

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: A72-04138A
Date Received: 12/ 1/1989
Receipt No: S010568
Received By: QC ALB

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THE DANIEL J MAHONEY JR LIFETIME TRUST II 202-776-2546
Address: C/O JOHN D WARD ESQ
1200 NEW HAMPSHIRE AVE
NW SUITE 800
WASHINGTON DC 20036-6802

2. Date of Priority: APR 1, 1930

3. Source: WASTE WATER SPRINGS Trib. to: SALMON RIVER
SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	23	NW	NE	NW		CUSTER

5. Description of diverting works:
HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.760		

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

8. Total consumptive use is 95.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	19E	14	SE	SW		IRR	38.0

10. Place of Use: Continued

Section Acres 38.0

Total Acres 38.0

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:
A72-04167

14. Remarks:

SOURCES FOR THIS RIGHT ARE COMMINGLED.

ADDRESS CHANGE 5/3/94 BY JG.

CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS

OWNERSHIP CHANGE MADE 4/9/97 BY TLB.

15. Basis of Claim: STATUTORY CLAIM

DATE: 06/23/97
PAGE: 11

Point(s) of Diversion: T14N R19E S23 NW/4NW

Place of use Legal Description for: IRRIGATION																								
NE					NW					SW					SE									
NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SESW		NENE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
14N	19E	14	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
															38									
																				TOTAL ACRES				
																				38.0				
																				38.0				

Other Rights: 72-04167

COMBINED RIGHT NO.: 72-041381. _____
THIS RIGHT IS LIMITED TO THE IRRIGATION OF _____ ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
THE FOLLOWING RIGHT IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-041388.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:

NOT FILM"



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

JUN 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

THE DANIEL J MAHONEY JR LIFETIME TRUST II
JOHN D WARD ESQ
1200 NEW HAMPSHIRE AVE
WASHINGTON D.C. 20036-6802

RE: SRBA CLAIM(S): SEE ENCLOSED
MAHONEY

DEAR MR. WARD:

PURSUANT TO THE NOTIFICATION THAT YOUR CLIENT HAS CHANGED NAMES ON THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THESE COPIES ARE FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

THESE CLAIM NUMBERS WERE ALL THAT WERE FOUND UNDER MAHONEY'S NAME. THE OTHER NUMBERS ON YOUR LIST WERE EITHER OWNED BY ANOTHER PARTY OR ARE NOT IN EXSISTANCE ANYMORE.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

A handwritten signature in cursive script that reads "Tara L. Backlund".

TARA L. BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/tlb
ENCLOSURES



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

OCT 16 1996

Department of Water Resources
Southern Region

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____. See attached deed.
If you have additional legal descriptions, please attach separate 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) _____
Assigned by IDWR: See attached Exhibit "A"
- [] Name and Address of Former Owner/Claimant(s)(Seller): DANIEL J. MAHONEY, JR.
- [] New Owner/Claimant (Purchaser): THE DANIEL J. MAHONEY, JR. LIFETIME TRUST II
- [] New Mailing Address: c/o JOHN D. WARD, ESQ.
1200 NEW HAMPSHIRE AVE. NW SUITE 800
WASHINGTON, D.C. 20036-6802
- [] New Telephone Number: (202) 776 -2546
- [] 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: _____
(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) Daniel J. Mahoney, Jr. (for) Date _____
- [] Signature of Former Owner/Claimant(s): Daniel J. Mahoney, Jr. 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:

By:

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date: 6/21/97

By: 1AB

Claim Numbers of Split, if any:

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

EXHIBIT "A"

MAHONEY WATER RIGHT NUMBERS

71-0039	72-00005
71-00039	✓ A72-00005✓
✓ A71-00039A-	72-00049
71-0040	✓ A72-00049✓
71-00040	#72-00049
✓ A71-00040A-	72-04027
71-00041	✓ A72-04027✓
71-00042	#72-04027
71-00043	72-04138
71-00044	A72-04138
71-00045	✓ A72-04138A-
71-00046	✓ A72-04138B✓
71-00047	72-04139
✓ A71-00047-	✓ A72-04139-
71-00048	72-04140
✓ A71-00048-	✓ A72-04140-
71-00049	72-04165
71-00050	✓ A72-04165✓
71-00051	#72-04165
71-00052	72-04166
71-00053	✓ A72-04166✓
✓ A71-00053-	#72-04166
71-0054	A72-04167
71-00054	✓ A72-04167A✓
✓ A71-00054-	✓ A72-04167B✓
71-00055✓	✓ A72-10353✓
71-00057	✓ A72-10362✓
✓ A71-00057-	A72-10430
71-00058✓	✓ A72-10437✓
	A72-10480
	A71-10481
	A71-10482

and all other water rights appurtenant to the property described in the attached deed.

0211998

WARRANTY DEED

FOR VALUE RECEIVED, DANIEL J. MAHONEY, JR., A/K/A DAN MAHONEY, Grantor, does Bargain, Sell and Convey unto DANIEL J. MAHONEY, JR. AND RICHARD L. BRAUNSTEIN, Trustees of THE DANIEL J. MAHONEY, JR. LIFETIME TRUST II, dated the 25th day of July, 1996, (the current address is c/o JOHN D. WARD, ESQ., 1200 New Hampshire Avenue, Washington, D.C. 20036-6802), the Grantee, the following described premises in Custer County, Idaho, to-wit:

ANY AND ALL OF GRANTOR'S RIGHT, TITLE, EQUITY OR INTEREST IN OR TO ANY PART OR ALL OF THE FOLLOWING DESCRIBED PROPERTY IN CUSTER COUNTY, IDAHO:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County Idaho, and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: Aug 15th, 1996.


Daniel J. Mahoney, Jr.
a/k/a Dan Mahoney

211998

STATE OF IDAHO)
) ss.
County of Custer)
On this 15th day of
August, 1996, before
me, a Notary Public, per-
sonally appeared DANIEL
J. MAHONEY, a/k/a DAN
MAHONEY, known
or identified to me
to be the person whose
name is subscribed to
the within instrument
and acknowledged to me
that he executed the
same.

[Signature]
Notary Public for Idaho
Residing at Charles
Commission Expires 1-21-99

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instru-
ment was filed for record at the
request of Daniel Bennett
at 17 minutes past 1
o'clock P.M., this 17th day of
Sept., 1996, in my office,
and duly recorded in Book _____
of Deeds at page _____.

Ethel M. Pede

Ex-Officio Recorder

BY Wendy Murphy Deputy

Fee: \$ 21.00
Mail to:

EXHIBIT "A"

A parcel of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as:

Commencing at the Southwest corner of said Section 14, a distance of 1058.85 feet on a bearing of South 89°58'16" East along the South boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Real Point of Beginning; thence North 0°08'49" East 1347.73 feet along an existing fence line to a fence corner; thence South 81°58'13" East 265.38 feet along an existing fence line to the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°58'16" West 261.56 feet to the Real Point of Beginning, said parcel contains 8.001 acres, more or less; save and except the following parcel:

Commencing at the South quarter corner of said Section 14, a distance of 1035.35 feet on a bearing of North 0°11'26" East along the East boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Real Point of Beginning; thence North 0°11'26" East 282.69 feet to the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°56'20" West 1320.08 feet to the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°56'20" West 57.10 feet to a point on an existing fence line; thence South 81°58'13" East 251.78 feet along said fence line; thence South 77°32'28" East 1154.10 feet along said fence line to the Real Point of Beginning, said parcel contains 4.211 acres, more or less.

Lots 5 and 8, and all of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 14, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, Save and except the West 30 feet and that portion of the North 30 feet extending from the Northwest corner East across the existing slough.

Lots 2 and 3, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, all in Section 23, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho.

The E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, save and except lands otherwise herein conveyed.

A parcel of land situate and lying in Custer County, Idaho, described as follows, to-wit:

Commencing at the Northeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 23, Township 14 North, Range 19 East, Boise Meridian; thence South along the East boundary of the described NE $\frac{1}{4}$ NW $\frac{1}{4}$, 750 feet to the True Point of Beginning; thence continuing South 1320 feet; thence East 1320 feet; thence North 1320 feet; thence West 1320

feet to the True Point of Beginning, containing 40 acres, more or less.

A fraction of HES No. 109 situate and lying in Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Beginning at Corner No. 1 from which the corner of Sections 1, 2, 11 and 12, Township 11 North, Range 12 East, Boise Meridian, bears North 3° West 1130.58 feet distant; thence South 47°19' East 601.22 feet to the Southeast side of the Thompson Creek right-of-way, this being the True Point of Beginning; thence South 47°19' East 978.82 feet to Corner No. 2 of HES No. 109; thence South 42°36' West 2346.96 feet to Corner No. 4; thence North 47°26' West 979.28 feet to the Southeast side of the Thompson Creek right-of-way; thence North 42°36' East 2346.96 feet along the Thompson Creek right-of-way to the Northeasterly side of said HES No. 109 and the True Point of Beginning.

HES No. 272, in approximately Sections 10 and 11, Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho.

HES No. 319, in approximately Sections 13 and 24, Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, and in approximately Sections 18 and 19, Township 11 North, Range 13 East, Boise Meridian.

A fraction of HES No. 422, Section 13, Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Commencing at Corner No. 11 of said HES No. 422, run thence South 20°52' East along the Easterly boundary of HES No. 422 a distance of 405.02 feet to the Point of Beginning and the Northeasterly corner of the tract of land herein described; continuing thence South 20°52' East 405.02 feet; thence South 84°57' West 670.73 feet; thence North 20°52' West 405.02 feet; thence North 84°57' East 670.73 feet to the Point of Beginning.

A fraction of HES No. 422, Section 13, Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Beginning at Corner No. 11 of said HES No. 422, run thence South 20°52' East along the Easterly boundary of HES No. 422 a distance of 405.02 feet; thence South 84°57' West 670.73 feet; thence North 20°52' West 405.02 feet to a point on the Northerly boundary of HES No. 422; thence North 84°57' East along the Northerly boundary of HES No. 422 a distance of 670.73 feet to the Point of Beginning.

A fraction of HES No. 422, Section 13, Township 11 North, 12 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Commencing at Corner No. 11 of said HES No. 422, run thence South 20°52' East along the Easterly boundary of HES No. 422 a distance of 1620.08 feet; thence South 84°57' West 670.73 feet to the Point of Beginning and the Northeasterly corner of the tract of land herein described; thence South 20°52' East 405.02 feet; thence South 84°75' West 670.73 feet; thence North 20°52' West 405.02 feet; thence North 84°57' East 670.73 feet to the Point of Beginning, containing 6.0 acres, more or less.

A fraction of HES No. 422, Section 13, Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Commencing at Corner No. 11 of said HES No. 422, run thence South 20°52' East along the Easterly boundary of HES No. 422 a distance of 810.04 feet to the Point of Beginning, and the Northeasterly corner of the tract of land herein described; continuing thence South 20°52' East 405.02 feet; thence South 84°57' West 670.73 feet; thence North 20°52' West 405.02 feet; thence North 84°57' East 670.73 feet to the Point of Beginning.

A fraction of HES No. 422, Section 13, Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Commencing at Corner No. 11 of said HES No. 422, run thence South 20°52' East along the Easterly boundary of HES No. 422 a distance of 1215.06 feet; thence South 84°57' West 670.73 feet to the Point of Beginning and the Northeasterly corner of the tract of land herein described; thence South 20°52' East 405.02 feet; thence South 84°57' West 670.73 feet; thence North 20°52' West 405.02 feet; thence North 84°57' East 670.73 feet to the Point of Beginning, containing 6.0 acres, more or less.

All of HES No. 422, Section 13, Township 11 North Range 12 East, Boise Meridian, Custer County, Idaho, save and except land otherwise herein conveyed.

A fraction of Lot 3, Section 14, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

All of said Lot 3, save and except a 30-foot right-of-way over that portion of said lot lying East of the existing slough and the old Salmon River channel.

A parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

The SW $\frac{1}{4}$ SW $\frac{1}{4}$, save and except a parcel of land located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 14 North Range 19 East, Boise Meridian, Custer County, Idaho, described as:

Commencing at the Southwest corner of said Section 14, a distance of 1058.85 feet on a bearing of South 89°58'16" East along the South boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Real Point of Beginning; thence North 0°08'49" East 1347.73 feet along an existing fence line to a fence corner; thence South 81°58'13" East 265.38 feet along an existing fence line to the East boundary of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 0°12'16" West 1310.79 feet to the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°58'16" West 261.56 feet to the Real Point of Beginning, containing 8.002 acres, more or less.

The N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho.

A parcel of land located in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the South quarter corner of said Section 14, a distance of 1035.35 feet on a bearing of North 0°11'26" East along the East boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Real Point of Beginning; thence North 0°11'26" East 282.69 feet to the Northeast corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°56'20" West 1320.08 feet to the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°56'20" West 57.10 feet to a point on an existing fence line; thence South 81°58'13" East 251.78 feet along said fence line; thence South 77°32'28" East 1154.10 feet along said fence line to the Real Point of Beginning, containing 4.211 acres, more or less.

A fraction of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

All the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 14 North, Range 19 East, lying East of U.S. Highway No. 93 right-of-way.

A fraction of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

All of the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15, Township 14 North, Range 19 East, Boise Meridian, save and except 2.00 acres, more or less, deeded for highway purposes.

The NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 15, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho.

All of Grantor's interest in a parcel of land lying within Township 11 North, Range 12 East, Boise Meridian, Custer County, Idaho, described as follows, to-wit:

Beginning at Corner No. 1 which is identical to the East Section corner common to Sections 12 and 13, Township 11 North, Range 12 East, Boise Meridian; thence South 9° West 4.83 chains to Corner No. 2 of HES No. 421; thence South 68°38' West 60.03 chains to Corner No. 3, the Point of Beginning of this description; thence North 17°24' West 270 feet to Corner No. 1; thence North 68°38' East 120 feet to Corner No. 2; thence South 17°24' East 270 feet to Corner No. 3; thence South 68°38' West 120 feet to the Point of Beginning, containing .74 acre, more or less.

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: A72-04138A

Date Received: 12/ 1/1989

Receipt No: S010568

Received By: Address Change

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL J. MAHONEY, JR. 208-832-5566
Address: 1200 S OCEAN BLVD
PALM BEACH FL 33480

2. Date of Priority: APR 1, 1930

3. Source: WASTE WATER SPRINGS Trib. to: SALMON RIVER
SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	23	NW	NE	NW		CUSTER

5. Description of diverting works:
HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.760		

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

8. Total consumptive use is 95.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	19E	14	SE	SW		IRR	38.0

Section Acres 38.0

10. Place of Use: Continued

Total Acres 38.0

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:
A72-04167

14. Remarks:
SOURCES FOR THIS RIGHT ARE COMMINGLED.

ADDRESS CHANGE 5/3/94 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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



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

15-Apr-1994 13:19

DANIEL J MAHONEY JR
1200 SOUTH OCEAN BLVD
PALM BEACH FL 33480

RE: Snake River Basin Adjudication (SRBA) Notices of Claim No(s).
A72-04165, A72-04167A, A72-04138 (NOT A VALID CLAIM) A72-04167B,
A72-04139, A72-10362, A72-04140, A72-04027, A72-04166, A72-04138A &
A71-10054

Change of Address Notification

Dear Claimant(s):

IDWR has received your notice of the change of address of the water right claim referenced above. Our records have been changed accordingly.

If you sold the property, please contact our office toll-free at 1/800-451-4129.

Sincerely,

Idaho Department of Water Resources
Adjudication Bureau

RECEIVED

APR 18 1994

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[✓] Water Right Number (s): A72-04165 A72-04167-A A71-10072
A72-04138 A72-04167B
A72-04139 A72-10362
A72-04140 A72-04027
A72-04166 A72-04138A

WATER RESOURCES
WESTERN REGION

[✓] Old Mailing Address: Dan Mahoney, c/o Sawtooth Properties
375 South County Road, Suite 201
Palm Beach, FL. 33480

[✓] New Mailing Address: Daniel J. Mahoney, Jr.
1200 South Ocean Blvd.
Palm Beach, FL. 33480

~~New~~ Telephone Number: (407) 832 - 5566

[✓] Signature of Claimant: Daniel J. Mahoney Jr
Date: April 11, 1994

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: 5/3/94 By: IC

Further Action Needed:
Further Action Taken

Date: By:
Final Review and Data-Entry
Date: By:

RECEIVED

APR 18 1994

Department of Water Resources
Southern Region Office

SEND TO YOUR NEAREST
REGION OFFICE:

Western Region Office Southern Region Office
2735 Airport Way 222 Shoshone St. East
Boise, ID 83705 Twin Falls ID 83301
(208) 334-2190 (208) 734-3578

State Office
1301 N. Orchard St.
Boise, ID 83720
(208) 327-7900

Eastern Region Office Northern Region Office
150 Shoup Ave. #15 1910 Northwest Blvd. #210
Idaho Falls ID 83402 Coeur d'Alene ID 83814
(208) 525-7161 (208) 756-4639

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: **A72-04138A**
Date Received: 12/ 1/1989
Receipt No: S010568
Received By: _____

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

1. Name: DANIEL J. MAHONEY, JR. 208-879-4488
Address: C/O JAMES R. BENNETTS, ESQ.
P.O. BOX 36
CHALLIS ID 83226

2. Date of Priority: APR 1, 1930

3. Source: WASTE WATER SPRINGS Trib. to: SALMON RIVER
SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	23	NW	NE	NW		CUSTER

5. Description of diverting works:
HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.760		

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

8. Total consumptive use is 95.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	19E	14	SE	SW		IRR	38.0

Section Acres 38.0

10. Place of Use: Continued

Total Acres 38.0

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:
A72-04167

14. Remarks:
SOURCES FOR THIS RIGHT ARE COMMINGLED.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

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: A72-04138A
Date Received: 12/01/1989
Receipt No: S010568
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL J. MAHONEY, JR. 208-879-4488
Address: C/O JAMES R. BENNETTS, ESQ.
P.O. BOX 36
CHALLIS, ID 83226

2. Date of Priority: APR 01, 1930

3. Source: WASTE WATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	23	NW	NE	NW		CUSTER

5. Description of diverting works:
HEADGATE & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.760		

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

8. Total consumptive use is 95.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	14	SE	SW		IRR	38.0
Section Acres							38.0

A72-04138A

Page 1

Date: 10/31/90

MICROFILMED
MAR 19 1993

10. Place of Use: Continued

Total Acres 38.0

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:
A72-04167

14. Remarks:
THIS CLAIM IS FOR A PORTION OF THE WR 72-4138.

OWNERSHIP CHANGE 10/31/90 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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

02-Nov-1990 12:38

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

Re: Change of OWNERSHIP form from Thomas W. Chivers, et al to Daniel J. Mahoney, Jr.

Nos: A72-04167A, A72-04138A, A72-04165, A72-04027, A72-04167B, A72-04166,
a72-00049, A72-10353, A72-10362

Dear Mr. Bennetts:

The Department has changed the name of the above-listed adjudication water rights. Please review the enclosed copies, should you have any questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Judy Givens'.

Judy Givens
Secretary

/jg

Enclosures

MICROFILMED
MAR 19 1993

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

(208) 879-4488

April 14, 1992

RECEIVED

APR 20 1992

Department of Water Resources
Southern Region Office

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

Re: Daniel J. Mahoney, Jr.

Dear Sirs:

I am enclosing various affidavits noting the water rights to which they refer. All are signed by a previous owner or party knowledgeable concerning the rights.

Please place these in the respective files. I would also request that an extension be granted so that we may have an opportunity to gain more information concerning the rights. One particular party, older than Mr. Chivers, may be available later with some meaningful recollections.

One final note which I would appreciate a response on. In regard to A72-04138, A72-04139 and A72-04140, I would believe that the source is more appropriately "springs or waste water." Could these be amended?

A Mahoney
D Chivers

Very truly yours,

James R. Bennetts

JRB:jab
Enclosures

cc: Dan Mahoney

MICROFILMED

MAR 18 1993

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A72-04167A, A72-04138A, A72-04165, A72-04027, A72-04167
A72-04166, A72-00049, A72-10353, A72-10362

[] Name and Address of Former Claimant(s): THOMAS W. CHIVERS, AILEEN E. CHIVERS, THOMAS E. CHIVERS
ROY EDWARD CHIVERS
P. O. Box 528
Challis, Idaho 83226

[] New Claimant(s): DANIEL J. MAHONEY, JR.
c/o JAMES R. BENNETTS, ESQ.

RECEIVED

[] New Mailing Address: P. O. Box 36 OCT 16 1990
Challis, ID 83226 Department of Water Resources
Southern Region Office

New Telephone Number: (208) 879 - 4488

[] Does the change in ownership result in a splitting of the water right claimed? yes X no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: _____
(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 claimant.)

[] Signature of New Claimant(s): Daniel J. Mahoney, Jr.
Daniel J. Mahoney, Jr.

Date: _____

MICROFILMED

MAR 19 1993

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s):

Thomas H. Chiriac

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: 10/31/90 By: JG

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 10/31/90 By: JG

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A72-04167A, A72-04138A, A72-04165, A72-04027, A72-041
A72-04166, A72-00049, A72-10353, A72-10362

[] Name and Address of
Former Claimant(s): THOMAS W. CHIVERS, AILEEN E. CHIVERS, THOMAS E. CHIVE
ROY EDWARD CHIVERS
P. O. Box 528
Challis, Idaho 83226

[] New Claimant(s): DANIEL J. MAHONEY, JR.
c/o JAMES R. BENNETTS, ESQ.

RECEIVE

[] New Mailing Address: P. O. Box 36 OCT 16 1990
Challis, ID 83226 Department of Water Resou
Southern Region Office

New Telephone Number: (208) 879 - 4488

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no
If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: (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 claimant.)

[] Signature of New Claimant(s): Daniel J. Mahoney, Jr.
Daniel J. Mahoney, Jr.

Date: _____

FOR Original, Signed Copy
See Claim A72-04167A

MICROFILMED

MAR 18 1993

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s):

Thomas W. Chivier

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: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE

2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE

150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE

1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE

222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE

1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	14	SE	SW		IRR	38.0
Section Acres							38.0
Total Acres							38.0

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:
A72-04167

14. Remarks:
THIS CLAIM IS FOR A PORTION OF THE WR 72-4138.

15. Basis of Claim: STATUTORY CLAIM

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: A72-04138A
Date Received: 12/01/1989
Receipt No: S010568
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROY EDWARD CHIVERS
Address: P.O. BOX 528
CHALLIS, ID 83226

AND/OR

Name: THOMAS E. CHIVERS
Address: P.O. BOX 528
CHALLIS, ID 83226

AND/OR

Name: THOMAS W. CHIVERS
Address: P.O. BOX 528
CHALLIS, ID 83226

208-879-2355

2. Date of Priority: APR 01, 1930

3. Source: WASTE WATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	19E	23	NW	NE	NW		CUSTER

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.760		

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

8. Total consumptive use is 95.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A72-04138A

Page

1

Date: 12/01/89

MICROFILMED
MAR 18 1993

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): Thomas W. Chivers Date: 12-1-89

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of December 19 89 Stan Co. [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3031

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04138A
DANIEL J. MAHONEY, JR.
C/O JAMES R. BENNETTS, ESQ.
P.O. BOX 36
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



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

20-Apr-1992 13:09

James R. Bennetts
PO Box 36
Challis, ID 83226

RE: Amending SRBA Claims A72-04138A, A72-04138B, A72-04139 & A72-04140

Dear Mr. Bennetts:

As we discussed in our phone conversation this day I have drafted the enclosed amendments to the above referenced claims. Please have the claimants look them over and if they find them satisfactory have them sign them before a notary and return them to our office.

Please note that the amendments consisted of adding "spring" as a source and adding the remark "Sources for this right are commingled."

If you or the claimants have questions please feel free to contact our office.

Sincerely,

Allen Merritt, P.E.
Water Rights Supervisor

MICROFILMED

MAR 18 1993

AFFIDAVIT - WATER USE

RECEIVED

RE: WATER RIGHT NO. A72-04138-A

APR 20 1992

STATE OF IDAHO)
: ss.
County of Custer)

Department of Water Resources
Southern Region Office

The undersigned, first being duly sworn, deposes and says as follows:

1. I am a male, born in March of 1921, presently residing in Custer County, Idaho. My parents had interests in a cattle ranch, with a winter operation near Challis where we lived at the time of my birth.

2. I have reviewed the print-out from Idaho Department of Water Resources attached and made a part hereof as Exhibit A, and am familiar with the facts stated therein. I resided on the lands described as the Place of use all during my childhood and assisted with the irrigation of these lands.

3. I can state as a fact and from my independent recollection that the lands described were put to beneficial use by 1930 or prior. This was accomplished by irrigation as set forth on the attached schedule.

4. I also state that I remained interested in the cattle business conducted on these and surrounding lands until very recently when I sold my ranching operation to Daniel J. Mahoney, Jr. My only extended absence was a brief period during World War II. Therefore, I have maintained contact with the yearly use of the lands and believe I have sound bases for these statements which to my best knowledge and belief are accurate and true.

DATED: March 30th, 1992.

Thomas W. Chivers
Thomas W. Chivers

SUBSCRIBED AND SWORN TO before me this 30th day of March, 1992.

James O. Bennett
Notary Public for Idaho
Residing at: Challis Idaho
My Comm. Expires: 1-13-93

MICROFILMED

MAR 18 1993

Water Right Number - A72-04138A

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

+ - First Name - - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
MAHONEY, JR.

DANIEL J.

1 - C/O JAMES R. BENNETTS, ESQ.
2 - P.O. BOX 36
3 -City- CHALLIS State- ID Zip- 83226
Phone - 208-879-4488

*** O - ORIGINAL OWNER ***

CHIVERS

ROY EDWARD

1 - P.O. BOX 528
2 -
3 -City- CHALLIS State- ID Zip- 83226
Phone - 208-000-0000

CHIVERS

THOMAS E.

1 - P.O. BOX 528
2 -
3 -City- CHALLIS State- ID Zip- 83226
Phone - 208-000-0000

CHIVERS

THOMAS W.

1 - P.O. BOX 528
2 -
3 -City- CHALLIS State- ID Zip- 83226
Phone - 208-879-2355+ - - Priority Date - - + + - - - Region - - - +
04/01/1930 17 SOUTHERN+ - - - - Stage - - - +
S - STATUTORY CLAIM

+ - - - - Status - - - +

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

14N Rng 23 NW NE NW (37) CUSTER

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

01 - IRRIGATION 04/01 11/01 0.760

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - Km Usage - +
0.760 95.0+ - - - - Place of Use - - - - -
Twn Rng Sec Tract Lot Acres Code Description County

14N Rng 19E 14 SE SW 38.0 01 IRRIGATION (37) CUSTER

Total Acres: 38.0

+ - - Diversion Means - HEADGATE & DITCHES

MICROFILMED

MAR 18 1993

Prefix Translation: APPLICATION CLAIM

+ - - - Other Rights for Same Use - A72-04167

Remarks

THIS CLAIM IS FOR A PORTION OF THE WR 72-4138.

OWNERSHIP CHANGE 10/31/90 BY JG.

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

Conditions of Approval

No Conditions of Approval found.

[illegible]

+ - - Audit Fields - 12/01/89 CLELLAND 09/14/90 GIVENS 10/31/90 GIVENS

+ -Comments- +
+ No Comments Found +

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

Court Report Filing	00/00/0000	Field Inspection Made	00/00/0000	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	12/01/1989	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	S010568	Federal/State Indicator	S
Claims Tape Error Flag		POU Ownership Flag	Y	Presumption Flag	
Fee Exempt Flag		Name Connector	AND/OR	Notice of Error Flag	

MAR 18 1993

AFFIDAVIT - WATER USE

RE: WATER RIGHT NO. A72-04138
A72-04140
A72-04139

RECEIVED

APR 20 1992

STATE OF IDAHO)
: ss.
County of Custer)

Department of Water Resources
Southern Region Office

The undersigned, first being duly sworn, deposes and says as follows:

1. I am a male, born in March of 1921, presently residing in Custer County, Idaho. My parents had interests in a cattle ranch, with a winter operation near Challis where we lived at the time of my birth.

2. I have reviewed the print-out from Idaho Department of Water Resources attached and made a part hereof as Exhibit A, and am familiar with the facts stated therein. I resided on the lands described as the Place of use all during my childhood and assisted with the irrigation of these lands.

3. I can state as a fact and from my independent recollection that the lands described were put to beneficial use by the priority dates listed on the attachments, or earlier. This was accomplished by irrigation as set forth on the attached schedule.

4. I also state that I remained interested in the cattle business conducted on these and surrounding lands until very recently when I sold my ranching operation to Daniel J. Mahoney, Jr. My only extended absence was a brief period during World War II. Therefore, I have maintained contact with the yearly use of the lands and believe I have sound bases for these statements which to my best knowledge and belief are accurate and true.

DATED: March 30th, 1992.

Thomas W. Chivers
Thomas W. Chivers

SUBSCRIBED AND SWORN TO before me this 30th day of March, 1992.

James P. Bennett
Notary Public for Idaho
Residing at: Challis Idaho
My Comm. Expires: 1-13-93

MICROFILMED

MAY 18 1992

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

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 ILLINOIS
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:13:10
06/04/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04138A

LAST: CHIVERS FIRST: THOMAS W.
ADDRESS: P.O. BOX 528
CITY: CHALLIS ID ZIP: 83226
PHONE NUMBER: 208-879-2355

OWNER CODE: 0

LAST: MAHONEY, JR. FIRST: DANIEL J.
ADDRESS: C/O JAMES R. BENNETTS, ESQ.
P.O. BOX 36
CITY: CHALLIS ID ZIP: 83226
PHONE NUMBER: 208-879-4488

OWNER CODE: C

LAST: CHIVERS FIRST: ROY EDWARD
ADDRESS: P.O. BOX 528
CITY: CHALLIS ID ZIP: 83226
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

LAST: CHIVERS FIRST: THOMAS E.
ADDRESS: P.O. BOX 528
CITY: CHALLIS ID ZIP: 83226
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE FIELD
Y EXAMINER
CLAIM REMARKS: SOURCES FOR THIS RIGHT ARE COMINGLED.

CLAIM NUMBER: A72-041384

PHONE NUMBER: ()

TIME $\frac{1}{2}$ $\frac{1}{2}$ A () P ()

PHONE NUMBER: () - -
 NAME: _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____

A. AJ CLAIM: # A72-041384

PRIORITY DATE: 04-01-1930

STAGE: S

B. WR RECORD: # 72-04138

PRIORITY DATE: 04-01-1930

STAGE: S

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

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

REMARKS:

S See affidavit by Thomas W. Chivers 3/30/1992

RECOMMENDED PRIORITY DATE:

04-01-1930

REVIEWED BY

R.V. 26

DATE

1/12/1992

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04138A	14N	19E	23	NW	NE	NW		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX R PREFIX
A72-04138B NONE

NONE

SOURCE: WASTE WATER
SPRINGSTRIB: SALMON RIVER
SALMON RIVER

F06

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04138	14N	19E	23		NW	NW		CUSTER

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

NONE

NONE

NONE

SOURCE: WASTE WATER

TRIB: SALMON RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

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

SOURCE:
REVIEWED BY: TRIB: DATE:

A. ROOT WATER RIGHT NUMBERS:

A72-04138A
A72-04138B

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	14	SE	SW		MAHONEY, JR., DANIEL J.	A72-04138A / 38.0	-			38
			SE	SW		MAHONEY, JR., DANIEL J.	A72-04167A / 35.0	-			
			SE	SW		CHIVERS, JOHN B.	72-04138 / 40.0				
			SE	SW		CHIVERS, THOMAS W.	72-04167 / 35.0				

TOTAL ACRES

A72-04138A

38.00

4138 / 40.0

37.00

38.0

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 FIELD EXAMINER

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

A. AJ CLAIMED USES:

PURPOSES
A72-04138A IRRIGATIONMONTH/DAY
FROM 04-01 TO 11-01DIVERSION QUANTITY
.760 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

.760 CFS

B. WR RECORDED USES:

PURPOSES
72-04138 IRRIGATIONMONTH/DAY
FROM 04-01 TO 11-01DIVERSION QUANTITY
6.000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

6.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

*New Standard Period of Use*Y() N()
Y() N() Explain in remarks, below.

Y(☒) N(☐)

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 0.760 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.000 CFS

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

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) ☒ Y ☐ N
FIELD DATABASE EXAMINER

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A72-04167

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04138A	WASTE WATER SPRINGS	MAHONEY, JR., DANIEL J.	0.760	0.020		
A72-04167A	WASTE WATER SPRINGS	MAHONEY, JR., DANIEL J.	1.140	0.032		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-04167A	STOCKWATER	MAHONEY, JR., DANIEL J.	FROM 11-01 TO 04-01	.500 CFS	

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES ----- X 0.02 CFS/ACRE = 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 = 95.0 AF/A

ACRES ----- X CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

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.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
IRRIGATION	04- ~~01~~ 15	~~11-01~~ 10-15	DATABASE EXAMINER 0.760	DATABASE EXAMINER 95.0
TOTAL FOR THIS RIGHT		0.760		95.0

REVIEWED BY:

DATE:

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREFEIT/ABANDON
ADDITIONAL DIV. AMOUNTACCEPTED
AS CLAIMED
()
()
()
NEEDS
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04138

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
6.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
72-04138	A72-04138A	0.760	-		72-04138	6.000
72-04138	A72-04138R	6.000	-		72-04138	6.000

TOTAL CFS

6.760

6.000

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
NFIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

DATE:

NAME OF FIELD EXAMINER:

TITLE:

Stage: STATUTORY CLAIM

CLUSTER County

THE

TOTAL ACRES

Field Inspection:
Presumption E1.9g:

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

TERESA J. TURNER
PARALEGAL
tturner@hollandhart.com

RECEIVED

AUG - 9 2000

Department of Water Resources

August 7, 2000

RECEIVED

AUG 11 2000

Department of Water Resources
Southern Region

Idaho Department of Water Resources
State Office
1301 North Orchard Street, Box 83720
Boise, ID 83720-0098

Idaho Department of Water Resources
Southern Regional Office
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380

Re: Water Right A72-04138

Dear Sir or Madame:

This firm represents Tait Johnson, who has an interest in the above-referenced water right. We find it necessary to research the history of this water right. Please provide us with a complete copy of your file on A72-04138.

Please forward the copies, together with your statement for any charges incurred, to my attention at the address shown above. If you need anything further to complete this request, please let me know. Thank you for your assistance.

Sincerely,

HOLLAND & HART ^{LLP}

Teresa J. Turner
Paralegal

2 Steve Clelland
on Bar Code. Did
not add attorney.
SRAA
Claims - split A+B

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

1641 Blue Lake Blvd. N.
Twin Falls, Idaho 83301
(208) 734-1575

June 22,
1983

*Review file
Copy - just
in case.*

*Don
8-9-83*

JOHN B. CHIVERS
HC #63, BOX 1776
CHALLIS

ID 83226

RE: Claim No. 72-4139

Dear Claimant:

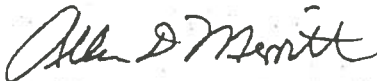
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

FOR QUALITY ORIGINAL

CHALLIS

NOTICE OF AMENDED CLAIM TO A WATER RIGHT

NO. 72-4138

Notice is hereby given that Claim to a Water Right No. 72-4138 in the name of John B. Chivers of Challis, Idaho was filed as follows:

Source: Waste water tributary to sinks

Priority Date: April 1, 1930

Amount: 6.0 cfs

Diversion Point: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, T14N, R19E, B.M., County of Custer

Use: Irrigation of 245 acres

Place of Use: S $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; E $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T14N, R19E

Diversion Means: Headgate & ditch

Claim No. 72-4138 is hereby amended by John B. Chivers

as follows:

Source: Waste water tributary to Chiver's Slough

Priority Date: Same

Amount: Same

Diversion Point: Same

Use: Same

Place of Use: Same

Any exception to the Amended Claim to a Water Right must be filed with the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301

A. KENNETH DUHN
Director

Published in Custer Publishing Co.

OK

June 3, 1983

Custer Publishing Co.
P. O. Box 405
Challis, Idaho 83226

Re: Notice of Proposed Change of Water Right No. 72-0012C
Notice of Amended Claim to a Water Right No. 72-4035; 72-4036; 72-4140;
72-4154; 72-4096; 72-4139; 72-4138

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Newby
Sec/Office Coord.

encl:

72-4035-1000

Bill submitted: _____

State of Idaho
Department of Water Resources

AMENDED

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JF. Staton

Right Number: 72-4138 Amended Applicant CHIVERS, John B.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☒ Exceptions processed. None

By ADN Date 6/22/83

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By _____ Date _____

0000000000

NOTICE OF CLAIMS TO WATER RIGHT

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

72-4138-

CHIVERS, JOHN B.

HC #63, BOX 1776, CHALLIS, ID 83226

Source: WASTE WATER trib. to SINKS

Priority Date: 04/01/1930

Diversion Pt: NWNW Sec 23 T 14N R 19E

Use: IRRIGATION (6.00 CFS)

In: SWNW SENW NESW NWSW SWSW SESW Sec 14 T 14N R 19E NESE SESE
Sec 15 T 14N R 19E FOR 245 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 4/14 & 4/21/83.

04/14/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

APRIL 6, 1983

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 2, 1983.

Yours truly,

Mary A. Newby
Secretary

Encl.

RECEIVED

72-

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADL

Right Number 72-4138 Applicant CHIVERS, John B.

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By _____ Date _____

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 6/28/83

RECEIVED
JUN 28 1983
Department of Water Resources

UNCLUTTERED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that John B. Chivers

(Name of Claimant)

H.C. #63, Box 1776, Challis, Idaho, 83226

(Mailing Address)

(Zip Code)

Telephone No. 879-2583

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 4/1/1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Waste Watertributary to Chivers' Slough

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	[Both dates inclusive]	
				(Mo., Day)	(Mo., Day)
Quantity <u>6.00 cfs</u>		Use <u>Irrigation</u>		Period of Use From <u>April 1</u>	To <u>Nov. 1</u>
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____
Quantity _____		Use _____		Period of Use From _____	To _____

- (4) 6.00 cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NW 23, Sec. 23 Twp. 14N Rge. 19E B.M., County of Custer

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditches This water is collected from irrigated fields above.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	14							35	20	35	40	40	40					210
		15													10			25	35

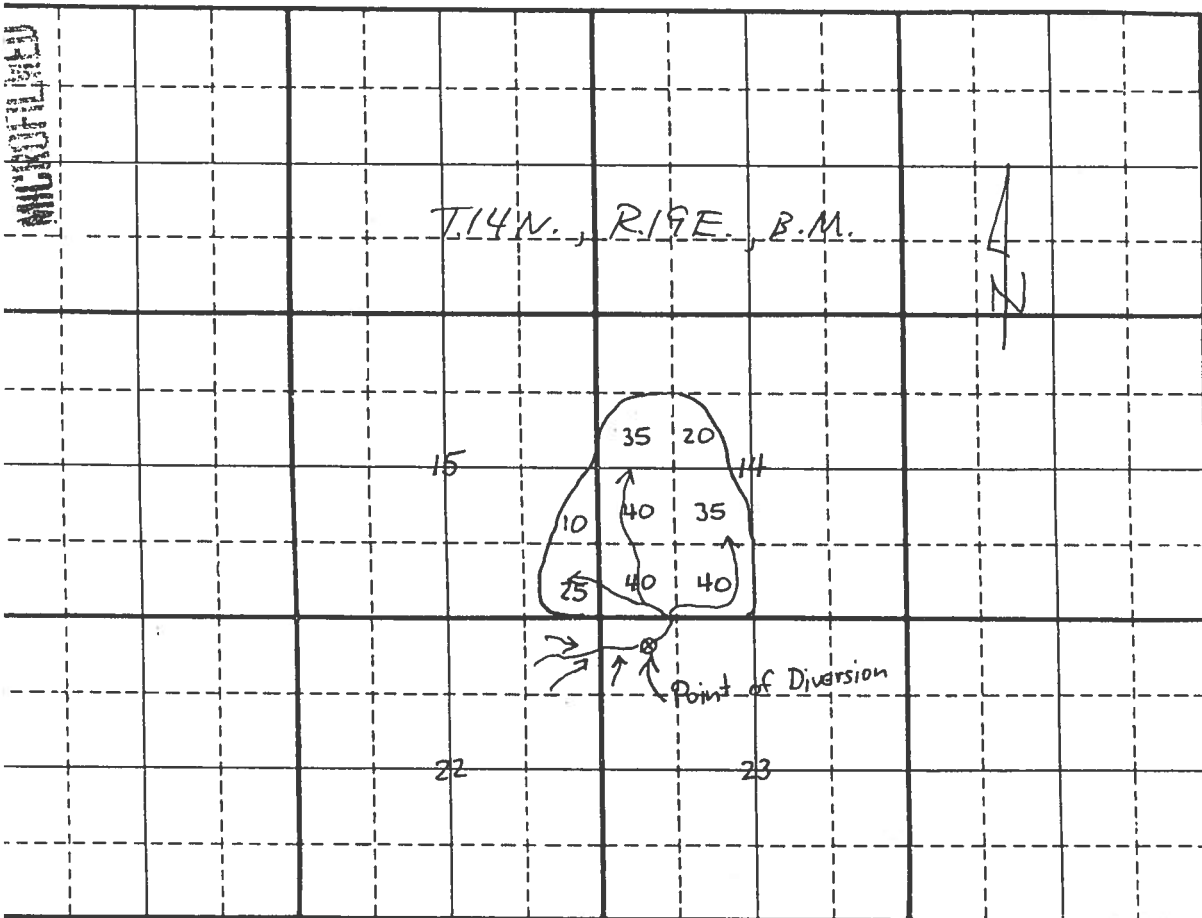
No. of acres 245

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Custer) ss.

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

Sworn to before me this 26 day of April, 1983.
John B. Chivere
(Claimant)

Larry O'Halloran
Notary Public
Residing at Turn Falls

My commission expires Life

FOR DEPARTMENT USE ONLY
Received by ADM Date 4/26/83 Exception filed by: _____ Date _____
Prelim. check by JD Date 5-5-83 Forwarded to claimant by: _____
\$30.00 fee received by N/A Date _____
Published in Challis News _____
Dates 6/1 & 6/14/83 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that JOHN B. CHIVERS

(Name of Claimant)

H.C. 63 Bx 1776 CHALLIS, IDA 83226

(Mailing Address)

(Zip Code)

Telephone No. 874-2583

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- X (1) Date of priority: (When was the water first applied to a beneficial use) 1930

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

WASTE WATER tributary to ✓ sinks

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	Use	Period of Use From	
		(Mo., Day)	(Mo., Day)
Quantity <u>6.0 cfs</u>	Use <u>IRRIGATION</u>	From <u>7-1</u>	To <u>11-1</u>
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____
Quantity _____	Use _____	Period of Use From _____	To _____

- (4) 6.0 cfs TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NW 1/4, Sec. 23 Twp. 14N Rge. 19E B.M., County of CusterAdditional points of diversion: HEADGATE & DITCH

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.): Give sizes and capacities; be as specific as possible. Describe any changes in the system and give the date of the change. HEADGATE & DITCHES THIS WATER IS COLLECTED FROM

IRRIGATED FIELDS ABOVE

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
14N	19E	14							33	20	35	40	40	40					210
		15													10			25	35

No. of acres 245

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

11:00AM FOR DEPARTMENT USE ONLY

Received by <u>LA</u>	Date <u>2/2/1983</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>ADA</u>	Date <u>5/15/83</u>		claimant by:	
\$20.00 fee received by <u>myer</u>	Date <u>7/4/83</u>	<u>23981</u>		
Published in <u>Capital Publishing Co</u>				
Dates <u>4/1/83</u>				

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated APR. 14 1983 and ending with the issue dated APR. 21 1983.

Margaret Parks
Subscribed and sworn to before this 22nd day of April 1983.

Ethel M. Peck
Notary Public, residing at Challis, Idaho. My commission expires on 1/26/86.

72-4138
CHIVERS, JOHN B.
HC #63 BOX 1776,
CHALLIS, ID 83226
Source: WASTE WATER
trib. to SINKS
Priority Date: 04/01/1930
Diversion Pt: NWNW Sec
23 T14N R 19E
Use: IRRIGATION (6.00
CFS)
In: SWNW SENW NESW
NWSW SWSW SESW Sec 14 T
14N R 19E NESE SESE Sec
15 T 14N R 19E FOR 245
ACRES

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated JUNE 9, 1983 and ending with the issue dated JUNE 16, 1983

Margaret Parks
Subscribed and sworn to before this 17th day of June, 1983

Edith M Beck
Notary Public, residing at Challis, Idaho. My commission expires on Life

NOTICE OF AMENDED CLAIM TO A WATER RIGHT NO. 72-4138

Notice is hereby given that Claim to a Water Right No. 72-4138 in the name of John B. Chivers of Challis, Idaho was filed as follows:

Source: Waste water tributary to sinks

Priority Date: April 1930

Amount: 6.0 cfs

Diversion Point: NW 1/4

NW 1/4, Sec. 23, T14N, R19E B.M., County of Custer

Use: Irrigation of 245 acres

Place of Use: S 1/2 NW 1/4, SE 1/4, Sec. 14, E 1/4, SE 1/4, Sec. 15, T14N, R19E

Diversion Means: Headgate and ditch

Claim No. 72-4138 is hereby amended by John B. Chivers as follows:

Source: Waste water tributary to Chiver's Slough

Priority Date: Same

Amount: Same

Diversion Point: Same

Use: Same

Place of Use: Same

Any exception to the Amended Claim to a Water Right must be filed with the Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

KENNETH DUNN
Director

Published June 9 & 16, 1983

MAHONEY CLAIMS

75

EXAMS:

5/27/93

9/26 & 27/98

This File is Supplement to:

72-00005 ← FILED HERE

72-00049

- 04027

- 04166

- 04139

- 04140

- 04138 A-B

- 04165

- 04167 A-B

- 10362

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

Presumption Flag:

NUMBER A72-04138 B DATE 12/4/98 TRANSFER NUMBER _____
AGENT See CLAIMED ACRE TOTAL 285
PART) A72-04138 A & A72-04167A GIS ACRE TOTAL 216.4

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
IM	14N	19E	14							35	20	35	40	40	—		—	—		170
OM										34.6	18.7	36	32	39	36		.3	1.3		197.9
IM			15			5	40									35	10		25	115
OM						—	1/2									2.3	—		15	18.5
IM	PARTIAL P.P.U.		14							—	—	—	—	—	35/38		—	—		
S										3.6	15	36	8	8	36		.3	1.3		108.2
OM																				

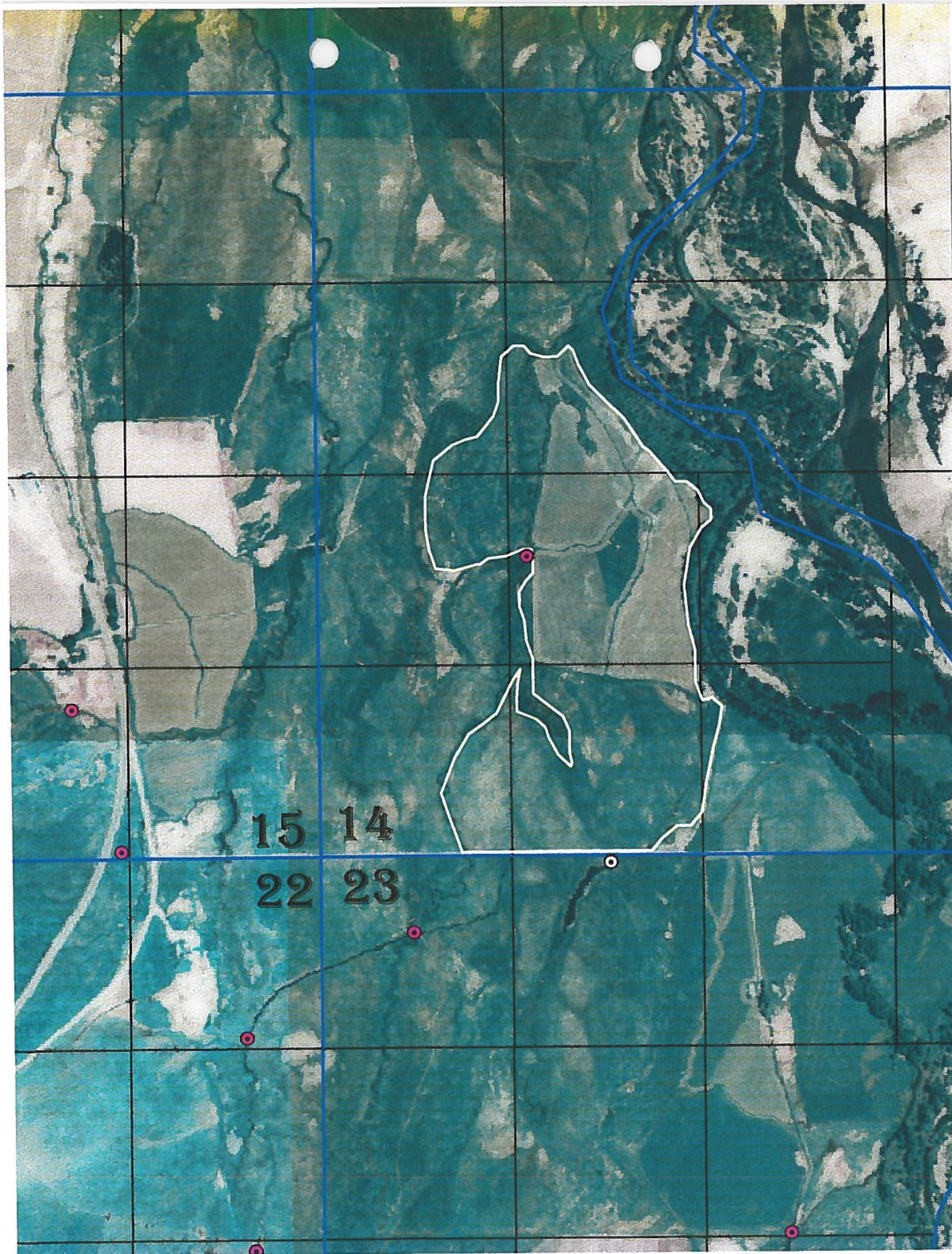
DBPOU.SHP _____ * Reid GIS POU acres

PE NOS. _____
480 West POU: (-438B only)
★ East POU: (ppu for 3 claims)

DBPOD.SHP _____

DESCRIPTION _____
S. 23 - NW1/4NW1/4 - 4138B - 4167A
326 S. 23 - NE1/4NE1/4 - 4138B, -4138A
S. 22 - SE1/4NE1/4 - 4167A
S. 1A - NW1/4SE1/4 - 4138B

TABLES UPDATED _____
DBPOU.DBF ✓
DBPOD.DBF ✓
GLAYOUT ✓ 72.04138A.jpg



LAYOUT 12/7/98 SA

A72-04138A

Combined limits Review:

12/7/98
SC

472-04138 B
- 04138 A
- 04167 A

} when combined
pou area not to
Exceed 216.4

Sources: waste water and springs
(or unnamed stream)

All rights overlap in the East parcel
only 4138 B is on the West parcel

Flow rates allowed as claimed even w/o
measurements:

- 1) Source of Waste Water is unnotable
- 2) Soil data supports need of $> 0.02 \text{ cfs}$
- 3) Source is waste Water.

Q:

- 4138 B 6.0 cfs
- 4138 A .76 cfs
- 4167 A 1.14

7.90 cfs

/ 216.4 Ac

= .0365 cfs/Ac.

limited by soil type to:

$11.72 \text{ cfs} / 216.4 = 0.054 \text{ cfs/Ac}$

(No combined
@ limit)

HONEY CLAIM REVIEW

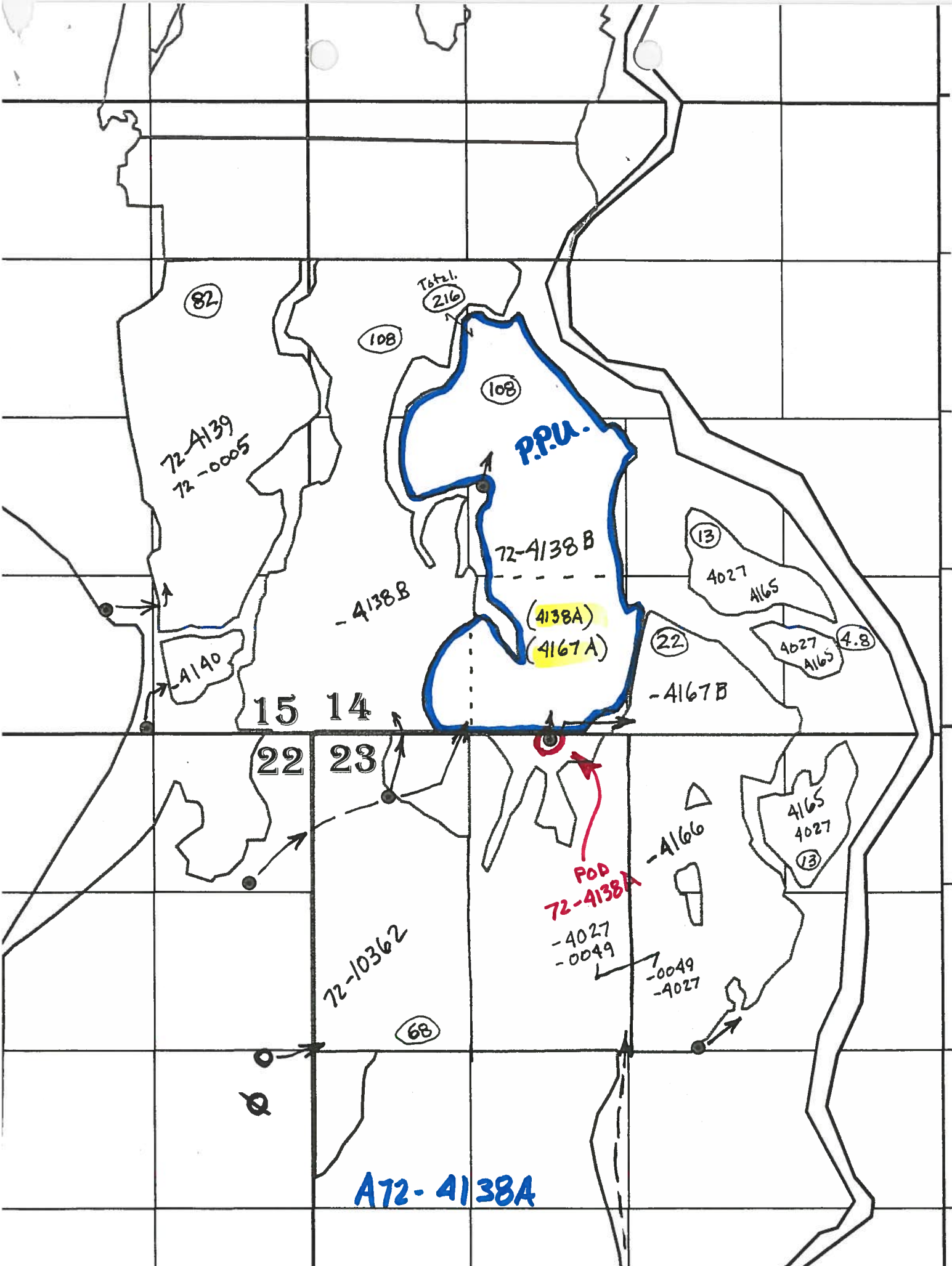
12/4/98

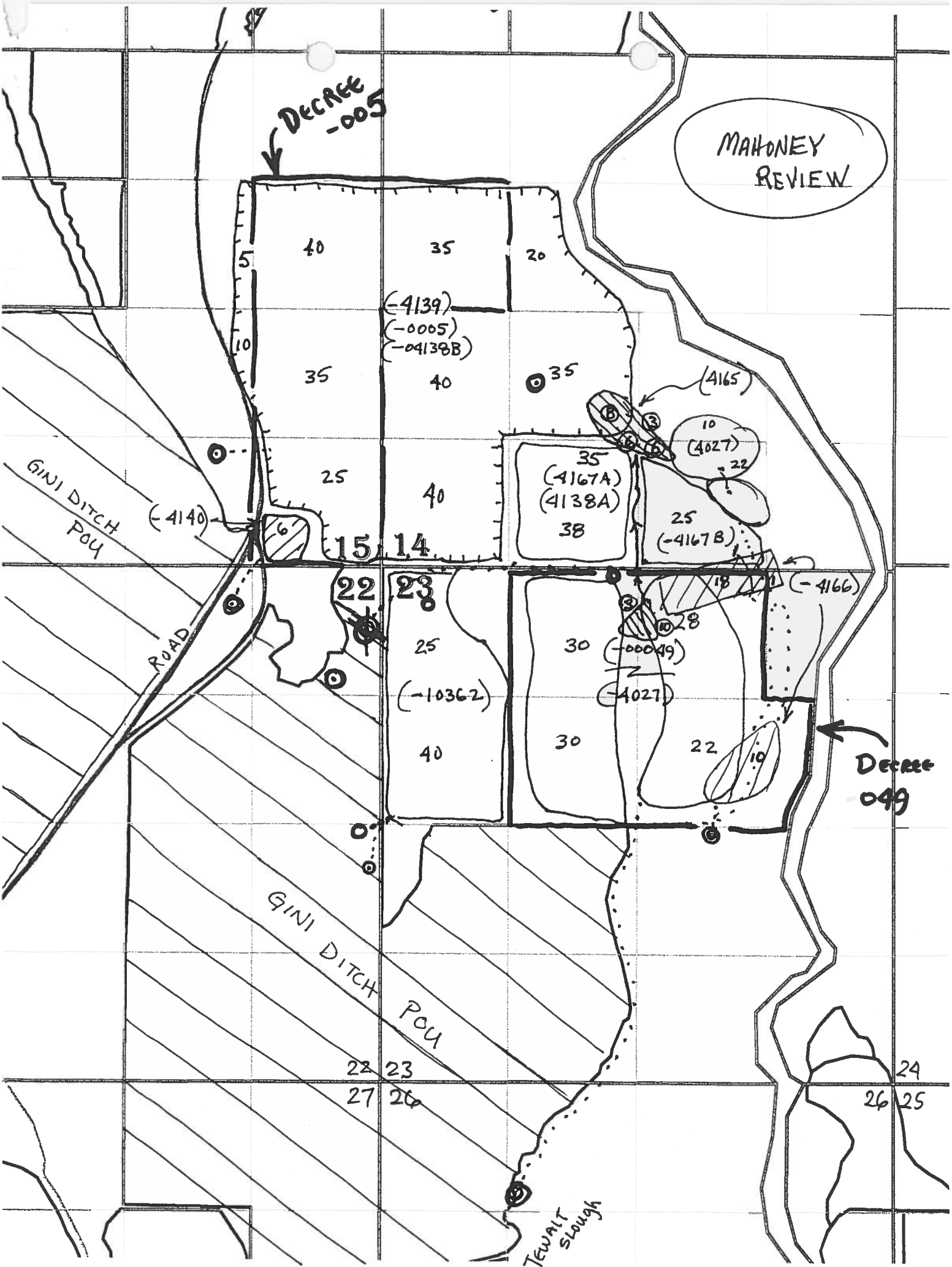
see

CLAIM	cts	POU	SOURCE
(160 AC) -0005	1.6	285	SPRINGS / CHALLIS CREEK
REC. 1.6		82 Ac.	SPR. / PHILIPS
- 4139	2.4	285	WW SPRINGS / CHALLIS CREEK
REC. 2.4		82 Ac.	WW / PHILIPS
-10362	1.5	65 AC	unnamed SPR. / Phil
-4140	0.7	6 AC	WW Spring / CHALLIS CR.

(SW)	-00049	.49	110 AC	TEHAWIT SL. / S.R.
Limit Combined POU 167.3 AC.	Rec'd:	.49 cfs	→ 110 AC	
	-4027	5.68	142 AC	unnamed SPR. / S.R.
			→ 142	Ti Slough
	-4166	1.0	30 AC	unnamed SPRING / S.R.
			→ 30 (App 67 AC)	
	~~-4167~~			
	-4165	1.0	36 AC	unnamed SPR. / S.R.
			→ 30.5 AC	

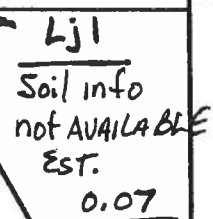
(SW)	-4167 A	1.14	35 AC	SPRING WASTEWATER / CHALLIS CR.
Combined used	B	1.0	25 AC	Philps SL. / S.R.
	Rec'd { A-		→ 35 AC	
	B-		→ 22	
	-4138 A	.0.76	38 AC	WW SPR. / S.R.
	B	6.0	285 AC	" "
	Rec'd { A-	.76	→ 38	
	B-	6.0	→ 216 AC	same





(MARONEY CLAIMS)

12/4/98
SC



REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

A72-04138B

DATE: 12/4, 1998

(in part) A72-04138A & A72-04167A

REVIEWED BY sa

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION		SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA		PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62	PD2	.11	.12			5.15	4.74
BB1	.09	.09			6.09	6.17	Q	.26	.21			13.2	10.4
BC1	.16	.17			5.82	5.46	RD1	.14	.15			4.89	4.57
BK1	.07	.06			10.62	11.86	RE2	.29	.21			3.15	4.74
BT1	.18	.16			3.99	4.19							
BT2	.41	.32			2.34	2.87	RP1	.19	.21			4.89	4.57
CB1	.06	.06			11.55	13.47	SH1	.06	.05			9.37	12.10
CHA	.21	.21			4.52	4.76	SOC	.08	.07			7.38	8.08
CP1	.36	.36			2.61	2.78	SSA	.15	.14			4.79	5.01
DAF	.18	.15			5.33	7.27							
DB1	.13	.11			5.66	6.65	SXF	.12	.11			6.14	6.80
DBB	.13	.11			5.71	6.69	TC1	.06	.06			9.82	9.55
DBC	.13	.11			5.71	6.69	TD1	.04	.03			12.46	16.50
DMF	.18	.21			5.12	4.72	TS1	.08	.08			9.82	9.55
DRF	.18	.19			9.08	9.68	WB2	.13	.13			5.37	5.43
DT2	.05	.04			12.46	16.50	WAA	.19	.16			3.81	4.23
DWA	.14	.14			4.79	5.01	WBB	.17	.14			3.36	3.84
GO1	.10	.12			12.47	10.51	WC1	.07	.06			11.24	13.45
KEG	.08	.07			8.73	10.06	WPT	.19	.15			3.16	3.69
MBF	.15	.12			7.65	5.81	WV1	.07	.06			11.24	13.45
MUG	.15	.14			4.54	4.98	XHS						
NDL	.13	.12			5.30	6.06	YN1	.18	.14			5.38	6.92

Lj1: Soil info not Available, estimate 0.07 cfs/AC based on Review of surrounding soils.

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

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

SOIL TYPE	OPTIMAL / ROTATION (chart)	ACTUAL / ROTATION (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
DT2	/	/	16	.04	0.64 CFS
Lj1	/	/	79	.07	5.53 CFS
TC1	/	/	64 = (48+16)	.06	3.84 CFS
TD1	/	/	57	.03	1.71 CFS

TOTAL ACRES 216

DECREED RATE =

CLAIMED DIVERSION RATE =

MEASURED DIVERSION RATE =

1.14 + .76 + 6.0 = 7.9 cfs

11.72 cfs

Lj1 79 AC * .07 = 5.53 cfs
108

AS Calculated in PARTS: P.P.U.

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04138A

LAST: CHIVERS
ADDRESS: PO BOX 528
CITY: CHALLIS
PHONE NUMBER: 208-879-2355
STATE: ID ZIP: 83226

OWNER CODE: 0

LAST: MAHONEY JR
ADDRESS: 1200 S OCEAN BLVD
CITY: PALM BEACH
PHONE NUMBER: 208-832-5566
STATE: FL ZIP: 33480

OWNER CODE: C

LAST: CHIVERS
ADDRESS: PO BOX 528
CITY: CHALLIS
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83226

OWNER CODE: 0

LAST: CHIVERS
ADDRESS: PO BOX 528
CITY: CHALLIS
PHONE NUMBER: 208-000-0000
STATE: ID ZIP: 83226

OWNER CODE: 0

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS? DATABASE Y FIELD EXAMINER Y() N()

CLAIM REMARKS: SOURCES FOR THIS RIGHT ARE COMMINGLED.

ADDRESS CHANGE 5/3/94 BY JG.
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS

CONTACT PERSON: _____

PHONE NUMBER: (____) ____-____

DATE OF FIELD EXAM: ____/____/____

APPOINTMENT MADE: Y(____) N(____)

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

ACCOMPANIED BY: _____

PHONE NUMBER: (____) ____-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

- A. AU CLAIM: # A72-04.138A PRIORITY DATE: 04-01-1930 STAGE: S
- B. WR RECORD: # 72-04.138 PRIORITY DATE: 04-01-1930 STAGE: S
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y() N()
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y() N()
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) Y() N()
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A() Y() N()
- FIELD EXAM COMPLETED N/A() Y() N()
- FIELD EXAM SENT TO STATE OFFICE N/A() Y() N()
- LICENSE ISSUED N/A() Y() N()
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED? N/A() Y() N()
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y() N()

NOTES:

RECOMMENDED PRIORITY DATE:

REVIEWED BY

DATE

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A72-04138A	14N	19E	23	NW	NE	NW				CUSTER	

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
A72-04138B R PREFIX
R72-041388

NONE

SOURCE: WASTE WATER

SPRINGS

TRIB: SALMON RIVER
SALMON RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	FLAG	POD	COUNTY	DIVERSION NAME	DIVERSION NUMBER
72-04138	14N	19E	23	NW	NW						

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
R PREFIX

NONE

NONE

NONE

SOURCE: WASTE WATER

TRIB: SALMON RIVER

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y() N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y() N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y() N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y() N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM) Y() N()

AJ FIELD EXAM (DATE OF FIELD EXAM) NAME OF EXAMINER Y() N()

OTHER (DESCRIBE IN NOTES BELOW)

A. ROOT WATER RIGHT NUMBERS:

A72-04138A
A72-04138B

R72-04138B

R72-04138A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	14	SE	SW		MAHONEY JR, DANIEL J	A72-04138A / 38.0	-	/		37.0
			SE	SW		MAHONEY JR, DANIEL J	A72-04167A / 35.0	-	/		
			SE	SW		MAHONEY JR, DANIEL J	R72-04138A / 38.0	-	/		
			SE	SW		MAHONEY JR, DANIEL J	R72-04167A /	-	/		
			SE	SW		CHIVERS, JOHN B.	72-04138 / 40.0				
			SE	SW		CHIVERS, THOMAS W.	72-04167 / 35.0				

ADDITIONAL POU FOUND

TOTAL ACRES A72-04138A 38.00 37.00

POU COUNTY: CUSTER

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y() N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04138A	WASTE WATER	MAHONEY JR, DANIEL J	0.760	0.020		
R72-04138A	WASTE WATER	MAHONEY JR, DANIEL J	0.760	0.020		
R72-04167A	WASTE WATER	MAHONEY JR, DANIEL J	0.700	0.020		

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04167A	SPRINGS WASTE WATER	MAHONEY JR, DANIEL J	1.140	0.032		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-04167A	STOCKWATER	MAHONEY JR, DANIEL J	FROM 11-01 TO 04-01	0.500 CFS	
R72-04167A	STOCKWATER	MAHONEY JR, DANIEL J	FROM 10-15 TO 04-15	0.020 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y() N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A72-04167

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y() N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y() N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N()

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A72-04138A IRRIGATION	FROM 04-01 TO 11-01	0.760 CFS	
TOTAL DIVERSION RATE/VOLUME		0.760 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
72-04138 IRRIGATION	FROM 04-01 TO 11-01	6.000 CFS	
TOTAL DIVERSION RATE/VOLUME		6.000 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y() N()

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y() N()

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y() N()

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y() N()

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N()

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A() Y() N()

NOTES:

AJ CLAIM TOTAL DIVERSION RATE: 0.760 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 6.000 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE?

N/A() Y() N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE?

Y() N()

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM?

Y() N()

E.

FLOW MEASUREMENT

MEASUREMENT METHOD

SEE ATTACHED CALCULATIONS.

F.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

1b. CALCULATIONS

ACRES x 0.02 CFS/ACRE = CFS
(Taken from pou review)

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N()

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 95.0 AF/A

ACRES x CONSUMPTIVE VOL. AF/A FOR AREA =

TOTAL CONSUMPTIVE USE AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

NOTES:

MR RECORD CONDITIONS/REMARKS:
TRIB. CLAIMED AS CHIVER'S SLOUGH; USGS MAP SHOWS SALMON R.

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP	ACCEPTED AS CLAIMED	NEEDS REVIEW
FORFEIT/ABANDON	()	()
ADDITIONAL DIV. AMOUNT	()	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04138

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
6.000

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
72-04138	R72-04138A	0.760	R72-04138A	0.760	72-04138	6.000
72-04138	R72-04138B	5.240	R72-04138B	5.240	72-04138	6.000
72-04138	R72-04138A	0.760	R72-04138A	0.760	72-04138	6.000
TOTAL CFS		6.760	6.760		6.000	

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 DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE N	FIELD EXAMINER Y() N()
---------------	--------------------------------

NOTES:

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)

IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED
IN FILE?

☐ ORTHOPHOTOQUAD	DATE OF PHOTO _____	IDWR ID NO. _____	Y() N()
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____	IDWR ID NO. _____	Y() N()
☐ MAP	DATE OF PHOTO _____	IDWR ID NO. _____	Y() N()
☐ ASCS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____		Y() N()
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____		Y() N()
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____		Y() N()
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____		Y() N()
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()
☐ OTHER _____	DATE _____		Y() N()

=====

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☐ LICENSING FIELD EXAM	DATE OF FIELD EXAM _____	_____	_____
☐ WATER RIGHT LICENSE	DATE LICENSE SIGNED _____	_____	_____
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____	_____	_____
☐ SYSTEM DESCRIPTION	DATE DRAIN _____	_____	_____
☐ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN _____	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____
☐ OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 16
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-06138A

15:37:32
05/27/95

MR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y							
POINT OF DIV								
SOURCE	Y							
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

CLAIM NUMBER: A72-04138A

TOTAL DIVERSION:	0.76 CFS	95.00 AFA
CONSUMPTIVE USE:		

Point(s) of Diversion:	T14N R19E S23	MNENM	CUSTER County
------------------------	---------------	-------	---------------

[illegible]

Other Rights: A72-04167

ADDRESS CHANGE 5/3/94 BY JG.
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS

Dates:	Exam Made Date:	Verified Date:
Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

R PROOF



CVR

MAPS

PHOTOS

MISC

MICROFILMED

MAY 18 1993