

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: **A72-04174A**
Date Received: 7/ 2/1990
Receipt No: X777777
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHRISTOPHER W. JAMES TRUST 208-879-2729
Address: C/O CHRISTOPHER JAMES TRUSTEE
P.O BOX 1190
CHALLIS ID 83226

2. Date of Priority: MAY 1, 1876

3. Source: DAUGHTERY SPRING Trib. to: GARDEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	18E	3	NE	SW			CUSTER
			NW	SE		R	CUSTER

5. Description of diverting works:
ORIGINALLY A DITCH; NOW A PIPE IN A MINE TUNNEL TO THE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		
STOCKWATER	04/01	11/01	0.010		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/UNSPECIFIED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
13N	18E	2	NW	NW		IRR	6.0

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NOV 01 1994

10. Place of Use: Continued

Section Acres 6.0

Total Acres 6.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

A72-00106B, 00109C, 10486

14. Remarks:

OWNERSHIP CHANGE 5/24/91 BY AA.

CLAIM SPLIT ON A 3/15 12/15 RATIO. BASED UPON DISCUSSION WITH
CHRISTOPHER JAMES ON 8-15-94 KKC

15. Basis of Claim: BENEFICIAL USE

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NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JUN 09 1994

DATE OF CLOSING: 5/31/94

Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township 13 North Range 18 East Section 2, 1/4 of 1/4 of 1/4 of 63 Lot 2 & 3, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
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: A72-04174
A72,00109C, A72-10486, A72-16274
- [] Name and Address of Former Owner/Claimant(s)(Seller): Christopher W. JAMES Trust UDT 2/9/79
Christopher W. JAMES & DEBRA E JAMES, co trustees
Box 1190, Challis, ID 83226
- [] New Owner/Claimant (Purchaser): FirstFruits Foundation UDT 9/29/86
- [] New Mailing Address: PO Box 1190
Challis, ID 83226
- [] New Telephone Number: (208) 879-2729
- [] 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:
A72-00109C transfer .30, retain balance
A72-10486 transfer .20, retain .30
A72-16274 transfer att. [initials] adjudicated according to
unigated place of use as discussed 8/15/94 [initials]
- [] Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s): Christopher W. James, co tt. Date 6/8/94
Debra E. James, co tt. Date 6/8/94
- [] Signature of Former Owner/Claimant(s): Christopher W. James, co tt. Date 6/8/94
Debra E. James, co tt. Date 6/8/94
- (Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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

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NOV 01 1994



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 15, 1998

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

**CHRISTOPHER JAMES
PO BOX 1190
CHALLIS ID 83226**

**RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS HELD BY
CHRISTOPHER JAMES TRUST AND FIRSTFRUITS FOUNDATION**

Dear Christopher

I have enclosed two transfer forms with attachments for your use. If you have any questions concerning those forms please contact this office and ask for an allocations agent. I have also enclosed GIS layouts of your property showing the current recommendations. You can use that map to identify the areas being dried up and the new place of use.

I have also enclosed a change of ownership form and a profile report for the 'Dewey' claim. If you have any questions concerning this claim please contact me. A layout is also included for this property as you indicated that it was probably to be included in the transfer process.

Good luck in the paper trail concerning your developments on your property.

Sincerely

Kelly K Christensen
Senior Water Resource Agent
Enclosures

Water Right Number - R72-04174A

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

JAMES TRUST

CHRISTOPHER W

1 - CHRISTOPHER JAMES TRUSTEE

2 - PO BOX 1190

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-2729

VERIFIED BY KKC
11-9-98

*** O - ORIGINAL OWNER ***

US DEPT OF AGRICULTURE

1 - FARMERS HOME ADMINISTRATION

2 - % ROGER HILL

3 - PO BOX 1189

City- SALMON

State- ID Zip- 83467

Phone - 208-756-4417

*** R - REPRESENTATIVE ***

COMPTON

BOB

1 - HC BOX 1175

2 -

3 -

City- BOISE

State- ID Zip- 83706

Phone - 208-343-4321

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - -
05/20/1914 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - + + - - - - - Tributary - - - - -
UNNAMED STREAM GARDEN CREEK
GROUNDWATER UNNAMED STREAM

Point of Diversion							
Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name
13N	18E	3	NW NE SW	207		(37) CUSTER	
			SE NW SE			(37) CUSTER	
			NW NE SW	206	I	(37) CUSTER	
			SE NW SE		R	(37) CUSTER	

Water Use					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15	0.100	
04 - STOCKWATER		04/15	10/15	0.010	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage -
0.100 0.0

Place of Use								
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	18E	2	NW NW	4	3.0	01	IRRIGATION	(37) CUSTER
13N	18E	2	SW NW		1.0	01	IRRIGATION	(37) CUSTER
13N	18E	2	NW NW			04	STOCKWATER	(37) CUSTER
13N	18E	2	SW NW			04	STOCKWATER	(37) CUSTER

Total Acres: 4.0 343

Water right number - R72-04174A

Prefix Translation: RESEARCH

+ - - Diversion Means - PIPELINE FROM MINE PORTAL AND DITCH FROM UNNAMED STREAM

+ - - Non-Irrigation Use - STOCKWATER, 40 HEAD RANGE CATTLE AND 6 HORSES.

+ - - Other Rights for Same Use - NONE

+ - - - - - Remarks - - - - -

EXP RIGHT NO. 72-04174B IS ALSO DIVERTED THROUGH THE POINTS OF
DIVERSION DESCRIBED ABOVE.

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

+ - - - - - Conditions of Approval - - - - -
N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
- SHALL NOT EXCEED 13,000 GALLONS PER DAY.
N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
- STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
- USE.

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

+ - - Audit Fields - 08/19/94 KCHRISTE 08/24/94 KCHRISTE 03/30/95 POST-STD 11/22/96 KCHRISTE 10/28/98 KCHRISTE

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

Date: 01/31/1994 User Id: CHRISTEN Subject: COPIED FROM REMARKS
OWNERSHIP CHANGE 5/24/91 BY AA.

Date: 08/19/1994 User Id: KCHRISTE Subject: BASIS OF SPLIT
THE CLAIM WAS SPLIT WITH THE A PORTION RECEIVING 3/15ths OF THE ORIGINAL DIVERSION RATE AND THE B PORTION RECEIVING 12/15ths OF
THE ORIGINAL DIVERSION RATE. THIS RATIO WAS BASED UPON A CONVERSATION WITH CHRISTOPHER JAMES ON 8-15-1994. KKC

Date: 11/22/1996 User Id: KCHRISTE Subject: ADDITION OF PERSONAL REPRESENTATIVE
I ADDED THE REP. BASED UPON THE 11-19-1996 LETTER FROM CHRISTOPHER JAMES.

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

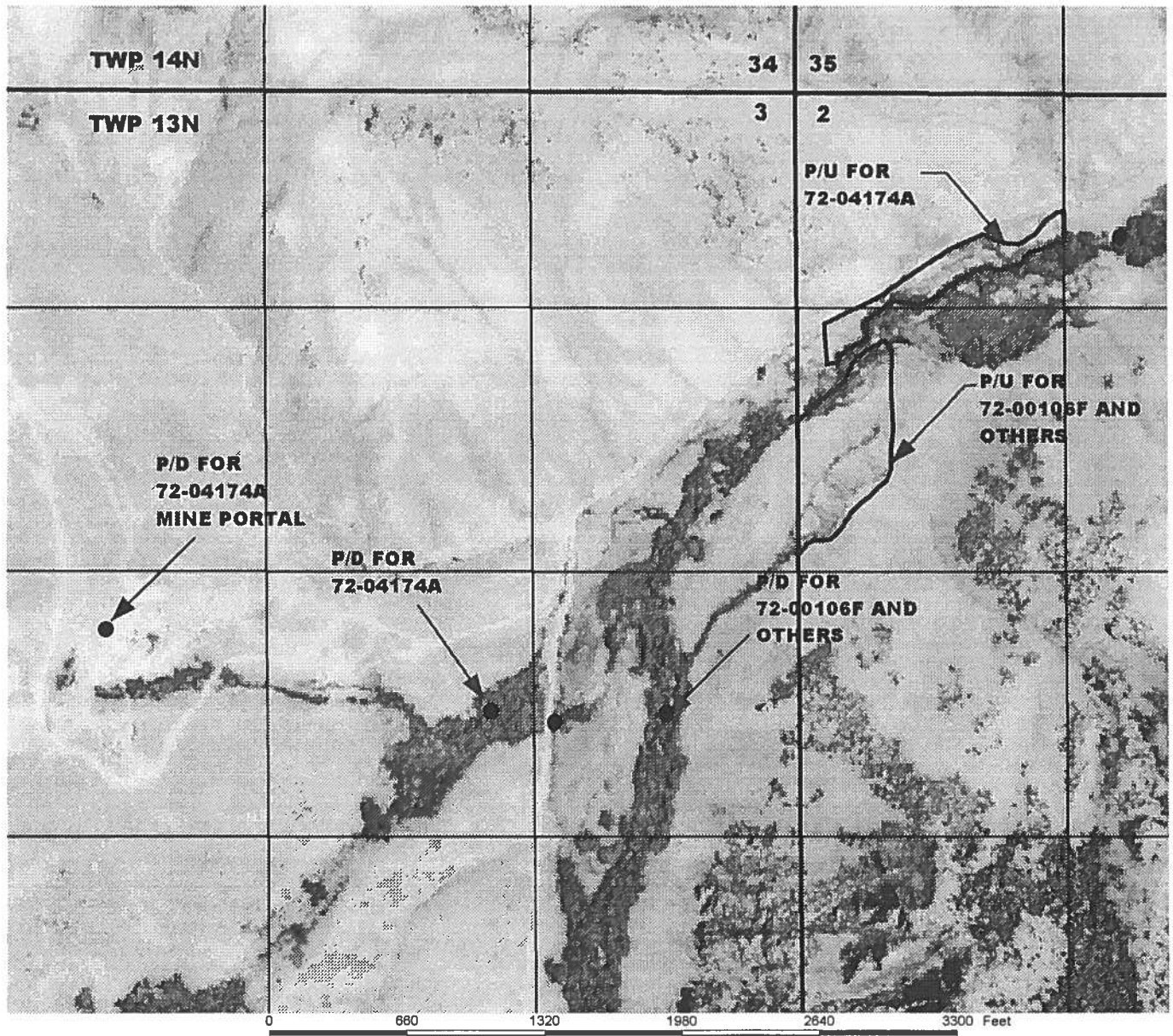
Court Report Filing	- 00/00/0000	Field Inspection Made	- 06/15/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 07/02/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 728
Licensed Date	- 00/00/0000	Receipt Number	- X777777	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-

72-00106F, 72-00109F, & 72-10486A

SOURCE = GARDEN CREEK

72-04174A

SOURCE = UNNAMED STREAM - GROUNDWATER



RECOMMENDED PLACE OF USE
TWP 13N RNG 18E, SEC 2
data entry on October 28, 1998



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

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

CLAIM NUMBER 72-04174A DATE 10-28-98 TRANSFER NUMBER _____
 AGENT KKC CLAIMED ACRE TOTAL 6
 GIS ACRE TOTAL 4

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	<u>13N</u>	<u>18E</u>	<u>2</u>						<u>6</u>										
GIS									<u>3</u>	<u>1</u>									<u>4</u>
RECOM									<u>3</u>	<u>1</u>									<u>4</u>
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

3

B72-DBPOD.SHP

NOS. DESCRIPTION

206 Sec 2

SE N W SE unnamed
Stream

207 Sec 2

N W N E SW (mine pit)

P/interjection Sec 2 N W N E SW

DBF TABLES UPDATED P/Rein Sec 2 SE N W SE.

B72-DBPOU.DBF

B72-DBPOD.DBF

JPEG LAYOUT

Claimed Soils Meas
.10 cfs 154 cfs .44 inst at cap
.01 stick .55 cfs est capacity
lit. 10 cfs

Recom Claimed rate
10 cfs

Rec
72-04174A 10
04174B .40

no comb limit .50
Reg.

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-04174A

DATE: 10-29, 1998

REVIEWED BY KKC

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62
BB1	.09	.09			6.09	6.17
BC1	.16	.17			5.82	5.46
BK1	.07	.06			10.62	11.86
BT1	.18	.16			3.99	4.19
BT2	.41	.32			2.34	2.87
CB1	.06	.06			11.55	13.47
CHA	.21	.21			4.52	4.76
CP1	.36	.36			2.61	2.78
DAF	.18	.15			5.33	7.27
DB1	.13	.11			5.66	6.65
DBB	.13	.11			5.71	6.69
DBC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DRF	.18	.19			9.08	9.68
DT2	.05	.04			12.46	16.50
DWA	.14	.14			4.79	5.01
G01	.10	.12			12.47	10.51
KEG	.08	.07			8.73	10.06
MBF	.15	.12			7.65	5.81
MUG	.15	.14			4.54	4.98
NDL	.13	.12			5.30	6.06

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
PD2	.11	.12			5.15	4.74
Q	.26	.21			13.2	10.4
RE2	.29	.21			3.15	4.74
RP1	.19	.21			4.89	4.57
SH1	.06	.05			9.37	12.10
SOC	.08	.07			7.38	8.08
SSA	.15	.14			4.79	5.01
SXF	.12	.11			6.14	6.80
TC1	.06	.06			9.82	9.55
TD1	.04	.03			12.46	16.50
WB2	.13	.13			5.37	5.43
WAA	.19	.16			3.81	4.23
WBB	.17	.14			3.36	3.84
WC1	.07	.06			11.24	13.45
WPT	.19	.15			3.16	3.69
WV1	.07	.06			11.24	13.45
XHS						
YN1	.18	.14			5.38	6.92

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

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

SOIL TYPE	OPTIMAL ROTATION / (chart)	ACTUAL ROTATION / (field)	ACRES PER SOIL TYPE (field)	RATE PER ACRE (chart)	TOTAL DIVERSION RATE
CP1	2.61	7	4	.36	154 CFS
					CFS
					CFS
					CFS

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

November 19, 1996

RECEIVED

NOV 21 1996

Department of Water Resources
Southern Region

Kelly Christensen
Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83226

Re: Firstfruits Foundation Water Right R72-04174B &
Christopher James Trust Water Right R-72 - 04174A
Known as the Dougherty Springs Water Right.

Dear Kelly:

The reason I am writing is to let you know that I am giving authority to Dr. Bob Compton to investigate the requirements to convert the Dougherty Spring water rights into commercial use for both the Christopher W. James Trust & Firstfruits Foundation. This letter empowers Bob Compton to act for both trusts.

Bob has been a good friend for 5 1/2 years and has been an advisor for Firstfruits Foundation for 1 1/2 years.

In the near future expect Bob to call for some help. I believe you will find him bright and especially a delight to work with.

And for my record could you please send me copies of the water rights for the Christopher W. James Trust & Firstfruits Foundation. You'd better send copies to Bob, too. Thank You.

Yours Sincerely,



Christopher W. James, Trustee of
Christopher W. James Trust
Firstfruits Foundation

cc: Dr. Bob Compton
H.C. 33, Box 1175
Boise, ID 83706
Phone: 208-343-4321
FAX: 208-331-2610



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 22, 1996

CHRISTOPHER JAMES
PO BOX 1190
CHALLIS ID 83226

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A72-04174A AND A72-04174B

Dear Christopher

I have enclosed profile reports for the two claims that you requested. The reports reflect information from my field verification of your system.

Although your letter is sufficient to identify Dr. Bob Compton as a personal representative with limited power to act on your behalf, it appears that you intend for Bob to handle and sign the necessary documents required to change the nature of use of the Daughtery Spring water rights. I have enclosed a POWER OF ATTORNEY form that grants him that authority. If you do intend for Bob to have the authority to complete and sign documents for you, please complete the POWER OF ATTORNEY form and return it to this office. The POWER OF ATTORNEY is not necessary for initial conversations concerning the requirements to meet your needs.

I am willing to assist in whatever way is necessary, however, Bob may want to visit IDWR in Boise to personally discuss generalities concerning water right changes. He could receive assistance from either the Western Region office at 2735 Airport Way (334-2190) or the State office at 1301 N Orchard St (327-7900).

I have also mailed this information to Bob.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET
TWIN FALLS ID 83301
(208) 736-3033

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

November 22, 1996

DR. BOB COMPTON
HC 33 BOX 1175
BOISE ID 83706

RE: SNAKE RIVER BASIN ADJUDICATION CLAIMS A72-04174A AND A72-04174B

Dear Bob

I have enclosed profile reports for the two claims that Christopher requested. The reports reflect information from my field verification of his system.

I am willing to assist in whatever way is necessary, however, you may want to visit IDWR in Boise to personally discuss generalities concerning water right changes. You can receive assistance from either the Western Region office at 2735 Airport Way (334-2190) or the State office at 1301 N Orchard St (327-7900).

I have also mailed this information to Christopher James.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

Enclosures

R PROOF

CVR

MAPS

PHOTOS

MISC

Water Right Number - R72-04174A

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
JAMES TRUST

CHRISTOPHER M.

1 - CHRISTOPHER JAMES TRUSTEE
2 - PO BOX 1190
3 -
City- CHALLIS
Phone - 208-879-2729

VERIFIED BY *AKC*

*** O - ORIGINAL OWNER ***
U.S. DEPT. OF AGRICULTURE

MC GARY

LAWRENCE

1 - FARMERS HOME ADMINISTRATION
2 - % ROGER HILL
3 - P.O. BOX 1189
City- SALMON
Phone - 208-756-4417
1 -
2 -
3 -
City- KETCHUM
Phone - 208-000-0000
State- ID Zip- 83340

Priority Date - - -
05/20/1914

Region - - -
17 SOUTHERN

Stage - - -
J - BENEFICIAL USE

Status - - -

Source - - -
UNNAMED STREAM
GROUNDWATER

Tributary - - -
GARDEN CREEK
UNNAMED STREAM

Diversion	Diversion Rate	Diversion Volume	Water Use	Period From	Period To	Place of Use	Description	County
13N	18E	3	NW NE SW SE NW SE NW NE SW SE NW SE	(37) (37) (37) (37)	CUSTER CUSTER CUSTER CUSTER	1 R		

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	10/15	0.100		
04 - STOCKWATER		04/15	10/15	0.010		

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.100 7.5

Diversion	Diversion Rate	Diversion Volume	Water Use	Period From	Period To	Place of Use	Description	County
13N	18E	2	NW NW SW NW	4	2.0 1.0	01 01	IRRIGATION IRRIGATION	(37) (37)

Total Acres: 3.0

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Prof. Dr. Translation: DECEADPH

+ - - Other Rights for Same Use - NONE

[illegible]

	Decree Plaintiff	Decree Defendant	Decree Date
+	- - - +	+ - - - +	- +

08/24/94 KCHRISTE

[illegible]

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NOV 01 1994

Both Sources

Deeded To
First Feasts Foundation

Portion
OVERLAP

RETAINED BY
CHRISTOPHER JAMES

P/U FOR
A72-04174
UNNAMED STREAM
IS SOURCE

11A FROM
UNNAMED
CREEK

8A

FROM GARDEN CREEK
COMPLETS OVERLAP
WITH UNNAMED
STREAM

MICROFILMED

NOV 01 1984

5834

SPLIT RIGHT ANALYSIS & RECOMMENDATIONS

A72-04174

.50 CFS for 15 Acres
.02 CFS for Stock

POOR ORIGINAL

A72-04174A

CHRISTOPHER JAMES (OWNER)

Recommended P/u

13N

18E

Sec 2

NUWUS 2A

with 9A claims

total 3A.

Proportional Div. Rate

$$\frac{3}{15} \times .50 \text{ CFS} = \underline{.10 \text{ CFS}}$$

livestock use split 50/50

$$.02 \times .5 = \underline{.01 \text{ CFS}}$$

Required Remarks:

F05; 72-04174B is also directed through P/D decided above

A72-04174B
FIRST FRUITS FOUNDATIONS

Recommended P/u

13N

18E

Sec 2

NUWUS 1A

with 9A claims

Proportional Div. Rate.

$$\frac{12}{15} \times .50 \text{ CFS} = \underline{.40 \text{ CFS}}$$

livestock use split 50/50

$$.02 \times .5 = \underline{.01 \text{ CFS}}$$

REQUIRED REMARKS:

F05; 72-04174A is also directed through P/D decided above.

E12; modified to identify 16 Acres & 40 AF area. use limit with rights 72-001065, 72-001095 & 72-001086B

NE NW 1/4 Sec 2
with 8 Acres
of 5A claims

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Fill notes
8-15-94
KKC

@ Christopher Jamous house.

Discussed how the split was based.
the Trust was gifted Tot 2.3 of Sec 2
the initial estimate was based upon owned
acres not irrigated acres. Actual split of
the irrigated ground is split:

Gifted P/4	Retained P/4
2 A	4
9 A	0
6.5 A	$\frac{1}{2}$
17.5 A in P/4	9
	13 $\frac{1}{2}$ in P/4

POOR ORIGINAL

MICROFILMED
NOV 01 1994

LAST: U.S. DEPT. OF AGRICULTURE
ADDRESS: FARMERS HOME ADMINISTRATION
% ROGER HILL
P.O. BOX 1129
CITY: SALMON
PHONE NUMBER: 208-756-4417

FIRST:

STATE: ID ZIP: 83467

OWNER CODE: 0

LAST: JAMES TRUST
ADDRESS: C/O CHRISTOPHER JAMES TRUSTEE
P.O. BOX 1190
CITY: CHALLIS
PHONE NUMBER: 208-879-2729

FIRST: CHRISTOPHER W.

STATE: ID ZIP: 83226

OWNER CODE: 0

LAST: STARK RANCH
ADDRESS: KENNETH STARK
P.O. BOX 249
CITY: CHALLIS
PHONE NUMBER: 208-000-0000

FIRST:

STATE: ID ZIP: 83226

OWNER CODE: 0

LAST: MC GARY
ADDRESS: KETCHUM
PHONE NUMBER: 208-000-0000

FIRST: LAWRENCE

STATE: ID ZIP: 83240

OWNER CODE: 0

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: OWNERSHIP CHANGE 5/24/91 BY AA.

DATABASE FIELD
Y EXAMINER

MICROFILMED
NOV 01 1994

A. AI CLAIM: # 472-04174 PRIORITY DATE: 05-01-1976 STAGE: S
B. MR RECORD: # 72-04174 PRIORITY DATE: 05-01-1976 STAGE: S

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? Y () N ()
IF YES EXPLAIN:

REMARKS: Affidavits indicate that the war apparently occurred prior to the
deceit, but was not included in the deceit therefore it recognizes the claim's
priority date as commencing 1 day after the deceit date.
See also additional analysis sheets.

RECOMMENDED PRIORITY DATE:

~~05-01-1976~~

5-20-1914

REVIEWED BY

KKC

DATE

1-28-94

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NOV 01 1984

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
					NE	SW		CUSTER
					NW	SE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
 A PREFIX R PREFIX
 472-11733 NONE
 72-07477
 WR RECORDS IN SAME 40 ACRE TRACT

SOURCE: DAUGHTERY SPRING
 TRIB: GARDEN CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
					NE	SW		CUSTER
					NW	SE		CUSTER

OTHER WR RECORDS WITH SAME WR POD
 72-07477
 AJ CLAIMS IN SAME 40 ACRE TRACT
 A PREFIX R PREFIX
 472-11733 NONE

SOURCE: DAUGHTERY SPRING
 TRIB: GARDEN CREEK

C. FIELD EXAM REQUIRED?

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

REMARKS:
 found a transfer to change source. One P/D is included in injection
 point and re diversion at the original P/D (still recommended as P/D).
 the original P/D still directs water originating from Daugherty Spring and other
 deep areas along the unnamed stream channel.
 see How additional analysis sheets.

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

SOURCE: DAUGHTERY SPRINGS

TRIP: GARDEN CREEK

REVIEWED BY:

KKC

DATE:

1-31-94

P/Ds Recommended

13N 18E SEC 3 SE NWSE (from unnamed stream)

13N 18E SEC 3 NW NE SW (mine portal)

13N 18E SEC 3 NW NE SW (Point of injection)

13N 18E SEC 3 SE NW SE (POINT OF REDIVERSION)

(same FORD's system as first entry ABOVE)

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MAY 01 1994

A. ROOT WATER RIGHT NUMBERS:

A72-10120
A72-10222

A72-10235

A72-04174

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	18E	2	NW	NE		JAMES TRUST ; CHRISTOPHER W.	A72-04174 / 4.0	72-04174 / 4.0		1	1
			NW	NE		JAMES TRUST ; CHRISTOPHER W.	A72-00106B / 4.0	-			
			NW	NE		JAMES TRUST ; CHRISTOPHER W.	A72-00109C / 4.0	-			
			NW	NE		JAMES TRUST ; CHRISTOPHER W.	A72-10486 / 4.0	72-00109 /			
			NW	NE		KLUG ; WILLIAM		72-00109 /			
			NW	NE		SPECHT ; W. C.		72-02144 / 5.0			
13N	18E	2	NE	NW		JAMES TRUST ; CHRISTOPHER W.	A72-04174 / 14.0	72-04174 / 14.0		11	11
			NE	NW		JAMES TRUST ; CHRISTOPHER W.	A72-00106B / 14.0	-			
			NE	NW		JAMES TRUST ; CHRISTOPHER W.	A72-00109C / 14.0	-			
			NE	NW		JAMES TRUST ; CHRISTOPHER W.	A72-10486 / 14.0	72-00109 /			
			NE	NW		KLUG ; WILLIAM		72-00109 /			
			NE	NW		SPECHT ; W. C.		72-02144 / 30.0			
13N	18E	2	NW	NW		JAMES TRUST ; CHRISTOPHER W.	A72-04174 / 6.0	72-04174 / 6.0		2	2
			NW	NW		JAMES TRUST ; CHRISTOPHER W.	A72-00106B / 6.0	-			
			NW	NW		JAMES TRUST ; CHRISTOPHER W.	A72-00109C / 6.0	-			
			NW	NW		JAMES TRUST ; CHRISTOPHER W.	A72-10486 / 6.0	72-00105 /			
			NW	NW		KISER ; NICK Z.		72-00105 /			
			NW	NW		SPECHT ; W. C.		72-02144 / 10.0			
TOTAL ACRES						A72-04174	24.00	24.00			

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, IF YES SEE ATTACHED SHEET.

(X)

(N)

SWW

1

1

FIELD EXAM REQUIRED?

Y

FIELD EXAMINER

POU COUNTY: CUSTER

DUE TO POU DISCREPANCY? (Y/N)

Y

15 15

PRESUMPTION FLAG:

REMARKS:

The system is the unnamed stream/can source irrigating 6 Acres independently and overlapping 9 Acres irrigated under the Garden Creek right. The Garden Creek right also irrigate acres independent of this system (16 Acres south of Garden Creek)

Total irrigated acres independent of All sources is 31 Acres.

RECOMMENDATIONS:

TOTAL ACRES:

15

REVIEWED BY:

KRC

DATE:

1-30-94

Combined use is limited to 31 Acres

corn. use limit = $31 \times 2.5 = 77.5 \text{ AFA}$

Modify E12 to delete reference to div 12 etc.

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A. AS CLAIMED USES:

PURPOSES
472-04174 IRRIGATION
472-04174 STOCKWATER

FROM 04-01 TO 11-01
FROM 04-01 TO 11-01

DIVERSION QUANTITY
500 CFS
500 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

500 CFS

B. WR RECORDED USES:

PURPOSES
72-04174 IRRIGATION
72-04174 STOCKWATER

FROM 04-01 TO 11-01
FROM 04-01 TO 11-01

DIVERSION QUANTITY
500 CFS
500 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

DATEBASE FIELD EXAMINER
N N N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y () N (X)

RECOMMEND TO WR STANDARDS OR OTHER?

Y (X) N ()

Explain in remarks, below.

PREMISE:

Recommended div rate is sup. capacity. theoretical legal limit based upon this source. Period of the 15 hours (independent of GCS overlap). State an explicit requirement of 2.0 CFS. Recommended rate reflects theoretical and current div capacity (see also Attached narratives).

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE:
WR FOOT RIGHT TOTAL DIVERSION RATE:

0.500 CFS
0.500 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, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
DATABASE EXAMINER
Y

MEASUREMENT METHOD

FLOW MEASUREMENT

Measured. 44 CFS partial capacity estimated capacity @ .55 CFS

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

OTHER RIGHTS LISTED IN CLAIM: A72-00106B, 00109C, 10486

LIST ALL RIGHTS WITH A SAME FOU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV.	RATE	RATE/ACRE	DIV.	VOL.	VOL./ACRE
A72-04174	DAUGHTERY SPRING	JAMES TRUST ; CHRISTOPHER W.	0.500	0.020				
A72-00106B	GARDEN CREEK	JAMES TRUST ; CHRISTOPHER W.	0.680	0.013				
A72-00109C	GARDEN CREEK	JAMES TRUST ; CHRISTOPHER W.	0.880	0.017				
A72-10486	GARDEN CREEK	JAMES TRUST ; CHRISTOPHER W.	0.500	0.009				

NO RIGHTS WITH SAME FOU BUT NOT USED FOR IRRIGATION

overlapping rights

*00106 B
00109 C
10486*

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MAR 01 1994

U.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES ----- X 0.02 CFS/ACRE = CFS
(Taken from p/u review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 60.0 AE/A

ACRES ----- X CONSUMPTIVE VOL. AE/A FOR AREA ----- =

TOTAL CONSUMPTIVE USE ----- AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES ----- X DIVERSION VOL. AE/A FOR AREA ----- =

TOTAL DIVERSION VOLUME ----- AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

*comb. for
per pg 1
for remarks code*

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CFS

REC. DIV
VOL. AF/A

REC. CONS.
USE

IRRIGATION
STOCKWATER

~~04-01~~
~~04-01~~
4-15

~~11-01~~
~~11-01~~
10-15

DATABASE
0.500
0.020
EXAMINER
50
02

DATABASE
EXAMINER
/

DATABASE
60.0
EXAMINER
/

TOTAL FOR THIS RIGHT

0.500

REVIEWED BY:

KAC

DATE:

1-21-94

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MAY 01 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
CORP/ET/ABANDON
ADDITIONAL DIV. AMOUNT

ACCEPTED
AS CLAIMED
NEEDS
REVIEW

()
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04174

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
89.730

N/A

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A72-00239	A72-10120	9.600	-	-	72-00239	12.930
A72-00240	A72-10120	9.600	-	-	72-00240	5.200
A72-04178	A72-10120	9.600	-	-	72-04178	30.000
A72-00236	A72-10222	1.600	-	-	72-00236	0.300
A72-04176	A72-10222	1.600	-	-	72-04176	1.300
A72-00243	A72-10235	10.000	-	-	72-00243	6.000
A72-00241	A72-10235	10.000	-	-	72-00241	4.000
A72-04178	A72-10235	10.000	-	-	72-04178	30.000
A72-04178	A72-04174	0.500	-	-	72-04174	0.500
TOTAL CFS		62.500				89.730

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE:

Wiley T. Christensen

DATE:

1-31-94

NAME OF FIELD EXAMINER:

TITLE:

SI Waste Resource Agent.

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"01 01 1994"

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			6-15-93 RKC	Y	1,2,4,5,6	RKC 1-28-94		
POINT OF TIV	Y		"	Y	"	RKC 1-31-94		
SOURCE			"	Y	"	"		
PLACE OF USE	Y		"	Y	"	"		
DIV. AMOUNT CES/VOLUME			"	N	"	"		
CONSUMPTIVE USE	-		"	Y	"	"		
PURPOSES			"	N	"	"		
PERIOD OF USE			"	Y	"	"		
BASIS OF CLAIM	Y		"	Y	6	"		
REMARKS	Y		"	Y	"	"		

VERIFIED BY CODES

TOPO MAP/ORTHO-PG = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 MAPS 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.

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A72-00106B A72-00109D
 CLAIM A72-10486 & A72-04174
 INIT KKC
 T. R. S. Q/Q enlarged
 P/D (multiple) 200%
 PHOTO ID. BLM-5-78-21 7-1-88
 FLIGHT

POOR ORIGINAL

3

MINE PORTAL

P/D #4

12" PVC PIPELINE
(BURIED)

POINT
OF INTERSECTION
DAUGHTERY

SPRING
JUST OFF
MAP

P/D1

P/D2

P/D3

6 ACRES

P/D FRED DAMESTER
CLAIM A72-16274

P/D #1 SEC 3 SE NW SE
 P/D #2 SEC 3 SE NE SE
 P/D #3 SEC 2 SW NE NW LT3
 P/D #4 SEC 3 NW NE SW
 POINT OF INTERSECTION SEC 3 NW NE SW
 POINT OF REDIVERSION SEC 3 SE NE SE
 (SAME POINT AS P/D #1)

SCALE: 1" = 1333'

$$CA = \frac{(1333)^2 \cdot .009699}{43,560} = .3956$$

orig in A72-00106B

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NOV 01 1994

POOR ORIGINAL

BAYHORSE 011

10440

7.5 MINUTE SERIES

CLAIM A72-00109D INIT KKC

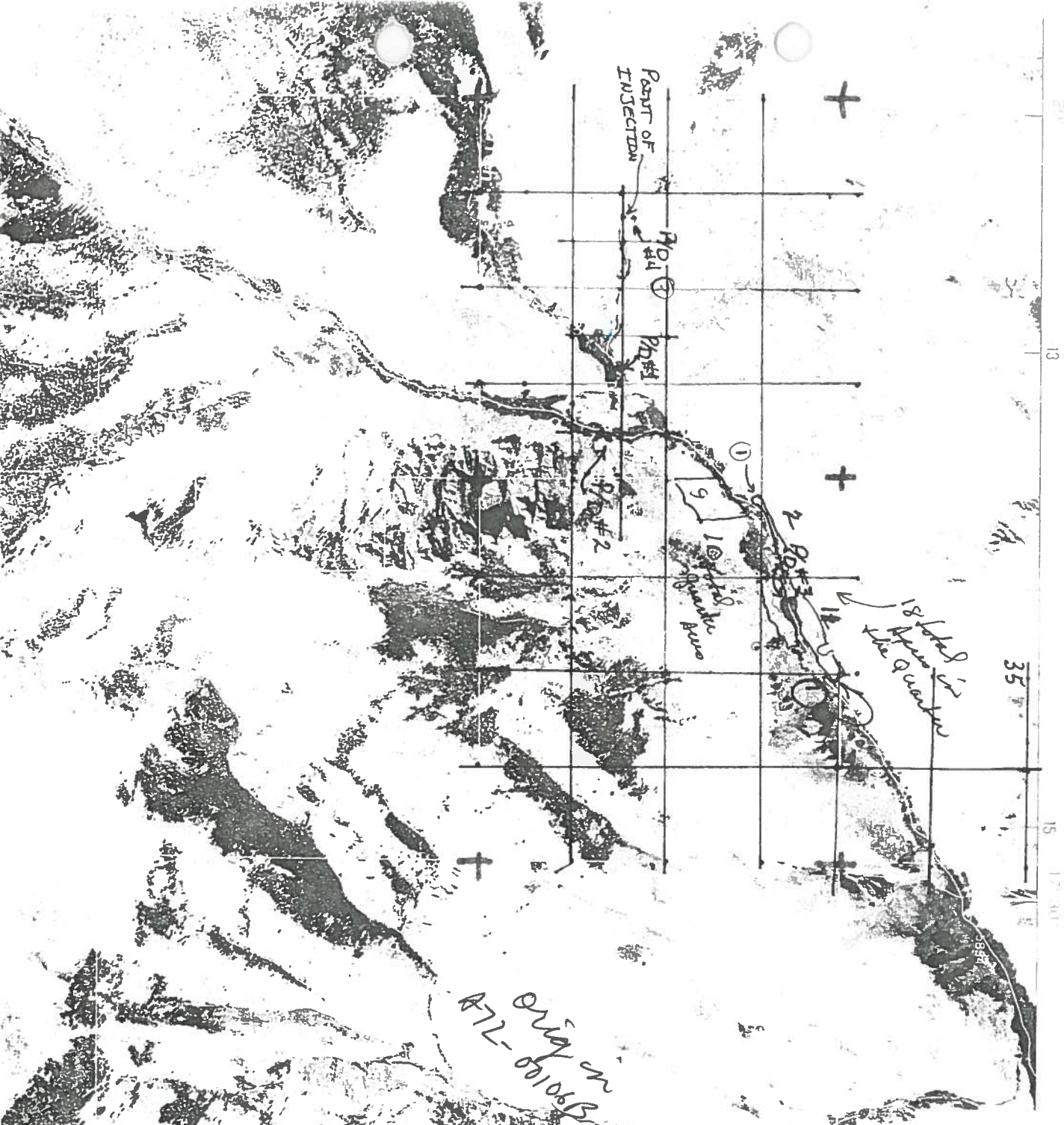
T. R. S. Q/Q

P/D 13N 18E

PHOTO 4-24

DT. FID. 1974 10/11

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NOV 01 1994



CLAIM # A72-04174
DATE PHOTOS TAKEN; 6-15-93
PICTURE SET # 2

POOF ORIGINAL

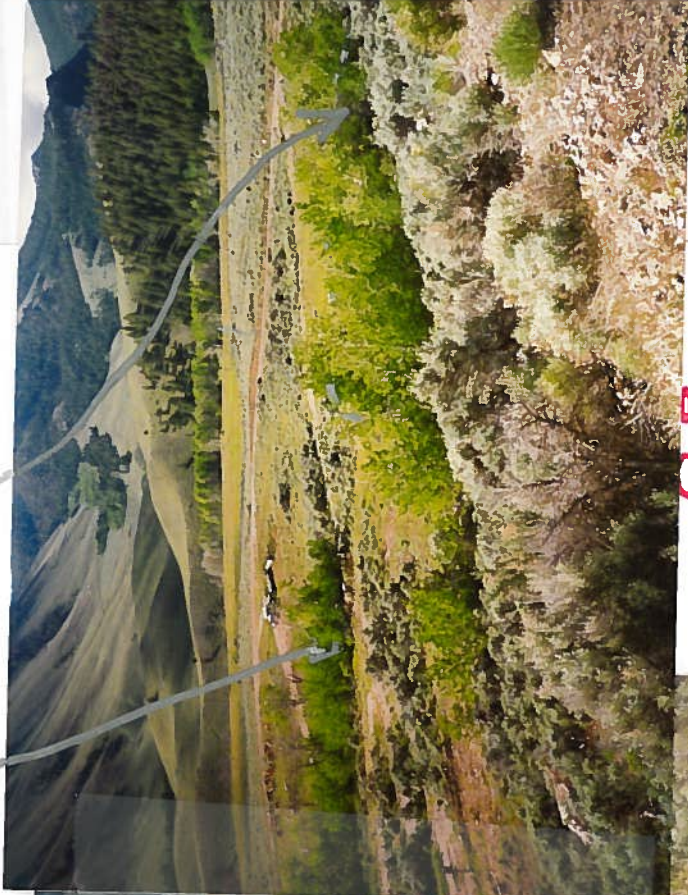
This picture set was taken west of the mine portal and Daughtery Spring and is looking east on the left to southeast on the right.

MILLING & DOMESTIC LOCATION
FOR ADJ CLAIM A72-11733.

MINE PORTAL
DIVERSION & REDIVERSION

MINE PORTAL
INJECTION POINT

DAUGHTERY
SPRING



MICRO
NOV 9

CLAIM # A72-04174
DATE PHOTOS TAKEN; 6-15-93
PICTURE SET # 1

POOR ORIGINAL

This photo was taken to show the physical relationship between the mine portal and Daughtery Spring. The mine portal has collapsed but the groundwater from the mine is carried out of the mine through a 12" pvc pipe which eventually carries the water to the same natural drainage that carries the Daughtery Spring water. Two vertical culverts have been installed in the discharge line that runs from the mine portal to the natural drainage. These were installed to allow pumping of the mine discharge water for mining and/or domestic uses.

END OF MINE PORTAL
PIPELINE

VERTICAL CULVERT
RISER NO. 2

DAUGHTERY SPRING

VERTICAL CULVERT
RISER NO. 1

MINE PORTAL
(COLLAPSED)



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NOV 01 1993

CLAIM # A72-04174
DATE PHOTO TAKEN; 6-15-93
PICTURE SET # 3

This photo shows the measurement point for the mine portal discharge.
This is also the point of injection. You are looking north toward the
mine portal.

MINE PORTAL



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CLAIM # A72-04174
DATE PHOTO TAKEN; 7-27-93
PICTURE # 1

This shows the measurement location for the Daughtery Spring diversion claim. The grass was removed from the channel on either side of the measurement location.

POOR ORIGINAL



PICTURE # 2

This picture is looking east and locates the measurement point physically. Note the powerline running over this point and the field beyond. The field is the P/U for A72-00106A, the Levinson property.

GARDEN CREEK



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POOR ORIGINAL

CLAIM # A72-04174

DATE PHOTOS TAKEN; 6-15-93

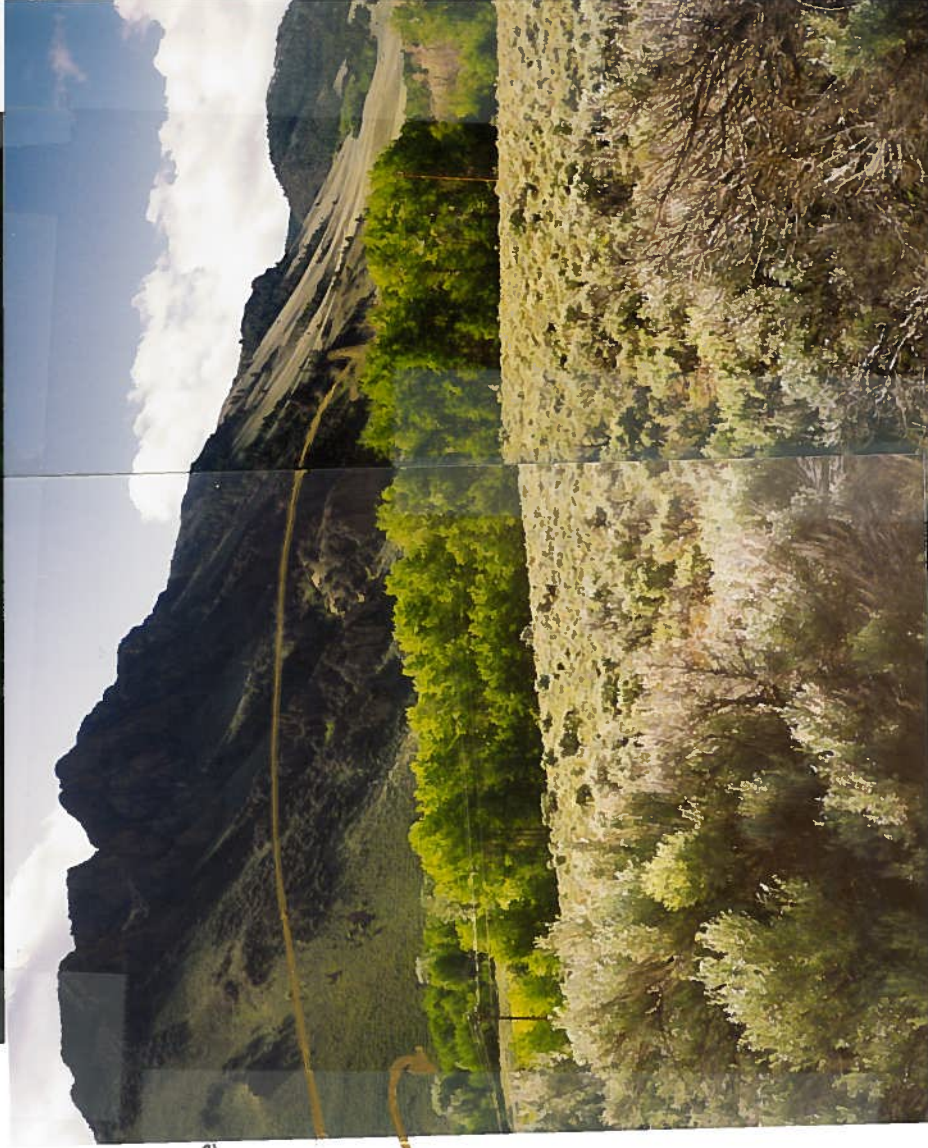
PICTURE # 1

This picture covers the point of diversion from the unnamed stream approximately 1700 feet below Daughtery Spring. The ditch is in the foreground and the stream flows from right to left in this photo. This photo is looking southwest.



PICTURE # 2

This picture set is looking south and was taken from the Mill Creek road and shows the general area of the above diversion point.



POINT OF DIVERSION

GARDEN CREEK

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POOR ORIGINAL

3
Picture Set #1
6-15-93

Picture #1 & 2
7-27-93

Picture #2
6-15-93

Picture Set #3
6-15-93

Picture Set #2
6-15-93

Picture #1
6-15-93

Picture #1
2-3-93

Picture Set #1
2-7-93

Photo location

A72-00106B 04174
CLAIM 00109C 10486 INIT KKC
T. R. S. Q/Q Enlarged
7-1-88 Flight 200%
PHOTO ID. BLM 5-78-221

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NOV 6 1996

POOR ORIGINAL

Excess Flow analysis Summary

orig in
A72-00106B

For P/U under A72-00106B, A72-00109C, & A72-10486

CPI SOIL	7 ACRES	.96
CPI SOIL	9 ACRES	1.23
DMF SOIL	4 ACRES	.54
DBB SOIL	<u>5 ACRES</u>	<u>.49</u>
	25	3.22

Recommended Div rate	Claimed and recommended rate is less than calculated via excess flow calculations.
A72-00106B	0.88 CFS
A72-00109C	0.88 CFS
A72-10486	<u>.50 CFS</u>
	2.26 CFS

recommended at $2.26 \text{ CFS} / 25 \text{ ACRES} = 0.0904 = \underline{4.52 \text{ INCHES/A}}$

For P/U under A72-04174 (9 acres covered by this claim are also irrigated from Garden Creek)

CPI soil 15 Acres 2.03 CFS

Recommended diversion rate

measured 0.44 but ditch not at capacity estimated at 80% of capacity.

$\therefore$ system capacity is $X \cdot 80 = .44 \text{ CFS}$

$X = \underline{\underline{.55 \text{ CFS}}}$

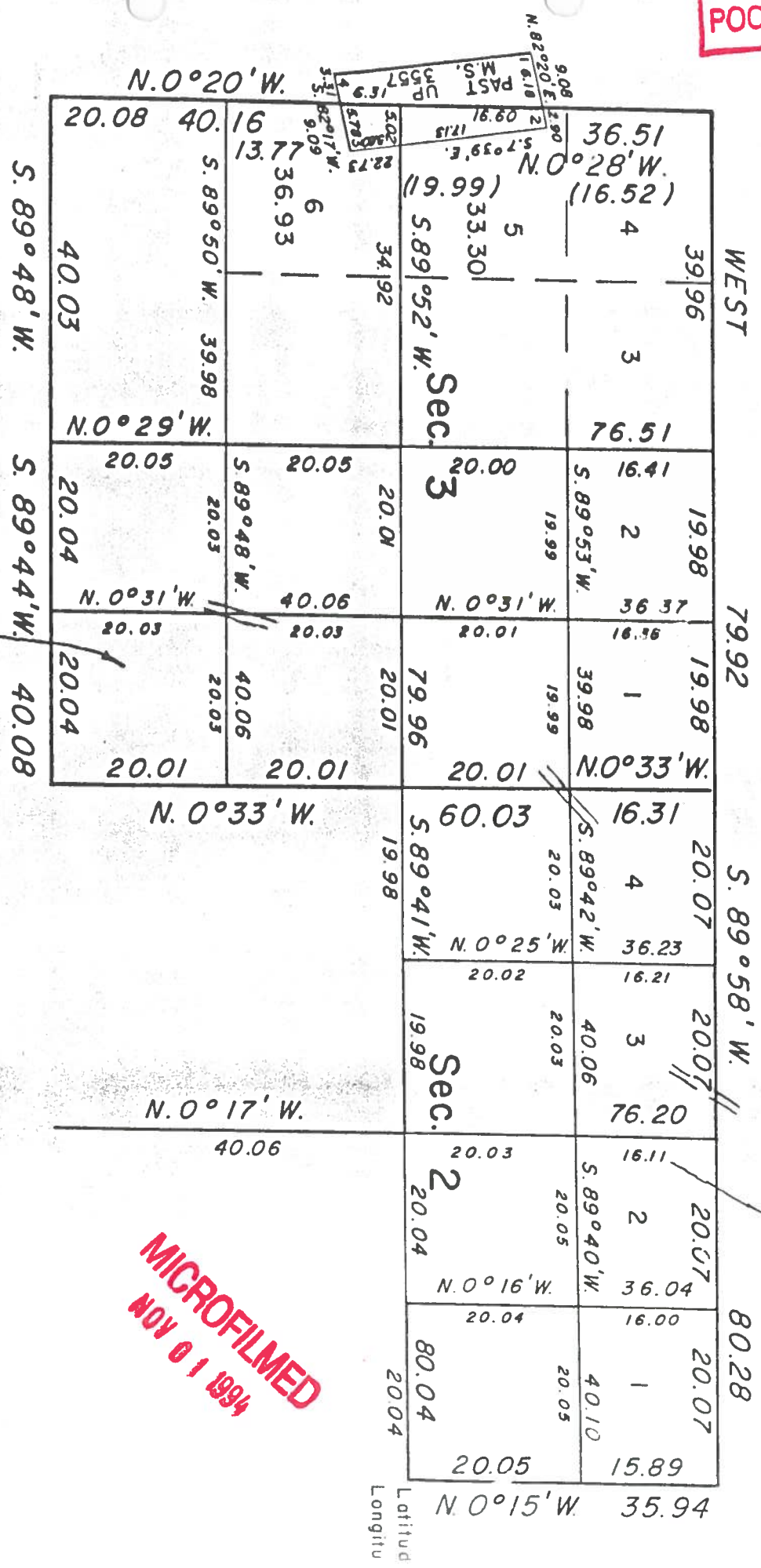
Claim is for 0.50 CFS

Recommend claimed rate of 0.50

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POOF ORIGINAL

original
A72-001061



MICROFILMED
NOV 8 1994

GRADED BORDER EVALUATION

Job name: A72-04174; D-SPRING
By: KKC

Location: CP1 SOIL FOR 15 ACRES
Date: Jan 28, 1994

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0400 ft/ft Border width (W)= 155 ft
Net application (Fn)= 0.79 inches Border length (L)= 200 ft
Inflow time (Ti)= 8 hours, 0 minutes

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Note
2.00	Gross depth is less than required gross application depth					
2.01	Gross depth is less than required gross application depth					
2.02	Gross depth is less than required gross application depth					
2.03	0.013	22.63	21.76	0.08	3.5	
2.04	0.013	22.74	21.76	0.19	3.5	
2.05	0.013	22.85	21.76	0.30	3.5	
2.06	0.013	22.97	21.76	0.41	3.4	
2.07	0.013	23.08	21.76	0.52	3.4	
2.08	0.013	23.19	21.76	0.64	3.4	
2.09	0.013	23.30	21.76	0.75	3.4	
2.10	0.014	23.41	21.76	0.86	3.4	

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NOV 01 1994

CLAIM NO. --- A72-00106C (SPRING) Lotus Program:
 AGENT ----- KKC IRR-PRAC.WK3
 DATE ----- 01/28/94 Date form revised:
 4/21/93 by KKC

 SOIL CHARACTERISTICS

Soil Type = CP1; REDFISH...GRAVELLY SANDY LOAM
 Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	5	0.08	0.1	5.6	7.3	2	3	1	0.98	3	0.7
5	10	0.07	0.12	5.6	7.3			1	1.00		
10	60	0.02	0.03	5.6	7.3			3	1.57		
								4	1.87	alternate	
								5	2.17	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (INCHES)	FIELD NOTES AND CALCULATIONS				
				FIELD 1	FIELD 2	FIELD 3	FIELD 4	
				FIELD WIDTH	3260	0		
				IRRIGATION DAYS	7			
				DRY DAYS	0			
				SET TIME(hours)	8			
alfalfa (hay or seed)	5	0.5	1.09	CALCULATED RUN (run = acres*43560/width)				
corn (field or silage)	4	0.5	0.94	LENGTH (RUN) = 200				
grain (winter or spring)	4	0.5	0.94	CALCULATED BORDER WIDTH (ditch length/irr days * cha				
pasture (or grass hay)	3	0.5	0.79	WIDTH = 155				
other (enter below)				THEORETICAL ROTATION (mad/net irr req in inches per				
				SELECTED MAD = 0.79				
				ROTATION = 3.4 DAYS				

 PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

crop	acres	system	recomm. eff.	mar	Net Irrigation Requirement (mm/day)						
					apr	may	jun	jul	aug	sep	oct
PASTURE	15	FLOOD	3.5		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA		FLOOD			1.28	4.51	5.65	6.25	4.45	2.52	0.7

Summary 15 4 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

Program Operation based upon "GUIDELINES FOR THE EVALUATION OF IRRIGATION DIVERSION RATES"
 HUBBLE ENGINEERING INC. OCTOBER 1991
 Soil Characteristics based upon SOIL CONSERVATION SERVICE STUDIES
 Peak Irrigation Diversion based upon ALLEN & BROCKWAY WEATHER INFORMATION 1983

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 NOV 01 1994

Doughty Spring use.

1-25-94

Pg 1/

Affidavits filed with 72-04174 (statutory claim) indicate that the use started as irrigation of a garden prior to 1914 (Floyd M. Bradbury dated Mar 2, 1978).

An affidavit submitted by Lawrence F. Bradbury dated Mar 1, 1978 states that he served as a water master on Garden Creek from 1971 thru 1973 and that the water from Doughty Spring was considered a filing predating the 1914 Garden Creek decree.

An affidavit submitted by Clarence Kimpton dated Mar 6, 1978 indicated that Doughty spring use was for ground west of the home area. He states that he was a water master on Garden Creek for several years.

The statutory claim filed by Kenneth Stark on June 15, 1982 indicates that in 1982 the mine near Doughty spring disturbed the spring and that the discharge of G. water from the mine portal was diverted to the stream channel to replace the Doughty spring flow that decreased. The same ditch system was used to carry that water from the channel to place of use.

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I Found:

NOV 01 1994

During field verification I found the mine portal water being discharged into the unnamed ^{stream} ~~spring~~ approx 200 ~~feet~~ east of Doughty spring. That water commingles with Doughty spring water & other spring water.

1-25-94

Pg 2/

further east (downstream). The majority of the accumulated water is then diverted through a earth ditch approx 650' west of the Garden Creek Road. The ditch roughly parallels the Garden Creek road running first north then north east forming the northern bound of the claimed P/U. This ditch joins the ditch system used to deliver water through claim #72-00106A at the point when that ditch goes under the Garden Creek road.

Analysis:

Evidence submitted indicates use prior to the decree date of 5-19-1914 but as the decree included Garden Creek & its tributaries I recognize a priority date of one day after the decree.

Recommended Priority date = 5-20-1914

The recommended P/U is the ground between the ditch & Garden Creek. As water from that ditch can flow into the Garden Creek ditch diverted in the NENW of Sec 2, acres covered by Garden Creek are also included within the P/U for this claim. (Acres North of Garden Creek only.)

I found spring seeps in the P/U in the NW NW of Sec 2 but no way to measure flow exists. Some of that water is in the Daugherty Spring ditch and can be carried east toward the farmstead to any most flows. I found 15 acres North of Garden Creek being irrigated with

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NOV 8 1994

1-25-94

Pg 3/

9 of those acres being irrigated with both Garden Creek water & Daughtry Spring water.

I also found 16 acres being irrigated south of Garden creek from a P/D in the ~~N~~^ESE of Sec 3 from G. Cr.

P/D & Source Analysis:

I am recognizing that this Ground ~~is~~ has been irrigated from an ~~unnamed~~ stream with a P/D located in the ~~NW~~^{NE}SE of Sec 3. ~~This stream~~. The head of this unnamed stream is Daughtry Spring with other spring seeps between the Spring & the P/D. I further recognize that in 1982 the mine shaft 200' north of Daughtry spring interrupted the underground channel feeding the spring & thereby reducing the flow. The mine portal discharge was diverted into the unnamed ~~spring~~^{stream} approx 200' east of the Daughtry Spring and is then rediverted at the same location as described above.

Summary.

I found 2 sources. Groundwater (mine portal water) diverted in NW ^{NE}SW of Sec 3 (at the portal) injected into unnamed stream in the NW ^{NE}SW of Sec 3 200' P. rediverted at the ditch head, in the NE ^{NW}SE of Sec 3

I found 2nd source. Unnamed Stream ~~located~~ with redirection above located in NE ^{NW}SE of Sec 3

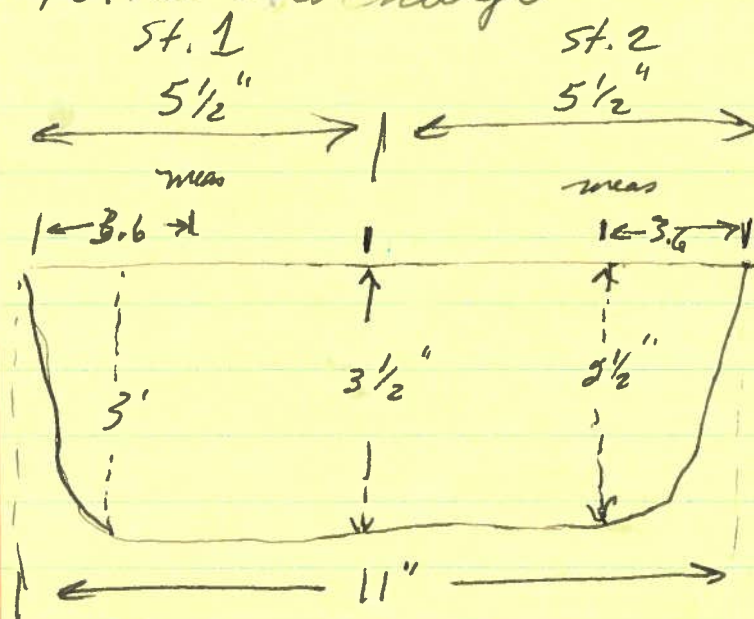
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Min Portal Charge

Measured 6-16-93
1:15 PM

by KKC
not accompanied by
any one.



relatively flat bottom $\frac{3}{4}$ " gravel base
sides were shovel trimmed hair roots.

measurement made at the exit of a 12" culvert

Station 1

30 REV 32⁰Sec

sta L. 2

30 Rev 30.65cc

two pics taken Roll # 4
looking North from meas. point to mine portal

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NAME OF STREAM OR DITCH MINE PORTAL DISCHARGE
 LOCATION ----- NEAR DAUGHTERY SPRING
 PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW
 BASIS OF VELOCITY CALCULATIONS
 IF YOU ARE USING A PYGMY METER ENTER ----- 1
 IF YOU ARE USING A AA METER ENTER ----- 2
 ENTRY ----- = 1

WATER RIGHT NUMBER IF APPLICABLE ----- A72-11733
 AGENT CONDUCTING MEASUREMENT ----- KKC
 ACCOMPANIED BY ----- NO ONE
 PREMEASUREMENT SPIN TEST (MIN/SEC) ---
 POST MEASUREMENT SPIN TEST (MIN/SEC) -

FOLLOWING THE LAST ENTRY IN:
 "DISTANCE FROM INIT PT" ENTRY MUST = "END"

INITIAL POINT	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	1ST MEASUREMENT REVS	VELOCITY DATA		CALC WIDTH	AREA IN SQ FT	CALCULATED VELOCITY			DISCHARGE IN CFS
						TIME/SEC	2ND MEASUREMENT REVS			1ST POINT VELOCITY	2ND POINT VELOCITY	MEAN VELOCITY	
		0.00	0.00	0.00	0	0.0	0	0.01	0.000	0.00			0.00
		0.01	0.00		30	30.1	30	0.23	0.000			1.00	0.00
		0.46	0.29		30	30.6	30	0.45	0.132			0.98	0.13
		0.92	0.21		0	0.0	0	0.23	0.048			0.49	0.05
		0.92	0.00					0.00	0.000				0.00
END													0.18

Measurement considered fair. The 'Good' measurement point exists prior to this water joining Daugherty Spring creek KKC

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 Nov 0 1 1994

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	WATER RIGHT # A72-04174														
2	DATE ----- 7-27-1993; a 10:10 AM														
3	AGENT ----- KKC														
4	IF YOU ARE USING A PYGMY METER ENTER 1														
5	IF YOU ARE USING A AA METER ENTER 2														
6	"ENTRY = 1														
7	FOLLOWING THE LAST ENTRY IN:														
8	DISTANCE FROM INIT PT" ENTER "END"														
9															
10															
11															
12															
13															
14															
15	INITIAL POINT														
16	0.4														
17	0.4														
18	0.7														
19	1.2														
20	1.4														
21	END														

	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	1ST MEASUREMENT REVS	VELOCITY 1ST TIME/SEC	2ND MEASUREMENT REVS	VELOCITY 2ND TIME/SEC	CALC WIDTH	AREA IN SQ FT	1ST POINT VELOCITY	2ND POINT VELOCITY	CALCULATED MEAN VELOCITY	DISCHARGE IN CFS
15		0.4	0.00	0.00	30	0.0			0.00	0.000			0.00	0.00
16		0.4	0.72		30	29.6			0.13	0.000			1.01	0.27
17		0.7	0.72		30	48.0			0.37	0.270	1.01		0.63	0.17
18		1.2	0.72						0.38	0.270			0.63	0.17
19		1.4	0.00						0.19	0.000			0.31	0.00
20														
21														0.44

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 JUL 27 1994

RECEIVED

JAN 24 1994

Department of Water Resources
Southern Region Office

POOR ORIGINAL

Left: In Reply Please
Water Agents, Attn: Applications Bureau
Department of Water Resources
222 Shoemaker St. East
Twin Falls, ID 83301

CONCERNING: Water Claim A72-11733, Daugherty Spring water right

Dear Kelly:

This next Friday I'm planning to drop in to meet with you concerning claims A72-00106B and A72-00109C, but I would also like to discuss the Daugherty Spring Claim mentioned above. To help prepare you for the matter I would like to go on record with the following affidavit:

This 21st day of January 1994, I, Christopher W. James, do hereby swear the following to be to be true, so help me God:

In January 1991 I purchased the Stark Ranch from the Shama bankruptcy, which I later renamed the Living Waters Ranch. Along with the ranch came its attendant water rights.

The Stark Ranch was purchased by the Shama Partnership to acquire specifically the Daugherty Spring water right which came forth from Shama's main portal. The earthquake in October 1983 moved the exit of the spring 150 yards ENP to a point within the mine portal approximately 125 feet from its opening.

During the summer of 1991 I vigorously worked the little brook created by the spring to increase the water supply entering the irrigation ditch built by a previous owner. I know I specifically spent at least one whole day moving rocks and digging the brook out to increase the flow and cut down the subbing into the Daugherty Gulch drainage. It worked and I was able to get enough water that dry year to the ranch.

Quite possibly I don't understand the law correctly. I thought by my using the water right and maintaining it by working it all the way to its source, it would protect the water right all the way to its source. Yet you told me you were thinking of recommending a change from Daugherty Spring to Daugherty Gulch.

My intention for the water has always been to convert it to commercial use and some day to bottle and sell the water. In fact I planned to complete the application when we met. It may be helpful to review my affidavit dated 6/29/93.

Hopefully, you will reconsider your recommendation. In any case I'm planning to meet with you next Friday afternoon.

Yours Truly,

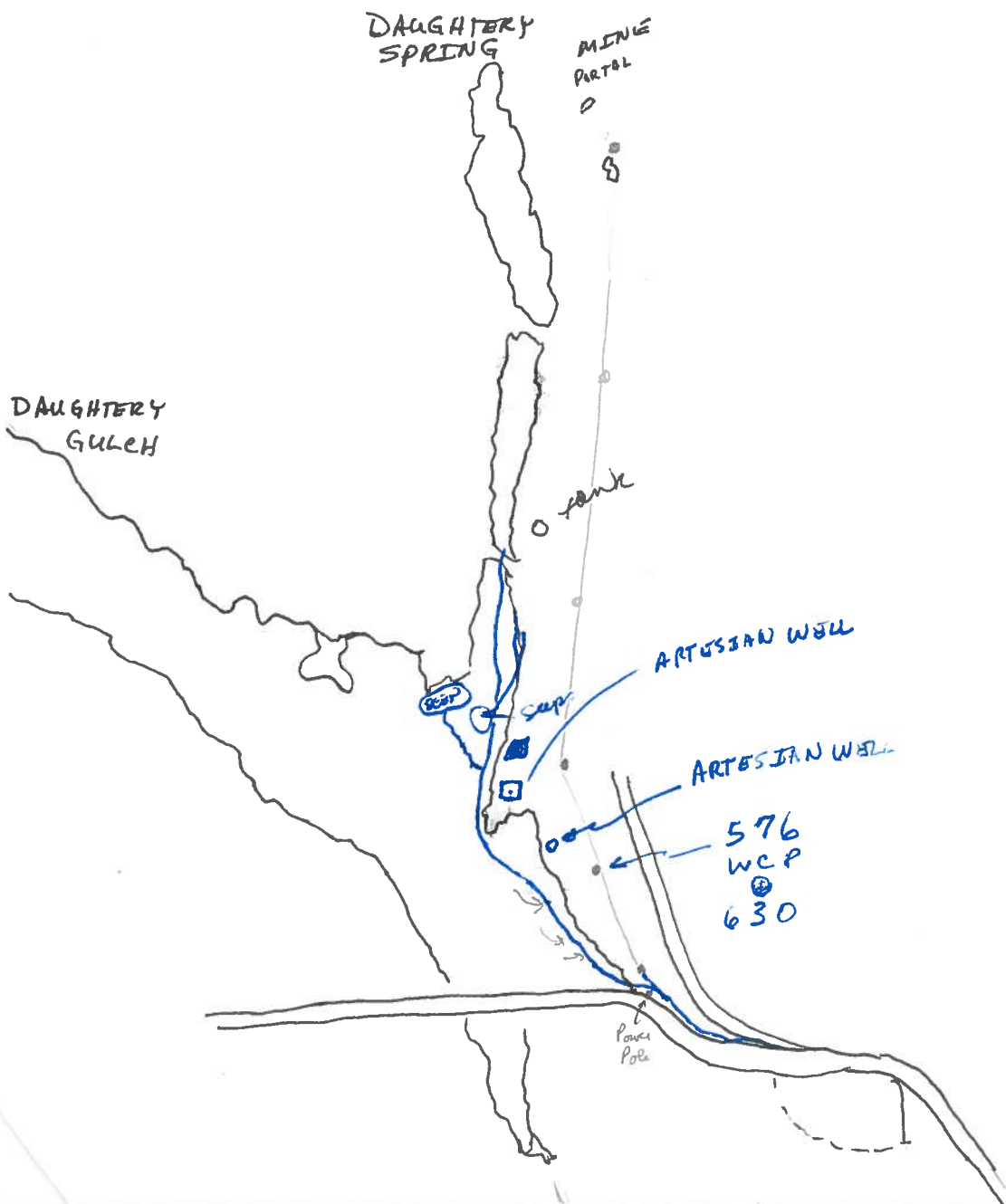
Christopher W. James

Christopher W. James,
Trustee of the Christopher W. James Trust

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POOR ORIGINAL

Field notes
7-27-93
KKC



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cam
V2 - 00106B
- 04174
00109B
10486

CONVERSATION MEMO

POOR ORIGINAL

FILE: _____

AGENT: _____

DATE: 6-7-93
879-2729

RE:

NAME OF PARTY:

Christopher James Trust

the they are normally home all the time
can check in at beginning of work

Elam set for Tues 8:00 A.M. at his place

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6-15-93

POOR ORIGINAL

development
to 472-4174

Spring development 12" PVC into old mine
portal approx 150 yards from opening
mine now closed & buried then South (buried
along the current access road to the mine site
to the old stream channel.

The original spring originated 130 yds SW
of current mine portal. The Oct 1983 earth
quake stopped the spring at that location &
now comes out of mine portal

Mine closed Apr of 92
Mining stopped in 1990 (further exploration
1986 work to extend shaft)

milling operations ceased in 1983

Survey crew 86-87 8 to 12 people
at mine site 2 people all the time up to 88 & 89
3 mine operators + 1 foreman from 87

CP Hoover arrived in Apr 1988

5 pictures taken at portal

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For 4174

Pis 10-11. redit from stream channel to l'bel

RE: A72-11733

info
C. info from
Chris Pher James
previous limited partners.

6-15 cont '90,

1/D. inst. throat
Start in stream
roll #2

2 pic end of roll #1 show measuring down
& are looking SW toward P/D (approx 40')

~~two~~ parshall has a 12" throat & was
reading .755 on staff gage (he adjusted head gage
to read .7
Capacity = 1.3

2 pic div works looking
SW to W.

POOR ORIGINAL

Second P/D

Close to
farmstead
(on property)

12" throat
Capacity 1.3"
diverting this date .4"
1 pic looking SW
2 pic looking N. from G G

from Water Measurement
hand book pg 34
1.2' for a 12" throat
gives 5.28 CFS

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CLAIM _____ INIT _____
T. R. S. Q/Q
P/D _____
PHOTO W-13
DT. & ID. _____

POOR ORIGINAL

*Preliminary
map
field notes*

BLM

34 35
3 2

K. STARK

main
ditch

Gov
P/D
ditch

DOR
DITCH

P/D

Puo

L. L. KRISTAN

DOR
DITCH

OUT

ditch

P/D

main

2 Puo

REDU.

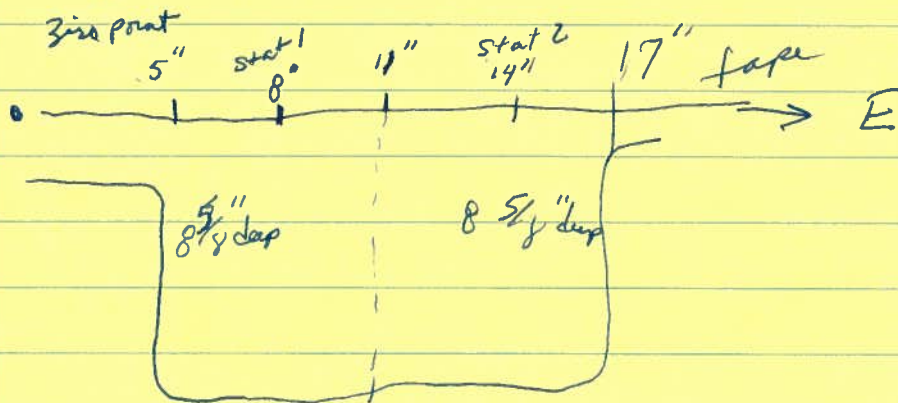
P/D

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NOV 8 1974

Christopher James
Daughter Spring diversion

7-27-93
10-10 AM

measurement location, uniform fall
sides straight, Bottom flat, sandy mud bottom
and firm. water clear



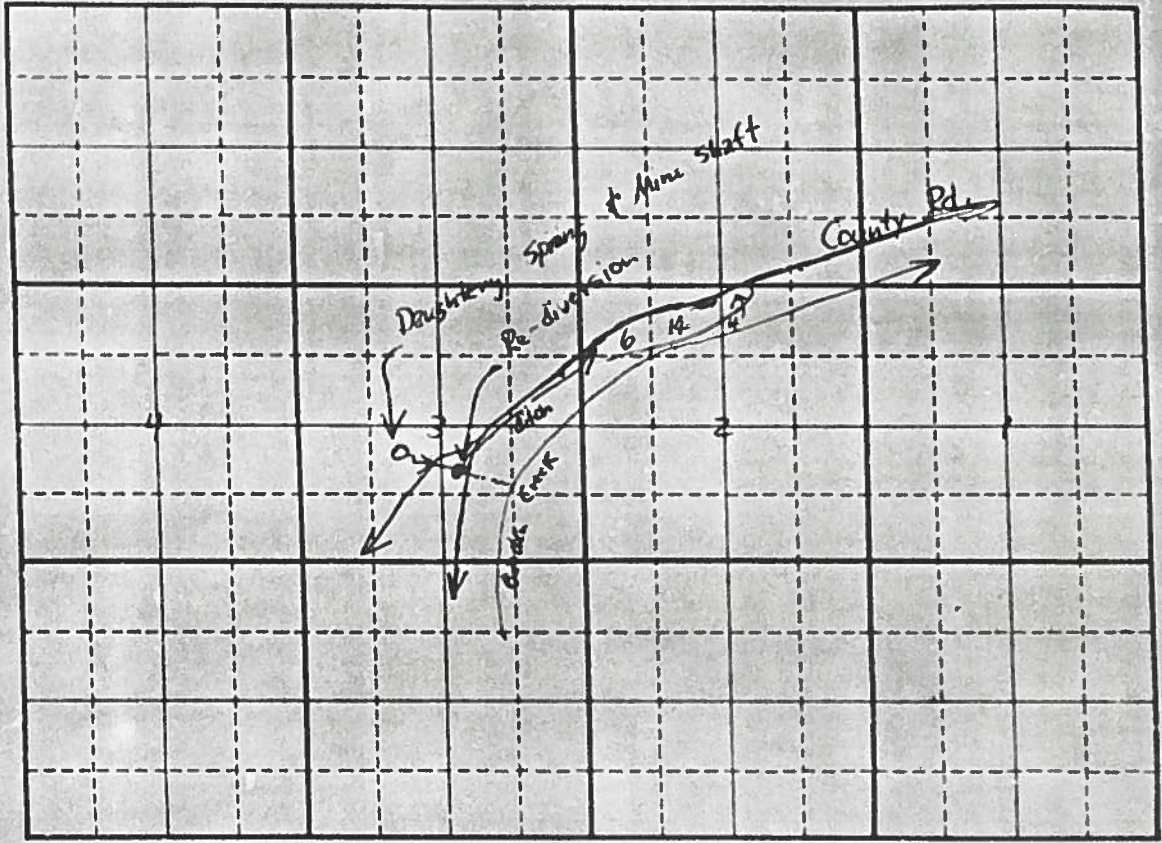
Stat 1
Rev Sec
Sta. 1 30 Rev 29.80
30 29.47

stat 2 30 48.60
30 47.41

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(B) Remarks Daughter Spring originally called Assout Spring.
In 1982 mine shaft disturbed springs and presently
water flow from pipe in mouth of tunnel to spring.



Scale: 2 inches equal 1 mile.

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

State of Idaho)
) ss.
County of)

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

x Kenneth Stark
(Claimant)

Sworn to before me this 215 day of June

1983

W. W. Hopp
Notary Public
Residing at Challis

My commission expires September

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NOV 01 1994

FOR DEPARTMENT USE ONLY

Received by me Date 7/1/83
Prelim. check by me Date 6-20-83
\$20.00 fee received by me Date 7/1/83
Published in Challis Bulletin
Dates 7/15/83 + 7/22/83

Exception filed by

Forwarded to claimant by

POOR ORIGINAL

I, LAWRENCE F. BRADBURY, certify that I have lived in Challis all my life. With exception of about two years, I served as Secretary of Water District 3 B (Garden Creek) from 1947 to 1973. In that capacity, I was involved in the preparation of the budget and had first hand knowledge of the conflicts and water disputes during those years. Numerous disputes and claims by individuals and the Village of Challis were settled by Mr. Roy Thompson of the Department of Reclamation. Mr. Thompson ruled on at least two different occasions that the water from Assout or Daughtery Spring belonged to the property now owned by Kenneth Stark.

The water from this spring was never considered in the budget of the Water District because it was considered to be a filing that predated the original Garden Creek decree in 1914.

I VERIFY, That the above is true to the best of my knowledge and belief.

Dated: March 1, 1978.

Lawrence F. Bradbury
LAWRENCE F. BRADBURY

STATE OF IDAHO,)
 : ss.
County of Custer.)

On this 2nd day of March, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared LAWRENCE F. BRADBURY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for Idaho
Residing in Challis
My commission expires: Life

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NOV 01 1994

POOR ORIGINAL

I, CLARENCE W. KIMPTON, certify that I have resided in Challis since 1935 and have, with the exception of the last two seasons, acted for a number of years as Watermaster of Garden Creek. During this time, the water from the Daughtery Spring has always been diverted to and used exclusively on the property of Kenneth Stark, the present owner. The water was used in the pasture west of the home area.

Dated: March 6, 1978

Clarence W. Kimpton
CLARENCE W. KIMPTON

SUBSCRIBED and SWORN to before me this 6th day of March, 1978.

James A. Bennett
Notary Public for Idaho
Residing in Challis
My commission expires: Life

MICROFILMED
NOV 01 1984

POOR ORIGINAL

I, FLOYD M. BRADBURY, certify that I have resided in Challis since June, 1902. I have been a water user of Garden Creek water to irrigate my ranch near Challis until I sold the ranch in 1970. As a water user, I was very familiar with the use of Garden Creek and its tributaries.

The water from the spring now known as Daughtery Spring has always been used on the property now owned by Mr. Kenneth Stark. The other users of Garden Creek and the State Department of Reclamation considered Daughtery Spring to be the sole property of the Stark property.

Will and Alex Klug homesteaded the Stark property in 1914 and prior to that they used the water from Assout Spring, later named Daughtery Spring, to irrigate their garden near the present Stark residence.

The original ditch that conveyed the spring water around the hillside to the Klug property was dug by a man whose name I cannot recall, who lived in an old cabin near Garden Creek. Henry Bassett lived in this cabin with his family from about 1912 to 1917.

The customary use of Assout or Daughtery Spring always has been considered the exclusive property of the ranch now owned by Kenneth Stark.

I VERIFY, That the above is true to the best of my knowledge and belief.

Dated: March 1, 1978.

Floyd M. Bradbury
FLOYD M. BRADBURY

STATE OF IDAHO,)
 : ss.
County of Custer.)

On this 2nd day of March, 1978, before me, the undersigned, a Notary Public in and for said State, personally appeared FLOYD M. BRADBURY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate above written.

James B. Smith
Notary Public for Idaho
Residing in Challis
My commission expires: Life

MICROFILMED
NOV 01 1994