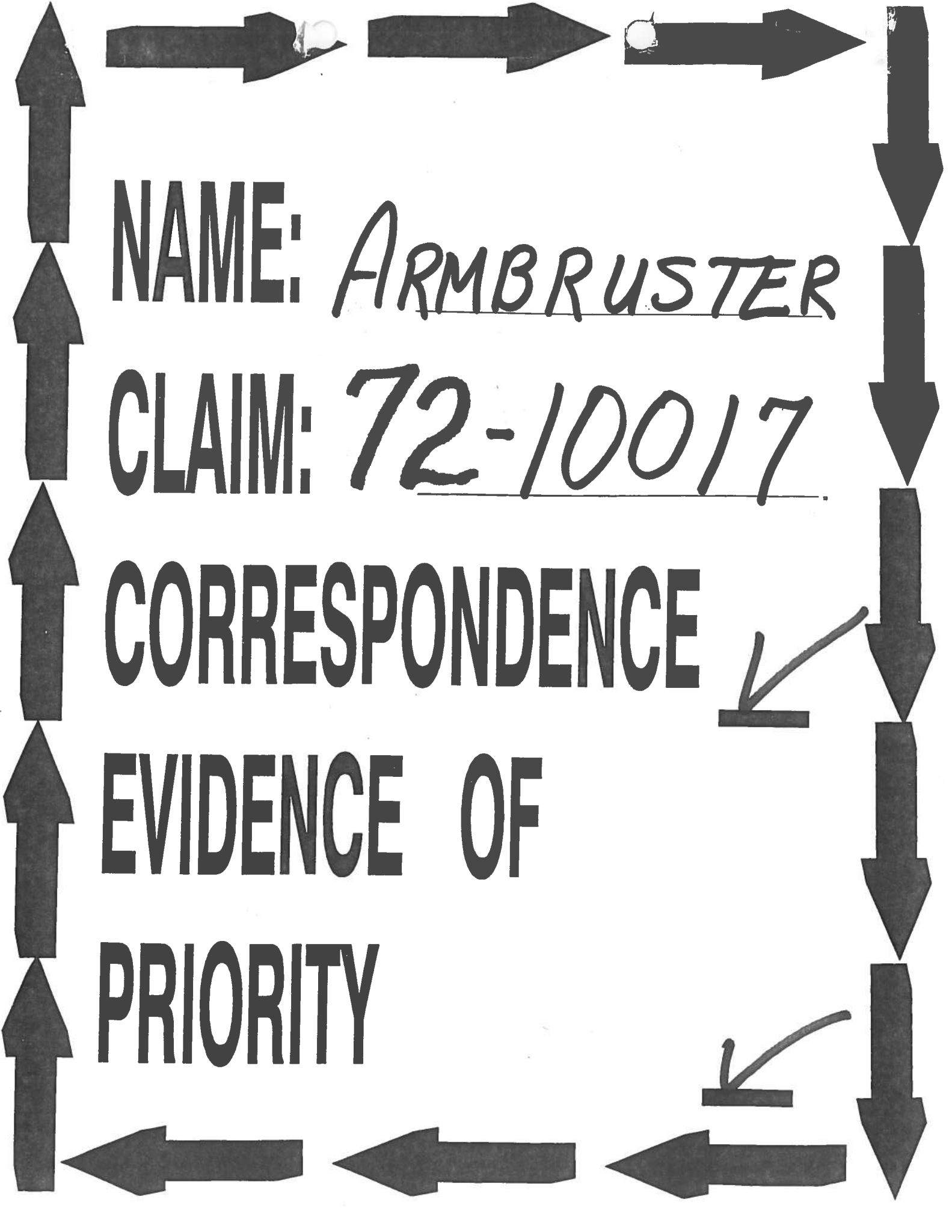




NAME: ARMBRUSTER

CLAIM: 72-10017

CORRESPONDENCE

EVIDENCE OF

PRIORITY

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: A72-10017
Date Received: 5/24/1989
Receipt No: S007295
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARK A. ARMBRUSTER 208-879-2389
Address: P. O. BOX 1127
CHALLIS, ID 83226

AND/OR

Name: VICKI ARMBRUSTER 208-879-2389
Address: P. O. BOX 1127
CHALLIS, ID 83226

2. Date of Priority: AUG 15, 1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	36	NW	SW			CUSTER

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.100		

7. Total Quantity Appropriated is:
0.100 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	31	SE	NW		IRR	5.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
					Total Acres	5.0

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:
A72-07041A, 04061A

14. Remarks:

PORTIN OF WR 72-00126 & 72-00125, SEE ATTACHED.
ALSO CLAIMED PORTION OF 72-04061 & 72-7041 WHICH ARE
SHARED WITH JIM & NOLA LYNCH.*****

OWNERSHIP CHANGE 5/22/91 BY AA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/19/1914

ADAMS, ET AL
Decree Plaintiff

VANDERVOORT, ET. AL.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

SD-36		Township: 14N		Range: 19E		Section: 31		Tract:		Lot:	
S	L	STATE		NAME		O	S	Max #	Records	48	
E	O	Water		Name		W	T	Priority	Use		
L	Tract	T	Right No.	Last, First		N	AC	G	Date	Code	Desc
---	---	---	---	-----		---	---	---	-----	---	-----
---	NWNW	1	A72-04057	KEPPNER, ESTHER		C	7	S	05/20/1914		
---	SWNW		A72-04061B	LYNCH, JAMES		C	5	S	04/01/1952	01	IRR
---				LYNCH, NOLA		C					
---	SWNW		A72-00054	THOMPSON, GEORGE		O	17	D	03/05/1879	01	IRR
---				PHILPS, ETHEL		O					
---				THOMPSON, BELLE W.		O					
---				CHIVERS, LIZZIE		O					
---				KEPPNER, RAY		C					
---				KEPPNER, ESTHER		C					
---	SWNW	2	A72-04057	KEPPNER, RAY		C	17	S	05/20/1914	01	IRR
---				KEPPNER, ESTHER		C					
---	SWNW	2	A72-00125	KLUG, ALEX		O			08/15/1910	01	IRR
---				SPLIT RIGHT		C					
---	SENW		A72-10016	MONZINGO, DON		C		J	03/18/1971	43	DOMEST
---				MONZINGO, MARY		C					
---	SENW		A72-10017	MONZINGO, DON		C	5	D	08/15/1910	01	IRR

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED
MAR 18 1993

SD-36		Township: 14N		Range: 19E		Section: 31		Tract:		Lot:	
S	L	STATE		O		S		Max # Records		48	
E	O	Water		Name		W		T		Priority Use	
L	Tract	T	Right No.	Last, First		N	AC	G	Date	Code	Desc
—	SENW		A72-10017	MONZINGO, MARY		C	5	D	08/15/1910		
—	SENW		A72-04061A	MONZINGO, DON		C	5	L	08/15/1910	01	IRR
—				MONZINGO, MARY		C					
—	SENW		A72-07041A	MONZINGO, DON		C	5	L	06/14/1973	01	IRR
—				MONZINGO, MARY		C					
—	SENW		A72-04061	CORE NUMBER, GERALD RO		C	9	S	04/01/1952	01	IRR
—	SENW		A72-07041	CORE NUMBER, GERALD RO		C	10	L	06/14/1973	01	IRR
—				ROBINSON, LIDA A.		C					
—	SENW		A72-00126A	LYNCH, JAMES		C	5	D	08/15/1910	01	IRR
—				LYNCH, NOLA		C					
—	SENW		A72-07041B	LYNCH, JAMES		C	5	L	06/14/1973	01	IRR
—				LYNCH, NOLA		C					
—	SENW		A72-10020	LYNCH, JAMES		C		J	03/18/1971	43	DOMEST
—				LYNCH, NOLA		C				04	STOCK
—	SENW		A72-10020	LYNCH, JAMES		C		J	03/18/1971	43	DOMEST
—				LYNCH, NOLA		C				04	STOCK

(Enter=Continue)

(GOLD7=This Query)

(MENU _____)

MICROFILMED

MAR 18 1993

CUTER COUNTY TITLE INC.

P.O. BOX 370 • CHALLIS, IDAHO 83226 • PHONE 879-4424

MESSAGE

REPLY

RECEIVED

MAR 20 1991

Department of Water Resources
Eastern District Office

DATE

Idaho Department of Water Resources
Eastern Regional Office
150 Shoup Suite 15
Idaho Falls, Idaho 83402

RE: 7653: Monzingo-Armbruster

DATE

March 18, 1991

Dear Sirs,

Please find enclosed Change in Ownership
from Don and Mary Monzingo to
Mark and Vicki Armbruster. Please adjust
your records.

If you have any questions, please call.

Respectfully,

Susan Swindell

Susan Swindell
Secretary

enc.

BY

SIGNED

RECEIVED

MAR 21 1991

Department of Water Resources
Southern Region Office

MICROFILMED

MAR 18 1993

INSTRUCTIONS TO RECEIVER

1. WRITE REPLY. 2. DETACH STUB, KEEP PINK COPY, RETURN WHITE COPY TO SENDER.

INSTRUCTIONS TO SENDER

1. KEEP YELLOW COPY. 2. SEND WHITE AND PINK COPIES INTACT.

Item #N73U The Drawing Board, Dallas, Texas 75286-0429
© Wheeler Group, Inc., 1982

RECEIVED

MAR 20 1991

CHANGE IN OWNERSHIP

Department of Water Resources **Page 1**

Eastern District Office

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): A72-10017

[] Name and Address of Former Claimant(s): DON L. MONZINGO AND/OR MARY F. MONZINGO

P. O. Box 1099

Challis, ID 83226

[] New Claimant(s): MARK A. ARMBRUSTER AND/OR VICKI ARMBRUSTER

[] New Mailing Address: P. O. Box 1127

Challis, ID 83226

New Telephone Number: (208) 879-2389

[] Does the change in ownership result in a splitting of the water right claimed? yes XX no
If yes, then describe the portion of the water right that is now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: Warranty Deed
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): Mark Armbuster

Vicki Armbuster

Date: March, 1991.

RECEIVED

MICROFILMED

MAR 18 1993

MAR 21 1991

Department of Water Resources
Southern Region Office

CHANGE IN OWNERSHIP

Page 2

[] Signature of Former Claimant(s): x Derf Monzingo

x Mary F. Monzingo

Date: x 3/12/91

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

After form has been completed, please return to the nearest IDWR office below:

WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705
(208) 334-2190

EASTERN REGIONAL OFFICE
150 SHOUP SUITE #15
IDAHO FALLS, IDAHO 83402
(208) 525-7161

STATE OFFICE
1301 N. ORCHARD ST.
STATEHOUSE MAIL
BOISE, IDAHO 83720
(208) 327-7906

SOUTHERN REGIONAL OFFICE
222 SHOSHONE STREET EAST
TWIN FALLS, ID 83301
(208) 734-3578

NORTHERN REGIONAL OFFICE
1910 NORTHWEST BLVD. SUITE 210
COEUR D'ALENE, IDAHO 83814
(208) 765-4639

WARRANTY DEED

For Value Received

DON L. MONZINGO and MARY F. MONZINGO, husband and wife,

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

MARK ARMBRUSTER and VICKI ARMBRUSTER, husband and wife,

the grantee S, whose current address is PO Box 1127, Challis, ID 83226,

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

See Exhibit "A" attached hereto and made a part hereof.

COPY

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

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

Dated: March 15, 1991.

Don L. Monzingo

Mary F. Monzingo

NOTARY

ARIZONA
STATE OF ARIZONA
COUNTY OF PIMA

On this 15 day of March, in the year 1991, before me, a Notary Public, personally appeared DON L. MONZINGO & MARY F. MONZINGO, h/w, known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Kathleen A. Steyer
Notary Public,
Residing at Amado, Ar., 85626, AZ
My Comm. Expires:
My Commission Expires April 13, 1993

STATE OF IDAHO, COUNTY OF CUSTER

I hereby certify that this instrument was filed for record at the request of Custer County Title at 15 minutes past 3:00 o'clock P.M., this 15th day of March, 1991, in my office, and duly recorded in Book of Deeds at page

Ethel M. Rich
Ex-Officio Recorder

By Barbara Buckle
Deputy

Fees \$ 6.00
Mail to:

INSTRUMENT No.

Chicago Title Insurance
Company of Idaho

Revised Form No. SY413825

RECEIVED

MAR 21 1991

MICROFILMED

MAR 18 1993

Department of Water Resources
Southern Region Office

EXHIBIT "A"

A portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 31, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as follows:

Commencing at the South Quarter Corner of said Section 31, thence due North 2575.70 feet more or less to the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence East 55 feet along the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence due North 201.0 feet to the REAL POINT OF BEGINNING; thence continuing due North 728.0 feet, more or less, to a point in the South line of the Garden Creek Road; thence North 79°05' West, 599.5 feet along the South line of said Garden Creek Road; thence due South 728.0 feet, more or less, to a point North 79°05' West from the Point of Beginning; thence South 79°05' East, 599.5 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described tract;

Commencing at the South Quarter Corner of said Section 31, a distance of 2777.93 feet on a bearing of North 1°08'05" East to the Southeast corner of a parcel of land deeded to Gerald and Lida A. Robinson by Watson E. and Phyllis D. Perry as recorded in Custer County Courthouse October 15, 1969, as instrument No. 127801, thence North 0°15'40" West, 708.35 feet to a steel bar being the Northeast corner of said parcel;
thence North 79°45'58" West, 28.13 feet to the REAL POINT OF BEGINNING;
thence South 2°13'10" West, 112.81 feet;
thence South 6°56'39" East, 140.88 feet;
thence South 18°21'21" West, 40.92 feet;
thence South 47°01'39" West, 81.39 feet;
thence North 85°12'19" West, 219.29 feet;
thence North 88°02'24" West, 281.86 feet to a point on the West boundary of said Robinson land; thence North 0°28'42" West, 432.53 feet to a point on the South right-of-way of a paved county road; thence a distance of 151.20 feet along a curve concave to the Southwest having a radial of South 2°24'12" West, 837.15 feet and a central angle of 10°20'53"; thence South 77°14'55" East, 424.40 feet to the REAL POINT OF BEGINNING.

TOGETHER WITH ALL water and water rights and ditches and ditch rights, appurtenant thereto or used in connection therewith.

SUBJECT TO Reservations in U.S. Patent recorded July 7, 1896, in Book 6, Deeds, Page 193, records of Custer County, Idaho.

ALSO SUBJECT TO All easements of sight and record.

RECEIVED

MAR 21 1991

Department of Water Resources
Southern Region Office

MICROFILMED

MAR 18 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
150 Shoup — Suite 15
Idaho Falls, Idaho 83402

DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE STREET, EAST
TWIN FALLS ID 83301



Custer County Title, Inc.

Box 370
Challis, Idaho 83226

Idaho Department of Water Resources
Eastern Regional Office
150 Shoup Suite 15
Idaho Falls, Idaho 83402



MICROFILMED
MAR 18 1993



MICROFILMED
MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

22-May-1991

Custer County Title, Inc.
Susan Swindell
Secretary
Box 370
Challis, ID 83336

RE: Change of Ownership Adjudication Claim A72-10017 -
Monzingo

Dear Ms. Swindell:

Pursuant to the notification that you are representing the new claimant on the above-referenced Adjudication Claim, the Department has changed the record(s) of the current owner as you requested. I am enclosing a copy of the computerized Claim.

Please review the record(s) and should you have any questions, please feel free to call this office.

Sincerely,

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

Judy Givens
Adjudication Secretary

/aa

Enclosures

MICROFILMED
MAR 18 1993

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: A72-10017
Date Received: 5/24/1989
Receipt No: S007295
Received By: lw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DON MONZINGO 208-879-4353
Address: BOX 1099
CHALLIS, ID 83226

AND/OR

Name: MARY MONZINGO 208-879-4353
Address: BOX 1099
CHALLIS, ID 83226

2. Date of Priority: AUG 15, 1910

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	19E	36	NW	SW			CUSTER

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.100		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A72-10017

Page 1

Date: 05/24/89

MICROFILMED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	31	SE NW		IRR	5.0
Section Acres						5.0
Total Acres						5.0

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:
A72-07041A, 04061A

14. Remarks:
PORTIN OF WR 72-00126 & 72-00125, SEE ATTACHED.
ALSO CLAIMED PORTION OF 72-04061 & 72-7041 WHICH ARE
SHARED WITH JIM & NOLA LYNCH.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 5/19/1914

ADAMS, ET AL

Decree Plaintiff

vs

VANDERVOORT, ET. AL.

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

Date Received

Receipt Number

RECEIVED

MAY 19 1989

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Don and/or Mary Monzingo Phone (209) 879-4353
Mailing Address Box 1099, Challis, ID. Zip 83226

2. Date of Priority (Only one (1) per claim) August, 15, 1910

3. Source of water supply (a) Garden Creek
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 14N Range 18E Section 36,
1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgate and weir in creek delivery to earthen ditch which
is approximately 1 1/2 miles long to land to be irrigated.

MICROFILMED

MAR 18 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 10-31 amount .10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .10 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	19E	31								5									5

Total number of acres irrigated 5

11. In which county (ies) are lands listed above as place of use located? Custer

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Water Right License 72-7041 Claim to Water Right 72-4061 or None ()

14. Remarks:

See enclosed letter dated 3/4/84 from Allen Merritt on the difficulty in getting our water right registered. The water right license 72-7041 and Claim to water right 72-4061 has been split between us and Jim and Nola Lynch.

MICROFILMED

Last Name Monzingo Ident No. 72-0126

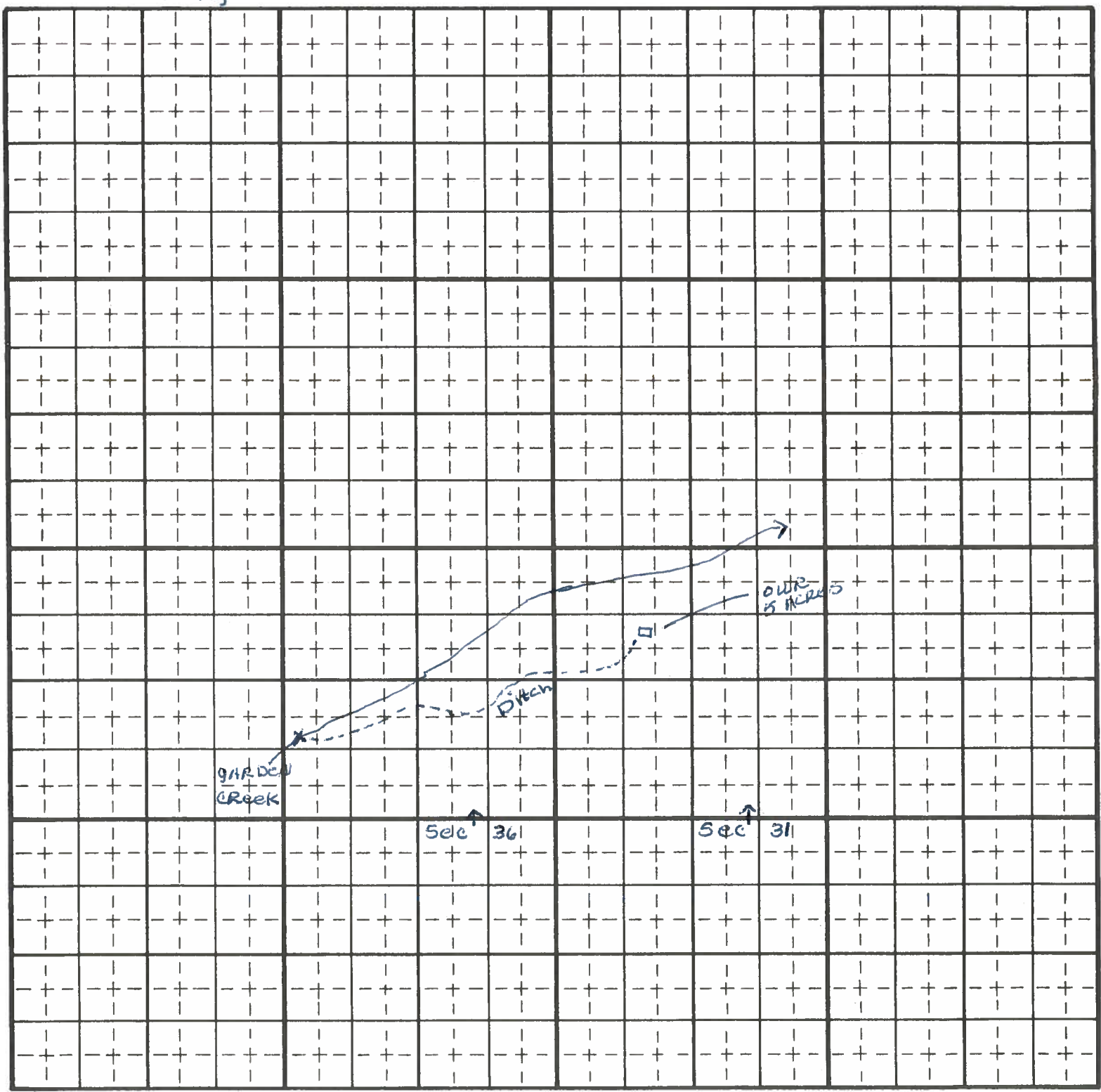
MAR 18 1993

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

TWP 14N Range 19E



MICROFILMED

Last Name Monzingo

Ident No. 72-0126

Copies of State, 1980-Claimant
MAR 18 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 8/15/1910

Plaintiff vs Defendant _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3 Letters

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Mary Monzingo Date 5/17/89

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Custer) SS.

Subscribed and sworn (or affirmed) before me this 17th day of May 19 89.

SEAL

Notary Public Evel M. Beck

Residing at Challis

My Commission Expires 3-21-92.

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Monzingo Ident. Number 72-0124

MICROFILMED

MAR 18 1993
Copies White-State, Yellow-Claimant



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 9, 1984

Mary Monzingo
Box 1099
Challis, Idaho 83226

Re: Transfer of 1910 Water Rights

Dear Mrs. Monzingo:

Loren Holmes from our office requested that I research the issues involved with filing transfers to straighten out the 1910 decreed water rights belonging to you and your neighbors.

From all the evidence I have gathered it appears that the 1910 water you and your neighbors have originates from water rights 72-0125 originally decreed to Alex Klug and 72-0126 originally decreed to Marganetha Klug. The following chart shows the tracing of these water rights thru the various owners as evidenced by the deeds I reviewed in the Custer County Courthouse in January of this year:

Alex Klug
Decreed 53" - 8/15/1910
for 84 acres in Lot 2 & 3
Sec. 31, T.14N., R19E

Marganetha Klug
Decreed 80" - 8/15/1910
for 80 acres in
NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31
T14N, R19E

From Alex Klug & Martha Klug
Portion of lands and apparently all of
1910 water was deeded to
Watson Perry on July 8, 1965

Watson Perry deeded on September 1, 1962 to Gerald Robinson land
in SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T14N, R19E and 10" of 1910 water.

Watson Perry deeded on October 29, 1969 to McKissie and VanderHoven
land in Lots 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, T14N, R19E and 15"
of 1910 water.

Watson Perry deeded on November 30, 1970 to Joe and Ethel Peck land in
Lots 2 and 3 and NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 31, T14N, R19E along with
other land and 153" of 1910 water excepting the 15" of water and the
17.5 acres of land deeded to McKissie and VanderHoven. In addition
Peck's were deeded 1879 water. From this it appears they were deeded
153" - 15" = 138" of 1910 water.

MICROFILMED
MAR 18 1993

Page 2
March 9, 1984

At present it appears that Monzingo and Lynch now have 5" each of 1910 water which is derived from Robinsons 10" and Hartwell and King now have 7½" each of 1910 water which is derived from McKissie and Van der Houven's 15".

Decreed

72-0125 - 53"

72-0126 - 80"

Total 133"

Deeded

Peck 138"

Monzingo 5"

Lynch 5"

Hartwell 7½"

King 7½"

Total 163"

As can be seen there is an apparent discrepancy between the amount of 1910 water decreed and what has been deeded. Because of this it appears to me to be inappropriate to proceed to draft transfers until this problem is resolved. I am presenting this information to you and your neighbors so that you can take whatever action you deem necessary to resolve this problem or investigate the matter further to find something which I have not yet uncovered which may have a bearing.

Please note that you have sent us an application for transfer and paid the \$30.00 filing fee which we can return if you decide not to proceed with the application for transfer. Please keep us informed of your progress in resolving this matter.

Sincerely,



Allen D. Merritt
Sr. Water Resource Analyst

ADiv:marya

cc: Peck
Lynch
Hartwell
King

MICROFILMED

MAR 18 1993



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

SOUTHERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

March 22, 1984

Mary & Don Monzingo
Box 1099
Challis, Idaho 83226

Dear Mr. & Mrs. Monzingo:

Our office cannot at this time respond to the question you asked in your March 14, 1984 letter.

Your question, whether or not the dates of the deeds are the determining factor, has been referred to the Department's lawyer in the IDWR- State Office. We are forwarding copies of the various deeds, letters, etc., which we have accumulated to him for his review.

As soon as he has a chance to review the situation we will contact you.

If you have questions, please feel free to contact this office.

Very truly yours,

Allen D. Merritt
Sr. Water Resource Analyst

LOH:ADM:marya

MICROFILMED

MAR 18 1993

November 20, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 21 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: 72-10017

MARK A ARMBRUSTER
VICKI ARMBRUSTER
PO BOX 1127
CHALLIS ID 83226

Daytime Telephone Number:

Evening Telephone Number:

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

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

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

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

DATE: 12-14-98 **SIGNATURE:** Mark Armbuster
Please print your name: Mark Armbuster

Water Right Number - R72-10017

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

ARMBRUSTER

MARK A

1 - PO BOX 1127

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-2389

ARMBRUSTER

VICKI

1 - PO BOX 1127

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-2389

*** O - ORIGINAL OWNER ***

MONZINGO

DON

1 - BOX 1099

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-4353

MONZINGO

MARY

1 - BOX 1099

2 -

3 -

City- CHALLIS

State- ID Zip- 83226

Phone - 208-879-4353

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
08/15/1910 ERROR IN REGION D - DECREED

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GARDEN CREEK SALMON RIVER

+ - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name
14N 18E 36 NE NE SW (37) CUSTER

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

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

+ - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
14N 19E 31 SE NW 3.2 01 IRRIGATION (37) CUSTER

Total Acres: 3.2

+ - - Diversion Means - HEADGATE, WEIR, DITCH

VERIFIED BY KKC
11-3-98

50
276

Water right number - R72-10017

Prefix Translation: RESEARCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-07041A AND 72-04061A

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

QNT USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.34 CFS. 72-04061A, 72-10017, AND 72-07041A.

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
OF A COMBINED TOTAL OF 3.2 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.:72-04061A, 72-10017, AND 72-07041A.

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION IN TWP 14N, RNG 18E, SEC 36, NENESW. 72-00124, 72-04058
72-10297A, 72-10017, 72-00125B, 72-00125C, 72-04061A, 72-04061B,
AND 72-00126A.

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

7200125
7200126

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

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
ADAMS, ET AL VANDERVOORT, ET. AL. 05/19/1914

+ - - Audit Fields - 10/28/92 CHRISTEN 10/26/93 CHRISTEN 10/27/93 CHRISTEN 03/30/95 POST-STD 10/20/98 KCHRISTE

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

Date: 10/26/1993 User Id: CHRISTEN Subject: COPIED FROM REMARKS

PORTIN OF WR 72-00126 & 72-00125, SEE ATTACHED.

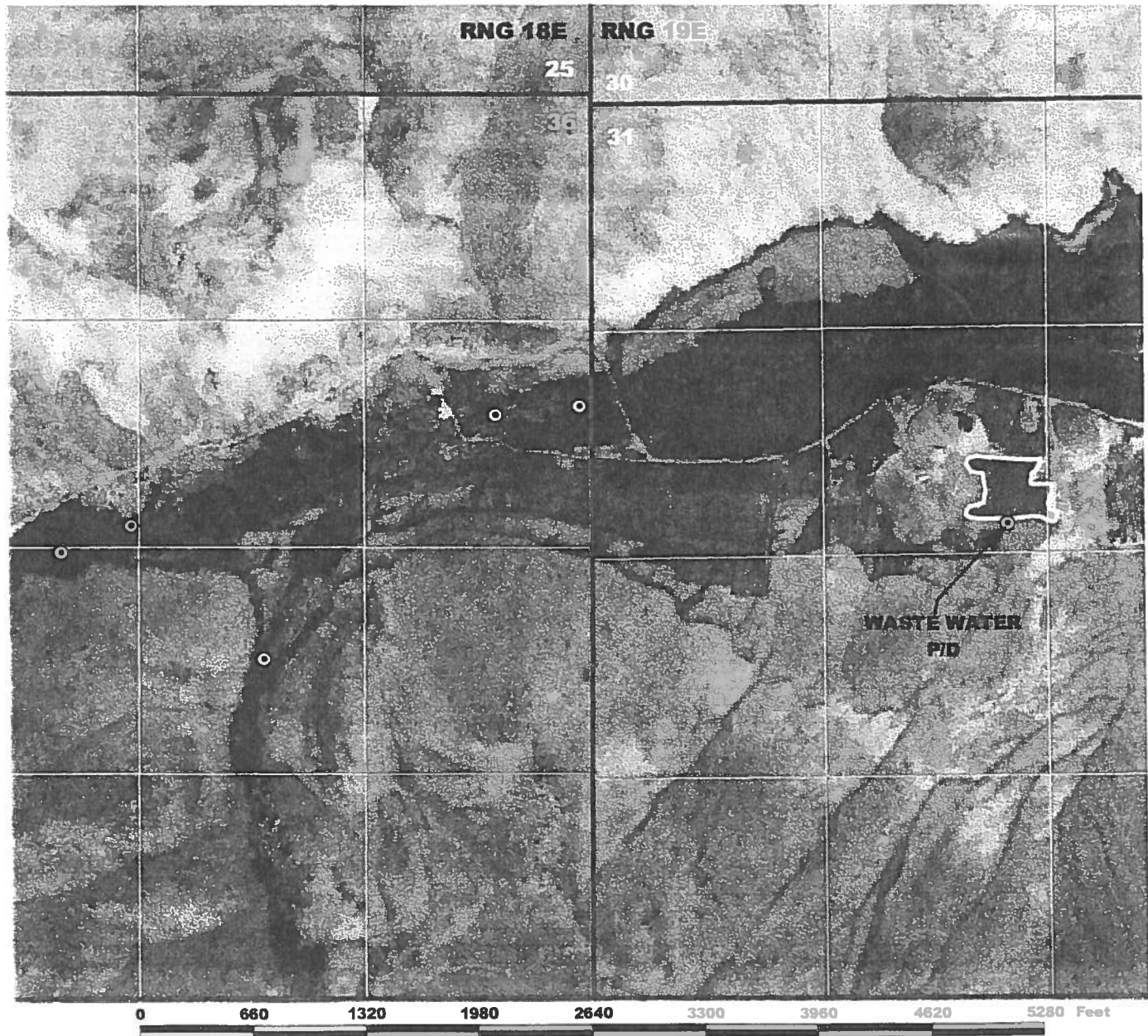
ALSO CLAIMED PORTION OF 72-04061 & 72-7041 WHICH ARE

SHARED WITH JIM & NOLA LYNCH.*****
OWNERSHIP CHANGE 5/22/91 BY AA.

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 04/01/1993 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 05/24/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| Proof Due Date | - 00/00/0000 | Proof Made Date | - 00/00/0000 | Water District | - 728 |
| Licensed Date | - 00/00/0000 | Receipt Number | - S007295 | Federal/State Indicator | - S |
| | | POU Ownership Flag | - Y | Presumption Flag | - |
| | | Name Connector | - AND/OR | Notice of Error Flag | - |

72-04061A & 72-10017
SOURCE = GARDEN CREEK
72-07041A
SOURCE = WASTE WATER



RECOMMENDED PLACE OF USE
TWP 14N RNG 19E, SEC 31
data entry on October 20, 1998



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

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

3.2

J Peg

REEVALUATION OF IRRIGATION RATES BASED UPON 1997 REVISED HUBBLE ANALYSIS PROCEDURES

CLAIM NUMBERS

72-04061A 72-10017
72-07041A

DATE: 10-20, 1998

REVIEWED BY KKC

CHALLIS AREA SOIL REVIEW

| SOIL TYPE | BORDER CFS/AC | | FURROW CFS/AC | | OPTIMUM ROTATION | |
|----------------|---------------|------|---------------|------|------------------|---------|
| | PAST | ALFA | PAST | ALFA | PASTURE | ALFALFA |
| ATC | .15 | .13 | | | 6.49 | 7.62 |
| BB1 | .09 | .09 | | | 6.09 | 6.17 |
| BC1 | .16 | .17 | | | 5.82 | 5.46 |
| BK1 | .07 | .06 | | | 10.62 | 11.86 |
| BT1 | .18 | .16 | | | 3.99 | 4.19 |
| BT2 | .41 | .32 | | | 2.34 | 2.87 |
| CB1 | .06 | .06 | | | 11.55 | 13.47 |
| CHA | .21 | .21 | | | 4.52 | 4.76 |
| CP1 | .36 | .36 | | | 2.61 | 2.78 |
| DB1 | .13 | .11 | | | 5.66 | 6.65 |
| DBB | .13 | .11 | | | 5.71 | 6.69 |
| ~~DBC~~ | <u>.13</u> | .11 | | | <u>5.71</u> | 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 |
|-----------|----------------------------|---------------------------|-----------------------------|-----------------------|----------------------|
| DBC | <u>5.71</u> | <u>7</u> | * <u>3.2</u> | * <u>.13</u> | = <u>.34</u> CFS |
| | / | | * | * | = CFS |
| | / | | * | * | = CFS |
| | / | | * | * | = CFS |

TOTAL ACRES _____

DECREED RATE = _____

CLAIMED DIVERSION RATE = _____

MEASURED DIVERSION RATE = _____

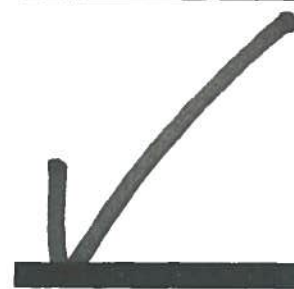
R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED
NOV 01 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

5/24/1989

D.L. & MARY MONZINGO
BOX 1099
CHALLIS, ID 83226

A72-10016
10017
04061A
07041A

DEAR MR. & MRS. MONZINGO:

ENCLOSED PLEASE FIND COPIES OF YOUR ADJUDICATION CLAIMS FOR
YOUR RECORDS AND CHECK #1308 & #1310.

YOU PAID FOR THE SAME 5 ACRES THREE TIMES. PLEASE RETURN A
CHECK FOR THE \$100 BALANCE DUE TO:

DEPARTMENT OF WATER RESOURCES
C/O LORI WHITE
2148 4TH AVE EAST
TWIN FALLS, ID 83301

WHEN I RECEIVE THE CHECK I WILL RECEIPT CLAIM #A72-04061A
& A72-07041A AND SEND YOU THE RECEIPT IN THE MAIL.

SINCERELY,

LORI WHITE
WATER AGENT

MICROFILMED
NOV 01 1994

Water Right Number - R72-10017

Prefix Translation:

RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
ARMBRUSTER

MARK A.

1 - PO BOX 1127
2 -
3 -
City- CHALLIS
Phone - 208-879-2389
1 - PO BOX 1127
2 -
3 -
City- CHALLIS
Phone - 208-879-2389

State- ID Zip- 83226

ARMBRUSTER

VICKI

State- ID Zip- 83226

*** O - ORIGINAL OWNER ***
MONZINGO

DON

1 - BOX 1099
2 -
3 -
City- CHALLIS
Phone - 208-879-4353
1 - BOX 1099
2 -
3 -
City- CHALLIS
Phone - 208-879-4353

State- ID Zip- 83226

MONZINGO

MARY

State- ID Zip- 83226

Priority Date - - +
08/15/1910

Region - - +
ERROR IN REGION

Stage - - +
D - DECREED

Status - - +

Source - - +
GARDEN CREEK

Tributary - - +
SALMON RIVER

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

14N 18E 36 NE NE SW (37) CUSTER

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

01 - IRRIGATION

04/15

10/15

0.100

Total Div. Rate - + - Total Div. Volume - +
0.100

Total Consumptive Use - + - KW Usage - +
0.0

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

14N 19E 31 SE NW

3.5

01 IRRIGATION

(37) CUSTER

Total Acres: 3.5

VERIFIED BY
MICROFILMED
NOV 01 1984

Water right number - R72-10017

Prefix Translation: RESEARCH

- - - Diversion Means - HEADGATE, WEIR, DITCH

- - - Non-Irrigation Use -

- - - Other Rights for Same Use - 72-07041A AND 72-04061A

REMARKS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 0.34 CFS, A TOTAL COMBINED
ANNUAL CONSUMPTIVE USE VOLUME OF 8.8 AF, AND TO THE IRRIGATION
OF A COMBINED TOTAL OF 3.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-04061A & 72-07041A.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-00125C, 04061A, 04061B, 00125B,
10297, 00126A, 00124, & 04058.
A DIVERSION RATE OF .097 CFS PER ACRE AT THE FIELD HEADGATE IS
INCLUDED IN THE RATE OF DIVERSION FOR THE PLACE OF USE DESCRIBED
ABOVE.

7200125
7200126

Old Water Right Numbers

Conditions of Approval
No Conditions of Approval found.

- - - Decree Plaintiff - - -
ADAMS, ET AL

- - - Decree Defendant - - -
VANDERVOORT, ET. AL.

- - - Decree Date - - -
05/19/1914

Comments- - - - - ALSO CLAIMED PORTION OF 72-04061 & 72-7041 WHICH ARE
Date: 10/26/1993 User Id: CHRISTEN Subject: COPIED FROM REMARKS
PORTIN OF WR 72-00126 & 72-00125, SEE ATTACHED.
SHARED WITH JIM & NOLA LYNCH.*****
OWNERSHIP CHANGE 5/22/91 BY AA.

- - - Audit Fields - - -
10/27/93 CHRISTEN

Adjudication Rights Dates and Flags Area

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 04/01/1993 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 10/27/1993 | Old Judicial District | - |
| Claim Received Date | - 05/24/1989 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S007295 | Water District | - 72B |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - AND/OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

MICROFILMED
NOV 01 1994

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A72-10017

04:19:47
06/06/97

LAST: MONZINGO FIRST: ION
ADDRESS: BOX 1099
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-4353
OWNER CODE: 0

LAST: MONZINGO FIRST: MARY
ADDRESS: BOX 1099
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-4353
OWNER CODE: 0

LAST: ARMENISTER FIRST: MARK A.
ADDRESS: P. O. BOX 1127
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2289
OWNER CODE: 0

LAST: ARMENISTER FIRST: VICKI
ADDRESS: P. O. BOX 1127
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2289

FIELD EXAM REPORT? FIELD EXAMINER
OPERATION REPORT DUE TO REPAIRS? Y

CLAIM REMARKS: PORTIN OF WR 72-00126 & 72-00125. SEE ATTACHED.
ALSO CLAIMED PORTION OF 72-04051 & 72-7041 WHICH ARE
SHARED WITH TIM & NOLA LYNNH.+++++
+++++
EQUIPMENT CHANGE 5/22/91 BY AA.

MICROFILMED
NOV 01 1994

CONTACT PERSON:

DATE OF FIELD EVAL: 4 / 1 / 93

ACCOMpanied BY: Vicki Ambrosio

RELATIONSHIP TO CLAIMANT: owner

NOTES TO PROPERTY / REMARKS:

APPOINTMENT MADE: Y () NO ()

PHONE NUMBER: () - -

TIME: : AT : PM ()

PHONE NUMBER: () - -

MICROFILMED
NOV 01 1994

A. AT CLAIM POINT OF DIVERSION AND SOURCE:

| TRIBUT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | TOT | CNTY |
|-----------|------|------|------|-----|-----|-----|-----|---------|
| A72-10017 | 14N | 19E | 36 | | NE | SW | | CLATSOP |

OTHER AT CLAIMS WITH SAME AT FOR
 A PREFIX NONE
 P PREFIX NONE
 NONE

SOURCE: GARDEN CREEK

TRIBUT: SALMON RIVER

B. FOR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIBUT: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

| TRIP TO FOR DISCREPANCY? | (Y/N) | DATEBASE | FIELD EXAMINER |
|-----------------------------|-------|----------|----------------|
| TRIP TO SOURCE DISCREPANCY? | Y | Y | |

REMARKS:

P/D shared with multiple claims correct legal based upon field exam and comparison with other photo indicate claim is incorrect. Recommend P/D as found. (Township incorrect)

DECOMMENTED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | TOT | COUNTY |
|------|------|------|-----|-----|-----|-----|---------|
| 14N | 18E | 36 | NE | NE | SW | | CLATSOP |

SOURCE:
 REVIEWED BY:

KKC

TRIP:

DATE: 10-25-93

MICROFILMED

NOV 01 1994

A. FOOT WATER RIGHT NUMBERS:

472-10017
 472-00125

472-00125P

472-00125C

472-10297

B. POU LISTING

TWP RWS SPT 1/4 1/4 LOT NAME

| | | | | | | |
|------------|-------|---------------------|------------------|---|------|-----|
| 1A4 195 91 | SE NW | ARMERUSTER, MARK A. | 472-10017 / 5.0 | - | 35.0 | 3.5 |
| | SE NW | MONZINGO, MON | 472-04061A / 5.0 | - | | |
| | SE NW | SPLIT RIGHT | 472-07041 / 10.0 | - | | |
| | SE NW | MONZINGO, MON | 472-07041A / 5.0 | - | | |
| | SE NW | LYNCH, JAMES | 472-07041B / 5.0 | - | | |
| | SE NW | MONZINGO, MON | 472-10016 / 5.0 | - | | |
| | SE NW | ALMOND, PARS | 472-10297 / 15.0 | - | | |
| | SE NW | LYNCH, JAMES | 472-001264 / 5.0 | - | | |
| | SE NW | LYNCH, JAMES | 472-10020 / 15.0 | - | | |
| | SE NW | KEPNER, RAY | 472-04057 / 5.0 | - | | |
| | SE NW | KING, GENE | 472-00125P / 4.5 | - | | |
| | SE NW | KING, GENE | 472-10273 / 15.0 | - | | |
| | SE NW | LYNCH, JAMES | 472-04061B / 5.0 | - | | |
| | SE NW | LYNCH, JAMES | 472-11735 / 15.0 | - | | |
| | SE NW | LYNCH, JAMES | 72-00054 / 15.0 | - | | |
| | SE NW | THOMPSON, GEORGE | 72-04058 / 40.0 | - | | |
| | SE NW | PECK, JOSEPH H. | 72-04061 / 9.0 | - | | |
| | SE NW | ROBINSON, GERALD | 72-04062 / 9.0 | - | | |
| | SE NW | ROBINSON, GERALD | | - | | |

TOTAL ACRES 472-10017

5.00

35.00

ARE THERE ANY OTHER TRACTS OTHER THAN INDICATED ABOVE: Y () N (X)

FILED FROM PROCEEDING

FILED TO POU DISCREPANCY (Y/N)

DATE: Y

FILED EXAMINER

FILED COUNTY: CLUSTER

FILED EXAMINER

NOV 01 1994

SUPPLEMENTAL PLAT:

REMARKS:

Found 3.5 acres irrigated within the P/2. Acres calculated from well & P/2 on BLM Photo 5-8c-13 (7-1-93 flight) that P/2 compares to be the same on the 1978 ASCS flight (MAP 4-13)

RECOMMENDATIONS:

TOTAL ACRES:

3.5

REVIEWED BY:

KKC

DATE: 10-25-93

MICROFILMED
NOV 01 1994

A. A1 CLAIMED USES:

PURPOSES
A72-10017 IRRIGATION

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
100 CFS
100 CFS

FROM MONTH/DAY YEAR
01/15/15

4-15 - 10-15

Change to dept standards.

B. B1 RECOMMENDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

C. PRESUMPTION PLAN:

D. FIELD EXAM REQUIRED?

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

DATEBASE FIELD
Y Y
Y Y

E. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO US STANDARDS OR OTHER?

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

Explain in remarks below.

REMARKS:

Recommended season of use be changed to dept Standards.

Claimed diversion matches intent of language (see pg 3) & therefore analysis indicates 0.34 CFS as max beneficial use requirement. Recommended as claimed.

MICROFILMED
NOV 01 1994

43

FIELD
EXAMPLE
DATABASE
Y

SEE ATTACHED CALIBRATION

OTHER RIGHTS LISTED IN STATE: A72-07041A, 040616

X) N ()

FBI
FEDERAL BUREAU OF INVESTIGATION

related to the case was cleaned up & covered
divided & having no other copy of file with
her's name.

5-18-93

RECEIVED

MICROFILMED
NOV 01 1994

B.

DATE/VOLUME CALCULATIONS: (IRRIGATION)

1. IRRIGATION DATE

ACRES 3.5 X 0.02 CFS/ACRE = CFS
(Taken from 0/0 review)

1b. GATEWAY ATTORNEY

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

444 IF YES ADDITIONAL WATER USE FORM FILLED AND ATTACHED? Y () N () 444

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AE/A

ACRES X CONSUMPTIVE VOL. AE/A FOR AREA =

TOTAL CONSUMPTIVE USE AE/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AE/A

ACRES X DIVERSION VOL. AE/A FOR AREA =

TOTAL DIVERSION VOLUME AE/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y () N ()

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

MICROFILMED
NOV 01 1994

RECOMMENDATIONS:

REC
FROM

REC PERIOD
FROM TO

REC DIV
RATE CFS

REC DIV
UNIT AP/A

REC COMS
USF

irrigation

4-15 10-15

.10

N/A

See comments

TOTAL POP RATE RIGHT

REVIEWED BY:

KKc

DATE: 10-25-93

MICROFILMED
NOV 01 1994

A. CHECK ONLY THE FOLLOWING THAT APPLY:

NUMBER
CORRECT/APPROPRIATE
ADDITIONAL STU. AMOUNT

ACCEPTED
AS CLAIMED
()
()
()
APPROPRIATE
REVIEW
()
()
()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-10017

TOTAL DIVERSION RATE OF WP SPLITS

DATABASE
7.440

EXAMINER

CFS

SPLITS:

| WP RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" STU.
RATE | WP RIGHT
NUMBERS | DIVERSION
RATE |
|---------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| 72-00125 | 472-10017 | 0.100 | - | - | 72-00125 | 1.000 |
| 72-00126 | 472-10017 | 0.100 | - | - | 72-00126 | 1.000 |
| 472-00125 | 472-00125B | 0.150 | - | - | 72-00125 | 1.000 |
| 472-00125 | 472-00125C | 0.200 | - | - | 72-00125 | 1.000 |
| 72-00125 | 472-10297 | 2.660 | - | - | 72-00125 | 1.000 |
| 72-00126 | 472-10297 | 2.660 | - | - | 72-00126 | 1.000 |

TOTAL CFS 5.870

DIVERSION RATE REVIEW

DO YOU CUM. CFS RATE OF THE CORRECTED EQUAL THE ROOT RIGHT CFS RATE? (Y/N)

DATABASE
N

FIELD
EXAMINER

7.440

REMARKS:

MICROFILMED
NOV 01 1994

ALLEGED TREATMENT:

SIGNATURE:

NAME OF FIELD EXAMINER:

Wiley K. Chumense

DATE:

TITLE:

10-26-93

Sr White Roomer Agent

MICROFILMED

NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 13
BOOK INFORMATION

CLAIM NUMBER: A72-10017

04:19:27
05/06/97

| WR ELEMENT | FIELD EXAM
Y/N | CORRESPONDENCE
SENT/RECEIVED
BY WHOM/DATE | FIELD EXAM
BY WHOM/DATE | CHANGE
CLAIM
Y/N | VERIFIED BY
COMP | COMPILED
REVIEW
WHOM/DATE | COMPILED
DATA ENTRY
WHOM/DATE | VERIFIED
DATE
WHOM/DATE |
|-----------------------------|-------------------|---|----------------------------|------------------------|---------------------|---------------------------------|-------------------------------------|-------------------------------|
| PRIORITY DATE | Y | | KK 10-25-93 | N | 6 | KK 10-28-93 | | |
| POINT OF DIS | Y | | KK 5-18-93 | Y | 1,2,5,6 | " 10-25-93 | | |
| SOURCE | Y | | " 10-25 | N | 1,2,5,6 | " " | | |
| PLACE OF USE | Y | | " 4-1-93 | Y | 1,2,5,6 | " " | | |
| RTV, ANNUITY
CPS/UNITIME | Y | | " 5-18-93 | N | 5,6 | " " | | |
| CONSUMPTION USE | - | | 10-25 | Y | 6 | " " | | |
| DISPOSURE | Y | | 10-25 | N | 6 | " " | | |
| REPORT OF USE | Y | | 10-25 | Y | 6 | " " | | |
| STATE OF CLAIM | Y | | 10-25 | N | 6 | " " | | |
| REMARKS | Y | | 10-26 | Y | 6 | " 10-26 | | |

" VERIFIED BY" CODES

TRIP MAP/ORTHOPHOTO = 1
ASCS MAP = 2
HATPROMASTER REPORTS = 3
MAPS BY OTHER = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

MAPS USED: DATE:
ASCS 5-12 1978
ORTHO T-74 & U-24 Bath 1956
NAPP
BLM 5-8C-13 7-1-88

THREE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
GIVEN FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Remark codes F06
& E10

MICROFILMED
NOV 01 1994

14

13

10

17

POOR ORIGINAL

23

24

19

20

CLAIM A72-100773 4061A INIT

T. R. S. Q/Q

P/D 14N 18E 36 NEUESW #2

PHOTO ORTHO T-74

DT. & ID. 1956 Flight

VABM Challis
6730

26

25

30

29

Gulch

Cartwright Gulch

Garden

Creek

35

#3

P/P 36

#2 P/B

#1 P/D

P/u for
A72-00125CP/u for
A72-00125BP/u for A72-00126A
A72-04061B
A72-07041BP/u for A72-10017
A72-04061A
A72-07041Aon the photo
u-24
1956 flight

MICROFILMED

NOV 01 1994

POOR ORIGINAL

CLAIM A72-10071 INIT KKC
T. R. S. Q/Q
P/D 14N 18E 36 NE 1/4
PHOTO BLM 5-8C-13
DT. & ID. 7-1-88 PLATE

POOR ORIGINAL

25 | 30
36 | 31

30 | 29
31 | 32

P/D

P/u

MICROFILMED
NOV 01 1994

CLAIM NO. --- A72-10017, & 04061A Lotus Program:
 AGENT ----- KKC IRR-PRAC.WK3
 DATE ----- 10/25/93 Date form revised:
 4/21/93 by KKC

 SOIL CHARACTERISTICS

Soil Type = DBC; DAWTONIA...GRAVELLY LOAM
 Source of Soils Data = Printout From SCS State Office

| soil depth
(inches) | | AWC
(in/in) | | PH | | organic
(%) | | soil depth
(ft) | AWC
(inches) | intake
family | |
|------------------------|-------|----------------|-------|-------|-------|----------------|-------|--------------------|-----------------|------------------|--------|
| lower | upper | lower | upper | lower | upper | lower | upper | | | flood | furrow |
| 0 | 4 | 0.12 | 0.15 | 6.6 | 7.3 | 1 | 2 | 1 | 1.34 | 2 | 0.55 |
| 4 | 24 | 0.09 | 0.11 | 7.4 | 7.8 | | | 1 | 1.44 | | |
| 24 | 60 | 0.06 | 0.08 | 7.9 | 8.4 | | | 3 | 3.38 | | |
| | | | | | | | | 4 | 4.22 | alternate | |
| | | | | | | | | 5 | 5.06 | method | |
| | | | | | | | | | | NA | NA |

Management Allowed Deficit (MAD)

| crop | root
depth
(ft) | stress
point (INCHES) | MAD | FIELD NOTES AND CALCULATIONS | | | |
|--------------------------|-----------------------|--------------------------|------|--|----------|---------|---------|
| | | | | FIELD 1 | FIELD 2 | FIELD 3 | FIELD 4 |
| alfalfa (hay or seed) | 5 | 0.5 | 2.53 | FIELD WIDTH | 720 | 0 | |
| corn (field or silage) | 4 | 0.5 | 2.11 | IRRIGATION DAYS | 7 | | |
| grain (winter or spring) | 4 | 0.5 | 2.11 | DRY DAYS | 0 | | |
| pasture (or grass hay) | 3 | 0.5 | 1.69 | SET TIME(hours) | 8 | | |
| other (enter below) | | | | CALCULATED RUN (run = acres*43560/width) | | | |
| | | | | LENGTH (RUN) = | 212 | | |
| | | | | CALCULATED BORDER WIDTH (ditch length/irr days * cha | | | |
| | | | | WIDTH = | 34 | | |
| | | | | THEORETICAL ROTATION (mad/net irr req in inches per | | | |
| | | | | SELECTED MAD = | 1.69 | | |
| | | | | ROTATION = | 7.3 DAYS | | |

 PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD

Weather Station = CHALLIS
 Figure No = 10-15

| crop | acres | system | recomm.
eff. | Net Irrigation Requirement (mm/day) | | | | | | |
|---------|-------|--------|-----------------|-------------------------------------|------|------|------|------|------|------|
| | | | | mar | apr | may | jun | jul | aug | sep |
| PASTURE | 3.5 | FLOOD | 10.4 | 1.47 | 3.84 | 4.87 | 5.86 | 4.56 | 3.23 | 2.07 |
| ALFALFA | | FLOOD | | 1.28 | 4.51 | 5.65 | 6.25 | 4.45 | 2.52 | 0.7 |

Summary 3.5 10 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

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

MICROFILMED
 NOV 01 1994

GRADED BORDER EVALUATION

Job name: A72-10017, 04061A
By: KKC

Location: DBC SOIL FOR 3.5 ACRES
Date: Oct 25, 1993

Roughness coefficient (n)= 0.250 Intake family (If)=2.00
Slope (S)= 0.0600 ft/ft Border width (W)= 34 ft
Net application (Fn)= 1.69 inches Border length (L)= 212 ft
Inflow time (Ti)= 8 hours, 0 minutes

| Flow per
Border
(cfs) | Unit
Flow
(cfs/ft) | Gross
Application
(in) | Deep
Percolation
(in) | Runoff
(in) | Application
Efficiency
(percent) | Notes |
|-----------------------------|---|------------------------------|-----------------------------|----------------|--|-------|
| 0.30 | Gross depth is less than required gross application depth | | | | | |
| 0.31 | Gross depth is less than required gross application depth | | | | | |
| 0.32 | Gross depth is less than required gross application depth | | | | | |
| 0.33 | Gross depth is less than required gross application depth | | | | | |
| 0.34 | 0.010 | 16.30 | 14.59 | 0.02 | 10.4 | (4) |
| 0.35 | 0.010 | 16.78 | 14.59 | 0.50 | 10.1 | (4) |
| 0.36 | 0.011 | 17.26 | 14.59 | 0.98 | 9.8 | (4) |
| 0.37 | 0.011 | 17.74 | 14.59 | 1.46 | 9.5 | (4) |
| 0.38 | 0.011 | 18.22 | 14.59 | 1.94 | 9.3 | (4) |
| 0.39 | 0.011 | 18.70 | 14.59 | 2.42 | 9.0 | (4) |

(4) Less than minimum recommended depth of flow.

MICROFILMED
NOV 01 1994

EXCESSIVE FLOW SYSTEM ANALYSIS WORKSHEET

Armbuster

CLAIM NO. _____

DATE _____

AGENT _____

GENERAL SYSTEM DESCRIPTION:

IRRIGATION WATER SOURCE -----

DELIVERY SYSTEM -----

(e.g. canal company, ditch name, or sprinkler system)

Gated pipe Flood irr systems

ON FARM DELIVERY SYSTEM MAXIMUM CAPACITY -----

(e.g. maximum capacity of ditch system or pumping capacity)

FIELD DATA:

| photo
reference | type of
crop | irrigation
method | dimensions
width length | slope | total
acres |
|--------------------|-----------------|----------------------|----------------------------|-------|----------------|
| _____ | <i>Pasture</i> | _____ | _____ | _____ | _____ |
| _____ | <i>Lawn</i> | _____ | _____ | _____ | _____ |
| _____ | <i>Garden</i> | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |

APPLICATION METHOD DATA:

FURROW:

METHOD OF DELIVERY (e.g. gated pipe; syphon tube) _____

SPACING -----

GPM PER CORRUGATE/FURROW -----

BORDER:

DISTANCE COVERED PER SET -----

NUMBER OF SETS AT THE SAME TIME -----

LENGTH OF TIME OF EACH SET -----

IRRIGATION ROTATION:

IRRIGATION DAYS TO COVER P/U -----

DRY DAYS BETWEEN IRRIGATIONS -----

TOTAL ROTATION DAYS -----

MICROFILMED

NOV 01 1994

Mike Shannon

He was not sure how the deeded rights were transferred to the Johnny Smith Place. He would check around & obtain affidavits if he could.

We discussed his claims in general & he felt that he probably would not try to substantiate the 51M claim as there is more water claimed under 57 than there is acres. The rate for that claim alone will prob. be reduced. I did not do a field verification of the P/G for those claims at this time.

I took pictures of the dis points for the 'Klug' property. The first pictures were of the Dis point that supplied water to the Northern Part of the P/G. The second set covers the "lower" ditch on the south side of the P/G. This ditch also supplies water to Ambuster, Wood, King, Harless rights.

The third P/D is the 'upper' ditch on the south side the ditch was recently cleaned and was running at capacity; Both the ditch and the Parshall. This ditch is the original source for the waste water license for Wood/Hambuster.

Two pic of Johnny Smith div. diverting .6" on staff gage. The ditch to Shannon's was not full, 9" throat.

MICROFILMED
NOV 01 1994

Relevant to
K72-10017
4061A

Capacity
5.2 cfs
Relevant to
above claims
& #1001A

Hand written notes on bond upon
County records obtained 4-14-93
and analyzed as of 6-22-93.
Original warranty deed copies
placed in File #72-00124

ALEX & MARTHA KLUG DECREED RIGHTS
72-00125 & 72-00126 (both 8-15-1910 priority)
72-00125 @ 1.06cfs for 84 acres
72-00126 @ 1.60cfs for 80 acres

13612
Preliminary split record
as of 12-31-92
KRC
an exception in the deed describes
property now owned by KRC (outside
current P/A)

DOC # 1. WARRANTY DEED READS (and all water rights)
DATED: 7-8-65 COUNTY RECORD NO. 130258
DOC # 2. QUIT CLAIM DEED DATED 9-1-1969 COUNTY RECORD NO. 127800
REFERENCES .20 CFS OF 1910 WATER
DOC # 3. QUIT CLAIM DEED DATED 10-29-69 COUNTY RECORD NO. 135633
REFERENCES .30 CFS OF 1910 WATER FOR 17.5 ACRES
COMBINED TOTAL = 2.66cfs for 164 acres

First transfer date as
recorded through county records.
Bond upon 127800 10-14-69

JEROLD ROBINSON
DOC # 1. WARRANTY DEED DATED 9-1-1969
COUNTY RECORD NO. 127801 CONVEYED .20 CFS
DOC # 2 MEMO OF UNDERSTANDING DATED 9-30-69
COUNTY RECORD NO. 127802 ON 10-14-69

MONZINGO
WARRANTY DEED DATED
8-18-81 RECORDED 8-20-81
INST # 159893 FOR .10 CFS
DEEDED .10 CFS

HARTWELL
(PER MONZ. TRANSFER AP)
PURCHASED .15 CFS FOR 6.5 ACRES
IN AUG 81 (RECORDED 9-4-81 ??)

KING
CONVEYED .15 CFS

ALL OF 72-00125 &
72-00126 CLAIMED AS:
A72-10297
SHANNON/ALMOND
2.66 CFS

ADJUDICATION CLAIMS FILED:
PORTIONS OF 72-00125 &
72-00126 CLAIMED AS:
A72-10017
MONZINGO
.20 CFS
A72-00126A
LINCH
.10 CFS
NOW
ARMBRUSTER
.20 CFS

POOR ORIGINAL

JOE PECK 136037
WARRANTY DEED NO. 136037 DATED 11-30-1970
REFERENCES 3.06 CFS AND EXCLUDES .30 CFS
DEEDED TO MCKISSIE/Vanderhoeven
IT IMPLIES THAT 2.76 CFS WAS CONVEYED.

the exception specifically
identifies the P/A @ 0.30cfs
now owned by KRC
warranty deed recorded
on 8-28-73

same property as described
in 127801. This doc recorded
on 10-14-69.
describes P/A now owned by
Hudson & King. Also indicates
transfer of .30 CFS. Recorded
on 7-17-73

wrong
transfer.

HARDMAN
1982

CONVEYED .30 CFS

HARTWELL

A72-00125B
KING
.15 CFS

A72-00125C
HURLESS
.20 CFS

A72-00126A
LINCH
.10 CFS

System description based upon diversion points to P/U.

Three P/Ds from Garden Creek were found.
(see map for numbering system) All three ditches supply water for the Shannon Claims with Garden Cr. as a source (A72-00124, A72-10297, & A72-04058).
Each Diversion also supplies water to another user or group of users.

P/D # 1 also supplies water to Bob Andrews
(claim not filed as of 6-22-93)

P/D # 2 supplies water to the following users in order of use:

Hurless - A72-00125C

King - A72-00125B

Armbruster - A72-10017
A72-04061A

Wood - A72-00126A
A72-04061B

P/D # 3 is the original source for waste water claimed & previously licensed for:

Armbruster A72-07041A

Wood A72-07041B

The system from P/D #3 that generated the waste water for A72-07041A & B is now being converted to sprinkler irrigation making the waste water no longer available. However this claim is being recommended as 5 years of non-use has

MICROFILMED
NOV 01 1994

not occurred. the ditch systems has the capacity to carry the combined total of each right, therefore, no capacity limitation is required. Some wastewater may be available from P/D #2 (end of ditch).

System Analysis for the Shannon Prop only:

Garden Cr. Claims A72-00124, A72-10297, & A72-04058.

John Gulch Claim A72-11763

As of commencement, all of the P/U covered by P/D #1 was under flood irrigation and the analysis for this ground was based upon flood irr. The ground east of the farmstead is currently being converted to gravity pressure, sprinkler irr with plans to add additional ground in the future to Gravity sprinkler. Spring water originating on the property west of the farmstead is also used for irrigation but was not claimed.

P/D #2 delivers water to a majority of the P/U South of Garden Creek. Approx 17 acres (see map) have historically been sprinkler irrigated (originally via a portable pump & now by gravity pressure) and has been recognized as such in the div rate analysis. The balance has historically been flood irrigated.

The ground on the east side of the P/U & south of Armbruster/Wood is now irrigated via gravity flood from this P/D but does not cover a lot of ground (Area not determined). Some of this water would be available to Wood/Armbruster as waste water for their use.

MICROFILMED
NOV 01 1994

P/D #3 irrigates the ground furthest south and the pump system for sprinkler ire originated from this ditch. the end of this ditch has been converted to a Pipeline (see map) in 1992 and the majority of the Ground (the 18 Acres in the NE SW Sec 31 is now sprinkler irrigated (gravity pressure).

Where the ditch crosses John Gulch is also the P/D for A72-11763. That system is that the ditch merely catches any water originating from John Gulch & carries the water east. Making the P/U for John Gulch water that Ground east of that point & South of Garden Creek. The Gulch ~~is~~ has several small seeps that generate water and reaches the ditch. As the ditch has the capacity to carry greater rate than claimed, the claimed rate is the limiting factor. Mike Shanna stated that the seeps go down by the end of the season.

Analysis of Unrecorded transfer & Preliminary Recommendations

Based upon warranty deed information. Watson Perry transferred more 1910 decreed water (72-00125 & 72-00126) than was originally decreed. The recording dates are as follows.

County recording date

10-14-89 Perry to Robinson for .20 CFS (deed 127800)

now Armbruster A72-10017 Recommended at .10 CFS

Wood A72-00126 A " " .10 CFS

7-17-73 Perry to McKissie for .30 CFS

based upon quit claim deed 135633

From Klug to Perry for the current claim 1/4

Now Hurless A72-00125C Recommended at .15 CFS

King A72-00125B Recommended at .15 CFS

8-28-73 Perry to Peck (deed 136037)

Now Shannon A72-10297 Recommended at 2.16 CFS

see also the attached flow chart.

1-1-93

Decreed diversion Rates Analysis

| Decreed Rights Appurtenant | Priority | Area | rate | |
|----------------------------|-----------|------------|-----------------|----------------|
| 72-00125 | 8-15-1916 | 84 | 1.06 CFS | |
| 72-00126 | 8-15-1910 | <u>80</u> | <u>1.60 CFS</u> | |
| (subtotal) | | 164 | 2.66 CFS | 2.66 CF |
| 72-00124 | 5-15-79 | Not stated | 1.02 CFS | <u>1.02 CF</u> |
| total | | | | 3.68 CFS |

Claims based upon Warranty deed transfers against 1910 decreed water recognized as valid.

| | | |
|-------------|-----------------|-----------------|
| A72-00125 B | 0.15 CFS | |
| A72-00125 C | 0.15 CFS | |
| A72-00126 A | 0.10 CFS | |
| A72-10017 | 0.10 CFS | |
| A72-10297 | <u>2.16 CFS</u> | |
| total | | <u>2.66 CFS</u> |

NOT RECORDED
NOV 01 1994

11-1-93

Diversion rate analysis

Found 80 acres irrigated:

Analysis is subdivided on irrigation method and/or soil type. All segments are concurrently irrigated therefore the rates recommended are additive

| soil type | irrig method | No. of Acres | Border Analysis rate recommended |
|-----------|--------------|--------------|-----------------------------------|
| YNI | flood | 30 | 2.85 CFS |
| DBC | flood | 33 | 2.26 CFS |
| DBC | sprinkler | <u>17</u> | <u>.34</u> CFS (at 0.02 CFS/ACRE) |
| | total | 80 | <u>5.45 CFS</u> |

$$\frac{5.45}{80} = 0.068 \text{ CFS/Acre}$$

(For remark code DØ8)

MICROFILMED

NOV 01 1994

RECEIVED

127800

P. 11

QUITCLAIM DEED

Recorded for sale to James J. & Company, Boise

QUITCLAIM DEED 127800

THIS INDENTURE, Made this _____ day of September,

in the year of our Lord one thousand nine hundred and sixty-nine, between
 MARTHA T. KLUG and ALEX KLUG, husband and wife, KATHLEEN WILLIAMS, a
 married woman, individually, and her husband, AMOS WILLIAMS, as Trustee
 for Alex Klug or Martha Klug, and individually, (sometimes known as Joseph A.
 Williams)
 of Challis County of Custer

State of Idaho the parties of the first part, and
 WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,

of Challis County of Custer,
 State of Idaho the parties of the second part.

WITNESSETH That the said parties of the first part, for and in consideration of the sum of
 TEN AND NO/100 - - - - - DOLLARS,
 lawful money of the United States of America, to them in hand paid by the said parties of
 the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release
 and forever QUITCLAIM unto the said parties of the second part, and to their heirs and
 assigns, all those certain lots, pieces or parcels of land, situate, lying and being in
 the x County of Custer State of Idaho, bounded and particularly
 described as follows, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
 and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
 Section 31, Township 14 North, Range 19 East, Boise Meridian, more
 particularly described and bounded as follows, to-wit:

Commencing at the South quarter corner of said Section 31, thence due
 North 2,575.70 feet, more or less, to the Southwest corner of said
 Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence East 55 feet along
 the South line of said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$),
 thence due North 201.0 feet to the real point of beginning; thence
 continuing due North 728.0 feet, more or less, to a point in the South
 line of the Garden Creek Road, thence North 79° 05' West 599.5 feet
 along the South line of said Garden Creek Road, thence due South 728.0
 feet, more or less, to a point North 79° 05' West from the point of
 beginning, thence South 79° 05' East 599.5 feet to the point of begin-
 ning, containing 10.0 acres, more or less.
 TOGETHER WITH 10 inches of 1910-decreed water from Garden Creek, a
 tributary of Salmon River, located in Custer County, Idaho; and
 TOGETHER WITH an Easement for ditch and ditch-way purposes over the
 lands of the Grantors adjacent to, adjoining, and contiguous with
 the above-described property as the same has been customarily and
 usually used prior to _____

POOR ORIGINAL

MICROFILMED

NOV 11 1974

RECEIVED

APR 14 1969

Department of Water Resources

127800

Pg 2/2

POOR ORIGINAL

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

(Signature) (Seal)
Martha T. Klug (Seal)
Kathleen Williams (Seal)
George H. Williams (Seal)
Notary Public for the State of Idaho

STATE OF IDAHO
County of Custer

On this 22nd day of September in the year 1969, before me

the undersigned, a Notary Public
In and for said State, personally appeared ALEX KLUG and MARTHA T. KLUG, husband and wife, and AMOS WILLIAMS and KATHLEEN WILLIAMS, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

B. L. R. R.

Notary Public for the State of Idaho.
Residing at Challis, Idaho 83226
My Com. Expires: 7-14-72

No. 17750
QUITCLAIM DEED
-70-
Dated 1969, 19th day of September, A.D. 1969
STATE OF IDAHO, County of Custer
I hereby certify that this instrument was filed for record at record of 5:00 minutes past 1:00 at Challis, Idaho, A.D. 1969, in my office, and duly acknowledged & indexed.
By *George H. Williams* Notary Public
Filed to
MICROFILMED
NOV 04 1994

RECEIVED

APR 14 1993

Department of Water Resources

127801

Pg 1/2

203 - WARRANTY DEED

Printed and for sale by Ryan-York Company, Boise

THIS INDENTURE, Made this 12th day of September, 1992, between
In the year of our Lord one thousand nine hundred and sixty-nine, between
WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,
of Challis, County of Custer, State of Idaho,
the parties of the first part, and
GERALD ROBINSON and LIDA A. ROBINSON, husband and wife,
of Cobalt, County of Lemhi, State of Idaho,
the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of
TEN AND NO/100 - - - - - DOLLARS,

lawful money of the United States of America, and other good and valuable consideration,
to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained
and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties
of the second part, and to their heirs and assigns forever, all of the following described real estate,
situated in the County of Custer, State of Idaho, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$)
and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$),
Section 31, Township 14 North, Range 19 East, Boise Meridian, more
particularly bounded and described as follows, to-wit:
Commencing at the South quarter corner of said Section 31, thence due
North 2,575.70 feet, more or less, to the Southwest corner of said
Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence East 55 feet
along the South line of said Southwest Quarter Northeast Quarter
(SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence due North 201.0 feet to the real point of beginning;
thence continuing due North 728.0 feet, more or less, to a point in
the South line of the Garden Creek Road, thence North 79° 05' West
599.5 feet along the South line of said Garden Creek Road, thence
due South 728.0 feet, more or less, to a point North 79° 05' West
from the point of beginning, thence South 79° 05' East 599.5 feet to
the point of beginning, containing 10.0 acres, more or less.
TOGETHER WITH 10 inches of 1910-decreed water from Garden Creek, a
tributary of Salmon River, located in Custer County, Idaho; and
TOGETHER WITH an Easement for ditch and ditch-way purposes over the
lands of the Grantors adjacent to, adjoining, and contiguous with
the above-described property as the same has been customarily and
usually used prior to this conveyance.

POOR ORIGINAL

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto
belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents,
issues and profits thereof; and all estate, right, title and interest in and to the said property, as well
in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises together with
the appurtenances unto the parties of the second part, and to their heirs and assigns forever.

And the parties of the first part, and their heirs, shall and will warrant and by these presents
forever defend the premises in the quiet and peaceable possession of the parties of the second part, their
heirs and assigns, against the parties of the first part, and their heirs, and against all and every
person and persons whomsoever, lawfully claiming the same shall and will WARRANT and by these presents
forever DEFEND.

RECEIVED

127801

APR 14 1969

Department of Water Resources

Pg 2/2

POOR ORIGINAL

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

Watson E. Perry [Seal]
Phyllis D. Perry [Seal]
[Seal]
[Seal]

STATE OF IDAHO

County of Custer

ss.

On this 12th

day of September

in the year 1969, before me

the undersigned

, a Notary Public

In and for said State, personally appeared

WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife,

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

James D. Bennett
Notary Public for the State of Idaho,
Residing at Challis, Idaho 83226
My Com. Expires: 1-2-71

No. 127801

WARRANTY DEED

Dated

. 19

STATE OF IDAHO

County of Custer

I hereby certify that this instrument was filed

for record at request of

at 3:00 minutes past 1:00 day
of 12th September, A. D. 1969
in my office, and duly recorded
under No. 127801
E. COMPTON Recorder.

By

Fees, \$20.00

Deputy.

Mail to

SPRING VALLEY COMPANY, BOISE

RECEIVED

APR 14 1969

Department of Water Resources

Southern Region Office

127802

Pg 1/3

POOR ORIGINAL

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, Made and entered into this 30th day of September, 1969, by and between WATSON E. PERRY and PHYLLIS D. PERRY, husband and wife, of Challis, County of Custer, State of Idaho, hereinafter referred to as "Perrys", and GERALD ROBINSON and LIDA A. ROBINSON, husband and wife, of Cobalt, County of Lemhi, State of Idaho, hereinafter referred to as "Robinsons";

W I T N E S S E T H:

WHEREAS, Perrys have sold and conveyed certain property to Robinsons, said property being more particularly described as follows, to-wit:

A portion of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) and of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 31, Township 14 North, Range 19 East, Boise Meridian, more particularly bounded and described as follows, to-wit:

Commencing at the South quarter corner of said Section 31, thence due North 2,575.70 feet, more or less, to the Southwest corner of said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence East 55 feet along the South line of said Southwest Quarter Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$), thence due North 201.0 feet to the real point of beginning; thence continuing due North 728.0 feet, more or less, to a point in the South line of the Garden Creek Road, thence North 79° 05' West 599.5 feet along the South line of said Garden Creek Road, thence due South 728.0 feet, more or less, to a point North 79° 05' West from the point of beginning, thence South 79° 05' East 599.5 feet to the point of beginning, containing 10.0 Acres, more or less; and

WHEREAS, Together with said property, Perrys did convey transfer and assign 10 inches of that 1910-decreed water from Garden Creek, a tributary of Salmon River, Custer County, Idaho;

RECEIVED

APR 14 1983

Department of Water Resources

127802

Pg 2/3

POOR ORIGINAL

WHEREAS, The parties do want to reach further understandings and agreements pertaining to the ditch rights and ditch-way involved over the lands of Perrys; and

WHEREAS, The parties do desire to set forth in full their complete understandings and agreements in regard thereto;

NOW, THEREFORE, In consideration of FIVE AND NO/100 DOLLARS (\$5.00), in hand paid each party by the other, and in further consideration of the covenants and agreements and understandings herein contained, it is understood and agreed as follows, to-wit:

1. That Robinsons are entitled to 10 inches of that certain water right from Garden Creek presently held by Perrys, such water to be taken under the 1910 decree to the waters of Garden Creek, a tributary of Salmon River, Custer County, Idaho.

2. It is further the understanding and agreement of the parties that Robinsons may continue to deliver the water to the property purchased by them and above-described over the adjoining property of Perrys through the usual and established ditch and ditch-ways, subject, however, to the further understanding and agreement that Robinsons must respond by maintaining and doing such repair and ditch work upon the ditch and ditch-way in direct proportion that their water bears to the total being carried in or through such ditch or ditches.

IN WITNESS WHEREOF, The parties hereto have hereunto set their hands and seals the day and year in this Memorandum of

RECEIVED

127802

APR 14 1993

Pg 3/3

Department of W...

POOR ORIGINAL

Understanding first above written.

Watson E. Perry
Watson E. Perry

Phyllis D. Perry
Phyllis D. Perry

Gerald Robinson
Gerald Robinson

Lida A. Robinson
Lida A. Robinson

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

On this 14 day of September, 1969, before me, the under-
signed, a Notary Public in and for said State, personally appeared
WATSON E. PERRY, PHYLLIS D. PERRY, GERALD ROBINSON and LIDA A.
ROBINSON, known to me to be the persons whose names are subscribed
to the foregoing instrument and acknowledged to me that they
executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
seal the day and year first above written.

No. 127802
State of Idaho) ss.
County of Custer)
This instrument was filed for
record at the request of Road Realty
at 1:30 P. M.
October 14 1969
and duly filed and indexed in the
Records of Custer County, Idaho.
Eva Maw
Ex-Officio Notary.

Daniel N. Roof
Notary Public for Idaho
P.O. Address: Challis, Idaho 83226
My Com. Expires: 7-14-72

JAMES P. BENNETTS
ATTORNEY AT LAW
CHALLIS IDAHO 83226

By [Signature] Deputy.

MICROFILMED

NOV 6 1 1994

JAMES B. BENNE
ATTORNEY AT LA
CHALLIS, IDAHO 83

POOR ORIGINAL

ALEX & MARTHA KLUG DECREED RIGHTS
72-00125 & 72-00126 (both 8-15-1910 priority)
72-00125 @ 1.06cfs for 84 acres
72-00126 @ 1.60cfs for 80 acres

Preliminary split thesis
as of 12-31-92
KKC

WATSON PERRY

DOC # 1. WARRANTY DEED READS (and all water rights)

DATED: 7-8-65 COUNTY RECORD NO. 130258

DOC # 2. QUIT CLAIM DEED DATED 9-1-1969 COUNTY RECORD NO. 127800

REFERENCES .20 CFS OF 1910 WATER

DOC # 3. QUIT CLAIM DEED DATED 10-29-69 COUNTY RECORD NO. 135633

REFERENCES .30 CFS OF 1910 WATER FOR 17.5 ACRES

COMBINED TOTAL = 2.66cfs for 164 acres

JEROLD ROBINSON

DOC # 1. WARRANTY DEED DATED 9-1-1969

COUNTY RECORD NO. 127801 CONVEYED .20 CFS

DOC # 2 MEMO OF UNDERSTANDING DATED 9-30-69

COUNTY RECORD NO. 127802 ON 10-14-69

McKISSIE/VanderHoeven

WARRANTY DEED DATED 10-29-69

COUNTY RECORD NO. 135360

CONVEYED .30 CFS

JOE PECK

WARRANTY DEED NO. 136037 DATED 11-30-1970

REFERENCES 3.06 CFS AND EXCLUDES .30 CFS

DEEDED TO McKISSIE/VanderHoeven

IT IMPLIES THAT 2.76 CFS WAS CONVEYED.

MONZINGO

WARRANTY DEED DATED

8-18-81 RECORDED 8-20-81

INST # 159893 FOR .10 CFS

LINCH

DEEDED .10 CFS

HARDMAN
1982

CONVEYED .30 CFS

HARTWELL

(PER MONZ. TRANSFER AP)

PURCHASED .15 CFS FOR 6.5 ACRES

IN AUG 81 (RECORDED 9-4-81 ??)

KING

CONVEYED .15 CFS

ADJUDICATION CLAIMS FILED:

PORTIONS OF 72-00125 &

72-00126 CLAIMED AS:

A72-10017

MONZINGO

.10 CFS

NOW

ARMBRUSTER

.10 CFS

A72-00126A

LINCH

.10 CFS

A72-00125C

HURLESS

.20 CFS

A72-00125B

KING

.15 CFS

ALL OF 72-00125 &
72-00126 CLAIMED AS:

A72-10297

SHANNON/ALMOND

2.66 CFS

MICROFILMED
NOV 01 1994

DECREED

| | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM TOTAL |
|-------------|----------|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|--------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| DECREED P/U | 72-00124 | | 14N | 18E | 36 | 40 | 40 | 40 | | | | | 40 | | | | | | | | | 1.02 CFS |
| DECREED P/U | 72-00125 | | 14N | 19E | 31 | | | | | 42 | | | 42 | | | | | | | | 84 | 1.06 CFS |
| DECREED P/U | 72-00126 | | 14N | 19E | 31 | | | | | | | | | | | | 40 | 40 | | | 80 | 1.60 CFS |
| DECREED P/U | 72-7041 | | 14N | 19E | 31 | | | | | 10 | | | | | | | | | | | 10 | 0.20 CFS |

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

CLAIMED

| | NUMBER | TNS | RNG | SEC | NE | | | | NW | | | | SW | | | | SE | | | | TOTAL | SYSTEM TOTAL |
|------------|------------|-----|-----|-----|----|----|----|----|----|-----|-----|----|----|----|----|----|-----|----|----|----|-------|--------------|
| | | | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| Shannon | A72-00124 | | 14N | 19E | 31 | | | | | 20 | 15 | 40 | 25 | | | | 15 | | | | 115 | 1.02 CFS |
| | | | 14N | 18E | 36 | | 20 | 30 | | | | | | | | | 10 | 25 | | | 85 | |
| Shannon * | A72-10297 | | 14N | 19E | 31 | | | | | 20 | 15 | 40 | 25 | | | | 15 | | | | 115 | 2.66 CFS |
| | | | 14N | 18E | 36 | | 20 | 30 | | | | | | | | | 10 | 25 | | | 85 | |
| King | A72-00125B | | 14N | 19E | 31 | | | | | 4.5 | 1.5 | | | | | | | | | | 6 | .15 CFS |
| Hurless | A72-00125C | | 14N | 19E | 31 | | 5 | | | | | | | | | | 1.7 | | | | 6.7 | .20 CFS |
| Lynch | A72-00126A | | 14N | 19E | 31 | | | | | 5 | | | | | | | | | | | 5 | .10 CFS |
| ** | A72-7041B | | 14N | 19E | 31 | | | | | 5 | | | | | | | | | | | 5 | .10 CFS |
| *** | A72-10017 | | 14N | 19E | 31 | | | | | 5 | | | | | | | | | | | 5 | .10 CFS |
| ** | A72-7041A | | 14N | 19E | 31 | | | | | 5 | | | | | | | | | | | 5 | .10 CFS |
| Armbruster | A72-4061A | | 14N | 19E | 31 | | | | | 5 | | | | | | | | | | | 5 | .40 CFS |
| Lynch | A72-4061B | | 14N | 19E | 31 | | | | | 5 | | | | | | | | | | | 5 | .40 CFS |

MICROFILMED

* REPRESENTS THE TOTAL COMBINATION OF 72-00125 & 72-00126

** SOURCE = WASTE WATER

*** Represents a claimed portion of 72-00125 & 72-00126 (COMBINED)