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Department of Water Resources
Southern Region

Department of Water Resources

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

In Re SRBA

Case No. 39576

A: Subcase 72-04061A

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: MARK AND VICKI ARMBRUSTER

Address: Box 1127
CHALLIS, ID 83226

Daytime Phone: 208-879-2389

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: MARK AND VICKI ARMBRUSTER

Address: Box 1127
CHALLIS, ID. 83226

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☒ Period of Year

Should be: 4/1 TO 10/31

9. ☐ Place of Use

Should be: _____

11. I object because:

☐ This water right should not exist.

☒ ^{NA} This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): THIS DATE CONFORMS TO
HISTORICAL USE AS WELL AS ORIGINAL CLAIMS FILED.

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on 20 MARCH, ²⁰⁰⁰~~199~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:

Address:

Mark Ambrose

Box 1123

CHALSA ID 83226

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Mark Ambrose

Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Custer)ss.

Mark Arubauer
(Name of person filing objection)

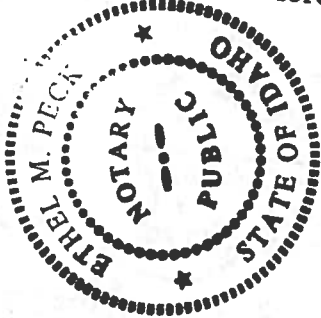
, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Mark Arubauer
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



March 20, 2000
Ethel M. Peck
Notary Public for Idaho
Residing at: Challis
My Commission Expires: 3-19-2004

MOTION TO FILE LATE OBJECTION

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

Mark and Vicki Armbruster
Box 1127
Challis, ID 83226
208-879-2389

Re: SRBA, Water Right No. 72-04061A

Please note that I respectfully wish to file a late objection to correct the period of use on this water right. It has been brought to my attention by IDWR that the period of use has been submitted as 4/15 to 10/15 on this water right. The IDWR guidelines allow the period of use to be from 4/1 to 10/31. This longer use period (4/1 to 10/31) also conforms to historical use as well as conforming to the original claim filed with the court on 5/24/1989.

Thank you for your consideration in this matter.

A handwritten signature in black ink that reads "Mark Armbruster". The signature is written in a cursive, slightly slanted style.

Mark Armbruster

3-20-00

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: A72-04061A
Date Received: 5/24/1989
Receipt No: _____
Received By: _____

This Copy For Your Records
DO NOT RETURN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON MONZINGO 208-879-4353
Address: BOX 1099
CHALLIS, ID 83226

AND/OR

Name: MARY MONZINGO 208-879-4353
Address: BOX 1099
CHALLIS, ID 83226

2. Date of Priority: AUG 15, 1910

3. Source: GARDEN CREEK (HIGH WATER) Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
14N	19E	31	NW SW		CUSTER

5. Description of diverting works:
HEADGATE, WEIR, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

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: A72-04061A
Date Received: 5/30/1989
Receipt No: S007395
Received By: _____

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

1. Name: MARK ARMBRUSTER 208-879-2389
Address: BOX 1127
CHALLIS ID 83226

AND/OR

Name: VICKI ARMBRUSTER 208-879-2389
Address: BOX 1127
CHALLIS ID 83226

2. Date of Priority: AUG 15, 1910

3. Source: GARDEN CREEK (HIGH WATER) Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	31	NW	SW			CUSTER

5. Description of diverting works:
HEADGATE, WEIR, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	31	SE	NW		IRR	5.70

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NOV 01 1994

10. Place of Use: Continued

Section Acres 5.0

Total Acres 5.0

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:

A72-07041A, 10017

14. Remarks:

72-04061 & 72-07041 SHARED WITH JIM & NOLA LYNCH.

.10 CFS DECREED GARDEN CREEK WATER ALSO USED ON PROPERTY.

15. Basis of Claim: LICENSE

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NOV 01 1994

IDAHO DEPT. OF WATER RESOURCES DEC 03 1992 MARK and/or VICKI ARMBRUSTER
2148 4th Ave. East Department of Water Resources Box 1127
Twin Falls, ID. 83301 Southern Region Office Challis, ID. 83226
Attn: Kelly Christanson (208)879-2389

As per our telephone conversation on 24 Nov. 1992 regarding our wastewater right in Custer County (A72-07041A), I am writing to notify the IDWR that, for some reason, the water right mentioned was inadvertently not transferred to our name when the property was purchased by us in 1991.

I am hereby requesting that the wastewater right A72-07041A be transferred from Don/Mary Monzingo to Mark and/or Vicki Armbruster. You may also refer to our other rights A72-10017 and 04061A.

Sincerely,

Mark Armbruster


Vicki Armbruster

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NOV 01 1994

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: A72-04061A

Date Received: 5/24/1989

Receipt No: 5007395 + 7294

Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON MONZINGO 208-879-4353
Address: BOX 1099
CHALLIS, ID 83226

AND/OR

Name: MARY MONZINGO 208-879-4353
Address: BOX 1099
CHALLIS, ID 83226

2. Date of Priority: AUG 15, 1910

3. Source: GARDEN CREEK (HIGH WATER) Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	31	NW	SW			CUSTER

5. Description of diverting works:
HEADGATE, WEIR, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.400		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A72-04061A

Page 1

Date: 05/24/89

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MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	31	SE NW		IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:
A72-07041A, 10017

14. Remarks:
72-04061 & 72-07041 SHARED WITH JIM & NOLA LYNCH.
.10 CFS DECREED GARDEN CREEK WATER ALSO USED ON PROPERTY.

15. Basis of Claim: LICENSE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

Mark Ambrose

Box 1127

CHA 5, 10.

83226

Fold at line over top of envelope to the
right of the return address

CERTIFIED

P 050 657 317

MAIL

Idaho Dept. Water Resources

Arbudsation Bureau

Statehouse Mail

Boise, Id.

83720-9000

**RETURN RECEIPT
REQUESTED**

MICROFILMED

MAR 18 1993



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APR 16 1992

Department of Water Resources

Idaho Department Of Water Resources

Adjudication Department

Statehouse Mail

Boise, Idaho 83720-9000

To Whom It May Concern:

I, Watson Perry, do hereby certify, that the ground in question
(Claim number A72-04061A) was being irrigated in April, 1952 by myself.

The purpose of water usage was irrigation of pasture and crops.

The property, at that time, was owned by my grandfather and had
been irrigated by him since the 1940's.

Signed by me: Watson Perry

On this date: 15th Day of April 1992
Rebelia Robinson, notary

THIS CLAIM SHOULD BE UNDER THE NAMES

MARK & VICKI ARNBURSTER -
Box 1127
CHALES, ID. 83226

MICROFILMED
MAR 18 1993

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 72-4061

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 19 1989

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) Don and/or Mary Monzingo Phone (208) 879-4353Mailing Address Box 1099 Challis, ID. 83226 Zip 832262. Date of Priority (Only one (1) per claim) ~~June 14, 1989~~ 4/1/19523. Source of water supply (a) Garden Creek (High water)
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 14 N Range 19 E Section 31,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Custer.

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgate and weir in creek deliver to earthen ditch, which is
approximately 1 1/2 miles long, to land to be irrigated.

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MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 5/1 to 6/15 amount .40 or

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .40 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	19E	31								5									5

Total number of acres irrigated 5

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
.10 cfs from decreed Right 72-0126, License 72-7041 or None ()

14. Remarks: shared with Jim + Nola Lynch

Last Name Monzingo Ident No. 72-4061

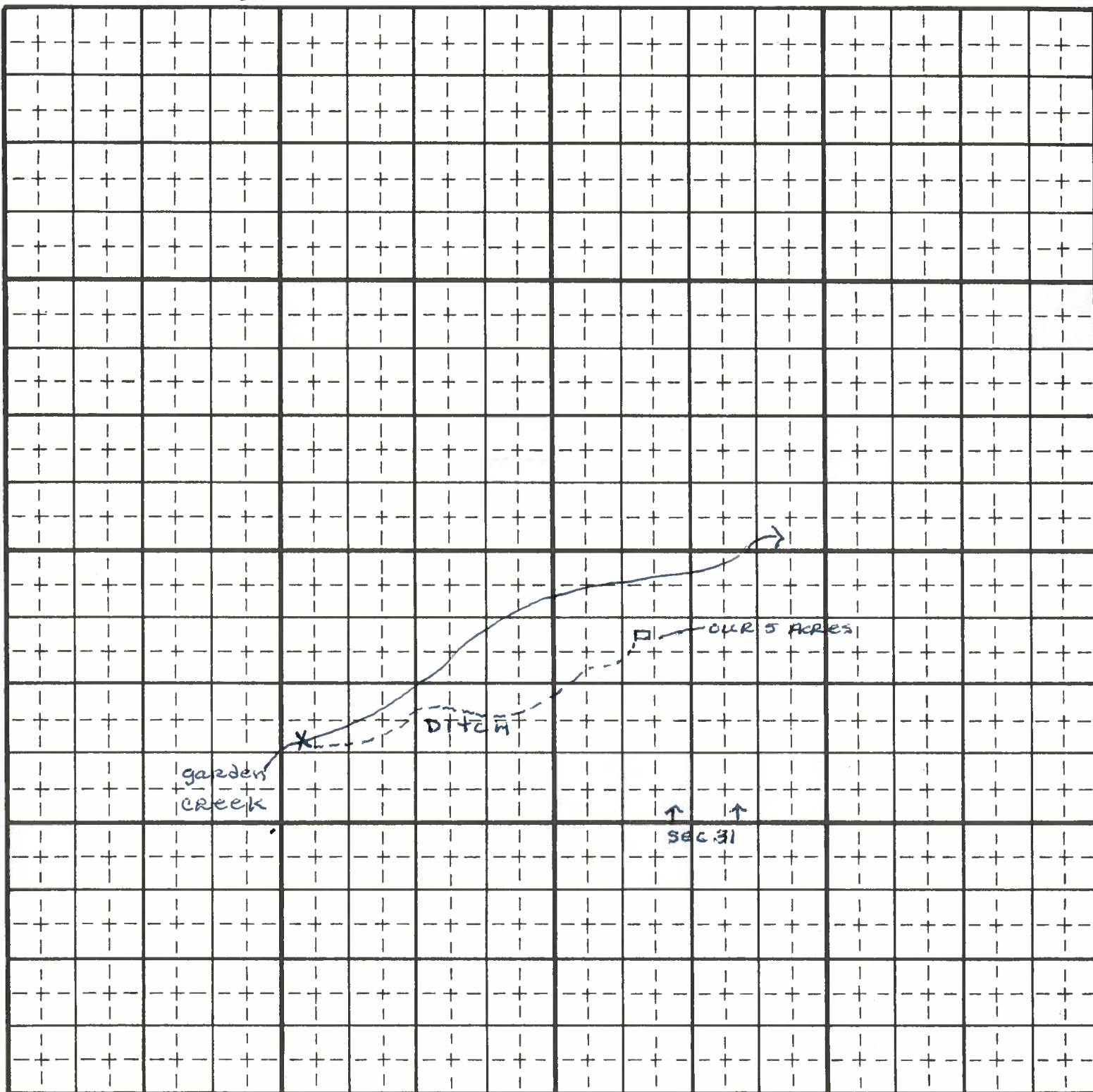
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MAR 18 1993
Copies: White - State Yellow - Claimant

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

Scale: 2 inches equals 1 mile

TWP 14N Range 19E



Last Name Monzingo

Ident No. 72-4061

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MAR 18 1993
Copies: White-Blue, Yellow-Claymont

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 6/14/1973

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled

"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X

wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) Mary Monzingo Date 5/17/89

Date _____

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 17th day of May 19 89

SEAL

Notary Public Erhel M. Beck

Residing at Challis

My Commission Expires 3-21-92

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name Monzingo Ident. Number 72-4061

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MAR 16 1989
Copies White State Yellow-Claimant

Water Right Number - 72-04061

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

--- Last Name --- +

+ First Name - +

+ Address -

Address

*** C - CURRENT OWNER ***
ROBINSON

GERALD

1 - P.O. BOX 562
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

--- Priority Date - +
04/01/1952

+ --- Region - - - +
17

+ --- Stage - - - +
S - STATUTORY CLAIM

+ --- Status - - - +

--- Source - - - - - +
GARDEN CREEK

+ --- Tributary - - - - - +
SALMON RIVER

--- --- --- --- ---
Twn Rng Sec Tract Lot RFlg County
14N 18E 36 NW SW (37) CUSTER

--- --- --- --- ---
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 05/15 06/15 0.800

--- Total Div. Rate - + --- Total Div. Volume - + --- Total Div. Capacity - +
0.800

--- --- --- --- ---
Twn Rng Sec Tract Lot Acres Place of Use Code Description County
14N 19E 31 SE NW 9.0 01 IRRIGATION (37) CUSTER

Total Acres: 9.0

--- Diversion Means - HEADGATE AND DITCH

--- Non-Irrigation Use -

--- Other Rights for Same Use -

--- --- --- --- ---
Remarks
No Remarks found.

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

--- Decree Plaintiff - - - + --- Decree Defendant - - - +

+ --- Decree Date - +
00/00/0000

--- Audit Fields -

MICROFILMED
MAR 18 1993

Water right number - 72-04061

Adj. flag translation: Standard Water Right Number

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	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/28/1986	DLE/Carey 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				

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MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

5/24/1989

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MAY 30 1989

Department of Water Resources
Southern Region Office

D.L. & MARY MONZINGO
BOX 1099
CHALLIS, ID 83226

DEAR MR. & MRS. MONZINGO:

ENCLOSED PLEASE FIND COPIES OF YOUR ADJUDICATION CLAIMS FOR
YOUR RECORDS AND CHECK #1308 & #1310.

YOU PAID FOR THE SAME 5 ACRES THREE TIMES. PLEASE RETURN A
CHECK FOR THE \$100 BALANCE DUE TO:

DEPARTMENT OF WATER RESOURCES
C/O LORI WHITE
2148 4TH AVE EAST
TWIN FALLS, ID 83301

WHEN I RECEIVE THE CHECK I WILL RECEIPT CLAIM #A72-04061A
& A72-07041A AND SEND YOU THE RECEIPT IN THE MAIL.

SINCERELY,

LORI WHITE
WATER AGENT

Dear Lori,

Here is the check for claims A72-04061A & A72-07041A.

Thanks for all your help.

Mary Monzingo

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MAR 18 1993

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SEP 12 2000

Department of Water Resources

RECEIVED

FEB 06 2001

Department of Water Resources
Southern Region

200 SEP -6 PM 3: 48

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) ORDER OF PARTIAL DECREE

) For Water Right 72-04061A

On June 14, 2000, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 72-04061A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED 9/6/00.

B Wood

BARRY WOOD

Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 72-04061A

200 SEP -6 AM 11:21

FILED
TWIN FALLS CO., IDAHO

NAME AND ADDRESS: MARK A ARMBRUSTER
VICKI ARMBRUSTER
PO BOX 1127
CHALLIS, ID 83226

SOURCE: GARDEN CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.24 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.34 CFS. 72-04061A, 72-10017, AND 72-07041A.

PRIORITY DATE: 04/15/1952

POINT OF DIVERSION: T14N R18E S36 NENESW Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.24 CFS

PLACE OF USE: Irrigation Within Custer County
T14N R19E S31 SENW 3.2
3.2 Acres Total

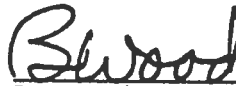
USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
OF A COMBINED TOTAL OF 3.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-04061A, 72-10017, AND 72-07041A.

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

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

RULE 54(b) CERTIFICATE

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



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 SEP 11 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-04061A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 72-04061A was mailed
on September 11, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MARK A ARMBRUSTER
VICKI ARMBRUSTER
PO BOX 1127
CHALLIS, ID 83226
Phone: 208-879-2389

DIANA DELANEY
Chief Deputy Clerk

RECEIVED

APR 20 2000

Department of Water Resources

RECEIVED

FEB 06 2001

Department of Water Resources
Southern Region

200 APR 19 AM 9:32

DISTRICT COURT-SRBA
TWIN FALLS, IDAHO

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

In Re SRBA

Subcases: 72-04061A

Case No. 39576

ORDER GRANTING MOTION TO
FILE LATE OBJECTION

On March 21, 2000, a *Motion to File Late Objection* was filed by the claimants, Mark and Vicki Armbruster, for the above water right. The *Motion* was duly noticed on the Docket Sheet. A hearing on the *Motion* was held April 19, 2000. At hearing, Nick Spencer, counsel for IDWR, informed the court that the *Motion* was filed to correct a clerical error made by IDWR in the season of use when the *Director's Report* was filed. There was no opposition to the *Motion*.

Therefore, IT IS ORDERED that for good cause shown, the *Motion to File Late Objection* is **granted**, and the Objection previously lodged for this water will be deemed filed as of this date.

IT IS FURTHER ORDERED that a *Standard Form 5* shall be filed with this court on or before May 12, 2000. If a *Standard Form 5* is not filed, a Telephone Status Conference will be held as follows:

Date: May 15, 2000 at 2:00 pm

Location: SRBA District Court
253 3rd Avenue North
Twin Falls, ID

DATED April 19, 2000.



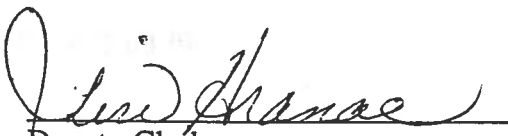
THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the *Order Granting Motion to File Late Objection* was mailed on April 19, 2000, with sufficient first-class postage prepaid, to the following:

Director of IDWR
P O Box 83720
Boise, Idaho 83720-0098

Mark and Vicki Armbruster
Box 1127
Challis, ID 83226


Deputy Clerk

HEB 08 5901



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 11, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Mark A. & Vicki Armbruster
PO Box 1127
Challis ID 83226

RE: Snake River Basin Adjudication, Water Right No. 72-04061A

Dear Mr. & Mrs. Armbruster:

Last year the Idaho Department of Water Resources made a recommendation to the SRBA District Court regarding your above-referenced water right claim. Recently, we found that we could have recommended a longer season for your use based on Department guidelines. The purpose of this letter is to allow you to request that the season of use for your water right be extended.

The season that was recommended for your water right is 4/15 to 10/15, and the longest season that we could recommend for irrigation use in your area is 4/1 to 10/31. If you wish to file an objection to request that your season be extended to the longer dates, please write me a letter stating the season that you request. I will forward your request to the Idaho Office of the Attorney General, which has agreed to assist in the modification of your water right. While I do not anticipate that you will need legal counsel for this matter, you will need to participate in some additional steps with the SRBA Court to have the water right corrected.

Please feel free to contact me about this issue. I apologize for any inconvenience that this might cause.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. R. Tuthill, Jr.' with a stylized flourish at the end.

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 21 1998
Department of Water Resources
Southern Region

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

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

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

Water right number: 72-04061A

MARK A ARMBRUSTER
VICKI ARMGRUSTER *vicki ARMBRUSTER*
PO BOX 1127
CHALLIS ID 83226

Daytime Telephone Number:

Evening Telephone Number:

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

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

3. Give a brief explanation as to why you disagree with these portions:

✓ **AGREE with this proposed recommendation; no changes need to be made.**

DATE: 12-14-98 **SIGNATURE:** Mark Armbuster
Please print your name: MARK ARMBUSTER

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

11/03/98 08:49:19

Page 1

Water Right Number - R72-04061A

Prefix Translation: RESEARCH

Old (D) Number -

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

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
ARMBRUSTER

MARK A

1 - PO BOX 1127

VERIFIED BY

KKS

11-3-98

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-2389

1 - PO BOX 1127

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-2389

ARMGRUSTER

VICKI

*** O - ORIGINAL OWNER ***
MONZINGO

DON

1 - BOX 1099

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-4353

MONZINGO

MARY

1 - BOX 1099

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-4353

+ - - Priority Date - - +
04/15/1952

+ - - - Region - - - +
ERROR IN REGION

+ - - - Stage - - - +
J - BENEFICIAL USE

+ - - - Status - - - - +

- - - - - Source - - - - - +
GARDEN CREEK

+ - - - - Tributary - - - - - +
SALMON RIVER

- - - - - Point of Diversion - - - - - +
Rng Sec Tract Lot RFlg County Diversion Name

18E 36 NE NE SW 655-171 (37) CUSTER

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

01 - IRRIGATION 04/15 10/15 0.240

al Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.240 0.0

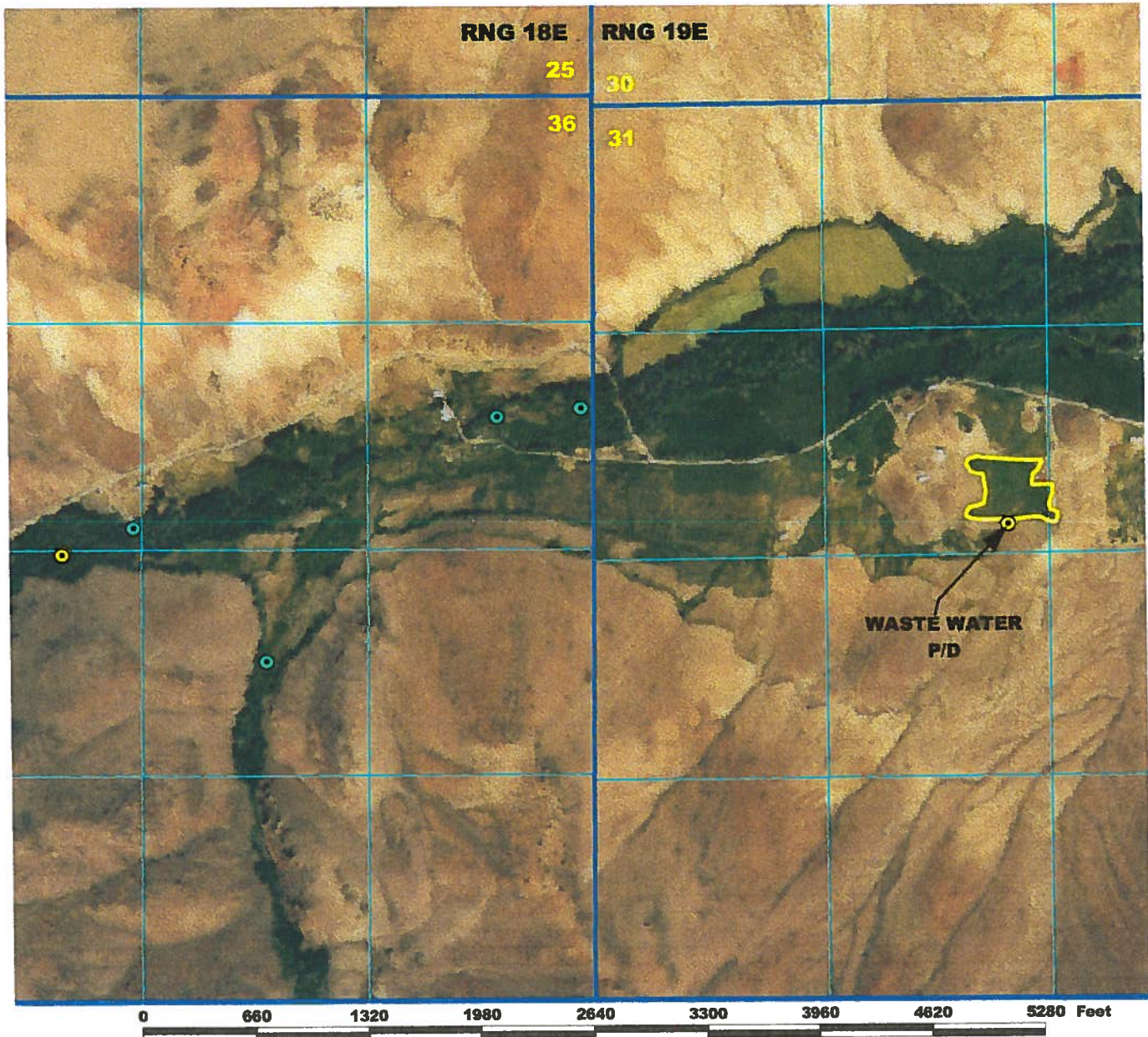
- - - - - Place of Use - - - - - +
Rng Sec Tract Lot Acres Code Description County

19E 31 SE NW 3.2 01 IRRIGATION (37) CUSTER

Total Acres: 3.2 655 236

sion Means - HEADGATE, WEIR, DITCH

72-04061A & 72-10017
SOURCE = GARDEN CREEK
72-07041A
SOURCE = WASTE WATER



RECOMMENDED PLACE OF USE
TWP 14N RNG 19E, SEC 31
data entry on October 20, 1998



- RECOMMENDED POINT OF DIVERSION**
- RECOMMENDED PLACE OF USE**
- SECTION LINES**
- QUARTER/QUARTER LINES**

GIS PLACE OF USE PRESENTATION
1992 USDA-F AERIAL PHOTOGRAPHY
DATA ENTRY BY KELLY K CHRISTENSEN

CLAIM NUMBER 7204061A DATE 10-20-98 TRANSFER NUMBER _____
72-07041A AGENT KKC CLAIMED ACRE TOTAL 5
72-10017 GIS ACRE TOTAL 3.2

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	<u>14N</u>	<u>19E</u>	<u>31</u>								<u>5</u>									<u>5</u>
GIS											<u>3.2</u>									
RECOM											<u>3.2</u>									<u>3.2</u>
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP _____
SHAPE NOS. _____
236 _____
_____ Sails

_____ Div rate Analysis claimed .34 cfs
B72-DBPOD.SHP 72-10017 - .10 cfs → less .10 cfs RECOM
NOS. DESCRIPTION - 04061A - .40 cfs → .24 cfs RECOM

_____ waste water 72-07041A - .10 cfs OK
131 Sec 36 NENE SW
_____ 133 Sec 31 SESE NW (wastewater)

DBF TABLES UPDATED _____
B72-DBPOU.DBF ☒
B72-DBPOD.DBF ☒
Jpeg ☒

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-04061A 72-10017
72-07041A

DATE: 10-20, 1998

REVIEWED BY KKC

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
<u>DBC</u>	<u>.13</u>	<u>.11</u>			<u>5.71</u>	<u>6.69</u>
DMF	.18	.21			5.12	4.72
DRF	.18	.19			9.08	9.68
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
G01	.10	.12			12.47	10.51
KEG	.08	.07			8.73	10.06
MBF	.15	.12			7.65	5.81
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
PD2	.11	.12			5.15	4.74
Q	.26	.21			13.2	10.4
RE2	.29	.21			3.15	4.74
RP1	.19	.21			4.89	4.57
SH1	.06	.05			9.37	12.10
SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

The rate per acre calculations are based upon a 300 foot run at a 2% slope. An 8 hour set time was also used. Individual graded border evaluations, soil characteristics work sheets, and peak irrigation diversion requirement work sheets have been created and archived separately for each soil type.

Where actual rotation is shorter than the optimal rotation, optimal rotation is the criteria to be used for the recommendation analysis and, therefore, the rotation percentage adjustment is not necessary. The rate becomes the acres per soil type times the rate per acre from the above chart.

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION (field)	+	ACRES PER SOIL TYPE (field)	+	RATE PER ACRE (chart)	=	TOTAL DIVERSION RATE
<u>DBC</u>	<u>5.71</u>	<u>7</u>	*	<u>3.2</u>	*	<u>.13</u>	=	<u>1.34</u> CFS
			*		*		=	CFS
			*		*		=	CFS
			*		*		=	CFS

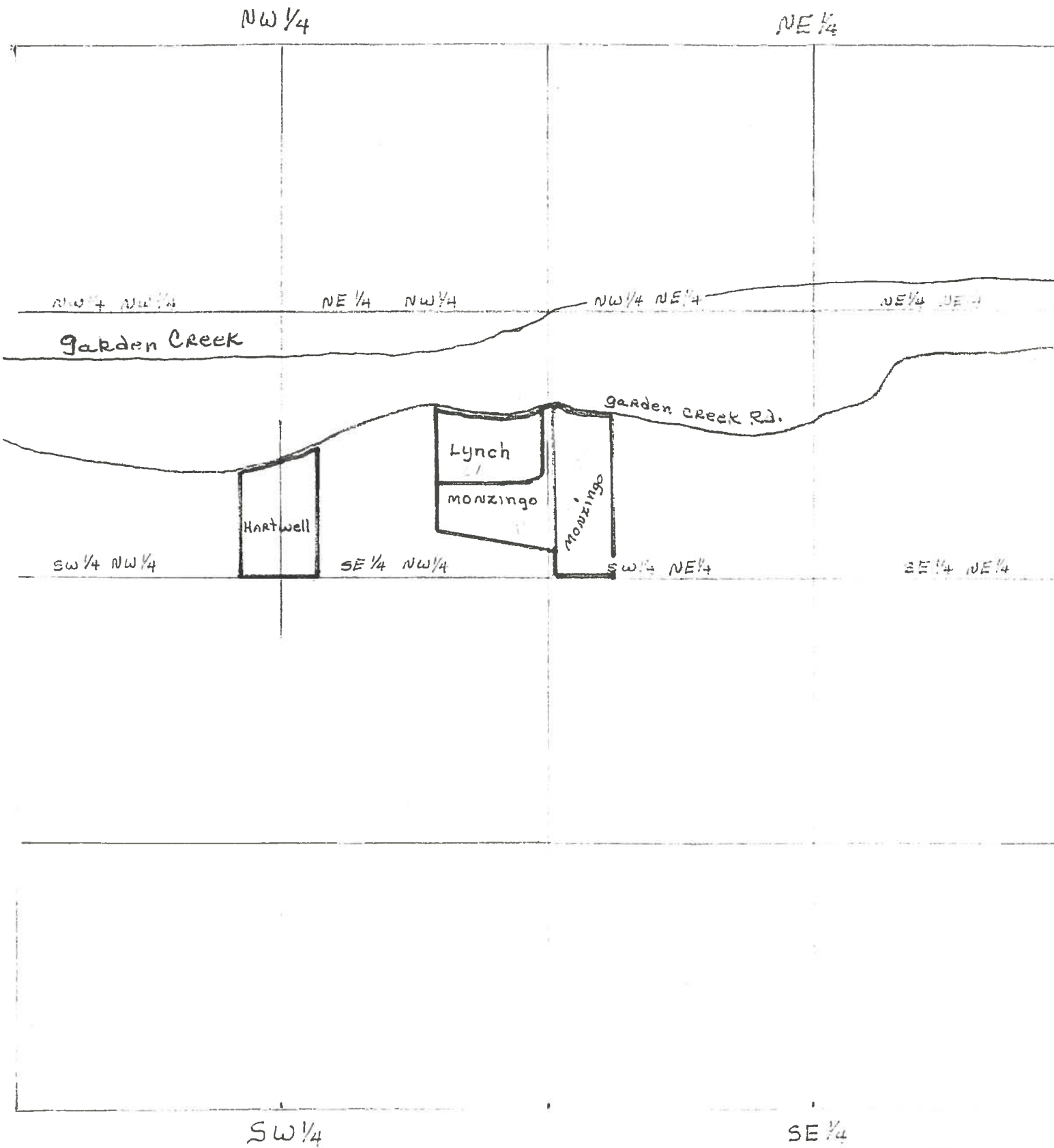
TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

original in temp tra 2nd file
Garden Creek: many
Peck
etc.



MICROFILMED
MAR 18 1993

ALEX & MARTHA KLUG DECREED RIGHTS
72-00125 & 72-00126 (both 8-15-1910 priority)
72-00125 @ 1.06cfs for 84 acres
72-00126 @ 1.60cfs for 80 acres

Tracymary Speltz
as of 12-31-92
KKC

WATSON PERRY

DOC # 1. WARRANTY DEED READS (and all water rights)

DATED: 7-8-65 COUNTY RECORD NO. 130258

DOC # 2. QUIT CLAIM DEED DATED 9-1-1969 COUNTY RECORD NO. 127800

REFERENCES .20 CFS OF 1910 WATER

DOC # 3. QUIT CLAIM DEED DATED 10-29-69 COUNTY RECORD NO. 135633

REFERENCES .30 CFS OF 1910 WATER FOR 17.5 ACRES

COMBINED TOTAL = 2.66cfs for 164 acres

MICROFILMED
MAR 18 1993

JEROLD ROBINSON

DOC # 1. WARRANTY DEED DATED 9-1-1969

COUNTY RECORD NO. 127801 CONVEYED .20 CFS

DOC # 2 MEMO OF UNDERSTANDING DATED 9-30-69

COUNTY RECORD NO. 127802 ON 10-14-69

McKISSIE/VanderHoeven

WARRANTY DEED DATED 10-29-69

COUNTY RECORD NO. 135360

CONVEYED .30 CFS

JOE PECK

WARRANTY DEED NO. 136037 DATED 11-30-1970

REFERENCES 3.06 CFS AND EXCLUDES .30 CFS

DEEDED TO McKISSIE/VanderHoeven

IT IMPLIES THAT 2.76 CFS WAS CONVEYED.

MONZINGO

WARRANTY DEED DATED

8-18-81 RECORDED 8-20-81

INST # 159893 FOR .10 CFS

LINCH

DEEDED .10 CFS

HARDMAN
1982

CONVEYED .30 CFS

HARTWELL

(PER MONZ. TRANSFER AP)

PURCHASED .15 CFS FOR 6.5 ACRES

IN AUG 81 (RECORDED 9-4-81 ??)

KING

CONVEYED .15 CFS

ADJUDICATION CLAIMS FILED:

PORTIONS OF 72-00125 &

72-00126 CLAIMED AS:

A72-10017

MONZINGO

.20 CFS

A72-00126A

LINCH

.10 CFS

A72-00125C

HURLESS

.20 CFS

A72-00125B

KING

.15 CFS

ALL OF 72-00125 &
72-00126 CLAIMED AS:

A72-10297

SHANNON/ALMOND

2.66 CFS

NOW

ARMBRUSTER

.20 CFS

	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		
DECREED																						
DECREED P/U	72-00124	14N	18E	36		40	40	40					40									1.02CF
DECREED P/U	72-00125	14N	19E	31						42			42								84	1.06CF
DECREED P/U	72-00126	14N	19E	31											40	40					80	1.60CF
DECREED P/U	72-7041	14N	19E	31							10										10	0.20CF

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

	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		
CLAIMED	P/U																					
Shannon	A72-00124	14N	19E	31						20	15	40	25				15				115	1.02CF
		14N	18E	36			20	30									10	25			85	
Shannon *	A72-10297	14N	19E	31						20	15	40	25				15				115	2.66CF
		14N	18E	36			20	30									10	25			85	
King	A72-00125B	14N	19E	31						4.5	1.5										6	.15CF
Hurless	A72-00125C	14N	19E	31		5											1.7				6.7	.20CF
Lynch	A72-00126A	14N	19E	31							5										5	.10CF
**	A72-7041B	14N	19E	31							5										5	.10CF
***	A72-10017	14N	19E	31							5										5	.10CF
**	A72-7041A	14N	19E	31							5										5	.10CF
Armbruster	A72-4061A	14N	19E	31							5										5	.40CF
Lynch	A72-4061B	14N	19E	31							5										5	.40CF

* REPRESENTS THE TOTAL COMBINATION OF 72-00125 & 72-00126

** SOURCE = WASTE WATER

*** Represents a claimed portion of 72-00125 & 72-00126 (COMBINED)

MICROFILMED

MAR 18 1983

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

NOV 01 1994

Old (D) Number -

REFILED BY

State- ID Zip- 83226

State- ID Zip- 83226

State- ID Zip- 83226

J - BENEFICIAL USE

- - Tributary
SALMON RIVER

- Point of Diversion
county

(37) CUSTER

Diversion Rate Diversion Volume

0.240

0.0

(37) CUSTER

3.5

MICROFILMED
NOV 01 1994

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-07041A, AND 72-10017.

THE FOLLOWING RIGHTS ARE ALSO DIVERIED THROUGH POINT OF DIVERISION DESCRIBED ABOVE: 72-00125B, 00125C, 04061B, 10017, 10297, 00126A, 00124, & 04058.

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERISION RATE OF 0.34 CFS, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 8.8 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 3.5 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-10017, AND 72-07041A.

A DIVERISION RATE OF .097 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERISION FOR THE PLACE OF USE DESCRIBED ABOVE.

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

Decree Plaintiff	Decree Defendant	Decree Date
00/00/0000		

```

+-----+-----+-----+-----+-----+-----+-----+-----+
Date: 10/26/1993 User Id: CHRISTEN Subject: COPIED FROM REMARKS
72-04061 & 72-07041 SHARED WITH JIM & NOLA LYNCH.
                                     -Comments-
                                     .10 CFS DECREED GARDEN CREEK WATER ALSO USED ON PROPERTY.

```

10/27/93 CHRISTEN

+ Adjudication Rights Dates and Flags Area +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 04/01/1993	Civil Case Number	- 35916
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 10/27/1993	Old Judicial District	-
Claim Received Date	- 05/30/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S00395	Water District	- 728
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

MICROFILMED
NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

03:33:18
06/04/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04061A

LAST: MONZINGO
ADDRESS: BOX 1099
CITY: CHALLIS
PHONE NUMBER: 208-879-4353

FIRST: DON
STATE: ID ZIP: 83226

OWNER CODE: C

LAST: MONZINGO
ADDRESS: BOX 1099
CITY: CHALLIS
PHONE NUMBER: 208-879-4353

FIRST: MARY
STATE: ID ZIP: 83226

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: 73-04061 & 73-07041 SHARED WITH JIM & NOLA LYNCH.
.10 CFS DECREED GARDEN CREEK WATER ALSO USED ON PROPERTY.

MICROFILMED
NOV 0 1 1994

CONTACT PERSON: _____

PHONE NUMBER: (____) _____

DATE OF FIELD EXAM: 4/11/93

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: Nicki Ambrose

PHONE NUMBER: (____) _____

RELATIONSHIP TO CLAIMANT: 6. cur

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
NOV 9 1 1994

A. AJ CLAIM: # A72-04061A

PRIORITY DATE: 08-15-1910

STAGE: L

B. WR RECORD: # 72-04061

PRIORITY DATE: 04-01-1952

STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
Y

FIELD
EXAMINER

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

REMARKS:

Applicant supports the 1952 priority date and suggests an earlier priority date in the 1940's no specific date given. I will check deed dated Sept 1, 1969 & recorded Oct 14, 1969 idea that 1910 date being transferred to this property and contains the following statement in part

"... as the same has been customarily and usually used prior to this conveyance"

Supports the 1952 date & thinks I recommended that year Evidence with the investigation was standard as the "mo's Day"

RECOMMENDED PRIORITY DATE:

04-15-1952

REVIEWED BY

KAC

DATE 10-26-93

MICROFILMED
NOV 01 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04061A	14N	19E	31		NW	SW		CUSTER

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: GARDEN CREEK (HIGH WATER)

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
-04061	14N	18E	36		NW	SW		CUSTER

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

72-04058

NONE NONE

SOURCE: GARDEN CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

Source is Garden Creek using same delivery app from A72-10017 (and although claimed PD is actually the PD, the original claim indicates the SW 8th Sec 36 which I found during field inspection of S-18 and plotted on ortho map 44-24 recommend charging PD as indicated on pg 5.

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

14N 18E 36

NE

NE

SW

SOURCE: *Grady Creek*
REVIEWED BY: *XHC*

TRIB: *Salmon R.*
DATE: *10-26-93*

MICROFILMED
NOV 01 1994

A. ROOT WATER RIGHT NUMBERS: A72-04061A
A72-04061B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	31	SE	NW		MONZINGO, DON	A72-04061A / 5.0			3.5	3.5
			SE	NW		SPLIT RIGHT	A72-07041 / 10.0	72-07041 / 10.0			
			SE	NW		MONZINGO, DON	A72-07041A / 5.0				
			SE	NW		LYNCH, JAMES	A72-07041B / 5.0				
			SE	NW		ARMBRUSTER, MARK A.	A72-10017 / 5.0				
			SE	NW		MONZINGO, DON	A72-10016 /				
			SE	NW		ALMOND, PARIS	A72-10297 / 15.0				
			SE	NW		LYNCH, JAMES	A72-00126A / 5.0				
			SE	NW		LYNCH, JAMES	A72-10020 /				
			SE	NW		KEPPNER, RAY	A72-04057 / 15.0	72-04057 / 8.0			
			SE	NW		KING, GENE	A72-00125B / 4.5				
			SE	NW		KING, GENE	A72-10273 /				
			SE	NW		LYNCH, JAMES	A72-04061B / 5.0				
			SE	NW		KEPPNER, ESTHER	A72-11735 / 15.0				
			SE	NW		THOMPSON, GEORGE		72-00054 /			
			SE	NW		PECK, JOSEPH M.		72-04058 / 40.0			
			SE	NW		ROBINSON, GERALD		72-04061 / 9.0			
			SE	NW		ROBINSON, GERALD		72-04062 / 9.0			
TOTAL ACRES						A72-04061A	5.00			35.00	

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

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

See A72-10017 for POU analysis.

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

3.5

REVIEWED BY:

KKG

DATE:

10-26-93

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A. AJ CLAIMED USES:

PURPOSES
A72-04061A IRRIGATION

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

TOTAL DIVERSION RATE/VOLUME CLAIMED

4-15
10-15
DIVERSION QUANTITY
.400 CFS
.400 CFS

B. WR RECORDED USES:

PURPOSES
72-04061 IRRIGATION

FROM 05-15 MONTH/DAY TO 06-15

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.800 CFS
.800 CFS

SUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

Recommend to Dept 5 for closure.
Espace flow analysis indicates a may be upland rate of .34 CFS
72-10017 recommended @ 0.10 CFS
As this claim is from the same source, using the same delivery system
the may allowable rate for this right is:

.34 CFS (excess flow analysis)
.10 CFS
.24 CFS

NOT RECORDED

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y() N()

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

0.400 CFS
0.800 CFS

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

FLOW MEASUREMENT REQUIRED?

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

DATABASE EXAMINER
Y

MEASUREMENT METHOD 5.28, SEE ATTACHED CALCULATIONS.

FLOW MEASUREMENT

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

OTHER RIGHTS LISTED IN CLAIM: A72-07041A, 10017

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04061A	GARDEN CREEK (HIGH WATER)	MONZINGO, DON	0.400	0.080		
A72-00125B	GARDEN CREEK	KING, GENE	0.150	0.025		
A72-00126A	GARDEN CREEK	LYNCH, JAMES	0.100	0.020		
A72-04057	GARDEN CREEK	KEPPNER, RAY	2.400	0.019		
A72-04061B	GARDEN CREEK	LYNCH, JAMES	0.400	0.080		
A72-07041	WASTE WATER	SPLIT RIGHT	0.200	0.020	30.00	3.00
A72-07041A	WASTEWATER	MONZINGO, DON	0.100	0.020		
A72-07041B	WASTE WATER	LYNCH, JAMES	0.100	0.020		
A72-10017	GARDEN CREEK	ARMBRUSTER, MARK A.	0.100	0.020		
A72-10297	GARDEN CREEK	ALMOND, PARIS	2.660	0.013		
A72-11735	GARDEN CREEK	KEPPNER, ESTHER	2.420	0.019		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10016	DOMESTIC	MONZINGO, DON	FROM 01-01 TO 12-31	.040 CFS	

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE $\times 0.02 \text{ CFS/ACRE} =$ CFS
ACRES -----
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AE/A

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

TOTAL CONSUMPTIVE USE ----- AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

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

TOTAL DIVERSION VOLUME ----- AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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FCA 1 85

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS
USE

IRRIGATION

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE:

10-26-93

8,75

10/26/93

NOV 1 1994

4-15-10-15
04-01 10-31

0.400 0.400

EXAMINER
A/A

0.0 0.0

EXAMINER
CANDACE

for remarks.

ACCEPTED
AS CLAIMED

Handwriting practice lines. The top row shows a dashed line with a triangle drawn on it. The bottom row shows a dashed line.

ROOT WATER RIGHT NUMBER: 72-04061
TOTAL DIVERSION RATE OF WR SPLITS

IATABASE
0.800

EXAMINER

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT R-
CLAIM NUM.

CR. DIV.
RATE

WE R L I G H T
N U M B E R S

LIVERSTON
KATE

72-04061
72-04061

A72-04061A
A72-04061B

0.400
0.400

11

72-04061
72-04061

TOTAL CES

0800

0080

DIVERSION RATE REVIEW

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

DATA BASE

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

NAME OF FIELD EXAMINER:

DATE: 10-26-93

TITLE: Dr. Walter Koenig Agent

MI-2 PROFILM D

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		KRC 10-26-93	Y	6	KRC 10-26-93		
POINT OF DIV	Y		" 5-18-93	Y	1,2,5,6	" 10-26-93		
SOURCE	Y		" 10-26-93	N	1,2,5,6	" 10-26		
PLACE OF USE	Y		" 4-1-93	Y	1,2,5,6	" 10-26		
DIV. AMOUNT CES/VOLUME	Y		" 10-26	Y	1,2,5,6	" 10-26		
CONSUMPTIVE USE	-		" 10-26	Y	1,6	" 10-26		
PURPOSES			" "	N	6	" "		
PERIOD OF USE	Y		" "	Y	6	" "		
BASIS OF CLAIM	Y		" "	Y	6	" "		
REMARKS	Y		" "	Y	6	" "		

VERIFIED BY CODES

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

MAPS USED: DATE:
 ASCS 4-12 1978
 ORTHO 7-74 & 24-24 Bth 1956
 NAPP
 BLM 5-80-13 7-1-88

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

Remarks EOB
 EIB

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MARK AND CONDITION CODE WORKSHEET

POOR ORIGINAL

SYSTEM CLAIM NUMBERS A72 10017 _____

A72 04061A

A72 07041A

AGENT

INITIALS KKC

DATE 10-26-93

CLAIM NO.

**OR ENTRY
ORDER**

REMARK
CODE

ENTRY DATA

**CONDITION
CODE**

STAGE

OR
STATUS

**PRESUMPTION
CODE**

F061 (copy from R72-00125B)

E12 | 0.36 cFS

8.78

3.5 A cm

72-10017, 04061A

07041A

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ORIGINAL

CLAIM A72-10071 INIT KKC

T. R. S. Q/Q

P/D 14N 18E 36 NENEWJ

PHOTO BLM 5-86-13

DT. & ID. 7-1-88 CEJLE

30/29
31/32

25/30
36/31

P/D

P/D

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14

13

18

17

POOR ORIGINAL

23

24

19

20

CLAIM T. R. S. Q/Q INIT
 P/D 14N 18E 36
 PHOTO ORTHO T-74
 DT.&ID. 1956 Flight

VABM Challis
 6730

26

25

30

29

Gulch

Cartwright

Gulch

Garden

Creek

35

#3

P/P 36

#2 P/B

#1 P/D

ortho photo
 u-24
 1956 flight

P/u for
 A72-00125C

P/u for
 A72-00125B

P/u for A72-00126A
 A72-04061B
 A72-07041B

P/u for A72-10017
 A72-04061A
 A72-07041A

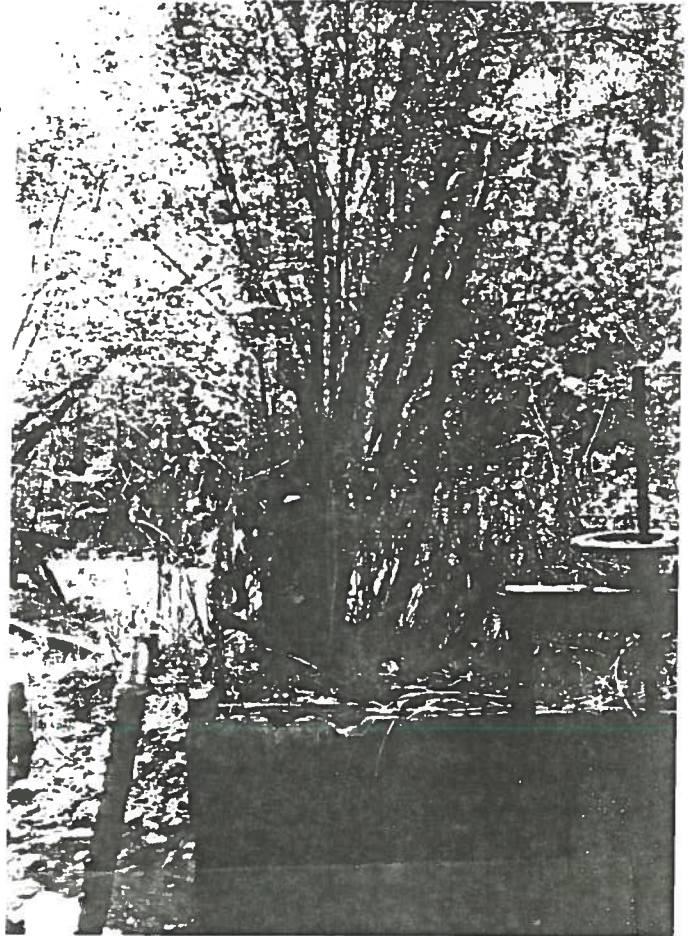
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NOV 01 1994

POOR ORIGINAL

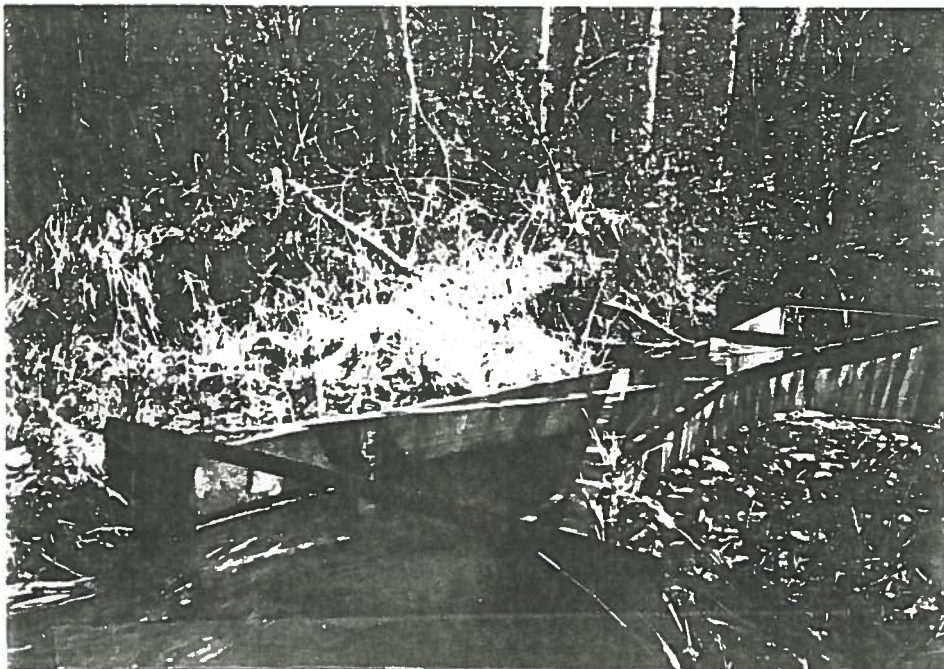
Claims (multiple) P/D for Lower Shannon ditch (southern P/U; northern ditch). Also the source for Armbruster, Wood, King, & Hurless.
PHOTO TAKEN ON 5-18-93
PICTURE # 4

This shows the corner of the diversion structure and the hillside in the background for a physical reference. This photo is looking south southeast.



PICTURE # 5

This picture shows the measurement device and the photo is looking northeast.



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CLAIM NO. --- A72-10017, & 04061A Lotus Program:
 AGENT ----- KKC IRR-PRAC.WK3
 DATE ----- 10/25/93 Date form revised:
 4/21/93 by KKC

 SOIL CHARACTERISTICS

Soil Type = DBC; DAWTONIA...GRAVELLY LOAM
 Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)		AWC (inches)		intake family	
lower	upper	lower	upper	lower	upper	lower	upper	1	2	1	2	flood	furrow
0	4	0.12	0.15	6.6	7.3	1	2	1	1.34	2	0.55		
4	24	0.09	0.11	7.4	7.8			1	1.44				
24	60	0.06	0.08	7.9	8.4			3	3.38				
								4	4.22			alternate	
								5	5.06			method	
												NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (INCHES)	FIELD NOTES AND CALCULATIONS			
				FIELD 1	FIELD 2	FIELD 3	FIELD 4
				FIELD WIDTH	720	0	
				IRRIGATION DAYS	7		
				DRY DAYS	0		
				SET TIME(hours)	8		
				CALCULATED RUN (run = acres*43560/width)			
				LENGTH (RUN) =	212		
				CALCULATED BORDER WIDTH (ditch length/irr days * cha			
				WIDTH =	34		
				THEORETICAL ROTATION (mad/net irr req in inches per			
				SELECTED MAD =	1.69		
				ROTATION =	7.3 DAYS		

 PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day)							
				mar	apr	may	jun	jul	aug	sep	oct
PASTURE	3.5	FLOOD	10.4		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 3.5 10 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

 Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HUBBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

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GRADED BORDER EVALUATION

Job name: A72-10017, 04061A
By: KKC

Location: DBC SOIL FOR 3.5 ACRES
Date: Oct 25, 1993

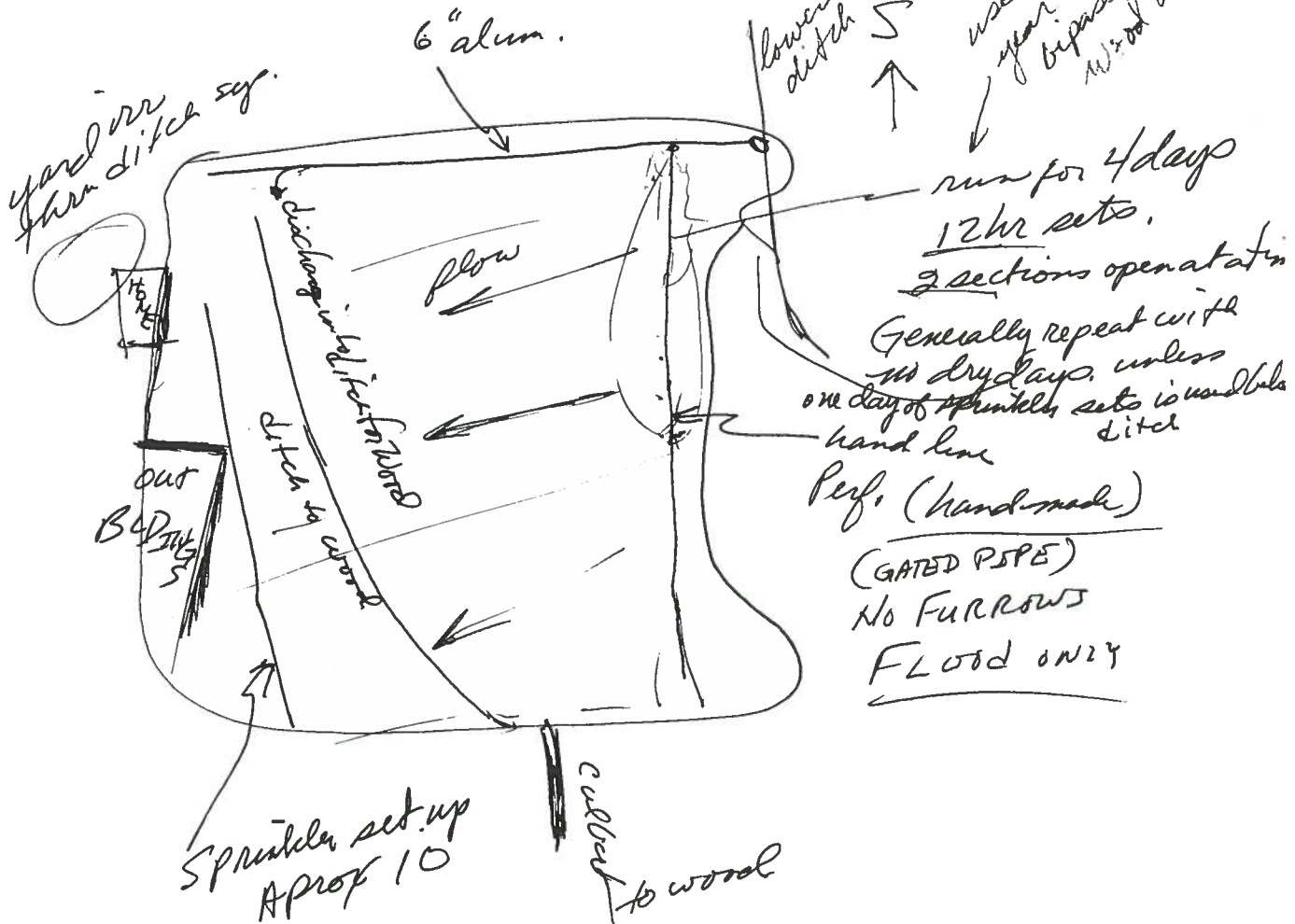
Roughness coefficient (n)= 0.250 Intake family (If)=2.00
Slope (S)= 0.0600 ft/ft Border width (W)= 34 ft
Net application (Fn)= 1.69 inches Border length (L)= 212 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
0.30	Gross depth is less than required gross application depth					
0.31	Gross depth is less than required gross application depth					
0.32	Gross depth is less than required gross application depth					
0.33	Gross depth is less than required gross application depth					
0.34	0.010	16.30	14.59	0.02	10.4	(4)
0.35	0.010	16.78	14.59	0.50	10.1	(4)
0.36	0.011	17.26	14.59	0.98	9.8	(4)
0.37	0.011	17.74	14.59	1.46	9.5	(4)
0.38	0.011	18.22	14.59	1.94	9.3	(4)
0.39	0.011	18.70	14.59	2.42	9.0	(4)

(4) Less than minimum recommended depth of flow.

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5-18-93

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Mike Shannon

He was not sure how the decreed rights were transferred to the Johnny Smith Place. He would check around & obtain affidavits if he could.

We discussed his claims in general & he felt that he probably would not try to substantiate the 51M claim as there is more water claimed under 57 than there is acres. The rate for that claim alone will prob. be reduced. I did not do a field verification of the P/U for those claims at this time.

I took pictures of the div points for the 'Klug' property. The first pictures were of the Div point that supplied water to the Northern Part of the P/U. The second set covers the 'lower' ditch on the south side of the P/U. This ditch also supplies water to Armbruster, Wood, King, Herless rights.

The third P/D is the 'upper' ditch on the south side. The ditch was recently cleaned and was running at capacity; Both the ditch and the Parshall. This ditch is the original source for the waste water license for Wood/Armbruster.

Two pic of Johnny Smith div. during
... 6" on staff gage. The ditch to Shannon's was not full.
9" throat. 5-18-93

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this system
KKC
10-26

measured
@ 5.28 cfs
KKC
10-26

POOR ORIGINAL

Hand written notes are based upon
County records obtained 4-14-93
and analyzed as of 6-22-93.
Original warranty deed copies
placed in File #72-00124

ALEX & MARTHA KLUG DECREED RIGHTS
72-00125 & 72-00126 (both 8-15-1910 priority)
72-00125 @ 1.06cfs for 84 acres
72-00126 @ 1.60cfs for 80 acres

John Kears 12/2
Preliminary split review
as of 12-31-92

an exception in the deed specifies
property now owned by Kears (outside
current P/A)

DOC # 1. WARRANTY DEED READS (and all water rights)
DATED: 7-8-65 COUNTY RECORD NO. 130258
DOC # 2. QUIT CLAIM DEED DATED 9-1-1969 COUNTY RECORD NO. 127800
REFERENCES .20 CFS OF 1910 WATER
DOC # 3. QUIT CLAIM DEED DATED 10-29-69 COUNTY RECORD NO. 135633
REFERENCES .30 CFS OF 1910 WATER FOR 17.5 ACRES
COMBINED TOTAL = 2.66cfs for 164 acres

Some property was obtained
in 127801. + 127802 recorded
on 10-14-69.
deed is recorded by
Hurlless & King. Also indicated
transfer of .30 CFS. Recorded
on 7-17-73

First transfer date as
recorded through county records.

based upon 127800 10-14-69

JEROLD ROBINSON

DOC # 1. WARRANTY DEED DATED 9-1-1969
COUNTY RECORD NO. 127801 CONVEYED .20 CFS
DOC # 2 MEMO OF UNDERSTANDING DATED 9-30-69
COUNTY RECORD NO. 127802 ON 10-14-69

based upon 135633
MCKISSIE/Vanderhoeven

WARRANTY DEED DATED 10-29-69
COUNTY RECORD NO. 135660
CONVEYED .30 CFS

WARRANTY DEED NO. 136037 DATED 11-30-1970
REFERENCES 3.06 CFS AND EXCLUDES .30 CFS
DEEDED TO MCKISSIE/Vanderhoeven
IT IMPLIES THAT 2.76 CFS WAS CONVEYED.

JOE PECK 136037

based upon 8-28-73

MONZINGO

WARRANTY DEED DATED
8-18-81 RECORDED 8-20-81
INST # 159893 FOR .10 CFS

LINCH

DEEDED .10 CFS

HARDMAN
1982

CONVEYED .30 CFS

HARTWELL

(PER MONZ. TRANSFER AP)
PURCHASED .15 CFS FOR 6.5 ACRES
IN AUG 81 (RECORDED 9-4-81 ??)

KING

CONVEYED .15 CFS

ADJUDICATION CLAIMS FILED:

PORTIONS OF 72-00125 &
72-00126 CLAIMED AS:

A72-10017
MONZINGO
.20 CFS
A72-00126A
LINCH
.10 CFS

A72-00125C
HURLESS
.20 CFS
A72-00125B
KING
.15 CFS

ALL OF 72-00125 &
72-00126 CLAIMED AS:
A72-10297
SHANNON/ALMOND
2.66 CFS

ARMBRUSTER

.20 CFS

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The election specifically
identifies the P/A @ .30 cfs
now owned by Hurlless &
warranty deed recorded
on 8-28-73

System description based upon diversion points to P/U.

Three P/Ds from Garden Creek were found.
(see map for numbering system) All three ditches supply water for the Shannon Claims with Garden Cr. as a source (A72-00124, A72-10297, & A72-04058).
Each Diversion also supplies water to another user or group of users.

P/D # 1 also supplies water to Bob Andrews (claim not filed as of 6-22-93)

P/D # 2 supplies water to the following users in order of use:

Hurless - A72-00125C

King - A72-00125B

Armbruster - A72-10017

A72-04061A

Wood - A72-00126A

A72-04061B

P/D # 3 is the original source for waste water claimed & previously licensed for:

Armbruster A72-07041A

Wood A72-07041B

The system from P/D #3 that generated the waste water for A72-07041A & B is now being converted to sprinkler irrigation making the waste water no longer available. However this claim is being recommended as 5 years of non-use has

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not occurred. the ditch systems has the capacity to carry the combined total of each right, therefore, no capacity limitation is required. Some wastewater may be available from P/D #2 (end of ditch).

System Analysis for the Shannon Prop only:

Garden Cr. Claims A72-00124, A72-10297, & A72-04058.

John Gulch Claim A72-11763

As of commencement, all of the P/U covered by P/D #1 was under flood irrigation and the analysis for this ground was based upon flood irr. The ground east of the farmstead is currently being converted to gravity pressure, sprinkler irr with plans to add additional ground in the future to gravity sprinkler. Spring water originating on the property west of the farmstead is also used for irrigation but was not claimed.

P/D #2 delivers water to a majority of the P/U South of Garden Creek. Approx 17 acres (see map) have historically been sprinkler irrigated (originally via a portable pump & now by gravity pressure) and has been recognized as such in the div rate analysis. The balance has historically been flood irrigated.

The ground on the east side of the P/U & south of Armbruster/Wood is now irrigated via gravity flood from this P/D but does not cover a lot of ground. (Area not determined) some of this water would be available to Wood Armbruster as waste water for their use.

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P/D #3 irrigates the ground furthest south and the pump system for sprinkler iri originated from this ditch. the end of this ditch has been converted to a pipeline (see map) in 1992 and the majority of the Ground (the 18 Acres in the NE SW Sec 31 is now sprinkler irrigated (gravity pressure).

Where the ditch crosses John Gulch is also the P/D for A72-11763. That system is that the ditch merely catches any water originating from John Gulch & carries the water east. Making the P/U for John Gulch water that Ground east of that point & South of Garden Creek. The Gulch ~~is~~ has several small seeps that generate water and reaches the ditch. As the ditch has the capacity to carry greater rate than claimed, the claimed rate is the limiting factor. Mike Shanna stated that the seeps go down by the end of the season.

Analysis of Unrecorded transfer & Preliminary Recommendations

Based upon warranty deed information. Watson Perry transferred more 1910 decreed water (72-00125 & 72-00126) than was originally decreed. The recording dates are as follows.

County recording date

10-14-89 Perry to Robinson for .20 CFS (deed 127800)

now Armbruster A72-10017 Recommended at .10 CFS

Wood A72-00126A " " .10 CFS

7-17-73 Perry to McKissie for .30 CFS

based upon quit claim deed 135633

From Klug to Perry for the current claim 1/4

Now Hurless A72-00125C Recommended at .15 CFS

King A72-00125B Recommended at .15 CFS

8-28-73 Perry to Peck (deed 136037)

Now Shannon A72-10297 Recommended at 2.16 CFS

see also the attached flow chart.

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1-1-93

Decreed diversion Rates Analysis

Decreed Rights Appurtenant	Priority	Acre	rate	
72-00125	8-15-1916	84	1.06 CFS	
72-00126	8-15-1910	80	1.60 CFS	
(Subtotal)		164	2.66 CFS	2.66 CFS
72-00124	5-15-79	Notated	1.02 CFS	1.02 CFS
Total				3.68 CFS

Claims based upon Warranty deed transfers against 1910 decreed water recognized as valid.

A72-00125B	0.15 CFS	
A72-00125C	0.15 CFS	
A72-00126A	0.10 CFS	
A72-10017	0.10 CFS	
A72-10297	2.16 CFS	
Total		<u>2.66 CFS</u>

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11-1-93

Division rate analysis

Found 80 acres irrigated:

Analysis is subdivided on irrigation method and/or soil type. All segments are concurrently irrigated therefore the rates recommended are additive

soilType	irrig method	No. of Acres	Border Analysis rate recommended
YNI	flood	30	2.85 CFS
DBC	flood	33	2.26 CFS
DBC	sprinkler	<u>17</u>	<u>.34</u> CFS (at 0.02 CFS/acre)
	total	80	<u><u>5.45 CFS</u></u>

$$\frac{5.45}{80} = 0.068 \text{ CFS/Acre}$$

(For remark code DØ8)

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A72- 04061 (high water statutory claim)

priority date

Evidence available

-PR 1952
1940s

Adj claim file letter from Watson Perry (dated 4-15-92)
certifies first irrigation occurred Apr 1952 by Watson Perry
Further states Grandfather irrigated in 1940s

7-8-65

Klug to ^{Watson} Perry {1910 water (72-00126) ^{part of} decided on 7-8-65
info from {Garden Creek Monz, Peck, Hartwell, Lynch, King} File
letter dated 3-9-84 from IDWR (Meints) to Mrs Monzingo

9-1-69

Easement granted Deed dated ~~Sept~~ 9-1-69 recorded 10-14-69
Re: Warranty Deed H. Cardman to Hartwell
{Garden Cr. et al file} Doc 1278 00

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305 QUITCLAIM DEED

Printed and For Sale by State-Tek Company, Boise

QUITCLAIM DEED

THIS INDENTURE, Made this _____ day of September,

in the year of our Lord one thousand nine hundred and sixty-nine, between
 MARTHA T. KLUG and ALEX KLUG, husband and wife, KATHLEEN WILLIAMS, a
 married woman, individually, and her husband, AMOS WILLIAMS, as Trustee
 for Alex Klug or Martha Klug, and individually, (sometimes known as Joseph A.
 Williams)
 of Challis County of Custer

State of Idaho, the parties of the first part, and
 WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,
 of Challis County of Custer,
 State of Idaho, the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of
 TEN AND NO/100 - - - - - DOLLARS,
 lawful money of the United States of America, to them in hand paid by the said parties of
 the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release
 and forever QUITCLAIM, unto the said parties of the second part, and to their heirs and
 assigns, all those certain lots, pieces or parcels of land, situate, lying and being in
 the _____ County of Custer, State of Idaho, bounded and particularly
 described as follows, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
 and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
 Section 31, Township 14 North, Range 19 East, Boise Meridian, more
 particularly described and bounded as follows, to-wit:

Commencing at the South quarter corner of said Section 31, thence due
 North 2,575.70 feet, more or less, to the Southwest corner of said
 Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence East 55 feet along
 the South line of said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
 thence due North 201.0 feet to the real point of beginning; thence
 continuing due North 728.0 feet, more or less, to a point in the South
 line of the Garden Creek Road, thence North 79° 05' West 599.5 feet
 along the South line of said Garden Creek Road, thence due South 728.0
 feet, more or less, to a point North 79° 05' West from the point of
 beginning, thence South 79° 05' East 599.5 feet to the point of begin-
 ning, containing 10.0 acres, more or less.
 TOGETHER WITH 10 inches of 1910-decreed water from Garden Creek, a
 tributary of Salmon River, located in Custer County, Idaho; and
 TOGETHER WITH an Easement for ditch and ditch-way purposes over the
 lands of the Grantors adjacent to, adjoining, and contiguous with
 the above-described property as the same has been customarily and
 usually used prior to _____.

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POOR ORIGINAL

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Pg 2/2

Department of Water Resources

TOGETHER With all and singular the tenement, hereditaments and appurtenances therunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the part les of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said part les of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

(Signature) (Real)
(Signature) (Real)
(Signature) (Real)
(Signature) (Real)
(Signature) (Real)
(Signature) (Real)

STATE OF IDAHO

County of Custer

On this 22nd day of September

In the year 1969, before me

the undersigned, a Notary Public
in and for said State, personally appeared ALEX KLUG and MARTHA T. KLUG, husband
and wife, and AMOS WILLIAMS and KATHLEEN WILLIAMS, husband and wife,

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

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

(Signature)

Notary Public for the State of Idaho,
Residing at Challis, Idaho, 83226
My Com. Expires: 7-14-72

No. 127800
QUITCLAIM DEED
-10-
Dated _____, 19____
STATE OF IDAHO.
County of Custer
I hereby certify that this instrument was filed
for record at request of
(Signature)
at _____ M. this _____ day
of _____, A.D. 19____
in my office, and duly recorded in Book _____ of
Page _____ of the _____
By _____
Per _____
Notary Public

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POOR ORIGINAL

APR 14 1993

Department of Water Resources

127801

Pg 1/2

203 - WARRANTY DEED

Printed and for sale by Bryson-Tark Company, Boise

THIS INDENTURE, Made this 12th day of September,
in the year of our Lord one thousand nine hundred and sixty-nine, between
WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,
of Challis, County of Custer, State of Idaho,
the parties of the first part, and
GERALD ROBINSON and LIDA A. ROBINSON, husband and wife,
of Cobalt, County of Lemhi, State of Idaho,
the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
TEN AND NO/100 - - - - - DOLLARS,

lawful money of the United States of America, and other good and valuable consideration,
to them in hand paid by the said
parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in the County of Custer, State of Idaho, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$),
Section 31, Township 14 North, Range 19 East, Boise Meridian, more
particularly bounded and described as follows, to-wit:
Commencing at the South quarter corner of said Section 31, thence due
North 2,575.70 feet, more or less, to the Southwest corner of said
Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence East 55 feet
along the South line of said Southwest Quarter Northeast Quarter
(SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence due North 201.0 feet to the real point of beginning;
thence continuing due North 728.0 feet, more or less, to a point in
the South line of the Garden Creek Road, thence North 79° 05' West
599.5 feet along the South line of said Garden Creek Road, thence
due South 728.0 feet, more or less, to a point North 79° 05' West
from the point of beginning, thence South 79° 05' East 599.5 feet to
the point of beginning, containing 10.0 acres, more or less.
TOGETHER WITH 10 inches of 1910-decreed water from Garden Creek, a
tributary of Salmon River, located in Custer County, Idaho; and
TOGETHER WITH an Easement for ditch and ditch-way purposes over the
lands of the Grantors adjacent to, adjoining, and contiguous with
the above-described property as the same has been customarily and
usually used prior to this conveyance.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof, and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with
the appurtenances unto the parties of the second part, and to their heirs and assigns forever.

And the parties of the first part, and their heirs, shall and will warrant and by these presents
forever defend the premises in the quiet and peaceable possession of the parties of the second part, their
heirs and assigns, against the parties of the first part, and their heirs, and against all and every
person and persons whomsoever, lawfully claiming the same shall and will WARRANT and by these presents
forever DEFEND.

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Department of Water Resources

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IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Watson E Perry [Seal]
Phyllis D Perry [Seal]
[Seal]
[Seal]

STATE OF IDAHO

County of Custer

On this 12th day of September in the year 1969, before me
the undersigned, a Notary Public

in and for said State, personally appeared

WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,

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

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

James B. Smith
Notary Public for the State of Idaho,
Residing at Challis, Idaho 83226
My Com. Expires: 1-2-71

No. 127801

WARRANTY DEED

Dated 12th day of September, 1969

STATE OF IDAHO

County of Custer

I hereby certify that this instrument was filed

for record at request of

at 30 minutes past

of 14th day

of 1969

in my office, and duly indexed

in my office, and duly indexed

in my office, and duly indexed

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Department of Water Resources

Pg 1/3

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, Made and entered into this 30th day of September, 1969, by and between WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife, of Challis, County of Custer, State of Idaho, hereinafter referred to as "Perrys", and GERALD ROBINSON and LIDA A. ROBINSON, husband and wife, of Cobalt, County of Lemhi, State of Idaho, hereinafter referred to as "Robinsons";

W I T N E S S E T H:

WHEREAS, Perrys have sold and conveyed certain property to Robinsons, said property being more particularly described as follows, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW¹/₄NE¹/₄) and of the Southeast Quarter of the Northwest Quarter (SE¹/₄NW¹/₄), Section 31, Township 14 North, Range 19 East, Boise Meridian, more particularly bounded and described as follows, to-wit:

Commencing at the South quarter corner of said Section 31, thence due North 2,575.70 feet, more or less, to the Southwest corner of said Southwest Quarter Northeast Quarter (SW¹/₄NE¹/₄), thence East 55 feet along the South line of said Southwest Quarter Northeast Quarter (SW¹/₄NE¹/₄), thence due North 201.0 feet to the real point of beginning; thence continuing due North 728.0 feet, more or less, to a point in the South line of the Garden Creek Road, thence North 79° 05' West 599.5 feet along the South line of said Garden Creek Road, thence due South 728.0 feet, more or less, to a point North 79° 05' West from the point of beginning, thence South 79° 05' East 599.5 feet to the point of beginning, containing 10.0 acres, more or less, and

WHEREAS, Together with said property, Perrys did convey transfer and assign 10 inches of that 1910-decreed water from Garden Creek, a tributary of Salmon River, Custer County, Idaho;

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Understanding first above written.

Watson E. Perry
Watson E. Perry

Phyllis D. Perry
Phyllis D. Perry

Gerald Robinson
Gerald Robinson

Lida A. Robinson
Lida A. Robinson

STATE OF IDAHO,)
) ss.
County of Custer)

On this 14 day of September, 1969, before me, the under-
signed, a Notary Public in and for said State, personally appeared
WATSON E. PERRY, PHYLLIS D. PERRY, GERALD ROBINSON and LIDA A.
ROBINSON, known to me to be the persons whose names are subscribed
to the foregoing instrument and acknowledged to me that they
executed the same.

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

No. 127802
State of Idaho) ss.
County of Custer)

This instrument was filed for
record at the request of
Rose Realty
at Lida P M.
October 14 19 69
and duly filed and indexed in the
Records of Custer County, Idaho.
Eva Mann
Ex-Officio Recorder.

JAMES P. BENNETTS
ATTORNEY AT LAW
CHALLIS, IDAHO 83226

Daniel N. Rusk
Notary Public for Idaho
P.O. Address: Challis, Idaho 83226
My Com. Expires: 7-12-72

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By W. J. B. Deputy.

-3-

JAMES R. BENNETT
ATTORNEY AT LAW
CHALLIS, IDAHO 83

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POOR ORIGINAL

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Department of Water Resources

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WHEREAS, The parties do want to reach further understandings and agreements pertaining to the ditch rights and ditch-way involved over the lands of Perrys; and

WHEREAS, The parties do desire to set forth in full their complete understandings and agreements in regard thereto;

NOW, THEREFORE, In consideration of FIVE AND NO/100 DOLLARS (\$5.00), in hand paid each party by the other, and in further consideration of the covenants and agreements and understandings herein contained, it is understood and agreed as follows, to-wit:

1. That Robinsons are entitled to 10 inches of that certain water right from Garden Creek presently held by Perrys, such water to be taken under the 1910 decree to the waters of Garden Creek, a tributary of Salmon River, Custer County, Idaho.

2. It is further the understanding and agreement of the parties that Robinsons may continue to deliver the water to the property purchased by them and above-described over the adjoining property of Perrys through the usual and established ditch and ditch-ways, subject, however, to the further understanding and agreement that Robinsons must respond by maintaining and doing such repair and ditch work upon the ditch and ditch-way in direct proportion that their water bears to the total being carried in or through such ditch or ditches.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year in this Memorandum of

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