

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: **A72-04048B**
Date Received: 12/ 7/1989
Receipt No: M005331
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: DOYLE LEUZINGER 208-838-2221
Address: HC 67 BOX 2085
CHALLIS ID 83226
OR
Name: JUDI LEUZINGER 208-838-2221
Address: HC 67 BOX 2085
CHALLIS ID 83226

2. Date of Priority: APR 1, 1900

3. Source: GROUNDWATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	18E	36	NW	NW		2	CUSTER

5. Description of diverting works:
WELL WITH PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.580		101.50

7. Total Quantity Appropriated is:
0.580 C.F.S. (and/or) 101.50 A.F.A.

8. Total consumptive use is 72.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	18E	35	NE	NE	1	IRR	2.5

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
					Section Acres	2.5	
		36	NE	NW	1	IRR	0.5
			NW	NW	2	IRR	19.0
			SW	NW	3	IRR	7.0
					Section Acres	26.5	
					Total Acres	29.0	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE.

14. Remarks:

PURSUANT TO APPROVED TRANSFER 4516:

1. APPROVAL OF THIS TRANSFER IN NO WAY CONFIRMS THE RIGHT(S) CLAIMED.

2. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.

3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

4. THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.

5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

7. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT FROM THE ORIGINAL SOURCE, SALMON RIVER.

8. RIGHT NO. 72-04048B WHEN COMBINED WITH RIGHT NO. 72-07398 OR ANY OTHER RIGHTS SHALL NOT EXCEED MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS DESCRIBED ABOVE.

15. Basis of Claim: STATUTORY CLAIM



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

August 30, 1995

PHILIP E. BATT
Governor

KARL J. DREHER
Director

DOYLE AND JUDI LEUZINGER
HC 67 BOX 2085
CHALLIS ID 83226

RE: Amendment of SRBA Claim A72-04048B

Dear Claimant:

Pursuant to the approval of Transfer No. 4516, the above referenced Notice(s) of Claim in the Snake River Basin Adjudication have been amended to conform with the transfer. Please find enclosed a printout of the way your claim records have been modified. Please check these modified records over carefully to verify they correctly reflect your intended change. If you have questions please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

Encl:

DEC 03 1996

ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4516
WATER RIGHT NO. 72-04048B

RECEIVED

APR 20 1995

Department of Water Resources
Southern Region

This is to certify that: **DOYLE LEUZINGER**
JUDI LEUZINGER
HC 67 BOX 2085
CHALLIS ID 83226

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.58 CFS	101.5 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
GROUNDWATER	SALMON RIVER

Priority: 04/01/1900

LOCATION OF POINT(S) OF DIVERSION: Lot 2(NWNW), Sec. 36, Township 12N, Range 18E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12N	18E	35	Lot 1(NENE)	2.5		2.5
		36	Lot 1(NENW)	0.5	Lot 2(NWNW) 19.0	26.5
					Lot 3(SWNW) 7.0	29.0
Total number of acres irrigated:						29.0

CONDITIONS/REMARKS:

1. Approval of this transfer in no way confirms the right(s) claimed.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.

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TRANSFER NO. 4516
WATER RIGHT NO. 72-04048B

CONDITIONS/REMARKS:

5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Diversion of groundwater is limited to those times water is available for diversion under this right from the original source, Salmon River.
8. Right No. 72-04048B when combined with Right No. 72-07398 or any other rights shall not exceed more than 0.02 cfs per acre nor more than 3.5 afa per acre for the lands described above.

Dated this 18th day of April, 1995.

J. Glen Saylor

Chief, Water Alloc. Bureau

DEC 03 1996

FROM: Allen Merritt

DATE: February 3, 1995

TO: TRANSFER FILES: #4514 of 72-04048A in name of Hutchens
#4516 of 72-04048B in name of Leuzinger
#4518 of 72-04169 in name of Knox

SUBJECT: RECOMMENDATION

I recommend that all three transfers be approved as follows:

- All rights are subject to SRBA review.
- All new wells to be drilled require drilling permits.
- Approval does not grant right-of-way across land of another.
- Limit use to 0.02 cfs/acre (0.03cfs/acre for tracts under 5 acres) and 3.5 afa/acre

Transfer #4514 of 72-04048A:

Source: Groundwater (P/D SWNW(Lt3) Sec 36, T12N, R18E)
Salmon River (P/D NENWSW(Lt4) Sec 36, T12N, R18E)

Use: Irrigation from 4/15 to 10/15 at 0.16 cfs for 28.0 afa

Place of Use for Irrigation

Twp	Rge	Sec	Tract	Acres
12N	18	36	SWNW (Lt3)	8.0

Transfer #4516 of 72-04048B:

Source: Groundwater (P/D NWNW(Lt2) Sec 36, T12N, R18E)

Use: Irrigation from 4/15 to 10/15 at 0.58 cfs for 101.5 afa

Place of Use for Irrigation

Twp	Rge	Sec	Tract	Acres
12N	18E	36	NENE (Lt1)	2.5
			NENW (Lt1)	0.5
			NWNW (Lt2)	19.0
			SWNW (Lt3)	7.0
			Total	29.0

-Limit when combined with 72-07398

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Transfer #4518 of 72-04169:

Source: Groundwater (P/D SWNW(Lt3) Sec 36, T12N, R18E)
Salmon River (P/D NENWSW(Lt4) Sec 36, T12N, R18E)

Use: Irrigation from 4/15 to 10/15 at 0.06 cfs for 7.4 afa

Place of Use for Irrigation

<i>Twp</i>	<i>Rge</i>	<i>Sec</i>	<i>Tract</i>	<i>Acres</i>
12N	18	36	SWNW (Lt3)	2.1

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MEMO TO FILE

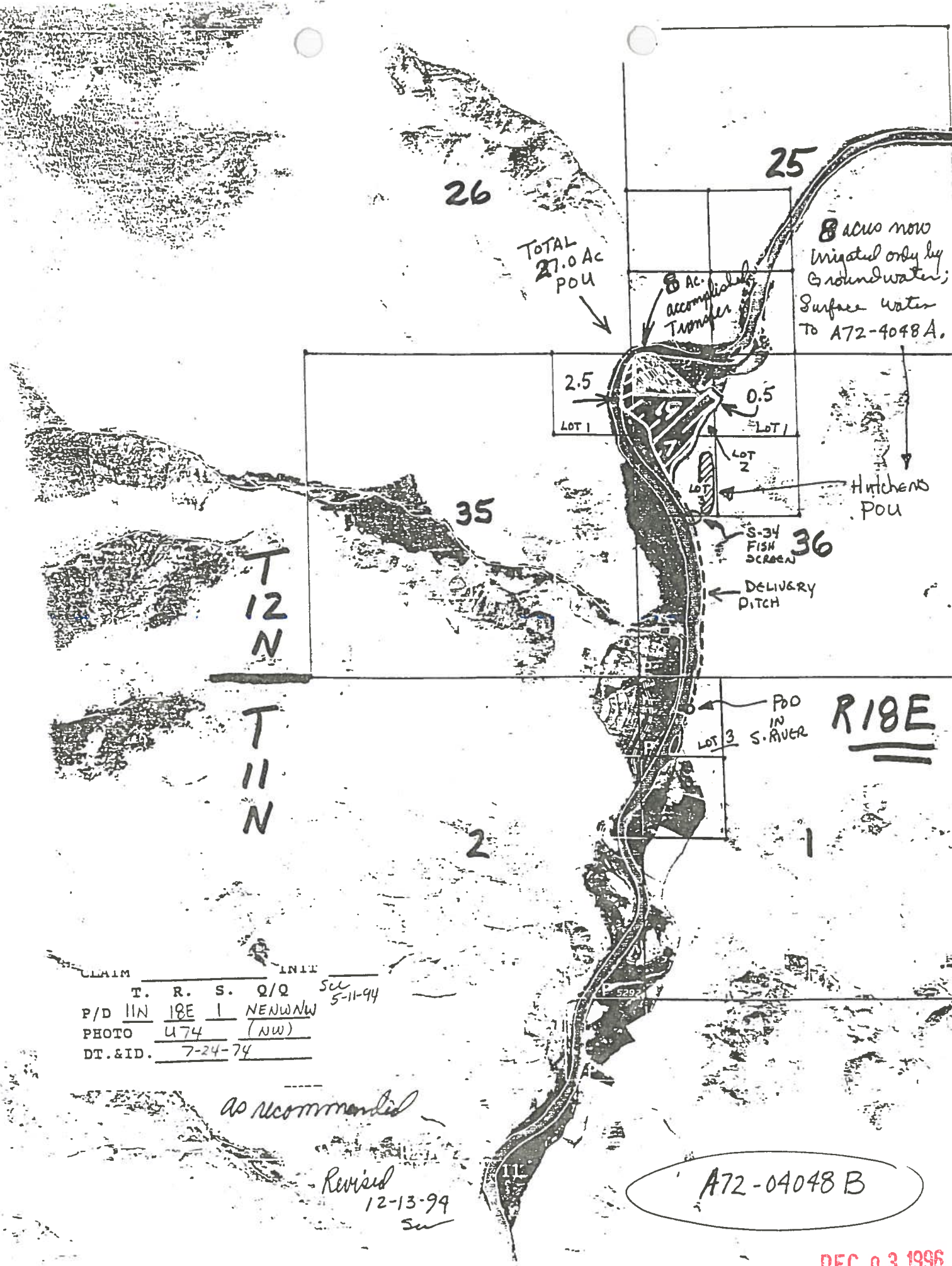
FROM: MEL SCHULTE
SOUTHERN REGION OFFICE

DATE: JANUARY 12, 1995

RE: LEUZINGER TRANSFER APPLICATION #T4516

1. THE APPLICATION PROPOSES TO CHANGE THE P/D FROM THE SALMON RIVER TO A WELL.
2. APPROVAL OF THIS AND TWO COMPANION APPLICATIONS WOULD BENEFIT THE IDF&G ANADROMOUS FISH SCREENING PROGRAM BY ELIMINATING THE NEED TO REPAIR A DIVERSION STRUCTURE IN THE SALMON RIVER AND INSTALL A NEW FISH SCREEN.
3. THE APPLICATION IS BASED ON SRBA CLAIM A72-04048B. DISCUSSIONS WITHIN THE DEPARTMENT CONCLUDED IT WAS ACCEPTABLE TO PROCESS THE APPLICATION AS PROPOSED. SEE ALLEN MERRITT'S MEMO DATED 12-12-1994 FOR DETAILS.
4. THE SRBA REVIEW OF CLAIM A72-04048B AND THE FIELD EXAM FOR PERMIT 72-07398 RECOGNIZED 37 ACRES UNDER IRRIGATION. WATER FROM EIGHT OF THE ACRES WERE GIVEN TO MARGARET HUTCHENS THROUGH AN UNRECORDED ACCOMPLISHED TRANSFER. SEE STEVE CLELLAND'S MEMO DATED 12-13-1994 FOR ADDITIONAL INFORMATION. THE UNRECORDED TRANSFER IS DESCRIBED IN CUSTER COUNTY CASE #3048, HUTCHENS VS LEUZINGER. NICK SPENCER, STAFF ATTORNEY HAS REVIEWED THE COURT DOCUMENTS AND CONCURS WITH THE COURT FINDINGS. COPIES OF ALL COURT DOCUMENTS ARE ON FILE AT THE SOUTHERN REGION OFFICE.
5. THE SRBA REVIEW RECOGNIZES CONVEYANCE LOSS IN THE DITCH SYSTEM FROM THE RIVER TO THE P/U. CONVEYANCE LOSS SHOULD NOT BE A FACTOR IN THE GROUNDWATER SYSTEM TO BE USED UNDER THIS TRANSFER. A DIVERSION RATE OF .02 CFS/ACRE AS RECOMMENDED IN THE SRBA REVIEW SHOULD BE SUFFICIENT.
6. PERMIT 72-07398 HAS BEEN RECOMMENDED FROM THE REGION OFFICE FOR LICENSING OF 37 ACRES AT AN INCH/ACRE FROM A GROUNDWATER SOURCE. APPROVAL OF THIS APPLICATION AND THE LICENSE SHOULD BE CONDITIONED OR AMENDED TO COMPLY WITH DEPARTMENT STANDARDS.
7. THE PERIOD OF USE PROPOSED IN PART 1, B.1 DOES NOT COMPLY WITH DEPARTMENT STANDARDS FOR THE AREA.
8. THE P/U RECOMMENDED SHOULD COMPLY WITH THE SRBA RECOMMENDATION FOR A72-04048B AND THE DIVERSION RATE LIMITED TO AN INCH/ACRE.
9. APPROVAL OR DENIAL OF THIS APPLICATION IS CONDITIONED IN THE APPLICATION ON APPROVAL OR DENIAL IN CONJUNCTION WITH T4514 AND T4518 AS A PACKAGE.

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Page 1 of 7STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESJUL 05 1997 Transfer No. 4516APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant DOYLE AND JUDI LEUZINGER Phone 208-838-2221Post Office address HC 67, Box 2085, CHALLIS, IDAHO 83226

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes DIVERSION HEADGATE ACCIDENTLY DESTROYED BY FIRE. DIVERSION FISH SCREEN NEEDS REPLACEMENT. TRANSFER OF POINT OF DIVERSION WILL ELIMINATE NEED FOR IDAHO DEPT. OF FISH & GAME TO REPLACE EXISTING FISH SCREEN HEADGATE. THIS WILL BENEFIT THE ANADROMOUS FISHERIES PROGRAM AND SAVE PUBLIC FUNDS. SEE "REMARKS" PAGE

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-------------------|-----------------|--------------------|-------------------|---------------------------|
| <u>A72-04048B</u> | <u>4-1-1900</u> | <u>6.000 cfs</u> | <u>IRRIGATION</u> | <u>4-1</u> to <u>11-1</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 6.000 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water WELL tributary to SALMON RIVER
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
<u>2</u>		<u>NW</u>	<u>NW</u>	<u>36</u>	<u>12N</u>	<u>18E</u>	<u>CUSTER</u>	<u>WELL</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
<u>12N</u>	<u>18E</u>	<u>36</u>					<u>6</u>												<u>6</u>
<u>12N</u>	<u>18E</u>	<u>36</u>						<u>35</u>											<u>35</u>
<u>12N</u>	<u>18E</u>	<u>36</u>							<u>13</u>										<u>13</u>
<u>12N</u>	<u>18E</u>	<u>35</u>	<u>5</u>																<u>5</u>
<u>12N</u>	<u>18E</u>	<u>25</u>											<u>7</u>						<u>7</u>
<u>12N</u>	<u>18E</u>	<u>25</u>								<u>4</u>									<u>4</u>

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Total acres 70

PART 1**6. General Information:**a. Description of diversion system WELL WITH PUMPb. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

NONE

d. Remarks: IDAHO DEPT. FISH & GAME REQUESTED HOLDERS TO TRANSFER WATER RIGHTS, WITH PRIORITY DATE INTACT, IN ORDER TO ELIMINATE THE EXISTING DIVERSION. THESE THREE TRANSFER REQUESTS APPLICATIONS (KNOX A72-04169, HUTCHENS A72-04049A, LEUZINGER A72-04049B) MUST BE EITHER ALL THREE APPROVED OR DENIED IN TOTAL. IF UNIFORM ACTION BY IDWR ON ALL THREE APPLICATIONS IS NOT POSSIBLE, ALL THREE APPLICATIONS SHOULD BE CONSIDERED NULL AND VOID.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
 In case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A72-04048B on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water SALMON RIVER tributary to SNAKE RIVER

4. Date or priority 4-1-1900

5. Water is used for the following purpose:

amount 6.000 cfs for IRRIGATION purposes from 4-1 to 11-1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NW	NW	1	11N	18E	CUSTER	LEUZINGER

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 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	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12N	18E	36					6												6
12N	18E	36						35											35
12N	18E	36							13										13
12N	18E	35	5																5
12N	18E	25											7						7
12N	18E	25								4									4

Total acres 70

9. Describe any other water rights used for the same purpose as described above

NONE

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

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Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.

SEE USGS LOCATION MAP ATTACHED

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SCALE: 2 inches equal 1 mile. Draw plan in ink.

2

Sec. 23

Sec. 24

N 20.0' N

5' W

N 20.0' W

N 20.0' N

Sec. 26

Sec. 25

Sec. 35
SUR. BY OLEF

Sec. 36

SALMON

PETERSON 1910

5 RIVER

25.36

50.78

3.86

80.00

NORTH

WEST

ALTITUDE 44 9.53' N

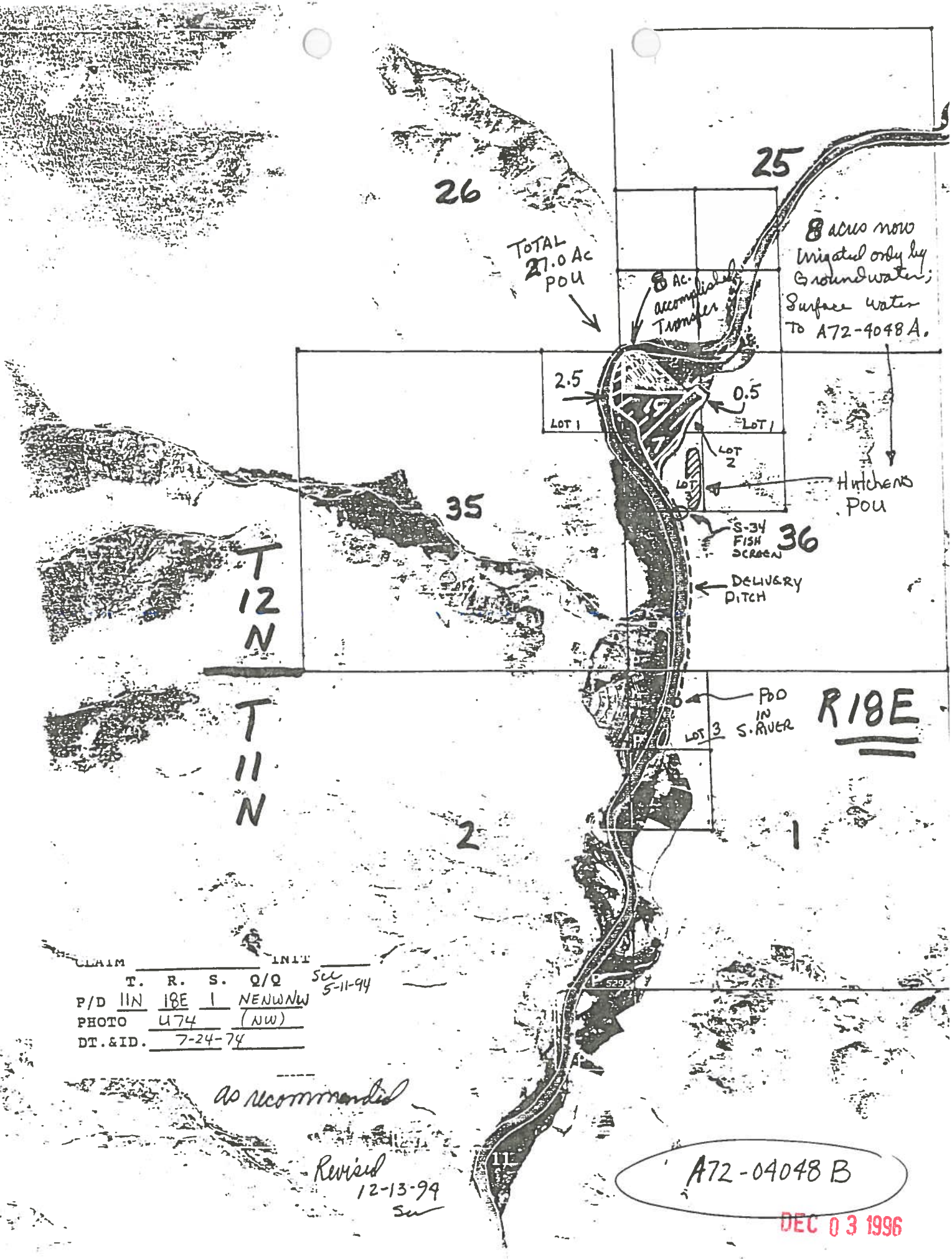
LONGITUDE 4 13.30' W

DEC 03 1996

NOTE:
INDICATIONS OF SILVER, LEAD AND
COPPER ABUNDANT IN THIS SURVEY

DEC 03 1996

T #



CLAIM	T.	R.	S.	Q/Q	INIT
P/D	11N	18E	1	NENWNW	See 5-11-94
PHOTO	474			(NW)	
DT. & ID.	7-24-74				

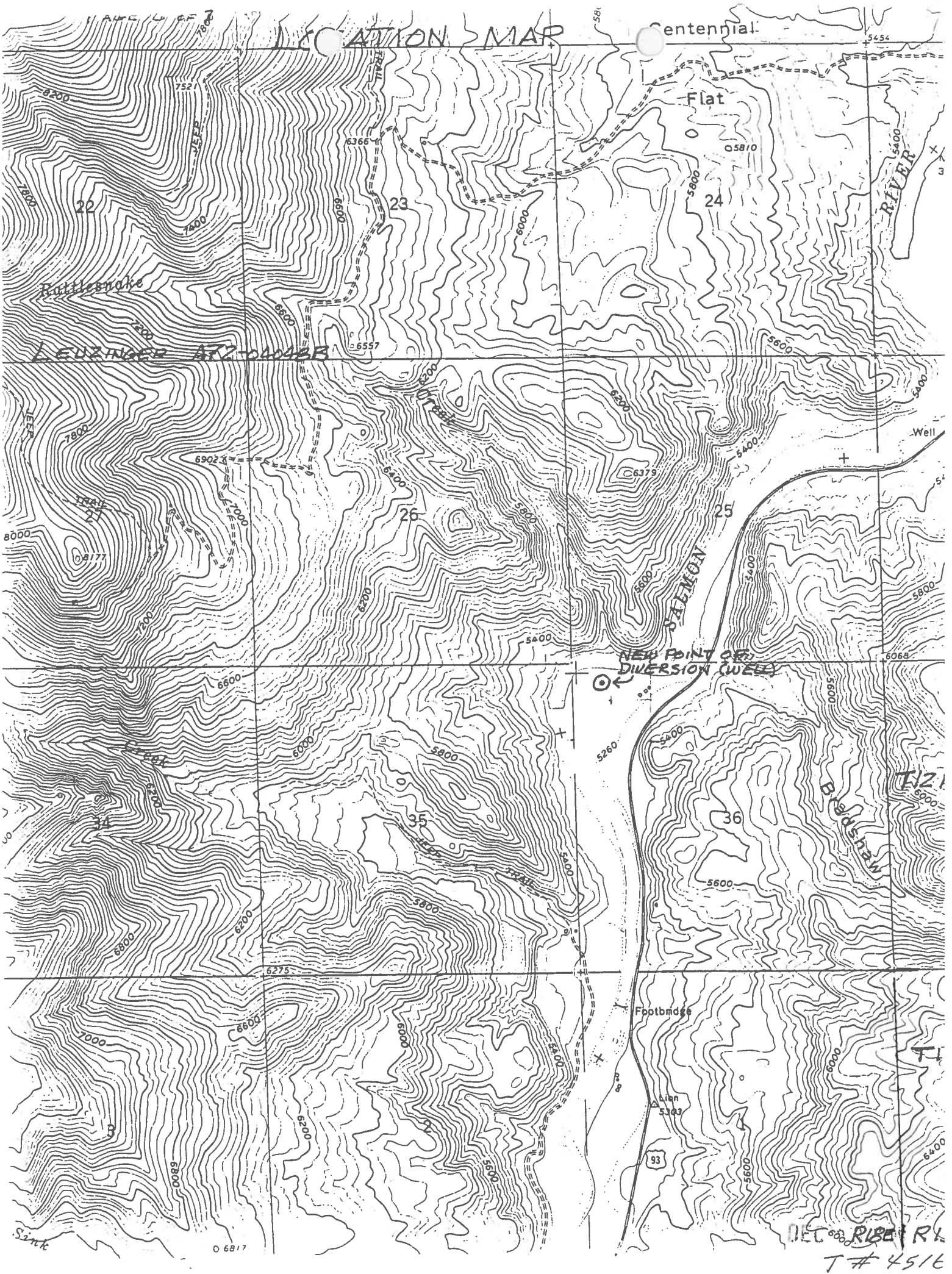
as recommended

Revised
12-13-94
See

A72-04048 B

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T # 451



PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				_____ to _____
				_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

NONE

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this

30th

day of

June, 1994.

DONNA L. GODFREY
NOTARY PUBLIC
STATE OF IDAHO

Donna L. Godfrey
(Notary Public)

My commission expires

May 10, 1998**FOR DEPARTMENT USE ONLY**Transfer contains 7 pages and 2 attachmentsReceived by MTS Date 7-18-94Protest filed by N/APrelim. check by MTS Fee 50.00 C030729Received by RT Date 7-5-94Published in Challie Messenger

Copies of protest forwarded by _____

Pub. dates 12/29/94 + 1/5/95

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☒ approval ☐ denial

rec'd.

by AD

Copy of transfer sent to lien holder _____

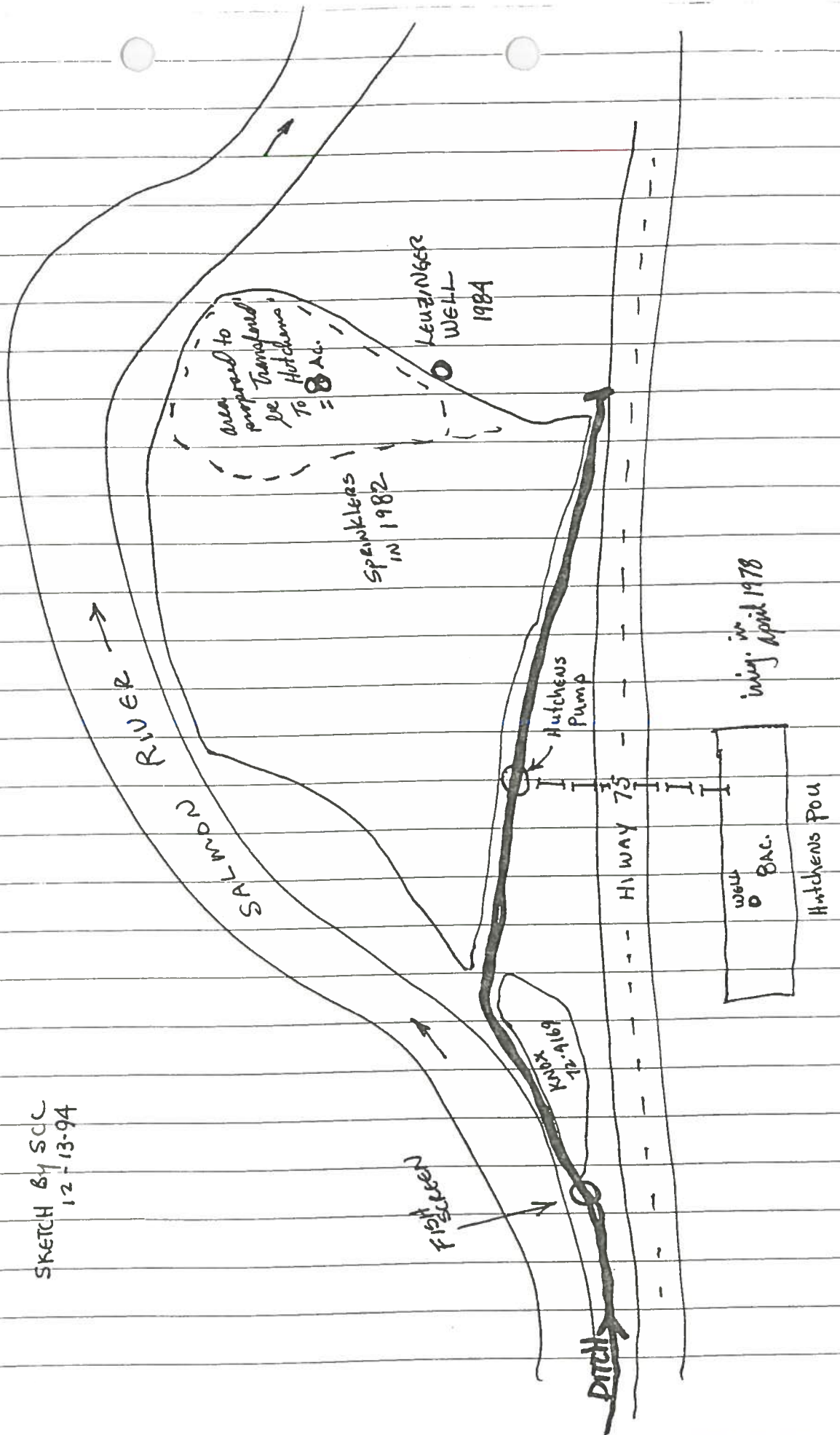
JUL 18 1994

JUL 18 1994

Department of Water Resources
Southern Region Office

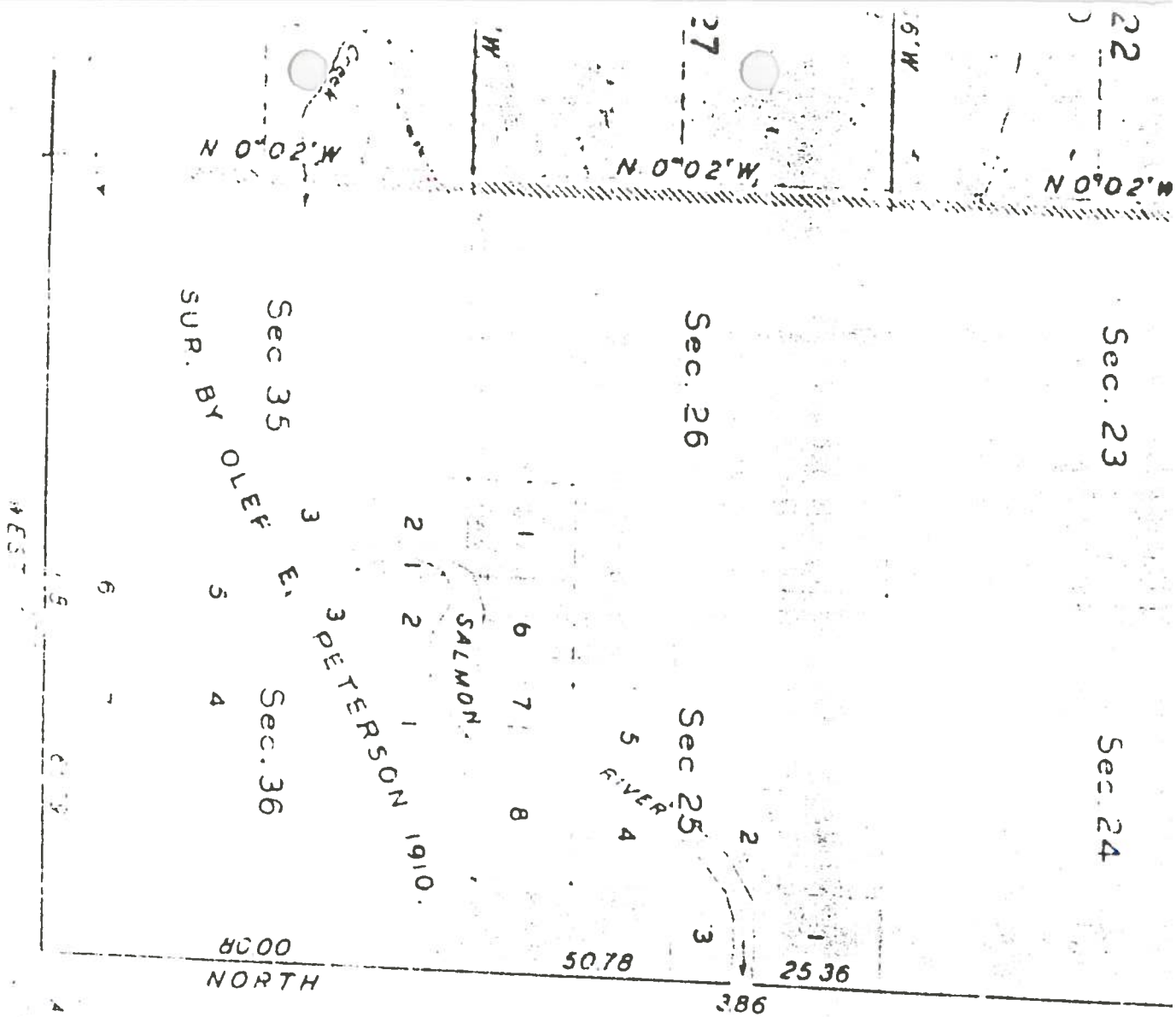
NORTH ↑

SKETCH BY SCL
12-13-94



DEC 03 1996

T # 451



NOTE:
INDICATIONS OF SILVER, LEAD AND
COPPER ABUND IN THIS SURVEY.

DEC 0.3 1996

T # 45

ATITUDE 46 9 55 N
LONGITUDE 2 3 30 W

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: **A72-04048B**
Date Received: 12/ 7/1989
Receipt No: M005331
Received By: _____

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

1. Name: DOYLE LEUZINGER 208-838-2221
Address: HC/ 67, BOX 2085
CHALLIS ID 83226
OR
Name: JUDI LEUZINGER 208-838-2221
Address: HC 67, BOX 2085
CHALLIS ID 83226

2. Date of Priority: APR 1, 1900

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	18E	1	NW	SW	NW		CUSTER

5. Description of diverting works:
ROCK DIKE IN RIVER DIVERTING INTO EARTHEN GRAVITY FLOW DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 RANGE

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	18E	25	NE	SW		IRR	4.0
			SE	SW		IRR	7.0
					Section Acres		11.0
		35	NE	NE		IRR	5.0
					Section Acres		5.0
		36	NE	NW		IRR	6.0
			NW	NW		IRR	35.0
			SW	NW		IRR	13.0
					Section Acres		54.0
					Total Acres		70.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE.

14. Remarks:

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A72-04048 **B**
Date Received: 12/07/1989
Receipt No: M005331
Received By: B. J. [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DOYLE LEUZINGER 208-838-2221
Address: HC/ 67, BOX 2085
CHALLIS, ID 83226

OR

Name: JUDI LEUZINGER 208-838-2221
Address: HC 67, BOX 2085
CHALLIS, ID 83226

2. Date of Priority: APR 01, 1900

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	18E	1	NW	SW	NW		CUSTER

5. Description of diverting works:
ROCK DIKE IN RIVER DIVERTING INTO EARTHEN GRAVITY FLOW DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.000		
STOCKWATER	01/01	12/31	0.070		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/250 RANGE

A72-04048 **B**

Page 1

Date: 12/07/89

COPY

MICROFILMED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	18E	25	NE	SW		IRR	4.0
			SE	SW		IRR	7.0
					Section Acres		11.0
		35	NE	NE		IRR	5.0
					Section Acres		5.0
		36	NE	NW		IRR	6.0
			NW	NW		IRR	35.0
			SW	NW		IRR	13.0
					Section Acres		54.0
					Total Acres		70.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE.

14. Remarks:

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): X Doyle Leuzinger Date: X 12-7-89
Date: _____

State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of December 1989
Robert V. Horstall
Notary Public

Seal.

Residing at Twin Falls, Idaho
My Commission Expires 1-16-1995

CLAIM # A72-04048^B

Some evidence of priority was found on micro fiche records.
Evidence of priority letter not sent to claimant.

Evidence on micro fiche Claim # 72-04048

MICROFILMED
MAR 1 8 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

A72-04048 *B*
DOYLE LEUZINGER
HC/ 67, BOX 2085

A72-04048 *B*
JUDI LEUZINGER
HC 67, BOX 2085

CHALLIS

ID 83226

CHALLIS

ID 83226

RE: Evidence of Priority

RESPONSE DEADLINE
MAY 1, 1992

Letter not sent

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

24-Mar-1992

DOYLE LEUZINGER
JUDI LEUZINGER
HC 67 BOX 2085
CHALLIS ID 83226

RE: Snake River Basin Adjudication (SRBA)
Custer County - #A72-04048
Identification Number Change

Dear Claimants:

The Identification Number of your Notice of Claim to a Water Right has been changed from A72-04048 to A72-04048B. The suffix has been added in order to distinguish your claim from other claims that may claim a portion of the same original water right. This change does not affect your claim in any other way.

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

Sincerely,


Jeanie Robertson
Records Clerk

/jr

Enclosures:
Claim A72-04048B

MICROFILMED

MAR 18 1993

DATE: 01/07/00
PAGE: 1

Water Source:	GROUNDWATER	Tributary to:	SALMON RIVER	Stage:	BENEFICIAL USE
---------------	-------------	---------------	--------------	--------	----------------

Place of use Legal Description for: IRRIGATION

POU County: CUSTER

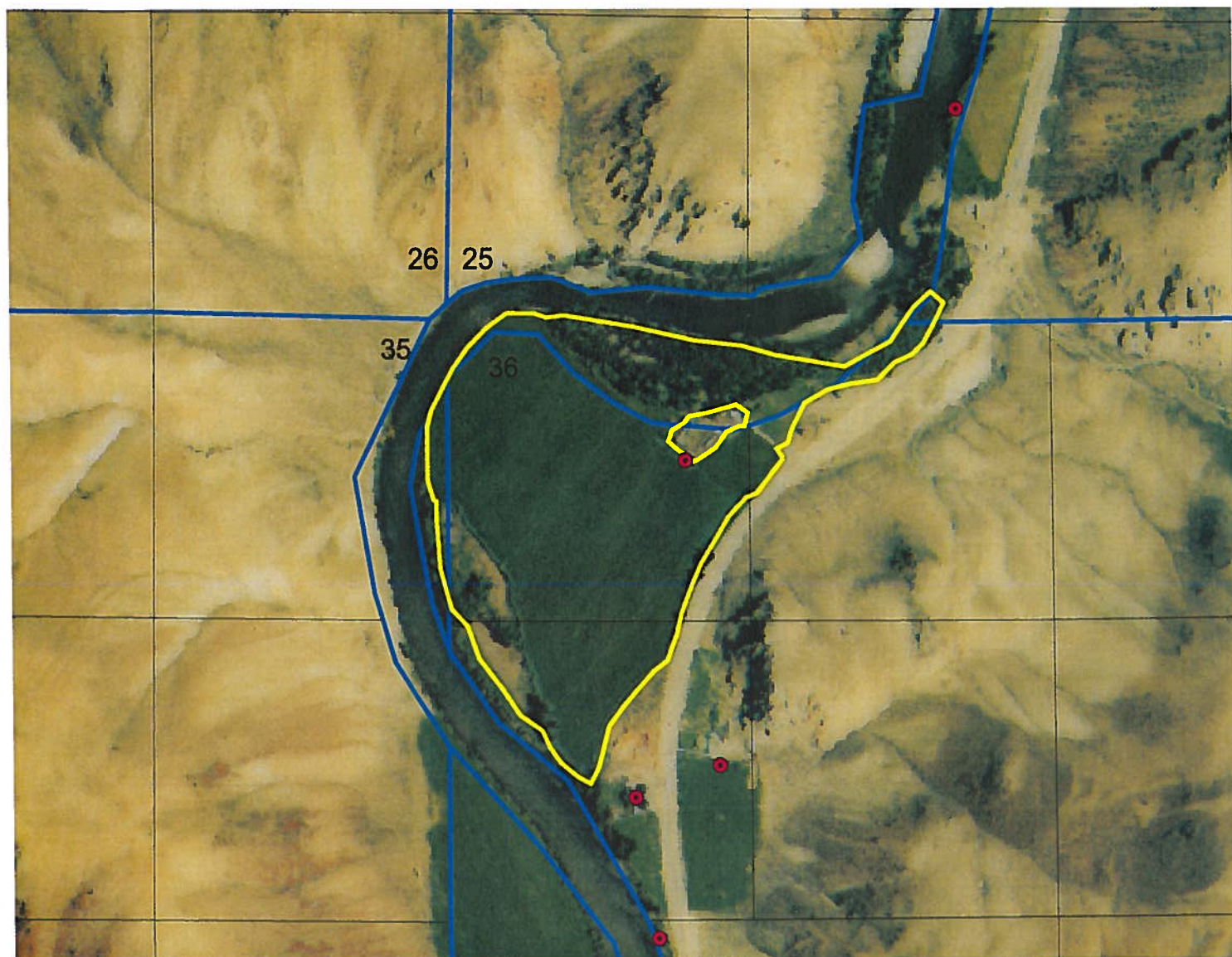
Conditions of Approval:

Remarks: POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 42.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE.

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

IDAHO DEPARTMENT OF WATER RESOURCES

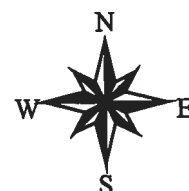
72-04048B



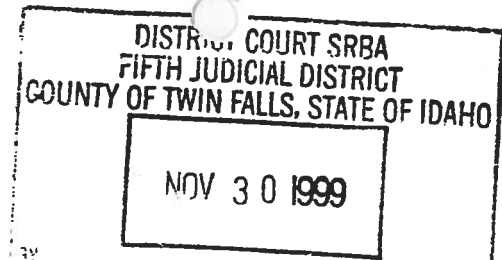
660 0 660 1320 Feet

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

TWN: 12N
RNG: 18E
SEC: 35 & 36



**GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
*** REVISED ***
DATE: JANUARY 7, 2000**



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

Subcase 72-04048 B

(Insert Water Right Number)

Case 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: 11-30-99

[Signature]
(Claimant) OBJECTOR

[Signature]
CLAIMANT (Objector)

[Signature]
IDWR Concurrence

APPROVED AS TO FORM
[Signature]
Attorney for IDWR

AJ5856NP
NOV-17-1999

IDAHO DEPARTMENT OF WATER RESOURCES

DATE:

RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

PAGE: A-92

RIGHTS FROM: SOURCE: GROUNDWATER TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04048B

NAME & ADDRESS: JUDI LEUZINGER
DOYLE LEUZINGER
HC 67 BOX 2085
CHALLIS ID 83226

SOURCE: GROUNDWATER TRIBUTARY: SALMON RIVER

QUANTITY: 0.84 58 CFS
147.0 101.5 AFY

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION: T12N R18E S36 LOT 2 (~~NWNW~~ NENWNW) Within
CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	0.84 58 CFS
			147.0 101.5 AFY

PLACE OF USE: IRRIGATION Within CUSTER County
T12N R18E S35 Lot 1 (NENE) 1
S36 Lot 1 (NENW) 1—5 Lot 2 (NWNW) 20—35 Lot 3 (SWNW) 7 9
29 50 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 42.0 ACRES WITHIN THE PLACE OF
USE DESCRIBED ABOVE.

OTHER PROVISIONS 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Date Entry 1/7/00
scw

NBS
See
[Signature]

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court and to the parties identified in the Certificate of Mailing. FAX filings will not be accepted by the SRBA Clerk of the Court.

You must sign the Certificate of Mailing to show that you followed these steps.

CERTIFICATE OF MAILING

I certify that on NOVEMBER 30, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, 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. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

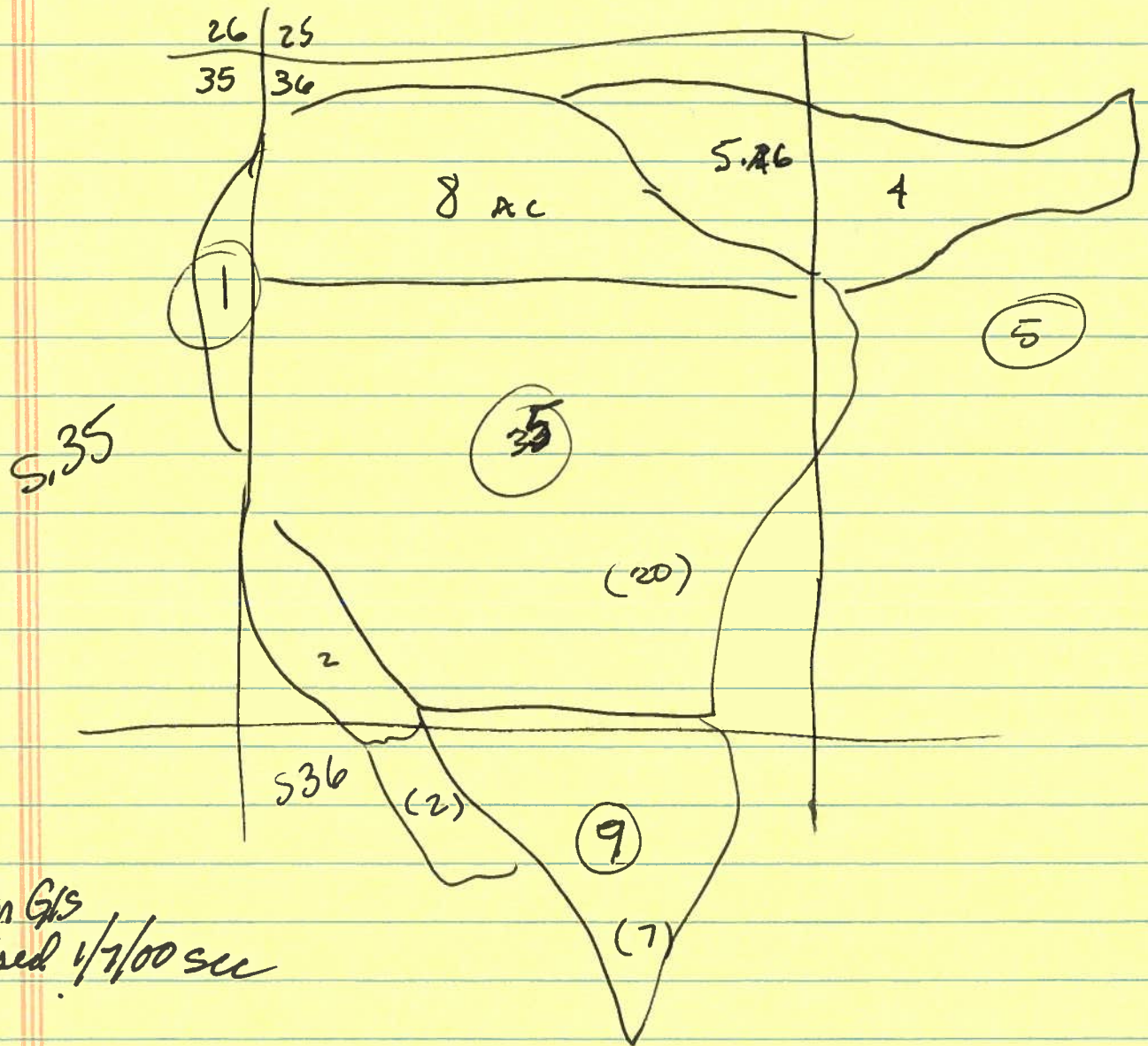
IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Adjudication Team
550 W Fort St., MSC 033
Boise, ID 83724

BY HAND DELIVERY TO :

DOYLE AND JUDI LEUZINGER
HC 67 Box 2085
CHAULIS, ID 83226


Signature of person or attorney mailing the form



✓ Master GIS
revised 1/1/00 sec

GIS Notes to determine Acres:
(11/30/99)
sec

RECEIVED

MAY 07 1999

Department of Water Resources
Sacramento Region

Steve:

Per our visit in your office, I am enclosing some documents for your file to help get our water straightened out.

We have filed protest with the court and have received our certified card back showing they received it.

Thank you

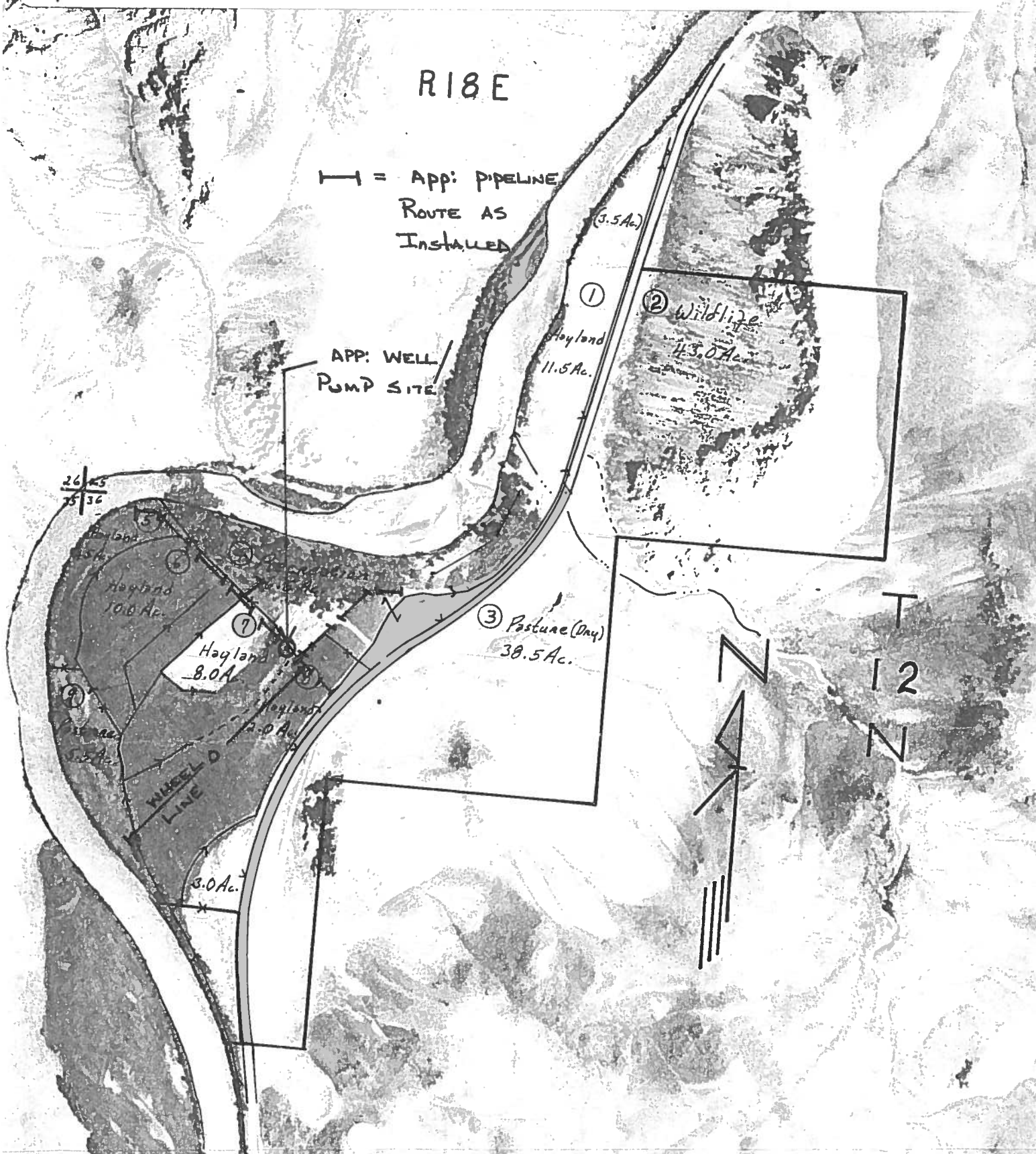


Doyle

May 4, 1999

CONSERVATION PLAN MAP

Owner DOYLE LEUZINGER Operator SAME
County CUSTER State IDAHO Date 4/95
Approximate acres _____ Approximate scale _____
Cooperating with CUSTER SOIL Conservation District _____
Plan identification _____ Photo number _____
Assisted by M. OLSON USDA Soil Conservation Service



IN THE MATTER OF:

Doyle Leuzinger

State of Idaho

County of Custer

RECEIVED AFFIDAVIT

MAY 07 1999

Department of Water Resources
Southern Region

Clarence Leuzinger,

being first duly sworn

deposes and says: I was born and raised on the ranch that my brother Doyle

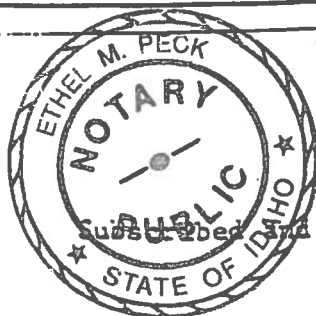
has. As long as I can remember my father Jake Leuzinger and later Doyle

irrigated the ground along the river, known as the pasteur and also the ground on the

bottom known as the campground area. this was always irrigated out the the river

ditch, up to about 2 or three years ago when the ditch was abandoned and sprinklers

were installed.



Clarence Leuzinger
(signature)

Subscribed and sworn to before me this

6th

day of

May

199

Ethel M. Peck
(notary public)

Residing at

Challis, Id

My commission expires

3-19-2004

COMMUNICATION DOCUMENTATION

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

RE:

OBJ. TO 72-04048B

I gave them an Application for Permit form with instructions for a new right they wish to develop on a 2-acre sawmill site.

1217-7951500 ^{Fax} m.g. #

IDFG — Map of Mainline installed

— get more affidavits
see → Copy off Jess Baker!

file obj —

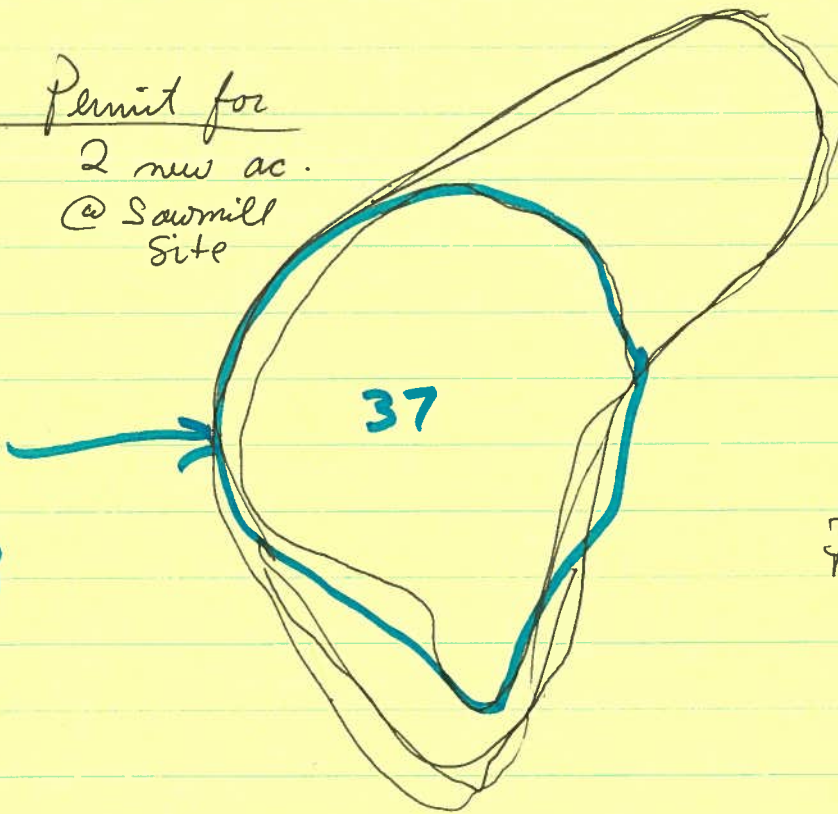
— Q back to 6 cfs?

— Acres in PPU w/ LCC.

— add in 13 acres (past. & compred)
— 4048 B

Permit for
2 new ac.
@ Sawmill
Site

L
7398



42 ac

29
8 37
13

P.P.U. 50
42

70 — 10

60
7

An aerial photograph of a landscape, likely a wetland or marsh area, with various GIS overlays. A large, irregularly shaped area is outlined in green. Within this green area, there are two smaller regions filled with yellow diagonal hatching. A blue line, possibly representing a water body or a boundary, runs along the left and top edges of the green area. The background is a mix of light brown and tan colors, suggesting bare ground or dry vegetation. The map is divided into a grid by thin black lines.

A-7-99
sa

DRAFT GIS

Maple Revised
1/7/00
sa

72-04048B



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

April 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

DOYLE LEUZINGER
HC 67 BOX 2085
CHALLIS ID 83226

RE: Notice of Error/Objection for SRBA claim 72-04048B

Dear Mr. Leuzinger,

This letter is in response to the Notice(s) of Error (NOE) you recently filed with IDWR and the Director's recommendation of the claim(s) listed above. Your NOE has been reviewed by IDWR, but, due to the limited response time, I was unable to coordinate a resolution of your concerns before the Director's Report was filed with the SRBA court.

Please rest assured that IDWR is not trying to put you out of the ranching business as you stated in your recent letter. The recommended place of use (POU) was determined from aerial photos, field examinations and documents relating to your water right, i.e. the transfer. Additionally, your water right is affected by the court case #3048 Hutchens vs. Leuzinger.

If you would like to review the basis of the recommendation in detail, I am available for an appointment at your convenience. Call me and we can arrange the time and date.

If you still disagree with IDWR's recommendations, you should file an Objection to the Director's Report with the court. This Objection form is enclosed for your use. IDWR will work with you to resolve these disputed issues, including efforts to obtain additional data or information.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND

Sr. Water Resource Agent

ENC:

Doyle Leuzinger
H. C. 67 Box 2085
Challis, ID 83226

February 2, 19999

Idaho Department of Water resources

RECEIVED
MAR 03 1999
Department of Water Resources
Southern Region

RECEIVED
MAR 03 1999
Department of Water Resources
Southern Region

Dear Sir:

I attended the public information meeting in Challis, Idaho several months ago. At that time I thought I had protested my water right as you had projected it. We have a little ranch in the salmon river and have irrigated it for the past 40 years as had my father before. We had up to 300 inches of water through an affidavit recorded in the Custer County Courthouse. This was diverted through a river ditch. We later placed a well on the property for part of the irrigation as we placed sprinklers on part of the land. The other part we irrigated through the ditch. The Idaho fish and game came to me and wanted to do away with my ditch to save money in replacing the fish wheel at the head of the ditch. I agreed and they helped me run more mainline and bury the main line that was already there. We had water to irrigate 70 acres. I now find that you are proposing that I have water to irrigate only 29 acres. The only thing I agreed upon at the time of the deletion of my ditch was to change the point of diversion. How did I lose the water to irrigate my land? Your information irrigated the center of my field, my well if in the wrong place according to your map and there is no way to even get my water to the center of the field with my present system. Why would the fish and game help me get my present irrigation system fixed when the state of Idaho is taking the water I need to raise my hay crop. I am thoroughly upset and don't know at this point if I should just subdivide out or hire an attorney. I am having a hard time figuring out why my own state Water resource is putting my ranching operation out of business.

I understood that I would be hearing about my problem from the protest I filed at the meeting. I called the Twin Falls office and have never heard back. Yesterday I got another letter stating that I have 29 acres of irrigated land and had 120 days to file protest.

I would appreciate hearing from you and I would also like to know when I gave my water away, as I understood that the only thing I was doing was changing my point of diversion.

I am more than willing to travel to Twin Falls or Boise to try to get this situation taken care of. I need to know if I need an attorney to fight you or if I just quit irrigating preferable before I pay a demand on my pump.

Doyle Leuzinger
Doyle Leuzinger
208 879-2330

PLEASE SEE
attached water
filings what
happened to #
838-2221 72-07393
HOME # ALLIANCE
TITLE & ESCROW CORP.

CHALLIS ID 83226
(208) 838-2221

Water Source: GROUNDWATER

Tributary to: SALMON RIVER

Stage: STATUTORY CLAIM

CUSTBR County

Point(s) of Diversion:

T12N R18E S36 Lot02 (NWNW)

Place of use Legal Description for: IRRIGATION
NP

[illegible]

POU county: CUSTBR

Other Rights: NONE.

Remarks: GEN

PURSUANT TO APPROVED TRANSPER 4516:
 APPROVAT OF THIS TRANSPER IN NO WAY CONFIRMS THE RIGHT(S)

CLAIMED.

2. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.

3. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

4. THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.

5. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

6. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.

7. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT FROM THE ORIGINAL SOURCE, SALMON RIVER.

8. RIGHT NO. 72-04048B WHEN COMBINED WITH RIGHT NO. 72-07396 OR ANY OTHER RIGHTS SHALL NOT EXCEED MORE THAN 0.02 CFS PER ACRE NOR

RECEIVED
MAR 10 1992
Department of Water Resources
Southern Region

WR5809NP
No. 72-07398

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 02/02/99
PAGE: 1

OWNER	NAME & ADDRESS	PRIORITY	DATE	WATER USE	USE PERIOD	DIVERSION	DIVERSION
CODS					FROM TO	RATE	VOLUME
C	DOYLE LEUZINGER		05/18/1987	IRRIGATION	04/15 10/15	0.740 CFS	129.50 AFA
C	JUDI LEUZINGER						
	HC 67 BOX 2085						
	CHALIS ID 83226						
	(208) 838-2221						
TOTAL DIVERSION:						0.740 CFS	129.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 0.740 CFS

Point(s) of Diversion: T12N R18E S36 Lot 02 (NWNW)

CUSTER County

Place of use legal Description for: IRRIGATION

	NE	NW	SW	SE	
T	R	S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac
12N 18E 35	: 01-02	:	:	:	:
12N 18E 36	:	: 01-.5 02-27 03-07	:	:	:
TOTAL ACRES					37.0

Pou County: CUSTER

Conditions of Approval:

R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for - irrigation of the lands above.

Dates:	App. Received: 05/18/1987	Priority Date: 05/18/1987
	Proof Due Date: 09/01/1988	Proof Made Date: 07/15/1988
	Exam Made Date: 07/21/1992	Exam Sent to S.O.: 12/15/1994
	Licensed Date: 04/29/1995	

Misc: Water District Number: Field Exam Fee: R (Received)

Comments: Date: 01/14/1993 User-ID: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit: 11/03/87 05/28/88 CONVERT 10/05/88 CURTIS 12/15/88 CURTIS
07/29/92 POSTER 01/14/93 COMMENTS 12/16/94 ABATES 01/06/95 BCHAFFMAN
02/08/98 CLEARPLD

Boyle Leuzinger
HC 67 Box 2085
Challis ID
632256

ATT: Doug Jones

Department of Water Resources
220 Shoshone East
Twin Falls ID

83



November 20, 1998

**NOTICE OF ERROR
REPLY**

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: 72-04048B

JUDI LEUZINGER
DOYLE LEUZINGER
HC 67 BOX 2085
CHALLIS ID 83226

Daytime Telephone Number: 208-839-2330
Evening Telephone Number: 208-838-2221

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

loss² acres and loss of water
thru transfer

2. Describe the changes you wish to make in the proposed recommendation:

go back to original water right

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: 12-8-98 SIGNATURE: Doyle Leuzinger

Please print your name: Doyle Leuzinger

DATE: 11/14/98
PAGE: 1

Stage: BENEFICIAL USE

CUSTER County

SE

TOTAL ACRES

Dates: Exam Made Date: 07/06/1993 Verified Date: 11/14/1998 Objection Filed Date:

Field Inspection Flag: C
Presumption Flag:

Presumption Flag:

LAIR NUMBER A72-04048 B DATE 10/28/98 TRANSFER NUMBER #4516
AGENT SCU CLAIMED ACRE TOTAL 29

GIS ACRE TOTAL 28.4
Revised = 29 Acres

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
LAIR	<u>12N</u>	<u>18E</u>	<u>35</u>	<u>2.5</u>																<u>2.5</u>
GIS				<u>0.9</u>																<u>0.9</u>
ECOM				<u>1</u>																<u>1</u>
LAIR			<u>36</u>					<u>0.5</u>	<u>19</u>	<u>7</u>										<u>26.5</u>
GIS								<u>0.6</u>	<u>20</u>	<u>6.9</u>										<u>27.5</u>
ECOM								<u>1</u>	<u>20</u>	<u>7</u>										<u>28</u>
LAIR								<u>5</u>	<u>35</u>	<u>9</u>										<u>49</u>
GIS																				
ECOM																				

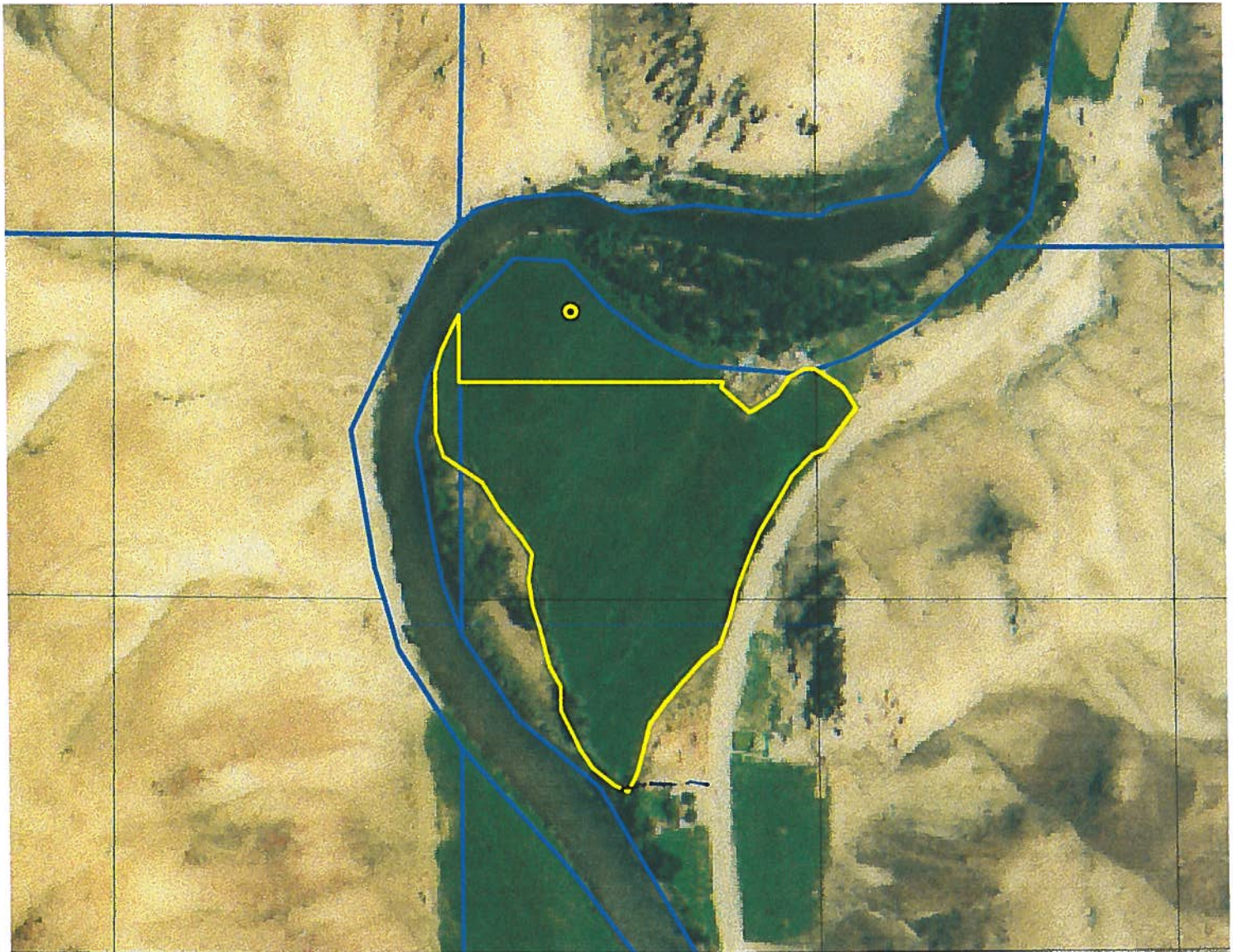
372-DBPOU.SHP Trans 4516 changed POD from River to well. POD of well
SHAPE NOS. 388 in GIS is taken from Trans. not actual location.
8 acres North of this POU was transferred to 4048 A.

B72-DBPOD.SHP
NOS. DESCRIPTION 1/7/00: POU revised per SFS
242 well total POU = 50.0 Acres
* limited to 42 acres w/in PPU

DBF TABLES UPDATED
B72-DBPOU.DBF 11/9/98
B72-DBPOD.DBF SCU
JPEG LAYOUT 72-04048 B.jpg layout revised: 1/7/00 scu

IDAHO DEPARTMENT OF WATER RESOURCES

72-04048B

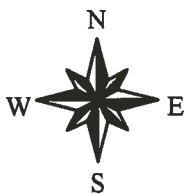


660 0 660 1320 Feet

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

*Revised GIS
1/1/00
SC*

TWN: 12N
RNG: 18E
SEC: 35 & 36



*Change in:
POD
POU*

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

DATE: OCT. 28, 1998

Water Right Number - R72-040488

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
LEUZINGER

DOYLE

1 - HC 67 BOX 2085
2 -
3 -

State- ID Zip- 83226

LEUZINGER

JUDI

City- CHALLIS
Phone - 208-838-2221
1 - HC 67 BOX 2085
2 -
3 -
City- CHALLIS
Phone - 208-838-2221

State- ID Zip- 83226

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1900 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - - + - - - - - Tributary - - - - - +
GROUNDWATER SALMON RIVER+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot Rflg County

12N 18E 36 NW NW 2 (37) CUSTER

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

01 - IRRIGATION

04/15 10/15

0.580

101.50

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.580 101.50 72.5+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

12N 18E 35 NE NE 1 2.5 01 IRRIGATION (37) CUSTER

12N 18E 36 NE NW 1 0.5 01 IRRIGATION (37) CUSTER

12N 18E 36 NW NW 2 19.0 01 IRRIGATION (37) CUSTER

12N 18E 36 SW NW 3 7.0 01 IRRIGATION (37) CUSTER

Total Acres: 29.0

+ - - Diversion Means - WELL WITH PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - PERMIT 72-07398

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

PURSUANT TO APPROVED TRANSFER 4516:

1. APPROVAL OF THIS TRANSFER IN NO WAY CONFIRMS THE RIGHT(S)
CLAIMED.

2. AFTER SPECIFIC NOTIFICATION BY THE DEPARTMENT, THE RIGHT

DEC 03 1996

Prefix translation: RESEARCH

1. HOLDER SHALL INSTALL A SUITABLE MEASURING DEVICE OR SHALL ENTER INTO AN AGREEMENT WITH THE DEPARTMENT TO DETERMINE THE AMOUNT OF WATER DIVERTED FROM POWER RECORDS AND SHALL ANNUALLY REPORT THE INFORMATION TO THE DEPARTMENT.
2. THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.
3. THE DIRECTOR MAINTAINS JURISDICTION OF THIS TRANSFER UP TO FIVE (5) YEARS FOR THE PURPOSE OF DETERMINING POTENTIAL INJURY TO EXISTING RIGHTS, BOTH JUNIOR AND SENIOR, IN THE VICINITY OF THE TRANSFERRED POINT OF DIVERSION.
4. FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.
5. APPROVAL OF THIS TRANSFER DOES NOT PRECLUDE THE OPPORTUNITY FOR REVIEW OF THE VALIDITY OF THE WATER RIGHT(S) IN THE ONGOING SNAKE RIVER BASIN ADJUDICATION.
6. DIVERSION OF GROUNDWATER IS LIMITED TO THOSE TIMES WATER IS AVAILABLE FOR DIVERSION UNDER THIS RIGHT FROM THE ORIGINAL SOURCE, SALMON RIVER.
7. RIGHT NO. 72-040488 WHEN COMBINED WITH RIGHT NO. 72-07398 OR ANY OTHER RIGHTS SHALL NOT EXCEED MORE THAN 0.02 CFS PER ACRE NOR MORE THAN 3.5 AFA PER ACRE FOR THE LANDS DESCRIBED ABOVE.

[illegible]

	Comments-
Date: 05/11/1994, User Id: CLELLAND Subject: RECOMMENDATION THIS RIGHT WAS REPLACED BY THE PERMIT BEING DEVELOPED SINCE 1987 SOURCES & THE DITCH HASN'T BEEN USED SINCE THE WELL SYSTEM BEGAN OF FOREFEITURE BUT CANNOT BE PROVEN AT THIS REVIEW. Date: 12/13/1994, User Id: SCIELLAN Subject: REVISED RECD IT HAS BEEN DETERMINED BY IDWR THAT A PORTION OF THE ORIGINAL IRRIGATED BY A72-04048A, HUTCHENS. SEE SPLIT REVIEW MEMO. Date: 08/30/1995, User Id: TFMACCETT Subject: AMENDED/TRANSFER CLAIM AMENDED PURSUANT TO APPROVED TRANSFER 4516.	FOR A GROUNDWATER SOURCE. THE SAME ACRES ARE IRRIGATED BY BOTH OPERATION. IT APPEARS THIS SURFACE SOURCE IS UNDERGOING A PERIOD STATUTORY CLAIM 72-04048 WAS GIVEN AND MOVED TO THE POU NOW

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 07/06/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-

AJ0743MP
(00-124)

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

08/30/95 16:08:21
Page 3

Water right number - R72-040488

Prefix Translation: RESEARCH

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Claim Received Date - 12/07/1989 Last Amended Date - 00/00/0000 Temporary Right - P
Receipt Number - M005331 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - OR Presumption Flag - C
Notice of Error Flag -

DEC 03 1996

Sec

Stage: BENEFICIAL USE

CUSTER County

2

POU County: CUSTER

Other Rights: PERMIT 72-07398

Remarks: 0.96 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
WATER IS DELIVERED THROUGH LEUZINGER DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04048A, 72-04169 & 72-10511

Dates:	Exam Made Date: 07/06/1993	Verified Date: 12/13/1994
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag: C

Comments: Dee: 05/11/1994. User-ID: CIELAND Subject: RECOMMENDATION THIS RIGHT WAS REPLACED BY THE PERMIT BEING DEVELOPED SINCE 1987 FOR A GROUNDWATER SOURCE. THE SAME ACRES ARE IRRIGATED BY BOTH SOURCES & THE DITCH HASN'T BEEN USED SINCE THE WELL SYSTEM BEGAN OPERATION. IT APPEARS THIS SURFACE SOURCE IS UNDERGOING A PERIOD OF FOREFEITURE BUT CANNOT BE PROVEN AT THIS REVIEW.

Date: 12/13/1994 User-ID: SCELLELLAN Subject: REVISED RED
IT HAS BEEN DETERMINED BY IDMR THAT A PORTION OF THE ORIGINAL
STATUTORY CLAIM 72-040468 WAS GIVEN AND MOVED TO THE POU NOM

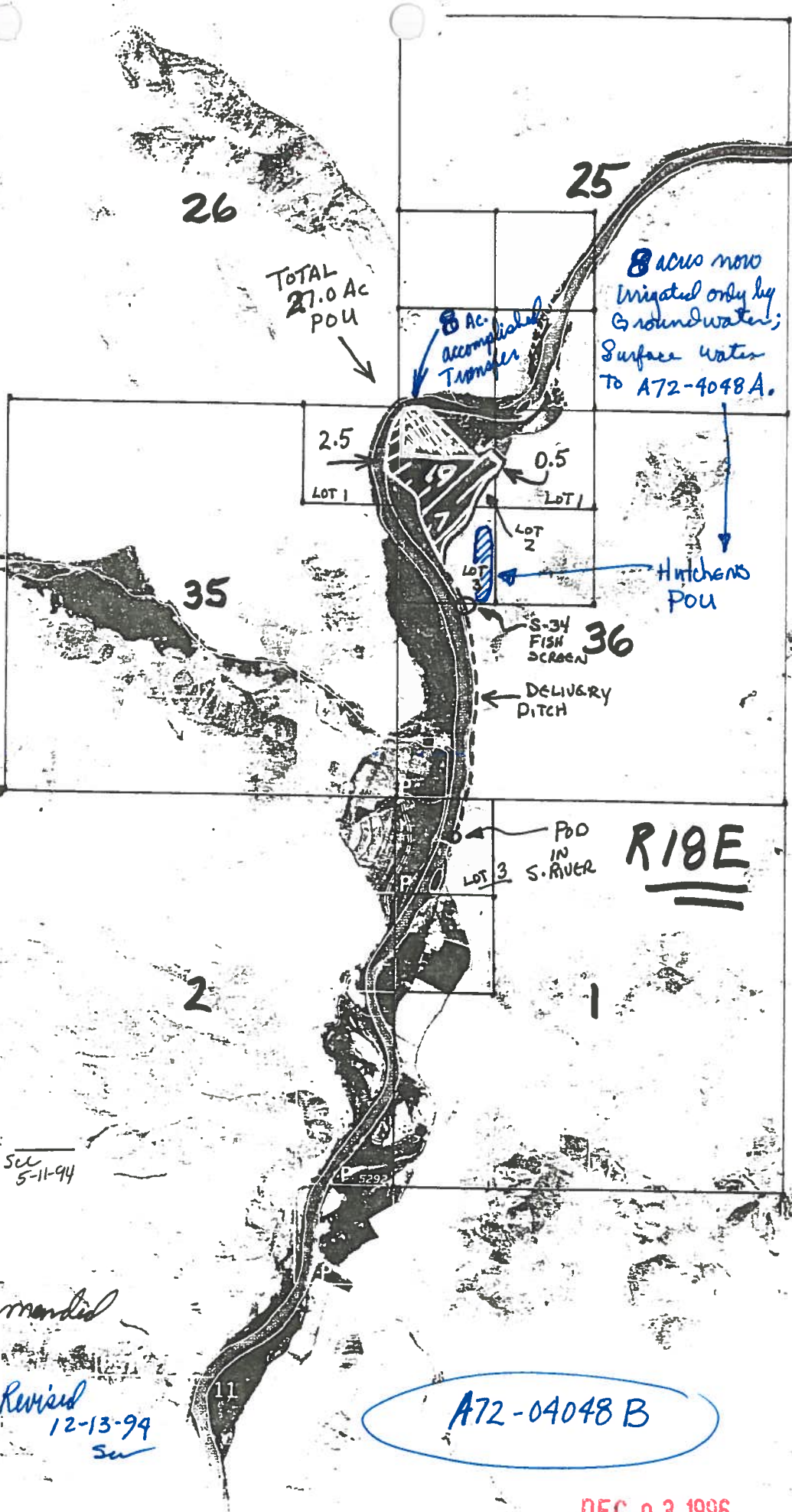
AJ0749NP
No. R72-040488

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

DATE: 12/13/94
PAGE: 2

Comments: Date: 12/13/1994 User-ID: SCLELLAN Subject: REVISED RECD
IRRIGATED BY A72-04048A, HUTCHENS. SEE SPLIT REVIEW MEMO.
Audit: 12/13/94 SCLELLAN

DEC 03 1996



CLAIM	T.	R.	S.	Q/Q	INIT
P/D	11N	18E	1	NENWNW	See 5-11-94
PHOTO	474			(NW)	
DT.&ID.	7-24-74				

as recommended

Revised
12-13-94
SW

A72-04048 B

DEC 03 1996

SPLIT REVIEW OF SRBA CLAIMS BASED ON 72-04048

PURPOSE: IT HAS BEEN DETERMINED BY IDWR THAT A PORTION OF THE ORIGINAL STATUTORY CLAIM 72-04048 WAS GIVEN AND MOVED TO THE PLACE OF USE NOW IRRIGATED BY HUTCHENS THROUGH AN UNRECORDED, ACCOMPLISHED TRANSFER. THIS RECOMMENDATION IS DESCRIBED BY THE COURT CASE *HUTCHENS V. LEUZINGER*, CUSTER COUNTY CASE NO. 3048. THIS ANALYSIS REVISES PREVIOUS DRAFT RECOMMENDATIONS IN THE SRBA.

RE: A72-04048A & A72-04048B.

IDWR found 8 acres to be irrigated in the Hutchens' POU and these acres will be split from the acreage listed in the draft recommendation of R72-04048B. The 8 acres to be "dried up" and transferred to Hutchens' POU were chosen since they could be gravity irrigated from the well system if necessary in the future. Leuzinger's POU never actually dried up because the system was converted to the groundwater source at the time the transfer occurred; sometime between 1978 and 1984.

REVISED CALCULATIONS:

R72-04048B 0.74 cfs + 1.22 cfs = 1.96 cfs total diversion rate
 (F.I.R.) (Con. Loss)
 Appurtenant to 37.0 acres.

0.74 ÷ 37.0 = 0.02 cfs/acre (field irrigation requirement)
1.22 ÷ 37.0 = 0.033 cfs/acre (conveyance loss)
=====

1.96 ÷ 37.0 = 0.053 cfs/acre total rate per acre

Revised R72-04048B:

29.0 acres X 0.02 cfs = 0.58 cfs (FIR)
 X 0.033 cfs = 0.96 cfs (conv. loss)
 =====

1.54 cfs total diversion rate

Revised R72-04048A:

8.0 acres X 0.02 cfs = 0.16 cfs (FIR)
 X 0.033 cfs = 0.26 cfs (conv. loss)
 =====

0.42 cfs total diversion rate

*** LIMITED BY CLAIM TO TOTAL DIVERSION RATE OF 0.40 CFS.

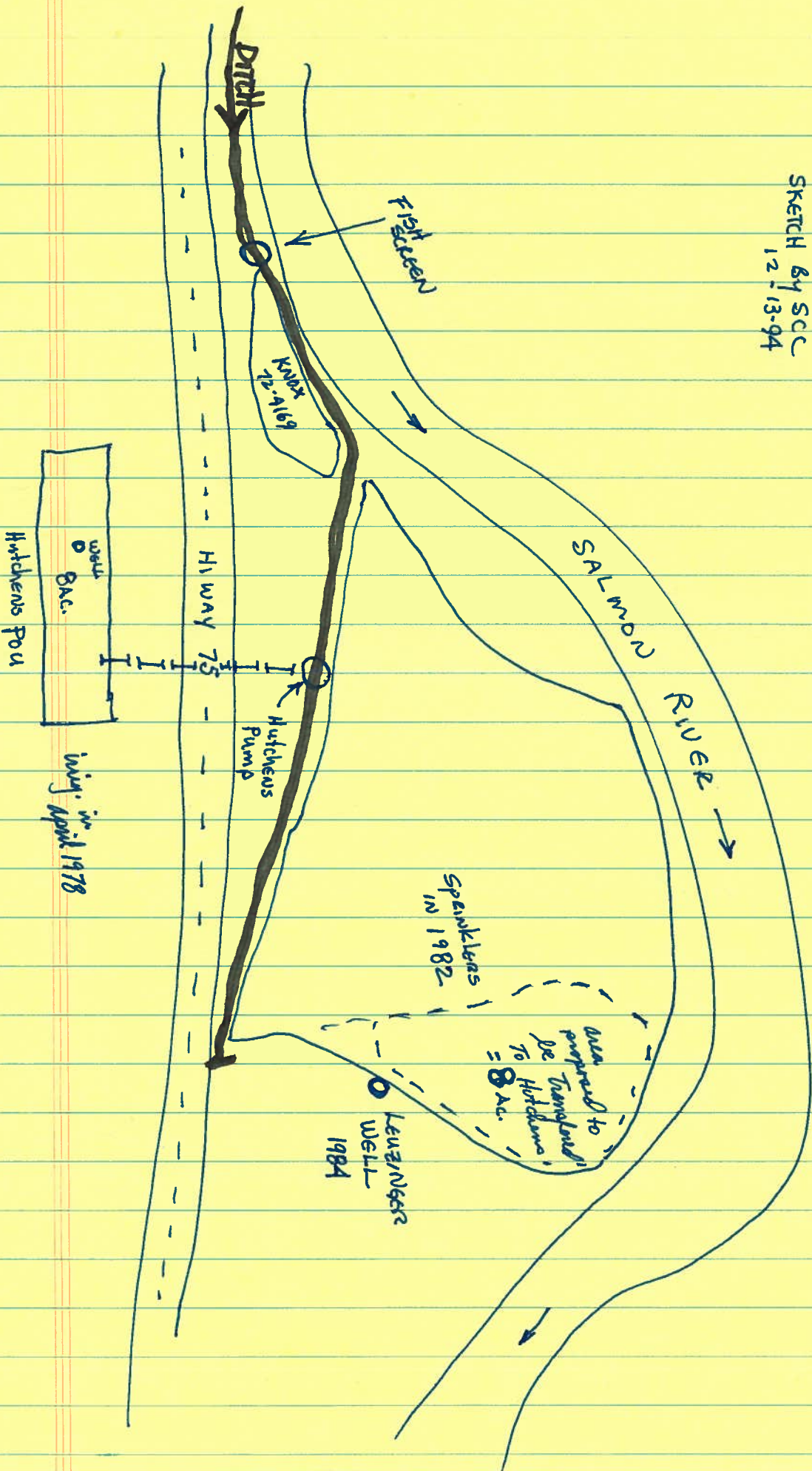
PREPARED BY STEVE CLELLAND
FILE: (CVR:HUTCHENS-SPLIT.WP)

DATE: December 13, 1994
REVISED:

DEC 13 1996

North
→

SKETCH by SCC
12-13-94



DEC 03 1996

12-13-94
Revised

9661 E 330

26

25

TOTAL
37.0 Ac
POU

2.5

0.5

LOT 1

LOT 1

LOT 2

LOT 3

35

36

8-34
FISH
SCREEN

DELIVERY
DITCH

T
12
N

T
11
N

P.O.
IN
S. RIVER

R18E

2

1

CLAIM	T.	R.	S.	Q/Q	INIT
P/D	11N	18E	1	NENWNW	See 5-11-94
PHOTO	474	(NW)			
DT.&ID.	7-24-74				

as recommended

11

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:16:21
06/10/92

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-04048B

WR ELEMENT

FIELD EXAM
Y/N

CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE

FIELD EXAM
BY WHOM/DATE

CHANGE
CLAIM
Y/N

VERIFIED BY
CODE

COMPLETED
REVIEW
WHOM/DATE

COMPLETED
DATA ENTRY
WHOM/DATE

VERIFIED
DATE
WHOM/DATE

PRIORITY DATE								
POINT OF DIV	Y							
SOURCE	Y							
PLACE OF USE	Y							
DIV. ACCOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

*affiliated file
in file*

*See
7-6-93*

(N)

b.

*See
4-26-93*

*See
5-11-94*

*See
5-11-94*

(Y)

1456

*See
5-11-94*

(Y)

1456

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

(Y)

b.

*See
4-26-93*

VERIFIED BY CODES

TOPO MAP/ORTHOPHOTO = 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.

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

02:34:55
06/10/92

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A72-04048B

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOYLE LEUZINGER HC/ 67, BOX 2085 CHALLIS ID 83226 (208) 838-2221	04/01/1900	IRRIGATION ~~STOCKWATER~~	~~04-01-11-01~~ ~~01-01-11-01~~ 4-15-10-15	~~6.00 CFS~~ ~~0.07 CFS~~ 1.96	
TOTAL DIVERSION:					~~6.00 CFS~~ 1.96	

C JUDI LEUZINGER
HC 67, BOX 2085
CHALLIS ID 83226
(208) 838-2221

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Point(s) of Diversion:

T11N R18E S01

~~NEENW~~ **L3**

Stage: **(5)**
~~STATUTORY CLAIM~~
CUSTER County

Place of use Legal Description for: IRRIGATION											
T	R	S	NE	ENE	N	NNE	E	ENE	SE	SENE	S
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
12N	18E	35	1	2.5	1	2.5	1	2.5	1	2.5	1
12N	18E	36	0.5	27	7						
TOTAL ACRES											31.0

Place of use location for ~~STOCKWATER~~ is the same location as described for: IRRIGATION

POU County: CUSTER

Non-Irrigation Uses: ~~S/250 RANGE~~

Other Rights: ~~NONE~~ **PERMIT 72-7398**

Non-Irrigation Use: ~~S/250 RANGE~~

Dates: Exam Made Date: **7-6-93**

Misc: Water District Number:

Verified Date:

Field Inspection Flag:
Presumption Flag:

Comments:
prior to forfeiture in process
DP2 = 1.22
DP1 = Leuzinger Data
DP6 = (see copy. how paid)
See 5/11/94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:16:21
06/10/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04048B

LAST: LEUZINGER
ADDRESS: HC/ 67, BOX 2085
CITY: CHALLIS
PHONE NUMBER: 208-838-2221

FIRST: DOYLE
STATE: ID ZIP: 83226

OWNER CODE: C

ST: LEUZINGER
ADDRESS: HC 67, BOX 2085
CITY: CHALLIS
PHONE NUMBER: 208-838-2221

FIRST: JUDI
STATE: ID ZIP: 83226

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
EXAMINER
N

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DEC 03 1996

CONTACT PERSON: Doyle Jennings

DATE OF FIELD EXAM: 7/6/93 APPOINTMENT MADE: Y() N(☒)

ACCOMPANIED BY: _____ PHONE NUMBER: () - - - - -

RELATIONSHIP TO CLAIMANT: _____ TIME: : A() P()

DIRECTIONS TO PROPERTY / REMARKS: _____ PHONE NUMBER: () - - - - -

* See Copy of Court Decision in Case # 3048 filed w/ A72-4048A.
Copy included to this file.

Met w/ Marlaingene at his home. Discussed his irrigation practices and found he uses the well most often. Says he can still use ditch water but can't get the water as easily due to river flows & the delivery ditch conditions.

5-11-94
Sue

Maps used in Review of this file: ID #'s date Copy in file

OPQ 474 7-24-74 Yes

Bum Aerial 5-7B-13 7-1-88 yes

ASCS 1. Copy From Lc Exam 72-1898 Yes

2. #16037-17B 38R C.1978

X-18 No

A. AJ CLAIM: # A72-04048B PRIORITY DATE: 04-01-1900 STAGE: 5
B. WR RECORD: # 72-04048 PRIORITY DATE: 04-01-1900 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(X) N()
IF YES EXPLAIN.

REMARKS:

*affidavit in MemoF. file for 72-4048 by Jess L. Baker
indicate the 1900 date is accurate for this not as claimed*

RECOMMENDED PRIORITY DATE

04-01-1900

REVIEWED BY

SCC

DATE

4-26-93

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04048B	11N	18E	1	NW	SW	NW		CUSTER

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

WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04048	11N	18E	1		SW	NW		CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE
A72-04048A NONE
A72-10058

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

*Confirmed POD by OPO & Stan J. Division White.
source also confirmed at same time.*

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP. RGE. SEC.

1/4 1/4

1/4

LOT

COUNTY

11N 18E 01

NE NW

NW

3

SOURCE: SALMON RIVER

TRIE: SNAKE RIVER

REVIEWED BY:

See

DATE:

5-11-94

Confirm 10 A Tract

System was never in operation during fall & winter of 1993.
Previously used a pump in the Ditch to irrigate via sprinklers on the POU.
Well & ground water right was developed in 1987 and ditch was also created.
This right is in the process of forfeiture but could not be shown at this
time of review. *See*
5-11-94

DEC 03 1996

A. ROOT WATER RIGHT NUMBERS:

A72-04048A
A72-10189

A72-10170

A72-04048B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	18E	25	NE	SW	1	LEUZINGER, DOYLE	A72-04048B / 4.0	72-04048 / 4.0		✓	
			SE	SW		LEUZINGER, DOYLE	A72-04048B / 7.0				
			SE	SW	8	LEUZINGER, CLARENCE	A72-07072 / 10.0	72-07072 / 10.0	← see line	✓	
			SE	SW		LEUZINGER, CLARENCE	A72-10170 / 10.0				
			SE	SW	8	LEUZINGER, DOYLE		72-04048 / 7.0		✓	
			SE	SW		LEUZINGER, DOYLE		72-07398 / 6.0			
12N	18E	35	NE	NE	1	LEUZINGER, DOYLE	A72-04048B / 5.0	72-04048 / 5.0		2.5	2.5
			NE	NE		LEUZINGER, DOYLE		72-07398 / 5.0			
12N	18E	36	NE	NW	1	LEUZINGER, DOYLE	A72-04048B / 6.0	72-04048 / 6.0		0.5	0.5
			NE	NW		LEUZINGER, DOYLE		72-07398 / 13.0			
			NE	NW	1	LEUZINGER, DOYLE					
12N	18E	36	NW	NW	2	LEUZINGER, DOYLE	A72-10266 /	72-04048 / 35.0		27.0	27
			NW	NW		LEUZINGER, DOYLE		72-07398 / 38.0			
12N	18E	36	SW	NW	3	LEUZINGER, DOYLE	A72-04048B / 13.0			7.0	7
			SW	NW		HERRICK, GERALD D.	A72-00246 / 4.5	72-00246 /			
			SW	NW		HUTCHENS, MARGARET	A72-04048A / 10.0				
			SW	NW	3	KNOX, LAWANA G.	A72-04169 / 2.1	72-04169 /			
			SW	NW	3	KNOX, WILLIAM L.	A72-10053 /				
			SW	NW		STATE OF IDAHO	A72-10511 /				
			SW	NW	5	HERRICK, GERALD D.	A72-00247 / 4.5	72-00247 /			
			SW	NW		LEUZINGER, DOYLE		72-04048 / 13.0			
			SW	NW	3	LEUZINGER, DOYLE		72-07398 / 15.0			
TOTAL ACRES							A72-04048B	70.00			

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

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE EXAMINER

POU COUNTY: CUSTER

37.0

37.0

A. AJ CLAIMED USES:

PURPOSES	FROM	MONTH/DAY	DIVERSION QUANTITY
A72-04048B IRRIGATION	FROM 04-01	TO 11-01	6,000 CFS
A72-04048B STOCKWATER	FROM 01-01	TO 12-31	070 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

6,000 CFS

B. WR RECORDED USES:

PURPOSES	FROM	MONTH/DAY	DIVERSION QUANTITY
72-04048 IRRIGATION	FROM 04-01	TO 11-01	6,000 CFS
72-04048 STOCKWATER	FROM 01-01	TO 12-31	070 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

6,000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

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

add irrig. season
Stockwater is incidental to irrigation (see plan) no winter flows in this ditch.

PRESUMPTION FLAG:

REMARKS:

Confused w/ being examined of 72-7398, Jan Stanton for common flu and
swamp. (see attached notes)
Plummer Review

RECOMMENDATIONS:

TOTAL ACRES: 37.0

REVIEWED BY: su

DATE: 5-11-96

DEC 03 1996

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 6.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.000 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

None

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

*flow in the ditch was more used
for this right.*

C. ARE OTHER WATER RIGHTS USED? ~~Y~~ ☒ IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~NONE~~

Yes - 72-7398 Permit

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04048B	SALMON RIVER	LEUZINGER, DOYLE	6.000	0.085		
A72-00246	LYON CREEK	HERRICK, GERALD D.	1.860	0.030		
A72-00247	LYON CREEK	HERRICK, GERALD D.	1.860	0.030		
A72-04048A	SALMON RIVER	HITCHENS, MARGARET	0.400	0.040		
A72-04169	SALMON RIVER	KNOX, LAMANA G.	0.260	0.123		
A72-07072	SALMON RIVER	LEUZINGER, CLARENCE	0.200	0.020		
A72-10170	SALMON RIVER	LEUZINGER, CLARENCE	0.300	0.030		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10266	DOMESTIC	LEUZINGER, DOYLE	FROM 01-01 TO 12-31	.040 CFS	
A72-10266	STOCKWATER	LEUZINGER, DOYLE	FROM 01-01 TO 12-31	.030 CFS	

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 37 X 0.02 CFS/ACRE = 0.74 CFS
(Taken from p/u review)

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 = AE/A

ACRES 37 X CONSUMPTIVE VOL. AE/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 92.5 AE/A

3. IRRIGATION DIVERSION VOLUME
CLAIMED DIVERSION VOLUME = AE/A

ACRES 1/A X DIVERSION VOL. AE/A FOR AREA 1/A =
TOTAL DIVERSION VOLUME 1/A AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:
SEE ATTACHED SHEET? Y() N()

1b. CALCULATIONS

Spinkline was used on this property prior to development of the well system in 1987. (per Claimant) No gravity system in place or used.

37 Ac Spinkline rate = 0.74 cfs

Conveyance loss: = 1.22 cfs

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

*Develop 100% w/ Permit 72-7398
Combined Diversion limited to 0.74 cfs
+ cons. use of 92.5*

1.96 cfs

RECOMMENDATIONS:

REC.
 PURPOSES

REC. PERIOD
 FROM TO

REC. DIV
 RATE CFS

REC. DIV
 VOL. AF/A

REC. CONS.
 USE

IRRIGATION
~~STOCKWATER~~

4-15 10-15
~~04-01 11-31~~
~~01-01 12-31~~

DATABASE EXAMINER
~~0.000~~ 1.96
~~0.079~~

DATABASE EXAMINED
~~N/A~~

DATABASE EXAMINER
 0.0 92.5

TOTAL FOR THIS RIGHT

~~5.000~~ 1.96

REVIEWED BY: See

DATE: 5-11-96

102 = 1.22 cfs
 101
 106

DEC 03 1996

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04048
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
21.640

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
72-04048	A72-04048A	0.400	-	-	72-04048	6.000
72-04045	A72-10189	21.640	-	-	72-04045	16.000
72-04050	A72-10189	21.640	-	-	72-04050	5.640
A72-04048	A72-10170	0.300	-	-	72-04048	6.000
72-04048	A72-04048B	6.000	-	-	72-04048	6.000

TOTAL CFS

49.980

21.640

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

No Split - Part a Hurdless is Disallowed due to Violation of the Permit Statute.

See 5-11-94

DEC 03 1996

AUTHENTICATION:

SIGNATURE:



DATE:

5-11-94

NAME OF FIELD EXAMINER:

TITLE:

DEC 03 1996

CLAIM A72-4048B INIT 300
T. R. S. Q/Q 5-11-94
P/D
PHOTO ID. BLM AERIAL 5-78-13
200X 7-1-88

POU

FISH
SCREEN
5-34

POD

DEC 03 1996

7-6-13

Fish
S. 34

Talked w/ Bill Knox

mentioned he also has a 1 hp pump
for the other side of his house.

- he is renting the Hutchens place (A72-4048A)
& irrig. it.

Pump sig:

Doyle Leuzinger -

- said he filed on the well & still uses the
ditch water.

10 Acres to the North belong to his Brother

Clarence Leuzinger -

Century pump 7.5 HP 3500 RPM

Berkley Centrifugal pump SN # 7972611

model 2 WPL

imp dia 6 11/16

3600 RPM

120 GPM

w/ 7 1/2 HP

148 FT HD

(Margaret Hutchens
is their Sister) Century Pump Motor
A72-4048A port # 6-332988-03

Berkley Pump (Centrif.)

7.5 HP

SN. 8044281

3500 RPM

model: B1 1/2 ZPL

96 GPM @ 3600 RPM - 160 FT. HD., imp dia 7 3/16

OK

A72-7072

would
to file

DEC 03 1996

Pou

WELL
72-4398

ASCS MAP

Copied from
exam file 72-739

A72-4048B

DEC 03 1996

26

25

CLAIMED ACRES = 70

4

7

CLARENCE
LENGER
Pumpkin
River

5

6

35

36

WELL 20HP
36' deep
#72-7398
PERMIT

T
12
N

T
11
N

FOUND
POD

R18E

2

CLAIM A72-4048B INIT _____

T. R. S. Q/Q

P/D _____

PHOTO U74 (NW)

DT. & ID. 7-24-74

AS CLAIMED
& FIELD REVIEW
NOTES

DEC 03 1996

INTER-DEPARTMENT MEMO

TO: Jim Stanton
 FROM: Steve Culland

SUBJECT: 72-7398

DATE: 5-11-94

Jim, include combined use limits for
 this permit w/ used with 72-4648B.
 I found these limits:
 Combined diversion limit = ~~0.74 cfs~~ 1.26 cfs
 Combined Consumption Use = 92.5 AFA

1.26 cfs due to conveyance losses
 $0.74 + 1.22 = 1.96 \text{ cfs}$

☒ For your information
☐ Response required

Sc signature
5-11-94

DEC 03 1996

A72-4648B

INTER-DEPARTMENT MEMO

TO:

Jim Stanton

SUBJECT:

72-7398

FROM:

Steve Celand

DATE:

5-11-94

Jim, include combined use limits for
this permit if used with 72-4048B.

I found these limits:

Combined diversion limit = ~~0.74 cfs~~ ^{1.26 cfs}

Combined Consumption Use = 92.5 AFA

1.96 cfs due to conveyance losses

$0.74 + 1.22 = 1.96 \text{ cfs}$

☒ For your information

☐ Response required

See

signature

See
5-11-94

A72-4048B

DEC 03 1996

AGENT -----SCC
DATE -----11-May-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER; LEUZINGER DITCH
RELATED CLAIMS -A72-04048A, A72-04048B, A72-04169, A72-10511

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	2300	3.0	2.50	0.22	0.80	1.76	0.1238	0.10	3.26
2	3500	3.0	2.50	0.33	0.06	0.96	0.3454	0.03	2.24
3	4500	3.0	2.50	0.43	0.16	0.90	0.4737	0.15	1.85
4	5500	3.0	2.50	0.52	0.74	0.74	0.7042	1.22	1.26
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

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

DEC 03 1996

PLANIMETER MEASUREMENT

REVIEW OF ACRES FOR DOYLE LEUZINGER
ON: A72-4048B & 72-07398

by STEVE CHELHARD
5-11-94

POU ON OPQ U74:

setting - short arm
0.8906

TOTAL FIELD MEAS.

1st pt:	34.7	2nd pt:	37.4
	36.5		37.4
	36.5		37.4

$$\bar{X} = 36.7$$

round to nearest whole number = 37.0 Acres

POU ON ASCS MAP:

(map from License Exam file 72-7398)
setting - short arm
0.09699

TOTAL FIELD MEAS.

1st pt:	35.0	2nd pt:	35.0
	34.9		34.9
	34.5		35.0

$$\bar{X} = 34.8 \text{ Ac}$$

round ~~up~~ to nearest whole number = 35.0 Acres

Jim Stanlon and I reviewed these maps & measurements and agreed on 37.0 acres in the pou total. Breakdown by $\frac{1}{4}$ - $\frac{1}{4}$ tracts on the following page.

DEC 13 1996

(p.2) of planimeter review of POU
 — acres to be recommended in
 license Exam & Adjudication Claim.

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
72-07398		12N	18E	35	(L1) 2.5															2.5	
			36					0.5 (L1)	27 (L2)	7 (L3)										34.5	37.0
A72-04048B		12N	18E	35	(L1) 2.5															2.5	
			36					0.5 (L1)	27 (L2)	7 (L3)										34.5	37.0

Complete overlap of these two water rights.

AJ NOTE: Surface Right is not used and diversion at the field is not readily available. This right may be in the process of forfeiture but cannot be shown at this time of review.

See 5-11-94

DEC 03 1996

Water Right Number - 72-07398

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***

LEUZINGER

DOYLE

1 - HC 67, BOX 2085
2 -
3 -
City- CHALLIS
Phone -
1 - HC 67, BOX 2085
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 832260000

LEUZINGER

JUDI

State- ID Zip- 832260000

Priority Date - 05/18/1987

Region - 17 SOUTHERN

Stage - P - PERMIT

Status -

Source - GROUNDWATER

Tributary -

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
12N	18E	36	NW NW	2		(37)	CUSTER			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		05/01	10/30		1.100	
04 - STOCKWATER		01/01	12/30		0.070	

Total Div. Rate - 1.170

Total Div. Volume -

Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
12N	18E	25	SE SW	8	6.0	01	IRRIGATION	(37) CUSTER
12N	18E	35	NE NE	1	5.0	01	IRRIGATION	(37) CUSTER
12N	18E	36	NE NW	1	13.0	01	IRRIGATION	(37) CUSTER
12N	18E	36	NW NW	2	38.0	01	IRRIGATION	(37) CUSTER
12N	18E	36	SW NW	3	15.0	01	IRRIGATION	(37) CUSTER
12N	18E	36	NE NW	1		04	STOCKWATER	(37) CUSTER
12N	18E	36	NW NW	2		04	STOCKWATER	(37) CUSTER

Total Acres: 77.0

- - - Diversion Means - WELL, PUMP, SPRINKLERS
- - - Non-Irrigation Use - S/265 RANGE.
- - - Other Rights for Same Use - 72-4048

Overlap w/
A72-4048B

DEC 03 1996

Water right number - 72-07398

Prefix Translation:

WATER RIGHT

Remarks - No Remarks found.

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

Conditions of Approval - 01G - Prior to the diversion of water under this right a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

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

Date: 01/14/1993 User Id: VAULT Subject: Proof of Beneficial Use Rcvd
Proof of Beneficial Use Rcvd

Audit Fields - 11/03/87 05/28/88 CONVERT 10/05/88 CURTIS 12/15/88 CURTIS 07/29/92 FOSTER
01/14/93 COMMENTS

Water Rights Dates and Flags Area			
Proof Due Date	- 09/01/1988	Field Exam Made	- 07/21/1992
Approved/Denied	- 08/05/1987	Protested Date	- 00/00/0000
Proof Made Date	- 07/15/1988	Hearing Date	- 00/00/0000
Exam to S.O. Date	- 00/00/0000	Verified Date	- 11/03/1987
Order Show Cause	- 00/00/0000	Receipt Number	-
Licensed Date	- 00/00/0000	Appl Received	- 05/18/1987
Decree Date	- 00/00/0000	Presumption Flag	-
		Field Exam Fee	- R
		Swan Falls	-
		Temporary Right	- P
		DLE/Carey Act	-
		Water District	-
		Transfer/Amended	-

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

ADJ claim Copy
A72-4048 B

A. GENERAL INFORMATION

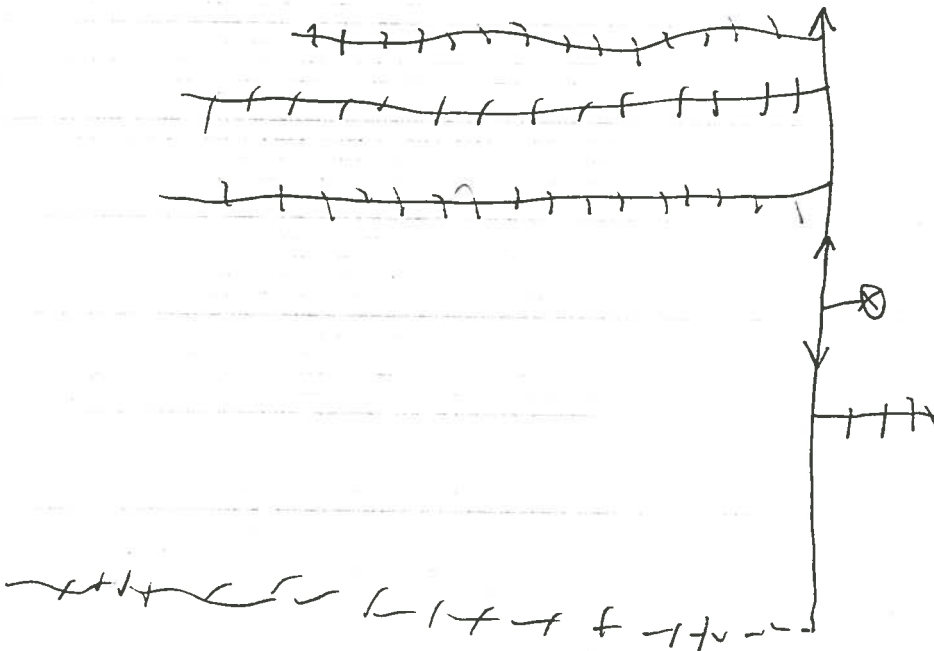
1. Owner: Doyle Leuzinger Permit No. 72-09398
Current Address: HC 67 Box 2085, Challis, ID 83226 Phone No. 838-2221
2. Accompanied by: Roy Schoen EXAM. DATE: 7-21-92
Address: _____ Phone No. _____
Relationship to Permit Holder: neighbor-care taker
3. Source: Groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: _____ ☐ Copies Attached
2. Other water rights with same point of diversion: _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



adj claim found same day
see 5-11-94

Scale: 1" = _____.

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required). ☒ Aerial Photo Attached (required for irrigation of 10 acres or more).
- ☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater and stockwater).

DEC 9 3 1996

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)
 Well, motor, pump, portable mainline to 2 wheel & 2+ handlines. 1 1/2" nozzles throughout.

☐ See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	GE	20	CX105157	Aurora	No tag

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NW	NW	36	12N	18E	Custer	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	18E	36					5.4	25.1	7.8										38.3
		35	2.3				1.1	1.2	1.3										2.8
			1.1																37.8
LIC TO BE REVISED: EXAM							OK	27	7										
LIC EXAM		36					.5	26.7	7.8										= 35
		35	2.3																= 2.3
																			37.3

Found addition errors
 see 5-11-94

Reviewed this
 POA listing w/ Jim Stanton
 & after planimeter meas.
 (SEE ATTACHED) we agreed on
 this breakdown of
 37.0 Acres

Do not use this space

$$= 34.5$$

$$= 2.5$$

$$= 2.0$$

$$= 37.0$$

37.0 so Rains

A72-4048 B

5-11-94
 DEC 03 1996

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

Measured pressure with 2 handlines on (1) at upper end of field & 1 at lower end of field. Upper line was 35 psi average, & lower line was 40 psi average (fewer heads on lower line. Runs 70 nozzles at a time.

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

$$70 \times 5.32 \text{ gpm/head} = 372 \text{ gpm} = 0.83 \text{ cfs} \quad 37.8 \text{ ac} \times 0.2 \text{ cfs/ac} = 0.76 \text{ cfs allowable}$$

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 32.5 psi $\times 2.31 =$ _____ ft (1); Dynamic pumping level: 12 ft (2)

Total Head: (1) + (2) = _____ (3) : Flow rate: 1.25 cfs (4)

Water HP: (3) $\times$ (4) $\div 8.8 =$ _____ (5)

Meter Input KW: $3.6 \times$ _____ KH $\times$ _____ CTR or _____ MULT $\times$ _____ PTR $\times$ _____ N/ _____ T = _____ (6)

Meter Input HP: (6) $\times 1.34 =$ _____ (7)

Panel Input KW: _____ Ave PF $\times$ _____ Ave Volts $\times$ _____ Ave Amps $\times .001732 =$ _____ (6)

Panel Input HP: (6) $\times 1.34 =$ _____ (7) Efficiency: (5)/(7) $\times 100 =$ _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 37.8 \times 3.5 = 132.3$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 132.3$$

2. Volume Calculations for Other Uses:

A72-4048B

DEC 03 1996

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Stockwater use has not been developed, but may be in the future. Salmon River water is used lower down on this farm; only groundwater is used on the land recommended for licensing. A 20 hp pump in the river ditch used to run the sprinklers, but the 20 hp pump in the shallow well is more convenient & about the same cost (according to Mr. Leuzinger).

none found.

Sprinkler system was used prior to 1987 & well use.

No pump in Ditch exists no gravity system in place.

Indications are that the surface water right is being forfeited but cannot be supported or shown at this time.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Irrigation	4-15	10-15	0.76	132.3
Totals:			0.76	132.3

su 5-11-94

2. Recommended Amendments

- ☐ Change P.D. as reflected above
 ☐ Add P.D. as reflected above
 ☒ None
- ☐ Change P.U. as reflected above
 ☐ Add P.U. as reflected above
 ☐ Other

J. AUTHENTICATION

Field Examiner's Name J. E. Stanton

Signature J. E. Stanton

Certification Date _____

Field Report Preparation Date 7-30-92

CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

A72-4048B

DEC 03 1996

John S. McKinney

COPY

172 040481

June 15, 1988

ATTORNEY AT LAW
1015 MAIN STREET
P.O. BOX 1442
SALMON, IDAHO 83467
TELEPHONE: (208) 756-4287

Honorable James C. Herndon
P.O. Box 707
Blackfoot, Idaho 83221

Re: Case No. 3048
HUTCHENS VS. LEUZINGER

Dear Judge Herndon,

Enclosed please find Amended Judgment for your signature. If this meets with your approval, please have the same entered.

Very truly yours,



John S. McKinney

JSM:j

cc: Milton A. Slavin
Blair Grover, Esq.
Doyle Leuzinger
File

*IDWR not a party to this case.
Hutchens Water right claim is in violation
of the mandatory permit Statutes.*

*see
5-11-94*

A72-04048 B

DEC 03 1996

BLAIR GROVER
GROVER & WALKER
Chartered
P.O. Box 36
Rigby, Idaho 83442-0036
(208) 745-6653

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MAR 1 1988

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER

GENE E. HUTCHENS and MARGARET
HUTCHENS, his wife

Plaintiffs,

vs.

DOYLE LEUZINGER and JUDI
LEUZINGER, his wife,

Defendants

Case No. 3048

AMENDED JUDGMENT

THIS MATTER having come on before the undersigned, Judge of the above entitles Court for trial on the 21st day of their witnesses and their attorneys; the Court having thereafter filed a Memorandum Decision constituting the Findings of Fact and Conclusions of Law of the Court; Plaintiffs thereafter having filed a Motion for Attorney's Fees and Defendants having filed a Motion to Alter or Amend the Judgment; the Court having considered all pending Motions before it and having entered a second Memorandum Opinion dated the 22nd day of April, 1988, and filed the 22nd day of April, 1988, which Memorandum Opinion contains additional findings and conclusions; the Court having considered all proceeding herein and being otherwise fully advised in the premises,

Page 1 - Amended Judgement

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

(1) Plaintiffs be and the same are hereby granted an easement from State Highway 75 in a northwesterly direction from the highway to an irrigation ditch, a distance of approximately 166 feet across the following described real property located in Custer County, Idaho, together with an easement at the ditch for location of a diversion hole and pump;

Lots One (1) and Two (2), and Three (3), Section Thirty-six (36), and Lot One (1), Section Thirty-five (35), and Lot Eight (8), Section Twenty-five (25), Township Twelve (12) North, Range Eighteen (18) East, Boise Meridian.

EXCEPTING AND RESERVING THEREFROM a fraction of said Lot 3 in Section 36, Township 12 North, Range 18 East, Boise Meridian, more particularly described as follows, to wit:

Beginning at a point on the South boundary of said Lot 3, where the same intersects the Westerly Right-of-Way line of Idaho State Highway #75 (formerly designated as U.S. Highway #93), run thence Northerly along the Westerly right-of-way line of Idaho State Highway #75 (formerly designated as U.S. Highway #93) a distance of 567.0 feet; thence South 87 deg. 30' West 272.0 feet to a point on the Easterly Bank of a ditch; thence Southerly, meandering the said Easterly Bank, a distance of 620.0 feet, more or less, to a point on the South boundary of Lot 3; thence East along the South boundary of Lot 3, a distance of 33.0 feet to the point of beginning, containing 2.1 acres.

ALSO EXCEPTING THEREFROM: Those parts of Lot 2 and Lot 3, Section 36, Township 12 North, Range 18 East, Boise Meridian, Custer County, Idaho, situate, lying and being East of Idaho State Highway #75 (formerly designated as U.S. Highway #93).

(2) Said easement shall be for benefit of the following described property located in Custer County, Idaho:

Those parts of Lot 2 and Lot 3, Section 36, Township 12 North, Range 18 East, Boise Meridian, Custer County, Idaho, situate, lying and being East of Idaho State Highway #75 (formerly designated as U.S. Highway #93).

(3) Said easement shall be for the following purposes:

(a) For the location of a water mainline to transfer water from the ditch along the easement to the property described in Paragraph (2).

(b) For location of a power line to supply power from the property described in Paragraph (2) to the pump located at the end of the easement.

(c) For repair and/or maintenance and/or replacement of the power line and/or waterline.

(d) For location at the ditch, where the easement terminates, of a pump and electrical controls incident thereto and a shelter for the same.

(e) For access to the pump and for maintenance of the pump, water and power lines.

(4) Plaintiffs are awarded 20 inches of water claimed appurtenant to the property described in Paragraph (1) herein, provided if the available water to the Leuzinger ditch (as illustrated on Exhibit "A" to the Memorandum Decision) from the Salmon River is less than 300 miner's inches, then the 20 miner's inches granted the Plaintiffs shall be proportionally reduced in accordance with the following formula: $20/160$ or $1/8 \times$ available water shall be delivered to the Plaintiffs and the balance to the Defendants. Said water shall hereafter be the sole and separate property of Plaintiffs, Margaret Hutchens or Gene Hutchens.

(5) Plaintiffs are hereby granted an easement in the ditch that carries water from the Salmon River to the property

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described in Paragraph (1) herein. Plaintiffs and Defendants shall share in maintenance and upkeep of said ditch in the same ratio as they use the water.

(6) The cost of installation, maintenance, repair, replace and upkeep of the pipeline through which the water flows from the river ditch to Plaintiffs' property across Highway 75, together with the pump which raises Plaintiffs' water, together with the power line and electrical connection to said pump shall be born by Plaintiffs; and Plaintiffs shall be required to pay for any electricity used to operate said pump and shall obtain any easements or necessary rights-of-way from the State Highway Department to cross the Highway right-of-way.

(7) Plaintiffs shall hold the Defendants free and harmless from any liability to any person injured as a result of the use or existence of the pump and pipeline right-of-way, or as a result of any connection of said pipeline, pump, or electrical connection or powerline and indemnify the Defendants for any losses as a result thereof and defend the Defendants at Plaintiffs' cost of any claim against the Defendants as a result of use thereof.

(8) Plaintiffs are hereby awarded costs in the sum of \$423.75.

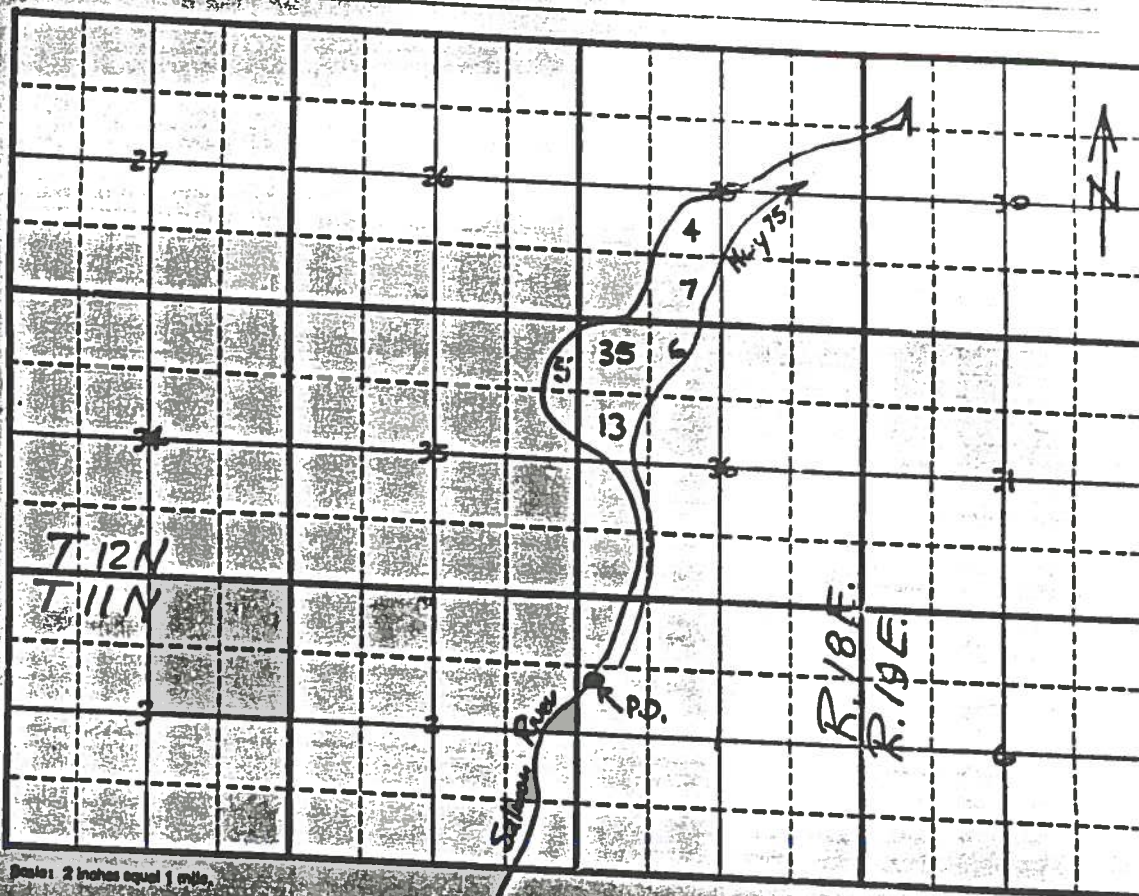
(9) With respect to the issues determined by the above Judgment, it is hereby certified, in accordance with Rule 54(b) I.R.C.P. that the Court has determined there is no just reason for delay of an the entry of a final Judgment and that the Court

had and does hereby direct that the above Judgment shall be a final Judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellant Rules.

DATED: _____.

James C. Herndon, District Judge

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Custer

Be It known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 25th day of May, 1954.

Roy L. Linsinger
Claimant

Charles C. Linsinger
Notary Public
Residing at Challis, Idaho

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by _____
Prelim. check by 178
\$20.00 fee received by _____
Published in Custer Publishing Co
Date 5-1-54

Date 5-2-54
Date 5-6-54
Date 5-22-54

Exception filed by:

Forwarded to
claimant by: Date

POOR ORIGINAL

DEC 03 1996

Copy from Microfilm
4-14-93
-50-

1-121

AFFIDAVIT

STATE OF IOWA

COUNTY OF IOWA

I, JESSIE L. TAYLOR

being first duly sworn depose and say that I am a citizen of the State of Iowa and that I am of the age of 27 years, 10 months and 10 days, and of my own knowledge know the following facts:

1. I have been married in 1934, to JESSIE L. TAYLOR, which is located in Sections 27, 35, and 36, Township 27 N., Range 27 E., Co. K.
2. The record book is held by JESSIE L. TAYLOR in 1934, and carries up to the present date.
3. The record book is held by JESSIE L. TAYLOR in 1934, and carries up to the present date.
4. The record book is held by JESSIE L. TAYLOR in 1934, and carries up to the present date.

Subscribed and sworn to before me this 16th day of August, 1934.

(Seal)

J. Jessel Sharp
Notary Public for Iowa
My Commission expires 3/1/35

State of Iowa

County of IOWA

This instrument was filed for record in the office of JESSIE L. TAYLOR at 10:15 o'clock A. M. August 16, 1934, and duly recorded in Vol. 1 of the Official Records of Taylor County, Iowa.

Notary Public
J. Jessel Sharp

Page 2, 60

No. 12347

AFFIDAVIT

STATE OF IOWA

COUNTY OF IOWA

I, JESSIE L. TAYLOR, being first duly sworn depose and say that I am a citizen of the State of Iowa and that I am of the age of 27 years, 10 months and 10 days, and of my own knowledge know the following facts:

1. That the affiant JESSIE L. TAYLOR, who is known as JESSIE L. TAYLOR, was the holder of that certain deed dated July 20, 1934, and recorded at Vol. 1 of the Official Records of Taylor County, Iowa, and that affiant is now the same person as JESSIE L. TAYLOR, holder of that certain deed dated February 20, 1934, and recorded at Page 60 of Vol. 1 of the Official Records of Taylor County, Iowa.
2. That the property conveyed by the above deed is located in Taylor County, Iowa, and was previously conveyed as follows:

and I am of the age of 27 years, 10 months and 10 days, and of my own knowledge know the following facts:

1. That the affiant JESSIE L. TAYLOR, who is known as JESSIE L. TAYLOR, was the holder of that certain deed dated July 20, 1934, and recorded at Vol. 1 of the Official Records of Taylor County, Iowa, and that affiant is now the same person as JESSIE L. TAYLOR, holder of that certain deed dated February 20, 1934, and recorded at Page 60 of Vol. 1 of the Official Records of Taylor County, Iowa.

and I am of the age of 27 years, 10 months and 10 days, and of my own knowledge know the following facts:

1. That the affiant JESSIE L. TAYLOR, who is known as JESSIE L. TAYLOR, was the holder of that certain deed dated July 20, 1934, and recorded at Vol. 1 of the Official Records of Taylor County, Iowa, and that affiant is now the same person as JESSIE L. TAYLOR, holder of that certain deed dated February 20, 1934, and recorded at Page 60 of Vol. 1 of the Official Records of Taylor County, Iowa.

POOR ORIGINAL

DEC 03 1936

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4-14-93
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Water Right Number - 72-04048

Prefix Translation:

WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - +

*** C - CURRENT OWNER ***
LEUZINGER

DOYLE

1 -
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

LEUZINGER

JUDI

1 -
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

+ - - Priority Date - - +
04/01/1900+ - - - Region - - - +
17 SOUTHERN+ - - - Stage - - - +
S - STATUTORY CLAIM

+ - - - Status - - - +

+ - - - - Source - - - - +
SALMON RIVER+ - - - - Tributary - - - - +
SNAKE RIVER+ - - - - Point of Diversion - - - - +
Stream Index (Blank if no Index Code)

11N 18E 1 SW NW (37) CUSTER

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

01 - IRRIGATION
04 - STOCKWATER04/01 11/01
01/01 12/316.000
0.070+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - +
6.000

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

12N	18E	25	NE SW	4.0	01	IRRIGATION	(37)	CUSTER
12N	18E	25	SE SW	7.0	01	IRRIGATION	(37)	CUSTER
12N	18E	35	NE NE	5.0	01	IRRIGATION	(37)	CUSTER
12N	18E	36	NE NW	6.0	01	IRRIGATION	(37)	CUSTER
12N	18E	36	NW NW	35.0	01	IRRIGATION	(37)	CUSTER
12N	18E	36	SW NW	13.0	01	IRRIGATION	(37)	CUSTER

Total Acres: 70.0

+ - - Diversion Means - ROCK DIKE IN RIVER DIVERTING INTO EARTHEN GRAVITY FLOW DITCH.

+ - - Non-Irrigation Use - S/250 RANGE

+ - - Other Rights for Same Use -

DEC 03 1996

DEC 03 1996

WATER RIGHT

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

- - -	- Decrease Plaintiff	- - - +		+ - - -	- Decrease Defendant	- - - +		+ - - -	- Decrease Date	
			00/00/0000							

```

+ - - Audit Fields - 01/28/86 05/28/88 CONVERT

```

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date	-	00/00/0000	Verified Date	-	01/28/1986	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	-			-

DEC 03 1996