

HOLLAND & HART^{LLP}
ATTORNEYS AT LAW

DENVER • ASPEN
BOULDER • COLORADO SPRINGS
DENVER TECH CENTER
BILLINGS • BOISE
CHEYENNE • JACKSON HOLE
SALT LAKE CITY

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Murray D. Feldman
mfeldman@hollandhart.com

March 29, 2000

Via UPS Overnight

Mr. Steve Clelland
Senior Water Resource Agent
Idaho Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

RECEIVED

MAR 31 2000

Department of Water Resources
Southern Region

Re: Herrick Water Right Claims in Basin 72
Notice of Change of Water Right Ownership and Application for
Transfer Forms

Dear Mr. Clelland:

As we discussed at the close of last year, I am transmitting to you for submission to IDWR the following applications and materials concerning the Herricks' water rights and water right claims in Basin 72.

1. A Notice of Change of Water Right Ownership form and supporting documents. This Notice of Change of Water Right Ownership form will serve to change the name for the indicated water rights from Mr. and Mrs. Herrick individually to the present record owner of the appurtenant real property for the water rights, the High Mountain Ranches Limited Partnership. In accordance with this requested change, all of the following water right transfer applications have been prepared in the name of the High Mountain Ranches Limited Partnership.
2. Application for Transfer of Water Right concerning Water Right No. 72-04090.
3. Application for Transfer of Water Right concerning Water Rights Nos. 72-04018 and 72-04046.

Mr. Steve Clelland
March 29, 2000
Page 2

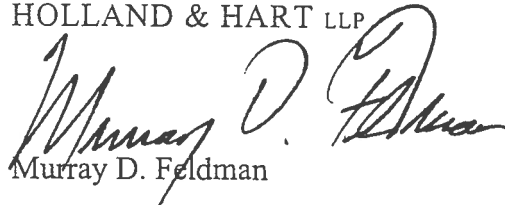
4. Application for Transfer of Water Right concerning Water Rights
Nos. 72-00246 and 72-00247.

I have also enclosed a check in the amount of \$300.00 payable to IDWR
for the \$100 fee for each transfer application.

If you have any questions about these applications or the notice of change,
or need additional information, please let me know. Thank you very much for
your assistance with these items and your attention to this matter.

Sincerely,

HOLLAND & HART LLP



Murray D. Feldman

MDF:cd
Enclosures
cc: Mr. Terry Walther
(w/encls. via U.S. Mail)
2643989_1.DOC/29727.1799

MAR 31 2000

Department of Water Resources

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

1. Water Right No(s): 72-00244A; 72-00245; 72-00246; 72-00247; 72-04018; 72-04046;
72-04090
 Adjudication Claim No(s): A72-00244A; A72-00245; A7200246; A72-00247; A72-04018; A72-04046;
A72-04090
2. The following REQUIRED information must be submitted with this form:
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
 AND
- B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
 OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Gerald D. Herrick and Kathryn S. Herrick, Husband & Wife
2027 Silver Creek Lane, Boise, ID 83706
4. New Owner/Claimant(s) HIGH MOUNTAIN RANCHES LIMITED PARTNERSHIP, an Idaho limited
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or partners
 New Mailing Address 2027 Silver Creek Lane
 City, State and ZIP Code Boise, ID 83706
 New Telephone Number (208) 336-8719
5. Date you acquired the property March 3, 1997
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres you irrigate _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) HIGH MOUNTAIN RANCHES, LIMITED PARTNERSHIP
 By: Kathryn S. Herrick
 (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
Kathryn S. Herrick, Secretary of Herrick Ranches, Inc. General Partner
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

MINUTES OF ANNUAL MEETING OF BOARD OF DIRECTORS

OF

HERRICK RANCHES, INC.

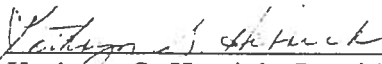
The annual meeting of the Board of Directors of Herrick Ranches, Inc., was held January 5, 1994, immediately following the annual meeting of shareholders at Boise, Idaho. Present was Kathryn S. Herrick.

Kathryn S. Herrick acted as Chairman and Secretary. Minutes of the last annual meeting were read and approved. The Chairman announced that the first order of business was the election of officers. Nominations were made, seconded and unanimously approved and the following individuals were elected to the positions following their names:

Kathryn S. Herrick	President
Kathryn S. Herrick	Secretary

There being no further business, the meeting was adjourned.


Kathryn S. Herrick, Secretary


Kathryn S. Herrick, President

BOISE:0105675.01

RECEIVED

MAR 31 2000

Department of Water Resources
Southern Region

CERTIFICATE OF LIMITED PARTNERSHIP

(Instructions on back of application)

Feb 13 10 31 AM '97



1. The name of the limited partnership is: High Mountain Ranches Limited Partnership

2. The name and business address of the registered agent are:

Gerald D. Herrick

2027 Silver Creek Lane - Boise, Idaho 83706

(not a P.O. Box)

3. The name and business address of each general partner are:

Name

Address

Herrick Ranches, Inc.

2027 Silver Creek Lane

Boise, Idaho 83706

(If more space is needed, continue in item 5.)

4. The latest date on which the partnership will dissolve is: December 31, 2045

5. Other matters (optional):

6. Signatures of all general partners:

HERRICK RANCHES, INC., an Idaho corporation

By: Gerald D. Herrick

Gerald D. Herrick, President

Secretary of State use only

IDAHO SECRETARY OF STATE

DATE 02/13/1997

0900 63931 2

CK #: 18484 CUST# 2105

LTD PTR DM 1@ 100.00= 100.00

g:\corp/forms\CLP.pms Revised 8/96

: L

COPY

ORIGINAL IN
H & H VAULT

AMENDED BARGAIN AND SALE DEED

0213673

THIS INDENTURE, made the 17th day of June, 1997, between GERALD D. HERRICK and KATHRYN S. HERRICK, husband and wife, "Grantors," and HIGH MOUNTAIN RANCHES LIMITED PARTNERSHIP, an Idaho limited partnership, "Grantee."

W I T N E S S E T H:

WHEREAS, Grantors transferred title to the property described herein to Grantee pursuant to a Bargain and Sale Deed dated March 3, 1997 and recorded in Custer County, Idaho under Instrument No. 0212975 on March 7, 1997, and

WHEREAS, the parties have determined that there is an error in the legal description, and

WHEREAS, the parties intend by this deed to correct the legal description for said property.

The Grantors for good and valuable consideration, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said Grantee, and to its heirs and assigns, forever, all of that certain piece or parcels of land situate, lying and being located in the County of Custer, State of Idaho, particularly described as follows, to-wit:

See Exhibit A attached hereto.

together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest in the property, possession, claim and demand whatsoever, as well in law as in equity of the Grantors, of, in or to the said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the said premises, together with the appurtenances, unto the said Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.


GERALD D. HERRICK


KATHRYN S. HERRICK

RECEIVED

MAR 31 2000

Department of Water Resources
Bozeman, Montana

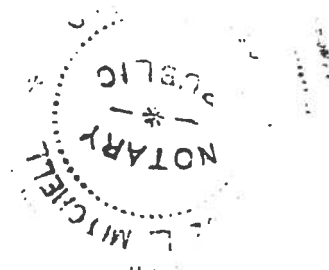
STATE OF IDAHO)
 : ss.
 County of Ada)

On this 17th day of June, 1997, before me, a notary public in and for said State, personally appeared GERALD D. HERRICK and KATHRYN S. HERRICK, husband and wife, known or identified to me to be the persons who executed the 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.

Joyce L. Mitchell
 Notary Public for Idaho
 Residing at: Bain, Idaho
 My Commission Expires: 11/10/2000

WP 71426



213673
 Cassia County Reg. of
Holland and Hart

Time 10:05 A.M.

6-23 1997
Wanda J. Murphy
• 12th

TRACT I:

TOWNSHIP 11 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 1: Lot 4

Section 2: Lots 1, 7 and 8

TOWNSHIP 12 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

Section 35: SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$.

Section 36: Lots 5 and 6.

TRACT II:

TOWNSHIP 11 NORTH, RANGE 18 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 11: Lots 6 and 7.

Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 2, 3 and 4.

EXHIBIT

A

TOWNSHIP 11-NORTH, RANGE 18 EAST, BOISE MERIDIAN

Section 1: Lots 5, 6, and 7.

Section 2: Lot 9.

Section 11: Lots 1, 4, 5, and 8.

EXCEPTING THEREFROM:

The following described parcels from said Lot 5 and Lot 8.

A tract of land in Lots 5 and 8, Section 11, Township 11 North, Range 18 East of the Boise Meridian, described as:

Commencing at the intersection of the Southerly boundary of said Section 11 and the Westerly right-of-way line of U.S. Highway No. 93; thence Northeasterly along said Right-of-way line 1,112.7 feet to the TRUE POINT OF BEGINNING; continuing thence Northeasterly along said Right-of-way line a distance of 392.5 feet; thence North $66^{\circ}19'$ West, 680.0 feet to a point on the Easterly bank of the Salmon River; thence South $9^{\circ}58'$ East along the Easterly bank of the Salmon River 457.9 feet; thence South $66^{\circ}19'$ East, 434.8 feet to the TRUE POINT OF BEGINNING.

AND ALSO EXCEPTING:

A fraction of Lot 5, Section 11, Township 11 North, Range 18 East of the Boise Meridian, described as:

Commencing at the intersection of the Southerly boundary of said Section 11, and the Westerly right-of-way line of U.S. Highway No. 93; thence Northeasterly along the Westerly Right-of-way line of U.S. Highway No. 93, a distance of 1505.2 feet to the POINT OF BEGINNING, which is also the Northeast corner of the land described in the Deed to George Bryan Forestier, et. ux., recorded as instrument No. 134996, records of Custer County, Idaho, continuing thence Northeasterly along said Right-of-way line 469. feet; thence North $66^{\circ}19'$ West, 1156.7 feet to a point on the Easterly bank of the Salmon River; thence meandering said bank in a Southerly direction 670.0 feet, more or less, to a point which lies North $66^{\circ}19'$ West, from the POINT OF BEGINNING, which point is also the Northwest corner of said Forestier land; thence South $66^{\circ}19'$ East 680.0 feet along the Northeasterly boundary line of said Forestier land to the POINT OF BEGINNING.

ALSO EXCEPTING:

A parcel of land being a portion of Government Lot 5 of Section 11, Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Beginning at the Northeast corner of Government Lot 5 of Section 11, Township 11 North Range 18 East, Boise Meridian, thence South $0^{\circ}00'16''$ East along the East line of said Government Lot 5 a distance of 610.51 feet to a point in the Westerly right of way line of existing State Highway No. 75; thence South $25^{\circ}02'00''$ West along said existing Westerly right of way line 275.29 feet to Grantor's most Southerly property corner; said point also being the Northeast corner of the land described in the deed dated July 16, 1979, Pamela C. Moorhead, grantor to Stephen C. Moorhead, recorded August 10, 1979, as instrument No. 150767, records of Custer County, Idaho, thence North $66^{\circ}11'25''$ West along said Northerly property line 627.35 feet; thence North $28^{\circ}16'49''$ East, 688.58 feet to a point in the North line of said Government Lot 5; thence North $89^{\circ}57'10''$ East along said North line 364.16 feet to the PLACE OF BEGINNING.

ALSO EXCEPTING:

A fraction of Lot 8 in Section 11, Township 11 North, Range 18 East of the Boise Meridian more particularly described as follows, to-wit:

Beginning at the meander corner of the Easterly bank of the Salmon River on the line between Section 11 and 14, run thence East along the South boundary of Section 11 a distance of 215.3 feet, more or less, to a point on the Westerly right-of-way line of U.S. Highway No. 93, thence North $25^{\circ}02'$ East, along the Westerly right-of-way line of U.S. Highway No. 93 a distance of 1,112.7 feet; thence North $66^{\circ}19'$ West 434.8 feet to a point on the Easterly bank of the Salmon River; thence meandering the Easterly bank of the Salmon River in a Southwesterly direction as follows: South $12^{\circ}49'$ West 365.4 feet; thence South $12^{\circ}31'$ West 443.6 feet; thence South $17^{\circ}33'$ West 409.3 feet to the POINT OF BEGINNING.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 23, 1998

Kathryn Herrick
2027 Silver Creek Ln
Boise, ID 83706

CERTIFIED MAIL

1783

RE: Potential illegal water use

Dear Mrs. Herrick:

Our office has become aware of a potential water development for irrigation of land within NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, Twp.11N, Rge.18E, B.M., along the Salmon River between Clayton & Challis. One of our agents has viewed the property and it appears that the land has been recently cleared with the possible intention to be irrigated. Our water right records show no water right for these lands. I request your cooperation in:

-identifying what water right covers your development if our records are not correct and if your intention is to irrigate.

-do not start the diversion for irrigation of the above described lands if you have no right.

-&/or obtain a valid water right for your development.

Please respond to our office within 14 days of the date of this letter as to the status of your project.

Please note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to \$100 per day. Please also note that recent legislation affective July 1, 1998 provides in §42-1701B that civil penalties for illegal irrigation may be \$300 per acre.

If you have questions regarding this matter please feel free to contact our office.

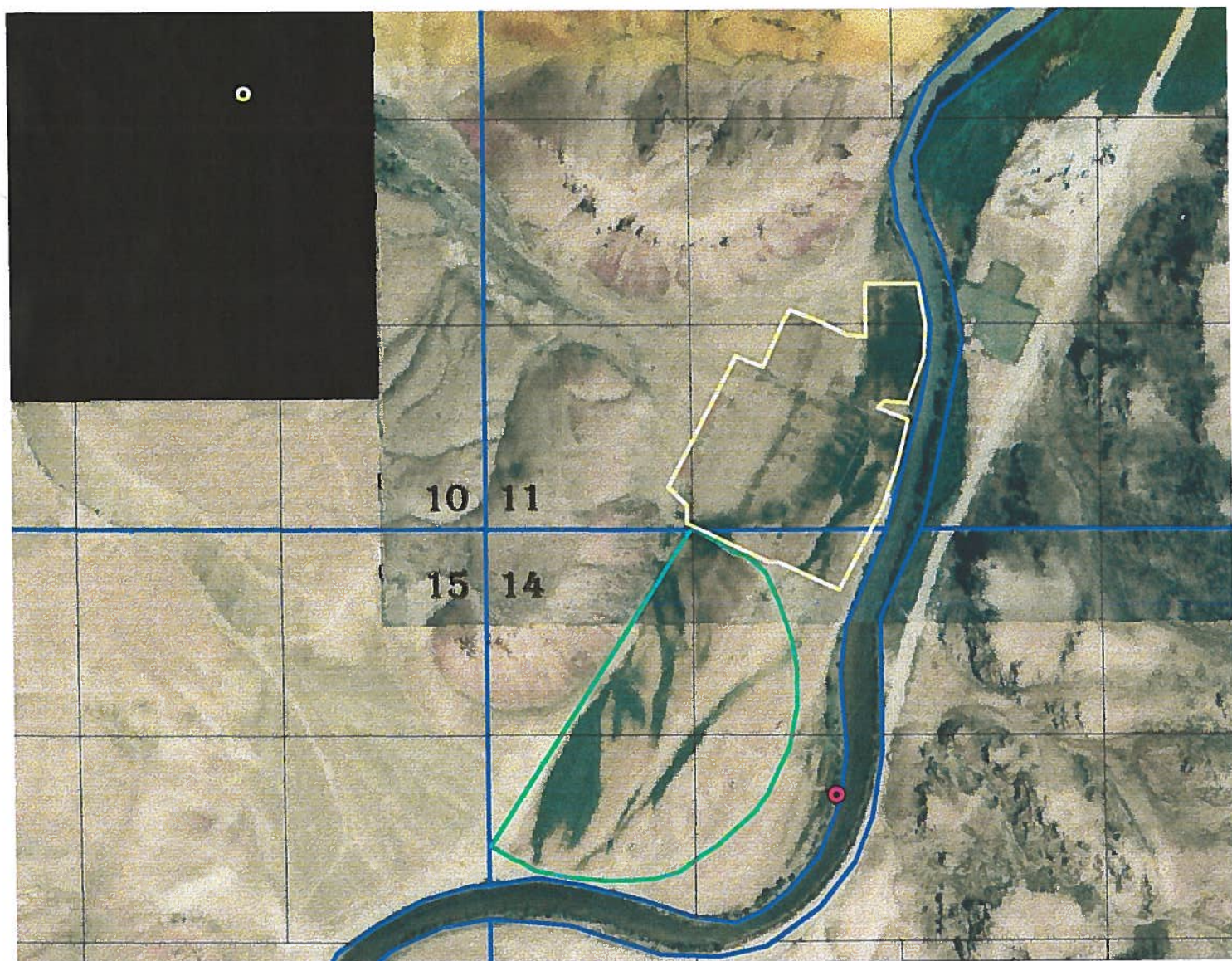
Sincerely,


Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton & Tim Luke - IDWR (State Office)
Bob Foster - IDWR (Salmon), Steve Clelland - IDWR (Southern)
Jim Bennetts

IDAHO DEPARTMENT OF WATER RESOURCES

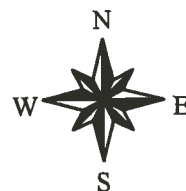
72-04090



660 0 660 1320 Feet

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

TWN: 11N
RNG: 18E
SEC: 11 & 14



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

DATE: OCT. 28, 1998

DATE: 11/16/98
PAGE: 1

Stage: BENEFICIAL USE

CUSTER County

NE.

TOTAL ACBEC

NE
NH

07-S

y: CUSTER

None

NO1 - THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER

N01 - THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

N08 - THE QUANTITY OF WATER DERIVED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

marks: EXP STOCKWATER, 200 RANGE

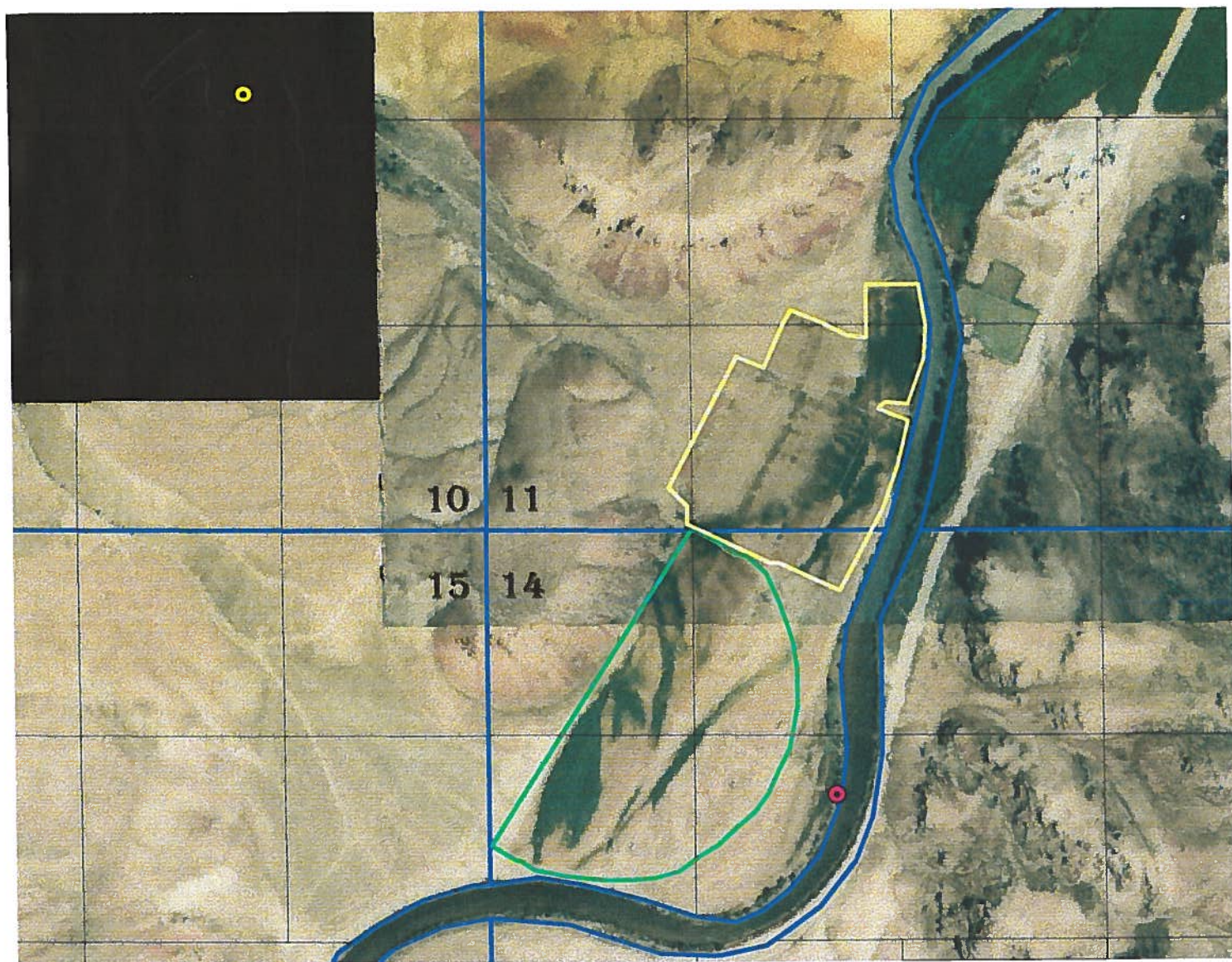
Objection Filed Date:

Water District Number:

Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES

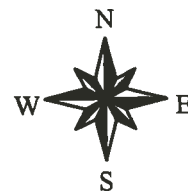
72-04090



660 0 660 1320 Feet

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

TWN: 11N
RNG: 18E
SEC: 11 & 14



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

DATE: OCT. 28, 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MURRAY FELDMAN
HOLLAND & HART
PO BOX 2527
BOISE ID 83701

RE: HERRICK SRBA CLAIMS AT SINK CREEK

DEAR MR. FELDMAN,

Enclosed you will find the GIS map I referred to during our recent phone conversation. I have included the worksheet that is developed along with the GIS map and also a current profile report of the SRBA claims A72-04089, A72-04090 & A72-07170 as they are PROPOSED for the Director's Report next fall.

I am sending this same package of information to our field agent, Bob Foster in Salmon, Idaho and he plans to meet with Curt Hurless to discuss the situation at the ranch.

Please feel free to contact me as needed for any questions you may have concerning these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

May 11, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BOB FOSTER
IDWR
VAN DREFF OFFICES STE B
SALMON ID 83467

RE: HERRICK CLAIMS AT SINK CREEK RANCH

DEAR BOB,

Enclosed are the GIS documents for the Sink Creek ranch and the Herrick SRBA claims.

I have forwarded this same info to Mrs. Herrick's attorney in Boise, Mr. Murray Feldman, at his request.

Please feel free to call if you need more info or have questions on this matter.

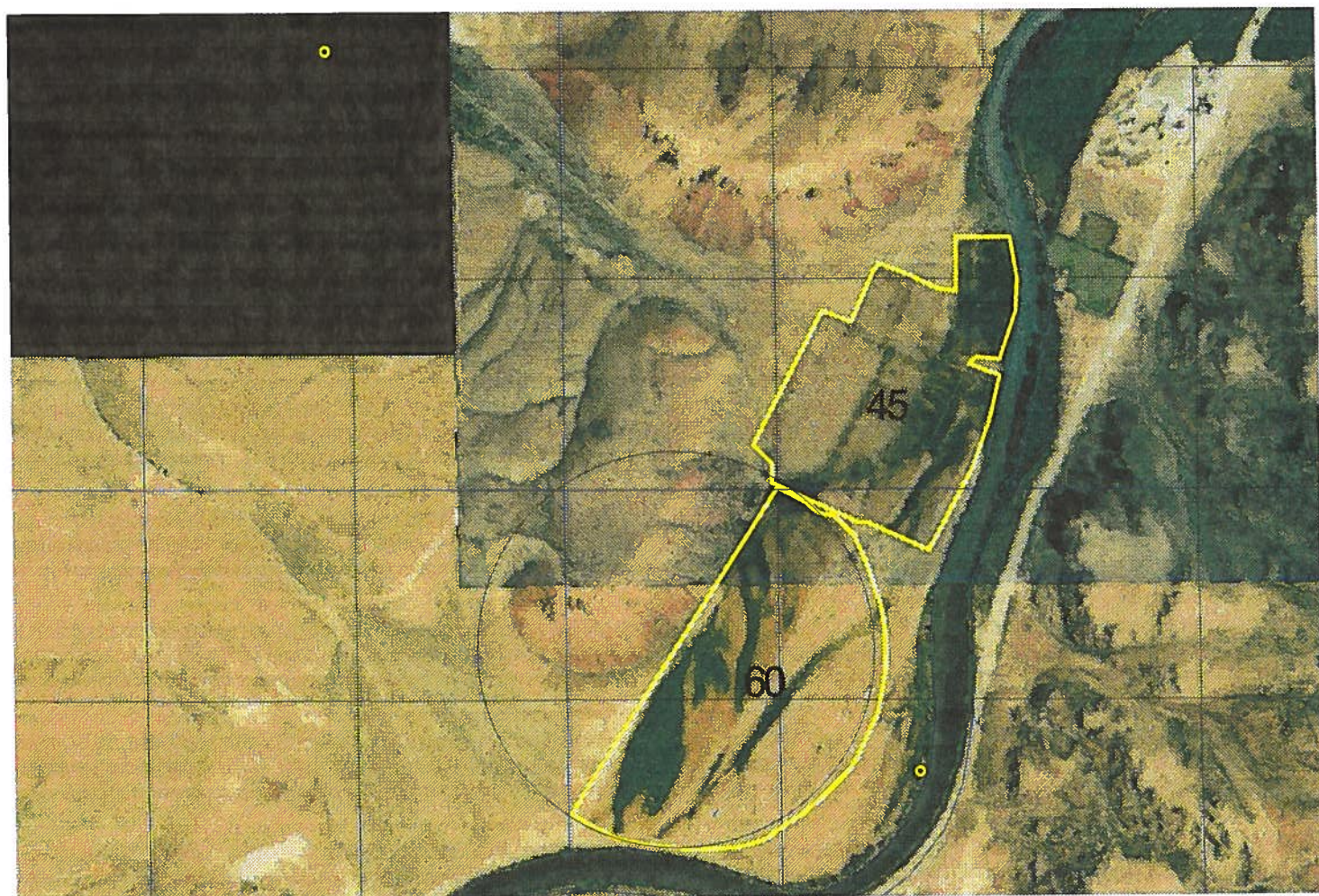
Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

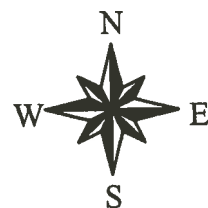
IDAHO DEPARTMENT OF WATER RESOURCES

72-04090, 72-04089 & 72-07170



660 0 660 1320 1980 Feet

TWN 11N, RNG 18E, SEC. 11 & 14



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  HOMESTEAD ENTRY BOUNDARY
-  QUARTER QUARTER LINES
-  STREAM AND DITCH CHANNELS

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
BY STEVE CLELLAND
DATE: MAY 11, 1998

GEOGRAPHIC INFO ACRES _____

DATE 5/7/98
AGENT SCC

RIGHT NO				NE				NW				SW				SE				
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	11N	18E	11									.5			35		.5	3		39
GIS												21.5		.8	34		1.0	2.1		39.4
RECOM																				
4090	SINK CR.																			
CLAIM			14					6												6
GIS								5												5
RECOM																				
CLAIM	11N	18E	14					18	11	21	10									60
GIS								17	13	21	8									54
RECOM								17	13	22	8									60
4098	SALMON R.																			
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.DBF

5/7/98 sec Upper segment shows sink creek right.
Lower segment shows Salmon R. pump rights.

5/11/98 see update shape file, recommend 60 Acres.
(under pivot)

10/28/98 sca
update GIS exhibit/jpg copy

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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

IDWR Employee/Agent Steve Clelland

May 7, 1998 4:45pm

NAME:
MURRAY FELDMAN

CALLIN

RE:
HERRICK CLAIMS

HE HAS SPOKEN TO ALLEN M. AND WAS FORWARDED TO ME... HE REPRESENTS MRS. HERRICK AND WOULD LIKE TO GET ANY INFO ON THIS SINK CREEK THAT I MAY HAVE PREPARED. I OFFERED TO SEND HIM THE WORK FROM THE GIS MAPS I PREPARED.

SEND TO: HOLLAND & HART
PO BOX 2527
BOISE ID 83701

PHONE: 342-5000

HE MENTIONED I MAY HAVE SOME CONTACT WITH MRS. HERRICK'S SON-IN-LAW, TERRY WALTER.

CLAIMS: A72-04089, A72-04090, & A72-07170.



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
Governor

KARL J. DREHER
Director

August 23, 1996

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

A72-04090

Dear Mr. Bennetts:

I am returning the two enclosed transfer applications, filed in the name of Gerald D. &/or Kathryn S. Herrick, along with the submitted filing fee of \$200.00, check #3362.

As we discussed during our telephone conversation last month, there are several corrections that need to be made to the applications before they can be accepted by the department for processing. In addition, conversations with Steve Clelland concerning his adjudication review findings have provided me with information that may influence the Herrick's decisions concerning the proposed transfers.

Steve Clelland's adjudication review revealed that there are two separate places of use on the Herrick's property along the Salmon River. The first place of use consists of 45 acres of irrigated ground that is irrigated with water from Sink Creek, under water right 72-04090. The second place of use consists of 60 acres of ground that is irrigated with a pivot sprinkler system with water out of the Salmon River, under water rights 72-07170 and 72-04089. Mr. Clelland's review revealed that only the Salmon River water was used on the 60 acre place of use and that only the Sink Creek water was used on the 45 acre place of use. I have included a map and profile reports that summarize Mr. Clelland's adjudication review findings for the Herrick's rights that are involved with the proposed transfers.

C.S.
sent
R72-0401
R72-04
R72-0

The transfer of water right 72-04090 appears to be fairly straightforward. However, Mr. Clelland found that 45 acres were actually irrigated with a sprinkler system under this right out of Sink Creek. Based on the 45 acres of actual sprinkler irrigation, Mr. Clelland could only recommend 0.90 cfs for the diversion rate for this right (0.02 cfs per acre). Therefore, part one of the transfer application for right 72-04090 should show that 0.90 cfs is the amount of water being transferred and the lands irrigated, or place of use, should show the 45 acres as described on the profile report for R72-04090 (copy enclosed), since this is the maximum amount the department can recognize and recommend based upon the adjudication review findings.

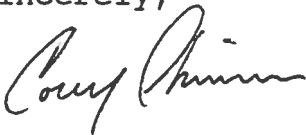
August 23, 1996
PAGE 2

There are several items that need to be addressed concerning the transfer application involving the water diverted out of the Salmon River. First of all, Mr. Clelland found that the water diverted from the Salmon River through the Herrick's pump was used to irrigate 60 acres under a pivot sprinkler system. In addition, the diversion and use of water through this system is based on two water rights, 72-04089 and 72-07170. These two water rights are both used to irrigate the 60 acres as described on the enclosed profile reports, R72-04089 and R72-07170. Based on the 60 acres of actual sprinkler irrigation, Mr. Clelland could only recommend a total combined 1.2 cfs (0.02 cfs per acre) for the two water rights, 72-04089 and 72-07170. This 1.2 cfs for the irrigation of 60 acres is the maximum amount of water and irrigated acres that the department can recognize and recommend for the Herrick's pump diversion out of the Salmon River.

The transfer application that you submitted for the diversion out of the Salmon River was based only on claim 72-04089. However, water right 72-07170 is also part of the system and should have been included in the transfer application. In addition, the applicant's may want to reconsider the proposed transfer since the department can only recognize and recommend an amount of water that is significantly less than the amount of water that is listed on the transfer application that you submitted.

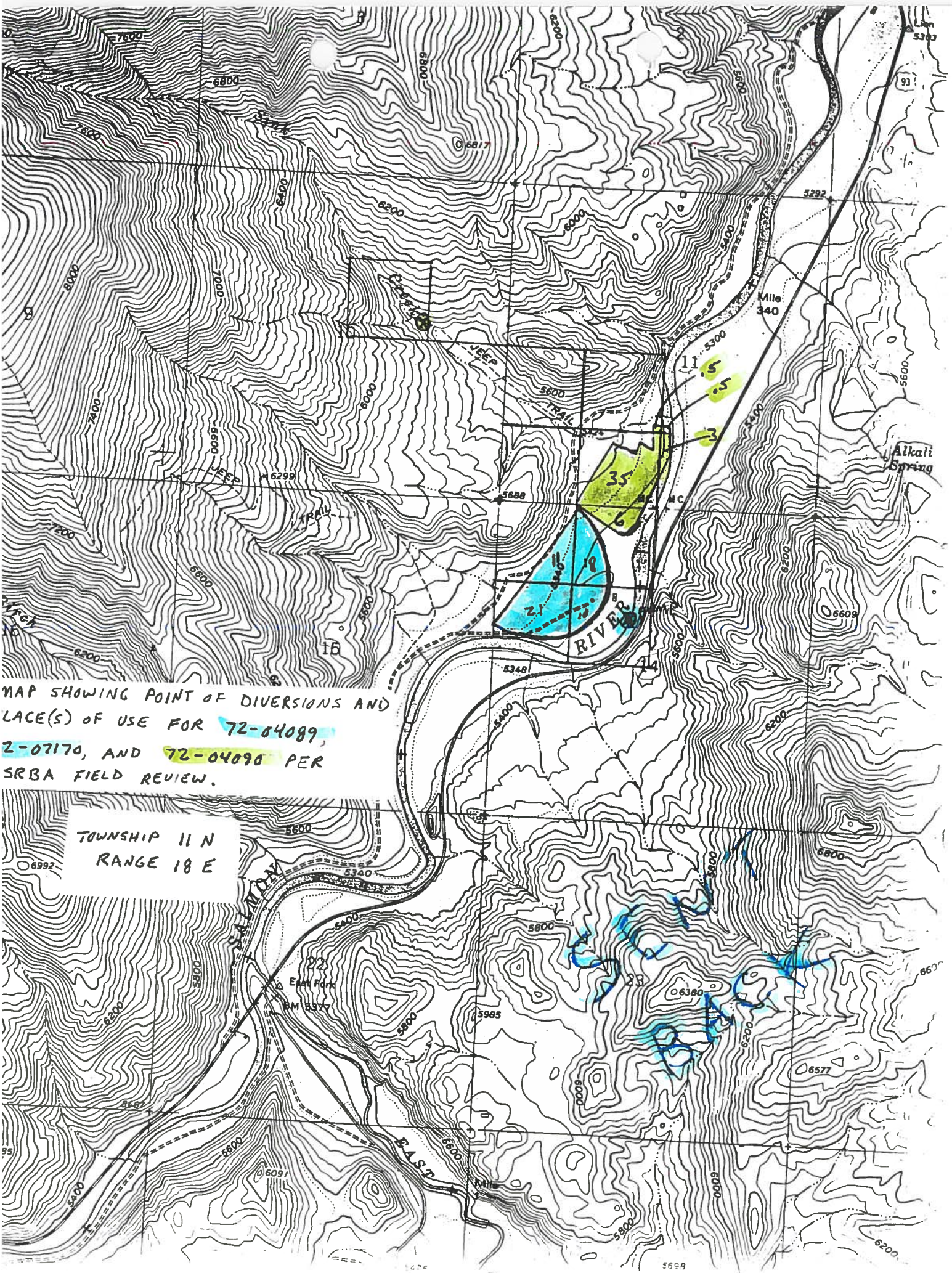
If you have any questions or need any further assistance, feel free to contact me at your convenience.

Sincerely,

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

Corey Skinner, EIT
Dam Safety Section

Enclosures



MAP SHOWING POINT OF DIVERSIONS AND LACE(S) OF USE FOR 72-04089, 72-07170, AND 72-04090 PER SRBA FIELD REVIEW.

TOWNSHIP 11 N
RANGE 18 E

WASH
CREEK

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226-0036

TELEPHONE

(208) 879-4488

FAX

(208) 879-4248

July 17, 1996

RECEIVED

JUL 19 1996

Steve Clelland
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Department of Water Resources
Southern Region

Dear Steve:

I've enclosed two applications for Gerald Herrick along with a \$200.00 fee.

As you are aware, I've visited with Frank Hitchcock about these one day in your absence. I'll briefly explain the plan and you can call me with any questions.

First, we acquired a permit from the BLM to extend the Sink Creek gravity pipeline upstream about 1000 feet. This does two things: (a) it increases the head or pressure, and (b) it puts our headbox upstream from some of the "sinks" thereby increasing the available flow.

Next, we are making application to change our point of diversion on 1.4 cfs from the Salmon River to the new point on Sink Creek.

Steve, in our view this not only makes a more efficient system for the operator, but it reduces the draw from the river, thereby reducing fish screening problems and the various other conflicts with fisheries and the Endangered Species Act. It also reduces power consumption and utilizes flows which historically have never flowed to the river -- even in periods of non-use.

I might also point out that in designing this project, the creek bank vegetation through the area of the extension has been protected.

Again, call me with questions.

Very truly yours,

James R. Bennetts

APPLICATIONS
SENT BACK
08/23/96

JRB:k
Enclosures

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No.

APPLICATION FOR TRANSFER OF WATER RIGHT

JUL 19 1996

PART 1

Department of Water Resources

Name of applicant Gerald D. and/or Kathryn S. Herrick Phone (208) 336-8719Post Office address 2027 Silver Creek Lane, Boise, ID 83706

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other

2. Describe the reason for the proposed changes Move existing point of diversion on Sink Creek
upstream to gain quantity and more efficient use.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
<u>A72-04090</u>	<u>04/01/1902</u>	<u>1.0 cfs</u>	<u>Irrigation</u>	<u>04/01</u>	to <u>11/01</u>
<u>A72-04090</u>	<u>04/01/1902</u>	<u>.02 cfs</u>	<u>Stockwater</u>	<u>01/01</u>	to <u>12/31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	to <u> </u>

2. Total amount of water being transferred 1.02 cubic feet per second and/or acre-feet per annum.

3. Source of water Sink Creek, tributary to Salmon River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	NW	10	11N	18E	Custer	Sink Creek

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
11N	18E	11									3			31					34
11N	18E	14					19												19

Total acres 53

PART 1**6. General Information:**

- a. Description of diversion system Concrete inlet structure approximately 4' wide, 4' high,
and 8' long to 10" PVC buried mainline 400' to 8" PVC 600' to 6" PVC to place of use.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
No change
- d. Remarks:
Applicant wishes to move point of diversion upstream to gain efficiency and lessen
impace on Salmon River source and reduce power usage.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

- 1. Right evidenced by:**

a. Decree No. _____ Decreed to _____

in case of _____ vs. _____

dated _____ in _____ county of _____

b. License No. _____ issued by the Idaho Department of Water Resources.

c. Claim No. A72-04090 on file with the Idaho Department of Water Resources.

d. Transfer No. _____ which produced this right.

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

 Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water Sink Creek tributary to Salmon River (sinks)

4. Date or priority April 1, 1902

5. Water is used for the following purpose:

amount 1 cfs for Irrigation purposes from 04/01 to 11/01

(cfs/ac-ft)
amount .02 cfs for Stockwater purposes from 01/01 to 12/31

amount _____ for _____ purposes from _____ to _____

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

6. Total amount of water under right 1.02 cubic feet per second and/or _____ acre-feet per annum.

- 7. Point(s) of Diversion:**

[illegible]

8. Lands irrigated or place of use:

[illegible]

Total acres 53

9. Describe any other water rights used for the same purpose as described above A72-04089 covers some of
same lands.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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

2. Point(s) of Diversion:

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

3. Lands irrigated or place of use:

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

Total acres _____

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

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



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

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

1	<u>New Nature of Use</u>	<u>Amount</u> <u>(cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>No change</u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

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

No change except less disturbance and impact on river

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

Less water will be pumped from Salmon River source. More efficient use of Sink
Creek water flows which do not reach Salmon River regardless of use. Impacts to
the river and the fisheries will be reduced. Power usage reduced.

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

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

Serald D. Henrich

(Signature of Applicant)

Subscribed and sworn to before me this 5th day of July, 1996.

James D. Bennett

(Notary Public)

My commission expires 1-21-99**FOR DEPARTMENT USE ONLY**Transfer contains pages and attachmentsReceived by Date Protest filed by Prelim. check by Fee Receipted by Date Published in Copies of protest forwarded by Pub. dates Hearing held by Date Watermaster recommendation requested on Recommended for ☐ approval ☐ denial rec'd. by Copy of transfer sent to lien holder

R PROOF



CVR



MAPS



PHOTOS

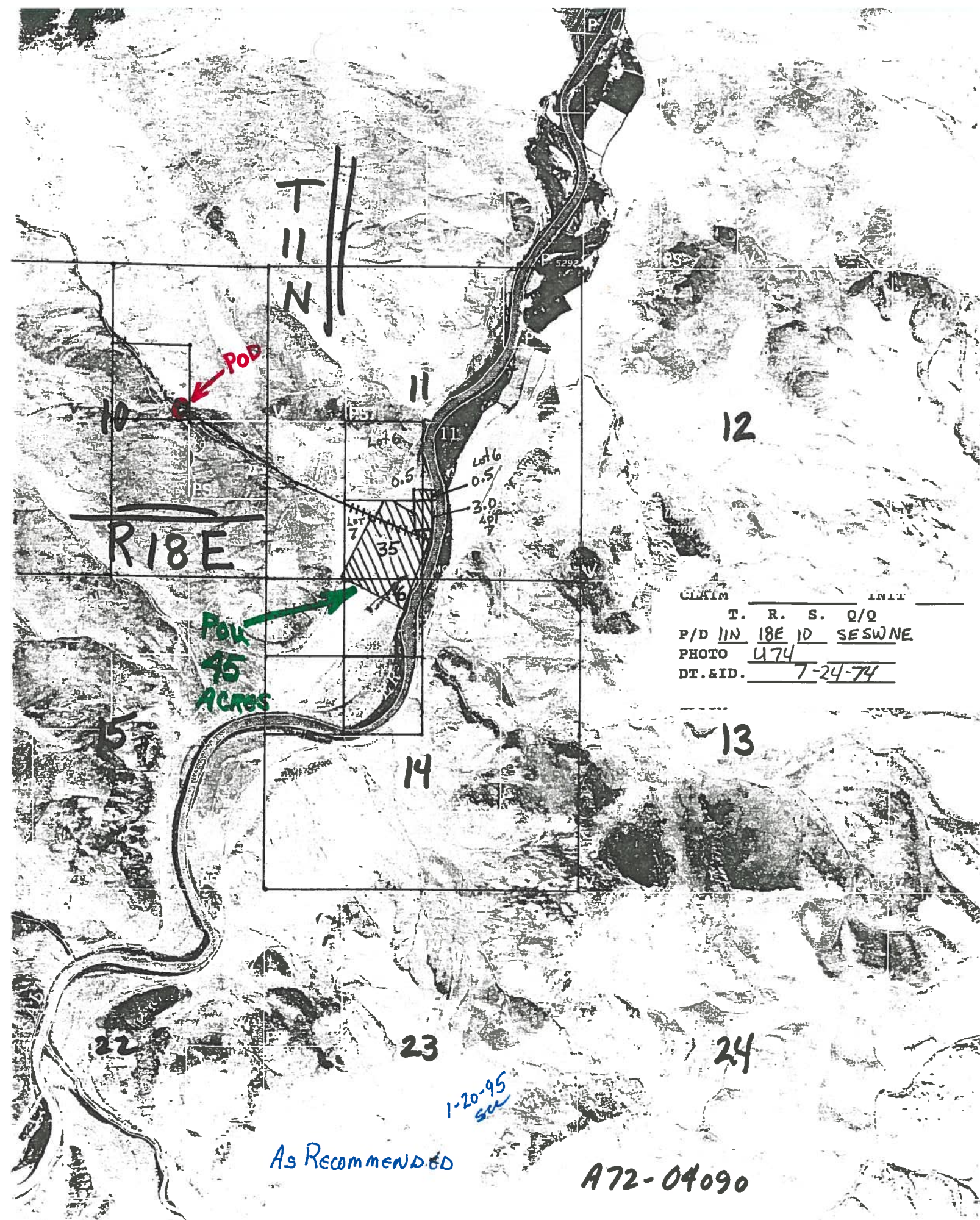


MISC



3

01/20/95 SCLELLAN



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:11:56
06/04/92

PAGE: 12
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-04090

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y	Memoranda copy 72-4090	9-9-93 9-10-93 See	N	6	See 1-20-95	See 1-20-95	See 1-20-95
SOURCE				N	1456			
PLACE OF USE	Y			Y				
DIV. AMOUNT CES/VOLUME	Y			Y				
CONSUMPTIVE USE				Y				
PURPOSES				N				
PERIOD OF USE					6. STD			
BASIS OF CLAIM	X			Y				
REMARKS	Y			Y	6.			

See
1-27-93

*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

05:11:56
06/04/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04090

LAST: CARLISLE
ADDRESS: STAR ROUTE
CITY: CHALLIS
PHONE NUMBER: 208-000-0000

FIRST: LEWIS
STATE: ID ZIP: 83226

OWNER CODE: 0

LAST: COWART
ADDRESS: JED MORRISON, TRUST OFFICER
FIRST INTERSTATE BANK OF AZ.
P.O. BOX 350
CITY: TUCSON
PHONE NUMBER: 602-792-5175

FIRST: MILDRED M.(CARLISLE)
STATE: AZ ZIP: 85702

OWNER CODE: 0

LAST: HERRICK
ADDRESS: 2170 E. GOSSAMER LN.
CITY: BOISE
PHONE NUMBER: 208-336-8719

FIRST: GERALD D.
STATE: ID ZIP: 83706

OWNER CODE: C

LAST: HERRICK
ADDRESS: 2170 E. GOSSAMER LN.
CITY: BOISE
PHONE NUMBER: 208-336-8719

FIRST: KATHRYN S.
STATE: ID ZIP: 83706

OWNER CODE: C

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
CLAIM REMARKS: OWNERSHIP CHANGE 3/10/92 BY JG.

DATABASE
Y
FIELD
EXAMINER

CONTACT PERSON:

Gerard Haeck

PHONE NUMBER: () - - - -

DATE OF FIELD EXAM:

9/10/93

APPOINTMENT MADE: Y(☒) N()

TIME: : A() P()

ACCOMPANIED BY:

John McDaniel

PHONE NUMBER: () - - - -

RELATIONSHIP TO CLAIMANT:

Ranch Manager

DIRECTIONS TO PROPERTY / REMARKS:

[See Field Notes by SCC]

A. AJ CLAIM: # A72-04090 PRIORITY DATE: 04-01-1902 STAGE: S
B. WR RECORD: # 72-04090 PRIORITY DATE: 04-01-1902 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:

Copy of Protest Notice statement in Middletown, supports date of 1891.

no claims

RECOMMENDED PRIORITY DATE:

04-01-1902

REVIEWED BY

DATE

1-20-95

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04090	11N	18E	10		SW	NE		CUSTER

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

WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: SINK CREEK

TRIB: SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
2-04090	11N	18E	10		SW	NE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
NONE NONE

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

SOURCE: SINK CREEK

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

Pod of Source Confirmed by Exam and OPO map & map photo

See 1-30-95

CLAIM NUMBER: A72-04090

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GERALD D. HERRICK KATHRYN S. HERRICK 2170 E. GOSSAMER LN. BOISE ID 83706 (208) 336-8719	04/01/1902	IRRIGATION STOCKWATER	04-01-11-01 01-01 12-31	1.00 CFS 0.02 CFS	112.5 159.0 AFA
				TOTAL DIVERSION: CONSUMPTIVE USE:	1.00 CFS .90	112.5 159.0 AFA

Water Source: SINK CREEK

Tributary to: SALMON RIVER

Point(s) of Diversion:

T11N R18E S10

SE SAME

Stage: STATUTORY CLAIM
CUSTER County Ben. Use

Place of use	Legal Description for: IRRIGATION	NE	NW	SW	SE	TOTAL ACRES
T R S	LT AC LT AC LT AC LT AC	NE NW NW NW NW NW	SW SW SW SW SW SW	SE SE SE SE SE SE	SUM	
11N 18E 11	02-17	06-05	07-35	6.5	7.3	44.0
11N 18E 14	02-17	06-05	07-35	6.5	7.3	19.0
					TOTAL ACRES	45.0

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

POU County: CUSTER

Non-Irrigation Uses: S/200 RANGE

Other Rights: ~~A72-07170, A72-04089~~ NONE

Non-Irrigation Use: S/200 RANGE

Remarks: OWNERSHIP CHANGE 3/10/92 BY JG.

Dates: Exam Made Date: 9-10-93

Misc: Water District Number:

Verified Date: Field Inspection Flag: Presumption Flag:

1-20-95
sw

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		COUNTY	
TWP.	RGE. SEC.	1/4	LOT
44N	18E	10	SE
			SW
			NE
SOURCE: SINK CREEK		TRIP: SALMON RIVER	
REVIEWED BY: SW		DATE: 1-20-95	

System:

Concrete collection box on the stream collects water of Sink Cr. into steel pipeline. Pipeline is buried up to the 900 ft then rises from the wheel line & hand lines spindles. Mainline can be spilled & drained into the Salmon River when plug is removed.

SW
1-20-95

A. ROOT WATER RIGHT NUMBERS: A72-04090

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
11N	18E	11	NE	SW	6	HERRICK, GERALD D.	A72-04090 / 3.0	72-04090 / 2.0	7.0	.5	.5
			NE	SW	6	HERRICK, GERALD D.	A72-04089 / 3.0	72-04089 / 3.0			
			NE	SW		HERRICK, GERALD D.	A72-10378 / 3.0	-			
11N	18E	11	SE	SW	7	HERRICK, GERALD D.	A72-04090 / 31.0	72-04090 / 741.0	39.0	35	35
			SE	SW	7	HERRICK, GERALD D.	A72-04089 / 31.0	72-04089 / 10.0			
			SE	SW	7	HERRICK, KATHRYN S.	A72-07170 / 31.0	72-07170 / 2.0			
			SE	SW		HERRICK, GERALD D.	A72-10378 / 31.0	-			
11N	18E	14	NE	NW	2	HERRICK, GERALD D.	A72-04090 / 19.0	72-04090 / 73.0	27.0	6	6
			NE	NW	2	HERRICK, GERALD D.	A72-04089 / 19.0	72-04089 / 12.0			
			NE	NW	2	HERRICK, KATHRYN S.	A72-07170 / 19.0	72-07170 / 12.0			
			NE	NW		HERRICK, GERALD D.	A72-10378 / 19.0	-			
TOTAL ACRES							A72-04090	53.00	45.00	73.00	

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE

FIELD EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

Confirmed POU of acres by plan, DPO & Nappo.

Stock SESU lot 7 w/ mainline

RECOMMENDATIONS:

TOTAL ACRES:

45.0

REVIEWED BY:

sw

DATE:

1-20-95

A. AJ CLAIMED USES:

PURPOSES
A72-04090 IRRIGATION
A72-04090 STOCKWATER

MONTH/DAY
FROM 04-01 TO 11-01
FROM 01-01 TO 12-31

DIVERSION QUANTITY
1.000 CFS
.020 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.000 CFS

B. WR RECORDED USES:

PURPOSES
72-04090 IRRIGATION
72-04090 STOCKWATER

MONTH/DAY
FROM 04-01 TO 11-01
FROM 01-01 TO 12-31

DIVERSION QUANTITY
1.000 CFS
.020 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

1.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?

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

REMARKS:

1DWRS+L. Season 4-15 to 10-15

Stock use - ok

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

DATABASE EXAMINER
Y

FLOW MEASUREMENT

MEASUREMENT METHOD

Pyping Current Meter SEE ATTACHED CALCULATIONS.

$Q = 0.61 \text{ cfs}$

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

OTHER RIGHTS LISTED IN CLAIM: ~~A72-07170, A72-04089~~ None

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04090	SINK CREEK	HERRICK ; GERALD D.	1.000	0.018		
A72-04089	SALMON RIVER	HERRICK ; GERALD D.	9.000	0.111		
A72-07170	BIRCH CREEK					
A72-07170	SALMON RIVER	HERRICK ; KATHRYN S.	0.680	0.010	102.00	1.59
A72-10378	GROUNDWATER	HERRICK ; GERALD D.	9.000	0.111		

NO RIGHTS WITH SAME FOU BUT NOT USED FOR IRRIGATION

> Separate system from these rights.

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 45 $\times$ 0.02 CFS/ACRE = 0.90 CFS
(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 = 159.0 AE/A

ACRES 45 $\times$ CONSUMPTIVE VOL. AE/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 112.5 AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = (1/4 surface water) AE/A

ACRES 45 $\times$ DIVERSION VOL. AE/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME 157.5 AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

spinher use irrigation:

allow 0.02 cfs/acre

** stream was measured late in the season when flows would be reduced.*

** Measurement is not consider capacity of the system.*

** allow 0.90 cfs*

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AE/A

REC. CONS.
USE

IRRIGATION
STOCKWATER

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

~~1.000~~ ^{0.90}
0.020 ^{0.02}

~~1.000~~ ^{0.90}
0.020 ^{0.02}

~~159.0~~ ^{112.5}

TOTAL FOR THIS RIGHT

REVIEWED BY:

DATE: 1-20-95

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: 72-04090
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
-	A72-04090	1.000	-		72-04090	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:

N/A

AUTHENTICATION:
SIGNATURE: *Steve O'Connell*

DATE: 1-20-95

NAME OF FIELD EXAMINER:

TITLE:

LISTING OF MAPS USED IN REVIEW OF THIS FILE

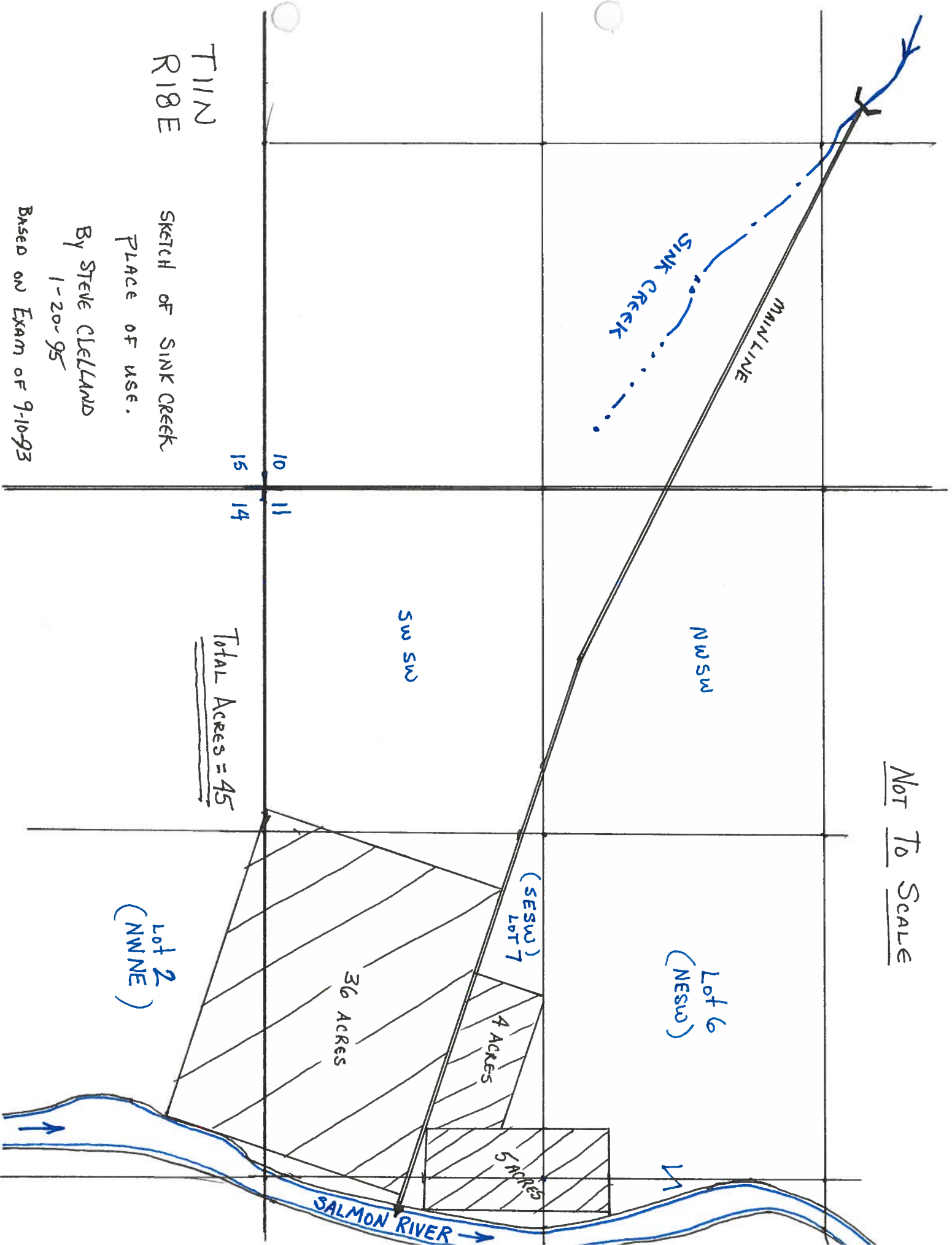
CLAIM NUMBER: A72-04090.

DESCRIPTION OF MAP	ID NUMBERS	MAP DATE	COPY IN FILE?
THOPHOTOQUAD (OPQ)	<u>U74</u>	<u>7-24-74</u>	<u>YES</u> / NO
CS MAP			YES / NO
PP PHOTO			YES / NO
M AERIAL	<u>5-7B-13</u>	<u>7-1-88</u>	YES / <u>NO</u>
BDIVISION PLAT			YES / NO
POGRAPHIC QUAD			YES / NO
VERNMENT LOT MAP	<u>T11N R18E</u>		<u>YES</u> / NO
S SOILS MAP			YES / NO
HER:			
<u>Sketch by SCC</u>		<u>1-20-95</u>	<u>YES</u> / NO
			YES / NO
			YES / NO
			YES / NO
			YES / NO
			YES / NO

=====

MARKS:

Not To Scale

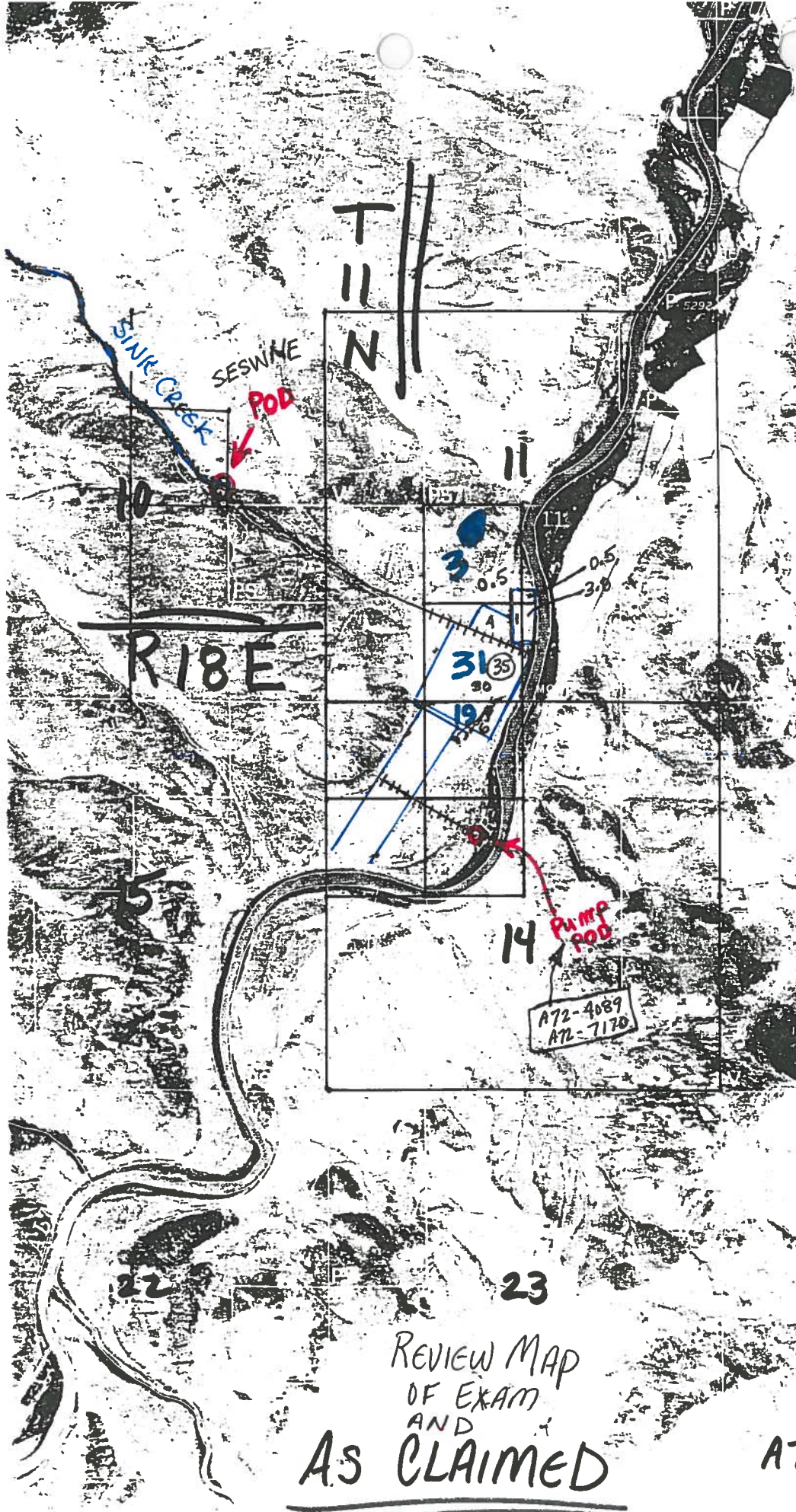


TIN
RIBE

SKETCH OF SINK CREEK
PLACE OF USE.

By STEVE CLELAND
1-20-95

Based on Exam of 9-10-93



12
CLAIMED AC. = 53

EXAM AC. = 45

CLAIM T. R. S. Q/Q
P/D
PHOTO 474
DT. & ID. 7-24-74

13

14 PUMP POD
A72-4089
A72-7170

REVIEW MAP
OF EXAM
AND
AS CLAIMED

A72-04090

R 18 E

T
11
N

AT2-04090

4 03	04 LT02	04 LT01	03 LT04	02 LT03	03 LT02	03 LT01	02 LT04	02 LT03	02 LT02	02 LT01	01 LT04	01 LT03	01 LT02	01 LT01
4 NW	04 SWNE	04 SENE	03 SWNW	03 SENW	03 SWNE	03 SENE	02 SWNW	02 SENW	02 SWNE	02 LT05	01 LT05	01 SENW	01 SWNE	01 SENE
4 SW	04 NWSE	04 NESE	03 NWSW	03 NESW	03 NWSE	03 NESE	02 NWSW	02 NESW	02 NWSE	02 LT07	01 LT06	01 NESW	01 NWSE	01 NESE
6 SW	04 SWSE	04 SESE	03 SWSW	03 SESW	03 SWSE	03 SESE	02 SWSW	02 SESW	02 SWSE	02 LT08	01 LT07	01 SESW	01 SWSE	01 SESE
1 NW	09 NWNE	09 NENE	10 NNNW	10 NENW	10 NWNE	10 NENE	11 NNNW	11 NENW	11 LT02	11 LT01	12 NNNW	12 NENW	12 NWNE	12 NENE
1 NW	09 SWNE	09 SENE	10 SWNW	10 SENW	10 SWNE	10 SENE	11 SWNW	11 SENW	11 LT03	11 LT04	12 SWNW	12 SENW	12 SWNE	12 SENE
1 NW	09 NWSE	09 NESE	10 NWSW	10 NESW	10 NWSE	10 NESE	11 NWSW	11 LT08	11 LT05	11 NESE	12 NWSW	12 NESW	12 NWSE	12 NESE
1 NW	09 SWSE	09 SESE	10 SWSW	10 SESW	10 SWSE	10 SESE	11 SWSW	11 SESW	11 SWSE	11 SESE	12 SWSW	12 SESW	12 SWSE	12 SESE
1 W	18 NWNE	18 NENE	15 NNNW	15 NENW	15 NWNE	15 NENE	14 NNNW	14 LT02	14 LT01	14 NENE	13 NNNW	13 NENW	13 NWNE	13 NENE
1 W	18 SWNE	18 SENE	15 SWNW	15 SENW	15 SWNE	15 LT03	14 LT03	14 LT04	14 LT05	14 SENE	13 SWNW	13 SENW	13 SWNE	13 SENE
1 W	18 NWSE	18 NESE	15 NWSW	15 NESW	15 LT04	15 LT01	14 LT07	14 LT06	14 NWSE	14 NESE	13 NWSW	13 NESW	13 NWSE	13 NESE
1 W	18 SWSE	18 SESE	15 SWSW	15 SESW	15 LT05	15 LT02	14 SWSW	14 SESW	14 SWSE	14 SESE	13 SWSW	13 SESW	13 SWSE	13 SESE
1 W	21 NWNE	21 NENE	22 NNNW	22 LT08	22 LT07	22 LT01	23 NNNW	23 NENW	23 NWNE	23 NENE	24 NNNW	24 NENW	24 NWNE	24 NENE
1 W	21 SWNE	21 SENE	22 LT09	22 LT02	22 LT03	22 LT04	23 SWNW	23 SENW	23 SWNE	23 SENE	24 SWNW	24 SENW	24 SWNE	24 SENE
1 W	21 NWSE	21 NESE	22 LT10	22 LT05	22 NWSE	22 NESE	23 NWSW	23 NESW	23 NWSE	23 NESE	24 NWSW	24 NESW	24 NWSE	24 NESE
1 W	21 SWSE	21 SESE	22 LT11	22 LT06	22 SWSE	22 SESE	23 SWSW	23 SESW	23 SWSE	23 SESE	24 SWSW	24 SESW	24 SWSE	24 SESE
1 W	28 NWNE	28 LT07	27 LT01	27 NENW	27 NWNE	27 NENE	26 NNNW	26 NENW	26 NWNE	26 NENE	25 NNNW	25 NENW	25 NWNE	25 NENE
1 W	28 LT04	28 LT05	27 SWNW	27 SENW	27 SWNE	27 SENE	26 SWNW	26 SENW	26 SWNE	26 SENE	25 SWNW	25 SENW	25 SWNE	25 SENE
1 W	28 LT08	28 NESE	27 NWSW	27 NESW	27 NWSE	27 NESE	26 NWSW	26 NESW	26 NWSE	26 NESE	25 NWSW	25 NESW	25 NWSE	25 NESE
1 W	28 SWSE	28 SESE	27 SWSW	27 SESW	27 SWSE	27 SESE	26 SWSW	26 SESW	26 SWSE	26 SESE	25 SWSW	25 SESW	25 SWSE	25 SESE

9-10-93

Sink Creek pump @ Salmon River

- Spoke to John McDaniel - ranch manager
he said the pivot is served by this pump.
Pump is currently throttled back due to
mainline problems.

→ - Sink Creek serves the wheel lines to the North only

85 psi @ pump

GE motor 50 HP

Model: 5K6252XM501B

Ser # DSJH 23299

1765 RPM

Aurora Vertilena pump - No TAG

12' lift from river to pump motor

A72-04090

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

A72-4090
Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: SINK CREEK
2. Location: Between Culvert crossing & Henrich P.O.D. → ENTIRE STREAM IS DIVERTED AT THIS TIME
3. Person conducting measurement: STEVE CLELAND
4. Date and time of measurement: 9-10-93 1:30 PM
5. Accompanied by: N/A
6. Measuring device size and ID no.: PIGMY
7. Spin test before measurement OK? OK 20 sec after measurement OK? _____
8. Purpose of measurement: AT CLAIM

B. MEASUREMENT DATA

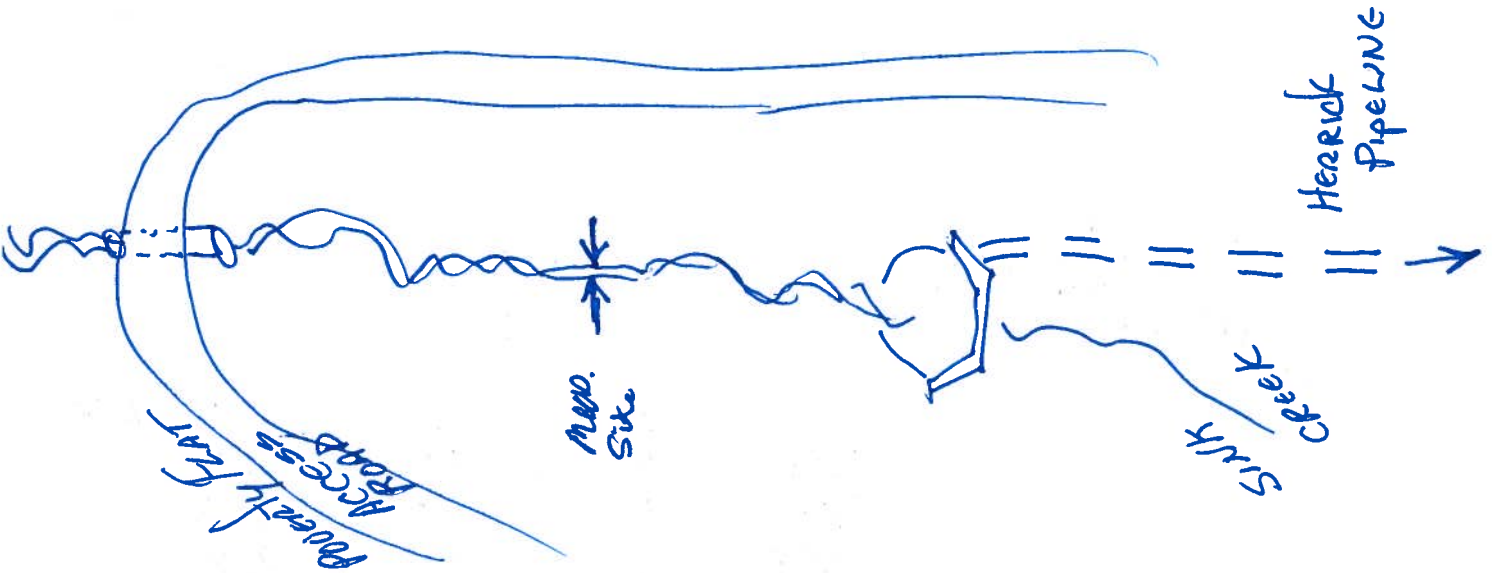
Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY		Adjusted for hor. angle or	Area	Discharge
							At point	Mean in vertical			
LEW	2.25		Ø		Ø						
	2.50		.10	.5	20	25.10					
	2.75		.15		40	21.13					
	3.0		.20		40	23.50					
	3.25		.20		50	19.94					
	3.50		.20		80	34.25					
	3.75		.20		70	28.81					
	4.0		.10		40	18.41					
REW	4.25		Ø		Ø						

* See Computer Version for flow calculations

C. DIAGRAMS

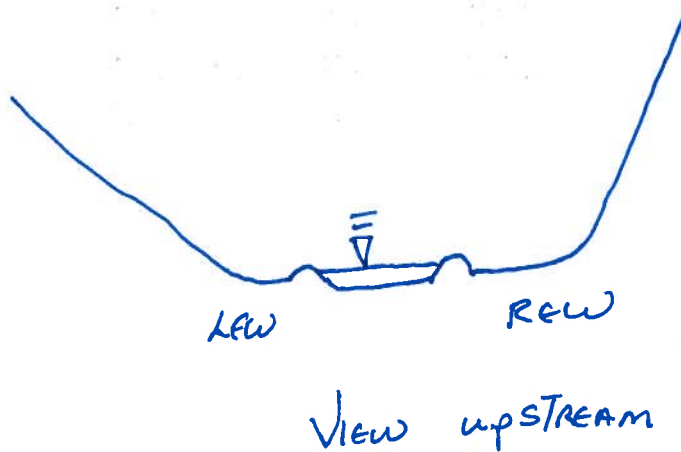
1. Measurement Location

Scale: _____ = _____



2. Cross-Section of Measurement

Scale _____ = _____



D. SUMMARY INFORMATION

1. Measurement rated _____ excellent _____ good ☒ fair _____ poor

2. Remarks: Very fast velocities due to steep grade, this was
The only site I could find to measure. Gravel Bottom.

3. Width: _____ Area: _____ Discharge in cubic feet per second: _____

DATE _____

SIGNATURE OF PERSON CONDUCTING MEASUREMENT _____

9-17-93
see

NAME OF STREAM OR DIITCH SINK CREEK
LOCATION -----
PURPOSE OF MEASUREMENT -- ABOVE HERRICK POD ON C
BASIS OF VELOCITY CALCULATIONS ADJUDICATION REVIEW
IF YOU ARE USING A PYGMY METER ENTER ----- 1
IF YOU ARE USING A AA METER ENTER ----- 2
ENTRY ----- = 1
FOLLOWING THE LAST ENTRY IN:
"DISTANCE FROM INIT PT" ENTRY MUST = "END"

WATER RIGHT NUMBER IF APPLICABLE -----
AGENT CONDUCTING MEASUREMENT -----
ACCOMPANIED BY -----
PREMEASUREMENT SPIN TEST (MIN/SEC) ---
POST MEASUREMENT SPIN TEST (MIN/SEC) - OK

HERRICK
SCC
NONE
OK

INITIAL POINT	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	VELOCITY DATA		CALC WIDTH	AREA IN SQ FT	1ST POINT VELOCITY		2ND POINT VELOCITY		MEAN VELOCITY	DISCHARGE IN CFS
					1ST MEASUREMENT REVS	TIME/SEC	2ND MEASUREMENT REVS	TIME/SEC	VELOCITY	TIME/SEC	VELOCITY	TIME/SEC		
		2.25	0.10	0.05	20	25.1	40	21.1	0.13	0.006	0.25	0.025	0.80	0.40
		2.75	0.15		40	21.1	40	21.1	0.25	0.038	0.25	0.038	1.90	0.80
		3.00	0.20		40	23.5	40	23.5	0.25	0.050	0.25	0.050	1.70	0.07
		3.25	0.20		50	19.9	50	19.9	0.25	0.050	0.25	0.050	2.51	0.09
		3.50	0.20		80	34.3	80	34.3	0.25	0.050	0.25	0.050	2.33	0.13
		3.75	0.20		70	28.8	70	28.8	0.25	0.050	0.25	0.050	2.43	0.12
		4.00	0.10		40	18.4	40	18.4	0.25	0.025	0.25	0.025	2.17	0.12
		4.25		0.05					-2.00	0.000	1.52		2.17	0.05
									0.13	0.007				0.60

0.01

0.61 cfs

adjusted to
correct errors made in
entering the data to the
program.

see
10-20-93

FIELD NOTE
~~CONVERSATION~~ MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4089

A72-4090

RE: CHANGE IN IRRIGATION SYSTEM

A72-7170

DATE 5-25-93

NAME OF PARTY

HERRICK

INITIAL field review & location of property shows this land in T11N, R18E, S14 N1/2 is having a pivot installed. This will irrigate new grounds not currently irrigated by the gravity system.

(See photos from roll R72-5)

P-01
R72-38
MISC

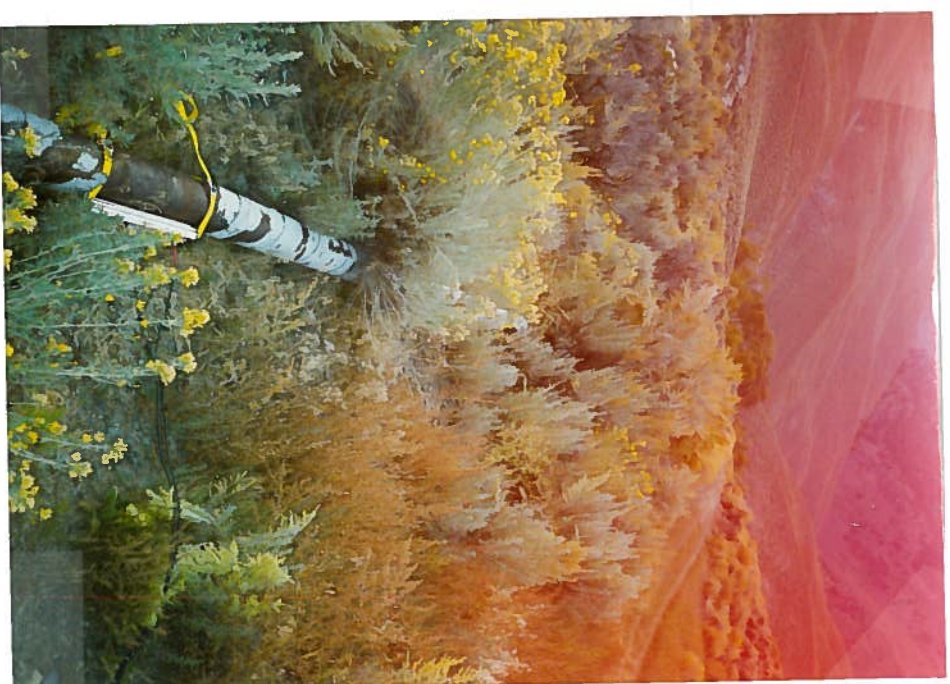


↑ PIPELINE
POSITION



SINK CREEK POINT OF DIVERSION.

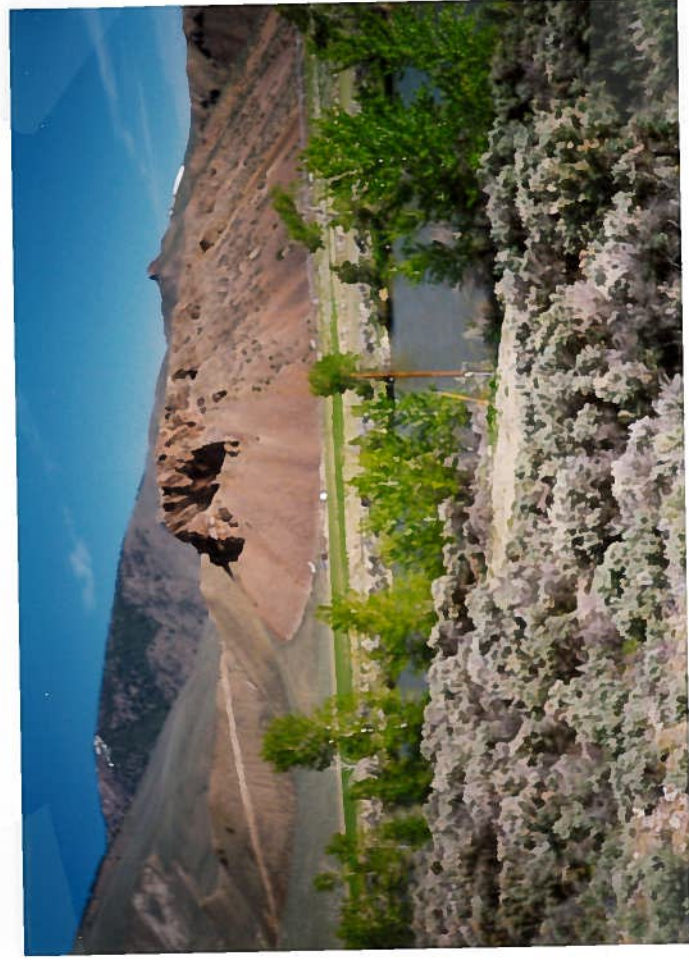
SINK CREEK
A72-4090



PIPELINE IS ABANDONED.
(WRONG LINE)



NEW PIVOT
INSTALLATION



PHOTOS:
BY SCL
5-25-93

ROLL R72-5

A72-4090

HERRICK

T11N, R18E, S.1A N1/2

ADDITIONAL ACRES WILL BE
IRRIGATED AFTER PIVOT IS
IN OPERATION.



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
6.0476 IN

PIPE MATERIAL
2 CS-88

WALL THICKNESS
0.1550 IN

INNER LINING
2 NO LING.

KIND OF FLUID
2 WATER

SENSOR MOUNTING
2 U

TYPE OF SENSOR
2 SMALL

DATA CHANGE
2 87

SPACING
4.193 IN U

09-09 19:3500 *I
+ E 00GPM

*Sink Creek 9-9-93
no measurement see*

09-09 19:3700 *H
+001.60 % 912

09-09 19:3800 *H
- 25.624E 00GPM

MODE SELECT
TO CHECK

0175.8 MMSEC
002.01 % 13

09-09 19:3900 *R
+ 95.894E 00GPM

ZERO MODE
CLEAR

ZERO MODE
AUT ZERO

ZERO MODE
ZERO OPR

09-09 19:4000 *R
+376.973E 00GPM

MODE SELECT
TO CHECK

0175.2 MMSEC
001.73 % 13

09-09 19:4400 *H
+001.70 % 912

*9-9-93
Sink Creek pipeline
Probably not full or running*

A72-4090

Water Right Number - 72-04090

Prefix Translation:

WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***
CARLISLE

LEWIS

1 - STAR ROUTE
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

CARLISLE

MILDRED

1 - STAR ROUTE
2 -
3 -
City- CHALLIS
Phone -

State- ID Zip- 83226

+ - - Priority Date - - + - - - - Region - - - - + - - - - Stage - - - - + - - - - Status - - - - +
04/01/1902 17 SOUTHERN S - STATUTORY CLAIM

+ - - - - Source - - - - - + - - - - Tributary - - - - - +
SINK CREEK SALMON RIVER

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County
11N 18E 10 SW NE (37) CUSTER

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume - - - - - +
01 - IRRIGATION 04/01 11/01 1.000
04 - STOCKWATER 01/01 12/31 0.020

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - +
1.000

+ - - - - Place of Use - - - - - County - - - - - +
Twn Rng Sec Tract Lot Acres Code Description
11N 18E 11 NE SW 6 2.0 01 IRRIGATION (37) CUSTER
11N 18E 11 SW SW 2.0 01 IRRIGATION (37) CUSTER
11N 18E 11 SE SW 7 41.0 01 IRRIGATION (37) CUSTER
11N 18E 14 NE NW 2 2.0 01 IRRIGATION (37) CUSTER

Total Acres: 47.0

+ - - Diversion Means - EARTH DITCH, PIPELINE, SPRINKLERS

+ - - Non-Irrigation Use - S/200 RANGE

+ - - Other Rights for Same Use -

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

Water right number - 72-04090

Prefix Translation:

WATER RIGHT

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

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

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

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

+ - - - - - Comments - - - - - +
No Comments Found

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

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Shan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	- P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	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	Presumption Flag	-			-

2001 APR -6 PM 2:52

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	)	SUBCASE NO. 72-04090
	)	
Case No. 39576	)	
	)	NOTICE OF COMPLETED
_____	)	ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **I.C. § 42-222 TRANSFER**

An Administrative Proceeding pursuant to I.C. § 42-222 has been completed. The following changes have been made to the water right(s):

☒ Change in Ownership	☐ Split of Water Right
☒ Point of Diversion	☒ Place of Use
☐ Period of Use	☐ Nature of Use

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

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

Dated: 3/14/01


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 4/6, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Murray D Feldman
Holland & Hart
PO Box 2527
Boise ID 83701-2527
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One Copy to:
Each party in the subcase or attorney of record:
Bureau of Land Management
Idaho State Office
1387 S Vinnell Way
Boise ID 83709
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 6, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MURRAY D FELDMAN
HOLLAND & HART
PO BOX 2527
BOISE ID 83701-2527

RE: SRBA Claim(s) 72-04090
High Mountain Ranches Ltd Partnership

Dear Counselor:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Bureau of Land Management

Southern

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 5769
WATER RIGHT NO. 72-04090

RECEIVED
OCT 24 2000
Department of Water Resources
Southern Region

This is to certify that: **HIGH MOUNTAIN RANCHES LTD PARTNERSHIP**
2027 SILVER CREEK LANE
BOISE ID 83706

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	0.90 CFS	157.5 AF
STOCKWATER	01/01 to 12/31	0.02 CFS	2.7 AF
Totals		0.90 CFS	160.2 AF

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SINK CREEK	SALMON RIVER

Priority: 04/01/1902

LOCATION OF POINT(S) OF DIVERSION: NWSWNE , Sec. 10, Township 11N, Range 18E
CUSTER County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11N	18E	11	Lot 6 (NESW) 1.5	Lot 7 (SESW) 34.8	Lot 6 (NWSE) 1.0	
			Lot 7 (SWSE) 2.1			39.4
		14	Lot 2 (NENW) 5.6			5.6
Total number of acres irrigated:						45.0

PLACE OF USE: STOCKWATER

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>
11N	18E	11

Lot 7 (SESW)

CONDITIONS OF APPROVAL AND REMARKS

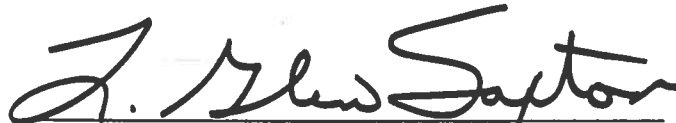
1. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

TRANSFER NO. 5769
WATER RIGHT NO. 72-04090

CONDITIONS OF APPROVAL AND REMARKS

3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
5. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. The appropriator is entitled to the quantity of water described for stock water purposes at a point of measurement where the delivery ditch enters the place of use described, so long as the quantity diverted at the point of diversion does not constitute unreasonable waste.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use and shall not exceed 13,000 gallons per day.
8. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
9. Approval of Transfer 5769 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Dated this 20th day of October, 2000.


Chief, Water Allocation Bureau

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

RECEIVED.

JUN 14 2000

Department of Water Resources
Southern Region

Name of applicant High Mountain Ranches Limited Partnership Phone 208.336.8719
 Mailing Office address 2027 Silver Creek Lane, Boise, Idaho 83706

PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

Describe the reason for the proposed changes To move historical use from public (BLM)
land onto private land at request of BLM to avoid unpermitted
use of BLM land. To change point of diversion to
more efficient location.

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

Right Number	Priority	Amount (cts/ac-ft)	Nature of Use	Period of Use
<u>72-04090</u>	<u>04/01/1902</u>	<u>0.9</u>	<u>Irrigation</u>	<u>4-01</u> to <u>10-31</u>
<u>72-04090</u>	<u>04/01/1902</u>	<u>0.02</u>	<u>Stock water -</u>	<u>01-01</u> to <u>12-31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

Total amount of water being transferred 0.9 cubic feet per second and/or _____ acre-feet per annum.

Source of water Sink Creek tributary to Salmon River

Point(s) of Diversion:

.ot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SW	NE	10	11N	18E	Custer	

Lands irrigated or place of use:

[illegible]

General Information:

a. Description of diversion system Pipe, Headgate, and ditch off stream

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

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

Public land parcel would cease to be directly irrigated and may return to native vegetation or other desired management condition selected by BLM.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

COPY

200 AUG 21 AM 10:13

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

Water Rights: 72-04090

Case No. 39576

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative Proceeding for the above water right(s).

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

☒ I.C. § 42-222 transfer 5769

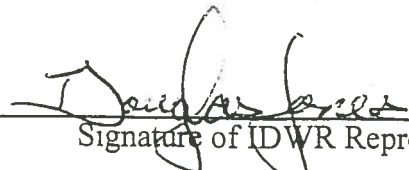
☒ point of diversion ☒ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: June 14, 2001.

Dated

8/21/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 8/21, 2000, I mailed the original and copies of this form to the following persons, postage prepaid, and addressed as follows:

1. Original to:

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

2. One copy to:

Claimant or attorney of record:

Murray D Feldman
Holland & Hart
PO Box 2527
Boise ID 83701

3. One copy to:

Each party in the subcase, or attorney of record:

R Lee Leininger
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724

4. One copy to:

Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MURRAY D FELDMAN
HOLLAND & HART
PO BOX 2527
BOISE ID 83701

RE: SRBA Claim(s) 72-00246, 72-00247, 72-04018, 72-04046,
72-04090 / High Mountain Ranches Ltd
Partnership

Dear Counselor:

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

After IDWR completes the indicated administrative process, and has modified the SRBA claims, you will be forwarded a Notice of Completed Administrative Proceeding. Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

RECEIVED.

JUN 14 2000

Department of Water Resource
Southern Region

PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

Describe the reason for the proposed changes To move historical use from public (BLM) land onto private land at request of BLM to avoid unpermitted use of BLM land. To change point of diversion to more efficient location.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>72-04090</u>	<u>04/01/1902</u>	<u>0.9</u>	<u>Irrigation</u>	<u>4-01</u> to <u>10-31</u>
<u>72-04090</u>	<u>04/01/1902</u>	<u>0.02</u>	<u>Stock water</u>	<u>01-01</u> to <u>12-31</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u> to <u> </u>

Source of water Sink Creek tributary to Salmon River

ot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
NW	SW	NE	10	11N	18E	Custer		

[illegible]

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: **A72-04090**
Date Received: 1/ 4/1990
Receipt No: S010832
Received By: _____

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

1. Name: GERALD D HERRICK 208-336-8719
Address: 2027 SILVER CREEK LANE
BOISE ID 83706
AND/OR
Name: KATHRYN S HERRICK 208-336-8719
Address: 2027 SILVER CREEK LANE
BOISE ID 83706

2. Date of Priority: APR 1, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	18E	10	SW	NE			CUSTER

5. Description of diverting works:
EARTH DITCH, PIPELINE, SPRINKLERS.

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		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 159.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	18E	11	NE	SW	6	IRR	3.0
			SE	SW	7	IRR	31.0
						Section Acres	34.0
		14	NE	NW	2	IRR	19.0
						Section Acres	19.0
						Total Acres	53.0

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:
A72-07170, A72-04089

14. Remarks:
OWNERSHIP CHANGE 3/10/92 BY JG.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

NOTICE : CHANGE OF ADDRESS

Gerald D. and Kathryn S. Herrick have moved..... effective February 1, 1994.
The new address is...

**2027 SILVER CREEK LN.
BOISE, IDAHO 83706**

RECEIVED

JAN 30 1995

**Department of Water Resources
Southern Region**

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A72-04010, A72-04011, A72-04012, A72-04013, A72-04014, A72-04015, A72-04016, A72-04017, A72-04018, A72-04019, A72-04020, A72-04021, A72-04022, A72-04023, A72-04024, A72-04025, A72-04026, A72-04027, A72-04028, A72-04029, A72-04030, A72-04031, A72-04032, A72-04033, A72-04034, A72-04035, A72-04036, A72-04037, A72-04038, A72-04039, A72-04040, A72-04041, A72-04042, A72-04043, A72-04044, A72-04045, A72-04046, A72-04047, A72-04048, A72-04049, A72-04050, A72-04051, A72-04052, A72-04053, A72-04054, A72-04055, A72-04056, A72-04057, A72-04058, A72-04059, A72-04060, A72-04061, A72-04062, A72-04063, A72-04064, A72-04065, A72-04066, A72-04067, A72-04068, A72-04069, A72-04070, A72-04071, A72-10223 & A72-10224

DEAR MR. & MRS. HERRICK,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

If you have any further corrections or questions please contact our office.

Sincerely,



STEVE CLELLAND
Water Resource Agent

ENC:

1-27-95

THANKS STEVE...

NOTE ON A NEW ADDRESS !!

RECEIVED

JAN 30 1995

**Department of Water Resources
Southern Region**

A Herrick

A72-4090

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: **A72-04090**
Date Received: 1/ 4/1990
Receipt No: S010832
Received By: _____

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

1. Name: GERALD D. HERRICK 208-336-8719
Address: 2170 E. GOSSAMER LN.
BOISE ID 83706

AND/OR

Name: KATHRYN S. HERRICK 208-336-8719
Address: 2170 E. GOSSAMER LN.
BOISE ID 83706

2. Date of Priority: APR 1, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	18E	10	SW	NE			CUSTER

5. Description of diverting works:
EARTH DITCH, PIPELINE, SPRINKLERS.

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		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 159.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	18E	11	NE	SW	6	IRR	3.0
			SE	SW	7	IRR	31.0
						Section Acres	34.0
		14	NE	NW	2	IRR	19.0
						Section Acres	19.0
						Total Acres	53.0

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:
A72-07170, A72-04089

14. Remarks:
OWNERSHIP CHANGE 3/10/92 BY JG.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

MICROFILMED
MAR 18 1993

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 18 1993

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
WASHINGTON, D.C.

SUITE 1400
WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Murray D. Feldman

March 2, 1992

RECEIVED
MAR 3 1992

Department of Water Resources

Idaho Department of Water Resources
Statehouse Mail
Boise, ID 83720-9000

RECEIVED

MAR 04 1992

Attn: Adjudication Bureau

Department of Water Resources
Southern Region Office

Re: Notice of Change of Water Right Ownership

Dear Adjudication Bureau:

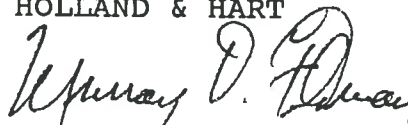
Enclosed please find two Notice of Change of Water Right Ownership forms covering Water Right Nos. A72-0244A, A72-0245, A72-00246, A72-00247, A72-02035, A72-04089, A72-04090, A72-07170, A72-10378, A72-10372, and A72-10367.

As indicated on the enclosed form, the new owners and claimants of these rights are Gerald and Kathryn Herrick by virtue of their purchase of the property to which the rights are appurtenant, as evidenced by the enclosed Warranty Deed.

Please contact me if you have any questions about these Notice of Change of Water Right Ownership forms.

Sincerely,

HOLLAND & HART


Murray D. Feldman

MDF:cd

Enclosures

cc: Mr. Gerald Herrick
Mr. Jed Morrison

MICROFILMED
MAR 18 1993



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAR 06 1992

Department of Water Resources
Southern Region Office

DATE OF CLOSING: Aug. 26, 1991

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See attached legal description sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) A72-0244A, A72-0245, A72-00246, A72-00247,
Assigned by IDWR: A72-02035, A72-04089, A72-04090, A72-07170

☐ Name and Address of Former Owner/Claimant(s)(Seller): Mildred M. (Carlisle) Cowart

c/o Jed Morrison, Trust Officer
First Interstate Bank of Arizona
P.O. Box 350
Tucson, AZ 85702

☐ New Owner/Claimant (Purchaser): Gerald D. Herrick and Kathryn S. Herrick

☐ New Mailing Address: 2170 E. Gossamer Ln.
Boise, ID 83706

☐ New Telephone Number: (208) 336-8719

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: Warranty deed for property listed above.

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

☒ Signature of New Owner/Claimant(s) Gerald D. Herrick Date 2-24-92

Kathryn S. Herrick Date 2-24-92

☐ Signature of Former Owner/Claimant(s): _____ Date _____

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 3/9/92 By: LS

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 3/9/92 By: LS

Claim Numbers of Split, if any:

MICROFILMED

MAR 18 1993

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

COPY

RECEIVED

WARRANTY DEED

MAR 05 1992

Department of Water Resources

For value received, GERALD MARTIN and SHARON L. MARTIN, husband and wife; BARBARA CURBY, a single woman; DORIS LONG, a single woman; JAMES B. MARTIN, a single man; and ROBERT C. MARTIN and MONIE MARTIN, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto GERALD D. HERRICK and KATHRYN S. HERRICK, husband and wife whose address is 2170 East Gossamer, Boise, Idaho, the Grantees, the following described premises, to-wit:

TRACT I: Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho

Section 1: Lot 4

Section 2: Lots 1, 7 and 8

Township 12 North, Range 18 East, Boise Meridian, Custer County, Idaho

Section 35: SE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ SW $\frac{1}{4}$

Section 36: Lots 5 and 6

TRACT II: Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho

Section 11: Lots 6 and 7

Section 14: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Lots 2, 3 and 4

including all water rights appurtenant thereto.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises, that said premises are free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: August 26, 1991

GRANTORS:

Gerald Martin
GERALD MARTIN

RECEIVED

MAR 05 1992

Department of Motor Vehicles
Southern Region Office

**COPY
NOT TO BE RECORDED**

Sharon L. Martin
SHARON L. MARTIN

Barbara Curby
BARBARA CURBY

Doris Long
DORIS LONG

James B. Martin
JAMES B. MARTIN

Robert C. Martin
ROBERT C. MARTIN

Donie Martin
DONIE MARTIN

STATE OF Florida)
County of _____) : ss.

On this _____ day of _____, 1991, before me,
_____, a notary public for said State,
personally appeared GERALD D. HERRICK and KATHRYN S. HERRICK,
known or identified to me to be the persons who executed the
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.

Notary Public
Residing at: _____
My Commission Expires: _____

MICROFILMED
MAR 18 1993

STATE OF Florida)
County of Polk) : ss.

On this 26th day of August, 1991, before me,
Elaine Rhoades, a notary public for said State,
personally appeared GERALD MARTIN and SHARON L. MARTIN, known or
identified to me to be the persons who executed the 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.

Elaine Rhoades
Notary Public
Residing at: Waiparua City, FL.
My Commission Expires: _____

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: MAR. 21, 1992.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

STATE OF Florida)
County of Polk) : ss.

On this 26th day of August, 1991, before me,
Elaine Rhoades, a notary public for said State,
personally appeared BARBARA CURBY, known or identified to me to
be the person who executed the instrument, and acknowledged to me
that she 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.

Elaine Rhoades
Notary Public
Residing at: Waiparua City, FL.
My Commission Expires: _____

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: MAR. 21, 1992.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.

MICROFILMED

MAR 18 1993

STATE OF Florida)
County of Polk) : ss.

On this 26th day of August, 1991, before me,
Elaine Rhoades, a notary public for said State,
personally appeared DORIS LONG, known or identified to me to be
the person who executed the instrument, and acknowledged to me
that she 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.

Elaine Rhoades
Notary Public
Residing at: Haines City, FL.
My Commission Expires: _____

NOTARY PUBLIC, STATE OF FLORIDA;
MY COMMISSION EXPIRES: MAR. 21, 1992;
BONDED THRU NOTARY PUBLIC UNDERWRITERS;

STATE OF Florida)
County of Polk) : ss.

On this 26th day of August, 1991, before me,
Elaine Rhoades, a notary public for said State,
personally appeared JAMES B. MARTIN, known or identified to me to
be the person who executed the instrument, and acknowledged to me
that he 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.

Elaine Rhoades
Notary Public
Residing at: Haines City, FL.
My Commission Expires: _____

NOTARY PUBLIC, STATE OF FLORIDA;
MY COMMISSION EXPIRES: MAR. 21, 1992;
BONDED THRU NOTARY PUBLIC UNDERWRITERS;

SD-33

Last Name: COWART

STATE

S	First	O	Water	Priority		Total	Use
E	Name	W	Right No.	Date	Source	Diversion	Code Desc
L		N					
-	-----						
-	COWART						
-	MILDRED M.	(C C A72-00244A	03/01/1884	LYON CREEK	1.250	01	IRR
-	MILDRED M.	(C C A72-00245	04/01/1884	LYON CREEK	1.250	01	IRR
-	MILDRED M.	(C C A72-00246	04/01/1880	LYON CREEK	1.860	01	IRR
-	MILDRED M.	(C C A72-00247	04/01/1884	LYON CREEK	1.860	01	IRR
-	MILDRED M.	(C C A72-02035	09/18/1912	SALMON RIVE	0.400	01	IRR
-	MILDRED M.	(C C A72-04089	05/01/1902	SALMON RIVE	9.000	01	IRR
-				BIRCH CREEK		04	STOCK
-	MILDRED M.	(C C A72-04090	04/01/1902	SINK CREEK	1.000	01	IRR
-						04	STOCK
-	MILDRED M.	(C C A72-07170	12/22/1981	SALMON RIVE	0.680	01	IRR
-							
-							
-							
-							

END OF DATA...ENTER MENU OPTION AND/OR PRESS ENTER TO CONTINUE
 (Enter=Continue) (GOLD7=This Query)

(Menu _____)

MICROFILMED

MAR 18 1993

SD-0604-2 Township: 11N Range: 18E Section: 14				Tract:		Lot:	
S	L	Water	Name	O	S	Max #	Records
E	O	Right No.	Last, First	W	T	Priority	Use
L	Tract	T		N	AC	G	Date
							Code
							Desc
---	---	---	---	---	---	---	---
---	NWNE	A72-10512	DEPT. OF FISH & GAME	K		J	05/26/1960
---	NENW	A72-10378	STATE OF IDAHO	C			19 FISH
---	NENW	A72-10378	ARIZONA, N.A., 1ST INT	C	19	J	06/01/1970
---	NENW	2 A72-04089	COWART, MILDRED M. (CAR	O	19	S	05/01/1902
---	NENW	2 A72-04090	COWART, MILDRED M. (CAR	C			01 IRR
---	NENW	2 A72-04090	COWART, MILDRED M. (CAR	O	19	S	04/01/1902
---	NENW	2 A72-07170	COWART, MILDRED M. (CAR	C			01 IRR
---	NENW	2 A72-07170	COWART, MILDRED M. (CAR	O	19	L	12/22/1981
---	NWNW	A72-04089	COWART, MILDRED M. (CAR	C			04 STOCK
---	NWNW	A72-04089	COWART, MILDRED M. (CAR	O	14	S	05/01/1902
---	NWNW	A72-10378	COWART, MILDRED M. (CAR	C			01 IRR
---	NWNW	A72-10378	ARIZONA, N.A., 1ST INT	C	14	J	06/01/1970
---	SWNW	A72-10378	ARIZONA, N.A., 1ST INT	C	14	J	06/01/1970
---							01 IRR
---							04 STOCK

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

MICROFILMED

MAR 18 1993

HOLLAND & HART
ATTORNEYS AT LAW

DENVER
DENVER TECH CENTER
COLORADO SPRINGS
ASPEN
BILLINGS
BOISE
CHEYENNE
JACKSON
WASHINGTON, D.C.

SUITE 1400
WEST ONE PLAZA
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

Murray D. Feldman

March 10, 1992

RECEIVED

MAR 11 1992

Idaho Department of Water Resources
Southern Region

Idaho Department of Water Resources
Southern Region
2148 Fourth Avenue East
Twin Falls, ID 83301

Attn: Judy

Re: Notice of Change of Water Right Ownership for
Gerald and Kathryn Herrick

Dear Judy:

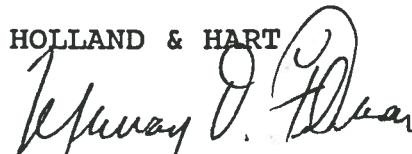
As discussed in our telephone conversation today, enclosed is a copy of a warranty deed documenting the transfer of the property currently owned by the Herricks from the Mildred M. Cowart Trust to Gerald and Sharon Martin, Barbara Curby, Doris Long, James Martin, and Monie and Robert Martin.

The Martins, et al., were the grantors listed on the warranty deed granting the Custer County property to the Herricks which was previously submitted to Water Resources as evidence of the change in water rights ownership for Water Right Nos. A72-02448, A72-0245, A72-00246, A72-00247, A72-02035, A72-04089, A72-04090, A72-07170, A72-10378, A72-10372, and A72-10367.

As we discussed, this should complete the documentation required to complete the change in ownership of the water rights for IDWR's records. Please let me know if you have any questions or need additional information.

Sincerely,

HOLLAND & HART


Murray D. Feldman

MDF:cd
Enclosure

MICROFILMED
MAR 18 1993

1944/11

MARTIN

* MARRIED AS JOINT TENANCY 1/5TH INTEREST

AN UNMARRIED WOMAN 1/5TH INTEREST

AN UNMARRIED WOMAN 1/5TH INTEREST

AN UNMARRIED MAN 1/5TH INTEREST

AND ROBERT C. MARTIN

* MARRIED AS JOINT TENANCY 1/5TH INTEREST

* Attached are Acceptance of Joint Tenancy forms.

"EXHIBIT A"

MICROFILMED
MAR 18 1993

ACCEPTANCE OF JOINT TENANCY

STATE OF _____
County of _____ } ss.

Gerald Martin

and

Sharon L. Martin

each being duly sworn, upon oath, for himself or herself and jointly, but not one for the other, deposes and says:

THAT I am one of the Grantees, Mortgagees or Beneficiaries named in that certain _____ of

Distribution

(Type of Instrument)

which is dated

19

executed by First Interstate Bank of Arizona, Trustee of the _____

dated September 25, 1967

Gerald Martin and Sharon L. Martin

to

as joint tenants with right of survivorship and not as a community property estate and not as tenants in common, and which instrument conveys the following-described property:

Tract #1 (approximately 363.70 acres)

Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho.

Section 1: Lot 4.

Section 2: Lots 1, 7 and 8.

Township 12 North, Range 18 East, Boise Meridian, Custer County, Idaho.

Section 35: SE 1/4 SE 1/4, S 1/2 NW 1/4, S 1/2 SW 1/4

Section 36: Lots 5 and 6

Tract #2 (approximately 208.71 acres)

Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho

Section 11: Lots 6 and 7.

Section 14: NW 1/4 NW 1/4, Lots 2, 3, 4.

with all appurtenances.

THAT each of us individually and jointly asserts and affirms that it is our intention to acquire any interest we may have in said premises and in any proceeds under the terms of said instrument as joint tenants with right of survivorship and not as a community property estate and not as tenants in common

Dated: Dec. 5th, 1989.

Gerald Martin
Gerald Martin

Sharon L. Martin
Sharon L. Martin

Subscribed, sworn to and acknowledged before me on
December 5th, 1989, by
Gerald Martin
and Sharon L. Martin

My commission will expire:

MICROFILMED
MAR 18 1993

ACCEPTANCE OF JOINT TENANCY

STATE OF _____
County of _____ ss.

Nonie Martin

Robert C. Martin

and

each being duly sworn, upon oath, for himself or herself and jointly, but not one for the other, deposes and says:

THAT I am one of the Grantees, Mortgagees or Beneficiaries named in that certain _____ deed and instrument

of Distribution

which is dated

November 29, 1989

(type of instrument)

executed by First Interstate Bank of Arizona, Trustee of the Robert M. Cowart Trust

dated September 25, 1987

to

Nonie Martin and Robert C. Robert C. Martin

as joint tenants with right of survivorship and not as a community property estate and not as tenants in common, and

which instrument conveys the following-described property:

Tract #1 (approximately 363.70 acres)
Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho.
Section 1: Lot 4
Section 2: Lots 1, 7, and 8
Township 12 North, Range 18 East, Boise Meridian, Custer County, Idaho.
Section 35: SE 1/4 SE 1/4, S4 NW 1/4, N4 SW 1/4
Section 36: Lots 5 and 6.

Tract #2 (approximately 208.71 acres)
Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho.
Section 11: Lots 6 and 7.
Section 14: NW 1/4 NW 1/4, Lots 2, 3, 4.
With all appurtenances.

THAT each of us individually and jointly asserts and affirms that it is our intention to acquire any interest we may have

in said premises and in any proceeds under the terms of said instrument as joint tenants with right of survivorship and

not as a community property estate and not as tenants in common.

Dated: Dec. 5th, 1989

Nonie Martin

Robert C. Martin

Robert C. Martin

Subscribed, sworn to and acknowledged before me on November 5th, 1989, by

Nonie Martin

and Robert C. Martin

MICROFILMED

Notary Public

My commission will expire:

that this instrument was filed and recorded
and indexed in DEEDS

Witness my hand and official seal.
County Recorder
Deputy Recorder

File No

Continued
Photostated
Fee:

Idaho, Az. 85/82
002/RE1006726

SPECIAL

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, First Interstate Bank of Arizona, N.A.,
Trustee of the Mildred M. Cowart Trust dated September 25, 1987.

Whereas the Grantor, whether one or more than one, conveys to

SEE ATTACHED "EXHIBIT A"

the following real property situated in Custer County, Idaho, together with all rights and privileges
appurtenant thereto, to wit:

- Tract #1 (approximately 363.70 acres)
Township 11 North Range 18 East, Boise Meridian, Custer County, Idaho.
Section 1: Lot 4.
Section 2: Lots 1, 7 and 8
Township 12 North Range 18 East, Boise Meridian, Custer County, Idaho.
Section 35: SE 1/4 SE 1/4, S 1/2 NW 1/4, N 1/2 SW 1/4
Section 36: Lots 5 and 6.
- Tract #2 (Approximately 208.71 acres)
Township 11 North, Range 18 East, Boise Meridian, Custer County, Idaho.
Section 11: Lots 6 and 7.
Section 14: NW 1/4 NW 1/4, Lots 2, 3, 4
with all appurtenances.

RECEIVED

MAR 18 1993

Department of Water Resources
Southern Region Office

STATE OF IDAHO
COUNTY OF CUSTER

194411-

This instrument was filed for record
at the request of First Interstate Bank
at 1:50 o'clock P.M. June 16, 1990
and duly filed and indexed in the Records of Custer
County

ETHEL M. PECK
Ex-Officio Recorder

By Ethel M. Peck Deputy

Fees 12.00

Subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances,
liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record, Grantor warrants the title
only, as to the acts of the Grantor herein.

Dated this 5 day of January, 1990 First Interstate Bank of Arizona, N.A. as Trustee

By Jed Morrison Trust Officer
By Thomas Richey Trust Officer

STATE OF ARIZONA)
Pima) ss
County of Pima)

MICROFILMED

MAR 18 1993

On this 5 day of January, 1990, before me, the undersigned officer
personally appeared Jed Morrison and Thomas Richey, who acknowledged themselves to be Trust
Officers and Trust Officer of FIRST INTERSTATE BANK OF
ARIZONA, N.A., a national banking association, and as such officers being authorized so to do, executed the
foregoing instrument for the purpose therein contained, by signing the name of the association by themselves as



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

12-Mar-1992 09:31

GERALD D. HERRICK
KATHRYN S. HERRICK
2170 GOSSAMER LN.
BOISE ID 83706

Re: Ownership Change for Adjudication Claim NO.(S): A72-10378,
A72-10372, A72-10367 & A72-0244A, A72-00245, A72-00246,
A72-00247, A72-2035, A72-04089, A72-04090, A72-07170

Dear Claimant(s):

Pursuant to the notification that you presently own the property in which the above-referenced Adjudication Claim(s) is appurtenant, the Department has changed the record of the current owners as you requested. Please find enclosed a copy of the computer record of the claim(s) noting the change in claimant.

Please review the record and if you have any corrections or questions, please feel free to call this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures

MICROFILMED
MAR 18 1993

50

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

RECEIVED

JAN 2 1990

Ident. Number: A72-04090
Date Received: 12/14/1989
Receipt No: 50108/32
Received By: *[Signature]*

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILDRED M.(CARLISLE) COWART *Trust* *gm* 602-792-5175
Address: %JED MORRISON, TRUST OFFICER
FIRST INTERSTATE BANK OF AZ., *as Trustee* *gm*
P.O. BOX 350
TUCSON, AZ 85702

2. Date of Priority: APR 01, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	18E	10	SW	NE			CUSTER

5. Description of diverting works:
EARTH DITCH, PIPELINE, SPRINKLERS.

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		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 159.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE

A72-04090

Page 1

Date: 12/14/89

COPY

MICROFILMED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	18E	11	NE	SW	6	IRR	3.0
			SE	SW	7	IRR	31.0
						Section Acres	34.0
		14	NE	NW	2	IRR	19.0
						Section Acres	19.0
						Total Acres	53.0

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:
A72-07170, A72-04089

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am x Jed Morrison, Trust Officer Title
First Interstate Bank of Arizona, N.A.
x as Trustee Organization, that I have signed the foregoing
document in the space below as x Trust Officer Title
x FIB of Az, N.A., as Trustee Organization and that the statements contained in the
foregoing document are true and correct. x Jed Morrison, T.O. Signature of Authorized Agent
x Trust Officer FIB of Az, N.A., as Trustee Title and Organization
x 12/21/89 Date

State of ~~Idaho~~ Arizona)
County of Pima) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of December 19 89

Edw B. Edwards
Notary Public

Seal

Residing at 227 S Bella Vista, Tucson Az
My Commission Expires My Commission Expires Oct. 31, 1993

A72-04090

BLM

P/U

10 11
13 14

BLM

1 1/2 miles to
Highway

SCALE

1 inch = 660 feet or 10 chains
or 40 rods
1 rectangle = 1 acre

NAME

Tract #2

Detail Plot

Green - Cultivated land
Blue - Waste or native pasture
Brown - Cultivated pasture
Yellow - Building lots

MICROFILMED

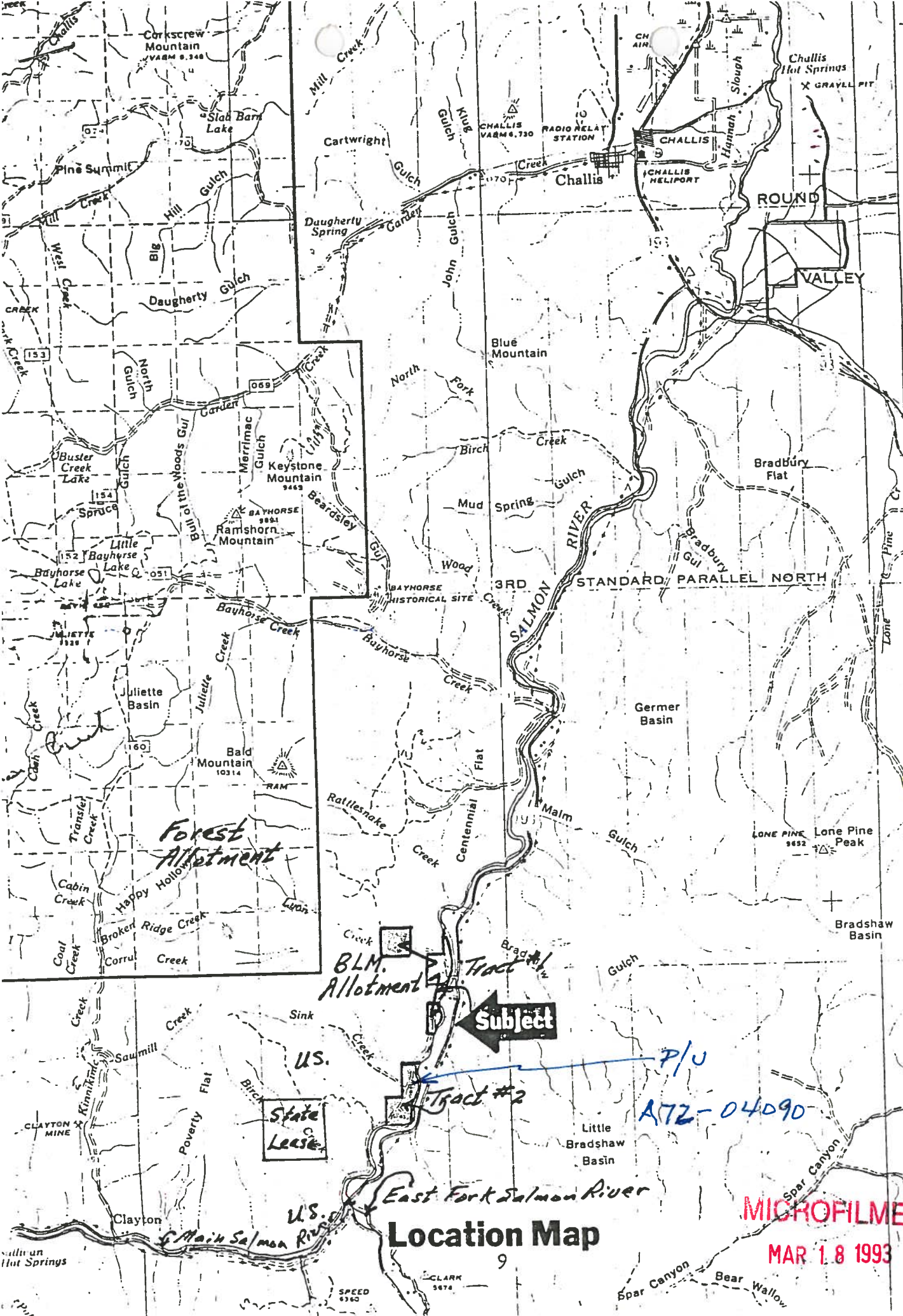
MAR 18 1993

T. 14 N.

T. 13 N.

T. 12 N.

T. 11 N.



BLM. Allotment
Tract #1
Subject

Tract #2

State Lease

Location Map

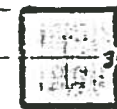
MICROFILMED

MAR 18 1993

R18E

P/U
A72-04090

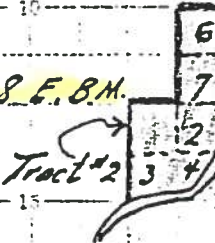
T. 12N - R. 18E BM.



Tract #1

Salmon River

T. 11N - R. 18E BM.



Tract #2

ATZ-04090

Legal Description Plat - Lots numbered

MICROFILMED
MAR 18 1993

WARRANTY DEED

Mildred M. Cowart, also known as Mildred M. Carlisle, a married woman dealing with her sole and separate property, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, in hand paid, receipt of which is hereby acknowledged,

CONVEYS AND WARRANTS TO:

The First Interstate Bank of Arizona, Trustee of the Mildred M. Cowart Trust dated September 25, 1987, the following described real estate situate in the County of Custer, State of Idaho:

The Broken Wing Ranch

Tract #1 (approximately 363.70 acres)
TOWNSHIP 11 NORTH, RANGE 18 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 1: Lot 4.

Section 2: Lots 1, 7 and 8.

TOWNSHIP 12 NORTH, RANGE 18 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 35: SE1/4SE1/4, S1/2NW1/4, N1/2SW1/4

Section 36: Lots 5 and 6.

Tract #2 (approximately 208.71 acres)

TOWNSHIP 11 NORTH, RANGE 18 EAST, BOISE MERIDIAN,
CUSTER COUNTY, IDAHO.

Section 11: Lots 6 and 7.

Section 14: NW1/4NW1/4, Lots 2, 3, 4,

with all appurtenances.

State Lease # G-8374

BLM Allotment # 5607 Bald Mountain Allot

National Forest - Squaw Creek Allot

WITNESS my hand this 26 day of Oct., 1987.

Mildred M. Cowart

Mildred M. Cowart (aka Mildred
M. Carlisle)

MICROFILMED

MAR 18 1993

WITNESSED BY:

Dale Lowmire

Judy McLean

STATE OF ARIZONA)

) ss:

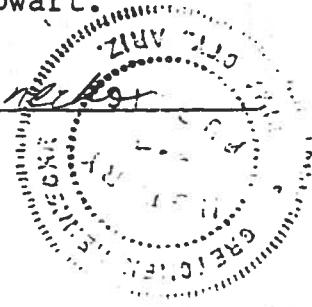
COUNTY OF PIMA)

26th The foregoing instrument was acknowledged before me this
day of October, 1987 by Mildred M. Cowart.

Bretche Henneker
Notary Public

My Commission Expires:

My Commission Expires May 3, 1991



186795

CUSTER COUNTY

REQUEST OF _____
Munger & Munger

'87 NOV 3 PM 1 04

ETHEL M. PECK, CLERK

M. Thompson DEPUTY

FEES \$ 6.00

MICROFILMED

MAR 18 1993

Idaho Department of Water Resources
Adjudication Bureau
Statehouse
Boise, ID 83720

U.S. Postage
Permit No. 1
Boise, Idaho
First Class

FIRST CLASS

'89

Estate
500

CARLISLE, MILDRED M TRUST
% FIRST INTERSTATE BANK OF AZ
TRUSTEE FOR MILDRED COWART
PHOENIX AZ 85072-3435

962

PROTECT YOUR WATER RIGHT! IMPORTANT WATER RIGHTS INFORMATION

COUNTY: CUSTER 5849
FILING DEADLINE: JAN 12, 1990
MOBILE UNIT LOCATION AND DATES:
WATCH LOCAL MEDIA FOR TIMES AND PLACES.
A MOBILE CLAIMS TAKING UNIT WILL BE IN
CUSTER COUNTY BEFORE THE FILING DEADLINE

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 No. 39576

COMMENCEMENT NOTICE

TO: ALL PERSONS OWNING RIGHTS TO THE USE OF WATER
FROM THE SNAKE RIVER BASIN WATER SYSTEM.

First Interstate Bank
of Arizona, N.A.
SEP 20 1989
RECEIVED
TRUST FOR ADJUDICATION
MAY 1990

SEE SPECIAL NOTICE TO OWNERS OF SMALL DOMESTIC AND/OR STOCKWATER
RIGHTS ON PAGE TWO (2)

YOU ARE HEREBY NOTIFIED THAT:

On November 19, 1987, the District Court for the County of Twin Falls issued an order commencing a general adjudication of water rights from the Snake River Basin water system in Idaho. A general adjudication is a court case which will result in a decree determining all water rights from the water system. The purpose of the adjudication is to get an accurate schedule of water rights to assure the proper delivery of water in times of shortage. The purpose of this notice is to inform you of the commencement of the adjudication and your legal responsibilities at this stage of the adjudication.
PLEASE CONTINUE-CONTAINS IMPORTANT WATER RIGHT INFORMATION

MICROFILMED
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

Jan. 9, 1990

1ST INTERST BANK OF ARIZONA NA
TRUSTEE OF
MILDRED (CARLISLE) COWART TRUST
P O BOX 350
TUCSON AZ 85702

Dear Claimant(s):

A72-00244A
A72-00245
A72-00246
Re: A72-00247
A72-02035
A72-04089
A72-04090
A72-07170
A72-10367
A72-10372
A72-10378

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

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

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993

CLAIM # A72-04090

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

Evidence on micro fiche Claim # 72-04090

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04090
MILDRED M.(CARLISLE) COWART
%JED MORRISON, TRUST OFFICER
FIRST INTERSTATE BANK OF AZ.
TUCSON AZ 85702

Letter not sent

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

water claims ^{Custer} County ^{Montana}

Book B 101 + 102

State of Idaho } ss
County of Custer }

Notice of Water Right

I let (here read:

Notice hereby given that the Custer Co. of the Custer County of Custer County, Idaho, hereby claims the use of the water of Sink Creek to the extent of one cubic foot per second. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: One two hundred and thirty feet from the mouth of Sink Creek, on the right bank, and across the same. The purpose of this diversion is intended to be used as irrigation and domestic use. The place of intended diversion is on land owned by the Custer Co. on the right bank of Sink Creek, about a mile below the mouth of the same. It is intended to divert said water on various of the land owned by the Custer Co. of the Custer County, Idaho. The length of the proposed canal is one half mile.

Posted Notice
of 1891

Microfilm copy

72-4090

1-20-95
sa

It is intended to use said water for irrigating the following described lands: the land claim here before known as the Frank Smith and O'Brien (unnamed) about 6 miles below Clayton on west side of Salmon River. It is intended to have the works for diversion and use of said water as aforesaid completed within 5 years.

Witness my hand at
of October 1891.

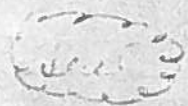
Dated this 28th day

Timothy Cooper } Claimants
Bertha Cooper }

State of Idaho } ss.
County of Blaine }

Timothy Cooper being first duly sworn deposes and says that he is of lawful age and one of the Claimants of the Water Right mentioned in foregoing notice and whose name is subscribed thereto. That the statement in the said notice is true, and that in witness whereof, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 28th day of October at Coeur d'Alene, Idaho.

Subscribed and sworn to before me this 28th day of October 1891.



Geo. E. Hayes
Recorder

Recorded at the request of Timothy Cooper at
P.M. October 28th 1891.

Geo. E. Hayes
Recorder