

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: A72-04006
Date Received: 12/20/1989
Receipt No: 5010727
Received By: R.V.W.

Change of Owner

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JULIAN O. NICHOLSON 208-734-5917
Address: RT. 3 BOX 6432
TWIN FALLS, ID 83301

AND/OR

Name: DIANE C. NICHOLSON 208-734-5917
Address: RT. 3 BOX 6432
TWIN FALLS, ID 83301

2. Date of Priority: JUN 1, 1966

3. Source: KROEGER SPRING Trib. to: SINKS
GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	16E	30	NW	SE			CUSTER

5. Description of diverting works:
18" CASING, 5HP PUMP, 2" PIPE, 50 RAINBIRD SPRINKLER HEADS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.150		
DOMESTIC	01/01	12/31	0.050		

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

8. Total consumptive use is 6.2 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	16E	30	NW SE		IRR	2.5
			NW SE		DOMEST	

Section Acres 2.5

Total Acres	2.5
-------------	-----

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:

~~NONE~~ A72-11730

14. Remarks:

P/D & P/U H.E.S. #322 IN T11N, R15E. AC. IRR.=2.5.
ORIGINAL STATUTORY CLAIM ALLOCATED .20 CFS FOR IRRIGATION AND AN
UNSPECIFIED AMT FOR DOMESTIC USE. CLAIMANT ALLOCATED .15 CFS FOR
IRRIGATION AND .05 CFS FOR DOMESTIC USE IN ADJUDICATION CLAIM.
ALSO INCLUDED A GROUNDWATER WELL TO CLAIM WITH SAME PRIORITY
DATE.

OWNERSHIP CHANGED 08/08/1991 RVW.

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): Diane C. Nicholson Date: 8/8/91
Date: _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 11N Range 16E
Section 30, 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite NI.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: # A72-04006
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): May P. Krogen
Stanley, Idaho 83278
- ☐ New Owner/Claimant (Purchaser): DIANE C. NICHOLSON & JULIAN D. NICHOLSON JR.
- ☐ New Mailing Address: Rt 3 Box 6432 - TWIN FALLS, IDAHO 83301
- ☐ New Telephone Number: (208) 734 - 5917
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

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

- ☐ Signature of New Owner/Claimant(s): Diane C. Nicholson Date _____
Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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

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REALITY

AUG 19 1991

Department of Water Resources
Southern Region Office

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantees that said Estate is the owner in fee simple of said premises; that they are free from all encumbrances except current taxes and assessments, but subject to all easements and rights of way appearing on the premises or of record, reservations in favor of the United States or the State of Idaho and the standard printed exceptions appearing in any title policy issued in connection herewith, and that he will warrant and defend the same from all lawful claims whatsoever.

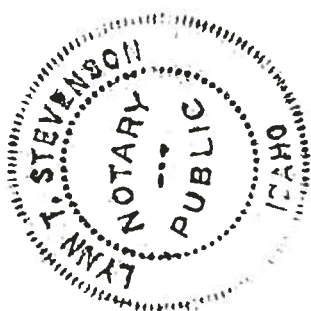
ESTATE OF MAX PETER KROEGER, Deceased

By: Jack B. Furey
Jack B. Furey,
Personal Representative

STATE OF IDAHO)
 :ss
County of Custer)

On this 5th day of August, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared JACK B. FUREY, Personal Representative of the Estate of Max Peter Kroeger, deceased, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as Personal Representative of the Estate of Max Peter Kroeger, deceased.

Eugene T. Stevenson
Notary Public for Idaho
Residing at Challis, Idaho
Commission Expires: Apr. 24, 1997



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DESCRIPTION:

A fraction of Homestead Entry Survey No. 322, in Township 11 North, Range 15 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the intersection of the Easterly boundary of H.E.S. No. 322 and the Southerly right-of-way line of U.S. Highway No. 93; thence South 64°31' West along said Southerly right-of-way line of U.S. Highway No. 93 a distance of 324.0 feet to the real point of beginning; thence South 14°23' East, 130 feet; thence North 64°31' East, 69 feet; thence South 14°23' East 158.6 feet to the southerly boundary of H.E.S. 322; thence South 43°5' West 241.42 feet to corner No. 5 of said H.E.S. 322; thence South 58°37' West 109.88 feet more or less to a point on the South line of said H.E.S. No. 322; said point being South 14°23' East of the Southerly right-of-way line of Highway 93 and the Northwest corner of this description; thence North 14°23' West, 376.0 feet to a point on the South right-of-way line of Highway 93; thence along said right-of-way 231 feet more or less to the True Point of Beginning.

0199811

Custer County Clerk
Lynn Stevenson

Time 2:0 P .M.

8-6 1891
Ethel M. Peck, Clerk
Barbara Peck
\$ 6.00 Deputy

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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: A72-04006
Date Received: 12/20/1989
Receipt No: S010727
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAX P. KROEGER 208-838-2399
Address: STANLEY, ID 83278

2. Date of Priority: JUN 01, 1966

3. Source: KROEGER SPRING Trib. to: SINKS
GROUNDWATER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	16E	30		NW	SE		CUSTER

5. Description of diverting works:
18" CASING, 5HP PUMP, 2" PIPE, 50 RAINBIRD SPRINKLER HEADS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	10/01	0.150		
DOMESTIC	01/01	12/31	0.050		

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

8. Total consumptive use is 6.2 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOUSEHOLD

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	16E	30	NW	SE		IRR	2.5

A72-04006

Page 1

Date: 12/20/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	16E	30	NW SE		DOMEST	
					Section Acres	2.5
					Total Acres	2.5

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:

NONE

14. Remarks:

P/D & P/U H.E.S. #322 IN T11N, R15E. AC. IRR.=2.5.
ORIGINAL STATUTORY CLAIM ALLOCATED .20 CFS FOR IRRIGATION AND AN
UNSPECIFIED AMT FOR DOMESTIC USE. CLAIMANT ALLOCATED .15 CFS FOR
IRRIGATION AND .05 CFS FOR DOMESTIC USE IN ADJUDICATION CLAIM.
ALSO INCLUDED A GROUNDWATER WELL TO CLAIM WITH SAME PRIORITY
DATE.

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Max P. Kroeger Phone (208) 838-2399Mailing Address Stanley, Idaho Zip 832782. Date of Priority (Only one (1) per claim) June 1, 19663. Source of water supply (a) Kroeger Spring + GROUNDWATER WELL
which is tributary to (b) none4. a. Location of existing point of diversion is: Township 11 N. Range 15 Section H.E.S. 322
~~xxxxxx 1/4 of xxxxxxxx 1/4 of xxxxxxxx 1/4 of Gov. Lot~~ E., B.M., County of CusterAdditional points of diversion if any: noneb. If instream flow, beginning point of claimed instream flow is: not applicable

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Consists of encased 18 inch galvanized
steel culvert-type casing resting on cement foundation with 5 H.P. centrif-
ugal motor mounted to the side for forcing water into a 2 inch pipe, sub-
sequently reduced to 1½ inch and 1 inch laterals, with 50 rainbird sprinkler
heads serviced by the underground plastic-type pipe system.

(see insert page Exhibit "A")

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6. Water is claimed for the following purposes:

For Pasture grass irrig purposes from June 1 to October 1 amount .15 (both dates are inclusive) (cfs) (acre feet) or _____

For Domestic use purposes from Jan. 1 to Dec. 31 amount .05 (cfs) (acre feet) or _____

For _____ purposes from _____ to _____ amount _____ (cfs) (acre feet) or _____

For _____ purposes from _____ to _____ amount _____ (cfs) (acre feet) or _____

7. Total quantity claimed (a) .2 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Serves one household (residence)

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
11 N	15E	BM.	(Domestic use--see description on Exhibit "A")																
11 N	15E	BM.	(Irrigation in portion of H. E. Survey # 322 set forth in attached Exhibit "A")																

Total number of acres irrigated 2 1/2

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

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

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

14. Remarks:

Last Name Kroeger Ident No. _____

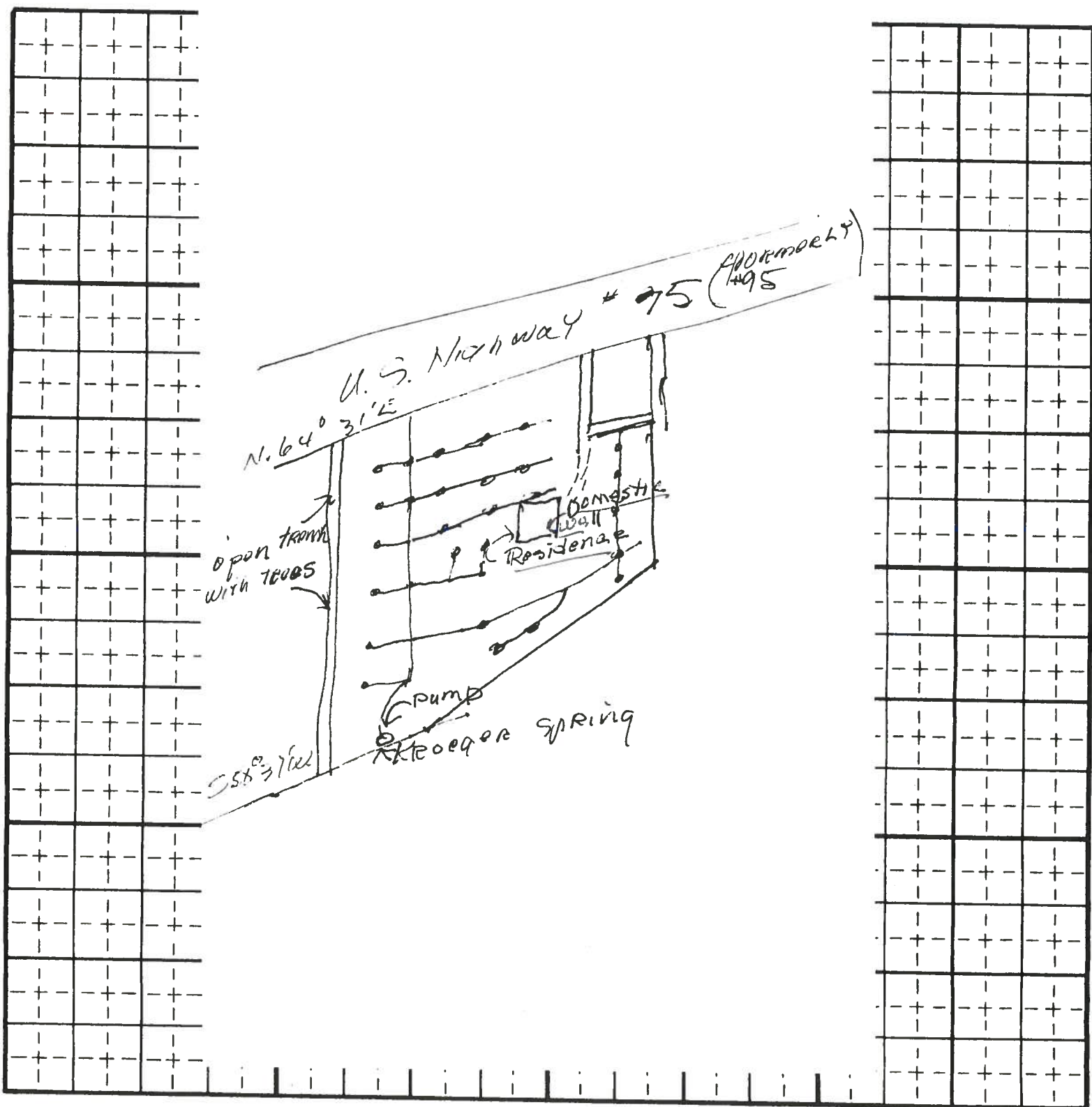
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Copies: White - State, Yellow - Claimant

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

Scale: 2 inches equals 1 mile

See Exhibit "A"



Last Name Kroeger

Ident No. _____

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Copies: White-Slate Yellow-Clairmont
MAR 18 1993

TWP	RANGE	SEC	NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4		
11 N.	15EBM														

Real property served by sprinkler irrigation system and household residence utilizing domestic water supply from said system with water source from Kroeger Spring are located on two adjoining parcels of Homestead Entry Survey No. 322, in approximate Township 11 North, Range 15 E.B.M. in Custer County, Idaho, more particularly described as commencing at the intersection of the Easterly boundary of said H.E.S. No. 322 and the Southerly right-of-way line of U. S. Highway No. 93, run thence Southwesterly along the Southerly right-of-way line of said U. S. Highway No. 93 a distance of 405.0 feet to the point of beginning; continuing thence Southwesterly along said right-of-way line 150.0 feet; thence South 14° 23' East 376.0 feet to a point on the Northerly bank of the Salmon River; thence Easterly along the Northerly

Bank of the Salmon River 171.0 feet to a point which lies South 14° 23' East from the point of beginning; thence North 14° 23' West 337.1 feet to the point of beginning; and

Commencing at the intersection of the Easterly boundary of said H.E.S. No. 322 and the Southerly right-of-way line of U. S. Highway No. 93, run thence South 64° 31' West along the Southerly right-of-way line of U.S. Highway No. 93 a distance of 255.0 feet to the real point of beginning of this description; continuing thence South 64° 31' West along said right-of-way line 150.0 feet; thence South 14° 23' East 337.1 feet, more or less, to a point on the Northerly bank of the Salmon River and on the Southerly boundary line of said H.E.S. 322; thence North 43° 5' East along the Northerly bank of Salmon River and the South boundary line of said H.E.S. 322 180.3 feet, more or less, to a point which is South 14° 23' East from the point of beginning; thence North 14° 23' West 288.6 feet, more or less, to the point of beginning.

SAVE AND EXCEPT THEREFROM: The real property described in that certain Warranty Deed Number 174488, official records of Custer County, Idaho, duly recorded the 26th day of July, 1985.

EXHIBIT "A"

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MAR 18 1993

174488

WARRANTY DEED

For Value Received We, Max P. Kroeger and Katherine D. Kroeger, husband and wife,

the grantor s, do hereby grant, bargain, sell and convey unto Scot Horton and Margaret Horton, husband and wife,

the grantee s, whose current address is

the following described premises, in

Custer

County Idaho, to-wit:

A fraction of H.E.S. No. 322 in Custer County, Idaho described as follows:

Beginning at corner No. 4 of said H.E.S.; thence South 43°05' West along the Southerly boundary line of said H.E.S., 150.1 feet to the TRUE POINT OF BEGINNING; thence continuing South 43°05' West along said Southerly boundary line 157.6 feet; thence North 14°23' West, 168.6 feet; thence North 64°31' East, 20 feet; thence North 14°23' West, 120 feet, more or less, to a point on the Southerly Right-of-Way line of U.S. Highway 93; thence North 64°31' East along said Highway Right-of-Way line 65 feet; thence South 25°29' East, 209.5 feet to the True Point of Beginning.

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

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

Dated: July 22, 1985

Max P. Kroeger
MAX P. KROEGER

Katherine D. Kroeger
KATHERINE D. KROEGER

STATE OF IDAHO, COUNTY OF

On this 22nd day of JULY, 1985, before me, a notary public in and for the said State, personally appeared MAX P. KROEGER AND KATHERINE D. KROEGER, husband and wife.

known to me to be the person s whose name s are subscribed to the within instrument, and acknowledged to me that they executed the same.

John B. Jacey
Notary Public
Residing at _____, Idaho
Comm. Expires 1-7-86

STATE OF IDAHO, COUNTY OF Custer

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

at 30 minutes past 2 o'clock P.M. this 26th day of July 1985, in my office, and duly recorded in Book of Deeds at Page

Edw. M. Peck
Ex-Officio Recorder

By *Lutz R. Johnson* Deputy.

Fees \$2.00
Mail to:

INSTRUMENT NO.

Exhibit "A" 1

MICROFILMED

MAY 1 8 1985

15. Basis of Claim (check one) Beneficial Use X/ Posted Notice _____ License _____ Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number 72-4006
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) Wayne P. Kroeger

Date Dec. 13, 1989

Date _____

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

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title _____

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)
) SS.
 County of Custer)

Subscribed and sworn (or affirmed) before me this 13th day of December 1989

SEAL

Notary Public Jack B. Furey

Residing at Challis, ID

My Commission Expires Life

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address Box 280, Challis, Idaho 83226

Date December 13, 1989

Last Name Kroeger

Ident. Number _____

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Copies While-State, Yellow-Claimant



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Dec. 22, 1989

Re: A72-04006

MAX P KROEGER

STANLEY ID 83278

Dear Claimant(s):

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

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

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04006
JULIAN O. NICHOLSON
RT. 3 BOX 6432

A72-04006
DIANE C. NICHOLSON
RT. 3 BOX 6432

TWIN FALLS

ID 83301

TWIN FALLS

ID 83301

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

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MAR 1 8 1993

RECEIVED

APR 03 1992

Department of Water Resources
Southern Region Office

A72-04006

I Robert R. Boren am able to verify that the water rights claimed by Julian and Diane Nicholson, identified by the Idaho Department of Water Resources as Water Right Number A72-04006, does in fact have a priority date of 06/01/1966.

The basis for my knowledge that the priority date is at least extended back to 06/01/1966 is derived from the fact that I own and have lived adjacent to the land in question since 1966. (Note: I purchased the adjacent land in 1964) I have witnessed the use of such water for irrigation and domestic purposes as described by the Notice of claim identified as Water Right Number A72-04006 by the Nicholson's and the previous owner Max P. Kroeger since my becoming their neighbor in 1964.

Prior to the Nicholson's purchase of the land in 1991 and their continuation of the use of the established water rights, Max P. Kroeger owned ~~that~~ the land and used the water. In 1966 Max P. Kroeger completed his diversion of what is now known as Kroeger Spring by connecting a pump to the spring which delivers water through a sprinkler system to irrigate the 2.5 acres of property which

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the Nicholson's now own. The irrigation of the 2.5 acres by the sprinkler system has continued since 1966 on a yearly basis during the period from 06/01 to 10/01. Likewise by 1964 Max P. Kroeger had in operation a well to supply water for domestic purposes on the 2.5 acres which would be available year round. The use of this well water for domestic purposes on the 2.5 acres now owned by the Nicholson's has also been used since at least 1964.

Robert R. Boren

Signature notarized
this day March 27, 1992
Lemhi County, Expires May 1992
Gloria J. Coleman



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

January 26, 1999

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

72-04006
JULIAN O NICHOLSON
DIANE C NICHOLSON
RT 3 BOX 6432
TWIN FALLS ID 83301

RE: Water Rights in Reporting Area 4, Basin 72
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your water right(s) in part of basin 72 (Upper Salmon River area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended right(s) in your area. Water rights for nearly all domestic and/or stockwater rights were recommended separately in an earlier report, and most of those now have been decreed by the SRBA Court.

Note you have 120 days in which to review the water rights of other claimants and to file any objection to our recommendations. Information on the other water rights can be found at the county courthouse in Challis and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the SRBA Court does not receive an objection to our recommendation from you and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999

PAGE: 1

RIGHT NUMBER: 72-04006

NAME AND ADDRESS: JULIAN O NICHOLSON
DIANE C NICHOLSON
RT 3 BOX 6432
TWIN FALLS ID 83301

SOURCE: SPRING TRIBUTARY: SALMON RIVER

QUANTITY: 0.06 CFS

PRIORITY-DATE: 06/01/1966

POINT OF DIVERSION T11N R16E S30 NWNESE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.06 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T11N R16E S30 NESE 2
2 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:

WATER RIGHT NO.	SOURCE
NONE	NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY NO. 322.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
SOURCE IS ALSO KNOWN AS KROEGER SPRING.

NOTICE OF DIRECTOR'S REPORT IDWR REPORTING AREA 4, BASIN 72 FOR IRRIGATION AND OTHER WATER RIGHTS

INTRODUCTION

The Director of the Idaho Department of Water Resources (IDWR) has filed with the Snake River Basin Adjudication (SRBA) District Court the Director's Report for irrigation and other water rights in IDWR Reporting Area 4, Basin 72. A map of the area covered by this Director's Report is attached to this Notice. This Director's Report contains the Director's recommendation to the SRBA court as to how each of your claimed water rights should be decreed in the SRBA.

This Director's Report includes claims for irrigation and uses other than small domestic and stock uses. The Director's Report for small domestic and stockwater rights for all of IDWR Basin 71 was sent to the SRBA court and individual water users on April 30, 1997. Some small domestic and stockwater claims were withheld from the earlier report. If a claim for small domestic and stockwater was withheld from last year's report, it is reported in this Director's Report.

Included with this Notice is the Director's recommendation for your irrigation and other water rights claimed in the SRBA not previously recommended in the small domestic and stockwater report. IDWR is providing individual reports like this one to all claimants of irrigation and other water rights in your area. A complete copy of the Director's Report, listing all of these irrigation and other rights claimed under state law and "dual based" claims by the federal government, is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR REVIEWING YOUR OWN WATER RIGHT

The description of your right which is enclosed is only the Director's recommendation to the SRBA Court on your water right. The Court will decide how it will decree your water right. You are free to agree or disagree with the Director's recommendation. If you agree with the Director's recommendation you do not need to do anything, pending further notice as described below. If you disagree with the Director's recommendation, you need to file an objection as described below.

INSTRUCTIONS FOR REVIEWING THE WATER RIGHTS OF OTHERS

The complete Director's Report contains recommendations to the SRBA Court on your water right and all other irrigation and other rights in your area. The Court will decide how it will decree all water rights. The Director's recommendations in the full report are listed in two sections of the report:

- 1) **List of Recommended Water Rights** -- Water right recommendations are listed alphabetically by source and then chronologically by priority date within each source.

2) **List of Claims Recommended to Be Disallowed --** Water rights recommended to be disallowed are listed numerically by water right number. A short statement of the reason for IDWR's recommendation for disallowance is provided.

Also included in the complete Director's Report are descriptions of the United States' claims under federal law that have also been claimed under a state law basis. These are called "dual based" claims. The Director does not investigate the federal portion of these claims and makes no recommendation whether they should be granted or not.

If you want to review someone else's water right you need to look at the complete Director's Report, which is available at the SRBA courthouse in Twin Falls and the locations listed on the third page of this notice. Copies of the report can be made, but you may be charged for copying and mailing.

INSTRUCTIONS FOR TAKING A WATER RIGHT CLAIM TO COURT

What do I do if I disagree with a recommendation?

If you disagree with any element of the recommendation for your water right or anyone else's water right and want to be heard in court, file an objection with the SRBA Court. Objections must be made on the standard objection form available from any IDWR office or from the SRBA Court.

Your objection must be **received** by the SRBA Court on or before **June 2, 1999**.

What do I do if someone else objects to my water right recommendation?

If someone files an objection to your water right, or anyone else's water right, you may file a response to that objection. Responses to objections must be made on the standard response form available from any IDWR office or from the SRBA Court.

Your response must be **received** by the SRBA Court on or before **October 4, 1999**.

What do I do if I want to participate in the court case on someone else's water right?

If you want to be involved in the court case on any water right in the Director's Report, you must file either an objection or a response by the dates listed above.

What happens if there are no objections to a water right?

After the deadline for filing objections, IDWR will file a list of all water right recommendations with no objections. The SRBA Court will hear the uncontested recommendations on **August 6, 1999, at 9:00 A.M.** at the **SRBA Courthouse**. Partial decrees will be issued following this hearing.

How will I know about the proceedings on water right recommendations to which objections were filed?

A notice will be mailed to you for court dates on your water right or for those where you filed an objection or a response. You will not receive notice of court dates on any other water right recommendations. (See Note.)

Note: The SRBA Court publishes a monthly Docket Sheet listing all objections and responses filed. It does not list court dates for individual water right cases, but provides general information helpful to all participants in the SRBA.

The Docket Sheet is available at your county courthouse and all IDWR offices, or you may subscribe by contacting the SRBA Court or IDWR. The annual subscription fee is \$7.50.

CHANGES OF ADDRESS OR OWNERSHIP DURING THE SRBA COURT CASE

You must contact your regional IDWR office with your address change or if the ownership of your water right changes. Failure to notify IDWR may result in the loss of your water rights.

ADDITIONAL INFORMATION

If you have questions about the SRBA, public information brochures are available at any IDWR office. Maps and aerial photography of this reporting area, as well as assistance in using the maps and the photography, are available at the IDWR Southern Region office in Twin Falls. You are also welcome to call IDWR at any of its offices or the SRBA Court. You may also want to consider contacting an attorney to assist you.

Snake River Basin Adjudication

District Court

253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
(208) 736-3011

Idaho Department of Water Resources

1301 North Orchard
Box 83720
Boise, Idaho 83720-0098
(208) 327-7906
(800) 451-4129

Idaho Department of Water Resources

Western Region

2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Idaho Department of Water Resources

Northern Region

1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
(208) 765-1450

Idaho Department of Water Resources

Southern Region

1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380
(208) 736-3033

Idaho Department of Water Resources

Eastern Region

900 North Skyline, Suite A
Idaho Falls, Idaho 83402-3653
(208) 525-7161

Custer County

801 Main St.
Challis, ID 83226

DEFINITIONS OF THE ELEMENTS OF YOUR WATER RIGHT

RIGHT NUMBER: Your water right is identified by a number assigned by IDWR. The first two digits identify IDWR's administrative basin number; for example, 55 or 56.

NAME AND ADDRESS: Your name and address should appear here. IDWR will use the most recent name and address in their records for the water right.

SOURCE: The name and/or type of the source where you divert your water. For example: "*groundwater*," "*unnamed spring*," "*Common Creek*."

QUANTITY: The amount of water recommended in either cubic feet per second (cfs) and/or the volume of water in acre feet per year (AFY).

PRIORITY DATE: The date used to determine the priority of your right in relation to other rights using water from the same source.

POINT OF DIVERSION: The legal location where you divert water from its source; generally described as 1/4 1/4 sections down to a 40-acre tract, or smaller. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

PURPOSE OF USE: The general category of the type of use you can make of your water. Typical purposes of use include irrigation, domestic, and stock watering.

PERIOD OF USE: The period of time during the year when you can use the water for your right.

PLACE OF USE: The legal location where you use your water right; generally described as 1/4 1/4 sections down to a 40-acre tract. Other legal descriptions that might be used are: government lots, block, subdivision, parcel numbers, townsite names, mining claim information, homestead entry surveys and other survey information.

BASIS OF CLAIM: The method that was used to establish your claim. Examples include prior decree, posted notice, beneficial use (historical) method, license, permit.

DUAL BASED CLAIMS: In some cases, the federal government has claimed one right under two theories: a state basis and a federal law basis. Both theories will be reported on one form for that single water right. In most cases, the priority dates are different and will be listed separately. The federal law basis is separately indicated in a box such as this:

```
*****
*                                     *
*                                     *
*****
```

IDWR does not investigate or make recommendations regarding federal law based claims.

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

ADDRESS SERVICE
REQUESTED



RECEIVED
FEB 03 1999

Department of Water Resources



RECEIVED
FEB 12 1999

Department of Water Resources
Southern Region

R72-04006
JULIAN O NICHOLSON
DIANE C NICHOLSON
RT 3 BOX 6432
TWIN FALLS

ID 83301

COMMUNICATION DOCUMENTATION

NEW ADDRESS: 4061 Canyon Ridge



RECEIVED

DEC 02 1998

Department of Water Resources

72-04006



INSUFFICIENT
ADDRESS



AN O NICHOLSON
C NICHOLSON
BOX 6432
FALLS

ID 83301

RECEIVED

DEC 10 1998

Department of Water Resources
Southern Region

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

DATE: 11/16/98
PAGE: 1

1870-1871

DIVERSION
VOLUME

0.06 CFS

CUSTER County

MS

TOTAL ACRES

Field Inspection Flag:
Presumption Flag:

2

AIM NUMBER A72-04006 DATE 11/3/98 TRANSFER NUMBER _____
AGENT BCC CLAIMED ACRE TOTAL 2.5
GIS ACRE TOTAL 1.9

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
LAIM	<u>11N</u>	<u>16E</u>	<u>30</u>													<u>Ø</u>	<u>2.5</u>		<u>2.5</u>
GIS																<u>1.9</u>	<u>1.9</u>		<u>1.9</u>
ECOM																<u>2</u>	<u>2</u>		<u>2</u>
LAIM																			
GIS																			
ECOM																			
LAIM																			
GIS																			
ECOM																			

372-DBPOU.SHP P04 rec'd = 2.0 Acres.

SHAPE NOS. 432 -

372-DBPOD.SHP

NOS. DESCRIPTION 279 - Spring

DBF TABLES UPDATED

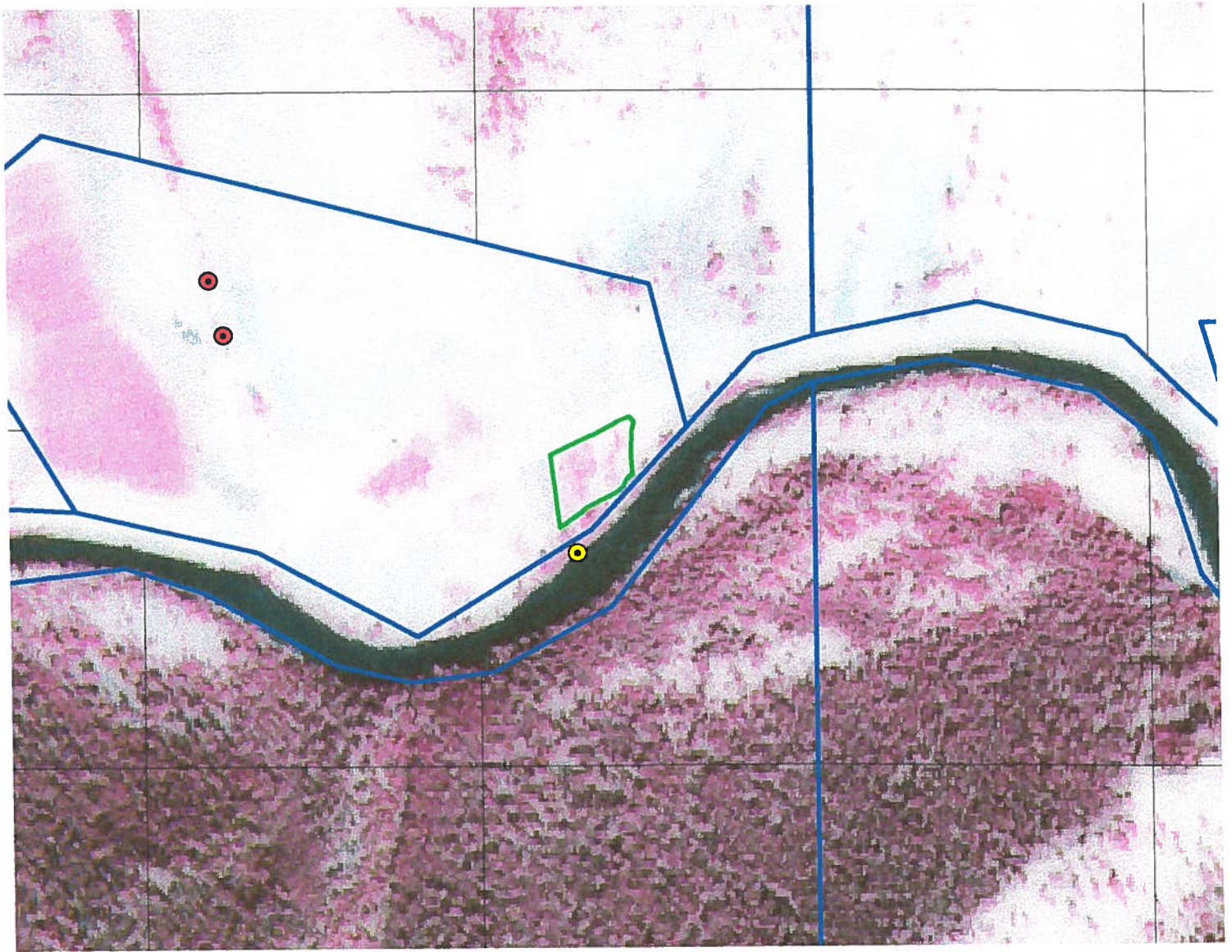
B72-DBPOU.DBF ✓ 11/10/98 BCC

B72-DBPOD.DBF

JPEG LAYOUT ✓ 72-04006.jpg

IDAHO DEPARTMENT OF WATER RESOURCES

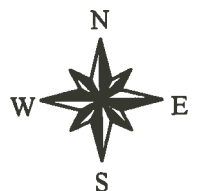
72-04006



660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 11N
RNG: 16E
SEC: 30
NESE



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 4, 1998

R PROOF

CVR

MAPS

PHOTOS

MISC

NOV 01 1994

AJ0749NP
No. R72-04006

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

DATE: 01/19/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JULIAN O NICHOLSON RT 3 BOX 6432 TWIN FALLS ID 83301 (208) 734-5917	06/01/1966	IRRIGATION	06-01 09-30	0.06 CFS	4.00 AFA
TOTAL DIVERSION:					0.06 CFS	
CONSUMPTIVE USE:						

C DIANE C NICHOLSON
RT 3 BOX 6432
TWIN FALLS ID 83301
(208) 734-5917

Water Source: SPRING
Tributary to: SALMON RIVER
Stage: BENEFICIAL USE

Point(s) of Diversion: T11N R16E S30 NWNESE CUSTER County

Place of use Legal Description for: IRRIGATION											
NE			NW			SW			SE		
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
11N	16E	30	:	:	:	:	:	:	:	:	:
TOTAL ACRES										2.0	2.0

POU County: CUSTER

Other Rights: NONE

Remarks: SOURCE IS ALSO KNOWN AS KROEGER SPRING.
PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY NO. 322.

Dates: Exam Made Date: 07/06/1993 Verified Date: 01/19/1994

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

Comments: Date: 01/19/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
P/D & P/U H.E.S. #322 IN T11N, R15E. AC. IRR.=2.5.
ORIGINAL STATUTORY CLAIM ALLOCATED .20 CFS FOR IRRIGATION AND AN
UNSPECIFIED AMT FOR DOMESTIC USE. CLAIMANT ALLOCATED .15 CFS FOR
IRRIGATION AND .05 CFS FOR DOMESTIC USE IN ADJUDICATION CLAIM.

MICROFILMED
NOV 01 1994

MICROFILMED
NOV 01 1994

AJ0749NP
No. R72-04006

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

DATE: 01/19/94
PAGE: 2

Comments: Date: 01/19/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS

ALSO INCLUDED A GROUNDWATER WELL TO CLAIM WITH SAME PRIORITY
DATE.

OWNERSHIP CHANGED 08/08/1991 RWM.
WELL FILED SEPARATELY, 8/8/91, A72-11730.

Audit: 01/19/94 CLELLAND

MICROFILMED

NOV 01 1994

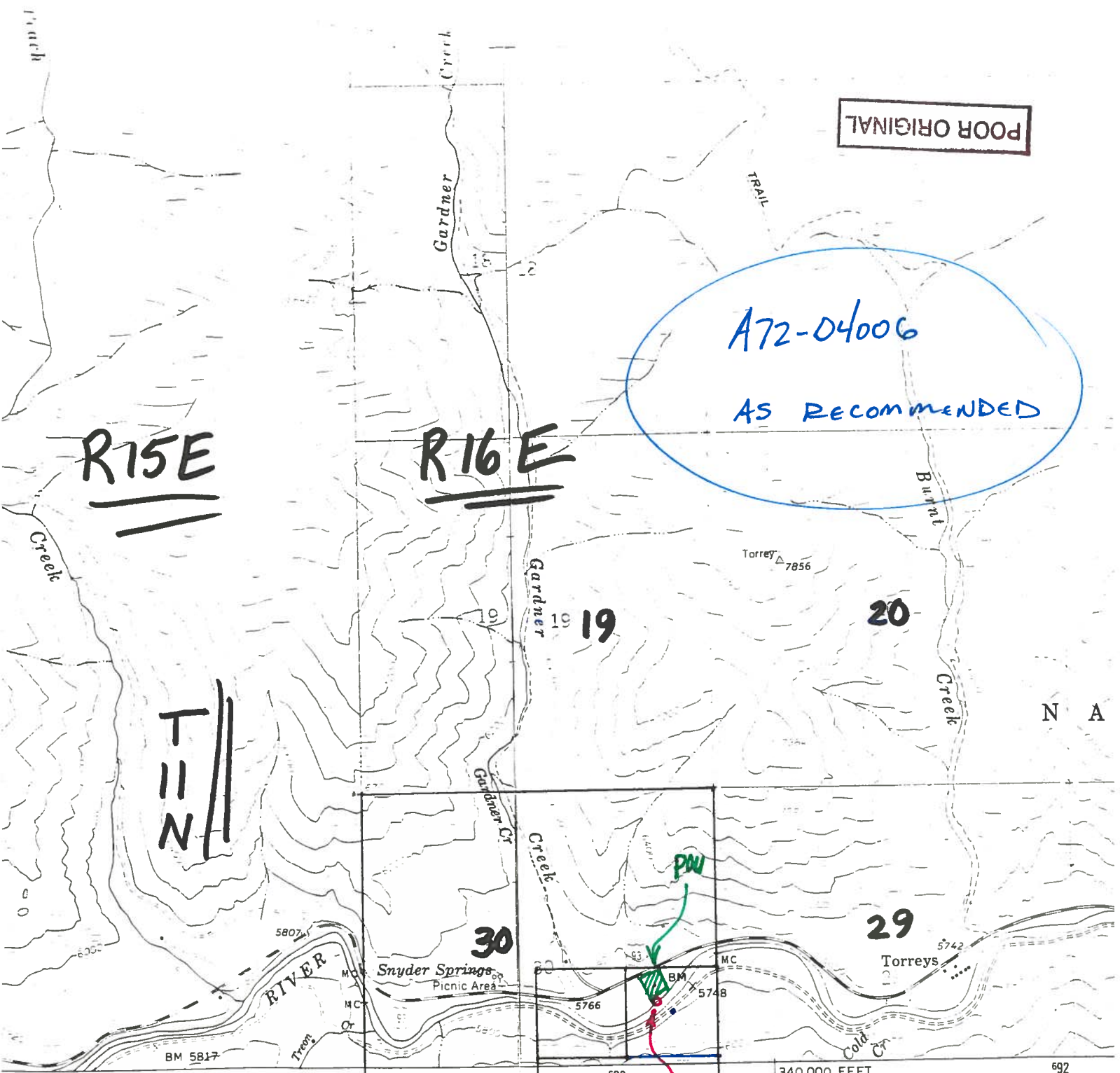
POOR ORIGINAL

A72-04006
AS RECOMMENDED

R15E

R16E

T11N



ROAD CLASSIFICATION
Medium-duty ——— Light-duty ———
Unimproved dirt - - - - -
U. S. Route

471

Mapped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1957. Field checked 1964
Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone
1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue
Where omitted, land lines have not been established

U72

MICROFILMED
NOV 01 1994



SUNBEAM, IDAHO
N4415—W11437.5/7.5

UTM GRID AND 1964 MA
DECLINATION AT CENTI

DATE 3/20/11

T-1204
E. C. NIEMAN 62.22.

Wm. Godfrey
188942
188877

5 = 522

T-1203
21AC
~~THOMAS R.~~
~~MARONAL~~
Hope F. Carmoon
132332

U.S. HIGHWAY No 93
N° 644-115
415'
T-14

415
T-14 3/3.8
11/4
Robert Loren
35-612

Julian O. Nicholson
199981
199900-03

TRACT 1329, 1378
in FHE #322
NOV 01 1954

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06:32:51
06/02/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04006

LAST: NICHOLSON
ADDRESS: RT. 3 BOX 6432
CITY: TWIN FALLS
PHONE NUMBER: 208-734-5917
OWNER CODE: C

FIRST: JULIAN O.

STATE: ID ZIP: 83301

~~LAST: KNOEGER
ADDRESS: STANLEY
CITY: STANLEY
PHONE NUMBER: 208-838-2399
OWNER CODE: 0~~

FIRST: MAX P.

STATE: ID ZIP: 83278

LAST: NICHOLSON
ADDRESS: RT. 3 BOX 6432
CITY: TWIN FALLS
PHONE NUMBER: 208-734-5917
OWNER CODE: C

FIRST: DIANE C.

STATE: ID ZIP: 83301

FIELD EXAM REQUIRED?

DATABASE FIELD
Y EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS:

P/D & P/U H.E.S. #322 IN T11N. R15E. AC. IRR.=2.5.
ORIGINAL STATUTORY CLAIM ALLOCATED .20 CFS FOR IRRIGATION AND AN
UNSPECIFIED AMT FOR DOMESTIC USE. CLAIMANT ALLOCATED .15 CFS FOR
IRRIGATION AND .05 CFS FOR DOMESTIC USE IN ADJUDICATION CLAIM.
ALSO INCLUDED A GROUNDWATER WELL TO CLAIM WITH SAME PRIORITY
DATE.

OWNERSHIP CHANGED 08/08/1991 KVM
WELL FILED SEPARATELY, 8/8/91, A72-11730.

MICROFILMED
NOV 01 1994

CONTACT PERSON:

DATE OF FIELD EXAM: 7/6/93

APPOINTMENT MADE: Y () N (X)

ACCOMPANIED BY: NONE

PHONE NUMBER: ()
TIME: A () P ()
PHONE NUMBER: ()

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

Bob Nicholson responded to my call left on site.
He is the claimant's son and asked if I needed more info to complete
the form. I told him I was done and everything looked good.

A. AJ CLAIM: # A72-04006

PRIORITY DATE: 06-01-1966

STAGE: ~~S~~ *J*

B. WR RECORD: # 72-04006

PRIORITY DATE: 06-01-1966

STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER

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

REMARKS:

affidavit by neighboring land owner Robert R. Boren supports date + was claimed.

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NOV 01 1994

RECOMMENDED PRIORITY DATE:

06-01-1966

REVIEWED BY

sen

DATE

2-24-93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04006	11N	16E	30		NW	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX
 A72-10026
 A72-10104
 NONE

WR RECORDS IN SAME 40 ACRE TRACT
 NONE

SOURCE: KROEGER SPRING
GROUNDWATER

TRIB: SINKS

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04006	11N	16E	30		NW	SE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
 NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
 A PREFIX
 A72-10026
 A72-10104
 A72-11730
 NONE

SOURCE: KROEGER SPRING

TRIB:

C. FIELD EXAM REQUIRED?

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

MARKS:

*Confirmed POD by field exam, Napp photo #441-185, V21 NE;
 U172 Topo Map, Soil lot maps and Note & Bureau Mapping.
 Consulting with Custer Co. Court house - compare w/ Plat Map then
 I advise it.*

Change in Division to NW/SE ~~NE~~ YES 322

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4		LOT	COUNTY
TWP.	RGE.	SEC.			
11N	16E	30	NW	NE	SE
SOURCE: Springs					
REVIEWED BY: Sa					
TRIB: Salmon River					
DATE: 1-19-94					

MICROFILMED
NOV 01 1994

Bd1 = Kroeger Spe.

A. ROOT WATER RIGHT NUMBERS: A72-04006

B. POU LISTING

TWP RNS SEC 1/4 1/4 LOT NAME

TWP	RNS	SEC	1/4	1/4	LOT	NAME	#/ACRES	AI	WR	LANDSAT	FIELD	RECOMM.
								ACRES	ACRES	DATA	EXAM.	ACRES
11N	16E	30				NICHOLSON, JULIAN O.	2.5	72-04006	2.0			
						BEALE, ROSS				0.59 Ac.		
						BOKEN, ROBERT R.				allow for	2.0	2.0
						BOKEN, ROBERT R.				House, Exempt to		
						BEALE, ROSS				Riparian, Diversion		
						GODFREY, WILLIAM S.				ETC.		
						NICHOLSON, JULIAN O.						
11N	16E	30				NICHOLSON, JULIAN O.						
						BEALE, ROSS						
						BOKEN, ROBERT R.						
						BOKEN, ROBERT R.						
						BEALE, ROSS						
						GODFREY, WILLIAM S.						
						NICHOLSON, JULIAN O.						

TOTAL ACRES A72-04006

2.50

4.00

2.0

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (X)

C. FIELD EXAM REQUIRED?

DOE TO POU DISCREPANCY? (Y/N)

Y

FIELD EXAMINER

yes

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

Confirmed POU w/ field exam, Topo Map 1172, App photo 121NE, #44185; Joint lot maps & notes & Bureau calculations.

*No Domestic use associated w/ this Division.

RECOMMENDATIONS:

TOTAL ACRES: 2.0

REVIEWED BY: SW

DATE: 1-19-94

A. AJ CLAIMED USES:

PURPOSES
A72-04006 IRRIGATION
A72-04006 DOMESTIC

MONTH/DAY
FROM 06-01 TO 09-30
FROM 01-01 TO 12-31

9-30

DIVERSION QUANTITY
*150 CFS
*150 CFS
*150 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

*200 CFS

B. WR RECORDED USES:

PURPOSES
72-04006 IRRIGATION
72-04006 DOMESTIC

MONTH/DAY
FROM 06-01 TO 10-01
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
*200 CFS
*200 CFS
*200 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

STD Season 9-30

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

Explain in remarks, below.

REMARKS:

Early Season as claimed
No Domestic use associated w/ this Diversion.
See Domestic well filing A72-11730

MICROFILMED
NOV 01 1994

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y (X) N ()

AJ TOTAL CLAIMED DIVERSION RATE: 0.200 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.200 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)

DATABASE EXAMINER
Y

FIELD
yes

MEASUREMENT METHOD

Theoretical Calc.

SEE ATTACHED CALCULATIONS.

= 0.21 cfs

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

OTHER RIGHTS LISTED IN CLAIM: A72-11730

None

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

CLAIM NO.

SOURCE

NAME

DIV. RATE

DIV. RATE/ACRE

DIV. VOL.

DIV. VOL./ACRE

A72-04006

KROGER SPRING
GROUNDWATER

NICHOLSON, JULIAN O.

0.200

0.080

A72-02073A

GARDNER CREEK

GUDFREY, WILLIAM S.

0.770

0.019

A72-02073B

GARDNER CREEK

BEALE, ROSS

0.058

0.010

A72-04214

GARDNER CREEK

BUREN, ROBERT R.

0.150

0.050

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

CLAIM NO.

PURPOSES

NAME

MONTH/DAY

RATE

VOLUME

A72-10026

DOMESTIC

BEALE, ROSS

FROM 01-01 TO 12-31

.040 CFS

form of rotation since usage is not on a 24 hr basis.

capacity

10.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE 0.03 CFS
ACRES 2 X 0.02 CFS/ACRE = 0.06 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 6.2 AE/A

ACRES 2 X CONSUMPTIVE VOL. AE/A FOR AREA 2.0 =

TOTAL CONSUMPTIVE USE 4.0 AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES 2 X DIVERSION VOL. AE/A FOR AREA 2.0 =

TOTAL DIVERSION VOLUME 4.0 AE/A *Surface*

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

*Sprinklers allowed
a use of 1"/acre
(1 1/2" on ≤ 5Ac lots)
(as this case shows.)*

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RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AE/A

REC. CONS.
USE

IRRIGATION
EDWARDS

06-01 9-30
01-01 10-31
10-31

0.150 0.06
AE/A

0.150 W/A
AE/A

0.150 4.0
AE/A

TOTAL FOR THIS RIGHT

0.000 0.06

REVIEWED BY:

82

DATE:

1-19-94

BØ1 = Knappa Spring
JØ2 = Hes 322.

RECAP 1-19-94

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04006

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.200

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

A72-04006

0.200

-

72-04006

0.200

TOTAL CFS

0.200

0.200

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:

N/A

AUTHENTICATION:

SIGNATURE:

John O'Neil

DATE:

1-19-94

NAME OF FIELD EXAMINER:

TITLE:

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NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-04006

06:32:51
06/02/92

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	(Y)	<i>offloaded 4-3-93 Bawn</i>	<i>7-6-93 See</i>	<i>N</i>	<i>6.</i>	<i>See 1-19-94</i>	<i>See 1-19-94</i>	<i>See 1-19-94</i>
POINT OF DIV	Y			(Y)	1456			
SOURCE	Y			(Y)	6. STDS.			
PLACE OF USE	Y			(Y)	1456			
DIV AMOUNT CES/VOLUME	Y			(Y)	6.			
CONSUMPTIVE USE	-			(Y)	56			
PURPOSES				(Y)	6.			
PERIOD OF USE				(Y)	6.			
BASIS OF CLAIM				(Y)	6			
REMARKS				(Y)	6			

*See
2-24-93*

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

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

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CLAIM NUMBER: A72-0400

OWNER
CODE NAME & ADDRESS

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION
RATE

DIVERSION
VOLUME

C JULIAN O. NICHOLSON
RT. 3 BOX 6432
TWIN FALLS ID 83301
(208) 734-5917

06/01/1966

IRRIGATION

06-01 10-01
01-01-12-92

0.06
0.15 CFS
0.05 CFS

TOTAL DIVERSION:
CONSUMPTIVE USE:

0.06
0.05 CFS

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4.0

C DIANE C. NICHOLSON
RT. 3 BOX 6432
TWIN FALLS ID 83301
(208) 734-5917

Stage: STANDARD
Beneficial Use

Point(s) of Diversion:

T11N R16E S30

NESE

NESE

Salmon River

CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	SE	SW	NESE	SWSE	SESE	SUM
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
T11N 16E 30							0.02
TOTAL ACRES							2.00

Place of use Legal Description for: DOMESTIC

	NE	SE	SW	NESE	SWSE	SESE	SUM
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
T11N 16E 30							0.02
TOTAL ACRES							2.00

POU County: CUSTER

Irrigation Uses: ~~Domestic~~

Other Rights: A72-11/30 None

Non-Irrigation Use: ~~Domestic~~

Remarks: P/D & P/U H.E.S. #322 IN T11N. R16E. AC. IRR.=2.5.
ORIGINAL STATUTORY CLAIM ALLOCATED .20 CFS FOR IRRIGATION AND AN
UNSPECIFIED AMT FOR DOMESTIC USE. CLAIMANT ALLOCATED .15 CFS FOR
IRRIGATION AND .05 CFS FOR DOMESTIC USE IN ADJUDICATION CLAIM.
ALSO INCLUDED A GROUNDWATER WELL TO CLAIM WITH SAME PRIORITY
DATE.
OWNERSHIP CHANGED 08/08/1991 RYM.
WELL FILED SEPARATELY, 8/8/91, A72-11730.

1-19-94
SW

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

08:09:08
06/02/92

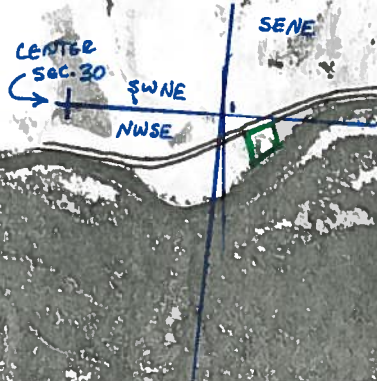
CLAIM NUMBER: A72-0400

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

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NOV 01 1994

8 80

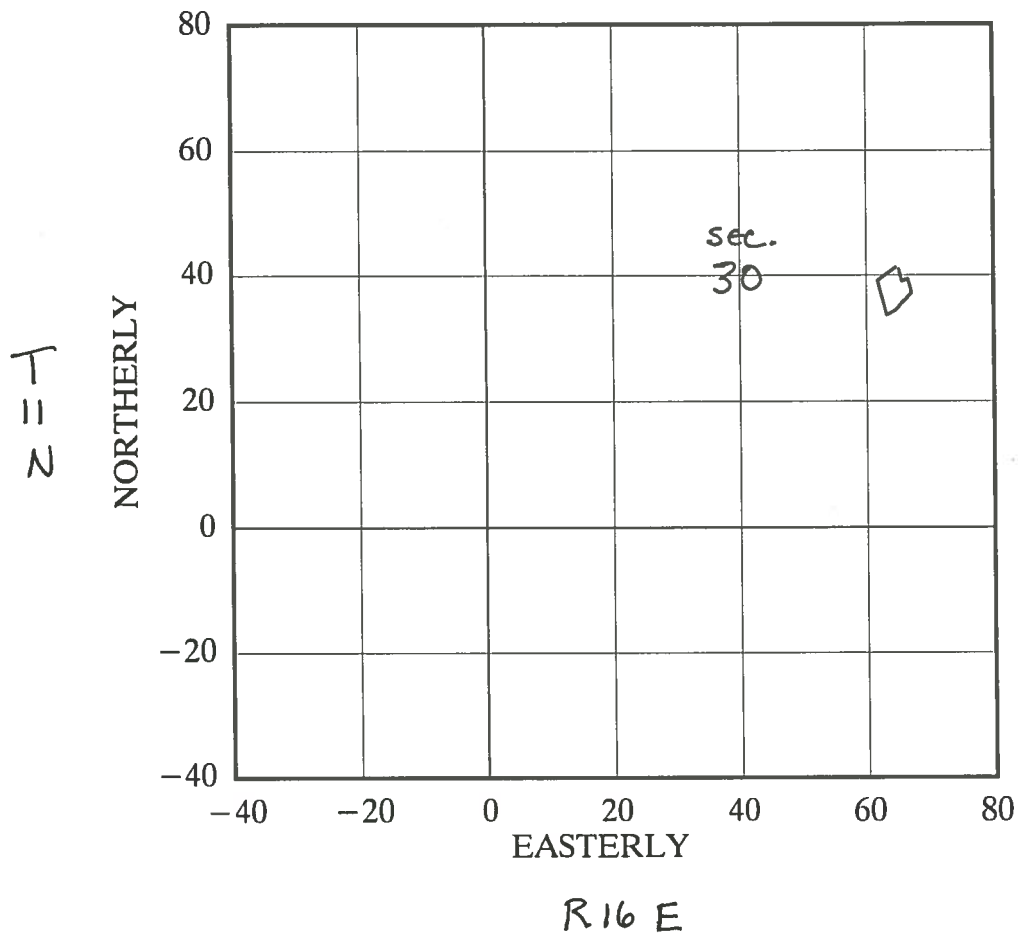
POOR ORIGINAL



CLAIM A72-4006 INIT SW
T. R. S. Q/Q 1-19-94
P/D _____
PHOTO ID. NAPP # 441-185
8-22-88 VZ1 NE (200X)

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NOV 01 1994

PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS



Approx. STARTING point: 65 CHAINS East
41 chains North

1-19-94
SC
LOTUS PRINT

MICROFILMED

NOV 01 1994

TRUE

POOR ORIGINAL

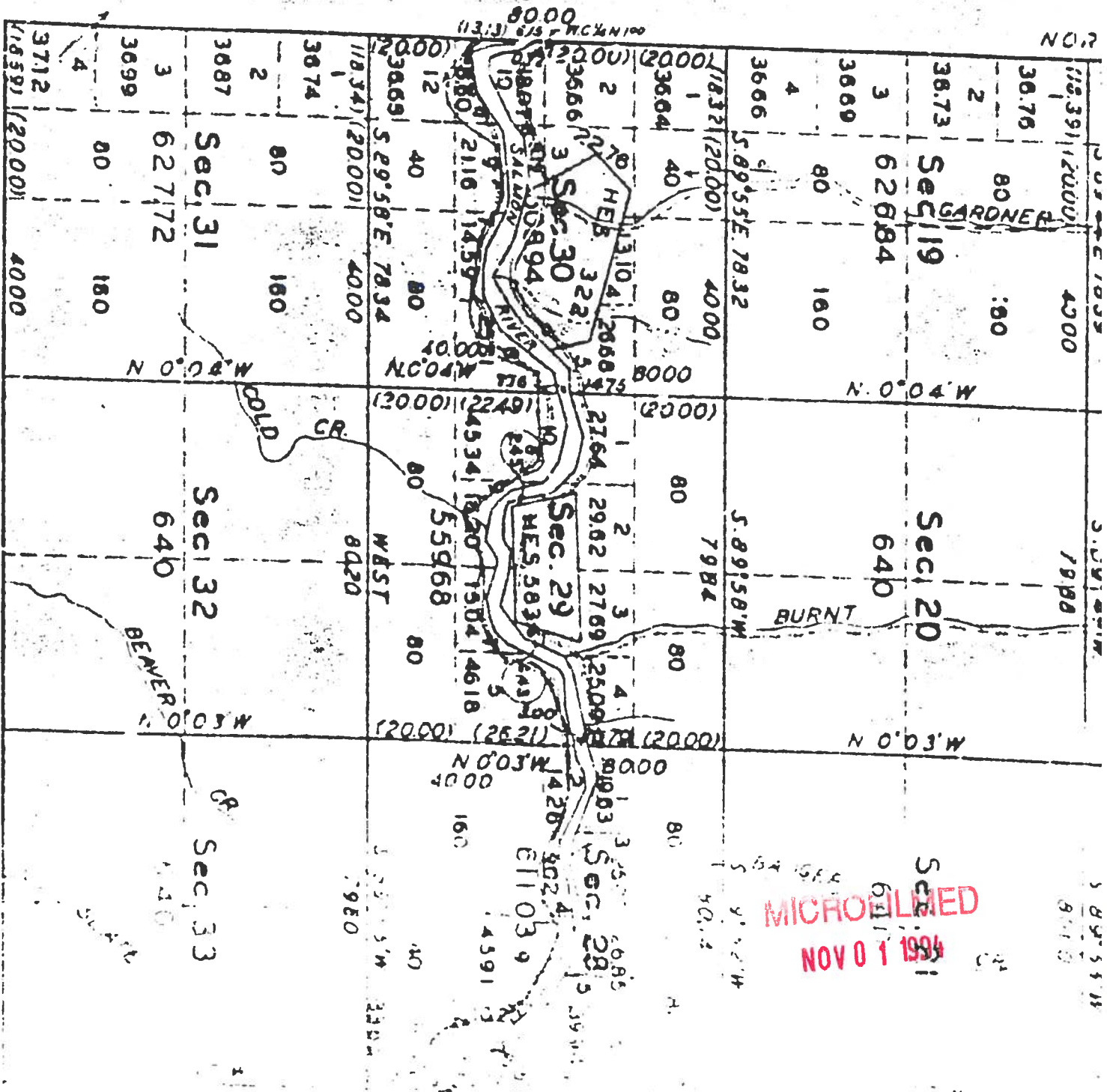
11A1115 TO AN INCH

ॐ

80

7859

Thin Rice



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NOV 01 1994

POOR ORIGINAL

DESCRIPTION:

A fraction of Homestead Entry Survey No. 322, in Township 11 North, Range 15 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the intersection of the Easterly boundary of H.E.S. No. 322 and the Southerly right-of-way line of U.S. Highway No. 93; thence South 64°31' West along said Southerly right-of-way line of U.S. Highway No. 93 a distance of 324.0 feet to the real point of beginning; thence South 14°23' East, 130 feet; thence North 64°31' East, 69 feet; thence South 14°23' East 158.6 feet to the southerly boundary of H.E.S. 322; thence South 43°5' West 241.42 feet to corner No. 5 of said H.E.S. 322; thence South 58°37' West 109.88 feet more or less to a point on the South line of said H.E.S. No. 322; said point being South 14°23' East of the Southerly right-of-way line of Highway 93 and the Northwest corner of this description; thence North 14°23' West, 376.0 feet to a point on the South right-of-way line of Highway 93; thence along said right-of-way 231 feet more or less to the True Point of Beginning.

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A72-4006
DATE: 1-19-94
BY: SCC

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$

Q = CFS
H.P. = Total Brake Horsepower of pumping plant (including booster)
EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)
TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]
LIFT = depth to water in FEET from land surface to pumping water level
PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) (\dots \underline{5 \text{ H.P.}} \dots) (0.70)}{[(\dots \underline{30} \dots) + (\dots \underline{50} \dots \times 2.31)]} = \frac{30.8}{145.5} = \underline{0.21 \text{ cfs}}$$

<u>LIFT FROM:</u>	<u>PSI FROM:</u>	<u>NOTES ON PUMP:</u>
measurement ()	measurement ()	Motor Make, Serial or ID
owner ()	owner ()	<u>5 HP Century Pump Motor</u>
area estimate (X)	estimate (X)	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	<u>CENTRIFUGE pump</u>
Booster (Y) <u>(N)</u>		

REMARKS

ANNUAL VOLUME ANALYSIS

POTENTIAL Acre Feet/Acre/Annum = $\frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$

(season)	(days)	CV-DV	
5/01-09/30	153	2-3	
4/15-10/15	184	2.5-3.5	POTENTIAL = $(\dots) \times (1.98) \times (\dots)$
4/01-10/31	214	3-4	
3/01-11/30	275	VARIES	$(\dots)$
3/15-11/15	246	VARIES	

POTENTIAL = _____

REQUIRED Acre Feet/Acre/Annum = _____
(AF/Ann/Ac irrigation requirement from chart for area)
NOTE that this is NOT Consumptive use

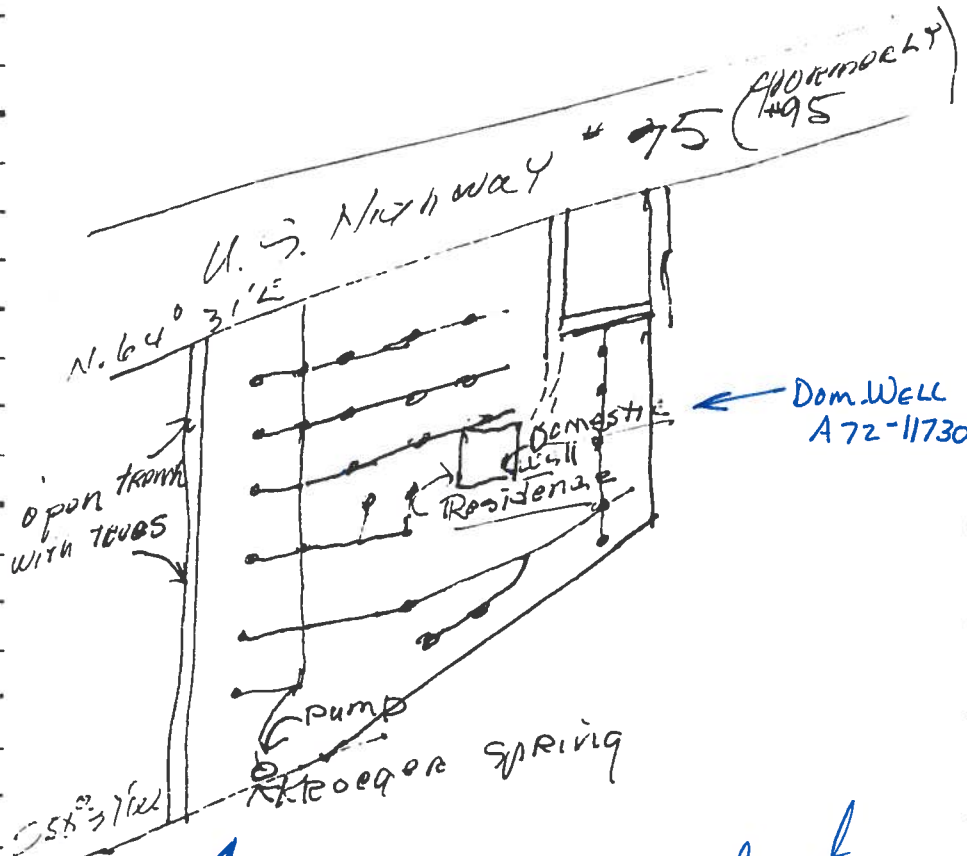
IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()
IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

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

Scale: 2 inches equals 1 mile

See Exhibit "A"



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Last Name Kroeger

Ident No. _____

Copies: White-State, Yellow-Claimant

7-6-93 Field Notes

Bob Boren - remember claim to Godfrey license
& notify claimant (A72-2073 PART)

Nicholson
A72-4006

left card No one from

located spring & 5HP

Century Pump Motor
w/ centrifugal pump
to sprinklers as shown in
claim map.

F. Exam
7-6-93

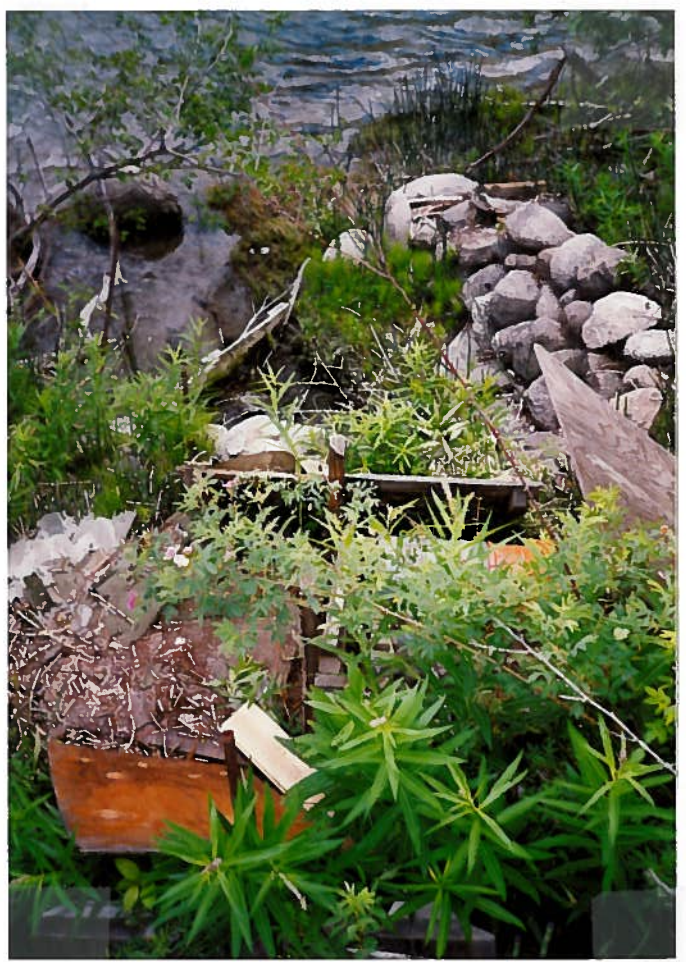
- split claim for
source & use
?

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POOR ORIGINAL

NICHOLSON

A72-4006



7-6-93
PHOTO: R72-19
BY SCC

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NOV 01 1994

Water Right Number - 72-04006

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
KROEGER

MAX P.

1 -
2 -
3 -

City- STANLEY
Phone -

State- ID Zip- 83278

Priority Date - 06/01/1966

Region - 17 SOUTHERN

Stage - S - STATUTORY CLAIM

Status -

Source - KROEGER SPRING

Tributary -

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
11N	16E	30	NW SE			(37) CUSTER		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		06/01	10/01		0.200	
43 - DOMESTIC		01/01	12/31			

Total Div. Rate - 0.200
Total Div. Volume -
Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11N	16E	30	NW SE		2.0	01	IRRIGATION	(37) CUSTER
Total Acres:					2.0			

- - - Diversion Means -

- - - Non-Irrigation Use -

- - - Other Rights for Same Use -

P/D & P/U H.E.S. #322 IN T11N, R15E, AC. 1RR.=2.5.

- - - Old Water Right Numbers -
No Old Water Right Numbers found.

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

- - - Decree Plaintiff - - - Decree Defendant - - - Decree Date - 00/00/0000

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Prefix Translation: WATER RIGHT

No Comments Found

88 CONVERT

Water Rights Dates and Flags Area

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Tested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	- P
Exam to S.O. Date-	-	00/00/0000	Verified Date	-	05/06/1985	DLE/Carrey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000	Presumption Flag	-			-

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NOV 01 1984