

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: A72-10032

Date Received: 10/26/1989

Receipt No: S010303

Received By: *O/C amended*

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ROBIN J WEGNER  
Address: HC 63 BOX 1576  
CHALLIS ID

208-879-5820

83226

2. Date of Priority: OCT 10, 1911

3. Source: SPRING

Trib. to: DITCH FROM CHALLIS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 18E   | 3       | NW     | SE     | NE  |     | CUSTER |

5. Description of diverting works:  
SPRING RISES IN DITCH FROM CHALLIS CREEK THEN VIA SAME DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 0.500 |      |        |

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

8. Total consumptive use is 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 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 14N      | 18E   | 2       | SW     | NW  |     | IRR | 12.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|------------|-----|---------------|-------|
|          |       |         |            |     | Section Acres | 12.0  |
|          |       |         |            |     | Total Acres   | 12.0  |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

A72-00007A

14. Remarks:

SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.

\*\*\*\*\*OWNERSHIP CHANGE\*/AMENDED CLAIM\*\*\*\*\*  
OWNERSHIP CHANGE FROM LEWIS TO WEGNER. COPY OF DEED AND FORM RECEIVED 12/1/1999.

\*\*\*CLAIM AMENDED TO INCREASE DIVERSION RATE TO 0.50 CFS\*\*\*\*\*  
THE SPRING FOR A72-10032 HAS HISTORICALLY AND TRADITIONALLY RISEN IN THE DITCH WHICH DELIVERS THE A72-00007A WATER RIGHT. THIS DITCH (SHOWN ON ENCLOSURE B) IS THE SOLE MEANS TO BRING A72-10032 AND A72-00007A TO THE PLACE OF USE. TO DIVERT THE A72-00007A RIGHT AROUND THE SPRING AND BACK INTO THE DITCH DOES NOT ALTER THE HISTORIC AND TRADITIONAL USE OF THE A72-10032 RIGHT.

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: \_\_\_\_\_

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.
- ☒ 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 Afton Lewis
4. New Owner/Claimant(s) Robin J. Wegner  
 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:

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 K3 Box 1576, Challis, ID 83226  
the following described real property in Custer County, State of Idaho,  
more particularly described as follows, to wit:

T1E 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.

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.

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

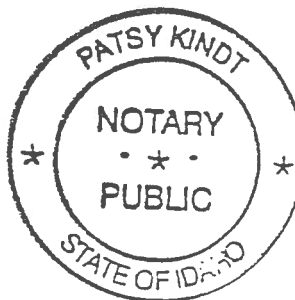
known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Signature: Patsy Kindt

Name:

Residing at: Challis Id.

My commission expires: 3/12/2004



Transnation Title & Escrow, Inc.

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 S. Janais

Custer County Rec.

William H.

Time 11:12 A.M.

11/9

Ethel M Peck, Clerk

Janet S. Janais

Dep

300

[illegible]
$$\frac{8}{5} \quad \frac{5}{11}$$

be reached

DEC 29 1999

RECEIVED

JAN 10 2000

Department of Water Resources  
Southern Region

1999 AUG 12 PM 1:37

DISTRICT COURT - SRBA  
TWIN FALLS CO., 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

A72-10032

(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 WEGNER

My address is HC 63 BOX 1576

CHALLIS, ID 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.)

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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 SPECIAL MASTER  
(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:

A SPECIAL INFORMAL HEARING WAS HELD ON 23 JUNE  
AT WHICH IDWR REPRESENTATIVES OBSERVED THE RIGHT  
AND RECOMMENDED AN AMMENDMENT BE SUBMITTED.

☒

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

ENCLOSED IS IDWR CLAIM PROFILE AND IDWR  
RECOMMENDED WATER RIGHT. ALSO ENCLOSED IS  
AN EXPLANATION OF AMMENDED RIGHT WITH ENCLOSURES.

I have attached:

☒

An amended Notice of Claim (available from IDWR).

☒

Payment of the following additional fees required by IDWR:

\$50.00

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VERIFICATION (Must be completed)

State of IDAHO

County of CUSTER

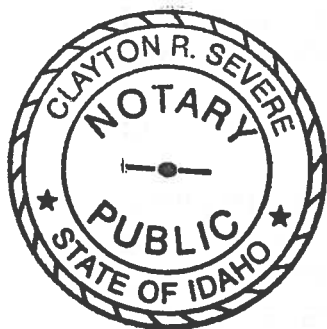
ROBIN J WEGNER, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

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.

[Signature]  
Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on aug 11, 1999.  
(Insert Date)



[Signature]  
Notary Public for Idaho  
Residing at: Challis, Idaho  
My Commission expires: 3-16-2003

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 11 AUG, 1999, 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

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/addresses of parties)

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

On 23 June 1999 an informal hearing was held by IDWR at the spring which is the source for A72-10032. During this meeting, IDWR representatives Jeannie Robertson and Allen Merritt determined that both the adjacent property owned by Mr. Jack Challis and our property had historicly and traditionally received benefits from this spring for irrigation.

A preliminary assessment was made by Jeannie Robertson which determined the areas which received benefit from the spring to be approximately the same in size (Enclosure A). In that the water right/rights share a common ditch it was determined that the water would be used on a time share basis.

The recommendation was made that Mr. Challis file a claim to a water right and that an ammended claim be submitted for water right A72-10032 which would better reflect the benefit received.

(A copy of the tape recording of the meeting could be made available)

Mr. Challis has since filed an application for a water right from the spring , subcase A72-16563, which requests .20 cfs for irrigation and .05 cfs for stockwater. In keeping with the hearing preliminary assessment, our water right from the spring should be .25 cfs.

However, the preliminary assessment at the informal hearing failed to take into consideration the fact that our water right A72-00007A is delivered to our property using this same ditch. During tha time that Mr. Challis uses the water from the spring which is the source for A72-10032, we are precluded from receiving the A72-00007A, .15 cfs water right and high water right A72-16559 which has been applied for.

Further, Mr. Challis would continue benefit for stockwater from the spring and the irrigation ditch and to benefit for irrigation from the subirrigation from the ditch, for the area marked in Enclosure B, which conveys both water right A72-10032 and A72-00007A.

Unless the A72-10032 water right is accodingly adjusted, Mr. Challis would be allowed to be unduely enriched.

The A72-10032 water right should be adjusted to provide equitable disbursement according to the following :

Preliminary Assessment ..... .25 cfs  
- Equal Consideration -

Offset for A72-00007A Water ..... .15 cfs  
offset for the period during which the  
right is diverted from the place of use

Offset for the A72-16563 stockwater ..... .05 cfs  
stockwater use continues from the spring  
and ditch during the period that the A72-10032  
and the A72-00007A rights are being delivered

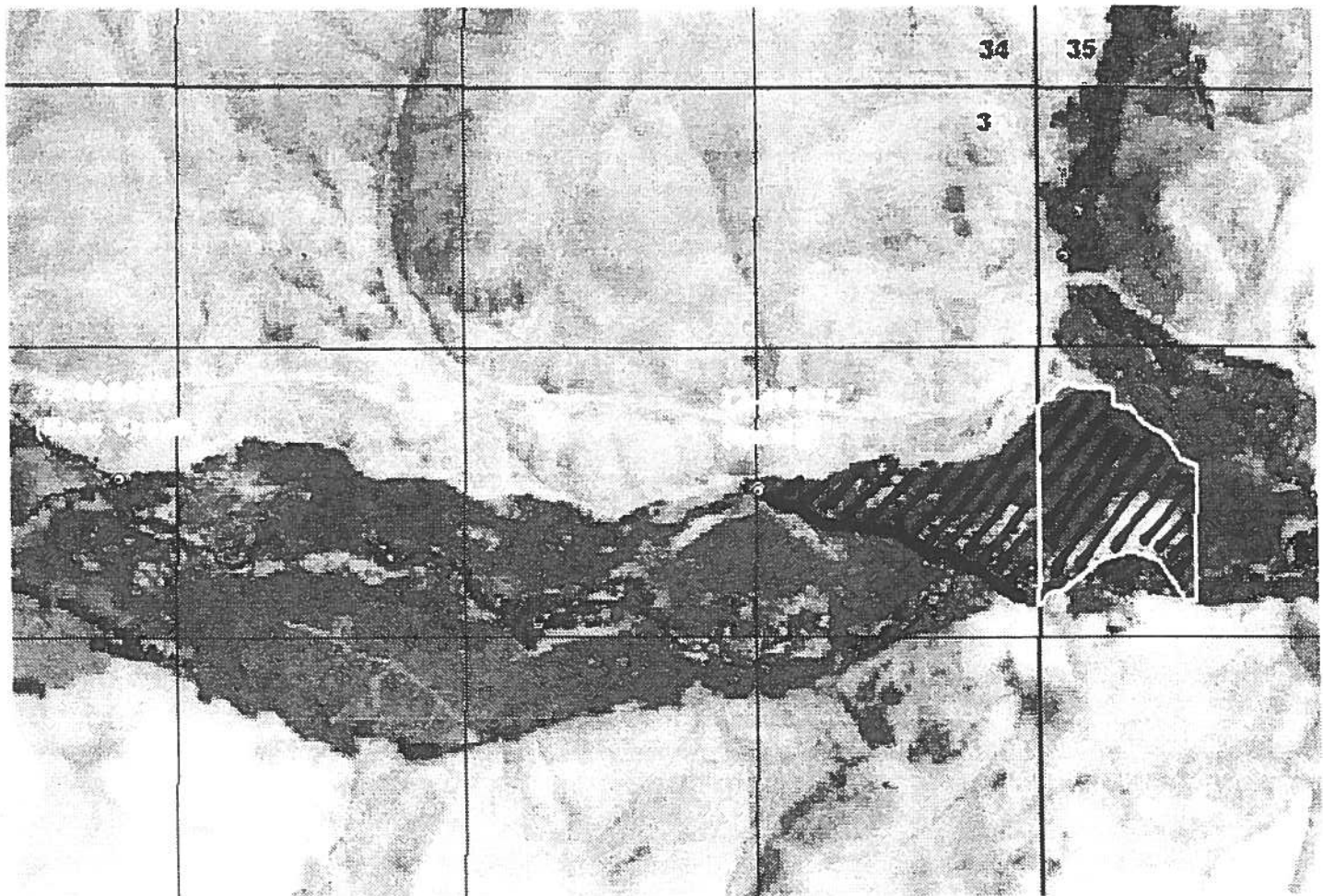
Offset for subirrigation ..... .05 cfs  
offset for subirrigation as shown on Enclosure B  
as the A72-10032 and A72-00007A water rights  
are being delivered to place of use

Total submitted ..... .50 cfs

The water from the spring source would continue to be used on a time share basis as is the present procedure.

## IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A &amp; 72-10032



0 1370 feet

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



RECOMMENDED PLACE OF USE

⊙ RECOMMENDED POINT OF DIVERSION

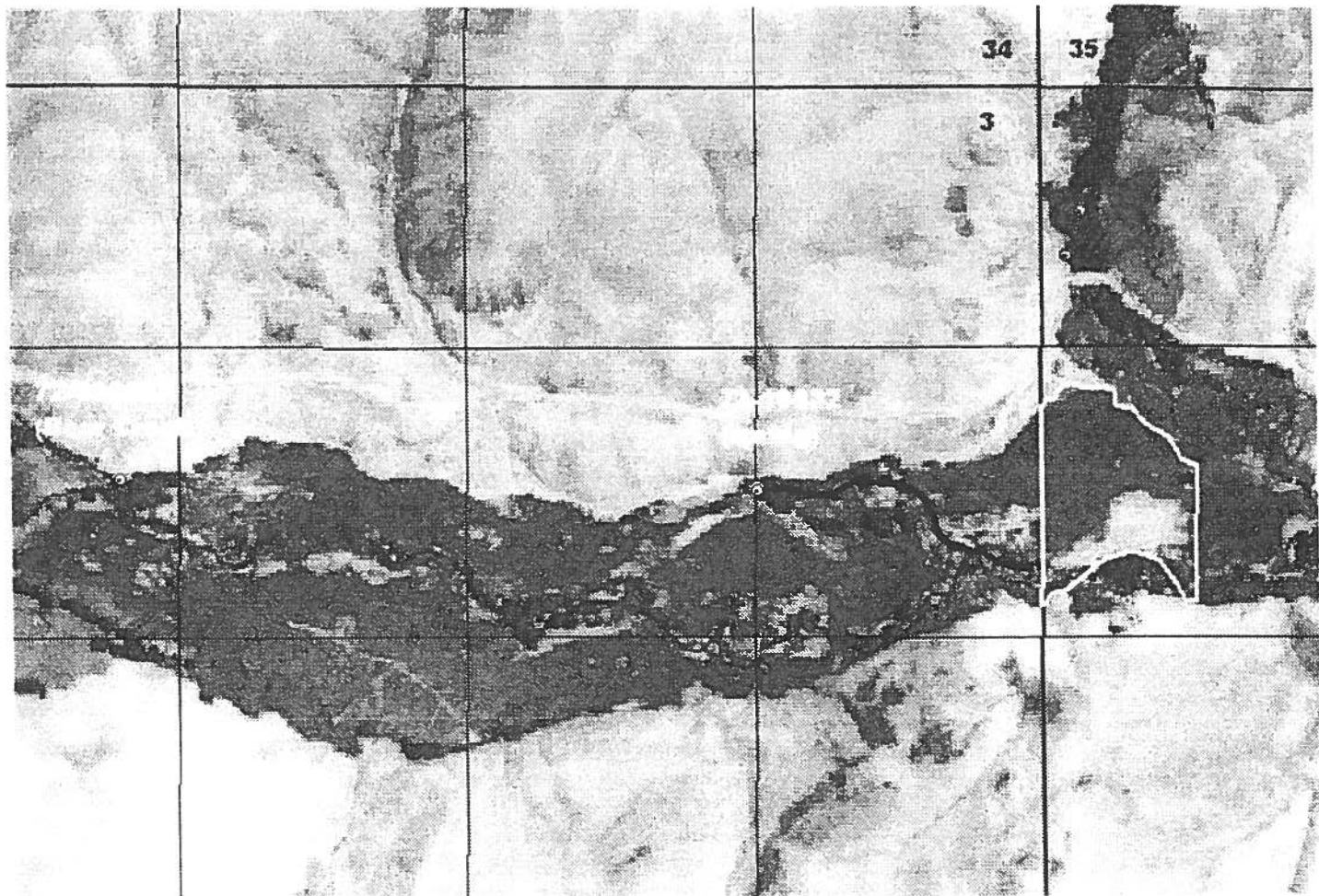
SECTION LINES

QUARTER QUARTER LINES

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

## IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A &amp; 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

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 Th (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).**

**CUSTER County**

**MUSENE**

POU County: CUSTER

Non-Irrigation Uses: STOCK WATER INCIDENTAL TO IRRIG.

Other Rights: A72-00007A

Remarks: GEN

SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.

**Dates:**

**Exam Made Date:**

**Verified Date:**

**Misc:**

Water District Number:

Field Inspection Flag:  
Presumption Flag:

**Audit:**

|          |         |          |          |          |          |
|----------|---------|----------|----------|----------|----------|
| 10/26/89 | MERRITT | 07/23/93 | ROBERTSO | 03/30/95 | POST-STD |
|----------|---------|----------|----------|----------|----------|

AJ5856NP

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

DATE: FEB-24-1999  
PAGE: A-1

-----  
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
-----  
RIGHT NUMBER: 72-10032  
  
NAME & ADDRESS: THOMAS H LEWIS  
AFTON M LEWIS  
475 N 500 W  
MALAD ID 83252  
  
SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
  
QUANTITY: 0.04 CFS  
  
PRIORITY DATE: 10/10/1911  
  
POINT OF DIVERSION: T14N R18E S03 NWSENE Within CUSTER County  
  
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 04-01 10-31 0.04 CFS  
  
PLACE OF USE: IRRIGATION Within CUSTER County  
T14N R18E S02 SWNW 12  
12 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

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

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 A72-10032  
Date Received \_\_\_\_\_  
Receipt Number \_\_\_\_\_

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

Please type or print clearly

1. Name of Claimant (s) THOMAS LEWIS Phone ( ) \_\_\_\_\_  
Mailing Address 475N 500W, MILAD, ID Zip 83252

2. Date of Priority (Only one (1) per claim) 10/10/1911

3. Source of water supply (a) SPRING  
which is tributary to (b) CHALLIS CREEK

4. a. Location of existing point of diversion is: Township 14N Range 18E Section 03,  
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of CUSTER

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

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

\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. THE SPRING FOR A72-10032

HAS HISTORICALLY AND TRADITIONALLY RISEN IN THE DITCH  
WHICH DELIVERS THE A72-00007A WATER RIGHT. THIS  
DITCH (SHOWN ON ENCLOSURE B) IS THE SOLE MEANS TO  
BRING A72-10032 AND A72-00007A TO THE PLACE OF USE.  
TO DIVERT THE A72-00007A RIGHT AROUND THE SPRING AND BACK INTO  
THE DITCH DOES NOT ALTER THE HISTORIC AND TRADITIONAL USE OF  
THE A72-10032 RIGHT.

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 .50 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .50 (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.) \_\_\_\_\_

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.

IDWR PROFILE  
ENCLOSED

| 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 |        |
| 4N  | 18E | 02  |        |       |       |       |        |       | 12    |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 12

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

12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No X  
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.  
A72-00007A or None ( )

14. Remarks: PURCHASING PROPERTY, WATER DISTRICT AUTHORITY FORM  
ENCLOSED. AT AN INFORMAL HEARING 23 JUNE IDWR  
REPRESENTATIVES RECOMMENDED THAT THE AMMENDME  
OF THE DIVERSION RATE FROM SPRING FOR A72-10032  
BE SUBMITTED TO REFLECT THE BENEFITS RECEIVED.

Last Name LEWIS Ident No. A72-10032

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

SEE IDWR AERIAL PHOTO  
ENCLOSED

ATZ-10032

PLACE OF USE

Last Name

LEWIS

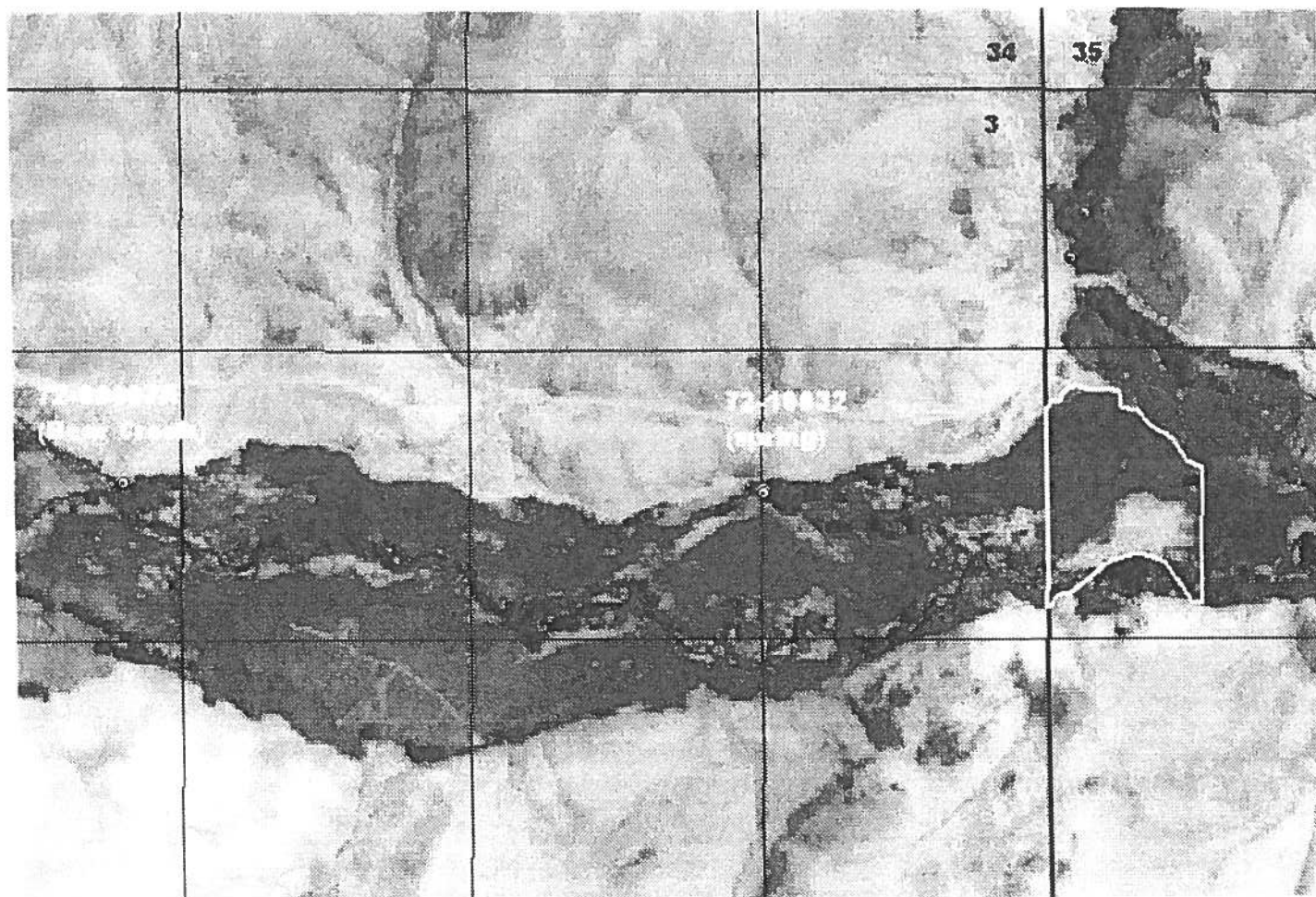
Ident No.

A7Z-10032

**Copies: White-State, Yellow-Claimant**

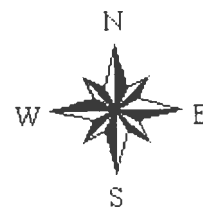
IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032



0 1370 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

15. Basis of Claim (check one) ☒ Commercial Use ☐ Posted Notice ☐ License ☐ Permit ☐  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number A72-10032  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 10/10/1911  
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 J. Jiles Date 8-11-99  
\_\_\_\_\_  
Date \_\_\_\_\_

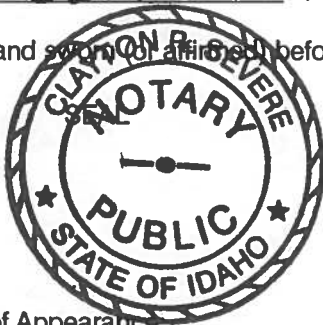
**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_ Title \_\_\_\_\_  
of \_\_\_\_\_, that I have signed the foregoing  
Organization  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization  
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of CUSTER. ) SS.

Subscribed and sworn to before me this \_\_\_\_\_



Notary Public Clayton R. Severe

Residing at Challis, Idaho

My Commission Expires 3-16-2003

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 \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

RECEIVED

DEC 29 1999

Department of Water Resources

(208) 736-3011  
FAX (208) 736-2121

DISTRICT COURT  
SNAKE RIVER BASIN ADJUDICATION  
STATE OF IDAHO



RECEIVED

JAN 10 2000

Department of Water Resources  
Southern Region

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

December 28, 1999

Dave Tuthill  
Idaho Dept. of Water Resources  
PO Box 83720  
Boise, ID 83720-0098

RE: Motion to Amend Claim for 72-10032

Dear Dave:

Enclosed please find a copy of the *Motion to File Amended Notice of Claim*, the original amended claim, a \$50.00 check made payable to IDWR, and a copy of *Order Granting Motion to File Amended Notice of Claim and Setting Subcase Deadlines* for water right 72-10032. This is a contested subcase which is proceeding before Special Master Cushman.

Please let me know if you need anything further.

Sincerely,

A handwritten signature in blue ink, appearing to read "Teri", is written over a circular blue stamp.

Teri Hranac  
Assistant to Special Masters

Enclosures

**RECEIPT**  
For Monies Paid  
to the  
Idaho Department of Water Resources

Receipt No: 0047560

Date: 12/29/1999  
Time: 15:05:57

Received  
From: WEGNER, ROBIN J.

| Type of Payment                           | Program A cct | Amount |
|-------------------------------------------|---------------|--------|
| ADJUDICATION FILING FEE AND/OR LATE 41503 | 337 1155      | 50.00  |
| CHECK 2016                                |               |        |
|                                           | Total \$      | 50.00  |

Region: STATE

Signature: Jean Muni

SD-1603-3

Idaho Department Of Water Resources  
Detail Receipt Summary Screen

Date: 01/19/01  
Time: 10:56:55

Rec/No - C047560 AR/No -  
From: - WEGNER, ROBIN J.

Receipt Type - CK Doc/No - 2016  
Remarks -

MOST CURRENT RECEIPT

Receipt Date: 12/29/1999

| Type Of Payment                     | Fund | FD | PCA   | Obj  | Subsid | Fee |
|-------------------------------------|------|----|-------|------|--------|-----|
| ADJUDICATION FILING FEE AND/OR LATE | 337  |    | 41503 | 1155 |        | 50. |

Total Due - 50.

| WR/No | WR Fee | WR/No | WR Fee | WR/No | WR Fee |
|-------|--------|-------|--------|-------|--------|
|       | 50.00  |       |        |       |        |

(Enter=Continue)

(GOLD7=Selection Screen)

(GOLD8=Cancel)

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: **A72-10032**

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: AFTON M. LEWIS 208-766-9239  
Address: 475 N 500 W  
MALAD ID 83252  
AND/OR  
Name: THOMAS H. LEWIS 208-766-9239  
Address: 475 N 500 W  
MALAD ID 83252
2. Date of Priority: MAY 1, 1879
3. Source: SPRING Trib. to: DITCH FROM CHALLIS CREEK
4. Point of Diversion:  

|          |       |         |        |        |     |     |        |
|----------|-------|---------|--------|--------|-----|-----|--------|
| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
| 14N      | 18E   | 3       | NW     | SE     | NE  |     | CUSTER |
5. Description of diverting works:  
SPRING RISES IN DITCH FROM CHALLIS CREEK THEN VIA SAME DITCH
6. Water is used for the following purposes:  

|            |       |       |        |      |        |
|------------|-------|-------|--------|------|--------|
| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
| IRRIGATION | 04/01 | 11/01 | 0.040  |      |        |
7. Total Quantity Appropriated is:  
0.040 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 30.0 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 | 12.0  |
| Section Acres |       |         |        |     |     |     | 12.0  |
| Total Acres   |       |         |        |     |     |     | 12.0  |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:  
A72-00007A

14. Remarks:

SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS  
A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY  
USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED  
ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS  
APPROX. 20 GPM BUT AT TIMES DRIES UP.

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 1993**

State of Idaho )  
County of \_\_\_\_\_ ) SS.

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

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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

(R.O.P.E.) A72-10033

[ ] Old Mailing Address:

200 So 50 E

Treveling Utah

[ ] New Mailing Address:

475 N 500 W

Mald 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 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

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,

A handwritten signature in cursive script that reads 'Robert V. Worstell'.

Robert V. Worstell  
Sr. Adjudication Agent

1 Enclosure

MICROFILMED

NOV 01 1993

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A72-10032

Date Received: 10/26/1989

Receipt No: SD10303

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, 1879

3. Source: SPRING , Trib. to: DITCH FROM CHALLIS CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 14N      | 18E   | 3       | NW     | SE     | NE     |     | CUSTER |

5. Description of diverting works:

SPRING RISES IN DITCH FROM CHALLIS CREEK THEN VIA SAME DITCH

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.040  |      |        |

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

A.F.A.

8. Total consumptive use is 30.0 Acre Feet Per Annum.

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

A72-10032

Page 1

Date: 10/26/89

MICROFILMED

MAR 19 1993

**COPY**  
10/28 Original  
to Court

10. Place of Use:

| Township      | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|---------------|-------|---------|------------|-----|-----|-------|
| 14N           | 18E   | 2       | SW NW      |     | IRR | 12.0  |
| Section Acres |       |         |            |     |     | 12.0  |
| Total Acres   |       |         |            |     |     | 12.0  |

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:  
A72-00007A

14. Remarks:

SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.

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 Map 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 Thir Falls ) SS.

Subscribed and sworn (or affirmed) before me this 26<sup>th</sup> day

of Oct. 19 89

[Signature]  
Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/98



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-0000

CECIL D. ANDRUS  
Governor

October 29, 1992

R. KEITH HIGGINS  
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) 736-30

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

ID 83226

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 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

*Response received  
from new address  
12/9/92  
R.V.S.*

**MICROFILMED**

**MAR 18 1993**



State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3031

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

ID 83226

RECEIVED

LETTER RETURNED  
By Postal Service

MAR 2 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.

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

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

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

Respectfully submitted,

Allen Merritt, P.E.  
Water Rights Supervisor

Enclosures

New Address

PO Box 217

FIELDING, UT 84311

Address  
Source

Custer Co Assessor  
Ph. 879-2325

MICROFILMED

MAR 18 1992

R/VW  
10/29/92

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 13<sup>th</sup>, 1992.

William Hammond  
William Hammond

Bessie Hammond  
Bessie Hammond

SUBSCRIBED AND SWORN TO before me this 13<sup>th</sup> day of November, 1992.

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

MICROFILMED

MAR 1 8 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.

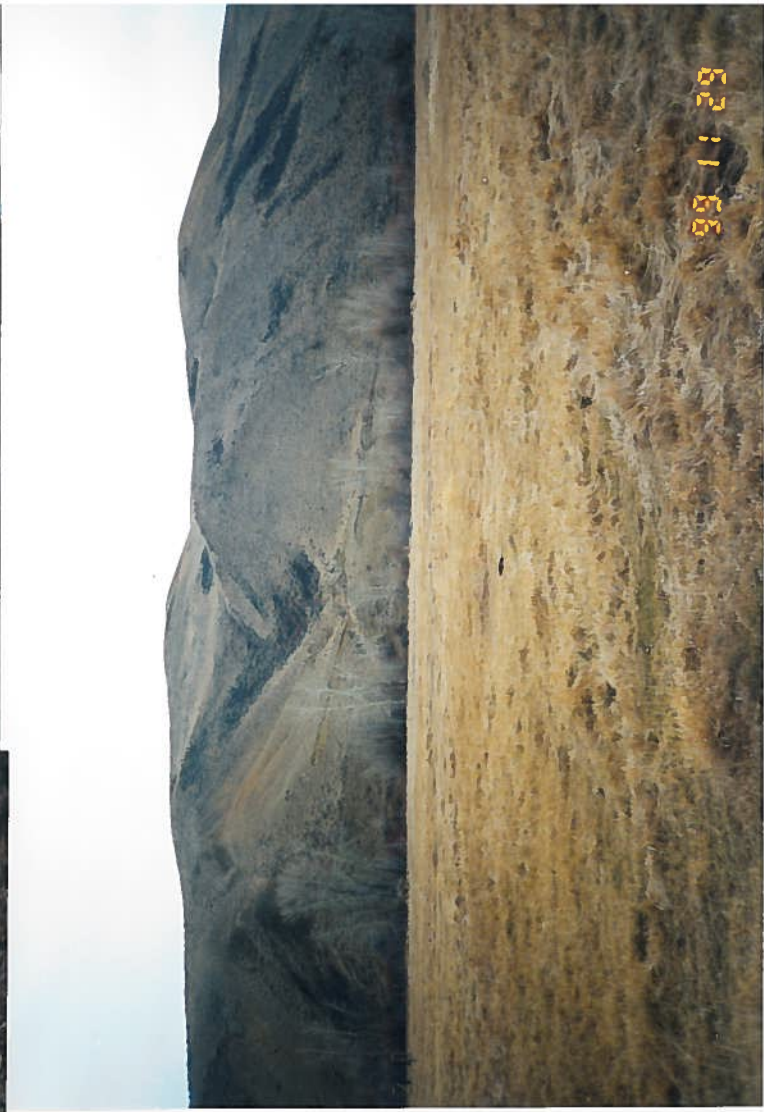
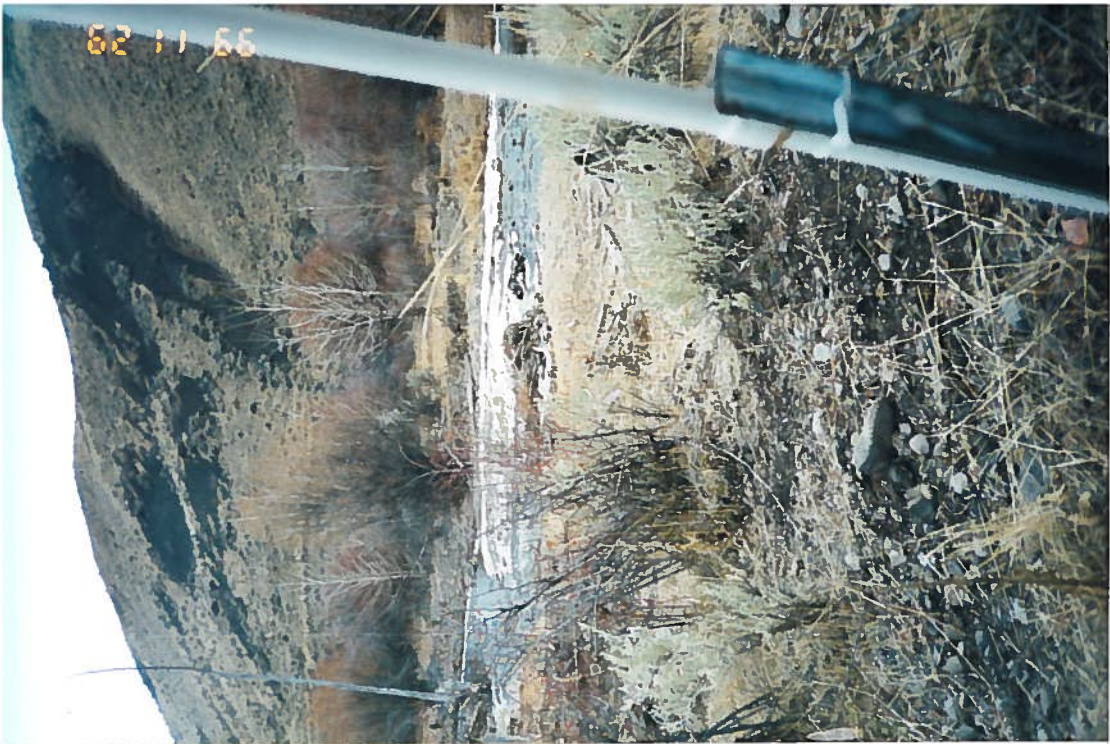
Yours truly,

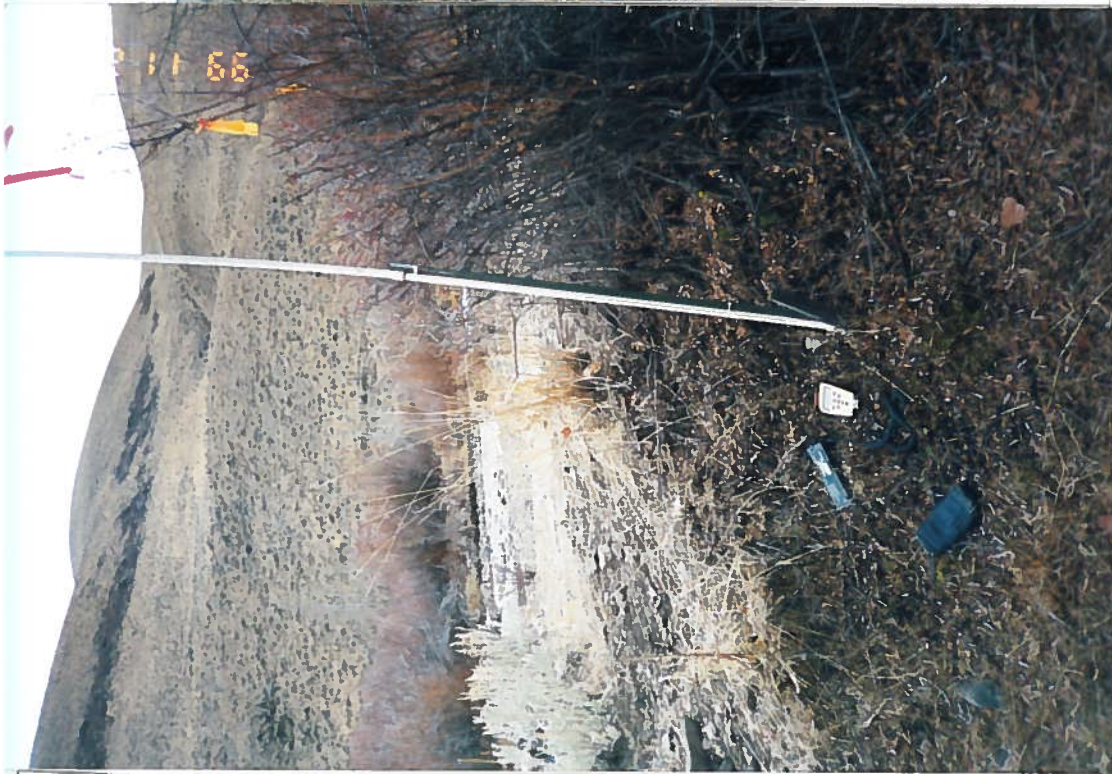
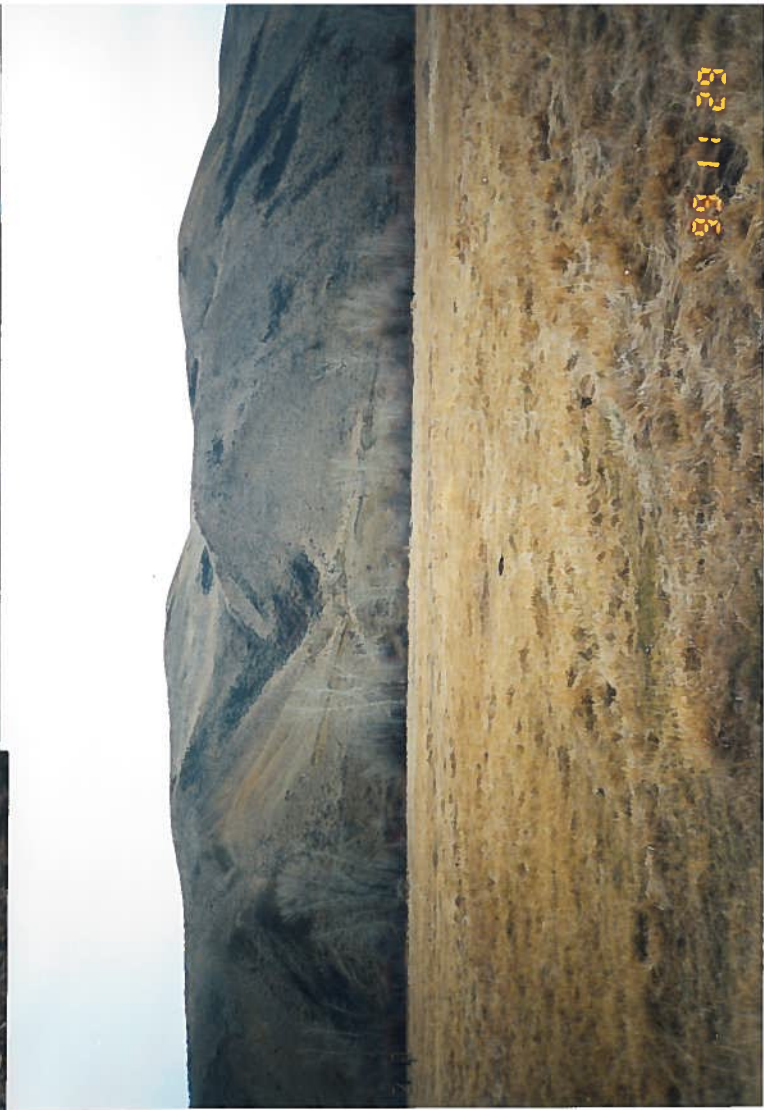
*Thomas N Lewis*

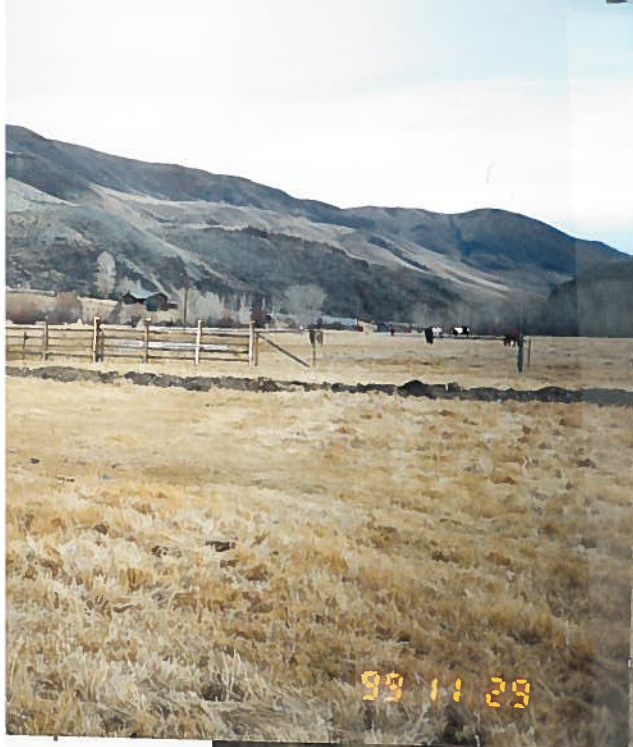
present address;  
200 south 50 East  
Fielding, Utah 84311

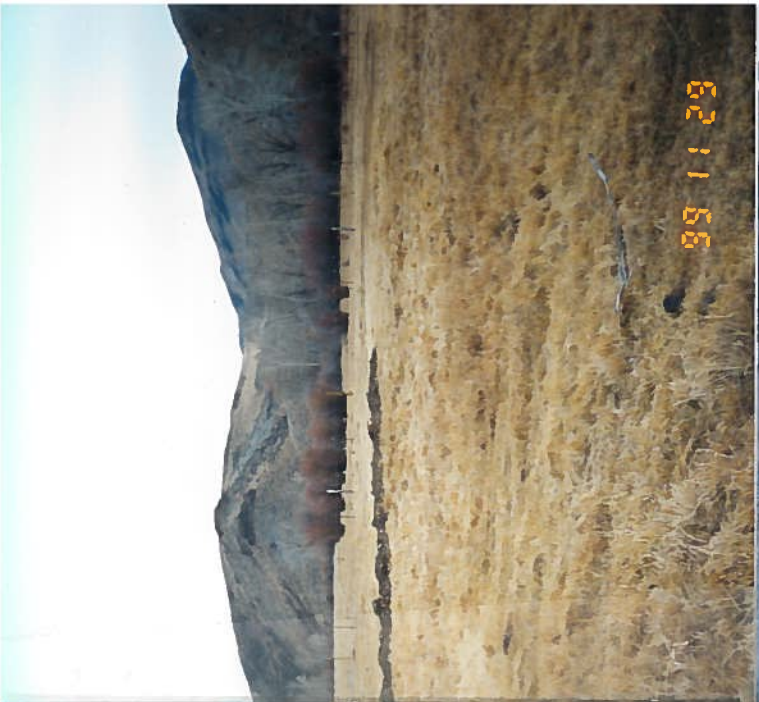
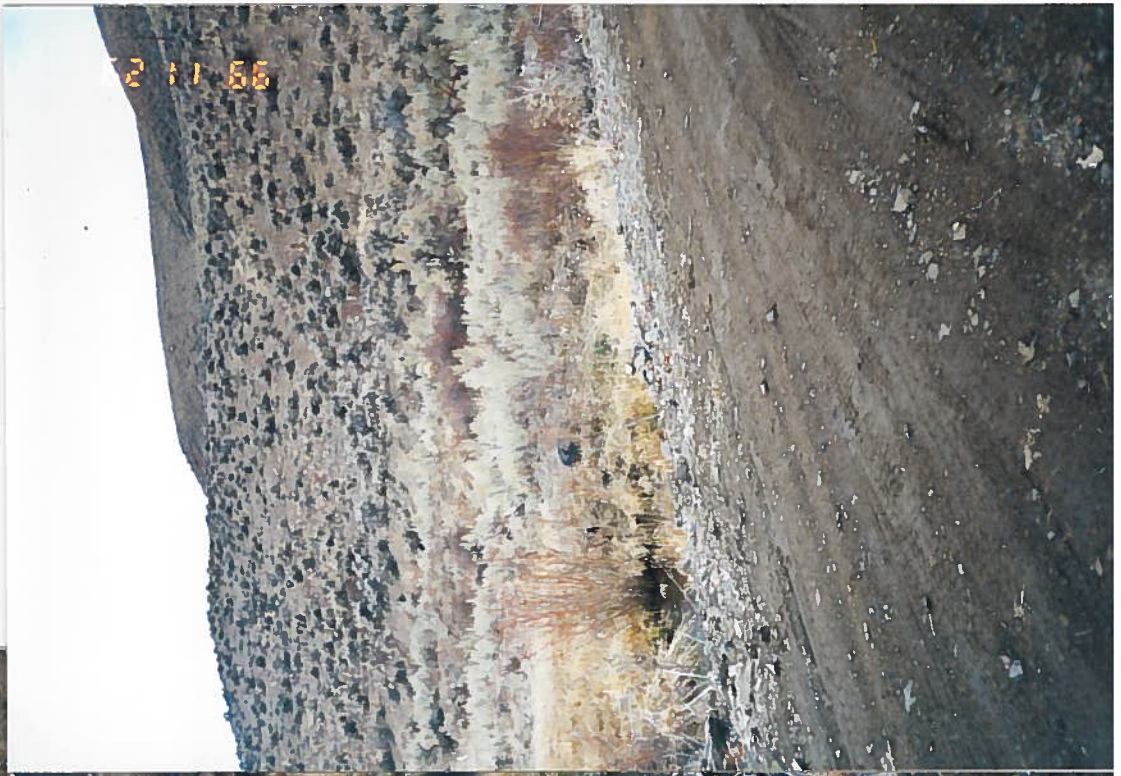
MICROFILMED

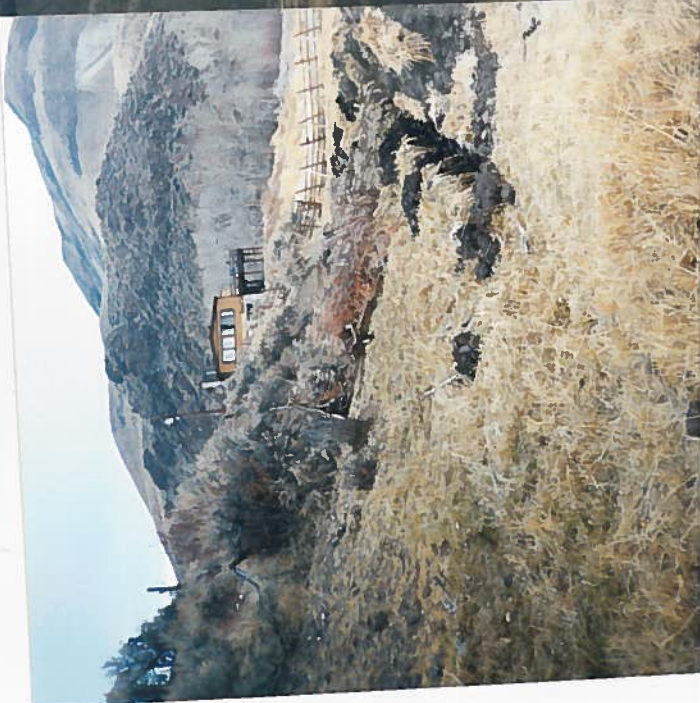
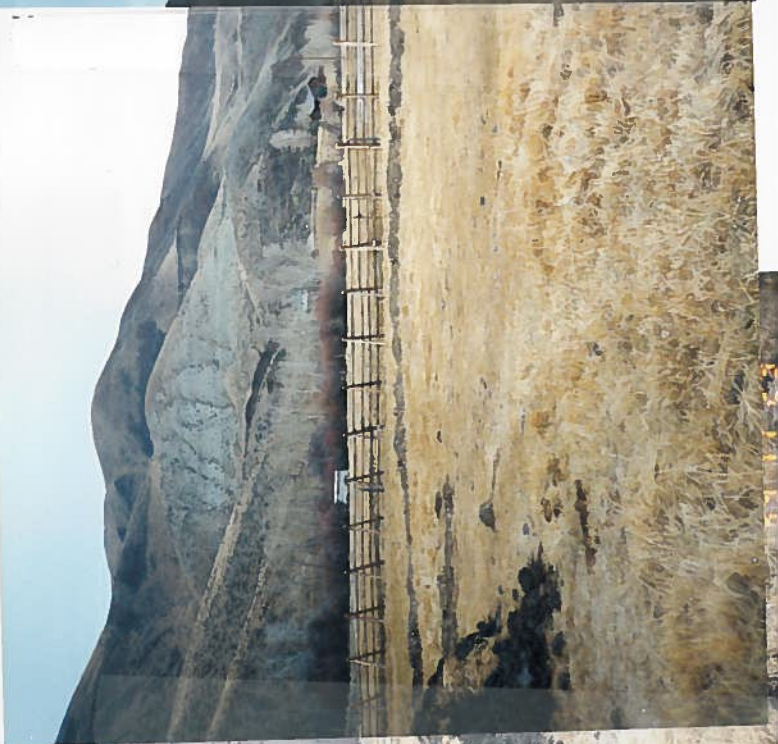
MAR 18 1993



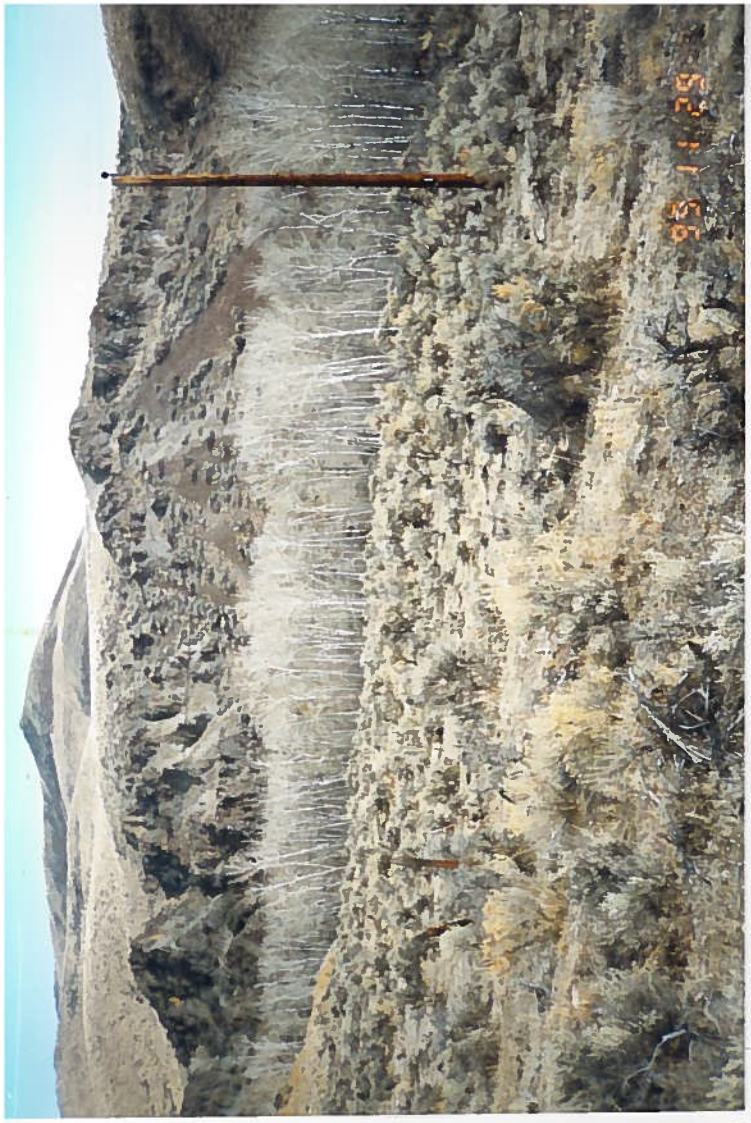














05/23/2001

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

RIGHT NUMBER: 72-10032

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

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.04 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S3 SESWNE 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          | 0.04 CFS        |

PLACE OF USE:

IRRIGATION Within CUSTER County  
T14N R18E S2 SWNW 12

12 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-7A, 72-10032, 72-16559, & 72-16560.

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

RIGHT NO. 72-16563 IS ALSO DIVERTED THROUGH POINT OF  
DIVERSION DESCRIBED ABOVE.  
STOCK WATER INCIDENTAL TO IRRIG.

05/23/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 72-10032

Owner Type                      Name and Address  
Current Owner                      ROBIN J WEGNER  
                                                 HC 63 BOX 1576  
                                                 CHALLIS, ID 83226  
                                                 (208)879-5820

Original Owner                      AFTON M LEWIS  
Original Owner                      THOMAS H LEWIS  
                                                 475 N 500 W  
                                                 MALAD, ID 83252  
                                                 (208)766-9239

Priority Date:                      10/10/1911  
Basis:                                  Beneficial Use  
Status:

Source                                              Tributary to  
SPRING                                              SINKS

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 04/01       | 10/31     | 0.04 CFS              |               |                    |

Total Diversion                                              0.04 CFS

Location of Point(s) of Diversion:

SPRING                                      SESWNE                      Sec. 03                      Township 14N                      Range 18E                      CUSTER County

IRRIGATION Use:  
Acre Limit: 12

Place(s) of use:

Place of Use Legal Description: IRRIGATION                      CUSTER County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 14N             | 18E          | 2              |            | SWNW         | 12           |            |              |              |            |              |              |            |              |              |

Total Acres: 12

Conditions of Approval:

1.      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:

1.      Explanatory                      RIGHT NO. 72-16563 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.  
                                                 STOCK WATER INCIDENTAL TO IRRIG.

Water Right 72-10032

2. Place of Use - Irrigation

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-7A, 72-10032, 72-16559, & 72-16560.

Comments:

| <u>Author</u> | <u>Date</u> | <u>Subject</u> | <u>Comment</u>                                                                                                                                                                                             |
|---------------|-------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| jroberts      | 5/23/01     | ADR            | NEW RECOMMENDATION BASED UPON AGREEMENT BETWEEN CLAIMANTS AND OBJECTOR, JACK CHALLIS. (ONLY CHANGE FROM PREVIOUS RECOMMENDATION WAS ADDING 72-16559 TO COMBINED ACRE LIMITATION REMARK.) READY FOR SF5. jr |

Dates:

Licensed Date:  
Claim Received Date: 10/26/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
Date Filed with Court:  
Objection Filed Date:  
SF5 Filed:  
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): S010303  
State or Federal: S  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
PresumptionFlag:  
Notice of Error Flag:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False



State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

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

*claim*

SOUTHERN REGION

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

05/21/2001

WATER RIGHT NO. 72-10032

Owner Type  
Current Owner

Name and Address  
ROBIN J WEGNER  
HC 63 BOX 1576  
CHALLIS, ID 83226  
(208)879-5820

Original Owner  
Original Owner

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

Priority Date: 10/10/1911  
Basis: Beneficial Use  
Status: Active

Source  
SPRING

Tributary to  
DITCH FROM CHALLIS CREEK

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01        | 10/31     | 0.5 CFS               |               |                    |
| Total Diversion       |             |           | 0.5 CFS               |               |                    |

Location of Point(s) of Diversion:

SPRING      NWSENE      Sec. 03      Township 14N      Range 18E      CUSTER County

IRRIGATION Use:  
Acre Limit: 12

Place(s) of use:

Place of Use Legal Description: IRRIGATION      CUSTER County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 14N             | 18E          | 2              |            | SWNW         | 12           |            |              |              |            |              |              |            |              |              |

Total Acres: 12

Remarks:

- General  
SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.  
\*\*\*\*\*OWNERSHIP CHANGE\*/AMENDED CLAIM\*\*\*\*\* OWNERSHIP CHANGE FROM LEWIS TO WEGNER. COPY OF DEED AND FORM RECEIVED 12/1/1999.  
\*\*\*CLAIM AMENDED TO INCREASE DIVERSION RATE TO 0.50 CFS\*\*\*\*\* THE SPRING FOR A72-10032 HAS HISTORICALLY AND TRADITIONALLY RISEN IN THE DITCH WHICH DELIVERS THE A72-00007A WATER RIGHT. THIS DITCH (SHOWN ON ENCLOSURE B) IS THE SOLE MEANS TO BRING A72-10032 AND A72-00007A TO THE PLACE OF USE. TO DIVERT THE A72-00007A RIGHT AROUND THE SPRING AND

Water Right 72-10032



State of Idaho

## DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 736-3033 FAX: (208) 736-3937

NOTICE: THE OFFICE DOES NOT ACKNOWLEDGE THE HISTORIC AND TRADITIONAL USE OF THE A72-10032 RIGHT.

SOUTHERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

Dates:

Licensed Date:  
Claim Received Date:  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): S010303  
State or Federal: S  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

version 1

05/21/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 72-10032

Owner Type                      Name and Address  
Current Owner                      ROBIN J WEGNER  
                                                 HC 63 BOX 1576  
                                                 CHALLIS, ID 83226  
                                                 (208)879-5820

Original Owner                      AFTON M LEWIS  
Original Owner                      THOMAS H LEWIS  
                                                 475 N 500 W  
                                                 MALAD, ID 83252  
                                                 (208)766-9239

Priority Date:                      10/10/1911  
Basis:                                  Beneficial Use  
Status:                                  Active

Source                                                              Tributary to  
SPRING                                                              SINKS

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| IRRIGATION            | 4/01        | 10/31     | 0.04 CFS              |               |                    |
| Total Diversion       |             |           | 0.04 CFS              |               |                    |

Location of Point(s) of Diversion:

SPRING                                  SESWNE                                  Sec. 03                                  Township 14N                                  Range 18E                                  CUSTER County

IRRIGATION Use:  
Acre Limit: 12

Place(s) of use:

Place of Use Legal Description: IRRIGATION                                  CUSTER County

| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| 14N             | 18E          | 2              |            | SWNW         | 12           |            |              |              |            |              |              |            |              |              |

Total Acres: 12

Conditions of Approval:

1.      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:

1.      Place of Use - Irrigation      USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.

Water Right 72-10032

COMBINED RIGHT NOS.: 72-00007A, 72-10032, AND 72-16560.

2. Explanatory

RIGHT NO. 72-16563 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.  
STOCK WATER INCIDENTAL TO IRRIG.

Comments:

| <u>Author</u> | <u>Date</u> | <u>Subject</u>         | <u>Comment</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|-------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JROBERTS      | 5/17/00     | COPIED FROM<br>REMARKS | SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE<br>WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED<br>CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER<br>A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.<br>*****OWNERSHIP CHANGE*/AMENDED CLAIM*****<br>OWNERSHIP CHANGE FROM LEWIS TO WEGNER. COPY OF DEED AND FORM RECEIVED<br>12/1/1999. ***CLAIM AMENDED TO INCREASE DIVERSION RATE TO 0.50 CFS***** THE<br>SPRING FOR A72-10032 HAS HISTORICALLY AND TRADITIONALLY RISEN IN THE DITCH<br>WHICH DELIVERS THE A72-00007A WATER RIGHT. THIS DITCH (SHOWN ON ENCLOSURE<br>B) IS THE SOLE MEANS TO BRING A72-10032 AND A72-00007A TO THE PLACE OF USE. TO<br>DIVERT THE A72-00007A RIGHT AROUND THE SPRING AND BACK INTO THE DITCH DOES<br>NOT ALTER THE HISTORIC AND TRADITIONAL USE OF THE A72-10032 RIGHT. |

Dates:

Licensed Date:  
Claim Received Date: 10/26/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
Date Filed with Court:  
Objection Filed Date: 6/23/00  
SF5 Filed:  
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): S010303  
State or Federal: S  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
PresumptionFlag:  
Notice of Error Flag:NONE RECEIVED  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False



COMBINED RIGHT NOS.: 72-00007A, 72-10032, AND 72-16560.

2. Explanatory

RIGHT NO. 72-16563 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.  
STOCK WATER INCIDENTAL TO IRRIG.

Comments:

| <u>Author</u> | <u>Date</u> | <u>Subject</u>         | <u>Comment</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------|-------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JROBERTS      | 5/17/00     | COPIED FROM<br>REMARKS | SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE<br>WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED<br>CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER<br>A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.<br>*****OWNERSHIP CHANGE*/AMENDED CLAIM*****<br>OWNERSHIP CHANGE FROM LEWIS TO WEGNER. COPY OF DEED AND FORM RECEIVED<br>12/1/1999. ***CLAIM AMENDED TO INCREASE DIVERSION RATE TO 0.50 CFS***** THE<br>SPRING FOR A72-10032 HAS HISTORICALLY AND TRADITIONALLY RISEN IN THE DITCH<br>WHICH DELIVERS THE A72-00007A WATER RIGHT. THIS DITCH (SHOWN ON ENCLOSURE<br>B) IS THE SOLE MEANS TO BRING A72-10032 AND A72-00007A TO THE PLACE OF USE. TO<br>DIVERT THE A72-00007A RIGHT AROUND THE SPRING AND BACK INTO THE DITCH DOES<br>NOT ALTER THE HISTORIC AND TRADITIONAL USE OF THE A72-10032 RIGHT. |

Dates:

Licensed Date:  
Claim Received Date: 10/26/1989  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Decreed Date:  
Date Filed with Court:  
Objection Filed Date: 6/23/00  
SF5 Filed:  
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): S010303  
State or Federal: S  
Owner Name Connector: AND  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
PresumptionFlag:  
Notice of Error Flag:NONE RECEIVED  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False

*rainbowserd-idaho@yahoo.com*



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

**TRANSMITTAL COVER SHEET**

**FAX NUMBER: (208) 327-5400**

**DATE:**

*5-16-01*

**TO:**

*Jeannie Robertson*

**FROM:**

*Nick Spencer*

*IDWR- SO*

**DOCUMENT DESCRIPTION:**

*Challis/Weener*

**COVER SHEET +** 1 **PAGES**

**CONTACT:**

*327-7928*

**IF YOU DO NOT RECEIVE ALL THE PAGES.**

**THANK YOU!**

RECEIVED

MAY 11 2001

Department of Water Resources

10032

LOOKS SAME  
AS REC'D  
BY IDWR

Right Number: 72-10032  
Name & Address: Robin J. Wegner  
HC 63 Box 1576  
Challis, ID 83226  
Source: Spring Tributary: Sinks  
Quantity: .04 cfs  
Priority Date: 10/10/1911  
Point of Diversion: T14N R18E S03 SESWNE Custer County  
Purpose and  
Period of Use: Irrigation 4-1 to 10-31 .04 cfs  
Place of Use: Irrigation T14 R18E S02 SWNW  
12 acres

b. Right Number: 72-16559  
Name & Address: Robin J. Wegner  
HC 63 Box 1576  
Challis, ID 83226  
Source: Unnamed Stream Tributary: Sinks  
Quantity: .06 cfs  
Priority Date: 10/10/1911  
Point of Diversion: T14N R18E S02 NWSWNW Custer County  
Purpose and  
Period of Use: Irrigation 4-1 to 10-31 .06 cfs  
Stockwater 1-1 to 12-31 .02 cfs  
Place of Use: Irrigation T14N R18E S02 SWNW  
12 acres  
Stockwater T14N R18E S02 SWNW

6559

DWR REC'D  
THIS ONLY AS  
A SMALL  
STOCK  
AND WE  
AGREE TO  
3 INCHES  
ACROSS THE  
12 ACRE PDU?

6560  
QUANTITY  
~~AND~~ PURPOSE  
AND # OF  
ACRES AS  
IDWR  
RECOMMENDED

c. Right Number: 72-16560  
Name & Address: Robin J. Wegner  
HC 63 Box 1576  
Challis, ID 83226  
Source: Bear Creek Tributary: Challis Creek  
Quantity: 1.00 cfs  
Priority Date: 10/10/1911  
Point of Diversion: T14N R18E S03 NESWNW Custer County  
Purpose and  
Period of Use: Irrigation 4-1 to 10-31 1.0 cfs  
Place of Use: Irrigation T14N R18E S02 SWNW  
12 acres

16561

QUANTITY &  
PURPOSE  
AS IDWR  
REC'D

d. Right Number: 72-16561  
Name & Address: J R Challis  
Patricia Challis  
P.O. Box 1220  
Challis, ID 83226-1220  
Source: Spring Tributary: Sinks  
Quantity: .02 cfs  
Priority Date: 10/10/1911  
Point of Diversion: T14N R18E S03 NESENE Custer County  
Purpose and  
Period of Use: Stockwater 1-1 to 12-31 .02 cfs  
Place of Use: Stockwater T14N R18E S03 SENE



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

RECEIVED

MAY 24 2001

Department of Water Resources  
Southern Region

**TRANSMITTAL COVER SHEET**

FAX NUMBER: (208) 327-5400

DATE: 5-24-01

TO: Jeannie Robertson FROM: Vicky Nussle

DOCUMENT DESCRIPTION: Challis/Werner Agreement

COVER SHEET + 11 PAGES

CONTACT: 321-7928 IF YOU DO NOT RECEIVE ALL THE PAGES.

THANK YOU!

RECEIVED

MAY 24 2001

Department of Water Resources

WATER RIGHTS AGREEMENT

THIS AGREEMENT is entered into between J. R. CHALLIS and PATRICIA W. CHALLIS, husband and wife, residing in Challis, Idaho, hereinafter referred to as "Challis", and ROBIN J. WEGNER, a single woman, residing in Challis, Idaho, hereinafter referred to as "Wegner".

WHEREAS, Challis and Wegner have been engaged in litigation in the Snake River Basin Adjudication (SRBA) regarding their respective water right claims from Bear Creek and two springs located on the Challis property; and

WHEREAS, Wegner may desire to use a ditch located on the Challis property to facilitate the delivery of water to her property, which has been used to convey water to the Wegner property in the past; and

WHEREAS, Wegner is willing to clear, maintain and clean and put and keep said ditch in good repair at her sole expense except as otherwise stipulated herein; and

WHEREAS, the parties desire to prevent any flooding of the Challis property; and

WHEREAS, the parties are agreeable to certain changes to the Wegner ditch; and

WHEREAS, the parties desire to facilitate the use of water from the boundary/east pasture spring located on the Challis property; and

WHEREAS, Wegner is considering changing the points of diversion for water rights 72-00007A, 72-16560 and 72-10032 to a point on Challis Creek, and/or piping water all or in part; and

WHEREAS, the parties desire to settle this matter upon mutually agreeable terms.

NOW, THEREFORE, in consideration of the mutual promises below, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

1. Water Right Descriptions. The water right claims in dispute should be decreed as listed below. The parties agree to sign and file a Standard Form 5 (Stipulated Elements of a Water Right) with the SRBA Court for each of the water right claims, with the elements as they are listed below.

- a. Right Number: 72-10032  
Name & Address: Robin J. Wegner  
HC 63 Box 1576  
Challis, ID 83226  
Source: Spring Tributary: Sinks  
Quantity: .04 cfs  
Priority Date: 10/10/1911  
Point of Diversion: T14N R18E S03 SESWNE Custer County  
Purpose and  
Period of Use: Irrigation 4-1 to 10-31 .04 cfs  
Place of Use: Irrigation T14 R18E S02 SWNW  
12 acres
- b. Right Number: 72-16559  
Name & Address: Robin J. Wegner  
HC 63 Box 1576  
Challis, ID 83226  
Source: Unnamed Stream Tributary: Sinks  
Quantity: .06 cfs  
Priority Date: 10/10/1911  
Point of Diversion: T14N R18E S02 NWSWNW Custer County  
Purpose and  
Period of Use: Irrigation 4-1 to 10-31 .06 cfs  
Stockwater 1-1 to 12-31 .02 cfs  
Place of Use: Irrigation T14N R18E S02 SWNW  
12 acres  
Stockwater T14N R18E S02 SWNW
- c. Right Number: 72-16560  
Name & Address: Robin J. Wegner  
HC 63 Box 1576  
Challis, ID 83226  
Source: Bear Creek Tributary: Challis Creek  
Quantity: 1.00 cfs  
Priority Date: 10/10/1911  
Point of Diversion: T14N R18E S03 NESWNW Custer County  
Purpose and  
Period of Use: Irrigation 4-1 to 10-31 1.0 cfs  
Place of Use: Irrigation T14N R18E S02 SWNW  
12 acres
- d. Right Number: 72-16561  
Name & Address: J R Challis  
Patricia Challis  
P.O. Box 1220  
Challis, ID 83226-1220  
Source: Spring Tributary: Sinks  
Quantity: .02 cfs  
Priority Date: 10/10/1911

Point of Diversion: T14N R18E S03 NESENE Custer County  
Purpose and  
Period of Use: Stockwater 1-1 to 12-31 .02 cfs  
Place of Use: Stockwater T14N R18E S03 SENE

The parties understand and acknowledge that any decree for the above-listed water rights is contingent upon consent to the Standard Form 5's by the Idaho Department of Water Resources (IDWR), issuance of recommended partial decrees by the SRBA Special Master, and issuance of partial and final decrees by the SRBA Court. The parties agree that any failure by IDWR or the SRBA Court to recommend or decree the water rights consistent with the elements set forth above shall not negate or otherwise affect this agreement and that all provisions of this agreement shall remain in full force and effect upon execution by the parties hereto.

In addition, the following water rights have already been decreed by the SRBA Court: 72-00007A (Wegner), 72-10033 (Wegner), 72-00007C (Challis), 72-10368 (Challis), 72-16562 (Challis), 72-16563 (Challis), 72-16564 (Challis) and 72-16565 (Challis).

2. Bear Creek Diversion; Maintenance and Cleaning of Wegner Ditch. Water from Bear Creek may be diverted for use by Challis under water right nos. 72-00007C and 72-10368 and Challis will retain the right to divert from Bear Creek; provided that Challis shall be responsible for a proportionate share of the maintenance costs of the diversion structure and measuring device from Bear Creek only for those periods, if any, that Challis actually diverts water from Bear Creek. Wegner shall have a right to divert water from Bear Creek under water right nos. 72-00007A and 72-16560, consistent with this agreement. The parties agree to pay their proportionate share of the costs for the licensed contractor that shall be hired to do any such maintenance work within thirty (30) days of receiving a copy of the contractor's bill or invoice from the party contracting said work. Proportionate shares shall be determined by water usage during the prior irrigation season, as established by applicable IDWR usage records. The parties acknowledge and agree that the ditch which carries water from Bear Creek to the Wegner property needs repair, beginning at the point at which the diversion ditch from Bear Creek splits in Challis' west pasture and continuing on to the Wegner property ("the Wegner ditch"), and is in need of clearing and cleaning. While in no way limiting Wegner's responsibility for clearing, maintaining, and cleaning the full length of the Wegner ditch, in particular, the parties have been advised and understand that there is a boggy area west of the Challis house which is a high seepage area and has a low bank on the downstream side of the ditch. Wegner agrees to perform the clearing, ditch maintenance and cleaning that is necessary to put the full length of the Wegner ditch into good repair and to prevent flooding from the ditch onto the Challis

property, including lining the ditch and/or building up the banks, and/or to place the ditch into an adequately sized pipe. Water shall not be diverted into the ditch for conveyance and use by Wegner (under water rights nos. 72-00007A and/or 72-16560) until such work is completed. All said work shall be performed by a licensed contractor with equipment adequate to achieve the required result. Wegner agrees to provide reasonable notice to Challis before the commencement of any work. The parties agree to cooperate with one another on the scope and nature of any work.

3. Access to Wegner Ditch. Challis acknowledges and agrees that Wegner has an easement for the Wegner ditch, clearing, maintenance, cleaning and repair of the ditch, and for reasonable access to the ditch for said purposes, subject to this agreement and the applicable provisions of Idaho law. However, the size and scope of the ditch easement shall not be enlarged beyond the size reasonably necessary to convey the Wegner rights, as a result of this agreement, nor shall the burden on the Challis property be increased. Challis shall continue to have a right to use the Wegner ditch for purposes of irrigating the Challis property; provided that Challis shall only be required to pay a proportionate share of maintenance of the ditch for those periods, if any, that Challis actually uses the Wegner ditch. The parties agree to pay their proportionate share of the costs for the licensed contractor that shall be hired to do any such maintenance work within thirty (30) days of receiving a copy of the contractor's bill or invoice from the party contracting said work. Proportionate share shall be determined by water usage during the prior irrigation season, as established by applicable IDWR usage records.

4. Prevention of Flooding from Wegner Ditch. It is not in the best interest of either party for flooding to occur from failure or overflow of the Wegner ditch. As a result, Wegner agrees that no water will be diverted into the ditch until the ditch clearing, maintenance and cleaning, or piping, which is necessary to prevent flooding on the Challis property is performed. In the event that flooding does occur, Wegner agrees to immediately upon notification or other information, cease the flow of water into the Wegner ditch or pipe from Bear Creek until the problem(s) is (are) corrected. If Wegner is not immediately available to discontinue the flow of water into the ditch or pipe, or otherwise fails to do so, Challis shall have the right to cause the flow of water to be discontinued so as to prevent further damage to the Challis property. Upon correction of any flooding problem(s), water will again be allowed to flow into the ditch or pipe. Nothing herein shall limit the respective rights or obligations of either party in the event that legal action is commenced arising out of any flooding that may or is alleged to occur in the future.

5. Installation of Measuring Device. Wegner agrees to pay the cost of providing, installing and maintaining a measuring device of a type approved by and in accordance with installation requirements of IDWR, near the point at which the diversion ditch splits in the Challis west pasture, prior to the diversion of any water into the Wegner ditch, so that water can be properly allocated between the parties, pursuant to their respective water rights. Future maintenance on the flow control gate currently installed and controlling flow into the Wegner ditch shall be Wegner's sole responsibility.

6. Relocation of Portion of Wegner Ditch. The parties agree that a portion of the Wegner ditch which lies upstream and adjacent to what is commonly referred to as "the middle spring", located on Challis' property in T14N, R18E, S03, SESWNE, and which serves as the source for water right nos. 72-10032 (Wegner) and 72-16563 (Challis), will be relocated to its original location at the toe of the old county road, now the Challis driveway, to the north of the current ditch location. Challis agrees to provide and install the pipe and perform the work necessary to carry flow under the road that Challis has had constructed at the middle spring. Challis will also install a mechanism to split any middle spring flow evenly between the parties and a pipe from said split to the relocated Wegner ditch.

7. Selection of East Pasture Ditch by Wegner. Within sixty (60) days of signing this agreement, Wegner agrees to select a location for that portion of the Wegner ditch which runs through the Challis east pasture, immediately to the west of the Wegner property. As identified by the parties, there are three ditches that may have been used in the past and Wegner agrees to select one of these three. If Wegner does not choose one of these three ditches within 60 days, Wegner will then have the right to use the southern-most ditch, located nearest to Challis Creek as had been her choice prior to this agreement. Upon expiration of the 60-day period, Challis shall then have the right to fill-in the remaining ditches and Wegner shall have no future right to utilize any ditch other than the aforementioned.

8. Transfer of Points of Diversion. It is understood that Wegner is considering the possibility of seeking to transfer the points of diversion for water right nos. 72-00007A, 72-16560, and 72-10032 to a point on Challis Creek. Challis agrees to cooperate with Wegner on said transfer, subject to further agreement as to the location of any new system on or across the Challis property; provided that the parties understand and acknowledge that Challis has not consented, and does not in any way herein consent, to the diversion of water across their property from Challis Creek. In the event that Wegner seeks to transfer the points of diversion for all three of the above-mentioned water rights to Challis Creek at a location on the Wegner property, Challis agrees to convey water right no. 72-16563 to

Wegner by quit claim deed after the successful completion of the transfer process with IDWR. If such transfer is not approved, Challis shall retain all title and interest to water right no. 72-16563. Should successful completion of the transfer occur, Wegner shall have no further right to use or access Bear Creek or the middle spring and agrees to abandon all portions of the Wegner ditch and any other ditches located on the Challis property, to remove any pipe that may have been constructed on the Challis property under this agreement, and relinquish any easement whatsoever on the Challis property. The costs of the transfer process shall be Wegner's sole responsibility.

9. Use of Boundary/East Pasture Spring. It is acknowledged and agreed that Challis has a right to use stockwater from the spring located in the Challis east pasture, which is commonly referred to as "the boundary spring" or "east pasture spring", pursuant to water right no. 72-16561, as described in paragraph no. 1 above. In addition, Wegner has a right to use water for irrigation and stockwater purposes, from the point at which spring water from the Challis property enters upon the Wegner property as an unnamed stream, pursuant to water right no. 72-16559, as described in paragraph no. 1 above. To facilitate the natural flow of water to the Wegner property, the parties agree that Challis shall return the spring to its original condition by filling in the ditch that was constructed during 2000 to facilitate the building of a fence on the property line between the Challis and Wegner properties. All work done pursuant to this paragraph no. 9 will be done consistent with the advice, recommendations, and directions received from Brockway Engineering during the parties' conference call with Brockway Engineering on April 12, 2001, in order to prevent disruption or diminishment of the spring flows to Wegner. Upon said return of the spring to its original condition, the parties agree to jointly observe the flow from the spring to determine the location of the discharge orifice and resulting natural flow toward the Wegner property. Challis will leave an undisturbed strip of land approximately four (4) feet wide, located between said spring orifice and the Wegner property, so as to allow the natural flow of water to the Wegner property, and may thereafter build up the sides of said strip of land in a manner that does not impede the natural flow of water from the spring. Challis shall have continued and unrestricted access to the spring and natural flow of water within the four foot (4') strip of land for stockwater purposes, pursuant to water right no. 72-16561. Only once the natural flow of water enters Wegner's property, shall Wegner have the right to use it, pursuant to water right no. 72-16559. Wegner shall be entitled to use the water that flows naturally onto the property, but will not pump the water so as to deprive Challis of water needed for his stock under water right no. 72-16561.

10. High Water Claim by Challis. It is understood that Challis intends to file an additional or amended claim for high water from Bear Creek and Challis Creek to increase the quantity of high water that may be diverted, consistent with IDWR guidelines. All other elements are to be consistent with water right no. 72-10368. Wegner agrees not to oppose any late or amended claim by Challis, or to object to any recommendation by IDWR in the SRBA, or to otherwise challenge or participate in such high water claim made by Challis.

11. Notice and Cooperation. The parties agree to make reasonable efforts to communicate with one another about their respective water diversion and use activities, including any plans for changes in their systems, and to cooperate to the extent possible on any such changes.

12. Mutual Release. The parties agree to release one another from any potential cause of action accruing prior to the date of this agreement and agree further not to file any lawsuit arising from the subject matter of this dispute as it pertains to any acts or omissions which occurred prior to the date of this agreement. This provision in no way limits the rights of the parties to seek enforcement of this agreement in the future.

13. Entire Agreement. This agreement is the entire agreement between the parties as to the settlement of the rights in dispute and the other covenants and obligations set forth in it. It, however, does not limit the remedies available to either party in law or equity.

14. Binding Nature. This agreement shall constitute a covenant which runs with the Wegner and Challis properties and shall be binding upon the parties and their heirs, successors and assigns, as well as their agents, employees, or anyone else acting on their behalf. Upon execution, the parties shall cause a copy of this agreement to be recorded with Custer County, the cost of which shall be borne evenly by both parties.

15. Attorney Fees. In the event that either party is required to enforce the terms of this agreement in an administrative or judicial proceeding, the prevailing party shall be entitled to a reasonable attorney fee from the losing party.

16. Counterparts. This agreement may be executed in counterparts.

DATED THIS 15<sup>th</sup> day of May, 2001.

  
\_\_\_\_\_  
J. R. CHALLIS

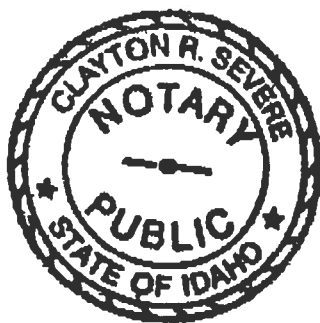
  
\_\_\_\_\_  
PATRICIA W. CHALLIS

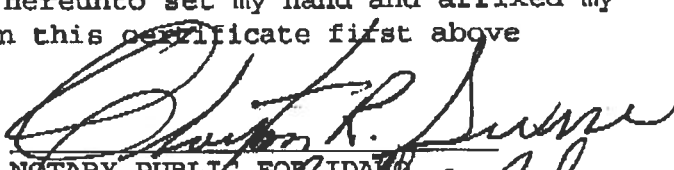
  
\_\_\_\_\_  
ROBIN J. WEGNER

STATE OF IDAHO )  
 ) ss.  
County of Custer )

On the 15<sup>th</sup> day of May, 2001, before me, a Notary Public, in and for said County and State, personally appeared J. R. CHALLIS, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



  
NOTARY PUBLIC FOR IDAHO

Residing at: Challis, Id.

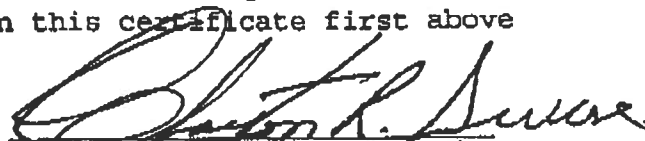
My commission expires: 3-16-2003

STATE OF IDAHO )  
 ) ss.  
County of Custer )

On the 15<sup>th</sup> day of May, 2001, before me, a Notary Public, in and for said County and State, personally appeared PATRICIA W. CHALLIS, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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



  
NOTARY PUBLIC FOR IDAHO  
Residing at: Challis, Id  
My commission expires: 3-16-2003

STATE OF IDAHO )  
 ) ss.  
County of Custer )

On the 4<sup>th</sup> day of May, 2001, before me, a Notary Public, in and for said County and State, personally appeared ROBIN J. WEGNER, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

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

HELEN R. HOWARD  
STATE OF IDAHO  
NOTARY PUBLIC

Helen R. Howard  
NOTARY PUBLIC FOR IDAHO

Residing at: Challis

My commission expires: 3/20/04

RECEIVED

JUL 14 2000

Department of Water Resources

Robin Wegner

PATRICK D. BROWN, P.C.  
Law Offices  
Patrick D. Brown, ISB#4413  
109 South Adams  
Jerome, ID 83338  
Telephone: (208) 644-1967  
Facsimile: (208) 633-1970

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 72-10032

) STANDARD FORM 2

) RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Robin Wegner  
Address: HC 60 Box 1576  
Challis ID 83226  
Daytime Phone: (208) 879-5820

*Name & Address of attorney, if any:*

Patrick D. Brown, P.C.  
109 S. Adams St.  
Jerome, Idaho 83338  
ph: (208) 644-1967

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

Name: JR & Patricia Challis  
Address: HC 63 Box 1576  
Challis, ID 83226

**D. I AM RESPONDING TO THE OBJECTIONS TO THE FOLLOWING ELEMENTS.** (Please check the appropriate box(es)).

1. Name and Address
2. ☒ Source: Should be decreed as recommended by IDWR in its Amended Director's Report dated May 19, 2000.
3. ☒ Quantity: Should be decreed as recommended by IDWR in its Amended Director's Report dated May 19, 2000.
4. ☒ Priority Date: Should be decreed as recommended by IDWR in its Amended Director's Report dated May 19, 2000.
5. ☒ Point(s) of Diversion: Should be decreed as recommended by IDWR in its Amended Director's Report dated May 19, 2000.
6. Instream Flow Description
7. ☒ Purpose(s) of Use: Should be decreed as recommended by IDWR in its Amended Director's Report dated May 19, 2000.
8. ☒ Period of Year/Use: Should be decreed as recommended by IDWR in its Amended Director's Report dated May 19, 2000.
9. ☒ Place of Use: Should be decreed as recommended by IDWR in its Amended Director's Report dated May 19, 2000.
11. Recommendation
  - This water right should not exist.
  - ☒ This water right was not recommended, but should be recommended with the elements described above.

**E. COMMENTS/REASONS**

This basis is the historical and traditional use of the water by Robin Wegner and her predecessors.

**F. VERIFICATION (Must be Completed)**

State of Idaho )  
 ) ss.  
County of Jerome )

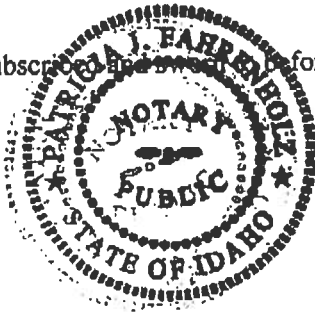
Patrick D. Brown, duly sworn, upon oath, deposes and says:

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.

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 7/13/00



Notary Public for Idaho  
Residing at: Twin Falls  
My Commission Expires: 11-09-2004

**INSTRUCTIONS FOR MAILING**

You must mail the response 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 July 13, 2000, 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: Robin Wegner  
Address: HC 60 Box 1576  
Challis ID 83226

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

Name: JR & Patricia Challis  
Norman M. Semanko  
Exec. Director/General Counsel  
Address: Idaho Water Users Association, Inc.  
410 South Orchard, Suite 144  
Boise, ID 83705

4. 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  
5550 West Fort Street, MSC 033  
Boise, ID 83724





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: See below
3. ☒ **Quantity:**  
Should be: See below
4. ☒ **Priority Date:**  
Should be: See below
5. ☒ **Point(s) of Diversion:**  
Should be: See below
6. ☐ **Instream Flow Description:**  
Should be:
7. ☒ **Purpose(s) of Use:**  
Should be: See below
8. ☒ **Period of Year:**  
Should be: See below
9. ☒ **Place of Use:**  
Should be: See below

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):**

See previous objection filed by these Objectors on October 18, 1999, including all attachments and supplements thereto as signed and dated on July 12, 1999. The previous objection was filed pursuant to Order Granting Motion to File Late Objection (October 21, 1999).

In addition, the spring in question has been beneficially used on the Objectors' land, as evidenced by the claim and recommendation for Water Right No. 72-16563. Claim No. 72-10032 should be decreed as disallowed, with none of the elements checked.

## VERIFICATION

State of Idaho                    )  
                                          )ss.  
County of Twin Falls        )

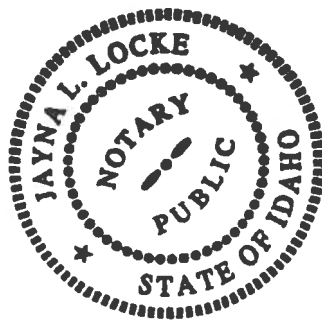
**NORMAN M. SEMANKO**, duly sworn, upon oath, deposes and says:

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)

*N. M. Semanko*  
\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 23, 2000.



*Jayna L. Locke*  
NOTARY PUBLIC FOR IDAHO  
Residing at: Wendell, ID  
My commission expires: 9-25-03

## INSTRUCTIONS FOR MAILING

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

## CERTIFICATE OF MAILING

I hereby certify that on June 23, 2000, 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, Idaho 83303-2707

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

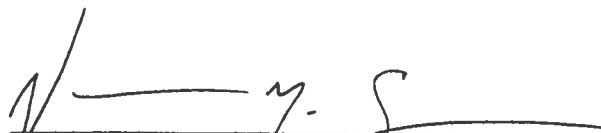
Name: **Robin J. Wegner**  
Address: **HC 63 Box 1576**  
**Challis, ID 83226**

3. Copies to:

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

Chief, Natural Resource Division  
Office of the Attorney General  
State of Idaho  
P.O. Box 44449  
Boise, Idaho 83711-4449

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

  
\_\_\_\_\_  
Signature of party/claimant or attorney  
mailing on Objector's behalf

...

**TOTAL DIVERSION: 0.040 CFS**

**Stage: BENEFICIAL USE**

**CUSTER County**

MS

TOTAL ACRES

- 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.

STOCK WATER INCIDENTAL TO IRRIG.

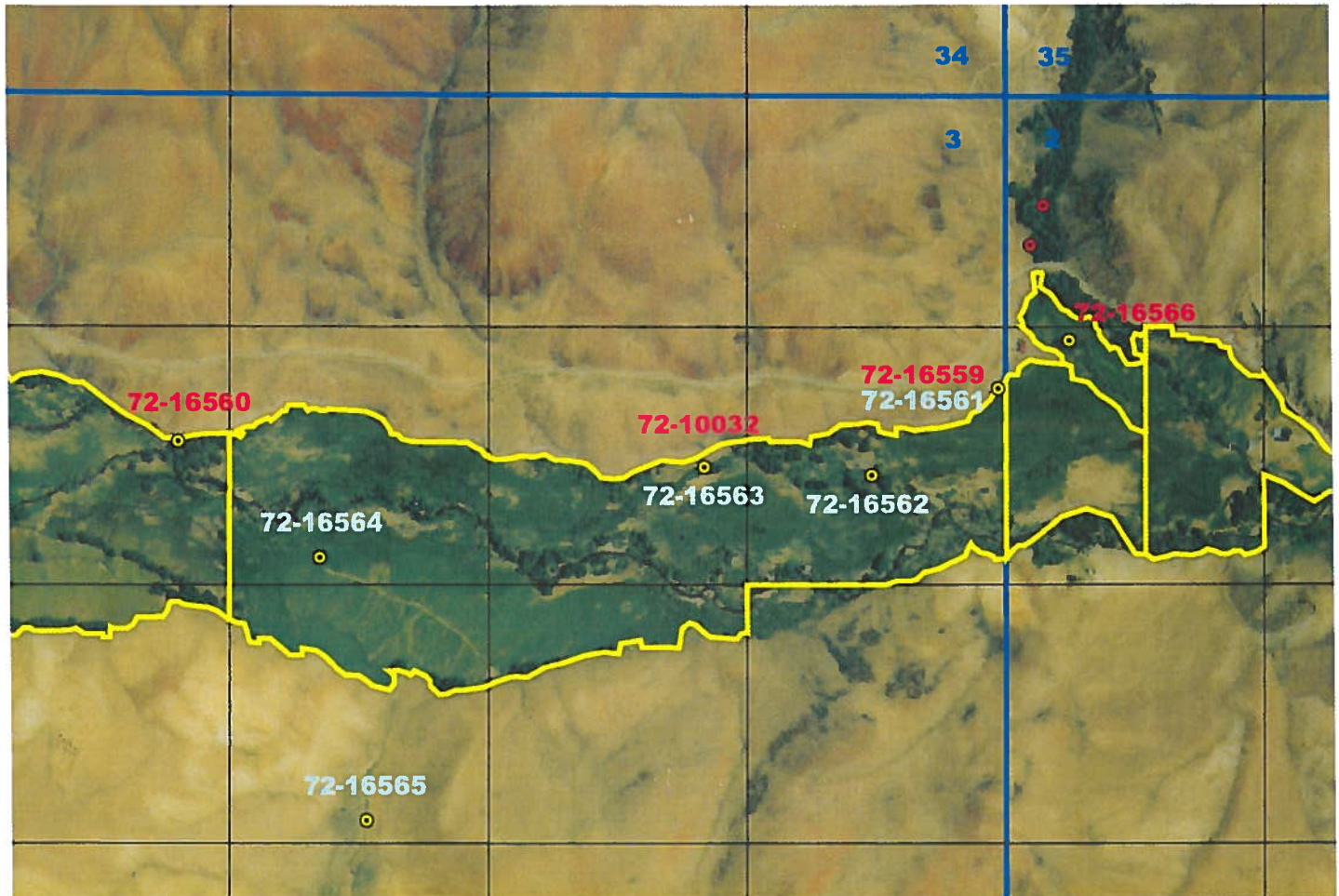
**Objection Filed Date:**

Field Inspection Flag:  
Presumption Flag:

**IDAHO DEPARTMENT OF WATER RESOURCES**

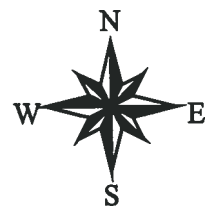
**Wegner: 72-10032, 72-16559, 72-16560, 72-16566**

**Challis: 72-16561, 72-16562, 72-16563, 72-16564,  
72-16565**



0 1320 Feet

**RECOMMENDED PLACE OF USE  
DATA ENTRY ON MAY 19, 2000  
TWP 14N, R18E, SEC . 2 & 3**



-  **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**

DATE: 05/17/00  
PAGE: 1

5

**Stage: BENEFICIAL USE**

**CUSTER County**

5

TOTAL ACRES

- 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

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON. A COMBINED RIGHT NOS.: 72-00007A, 72-10032, ~~72-16597~~, AND 72-16560.

**Objection Filed Date:**

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

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

17:17:42  
05/17/00  
3

PAGE: 3  
PROFILE REPORT

CLAIM NUMBER: A72-10032

| OWNER<br>CODE    | NAME & ADDRESS | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | ROBIN J WEGNER | 10/10/1911       | IRRIGATION | 04-01 10-31           | 0.500 CFS         |                     |
| TOTAL DIVERSION: |                |                  |            |                       | 0.500 CFS         |                     |

Water Source: SPRING

Tributary to: *SINKS*  
DITCH-FROM CHALLIS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14N R18E S03

*SESWNE*  
NWSENE

CUSTER County

Place of use Legal Description for: IRRIGATION

| NE          |     |   |                           | NW                        |                           |                           |                           | SW                        |                           |                           |                           | SE                        |                           |      |  |  |
|-------------|-----|---|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|------|--|--|
| T           | R   | S | : 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 | : 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 | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | : Lt Ac Lt Ac Lt Ac Lt Ac | SUM  |  |  |
| 14N         | 18E | 2 | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | :                         | 12.0 |  |  |
| TOTAL ACRES |     |   |                           |                           |                           |                           |                           |                           |                           |                           |                           |                           | 12.0                      |      |  |  |

POU County: CUSTER

Non-Irrigation Uses: STOCK WATER INCIDENTAL TO IRRIG. *EXP*

Other Rights: A72-00007A, 72-16559, & 72-16560

Remarks: GEN SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.

\*\*\*\*\*OWNERSHIP CHANGE\*/AMENDED CLAIM\*\*\*\*\*

OWNERSHIP CHANGE FROM LEWIS TO WEGNER. COPY OF DEED AND FORM RECEIVED 12/1/1999.

\*\*\*CLAIM AMENDED TO INCREASE DIVERSION RATE TO 0.50 CFS\*\*\*\*\*

THE SPRING FOR A72-10032 HAS HISTORICALLY AND TRADITIONALLY RISEN IN THE DITCH WHICH DELIVERS THE A72-00007A WATER RIGHT. THIS DITCH (SHOWN ON ENCLOSURE B) IS THE SOLE MEANS TO BRING A72-10032 AND A72-00007A TO THE PLACE OF USE. TO DIVERT THE A72-00007A RIGHT AROUND THE SPRING AND BACK INTO THE DITCH DOES NOT ALTER THE HISTORIC AND TRADITIONAL USE OF THE A72-10032 RIGHT.

*Remarks:*  
*POU*  
*EXP*  
*E14, K0611*  
*F05*  
*(72-16560)*

*copy to comments*

Dates: Exam Made Date: *12/1/99* Verified Date: Objection Filed Date:

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



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

ALAN G. LANCE

February 28, 2000

VIA FACSIMILE TRANSMISSION

Special Master Thomas Cushman  
SRBA District Court  
Twin Falls, ID  
FAX NO. (208) 736-2121

RECEIVED  
MAR 01 2000  
Department of Water Resources  
Southern Bank

Re: Subcase 72-10032

Dear Special Master Cushman:

Thank you for speaking with me this morning concerning subcase no. 72-10032 (Challis / Wegner). As mentioned earlier, an Amended Director's Report is due in this subcase today. Unfortunately, investigating agent Jeannie Robertson has been unable to properly investigate the claim as amended.

This spring IDWR will conduct its additional field work on this claim, along with the additional field work necessary for the other Wegner claims and the Challis claims. The Amended Director's Report for this claim, along with the other claims, will be submitted to the court prior to May 19, 2000, the date a Status Conference is scheduled in this subcase. Patrick Brown and Norman Semanko, legal counsel for the parties, are agreeable to this arrangement.

Again, thank you for your kind consideration in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Nick Spencer".

NICHOLAS B. SPENCER  
Deputy Attorney General

cc: P. Brown  
N. Semanko  
J. Robertson

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

AJ0749NP  
No. 72-10032

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

DATE: 01/18/00  
PAGE: 2

Dates: Exam Made Date: Verified Date: Objection Filed Date: 07/13/1999

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

Comments: Date: 01/15/1993 User-ID: WORSTELL Subject: COPIED FROM REMARKS  
SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS  
A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY  
USED WITH THE DECREEED CHALLIS CREEK WATER. PRIORITY IS BASED  
ON THE CHALLIS CREEK DECREEED WATER A72-00007A. THE SPRING RUNS  
APPROX. 20 GPM BUT AT TIMES DRIES UP.

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: AUJ10-DS Subject: AUJ10 CONDITION UPDATE  
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART  
OF RECORD THRU AUJ10.

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

Date: 01/18/2000 User-ID: JROBERTS Subject: OWNERSHIP CHANGE  
OWNERSHIP CHANGE FROM LEWIS TO WEGNER. COPY OF DEED AND FORM  
RECEIVED 12/1/99. jr

Audit: 01/18/00 JROBERTS

1999 DEC 10 AM 9:48

DISTRICT COURT-SRBA  
TWIN FALLS, IDAHO  
FILED

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

In Re SRBA

) Subcase: 72-10032  
)  
)  
)  
)

Case No. 39576

ORDER GRANTING MOTIONS TO  
FILE AMENDED NOTICE OF CLAIM  
AND SETTING SUBCASE DEADLINES

A *Motion to File an Amended Notice of Claim* was filed in the above subcases on August 12, 1999. A *Motion to Dismiss and Response in Opposition to Motion to File Amended Notice of Claim* was filed by J.R. and Patricia Challis, which was subsequently denied. *Order Denying Motion to Dismiss* (Dec. 9, 1999).

Therefore, IT IS ORDERED that the *Motion to File an Amended Notice of Claim* is granted. IT IS FURTHER ORDERED that the following deadlines shall govern further proceedings in this subcase:

|           |         |                                                               |
|-----------|---------|---------------------------------------------------------------|
| 2/28/2000 | 5:00 pm | Deadline for filing Amended Director's Reports.               |
| 3/28/2000 | 5:00 pm | Deadline for filing Objections to Amended Director's Reports. |
| 4/21/2000 | 5:00 pm | Deadline for filing Responses to Objections.                  |

DATED December 10, 1999.



THOMAS R. CUSHMAN  
Special Master  
Snake River Basin Adjudication

# CERTIFICATE OF SERVICE

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE AMENDED NOTICE OF CLAIM was mailed on December 10, 1999, to the following:

Director of IDWR  
PO Box 83720  
Boise, ID 83720

Patrick D. Brown  
109 S Adams  
Jerome, ID 83338

Norman Semanko  
Rosholt Robertson & Tucker  
PO Box 1906  
Twin Falls, ID 83303-1906

Teri Francis  
Deputy Clerk

1999 OCT 18 PM 04:05  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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

In Re SRBA ) ORDER SETTING HEARING  
Case No. 39576 )  
\_\_\_\_\_ ) SUBCASE NO: 72-10032

Please be advised that Special Master THOMAS R. CUSHMAN  
has set for hearing the MOTION TO FILE AMENDED NOTICE OF CLAIM filed  
by Wegner; and MOTION TO DISMISS and OPPOSITION filed by Challis.

FRIDAY, OCTOBER 29, 1999 at 10:00 AM

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

IT IS SO ORDERED.

Dated: OCTOBER 18, 1999

/S/ THOMAS R CUSHMAN  
Special Master  
Snake River Basin Adjudication

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

Page 1 10/18/99

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on OCTOBER 18, 1999, with sufficient first-class postage to the following:

J.R. & PATRICIA CHALLIS

Represented by:  
NORMAN M. SEMANKO  
PO BOX 1906  
TWIN FALLS, ID 83303-1906  
Phone: 208-734-0700

ROBIN WEGNER

Represented by:  
PATRICK D. BROWN  
109 S ADAMS ST  
JEROME, ID 83338  
Phone: 208-644-1967

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

AFTON M LEWIS  
THOMAS H LEWIS  
475 N 500 W  
MALAD, ID 83252  
Phone: 208-766-9239

# SRBA

## SUBCASE SUMMARY REPORT 72-10032

[Return to SRBA Home Page](#)

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SRBA  
12-28-1999

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 72-10032      FILE#: 00396  
CLAIMANT: LEWIS, THOMAS H  
STATUS: AT ISSUE  
WATER SOURCE: SPRING, CHALLIS CREEK  
ISSUES: SOURCE OF WATER  
PRIORITY DATE  
PURPOSE OF USE DESCRIPTION  
PERIOD OF YEAR WHEN WATER IS USED  
WATER RIGHT RECOMMENDATION

### \*\*\*\* PARTIES INVOLVED \*\*\*\*

|                         |                         |
|-------------------------|-------------------------|
| THOMAS H LEWIS          | PRO SE                  |
| J.R. & PATRICIA CHALLIS | ATTY: NORMAN M. SEMANKO |
| ROBIN WEGNER            | ATTY: PATRICK D. BROWN  |
| AFTON M LEWIS           | PRO SE                  |

### \*\*\*\* ROA ENTRIES \*\*\*\*

|            |                                                                                                                  |    |                 |
|------------|------------------------------------------------------------------------------------------------------------------|----|-----------------|
| 07-19-1999 | LDGD: OBJ 1, BY J R & PATRICIA CHALLIS                                                                           |    | 0001            |
| 08-09-1999 | RESPONSE TO OBJ 0001 F/B WEGNER, ROBIN                                                                           |    | 0001            |
| 08-12-1999 | MOTION TO FILE AMENDED NOTICE OF CLAIM                                                                           | MG | 12-10-1999      |
|            | F/B WEGNER (NOTICE OF CLAIM IS IN THE NAME OF THOMAS LEWIS)                                                      |    |                 |
| 08-13-1999 | ORDER OF REFERENCE TO SPEICAL MASTER BILYEU                                                                      |    | 08-13-1999      |
| 08-31-1999 | AFFIDAVIT OF J R CHALLIS F/B SEMANKO                                                                             |    |                 |
| 08-31-1999 | MOTION TO FILE LATE OBJECTION F/B CHALLIS                                                                        | MG | 10-18-1999 0001 |
| 08-31-1999 | LDGD: MEMORANDUM IN SUPPORT OF MOTION TO FILE LATE OBJECTION                                                     |    |                 |
| 08-31-1999 | MOTION TO DISMISS                                                                                                | MG | 12-09-1999      |
| 08-31-1999 | AND RESPONSE IN OPPOSITION TO MOTION TO FILE AMENDED NOTICE OF CLAIM                                             |    | 08-31-1999      |
| 08-31-1999 | NOTICE OF APPEARANCE FOR J R & PATRICIA W CHALLIS F/B SEMANKO                                                    |    |                 |
| 09-13-1999 | AMENDED ORDER OF REFERENCE APPOINTING THOMAS R CUSHMAN SPECIAL MASTER ASSIGNED MASTER WAS: 701 BILYEU, BRIGETTE  |    |                 |
| 09-14-1999 | ORDER SETTING HEARING                                                                                            | HV | 10-19-1999 1000 |
|            | MOTION TO FILE LATE OBJECTION filed by CHALLIS                                                                   |    |                 |
| 09-24-1999 | NTC OF APPEARANCE - BROWN FOR THOR & WEGNER                                                                      |    |                 |
| 09-27-1999 | ORDER SETTING HEARING                                                                                            | HS | 10-18-1999 0330 |
|            | MOTION TO FILE LATE OBJECTION filed by                                                                           |    |                 |
| 10-12-1999 | AFFIDAVIT OF THOMAS LEWIS                                                                                        |    |                 |
| 10-12-1999 | AFFIDAVIT OF ROBIN WEGNER                                                                                        |    |                 |
| 10-18-1999 | REPLY TO AFFIDAVITS OF ROBIN WEGNER AND THOMAS LEWIS AND NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP (F/B CHALLIS) |    | 10-18-1999      |
| 10-18-1999 | OBJ 01 F/B CHALLIS, J.R. & PATRICIA                                                                              | RB | 10-04-1999 0001 |
| 10-18-1999 | HEARING HELD - MOTION TO FILE LATE OBJECTION                                                                     | HH | 10-18-1999 0330 |
| 10-18-1999 | MINUTES - MOTION TO FILE LATE OBJECTION                                                                          |    |                 |

|            |                                              |    |                 |
|------------|----------------------------------------------|----|-----------------|
| 10-18-1999 | ORDER SETTING HEARING                        | HS | 10-29-1999 1000 |
|            | MOTION TO FILE AMENDED NOTICE OF CLAIM file  |    |                 |
| 10-21-1999 | ORDER GRANTING MOTION TO FILE LATE OBJECTION |    |                 |
| 10-29-1999 | HEARING HELD - MOTION TO FILE AMENDED CLAIM  | HH | 10-29-1999 1000 |
|            | AND MOTION TO DISMISS                        |    |                 |
| 10-29-1999 | MINUTES - MOTION TO FILE AMENDED NOTICE OF   |    |                 |
|            | OF CLAIM AND MOTION TO DISMISS               |    |                 |
|            | HEARING CONTINUED - STATUS CONF SET 12/1     |    |                 |
| 11-02-1999 | ORDER SETTING VIEW OF PROPERTY BY SPECIAL    | HS | 11-29-1999 0300 |
| 11-02-1999 | MASTER AND SETTING STATUS CONFERENCE         | SS | 12-01-1999 0900 |
| 11-24-1999 | AFFIDAVIT OF ROBIN WEGNER                    |    |                 |
| 11-29-1999 | VIEW OF PROPERTY BY SPECIAL MASTER           | HH | 11-29-1999 0300 |
| 11-30-1999 | HEARING HELD - STATUS CONFERENCE             | UH | 11-30-9999 0900 |
| 11-30-1999 | MINUTES - STATUS CONFERENCE                  |    |                 |
| 12-07-1999 | NOTICE SETTING STATUS CONFERENCE             | US | 05-19-2000 1000 |
| 12-09-1999 | ORDER GRANTING MOTION TO DISMISS             |    |                 |
| 12-10-1999 | ORDER GRANTING MOTION TO FILE AMENDED NOTICE |    |                 |
|            | OF CLAIM AND SETTING SUBCASE DEADLINES       |    |                 |
|            | AMENDED DIRECTOR'S REPORT DUE 2/28/2000;     |    |                 |
|            | OBJECTIONS TO AMENDED DIR RPT DUE 3/28/2000  |    |                 |
|            | RESPONSES TO OBJECTIONS DUE 4/21/2000        |    |                 |

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[Return to SRBA Home Page](#)

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AUG 27 1999

Department of Water Resources  
Southern Region

RECEIVED

AUG 09 1999

Department of Water Resources

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

In Re SRBA

Case No. 39576

A7 Subcase A72-10032

(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 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: IR AND/OR PATRICIA CHALLIS

Address: PO BOX 1220

CHALLIS, ID 83226-1220

Do Not  
COPY

**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
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 Wegner, 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 Wegner  
(Signature of person filing response)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

Aug 16<sup>th</sup> 1999  
Aileen R. Howard  
Notary Public for Idaho  
Residing at: Challis  
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 6 AUG, 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 OR AFTON LEWIS  
Address: 475 N 500 W, MALAD, ID 83252

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

Name: JR AND/OR PATRICIA CHALLIS  
Address: PO BOX 1220, CHALLIS, ID 83226-1220

4. 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 & Natural Resource Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

  
Your signature or signature of attorney  
mailing on your behalf

I believe this objection to be totally ludicrous and frivolous. The true basis of the objection is not whether the A72-10032 water right is proper or improper but rather, the basis is entirely self serving as stated in a 25 June letter from Mr. Challis (Enclosure A) which states: " We have a major concern in anyone having any claim to any spring within the confines of our property.". This response will address each element of the objection and debunk the faulty logic behind the objection to water right A72-10032.

## 2. Source

As the ditch rider for the A72 water district, Mr. Challis should be able to read the Idaho Department of Water Resources claim profile. Please find the IDWR claim profile report for A72-10032 dated for 3/20/96 (Enclosure B) on which the water right source is listed as spring and the water right to be a tributary to ditch from Challis Creek. Also, find the IDWR recommended water right profile for A72-10032 dated Feb 24-1999 (Enclosure C) listing the source as spring and the water right to be a tributary to Challis Creek. Neither lists Challis Creek as a source.

On 23 June 1999, there was an informal hearing conducted by IDWR and members of the A72 Advisory Board. The IDWR and Advisory Board representatives determined that the spring has historically and traditionally risen in the ditch which delivers the A72-00007A water right and Mr. Challis acknowledges this fact on the tape recording of the meeting ( a copy of the tape recording of this meeting could be made available to the court ). The fact that Mr. Challis might alter the ditch which delivers the A72-00007A water right to a different location cannot alter the historic and traditional use.

## 4. Priority Date

I concur with Mr. Challis that the spring which originates the A72-10032 water right should have an established and decreed 1879 priority date as stated in Element E.

The photograph enclosed with the objection does not readily show any irrigation ditches but neither does the IDWR Aerial photograph

showing the A72-00007A and A72-10032 water rights (Enclosure D) and the irrigation ditches are known to exist in this photo. Upon magnified inspection of the photograph enclosed with the objection, vegetation growth and land topography shows what could delineate irrigation ditches at the areas designated on Enclosure E. These irrigation ditches and the current irrigation ditches can be seen to stop within the boundary of our property. The IDWR Aerial photograph (Enclosure F) is marked with the irrigation ditches known to exist and/or to have existed for irrigation. The ditches delineated on Enclosure F do seem to correspond to the indications of ditches on Enclosure E. At the informal hearing, the IDWR representatives determined that the A72-10032 water right had historicly and traditionally been used to irrigate as described using any of the ditches indicated on Enclosure F. The photograph included with the objection does demonstrate that the land which has historicly and traditionally received irrigation water is clearly evident.

#### 7. Purpose of use

IDWR has determined that the A71-10032 water right has been historicly and traditionally used in conjunction with the water right A72-00007A for irrigation as listed on the IDWR water right profile (Enclosure B) and the IDWR recommended water right (Enclosure C) as shown on the IDWR Aerial photo (Enclosure D). This was also reinforced at the informal hearing conducted by IDWR.

#### 8. Period of use

IDWR has determined and recommended that the period of use should be the irrigation season listed as 04-01 to 11-01 on the claim profile report (Enclosure B) and/or the irrigation season listed as 04-01 to 10-31 on the recommended water right (Enclosure C).

The water from a spring source might fluxuate as will the water from a creek source. The claim profile (Enclosure B) acknowledges this fact. So long as water is sufficient, this claim should be satisfied.

At the informal hearing conducted by IDWR, Mr. Challis states that the water from this spring is used to irrigate 9 months of the year on the tape recording of the meeting ( a copy of the tape of the meeting could be made available to the court ).

Further, in application for a water right from this same spring, subcase A72-16563, Mr. Challis claims that there is sufficient water to irrigate from 04-01 to 10-31 and for stockwater all year.

#### 9. Place of use

The objection attempts to create a subterfuge as to the area which receives benefit from the spring which is the source for the A72-10032 water right.

The IDWR Aerial photo (Enclosure G) designates the recommended place of use and the total area of land owned by Mr. Challis which receives benefit from this spring as determined by the IDWR representatives at the informal hearing. The areas to benefit from this spring were determined to be approximately the same on the tape recording of the meeting ( a copy of the tape of the meeting could be made available to the court ).

#### E. Reasons

According to the authority of the IDWR, a right is determined either valid or not valid and the water to a valid claim is issued. It becomes the responsibility of the right holder to get the water to the place of use and is not the concern of any other individual, so long as the means are within the bounds and constraints of the IDWR.

I can furnish the names of persons that have irrigated this property over the last 30 years and obtain statements demonstrating that water right A72-10032 has been used as claimed for irrigation.

Further, the fact that Mr. Robert Stevens, the owner of the property on which the spring is located at the original time of application, did not dispute or contest the right of the A72-10032 claim should reinforce the claim.

The statement that this water right should not exist is simply untrue and is an attempt to circumvent the IDWR to accomplish self serving motives.



**CHALLIS  
CREEK  
RANCH**

**RECEIVED**

**AUG 09 1999**

Department of Water Resources

ENCLOSURE A

June 25, 1999

Gary Thor and Robin Wegner  
HC 63 Box 1576  
Challis, ID 83226

Dear Gary and Robin:

Yesterday I received a call from one of our District water right owners concerning another of our District water right owners and a "feud" they were having over delivery of their water. This is the third (3<sup>rd</sup>) time in the last couple weeks I, as Watermaster, have had to meet with and mediate a disagreement over a shared lateral ditch (or, in this case, a shared pipe supply) with multiple users who could not seem to get along. As in all such cases, I tell them **no one's best interests are served by a legal battle** (excluding the attorneys, of course). I then tell them to start by finding some common ground. Lastly, I tell them to put themselves in the other person's position and **from there, to work out a fair and equitable solution**. During the drive back home I came to the absolutely brilliant conclusion maybe it is time I practice what I preach!

Gary, while I would hope we could find some better common ground, in the event all else fails, we could just agree we don't like each other much. Nevertheless, we could then agree that some sort of compromise would be far better than any agreement fought out in court, not to mention it would be much more sensible and one hell of a lot cheaper!

As I see it, your position is a rather simple one in that you want to be able to adequately irrigate the pasture. The 1879 decreed Bear Creek right undoubtedly justifies the 0.15 cfs presently diverted from the Bear Creek diversion (Diversion No. A0002588). And, though difficult to determine in any specific amount, we acknowledge a limited flow from the spring located adjacent to the ditch may have, at limited times in the past, possibly reached that pasture. Your problem is delivery of any significant amount of any flows across substantial distances of our property **without their inclusion in our flows** is, at best, questionable. And I think the majority agree the alternative of a buried pipe is clearly cost prohibitive as is changing the point of diversion and pumping your right out of Challis Creek within your own property boundaries.

Now let's look at this matter from our prospective. Our lower west pasture (to date irrigated by Diversion No. A0002588) has always been a "bog" and virtually unusable when, what we call the lower ditch, the one presently carrying your flow, is running at or near maximum capacity. This is a result of subbing far more than the ditches shallowing during spring flows with the normal silting on the far west end as sometimes occurs. This could be corrected by some **major** dirt moving and consequential topography changes but, like your alternatives listed in the foregoing, would be extremely cost prohibitive. Therefore, to minimize if not alleviate this problem, it is our understandable desire to hold flows in that field, especially the lower ditch, to an absolute minimum. Another concern we have is your participation in the work and, more importantly, the costs of maintaining Diversion No. A0002588 and the related ditch. Lastly, we have a major concern in anyone having any claim to any spring within the confines of our property.

So, knowing each other's objectives or desired goals, how might these, or at least the largest possible amount of these, be best served? After extensive evaluation, this is what we have concluded to be a fair and equitable solution.

First, you would construct a flow control gate (to a design of which we both agree) and, together with the "V" Notch Weir that I made and is now in use at the west end of our property, you and I would install both in the ditch that serves your pasture at our mutual property line. This would, of course, allow a means of controlling and measuring flow directly at the point of entry into the pasture. Upon completing this installation, flow would be made available from then on at any time during the irrigation season whenever the watermaster is releasing your flow and that flow would then be available **in total** (even in excess of your 0.15 cfs right if you need it as long as high water is still being released uncontrolled) to provide the desired flow to adequately irrigate the pasture. Should you file for and a Bear Creek high water right be decreed and it become necessary at some point in the future for high water be controlled, your flow at the property line would also be equally and proportionately controlled. Once high water releases were terminated, flow would be reduced to the 0.15 cfs right. Should, in a very rare but admittedly possible drought year, flows be reduced to less than your 1879 rights, your flow would be terminated as less than this amount is (as you can see at present) of no significant value.

As the result of a totally unrelated need, we will, at some time this summer or fall, be relocating our southern boundary fence (from our mutual corner on the south end) between our property and that owned by BLM. At the same time we will be "shooting" our mutual property line with a Transit and relocating the fence between us to the true boundary line (it is presently off about 15 feet to your favor on the south end to a somewhat lessor distance on the north end).

At the time we do this, it is our second recommendation that at the spring located in our east pasture (closest to our mutual property line), we use our backhoe to dig a small "stock pond" that would extend a distance (say 5 or 6 feet) under the fence and onto your side of our mutual property line. We would construct two (2) small ditch "spillways" (our backhoe - you build the wood and steel spillway structures to a mutually agreed upon design) set at equal elevation, one feeding a ditch onto your property, the other onto ours. Livestock on either side of the fence would have access at any time to water and only when there was sufficient flow to supply the spillways would either of us be able to extract any water from the stock pond which would, of course, occur naturally at the spillways. Needless to say, the surrounding area, now a bog on both sides, could become usable pasture.

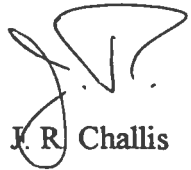
With regard to the sharing of costs to maintain Diversion No. A0002588, as you suggested we will agree that such division of costs be directly proportional to the percentage of use by each the prior season as determined by the Watermaster's Report. However, such specifically divided records of flows are just now becoming available with the new database record system. Therefore, this year would have to be a 50/50 split if anything were required. Furthermore, the primary maintenance and initial monetary responsibility for the diversion would be yours following mutual agreement as to how such necessary action should be taken, again per your prior suggestion. As a point of fact, you should be aware that our projected use of Diversion No. A0002588 will, most probably, be far, far less than it has been in the past. For the reasons previously outlined, we will limit use of flows at that diversion to one or two days a week just to irrigate that lower west pasture and source our water from other locations to do the pastures near and east of the barn. You would also assume responsibility for maintaining and cleaning the lower ditch that would normally carry your Bear Creek right even though at times and at our option we might direct part of or the total flow eventually coming to your pasture from another source.

As you can see, in a good water year you would unquestionably have access to all the water you need. Even in your realistic worse case scenario (I have only seen one year we got less than our 1879 right for any appreciable length of time) you would have your 0.15 cfs flow **without evaporation or ditch loss at your property line.** I think you would have to agree you do not get that much flow even today with the combined release of your 0.15 cfs at the west end of our property and the total spring flow now better than it is in any normal high water season. Though we would occasionally have to alternate use of the delivery ditch in our east pasture when we were irrigating that pasture ourselves from that ditch, you would otherwise have your maximum flow on most any day you desire. We would also have mutual benefit of the east pasture spring, a situation that is now little more than a boggy mess for either of us. The benefit would only be non-existent when and if the spring dried up in any given year, a condition that will always be an uncontrollable contingency on this or any spring. Also when the other spring on the ditch decreases as it always does when high water recedes and the summer heat intensifies, or even dries up completely, a condition the Lewis's acknowledge occurs in their own right filing, you still lose nothing. Lastly, this agreement would be applicable to and binding upon any and all future owners.

We are confident you will agree, for all practical purposes, the foregoing solves your pasture irrigation problems and totally negates any necessary consideration for the agreeably cost prohibitive piping or pumping. In return, however, we do not feel we are being unreasonable **nor are you now actually losing anything** by us making it a stipulation that you drop any claim(s) to spring flows on our property.

As I said in the beginning of this letter, I find the best way for anyone to search out a fair and equitable solution is to put themselves in the other person's position. I have truly tried to do that and thus feel you would, as a result of the foregoing, now be in the best possible position to adequately irrigate your pasture under normal conditions and situations. After your conscientious evaluation and possible discussion(s) with others that attended last Wednesday's meeting, it is our hope you will agree.

Sincerely,  
Challis Creek Ranch

 "Jack" Challis  
J. R. Challis

cc: Allen Merritt - IDWR, Twin Falls  
Robert E. Foster - IDWR, Salmon  
Tim Luke - IDWR, Boise  
Ray Cullinane, Advisory Board  
Jim Johnston, Advisory Board  
Thomas H. & Afton M. Lewis



RECEIVED

AUG 09 1999

ENCLOSURE C

AJ5856MP

Department of Water Resources  
IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: FEB-24-1999

PAGE: A-1

-----  
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
-----  
RIGHT NUMBER: 72-10032  
  
NAME & ADDRESS: THOMAS H LEWIS  
AFTON M LEWIS  
475 N 500 W  
MALAD ID 83252  
  
SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
  
QUANTITY: 0.04 CFS  
  
PRIORITY DATE: 10/10/1911  
  
POINT OF DIVERSION: T14N R18E S03 NWSENE Within CUSTER County  
  
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 04-01 10-31 0.04 CFS  
  
PLACE OF USE: IRRIGATION Within CUSTER County  
T14N R18E S02 SWNW 12  
12 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

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

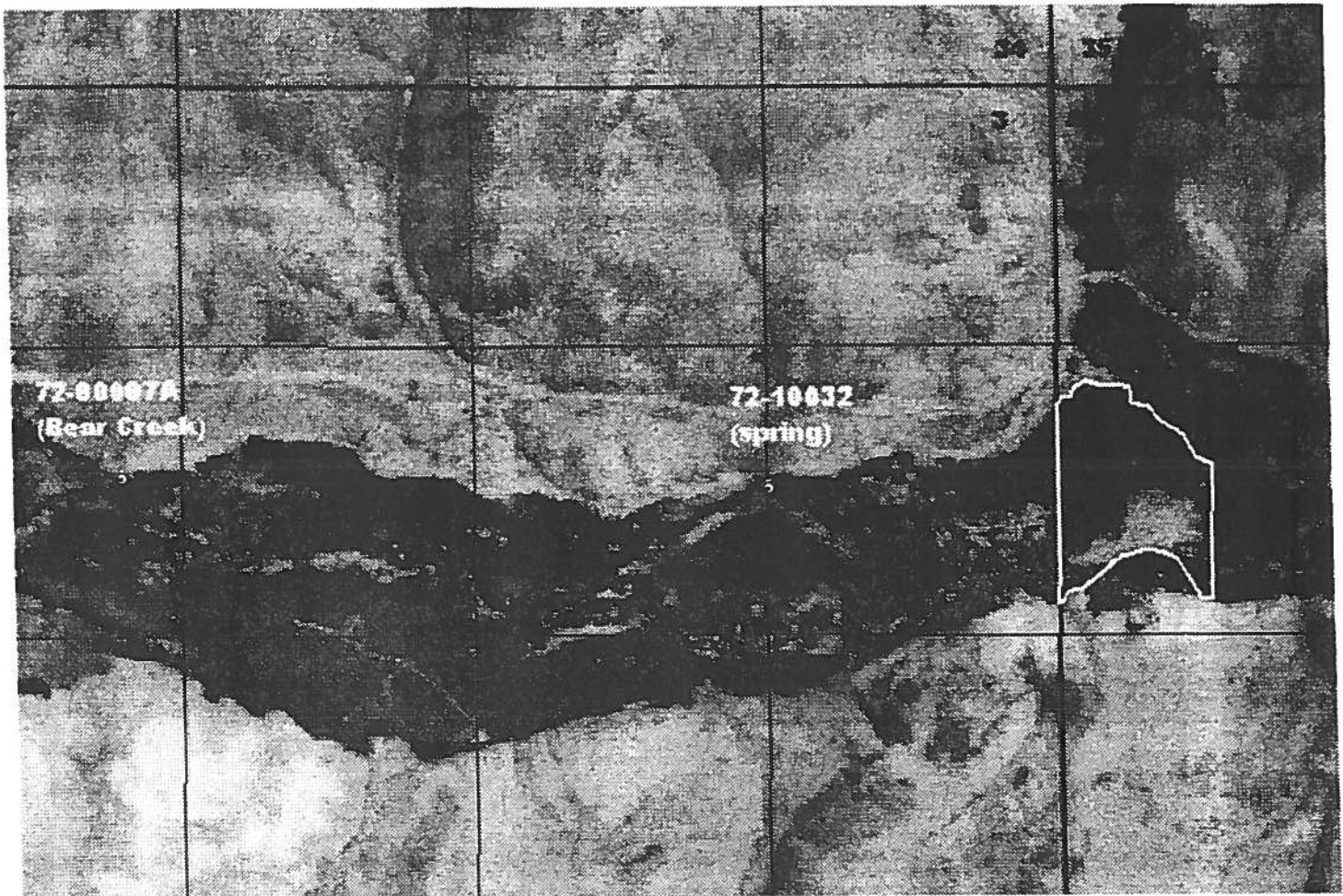
## IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

AUG 05 1993

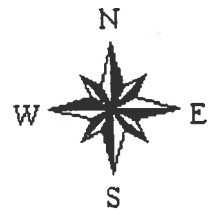
72-00007A &amp; 72-10032

Department of Water Resources



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

ENCLOSURE E

AT2-10032

ENCLOSURE F

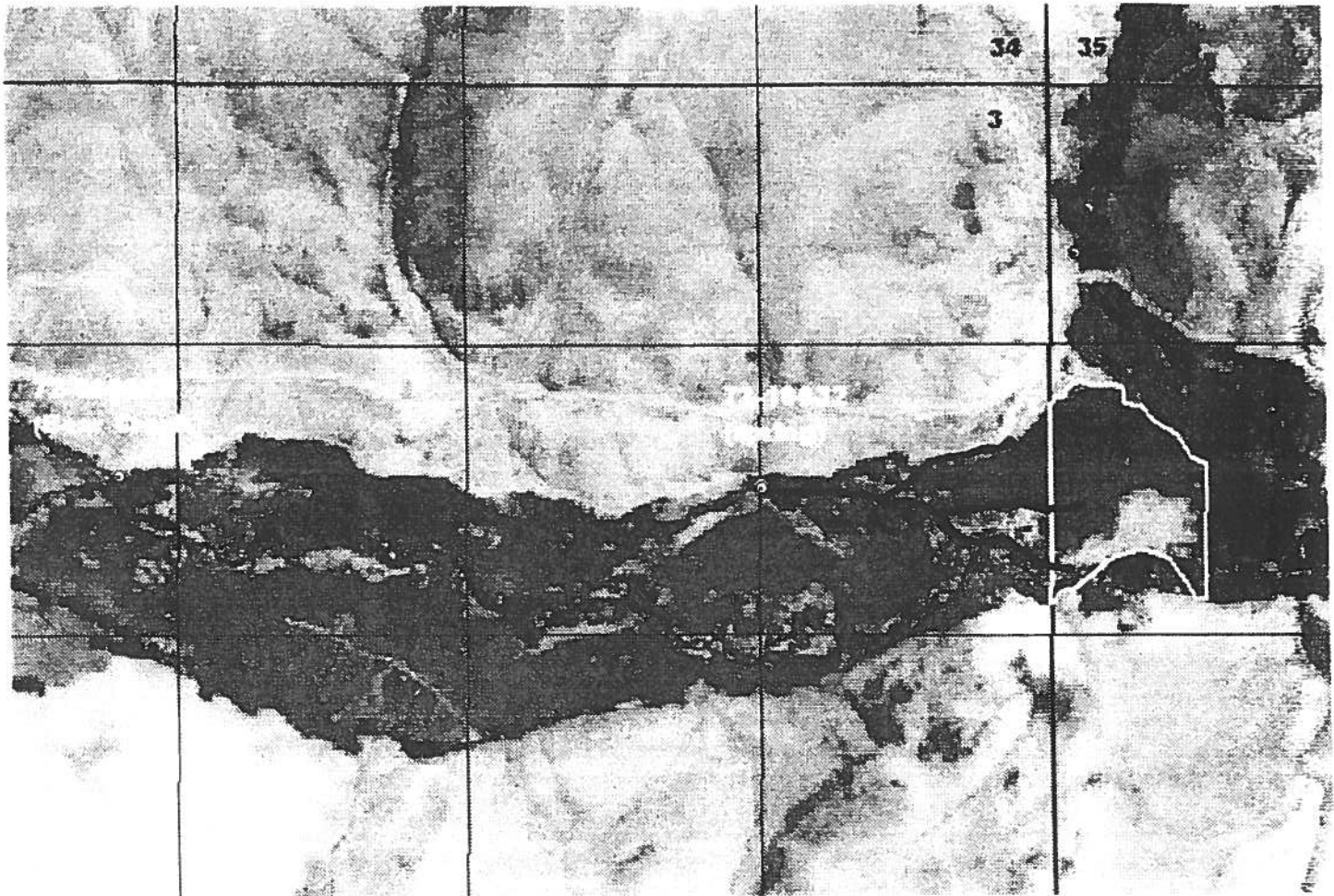
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

72-00007A & 72-10032

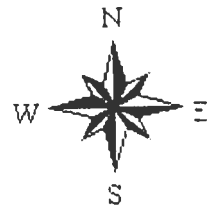
AUG 09 1999

Department of Water Resources



0 1370 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

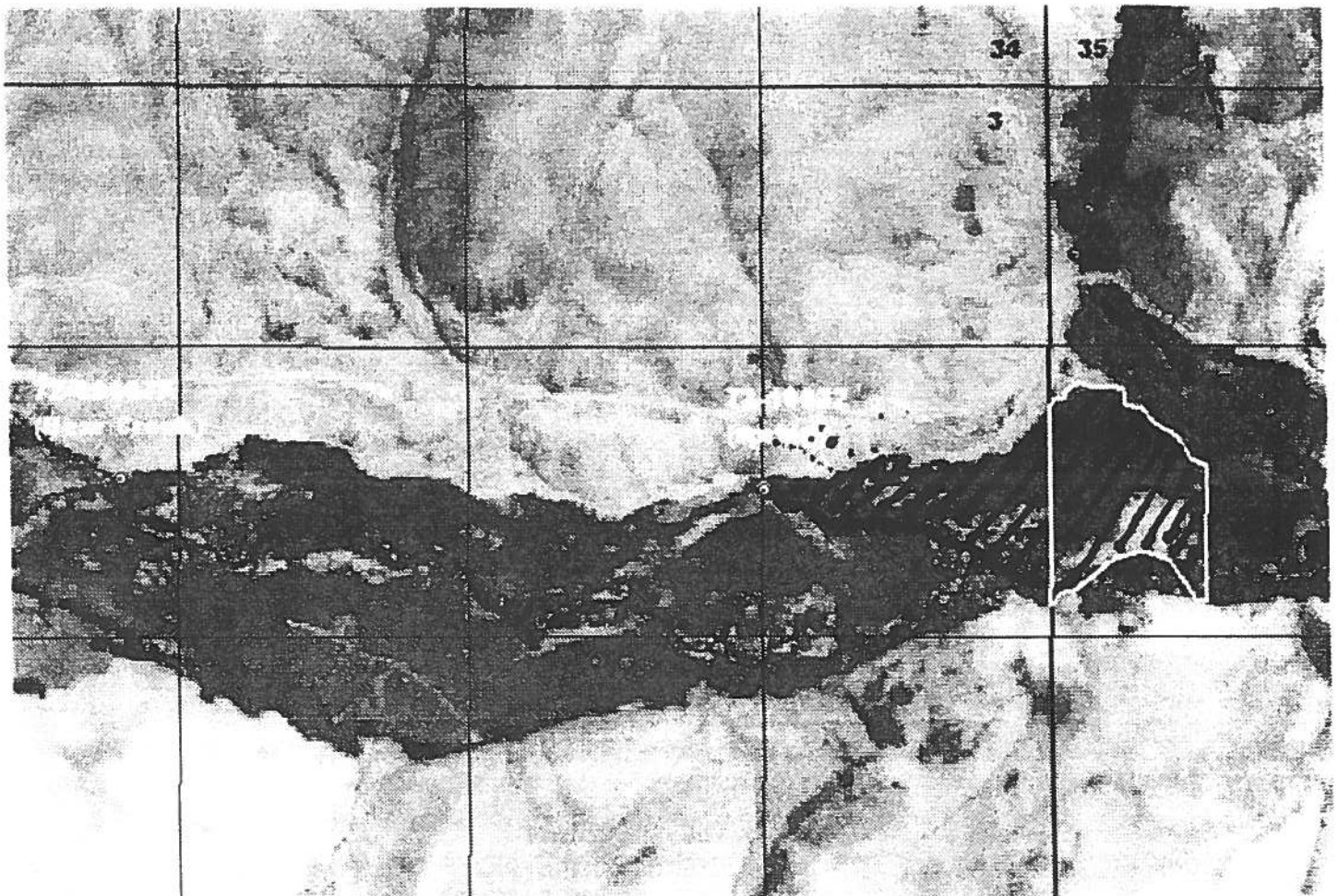
ENCLOSURE G  
RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES

AUG 09 1999

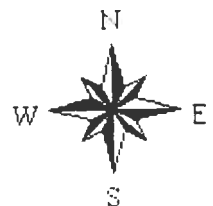
72-00007A & 72-10032

Department of Water Resources



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

RECEIVED

AUG 09 1999

4-1-99  
Date

Department of Water Resources

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 Don & Robin 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).**

JK  
Pending

RECEIVED

AUG 27 1999

Department of Water Resources  
Guthrie Banger

RECEIVED

AUG 13 1999

Department of Water Resources

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

|            |   |                                                             |
|------------|---|-------------------------------------------------------------|
| In Re SRBA | ) | Subcase <u>A72-10032</u>                                    |
|            | ) | (Insert water right number)                                 |
|            | ) |                                                             |
| Case 39576 | ) | STANDARD FORM 4                                             |
|            | ) |                                                             |
|            | ) | MOTION TO FILE:                                             |
|            | ) | <input type="checkbox"/> LATE NOTICE OF CLAIM               |
|            | ) | <input checked="" type="checkbox"/> 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.

Do Not  
COPY

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

My name is ROBIN WEGNER

My address is HC 63 BOX 1576

CHALLIS, ID 83226

My phone number is: Work \_\_\_\_\_ Home 208 8795820

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 \$ \_\_\_\_\_.

~~2~~ 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 SPECIAL MASTER  
(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:

A SPECIAL INFORMAL HEARING WAS HELD ON 23 JUNE  
AT WHICH IDWR REPRESENTATIVES OBSERVED THE RIGHT  
AND RECOMMENDED AN AMMENDMENT BE SUBMITTED.

☒

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

ENCLOSED IS IDWR CLAIM PROFILE AND IDWR  
RECOMMENDED WATER RIGHT. ALSO ENCLOSED IS  
AN EXPLANATION OF AMMENDED RIGHT WITH ENCLOSURES.

I have attached:

☒

An amended Notice of Claim (available from IDWR).

☒

Payment of the following additional fees required by IDWR:

\$ 50<sup>00</sup>

## CERTIFICATE OF MAILING

I certify that on 11 AUG, 1999, 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

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/addresses of parties)

  
\_\_\_\_\_  
Signature of person or attorney mailing the form

VERIFICATION (Must be completed)

State of IDAHO

County of CUSTER

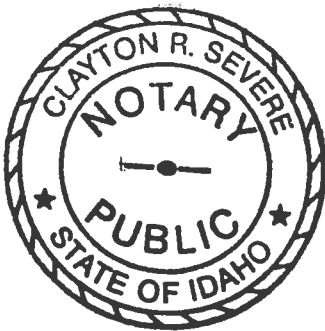
ROBIN J WEGNER, being first duly sworn, upon oath, deposes and says:  
(Insert name of person filing form)

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.

[Signature]  
Signature of person filing motion

\_\_\_\_\_  
Attorney signing in representative capacity

Subscribed and sworn to before me on aug 11, 1999.  
(Insert Date)



[Signature]  
Notary Public for Idaho  
Residing at: Challis, Idaho  
My Commission expires: 3-16-2003

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.

On 23 June 1999 an informal hearing was held by IDWR at the spring which is the source for A72-10032. During this meeting, IDWR representatives Jeannie Robertson and Allen Merritt determined that both the adjacent property owned by Mr. Jack Challis and our property had historically and traditionally received benefits from this spring for irrigation.

A preliminary assessment was made by Jeannie Robertson which determined the areas which received benefit from the spring to be approximately the same in size (Enclosure A). In that the water right/rights share a common ditch it was determined that the water would be used on a time share basis.

The recommendation was made that Mr. Challis file a claim to a water right and that an ammended claim be submitted for water right A72-10032 which would better reflect the benefit received.

(A copy of the tape recording of the meeting could be made available)

Mr. Challis has since filed an application for a water right from the spring , subcase A72-16563, which requests .20 cfs for irrigation and .05 cfs for stockwater. In keeping with the hearing preliminary assessment, our water right from the spring should be .25 cfs.

However, the preliminary assessment at the informal hearing failed to take into consideration the fact that our water right A72-00007A is delivered to our property using this same ditch. During tha time that Mr. Challis uses the water from the spring which is the source for A72-10032, we are precluded from receiving the A72-00007A, .15 cfs water right and high water right A72-16559 which has been applied for.

Further, Mr. Challis would continue benefit for stockwater from the spring and the irrigation ditch and to benefit for irrigation from the subirrigation from the ditch, for the area marked in Enclosure B, which conveys both water right A72-10032 and A72-00007A.

Unless the A72-10032 water right is accodingly adjusted, Mr. Challis would be allowed to be unduely enriched.

The A72-10032 water right should be adjusted to provide equitable disbursement according to the following :

Preliminary Assessment ..... .25 cfs  
- Equal Consideration -

Offset for A72-00007A Water ..... .15 cfs  
offset for the period during which the  
right is diverted from the place of use

Offset for the A72-16563 stockwater ..... .05 cfs  
stockwater use continues from the spring  
and ditch during the period that the A72-10032  
and the A72-00007A rights are being delivered

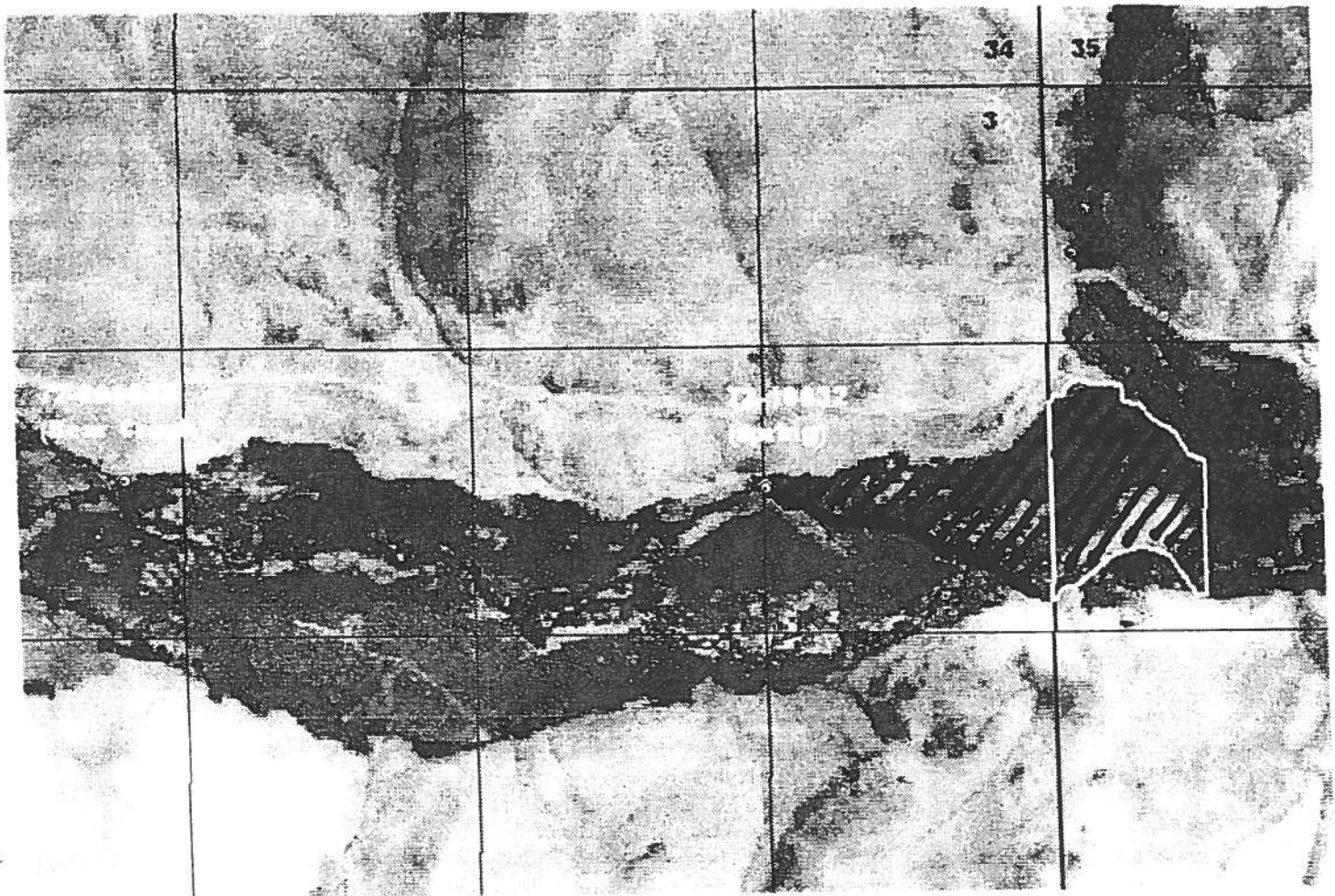
Offset for subirrigation ..... .05 cfs  
offset for subirrigation as shown on Enclosure B  
as the A72-10032 and A72-00007A water rights  
are being delivered to place of use

Total submitted ..... .50 cfs

The water from the spring source would continue to be used on a time share basis as is the present procedure.

## IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A &amp; 72-10032



0 1370 feet

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



RECOMMENDED PLACE OF USE

⊗ RECOMMENDED POINT OF DIVERSION

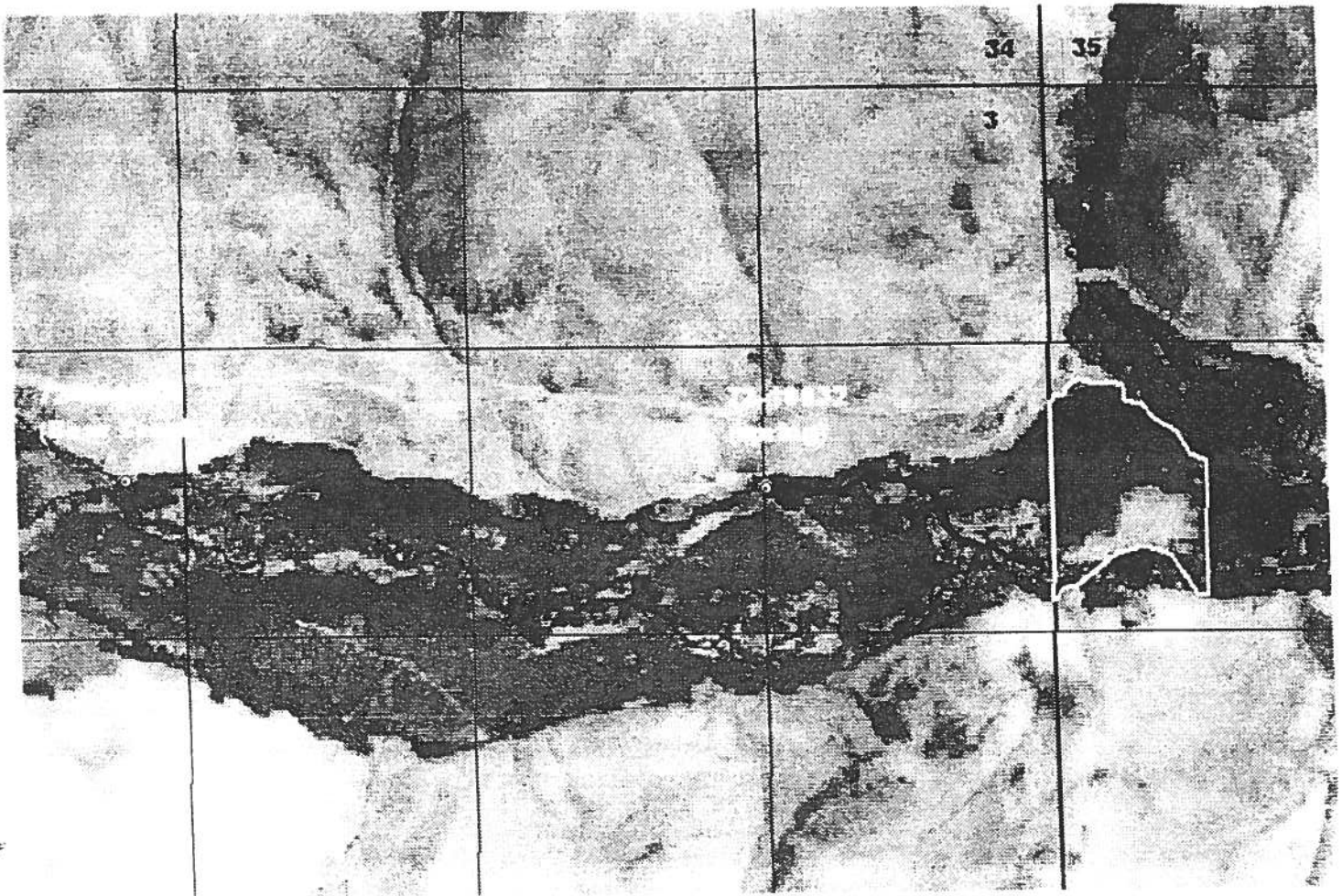
□ SECTION LINES

□ QUARTER QUARTER LINES

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

## IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A &amp; 72-10032



0 1370 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

RECEIVED

AUG 13 1999

4-1-99  
Date

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

Department of Water Resources

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 & Robin 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).**

AUG 13 1999

Department of Water Resources

AJ5856NP

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

DATE: FEB-24-1999  
PAGE: A-1

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: CHALLIS CREEK

RIGHT NUMBER: 72-10032

NAME & ADDRESS: THOMAS H LEWIS  
AFTON M LEWIS  
475 N 500 W  
MALAD ID 83252

SOURCE: SPRING TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S03 NWSENE Within CUSTER County

| PURPOSE AND PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------------------|----------------|---------------|----------|
|                            | IRRIGATION     | 04-01 10-31   | 0.04 CFS |

PLACE OF USE: IRRIGATION Within CUSTER County  
T14N R18E S02 SWNW 12  
12 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

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

Department of Water Resources

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576  
Ident. Number A72-10032  
Date Received \_\_\_\_\_  
Receipt Number \_\_\_\_\_

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED  
AUG 13 1999

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) THOMAS LEWIS Phone ( ) \_\_\_\_\_  
Mailing Address 475 N 500 W, MILAD, ID Zip 83252

2. Date of Priority (Only one (1) per claim) 10/10/1911

3. Source of water supply (a) SPRING  
which is tributary to (b) CHALLIS CREEK

4. a. Location of existing point of diversion is: Township 14N Range 18E Section 03,  
NW 1/4 of SE 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of CUSTER

Additional points of diversion if any: \_\_\_\_\_

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

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4,

Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

ending point is: Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_, \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of \_\_\_\_\_

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. THE SPRING FOR A72-10032 HAS HISTORICALLY AND TRADITIONALLY RISEN IN THE DITCH WHICH DELIVERS THE A72-00007A WATER RIGHT. THIS DITCH (SHOWN ON ENCLOSURE B) IS THE SOLE MEANS TO BRING A72-10032 AND A72-00007A TO THE PLACE OF USE. TO DIVERT THE A72-00007A RIGHT AROUND THE SPRING AND BACK INTO THE DITCH DOES NOT ALTER THE HISTORIC AND TRADITIONAL USE OF THE A72-10032 RIGHT.

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 .50 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) .50 (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.) \_\_\_\_\_

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.

IDWR PROFILE  
ENCLOSED

| 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 |        |
| AN  | 18E | 02  |        |       |       |       |        |       | 12    |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 12

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

12. Do you own the property listed above as place of use? Yes \_\_\_\_\_ No X  
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.  
A72-00007A or None ( )

14. Remarks: PURCHASING PROPERTY, WATER DISTRICT AUTHORITY FORM  
ENCLOSED. AT AN INFORMAL HEARING 23 JUNE IDWR  
REPRESENTATIVES RECOMMENDED THAT THE AMMENDMENT  
OF THE DIVERSION RATE FROM SPRING FOR A72-10032  
BE SUBMITTED TO REFLECT THE BENEFITS RECEIVED.

Last Name LEWIS Ident No. A72-10032

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

SEE IDWR AERIAL PHOTO  
ENCLOSED

ATZ-10032

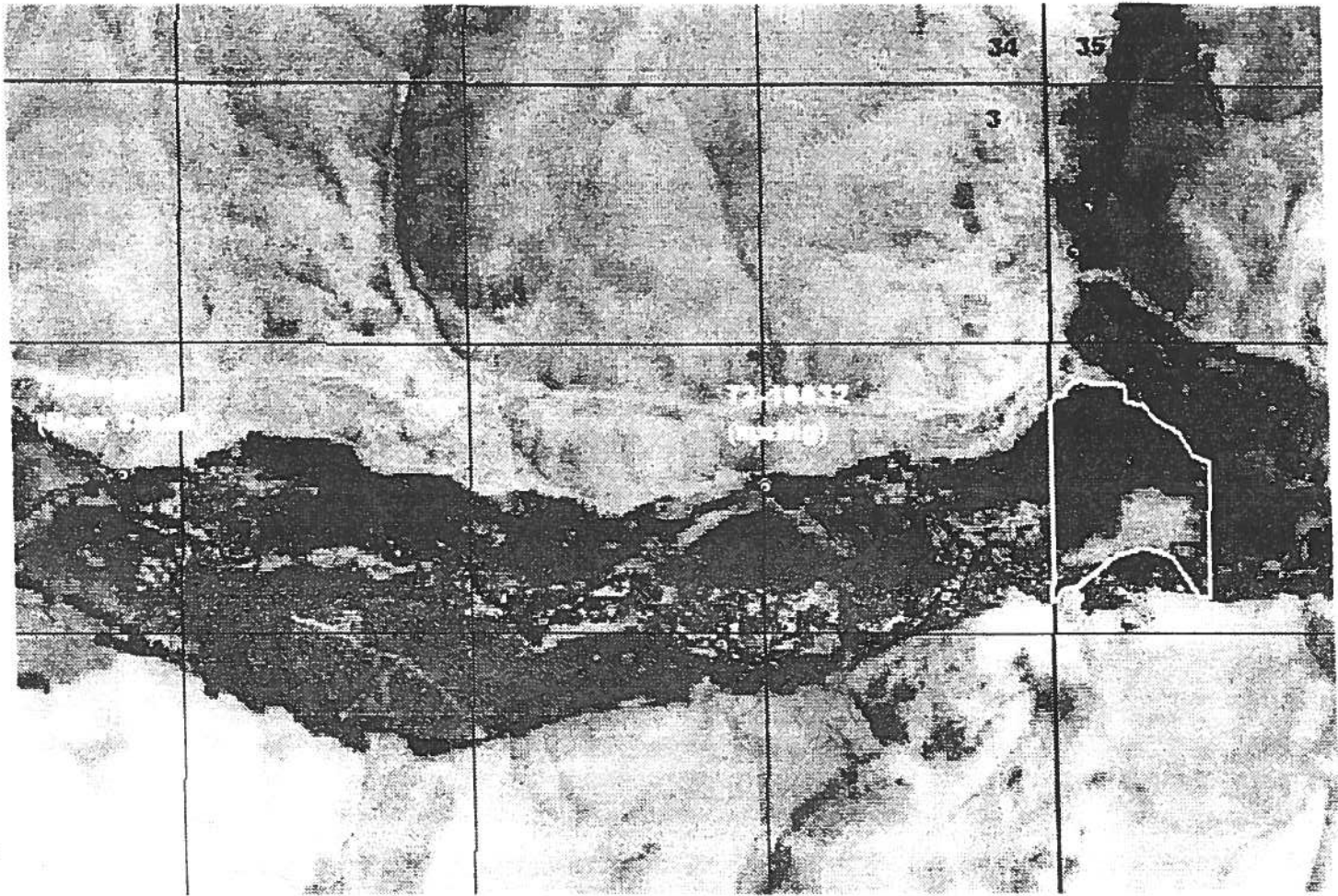
PLACE OF USE

Last Name LEWIS

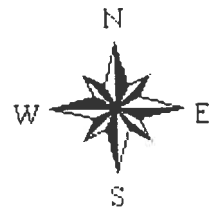
Ident No. A72-10032 Copies: White-State, Yellow-Claimant

IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 72-10032



0 1370 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

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐  
Decree \_\_\_\_\_

If applicable provide IDWR Water Right Number A72-10032

Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date 10/10/1911

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) *Robert J. Jiles* Date 8-11-99  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

\_\_\_\_\_  
Title  
of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

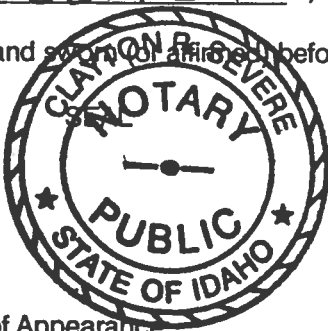
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or \_\_\_\_\_ )  
County of CUSTER. ) SS.

Subscribed and sworn to and affirmed before me this 11th day of Aug. 19 99



Notary Public *Clayton R. Lusk*

Residing at Challis, Idaho

My Commission Expires 3-16-2003

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 \_\_\_\_\_ Ident. Number \_\_\_\_\_

Copies White-State, Yellow-Claimant

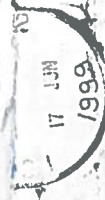
J.R. CHALLIS  
CHALLIS CREEK RANCH  
P.O. BOX 1220  
CHALLIS, ID 83226

C/R

RECEIVED

JUN 18 1999

Department of Water Resources  
Southern Region



Mr. Allen Merritt  
Idaho Department of Water Resources  
1341 Fillmore - Suite 200  
Twin Falls, ID 83301-3380



RECEIVED  
AUG 06 1999  
Department of Water Resources  
Southern Region

RECEIVED  
JUL 16 1999  
Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase A72-10032  
(Insert water right number)

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: J.R. AND/OR PATRICIA W. CHALLIS  
Address: P.O. Box 1220  
CHALLIS, ID 83226-1220  
Daytime Phone: (208) 879-4617

Name & Address of Attorney, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name: AFTON M. & THOMAS H. LEWIS  
Address: 475 NORTH 500 WEST  
MALAD, ID 83252-1050

**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: SEE ENCLOSED OBJECTION SUPPLEMENT
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☒ **Priority Date**  
Should be: SEE ENCLOSED OBJECTION SUPPLEMENT
5. ☐ **Point(s) of Diversion**  
Should be: \_\_\_\_\_
6. ☐ **Instream Flow Description**  
Should be: \_\_\_\_\_
7. ☒ **Purpose(s) of Use**  
Should be: SEE ENCLOSED OBJECTION SUPPLEMENT
8. ☒ **Period of Year**  
Should be: SEE ENCLOSED OBJECTION SUPPLEMENT
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_

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):**

SEE ENCLOSED OBJECTION SUPPLEMENT

F.

**VERIFICATION (Must be Completed)**

State of IDAHO )  
County of CUSTER )ss.

J. R. CHALLIS, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

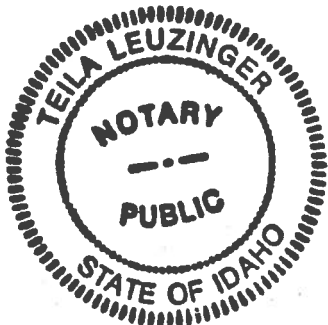
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

[Signature]  
(Signature of person filing objection)

\_\_\_\_\_  
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 12<sup>th</sup>, 1999



Teila Leuzinger  
Notary Public for RD  
Residing at: Challis, ID  
My Commission Expires: 8-31-2004

**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 JULY 13, 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  
PO Box 2707  
Twin Falls, ID 83303-2707

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

Name: AFTON M. & THOMAS H. LEWIS

Address: 475 NORTH 500 WEST

MAIAD ID 83252-1050

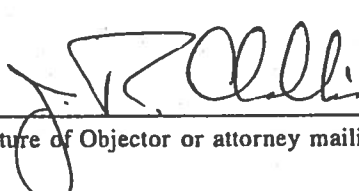
3.

Copies to: 103444

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

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

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

  
\_\_\_\_\_  
Signature of Objector or attorney mailing on Objector's behalf



# **CHALLIS CREEK RANCH**

**Subcase: A72-10032**

**July 12, 1999**

**Objection Supplement**

## **2. Source**

The spring does not source from Challis Creek nor any ditch that sources from Challis Creek as claimed; nor is the spring located even close to Challis Creek; nor does the spring rise in a ditch that delivers A72-00007A as claimed.

## **4. Priority Date**

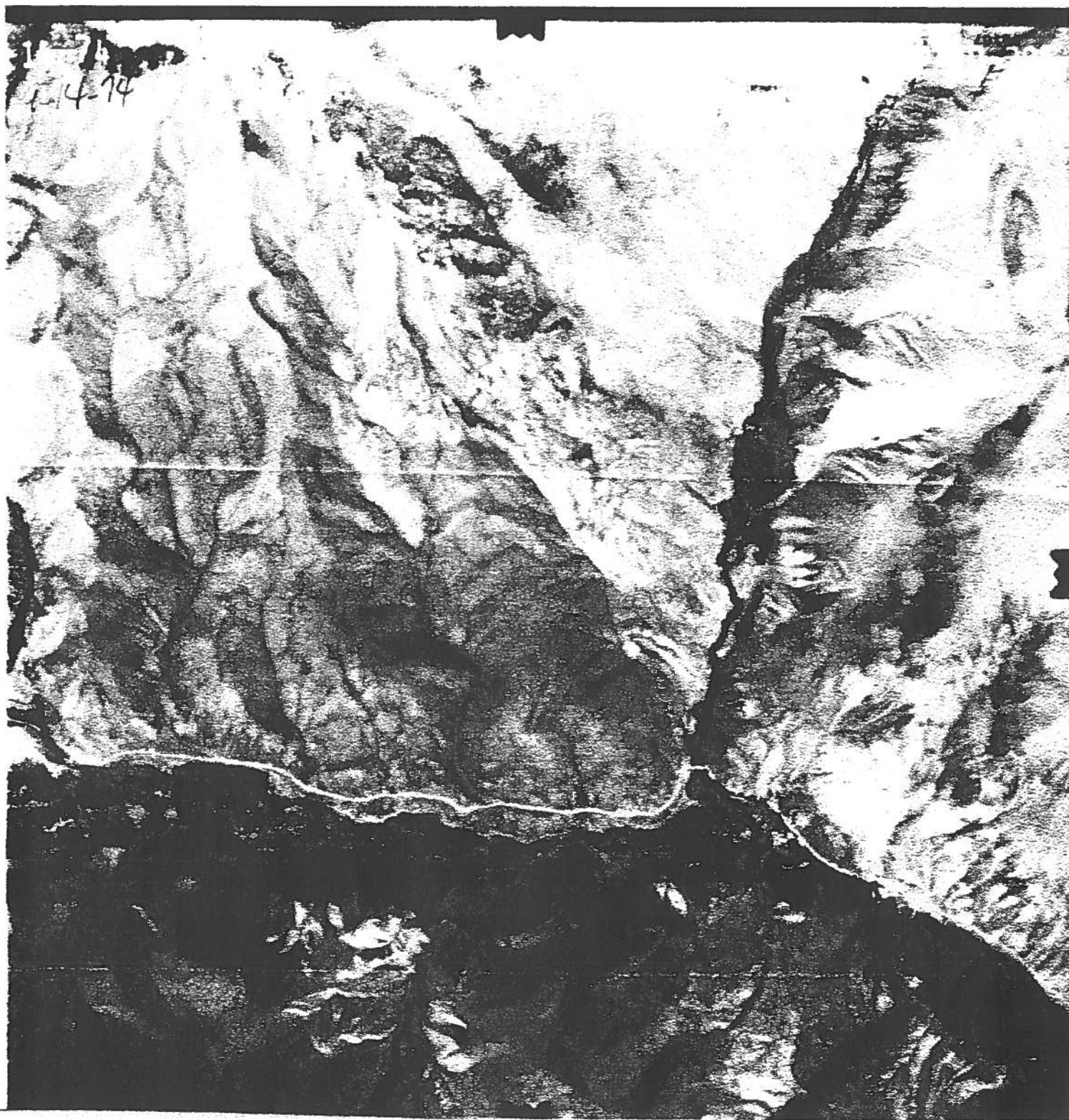
Since the irrigation ditches on the current Lewis property were not put in until after the Lewis's purchased the property in 1980 (see the enclosed U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service Aerial Photograph), if any beneficial use were applicable, the earliest possible priority date would have to be after 1980 when the ditches were constructed.

## **7. Purpose(s) of Use & 8. Period of Use**

In the best of water years this spring only produces significant useable irrigation flow in the spring of the year historically used in parts of T14N, R18E, Section 3, SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and other than the immediate surrounding area which might receive some subbing benefit, is limited strictly to stockwater advantage the vast majority of the time at the ranch on which it is located.

## **9. Place of Use**

If any of the spring flow could be conveyed to the T14N, R18E, S2, NWSWNW Place of Use stipulated, a conveyance over sixty (60) acres that other than a pipeline would be all but impossible, the claimed flow and topography would make actual use on more than an acre or two also all but impossible.





**CHALLIS  
CREEK  
RANCH**

RECEIVED  
JUN 18 1999  
Department of Water Resources  
Southern Region

June 16, 1999

Mr. Robert E. Foster  
Senior Water Resource Agent  
Idaho Department of Water Resources  
206 Van Dreff, Suite B  
Salmon, ID 83467

Dear Bob:

Yesterday I received via FAX the copy of Ms. Wegner's letter of June 5, 1999. Frankly, I thought this matter was resolved when you visited our property on May 14<sup>th</sup> and they actually saw that the 0.15 cfs from Diversion No. A0002588 (that had been diverted into that ditch since May 8<sup>th</sup>) and the flow from the spring (the total amount, not just the 0.04 cfs their right provides) will not even make it (in any significant amount) to the Lewis's property. Her letter not only dispels that logic but makes some accusations and states some untruths that just cannot go unanswered.

Ms. Wegner states initially in part that, "for some unknown reason a dispute has been created by Jack Challis". The source or reason for the dispute, to use their term, has never been unknown nor any secret. The costs incurred to maintain Diversion No. A0002588 and all relevant ditch work had, in prior years, been split 50/50 between us and the Lewis's. However, in 1997 when we lost the entire diversion and creek bank and had to completely rebuild it at a cost of \$4,076.00, and again in 1998 when the dam washed out partially and had to be rebuilt at a cost of \$240.00, no one would pay their share. The Lewis's said Ms. Wegner and Mr. Thor should pay and Ms. Wegner and Mr. Thor said the Lewis's should pay; the result being no one paid. After pursuing the matter for months with both parties and getting no result, left with no other alternative, we simply diverted all flows to our property (other than waste water from our east pasture which more often than not exceeded their 0.15 cfs right).

Following his telephone request for a meeting, Mr. Lewis came to Challis and met with me on these matters on May 7<sup>th</sup>. As has been our experience working with the Lewis's, a settlement resulted in his paying for a portion of those aforementioned expenses. That resulted in my letter of May 10<sup>th</sup> (copy enclosed) to Ms. Wegner and Mr. Thor advising them their flows were now being diverted into their ditch and outlined how we would ask they proceed with coming onto our property to maintain their ditch. I have yet to see them do anything toward that end though I do know you were here with them on the 14<sup>th</sup> (while I was out of town) when the flows were in process but, again, no significant amount was getting to their property. That is, of course, why I thought they were now aware of what we feel is obvious.

In a telephone conversation yesterday with Ms. Jeanie Robertson I tried to obtain some sort of understanding relevant to Ms. Wegner's statements concerning the spring and our use of any flows in excess of the 0.04 cfs the Lewis's claim. In short, I am still at a loss. Why Ms. Wegner would think the land owner on which the spring is located is not entitled to those flows in excess of what the Lewis right provides is something I just do not understand. I can only surmise she thinks **any** amount of flow is their's to divert no matter what the amount. That has never been our understanding and, if it were, would have generated our legal objection on that matter alone.

We have four (4) other springs on our property and another just off our property, the majority of which runs onto our land before eventually disappearing into the ground. Based upon my conversations with Ms. Robertson starting back in 1998 when we first learned of a Lewis spring filing, we did not file on these springs either as we then agreed to the logic, "why would we need to file on the obvious use by us of a spring on our own property?" Does this same logic not apply to the flow in excess of the Lewis's right on the spring in question? Based upon Ms. Wegner's apparent analogy we would not have a right to the flows of these other springs either, right? Needless to say, if this is the case, these filings need to be made and should be allowed even at this late date in light of the circumstances.

Ms. Wegner then states, "In an attempt to circumvent our Water Right to the spring diversion for 72 10032 Mr. Challis has previously verbally informed us that we have no water right." This is simply not true! Since my letter of April 28, 1998, to the Department when we first acknowledged learning of a Lewis spring filing, the issue has been openly discussed by all involved, referenced in numerous pieces of correspondence by yourselves as well as us and a matter of public record. I resent her inference in this statement even more than the baseless and unsubstantiated deduction she relates in the paragraph that follows that one.

Since you have provided the copies on some occasions, I do not have to tell you that when copies of water rights are produced, whether it be from you, Twin Falls or Boise, they cover, for example, Challis Creek and all it's tributaries. Oftentimes reservoir water is forgotten and I have had to request those copies as well, even from you. **Since my direct involvement in the water district I have never seen one spring water right for any spring water right owner in either water district! Furthermore, I know of no watermaster that reports on spring flows and/or even considers that to be their responsibility. At this writing, there are no water rights in the Challis Creek or Garden Creek files reflecting a single spring right.** In this light is it hard to understand why the request for copies of their landlord's water rights back in 1998 when I was Secretary/Treasurer (not even the watermaster and responsible for the water right records) would get them exactly what it did, their water rights **as then and now** show in the files? I also find it most interesting they state they already had copies of all their rights including the spring right when they requested them. Why would one make a request to the District if they already had obtained the copies they needed from IDWR?

The next paragraph is nothing less than a blatant misrepresentation of what Ms. Wegner (and Mr. Thor) clearly knows to be fact! When the knowledge of the spring filing became known to us, we made an obvious and completely understandable assumption that the spring in question was the one in our east pasture closest to the Lewis's property line and at one time (before the present fence was put close to the actual property line by us in July of 1992) could have been incorrectly considered to be on the Lewis's property. **We not only made that assumption but so did Ms. Wegner and Mr. Thor as they conveyed in conversations at that time with me as well as Ms. Robertson!** It was a call to the Lewis's by Ms. Robertson that eventually brought to light we (Ms. Wegner, Mr. Thor and us) were all conferring over the wrong spring.

Again, for Ms. Wegner to suggest that I, "deliberately attempted to mislead Jeannie Robertson as to the location of the spring diversion", is not only an outrageous untruth but totally illogical! What would we have to gain by the spring in question being the one in the east pasture rather than the spring the Lewis's eventually clarified it to be? **The obvious fact is they would have a far greater chance of getting 0.04 cfs from the spring in the east pasture to the Lewis's property than they ever will from the spring eventually stipulated.**

Ms. Wegner makes reference to the 1992 Watermaster's Report, "demonstrating all water rights at the spring - including only 72-10032". While I am not sure what that is suppose to mean, my notarized copy of Mr. Michael P. Gallagher's 1992 Watermaster's Report (supplied to me by the Boise office on March 18, 1998) clearly indicates delivery of 72-00007A and 72-10033 with no reference whatsoever to any spring right much less 72-10032, the Lewis's claim. Perhaps you can tell me the point of that paragraph as I frankly do not follow it.

While I would like to comment extensively on the last paragraph of Ms. Wegner's letter, I will simply state my performance as watermaster will have to stand on its own and be judged by those in the Department directly involved. Frankly, while Ms. Wegner would like to insinuate such, there is no connection between the subject of her letter and my performance as Watermaster for the Challis Creek Water District any more than that as Watermaster for the Garden Creek Water District.

As far as the Lewis's or Ms. Wegner and Mr. Thor are concerned with regard to the matter at hand, we still feel, short of a pipeline, any attempt to move these flows the distances required to be a futile call. However, should they chose to make their attempts ongoing, we simply ask that they participate in their half of all expenses for maintenance and upkeep of the diversion, they maintain and keep clean their own ditch and, as outlined in our enclosed copy of our letter of May 10, 1999, they do same within the reasonable guidelines outlined therein. Our plan is to continue with creation of a ditch that circumvents the spring so the 0.04 cfs right can then be measured into it and that claim then directed to their ditch.

We are open and would, of course, consider any other suggestions you or the others involved might have and hope such a suggestion might arise in our meeting on the 23<sup>rd</sup>.

Sincerely,  
Challis Creek Ranch

J. R. Challis

cc: Mr. Allen Merritt - IDWR, Twin Falls

cc: Mr. James E. Stanton - IDWR, Twin Falls

cc: Mr. Jeanie Robertson - IDWR, Twin Falls

cc: Mr. Tim Luke - IDWR, Boise

cc: Thomas H. & Afton M. Lewis  
475 North 500 West  
Malad, ID 83252-1050

cc: All Advisory Board Members

C  
S  
R

CHALLIS  
CREEK  
RANCH

FILE  
COPY

RECEIVED

May 10, 1999

JUN 18 1999

Department of Water Resources  
Southern Region

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

RECEIVED

JUN 21 1999

Department of Water Resources  
Southern Region

HC 63 BOX 1576  
Challis, Idaho 83226

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

5 June 1999

COPY

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.

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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.

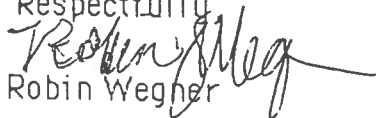
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The letter from Mr. Challis acknowledges that the water from the spring, without the addition of any other source of water, does in fact flow through our irrigation ditch - to the point at which he obstructed the water flow in our ditch.

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.

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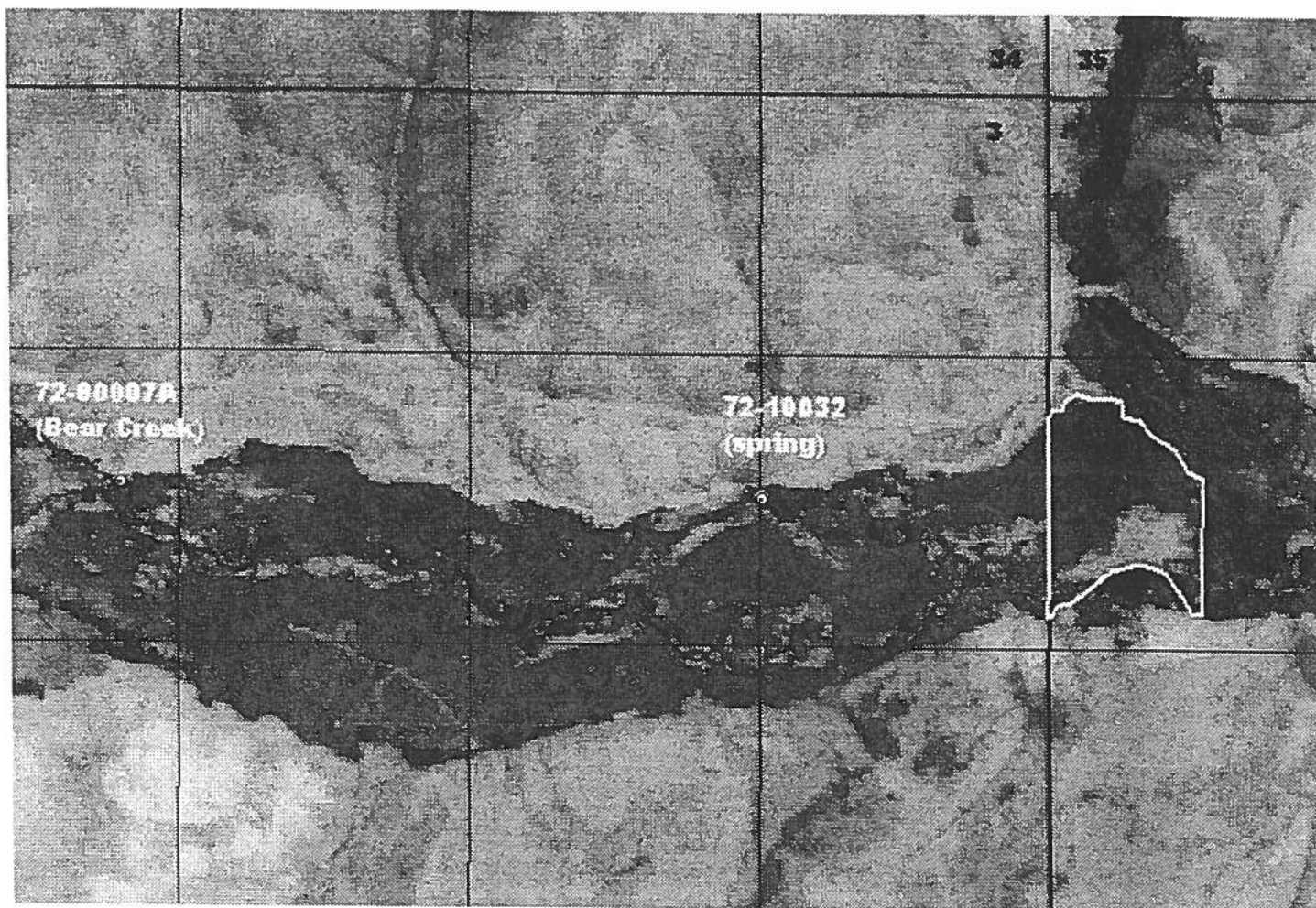
Respectfully  
  
Robin Wegher

cc: Jim Stanton  
Allen Merritt  
Jeannie Robertson

Certified # P 251 823 433

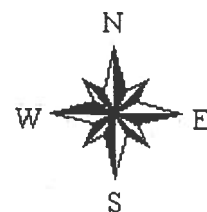
IDAHO DEPARTMENT OF WATER RESOURCES

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

**C  
S  
R** **CHALLIS  
CREEK  
RANCH**

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.



CHALLIS  
CREEK  
RANCH

May 10, 1999

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

Dear Gary & Robin:

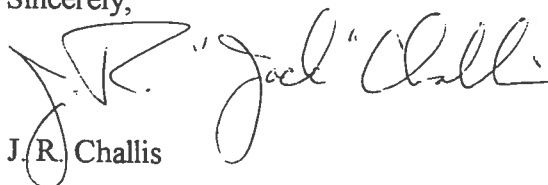
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At this writing, I have not cut a ditch around my spring to allow measuring your .04 cfs (2 Miners Inches) into the ditch. Rather at this point all the water out of the spring is running into this common ditch (though none of my water is in it prior 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

|                  |           |           |
|------------------|-----------|-----------|
| USE PERIOD       | DIVERSION | DIVERSION |
| FROM             | RATE      | VOLUME    |
| TO               |           |           |
| 04-01 11-01      | 0.04 CFS  |           |
|                  |           |           |
| TOTAL DIVERSION: | 0.04 CFS  |           |
| CONSUMPTIVE USE: |           | 30.00 AFA |

Stage: BENEFICIAL USE  
CUSTER County

**MUSENE**

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: CUSTER

Non-Irrigation Uses: STOCK WATER INCIDENTAL TO IRRIG.

Other Rights: A72-00007A

Remarks: GEN

SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES RISES UP.

Verified Date:

Field Inspection Flag:  
Presumption Flag:

|        |          |         |          |          |          |          |
|--------|----------|---------|----------|----------|----------|----------|
| Audit: | 10/26/89 | MERRITT | 07/23/93 | ROBERTSO | 03/30/95 | POST-STO |
|--------|----------|---------|----------|----------|----------|----------|

PRIORITY STG POINT OF DIVERSION TOTAL DIVERSION TOTAL ACRES WATER USES

WATER RIGHT CURRENT OWNER NAME  
 NUMBER

WATER SOURCE: SLOUGH

|           |                      |            |   |            |      |           |     |    |      |
|-----------|----------------------|------------|---|------------|------|-----------|-----|----|------|
| A72-10437 | BREEDLOVE BARBARA C. | 12/31/1937 | J | 14N 19E 15 | SWSE | 0.200 CFS | 5.0 | 01 | 1.0" |
| A72-10430 | BENDER BEATRICE E.   | 12/31/1937 | J | 14N 19E 15 | SWSE | 0.200 CFS | 2.0 | 01 | 1.0" |

WATER SOURCE: SPRING

|           |                  |            |   |            |        |           |      |       |      |
|-----------|------------------|------------|---|------------|--------|-----------|------|-------|------|
| A72-10133 | KEEFER NIDA      | 05/01/1879 | J | 14N 18E 28 | NENESW | 0.050 CFS | 43   | 01    | 2.5" |
| A72-10032 | LEWIS AFTON M.   | 05/01/1879 | J | 14N 18E 3  | NWSENE | 0.040 CFS | 12.0 | 01    | 2"   |
| A72-10045 | RANKIN JESS      | 05/01/1897 | J | 14N 18E 4  | SENEW  | 0.060 CFS | 43   | 01    | 3"   |
| A72-10250 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SENESE | 0.200 CFS | 1.0  | 01,43 | 1.0" |
| A72-10251 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | NWSEW  | 0.200 CFS | 1.0  | 01    | 1.0" |
| A72-10252 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 34 | SENEW  | 0.200 CFS | 1.0  | 01    | 1.0" |
| A72-10249 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SWWNE  | 1.000 CFS | 20.0 | 01    | 5.0" |
| A72-10254 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SESWSE | 0.200 CFS | 1.0  | 01    | 1.0" |
| A72-10248 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | NWSESE | 0.200 CFS | 1.0  | 01    | 1.0" |
| A72-10253 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 34 | SENEW  | 0.200 CFS | 1.0  | 01    | 1.0" |
| A72-10247 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SENESE | 0.400 CFS | 10.0 | 01    | 2.0" |
| A72-10042 | AXLINE KEITH     | 05/01/1984 | J | 14N 18E 4  | NESWNE | 0.040 CFS | 43   | 01    | 2"   |

WATER SOURCE: SPRINGS

|            |                        |            |   |            |        |           |       |          |       |
|------------|------------------------|------------|---|------------|--------|-----------|-------|----------|-------|
| A72-00005  | CHIVERS GARTH T.       | 05/01/1879 | D | 14N 19E 15 | NESWSE | 1.600 CFS | 285.0 | 01       | 8.0"  |
| A72-10307  | SANTEE HELEN L.        | 04/01/1880 | J | 15N 19E 13 | SENESE | 0.230 CFS | 4.0   | 01,04,43 | 11.5" |
| A72-10069  | GREEN ROBERTA H.       | 04/01/1906 | J | 14N 19E 11 | SWWNE  | 1.520 CFS | 76.0  | 01       | 7.6"  |
| A72-04167A | MAHONEY, JR. DANIEL J. | 04/01/1914 | S | 14N 19E 22 | SENE   | 1.140 CFS | 35.0  | 01,04    | 5.7"  |
| A72-04167A | MAHONEY, JR. DANIEL J. | 04/01/1914 | S | 14N 19E 22 | SENE   | 1.140 CFS | 35.0  | 01,04    | 5.7"  |
| A72-02134  | PHILIPS RICK           | 08/09/1965 | L | 14N 19E 15 | SWWSE  | 2.400 CFS | 120.0 | 01       | 1.20" |

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: FEB-24-1999  
PAGE: A-1

-----  
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
-----  
RIGHT NUMBER: 72-10032  
  
NAME & ADDRESS: THOMAS H LEWIS  
AFTON M LEWIS  
475 N 500 W  
MALAD ID 83252  
  
SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
  
QUANTITY: D.04 CFS  
  
PRIORITY DATE: 10/10/1911  
  
POINT OF DIVERSION: T14N R18E S03 WSENE Within CUSTER County  
  
PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION D4-01 10-31 0.04 CFS  
  
PLACE OF USE: IRRIGATION Within CUSTER County  
T14N R18E S02 SWNW 12  
12 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

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

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 & Robin 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 their (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).**

RECEIVED

JUN 21 1999

Department of Water Resources  
Southern Region

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.

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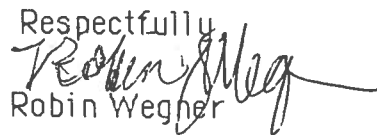
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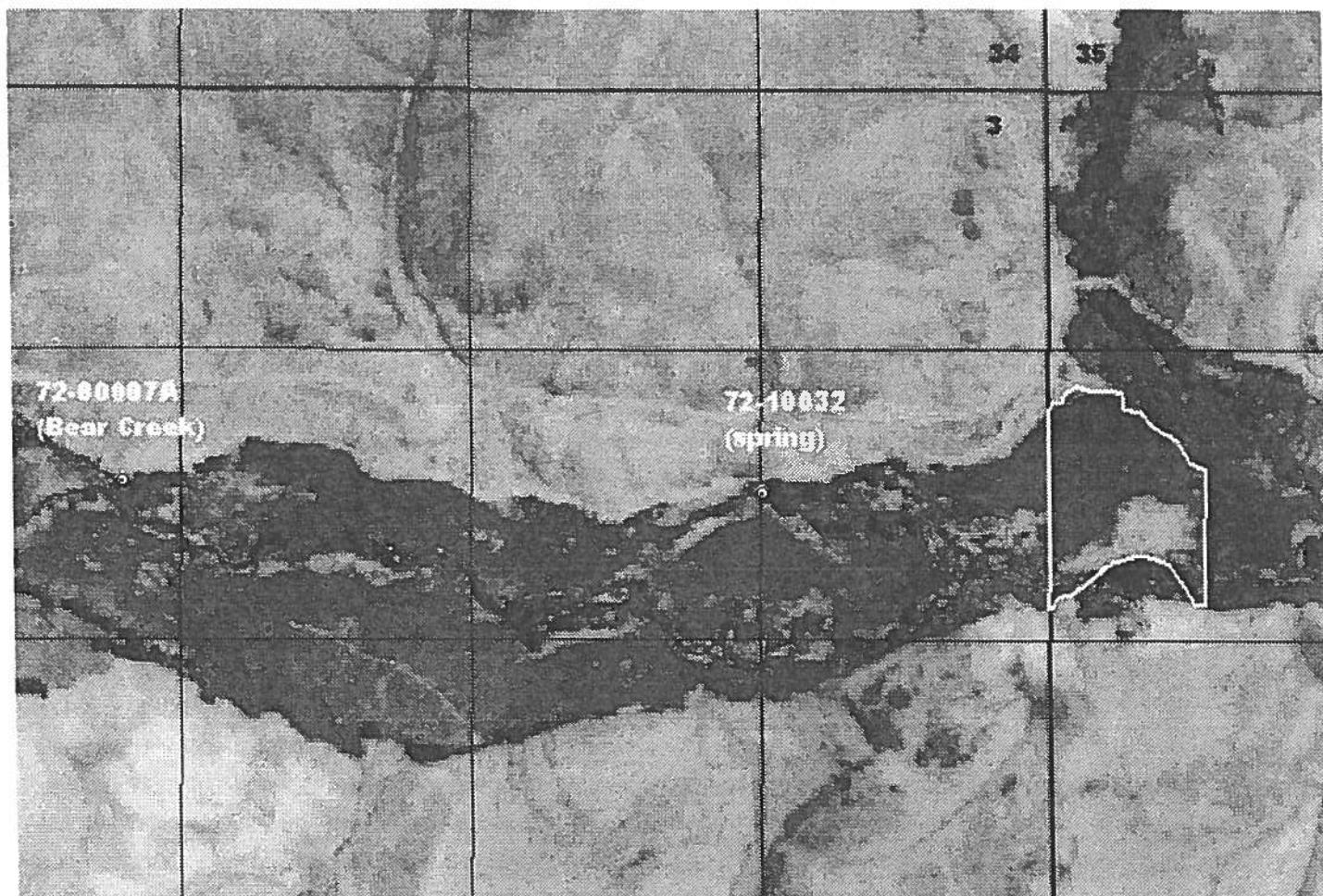
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Respectfully  
  
Robin Wegner

cc: Jim Stanton  
Allen Merritt  
Jeannie 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

**C  
S  
R** **CHALLIS  
CREEK  
RANCH**

February 5, 1999

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475 North 500 West  
Malad, ID 83252

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**CHALLIS  
CREEK  
RANCH**

May 10, 1999

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

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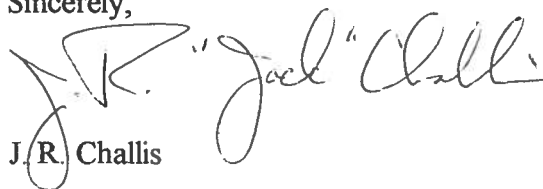
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Sincerely,

  
J. R. Challis

| PRIORITY         | WATER USE  | USE PERIOD  | DIVERSION | DIVERSION  |
|------------------|------------|-------------|-----------|------------|
| DATE             |            | FROM        | RATE      | VOLUME     |
| 05/01/1879       | IRRIGATION | 04-01 11-01 | 0.04 CFS  |            |
| TOTAL DIVERSION: |            |             | 0.04 CFS  |            |
| CONSUMPTIVE USE: |            |             |           | 30.00 AF/A |

Stage: BENEFICIAL USE  
CUSTER County

MUSENE

## ANN

| Place of use | Legal Description | TO:   | IRRIGATION        | NW    | SE                | SUM         |
|--------------|-------------------|-------|-------------------|-------|-------------------|-------------|
| T R S        | NENE NENE SENE    | NENE  | NW NW NW          | SE NW | NENE NW SE SE     | SE NW       |
| 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       |
|              |                   |       | 12                |       |                   | TOTAL ACRES |
|              |                   |       |                   |       |                   | 12.0        |
|              |                   |       |                   |       |                   | 12.0        |

Stock water incidental to irrig.

Remarks: GEN SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS  
473.00007A THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY

SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY USED WITH THE DECREEED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREEED WATER A72-00007A. THE SPRING RUNS APPROX. 20 GPM BUT AT TIMES DRIES UP.

**Verified Date:**

Field Inspection Flag:  
Presumption Flag:

|        |          |         |          |          |          |          |
|--------|----------|---------|----------|----------|----------|----------|
| Audit: | 10/26/89 | MERRITT | 07/23/93 | ROBERTSO | 03/30/95 | POST-STD |
|--------|----------|---------|----------|----------|----------|----------|

WATER RIGHT  
NUMBER CURRENT OWNER NAME

PRIORITY  
DATE STG POINT OF DIVERSION TOTAL DIVERSION TOTAL ACRES WATER USES

WATER SOURCE: SLOUGH

|           |                      |            |   |            |      |           |     |    |     |
|-----------|----------------------|------------|---|------------|------|-----------|-----|----|-----|
| A72-10437 | BREEDLOVE BARBARA C. | 12/31/1937 | J | 14N 19E 15 | SUSE | 0.200 CFS | 5.0 | 01 | 10" |
| A72-10430 | BENDER BEATRICE E.   | 12/31/1937 | J | 14N 19E 15 | SUSE | 0.200 CFS | 2.0 | 01 | 10" |

WATER SOURCE: SPRING

|           |                  |            |   |            |        |           |      |       |     |
|-----------|------------------|------------|---|------------|--------|-----------|------|-------|-----|
| A72-10133 | KEEFER NIDA      | 05/01/1879 | J | 14N 18E 28 | NENESW | 0.050 CFS | 43   | 2.5"  |     |
| A72-10032 | LEWIS AFTON M.   | 05/01/1879 | J | 14N 18E 3  | MUSENE | 0.040 CFS | 12.0 | 01    | 2"  |
| A72-10045 | RANKIN JESS      | 05/01/1897 | J | 14N 18E 4  | SENEW  | 0.060 CFS | 43   | 3"    |     |
| A72-10250 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SENEW  | 0.200 CFS | 1.0  | 01,43 | 10" |
| A72-10251 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | MUSEW  | 0.200 CFS | 1.0  | 01    | 10" |
| A72-10252 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 34 | SENEW  | 0.200 CFS | 1.0  | 01    | 10" |
| A72-10249 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SUNWNE | 1.000 CFS | 20.0 | 01    | 50" |
| A72-10254 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SESUSE | 0.200 CFS | 1.0  | 01    | 10" |
| A72-10248 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | MUSESE | 0.200 CFS | 1.0  | 01    | 10" |
| A72-10253 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 34 | SENEW  | 0.200 CFS | 1.0  | 01    | 10" |
| A72-10247 | GREEN ROBERTA H. | 04/01/1906 | J | 14N 17E 27 | SENESE | 0.400 CFS | 10.0 | 01    | 20" |
| A72-10042 | AXLINE KEITH     | 05/01/1984 | J | 14N 18E 4  | NESWNE | 0.040 CFS | 43   | 2"    |     |

WATER SOURCE: SPRINGS

|            |                        |            |   |            |        |           |       |          |       |
|------------|------------------------|------------|---|------------|--------|-----------|-------|----------|-------|
| A72-00005  | CHIVERS GARTH T.       | 05/01/1879 | D | 14N 19E 15 | NESWSE | 1.600 CFS | 285.0 | 01       | 80"   |
| A72-10307  | SANTEE HELEN L.        | 04/01/1880 | J | 15N 19E 13 | SENESE | 0.230 CFS | 4.0   | 01,04,43 | 11.5" |
| A72-10069  | GREEN ROBERTA H.       | 04/01/1906 | J | 14N 19E 11 | SUNWNE | 1.520 CFS | 76.0  | 01       | 76"   |
| A72-04167A | MAHONEY, JR. DANIEL J. | 04/01/1914 | S | 14N 19E 22 | SENE   | 1.140 CFS | 35.0  | 01,04    | 57"   |
| A72-04167A | MAHONEY, JR. DANIEL J. | 04/01/1914 | S | 14N 19E 22 | SENE   | 1.140 CFS | 35.0  | 01,04    | 57"   |
| A72-02134  | PHILIPS RICK           | 08/09/1965 | L | 14N 19E 15 | SUNWSE | 2.400 CFS | 120.0 | 01       | 120"  |

AJ5856NP

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

DATE: FEB-24-1999  
PAGE: A-1

-----  
RIGHTS FROM: SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
-----  
RIGHT NUMBER: 72-10032  
  
NAME & ADDRESS: THOMAS H LEWIS  
AFTON M LEWIS  
475 N 500 W  
MALAD ID 83252  
  
SOURCE: SPRING TRIBUTARY: CHALLIS CREEK  
  
QUANTITY: 0.04 CFS  
  
PRIORITY DATE: 10/10/1911  
  
POINT OF DIVERSION: T14N R18E S03 NWSENE Within CUSTER County  
  
PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY  
IRRIGATION 04-01 10-31 0.04 CFS  
  
PLACE OF USE: IRRIGATION Within CUSTER County  
T14N R18E S02 SWNW 12  
12 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION  
OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON.  
COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

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

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 This (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  
Malad Idaho 83252  
City, State, Zip Code

(208) 766 9239  
Telephone

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

 Ms Robin Wegner  
HC 63 Box 1576  
Challis, ID 83226-8301

RECEIVED

JUN 21 1999

Department of Water Resources  
Southern Region

144A

DEPARTMENT OF WATER RESOURCES  
SOUTHERN REGION  
~~222 SHOSHONE STREET EAST~~  
TWIN FALLS, IDAHO  
83301-6105

ATTENTION: JEANNE ROBERTSON



0000

U.S. POSTAGE  
PAID  
CHALLIS, ID  
83226  
JUN 07, 99  
AMOUNT  
**\$0.55**  
00079136-04

RIGHTS FROM: SOURCE: SPRING TRIBUTARY: CHALLIS CREEK

RIGHT NUMBER: 72-10032

NAME & ADDRESS: THOMAS H LEWIS  
AFTON M LEWIS  
475 N 500 W  
MALAD ID 83252

2-24-99

Gary -

72-10032

SOURCE: SPRING

QUANTITY: D.04 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S03

PURPOSE AND  
PERIOD OF USE: PURPOSE OF USE  
IRRIGATION

PLACE OF USE: IRRIGATION  
T14N R18E S02  
12 ACRES TOTAL

USE OF THE RIGHT  
OF A COMBINED TOTAL  
COMBINED RIGHT NO:

OTHER PROVISIONS NECESSARY FOR DEFINITION:

THE FOLLOWING  
IN BASIN 72 SHALL  
RIGHTS IN BASIN 72  
WATER RIGHT  
NONE

THE FOLLOWING  
IN BASIN 72 SHALL  
RIGHTS IN THE SNAKE

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

Here's the copy of the Recommendation for the "Spring" as you requested. As for your other question as to the Water District Board amending rules after the meeting, it doesn't sound right to those around here that I asked. I tried to call Tim Luke in Boise, as he is in charge of the Watermaster Program, but he is on vacation this week. I

suggest that you call him with this question next week at 208-327-7894.

Thanks,  
jeanne

Gary Thor  
HC 63 Box 1576  
Challis, ID  
83326

**Robertson, Jean**

---

**From:** Robertson, Jean  
**Sent:** Friday, January 08, 1999 12:03 PM  
**To:** 'Jack Challis'  
**Subject:** RE: HELP!

Hello Jack,  
Sorry it's taken me so long to reply...all I can say is that it's been pretty busy around here and with the holidays...

Anyway, I show our records have been changed on the rights you mentioned:  
A72-00020A from Hancock to Deen  
A72-10059 from James to Peters  
A72-00032N from Udy to Enzenauer  
A72-00024E and A72-04231E from Wunsch to Zollinger

Michael Ciscell is the one who can get you a CD-Rom for the Preliminary Director's Report. (I guess the courthouse will only get the real Director's Report (which should be coming out toward the middle of this month, hopefully.) He is out of the State Office in Boise and can be reached at 327-5430. I believe his e-mail address is "[mciscell@idwr.state.id.us](mailto:mciscell@idwr.state.id.us)".

As far as the Lewis's Spring issue in A72-10032, I haven't heard from Bob Foster of our Salmon Office either. I had hoped he would be able to make it out and visit the sight, but evidently he hasn't had time to fit it in his schedule. In light of the time frame we are dealing with, I feel the only solution at this point is for me to recommend the right to Lewis and encourage you to file an Objection with the SRBA court when the Director's Report is issued. The Objection process will be explained when you receive your final recommendation of your water right.

I know you had hoped to resolve this before then, but this is probably not a Notice of Error problem and can be better resolved through the Objection process, where both sides can present their case.

Sincerely,  
Jeanie

1  
C  
S  
R

**CHALLIS  
CREEK  
RANCH**

RECEIVED

DEC 31 1998

Department of Water Resources  
Southern Region

December 29, 1998

Ms. Jeanie Robertson  
Senior Water Resources Agent  
Idaho Department of Water Resources  
1341 Fillmore, Suite 200  
Twin Falls, ID 83301-3380

Reference: Adjudication Claim Profile No. A72-10032

Dear Jeanie:

Having heard nothing further from you or from Mr. Robert E. Foster in Salmon about the subject claim, we did want to reiterate our objection and again request that the sight be visited and the situation reviewed before any recommendation to the court is made regarding this claim. In light of our not being visited as first you said you would do while here in Challis and, unable to do so, subsequently saying Bob would do (and he too unable to do so, to date either), we sought the input of Mr. Mark Olson, Soil Conservation Service, regarding this matter.

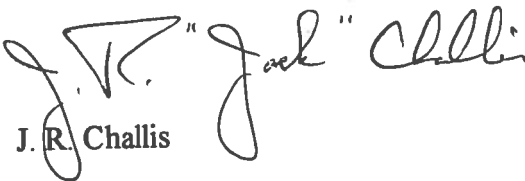
Mr. Olson has, in fact, been on the property and is most familiar with our soil conditions. Acutely aware of the distance the subject spring claim must travel, Mr. Olson agrees that short of a pipeline, an option that would seem extremely cost prohibitive, it would be virtually impossible to convey this amount of water in an open ditch across our property to the Lewis property without total loss of this 0.04 CFS far short of the Lewis property line. Further, it would be equally impossible, again short of a pipeline, that the 0.15 CFS right covered in the Adjudication Claim Profile No. A72-00007A be conveyed the total length of our property (almost a mile) without it too being totally lost far short of the Lewis property line. He has made what I feel is an excellent suggestion to resolve this matter, that being to actually control and measure release of these flows from their respective location/diversion and see if they, in fact, flow to the Lewis property. We would be most willing to work with you in this manner to conclusively determine the validity of our objection.

In your FAX of December 4, 1998, you supplied what you suggest is support of the Lewis's claim. First let us look at the Lewis's letter of December 9, 1992. Reference is made to confirmation of said use by Mr. Elmer Stephens. As your records will indicate, we supplied a signed affidavit from Mr. Stephens. They say, "he said"! Where is their affidavit specifically stating the facts?

In the case of the Hammond Affidavit as well as the alleged statements by Mr. Elmer Stephens and Mrs. Vera Sanderson, we question if the "spring" to which these people make reference is, in fact, the spring in the Lewis's claim. We suggest that they think it is the spring closer to the Lewis residence that, back when these people were here, appeared (because of the fence location then) to be on the Lewis property and, when running, they (the Lewis's) may have had some use. Be that as it may, given all the facts of the conditions now regarding the distances necessary to convey these flows today, I have little doubt they too would agree that such a claim would now be impossible (again short of a pipeline) to supply!

We are sure you will agree the aforementioned controlled flow measurement would seem the easiest and most logical means to establish the actual facts and bring this matter to a conclusion.

Sincerely,  
Challis Creek Ranch

  
J. R. Challis

cc: Mr. Robert E. Foster, Senior Water Resource Agent  
Idaho Department of Water Resources  
206 Van Dreff, Suite B  
Salmon, ID 83467

cc: Mr Mark Olson, Soil Conservationist  
National Resource Conservation Service  
P. O. Box 305  
Challis, ID 83226

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: 72-10032

AFTON M LEWIS  
THOMAS H LEWIS  
475 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):

*on Jack Challis claims that this spring is his. I filed it before Jack owned the place. Stephen owned it when I filed. He changed his claim so it won't pick it up, what should I do.*

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

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

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

DATE: 12.8.98

SIGNATURE: Thomas H Lewis

Please print your name:

Thomas H Lewis

DIVERSION  
VOLUME

**TOTAL DIVERSION: 0.04 CFS**

**CUSTER County**

SE

## 12.0

- CONJUNCTIVELY.

Comments:

Date: 01/15/1993 User-ID: WORSTELL Subject: COPIED FROM REMARKS  
SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS  
A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY  
USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED  
ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS  
APPROX. 20 GPM BUT AT TIMES DRIES UP.

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: AUJ10-DS Subject: AUJ10 CONDITION UPDATE  
CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART  
OF RECORD THRU AUJ10.

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

Audit: 12/30/98 JROBERTS

Old (D) Number -

1 - 475 N 500 W

THOMAS H.

City- MALAD  
Phone - 208-766-9235  
1 - 475 N 500 W  
2 -  
3 -  
City- MALAD  
Phone - 208-766-9235

State- ID Zip- 83252

State- ID Zip- 83252

VERIFIED BY KKC  
11-13-98

+ - - - Region - - - +  
17 SOUTHERN

```

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

```

- - Tributary
- - CHALLIS CREEK

|     | + - + | Rng | Sec | Tract    | Lot        | Rflg | - - - | Point    |
|-----|-------|-----|-----|----------|------------|------|-------|----------|
| Twn |       |     |     |          |            |      |       |          |
| 14N |       | 18E | 3   | NW SE NE | E15<br>198 |      | (37)  | CUSTOMER |

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion \ |
|------|-------------|-------------|-----------|-----------|----------------|-------------|
| +    | +           | +           | +         | +         | +              | +           |

|                     |                       |                       |
|---------------------|-----------------------|-----------------------|
| + - Total Div. Rate | + - Total Div. Volume | + - Total Consumptive |
| 0.040               |                       | 0.0                   |

|     |     |     |       |      | Place of Use | Description |
|-----|-----|-----|-------|------|--------------|-------------|
| Twn | Rng | Sec | Tract | Lot  | Code         |             |
| 14N | 18E | 2   | SW NW | 12.0 | 01           | IRRIGATION  |

Total Acres: 12.0

+ - - Diversion Means - SPRING RISES IN DITCH FROM CHALLIS CREEK THEN VIA SAME DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-00007A

..... Remarks

POU1 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-00007A AND 72-10032.

Bob Foster →

1.) Contact W. M.

2.)

$\frac{10/10/1911}{.38}$  19"

Sills

17-04/37

17-04-4232

1992 WK 30879-255

1907 WK 879-9194

25 Acres  
03 Stock  
03 Buena

Water right number - R72-10032

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 A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY  
SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS  
USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED APPROX. 20 GPM BUT AT TIMES DRIES UP.  
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 - 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 -

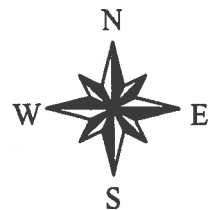
IDAHO DEPARTMENT OF WATER RESOURCES

72-00007A & 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

CLAIM NUMBER72-00007A72-10032DATE10/29/98AGENTJLTRANSFER NUMBERCLAIMED ACRE TOTAL12GIS ACRE TOTAL12

|       | 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   |    |    |    |    |    |    | 12 |    |    |    |    |    |    |    |    |    | 12 |
| GIS   | 14N | 18E | 2   |    |    |    |    |    |    | 12 |    |    |    |    |    |    |    |    |    | 12 |
| RECOM | 14N | 18E | 2   |    |    |    |    |    |    | 12 |    |    |    |    |    |    |    |    |    | 12 |
| CLAIM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| CLAIM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| GIS   |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |
| RECOM |     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |

B72-DBPOU.SHP

SHAPE NOS.

330

B72-DBPOD.SHP

NOS. DESCRIPTION

197 14N, 18E, 3 NESWNW (Bear Creek) 72-00007A

198 14N, 18E, 3 NWSENE (Spring) 72-10032 only

72-00007A - 0.15cfs legal limit

72-10032 - .04cfs 12x.02 = .24cfs

.19cfs

DBF TABLES UPDATED

B72-DBPOU.DBF

B72-DBPOD.DBF

JPEG LAYOUT

(W.D. reads 72-00007 was

72-0007A - .15cfs decimal for

0007B .22cfs 109" or 2.18cfs

.37cfs -> - .37

Balance due 72-00007C 1.8/cfs

00007A 7C 10368 KKC 11-13-9.

limiting factor

**C  
S  
R** **CHALLIS  
CREEK  
RANCH**

RECEIVED

APR 21 1998

Department of Water Resources  
Southern Region

April 20, 1998

State Of Idaho  
Department of Water Resources  
1341 Fillmore - Suite 200  
Twin Falls, ID 83301-3380

Reference: Idaho Department of Water Resources  
Adjudication Claim No. A72-10032

Ladies and/or Gentlemen:

The subject claim has just now come to our attention. In discussing the matter with your office earlier today, they advised that we should file our written objection as the Director's Report is still pending and would thus still allow your investigation prior to any decision.

The subject claim states, "Spring rises in ditch from Challis Creek which delivers A72-00007A." The spring specified is a ground water spring surfacing from a hillside not even close to Challis Creek or any irrigation diversion from Challis Creek. The spring is located on Challis Creek Ranch property well away from the property line with the Lewis's, the filing party.

The subject claim further states, "The water claimed is additional water historically used with the decreed Challis Creek water." Though seldom, in years of very plentiful snow pack some water might trail to the Lewis property for a short time during high water but otherwise would be restricted to Challis Creek Ranch property. In low to normal snow pack years, it dries up entirely for the better part of the summer and fall.

It should be noted that for some years after the Lewis's purchased their property and prior to the time we purchased and created Challis Creek Ranch, an old fence line had the spring in question on what appeared to be Lewis's property because of the fence location. Once we built our home and installed a new fence on the actual property line shared with the Lewis's, the spring location became obvious. However, because of the aforementioned old fence location and no known survey by the Lewis's, perhaps they filed this claim thinking the spring was actually on their property. Be that as it may, any historical use would, in fact, have been on what is now Challis Creek Ranch property, not the Lewis's property, and remains so today.

If advisable, we would be most willing to file on this spring ourselves but frankly never considered the need to do so because of the obvious location on our property. Is the opportunity for us to do so still available? Is there a form to do this and, if so, would you please provide a copy of same?

Thanks in advance for your cooperation in this regard and reply to the foregoing questions.

Sincerely,  
Challis Creek Ranch



J. R. Challis

**R PROOF**



**CVR**



**MAPS**



**PHOTOS**

**MISC**

**MICROFILMED**

**NOV 8 1964**

Water Right Number - R72-10032

Prefix Translation: RESEARCH

Old (D) Number -

Last Name - + First Name - + Address - +

\*\*\* C - CURRENT OWNER \*\*\*  
LEWIS

AFTON M.

1 - 475 N 500 W  
2 -  
3 -

State- ID Zip- 83252

LEWIS

THOMAS H.

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

State- ID Zip- 83252

Priority Date - +  
04/15/1950

Region - +  
17 SOUTHERN

Stage - +  
J - BENEFICIAL USE

Status - +

Source - +

Tributary - +  
DITCH FROM CHALLIS CREEK

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

14N 18E 3 NW SE NE (37) CUSTER

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

01 - IRRIGATION 04/15 10/15

0.040

Total Div. Rate - + Total Div. Volume - + Total Consumptive Use - + KW Usage - +  
0.040 30.0

Twn Rng Sec Tract Lot Acres Code Description County  
14N 18E 2 SW NW 9.3 01 IRRIGATION (37) CUSTER

Total Acres: 9.3

- Diversion Means - SPRING RISES IN DITCH FROM CHALLIS CREEK THEN VIA SAME DITCH
- Non-Irrigation Use - STOCK WATER INCIDENTAL TO IRRIG.
- Other Rights for Same Use - 72-00007A

REMARKS  
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A  
TOTAL COMBINED DIVERSION RATE OF 0.23 CFS, A TOTAL COMBINED  
ANNUAL CONSUMPTIVE USE VOLUME OF 23.2 AF, AND TO THE IRRIGATION  
OF A COMBINED TOTAL OF 9.3 ACRES IN A SINGLE IRRIGATION SEASON.

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Water right number - R72-10032 Prefix Translation: RESEARCH

COMBINED RIGHT NOS.: 72-00007A.

No Old Water Right Numbers Found

Conditions of Approval  
No Conditions of Approval found.

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

Date: 01/15/1993 User Id: WORSTELL Subject: COPIED FROM REMARKS  
SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS A72-00007A. THE WATER CLAIMED IS ADDITIONAL WATER HISTORICALLY  
USED WITH THE DECREED CHALLIS CREEK WATER. PRIORITY IS BASED ON THE CHALLIS CREEK DECREED WATER A72-00007A. THE SPRING RUNS  
APPROX. 20 GPM BUT AT TIMES DRIES UP.  
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 |   |            |                       |   |            |                         |   |       |  |
|------------------------------------------|---|------------|-----------------------|---|------------|-------------------------|---|-------|--|
| 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 | - | 02/01/1994 | 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     | - | S010303    | Temporary Right         | - | P     |  |
|                                          |   |            | Receipt Number        | - |            | Water District          | - |       |  |
|                                          |   |            | POU Ownership Flag    | - | Y          | Federal/State Indicator | - | S     |  |
|                                          |   |            | Name Connector        | - | AND/OR     | Presumption Flag        | - |       |  |
|                                          |   |            |                       |   |            | Notice of Error Flag    | - |       |  |

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

04:19:47  
06/06/97

PAGE: 1  
GENERAL INFORMATION

CLAIM NUMBER: 072-10072

LAST: LEWIS  
ADDRESS: ~~475N SDOU~~ 475N SDOU  
CITY: ~~CHALLIS~~ MALAD  
PHONE NUMBER: 208-~~0000000~~  
OWNER CODE: C  
766-9329  
FIRST: AETON M.  
STATE: ID ZIP: ~~03226~~ 83252

ST. LEWIS  
ADDRESS: ~~475N SDOU~~ 475N SDOU  
CITY: ~~CHALLIS~~ MALAD  
PHONE NUMBER: 208-~~AAA AAAA~~  
OWNER CODE: C  
766-9329  
STATE: ID ZIP: ~~03226~~ 83252

FIRM EXAM REQUIRED?  
VERIFICATION REQUIRED DUE TO REMARKS?  
DATABASE Y  
FIRM EXAMINER

CLAIM REMARKS:  
SPRING RISES IN DITCH FROM CHALLIS CREEK WHICH DELIVERS  
A72-00007A. THE WATER CLAIMED IS ADDITIONAL. WATER HISTORICALLY  
USED WITH THE DECREASED CHALLIS CREEK WATER. PRIORITY IS BASED  
ON THE CHALLIS CREEK DECREASED WATER A72-00007A. THE SPRING RUNS  
APPROX. 20 GPM BUT AT TIMES DRIPS UP.

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CONTACT PERSON: \_\_\_\_\_  
DATE OF FIRST EXAM: 10/28/93  
ACCOMPANIED BY: \_\_\_\_\_  
RELATIONSHP TO CLAIMANT: \_\_\_\_\_  
DIRECTION TO PROPERTY / REMARKS:

See Remarks on page 2 of CIVR A72-000074 file

MICR

A. AJ CLAIM: # A72-10092 PRIORITY DATE: 05-01-1979

STATUS: 1

B. NO RECORD: NO WATER RIGHT PROCEED TO MATCH THIS AJ CLAIM

C. FIELD EXAM REQUIRED?

FILED  
DATABASE EXAMINER

DATE TO PRIORITY DATE DISCREPANCY (Y/N)

Y

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

REMARKS:

Affidavit letter from Mr. + Mrs. William Hammond says they had  
Personal knowledge of water use in 1950.  
Mr. Lewis talked to Mrs. Sanderson + Mr. Stephens who said  
this land was irrigated prior to 1950

RECOMMENDED PRIORITY DATE:

4-15-1950

REVIEWED BY

R. L. St.

DATE

1/15/93

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NO. 01

A. AT CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | 1/4 | LOT | CNTY | CLUSTER |
|-----------|------|------|------|-----|-----|-----|-----|-----|------|---------|
| 872-10032 | 14N  | 10E  | 3    | ✓   | ✓   | ✓   | ✓   |     |      |         |

OTHER AT CLAIMS WITH SAME AT POINT  
A PREFIX R PREFIX  
NONE NONE  
WR RECORDS IN SAME 40 ACRE TRACT  
NONE

SOURCE: SPRING

TRIP: DITCH FROM CHALLIS CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD

TRIP: NO TRIBUTARY FOR RECORD

C. FIELD EXAM REQUIRED?

| DUE TO POINT DISCREPANCY?  | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|----------------|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | Y        | Y              |

REMARKS:

DECOMPOSITION POINT(S) OF DIVERSION AND SOURCE:  
TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY  
14N 10E 3 NW SE NE Cluster

SOURCE: Spring  
DIVISION BY: G.V. 2/1/94  
TRIP: Ditch from Challis Creek  
DATE: 2/1/94

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A. ROOT WATER RIGHT NUMBERS: A72-10032

B. FOU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | INT | NAME             | AJ<br>*/ACRES    | WR<br>*/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. |
|-----|-----|-----|-----|-----|-----|------------------|------------------|---------------|-----------------|----------------|
| 14N | 10E | 9   | CU  | NU  |     | LEWIS, APTON M.  | A72-10032 /12.0  | -             | -               | 31.0           |
|     |     |     | CU  | NU  |     | LEWIS, THOMAS H. | A72-000076 /12.0 | -             | -               |                |
|     |     |     | CU  | NU  |     | LEWIS, THOMAS H. | A72-10032 / 4.0  | -             | -               |                |
|     |     |     | CU  | NU  |     | LEWIS, THOMAS H. | A72-10034 /      | -             | -               |                |
|     |     |     | CU  | NU  |     | STUDIO, LARRY G. | A72-000078 /19.0 | -             | -               |                |
|     |     |     | CU  | NU  |     | STUDIO, LARRY G. | A72-10158 /      | -             | -               |                |
|     |     |     | CU  | NU  |     | NOACK, KEN       | A72-10157 /      | -             | -               |                |
|     |     |     | CU  | NU  |     | EMMY, WILLIAM    | 72-000007 /      | -             | -               |                |
|     |     |     | CU  | NU  |     | FAGAN, CHARLES   | 72-000084 /      | -             | -               |                |
|     |     |     | CU  | NU  |     | GAMBERSON, J. T. | 72-04002 /20.0   | -             | -               |                |
|     |     |     | CU  | NU  |     | STUDIO, LARRY G. | 72-04137 /15.0   | -             | -               |                |

TOTAL ACRES A72-10032

12.00

31.00

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

12.00

C. FIELD EXAM REQUIRED?

DOE TO FOU DISCREPANCY? (Y/N)

Y

FIELD EXAMINER

N

FOU COUNTY: CLUSTER

PREEMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

9.3

DATE:

2/1/94

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9.3

9.3

A. AS CLAIMED USES:

672-10027 PURPOSES  
 IRRIGATION

MONTH/DAY  
 FROM 04-01 TO 11-01  
 TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY  
 0.40 CFS  
 0.40 CFS

B. WE RECORDED USES:

PURPOSES

MONTH/DAY

DIVERSION QUANTITY

PRESUMPTION FLAG:

FIELD EXAM REQUIRED?

FIELD  
 DATABASE EXAMINER

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

Y  
 Y  
 Y

C. PERIOD OF USE:

RECOMMEND AS CLAIMED?

PERIOD TO WP STANDARDS OR OTHER?

Y( )  
 Y( )  
 Y( )

Explain in Remarks below

REMARKS:

*New Standard Period of Use*

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.040 CFS  
WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

\*\*\* IS 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 even is NOT required: explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED?

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

FIELD DATABASE EXAMINER  
Y

See below

MEASUREMENT METHOD

FLOW MEASUREMENT

SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: A72-00007A

LIST ALL RIGHTS WITH A SAME FOW AND IRRIGATION USAGE:

| CLAIM NO   | SOURCE         | NAME              | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | PTD VOL./ACRE |
|------------|----------------|-------------------|-----------|----------------|-----------|---------------|
| A72-10032  | SPRING         | LEWIS : AFTON M.  | 0.040     | 0.003          |           |               |
| A72-00007A | CHALITIS CREEK | LEWIS : THOMAS H. | 0.220     | 0.018          |           |               |
| A72-00007A | ENDY CREEK     | STOD : LARRY G.   | 0.280     | 0.020          |           |               |
| A72-10032  | ENDY CREEK     | LEWIS : THOMAS H. | 0.100     | 0.025          |           |               |

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

| CLAIM NO  | PIPPINGS | NAME              | MONTH/DAY           | RATE      | VOLUME |
|-----------|----------|-------------------|---------------------|-----------|--------|
| A72-10032 | DOMESTIC | LEWIS : THOMAS H. | FROM 01-01 TO 12-31 | 0.040 CFS |        |

Spring Flow comes into ditch and is intermittent and has not been measured

R. J. Sk.

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NOV 01 1994

1.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1b. CALCULATIONS

1a. IRRIGATION RATE  $\times 0.02$  CFS/ACRE = **0.186** CFS  
ACRES **9.3** (Taken from p/u review)

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

1b. YES ADDITIONAL WATER USE FORM FILLED AND ATTACHED? Y ( ) N ( )

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 30.0 AF/A

ACRES **9.3**  $\times$  CONSUMPTIVE VOL. AF/A FOR AREA **2.5** =

TOTAL CONSUMPTIVE USE **23.2** AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

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

TOTAL DIVERSION VOLUME AF/A

**N/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:

REF. PERIOD  
FROM TO

REF. PERIOD  
FROM TO

REF. DIV  
DATE CFS

REF. DIV  
DATE AP/A

REF. CONS.  
DATE

Investigation

4/15 10/15

0.04

N/A

23.2

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U 1 1994

TOTAL FOR THIS RIGHT

0.04

REVIEWED BY:

*[Signature]*

DATE:

2/1/94

A. CHECK ONLY THE FOLLOWING THAT APPLY:

UNAPPROPRIATE  
PROPERTY/ARRESTION  
ADDITIONAL DIV. AMOUNT

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-10032

DATABASE

EXAMINED

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT  
NUMBERS

CURRENT  
CLAIM NUMBERS

DIVERSION  
RATE

CURRENT "R"  
CLAIM NUM.

"P" DIV.  
RATE

WR RIGHT  
NUMBERS

DIVERSION  
RATE

-

A72-10032

0.040

-

0.04

-

TOTAL CFS

0.040

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
TP NO. is the written review sheet attached? (Y/N)

DATABASE

FILED  
EXAMINED

N/A

REMARKS:

AUTHENTICATION:

SIGNATURE:

*Robert W. Horstall*

DATE:

2/1/94

NAME OF FIELD EXAMINER:

ROBERT HORSTALL

TITLE:

St. Adjudication Agent

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**OFILMED**

CONFIDENTIAL  
REF ID: A62067

CLISTER Court

17. A

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STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

04:19:47  
06/06/09

PAGE: 11  
OUTSIDE INFORMATION

CLAIM NUMBER: A72-10032

| UP ELEMENT               | FIELD EXAM<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | VERIFIED BY<br>CODE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE |
|--------------------------|-------------------|-------------------------------------------------|----------------------------|------------------------|---------------------|----------------------------------|--------------------------------------|
| PRIORITY DATE            | Y                 |                                                 | <i>RW 10/28/93</i>         | Y                      |                     |                                  |                                      |
| DATE OF RTU              | Y                 |                                                 |                            | N                      |                     |                                  |                                      |
| POUNCE                   | Y                 |                                                 |                            | N                      |                     |                                  |                                      |
| PLACE OF USE             | Y                 |                                                 |                            | X                      | 1,4                 |                                  |                                      |
| RTU AMOUNT<br>CES/VOLUME | Y                 |                                                 |                            | X                      | 1,4                 |                                  |                                      |
| CONSUMPTION USE          | -                 |                                                 |                            | X                      | 1,4                 |                                  |                                      |
| PIPPINGS                 | Y                 |                                                 |                            | N                      |                     |                                  |                                      |
| PERIOD OF USE            | Y                 |                                                 |                            | Y                      |                     |                                  |                                      |
| DATE OF CLAIM            | Y                 |                                                 |                            | N                      |                     |                                  |                                      |
| REMARKS                  | Y                 |                                                 |                            | Y                      |                     |                                  |                                      |

\*VERIFIED BY\* CODES

USGS TOPOG. MAP, "Fats Creek" Quadrangle 1989 Prov. Ed.  
 24 ID88 AC 5-7B-27 7/1/88  
 BLM

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

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NOV 11 1988

# GRADED BORDER EVALUATION

Job name: 72-00007A & 72-10032  
By: RVW

Location: CP1 SOIL 9.3 ACRES  
Date: Feb 1, 1994

Roughness coefficient (n)= 0.250

Intake family (If)=3.00

Slope (S)= 0.0320 ft/ft

Border width (W)= 91 ft

Net application (Fn)= 0.79 inches

Border length (L)= 296 ft

Inflow time (Ti)= 8 hours, 0 minutes

| Flow per<br>Border<br>(cfs) | Unit<br>Flow<br>(cfs/ft)                                  | Gross<br>Application<br>(in) | Deep<br>Percolation<br>(in) | Runoff<br>(in) | Application<br>Efficiency<br>(percent) | Notes |
|-----------------------------|-----------------------------------------------------------|------------------------------|-----------------------------|----------------|----------------------------------------|-------|
| 1.70                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 1.71                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 1.72                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 1.73                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 1.74                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 1.75                        | Gross depth is less than required gross application depth |                              |                             |                |                                        |       |
| 1.76                        | 0.019                                                     | 22.58                        | 21.76                       | 0.03           | 3.5                                    |       |
| 1.77                        | 0.019                                                     | 22.71                        | 21.76                       | 0.16           | 3.5                                    |       |
| 1.78                        | 0.020                                                     | 22.84                        | 21.76                       | 0.28           | 3.5                                    |       |
| 1.79                        | 0.020                                                     | 22.97                        | 21.76                       | 0.41           | 3.4                                    |       |
| 1.80                        | 0.020                                                     | 23.09                        | 21.76                       | 0.54           | 3.4                                    |       |
| 1.81                        | 0.020                                                     | 23.22                        | 21.76                       | 0.67           | 3.4                                    |       |
| 1.82                        | 0.020                                                     | 23.35                        | 21.76                       | 0.80           | 3.4                                    |       |
| 1.83                        | 0.020                                                     | 23.48                        | 21.76                       | 0.93           | 3.4                                    |       |
| 1.84                        | 0.020                                                     | 23.61                        | 21.76                       | 1.05           | 3.3                                    |       |
| 1.85                        | 0.020                                                     | 23.74                        | 21.76                       | 1.18           | 3.3                                    |       |

HUBBLE ANALYSIS

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NOV 01 1994

CLAIM NO. --- 72-00007A & 72-10032 Lotus Program:  
 AGENT ----- RVW IRR-PRAC.WK3  
 DATE ----- 02/01/94 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<br>(inches) |       | AWC<br>(in/in) |       | PH    |       | organic<br>(%) |       | soil depth<br>(ft) |      | AWC<br>(inches) |  | intake<br>family |        |
|------------------------|-------|----------------|-------|-------|-------|----------------|-------|--------------------|------|-----------------|--|------------------|--------|
| lower                  | upper | lower          | upper | lower | upper | lower          | upper |                    |      |                 |  | flood            | furrow |
| 0                      | 5     | 0.08           | 0.1   | 5.6   | 7.3   | 2              | 3     | 1                  | 0.98 |                 |  | 3                | 0.7    |
| 5                      | 10    | 0.07           | 0.12  | 5.6   | 7.3   |                |       | 1                  | 1.00 |                 |  |                  |        |
| 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<br>depth<br>(ft) | stress<br>point | MAD<br>(INCHES) | FIELD NOTES AND CALCULATIONS                         |         |         |         |
|--------------------------|-----------------------|-----------------|-----------------|------------------------------------------------------|---------|---------|---------|
|                          |                       |                 |                 | FIELD 1                                              | FIELD 2 | FIELD 3 | FIELD 4 |
|                          |                       |                 |                 | FIELD WIDTH                                          | 1370    | 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) = 296                                   |         |         |         |
| 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 = 91                                           |         |         |         |
| 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.<br>eff. | Net Irrigation Requirement (mm/day) |      |      |      |      |      |      |      |
|---------|-------|--------|-----------------|-------------------------------------|------|------|------|------|------|------|------|
|         |       |        |                 | mar                                 | apr  | may  | jun  | jul  | aug  | sep  | oct  |
| PASTURE | 9.3   | 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 9.3 4 1.47 3.84 4.87 5.86 4.56 3.23 2.07  
 Peak Net Irrigation Requirement (mm/day) = 5.86

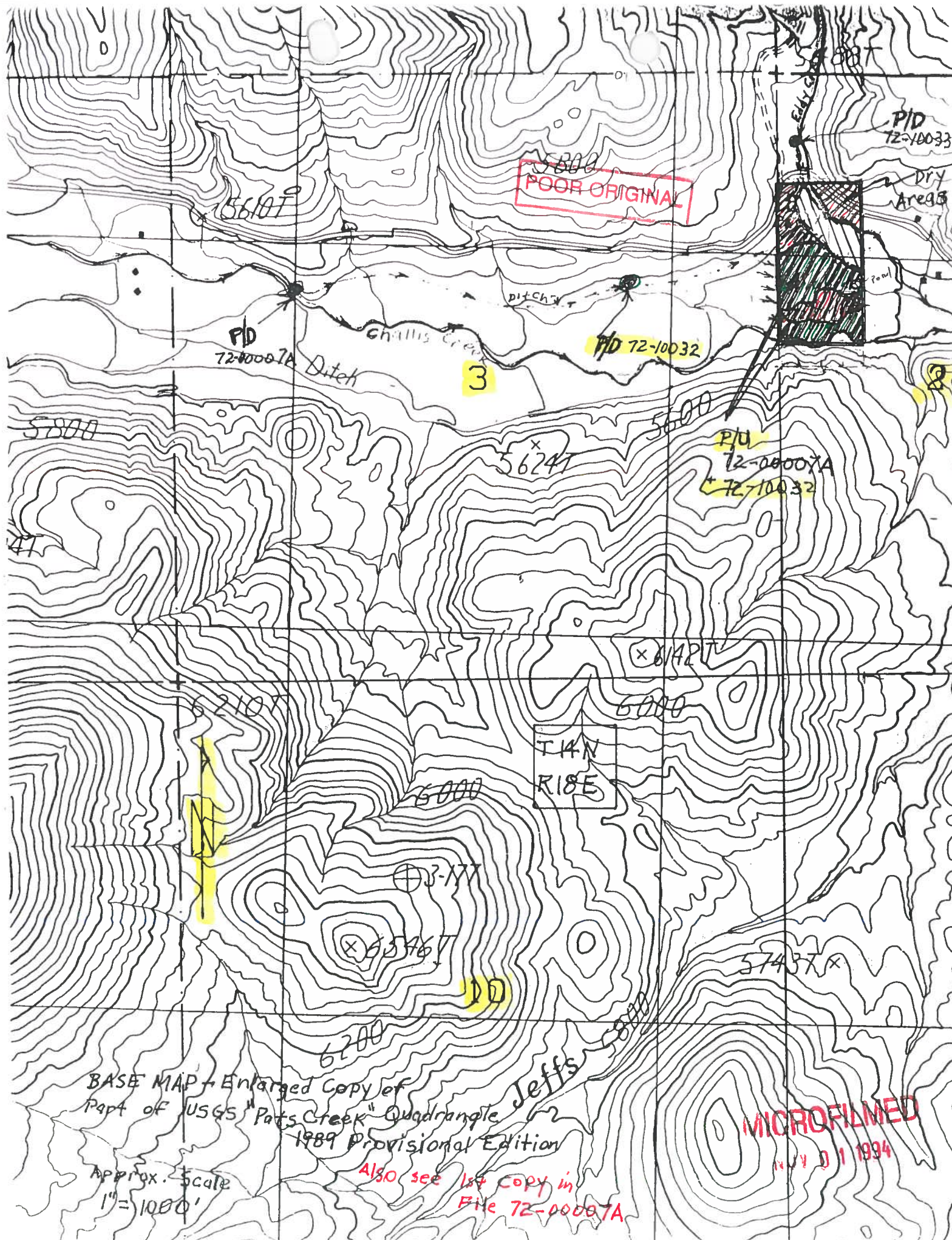
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## HUBBLE ANALYSIS

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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POOR ORIGINAL

T14N  
R18E

W 1/2  
SW 1/4 NW 1/4  
SEC 2

T2-10032 P/U

P/D Road

Eddy Creek

Dry Areas

Base Map = Enlarged Copy of  
Part of BLM Aerial Photo  
24 ID-88 AC 5-78-27 7/1/88

Approx Scale  
4 1/2 miles

Also See 1st Copy in  
File 72-00007A

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