

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: A72-04117
Date Received: 11/16/1989
Receipt No: MOB 5228
Received By: AP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAN C. GUERRERO 208-879-2760
Address: BOX 248
CHALLIS, ID 83226

2. Date of Priority: JAN 01, 1878

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
13N	18E	10	SE		SW		NE		CUSTER
			NW		NE		SE		CUSTER
			NE		NW		SE		CUSTER

5. Description of diverting works:
SPRING BOXES, PIPED, GRAVITY FEED SPRINKLERS, PIPED TO HOUSES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.600		
STOCKWATER	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.060		

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

8. Total consumptive use is 75.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/15 RANGE; D/ 2 HOUSES SINGLE OWNERSHIP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	18E	10	SW	NE		IRR	30.0
			SW	NE		STOCK	
			SW	NE		DOMEST	
						Section Acres	30.0
						Total Acres	30.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): X [Signature] Date: 11-16-89

Date: _____

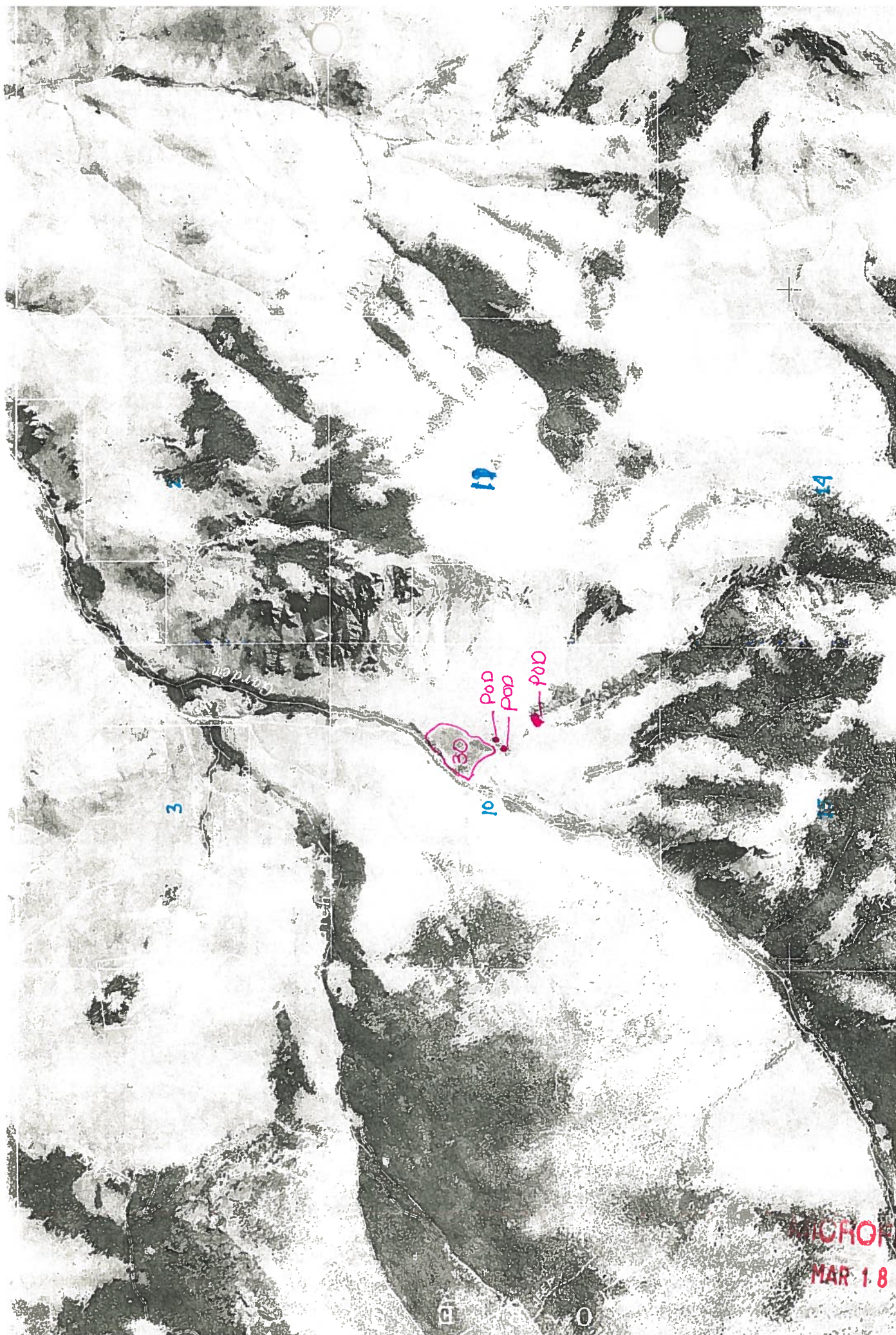
State of Idaho)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of November 19 89

[Signature]
Notary Public

Seal

Residing at _____
Anna Baunhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994



13N, 18E Section 10 25

MICROFILMED
MAR 1 8 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04117
DAN C. GUERRERO
BOX 248

CHALLIS

ID 83226

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

Dear Claimant:

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

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

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

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

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993

IN THE MATTER OF:

Water Rights

A72-04117

Sec 10, T13N, R18E.

State of Idaho

County of Custer

RECEIVED

APR 28 1992

AFFIDAVIT

Department of Water Resources
Southern Region Office

I, Elsie Smith

being first duly sworn,

deposes and says: That my uncle, Guy Bradbury purchased the
above described property in 1945. I remember that the
property was irrigated by ditch from Garden Creek and
numerous springs in the area. The parcel has been continually
irrigated before my uncle purchased the property, while he
owned it, and continually thereafter, to the present owner
D. Guerrero.

Elsie Smith
(signature)

Subscribed and sworn to before me this 27 day of April 19 92.

Patsy Lindt
(notary public)

Residing at Challis, Id.

My commission expires 3/12/92.

4-27-92

RECEIVED

APR 28 1992

Dear Sirs;

I have two requests.
one is an extention to gather additional information.
Two, is any information the department has on Sec.10 T-13-N R-18E
the property in question apparently was a homestead claimed
by a certian Van Camp. The property was sold to a Guy Bradbury, in
the year 1945 with spring, ditch (headgate on Garden Creek) and
other water rights. The ditch and springs were in use before
Guy Bradbury bought the ranch. I cannot find a priorty date as
of yet.

Department of Water Resources
Southern Region Office

Thank You.



D. C. Guerrero

WATER RIGHTS

A72-04117

SEC 10, T13N, R18E

dcg

bjs

MICROFILMED

MAR 18 1993

IN THE MATTER OF: WATER RIGHTS)
DAN GUERRERO - BOX 248, CHALLENGE,)
IDAHO 83225)
CASE# A72-04117)
SEC. 10, T 13N, R18E)
State of Idaho)
County of CUSTER)

AFFIDAVIT

James M. VanCamp

being first duly sworn,

deposes and says: in 1927 I worked for John Althum then owner of the above
described parcel of land, irrigating crops using water from those natural springs
above the ranch. The water from those springs was also used for the household
and domestic stock.

Mr. Althum farmed said land several years and then sold the homestead to
my father Stanton M. VanCamp, who farmed it during the years of approximately
1927-1935. For two (2) summers I assisted my father in farming this land, using
water from the above mentioned springs for irrigation purposes as well as household
use and the watering of stock. The supply was amply adequate for all purposes
and we raised excellent crops.

Henry Bartoleus

(Seal)

POOR ORIGINAL

STATE OF IDAHO)
) ss.
 County of Custer)

On this 22nd day of October in the year 1927, before me M. D. Kilgore, a Notary Public in and for said State, personally appeared Henry Bartoleus known to me to be the person whose name is subscribed to the within 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.

M. D. Kilgore

Notary Public P.O. Address, Mackay, Idaho.
 My Commission Expires May 10, 1928.

((Seal))

STATE OF IDAHO)
) ss.
 County of Custer)

I hereby certify that this instrument was filed for record at request of John Papero at 1 o'clock P. M., this 27 day of October, A. D. 1927

Ernest Donahue,

Fees \$1.00

By J. L. Byrd, Deputy.

WARRANTY DEED.

THIS INDENTURE, Made this 26th day of August, in the year of our Lord one thousand nine hundred and twenty-seven between John Altham, a single man, of Challis County of Custer, State of Idaho, the party of the first part, and Stanton M. VanCamp of Challis County of Custer, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Fourteen Hundred Seventy-five and no/100 DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in County of Custer State of Idaho, to-wit:

North half of the southeast quarter, the southwest quarter of the northeast quarter and the northeast quarter of the southwest quarter of Section Ten in Township Thirteen north of Range Eighteen East of the Boise Meridian, Idaho, containing one hundred sixth acres, together with all water and water rights, ditch and ditch rights thereto appertaining. Also the following personal property: 2 head horses, 1 Wagon, 2 sets harness, 10 head sheep, wood saw, gas engine, disk harrow, 2 plows, 1 mowing machine, 1 hay rake, hay derrick & Fixtures, 1 pr. bob sleighs, and all hay and growing crops on above described premises.

and against all and every person and persons whatsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever DEFEND

IN WITNESS WHEREOF, THE said party of the first part has hereunto set his hand and seal the day and year first above written.

John Altham (Seal)

POOR ORIGINAL

STATE OF IDAHO)
County of Custer) ss.

On this 26th day of August in the year 1927, before me, a Notary Public in and for said State, personally appeared John Altham, a single man, known to me to be the person whose name is subscribed to the within 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.

N. C. Hovey,

Notary Public Residing at Challis, Idaho.

((Seal)))

STATE OF IDAHO)
County of Custer) ss.

I hereby certify that this instrument was filed for record at request of Stanton Van Camp at 30 minutes past 1 O'clock P. M., this 27 day of October, A. D. 1927.

Emmett Donahue,

Ex-Officio Recorder.

By John Boyd Deputy.

Fees \$1.50

No. 240

RIGHT OF WAY DEED

oO o

THIS DEED, executed the 7th day of July, 1927 by and between the State of Idaho, acting through the State Board of Land Commissioners, as party of the first part, and the Continental Life Insurance Company, of St. Louis, Missouri, as party of the second part,

WITNESSETH: That for and in consideration of the sum of Twenty-two and 25/100 Dollars (\$22.25), lawful money of the United States, the receipt whereof is hereby acknowledged; in pursuance of the statutes in such cases made and provided, the party of the first part does hereby grant and convey an easement or right of way for road purposes, unto the Continental Life Insurance Company, its successors or assigns, over a tract of land containing Eighty-nine Hundredths (0.89) acres, described as follows, to-wit:

A strip of land, one (1) rod or sixteen and one-half (16½) feet in width, and extending along the east line of the Northwest Quarter (NW¼) of Section Six (6), Township 6N, Range Twenty-five (25) East B. M., and more particularly described as fol-

November 20, 1998

**NOTICE OF ERROR
REPLY**

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

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

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

Water right number: 72-04117

DAN C GUERRERO
BOX 248
CHALLIS ID 83226

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

___ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-9-98

SIGNATURE: [Signature]

Please print your name:

D.C. GUERRERO

Water Right Number - R72-04117

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

GUERRERO

DAN C

1 - BOX 248

2 -

3 -

City- CHALLIS

Phone - 208-879-2760

VERIFIED BY KKC
11-8-98

State- ID Zip- 83226

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/24/1927 17 SOUTHERN J - BENEFICIAL USE+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
SPRINGS SINKS+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
13N 18E 10 SE SW NE 155 (37) CUSTER
SW NE SE 153 (37) CUSTER
NE NW SE 154 (37) CUSTER+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 10/15 0.140
04 - STOCKWATER* 01/01 12/31 0.020
43 - DOMESTIC 01/01 12/31 0.040+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.140 0.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
13N 18E 10 SW NE 15.0 01 IRRIGATION (37) CUSTER
13N 18E 10 SW NE 04 STOCKWATER (37) CUSTER
13N 18E 10 SW NE 43 DOMESTIC (37) CUSTER
Total Acres: 15.0 653 281

+ - - Diversion Means - 3 SPRING BOXES, PIPED, GRAVITY FEED SPRINKLERS, PIPED TO HOUSES

+ - - Non-Irrigation Use - STOCK, 15 RANGE; DOMESTIC 2 HOUSES SINGLE OWNERSHIP

+ - - Other Rights for Same Use - NONE

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

Water right number - R72-04117

Prefix Translation: RESEARCH

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

*updated
11-6-98
KKE*

- N09 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- ~~N05~~ - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- ~~N12~~ - THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 11/14/92 CLELLAND 11/03/93 CHRISTEN 03/30/95 POST-STD 10/23/98 KCHRISTE

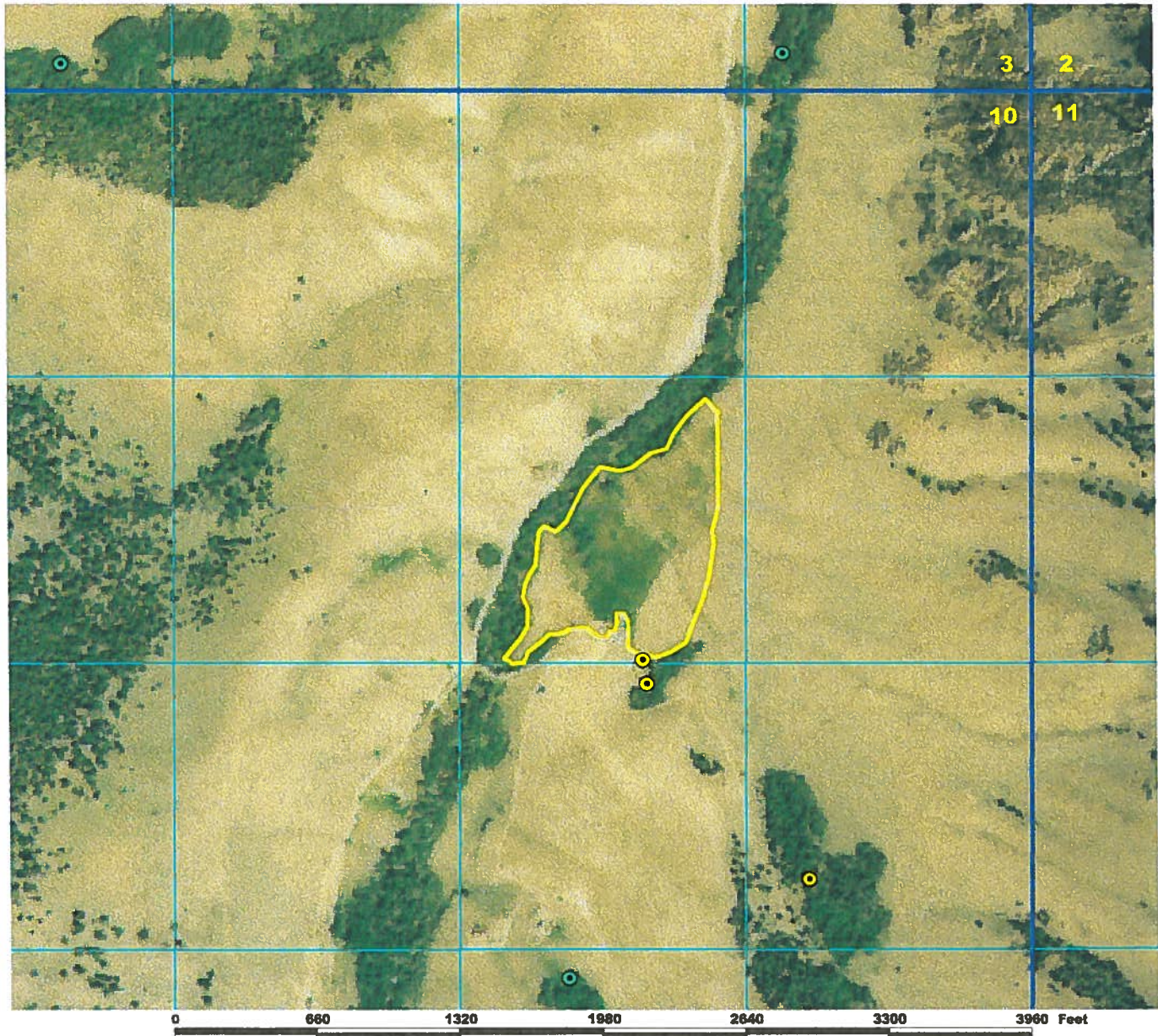
+ - - - - Comments - - - - - +

No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/16/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/16/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- M005228	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

72-04117
3 SPRINGS



RECOMMENDED PLACE OF USE
TWP 13N RNG 18E, SEC 10
data entry on October 23, 1998



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

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

CLAIM NUMBER72-04117DATE10-23-98TRANSFER NUMBER

AGENTKKCCLAIMED ACRE TOTAL30

GIS ACRE TOTAL15

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	13N	18E	10			30														30
GIS						15.2														
RECOM						15														15
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS.

281

ClaimedMeasured

B72-DBPOD.SHP

.60CFS (in)0.14 CFS

NOS. DESCRIPTION

153 Sec 10measured rate is the limiting factor

SWNESE

154 Sec 10

NE NWSE

155 Sec 10

SESWNE

DBF TABLES UPDATED

B72-DBPOU.DBF✓

B72-DBPOD.DBF✓

JPEG LAYOUT✓

Full Kelly
For you AS files

RECEIVED

AUG 29 1996

Department of Water Resources
Southern Region

Memorandum

Date: August 27, 1996

To: Allen Merritt, Southern Region

From: Bob Foster, Salmon Office RF

Re: Dan Guerrero measurement
water rights 72-04117 .56 cfs & 72-07509 .04 cfs

On the above date I was contacted by Mr. Guerrero and requested to perform a measurement on his sprinkler system.

The following conditions were observed.

1. Three inch handline consisting of thirty four 7/16 sprinkler heads
2. No pressure gauge installed on system.
3. Only twenty-seven sprinklers were operating due to low water flow.

My calculations are as follows: 7/16 sprinkler head @ 20 psi (estimated) = 1.59 gpm.
 $27 \times 1.59 = 42.93 \text{ gpm}$
 $42.93 \text{ divided by } 448 = 0.0958 \text{ cfs}$

This may or may not be an accurate measurement due to the estimation of pressure in the system however it may reflect the potential for impact of further appropriation of the spring source which supplies Mr. Guerrero's system.

cc: Dan Guerrero



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

NOV 15 1996

Department of Water Resources
SOUTH

November 13, 1996

RE: In the matter of Application for Permit No. 72-07541
in the name of Earl Crane - Petition for
Reconsideration

Dear Interested Party:

Enclosed is an Order Denying Petition for Reconsideration. Within 21 days after the service date of the enclosed denial of a petition for reconsideration, any party may in writing support or take exceptions to any part of a recommended order and may file briefs in support of the party's position on any issue in the proceeding. Written briefs in support of or taking exceptions to the recommended order shall be filed with the Director. Opposing parties shall have 21 days to respond.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

Enclosure

C: IDWR - Region

For ADJ File
A72-04117

72-07541

RECEIVED

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

NOV 1 1996

Department of Water Resources
Snake River

IN THE MATTER OF APPLICATION)
FOR PERMIT NO. 72-07541 IN)
THE NAME OF EARL CRANE)

ORDER DENYING
PETITION FOR RECONSIDERATION

On October 16, 1996, the hearing officer for the Idaho Department of Water Resources (department or IDWR) issued a Recommended Order in connection with Application for Permit No. 72-07541 (application) filed in the name of Earl Crane (permit holder). On October 30, 1996 and on November 12, 1996, Daniel C. Guerrero (protestant) submitted a Petition for Reconsideration (petition) to the hearing officer.

The hearing officer has reviewed the petition and responds to the items in the petition as follows:

1. Finding of Fact No. 4.a. - This finding of fact identifies one of the issues raised by the protestant and should not be changed.

Based on evidence available to date, the priority of use which the department will recommend to the court in the Snake River Basin Adjudication for Notice of Claim to a Water Right No. 72-04117 filed by the protestant is August 24, 1927 and the recommended rate of diversion of 0.14 cubic feet per second (cfs). This information will be added to Finding of Fact No. 10. in the Final Order of the department.

Water use by Jeffrey Pederson is not a part of the hearing record.

The protestant is not entitled to 1.24 cfs of water.

On August 27, 1996, the department measured 0.096 cfs being discharged from the protestant's sprinkler system. This measurement is not necessarily representative of flow available for diversion during other times of the year.

2. Finding of Fact No. 4.b. - This finding of fact identifies one of the issues raised by the protestant and should not be changed.

The water supply available to the applicant is sufficient for the domestic purpose for which it is sought. Also see the response to item 1. above.

3. Finding of Fact No. 4.c. - This finding of fact identifies one of the issues raised by the protestant and should not be changed.

4. Finding of Fact No. 5. - The finding of fact is correct and should not be changed. A water right or part thereof can not be conveyed unless such water right exists. The purpose of the

applicant in filing the application was to establish a water right.

5. Finding of Fact No. 6. - The finding of fact is correct and should not be changed.

6. Finding of Fact No. 7. - The finding of fact is correct and should not be changed. The application was filed in order to comply with state water law.

7. Conclusion of Law No. 2. - The conclusion of law is correct and should not be changed. Also see the response to item 1. above.

8. Conclusion of Law No. 3. - The conclusion of law is correct and should not be changed. Also see the response to item 4. above.

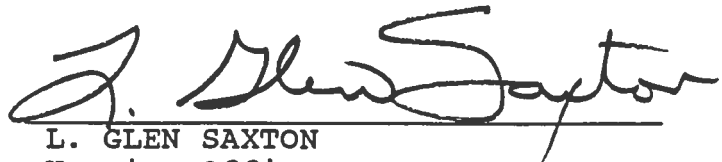
9. Conclusion of Law No. 5. - The conclusion of law is correct and should not be changed. Also see the response to item 2. above.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that the protestant's Petition for Reconsideration of the Recommended Order is hereby DENIED.

IT IS FURTHER, HEREBY ORDERED that since the protestant has not shown sufficient cause to grant oral argument, the request is DENIED unless the Director determines a need for and schedules oral argument.

Dated this 13th day of November, 1996.

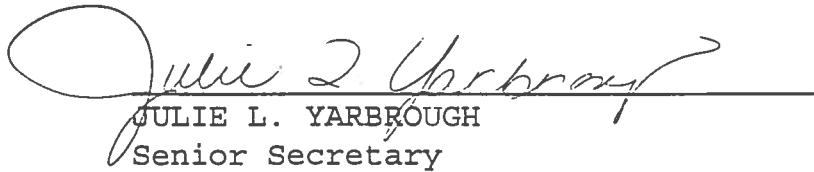

L. GLEN SAXTON
Hearing Officer

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 13th day of November, 1996,
I mailed a true and correct copy, postage prepaid, of the foregoing
ORDER DENYING PETITION FOR RECONSIDERATION to the following:

Earl Crane
P.O. Box 11
Challis, ID 83226

D.C. Guerrero
Garden Creek Ranch
P.O. Box 248
Challis, ID 83226


JULIE L. YARBROUGH
Senior Secretary

6/9/94

COMMUNICATION DOCUMENTATION

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

IDWR Employee/Agent Kelly K Christensen

DATE	CUSTOMER
November 15, 1995 2:10pm	DALE COLE

SUBJECT:

phone call (.) walk-in (X)

He wanted to review the legal description of Guerrero's point of diversion. I pulled the file and he copied the legal description down. He showed me photos of his property and part of his pipeline for the domestic use from a spring. The photos did not clearly tie his property with Guerrero's property and/or the springs. We discussed the conflict he has with Guerrero and I felt that additional field information should be obtained by the dept in the future if the differences cannot be reconciled between them. He kept his photos. I felt that I needed additional information before I could make a definitive statement concerning the conflicting claims.

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 Kelly K Christensen

DATE	CUSTOMER
May 10, 1995 11:12am	Mr COLE

SUBJECT: POTENTIAL CONFLICT WITH GUERRERO (A72-04117)
phone call (.) walk-in (X)

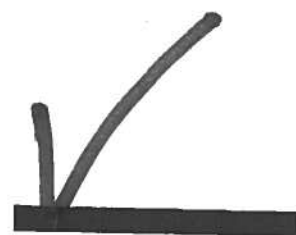
Jim brought him over to discuss the claim. Mr Cole indicated that he was receiving water from a spring and that Mr Guerrero had developed the spring and was taking all the water. We looked at the claim file but he could not positively identify the source that I had documented as the same source that he was using. He decided to study the area more before doing anything.

DEC 03 1996

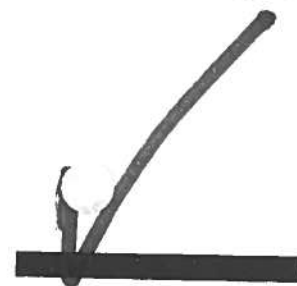
R PROOF



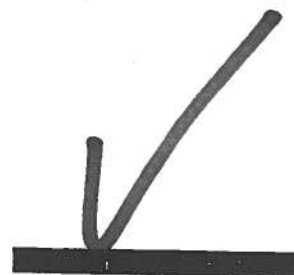
CVR



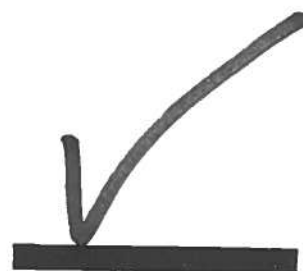
MAPS



PHOTOS



MISC



Water Right Number - R72-04117

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
GUERRERO

DAN C

1 - BOX 248
2 -
3 -
City- CHALLIS
Phone - 208-879-2760

State- ID Zip- 83226

VERIFIED BY

Priority Date - 08/24/1927

Region - 17 SOUTHERN

Stage - J - BENEFICIAL USE

Status -

Source - SPRINGS

Tributary - SINKS

Twn	Rng	Sec	Tract	lot	Rflg	County	Point of Diversion
13N	18E	10	SM NE SE NE NW SE			(37) CUSTER (37) CUSTER	

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15		0.140	
04 - STOCKWATER		01/01	12/31		0.020	
43 - DOMESTIC		01/01	12/31		0.040	

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - KW Usage - +
0.140 35.0

Twn	Rng	Sec	Tract	lot	Acres	Place of Use	Code	Description	County
13N	18E	10	SM NE		14.0	01 IRRIGATION			(37) CUSTER
13N	18E	10	SM NE			04 STOCKWATER			(37) CUSTER
13N	18E	10	SM NE			43 DOMESTIC			(37) CUSTER

Total Acres: 14.0

+ - Diversion Means - 3 SPRING BOXES, PIPED, GRAVITY FEED SPRINKLERS, PIPED TO HOUSES
+ - Non-Irrigation Use - STOCK, 15 RANGE; DOMESTIC 2 HOUSES SINGLE OWNERSHIP
+ - Other Rights for Same Use - NONE

Remarks -
A DIVERSION RATE OF 0.01 CFS PER ACRE AT THE FIELD HEADGATE IS INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED ABOVE.
TWO POINTS OF DIVERSION LOCATED IN NEWSE S-10, T-13N, R-18E.

MICROFILMED
NOV 01 1994

Water right number - R72-04117

Prefix translation: RESEARCH

+ - - - - - 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 - - - +
11/03/93 CHRISTEN

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 06/16/1993 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - 11/03/1993 Old Case Number -
Response Filed Date - 00/00/0000 Last Amended Date - 00/00/0000 Temporary Right - P
Claim Received Date - 11/16/1989 Receipt Number - M005228 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - Notice of Error Flag -

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NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:13:10
06/04/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04117

LAST: GUERRERO
ADDRESS: BOX 248
CITY: CHALLIS
PHONE NUMBER: 208-879-2760

FIRST: DAN C.

STATE: ID ZIP: 83226

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: DAN GUERRERO

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 6/15/93

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY: same

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: -

DIRECTIONS TO PROPERTY / REMARKS:

MICROFILMED
NOV 01 1994

A. AJ CLAIM: # 672-04117 PRIORITY DATE: 01-01-1878 STAGE: J
B. WR RECORD: # 72-04117 PRIORITY DATE: 01-01-1942 STAGE: S

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

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

REMARKS: Claimant submitted A warranty deed indicating water rights, ditch & ditch rights. Also included in the warranty deed was the transfer of farming & haying equipment. The warranty deed was made on August 1927.

A supporting affidavit from a farm hand that worked the property in 1927 was also supplied.

The evidence submitted indicates was is likely prior to 1927, but does substantiate the 1927 date.

RECOMMENDED PRIORITY DATE:

8-24-1927

REVIEWED BY

KXC

DATE

6-15-93

UNRECORDED
MAY 01 1994

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04117	13N	18E	10	SE	SW	NE		CUSTER
A72-04117	13N	18E	10	NW	NE	SE		CUSTER
A72-04117	13N	18E	10	NE	NW	SE		CUSTER

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

WR RECORDS IN SAME 40 ACRE TRACT

72-07425

SOURCE: SPRINGS

TRIB: SINKS

WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04117	13N	18E	10	NE	NE	SE		CUSTER
72-04117	13N	18E	10	NW	NW	SE		CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX

NONE

A72-10105
A72-10106
A72-10445

NONE

SOURCE: SPRINGS

TRIB: SINKS

C. FIELD EXAM REQUIRED?

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

REMARKS:

Found 2 P/D's in the NE NW SE Sec 10 & 1 P/D in the SW NE Sec 10
No P/D found in the SE SW NE
See also attached field notes for P/D doc.

2 P/Ds (includes domestic)
Remark code F-02
MICROFILMED
NOV 01 1951

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

134 18E 10
" " "

NW NE SE
NE NW SE 2 P/D's

SOURCE: SPRINGS

TRIB: SINKS

REVIEWED BY: XHC DATE: 6-15-93

NOT REPROFITABLE
NOV 11 1994

A. ROOT WATER RIGHT NUMBERS: A72-04117

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	MR #/ACRES	LANDSAT DATA	FIELD EXAM.	
13N	18E	10	SW	NE		GOERRERO, DAN C.	A72-04117	730.0	72-04117	725.0	24.0
13N	18E	10	SW	NE		GOERRERO, DAN C.	A72-04117	/	72-04117	725.0	24.0
13N	18E	10	SW	NE		GOERRERO, DAN C.	A72-04117	/	72-04117	725.0	24.0
TOTAL ACRES							A72-04117	30.00		75.00	72.00

14

MICROFILMED
NOV 01 1984

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

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

Measured ACS aerial photo & BLM aerial photo & found 14 Acres.
(using planimeter)

COMMENDATIONS:

TOTAL ACRES:

14

REVIEWED BY:

KKC

DATE:

11-2-93

MICROFILMED
NOV 01 1993

A. AJ CLAIMED USES:

PURPOSES
A72-04117 IRRIGATION
A72-04117 STOCKWATER
A72-04117 DOMESTIC

MONTH/DAY
FROM 04-15 TO 10-15
FROM 01-01 TO 12-31
FROM 01-01 TO 12-31

DIVERSION QUANTITY

.600 CFS
.020 CFS
~~.060 CFS~~

104

TOTAL DIVERSION RATE/VOLUME CLAIMED

.680 CFS

B. WR RECORDED USES:

PURPOSES
72-04117 IRRIGATION
72-04117 STOCKWATER
72-04117 DOMESTIC

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

DIVERSION QUANTITY

.500 CFS
.020 CFS
.040 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.560 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

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

Explain in remarks, below.

REMARKS:

Claimed in multiple Dept's standard accepted claimed

Dom & Stock use ocean gear standard accepted as claimed

Domestic recommended for in house use only

RECEIVED

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.680 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.560 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 9

MEASUREMENT METHOD 14 FLOW MEASUREMENT, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME FOU AND IRRIGATION USAGE

NO RIGHTS WITH SAME FOU BUT NOT USED FOR IRRIGATION

*system measured at 43 GPM
Based upon sprinkler heads
at 25 PSI. Some leakage
does occur at some joints (not
measured). Domestic use is
tied in with system and cannot
be separated as a separate
concurrent diversion. Potential
diversion rate ~~recommended~~
for irrigation is*

*.096 CFS max.
.04 CFS down
.004 CFS leakage*

0.14 CFS may allowable

Diversion recommendation

*The recommended rate is considered a
fair representation of actual practices.*

NOT REFILED

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 14 x 0.02 CFS/ACRE = .28 CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 75.0 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

*measured less
than 1' 6"
pressure
(DØ8 remark)*

NOT RECORDED
MAY 21 1984

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. RATE DIV CFS	REC. VOL. AF/A	REC. CFS
IRRIGATION	04-15	0.600	---	---
STOCKWATER	01-01	0.020	---	---
DOMESTIC	01-01	0.060	---	---
TOTAL FOR THIS RIGHT		0.680	---	---

REVIEWED BY:

KKC

DATE:

11-3-93

REC. CFS
 35 AF

MICROFILMED
 Nov 11 1994

Remarks 008

F02 (NEWS)

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREST/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04117
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.560

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS
A72-04117

DIVERSION
RATE
0.680

CURRENT "R"
CLAIM NUM.
-

"R" DIV.
RATE
N

WR RIGHT
NUMBERS
72-04117

DIVERSION
RATE
0.560

TOTAL CFS

0.680

0.560

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

This source is considered tributary to Santa and does not
diverted does not reach Gander Creek. The entire flow of the spring
is required to irrigate the found P/A. Therefore this right is not included
within the 728 water right boundary

AUTHENTICATION:

SIGNATURE:

Kelly J. Chaudhary

DATE: 11-3-93

NAME OF FIELD EXAMINER:

TITLE: Sr Water Resource Agent.

RECEIVED
NOV 11 1993
WATER RESOURCES DIVISION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:13:10
06/04/92

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-0411

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 DATE WHOM/DATE
PRIORITY DATE	Y		6-15-93 K K C	Y	6	K K C 6-15-93	
POINT OF DIV	Y		6-15-93 K K C	Y	1,2,4,5	K K C 6-15-93	
SOURCE			6-15-93 K K C	N	1,2,4,5	K K C 6-15-93	
PLACE OF USE	Y		6-15-93 K K C	Y	1,2,4,5,6	K K C 11-3-93	
DIV. AMOUNT CES/VOLUME	Y		6-15-93 K K C	Y	1,6	K K C 11-3-93	
CONSUMPTIVE USE	-		11-3-93 K K C	Y	6	K K C 11-3-93	
PURPOSES			6-15-93 K K C	N	1,2,4,5	K K C 6-15-93	
PERIOD OF USE	Y		6-15-93 K K C	N	6	K K C 6-15-93	
BASIS OF CLAIM	Y		6-15-93 K K C	N	6	K K C 6-15-93	
REMARKS			11-3-93 K K C	Y	6	K K C 11-3-93	

VERIFIED BY CODES

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

MAPS USED:

DATE:

ASCS 11-21 1978
ORTHO 4-24 1974
NAPP
BLM 5-78-21 7-1-88

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

MICROFILMED
NO. 011234

CLAIM NUMBER: 672-04117

RY

J. H. H1888

POOR ORIGINAL

H. F. HOFFMAN

4" Steel
2" Black Plastic
2" Black Plastic

4" Steel

4" Steel

CLAIM A72-04117 INIT KKC
T. R. S. 0/0
P/D 13N 18E 10 3PDS
PHOTO W-14-ASCS
DT. & ID. 1978 Flight

MICROFILMED
NOV 01 1978

POOR ORIGINAL

CLAIM A72-04117 INIT KKC
T. R. S. Q/Q
P/D 13N 18E 10 3P/0s
PHOTO ID. 4-24 1974 Right

10

PDS

MICROFILMED
NOV 01 1994

CLAIM A72-04117 INIT RKC
 T. R. S. Q/Q
 P/D 13N 18E 10 3 P/Os enlarged
 PHOTO BLM 5-78-21 255%
 DT. & ID 7-1-88 Flight

POOR ORIGINAL



Scale -
 1" = 1283'
 $CA = \frac{(1283)^2 \times .009699}{43560} = \underline{\underline{.3665}}$

MICROFILMED
 NOV 01 1988

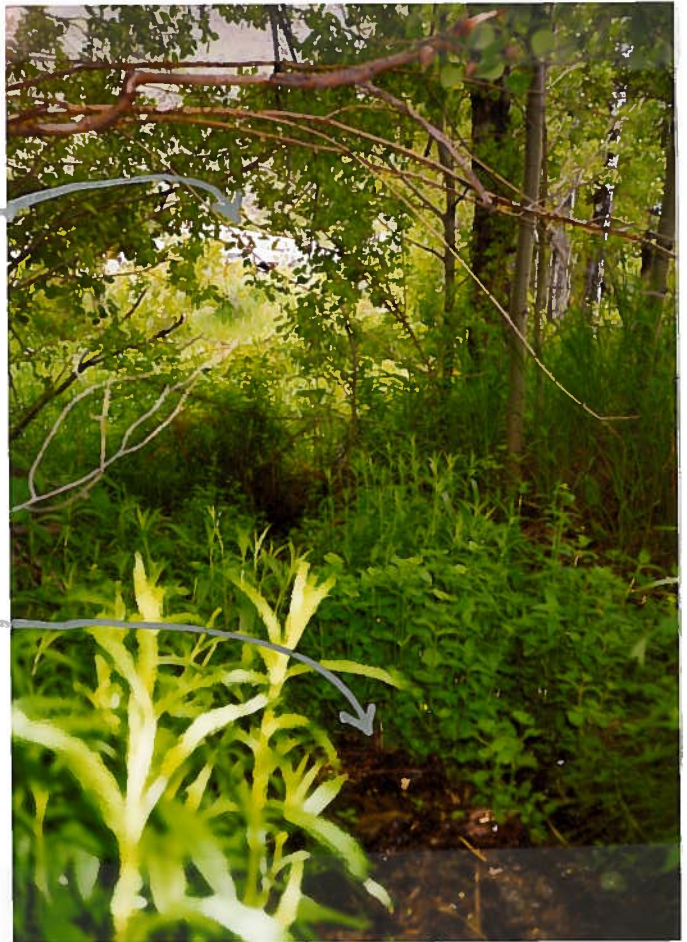
CLAIM # A72-04117
PHOTO TAKEN ON 6-15-93
PICTURE # 1

PROOF ORIGINAL

This photo shows a corner of the spring pond in the foreground and a portion of the house in the upper portion of the picture. This picture is looking west.

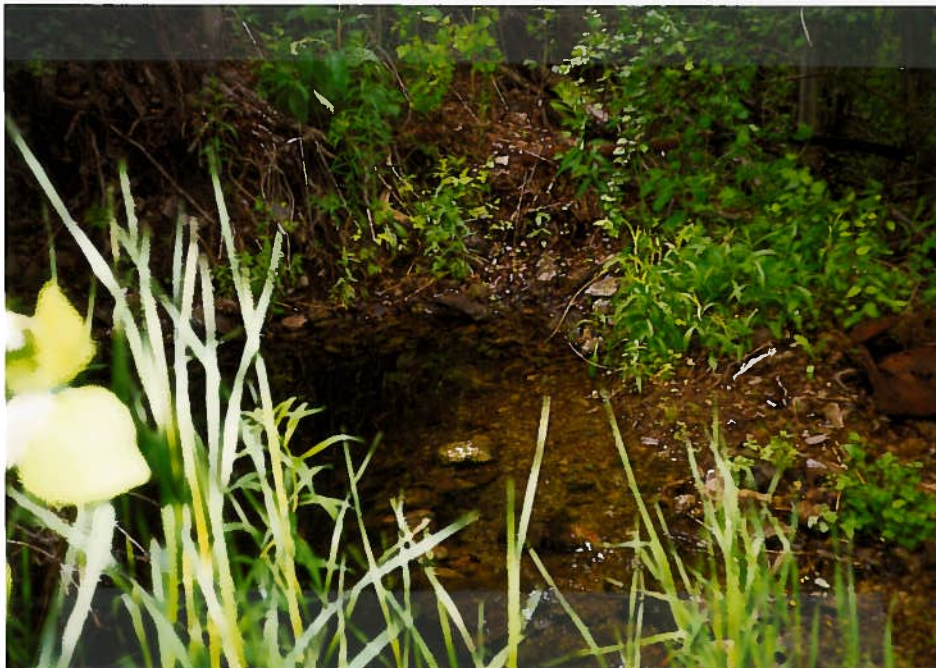
HOUSE

SPRING



PICTURE # 2

This photo is identified on the aerial photo as P/D # 1. This spring is the one closest to the house. A four inch pipeline starts within this pool of water. This is the beginning of the spring.



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CLAIM # A72-04117
PHOTO TAKEN ON 6-15-93
PICTURE # 3

POOR ORIGINAL

This photo shows P/D # 2 as identified on the ASCS aerial photo. This spring is developed by a 2" black plastic pipe beginning in the pond within the rail structure and then buried to where it ties into the 4" line running from P/D # 1. This photo is looking east.



PICTURE # 4

This picture was taken from the edge of the rail fence and is looking west toward the house. This P/D is east southeast of P/D # 1.

HOUSE



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NOV 01 1994

CLAIM # A72-04117
PHOTO TAKEN ON 6-15-93
PICTURE # 5

POOR ORIGINAL

This photo is of P/D # 3 and is looking west northwest. This spring is developed by a 4" steel line rising in this spring and is eventually tied onto the mainline from P/D # 1. This P/D is east and south of both P/D # 1 and 2.



PICTURE # 6

This photo was taken in order to tie this spring with the skyline west of Garden Creek but the rain and haze has covered most of the distinguishing features. This photo is looking northwest.



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NOV 01 1994

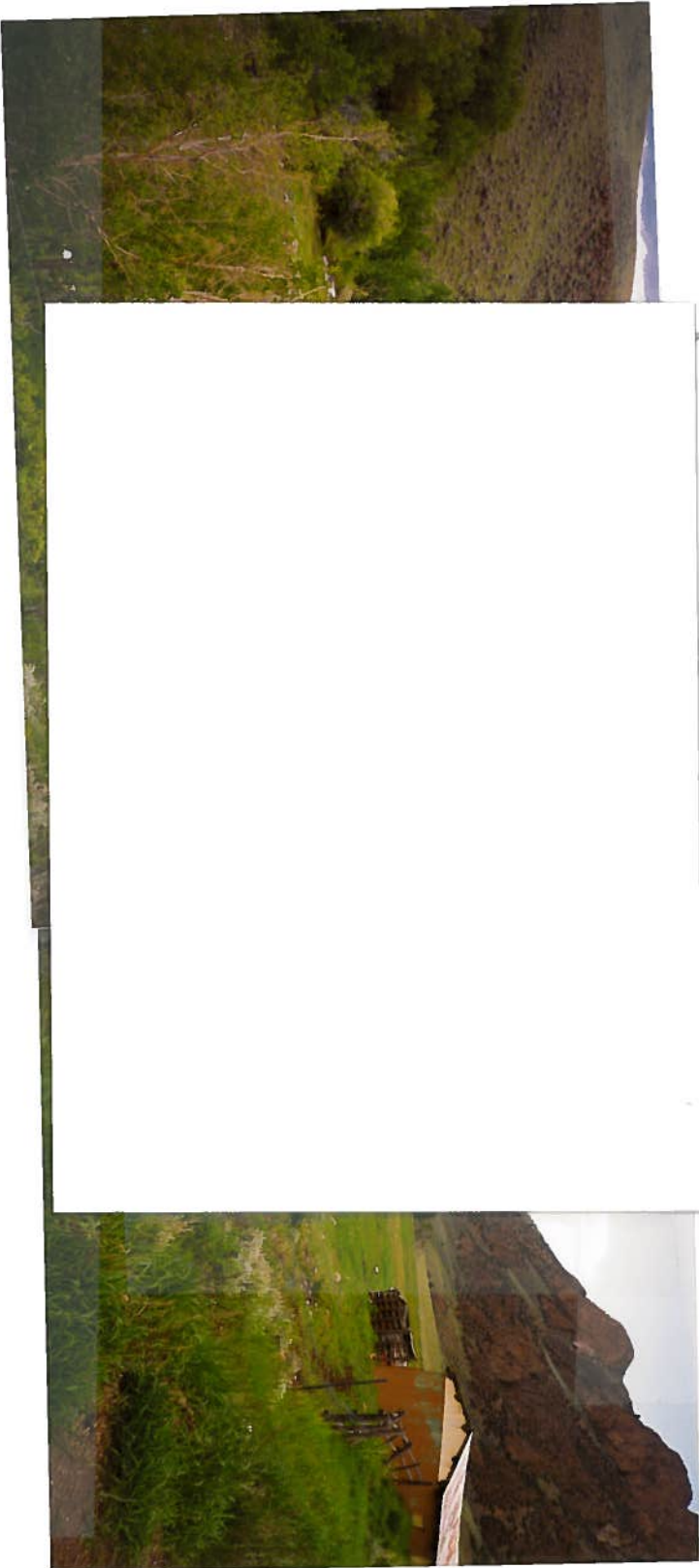
POOR ORIGINAL

CLAIM # A72-04117
DATE PHOTOS TAKEN; 6-15-93
PICTURE SET # 7

This picture set shows the P/U and was taken from the southern boundary of the P/U and is looking north on the left to northeast on the right. All three P/Ds are located further east from the right side of this picture set. (See picture set # 8

GARDEN CREEK

BUILDINGS SHOWN IN
P/D PICTURES # 1 & 4



POOR ORIGINAL

CLAIM # A72-04117
DATE PHOTOS TAKEN; 6-15-93
PICTURE SET # 8

POOR ORIGINAL

This picture set shows the farmstead and the grove of trees that encompass P/Ds # 1 and 2. The photos are looking east north east on the left to east on the right. P/D # 3 is located to the right of this set and further east.

P/D # 1

P/D # 2



MICROFILMED
NOV 01 1994

CLAIM # A72-04117
DATE PHOTOS TAKEN; 6-15-93
PICTURE SET # 7

POOR ORIGINAL

POOR ORIGINAL

This picture set shows the P/U and was taken from the southern boundary of the P/U and is looking north on the left to northeast on the right. All three P/Ds are located further east from the right side of this picture set. (see picture set # 8)

GARDEN CREEK

BUILDINGS SHOWN IN
P/D PICTURES # 1 & 4



POOR ORIGINAL

6-15-93

Pic 4-5 first spring east of house

Pic 6-7 second spring ^{east} south east of first spring

Pic 8-9 third spring furthest east.

first spring

System is 4" steel line to place of use (also domestic) ^{dom. use tapped off} 4" line before any other springs

2nd spring 2" black plastic line to P/U

3rd spring is 4" steel approx 200' to 2" plastic

irrigation practice is gravity sprinkler irrigation
may use 22 head map on lower portion of P/U.

Irrigation of P/U is in three segments. the upper
(ea of house) short runs; several ~~sets~~ approx 4 sets.
the two fields are alternately irrigated & requires
approx 2 weeks to cover all of the P/U. No Dry days.
P/U is grass / alfalfa mix.

check on P/U
of APP
72-7509

MICROFILMED
NOV 01 1994

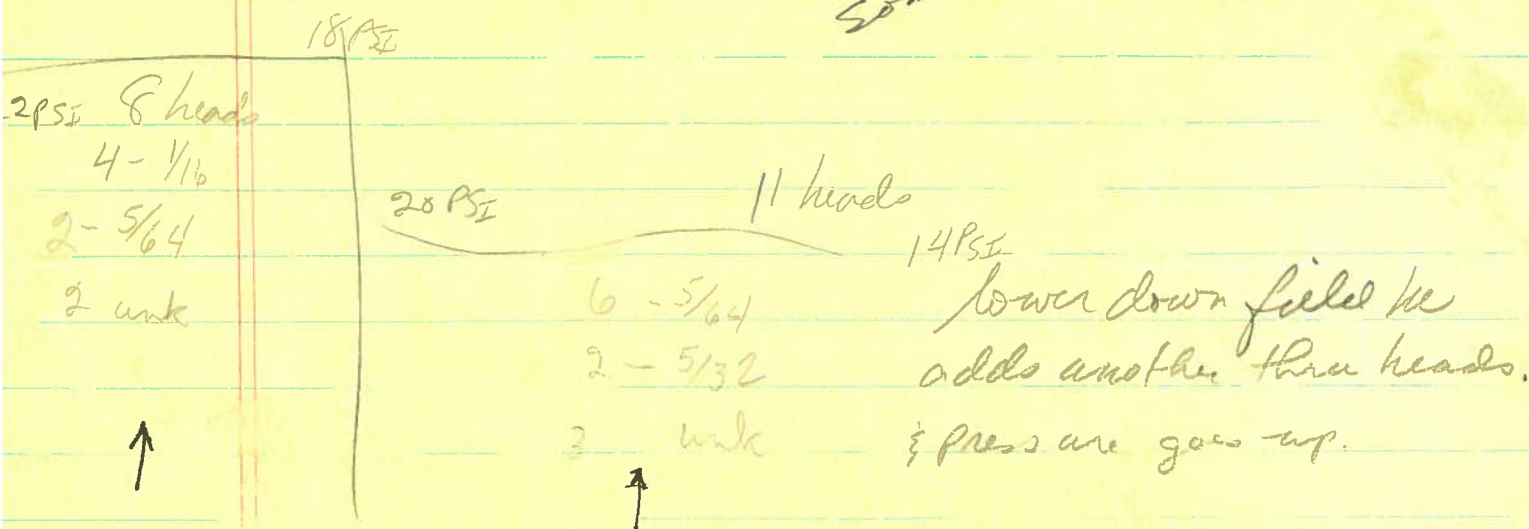
6-16-93

Dan Guerres measurement

$5/16 @ 14 \text{ PSI}$ Royal head

$5/32$

Some leaks in sys.



DW rate based upon: Rainbird Series 20 @ 25 PSI

$$3/32 \text{ (head for } 4 - 1/16 \text{ \& } 2 - 5/64) = 6 * 1.25 \text{ GPM} = 7.5 \text{ GPM}$$

$$2 \text{ unkn. (} 5/32 \text{ Base)} \quad \uparrow \quad 2 * 2.83 \text{ GPM} = 5.66 \text{ GPM}$$

$$\text{Base (} 3/32) 6 * 1.25 \text{ GPM} = 7.5 \text{ GPM}$$

$$5/32 \quad 2 * 2.83 \text{ GPM} = 5.66 \text{ GPM}$$

$$5/32 \quad 3 * 2.83 \text{ GPM} = 8.49 \text{ GPM}$$

$$34.81 \text{ GPM}$$

$$3 \text{ add heads @ } 5/32 * 2.83 = 8.49 \text{ GPM}$$

$$43.3 \text{ GPM}$$

MICROFILMED

NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: _____

FILE A72- 4117

RE: Dan C. Guerrero
879-2760

DATE

NAME OF PARTY

called 6-8-93 talked to a machine.

He returned my call @ 4:10 & an
appt has been set for Wed 6-16 @ 11:00.
Meet him at the P/U.

MICROFILMED

NOV 01 1994