

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: **A72-04182**
Date Received: 12/13/1989
Receipt No: S010674
Received By: _____

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

1. Name: ANTHONY MARIANI 208-887-1000
Address: 4000 E MCMILLAN
MERIDIAN ID 83642
AND/OR
Name: LAURI MARIANI 208-887-1000
Address: 4000 E MCMILLAN
MERIDIAN ID 83642

2. Date of Priority: JAN 1, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11N	16E	29	SE	SW	NE		CUSTER

5. Description of diverting works:
6" X 48' WELL, 1 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/CAFE, CABINS, RV CAMPSITES, LAUNDRY

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	16E	29	SW	NE		COMMER	

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:

NEW WELL PERMIT - DRILLED 06/27/1981.

14. Remarks:

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 _____

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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 10, 1994

R. KEITH HIGGINSON
Director

ANTHONY OR LAURI MARIANI
4000 E MCMILLAN
MERIDIAN ID 83642

RE: CHANGE IN OWNERSHIP FOR SRBA CLAIM NOS. A72-04182 & A72-04183

DEAR MR. & MRS. MARIANI,

PURSUANT TO YOUR REQUEST FOR A CHANGE IN OWNERSHIP AND/OR 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 YOUR ADJUDICATION CLAIMS AS THEY NOW APPEAR IN OUR RECORDS.

IF YOU HAVE ANY FURTHER CORRECTIONS OR QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,

A handwritten signature in black ink, appearing to read 'Steve Clelland', with a long horizontal flourish extending to the right.

STEVE CLELLAND
WATER RESOURCE AGENT

ENC:
SCC

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NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4182
A72-4183

RE: OWNERSHIP @ TORREY'S

DATE 3-10-94

NAME OF PARTY

TOM VACOMELLA

879-2325

Tom confirmed his records show the current owner at Torrey's to be Anthony Mariani.

IDWR NOTE:

Since no official change of ownership form was submitted, this confirms the Warranty Deeds are correct as submitted.

Due to the many contacts with Mr. Mariani, Jim Bennetts & others, it is clear that these claims should now list Mr. Mariani as the current owner.

Steve Clelland 3-10-94

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NOV 01 1994

RECEIVED

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

MAR 7 1994

Department of Water Resources
Southern Region Office

(208) 879-4488

March 2, 1994

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

Re: Johnson - Mariani

Dear Frank:

I am enclosing a copy of the deed as noted. The Johnsons were trying to bolster one of the claims with proof of their priority. I wrote them suggesting we get this wound up and if necessary that they file the change of ownership whether the proofs are attached or not.

With best regards,

James R. Bennetts

JRB:jab
Enclosure

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NOV 01 1994

WARRANTY DEED

0204879

For Value Received

PHILLIP A. JOHNSON and VALERIE L. JOHNSON,

the grantor S, do hereby grant, bargain, sell and convey unto

ANTHONY MARIANI and LAURI MARIANI, husband and wife,

the grantee S, whose current address is 4000 E. McMillan, Meridian, ID 83642,

the following described premises, in Custer County, Idaho, to-wit:

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

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee S, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owner S in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: September 3rd, 1993.

Phillip A. Johnson
PHILLIP A. JOHNSON

Valerie L. Johnson
VALERIE L. JOHNSON

STATE OF IDAHO

COUNTY OF CUSTER

On this 3rd day of September, in the year 1993, before me, a Notary Public, personally appeared PHILLIP A. JOHNSON & VALERIE L. JOHNSON h/w known or identified to me to be the person whose name S are subscribed to the within instrument, and acknowledged to me that they executed the same.

Dorothy Kinick
Notary Public

Residing at Challis, Idaho.

My Comm. Expires: 3/12/98

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title

at 25 minutes past 9 o'clock A.M.,
this 7th day of September, 1993, in my office, and duly recorded in Book of Deeds at page

Ethel M. Peck

Ex-Officio Recorder

By Quandary Murphy

Deputy.

Fees \$6.00

Mail to:

Chicago Title Insurance
Company of Idaho

EXHIBIT "A"

A parcel of land located in H.E.S. 583, Section 29, T. 11 N., R. 16 E., Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at Corner 2 of said H.E.S. 583, run thence S. 18° 36' 02" W. along Line 2-3 H.E.S. 583 a distance of 571.57 ft. to the POINT OF BEGINNING;

Thence continuing S. 18° 36' 02" W. a distance of 407.12 ft. to Corner 3 H.E.S. 583;

Thence S 87° 34' 00" W. along Line 3-4 of H.E.S. 583, a distance of 1057.70 ft. to a point on the southerly right-of-way of Highway 75;

Thence along a curve to the left having a central angle of 22° 53' 04.5", a radius of 762.75 ft. and a chord of 302.63 ft.;

Thence N. 56° 36' 40" E. a distance of 823.54 ft.;

Thence S. 57° 40' 22" E. a distance of 260.01 ft. to the POINT OF BEGINNING.

SUBJECT TO Public Law 92-400, creating Sawtooth National Recreation Area; regulation promulgated thereunder, published March 29, 1974, in Volume 39, Federal Register, Pages 11544 to 11547.

ALSO SUBJECT TO Right of Way Deed Easement dated July 11, 1933, from Clyde A. Torrey and Ella Torrey, husband and wife, to State of Idaho, recorded July 12, 1933, in Book 22 Deeds, Page 107, records of Custer County, Idaho.

NOA 8 1 1933
MICROFILMED

WARRANTY DEED

For Value Received

C204881

PHILLIP A. JOHNSON and VALERIE L. JOHNSON, husband and wife,

the grantorS , do hereby grant, bargain, sell and convey unto

TAIT P. JOHNSON and TERRI B. JOHNSON, husband and wife,

the granteeS , whose current address is 416 Waldruh, Bellevue, NB 68005,

the following described premises, in Custer County, Idaho, to-wit:

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

RECEIVED

MAR 7 1994

Department of Water Resources
Southern Region Office

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 t hyare the owners in fee simple of said premises; that they are free from all incumbrances

and that t he y will warrant and defend the same from all lawful claims whatsoever.

Dated: September 2nd, 1993.

PHILLIP A. JOHNSON

VALERIE L. JOHNSON

STATE OF IDAHO
COUNTY OF CUSTER

On this 2nd day of September, in the year 1993, before me, a Notary Public, personally appeared PHILLIP A. JOHNSON & VALERIE L. JOHNSON h/w known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that t hey executed the same.

Notary Public

Residing at Challis, Idaho.

My Comm. Expires: 3/12/98

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title

at this 28 minutes past 9 o'clock AM., 7th day of September, 1993, in my office, and duly recorded in Book of Deeds at page

Ethel M. Peck

Ex-Officio Recorder

By

Wanda J. Murphy

Deputy.

Fees \$ 6.00

Mail to:

INSTRUMENT NO.

Chicago Title Insurance
Company of Idaho



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST SUITE 200
TWIN FALLS ID 83301
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

January 7, 1999

WILLIAM A KNIGHT
HC 67 BOX 725
CLAYTON ID 83227

RE: Change of Ownership Incomplete without Deed; 72-04182 & 72-04183

Dear Mr. Knight,

I have requested a deed to show the ownership change from Mariani to you for the lands at Torrey's and to date have still not received the necessary deed. I have temporarily listed you as the owner for the SRBA claims based on my conversation with Mr. Mariani. However, to properly confirm your ownership of this right I need to receive the deed conveying the parcels from Mariani to you. This must be completed as soon as possible due to the pending Director's Report for the area. (This report will be sent out after January 15, 1999.)

Without this documentation, you could jeopardize the ownership of these claims for yourself and future owners.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', with a long horizontal line extending from the end of the signature.

STEVE CLELLAND
Sr. Water Resource Agent

Enc. proofs

COMMUNICATION DOCUMENTATION

I called 887-1000 to find out his current address (mailing returned to sender) and found out he sold all his property at Torrey's to Bill Knight. I cannot support this without a Deed so letter is being sent to Mr. Knight to get final documentation.

AJ0742NP
No. R72-04182

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

DATE: 01/07/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	WILLIAM A KNIGHT HC 67 BOX 725 CLAYTON ID 83227 (208) 838-2313	01/01/1959	COMMERCIAL	01-01 12-31	0.04 CFS	2.74 AFA
TOTAL DIVERSION:					0.04 CFS	2.74 AFA

Water Source: GROUNDWATER Tributary to: Stage: BENEFICIAL USE

Point(s) of Diversion: T11N R16E S29 NE1/4 CUSTER County

Place of use Legal Description for: COMMERCIAL

	NE	NE1/4	SE	SE1/4	SW	SW1/4	SE	SE1/4
T R S	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac	: Lt	: Ac
11N 16E 29	:	:	:	:	:	:	:	:

POU County: CUSTER

Other Rights: NONE

Remarks: USE COMMERCIAL USE FOR A STORE, CAFE, 10 CABINS, 3 RV SITES AND A LAUNDRY.

POU PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY NO. 583.

Dates: Exam Made Date: 06/15/1993 Verified Date: 01/07/1999 Objection Filed Date:

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

November 20, 1998

su

**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: 72-04182

ANTHONY MARIANI
LAURI MARIANI
4000 E MCMILLAN
MERIDIAN ID 83642

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

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

DATE: _____ **SIGNATURE:** _____
Please print your name: _____

RIGHT NUMBER: 72-04182NAME AND ADDRESS: ANTHONY MARIANI
LAURI MARIANI
4000 E MCMILLAN
MERIDIAN ID 83642

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS
2.74 AFY

PRIORITY-DATE: 01/01/1959

POINT OF DIVERSION T11N R16E S29 NENWSE Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.04 CFS
			2.74 AFY

COMMERCIAL USE FOR A STORE, CAFE, 10 CABINS, 3 RV SITES AND A
LAUNDRY.PLACE OF USE: COMMERCIAL Within CUSTER County
T11N R16E S29 NWSE

PROPERTY IS ALSO KNOWN AS HOMESTEAD ENTRY NO. 583.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

EXPLANATION OF ELEMENTS OF A WATER RIGHT

To assist you in reviewing the preliminary recommendation of your claim are the following explanations:

Water right number: This number is assigned by IDWR to identify your claim. The first two digits indicate the sub-basin of the Snake River Basin where your claim is located.

Name and address of claimant: This is the name and address shown on the notice of claim form, or on the most recent *Notice of Change of Water Right Ownership* (see enclosed form if you need to change this information) that was filed with IDWR as required by statute.

Source: The source is the natural water body to which the claimant has a right. For surface water sources, the natural water body to which the source is tributary is also shown.

Priority Date: This is the calendar date which is used to determine the relative priority of the right in relation to other rights from the same source, and is determined based on the method of appropriation (see basis of right, below). When there is insufficient water available to satisfy all existing rights, the water right holders with the oldest priorities are entitled to have their water rights satisfied before right holders with newer priorities are entitled to water.

Purpose of Use: Purpose of use indicates the general type of use made on the water, such as irrigation, domestic, or stockwater.

Period of Use: The period of use is the portion of the calendar year when water may be used for a particular purpose.

Quantity: The quantity of the right is the rate of diversion in cubic feet per second (CFS), the volume of water diverted in acre feet per calendar year (AFY), and/or the volume of water stored in AFY. The quantity for each purpose of use is shown, as well as the total quantity.

Non-irrigation Uses: If your preliminary recommendation includes purposes of use other than irrigation, then this element further describes the other purposes of use.

Point of Diversion: The point of diversion is the point at which water is diverted from the source, and is generally described by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot within which the point of diversion is located. In some instances the point of diversion is described by a legal description of the 10 acre tract (1/4 1/4 1/4 section or 1/64 section) within which the point of diversion is located.

"B" and "E" suffixes indicate the beginning and ending points of an instream flow right. "I" and "R" suffixes indicate points of injection and rediversion. Points of injection and rediversion are indicated where water is diverted from one source, injected into another source, and then rediverted, or where water from one source is exchanged with water from another source.

Place of Use: The place of use is the location where water is used, which is indicated by a legal description of the 40 acre tract (1/4 1/4 section or 1/16 section) or government lot where the water is used. For irrigation rights, the number of irrigated acres in each 40 acre tract or government lot is listed.

Remarks: Remarks, if any, further describe the particular right. PLEASE REVIEW THE REMARKS CAREFULLY.

Basis of Right: The basis of right may be a decree (where the water right was previously determined by a court); posted notice (an historical method of appropriation that is no longer available); beneficial use (another historical method of appropriation that is available today only in very limited circumstances); permit (where IDWR has granted an application seeking approval of a proposed appropriation); or license (where an appropriation has been completed pursuant to permit).



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 20, 1998

Dear Water Right Claimant(s):

The Idaho Department of Water Resources (IDWR) has completed its initial investigation of your water right claim(s) in the Snake River Basin Adjudication (SRBA). We have enclosed a print-out showing our preliminary recommendation regarding how your water right should be reported to the SRBA District Court.

Please review the preliminary recommendation carefully. If there is any information on the print-out you believe is inaccurate, please fill out the enclosed reply indicating what changes you believe should be made. Further instructions to assist you with the review are enclosed. For water rights with an irrigation water use, a Geographic Information System (GIS) computerized image of the place of use for your water right is also enclosed.

You may return this reply in person to us at a public meeting IDWR will be conducting in your area. **The meeting will be held on Tuesday, December 8th at 7:00 p.m. in the Challis Middle School auditorium.** Please come to the public meeting, where you will have an opportunity to find out more about the SRBA process and speak with a department staff member should you have questions regarding your water right. Please bring any and all information you have which will help the Department understand your water rights and describe them accurately.

This process is intended to ensure IDWR recommends your water right accurately to the SRBA District Court. This is the easiest and least costly means for you to identify corrections you believe should be made to our recommendation. Completion of this process is an important step toward the overall success of the adjudication in Idaho. Your participation is necessary so that accurate information is provided to the SRBA District Court.

We look forward to hearing from you.

Sincerely,

Karl J. Dreher
Director

Enclosures

DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
STATE OF IDAHO



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
(208) 736-3011
FAX (208) 736-2121

SRBA CHAMBERS
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

Dear Water Right Claimant,

To help you with your water right claim(s) in the Snake River Basin Adjudication, this information is sent to you by the Idaho Department of Water Resources (IDWR). Included are the following important documents which I ask you to please read carefully because they give you the opportunity to save a great deal of time and money:

1. Preliminary Recommendation. This is IDWR's *initial* conclusion about your water right and how it should be reported to the SRBA Court. It is not filed with the court, but is provided to you to help correct errors or resolve any disagreement you may have over its content. This document has been prepared following IDWR's investigation and may be different than the claim(s) you filed.

Please review this preliminary recommendation carefully to find any errors or disagreements you have with IDWR's findings.

2. Error Correction/Settlement Process. This is a special service provided to you by IDWR to help you correct errors and resolve any other disagreement you have before the recommendations are filed with the court.

A description of how to work with IDWR is included. Our experience in the SRBA shows that by working in cooperation with IDWR most errors and differences can be addressed before coming into court. It's well worth your time to take full advantage of IDWR's helpful service. If your disagreement cannot be resolved, you will be able to file an objection to IDWR's recommendation when it is filed in court and have the final decision made by the Presiding Judge.

This error correction service is an important opportunity for you to work together with IDWR to make sure your water right claim(s) are decreed accurately. There is no cost to you other than your time reviewing the preliminary recommendation and talking to IDWR about any problem you see.

The goal of the SRBA is to see that your water right(s) are decreed by the court as accurately and fairly as possible. It is important to me that this is done efficiently in order to reduce your costs and present you with your decree.

I strongly encourage you to take full advantage of this opportunity to use the fine and courteous service provided by IDWR.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Daniel C. Hurlbutt, Jr.", is written over the typed name.

Daniel C. Hurlbutt, Jr.
Presiding Judge
Snake River Basin Adjudication

EXHIBIT "A"

A parcel of land located in H.E.S. 583, Section 29, T. 11 N., R. 16 E., Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at Corner 2 of said H.E.S. 583 run thence S. 18° 36' 02" W. along Line 2-3 H.E.S. 583 a distance of 186.71 ft. to a point on the southerly right-of-way of Highway 75, the POINT OF BEGINNING;

Thence continuing S. 18° 36' 02" W. a distance of 384.86 ft.;

Thence N. 57° 40' 22" W. a distance of 260.01 ft. to a point on the southerly right-of-way of Highway 75;

Thence N. 56° 36' 40" E. along said right-of-way a distance of 410.16 ft. to the POINT OF BEGINNING.

SUBJECT TO that certain Right of First Refusal granted to ANTHONY MARIANI and LAURI MARIANI, husband and wife, by Memorandum of Understanding of even date, by and between PHILLIP A. JOHNSON and VALERIE L. JOHNSON, husband and wife, Sellers, and ANTHONY MARIANI and LAURI MARIANI, husband and wife, Buyers.

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: A72-04182
Date Received: 12/13/1989
Receipt No: 5019674
Received By: B.V. 7K

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PHILLIP A. JOHNSON 208-838-2313
Address: HC 67 BOX 725
CLAYTON, ID 83227

Name: VALERIE L. JOHNSON 208-838-2313
Address: HC 67 BOX 725
CLAYTON, ID 83227

2. Date of Priority: JAN 01, 1950

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	16E	29	SE	SW	NE		CUSTER

5. Description of diverting works:
6" X 48' WELL, 1 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.080		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
C/CAFE, CABINS, RV CAMPSITES, LAUNDRY

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11N	16E	29	SW	NE		COMMER	

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:
NEW WELL PERMIT - DRILLED 06/27/1981.

14. Remarks:

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): X *Daniel L. Johnson* Date: X 12-13-89
_____ Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day
of December 1989

Robert W. Versteff
Notary Public

Seal

Residing at Twin Falls, Idaho

My Commission Expires January 16, 1995



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

A72-04182
PHILLIP A. JOHNSON
VALERIE L. JOHNSON
HC 67 BOX 725
CLAYTON

ID 83227

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



BURNT CREEK INN

CLAYTON, IDAHO

On the Salmon River

Val & Phil Johnson • H/C 67 Box 725 • Clayton, Idaho 83227 • (208) 838-2313

April 26, 1992

RECEIVED

APR 29 1992

State of Idaho
Dept. of Water Resources
222 Shoshone St. E.
Twin Falls, Idaho 83301

Mr. Allen Merritt, P.E.
Water Rights Supervisor

Department of Water Resources
Southern Region Office

Re: A72-04182

Dear Sir:

We filed this claim to water rights on 6/30/83 (Receipt #29141) because of published information that such action was required by law. The claim is based on the statement of a previous owner, John and Charlotte Smith, that they had the well drilled in 1956 by Bob Cole of Stanley, Idaho. Prior to the well, water was obtained from Burnt Creek as set forth in Water License #72-2088.

Re: A72-04183

We filed this claim at the same time as A72-04182. This claim is based on the evidence of the same previous owner. The fenced areas for grazing sheep and horses, irrigation ditches, irrigation pipe, abandoned water pump, a water right at the edge of the river (if we found the right spring, it now empties into the Salmon River). It is listed in our Warranty Deed as 0.02 sec. ft. under State License #21792 along with all water rights, ditch rights, and improvements.

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

Signature of Claimants: Philip A. Johnson Date 4/27/92
Valerie L. Johnson Date 4-27-92

State of Idaho
County of Custer

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

Vivienne K. Kallathew
Notary Public

Seal

Residing at Clayton, Idaho
My Commission Expires 2-9-93

MICROFILMED

MAR 18 1993

Water Right Number - A72-04182 Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
+ - - - - Last Name - - - - + + - - - - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
JOHNSON

PHILLIP A.

1 - HC 67 BOX 725

2 -

3 -

City- CLAYTON
Phone - 208-838-2313

State- ID Zip- 83227

VALERIE L.

1 - HC 67 BOX 725

2 -

3 -

City- CLAYTON
Phone - 208-838-2313

State- ID Zip- 83227

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
01/01/1950 17 SOUTHERN S - STATUTORY CLAIM

+ - - Source - - - - - + + - - Tributary - - - - - +
GROUNDWATER

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

11N 16E 29 SE SW NE (37) CUSTER

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

10 - COMMERCIAL 01/01 12/31 0.080

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.080 0.080

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

11N 16E 29 SW NE 10 COMMERCIAL (37) CUSTER

+ - - Diversion Means - 6" X 48' WELL, 1 HP PUMP

+ - - Non-Irrigation Use - C/CAFE, CABINS, RV CAMPSITES, LAUNDRY

+ - - Other Rights for Same Use - NEW WELL PERMIT - DRILLED 06/27/1981.

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

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

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

MICROFILMED
MAR 18 1993

+ - Decree Date - +
00/00/0000

+ - - - Decree Defendant - - +

+ - - Audit Fields - 12/13/89 WORSTELL

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

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

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-	-	Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	01/28/1986	Old Judicial District	-	
Claim Received Date	-	12/13/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P
Proof Due Date	-	00/00/0000	Proof Made Date	-	00/00/0000	Water District	-	
Licensed Date	-	00/00/0000	Receipt Number	-	S010674	Federal/State Indicator	-	S
Claims Tape Error Flg	-	-	POU Ownership Flag	-	- Y	Presumption Flag	-	
Fee Exempt Flag	-	-	Name Connector	-	-	Notice of Error Flag	-	

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

MAY 10, 1993

R. KEITH HIGGINSON
Director

. PHILLIP A OR VALERIE L JOHNSON
· HC 67 BOX 725
· CLAYTON ID 83227

RE: SECOND REQUEST EVIDENCE OF PRIORITY - CLAIMS

A72-4182 &
A72-4183.

DEAR MR. & MRS. JOHNSON,

YOU WERE ASKED TO SUBMIT SOME EVIDENCE OF PRIORITY FOR THE ABOVE WATER RIGHT AND THE INFORMATION HAS NOT BEEN RECEIVED IN THE INITIAL REVIEW OF YOUR CLAIM INVESTIGATION.

YOUR CLAIM IS CURRENTLY RECOMMENDED FOR DISALLOWAL DUE TO LACK OF EVIDENCE SUPPORTING THE PRIORITY DATE CLAIMED. AS EXPLAINED IN OUR PREVIOUS LETTER, BEFORE THE DEPARTMENT CAN MAKE A RECOMMENDATION TO THE COURT TO DECREE THE CLAIM, SOME EVIDENCE OF THE PRIORITY DATE MUST BE SUBMITTED. WE REQUEST THAT YOU SUBMIT YOUR EVIDENCE OF PRIORITY AS SOON AS POSSIBLE. IF WE DO NOT RECEIVE THE REQUESTED DOCUMENTATION, YOUR CLAIM WILL BE RECOMMENDED FOR DISALLOWAL IN THE DIRECTOR'S REPORT DUE TO LACK OF EVIDENCE SUPPORTING ANY PRIORITY DATE.

PLEASE SUBMIT THE REQUIRED EVIDENCE SUPPORTING THE PRIORITY DATE **WITHIN 30 DAYS OF THIS DATED LETTER**. PLEASE REFERENCE THE CLAIM NUMBER ON YOUR CORRESPONDENCE. IF YOU HAVE QUESTIONS OR NEED OTHER ASSISTANCE PLEASE CONTACT THIS OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

P.S. ATTACHED IS THE INFORMATION YOU FIRST SUBMITTED.
IT DOES NOT SUPPORT THE CLAIMED WATER RIGHTS.

MICROFILMED
NOV 01 1994

RECEIVED

DEC 16 1993

Department of Water Resources
Southern Region Office

AFFIDAVIT - WATER USE

RE: WATER RIGHT NOS. A72-04182
A72-04183

STATE OF IDAHO)
 : ss.
County of Custer)

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

1. That I am 70 years of age. I have resided in Custer County for 50 years. My first visit to Torrey's was in 1929 although I have no basic recollection of that time. The Smiths purchased Torrey's about 1953 and I worked at Torrey's off and on from 1959-1963.

2. I have reviewed the attached Notice of Claim to Water Right A72-4182 and A72-4183. I believe the claims are accurate as best my memory serves me.

DATED: December 13, 1993.

George Jewitt
George Jewitt

SUBSCRIBED AND SWORN TO before me this 13th day of December, 1993.

Vivienne Knight
Notary Public for Idaho
Residing at: Clayton, Idaho
My Comm. Expires: 2-9-99

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

MAY 10, 1993

R. KEITH HIGGINSON
Director

• PHILLIP A OR VALERIE L JOHNSON
• HC 67 BOX 725
• CLAYTON ID 83227

RECEIVED

DEC 16 1993

Department of Water Resources
Southern Region Office

RE: SECOND REQUEST EVIDENCE OF PRIORITY - CLAIMS

A72-4182 &
A72-4183.

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SINCERELY,



STEVE CLELLAND
WATER AGENT, SR.

P.S. ATTACHED IS THE INFORMATION YOU FIRST SUBMITTED.
IT DOES NOT SUPPORT THE CLAIMED WATER RIGHTS.

Called for
called 5/28 Talked "girl". She off, call back then
Talked "Bob". She out, call back

MICROFILMED
NOV 01 1994

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

RECEIVED

DEC 11 1998

Department of Water Resources

ANTHONY MARIANI
LAURI MARIANI
4000 E MCMILLAN
MERIDIAN

ID 83642

NOT DELIVERABLE
AS ADDRESSED,
UNABLE TO FORWARD

MARIO00 836422012 IN 07 12/07/98
RETURN TO SENDER
NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER



DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1841 FILLMORE STREET, SUITE 200
TWIN FALLS, ID 83301-3380



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

DEC 13 1993

Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
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: ~~A72-02088B~~, A72-04182, A72-04183
- [] Name and Address of Former Owner/Claimant(s)(Seller): PHILLIP A JOHNSON OR VALERIE L JOHNSON
HC 67 Box 725
CLAYTON ID 83227
- [] New Owner/Claimant (Purchaser): William A. Knight
- [] New Mailing Address: HC 67, Box 725
Clayton, ID 83227
- [] New Telephone Number: (208) 838-2313
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- [] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- [] Signature of New Owner/Claimant(s) William A. Knight Date 12-9-93
- [] Signature of Former Owner/Claimant(s) _____ 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: 12-16-93 By: SC

Further Action Needed:

Further Action Taken

Date: 3-10-94 By: SC

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

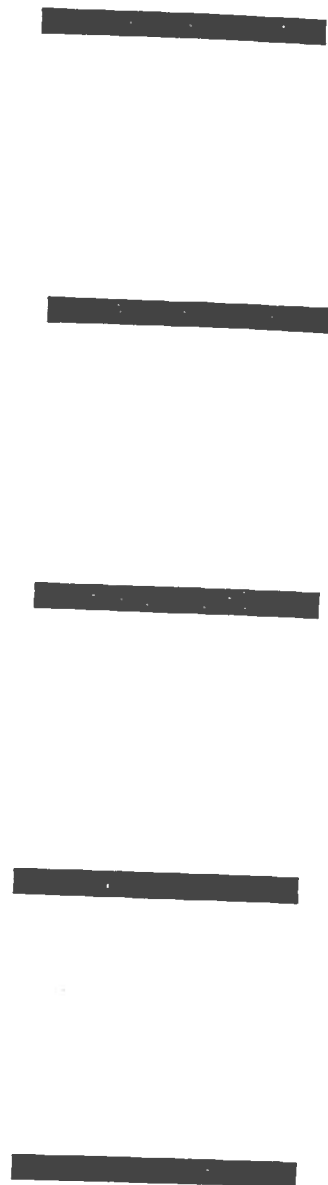
NEED WARRANTY DEED → called to Bill Knight.

KNIGHT IS NOT THE OWNER.

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

3-10-94
failed to show
ownership of claim
of property.
RECEIVED
NOV 01 1994

R PROOF
CVR
MAPS
PHOTOS
MISC



2

DIVERSION
VOLUME

2.74 AFA

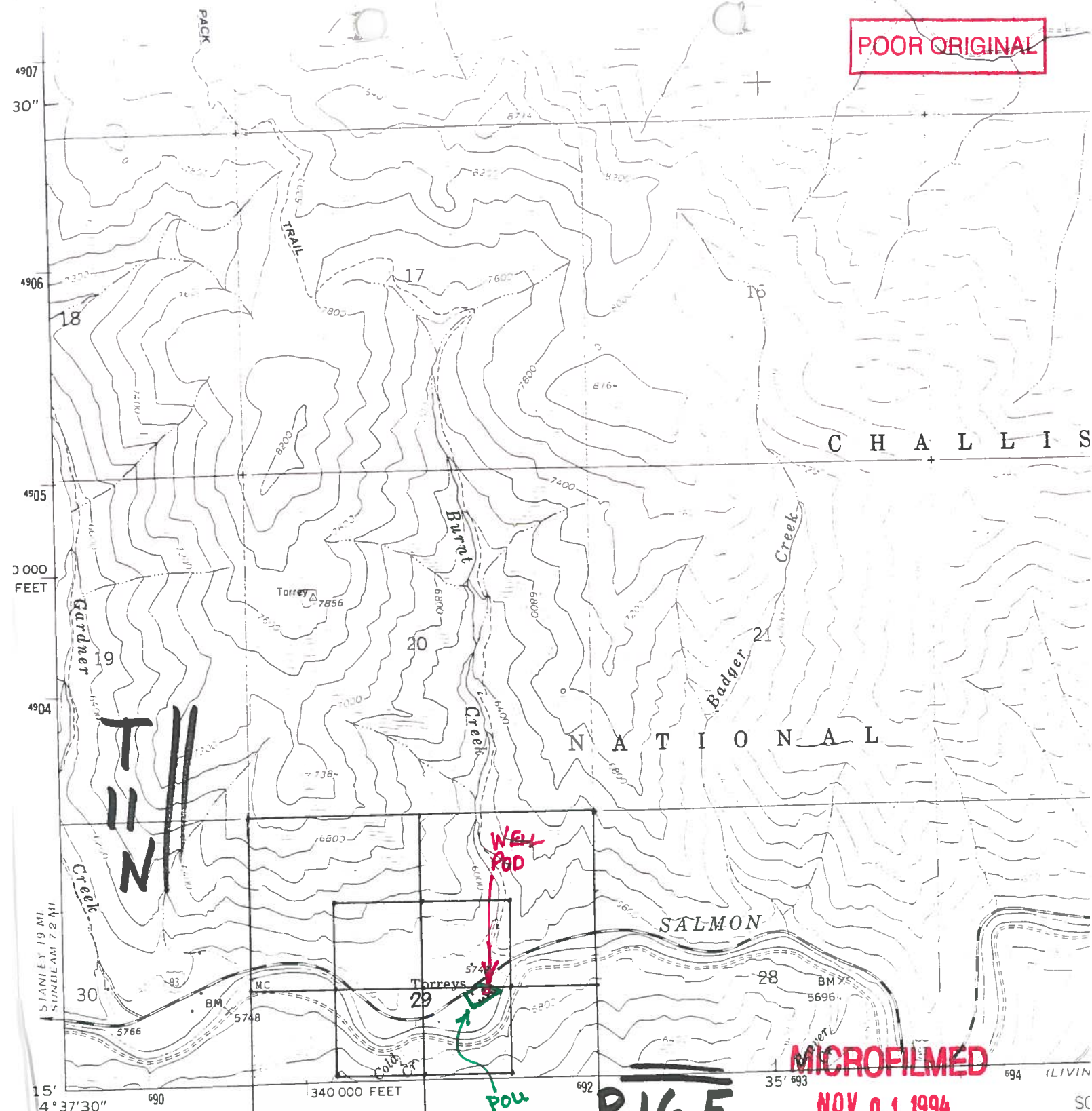
2.74 AFA

CUSTER County

03/10/94 CLELLAND

MICROFILMED
Key of 1 1984

POOR ORIGINAL



Mapped, edited, and published by the Geological Survey

Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1957. Field checked 1964

Polyconic projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system,
central zone

1000-meter Universal Transverse Mercator grid ticks,
zone 11, shown in blue

Where omitted, land lines have not been established

UTM GRID AND 1964 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

A72-04182

MICROFILMED

NOV 01 1994

T. R. S. Q/Q
P/D 11N 16E 29 NENWSE
PHOTO U72
DT.&ID. 1964

THIS MAP COMPLIES WITH
FOR SALE BY U.S. GEOLOGICAL SURVEY, C
A FOLDER DESCRIBING TOPOGRAPHIC

LAST: JOHNSON
ADDRESS: HC 67 BOX 725
CITY: CLAYTON
PHONE NUMBER: 208-838-2313

FIRST: PHILLIP A.
STATE: ID ZIP: 83227

OWNER CODE: C

LAST: JOHNSON
ADDRESS: HC 67 BOX 725
CITY: CLAYTON
PHONE NUMBER: 208-838-2313

FIRST: VALERIE L.
STATE: ID ZIP: 83227

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
N EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

12-2-93

Δ of owner pending
to Bill Knight.

Corrected
Change L 94
03-10-94
MICROFILMED
NOV 01 1994

CONTACT PERSON:

DATE OF FIELD EXAM: 6/15/93

APPOINTMENT MADE: Y () N ()

ACCOMPANIED BY:

PAUL JOHNSON

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

see sketch

PHONE NUMBER: () - - - -

TIME: - - - - A () P ()

PHONE NUMBER: () - - - -

A. AJ CLAIM: # A72-04182

PRIORITY DATE: 01-01-1950

STAGE: ~~5~~ 5

B. WR RECORD: # 72-04182

PRIORITY DATE: 01-01-1950

STAGE: 5

C. FIELD EXAM REQUIRED?

TRUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE
N

FIELD
EXAMINER

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? ☒ YES ☐ NO ()
IF YES EXPLAIN.

REMARKS:

12-2-93 *affidavit does not support uses on dates claimed. 2nd request for info sent - 5-10-93 see*
see *1b proof submitted.* *(see phone memo)*

12-16-93 *affidavit received this day by George Teuff can*
sway support to 1959 when he worked there.

RECOMMENDED PRIORITY DATE:
01-01-~~1950~~ 1959

REVIEWED BY

see

DATE 12-16-93

MICROFILMED
NOV 01 1994

4.7 CLAIM POINT OF DIVERSION AND SOURCE:

SOURCE: GROUNDWATER

TRIR

WE POINT OF DIVERSION AND SOURCE:

A PREFIX PREFIX

472-0306EH

672-03088C

A72-070811

A77-02088E

A73-0308E

H72-03088F
A72-02088F

473-10133

474-10135

A72-10382
A72-10377A72-10323
A72-10344672-10344
672-10414

A72-10415

FORCE: GROUNDWATER

11 02

C. FIELD EXAM REQUIRED?

TRUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE

FELT
EXAMINER

Y

REMARKS:

Confirmed in PoD: Field Exam, ACS Map R20 1978, Map W01 NE
Topo U72-1964 & Gold Lot map

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4 1/4

1/4

LOT

COUNTY

11N 16E 29

NE

NW

SE

—

37

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

See

DATE:

12-2-93

this will appear 0 to fall on the line between SWNE (as claimed) and the NWSE (as used). my field exam and Topo Map U72 Building location, away me to the NWSE 1/4 1/4, & ACS R20 map.

See
12-2-93

MICROFILMED
MAY 01 1994

B. FOL LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME
-----	-----	-----	-----	-----	-----	------

AJ
#/ACRES

#ADRES

LANDSAT
DATA

FIELD EXAM.

RECOMMENDED
ACRES

65-191111

THE
END

JOHNSON, PHILLIP A.
CUTPATER, TOM I

A72-04187
A72-10777

04182-2

Figure 6

No investigation

Commercial Use

SW	NE	SCHEIEMEIER	ION L.
SW	NE	SCHIERMEIER	EARLA J
SW	NE	KARREN , MARY	
SW	NE	KARREN , MARY	
SW	NE	JOHNSON , PHILLIP A.	
SW	NE	KINSFATHER , VIVIANNE	
SW	NE	SCHIERMEIER , EARLA J.	
SW	NE	SCHIERMEIER , EARLA J.	
SW	NE	KINSFATHER , HOWARD	
SW	NE	ROOS , GUS A.	
SW	NE	ROOS , GUS A.	
SW	NE	KARREN , MARY	
SW	NE	SCHIERMEIER , EARLA J.	
SW	NE	SCHIERMEIER , EARLA J.	
SW	NE	KINSFATHER , HOWARD	
SW	NE	ROOS , GUS A.	
SW	NE	RAMSAY , E. A.	
SW	NE	RAMSAY , ADELLA	
SW	NE	ALEXANDER , WILLIAM L.	

A72-10323	/	-	/
A72-02086A	/	-	/
A72-10122	/	-	/
A72-04183	/	72-04183	/
A72-10344	/	-	/
A72-02088C	/	-	/
A72-02088D	/	-	/
A72-02088E	/	-	/
A72-10415	/	-	/
A72-02088F	/	-	/
A72-02088A	/	-	/
A72-02088B	/	-	/
A72-02088D	/	-	/
A72-02088E	/	-	/
A72-02088F	/	-	/
A72-02088G	/	-	/
A72-02088H	/	-	/
A72-02088I	/	-	/
A72-02088J	/	-	/
A72-02088K	/	-	/
A72-02088L	/	-	/
A72-02088M	/	-	/
A72-02088N	/	-	/
A72-02088O	/	-	/
A72-02088P	/	-	/
A72-02088Q	/	-	/
A72-02088R	/	-	/
A72-02088S	/	-	/
A72-02088T	/	-	/
A72-02088U	/	-	/
A72-02088V	/	-	/
A72-02088W	/	-	/
A72-02088X	/	-	/
A72-02088Y	/	-	/
A72-02088Z	/	-	/
A72-02089A	/	-	/
A72-02089B	/	-	/
A72-02089C	/	-	/
A72-02089D	/	-	/
A72-02089E	/	-	/
A72-02089F	/	-	/
A72-02089G	/	-	/
A72-02089H	/	-	/
A72-02089I	/	-	/
A72-02089J	/	-	/
A72-02089K	/	-	/
A72-02089L	/	-	/
A72-02089M	/	-	/
A72-02089N	/	-	/
A72-02089O	/	-	/
A72-02089P	/	-	/
A72-02089Q	/	-	/
A72-02089R	/	-	/
A72-02089S	/	-	/
A72-02089T	/	-	/
A72-02089U	/	-	/
A72-02089V	/	-	/
A72-02089W	/	-	/
A72-02089X	/	-	/
A72-02089Y	/	-	/
A72-02089Z	/	-	/
A72-02090A	/	-	/
A72-02090B	/	-	/
A72-02090C	/	-	/
A72-02090D	/	-	/
A72-02090E	/	-	/
A72-02090F	/	-	/
A72-02090G	/	-	/
A72-02090H	/	-	/
A72-02090I	/	-	/
A72-02090J	/	-	/
A72-02090K	/	-	/
A72-02090L	/	-	/
A72-02090M	/	-	/
A72-02090N	/	-	/
A72-02090O	/	-	/
A72-02090P	/	-	/
A72-02090Q	/	-	/
A72-02090R	/	-	/
A72-02090S	/	-	/
A72-02090T	/	-	/
A72-02090U	/	-	/
A72-02090V	/	-	/
A72-02090W	/	-	/
A72-02090X	/	-	/
A72-02090Y	/	-	/
A72-02090Z	/	-	/
A72-02091A	/	-	/
A72-02091B	/	-	/
A72-02091C	/	-	/
A72-02091D	/	-	/
A72-02091E	/	-	/
A72-02091F	/	-	/
A72-02091G	/	-	/
A72-02091H	/	-	/
A72-02091I	/	-	/
A72-02091J	/	-	/
A72-02091K	/	-	/
A72-02091L	/	-	/
A72-02091M	/	-	/
A72-02091N	/	-	/
A72-02091O	/	-	/

TOTAL ACRES 472-04182

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

C. FIELD EXAM REQUIRED

LITAFASE

EXAMPLE

FOUO COUNTY: CUSTER

TRUE TO FOU DISCREPANCY? (Y/N)

 Σ

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

Commercial

REVIEWED BY:

su

DATE:

12-2-93

MICROFILMED
May 01 1994

A. AJ CLAIMED USES:

PURPOSES
A72-04182 COMMERCIAL

MONTH/DAY
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.080 CFS

.080 CFS

B. WR RECORDED USES:

PURPOSES
72-04182 COMMERCIAL

MONTH/DAY
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
.080 CFS

.080 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)

FIELD
DATABASE EXAMINER
N
N
N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

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

Explain in remarks, below.

REMARKS:

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 0.080 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.080 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 DATABASE EXAMINER
Y

MEASUREMENT METHOD

Flow. Calc.

FLOW MEASUREMENT
SEE ATTACHED CALCULATIONS.

= 0.04 cfs

C. ARE OTHER WATER RIGHTS USED? *Y/N* ☒ IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: ~~NEW WELL PERMIT SCHIEFMEIER/37/1981~~

none

< New well services separate R/pmt >

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOLUME
A72-02088C	BURNT CREEK	SCHIEFMEIER, EARLA J.	0.040	0.080		
A72-02088C	BURNT CREEK	SCHIEFMEIER, EARLA J.	0.040	0.080		
A72-02088B	BURNT CREEK	SCHIEFMEIER, EARLA J.	0.040	0.080		
A72-02088D	BURNT CREEK	SCHIEFMEIER, EARLA J.	0.040	0.080		
A72-04183	SALMON RIVER	JOHNSON, PHILIP A.	0.260	0.026		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10322	DOMESTIC	SCHIEFMEIER, TOM L.	FROM 04-01 TO 10-15	.040 CFS	

MICROFILMED
NOV 01 1994

0.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE $\times 0.02$ CFS/ACRE = CFS
ACRES (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 = A/E/A

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

TOTAL CONSUMPTIVE USE A/E/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = A/E/A

ACRES $\times$ DIVERSION VOL. A/E/A FOR AREA =

TOTAL DIVERSION VOLUME A/E/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(X) N(~~X~~)

APP IV Water Loss Handbook

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

Confirms the
Theoretical Calculations: Volume Calc:

1b. CALCULATIONS

(see APPENDIX IV sheet)

1 - CAFE/STORE w/ Restrm. $\bar{x} = 300$ (200-400 GPD) = 300 GALLONS PER DAY

10 - CABINS (2 person/cabin) $\times 50 = 1000$

boundary 3 - washes (est 5 person) = 250
Restroom/showers (est 20 person $\times 20$) = 400

3 - RV SITES (6 person $\times 50$) = 300

1 - Apt (2 person) = 200

2450 GPD

Conversion from GPD to CFS:

$\frac{2450}{2.48 \times 60 \text{ min/hr} \times 450 \text{ gpm}} = \underline{\underline{0.045 \text{ cfs}}}$

Volume Calc:

$\frac{2450 \text{ GPD} \times 365 \text{ days}}{325850 \text{ gals/AE}} = \underline{\underline{2.74 \text{ AEA}}}$

See
12-2-93

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM TO	REC. DIV RATE CPS	REC. DIV VOL. AF/A	REC. COMS. USE
COMMERCIAL	01-01 12-31	0.04	2.74	De Min.
TOTAL FOR THIS RIGHT		0.04	0.0	0.0

REVIEWED BY: Sc DATE: 12-2-93

502 - Hes 583

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NOV 01 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FOREST/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04182
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.080

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT *R. CLAIM NUM.	*R. DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A72-04182	0.080	-	-	72-04182	0.080
TOTAL CFS		0.080				0.080

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
Y
FIELD
EXAMINER

REMARKS:

AUTHENTICATION
SIGNATURE: *Steve O'Quinn*

DATE: 12-2-93

NAME OF FIELD EXAMINER:

TITLE:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

01:38:03
06/05/92

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-04182

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	X	Applied 4-29-92 2nd Reg: 5-10-93 see	5-4-93 6-15-93 see	Y	156	see 12-16-93	see 12-16-93	see 12-16-93
POINT OF DIV	Y			N	12456	see 12-2-93	see 12-2-93	
SOURCE		Call to get proof 93 get 12-6-93		Y	56			
PLACE OF USE	Y			N				
DIV. AMOUNT CES/VOLUME				Y				
CONSUMPTIVE USE				N				
PURPOSES				N				
PERIOD OF USE				N				
BASIS OF CLAIM				N				
REMARKS				Y	b.			

VERIFIED BY CODES

TOPO MAP/ORTHO-PG = 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.

MICROFILMED
MAY 0 1 1994

CLAIM NUMBER: A72-04182

OWNER
CODE NAME & ADDRESS

PHILLIP A. JOHNSON
VALERIE L. JOHNSON
MC 67 BOX 725
CLAYTON ID 83227
(208) 838-2313

PRIORITY
DATE

01/01/1986

WATER USE

COMMERCIAL

USE PERIOD
FROM TO

01-01 12-31

DIVERSION
RATE

0.04 CFS

DIVERSION
VOLUME

2.14 AFA

TOTAL DIVERSION:

0.04 CFS

Water Source: GROUNDWATER

Point(s) of Diversion:

T11N R16E S29

Place of use Legal Description for: COMMERCIAL

	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
T R S	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
11N 16E 29																

POU County: CUSTER

Non-Irrigation Uses: ^{COMMERCIAL} C/CAFE, CABINS, RV CAMPSITES, LAUNDRY

Other Rights: ^{NEW WELL PERMIT} ~~PHILLIPS/22/1981~~ ^{WUE}

Non-Irrigation Use: C/CAFE, CABINS, RV CAMPSITES, LAUNDRY

Dates: Exam Made Date: 6-15-93

Verified Date: 01/28/1986

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

502 = 583

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NOV 01 1994

12-2-93
this right can qualify as Domestic and B.
and would be exempt from the proof of priority requirement.

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4182
A72-4183

RE: PROOF OF PRIORITY

DATE 12-6-93

NAME OF PARTY

PHIL JOHNSON

838-2355

I called to remind him about the need for this information. I explained the write up is complete for this right except for this item. He said he had tried to get something from a previous owner but nothing yet.

I told him this is needed soon, within a couple weeks so I can get the recommendation completed.

He will pursue some other sources for proof.

MICROFILMED
NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CHELLAND

FILE A72-4182
A72-4183

RE: change of Ownership

DATE 12-16-93

NAME OF PARTY

BILL KNIGHT

838-2313

I called to explain a copy of the Warranty Book
or an equivalent, is needed to prove ownership.

He said he will send a copy soon.

I also told him I have received adequate proof
of priority for the claims from Phil Johnson today.

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NOV 01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND

FILE A72-4182

RE: PROOF OF PRIORITY A72-4183 & A72-4182

DATE 12-2-93

NAME OF PARTY

BILL KNIGHT

4 HORI

(manager/owner @ Torrey's)

838-2313

I called to talk to Phil Johnson and he has sold the place @ Torrey's. Spoke to New owner Bill Knight and requested the proof of priority info or I will have to Disallow the 2 claims.

He gave me Phil Johnson's phone number, 838-2355, and said he will be back home by 12-4-93.

I agreed to call Phil. J. and get info and encouraged him to do the same.

I will send a change of ownership to Knight at address same as in the claim.

MICROFILMED

NOV 01 1994

6-15-93

✓ Phil Jell

POOR ORIGINAL

Burnt C.R.

A72-4182

ALEXANDER



A72-4182

KAREN



ROOS



WICKINDY

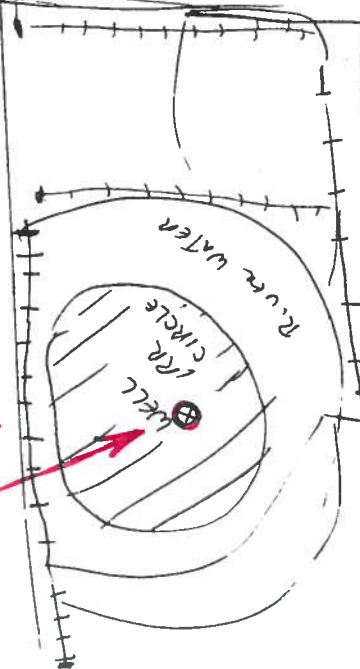


Kruskafagen



New Mexico
Permit
72-07451

WELL
POD



Phil Johnson

STORE
CAFE
RESTROOMS
Apt.

Well (Buried)

9 cabins

(2 Buildings are Duplex type)

rest room & shower

LAUNDRY (3 washers)

RV'S

SK 39 QN 1004 BX
SN 9860589
GE

21 LINES

21 LINES

21 LINES

21 LINES

21 LINES

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NOV 01 1994

APPENDIX IV (cont.)

A72-4182
Diversion Calculation
 Gallons
 per day*

OTHER USES

Camps:

	Construction, semipermanent (per worker)	50
	Day, with no meals served (per camper)	15
FOR APT. →	Luxury (per camper)	100-150
CABINS →	Resorts, day and night, with limited plumbing (per camper)	50
	Tourist with central bath and toilet facilities (per person)	35

Picnic grounds:

SHOWER RR →	With bathhouses, showers and flush toilets (per person)	20
	With toilet facilities only	10

Parks:

	Overnight with flush toilets (per camper)	25
	Trailers with individual bath units, no sewer connection (per trailer)	25
RV →	Trailers with individual bath units, connected to sewer (per person)	50
	Highway rest area (per person)	5

	Hotel - with private bath (two persons per room)	60
	without private bath (per person)	50
	Motel - with bath and kitchenette (per bed space)	50
	with bath (per bed space)	40
	Boardinghouse (per resident)	50
	- additional use for nonresident boarders (per person)	10
	Roominghouse (per resident)	60

CAFE →	<u>Restaurants:</u>	
	→ With toilet facilities (per patron) <i>EST. 20 PERSON CAP.</i>	7-10 = 200
	Without toilet facilities (per patron)	2 1/2-3
	With bar/lounge (additional quantity per patron)	2

Schools:

	Boarding (per student)	75-100
	Day with cafeteria, gym and showers (per student)	25
	Day with cafeteria, without gym and showers (per student)	20
	Day without cafeteria, gym or showers (per student)	15
	Hospitals (per bed)	250-400
	Other Institutions (per person)	75-125

	Airports (per passenger)	3-5
	Churches (per person)	5
LAUNDRY →	Laundries, self-service (per customer)	50
	Service stations (per vehicle)	10
STORE →	Stores (per restroom)	400
	Swimming pools (per swimmer)	10
	Theatres - drive in (per car space)	5
	- movie (per seat)	5

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NOV 01 1994

GROUNDWATER MEASUREMENT REQUIREMENT ANALYSIS

FILE: A72-4182
DATE: 12-2-93
BY: SA

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8) \times (H.P.) \times (EFF.)}{TDH}$

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])

$$Q = \frac{(8.8) \times (1.0) \times (0.70)}{[(48) + (50 \times 2.31)]} = \frac{6.16}{163.5} = 0.0376 \text{ cfs}$$

LIFT FROM:	PSI FROM:	NOTES ON PUMP:
measurement ()	measurement ()	Motor Make, Serial or ID
owner (X)	owner (X)	
area estimate ()	estimate (X)	Pump Make, Serial or ID, rating
well logs ()	owner gage ()	

REMARKS: Booster (Y) (N) Division works listed in claim.

ANNUAL VOLUME ANALYSIS

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	(.....) X (1.98) X (.....)
4/15-10/15	184	2.5-3.5	POTENTIAL =
4/01-10/31	214	3-4	
3/01-11/30	275	VARIES	(.....)
3/15-11/15	246	VARIES	POTENTIAL =

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

TELEPHONE MEMORANDUM

Incoming Call

✓
Outgoing Call

Returning Call

TO:

JIM BENNETTS 879-4488

DATE:

03-01-1994

FROM:

7H

FILE:

JOHNSON → KNIGHT → & correct

FILE NO:

A7Z-04182, -04183

SUBJECT:

Ownership Change by Jim - split due to
retention of 1 AC or so by owner -

REMARKS:

Wants to get proof (former owner)
CW notes: - looking for another source of proof

representing seller - JOHNSON -

Jim w/ send us W. Seal - he wrote seller in w/4
couldn't support the date of priority as
Jim remembers.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

He w/ send us the signed original
after he gets some from [unclear]

MICROFILMED

NOV 01 1994

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

Returning Call

TO:

DATE:

FROM:

FILE:

FILE NO:

SUBJECT:

REMARKS:

✓
915
A. MARSHALL
03-01-1994
FH
KNIGHT (SIC)
A72-04182, -04183
CN TIM BENNETTS - Change of
Ownership forms
Jim W/ got form from title co. -
emphasized need for original.
Asked MARSHALL to send me W.
Deed so can process if seller didn't
sign form @ closing.
He agreed - gave him mailing
address.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

MICROFILMED
NOV 01 1994

TELEPHONE MEMORANDUM

✓
Incoming Call
Outgoing Call
Returning Call

8³⁰/8³⁵

TO:

H

208-887-1000

DATE:

03-01-1994

FROM:

ANTHONY MARIANI
LAURIE

FILE:

?

FILE NO:

?

SUBJECT:

Ownership Change - ?

REMARKS:

8 1/2 AC

7 1/2 sold - split up

12 MI W

@ TORRITES

CARIN ACROSS ST.

1) well

2) SALMAN R.

ROSS-MARIANI

JOHNSON, PHILLIP

signed change

ROUTING
INSTRUCTIONS:

@ escrow

CALENDAR
DATES:

Jim Bennett

MICROFILMED

01 1994

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CHELLAND

FILE A72-4182 & 4183

RE: Change of Ownership

DATE 1-10-94

NAME OF PARTY

TONY MARIANI

he called about request for Warranty Deed and why. I explained Bill Knight had filed the change of ownership and needed proof on file.

He said he is the owner as per the Warranty Deed.

I will send a new change of owner form for him to Return.

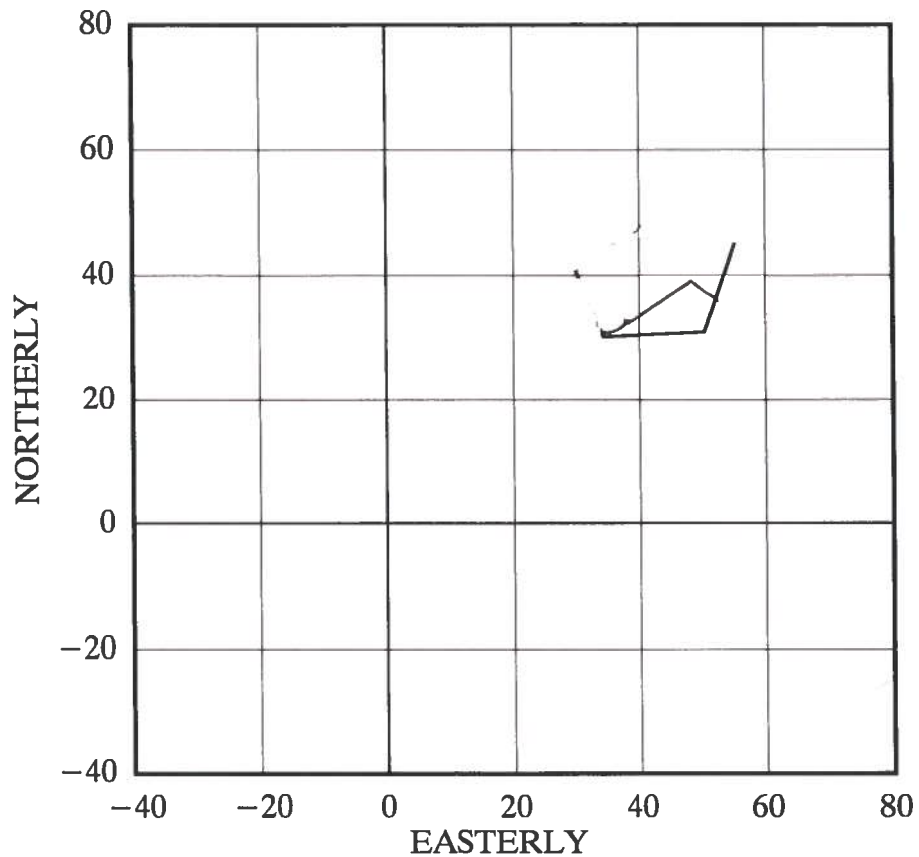
TONY MARIANI

4000 E MC MILLAN

MERIDIAN ID 83642

MICROFILMED
NOV 01 1994

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



3-10-94
This parcel
is listed as per
in claims:
A72-4182
A72-4183

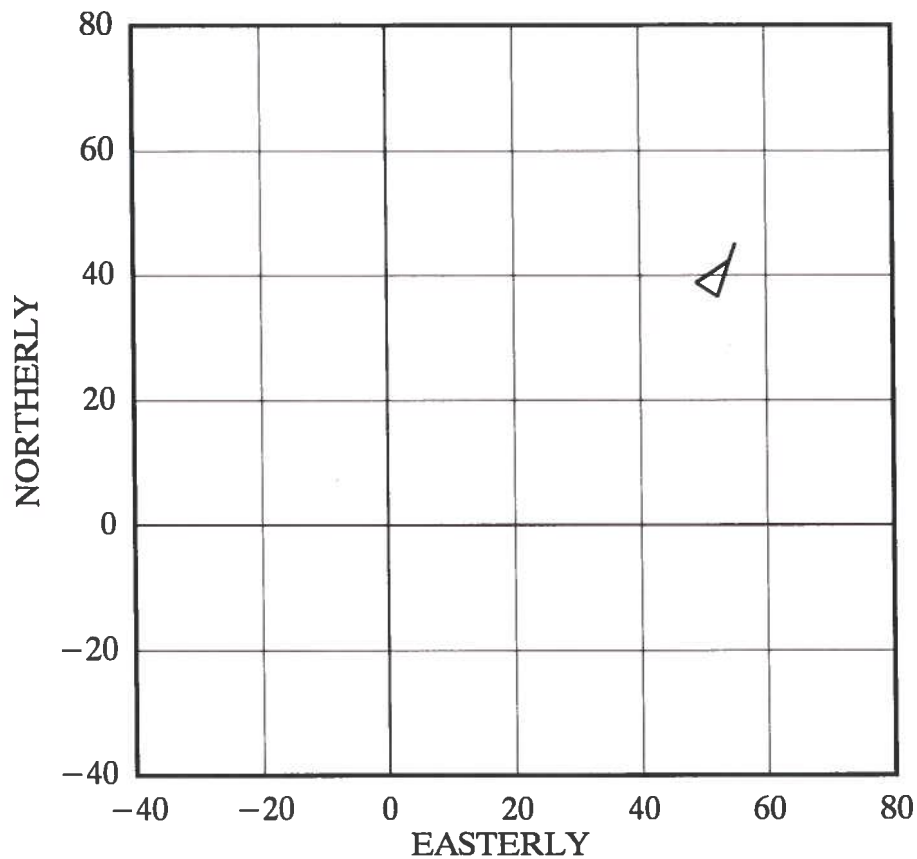
See

From
"EXHIBIT A"
WARRANTY DEED
ANTHONY MARIANI
#0204879

MICROFILMED

NOV 01 1994

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



3-10-94
this parcel is not
part of the claims
A72-4182 or
A72-4183
See

"From
EXHIBIT A"
204881
Warranty Deed
TAIT P. JOHNSON

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NOV 01 1994

A72-4182

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CHELLAND

FILE A72-4182
-4183

RE: Proof of priority.

DATE 6-4-93

NAME OF PARTY

PHIL JOHNSON

I returned his call this day and explained some of the possible sources of evidence of priority. I explained this is a lawsuit and the evidence is needed to support the claim.

He will try to get affidavit from previous owner.

I told him I would stop by the week of the 14th to do some field work.

MICROFILMED
NOV 01 1994

POOR ORIGINAL

8-22-88

POW SITE
/

CLAIM A72-4192 INIT SC
T. R. S. Q/Q 12-2-93
P/D _____
PHOTO NAPP V21 NE #441-185
DT.&ID. 8-22-88

MICROFILMED
NOV 01 1994

DO NOT
2021
30.20

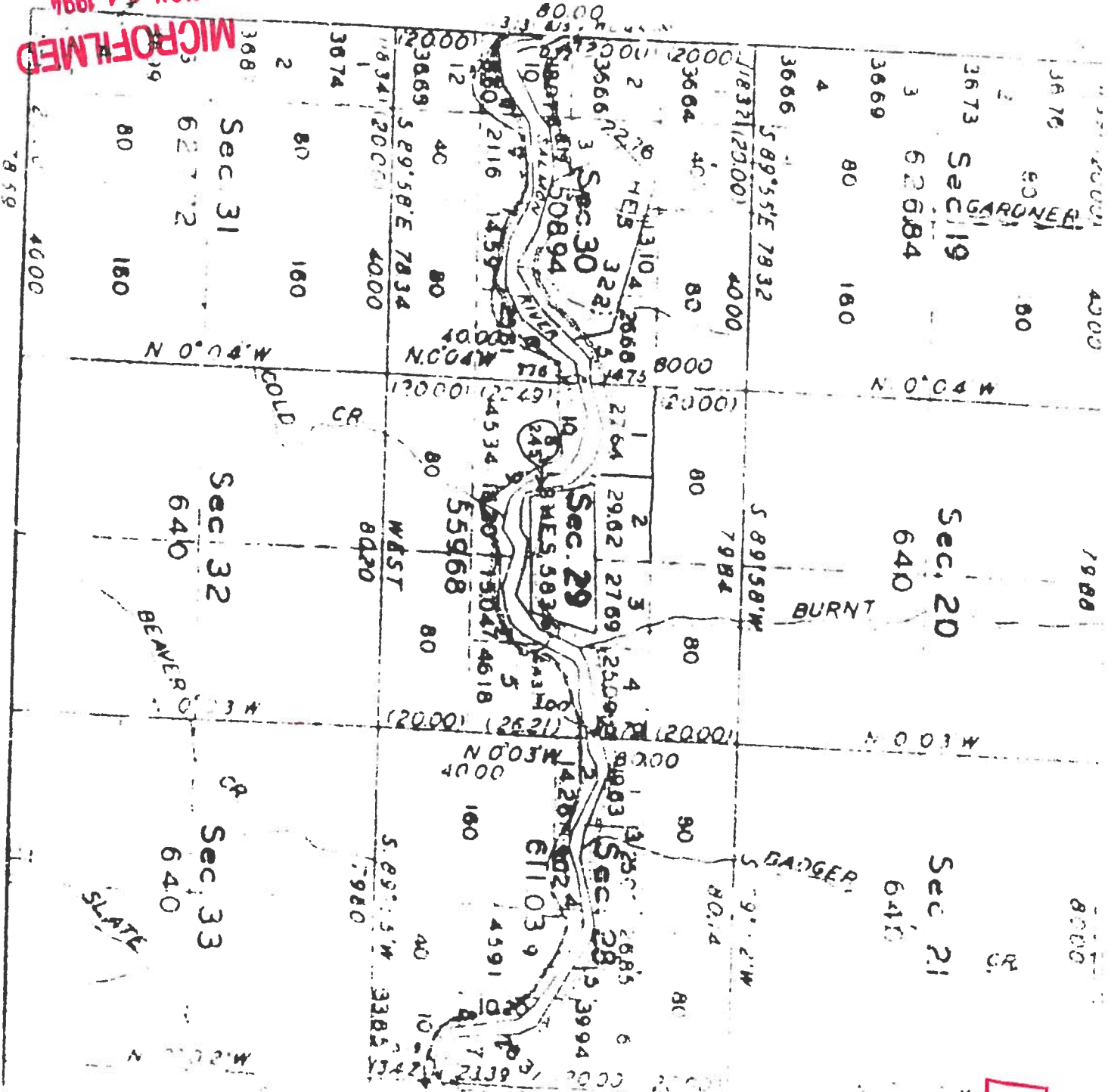
ABCS MAP
R20
C. 1978
from Assessors
Office
Custer Co.

J. S. SMITH

P. JOHNSON

T11N R10E

MICROFILMED
NOV 01 1994



POOF ORIGINAL

Water Right Number - 72-04182 Prefix Translation: WATER RIGHT Old (D) Number -

*** C - CURRENT OWNER ***
JOHNSON PHILLIP A. 1 - HC 67 BOX 725
2 -
3 -
City- CLAYTON State- ID Zip- 83227
Phone -
1 - HC 67 BOX 725
2 -
3 -
City- CLAYTON State- ID Zip- 83227
Phone -

JOHNSON VALERIE L.

Priority Date - 01/01/1950 Region - 17 SOUTHERN S - STATUTORY CLAIM Status -

Source - GROUNDWATER Tributary -

Twn Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)
11N 16E 29 SW NE (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
10 - COMMERCIAL 01/01 12/31 0.080

Total Div. Rate - 0.080 Total Div. Volume - Total Div. Capacity -

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
11N	16E	29	SW NE			10	COMMERCIAL	(37) CUSTER

Diversion Means - WELL, PUMP

Non-Irrigation Use - C/CAFE, CABINS, RV CAMPSITES, LAUNDRY

Other Rights for Same Use -

Remarks - No Remarks found.

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

Conditions of Approval - No Conditions of Approval found.

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11/10/94

WATER RIGHT

+ - Decree Date - +
00/00/0000[illegible]

+ - - Audit Fields - 01/28/86 05/28/88 CONVERI

+-----+ Water Rights Dates and Flags Area -----+

Proof Due Date	00/00/0000	Field Exam Made	00/00/0000	Field Exam Fee	-
Approved/Denied	00/00/0000	Protected Date	00/00/0000	Shan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	-
Exam to S.O. Date	00/00/0000	Verified Date	01/28/1986	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number	-	Water District	-
Licensed Date	00/00/0000	Appl Received	00/00/0000	Transfer/Amended	-
Decree Date	00/00/0000	Presumption Flag	-		

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NOV 01 1994