOORS DR, OCONOMOWOC, WI 53066
4. New Owner/Claimant(s) SALMON RIVER RANCHES LTD CO
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address 250 N SUMMIT MOORS DR
City, State and ZIP Code OCONOMOWOC WI 53066
New Telephone Number (414) 965-3524
5. Date you acquired the property 11/25/98
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s)  Date 1/5/99
Christine E. Schowengerdt Date 1/5/99
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

RECEIVED

JAN 14 1999

QUITCLAIM DEED

Custer 021121
recorded 12/21/98

Department of Water Resources
Southern Region

FOR VALUE RECEIVED, RICHARD W. SCHOWENGERDT and CHRISTINE E. SCHOWENGERDT, the Grantors, do hereby convey, release, remise and forever quitclaim unto SALMON RIVER RANCHES, LTD. CO., an Idaho Limited Liability Company, whose current address is 250 North Summit Moors Drive, Oconomowoc, Wisconsin 53066, the following described premises, to-wit:

All of Grantors' interest in the land described in attached Exhibit "A" together with all interest or equity of Grantors in lands lying within Custer County, Idaho not herein particularly described.

Together with all appurtenances.

DATED: 25 day of Nov, 1998.

/s/
Richard W. Schowengerdt

/s/
Christine E. Schowengerdt

STATE OF WISCONSIN)
 : ss.
County of Waukesha)

On this 25 day of Nov, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared RICHARD W. SCHOWENGERDT and CHRISTINE E. SCHOWENGERDT, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

/s/
Notary Public for Wisconsin
Residing at:
My Commission Expires:

EXHIBIT "A"

The land described in this exhibit is situated in the State of Idaho, County of Custer and is described as follows:

TRACT 1:

TOWNSHIP 13 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 2: Lots 3 and 5.

Section 2: SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$.

Section 2: A fraction of Lot 2, more particularly described as follows: Commencing at the Southwest corner of Lot 2, Section 2 and running thence East 170 feet, North 20° 20' East, 1069 feet; thence North 64° 25' West, 600 feet; thence South, 1261 feet to the point of beginning.

Section 3: Lots 6 and 10.

Section 11: Lot 1.

TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 35: Lot 9.

AND

A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 14 North, Range 19 East, Boise Meridian, Custer County, State of Idaho; being more particularly described as follows:

Beginning at a point that is North 0°02'24" West 841.50 feet along the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35 from the South 1/4 corner of said Section 35; thence continuing along said West line North 0°02'24" West 444.66 feet to a point lying on an existing fence line; thence South 89°08'35" East 15.43 feet on or along said fence to a fence corner; thence South 0°03'03" West 444.33 feet on or along said fence to a point; thence leaving said fence South 89°38'36" West 14.73 feet to the point of beginning.

EXHIBIT "A", continued

AND

A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, Township 14 North, Range 19 East, Boise Meridian, Custer County, State of Idaho; being more particularly described as follows:

Beginning at a point that is North 0°02'24" West 38.94 feet along the West line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 35, from the South 1/4 corner of Section 35; thence continuing along said West line North 0°02'24" West 802.56 feet to a point; thence North 89°38'36" East 14.73 feet to a point lying in an existing fence line; thence South 0°03'03" West 809.10 feet on or along said fence line to a point; thence leaving said fence North 64°24'47" West 14.91 feet to the point of beginning.

And

A tract of land situated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 13 North, Range 19 East, Boise Meridian, Custer County, State of Idaho, being more particularly described as follows:

Beginning at a point that is South 0°03'38" West 1222.10 feet and South 89°58'50" East 170.00 feet from the North 1/4 corner of Section 2, Township 13 North, Range 19 East, Boise Meridian; thence North 20°21'10" East 958.74 feet to a point lying in an existing fence line; thence on or along said fence line South 64°55'04" East 35.83 feet to a fence corner; thence on or along said fence line South 20°49'25" West 945.46 feet to a point lying on the South line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 2; thence leaving said fence line North 89°58'50" West 29.79 feet along said south line to the point of beginning.

EXHIBIT "A", continued

EXCEPTING THEREFROM

A tract of land situated in Government Lot 9, Township 14 North, Range 19 East, Boise Meridian, Custer County, State of Idaho; being more particularly described as follows:

Beginning at the Northeast corner of said Government Lot 9, said point being North 0°02'24" West 1317.27 feet from the South 1/4 corner of Section 35, Township 14 North, Range 19 East, Boise Meridian; thence South 0°02'24" East 31.11 feet to a point lying on an existing fence; thence North 89°08'35" West 1289.48 feet on or along said fence to a point on the right bank (looking downstream) of the meander channel of the Salmon River; thence leaving said fence line North 30°56'38" East 0.57 feet along said right bank to a point lying on the North line of Government Lot 9; thence North 89°29'46" East 1289.07 feet along said North line to the point of beginning.

ALSO EXCEPTING THEREFROM

A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 35, Township 14 North, Range 19 East, Boise Meridian, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 2, Township 13 North, Range 19 East, Boise Meridian, Custer County, State of Idaho; being more particularly described as follows:

Beginning at a point that is North 0°02'24" West 38.94 feet and South 64°24'47" East 14.91 feet from the South 1/4 Corner of Section 35; thence South 64°24'47" East 584.39 feet to a point; thence South 20°21'10" West 110.26 feet to a point lying in an existing fence line; thence North 64°55'04" West 230.21 feet on or along said fence to a point; thence North 66°08'57" West 126.12 feet on or along said fence line to a fence corner; thence North 18°57'05" East 44.39 feet on or along said fence line to a fence corner; thence North 68°07'33" West 193.30 feet on or along said fence line to a fence corner; thence North 0°03'03" East 93.18 feet on or along said fence line to the point of beginning.

EXHIBIT "A", continued

TRACT II:
TOWNSHIP 13 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY,
IDAHO.

Section 2: Beginning at the Northwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 89° 48' East along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ 174.7 feet; thence South 23° 04' West, 435.8 feet, more or less, to the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 0° 01' East, 400.95 feet, more or less, along said West line to the point of beginning.

Tract III: Section 10: Lot 1

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226-0036

TELEPHONE

(208) 879-4488

FAX

(208) 879-4248

January 13, 1999

RECEIVED

JAN 14 1999

Department of Water Resources
Southern Region

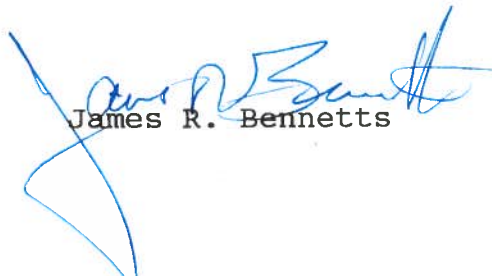
State of Idaho
Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RE: Schowengerdt - Salmon River Ranches Ltd Co

Dear Sirs:

Enclosed is the Notice of Change of Water Right Ownership on the above.

Very truly yours,


James R. Bennetts

JRB:k
Enclosures

Receipt Number : S010797

Page 1 Of 3

Receipt Amt :

882.00

A7204192C	349.00	A7204005	250.00	A7210235	145.00
A7207073	88.00	A7210238	25.00	A7210239	25.00

(Enter=Continue) (GOLD2=Update) (GOLD4=Prev Pg) (GOLD5=Next Pg)

12/14/98
SCC claim is for > 13,000 gpd stockwater claim.

12/11
Steve,
This prelim.
needs attention
See tabbed
page
TJf

2/24/99 SCC

Unable to make any Revisions to the Record...
Went to the Court as is.

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 21 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: 72-04005

CHRISTINE SCHOWENGERDT
RICHARD SCHOWENGERDT
250 N SUMMIT MOORS DR
OCONOMOWOC WI 53066

Daytime Telephone Number: (414) 549-6818

Evening Telephone Number: (414) 965-3524

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: 12-14-98

SIGNATURE:

Please print your name:

RICHARD SCHOWENGERDT

OWNER CODE

NAME & ADDRESS

PRIORITY DATE

WATER USE

USE PERIOD FROM TO

DIVERSION RATE

DIVERSION VOLUME

C

CHRISTINE SCHOWENGERDT

11/01/1932

STOCKWATER

10-16 04-14

0.84 CFS

C

RICHARD SCHOWENGERDT

250 N SUMMIT MOORS DR

OCOMOMOOC WI 53066

(414) 965-3524

TOTAL DIVERSION:

0.84 CFS

Water Source: WARM SPRING CREEK

Tributary to: SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion:

T13N R19E S02

SENESE

CUSTER County

Place of use Legal Description for: STOCKWATER

NE

NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :

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

13N 19E 2 : : 03-S 03-S S : S :

POU County: CUSTER

Other Rights: NONE

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

- DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000

- GALLONS PER DAY.

Remarks: EXP STOCKWATER, 1500 CATTLE AND 15 HORSES

Dates: Exam Made Date: 02/24/1994 Verified Date: Objection Filed Date:

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

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A72-04005**
Date Received: 1/ 2/1990
Receipt No: S010797
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: RICHARD SCHOWENGERDT 414-965-3524
Address: 250 N SUMMIT MOORS DR
OCONOMOWOC WI 53066

AND/OR

Name: CHRISTINE SCHOWENGERDT 414-965-3524
Address: 250 N SUMMIT MOORS DR
OCONOMOWOC WI 53066

2. Date of Priority: NOV 1, 1917

3. Source: WARM SPRING CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
13N	19E	2	NE	NW	SE		CUSTER

5. Description of diverting works:
ROCK DAM IN CREEK, OPEN DITCH - IN-DITCH STOCK WATERING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.330		
MINIMUM INSTREAM FLOW	11/01	03/31	1.670		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1500 CATTLE AND 15 HORSES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
13N	19E	2	NE		NW		STOCK	
			NE		NW		MIF	
			NW		NW		STOCK	
			NW		NW		MIF	
			SE		NW		STOCK	
			SE		NW		MIF	
			NE		SW		MIF	
			NW		SE		MIF	

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:

THIS CLAIM IS FOR WINTER STOCKWATER, THE MINIMUM FLOW IS
REQUIRED TO KEEP THE WATER FROM FREEZING.

9/30/98 TF; OWNERSHIP CHANGED SALMON RIVER HEREFORD RANCH TO
SCHOWENGERDT PER 1409(6) AND WARRANTY DEED REC'D 9/3/98.

15. Basis of Claim: BENEFICIAL USE

OK

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

SEP 03 1993

1. Water Right Number(s) A72-04005, R72-04005 Department of Water Resources
Southern Region
Adjudication Claim Number(s) _____
2. The following **REQUIRED** information must be submitted with this form.
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)
OR
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) SALMON RIVER HEREFORD RANCH
HC 63 BOX 1760, CHALLIS ID 83226
4. New Owner/Claimant(s) RICHARD AND/OR CHRISTINE SCHOWENGERDT
Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR
New Mailing Address 250 NORTH SUMMIT MOORS DR
City, State and ZIP Code OCONOMOWOC WI 53066
New Telephone Number (414) 965-3524
5. Date you acquired the property 10/8/97
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) *Richard Schowengerdt* Date 8-26-98
Christine Schowengerdt Date 8-26-98
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

0214438

For Value Received, MARGARET D. WESTERGARD, a single person, and ROCKY M. WESTERGARD and YVONNE G. WESTERGARD, husband and wife, all individually and as partners of SALMON RIVER HEREFORD RANCH, an Idaho Partnership, the Grantors, do hereby Grant, Bargain, Sell and Convey unto RICHARD W. SCHOWENGERDT and CHRISTINE E. SCHOWENGERDT, husband and wife, whose address is 250 North Summit Moors Drive, Oconomowoc, Wisconsin 53066, the Grantees, those premises in Custer County, Idaho, more particularly described on Exhibit "A" annexed hereto and by this reference made a part hereof.

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

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. Unpatented mining claims: reservations or exceptions in patents or in acts authorizing the issuance thereof: water rights, claims or title to water.

YBW
RMW
M.D.W.

RECEIVED

SEP 03 1998

Department of Water Resources
Southern Region

214438

6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records except those created by Sellers.

7. Any adverse claim based on the assertion that the location of the Salmon River has moved.

8. Any rights, interest or easements in favor of the public which exist or are claimed to exist over any part of said land covered by water.

9. Ditches - ditch rights contained in the deeds from Challis Irrigation Company, "Grantor, to Challis Irrigation Company, recorded March 5, 1943. Corrected March 2, 1994, and November 28, 1944, in Deed books 26-165, 26-167, 26-343 and 26-471, records of Custer County, Idaho.

10. Irrigation Contract dated October 30, 1989, by and between Salmon River Electric Cooperative, Inc., and Salmon River Hereford Ranch, recorded November 13, 1989, as Instrument No. 193533, records of Custer County, Idaho.

11. Memorandum of Agreement dated April 18, 1996, by and between Salmon River Electric Cooperative, Inc., and Salmon River Hereford Ranch, c/o Rocky and Yvonne Westergard, recorded May 14, 1997, as Instrument No. 211025, records of Custer County, Idaho.

12. Memorandum of Agreement dated April 18, 1996, by and between Salmon River Electric Cooperative, Inc., and Salmon River Hereford Ranch, c/o Rocky and Yvonne Westergard, recorded May 14, 1996, as Instrument No. 211027, records of Custer County, Idaho.

13. Grant of Easement dated October 21, 1996, from Margaret D. Westergard and Rocky Michael Westergard, to Harold Horton and Gwendolyn Horton, husband and wife, recorded October 22, 1996, as Instrument No. 212317, records of Custer County, Idaho.

14. Joint Waterline Use Agreement dated October 21, 1996, form Margaret D. Westergard and Rocky Michael Westergard, to Harold Horton and Gwendolyn Horton, husband and wife, recorded October 22, 1996, as Instrument No. 212318, records of Custer County, Idaho.

15. Memorandum of Agreement dated April 18, 1997, by and between Salmon River Electric Cooperative, Inc., and Salmon River Hereford Ranch, c/o Rocky and Yvonne Westergard, recorded May 29, 1997, as Instrument No. 213507, records of Custer County, Idaho.

YBW
RMW
M.D.W.

214438

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

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals this 8th day of October, 1997.

SALMON RIVER HEREFORD RANCH

Margaret D. Westergard
Margaret D. Westergard,
Individually

By: Margaret D. Westergard
Margaret D. Westergard,
Partner

Rocky M. Westergard
Rocky M. Westergard,
Individually

By: Rocky M. Westergard
Rocky M. Westergard, Partner

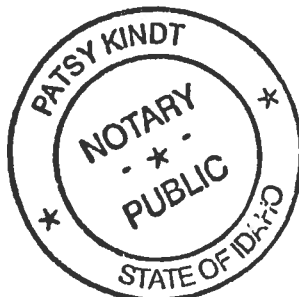
Yvonne G. Westergard
Yvonne G. Westergard,
Individually

By: Yvonne G. Westergard
Yvonne G. Westergard, Partner

STATE OF IDAHO)
 : ss.
County of Custer)

On this 8th day of October, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared MARGARET D. WESTERGARD, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



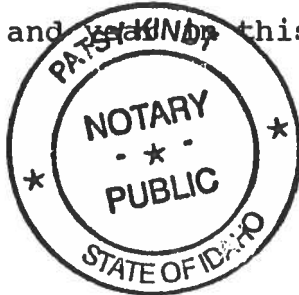
Patsy Kindt
Notary Public for Idaho
Residing at Challis, Idaho
Commission Expires: 3/12/98
M. D. W.

STATE OF IDAHO)
:ss.
County of Custer)

214438

On this 8th day of October, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared ROCKY M. WESTERGARD and YVONNE G. WESTERGARD, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

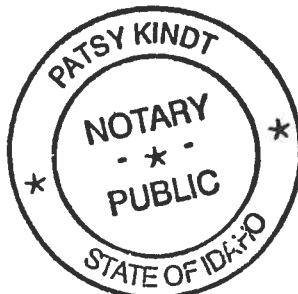


Patsy Kindt
Notary Public for Idaho
Residing at Challis, Idaho
Commission Expires: 3/12/98

STATE OF IDAHO)
:ss.
County of Custer)

On this 8th day of October, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared MARGARET D. WESTERGARD, ROCKY M. WESTERGARD and YVONNE G. WESTERGARD, known to me to be the partners of SALMON RIVER HEREFORD RANCH, the partnership that executed the above instrument, and acknowledged to me that such partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Patsy Kindt
Notary Public for Idaho
Residing at Challis, Idaho
Commission Expires: 3/12/98

g/bw
RMW
M. N. W.

TRACT 1:

TOWNSHIP 13 NORTH, RANGE 19 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 2: Lots 3 and 5

Section 2: SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$

Section 2: A fraction of Lot 2, more particularly described as follows: Commencing at the Southwest corner of Lot 2, Section 2 and running thence East 170 feet, North 20°20' East, 1069 feet; thence North 64°25' West, 600 feet; thence South 1261 feet to the point of beginning.

Section 3: Lots 6 and 10

Section 11: Lot 1

TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 35: Lot 9.

TRACT II:

TOWNSHIP 13 NORTH, RANGE 19 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 2: Beginning at the Northwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 89°48' East along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ 174.7 feet; thence South 23°04' West, 435.8 feet, more or less, to the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 0°01' East, 400.95 feet, more or less, along said West line to the point of beginning.

TOGETHER WITH all grazing and grazing rights, ditch and ditch rights, water and water rights appurtenant thereto or used in connection therewith.

214438
Custer County Title

Time 2:30 P.M.

EXHIBIT "A"

Y & W
B & W
M. D. W.

10-15-1997
Ethel M. Peck, Clerk
Barbara C. Blodgett
15 Deputy



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 18, 1998

James R. Bennetts
P.O. Box 36
Challis, ID 83226-0036

Dear Mr. Bennetts:

Pursuant to your recent inquiry, please find enclosed proof reports of Snake River Basin Adjudication records A72-04005 and R72-04005. These records relate to the winter stock water from Warm Spring Creek in the name of Salmon River Hereford Ranch. As we discussed during our telephone conversation, record R72-04005 represents the Department's preliminary recommendation for this particular claim and could be subject to change.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,

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

Corey Skinner, EIT
Dam Safety Section

Enclosures

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226-0036

TELEPHONE

(208) 879-4488

FAX

(208) 879-4248

*Southern
region*

May 11, 1998

RECEIVED

MAY 14 1998

Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83401

Department of Water Resources
Southern Region

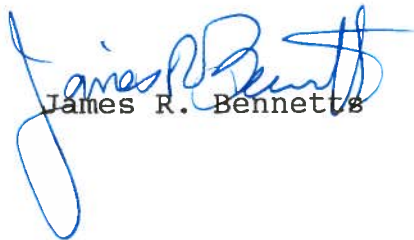
RE: Westergard Sale to Schowengerdt

Dear Sirs:

I am checking into the possible existence of a winter stock water right from Warm Springs appurtenant to the lands described on the attached.

Can you advise me of the existence of such a right? Thank you.

Very truly yours,


James R. Bennetts

JRB:k
Enclosure
cc: Lynda Hoggan

RECEIVED

MAY 12 1998

Department of Water Resources
Eastern Region

TRACT 1:

TOWNSHIP 13 NORTH, RANGE 19 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 2: ^{NW} Lots 3 and 5

Section 2: SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the SW $\frac{1}{4}$

Section 2: A fraction of Lot 2, more particularly described as follows: Commencing at the Southwest corner of Lot 2, Section 2 and running thence East 170 feet, North 20°20' East, 1069 feet; thence North 64°25' West, 600 feet; thence South 1261 feet to the point of beginning.

Section 3: ^{SE 1/4} Lots 6 and 10 ^{nothing of note}

Section 11: Lot 1 ^{NW} ^{nothing of note}

TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 35: ^{SW} Lot 9.

TRACT II:

TOWNSHIP 13 NORTH, RANGE 19 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO. ^{nothing of note}

Section 2: Beginning at the Northwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 89°48' East along the North line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ 174.7 feet; thence South 23°04' West, 435.8 feet, more or less, to the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North 0°01' East, 400.95 feet, more or less, along said West line to the point of beginning.

TOGETHER WITH all grazing and grazing rights, ditch and ditch rights, water and water rights appurtenant thereto or used in connection therewith.

214438
Custer County Title

Time 2:30 P.M.

10-15-1997
Ethel M. Peck, Clerk
Barbara L. Blidmore
15 Deputy

EXHIBIT "A"

ay & w
B.M.W.
M.D.W.

FEB-05-1997
0018

RIGHT NUMBER:

72-04005

NAME AND ADDRESS:

SALMON RIVER HERFORD RANCH
SALMON RIVER HERFORD RANCH
HC 63 BOX 1760
CHALLIS ID 83226

HERFORD

SOURCE:

WARM SPRING CREEK

TRIBUTARY: SALMON RIVER

QUANTITY:

0.84 CFS
2100 CFS

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

PRIORITY DATE:

11/01/1932
11/01/1917

POINT OF DIVERSION:

T13N R19E S02

SENESE
MEMPH

Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER
STOCKWATER
MINIMUM INSTREAM FLOW

PERIOD OF USE
Non-Irrigation Season
01/01 12/31
11/01 03/31

QUANTITY
0.84 CFS
01/31 12/31
11/01 03/31

PLACE OF USE:

STOCKWATER
T13N R19E S02
Lot 3 (NEMM)
Within CUSTER County
Lot 3 (NEMM)

SENM

NESM

STOCKWATER
T13N R19E S02

W12N R19E S02
NEMM

SENM

MINIMUM INSTREAM FLOW
T13N R19E S02

W12N R19E S02
NEMM

SENM

NESM

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

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

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE
STOCKWATER, 1500 CATTLE AND 15 HORSES

* R#010797 - \$250
animals > 13,000 gpd
- 1515 animals x 12 gpd/animal = 18,180 gpd
- for making volume in
12 hrs, rate = 0.3333
24 hrs, rate = 0.1745
- condition to have water
measured at field entrance.
Remove from DAS Report

USE PERIOD FROM	TO	DIVERSION RATE	DIVERSION VOLUME
10-16	04-14	0.84 CFS	
TOTAL DIVERSION:		0.84 CFS	

Stage: BENEFICIAL USE

CUSTER County

SE

75

exp

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A

- GALLONS PER DAY.

→ comm.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

REQUIRED TO KEEP THE WATER FROM FREEZING.

User-ID: CLELLAND Subject: RECOMMENDATION

Sc 2/4/97

AJ5809NP
No. R72-04005

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/17/97
PAGE: 19

Comments:

Date: 05/11/1994 User-ID: CLELLAND Subject: RECOMMENDATION
THIS RIGHT IS FOR STOCKWATER USES FROM WARM SPRING CREEK. THE
FLOW IS RECOMMENDED AT THE IDWR STANDARD FOR THE NO. OF HEAD AND
CONVEYANCE LOSSES WERE ADDED ALSO. THE CLAIM IS FOR A GREATER
AMOUNT (AND THE DIVERSION FOUND WAS EVEN GREATER) FOR THE WARM
WATER USE TO KEEP WATER FROM FREEZING IN THE DITCH AND REACH THE
CATTLE USES. I CONSULTED WITH DAVE SHAW IN GENERAL ABOUT THESE
TYPE OF CLAIMS. HE COULD FIND NO RECOGNIZED BENEFICIAL USE FOR
THE LARGE DIVERSION OF WATER.

Audit: 11/13/92 CLELLAND 02/15/94 CLELLAND 05/11/94 CLELLAND 03/30/95 POST-STD
01/14/97 D&S-DSHA

R PROOF

CVR

MAPS

PHOTOS

MISC

NOV 01 1954

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

RECEIVED BY 

DIVERSION
VOLUME

0.84 CFS

0.84 CFS

Stage: BENEFICIAL USE

CUSTER County

..

MICROFILMED
NOV 01 1994

AJ0749NP
No. R72-04005

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

DATE: 05/11/94
PAGE: 2

Comments:

Date: 05/11/1994 User-ID: CLELLAND Subject: RECOMMENDATION
WATER USE TO KEEP WATER FROM FREEZING IN THE DITCH AND REACH THE
CATTLE USES. I CONSULTED WITH DAVE SHAW IN GENERAL ABOUT THESE
TYPE OF CLAIMS. HE COULD FIND NO RECOGNIZED BENEFICIAL USE FOR
THE LARGE DIVERSION OF WATER.

Audit:

05/11/94 CLELLAND

MICROFILMED
NOV 01 1994

POOR ORIGINAL

3

T
13
N

10

15

R 19 E

CLAIM A72-04005 INIT Sen
T. R. S. Q/Q
P/D 13N 19E 2 SE NESE
PHOTO U25
DT. & ID. 7-24-74

As recommended
5-11-94
BC

MICROFILMED

NOV 01 1994

POOR ORIGINAL

ROBIN'S
PLACE

Confined
Field
2-24-94
use + poe
set

OLD
KEYES
PLACE

--Ditch
LINE

POB

WARM
SPRING
CREEK

per Conversation Memo
2-17-94

w/ Rocky
WESTERSARD
& STEVE
CHELAND

BLM AERIAL
10-10C-6
U25 NE

MICROFILMED
NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06:32:51
06/02/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04005

~~LAST: BUVSTADT
ADDRESS: P.O. BOX 554
CITY: CHALLIS
PHONE NUMBER: 208-000-0000~~

FIRST: FRANK
STATE: ID ZIP: 83226

~~OWNER CODE: 0~~

LAST: SALMON RIVER HERFORD RANCH
ADDRESS: HC 63 BOX 1760
CITY: CHALLIS
PHONE NUMBER: 208-879-4406

FIRST:
STATE: ID ZIP: 83226

OWNER CODE: C

FIELD EXAM REQUIRED?

FIELD
EXAMINER
DATABASE
Y

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM IS FOR WINTER STOCKWATER. THE MINIMUM FLOW IS
REQUIRED TO KEEP THE WATER FROM FREEZING.

MICROFILMED
NOV 01 1994

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: 8/3/93

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Exam for claim 72-00242 w/ Doug Robins only took in the
claimed track area for his irrigation ditches.

See 2-15-94

2/4/94 called to Westgard - left message on machine
about confirmation of this right

from Warm Spring Creek.

2-24-94 Follow-up exam:

went back and found the Division as claimed from Warm Spring Creek.
I walked ditch & found siphon works under the Upper McGowan Ditch.
+ the flow is used on the Westgard place for stock water.
I used the first method to measure the flow and estimated 10 cfs was
being diverted.

See
5-11-94

A. AJ CLAIM: # A72-04005 PRIORITY DATE: 11-01-1917 STAGE: J
B. WR RECORD: # 72-04005 PRIORITY DATE: 11-01-1917 STAGE: S

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

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(X)

REMARKS:

affiliated by FRANK BURESTEDT supports the year 1932.

RECEIVED
NOV 01 1994

2-15-94 SC
OK SC 5-11-94

RECOMMENDED PRIORITY DATE: 11-01-1917

REVIEWED BY

SC

11-1-1932

DATE *2-24-93*

SC 5-11-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04005	13N	19E	2	NE	NW	SE		CUSTER

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

WR RECORDS IN SAME 40 ACRE TRACT
72-07250
72-07465

SOURCE: WARM SPRING CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04005	13N	19E	2		SW	NE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE A72-10335 NONE

SOURCE: WARM SPRINGS CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

No *Division Point found.*
Confirmed by Exam and Ben photo & POQ
#10-105-6
U25 NE
U25
7-24-1974

Change POD to legal found.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4

LOT COUNTRY

13N 19E 2 ~~14E~~ SE NE SE

SOURCE: Warm Spins Creek
REVIEWED BY: Sec TRIP: Salmon River
DATE: 5-15-94

See 5-11-94

Water is Diverted by Rocks to open Ditch and flows by open
earth ditch to the pond on the Salmon River Highway road.
Siphons carry the water under the Upper & Lower McGowan Ditches.

See
5-11-94

MICROFILMED
NOV 01 1994

A. ROOT WATER RIGHT NUMBERS: A72-04005
B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	19E	2	NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04005 /	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04192C /39.0	-			
			NE	NE	3	BURSTEDT, FRANK		72-00243 /			
			NE	NE	3	BURSTEDT, FRANK		72-04005 /			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04178 /45.0			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04192 /39.0			
			NE	NE	3	SALMON RIVER HERFORD RANCH		72-07364 /44.0			
13N	19E	2	NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04005 /	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04192C /39.0	-			
			NE	NE	3	BURSTEDT, FRANK		72-00243 /			
			NE	NE	3	BURSTEDT, FRANK		72-04005 /			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04178 /45.0			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04192 /39.0			
			NE	NE	3	SALMON RIVER HERFORD RANCH		72-07364 /44.0			
13N	19E	2	NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04005 /	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04192C /13.0	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-07073 /16.0	-			
			NE	NE	3	GINI DITCH COMPANY INC.		A72-10482 /1.0			
			NE	NE	3	GINI DITCH COMPANY INC.		A72-10480 /1.0			
			NE	NE	3	GINI DITCH COMPANY INC.		A72-10481 /1.0			
			NE	NE	3	BURSTEDT, FRANK		72-00243 /			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04192 /13.0			
13N	19E	2	NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04005 /	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04192C /13.0	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-07073 /16.0	-			
			NE	NE	3	GINI DITCH COMPANY INC.		A72-10482 /1.0			
			NE	NE	3	GINI DITCH COMPANY INC.		A72-10480 /1.0			
			NE	NE	3	GINI DITCH COMPANY INC.		A72-10481 /1.0			
			NE	NE	3	BURSTEDT, FRANK		72-00243 /			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04192 /13.0			
13N	19E	2	NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04005 /	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-04192C /35.0	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-10235 /7.5	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-10238 /	-			
			NE	NE	3	SALMON RIVER HERFORD RANCH	A72-10239 /	-			
			NE	NE	3	BURSTEDT, FRANK		72-00243 /			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04178 /40.0			
			NE	NE	3	WESTERGARD, GOLDEN C.		72-04192 /40.0			
			NE	NE	3	SALMON RIVER HERFORD RANCH		72-07364 /40.0			

Stock use

Stock use

Stock water
Ditch flows
through

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECON. ACRES
13N	19E	2	SE	NW		SALMON RIVER HERFORD RANCH	A72-04005 /	72-04005 /	43.0		
			SE	NW		SALMON RIVER HERFORD RANCH	A72-04192C /35.0	-			
			SE	NW		SALMON RIVER HERFORD RANCH	A72-10235 /7.5	-			
			SE	NW		SALMON RIVER HERFORD RANCH	A72-10238 /	-			
			SE	NW		SALMON RIVER HERFORD RANCH	A72-10239 /	-			
			SE	NW		BURSTEDT FRANK	72-00243 /	72-00243 /			
			SE	NW		WESTERGARD, GOLDEN C.	72-04178 /40.0	72-04178 /40.0			
			SE	NW		WESTERGARD, GOLDEN C.	72-04192 /40.0	72-04192 /40.0			
			SE	NW		SALMON RIVER HERFORD RANCH	72-07364 /40.0	72-07364 /40.0			
13N	19E	2	NE	SW		SALMON RIVER HERFORD RANCH	A72-04005 /	72-04005 /	39.0		
			NE	SW		SALMON RIVER HERFORD RANCH	A72-04192C /15.0	-			
			NE	SW		SALMON RIVER HERFORD RANCH	A72-10235 /28.5	-			
			NE	SW		BURSTEDT FRANK	72-00243 /	72-00243 /			
			NE	SW		WESTERGARD, GOLDEN C.	72-04178 /40.0	72-04178 /40.0			
			NE	SW		WESTERGARD, GOLDEN C.	72-04192 /19.0	72-04192 /19.0			
			NE	SW		SALMON RIVER HERFORD RANCH	72-07364 /40.0	72-07364 /40.0			
13N	19E	2	NW	SE		SALMON RIVER HERFORD RANCH	A72-04005 /	72-04005 /	38.0		
			NW	SE		ROBINS, DOUGLAS	A72-00242 /	72-00242 /			
			NW	SE		ROBINS, DOUGLAS	A72-04222B /32.0	-			
			NW	SE		MILLICK, WILLIAM R.	A72-10429 /	-			
			NW	SE		WESTERGARD, GOLDEN C.	72-04178 /40.0	72-04178 /40.0			
			NW	SE		JOHNSON, LYNN	72-04322 /40.0	72-04322 /40.0			
			NW	SE		TUSBERG, STEVE O.	72-07250 /2.0	72-07250 /2.0			
			NW	SE		TUSBERG, STEVE O.	72-07465 /3.0	72-07465 /3.0			
TOTAL ACRES							A72-04005		163.00		

STO & water
Ditch flows through

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NOV 01 1994

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

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

PRESUMPTION FLAG:

REMARKS:

impossible to deliver water to all three places of use
some would flow uphill. Cannot confine this claimwater.

Confined uses as claimed Ditch flow was found & flows into tracks
as shown.

RECOMMENDATIONS:

TOTAL ACRES:

~~0.5411010~~ Stockwater

REVIEWED BY:

See DATE: 2-15-94

See 5-11-94

Confined POA w/ DPO u25 + Blom abrad # 10-10C-b
u25 NE

A. AJ CLAIMED USES:

PURPOSES
A72-04005 STOCKWATER
A72-04005 ~~STOCKWATER~~

MONTH/DAY
FROM 11-01 TO 03-31
FROM 11-01 TO 03-31

10-15 to 4-14

DIVERSION QUANTITY
1.330 CFS
1.670 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.000 CFS

B. WR RECORDED USES:

PURPOSES
72-04005 STOCKWATER
72-04005 DOMESTIC

MONTH/DAY
FROM 11-01 TO 03-31
FROM 11-01 TO 03-31

DIVERSION QUANTITY
2.000 CFS
2.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.000 CFS

MICROFILMED
NOV 01 1994

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

Stock was found to be used during the non-irrigation season

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AI TOTAL CLAIMED DIVERSION RATE: 2.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.000 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
Y

MEASUREMENT METHOD

Turned Flat ~~Water~~ Method FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

on field Note: Q = 10 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
A72-00242	SALMON RIVER	ROBINS, DOUGLAS	7.470	0.051		
A72-04192C	SALMON RIVER	SALMON RIVER HERFORD RANCH	15.000	0.050		
A72-04222B	WARM SPRING CREEK	ROBINS, DOUGLAS	4.000	0.027		
A72-07073	SALMON RIVER	SALMON RIVER HERFORD RANCH	0.630	0.016		
A72-10235	SALMON RIVER	SALMON RIVER HERFORD RANCH	10.000	0.105		
A72-10480	SALMON RIVER	GINI DITCH COMPANY INC.	120.000	0.041		
A72-10481	SALMON RIVER	GINI DITCH COMPANY INC.	67.000	0.022		
A72-10482	SALMON RIVER	GINI DITCH COMPANY INC.	25.300	0.008		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10238	DOMESTIC	SALMON RIVER HERFORD RANCH	FROM 01-01 TO 12-31	0.040 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION RATE

ACRES $\times 0.02 \text{ CFS/ACRE} =$ CFS
(Taken from p/u review)

1b. CALCULATIONS

DUES 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 = AE/A

ACRES $\times$ CONSUMPTIVE VOL. AE/A FOR AREA =

TOTAL CONSUMPTIVE USE AE/A

claim is for large flow
for Warm water to keep from
freezing. No beneficial use
recognized for this use.
(Consulted w/ Dave Shaw on this issue)

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES $\times$ DIVERSION VOL. AE/A FOR AREA =

TOTAL DIVERSION VOLUME AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(X)

1 DWR standard for 1500 head cattle

$$1500 \times 12 \text{ gpd} = 18000 \text{ gpd}$$

Based on 24 hr delivery:

$$\frac{18000 \text{ gpd}}{120 \text{ min}} \div 448.8 \text{ gpm} = \text{cfs}$$

$$= 0.33 \text{ cfs}$$

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

(from Note in State water
note of 4 parallel 14
water how hand book.)

Conveyance loss: (see hydro pivity program)

3' wide Ditch

$$\text{Est. length} = 5400'$$

$$\text{Soil value } C = 2.50$$

$$= 0.51 \text{ cfs}$$

$$\text{Total } 0.84$$

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONG.
USE

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

~~Database~~

Stockwater

10-16 4-14

0.84

N/A

N/A

TOTAL FOR THIS RIGHT

REVIEWED BY:

sw

DATE: 2-15-94

P03

no beneficial use found

$$D\phi_2 = .51$$

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. ABOUT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04005
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A72-04005	2.000	-		72-04005	2.000

TOTAL CFS 2.000

2.000

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
Y

FIELD
EXAMINER

REMARKS:

None

AUTHENTICATION:

SIGNATURE:

John C. [Signature]

DATE:

2-15-94

NAME OF FIELD EXAMINER:

TITLE:

Revised & Recommended - See 5-11-94

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CLAIM NUMBER: A72-04005

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	FILED DATE WHOM/DATE
PRIORITY DATE	N	affiliated 3-31-92	8-3-93 2-24-94 Sen	Y	6	Sen 2-24-93	Sen 8-15-94	Sen 8-15-94
POINT OF DIV	Y			Y	1456	Sen 8-15-94		
SOURCE	Y			Y	1	Sen 8-15-94		
PLACE OF USE	Y			Y	12456	Sen 8-15-94		
DIV. AMOUNT CEFS/VOLUME	Y			Y	6.	Sen 8-15-94		
CONSUMPTIVE USE	Y			Y	6.	Sen 8-15-94		
PURPOSES	Y			Y	6. Confined	Sen 8-15-94		
PERIOD OF USE	Y			Y	STD Season	Sen 8-15-94		
BASIS OF CLAIM	Y			Y	6. PP3	Sen 8-15-94		
REMARKS	Y			Y		Sen 8-15-94		

VERIFIED BY CODES

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

Sen
2-24-93

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

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CLAIM NUMBER: A72-04005

OWNER CODE NAME & ADDRESS

C SALMON RIVER HERFORD RANCH
HC 63 BOX 1760
CHALLIS ID 83226
(208) 879-4406

PRIORITY DATE

11/01/1991
1932

WATER USE

STOCKWATER
MINIMUM TRIBUTARY FLOW

USE PERIOD

FROM 10-16-4-14
TO 11-01-03-91

DIVERSION RATE

0.84 CFS

VERSION

4561 1 0 NOV 0 1991

Water Source: WARM SPRING CREEK

Tributary to: SALMON RIVER

Point(s) of Diversion: T13N R19E S02

ATTACHED
SE NESE

Place of use Legal Description for: STOCKWATER

	NE	SE	SW	SE
T R S	NENE Lt Ac	NENE Lt Ac	NENE Lt Ac	NENE Lt Ac
13N 19E 2	3	3	3	3

Place of use Legal Description for: MINIMUM TRIBUTARY FLOW

	NE	SE	SW	SE
T R S	NENE Lt Ac	NENE Lt Ac	NENE Lt Ac	NENE Lt Ac
13N 19E 2	X	X	X	X

POU County: CUSTER

Non-Irrigation Uses: 5/1500 CATTLE AND 15 HORSES

Other Rights: NONE

Non-Irrigation Use: 5/1500 CATTLE AND 15 HORSES

Remarks: THIS CLAIM IS FOR WINTER STOCKWATER. THE MINIMUM FLOW IS REQUIRED TO KEEP THE WATER FROM FREEZING.

Dates: Exam Made Date: 8-3-98

Misc: Water District Number:

Field Inspection Flag: Presumption Flag:

Comments on Field



See 2-15-94

See 5-11-94

STATUS: DELETED
CUSTER COUNTY
Bar Use

POOR ORIGINAL



WARM
SPRINGS
CREEK

IDWR
Measurement
Site
area

DIVERSION FROM WARM SPRINGS CREEK
TO WESTERGARD DITCH

2-24-94

PHOTO
R72-41
by See



PHOTO FILMED

MAR 1 1994

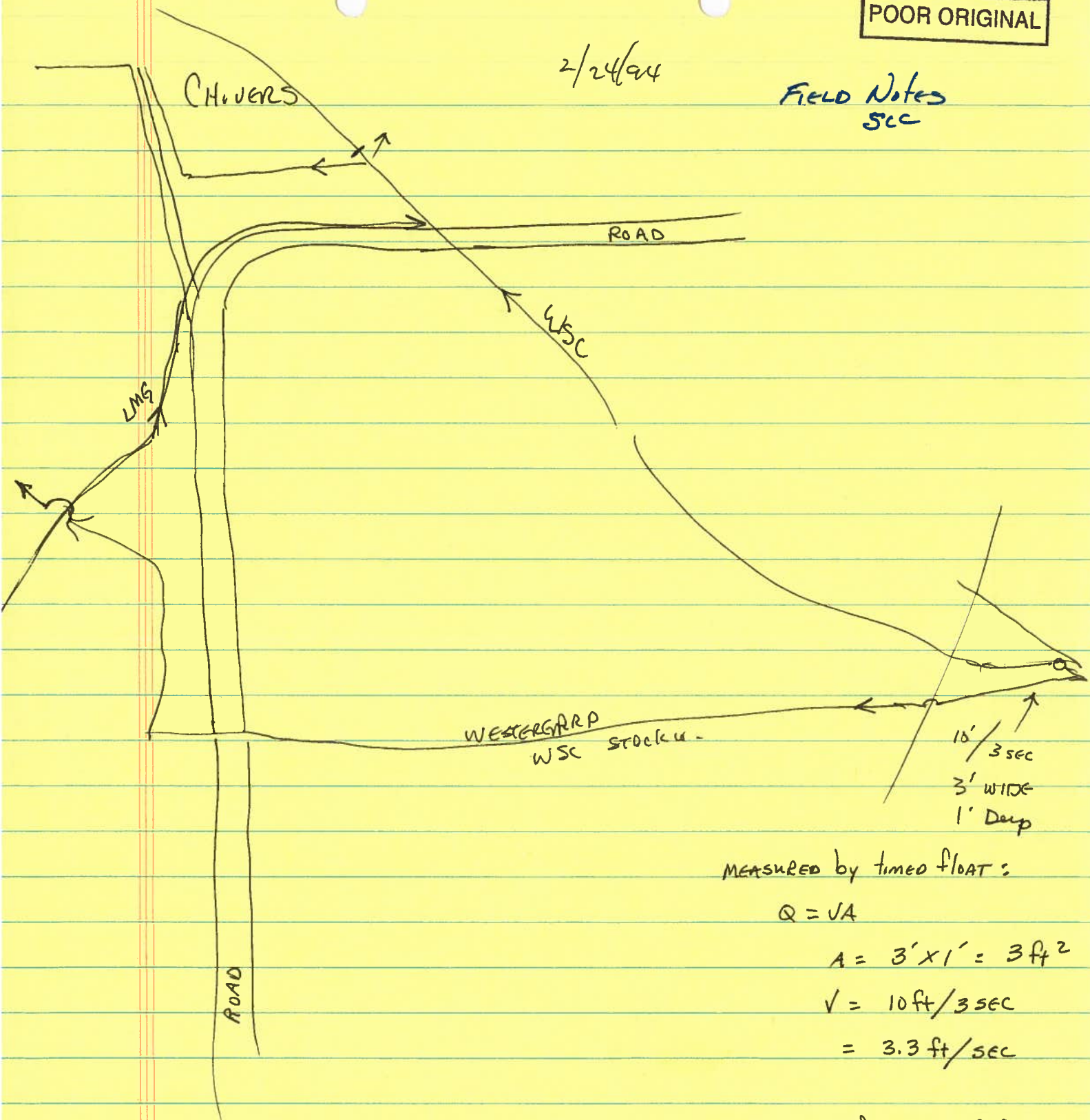
WESTERGARD DITCH
ABOVE HOT SPRINGS

↓
Flow

POOR ORIGINAL

2/24/94

Field Notes
SCC



MEASURED by timed float:

$$Q = VA$$

$$A = 3' \times 1' = 3 \text{ ft}^2$$

$$V = 10 \text{ ft} / 3 \text{ sec} \\ = 3.3 \text{ ft/sec}$$

$$Q = 3.3 \text{ fps} \times 3 \text{ ft}^2 \\ = 10 \text{ cfs}$$

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POOR ORIGINAL

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND FILE A72-04005

RE: STOCK WATER DIVERSION & USE

DATE 2-17-94

NAME OF PARTY

Rocky WESTERGARD

He returned my call -

I ask where the Warm Spring Creek diversion is located. He said between Robins & the old Keyes place and the ditch runs south along the fence line.

(See BLM aerial photo attachment)

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CONVEYANCE LOSS - WORSTELL

AGENT -----SCC
 DATE -----11-May-94
 CONVEYANCE OR
 SOURCE NAME -----WARM SPRING CREEK
 RELATED CLAIMS -A72-04005

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 NOV 0 1 1994

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	5400	3.0	2.50	0.51	0.33	0.33	1.5504	0.51	0.84
2				0.00		0.00	0.0000	0.00	-0.00
3				0.00		0.00	0.0000	0.00	-0.00
4				0.00		0.00	0.0000	0.00	-0.00
5				0.00		0.00	0.0000	0.00	-0.00
6				0.00		0.00	0.0000	0.00	-0.00
7				0.00		0.00	0.0000	0.00	-0.00
8				0.00		0.00	0.0000	0.00	-0.00
9				0.00		0.00	0.0000	0.00	-0.00
10				0.00		0.00	0.0000	0.00	-0.00
11				0.00		0.00	0.0000	0.00	-0.00
12				0.00		0.00	0.0000	0.00	-0.00
13				0.00		0.00	0.0000	0.00	-0.00
14				0.00		0.00	0.0000	0.00	-0.00
15				0.00		0.00	0.0000	0.00	-0.00
16				0.00		0.00	0.0000	0.00	-0.00
17				0.00		0.00	0.0000	0.00	-0.00
18				0.00		0.00	0.0000	0.00	-0.00
19				0.00		0.00	0.0000	0.00	-0.00
20				0.00		0.00	0.0000	0.00	-0.00
TOTALS	5400			0.51	0.33			0.51	

REACH = SECTION OF CHANNEL
 LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
 OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
 AVE WIDTH = AVERAGE TOP WIDTH OF REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH
WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

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Water Right Number - 72-04005

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***

BURSTEDT

FRANK

1 - P.O. BOX 554

2 -

3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

Priority Date - 11/01/1917

Region - 17 SOUTHERN

Stage - S - STATUTORY CLAIM

Status -

Source - WARM SPRINGS CREEK

Tributary - SALMON RIVER

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

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
04 - STOCKWATER		11/01	03/31		2.000	
43 - DOMESTIC		11/01	03/31			

+ - Total Div. Rate - 2.000 + - Total Div. Volume - + - Total Div. Capacity - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
13N	19E	2	NW NE	2		01	IRRIGATION	(37) CUSTER
13N	19E	2	NE NW	3		01	IRRIGATION	(37) CUSTER
13N	19E	2	SW NW	5		01	IRRIGATION	(37) CUSTER
13N	19E	2	SE NW			01	IRRIGATION	(37) CUSTER
13N	19E	2	NE SW			01	IRRIGATION	(37) CUSTER
13N	19E	2	NW SW			01	IRRIGATION	(37) CUSTER
13N	19E	2	SE SW			01	IRRIGATION	(37) CUSTER
13N	19E	2	SE NE	6		01	IRRIGATION	(37) CUSTER
13N	19E	3	NE SE	6		01	IRRIGATION	(37) CUSTER
13N	19E	3	SW SE	10		01	IRRIGATION	(37) CUSTER
13N	19E	3	SE SE	10		01	IRRIGATION	(37) CUSTER
13N	19E	10	NE NE	1		01	IRRIGATION	(37) CUSTER
13N	19E	11	NW NW	1		01	IRRIGATION	(37) CUSTER
14N	19E	35	SE SW	9		01	IRRIGATION	(37) CUSTER
13N	19E	2	SW NE			04	STOCKWATER	(37) CUSTER

+ - - Diversion Means -

+ - - Non-Irrigation Use - S/500 CATTLE, 5 HORSES.

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NOV 0 1 1994

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