

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: A72-04081
Date Received: 12/18/1989
Receipt No: 5010707
Received By: 40

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD R. CUTLER 208-838-2366
Address: H.C. 67 BOX 2066
CHALLIS, ID 83226

AND/OR

Name: ZELLA M. CUTLER 208-838-2366
Address: H.C. 67 BOX 2066
CHALLIS, ID 83226

2. Date of Priority: APR 15, 1957

3. Source: BAYHORSE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
12N	19E	7	SW	NW	SW	8	CUSTER

5. Description of diverting works:
CHECK DAM & DITCH TO PIPELINE TO SPRINKLERS & DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 112.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A72-04081

Page 1

Date: 12/18/89

COPY

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
12N	19E	18	NE		NE	1	IRR	10.0
			SW		NE	6	IRR	4.0
			SE		NE		IRR	12.0
			NE		SE		IRR	4.0
			NW		SE	7	IRR	15.0
Section Acres								45.0
Total Acres								45.0

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:

THIS CLAIM IS FOR THE EXPANDED ACRES DEVELOPED WHEN THE PIPELINE ACROSS THE RIVER WAS MODIFIED. THE CAPACITY OF THE PIPELINE AS PRESENTLY USED IS APPROX. 3.0 CFS. A72-04082 UTILIZES THE SAME DELIVERY SYSTEM.

15. Basis of Claim: STATUTORY CLAIM

(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.

MAR 18 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04081
HOWARD R. CUTLER
ZELLA M. CUTLER
H.C. 67 BOX 2066
CHALLIS

ID 83226

RE: Evidence of Priority

RESPONSE DEADLINE
MAY 1, 1992

Dear Claimant:

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

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

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

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

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993

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

AJ0743NP
(00-124)

Water Right Number - R72-04081

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
CUTLER

1 - HC 67 BOX 2066
2 -
3 -

State- ID Zip- 83226

CITY- CHALLIS
Phone - 208-838-2366
1 - HC 67 BOX 2066
2 -
3 -

CITY- CHALLIS
Phone - 208-838-2366
State- ID Zip- 83226

+ - - - - Priority Date - - - + + - - - - Region - - - - + + - - - - Stage - - - - + + - - - - Status - - - - +
04/15/1957 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BAYHORSE CREEK SALMON RIVER

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

12N 19E 7 SE NW SW 8 (37) CUSTER

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

01 - IRRIGATION 04/01 10/31 1.000

+ - - - - Total Div. Rate - - + + - - - - Total Div. Volume - - + + - - - - Total Consumptive Use - - + + - - - - KW Usage - - +
1.000 0.0

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

12N	19E	18	NE	NE	1	12.0	01	IRRIGATION	(37)	CUSTER
12N	19E	18	NW	NE	1	12.0	01	IRRIGATION	(37)	CUSTER
12N	19E	18	SW	NE	6	37.0	01	IRRIGATION	(37)	CUSTER
12N	19E	18	SE	NE	6	16.2	01	IRRIGATION	(37)	CUSTER
12N	19E	18	SE	NW	6	4.0	01	IRRIGATION	(37)	CUSTER
12N	19E	18	NE	SW	7	2.0	01	IRRIGATION	(37)	CUSTER
12N	19E	18	NE	SE	7	4.6	01	IRRIGATION	(37)	CUSTER
12N	19E	18	NW	SE	7	26.2	01	IRRIGATION	(37)	CUSTER

Total Acres: 114.0

+ - - - - Diversion Means - CHECK DAM & DITCH TO PIPELINE TO SPRINKLERS & DITCHES.

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use - 72-04082 & 72-04083

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

AJ0743NP
(00-124)

Prefix Translation: RESEARCH

Water right number - R72-04081

..... Remarks

QNT USE OF THIS RIGHT WITH RIGHT NO. 72-04082 IS LIMITED TO A
QNT TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

POU1 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 44 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 131.1 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04082 & 72-04083. USE OF THE WATER WITHIN T12N R19E S18 SENE IS LIMITED TO THE W1/2 AND THE W1/2 E1/2 OF THAT PLACE OF USE. USE OF THE WATER WITHIN T12N R19E S18 NESE IS LIMITED TO THE NW1/4 OF THAT PLACE OF USE.

----- Old Water Right Numbers -----+

No Old Water Right Numbers Found

+ - - - - - Conditions of Approval - - - - -

C18 - 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, SECTION 42-1412(5) IDAHO CODE.

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

+ + + + +	-Comments-	+ + + + +
Date: 01/09/1999 User Id: SCLELLAN Subject: COPIED FROM REMARKS THIS CLAIM IS FOR THE EXPANDED ACRES DEVELOPED WHEN THE PIPELINE AS PRESENTLY USED IS APPROX. 3.0 CFS. A72-04082		PIPELINE ACROSS THE RIVER WAS MODIFIED. THE CAPACITY OF THE UTILIZES THE SAME DELIVERY SYSTEM.
Date: 01/09/1999 User Id: SCLELLAN Subject: RECOMMENDATION MEAS. OF BAYHORSE PIPELINE AT CAPACITY IS 2.6 CFS.		OVERLAP OF WITH 72-04083 OF 30.3 AC.
Date: 01/07/2000 User Id: DJONES Subject: STIPULATED RECOMMENDATION PQU11 REMARK EDITED PER SF-5 SIGNED 11/30/99. CONDITION C16		CHANGED TO C18.

+ - - Audit Fields - - + 70/00/10 DJONES

[illegible]

RECEIVED

DEC 6 1999

Department of Water Resources

DISTRICT COURT SRBA
FIFTH JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

NOV 30 1999

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

DEPUTY CLERK

In Re SRBA

) Subcase No. 72-04081

)

) Standard Form 5

Case No. 39576

)

) 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 the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River 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.

CLAIMANT:

Howard R. Cutler
Howard R. Cutler

11-30-99
Date

Zella M. Cutler

Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown 11/30/99
Larry A. Brown Fwp Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

[Signature]

11/30/99
Date

IDWR CONCURRENCE:

APPROVED AS TO DRN
Wick Spencer 11-30-99
DEPUTY ATTORNEY GEN'L Date

D.E. by [Signature] 1/7/00

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

RIGHTS FROM : SOURCE: BAYHORSE CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER : 72-04081

NAME & ADDRESS : HOWARD R CUTLER
ZELLA M CUTLER
HC 67 BOX 2066
CHALLIS ID 83226

SOURCE: BAYHORSE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 72-04082 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

PRIORITY DATE : 04/15/1957

Fwp 1/5 NBS

POINT OF DIVERSION : T12N R19E S07 LOT 8 (SENWSW) Within CUSTER County

PURPOSE AND PERIOD OF USE : PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 1.00 CFS

PLACE OF USE : IRRIGATION Within CUSTER County
T12N R19E S18 Lot 1 (NENE) 12 Lot 1 (NWNE) 12
Lot 6 (SWNE) 37 SENE 16.2
Lot 6 (SENW) 4 Lot 7 (NESW) 2
NESE 4.6 Lot 7 (NWSE) 26.2

114 ACRES TOTAL

USE OF WATER WITHIN T12N R19E S18 SENE IS LIMITED
TO THE W1/2 AND THE W1/2 E1/2 OF THAT PLACE OF USE.

JC

USE OF WATER WITHIN T12N R19E S18 NESE IS LIMITED
TO THE NW1/4 OF THAT PLACE OF USE.

Sen

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 44 ACRES
WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 131.1 ACRES IN A
SINGLE IRRIGATION SEASON.

COMBINED RIGHT NOS.: 72-04082 & 72-04083.

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

Fwp
1/4
7/C

CERTIFICATE OF MAILING

I certify that on 11/30, 1999, I mailed the original and copies of this form, including all attachments, 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. Copy to:

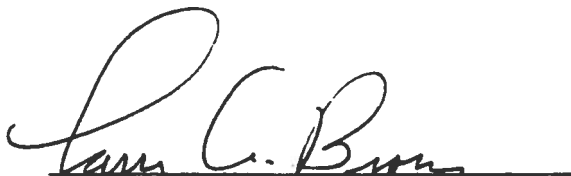
Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

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

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Howard & Zella Cutler
HC 67 Box 2066
Challis, ID 83226



Signature of person or attorney mailing the form



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

January 9, 1999

HOWARD R CUTLER
ZELLA M CUTLER
HC 67 BOX 2066
CHALLIS ID 83226

Re: Preliminary Recommendation of SRBA Claims 72-04081, 72-04082 & 72-04083

Dear Mr. & Mrs. Cutler,

Enclosed please find the recommendations of the claims you filed in the SRBA. Also attached is a color GIS layout that illustrates the irrigation uses. If you have any disputes with these recommendations, you need to contact our office or me as soon as possible. The reports will be submitted for final recommendation next week.

If you disagree with IDWR's recommendations, you will have an opportunity to file an objection to the Director's Report with the court. When the Director's Report is filed with the court, you will be mailed a notice that will contain more information about the objection process.

Please feel free to contact this office or me if you have further questions or need additional assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', written over a horizontal line.

STEVE CLELLAND

Sr. Water Resource Agent

DATE: 01/09/99
PAGE: 1

Water Source: BAYHORSE CREEK Tributary to: SALMON RIVER Stage: BENEFICIAL USE

CUSTER County

NE
NH

TOTAL ACRES

2

①

C16

- CONJUNCTIVELY.

TOTAL COMBINED DIVERSION RATE OF 2.60 CFS.

IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04082 & 72-04083.

AJ0749NP
No. R72-04081

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

DATE: 01/09/99
PAGE: 2

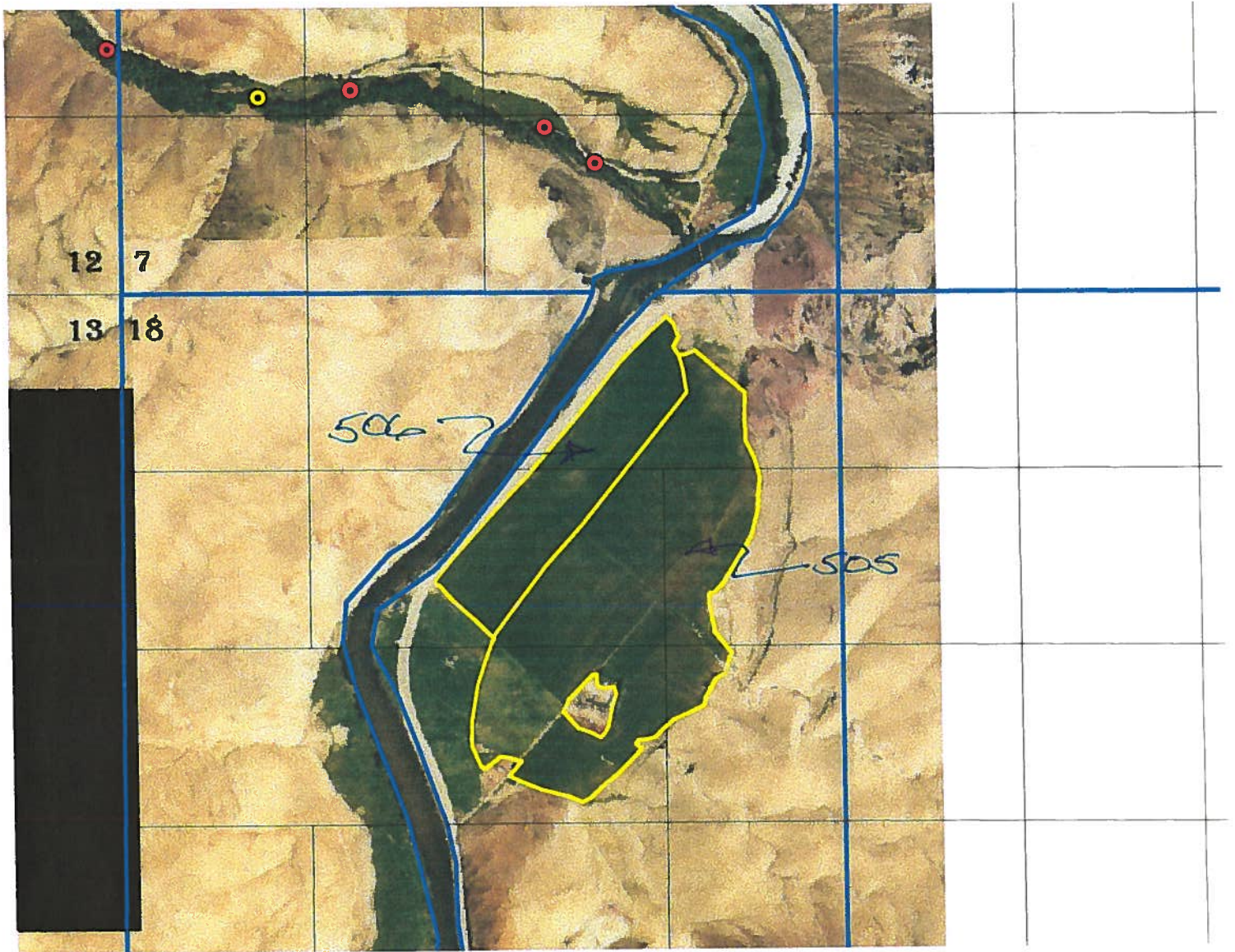
=====

Dates:	Exam Made Date: 09/23/1993	Verified Date: 01/09/1999	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	
		Presumption Flag:	

=====

IDAHO DEPARTMENT OF WATER RESOURCES

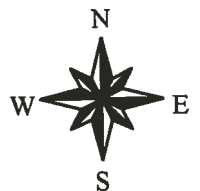
72-04081 & 72-04082



660 0 660 1320 Feet

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

TWN: 12N
RNG: 19E
SEC: 18



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

DATE: JAN. 9, 1999

CLAIM NUMBER

A72-04081

DATE

1/9/99

TRANSFER NUMBER

A72-04082

AGENT

SCU

CLAIMED ACRE TOTAL

131

A72-04083

GIS ACRE TOTAL

131.6

	TWP	RNG	SEC	L1 L1 NE L6				NW L6				L7 SW				L7 SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
-4081																				
CLAIM →	12N	19E	18	10		4	12					-				4	15			45
GIS																				
RECOM																				
-4082																				
CLAIM →			18	8	11	30	7				4	-					10			70
GIS																				
RECOM																				
				11.8	12	37	16.2				4	2				4.5	26.2			113.3
				(12)																(114)
-4083																				
CLAIM →			18	1	10	14					9	13								47
(GIS)	*TOTAL GIS-			11	13	38	16				9.6	13.9				4.5	26			134.1
RECOM →	72-04083			2.3	11	13	0				9.2	11.9								47.4

B72-DBPOU.SHP

4081 & 4082 Bayhorse Cr.

CLAIM
115 ACGIS ACRES
119

SHAPE NOS.

4083

SALMON R.

31 AC

(partial overlap)

47

47.4
48.6(162-31) = 131 ACRES
CLAIMED

<See Map Review also>

B72-DBPOD.SHP

NOS. DESCRIPTION

346

(#6) Bayhorse Cr. (12N 19E S.7 SENWSW Lot 8) (shared w/ 72-4077) - Delivery 4081 - 4082

(IDFG #33B) (Cannot pass through tunnels) S.19 NE SWSW Lot 7

POU ID 505 = 83 ac

506 = 31 ac

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

JPEG LAYOUT

✓

72-04081.jpg & 72-04083.jpg

(LOT 8)

#6
POD
4081
4082

18
Acre
Review
Map

(LOT 2)

(LOT 1)

308 AC.
ALL RIGHTS
OVERLAP

83.7 ac

SPRINKLER
ONLY
-4081
-4082

17.1 ac
GRAVITY
ONLY
72-4083

(LOT 6)

(LOT 7)

TOTAL ACRES
= 131.3

(TOTAL
Claimed 131)

(Variations in acres
due to Rounding)

acres in () will
allow GIS = Claim
for Recommendations

ACRE REVIEW: 72-4081/4082/4083
1/9/99 scw

Flow Rate evaluation: 72-4081, 4082, 4083

1/9/99
sa

	<u>Claimed cfs</u>		
4081	1.0	} Bayhorse Cr. pipe	IDWR meas. capacity at. 2.60 cfs
4082	3.0		
4083	6.0	Salmon R.	IDFG meas. @ #33B = 2.4 cfs

#33B was not capacity.

- less acres are under this source.
- POD in dno repair @ Tumelo.

Duty calculations:

$$4081/4082: \quad \frac{2.60 \text{ cfs}}{114 \text{ ac}} = .0228 \text{ cfs/ac}$$

- most of this land is all under sprinklers.
- Cutler said pipeline limit is 3 cfs.

4083: gravity system is irrigating 17.1 ac.
not the full 47.4 recommended.

$$\frac{2.40 \text{ cfs}}{17.1 \text{ ac}} = 0.14 \text{ cfs/ac} \quad \text{vs soil DBB of } .13 \text{ cfs/ac.}$$

seems what is expected!

based on review of fish screen photos &
observation of ditch flow in 1993 it is possible
for this ditch to carry the claimed 6.0 cfs.

May 25, 1993

Here are some affidavits for
water rights A72-04081,
A72-04082 + A72-04083.

I hope this is what you
need.

Thank you

Jella Cutler

RECEIVED

MAY 26 1993

Department of Water Resources
Southern Region Office

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

A72-04081, A72-04082
& A72-04083

DATE: 1/9/99, 1998

REVIEWED BY SC

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION		SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA		PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62	PD2	.11	.12			5.15	4.74
BB1	.09	.09			6.09	6.17	Q	.26	.21			13.2	10.4
BC1	.16	.17			5.82	5.46	RE2	.29	.21			3.15	4.74
BK1	.07	.06			10.62	11.86	RP1	.19	.21			4.89	4.57
BT1	.18	.16			3.99	4.19	SH1	.06	.05			9.37	12.10
BT2	.41	.32			2.34	2.87	SOC	.08	.07			7.38	8.08
CB1	.06	.06			11.55	13.47	SSA	.15	.14			4.79	5.01
CHA	.21	.21			4.52	4.76	SXF	.12	.11			6.14	6.80
CP1	.36	.36			2.61	2.78	TC1	.06	.06			9.82	9.55
DB1	.13	.11			5.66	6.65	TD1	.04	.03			12.46	16.50
DBB	.13	.11			5.71	6.69	WB2	.13	.13			5.37	5.43
DBC	.13	.11			5.71	6.69	WAA	.19	.16			3.81	4.23
DMF	.18	.21			5.12	4.72	WBB	.17	.14			3.36	3.84
DRF	.18	.19			9.08	9.68	WC1	.07	.06			11.24	13.45
DT2	.05	.04			12.46	16.50	WPT	.19	.15			3.16	3.69
DWA	.14	.14			4.79	5.01	WV1	.07	.06			11.24	13.45
G01	.10	.12			12.47	10.51	XHS						
KEG	.08	.07			8.73	10.06	YN1	.18	.14			5.38	6.92
MBF	.15	.12			7.65	5.81							
MUG	.15	.14			4.54	4.98							
NDL	.13	.12			5.30	6.06							

Bayhorse pipe
 meas. cap. @ 2.60 cfs
 SR. 4083
 IDFG meas. 2.4 cfs

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
Bb1			2.5	.09	.23 CFS
DBB			128.6	.13	16.72 CFS
					CFS
					CFS

limited by delivery systems.

TOTAL ACRES 131.1

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

see above

Quantity Review 4081 & 4082

See
1/9/99

4081 : 1957 1 cfs 45 ac

4082 : 1921 3 cfs 70 ac

~~P.O.U.~~
P.P.U.? yes!

4081 44/114 ac

4082 70/114 ac.

combined
Codes:
(E01)(K06)(E14)

Total Recommended =

2.60 cfs 114 acres

= 0.0228 cfs/ac

According to Mr. Cutler
improvements in pipeline
allowed an increase in flow rate.
Without measurements assume the
right was developed at flow rates
found in use.

Recommend:

72 - 4082 1921 ~~70~~ ac * .0228 = ~~1.03~~ 1.60

72 - 4081 1957 45 ac * .0228 = 1.03 or 1 cfs
115

adjustment to 615 acres in most

recent right 4081

= 44 acres * .0228 = 1 cfs

option:

2.60 cfs ÷ 70

= .037 cfs/ac

this is still w/in soil parameters!

Allow 2.6 cfs under 4082 }
1.0 cfs under 4081 }

Combined
use to
2.6 cfs

12N19E

06 LT05	06 LT04	06 LT03	06 LT02	05 LT04	05 LT03	05 LT02	05 LT01	04 LT04	04 LT03	04 LT02	04 LT01	03 LT04	03 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01
06 LT06	06 SENW	06 LT07	06 LT08	05 SWNW	05 SENW	05 SWNE	05 SENE	04 LT05	04 SENW	04 SWNE	04 SENE	03 SWNW	03 SENW	03 SWNE	03 SENE	02 SWNW	02 SENW	02 SWNE	02 SENE	01 SWNW	01 SENW	01 SWNE	01 SENE
06 LT11	06 NE08	06 LT10	06 LT09	05 NWSW	05 NESW	05 NWSE	05 NESE	04 LT06	04 NESW	04 NWSE	04 NESE	03 NWSW	03 NESW	03 NWSE	03 NESE	02 NWSW	02 NESW	02 NWSE	02 NESE	01 NWSW	01 NESW	01 NWSE	01 NESE
06 LT12	06 LT13	06 LT14	06 LT15	05 SESE	05 SWSW	05 SESW	05 SESE	04 LT07	04 SESW	04 SWSE	04 SESE	03 SWSW	03 SESW	03 SWSE	03 SESE	02 SWSW	02 SESW	02 SWSE	02 SESE	01 SWSW	01 SESW	01 SWSE	01 SESE
07 LT02	07 LT01	07 NWNE	07 NENE	06 NWNW	06 NENW	06 NWNE	06 NENE	05 LT01	05 NENW	05 NWNE	05 NENE	04 NWNW	04 NENW	04 NWNE	04 NENE	03 NWNW	03 NENW	03 NWNE	03 NENE	02 NWNW	02 NENW	02 NWNE	02 NENE
07 LT03	07 LT04	07 LT05	07 SENE	06 SWNW	06 SENW	06 SWNE	06 SENE	05 LT02	05 SENW	05 SWNE	05 SENE	04 SWNW	04 SENW	04 SWNE	04 SENE	03 SWNW	03 SENW	03 SWNE	03 SENE	02 SWNW	02 SENW	02 SWNE	02 SENE
07 LT06	07 NESW	07 LT07	07 LT08	06 NWSW	06 NESW	06 NWSE	06 NESE	05 LT03	05 NESW	05 NWSE	05 NESE	04 NWSW	04 NESW	04 NWSE	04 NESE	03 NWSW	03 NESW	03 NWSE	03 NESE	02 NWSW	02 NESW	02 NWSE	02 NESE
07 LT09	07 SESW	07 LT10	07 LT11	06 SWSW	06 SESW	06 SWSE	06 SESE	05 LT04	05 SESW	05 SWSE	05 SESE	04 SWSW	04 SESW	04 SWSE	04 SESE	03 SWSW	03 SESW	03 SWSE	03 SESE	02 SWSW	02 SESW	02 SWSE	02 SESE
18 LT03	18 LT02	18 LT01	18 LT00	17 NWNW	17 NENW	17 NWNE	17 NENE	16 LT01	16 NENW	16 NWNE	16 NENE	15 NWNW	15 NENW	15 NWNE	15 NENE	14 NWNW	14 NENW	14 NWNE	14 NENE	13 NWNW	13 NENW	13 NWNE	13 NENE
18 LT04	18 LT05	18 LT06	18 SENE	17 SWNW	17 SENW	17 SWNE	17 SENE	16 LT02	16 SENW	16 SWNE	16 SENE	15 SWNW	15 SENW	15 SWNE	15 SENE	14 SWNW	14 SENW	14 SWNE	14 SENE	13 SWNW	13 SENW	13 SWNE	13 SENE
18 LT08	18 LT07	18 NESE	18 LT06	17 NWSW	17 NESW	17 NWSE	17 NESE	16 LT03	16 NESW	16 NWSE	16 NESE	15 NWSW	15 NESW	15 NWSE	15 NESE	14 NWSW	14 NESW	14 NWSE	14 NESE	13 NWSW	13 NESW	13 NWSE	13 NESE
18 LT09	18 LT10	18 LT11	18 SESE	17 SWSW	17 SESW	17 SWSE	17 SESE	16 LT04	16 SESW	16 SWSE	16 SESE	15 SWSW	15 SESW	15 SWSE	15 SESE	14 SWSW	14 SESW	14 SWSE	14 SESE	13 SWSW	13 SESW	13 SWSE	13 SESE
19 LT02	19 LT01	19 NWNE	19 NENE	20 NWNW	20 NENW	20 NWNE	20 NENE	21 LT01	21 NENW	21 NWNE	21 NENE	22 NWNW	22 NENW	22 NWNE	22 NENE	23 NWNW	23 NENW	23 NWNE	23 NENE	24 NWNW	24 NENW	24 NWNE	24 NENE
19 LT03	19 LT04	19 SWNE	19 SENE	20 SWNW	20 SENW	20 SWNE	20 SENE	21 LT02	21 SENW	21 SWNE	21 SENE	22 SWNW	22 SENW	22 SWNE	22 SENE	23 SWNW	23 SENW	23 SWNE	23 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE
19 LT04	19 LT05	19 NWSE	19 NESE	20 NWSW	20 NESW	20 NWSE	20 NESE	21 LT03	21 NESW	21 NWSE	21 NESE	22 NWSW	22 NESW	22 NWSE	22 NESE	23 NWSW	23 NESW	23 NWSE	23 NESE	24 NWSW	24 NESW	24 NWSE	24 NESE
19 LT07	19 LT08	19 SWSE	19 SESE	20 SWSW	20 SESW	20 SWSE	20 SESE	21 LT04	21 SESW	21 SWSE	21 SESE	22 SWSW	22 SESW	22 SWSE	22 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE
20 LT03	20 LT02	20 NWNE	20 NENE	21 NWNW	21 NENW	21 NWNE	21 NENE	22 LT01	22 NENW	22 NWNE	22 NENE	23 NWNW	23 NENW	23 NWNE	23 NENE	24 NWNW	24 NENW	24 NWNE	24 NENE	25 NWNW	25 NENW	25 NWNE	25 NENE
20 LT04	20 LT05	20 SWNE	20 SENE	21 SWNW	21 SENW	21 SWNE	21 SENE	22 LT02	22 SENW	22 SWNE	22 SENE	23 SWNW	23 SENW	23 SWNE	23 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE	25 SWNW	25 SENW	25 SWNE	25 SENE
20 LT06	20 LT07	20 NWSE	20 NESE	21 NWSW	21 NESW	21 NWSE	21 NESE	22 LT03	22 NESW	22 NWSE	22 NESE	23 NWSW	23 NESW	23 NWSE	23 NESE	24 NWSW	24 NESW	24 NWSE	24 NESE	25 NWSW	25 NESW	25 NWSE	25 NESE
20 LT08	20 LT09	20 SWSE	20 SESE	21 SWSW	21 SESW	21 SWSE	21 SESE	22 LT04	22 SESW	22 SWSE	22 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE	25 SWSW	25 SESW	25 SWSE	25 SESE
21 LT01	21 NENW	21 NWNE	21 NENE	22 NWNW	22 NENW	22 NWNE	22 NENE	23 LT01	23 NENW	23 NWNE	23 NENE	24 NWNW	24 NENW	24 NWNE	24 NENE	25 NWNW	25 NENW	25 NWNE	25 NENE	26 NWNW	26 NENW	26 NWNE	26 NENE
21 LT02	21 SENW	21 SWNE	21 SENE	22 SWNW	22 SENW	22 SWNE	22 SENE	23 LT02	23 SENW	23 SWNE	23 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE	25 SWNW	25 SENW	25 SWNE	25 SENE	26 SWNW	26 SENW	26 SWNE	26 SENE
21 LT03	21 NESW	21 NWSE	21 NESE	22 NWSW	22 NESW	22 NWSE	22 NESE	23 LT03	23 NESW	23 NWSE	23 NESE	24 NWSW	24 NESW	24 NWSE	24 NESE	25 NWSW	25 NESW	25 NWSE	25 NESE	26 NWSW	26 NESW	26 NWSE	26 NESE
21 LT04	21 SESW	21 SWSE	21 SESE	22 SWSW	22 SESW	22 SWSE	22 SESE	23 LT04	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE	25 SWSW	25 SESW	25 SWSE	25 SESE	26 SWSW	26 SESW	26 SWSE	26 SESE



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

MAY 10, 1993

R. KEITH HIGGINSON
Director

. HOWARD R OR ZELLA M CUTLER
· HC 67 BOX 2066
· CHALLIS ID 83226

RE: SECOND REQUEST EVIDENCE OF PRIORITY - CLAIMS A72-04081,
A72-04082 & A72-04083.

DEAR MR. & MRS. CUTLER,

YOU WERE ASKED TO SUBMIT SOME EVIDENCE OF PRIORITY FOR THE ABOVE WATER RIGHT AND THE INFORMATION HAS NOT BEEN RECEIVED IN THE INITIAL REVIEW OF YOUR CLAIM INVESTIGATION.

YOUR CLAIM IS CURRENTLY RECOMMENDED FOR DISALLOWAL DUE TO LACK OF EVIDENCE SUPPORTING THE PRIORITY DATE CLAIMED. AS EXPLAINED IN OUR PREVIOUS LETTER, BEFORE THE DEPARTMENT CAN MAKE A RECOMMENDATION TO THE COURT TO DECREE THE CLAIM, SOME EVIDENCE OF THE PRIORITY DATE MUST BE SUBMITTED. WE REQUEST THAT YOU SUBMIT YOUR EVIDENCE OF PRIORITY AS SOON AS POSSIBLE. IF WE DO NOT RECEIVE THE REQUESTED DOCUMENTATION, YOUR CLAIM WILL BE RECOMMENDED FOR DISALLOWAL IN THE DIRECTOR'S REPORT DUE TO LACK OF EVIDENCE SUPPORTING ANY PRIORITY DATE.

PLEASE SUBMIT THE REQUIRED EVIDENCE SUPPORTING THE PRIORITY DATE WITHIN 30 DAYS OF THIS DATED LETTER. PLEASE REFERENCE THE CLAIM NUMBER ON YOUR CORRESPONDENCE. IF YOU HAVE QUESTIONS OR NEED OTHER ASSISTANCE PLEASE CONTACT THIS OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

IN THE MATTER OF:

Water Rights A72-04083
A 72-04081
A 72-04082

State of Idaho

County of Custer

AFFIDAVIT
RECEIVED

MAY 26 1993

Department of Water Resources

Southern Region Office

I, Margaret B. Rae

being first duly sworn,

deposes and says:

We moved to the Bayhorse Ranch
in June of 1948 and the place was irrigated
from the Bayhorse Creek and Salmon River.
The place now owned by Howard and Zella
Cutler was also irrigated from the Bayhorse
Creek and Salmon River. The high water took
out the pipeline, so we had to replace it and
then we put it across the Salmon River Bridge
at Bayhorse in 1957.

Margaret B. Rae
(signature)

Subscribed and sworn to before me this 25th day of May 19 93.

Charlotte K. Porter
(notary public)

Residing at Chaco, Idaho
My commission expires 7-14-98.

Cutler

IN THE MATTER OF:

Water Rights
A72-04081 A72-04083
A72-04082

State of Idaho

County of Custer

RECEIVED AFFIDAVIT

MAY 26 1993

Department of Water Resources
Southern Region Office

I John Rovetto being first duly sworn,
deposes and says: I have lived in Custer County since 1930.

In 1932 I helped build the tunnels for the irrigation
ditch taking water out of the Salmon River replacing the
old flume that carried water out of the Salmon River.
This water irrigates the place now owned by Howard & Zella
Cutler.

There was a pipeline out of Bayhorse Creek that
crossed the river on cables that also furnished
water to this place.

John Rovetto
(signature)

Subscribed and sworn to before me this 21 day of May 19 93.

Glenn J. Colman
(notary public)

Residing at

My commission expires

Ellis, Id.

June 1998

IN THE MATTER OF:

A72-04083

A72-04082

A72-04081

State of Idaho

County of Custer

RECEIVED

AFFIDAVIT

MAY 26 1993

Department of Water Resources
Southern Region Office

Howard Cutler

being first duly sworn,

deposes and says:

We moved to the place at the
mouth of Bayhorse creek in 1947 and everything
was irrigated then the same as it is today. I
have researched the history of the place and found
that the water out of the river A72-04083 was used
first in about 1889. The water was put on
the next piece of ground out of Bayhorse creek through
a pipe A72-04082 in 1921. After the high water
washed out the old pipe line, My step father put a
new pipe line higher in elevation and put the rest
of the ground in in 1957. (A72-04081).

This ranch has been in the family since my
Uncle moved there in 1945

Howard R Cutler
(signature)

Subscribed and sworn to before me this 25th day of May 1993

Charlotte A. Porter
(notary public)

Residing at Charles, Idaho
My commission expires 7-14-98

IN THE MATTER OF:

Water Rights no. A72-04083
A72-04081
A72-04082

State of Idaho

County of Custer

AFFIDAVIT

RECEIVED

MAY 26 1993

Department of Water Resources
Southern Region Office

Ethel D. Jensen

being first duly sworn,

deposes and says: I have lived in Custer County since 1911. I have been acquainted with the people that have owned the ranch that now belongs to Howard & Zella Pister, since I lived in the town of Bayhorse as a girl. I know water was used to irrigate at this time. The water came out of the river and later from Bayhorse Creek.

Ethel D. Jensen
(signature)

Subscribed and sworn to before me this 25th day of May 19 93.

Charlotte A. Pister
(notary public)

Residing at Challis, Idaho
My commission expires 7-14-98

IN THE MATTER OF:

Water Rights
Claim # A72-04081 # A72-04082-
A72-04083

State of Idaho

County of Leuster

RECEIVED AFFIDAVIT

MAY 26 1993

Department of Water Resources
Southern Region Office

I Harold L. Norton

being first duly sworn,

deposes and says:

My father bought the Bay Horse Ranch
from Fred Leuzinger in 1936 or 1937. We lived there
until 1942 or 1943, at that time he sold the ranch
to Ed Robert. It is now owned by Howard + Zella
Cutler.

At the time we moved onto the ranch there
was a pipeline across the Salmon River from a
high line ditch that came out of Bay Horse Creek and
was used to irrigate the upper portion of the ranch.
I remember my father had to replace a lot of the pipe
as it was rusted out and had been in place for a
long time. I believe the pipeline was a 10" or 12" line.
It crossed the river on a cable suspension and went
up the east side of the river to an elevation equal to
the input side. This allowed irrigation of land above the
Salmon River or Tunnel Rock ditch. The Tunnel Rock ditch a
Salmon River ditch was also in use at that time and supplied
water for the lower portion of
Harold L. Norton
(signature)
the ranch.

Subscribed and sworn to before me this 18th day of May 19 93.

Charles H. Carter
(notary public)

Residing at Challis, Idaho.
My commission expires 7-14-98.

Cutler

IN THE MATTER OF:

Water Rights
A 72-04081 A 72-04083
A 72-04082

State of Idaho

County of Custer

RECEIVED
AFFIDAVIT

MAY 26 1993

Department of Water Resources
Southern Region Office

Mrs. Sullivan have known this ranch for being first duly sworn,
deposes and says: 70 years and the people there was using the water
in their ditches then, there was a pipe line across the river, on
a cable. The river ditch came around tunnel rock in a flume then
in a ditch to the ranch

Mrs. Sullivan
(signature)

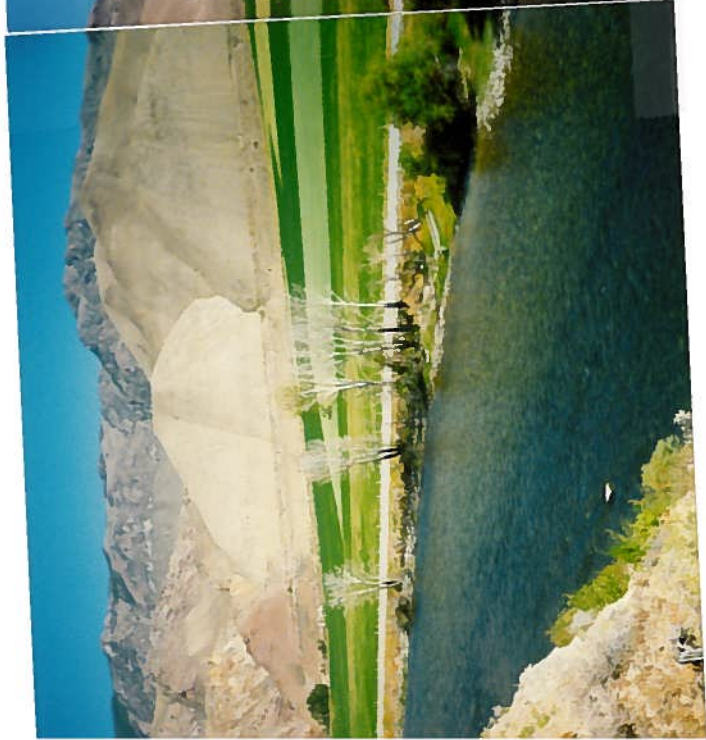
Subscribed and sworn to before me this 19th day of May 19 93.

Charlotte A. Porter
(notary public)

Residing at Chavira, Idaho
My commission expires 7-14-98

PL 84-10-88AC 5-8





OVERVIEW OF
CUTLER RANCH
ON SALMON RIVER.

12-37
4 Sec

A72-4081

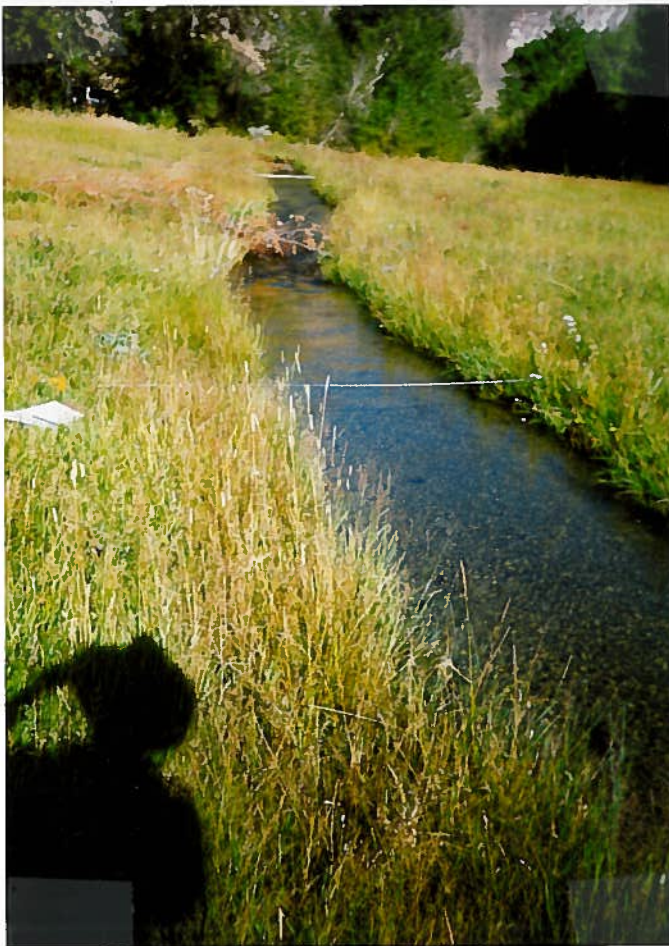
9-9-93



9-9-93



↓ FLOW VIEW
UPSTREAM



DITCH TO PIPELINE DELIVERY

CUTLER DIVERSION

9-7-93

↑ FLOW

VIEW DOWN STREAM

Photo:
R72-37
My Sec



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

MODE SELECT
INPUT

R. KEITH HIGGINSON
Director

OUTER DIAMETER
12.0957 IN

OUTER DIAMETER
12.0957 IN

PIPE MATERIAL
? CS-SS

WALL THICKNESS
0.1530 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
9.396 IN U

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

09-07 18:2200 *R
+ 1.148E 3GPM

09-07 18:2200 *R
+ 1.152E 3GPM

09-07 18:2300 *R
+ 1.161E 3GPM

09-07 18:2300 *R
+ 1.158E 3GPM

MODE SELECT
TO CHECK

0450.7 MMSEC
102.32 % TO

09-07 18:2400 *R
+002.70 % 412

09-07 18:2500 *R
+ 1.162E 3GPM

09-07 18:2500 *R
+ 1.142E 3GPM

Cutler Pipeline
@ Bay Horse Bridge 9-7-93 SCC

A72-4081

A72-4082

HOWARD CUTLER

2ND

Poly Sonic meas.

@ Bay Horse Bridge

9-7-93

by Steve CLELLAND

$\bar{X} = 1154 \text{ GPM}$

$= 2.57 \text{ cfs}$



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

MODE SELECT
INPUT

OUTER DIAMETER
12.8957 IN

PIPE MATERIAL
2 CS-89

WALL THICKNESS
0.1888 IN

INNER LINING
2 NO LING.

KIND OF FLUID
2 WATER

SENSOR MOUNTING
2

TYPE OF SENSOR
2

DATA CHANGE
2

SPACING
9.311 IN

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

MODE SELECT
TO CHECK

0454.2 MMSEC
192.18 %

07-26 12:3800 *R
+003.00 %

- 07-26 12:3900 *R
+ 1.007E 73PM

- 07-26 12:3900 *R
+ 1.100E 73PM

- 07-26 12:4000 *R
+ 1.000E 73PM

- 07-26 12:4100 *R
+ 1.004E 73PM

- 07-26 12:4300 *R
+ 1.000E 73PM

7-26-93 by SCC
H. CUTLER
BAYHORSE PIPELINE @ BRIDGE

A72-4081

A72-4082

HOWARD CUTLER

1ST POLYSONIC MEAS.
@ BAYHORSE BRIDGE

7-26-93

by Steve Chelland

$\bar{X} = 1091 \text{ GPM}$

$= 2.43 \text{ cfs}$

T
12
N

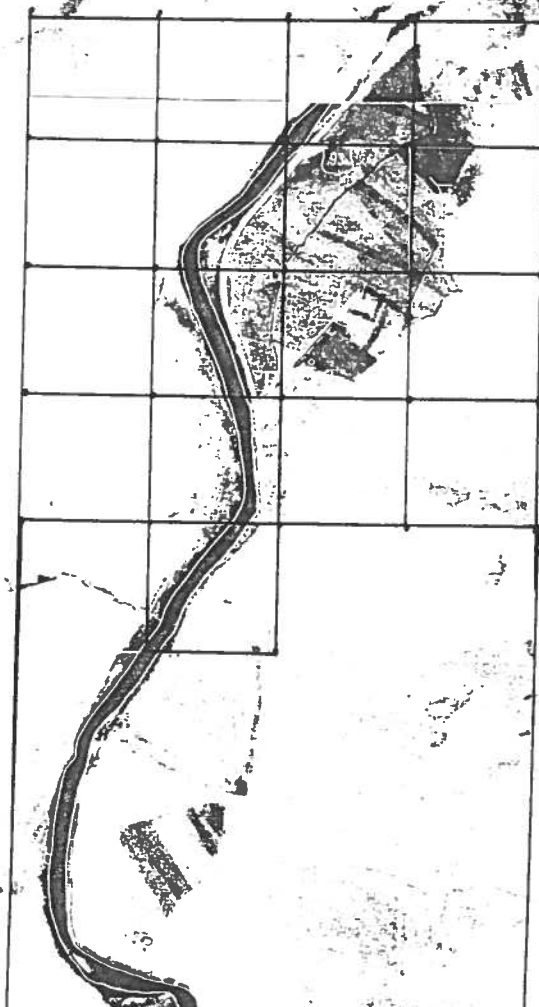
R19E

CLAIM _____ INIT _____
T. R. S. Q/Q
P/D _____
PHOTO ID. U24 (SE)
7-24-74

R18E

CLAIM _____ INIT _____
T. R. S. Q/Q
P/D _____
PHOTO U74 (NE)
DT.&ID. 7-24-74

T
12
N



C-6

col. Selby Hansen

Ditch

P/D

24

7

8

MAR 18 1933

18

17

Pipeline

24.6

20.8

24.0

19.4

13.1

6.0

Pipeline

Ditch

Ditch

C-6

ow. Selby Hansen

Ditch

P/D

7.4

Pipe

MAR 18 1933

7

8

18

17

24.6

20.8

24.0

19.4

13.1

6.0

Pipeline

Ditch

Ditch

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	note						
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CES/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM								
REMARKS	Y							

54-23-93
93

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06:23:34
06/04/92

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A72-04081

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOWARD R. CUTLER ZELLA M. CUTLER H.C. 67 BOX 2066 CHALLIS ID 83226 (208) 838-2366	04/15/1957	IRRIGATION	04-01 11-01	1.00 CFS	112.5 AFA
					TOTAL DIVERSION:	
					CONSUMPTIVE USE:	

Water Source: BAYHORSE CREEK

Tributary to: SALMON RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T12N R19E S07 Lot 8(SWNWSW)

CUSTER County

Place of use	Legal Description	for:	IRRIGATION	NE	NW	SW	SE	TOTAL ACRES
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	
12N 19E 18	: 01-10	: 06-04	: 12	:	:	:	:	45.0
								TOTAL ACRES 45.0

POU County: CUSTER

Non-Irrigation Uses: NONE

Other Rights: NONE

Non-Irrigation Use: NONE

Remarks: THIS CLAIM IS FOR THE EXPANDED ACRES DEVELOPED WHEN THE PIPELINE ACROSS THE RIVER WAS MODIFIED. THE CAPACITY OF THE PIPELINE AS PRESENTLY USED IS APPROX. 3.0 CFS. A72-04082 UTILIZES THE SAME DELIVERY SYSTEM.

Dates: Exam Made Date: 01/28/1986

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

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A72-04081 IRRIGATION	FROM 04-01 TO 11-01	1.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
72-04081 IRRIGATION	FROM 04-01 TO 11-01	1.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.000 CFS

RESUMPTION 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?	Y() N()
RECOMMEND TO WR STANDARDS OR OTHER?	Y() N() Explain in remarks, below.

REMARKS:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:11:56
06/04/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04081

LAST: CUTLER
ADDRESS: H.C. 67 BOX 2066
CITY: CHALLIS
PHONE NUMBER: 208-838-2366

FIRST: HOWARD R.

STATE: ID ZIP: 83226

OWNER CODE: C

LAST: CUTLER
ADDRESS: H.C. 67 BOX 2066
CITY: CHALLIS
PHONE NUMBER: 208-838-2366

FIRST: ZELLA M.

STATE: ID ZIP: 83226

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: THIS CLAIM IS FOR THE EXPANDED ACRES DEVELOPED WHEN THE
PIPELINE ACROSS THE RIVER WAS MODIFIED. THE CAPACITY OF THE
PIPELINE AS PRESENTLY USED IS APPROX. 3.0 CFS. A72-04082
UTILIZES THE SAME DELIVERY SYSTEM.

A. AJ CLAIM: # A72-04081 PRIORITY DATE: 04-15-1957 STAGE: S
B. WR RECORD: # 72-04081 PRIORITY DATE: 04-15-1957 STAGE: S

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

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

REMARKS: -----

RECOMMENDED PRIORITY DATE:
04-15-1957

REVIEWED BY ----- DATE -----

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04081	12N	19E	7	SW	NW	SW	8	CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A72-04077
A72-04082
WR RECORDS IN SAME 40 ACRE TRACT
72-04082

SOURCE: BAYHORSE CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04081	12N	19E	7		NW	SW	8	CUSTER

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

72-04082
A72-04077
A72-04082
NONE

SOURCE: BAYHORSE CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

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

SOURCE: BAYHORSE CREEK TRIB: SALMON RIVER

REVIEWED BY: DATE:

A. ROOT WATER RIGHT NUMBERS: A72-04081

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	19E	18	NE	NE	1	CUTLER, HOWARD R.	A72-04081 / 10.0	72-04081 / 10.0			35.0
			NE	NE	1	CUTLER, HOWARD R.	A72-04082 / 8.0	72-04082 / 6.0			
			NE	NE	1	CUTLER, HOWARD R.	A72-10315 /	-			
			NE	NE	1	CUTLER, HOWARD R.	A72-04083 / 1.0	72-04083 / 2.0			
12N	19E	18	SW	NE	6	CUTLER, HOWARD R.	A72-04081 / 4.0	72-04081 / 4.0			47.0
			SW	NE	6	CUTLER, HOWARD R.	A72-04083 / 14.0	72-04083 / 14.0			
			SW	NE	6	CUTLER, HOWARD R.	A72-04082 / 30.0	72-04082 / 16.0			
12N	19E	18	SE	NE		CUTLER, HOWARD R.	A72-04081 / 12.0	72-04081 / 12.0			23.0
			SE	NE		CUTLER, HOWARD R.	A72-04082 / 7.0	72-04082 / 7.0			
12N	19E	18	NE	SE		CUTLER, HOWARD R.	A72-04081 / 4.0	72-04081 / 4.0			9.0
12N	19E	18	NW	SE	7	CUTLER, HOWARD R.	A72-04081 / 15.0	72-04081 / 15.0			46.0
			NW	SE	7	CUTLER, HOWARD R.	A72-04082 / 10.0	72-04082 / 10.0			
			NW	SE	7	CUTLER, HOWARD R.	A72-10313 /	-			
			NW	SE	7	CUTLER, HOWARD R.	A72-10314 /	-			
			NW	SE	7	GERMER, WALTER S.		72-02059 / 12.0			
TOTAL ACRES							A72-04081	45.00	45.00		160.00

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

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y() N()

AJ TOTAL CLAIMED DIVERSION RATE: 1.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 1.000 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) Y
FIELD DATABASE EXAMINER

FLOW MEASUREMENT

MEASUREMENT METHOD , SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04081	BAYHORSE CREEK	CUTLER, HOWARD R.	1.000	0.023		
A72-04082	BAYHORSE CREEK	CUTLER, HOWARD R.	3.000	0.042		
A72-04083	SALMON RIVER	CUTLER, HOWARD R.	6.000	0.127		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10315	DOMESTIC	CUTLER, HOWARD R.	FROM 01-01 TO 12-31	.040 CFS	
A72-10315	STOCKWATER	CUTLER, HOWARD R.	FROM 01-01 TO 12-31	.040 CFS	

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS	EXAMINER	VOL. AF/A	EXAMINER	USE	EXAMINER
IRRIGATION	04-01	11-01	1.000	-----	-----	-----	112.5	-----
TOTAL FOR THIS RIGHT			1.000				112.5	

REVIEWED BY: DATE:

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: 72-04081
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
1.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A72-04081	1.000	-		72-04081	1.000
TOTAL CFS		1.000				1.000

DIVERSION RATE REVIEW

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

DATABASE
Y
FIELD
EXAMINER

REMARKS:

AUTHENTICATION:
SIGNATURE: _____ DATE: _____
NAME OF FIELD EXAMINER: _____ TITLE: _____

Water Right Number - 72-04081

Prefix Translation:

WATER RIGHT

Old (D) Number -

Last Name -

First Name -

Address -

*** C - CURRENT OWNER ***
CUTLER

HOWARD R.

1 - P.O. BOX 298
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

Priority Date - 04/15/1957

Region - 17 SOUTHERN

Stage - S - STATUTORY CLAIM

Status -

Source - BAYHORSE CREEK

Tributary - SALMON RIVER

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)
12N	19E	7	NW SW	8		(37)	CUSTER	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01		1.000	

Total Div. Rate - 1.000

Total Div. Volume -

Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
12N	19E	18	NE NE	1	10.0		01	IRRIGATION	(37) CUSTER
12N	19E	18	SW NE	6	4.0		01	IRRIGATION	(37) CUSTER
12N	19E	18	SE NE		12.0		01	IRRIGATION	(37) CUSTER
12N	19E	18	NE SE		4.0		01	IRRIGATION	(37) CUSTER
12N	19E	18	NW SE	7	15.0		01	IRRIGATION	(37) CUSTER

Total Acres: 45.0

Diversion Means - CHECK DAM & DITCH.

Non-Irrigation Use -

Other Rights for Same Use -

Remarks - No Remarks found.

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

WATER RIGHT

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

+ - Decree Date - +
00/00/0000

- - -Comments- -
No Comments Found

Water Rights Dates and Flags Area

- Field Exam Fee
- Swan Falls
- Temporary Right
- DLE/Carey Act
- Water District
- Transfer/Amended