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: **A72-04055D**
Date Received: 11/29/1989
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW NW SW	R	CUSTER
		16	SW NE NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	6.870		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	3.0
			SE	SW		IRR	36.0
					Section Acres		62.0
					Total Acres		155.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.
|
A72-04055B WAS SPLIT BY CHANGE OF OWNERSHIP 3/31/98 SCC.
SEE NOS. A72-04055D & A72-04055E.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

April 1, 1998

KENNETH J & EILENE C STARK
CLIFF HANSEN
HC 63 BOX 1777
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP SRBA CLAIM NO. A72-04055B

DEAR CLAIMANTS,

Pursuant to a request for a change in ownership and/or the notification that you recently sold property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as requested. This change in ownership also resulted in a split of the claim as shown on the enclosures. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

Please refer to the new SRBA claim number in future correspondence: **A72-04055D OR R72-16279A**

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
222 SHOSHONE ST E
TWIN FALLS ID 83301
(208) 736-3033

RECEIVED

FEB 04 1998

Department of Water Resources
Southern Region

PHILIP E BATT
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS OF THE NOTICE OF CLAIM IN THE SNAKE RIVER BASIN ADJUDICATION

☐ Water Right Number(s): 72-10137 (ALL)
AJ2-04055B (PART)

☐ Old Mailing Address: LYNN MORTIER

☐ New Mailing Address: LYNN MORTIER
P.O. BOX 798
CHALLIS, ID 83226

☐ New Telephone Number: (208) 879-5064

☐ Signature of Claimant(s): Lynn S. Mortier

Date: 2/2/98

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: By:
Further Action Needed:

Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

Form 42-1409(7)

RECEIVED
AUG 27 1996
Department of Water Resources
Southern Region

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 14N Range 19E
Section 34, SESW 1/4 of SWSW 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 72-40558

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Mark + Rose Harris
BOX 730
Challis, ID 83226

[ ] New Owner/Claimant (Purchaser):

[ ] New Mailing Address: Herald + Lynn Mortier
HC 63 Box 1703
Challis, ID 83226

[ ] New Telephone Number: (208) 879-5064

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ✓ yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
The splitting of the 45 shares that went to Mark + Rose Harris needs to transfer to Herald + Lynn Mortier

N/A Attach proof of ownership, describe proof attached: Deed of Trust # 0211687

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) _____ Date _____
_____ Date _____

[ ] Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

Deeds # 0211680, 211686, 211687 Convey Parcel "A" & Parcel "B" as shown on Record of Survey Map

Claim conveyed is split:
72-4055E

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: 4/1/98 **By:** SW
Claim Numbers of Split, if any:

Form 42-1409(7)

RECEIVED
AUG 27 1996
Department of Water Resources
Southern Region

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 14N Range 19E
Section 34, SE SW 1/4 of SW SW 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: A72-4055B

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Cliff Hansen - Kenneth + Eilene Stark
HC 63 Box 1777
Challis, ID 83226

[ ] New Owner/Claimant (Purchaser):

[ ] New Mailing Address: Mark + Rose Harris
Box 730
Challis, ID 83226

[ ] New Telephone Number: ( ) _____ - _____

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ✓ yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
45 shares go to Mark + Rose Harris
balance of 296 stay with Cliff Hansen.

[ ] Attach proof of ownership, describe proof attached: Warranty deed # 208279

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) _____ Date _____
_____ Date _____

[ ] Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

Deed describes parcel "B" on Record of Survey. Shows 10.0 Acres

Claim Split: -4055D Hansen/Stark -4055E Harris/Morton

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: 4/1/98 **By:** SCC
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

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.

Water Right Number(s) A-72-10137(all) A72-04058B(part-see attach)

Adjudication Claim Number(s) 72-04055(portion)

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

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

AND

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

OR

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

Name and Address of Former Owner/Claimant(s) Cliff Hansen & Kenneth Stark

HC63 Box 1777 Challis ID 83226

New Owner/Claimant(s) Lynn Mortier

Name connector (Check one): [ ] AND, [ ] OR, [ ] AND/OR

New Mailing Address Box 730

City, State and ZIP Code Challis ID. 83226

New Telephone Number (208) 879-2211

Date you acquired the property Aug 13, 1996

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

Number of acres actually irrigated 10 Number and type of stock varies

Diversion rate in CFS _____ (cubic feet per second) Number of homes 0 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.

Signature of New Owner/Claimant(s) Lynn S. Mortier Date 7/31/97

_____ Date _____

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

PLEASE SIGN & DATE

Copy to HARRIS

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot		County
13N	19E	3	SW	NW	SW		R	CUSTER
		16	SW	NE	NE		I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

7. Total Quantity Appropriated is:
   7.270 C.F.S. (and/or) A.F.A. See pg. 3.

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
|
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

15. Basis of Claim: BENEFICIAL USE

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 19 E
Section 34, SE SW 1/4 of SW SW 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 41-2-40556

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Virgil & Judith L. Davis
HC 63 Box 1703
Challis, ID 83226

[ ] New Owner/Claimant (Purchaser): Clay Harrison-Kennedy & Irene C. Stark

[ ] New Mailing Address: HC 63 Box 1777
Challis, ID 83226

[ ] New Telephone Number: ( ) _____ - _____

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ___ yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
45 shares (1/3) go to Hillis & Rose Hillis
Balance (2/3) go to Clay Harrison-Kennedy & Irene C. Stark.

[X] Attach proof of ownership, describe proof attached: NOTICE OF LAND SALE (all water on land shown was purchased by Stark-Harrison)

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) _____ Date _____
_____ Date _____

[ ] Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

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

Hillis Affidavit Enclosed

45 + 296 = 341 shares (Shares unknown. .95)

45/341 × 100 = 0.13% × 7.27 cfs = 0.945 cfs

296/341 × 100 = 87% × 7.27 cfs = 6.32 cfs

7.27 cfs

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 2-13-95 **By:** SA
Further Action Needed:
* TRANSFER REQUIRED SEE LETTER
Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

* Calculated percentage of Right.

P.1 of 2

Reno, Nevada 89509
hereinafter referred to as "SELLERS"

Hansen/Stark

and

MARK HARRIS and ROSE HARRIS
Husband and Wife,
3125 Angus Drive
Prescott, Arizona 86301
hereinafter referred to as "BUYERS"

DATED: October 31, 1994.

For and in consideration of the mutual terms and conditions contained herein, Sellers agree to sell to Buyers and Buyers agree to purchase from Sellers all of the real property, commonly known as a portion of the HANSEN/STARK RANCH, located in Custer County, Idaho, more particularly described as follows:

A parcel of land located in the SW¼, Section 34, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 34, run thence North 73° 17′ 10" East, a distance of 1114.40 feet to the Point Of Beginning;

Thence North 15° 43′ 43" East, a distance of 37.90 feet;
Thence North 00° 20′ 10" West, a distance of 639.58 feet;
Thence South 89° 45′ 46" West, a distance of 137.75 feet;
Thence North 45° 17′ 54" East, a distance of 566.21 feet, to a point on the Easterly boundary of the W½ SW¼;
Thence South 00° 39′ 11" West, along said boundary a distance of 19.81 feet;
Thence North 45° 17′ 43" East, a distance of 82.68 feet;
Thence South 15° 54′ 26" East, a distance of 551.97 feet;
Thence South 04° 03′ 32" West, a distance of 372.65 feet;
Thence South 07° 22′ 20" West, a distance of 209.52 feet;
Thence South 89° 45′ 48" West, a distance of 427.79 feet to the Point of Beginning.

PARCEL contains 10 Acres.

TOGETHER WITH all improvements located thereon or appurtenant thereto and all water rights appurtenant thereto;

TOGETHER WITH all water and water rights, ditch and ditch rights appurtenant thereto.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MARCH 10, 1997

WAY OUT WEST REALTY
ATTN: ANN
PO BOX 730
CHALLIS ID 83226

RE: OWNERSHIP CHANGE FOR MORTIER
(A72-04005B & A72-10137)

DEAR ANN:

I FIRST MUST APOLOGIZE FOR THE DELAY IN REVIEWING THIS OWNERSHIP CHANGE. I DO, HOWEVER, NEED TO HAVE ADDITIONAL INFORMATION REGARDING THIS CHANGE.

IN THE FIRST OWNERSHIP CHANGE GOING FROM STARK AND HANSEN TO HARRIS, I NEED TO KNOW THE FOLLOWING THINGS. DOES ALL THE PROPERTY IN SECTION 34 GO TO HARRIS AND PROPERTY IN SECTION 3 STAY WITH STARK AND HANSEN? I NEED TO KNOW HOW MANY INCHES OR CFS IS IN 45 SHARES OF WATER. I ALSO NEED TO HAVE THE HARRISES' SIGNATURE(S) ON THE FIRST CHANGE.

ON THE SECOND OWNERSHIP CHANGE, I NEED TO HAVE A NOTARIZED DEED GOING FROM HARRIS TO MORTIER; SUCH AS A WARRANTY DEED. I WOULD ALSO NEED TO CLARIFY THE "AND" OR THE "AND/OR" CONNECTOR. LYNN MORTIER SIGNED THE OWNERSHIP CHANGE ALONE BUT HAD PUT BOTH GLENN AND LYNN MORTIER AS OWNERS. IF IT IS TO BE A SINGLE SIGNATURE, MARK "AND/OR". IF YOU WANT THE "AND" CONNECTOR, I NEED BOTH SIGNATURES.

I AM ENCLOSING PROFILE REPORTS OF THE CLAIMS AND A NEW OWNERSHIP CHANGE FORM. IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE.

SSINCERELY,

Tara L Backlund

TARA L. BACKLUND
RECORDS CLERK

ENCLOSURES

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER	
November 18, 1996 4:08pm	**ANNA - WAY OUT WEST REALTY**	**A72-04055B**
		A72-10137

SUBJECT: OWNERSHIP CHANGE STATUS???

phone call (X) walk-in (.)

Said she had sent in ownership change forms for these two claims a couple of months ago and wondered if the changes had been made yet? I found nothing on the data base so I checked with Trish. The forms were received in late August but the changes haven't been completed. A72-10137 seems to be okay, but there may be some problems with A72-04055B. Specifically, the form wasn't signed by the new owners and we don't know what was meant by the "shares" mentioned in the form??? Told Anna that Trish or someone would try to get to it soon and if we needed more claification or information, we would be in touch with her. Also told her we may send one of our new forms to fill out which requires a map be included...

A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 89 DEGREES 45' 48" EAST, A DISTANCE OF 540.61 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 28 DEGREES 28' 56" EAST, A DISTANCE OF 312.01 FEET;

THENCE NORTH 13 DEGREES 15' 04" WEST, A DISTANCE OF 481.01 FEET;

THENCE NORTH 55 DEGREES 16' 57" EAST, A DISTANCE OF 418.01 FEET;

THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF 18.80 FEET;

THENCE NORTH 89 DEGREES 45' 46" EAST, A DISTANCE OF 137.75 FEET;

THENCE SOUTH 00 DEGREES 20' 10" EAST, A DISTANCE OF 639.58 FEET;

THENCE SOUTH 15 DEGREES 43' 43" WEST, A DISTANCE OF 366.66 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 45' 48" WEST, ALONG SAID BOUNDARY A DISTANCE OF 437.60 FEET TO THE POINT OF BEGINNING.

ALSO:
A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 73 DEGREES 17' 10" EAST, A DISTANCE OF 1114.40 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 15 DEGREES 43' 43" EAST, A DISTANCE OF 37.90 FEET;

THENCE NORTH 00 DEGREES 20' 10" WEST, A DISTANCE OF 639.58 FEET;

THENCE SOUTH 89 DEGREES 45' 46" WEST, A DISTANCE OF 137.75 FEET;

THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF 566.21 FEET, TO A POINT ON THE EASTERLY BOUNDARY OF THE W1/2,SW1/4 THENCE SOUTH 00 DEGREES 39' 11" WEST, ALONG SAID BOUNDARY A DISTANCE OF 19.81 FEET;
THENCE NORTH 45 DEGREES 17' 43" EAST, A DISTANCE OF 82.68 FEET;

THENCE SOUTH 15 DEGREES 54' 26" EAST, A DISTANCE OF 551.97 FEET;

THENCE SOUTH 04 DEGREES 03' 32" WEST, A DISTANCE OF 372.65 FEET;

THENCE SOUTH 07 DEGREES 22' 20" WEST, A DISTANCE OF 209.52 FEET; THENCE SOUTH 89 DEGREES 45' 48" WEST, A DISTANCE OF 427.79 FEET TO THE POINT OF BEGINNING.

THIS DEED OF TRUST, Made this ..... day of AUGUST , 19 96

BETWEEN LYNN S. MORTIER

whose address is C 63, BOX 1703 CHALLIS, ID 83226 herein called GRANTOR,

The Alliance Title & Escrow Corp., herein called TRUSTEE, and NOEL ROBINS AND RUTH ROBINS, husband and wife

whose address is 3071 DUTCHMAN DRIVE SANTA CLARA, UT 84765 , herein called BENEFICIARY

WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of LEMHI , State of Idaho, described as follows, and containing not more than twenty acres:

SEE ATTACHED EXHIBIT "A"

COPY

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of NINETY SIX THOUSAND SIX HUNDRED EIGHTY SEVEN AND 51/100 DOLLARS Dollars ($ 96,687.51), final payment due AUGUST 8, 2006

and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein or any of either [illegible] whose record owner of present [illegible] purpose, and [illegible] together with interest on [illegible] at the rate th[illegible] additions shall be ag[illegible] nal with th[illegible] and p[illegible]vided. [illegible] and as continuing s[illegible]ly until pa[illegible] for all s[illegible] advan[illegible]s togeth[illegible] interest thereon.

A. To protect the security of this Deed of trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building thereon; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at the rate of interest specified in the above described promisory note.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may: make or do the same in such manner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

...der as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any cove... or warranty express or implied. The recitals in such deed of any matters or fa... all be conclusive proof of the truthfulness thereof. Any person, incl... Grantor, Trustee, or Beneficiary, may purchase at such sale.

After dedu... costs, fees and expenses of Trustee and of this Trust, including... of evidence of title and reasonable counsel fees in connection with sale, Trustee... apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the rate specified in the above described promissory note; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the femine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

Lynn S. Mortier
LYNN S. MORTIER

STATE OF IDAHO, COUNTY OF LEMHI
On this 9th day of AUGUST, 19 96
before me, a Notary Public in and for said State, personally appeared

LYNN S. MORTIER

Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Laurie M. Santee
LAURIE M. SANTEE Notary Public,
Residing at SALMON, Idaho.
Commission Expires 6-19-2001

211687
Alliance Title
2:00 PM
8-16-96
Barbara E. Breedlove
9.00

DEED OF TRUST
WITH POWER OF SALE

GRANTOR

TRUSTEE

BENEFICIARY

Dated ..., 19 ...

Furnished through the courtesy of
ALLIANCE TITLE & ESCROW CORP.

REQUEST FOR FULL RECONVEYANCE

To be used only when note has been paid.

..., Idaho, ..., 19 ...

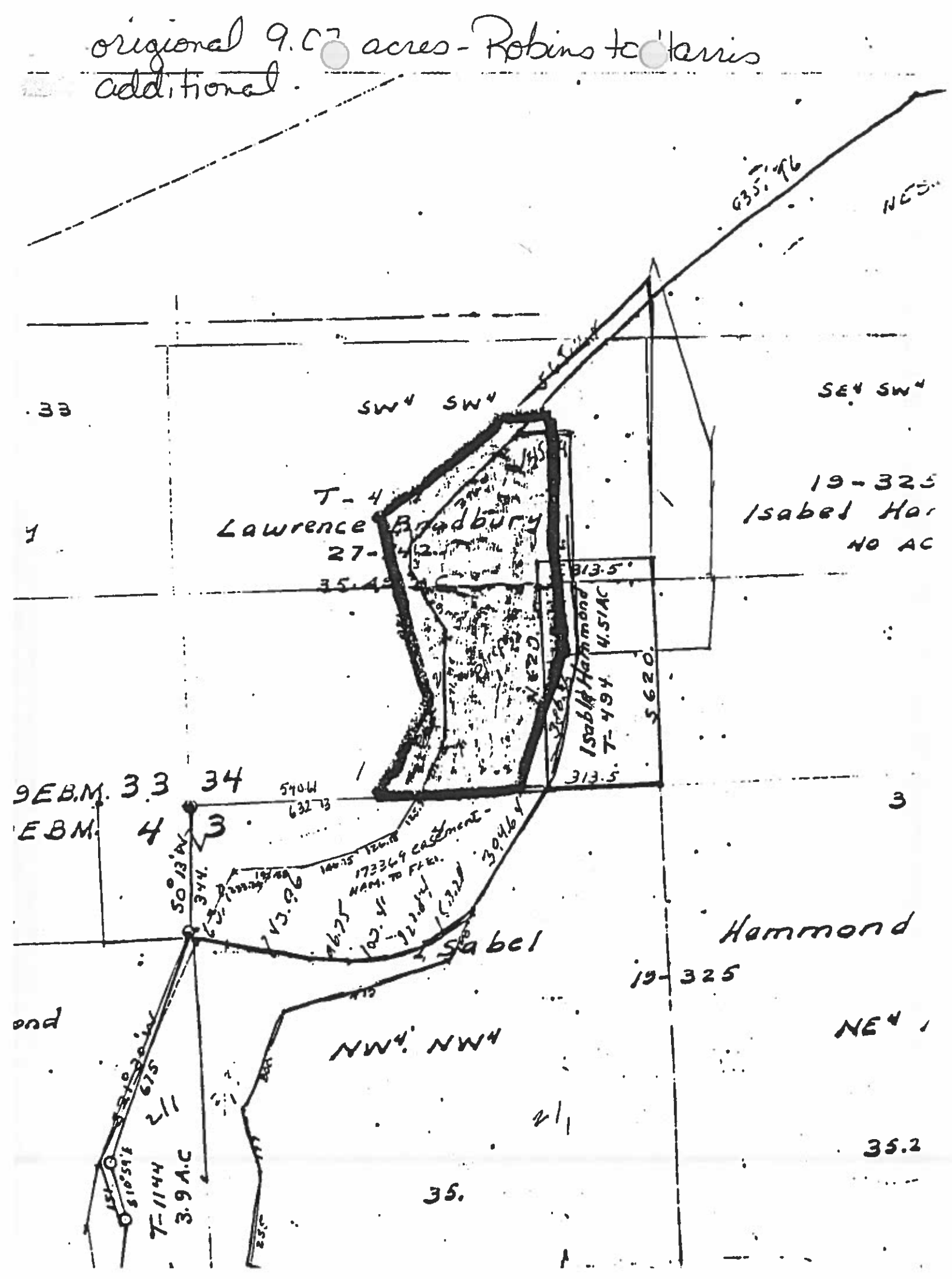
, Trustee:

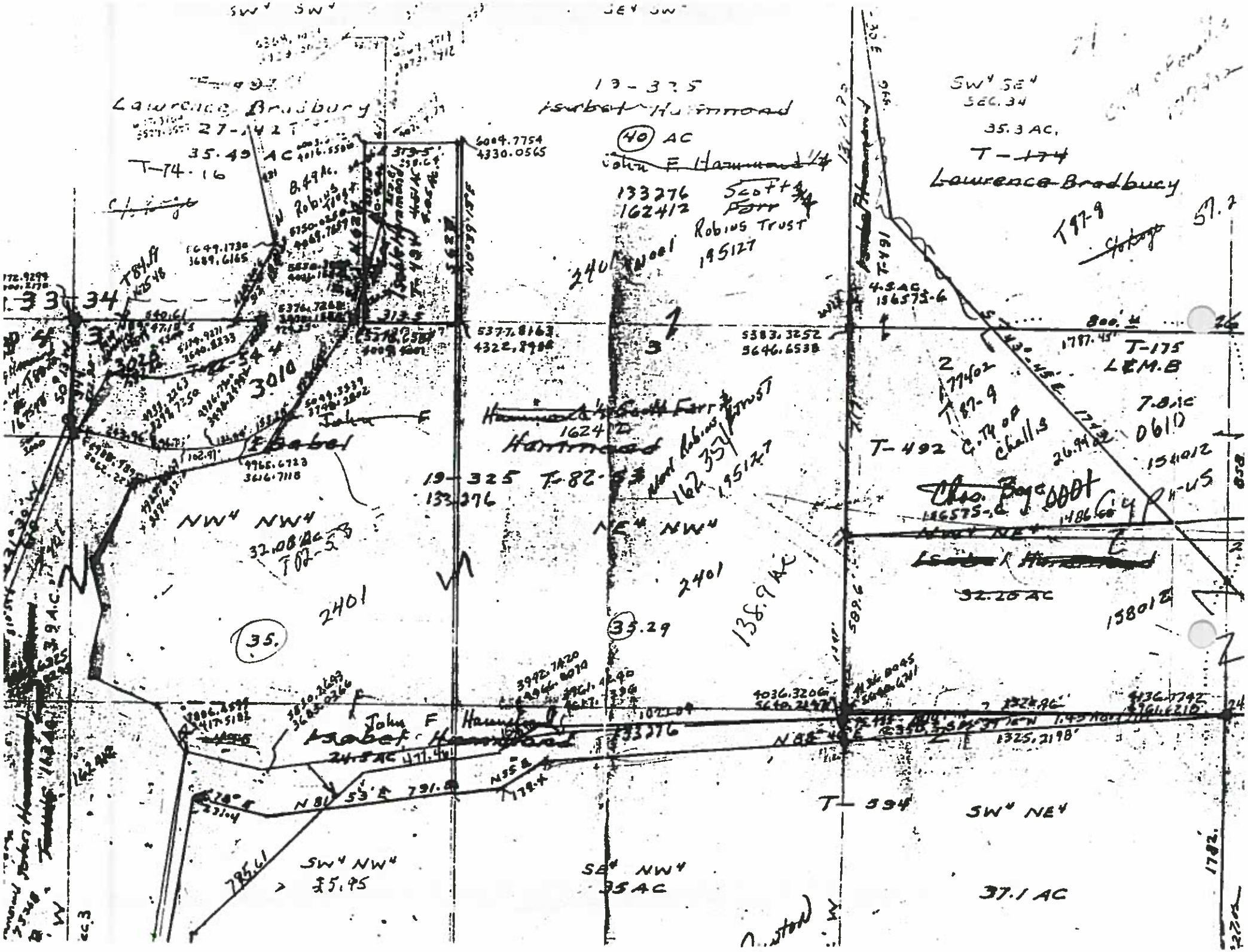
The undersigned is the legal owner and holder of all indebtedness secured by the within Deed of Trust. All sums secured thereby have been fully paid. You are hereby requested and directed to cancel all evidences of indebtedness secured by said Deed of Trust and to reconvey, without warranty, the estate now held by you under the same.

Deliver to: ...

THE PROMISSORY NOTE OR NOTES, AND ANY EVIDENCES OF FURTHER AND/OR ADDITIONAL ADVANCES MUST BE PRESENTED WITH THIS REQUEST.

origional 9.07 acres - Robinson to Harris
additional.




SW¼ SW¼
SE¼ SW¼
Lawrence Bradbury
27-142T
35.49 AC
T-74.16
19-325
Isabel & Hammond
(40) AC
John F Hammond 1/4
133276
162412
Scott & Farr
Robins Trust
195127
SW¼ SE¼
Sec. 34
35.3 AC.
T-174
Lawrence Bradbury
197-9
T-175
LEM.B
T-492
Chas. Boyd
NW¼ NW¼
32.08 Ac
T02-5
2401
(35.)
(35.29)
138.9 AC
John F Isabel Hammond
24.5 AC
N81° 53' E 791.6
SW¼ NW¼
35 AC
SE¼ NW¼
35 AC
SW¼ NE¼
37.1 AC
T-594
32.20 AC
1580 Ac

REAL ESTATE PURCHASE AND SALE AGREEMENT AND RECEIPT FOR EARNEST MONEY

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING THE GENERAL PRINTED PROVISIONS ON THE REVERSE SIDE AND ANY ATTACHMENTS, CAREFULLY BEFORE SIGNING. IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY BEFORE SIGNING.

1. AGENCY DISCLOSURE. At the time of signing this agreement the agent working with the buyer represented The Seller and the agent working with the seller represented The Seller. Each party signing this document confirms that prior written disclosure of agency was provided to him/her in this transaction. Each party to this transaction has read and understands the contents of the agency disclosure brochure previously received.

Listing Agency Robie Real Estate MLS# _____
Listing Agent Name S.K. Hill MLS# _____
Phone # 208-879-2211

Selling Agency Robie Real Estate MLS# _____
Selling Agent Name S.K.Hill MLS# _____
Phone # _____

ID# 219992 Mark & Rose Harris
(hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" commonly known as Hansen/Stark Ranch City Challis County Custer ID Zip 83226
Legally described as: To be Surveyed-10 acres
(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED OR ATTACHED PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete).

2. EARNEST MONEY.
(a) Buyer hereby deposits as Earnest Money and a receipt is hereby acknowledged of ($ 500.00) Five Hundred---------- dollars evidenced by: ☐ Cash ☒ Personal Check ☐ Cashier's Check ☐ Note Due ☐ or _____
(b) Earnest Money to be deposited in trust account upon acceptance by all parties and shall be held by: ☐ Listing Broker ☒ Selling Broker ☐ Other _____ for the benefit of the parties hereto, and Erin Robie (broker) shall hold the completely executed broker's copy of this agreement and is responsible for the closing.
(c) The parties agree that Custer County Title Company shall provide title policy and preliminary report of commitment and the "closing agency" for this transaction shall be Same. If a long-term escrow / collection is involved, then the escrow holder shall be N/A.

3. TOTAL PURCHASE PRICE IS ($ 20,000.00) Twenty Thousand Dollars **DOLLARS**
Payable as follows:
(a) $ 20,000.00 Cash at closing, including above Earnest Money (Closing costs are additional).
(b) $ N/A Balance of the purchase price (M.I.P. not included).

4. FINANCING. This agreement is contingent upon the Buyer securing the following financing: ☐FHA ☐VA ☐CONV ☐IHA ☐FmHA ☐Assumption of existing loan(s) ☐Other
(a) **New Financing.** New loan balance as noted above for a period of _____ years at _____% per annum. (If FHA or VA loan is sought, read the applicable provisions on the reverse side hereof) Buyer shall pay no more than _____ points plus origination fee if any. Seller to pay only the discount points necessary in order to obtain above described financing but not to exceed _____ points. Any reduction in points shall first accrue to the benefit of the ☐Buyer ☐Seller ☐Divided Equally.
(b) **Assumption.** Buyer to ASSUME and ☐will or ☐will not be required to qualify for an EXISTING LOAN(S) of approximately $ _____ at no more than _____% with monthly payments of approximately $ _____ including ☐P ☐I ☐T ☐I. This agreement ☐does ☐does not require Lender to release Seller's liability.
Type of loan _____ held by _____

Buyer shall apply for such loan or assumption within three (3) business days after Seller's acceptance of this agreement. If an appraisal is required under Buyer's financing contingency, premises must appraise at no less than purchase price.

5. OTHER FINANCING, TERMS AND/OR CONDITIONS: Buyer to pay for survey of 10 acres. Seller to grant 1st right of refusal on balance of tract 82 53 Sec 34 T13N R19E Also some in Sec. 34.

6. ITEMS SPECIFICALLY INCLUDED IN THIS SALE: (if FHA/VA financing is sought see item # 18 on reverse side): Water Rights for the purchased acreage.

7. ITEMS SPECIFICALLY EXCLUDED IN THIS SALE: N/A

8. COSTS PAID BY: Costs in addition to those listed below may be incurred by Buyer and Seller. Unless otherwise agreed herein, or provided by law or required by lender, Buyer shall purchase Seller's reserve account if loan assumption. Extended Coverage Title Policy requested ☐Yes ☒No. Additional premium paid by _____. See item # 21 on reverse side.

If required by lender or otherwise stated herein, the below costs will be paid as indicated. Some costs subject to loan program requirements.

Costs Paid By	Survey Appraisal XXXXX	Loan Assumpt.	Well Inspect.	Pump/Inspect. Septic	Lender/Code Inspection Fee	Lender/Code Repairs	Contract and/or Document Prep	Tax Service	Closing Escrow Fee	Long Term Escrow Fees Set-up	Long Term Escrow Fees Annual/Monthly Fees
BUYER	X										
N/A		X	X	X	X	X	X		X		
SELLER								X	X	X	X
SHARE EQUALLY											

Cost of lender or code repairs not to exceed $ N/A

9. CLOSING. On or before the closing date, Buyer and Seller shall deposit with the closing agency all funds and instruments necessary to complete the sale. The closing date shall be no later than October 30, 1994.

10. POSSESSION. Buyer shall be entitled to possession on ☒closing ☐other _____. "Closing" means the date on which all documents are either recorded or accepted by an escrow agent and the sale proceeds are available to Seller. Taxes and water assessments (using the last available assessment as a basis), rents, interest and reserves, liens, encumbrances or obligations assumed and utilities shall be pro-rated as of Closing. Buyer shall pay for fuel in tank, amount to be determined by the supplier at Seller's expense.

11. ACCEPTANCE. Buyer's offer is made subject to the acceptance of Seller on or before 12:00 o'clock midnight of Verbally agreed 9/20/94. If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

☐ **SEE ATTACHED ADDENDUM(S)**

12. SIGNATURES

Date Oct. 2 Buyer Mark Harris (Printed)
Buyer _____ (Signature)
Address 215 [illegible]

Date Oct. 2 Buyer Rose Harris (Printed)
Buyer _____

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 30, 1998

Lynn Mortier
P.O. Box 798
Challis, ID 83226

Dear Ms. Mortier:

Please find enclosed a partially completed change of address form, as we discussed during our most recent telephone conversation. Signing, dating, and submitting this form to our office will enable our staff to correctly complete the previously submitted ownership changes for the water rights appurtenant to your property near Challis. I would suggest sending the signed and dated form back to our office to my attention (Corey Skinner).

If you have any questions, feel free to contact me at your convenience.

Sincerely,

Corey Skinner, EIT
Dam Safety Section

Enclosure

REALTOR®

WAY OUT WEST REALTY

Residential · Agricultural · Recreational · Commercial
Highway 93 & Main Street
P.O. Box 730
Challis, Idaho 83226
(208) 879-2211 or (208) 879-2270
FAX (208) 879-5258

July 30, 1997

RECEIVED
AUG 04 1997
Department of Water Resources
Southern Reg...

Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301-3380
Attn: Tara Backlund

Re: Ownership change for Mortier
(A72-04005B & A72-10137)

Dear Tara:

Now it is my turn to apologize for the delay on this. Hopefully we can finish this. Enclosed please find the information you requested.

1. All the property in section 3 stays with Stark/Hansen. Not all the property in section 34 goes to Harris. See inclosed maps.

2. Looking at the figures on the ownership change from Robins to Harris there are .945 cfs in the 45 shares of water, however, the adjudication papers say .070 cfs. Harris' signature is also on these papers.

3. Fax of the noterized deed from Harris to Mortier.

4. The water and the property is to be in Lynn Mortier's name only.

I hope this clears up the problem with this part of the transfer. There is one more thing to straighten out. Robins were the original owners of this ground. They sold all but 9.07 acres and the house to Stark/Hansen. They then sold the 9.07 acres and the house to Harris. Harris then purchased 10 acres from Stark/Hansen. The 45 shares of water went with the 9.07 acres. To my knowledge, no water has been transferred for the 10 acres. I spoke to Mr. Hansen ane he didn't think the transfer had been done either but wants to resolve the problem. He has agreed to 3 inches per acre. I hope all the paperwork is enclosed, if not let me know.

Thank You,
Pam Robins

Sande K. Hill Pam Robins
Broker/Owner GRI

WARRANTY DEED

306279

For Value Received

CLIFF M. HANSEN, a married man, as to his sole and separate property, and KENNY STARK and EILENE C. STARK, Husband and Wife,

the grantors, do hereby grant, bargain, sell and convey unto

MARK HARRIS and ROSE HARRIS, Husband and Wife
3125 Angus Drive, Prescott, Arizona 86301

the grantees, the following described premises, in Custer County Idaho, towit:

A parcel of land located in the SW¼, Section 34, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 34, run thence North 73° 17' 10" East, a distance of 1114.40 feet to the Point Of Beginning;

Thence North 15° 43' 43" East, a distance of 37.90 feet;
Thence North 00° 20' 10" West, a distance of 639.58 feet;
Thence South 89° 45' 46" West, a distance of 137.75 feet;
Thence North 45° 17' 54" East, a distance of 566.21 feet, to a point on the Easterly boundary of the W½ SW¼;
Thence South 00° 39' 11" West, along said boundary a distance of 19.81 feet;
Thence North 45° 17' 43" East, a distance of 82.68 feet;
Thence South 15° 54' 26" East, a distance of 551.97 feet;
Thence South 04° 03' 32" West, a distance of 372.65 feet;
Thence South 07° 22' 20" West, a distance of 209.52 feet;
Thence South 89° 45' 48" West, a distance of 427.79 feet to the Point of Beginning.

ALSO INCLUDING a Roadway & Pipeline Maintenance Easement attached hereto as Exhibit "A"

PARCEL "B"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owner in fee simple of said premises; that they are free from all incumbrances except the lien for taxes for the current year, any liens and encumbrances of record on this date, and any liens or encumbrances suffered or created by Grantees prior to the date hereof,

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

Dated: October 31st, 1994.

Cliff M. Hansen
CLIFF M. HANSEN

Kenny Stark
KENNY STARK

Eilene C. Stark
EILENE C. STARK

STATE OF IDAHO, COUNTY OF

On this 31st day of , 1994, before me, a notary public in and for said State, personally appeared

CLIFF M. HANSEN, KENNY STARK and EILENE C. STARK

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

Patsy Hindt
Notary Public
Residing at Challis, Idaho
Comm. Expires 2/12/98

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of Custer County Title

at 36 minutes past 4 o'clock P m.
this 14th day of February
1995, in my office, and duly recorded in Book of Deeds at page

Ethel M. Peck
Ex-Officio Recorder

By Wanda Murphy Deputy.

Fees $ 6.00

Mail to:

INSTRUMENT NO.

LEMHI TITLE & ABSTRACT SALMON, IDAHO

7-352-C

0211680

WARRANTY DEED

FOR VALUE RECEIVED, MARK HARRIS and ROSE HARRIS, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto LYNN S. MORTIER, a married woman dealing with her sole and separate property, of P.O. Box 798, Challis, ID 83226, the Grantee, the premises described on Exhibit "A" attached hereto and incorporated herein located in Custer County, Idaho, SUBJECT TO:

1. Rotational Water Clause contained in the deed dated February 11, 1985, recorded February 22, 1985, as Instrument No. 173169 and amended January 3, 1990, recorded January 4, 1990, as Instrument No. 191027, all records of Custer County, Idaho.

2. Rotational Water Memorandum dated March 12, 1993, by and between Johnny F. Hammond and Barbara Hammond, husband and wife, and Noel Robins and Ruth Robins, husband and wife, recorded March 22, 1993, as Instrument No. 203789, records of Custer County, Idaho.

3. Right of way for a canal as disclosed by Survey recorded December 2, 1994, as Instrument No. 207907, records of Custer County, Idaho.

4. Grantor makes no representations or warranties as to whether or not the boundary lines of said property are accurate, nor any representation as to the number of acres or the number of square feet or frontage contained in the legal description of said property; that said property is being conveyed "AS IS."

5. All water rights transferred hereby are subject to adjudication in the case of In Re the General Adjudication of Right to the Use of Water from the Snake River Basin Water System, Civil Case No. 39576, in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls.

6. The right, title and interest of the public in and to those portions of the above described premises falling within the bounds of roads or highways, dedicated and or otherwise used by the public, and

21686

subject to all easements and restrictions appurtenant or pertinent to said highway

7. Any adverse claim based on the assertion that some portion of said land is unsurveyed lands of the United States

8. Any adverse claim based on the assertion that some portion of said land is now, or at any time has been within the boundaries of Salmon River or by reason of the fact or claim that any portion or portions thereof have been rendered un-navigable by artificial means, or has accreted to such portions so created

TO HAVE AND TO HOLD THE SAID PREMISES, WITH THEIR APPURTENANCES, INCLUDING ALL WATER RIGHTS UNTO THE SAID Grantee, her heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: July 15, 1996

Mark Harris

Rose Harris

WARRANTY DEED

211684

STATE OF COLORADO)
) SS
County of Routt)

On this 13 day of August, 1996, before me the undersigned, a Notary Public in and for said State, personally appeared MARK HARRIS and ROSE HARRIS, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Rachel Ann Kennedy
Notary Public for Colorado
Residing at 2 3 Longview Ranch Trl
Commission Expires: 10/05/99

211686
Alliance Title
2:00 PM
8-16 96
Barbara G Brecklin
12.00

WARRANTY DEED

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 89 DEGREES 45' 48" EAST, A DISTANCE OF 540.01 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 28 DEGREES 28' 58" EAST, A DISTANCE OF 312.01 FEET;
THENCE NORTH 13 DEGREES 15' 04" WEST, A DISTANCE OF 481.01 FEET;
THENCE NORTH 55 DEGREES 16' 57" EAST, A DISTANCE OF 418.01 FEET;
THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF 18.60 FEET;
THENCE NORTH 89 DEGREES 45' 48" EAST, A DISTANCE OF 137.78 FEET;
THENCE SOUTH 00 DEGREES 20' 10" EAST, A DISTANCE OF 839.88 FEET;
THENCE SOUTH 18 DEGREES 43' 43" WEST, A DISTANCE OF 386.86 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 45' 48" WEST, ALONG SAID BOUNDARY A DISTANCE OF 437.60 FEET TO THE POINT OF BEGINNING.

ALSO:
A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 73 DEGREES 17' 10" EAST, A DISTANCE OF 1114.40 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 18 DEGREES 43' 43" EAST, A DISTANCE OF 37.90 FEET;
THENCE NORTH 00 DEGREES 20' 10" WEST, A DISTANCE OF 839.88 FEET;
THENCE SOUTH 89 DEGREES 45' 48" WEST, A DISTANCE OF 137.78 FEET;
THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF [illegible] FEET, TO A POINT ON THE EASTERLY BOUNDARY OF THE [illegible] THENCE SOUTH 00 DEGREES 39' 11" WEST, ALONG SAID [illegible] A DISTANCE OF 19.81 FEET;
[illegible] NORTH 45 DEGREES 17' 43" EAST, A DISTANCE OF 82.60 FEET;
[illegible] SOUTH 18 DEGREES 24' 26" EAST, A DISTANCE OF [illegible] FEET;
[illegible] SOUTH 04 DEGREES 03' 32" WEST, A DISTANCE OF [illegible] FEET;
[illegible] SOUTH 07 DEGREES 22' 20" WEST, A DISTANCE OF 209.58 FEET; THENCE SOUTH 89 DEGREES 45' 48" WEST, A DISTANCE OF 421.78 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 89 DEGREES 45' 48" EAST, A DISTANCE OF 540.61 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 28 DEGREES 28' 56" EAST, A DISTANCE OF 312.01 FEET;

THENCE NORTH 13 DEGREES 15' 04" WEST, A DISTANCE OF 481.01 FEET;

THENCE NORTH 55 DEGREES 16' 57" EAST, A DISTANCE OF 418.01 FEET;

THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF 18.80 FEET;

THENCE NORTH 89 DEGREES 45' 46" EAST, A DISTANCE OF 137.75 FEET;

THENCE SOUTH 00 DEGREES 20' 10" EAST, A DISTANCE OF 639.58 FEET;

THENCE SOUTH 15 DEGREES 43' 43" WEST, A DISTANCE OF 366.66 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 45' 48" WEST, ALONG SAID BOUNDARY A DISTANCE OF 437.60 FEET TO THE POINT OF BEGINNING.

ALSO:
A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 73 DEGREES 17' 10" EAST, A DISTANCE OF 1114.40 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 15 DEGREES 43' 43" EAST, A DISTANCE OF 37.90 FEET;

THENCE NORTH 00 DEGREES 20' 10" WEST, A DISTANCE OF 639.58 FEET;

THENCE SOUTH 89 DEGREES 45' 46" WEST, A DISTANCE OF 137.75 FEET;

THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF 566.21 FEET, TO A POINT ON THE EASTERLY BOUNDARY OF THE W1/2,SW1/4 THENCE SOUTH 00 DEGREES 39' 11" WEST, ALONG SAID BOUNDARY A DISTANCE OF 19.81 FEET;
THENCE NORTH 45 DEGREES 17' 43" EAST, A DISTANCE OF 82.68 FEET;

THENCE SOUTH 15 DEGREES 54' 26" EAST, A DISTANCE OF 551.97 FEET;

THENCE SOUTH 04 DEGREES 03' 32" WEST, A DISTANCE OF 372.65 FEET;

THENCE SOUTH 07 DEGREES 22' 20" WEST, A DISTANCE OF 209.52 FEET; THENCE SOUTH 89 DEGREES 45' 48" WEST, A DISTANCE OF 427.79 FEET TO THE POINT OF BEGINNING.

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: **A72-04055B**
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot		County
13N	19E	3	SW	NW	SW		R	CUSTER
		16	SW	NE	NE		I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DEC 03 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

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: _____

DEC 03 1996

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

DEC 0 3 1996

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 19 E
Section 34, SE SW 1/4 of SW SW 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

JAN 17 1995
...ent of Water Resourc...
...ern Region Off...

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 72-4055B

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Noel & Ruth Robins
HC 63 Box 1703
Challis, ID 83226

[ ] New Owner/Claimant (Purchaser): Cliff Hansen-Kenneth G. & Eilene C. Staek

[ ] New Mailing Address: HC 63 Box 1777
Challis, ID 83226

[ ] New Telephone Number: ( ) _____ - _____

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ✓ yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
45 Shares go to Mark & Rose Harris
balance of 296 go to Cliff Hansen-Kenneth G. & Eilene C. Stark

** Attach proof of ownership, describe proof attached: NOTICE OF LAND SALE

all water on land shown was purchased by Stark-Hansen

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s)
X _____ Date 10/31/94
X Rose Harris Date 10/31/94

Harris shows no ownership

[ ] Signature of Former Owner/Claimant(s):
_____ Date
_____ Date

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 2-13-95 By: sa
Further Action Needed:
* TRANSFER REQUIRED SEE LETTER
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:
Claim Numbers of Split, if any:

45 + 296 = 341 shares ? Shares unknown. (.95)

45/341 x 100 = 0.13% x 7.27 cfs = 0.945 cfs

296/341 x 100 = 87% x 7.27 cfs = 6.32 cfs

7.27 cfs

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

DEC 03 1996

* Calculated percentage of Right.

P.1 of 2

Alexander Clark Business Forms
10801 Emerald Boise, Idaho (208) 322-0611

Form 42-1409(7)

IDWR

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 19 E
Section 34, SE SW 1/4 of SW SW 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: A72-4055B

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Noel & Ruth Robins
HC 63 Box 1703
Challis, ID 83226

[ ] New Owner/Claimant (Purchaser): Cliff Hansen-Kenneth G. & Eilene C. Stark

[ ] New Mailing Address: HC 63 Box 1777
Challis, ID 83226

[ ] New Telephone Number: ( ) _____ - _____

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? ~~X~~ yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
45 Shares go to Mark & Rose Harris
balance of 296 go to Cliff Hansen-Kenneth G. & Eilene C. Stark

~~X~~ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) _____ Date _____
_____ Date _____

[ ] Signature of Former Owner/Claimant(s): Cliff M. Hansen Date 10/31/94
Kenneth G. Stark Eilene C. Stark Date 10/31/94

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

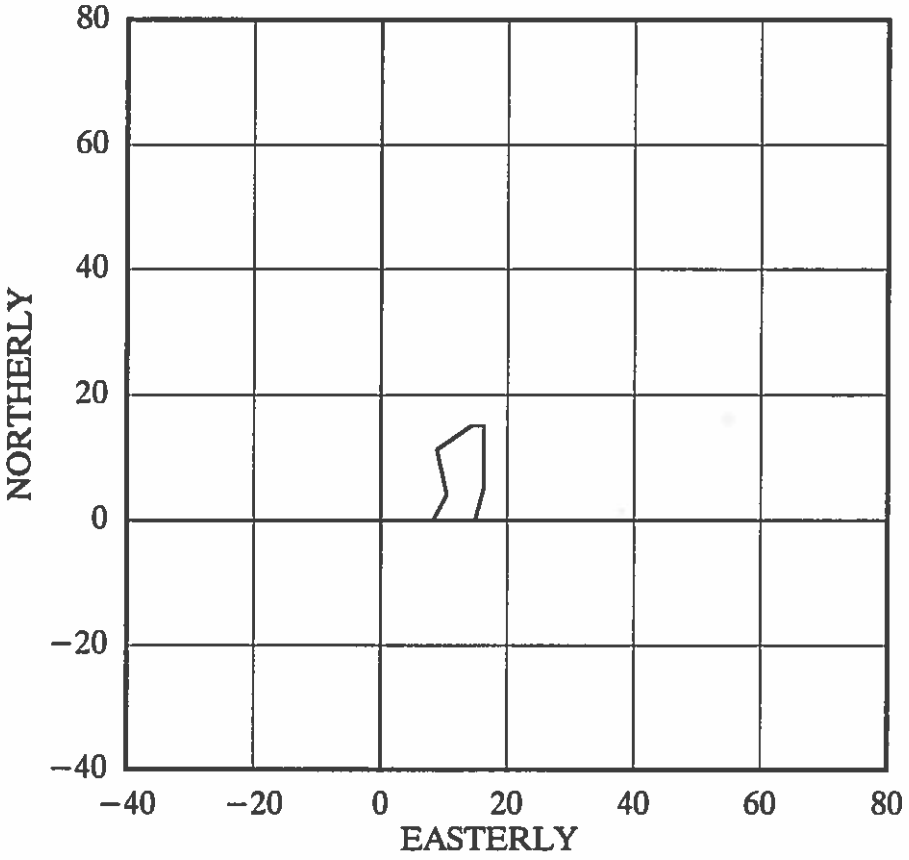
FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 12-13-96 **By:** Sa
Further Action Needed: None
Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

(P. 2 of 2)

DEC 03 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS



Platted:
2-13-95
by SCC

T 14 N R 19 E S 34 SW1/4

DEC 0 3 1996

0207718

Custer County Req. of
Custer County
Title
Time 10:29A M.
11-3 1994
Ethel M. Peck, Clerk
Wanda J. Murphy Deputy
$ 15.00

NOTICE OF LAND SALE CONTRACT

NOTICE IS HEREBY GIVEN that the real property described hereinbelow has been sold subject to the terms and conditions of an unrecorded Land Sale Contract.

DATED: October 31st, 1994.

PARTIES

SELLERS: NOEL ROBINS and RUTH ROBINS
Trustors and Trustees of the
NOEL ROBINS and RUTH Y. ROBINS FAMILY TRUST
HC 63, Box 1703
Challis, Idaho 83226

and

BUYERS: MARK HARRIS and ROSE HARRIS
Husband and Wife,
3125 Angus Drive
Prescott, Arizona 86301
hereinafter referred to as "BUYERS"

LEGAL DESCRIPTION

A parcel of land located in the SW¼, Section 34, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 34, run thence North 89° 45′ 48" East, a distance of 540.61 feet to the Point of Beginning;

Thence North 28° 28′ 56" East, a distance of 312.01 feet;
Thence North 13° 15′ 04" West, a distance of 481.01 feet;
Thence North 55° 16′ 57" East, a distance of 418.01 feet;
Thence North 45° 17′ 54" East, a distance of 18.80 feet;
Thence North 89° 45′ 46" East, a distance of 137.75 feet;
Thence South 00° 20′ 10" East, a distance of 639.58 feet;
Thence South 15° 43′ 43" West, a distance of 366.66 feet to a point on the Southerly boundary of said Section 34;

Thence South 89° 45′ 48" West, along said boundary a distance of 437.60 feet to the Point Of Beginning.

TOGETHER WITH all water and water rights, ditch and ditch rights appurtenant thereto.

207718

POSSESSION:

Under the terms of said Land Sale Contract, Buyers are entitled to possession, use and occupancy of said property on the Thirty-First day of October, 1994, so long as each and every covenant of said Agreement shall be faithfully performed by Buyers.

TITLE:

Title to the property remains with the Sellers, NOEL ROBINS and RUTH Y. ROBINS, until the entire purchase price is fully paid.

LIENS:

Buyers have no right or authority to create or permit the imposition of any lien or encumbrance upon said property.

ESCROW AGENT:

The Escrow Holder under the terms of said Land Sale Contract is CUSTER COUNTY TITLE, INC. of P.O. Box 370, Challis, Idaho 83226.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day first above written.

SELLERS:

BUYERS:

NOEL ROBINS
Soc. Sec. No._____

MARK HARRIS
Soc. Sec. No. 152-40-6066

RUTH Y. ROBINS
Soc. Sec. No. _____

ROSE HARRIS
Soc. Sec. No. 138-48-3067

STATE OF IDAHO)
) ss.
County of _____)

On this _____ day of _____, 1994, before me, a Notary Public in and for said State, personally appeared **NOEL ROBINS and RUTH Y. ROBINS**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Notary Public for State of Idaho
Residing at _____, ID
Commission Expires: _____

207718

STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 31st day of October, 1994, before me, a Notary Public in and for said State, personally appeared **MARK HARRIS and ROSE HARRIS**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

Lois F. Hansen
Notary Public for State of Arizona
Residing at Prescott, AZ
Commission Expires: 3-10-97

(SEAL)

OFFICIAL SEAL
LOIS F. HANSEN
Notary Public - State of Arizona
YAVAPAI COUNTY
My Commission Expires March 10, 1997

207718

NOTICE OF LAND SALE CONTRACT

NOTICE IS HEREBY GIVEN that the real property described hereinbelow has been sold subject to the terms and conditions of an unrecorded Land Sale Contract.

DATED: October 31st, 1994.

PARTIES

SELLERS: NOEL ROBINS and RUTH ROBINS
Trustors and Trustees of the
NOEL ROBINS and RUTH Y. ROBINS FAMILY TRUST
HC 63, Box 1703
Challis, Idaho 83226

and

BUYERS: MARK HARRIS and ROSE HARRIS
Husband and Wife,
3125 Angus Drive
Prescott, Arizona 86301
hereinafter referred to as "BUYERS"

LEGAL DESCRIPTION

A parcel of land located in the SW¼, Section 34, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 34, run thence North 89° 45′ 48" East, a distance of 540.61 feet to the Point of Beginning;

Thence North 28° 28′ 56" East, a distance of 312.01 feet;
Thence North 13° 15′ 04" West, a distance of 481.01 feet;
Thence North 55° 16′ 57" East, a distance of 418.01 feet;
Thence North 45° 17′ 54" East, a distance of 18.80 feet;
Thence North 89° 45′ 46" East, a distance of 137.75 feet;
Thence South 00° 20′ 10" East, a distance of 639.58 feet;
Thence South 15° 43′ 43" West, a distance of 366.66 feet to a point on the Southerly boundary of said Section 34;

Thence South 89° 45′ 48" West, along said boundary a distance of 437.60 feet to the Point Of Beginning.

TOGETHER WITH all water and water rights, ditch and ditch rights appurtenant thereto.

207718

POSSESSION:

Under the terms of said Land Sale Contract, Buyers are entitled to possession, use and occupancy of said property on the Thirty-First day of October, 1994, so long as each and every covenant of said Agreement shall be faithfully performed by Buyers.

TITLE:

Title to the property remains with the Sellers, NOEL ROBINS and RUTH Y. ROBINS, until the entire purchase price is fully paid.

LIENS:

Buyers have no right or authority to create or permit the imposition of any lien or encumbrance upon said property.

ESCROW AGENT:

The Escrow Holder under the terms of said Land Sale Contract is CUSTER COUNTY TITLE, INC. of P.O. Box 370, Challis, Idaho 83226.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day first above written.

SELLERS:

Noel Robins
NOEL ROBINS
Soc. Sec. No._____

Ruth Y. Robins
RUTH Y. ROBINS
Soc. Sec. No. _____

BUYERS:

_____
MARK HARRIS
Soc. Sec. No._____

_____
ROSE HARRIS
Soc. Sec. No._____

STATE OF IDAHO)
) ss.
County of CUSTER)

On this 31st day of October, 1994, before me, a Notary Public in and for said State, personally appeared **NOEL ROBINS and RUTH Y. ROBINS**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Patsy Kindt
Notary Public for State of Idaho
Residing at Challis, ID
Commission Expires: 3/12/98

0207719
#
Custer County Rec. of
Custer County Title
Time 10:30 A.M.
11-3 1994
Ethel M. Peck, Clerk
Wanda J. Murphy Deputy
$ 15.00

NOTICE OF LAND SALE CONTRACT

NOTICE IS HEREBY GIVEN that the real property described hereinbelow has been sold subject to the terms and conditions of an unrecorded Land Sale Contract.

DATED: November 1st, 1994.

PARTIES

SELLERS: NOEL ROBINS and RUTH ROBINS,
Trustors and Trustees of the
NOEL and RUTH Y. ROBINS FAMILY TRUST
HC 63 Box 1703
Challis, Idaho 83226
hereinafter referred to as "SELLERS"

BUYERS: CLIFF M. HANSEN, a married man,
as to his sole and separate property;
HC 63, Box 1777
Challis, Idaho 83226

and

KENNY STARK and EILENE C. STARK
Husband and Wife,
6496 Evans Creek Drive
Reno, Nevada 89509
hereinafter referred to as "BUYERS"

LEGAL DESCRIPTION

A parcel of land located in the SE¼, Section 34, Lots 7 and 8, Section 35, T. 14 N., R. 19 E., Lots 1 and 2, Section 3, T. 13 N., R., 19 E., Boise Meridian, Custer County, Idaho, more particularly described as follows:

Beginning at the W ¼ corner of said Section 35 run
Thence N 89° 46′ 07" E. a distance of 434.26 ft.;
Thence N 89° 36′ 52" E. a distance of 521.56 ft. to a point on the Westerly bank of the Salmon River;
Thence the following courses and distances along said bank;
S. 09° 13′ 03" W. 213.25 ft.; S. 21° 59′ 36" E. 266.68 ft.;
S. 14° 42′ 04" E. 144.23 ft.; S. 24° 50′ 16" W. 207.10 ft.;
S. 08° 28′ 42" W. 419.42 ft.; S. 73° 13′ 00" W. 549.09 ft.;
S. 35° 19′ 30" W. 353.23 ft.; S. 16° 05′ 19" W. 593.81 ft.;
S. 00° 14′ 38" E. 430.68 ft. to a point on the Northerly boundary of section 2;
Thence S. 89° 47′ 00" W. along said boundary 34.07 ft. to the NW corner of Section 2;
Thence S. 00° 16′ 00" W. along the westerly boundary of Section 2 a distance of 500.51 ft. to a point on the Westerly bank of the Salmon River;
Thence S. 33° 26′ 46" W. along said bank 350.74 ft.;
Thence S. 06° 38′ 18" W. a distance of 517.52 ft.;
Thence departing from said bank S. 89° 46′ 14" W. a distance of 2396.22 ft. to a point on the westerly boundary of Section 3;

Thence N. 00° 20′ 28" E. along said boundary 589.71 ft.;
Thence N. 89° 47′ 11" E. a distance of 1486.21 ft.;
Thence N. 23° 08′ 30" E. a distance of 772.99 ft.;
Thence N. 04° 17′ 32" E. a distance of 377.84 ft.;
Thence N. 13° 02′ 20" E. a distance of 208.79 ft.;
Thence N. 22° 46′ 35" E. a distance of 220.62 ft.;
Thence N. 03° 37′ 40" E. a distance of 242.30 ft.;
Thence N. 10° 39′ 48" E. a distance of 309.19 ft.;
Thence N. 89° 42′ 09" E. a distance of 633.13 ft. to a point on the Easterly boundary of Section 34;
Thence N. 00° 23′ 49" E. along said boundary a distance of 1321.16 ft. to the POINT OF BEGINNING.

PARCEL contains approximately 104.83 Acres.

KS NR RR ES

****CONTINUED AS ATTACHED EXHIBIT "A" TRACT II****

TOGETHER WITH all water and water rights, ditch and ditch rights appurtenant thereto.

POSSESSION:

Under the terms of said Land Sale Contract, Buyers are entitled to possession, use and occupancy of said property on the First day of November, 1994, so long as each and every covenant of said Agreement shall be faithfully performed by Buyers.

TITLE:

Title to the property remains with the Sellers, NOEL ROBINS and RUTH Y. ROBINS, until the entire purchase price is fully paid.

LIENS:

Buyers have no right or authority to create or permit the imposition of any lien or encumbrance upon said property.

ESCROW AGENT:

The Escrow Holder under the terms of said Land Sale Contract is CUSTER COUNTY TITLE, INC. of P.O. Box 370, Challis, Idaho 83226.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day first above written.

SELLERS:

Noel Robins
NOEL ROBINS
Soc. Sec. No. 529-36-0763

Ruth Y. Robins
RUTH Y. ROBINS
Soc. Sec. No. 529-28-4323

BUYERS:

CLIFF M. HANSEN
Soc. Sec. No.

KENNY STARK
Soc. Sec. No. 184-46-3323

Eilene C. Stark
EILENE C. STARK
Soc. Sec. No. 430-11-5600

EXHIBIT "A"

207719

DESCRIPTION: Tract II

Beginning at the northwest corner of Section 3, Township 13 North, Range 19 East, Boise, Meridian, Custer County, Idaho; thence South 0°02'00" West 372.93 feet to the True Point of Beginning; thence South 79°57'55" East 63.19 feet; thence South 76°47'13" East, 243.96 feet; thence South 86°50°05" East 96.75 feet; thence North 85°00'41" East, 102.41 feet; thence North 76°16'40" East, 121.84 feet; thence North 59°07'56" East, 153.28 feet; thence North 33°43'23" East, 399.64 feet; thence North 14°56'27" East, 386.36 feet; thence North 0°22"21" East, 619.46 feet; thence South 89°46'35" West, 145.79 feet; thence North 46°34'19" East, 565.64 feet: thence North 48°34'43" East 935.96 feet; thence North 86°26'22" East 626 feet, more or less to the quarter section line; thence along the quarter section South 0°31'45" West, 2,032.61 feet; thence continuing along the quarter section line South 0°16'26" West 1,347.02 feet; thence South 85°48'41" West 1,025.42 feet; thence South 82°56'04" West, 151.88 feet; thence South 81°50'00" West, 791.80 feet; thence North 78°03'00" West, 271.40 feet; thenceSouth 9°09'00" West 1,015 feet to the quarter section line; thence along the quarter section line North 89°54'05" West 666.34 feet to the Gini Canal; thence along the Geni Canal as follows:
North 3°08'00" West, 112.60 feet; thence North 6°53'50" East 1,139.53 feet; thence North 10°7'00" East 100 feet; thence North 10°59'00" West 151 feet; thence North 25°01'45" East, 689.49 feet to the section line and the Point of Beginning
EXCEPTING THEREFROM a portion of the above described tract described as follows:

A tract of land in the W½NW¼ of section 3 and the E½NE¼ of section 4, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows: Beginning at the quarter corner common to Section 3 and 4, said township and range; thence North 89°54'05" West 410 feet along the South line of the NE¼ of said section 4 to the center line of the Gini Canal; thence North 03°08'00" West, 112.00 feet along canal centerline; thence North 06°53'50" East 1139.53 feet along said canal centerline; thence North 10°07'00" East 100.00 feet along said canal centerline; thence North 10°59'00" West, 151.00 feet along said canal centerline; thence North 25°01'45" East, 689.49 feet along said canal centerline to an intersection with the East line of said Section 4, said point being South 0°02'00" West 372.93 feet from the Northeast corner of Section 4; thence South 79°57'55" East 63.19 feet to the centerline of the Leaton Ditch; thence South 76°47'13" East, 243.96 feet along said ditch centerline; thence South 86°50'05" East 96.75 feet along said ditch centerline; thence North 85°00'41: East, 102.41 feet along said ditch centerline; thence North 76°16'40" East 121.84 feet along said ditch centerline; thence North 59°07'56" East 153.28 feet along said ditch centerline; thence South 03°43'23' West 150.00 feet, more of less to the Centerline of the Hammond Ditch; thence South 76°00'00" West, 475.00 feet along said ditch centerline; thence South 25°00'00" West 300.00 feet along said ditch centerline; thence South 11°30'00" East, 177.00 feet along said ditch centerline; thence South 10°30'00" West, 255.00 feet along said ditch centerline; thence South 69°00'00" East, 235.00 feet leaving said ditch centerline; thence South 43°30'00" East 190.00 feet; thence South 09°09'00" West, 1015.00 feet, more or less, to the south line of the Northwest quarter of said section 3; thence North 89°54'05" West, 256.34 feet along the south line of the northwest quarter of said section 3, to the Point of Beginning.

DEC 0 3 1996

EXHIBIT "A" 207719

DESCRIPTION Continued: Tract II

Also including the following described parcels:

Beginning at the Southwest corner of Section 34, Township 14 North, Range 19 East, Boise, Meridian, Custer County, Idaho and running thence North 89°46'35" East 632.13 feet; thence North 34°41'56" East, 25.17 feet; thence North 24°20'13" East 159.06 feet; thence North 0°03'58" West, 271.74 feet; thence North 27°40'14" West, 189.28 feet; thence North 03°23'40" East 125.41 feet; thence North 48°23'56" East, 396.60 feet; thence North 89°46'35" East 145.79 feet; thence South 0°22'21" West 619.46 feet; thence South 14°56'27" West 386.36 feet; thence West along the township line approximately 337.82 feet to the Point of Beginning.

All portions of the following described tract lying directly West of the above described tract:

Beginning at the Southwest corner of Section 34, Township 14 North, Range 19 East, Boise, Meridian, Custer County, Idaho, and running thence 540.6 feet East along the township line, to the True Point of Beginning; thence North 28°20' East 312.0 feet; thence North 13°24' West 481.0 feet; thence North 55°08' East, 418.0 feet; thence North 45°09' East, 564.0 feet to the Section line dividing the NW¼SW¼ from the NE¼SW¼; thence South 0°02' East 750.6 feet; thence South 89°48' West, 313.5 feet; thence South 0°02' East, 627.0 feet to the township line; thence West along the township line 465.5 feet to the Point of Beginning.

EXCEPTING THEREFROM:

A parcel of land located in the SW¼, Section 34, Township 14 North, Range 19 East, Boise Meridian, Custer County, Idaho, more particularly described as follows:

Commencing at the Southwest corner of said Section 34, run thence North 89°45'48" East, a distance of 540.61 feet to the Point of Beginning;
Thence North 28°28'56" East, a distance of 312.01 feet;
Thence North 13°15'04" West, a distance of 481.01 feet;
Thence North 55°16'57" East, a distance of 418.01 feet;
Thence North 45°17'54" East, a distance of 18.80 feet;
Thence North 89°45'46" East, a distance of 137.75 feet;
Thence South 00°20'10" East, a distance of 639.58 feet;
Thence South 15°43'43" West, a distance of 366.66 feet to a point of the Southerly boundary of said Section 34;
Thence South 89°45'48" West, along said boundary a distance of 437.60 feet to the Point Of Beginning.

DEC 03 1996

207719

STATE OF IDAHO)
) ss.
County of Custer)

On this 31st day of October, 1994, before me, a Notary Public in and for said State, personally appeared **NOEL ROBINS and RUTH Y. ROBINS**, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Patsy Kindt
Notary Public for State of Idaho
Residing at Challis, ID
Commission Expires: 3/12/98

STATE OF IDAHO)
) ss.
County of Custer)

On this 31st day of October, 1994, before me, a Notary Public in and for said State, personally appeared **CLIFF M. HANSEN**, known to me to be the person 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 first above written.

(SEAL)

Patsy Kindt
Notary Public for State of Idaho
Residing at _____, ID
Commission Expires: _____

STATE OF ~~IDAHO~~NEVADA)
) ss.
County of WASHOE)

On this 10 day of NOVEMBER, 1994, before me, a Notary Public in and for said State, personally appeared **KENNY STARK and EILENE C. STARK**, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

KATHLEEN K. KNUF
Notary Public - State of Nevada
Appointment Recorded in Washoe County
MY APPOINTMENT EXPIRES MAR. 25, 1996

Kathleen K. Knuf
Notary Public for State of ~~Idaho~~ NEVADA
Residing at 815 ANTHONY WAY RENO, ~~ID~~ NV
Commission Expires: MARCH 25, 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor
PHIL BATT

R. KEITH HIGGINSON
Director

February 13, 1995

MARK & ROSE HARRIS
BOX 730
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A72-10137 & A72-04055B

DEAR MR. & MRS. HARRIS,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

DEC 03 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~CECIL D. ANDRUS~~
Governor PHIL BATT

R. KEITH HIGGINSON
Director

February 13, 1995

CLIFF HANSEN
KENNETH J & EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A72-10414, A72-04080F & A72-04055B

DEAR CLAIMANTS,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

DEC 03 1996

RECEIVED
MAR 28 1994
Department of Water Resources
Southern Region Office

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: **A72-04055B**
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

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

1. Name: NOEL ROBINS 208-879-2475
   Address: HC 63 BOX 1703
   CHALLIS ID 83226
   OR
   Name: RUTH Y ROBINS 208-879-2475
   Address: HC 63 BOX 1703
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	3	SW	NW	SW	R	CUSTER
		16	SW	NE	NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DEC 03 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
|
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

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: _____

DEC 03 1996

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): Mark Robins Date: 3-25-94

Ruth Y. Robins Date: 3-25-94

State of Idaho ~~Utah~~)
) SS.
County of Washington)

Subscribed and sworn (or affirmed) before me this 25 day of March 19 94

D. Todd Cox
Notary Public

Seal

Residing at St. George Ut.

My Commission Expires 3-27-95

NOTARY PUBLIC STATE OF UTAH
D. TODD COX
1770 Red Cliffs Dr. 18
St. George, Utah 84770
My Commission Expires Mar. 27, 1995

DEC 03 1996

Dear Steve,

We didn't receive these papers until March 22. I hope we are not to Late.

Neil Robins

RECEIVED
MAR 28 1994
Department of Water Resources
Southern Region Office

RECEIVED
MAR 28 19
Department o
Southern

DEC 03 1996

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

MARCH 21, 1994

NOEL OR RUTH Y ROBINS
HC 63 BOX 1703
CHALLIS ID 83226

RE: UNCLAIMED PORTIONS FOR SRBA CLAIM A72-04055B

DEAR MR. & MRS. ROBINS,

IDWR HAS INVESTIGATED THE NOTICE OF CLAIM LISTED ABOVE, AND THE FOLLOWING UNCLAIMED AMOUNTS WERE DISCOVERED.

UNCLAIMED AMOUNTS:
IRRIGATION DIVERSION
FOR CONVEYANCE LOSSES: 0.45 CFS

BASED ON MY REVIEWS OF THIS CLAIM TO DATE I HAVE VERIFIED THE ABOVE DIVERSION AMOUNT AS NECESSARY TO DELIVER THE IRRIGATION WATER NEEDED FOR THE ACRES FOUND AT THE PLACE OF USE CLAIMED BY YOU. THE SOIL TYPE HERE INDICATES AN ADDITIONAL AMOUNT OF 0.45 CFS IS NEEDED FOR CONVEYANCE LOSSES IN DELIVERY OF YOUR RIGHT AND THESE AMOUNTS HAVE BEEN VERIFIED AS DIVERTED FROM THE SALMON RIVER.

IN ORDER TO CONFIRM OR ESTABLISH A RIGHT TO CONTINUE THE UNCLAIMED AMOUNT ABOVE, **YOU MAY WANT TO AMEND YOUR NOTICE OF CLAIM TO ADD THIS AMOUNT** AND I HAVE ENCLOSED AN AMENDED VERSION OF YOUR CLAIM SHOWING THIS CHANGE.

IF YOU WISH TO CONFIRM OR ESTABLISH A RIGHT TO CONTINUE THE UNCLAIMED AMOUNTS, **PLEASE RETURN THE AMENDED CLAIM, SIGNED AND NOTARIZED** TO THIS OFFICE BY THE RESPONSE DATE SHOWN ABOVE. AN AMENDED CLAIM MUST BE FILED PROMPTLY FOR THE USES LISTED ABOVE TO BE CONSIDERED BY **IDWR** AND INCLUDED IN THE DIRECTOR'S RECOMMENDATIONS TO THE DISTRICT COURT.

IF NO RESPONSE IS RECEIVED BY THIS OFFICE, THEN **IDWR** WILL RECOMMEND YOUR RIGHT AS YOU HAVE PREVIOUSLY CLAIMED IT. ENCLOSED IS A COPY OF THAT CLAIM FOR YOUR REFERENCE.

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT ME AT OUR OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

ENC:

DEC 03 1996

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NOEL ROBINS 208-879-2475
   Address: HC 63 BOX 1703
   CHALLIS ID 83226
   OR
   Name: RUTH Y ROBINS 208-879-2475
   Address: HC 63 BOX 1703
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW NW SW	R	CUSTER
		16	SW NE NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	6.820		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

DEC 03 1996

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
|
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

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: _____

DEC 03 1996

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

DEC 03 1996

Form 42-1409(7)

IDWR

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
MAR 15 1993
Department of Water Resources
Southern Region Office

DATE OF CLOSING: Dec. 29, 89

LEGAL DESCRIPTION OF PROPERTY: Township_____ Range_____
Section_____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM
Lot_____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: A72-10137

[ ] Name and Address of Former Owner/Claimant(s)(Seller): SCOTT FARR
Box 64
CHALLIS, Id 83226

[ ] New Owner/Claimant (Purchaser): _____

[ ] New Mailing Address: NOEL ROBINS
HC 63 Box 1703
CHALLIS IDAHO 83226

NEW ADDRESS

[ ] New Telephone Number: (208) 879-2475

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

_____

_____

_____

[ ] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s): Noel Robins Date 3-10-93
Kathi Robins Date 3-10-93

[ ] Signature of Former Owner/Claimant(s): Scott Farr Date Mar. 10, 93
Sheila Farr Date Mar 10, 1993

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

A72-4055 B

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

DEC 03 1996

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

JUNE 9, 1993

NOEL OR RUTH Y ROBINS
HC 63 1703
CHALLIS ID 83226

RE: CHANGE IN OWNERSHIP FOR SRBA CLAIM NO. A72-10137

DEAR MR. & MRS. ROBINS,

PURSUANT TO YOUR REQUEST FOR A CHANGE IN OWNERSHIP AND/OR THE NOTIFICATION THAT YOU PRESENTLY OWN THE PROPERTY IN WHICH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S) IS APPURTENANT, THE DEPARTMENT HAS CHANGED THE RECORD OF THE CURRENT OWNERS AS YOU REQUESTED. PLEASE FIND ENCLOSED A COPY OF YOUR ADJUDICATION CLAIM AS IT NOW APPEARS IN OUR RECORDS.

YOUR ADDRESS HAS BEEN CORRECTED ON THE OTHER CLAIMS YOU HAVE ON FILE A72-04055B, A72-04080F & A72-10414, BASED ON THE ADDRESS SHOWN FOR THIS CHANGE IN OWNERSHIP AS WE HAD PREVIOUSLY DISCUSSED.

IF YOU HAVE ANY FURTHER CORRECTIONS OR QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,

STEVE CLELLAND
WATER RESOURCE AGENT

ENC:
SCC

DEC 0 3 1996

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: See

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

1. Name: NOEL ROBBINS 208-879-2475
   Address: P.O. BOX 341
   CHALLIS, ID 83226
   OR
   Name: RUTH Y. ROBBINS 208-879-2475
   Address: P.O. BOX 341
   CHALLIS, ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4			Lot	County
13N	19E	3	SW	NW	SW	R	CUSTER
		16	SW	NE	NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	6.820		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
MAR 1 8 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
						Section Acres	93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
						Section Acres	71.0
						Total Acres	164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
|
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

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: _____

MICROFILMED
MAR 1 8 1993

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): Noel Rollins Date: 11-13-90

_____ Date: _____

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

Subscribed and sworn (or affirmed) before me this 13th day of November 19 90

Steve Coll
Notary Public

Seal

Residing at Twin Falls

My Commission Expires Dec 7, 1994

MICROFILMED
MAR 1 8 1993

CHANGE IN OWNERSHIP

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

[X] Water Right Number(s): 72-4055B

[X] Name and Address of Former Claimant(s): SHELDA FARR OR R. SCOTT FARR
BOX 64
CHALLIS, ID 83226

[X] New Claimant(s): NOEL AND/OR RUTH Y. ROBBINS
P.O. BOX 341

[X] New Mailing Address: CHALLIS, ID 83226

New Telephone Number: (208) 879-2475

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

This claim is amended after the change in owner to include a portion also claimed under part "C" claimed by Cyprus Thompson Creek Mining Co. (see conversation Memo)

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

[X] Signature of New Claimant(s): X Noel Robbins

Date: 11-13-90

MICROFILMED
MAR 18 1993

Home 1
145 acres

WARRANTY DEED

For Value Received SCOTT FARR AND SHELDA FARR, husband and wife, residing at P.O. Box 64, Challis, Idaho 83226

the grantor s, do hereby grant, bargain, sell and convey unto NOEL ROBINS AND RUTH Y. ROBINS TRUST

the grantee s, whose current address is 1584 West 2000 North, Layton, Utah 84041

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

See Exhibit "A", attached hereto and incorporated by reference herein as though fully set forth.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they the owners in fee simple of said premises; that they are free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho

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

Dated This 8th day of January, 1990.

X Scott Farr
SCOTT FARR

X Shelda Farr
SHELDA FARR

STATE OF IDAHO
COUNTY OF Custer } ss

On this 8th day of January, in the year 1990, before me, a Notary Public, personally appeared Scott Farr and Shelda Farr, husband and wife, known or identified to me to be the person whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Patsy Kindt
Notary Public
Residing at: Challis, Idaho.
Commission Expires: 9/12/92

STATE OF IDAHO, COUNTY OF Custer

I hereby certify that this instrument was filed for record at the request of Custer County Title

at 25 minutes past 9:00 o'clock A M., this 15th day of May, 1990, in my office, and duly recorded in Book of Deeds at page

Ethel M. Peck
Ex-Officio Recorder

By Donna Tyler
Deputy.

Fees $ 18.00
Mail to: CCT

INSTRUMENT No. 195127

Chicago Title Insurance Company of Idaho

Reorder Form No. SY413825

MICROFILMED
MAR 18 1993

Beginning at the northwest corner of Section 3, township 13 North, range 19 East; thence South 0°02'00" West 372.93 feet to the true point of beginning; thence South 79°57'55" East 63.19 feet; thence South 76°47'13" East 243.96 feet; thence South 86°50'05" East 96.75 feet; thence North 85°00'41" East 102.41 feet; thence North 76°16'40" East 121.84 feet; thence North 59°07'56" East 153.28 feet; thence North 33°43'23" East 399.64 feet; thence North 14°56'27" East 386.36 feet; thence North 0°22'21" East 619.46 feet; thence South 89°46'35" West 145.79 feet; thence North 46°34'19" East 565.64 feet; thence North 48°34'43" East 935.96 feet; North 86°26'22" East 626 feet to the quarter section line; thence along the quarter section South 0°31'45" West 2,032.61 feet thence continuing along the quarter section line South 0°16'26" West 1,347.02 feet; thence South 85°48'41" West 1,025.42 feet; thence South 82°56'04" West 151.88 feet; thence South 81°50'00" West 791.80 feet; thence North 78°03'00" West 271.40 feet; thence South 9°09'00" West 1,015 feet to the quarter section line; thence along the quarter section line North 89°54'05" West 666.34 feet to the Gini Canal thence along the Gini Canal as follows:

North 3°08'00" West 112.60 feet; thence
North 6°53'50" East 1,139.53 feet; thence
North 10°7'00" East 100 feet; thence
North 10°59'00" West 151 feet; thence
North 25°01'45" East 689.49 feet to the section line and the point of beginning.

Excepting therefrom the following described property:

A tract of land in the west half of the Northwest quarter (NW 1/4) of Section three (3) and the east half of the northeast quarter (E 1/2 NE 1/4) of section four (4), Township 13 North, Range 19 East, Boise Meridian, more particularly described as follows:

Beginning at the 1/4 corner common to Sections 3 and 4, Township 13 North, Range 19 East, Boise Meridian, and running thence N 89°54'05" West 410.00 feet along the South line of the Northeast quarter (NE 1/4) of said section 4 to the centerline of the Gini Canal; thence N 03°08'00" West 112.00 feet along said canal centerline; thence North 06°53'50" East 1139.53 feet along said canal centerline; thence North 10°07'00" East 100.00 feet along said canal centerline; thence North 10°59'00" West 151.00 feet along said canal centerline; thence

MICROFILMED
MAR 1 8 1993

North 25°01'45" East 689.49 feet along said canal centerline to an intersection with the East line of said Section 4, said point being South 0°02'00" West 372.93 feet from the Northeast corner of said Section 4; thence South 79°57'55" East 63.19 feet to the centerline of the Leaton Ditch; thence South 76°47'13" East 243.96 feet along said ditch centerline; thence South 86°50'05" East 96.75 feet along said ditch centerline; thence North 85°00'41" East 102.41 feet along said ditch centerline; thence North 76°16'40" East 121.84 feet along said ditch centerline; thence North 59°07'56" East 153.28 feet along said ditch centerline; thence South 03°43'23" West 150.00 feet, more or less, to the centerline of the Hammond Ditch; thence South 76°00'00" West 475.00 feet along said ditch centerline; thence South 25°00'00" West 300.00 feet along said ditch centerline; thence South 11°30'00" East 177.00 feet along said ditch centerline; thence South 10°30'00" West 255.00 feet along said ditch centerline; thence South 69°00'00" East 235.00 feet leaving said ditch centerline; thence South 43°30'00" East 190.00 feet; thence South 09°09'00" West 1015.00 feet, more or less, to the South line of the Northwest quarter (NW 1/4) of said Section 3; thence North 89°54'05" West 256.34 feet along the South line of the Northwest quarter (NW 1/4) of said Section 3 to the POINT OF BEGINNING.

Together with:

1. All improvements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues and profits.

2. All water, water rights, ditch and ditch rights appurtenant to the land.

MICROFILMED
MAR 1 8 1993

A tract of land in the southwest quarter (SW 1/4) of section 34, Township 14 North, Range 19 East, Boise Meridian, more particularly described as the following two parcels:

Parcel 1:

Beginning at the southwest corner of section 34, Township 14 North, Range 19 East, Boise Meridian, and running thence North 89°46'35" East 632.13 feet; thence North 34°41'56" East 25.17 feet; thence North 24°20'13" East 159.06 feet; thence North 0°03'58" West 271.74 feet; thence North 27°40'14" West 189.28 feet; thence North 03°23'40" East 125.41 feet; thence North 48°23'56" East 396.60 feet; thence North 89°46'35" East 145.79 feet; thence South 0°22'21" West 619.46 feet; thence South 14°56'27" West 386.36 feet; thence West along the township line approximately 337.82 feet to the POINT OF BEGINNING.

Parcel 2:

All portions of the following described tract lying directly West of the above described tract:

Beginning at the southwest corner of Section 34, Township 14 North, Range 19 East, and running thence 540.6 feet East along the township line, to the TRUE POINT OF BEGINNING; thence North 28°20' East 312.0 feet; thence North 13°24' West 481.0 feet; thence North 55°08' East 418.0 feet; thence North 45°09' East 564.0 feet to the section line dividing the NW 1/4 SW 1/4 from the NE 1/4 SW 1/4; thence South 0°02' East 750.6 feet; thence South 89°48' West 313.5 feet; thence South 0°02' East 627.0 feet to the township line; thence West along the township line 465.5 feet to the POINT OF BEGINNING.

Together with:

1. All improvements, tenements, hereditaments, appurtenances, reversions, remainders, rents, issues and profits.

2. All water, water rights, ditch and ditch rights appurtenant to the land.

3. All structures and improvements located on the property.

4. The property conveyed by this deed for purposes of this paragraph is referred to as tract A. The following described property is referred to as tract B.

MICROFILMED
MAR 1 8 1993

Beginning at the northwest corner of section 3, Township 13 North, Range 19 East, running thence South 0°02'00" West 372.93 feet to the TRUE POINT OF BEGINNING, and running thence North 27/58'35" East 233.34 feet; thence South 84°59'34" East 192.58 feet; thence North 76°07'03" East 146.75 feet; thence North 67°55'04" East 126.15 feet; thence North 34°41'56" East 125.90 feet to the township line; thence East along the township line 346.82 feet; thence South 33°43'23" West 399.64 feet; thence South 59/07'56" West 153.28 feet; thence South 76°16'40" West 121.84 feet; thence South 85°00'41" West 102.41 feet; thence North 86°50'05" West 96.75 feet; thence North 76°47'13" West 243.96 feet; thence North 79°57'55" West 63.19 feet to the point of beginning.

Part of tract A and tract B have a combined water right consisting of the flow from a 4" pipe from the Gini Canal. A portion of that right attributable to the property that is the subject of this deed is being conveyed by this deed. The water from that 4" pipe shall be used on a rotational basis between the owners of tract A and tract B. With regard to such water, the owner of tract A shall have the right to the entire flow of water for periodic times, and at other times the owner of tract B shall have the right to the full flow of water. The rotational period shall be apportioned between the owners so each receives water not less frequently than once every third day and so that each receives his full water right. Thus, if the rotational period for tract A is referred to as rotation period A, and the rotation period for tract B is referred to as rotation period B, then the owner of tract A during rotation period A would receive the full water right allocated to tract A during rotation periods A and B. Also, the owner of tract B during rotation period B would receive the full water right allocated to tract B during rotation periods A and B. This rotational water right shall be binding upon the owners of tracts A and B and shall be an obligation that runs with the land and binding upon the heirs, successors and assigns of the parties.

Subject to:

1. All facts, rights, claims and interests ascertainable by inspection of the property or by inquiry of persons in possession.

2. Unpatented mining claims, reservations and exceptions in patents or in acts authorizing their issuance.

MICROFILMED
MAR 1 8 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: A72-04055B
Date Received: 11-29-89
Receipt No: M00276
Received By: [illegible]

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: SHELDA K. FARR 208-879-2203
   Address: BOX 64
   CHALLIS, ID 83226
   OR
   Name: R. SCOTT FARR 208-879-2203
   Address: BOX 64
   CHALLIS, ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot		County
13N	19E	3	SW	NW	SW		R	CUSTER
		16	SW	NE	NE		I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	5.860		

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

8. Total consumptive use is 350.0 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
MAR 1 8 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		69.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		140.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
MAR 1 8 1993

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: 1

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): X Shieda K. Fan Date: 11-29-89

_____ Date: _____

State of Idaho)
) SS.
County of Custer)

Subscribed and sworn (or affirmed) before me this 29th day of November 19 89

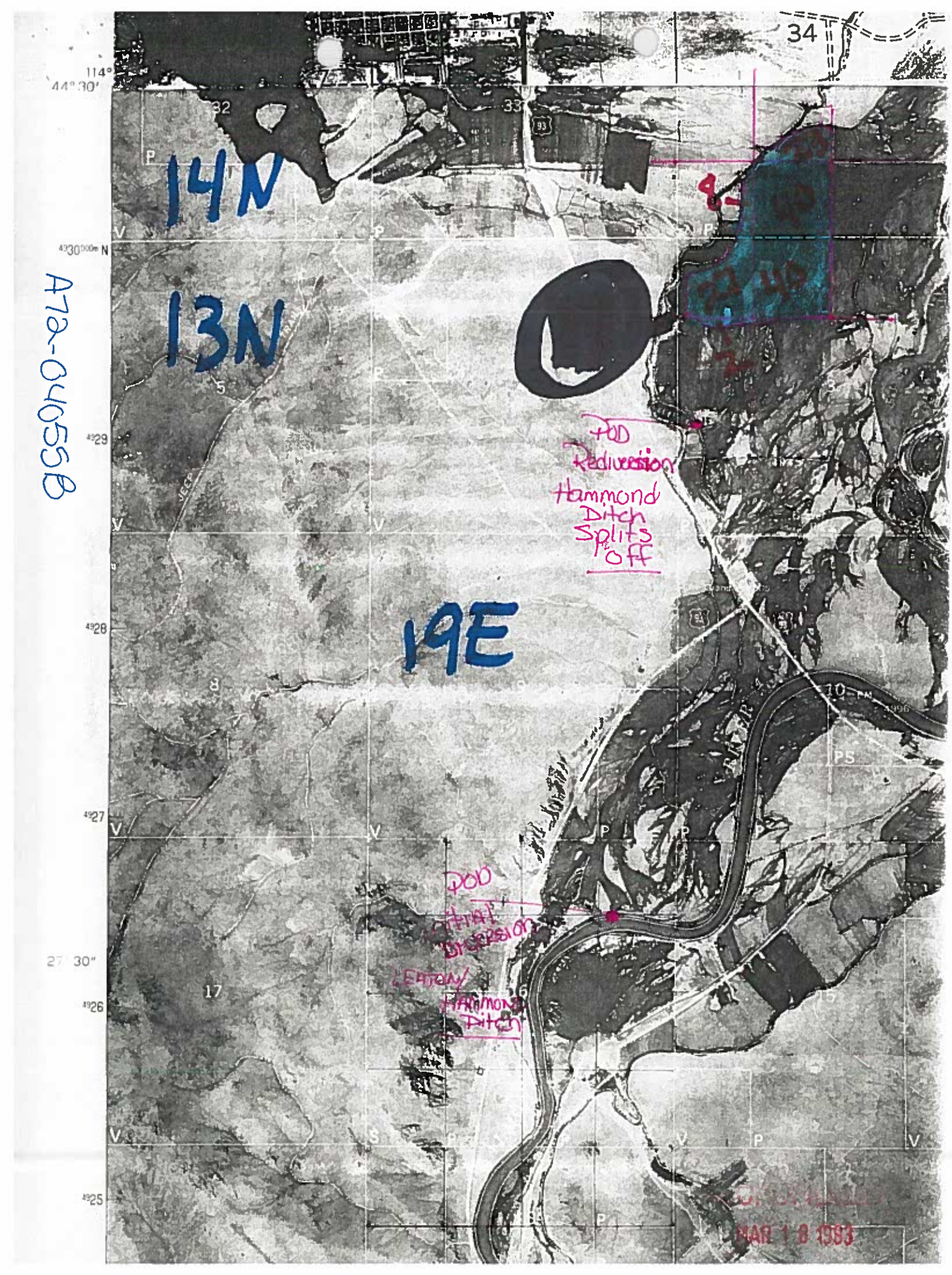
Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public Residing at Boise, Idaho

My Commission Expires My Commission Expires December 7, 1994

MICROFILMED
MAR 1 8 1993


34
14N
13N
19E
POD
Redirection
Hammond
Ditch
Splits
off
POD
Original
Diversion
Lateral
Hammond
Ditch
MAR 18 1983

A72-040550

CONVERSATION MEMORANDUM

NAME OF PARTY Noel Robbins
EMPLOYEE: Steve Clelland

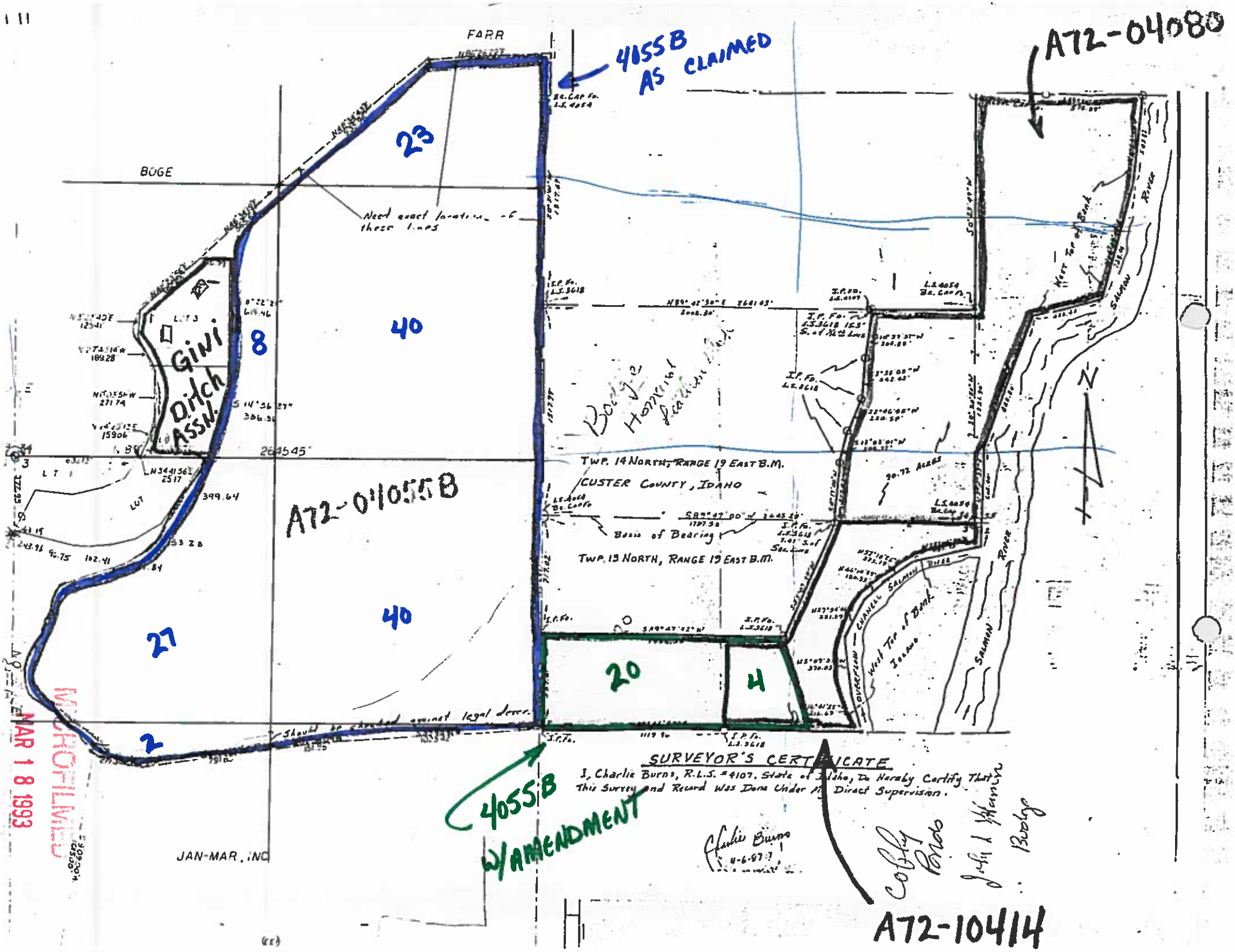
DATE 11-13-90
FILE A72-04055 B

RE: Portion of WR 72-4055

By Warranty Deed Mr. Robbins acquired part "B" of the adjudication claim. This is amended to add 24 Acres to the place of use since the Cyprus Thompson Creek Mining has filed a part "C". A special Warranty Deed from Cyprus Mines Corporation passed the property on to Mr. Robbins. Since the water right root number is the same this amendment was made rather than split the portion "C". Mr. Robbins believes none of the property claimed under part "C" is owned by the Mining Co.

Amended fees covered by Gini Ditch Filings.

MICROFILMED
MAR 1 8 1993


FARR
BUGE
4055B AS CLAIMED
A72-04080
23
40
8
27
40
20
4
2
Need exact location of these lines
Gini Ditch Assn.
A72-04055B
TWP. 14 NORTH, RANGE 19 EAST B.M.
CUSTER COUNTY, IDAHO
Basis of Bearing
TWP. 13 NORTH, RANGE 19 EAST B.M.
Should be extended against legal description
JAN-MAR, INC
4055B W/AMENDMENT
SURVEYOR'S CERTIFICATE
I, Charlie Burns, R.L.S. #4107, State of Idaho, Do Hereby Certify That This Survey and Record Was Done Under My Direct Supervision.
Charlie Burns
4-6-93
A72-10414
MICROFILMED
MAR 18 1993

SPECIAL WARRANTY DEED

THIS INDENTURE, made effective the 16th day of March, 1990, is by and between **CYPRUS MINES CORPORATION,** a Delaware corporation, with an address of 9100 East Mineral Circle, Englewood, Colorado 80112 (hereinafter referred to as "Grantor"), and **NOEL ROBINS AND RUTH Y. ROBINS, TRUSTORS & TRUSTEES** with an address of 1584 West 2000 North, Layton, Utah 84041 (hereinafter collectively referred to as "Grantee").

W I T N E S S E T H:

THAT, Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration to the said Grantor, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, hereby conveys unto the said Grantee, its successors and assigns forever, all the estate, right, title, interest, claim and demand whatsoever of the said Grantor, whether in law or in equity, in and to that certain property situated in the County of Custer, State of Idaho, as further described in Exhibit "A" attached hereto and made a part hereof and any portion of Lot 1 in Section 3, Township 13 North, Range 19 East, Boise Meridian lying east of the property described in Exhibit "A" and west of the Salmon River.

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever, of the said Grantor, both in law and in equity, of, in and to the above described property, with the hereditaments and appurtenances; and

TOGETHER with all water and water rights, ditches and ditch rights thereunto belonging, or in anywise appertaining thereto.

TO HAVE AND TO HOLD, the above described premises with the appurtenances, unto said Grantee, its successors and assigns, forever; and the said Grantor for its successors and assigns does covenant and agree to and with the said Grantee's successors and assigns that it is lawfully seized in fee of the aforesaid property; that it has good right to sell and convey the same to Grantee as aforesaid; and that the before conveyed properties it will specially warrant and defend against its own acts and none others.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed by and through its duly authorized officers on the date first above written.

CYPRUS MINES CORPORATION

By: _____

D. P. Bellum
Vice President

APPROVED

MICROFILMED
MAR 1 8 1993

CORPORATION ACKNOWLEDGEMENT - IDAHO

STATE OF COLORADO)
) ss.
COUNTY OF ARAPAHOE)

On this 12th day of March, 1990, personally appeared D. P. Bellum known or identified to me to be a Vice President who executed the above instrument on behalf of Cyprus Mines Corporation, a Delaware corporation, and acknowledged to me that such corporation executed the same.

In witness whereof, I have hereunder set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY SEAL PUBLIC STATE OF COLORADO

Anna Schultz
Notary Public

P. O. Box 3299

Englewood, CO 80155
Address

My Commission expires: 6/28/92

194788

This instrument was filed for record at the request of Custer County Title
3:02 o'clock P M. 3-16 19 90
and recorded in the Records of Custer County

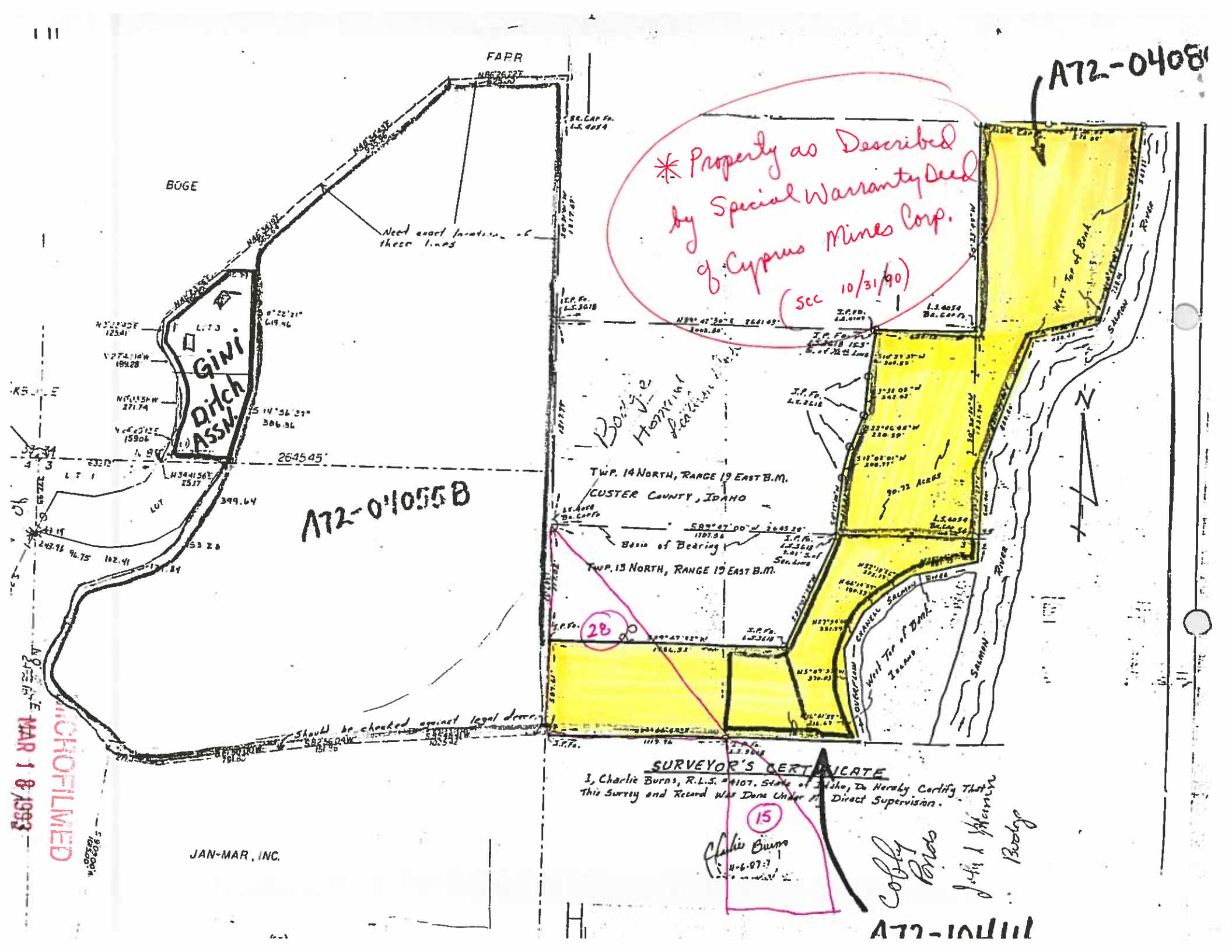
ETHEL M. PECK
Ex-Officio Recorder
By Barbara Breedlove Deputy
Fees 9.00

MICROFILMED
MAR 18 1993

EXHIBIT "A"

Commencing at the S¼ corner of Section 34, Township 14 North, Range 19 East, Boise Meridian, and the N¼ corner of Section 3, Township 13 North, Range 19 East, Boise Meridian, both in Custer County, Idaho; thence S 0°15'10" W 717.02 feet to the Point of Beginning of this description; thence S 0°15'15" W 589.61 feet to a point; thence N 89°46' 57" E 1976.54 feet to the west bank of an overflow channel of the Salmon River; thence following the meanders of said channel N 16° 41' 55" W 216.69 feet; thence N 5°09'53" W 370.03 feet; thence N 27°54'46" E 251.59 feet; thence N 46°14'59" E 180.33 feet; thence N 52°18'26" E 225.19 feet; thence N 75°04'29" E 381.73 feet to the west bank of the Main Salmon River; thence on and along said west bank N 2° 11' 23" E 608.40 feet; thence N21° 37' 40" E 888.84 feet; thence N 73°56'32" E 428.45 feet; thence N 14°19'08" E 728.06 feet; thence N 6°33'58" E 543.82 feet to the intersection of the East-West centerline of Section 35, Township 14 North, Range 19 East Boise Meridian; thence S 89° 36' 52" W 578.39 feet; thence S 89°47'04" W 434.29 feet to the ¼ corner between Sections 34 and 35 of said Township and Range; thence S 0°23'49" W 1321.26 feet on and along said Section Line to the S 1/16 Corner; thence S 89°42'30" W 633.13 feet to a point; thence S 10° 37'57" W 308.85 feet; thence S 3°38'05" W 242.43 feet; thence S 22°46'45" W 220.59 feet; thence S 13°03'01" W 208.77 feet; thence S 4°17'00" W 377.87 feet; thence S 23°07'39" W 773.13 feet; thence S 89°47'32" W 1486.52 feet to the Point of Beginning, and containing 90.72 acres, more or less.

MICROFILMED
MAR 1 8 1993


A72-04086
* Property as Described by Special Warranty Deed of Cypress Mines Corp. (Dec 10/31/90)
FAPR
BOGE
Need exact location of these lines
Gini Ditch Assn.
264545'
A72-01055B
TWP. 14 NORTH, RANGE 19 EAST B.M.
CUSTER COUNTY, IDAHO
Basis of Bearing
TWP. 13 NORTH, RANGE 19 EAST B.M.
90.72 ACRES
Boise-Payette Lumber Co.
Salmon River
Channel
Overflow
West Top of Bank
Idaho
SURVEYOR'S CERTIFICATE
I, Charlie Burns, R.L.S. #4107, State of Idaho, Do Hereby Certify That This Survey and Record Was Done Under My Direct Supervision.
Charlie Burns
11-6-87
JAN-MAR, INC.
Should be checked against legal deed.
28
15
MICROFILMED
MAR 18 1988

CLAIM # A72-04055B

Some evidence of priority was found on micro fiche records.
Evidence of priority letter not sent to claimant.

Evidence on micro fiche Claim # 72-04055

MICROFILMED
MAR 1 8 1993

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

March 2, 1992

R. KEITH HIGGINSON
Director

A72-04055B
NOEL ROBBINS
RUTH Y. ROBBINS
P.O. BOX 341
CHALLIS ID 83226

letter not sent

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

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 1 8 1993

A72-04055B

RECEIVED
APR 30 1992
Department of Water Resources
Southern Region Office

RECEIVED
APR 30 1992
Department of Water Resources
Southern Region Office

To Bob Worstell,
Enclosed are Affidavits for Water write A72-10414 and A72-04055 B from Johnny Hammond. Also Copy of Warranty deed and recorded ditch and water rights.
Hope this will be sufficient. Thank you for your help.

Noel Robins
Challis Idaho

A72-10414
P.S. The Cobley Pond right was being used on the John L. Hammond Property and the Bradbury property, which is the Land I purchased from Cyprus Thompson Creek Mining Company.

_ being first duly sworn,
me & My Family
1055B.

Hammond
ure)
Hammond

Subscribed and sworn to before me this 27 day of April 27 19 92.

Sandra K Hill
(notary public)

Residing at Challis Idaho.
My commission expires 12/27/95.

MICROFILMED
MAR 18 1993

IN THE MATTER OF:

AFFIDAVIT

RECEIVED
APR 30 1992
Department of Water Resources
Southern Region Office

State of Idaho)
County of Custer)

WATER RIGHT # A72-04055B

Johnny Hammond being first duly sworn,

deposes and says: This water has been used continuously by me and my family

since: 1924. Jose & Pennell Filed on the ditch in 1885.

x Johnny Hammond
(signature)
Dacana Hammond

Subscribed and sworn to before me this 27 day of April 19 92.

Sara A Hill
(notary public)

Residing at Challis Idaho.
My commission expires 4/27/95.

MICROFILMED
MAR 18 1993

Water right 72-04455B

RECEIVED
APR 30 1992
Department of Water Resources
Southern Region Office

NOTICE OF LOCATION OF WATER RIGHT

To Whom it may conern, known ye that we, Thomas Jose, and Charles S. Penwell, of the County of Custer in the Territory of Idaho, Citizens of the United States do hereby declare and publish as a legal notice to all the world, that we claim and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land lying and being in the County of Custer, in the Territory of Idaho, for the exclusive right of way for the purpose of maintaining a water ditch from Salmon River to the Desert Land entry of Thomas Jose, and the land claim owned by Charles S. Penwell, more particularly described as follows, Commencing at a point on the westerly bank of Salmon River about one half mile east of the Bridge known as the Colvin Bridge, on Salmon River, and running from said point in a North Easterly direction along the bench land a distance of about three and one half miles to the claims of said Jose and Penwell. We also claim and have a valid right to the enjoyment and use of twenty three hundred inches of water from said Salmon River, for agricultural, domestic and culinary purposes to be conveyed through said water ditch, to said claims.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining.

This Notice is given for the purpose of maintaining and confirming the right of way for ditch, and right to the use of water heretofore acquired by the said Thomas Jose and the grantor of the said Charles S. Penwell.

The above named Ditch and Water Right, having been acquired during the year 1885. The size of the ditch used in conveying the water to said

MICROFILMED
MAR 18 1993

land claims, Eight feet wide by two feet deep.

T. Jose (Undivied one half interest)

Filed for record in this Office this 11th day of December A. D. 1888 at 6 o'clock P.M. and duly recorded in Book "A" of Water claims, Records of the County of Custer, Territory of Idaho, at pages No. 190 and 191.

F. J. Clyde.
Co. Recorder.

MICROFILMED
MAR 1 8 1993
FLB 46

RECEIVED
APR 30 1992
Department of Water Resources
Southern Region

Published

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim to water rights have been established by diversion and application to beneficial use:

72-4055
HAMMOND, JOHNNY
CHALLIS, ID 83226
Source: SALMON RIVER tributary to SNAKE RIVER
Priority Date: 04/15/1885
Amount: 7.00 CFS
Diversion Point: Lot 01 Sec 16 T 13N R 19E, CUSTER Co.
Use: IRRIGATION (7.00 CFS) from 04/15 to 10/30
Place of Use: NENE NWNE SWNE SENE NENW NWNW SWNW SENW NWSW Sec 03 T 13N R 19E NENE SENE Sec 04 T 13N R 19E NESW NWSW SWSW SESW SWSE Sec 34 T 14N R 19E FOR 270 ACRES
Diversion Means: DITCH, GRAVITY IRRIGATION SYSTEM

Any exception to any claim or water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED
Director

Pub. 9/13 & 9/20

MICROFILMED
MAR 18 1993

IRR

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

February 11, 2000

Kenneth J & Eilene C Stark
Cliff Hansen
HC 63 Box 1777
Challis ID 83226

RE: Snake River Basin Adjudication, Water Right No. 72-16279A

Dear Mr. & Mrs. Stark:
Dear Mr. Hansen:

Last year the Idaho Department of Water Resources made a recommendation to the SRBA District Court regarding your above-referenced water right claim. Recently, we found that we could have recommended a longer season for your use based on Department guidelines. The purpose of this letter is to allow you to request that the season of use for your water right be extended.

The season that was recommended for your water right is 4/15 to 10/15, and the longest season that we could recommend for irrigation use in your area is 4/1 to 10/31. If you wish to file an objection to request that your season be extended to the longer dates, please write me a letter stating the season that you request. I will forward your request to the Idaho Office of the Attorney General, which has agreed to assist in the modification of your water right. While I do not anticipate that you will need legal counsel for this matter, you will need to participate in some additional steps with the SRBA Court to have the water right corrected.

Please feel free to contact me about this issue. I apologize for any inconvenience that this might cause.

Sincerely,

David R. Tuthill, Jr., P.E.
Chief, Adjudication Bureau

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER	
August 5, 1996 11:03pam	ANNA - WAY OUT WEST REALTY	A72-04055B, A72-04080F, A72-10137, R72-16279

SUBJECT: PROFILE REPORTS

phone call (X) walk-in (.)

Asked to have profile reports FAXed to her @ 879-5258 for rights Mark & Rose Harris had purchased from Nolan Robbins or Cliff Hansen in T14N, R19E, Section 34.

DEC 0 3 1996

AJ0749NP
No. R72-16279

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

DATE: 02/13/95
PAGE: 1

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CLIFF HANSEN	12/11/1888	IRRIGATION	04-15	10-15	13.60 CFS	
C	KENNETH J STARK						
C	EILENE C STARK						
	HC 63 BOX 1777						
	CHALLIS ID 83226						
				TOTAL DIVERSION:		13.60 CFS	
				CONSUMPTIVE USE:			380.00 AFA

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S16 Lot02(NESWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
13N	19E	3	01-03	02-18			03-36	04-23	09	05									94.0
14N	19E	34									12		06	40					58.0
																		TOTAL ACRES	152.0

POU County: CUSTER

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH JOSE DITCH.
3.20 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A & 72-10505.

Dates: Exam Made Date: 05/26/1993 Verified Date:

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

DEC 0 3 1996

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

Date: 03/21/1994 User-ID: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-04055B AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Date: 06/10/1994 User-ID: CLELLAND Subject: CONV. LOSSES
REVISED AND CORRECTED THE CONVEYANCE LOSS FOR THIS RIGHT.
WAS 3.20 CFS; NOW 3.31 CFS, MAY NEED TO AMEND CLAIM TO ADD EXTRA AMOUNT.

Date: 02/13/1995 User-ID: SCLELLAN Subject: CHANGE OF OWNERSHIP
FORMS SIGNED BY ORIGINAL OWNERS NOEL & RUTH ROBINS.
POSSIBLE TRANSFER PENDING TO CONVEY A PORTION OF THIS RIGHT TO MARK & ROSE HARRIS UNDER A72-04055B.

Audit: 02/13/95 SCLELLAN

FILE AS A72-16279

See

AJ0749NP
No. R72-16279

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

DATE: 03/30/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NOEL ROBBINS	12/11/1888	IRRIGATION	04-15	10-15	13.60 CFS	
C	RUTH Y ROBBINS						
	PO BOX 341						
	CHALLIS ID 83226						
	(208) 879-2475						
				TOTAL DIVERSION:		13.60 CFS	
				CONSUMPTIVE USE:			380.00 AFA

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S16 Lot02(NESWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
13N	19E	3	01-03	02-18			03-36	04-23	09	05									94.0
14N	19E	34									12		06	40					58.0
																	TOTAL ACRES		152.0

POU County: CUSTER

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH JOSE DITCH.
3.20 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A & 72-10505.

Dates: Exam Made Date: 05/26/1993 Verified Date: 03/30/1994

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

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS

<THERE IS NO CLAIM FOR the Number A72-16279>

FILE NOTE: 72-16279 is a combination of 2 claims.

this is not a renumbering of either claim

but a joint Recommendation

MICROFILMED
NOV 0 2 1994

5-10-94
SCE

See FILE → A72-04055B for Complete file Review.

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

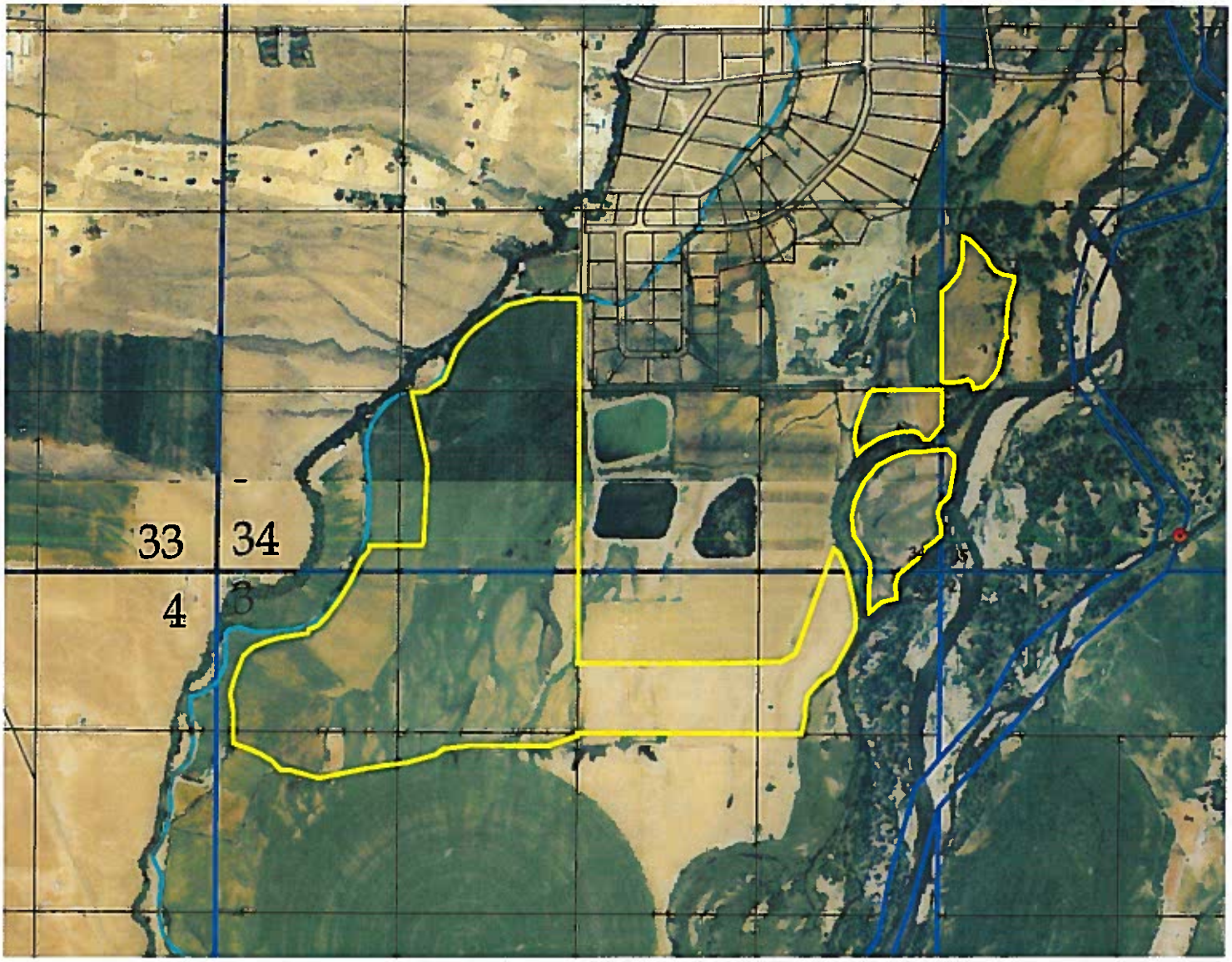
Date: 03/21/1994 User-ID: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-04055B AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Audit: 03/30/94 CLELLAND

MICROFILMED
NOV 0 2 1994

IDAHO DEPARTMENT OF WATER RESOURCES

72-16279A



1320 0 1320 2640 3960 Feet

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

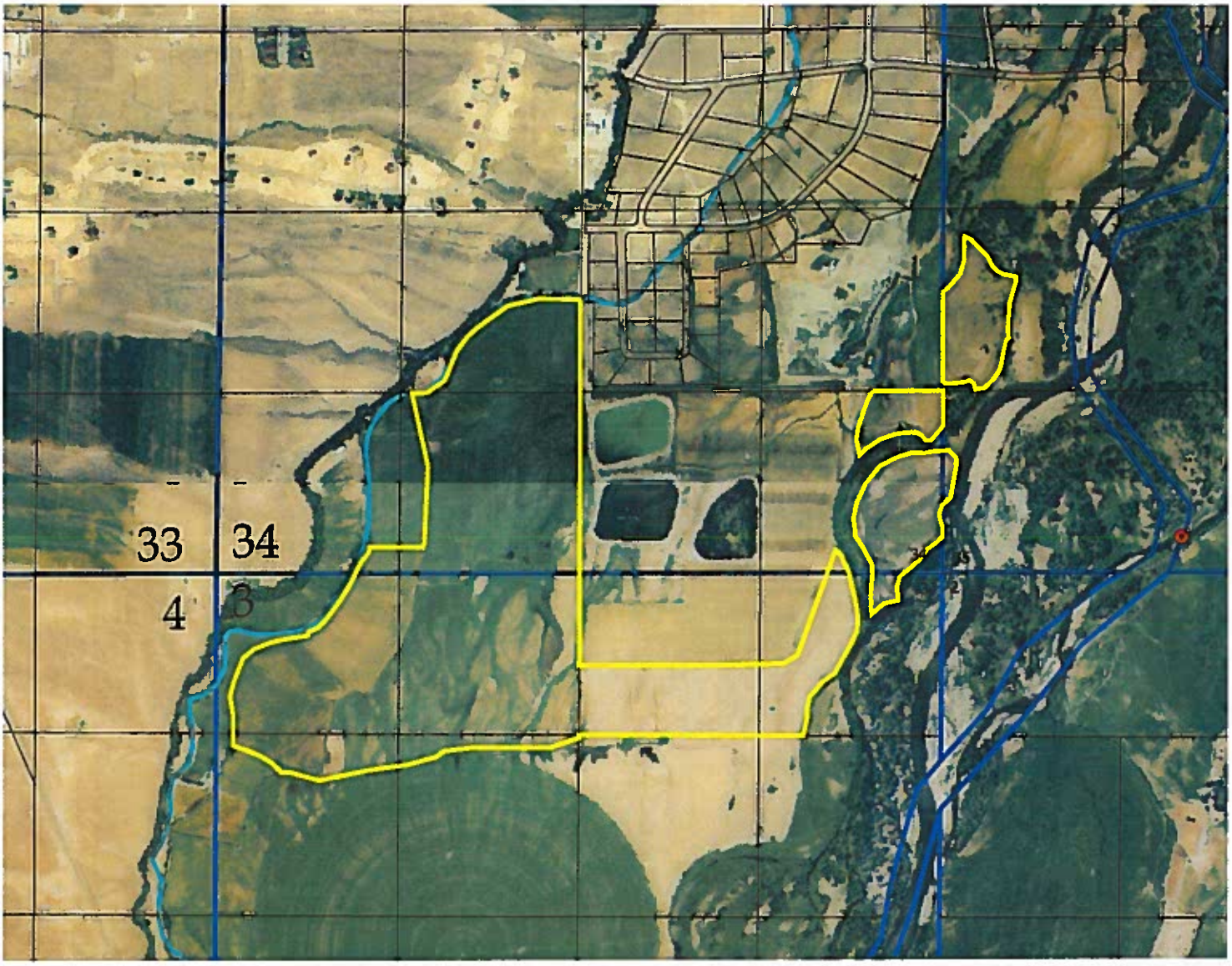
TWN: 13N & 14N
RNG: 19E
SEC: 34 & 03

N
W E
S

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: September 11, 2000
REVISED

IDAHO DEPARTMENT OF WATER RESOURCES

72-16279A



1320 0 1320 2640 3960 Feet

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

TWN: 13N & 14N
RNG: 19E
SEC: 34 & 03

N
W E
S

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: September 11, 2000
REVISED

RECEIVED
FEB 06 2001
Department of Water Resources
Southern Region

RECEIVED
DEC 05 2000
Department of Water Resources

2000 DEC -4 PM 3:08
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)
)
Case No. 39576)
)
)

NOTICE OF ISSUANCE OF SPECIAL MASTER'S RECOMMENDATION

Water Right(s): 72-04055B 72-04080F 72-10414 72-16279A

On December 04, 2000, Special Master THOMAS R CUSHMAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED December 04, 2000.

TERI HRANAC
Deputy Clerk

2000 DEC -4 PM 3:08
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA Case No. 39576	**SPECIAL MASTER'S REPORT AND RECOMMENDATION** **FINDINGS OF FACT AND CONCLUSIONS OF LAW** **FOR WATER RIGHTS 72-16279A, 72-04055B and 72-04080F**

I. FINDINGS OF FACT

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

Amended Director's Reports were filed for water rights 72-04055B and 72-04080F on September 18, 2000. These *Amended Director's Reports* "[w]ater right 72-04055B has been combined with unobjected to water right 72-04080F, renumbered and recommended as water right 72-16279A." An *Amended Director's Report* was also filed on September 18, 2000 for water right 72-16279A. The *Amended Director's Reports* for water rights 72-04055B, 72-04080F, and 72-16279A were placed on the Docket Sheet. No Objections were filed to the *Amended Director's Reports* and the time for filing such Objections has expired.

II. CONCLUSIONS OF LAW

Based on the file and record herein, IT IS RECOMMENDED that water rights 72-04055B and 72-04080F **not be confirmed** in any partial or final decree. IT IS FURTHER RECOMMENDED that water right 72-16279A be **decreed** with the elements as set forth in the attached ***Partial Decree Pursuant to I.R.C.P 54(b) for Water Right 72-16279A.***

DATED: December 4, 2000.

THOMAS R. CUSHMAN, Special Master
Snake River Basin Adjudication

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)
)

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

Water Right 72-16279A

2000 DEC -4 PM 3:08

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: CLIFF HANSEN
EILENE C STARK
KENNETH J STARK
HC 63 BOX 1777
CHALLIS, ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 12.79 CFS

PRIORITY DATE: 12/11/1888

POINT OF DIVERSION: T13N R19E S16 LOT 02 (NESWNE) Within Custer County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 10-31	12.79 CFS

PLACE OF USE: Irrigation Within Custer County

T13N R19E S03	LOT 01 (NENE) 11.0	LOT 02 (NWNE) 15.0
	LOT 03 (NENW) 36.0	LOT 04 (NWNW) 23.0
	SWNW 7.0	SENW 3.6
T14N R19E S34	NESW 13.0	SWSW 1.1
	SESW 36.0	SESE 15.0
S35	LOT 07 (NWSW) 9.2	LOT 08 (SWSW) 0.7

170.6 Acres Total

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

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

RULE 54(b) CERTIFICATE

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

RECOMMENDATION
DEC - 4 2000
SPECIAL MASTER

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

2000 DEC -4 PM 3:08
DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

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

In Re SRBA Case No. 39576	**SPECIAL MASTER'S REPORT** **FINDINGS OF FACT AND CONCLUSIONS OF LAW** **FOR WATER RIGHT 72-10414**

I. FINDINGS OF FACT

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

All objections to this water right were resolved by stipulation of the parties with a *Standard Form 5* which states: **"The parties and IDWR agree and stipulate that this water right should be disallowed as recommended by IDWR."** All parties to the subcase and IDWR are signatories to the *Standard Form 5*.

II. CONCLUSIONS OF LAW

Therefore, based on the file and record herein, IT IS RECOMMENDED that water right claim 72-10414 be **dismissed with prejudice**. IT IS FURTHER RECOMMENDED that water right claim 72-10414 **not be confirmed** in any partial or final decree.

DATED: December 4, 2000.

THOMAS R. CUSHMAN
Special Master
Snake River Basin Adjudication

2000 DEC -4 PM 3:08

DISTRICT COURT-SRBA
TWIN FALLS CO. IDAHO
FILED

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

In Re SRBA)
)
Case No. 39576)
)

CERTIFICATE OF MAILING

Water Right(s): 72-04055B
72-04080F 72-10414 72-16279A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on December 04, 2000, with sufficient first-class postage prepaid to the following:

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

CLIFF HANSEN
EILENE C STARK
KENNETH J STARK
HC 63 BOX 1777
CHALLIS, ID 83226

PATSY L KINDT
RICK R FROST
PO BOX 991
CHALLIS, ID 83226
Phone: 208-879-4424

12/04/00
TERI HRANAC
Deputy Clerk

09/15/2000

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

RIGHT NUMBER: 72-16279A

NAME AND ADDRESS: CLIFF HANSEN
EILENE C STARK
KENNETH J STARK
HC 63 BOX 1777
CHALLIS, ID 83226

SOURCE: SALMON RIVER TRIBUTARY: Snake River

QUANTITY: 12.79 CFS

PRIORITY DATE: 12/11/1888

POINT OF DIVERSION: T13N R19E S16 LOT 2 NESWNE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	12.79 CFS

PLACE OF USE:

IRRIGATION Within CUSTER County

T13N R19E S3		SWNW	7	T13N R19E S3		SENW	3.6
T13N R19E S3	LOT 1	NENE	11	T13N R19E S3	LOT 2	NWNE	15
T13N R19E S3	LOT 3	NENW	36	T13N R19E S3	LOT 4	NWNW	23
T14N R19E S34		NESW	13	T14N R19E S34		SESE	15
T14N R19E S34		SESW	36	T14N R19E S34		SWSW	1.1
T14N R19E S35	LOT 7	NWSW	9.2	T14N R19E S35	LOT 8	SWSW	0.7

170.6 ACRES TOTAL

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

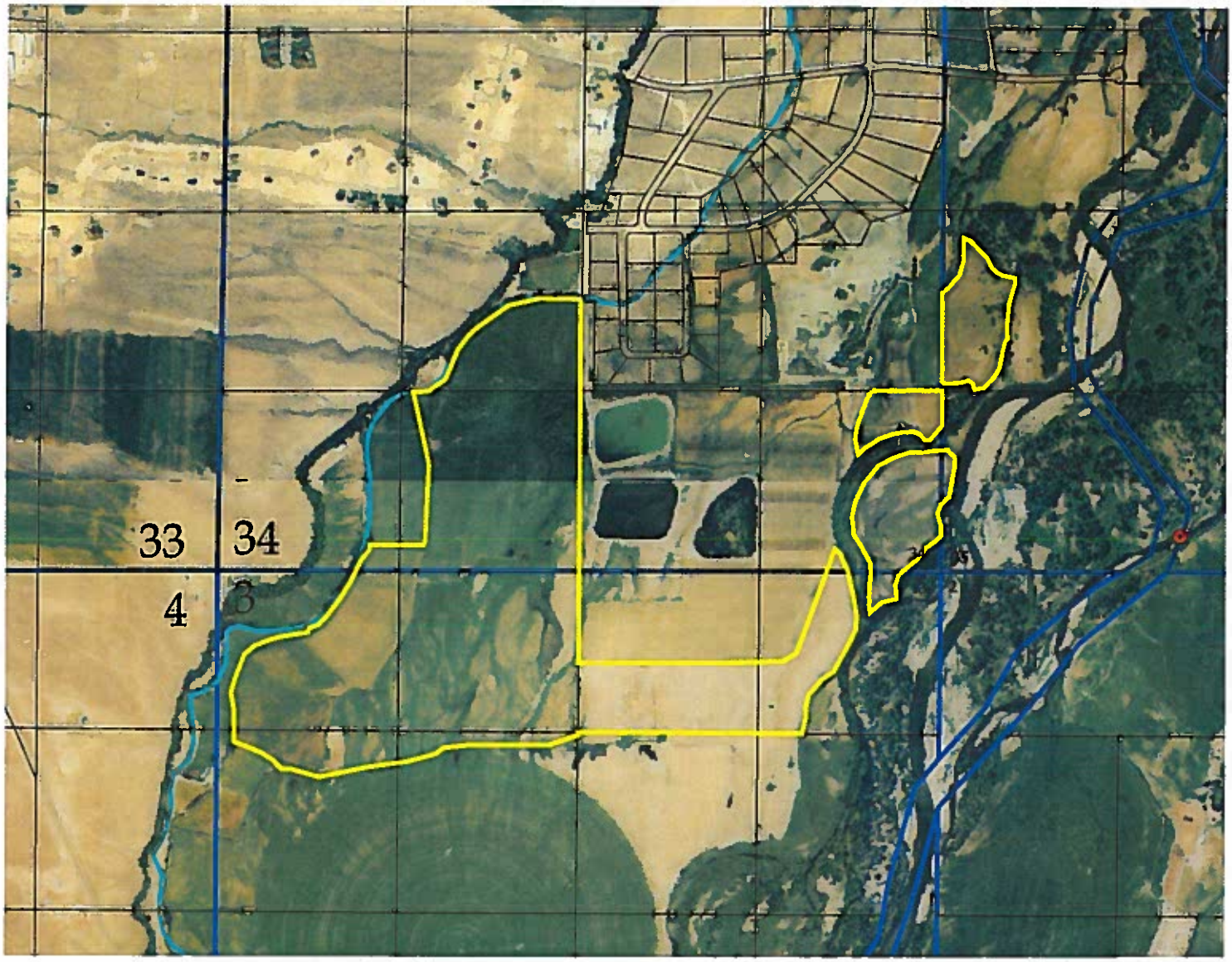
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

WATER IS DELIVERED THROUGH JOSE DITCH.

IDAHO DEPARTMENT OF WATER RESOURCES

72-16279A



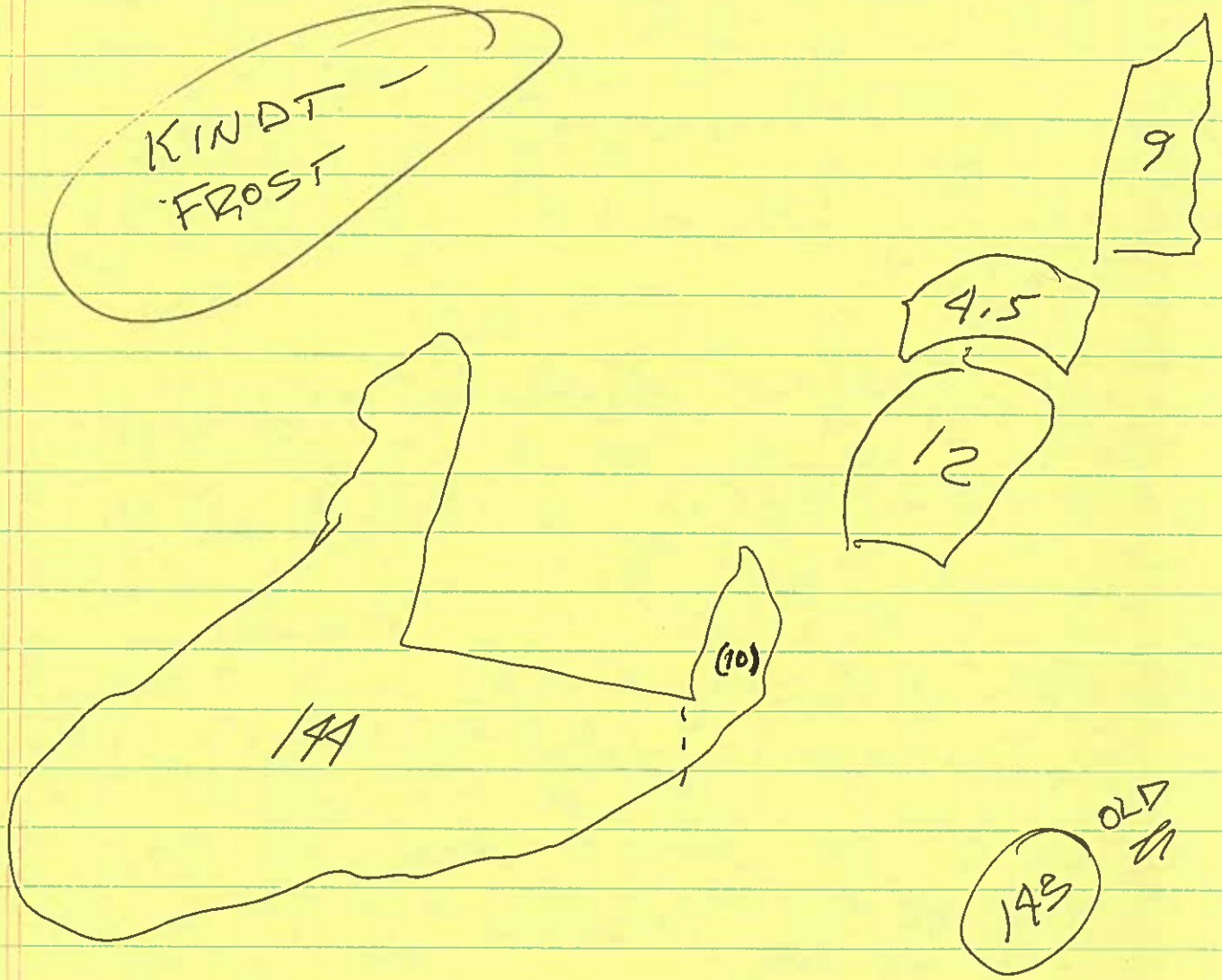
1320 0 1320 2640 3960 Feet

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

TWN: 13N & 14N
RNG: 19E
SEC: 34 & 03

N
W E
S

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND
DATE: September 11, 2000
REVISED



170 AC

COO NEEDED

RECEIVED
SEP 01 2000
Department of Water Resources
Southern Region

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

A-72-10414 ✓

In Re SRBA

Case No. 39576

A. Subcase _____
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. **NAME AND ADDRESS OF PERSON OBJECTING**

Name: Rick Frost AND Patsy Kinot

Address: P.O. Box 991

Challis Idaho 83226

Daytime Phone: 208-879-4424

Name & Address of Attorney, if any:

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

Name: Cliff Hansen, Kenneth Stark AND Eilene STARK

Address: HC 63 Box 1777

Challis, Idaho 83226

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

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point(s) of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☑ **Place of Use** (Lot 1)
   Should be: NE¼NE¼ T13N R19E BM.

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):

#A72-04055B should read T13N R19E, Not T14N R19E BM
Claim # A72-10414 Represents a portion of claim #72-04055C
a per remarkes on the attached. This property has been
irrigated dating back to the early 30's

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

State of Idaho)
)ss.
County of Custer)

PATSY KINDT , 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.

Patsy Kindt
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/17/2006

Notary Public for IDAHO
Residing at: CHALLIS
My Commission Expires: 4-21-06

G. MICHAEL LEE NOTARY PUBLIC STATE OF IDAHO

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 May 12, ~~199~~ 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Cliff Hansen
Address: HC 63 Box 1777
Challis, Idaho 83226

3. Copies to:

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

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

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

Patsy Kindt
Signature of Objector or attorney mailing on Objector's behalf

Pg 1

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County
13N	19E	3	SW	NW	SW	R	CUSTER
		16	SW	NE	NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	3	NE	NE	1	IRR	15.0
13N							
					Section Acres		15.0
					Total Acres		15.0

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:
A72-04055B

14. Remarks:
THIS SOURCE KNOWN LOCALLY AS COBLEY PONDS.
4 ACRES OVERLAP WITH CLAIM A72-04055B AS AMENDED.

15. Basis of Claim: BENEFICIAL USE

Pg 3

J5855NP
1649

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

IGHT NUMBER: 72-16279A

ME AND ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

URCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

ANTITY: 12.79 CFS

IORITY-DATE: 12/11/1888

INT OF DIVERSION T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

RPOSE AND
RIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	12.79 CFS

ACE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03	LOT 1	(NENE)	3	LOT 2	(NWNE)	15	LOT 3	(NENW)	36	LOT 4	(NWNW) 24
		SWNW	7		SENW	4					
T14N R19E S34		NESW	13		SWSW	1		SESW	35		

138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

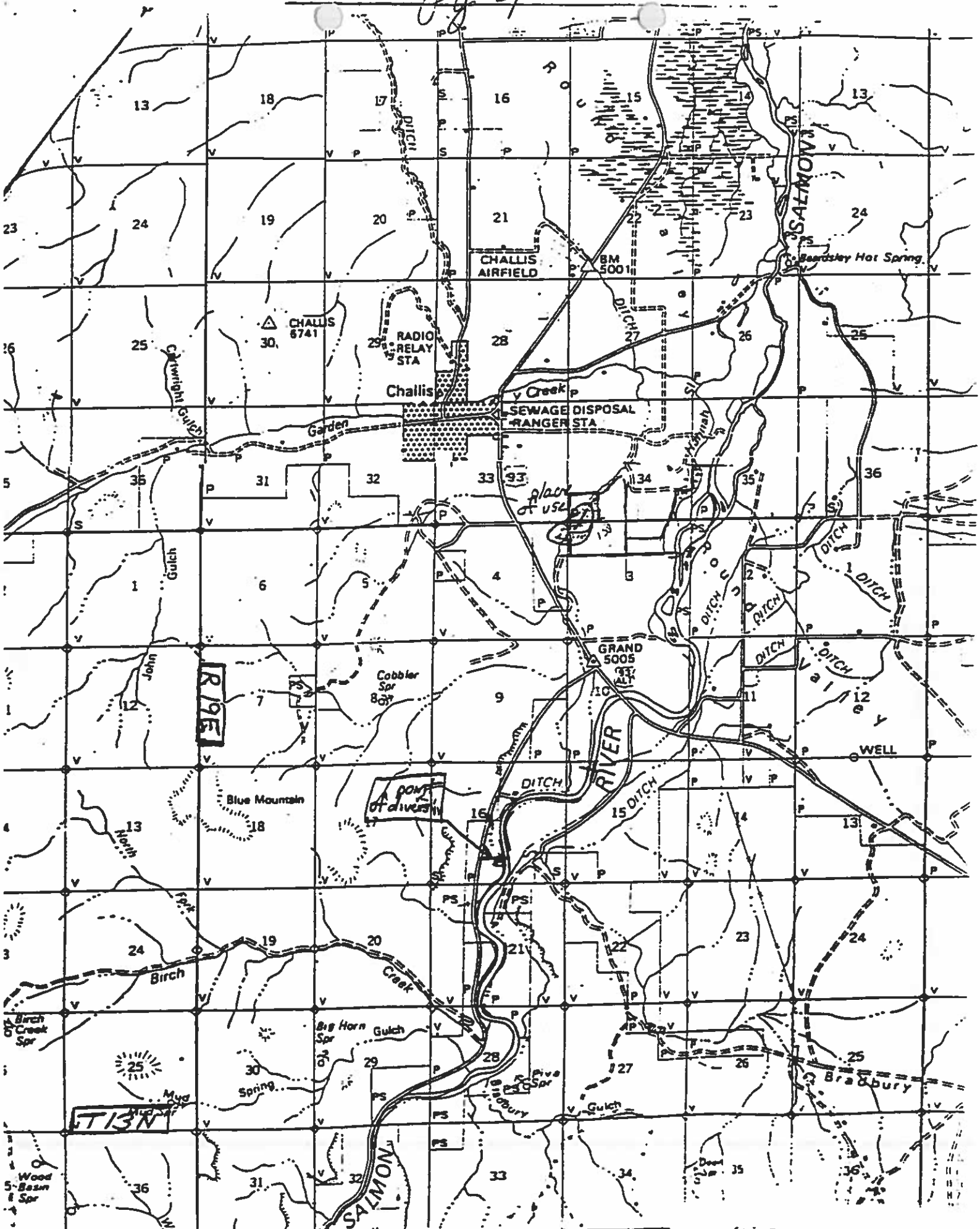
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

LANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Pg 4



MICROFILMED

Pages 5

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: A72-10414
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 24, 1931

3. Source: SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW SE NE	5	CUSTER

5. Description of diverting works:
   COLLECTION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg - 6

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

15. Basis of Claim: BENEFICIAL USE

CHARLES R. BOGE, P.A.
1452 THREE FOUNTAINS DR.
IDAHO FALLS, IDAHO 83404-5641

CHARLES R. BOGE, M.D.
ORTHOPEDIC CONSULTANT
DIPLOMATE OF THE AMERICAN BOARD OF
ORTHOPEDIC SURGERY

TEL.: 523-5788
AREA CODE 208
FAX (208) 523-5788

April 03, 2000

RE: Property in the NE ¼ NE ¼ in Section 3 TWP No.13 NR No. 19 E B.M.I.
near Challis, Custer County, Idaho

To Whom It May Concern:

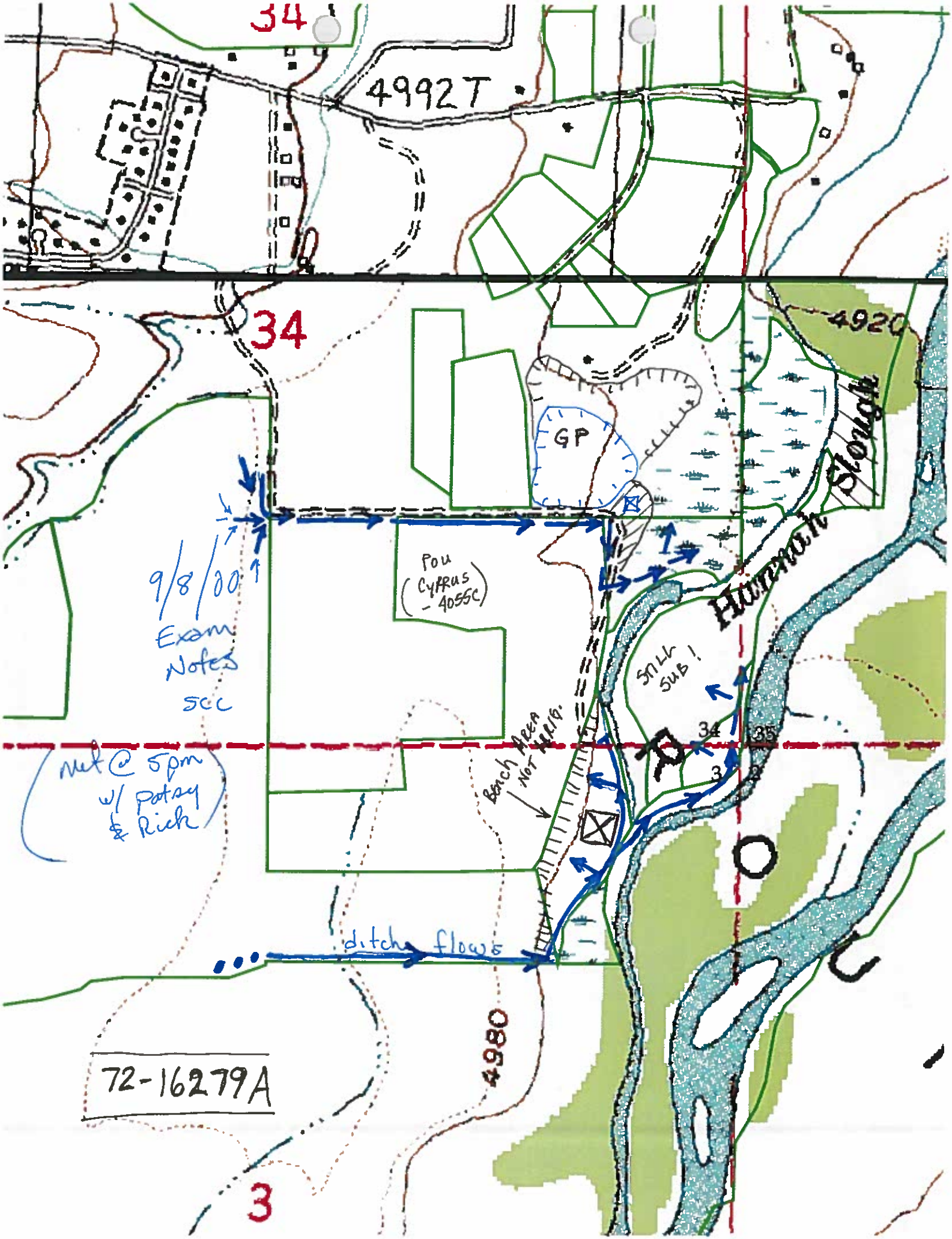
The undersigned, Charles R. Boge, was born 16 December 1929 at the Challis Hot Springs. During my youth and through High School at Challis, Idaho, I spent a great deal of time with my grandparents, John and Isabel Hammond, who's ranch was primarily in Section 3, as noted above.

The area specifically noted above; i.e. NE ¼ NE ¼ , was an area referred to as "the rocky ground." This ground was irrigated from water carried in the "Hammond-Leaton" canal. This canal had previously been known as Jose and is currently referred to as the Jose canal or ditch.

I personally was involved in irrigating the entire ranch owned by my grandparents, John and Isabel Hammond. I also have specific recollection of irrigating the ground in the NE ¼ NE ¼ with water derived from the Hammond-Leaton ditch.

Respectfully submitted,

Charles R. Boge, M.D.
CRB:pas


34
4992T
34
4920
GP
Slough
Pou
(Cypress
- 4055C)
9/8/00
Exam
Notes
SCC
Hurricane
Still
Sub!
Bench Area
Not Irrig.
34
35
3
Met @ 5pm
w/ Patsy
& Rich
ditch flows
4980
72-16279A
3

STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

ALAN G. LANCE

September 6, 2000

VIA FACSIMILE TRANSMISSION

Post-it® Fax Note 7671	Date 9-6-00	# of pages ▶ 1
To Steve Clelland	From Nick Spencer	
Co./Dept.	Co.	
Phone #	Phone #	
Fax #	Fax #	

The Honorable Thomas R. Cushman
Special Master
Snake River Basin Adjudication Court
253 Third Avenue North
Twin Falls, Idaho
FAX NO. (208) 736-3078

Re: SRBA Subcase Nos. 72-04055B, 72-10414, and 72-16279A (Frost and Kindt objections)

Dear Special Master Cushman:

As you are aware, IDWR was supposed to file with the Court an amended recommendation regarding the water use at issue in the above-referenced subcases on August 31st. Unfortunately, while preparing that amended recommendation, Steve Clelland, the Senior Water Resource Agent responsible for the investigation and recommendation of those rights, discovered that he needed more precise information regarding the water source, irrigation system, and location of irrigated acres in order to produce a credible recommendation. Mr. Clelland has made an appointment to do an additional field examination of these rights in Challis on Friday, September 8th. He anticipates being able to complete the amended recommendation the following week.

Therefore, IDWR respectfully requests the Court to grant it additional time to complete the amended recommendation by extending the due date for it to Friday, September 15th at 5:00 p.m.

Thank you very much for your consideration.

Very truly yours,

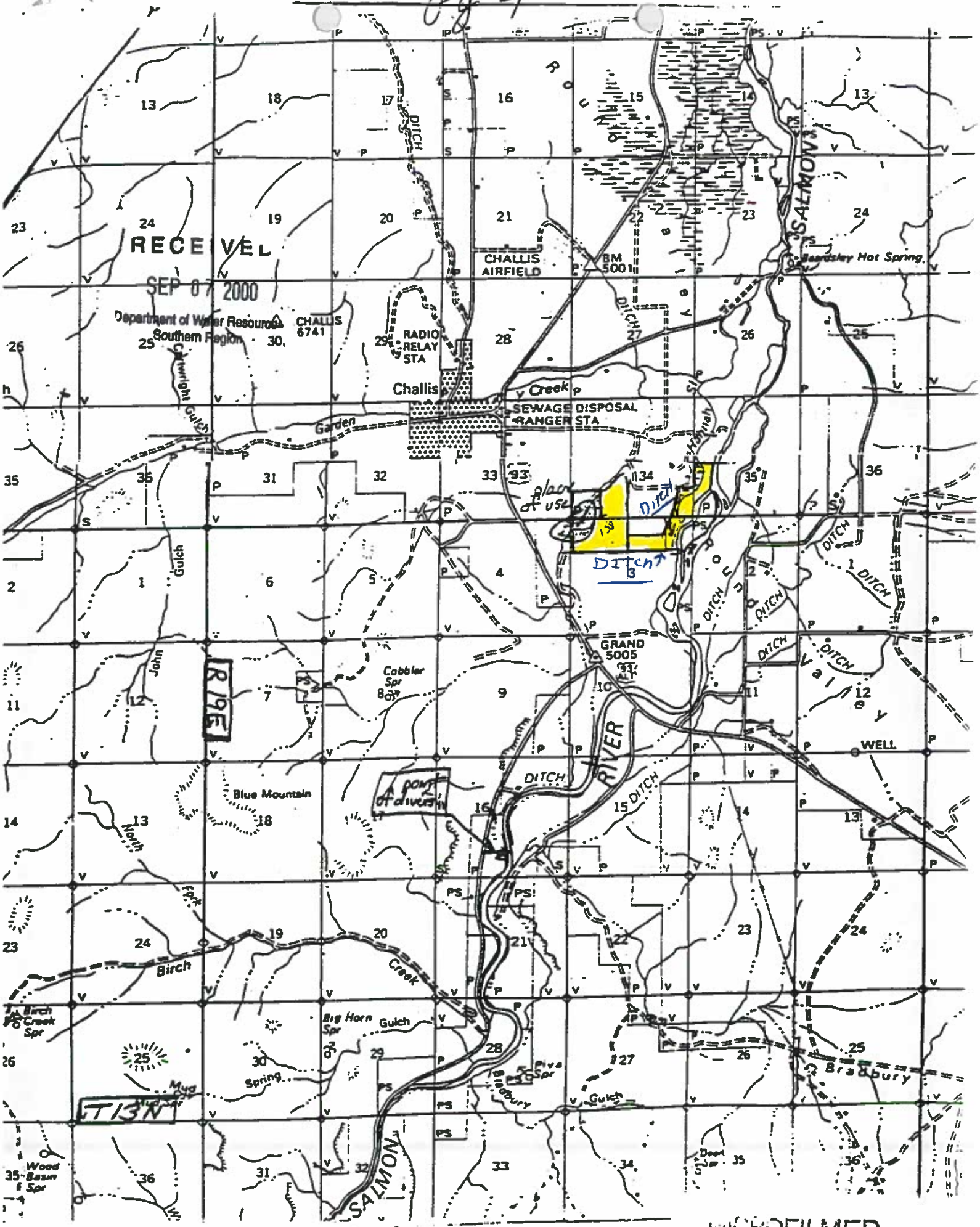
Nicholas Spencer

NICHOLAS B. SPENCER
Deputy Attorney General

Cc: Rick Frost and Patsy Kindt

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise, Idaho 83706-2237
Telephone: (208) 327-7920, Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

Pg 4



MICROFILMED

Pg 3

AJ5855NP
1649

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-16279A

NAME AND ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

RECEIVED
SEP 07 2000
Department of Water Resources
Southern Region

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 12.79 CFS

PRIORITY-DATE: 12/11/1888

POINT OF DIVERSION: T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	12.79 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03 LOT 1 (NENE) 3 LOT 2 (NWNE) 15 LOT 3 (NENW) 36 LOT 4 (NWNW) 24
SWNW 7 SENW 4
T14N R19E S34 NESW 13 SWSW 1 SESW 35
138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Pg 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	3	NE	NE	1	IRR	15.0

13N

Section Acres 15.0

Total Acres 15.0

11. Place of use in counties: CUSTER

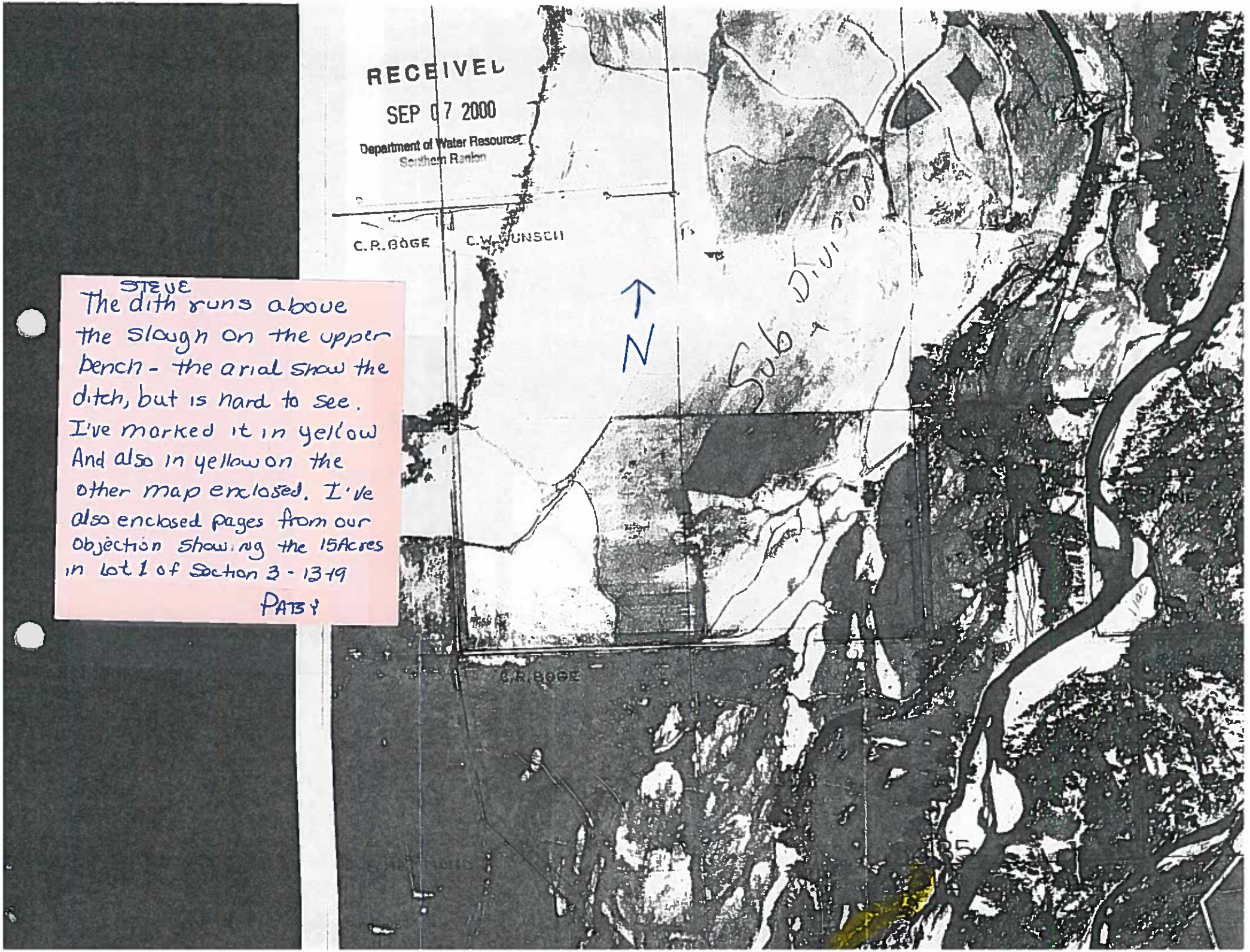
12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A72-04055B

14. Remarks:
THIS SOURCE KNOWN LOCALLY AS COBLEY PONDS.
4 ACRES OVERLAP WITH CLAIM A72-04055B AS AMENDED.

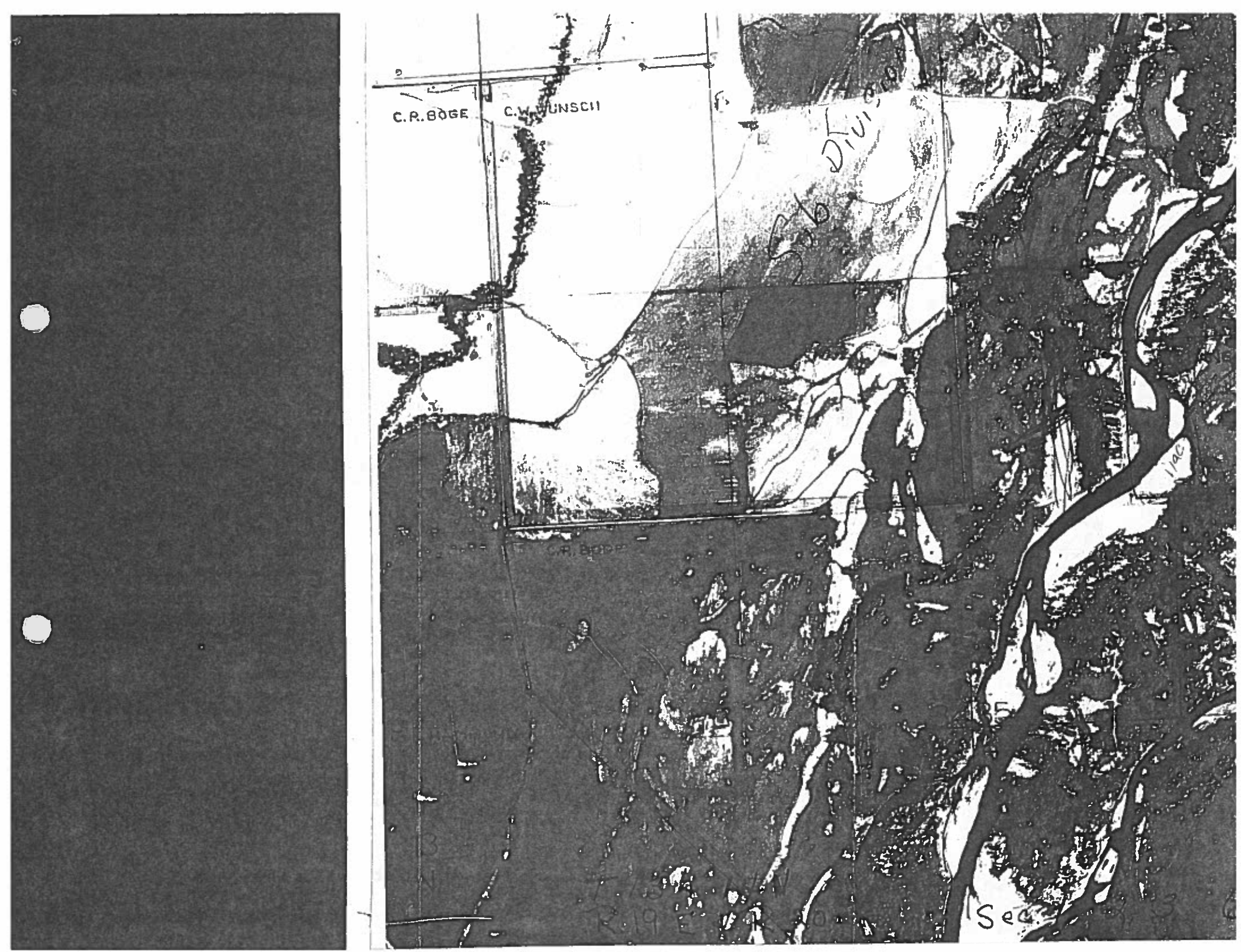
15. Basis of Claim: BENEFICIAL USE

RECEIVED
SEP 07 2000
Department of Water Resources
Southern Region



STEVE
The dith runs above the slough on the upper bench - the arial show the ditch, but is hard to see. I've marked it in yellow And also in yellow on the other map enclosed. I've also enclosed pages from our objection showing the 15Acres in Lot 1 of Section 3 - 13N 9E

PATSY


C.R. BOGE
C.W. WUNSCH
C.R. Boge
Sec

CUSTER COUNTY TITLE, INC.
P.O. Box 370
Challis, ID 83226

POCATELLO ID 832
05 SEP 2000



RECEIVED
SEP 07 2000
Department of Water Resource
Southern Region

Department of Water Resources
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301-3380

ATT: Steve Clelland

83301+3380

6/9/94

COMMUNICATION DOCUMENTATION

Claim No.___

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

◊◊

9/06/2000 9:30 AM

NAME: RE:

PATSY KINDT **CALLOUT** **SET UP EXAM**

I called her office to arrange a possible field exam on the lands in question and claimed as irrigated. She said that will work fine and to come by her office when I get to Challis. I estimated the time to be around 3 or 4 PM.

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. 72-16279A

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Steve Clelland

◊◊

8/30/2000 10:00 AM
NAME: RE:

PATSY KINDT CALLOUT NEED PROOF OF USE

I called and left a msg with her office to have her call me.

She called back and I told her the info I needed to help me make the recommendation for the right they now own. I need some description of the water delivery and use on the fields. All the documents in the file contain strong evidence of non-irrigation of the lower areas Cliff Hansen marked with X's as irrigated. Even the previous owner, Noel Robins, told me the areas were not irrigated.

I told her we are up against the deadline to get a report to the Special Master so the sooner the better.

◊◊

8/31/2000 12:00 PM
NAME: RE:

RICK FROST CALLIN PROOF OF USE

He left a msg. for me telling me he is sending in a map showing the ditches used for irrigation. They had difficulty getting the proper maps together. They will be mailing the info they have today.

(I forwarded this msg. to Nick for discussion with the S.M. Cushman.)

MAIL



RECEIVED

SEP 01 2000

Department of Water Resources
Southern Region

Rick Frost and Patsy Kindt
P.O. Box 991
Challis, Idaho 83226

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

RE: Water Right Claims A-7210414, 72-16279A and A-7204055B

Dear Sirs,

Enclosed you will find our Objections to Water rights in the Snake River Basin Adjudication and documentation to accompany this letter from the files of Cliff Hansen, Kenneth Stark and Noel and Ruth Robins, previous owners.

This is a "Late Objection" as we were not notified of the disallowance until we received notice February 2000. At that time I researched documentation I had in files and requested documentation from the previous owners. I believe that the attached information will clarify that this parcel has and previously had beneficial for irrigation waters.

I do believe that there are some errors on the water right numbers. I have numbered each page for your review and will give an explanation for each page.

Page 1 gives water right No. A72-04055B and lists place of use as : 14N 19E Section 3 NENE when in fact this should be Township 13. Cliff Hansen does not own property in 14N 19E Section 3. I believe this should be our water right number. I have high lighted various information on these two pages.

Page 3 also shows Lot 1, section 3 T13NR19E (NENE) but refers to a different water right no. 72-16269A. The attached map being page 4 shows divirsion point and place of use. This map came from Mrs Robins, a previous owner of this land.

Pages five and six, again show a third water right, A72-10414, with an explaination of the claim no. 72-04055.

The final page is an affidavit given to me by Dr. Boge. A previous owner of this property and a grandson of John and Isabel Hammond.

It is my understanding that when Cyprus Mines Corporation sold this land, that the Water Right was split between the City of Challis and Noel Robins, and I personally know that Mr. Robins took a lot of time and effort to get this ground cultivated and irrigated when he bought it in the early 90's.

After review of the enclosed information, I await your response. As this property has been irrigated at least since the early 30's we request beneficial use for irrigation purposes.

Respectfully,

Patsy Kindt

Patsy Kindt

enclosures

7-28-00

Per our phone conversation of 7-28-00. I am enclosing new objections for lack # submitted. Please review and let me know if you need additional information

Patsy Kindt

RECEIVED
SEP 01 2000
Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase A-72-04055B

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. **NAME AND ADDRESS OF PERSON OBJECTING**

Name: Rick Frost and Patsy Kindt

Address: P.O. Box 991
Challis Idaho 83226

Daytime Phone: 208-879-4424

Name & Address of Attorney, if any:

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

Name: Cliff Hansen, Kenneth Stark and Eilene Stark

Address: HC 63 Box 1777
Challis, Idaho 83226

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

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point(s) of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☑ **Place of Use** (Lot 1)
   Should be: NE¼NE¼ T13N R19E BM.

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):

#A72-04055B should read T13N R19E, Not T14N R19E BM
Claim # A72-10414 Represents a portion of claim #72-04055C
a per remarkes on the attached. This property has been
irrigated dating back to the early 30's

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

State of Idaho)
)ss.
County of Custer)

PATSY KINDT , 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.

Patsy Kindt
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/17/2006

Notary Public for IDAHO
Residing at: CHALLIS
My Commission Expires: 4-21-06

G. MICHAEL LEE NOTARY PUBLIC STATE OF IDAHO

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 May 12, ~~199~~ 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Cliff Hansen
Address: HC 63 Box 7777
Challis, Idaho 83226

3. Copies to:

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

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

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

Patsy Kindt
Signature of Objector or attorney mailing on Objector's behalf

Pg 1

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4			Lot	County
13N	19E	3	SW	NW	SW	R	CUSTER
		16	SW	NE	NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	3	NE	NE	1	IRR	15.0
13N							
					Section Acres		15.0
					Total Acres		15.0

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:
A72-04055B

14. Remarks:
THIS SOURCE KNOWN LOCALLY AS COBLEY PONDS.
4 ACRES OVERLAP WITH CLAIM A72-04055B AS AMENDED.

15. Basis of Claim: BENEFICIAL USE

Pg 3

JS855NP
1649

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

:GHT NUMBER: 72-16279A

ME AND ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

URCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

ANTITY: 12.79 CFS

IORITY-DATE: 12/11/1888

INT OF DIVERSION: T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

RPOSE AND
RIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	12.79 CFS

ACE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03	LOT 1	(NENE)	3	LOT 2	(SWNE)	15	LOT 3	(NESW)	36	LOT 4	(SWSW) 24
		SWNW	7		SESW	4					
T14N R19E S34		NESW	13		SWSW	1		SESW	35		

138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

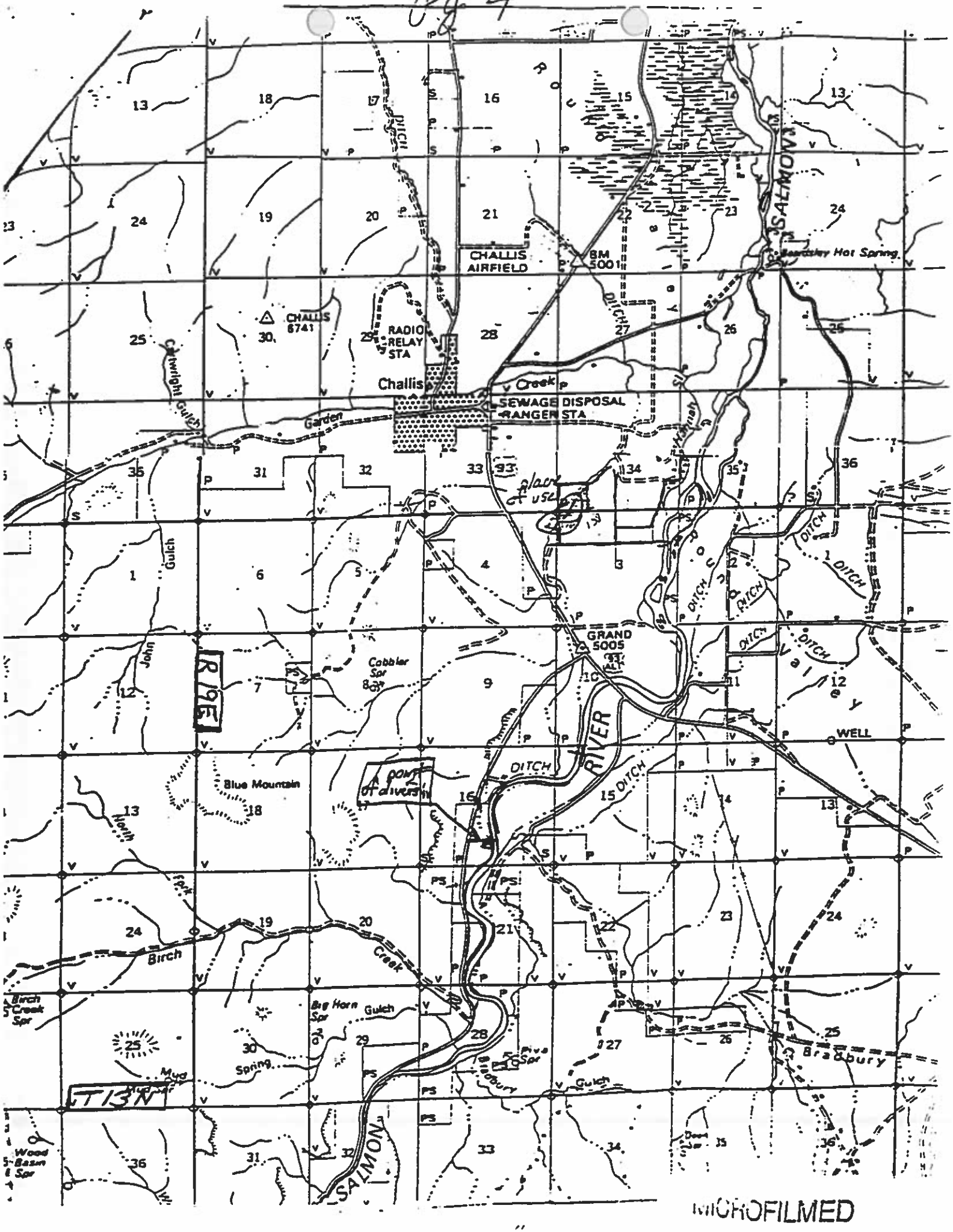
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

LANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Pg 4



MICROFILMED

Pages 5

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: A72-10414
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 24, 1931

3. Source: SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW SE NE	5	CUSTER

5. Description of diverting works:
   COLLECTION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg - 6

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

15. Basis of Claim: BENEFICIAL USE

RECEIVED
SEP 01 2000
Department of Water Resources
Southern Region

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

72-16279A

In Re SRBA

Case No. 39576

A. Subcase _____
(Insert water right number)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Rick Frost and Patsy Kindt

Address: P.O. Box 991
Challis Idaho 83226

Daytime Phone: 208-879-4424

Name & Address of Attorney, if any:

_____

_____

_____

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

Name: Cliff Hansen, Kenneth Stark and Eilene Stark

Address: HC 63 Box 1777
Challis, Idaho 83226

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

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point(s) of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☑ **Place of Use** (Lot 1)
   Should be: NE¼NE¼ T13N R19E BM.

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):

#A72-04055B should read T13N R19E, Not T14N R19E BM
Claim # A72-10414 Represents a portion of claim #72-04055C
as per remarkes on the attached. This property has been
irrigated dating back to the early 30's

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

State of Idaho)
)ss.
County of Custer)

PATSY KINDT , 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.

Patsy Kindt
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/18/2006

Notary Public for IDAHO
Residing at: CHALLIS
My Commission Expires: 4-21-06

G. MICHAEL LEE NOTARY PUBLIC STATE OF IDAHO

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 May 12, ~~199~~ 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Cliff Hansen
Address: HC 63 Box 1777
Challis, Idaho 83226

3. Copies to:

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

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

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

Patsy Kindt
Signature of Objector or attorney mailing on Objector's behalf

Pg 1

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot		County
13N	19E	3	SW	NW	SW		R	CUSTER
		16	SW	NE	NE		I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	3	NE	NE	1	IRR	15.0
13N							
				Section Acres			15.0
				Total Acres			15.0

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:
A72-04055B

14. Remarks:
THIS SOURCE KNOWN LOCALLY AS COBLEY PONDS.
4 ACRES OVERLAP WITH CLAIM A72-04055B AS AMENDED.

15. Basis of Claim: BENEFICIAL USE

Pg 3

5855NP
1649

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

GHT NUMBER: 72-16279A

ME AND ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

IRCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

UNTITY: 12.79 CFS

:ORITY-DATE: 12/11/1888

NT OF DIVERSION: T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

:POSE AND
IOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	12.79 CFS

CE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03 LOT 1 (NENE) 3 LOT 2 (SWNE) 15 LOT 3 (NENW) 36 LOT 4 (NWNW) 24
SWNW 7 SENW 4
T14N R19E S34 NESW 13 SWSW 1 SESW 35
138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

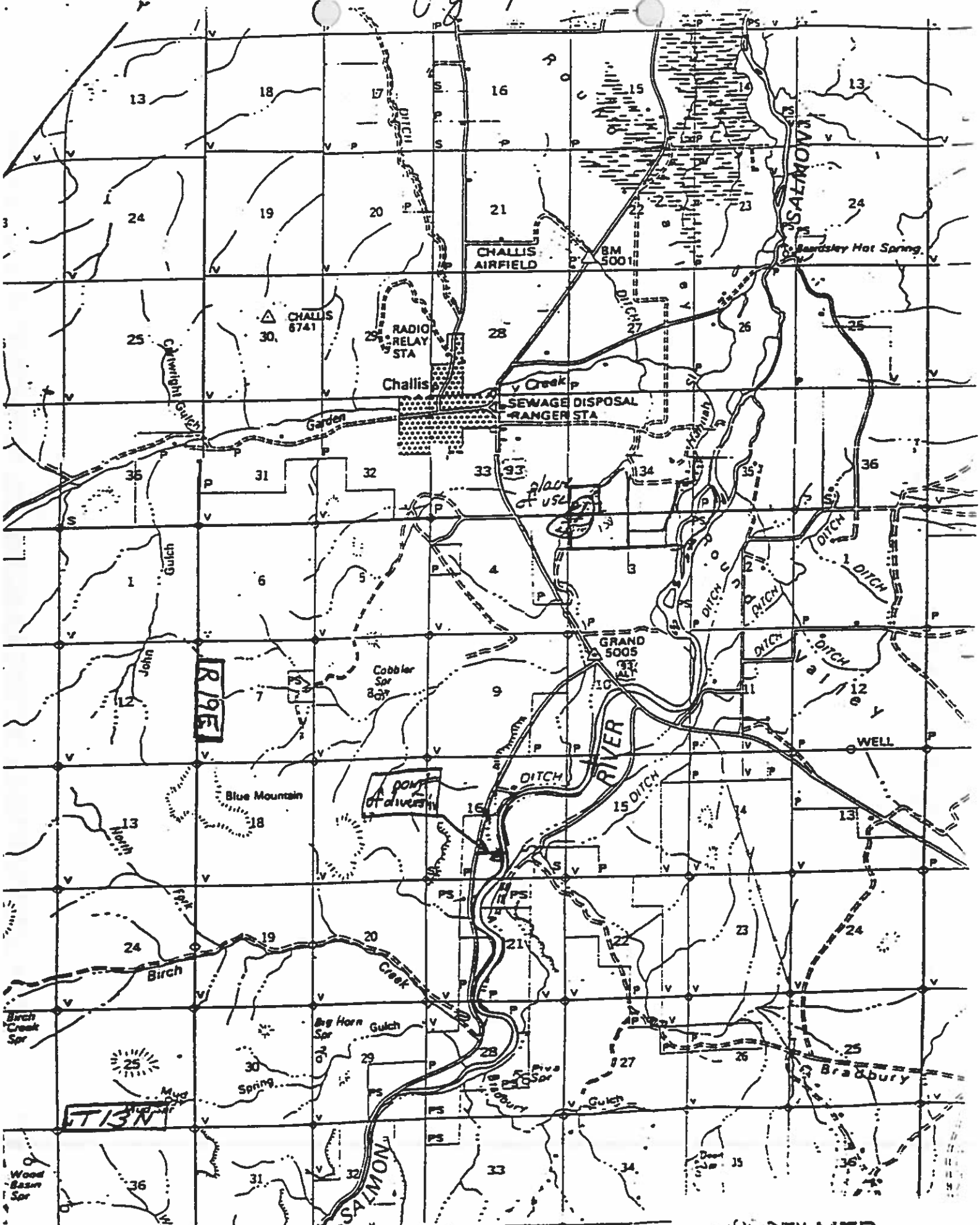
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

ANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Pg 4



MICROFILMED

Pages 5

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: A72-10414
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
Address: HC 63 BOX 1777
CHALLIS ID 83226
AND
Name: KENNETH J STARK
Address: HC 63 BOX 1777
CHALLIS ID 83226
AND
Name: EILENE C STARK
Address: HC 63 BOX 1777
CHALLIS ID 83226

2. Date of Priority: APR 24, 1931

3. Source: SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW SE NE	5	CUSTER

5. Description of diverting works:
COLLECTION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S (or)	A.F.A.
IRRIGATION	04/01	11/01	0.600	

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg - 6

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

15. Basis of Claim: BENEFICIAL USE

CHARLES R. BOGE, P.A.
1452 THREE FOUNTAINS DR.
IDAHO FALLS, IDAHO 83404-5641

CHARLES R. BOGE, M.D.
ORTHOPEDIC CONSULTANT
DIPLOMATE OF THE AMERICAN BOARD OF
ORTHOPEDIC SURGERY

TEL: 523-5788
AREA CODE 208
FAX (208) 523-5788

April 03, 2000

RE: Property in the NE ¼ NE ¼ in Section 3 TWP No.13 NR No. 19 E B.M.L.
near Challis, Custer County, Idaho

To Whom It May Concern:

The undersigned, Charles R. Boge, was born 16 December 1929 at the Challis Hot Springs. During my youth and through High School at Challis, Idaho, I spent a great deal of time with my grandparents, John and Isabel Hammond, who's ranch was primarily in Section 3, as noted above.

The area specifically noted above; i.e. NE ¼ NE ¼ , was an area referred to as "the rocky ground." This ground was irrigated from water carried in the "Hammond-Leaton" canal. This canal had previously been known as Jose and is currently referred to as the Jose canal or ditch.

I personally was involved in irrigating the entire ranch owned by my grandparents, John and Isabel Hammond. I also have specific recollection of irrigating the ground in the NE ¼ NE ¼ with water derived from the Hammond-Leaton ditch.

Respectfully submitted,

Charles R. Boge, M.D.
CRB:pas

COPY

RECEIVED
MAY 15 2000
Department of Water Resources

Rick Frost and Patsy Kindt
P.O. Box 991
Challis, Idaho 83226

RECEIVED
MAY 25 2000
Department of Water Resources
Southern Region

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

RE: Water Right Claims A-7210414, 72-16279A and A-7204055B

Dear Sirs,

Enclosed you will find our Objections to Water rights in the Snake River Basin Adjudication and documentation to accompany this letter from the files of Cliff Hansen, Kenneth Stark and Noel and Ruth Robins, previous owners.

This is a "Late Objection" as we were not notified of the disallowance until we received notice February 2000. At that time I researched documentation I had in files and requested documentation from the previous owners. I believe that the attached information will clarify that this parcel has and previously had beneficial for irrigation waters.

I do believe that there are some errors on the water right numbers. I have numbered each page for your review and will give an explanation for each page.

Page 1 gives water right No. A72-04055B and lists place of use as : 14N 19E Section 3 NENE when in fact this should be Township 13. Cliff Hansen does not own property in 14N 19E Section 3. I believe this should be our water right number. I have high lighted various information on these two pages.

Page 3 also shows Lot 1, section 3 T13NR19E (NENE) but refers to a different water right no. 72-16269A. The attached map being page 4 shows divirsion point and place of use. This map came from Mrs Robins, a previous owner of this land.

Pages five and six, again show a third water right, A72-10414, with an explaination of the claim no. 72-04055.

The final page is an affidavit given to me by Dr. Boge. A previous owner of this property and a grandson of John and Isabel Hammond.

It is my understanding that when Cyprus Mines Corporation sold this land, that the Water Right was split between the City of Challis and Noel Robins, and I personally know that Mr. Robins took a lot of time and effort to get this ground cultivated and irrigated when he bought it in the early 90's.

RECEIVED
MAY 15 2000
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

A-72-10414
72-16279A

In Re SRBA)
)
Case No. 39576)
)
)
)
_____)

A. Subcase A-72-04055B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Rick Frost AND Patsy KINDT
Address: P.O. Box 991
CHALLIS Idaho 83226
Daytime Phone: 208-879-4424

Name & Address of Attorney, if any:

_____
_____
_____

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

Name: Cliff Hansen, Kenneth Stark AND Eilene STARK
Address: HC 63 Box 1777
CHALLIS, Idaho 83226

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

1. ☐ **Name and Address**
   Should be: _____
2. ☐ **Source**
   Should be: _____
3. ☐ **Quantity**
   Should be: _____
4. ☐ **Priority Date**
   Should be: _____
5. ☐ **Point(s) of Diversion**
   Should be: _____
6. ☐ **Instream Flow Description**
   Should be: _____
7. ☐ **Purpose(s) of Use**
   Should be: _____
8. ☐ **Period of Year**
   Should be: _____
9. ☑ **Place of Use** (Lot 1)
   Should be: NE¼NE¼ T13N R19E BM.

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):

#A72-04055B should read T13N R19E, Not T14N R19E BM
Claim # A72-10414 Represents a portion of Claim #72-04055B
a per remarkes on the attached. This property has been
irrigated dating back to the early 30's

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

State of Idaho)
)ss.
County of Custer)

PAISY KINDT , 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.

Paisy Kindt
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/14/2006

Notary Public for IDAHO
Residing at: CHALLIS
My Commission Expires: 4-21-06

G. MICHAEL LEE NOTARY PUBLIC STATE OF IDAHO

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 May 12, ~~199~~ 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Cliff Hansen
Address: HC 63 Box 1777
Challis, Idaho 83226

3. Copies to:

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

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

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

Patsy Kindt
Signature of Objector or attorney mailing on Objector's behalf

Pg 1

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	3	SW	NW	SW	R	CUSTER
		16	SW	NE	NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	3	NE	NE	1	IRR	15.0
13N						Section Acres	15.0
						Total Acres	15.0

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:
A72-04055B

14. Remarks:
THIS SOURCE KNOWN LOCALLY AS COBLEY PONDS.
4 ACRES OVERLAP WITH CLAIM A72-04055B AS AMENDED.

15. Basis of Claim: BENEFICIAL USE

Pg 2

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 72-16279A

NAME AND ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 12.79 CFS

PRIORITY-DATE: 12/11/1888

POINT OF DIVERSION: T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	12.79 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03 LOT 1 (NENE) 3 LOT 2 (NWNE) 15 LOT 3 (NENW) 36 LOT 4 (NWNW) 24
SWNW 7 SENW 4
T14N R19E S34 NESW 13 SWSW 1 SESW 35
138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

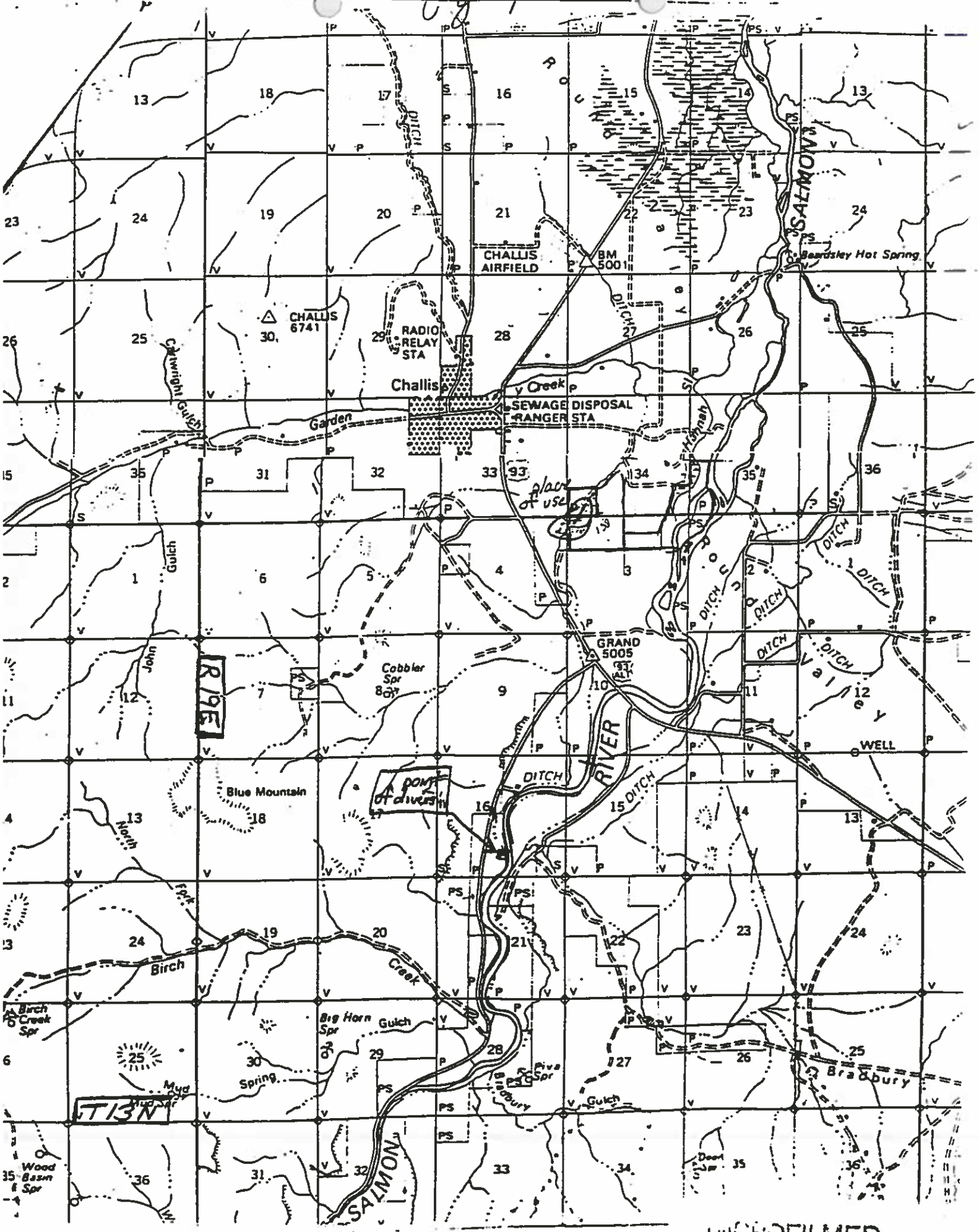
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Pg 4



MICROFILMED

Pages 5

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: A72-10414
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
Address: HC 63 BOX 1777
CHALLIS ID 83226
AND
Name: KENNETH J STARK
Address: HC 63 BOX 1777
CHALLIS ID 83226
AND
Name: EILENE C STARK
Address: HC 63 BOX 1777
CHALLIS ID 83226

2. Date of Priority: APR 24, 1931

3. Source: SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
13N	19E	3	SW	SE	NE	5	CUSTER

5. Description of diverting works:
COLLECTION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg - 6

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

15. Basis of Claim: BENEFICIAL USE

CHARLES R. BOGE, P.A.
1452 THREE FOUNTAINS DR.
IDAHO FALLS, IDAHO 83404-5641

CHARLES R. BOGE, M.D.
ORTHOPEDIC CONSULTANT
DIPLOMATE OF THE AMERICAN BOARD OF
ORTHOPEDIC SURGERY

TEL.: 523-5788
AREA CODE 208
FAX (208) 523-5788

April 03, 2000

RE: Property in the NE ¼ NE ¼ in Section 3 TWP No.13 NR No. 19 E B.M.I.
near Challis, Custer County, Idaho

To Whom It May Concern:

The undersigned, Charles R. Boge, was born 16 December 1929 at the Challis Hot Springs. During my youth and through High School at Challis, Idaho, I spent a great deal of time with my grandparents, John and Isabel Hammond, who's ranch was primarily in Section 3, as noted above.

The area specifically noted above; i.e. NE ¼ NE ¼ , was an area referred to as "the rocky ground." This ground was irrigated from water carried in the "Hammond-Leaton" canal. This canal had previously been known as Jose and is currently referred to as the Jose canal or ditch.

I personally was involved in irrigating the entire ranch owned by my grandparents, John and Isabel Hammond. I also have specific recollection of irrigating the ground in the NE ¼ NE ¼ with water derived from the Hammond-Leaton ditch.

Respectfully submitted,

Charles R. Boge, M.D.
CRB:pas

COPY

RECEIVED
MAY 15 2000
Department of Water Resources

Rick Frost and Patsy Kindt
P.O. Box 991
Challis, Idaho 83226

RECEIVED
MAY 25 2000
Department of Water Resources
Southern Region

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

RE: Water Right Claims A-7210414, 72-16279A and A-7204055B

Dear Sirs,

Enclosed you will find our Objections to Water rights in the Snake River Basin Adjudication and documentation to accompany this letter from the files of Cliff Hansen, Kenneth Stark and Noel and Ruth Robins, previous owners.

This is a "Late Objection" as we were not notified of the disallowance until we received notice February 2000. At that time I researched documentation I had in files and requested documentation from the previous owners. I believe that the attached information will clarify that this parcel has and previously had beneficial for irrigation waters.

I do believe that there are some errors on the water right numbers. I have numbered each page for your review and will give an explanation for each page.

Page 1 gives water right No. A72-04055B and lists place of use as : 14N 19E Section 3 NENE when in fact this should be Township 13. Cliff Hansen does not own property in 14N 19E Section 3. I believe this should be our water right number. I have high lighted various information on these two pages.

Page 3 also shows Lot 1, section 3 T13NR19E (NENE) but refers to a different water right no. 72-16269A. The attached map being page 4 shows divirsion point and place of use. This map came from Mrs Robins, a previous owner of this land.

Pages five and six, again show a third water right, A72-10414, with an explaination of the claim no. 72-04055.

The final page is an affidavit given to me by Dr. Boge. A previous owner of this property and a grandson of John and Isabel Hammond.

It is my understanding that when Cyprus Mines Corporation sold this land, that the Water Right was split between the City of Challis and Noel Robins, and I personally know that Mr. Robins took a lot of time and effort to get this ground cultivated and irrigated when he bought it in the early 90's.

RECEIVED
MAY 15 2000
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

A-72-10414
72-16279A

In Re SRBA)
)
Case No. 39576)
)
)
)
_____)

A. Subcase A-72-04055B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Rick Frost and Patsy Kinot
Address: P.O. Box 991
Challis Idaho 83226
Daytime Phone: 208-879-4424

Name & Address of Attorney, if any:

_____
_____
_____

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

Name: Cliff Hansen, Kenneth Stark and Eilene Stark
Address: HC 63 Box 1777
Challis, Idaho 83226

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

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point(s) of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☑ **Place of Use** (Lot 1)
   Should be: NE¼ NE¼ T 13 N R 19 E BM.

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):

#A72-04055B should read T13N R19E, Not T14N R19E BM
Claim # A72-10414 Represents a portion of Claim # 72-04055B
a per remarkes on the attached. This property has been
irrigated dating back to the early 30's

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

State of Idaho)
)ss.
County of Custer)

PATSY KINDT , 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.

Patsy Kindt
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/17/2006

Notary Public for IDAHO
Residing at: CHALLIS
My Commission Expires: 4-21-06

G. MICHAEL LEE NOTARY PUBLIC STATE OF IDAHO

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 May 12, ~~199~~ 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Cliff Hansen
Address: HC 63 Box 1777
Challis, Idaho 83226

3. Copies to:

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

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

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

Patsy Kindt
Signature of Objector or attorney mailing on Objector's behalf

Pg 1

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
Address: HC 63 BOX 1777
CHALLIS ID 83226
AND
Name: KENNETH J STARK
Address: HC 63 BOX 1777
CHALLIS ID 83226
AND
Name: EILENE C STARK
Address: HC 63 BOX 1777
CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW NW SW	R	CUSTER
		16	SW NE NE	I	CUSTER

5. Description of diverting works:
DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	3	NE	NE	1	IRR	15.0
13N					Section Acres		15.0
					Total Acres		15.0

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:
A72-04055B

14. Remarks:
THIS SOURCE KNOWN LOCALLY AS COBLEY PONDS.
4 ACRES OVERLAP WITH CLAIM A72-04055B AS AMENDED.

15. Basis of Claim: BENEFICIAL USE

Pg 3

AJ5855NP
1649

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-16279A

NAME AND ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 12.79 CFS

PRIORITY-DATE: 12/11/1888

POINT OF DIVERSION: T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	12.79 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03	LOT 1	(NENE)	3	LOT 2	(NWNE)	15	LOT 3	(NENW)	36	LOT 4	(NWNW) 24
		SWNW	7		SENW	4					
T14N R19E S34		NESW	13		SWSW	1		SESW	35		

138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

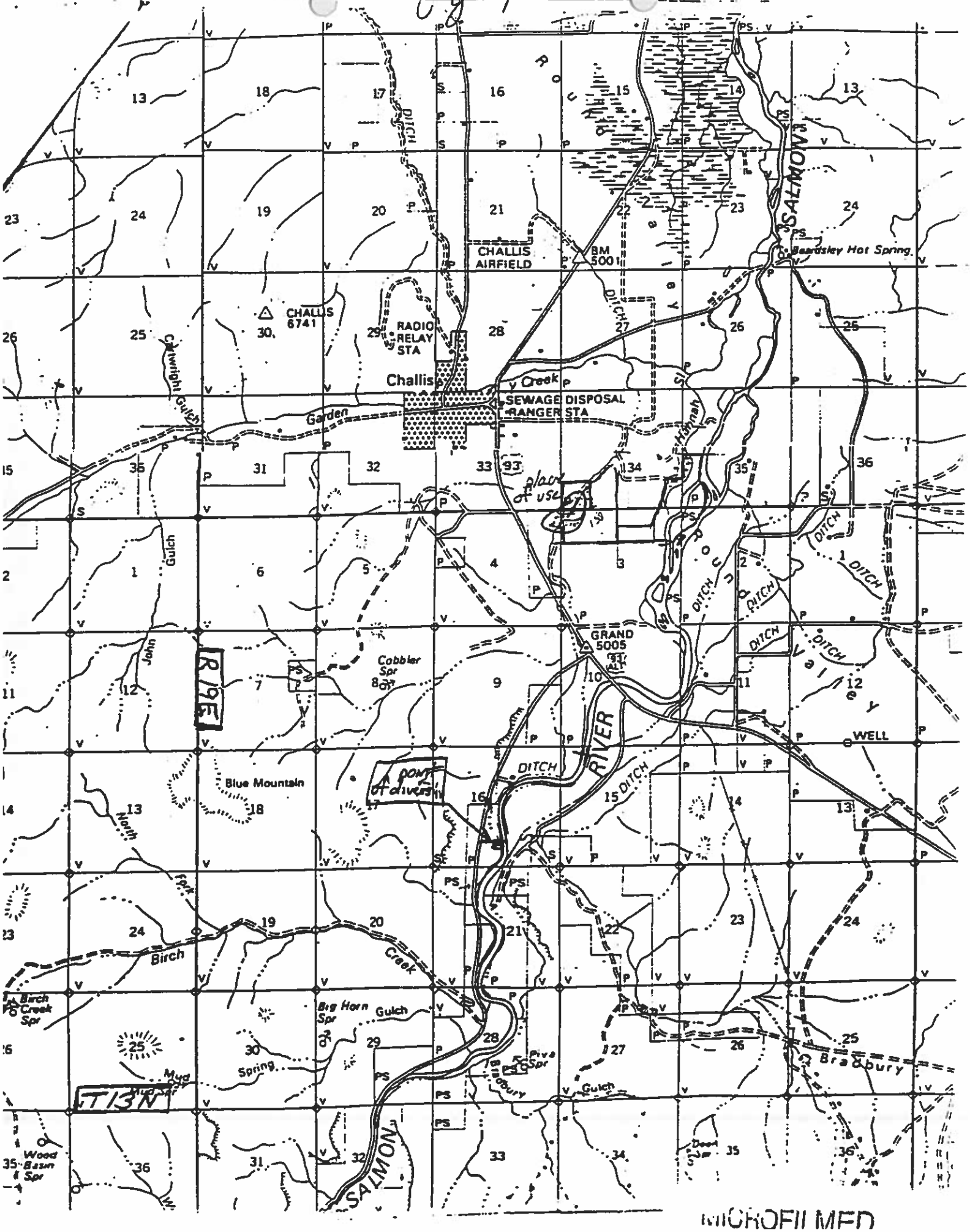
ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

WATER IS DELIVERED THROUGH JOSE DITCH.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Pg 4



MICROFILMED

Pages 5

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: A72-10414
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 24, 1931

3. Source: SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW SE NE	5	CUSTER

5. Description of diverting works:
   COLLECTION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg - 6

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

15. Basis of Claim: BENEFICIAL USE

CHARLES R. BOGE, P.A.
1452 THREE FOUNTAINS DR.
IDAHO FALLS, IDAHO 83404-5641

CHARLES R. BOGE, M.D.
ORTHOPEDIC CONSULTANT
DIPLOMATE OF THE AMERICAN BOARD OF
ORTHOPEDIC SURGERY

TEL.: 523-5788
AREA CODE 208
FAX (208) 523-5788

April 03, 2000

RE: Property in the NE ¼ NE ¼ in Section 3 TWP No.13 NR No. 19 E B.M.I.
near Challis, Custer County, Idaho

To Whom It May Concern:

The undersigned, Charles R. Boge, was born 16 December 1929 at the Challis Hot Springs. During my youth and through High School at Challis, Idaho, I spent a great deal of time with my grandparents, John and Isabel Hammond, who's ranch was primarily in Section 3, as noted above.

The area specifically noted above; i.e. NE ¼ NE ¼ , was an area referred to as "the rocky ground." This ground was irrigated from water carried in the "Hammond-Leaton" canal. This canal had previously been known as Jose and is currently referred to as the Jose canal or ditch.

I personally was involved in irrigating the entire ranch owned by my grandparents, John and Isabel Hammond. I also have specific recollection of irrigating the ground in the NE ¼ NE ¼ with water derived from the Hammond-Leaton ditch.

Respectfully submitted,

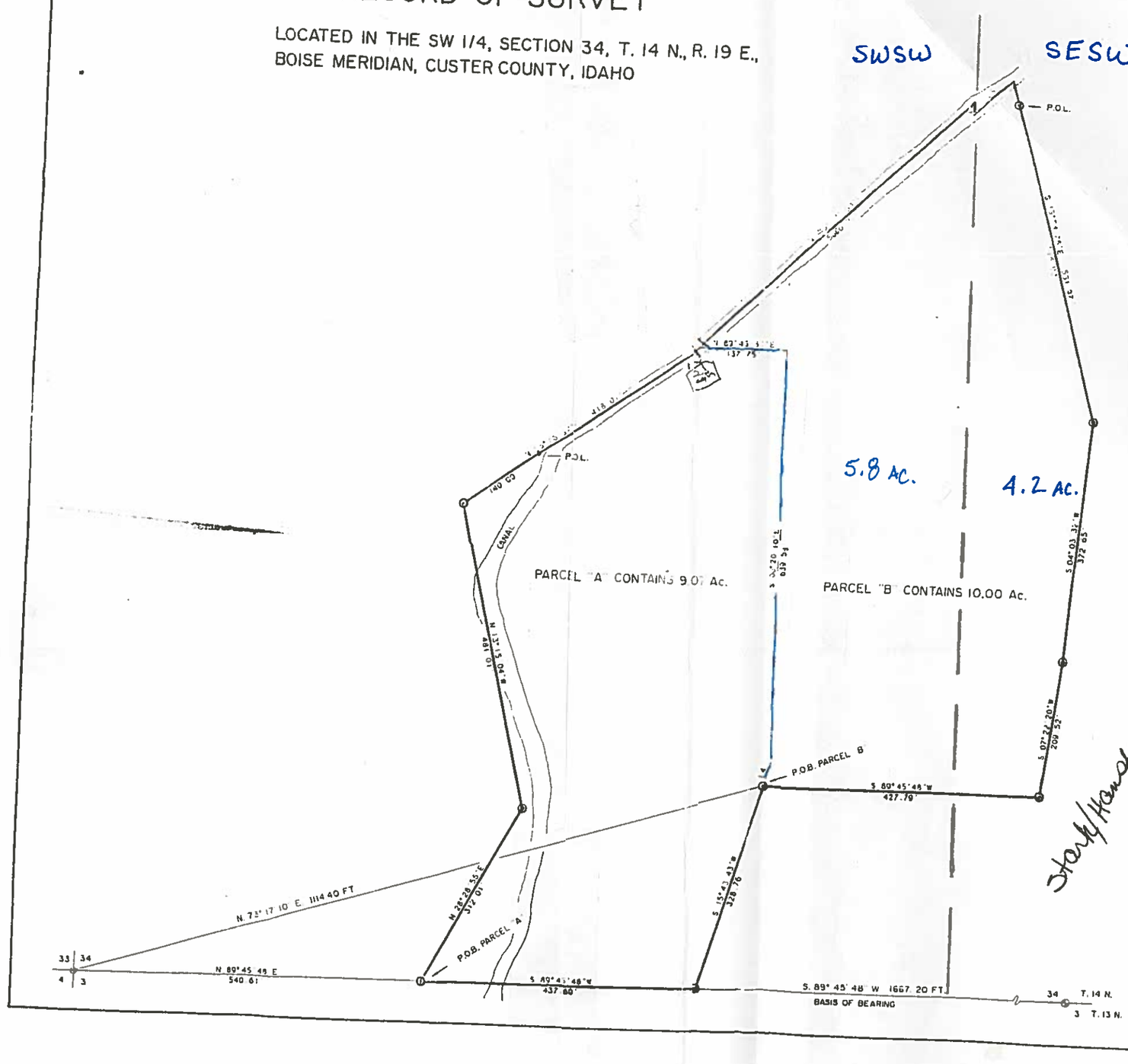
Charles R. Boge, M.D.
CRB:pas

RECORD OF SURVEY

LOCATED IN THE SW 1/4, SECTION 34, T. 14 N., R. 19 E.,
BOISE MERIDIAN, CUSTER COUNTY, IDAHO

SWSW

SESW



0 100 200

LEGEND

- SECTION OR 1/4 CORNER BRASS CAP P.E. 2237
- SET 5/8" x 24" REBAR WITH 1 1/2" PLASTIC CAP MARKED WADE PLS 5080

LINE	BEARING	DISTANCE
L 1	[illegible]	19.30
L 2	[illegible]	52.31
L 3	S. 89° 7' 43" E.	82.34
L 4	[illegible]	37.20

SURVEYOR'S CERTIFICATE

THIS MAP REPRESENTS A SURVEY MADE FROM EXISTING FIELD EVIDENCE IN CONFORMANCE WITH THE REQUIREMENTS OF [illegible] SURVEYED ON 10-17-1994 FOR ROBBINS

Laurence O Wade

LAURENCE J. WADE P.L.S. 5080

PROFESSIONAL LAND SURVEYOR 12998 5080 STATE OF IDAHO LAURENCE J. WADE

COUNTY RECORDER'S CERTIFICATE

RECORDER OF CUSTER COUNTY

TIME 1:00 PM DAY 12 MONTH Dec 1994

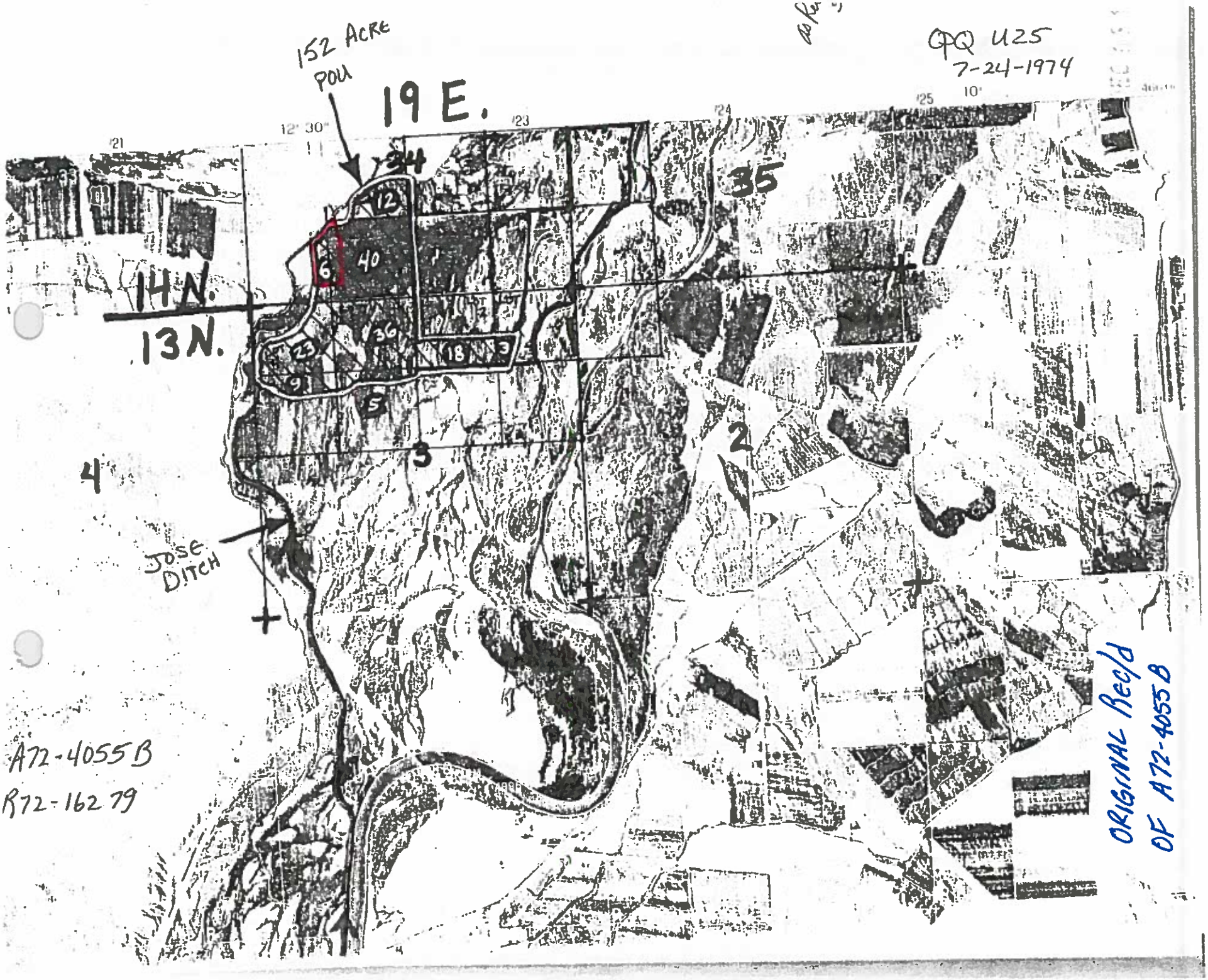
BOOK ___ PAGE ___ INST. NO 207907

RECORDER Ethel M. Peck

BY: Wendy Murphy

Stanley Hansen

WADE SURVEYING
505 GRANITE SALMON, IDAHO
208-756-3070 83467


152 ACRE POU
19 E.
14 N.
13 N.
24
35
2
3
4
JOSE DITCH
12
6
40
36
23
18
3
9
5
QPQ U25
7-24-1974
A72-4055B
R72-16279
ORIGINAL Rec'd OF A72-4055B
MAP

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER	
November 18, 1996 4:08pm	**ANNA - WAY OUT WEST REALTY**	**A72-04055B**
		A72-10137

SUBJECT: OWNERSHIP CHANGE STATUS???

phone call (X) walk-in (.)

Said she had sent in ownership change forms for these two claims a couple of months ago and wondered if the changes had been made yet? I found nothing on the data base so I checked with Trish. The forms were received in late August but the changes haven't been completed. A72-10137 seems to be okay, but there may be some problems with A72-04055B. Specifically, the form wasn't signed by the new owners and we don't know what was meant by the "shares" mentioned in the form??? Told Anna that Trish or someone would try to get to it soon and if we needed more claification or information, we would be in touch with her. Also told her we may send one of our new forms to fill out which requires a map be included...

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 89 DEGREES 45' 48" EAST, A DISTANCE OF 540.61 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 28 DEGREES 28' 56" EAST, A DISTANCE OF 312.01 FEET;

THENCE NORTH 13 DEGREES 15' 04" WEST, A DISTANCE OF 481.01 FEET;

THENCE NORTH 55 DEGREES 16' 57" EAST, A DISTANCE OF 418.01 FEET;

THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF 18.80 FEET;

THENCE NORTH 89 DEGREES 45' 46" EAST, A DISTANCE OF 137.75 FEET;

THENCE SOUTH 00 DEGREES 20' 10" EAST, A DISTANCE OF 639.58 FEET;

THENCE SOUTH 15 DEGREES 43' 43" WEST, A DISTANCE OF 366.66 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 45' 48" WEST, ALONG SAID BOUNDARY A DISTANCE OF 437.60 FEET TO THE POINT OF BEGINNING.

ALSO:
A PARCEL OF LAND LOCATED IN THE SW4, SECTION 34, TOWNSHIP 14 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 34, RUN THENCE NORTH 73 DEGREES 17' 10" EAST, A DISTANCE OF 1114.40 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 15 DEGREES 43' 43" EAST, A DISTANCE OF 37.90 FEET;

THENCE NORTH 00 DEGREES 20' 10" WEST, A DISTANCE OF 639.58 FEET;

THENCE SOUTH 89 DEGREES 45' 46" WEST, A DISTANCE OF 137.75 FEET;

THENCE NORTH 45 DEGREES 17' 54" EAST, A DISTANCE OF 566.21 FEET, TO A POINT ON THE EASTERLY BOUNDARY OF THE W1/2,SW1/4 THENCE SOUTH 00 DEGREES 39' 11" WEST, ALONG SAID BOUNDARY A DISTANCE OF 19.81 FEET;
THENCE NORTH 45 DEGREES 17' 43" EAST, A DISTANCE OF 82.68 FEET;

THENCE SOUTH 15 DEGREES 54' 26" EAST, A DISTANCE OF 551.97 FEET;

THENCE SOUTH 04 DEGREES 03' 32" WEST, A DISTANCE OF 372.65 FEET;

THENCE SOUTH 07 DEGREES 22' 20" WEST, A DISTANCE OF 209.52 FEET; THENCE SOUTH 89 DEGREES 45' 48" WEST, A DISTANCE OF 427.79 FEET TO THE POINT OF BEGINNING.

DEED OF TRUST

0211687

THIS DEED OF TRUST, Made this 8th day of AUGUST, 19 96,
BETWEEN LYNN S. MORTIER
herein called GRANTOR,
whose address is HC 63, BOX 1703 CHALLIS, ID 83226
The Alliance Title & Escrow Corp., herein called TRUSTEE, and NOEL ROBINS AND RUTH ROBINS, husband and wife
, herein called BENEFICIARY,
whose address is 3071 DUTCHMAN DRIVE SANTA CLARA, UT 84765
WITNESSETH: That Grantor does hereby irrevocably GRANT, BARGAIN, SELL AND CONVEY TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in the County of LEMHI, State of Idaho, described as follows, and containing not more than twenty acres:

SEE ATTACHED EXHIBIT "A"

COPY

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority hereinafter given to and conferred upon Beneficiary to collect and apply such rents, issues and profits,

For the Purpose of Securing payment of the indebtedness evidenced by a promissory note, of even date herewith, executed by Grantor in the sum of [redacted] Dollars, ($ [redacted]),
final payment due AUGUST 8, 2006
and to secure payment of all such further sums as may hereafter be loaned or advanced by the Beneficiary herein to the Grantor herein, or any or either of them, while record owner of present interest, for any purpose, and of any notes, drafts or other instruments representing such further loans, advances or expenditures together with interest on all such sums at the rate therein provided. Provided, however, that the making of such further loans, advances or expenditures shall be optional with the Beneficiary, and provided, further, that it is the express intention of the parties to this Deed of Trust that it shall stand as continuing security until paid for all such advances together with interest thereon.

A. To protect the security of this Deed of Trust, Grantor agrees:

1. To keep said property in good condition and repair; not to remove or demolish any building theron; to complete or restore promptly and in good and workmanlike manner any building which may be constructed, damaged or destroyed thereon and to pay when due all claims for labor performed and materials furnished therefor; to comply with all laws affecting said property or requiring any alterations or improvements to be made thereon; not to commit or permit waste thereof; not to commit, suffer or permit any act upon said property in violation of law; to cultivate, irrigate, fertilize, fumigate, prune and do all other acts which from the character or use of said property may be reasonably necessary, the specific enumerations herein not excluding the general.

2. To provide, maintain and deliver to Beneficiary fire insurance satisfactory to and with loss payable to Beneficiary. The amount collected under any fire or other insurance policy may be applied by Beneficiary upon any indebtedness secured hereby and in such order as Beneficiary may determine, or at option of Beneficiary the entire amount so collected or any part thereof may be released to Grantor. Such application or release shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

3. To appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powe s of Beneficiary or Trustee; and to pay all costs and expenses, including cost of evidence of title and attorney's fees in a reasonable sum, in any such action or proceeding in which Beneficiary or Trustee may appear.

4. To pay, at least ten days before delinquency all taxes and assessments affecting said property, when due, all encumbrances, charges and liens, with interest, on said property or any part thereof, which appear to be prior or superior hereto; all costs, fees and expenses of this Trust. In addition to the payments due in accordance with the terms of the note hereby secured the Grantor shall at the option, and on demand of the Beneficiary, pay each month 1/12 of the estimated annual taxes, assessments, insurance premiums, maintenance and other charges upon the property, nevertheless in trust for Grantor's use and benefit and for the payment by Beneficiary of any such items when due. Grantor's failure so to pay shall constitute a default under this trust.

5. To pay immediately and without demand all sums expended by Beneficiary or Trustee pursuant to the provisions hereof, with interest from date of expenditure at the rate of interest specified in the above described promisory note.

6. Should Grantor fail to make any payment or to do any act as herein provided, then Beneficiary or Trustee, but without obligation so to do and without notice to or demand upon Grantor and without releasing Grantor from any obligation hereof, may: make or do the same in such maner and to such extent as either may deem necessary to protect the security hereof, Beneficiary or Trustee being authorized to enter upon said property for such purposes; appear in and defend any action or proceeding purporting to affect the security hereof or the rights or powers of Beneficiary or Trustee; pay, purchase, contest or compromise any encumbrance, charge or lien which in the judgment of either appears to be prior or superior hereto; and, in exercising any such powers, or in enforcing this Deed of Trust by judicial foreclosure, pay necessary expenses, employ counsel and pay his reasonable fees.

B. It is mutually agreed that:

1. Any award of damages in connection with any condemnation for public use of or injury to said property or any part thereof is hereby assigned and shall be paid to Beneficiary who may apply or release such moneys received by him in the same manner and with the same effect as above provided for disposition of proceeds of fire or other insurance.

2. By accepting payment of any sum secured hereby after its due date, Beneficiary does not waive his right either to require prompt payment when due of all other sums so secured or to declare default for failure so to pay.

3. At any time or from time to time, without liability therefor and without notice, upon written request of Beneficiary and presentation of this Deed and said note for endorsement, and without affecting the personal liability of any person for payment of the indebtedness secured hereby, Trustee may: reconvey all or any part of said property; consent to the making of any map or plat thereof; join in granting any easement thereon; or join in any extension agreement or any agreement subordinating the lien or charge hereof.

4. Upon written request of Beneficiary stating that all sums secured hereby have been paid, and upon surrender of this Deed and said note to Trustee for cancellation and retention and upon payment of its fees, Trustee shall reconvey, without warranty, the property then held hereunder. The recitals in any reconveyance executed under this deed of trust of any matters or facts shall be conclusive proof of the truthfulness thereof. The grantee in such reconveyance may be described as "the person or persons legally entitled thereto."

5. As additional security, Grantor hereby gives to and confers upon Beneficiary the right, power and authority, during the continuance of these Trusts, to collect the rents, issues and profits of said property, reserving unto Grantor the right, prior to any default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, to collect and retain such rents, issues and profits as they become due and payable. Upon any such default, Beneficiary may at any time without notice, either in person, by agent, or by a receiver to be appointed by a court, and without regard to the adequacy of any security for the indebtedness hereby secured, enter upon and take possession of said property or any part thereof, in his own name sue for or otherwise collect such rents, issues and profits, including those past due and unpaid, and apply the same, less costs and expenses of operation and collection, including reasonable attorney's fees, upon any indebtedness secured hereby, and in such order as Beneficiary may determine. The entering upon and taking possession of said property, the collection of such rents, issues and profits and the application thereof as aforesaid, shall not cure or waive any default or notice of default hereunder or invalidate any act done pursuant to such notice.

6. Upon default by Grantor in payment of any indebtedness secured hereby or in performance of any agreement hereunder, all sums secured hereby shall immediately become due and payable at the option of the Beneficiary. In the event of default, Beneficiary shall execute or cause the Trustee to execute a written notice of such default and of his election to cause to be sold the herein described property to satisfy the obligations hereof, and shall cause such notice to be recorded in the office of the recorder of each county wherein said real property or some part thereof is situated.

Notice of sale having been given as then required by law, and not less than the time then required by law having elapsed, Trustee, without demand on Grantor, shall sell said property at the time and place fixed by it in said notice of sale, either as a whole or in separate parcels and in such order as it may determine, at public auction to the highest bidder for cash in lawful money of the United States, payable at time of sale. Trustee shall deliver to the purchaser its deed conveying the property so sold, but without any covenant or warranty express or implied. The recitals in such deed of any matters or facts shall be conclusive proof of the truthfulness thereof. Any person, including Grantor, Trustee, or Beneficiary, may purchase at such sale.

After deducting all costs, fees and expenses of Trustee and of this Trust, including cost of evidence of title and reasonable counsel fees in connection with sale, Trustee shall apply the proceeds of sale to payment of: all sums expended under the terms hereof, not then repaid, with accrued interest at the rate specified in the above described promisory note; all other sums then secured hereby; and the remainder, if any, to the person or persons legally entitled thereto.

7. This Deed applies to, inures to the benefit of, and binds all parties hereto, their heirs, legatees, devisees, administrators, executors, successors and assigns. The term Beneficiary shall mean the holder and owner of the note secured hereby; or, if the note has been pledged, the pledgee thereof. In this Deed, whenever the context so requires, the masculine gender includes the femine and/or neuter, and the singular number includes the plural.

8. Trustee is not obligated to notify any party hereto of pending sale under any other Deed of Trust or of any action or proceeding in which Grantor, Beneficiary or Trustee shall be a party unless brought by Trustee.

9. In the event of dissolution or resignation of the Trustee, the Beneficiary may substitute a trustee or trustees to execute the trust hereby created, and when any such substitution has been filed for record in the office of the Recorder of the county in which the property herein described is situated, it shall be conclusive evidence of the appointment of such trustee or trustees, and such new trustee or trustees shall succeed to all of the powers and duties of the trustee or trustees named herein.

Request is hereby made that a copy of any Notice of Default and a copy of any Notice of Sale hereunder be mailed to the Grantor at his address hereinbefore set forth.

Lynn S. Mortier
LYNN S. MORTIER

STATE OF IDAHO, COUNTY OF LEMHI
On this 9th day of AUGUST, 19 96,
before me, a Notary Public in and for said State, personally appeared

LYNN S. MORTIER

Known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Laurie M Santee
LAURIE M. SANTEE Notary Public,
Residing at SALMON, Idaho.
Commission Expires 6-19-2001

211687
Alliance Title
2:00 P.M
8-16-96
Barbara C Breedlove
9.00

DEED OF TRUST
WITH POWER OF SALE

GRANTOR

TRUSTEE

BENEFICIARY

Dated ....., 19 .....

Furnished through the courtesy of
ALLIANCE TITLE & ESCROW CORP.

REQUEST FOR FULL RECONVEYANCE

To be used only when note has been paid.

....., Idaho, ..., 19 .....

, Trustee:

The undersigned is the legal owner and holder of all indebtedness secured by the within Deed of Trust. All sums secured thereby have been fully paid. You are hereby requested and directed to cancel all evidences of indebtedness secured by said Deed of Trust and to reconvey, without warranty, the estate now held by you under the same.

Deliver to: .....

.....

.....

THE PROMISSORY NOTE OR NOTES, AND ANY EVIDENCES OF FURTHER AND/OR ADDITIONAL ADVANCES MUST BE PRESENTED WITH THIS REQUEST.

AJ0749NP
No. R72-16279

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

DATE: 02/13/95
PAGE: 1

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CLIFF HANSEN	12/11/1888	IRRIGATION	04-15	10-15	13.60 CFS	
C	KENNETH J STARK						
C	EILENE C STARK						
	HC 63 BOX 1777						
	CHALLIS ID 83226						

TOTAL DIVERSION: 13.60 CFS
CONSUMPTIVE USE: 380.00 AFA

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S16 Lot02(NESWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	SUM
13N	19E	3	01-03	02-18			03-36	04-23	09	05									94.0
14N	19E	34									12		06	40					58.0
																		TOTAL ACRES	152.0

POU County: CUSTER

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH JOSE DITCH.
3.20 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A & 72-10505.

Dates: Exam Made Date: 05/26/1993 Verified Date:

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

A 72-4055B

DEC 03 1996

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

Date: 03/21/1994 User-ID: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-04055B AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Date: 06/10/1994 User-ID: CLELLAND Subject: CONV. LOSSES
REVISED AND CORRECTED THE CONVEYANCE LOSS FOR THIS RIGHT.
WAS 3.20 CFS; NOW 3.31 CFS, MAY NEED TO AMEND CLAIM TO ADD EXTRA AMOUNT.

Date: 02/13/1995 User-ID: SCLELLAN Subject: CHANGE OF OWNERSHIP
FORMS SIGNED BY ORIGINAL OWNERS NOEL & RUTH ROBINS.
POSSIBLE TRANSFER PENDING TO CONVEY A PORTION OF THIS RIGHT TO MARK & ROSE HARRIS UNDER A72-04055B.

Audit: 02/13/95 SCLELLAN

(OD-124) ADJUDICATION CLAIMS PROOF READING REPORT (REGIONAL) Page 1

Water Right Number - R72-04055B Prefix Translation: RESEARCH Old (D) Number -

DEC 0 3 1996

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
HANSEN	CLIFF	1 - HC 63 BOX 1777 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-000-0000
STARK	KENNETH J	1 - HC 63 BOX 1777 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-000-0000
STARK	EILENE C	1 - HC 63 BOX 1777 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
ROBINS	RUTH Y	1 - HC 63 BOX 1703 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475
FARR	SHELDA K	1 - BOX 64 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2203
HAMMOND	JOHNNY	1 - BOX 264 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2293
FARR	R SCOTT	1 - BOX 64 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2203
ROBINS	NOEL	1 - HC 63 BOX 1703 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475

Priority Date	Region	Stage	Status
12/11/1888	17 SOUTHERN		Z - SEE REMARKS

Source	Tributary
SALMON RIVER	SNAKE RIVER

DEC 03 1996

Water right number - R72-04055B Prefix Translation: RESEARCH

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	
13N	19E	16	NE SW NE	2	(37)	CUSTER	JOSE DITCH

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/15	10/15	6.820	

Total Div. Rate: 6.820 Total Div. Volume: Total Consumptive Use: 0.0 KW Usage:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	19E	3	NW NE		24.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NE NW		40.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW NW		27.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SW NW		2.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NE SW		23.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SW SW		8.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SE SW		40.0	01	IRRIGATION	(37) CUSTER

Total Acres: 164.0

Diversion Means - HEADGATE, JOSE DITCH, GRAVITY FLOOD IRRIGATION SYSTEM

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks

SEE NO. 72-16279.

Old Water Right Numbers

7204055

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff | Decree Defendant | Decree Date: 00/00/0000

Comments

Date: 03/21/1994 User Id: CLELLAND Subject: RECOMMENDATION

COMBINED THE CLAIMS A72-04055B AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Water right number - R72-04055B Prefix Translation: RESEARCH

DEC 0 3 1996

-Comments-

Date: 03/21/1994 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.
Date: 02/13/1995 User Id: SCLELLAN Subject: CHANGE OF OWNERSHIP
FORMS SIGNED BY ORIGINAL OWNERS NOEL & RUTH ROBINS.

Audit Fields
02/13/95 SCLELLAN

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 05/26/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 11/29/1989	Last Amended Date	- 11/13/1990	Temporary Right	- P
		Receipt Number	- M005276	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

AJ0749NP
No. R72-16279

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

DATE: 03/30/94
PAGE: 1

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NOEL ROBBINS	12/11/1888	IRRIGATION	04-15	10-15	13.60 CFS	
C	RUTH Y ROBBINS						
	PO BOX 341				TOTAL DIVERSION:	13.60 CFS	
	CHALLIS ID 83226				CONSUMPTIVE USE:		380.00 AFA
	(208) 879-2475						

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S16 Lot02(NESWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	SUM
13N	19E	3	01-03	02-18			03-36	04-23	09	05									94.0
14N	19E	34									12		06	40					58.0
																		TOTAL ACRES	152.0

POU County: CUSTER

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH JOSE DITCH.
3.20 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A & 72-10505.

Dates: Exam Made Date: 05/26/1993 Verified Date: 03/30/1994

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

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS

<THERE IS NO CLAIM FOR the Number A72-16279>

FILE NOTE: 72-16279 is a combination of 2 claims.
this is not a renumbering of either claim
but a joint Recommendation

5-10-94
SCC

See FILE → A72-04055B for Complete file Review.

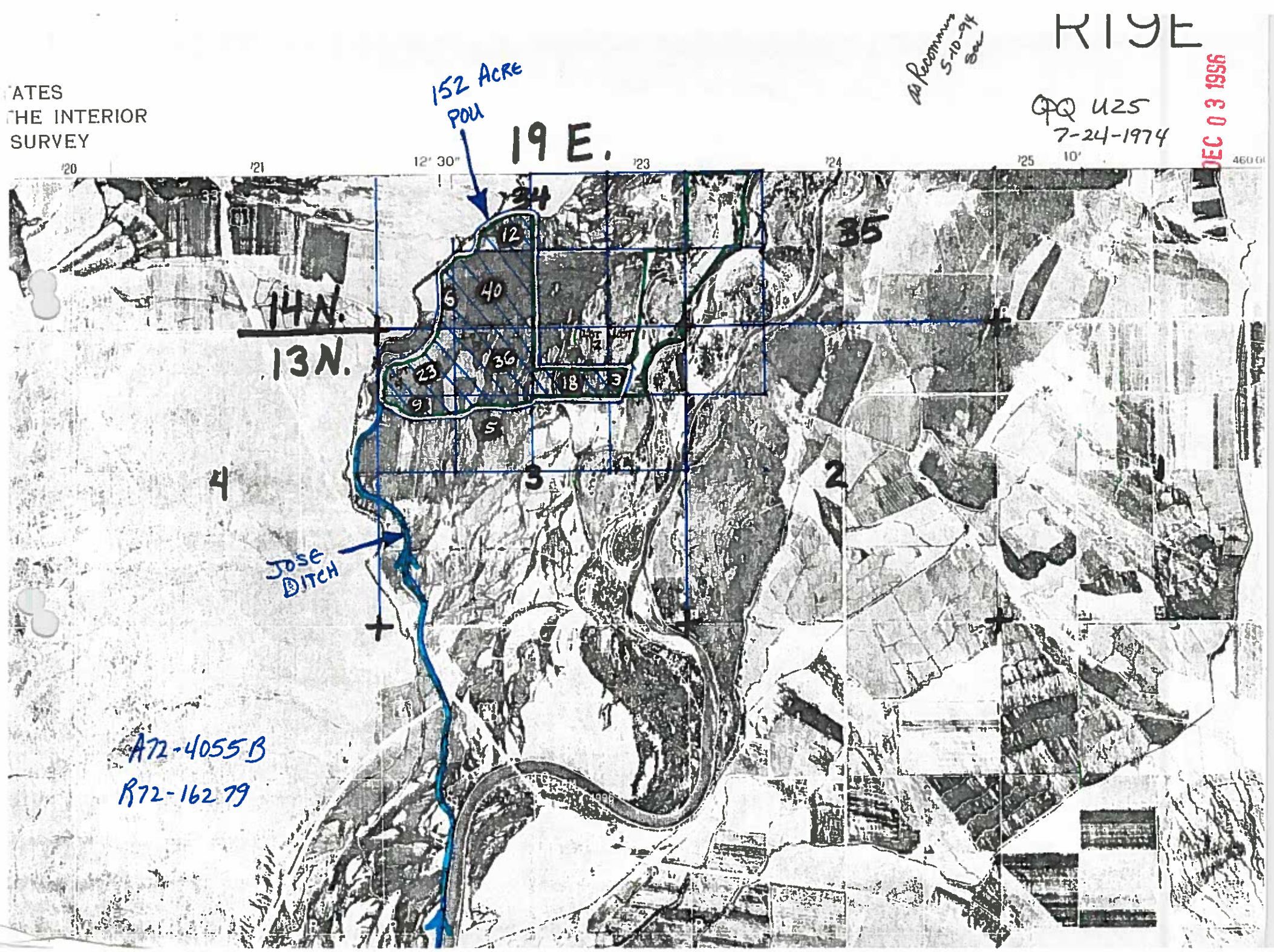
Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

Date: 03/21/1994 User-ID: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-040558 AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Audit: 03/30/94 CLELLAND

DEC 03 1996


ATES
THE INTERIOR
SURVEY
152 ACRE
POU
19 E.
12' 30"
20
21
23
24
25
10'
34
35
14N.
13N.
12
6
40
36
23
18
3
9
5
4
3
2
JOSE
DITCH
A72-4055B
R72-16279
GPQ U25
7-24-1974
DEC 03 1996

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER	
August 5, 1996 11:03pam	**ANNA - WAY OUT WEST REALTY**	**A72-04055B, A72-04080F, A72-10137, R72-16279**

SUBJECT: PROFILE REPORTS

phone call (X) walk-in (.)

Asked to have profile reports FAXed to her @ 879-5258 for rights Mark & Rose Harris had purchased from Nolan Robbins or Cliff Hansen in T14N, R19E, Section 34.

DEC 0 3 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-04055B

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

◇◇

March 30, 1995 10:57am

NAME: RE:
SANDY HILL @ ROBIE REAL ESTATE CALLBACK 879-2211

I WAS RETURNING A CALL TO "ANN" BUT SPOKE TO SANDY AND DISCUSSED THE NOEL ROBINS SALE TO TWO OTHER PARTIES (CLIFF HANSEN & OTHER). THEY WERE WANTING TO KNOW WHAT A GINI DITCH SHARE WAS EQUAL TO IN MINERS INCHES... I TOLD HER WE DON'T KNOW WHAT SHARES EQUATE TO. THE ISSUE OF WHETHER 1" IS SUFFICIENT CAME UP AND I TOLD HER MOST OF THE FINDINGS WE HAVE MADE IN THE CHALLIS AREA HAVE SHOWN MORE THAN 1"/ACRE IS NEEDED FOR GRAVITY IRRIGATION. I EXPLAINED THE LAW DESCRIBES 1"/ACRE BUT ALLOWS FOR JUSTIFICATION OF MORE IF NEEDED.

DEC 03 1996

72-4055 B

DATE
October 25, 1994 8:35am

CUSTOMER
NOEL ROBINSON 879-2475

SUBJECT: INFO REQUEST FOR DIVERSION RATE PER ACRE CALC.

Noel wanted to know how to convert from cfs to inches and then how to caclulate the rate per acre he needed to transfer. He also wanted to talk to Steve. Apparently he did not receive transfer papers.

fm KKC

10-26-94

Talked w/ Kelly...

Call back to Noel.

SCC

DEC 03 1996

October 21, 1994

NOEL ROBINS
HC 63 BOX 1703
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP INFORMATION

DEAR NOEL,

Enclosed please find the change of ownership forms, proof reports on your SRBA claims and a map that has been color coded to show the water right claim locations.

Please keep in mind this form is for changing the ownership of the **EXISTING** water uses as shown by the SRBA claims. You gave me the impression that you may be planning to use the Gini ditch water in place of the Leaton-Hammond ditch water on acres below the Leaton-Hammond ditch (aka Jose ditch). If that is so, you may need to file a transfer of the water right.

A transfer is required whenever you change the actual use of the water right, whereas, the change of ownership merely changes the ownership and does not involve moving or redistributing the water right.

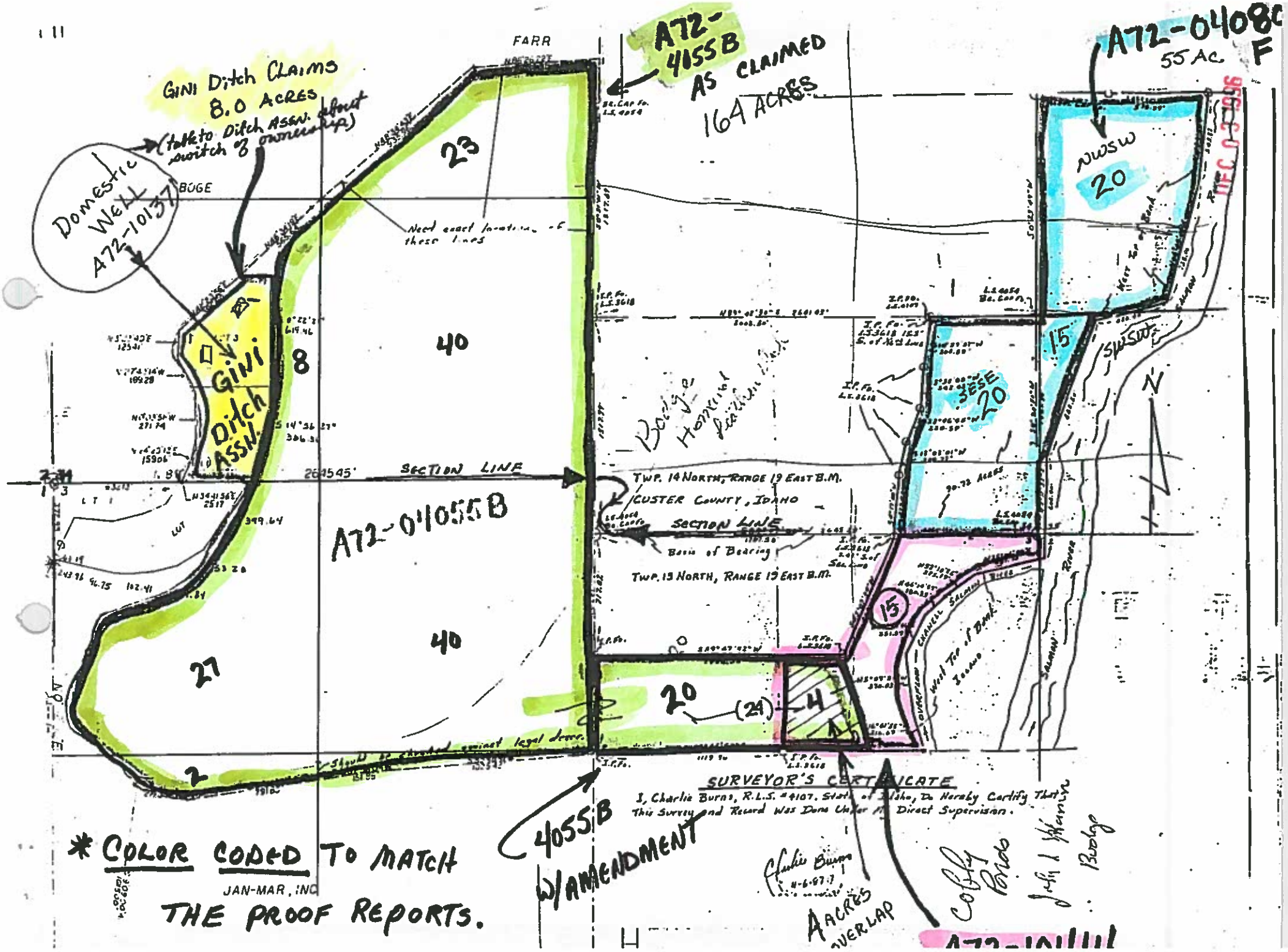
If you have further questions contact me at our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

DEC 0 3 1996


GINI Ditch CLAIMS
8.0 ACRES
(talk to Ditch Assn. about switch & ownership)
Domestic WELL
A72-10137
BOGE
FARR
A72-4155B
AS CLAIMED
164 ACRES
A72-04080
55 AC.
F
NWSW
20
23
40
8
GINI
Ditch
ASSN.
Need exact location of these lines
SECTION LINE
TWP. 14 NORTH, RANGE 19 EAST B.M.
CUSTER COUNTY, IDAHO
SECTION LINE
Basis of Bearing
TWP. 13 NORTH, RANGE 19 EAST B.M.
A72-04055B
40
27
2
20
(24)
4
15
SESE
20
SWSW
N
SURVEYOR'S CERTIFICATE
I, Charlie Burns, R.L.S. #4107, State of Idaho, Do Hereby Certify That This Survey and Record Was Done Under My Direct Supervision.
Charlie Burns
4-6-97
4055B
W/AMENDMENT
A ACRES
OVERLAP
Coffin Road
Bridge
* COLOR CODED TO MATCH
THE PROOF REPORTS.
JAN-MAR, INC

Pobie Real Estate
Residential • Agricultural • Recreational • Commercial
Highway 93 & Main Street • P.O. Box 730
Challis, Idaho 83226
208-879-2211 or 208-879-2270
FAX 208-879-5258

FAX COVER SHEET

Pages: 1
Date: 2-16-95
To: Water Resources
* Steve Cleland
Fax: 236-3037
From: Sande Hill
Fax: 208-879-5258
Address:

Special Instructions:

Dear Steve,

In your letter to Mark & Rose Harris you mentioned you enclosed a transfer form. This transfer form was not in the envelope. Will you please fax and/or mail me one to fill out.

Thanks,

Sande Hill

RECEIVED
FEB 16 1995
Department of Water Resources
Southern Region

Sent Form by Mail
2-17-95
se

If not received correctly or didn't get all pages please call 208-879-2211 or 208-879-2270. Return fax # 208-879-5258

Erin Noble Broker • 208-756-4169
Linda Noble, Branch Manager

MLS

A72-4055B

DEC 03 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor PHIL BATT

R. KEITH HIGGINSON
Director

February 13, 1995

MARK & ROSE HARRIS
BOX 730
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP SRBA CLAIM NO. A72-04055B

DEAR MR. & MRS. HARRIS,

In reviewing your request for a change of ownership for a portion of the SRBA claim A72-04055B, it has been determined that the lands listed in the "Notice of Land Sale" were not claimed under this right and therefore are not appurtenant to the land described. This form, 42-1409(7), is used to change the ownership of existing rights as claimed. The split proposed and described, in part, on the form you submitted WILL REQUIRE A TRANSFER OF A WATER RIGHT to complete.

The current record of this claim now shows Hansen-Stark as the owners since they own all the land that was described by the claim. The property you purchased is covered by Gini Ditch water rights only. A transfer is the process used to change the place of use of a water right as you appear to be proposing and I have included a transfer form for your use. In the transfer you can describe the amount of water and acres you are moving onto your parcel and the same amount and location of acres that Hansen-Stark will discontinue to water as a result of the transfer.

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:
cc: Cliff Hansen
Kenneth J. Stark
Eilene C. Stark

DEC 0 3 1996

AJ0749NP
No. R72-16279

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

DATE: 06/10/94
PAGE: 1

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NOEL ROBBINS	12/11/1888	IRRIGATION	04-15	10-15	13.60 CFS	
C	RUTH Y ROBBINS						
	PO BOX 341				TOTAL DIVERSION:	13.60 CFS	
	CHALLIS ID 83226				CONSUMPTIVE USE:		380.00 AFA
	(208) 879-2475						

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S16 Lot02(NESWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	SUM
13N	19E	3	01-03	02-18			03-36	04-23	09	05									94.0
14N	19E	34									12		06	40					58.0
																		TOTAL ACRES	152.0

POU County: CUSTER

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH JOSE DITCH.
3.20 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A & 72-10505.

Dates: Exam Made Date: 05/26/1993 Verified Date: 06/10/1994

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

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS

DEC 03 1996

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

Date: 03/21/1994 User-ID: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-04055B AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Date: 06/10/1994 User-ID: CLELLAND Subject: CONV. LOSSES
REVISED AND CORRECTED THE CONVEYANCE LOSS FOR THIS RIGHT.
WAS 3.20 CFS; NOW 3.31 CFS, MAY NEED TO AMEND CLAIM TO ADD EXTRA AMOUNT.

Audit: 06/10/94 CLELLAND

(OD-124) ADJUDICATION CLAIMS PROOF READING REPORT (REGIONAL)

VERIFIED BY SCC

DEC 03 1996

Water Right Number - R72-04055B Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
ROBBINS	NOEL	1 - PO BOX 341 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475
ROBBINS	RUTH Y	1 - PO BOX 341 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475
*** O - ORIGINAL OWNER ***		
FARR	SHELDA K	1 - BOX 64 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2203
FARR	R SCOTT	1 - BOX 64 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2203

Priority Date	Region	Stage	Status
12/11/1888	17 SOUTHERN		Z - SEE REMARKS

Source	Tributary
SALMON RIVER	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	
13N	19E	16	NE SW NE	2	(37)	CUSTER	JOSE DITCH

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/15	10/15	6.820	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
6.820		0.0	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	19E	3	NW NE		24.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NE NW		40.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW NW		27.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SW NW		2.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NE SW		23.0	01	IRRIGATION	(37) CUSTER

DEC 03 1996

Water right number - R72-04055B Prefix Translation: RESEARCH

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	34	SW SW		8.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SE SW		40.0	01	IRRIGATION	(37) CUSTER

Total Acres: 164.0

Diversion Means - HEADGATE, JOSE DITCH, GRAVITY FLOOD IRRIGATION SYSTEM

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks

SEE NO. 72-16279.

Old Water Right Numbers

7204055

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff | Decree Defendant | Decree Date

00/00/0000

Comments

Date: 03/21/1994 User Id: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-04055B AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.
Date: 03/21/1994 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.
CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

Audit Fields

03/30/94 CLELLAND

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 05/26/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/30/1994	Old Judicial District	-
Claim Received Date	- 11/29/1989	Last Amended Date	- 11/13/1990	Temporary Right	- P
		Receipt Number	- M005276	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S

DEC 03 1996

Water right number - R72-04055B Prefix Translation: RESEARCH

+ - Adjudication Rights Dates and Flags Area - +

Name Connector - OR Presumption Flag -
Notice of Error Flag -

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-04055B, A72-04080F, A72-10137, A72-10414

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

◇◇

October 21, 1994 9:46am

NAME:		RE:
NOEL ROBBINS	**CALLIN**	**A72-04055B**

HE CALLED TO ASK ABOUT CHANGE OF OWNERSHIP FORMS AND NUMBERS. I WILL PREPARE A SET OF COPIES TO SEND TO HIM W/ HIS CLAIMS. HE SAYS THE HOUSE AND 9 ACRES WILL GO TO "HARRIS" ALONG WITH 10 ACRES BELOW THE HOUSE AREA. HE SAYS ALL THE REST OF THE PLACE AND ALL THE LEATON-HAMMOND DITCH RIGHTS WILL GO TO CLIFF HANSEN. (IDWR NOTE: GINI DITCH RIGHT HAS NOT BEEN USED, OR CLAIMED, BELOW THE JOSE DITCH. APPEARS THEY MAY BE TRYING TO EFFECT A TRANSFER.)

SENDING MAP FROM CLAIM AND PROOFS OF 4 SRBA CLAIMS: **A72-04055B, A72-04080F, A72-10137 & A72-10414.** ALSO NEED LETTER SENT.

DEC 03 1996

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

October 21, 1994

NOEL ROBINS
HC 63 BOX 1703
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP INFORMATION

DEAR NOEL,

Enclosed please find the change of ownership forms, proof reports on your SRBA claims and a map that has been color coded to show the water right claim locations.

Please keep in mind this form is for changing the ownership of the **EXISTING** water uses as shown by the SRBA claims. You gave me the impression that you may be planning to use the Gini ditch water in place of the Leaton-Hammond ditch water on acres below the Leaton-Hammond ditch (aka Jose ditch). If that is so, you may need to file a transfer of the water right.

A transfer is required whenever you change the actual use of the water right, whereas, the change of ownership merely changes the ownership and does not involve moving or redistributing the water right.

If you have further questions contact me at our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

A72-4055B

DEC 03 1996

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Water Right Number - 72-04055 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** HAMMOND	JOHNNY	1 - 2 - 3 - City- CHALLIS, State- ID Zip- 83226 Phone -

Priority Date	Region	Stage	Status
04/15/1885	17 SOUTHERN	S - STATUTORY CLAIM	

Source	Tributary
SALMON RIVER	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Stream Index (Blank if no Index Code)
13N	19E	16	NE NE	1		(37) CUSTER	

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/15	10/30	7.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
7.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	19E	3	NE NE		5.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW NE		28.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SW NE		3.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SE NE		29.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NE NW		40.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW NW		37.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SW NW		18.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SE NW		8.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW SW		6.0	01	IRRIGATION	(37) CUSTER
13N	19E	4	NE NE		5.0	01	IRRIGATION	(37) CUSTER
13N	19E	4	SE NE		11.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NE SW		17.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NW SW		2.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SW SW		17.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SE SW		40.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SW SE		4.0	01	IRRIGATION	(37) CUSTER

Total Acres: 270.0

Diversion Means - DITCH, GRAVITY IRRIGATION SYSTEM

Non-Irrigation Use -

DEC 03 1996

Water right number - 72-04055 Prefix Translation: WATER RIGHT

+ - - Other Rights for Same Use -

+ - Remarks - +
No Remarks found.

+ - 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- +
No Comments Found

+ - - Audit Fields - 01/28/86 05/28/88 CONVERT

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 01/28/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

DEC 03 1996

(OD-124) WATER RIGHT CLAIMS PROOF READING REPORT (REGIONAL) Page 1

Water Right Number - 72-04055 Adj. Flag Translation: Standard Water Right Number Old (D) Number -

DEC 03 1996

*** C - CURRENT OWNER ***

Last Name	First Name	Address
HAMMOND	JOHNNY	1 - 2 - 3 - City- CHALLIS, State- ID Zip- 83226 Phone -

Priority Date	Region	Stage	Status
04/15/1885	17	S - STATUTORY CLAIM	

Source	Tributary
SALMON RIVER	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
13N	19E	16	NE NE	1	(37)	CUSTER

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/15	10/30	7.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
7.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	19E	3	NE NE		5.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW NE		28.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SW NE		3.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SE NE		29.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NE NW		40.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW NW		37.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SW NW		18.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	SE NW		8.0	01	IRRIGATION	(37) CUSTER
13N	19E	3	NW SW		6.0	01	IRRIGATION	(37) CUSTER
13N	19E	4	NE NE		5.0	01	IRRIGATION	(37) CUSTER
13N	19E	4	SE NE		11.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NE SW		17.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NW SW		2.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SW SW		17.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SE SW		40.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SW SE		4.0	01	IRRIGATION	(37) CUSTER

Total Acres: 270.0

72-4055B SPLIT REVIEW

AJQ7
SPLIT
A - 1.14
4055 B - 5.86

Leaton/Hammond Ditch
" "

AMEND

DEC 03 1996

Water right number - 72-04055 Adj. flag translation: Standard Water Right Number

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - Remarks - +

No Remarks found.

+ - Conditions of Approval - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

00/00/0000

+ - - Audit Fields -

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 01/28/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

QUICKLOOK INFORMATION

CLAIM NUMBER: A72-04055B

DEC 03 1993

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE		affidavit in M.E.	5-26-93 Sen	(Y) 1888	6.	Sen 4-27-93	Sen 3-21-94	
POINT OF DIV	Y			(Y)	12456	Sen 3-21-94		
SOURCE				N				
PLACE OF USE	Y			(Y)	12456			
DIV. AMOUNT CFS/VOLUME	Y			(Y)	6. (HA)			
CONSUMPTIVE USE	-			(Y)				
PURPOSES				N				
PERIOD OF USE				(Y)				
BASIS OF CLAIM	Y			N				
REMARKS	Y			(Y)				

Sen 4-27-93

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

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

DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

06/04/92

PAGE: 14
PROFILE REPORT

R72-16279

CLAIM NUMBER: A72-04055B

DEC 03 1993

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NOEL ROBBINS	~~04/15/1885~~ 12-11-1888	IRRIGATION	04-15	~~10-30~~ 10-15	~~6.83~~ CFS	
C	RUTH Y. ROBBINS					~~6.83~~ CFS	~~410.0~~ 380 AFA
	P.O. BOX 341				TOTAL DIVERSION:		
	CHALLIS ID 83226				CONSUMPTIVE USE:	13.60	
	(208) 879-2475						

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Injection: T13N R19E S16 ~~SWNENE~~ NESWNE 2.2
Point(s) of Re-diversion: ~~T13N R19E S03~~ ~~SWNWSW~~

CUSTER County
~~CUSTER County~~

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
13N	19E	3	1-3	2-~~20~~ 18			3-~~36~~ 36	4-~~23~~ 23	~~9~~ 9	5									~~93.0~~
14N	19E	34									~~20~~ 12		~~6~~ 6	40					~~71.0~~ 152
																	TOTAL ACRES		~~164.0~~

POU County: CUSTER

Other Rights: NONE

Remarks: THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

→ move to Comm.

3-21-94 Sw

Dates: Exam Made Date: 5-26-93 Verified Date:

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

F01
D02 = 3.20
F06

FIR: 10.40 cfs
@ .068 cfs

GENERAL INFORMATION

CLAIM NUMBER: A72-04055B

DEC 03 1996

LAST: HAMMOND FIRST: JOHNNY
ADDRESS: BOX 264
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2293

OWNER CODE: O

LAST: FARR FIRST: SHELDA K.
ADDRESS: BOX 64
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2203

OWNER CODE: O

LAST: FARR FIRST: R. SCOTT
ADDRESS: BOX 64
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2203

OWNER CODE: O

LAST: ROBBINS FIRST: NOEL
ADDRESS: P.O. BOX 341
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2475

OWNER CODE: C

LAST: ROBBINS FIRST: RUTH Y.
ADDRESS: P.O. BOX 341
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2475

OWNER CODE: C

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

CLAIM REMARKS: THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART 'C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

DEC 03 1993

FIELD EXAMINATION INFORMATION

CONTACT PERSON: Noel Robins PHONE NUMBER: (___) ___-_____

DATE OF FIELD EXAM: 5/26/93 APPOINTMENT MADE: Y(X) N(___) TIME: ___:___ A(___) P(___)

ACCOMPANIED BY:_____ PHONE NUMBER: (___) ___-_____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

I Met w/ Mr & Mrs Robins and reviewed their claims and irrigation methods & systems. Most all his land is irrigated by the Jose Ditch system (except for a piece around his house from the Gini Ditch.) Areas down by the river (acquired from Cyprus appear green & growing but it is because of the sub irrigation from the river's water table. Did not see active irrigation practices and historical maps & photos indicate natural sub-irrigation.

At this point of review, it is clear that the statutory claims 72-4055 & 72-4080 were developed from the same source, same ditch at the same time. Propose to combine these two Robins claims as used in the one system as found.

Sue
3-11-94

A. AJ CLAIM: # A72-04055B PRIORITY DATE: 04-15-1885 STAGE: J

B. WR RECORD: # 72-04055 PRIORITY DATE: 04-15-1885 STAGE: S

DEC 0 3 1996

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	------

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(X) N(__)
IF YES EXPLAIN.

REMARKS: affidavit in Microf. file by T. Jose supports a priority date of 1888; at the time he recorded a water right use. affidavit was filed in 12-11-1888

RECOMMENDED PRIORITY DATE: ~~4-15~~ 12-11 1888 ~~04-15-1885~~

REVIEWED BY GU DATE 4-27-93

GU 3-11-94

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04055B	13N	19E	3	SW	NW	SW		CUSTER
A72-04055B	13N	19E	16	SW	NE	NE		CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A72-04055A	NONE

WR RECORDS IN SAME 40 ACRE TRACT: NONE

SOURCE: SALMON RIVER TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04055	13N	19E	16		NE	NE	1	CUSTER

OTHER WR RECORDS WITH SAME WR POD

72-04019
72-04021

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
NONE	NONE

SOURCE: SALMON RIVER TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

REMARKS: See attached page

DEC 03 1996

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

DEC 0 3 1996

1a. IRRIGATION RATE
ACRES 152 x 0.02 CFS/ACRE = 3.04 CFS
(Taken from p/u review)

claimed: 6.82 cfs / 164 Ac. = 0.04 cfs/Ac.

1b. CALCULATIONS

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

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(__) N(X) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 410.0 AF/A

ACRES 152 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 380 AF/A

Hubble Analysis:

cfs per acres
0.068 cfs/ac. = 10.40 cfs

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME N/A AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

Revised 6-9-94 SM
Conveyance Losses: 3.31 ~~3.20~~ cfs

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

allows TOTAL → ~~13.60~~ cfs

Combined Claims:

R72-16299

A72-40558 6.82 cfs
A72-4080F 6.33 cfs
13.15 cfs

13.71 cfs

* Claims are not renumbered just Reid as one Record.

6-9-94 SM
* still limited by Claim for extra Conv. Losses.

1st amended Claim allows 13.60 cfs

POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: ~~A72-04055B~~ A72-4055B

DEC 03 1996

REMARKS:

Confirmed POD by Plan & Maps.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
13N	19E	16	NE	SW	NE	2	

SOURCE: SALMON RIVER TRIB: SNAKE RIVER

REVIEWED BY: See DATE: 3-2-94 See 3-14-94

Via Jose Ditch.

Maps used in review of this right:

OPO T75 1956

U25 7-24-74

Blm Aerials: 7-10D-2 dated 7-10-88

10-10C-6 dated 7-16-88

10-9C-3 dated 7-16-88

ASCS Maps from Custer Co assessor files

Soil Maps #243-36 based on HAP photo date: 9-2-1984

Assessor Plat maps of Wild River Estates.

Joint Lot Maps.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
----	----	----	---	---	---	---	------
----	----	----	---	---	---	---	------

SOURCE: SALMON RIVER TRIB: SNAKE RIVER

REVIEWED BY: _____ DATE: _____

DEC 03 1996



See previous page

A. ROOT WATER RIGHT NUMBERS: A72-04055
A72-04055B
A72-04055A
A72-04055C

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
13N	19E	3	NW	NE		ROBBINS , NOEL	A72-04055B /24.0	- /			
			NW	NE	2	CAMPBELL , SCOTT L	A72-04055C /28.0	- /			
			NW	NE		GINI DITCH COMPANY INC.	A72-10482 /40.0	- /		18	
			NW	NE		GINI DITCH COMPANY INC.	A72-10480 /40.0	- /			
			NW	NE		GINI DITCH COMPANY INC.	A72-10481 /40.0	- /			
			NW	NE		HAMMOND , JOHNNY		72-04055 /28.0			
13N	19E	3	NE	NW		ROBBINS , NOEL	A72-04055B /40.0	- /			
			NE	NW	3	HAMMOND , JOHNNY		72-04055 /40.0		36	
13N	19E	3	NW	NW		ROBBINS , NOEL	A72-04055B /27.0	- /			
			NW	NW	4	HAMMOND , JOHNNY	A72-04055A / 2.0	- /			
			NW	NW		HAMMOND , DOUG	A72-10217 /	- /		23	
			NW	NW		GINI DITCH COMPANY INC.	A72-10482 / 8.0	- /			
			NW	NW	4	CYPRUS THOMPSON CREEK MINING	CA72-04151 /16.0	72-04151 /16.0			
			NW	NW		GINI DITCH COMPANY INC.	A72-10480 / 8.0	- /			
			NW	NW		GINI DITCH COMPANY INC.	A72-10481 / 8.0	- /			
			NW	NW		HAMMOND , JOHNNY		72-04040 / 9.0			
			NW	NW		HAMMOND , JOHNNY		72-04055 /37.0			
13N	19E	3	SW	NW		ROBBINS , NOEL	A72-04055B / 2.0	- /	42.0		
			SW	NW		HAMMOND , JOHNNY	A72-04055A /10.0	- /		9	
			SW	NW		GINI DITCH COMPANY INC.	A72-10482 /15.5	- /			
			SW	NW		GINI DITCH COMPANY INC.	A72-10480 /15.5	- /			
			SW	NW		GINI DITCH COMPANY INC.	A72-10481 /15.5	- /			
			SW	NW		BOGE , CHARLES R.		72-04019 /40.0			
			SW	NW		HAMMOND , JOHNNY		72-04055 /18.0			
14N	19E	34	NE	SW		ROBBINS , NOEL	A72-04055B /23.0	- /	27.0		
			NE	SW		FARR , SHELDA K.	A72-10136 /	- /		12	
			NE	SW		COBBLEY , STEPHEN R.	A72-10208 /	- /			
			NE	SW		HAMMOND , JOHNNY		72-04055 /17.0			
14N	19E	34	SW	SW		ROBBINS , NOEL	A72-04055B / 8.0	- /	25.0		
			SW	SW		FARR , SHELDA K.	A72-10137 /	- /		6	
			SW	SW		CITY OF CHALLIS	A72-07117 /	72-07117 /33.0			
			SW	SW		GINI DITCH COMPANY INC.	A72-10482 / 8.0	- /			
			SW	SW		CYPRUS THOMPSON CREEK MINING	CA72-00051N /20.0	- /			

DEC 03 1996

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	SW		CYPRUS THOMPSON CREEK MINING	CA72-00051B /20.0	- /			
			SW	SW		CYPRUS THOMPSON CREEK MINING	CA72-04151 /15.0	72-04151 /15.0			
			SW	SW		CYPRUS THOMPSON CREEK MINING	CA72-00051L /20.0	- /			
			SW	SW		GINI DITCH COMPANY INC.	A72-10480 / 8.0	- /			
			SW	SW		GINI DITCH COMPANY INC.	A72-10481 / 8.0	- /			
			SW	SW		ROUND VALLEY IRRIGATION CO.		72-00032 /			
			SW	SW		HAMMOND , JOHNNY		72-04040 /12.0			
			SW	SW		HAMMOND , JOHNNY		72-04055 /17.0			
			SW	SW		CYPRUS THOMPSON CREEK MINING C		T72-00048 /10.0			
			SW	SW		CYPRUS THOMPSON CREEK MINING C		T72-00051B /10.0			
			SW	SW		CYPRUS THOMPSON CREEK MINING C		T72-00051L /10.0			
			SW	SW		CYPRUS THOMPSON CREEK MINING C		T72-00051N /10.0			
I4N	I9E	34	SE	SW		ROBBINS , NOEL	A72-04055B /40.0	- /	42.0		
			SE	SW		HAMMOND , JOHNNY		72-04055 /40.0		36	
			TOTAL ACRES			A72-04055B	164.00		136.00		

DEC 03 1996

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(X) N( )
IF YES SEE ATTACHED SHEET:

T13N, R19E, S. 3 NENE 3.0
SENW 5.0
152.0

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N) DATABASE Y FIELD EXAMINER Yes

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

this claim and A72-4080F are both claims on the same original right developed on this POU. they are delivered and used from the same Dosk Ditch System. acres claimed along the West Edge of the Salmon River appear to have never been established as irrigated lands or are dependent on Sub Water for their growth and appearance.

RECOMMENDATIONS:

TOTAL ACRES: 152.0

REVIEWED BY: Scr DATE: 3-11-94

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A72-04055B	IRRIGATION	FROM 04-15 TO ~~10-30~~ 10-15	6.820 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	6.820 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
72-04055	IRRIGATION	FROM 04-15 TO 10-30	7.000 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	7.000 CFS

DEC 03 1996

ESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS ~~CLAIMED~~? Y(___) N(X)

RECOMMEND TO WR STANDARDS OR OTHER? Y(X) N(___) Explain in remarks, below.

REMARKS: Std Season

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

AJ TOTAL CLAIMED DIVERSION RATE: 6.820 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 7.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	Y	Yes

DEC 03 1996

B. FLOW MEASUREMENT

MEASUREMENT METHOD Current Meter @ Jose Ditch, SEE ATTACHED CALCULATIONS. 32.34 cfs total

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04055B	SALMON RIVER	ROBBINS , NOEL	6.820	0.041		
A72-00051B	GARDEN CREEK	CYPRUS THOMPSON CREEK MINING C	0.500	0.002		
A72-00051L	GARDEN CREEK	CYPRUS THOMPSON CREEK MINING C	0.250	0.001		
A72-00051N	GARDEN CREEK	CYPRUS THOMPSON CREEK MINING C	0.300	0.001		
A72-04055A	SALMON RIVER	HAMMOND , JOHNNY	1.140	0.042		
A72-04055C	SALMON RIVER	CAMPBELL , SCOTT L	0.660	0.015		
A72-04151	SALMON RIVER	CYPRUS THOMPSON CREEK MINING C	2.940	0.080		
A72-10208	GROUNDWATER	COBBLEY , STEPHEN R.	0.070	0.046		
A72-10480	SALMON RIVER	GINI DITCH COMPANY INC.	120.000	0.041		
A72-10481	SALMON RIVER	GINI DITCH COMPANY INC.	67.000	0.022		
A72-10482	SALMON RIVER	GINI DITCH COMPANY INC.	25.300	0.008		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY		RATE	VOLUME
A72-10217	DOMESTIC	HAMMOND , DOUG	FROM 01-01	TO 12-31	.040 CFS	

R72-16279

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	04-15	~~10-30~~ 10-15	~~6.820~~	-------		~~N/A~~	~~410.0~~	-------
TOTAL FOR THIS RIGHT			~~6.820~~	13.60			~~410.0~~	380

REVIEWED BY: SH DATE: 3-30-94

Revised 6-20-94 SH

* Comments: May need to amend to add 0.11 cfs of conv. loss

FØ1
DØ2 = 3.20
FØ6

DEC 0 3 1996

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	( )	( )
FORFEIT/ABANDON	( )	( )
ADDITIONAL DIV. AMOUNT	( )	( )

DEC 03 1996

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04055

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 7.000 — EXAMINER _____ — CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A72-04055	A72-04055B	6.820	-		72-04055	7.000
A72-04055	A72-04055A	1.140	-		72-04055	7.000
72-04055	A72-04055C	0.660	-		72-04055	7.000
	TOTAL CFS	8.620				7.000

DIVERSION RATE REVIEW

	DATABASE	FIELD EXAMINER
DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)	N	------
IF NO, is the written review sheet attached? (Y/N)		------

REMARKS: see attached sheet for split review

AUTHENTICATION:

SIGNATURE: Steve Dell'Osso DATE: 3-11-94

NAME OF FIELD EXAMINER: _____ TITLE: _____

POOR ORIGINA

JOSE DITCH REVIEW:

(AKA LEATON-HAMMOND Ditch)

6-9-94 REVISED SCL

POD: T 13N, R19E, S 16, NESWNE, Lot 2

IDFG FISH SCREEN S-26 A72-10505

SRBA CLAIM #	NAME	FIR	+ CONLOSS	= TOTAL
A72-4055 A	FUNCK (MAY NEED TO AMEND)	1.56	~~0.34 0.43~~	1.90 (1.9
A72-4055 B	ROBINS	—	—	—
→ R72-16279	ROBINS (MAY NEED TO AMEND)	10.40	~~3.20 3.31~~	13.60 (13.7
~~A72-4055 C~~	~~CYPRUS~~ (WITHDRAWN)	—	—	—
~~A72-04080 A~~	~~SULLIVAN~~ (SPLIT TO P & Q)	—	—	—
A72-4080 B	LEUZINGER	0.18	0.08	0.26
A72-4080 C	MCGOWAN	1.35	0.61	1.96
A72-4080 D	CORGATELLI	2.05	0.79	2.84
A72-4080 E	SAVAGE	0.68	0.38	1.06
A72-4080 F	ROBINS → SEE R72-16279	—	—	—
A72-4080 G	SEVERE	0.03	0.01	0.04
~~A72-4080 H~~	~~CYPRUS~~ (WITHDRAWN)	—	—	—
~~A72-4080 J~~	~~EVERLY~~ (DISALLOW)	—	—	—
A72-4080 K	COOK	0.67	0.26	0.93
A72-4080 L	KUDER	0 ~~.09~~ .15	0.09	0.24
A72-4080 M	CORGATELLI	0.10	0.04	0.14
A72-4080 N	OUELLET	0.27	0.09	0.36
A72-4080 P	RUKAVINA (MAY NEED AMENDMENT)	0.25	~~0.22~~ 0.17	0.43 (.4
~~A72-4080 Q~~	~~SULLIVAN~~ (MAY NEED AMENDMENT)	0.23	~~DIST~~ .17	0.40 (.4
A72-4144 A	LAVERTY	0.49	0.12	0.61
A72-4144 B	CHESTER	0.74	0.12	0.86
				25.63

DEC 0 3 1996

POOR ORIGINAL

CONVEYANCE LOSS - WORSTELL

Recalculated conveyance loss figures on Jose Ditch. (due to incorrect lengths.) 6-9-94 SC

DEC 03 1996

AGENT ----------SCC
DATE ----------09-Jun-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER, JOSE DITCH
RELATED CLAIMS -JOSE DITCH DELIVERIES

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	6000	17.0	2.50	3.22	1.43	19.36	0.1664	½ split > 0.24	25.85
2	6300	10.0	2.50	1.99	1.56	17.93	0.1110	0.43	21.20
3	4200	5.0	2.50	0.66	10.40	16.37	0.0405	3.31	17.65
4	1500	5.0	2.50	0.24	0.00	5.97	0.0397	0.00	6.59
5	1500	2.0	2.50	0.09	0.49	5.97	0.0159	0.18	6.35
6	900	2.0	2.50	0.06	2.82	5.48	0.0104	proportion > 1.08 (1.09)	5.76
7	1300	2.0	2.50	0.08	0.42	2.66	0.0309	split ½ > 0.17 (.18)	2.89
8	500	2.0	2.50	0.03	0.18	2.24	0.0141	0.08	2.39
9	500	2.0	2.50	0.03	0.03	2.06	0.0153	0.01	2.17
10	200	2.0	2.50	0.01	1.35	2.03	0.0062	0.61	2.11
11	1100	2.0	2.50	0.07	0.68	0.68	0.1022	0.38	0.75
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	24000			6.49	19.36			6.49	

-4144A .12
-4144B .12
-4055A
-4055B
-4080A
-4080D 0.79
-4080K .26
-4080M .04
-4080N .09
-4080L .09
-4080B
-4080G
-4080C
-4080E

DEC 03 1996

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH

Revised & Corrected 6-9-94 SC

POOR ORIGINAL

JOSE DITCH REVIEW (AKA LEATON-HAMMOND DITCH)

	Recommended Totals	2-22-94 SW			CFS PER ACRE	CLAIMED Acres	CLAIMED cfs	As Rec'd Ac	As Rec'd cfs
UNCLAIMED CC 1.76 A	A72-4055 A	1.90	GARY FUNCK		.04	27	1.14	23	1.
UNCLAIMED CC (.45) A	A72-4055 B	13.60 *	N. ROBINS	R72-16279	.04	164	6.82	152	10
	~~A72-4055 C~~		~~CYPRUS~~	<WITHDRAWN>		—	—	—	—
		.43	A72-04080 P MIKE RUKAVINA	.43					
CC (.17) X	A72-4080 A	~~0.40~~	PHIL SULLIVAN	.40	.06	11	0.66	9	0.4
UNCLAIMED CC (.09) X	A72-4080 B	~~.45~~	A72-04080 Q RICK LEUZINGER		.06	6	0.36	3.3	0.18
UNCLAIMED CC (2.92)	-4080 C	4.42	TOM MCGOWAN	(OK)	.05	29	1.5	25	1.3
UNCLAIMED CC (1.83) A	-4080 D	3.75	RANDY CORGATELLI	<not adj owned by RC.>	.04	48	1.92	~~33~~ 29	2.0
UNCLAIMED CC (2.27) A	-4080 E	3.09	BILL SAVAGE	(OK)	.05	16	0.82	10	0.6
	(-4080F)	***	N. ROBINS	R72-16279 (OK)	.12	55	6.33	<SEE 4055B>	
* MAP added water UNCLAIMED (.03) X A	-4080G	0.09	CLAYTON SEVERE		.03	2	.06 .09	0.6	~~.32~~
	~~4080H~~		~~CYPRUS~~	<WITHDRAWN>		—	—	—	—
(X)	~~-4080J~~		~~EUREKA~~		.06	56	9.3	DISALLOW	
	-4080K	1.23	ROBERTA COOK	OK	.077	22.5	1.75	7	0.67
UNCLAIMED CC (.27) X A	-4080L	0.39	DAN KUDER		.03	4	0.12	2.70	0.15
						249.5	16.82		
FISH SCREEN #S-26 FISH & GAME A72-10505		?	REVIEW NOT COMPLETE... A72-10505 claim 0.80 cfs w/ NO CONVEYANCE LOSS						
	4080M								
	A72- ~~10236~~	0.18	RANDY CORGATELLI		0.167	3	0.5	1.0	0.10
(Cobbley pond)	~~A72-10414~~	*	~~NOEL ROBINS~~			—	—	DISALLOW	
Remainder of 4080 A	A72- ~~10109~~ 4080N	0.51	OUELLET ANDREW GALLISTINI	OK	.05	6	.3	5.0	0.2
	A72-4144 A	0.56	LAVERTY		0.067	15	1.00	10	.49 ~~.32~~
	A72-4144 B	0.81	CHESTER		0.067	30	2.00	15	.74
5-10-94 SW		31.81 cfs	GRAND TOTAL:			494.5	26.66	292.6	31.8

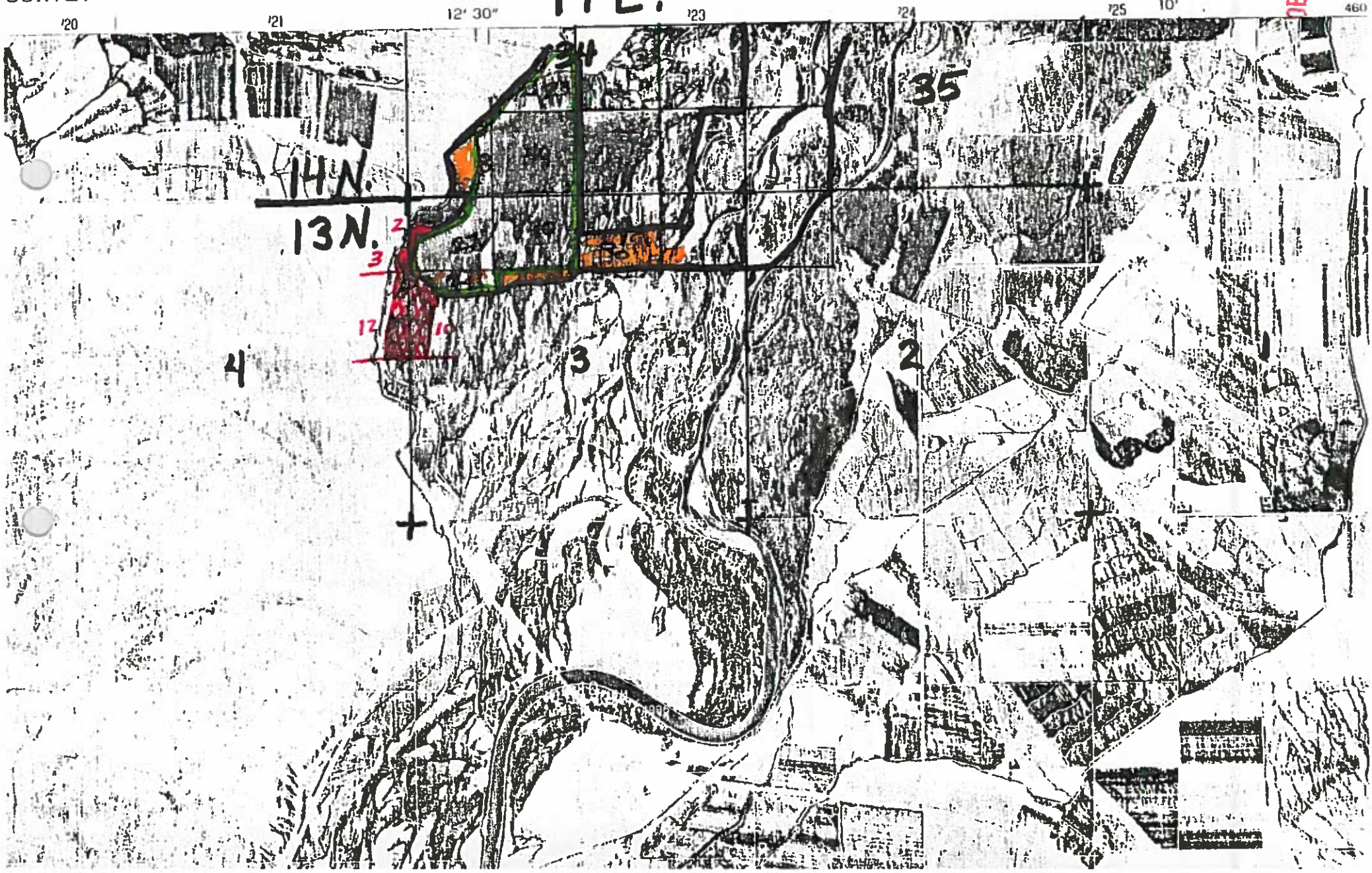
POOR ORIGINAL

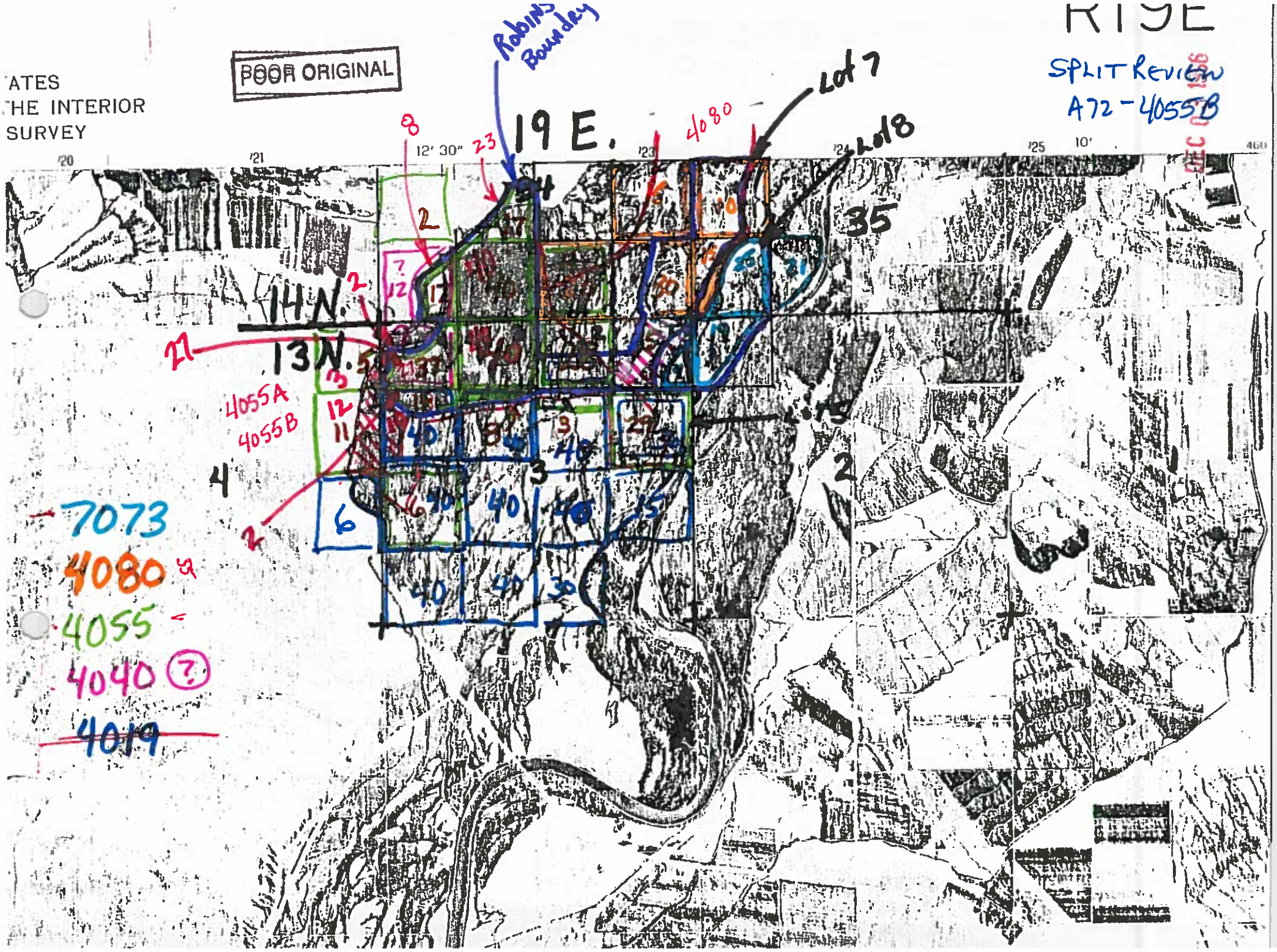
RIVE

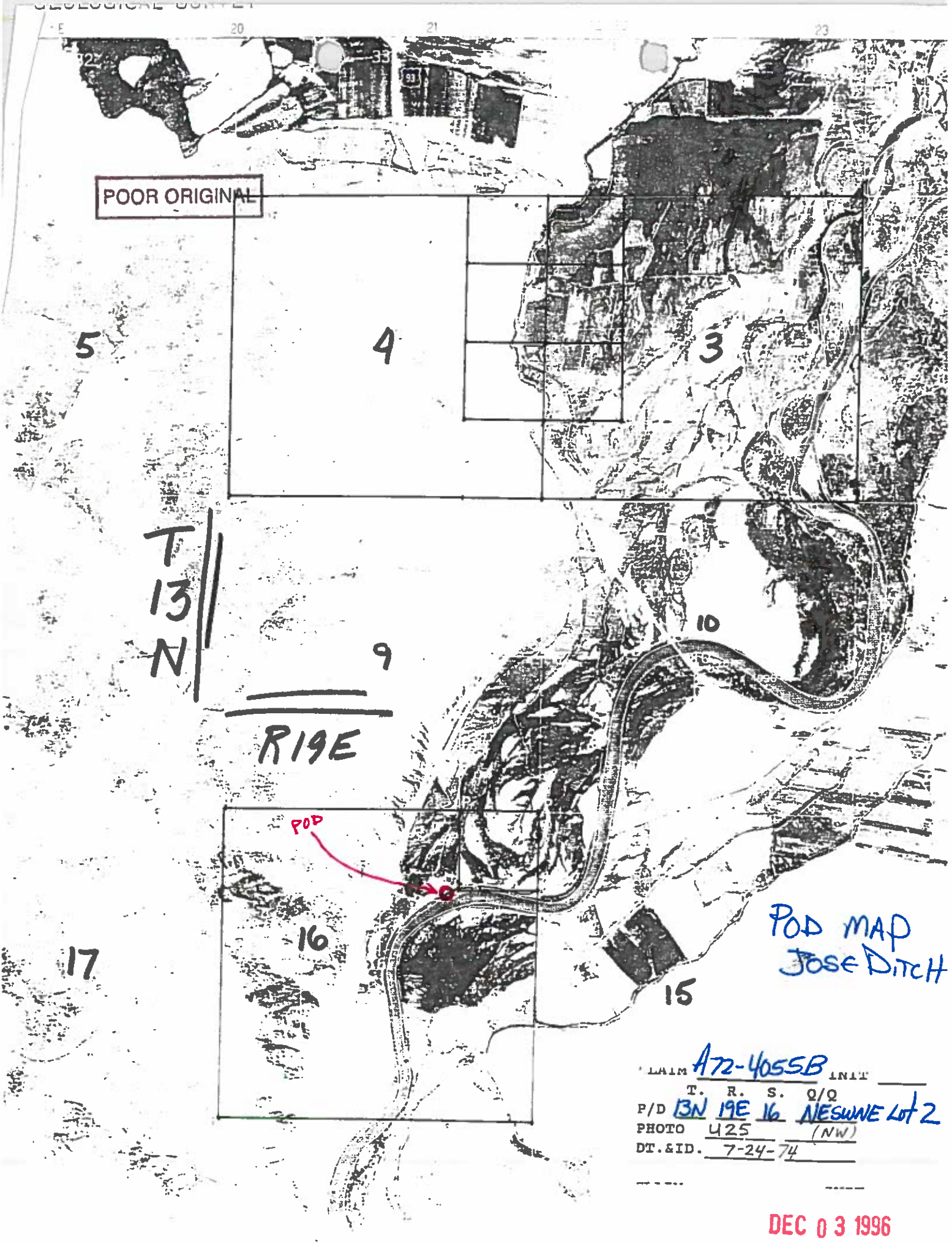
SPLIT REVIEW
A72-4055 B

DEC 03 1996

ATES
THE INTERIOR
SURVEY




ATES
HE INTERIOR
SURVEY
POOR ORIGINAL
Robins Boundary
19 E.
Lot 7
Lot 8
4080
SPLIT REVIEW
A72-4055B
14N.
13N.
4055A
4055B
7073
4080
4055
4040 ?
4019

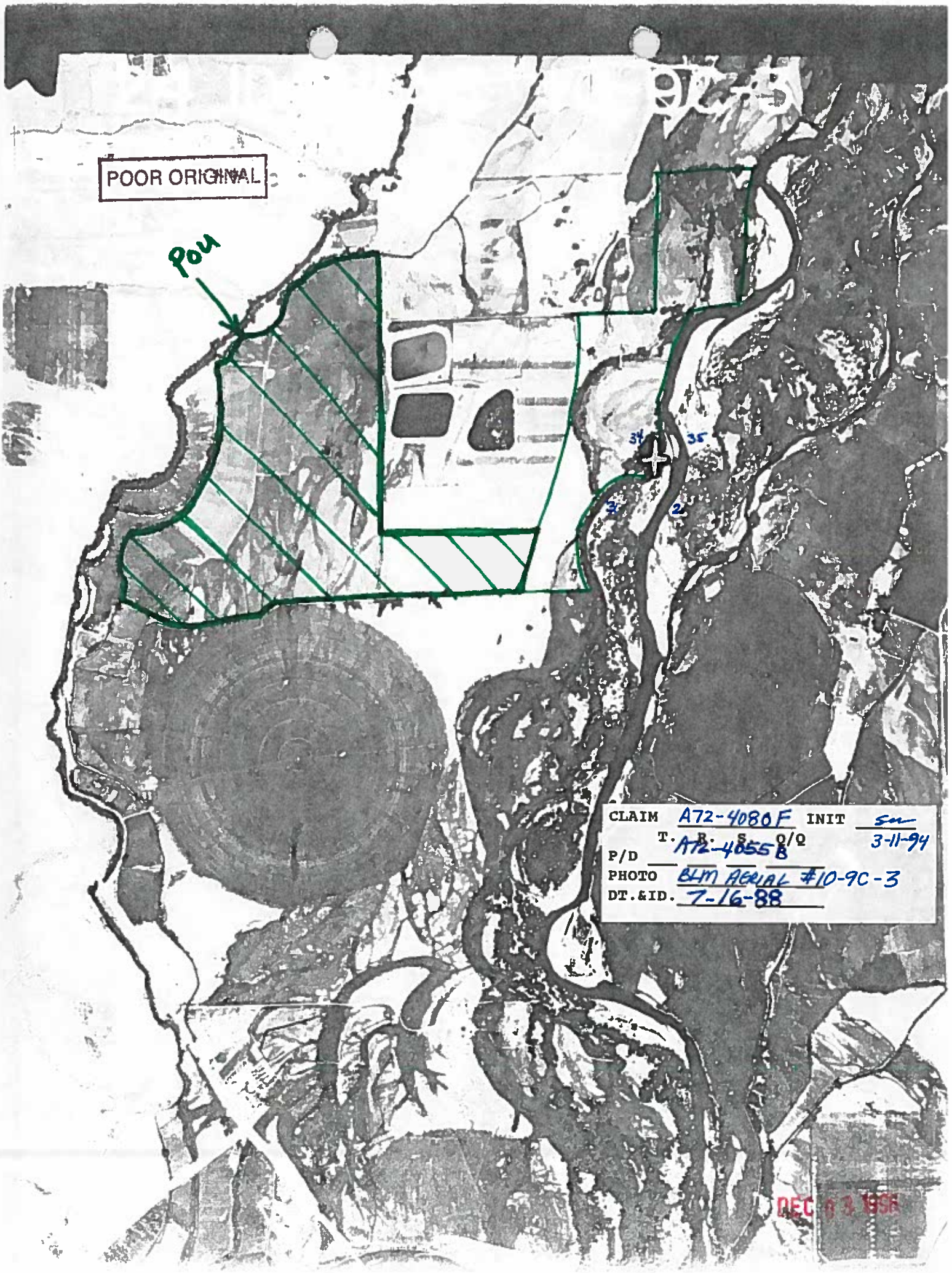


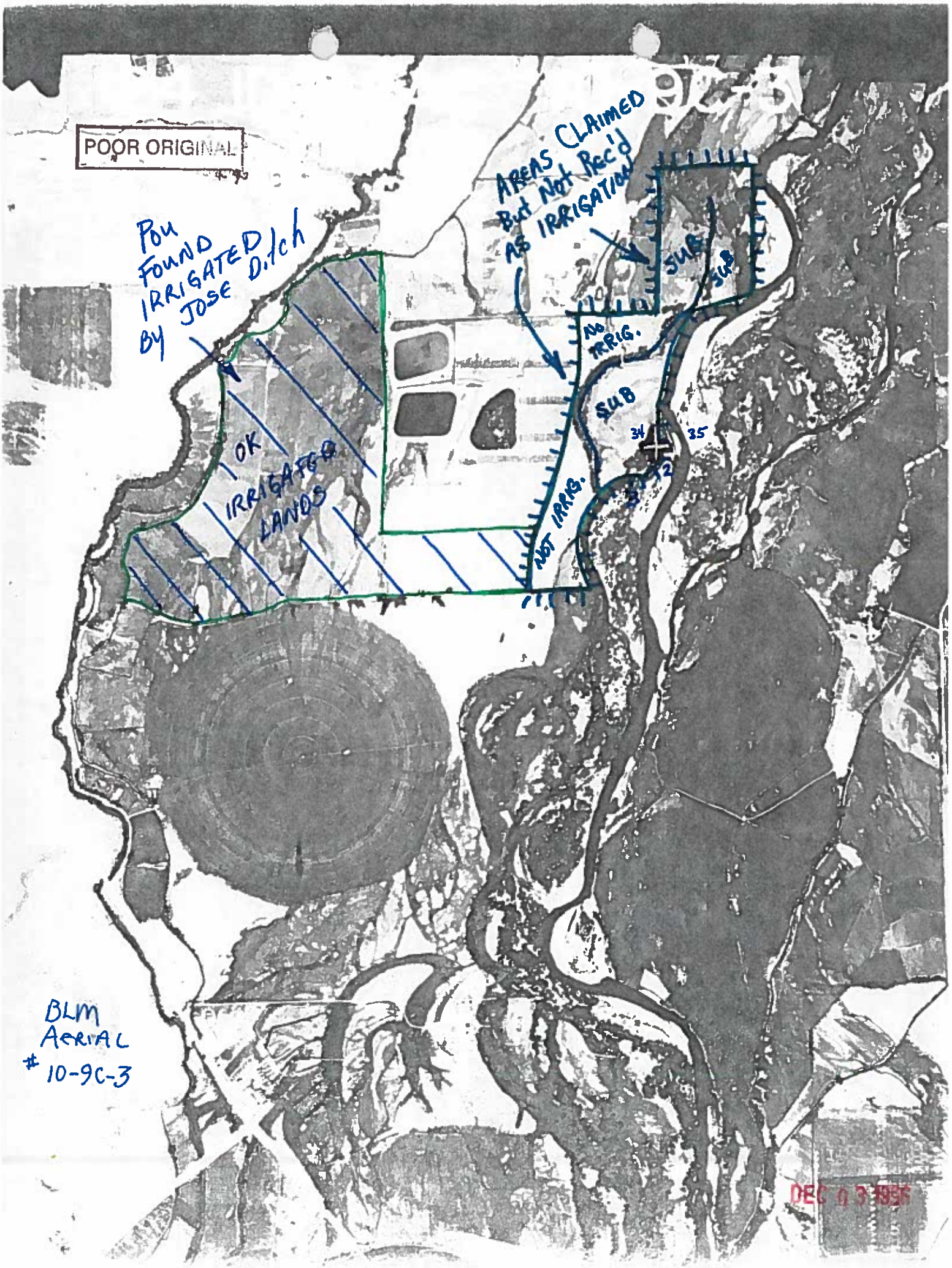
POD MAP
JOSE DITCH

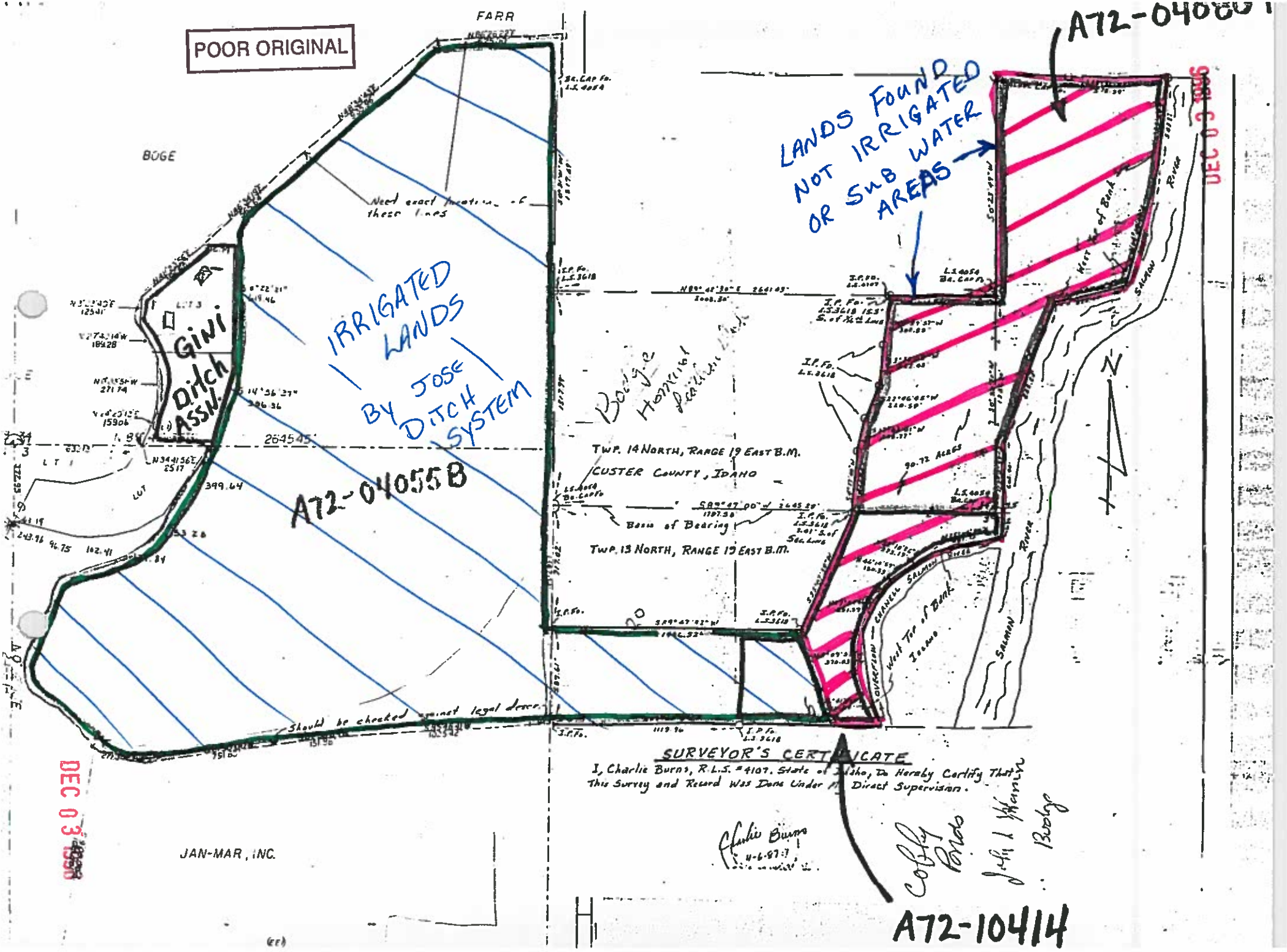
CLAIM A72-4055B UNIT

	T.	R.	S.	Q/Q
P/D	13N	19E	16	NESWNE Lot 2
PHOTO	425			(NW)
DT.&ID.	7-24-74			

DEC 03 1996


POOR ORIGINAL
Pou
34
35
3
2
CLAIM A72-4080F INIT SM
T. R. S. Q/Q 3-11-94
P/D A72-4055B
PHOTO BLM AERIAL #10-9C-3
DT.&ID. 7-16-88
DEC 0 3 1996

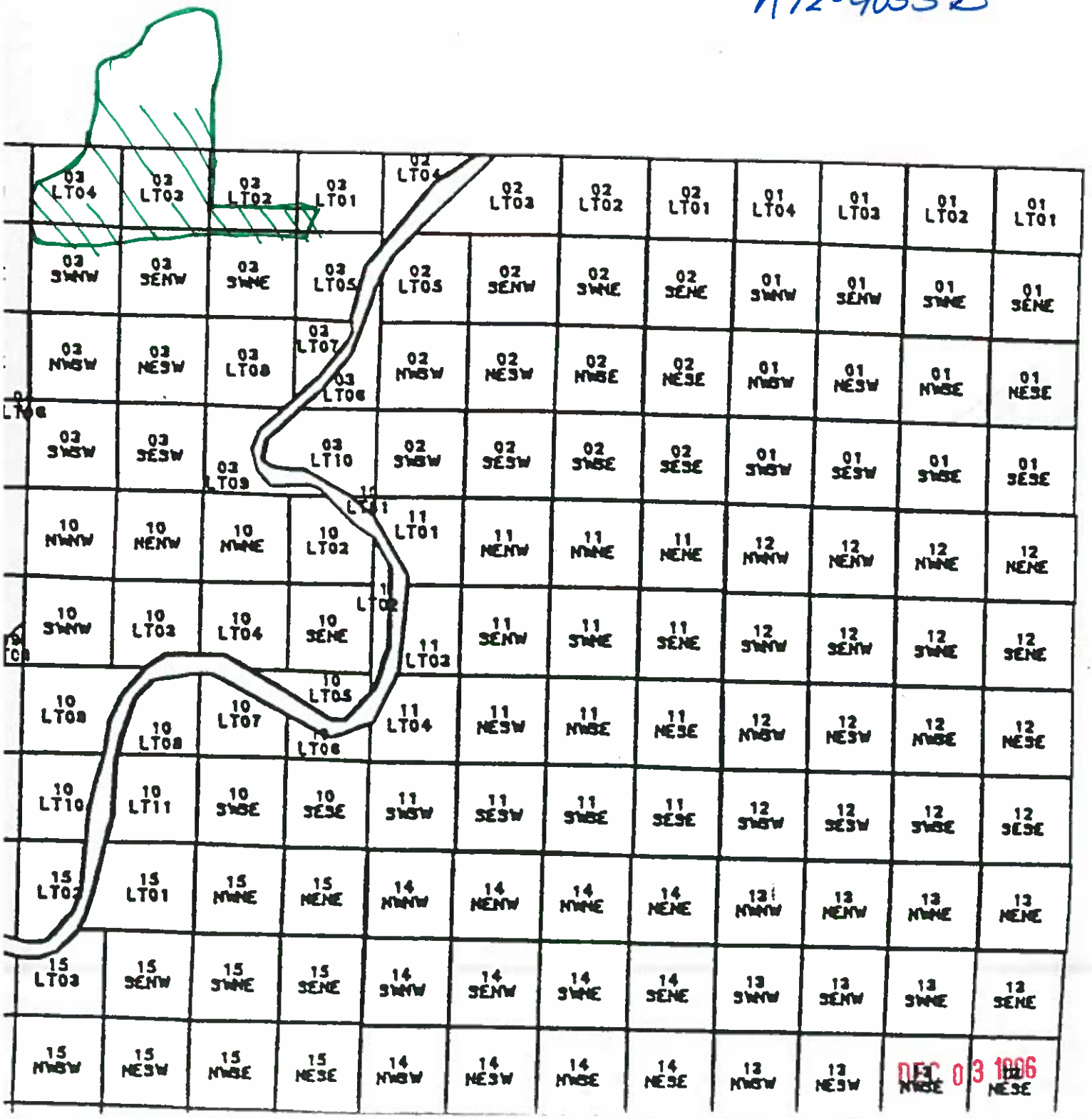

POOR ORIGINAL
POU FOUND IRRIGATED BY JOSE D./ch
AREAS CLAIMED But Not Rec'd AS IRRIGATION
SUB
SUB
NO IRRIG.
SUB
34
35
OK IRRIGATED LANDS
NOT IRRIG.
BLM AERIAL # 10-9C-3
DEC 0 3 1996


POOR ORIGINAL
A72-04055B
A72-10414
LANDS FOUND NOT IRRIGATED OR SUB WATER AREAS
IRRIGATED LANDS BY JOSE DITCH SYSTEM
Gini Ditch Assn.
FARR
BUGE
JAN-MAR, INC.
TWP. 14 NORTH, RANGE 19 EAST B.M.
CUSTER COUNTY, IDAHO
TWP. 13 NORTH, RANGE 19 EAST B.M.
Basis of Bearing
Need exact location of these lines
Should be checked against legal descr.
SURVEYOR'S CERTIFICATE
I, Charlie Burns, R.L.S. #4107, State of Idaho, Do Hereby Certify That This Survey and Record Was Done Under My Direct Supervision.
Charlie Burns
11-6-97
DEC 03 1997
DEC 03 1997

T13N

19E

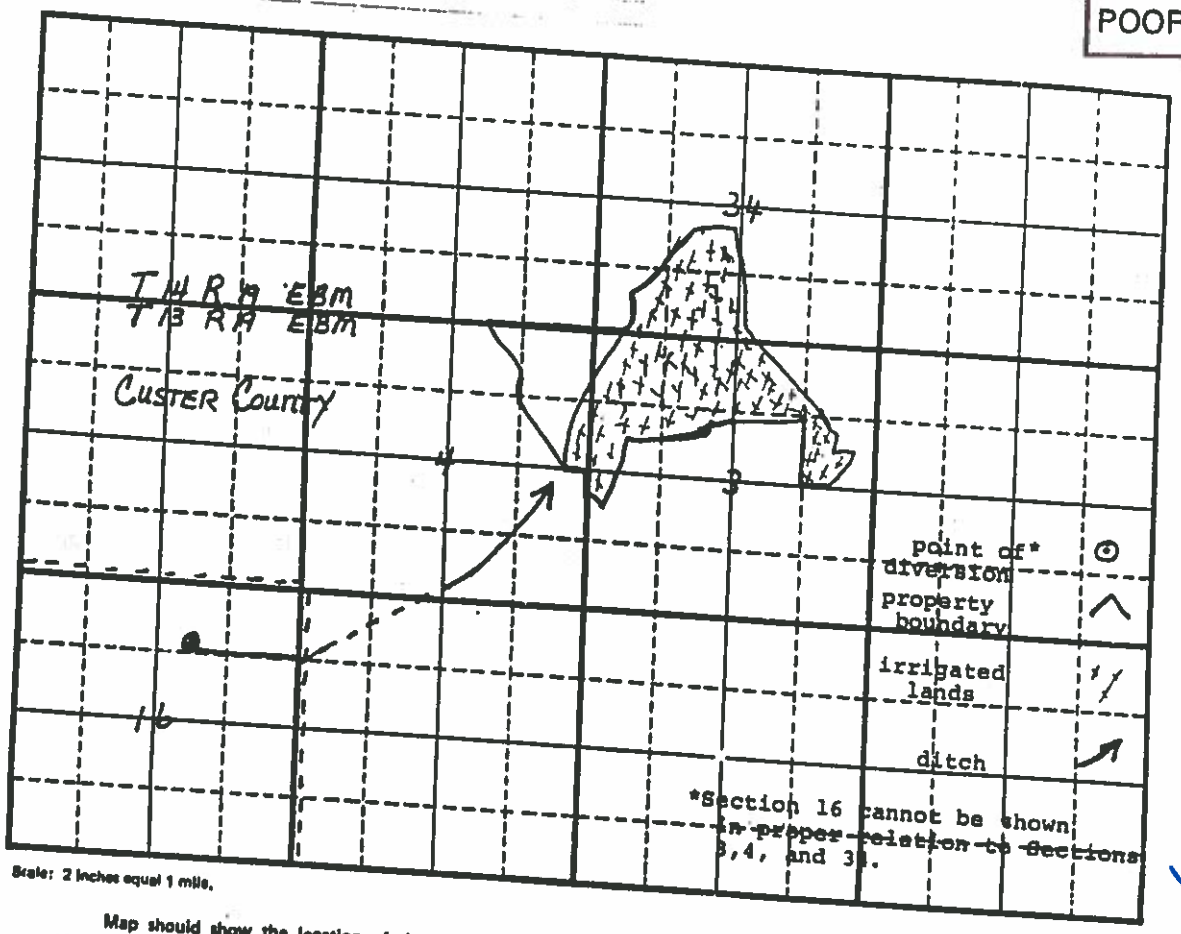
A72-4055B



DEC 03 1996

(8) Remarks Some of the land is slightly gravelly, requiring more than 1" of water per acre.

POOR ORIGINAL



Scale: 2 inches equal 1 mile.

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

State of Idaho)
County of Custer) ss.

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

Sworn to before me this ____ day of _____, 19____.

(Claimant)

Notary Public for Idaho
Residing at Challis

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by [illegible] Date 9/26/79
Prelim. check by [illegible] Date 10-29-79
$20.00 fee received by [illegible] Date
Published in Custer County Publishing
Dates 9/12 & 9/26/79

Exception filed by:

Forwarded to claimant by:

Date

Copy from Misc. 72-4055 sec

DEC 03 1996

POOR ORIGINAL

AFFIDAVIT
In Support of Water Claim

STATE OF IDAHO)
: ss.
County of Custer)

AFFIANT, First being duly sworn, deposes and says as follows:

1. That he is the current owner of the lands described within the attached claim.

2. That Affiant has owned and operated the described properties since June, 1957, at which time he received legal possession to the property from his mother, Isabel Hammond, and that previous to that time, Affiant was familiar with the operation through the ownership and possession of the properties by his mother and father.

3. That Affiant can personally verify that the waters described were applied to the lands described in a similar fashion as is done today since the 1920's, and further, it is Affiant's firm belief, based on information and experience, as well as general knowledge of the area, that the properties were irrigated in like fashion since the 1880's.

4. That further, Affiant has researched the official records pertaining to the properties and has determined that a prior owner, one T. Jose, filed a Notice of Location of Water Right in the official Records of Custer County, Idaho, on the 11th day of December, 1888, as was duly recorded in Book "A" of Water Claims, Records of County of Custer, Territory of Idaho, at pages No. 190 and 191.

5. That the Notice of Location of Water Right referred to, applies to the lands of this Affiant and adjacent properties.

JAMES R. BENNETT
ATTORNEY AT LAW
P. O. BOX 36
CHALLIS, IDAHO 83226
TEL. (208) 879-2488

DEC 03 1996

Copy from Mining 72-4055 sec

POOR ORIGINAL

6. That Affiant attaches a copy of such Notice of Location of Water Right hereto as Exhibit "A" as further support and proof of his water right with priority commencing with the growing season of 1885 and would submit that April 15, 1885, be determined as a reasonable date of priority.

7. That Affiant believes all of the within statements to be true and correct.

DATED: This 19th day of July, 1979.

Johnny Hammond

SUBSCRIBED and SWORN To before me this 19th day of July, 1979.

Notary Public for Idaho
Residing at Challis
My Commission Expires: Life

JAMES R. BENNETTS
ATTORNEY AT LAW
P. O. BOX 36
CHALLIS, IDAHO 83226
TEL. (208) 879-3488

DEC 0 3 1996

Copy of Microfiche

POOR ORIGINAL

NOTICE OF LOCATION OF WATER RIGHT

To Whom it may concern, known ye that we, Thomas Jose, and Charles S. Penwell, of the County of Custer in the Territory of Idaho, Citizens of the United States do hereby declare and publish as a legal notice to all the world, that we claim and have a valid right to the occupation, possession and enjoyment of all and singular that tract or parcel of land lying and being in the County of Custer, in the Territory of Idaho, for the exclusive right of way for the purpose of maintaining a water ditch from Salmon River to the Desert Land entry of Thomas Jose, and the land claim owned by Charles S. Penwell, more particularly described as follows, Commencing at a point on the westerly bank of Salmon River about one half mile east of the Bridge known as the Colvin Bridge, on Salmon River, and running from said point in a North Easterly direction along the bench land a distance of about three and one half miles to the claims of said Jose and Penwell. We also claim and have a valid right to the enjoyment and use of twenty three hundred inches of water from said Salmon River, for agricultural, domestic and culinary purposes to be conveyed through said water ditch, to said claims.

Together with all and singular the tenements, heredituments and appurtenances thereunto belonging, or in anywise appertaining.

This Notice is given for the purpose of maintaining and confirming the right of way for ditch, and right to the use of water heretofore acquired by the said Thomas Jose and the grantor of the said Charles S. Penwell.

The above named Ditch and Water Right, having been acquired during the year 1885. The size of the ditch used in conveying the water to said

EXHIBIT "A"

FLB 45

Copy from Mmsf. 72-9055 Sec

DEC 03 1996

POOR ORIGINAL

land claims, eight feet wide by two feet deep.

T. Josu (Undivided one half interest)

Filed for record in this Office this 11th day of Decembe · A. D. 1868 at 6 o'clock P.M. and duly recorded in Book "A" of Water claims, Records of the County of Custer, Territory of Idaho, at pages 1). 190 and 191.

F. J. Clyde.
Co. Recorder.

DEC 0 3 1996

DEC 03 1996

NAME OF STREAM OR DITCH JOSE DITCH; SALMON RIVER
LOCATION ---------- BELOW HEADGATE 300 FT AT POD
PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW
BASIS OF VELOCITY CALULATIONS
IF YOU ARE USING A PYGMY METER ENTER --------- 1
IF YOU ARE USING A AA METER ENTER ------------ 2
ENTRY ---- = 2
FOLLOWING THE LAST ENTRY IN:
"DISTANCE FROM INIT PT" ENTRY MUST = "END"

WATER RIGHT NUMBER IF APPLICABLE -----
AGENT CONDUCTING MEASUREMENT & DATE -- SCC 6-15-93
ACCOMPANIED BY ---------- N/A
PREMEASUREMENT SPIN TEST (MIN/SEC) --- OK 2:40
POST MEASUREMENT SPIN TEST (MIN/SEC) - OK 2:40

	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	VELOCITY DATA 1ST MEASUREMENT REVS	1ST MEASUREMENT TIME/SEC	2ND MEASUREMENT REVS	2ND MEASUREMENT TIME/SEC	CALC WIDTH	AREA IN SQ FT	CALCULATED VELOCITY 1ST POINT VELOCITY	2ND POINT VELOCITY	MEAN VELOCITY	DISCHARGE IN CFS
INITIAL POINT		1.75		0.10					0.13	0.013			0.00	0.00
		2.00	0.20		0				0.63	0.125				0.00
		3.00	0.80		4	49.0			1.00	0.800	0.20		0.20	0.16
		4.00	1.20		14	53.0			1.00	1.200	0.60		0.60	0.72
		5.00	1.80		21	48.0			1.00	1.800	0.97		0.97	1.75
		6.00	1.95		34	49.0			1.00	1.950	1.53		1.53	2.99
		7.00	1.95		30	51.0			1.00	1.950	1.30		1.30	2.54
		8.00	1.95		35	44.0			1.00	1.950	1.75		1.75	3.42
		9.00	2.00		30	41.0			1.00	2.000	1.62		1.62	3.23
		10.00	1.90		30	43.0			1.00	1.900	1.54		1.54	2.93
		11.00	1.90		35	48.0			1.00	1.900	1.61		1.61	3.06
		12.00	1.95		35	49.0			1.00	1.950	1.58		1.58	3.08
		13.00	1.85		30	44.0			1.00	1.850	1.51		1.51	2.79
		14.00	1.80		30	44.0			1.00	1.800	1.51		1.51	2.71
		15.00	1.65		25	44.0			1.00	1.650	1.26		1.26	2.08
		16.00	1.15		9	46.0			1.00	1.150	0.45		0.45	0.51
		17.00	0.20		2	66.0			1.00	0.200	0.09		0.09	0.02
		18.00		0.10					0.50	0.050			0.04	0.00
	END													---
														31.97

Form 219-N
7/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

POOR ORIGINAL

A. GENERAL INFORMATION

1. Name of stream or ditch: Jose Ditch @ Head Works
2. Location: 100 yds Below Headgate @ POD
3. Person conducting measurement: Steve Clelland
4. Date and time of measurement: 6-15-93 7pm start 8pm end
5. Accompanied by: N/A
6. Measuring device size and ID no.: AA # 090184
7. Spin test before measurement OK? yes 2:40 min after measurement OK? OK 2:46
8. Purpose of measurement: A72-04080 Claims

B. MEASUREMENT DATA

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or ____	Area	Discharge
LEW	1.75'		Ø		Ø						
	2.0'		.2		Ø						
	3.0		.8	.6	4	49					
	4.0		1.2	.6	14	53					
	5.0		1.8	.6	21	48					
	6.0		1.95	.6	34	49					
	7.0		1.95	.6	30	51					
	8.0		1.95	.6	35	44					
	9.0		2.0	.6	30	41					
	10.0		1.9	.6	30	43					
	11.0		1.9	.6	35	48					
	12.0		1.95	.6	35	49					
	13.0		1.85	.6	30	44					
	14.0		1.80	.6	30	44					
	15.0		1.65	.6	25	44					
	16.0		1.15	.6	9	46					
	17.0		.2	.5	2	66					
REW	18.0		Ø		Ø						

DEC 0 3 1996

NAME OF STREAM OR DITCH — JOSE DITCH (LEATON-HAMMOND); SALMON RIVER
LOCATION ---------- BELOW FISH SCREEN S26 30 FT
PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW
BASIS OF VELOCITY CALULATIONS
IF YOU ARE USING A PYGMY METER ENTER --------- 1
IF YOU ARE USING A AA METER ENTER ------------ 2
ENTRY ---- = 2
FOLLOWING THE LAST ENTRY IN:
"DISTANCE FROM INIT PT" ENTRY MUST = "END"

WATER RIGHT NUMBER IF APPLICABLE -----
AGENT CONDUCTING MEASUREMENT & DATE -- SCCC 6-16-93
ACCOMPANIED BY ---------- N/A
PREMEASUREMENT SPIN TEST (MIN/SEC) --- OK 2:20
POST MEASUREMENT SPIN TEST (MIN/SEC) - OK 2:00

DEC 03 1996

adjusted for angle of Coef.

	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	VELOCITY DATA 1ST MEASUREMENT REVS	1ST MEASUREMENT TIME/SEC	2ND MEASUREMENT REVS	2ND MEASUREMENT TIME/SEC	CALC WIDTH	AREA IN SQ FT	CALCULATED VELOCITY 1ST POINT VELOCITY	2ND POINT VELOCITY	MEAN VELOCITY	DISCHARGE IN CFS	
INITIAL POINT		0.99		0.28					0.00	0.001	0.14		0.00	0.00	
		1.00	0.55		0				0.26	0.140	0.20			0.00	0.03
	0.99	1.50	0.80		6	51.0			0.50	0.400	0.28		0.28	0.11	
	0.99	2.00	0.90		6	65.0			0.75	0.675	0.22		0.22	0.15	
		3.00	1.10		6	67.0			1.00	1.100	0.22		0.22	0.24	
		4.00	1.30		14	58.0			1.00	1.300	0.55		0.55	0.71	
		5.00	1.40		22	57.0			1.00	1.400	0.86		0.86	1.21	
		6.00	1.55		25	45.0			1.00	1.550	1.23		1.23	1.91	
		7.00	1.55		50	65.0			1.00	1.550	1.70		1.70	2.63	
		8.00	1.60		50	54.0			1.00	1.600	2.04		2.04	3.26	
		9.00	1.80		50	63.0			1.00	1.800	1.75		1.75	3.15	
		10.00	1.95		55	56.0			1.00	1.950	2.16		2.16	4.21	
		11.00	1.80		52	59.0			1.00	1.800	1.94		1.94	3.49	
		12.00	1.70		61	68.0			1.00	1.700	1.98		1.98	3.36	
		13.00	1.45		60	69.0			1.00	1.450	1.92		1.92	2.78	
	0.95	14.00	1.20		47	59.0			1.00	1.200	1.76		1.76	2.11	2.00
	0.97	15.00	0.90		50	59.0			1.00	0.900	1.87		1.87	1.68	1.68
	0.95	16.00	0.70		56	70.0			1.00	0.700	1.76		1.76	1.23	
		17.00	0.40						0.51	0.202	1.23			--------0.25	.24
		17.01		0.20					0.01	0.001	0.86		0.00	32.23	0.00
	END														

32.51 32.34

Calculated missing flows based on 70% of previous station velocity.

10-20-93
Sc

Form 219-N
7/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. (if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: JOSE DITCH OR LEATON-HAMMOND Ditch
2. Location: F&G Fish Screen S26
3. Person conducting measurement: STEVE CLELLAND
4. Date and time of measurement: 6-16-93 1pm – 2pm
5. Accompanied by: N/A
6. Measuring device size and ID no.: AA 090148
7. Spin test before measurement OK? yes 2:20 min after measurement OK? OK 2 MIN
8. Purpose of measurement: ✓ A72-4080 CLAIMS

B. MEASUREMENT DATA

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or ———	Area	Discharge
LEW	1.0		.55		Ø						
.99	1.5		.8	.6	6	51					
.99	2.0		.9	.6	6	65					
—	3.0		1.1	.6	6	67					
	4.0		1.3	.6	14	58					
	5.0		1.4	.6	22	57					
	6.0		1.55	.6	25	45					
	7.0		1.55	.6	50	65					
	8.0		1.6	.6	50	54					
	9.0		1.8	.6	50	63					
	10.0		1.95	.6	55	56					
	11.0		1.8	.6	52	59					
	12.0		1.7	.6	61	68					
—	13.0		1.45	.6	60	69					
.95	14		1.20	.6	47	59					
.99	15		.9	.6	50	59					
.95	16		.7		56	70					
REW	17		.4		Ø						

.10 .20 .30 .40 .50 .60 .70 .75 .80

DEC 0 3 1996

CONVEYANCE LOSS - WORSTELL

C=value adjusted for measured flow conditions.
32.00 cfs Ditch Flow Measured

DEC 03 1996

AGENT ----------SCC
DATE -----------18-Mar-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER; JOSE DITCH
RELATED CLAIMS -JOSE DITCH DELIVERIES

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR		DELIVERY LOSS (CFS)	FLOW (CFS)	
1	6000	17.0	1.42	1.83	1.43	19.36	0.0945	½ SPLIT	0.14	31.99	-4144A .07, -4144B .07
2	12300	10.0	1.42	2.21	1.56	17.93	0.1231		0.34	28.73	-4055A
3	16500	5.0	1.42	1.48	10.40	16.37	0.0904		3.20	24.97	-4055B
4	18000	5.0	1.42	1.61	0.00	5.97	0.2704		0.00	13.09	
5	19500	2.0	1.42	0.70	0.49	5.97	0.1172		0.34	11.47	-4080A
6	20400	2.0	1.42	0.73	2.82	5.48	0.1336	Proport.	2.34	10.28	-4080D 1.70, K 0.56
7	21700	2.0	1.42	0.78	0.42	2.66	0.2927	split ½	0.47	6.73	-4080N .24, M 0.08
8	22200	2.0	1.42	0.80	0.18	2.24	0.3556		0.27	5.53	-4080B, L .24
9	22700	2.0	1.42	0.81	0.03	2.06	0.3954		0.06	4.56	-4080G
10	22900	2.0	1.42	0.82	1.35	2.03	0.4047		3.07	3.71	-4080C
11	24000	2.0	1.42	0.86	0.68	0.68	1.2663		2.41	1.54	-4080E
12				0.00		0.00	0.0000		0.00	0.00	
13				0.00		0.00	0.0000		0.00	0.00	
14				0.00		0.00	0.0000		0.00	0.00	
15				0.00		0.00	0.0000		0.00	0.00	
16				0.00		0.00	0.0000		0.00	0.00	
17				0.00		0.00	0.0000		0.00	0.00	
18				0.00		0.00	0.0000		0.00	0.00	
19				0.00		0.00	0.0000		0.00	0.00	
20				0.00		0.00	0.0000		0.00	0.00	
TOTALS	206200			12.63	19.36				12.63		

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH

Dee Revised Copy 6-9-94
A72-40558
R72-16279

C value adjustment

32.00 − 19.36 = 12.64

$\frac{12.64}{22.24} = 0.568$

C value ⇒ 0.568 X 2.50 = 1.42

DEC 03 1996

CONVEYANCE LOSS - WORSTELL

AGENT ----------SCC
DATE -----------18-Mar-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER; JOSE DITCH
RELATED CLAIMS -JOSE DITCH DELIVERIES

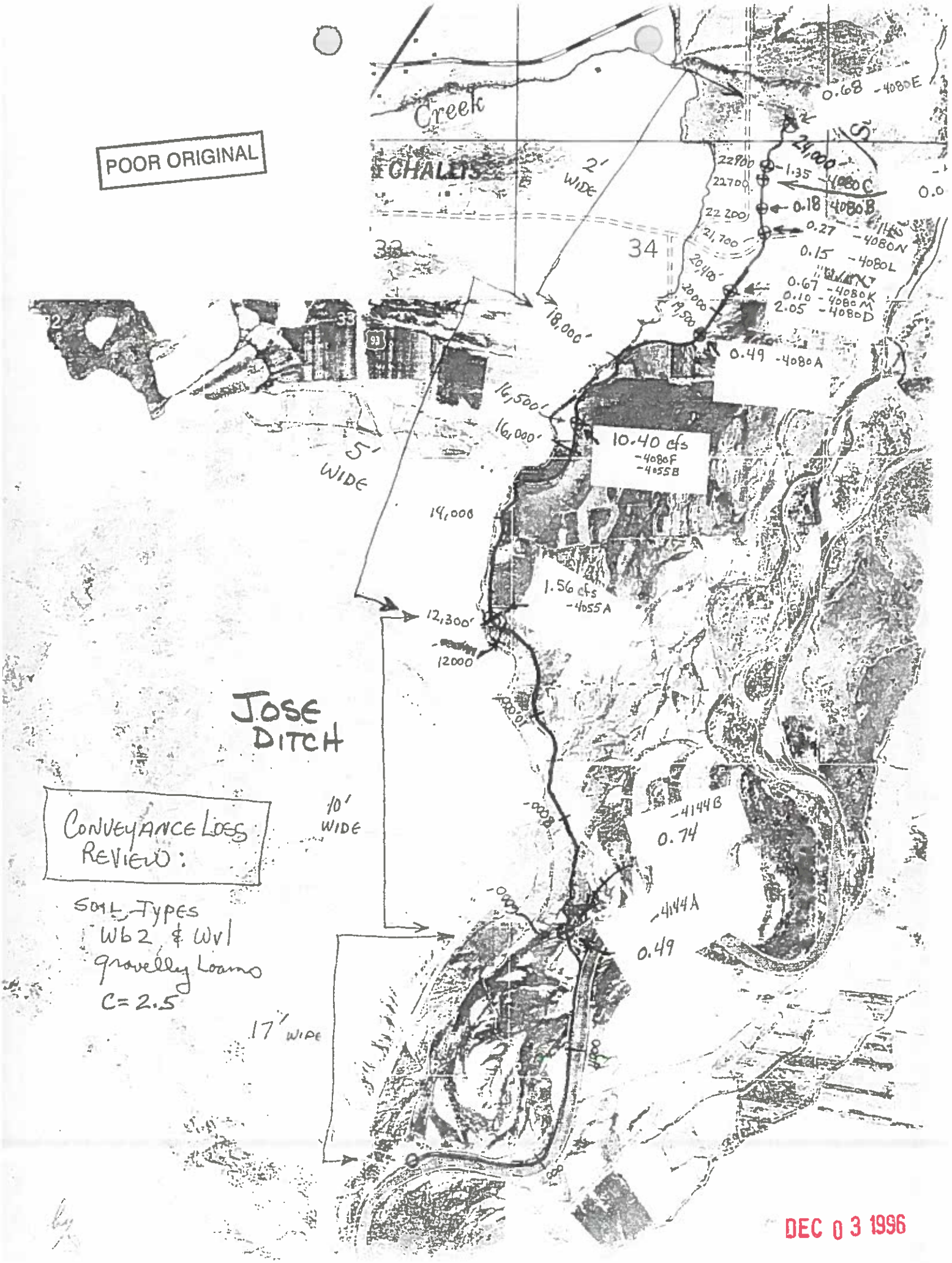
REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	6000	17.0	2.50	3.22	1.43	19.36	0.1664	0.24	41.60
2	12300	10.0	2.50	3.88	1.56	17.93	0.2167	0.60	36.95
3	16500	5.0	2.50	2.61	10.40	16.37	0.1592	5.64	31.51
4	18000	5.0	2.50	2.84	0.00	5.97	0.4761	0.00	18.50
5	19500	2.0	2.50	1.23	0.49	5.97	0.2063	0.60	15.66
6	20400	2.0	2.50	1.29	2.82	5.48	0.2351	4.12	13.94
7	21700	2.0	2.50	1.37	0.42	2.66	0.5153	0.83	9.83
8	22200	2.0	2.50	1.40	0.18	2.24	0.6260	0.47	8.04
9	22700	2.0	2.50	1.43	0.03	2.06	0.6960	0.10	6.46
10	22900	2.0	2.50	1.45	1.35	2.03	0.7126	5.41	4.99
11	24000	2.0	2.50	1.52	0.68	0.68	2.2294	4.24	2.20
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	206200			22.24	19.36			22.24	

Ave Revised Copy
6-9-94
SA

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH
WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

DEC 03 1996


POOR ORIGINAL
Creek
CHALETS
2' WIDE
5' WIDE
10' WIDE
17' WIDE
33
34
0.68 -4080E
24,000
22900
22700
22 200
21,700
20,400
20,000
19,500
18,000'
16,500'
16,000'
14,000
12,300'
12000
1.35 -4080C
0.18 -4080B
0.27 -4080N
0.15 -4080L
0.67 -4080K
0.10 -4080M
2.05 -4080D
0.49 -4080A
10.40 cfs
-4080F
-4055B
1.56 cfs
-4055A
-4144B
0.74
-4144A
0.49
JOSE DITCH
CONVEYANCE LOSS REVIEW:
SOIL TYPES
Wb2 & Wv1
gravelly Loams
C=2.5
DEC 0 3 1996

GRADED BORDER EVALUATION

Job name: A72-04055B
By: SCC

Location: WB2 SOILS 152 AC ALF
Date: Mar 14, 1994

Roughness coefficient (n)= 0.150
Slope (S)= 0.0200 ft/ft
Net application (Fn)= 2.07 inches
Inflow time (Ti)= 8 hours, 0 minutes

Intake family (If)=2.00
Border width (W)= 525 ft
Border length (L)= 420 ft

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
10.30	Gross depth is less than required gross application depth					
10.31	Gross depth is less than required gross application depth					
10.32	Gross depth is less than required gross application depth					
10.33	Gross depth is less than required gross application depth					
10.34	Gross depth is less than required gross application depth					
10.35	Gross depth is less than required gross application depth					
10.36	Gross depth is less than required gross application depth					
10.37	Gross depth is less than required gross application depth					
10.38	Gross depth is less than required gross application depth					
10.39	Gross depth is less than required gross application depth					
10.40	0.020	16.30	14.22	0.01	12.7	(4)
10.41	0.020	16.32	14.22	0.03	12.7	(4)
10.42	0.020	16.33	14.22	0.05	12.7	(4)
10.43	0.020	16.35	14.22	0.06	12.7	(4)
10.44	0.020	16.36	14.22	0.08	12.7	(4)
10.45	0.020	16.38	14.22	0.09	12.6	(4)
10.46	0.020	16.39	14.22	0.11	12.6	(4)
10.47	0.020	16.41	14.22	0.12	12.6	(4)
10.48	0.020	16.43	14.22	0.14	12.6	(4)
10.49	0.020	16.44	14.22	0.16	12.6	(4)
10.50	0.020	16.46	14.22	0.17	12.6	(4)

(4) Less than minimum recommended depth of flow.

$\frac{10.40 \text{ cfs}}{152 \text{ Ac.}} = 0.068 \text{ cfs/Ac.}$

DEC 0 3 1996

CLAIM NO. --- A72-04055B
AGENT ------- SCC
DATE -------- 03/14/94

Lotus Program:
IRR-PRAC.WK3
Date form revised:
4/21/93 by KKC

****
SOIL CHARACTERISTICS
==========

Soil Type = WB2; Zer...GRAVELLY LOAM
Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	3	0.11	0.16	7.4	8.4	1	2	1	1.47	2	0.55
3	9	0.1	0.15	7.4	9			1	1.58		
9	21	0.08	0.13	7.9	9			3	3.18		
21	32	0.03	0.08	7.9	9			4	3.66	alternate	
32	60	0.03	0.05	7.9	9			5	4.14	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (INCHES)
alfalfa (hay or seed)	5	0.5	2.07
corn (field or silage)	4	0.5	1.83
grain (winter or spring)	4	0.5	1.83
pasture (or grass hay)	3	0.5	1.59
other (enter below)			

==========

FIELD NOTES AND CALCULATIONS

	FIELD 1	FIELD 2	FIELD 3	FIELD 4
FIELD WIDTH	15750	0		
IRRIGATION DAYS	10			
DRY DAYS	0			
SET TIME(hours)	8			

CALCULATED RUN (run = acres*43560/width)
RUN = 420
CALCULATED BORDER WIDTH (ditch length/irr days * cha
WIDTH = 525
THEORETICAL ROTATION (mad/net irr req in inches per
SELECTED MAD = 2.07
ROTATION = 8.4 DAYS

****
PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD
==========

Weather Station = CHALLIS
Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day) mar	apr	may	jun	jul	aug	sep	oct
PASTURE		FLOOD	12.7		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA	152	FLOOD	12.7		1.28	4.51	5.65	6.25	4.45	2.52	0.7
Summary	152		13		1.28	4.51	5.65	6.25	4.45	2.52	0.70

Peak Net Irrigation Requirement (mm/day) = 6.25

++++++++++

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

DEC 03 1996

CLAIM NO. --- A72-04055B
AGENT ------- SCC
DATE -------- 03/14/94

Lotus Program:
IRR-PRAC.WK3
Date form revised:
4/21/93 by KKC

****
SOIL CHARACTERISTICS
==========

Soil Type = WB2; Zer...GRAVELLY LOAM
Source of Soils Data = Printout From SCS State Office

soil depth (inches)		AWC (in/in)		PH		organic (%)		soil depth (ft)	AWC (inches)	intake family	
lower	upper	lower	upper	lower	upper	lower	upper			flood	furrow
0	3	0.11	0.16	7.4	8.4	1	2	1	1.47	2	0.55
3	9	0.1	0.15	7.4	9			1	1.58		
9	21	0.08	0.13	7.9	9			3	3.18		
21	32	0.03	0.08	7.9	9			4	3.66	alternate	
32	60	0.03	0.05	7.9	9			5	4.14	method	
										NA	NA

Management Allowed Deficit (MAD)

crop	root depth (ft)	stress point	MAD (INCHES)
alfalfa (hay or seed)	5	0.5	2.07
corn (field or silage)	4	0.5	1.83
grain (winter or spring)	4	0.5	1.83
pasture (or grass hay)	3	0.5	1.59
other (enter below)			

==========
FIELD NOTES AND CALCULATIONS

	FIELD 1	FIELD 2	FIELD 3	FIELD 4
FIELD WIDTH	22070	0		
IRRIGATION DAYS	10			
DRY DAYS	0			
SET TIME(hours)	8			

CALCULATED RUN (run = acres*43560/width)
RUN = 300
CALCULATED BORDER WIDTH (ditch length/irr days * cha
WIDTH = 736
THEORETICAL ROTATION (mad/net irr req in inches per
SELECTED MAD = 2.07
ROTATION = 8.4 DAYS

****
PEAK IRRIGATION DIVERSION REQUIREMENT AT FIELD
==========

Weather Station = CHALLIS
Figure No = 10-15

crop	acres	system	recomm. eff.	Net Irrigation Requirement (mm/day) mar	apr	may	jun	jul	aug	sep	oct
PASTURE		FLOOD	12.7		1.47	3.84	4.87	5.86	4.56	3.23	2.07
ALFALFA	152	FLOOD	12.7		1.28	4.51	5.65	6.25	4.45	2.52	0.7
Summary	152		13		1.28	4.51	5.65	6.25	4.45	2.52	0.70

Peak Net Irrigation Requirement (mm/day) = 6.25

++++++++++

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

DEC 03 1996

GRADED BORDER EVALUATION

Job name: A72-04055B
By: SCC

Location: WP2 SOILS 152 AC ALF
Date: Mar 14, 1994

Roughness coefficient (n)= 0.150
Slope (S)= 0.0200 ft/ft
Net application (Fn)= 2.07 inches
Inflow time (Ti)= 8 hours, 0 minutes

Intake family (If)=2.00
Border width (W)= 736 ft
Border length (L)= 300 ft

Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
10.35	Gross depth is less than required gross application depth					
10.36	Gross depth is less than required gross application depth					
10.37	Gross depth is less than required gross application depth					
10.38	Gross depth is less than required gross application depth					
10.39	Gross depth is less than required gross application depth					
10.40	Gross depth is less than required gross application depth					
10.41	0.014	16.29	14.22	0.01	12.7	(4)
10.42	0.014	16.31	14.22	0.02	12.7	(4)
10.43	0.014	16.33	14.22	0.04	12.7	(4)
10.44	0.014	16.34	14.22	0.06	12.7	(4)
10.45	0.014	16.36	14.22	0.07	12.7	(4)

(4) Less than minimum recommended depth of flow.

$\frac{10.41 \text{ cfs}}{152 \text{ Ac.}} = 0.068 \frac{\text{cfs}}{\text{Ac.}}$

DEC 0 3 1996

GRADED BORDER EVALUATION

Job name: A72-04055B
By: SCC

Location: WB2 SOILS 152 AC ALF
Date: Mar 14, 1994

Roughness coefficient (n)= 0.150
Slope (S)= 0.0200 ft/ft
Net application (Fn)= 2.07 inches
Inflow time (Ti)= 8 hours, 0 minutes

Intake family (If)=2.00
Border width (W)= 876 ft
Border length (L)= 300 ft

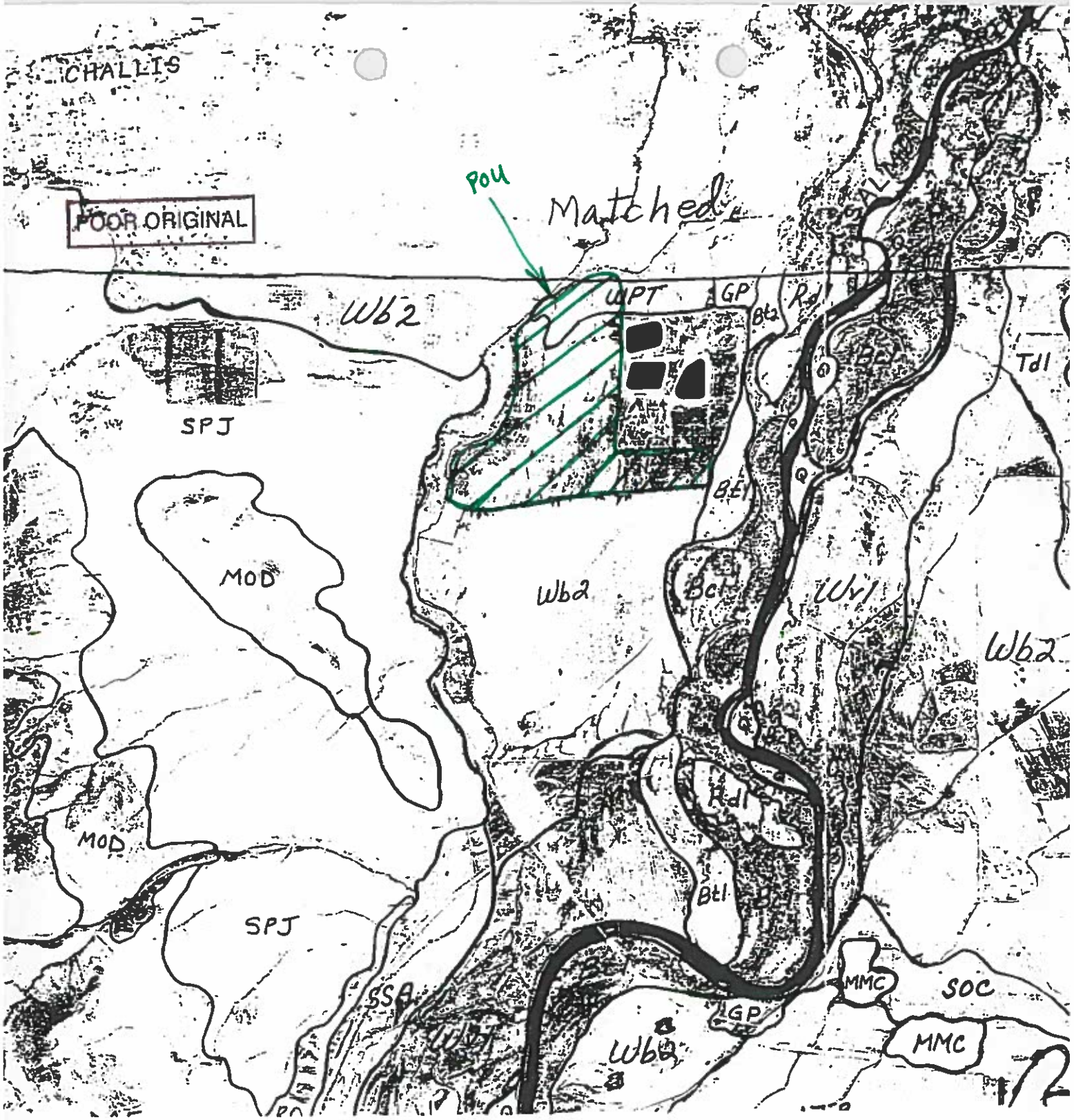
Flow per Border (cfs)	Unit Flow (cfs/ft)	Gross Application (in)	Deep Percolation (in)	Runoff (in)	Application Efficiency (percent)	Notes
12.30	Gross depth is less than required gross application depth					
12.31	Gross depth is less than required gross application depth					
12.32	Gross depth is less than required gross application depth					
12.33	Gross depth is less than required gross application depth					
12.34	Gross depth is less than required gross application depth					
12.35	Gross depth is less than required gross application depth					
12.36	Gross depth is less than required gross application depth					
12.37	Gross depth is less than required gross application depth					
12.38	Gross depth is less than required gross application depth					
12.39	0.014	16.29	14.22	0.01	12.7	(4)
12.40	0.014	16.31	14.22	0.02	12.7	(4)

(4) Less than minimum recommended depth of flow.

* Based on theoretical rotation rate of 8.4 days

for comparison w/ 10 day Rotation

DEC 0 3 1996



A72-4055 B

R72-16279

DEC 03 1996

A72-4055B

152 ACRE POU

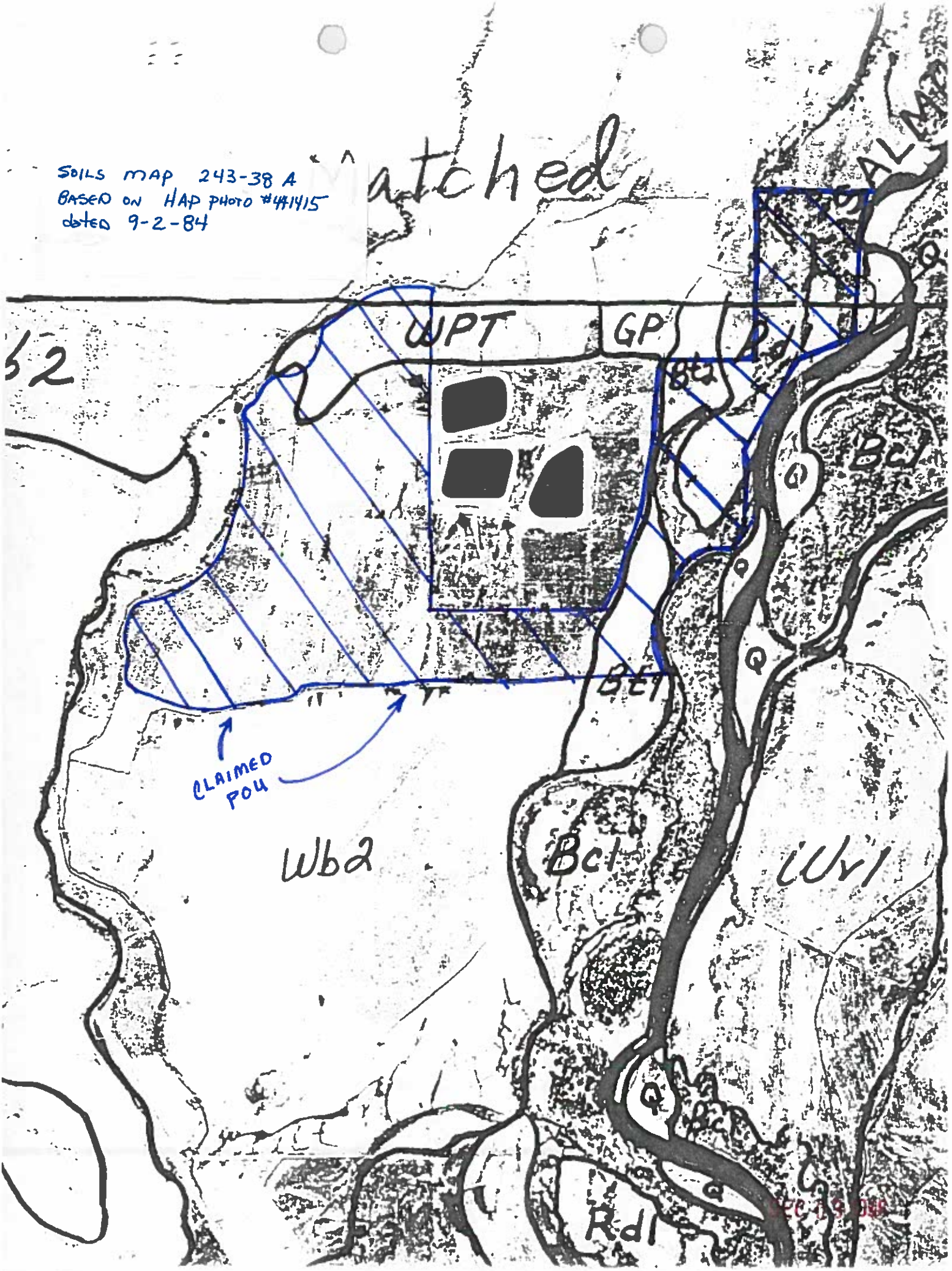
POOR ORIGINAL

HUBBLE ANALYSIS REVIEW:

WB2 SOILS

DEC 03 1996




SOILS MAP 243-38 A
BASED ON HAP PHOTO #441415
dated 9-2-84
atched
WPT
GP
Bd
Bcl
Bc1
CLAIMED POU
Wb2
Bc1
Rd1

POOR ORIGINAL

1939 ASCS MAP

CLAIMED POL

AM-4055-B

Dave Mixon

D-G ①

D-G ③

D-G ⑤ James M. Bradley

T-1143 16.90 Johnny Hammond

T-1142 23.10

T-497

T-492

T-1752

T-314

T-495

T-494

T-593

T-592

W. LEATON

FRANK SHULL

30.70

31.20

44.18

36.91

37.28

35.86

14.80

15.40

12.10

47

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-16279A

WATER RIGHT NUMBER: 72-16279A

Owner Type	Name and Address
Current Owner	JOSE DITCH CO INC PO BOX 274 CHALLIS, ID 83226 (208)879-5696
Directors Report Owner	EILENE C STARK HC 63 BOX 1777 CHALLIS, ID 83226
Directors Report Owner	KENNETH J STARK HC 63 BOX 1777 CHALLIS, ID 83226
Original Owner	R SCOTT FARR BOX 64 CHALLIS, ID 83226 (208)879-2203
Original Owner	SHELDA K FARR BOX 64 CHALLIS, ID 83226 (208)879-2203
Directors Report Owner	CLIFF HANSEN HC 63 BOX 1777 CHALLIS, ID 83226

Priority Date: 12/11/1888

Basis: Decreed

Status: Active

Source	Tributary
SALMON RIVER	SNAKE RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	4/01 to 10/31	12.790 CFS	
	Total Diversion:	12.790 CFS	

Location of Point(s) of Diversion

SALMON RIVER L2 (NE1/4SW1/4NE1/4) Sec. 16, Twp 13N, Rge 19E, B.M.

CUSTER County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	19E	3	3.0 L 1	15.0 L 2			36.0 L 3	24.0 L 4	7.0	4.0									89.0
14N	19E	34									13.0	1.0	35.0						49.0

Total Acres: 138

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-16279A

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 WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Dates and Other Information:

Decreed Date: 03/19/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Form 42-248/42-1409(6) July, 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
FEB 25 2002
Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
See exhibit A attached		None			

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

   A. The appropriate **FILING FEE**. See instructions for fee amounts.

   B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION.**

   C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
   PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

   OR

   If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): See exhibit A attached

4. New Owner/Claimant(s): Jose Ditch Company, Inc.
   Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

   New Mailing Address: PO Box 274

   City, State and ZIP Code: Challis, ID 83226

   New Telephone Number: (208) 879-5696 - Sharlene Miller Secretary/Treasurer

5. Date you acquired the property: NA

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

None

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other _____		
Total		

7. Signature of New Owner(s) or Claimant(s) (include title if applicable) Cliff M. Hansen

Cliff M. Hansen - President
for the Jose Ditch Company, Inc.
See attached Idaho Annual Report Form

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
Receipted by _____ Date _____ Receipt No. _____
Processed by _____ AJ Date _____ WR _____ Date _____

STATE OF IDAHO
PETE T. CENARRUSA
SECRETARY OF STATE
700 WEST JEFFERSON
PO BOX 83720
BOISE, ID 83720-0080

RETURN SERVICE REQUESTED

PRESORTED
FIRST-CLASS
U.S. POSTAGE PAID
Boise, ID
PERMIT No. 1

IDAHO ANNUAL REPORT FORM C 127416

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

JOSE DITCH COMPANY, INC., AN IDAHO NONPROFIT CORPOR
PO BOX 274
CHALLIS, ID 83226

AUP 1 83226

No. C 127416	Due no later than Feb 28, 2002 Annual Report Form	2. Registered Agent and Office NO PO BOX
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address - Correct in this box, if applicable JOSE DITCH COMPANY, INC., AN IDAHO PO BOX 274 CHALLIS, ID 83226	SHARLENE H. MILLER HC 63 BOX 1771-1 CHALLIS, ID 83226 3. New Registered Agent Signature

Corporations: Enter Names and Business Addresses of President, Secretary and Directors.

Office held	Name	Street or P.O. Address	City	State	Zip
President	Cliff M. Hansen	HC 63 Box 1777	Challis	ID	83226
Vice-Pres	Bill N. Savage	PO Box 5	Challis	ID	83226
Director	Thomas V. McGowan	PO Box 1040	Challis	ID	83226
Secretary	Sharlene H. Miller	HC63 Box 1771-1	Challis	ID	83226

Organized Under the Laws of:	6.
IDAHO C 127416	Signature Sharlene H. Miller Date 12/18/2001 Name (Typed or Printed) Sharlene H. Miller Title Secretary

Issued 12/03/2001

Do Not Tape or Staple

Fold, seal and mail this portion.

724

C

mailed 12-19-2001

ASSIGNMENT

CLIFF HANSEN, KENNETH J. STARK and **EILENE C. STARK** (hereinafter collectively referred to as "Assignor"), herein assign all of their right, title and interest in and to Water Right No. 72-16279A to **JOSE DITCH COMPANY, INC** an Idaho non-profit irrigation corporation (hereinafter referred to as "Assignee") in consideration of the receipt of 639.5 shares of stock in Jose Ditch Company, Inc.. Said Water Right No. 72-16279A is fully described on **Exhibit "A"** attached hereto and made a part of this Assignment by reference.

DATED this 16 day of APRIL, 2001.

"ASSIGNOR"

CLIFF HANSEN

KENNETH J. STARK

EILENE C. STARK

STATE OF IDAHO)
) ss,
County of CUSTER)

On this 16 day of APRIL, 2001, before me, a Notary Public for said County and State, personally appeared **CLIFF HANSEN**, known or identified to me, to be the person 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.

PATSY KINDT NOTARY PUBLIC STATE OF IDAHO

NOTARY PUBLIC FOR IDAHO
Residing at: Challis
My commission expires: 3/12/04

STATE OF ~~IDAHO~~ Nevada)
) ss,
County of Washoe)

On this 1st day of May, 2001, before me, a Notary Public for said County and State, personally appeared **KENNETH J. STARK**, known or identified to me, to be the person 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.

Lucy N. McGuire
NOTARY PUBLIC FOR ~~IDAHO~~ Nevada
Residing at: —
My commission expires: 7/1/01

LUCY N. McGUIRE
NOTARY PUBLIC
STATE OF NEVADA
WASHOE COUNTY
93-3883-2 My Appnt. Expires July 1, 2001

STATE OF ~~IDAHO~~ Nevada)
) ss,
County of Washoe)

On this 1st day of May, 2001, before me, a Notary Public for said County and State, personally appeared **EILENE C. STARK**, known or identified to me, to be the person 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.

Lucy N. McGuire
NOTARY PUBLIC FOR ~~IDAHO~~ Nevada
Residing at: —
My commission expires: 7/1/01

LUCY N. McGUIRE
NOTARY PUBLIC
STATE OF NEVADA
WASHOE COUNTY
93-3883-2 My Appnt. Expires July 1, 2001

RIGHT NUMBER: 72-16279A

NAME & ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 12.79 CFS X 50 = 639.5 shares

PRIORITY DATE: 12/11/1888

POINT OF DIVERSION: T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-15 10-15	12.79 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03	Lot 1	(NENE) 3	Lot 2	(NWNE)15	Lot 3	(NENW)36	Lot 4	(NWNW)24
		SWNW 7		SENW 4				
T14N R19E S34		NESW 13		SWSW 1		SESW 35		

138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Jose Ditch Rights

ater Rights
eing transferred
nto
ose Ditch Company,
nc. ownership
ee attached
ssignments

Basin	Sequence	Split	Basis	Status	Priority Date	Diversion	Source List	Water Use Li	Owner List	Ver	Source Table	Application
72	4080	AB	Beneficial Use	Active	1888-12-11	0.1	SALMON RIVRRIGATION		PIVA, JANETTE (Curr		wrAdjudicationClaim	
72	4055	A	Beneficial Use	Active	1888-12-11	1.9	SALMON RIVRRIGATION		FUNCK, ELAINE L	1	wrAdjudicationRecommendation	
72	4080	B	Beneficial Use	Active	1888-12-11	0.36	SALMON RIVRRIGATION		LEUZINGER, RIC	1	wrAdjudicationRecommendation	
72	4080	C	Beneficial Use	Active	1888-12-11	4.18	SALMON RIVRRIGATION		MC GOWAN, THO	1	wrAdjudicationRecommendation	
72	4080	E	Beneficial Use	Active	1888-12-11	1.37	SALMON RIVRRIGATION		SAVAGE, BILL N	1	wrAdjudicationRecommendation	
72	4080	G	Beneficial Use	Active	1888-12-11	0.04	SALMON RIVRRIGATION		SEVERE, CLAYTO	1	wrAdjudicationRecommendation	
72	4080	J	Beneficial Use	Active	1888-12-11	0.2	SALMON RIVRRIGATION		CORGATELLI, EL	1	wrAdjudicationRecommendation	
72	4080	K	Beneficial Use	Active	1888-12-11	1.75	SALMON RIVRRIGATION		COOK, ROBERTA	1	wrAdjudicationRecommendation	
72	4080	L	Beneficial Use	Active	1888-12-11	0.39	SALMON RIVRRIGATION		KUDER, DAN R (C	1	wrAdjudicationRecommendation	
72	4080	M	Beneficial Use	Active	1888-12-11	0.5	SALMON RIVRRIGATION		WARNECKE, CHA	1	wrAdjudicationRecommendation	
72	4080	N	Beneficial Use	Active	1888-12-11	0.51	SALMON RIVRRIGATION		OUELLET, BERN	1	wrAdjudicationRecommendation	
72	4080	P	Beneficial Use	Active	1888-12-11	0.43	SALMON RIVRRIGATION		RUKAVINA, MIKE	1	wrAdjudicationRecommendation	
72	4080	Q	Beneficial Use	Active	1888-12-11	0.4	SALMON RIVRRIGATION		RUKAVINA, MIKE	1	wrAdjudicationRecommendation	
72	4080	S	Beneficial Use	Active	1888-12-11	0.18	SALMON RIVRRIGATION		PETERSON, L DE	1	wrAdjudicationRecommendation	
72	4080	T	Beneficial Use	Active	1888-12-11	0.08	SALMON RIVRRIGATION		BABB, CHARLES	1	wrAdjudicationRecommendation	
72	4080	V	Beneficial Use	Active	1888-12-11	0.37	SALMON RIVRRIGATION		SARRELS, JESSI	1	wrAdjudicationRecommendation	
72	4080	X	Beneficial Use	Active	1888-12-11	0.31	SALMON RIVRRIGATION		ROYCE, STANLE	1	wrAdjudicationRecommendation	
72	16279	A	Beneficial Use	Active	1888-12-11	12.79	SALMON RIVRRIGATION		HANSEN, CLIFF (	2	wrAdjudicationRecommendation	
72	16279	B	Beneficial Use	Active	1888-12-11	0.81	SALMON RIVRRIGATION		MORTIER, LYNN	1	wrAdjudicationRecommendation	
72	4080	U	Decreed	Active	1888-12-11	0.53	SALMON RIVRRIGATION		CORGATELLI, ELLEN		wrWaterRight	
~~72~~	~~4144~~	~~G~~	~~Beneficial Use~~	~~Active~~	~~4/1/1929~~	~~1.44~~	~~SALMON RIVRRIGATION~~		~~CHESTER, JOE (~~	~~3~~	~~wrAdjudicationRecommendation~~	
~~72~~	~~4144~~	~~A~~	~~Beneficial Use~~		~~4/1/1929~~	~~0.85~~	~~SALMON RIVRRIGATION~~		~~LAVERTY, GLADY~~	~~3~~	~~wrAdjudicationRecommendation~~	
~~72~~	~~16505~~		~~Beneficial Use~~	~~Active~~	~~10/27/1965~~	~~0.8~~	~~SALMON RIVFISH PROPA~~		~~FISH & GAME (Also Known As), STATE OF~~		IDAHO (Current Owner)	
					total =	30.29						

Note: this is A Late Claim

Post-it® Fax Note 7671

To Sharlene Miller	Date 10-23-01 # of pages ▶ 1
Co./Dept.	From Steve Clelland
Phone # Jose Ditch	Cc.
Fax # 879-2020	Phone #
	Fax #

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: **A72-04080F**
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: JUN 1, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
13N	19E	16		SW	NE	2	CUSTER

5. Description of diverting works:
   ROCK WALL & HEADGATE, JASE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.330		

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

8. Total consumptive use is 137.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	34	SE	SE		IRR	20.0
					Section Acres		20.0
		35	NW	SW	7	IRR	20.0
			SW	SW	8	IRR	15.0
					Section Acres		35.0
					Total Acres		55.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS IS A PORTION OF THE WR 72-04080.
P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE ADDITION OF AREA SUBDIVISIONS.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

RECEIVED
JAN 17 1995
...ent of Water Resources
...tern Region

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 19 E
Section 35, NW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____
Lot 7, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 72-04080 F

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Joel & Ruth Robins
HC 63 Box 1703
Challis ID 83226

[ ] New Owner/Claimant (Purchaser): Cliff Hansen - Kenneth Q. & Eilene C. Stark

[ ] New Mailing Address: HC 63 Box 1777
Challis, ID 83226

[ ] New Telephone Number: ( )_____-_____

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

[ ] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s) Cliff M. Hansen Date 10/31/94
Kenneth Stark Eilene C. Stark Date

[ ] Signature of Former Owner/Claimant(s): x Joel Robins Date
Ruth Robins Date

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

(Pg 3)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 2-13-95 **By:** SCC
Further Action Needed: NONE
Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

R72-16279

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 19 E
Section 35, SW 1/4 of SW 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot 8, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 72-04080 F

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Noel & Ruth Robins
HC 63 Box 1793
Challis, ID 83226

[ ] New Owner/Claimant (Purchaser): Cliff Hansen-Kenneth J. & Eilene C. Stark

[ ] New Mailing Address: HC 63 Box 1777
Challis, ID 83226

[ ] New Telephone Number: ( ) _____ - _____

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

[ ] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s): Cliff M. Hansen Date 10/31/94
Kenneth Eilene C. Stark Date 10/31/94

[ ] Signature of Former Owner/Claimant(s): Noel Robins Date _____
Ruth Robins Date _____

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

(P2 of 3)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 2-13-95 **By:** Sa
Further Action Needed: NONE
Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

R72-16279

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 14 N Range 19 E
Section 34, SE 1/4 of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: 72-04080F

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Noel + Ruth Robins
HC 63 Box 1703
Challis, ID 83226

[ ] New Owner/Claimant (Purchaser): Cliff Hansen - Kenneth J. + Eilene C. Stark

[ ] New Mailing Address: HC 63 Box 1777
Challis, ID 83226

[ ] New Telephone Number: ( ) _____ - _____

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

[ ] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s): Cliff M. Hansen Date 10/31/94
Kenneth Stark Eilene C. Stark Date 10/31/94

[ ] Signature of Former Owner/Claimant(s): Noel Robins Date _____
Ruth Robins Date _____

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

(P. 3 of 3)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 2-13-95 **By:** Sm
Further Action Needed: None
Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

R72-16279

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

Governor PHIL BATT

R. KEITH HIGGINSON
Director

February 13, 1995

CLIFF HANSEN
KENNETH J & EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A72-10414, A72-04080F & A72-04055B

DEAR CLAIMANTS,

Pursuant to your request for a change in ownership and/or the notification that you presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as you requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records.

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

Form 42-1409(7)

IDWR

NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
MAR 15 1993
Department of Water Resources
Southern Region Office

DATE OF CLOSING: Dec. 29, 89

LEGAL DESCRIPTION OF PROPERTY: Township_____ Range_____ Section_____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot_____, BM: Lot_____, Block, _____, Subdivision/Townsite_____.
If you have additional legal descriptions, please attach separate sheet.

[ ] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[ ] Water Right Number(s) Assigned by IDWR: A72-10137

[ ] Name and Address of Former Owner/Claimant(s)(Seller): SCOTT FARR
Box 64
CHALLIS, Id. 83226

[ ] New Owner/Claimant (Purchaser):

[ ] New Mailing Address: NOEL ROBINS
HC 63 Box 1703
CHALLIS IDAHO 83226

NEW ADDRESS

[ ] New Telephone Number: (208) 879-2475

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

[ ] Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[ ] Signature of New Owner/Claimant(s): Noel Robins Date 3-10-93
Rutti Robins Date 3-10-93

[ ] Signature of Former Owner/Claimant(s): Scott Farr Date Mar 10, 93
Sheldon Farr Date Mar 10, 1993

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: **By:**
Further Action Needed:

Further Action Taken
Date: **By:**
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

A72-4080 F

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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

JUNE 9, 1993

NOEL OR RUTH Y ROBINS
HC 63 1703
CHALLIS ID 83226

RE: CHANGE IN OWNERSHIP FOR SRBA CLAIM NO. A72-10137

DEAR MR. & MRS. ROBINS,

PURSUANT TO YOUR REQUEST FOR A CHANGE IN OWNERSHIP AND/OR THE NOTIFICATION THAT YOU PRESENTLY OWN THE PROPERTY IN WHICH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S) IS APPURTENANT, THE DEPARTMENT HAS CHANGED THE RECORD OF THE CURRENT OWNERS AS YOU REQUESTED. PLEASE FIND ENCLOSED A COPY OF YOUR ADJUDICATION CLAIM AS IT NOW APPEARS IN OUR RECORDS.

YOUR ADDRESS HAS BEEN CORRECTED ON THE OTHER CLAIMS YOU HAVE ON FILE A72-04055B, A72-04080F & A72-10414, BASED ON THE ADDRESS SHOWN FOR THIS CHANGE IN OWNERSHIP AS WE HAD PREVIOUSLY DISCUSSED.

IF YOU HAVE ANY FURTHER CORRECTIONS OR QUESTIONS PLEASE CONTACT OUR OFFICE.

SINCERELY,

STEVE CLELLAND
WATER RESOURCE AGENT

ENC:
SCC

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: **A72-04080F**
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NOEL ROBINS 208-879-2475
   Address: HC 63 BOX 1703
   CHALLIS ID 83226
   OR
   Name: RUTH Y ROBINS 208-879-2475
   Address: HC 63 BOX 1703
   CHALLIS ID 83226

2. Date of Priority: JUN 1, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	16	SW NE	2	CUSTER

5. Description of diverting works:
   ROCK WALL & HEADGATE, JASE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.330		

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

8. Total consumptive use is 137.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	34	SE SE		IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
					Section Acres		20.0
		35	NW	SW	7	IRR	20.0
			SW	SW	8	IRR	15.0
					Section Acres		35.0
					Total Acres		55.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS IS A PORTION OF THE WR 72-04080.
P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE ADDITION OF AREA SUBDIVISIONS.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A72-04080F
Date Received: 1/10/1990
Receipt No: S010911
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NOEL ROBINS 208-879-2475
   Address: P.O. BOX 341
   CHALLIS, ID 83226
   OR
   Name: RUTH Y. ROBINS 208-879-2475
   Address: P.O. BOX 341
   CHALLIS, ID 83226

2. Date of Priority: JUN 01, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	16	SW NE	2	CUSTER

5. Description of diverting works:
   ROCK WALL & HEADGATE, JASE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.330		

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

8. Total consumptive use is 137.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
14N	19E	34	SE SE		IRR	20.0

MICROFILMED
MAR 1 8 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
					Section Acres		20.0
		35	NW	SW	7	IRR	20.0
			SW	SW	8	IRR	15.0
					Section Acres		35.0
					Total Acres		55.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS IS A PORTION OF THE WR 72-04080.
P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE ADDITION OF AREA SUBDIVISIONS.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

MICROFILMED
MAR 1 8 1993

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[ ] Water Right Number (s): A72-04080F
A72-10414

[ ] Old Mailing Address: NOEL ROBINS
HC 63 BOX 1759-1
CHALLIS, ID 83226

[ ] New Mailing Address: P.O. BOX 341
CHALLIS, ID 83226

New Telephone Number: (208) 879-2475

[ ] Signature of Claimant: Noel Robins

Date: Oct 30. 1990

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 10-31-90 By: SCL
Further Action Needed: NONE
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:

MICROFILMED
MAR 1 8 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: A72-04080F
Date Received: 1/10/1990
Receipt No: S010911
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: NOEL ROBINS 208-879-4562
   Address: HC 63 BOX 1759-1
   CHALLIS, ID 83226
   OR
   Name: RUTH Y. ROBINS 208-879-4562
   Address: HC 63 BOX 1759-1
   CHALLIS, ID 83226

2. Date of Priority: JUN 01, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	16	SW NE	2	CUSTER

5. Description of diverting works:
   ROCK WALL & HEADGATE, JASE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.330		

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

8. Total consumptive use is 137.5 Acre Feet Per Annum.

9. Non-irrigation uses:

MICROFILMED
MAR 1 8 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	34	SE	SE		IRR	20.0
					Section Acres		20.0
		35	NW	SW	7	IRR	20.0
			SW	SW	8	IRR	15.0
					Section Acres		35.0
					Total Acres		55.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS IS A PORTION OF THE WR 72-04080.
P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE ADDITION OF AREA SUBDIVISIONS.

15. Basis of Claim: STATUTORY CLAIM

MICROFILMED
MAR 1 8 1993

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): Jack Robins Date: 1-10-90

_____ Date: _____

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

Subscribed and sworn (or affirmed) before me this 10th day of January 19 90

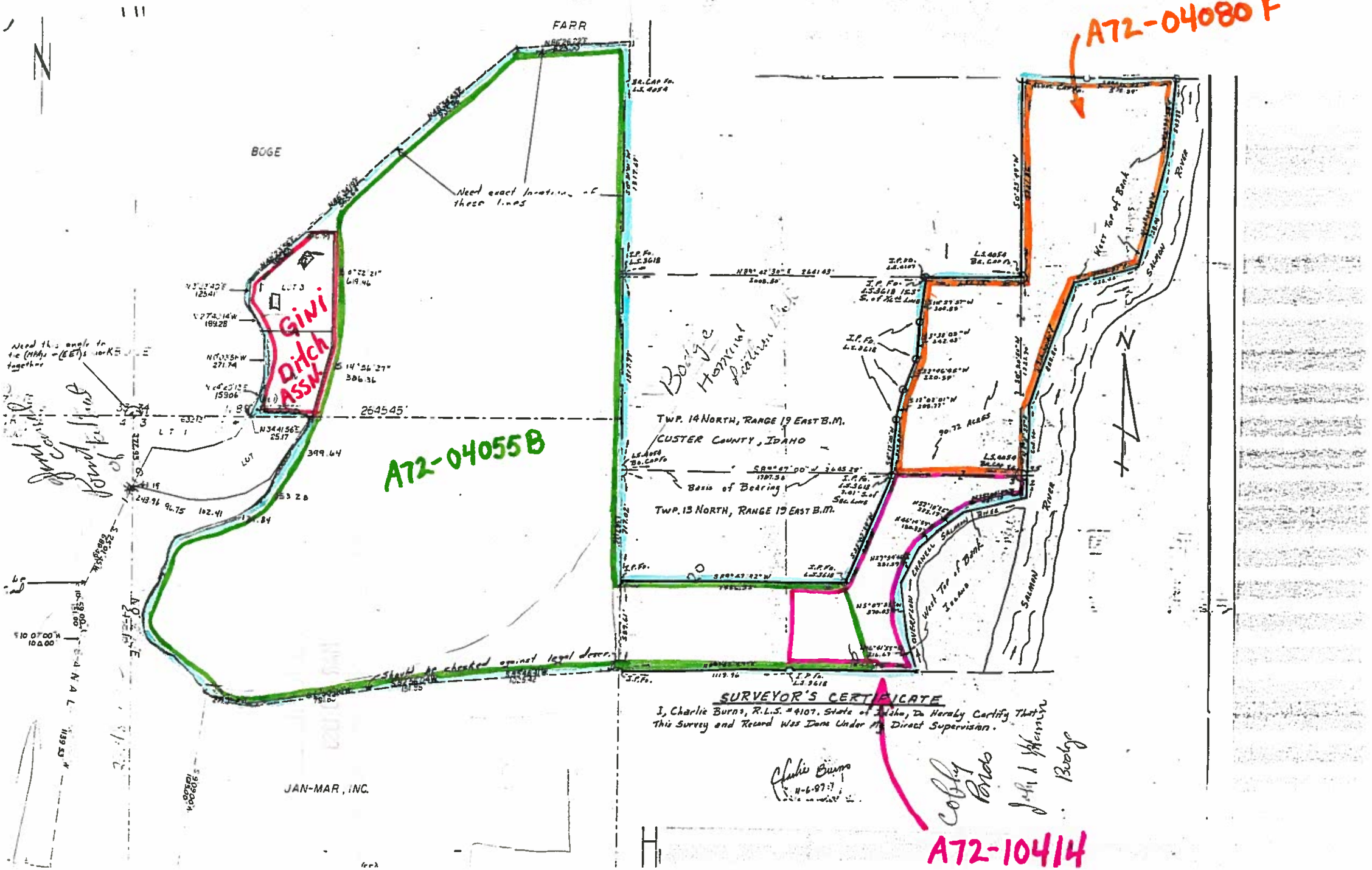
Seal

Stan Cole
Notary Public

Residing at Twin Falls

My Commission Expires Dec 7, 1994

MICROFILMED
MAR 1 8 1993


A72-04080 F
FARR
BOGE
Need exact location of these lines
GINI Ditch ASSN
Need this angle to tie (NW¼) - (EE) together
264545'
A72-04055B
Bridge Horizontal Datum
TWP. 14 NORTH, RANGE 19 EAST B.M.
CUSTER COUNTY, IDAHO
Basis of Bearing
TWP. 13 NORTH, RANGE 19 EAST B.M.
90.72 ACRES
West Top of Bank
SALMON RIVER
CHANNEL
OVERFLOW
Should be checked against legal descr.
JAN-MAR, INC.
SURVEYOR'S CERTIFICATE
I, Charlie Burns, R.L.S. #4107, State of Idaho, Do Hereby Certify That This Survey and Record Was Done Under My Direct Supervision.
Charlie Burns
11-6-97
Cobby Bridge
Judy Heinlein Bridge
A72-10414

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[ ] Water Right Number (s): A72-04080F
A72-10414

[ ] Old Mailing Address: NOEL ROBINS
HC 63 Box 1759-1
CHALLIS, ID 83226

[ ] New Mailing Address: P.O. Box 341
CHALLIS, ID 83226

New Telephone Number: (208) 879-2475

[ ] Signature of Claimant: Noel Robins

Date: Oct 30. 1990

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 10-31-90 By: SCL
Further Action Needed: NONE
Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:

MICROFILMED
MAR 18 1993

CLAIM # A72-04080F

Some evidence of priority was found on micro fiche records.
Evidence of priority letter not sent to claimant.

Evidence on micro fiche Claim # 72-04080

MICROFILMED
MAR 1 8 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

March 2, 1992

A72-04080F
NOEL ROBINS
RUTH Y. ROBINS
P.O. BOX 341
CHALLIS ID 83226

letter not sent

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

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 1 8 1993

Shelves South

RECEIVED
JUN 15 2000
Department of Water Resources

2000 JUN 14 AM 09:47
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 NOS: 72-04055B 72-10414 72-16279A

Please be advised that Special Master THOMAS R. CUSHMAN has set for hearing the MOTION TO FILE LATE OBJECTION filed by Rick Frost and Patsy Kindt.

FRIDAY, JULY 28, 2000 at 11:30 AM

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

Option: Parties may participate by phone if they contact the clerk at (208) 736-3011 prior to JULY 26, 2000.

IT IS SO ORDERED.

Dated: JUNE 14, 2000

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

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

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING HEARING was mailed on JUNE 14, 2000, with sufficient first-class postage to the following:

CLIFF HANSEN
EILENE C STARK
KENNETH J STARK
HC 63 BOX 1777
CHALLIS, ID 83226

RICK R FROST
PATSY KINDT
PO BOX 991
CHALLIS, ID 83226
Phone: 208-879-4424

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

PATSY L KINDT
RICK R FROST
PO BOX 991
CHALLIS, ID 83226
Phone: 208-879-4424

/S/ TERI HRANAC
Deputy Clerk

Rick Frost and Patsy Kindt
P.O. Box 991
Challis, Idaho 83226

RECEIVED
MAY 15 2000
Department of Water Resource
Southern Regior

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

RE: Water Right Claims A-7210414, 72-16279A and A-7204055B

Dear Sirs,

Enclosed you will find our Objections to Water rights in the Snake River Basin Adjudication and documentation to accompany this letter from the files of Cliff Hansen, Kenneth Stark and Noel and Ruth Robins, previous owners.

This is a "Late Objection" as we were not notified of the disallowance until we received notice February 2000. At that time I researched documentation I had in files and requested documentation from the previous owners. I believe that the attached information will clarify that this parcel has and previously had beneficial for irrigation waters.

I do believe that there are some errors on the water right numbers. I have numbered each page for your review and will give an explanation for each page.

Page 1 gives water right No. A72-04055B and lists place of use as : 14N 19E Section 3 NENE when in fact this should be Township 13. Cliff Hansen does not own property in 14N 19E Section 3. I believe this should be our water right number. I have high lighted various information on these two pages.

Page 3 also shows Lot 1, section 3 T13NR19E (NENE) but refers to a different water right no. 72-16269A. The attached map being page 4 shows divirsion point and place of use. This map came from Mrs Robins, a previous owner of this land.

Pages five and six, again show a third water right, A72-10414, with an explaination of the claim no. 72-04055.

The final page is an affidavit given to me by Dr. Boge. A previous owner of this property and a grandson of John and Isabel Hammond.

It is my understanding that when Cyprus Mines Corporation sold this land, that the Water Right was split between the City of Challis and Noel Robins, and I personally know that Mr. Robins took a lot of time and effort to get this ground cultivated and irrigated when he bought it in the early 90's.

After review of the enclosed information, I await your response. As this property has been irrigated at least since the early 30's we request beneficial use for irrigation purposes.

Respectfully,

Patsy Kindt

enclosures

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

A-72-10414
72-16279A

In Re SRBA)
)
Case No. 39576)
)
)
)

A. Subcase A-72-04055B
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Rick Frost and Patsy Kindt
Address: P.O. Box 991
Challis Idaho 83226
Daytime Phone: 208-879-4424

Name & Address of Attorney, if any:

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

Name: Cliff Hansen, Kenneth Stark and Eilene Stark
Address: HC 63 Box 1777
Challis, Idaho 83226

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

1. ☐ **Name and Address**
   Should be: _____
2. ☐ **Source**
   Should be: _____
3. ☐ **Quantity**
   Should be: _____
4. ☐ **Priority Date**
   Should be: _____
5. ☐ **Point(s) of Diversion**
   Should be: _____
6. ☐ **Instream Flow Description**
   Should be: _____
7. ☐ **Purpose(s) of Use**
   Should be: _____
8. ☐ **Period of Year**
   Should be: _____
9. ☑ **Place of Use** (Lot 1)
   Should be: NE¼NE¼ T13N R19E BM.

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):

#A72-04055B should read T13N R19E, Not T14N R19E BM
Claim # A72-10414 Represents a portion of claim # 72-04055B
as per remarkes on the attached. This property has been
irrigated dating back to the early 30's.

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

State of Idaho)
)ss.
County of CUSTER)

PATSY KINDT , 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.

Patsy Kindt
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 5/17/2006

Notary Public for IDAHO
Residing at: CHALLIS
My Commission Expires: 4-21-06

G. MICHAEL LEE NOTARY PUBLIC STATE OF IDAHO

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 May 12, ~~199~~ 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
PO Box 2707
Twin Falls, ID 83303-2707

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

Name: Cliff Hansen
Address: HC 63 Box 1777
Challis, Idaho 83226

3. Copies to:

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

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

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

Patsy Kindt
Signature of Objector or attorney mailing on Objector's behalf

Pg 1

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: A72-04055B
Date Received: 11/29/1989
Receipt No: M005276
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 15, 1885

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

4. Point of Diversion:

Township	Range	Section	1/4	1/4	1/4	Lot	County
13N	19E	3	SW	NW	SW	R	CUSTER
		16	SW	NE	NE	I	CUSTER

5. Description of diverting works:
   DITCH, GRAVITY IRRIGATION SYSTEM, WATER FROM LEATON/HAMMOND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/30	7.270		

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

8. Total consumptive use is 410.0 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg 2

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
14N	19E	3	NE	NE	1	IRR	15.0
13N							
						Section Acres	15.0
						Total Acres	15.0

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:
A72-04055B

14. Remarks:
THIS SOURCE KNOWN LOCALLY AS COBLEY PONDS.
4 ACRES OVERLAP WITH CLAIM A72-04055B AS AMENDED.

15. Basis of Claim: BENEFICIAL USE

Pg 2

AJ5855NP
1649

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: January 26, 1999
PAGE: 1

RIGHT NUMBER: 72-16279A

NAME AND ADDRESS: CLIFF HANSEN
KENNETH J STARK
EILENE C STARK
HC 63 BOX 1777
CHALLIS ID 83226

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 12.79 CFS

PRIORITY-DATE: 12/11/1888

POINT OF DIVERSION: T13N R19E S16 LOT 2 (NESWNE) Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-15 10-15	12.79 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

T13N R19E S03 LOT 1 (NENE) 3 LOT 2 (NWNE) 15 LOT 3 (NENW) 36 LOT 4 (NWNW) 24
SWNW 7 SENW 4
T14N R19E S34 NESW 13 SWSW 1 SESW 35
138 ACRES TOTAL

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

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

WATER RIGHT NO.	SOURCE
NONE	NONE

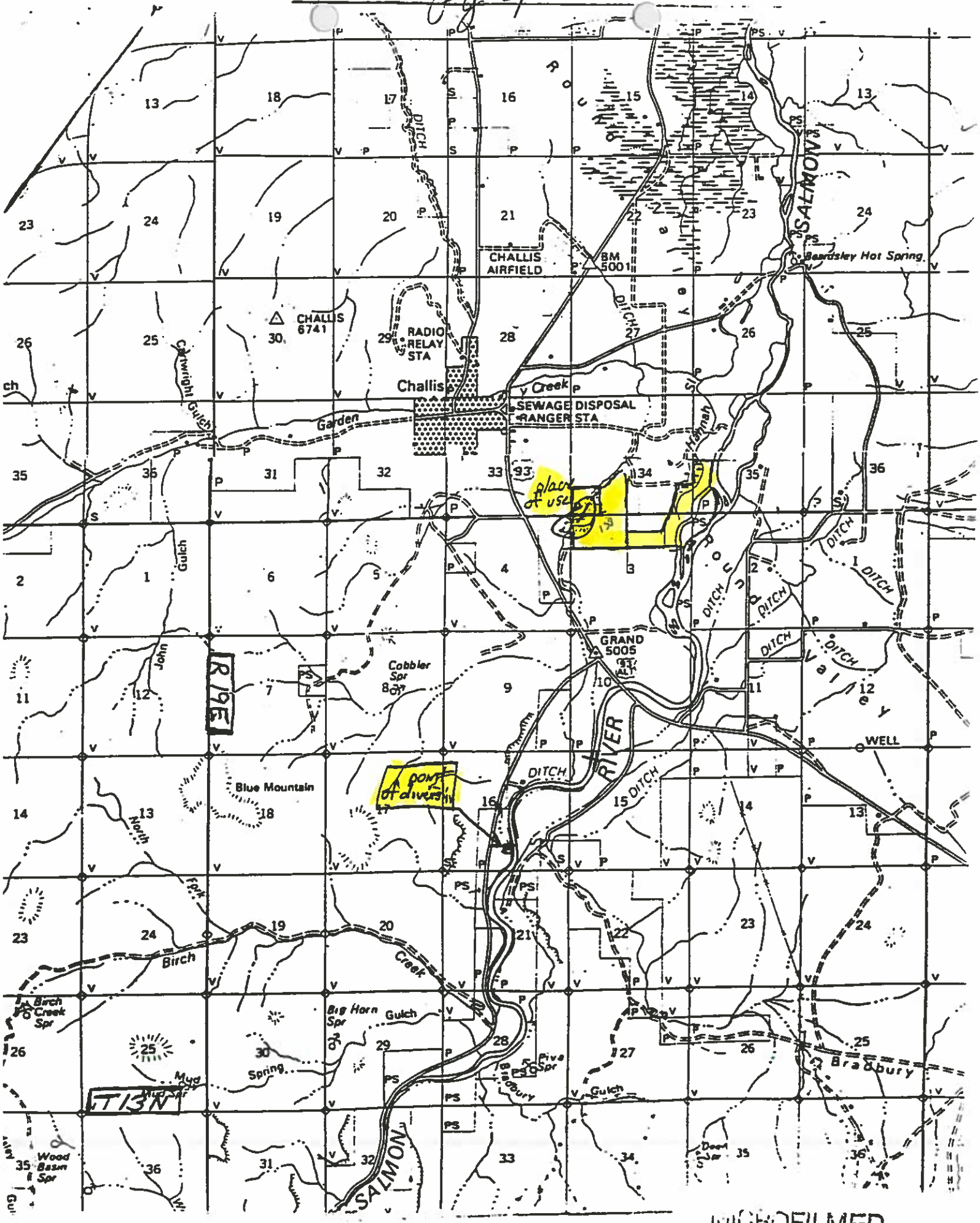
THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.	SOURCE
NONE	NONE

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
WATER IS DELIVERED THROUGH JOSE DITCH.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A, 72-10505 & 72-16279B.

Pg 4



MICROFILMED

Pages 5

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: A72-10414
Date Received: 1/10/1990
Receipt No: S010911
Received By: _____

COPY FOR YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

COPY FOR YOUR FILES

1. Name: CLIFF HANSEN
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: KENNETH J STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226
   AND
   Name: EILENE C STARK
   Address: HC 63 BOX 1777
   CHALLIS ID 83226

2. Date of Priority: APR 24, 1931

3. Source: SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
13N	19E	3	SW SE NE	5	CUSTER

5. Description of diverting works:
   COLLECTION DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.600		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:

Pg. 6

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
13N	19E	3	NW	NE		IRR	24.0
			NE	NW		IRR	40.0
			NW	NW		IRR	27.0
			SW	NW		IRR	2.0
					Section Acres		93.0
14N	19E	34	NE	SW		IRR	23.0
			SW	SW		IRR	8.0
			SE	SW		IRR	40.0
					Section Acres		71.0
					Total Acres		164.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
NONE

14. Remarks:
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

15. Basis of Claim: BENEFICIAL USE

CHARLES R. BOGE, P.A.
1452 THREE FOUNTAINS DR.
IDAHO FALLS, IDAHO 83404-5641

CHARLES R. BOGE, M.D.
ORTHOPEDIC CONSULTANT
DIPLOMATE OF THE AMERICAN BOARD OF
ORTHOPEDIC SURGERY

TEL.: 523-5788
AREA CODE 208
FAX (208) 523-5788

April 03, 2000

RE: Property in the NE ¼ NE ¼ in Section 3 TWP No.13 NR No. 19 E B.M.I.
near Challis, Custer County, Idaho

To Whom It May Concern:

The undersigned, Charles R. Boge, was born 16 December 1929 at the Challis Hot Springs. During my youth and through High School at Challis, Idaho, I spent a great deal of time with my grandparents, John and Isabel Hammond, who's ranch was primarily in Section 3, as noted above.

The area specifically noted above; i.e. NE ¼ NE ¼ , was an area referred to as "the rocky ground." This ground was irrigated from water carried in the "Hammond-Leaton" canal. This canal had previously been known as Jose and is currently referred to as the Jose canal or ditch.

I personally was involved in irrigating the entire ranch owned by my grandparents, John and Isabel Hammond. I also have specific recollection of irrigating the ground in the NE ¼ NE ¼ with water derived from the Hammond-Leaton ditch.

Respectfully submitted,

Charles R. Boge, M.D.
CRB:pas

State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

April 2, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CLIFF HANSEN
HC 64 BOX 9910
STANLEY ID 83278

RE: Notice of Error/Objection for SRBA claims 72-00239 & 72-16279A

Dear Mr. Hansen,

This letter is in response to the Notice(s) of Error (NOE) you filed with IDWR and the Director's recommendation of the claim(s) listed above. Your NOE has been reviewed by IDWR, but, due to the limited response time, I was unable to coordinate a resolution of your concerns before the Director's Report was filed with the SRBA court.

The recommended place of use (POU) was determined from aerial photos, field examinations and documents relating to your water right. After reviewing the Robins' POU, it does appear some added acres are needed.

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

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

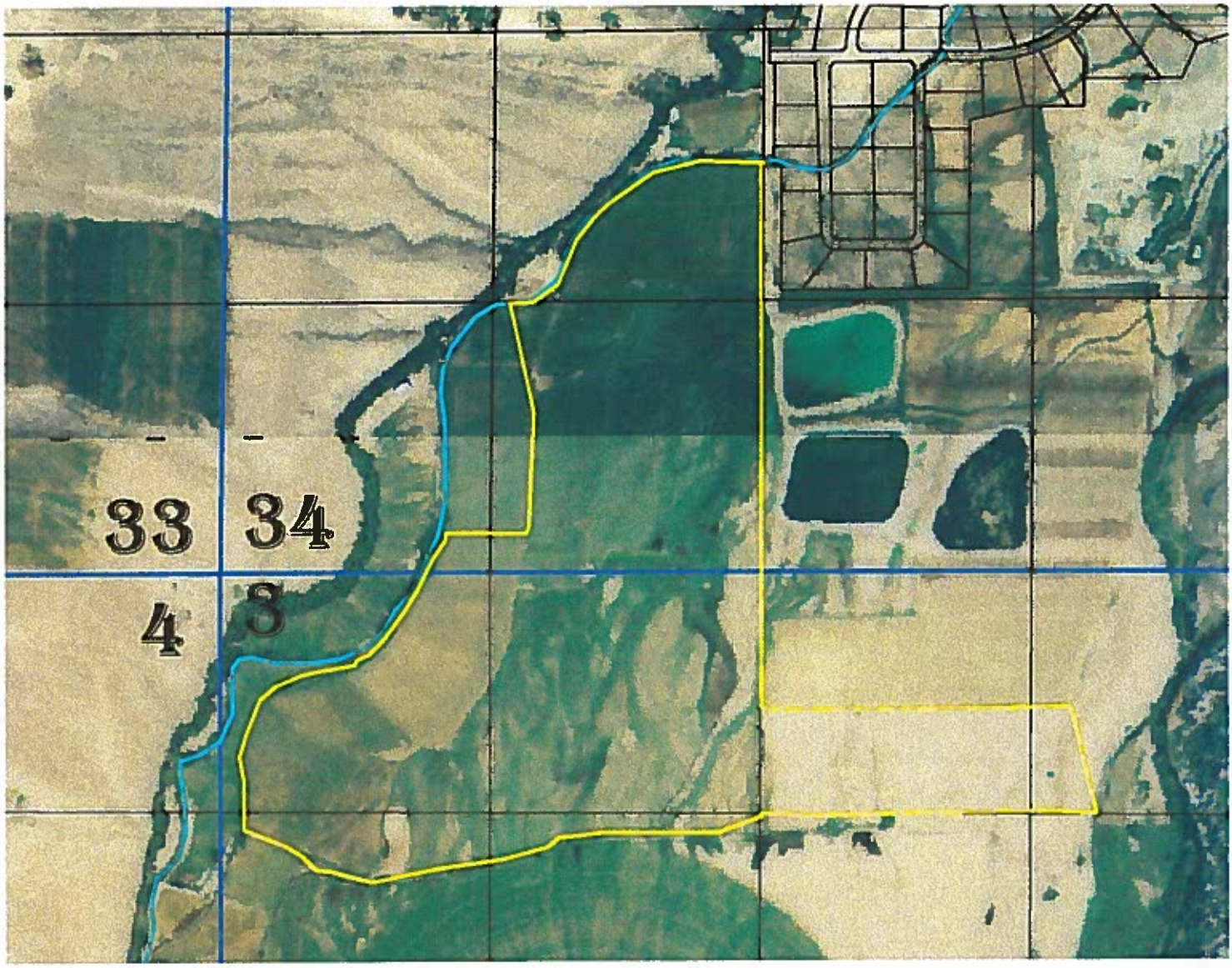
Sincerely,

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

IDAHO DEPARTMENT OF WATER RESOURCES

72-16279A



660 0 660 1320 Feet

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

TWN: 13N
RNG: 19E
SEC: 3

T14N, R19E, S34 & 35

N
W E
S

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

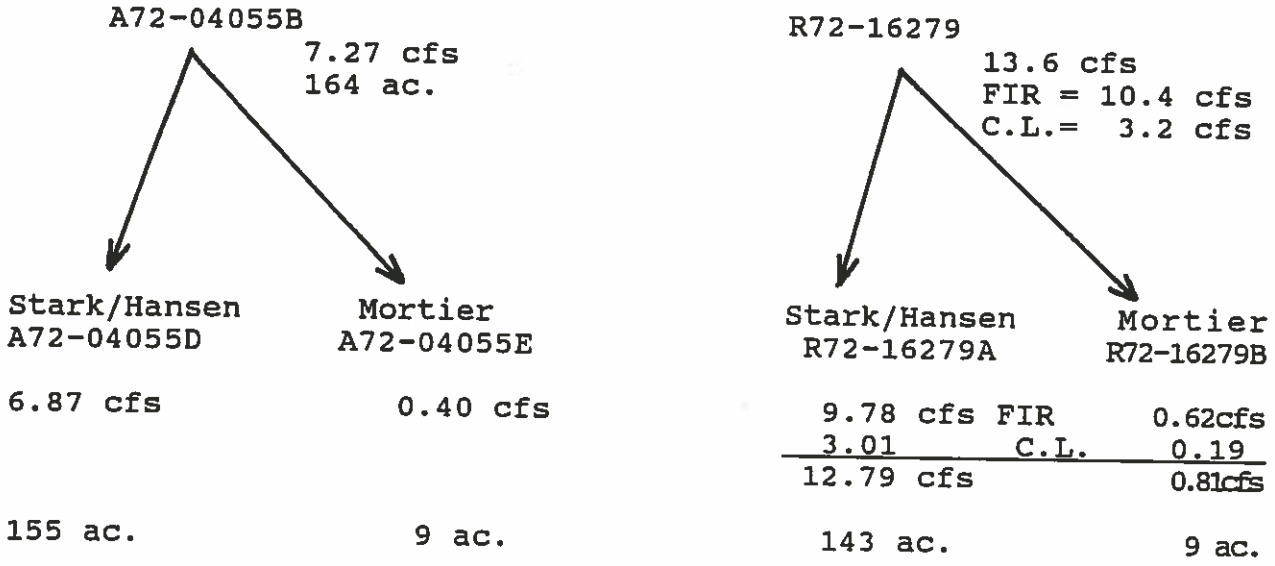
DATE: OCT. 13, 1998

MEMO

TO: FILE A72-04055B & A72-04080F
FROM: STEVE CLELLAND
DATE: March 31, 1998

RE: CHANGE OF OWNERSHIP OF CLAIMS AND SPLIT PROPERTY

==========



****

Claims A72-04055B & A72-04080F were used as one delivery on the combined POU as described by R72-16279. The claims as filed do not reflect the accurate use as verified and confirmed by me with previous owner Noel Robins.

This change of ownership was applied to A72-04055B and R72-16279. No change was made to A72-04080F to try and keep this simple, and claimed POU did not include this split parcel. Some water from -4080F will be recommended to Mortier (current owner of part 72-16279B) based on the actual use found and practiced by Mr. Robins on the property. Hubble analysis confirms the use and need of .068 cfs/acre for lands under these claims and recommendations.

AJ0749NP
No. R72-16279

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

DATE: 02/13/95
PAGE: 1

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	CLIFF HANSEN	12/11/1888	IRRIGATION	04-15	10-15	13.60 CFS	
C	KENNETH J STARK						
C	EILENE C STARK						
	HC 63 BOX 1777						
	CHALLIS ID 83226						
				TOTAL DIVERSION:		13.60 CFS	
				CONSUMPTIVE USE:			380.00 AFA

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S16 Lot02(NESWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	SUM
13N	19E	3	01-03	02-18			03-36	04-23	09	05									94.0
14N	19E	34									12		06	40					58.0
																	TOTAL ACRES		152.0

POU County: CUSTER

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH JOSE DITCH.
3.20 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A & 72-10505.

Dates: Exam Made Date: 05/26/1993 Verified Date:

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

A72-04080F

DEC 03 1996

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

Date: 03/21/1994 User-ID: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-04055B AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Date: 06/10/1994 User-ID: CLELLAND Subject: CONV. LOSSES
REVISED AND CORRECTED THE CONVEYANCE LOSS FOR THIS RIGHT.
WAS 3.20 CFS; NOW 3.31 CFS, MAY NEED TO AMEND CLAIM TO ADD EXTRA AMOUNT.

Date: 02/13/1995 User-ID: SCLELLAN Subject: CHANGE OF OWNERSHIP
FORMS SIGNED BY ORIGINAL OWNERS NOEL & RUTH ROBINS.
POSSIBLE TRANSFER PENDING TO CONVEY A PORTION OF THIS RIGHT TO MARK & ROSE HARRIS UNDER A72-04055B.

Audit: 02/13/95 SCLELLAN

AJ0743NP
(OD-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

02/13/95 14:35:52
Page 1

DEC 03 1996

Water Right Number - R72-04080F Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
HANSEN	CLIFF	1 - HC 63 BOX 1777 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-000-0000
STARK	KENNETH J	1 - HC 63 BOX 1777 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-000-0000
STARK	EILENE C	1 - HC 63 BOX 1777 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-000-0000
*** O - ORIGINAL OWNER ***		
ROBINS	NOEL	1 - PO BOX 341 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475
ROBINS	RUTH Y	1 - PO BOX 341 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475

Priority Date	Region	Stage	Status
06/01/1885	17 SOUTHERN		Z - SEE REMARKS

Source	Tributary
SALMON RIVER	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
13N	19E	16	SW NE	2	(37)	CUSTER

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	6.330	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
6.330		137.5	

DEC 0 3 1996

Water right number - R72-04080F Prefix Translation: RESEARCH

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	34	SE SE		20.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	NW SW	7	20.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	SW SW	8	15.0	01	IRRIGATION	(37) CUSTER

Total Acres: 55.0

Diversion Means - ROCK WALL & HEADGATE, JASE DITCH

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks

SEE NO. 72-16279.

Old Water Right Numbers

7204080

Conditions of Approval

No Conditions of Approval found.

Decree Plaintiff | Decree Defendant | Decree Date 00/00/0000

Comments

Date: 03/30/1994 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS IS A PORTION OF THE WR 72-04080. P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE ADDITION OF AREA SUBDIVISIONS.
Date: 03/30/1994 User Id: CLELLAND Subject: RECOMMENDATION
THIS CLAIM IS COMBINED WITH A72-04055B AND REPORTED AS 72-16279. SEE THOSE FILES FOR REVIEW AND COMMENTS.
Date: 02/13/1995 User Id: SCLELLAN Subject: CHANGE OF OWNERSHIP
FORMS SIGNED BY ORIGINAL OWNER NOEL & RUTH ROBINS.

Audit Fields
02/13/95 SCLELLAN

Adjudication Rights Dates and Flags Area

Court Report Filing	- 00/00/0000	Field Inspection Made	- 05/26/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 01/10/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010911	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND	Presumption Flag	-
				Notice of Error Flag	-

FILE AS A72-16C17

AJ0749NP
No. R72-16279

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

DATE: 03/30/94
PAGE: 1

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NOEL ROBBINS	12/11/1888	IRRIGATION	04-15	10-15	13.60 CFS	
C	RUTH Y ROBBINS						
	PO BOX 341				TOTAL DIVERSION:	13.60 CFS	
	CHALLIS ID 83226				CONSUMPTIVE USE:		380.00 AFA
	(208) 879-2475						

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: BENEFICIAL USE

Point(s) of Diversion: T13N R19E S16 Lot02(NESWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
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	SUM
13N	19E	3	01-03	02-18			03-36	04-23	09	05									94.0
14N	19E	34									12		06	40					58.0
																		TOTAL ACRES	152.0

POU County: CUSTER

Other Rights: NONE

Remarks: WATER IS DELIVERED THROUGH JOSE DITCH.
3.20 CFS OF THIS RIGHT IS LIMITED TO USE FOR CONVEYANCE LOSSES IN DELIVERY OF THIS RIGHT.
THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-04055A, 72-04144B, 72-04080A, 72-04080B, 72-04080C, 72-04080D, 72-04080E, 72-04080G, 72-04080K, 72-04080L, 72-04080M, 72-04080N, 72-04144A & 72-10505.

Dates: Exam Made Date: 05/26/1993 Verified Date: 03/30/1994

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

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS

<THERE IS NO CLAIM FOR the Number A72-16279>

FILE NOTE: 72-16279 is a combination of 2 claims.
this is not a renumbering of either claim
but a joint Recommendation

5-10-94
SCC

See FILE → A72-04055B for Complete file Review.

DEC 0 3 1996

Comments: Date: 03/21/1994 User-ID: CLELLAND Subject: COPIED FROM REMARKS
THIS CLAIM REPRESENTS A PORTION OF CLAIM 72-04055. THIS CLAIM IS BASED UPON INFORMATION IN THE ABSRACT FOR THIS PROPERTY. THIS RIGHT WAS SPLIT BETWEEN J. HAMMOND AND S. FARR.

CHANGE OF OWNERSHIP 11-13-90 SCC
AMENDMENT NOTES
ADDED 24 ACRES TO POU FOR ADDITIONAL LAND PURCHASED AND EVIDENCED BY THE SPECIAL WARRANTY DEED FROM CYPRUS MINES CORP. CYPRUS MAY HAVE ALSO CLAIMED THIS AMENDED PORTION UNDER PART `C' OF THIS WR. RESULTS IN ADDING 0.96 CFS TO DIVERSION RATE.

Date: 03/21/1994 User-ID: CLELLAND Subject: RECOMMENDATION
COMBINED THE CLAIMS A72-040558 AND A72-04080F UNDER THE NUMBER R72-16279. BOTH CLAIMS ARE BASED ON THE SAME ORIGINAL RIGHT AS IT WAS DEVELOPED FROM THE JOSE DITCH. THE COMBINED DIVERSION RATE IS REQUIRED AT THE FIELD HEADGATE FOR THE ACRES FOUND AS IRRIGATED AND REVIEWED BY THE HUBBLE ANALYSIS; ALSO COVERS MOST OF THE CONVEYANCE LOSSES. ACTUAL PER ACRE RATE NEEDED IS 0.068 CFS PER ACRE.

Audit: 03/30/94 CLELLAND

6/9/94

COMMUNICATION DOCUMENTATION

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE	CUSTOMER
August 5, 1996 11:03pam	**ANNA - WAY OUT WEST REALTY A72-04055B, A72-04080F, A72-10137, R72-16279**

SUBJECT: PROFILE REPORTS

phone call (X) walk-in (.)

Asked to have profile reports FAXed to her @ 879-5258 for rights Mark & Rose Harris had purchased from Nolan Robbins or Cliff Hansen in T14N, R19E, Section 34.

DEC 0 3 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A72-04055B, A72-04080F, A72-10137, A72-10414

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

◇◇

October 21, 1994 9:46am

NAME:		RE:
NOEL ROBBINS	**CALLIN**	**A72-04055B**

HE CALLED TO ASK ABOUT CHANGE OF OWNERSHIP FORMS AND NUMBERS. I WILL PREPARE A SET OF COPIES TO SEND TO HIM W/ HIS CLAIMS. HE SAYS THE HOUSE AND 9 ACRES WILL GO TO "HARRIS" ALONG WITH 10 ACRES BELOW THE HOUSE AREA. HE SAYS ALL THE REST OF THE PLACE AND ALL THE LEATON-HAMMOND DITCH RIGHTS WILL GO TO CLIFF HANSEN. (IDWR NOTE: GINI DITCH RIGHT HAS NOT BEEN USED, OR CLAIMED, BELOW THE JOSE DITCH. APPEARS THEY MAY BE TRYING TO EFFECT A TRANSFER.)

SENDING MAP FROM CLAIM AND PROOFS OF 4 SRBA CLAIMS: **A72-04055B, A72-04080F, A72-10137 & A72-10414.** ALSO NEED LETTER SENT.

DEC 03 1996

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

October 21, 1994

NOEL ROBINS
HC 63 BOX 1703
CHALLIS ID 83226

RE: CHANGE OF OWNERSHIP INFORMATION

DEAR NOEL,

Enclosed please find the change of ownership forms, proof reports on your SRBA claims and a map that has been color coded to show the water right claim locations.

Please keep in mind this form is for changing the ownership of the **EXISTING** water uses as shown by the SRBA claims. You gave me the impression that you may be planning to use the Gini ditch water in place of the Leaton-Hammond ditch water on acres below the Leaton-Hammond ditch (aka Jose ditch). If that is so, you may need to file a transfer of the water right.

A transfer is required whenever you change the actual use of the water right, whereas, the change of ownership merely changes the ownership and does not involve moving or redistributing the water right.

If you have further questions contact me at our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

A72-04080F

DEC 0 3 1996

VERIFIED BY SW

DEC 03 1996

Water Right Number - R72-04080F Prefix Translation: RESEARCH Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
ROBINS	NOEL	1 - PO BOX 341 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475
ROBINS	RUTH Y	1 - PO BOX 341 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone - 208-879-2475

Priority Date	Region	Stage	Status
06/01/1885	17 SOUTHERN		Z - SEE REMARKS

Source	Tributary
SALMON RIVER	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
13N	19E	16	SW NE	2	(37)	CUSTER

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	6.330	

Total Div. Rate	Total Div. Volume	Total Consumptive Use	KW Usage
6.330		137.5	

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	34	SE SE		20.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	NW SW	7	20.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	SW SW	8	15.0	01	IRRIGATION	(37) CUSTER

Total Acres: 55.0

Diversion Means - ROCK WALL & HEADGATE, JASE DITCH

Non-Irrigation Use -

Other Rights for Same Use - NONE

Remarks

SEE NO. 72-16279.

DEC 0 3 1996

Water right number - R72-04080F   Prefix Translation: RESEARCH

+ - Old Water Right Numbers - +

+ - Old Water Right Numbers - +
7204080

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

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

+ -Comments- +
Date: 03/30/1994 User Id: CLELLAND Subject: COPIED FROM REMARKS
THIS IS A PORTION OF THE WR 72-04080.   P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE
ADDITION OF AREA SUBDIVISIONS.
Date: 03/30/1994 User Id: CLELLAND Subject: RECOMMENDATION
THIS CLAIM IS COMBINED WITH A72-04055B AND REPORTED AS 72-16279. SEE THOSE FILES FOR REVIEW AND COMMENTS.

+ - - Audit Fields - - +
03/30/94 CLELLAND

+ - Adjudication Rights Dates and Flags Area - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 05/26/1993	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/30/1994	Old Judicial District	-
Claim Received Date	- 01/10/1990	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- S010911	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- OR	Presumption Flag	-
				Notice of Error Flag	-

POOR ORIGINAL

CONVEYANCE LOSS - WORSTELL

Recalculated conveyance loss figures on Jose Ditch. (Due to incorrect lengths.) 6-9-94 SCC

DEC 03 1996

AGENT ----------SCC
DATE -----------09-Jun-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER, JOSE DITCH
RELATED CLAIMS -JOSE DITCH DELIVERIES

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	6000	17.0	2.50	3.22	1.43	19.36	0.1664	½ split > 0.24	25.85
2	6300	10.0	2.50	1.99	1.56	17.93	0.1110	0.43	21.20
3	4200	5.0	2.50	0.66	10.40	16.37	0.0405	3.31	17.65
4	1500	5.0	2.50	0.24	0.00	5.97	0.0397	0.00	6.59
5	1500	2.0	2.50	0.09	0.49	5.97	0.0159	0.18	6.35
6	900	2.0	2.50	0.06	2.82	5.48	0.0104	proportion > 1.08 (1.09)	5.76
7	1300	2.0	2.50	0.08	0.42	2.66	0.0309	split ½ > 0.17 (.18)	2.89
8	500	2.0	2.50	0.03	0.18	2.24	0.0141	0.08	2.39
9	500	2.0	2.50	0.03	0.03	2.06	0.0153	0.01	2.17
10	200	2.0	2.50	0.01	1.35	2.03	0.0062	0.61	2.11
11	1100	2.0	2.50	0.07	0.68	0.68	0.1022	0.38	0.75
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	24000			6.49	19.36			6.49	

-4144A .12
-4144B .12
-4055A
-4055B
-4080A
-4080D 0.79
-4080K .26
-4080M .04
-4080N .09
-4080L .09
-4080B
-4080G
-4080C
-4080E

Revised & corrected 6-9-94 SCC

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:11:56
06/04/92

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-04080F

DEC 03 1996

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y						Sev 3-30-94	Sev 3-30-94
POINT OF DIV	Y							
SOURCE								
PLACE OF USE	Y							
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y							
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

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

CVR Not completed

See Review in A72-4055B

CLAIM IS RECOMMENDED AS R72-16279

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:48:35
06/04/92

PROFILE REPORT

CLAIM NUMBER: A72-04080F

DEC 03 1996

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	NOEL ROBINS	06/01/1885	IRRIGATION	04-01	11-01	6.33 CFS	
C	RUTH Y. ROBINS						
	P.O. BOX 341						
	CHALLIS ID 83226						
	(208) 879-2475						
					TOTAL DIVERSION:	6.33 CFS	
					CONSUMPTIVE USE:		137.5 AFA

Water Source: SALMON RIVER Tributary to: SNAKE RIVER Stage: ~~STATUTORY CLAIM~~ 7

Point(s) of Diversion: T13N R19E S16 Lot 2(SWNE) CUSTER County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
14N	19E	34																20	20.0
14N	19E	35										07-20		08-15					35.0
																		TOTAL ACRES	55.0

POU County: CUSTER

Other Rights: NONE

Remarks: THIS IS A PORTION OF THE WR 72-04080.
P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE ADDITION OF AREA SUBDIVISIONS.

Dates: Exam Made Date: Verified Date:

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

See No. 72-16279

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

05:11:56
06/04/92

GENERAL INFORMATION

CLAIM NUMBER: A72-04080E

DEC 03 1996

LAST: ROBINS FIRST: NOEL
ADDRESS: P.O. BOX 341
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2475

OWNER CODE: C

LAST: ROBINS FIRST: RUTH Y.
ADDRESS: P.O. BOX 341
CITY: CHALLIS STATE: ID ZIP: 83226
PHONE NUMBER: 208-879-2475

OWNER CODE: C

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

CLAIM REMARKS: THIS IS A PORTION OF THE WR 72-04080.
P/D AND DELIVERY SYSTEM MAY NEED TO BE REVISED SINCE THE ADDITION OF AREA SUBDIVISIONS.

FIELD EXAMINATION INFORMATION

CLAIM NUMBER: A72-04080F

CONTACT PERSON: _____ PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: __/__/___ APPOINTMENT MADE: Y(___) N(___) TIME: ____:____ A(___) P(___)

ACCOMPANIED BY:_____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

DEC 03 1996

PRIORITY DATE REVIEW PAGE

CLAIM NUMBER: A72-04080F

DEC 03 1996

A. AJ CLAIM: # A72-04080F PRIORITY DATE: 06-01-1885 STAGE: S

B. WR RECORD: # 72-04080 PRIORITY DATE: 06-01-1885 STAGE: S

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO PRIORITY DATE DISCREPANCY? (Y/N)	N	------

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y(__) N(__)
IF YES EXPLAIN.

REMARKS: _____

RECOMMENDED PRIORITY DATE:
06-01-1885

REVIEWED BY _____ DATE _____

POINT OF DIVERSION REVIEW SHEET

CLAIM NUMBER: A72-04080F

DEC 03 1996

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A72-04080F	13N	19E	16		SW	NE	2	CUSTER

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A72-04080C	NONE
A72-04080D	
A72-04080E	
A72-04080G	
A72-04080K	
A72-04080L	
A72-10236	

WR RECORDS IN SAME 40 ACRE TRACT

NONE

SOURCE: SALMON RIVER TRIB: SNAKE RIVER

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
72-04080	13N	19E	16		SW	NE	2	CUSTER

OTHER WR RECORDS WITH SAME WR POD

NONE

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX	R PREFIX
A72-04080A	NONE
A72-04080B	
A72-04080C	
A72-04080E	
A72-04080G	
A72-04080J	
A72-10109	
A72-10236	

SOURCE: SALMON RIVER TRIB: SNAKE RIVER

C. FIELD EXAM REQUIRED?

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

PLACE OF USE REVIEW SHEET

CLAIM NUMBER: A72-04080F

DEC 03 1996

A. ROOT WATER RIGHT NUMBERS: A72-10109
A72-04080A
A72-04080B
A72-10236
A72-04080C
A72-04080D
A72-04080E
A72-04080F
A72-04080G
A72-04080H
A72-04080J
A72-04080R
A72-04080L

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
14N	19E	34	SE	SE		ROBINS , NOEL	A72-04080F 720.0	- /	36.0		
			SE	SE		GINI DITCH COMPANY INC.	A72-10481 /40.0	- /			
			SE	SE		GINI DITCH COMPANY INC.	A72-10482 /40.0	- /			
			SE	SE		GINI DITCH COMPANY INC.	A72-10480 /40.0	- /			
			SE	SE		WUNSCH , CHARLES W.		72-04080 /30.0			
14N	19E	35	NW	SW	7	ROBINS , NOEL	A72-04080F 720.0	- /	28.0		
			NW	SW	7	CYPRUS THOMPSON CREEK MINING	CA72-04080H /10.0	- /			
			NW	SW		ROSTBERG , ROBERTA JEAN	A72-04080K / 2.5	- /			
			NW	SW		GINI DITCH COMPANY INC.	A72-10481 /23.0	- /			
			NW	SW		GINI DITCH COMPANY INC.	A72-10482 /23.0	- /			
			NW	SW		GINI DITCH COMPANY INC.	A72-10480 /23.0	- /			
			NW	SW	6	GEORGE MC GOWAN CO.		72-00185 /			
			NW	SW	6	SHULL , MERRITT H.		72-00239 /			
			NW	SW	6	RIGGS , PAUL, ET. AL.		72-00241 /			
			NW	SW	7	WUNSCH , CHARLES W.		72-04080 /10.0			
14N	19E	35	SW	SW	8	ROBINS , NOEL	A72-04080F 715.0	- /	23.0		
			SW	SW	8	CYPRUS THOMPSON CREEK MINING	CA72-04080H /15.0	- /			
			SW	SW		ROSTBERG , ROBERTA JEAN	A72-04080K / 4.0	- /			

POINT OF DIVERSION REVIEW SHEET CONTINUED

CLAIM NUMBER: A72-04080F

REMARKS:

DEC 03 1996

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	COUNTY
---	---	---	---	---	---	---	---
---	---	---	---	---	---	---	---

SOURCE: SALMON RIVER TRIB: SNAKE RIVER

REVIEWED BY: _____ DATE: _____

PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A72-04080F

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES		WR #/ACRES		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SW	SW		SALMON RIVER HEREFORD RANCH	A72-07073	722.0	-	/			
			SW	SW		GINI DITCH COMPANY INC.	A72-10481	/ 4.0	-	/			
			SW	SW		GINI DITCH COMPANY INC.	A72-10482	/ 4.0	-	/			
			SW	SW		GINI DITCH COMPANY INC.	A72-10480	/ 4.0	-	/			
			SW	SW	8	WUNSCH , CHARLES W.			72-04080	/15.0			
			TOTAL ACRES			A72-04080F		55.00			87.00		

DEC 03 1996

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y( ) N( )
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO POU DISCREPANCY? (Y/N)	Y	------

POU COUNTY: CUSTER

PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES: _____

REVIEWED BY: _____ DATE: _____

PURPOSES REVIEW SHEET

CLAIM NUMBER: A72-04080F

DEC 03 1996

A. AJ CLAIMED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A72-04080F	IRRIGATION	FROM 04-01 TO 11-01	6.330 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	6.330 CFS

B. WR RECORDED USES:

	PURPOSES	MONTH/DAY	DIVERSION QUANTITY
72-04080	IRRIGATION	FROM 04-01 TO 11-01	23.000 CFS
		TOTAL DIVERSION RATE/VOLUME CLAIMED	23.000 CFS

ESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y(___) N(___)

RECOMMEND TO WR STANDARDS OR OTHER? Y(___) N(___) Explain in remarks, below.

REMARKS:

DIVERSION AMOUNT REVIEW SHEET

CLAIM NUMBER: A72-04080F

DEC 03 1996

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

AJ TOTAL CLAIMED DIVERSION RATE: 6.330 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 23.000 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

	DATABASE	FIELD EXAMINER
DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)	Y	------

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A72-04080F	SALMON RIVER	ROBINS , NOEL	6.330	0.115		
A72-04080H	SALMON RIVER	CYPRUS THOMPSON CREEK MINING C	0.500	0.020		
A72-04080K	SALMON RIVER	ROSTBERG , ROBERTA JEAN	1.750	0.077		
A72-07073	SALMON RIVER	SALMON RIVER HEREFORD RANCH	0.630	0.016		
A72-10480	SALMON RIVER	GINI DITCH COMPANY INC.	120.000	0.041		
A72-10481	SALMON RIVER	GINI DITCH COMPANY INC.	67.000	0.022		
A72-10482	SALMON RIVER	GINI DITCH COMPANY INC.	25.300	0.008		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

DIVERSION AMOUNT REVIEW SHEET CONTINUED

CLAIM NUMBER: A72-04080F

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES _____ x 0.02 CFS/ACRE = _____ CFS
(Taken from p/u review)

1b. CALCULATIONS

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

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(__) N(__) ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 137.5 AF/A

ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =

TOTAL CONSUMPTIVE USE _____ AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =

TOTAL DIVERSION VOLUME _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y(____) N(____)

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

DEC 03 1996

DIVERSION AMOUNT REVIEW SHEET CONTINUED

CLAIM NUMBER: A72-04080F

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	04-01	11-01	6.330	-------		-------	137.5	-------
TOTAL FOR THIS RIGHT			6.330				137.5	

REVIEWED BY: _____ DATE: _____

DEC 03 1996

CLAIM NUMBER: A72-04080E

AUTHENTICATION:

SIGNATURE: _____ DATE: _____

NAME OF FIELD EXAMINER: _____ TITLE: _____

DEC 3 0 1996

BASIS OF CLAIM REVIEW SHEET

CLAIM NUMBER: A72-04080F

DEC 03 1996

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP	( )	( )
FORFEIT/ABANDON	( )	( )
ADDITIONAL DIV. AMOUNT	( )	( )

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 72-04080

TOTAL DIVERSION RATE OF WR SPLITS — DATABASE 23.000 — EXAMINER _____ — CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
A72-04080	A72-10109	0.300	-		72-04080	23.000
A72-04080	A72-04080A	0.660	-		72-04080	23.000
-	A72-04080B	0.360	-		-	
A72-04080	A72-10236	0.500	-		72-04080	23.000
-	A72-04080C	1.500	-		-	
A72-04080	A72-04080D	1.920	-		72-04080	23.000
-	A72-04080E	0.820	-		-	
A72-04080	A72-04080F	6.330	-		72-04080	23.000
A72-04080	A72-04080G	0.060	-		72-04080	23.000
-	A72-04080H	0.500	-		-	
A72-04080	A72-04080J	3.300	-		72-04080	23.000
72-04080	A72-04080K	1.750	-		72-04080	23.000
-	A72-04080L	0.120	-		-	
	TOTAL CFS	18.120				23.000

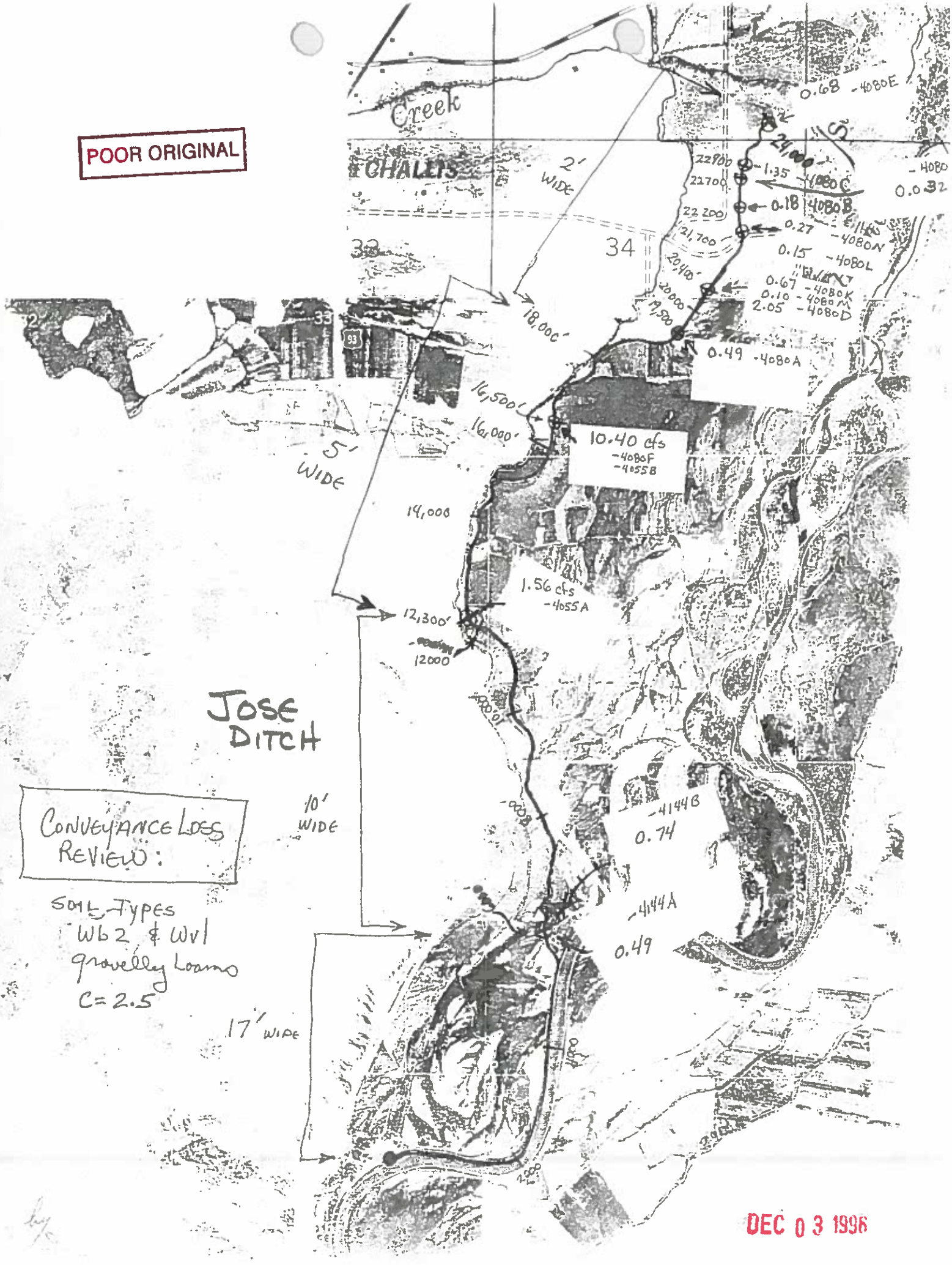
DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) — DATABASE N — FIELD EXAMINER _____

IF NO, is the written review sheet attached? (Y/N) _____

REMARKS:

POOR ORIGINAL



DEC 0 3 1996

JOSE DITCH REVIEW (AKA LEATON-HAMMOND DITCH)

POOR ORIGINAL

RECOMMENDED TOTALS 2-22-94 SW

				CFS PER ACRE	CLAIMED ACRES	CLAIMED CFS	AS REC'D AC	AS REC'D CFS
A	A72-4055 A	1.90	GARY FUNCK	.04	27	1.14	23	(0.34) 1.56
A	A72-4055 B	13.60 *	N. ROBINS R72-16279	.04	164	6.82	152	(3.20) 10.4
	~~A72-4055 C~~		~~CYPRUS~~					
		.43	A72-04080 P MIKE RUKAVINA	.43				
X	A72-4080 A	0.40	PHIL SULLIVAN	.40	11	0.66	9	(.34) 0.49
X	A72-4080 B	.45	A72-04080 Q RICK LEUZINGER	.06	6	0.36	3.3	(.27) 0.18
	-4080 C	4.42	TOM MCGOWAN	.05	29	1.5	25	(3.07) 1.35
A	-4080 D	3.75	RANDY CORGATELLI	.04	48	1.92	~~33~~ 29	(1.70) 2.05
A	-4080 E	3.09	BILL SAVAGE	.05	16	0.82	10	(2.41) 0.68
	(-4080F)	***	N. ROBINS R72-16279	.12	55	6.33	SEE 4055B	(.06) 0.032
A	-4080G	0.09	CLAYTON SEVERE	.03	2	.06 .09	0.6	~~.03~~
	~~4080H~~		~~CYPRUS~~					
	~~-4080J~~		~~EVERLY~~	.06	56	3.3	DISALLOW	(.56)
	-4080K	1.23	ROBERTA COOK	.07	22.5	1.75	7	0.67
A	-4080L	0.39	DAN KUDER	.03	4	0.12	2.70	(.24) 0.15
					249.5	6.82		

FISH SCREEN #S-26
FISH & GAME
A72-10505

? (REVIEW NOT COMPLETE... A72-10505 claim 0.80 cfs w/ NO CONVEYANCE LOSS)

-4080M

	A72-~~10236~~	0.18	RANDY CORGATELLI	0.167	3	0.5	1.0	(.08) 0.10
	~~A72-10414~~	*	~~NOEL ROBINS~~				DISALLOW	
(4080) A	(A72-~~10109~~) 4080N	0.51	OUELLET ANDREW GALLISTINI	.05	6	.3	5.0	(.24) 0.27
	A72-4144 A	0.56	LAVERTY	0.067	15	1.00	10	.49 (.07) ~~.33~~
	A72-4144 B	0.81	CHESTER	0.067	30	2.00	15	.74 (.07)
		31.81 cfs		GRAND TOTAL:	494.5	26.66	272.6	31.81

5-10-94 SW

DEC 3 1996

CONVEYANCE LOSS - WORSTELL

C=value adjusted for measured flow conditions.
32.00 cfs Ditch Flow Measured

DEC 3 1996

AGENT ----------SCC
DATE -----------18-Mar-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER; JOSE DITCH
RELATED CLAIMS -JOSE DITCH DELIVERIES

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR		DELIVERY LOSS (CFS)	FLOW (CFS)	
1	6000	17.0	1.42	1.83	1.43	19.36	0.0945	½-SPLIT	0.14	31.99	-4144A .07, -4144B .07
2	12300	10.0	1.42	2.21	1.56	17.93	0.1231		0.34	28.73	-4055A
3	16500	5.0	1.42	1.48	10.40	16.37	0.0904		3.20	24.97	-4055B
4	18000	5.0	1.42	1.61	0.00	5.97	0.2704		0.00	13.09	
5	19500	2.0	1.42	0.70	0.49	5.97	0.1172		0.34	11.47	-4080A
6	20400	2.0	1.42	0.73	2.82	5.48	0.1336	Proport.	2.34	10.28	-4080D 1.70, K 0.56, M 0.08
7	21700	2.0	1.42	0.78	0.42	2.66	0.2927	split ½	0.47	6.73	4080N .24, L .24
8	22200	2.0	1.42	0.80	0.18	2.24	0.3556		0.27	5.53	-4080B.
9	22700	2.0	1.42	0.81	0.03	2.06	0.3954		0.06	4.56	-4080G
10	22900	2.0	1.42	0.82	1.35	2.03	0.4047		3.07	3.71	-4080C
11	24000	2.0	1.42	0.86	0.68	0.68	1.2663		2.41	1.54	-4080E
12				0.00		0.00	0.0000		0.00	0.00	
13				0.00		0.00	0.0000		0.00	0.00	
14				0.00		0.00	0.0000		0.00	0.00	
15				0.00		0.00	0.0000		0.00	0.00	
16				0.00		0.00	0.0000		0.00	0.00	
17				0.00		0.00	0.0000		0.00	0.00	
18				0.00		0.00	0.0000		0.00	0.00	
19				0.00		0.00	0.0000		0.00	0.00	
20				0.00		0.00	0.0000		0.00	0.00	
TOTALS	206200			12.63	19.36				12.63		

Revised Reconnaissance Report 6/94 SCC

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH

C value adjustment

32.00 − 19.36 = 12.64

$\frac{12.64}{22.24} = 0.568$

C value ⇒ 0.568 × 2.50 = 1.42

DEC 0 3 1996

CONVEYANCE LOSS - WORSTELL

AGENT ----------SCC
DATE ----------18-Mar-94
CONVEYANCE OR
SOURCE NAME ----SALMON RIVER; JOSE DITCH
RELATED CLAIMS -JOSE DITCH DELIVERIES

REACH	LENGTH (FT)	AVE WIDTH (FT)	SEEPAGE (FT/DAY)	WORSTELL LOSS (CFS)	DELIVERY (CFS)	DELIVERY LEFT (CFS)	LOSS FACTOR	DELIVERY LOSS (CFS)	FLOW (CFS)
1	6000	17.0	2.50	3.22	1.43	19.36	0.1664	0.24	41.60
2	12300	10.0	2.50	3.88	1.56	17.93	0.2167	0.60	36.95
3	16500	5.0	2.50	2.61	10.40	16.37	0.1592	5.64	31.51
4	18000	5.0	2.50	2.84	0.00	5.97	0.4761	0.00	18.50
5	19500	2.0	2.50	1.23	0.49	5.97	0.2063	0.60	15.66
6	20400	2.0	2.50	1.29	2.82	5.48	0.2351	4.12	13.94
7	21700	2.0	2.50	1.37	0.42	2.66	0.5153	0.83	9.83
8	22200	2.0	2.50	1.40	0.18	2.24	0.6260	0.47	8.04
9	22700	2.0	2.50	1.43	0.03	2.06	0.6960	0.10	6.46
10	22900	2.0	2.50	1.45	1.35	2.03	0.7126	5.41	4.99
11	24000	2.0	2.50	1.52	0.68	0.68	2.2294	4.24	2.20
12				0.00		0.00	0.0000	0.00	0.00
13				0.00		0.00	0.0000	0.00	0.00
14				0.00		0.00	0.0000	0.00	0.00
15				0.00		0.00	0.0000	0.00	0.00
16				0.00		0.00	0.0000	0.00	0.00
17				0.00		0.00	0.0000	0.00	0.00
18				0.00		0.00	0.0000	0.00	0.00
19				0.00		0.00	0.0000	0.00	0.00
20				0.00		0.00	0.0000	0.00	0.00
TOTALS	206200			22.24	19.36			22.24	

REACH = SECTION OF CHANNEL
LENGTH = LENGTH OF REACH, THE CHANNEL CAN BE DIVIDED INTO EQUAL LENGTH REACHES
OR ACTUAL LENGTHS BETWEEN DELIVERY POINTS
AVE WIDTH = AVERAGE TOP WIDTH OF REACH

SEEPAGE = SOIL SEEPAGE RATE OF REACH
WORSTELL LOSS = CONVEYANCE LOSS IN REACH BASED ON WORSTELL METHOD
DELIVERY = TOTAL DELIVERIES IN REACH
DELIVERY LEFT = SUM(DELIVERIES OF CURRENT AND REMAINING REACHES)
LOSS FACTOR = WORSTELL LOSS/DELIVERY LEFT
DELIVERY LOSS = SUM(LOSS FACTORS OF CURRENT AND PREVIOUS REACHES) X DELIVERY,
REPRESENTS THE LOSSES ASSIGNED TO THE DELIVERIES IN THE REACH

DEC 03 1996

DEC 03 1996

NAME OF STREAM OR DITCH JOSE DITCH; SALMON RIVER
LOCATION ---------- BELOW HEADGATE 300 FT AT POD
PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW
BASIS OF VELOCITY CALULATIONS
IF YOU ARE USING A PYGMY METER ENTER --------- 1
IF YOU ARE USING A AA METER ENTER ------------ 2
ENTRY ---- = 2
FOLLOWING THE LAST ENTRY IN:
"DISTANCE FROM INIT PT" ENTRY MUST = "END"

WATER RIGHT NUMBER IF APPLICABLE -----
AGENT CONDUCTING MEASUREMENT & DATE -- SCC 6-15-93
ACCOMPANIED BY ---------- N/A
PREMEASUREMENT SPIN TEST (MIN/SEC) --- OK 2:40
POST MEASUREMENT SPIN TEST (MIN/SEC) - OK 2:40

	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	VELOCITY DATA 1ST MEASUREMENT REVS	1ST MEASUREMENT TIME/SEC	2ND MEASUREMENT REVS	2ND MEASUREMENT TIME/SEC	CALC WIDTH	AREA IN SQ FT	CALCULATED VELOCITY 1ST POINT VELOCITY	2ND POINT VELOCITY	MEAN VELOCITY	DISCHARGE IN CFS
INITIAL POINT		1.75		0.10					0.13	0.013			0.00	0.00
		2.00	0.20		0				0.63	0.125				0.00
		3.00	0.80		4	49.0			1.00	0.800	0.20		0.20	0.16
		4.00	1.20		14	53.0			1.00	1.200	0.60		0.60	0.72
		5.00	1.80		21	48.0			1.00	1.800	0.97		0.97	1.75
		6.00	1.95		34	49.0			1.00	1.950	1.53		1.53	2.99
		7.00	1.95		30	51.0			1.00	1.950	1.30		1.30	2.54
		8.00	1.95		35	44.0			1.00	1.950	1.75		1.75	3.42
		9.00	2.00		30	41.0			1.00	2.000	1.62		1.62	3.23
		10.00	1.90		30	43.0			1.00	1.900	1.54		1.54	2.93
		11.00	1.90		35	48.0			1.00	1.900	1.61		1.61	3.06
		12.00	1.95		35	49.0			1.00	1.950	1.58		1.58	3.08
		13.00	1.85		30	44.0			1.00	1.850	1.51		1.51	2.79
		14.00	1.80		30	44.0			1.00	1.800	1.51		1.51	2.71
		15.00	1.65		25	44.0			1.00	1.650	1.26		1.26	2.08
		16.00	1.15		9	46.0			1.00	1.150	0.45		0.45	0.51
		17.00	0.20		2	66.0			1.00	0.200	0.09		0.09	0.02
		18.00		0.10					0.50	0.050			0.04	0.00
	END													31.97

Form 219-N
7/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. (if applicable) _____

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: Jose Ditch @ HEAD WORKS
2. Location: 100 yds BELOW HEADGATE @ POD
3. Person conducting measurement: STEVE CLELLAND
4. Date and time of measurement: 6-15-93 7pm start 8pm end
5. Accompanied by: N/A
6. Measuring device size and ID no.: AA # 090184
7. Spin test before measurement OK? Yes 2:40 min after measurement OK? OK 2:40
8. Purpose of measurement: A72-04080 CLAIMS

B. MEASUREMENT DATA

Angle coefficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or _____	Area	Discharge
LEW	1.75'		Ø		Ø						
	2.0'		.2		Ø						
	3.0		.9	.6	4	49					
	4.0		1.2	.6	14	53					
	5.0		1.8	.6	21	48					
	6.0		1.95	.6	34	49					
	7.0		1.95	.6	30	51					
	8.0		1.95	.6	35	44					
	9.0		2.0	.6	30	41					
	10.0		1.9	.6	30	43					
	11.0		1.9	.6	35	48					
	12.0		1.95	.6	35	49					
	13.0		1.85	.6	30	44					
	14.0		1.80	.6	30	44					
	15.0		1.65	.6	25	44					
	16.0		1.15	.6	9	46					
	17.0		.2	.5	2	66					
REW	18.0		Ø		Ø						

DEC 0 3 1996

DEC 0 3 1996

NAME OF STREAM OR DITCH JOSE DITCH (LEATON-HAMMOND); SALMON RIVER
LOCATION ---------- BELOW FISH SCREEN S26 30 FT
PURPOSE OF MEASUREMENT -- ADJUDICATION REVIEW
BASIS OF VELOCITY CALULATIONS
IF YOU ARE USING A PYGMY METER ENTER --------- 1
IF YOU ARE USING A AA METER ENTER ------------ 2
ENTRY ---- = 2
FOLLOWING THE LAST ENTRY IN:
"DISTANCE FROM INIT PT" ENTRY MUST = "END"

WATER RIGHT NUMBER IF APPLICABLE -----
AGENT CONDUCTING MEASUREMENT & DATE -- SCCC 6-16-93
ACCOMPANIED BY ---------- N/A
PREMEASUREMENT SPIN TEST (MIN/SEC) --- OK 2:20
POST MEASUREMENT SPIN TEST (MIN/SEC) - OK 2:00

adjusted for angle of Coef.

	ANGLE OF COEFFICIENT	DISTANCE FROM INIT PT	DEPTH IN FEET	CALC DEPTH END PTS	VELOCITY DATA 1ST MEASUREMENT REVS	1ST MEASUREMENT TIME/SEC	2ND MEASUREMENT REVS	2ND MEASUREMENT TIME/SEC	CALC WIDTH	AREA IN SQ FT	CALCULATED VELOCITY 1ST POINT VELOCITY	2ND POINT VELOCITY	MEAN VELOCITY	DISCHARGE IN CFS	
INITIAL POINT		0.99		0.28											
		1.00	0.55		0				0.00	0.001	0.14		0.00	0.00	
									0.26	0.140	0.20			0.00	0.03
	0.99	1.50	0.80		6	51.0			0.50	0.400	0.28		0.28	0.11	
	0.99	2.00	0.90		6	65.0			0.75	0.675	0.22		0.22	0.15	
		3.00	1.10		6	67.0			1.00	1.100	0.22		0.22	0.24	
		4.00	1.30		14	58.0			1.00	1.300	0.55		0.55	0.71	
		5.00	1.40		22	57.0			1.00	1.400	0.86		0.86	1.21	
		6.00	1.55		25	45.0			1.00	1.550	1.23		1.23	1.91	
		7.00	1.55		50	65.0			1.00	1.550	1.70		1.70	2.63	
		8.00	1.60		50	54.0			1.00	1.600	2.04		2.04	3.26	
		9.00	1.80		50	63.0			1.00	1.800	1.75		1.75	3.15	
		10.00	1.95		55	56.0			1.00	1.950	2.16		2.16	4.21	
		11.00	1.80		52	59.0			1.00	1.800	1.94		1.94	3.49	
		12.00	1.70		61	68.0			1.00	1.700	1.98		1.98	3.36	
		13.00	1.45		60	69.0			1.00	1.450	1.92		1.92	2.78	
	0.95	14.00	1.20		47	59.0			1.00	1.200	1.76		1.76	2.11	2.00
	0.97	15.00	0.90		50	59.0			1.00	0.900	1.87		1.87	1.68	1.68
	0.95	16.00	0.70		56	70.0			1.00	0.700	1.76		1.76	1.23	.24
		17.00	0.40						0.51	0.202	1.23			--------0.25	
		17.01		0.20					0.01	0.001	0.86		0.00	32.23 0.00	
	END														

32.51 32.74

Calculated missing flows based on 70% of previous station velocity.

10-20-93
Sc

Form 219-N
7/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Water Right No. (if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

1. Name of stream or ditch: JOSE DITCH OR LEATON-HAMMOND Ditch
2. Location: F&G Fish Screen S26
3. Person conducting measurement: STEVE CLELLAND
4. Date and time of measurement: 6-16-93 1pm – 2pm
5. Accompanied by: N/A
6. Measuring device size and ID no.: AA 090148
7. Spin test before measurement OK? yes 2:20 min after measurement OK? OK 2 MIN
8. Purpose of measurement: A72-4080 CLAIMS

B. MEASUREMENT DATA

Angle co-efficient	Dist. from initial point	Width	Depth	Observation depth	Revolutions	Time in seconds	VELOCITY: At point	VELOCITY: Mean in vertical	Adjusted for hor. angle or ____	Area	Discharge
LEW	1.0		.55		Ø						
.99	1.5		.8	.6	6	51					
.99	2.0		.9	.6	6	65					
—	3.0		1.1	.6	6	67					
	4.0		1.3	.6	14	58					
	5.0		1.4	.6	22	57					
	6.0		1.55	.6	25	45					
	7.0		1.55	.6	50	65					
	8.0		1.6	.6	50	54					
	9.0		1.8	.6	50	63					
	10.0		1.95	.6	55	56					
	11.0		1.8	.6	52	59					
	12.0		1.7	.6	61	68					
—	13.0		1.45	.6	60	69					
.95	14		1.20	.6	47	59					
.99	15		.9	.6	50	59					
.95	16		.7		56	70					
REW	17		.4		Ø						

.10 .20 .30 .40 .50 .60 .70 .75 .80

.90 .92 .94 .96 .97 .98 .99 1.00 .99 .98 .97 .96 .94 .92 .90 .85

DEC 03 1996

POOR ORIGINAL

CONVERSATION MEMORANDUM

EMPLOYEE: STEVE CLELLAND FILE A72-04080F

RE: proof of priority letter

DATE 5-12-93

NAME OF PARTY NOEL ROBINS (879-2475)

He called before I could return his call. He explained alot of his irrigation practices and said the ditch should be the 'JOSE' ditch not the 'JASE' ditch as shown.

We agreed to get together in a couple weeks in Challis and have him show me the systems used on his place. (Since he appears to use a large portion of the JOSE Ditch he probably is the most knowledgable.)

I emphasized the need for proof of the priority date and he said it is the same as in A72-04055B, his other claim. (The posted notice filed in 1888 claimed 1885 but the actual use was supported in 1888 at the time of filing; the filing was viewed as an affidavit.)

DEC 03 1996

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

MAY 10, 1993

. NOEL OR RUTH Y ROBINS
· PO BOX 341
· CHALLIS ID 83226

RE: SECOND REQUEST EVIDENCE OF PRIORITY - CLAIM A72-04080F

DEAR MR. & MRS. ROBINS,

YOU WERE ASKED TO SUBMIT SOME EVIDENCE OF PRIORITY FOR THE ABOVE WATER RIGHT AND THE INFORMATION HAS NOT BEEN RECEIVED IN THE INITIAL REVIEW OF YOUR CLAIM INVESTIGATION.

YOUR CLAIM IS CURRENTLY RECOMMENDED FOR DISALLOWAL DUE TO LACK OF EVIDENCE SUPPORTING THE PRIORITY DATE CLAIMED. AS EXPLAINED IN OUR PREVIOUS LETTER, BEFORE THE DEPARTMENT CAN MAKE A RECOMMENDATION TO THE COURT TO DECREE THE CLAIM, SOME EVIDENCE OF THE PRIORITY DATE MUST BE SUBMITTED. WE REQUEST THAT YOU SUBMIT YOUR EVIDENCE OF PRIORITY AS SOON AS POSSIBLE. **IF WE DO NOT RECEIVE THE REQUESTED DOCUMENTATION, YOUR CLAIM WILL BE RECOMMENDED FOR DISALLOWAL IN THE DIRECTOR'S REPORT DUE TO LACK OF EVIDENCE SUPPORTING ANY PRIORITY DATE.**

PLEASE SUBMIT THE REQUIRED EVIDENCE SUPPORTING THE PRIORITY DATE **WITHIN 30 DAYS OF THIS DATED LETTER.** PLEASE REFERENCE THE CLAIM NUMBER ON YOUR CORRESPONDENCE. IF YOU HAVE QUESTIONS OR NEED OTHER ASSISTANCE PLEASE CONTACT THIS OFFICE.

SINCERELY,

STEVE CLELLAND
WATER AGENT, SR.

P.S. PLEASE CONSIDER THIS THE FIRST REQUEST SINCE THE INFORMATION WAS NOT SENT PREVIOUSLY.

ENC: SCC

DEC 03 1996

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT
(REGIONAL)

DEC 03 1996

Water Right Number - 72-04080 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER ***		
WUNSCH	CHARLES W.	1 - P.O. BOX 566 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone -
WUNSCH	SHIRLEY	1 - P.O. BOX 566 2 - 3 - City- CHALLIS State- ID Zip- 83226 Phone -

Priority Date	Region	Stage	Status
06/01/1885	17 SOUTHERN	S - STATUTORY CLAIM	

Source	Tributary
SALMON RIVER	SNAKE RIVER

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County
13N	19E	16	SW NE	2	(37)	CUSTER

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/01	11/01	23.000	

Total Div. Rate	Total Div. Volume	Total Div. Capacity
23.000		

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
14N	19E	26	SW SW		10.0	01	IRRIGATION	(37) CUSTER
14N	19E	27	SE SE		5.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NE NE		20.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SE NE		15.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	NE SE		15.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SW SE		20.0	01	IRRIGATION	(37) CUSTER
14N	19E	34	SE SE		30.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	NW NW		40.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	SW NW		20.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	NW SW	7	10.0	01	IRRIGATION	(37) CUSTER
14N	19E	35	SW SW	8	15.0	01	IRRIGATION	(37) CUSTER

Total Acres: 200.0

Diversion Means - ROCK WALL & HEADGATE, JASE DITCH

DEC 03 1996

Water right number - 72-04080   Prefix Translation: WATER RIGHT

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - Remarks - +

No Remarks found.

+ - Conditions of Approval - +

No Conditions of Approval found.

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

+ -Comments- +

No comments Found

+ - - Audit Fields - 00/00/00

+ - Water Rights Dates and Flags Area - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 01/28/1986	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000				

R PROOF ___

CVR ___

MAPS ___

PHOTOS ___

MISC ___