

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: **A72-04152**
Date Received: 1/ 8/1990
Receipt No: S010875
Received By: _____

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

1. Name: KURT W. VAN PELT 208-879-2309
Address: P.O. BOX 1024
CHALLIS ID 83226
AND/OR
Name: CINDY VAN PELT 208-879-2309
Address: P.O. BOX 1024
CHALLIS ID 83226

2. Date of Priority: MAY 1, 1967

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	16	SW	SW	SE	6	CUSTER

5. Description of diverting works:
GINI DITCH, 3 HP PUMP TO PIPES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.300		

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

8. Total consumptive use is 13.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	19E	16	NE	SW	5	IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	19E	16	NW	SE	5	IRR	2.0
Section Acres							5.0
Total Acres							5.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
USED FOR GARDEN, YARD, TREES & PASTURE.

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)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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MAR 18 1993

SD-33	Last Name: CHRISTOPHERSON						STATE
S	O						
E	W	Water	Priority			Total	Use
L	N	Right No.	Date	Source		Diversion	Code Desc
	CHRISTOPHERSON						
	ARTHUR W.	C A72-04152	05/01/1967	SALMON RIVE		0.300	01 IRR
	FRANCES W.	C A72-04152	05/01/1967	SALMON RIVE		0.300	01 IRR
	ARTHUR W.	C A72-10398	05/01/1967	GROUNDWATER		0.040	43 DOMEST
	FRANCES W.	C A72-10398	05/01/1967	GROUNDWATER		0.040	43 DOMEST

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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Form 42-1409(7)



**NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP**

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

RECEIVED

APR 07 1992

Department of Water Resources
Southern Region Office

DATE OF CLOSING: 2/24/92

LEGAL DESCRIPTION OF PROPERTY: Township T13N Range 12/19 E
Section 16, 1/4 of 1/4 of 1/4 Govt. Lot , BM.
fa. Lot 5, Block, , Subdivision/Townsite CHALLIS.
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: A 72-0415 - ju.

☐ Name and Address of Former Owner/Claimant(s)(Seller): ARTHUR W. & FRANCES W. CHRISTOPHERSON
PO BOX 88 CHALLIS, ID. 83226

☐ New Owner/Claimant (Purchaser): KURT W. & CINDY VAN PELT

☐ New Mailing Address: BOX 1024
CHALLIS, ID. 83226

☐ New Telephone Number: (208) 879-2309

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

☐ Attach proof of ownership, describe proof attached: WARRANTY DEED

(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): Cindy Van Pelt Date 4/11/92
Kurt Van Pelt Date 4/11/92

☐ Signature of Former Owner/Claimant(s): Date
 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: 6/3/92 By: SE

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 6/3/92 By: SE

Claim Numbers of Split, if any:

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

RECEIVED

APR 07 1992

0201157

Department of Water Resources
Southern Region Office

WARRANTY DEED

For Value Received FRANCES W. CHRISTOPHERSON, a widow, the grantor, does hereby grant, bargain, sell and convey unto KURT W. VAN PELT and CINDY VAN PELT, husband and wife, the grantees, whose current address is P.O. Box 1024, Challis, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

A fraction of Lot 5, Section 16, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:
Beginning at the intersection of the Northerly boundary of said Lot 5 and the centerline of U.S. Highway No. 93; thence Southwesterly along the centerline of said highway a distance of 500.0 feet; thence North 89°58' East, 604.5 feet to a point on the Westerly bank of the Salmon River; thence meandering the Westerly bank of said river in a Northerly direction, a distance of 500.0 feet, more or less, to a point on the Northerly boundary line of Lot 5, thence South 89°58' West along the Northerly boundary of said Lot 5, a distance of 488.0 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that she is free from all incumbrances 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 she will warrant and defend the same from all lawful claims whatsoever.

Dated: This 24 day of February, 1992.

Frances W. Christopherson
FRANCES W. CHRISTOPHERSON

STATE OF IDAHO)
County of Custer) ss
On this 24th day of February, 1992, before me, a Notary Public, personally appeared Frances W. Christopherson

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that she executed the same.

Twain Sundell
Notary Public
Residing at Challis
Commission Expires 7-15-92

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at the request of Custer County Title at 20 minutes past 2 o'clock P.M., this 25th day of February, 1992, in my office, and duly recorded in Book _____ of Deeds at page _____.

Ethel M. Peck
Ex-Officio Recorder
BY Wanda J. Murphy
Deputy

Fee: \$ 3.00
Mail to: Custer County Title

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MAR 18 1992

SD-0604-2 Township: 13N			Range: 19E		Section: 16		Tract:		Lot:	
S	L		STATE	Name	O	S	Max #	Records	61	
E	O	Water			W	T	Priority	Use		
L	Tract	T	Right No.	Last, First	N	AC	G	Date	Code	Desc
---	---	---	---	---	---	---	---	---	---	---
---	NWSE		A72-04160	BENNETTS, JO ANN	C		S	04/15/1920	04	STOCK
---	NWSE	4	A72-04020	BENNETTS, JAMES R.	C	30	S	06/01/1890	01	IRR
---	NWSE	4	A72-00184	BENNETTS, JO ANN	C					
---	NWSE	4		JENSON, NELS C.	O	30	D	11/18/1890	01	IRR
---				BENNETTS, JAMES R.	C				04	STOCK
---	NWSE	4	A72-04160	BENNETTS, JO ANN	C					
---	NWSE	4	A72-04160	BENNETTS, JAMES R.	C	10	S	04/15/1920	01	IRR
---				BENNETTS, JO ANN	C				04	STOCK
---	NWSE	5	A72-04152	PFEIFFER, CHARLES	O	2	S	05/01/1967	01	IRR
---				CHRISTOPHERSON, ARTHUR	C					
---				CHRISTOPHERSON, FRANCE	C					
---	SWSE		A72-10379	BENNETTS, JAMES R.	C		J	05/01/1973	43	DOMES
---				BENNETTS, ANN	C					
---	SWSE		A72-04160	BENNETTS, JAMES R.	C		S	04/15/1920	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

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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

03-Jun-1992 11:27

KURT W. &/OR CINDY VAN PELT
PO BOX 1024
CHALLIS ID 83226

Re: Ownership Change for Adjudication Claim NO.(S): A72-04152
CHRISTOPHERSON

Dear Claimant(s):

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

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

Sincerely,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures

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

AJ0743NP
(00-124)

Water Right Number - R72-04152 Prefix Translation: RESEARCH Old (D) Number -

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

*** C - CURRENT OWNER ***
VAN PELT KURT W.

VAN PELT CINDY

*** 0 - ORIGINAL OWNER ***
CHRISTOPHERSON ARTHUR W.

CHRISTOPHERSON FRANCES W.

+ - - - - Priority Date - - - - + + - - - - Region - - - - + + - - - - Stage - - - - + + - - - - Status - - - - +
05/01/1967 17 SOUTHERN S - STATUTORY CLAIM

+ - - - - Source - - - - + + - - - - Tributary - - - - - +
SALMON RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - - +

Tw	Rng	Sec	Tract	Lot	Rflg	County	Water Use	Period From	Period To	Diversion Rate	Diversion Volume
13N	19E	16	SW SW SE	6		(37) CUSTER					
+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - -											
01 - IRRIGATION 04/01 10/15 0.300											
+ - - - - Total Div. Rate - - - - + + - - - - Total Div. Volume - - - - + + - - - - Total Consumptive Use - - - - + + - - - - KW Usage - - - - +											
0.300 0.300 13.0											
+ - - - - Place of Use - - - - - Description - - - - - County - - - - -											
Tw	Rng	Sec	Tract	Lot	Acres	Code					
13N	19E	16	NE SW	5	3.0	01 IRRIGATION	(37) CUSTER				
13N	19E	16	NW SE	5	2.0	01 IRRIGATION	(37) CUSTER				
Total Acres: 5.0											

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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: A72-04152
Date Received: 1/08/1990
Receipt No: S010875
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARTHUR W. CHRISTOPHERSON 208-879-4354
Address: P.O. BOX 88
CHALLIS, ID 83226

Name: FRANCES W. CHRISTOPHERSON 208-879-4354
Address: P.O. BOX 88
CHALLIS, ID 83226

2. Date of Priority: MAY 01, 1967

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	16	SW	SW	SE	6	CUSTER

5. Description of diverting works:
GINI DITCH, 3 HP PUMP TO PIPES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	0.300		

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

8. Total consumptive use is 13.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A72-04152

Page 1

Date: 01/08/90

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MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	19E	16	NE	SW	5	IRR	3.0
			NW	SE	5	IRR	2.0
						Section Acres	5.0
						Total Acres	5.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
USED FOR GARDEN, YARD, TREES & PASTURE.

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 _____

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

A71-04152

Date Received

1-8-90

Receipt Number

5010875

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 8 1990

Department of Water Resources
Southern Region Office

Please type or print clearly

CHRISTOPHERSON

1. Name of Claimant (s) ARTHUR W. CHRISTOPHERSON OR FRANCES W. / Phone (208) 879-4354Mailing Address P. O. Box 88, Challis, IdahoZip 832262. Date of Priority (Only one (1) per claim) 05/01/19673. Source of water supply (a) Salmon Riverwhich is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 13 N Range 19 E Section 16,
SW 1/4 of SW 1/4 of SE 1/4, Govt. Lot, 6 B.M., County of Custer

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Ditch from river (multi-owner) 3/8 mile to
point adjoining place of use thence pump from ditch (approx. 3 horsepower) through
pipes and sprinkler system - 3" and 2" laterals.

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MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 10/15 amount 0.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 13 acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
13N	19 E	16									Lot 5 3				Lot 5 2				5

Total number of acres irrigated 5

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (xx)

14. Remarks: Used for garden, yard, trees and pasture.

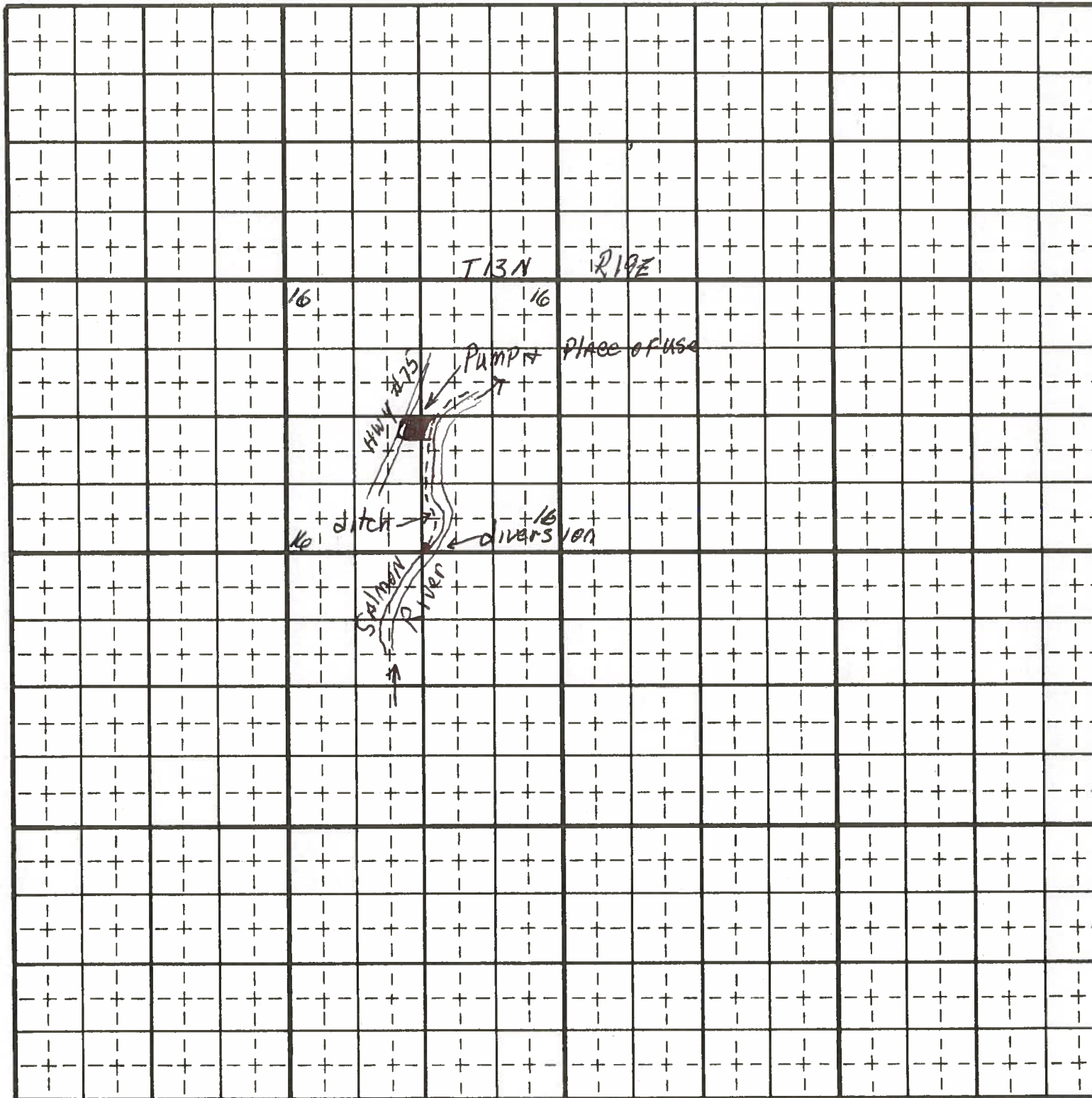
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MAR 1 8 1993

Last Name CHRISTOPHERSON Ident No. _____

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile



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MAR 18 1993

Last Name Christopherson Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 72-04152
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments 0

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

Signature of Claimant (s)

Frances W. Christopherson
Arthur W. Christopherson

Date Jan. 3, 1990

Date JAN 3 1990

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

Title

of _____

Organization

, that I have signed the foregoing

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Custer)

SS.

Subscribed and sworn (or affirmed) before me this 3rd day of January 19 90

SEAL

Notary Public

Residing at

My Commission Expires

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name CHRISTOPHERSON Ident. Number _____

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MAR 18 1993

Copies White-State, Yellow-Claimant

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

WR0728NP
(OE-124)

Water Right Number - 72-04152 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PFEIFFER

CHARLES
SYLVIA

1 - H/C 67 BOX 2021
2 -
3 -
City- CHALLIS
Phone -
1 - H/C 67 BOX 2021
2 -
3 -
City- CHALLIS
Phone -
State- ID Zip- 83226
State- ID Zip- 83226

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1967 17 S - STATUTORY CLAIM
+ - - - - Source - - - - + + - - - - Tributary - - - - +
SALMON RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot Rflg County
13N 19E 16 6 (37) CUSTER

+ - - - - Description Period From Period To Diversion Rate Diversion Volume
Code 04/01 10/15 0.300
01 - IRRIGATION

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.300

+ - - - - Place of Use - - - - -
Twn Rng Sec Tract Lot Acres Code Description County
13N 19E 16 5 5.0 01 IRRIGATION (37) CUSTER

Total Acres: 5.0

+ - - Diversion Means - GINI DITCH, PUMP, PIPELINE
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -
+ - - - - Remarks - - - - -
No Remarks found.

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MAR 18 1993

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MAR 18 1993

(208) 879-4488

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 36
CHALLIS, IDAHO 83226

January 3, 1989

RECEIVED

JAN 8 1990

Department of Water Resources
Southern Region Office

Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, Idaho 83301

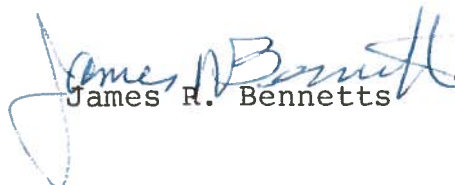
Re: ARTHUR W. & FRANCES W. CHRISTOPHERSON

Dear Sirs:

Enclosed are the Notices of Claim to a Water Right (1 domestic and 1 irrigation) for the above claimants.

Also enclosed is their check in the amount of \$80.00 (#1989).

Very truly yours,


James R. Bennetts

JRB:jab
Enclosures

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MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jan. 10, 1990

Re: A72-10398

A72-04152

ARTHUR W CHRISTOPHERSON
P O BOX 88
CHALLIS ID 83226

Dear Claimant(s):

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

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

Yours truly,

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

Judy Givens
Adjudication Secretary

/jg

Enclosures:

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MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04152
ARTHUR W. CHRISTOPHERSON
FRANCES W. CHRISTOPHERSON
P.O. BOX 88
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

RECEIVED

APR 07 1992

Department of Water Resources
Southern Region Office

AFFIDAVIT - WATER USE

RE: WATER RIGHT NO. A72-04152

STATE OF IDAHO)
 : ss.
County of Custer)

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

1. That I am a male, approximately 58 years of age, residing in Custer County, Idaho. I moved the Challis area in 1962 where I have resided with my family since that time.

2. I am familiar with the described water right as I am the party who first put the water to beneficial use on the described tract. I had purchased the lands in question and was moving to that property when I personally installed the pipe, pump and sprinkler system. I first irrigated the entire tract of some 5 acres, more or less, in the spring of 1967 using the lands for yard, garden, berry patches and pasture.

3. To the best of my recollection and belief, the statements contained in the IDWR printout attached, as Exhibit A, are true and accurate. I further verify that the lands need to be irrigated to be productive.

DATED: March 27, 1992.


Clyde O. Rigby

SUBSCRIBED AND SWORN TO before me this 27th day of March, 1992.


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

MICROFILMED

MAR 18 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

AJ5808NP
(00-26)

Water Right Number - A72-04152 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
CHRISTOPHERSON ARTHUR W.

1 - P.O. BOX 88
2 -
3 -
City- CHALLIS State- ID Zip- 83226
Phone - 208-879-4354

FRANCES W.
1 - P.O. BOX 88
2 -
3 -
City- CHALLIS State- ID Zip- 83226
Phone - 208-879-4354

*** O - ORIGINAL OWNER ***
PFEIFFER CHARLES

1 - H/C 67 BOX 2021
2 -
3 -
City- CHALLIS State- ID Zip- 83226
Phone - 208-000-0000

+ - - Priority Date - - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/01/1967 17 SOUTHERN S - STATUTORY CLAIM

+ - - Source - - - - - + + - - Tributary - - - - - +
SALMON RIVER SNAKE RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

13N 19E 16 SW SW SE 6 (37) CUSTER

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

01 - IRRIGATION 04/01 10/15 0.300

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - + + - - Total Consumptive Use - - + + - - KW Usage - - +
0.300 0.300 13.0

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

13N 19E 16 NE SW 5 3.0 01 IRRIGATION (37) CUSTER
13N 19E 16 NW SE 5 2.0 01 IRRIGATION (37) CUSTER

Total Acres: 5.0

+ - - Diversion Means - GINI DITCH, 3 HP PUMP TO PIPES & SPRINKLER SYSTEM

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - NONE

MICROFILMED
MAR 18 1993

Water right number - A72-04152

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

| | | | | | | | | |
|------------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|
| Court Report Filing | - | 00/00/0000 | Field Inspection Made | - | 00/00/0000 | Civil Case Number | - | 39570 |
| Objection Filed Date | - | 00/00/0000 | Field Inspection Flag | - | - | Old Case Number | - | - |
| Response Filed Date | - | 00/00/0000 | Verified Date | - | 01/28/1986 | Old Judicial District | - | - |
| Claim Received Date | - | 01/08/1990 | Last Amended Date | - | - | Temporary Right | - | P |
| Proof Due Date | - | 00/00/0000 | Proof Made Date | - | 00/00/0000 | Water District | - | - |
| Licensed Date | - | 00/00/0000 | Receipt Number | - | S010875 | Federal/State Indicator | - | S |
| Claims Tape Error Flag | - | - | PQU Ownership Flag | - | - | Presumption Flag | - | - |
| Fee Exempt Flag | - | - | Name Connector | - | - | Notice of Error Flag | - | - |

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JUN 07 1994

De. Resources
South Section Office

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: A72-04152
Date Received: 1/ 8/1990
Receipt No: S010875
Received By: See

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: KURT W VAN PELT 208-879-2309
Address: HC 67 BOX 2015
CHALLIS ID 83226

AND/OR

Name: CINDY VAN PELT 208-879-2309
Address: HC 67 BOX 2015
CHALLIS ID 83226

2. Date of Priority: MAY 1, 1967

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 13N | 19E | 16 | NW | NW | SE | 5 | CUSTER |

5. Description of diverting works:
3 HP PUMP TO PIPES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/15 | 0.300 | | |

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

8. Total consumptive use is 13.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 13N | 19E | 16 | NE | SW | 5 | IRR | 3.0 |

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NOV 01 1994

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 13N | 19E | 16 | NW SE | 5 | IRR | 2.0 |
| Section Acres | | | | | | 5.0 |
| Total Acres | | | | | | 5.0 |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
USED FOR GARDEN, YARD, TREES & PASTURE.

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 X 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):

Lurt Van Pelt
Cindy Van Pelt

Date: 5/31/94

Date: 5/31/94

MICROFILMED
NOV 01 1994

State of Idaho)
County of Luster) SS.

Subscribed and sworn (or affirmed) before me this 31st day

of May 19 94

Charlotte A. Carter
Notary Public

Seal

Residing at Challis, Idaho

My Commission Expires 7-14-98

MICROFILMED
NOV 01 1994

WARRANTY DEED

For Value Received JUDE C. DUNFEE and JOYCE I. DUNFEE, TRUSTEES, DUNFEE FAMILY TRUST, the grantors, do hereby grant, bargain, sell and convey unto KURT W. VAN PELT and CINDY VAN PELT, husband and wife, the grantees, whose current address is HC 67 Box 2015, Challis, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

RECEIVED

A fraction of Lot 5, Section 16, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:

JUN 07 1994

Dep. Resource
Southern Region Office

Commencing at the intersection of the North boundary of said Lot 5 and the centerline of U.S. Highway 93; thence South 8°36' West, along said highway centerline 500 feet to the POINT OF BEGINNING; thence North 89°58' East, 604.5 feet, more or less, to the meander line of the Salmon River; thence South 9°16' East along said meander line 280.6 feet; thence South 89°58' West, 697.2 feet to said highway centerline, which point is also the Northwest corner of the land described in the Mortgage from John H. Edwards, et. ux., to the United States of America, recorded October 14, 1970, as instrument No. 129936, records of Custer County, Idaho; thence North 8°36' East along said highway centerline 280 feet to the True Point of Beginning.

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

Dated: This 5 day of October, 1993.

JUDE C. DUNFEE AND JOYCE I. DUNFEE,
TRUSTEES, DUNFEE FAMILY TRUST

MICROFILMED

NOV 01 1994

Jude C. Dunfee Trustee
JUDE C. DUNFEE, TRUSTEE

Joyce I. Dunfee Trustee
JOYCE I. DUNFEE, TRUSTEE

STATE OF IDAHO)

) ss

County of Custer)

On this 5 day of
October, 1993, before
me, a Notary Public, per-
sonally appeared Jude C.
Dunfee and Joyce I.
Dunfee Trustees
known or identified to me

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instru-
ment was filed for record at the
request of Custer County Title
at 0 minutes past 3:00
o'clock P.M., this 5th day of
October, 1993, in my office,
and duly recorded in Book _____
of Deeds at page _____.

RECEIVED

STATE OF IDAHO

Ident. No. _____

NOV 18 1993

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMITDepartment of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Kurt W &/or Cindy VanPelt Phone 879-2309
Post office address HC 67 Box 2075 Challis, ID 83226
2. Source of water supply Salmon River which is a tributary of SNAKE RIVER
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 5
Sec. 16 Township 13 N Range 19 E B.M. COSTER County Warrant De
points of diversion if any: _____

4. Water will be used for the following purposes:

- Amount 12 CFS for IRRIGATION purposes from APR 15 to OCT 15 (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .12 CFS and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

- a. Description of ditches, flumes, pumps, headgates, etc. DITCH FROM RIVER (MULTI-OWNER)
3/8 MILE TO POINT ADJOINING PLACE OF USE THENCE PUMP FROM
DITCH (APPROX. 3 HORSEPOWER) THROUGH PIPES AND SPRINKLER SYSTEM -
3" AND 2" LATERALS

- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

- c. Proposed well diameter is NO inches; proposed depth of well is NO feet.

- d. Is ground water with a temperature of greater than 85°F being sought? NO

- e. If well is already drilled, when? NO; Drilling firm NO

Well was drilled for (well owner) NO

MICROFILMED;

NOV 01 1994

7. Time required for the completion of the works and application of the water to be proposed beneficial use is
2 years (minimum 1 year).



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

APRIL 27, 1994

R. KEITH HIGGINSON
Director

KURT W &/OR CINDY VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226

RE: AMENDED VERSION OF A72-04152

DEAR MR. & MRS. VAN PELT,

AS PER OUR CONVERSATION THIS DAY, ENCLOSED PLEASE FIND THE AMENDED VERSION OF YOUR SRBA CLAIM FOR THE POINT OF DIVERSION FROM THE SALMON RIVER DIRECTLY INSTEAD OF THE PREVIOUSLY IDENTIFIED DIVERSION TO THE GINI DITCH.

IF THIS IS CORRECT PLEASE SIGN, NOTARIZE AND RETURN THE CLAIM TO OUR OFFICE.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,

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

STEVE CLELLAND
WATER AGENT, SR.

ENC:

MICROFILMED
NOV 01 1994

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A72-04152
Date Received: 1/ 8/1990
Receipt No: S010875
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KURT W VAN PELT 208-879-2309
Address: HC 67 BOX 2015
CHALLIS ID 83226
AND/OR
Name: CINDY VAN PELT 208-879-2309
Address: HC 67 BOX 2015
CHALLIS ID 83226

2. Date of Priority: MAY 1, 1967

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 13N | 19E | 16 | SW | SW | SE | 6 | CUSTER |

5. Description of diverting works:
GINI DITCH, 3 HP PUMP TO PIPES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/15 | 0.300 | | |

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

8. Total consumptive use is 13.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use |
|----------|-------|---------|--------|--------|-----|-----|
| 13N | 19E | 16 | NE | SW | 5 | IRR |

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NOV 11 1994
Acres 3.0

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|---------------|-------|---------|--------|-----|-----|-----|-------|
| 13N | 19E | 16 | NW | SE | 5 | IRR | 2.0 |
| Section Acres | | | | | | | 5.0 |
| Total Acres | | | | | | | 5.0 |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
USED FOR GARDEN, YARD, TREES & PASTURE.

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: _____

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NOV 01 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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NOV 01 1994

CHANGE IN ADDRESS OF NOTICE OF CLAIM

RECEIVED

SEP 08 1993

Department of Water Resources
Southern Region Office

[] Water Right Number (s): A72-04152

[] Old Mailing Address:

Kurt & Cindy Van Pelt
P.O. Box 1024

Challis ID 83226

[] New Mailing Address:

Kurt & Cindy Van Pelt

HC 67 Box 2015

Challis, ID 83226

~~New~~ Telephone Number: (208) 879-2305

[] Signature of Claimant:

Cindy Van Pelt

Date:

9-4-93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 9-24-93

By:

SEE

Further Action Needed:

Further Action Taken

N/A

Date:

By:

Final Review and Data-Entry

Date:

By:

*Copy of Recommendation
w/ correct address sent
to above.*

*see
9-24-93*

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NOV 01 1994

COPY

2001 NOV 23 PM 1:23

REGISTERED AT SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA)
Case No. 39576)
_____)
SUBCASE NO. 72-4152
NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

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

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

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

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

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

Dated: 11/15/01



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 11/23, 2001, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Kurt VanPelt
Cindy VanPelt
HC 67 Box 2015
Challis ID 83226
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:
4. One Copy to:
Each party in the subcase or attorney of record:
5. One Copy to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

10/04/2001

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

RIGHT NUMBER: 72-4152
NAME AND ADDRESS: KURT W VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226

CINDY VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.120 CFS
14.00 AFY

PRIORITY DATE: 05/01/1967

POINT OF
DIVERSION: T13N R19E S16 SWSWSE Lot 6 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|------------------------|
| IRRIGATION | 04/01 10/31 | 0.120 CFS
14.00 AFY |

PLACE OF USE: IRRIGATION Within CUSTER County
T13N R19E S16 Lot 5 NESW 3.5 T13N R19E S16 Lot 5 NWSE 0.5

4 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

November 23, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KURT VANPELT
CINDY VANPELT
HC 67 BOX 2015
CHALLIS ID 83226

RE: SRBA Claim(s) 72-4152

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68483

This is to certify that: KURT W VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226
(208)879-2309

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

| Right | Origin/Basis | Priority | Rate | Volume | Acres | Total | Source |
|---------|--------------------|------------|----------|--------|-------|-------|--------------|
| 72-4152 | AJC/Beneficial Use | 05/01/1967 | 0.12 cfs | | 4.0 | 4.0 | SALMON RIVER |

Purpose of Transfer (Changes Proposed)

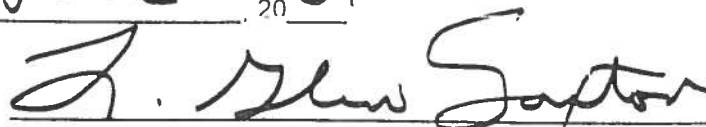
| Current Number | Split | POD | POU | Add POD | Period of Use | Nature of Use |
|----------------|-------|-----|-----|---------|---------------|---------------|
| 72-4152 | NO | YES | NO | NO | NO | NO |

Summary of Water Rights After the Approved Change

| Existing Right | New No. (changed portion) | Transfer Rate | Transfer Volume | Acre Limit | Total Acres | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|----------------|---------------------------|---------------|-----------------|------------|-------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 72-4152 | 72-4152 | 0.12 cfs | 14.0 af | 4.0 | 4.0 | | N/A | N/A | N/A | N/A |
| TOTALS | | 0.12 cfs | 14.0 af | 4.0 | 4.0 | | N/A | N/A | N/A | N/A |

Detailed Water Right Description(s) attached

Dated this 22nd day of June, 2001


Chief, Water Allocation Bureau

WATER RIGHT NO. 72-4152
As Modified by Transfer No. 68483

In accordance with the approval of Transfer No. 68483, Water Right No. 72-4152 is now described as follows.

Right Holder: KURT W VAN PELT And
CINDY VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226

Priority Date: 05/01/1967

Source: SALMON RIVER

Tributary: SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION | 04/01 | to 10/31 | 0.12 CFS | 14.0 AF |
| | | | 0.12 CFS | 14.0 AF |

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER Lot 6 SWSWSE Sec. 16 Twp 13N Rge 19E CUSTER County

PLACE OF USE: IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | |
|-----|-----|-----|----|----|----|----|----|----|----|----|-----|----|----|----|----|-----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| 13N | 19E | 16 | | | | | | | | | 3.5 | | | | | 0.5 | | | 4.0 |
| | | | | | | | | | | | L 5 | | | | | L 5 | | | |

Total Acres: 4.0

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Approval of Transfer 68483 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

WATER RIGHT NO. 72-4152
As Modified by Transfer No. 68483

CONDITIONS OF APPROVAL

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

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of June, 2001


Chief, Water Allocation Bureau

COPY

200 AUG 21 AM 10:13

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

Water Rights: 72-04152

NOTICE OF ADMINISTRATIVE
PROCEEDING

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

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

☐ Substitution of Party (waiting for documentation)

☐ Substitution of Party/Split Water Right

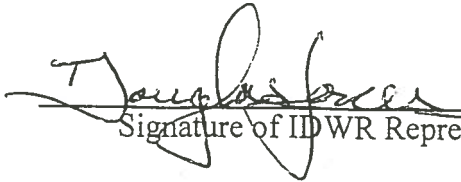
☒ I.C. § 42-222 transfer 5799

☒ point of diversion ☐ place of use

☐ period of use ☐ nature of use

IDWR projects the Administrative Proceeding shall be completed not later than: July 3, 2001.

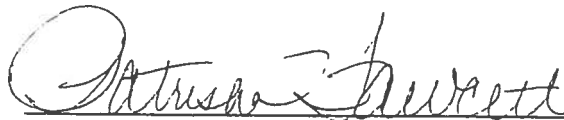
Dated 8/21/00


Signature of IDWR Representative

CERTIFICATE OF MAILING

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

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant or attorney of record:
Kurt VanPelt
HC 67 Box 2015
Challis ID 83226
3. One copy to:
Each party in the subcase, or attorney of record:
4. One copy to:
Chief, Natural Resources Division
Office of the Attorney General
P. O. Box 44449
Boise, Idaho 83711-4449
5. One copy to:
United States Dept. Of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

August 21, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

KURT VANPELT
HC 67 BOX 2015
CHALLIS ID 83226

RE: SRBA Claim(s) 72-04152

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enc.

ge 1 of 8

RECEIVED
JUL 03 2000
Department of Water Resources
Southern Region

APPLICA

RECEIVED
JUN 26 2000
Department of Water Resources
Southern Region

me of applicant KURT VAN PELT Phone 208-879-2309
st Office address HC 67 Box 2015 CHALLIS, IDAHO 83226

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

Describe the reason for the proposed changes THE GINI DITCH COMPANY HAS GIVEN ME PERMISSION TO USE THEIR DITCH AGAIN. THIS SHORTENS THE LIFE OF THE PUMP AND MAKES ACCESS EASIER.

| Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|--------------|----------|-----------------------|------------------|---------------|
| 72-64152 | 5/1/1967 | .120 cfs | IRRIGATION | 4/1 to 10/31 |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Total amount of water being transferred 126 cubic feet per second and/or _____ acre-feet per annum.

Source of water SALMON RIVER tributary to SNAKE RIVER

Point(s) of Diversion:

[illegible]

Lands irrigated or place of use:

[illegible]

She had questions on how her right was recommended... I described the development of a statutory right and how it takes the SRBA to confirm the historical use. I explained I could not locate the final acre they wanted; it could not be the new land they had just purchased or the lands soon to be filled in at the ditch. The right is limited to the lands already developed under the right. We finally agreed upon the 4 acres as recommended. Claim: 72-04152.



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

December 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

KURT W &/OR CINDY VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226

RE: Notice of Error for SRBA claim 72-04152

Dear Mr. & Mrs. Van Pelt,

This letter is in response to the Notice(s) of Error (NOE) you recently filed with IDWR regarding the Director's preliminary recommendation of the claim(s) listed above. Your NOE requests an increase in the acreage of the recommendation as listed your claim.

Under Idaho law, a water right is limited to the amount of water beneficially used for the purposes for which the water right was established. The amount of water beneficially used under this right is based upon statutory claim and has not historically been established prior to this adjudication action.

You received a copy of the GIS map to show you the area recommended as the irrigated place of use. This software program allows a very accurate measurement of the parcel shown and the only part of the lot not included is where the house itself sets. The acreage is limited to that found actually irrigated. Since there other non-irrigated areas within the shape shown, such as garage, driveway and ditches, the final GIS measurement was 4.3 acres of which 4.0 acres have been recommended.

IDWR welcomes any additional measurement you may provide to show where the additional acres may be located. Until such evidence is demonstrated, the recommendation will remain at 4.0 acres.

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

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

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

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: 72-04152

CINDY VAN PELT
KURT W VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226

Daytime Telephone Number: 208-879-2309

Evening Telephone Number: " " "

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): As of 1967, 5 Acres have been used Accordingly to Affidavit from previous owner: Since we have owned this property we have diligently set forth a better water system and feel we are in everyway watering it to the best we know how.

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

We would like it to state our original water decree of 5 Acres instead of 4 Acres.

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

We feel this is not a proper taking. We have used the 5 Acres and to our knowledge it has never been without water.

~~NO I do not~~ I AGREE with this proposed recommendation; no changes need to be made. Yes, we would like changes.

DATE: Dec. 8, 1998 SIGNATURE:

Please print your name:

Cindy Van Pelt Kurt Van Pelt
C. KURT VAN PELT

DATE: 11/13/98
PAGE: 1

Stage: BENEFICIAL USE

CUSTER County

SE

POU County: CUSTER

Other Rights: NONE

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

22

LAIR NUMBER

A72-04152

DATE

11/5/98

TRANSFER NUMBER

AGENT

SCC

CLAIMED ACRE TOTAL

5

GIS ACRE TOTAL

4.3

| | TWP | RNG | SEC | NE | | | | NW | | | | LS SW | | | | LS SE | | | | |
|------|-----|-----|-----|----|----|----|----|----|----|----|----|-------|----|----|----|-------|-----|----|----|-----|
| | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| LAIR | 13N | 19E | 16 | | | | | | | | | 3 | | | | | 2 | | | 5 |
| GIS | | | | | | | | | | | | 3.6 | | | | | 0.7 | | | 4.3 |
| ECOM | | | | | | | | | | | | 3.5 | | | | | 0.5 | | | 4.0 |
| LAIR | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | | |
| LAIR | | | | | | | | | | | | | | | | | | | | |
| GIS | | | | | | | | | | | | | | | | | | | | |
| ECOM | | | | | | | | | | | | | | | | | | | | |

372-DBPOU.SHP

SHAPE NOS.

441

GIS acres 4.3 include some non-irrigated areas
Recommend 4.0 Acres.

372-DBPOD.SHP

NOS. DESCRIPTION

287 pump in River

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

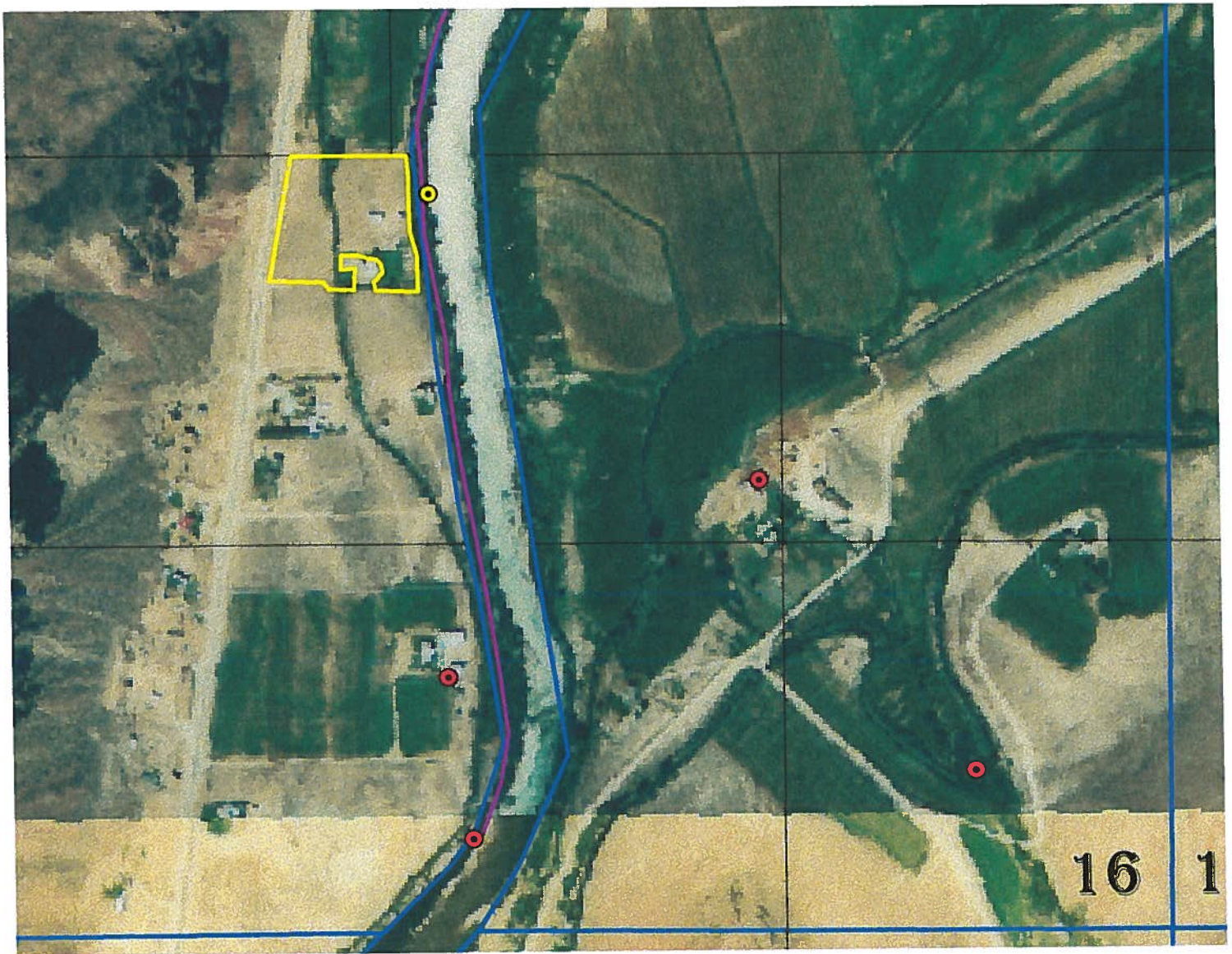
JPEG LAYOUT

11/11/98
SCC
✓

72-04152.jpg

IDAHO DEPARTMENT OF WATER RESOURCES

72-04152



660 0 660 1320 Feet

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

TWN: 13N
RNG: 19E
SEC: 16



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

DATE: NOV. 5, 1998

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-04152

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

IDWR Employee/Agent Steve Clelland

January 21, 1997 5:15pm

208-879-2309

NAME:

CINDY VAN PELT

CALLBACK

RE:

QUESTIONS ON CLAIM

SHE WANTED TO UPDATE ME ON THE CURRENT USE OF THEIR WATER RIGHT AND SEE HOW THE SRBA WAS GOING... THEY HAVE RECENTLY PURCHASED A 5 HP MOTOR TO REPLACE THE 3 HP MOTOR THEY HAVE USED. I TOLD HER THERE IS NO PROBLEM AS LONG AS THEY STAY WITHIN THE PARAMETERS OF THEIR RIGHT FOR 0.12 CFS ON 4 ACRES. SHE ASKED IF THEY COULD GET THE 5 ACRES AS CLAIMED AND I SAID I WOULD HAVE TO REVIEW THE FILE TO SEE WHY THE 1 ACRE WAS NOT ALLOWED. I TOLD HER WE WOULD BE REVISITING THE BASIN 72 FILES IN PREPARATION FOR THE DIRECTOR'S REPORT WE HOPE TO FILE BY NEXT YEAR. I HAVE TO COME TO CHALLIS ANYWAY TO REVIEW SOME OTHER CLAIMS AND I WOULD STOP BY AND DISCUSS IT WITH THEM. CLAIM: A72-04152

R PROOF

CVR

MAPS

PHOTOS

MISC

DIVERSION
VOLUME

10.00 AFA

Stage: BENEFICIAL USE

CUSTER County

4.0

Date: 04/27/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS - GINI DITCH POD

MICROFILMED
NOV 01 1994

Comments: Date: 04/27/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS - GINI DITCH POD

WATER IS DELIVERED THROUGH GINI DITCH.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-10480, 72-10481 & 72-10482.

IDWR UPDATE***

SOME INFORMATION SUPPLIED BY KENT FOSTER OF GINI DITCH CO.
INDICATES THE POD HAS BEEN USED FROM THE RIVER DIRECTLY AND FROM
A PUMP IN THE DITCH. OPTION FOR EITHER DIVERSION WAS LEFT TO THE
VAN PELTS AND THEY CHOSE TO USE THE PUMP IN THE RIVER.

Audit: 04/27/94 CLELLAND

MICROFILMED
NOV 01 1994

DATE: 09/24/93

DIVERSION
VOLUME

10.0 AFA

Stage: BENEFICIAL USE

CUSTER County

[illegible]

Other Rights: NONE

Δε

Verified Date: 09/24/1993

Field Inspection Flag:
Presumption Flag:

Date: 06/02/1992 User-ID: GIVENS Subject: CHANGE OF OWNERSHIP
CHANGE OF OWNERSHIP RECEIVED 4/7/92 ORIGINAL OWNER ARTHUR & /OR
FRANCES W. CHRISTOPHERSON NEW OWNER KURT &/OR CINDY VAN PELT.
COPY OF WARRENTY DEED SUBMITTED WITH FORM.

Date: 08/18/1993 User-ID: CLELLAND Subject: COPIED FROM REMARKS
USED FOR GARDEN, YARD, TREES & PASTURE.

Date: 09/24/1993 User-ID: CLELAND Subject: REVISED RECOMMENDATION
I MET WITH THE VAN PELTS AND DISCUSSED THE CONTENTS OF THIS FILE
AT LENGTH. IT WAS RESOLVED THAT THE WATER RIGHT WAS IN THE
PERIOD OF FOREFETURE BUT BY APPLYING THE WATER IN AUGUST OF 1993

Indefinite
period of

moved
 to
 Comment
 & explain.
 Reviewer PDD
 moved on
 answered

4-27-94

AJ0749NP
No. R72-04152

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

DATE: 09/24/93
PAGE: 2

Comments: Date: 09/24/1993 User-ID: CLELLAND Subject: REVISED RECOMMENDATION
MR. VAN PELT HAD INTERRUPTED THE FORFEITURE.

Audit: 09/24/93 CLELLAND

MICROFILMED
NOV 01 1994

POOR ORIGINAL

T
13
N

R 19E

17

4.0 Ac.
POU

16

LOT 5

LOT 6

POD
GINI DITCH

PUMP

IN DITCH

SALMON RIVER

POD

15

T13N
R19E
S16
NWNWSE
LOT 5

CLAIM A72-04152 INIT SCC
T. R. S. Q/Q
GINI DITCH P/D 13N 19E 16 SWSWSE LOT 6
PHOTO U25 (NW)
DT. & ID. 7-24-74

Revised SCC
4-27-94

As
Recommended:

MICROFILMED
NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4152

RE: P.O.D. adjustment

DATE 4-27-94

NAME OF PARTY

CINDY VAN PELT

879-2309

I returned her call -

She explained their diversion will come from
the Salmon River Directly instead of the Great Ditch.
I told her there is indications in the file that
Both diversions have been used so no Transfer is
needed and I will send her an amended version
of her Claim to change the point of diversion.

MICROFILMED

NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLEHLAND FILE A72-4152

RE: letter response from Kent Foster

DATE 4-6-94

NAME OF PARTY Erin Van Fleet

She called to ask our position on the above letter.

I mentioned ~~that~~ that I had discussed this letter with Dave Shaw and he ~~had~~ has told me we can recommend a point of Diversion from other source since there is some evidence offered that Both diversions have been used.

The least objectionable route is to pump from the River Directly. However, if the Van Fleet chose to battle for legal rights in the Ginn ditch they are free to do so too.

I reminded her it is her choice which point to place her pumps, the right can be valid either way.

MICROFILMED

NOV 01 1994

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS, P.A.
ROBERT M. FOLLETT
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
330 SHOUP AVENUE
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 810
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

TODD J. WILCOX
FREDERICK J. HAHN III
RONALD D. CHRISTIAN

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1911-1971)
TERRY L. CRAPO
(1939-1982)
WILLIAM S. HOLDEN
(1907-1988)

March 23, 1994

R E C E I V E D

MAR 24 1994

Department of Water Resources
Southern Region Office

Mr. Steve Clelland, Water Agent Sr.
IDAHO DEPARTMENT OF WATER
RESOURCES
Southern Region
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: SRBA Claim A 72-04152; Application for Permit 72-07520

Dear Mr. Clelland:

We have now completed our preliminary investigation of the Van Pelt SRBA Claim A72-04152 and Application for Permit, No. 72-07520. We wish to respond to your letter to us of November 30, 1993.

The information we have been able to gather indicates that the first water use on the Van Pelt property was begun by Clyde O. and Lois T. Rigby in about 1967. Mr. Rigby indicates he put in a large raspberry patch after acquiring the property from James and Joanne Bennetts, and arranged with Mr. Lynn Wilson, whom he understood to be the proper officer, for permission to put a pump in the Gini Ditch to water the raspberries.

Mr. Lynn Wilson is now deceased; his son, Ron Wilson, is the President of the Gini Ditch Company. The company officers had understood the permission given by Mr. Lynn Wilson many years ago was intended to be temporary until the Rigbys could arrange to pump directly from the Salmon River. In fact, one of the company officers personally observed several years ago that Van Pelts' predecessors were pumping directly from the river.

The location of the Van Pelt property and pump are such that officers and employees of Gini Ditch Company are hardly ever where the pumping of water or use can be observed. The

MICROFILMED

NOV 6 1994

Mr. Steve Clelland
March 23, 1994
Page 2

assumption of the officers has always been that at some time the accommodation made for Rigbys by Lynn Wilson was changed to the direct pumping from the river.

None of the Van Pelts' predecessors ever advised the company, its officers or members, that they were not any longer relying on the permissive use, and no actions or circumstances have come to the knowledge of the company that would constitute such notice.

It appears to us that any effort on the part of the Van Pelts or their predecessors in interest to establish a water right using the company ditch would constitute an attempt to initiate a water right in trespass, which of course is prohibited by law. On the other hand, if appropriate arrangements are made for placing a line across the company ditch, there would probably be no objection to Van Pelts pumping directly from the Salmon River.

You enclosed with your letter both an SRBA Claim and an Application for Permit. We have been requested by the company to take appropriate action to preclude Van Pelts from continuing to pump from the company ditch. Since we do not believe they have established, or could establish, a right to divert from the ditch, we have been instructed to take appropriate action in the SRBA case. As we understand it, there is no Director's Report for this Basin yet, but if the proposed right were recommended as claimed, we would need to file an objection to it.

With respect to the application for permit, we have not seen a Notice published yet, but when that is done, we have been instructed to protest the application because of the trespass. If Notice has been published, and we have missed it, please advise so we can prepare an appropriate motion to intervene. Thank you for your continued assistance.

Yours very truly,



Kent W. Foster

#6298.00/KWF:kep
7217m (5, 6)

cc: Ron Wilson
Dr. Charles Boge
Kurt and Cindy Van Pelt

MICROFILMED

NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CHELLAND

FILE A72-4152

RE: GINI DITCH USES

DATE 12-15-93 1:45pm

NAME OF PARTY

CINDY VAN PELT

She called me to tell me she had been asked for copies of her file by Mr. Foster of the Gini Ditch Co. I suggested she refer requests for copies to our office since we hold the actual filing duration.

I confirmed that she has received a copy of my letter to Kent Foster; I asked that she refer his contacts back to me since I have requested the responses to this situation.

I reminded her that I am not to provide legal advice and any allegations of illegality on her water rights are still subject to the SRBA court not by opinion of a Ditch Company.

I asked her if she still plans to review this matter with the Gini Ditch Co in March, at the water meeting, and she said yes.

MICROFILMED

NOV 01 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

NOVEMBER 30, 1993⁸ KEITH HIGGINSON
Director

KENT FOSTER
GINI DITCH COMPANY
PO BOX 50130
IDAHO FALLS ID 83405

RE: SRBA CLAIM A72-04152; APPLICATION FOR PERMIT 72-07520

DEAR MR. FOSTER,

ENCLOSED PLEASE FIND A COPY OF A WATER RIGHT CLAIMED IN THE SRBA AND PUMPED FROM THE GINI DITCH. COULD YOU PLEASE CLARIFY THIS SITUATION?

KURT AND CINDY VAN PELT (AND THE PREVIOUS OWNERS) HAVE BEEN PUMPING FROM THE GINI DITCH SINCE MAY 1, 1967 TO IRRIGATE 4 ACRES. THE LAND IS NOT CLAIMED BY THE GINI DITCH CO. IN ANY OF THEIR THREE CLAIMS A72-10480, A72-10481 OR A72-10482.

TO CORRECTLY REPORT THESE RIGHTS IN THE SRBA DIRECTOR'S REPORT, WHICH SOLUTION IS MOST PREFERRED BY THE GINI DITCH CO.; 1) TO ISSUE A WRITTEN EASEMENT FOR THE CONTINUED USE OF THE GINI DITCH BY THE VAN PELT'S, OR 2) TO INCLUDE THE VAN PELT RIGHT IN THE GINI DITCH CLAIMS AND ASSN. OR CO. AS SHAREHOLDERS.

YOU MAY HAVE OTHER SUGGESTIONS TO RESOLVE THIS SITUATION. I NEED TO KNOW THE AGREEMENT BETWEEN THE TWO PARTIES TO ACCURATELY REPORT EACH WATER RIGHT. BE ADVISED THAT VAN PELT'S HAVE ALSO FILED AN APPLICATION FOR PERMIT NO. 72-07520 REQUESTING SIMILAR USE OF THE GINI DITCH, A COPY HAS BEEN ENCLOSED. EASEMENT FOR USE OF THE GINI DITCH IS NEEDED FOR THAT RIGHT ALSO.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,


STEVE CLELLAND
WATER AGENT, SR.

ENC:

CC: KURT & CINDY VAN PELT
HC 67 BOX 2015
CAHLLIS ID 83226

MICROFILMED

NOV 01 1994

RECEIVED
Nov 10 1992

Ident. No. 72-0752

NOV 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Department of Water Resources
Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Kurt W &/or Cindy VanPelt Phone 879-2309
Post office address HC 67 Box 2075 Challis, ID 83226
2. Source of water supply Salmon River which is a tributary of SNAKE River
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 86.
Sec. 16 Township 13 N Range 19 E B.M. COSTER County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.12 CFS for IRRIGATION purposes from APR 15 to OCT 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.12 CFS and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
Wing dam w/overflow, headgates to Gin. Ditch.
a. Description of ditches, flumes, pumps, headgates, etc. DITCH FROM RIVER (MULTI-OWNER)
3/8 MILE TO POINT ADJOINING PLACE OF USE THENCE PUMP FROM
DITCH (APPROX. 3 HORSEPOWER) THROUGH PIPES AND SPRINKLER SYSTEM -
3" AND 2" LATERALS
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is NO inches; proposed depth of well is NO feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NO; Drilling firm NO;
Well was drilled for (well owner) NO
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
2 years (minimum 1 year).

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NOV 01 1994

Topographic map showing contour lines, a grid, and handwritten annotations. The map includes a river labeled "SALMON" and a creek labeled "Cree". Handwritten notes include "13N, 19E", "P14", "Gini Ditch", "L+5", "L+6", and "P10". A red stamp in the bottom right corner reads "MICROFILMED NOV 01 1994".

Just Van Lelt
(Applicant)

RECEIVED
NOV 18 1993

Form 202
10/92

STATE OF IDAHO

Ident. No. 72-0752

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

Southern Region Office

To appropriate the public waters of the State of Idaho

1. Name of applicant Kurt W &/or Cindy VanPelt Phone 879-2309
Post office address HC 67 Box 2075 Challis, ID 83226
2. Source of water supply Salmon River which is a tributary of SNAKE River
3. Location of point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot 26.
Sec. 16 Township 13 N Range 19 E B.M. COSTER County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Amount 0.12 cfs for IRRIGATION purposes from APR 15 to OCT 15 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 0.12 cfs and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. Wing dam w/overflow, headgates to Gin. Ditch.
DITCH FROM RIVER (MULTI-OWNER)
3/8 MILE TO POINT ADJOINING PLACE OF USE THENCE PUMP FROM
DITCH (APPROX. 3 HORSEPOWER) THROUGH PIPES AND SPRINKLER SYSTEM-
3" AND 2" LATERALS
b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.
c. Proposed well diameter is NO inches; proposed depth of well is NO feet.
d. Is ground water with a temperature of greater than 85°F being sought? NO
e. If well is already drilled, when? NO; Drilling firm NO;
Well was drilled for (well owner) NO
7. Time required for the completion of the works and application of the water to be proposed beneficial use is
2 years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RANGE | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTALS |
|-----|-------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|--------|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 13N | 19E | 16. | | | | | | | | | 3 | | | | | 1.2 | | | 4.2 |
| | | | | | | | | | | | 4.5 | | | | | 4.5 | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Total number of acres to be irrigated 4.2

10. Describe any other water rights used for the same purposes as described above. NONE

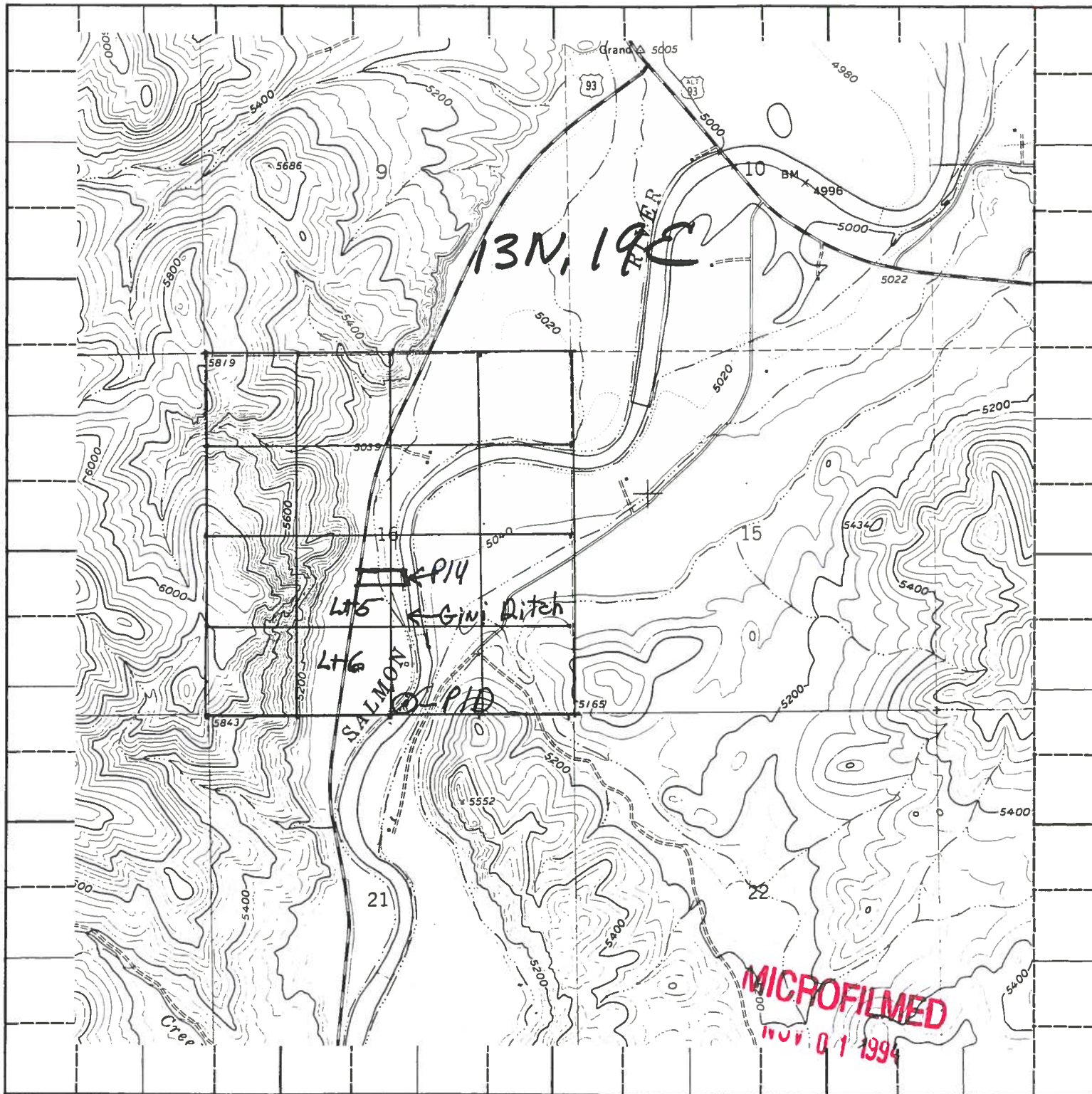
11. a. Who owns the property at the point of diversion? KURT & CINDY VAN PELT

b. Who owns the land to be irrigated or place of use? KURT & CINDY VAN PELT

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Diversion rate from Salmon River will not increase under this application. Pump will divert excess flow in Gini Ditch. per conversation w/Steve McClellan JR.

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



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Just Van Lelt
(Applicant)

(Applicant)

Received by MTS Date 11-12-93 Time 11:30 am Preliminary check by J.F. Stanton

Fee \$ 30 Received by MTS # 5016372 Date 11-12-93

Publication prepared by _____ Date _____ Published in _____

Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

| 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 | | affirmed by Rigby
4-7-92 | 7-16-93 sec | N | 6. affidavit | sec
8-18-93 | sec
9-24-93 | sec
4-27-94 |
| POINT OF DTD | Y | covered by
8-24-93 for Review | 7-26-93 sec
photos | N | 156 | | | |
| SOURCE | | | | N | | | | |
| PLACE OF USE | Y | | | Y | | | | |
| DIV. AMOUNT
CFS/VOLUME | | | | Y | | | | |
| CONSUMPTIVE USE | - | | | Y | | | | |
| PURPOSES | | | | N | | | | |
| PERIOD OF USE | | | | Y | | | | |
| BASIS OF CLAIM | | | | Y | | | | |
| REMARKS | Y | | | Y | | | | |

VERIFIED BY CODES

TOPO MAP/OKTHO-FR = 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.

*Revised
GINI
Ditch
155UG!
MICROFILMED
NOV 0 1 1994

Revised
9-24-93
See

CLAIM NUMBER: A72-04152

NAME & ADDRESS

WATER USE

DIVERSION
RATE

EMOTION INVERSION

04-11 10-15

0.03 ~~0.00~~ CES

0.03 100 CES

2.5

Tributary to: SNAKE RIVER

547

~~STATUTORY DECLARATION~~

(ESM5M3) 9 101 915 361R NCLT

CUSTER COUNTY

PRESTON
JAMES
JAMES
JAMES

MSIS MSMS MSMN

NESE NWSE SWESE
It. Ac. It. Ac. It. Ac. It. Ac.

LEWIS
Lt AC L-

LT AC 05-05

LT AC

LET
A
C

Other Rights: NONE

Remarks: USED FOR GARDEN, YARD, TREES & PASTURE

Dates: Exam Made Date: 7-16-93

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

GnIDitch Source

→ should this be paid
of the Ditch Co.?

523-0620

Kent Foster

Date entry: 8-18-93 see

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A72-10480

-10481-

28401-

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

00:00:36
06/05/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04152

LAST: CHRISTOPHERSON
ADDRESS: P.O. BOX 88
CITY: CHALLIS
PHONE NUMBER: 208-879-4354

OWNER CODE: 0

FIRST: ARTHUR W.
STATE: ID ZIP: 83226

LAST: VAN FELT
ADDRESS: P.O. BOX 1024
CITY: CHALLIS
PHONE NUMBER: 208-879-2309

OWNER CODE: C

FIRST: KURT W.
STATE: ID ZIP: 83226

LAST: VAN FELT
ADDRESS: P.O. BOX 1024
CITY: CHALLIS
PHONE NUMBER: 208-879-2309

OWNER CODE: C

FIRST: CINDY
STATE: ID ZIP: 83226

LAST: CHRISTOPHERSON
ADDRESS: P.O. BOX 88
CITY: CHALLIS
PHONE NUMBER: 208-000-0000

OWNER CODE: 0

FIRST: FRANCES W.
STATE: ID ZIP: 83226

FIELD EXAM REQUIRED?

FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

CLAIM REMARKS: USED FOR GARDEN, YARD, TREES & PASTURE.

6/25 spoke to child
- will be back after
Wed. 6/30
- said I would call back
7-20-93 see
Blem photo 7-16-88
ID-88AC 10-9C-1
shows horse inig. - pasture
is not inig.

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CONTACT PERSON:

DATE OF FIELD EXAM: 7/16/93

APPOINTMENT MADE: Y() N(X)

PHONE NUMBER: () - -

ACCOMPANIED BY:

MATJ

TIME: A() P()

RELATIONSHIP TO CLAIMANT:

Son of Claimant

PHONE NUMBER: () - -

DIRECTIONS TO PROPERTY / REMARKS:

A. AJ CLAIM: # A72-04152 PRIORITY DATE: 05-01-1967 STAGE: 5
B. WR RECORD: # 72-04152 PRIORITY DATE: 05-01-1967 STAGE: 3

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER

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

REMARKS:

affidavit by Risay seems to support development of claim

"affidavit by Frances W. (HISTOPHERSON) Fuller claims the property was
"fully irrigated" from 1986 to 1989.
B/M aerial photo 10-9C-1, dated 7-16-88, shows the property
being irrigated as the same lawn and garden area found during
my field exam. This would be the irrigation pattern established
since 1973 when this applicant first bought the property to "fully irrigate."

RECOMMENDED PRIORITY DATE:
05-01-1967

REVIEWED BY

Saw

DATE

8-18-93

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A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A72-04152 | 13N | 19E | 16 | SW | SW | SE | 6 | CUSTER |

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX
A72-10480
A72-10481
A72-10482
R PREFIX
NONE

WR RECORDS IN SAME 40 ACRE TRACT

72-02085
72-04021
72-04023
72-04145
72-04146
72-04147
72-04148
72-04149
72-04150
72-04151
72-07261

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 72-04152 | 13N | 19E | 16 | | | | 6 | CUSTER |

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX
R PREFIX

72-07251

NONE

NONE

SOURCE: SALMON RIVER

TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS:

POD is for Gini Ditch - no diversion at the place we use in
NENESU, KS.

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

OK *no* claimed

SOURCE: SALMON RIVER

TRB: SNAKE RIVER

REVIEWED BY:

sw

DATE: 8-18-93

By what right do they use Gini Ditch? All other users are combined into
a company.

4-27-94 *sw*

Revised POD based on information supplied by
Gini Ditch atty. Kent Foster.

Diversion is from Salmon River Directly - not from Gini Ditch.

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T13N, R19E, S16, NEWNUSE Lot 5

A. ROOT WATER RIGHT NUMBERS: A72-04152
K72-04152

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|---------------------------|------------------|-----------------|-----------------|----------------|------------------|
| 13N | 19E | 16 | NE | SW | 5 | VAN PELT, RORY W. | A72-04152 / 3.0 | - | 2.0 | 0.5 | 0.5 |
| | | | NE | SW | 6 | TUGGLE, HARRY | A72-07251 / | - | | | |
| | | | NE | SW | | LAVERITY, GLADYS | A72-10086 / 2.0 | - | | | |
| | | | NE | SW | | CHRISTOPHERSON, ARTHUR W. | A72-10398 / | - | | | |
| | | | NE | SW | 5 | VAN PELT, KURT W. | K72-04152 / 3.0 | - | | 1.0 | 1.0 |
| | | | NE | SW | 6 | TUGGLE, HARRY | K72-07251 / | - | | | |
| | | | NE | SW | | JENSON, NELS C. | | 72-00184 / | | | |
| 19E | 16 | | NW | SE | 5 | VAN PELT, RORY W. | A72-04152 / 2.0 | - | 2.0 | 0.5 | 0.5 |
| | | | NW | SE | | LAVERITY, GLADYS | A72-10086 / 1.0 | - | | | |
| | | | NW | SE | 4 | BENNETTS, JAMES R. | A72-04020 / 30.0 | 72-04020 / 21.0 | | | |
| | | | NW | SE | | BENNETTS, JAMES R. | A72-00184 / | 72-00184 / | | | |
| | | | NW | SE | | BENNETTS, JAMES R. | A72-10360 / | - | | 3.0 | 3.0 |
| | | | NW | SE | | BENNETTS, JAMES R. | A72-04160 / | 72-04160 / | | | |
| | | | NW | SE | 5 | VAN PELT, KURT W. | K72-04152 / 2.0 | - | 4.00 | | 4.00 |
| TOTAL ACRES | | | | | | A72-04152 | 5.00 | | | | 1.0 |

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

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

Pou is on the 1/4-1/4 line but all w/in lot 5.
Given the large lawn & Garden around 2 homes and
the measurement of the piece shown on the OPQ 1125,
found 1.0 acrs irrigated now and historically.

→ Named irrigation
within 5 year jurisdiction
period.

Revised
9-24-93

PRESUMPTION FLAG:

REMARKS:

Maps used: Brm Acreage photo 10-9C-1, date 7-16-88
 OPR U25, date 7-24-74
 Golf Lot Grid

RECOMMENDATIONS:

TOTAL ACRES:

~~1.0~~ 4.0

REVIEWED BY:

See

DATE:

8-18-93

7-24-93

* Reader Gm Ditch question before
 final recommendation.

8-18-93

See

* Reader

4-27-94

Δ P00 to River

See

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A. AJ CLAIMED USES:

PURPOSES
A72-04152 IRRIGATIONMONTH/DAY
FROM ~~04-01~~ ~~10-15~~ ~~10-15~~

4-15 to 10-15

DIVERSION QUANTITY
300 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

300 CFS

B. WR RECORDED USES:

PURPOSES
72-04152 IRRIGATIONMONTH/DAY
FROM 04-01 TO 10-15DIVERSION QUANTITY
300 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

300 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?
RECOMMEND TO WR STANDARDS OR OTHER?Y() N(X)
Y(X) N()

Explain in remarks, below.

REMARKS:

All Season as shown

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A72-04152

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.300 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.300 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)

FIELD EXAMINER DATABASE Y

FLOW MEASUREMENT

MEASUREMENT METHOD theoretical Calc., SEE ATTACHED CALCULATIONS.

less than 0.20 cfs so. estimated no measurement required
= 0.172 cfs

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|-------------------|--------------------|-----------|----------------|-----------|----------------|
| A72-04152 | SALMON RIVER | VAN PELT, KURT W. | 0.300 | 0.060 | | |
| A72-00184 | SALMON RIVER | BENNETTS, JAMES R. | 4.050 | 0.032 | | |
| A72-04020 | SALMON RIVER | BENNETTS, JAMES R. | 4.200 | 0.033 | | |
| A72-04152 | SALMON RIVER | VAN PELT, KURT W. | 0.300 | 0.060 | | |
| A72-04160 | COLD SPRING CREEK | BENNETTS, JAMES R. | 1.000 | 0.050 | | |
| A72-10086 | SALMON RIVER | LAVERITY, GLADYS | 17.000 | 0.102 | | |

GAL DITCH doesn't show as overlap area

BT ALL RIGHTS WITH SAME FOU BUT NOT USED FOR IRRIGATION.

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|----------|---------------|---------------------|-----------|--------|
| A72-07251 | DOMESTIC | TUGGLE, HARRY | FROM 01-01 TO 12-31 | 0.060 CFS | |

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D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE ~~1.0~~ **4.0 X** ~~0.03~~ **0.12** CFS
ACRES ~~1.0~~ **4.0** CFS/ACRE = ~~0.03~~ **0.12** CFS
(Taken from p/u review)

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y(☒) N(☐)*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(☐) N(☒) ***

* sprinkler system used on
all lands; operates on an
informal rotation w/ others.

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 13.0 AF/A

ACRES ~~1.0~~ **4.0** X CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =TOTAL CONSUMPTIVE USE ~~2.5~~ **10.0** AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 4.0 X DIVERSION VOL. AF/A FOR AREA 2.5 =TOTAL DIVERSION VOLUME 10.0 AF/A

100% surface water

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

15
04-X 10-15

DATABASE EXAMINER
~~0.000~~ 0.05

DATABASE EXAMINER
N/A

DATABASE EXAMINER
~~12.0~~ 10.0

TOTAL FOR THIS RIGHT

~~0.000~~ 0.05

N/A

~~12.0~~

2.0 10.0

REVIEWED BY:

SC

DATE:

8-18-93

9-24-93

SC

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MAY 01 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREST/ABANDON
ADDITIONAL DIV. AMOUNTACCEPTED
AS CLAIMED
()
()
()
()NEEDS
REVIEW
()
()
()
()
Spindle used

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04152

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

DATABASE
0.300

EXAMINER

CFS

OLD RIGHT
NUMBERSCURRENT
CLAIM NUMBERSDIVERSION
RATECURRENT "R"
CLAIM NUM."R" DIV.
RATEWR RIGHT
NUMBERSDIVERSION
RATE

A72-04152

0.300

R72-04152

0.300

72-04152

0.300

TOTAL CFS

0.300

0.300

0.300

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
YFIELD
EXAMINER

REMARKS:

*No Split**NA*

AUTHENTICATION

SIGNATURE:

Steve Culland

DATE:

8-18-93

NAME OF FIELD EXAMINER:

STEVE CULLAND

TITLE:

Review 9/29/93

1994
FILMED



AUSTIN
E
TODD

Pou

D. REESE

J. JACKMAN
E.E. WILLIAMS

A. PARK

POOR ORIGINAL

16037-178
21-R
Z-14

ASCS map
in Carter Co.
Assessor's
file
c. 1978

RIGAN

S. CUTTER
J. HOVERN

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4152

RE: FIELD EXAM RESULTS

DATE 8-24-93 7:30pm

NAME OF PARTY

KURT & CINDY VAN FELT

We reviewed the evidence & maps of this file. My earlier reviews led me to recommend 1 acre of irrigation.

The 1978 ASCS photo shows the lands being fully irrigated and the affidavits by previous owners can support up to 1988 when the BLM photo shows no irrigation; affidavit may support the season of 1988.

Indications are that from ~~1988~~ 1989-90-91-92-93 no irrigation had occurred.

However, in August of 1993 Mr. Van Felt reestablished the irrigation use on this property.

We also discussed the ~~Ac of ownership~~ needed for this claim
Change of Address

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NOV 9 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4152

RE: STATUS OF REVIEW

DATE 8-18-93

NAME OF PARTY

CINDY VAN PELT

879-2309

I returned her call from yesterday—

she wanted to see if I had received the affidavits, which I have, and if it was adequate.

I explained I have reviewed all the file information available and at this time it appears there is evidence of 1.0 acres of irrigation.

She wants to know what else I need, however, I don't know what that is.

She then told me they have now installed all the irrigation system for the rest of the place of use and they have moved their pump into the Salmon River from the Gini Ditch on the advice of Jim Bennetts.

I suggested I meet with them again and look at the POD as they have claimed it to have been. I reminded her that based on the claim and its evidence their right has historically come from the Gini Ditch. Either the Right is diverted from the Gini Ditch or a transfer must be filed to change the POD. I suggested she talk to Johnnie Hammond or Ken Bradbury to find out if they (Gini Ditch) were aware of the Van Pelt pump in the Ditch and if they wish it to be discontinued or what.

MICROFILMED

NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A 72-4152

RE: VALID WATER RIGHT

DATE 7-20-92

NAME OF PARTY

CINDY VAN PELT

I took this call after Allen Merritt had explained the adjudication to her.

She wanted to know what to do to preserve or verify her water right. I suggested she find out if the property had been irrigated recently; maybe to contact previous owners & find out when it was last irrigated.

She will contact them & send it to me.

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NOV 01 1992

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4152

RE: FIELD EXAM VISIT

DATE 7-19-93

NAME OF PARTY

CURT VAN PELT

he called as a followup to my field exam visit on 7-16-93.

He claims the front parcel was irrigated in the past. I said it didn't appear irrigated but maybe he could get some affidavits supporting its current use.

I ask if he was part of the GINI PITCH Co. since they have combined all the water rights under a company for the shareholders. He didn't know.

* He asked me to get his permission from now on before I enter his place. I said I will.

MICROFILMED

NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4152

RE: Recommendation

DATE 10-6-93 8:15am

NAME OF PARTY

CINDY VAN PELT

879-2309

She called to clarify her right as shown at this time in the Review process.

I explained that the irrigated area looks to me to be about 4.0 Acres. I explained that she should develop her system as planned to irrigate all their property that is irrigable; I estimate that would result in 4 acres being irrigated.

All their property is recommended to be irrigated under this right with the exception of Driveways, roads, houses, etc.

I asked again about the use of the Gini Ditch and if she had anything new. She said it was held off until the Spring Meeting of the Assn.

I told her I need to resolve the issue before that time so I will contact Kent Foster and let her know if anything changes.

MICROFILMED
NOV 8 1 1994

AFFIDAVIT - WATER USE

RE: WATER RIGHT NO. A72-04152

STATE OF IDAHO)
 : ss.
County of Custer)

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

1. That I am personally familiar with the above designated water right and the lands it irrigates. My deceased husband, ARTHUR W. CHRISTOPHERSON, and I purchased this property in 1973 and resided there for some six (6) years. During that period we irrigated all of the irrigable lands excepting ditches, roads, and areas occupied by improvements. The lands were used for pasturage, extended yard, gardens, and the like. The lands were irrigated consistently and productively.

2. We sold the property after the above period but we later repurchased the property and returned to reside upon the same in 1985. Shortly after our return we again irrigated the property fully and beneficially. To the best of my memory and belief, the lands were fully irrigated from late in the growing season of 1986 through the full growing season of 1988 and into the beginning of 1989. Due to failing health, my husband was unable to continue full-time irrigation but the lands around the immediate yard area were irrigated consistently with the balance getting water on a more inconsistent basis until I sold to the Van Pelts in 1992.

3. The above is the truth to the best of my knowledge and belief.

DATED: July 30, 1993.

Frances W. Christopherson Fuller
Frances W. Christopherson Fuller

SUBSCRIBED and SWORN TO before me this 30th day of July, 1993.

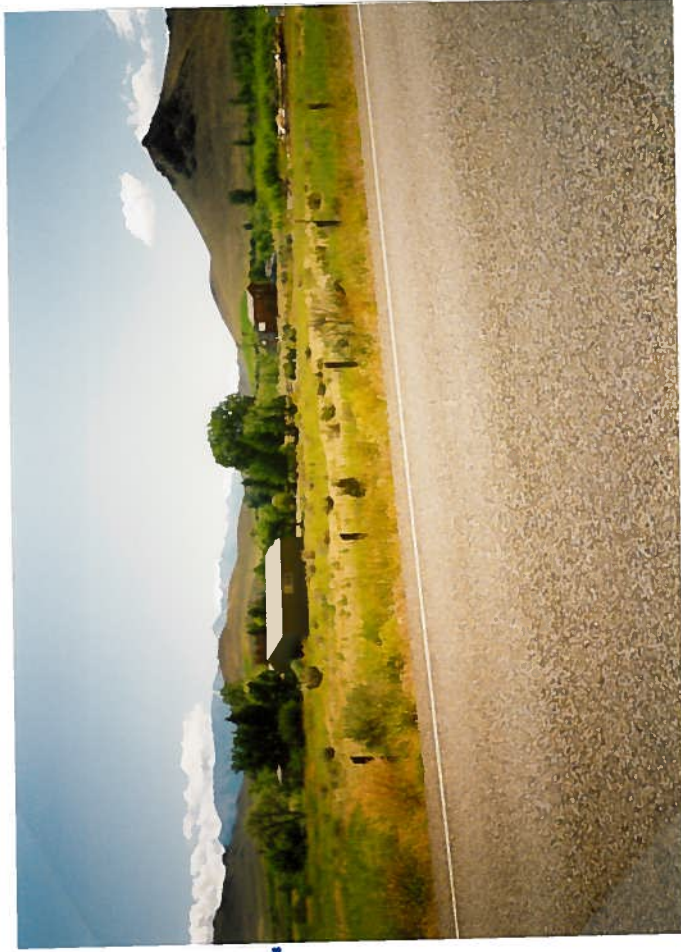
James R. Bennett
Notary Public for Idaho
Residing at: Challis, Idaho
My Comm. Expires:

1-21-99
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NOV 01 1994

POOR ORIGINAL

A72-04152

View East



Pump in
Ditch
This Direction
Behind Trees
& House

REPHOTOGRAPHED
MAY 01 1994

VAN PELT'S House
and Pond.

PASTURE AREAS NOT IRRIGATED AT THIS TIME.

NOTE: SAGEBRUSH GROWTH IS RETURNING INDICATING NO IRRIGATION.

DWR
PHOTO:
BY SCC
R72-24-
7-26-93

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A72-4152
DATE: 8-18-93
BY: SCC

THEORETICAL RATE OF FLOW:

$$Q = \frac{(8.8) \times (\text{H.P.}) \times (\text{EFF.})}{\text{TDH}}$$

Q = CFS

H.P. = Total Brake Horsepower of pumping plant (including booster)

EFF. = Pumping plant efficiency (ASSUME 70% OR 0.70)

TDH = total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = depth to water in FEET from land surface to pumping water level

PSI = pumping pressure measured in psi near pump
(if open discharge assume zero [0])

$$Q = \frac{(8.8) \times (3.0) \times (0.70)}{[(15) + (40 \times 2.31)]} = \frac{18.48}{107.4} = 0.172 \text{ cfs}$$

LIFT FROM:

measurement ()

owner ()

area estimate (X)

well logs ()

Booster (Y) (N)

PSI FROM:

measurement ()

owner ()

estimate (X) 40 PSI

owner gage ()

NOTES ON PUMP:

Motor Make, Serial or ID

BALDOR MOTOR, CAT. No. JL1323A, 3450 Rpm

Pump Make, Serial or ID, rating

F.E. MYERS + BRO CO.

CAT. No. QP30 SER# 67273

REMARKS

ANNUAL VOLUME ANALYSIS

$$\text{POTENTIAL Acre Feet/Acre/Annum} = \frac{(\text{DAYS IN SEASON}) \times (1.98) \times (Q)}{(\text{RECOMMENDED ACRES IRRIGATED})}$$

(season) (days) CV-DV

5/01-09/30 153 2-3

4/15-10/15 184 2.5-3.5

4/01-10/31 214 3-4

3/01-11/30 275 VARIES

3/15-11/15 246 VARIES

POTENTIAL =

$$(\dots) \times (1.98) \times (\dots)$$

$$(\dots)$$

REQUIRED Acre Feet/Acre/Annum =

(AF/Ann/Ac irrigation requirement from chart for area)

NOTE that this is NOT Consumptive use

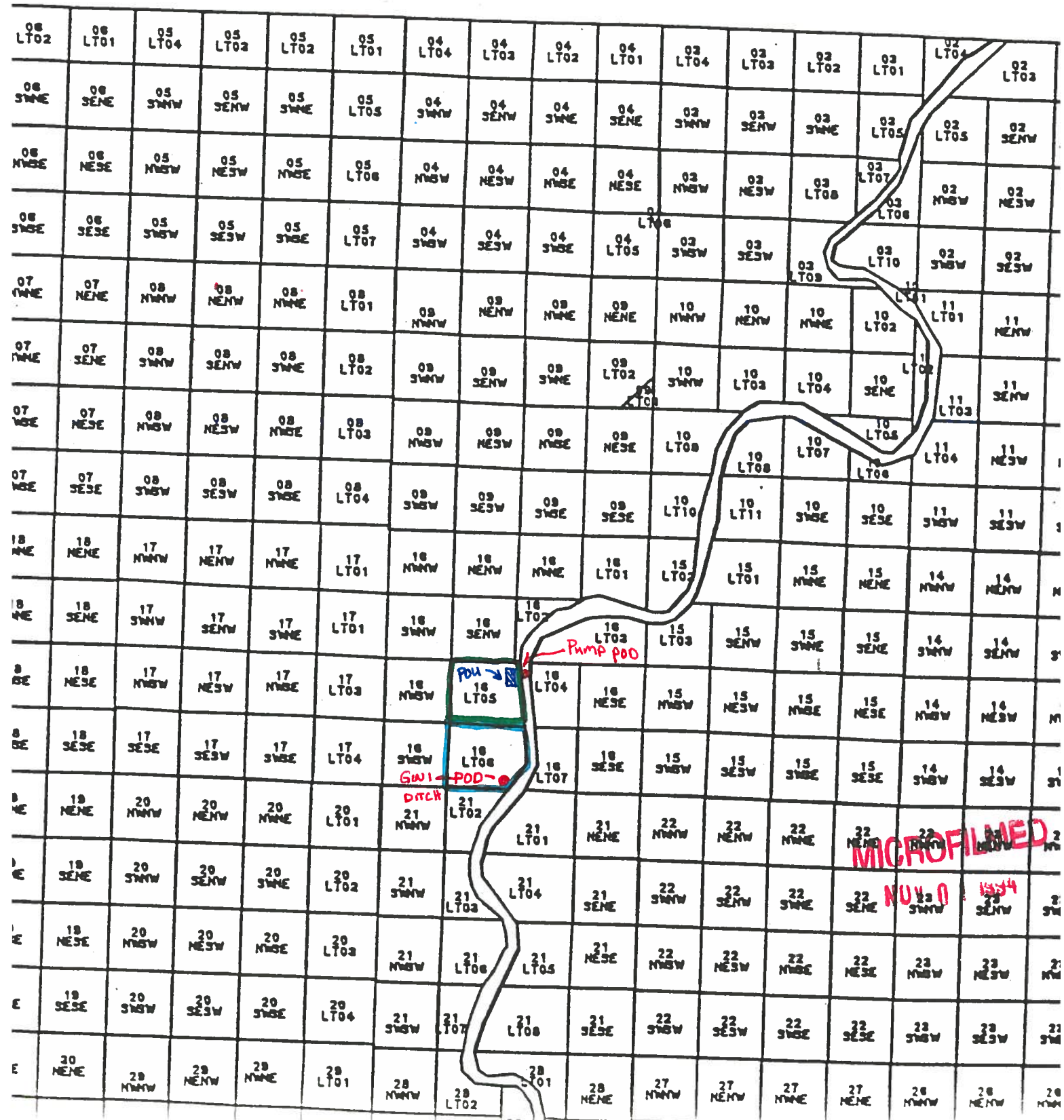
IF POTENTIAL IS GREATER THAN REQUIRED THEN NO MEASUREMENT NECESSARY ()

IF POTENTIAL IS LESS THAN REQUIRED THEN MEASUREMENT IS NECESSARY ()

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NOV 01 1994

13N19E

POOR ORIGINAL



Water Right Number - 72-04152

Prefix Translation:

WATER RIGHT

Old (D) Number -

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

+ - First Name - - - +

+ - - - - Address - - - - -

+ - - - -

*** C - CURRENT OWNER ***
PFEIFFER

CHARLES

1 - H/C 67 BOX 2021
2 -
3 -

City- CHALLIS

State- ID Zip- 83226

Phone -

PFEIFFER

SYLVIA

1 - H/C 67 BOX 2021
2 -
3 -

City- CHALLIS

State- ID Zip- 83226

Phone -

+ - - Priority Date - - +
05/01/1967+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

Source - - - - -
SALMON RIVER+ - - Tributary - - - - -
SNAKE RIVER+ - - - - Point of Diversion - - - - -
Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)

13N 19E 16 6 (37) CUSTER

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

01 - IRRIGATION

04/01 10/15

0.300

+ - Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - +
0.300+ - - - - Place of Use - - - - -
Twn Rng Sec Tract Lot Acres Code Description County
13N 19E 16 5 5.0 01 IRRIGATION (37) CUSTER

Total Acres: 5.0

+ - - Diversion Means - GINI DITCH, PUMP, PIPELINE

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - -
No Remarks found.+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.MICROFILMED
NOV 01 1994

WATER RIGHT

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

+ - - - Decree Defendant

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

Water Rights Dates and Flags Area

| | | | |
|------|------------------|---|----------|
| 0000 | Field Exam Made | - | 00/00/00 |
| 0000 | Protested Date | - | 00/00/00 |
| 0000 | Hearing Date | - | 00/00/00 |
| 0000 | Verified Date | - | 01/28/11 |
| 0000 | Receipt Number | - | |
| 0000 | Appl Received | - | 00/00/00 |
| 0000 | Presumption Flag | - | |

NUV 01 1994