

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: **A72-04231F**
Date Received: 10/26/1989
Receipt No: X999999
Received By: _____

AMENDED

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

AMENDED

1. Name: MERYL PETHAN 510-357-7440
Address: 20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

AND

Name: ALDEAN PETHAN 510-357-7440
Address: 21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

2. Date of Priority: OCT 10, 1911

3. Source: CHALLIS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	7	SW	NW		2	CUSTER

5. Description of diverting works:
HIGH LINE & LOW LINE CANALS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	7	NW	NE		IRR	7.3

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	7	SW	NE		IRR	19.0
Section Acres							26.3
Total Acres							26.3

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A72-00024F, A72-00032A

14. Remarks:

AC. IRR. = 57.5

OWNERSHIP CHANGE 12/14/93 BY JG.

OWNERSHIP CHANGE MADE 8/29/95 TF.

OWNERSHIP CHANGE/SPLIT 11/13/97 (PARCEL NOS. 1 AND 6) jr

OWNERSHIP CHANGE/SPLIT 5/15/98 (PARCEL #1). jr

A PREVIOUSLY UNRECORDED "NEW" SURVEY RESULTED IN A CORRECTION OF
THE SPLIT, REDUCING THE PLACE OF USE BY 3.7 ACRES. 8/9/99 jr

15. Basis of Claim: BENEFICIAL USE

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: _____

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: **A72-04231F**

Date Received: 10/26/1989

Receipt No: X999999

Received By: ownership change / spl

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

1. Name: MERYL PETHAN 510-357-7440
Address: 20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

AND

Name: ALDEAN PETHAN 510-357-7440
Address: 21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

2. Date of Priority: OCT 10, 1911

3. Source: CHALLIS CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	7	SW	NW		2	CUSTER

5. Description of diverting works:
HIGH LINE & LOW LINE CANALS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.260		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	7	NW	NE		IRR	9.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	7	SW NE		IRR	21.0
Section Acres						30.0
Total Acres						30.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A72-00024F, A72-00032A

14. Remarks:

AC. IRR. = 57.5

OWNERSHIP CHANGE 12/14/93 BY JG.

OWNERSHIP CHANGE MADE 8/29/95 TF.

OWNERSHIP CHANGE/SPLIT 11/13/97 (PARCEL NOS. 1 AND 6) jr

OWNERSHIP CHANGE/SPLIT 5/15/98 (PARCEL #1). jr

15. Basis of Claim: BENEFICIAL USE

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: _____

A 72-04231

Lusher

58 Ac

2 cfs

(A)

Lusher

3.5 Ac.

.14 cfs

(B)

Peterson → Wunsch

54.5 Ac

1.86 cfs

(C)

Wunsch

31 Ac.

1.57 cfs

(D)

Thornton

23.5 Ac.

.29 cfs

(E)

Wunsch

1 Ac.

.31 cfs

(F)

Pethan

30 Ac.

1.26 cfs

5 (C E I V E I D)

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

FEB 02 1998

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

MAY 14 1998

Department of Water Resources
Southern Region

1. Water Right Number(s) A72-00024, A72-04231, A72-00032A

-00024C -04231C

Adjudication Claim Number(s) _____

2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Charles Wunsch and Shirley Wunsch

Owner/Claimant(s)

P. O. Box 406, Challis, ID 83226

4. New Owner/Claimant(s) Meryl Pethan and Aldean Pethan

Name connector (Check one): ☐ AND, ☐ OR, ☒ AND/OR

New Mailing Address 20176 San Miguel Avenue

City, State and ZIP Code Castro Valley CA 94577

New Telephone Number (510) 357-7440

5. Date you acquired the property 12/31/97

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 20+ Number and type of stock Miscellaneous Horses and cows

See attached

Diversion rate in CFS "A" Number of homes 0-3 Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance. See attached "A"

7. Signature of New Owner/Claimant(s)

Meryl Pethan
Aldean Pethan

Date

1-6-98

Date

1-6-98

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

6214922

WARRANTY DEED

For Value Received CHARLES W. WUNSCH AND SHIRLEY M. WUNSCH, CO-TRUSTEES OF THE CHARLES W. AND SHIRLEY M. WUNSCH FAMILY TRUST DATED JUNE 20, 1995, the Grantors, do hereby grant, bargain, sell and convey unto MERYL PETHIAN AND ALDEAN PETHIAN, husband and wife, the Grantees, whose current address is 20176 San Miguel Avenue, Castor Valley, California 94577 the following described premises, in Custer County, Idaho, to-wit:

A parcel of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 7, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at the NE corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ run thence South 00°03'00" East along the Easterly boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1101.36 feet to a point on the centerline of Challis Creek Road; thence the following courses and distances along said centerline; North 72°41'07" West, 292.66 feet, 149.22 feet along a curve to the right having a chord of 148.84 bearing North 65°36'14" West, a delta of 14°09'46", a radius of 603.65; North 58°31'22" West, 36.59 feet; 186.20 feet along a curve to the left having a chord of 185.68 feet bearing North 65°58'40" West, a delta of 14°54'39", a radius of 715.49 feet; North 73°25'59" West, 431.65 feet; 270.94 feet along a curve to the right having a chord of 266.45 bearing North 55°19'20" West, a delta of 36°13'20", a radius of 428.57 feet; North 37°12'45" West, 14.95 feet to a point on the centerline of Challis Creek; thence the following courses and distances of said centerline; North 72°43'30" East, 245.12 feet; North 33°13'42" East, 76.35 feet; North 20°57'34" East, 58.40 feet; North 33°52'54" East, 103.10 feet; North 45°58'13" East, 100.78 feet; North 71°11'40" East, 170.99 feet; North 45°21'06" East, 130.17 feet; North 30°23'38" East, 79.15 feet to a point on the Northerly Boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence North 88°57'03" East, along said boundary a distance of 535.53 feet to the POINT OF BEGINNING.

TOGETHER with an easement for an existing pipeline and headgate to be used for irrigation purposes benefiting the above lands. The burdened lands are those lands lying across the Custer County road to the South of the burdened lands owned by the Grantors. The easement shall be perpetual and shall run with the lands as necessary for the proper maintenance, repair and replacement of the pipeline as it runs from the canal or ditch way on the burdened lands to the lands of Grantee lying to the North of the easement.

6214922
Custer County Title
Time 3:52 P.M.
12/31 1997
Ethel M. Peck, Clerk

C214922

Dated: This 31 day of December, 1997.

CHARLES W. WUNSCH AND SHIRLEY M. WUNSCH, CO-TRUSTEES OF
THE CHARLES W. AND SHIRLEY M. WUNSCH FAMILY TRUST DATED
JUNE 20, 1995

by [Signature]
[Signature]

G. MICHAEL LEE, Attorney-in-fact for Charles W. Wunsch and Shirley M. Wunsch, Co-Trustees
of the Charles W. and Shirley M. Wunsch Family Trust Dated June 20, 1995

by [Signature]
[Signature]

G. MICHAEL LEE, Attorney-in-fact for Shirley M. Wunsch, Charles W. Wunsch and Shirley M.
Wunsch, Co-Trustees of the Charles W. and Shirley M. Wunsch Family Trust Dated June 20, 1995

STATE OF:)
: ss
County of:)

On this 31st day of
December 1997, before
me, a Notary Public, per-
sonally appeared G. Michael Lee
Attorney-in-fact for Charles W.
Wunsch and Shirley M. Wunsch,
Co-Trustees of the Charles W.
and Shirley M. Wunsch Family
Trust Dated June 20, 1995,
known or identified to me to
be the person(s) whose name(s)
are subscribed to the within
instrument, and acknowledged to
me that he executed the same.

Patsy Kindt
Notary Public for Idaho
Residing at Challis
Commission Expires 3/12/98

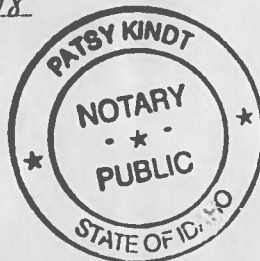
STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for
record at the request of _____
at _____ minutes past _____
o'clock _____ M., this _____ day of _____
199____, in my office, and duly recorded in Book
_____ of Deeds at page _____.

Ex-Officio Recorder

BY _____
Deputy

Fee: \$
Mail to:



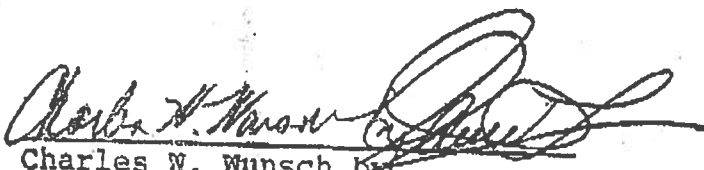
"A"

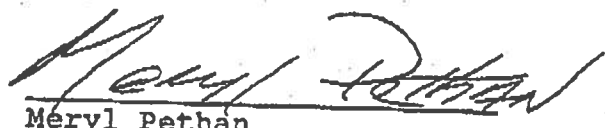
The agreed split of the water between Charles Wunsch and Shirley Wunsch and Meryl Pethan and Aldean Pethan as it relates to the attached Change of Ownership is as follows:

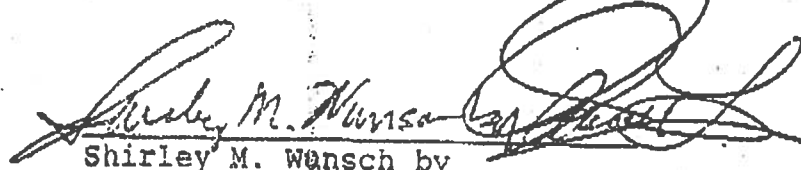
Water Right #	Present Total	Wunsch	Pethan
72-00032 A	.06 CFS	-0-	.06 CFS
72-00024	.53 CFS	.11 CFS	.42 CFS
72-04231	1.57 CFS	.31 cfs	1.26 CFS

Date: December 31, 1997.

Charles W. Wunsch and Shirley M. Wunsch
Co-Trustees of the Charles W. Wunsch
and Shirley M. Wunsch Family Trust
Dated June 20, 1995


Charles W. Wunsch by
G. Michael Lee, Attorney-in-Fact

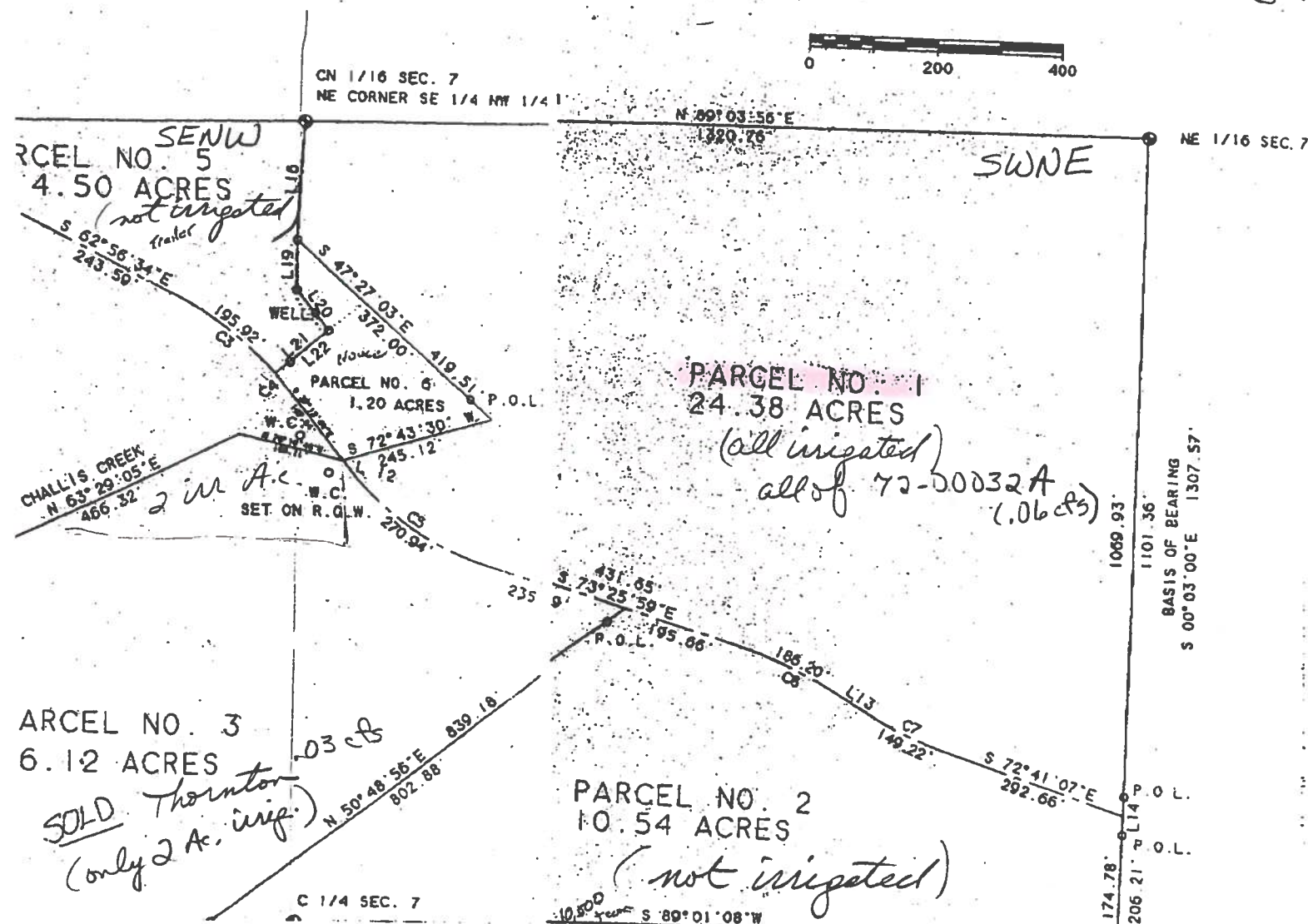

Meryl Pethan


Shirley M. Wunsch by
G. Michael Lee, Attorney-in-Fact


Aldean Pethan

Send to
Bill Knox
HC 67
Box 2089
Challis,
83

2





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

May 15, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MERYL AND ALDEAN PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

RE: SRBA CLAIM A72-00024C AND A72-04231C
(A72-00032A)
WUNSCH/PETHAN

Dear Mr. and Mrs. Pethan:

Pursuant to the notification that you purchased a portion of the property to which the above referenced adjudication claims are appurtenant, the Department has split the original claims into parts E and F. Your portions have been renumbered to A72-00024F and A72-04231F. (I have also transferred the whole of A72-00032A, which was not a split right, into your name.) Please find enclosed a copy of the computer generated claims noting the changes.

Please review the records and if you have any corrections or questions, feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

/jr
Enclosures:



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MAY 15, 1998

CHARLES AND SHIRLEY WUNSCH
PO BOX 406
CHALLIS ID 83226

RE: SRBA CLAIM A72-00024C AND A72-02431C

Dear Mr. and Mrs. Wunsch:

Pursuant to the notification that you sold a portion of the property to which the above referenced adjudication claims are appurtenant, the Department has split the original claims into parts E and F. Your portions have been renumbered to A72-00024E and A72-02431E. Please find enclosed a copy of the computer generated claims noting the changes.

Please review the records and if you have any corrections or questions, feel free to give me a call at the office.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

/jr
Enclosures:

May 11, 1998

MAY 14 1998

State of Idaho
Department of Water Resources
Vikie Hancock
S.R.B.A. Records Clerk
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

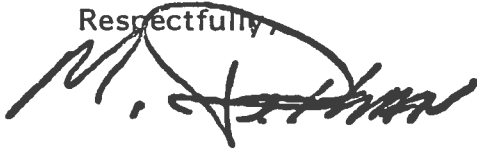
Dear Ms. Hancock:

Enclosed is our proof of ownership in form of Warranty Deed.

We apologize for the delay as we were back East on vacation.

Please acknowledge receipt of this.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Pethan', written over the word 'Respectfully,'.

Meryl Pethan

Snake River Basin Adjudication (SRBA)
Claim Nos: A72-00024C, A72-04231C & A72-00032A

RECEIVED

APR 22 1998

Department of Water Resources
Southern Region

WATER DISTRICT 72-C
CHALLIS CREEK
P. O. BOX 910
CHALLIS, IDAHO 83226-0919

April 21, 1998

Mr. James E. Stanton
Senior Water Resource Agent
State Of Idaho - Department of Water Resources
1341 Fillmore - Suite 200
Twin Falls, ID 83301-3380

Dear Jim:

A local rancher has contacted me regarding his lease of a piece of property for the upcoming season to pasture his cattle. He informs me the applicable water rights are A72-00024C, A72-00032A and A72-04231C. I show these owned by Charles and Shirley Wunsch. Bill Knox (the lessee) informs me that a Merrill Pethan from California has purchased this land and .42 CFS of A72-00024A (Wunsch's retained .11 CFS); all of A72-00032A; and 1.26 CFS of A72-04231C (Wunsch's retained .31 CFS). Do you have anything on this?

Bill says Pethan is supposed to have transferred these rights already but if you cannot find anything I'll try and get his address from Bill and send him the necessary forms.

Let me know, please.

Sincerely,
Water District 72-C
Challis Creek

J. R. Challis

J. R. Challis
Secretary/Treasurer

879-4617

*will probably need "E" & "F" portions
created:*

(E)

Wunsch

*.11 cfs 72-00024E
.31 cfs 72-04231E*

(F)

Pethan

*.42 cfs 72-00024F
1.26 cfs 72-04231F*

** plus all of 72-00032A to Pethan*

Cornelius, Mealey & Pethan

477 Callan Avenue
 San Leandro, CA 94577
 (510) 357-7440 phone
 (510) 357-7905 fax

Fax

To: Jeanie Robertson From: M. Pethan
 Fax: 208 736 3037 Pages: _____
 Phone: _____ Date: _____
 Re: _____ CC: _____
☐ Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

• Comments:

J. Jeanie
 Here is what you requested
 would please make clean
 copy of the 2 H2O rights
 PG. & I will rid my
 files of the old ones.

Actually, only the
 1911 Right would have to
 be changed.

THANKX

Merrill

AJ5856NP

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

DATE: NOV-23-1999
PAGE: A-1

RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04231F

NAME AND ADDRESS: MERYL PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

ALDEAN PETHAN
21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.71 CFS
2/85 EFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R19E S07 SESAME (R) Within CUSTER County
LOY 10 (SHNWN)
NESENW
NESENW (R)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	<u>0.71 CFS</u> <u>2/85 EFS</u>

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S07 SENE 17 NWNE 2/8
SENE 18
17 ACRES TOTAL
20/8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 17 ACRES IN A SINGLE IRRIGATION SEASON.
A COMBINED TOTAL OF 20/8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00024F, 72-00052A, 72-04231F.

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

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:

8F5 - 72-04231F

M. Pethan

**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

DIRK KEMPTHORNE
GOVERNORKARL L DREHER
DIRECTOR

November 23, 1999

MERYL PETHAN
21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

RE: 72-00024F, 72-00032A, 72-04231F

Dear Mr. Pethan,

Enclosed are the revised reports, which recommend a total of 17 irrigated acres. My calculations have also been revised as follows:

17 acres X .07 cfs/ac = 1.19 cfs (59.5 inches) total

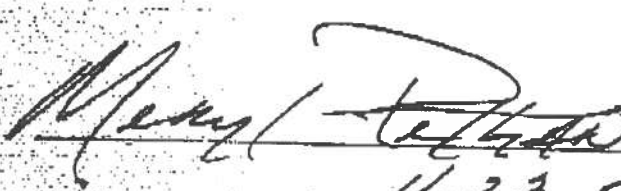
.42 cfs (21 inches) as claimed in 72-00024F. (1879 priority)

.06 cfs (3 inches) as claimed in 72-00032A. (1910 priority)

.71 cfs (35.5 inches) left for 72-04231F. (1911 priority)

These proposals will resolve the objections by Zollinger and BLM. Look them over carefully and if you agree with the new recommendations, sign on the space provided at the bottom of this letter and Fax a copy back to me. Sign the bottom of the Recommendations also and forward a FAXED copy to the BLM.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent
(I agree with the revised recommendations)

11-23-99

 RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04231F

NAME AND ADDRESS: MERYL PETHAN
 20176 SAN MIGUEL AVE
 CASTRO VALLEY CA 94577

ALDEAN PETHAN
 21076 SAN MIGUEL AVE
 CASTRO VALLEY CA 94577

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.71 CFS
~~1106~~ ~~278~~

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R19E S07 SESWNE (R) Within CUSTER County
 LOT 10 (SWNW NW)
 NESE NW
 NESE NW (R)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	<u>0.71</u> CFS
			~~1106~~ ~~278~~

PLACE OF USE: IRRIGATION Within CUSTER County
 T14N R19E S07 SWNE 17 ~~SWNE 18~~
17 ACRES TOTAL
~~2018 ACRES TOTAL~~

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 17 ACRES IN A SINGLE IRRIGATION SEASON.
A COMBINED TOTAL OF 2018 ACRES IN A SINGLE IRRIGATION SEASON.
 COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.

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

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:

72-04231F (CONT.)

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

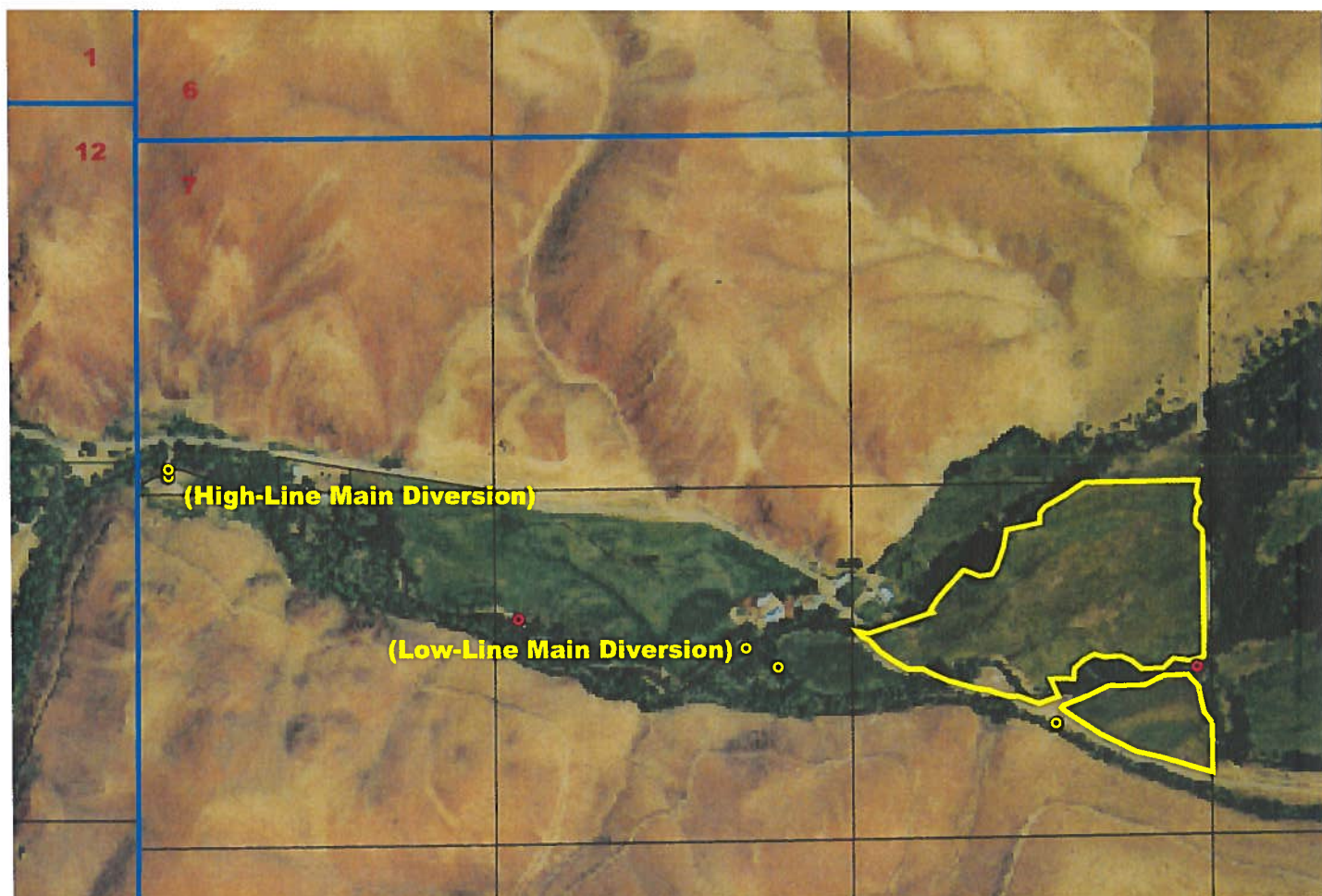
ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

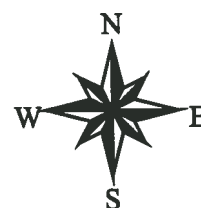
IDAHO DEPARTMENT OF WATER RESOURCES

72-00024F, 72-00032A, 72-04231F



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 23, 1999
TWP 14N, R19E, SEC. 7

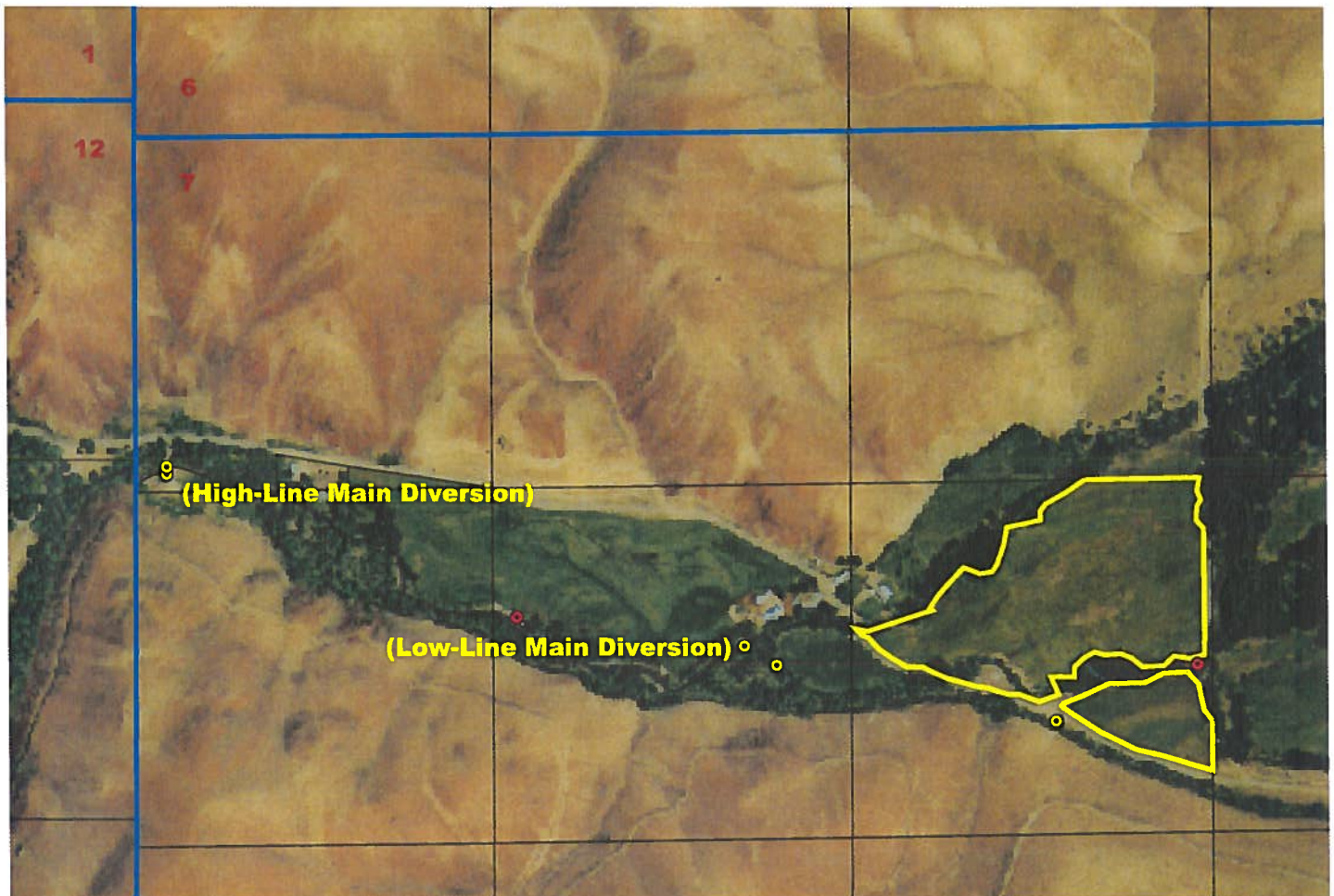


-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

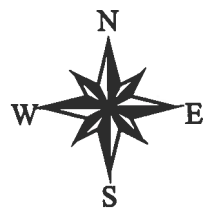
IDAHO DEPARTMENT OF WATER RESOURCES

72-00024F, 72-00032A, 72-04231F



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON NOV. 23, 1999
TWP 14N, R19E, SEC . 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

TRANSMISSION VERIFICATION REPORT

TRANSMITTAL COVER SHEET

TIME : 11/23/1999 14:25
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

TO:

Meryl Pethan

11/23/99 14:21
915103577905-540044
00:03:57
08
OK
STANDARD

(510) 357-1703

TOTAL PAGES SENT: 7 + cover

(including cover sheet)

DOCUMENT DESCRIPTION: "Revised Recommendations"

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER:

Janie Robertson

COMMENTS:



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 23, 1999

MERYL PETHAN
21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

RE: 72-00024F, 72-00032A, 72-04231F

Dear Mr. Pethan,

Enclosed are the **revised** reports, which recommend a total of 17 irrigated acres. My calculations have also been revised as follows:

17 acres X .07 cfs/ac = 1.19 cfs (59.5 inches) total

.42 cfs (21 inches) as claimed in **72-00024F**. (1879 priority)

.06 cfs (3 inches) as claimed in **72-00032A**. (1910 priority)

.71 cfs (35.5 inches) left for **72-04231F**. (1911 priority)

These proposals will resolve the objections by Zollinger and BLM. Look them over carefully and if you agree with the new recommendations, sign on the space provided at the bottom of this letter and Fax a copy back to me. Sign the bottom of the **Recommendations** also and forward a FAXED copy to the BLM.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

_____(I agree with the revised recommendations)

AJ0749NP
No. R72-04231F

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

DATE: 11/23/99
PAGE: 2

Remarks: WATER DISTRICT 72-C.

Dates: Exam Made Date: Verified Date: Objection filed Date: 06/02/1999

Misc: Water District Number: 72C Field Inspection Flag:
Presumption Flag:

Comments: Date: 11/11/1998 User-ID: JROBERTS Subject: COPIED FROM REMARKS
AC. IRR. = 57.5

OWNERSHIP CHANGE 12/14/93 BY JG.

OWNERSHIP CHANGE MADE 8/29/95 TF.

OWNERSHIP CHANGE/SPLIT 11/13/97 (PARCEL NOS. 1 AND 6) JR

OWNERSHIP CHANGE/SPLIT 5/15/98 (PARCEL #1). JR

Date: 11/21/1998 User-ID: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART
OF RECORD THRU AJU10.

Date: 08/04/1999 User-ID: JROBERTS Subject: REDUCED POU AND DIVERSION RATE PER OBJECTION
OBJECTION FILED BY NEIGHBOR (ZOLLINGER-PART E) AS PART OF HER POU
WAS RECOMMENDED TO THIS RIGHT DUE TO UNKNOWN RE-SURVEY OF PARCELS
INCREASED HER POU AND REDUCED THIS ONE ACCORDINGLY, WHICH ALSO
RESULTED IN REDUCING DIVERSION RATE ON THIS RIGHT AS MAXIMUM RATE
FOR ACREAGE WAS MET WHEN COMBINED WITH OTHER OVERLAPPING RIGHTS -
72-00024F & 72-00032A. 8/4/99 JR

Date: 11/23/1999 User-ID: JROBERTS Subject: REDUCED POU
PER BLM OBJECTION, REMOVED 1.2 AC FROM NAME OF SECTION 7, ALLOWED
17 ACRES IN SHNE. RESULTED IN REDUCTION OF DIVERSION RATE TO
.71 CFS. (SOIL ANALYSIS ALLOWED TOTAL OF 1.19 CFS ON 17 AC.
72-00024A HAS .42 CFS, 72-00032A HAS .06 CFS, LEAVING .71 CFS
FOR THIS RIGHT.)

Audit: 11/23/99 JROBERTS

Water Right Number - 72-04231F

Prefix Translation: WATER RIGHT

Old (D) Number -

```

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

```

*** C - CURRENT OWNER ***

PETHAN	MERYL	1 - 20176 SAN MIGUEL AVE	
		2 -	
		3 -	
		City- CASTRO VALLEY	State- CA Zip- 94577
		Phone - 510-357-7440	

PETHAN	ALDEAN	1 - 21076 SAN MIGUEL AVE	
		2 -	
		3 -	
		City- CASTRO VALLEY	State- CA Zip- 94577
		Phone - 510-357-7440	

*** O - ORIGINAL OWNER ***

WUNSCH	CHARLES	1 - PO BOX 409			
		2 -			
		3 -			
		City- CHALLIS	State-	ID	Zip- 83226
		Phone - 208-879-5955			

WUNSCH	SHIRLEY	1 - PO BOX 409	
		2 -	
		3 -	
		City- CHALLIS	State- ID Zip- 83226
		Phone - 208-879-5955	

LUSHER	BETTY RUSTIN	1 - PO BOX 349		
		2 -		
		3 -		
		City- CHALLIS	State- ID	Zip- 832260000
		Phone - 208-879-2750		

LUSHER	ARTHUR	1 - PO BOX 349		
		2 -		
		3 -		
		City- CHALLIS	State-	ID Zip- 832260000
		Phone - 208-879-2750		

Priority Date	Region	Stage	Status
10/10/1911	17 SOUTHERN	J - BENEFICIAL USE	

Source	Tributary
CHALLIS CREEK	SALMON RIVER

Point of Diversion							
Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name

14N	19E	7	SW NW NW	10	(37)	CUSTER	HIGH LINE CANAL
			NE SE NW		(37)	CUSTER	LO LINE CANAL
			SE SW NE	R	(37)	CUSTER	
			NE SE NW	R	(37)	CUSTER	

Water right number - 72-04231F

Prefix Translation: WATER RIGHT

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	1.060	
+ - Total Div. Rate - +		+ - Total Div. Volume - +		+ - Total Div. Capacity - +	
1.060				+ - Total Consumptive Use - +	
				0.0	
+ - Total Div. Capacity - +		+ - Total Consumptive Use - +		+ - KW Usage - +	

TwN	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	7	NW NE		2.8	01	IRRIGATION	(37) CUSTER
14N	19E	7	SW NE		18.0	01	IRRIGATION	(37) CUSTER
Total Acres:					20.8			

+ - Diversion Means - HIGH LINE & LOW LINE CANALS, PUMP

+ - Non-Irrigation Use -

+ - Other Rights for Same Use - 72-00024F, 72-00032A

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

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 20.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.

GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

+ - - - - - Old Water Right Numbers - - - - -
7204231

+ - - - - - Conditions of Approval - - - - -

C16 - 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.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

Court Report Filing	- 01/29/1999	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 05/24/1999	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 10/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 72C
Licensed Date	- 00/00/0000	Receipt Number	- X999999	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	- AND	Notice of Error Flag	-

Water Right Number - R72-04231F

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
PETHAN

MERYL

1 - 20176 SAN MIGUEL AVE
2 -
3 -

State- CA Zip- 94577

PETHAN

ALOEAN

City- CASTRO VALLEY
Phone - 510-357-7440
1 - 21076 SAN MIGUEL AVE
2 -
3 -

State- CA Zip- 94577

*** O - ORIGINAL OWNER ***
MUNSCH

CHARLES

1 - PO BOX 409
2 -
3 -
City- CHALLIS
Phone - 208-879-5955
1 - PO BOX 409
2 -
3 -

State- ID Zip- 83226

MUNSCH

SHIRLEY

City- CHALLIS
Phone - 208-879-5955
1 - PO BOX 349
2 -
3 -

State- ID Zip- 83226

LUSHER

BETTY RUSTIN

City- CHALLIS
Phone - 208-879-2750
1 - PO BOX 349
2 -
3 -

State- ID Zip- 832260000

LUSHER

ARTHUR

City- CHALLIS
Phone - 208-879-2750

State- ID Zip- 832260000

+ - - Priority Date - - +
10/10/1911

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - - - Source - - - - +
CHALLIS CREEK

+ - - - - Tributary - - - - +
SALMON RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

14N 19E 7 SW NW NW 10
NE SE NW
SE SW NE
NE SE NW
R
(37) CUSTER
(37) CUSTER
(37) CUSTER
(37) CUSTER

HIGH LINE CANAL
LO LINE CANAL

Prefix Translation: RESEARCH

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/01	10/31	0.710	
- Total Div. Rate - +	+ - Total Div. Volume - +			+ - Total Consumptive Use - +	+ - KW Usage - +
				0.710	0.0
Twn	Rng	Sec	Tract	Lot	Acres
14N	19E	7	SW NE	17.0	01 IRRIGATION
Total Acres:				17.0	(37) CUSTER
+ - Diversion Means - HIGH LINE & LOW LINE CANALS, PUMP					
+ - Non-Irrigation Use -					
+ - Other Rights for Same Use - 72-00024f, 72-00032A					
POU1	USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 17 ACRES IN A SINGLE IRRIGATION SEASON.				
GEN	COMBINED RIGHT NOS.: 72-00024f, 72-00032A, 72-04231F.				
WATER DISTRICT 72-C.	THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF OLD Water Right Numbers -				
7204231					
C16	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.					
Decree Plaintiff					
Decree Defendant					
Decree Date					
00/00/0000					

Water right number - R72-04231F

Prefix Translation: RESEARCH

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

Date: 11/11/1998 User Id: JROBERTS Subject: COPIED FROM REMARKS
AC. IRR. = 57.5
OWNERSHIP CHANGE 12/14/93 BY JG.
OWNERSHIP CHANGE MADE 8/29/95 TF.
OWNERSHIP CHANGE/SPLIT 11/13/97 (PARCEL #1). jr
OWNERSHIP CHANGE/SPLIT 5/15/98 (PARCEL NOS. 1 AND 6) jr
Date: 11/21/1998 User Id: AJU10-DS Subject: AJU10 CONDITION UPDATE
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
Date: 08/04/1999 User Id: JROBERTS Subject: REDUCED POU AND DIVERSION RATE PER OBJECTION
OBJECTION FILED BY NEIGHBOR (ZOLLINGER-PART E) AS PART OF HER POU WAS RECOMMENDED TO THIS RIGHT DUE TO UNKNOWN RE-SURVEY OF PARCELS
INCREASED HER POU AND REDUCED THIS ONE ACCORDINGLY, WHICH ALSO RESULTED IN REDUCING DIVERSION RATE ON THIS RIGHT AS MAXIMUM RATE
FOR ACREAGE WAS MET WHEN COMBINED WITH OTHER OVERLAPPING RIGHTS - 72-00024F & 72-00032A. 8/4/99 jr
Date: 11/23/1999 User Id: JROBERTS Subject: REDUCED POU
PER BLM OBJECTION, REMOVED 1.2 AC FROM NAME OF SECTION 7. ALLOWED 17 ACRES IN SHANE. RESULTED IN REDUCTION OF DIVERSION RATE TO
-71 CFS. (SOIL ANALYSIS ALLOWED TOTAL OF 1.19 CFS ON 17 AC. 72-00024A HAS .42 CFS, 72-00032A HAS .06 CFS, LEAVING .71 CFS
FOR THIS RIGHT.)

+ - - Audit Fields - - +
11/23/99 JROBERTS

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +									
Court Report Filing	- 01/29/1999	Field Inspection Made	- 00/00/0000	Civil Case Number	-	39576			
Objection Filed Date	- 06/02/1999	Field Inspection Flag	-	Old Case Number	-				
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-				
Claim Received Date	- 10/26/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P				
		Receipt Number	- X999999	Water District	- 72C				
		POU Ownership Flag	- Y	Federal/State Indicator	- S				
		Name Connector	- AND	Presumption Flag	-				
				Notice of Error Flag	-				

TRANSMITTAL COVER SHEET

TO: Meryl Pethan

(510) 357-7905

TOTAL PAGES SENT: 8 + cover
(including cover sheet)

DOCUMENT DESCRIPTION: new proposed recommendations
for your rights

FROM:

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE ST, STE 200
TWIN FALLS ID 83301-3380

PHONE: 736-3033

FAX: 736-3037

CHARGES: One (1) free copy
per request, cover sheet not
counted. Two (2) or more
copies per request will cost
\$0.25 per page. (\$0.50
minimum)

Please consider this document as a billing statement.

The charge for your fax copies is: _____ Please remit to the above address.

SENDER: Jeanie

COMMENTS: Please call so we can talk
about this!

* 2nd. attempt (first time indicated
poor line condition)

NG : POOR LINE CONDITION

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

11/23 11:43
915103577905-54044
00:04:07
05
NG
STANDARD

TIME : 11/23/1999 11:47
NAME : IDWR SOUTHERN REGION
FAX : 2087363037
TEL : 2087363033

TRANSMISSION VERIFICATION REPORT



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 23, 1999

MERYL PETHAN
21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

RE: 72-00024F, 72-00032A, 72-04231F

Dear Mr. Pethan,

Enclosed are reports which show how I propose to recommend these rights, resolving both Zollinger's and the BLM Objections. (The parts with **strikeouts** show how the rights were originally recommended.)

Basically you now have 16 acres of irrigated land. A soil analysis of the area shows a need for .07 cfs (3.5 inches) per acre. (16 acres X .07 cfs/ac = 1.12 cfs total, or 56 inches)

I gave you the .42 cfs (21 inches) as claimed under 72-00024F. (1879 priority)

I gave you the .06 cfs (3 inches) as claimed under 72-00032A. (1910 priority)

This left .64 cfs (32 inches) for 72-04231F. (1911 priority)

If this acceptable to you, you can sign and initial the forms and we can forward (by FAX) copies of these to the BLM. This should resolve any need for you to appear at the hearings next week in Challis.

Please let me know if this is acceptable or if we need to make any corrections.

Sincerely,



Jeanie Robertson

RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04231F

NAME AND ADDRESS: MERYL PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

ALDEAN PETHAN
21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 0.64 CFS
~~1106 CFS~~

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R19E S07 SESWNE (R) Within CUSTER County
LOT 10 (SWNNW)
NESENW
NESENW (R)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION		04-01 10-31	<u>0.64 CFS</u>
			~~1106 CFS~~

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S07 SWNE 16 ~~SWNE 218~~
16 ACRES TOTAL
~~2018 ACRES TOTAL~~

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 16 ACRES IN A SINGLE IRRIGATION SEASON.
A COMBINED TOTAL OF 2018 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.

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

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:

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

DATE: NOV-23-1999

PAGE: A-2

72-04231F (CONT.)

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RECEIVED

JUN 29 1999

Department of Water Resources
Southern Region

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

A. Subcase 72-04231F

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Aldean & Meryl Pethan

Address: 20176 San Miguel Ave Castro Valley, CA 94577

Name:

Address:

Name:

Address:

Name:

Address:

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho)

) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Gary A. Madenford
(Signature of person filing objection)

Larry G. Brown
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 1, 1999

John W. Thornburgh

John W. Thornburgh
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on June 2nd, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Aldean & Meryl Pethan

Address: 20176 San Miguel Ave Castro Valley, CA 94577

Name:

Address:

Name:

Address:

Name:

Address:

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724


Signature of Objector or attorney mailing on Objector's behalf

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-26-1999
PAGE: A-254

RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04231F

NAME & ADDRESS: MERYL PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

ALDEAN PETHAN
21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 1.06 CFS
PRIORITY DATE: 10/10/1911
POINT OF DIVERSION: T14N R19E S07 LOT 10 (SNNWNW) *BLM* Within CUSTER County
NESENW ✓
SESWE ✓ (REDIVERSION)
NESENW ✓ (REDIVERSION)

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 1.06 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R19E S07 NWNE 2.8 *BLM* SWNE 18 ✓
20.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 20.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.

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

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-26-1999
PAGE: A-255-----
RIGHTS FROM: SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

RIGHT NUMBER: 72-04231F (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.	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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Robertson, Jean

From: Robertson, Jean
Sent: Tuesday, November 09, 1999 1:32 PM
To: Denniston, Sara
Subject: RE: 72-00024E, 72-04231E (Zollinger) and 72-00024F, 72-00032A, 72-04231F (Pethan)

Okay, sounds good...Pethan said something about that but I don't think they'd reached any agreements yet, so maybe this will help them! I'll hold off...

-----Original Message-----

From: Denniston, Sara
Sent: Tuesday, November 09, 1999 12:36 PM
To: Robertson, Jean
Subject: RE: 72-00024E, 72-04231E (Zollinger) and 72-00024F, 72-00032A, 72-04231F (Pethan)

Well, that depends on whether the claimants are going to agree to just deleting the BLM acres and not adding any others. That's why I wanted to wait until Fred worked something out with them. In the past you had mentioned that Pethan was discussing a land swap with the BLM, so we should find out what's going on with that before we do anything.

Let's hold off on making any changes to the R record until we hear from Fred.

-----Original Message-----

From: Robertson, Jean
Sent: Tuesday, November 09, 1999 12:13 PM
To: Denniston, Sara
Subject: RE: 72-00024E, 72-04231E (Zollinger) and 72-00024F, 72-00032A, 72-04231F (Pethan)

Well, why don't I just craft another one getting rid of those acres and re-doing the diversion rates for all those rights? They could update tonight and you could show them to Fred tomorrow? I'd sure like to settle as many as possible before those hearings in Challis...

-----Original Message-----

From: Denniston, Sara
Sent: Tuesday, November 09, 1999 12:04 PM
To: Robertson, Jean
Subject: RE: 72-00024E, 72-04231E (Zollinger) and 72-00024F, 72-00032A, 72-04231F (Pethan)

You are correct. That was the other problem the BLM had with our proposed settlement, we were gonna add BLM acres onto Zollinger's rights.

-----Original Message-----

From: Robertson, Jean
Sent: Tuesday, November 09, 1999 11:09 AM
To: Denniston, Sara
Subject: RE: 72-00024E, 72-04231E (Zollinger) and 72-00024F, 72-00032A, 72-04231F (Pethan)

I don't think the BLM has objected to Zollinger's rights but they will probably want to based on our proposed SF5 because we have simply removed some of the acres from Pethan and given them to Zollinger...which they may not be aware of yet. I'm thinking they probably will want the acres removed from the NWNE on both sets of rights, which will likely result in reduced diversion rates. If this is the case, I can do some figuring...

-----Original Message-----

From: Denniston, Sara
Sent: Tuesday, November 09, 1999 11:02 AM
To: Robertson, Jean
Subject: RE: 72-00024E, 72-04231E (Zollinger) and 72-00024F, 72-00032A, 72-04231F (Pethan)

Jeanie,

Yes, the BLM objected to Pethan's rights. Fred Price from the BLM said that our original proposed SF5 would only reduce the BLM recommended in the POU, not eliminate it, so he wouldn't sign off on it. I asked him to figure it out between him and the claimant how they would resolve this. I have not heard back from Fred yet. I just left another message with him asking him to let me know what's up. I'll let you know as soon as I hear.

-----Original Message-----

From: Robertson, Jean
Sent: Tuesday, November 09, 1999 10:00 AM
To: Denniston, Sara
Subject: 72-00024E, 72-04231E (Zollinger) and 72-00024F, 72-00032A, 72-04231F (Pethan)

Hi Sara,

I had done some preliminary work on these rights in the "R" records to resolve Zollinger's objection where I'd recommended part of her property mistakenly to Pethan...anyway, has the BLM also objected to these rights? I have no copies of Objections in the files and wondered what they were objecting to? Perhaps I can refigure things to please them also and we can do an SF5. Mr. Pethan in California wants to know what's going on and I'm not sure...Thanks, Jeanie

OK - ready for 250
R

Water Right Number - R72-04231F

Prefix Translation:

RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
PETHAN

MERYL

PETHAN

ALDEAN

1 - 20176 SAN MIGUEL AVE
2 -
3 -
City- CASTRO VALLEY
Phone - 510-357-7440
1 - 21076 SAN MIGUEL AVE
2 -
3 -

State- CA Zip- 94577

*** O - ORIGINAL OWNER ***
MUNSCH

CHARLES

1 - PO BOX 409
2 -
3 -

State- ID Zip- 83226

MUNSCH

SHIRLEY

City- CHALLIS
Phone - 208-879-5955
1 - PO BOX 409
2 -
3 -

State- ID Zip- 83226

LUSHER

BETTY RUSTIN

City- CHALLIS
Phone - 208-879-5955
1 - PO BOX 349
2 -
3 -

State- ID Zip- 832260000

LUSHER

ARTHUR

City- CHALLIS
Phone - 208-879-2750
1 - PO BOX 349
2 -
3 -

State- ID Zip- 832260000

+ - - Priority Date - - - +
10/10/1911

+ - - - Region - - - +
17 SOUTHERN

+ - - - Stage - - - +
J - BENEFICIAL USE

+ - - - Status - - - +

+ - - - - Source - - - - - +
CHALLIS CREEK

+ - - - - Tributary - - - - - +
SALMON RIVER

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot R Flg County
14N 19E 7 SM NW NW 10 (37) CUSTER
NE SE NW (37) CUSTER
SE SM NE (37) CUSTER
NE SE NW R (37) CUSTER
HIGH LINE CANAL
LO LINE CANAL

Water right number - R72-04231F

Prefix Translation: RESEARCH

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	10/31	0.720	

+ - Total Div. Rate - + - Total Div. Volume - + - Total Consumptive Use - + - Km Usage - +
0.720 0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	7	NW NE		1.2	01	IRRIGATION	(37) CUSTER
14N	19E	7	SW NE		16.0	01	IRRIGATION	(37) CUSTER

Total Acres: 17.2

+ - - Diversion Means - HIGH LINE & LOW LINE CANALS, PUMP

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-00024F, 72-00032A

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

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 17.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.
GEN THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

+ - - - - - Old Water Right Numbers - - - - - +
7204231

+ - - - - - Conditions of Approval - - - - - +
C16 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.

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

RECEIVED

JUN 01 1999

Department of Water Resources
Southern Region

RECEIVED

MAY 24 1999

Department of Water Resources

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

A. Subcase 72-04231F

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Linda Jelling

Address:

HC 63 Box 1573

Challis, ID. 83226

Daytime Phone:

879-4840

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

& Meryl Bethan

Address:

20176 San Miguel Ave

Castro Valley Ca. 94577

F.

VERIFICATION (Must be Completed)

State of IDAHO)
County of Custer)ss.

Heidi Thomas, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Heidi Thomas
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

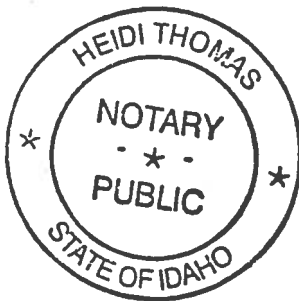
April 16, 1999

Heidi Thomas

Notary Public for Challis, ID Idaho

Residing at: Challis, ID 83226

My Commission Expires: 9/16/2002



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

**DIVERSION
VOLUME**

~~1.06 CFS~~

7-06 CFS

Stage: BENEFICIAL USE

CUSTER County
CUSTER County

SE

Ca

17.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF ~~20.9~~ ACRES IN A SINGLE IRRIGATION SEASON.
A COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

Combs, use
Remarks

REEVALUATION OF IRRIGATION RATES BASED UPON 1987 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-04231F

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
BBD						
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			2.81	2.78
DB1	.13	.11			5.86	6.65
DEB	.13	.11			5.71	6.69
DEC	.13	.11			5.71	6.69
DMF	.18	.21			5.12	4.72
DT2	.05	.04			12.48	16.50
DWA	.14	.14			4.79	5.01
G01	.10	.12			12.47	10.51
HAYSE						
KEG	.08	.07			8.73	10.06
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
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
Wcl	/		17.2	.07	= 1.2 CFS
Wv1	/				= CFS
	/				= CFS
	/				= CFS

TOTAL ACRES _____

DECREED RATE = _____

 CLAIMED DIVERSION RATE = 1.26

MEASURED DIVERSION RATE = _____

1.20
- .42
- .06
= .72 CFS
↑
reco.

CLAIM NUMBER 72-04231F DATE _____
 _____ AGENT _____

TRANSFER NUMBER _____
 CLAIMED ACRE TOTAL 30
 GIS ACRE TOTAL 16.8

	TWP	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
CLAIM	14N	19E	7		9	21														30
GIS	14N	19E	7		1.1	15.7														16.8
RECOM	14N	19E	7		1.1	15.7														16.8
					(BM)															
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

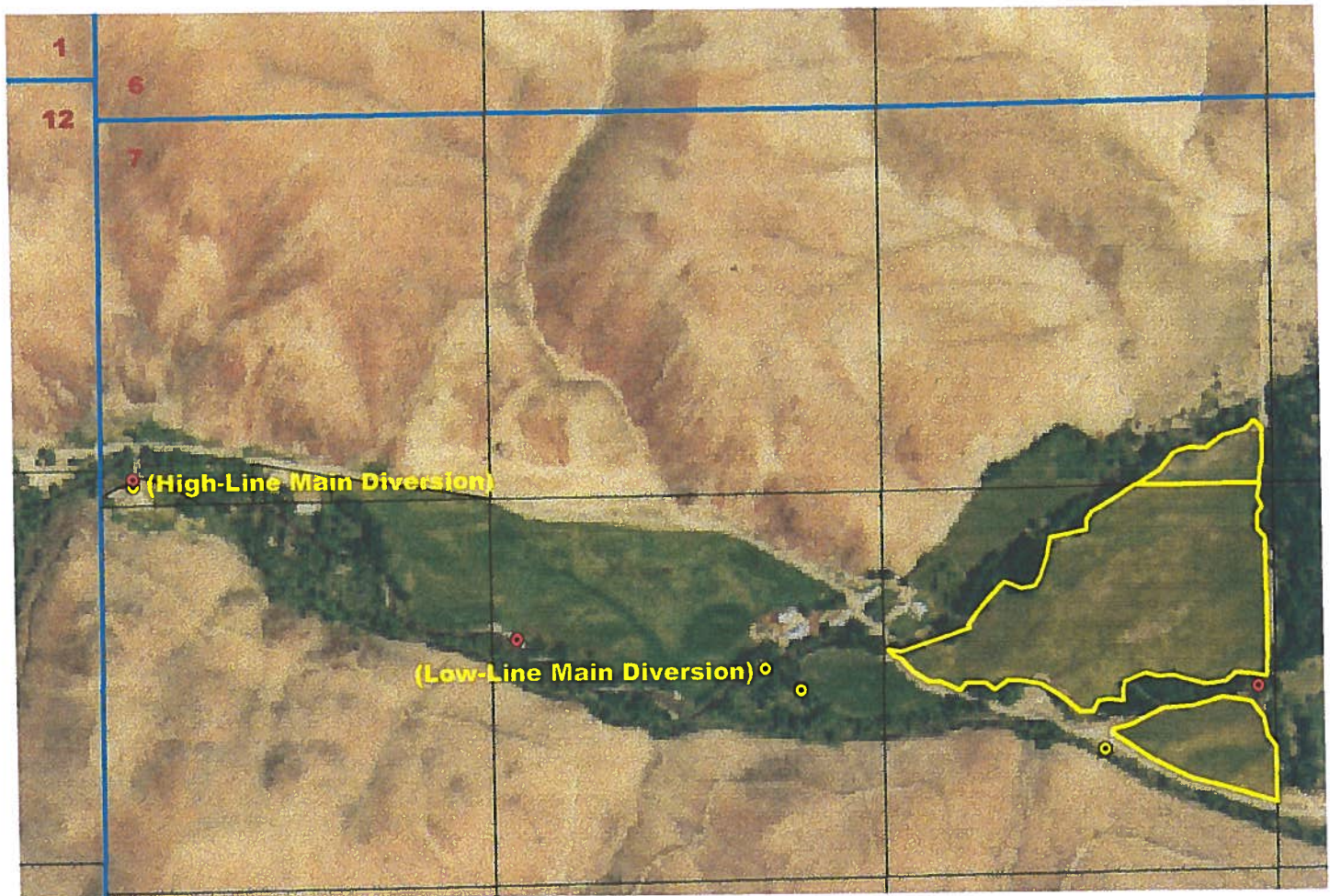
B72-DBPOU.SHP _____
 SHAPE NOS. _____

B72-DBPOD.SHP _____
 NOS. DESCRIPTION _____

DBF TABLES UPDATED _____
 B72-DBPOU.DBF _____
 B72-DBPOD.DBF _____
 JPEG LAYOUT ☒ _____

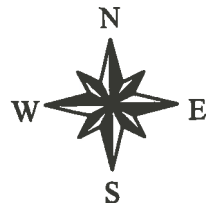
IDAHO DEPARTMENT OF WATER RESOURCES

72-04231F



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR.30, 1999
TWP 14N, R19E, SEC . 7

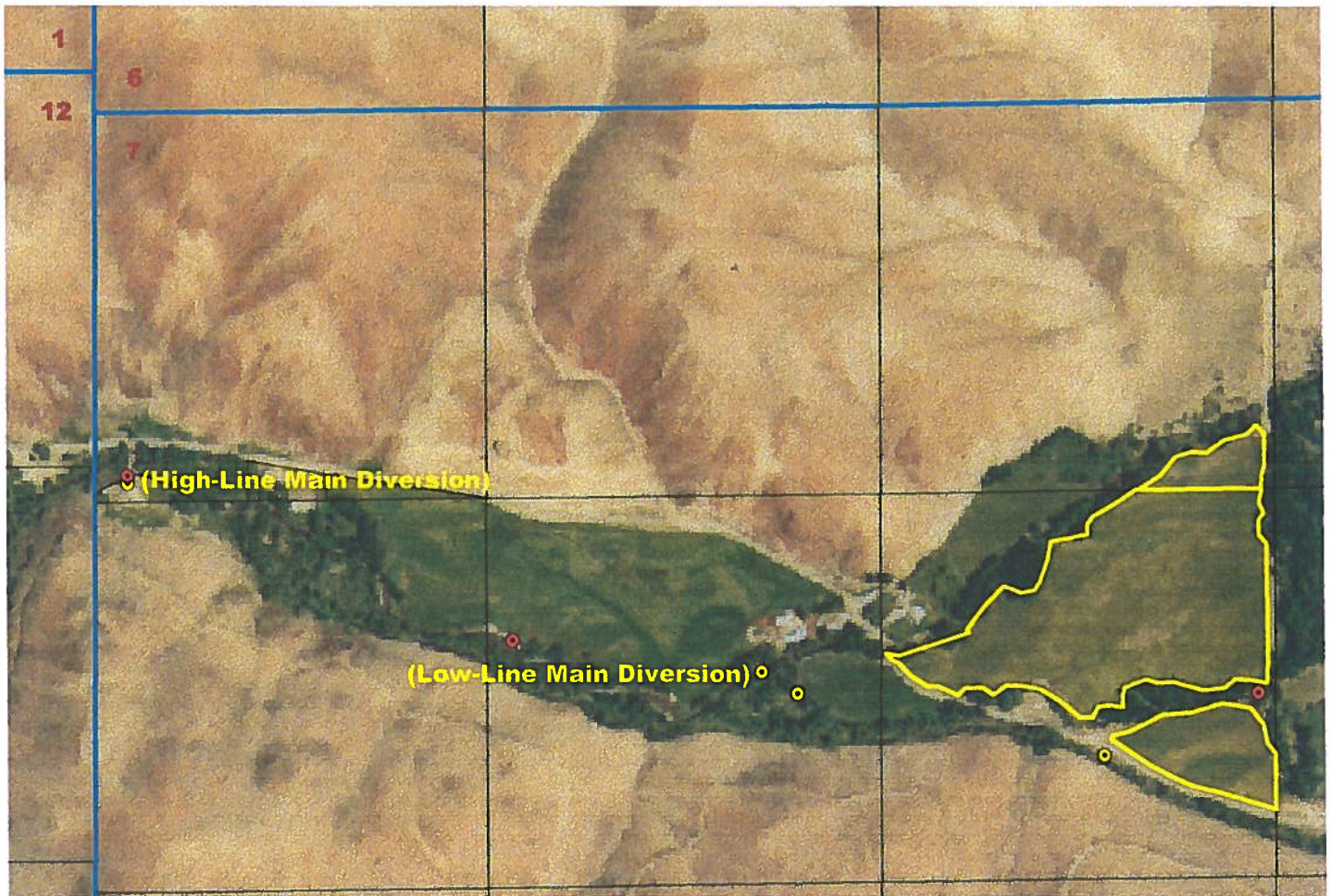


-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

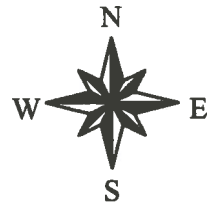
IDAHO DEPARTMENT OF WATER RESOURCES

72-04231F



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON MAR.30, 1999
TWP 14N, R19E, SEC . 7



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

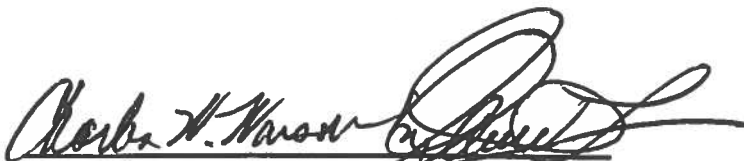
"A"

The agreed split of the water between Charles Wunsch and Shirley Wunsch and Meryl Pethan and Aldean Pethan as it relates to the attached Change of Ownership is as follows:

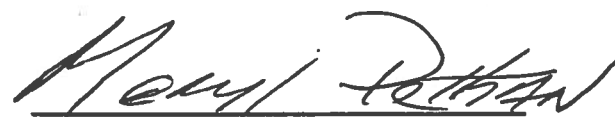
<u>Water Right #</u>	<u>Present Total</u>	<u>Wunsch</u>	<u>Pethan</u>
72-00032 A	.06 CFS	-0-	.06 CFS
72-00024	.53 CFS	.11 CFS	.42 CFS
72-04231	1.57 CFS	.31 cfs	1.26 CFS

Date: December 31, 1997

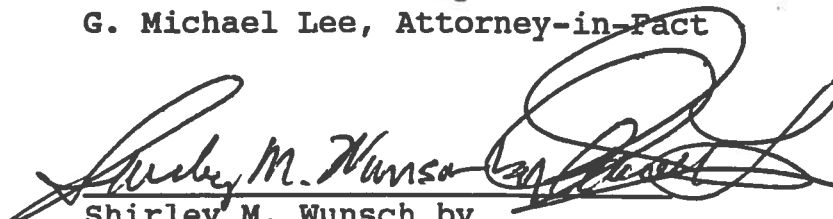
Charles W. Wunsch and Shirley M. Wunsch
Co-Trustees of the Charles W. Wunsch
and Shirley M. Wunsch Family Trust
Dated June 20, 1995



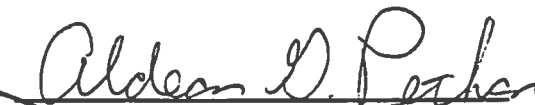
Charles W. Wunsch by
G. Michael Lee, Attorney-in-Fact



Meryl Pethan



Shirley M. Wunsch by
G. Michael Lee, Attorney-in-Fact



Aldean Pethan

SEC. 7

IER SW 1/4 NE 1/4

N 88°57'03"E

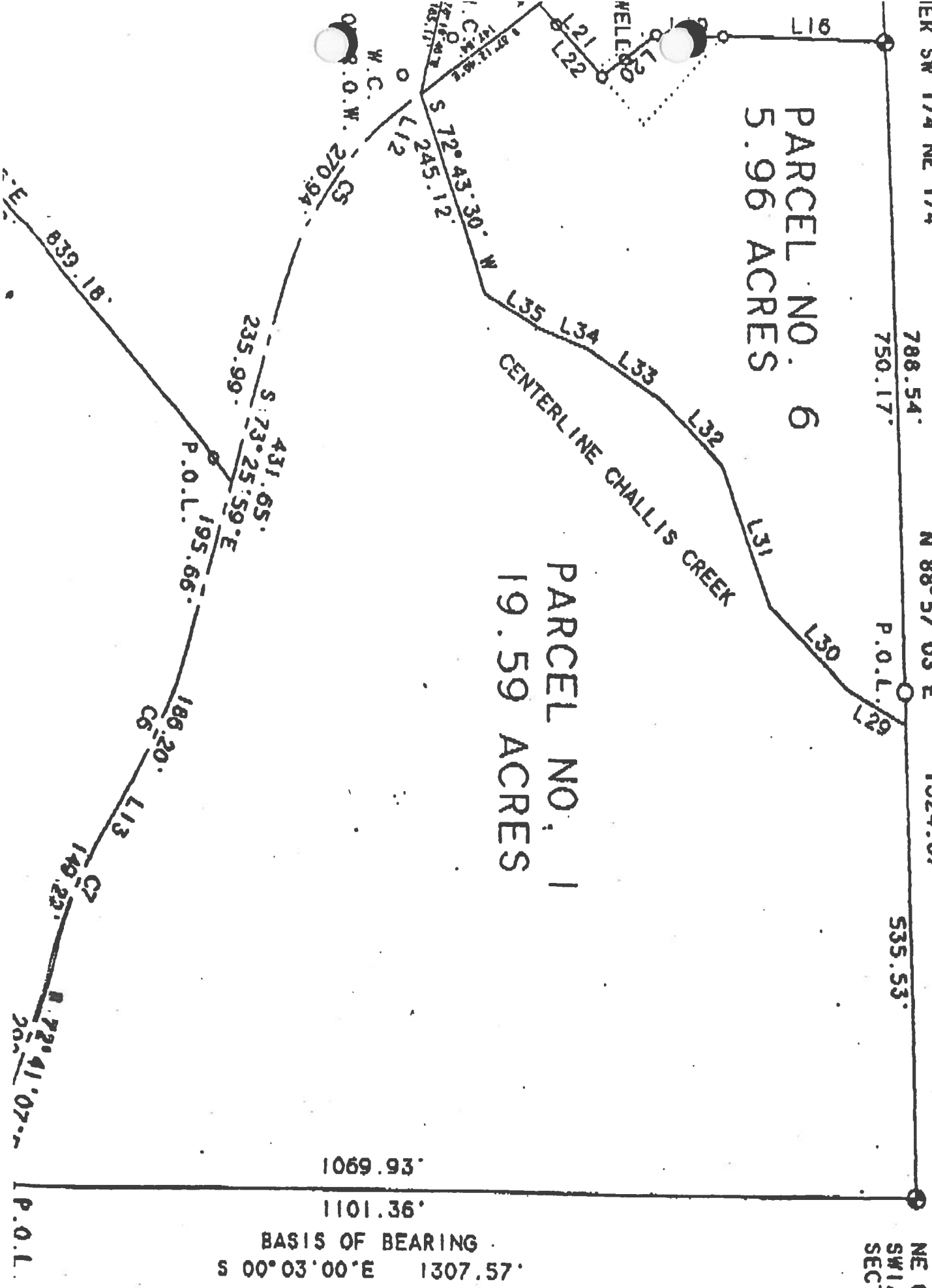
1324.07'

NE CORNE
SW 1/4 NE
SECTION

PARCEL NO. 6
5.96 ACRES

PARCEL NO. 1
19.59 ACRES

CENTERLINE CHALLIS CREEK



BASIS OF BEARING
S 00°03'00"E 1307.57'



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1999

MERYL AND ALDEAN PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

RE: 72-00024F, 72-04231F, 72-00032A

Dear Mr. And Mrs. Pethan,

It has come to our attention that the "Place of Use" in the recommendations of the above mentioned water rights were reported incorrectly in the Director's Report. Due to discrepancies in the survey maps with parcel sizes, which were provided during the ownership change process, part of the land purchased by your neighbor, Linda Zollinger, was recommended to you.

In order to stop the recommendations from going forward and being decreed in error, objections must be filed with the court. I have sent copies of STANDARD FORM 1, OBJECTION (SF1) to Ms. Zollinger. The deadline is quickly approaching, so I am also enclosing SF1's for your use, as Objections must also be filed on your rights in order to correct this error. Please follow the instructions with the forms (one for each right), sign and have notarized. In the interest of saving time, if you return the completed forms to my attention in the enclosed pre-addressed envelope, I will take care of forwarding copies to the other parties.

I have also enclosed a copy of the map I sent to Ms. Zollinger to help you "see" the problem.

If you have any questions, or I can be of further assistance, please contact me at the office.

Sincerely,

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

Jeanie Robertson
Sr. Water Resource Agent



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 13, 1999

LINDA ZOLLINGER
HC 63 BOX 1170 SP 10
CHALLIS ID 83226

RE: 72-00024F, 72-04231F, 72-00032A (PETHAN)

Dear Linda,

Jack Challis, the watermaster for Challis Creek, told me that you thought your high water right (72-04231E) was now taken care of and no longer recommended for disallowal. I see where you have filed OBJECTIONS on both of your rights to correct the legal description of the place of use. OBJECTIONS also need to be filed on the Pethan's three rights (their place of use is also wrong - part of your property recommended to them), before the problem can be resolved.

I believe I sent you forms to object to their rights, but as yet the objections don't seem to have been filed. The deadline is quickly approaching, so if you would like to fill out the SF1-Objection forms, sign and have notarized, and return them to my attention, I will send the required copies to the other parties. I am also contacting the Pethans to let them know of the problem.

If you have any questions, or I can be of further assistance, please contact me at the office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over a horizontal line.

Jeanie Robertson
Sr. Water Resource Agent



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 9, 1999

LINDA ZOLLINGER
HC 63 BOX 1170 SP 10
CHALLIS ID 83226

RE: 72-00024F, 72-04231F, 72-00032A (Pethan)

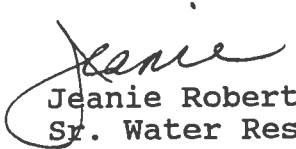
Dear Linda,

As a follow-up to the letter I sent you last month regarding the need to file Objections on the recommendations to your right numbers 72-00024E and 72-04231E, I realized that you will also need to file OBJECTIONS to the "Place of Use" on the Pethan's rights. The old survey map I used caused me to recommend part of the property you own to them. I have enclosed three more objection forms (SF1) for your use.

As before, you must file a separate objection to each right and follow the instructions for mailing on the last page.

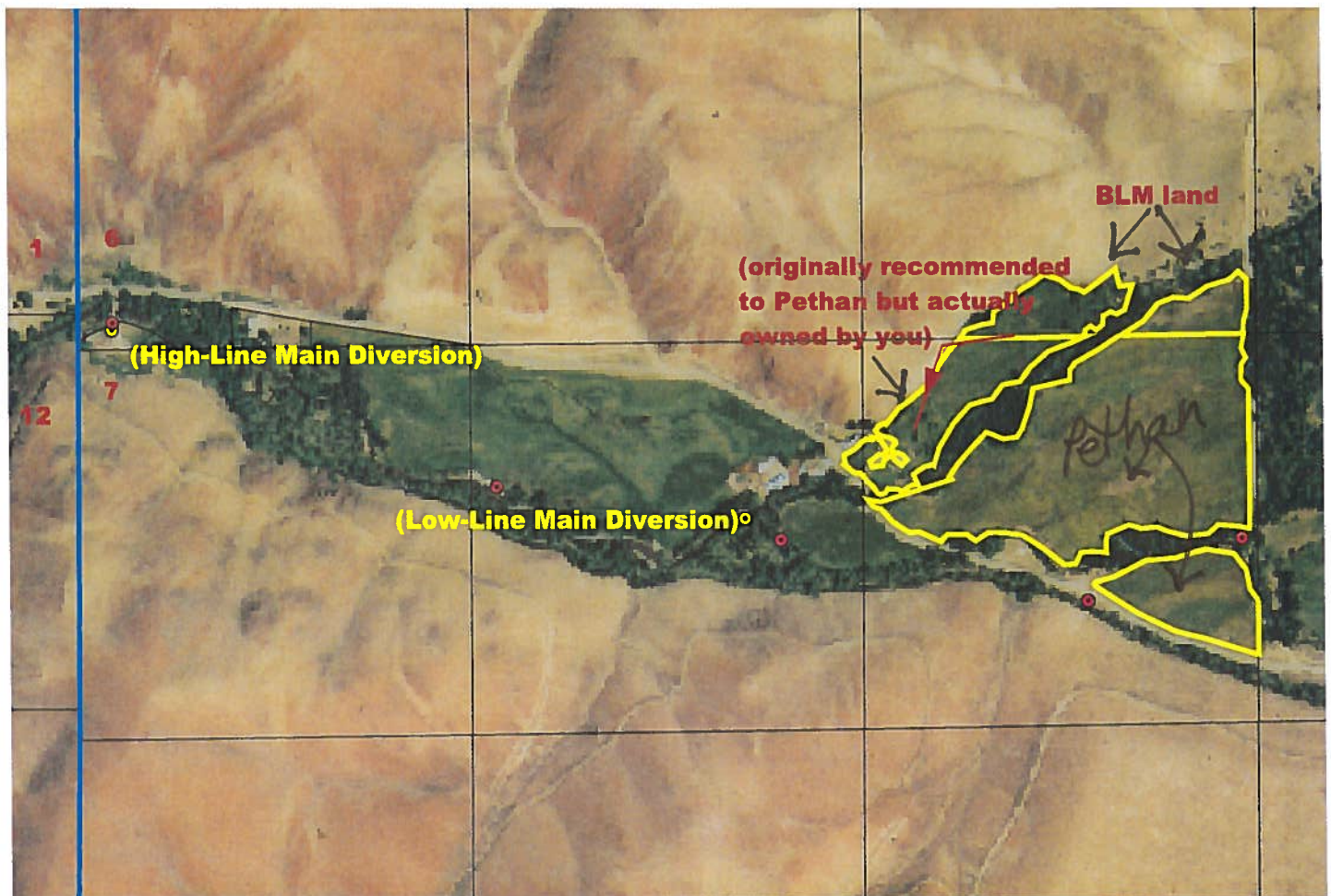
If you have any questions, feel free to give me a call at the office or you can reach the court at (208) 736-3011.

Sincerely,


Jeanie Robertson
Sr. Water Resource Agent

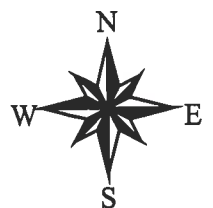
IDAHO DEPARTMENT OF WATER RESOURCES

72-00024E, 72-00024F, 72-00032A, 72-04231E, 72-04231F



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON APR. 9, 1999
TWP 14N, R19E, SEC. 7



- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON



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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 21, 1999

MERYL PETHAN
ALDEAN PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

RE: 72-04231F

Dear Mr. and Mrs. Pethan,

This letter is in response to the Notice of Error (NOE) you recently filed with IDWR regarding the Director's proposed recommendation of the claim listed above. Your NOE questioned the diversion rate recommended for this right.

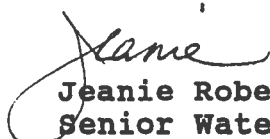
The information provided to you at the time of purchase was a "claim" to a water right, not necessarily the water right itself. The department performed an investigation of these "claims" to make its recommendation of the actual right.

This right had the priority date of 10/10/1911 and was for high water. I performed a soil-analysis computer program of the soil types on your property and determined the types of soil require 1.536 cfs. to irrigate the 20.8 acres I recommended.

You also had two earlier priority date claims (72-00024F - 1879, and 72-00032A - 1910) for this property, claiming .42 cfs and .06 cfs respectively. Subtracting those two amounts from the total required left only 1.06 cfs for this right, which is what I recommended.

If you still disagree with the proposed IDWR recommendation to the court, you may file an objection with the court after you receive the final recommendation of your water right. They are due to be mailed next week and you should be receiving yours the first part of February. The objection process will be explained when you receive your final recommendation of your water right.

Sincerely,


Jeanie Robertson
Senior Water Resource Agent

December 3, 1998

Department of Water Resources
Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380

RECEIVED
DEC 07 1998
Department of Water Resources
Southern Region

RE: Right #72-00024F, 72-04231, 72-00032A

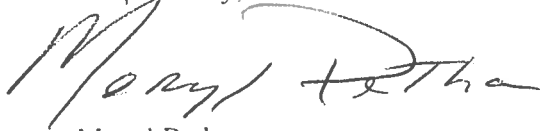
Gentlemen:

In response to your recent inquiry regarding the above water rights, please correct the quantity for right #72-04231F to 1.26 C.F.S.

Enclosed is information I received after I purchased the property. I also modified a Notice of Error reply for 72-00032A as you had duplicated 72-04231F.

Please notify me if you find this in error.

Respectfully,



Meryl Pethan

cc: Jack Challis
Water District 72-C
P.O. Box 910
Challis, ID 83226-0910

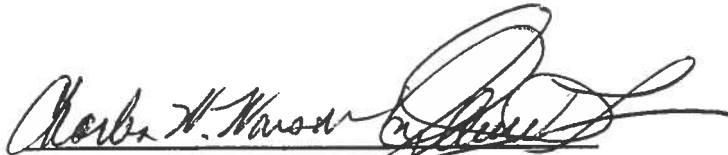
"A"

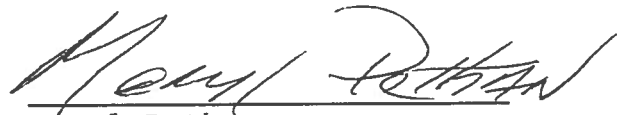
The agreed split of the water between Charles Wunsch and Shirley Wunsch and Meryl Pethan and Aldean Pethan as it relates to the attached Change of Ownership is as follows:

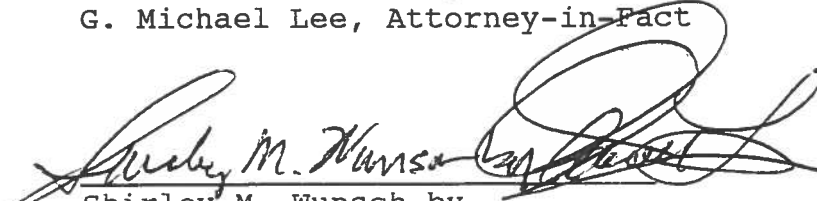
Water Right #	Present Total	Wunsch	Pethan
72-00032 A	.06 CFS	-0-	.06 CFS
72-00024	.53 CFS	.11 CFS	.42 CFS
72-04231	1.57 CFS	.31 cfs	1.26 CFS

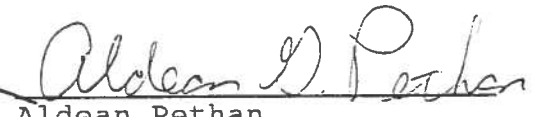
Date: December 31, 1997

Charles W. Wunsch and Shirley M. Wunsch
Co-Trustees of the Charles W. Wunsch
and Shirley M. Wunsch Family Trust
Dated June 20, 1995


Charles W. Wunsch by
G. Michael Lee, Attorney-in-Fact


Meryl Pethan


Shirley M. Wunsch by
G. Michael Lee, Attorney-in-Fact


Aldean Pethan

RIGHT NUMBER: 72-04231F

NAME AND ADDRESS: MERYL PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

ALDEAN PETHAN
21076 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

SOURCE: CHALLIS CREEK TRIBUTARY: SALMON RIVER

QUANTITY: ~~1.06 CFS~~ 1.26 C.F.S.

PRIORITY-DATE: 10/10/1911

POINT OF DIVERSION	T14N R19E S07	LOT 10 (SWNW)	Within CUSTER County
		NESENW	
		SESWNE (R)	
		NESENW (R)	

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	~~1.06~~ CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	T14N R19E S07	NWNE 2.8 SWNE 18
	20.8 ACRES TOTAL	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 20.8 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.

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

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 72-C.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 07 1998
Department of Water Resources
Southern Region

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: 72-04231F

MERYL PETHAN
20176 SAN MIGUEL AVE
CASTRO VALLEY CA 94577

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:

*should be 1.26 C.F.S.
Not 1.06*

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

*See Attached from H₂O Dist 720
CHALLIS CR.*

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

DATE: 12-3-98 SIGNATURE: M. Pethan

Please print your name: MERYL PETHAN

RECEIVED

DEC 07 1998

Department of Water Resources
Southern Region

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: **A72-04231F**
Date Received: 10/26/1989
Receipt No: X999999
Received By: X

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: MERYL PETHAN
Address: 20176 SAN MIGUEL AVE
CASTRO VALLEY CA

510-357-7440

94577

AND

Name: ALDEAN PETHAN
Address: 21076 SAN MIGUEL AVE
CASTRO VALLEY CA

510-357-7440

94577

2. Date of Priority: OCT 10, 1911

3. Source: CHALLIS CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	7	SW	NW		2	CUSTER

5. Description of diverting works:
HIGH LINE & LOW LINE CANALS, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.260		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	19E	7	NW	NE		IRR	9.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	7	SW NE		IRR	21.0
Section Acres						30.0
Total Acres						30.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A72-00024F, A72-00032A

14. Remarks:

AC. IRR. = 57.5

OWNERSHIP CHANGE 12/14/93 BY JG.

OWNERSHIP CHANGE MADE 8/29/95 TF.

OWNERSHIP CHANGE/SPLIT 11/13/97 (PARCEL NOS. 1 AND 6) jr

OWNERSHIP CHANGE/SPLIT 5/15/98 (PARCEL #1). jr

15. Basis of Claim: BENEFICIAL USE

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

(REGIONAL)

DIVERSION
VOLUME

1.06 CFS

Stage: BENEFICIAL USE

CUSTER County
CUSTER County

 $\frac{Z}{m}$

TOTAL ACRES

Other Rights: 72-00024F, 72-00032A

COMBINED RIGHT NOS.: 72-00024F, 72-00032A, 72-04231F.

WATER DISTRICT 72-C.

Objection Filed Date:

Field Inspection Flag:
Presumption Flag:

CLAIM NUMBER

72-04231F

DATE

10/22/98

TRANSFER NUMBER

AGENT

J

CLAIMED ACRE TOTAL

30

GIS ACRE TOTAL

20.8

BLM

	TWP	RNG	SEC	NE				NW				SW				SE			
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
CLAIM	14N	19E	7		9	21													30
GIS	14N	19E	7		2.8	18													20.8
RECOM	14N	19E	7		2.8	18													20.8
CLAIM																			
GIS																			
RECOM																			
CLAIM																			
GIS																			
RECOM																			

B72-DBPOU.SHP

SHAPE NOS.

337 = 3.9 Ac.

338 = 15 Ac.

339 = 2.7 Ac.

B72-DBPOD.SHP

NOS. DESCRIPTION

3 14 19 7 SWNWNW (10) H-line div.

204 14 19 7 SESWNE

76 14 19 7 NESENW Lo-line div. }?

203 14 19 7 NESENW

DBF TABLES UPDATED

B72-DBPOU.DBF

✓

B72-DBPOD.DBF

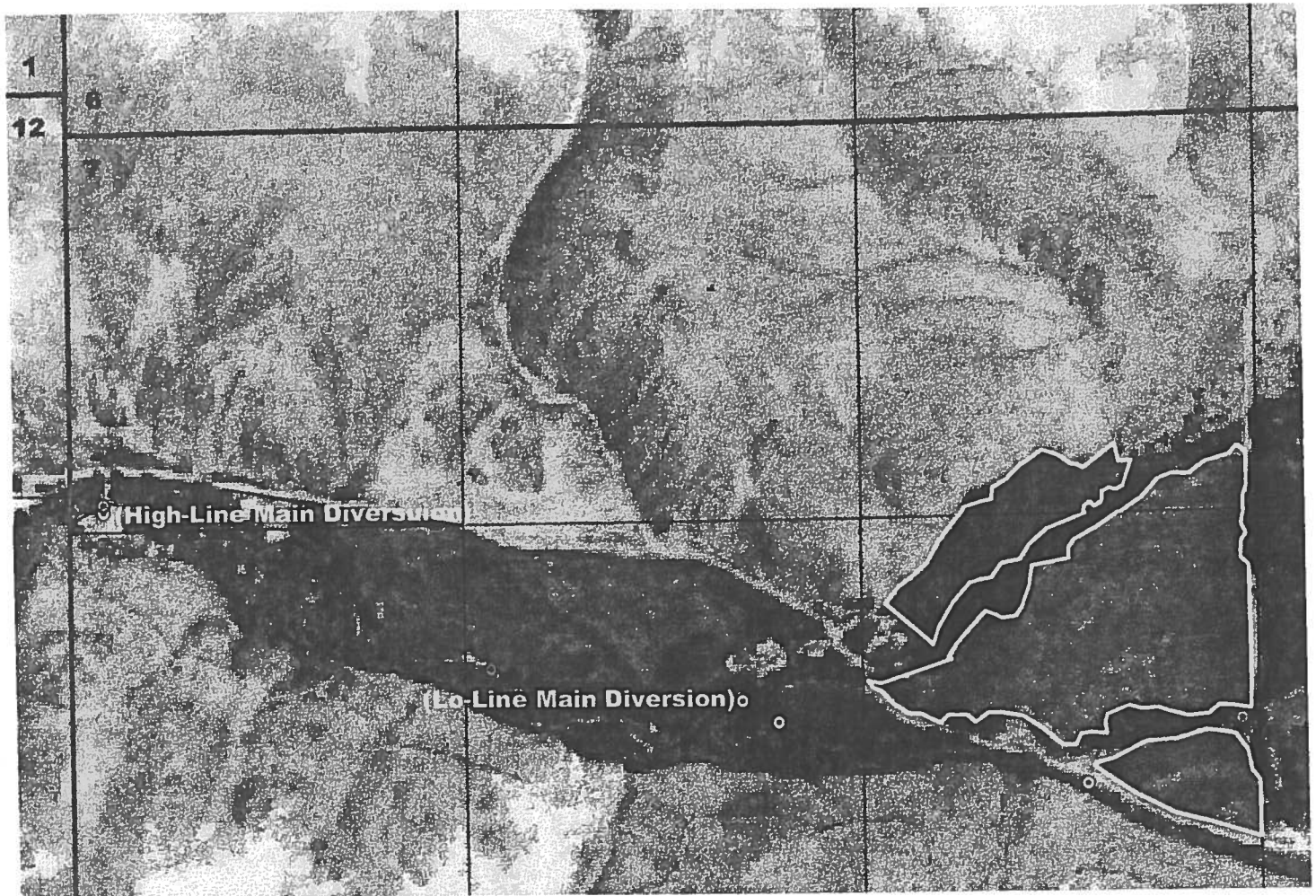
✓

JPEG LAYOUT

✓

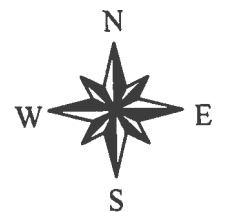
IDAHO DEPARTMENT OF WATER RESOURCES

72-00024F, 72-00032A & 72-04231F



0 660 1320 1980 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 30, 1998
TWP 14N, 19E, SEC . 7



- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES

GIS PLACE OF USE PRESENTATION
USFS 1992 AERIAL PHOTOGRAPHY
DATA ENTRY BY JEANIE ROBERTSON

REVIEW OF IRRIGATION RATES BASED UPON 1991 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-04231F 72-00024F
72-00032A

DATE: 11/11, 1998

REVIEWED BY [Signature]

CHALLIS AREA SOIL REVIEW

SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION		SOIL TYPE	BORDER CFS/AC		FURROW CFS/AC		OPTIMUM ROTATION	
	PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA		PAST	ALFA	PAST	ALFA	PASTURE	ALFALFA
ATC	.15	.13			6.49	7.62	PD2	.11	.12			5.15	4.74
BB1	.09	.09			6.09	6.17	RE2	.29	.21			3.15	4.74
BBD							RP1	.19	.21			4.89	4.57
BC1	.16	.17			5.82	5.46	SH1	.06	.05			9.37	12.10
BK1	.07	.06			10.62	11.86	SOC	.08	.07			7.38	8.08
BT1	.18	.16			3.99	4.19	SSA	.15	.14			4.79	5.01
BT2	.41	.32			2.34	2.87	SXF	.12	.11			6.14	6.80
CB1	.06	.06			11.55	13.47	TC1	.06	.06			9.82	9.55
CHA	.21	.21			4.52	4.76	TD1	.04	.03			12.46	16.50
CP1	.36	.36											5.43
DB1	.13	.1											4.23
DBB	.13	.1											3.84
DBC	.13	.1											13.45
DMF	.18	.2											3.69
DT2	.05	.0											13.45
DWA	.14	.1											
GO1	.10	.1											6.92
HAYSE													
KEG	.08	.0											
MUG	.15	.1											
NDL	.13	.1											

72-04231F
Bb1 1.7 + Ac.
Wv1 1.1 + Ac. (BLM LAND)

The rate per
used. Individual gra
requirement work she

as also

irrigation diversion

and are derived 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
Bb1	16.09	?	4	.09	= .36 CFS
Wv1	11.24	?	14.8	.07	= 1.036 CFS
Wc1	11.24	?	2	.07	= .14 CFS
					= 1.536 CFS

TOTAL ACRES 20.8

DECREED RATE =

CLAIMED DIVERSION RATE = 1.26

MEASURED DIVERSION RATE =

1.536
- .42 (72-00024)
- .06 (72-0003)
1.056 (72-042)
rec.