

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

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

CIVIL CASE NUMBER: 39576

RECEIVED

JAN 8 1990

Ident. Number: A72-04175
Date Received: 1/02/1990
Receipt No: 5010872
Received By: SCC

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JACK NIECE 208-774-3380
Address: P.O. BOX 45
STANLEY, ID 83278
AND/OR
Name: RUTH V. NIECE 208-774-3380
Address: P.O. BOX 45
STANLEY, ID 83278
2. Date of Priority: JUN 01, 1932
3. Source: UNNAMED STREAM Trib. to: YANKEE FORK, WEST FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	13E	1	NE	NW			CUSTER
5. Description of diverting works:
DITCH, SLUICE BOX; PIPELINE TO CABIN.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
MINING	06/01	10/31	5.000		
DOMESTIC	06/01	10/31	0.020		
7. Total Quantity Appropriated is:
5.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
D/1 HOUSE

A72-04175

Page 1

Date: 01/02/90

MICROFILMED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	13E	1	NE	NW		MINING	
			NE	NW		DOMEST	

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:
CLAIM IS FOR ENTIRE FLOW OF STREAM, AKA PARK CREEK.

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): *Jack R. Nino* Date: 1-2-90

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2ND day

of January 19 90

Seal

Steve Chell
Notary Public

Residing at Twin Falls

My Commission Expires Dec 7, 1994



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: A72-04175

JACK NIECE
P O BOX 45
STANLEY ID 83278

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:

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04175
JACK NIECE
RUTH V. NIECE
P.O. BOX 45
STANLEY

ID 83278

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

A72-04175

IN THE MATTER OF:

Idaho.

AFFIDAVIT

State of Idaho

County of Custer / Twin Falls

Edna Niece McGowan

being first duly sworn,

deposes and says:

My parents owned the Red Mountain
mining claims in the 1930s. At one time,
when I was just a girl, I spent time at
the mine with my grandfather who was
working the claims. This would have been
in the 1930s, and the claims have been
worked nearly every year since that
time. The water was ditched to the claim
for sluicing and for camp use. I was
fourteen years old at the time.

Edna Niece McGowan
(signature)

Subscribed and sworn to before me this 30th day of March 19 92

Steve [Signature]
(notary public)

Residing at Twin Falls
My commission expires Dec 2, 1994

MICROFILMED
MAR 18 1993

November 20, 1998

NOTICE OF ERROR
REPLY

Department of Water Resources

8661 11 1998

RECEIVED

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: 72-04175

JACK NIECE
RUTH V NIECE
PO BOX 45
STANLEY ID 83278

RECEIVED

DEC 15 1998

Department of Water Resources
Southern Region

Daytime Telephone Number: (208) 774-3380

Evening Telephone Number: Same

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

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

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

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

DATE: 12-9-98

SIGNATURE: *Jack R. Niece*

Please print your name: JACK R. Niece

RIGHT NUMBER: 72-04175

NAME AND ADDRESS: JACK NIECE
RUTH V NIECE
PO BOX 45
STANLEY ID 83278

SOURCE: UNNAMED STREAM TRIBUTARY: YANKEE FORK, WEST FORK

QUANTITY: 0.62 CFS

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

PRIORITY-DATE: 06/01/1932

POINT OF DIVERSION T12N R13E S01 NWNENW Within CUSTER County
NESENW

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	MINING	06-01 10-31	0.6 CFS
	DOMESTIC 1 HOUSE	06-01 10-31	0.02 CFS

MINING USE FOR PLACER MINING.

PLACE OF USE: MINING Within CUSTER County
T12N R13E S01 NENW

DOMESTIC Within CUSTER County
T12N R13E S01 NENW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RECEIVED

DEC 15 1998

Department of Water Resources
Southern Region

Water Right Number - A72-04175

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number

*** C - CURRENT OWNER ***

NIECE

JACK

1 - P.O. BOX 45

State- ID Zip- 81078

NIECE

RUTH V.

2 -
3 -
City- STANLEY
Phone - 208-774-3350
1 - P.O. BOX 45
2 -
3 -
City- STANLEY
Phone - 208-774-3380

State- ID Zip- 81078

Priority Date - +
06/01/1992

Region - +
17 SOUTHERN

Stage - +
5 - STATUTORY CLAIM

RECEIVED
DEC 15 1993
Department of Water Resources
Southern Region

Source - +
UNNAMED STREAM

Liberty - +
YANKEE FORK, WEST FORK

Town	Rng	Sec	Tract	Lot	Rt1g	County	Point of Diversion	Stream Index (Blank if no Index Code)
12N	13E	1	NE NW	(37)	CUSTER			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
13 - MINING		06/01	10/31		5.000	
43 - DOMESTIC		06/01	10/31		0.020	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Div. Capacity - +		+ - Total Consumptive Use - +
5.000						0.0

Town	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
12N	13E	1	NE NW			13 MINING		(37) CUSTER
12N	13E	1	NE NW			43 DOMESTIC		(37) CUSTER

+ - - - Diversion Means - DITCH, SLUICE BOX; PIPELINE TO CABIN.

+ - - - Non-irrigation Use - D/I HOUSE

+ - - - Other Rights for Same Use - NONE

Remarks - CLAIM IS FOR ENTIRE FLOW OF STREAM, AKA PARK CREEK.

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

Water pit number - A72-04175

Prefix translation: ADDITION class

- - - Conditions of Approval - - -
- - - No Conditions of Approval Found.

+ . . . Decree Plaintiff . . . +

Verlagsgesellschaft

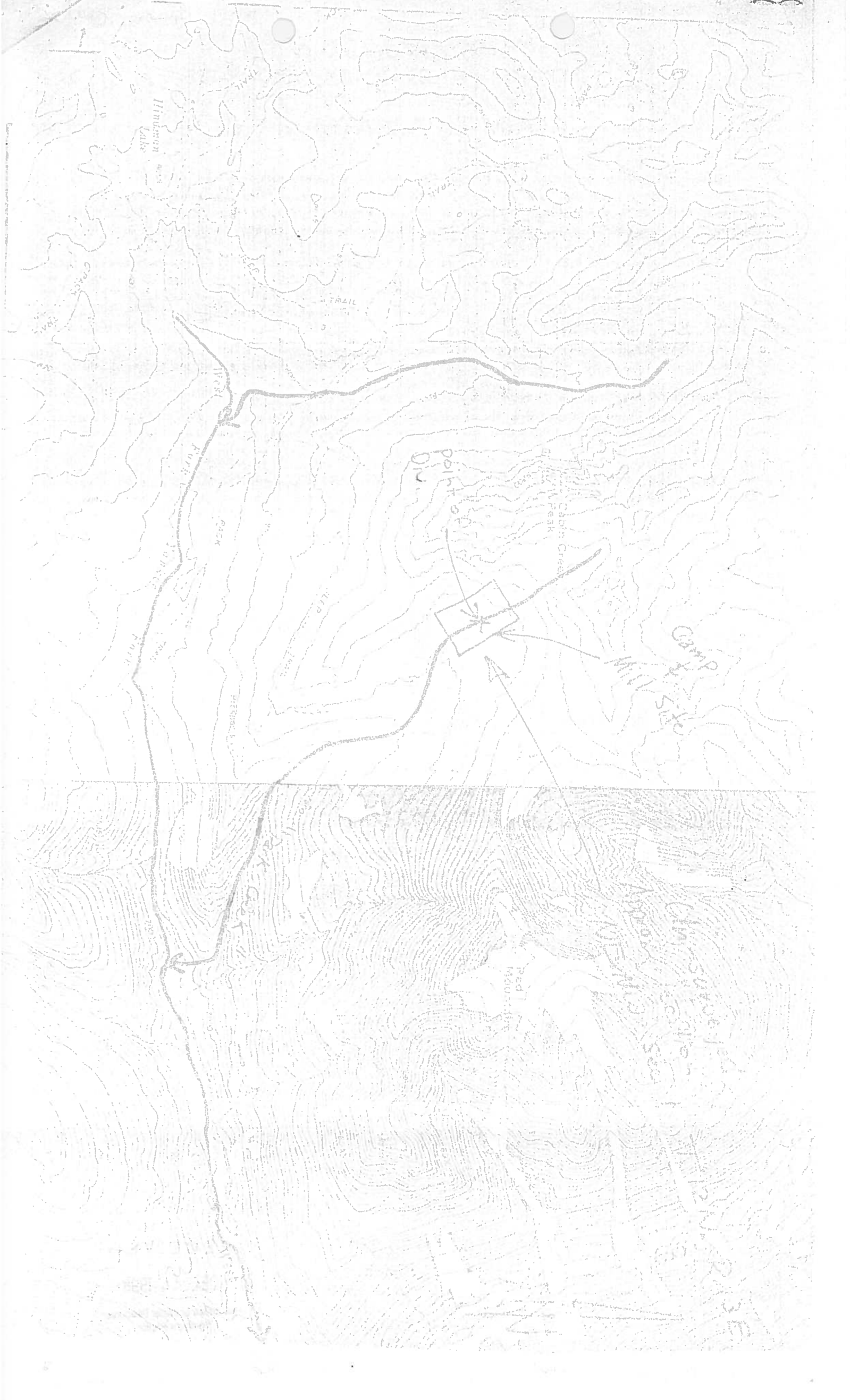
+ - Decree Date - +
00/00/0000

- - - Audie Fields - 01/02/90 CLELAND

- - Comments - -
No Comments Found

+ + + + + Adjudication Rights Dates and Flags Area

Court Report Filing	03/06/0000	Field Inspection Made	03/03/0000	Civil Case Number	39576
Objection Filed Date	03/06/0000	Field Inspection Flag	-	Civil Case Number	-
Response filed Date	03/06/0000	Verified Date	03/03/0000	Old Judicial District	-
Claim Received Date	01/08/1990	Test Amended Date	03/06/0000	Temporary Right	P
Proof Due Date	03/06/0000	Proof Made Date	03/06/0000	Water District	-
Licensed Date	03/06/0000	Receipt Number	SM0392	Federal/State Indicator	S
Claims Tape Error Flag	-	POW Ownership Flag	Y	Presumption flag	-
See Exempt flag	-	Name Connector	AND/OR	Notice of Error flag	-



AJ0749NP
No. R72-04175

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

DATE: 04/02/96
PAGE: 1

RECEIVED

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK NIECE	06/01/1932	MINING	06-01 10-31	0.60 CFS	
C	RUTH V NIECE		DOMESTIC	06-01 10-31	0.02 CFS	
	PO BOX 45					
	STANLEY ID 83278					
	(208) 774-3380					
			TOTAL DIVERSION:		0.62 CFS	

Water Source: UNNAMED STREAM Tributary to: YANKEE FORK, WEST FORK Stage: BENEFICIAL USE

Point(s) of Diversion: T12N R13E S01 N4N4N4 NESE4N4 CUSTER County

Place of use Legal Description for: MINING

NE	NW	SW	SE
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NEW4 NW4 SW4 SE4	NESE4 NWSE4 S4SE4	NESE4 NWSE4 S4SE4
12N 13E 1 :	M		

Place of use Legal Description for: DOMESTIC

NE	NW	SW	SE
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NEW4 NW4 SW4 SE4	NESE4 NWSE4 S4SE4	NESE4 NWSE4 S4SE4
12N 13E 1 :	D		

POU County: CUSTER

Non-Irrigation Uses: DOMESTIC 1 HOUSE

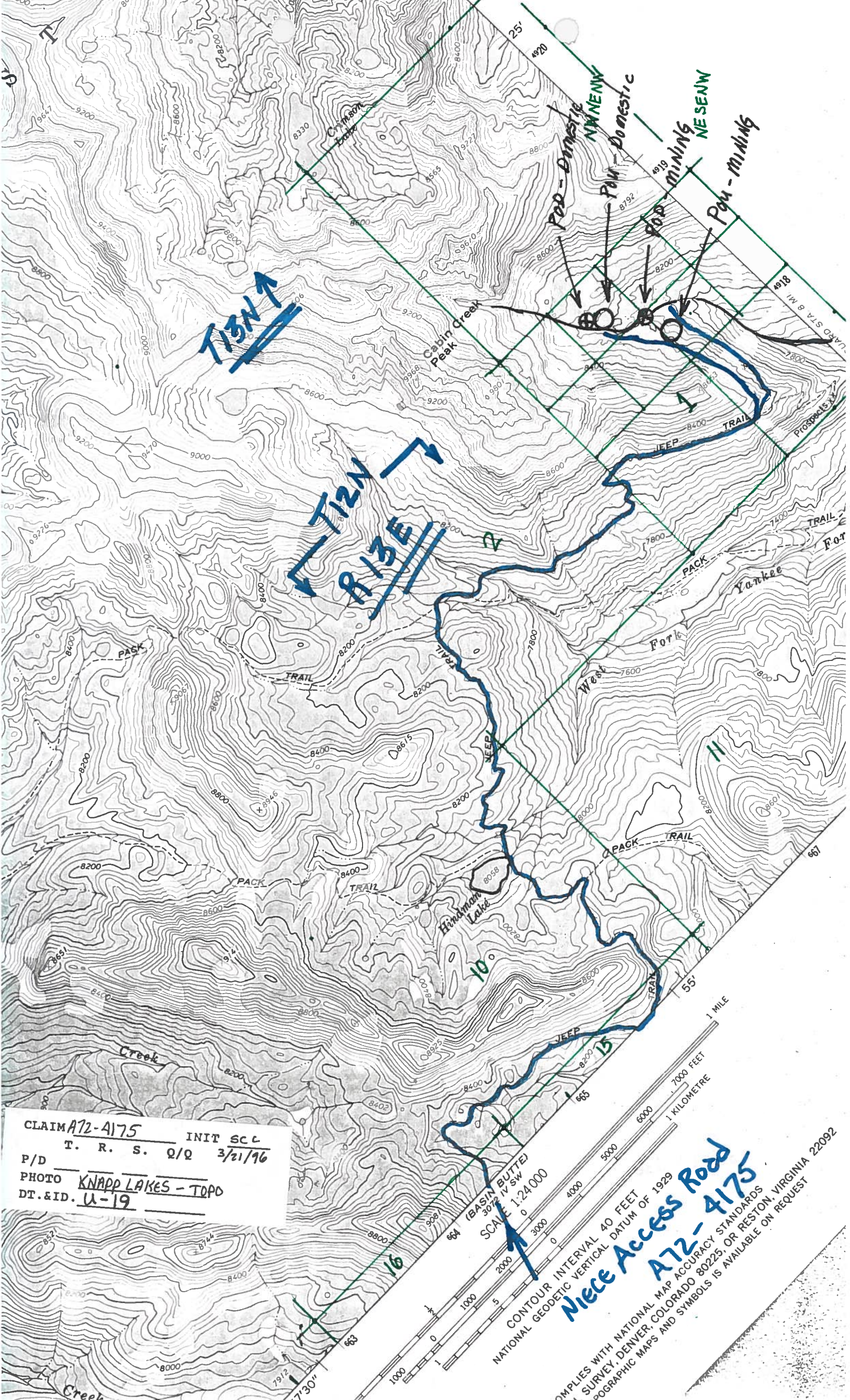
Other Rights: NONE

Dates: Exam Made Date: 09/13/1995 Verified Date: 04/02/1996 Objection Filed Date:

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

Comments: Date: 03/21/1996 User-ID: SCLELLAN Subject: COPIED FROM REMARKS
CLAIM IS FOR ENTIRE FLOW OF STREAM, AKA PARK CREEK.

Audit: 04/02/96 SCLELLAN



CLAIM A72-4175 INIT SCL
T. R. S. Q/R 3/21/96

P/D
PHOTO KNAPP LAKES - TOPD
DT. & ID. U-19

SCALE 1:24000
NATIONAL GEODETIC VERTICAL DATUM OF 1929
CONTOUR INTERVAL 40 FEET

Niece Access Road
A72-4175

IMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
SURVEY, DENVER, COLORADO 80225, OR RESTON, VIRGINIA 22092
POGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

HINDMAN LAKE 3 MI.
3072' NW
(KIAPP LAKES)

Valley Creek
Lake

R 13E

Sunday
Creek

CLAIM A72-4175 INIT SC
T. R. S. Q/Q 3/21/96
P/D _____
PHOTO BASIN BUTTE - TPO
DT.&ID. U-69

Basin
Butte

T12N

NIECE
Access Road
A72-4175

Section
G

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:38:03
06/05/92

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A73-04175

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		9-13-95 SUC	N	156	SUC 3-21-96	SUC 4-2-96	
SOURCE				(Y)				
PLACE OF USE	Y			2	156			
TYP AMOUNT CFS/VOLUME				(Y)		SUC 4-2-96		
CONSUMPTIVE USE	-			2				
PURPOSES				2				
PERIOD OF USE				2				
BASIS OF CLAIM	Y			(Y)	6.			
REMARKS	Y			(Y)				

VERIFIED BY CODES

- TOPO MAP/ORTHO-PH = 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.

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:44:13
06/05/92

PAGE: 14
PROFILE REPORT

CLAIM NUMBER: A72-04175

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JACK NIECE RUTH V. NIECE P.O. BOX 45 STANLEY ID 83278 (208) 774-3380	06/01/1932	MINING DOMESTIC	06-01 10-31 06-01 10-31	5.00 CFS 0.02 CFS	
					TOTAL DIVERSION: 5.00 CFS	

Water Source: UNNAMED STREAM

Tributary to: YANKEE FORK, WEST FORK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T12N R13E S01

NENW

CUSTER County

Place of use Legal Description for: MINING

NE

NW

SW

SE

T	R	S	NE	NW	SW	SE
12N	13E	1	NE	NW	SW	SE
			NENE	NENW	NESW	NESW
			Lt Ac	Lt Ac	Lt Ac	Lt Ac

Place of use Legal Description for: DOMESTIC

NE

NW

SW

SE

T	R	S	NE	NW	SW	SE
12N	13E	1	NE	NW	SW	SE
			NENE	NENW	NESW	NESW
			Lt Ac	Lt Ac	Lt Ac	Lt Ac

POU County: CUSTER

Non-Irrigation Uses: D/I HOUSE

Other Rights: NONE

Non-Irrigation Use: D/I HOUSE

Remarks: CLAIM IS FOR ENTIRE FLOW OF STREAM, AKA PARK CREEK.

Dates: Exam Made Date: Verified Date:

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

DEC 03 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:38:03
06/05/92

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-04175

LAST: NIECE FIRST: JACK
ADDRESS: P.O. BOX 45
CITY: STANLEY STATE: ID ZIP: 83278
PHONE NUMBER: 208-774-3380

OWNER CODE: C

LAST: NIECE FIRST: RUTH V.
ADDRESS: P.O. BOX 45
CITY: STANLEY STATE: ID ZIP: 83278
PHONE NUMBER: 208-774-3380

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

Y

CLAIM REMARKS: CLAIM IS FOR ENTIRE FLOW OF STREAM, AKA PARK CREEK.

DEC 03 1996

CONTACT PERSON: Jack Niece

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 9/13/95

APPOINTMENT MADE: Y(X) N()

TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

< See Cons. Memo >

A. AJ CLAIM: * A72-04175 PRIORITY DATE: 06-01-1932 STAGE: S
B. WR RECORD: * 72-04175 PRIORITY DATE: 06-01-1932 STAGE: S

~~5~~ 5

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER Y

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

REMARKS:

Part submitted - affidavit by EDNA Alice McGOON supports 1920's

allow claimed date.

RECOMMENDED PRIORITY DATE:

06-01-1932

REVIEWED BY

SC

DATE

3-21-96

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:
RIGHT TWP. RGE. SEC. 1/4 1/4 1/4 CNTY
A72-04175 12N 13E 1 NE NW CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE
WR RECORDS IN SAME 40 ACRE TRACT
NONE

SOURCE: UNNAMED STREAM ✓ TRIB: YANKEE FORK, WEST FORK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT TWP. RGE. SEC. 1/4 1/4 1/4 LOT CNTY
72-04175 12N 13E 1 NE NW CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
NONE NONE

SOURCE: UNNAMED STREAM ✓ TRIB: YANKEE FORK, WEST FORK

C. FIELD EXAM REQUIRED?

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

REMARKS:

Found Diversions and Confirmed locations on Topo map.
Data is unaveraged but accurate extrapolation of USGS & T-R-S
Confined claimed data.

Determined 2 PODS in use from Unnamed Stream to WF, Yankee Fk.
See 3/21/96

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4		LOT	COUNTY	
TWP.	RGE.	SEC.				
12N	13E	01	NW	NW	Lincoln	(Born)
			NE	NE		(Mining)
			SE	SE		
SOURCE: UNNAMED STREAM						
REVIEWED BY:						
DATE:						

A. FOOT WATER RIGHT NUMBERS: A72-10130
 A72-10223

A72-10235
 A72-04175

DEC 03 1996

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
12N	13E	1	NE	NO		NIECE, JACK	A72-04175 /	72-04175 /			
12N	13E	1	NE	NO		NIECE, JACK	A72-04175 /	72-04175 /			
TOTAL ACRES							A72-04175				

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

SUNE for Mining use (13)

C. FIELD EXAM REQUIRED? POU COUNTY: CUSTER

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

PRESUMPTION FLAG:

REMARKS:

Due to Nature of Mining Uses & claim locations, appears mining use may vary in location. Historic ditch & current use indicate present location & has been a stable POU site for sluicing activity.

RECOMMENDATIONS:

TOTAL ACRES: Mining/Dam:

REVIEWED BY: SA DATE: 3-21-96

A. A1 CLAIMED USES:

PURPOSES
A72-04175 MINING
A72-04175 DOMESTIC

MONTH/DAY
FROM 06-01 TO 10-31
FROM 06-01 TO 10-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

~~5,000 CFS~~ DIVERSION QUANTITY
~~020 CFS~~
(See meas. page)

B. WP RECORDED USES:

PURPOSES
72-04175 MINING
72-04175 DOMESTIC

MONTH/DAY
FROM 06-01 TO 10-31
FROM 06-01 TO 10-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

5,000 CFS DIVERSION QUANTITY
020 CFS
5,000 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:

Date & use ok as claimed. see 3/21/96

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y (X) N ()

AJ TOTAL CLAIMED DIVERSION RATE: 5.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 5.000 CFS

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

FLOW MEASUREMENT REQUIRED?

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

FIELD EXAMINER
DATABASE Y

MEASUREMENT METHOD

Timed Fill

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME FOU AND IRRIGATION USAGE

NO RIGHTS WITH SAME FOU NOT USED FOR IRRIGATION

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE $\times 0.02 \text{ CFS/ACRE} =$ CFS
ACRES N/A (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() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AE/A

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

TOTAL CONSUMPTIVE USE AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES $\times$ 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.)

Mining Rate: (as measured in system by tunnel fill)

cfs = 0.60 cfs

Standard 100% rate for Domestic = 0.04 cfs
includes cabin use & some small irrigation of lawn & shrubs.

Domestic Rate Limited by Claim: 0.02 cfs

See
A-2-96

TOTAL: 0.62 cfs

DEC 03 1996

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
MINING	06-01 10-31	0.000 0.60		
DOMESTIC	06-01 10-31	0.020 0.02	N/A	N/A
TOTAL FOR THIS RIGHT		5.000 .62		

REVIEWED BY: *SW* DATE: 4-2-96

A. CHECK ONLY THE FOLLOWING THAT APPLY:
 OWNERSHIP _____
 FOREFEIT/ABANDON _____
 ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ☒
 NEEDS REVIEW ☒

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04175
 TOTAL DIVERSION RATE OF WR SPLITS DATABASE 89.730
 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	3.200
A72-04178	A72-10120	9.600	-	-	72-04178	30.000
A72-00236	A72-10222	1.600	-	-	72-00236	0.300
A72-04176	A72-10235	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
	A72-04175	5.000	-	-	72-04175	5.000
TOTAL CFS		67.000	N/A			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)

REMARKS:

AUTHENTICATION:

SIGNATURE:

Steve C. D.

DATE:

4-2-96

NAME OF FIELD EXAMINER:

TITLE:

DEC 03 1996

9661 8 0 330

MEMO

TO: A72-04175
FROM: STEVE CLELLAND *SC*
DATE: April 2, 1996

RE: FIELD EXAM NOTES FOR JACK NIECE CLAIM

=====

FIELD EXAM: ⁹8-13-95
ACCOMPANIED BY JACK NIECE.

Met with Jack Niece at his home in Stanley, ID and decided it was best to take his truck. Road was rough & steep... 4X4 was needed often and a chainsaw to saw trees out of the roadway. Finally, after a 3.5 hour trip, we arrived at the cabin site for the exam.

Jack N. showed me the diversion structure and pipeline system from the unnamed stream for domestic uses. The system was well maintained but had not been connected and prepared for operation during this summer. Water from stream serves the small cabin via a series of pressure tanks, pipelines and filters. Excess flows or overflows in the system are returned to the stream.

Lower down on the same stream we found the older historical site of the ditch that delivered the water to the mill site. The ditch traversed a steep hillside through very unstable soils and washouts were visible on the system. Mr. Niece stated the ditch system washed out every season and had to be re-built each year. Therefore, he has been attempting to develop the right system for the uses claimed; that would not be washed out each year and still provide the water delivery to the mill site.

Measurement of the diversion system was made using a timed fill of half a 55 gallon drum; i.e. 25 gallons. I have been unable to find the field notes of the actual times measured on this fill rate, however, the notes this memo is based upon concluded the results could support a recommendation of 0.60 cfs.

As indicated above this memo is a re-write of the field notes from 8-13-95 into a readable format for the file.

9

DEC 03 1996

○

Claim No. A72-04175

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

August 29, 1995 9:01am

NAME: JACK NIECE CALLOUT 774-3380 RE: CONFIRM APPT

SPOKE WITH HIS WIFE, AGREED TO MEET AT 8 AM THE DAY OF SEPT. 13TH AT THEIR HOUSE IN STANLEY.

DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-04175

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IDWR Employee/Agent Steve Clelland

August 28, 1995 9:58am

NAME:
JACK NIECE **CALLOUT**

RE:
APPT. FOR EXAM

I CALLED AND TALKED TO A LADY THERE (WIFE?); LEFT MESSAGE ABOUT 9/14 EXAM DATE. CALLBACK TOMORROW 8 AM TO CONFIRM.

DEC 03 1996

Claim No. A72-04175

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IDWR Employee/Agent Steve Clelland

August 18, 1995 2:33pm

NAME: RE:
JACK NIECE CALLOUT 774-3380 SET APPT. FOR EXAM

I CALLED HIM TO ORGANIZE A DATE FOR THE VISIT TO THE MINE SITE. HE SAID TO CALL HIM WHEN I AM ABLE TO GO AND HE CAN DRIVE ME IN TO THE SITE. I TOLD HIM I NEED TO CONFIRM THE FLOW RATE AND USES OF THE WATER. HE WAS CONCERNED ABOUT THE ON/OFF USE OF WATER AT A MINING SITE LIKE THIS AND I TOLD HIM I UNDERSTOOD THE VARIABLE USES AND FLOWS THAT ACCOMPANY THE MINING USES.

PLAN TO CALLBACK FOR EXAM DATE CONFIRMATION.
CLAIM: A72-04175

DEC 03 1996

COMMUNICATION DOCUMENTATION

Claim No. A72-4175

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IDWR Employee/Agent STEVE CLELLANDDate 8-1-94Contact Person(s) JACK NIECE8-2-94Nature of Contact met Mr Niece @ His Home in Stanley.

Substance of Communication We discussed the location of Diversion d uses of his right at the Mining site & Reviewed the USGS Topo map as a Base. We identified the roads used to access the area. He stated the road is undeveloped and very rough. He discouraged me from travelling in due to the conditions. He also was not using much mining water now only Domestic flows. He suggested I meet w/ Marvin Grandcoche at the ~~the~~ Yankee Fork Ranger Station to go back in w/ me. Mr. Niece had injured his foot recently & was not ready to travel the rough road.

8-2-94 unable to meet Marvin w/USFS.Called Mr Niece to postpone the Exam trip.Call back when more water is being used. See

DEC 03 1996

COMMUNICATION DOCUMENTATION

Claim No. A72-4175

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IDWR Employee/Agent STEVE CLELLAND Date 7-29-94Contact Person(s) JACK NIECENature of Contact Field Exam request. (returned my call)

Substance of Communication Trying to arrange field visit to the mining site. He said it is a rough road in and takes 5 Hours each way. He said all he is using at this time is the 2" pipeline to the cabin area.

Plan to meet @ Stanley on Mon 8-1-94.#7 Niece Ave2 blocks up, rail fence
w/ trucks & Backhoe.

Photo By SCC
9-13-95



SOURCE OF
DOMESTIC
USE

BEGINS WITHIN
THESE TREES.

VIEW SW
OF CABIN CREEK PEAK

T12N R13E S01

A72-4175 NIECE

DEC 03 1996

PHOTO BY SCC
9-13-95



PIPELINE IN CREEK
COLLECTS WATER FOR
DOMESTIC USE.

ROCKS IN CREEK
MAINTAIN WATER
DEPTH.

VIEWS UPSTREAM



Niece
A72-4175

DEC 03 1996



Photos
by
SEC
9-13-95

View Down Hill

FILTER
+ PRIMER
SETUP
ON
DOMESTIC
GRAVITY
SYSTEM.



View upHILL

Niece A72-4175

Photo by
SCL

9-13-95



View of FILTER System.

NIECE A72-AL753 1996



← STORAGE TANK
for Domestic
System.

PHOTO
BY SCL
9-13-95

↓ CABIN IS FOR
DOMESTIC WATER.



Niece
A72-4175

DEC 03 1995



View Upstream

Delivery
PIPELINE IS DISCONNECTED
WHEN NOT IN USE TO
PREVENT EROSION OF
THE HILLSIDE.

UNNAMED STREAM DIVERSION
FOR MINING USES

← PIPELINE IS HOOKED TO
WHITE PIPE WHEN MINING IS
IN OPERATION.



View Downstream

Niece A72-04175

DEC 03 1996



PIPELINE to
MINING SITE.



↑
NOTE
OLD DITCH
BED USED
IN PAST
MINING
OPERATIONS



PHOTO by SCC
9-13-95

Niece
A72-4175

DEC 03 1996



PIPELINES
ENTER
MINING
& SLUICING SITE



Photo By
SCC
9-13-95

Niece
A72-4175

DEC 03 1996

Water Right Number - 72-04175 Prefix Translation: WATER RIGHT Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - + + - - - - Address - - - - - +
*** C - CURRENT OWNER ***
RED MOUNTAIN MINING CO.
1 - BOX 45
2 -
3 -
City- STANLEY State- ID Zip- 83278
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
06/01/1932 17 SOUTHERN S - STATUTORY CLAIM

+ - - Source - - - - - + + - - Tributary - - - - - +
UNNAMED STREAM YANKEE FORK, WEST FORK
+ - - - - - +
Twn Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)
12N 13E 1 NE NW (37) CUSTER

+ - - - - - +
Code Description Period From Period To Water Use Diversion Rate Diversion Volume
13 - MINING 06/01 10/31 5.000
43 - DOMESTIC 06/01 10/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
5.000

+ - - - - - +
Twn Rng Sec Tract Lot Acres Code Place of Use Description County
12N 13E 1 NE NW 13 MINING (37) CUSTER

+ - - Diversion Means - DITCH, SLUICE BOX

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

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

+ - - - - - + + - - - - - + + - - - - - + + - - - - - +
Old Water Right Numbers found.

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

+ - - - - - + + - - - - - + + - - - - - + + - - - - - +
Conditions of Approval found.

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

DEC 03 1996

WATER RIGHT

No Comments Found

Water Rights Dates and Flags Area

Presumption Flag