

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: A72-04228
Date Received: 12/06/1989
Receipt No: 6001592
Received By: 29

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JAN 12 1990

Department of Water Resources
Southern Region Office

1. Name: SYDNEY M. DOWTON
Address: P.O. BOX 7
ELLIS, ID 83235

Name: KAREN A. DOWTON
Address: P.O. BOX 7
ELLIS, ID 83235

2. Date of Priority: JUN 01, 1915

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	20E	34	NW	SE	NE		CUSTER

Beginning Point of Minimum Instream Flow						
16N	20E	34	SE	NE	NE	CUSTER

Ending Point of Minimum Instream Flow						
16N	20E	25	NW	NW	NW	CUSTER

5. Description of diverting works:
HEADGATE, PRIVATE DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

A72-04228

Page 1

Date: 12/06/89

COPY

INDEXED

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9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	20E	25	NW	NW		STOCK	
			NW	NW	2	IRR	6.0
			SW	NW		STOCK	
						Section Acres	6.0
		26	NE	NE	1	IRR	5.0
			NW	NE		IRR	6.0
			SE	NE		STOCK	
			SE	NW		IRR	12.0
			NE	SW		IRR	25.0
			NW	SW		IRR	1.0
			SW	SW		STOCK	
			SW	SW	9	IRR	19.0
			SE	SW		STOCK	
			SE	SW	7	IRR	4.0
			NE	SE		STOCK	
			NW	SE		STOCK	
			NW	SE	4	IRR	19.0
			SW	SE		STOCK	
						Section Acres	91.0
		35	NW	NW	2	IRR	2.0
						Section Acres	2.0
						Total Acres	99.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE.

14. Remarks:
IN STREAM STOCKWATER USE FROM THE SALMON RIVER IS CLAIMED ON A
YEAR ROUND BASIS FOR 500 HEAD OF RANGE CATTLE.

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): Salmon M. Dorton Date: 12-18-89
Karen A. Dorton Date: 12-18-89

State of Idaho)
County of LEMHI) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of December 19 89
N. Lisa J. Coe
Notary Public

Seal

Residing at Salmon, Id
My Commission Expires 3/7/94



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

A72-04228
SYDNEY M. DOWTON
KAREN A. DOWTON
P.O. BOX 7
ELLIS

ID 83235

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 72-7387
1. Owner: Sidney Downton Phone No. 876-4225
Current Address: P.O. Box 7 Ellis, ID 83235
2. Accompanied by: Mr. Downton EXAM. DATE: 8/5/87
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: Salmon River tributary to Snake River

B. OVERLAP REVIEW

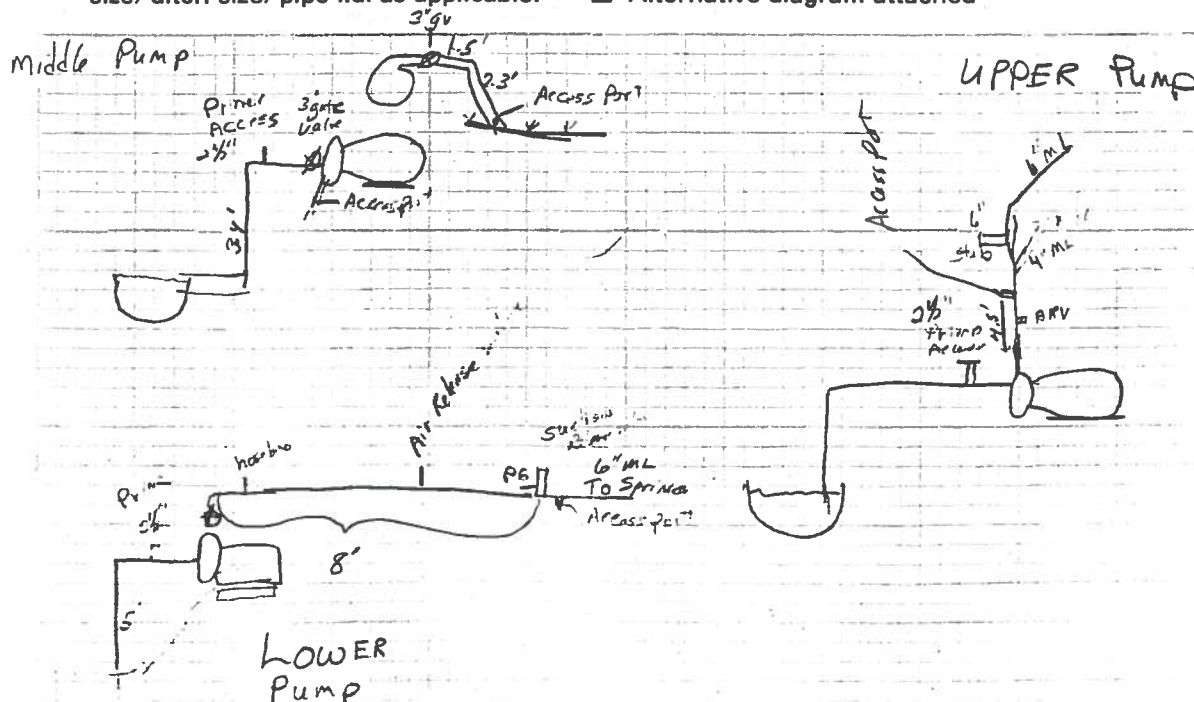
1. Other water rights with same place of use: None ~~72-4228~~, ~~72-4269~~

☐ Copies Attached
2. Other water rights with same point of diversion: 72-4228

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Gravel wing dam and rock ditch to concrete headgate Earth ditch
to 3 Centrifugal pumps which pressurize water for
Sprinkler systems as shown on Aerial photo

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
Lower Pump	UNIClosed	30	Model RR 419-01-171	TrCuzzi	S=7 054336 M=30 EMS-T/F
Middle Pump	Gould	30	3P Pat 6-223051-01	Berkeley	Ser 7480998 Mod 832PL 8" 2mp 819
Upper Pump	G.E.	30	5K 286 JL290A	Cornell	Mod 3 R80-4 Ser 23785 12" 236

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
	2	SW	NE	SE	34	16N	20E	Custer	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
16N	20E	25						2.2 1.4											1.4
		26	25.3	23.4	0.8		9.7		1.9	19		15	9						104.1
			171		173														
		27												0.2				0.4	0.6
														173				174	
		34	8.7																8.7
			171																
		35						2.5											2.5

172

Total acres 117.3

Do not use this space

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Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Discharge 58 psi PWL 7

owner Press. meas @ Lower ML 43 psi at E End 45 psi 36 psi @ upper END 53 nozzle to 3/4 1/2 3/4

idle E: HL 14 nozzle 54, 58, 60, 61-63 / WL 43 nozzle ML 44 N 35 psi EA / 20 N HL 44 psi @ ML - 40 psi End
Discharge P. 74 PWL 3.5'

per Discharge P. 60 psi EST AVE P 50 lbs 1/2 1/4 1/2 3/4

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

lower Q = .87 cfs mid Q = .89 cfs upper Q = 1.1 cfs Total 2.86 cfs.

2. Alternate Method for Checking Purposes:

Allow .02 cfs/ft x

117.3 2.35

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: 58 psi x 2.31 = _____ ft (1); Dynamic pumping level: 7 ft (2)

Total Head: (1) + (2) = _____ (3) : Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \frac{117.3}{1000} (3.5) = 410.6$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \frac{2.44 (215)}{2.35 184} (1.9835) = 1041$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 410.6$

2. Volume Calculations for Other Uses: 410.6

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H. REMARKS AND OVERLAP REVIEW ANALYSIS

System waters in add. on 17.7 acres of PLM land in Sec. 23 & 24. owner will file a new application to cover these lands. P/U is all above the irrigation ditch. Lands below the ditch have been watered for many years by gravity irrigation. Old claim is for 500" from Salmon River, diversion rate did not change when the three pumps were put in the ditch in the early 1970s, according to Mr. Downton. Not to exceed 10.0 cfs when combined with Rt. 72-04228. About 3000" comes into the upper end of the diversion ditch, but only the 500" goes thru the headbox (according to owner). About 1 cfs goes out thru the fish bypass that was installed in 1990 (my visual estimate in July 1992-JS). A small amount of land above the ditch is watered from Ellis Creek.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/15	10/15	~~2.44~~ 2.35	~~340~~ 410.6
Totals:			2.35	410.6

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☒ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name

Signature

Certification Date

Field Report Preparation Date

Cheryl Brockway for Terry Blair
 8/16/90
 CONSULTANT SEAL

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

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MAR 1 8 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 72-75061. Owner: Sidney M. & Karen A. DowtonPhone No. 826-4225Current Address: P.O. Box 7, Ellis, ID 83235

2. Accompanied by: _____

EXAM DATE: _____

Address: _____

Phone No. _____

Relationship to Permit Holder: _____

3. Source: Salmon Rivertributary to Snake River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: _____

2. Other water rights with the same point of diversion: 72-7383, 72-4228, 73-7120

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SW	NE	SE	34	16N	20E	Custer	quad map.

2. Place(s) of Use:

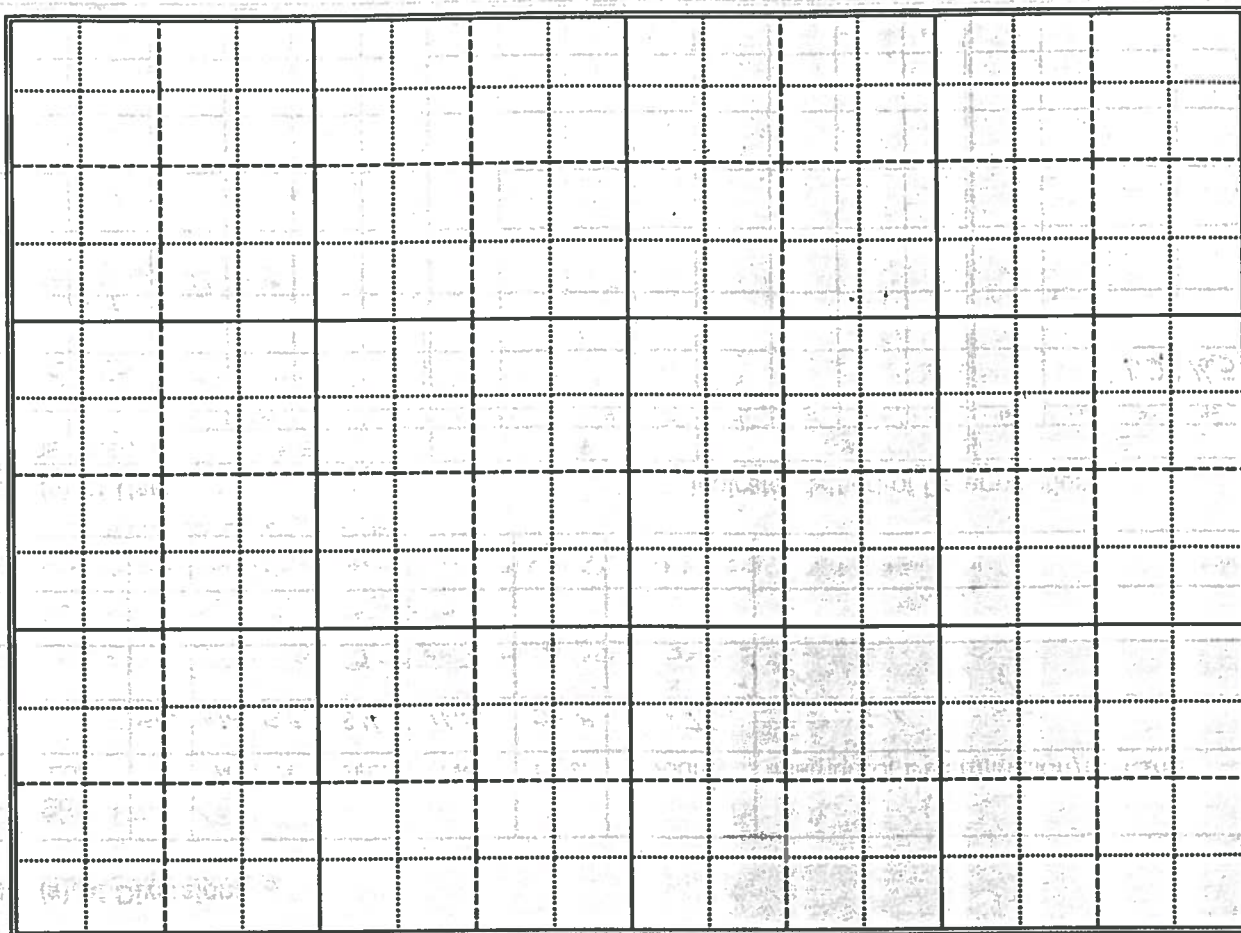
Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	20E	23															1.2	163	
		24											28				.2		

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3. Delivery System Diagram: Include all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable. *See attached.*



Scale: 1" = _____

Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

Aerial Photo Attached (required for Irrigation of 10+ acres)

Photo of Diversion and System Attached

4. Other Measurement Data (if any) and other notes:

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>Lower Pump</i>	<i>Uniclosed</i>	<i>30</i>	<i>model RR-419-0171</i>	<i>Jacuzzi</i>	<i>2054336</i>

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. *See attached ... Annubar Measurement.*

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

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E. NARRATIVE/REMARKS/COMMENTS

This permit covers land irrigated with an existing system that has been in place since the 1970's but the land was not covered under permit 72-7383. The land is owned by the BLM and leased to the Downtons. It is irrigated with a sprinkler system from a mainline that receives water from a 30 Hp centrifugal pump. The pump draws water from a private ditch that receives water from a diversion works on the Salmon River about 2 miles from the pump site. This pump location is referred to as the "lower pump". Permit 72-7383 was examined and measured in August 1987 (See attached) and the entire system and P/U reexamined in July 1992. As a result of the 1992 exam an application for permit was filed in August to cover the 17.7 acres omitted in 72-7383. The exam and measurements from 1987 are still pertinent but the current diversion rate for the "lower pump" has changed as follows for overlap purposes:

old rate: $47.5 \text{ acres} \times .02 = .95 \text{ cfs} = 1" / \text{acre}$

current rate: $.87 \text{ cfs} \div 65.2 \text{ acre} = .0133 \text{ cfs/acre} = .67" / \text{acre}$

recommended diversion rate: $17.7 \text{ acres} \times .0133 = .24 \text{ cfs}$.

The combined diversion from the 30 Hp pump located in SE SW NE, S26, 16N, 20E is 1.19 cfs but the capacity is .87 cfs. A condition should be imposed to reflect the capacity limitation of .87 cfs.

72-4228 is a statutory claim for 99 acres and 100 cfs from the same P/D and private ditch but uses a different delivery system. The combination of all rights is limited to 10 cfs - the estimated capacity of the ditch. Overflow from the ditch returns to the Salmon River.

We should request that proof be filed when the permit is issued so that this permit can be processed with permit 72-7383. 73-7120 is a fish diversion permit from same P/D as this permit - no effect.

Have conditions of permit approval been met? ☒ yes ☐ no

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X Additional Computation Sheets Attached

See attached

$$\frac{30 \times 8.8 \times 8}{(58 \times 2.31) + 10} = 1.10 \text{ ft.}$$

1. Volume Calculations for Irrigation:

$$V_{LR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 17.7 \times 3.5 = 62 \text{ ofa}$$

$$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .24 \times 184 \times 1.9835 = 87.6$$

$$V = \text{Smaller of } V_{LR} \text{ and } V_{DR} = 62 \text{ ofa}$$

2. Volume Calculations for Other Uses:

System divergence capacity = $187 \times 184 \times 1.9835 = 317.5$

allotted as follows:

$$72-7383 - 47,5 \times 3,5 = 166,3$$

$$72-7506 - 17.7 \times 3.5 = 62$$

228.3

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion	Annual Volume
	From	To	Q (cfs)	V (afa)
Inigation	4-15	10-15	.24 cfs.	62 afa
Totals:			.24 cfs	62 afa

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Mel Schulte Date 1-4-93

Reviewer	Date	SEAL
----------	------	------

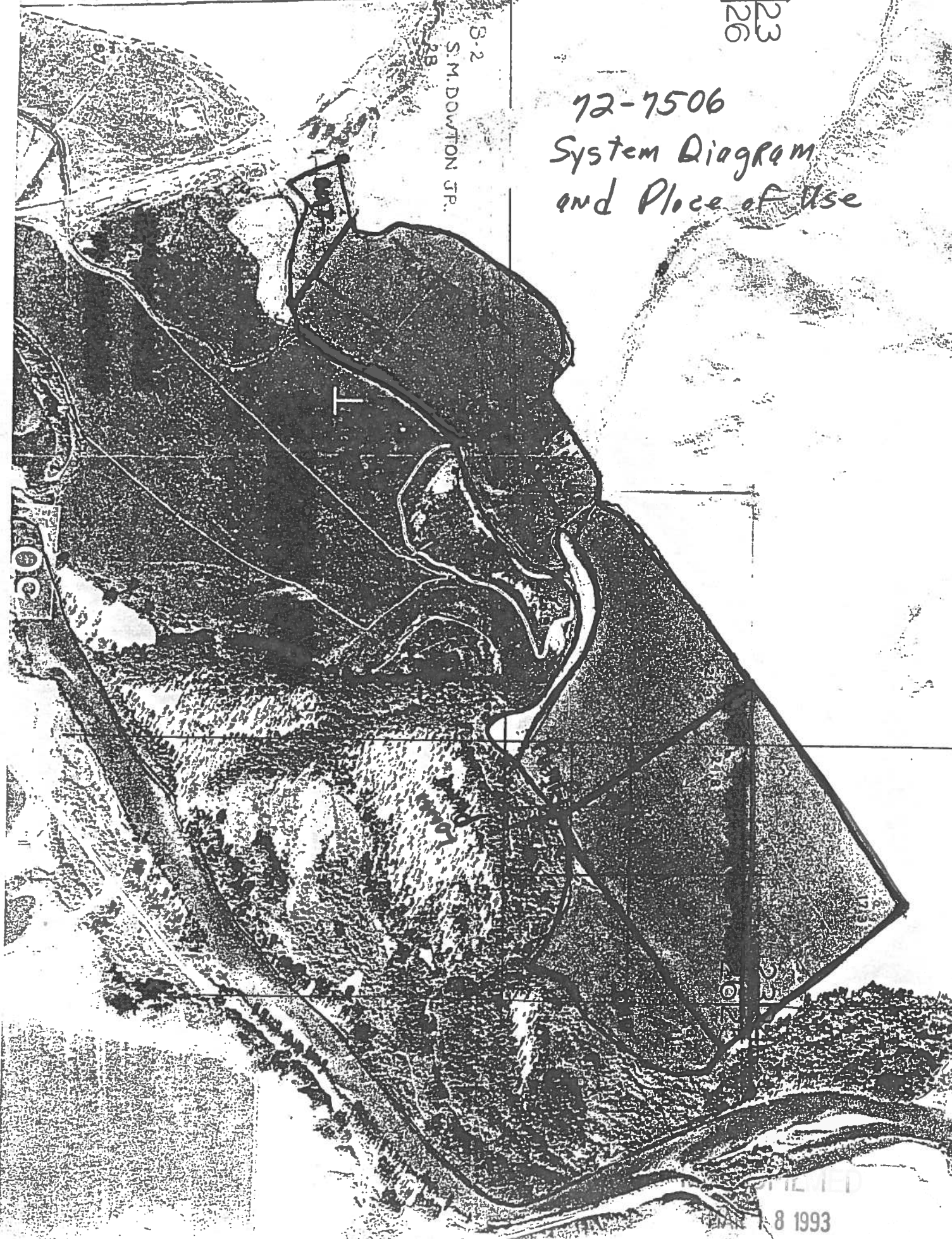
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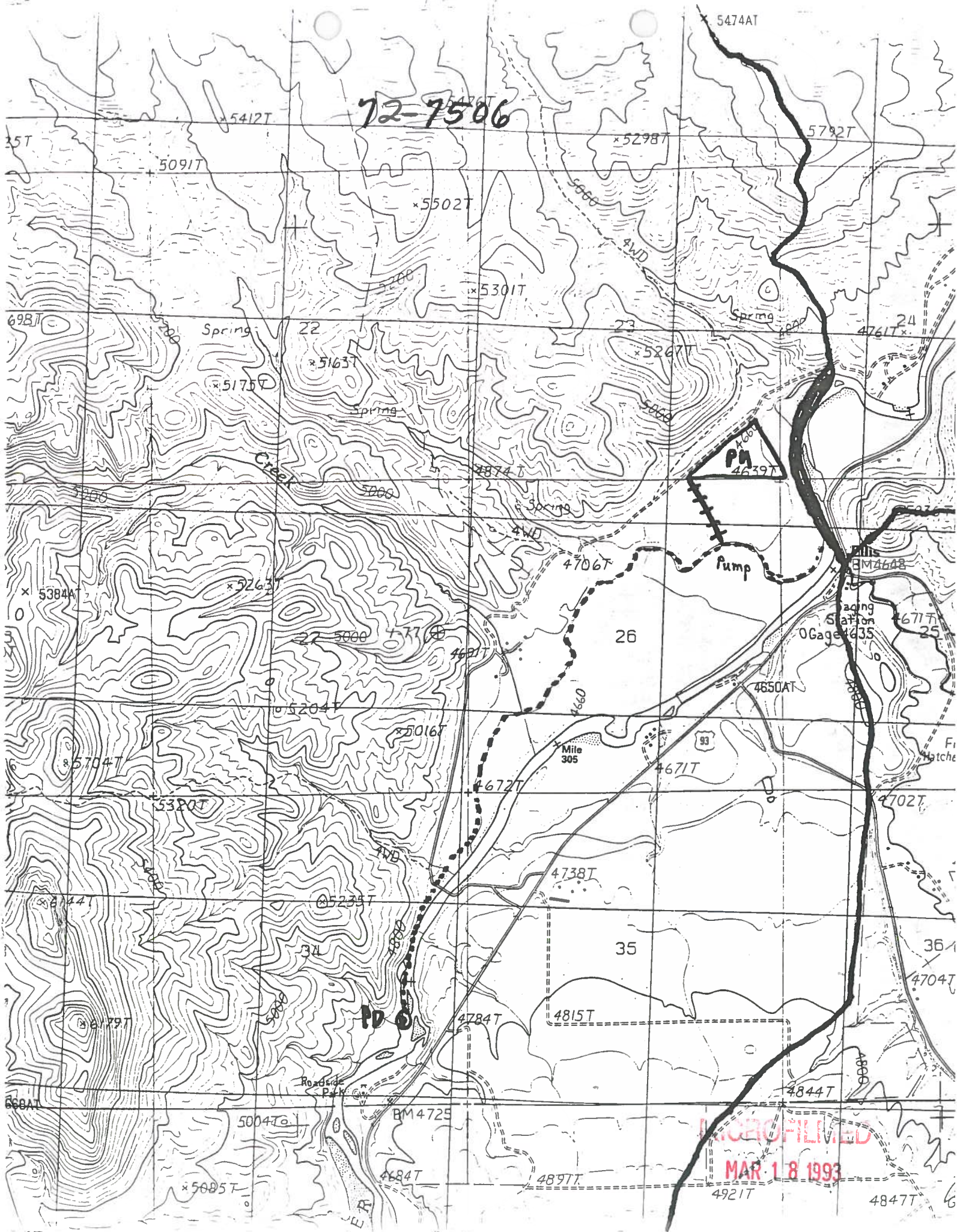
MAR 18 1993

2223
2726

72-7506
System Diagram
and Place of Use

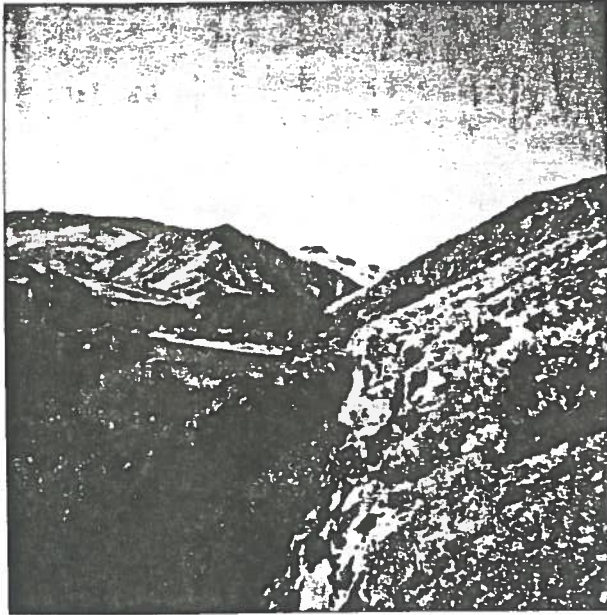
B-2
S. M. DOWTON JR.



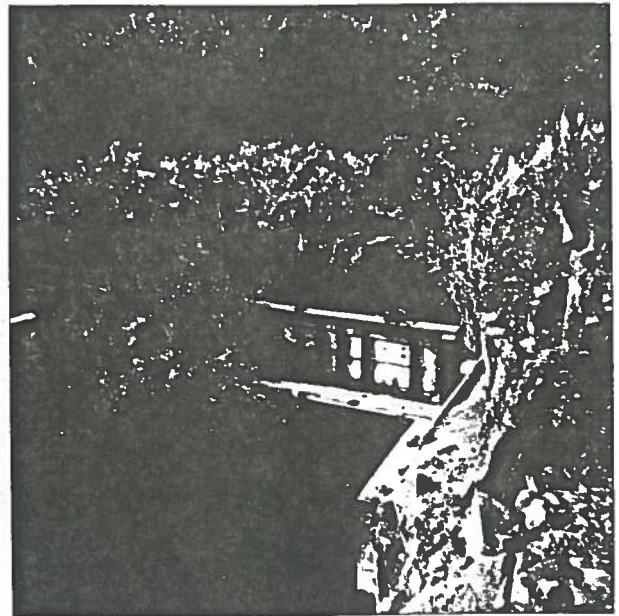


~~72-7383~~

72-7506



Diversion Ditch



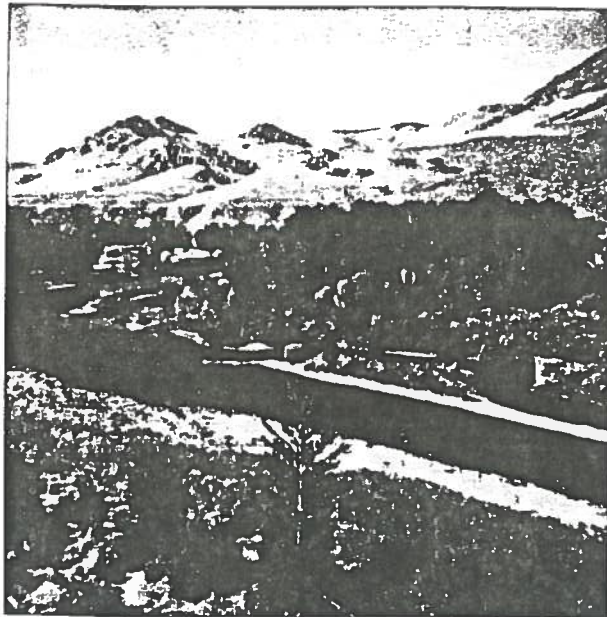
Headbox

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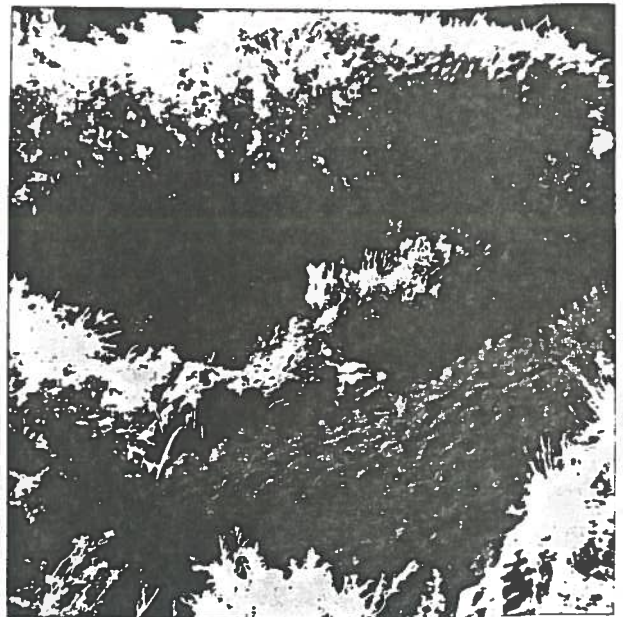
MAR 18 1993

~~72-7583~~

72-7506



Head of Diversion Ditch



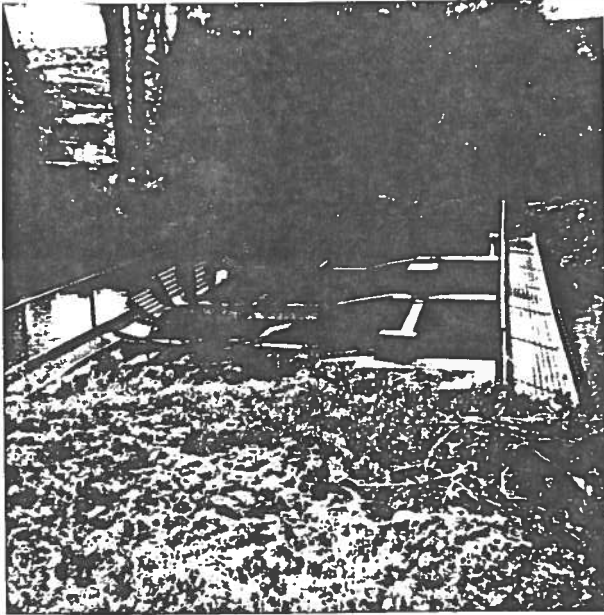
Overflow Above Head of

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~~72-7383~~

72-7506



Fish Bypass In Ditch.



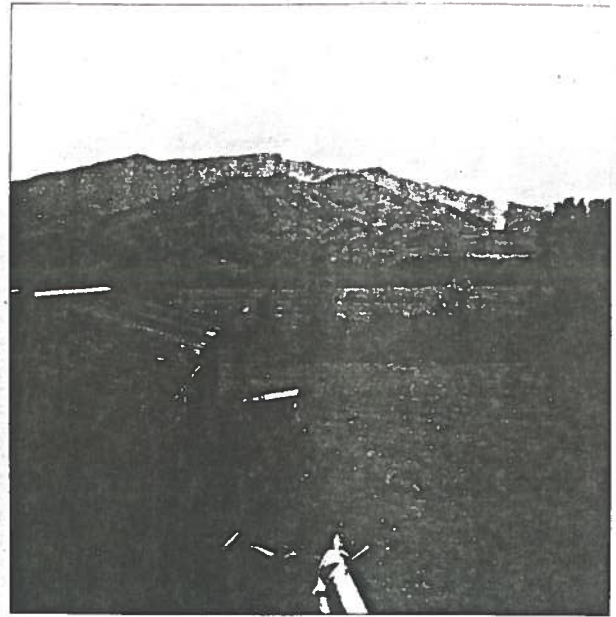
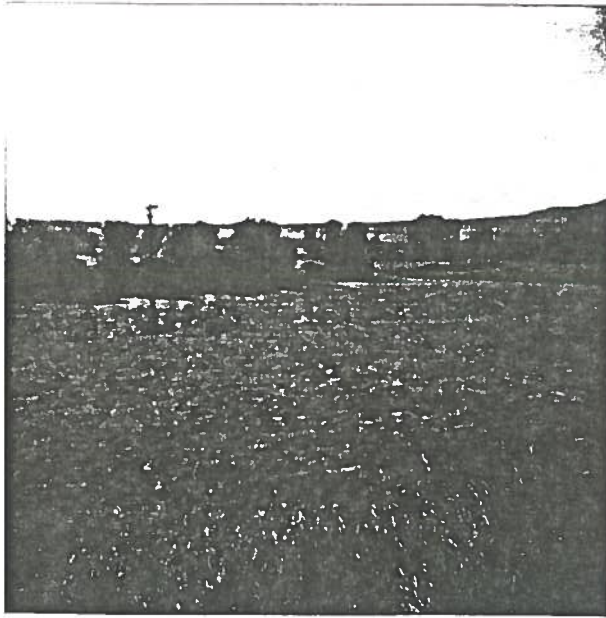
P/u

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~~72-7083~~

72-7506



P/U - Partial Views

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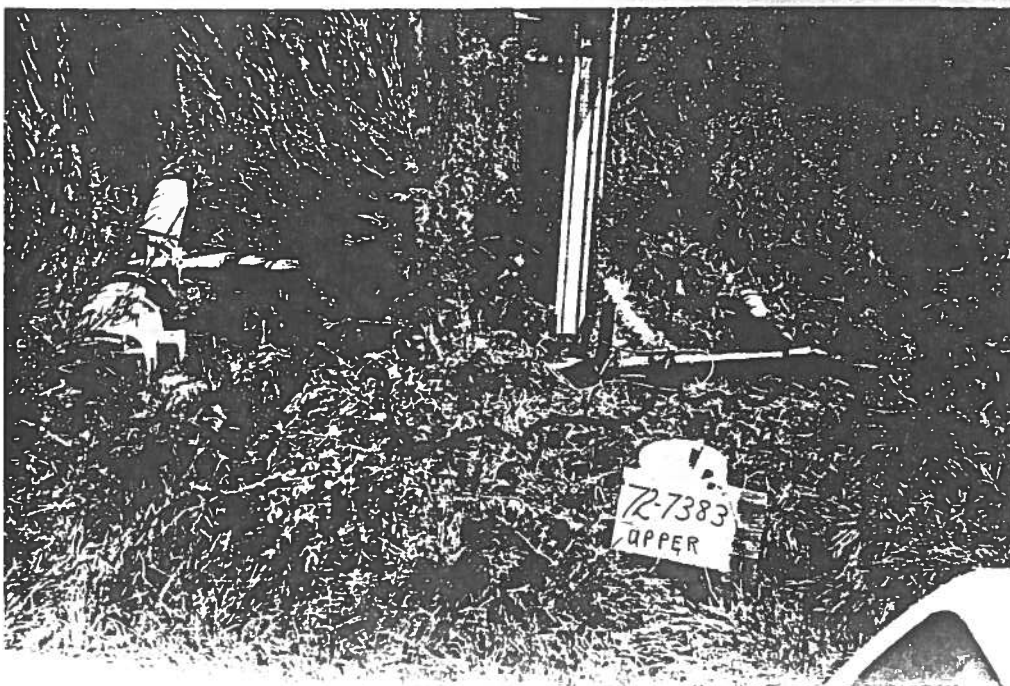
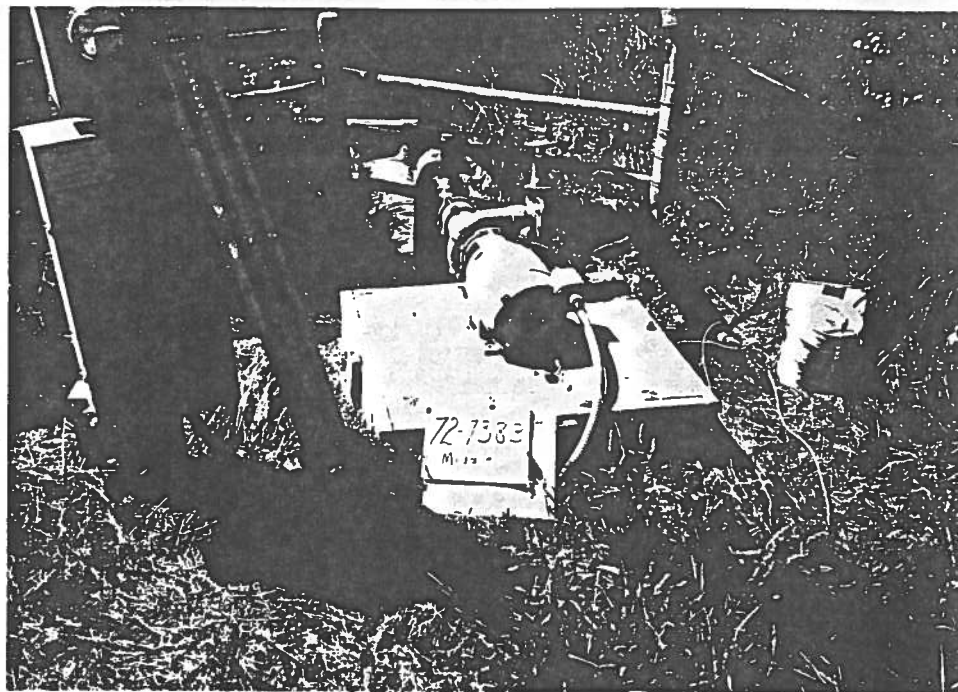
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72-7506

Lower pump out
of ditch

middle
pump



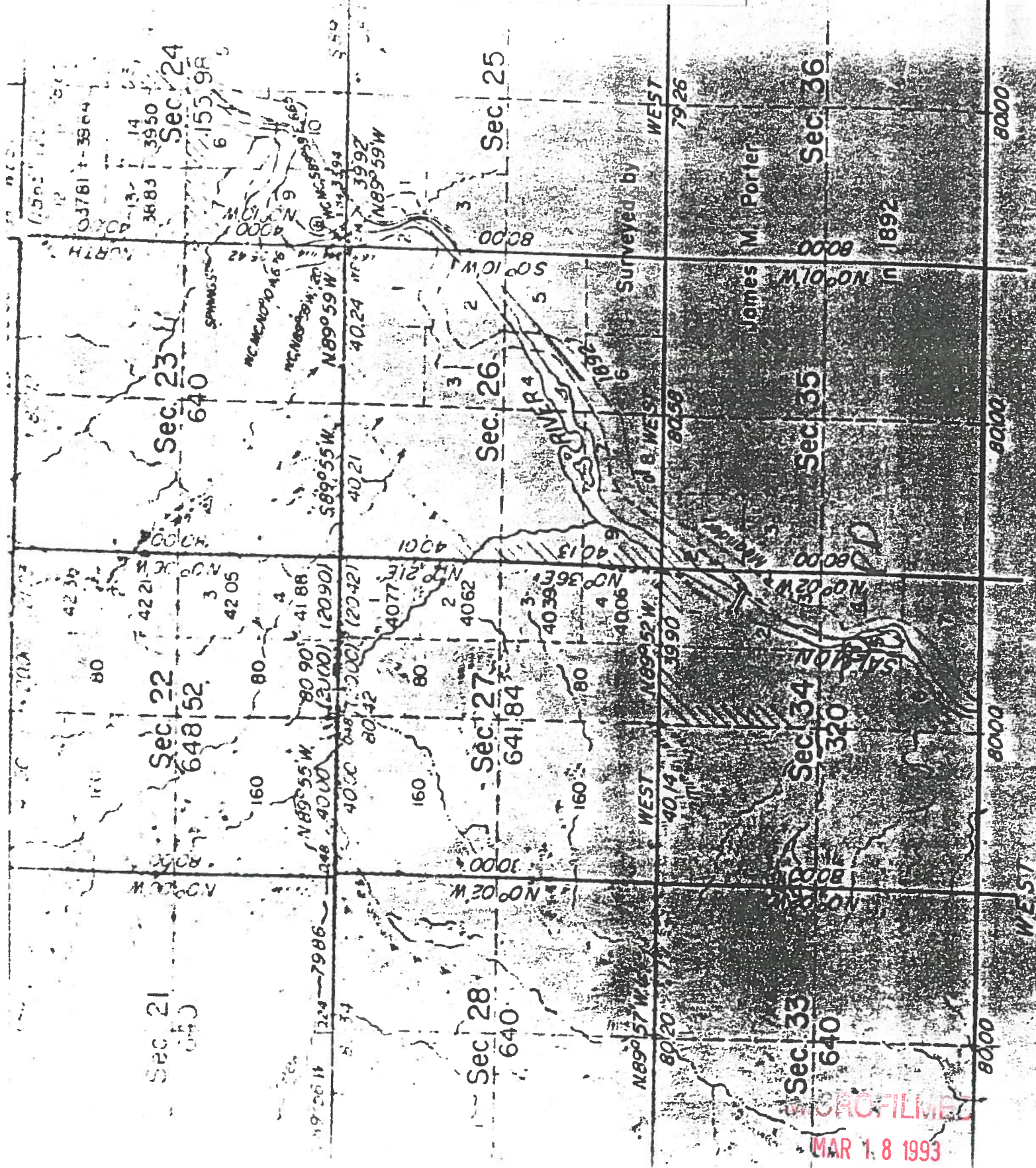
upper pump

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PERMIT 72-7506 INIT
T. R. S. Q/Q Lt+2
P/D 16W 20E 34 SWNESE
SCALE _____
PHOTO ID. _____

Latitude &
Longitude:



State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: TERRY BLAN
Owner: Syd Downton

Date 8/5/87
Permit No. 72-7383 (72-7506)

Description of well &/or measuring site

- Include any clarifications of the sketch.
- Include legal description if more than one p.d. is described in the Field Report

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = _____
T = Pipe Thickness in Inches = _____
ID = 2 [(0.1592 X CIR) - T] = _____

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test _____
State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.87

DIFFERENTIAL PRESSURE READING IN INCHES OF H₂O (H)

High Reading = <u>30.5</u> <u>30.4</u> <u>35.0</u> <u>34.9</u> <u>42.6</u> <u>42.4</u>
Low Reading = <u>20.6</u> <u>20.5</u> <u>19.8</u> <u>19.9</u> <u>19.4</u> <u>19.2</u>
High - Low = H = _____

CALCULATION OF DISCHARGE IN CFS (Q)

$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(5.75)^2 \cdot (\sqrt{9.9}) \cdot (3.75)}{448.8} = .87 \text{ CFS (lower)}$$

SKETCH (If not shown on Field Report)

$$Q = \frac{(5.25)^2 \cdot \sqrt{15.1} \cdot (3.75)}{448.8} = .89 \text{ cfs middle}$$

$$Q = \frac{(5.25)^2 \cdot \sqrt{23.2} \cdot (3.75)}{448.8} = 1.1 \text{ cfs upper}$$

2.86 cfs total

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Salmon River Electric Coop
Power meter Readings

Re	T	Sec	Kh	#	Ta
mult	N				
10	5	54	57.6	61 789 8.5	30
10	5	19	28.7	59 482 31	15
5	20	28.8	59 486 29.2	15	Upper

410V

Lower
Middle

Clelland, Steve

From: William Myers [wmyers@hollandhart.com]
Sent: Tuesday, October 24, 2000 4:01 PM
To: NSPENCER@idwr.state.id.us
Cc: f1price@id.blm.gov
Subject: SRBA Subcase 72-04069 -- Dowtons

Hi Nick

I received the Corrected Amended Director's Report on this subcase, showing the changes suggested by Fred Price in the legal descriptions. Can you or Fred explain how the acreage for each tract was determined? All I have is a GIS shape map purporting to show the entire 265 acres and an old master plat for the area. These documents are inadequate to show the level of detail regarding acres described in the Place of Use in the CADR. If you can satisfy my curiosity on this point, I foresee no objection from the Dowtons to the CADR.

Secondly, will you be sending me SF5s for the 4 water rights prior to our conference call next Tuesday with the Special Master?

Thirdly, will your office set up the conference call pursuant to the 10/2/00 Notice issued by SRBA Deputy Clerk?

Thanks in advance for your attention.

Bill Myers

Holland & Hart LLP
PO Box 2527
Boise, ID 83701

Telephone: 208-342-5000
Facsimile: 208-343-8869
E-Mail: wmyers@hollandhart.com

08/10/2000

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

RIGHT NUMBER: 72-4228

NAME AND ADDRESS: KAREN A DOWTON
SYDNEY M DOWTON
PO BOX 7
ELLIS, ID 83235

SOURCE: SALMON RIVER TRIBUTARY: Snake River

QUANTITY: ~~5.94~~ 8.91 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED. SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

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

USE OF THIS RIGHT WITH RIGHT NO. 72-10171 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF ~~5.94~~ 8.91 CFS

PRIORITY DATE: 06/01/1919

POINT OF DIVERSION: T16N R20E S34 LOT 5 NE NWNESE Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	4-01 10-31	~~5.94~~ 8.91 CFS
STOCKWATER	1-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T16N R20E S25	LOT 2	NENW	7.8	T16N R20E S26	NWNE	2.5	31
T16N R20E S26		SWNW	11	T16N R20E S26	SENW	17	39
T16N R20E S26		NWSW	1-27	T16N R20E S26	NESW	34	38
T16N R20E S26	LOT 1	NENE	33	T16N R20E S26	LOT 3	SWNE	9-21
T16N R20E S26	LOT 4	NWSE	13	T16N R20E S26	LOT 7	SESW	2.7
T16N R20E S26	LOT 9	SWSW	19.29	T16N R20E S34	LOT 1	NENE	9.1
T16N R20E S35	LOT 2	NWNW	0.8				
			3.4				

99-265 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04069, 72-07383 & 72-10171.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 99.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

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

~~THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN BASIN 72:~~

~~WATER RIGHT NO.~~	~~SOURCE~~
~~NONE~~	~~NONE~~

~~THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:~~

~~WATER RIGHT NO.~~	~~SOURCE~~
~~NONE~~	~~NONE~~

~~ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 72-10171 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

08/09/2000

RIGHT NUMBER: 72-4069

NAME AND ADDRESS: KAREN A DOWTON
SYDNEY M DOWTON
PO BOX 7
ELLIS, ID 83235

also affects: 72-4228
72-7383
72-10171

SOURCE: ELLIS CREEK TRIBUTARY: Salmon River

QUANTITY: 0.42 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

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

PRIORITY DATE: 06/01/1915

POINT OF DIVERSION: T16N R20E S26 LOT 0 SWSNW Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	01-01 12-31	0.23 CFS
IRRIGATION	04-01 10-31	0.42 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T16N R20E S25	• LOT 2	NE NWNW	7.8	T16N R20E S26	NWNE	31
T16N R20E S26		SWNW	11	T16N R20E S26	SENE	39
T16N R20E S26		NWSW	27	T16N R20E S26	NESW	38
T16N R20E S26	LOT 1	NENE	33	T16N R20E S26	• LOT 3	SE SWNE
T16N R20E S26	• LOT 4	NE NWSE	13	T16N R20E S26	LOT 7	SESW
T16N R20E S26	LOT 9	SWSW	29	T16N R20E S34	LOT 1	NENE
T16N R20E S35	• LOT 2	NE NWNW	3.4			9.1

265 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 21.2 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04228, 72-07383 & 72-10171.

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

*GIS
auto fill on
PLS in correctly
describes these lots*

*10/2/00
SCC*

LARRY A. BROWN
SPECIAL ATTORNEY, USDOJ - ENRD
380 PARK CENTER BLVD. #330
BOISE, ID 83706
Ph: (208) 331-5941 FAX: (208) 387-0842

FAX COVER SHEET

September 28, 2000

FROM: FRED PRICE - BLM

TO: STEVE CLELLAND - IDWR SOUTHERN REGION

FAX NO.: (208) 736-3037

RE: MAP PERTAINING TO DOWTON CLAIMS

SUBCASE NUMBER(S): 72-04069, 72-07383, 72-04228 & 72-10171

CLAIMANT(S): SYDNEY & KAREN DOWTON

PAGES TRANSMITTED (including cover sheet): 2

REMARKS:

DEAR MR. CLELLAND,

PLEASE REVIEW THIS MAP ASAP AND CALL FRED WITH RESOLUTIONS YOU COME UP WITH. WE WOULD LIKE TO GET THIS CORRECTED AND FILED WITH THE COURT BY 9/29/00, TO VACATE IT FROM THE SRBA CALENDAR. THEY ARE SET FOR HRG. 10/2/00. YOU CNA CONTACT FRED TODAY @ (208) 331-5945.

THANK YOU.

SINCERELY,
JANET ARNEL
LEGAL ASSISTANT
(208) 331-5945

RIGHTS FROM: SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

RIGHT NUMBER: 72-04228

NAME & ADDRESS: SYDNEY M DOWTON
KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 5.94 CFS 8.91

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.
USE OF THIS RIGHT WITH RIGHT NO. 72-10171 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.94 CFS. 8.91

PRIORITY DATE: 06/01/1919

POINT OF DIVERSION: T16N R20E S34 LOT 5 (WENESE) NW

Within CUSTER County

PURPOSE AND PERIOD OF USE: IRRIGATION STOCKWATER
PERIOD OF USE: 04-01 10-31 01-01 12-31
QUANTITY: 5.9 CFS 8.91
0.02 CFS

PLACE OF USE:

IRRIGATION T16N R20E S26 Within CUSTER County SE 21
S35 Lot 2 (WENESE) 2.7 Lot 3 (WENESE) 2.7
99 ACRES TOTAL NE 3.4
Place of use for STOCKWATER is same as IRRIGATION

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

⊕ "USE OF..."
S.26 4+1 NENE 33
S.25 4+2 NENE 1.8
S.34 4+1 NENE 9.1
S.35 4+2 NENE 1.8
S.36 4+1 NENE 1.8
S.37 4+2 NENE 1.8
S.38 4+1 NENE 1.8
S.39 4+2 NENE 1.8
S.40 4+1 NENE 1.8
S.41 4+2 NENE 1.8
S.42 4+1 NENE 1.8
S.43 4+2 NENE 1.8
S.44 4+1 NENE 1.8
S.45 4+2 NENE 1.8
S.46 4+1 NENE 1.8
S.47 4+2 NENE 1.8
S.48 4+1 NENE 1.8
S.49 4+2 NENE 1.8
S.50 4+1 NENE 1.8
S.51 4+2 NENE 1.8
S.52 4+1 NENE 1.8
S.53 4+2 NENE 1.8
S.54 4+1 NENE 1.8
S.55 4+2 NENE 1.8
S.56 4+1 NENE 1.8
S.57 4+2 NENE 1.8
S.58 4+1 NENE 1.8
S.59 4+2 NENE 1.8
S.60 4+1 NENE 1.8
S.61 4+2 NENE 1.8
S.62 4+1 NENE 1.8
S.63 4+2 NENE 1.8
S.64 4+1 NENE 1.8
S.65 4+2 NENE 1.8
S.66 4+1 NENE 1.8
S.67 4+2 NENE 1.8
S.68 4+1 NENE 1.8
S.69 4+2 NENE 1.8
S.70 4+1 NENE 1.8
S.71 4+2 NENE 1.8
S.72 4+1 NENE 1.8
S.73 4+2 NENE 1.8
S.74 4+1 NENE 1.8
S.75 4+2 NENE 1.8
S.76 4+1 NENE 1.8
S.77 4+2 NENE 1.8
S.78 4+1 NENE 1.8
S.79 4+2 NENE 1.8
S.80 4+1 NENE 1.8
S.81 4+2 NENE 1.8
S.82 4+1 NENE 1.8
S.83 4+2 NENE 1.8
S.84 4+1 NENE 1.8
S.85 4+2 NENE 1.8
S.86 4+1 NENE 1.8
S.87 4+2 NENE 1.8
S.88 4+1 NENE 1.8
S.89 4+2 NENE 1.8
S.90 4+1 NENE 1.8
S.91 4+2 NENE 1.8
S.92 4+1 NENE 1.8
S.93 4+2 NENE 1.8
S.94 4+1 NENE 1.8
S.95 4+2 NENE 1.8
S.96 4+1 NENE 1.8
S.97 4+2 NENE 1.8
S.98 4+1 NENE 1.8
S.99 4+2 NENE 1.8
S.100 4+1 NENE 1.8

AJ5856NP

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

DATE: SEP-26-2000
PAGE: A-2

RIGHTS FROM:

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

RIGHT NUMBER:

72-04228 (CONT)

OTHER PROVISIONS: (CONT)

~~THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN BASIN 72:~~

~~WATER RIGHT NO.~~

~~NONE~~

~~SOURCE~~

~~THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER
IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER
RIGHTS IN THE SNAKE RIVER BASIN:~~

~~WATER RIGHT NO.~~

~~NONE~~

~~SOURCE~~

~~ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.~~

EXPLANATORY MATERIAL:

BASIS OF CLAIM - BENEFICIAL USE
RIGHT NO. 72-10171 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.

"this is limited..."

"this P.D. ... (c18) ..."

S 958469

08/10/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-4228

NAME AND ADDRESS: KAREN A DOWTON
SYDNEY M DOWTON
PO BOX 7
ELLIS, ID 83235

SOURCE: SALMON RIVER TRIBUTARY: Snake River

QUANTITY: 8.91 CFS

THE APPROPRIATOR IS ENTITLED TO THE QUANTITY OF WATER DESCRIBED FOR STOCK WATER PURPOSES AT A POINT OF MEASUREMENT WHERE THE DELIVERY DITCH ENTERS THE PLACE OF USE DESCRIBED, SO LONG AS THE QUANTITY DIVERTED AT THE POINT OF DIVERSION DOES NOT CONSTITUTE UNREASONABLE WASTE.

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

USE OF THIS RIGHT WITH RIGHT NO. 72-10171 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.91 CFS

PRIORITY DATE: 06/01/1919

POINT OF DIVERSION: T16N R20E S34 LOT 5 NWNESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4-01 10-31	8.91 CFS
STOCKWATER	1-01 12-31	0.02 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T16N R20E S25	LOT 2	NENW	7.8	T16N R20E S26		NWNE	31
T16N R20E S26		SWNW	11	T16N R20E S26		SENE	39
T16N R20E S26		NWSW	27	T16N R20E S26		NESW	38
T16N R20E S26	LOT 1	NENE	33	T16N R20E S26	LOT 3	SENE	21
T16N R20E S26	LOT 4	NESE	13	T16N R20E S26	LOT 7	SESW	2.7
T16N R20E S26	LOT 9	SWSW	29	T16N R20E S34	LOT 1	NENE	9.1
T16N R20E S35	LOT 2	NENW	3.4				

265 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 265.0 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-04069, 72-07383 & 72-10171.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 99.0 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

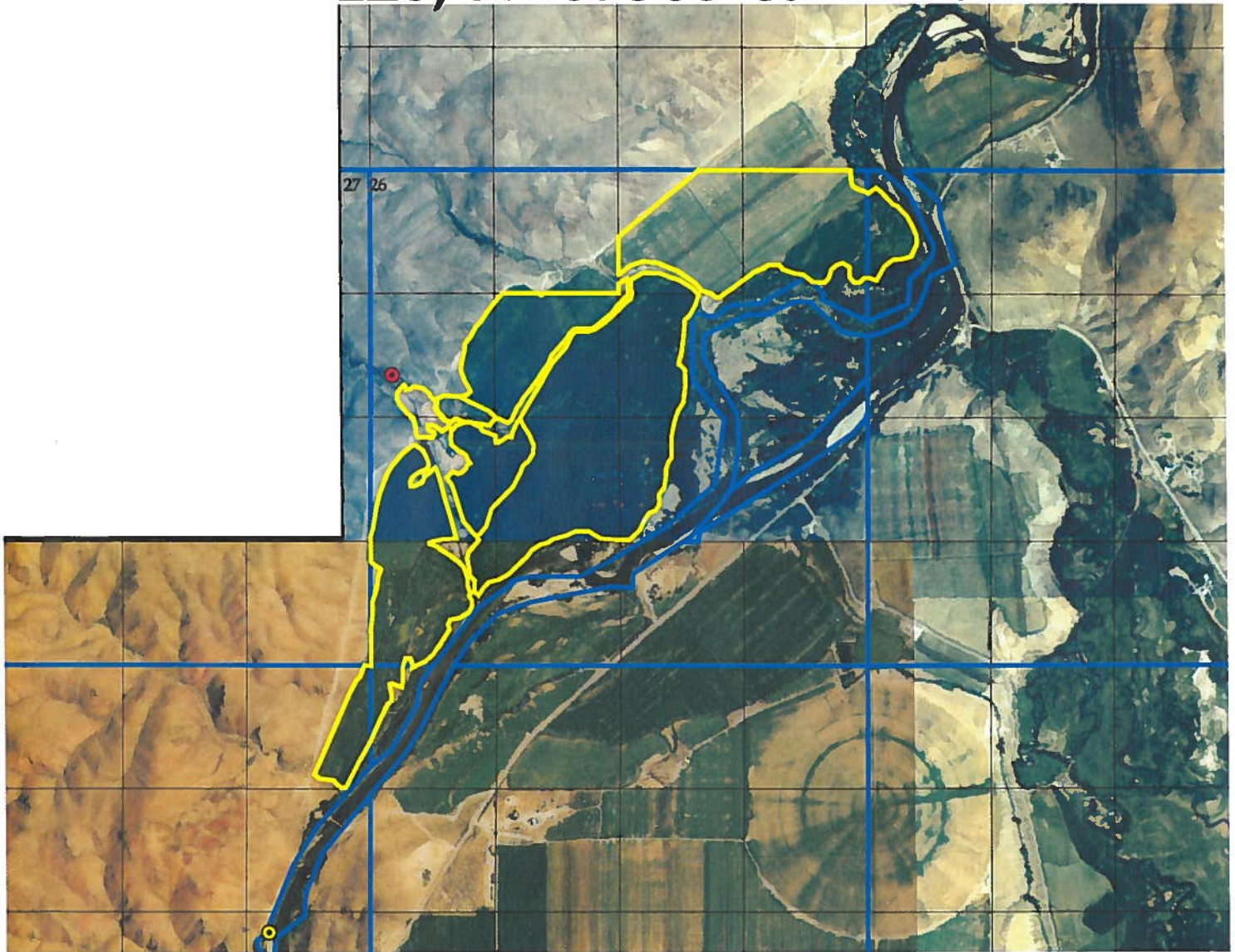
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RIGHT NO. 72-10171 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE

IDAHO DEPARTMENT OF WATER RESOURCES

72-04228, 72-07383 & 72-10171

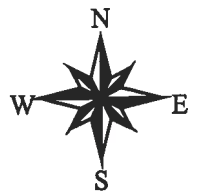


660 0 660 1320 Feet



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

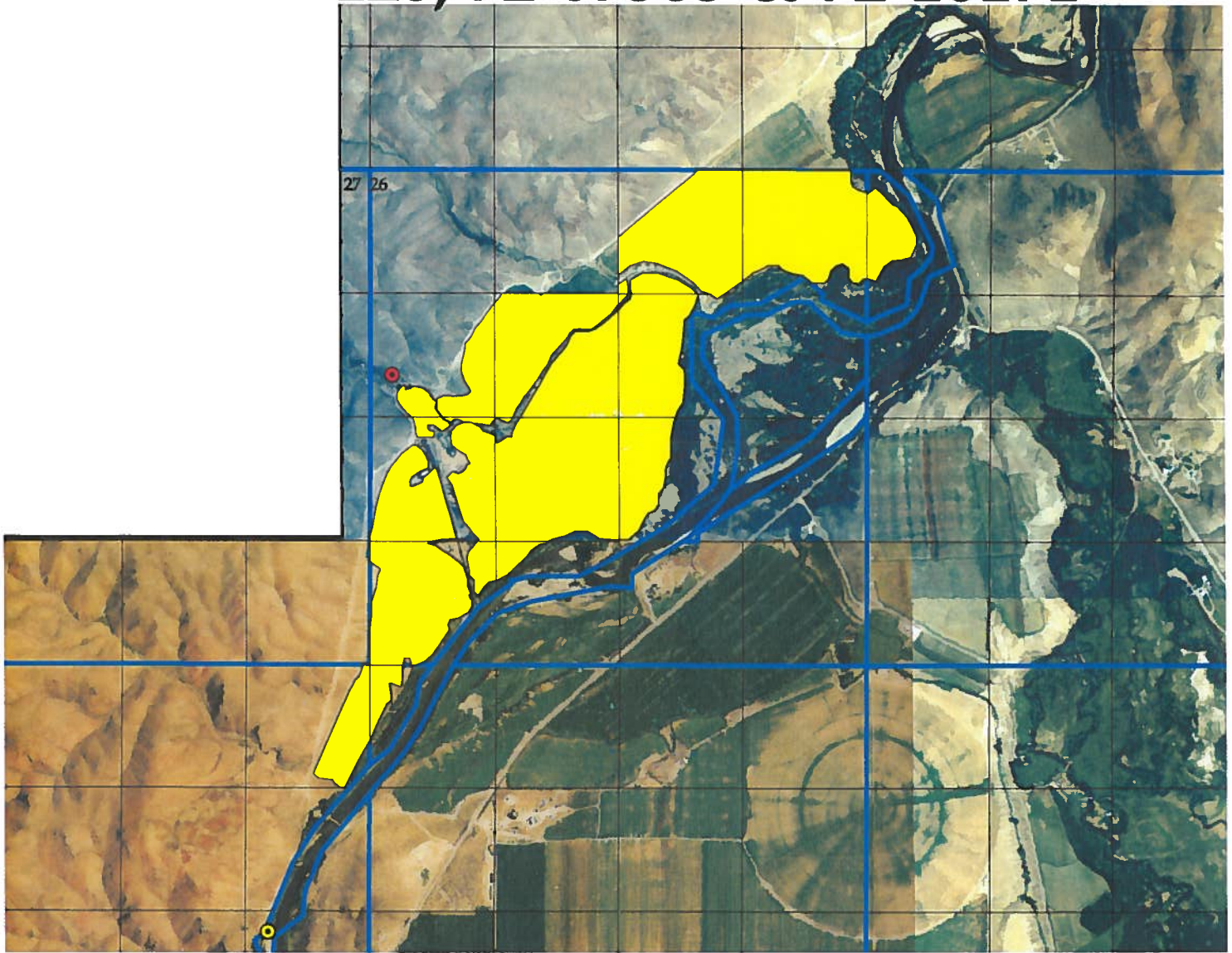
TWN: 16N
RNG: 20E
SEC: 25, 34, 35 & 26



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: August 10, 2000
*** Revised *** PPU

IDAHO DEPARTMENT OF WATER RESOURCES

72-04228, 72-07383 & 72-10171

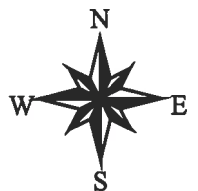


660 0 660 1320 Feet



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

TWN: 16N
RNG: 20E
SEC: 25, 34, 35 & 26



GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: August 10, 2000
*** Revised *** PPU



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

June 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SYDNEY M & KAREN DOWTON
PO BOX 7
ELLIS ID 83235

RE: Transfer Application for 72-07383 & 72-10171 (72-04228)

Dear Mr. & Mrs. Dowton,

Enclosed is the Application for Transfer for the above listed rights along with your check #2917 for the fees due. I discussed this Transfer with an agent here in our office who processes the applications and after reviewing the details it appears the situation can be resolved in the SRBA recommendation. I have also discussed the proposal at length with our staff attorney and we agree a SF5 should resolve all issues.

I can recommend all three claims as used within a Permissible Place of Use (PPU). This PPU will allow you to use the rights anywhere within the farming area as designated by the GIS shapes. It will not result in any less water being recommended. This was the end result of the transfer process but this is quicker and cheaper for everyone.

I will be calling Bill Myers to tell him of the change in the resolution of the Objections. If you have further questions on your water right then please feel free to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Steve Clelland'.

STEVE CLELLAND
Sr. Water Resource Agent

Enc:

7/24/00
SCC

Downton

- 4228

cfs
8.91

Acres
99 AC

- 10171 (EXP)

0.97 ($.02 \text{ cfs/acre}$)

48.7 AC

Gen: K02
EXP: K09

- 7383 (L)

2.35

117.3 AC

(-7506 (P)) .35 cfs 17.7 AC

= 265 AC

ELLIS CR.
- 4069

0.42

+ 21.2 AC

286.2

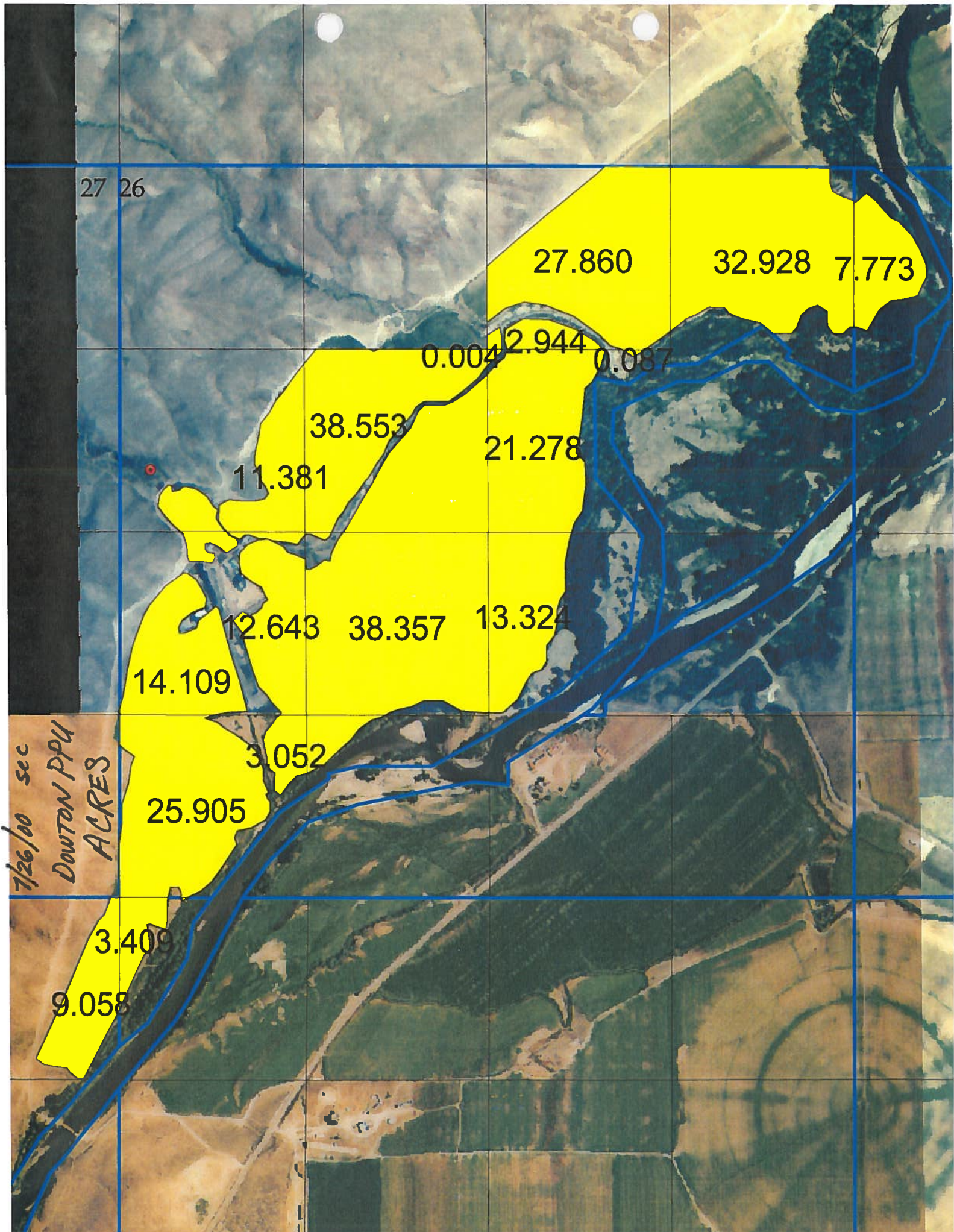
= 265 AC

update notes:
8/4/00 SCC

Remarks

POU: K06
E14

* POD of Ditch system:
T16N R20E S34
L45 NE NE SE



27 26

27.860

32.928

7.773

0.004

12.944

0.087

38.553

21.278

11.381

12.643

38.357

13.324

14.109

3.052

25.905

3.409

9.058

7/26/00 sec
DOWTON PPU
ACRES

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

TRANSMITTAL COVER SHEET

FAX NUMBER: (208) 327-5400

DATE: 7/14/00

TO: Steve Holland
IDWR - SO.

FROM: Nick Spangler
OAG - IDWR

DOCUMENT DESCRIPTION: DOWYER / PLM
Letter enclosed - Nick asks if you
can get full water rt. descriptions, including the amended
claim done sooner rather than later - Yux!

COVER SHEET + 7 PAGES

CONTACT: V. WAGG IF YOU DO NOT RECEIVE ALL THE PAGES.

327-7929

THANK YOU!

HOLLAND & HART LLP
ATTORNEYS AT LAW

BOISE • WASHINGTON, D.C.
SALT LAKE CITY • BILLINGS
CHEYENNE • JACKSON HOLE
DENVER • ASPEN • BOULDER
DENVER TECH CENTER
COLORADO SPRINGS

SUITE 1400
101 SOUTH CAPITOL BOULEVARD
BOISE, IDAHO 83702-7714
MAILING ADDRESS
P.O. BOX 2527
BOISE, IDAHO 83701-2527

TELEPHONE (208) 342-5000
FACSIMILE (208) 343-8869

WILLIAM G. MYERS III
wmyers@hollandhart.com

July 12, 2000

RECEIVED**JUL 13 2000****Department of Water Resources**

Nicholas B. Spencer
Deputy Attorney General
Office of Attorney General
Natural Resources Division
Water Resources Unit
P.O. Box 83720
Boise, ID 83720-0098

Re: Dowton/BLM Water Right Objections

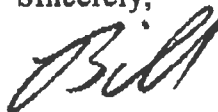
Dear Nick:

Enclosed is a copy of a recent letter from Steve Clelland to my clients, Syd and Karen Dowton. Steve called me and I agreed to his suggestion as captured by his letter. May I assume that you will prepare the SF5 in accordance with Steve's suggestion? If not, please let me know. Regarding Subcase 72-04069, the Order granting my motion to file amended notice of claim and setting deadlines sets July 28 as the deadline for filing the amended Director's Report. Again, I assume that there is nothing for me to do in this regard and that you will file the amended Director's Report within the required time. If this assumption is incorrect, please let me know.

On behalf of the Dowtons, I encourage you to prepare the SF5 as soon as possible. Resolution of these subcases is a prerequisite for the Dowtons to proceed with the sale or exchange of isolated BLM parcels as contemplated by the current BLM Land and Resource Management Plan for the area. Obviously, the Dowtons are anxious to proceed with the sale and exchange and therefore, are anxious to resolve the objections in Subcases 72-07383, 10171, and 04228.

Thank you for your continuing cooperation. Please do not hesitate to contact me if you have any questions or comments in regard to this correspondence.

Sincerely,



William G. Myers III
of Holland & Hart LLP

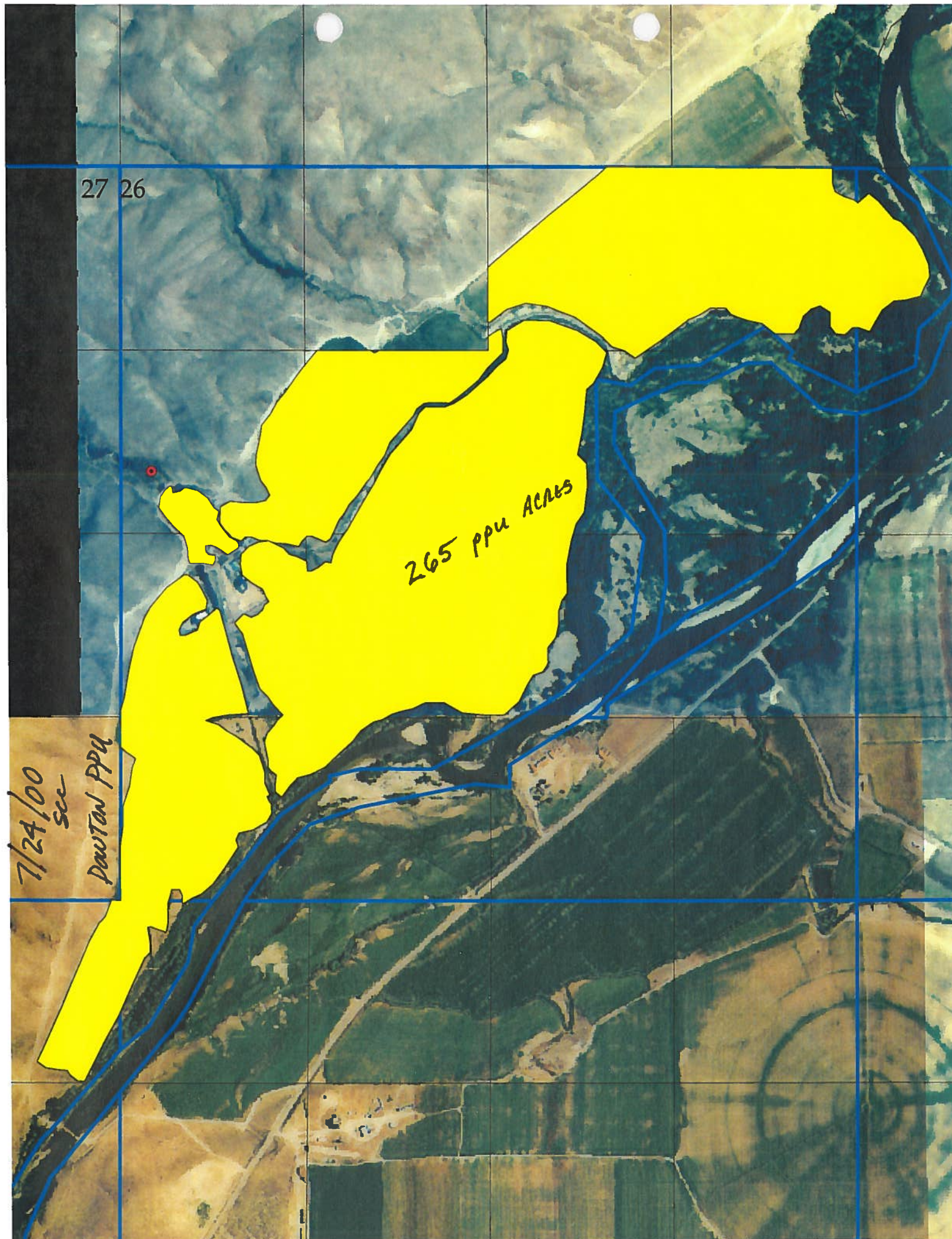
WGM:tpk
Enclosure

cc: Sydney and Karen Dowton
2668690_1.BOC

27 26

265 PPU ACATS

7/24/00
Sec
Dawton PPU



DOWTON:

4/19/00 9 AM
Settlement info

16N 20E	S. 26	NENW	9.7
	S 27	NE SE	.2
		SE SE	.2

} acres to be
TRANSFERRED

POD: wrong 10 Acres ?

Atty: Myers to contact SCC for TRANSFER.

RECEIVED

DEC 10 1999

Department of Water Resources

1999 DEC 08 PM 01:22
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA

Case No. 39576

) NOTICE SETTING STATUS
) CONFERENCE

)
) SUBCASE NOS: 72-04069 72-04228
72-07383 72-10171

— Downton —

Please be advised that Special Master THOMAS R CUSHMAN
has set a Status Conference in the above subcase(s)
as follows:

FRIDAY, MAY 19, 2000 at 02:30 PM

SRBA
DISTRICT COURT
253 3RD AVENUE NORTH
TWIN FALLS, ID

Dated: DECEMBER 08, 1999

/S/ TERI HRANAC
Deputy Clerk
Snake River Basin Adjudication

COPY

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 12/08/99

Stage: BENEFICIAL USE

CUSTER County

0.66

REMARKS:	QNT
USE OF THIS RIGHT WITH RIGHT NO. 72-10171 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.91 CFS.	
EXP RIGHT NO. 72-10171 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.	

AJ0749NP
No. R72-04228

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

DATE: 01/11/00
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	01/11/2000	Objection Filed Date:	05/21/1999
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Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:
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COMMUNICATION DOCUMENTATION

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.

SET APPT FOR REVIEW

She wants to meet with me to resolve the issues surrounding their claims... I agreed and told her I was currently reviewing their files to sort out what we discussed in Challis earlier. I welcome the chance to review this with them again to be sure I get the details accurate. We set an appt. for 1/11/00 at 8:30 am.

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

October 4, 1999

Regarding:

Sidney Dowton Claims Basin 72

Customer:

Gloria Romero
BLM

[illegible]

Gloria Romero, of the BLM, called to get information on some BLM land in Basin 72 that she believed was being irrigated by Sidney Dowton. They had served Mr. Dowton with a notice of trespass, and he was appealing. I found several claims in Mr. Dowton's name in the area that Ms. Romero was inquiring about, including a license issued by the Department in 1994. I sent her profile reports of the following AJ claims: 72-04069, 72-04228, 72-07383, 72-10171 as well as WR 72-07506. She said that the BLM thought that there was an irrigation well on BLM land that was supplying water to a pivot. I told her that all the claims we had in the area she identified as being close to the well claimed the Salmon River as source. She thought then that maybe what they were seeing was a pump, but not a well. I told her that Steve Clelland, of this office, had reviewed the claims and that if she had more questions about the system, he may be able to help her.

—

Downton

p.2 GIS

1/12/99
see

GIS Review & Recommendations

NUMBER	TNS	RNG	SEC	NE				L2 NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
(GIS)	16N	20E	25					8.3	Ø											8.3	8.3
4228																				—	
10171								6.9												6.9	
7383								1.4												1.4	8.3

NUMBER	TNS	RNG	SEC	L1 NE L2 L2				NW				SW L9 L7				L2 L4 SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
(GIS)			26	33 ^{20.5}	28	21	Ø	4.5	—	9.1	39	38	25.7	29.2	2.7	Ø	13	—	—	245.7	245.7
4228				—	2.5	9					17	34	1	19	2.7		13			98.2	
10171				7.7	4.6	11.2				1	3	4	10.7	.8						43.0	245.7
7383				25.3	23.4	.8	—	4.5	Ø	8.1	19	—	14	9.4	—	—	—			104.5	

NUMBER	TNS	RNG	SEC	NE				NW				SW				SE L4				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
(GIS)			27													Ø			.2	.2	.2
7383																Ø			.2	.2	
(GIS)			34	9 ^(L1)																9	9
7383				8.7																8.7	as licensed

NUMBER	TNS	RNG	SEC	NE				L2 NW				SW				SE				TOTAL	SYSTEM TOTAL
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
(GIS)			35					3.6												3.6	3.6
4228								.8												.8	
10171								—												—	3.3
7383								2.5												2.5	Ø

GIS Acres = 266.8

Rec'd Total = 266.2

(does not count Pou under 72-7506)

CLAIM NUMBER

A72-4228

DATE

1/12/99

TRANSFER NUMBER

A72-10171

AGENT

See

CLAIMED ACRE TOTAL

A72-7383

GIS ACRE TOTAL

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM																			
GIS																			
RECOM																			
CLAIM				See Attached				2ND				page							
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

B72-DBPOD.SHP

NOS. DESCRIPTION

16N 20E S 34 (NENESE Lot 5)

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

JPEG LAYOUT

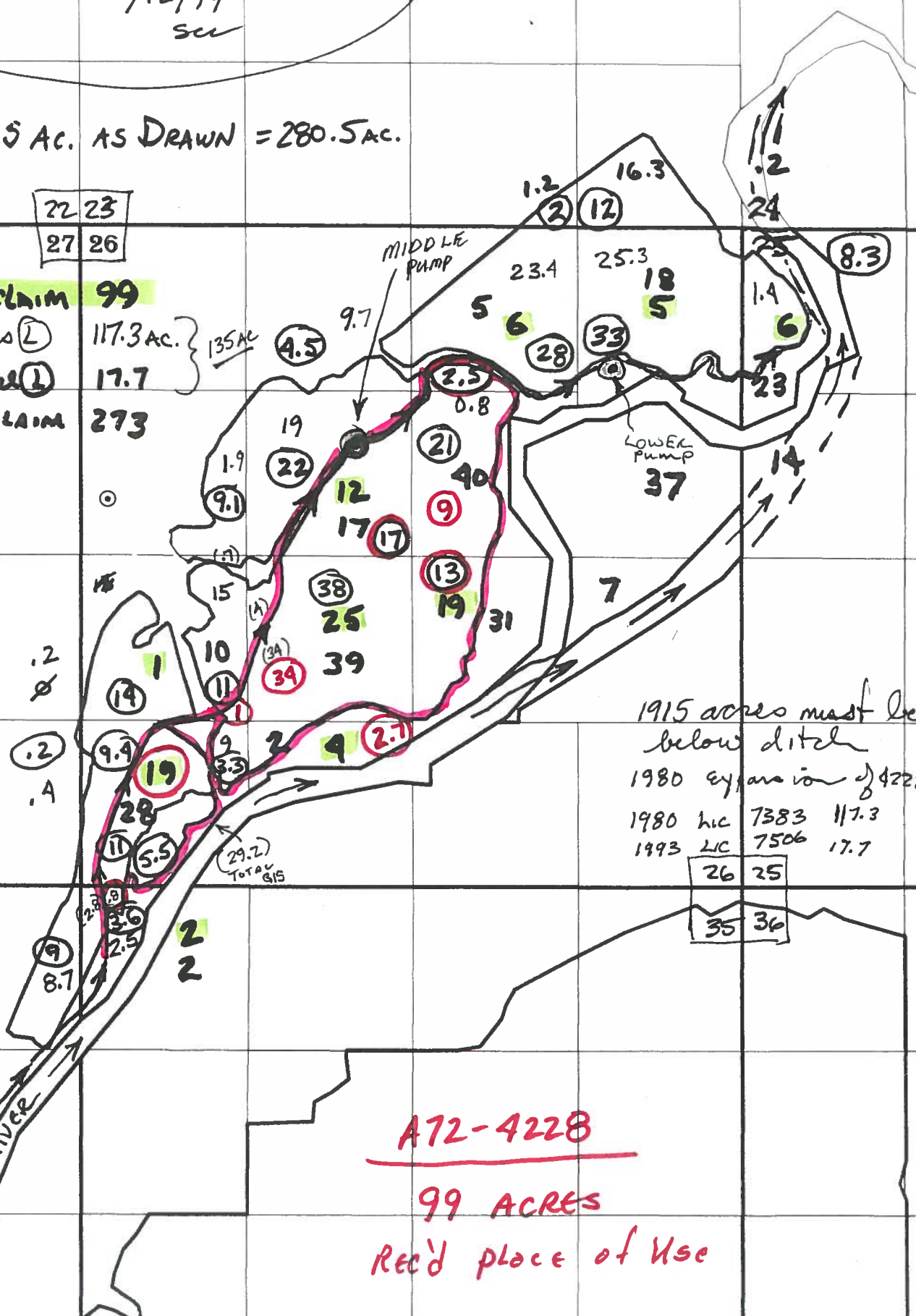


72-04228.jpg

See

22	23
27	26

10171	CLAIM	273
-------	-------	-----



A72-4228

99 ACRES

Rec'd place of Use

See

★ CANNOT CHANGE POW
OF 72-7506
Net point = 17.7 acres

OF 72-7506
Not part of AS
3 = 17.7

A handwritten diagram of a triangular plot of land. The top horizontal side is labeled "17.7 acres on". The right slanted side is labeled "14 acres of land". The bottom horizontal side is labeled "23". A vertical line segment from the top vertex to the bottom side is labeled "11". A red circle containing the number ".2" is located near the bottom side. To the left of the diagram, the text "= 45" is written in red. To the right, the text "miles" is written in blue.

22	23
27	26

7383 as ② | 117.3 Ac.

~~7506 21 17.7~~

10171	CLAIM	273
-------	-------	-----

MIDDLE
PUMP

LOWER
PUMP

1915 acres must be
below ditch

1980 Expansion of 4228

1980 hic 7383 117.3

1993	LIC	7506	17.7
------	-----	------	------

26	25
35	36

5.34

A72-7383

117.3 ACRES

Rec'd Pou.

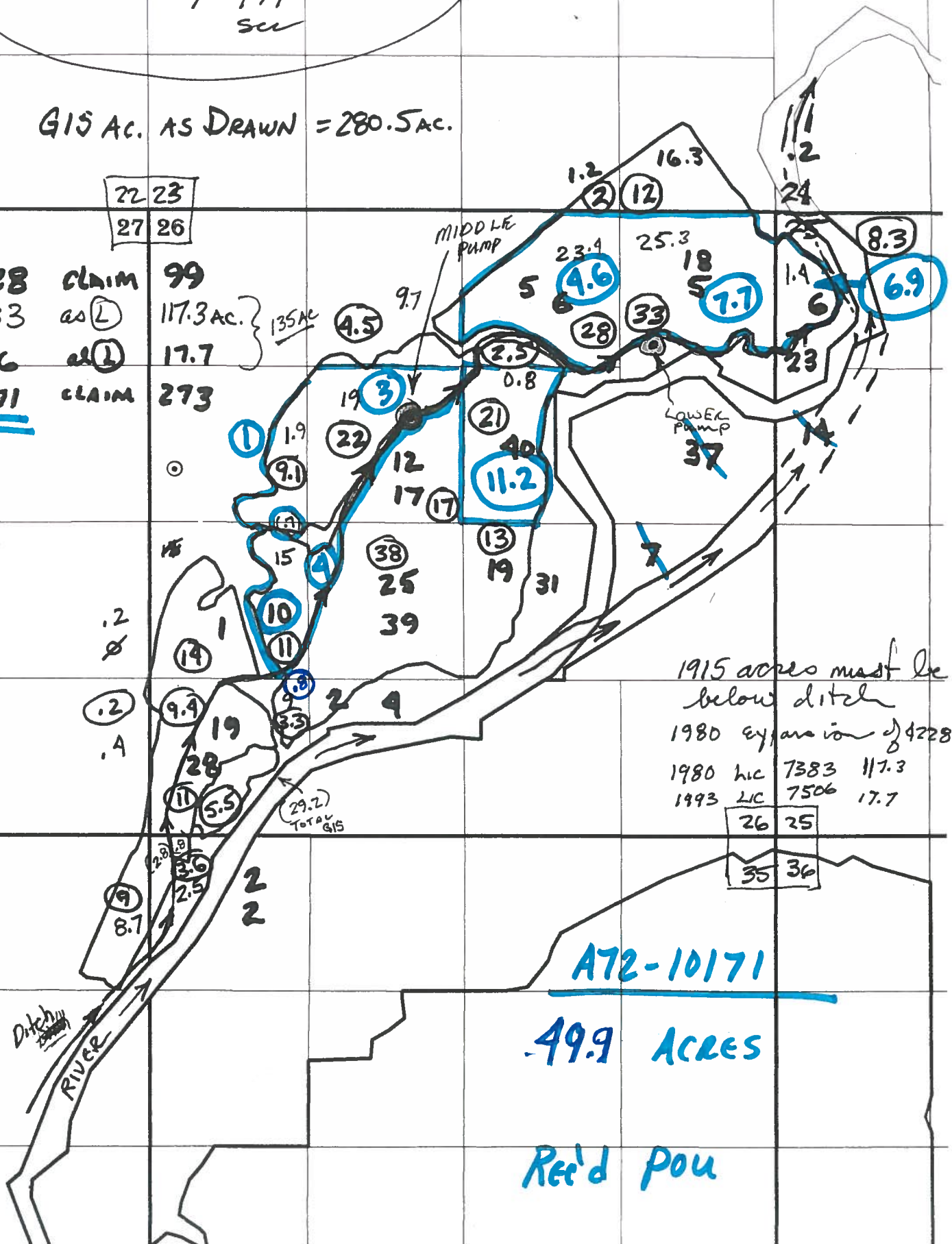
Downton Pou Review

1/12/99

see

GIS AC. AS DRAWN = 280.5 AC.

- 4228 claim 99
 - 7383 as ② 117.3 AC. } 135 AC
 7506 as ② 17.7
- 10171 CLAIM 273



Downton POU Review
1/12/99
SC

Martin
Drumman

GIS AC. AS DRAWN = 280.5 AC.

22	23
27	26

- 4228 CLAIM 99
- 7383 ac ② 117.3 AC.
7506 ac ① 17.7
10171 CLAIM 273

135 AC

MIDDLE PUMP

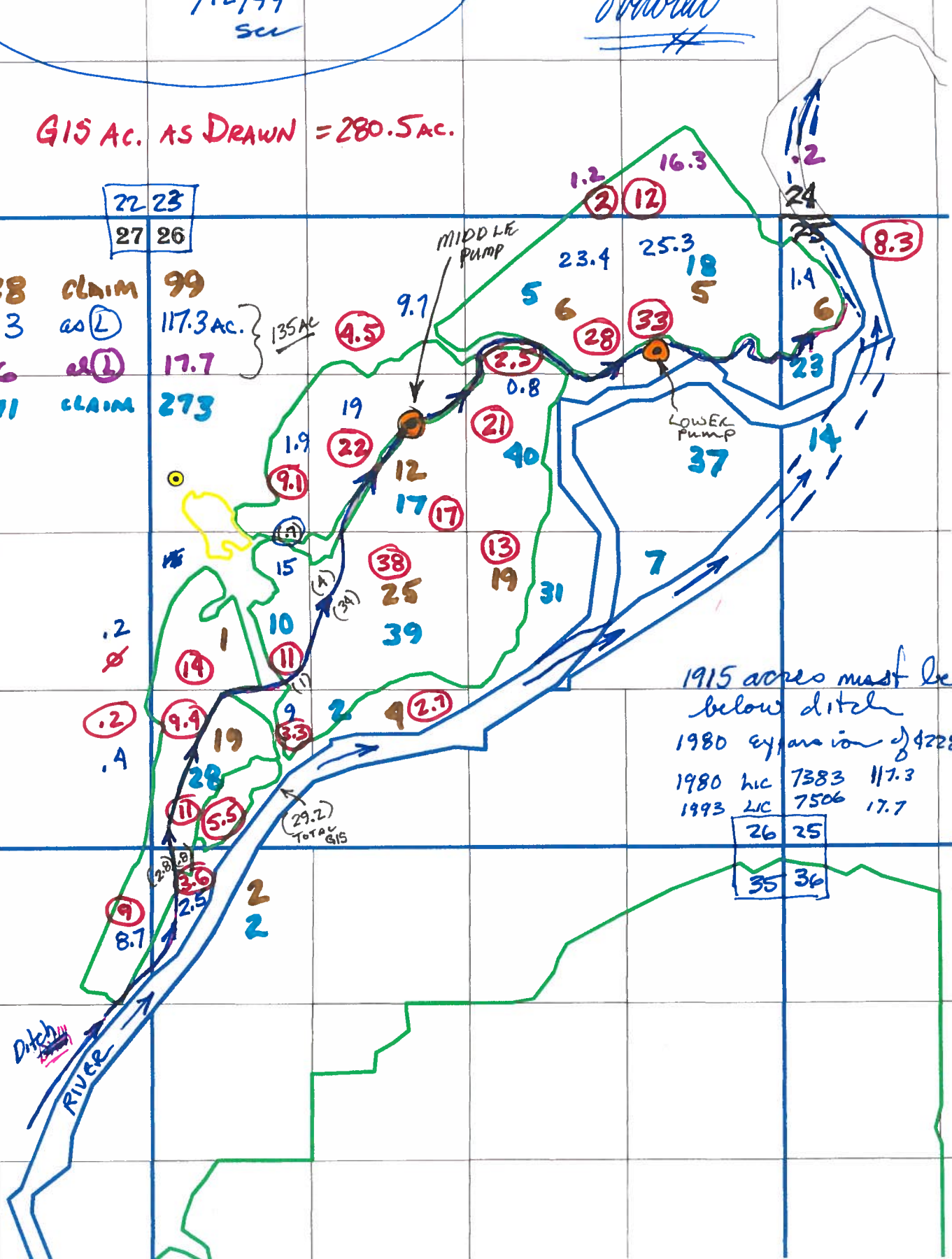
LOWER PUMP

1915 acres must be
below ditch
1980 expansion of 4228
1980 LIC 7383 117.3
1993 LIC 7506 17.7

S.34

26	25
35	36

Ditch
RIVER



1/12/99
sec

Downton Review Sheet

	Claim	GIS	Rec'd	cfs
1915 - 4228	99 ac.	110 ac.	99	

soil type Bb1 supports .09 cfs/ac = 5.94

1980 exp. - 10171	273 ac.	-	~~46.5~~ 49.9	
-------------------	---------	---	----------------------	--

(Expansion was stated to occur in 1980)

limited to Q in 4228

~~145.5 AC~~

acres found by subtracting other Rights from 148.9 AC

GIS Total acres 280.5 ac.

STAT. Claim on file is dated Dec. 1981

Rec'd (1982) as exp. date priority

Total Beneficial use Claims:

148.1 AC ~~145.5 AC~~ 5.94 cfs

(= 0.04 cfs/ac) ↑

Licensed Rights:

- 7383

2.35 cfs / 117.3 AC

- 7506

0.35 cfs / 17.7 AC

2.70 cfs / 135.0 AC

(= 0.02 cfs/ac)

0.09 x 99 = 8.91 cfs

12/1/99
sec

this rate may be

the allowed rate.

(IDFG mess. 12 cfs in 72-7383)

72-4228 only
SW instream

NØ5 NØ8 both

QNT: EØ1

- 4228

Exp: KØ1

- 10171

Exp: KØ9

GEN: KØ2

GRAND TOTAL:

8.6 ACs / ~~280.5 AC~~ 283.9 AC

* SRBA GIS Layout ACRES: 266.2 AC

Downton

POU Review

1/12/99
See

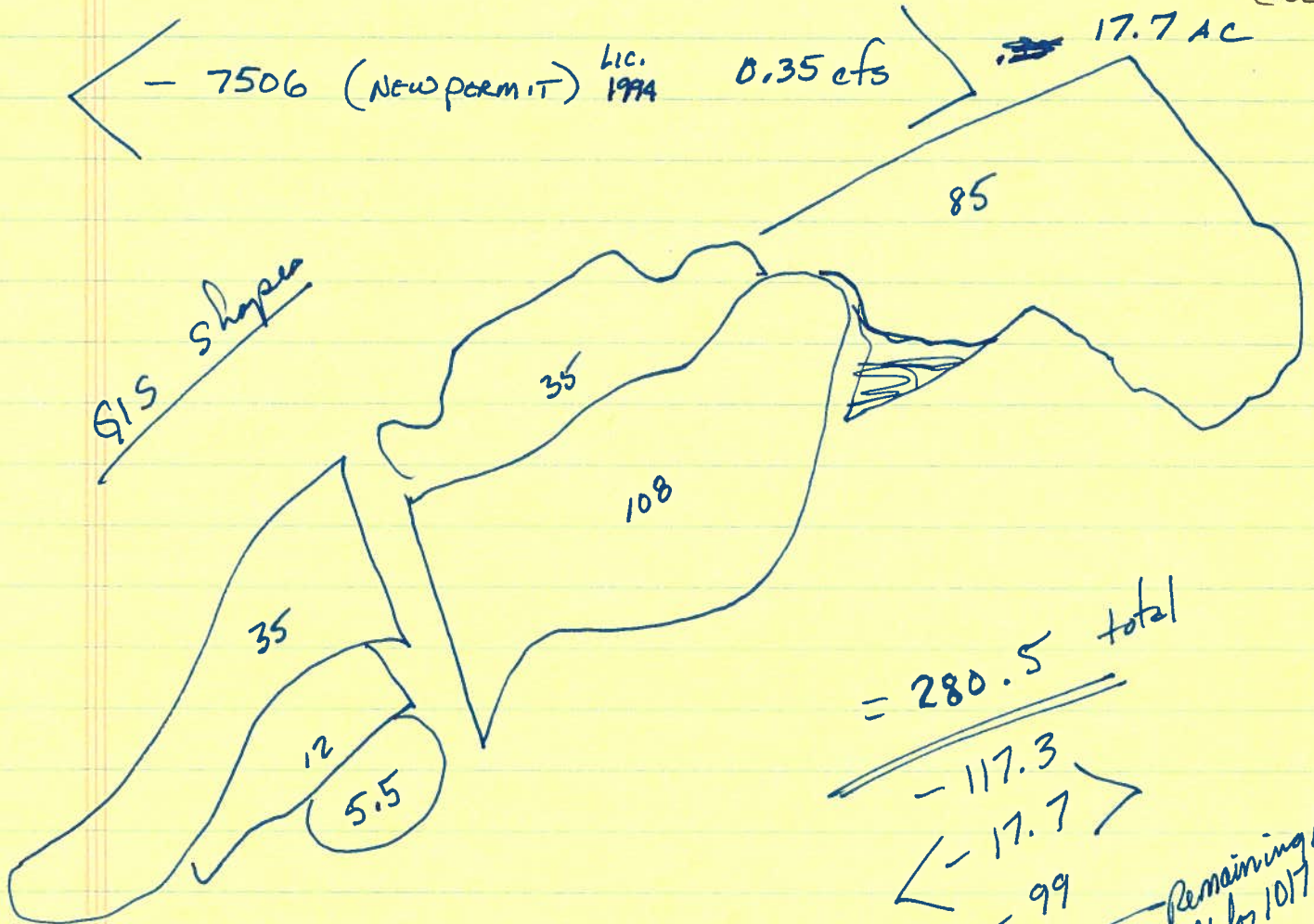
Claims:

1915 — 4228 10 cfs 99 ac

1915 ? — 10171 (Exp) ^{in 1980} 10 cfs 273 Ac.

① 1980 — 7383 (as ②) 2.35 cfs 117.3 (.02)

← 7506 (NEW permit) ^{lic. 1994} 0.35 cfs 17.7 AC (.02)



$$\begin{aligned} &= 280.5 \text{ total} \\ &- 117.3 \\ &- 17.7 \\ &- 99 \\ &= 46.5 \end{aligned}$$

Remaining Bal.
Left for 10171
POU acres

DRAFT

* adjustment made
for 7506 since
it is not part of the SRBA, cannot
correct acres on POU irrigated.

49.9

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS _____

DATE: _____, 1998

REVIEWED BY _____

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
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
B61	/		158	.09	14.22 CFS
Bk1	/		65	.06	3.90 CFS
SOC/SOI	/		58	.07	4.06 CFS
	/				CFS

TOTAL ACRES 281

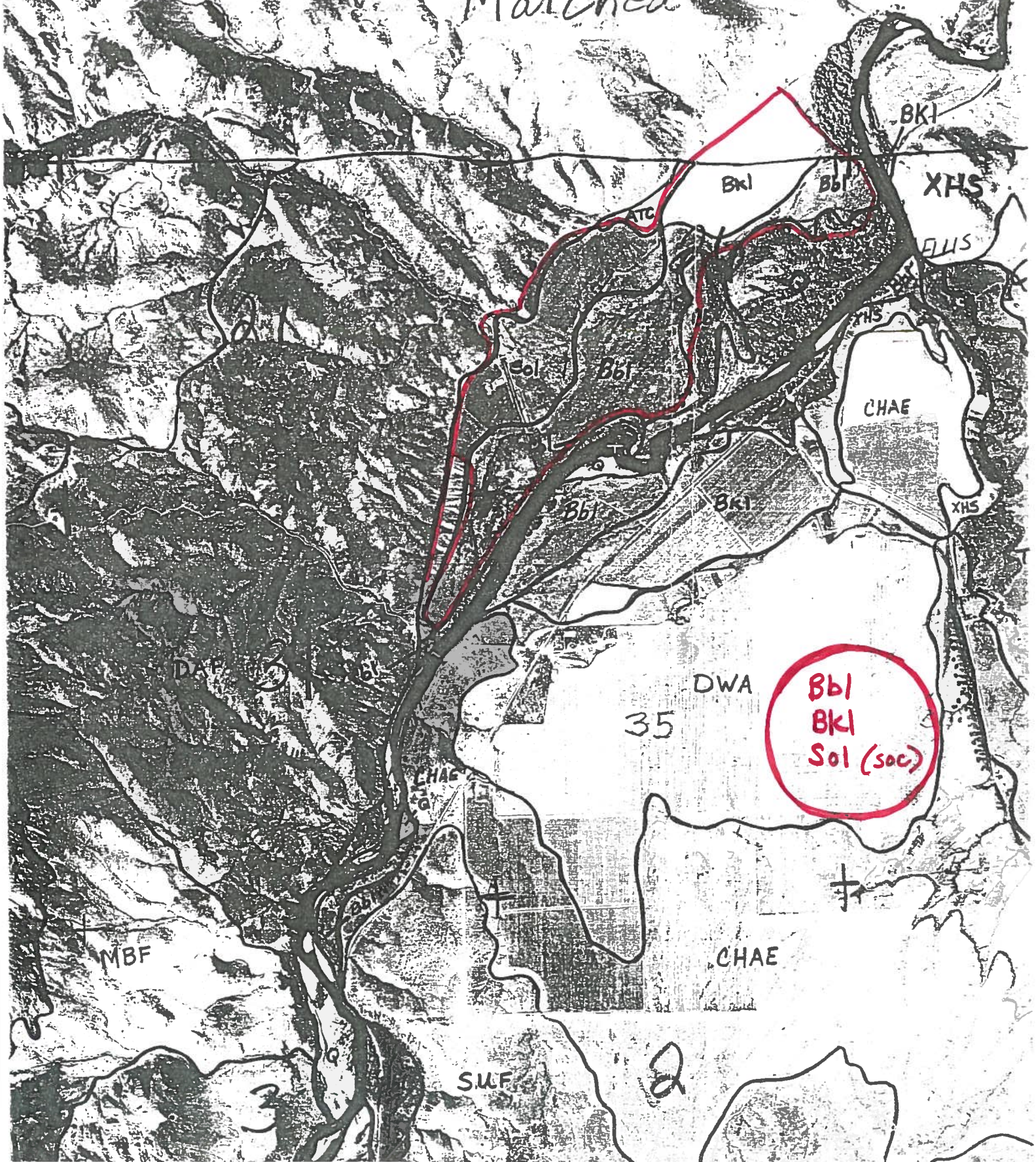
DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

Soil acres determined by GIS
SOC soil used in place of SOI soil type.

Matched



Jones, Doug

Subject: dowton
Entry Type: Meeting 
Start: Wed 5/5/99 9:00 AM
End: Wed 5/5/99 1:30 PM
Duration: 4.5 hours

Claimants came in to talk to Steve about the recommendations for 72-04228, 72-04069, 72-10171, and 72-07383. They were referred to me.

We began by reviewing each right with regard to elements and possible problems. Each right appeared to have a concern with acreage and/or acre distribution. They also expressed some concern with priorities and point of diversion description.

I showed them where we had recommended the Salmon River PoD, since their layout did not show it. They described the point as where the headgate and side-channel spill are located. The recommended PoD appears to represent that point. The ditch ~~which~~ was extended upriver from the gate in the 70's or 80's to eliminate a check structure across the river. They were concerned about whether the gate or the ditch entrance was the "point of diversion". I had Allen Merritt consult with them on the matter. The Dowton's were concerned that work on the entrance of the ditch was not protected under IDWR rules governing the Stream Channel Alteration program. Allen provided a memo dated 1/14/1999 explaining that work in the ditch and entrance to the ditch appears to be exempt from SCA permit requirements. The Dowton's preference is that the PoD remain at the control structure so that the exorbitant losses between the ditch entrance and the control structure are not part of their right.

The priority date questions were apparently answered to their satisfaction except for the enlargement right - 72-10171. This right they feel may have partially been completed before the 1971 mandatory permit dates. I explained their burden to provide evidence of priority, etc. I suggested that they do their homework and at the first settlement conference indicate to us how they want their right(s) described.

The biggest area at issue is the number and distribution of acres in each 40-acre tract and under which right. I developed an alternative set of GIS polygons to describe their place. I attempted to isolate areas by delivery mechanism (flood vs sprinkler) and source. I believe they concur with the overall place of use included and boundaries for the polygons. We did not calculate acres per 40 yet. The layout is attached to file 72-04228.

The Dowtons wanted me to complete their objections for them. I explained the limitations I have in doing something like that and we talked about the form in general. I encouraged them to object to all the recommendations so that the whole picture could be fitted together. Some areas will be adjusted claim-to-claim so each is a contested matter.

Draft

5/4/99 DJ



400000



Subject Property

- Point(s) of Diversion



Section Lines



Quarter/Quarter Lines

Ellis Cr = 19 ac

Salmon Gravity = 132.8

1919 = 99

1982 = 33.8

T16N R20E

Salmon Sprinkler = 117 (7383)

Total = 281.8 (w/ 72-7506)

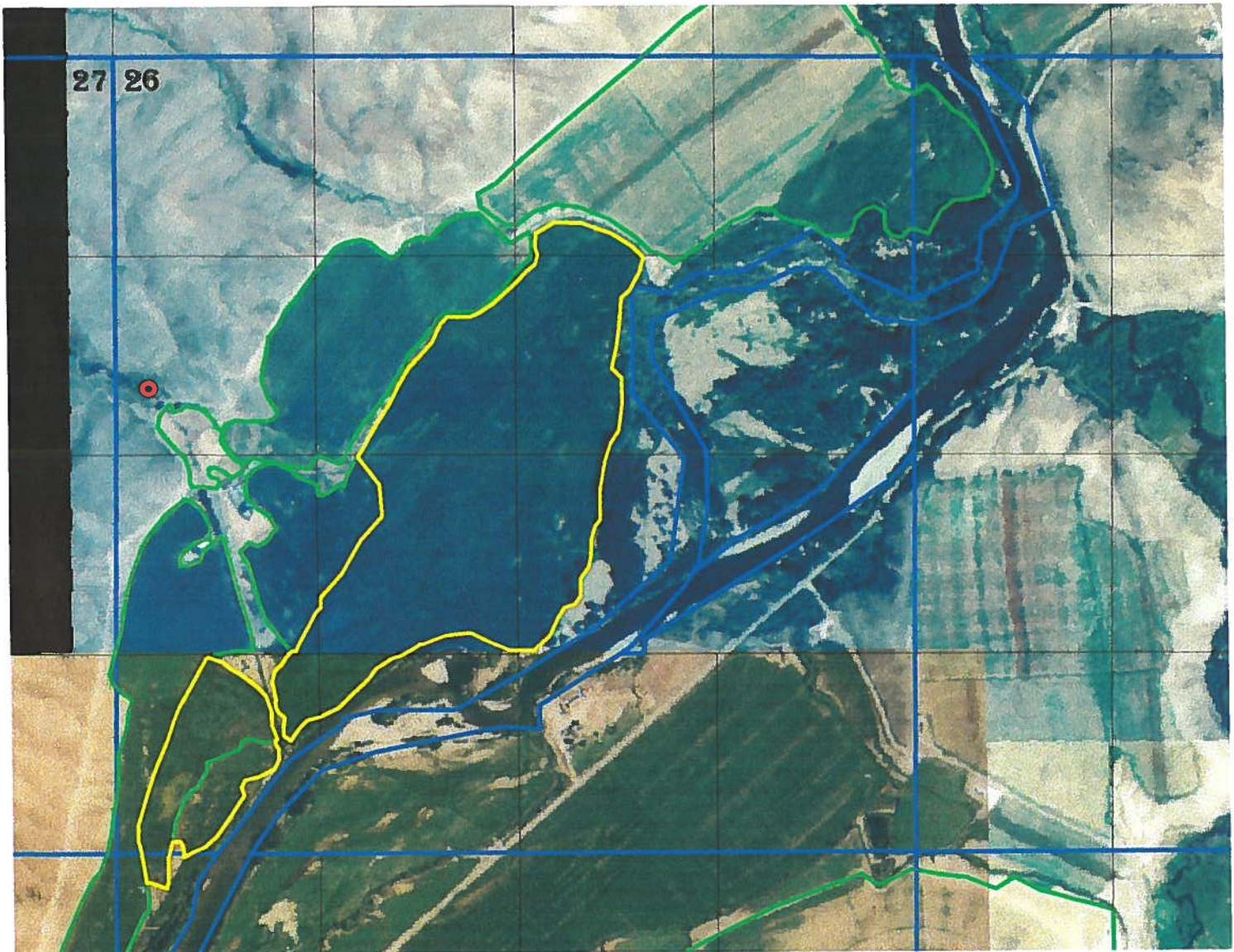
Total = 268.8 (SRBA)



\\North325\DI\Basins\B72\Claims\Downton.shp

IDAHO DEPARTMENT OF WATER RESOURCES

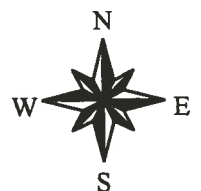
72-04228



660 0 660 1320 1980 2640 FEET

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

TWN: 16N
RNG: 20E
SEC: 26



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

DATE: JAN. 12, 1999

Claim No. ~~75-4004~~ 72-04228

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

AMENDED CLAIM TO A WATER RIGHT

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

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

Notice is hereby given that Sidney M. &/or Karen A. Dowton

(Name of Claimant)

Box 7, Ellis, Idaho 83235

(Mailing Address)

Telephone No. 876-2525

(Zip Code)

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

- (1) Date of priority: (When was the water first applied to a beneficial use) June 1, 1915

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

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

Salmon River

tributary to Snake River

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

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
[Mo., Day] [Mo., Day]

(Mo., Day)

Quantity 10.0 cfs Use irrigation Period of Use From 4/01 To 11/01

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

Quantity _____ Use _____ Period of Use From _____ To _____

- | | | |
|-----|----------|----------------------|
| (4) | 10.0 cfs | TOTAL QUANTITY USED. |
|-----|----------|----------------------|

(cfs, gpd, AFA)

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

NE ¼ SE ¼, Sec. 34 Twp. 16N Rge. 20E B.M., County of Custer

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Headgate on Salmon River, private ditch, flood irrigation

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

[illegible]

No. of acres 99

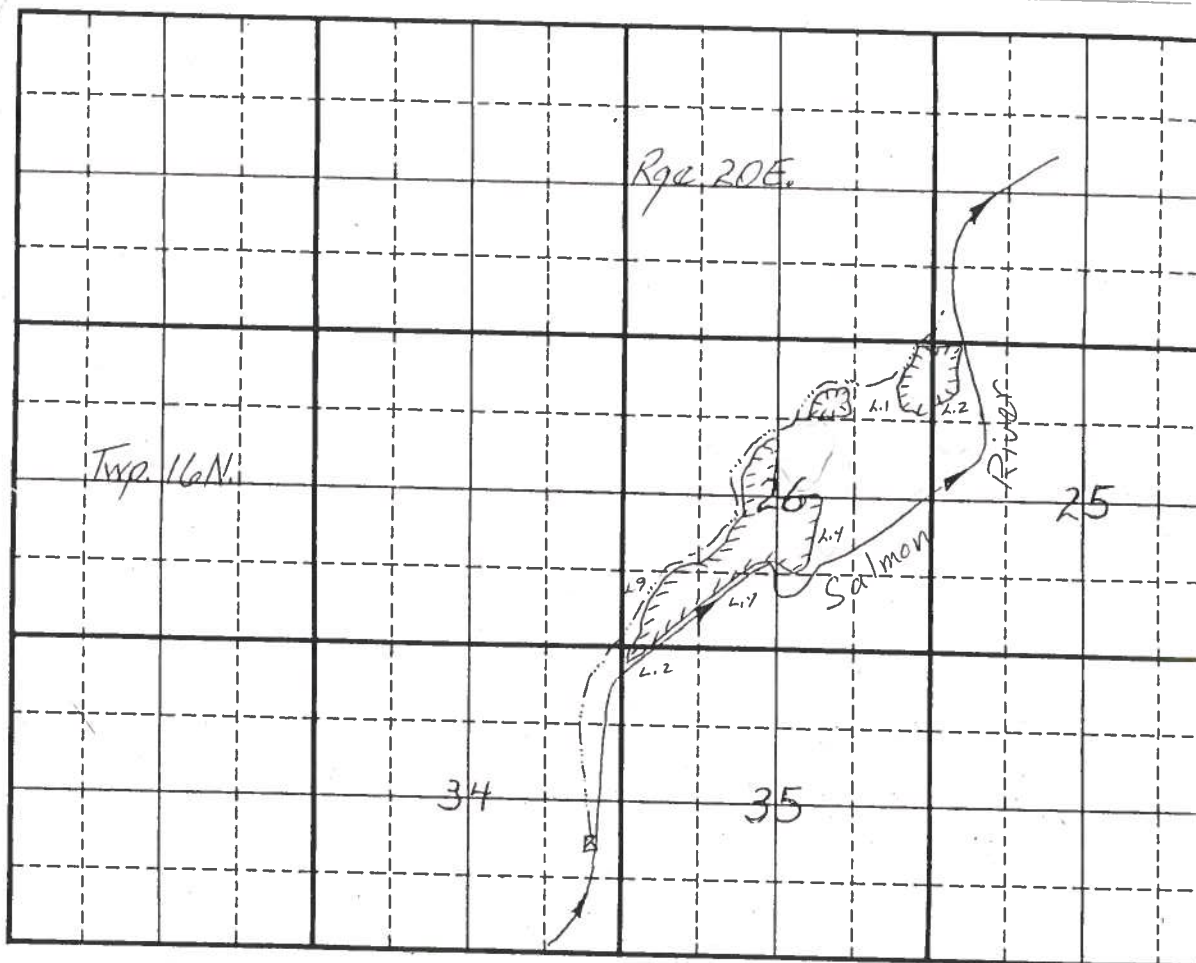
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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

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

(8) Remarks

Claimants have purchased lands indicated on this claim and find necessary to correct erroneous legal descriptions of point of diversion and place of use. See attached copy of contract of sale.



Scale: 2 inches equal 1 mile.

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

State of Idaho)

County of Buster) ss.

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

Sworn to before me this 22nd day of December, 19 81

Salmon M. Towson
(Claimant)

Edna M. Pasiek
Notary Public
Residing at Ellis Rd 832

My commission expires 6-25-1984

Drafted by EMC.

FOR DEPARTMENT USE ONLY

Received by CW

Date 12-28-82

Exception filed by:

Forwarded to

Date

Prelim. check by

Date

claimant by:

\$20.00 fee received by A.A.

Date

Published in Illustrative Publishing Co

Dates 5/8 + 5/15/80

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

DATE: 01/13/99
PAGE: 1

DIVERSION
VOLUME

5.90 CFS
0.02 CFS

5.94 CFS

Stage: BENEFICIAL USE

CUSTER County

NE

[illegible]

TOTAL ACRES

0.66

0.60

N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE

N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR

C16 - THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER

WATER RIGHT NO.	SOURCE
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...
11	...
12	...
13	...
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100	...

	NONE	NONE
1. How many of the following sources of water do you use?		

- IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER

- RIGHTS IN THE SNAKE RIVER BASIN:

WATER NASH	NONE	NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES

- CONJUNCTIVELY.

REMARKS: QNT USE OF THIS RIGHT WITH RIGHT NO. 72-10171 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.94 CFS.

EXP RIGHT NO. 72-10171 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT

AJ0749NP
No. R72-04228

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

DATE: 01/13/99
PAGE: 2

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Remarks:	TO SECTION 42-1426, IDAHO CODE.			
Dates:	Exam Made Date:	Verified Date:	01/13/1999	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag:	Presumption Flag:	

=====



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

April 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

SYDNEY M DOWTON
KAREN A DOWTON
PO BOX 7
ELLIS ID 83235

RE: Notice of Error/Objection for SRBA claims 72-04228, 72-04069, 72-07383 & 72-10171

Dear Mr. & Mrs. Hansen,

This letter is in response to the Notice(s) of Error (NOE) and the Director's recommendation of the claim(s) listed above. As I said during our phone conversation on 3/26/99 that due to the limited response time, you and I were unable to coordinate a resolution of your concerns before the Director's Report was filed with the SRBA court.

The recommended place of use (POU) was determined from aerial photos, field examinations and documents relating to your water right. I am still willing to review the details of the recommendation of your water rights whenever you and I can schedule another appointment.

If you still disagree with IDWR's recommendations, you should file an Objection to the Director's Report with the court. This Objection form is enclosed for your use. IDWR will work with you to resolve these disputed issues, including efforts to obtain additional data or information.

Please feel free to contact me at our office if you need further information.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

3/29/99 No show to Appt @ 9am



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

.SYDNEY M DOWTON OR KAREN A DOWTON
· PO Box 7
· ELVIS ID 83235

RE: SECOND REQUEST EVIDENCE OF PRIORITY - CLAIM A724228

DEAR MR. & MRS. DOWTON,

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.

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CUGLAND

FILE A72-4228

A72-4069

RE: Proof of Priority

DATE 6-8-93 11:12 AM

NAME OF PARTY

JIM BENNETTS

RE: SID DOWTON CLAIMS

Bennett's Mother will provide affidavits but will
require more time - about 2-3 weeks more.
I told him that would be fine.

June 21, 1993

RECEIVED
JUN 28 1993
Department of Water Resources
Southern Region Office

State of Idaho
Department of Water Resources
222 Shoshone St. East
Twin Falls, Idaho 83301

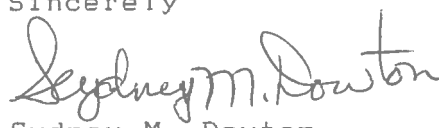
To Whom It May Concern

Enclosed are affidavits concerning water right numbers A72-4228
and A72-04069.

In a telephone conversation with your office our lawyer James
Bennetts stated that you had given us an extended time to try to
find proof.

Thank you.

Sincerely


Sydney M. Dowton

AFFIDAVIT - WATER USE

RE: WATER RIGHT NO. A72-4228
SYDNEY M. AND/OR KAREN A. DOWTON

RECEIVED
JUN 28 1993
Department of Water Resources
Southern Region Office

STATE OF IDAHO)
 : ss.
County of Custer)

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

1. That I have resided all of my life in North Custer County, Idaho. I was born in 1907.

2. That I have a good knowledge of the area where the Sydney M. Dowton and Karen A. Dowton property is located. I lived on this property as a child. My parents did much of the initial clearing and development of the property. I can recall from my own recollection that water from Salmon River was being diverted through a ditch system upon the lands much as it is today by the year 1919. I cannot state from my personal recollection that these waters were used prior to 1919 although I believe they may have been. The ditch and irrigated lands were some distance from the house and I simply cannot swear from my own recollection that the system was in place before 1919. I do recall, however, that the water was in use by that date and the lands have been beneficially irrigated from that time to the present, and the use of water has been productive. I have reviewed the attached Notice of Claim and believe it to be accurate to the best of my recollection and belief other than as noted above.

3. I state that the above is true and accurate.

DATED: June 8, 1993.

Anna E. Bennetts
Anna E. Bennetts

SUBSCRIBED and SWORN TO before me this 17th day of June, 1993.

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

1-21-99

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: A72-04228
Date Received: 12/06/1989
Receipt No: C0011592
Received By: 27

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SYDNEY M. DOWTON
Address: P.O. BOX 7
ELLIS, ID 83235

Name: KAREN A. DOWTON
Address: P.O. BOX 7
ELLIS, ID 83235

2. Date of Priority: JUN 01, 1915

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16N	20E	34	NW	SE	NE		CUSTER

Beginning Point of Minimum Instream Flow							
16N	20E	34	SE	NE	NE		CUSTER

Ending Point of Minimum Instream Flow							
16N	20E	25	NW	NW	NW		CUSTER

5. Description of diverting works:
HEADGATE, PRIVATE DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is Acre Feet Per Annum.

A72-04228

Page 1

Date: 12/06/89

9. Non-irrigation uses:
NONE.

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	20E	25	NW		NW		STOCK	
			NW		NW	2	IRR	6.0
			SW		NW		STOCK	
							Section Acres	6.0
		26	NE		NE	1	IRR	5.0
			NW		NE		IRR	6.0
			SE		NE		STOCK	
			SE		NW		IRR	12.0
			NE		SW		IRR	25.0
			NW		SW		IRR	1.0
			SW		SW		STOCK	
			SW		SW	9	IRR	19.0
			SE		SW		STOCK	
			SE		SW	7	IRR	4.0
			NE		SE		STOCK	
			NW		SE		STOCK	
			NW		SE	4	IRR	19.0
			SW		SE		STOCK	
							Section Acres	91.0
		35	NW		NW	2	IRR	2.0
							Section Acres	2.0
							Total Acres	99.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE.

14. Remarks:

IN STREAM STOCKWATER USE FROM THE SALMON RIVER IS CLAIMED ON A
YEAR ROUND BASIS FOR 500 HEAD OF RANGE CATTLE.

15. Basis of Claim: STATUTORY CLAIM

CLAIM NUMBER: 472-04225

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHARGE DATA Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y	NOV 10/28/93 OK		Initiated 21		4-27-93		
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES	Y							
PERIOD OF USE	Y							
BASIS OF CLAIM								
REMARKS	Y							

*VERIFIED BY CODES

TOPO MAP/ORTHO-PHOTO = 1
 AGCS MAP = 2
 WATERMASTER RECORDS = 3
 MAP 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.

CLAIM NUMBER: A72-04278

CTATITDPV PLATW
CT+399 =

CUSTER County
CUSTER County
CUSTER County

--- Trigonometric Use: NONE.

Other Rights: NONE.

Non-Irrigation Use: NONE.

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: 472-04228

LAST: SYENEY
ADDRESS: XXX
CITY: XXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0

FIRST: HAROLD L.
STATE: ID ZIP: 000

LAST: DOWTON
ADDRESS: P.O. BOX 7
CITY: ELLIS
PHONE NUMBER: 208-000-0000
OWNER CODE: C

FIRST: SYNEY M.
STATE: ID ZIP: 83235

LAST: DOWTON
ADDRESS: P.O. BOX 7
CITY: ELLIS
PHONE NUMBER: 208-000-0000

FIRST: KAREN A.
STATE: ID ZIP: 83235

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y
FIELD
EXAMINER

CLAIM REMARKS: IN STREAM STOCKWATER USE FROM THE SALMON RIVER IS CLAIMED ON A
YEAR ROUND BASIS FOR 500 HEAD OF RANGE CATTLE.

A. AJ CLAIM: # A72-04228 PRIORITY DATE: 06-01-1915
B. WR RECORD: # 72-04228 PRIORITY DATE: 06-01-1915

STAGE: X (5)
STAGE: 5

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINED

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

REMARKS: No proof filed - = Disallowed

Copy of the License field exam may have been submitted by 1915.
Document but does not support the claimed priority date of 1915.
(See also A72-4069 also disallowed.)

RECOMMENDED PRIORITY DATE:
~~06-01-1915~~

REVIEWED BY su DATE 4-27-93

affidavit supports
by Mrs. Bennetts
1919
4/13/99
su

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
472-04238	16N	20E	25	NW	NW	NW		CUSTER
472-04238	16N	20E	34	SE	NE	NE		CUSTER
472-04238	16N	20E	34	NW	SE	NE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
472-10171 NONE 75-02179

SOURCE: SALMON RIVER

TRIP: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04228	16N	20E	34	NE	SE			CUSTER

OTHER WR RECORDS WITH SAME WR POD
AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
72-07383 NONE

SOURCE: SALMON RIVER

TRIP: SNAKE RIVER

C. FIELD BYAM VERIFIED?

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

REMARKS:

TWP	RNG	SEC	1/4	1/4	LOT	NAME	A1 +ACRES	W2 +ACRES	LANDSAT DATA	FIELD EXAM.	RECON. ACRES
16N	20E	26	SW	SW	9	BOGGSMAN, WORTH BOGGSMAN, SYDNEY M. DOWTON, SYDNEY M. DOWTON, SYDNEY M. DOWTON, SYDNEY M.	472-04228 /19.0 472-10038 /2.0 472-07383 /10.0 472-10171 / 472-04009 /2.0	73-04228 /19.0 - / 73-07383 /10.0 - / 73-04009 /2.0	90.0		
15N	20E	26	SE	SW	7	DOWTON, SYDNEY M. BOGGSMAN, WORTH BOGGSMAN, SYDNEY M. DOWTON, SYDNEY M. DOWTON, SYDNEY M.	472-04228 / 472-04078 /10.0 472-10038 /36.0 472-10171 / 472-04009 /36.0	- / 73-04078 /10.0 - / 73-04009 /36.0 73-04228 /4.0			
16N	20E	26	SE	SW	7	DOWTON, SYDNEY M. BOGGSMAN, WORTH BOGGSMAN, SYDNEY M. DOWTON, SYDNEY M. DOWTON, SYDNEY M.	472-04228 /4.0 472-04078 /10.0 472-10038 /26.0 472-10171 / 472-04009 /26.0	73-04228 /4.0 73-04078 /10.0 - / - / 73-04009 /36.0	8.0		
16N	20E	26	NE	SE		DOWTON, SYDNEY M. BOGGSMAN, WORTH DOWTON, SYDNEY M. DOWTON, SYDNEY M.	472-04228 / 472-10038 /10.0 472-10171 / 472-04009 /10.0	- / - / - / 73-04009 /10.0			
16N	20E	26	NW	SE	4	DOWTON, SYDNEY M. BOGGSMAN, WORTH DOWTON, SYDNEY M. DOWTON, SYDNEY M. DOWTON, SYDNEY M.	472-04228 / 472-10038 /11.0 472-10171 / 472-04009 /11.0	- / - / 73-04009 /11.0 73-04228 /19.0			
16N	20E	26	NW	SE	4	DOWTON, SYDNEY M. BOGGSMAN, WORTH DOWTON, SYDNEY M. DOWTON, SYDNEY M.	472-04228 /19.0 472-10038 /11.0 472-10171 / 472-04009 /11.0	73-04228 /19.0 - / - / 73-04009 /11.0	24.0		
16N	20E	26	SW	SE		DOWTON, SYDNEY M. BOGGSMAN, WORTH BOGGSMAN, SYDNEY M. DOWTON, SYDNEY M.	472-04228 / 472-04078 /5.0 472-10038 /39.0 472-10171 / 472-04009 /39.0	- / 73-04078 /5.0 - / 73-04009 /39.0			
16N	20E	26	NW	NW	2	DOWTON, SYDNEY M. BOGGSMAN, WORTH DOWTON, SYDNEY M. DOWTON, SYDNEY M. DOWTON, SYDNEY M.	472-04228 /2.0 472-10038 /10.0 472-07383 /10.0 472-10171 /2.0 472-04009 /10.0	73-04228 /2.0 - / 73-07383 /10.0 - / 73-04009 /10.0	7.0		
TOTAL ACRES							99.00	99.00	258.00		

A. ALL CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A72-04228 IRRIGATION	FROM 04-01 TO 11-01	10,000 CFS
A72-04228 STOCKWATER	FROM 01-01 TO 12-31	120 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

10,000 CFS

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
72-04228 IRRIGATION	FROM 04-01 TO 11-01	10,000 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

10,000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

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

REMARKS:

Explain in remarks, below.

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

AJ TOTAL CLAIMED DIVERSION RATE: 10.000 cfs
 WY FOOT TOTAL DIVERSION RATE: 10.000 cfs

*** IF NO or IF STATUTORY CLAIM or DIVERSION RATE USE 4000 FLOW MEASUREMENT REQUIRED. ***
 ** If an amount smaller than the original diversion rate is claimed, it must be stated in remarks. **

FLOW MEASUREMENT REQUIRED? FILED
 DATABASE EXAMINER

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

FLOW MEASUREMENT

MEASUREMENT METHOD SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE.

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	VOL./ACRE
A72-04228	SALMON RIVER	DOWTON, SYDNEY M.	10.000	0.101		
A72-04069	ELLIS CREEK	DOWTON, SYDNEY M.	1.150	0.039		
A72-07383	SALMON RIVER	DOWTON, SYDNEY M.	2.440	0.020		
A72-10171	SALMON RIVER	DOWTON, SYDNEY M.	10.000	0.036		
A72-04009	PAHSIMEROI RIVER	DOWTON, SYDNEY M.	9.200	0.044		
A72-04073	SALMON RIVER	BOGGSMAN, WORTH	0.320	0.021		
A72-10038	PAHSIMEROI RIVER	BOGGSMAN, WORTH	9.200	0.044		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A72-10171	STOCKWATER	DOWTON, SYDNEY M.	FROM 01-01 TO 12-31	.120 CFS	

11.

DATE/UNIT/TYPE CALCULATIONS: (REGISTRATION)

12. CALCULATIONS

1a. IRRIGATION RATE $\times$ 0.02 CFS/ACRE = CFS
ACRES (Taken from R/W Inventory)

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 = 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.)

THE
CORPENT/ABANDON
ATTENTION DIV. AMOUNT

EDIT WATER RIGHT REVIEW

ROOT WATER FIGHT NUMBER: 72-04222

TOTAL INVERSION RATE OF WR SPLITS

DATAHASE
10.000

EXAMINER

OF-9

SECRET

OLD FIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

LIVEFECTION
FATE

CURRENT R
CLATH ALUM.

RENT

1

A73-04228

10.00

4

MR RIGHT
NUMBERS
73-04338

1000

TOTAL CES

000001

DYEING RATE REVIEW

DATA BASE

FIELD EXAMINATION

PEW RESEARCH

ALTHEA T. GARDNER

CTA 11.1

NAME OF FIELD EXAMINER:

FATE

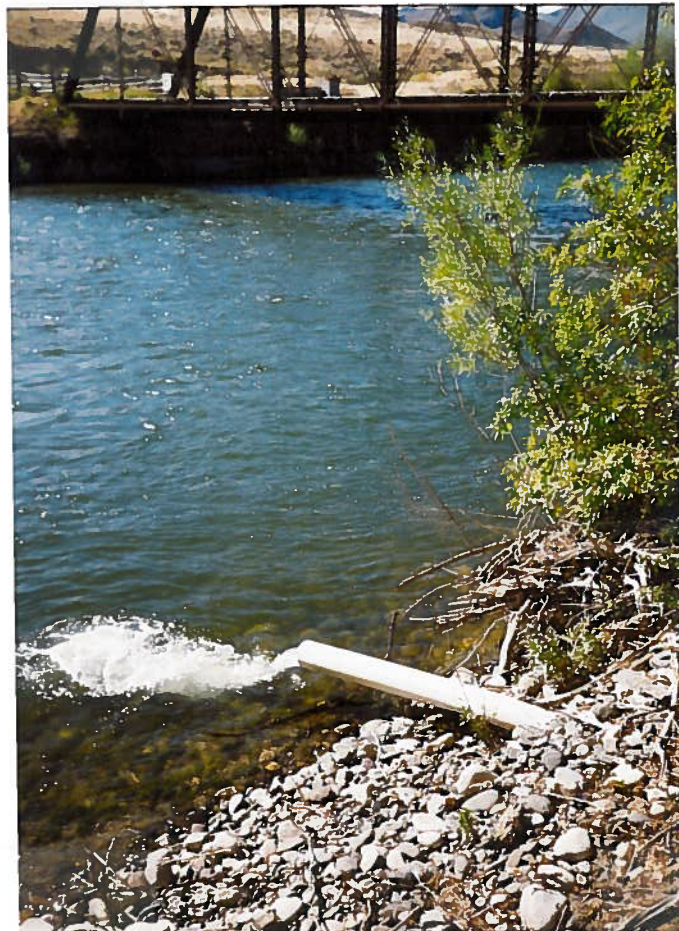
THE



DIVERSION @
DOWTON'S

IDFG FISH SCREEN
S-20

PHOTO:
R72-32
MSEC
8-11-93



RETURN FLOW to
SALMON RIVER.

A72-4228



IDFG SCREEN # S-20

Photo:
R72-32
by SCL
8-11-93



← WATER
LEVEL IS
DOWN,
Lower than
NORMAL.

DOWNSTREAM VIEW @ S-20
SCREEN. NOTE LOW WATER CONDITIONS.

Water Right Number - 72-04228

Prefix Translation:

WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
DOWTON
Last Name - Sidney M.
First Name -
Address -
1 - P.O. BOX 7
2 -
3 -
City- ELLIS
Phone -
1 - P.O. BOX 7
2 -
3 -
City- ELLIS
Phone -
State- ID Zip- 83235

DOWTON
KAREN A.

State- ID Zip- 83235

*** 0 - ORIGINAL OWNER ***
SHEENEY

HAROLD L.

1 -
2 -
3 -
City-
Phone -
State- Zip-
Phone -

Priority Date - 06/01/1915
Region - 17 SOUTHERN
Stage - S - STATUTORY CLAIM
Tributary - SNAKE RIVER

Source - SALMON RIVER
Tributary - SNAKE RIVER

Tw n Rng Sec Tract Lot Rflg County Point of Diversion Stream Index (Blank if no Index Code)
16N 20E 34 NE SE (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 10.000

Total Div. Rate - 10.000
Total Div. Volume -
Total Div. Capacity -

Tw n	Rng	Sec	Tract	Lot	Acres	Place of Use	Description	County
16N	20E	25	NW NW	2	6.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	NE NE	1	5.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	NW NE		6.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	SE NW		12.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	NE SW		25.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	NW SW		1.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	SW SW	9	19.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	SE SW	7	4.0	01	IRRIGATION	(37) CUSTER
16N	20E	26	NW SE	4	19.0	01	IRRIGATION	(37) CUSTER
16N	20E	35	NW NW	2	2.0	01	IRRIGATION	(37) CUSTER

Total Acres:

99.0

WATER RIGHT

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	Swan Falls	-
Proof Made Date	00/00/0000	Hearing Date	00/00/0000	Temporary Right	P
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	A
Decree Date	00/00/0000	Presumption Flag	-		