

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 72-10033
Date Received: 10/26/1989
Receipt No: S010303
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBIN J WEGNER
HC 63 BOX 1576
CHALLIS ID USA 83226

Phone: (208)879-5820

2. Date of Priority: 10/10/1911

3. Source: EDDY CREEK

Trib. to: CHALLIS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	18E	2	SW NW NW 4	CUSTER	

5. Description of diverting works:

ROCK CHECK DAM WITH HEADGATE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.9	

7. Total Quantity Appropriated is:
0.9 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
14N	18E	2	SW NW	IRRIGATION	3
Section Acres					3

Total Acres 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:

14. Remarks:

**CLAIM AMENDED TO INCREASE DIVERSION RATE TO 0.9 CFS WHICH BETTER REFLECTS THE
ACTUAL HISTORICAL DIVERSION RATE. 3/5/02 jr**

THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER DELIVERS CHALLIS
CREEK WATER TO USERS BELOW.

***** OWNERSHIP CHANGE FROM LEWIS TO WEGNER. 1/19/2000 jr

15. Basis of Claim: Beneficial Use

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: **A72-10033**
Date Received: 10/26/1989
Receipt No: S010303
Received By: *[Signature]*

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

1. Name: ROBIN J WEGNER 208-879-5820
Address: HC 63 BOX 1576
CHALLIS ID 83226

2. Date of Priority: MAY 1, 1915

3. Source: EDDY CREEK Trib. to: CHALLIS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	18E	2	SW	NW	NW	4	CUSTER

5. Description of diverting works:
ROCK CHECK DAM WITH HEADGATE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER INCIDENTAL TO IRRIG.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	18E	2	SW	NW		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
					Total Acres	4.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER
DELIVERS CHALLIS CREEK WATER TO USERS BELOW.

OWNERSHIP CHANGE FROM LEWIS TO WEGNER. 1/19/2000 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: _____

RECEIVED

DEC 01 1999

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCESDepartment of Water Resources
Bozeman, Montana

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.

1. Water Right No(s): 72-10033, 72-10032, 72-10034, 72-00007A
 Adjudication Claim No(s): 72-10033, 72-10032, 72-10034, 72-00007A
2. The following REQUIRED information must be submitted with this form: 72-16559, 72-16560, 72-16566
- 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 attached to your deed or on file with the county.)
- OR
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant: Thomas and Atton Lewis
4. New Owner/Claimant(s): Robin J. Wegner
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address: HC 63 Box 1576
 City, State and ZIP Code: Challis, ID 83226
 New Telephone Number: ()
5. Date you acquired the property: November 2, 1999
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 you irrigate _____ Number and type of stock _____
- Diversion rate in CFS _____ Number of homes _____ Other uses _____
- 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.
7. Signature of New Owner or Claimant(s): Robin J. Wegner
12/1/99
- (Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

herein have read and approved the following:

99-0004-C

File No.: 307990064C

WARRANTY DEED

FOR VALUE RECEIVED

Thomas H. Lewis and Afton M. Lewis, husband and wife,

GRANTOR(s), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto: Robin J. Wegner, an unmarried woman

GRANTEES(s), whose current address is: HC 63 Box 1576, Challis, ID 83226
the following described real property in Custer County, State of Idaho,
more particularly described as follows, to wit:

TILE W 1/2 OF THE SW 1/4 NW 1/4 OF SECTION 2, TOWNSHIP 14 N., RANGE 18 E., BOISE
MERIDIAN CUSTER COUNTY, IDAHO.

0219846

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: November 2, 1999

Thomas H. Lewis
Thomas H. Lewis

Afton M. Lewis
Afton M. Lewis

STATE OF IDAHO)
COUNTY OF CUSTER) SS

I hereby certify that the foregoing is a full,
true and correct copy of the original on file
in this office. recorded

Date 12/1/99

Janet D. Dangis
Deputy Clerk

STATE OF Idaho, County of Custer, ss.

On this 2nd day of November in the year of
1999, before me, the undersigned, a Notary Public in and
for said State, personally appeared
Thomas H. Lewis and Afton M. Lewis

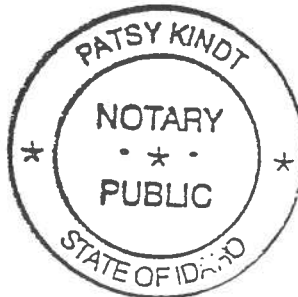
known or identified to me to be the persons whose names
are subscribed to the within instrument, and acknowledged
to me that they executed the same.

Signature: Patsy Kindt

Name:

Residing at: Challis Id.

My commission expires: 3/12/2004



Transnation Title & Escrow, Inc.

Custer County Rec. of
William Little

Time 11:12 A.M.

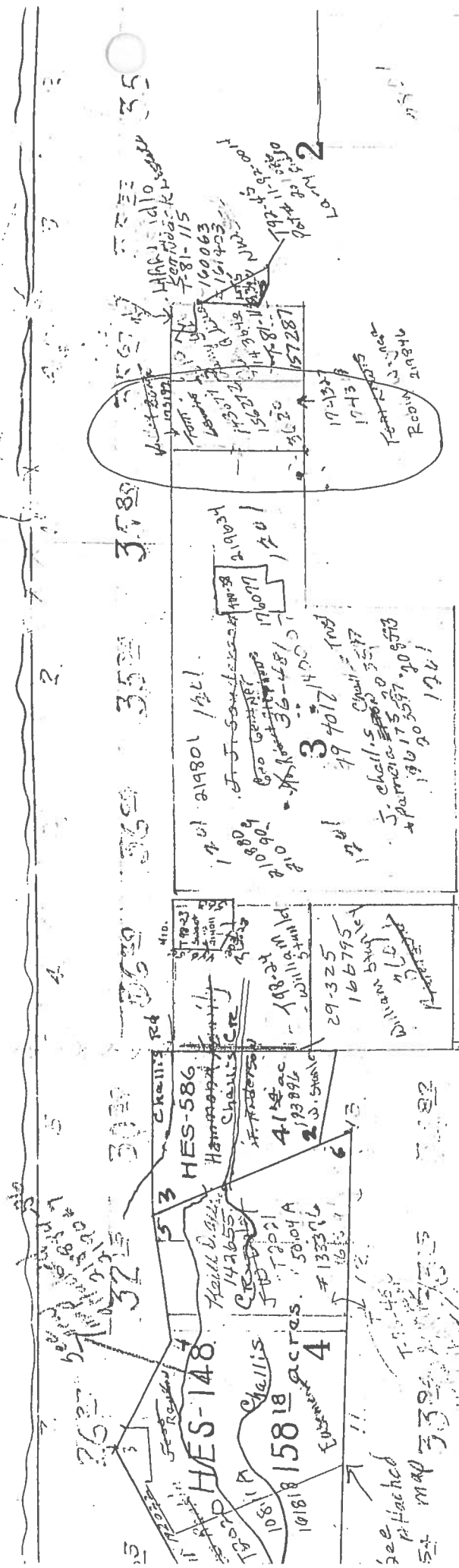
11/9 1999

Ethel M Peck, Clerk

Janet D. Dangis
Deputy

\$ 300

TY, IDAHO—Township No. 14 N Range No. 13 E Boise Meridian



HES 148

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: **A72-10033**
Date Received: 10/26/1989
Receipt No: S010303
Received By: _____

address change

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

1. Name: THOMAS H. LEWIS 208-766-9239
Address: 475 N 500 W
MALAD ID 83252
AND/OR
Name: AFTON M. LEWIS 208-766-9239
Address: 475 N 500 W
MALAD ID 83252

2. Date of Priority: MAY 1, 1915

3. Source: EDDY CREEK Trib. to: CHALLIS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
14N	18E	2	SW	NW	NW	4	CUSTER

5. Description of diverting works:
ROCK CHECK DAM WITH HEADGATE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER INCIDENTAL TO IRRIG.

MICROFILMED
NOV 01 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	2	SW	NW		IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER
DELIVERS CHALLIS CREEK WATER TO USERS BELOW.

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: _____

MICROFILMED

NOV 01 1991

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

NOV 01 1994

RECEIVED

JUL 16 1993

Department of Water Resources
Southern Region Office

CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number (s): A72-00007A

(water well) A72-10034

(spring) A72-10032

(P.O. Box) A72-10033

[] Old Mailing Address:

200 So 50 E

Trinidad Utah

[] New Mailing Address:

475 N 500 W

Malad Idaho 83252

New Telephone Number: (208) 766-9239

[] Signature of Claimant: Thomas N Lewis

Date: 7-14-93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7/23/93

By: [Signature]

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

MICROFILMED

NOV 01 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

06-Jul-1993

MR THOMAS H LEWIS
200 SOUTH 50 EAST
FIELDING UTAH 84311

RE: Field Verifications on
Adjudication Claims A72-0007A,
A72-10032 & A72-10033

Dear Mr. Lewis:

I am working on field examinations and verifications of Adjudication Claims of irrigation water uses from Challis Creek in Custer County, Idaho. Since you are not living on the property covered in the above referenced claims, would you please refer me to a person in the area who is familiar with the irrigation system on your place (the points of diversion and the places of use) whom I can contact to assist me in a field review of your claims.

We also need to correct the addresses on your claims so that you will promptly receive any mailings that pertain to your claims. I am enclosing a form so that you can do this. Please complete it and return it to our office as soon as possible.

Please contact this office if you have further questions.

Respectfully,

Robert V. Worstell
Sr. Adjudication Agent

1 Enclosure

No Reply to this part
of Letter

2/1/94



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3000

CECIL D. ANDRUS
Governor

October 29, 1992

R. KEITH HIGGINSON
Director

A72-10032, A72-10033

AFTON M. LEWIS
THOMAS H. LEWIS

PO BOX 217
FIELDING UT 84311

RE: Evidence of Priority

RESPONSE DEADLINE

December 31, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by Dec. 31, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Robert V. Worstell, P.E.
Senior Adjudication Agent

Enclosures

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-10032
AFTON M. LEWIS
THOMAS H. LEWIS
H.C. 63 BOX 1581
CHALLIS

A72-10033

LETTER RETURNED
By POSTAL SERVICE

ID 83226

RECEIVED

MAR 8 1992

Department of Water Resources
Southern Region Office

RE: Evidence of Priority

RESPONSE DEADLINE

MAY 1, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

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Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by May 1, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 18 1993

RECEIVED

DEC 11 1992

Department of Water Resources
Southern Region Office

Dec. 9, 1992

Dear Sirs,

In complaine to your request of proof of our use of run off water for our Challis property. We talked to several old timers that are still around Challis.

Mr Bill Hammond has signed an affidavit as to the water use.

We talked to Mrs Vera Sanderson and Elmer Stephens who confirmed that water was used prior to 1950 as stated. We request that the file remain open in the event we are successful in coming up with additional proof.

Yours truly,

Thomas H Lewis

present address;
200 south 50 East
Fielding, Utah 84311

MICROFILMED

MAR 18 1993

AFFIDAVIT - WATER USE

RE: WATER RIGHT NOS.
A72-10032
A72-10033

RECEIVED

DEC 11 1992

Department of Water Resources
Southern Region Office

STATE OF IDAHO)
 : ss.
County of Custer)

The undersigned, first being duly sworn, depose and say as follows:

1. That we are residents of Custer County, Idaho, and of full age.

2. That we have reviewed the attached Notice of Claim documents regarding Idaho Water Claims A72-10032 and A72-10033. We are very familiar with the lands being irrigated and the usage of water on the lands. We owned neighboring property during the 1950's and resided upon the same as husband and wife for many years.

3. We, and each of us individually, swear and affirm that from the year 1950 and up to this date the water described on the claims has been put to beneficial use on the lands identified. We further state that we are familiar with and recall the spring identified on Claim No. A72-10032 and the other features or structures referred to within the claims.

4. Based upon the circumstances and our general knowledge, we would believe that the described water rights were used as stated for years prior to 1950, but we have no personal recollections prior to 1950.

5. The above is accurate to the best of our knowledge and belief.

DATED: November 13th, 1992.

William Hammond
William Hammond

Bessie Hammond
Bessie Hammond

SUBSCRIBED AND SWORN TO before me this 13th day of November, 1992.

Jo Ann Bennetts
Notary Public for Idaho
Residing at: Challis
My Comm. Expires: 8-5-94

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
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CIVIL CASE NUMBER: 39576

Ident. Number: A72-10033

Date Received: 10/26/1989

Receipt No: 5010303

Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS H. LEWIS
Address: H.C. 63 BOX 1581
CHALLIS, ID

83226

AND/OR

Name: AFTON M. LEWIS
Address: H.C. 63 BOX 1581
CHALLIS, ID

83226

2. Date of Priority: MAY 01, 1915

3. Source: EDDY CREEK Trib. to: CHALLIS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
14N	18E	2	SW	NW	NW	4	CUSTER

5. Description of diverting works:
ROCK CHECK DAM WITH HEADGATE TO DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK WATER INCIDENTAL TO IRRIG.

A72-10033

Page 1

Date: 10/26/89

MICROFILMED

MAR 1 8 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	2	SW	NW		IRR	4.0
Section Acres							4.0
Total Acres							4.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER
DELIVERS CHALLIS CREEK WATER TO USERS BELOW.

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

Number of attachments: See M2p A72-00007A

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): Thomas H Lewis Date: 26 Oct 89

Date: _____

State of Idaho)
County of Thur Falls) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of Oct. 19 89

[Signature]
Notary Public

Seal

Residing at Kimberly, Id.
My Commission Expires 6/30/92

RECEIVED

MAR 11 2002

Department of Water Resources
Southern Region

AMENDED DIRECTOR'S REPORT

Subcase No. 72-10033

In Re SRBA

Twin Falls County Civil Case No. 39576

Report to the SRBA District Court

Prepared by the Idaho Department of Water Resources
Karl J. Dreher, Director
David R. Tuthill, Jr., Adjudication Bureau Chief

March 7, 2002

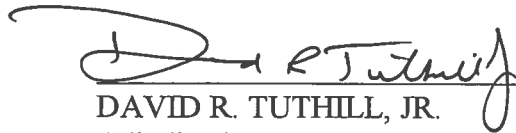
DESCRIPTIVE SUMMARY

This is an Amended Director's Report submitted by the Director of the Idaho Department of Water Resources.

DISCUSSION

Pursuant to Judge Burdick's *Order Granting Motion To Set Aside Partial Decree; Order Requesting Director's Report For Water Right 72-10033; Order Of Recommitment To Special Master Cushman*, issued December 20, 2001, the Director submits for filing with the Court, an Amended Director's Report for the aforementioned subcase.

Respectfully submitted this 7th day of March, 2002.



DAVID R. TUTHILL, JR.
Adjudication Bureau Chief

03/06/2002

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

RIGHT NUMBER: 72-10033

NAME AND ADDRESS: ROBIN J WEGNER
HC 63 BOX 1576
CHALLIS ID 83226

SOURCE: EDDY CREEK

TRIBUTARY: CHALLIS CREEK

QUANTITY: ~~0.100 CFS~~
0.900 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION:

T14N R18E S2 SWNNW Lot 4 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~0.100 CFS~~
		<u>0.900 CFS</u>

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R18E S02 SWNW 3.0

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCK WATER INCIDENTAL TO IRRIG.

CERTIFICATE OF MAILING

I certify that on March 7, 2002, I mailed and/or delivered the original and copies of this form, including all attachments, to the following interested parties, by placing them in sealed envelopes, addressed as follows:

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

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

2. Copies to:

Office of the Attorney General
Peter J. Ampe
Box 83720
Boise, ID 83720-0010

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile

United States Department of Justice
Environment & Natural Resources Div.
550 West Fort Street MSC 033
Boise, ID 83724

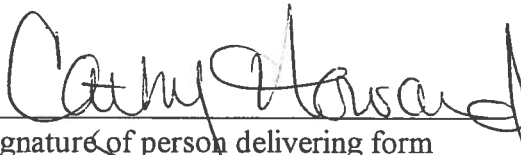
☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Custer County Clerk
801 Main St.
Challis, ID 83226

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Patrick D. Brown
Hutchinson & Brown, LLP
104 Lincoln St.
P.O. Box 207
Twin Falls, ID 83303-0207

☐ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile


Signature of person delivering form

03/06/2002

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

RIGHT NUMBER: 72-10033

NAME AND ADDRESS: ROBIN J WEGNER
HC 63 BOX 1576
CHALLIS ID 83226

SOURCE: EDDY CREEK

TRIBUTARY: CHALLIS CREEK

QUANTITY: ~~0.100 CFS~~
0.900 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION:

T14N R18E S2 SWNNW Lot 4 Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	~~0.100 CFS~~
		<u>0.900 CFS</u>

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R18E S02 SWNW 3.0

3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
STOCK WATER INCIDENTAL TO IRRIG.



Robertson, Jean

From: Robertson, Jean
Sent: Wednesday, March 06, 2002 8:59 AM
To: Spencer, Nick
Cc: Music, Vicky
Subject: 72-10033 - Wegner/new recommendation

Hi guys,

Just wanted to let you know that I created version 3 recommendation for this claim where the partial was set aside, the claim amended to ask for additional diversion rate (0.9cfs), which the hubble justified and was historically diverted according to the claimants. That is the only change I made, so I guess it's ready for you guys to do whatever you need to do next. Let me know if you need anything else from me, I'll be here today but then I'll be out of the office till next Tuesday (a brief respite to Oregon!) Have a great day! Jeanie

Robertson, Jean

From: Spencer, Nick
Sent: Thursday, September 20, 2001 4:01 PM
To: Robertson, Jean
Subject: RE: 72-10033 - Wegner

You know, I still have a sneaking suspicion that those files may be in a box in the back of Allen's rig. We got the box back here to the lawyer compound, and I have a vague recollection that we gave it to him to transport back. If not, then the box got stuck someplace here--out in the storeroom or someplace similar. The are not lost, just misplaced. NBS

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

From: Robertson, Jean
Sent: Thursday, September 20, 2001 3:54 PM
To: Spencer, Nick
Subject: RE: 72-10033 - Wegner

GOOD! That's what I think...and I'm also thinking that there was a stipulation in their agreement to settle that they wouldn't object to each others filing amended claims or something! (but then again, I haven't seen copies of the agreements since the files were misplaced!) Sorry, just couldn't resist that!

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

From: Spencer, Nick
Sent: Thursday, September 20, 2001 3:47 PM
To: Robertson, Jean
Cc: Music, Vicky
Subject: RE: 72-10033 - Wegner

Wonderful! If everybody is on the same side for once maybe we ought to have a party to celebrate. I really don't want to see the Challis/Wegner dispute erupt again, and what I understand you to be telling me is that this is unlikely to reignite it. That's the best news I've had all day. NBS

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

From: Robertson, Jean
Sent: Thursday, September 20, 2001 3:40 PM
To: Spencer, Nick
Subject: RE: 72-10033 - Wegner

Jack shouldn't have a problem with this cause it's from Eddy Creek and he has no rights out of Eddy Creek, **plus** he intends to file his own inflated highwater rights, as far as I know; and he is friends with this Sidlo, who does have Eddy Creek rights and I think Jack is encouraging Sidlo to file an amended or new claim for highwater on Eddy Creek...

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

From: Spencer, Nick
Sent: Thursday, September 20, 2001 3:17 PM
To: Robertson, Jean
Cc: Music, Vicky
Subject: RE: 72-10033 - Wegner

I suppose that if they establish by affidavits, etc. from the neighbors that they historically have used more than five inches of high water on the four acres, we likely would have to recommend more than five inches so long as what we recommend is in synch with the hubble and what we've generally been recommending for high water up there. Is Jack Challis likely to have a problem with them getting more than five inches?
NBS

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

From: Robertson, Jean
Sent: Thursday, September 20, 2001 2:59 PM
To: Spencer, Nick
Subject: RE: 72-10033 - Wegner

I haven't seen any of the copies from the court so I guess it could well be a motion to set aside

and then amend their claim, now with a **mistake** in that amendment. Anyway, this was a claim for 4 acres and .1 cfs. Now that they know the land could justify more by the hubble, and contend they have **always** diverted much more than that, they want to amend their claim since in the future they will be limited to what the right says. I guess we would have to amend our recommendation to allow them more water? As for Jack, I have been contacted by Crystal, Norm Semanko's paralegal, about them filing an amended highwater right for Jack and Sidlo, a neighbor on the other side of Wegner, but don't know if anything has been filed yet...

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

From: Spencer, Nick
Sent: Thursday, September 20, 2001 2:23 PM
To: Robertson, Jean
Cc: Music, Vicky; Shaff, Don; Sherman, Sally
Subject: RE: 72-10033 - Wegner

Before we can recommend any amendments to the claim Wegner has to get the partial decree of this right set aside. We received a notice of hearing from the Court yesterday; the court is treating her submission to it as a motion to set aside the partial decree, and has set a hearing on that motion before Judge Burdick on December 18th. Jeanie, what's our position on the necessity of amending our recommendation? Also, if Jack Challis gets wind of this is he likely to hit the ceiling? NBS

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

From: Robertson, Jean
Sent: Thursday, September 20, 2001 2:15 PM
To: Shaff, Don
Cc: Sherman, Sally; Music, Vicky; Spencer, Nick
Subject: 72-10033 - Wegner

This is the claim that they recently asked to amend through the court, for more water out of their highwater right from Eddy Creek. Anyway, I heard from them today and apparently the BLM had called and told them they'd made a mistake in describing the PoU. Fred Price of the BLM also called me and said we had signed an SF5 which stipulated that the PoU was in the SWNW of Sec. 2, T14N, R18E, but now this newly amended claim was putting the PoU in the NWSW. I am sending them a new blank claim form so they can send a corrected-amended claim to the court. So you can be looking forward to that! (By the way, I **do** have the original claim file for this one since it wasn't involved in the depositions last spring, so you can send the stuff on to me, I guess...)

2 ✓
Gary & Robin,

Here is a copy of your letter to Bob Foster, as requested.

I spoke with Allen Merritt about his letter setting up the on-site meeting, cause I couldn't find a copy. He said he thought he just spoke to Bob Foster by telephone and had him set something up, thus there was no letter. I'm also

enclosing a copy of your amended claim and amended recomm.

You will probably be receiving something official from the court.

Janie

Robertson, Jean

From: Music, Vicky
Sent: Thursday, February 21, 2002 12:55 PM
To: Robertson, Jean
Subject: re 72-10033

Hey Jeannie. Though no deadline was set by the court, Nick would like to get the amended DR done so whenever you have it ready, please e mail it to me and we will file with the court. thanks!

Vicky L. Music
Office of the Attorney General
Paralegal - IDWR
(208) 327-7928

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You.

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

From: Robertson, Jean
Sent: Wednesday, February 20, 2002 4:07 PM
To: Music, Vicky
Subject: 43-10033 - Wegner

Hi Vicky,
I keep getting messages that they are trying to get hold of me...anything up with this? Is it time for the new Director's Report or something? Thanks, Jeanie



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

DICK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 5

Date:

12-31-01

To:

Jeannie Robertson

Fax No.:

From:

VICTORY MUSIC FOR NICK SPRINGER

Fax No.:

Phone No.:

327-7928

Subject:

HEY JEANNIE! NICK WANTED YOU TO HAVE THIS
SO YOU CAN PREPARE THE DIRECTORS REPORT
HAPPY NEW YEAR!

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7906 for help.

RECEIVED

DEC 31 2001

Department of Water Resources
Southern Region

RECEIVED

DEC 21 2001

2001 DEC 20 PM 3:13

Department of Water Resources

FILED SRBA
TWIN FALLS, IDAHO

**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

Subcase 72-10033

Case No. 39576

ORDER GRANTING MOTION TO SET
ASIDE PARTIAL DECREE;ORDER REQUESTING DIRECTOR'S
REPORT FOR WATER RIGHT 72-1003;ORDER OF RECOMMITMENT TO SPECIAL
MASTER CUSHMAN

L

Brief Procedural Background

This matter came before the Court pursuant to a *Motion to Set Aside a Partial Decree* heard in open court on December 18, 2001. Claimant Robin J. Wegner appeared via telephone. Susan Hamlin-Nygard appeared on behalf of the Idaho Department of Water Resources. No party appeared in opposition to the *Motion*. After hearing argument on the matter and reviewing the affidavits filed in support of the *Motion*, the Court ruled on the *Motion* in open court.

II.

**Standard of Review for Setting Aside a Partial Decree Based on Newly Discovered
Evidence; I.R.C.P. 60(b).**

In the SRBA, a motion to set aside a partial decree is treated similar to a motion to set aside a default judgment and determined in accordance with the criteria set forth in I.R.C.P. 60(b). *AOI* § 14d. ("Parties seeking to modify a partial decree shall comply with I.R.C.P. 60(a)

or 60(b)"). I.R.C.P. 60(b)(2) permits a court to relieve a party from a final judgment, order or proceeding because of newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial." I.R.C.P. 60(b)(2).

The movant must also allege facts which, if established, would constitute a meritorious defense. *McFarland v. Curtis*, 123 Idaho 931, 854 P.2d 274 (1993). The policy being that "it would be an idle exercise for a court to grant a default judgment if there in fact is no justifiable controversy." *McFarland* 123 Idaho at 934, 854 P.4 at 277 (quoting *Heart Corp. v. Keller*, 100 Idaho 10, 592 P.2d 66 (1979)).

III.

Findings of the Court

Based on the affidavits filed in support of the *Motion*, the representations made in open court and the Court's review of the file, the Court finds the following:

1. That the Claimant has demonstrated good cause for setting aside the partial decree issued in water right claim 72-10033 based on newly discovered evidence that could not have been discovered prior to the issuance of the partial decree.
2. That the Claimant has demonstrated a meritorious defense based on results obtained from IDWR's "Hubble Analysis."
3. That no party appeared in opposition to the *Motion* or has demonstrated any resulting prejudice from the Court granting the *Motion*.

V.

Order Setting Aside Partial Decree

Based on the foregoing; the *Partial Decree* issued for water right 72-10033 is hereby set aside.

VI.

Order Requesting Directors Report

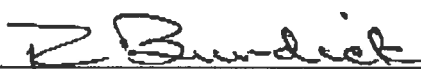
Based on the foregoing, and the representations made in open court by counsel for IDWR, it is hereby ordered that water right claim 72-10033 be re-reported in a Director's Report in accordance with established SRBA and statutory procedures.

VII.

Order of Recommitment to Special Master Cushman

The above-captioned matter is hereby recommitted to Special Master Cushman for further proceedings consistent with this *Order*.

DATED: 12-20-01



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

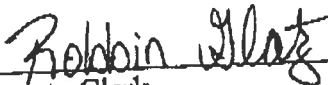
I certify that a true and correct copy of the ORDER GRANTING MOTION TO SET ASIDE PARTIAL DECREE; ORDER REQUESTING DIRECTOR'S REPORT FOR WATER RIGHT 72-1003; ORDER OF RECOMMITMENT TO SPECIAL MASTER CUSHMAN was mailed on December 20, 2001, with sufficient first-class postage to the following:

Patrick D. Brown
109 S. Adams St
Jerome, ID 83338

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

United States Department of Justice
Environment & Nat'l Resources Div.
550 W Fort Street, MSC 033
Boise, ID 83724

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


Deputy Clerk

Robertson, Jean

From: Spencer, Nick
Sent: Thursday, November 01, 2001 9:46 AM
To: Robertson, Jean
Cc: Music, Vicky
Subject: RE: Wegner 72-10033

Hi Jeanie. I don't think at this end we have any problem with additional high water either. However, I'm not sure how these cases are going to be handled procedurally. I have a call in to Norm Semanko about the Challis and Sidlo claims, because they're styled late claims when in fact they are amended claims for rights that already have been partially decreed. Wegner's claim is, I believe, styled an amended claim, but I think her right also has already been partially decreed. Therefore the process should be (1) to get the partial decrees set aside, (2) at the same time get the motions for amended claims granted, (3) IDWR gets the amended claims and reports them, and (4) the court sets an objection and response period for them. The problem is that, technically, step one should be done before the Judge, but step two should be done before the Special Master. I don't know how we're going to streamline the process at this point.

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

From: Robertson, Jean
Sent: Thursday, November 01, 2001 9:36 AM
To: Spencer, Nick
Cc: Music, Vicky
Subject: Wegner 72-10033

This is the claim they asked the court to amend to ask for additional high water out of Eddy Creek. The first amended claim put the PoU in the wrong 1/4 1/4 (NWSW instead of SWNW of Sec. 2, T14N, R18E.) Then they sent a corrected amended claim (which I haven't seen yet.) I understand Jack Challis and Sidlo have recently filed late claims through Norm Semanko to give them more highwater also. I think everyone agreed to this as part of their settlement...

Gary Thor called me this morning saying he'd received notice that their hearing was sheduled for Dec. 18th. He talked to the court clerk and she said everything could probably be resolved before then through an SF5. I have no problem with the additional water since it can be justified through the hubble and was wondering if we were probably going to go the SF5 route anyway? Let me know what you want me to do and when?
Thanks, Jeanie

rainbowsend-idaho@yahoo.com

9:11 AM9/12/2001

Sherman, Sally

From: Shaff, Don
Sent: Tuesday, September 11, 2001 5:08 PM
To: Sherman, Sally
Subject: RE: A72-10033 - Robin J. Wegner

Stick read & returned for Jeanie.
Inquire from the paralegals which attorney is handling the Wegner subcase. I'm totally confused now that I have seen the last register of action.

02-10-2000 CERTIFICATE OF MAILING - PARTIAL DECREE

02-10-2000 PARTIAL DECREE FILED 02-10-2000

The amendment copy we received will require some follow up, but by whom I'm not sure until I know more.

Thanks,

Don
dshaff@idwr.state.id.us
208/327-7932

RECEIVED

SEP 21 2001

Department of Water Resources
Southern Region

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

From: Sherman, Sally
Sent: Tuesday, September 11, 2001 1:59 PM
To: Shaff, Don
Subject: FW: A72-10033 - Robin J. Wegner

Now what?

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

From: Robertson, Jean
Sent: Tuesday, September 11, 2001 1:56 PM
To: Sherman, Sally
Subject: RE: A72-10033 - Robin J. Wegner

If that claim was involved in the depositions that were held awhile back, none of those original files have been seen since...

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

From: Sherman, Sally
Sent: Tuesday, September 11, 2001 1:39 PM
To: Robertson, Jean
Subject: A72-10033 - Robin J. Wegner

Hi Jeanie. Don asked me to contact you re us receiving a copy of the above.... Do you have the original or did Robin send it to the Court? Do we need to keep this copy or do you want it?

Thank you ...Sal

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 A72-10033

Date Received

Receipt Number

RECEIVED

SEP 21 2001

Department of Water Resources
Southern Region

SEP 10 2001

Department of Water Resources

AMENDED
CLAIM

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) ROBIN J WEGNER Phone (208) 879-5820Mailing Address HC 63 BOX 1576, CHALLIS, ID Zip 832262. Date of Priority (Only one (1) per claim) 10/10/19113. Source of water supply (a) EDDY CREEK
which is tributary to (b) CHALLIS CREEK4. a. Location of existing point of diversion is: Township 14N Range 18E Section 02,
SW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, 04 B.M., County of CUSTERAdditional points of diversion if any: NONE

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.

DIVERSION DAM WHICH DIVERTS
EDDY CREEK WATER THRU ADITCH, CULVERT INSTALLED
UNDER CHALLIS CREEK ROAD AND DITCH SYSTEM TO THE
DESIGNATED PLACE OF USE. A MEASURING DEVICE
WAS INSTALLED IN 1995. PRIOR TO THAT DATE
THE WATER WAS NOT MEASURED. HISTORICALLY AND
TRADITIONALLY HIGH WATER WAS USED - AS MUCH AS POSSIBLE OR
OFF. THIS HAS ALWAYS BEEN THE ACCEPTED PROCEDURE IN
DISTRICT A-72.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 04/01 to 10/31 amount 90 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 90 (cfs) and/or (b) _____ (acre feet)

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

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

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	18E	02										3.0							3.0

Total number of acres irrigated 3.0

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 ☒ 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.

or None (☒)

14. Remarks:

Last Name WEGNER Ident No. A72-10033

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

ALSO SEE: IDWR ARIEL PHOTO FOR 72-10033 - ENCLOSURE B

Ident No. A-12-10033 Copies: *White-State, Yellow-Claimant*

15. Basis of Claim (check one) ☐ Official Use ☒ Posted Notice ☐ License ☐ Permit

Decree

If applicable provide IDWR Water Right Number A72-10033

Court _____ Case Number _____ Decree Date _____

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

Number of attachments _____

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

Signature of Claimant (s) Robin Wegner Date SEPTEMBER 7, 2001

Date _____

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

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

document in the space below as _____ of _____

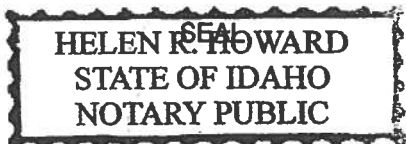
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 7th day of Sept 10 2001



Notary Public Helen R. Howard

Residing at Challis

My Commission Expires 3/20/04

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 WEGNER Ident. Number A72-10033

Copies White-State, Yellow-Claimant

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) Subcase 72-10033
) (Insert water right number)
)
Case 39576) STANDARD FORM 4
)
) MOTION TO FILE:
) ☐ LATE NOTICE OF CLAIM
_____) ☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is ROBIN J. WEGNER

My address is HCL63 Box 1576
CHALLIS, IDAHO 83226

My phone number is: Work _____ Home (208) 879-5820

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☐ I did not file a Notice of claim to the use of water in the SRBA because:

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☐ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☐ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

☒

I must amend my Notice of Claim to the use of water in the SRBA because:

AMOUNT LISTED ON 72-10033 DOES NOT ACCURATELY
REPRESENT THE AMOUNT OF WATER WHICH HAS BEEN
HISTORICALLY AND TRADITIONALLY BEEN USED FOR
IRRIGATION. PLEASE SEE ENCLOSURE A TO IDWR
AMENDED CLAIM FOR 72-10033



I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

ENCLOSURE A TO IDWR AMENDED CLAIM 72-10033 - FACTUAL EXPLANATION,
ENCLOSURES C THRU G TO IDWR AMENDED CLAIM 72-10033 - AFFIDAVITS
OF PREVIOUS OWNERS

I have attached:



An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of CUSTER

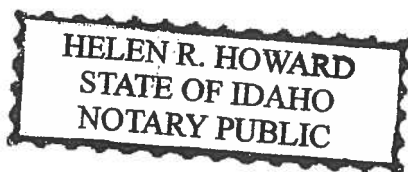
ROBIN WEGNER, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Robin Wegner
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on Sept 9th 2001.
(Insert Date)



Helen R. Howard
Notary Public for Idaho
Residing at: Challis
My Commission expires: 3/20/05

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on SEPTEMBER 7, 2001, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

CERTIFIED 7000 1670 0001 81371752

2. 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

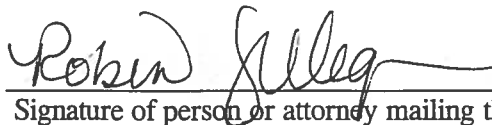
United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

- APPLICANT ONLY -

ROBIN J WEGNER
HC 63 Box 1576
CHALLIS, IDAHO
83226


Signature of person or attorney mailing the form

The photostatic copies of affidavits issued by previous owners and filed with the court in conjunction with other subcases listed on the affidavits, demonstrate that "High Water" has traditionally and historically been used on this property from the Eddy Creek source.

No measuring device ever existed on this water right until 1995, and which was installed by ourselves. "High Water" was either "On or Off", and this has always been the accepted procedure in District 72 - C. Historically and Traditionally, in times of "High Water", head gates were FULLY opened until such time as the decreased water flow required the adjustment of headgates to the decreed amounts by the Watermaster.

On 23 June 1999 an informal hearing / meeting was held by IDWR concerning water rights on our property and IDWR Representatives Allen Merritt, Jeannie Robertson and Bob Foster were in attendance. During this meeting, the Watermaster stated that the weir which measured the Eddy Creek Water Right was receiving so much flow that the entire weir was under water. (A tape recording of this meeting which shows this could be provided to the court.) The flow to the headgate was not adjusted by the Watermaster so as to restrict flow which was going over the weir as this has always been the historic and traditional method of delivery.

The weir plate on this Water Right measures 18 inches High by 24 inches Wide and has an opening 9 inches High by 6 inches Wide for measuring the water flow. This opening would permit a flow of 54 miner inches. Water which would obscure the weir would provide the additional flow of 24 miner inches. This would mean that at the time of the IDWR meeting, approximately 78 miner inches of water was being used on our property for the irrigation area indicated for water right A-72 10033.

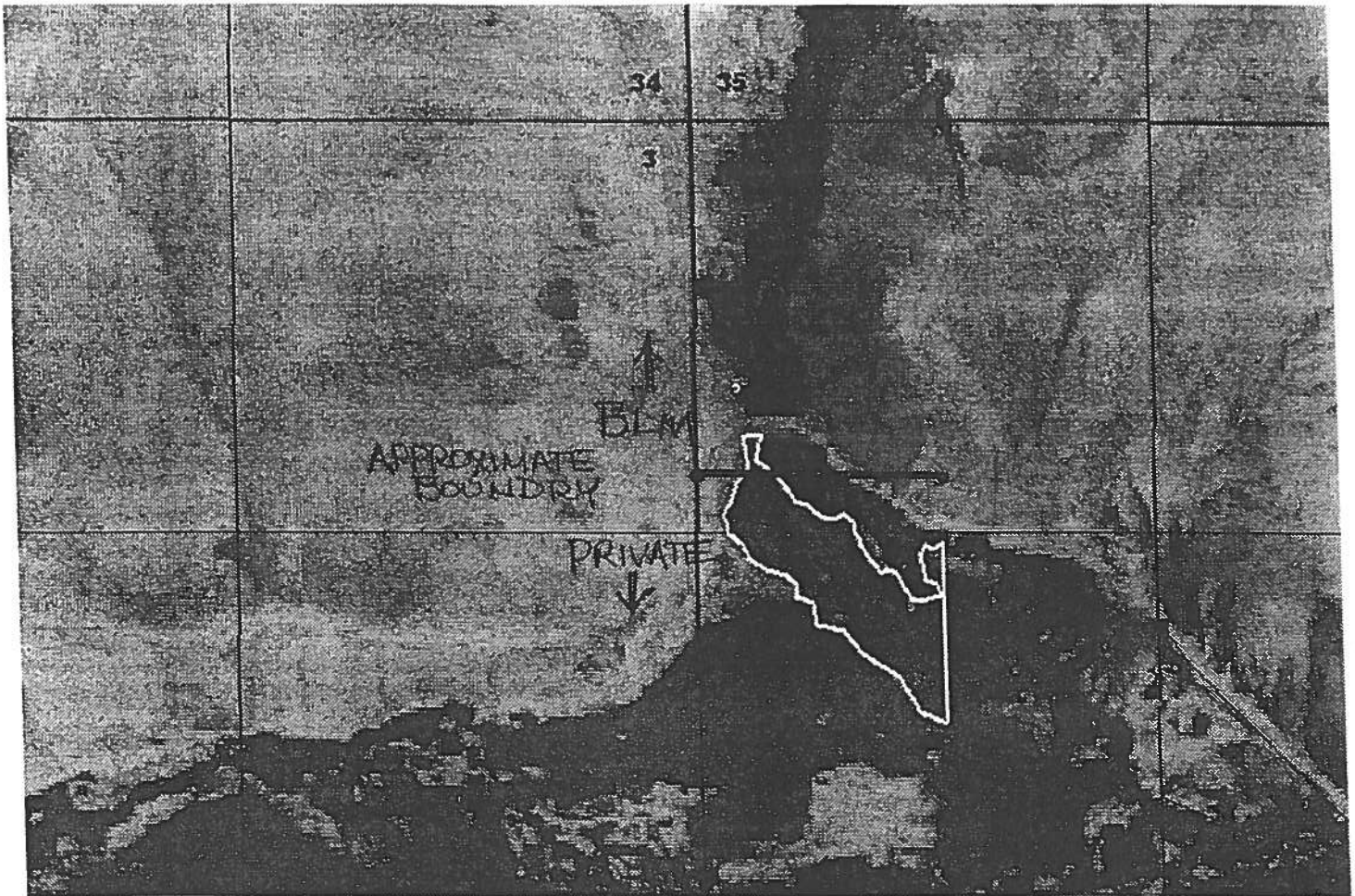
In the adjudication of subcase A72 - 16560, IDWR Representative Jeannie Robertson explained the Hubble Analysis which is used by IDWR to determine the proper amounts of water which are required by the soil types within the Irrigation District. Until this time, we were under the misconception that irrigation water was restricted to the standard of 1 miners inch per acre.

This Amended Claim more closely states the amounts of "High Water" which historically and traditionally has been used for irrigation from the Eddy Creek source.

Further, the requested amount falls within the parameters of the Hubble Analysis as determined by IDWR for the Water District 72 - C and as applied by IDWR for our specific property.

IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



0 660 1320 feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1998
TWP 14N, 18E, SEC. 2



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

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

In Re SRBA	)	Subcase Nos, : 72-00007A, 72-10032, 72-10033
	)	72-16559, 72-16560, 72-16566
Case No. 39576	)	
	)	AFFIDAVIT OF AFTON LEWIS

I, AFTON LEWIS, BEING DULY SWORN STATE THE FOLLOWING :

1. BEING MENTALLY AND OTHERWISE COMPETENT TO GIVE THIS TESTIMONY, I MAKE THE FOLLOWING STATEMENTS BASED ON MY OWN PERSONAL KNOWLEDGE .
2. THE PROPERTY LEGALLY DESCRIBED AS THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E, BOISE MERIDIAN, CUSTER COUNTY, IDAHO WAS OWNED, RANCHED AND IRRIGATED BY MY HUSBAND THOMAS AND MYSELF AND/OR IRRIGATED BY VARIOUS PERSONS WHO LEASED THE PASTURE DURING THE YEARS OF 1980 THRU 1999 IN NOVEMBER 1999, THIS PROPERTY WAS PURCHASED BY ROBIN WEGNER AND ALL WATER RIGHTS AND APPURTENANCES USED IN CONJUNCTION WITH THE PROPERTY WERE TRANSFERRED.
3. DURING THE PERIOD WHICH THE PROPERTY WAS OWNED BY OUR FAMILY, THE SPRINGS WHICH WERE USED FOR IRRIGATION DID NOT HAVE A DESIGNATION FROM WATER RESOURCES UNTIL SUCH TIME AS WE FILED A CLAIM TO THE WATER RIGHT.
4. I CAN PERSONALLY ATTEST THAT THE EAST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E WAS IRRIGATED SOLELY BY ONE DITCH FROM EDDY CREEK.
5. THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E WAS IRRIGATED BY US AS FOLLOWS :

A PORTION OF THE PROPERTY HAS ALWAYS BEEN HISTORICALLY AND TRADITIONALLY IRRIGATED BY HIGH WATER AND IRRIGATION WATER TAKEN FROM EDDY CREEK. WE FILED CLAIM TO A WATER RIGHT FROM EDDY CREEK AND RECEIVED THE RIGHT 72-10033 FROM THE DEPARTMENT OF WATER RESOURCES. ALL PERSONS

FILING AFFIDAVITS IN SUPPORT OF THIS CLAIM HAD THE FULL KNOWLEDGE OF THE USE AND APPLICATION OF THIS WATER.

THE ENCLOSED IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-10033, SUBSTANTIALLY DEMONSTRATES HOW THE WATERS FROM EDDY CREEK WERE USED ON THIS PROPERTY. NEITHER HIGH WATER NOR THE IRRIGATION WATER FROM EDDY CREEK WAS EVER CONTINUED IN DITCHES TO THE CHALLIS PROPERTY.

A PORTION OF THE PROPERTY HAS ALWAYS BEEN HISTORICALLY AND TRADITIONALLY IRRIGATED BY WATER FROM VARIOUS SPRINGS USED IN CONJUNCTION WITH HIGH WATER AND IRRIGATION WATER..

A PORTION OF THE PROPERTY HAS ALWAYS BEEN HISTORICALLY AND TRADITIONALLY IRRIGATED BY HIGH WATER AND IRRIGATION WATER TAKEN FROM CHALLIS CREEK, THIS RIGHT DIVERSION WAS AT SOME TIME MOVED TO BEAR CREEK. THE WARRANTY DEED RECORDED AT THE PURCHASE OF THE PROPERTY FROM GENTNER SHOWED THE RIGHT TO 11 MINERS INCHES OF THE ORIGINAL DECREED CHALLIS CREEK WATER, CLAIM 72-00007A, AND ALL APPURTENANCES USED IN CONJUNCTION WITH THE RIGHT.

SPRING WATER, HIGH WATER AND IRRIGATION WATER FROM CHALLIS CREEK RIGHT WAS CONVEYED THROUGH AN EXCLUSIVE DITCH TO THE PROPERTY. THE AREA AT OR NEAR THE WEST BOUNDARY OF THE PROPERTY CONTAINED A SERIES OF DITCHES. APPROXIMATE LOCATION OF THIS SERIES OF DITCHES IS SHOWN ON THE IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032 ENCLOSED. THIS SERIES OF DITCHES PERMITTED THE PLACEMENT OF IRRIGATION WATER ON EACH AREA OF THE PROPERTY AS REQUIRED FOR IRRIGATION.

THE DITCH MARKED A ON THE ENCLOSED DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032 COLLECTED THE WATER FROM THE SPRING WHICH IS NOW CLAIMED AS 72-16559. THE FULL AND UNRESTRICTED FLOW FROM THIS SPRING WAS CONVEYED IN THE DITCH TO BE PLACED SOLELY ON OUR PROPERTY AS REQUIRED FOR IRRIGATION.

FURTHER, AS THE WELL FOR THE HOUSE, CLAIM 72-10034, WAS DRILLED, A PUMP WAS ATTACHED TO THE WELL AND RUN WITH

OPEN DISCHARGE FOR TWENTY FOUR HOURS TO CLEAR THE WELL. THIS PUMPING CAUSED THE LEVEL OF THE SPRING WHICH IS CLAIMED AS 72-16559 TO RECEDE TO THE POINT OF DRYING UP. AS THE PUMPING WAS CEASED, THE SPRING FLOW INCREASED AND CONTINUED TO FLOW INTO THE DITCH TO OUR PROPERTY AS BEFORE. THIS INDICATES THAT THE SPRING THAT IS CLAIMED AS 72-16559 IS DIRECTLY ATTACHED TO THE AQUIFER FOR THE WELL CLAIM 72-10034.

THE IRRIGATION DITCH MARKED A HAS BEEN FILLED IN ON THE CHALLIS PROPERTY BUT IS CLEARLY EVIDENT ON THE PROPERTY WHICH WAS OWNED BY OUR FAMILY. THIS SPRING CONTINUES TO FLOW ACROSS OPEN GROUND TO OUR PROPERTY.

THIS SPRING WAS NEVER USED AS CLAIMED IN WATER RIGHT APPLICATION 72-16561, AS THE LAND CLAIMED TO BE IRRIGATED FROM THIS SPRING IS HIGHER THAT THE SPRING AND THIS SPRING HAS NO AREA WHICH WOULD PROVIDE STOCKWATER.

THE ORIGINAL DITCH WHICH DELIVERED HIGH WATER AND THE CHALLIS CREEK RIGHT TO OUR PROPERTY COLLECTED THE FULL AND UNRESTRICTED FLOW OF THE SPRING ON WHICH WE FILED THE WATER RIGHT CLAIM ON AS 72-10032 AND CONVEYED THIS WATER EASTWARD TO BE USED SOLELY ON OUR PROPERTY. THIS SPRING HAD NO AREA WHICH WOULD PROVIDE STOCKWATER.

THE AREA BETWEEN THE 72-10032 SPRING AREA AND OUR PROPERTY BOUNDARY, BELONGING TO STEVENS, WAS IRRIGATED ENTIRELY FROM ANOTHER SOURCE OF CHALLIS CREEK WATER.

ALL PERSONS FILING AFFIDAVITS IN SUPPORT OF THIS CLAIM HAD THE FULL KNOWLEDGE OF THE USE AND THE LOCATION OF THIS SPRING. THE FACT THAT WE HAD FULL, SOLE AND EXCLUSIVE RIGHT TO THE 72-10032 SPRING WATER IS DEMONSTRATED IN THE FACT THAT NEITHER THE PROPERTY OWNER, STEVENS, NOR ANY OTHER INDIVIDUAL FILED AN OBJECTION TO THIS CLAIM DURING THE TIME FRAME PROVIDED BY LAW.

SUBSEQUENT RELOCATION, APPROXIMATELY TEN YEARS LATER, OF OUR EXCLUSIVE DITCH WHICH DELIVERED HIGH WATER AND THE CHALLIS CREEK IRRIGATION RIGHT WAS TO A SHARED DITCH, WHICH WAS CONSTRUCTED SO AS TO CONTINUE TO COLLECT THE WATER FROM OUR 72-10032 SPRING CLAIM. HOWEVER, THE CULVERT WHICH WAS INSTALLED ADJACENT TO THE 72-10032 DOES RESTRICT THE FLOW FROM THE SPRING AND PREVENTS THE CLAIMED

AMOUNT OF THE SPRING WATER FROM FLOWING.

THE AREA OF THE PROPERTY BETWEEN THE POND LOCATED AT THE EAST BOUNDARY OF THE PROPERTY AND CHALLIS CREEK, WHICH IS HIGHLIGHTED ON THE ENCLOSED DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032, WAS IRRIGATED BY HIGH WATER, IRRIGATION WATER FROM THE CHALLIS CREEK RIGHT AND THE WATER FROM 72-10032. THIS AREA OF THE PROPERTY IS TOO HIGH TO RECEIVE HIGH WATER AND IRRIGATION WATER FROM EDDY CREEK.

HIGH WATER HAS ALWAYS BEEN USED ON THE PROPERTY FROM BOTH EDDY CREEK AND CHALLIS CREEK / BEAR CREEK.

WATER FROM THE SPRING WHICH IS NOW CLAIM 72-16566 HAS ALWAYS BEEN USED SOLELY ON THE PROPERTY AS CLAIMED. WE IMPROVED THE NATURAL AREA ADJACENT TO THIS SPRING SO AS TO CONTAIN THIS WATER.

WE HAVE ALWAYS HAD AN EASEMENT AND RIGHT OF WAY FOR IRRIGATION WHICH WAS GRANTED IN OUR WARRANTY DEED FROM GENTNER. THIS EASEMENT AND THE RIGHT OF WAY WAS CONVEYED TO ROBIN WEGNER WITH THE DEED TO THE PROPERTY.

I AM AWARE THAT J.R. CHALLIS HAS STATED THAT NO RIGHT OF WAY EXISTS AND HAS TOLD ROBIN WEGNER THAT SHE COULD NOT SET FOOT ON HIS PROPERTY, BOTH VERBALLY AND IN WRITING.

SIGNED

DATED

Afton M. Seaver
May 11, 2000
May 11, 2000

Sworn before me this 11th day of May, 2000



Patricia C. Wright

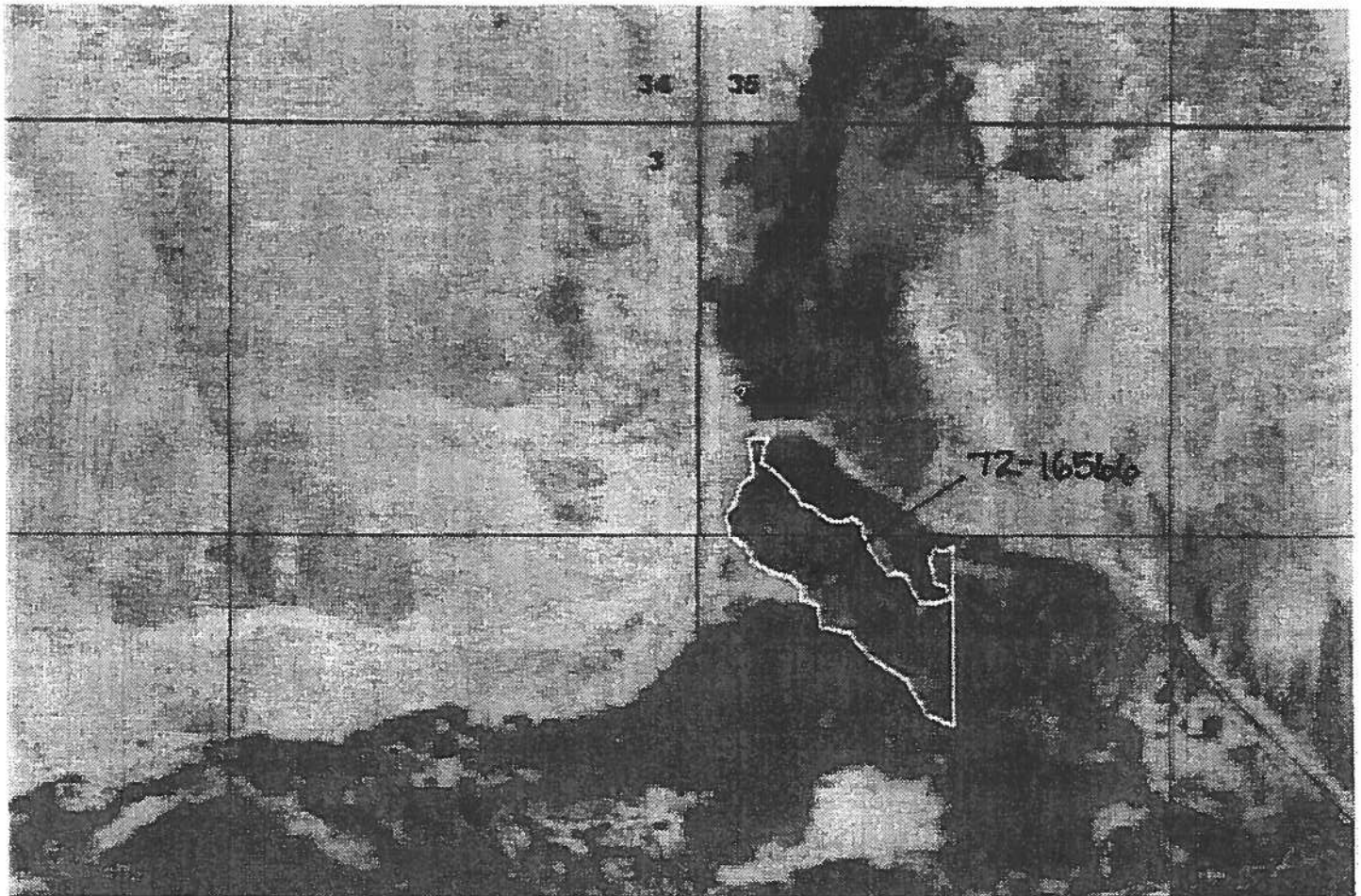
NOTARY PUBLIC FOR IDAHO

Residing at : Mohad Eagle

My commission expires : 10/25/2004

IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



0 400 800 feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1998
TWP 14N, 18E, SEC. 2

RECOMMENDED PLACE OF USE

⊙ RECOMMENDED POINT OF DIVERSION

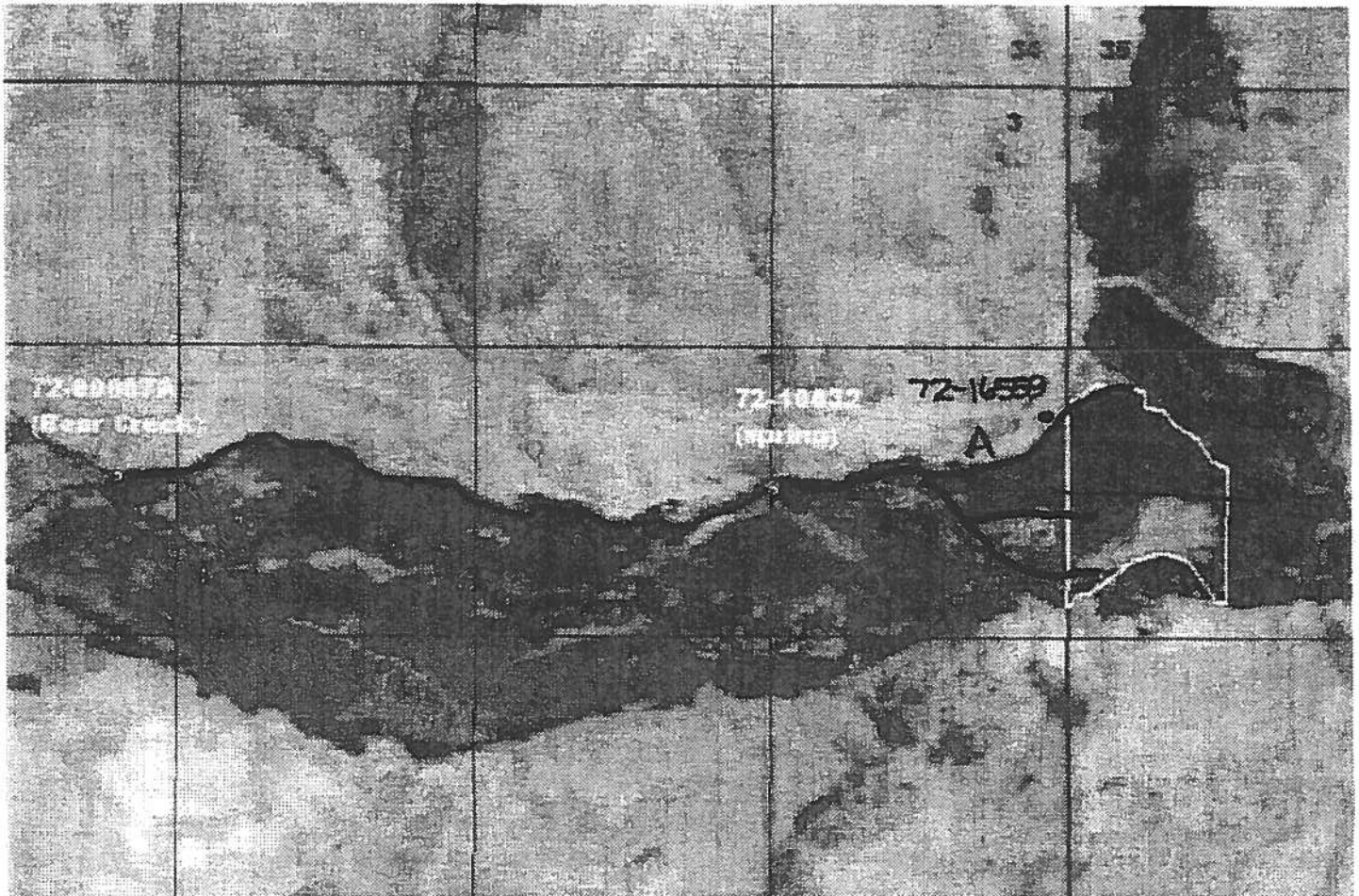
□ SECTION LINES

□ QUARTER QUARTER LINES

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

IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29 1998
TWP 14N, 18E, SEC. 2



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

ENCLOSURE D

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

In Re SRBA	)	Subcase Nos, : 72-00007A , 72-10032, 72-10033
	)	72-16559, 72-16560, 72-16566
Case No. 39576	)	
_____	)	AFFIDAVIT OF THOMAS LEWIS

I , THOMAS LEWIS , BEING DULY SWORN STATE THE FOLLOWING :

1. BEING MENTALLY AND OTHERWISE COMPETENT TO GIVE THIS TESTIMONY, I MAKE THE FOLLOWING STATEMENTS BASED ON MY OWN PERSONAL KNOWLEDGE .

2. THE PROPERTY LEGALLY DESCRIBED AS THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E, BOISE MERIDIAN, CUSTER COUNTY, IDAHO WAS OWNED, RANCHED AND IRRIGATED BY MY WIFE AFTON AND MYSELF AND/OR IRRIGATED BY VARIOUS PERSONS WHO LEASED THE PASTURE DURING THE YEARS OF 1980 THRU 1999 IN NOVEMBER 1999, THIS PROPERTY WAS PURCHASED BY ROBIN WEGNER AND ALL WATER RIGHTS AND APPURTENANCES USED IN CONJUNCTION WITH THE PROPERTY WERE TRANSFERRED.

3. DURING THE PERIOD WHICH THE PROPERTY WAS OWNED BY OUR FAMILY, THE SPRINGS WHICH WERE USED FOR IRRIGATION DID NOT HAVE A DESIGNATION FROM WATER RESOURCES UNTIL SUCH TIME AS WE FILED A CLAIM TO THE WATER RIGHT.

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5. THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E WAS IRRIGATED BY US AS FOLLOWS :

A PORTION OF THE PROPERTY HAS ALWAYS BEEN HISTORICALLY AND TRADITIONALLY IRRIGATED BY HIGH WATER AND IRRIGATION WATER TAKEN FROM EDDY CREEK. WE FILED CLAIM TO A WATER RIGHT FROM EDDY CREEK AND RECEIVED THE RIGHT 72-10033 FROM THE DEPARTMENT OF WATER RESOURCES. ALL PERSONS

FILING AFFIDAVITS IN SUPPORT OF THIS CLAIM HAD THE FULL KNOWLEDGE OF THE USE AND APPLICATION OF THIS WATER.

THE ENCLOSED IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-10033, SUBSTANTIALLY DEMONSTRATES HOW THE WATERS FROM EDDY CREEK WERE USED ON THIS PROPERTY. NEITHER HIGH WATER NOR THE IRRIGATION WATER FROM EDDY CREEK WAS EVER CONTINUED IN DITCHES TO THE CHALLIS PROPERTY.

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FURTHER, AS THE WELL FOR THE HOUSE, CLAIM 72-10034, WAS DRILLED, A PUMP WAS ATTACHED TO THE WELL AND RUN WITH

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THE IRRIGATION DITCH MARKED A HAS BEEN FILLED IN ON THE CHALLIS PROPERTY BUT IS CLEARLY EVIDENT ON THE PROPERTY WHICH WAS OWNED BY OUR FAMILY. THIS SPRING CONTINUES TO FLOW ACROSS OPEN GROUND TO OUR PROPERTY.

THIS SPRING WAS NEVER USED AS CLAIMED IN WATER RIGHT APPLICATION 72-16561, AS THE LAND CLAIMED TO BE IRRIGATED FROM THIS SPRING IS HIGHER THAN THE SPRING AND THIS SPRING HAS NO AREA WHICH WOULD PROVIDE STOCKWATER.

THE ORIGINAL DITCH WHICH DELIVERED HIGH WATER AND THE CHALLIS CREEK RIGHT TO OUR PROPERTY COLLECTED THE FULL AND UNRESTRICTED FLOW OF THE SPRING ON WHICH WE FILED THE WATER RIGHT CLAIM ON AS 72-10032 AND CONVEYED THIS WATER EASTWARD TO BE USED SOLELY ON OUR PROPERTY. THIS SPRING HAD NO AREA WHICH WOULD PROVIDE STOCKWATER.

THE AREA BETWEEN THE 72-10032 SPRING AREA AND OUR PROPERTY BOUNDARY, BELONGING TO STEVENS, WAS IRRIGATED ENTIRELY FROM ANOTHER SOURCE OF CHALLIS CREEK WATER.

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SUBSEQUENT RELOCATION, APPROXIMATELY TEN YEARS LATER, OF OUR EXCLUSIVE DITCH WHICH DELIVERED HIGH WATER AND THE CHALLIS CREEK IRRIGATION RIGHT WAS TO A SHARED DITCH, WHICH WAS CONSTRUCTED SO AS TO CONTINUE TO COLLECT THE WATER FROM OUR 72-10032 SPRING CLAIM. HOWEVER, THE CULVERT WHICH WAS INSTALLED ADJACENT TO THE 72-10032 DOES RESTRICT THE FLOW FROM THE SPRING AND PREVENTS THE CLAIMED

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THE AREA OF THE PROPERTY BETWEEN THE POND LOCATED AT THE EAST BOUNDARY OF THE PROPERTY AND CHALLIS CREEK, WHICH IS HIGHLIGHTED ON THE ENCLOSED DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032, WAS IRRIGATED BY HIGH WATER, IRRIGATION WATER FROM THE CHALLIS CREEK RIGHT AND THE WATER FROM 72-10032. THIS AREA OF THE PROPERTY IS TOO HIGH TO RECEIVE HIGH WATER AND IRRIGATION WATER FROM EDDY CREEK.

HIGH WATER HAS ALWAYS BEEN USED ON THE PROPERTY FROM BOTH EDDY CREEK AND CHALLIS CREEK / BEAR CREEK.

WATER FROM THE SPRING WHICH IS NOW CLAIM 72-16566 HAS ALWAYS BEEN USED SOLELY ON THE PROPERTY AS CLAIMED. WE IMPROVED THE NATURAL AREA ADJACENT TO THIS SPRING SO AS TO CONTAIN THIS WATER.

WE HAVE ALWAYS HAD AN EASEMENT AND RIGHT OF WAY FOR IRRIGATION WHICH WAS GRANTED IN OUR WARRANTY DEED FROM GENTNER. THIS EASEMENT AND THE RIGHT OF WAY WAS CONVEYED TO ROBIN WEGNER WITH THE DEED TO THE PROPERTY.

J.R. CHALLIS HAS STATED THAT NO RIGHT OF WAY EXISTS AND HAS TOLD ROBIN WEGNER THAT SHE COULD NOT SET FOOT ON HIS PROPERTY VERBALLY IN MY PRESENCE AND IN WRITING.

SIGNED

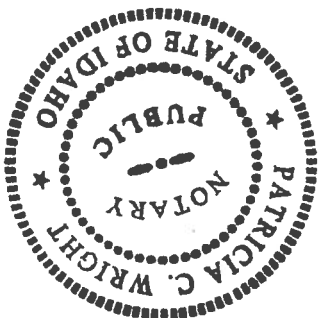
Thomas H Lewis

DATED

April 11 2000

THL

Sworn before me this 11th day of May, 2000



Patricia C. Wright

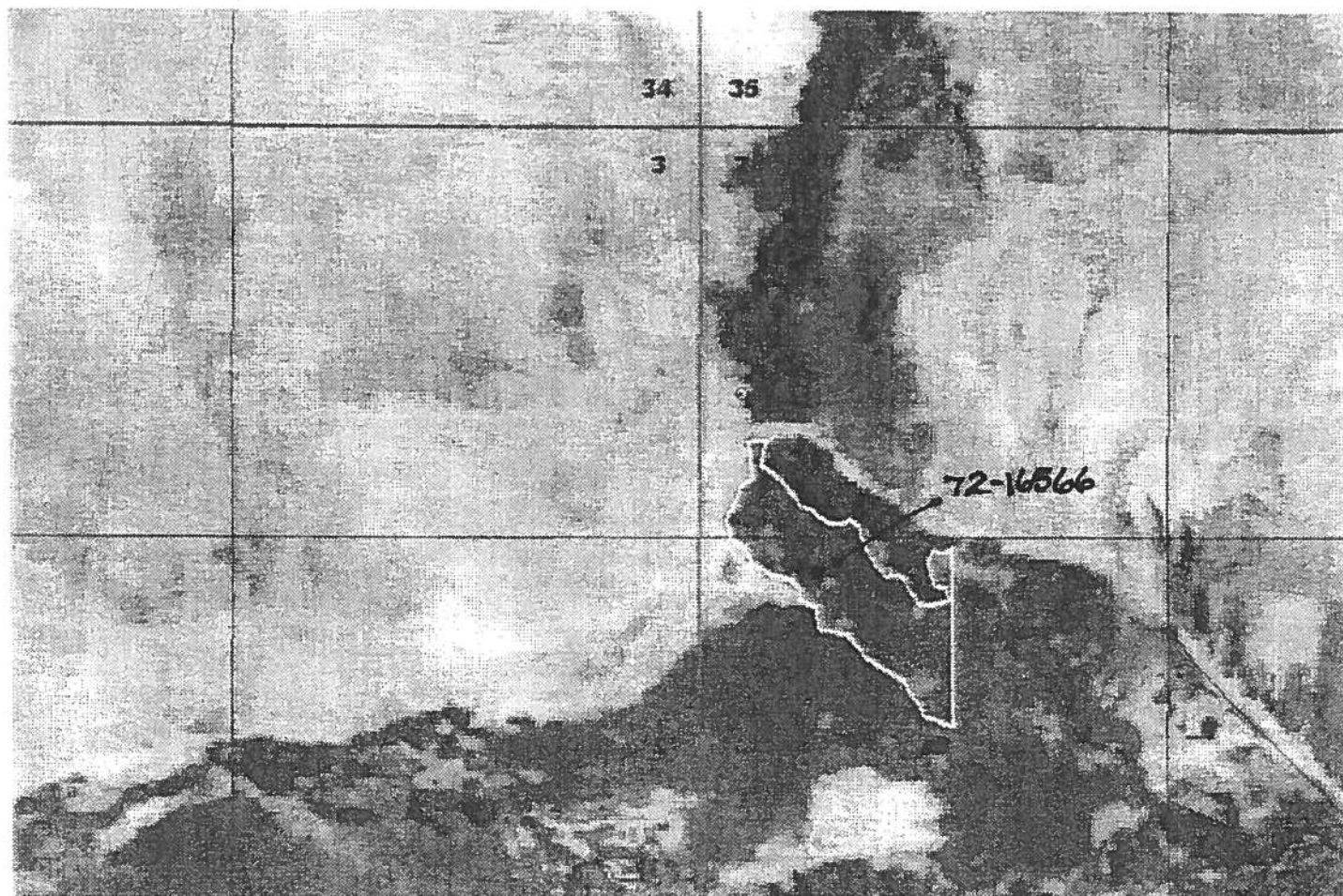
NOTARY PUBLIC FOR IDAHO

Residing at : *Michaela Chisholm*

My commission expires : 4/25/2004

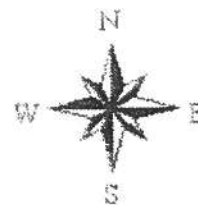
IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



0 500 1000 feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1998
TWP 14N, 18E, SEC. 2

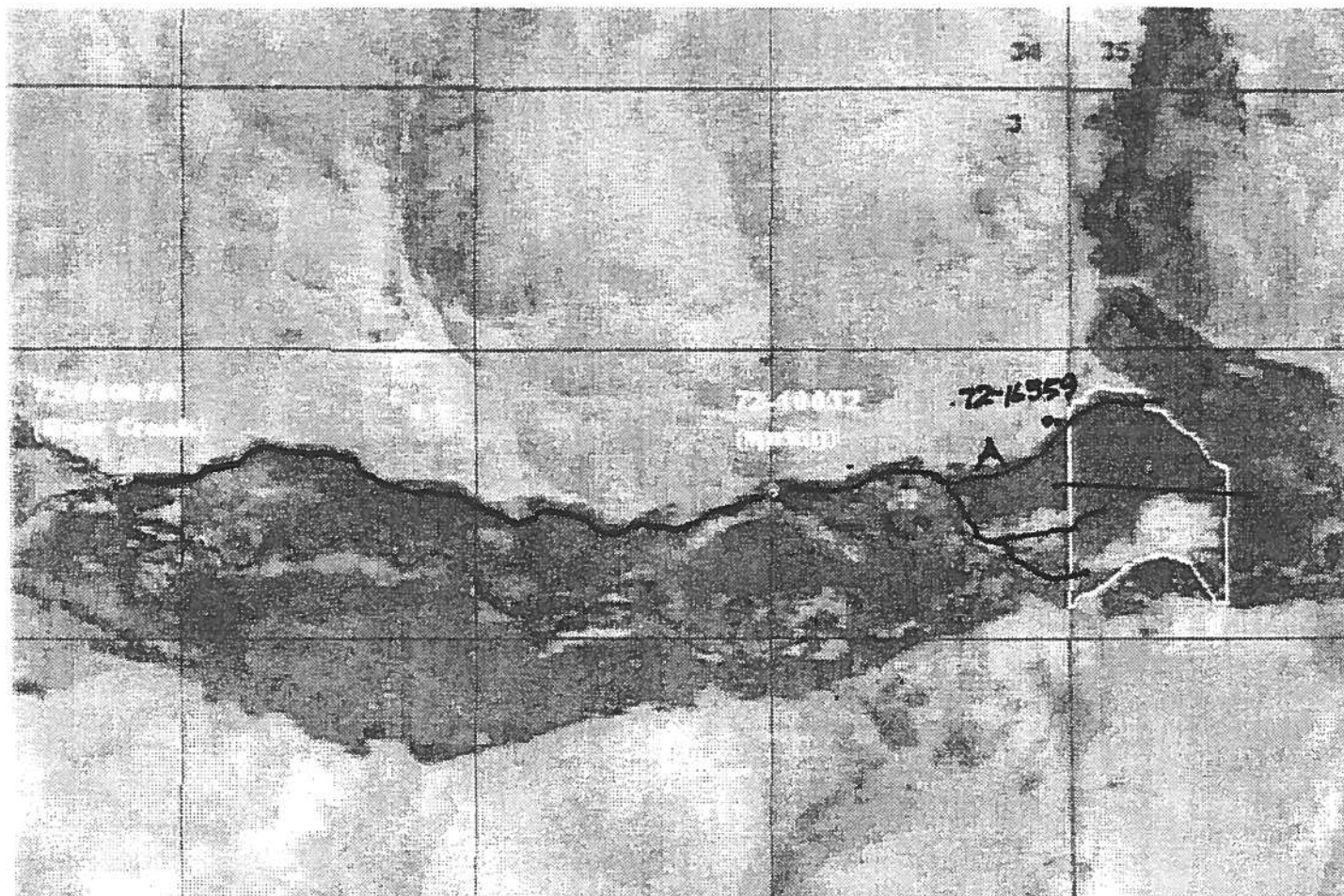


- RECOMMENDED PLACE OF USE
- ◊ RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES

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

IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032



0 1330 120'

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29 1998
TWP 14N, 18E, SEC. 2



RECOMMENDED PLACE OF USE

⊙ RECOMMENDED POINT OF DIVERSION

□ SECTION LINES

□ QUARTER QUARTER LINES

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

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

In Re SRBA	)	Subcase Nos, : 72-00007A , 72-10032, 72-10033
	)	72-16559, 72-16560, 72-16566
Case No. 39576	)	
	)	AFFIDAVIT OF MELL J. SANDERSON

I , MELL J. SANDERSON, BEING DULY SWORN STATE THE FOLLOWING :

1. BEING MENTALLY AND OTHERWISE COMPETENT TO GIVE THIS TESTIMONY, I MAKE THE FOLLOWING STATEMENTS BASED ON MY OWN PERSONAL KNOWLEDGE .

2. THE PROPERTY LEGALLY DESCRIBED AS THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E, BOISE MERIDIAN, CUSTER COUNTY, IDAHO WHICH IS OWNED BY ROBIN WEGNER, WAS A PART OF THE RANCH WHICH WAS OWNED, RANCHED AND IRRIGATED BY OUR FAMILY DURING THE YEARS OF 1959 THROUGH 1975.

3. DURING THE PERIOD WHICH THE RANCH WAS OWNED BY OUR FAMILY, THE SPRINGS WHICH WERE USED FOR IRRIGATION DID NOT HAVE A DESIGNATION FROM WATER RESOURCES.

4. HAVING PHYSICALLY VIEWED THE PROPERTY WHICH WAS OWNED, RANCHED AND IRRIGATED BY OUR FAMILY, I CAN ATTEST THAT THE EAST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E WAS IRRIGATED SOLELY FROM EDDY CREEK AND THAT THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E OWNED BY ROBIN WEGNER WAS IRRIGATED AS FOLLOWS :

THIS PROPERTY WAS IRRIGATED BY HIGH WATER AND IRRIGATION WATER TAKEN FROM EDDY CREEK, HIGH WATER AND IRRIGATION WATER TAKEN FROM CHALLIS CREEK AND IRRIGATION WATER FROM VARIOUS SPRINGS.

THE ENCLOSED IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-10033, SUBSTANTIALLY

DEMONSTRATES HOW THE WATERS FROM EDDY CREEK WERE USED ON THIS PROPERTY. NEITHER HIGH WATER NOR THE IRRIGATION WATER FROM EDDY CREEK WAS EVER CONTINUED IN DITCHES TO THE CHALLIS PROPERTY.

HIGH WATER AND IRRIGATION WATER FROM CHALLIS CREEK WAS CONVEYED THROUGH DITCHES TO THE PROPERTY. THE AREA AT OR NEAR THE WEST BOUNDARY OF THE WEGNER PROPERTY CONTAINED A SERIES OF DITCHES. THE APPROXIMATE LOCATION OF THIS SERIES OF DITCHES AND THE DITCH WHICH CONVEYED THE HIGH WATER AND THE CHALLIS CREEK WATER IS SHOWN ON THE IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032 ENCLOSED. THIS SERIES OF DITCHES PERMITTED THE PLACEMENT OF IRRIGATION WATER ON EACH AREA OF THE WEGNER PROPERTY AS REQUIRED FOR IRRIGATION.

THE DITCH MARKED A ON THE ENCLOSED DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032 COLLECTED THE WATER FROM THE SPRING WHICH IS NOW CLAIMED AS 72-16559. THE FULL AND UNRESTRICTED FLOW FROM THIS SPRING WAS CONVEYED IN THE DITCH TO BE PLACED ON THE WEGNER PROPERTY AS REQUIRED FOR IRRIGATION. THE IRRIGATION DITCH MARKED A HAS BEEN FILLED IN ON THE CHALLIS PROPERTY BUT IS CLEARLY EVIDENT ON THE WEGNER PROPERTY. THIS SPRING WAS NEVER USED AS CLAIMED IN APPLICATION 72-16561, AS THE LAND CLAIMED TO BE IRRIGATED FROM THIS SPRING IS HIGHER THAN THE SPRING AND THIS SPRING HAS NO AREA WHICH WOULD PROVIDE STOCKWATER.

WE CLEARED THE AREA OF THE 72-10032 SPRING WHICH IS SHOWN ON THE ENCLOSED DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032. WE CONSTRUCTED THE DITCH WHICH DELIVERED HIGH WATER AND THE CHALLIS CREEK WATER SO AS TO COLLECT THE FULL AND UNRESTRICTED FLOW OF THE SPRING 72-10032 AND CONVEY THIS WATER EASTWARD TO TERMINATE ON THE WEGNER PROPERTY. THIS SPRING HAD NO AREA WHICH WOULD PROVIDE STOCKWATER.

THE AREA OF THE WEGNER PROPERTY BETWEEN THE POND AT THE EAST BOUNDARY AND CHALLIS CREEK, HIGHLIGHTED ON THE ENCLOSED DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998

FOR CLAIM 72-00007A AND 72-10032, WAS IRRIGATED BY HIGH WATER, IRRIGATION WATER FROM CHALLIS CREEK AND THE WATER FROM 72-10032. THIS AREA OF THE WEGNER PROPERTY IS TOO HIGH TO RECEIVE HIGH WATER AND IRRIGATION WATER FROM EDDY CREEK.

HIGH WATER HAS ALWAYS BEEN USED ON THE WEGNER PROPERTY FROM BOTH EDDY CREEK AND CHALLIS CREEK.

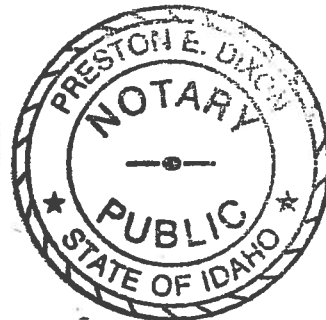
A FLUME WAS USED WHEN WE OWNED THE PROPERTY TO BRING ADDITIONAL HIGH WATER, CHALLIS CREEK WATER FROM ANOTHER DIVERSION POINT AND WASTE WATER FROM THE AREA ON THE SOUTH SIDE OF CHALLIS CREEK ACROSS CHALLIS CREEK TO THE AREA LOCATED ON THE NORTH SIDE OF CHALLIS CREEK FOR IRRIGATION TO AND INCLUDING THE WEGNER PROPERTY.

WATER FROM THE SPRING 72-16566 HAS ALWAYS BEEN USED SOLELY ON THE WEGNER PROPERTY AS CLAIMED.

SIGNED Mel Sanderson
DATED 5/9/2000

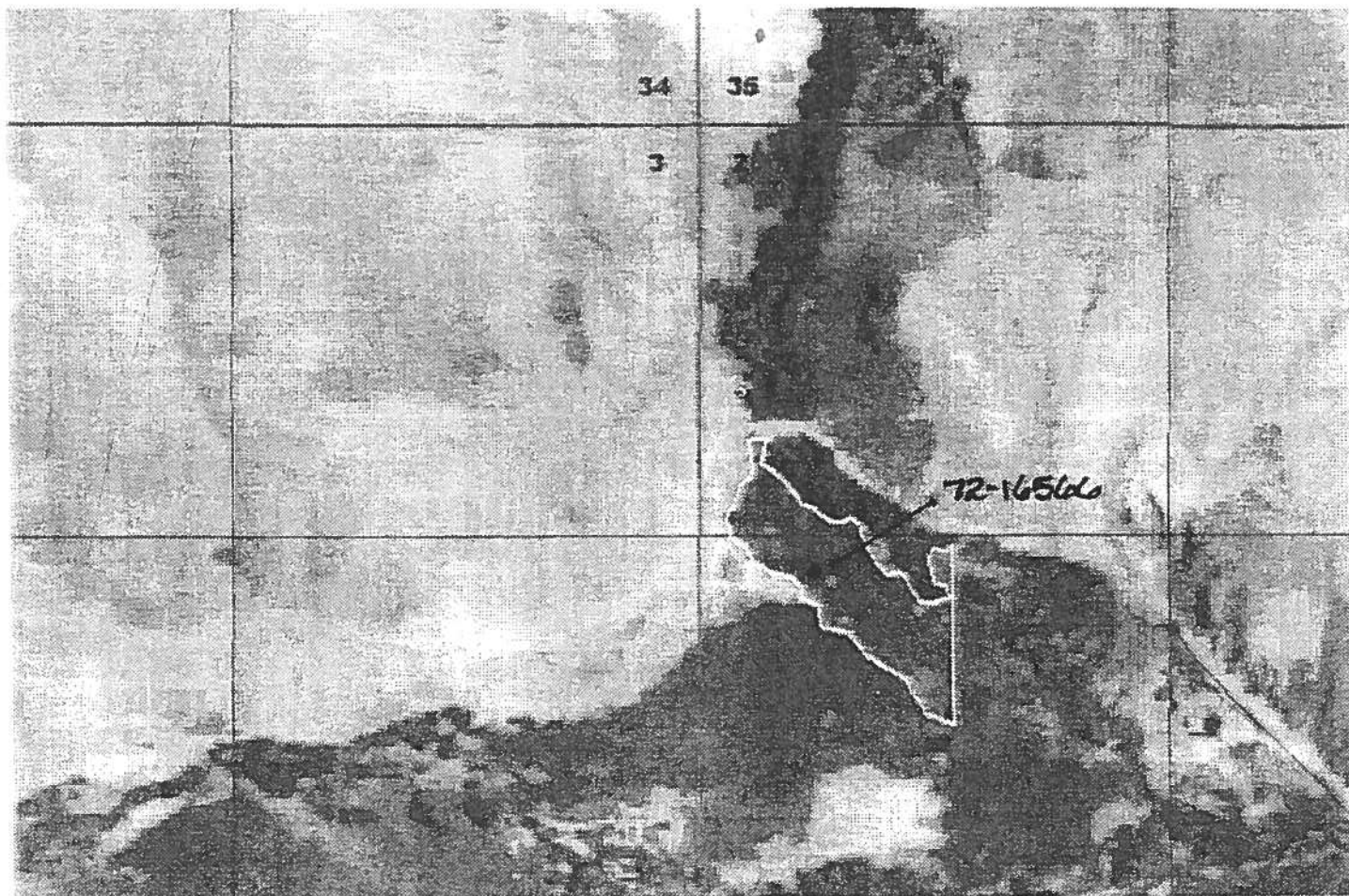
Sworn before me this 9th day of May, 2000

Preston E. Dixon
NOTARY PUBLIC FOR IDAHO
Residing at : Challis
My commission expires : 4/30/2005

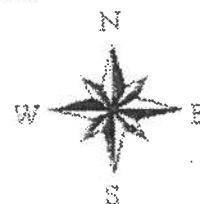


IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



0 550 1100 feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1998
TWP 14N, 18E, SEC. 2

RECOMMENDED PLACE OF USE

⊙ RECOMMENDED POINT OF DIVERSION

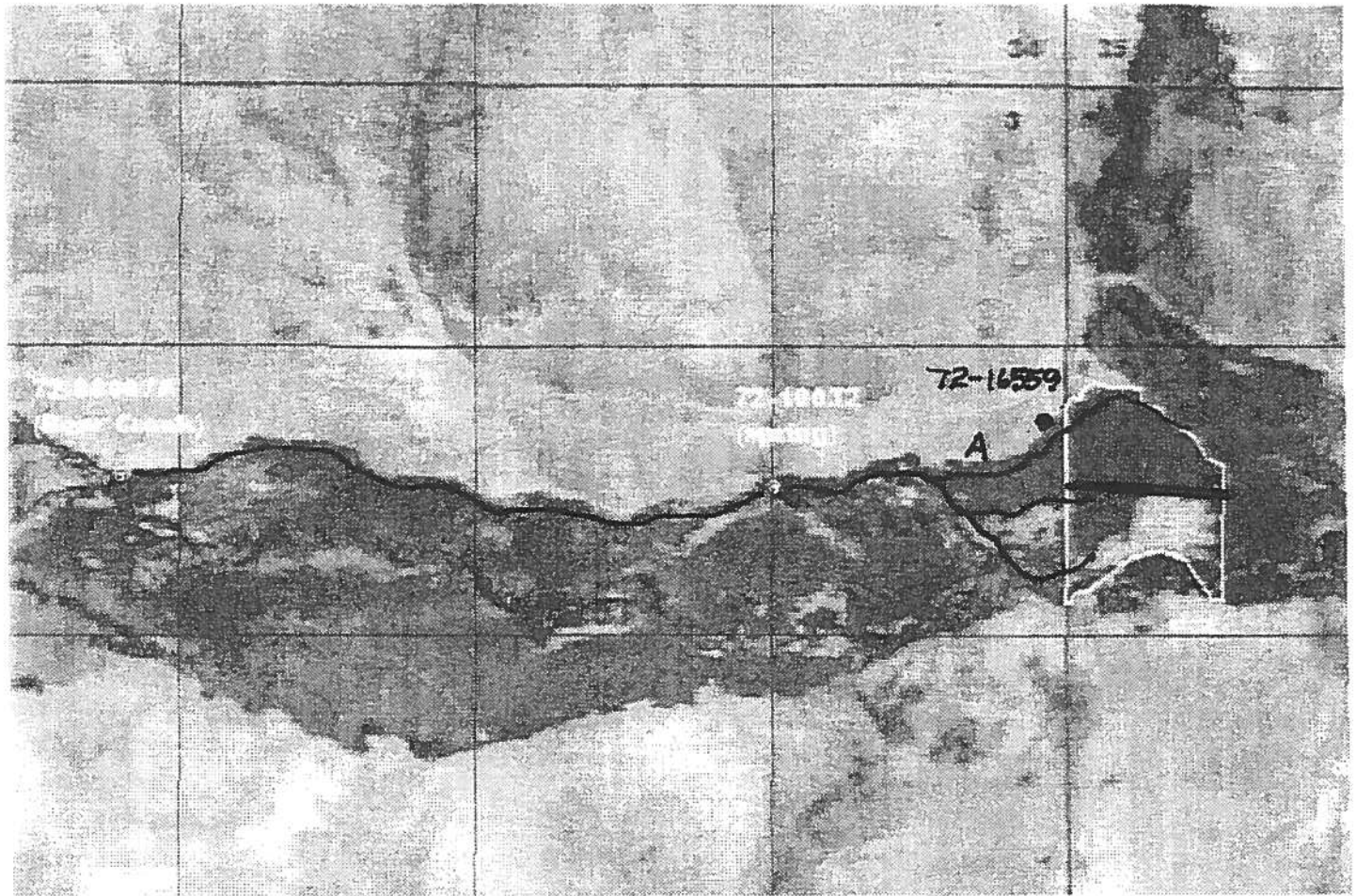
□ SECTION LINES

□ QUARTER QUARTER LINES

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

IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032.



0 1 1220 feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29 1998
TWP 14N, 18E, SEC. 2



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

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

In Re SRBA	)	Subcase Nos. : 72-00007A , 72-10032, 72-10033
	)	72-16559, 72-16560, 72-16566
Case No. 39576	)	
	)	AFFIDAVIT OF ELMA BRADBURY
	)	

I , ELMA BRADBURY, BEING DULY SWORN STATE THE FOLLOWING :

1. BEING MENTALLY AND OTHERWISE COMPETENT TO GIVE THIS TESTIMONY, I MAKE THE FOLLOWING STATEMENTS BASED ON MY OWN PERSONAL KNOWLEDGE .
2. THE PROPERTY LEGALLY DESCRIBED AS THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E, BOISE MERIDIAN, CUSTER COUNTY, IDAHO WHICH IS OWNED BY ROBIN WEGNER, WAS A PART OF THE RANCH WHICH WAS OWNED, RANCHED AND IRRIGATED BY MY HUSBAND AND HIS PARENTS DURING THE YEARS OF 1944 THROUGH 1948. I AM AWARE OF IRRIGATION OF THIS PROPERTY AS IT WAS SHOWN TO ME BY MY HUSBAND AND BY MY FATHER FLOYD BLACK WHO WAS THE WATER MASTER FOR SEVENTEEN YEARS.
4. DURING THE PERIOD WHICH THE RANCH WAS OWNED BY MY HUSBAND, THE SPRINGS WHICH WERE USED FOR IRRIGATION DID NOT HAVE A DESIGNATION FROM WATER RESOURCES.
5. THE PROPERTY LEGALLY DESCRIBED AS THE EAST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E, BOISE MERIDIAN, CUSTER COUNTY, IDAHO WAS IRRIGATED SOLELY FROM EDDY CREEK.
6. HAVING PHYSICALLY VIEWED THE PROPERTY WHICH WAS OWNED, RANCHED AND IRRIGATED BY MY HUSBAND, I CAN ATTEST THAT THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E OWNED BY ROBIN WEGNER WAS IRRIGATED AS FOLLOWS :

THIS PROPERTY WAS IRRIGATED BY HIGH WATER AND IRRIGATION WATER TAKEN FROM EDDY CREEK, HIGH WATER

AND IRRIGATION WATER TAKEN FROM CHALLIS CREEK AND IRRIGATION WATER FROM VARIOUS SPRINGS.

THE ENCLOSED IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-10033, SUBSTANTIALLY DEMONSTRATES HOW THE WATERS FROM EDDY CREEK WERE USED ON THIS PROPERTY. NEITHER HIGH WATER NOR THE IRRIGATION WATER FROM EDDY CREEK WAS EVER CONTINUED IN DITCHES TO THE CHALLIS PROPERTY.

HIGH WATER AND IRRIGATION WATER FROM CHALLIS CREEK WAS TAKEN FROM A DIVERSION ON THE PROPERTY AND WAS CONVEYED THROUGH DITCHES TO THE WEGNER PROPERTY.

THE AREA OF THE 72-10032 SPRING WHICH IS SHOWN ON THE ENCLOSED DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032, WAS NOT A DEFINED SPRING BUT RATHER, AN OVERGROWN SLEW AREA WHICH WATER EMERGED FROM. IT WAS OBVIOUS THAT THE SOURCE OF THIS WATER WAS A SPRING IN THE IMMEDIATE AREA. THE FULL AND UNRESTRICTED FLOW OF THIS SPRING WAS COLLECTED AND COMBINED WITH THE CHALLIS CREEK AND/OR HIGH WATER AND THIS TOTAL WATER CONVEYED EASTWARD FOR IRRIGATION TO TERMINATE ON THE WEGNER PROPERTY. THIS SPRING HAD NO AREA WHICH WOULD PROVIDE STOCKWATER.

THE AREA AT OR NEAR THE WEST BOUNDARY OF THE WEGNER PROPERTY CONTAINED A SERIES OF DITCHES. THE APPROXIMATE LOCATION OF THIS SERIES OF DITCHES AND THE DITCH WHICH CONVEYED THE HIGH WATER AND THE CHALLIS CREEK WATER IS SHOWN ON THE IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032 ENCLOSED. THIS SERIES OF DITCHES PERMITTED PLACEMENT OF IRRIGATION WATER ON EACH AREA OF THE WEGNER PROPERTY AS REQUIRED FOR IRRIGATION

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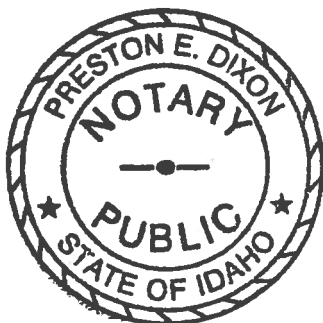
HIGH WATER HAS ALWAYS BEEN USED ON THE WEGNER PROPERTY FROM BOTH EDDY CREEK AND CHALLIS CREEK.

A FLUME WAS USED WHEN HE OWNED THE PROPERTY TO BRING ADDITIONAL HIGH WATER, CHALLIS CREEK WATER FROM ANOTHER DIVERSION POINT AND WASTE WATER FROM THE AREA ON THE SOUTH SIDE OF CHALLIS CREEK ACROSS CHALLIS CREEK TO THE AREA LOCATED ON THE NORTH SIDE OF CHALLIS CREEK FOR IRRIGATION TO AND INCLUDING THE WEGNER PROPERTY.

WATER FROM THE SPRING 72-16566 HAS ALWAYS BEEN USED SOLELY ON THE WEGNER PROPERTY AS CLAIMED.

SIGNED Elma Badbury
DATED May 10 - 00

Sworn before me this 10th day of May, 2000



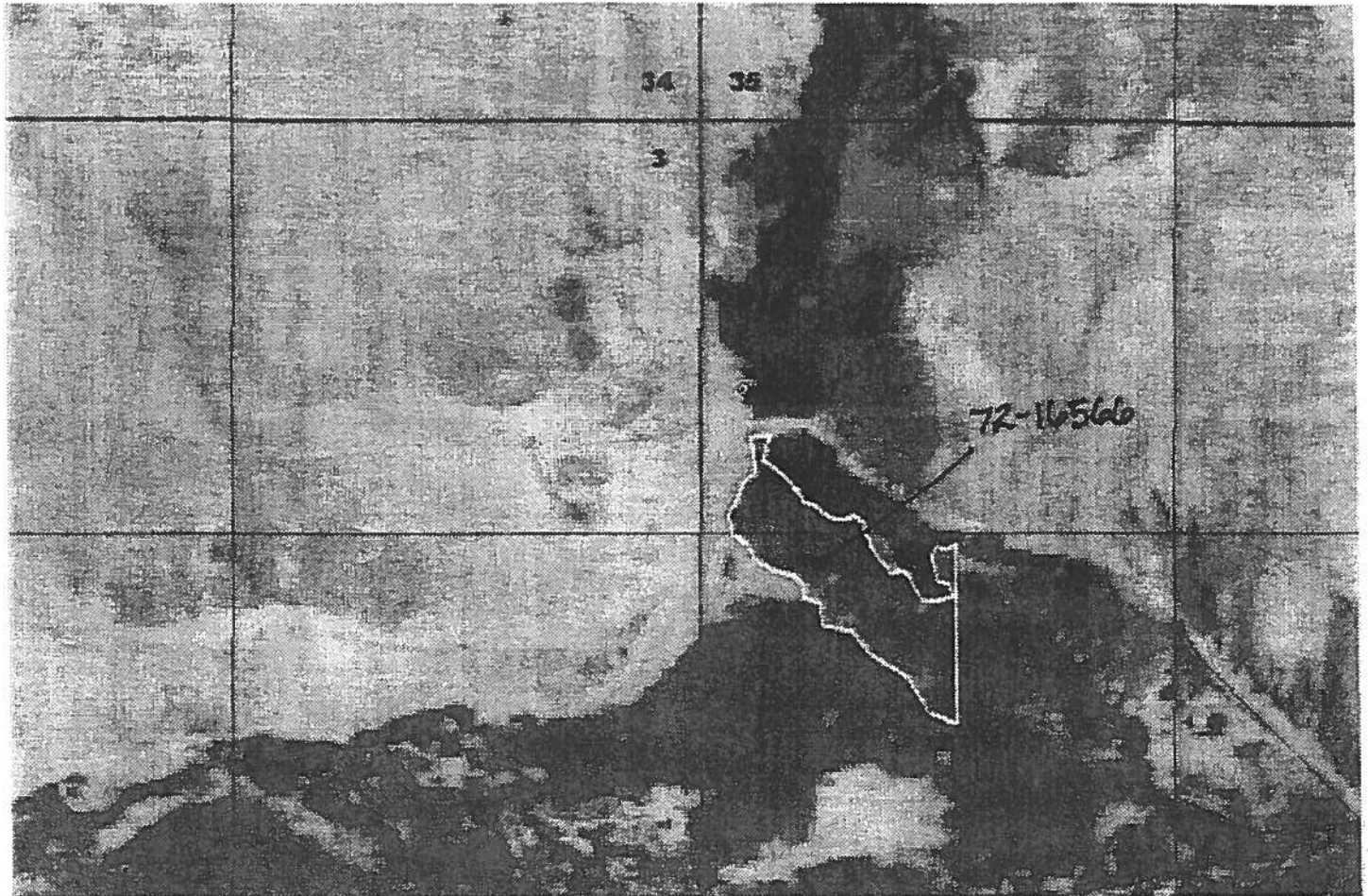
Preston E. Dixon
NOTARY PUBLIC FOR IDAHO

Residing at : Challis

My commission expires : 4/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



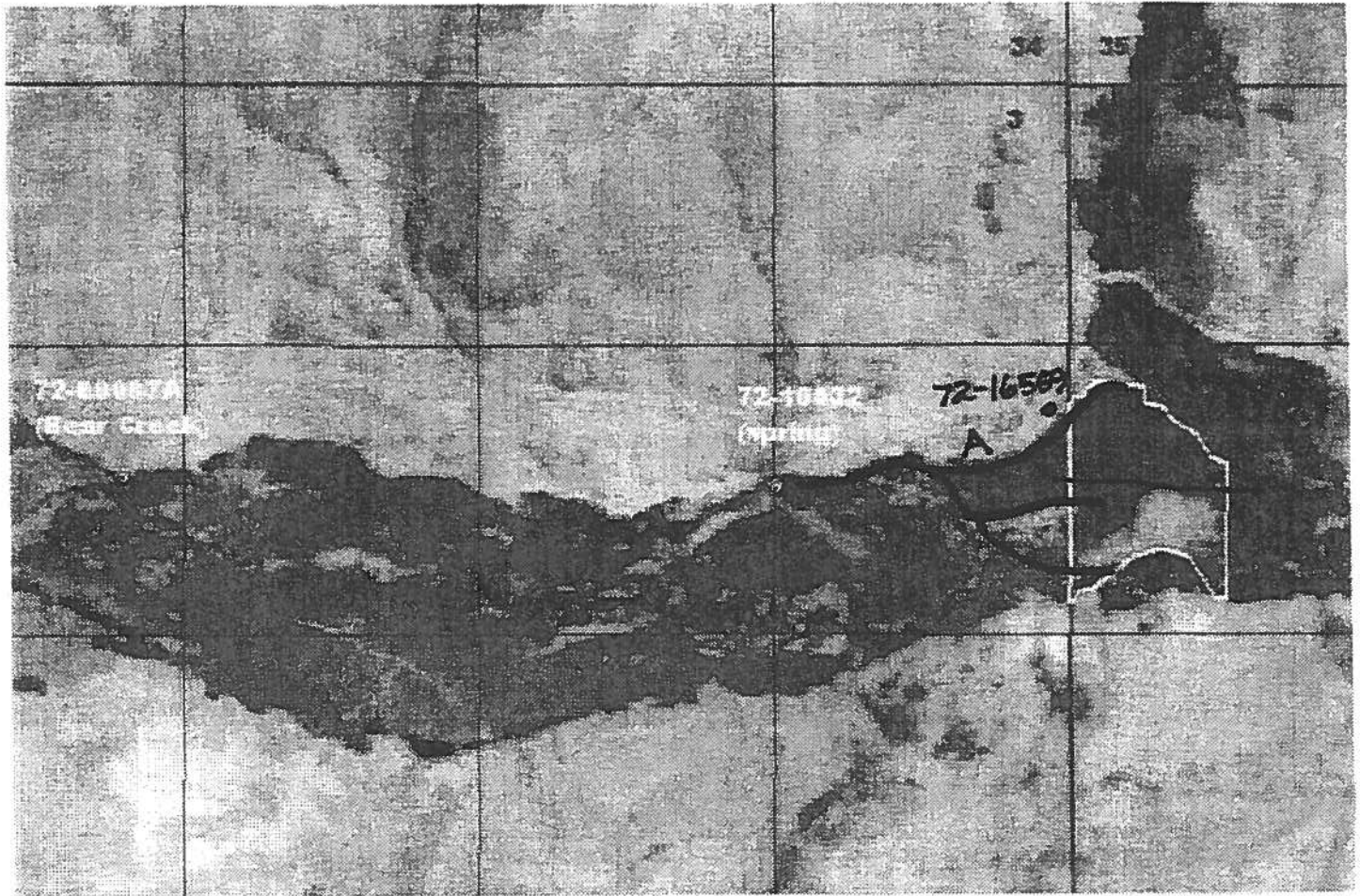
RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1993
TWP 14N, 18E, SEC. 2

- 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

72-00007A & 72-10032



0 1320 feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29 1998
TWP 14N, 18E, SEC. 2



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

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

In Re SRBA	)	Subcase Nos, : 72-00007A , 72-10032, 72-10033
	)	72-16559, 72-16560, 72-16566
Case No. 39576	)	
	)	AFFIDAVIT OF KENNETH BRADBURY

I, KENNETH BRADBURY, BEING DULY SWORN STATE THE FOLLOWING :

1. BEING MENTALLY AND OTHERWISE COMPETENT TO GIVE THIS TESTIMONY, I MAKE THE FOLLOWING STATEMENTS BASED ON MY OWN PERSONAL KNOWLEDGE .

2. THIS AFFIDAVIT REPLACES ALL PREVIOUS AFFIDAVITS.

3. THE PROPERTY LEGALLY DESCRIBED AS THE WEST ½ OF THE SW1/4 NW1/4, SECTION 2, TOWNSHIP 14N, RANGE 18E, BOISE MERIDIAN, CUSTER COUNTY, IDAHO WHICH IS OWNED BY ROBIN WEGNER, WAS A PART OF THE RANCH WHICH WAS OWNED, RANCHED AND IRRIGATED BY PARENTS AND MYSELF DURING THE YEARS OF 1944 THROUGH 1948.

4. DURING THE PERIOD WHICH THE RANCH WAS OWNED BY OUR FAMILY, THE SPRINGS WHICH WERE USED FOR IRRIGATION DID NOT HAVE A DESIGNATION FROM WATER RESOURCES.

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THE AREA AT OR NEAR THE WEST BOUNDARY OF THE WEGNER PROPERTY CONTAINED A SERIES OF DITCHES. THE APPROXIMATE LOCATION OF THIS SERIES OF DITCHES AND THE DITCH WHICH CONVEYED THE HIGH WATER AND THE CHALLIS CREEK WATER IS SHOWN ON THE IDAHO DEPARTMENT OF WATER RESOURCES PHOTOGRAPH SHOWING RECOMMENDED PLACE OF USE, DATA ENTRY ON OCT. 23, 1998 FOR CLAIM 72-00007A AND 72-10032 ENCLOSED. THIS SERIES OF DITCHES PERMITTED PLACEMENT OF IRRIGATION WATER ON EACH AREA OF THE WEGNER PROPERTY AS REQUIRED FOR IRRIGATION

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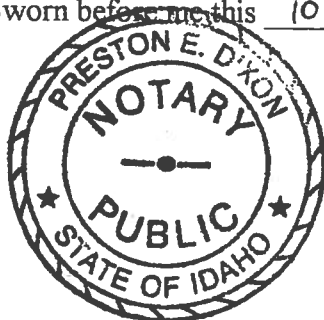
A FLUME WAS USED WHEN WE OWNED THE PROPERTY TO BRING ADDITIONAL HIGH WATER, CHALLIS CREEK WATER FROM ANOTHER DIVERSION POINT AND WASTE WATER FROM THE AREA ON THE SOUTH SIDE OF CHALLIS CREEK ACROSS CHALLIS CREEK TO THE AREA LOCATED ON THE NORTH SIDE OF CHALLIS CREEK FOR IRRIGATION TO AND INCLUDING THE WEGNER PROPERTY.

WATER FROM THE SPRING 72-16566 HAS ALWAYS BEEN USED SOLELY ON THE WEGNER PROPERTY AS CLAIMED.

FURTHER, THIS ORIGINAL RANCH WAS OWNED, RANCHED AND IRRIGATED BY GRANDPARENTS AND MY MOTHER WAS RAISED THERE AS A CHILD. THE IRRIGATION AND WATER DISTRIBUTION EXISTING FROM 1900 OR BEFORE WAS CONTINUED WHEN THEY OWNED THE RANCH AND THE SAME WAS USED BY OURSELVES.

SIGNED Kenneth Brachbury
DATED May 10 / 2000

Sworn before me this 10th day of May, 2000



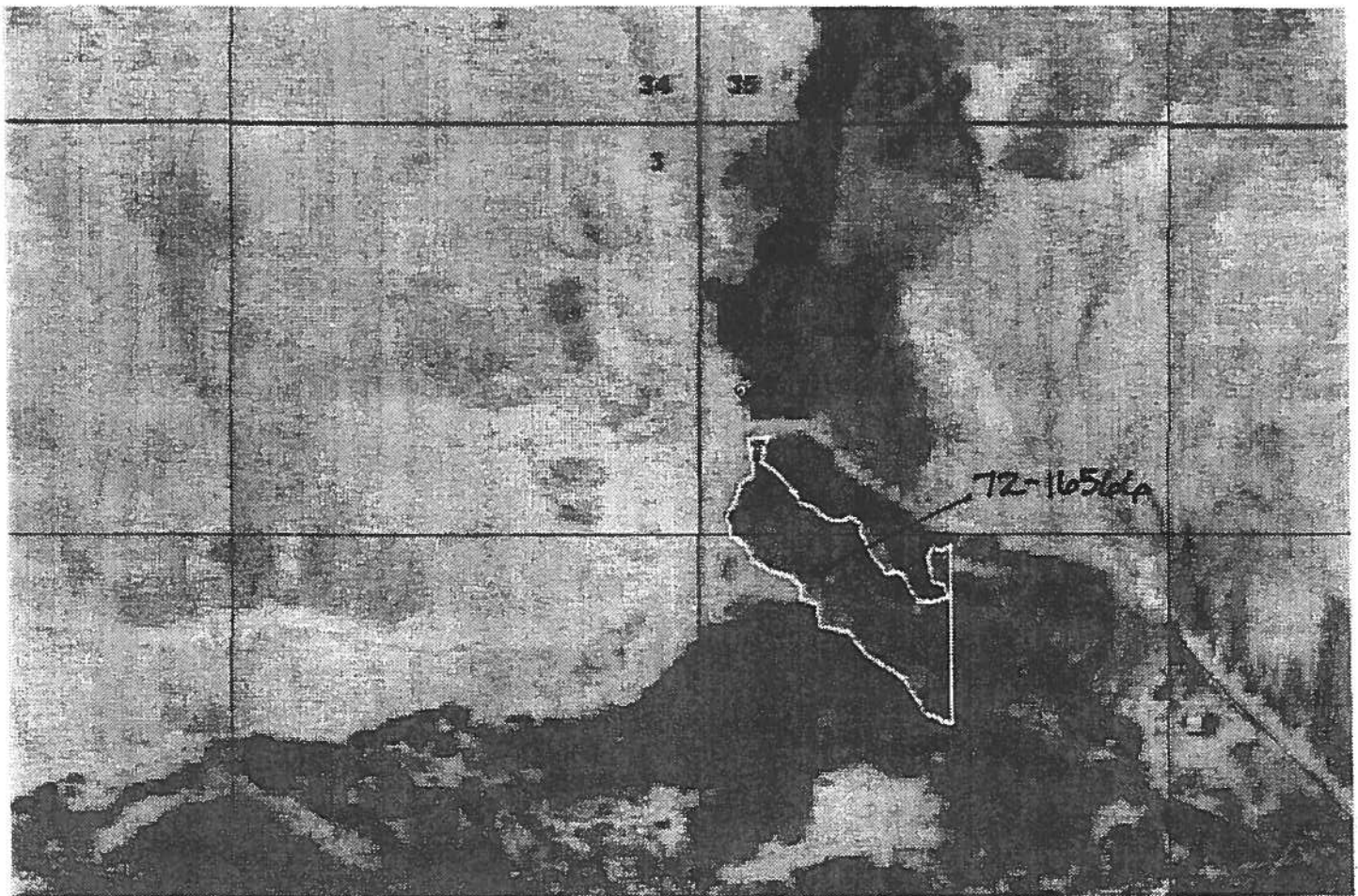
Preston E. Dixon
NOTARY PUBLIC FOR IDAHO

Residing at : Coeur d'Alene

My commission expires : 4/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



0 650 1300 feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1998
TWP 14N, 18E, SEC. 2

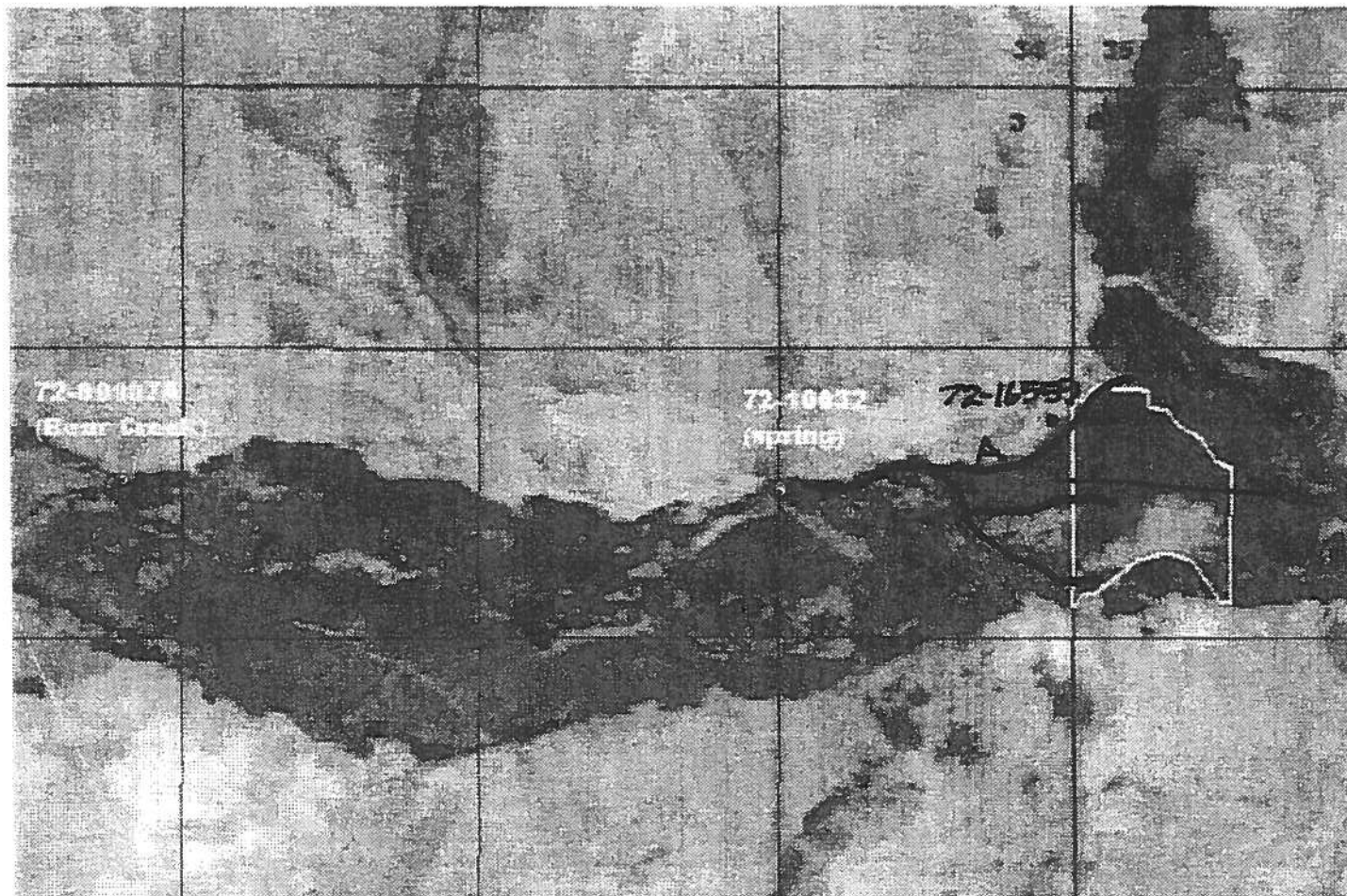


- RECOMMENDED PLACE OF USE
- ⊕ RECOMMENDED POINT OF DIVERSION
- SECTION LINES
- QUARTER QUARTER LINES

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

IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032



1320 feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 29 1998
TWP 14N, 18E, SEC. 2

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

DISTRICT SRRA
 DISTRICT
 TWIN FALLS, STATE OF IDAHO
 DEC 1 1999
 CLERK
 DEPUTY CLERK

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

) NOTICE OF ISSUANCE AND NOTICE
) OF SERVICE

Case No. 39576

) Water Right(s): 72-10033
)
)
)
)

On December 1, 1999, Special Master Thomas R. Cushman issued a *Special Master's Report and Recommendation* for the above subcase(s) pursuant to *SRBA Administrative Order 1 (AO1)*, Section 13a.

Pursuant to *SRBA Administrative Order 1*, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend by the 28th day of the month following the publication of the filing of the *Special Master's Report and Recommendation* in the Docket Sheet (*AO1*, Section 13a).

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the *Special Master's Report and Recommendation* shall constitute a waiver of the right to challenge it before the Presiding Judge.

I certify that a true and correct copy of the SPECIAL MASTER'S RECOMMENDATION was hand delivered to the following:

Representative of:
 Director of IDWR
 PO Box 83720
 Boise, ID 83720-0098

Pat Brown

Representative of:
 U.S. Dept. of Justice
 Environment & Natural Resources
 550 West Fort Street, MSC 033
 Boise, ID 83724

DATED: December 1, 1999.

Teri H. Hunsaker
 Deputy Clerk

DEC 1 1999

BY

CLERK

DEPUTY CLERK

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

) SPECIAL MASTER'S REPORT

)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW

)
) FOR WATER RIGHT 72-10033

I. FINDINGS OF FACT

A notice of claim was filed for this water right pursuant to I.C. § 42-1409 (1990). The Director of the State of Idaho Department of Water Resources examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

☒ All objections to this water right were resolved by stipulation of the parties at hearing or with a *Standard Form 5*. All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

☐ All objections to this water right were resolved at hearing or trial. The court made oral Findings of Fact and Conclusions of Law at the hearing or trial. The oral Findings of Fact and Conclusions of Law are incorporated here by reference.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that this water right:

☒ be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b)*.

☐ not be confirmed in any partial or final decree.

DATED: December 1, 1999.



THOMAS R. CUSHMAN, Special Master
Snake River Basin Adjudication

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

DISTRICT COURT SRBA FIFTH JUDICIAL DISTRICT COUNTY OF TWIN FALLS, STATE OF IDAHO
DEC 1 1999
BY _____ CLERK
DEPUTY CLERK

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-10033

NAME AND ADDRESS:

~~THOMAS H LEWIS~~
~~474 N 500 W~~
~~MALAD, ID 83252~~

~~ASTON H LEWIS~~
~~475 N 500 W~~
~~MALAD, ID 83252~~

ROBIN WEAVER
HC 63 BOX 1576
CHALLIS ID 83226

SOURCE: EDDY CREEK

TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.10 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S02 LOT 04 (SWNNW) Within Custer County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.10 CFS

PLACE OF USE: Irrigation T14N R18E S02 ~~SWNW 1.0~~ Within Custer County
4.0 Acres Total
2.0

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

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

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

RECOMMENDATION
DEC 01 1999

SPECIAL MASTER

Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

AJ0749NP
No. R72-10033

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

DATE: 01/20/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBIN J WEGNER HC 63 BOX 1576 CHALLIS ID 83226 (208) 879-5820	10/10/1911	IRRIGATION	04-01 10-31	0.100 CFS	
TOTAL DIVERSION:					0.100 CFS	

D AFTON M LEWIS
475 N 500 W
MALAD ID 83252
(208) 766-9239

D THOMAS H LEWIS
474 N 500 W
MALAD ID 83252
(208) 766-9239

Water Source: EDDY CREEK

Tributary to: CHALLIS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14N R18E S02 LotD4(SNMNMW)

CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	NE NE : Lt Ac	SW NE : Lt Ac	SW NW : Lt Ac	SW SE : Lt Ac	SUM
14N 18E 2	:	:	03	:	TOTAL ACRES
					3.0
					3.0

POU County: CUSTER

Other Rights: NONE

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 - ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
 - DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
 - ENTRY OF A FINAL UNIFIED DECREE, SECTION 42-1412(6) IDAHO CODE..

Remarks: EXP STOCK WATER INCIDENTAL TO IRRIG.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date: 06/02/1999

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments:

Date: 01/15/1993 User-ID: WORSTELL Subject: COPIED FROM REMARKS
THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER
DELIVERS CHALLIS CREEK WATER TO USERS BELOW.

Date: 07/23/1993 User-ID: ROBERTSO Subject: ADDRESS CHANGE
Change of address form received 7/16/93 and completed this date.

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: 12/30/1998 User-ID: JROBERTS Subject: PRIORITY DATE
CHANGED PRIORITY DATE TO 10/10/1911, ONE DAY JUNIOR TO DECREE FOR
THIS HIGHWATER RIGHT.

Date: 01/20/2000 User-ID: JROBERTS Subject: REDUCED POU PER SF5, 0/C
OBJECTION FILED BY BLM ON 1 AC IN THE NMMW OF SECTION 2. REMOVED
PER SF5 SIGNED 12/1/1999. OWNERSHIP ALSO CHANGED FROM LEWIS TO
MEGNER, PER DEED. CONDITION CODE C18 ADDED.

Audit:

01/20/00 JROBERTS

AJ0749NP
No. 72-10033

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

DATE: 01/20/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROBIN J WEGNER HC 63 BOX 1576 CHALLIS ID 835226 (208) 879-5820	10/10/1911	IRRIGATION	04-01 10-31	0.100 CFS	
TOTAL DIVERSION:					0.100 CFS	

D AFTON M LEWIS
475 N 500 W
MALAD ID 83252
(208) 766-9239

D THOMAS H LEWIS
474 N 500 W
MALAD ID 83252
(208) 766-9239

Water Source: EDDY CREEK Tributary to: CHALLIS CREEK Stage: BENEFICIAL USE

Point(s) of Diversion: T14N R18E S02 Lot04(SMNMNW) CUSTER County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac	SENE : NENW	SNW : SENW	NESE : NWSW	SWSE : SESW	
14N 18E 2 :	: 01	: 03	:	:	
TOTAL ACRES					4.0

POU County: CUSTER
Other Rights: NONE

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

Remarks: EXP STOCK WATER INCIDENTAL TO IRRIG.

AJ0749NP
No. 72-10033

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

DATE: 01/20/00
PAGE: 2

=====

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

=====

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

Comments: Date: 01/15/1993 User-ID: WORSTELL Subject: COPIED FROM REMARKS
THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER
DELIVERS CHALLIS CREEK WATER TO USERS BELOW.

Date: 07/23/1993 User-ID: ROBERTSO Subject: ADDRESS CHANGE
Change of address form received 7/16/93 and completed this date.

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: 12/30/1998 User-ID: JROBERTS Subject: PRIORITY DATE
CHANGED PRIORITY DATE TO 10/10/1911, ONE DAY JUNIOR TO DECREE FOR
THIS HIGHWATER RIGHT.

Date: 01/20/2000 User-ID: JROBERTS Subject: OWNERSHIP CHANGE
OWNERSHIP CHANGE FROM LEWIS TO WEGNER. COPY OF DEED AND FORM
RECEIVED 12/1/99. jr

Audit: 01/20/00 JROBERTS

DISTRICT COURT SRBA
JUDICIAL DISTRICT
COUNTY OF TWIN FALLS, STATE OF IDAHO

DEC 1 1999

BY _____

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

Subcase No. 72-10033

Case No. 39576

Standard Form 5

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Robin Wegner

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Robin Wegner 12/1/99
Robin Wegner Date

Larry A. Brown 12/1/99
Larry A. Brown FWP Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Jamie Robertson 12/1/99
St. Water Res. Agent Date

IDWR CONCURRENCE:
APPROVED AS TO FORM

Nick Spencer 12-1-99
DEPUTY ATTORNEY GEN'L Date

Standard Form 5

Subcase No. 72-10033

Page 1

data entered
per SF 5
X 1-20-00

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

RIGHTS FROM: SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

RIGHT NUMBER: 72-10033

NAME & ADDRESS: ~~THOMAS H LEWIS~~ ROBIN WEGNER
~~474 N 500 W~~ HC 63 Box 1576
~~MALAD ID 83252~~ CHALLIS, IDAHO 83226

~~AFTON M LEWIS~~
~~475 N 500 W~~
~~MALAD ID 83252~~

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.1 CFS

PRIORITY DATE: 10/10/1911

POINT OF

DIVERSION: T14N R18E S02 LOT 4 (SNNWNW)

FWP 13 NBS
RW
Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 10-31	0.1 CFS

PLACE OF USE:	IRRIGATION	Within CUSTER County
	T14N R18E S02	NWNW-1 SWNW 3
	4 3 ACRES TOTAL	

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:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCK WATER INCIDENTAL TO IRRIG.

CERTIFICATE OF MAILING

I certify that on 12/1, 1999, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

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

2. Copy to:

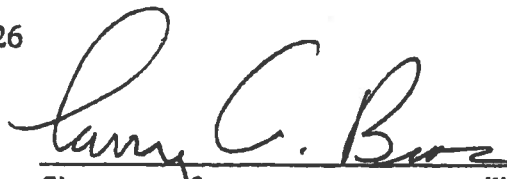
Idaho Department of Water Resources
Adjudication Bureau
1301 North Orchard Street
Boise, Idaho 83706

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

Robin Wegner
HC 63 Box 1576
Challis, Idaho 83226



Signature of person or attorney mailing the form

JR

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

A: Subcase 72-10033

(Insert water right number)

Case No. 39576

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: Thomas H Lewis

Address: 474 N 500 W Malad, ID 83252

Name: Afton M Lewis

Address: 474 N 500 W Malad, ID 83252

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)

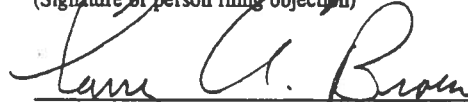
) ss.

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.


(Signature of person filing objection)


(Attorney signing in representative capacity)

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



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: Thomas H Lewis
Address: 474 N 500 W Malad, ID 83252
Name: Afton M Lewis
Address: 474 N 500 W Malad, ID 83252
Name:
Address:
Name:
Address:

3. Copies to:

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

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

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


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-323-----
RIGHTS FROM: SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

RIGHT NUMBER: 72-10033

NAME & ADDRESS: THOMAS H LEWIS
474 N 500 W
MALAD ID 83252*PDU ON BLM; NOT AUTHORIZED*AFTON M LEWIS
475 N 500 W
MALAD ID 83252

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.1 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S02 LOT 4 (SWNNW) *BLM* Within CUSTER CountyPURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 10-31 0.1 CFSPLACE OF USE: IRRIGATION Within CUSTER County
T14N R18E S02 *LOT 4 (SWNNW) 1 BLM* SWNW 3 ✓
4 ACRES TOTAL

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:WATER RIGHT NO. SOURCE
NONE NONETHE 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 NONEALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES
OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED
CONJUNCTIVELY.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
STOCK WATER INCIDENTAL TO IRRIG.

RECEIVED

JUL 20 1999

Department of Water Resources

RECEIVED

AUG 06 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 72-10033

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: ROBIN J. WEGNER

Address: HC 63 BOX 1576

CHALLIS, IDAHO 83226

Daytime Phone: 208 879 5820

Name & Address of Attorney, if any:

**C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING**

Name: UNITED STATES OF AMERICA, DEPT OF INTERIOR,
BUREAU OF LAND MANAGEMENT, IDAHO STATE OFFICE

Address: 1387 SOUTH VINNELL WAY
BOISE, IDAHO 83709-1657

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use PLEASE SEE ENCLOSED
11. Recommendation

☐ This water right should not exist.

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

E.

VERIFICATION (Must be Completed)

State of Idaho)

County of CUSTER)ss.

Robin J. Wagner, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

Robin J. Wagner
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Susan R. Howard

Notary Public for Challis, Idaho

Residing at:

My Commission Expires: 3/20/99

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, 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.

F.

CERTIFICATE OF MAILING

I certify that on 15 JULY, 1999, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: THOMAS LEWIS
Address: 475 N 500 W, MALAD, ID 83252

3. One copy to the party who filed the objection at the following address:

UNITED STATES OF AMERICA, DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT, IDAHO STATE OFFICE
Name: _____
Address: 1387 SOUTH VINNELL WAY, BOISE, ID 83709 - 1657

4. Copies to:

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

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

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



Your signature of attorney
mailing on your behalf

AN EXTREMELY SMALL PORTION OF LAND CLAIMED BY THE BLM (AS INDICATED ON THE ENCLOSED IDWR AERIAL PHOTO) HAS BEEN INCLUDED WITHIN THE BOUNDARY FENCE OF THE PROPERTY, WHICH FOLLOWS CHALLIS CREEK ROAD.

THIS CONDITION HAS EXISTED FOR APPROXIMATELY 30 YEARS ACCORDING TO THE CURRENT OWNER AND TO WITNESSES WHO HAVE USED AND IRRIGATED THIS PROPERTY DURING THAT TIME FRAME.

THIS SMALL PORTION OF LAND IS UNACCESSABLE AS IT IS APPROXIMATELY 30 FEET BELOW THE SURFACE OF THE ROAD AND HAS NO EGRESS.

REPRESENTATIVES FROM BLM HAVE BEEN AWARE OF THE INCLUSION OF THIS SMALL PORTION OF LAND AND HAVE SUGGESTED AND/OR PERMITTED THE INCLUSION OF THIS SMALL PORTION WITHIN THE FENCES SO AS TO MAINTAIN THE PROTECTION OF THE PRIVATE PROPERTY FROM INTRUSION - THE NATURAL BARRIER LINE BEING CHALLIS CREEK ROAD.

AS THIS SMALL PORTION OF LAND IS UNASSESSABLE, REPRESENTATIVES OF BLM HAVE ALSO DISCUSSED THE SALE OF THIS SMALL PARCEL WITH THOMAS AND AFTON LEWIS, THE CURRENT OWNER AND WATER RIGHT HOLDERS.

FURTHER, BLM ACKNOWLEDGES THE RIGHT TO THE DIVERSION FOR A72-10033 AND THE RIGHT TO TRANSIT THE WATER FOR A72-10033 ACROSS BLM LAND. THE WATER FOR A72-10033 TRANSITS UNDER CHALLIS CREEK ROAD THROUGH A CULVERT WHICH WAS PLACED AS CHALLIS CREEK ROAD WAS ESTABLISHED.

THE PLACE OF USE IS SHOWN ON THE ENCLOSED IDWR AERIAL PHOTO AND NO WATER IS DIVERTED FOR USE ON LAND THAT IS NOT PRIVATELY OWNED.

4-1-99
Date

Water District 72-C
Challis Creek
P. O. Box 910
Challis, ID 83226-0910

Subject: Water Right No(s). 72-10033 7200007A 72-10032

Ladies and/or Gentlemen:

In accordance with Water District 72-C, Challis Creek, By-Laws, please be advised that our property and subject applicable water right(s) is incorporated in a tenant, lessor, or contract purchaser agreement with (Please Print):

Gary Olson & Robbin Wagner
Name(s)
HC 63 Box 1576
Mailing Address
Challis Idaho 83226
City, State, Zip Code
1-208-879-5820
Telephone

Accordingly, please be advised (check those that apply):

☐ The aforementioned shall have a proxy voting right in our absence at the annual meeting on any District matters that may arise.

☒ The aforementioned shall have the authority to represent our interests with the Watermaster and/or any other District representative(s) on any water issues that may arise during the irrigation season.

It is understood this agreement will expire at the end of the irrigation season, He is Buying The (specify year), or upon our prior written notification to the District of such termination.

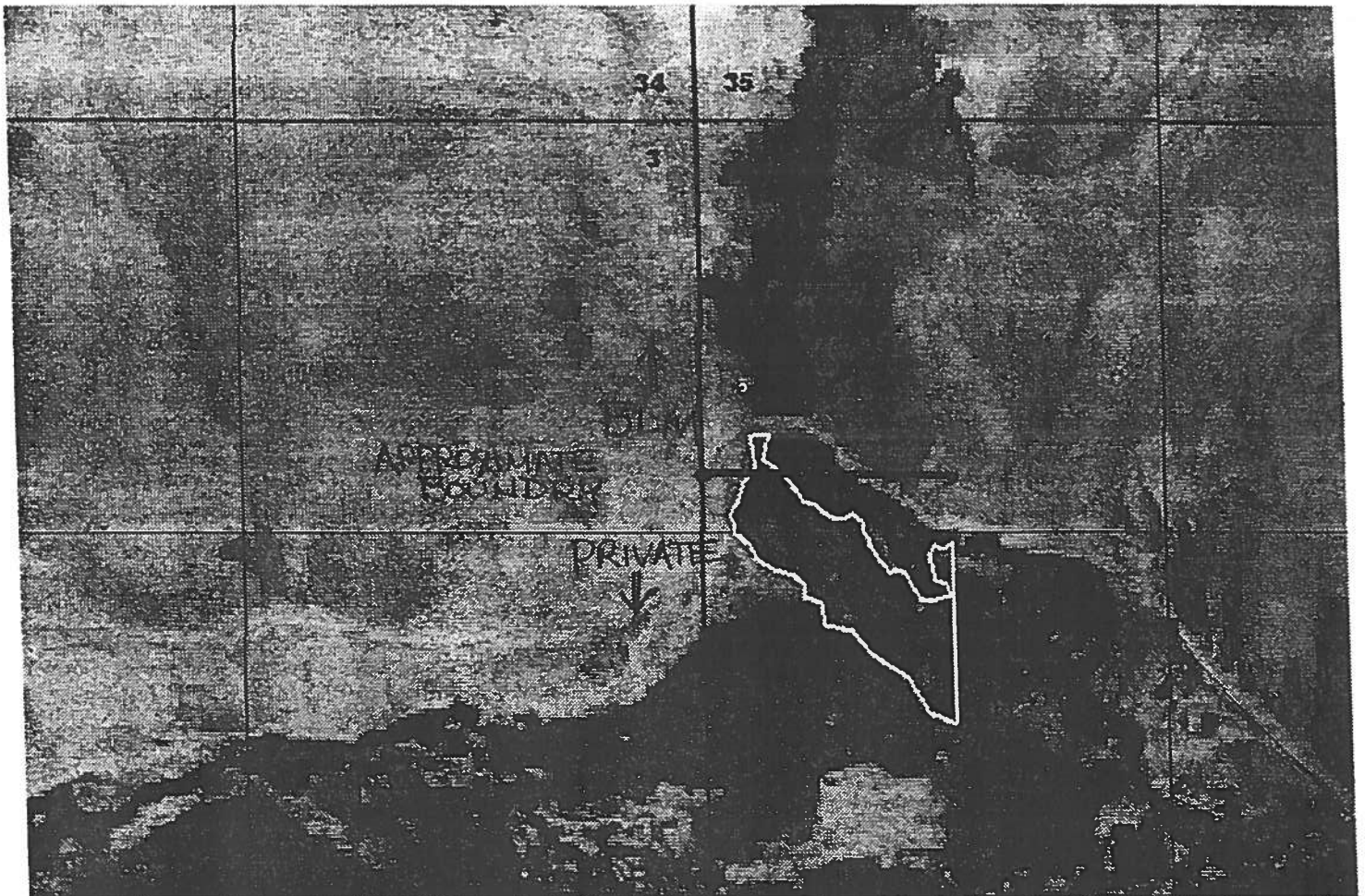
Thomas N Lewis
Signature of Water Right Owner(s)
475 N 500 West
Mailing Address
Idaho 83252
City, State, Zip Code

(208) 766 9239
Telephone

This document must be notarized (use the reverse side).

IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



0 660 1320 feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1998
TWP 14N, 18E, SEC. 2

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

Post-it® Fax Note	7671	Date	6.14.99	# of pages	4
To	Jeanie F	From	Bob Foster		
Co./Dept	IDWR	Co.	IDWR		
Phone #	736 3033	Phone #	752 6644		
Fax #	736 3032	Fax #	752 6644		

HC 63 BOX 1576
Challis, Idaho 83226

Bob Foster
Department of Water Resources
206 Van Dress Street
Salmon, Idaho 83467

5 June 1999

Dear Mr. Foster ;

In discussion with yourself and various other Department of Water Resources personnel, it was pointed out that the authority of the Department of Water Resources and the Watermaster ends at the Diversion Headgate and Weir - unless called upon to enforce the Idaho Statutes governing water resources according to the Watermaster Handbook.

After water is delivered to the water right, it becomes the responsibility of the user. It is not within the scope of the Watermaster, nor the right of any individual other than the user to monitor the flow of water after a water right has been satisfied.

By now, the Department of Water Resources, including yourself, should be aware that for some unknown reason a dispute has been created by Jack Challis, the owner of the property on which we have the right of way for our water rights.

During your visit to varify the location of the spring diversion for 72-10032, which rises into the ditch that delivers our water right # 72-00007A, a piece of Dam material was evidenced as we walked the irrigation ditch. This material has again been placed in our ditch as it was last year obstructing our water flow. This obstruction, which entirely stops our water, has been observed by numerous persons.

While you instructed Mr. Challis last year that he could not obstruct our water flow, the fact that he did is shown in his enclosed letter and this can also be varified by the 1998 Watermaster Rick Philps.

As you are aware, Statute 18-4306 listed in the Watermaster Handbook prohibits obstructing water flow. While an average water user might be unaware and inadvertently obstruct water flow, the Watermaster is held to a higher standard - especially after being instructed by yourself that he cannot obstruct the flow of water.

Should Mr. Challis wish to communally use the ditch on which we have the rights, he would, of course be required to share any ditch loss and to recover his water without obstructing our right.

Further, in the second enclosed letter from Jack Challis, he is under the mistaken assumption that he has a water right at the spring diversion for 72-10032.

In an attempt to circumvent our Water Right to the spring diversion for 72-10032 Mr. Challis has perviously verbally informed us that we have no water right.

While acting as the Water District secretary, he somehow failed to inform us of the water right 72-10032 when we requested a listing of the water rights connected to the property which we are purchasing - we had previously obtained copies of the water rights from the Department of Water Resources and also varified the 72-10032 water right with you.

Also, during the adjudication process meetings, he deliberately attempted to mislead Jeannie Robertson as to the location of the spring diversion for 72-10032 and this is the reason that Water Resources varified the actual location as indicated in the written description and you made a photo recording of the spring.

According to Jeannie Robertson, the Water Resources representative connected with the Water Right Adjudication, we maintain the sole recorded and/or only recommended water right for the spring water at the diversion for 72-10032.

Enclosed please find a copy of the original Water Right # 72-10032, a copy of the Watermaster Report from 1992 demonstrating all water rights at the spring - including only 72-10032, and the recommended Water Right submitted by Jeannie Robertson, which had to be obtained from Jeannie Robertson as the Water District secretary again seemed to overlook this water right as the recommendations were mailed to the water right holders by the District.

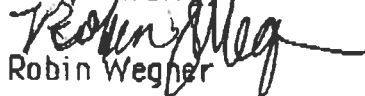
The letter from Mr. Challis acknowledges that the water from the spring, without the addition of any other source of water, does in fact flow through our irrigation ditch - to the point at which he obstructed the water flow in our ditch.

During your visit to varify the location of the spring you observed and commented that the flow from the spring approximates our water right.

On the original Water right, the general remarks acknowledge that the flow of the spring might fluxuate, but as the sole water right to the spring diversion for 72-10032 which entire contents rise in the ditch that delivers our water right, no other individual has a claim and/or right to use any amount of water from this spring diversion.

Normally, the Watermaster could be called when an individual is obstructing a water right or is attempting to take water without having a right to said water but in this instance the individual is the Watermaster. Therefore, it becomes the obligation of the Department of Water Resources to insure that any incident which might be improper is rectified and is monitored so as not to occur again.

Respectfully


Robin Wegher

cc: Jim Stanton
Allen Merritt
Jeannie Robertson

Certified # P 251 823 433



February 5, 1999

Thomas H. & Afton M. Lewis
475 North 500 West
Malad, ID 83252

Dear Tom & Afton:

This past summer I made it a point to stop over and see Gary and Robin and tell them that we would very much prefer working out some way to resolve our differences concerning a means for them/you to irrigate your property. They expressed concern about paying what they felt was "more than their fair share". Though I still feel their/your obligation should be half of all expenses incurred (it would be 100% if we changed our point of diversion and you then had to maintain your own diversion), I agreed to 33% as an acceptable division just to try and settle the matter. They then expressed concern that we were doing repairs without any consultation with them. While I again do not feel any obligation to have prior discussion of the obvious, in an attempt to resolve the matter I agreed to advise them of any intention(s) we had to do something that would affect them/you monetarily. Despite this attempt to resolve the matter, there has been no subsequent attempt on their part (or yours) to get any monies paid for the work done in the spring of 1997 or this past season. That is just not fair, right nor acceptable! Thus they/you went another year without water other than that which occurs as natural runoff from our east pasture.

Tom, we really have no desire for you not to have a means of irrigating your property. I say "you" because until (and if) the Thor's actually purchase your property, the problem is your's, not their's. Therefore, let US see if there is a way to resolve this matter.

First, let me preface my comments with some facts. Because of what I outlined in the first paragraph, I did some investigation this past season regarding your water rights. As I am sure you know by now, the Idaho Department of Water Resources (IDWR) reduced your Water Right No. 72-00007A to 7½ miners inches due to an error in the water right calculations back when you bought your property. This right has a Point of Diversion on the west side of our property line actually on Bud and Charlene Anderson's property.

In addition, you claim what most call a "high water right", 72-10033, which I understand indicates Eddie Creek as your Point of Diversion and thus not relevant to this discussion. Lastly you claim a 2 inch right, 72-10032, on a spring in the middle of our property located over sixty (60) acres from our mutual property line.

Tom, with reference to rights 72-00007A and 72-100032 you cannot (short of installing a pipeline which would seem extremely cost prohibitive) move 7½ inches over the entire length (almost a mile) of our property nor 2 inches across over 60 acres. It's just not possible! I have consulted with the local representative of the Soil Conservation Service (Mr. Mark Olson) on this and he agrees. At this writing (as a result of Mr. Olsons's suggestion), the Idaho Department of Water Resources (Ms. Jeanie Robertson) has agreed to tentatively scheduled and conduct a test measurement this spring, as soon as weather permits, to conclusively prove these facts. Once this is done, both departments would have no choice but to testify that both of these claims and our subsequent Filed Objections (which we will be filing if we cannot get this worked out in the next 30 days or so) are moot as what you are claiming is, in fact, impossible to deliver. Again, this is NOT our desired way to proceed. Rather, let's look at some options.

You could consider moving the Point of Diversion for right 72-00007A to Eddie Creek which would, of course, alleviate the total ditch loss going the other way. However, based upon what Sidlo's realize in ditch loss, this too might produce minimal flow when reaching your property and, to get flow to the south side of your house, would most likely require some means of transport (small PVC pipeline buried across your yard area, for example).

You might also consider moving your Point of Diversion to somewhere in Challis Creek on your own property. This too would seem cost prohibitive as you would likely need some means of pumping the water up onto your property.

Lastly, you could leave the Point of Diversion where it is and realize we will let water flow to you as we have in the past, usually as often as requested, more often than not in far greater quantity than your right(s) dictates, as quantity flows allow, as is the neighborly thing to do. However, we need your assurance that you will, in fact, pay your part, both what is presently due for the last 2 year's work as well as the future; you realize flows to you will be stopped once we are reduced to our limit by the Watermaster and our own needs equal or surpass our own flows; and you drop your claim on the spring. As is obvious in light of the foregoing, the latter is a meaningless claim anyway.

Think this is unfair? Fine! You tell us what IS fair. We intend to make every **REASONABLE** effort to solve this before we make a literal court case out of 9½ inches of water. **However, we will if you leave us no choice!** The outcome does not concern us as the facts are undisputable; only the time, resulting expense and general nuisance factor does! Let's avoid that, OK?

Sincerely,

J. R. Challis

cc: Mr. Mark Olson, Soil Conservationist, National Resource Conservation Service
Ms. Jeanie Robertson, Idaho Department of Water Resources, Twin Falls
Mr. Robert E. Foster, Idaho Department of Water Resources, Salmon

C
S
R**CHALLIS
CREEK
RANCH**

May 10, 1999

Mr. Gary Thor & Ms. Robin Wegner
HC 63 Box 1576
Challis, ID 83226

Dear Gary & Robin:

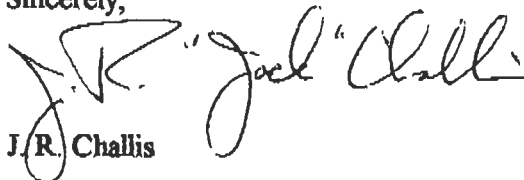
I was able to "steel" some time Saturday (now that the Highline Canal is running) and finish installing a control gate and measuring device ("V" Notch Weir) in the lower ditch just inside my west property line. I also cleaned out the diversion area and began to release some water through this headgate, though not totally ready myself for release of all my own flows, enough to direct your .15 cfs (7½ Miners Inches) into that ditch.

At this writing, I have not cut a ditch around my spring to allow measuring your .04 cfs (2 Miners Inches) into the ditch. Rather at this point all the water out of the spring is running into this common ditch (though none of my water is in it prior to the present entry of my vast majority of this spring water). I will divert around the spring as soon as time allows so that we can then control and measure your .04 cfs into the ditch.

You can, of course, come onto our property to clean and maintain this ditch. We would ask that you close any gates that are closed when you go through them and you not drive on any field that is or just was irrigated as a vehicle understandably leaves ruts. A Four Wheeler is not a problem as it has far better flotation should you purchase one of these in the future (which you may do when you walk around these fields for awhile).

My opinion is unchanged that any **significant** amount of these two (2) rights will ever make it to your property to thus be of any benefit. However, perhaps it is best that this now be proven, one way or another, so, assuming I am right, we can discuss any possible alternatives, if there are any, for you to receive some irrigation water from across our property. Just remember, the next month or so is your "best case scenario". After that the weather gets hotter and everything gets considerably drier.

Sincerely,


J.R. Challis

CHALLIS CREEK ROAD - P. O. BOX 1220 - CHALLIS, IDAHO 83226
PHONE: (208) 879-4617 - FAX: (208) 879-5238 - E-MAIL: ccrro@cyberhighway.net

AJ0749NP
No. R72-10033

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

DATE: 12/30/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AFTON M LEWIS	10/10/1911	IRRIGATION	04-01 10-31	0.10 CFS	
C	THOMAS H LEWIS					
TOTAL DIVERSION:					0.10 CFS	

Water Source: EDDY CREEK

Tributary to: CHALLIS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14N R18E S02 Lot04(SWMNMW)

CUSTER County

Place of use legal Description for: IRRIGATION

	NE	NM	SW	SE	
T R S	NE NE NE SENE	NE NW NMW SW NW SENE	NE SW NMW SMSW SESW	NE SE NMSE SMSW SESE	SUM
14N 18E 2	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: 4.0
	:	01	03	:	:
TOTAL ACRES					4.0

POU County: CUSTER

Other Rights: NONE

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.

Remarks: EXP STOCK WATER INCIDENTAL TO IRRIG.

Dates: Exam Made Date: Verified Date: 12/30/1998 Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

AJ0749NP
No. R72-10033

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

DATE: 12/30/98
PAGE: 2

Comments:

Date: 01/15/1993 User-ID: WORSTELL Subject: COPIED FROM REMARKS
THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER
DELIVERS CHALLIS CREEK WATER TO USERS BELOW.

Date: 07/23/1993 User-ID: ROBERTSO Subject: ADDRESS CHANGE
Change of address form received 7/16/93 and completed this date.

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: 12/30/1998 User-ID: JROBERTS Subject: PRIORITY DATE
CHANGED PRIORITY DATE TO 10/10/1911, ONE DAY JUNIOR TO DECREE FOR
THIS HIGHWATER RIGHT.

Audit: 12/30/98 JROBERTS

November 20, 1998

NOTICE OF ERROR
REPLY

RECEIVED
DEC 16 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: 72-10033

THOMAS H LEWIS
474 N 500 W
MALAD ID 83252

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):

The date of 4/15/1950 should be 1915. at least

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

The date on this should be 1915 or before

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

I sent three letters from long time owner from around here that stated that the water was used as long as they were there. I sent the letters in with the report

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

DATE: 12.8.98

SIGNATURE: Thomas H Lewis

Please print your name: Thomas H Lewis

Water Right Number - R72-10033

Prefix Translation: RESEARCH

Old (D) Number -

*** C - CURRENT OWNER ***
LEWIS

AFTON M

LEWIS

THOMAS H

VERIFIED BY *KKC*
11-13-98

1 - 475 N 500 W
2 -
3 -
City- MALAD
Phone - 208-766-9239
1 - 474 N 500 W
2 -
3 -
City- MALAD
Phone - 208-766-9239

State- ID Zip- 83252

State- ID Zip- 83252

Priority Date - - - +
04/15/1950

Region - - - +
17 SOUTHERN

Stage - - - +
J - BENEFICIAL USE

Status - - - +

Source - - - - - +
EDDY CREEK

Tributary - - - - - +
CHALLIS CREEK

Twn Rng Sec Tract Lot Rflg County Point of Diversion
14N 18E 2 SW NW NW *535* *1994* (37) CUSTER

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 10/30 0.100

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

Total Consumptive Use - + Total KW Usage - +
0.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	18E	2	NW NW		1.0	01	IRRIGATION	(37) CUSTER
14N	18E	2	SW NW		3.0	01	IRRIGATION	(37) CUSTER

Total Acres: 4.0 - *331*

- - - Diversion Means - ROCK CHECK DAM WITH HEADGATE TO DITCH

- - - Non-Irrigation Use - STOCK WATER INCIDENTAL TO IRRIG.

- - - Other Rights for Same Use - NONE

Remarks -
No Remarks found.

Water right number - R72-10033

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers Found

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

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

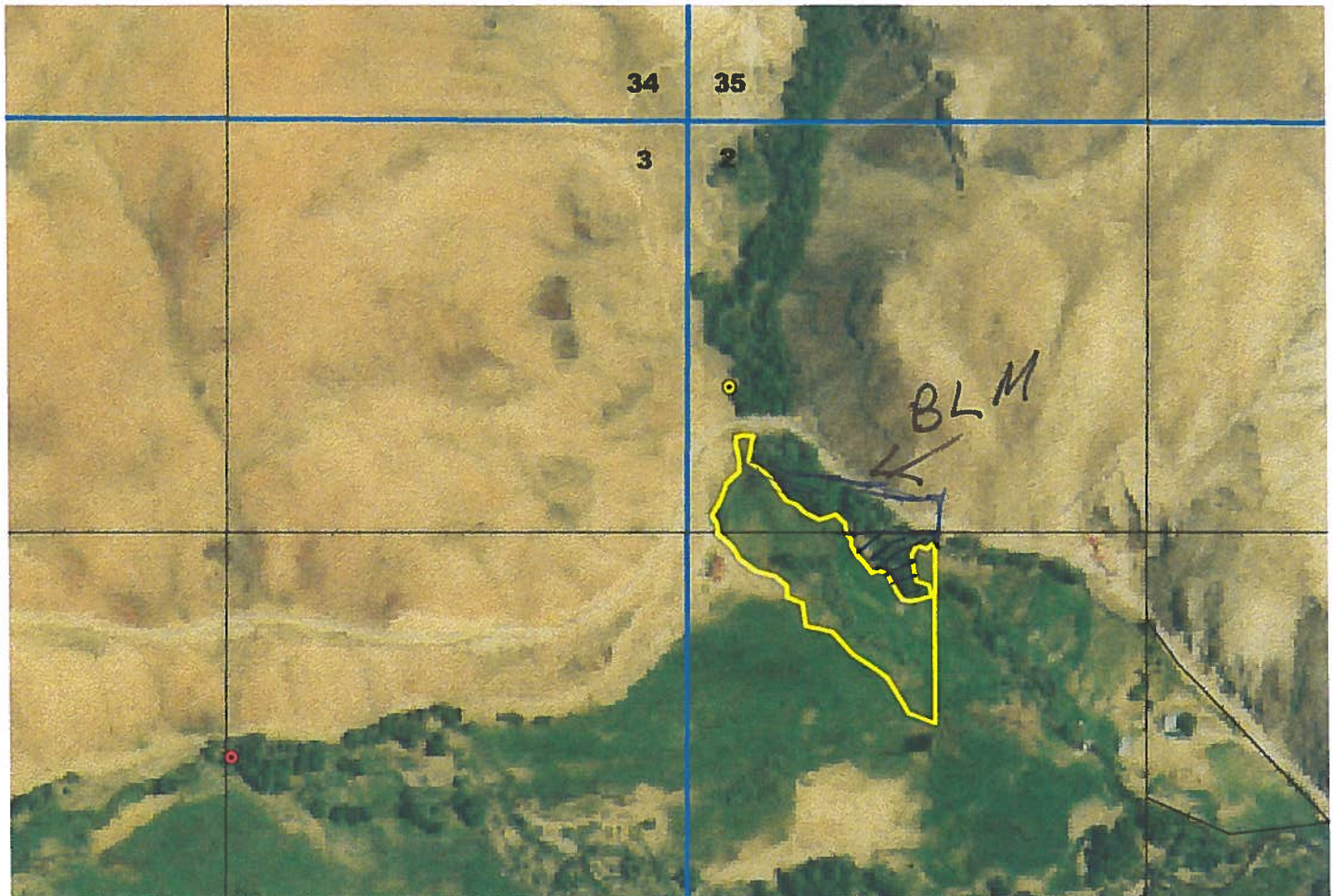
+ - - - - Comments - - - - - +
Date: 01/15/1993 User Id: WORSTELL Subject: COPIED FROM REMARKS
THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER DELIVERS CHALLIS CREEK WATER TO USERS BELOW.
Date: 07/23/1993 User Id: ROBERTSO Subject: ADDRESS CHANGE
Change of address form received 7/16/93 and completed this date.

+ - - Audit Fields - - - +
11/13/98 KCHRISTE

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - 00/00/0000 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 - S010303 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag -
Notice of Error Flag -

IDAHO DEPARTMENT OF WATER RESOURCES

72-10033



0 660 1320 Feet



RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 23, 1998
TWP 14N, 18E, SEC. 2

-  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

CLAIM NUMBER

72-10033

DATE

10/23/98

TRANSFER NUMBER

AGENT

8

CLAIMED ACRE TOTAL

4

GIS ACRE TOTAL

4

	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	18E	2							4										4
GIS	14N	18E	2						1	3.4										
RECOM	14N	18E	2						1	3										4/3
									BLM											
CLAIM																				
GIS																				
RECOM																				
CLAIM																				
GIS																				
RECOM																				

B72-DBPOU.SHP

SHAPE NOS.

331

B72-DBPOD.SHP

NOS. DESCRIPTION

199 14N, 18E, 2 SW NW NW

Master updated
1-20-00
JR

removed 1 Ac. in
NW NW per
SF 5
signed 12-1-99

Soil type for this P/U is CPI
which based upon Hubble Analysis
worksheet requires 0.36 CFS/ACRE.
The claimed rate is 0.10 CFS

No measurement in file but
Photos show a delivery system
that appears capable of diverting
in excess of the claimed rate.
Recom claimed rate.

DBF TABLES UPDATED

B72-DBPOU.DBF

✓

B72-DBPOD.DBF

✓

JPEG LAYOUT

✓

R PROOF



CVR



MAPS



PHOTOS



MISC



MICROFILMED

NOV 01 1981

MICROFILMED

MAR 18 1993

Old (D) Number -

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

State- ID Zip- 83252

State- ID Zip- 83252

+ - -	- Priority Date	- - +
04/15/1950		
+ - -	- Region	- - - +
17 SOUTHERN		
+ - -	- Stage	- - - +
J - BENEFICIAL USE		
+ - -	- Status	- - -

- - Tributary
CHALLIS CREEK

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

14N	18E	2	SW	NW	NW	4	(37)	CUSTER
-----	-----	---	----	----	----	---	------	--------

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

+	-	Total Div. Rate	+	+	-	Total Div. Volume	-	+	+	-	Total Consumptive Use	-	+	+	-	KM Usage	-	+	+	-	0.100	9.0
---	---	-----------------	---	---	---	-------------------	---	---	---	---	-----------------------	---	---	---	---	----------	---	---	---	---	-------	-----

		Place of Use				County		
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	
14N	18E	2	SW NW		3.6	01	IRRIGATION	(37) CUSTER

Total Acres: 3.6

+ - - Diversion Means - ROCK CHECK DAM WITH HEADGATE TO DITCH

+ - - Non-Irrigation Use - STOCK WATER INCIDENTAL TO IRRIG.

+ - - Other Rights for Same Use - NONE

[illegible]

MICROFILMED
NOV 01 1994

Water right number - R72-10033

Prefix Translation: RESEARCH

+ - - - - Old Water Right Numbers - - - - -
+ - - - - Old Water Right Numbers - - - - -
+ - - - - No Old Water Right Numbers Found - - - - -

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

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

+ - - - - Comments - - - - -
Date: 01/15/1993 User Id: WORSTELL Subject: COP1ED FROM REMARKS
THIS IS HIGH WATER USED FROM EDDY CREEK BEFORE WATERMASTER DELIVERS CHALLIS CREEK WATER TO USERS BELOW.
Date: 07/23/1993 User Id: ROBERTSO Subject: ADDRESS CHANGE
Change of address form received 7/16/93 and completed this date.

+ - - - - Audit Fields - - - - -
02/01/94 WORSTELL

Adjudication Rights Dates and Flags Area			
Count Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-
Response Filed Date	- 00/00/0000	Verified Date	- 02/01/1994
Claim Received Date	- 10/26/1989	Last Amended Date	- 00/00/0000
		Receipt Number	- S010303
		POU Ownership Flag	- Y
		Name Connector	- AND/OR
		Civil Case Number	-
		Old Case Number	-
		Old Judicial District	-
		Temporary Right	- P
		Water District	-
		Federal/State Indicator	- S
		Presumption Flag	-
		Notice of Error Flag	-

MICROFILMED
NOV 01 1994

PAGE: 1
GENERAL INFORMATION

STATE OF MAINE
DEPARTMENT OF WATER RESOURCES
AUTOMATIC CLAIM VERIFICATION REPORT

CLAIM NUMBER: A72-10022

04:19:47
06/06/92

FACT: 1 FURT
ADDRESS: ~~115 LA ROY ROAD~~ **475N 500W**
CITY: ~~SHUBBING~~ **MALAD** STATE: ~~VT~~ **VT** ZIP: ~~05505~~ **83252**
PHONE NUMBER: ~~208-200-0000~~
NUMBER CODE: ~~0~~ **766-9839**

FACT: 1 FURT
ADDRESS: ~~115 LA ROY ROAD~~ **475N 500W**
CITY: ~~SHUBBING~~ **MALAD** STATE: ~~VT~~ **VT** ZIP: ~~05505~~ **83252**
PHONE NUMBER: ~~208-200-0000~~
NUMBER CODE: ~~0~~ **766-9239**

FIELD FROM DESCRIPTION? DATABASE
APPLICATION PROVIDED TO REMARKS? Y EXAMINER

CLAIM REMARKS: THIS IS HIGH WATER USED FROM FUDY CREEK BEFORE WATERMASTER
WATERING QUALITY CREEK WATER TO USERS PRIOR.

MICROFILMED
NOV 01 1994

CONTACT PERSON:
DATE OF FIELD EXAM: 10/28/93
ACCOMPANIED BY:
PREPARED BY:
INSTRUCTIONS TO PROPERTY / REMARKS:

PHONE NUMBER: () -
APPOINTMENT MADE: Y () N ()
TIME: : A () P ()
PHONE NUMBER: () -

No response to letter asking to make appointment for a field exam. I made a desk review and a brief overview of the property on the above date.

A. V. Martell
2/1/94

MICROFILMED
NOV 01 1993

A. A1 CLAIM: # A72-10033

PRIORITY DATE: 05-01-1915

STAGE: 1

B. WP RECORD: NO WATER RIGHT RECORD TO MATCH THIS A1 CLAIM

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATEBASE
Y

FIELD
EXAMINER
Y

ARE THERE OBTUSIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIM? (Y/N) ()

REMARKS:

Priority date based on affidavit(s) from Mr + Mrs
William Hammond dated Nov. 13th 1932. - Also on Mr Lewis's
statement that Mrs Sanderson + Elmer Stephens told
him this water was used prior to 1950.

DOCUMENTED PRIORITY DATE:

REVIEWED BY

4-15-1950

S. V. J.

DATE

1/15/93

MICROFILMED

NOV 01 1994

A. AT CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TRP.	PRG.	SEC.	1/4	1/4	1/4	LOT	PATY	CLUSTER
472-10002	14N	18E	2	SW	NW	NW	4		

OTHER AT CLAIMS WITH SAME AT FOR
 A PREFIX NONE
 W/ RECORDS IN SAME AC ACRE TRACT
 NONE

SOURCE: EDDY CREEK

TRIB: CHALLIS CREEK

B. UP POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIB: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

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

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TRP.	PRG.	SEC.	1/4	1/4	LOT	COUNTY
14N	18E	2	SW	NW	4	Colster

CONDUCTED BY: *Eddy Creek*
 REVIEWED BY: *Challis Creek*
 DATE: *2/1/94*

A. POINT WATER RIGHT NUMBERS: 472-10033

B. POI LISTING

TRP	WNG	SEC	1/4	1/4	LOT	NAME	A1 #/ACRES	UB #/ACRES	LANDSAT DATA	FIELD EXAM.	REFLOW ACRES
1	AN	10E	2	SW	NU	LEWIS, THOMAS H.	472-10033 / 4.0	-	-	31.0	3.5
				SW	NU	LEWIS, THOMAS H.	472-000074 / 12.0	-	-		
				SW	NU	LEWIS, THOMAS H.	472-10032 / 12.0	-	-		
				SW	NU	LEWIS, THOMAS H.	472-10034 /	-	-		
				SW	NU	STING, LARRY G.	472-000078 / 19.0	-	-		
				SW	NU	STING, LARRY G.	472-10158 /	-	-		
				SW	NU	NOACK, KEN	472-10157 /	-	-		
				SW	NU	EMMY, WILLIAM	72-000007 /	-	-		
				SW	NU	FAGAN, CHARLES	72-000084 /	-	-		
				SW	NU	SANDERSON, J. J.	72-04002 / 20.0	-	-		
				SW	NU	STILO, LARRY G.	72-04137 / 15.0	-	-		

TOTAL ACRES 472-10033 4.00 31.00

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

3.6
3.6

C. FIELD EXAM REQUIRED?

DUE TO POI DISCREPANCY? (Y/N)

DATABASE FIELD EXAMINER
Y N

POI COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

DECOMPOSITIONS:

TOTAL ACRES:

3.6

REVISION BY:

Q.D. St.

DATE:

2/1/94

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APR 1 1994

A. AS CLAIMED USES:

PURPOSES
A72-10022 INVESTIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
100 CFS
100 CFS

B. UNRECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

D. DISCREPANCY FLAG:

FIELD BYAM REQUIRED?

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

DATABASE EXAMINER
Y
Y
Y

NY
NY
NY

H. PERIOD OF USE:

PERIODICALLY AS CLAIMED?

PERIODICALLY TO UP STANDARDS OR OTHER?

REMARKS:

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

Explain in remarks below.

New standard period of use.

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100 11 150

TOPS DIVERSION RATE CLAIMED ABOVE WITH EXISTING RECORDS
AT TOTAL CLAIMED DIVERSION RATE: 0.100 CFS
NR ROOT RIGHT TOTAL DIVERSION RATE: CFS

+++ IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. +++
++ IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS ++
++ CLAIMED AND AN EXPLANATION IS NOT PROVIDED, EXPLAIN IN REMARKS. ++

FLOW MEASUREMENT REQUIRED?

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

YES DATABASE EXAMINER

MEASUREMENT METHOD

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DTU DATE/ACRE	DTU VOL./ACRE
A72-10033	EDDY CREEK	LEWIS, THOMAS H.	0.100	0.025	
A72-00007A	CHALLIS CREEK	LEWIS, THOMAS H.	0.220	0.019	
A72-00007B	EDDY CREEK	SIDLO, LARRY G.	0.380	0.020	
A72-10032	SPRING	LEWIS, AETON M.	0.040	0.003	

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

CLAIM NO.	SOURCES	NAME	MONTH/TAY	RATE	VOLUME
A72-10034	DOMESTIC	LEWIS, THOMAS H.	FROM 01-01 TO 12-31	0.040 CFS	

No record but claimed

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NOV 01 1983

1.

1a. IRRIGATION RATE $\times$ 0.02 CFS/ACRE = 0.072 CFS
 (Taken from O/U review)

1b. CALCULATIONS

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

111. IF YES, ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

See Hubble Analysis.

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 10.0 AF/A

ACRES 3.6 $\times$ CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 9 AF/A

3. IRRIGATION DIVERSTION VOLUME

CLAIMED DIVERSTION VOLUME = AF/A

ACRES $\times$ DIVERSTION VOL. AF/A FOR AREA N/A =

TOTAL DIVERSTION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

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RECOMMENDATIONS:

PER-
VIRGOSSES

REC. PERIOD
FROM TO

REC. DTU
RATE CPS

REC. TIV
UNIT: AP/A

REC. CONE
HCF

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

Irrigation

4/15 10/15

0.100 to 0.007

0.10

N/A

10 10

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TOTAL FOR THIS RIGHT

REVIEWED BY:

[Signature]

DATE:

2/1/94

Recommend as claimed - Hubble Analysis

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
SURRENDER/ABANDON
ADDITIONAL DIV. AMOUNT

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

B. CREDIT WATER RIGHT REVIEW

FOOT WATER RIGHT NUMBER: 72-10032

DATABASE

EXAMINER

TOTAL DIVERGENCE RATE OF WP SPLITS

CPS

No Splits

SPLITS:

OT RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERGENCE
RATE

CURRENT "P"
CLAIM NUM.

"P" DIV.
RATE

WP RIGHT
NUMBERS

DIVERGENCE
RATE

A72-10032

0.100

-

TOTAL CPS

0.100

DIVERGENCE RATE REVIEW

DATABASE

FIELD
EXAMINER

DO THE SUM OFS RATE OF THE SPLITS EQUAL THE FOOT RIGHT CPS RATE? (Y/N)

N

N/A

REMARKS:

AUTHENTICATION:

SIGNATURE:

Robert D. Westell

DATE:

2/1/94

NAME OF FIELD EXAMINER:

ROBERT WESTELL

TITLE:

SR Adjudication Agent.

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NOV 01 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

PAGE: 11
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-10033

04:19:47
06/06/97

UP ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	UP ELEMENT
PRIORITY DATE	Y		<i>RW 10/28/93</i>	Y	6	<i>RW 2/1/94</i>	<i>RW 2/1/94</i>	
POINT OF DIV	Y			N				
SOURCE	Y			N				
PLACE OF USE	Y			~~Y~~	1, 4, 5			
RTV AMOUNT CFS/VOLUME	Y			~~Y~~	1, 4, 5			
CONSUMPTIVE USE	-			~~Y~~	1, 4, 5			
PIPPINGS	Y			N				
PERIOD OF USE	Y			Y				
EFFECT OF CLAIM	Y			N				
REMARKS	Y							

*INTERPRETED BY CODES

- TRUD MAP/ORIHO-PO = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- WATER PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

USGS Topog. Map - "Pat's Creek" Quadrangle, 1989 Proj. Edition
24 ID BAC 5-78-27 7/1/88

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER OBTAINED THE INFORMATION
NEED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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NOV 01 1994

STATE OF TEXAS
DEPARTMENT OF WATER RESOURCES
ANTICIPATION CLAIM VERIFICATION REPORT

05:17:00
06/06/92

PAGE: 13
PROPERTY REPORT

CLAIM NUMBER: 473-10022

OWNER NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	ANTICIPATION RATE	ANTICIPATION UTILIZATION
THOMAS H. LEWIS AFTON M. LEWIS H.C. 63 BOX 1581 CHALITIS TX 79326	05/01/1915	IRRIGATION	04-01 11-01	0.10 CFS	0.10 CFS
				TOTAL DIVERSTION:	10.0
				CONSUMPTIVE USE:	

Water Source: EDDY CREEK

Tributary to: CHALITIS CREEK

Stage: UNOFFICIAL USE

Object(s) of Diverstion:

TIAN RIBE 502 Lot 4 (SUMMARY)

CUSTER County

Object of Use	Local Description for: IRRIGATION	NW	SW	SE	NE	SP	TOTAL ACRES
1	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
2	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
3	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
4	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
5	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
6	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
7	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
8	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
9	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
10	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
11	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
12	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
13	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
14	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
15	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
16	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
17	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
18	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
19	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
20	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
21	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
22	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
23	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
24	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
25	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
26	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
27	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
28	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
29	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
30	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
31	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
32	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
33	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
34	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
35	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
36	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
37	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
38	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
39	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
40	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
41	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
42	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
43	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
44	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
45	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
46	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
47	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
48	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
49	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
50	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
51	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
52	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
53	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
54	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
55	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
56	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
57	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
58	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
59	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
60	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
61	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
62	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
63	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
64	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
65	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
66	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
67	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
68	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
69	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
70	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
71	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
72	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
73	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
74	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
75	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
76	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
77	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
78	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
79	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
80	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
81	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
82	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
83	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
84	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
85	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
86	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
87	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
88	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
89	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
90	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
91	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
92	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
93	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
94	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
95	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
96	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
97	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
98	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
99	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0
100	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	1/4 AC	4.0

WQU County: CUSTER

Non-Irrigation Uses: STOCK WATER INCIDENTAL TO IRRIG.

Other Rights: NONE

Non-Irrigation Use: STOCK WATER INCIDENTAL TO IRRIG.

Remarks: THIS IS HIGH WATER USED FROM EDDY CREEK BEHIND WATERMASTER DELIVERING CHALITIS CREEK WATER TO USERS BELOW.

Dates: Exam Made Date: Verified Date:

Water District Number:

Field Inspection Place: Presumption Place:

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NOV 01 1994

GRADED BORDER EVALUATION

Job name: 72-10033
By: RVW

Location: CP1 SOIL 3.6 ACRES
Date:

Roughness coefficient (n)= 0.250 Intake family (If)=3.00
Slope (S)= 0.0410 ft/ft Border width (W)= 63 ft
Net application (Fn)= 0.79 inches Border length (L)= 167 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
0.67	Gross depth is less than required gross application depth					
0.68	Gross depth is less than required gross application depth					
0.69	0.011	22.67	21.76	0.11	3.5	
0.70	0.011	22.99	21.76	0.44	3.4	
0.71	0.011	23.32	21.76	0.77	3.4	
0.72	0.011	23.65	21.76	1.10	3.3	
0.73	0.012	23.98	21.76	1.43	3.3	
0.74	0.012	24.31	21.76	1.76	3.2	
0.75	0.012	24.64	21.76	2.08	3.2	
0.76	0.012	24.96	21.76	2.41	3.2	
0.77	0.012	25.29	21.76	2.74	3.1	
0.78	0.012	25.62	21.76	3.07	3.1	
0.79	0.013	25.95	21.76	3.40	3.0	

HUBBLE ANALYSIS

MICROFILMED
NOV 01 1994

CLAIM NO. --- 72-10033
 AGENT ----- RVW
 DATE ----- 02/01/94
 Lotus Program:
 IRR-PRAC.WK3
 Date form revised:
 4/21/93 by KKC

 SOIL CHARACTERISTICS

Soil Type = CP1; REDFISH...GRAVELLY SANDY 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			
0	5	0.08	0.1	5.6	7.3	2	3	1	0.98	flood 3
5	10	0.07	0.12	5.6	7.3			1	1.00	furrow 0.7
10	60	0.02	0.03	5.6	7.3			3	1.57	
								4	1.87	alternate
								5	2.17	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
				FIELD WIDTH	939	0	
				IRRIGATION DAYS	5		
				DRY DAYS	0		
				SET TIME(hours)	8		
alfalfa (hay or seed)	5	0.5	1.09	CALCULATED RUN (run = acres*43560/width)			
corn (field or silage)	4	0.5	0.94	LENGTH (RUN) =	167		
grain (winter or spring)	4	0.5	0.94	CALCULATED BORDER WIDTH (ditch length/irr days * cha			
pasture (or grass hay)	3	0.5	0.79	WIDTH =	63		
other (enter below)				THEORETICAL ROTATION (mad/net irr req in inches per			
				SELECTED MAD =	0.79		
				ROTATION =	3.4 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	oct
PASTURE	3.6	FLOOD	3.5		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

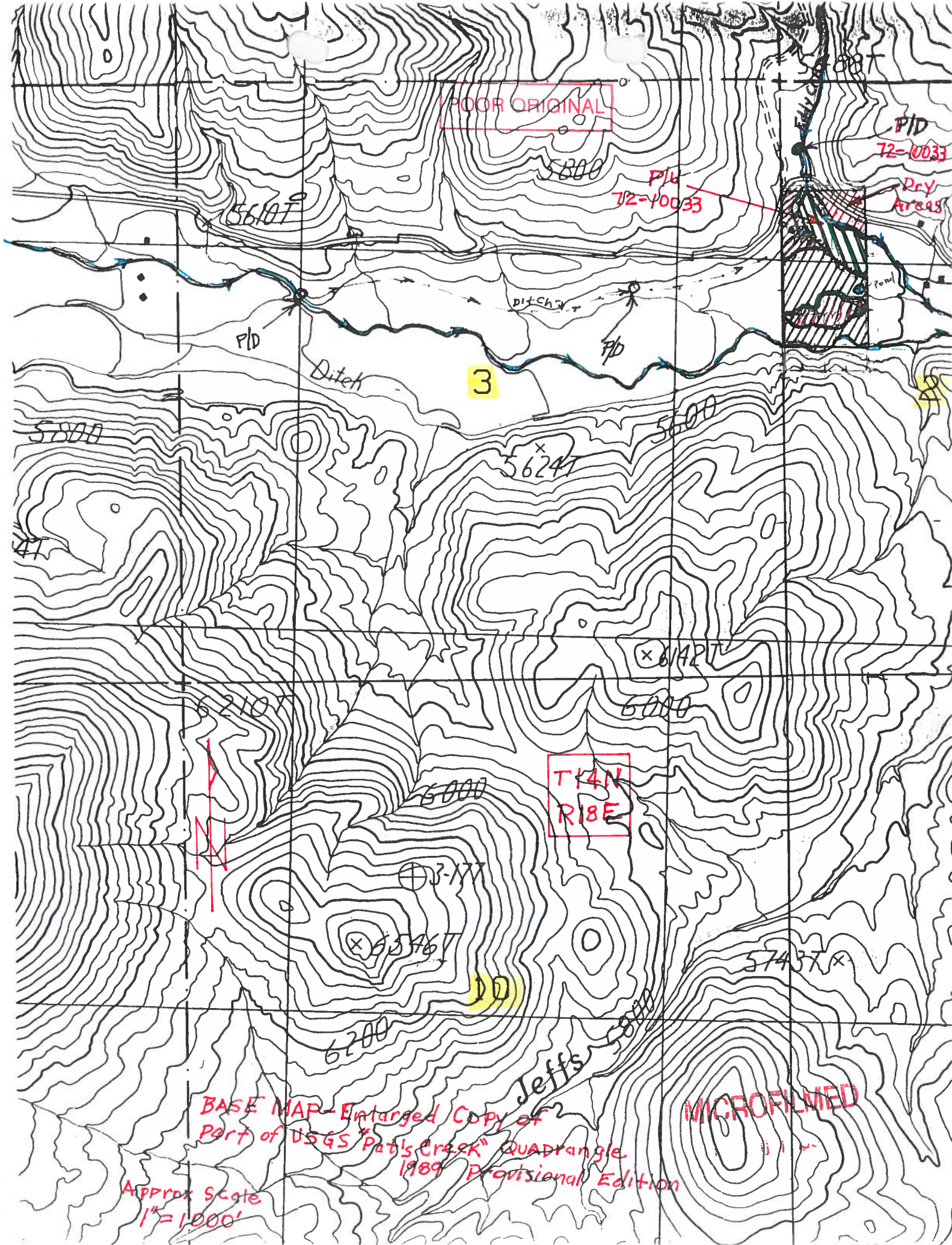
Summary 3.6 4 1.47 3.84 4.87 5.86 4.56 3.23 2.07
 Peak Net Irrigation Requirement (mm/day) = 5.86

HUBBLE ANALYSIS

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

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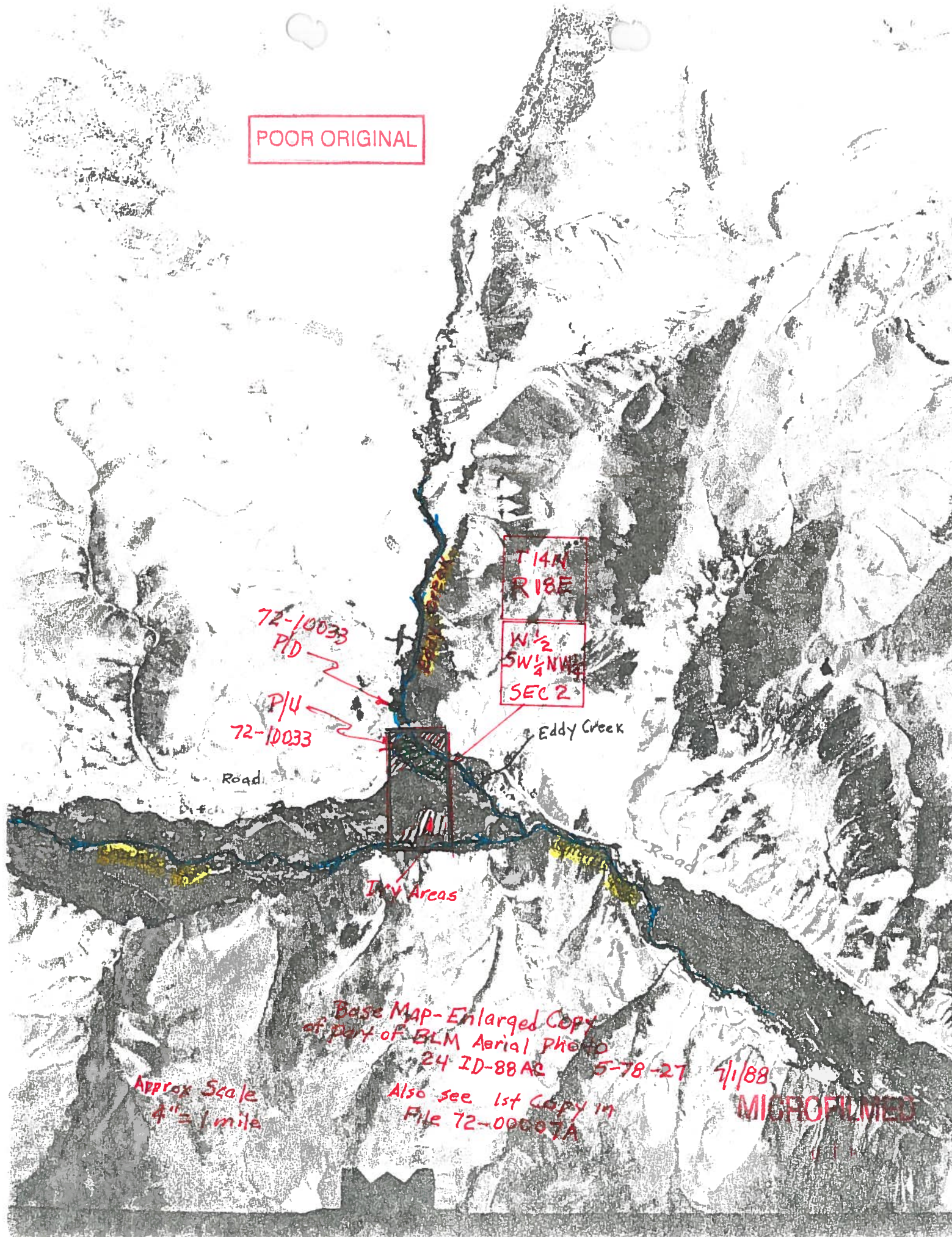
NOV 01 1994



BASE MAP - Enlarged Copy of
Part of USGS "Pats Creek" Quadrangle
1989 Provisional Edition

Approx Scale
1" = 1000'

POOR ORIGINAL



72-10033



R19-11
9/17/93

Lewis Diversion from Eddy Creek. No measuring structure found



POOR ORIGINAL

MICROFILMED
NOV 01 1994

Channel from Diversion to R19-12

R 19 # 11 Lewis Diversion & Flood
Control Structure - NO
Measurement Structure
9/15/93

Lewis Diversion from Eddy Creek. No measuring str.

PO

MICRO
NOV 0

R 19 # 12 Channel to Lewis Property
from Diversion Point

Channel from Diversion to
Lewis Place of use R 19-12
9/17/93