

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: A72-16554
Date Received: 1/ 3/1990
Receipt No: S010814
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MICHAEL M MALONEY
Address: HC 68 BOX 349
CLAYTON ID

83227

208-838-2428

OR

Name: PATRICIA A MALONEY
Address: HC 68 BOX 349
CLAYTON ID

83227

208-838-2428

2. Date of Priority: APR 1, 1879

3. Source: ROAD CREEK

Trib. to: SALMON RIVER, EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10N	18E	24	NE	NE	NW		CUSTER

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	18E	24	NW	NW		STOCK	

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

SOURCE ALSO KNOWN AS MARSH CK.

RENUMBERED FROM A72-00176B TO MORE ACCURATELY DESCRIBE CLAIM FOR STOCKWATER ONLY. ORIGINAL CLAIM A72-00176B WAS FOR IRR AND STOCK V. HANCOCK 12-17-98

15. Basis of Claim: BENEFICIAL USE

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

12/17/98 10:46:21

Page 1

Water Right Number - A72-001768

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***

RENUMBERED RIGHT TO A72-16554

1 -
2 -
3 -

City- X

Phone - 208-000-0000

State- ID Zip- X

*** O - ORIGINAL OWNER ***

MALONEY

MICHAEL M

1 - HC 68 BOX 349

2 -
3 -

City- CLAYTON

Phone - 208-838-2428

State- ID Zip- 83227

MALONEY

PATRICIA A

1 - HC 68 BOX 349

2 -
3 -

City- CLAYTON

Phone - 208-838-2428

State- ID Zip- 83227

BENNETTS

JAMES

1 - PO BOX 36

2 -
3 -

City- CHALLIS

Phone - 208-879-4488

State- ID Zip- 83227

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1879 17 SOUTHERN Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
RENUMBERED RIGHT RENUMBERED RIGHT

+ - - - - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

10N 18E 24 NE NE NW (37) CUSTER

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

01 - IRRIGATION

04/01

11/01

0.200

04 - STOCKWATER

01/01

12/31

0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.220 10.0

+ - - - - - Place of Use - - - - - +

Twn Rng Sec Tract Lot Acres Code Description County

10N 18E 24 NE NW 1.0 01 IRRIGATION (37) CUSTER

10N 18E 24 NW NW 3.0 01 IRRIGATION (37) CUSTER

10N 18E 24 NW NW 04 STOCKWATER (37) CUSTER

Total Acres: 4.0

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water right number - A72-001768

Prefix Translation: ADJUDICATION CLAIM

+ - - Diversion Means - ROCK & GRAVEL DIVERSION TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

+ . . Other Rights for Same Use - 72-00230, EAST FORK RIVER DITCH

Remarks

GEN SOURCE ALSO KNOWN AS MARSH CK.

[illegible]

RIGHT RENUMBERED TO A72-16554 FOR STOCKWATER ONLY

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

No Old Water Right Numbers Found

+ Conditions of Approval +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

BRADSHAW, ET. AL.

+ - - - - Decree Defendant - - - +

LEUZINGER, ET. AL.

+ - Decree Date - +

00/00/0000

[+ 1](#)
[2](#)
[3](#)
[4](#)
[5](#)
[6](#)
[7](#)
[8](#)
[9](#)
[10](#)
[11](#)
[12](#)
[13](#)
[14](#)
[15](#)
[16](#)
[17](#)
[18](#)
[19](#)
[20](#)
[21](#)
[22](#)
[23](#)
[24](#)
[25](#)
[26](#)
[27](#)
[28](#)
[29](#)
[30](#)
[31](#)
[32](#)
[33](#)
[34](#)
[35](#)
[36](#)
[37](#)
[38](#)
[39](#)
[40](#)
[41](#)
[42](#)
[43](#)
[44](#)
[45](#)
[46](#)
[47](#)
[48](#)
[49](#)
[50](#)
[51](#)
[52](#)
[53](#)
[54](#)
[55](#)
[56](#)
[57](#)
[58](#)
[59](#)
[60](#)
[61](#)
[62](#)
[63](#)
[64](#)
[65](#)
[66](#)
[67](#)
[68](#)
[69](#)
[70](#)
[71](#)
[72](#)
[73](#)
[74](#)
[75](#)
[76](#)
[77](#)
[78](#)
[79](#)
[80](#)
[81](#)
[82](#)
[83](#)
[84](#)
[85](#)
[86](#)
[87](#)
[88](#)
[89](#)
[90](#)
[91](#)
[92](#)
[93](#)
[94](#)
[95](#)
[96](#)
[97](#)
[98](#)
[99](#)
[100](#)
[101](#)
[102](#)
[103](#)
[104](#)
[105](#)
[106](#)
[107](#)
[108](#)
[109](#)
[110](#)
[111](#)
[112](#)
[113](#)
[114](#)
[115](#)
[116](#)
[117](#)
[118](#)
[119](#)
[120](#)
[121](#)
[122](#)
[123](#)
[124](#)
[125](#)
[126](#)
[127](#)
[128](#)
[129](#)
[130](#)
[131](#)
[132](#)
[133](#)
[134](#)
[135](#)
[136](#)
[137](#)
[138](#)
[139](#)
[140](#)
[141](#)
[142](#)
[143](#)
[144](#)
[145](#)
[146](#)
[147](#)
[148](#)
[149](#)
[150](#)
[151](#)
[152](#)
[153](#)
[154](#)
[155](#)
[156](#)
[157](#)
[158](#)
[159](#)
[160](#)
[161](#)
[162](#)
[163](#)
[164](#)
[165](#)
[166](#)
[167](#)
[168](#)
[169](#)
[170](#)
[171](#)
[172](#)
[173](#)
[174](#)
[175](#)
[176](#)
[177](#)
[178](#)
[179](#)
[180](#)
[181](#)
[182](#)
[183](#)
[184](#)
[185](#)
[186](#)
[187](#)
[188](#)
[189](#)
[190](#)
[191](#)
[192](#)
[193](#)
[194](#)
[195](#)
[196](#)
[197](#)
[198](#)
[199](#)
[200](#)
[201](#)
[202](#)
[203](#)
[204](#)
[205](#)
[206](#)
[207](#)
[208](#)
[209](#)
[210](#)
[211](#)
[212](#)
[213](#)
[214](#)
[215](#)
[216](#)
[217](#)
[218](#)
[219](#)
[220](#)
[221](#)
[222](#)
[223](#)
[224](#)
[225](#)
[226](#)
[227](#)
[228](#)
[229](#)
[230](#)
[231](#)
[232](#)
[233](#)
[234](#)
[235](#)
[236](#)
[237](#)
[238](#)
[239](#)
[240](#)
[241](#)
[242](#)
[243](#)
[244](#)
[245](#)
[246](#)
[247](#)
[248](#)
[249](#)
[250](#)
[251](#)
[252](#)
[253](#)
[254](#)
[255](#)
[256](#)
[257](#)
[258](#)
[259](#)
[260](#)
[261](#)
[262](#)
[263](#)
[264](#)
[265](#)
[266](#)
[267](#)
[268](#)
[269](#)
[270](#)
[271](#)
[272](#)
[273](#)
[274](#)
[275](#)
[276](#)
[277](#)
[278](#)
[279](#)
[280](#)
[281](#)
[282](#)
[283](#)
[284](#)
[285](#)
[286](#)
[287](#)
[288](#)
[289](#)
[290](#)
[291](#)
[292](#)
[293](#)
[294](#)
[295](#)
[296](#)
[297](#)
[298](#)
[299](#)
[300](#)
[301](#)
[302](#)
[303](#)
[304](#)
[305](#)
[306](#)
[307](#)
[308](#)
[309](#)
[310](#)
[311](#)
[312](#)
[313](#)
[314](#)
[315](#)
[316](#)
[317](#)
[318](#)
[319](#)
[320](#)
[321](#)
[322](#)
[323](#)
[324](#)
[325](#)
[326](#)
[327](#)
[328](#)
[329](#)
[330](#)
[331](#)
[332](#)
[333](#)
[334](#)
[335](#)
[336](#)
[337](#)
[338](#)
[339](#)
[340](#)
[341](#)
[342](#)
[343](#)
[344](#)
[345](#)
[346](#)
[347](#)
[348](#)
[349](#)
[350](#)
[351](#)
[352](#)
[353](#)
[354](#)
[355](#)
[356](#)
[357](#)
[358](#)
[359](#)
[360](#)
[361](#)
[362](#)
[363](#)
[364](#)
[365](#)
[366](#)
[367](#)
[368](#)
[369](#)
[370](#)
[371](#)
[372](#)
[373](#)
[374](#)
[375](#)
[376](#)
[377](#)
[378](#)
[379](#)
[380](#)
[381](#)
[382](#)
[383](#)
[384](#)
[385](#)
[386](#)
[387](#)
[388](#)
[389](#)
[390](#)
[391](#)
[392](#)
[393](#)
[394](#)
[395](#)
[396](#)
[397](#)
[398](#)
[399](#)
[400](#)
[401](#)
[402](#)
[403](#)
[404](#)
[405](#)
[406](#)
[407](#)
[408](#)
[409](#)
[410](#)
[411](#)
[412](#)
[413](#)
[414](#)
[415](#)
[416](#)
[417](#)

No Comments Found

+ - - Audit Fields - - +

12/17/98 VHANCOCK

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

Court Report Filing - 00/00/0000

Objection Filed Date - 00/00/0000

Response Filed Date - 00/00/0000

Claim Received Date - 01/03/1990

Field Inspection Made

Field Inspection Flag

Verified Date - 00/00/0000

Last Amended Date - 00/00/0000

Receipt Number - S010814

POU Ownership Flag - Y

Name Connector - OR

Civil Case Number - 39576

Old Case Number *

Old Judicial District -

Temporary Right - P

Water District

Federal/State Indicator - S

Presumption Flag -

Notice of Error Flag *

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: A72-00176B

Date Received: 1/03/1990

Receipt No: S010814

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL M. MALONEY 208-838-2428
Address: HC 68 BOX 349
CLAYTON, ID 83227

OR

Name: PATRICIA A. MALONEY 208-838-2428
Address: HC 68 BOX 349
CLAYTON, ID 83227

2. Date of Priority: APR 01, 1879

3. Source: ROAD CREEK Trib. to: SALMON RIVER, EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10N	18E	24	NE	NE	NW		CUSTER

5. Description of diverting works:
ROCK & GRAVEL DIVERSION TO DITCH TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.200		
STOCKWATER	01/01	12/31	0.020		

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

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

9. Non-irrigation uses:
S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

A72-00176B

Page 1

Date: 01/03/90

MICROFILMED

MAR 18 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10N	18E	24	NE	NW		IRR	1.0
			NW	NW		IRR	3.0
			NW	NW		STOCK	
					Section Acres		4.0
					Total Acres		4.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
72-00230, EAST FORK RIVER DITCH

14. Remarks:
SOURCE ALSO KNOWN AS MARSH CK.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

BRADSHAW, ET. AL.

Decree Plaintiff

vs

LEUZINGER, ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 0.20 or _____

For Livestock purposes from 01/01 to 12/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.22 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 10 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 15 or more horses and cows use creek and ditches.

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
10 N	18 E	24					1	3											4

Total number of acres irrigated 4

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
East Fork river ditch (decreed, IDWR #72-00230) or None ()

14. Remarks: Lands are in Lot 8, Block 2, the East Fork Subdivision. Claimant anticipates moving point of diversion and pumping from creek.

Last Name MALONEY Ident No. _____

MICROFILMED

Copies: White - State Yellow - Claimant
MAR 18 1993

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

Scale: 2 inches equals 1 mile

Place of

ditch

T 10 N

R 18 E

1 sec

POINT OF DIVISION

Road creek

24

MICROFILMED

Last Name

Maloney

Ident No.

MAR 18 1993

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 72-00176
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0

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

Signature of Claimant (s) Michael P. Maloney Date 12-21-89
Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

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

SEAL

Notary Public James R. Bennett

Residing at Challis

My Commission Expires 1-13-93

Please Print Name

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

Signature _____

Address _____

Date _____

Last Name MALONEY Ident. Number _____

MICROFILMED

Copy of White State, Yellow-Claimant
MAR 18 1993

JAMES R. BENNETTS

ATTORNEY AT LAW

P.O. Box 36

CHALLIS, IDAHO 83226

(208) 879-4488

December 21, 1989

RECEIVED

DEC 26 1989

Department of Water Resources
Southern Region Office

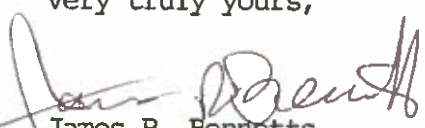
Idaho Department of Water Resources
2148 4th Avenue East
Twin Falls, ID 83301

Re: Maloney

Dear Sirs:

Enclosed are the NOTICES OF CLAIM TO A WATER RIGHT (4 forms) for the above along with Maloney's check in the amount of \$158.00 to cover the fees.

Very truly yours,


James R. Bennetts

JRB:jab
Enclosures

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Jan. 3, 1990

Re: A72-00176B

A72-00230D

A72-10359

A72-04230

MICHAEL M MALONEY
HC 68 BOX 349
CLAYTON ID 83227

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in cursive script, likely belonging to Judy Givens.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED

MAR 18 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

March 5, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

RECEIVED

MAR 06 1996

Department of Water Resources
Southern Region

JAMES BENNETTS
PO BOX 36
CHALLIS ID 83227

Re: Snake River Basin Adjudication (SRBA)
Notices of Claims - A72-00176B and A72-04230
Change of Address - Michael M or Patricia A Maloney

Dear Mr. Bennetts:

IDWR has been notified the address presently in our claim records for your clients referenced above is incorrect. The forwarding sticker on the returned mailpiece had the following address:

SPCC CASILLA 303
TACNA PERU

We have not received proper notice as to an address change. Future notices related to your clients' SRBA claims can be sent only to the address on their claims or as otherwise changed by the claimant. The staff of this agency must avoid relying upon the word of others about their mailing address.

We have enclosed a form which can be used to change your clients' address. Please contact this office at 208/327-7862 or toll-free at 800/451-4129 if you have any questions.

Thank you for your help. We hope to assure your clients receive future notices about SRBA matters.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

Enclosure:

Form 42-1409(7)

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

**In Re Snake River Basin Adjudication Case
No. 39576**

**) Notice of Filing Director's Report and Supplemental
) Director's Report Part II & III, United States' and Tribal
Non-consumptive Claims.**

**TO: ALL CLAIMANTS OF RIGHTS TO THE USE OF WATER IN THE SNAKE RIVER BASIN
YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:**

THE DIRECTOR'S REPORT PART II & III FOR THE UNITED STATES' AND TRIBAL NON-CONSUMPTIVE CLAIMS HAS BEEN FILED WITH THE DISTRICT COURT. A SUPPLEMENTAL DIRECTOR'S REPORT PART II & III HAS ALSO BEEN FILED WITH THE DISTRICT COURT. THIS NOTICE CONTAINS IMPORTANT INFORMATION ABOUT THE DIRECTOR'S REPORTS, AND DEADLINES AND FURTHER PROCEEDINGS ON THESE WATER RIGHT CLAIMS.

IMPORTANT NOTICE REGARDING YOUR WATER RIGHT

**THIS CONTAINS YOUR LEGAL NOTICE OF THE DIRECTOR'S REPORTS OF U.S. AND
TRIBAL NON-CONSUMPTIVE CLAIMS IN THE SNAKE RIVER BASIN ADJUDICATION
THESE CLAIMS COULD AFFECT YOUR WATER RIGHT**

6032

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720

RECEIVED

MAR 06 1996

Department of Water Resources
Southern Region

*A72-04230
R72-04230
A72-00176B*

Presorted
First Class Mail
U.S. Postage Paid
Boise, Idaho
Permit No. 1

RECEIVED

APR 21 1995

Department of Water Resources

MAL0108
**MICHAEL M MALONEY
PATRICIA A MALONEY
HC 68 BOX 349
CLAYTON ID 83227**

**MAL0108 832273005 1494 04/18/95
FORWARDING TIME EXPIRED
MALONEY
SPCC CASILLA 303
TACNA PERU
RETURN TO SENDER**



Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

Name(s) of Claimant (please print):

MICHAEL M. MALONEY
PATRICIA A. MALONEY

RECEIVED

FEB 07 1994

I/we acknowledge (check one):

Department of Water Resources
Southern Region Office

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

JAMES BENNETTS
P.O. BOX 36
CHALLIS, IDAHO 83226

Attorney's Phone 208-879-4488

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

A72-00176B
" -00230D

For Individuals:

Authorized signature(s) Date 02-01-94

Michael M. Maloney
Patricia A. Maloney

For Organizations:

I am _____ of _____, and I

Title

Organization

have signed the foregoing document in the space below as

_____ of _____.

Title

Organization

Signature of Authorized Agent _____

Title _____ Date _____

Organization _____

IDWR Use:

Date Received _____

Data Entry _____

Revised Date 4-03-92

Please fill out...
Sign &
date
Harden, #

INTER-DEPARTMENT MEMO

TO: MRS. PATRICIA MALONEYSUBJECT: NOTICE OF APPEARANCEFROM: F. HITCHCOCKDATE: 01-24-1994

Thank you for your prompt return of the Change of address form.

I'm reviewing your P.S. re: relocating to Peru... do you want your address to be c/o Jim Bennetts @ his office address in Challis?

Does this mean that you have retained him to represent your claims and if so do you want him listed as your attorney on the claims? Please tell me ASAP.

I called his office today to suggest some.

() For your information

(X) Response required please enclosures

F. Hitchcock
Signature

TELEPHONE MEMORANDUM

Incoming Call

Outgoing Call

445

Returning Call

TO:

JIM BENNETTS - ATTORNEY - CHALLIS

DATE:

01-24-1994

FROM:

71

FILE:

MAZONKE

FILE NO:

SUBJECT:

MOVING OUT OF USA - JIM W/BE

Go Attorney

NDA to be filed for MAZONKE

claims?

REMARKS:

Re MRS. BENNETTS: probably...
send forms.

ROUTING
INSTRUCTIONS:

CALENDAR
DATES:

RECEIVED

CHANGE IN ADDRESS OF NOTICE OF CLAIM

JAN 24 1994

Department of Water Resources
Southern Region Office

[] Water Right Number (s): A72-00176B
" - 00230D

[] Old Mailing Address: MICHAEL M. MALONEY/PATRICIA A.
HC 6B BOX 349
CLAYTON, ID. 83227

[✓] New Mailing Address: Michael M Maloney / Patricia A
P.O. Box 5064
Apache Junction, AZ 85278

[✓] New Telephone Number: (602) 982-7943

[✓] Signature of Claimant: Patricia A Maloney

[✓] Date: 1-19-93

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 01-13-94 By: H

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

In March, we will be
moving to Peru for
several years, then
returning to this property
to retire.

After March 1, 1994
send correspondence to
Michael & Patricia Maloney
c/o James Bennetts, Atty
Challis, Idaho
83226

Thank you -
I'll be in
touch re: my
claim(s) review



Department of Water Resources

222 Shoshone St. E., Twin Falls, ID 83301

FRANCIS G. HITCHCOCK
SR. WATER RESOURCE AGENT
SOUTHERN REGIONAL OFFICE
(208) 736-3033
FAX (208) 736-3037

DRESS OF NOTICE OF CLAIM

: A72-00176B
" - 00230D

[] Old Mailing Address:

MICHAEL M. MALONEY/PATRICIA A.
HC 68 BOX 349
CLAYTON, ID. 83227

[✓] New Mailing Address:

[✓] New Telephone Number: () - -

[✓] Signature of Claimant:

[✓] Date:

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 01-13-94 By: H

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

ROUTING SLIP

PER:	
Our Conversation	
Your Request	
The Attached	

FOR YOUR:	REVIEW AND:
Information	Take Proper Action
Approval	Comment
Signature	Draft A Reply

ATTACHED TO BE:	
Posted	Returned To Me
Circulated	Filed
Distributed	Copied (____ copies)

TO: MALONEY
FROM: H - SO. REGION
DATE: 01-13-94 TIME: _____

Thank you -
I'll be in
touch re: my
claim(s) review

sent w/ address envelope
01-13-1994

acting close to reviewing your claims...
Please return to me for updating files.

TELEPHONE MEMORANDUM

✓ Incoming Call

Outgoing Call

Returning Call

845

TO:

H

DATE:

08-18-93

FROM:

JOHN MCMAHON

FILE:

POLLY MCMAHON

FILE NO:

-00176D - 00230E

SUBJECT:

my letter - claim. Change form

Review SHERA, location of the property
MAHONEY, WILSON, addresses + phone #'s

REMARKS:

in the process of settling
 trust in AZ. will, trust, letters of testament-
 ary.
 Will send copy -

W/ send - as soon as he receives
 but absolutely urgent -

ME - Map of the area + SHERA - list to do noted
 cca of completed claims in his name

ROUTING
 INSTRUCTIONS:

CALENDAR
 DATES:

RECEIVED

DEC 12 1996

TO: JIM BENNETTS
FROM: FRANK HITCHCOCK
DATE: 11-27-1996

Department of Water Resources
Southern Region

RE: ATTORNEY REPRESENTATION-YOUR CLIENT MALONEY

I'm finally getting around to some housekeeping items that I've noted in the past.

As attorney of record for the Maloneys for their claims on Blk 2, Lot 8 of the East Fork Subdivision (A27-00176B and A72-00230D for Road Creek and Salmon River, East Fork respectively) do you want me to code the claims for their recent purchase of Lot 8 to show you as the attorney?

Not a big deal.

We are spending a lopsided chunk of time data entering on the domestic claims for the partial decrees which is another reminder of the tail of the dog. There is talk of proceeding to Basins 71 and 72 to do the domestics up your way next. Whee!

Let me know if you want the A code to be added. Best to all.

Sincerely,



Frank -

Do the code, but I'm sure copies of any notices should also go to Maloney as well. Their address now is:

Mike and Patty Maloney
Casilla 303
Toquepala, Peru S.A.

cc% Glenn Ritter
Box 1160

Challis, Idaho

83226

Hang in there.



ORIGINAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

May 16, 1996

PHILIP E. BATT
Governor

KARL J. DREHER
Director

MR JAMES R BENNETTS
PO BOX 36
CHALLIS, ID 83226-0036

RE: LOT 7 BLOCK 2 EAST FORK SUBDIVISION-SRBA CLAIMS

Hello Jim:

I was pleased to get your request and appreciate your thinking of me regarding hanging. Things in the adjudication continue to be muddled at best. Basin Wide 9 and 9A were interesting reading for me as it must have been for you. Judge Hurlbutt's recent decisions are also quite interesting for all of us.

Please find enclosed the proof sheets for claims associated with Lot 7 and some of my notes regarding the usage from Road Creek. I am inclined to treat the irrigation from the East Fork as less than 10 acres based on my viewings of several years ago.

In my conversations with the Maloneys and their tenant at the time I was able to get some background on the/their practices. It wouldn't hurt to have Maloney affidavit the lease agreement for his stated irrigation of Lot 7 in the past or supply you and me with some documentation if possible.

The Road Creek water for Lot 7 isn't possible due to the lack of a diversion into the subdivision. As for Maloney's home place where he has claimed Road Creek usage by way of a pump it would also be advantageous for him to describe for you/me how he accomplished the irrigation. Perhaps a transfer might be the best way to go to demonstrate the move. I'm speaking to A72-00176B which is enclosed for your review.

I enclose a -1409 Ownership Change Form for your use in this matter and will process and return claims in the name of Maloney for your files.

COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

-2-

We don't have any word or direction as yet on how we will be assigned for this irrigation season. There is talk of being here in the office reformatting Basin 36 claims once the Supreme Court gets done with their rumoured impasse on Basin Wide Issue 4. I have no feel for this anymore as we are burdened with paperwork as never before.

I haven't seen much of the Bennett faces in the paper for awhile so I assume that everyone is off doing their thing. I look forward to talking with you and Tom again someday soon. Please remember me to Jo Ann. Best wishes.

Sincerely Yours,

Francis G. Hitchcock
Water Resources Agent Sr.

enclosures

COPY

TELEPHONE
(208) 879-4488

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. Box 86
CHALLIS, IDAHO 83226-0086

FAX
(208) 879-4248

May 10, 1996

RECEIVED

MAY 14 1996

Department of Water Resources
Southern Region

Frank Hitchcock
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

RE: The East Fork - Maloney

Dear Frank:

Hope you are hanging in there.

Mike Maloney has acquired a lot in the East Fork Subdivision (Lot 7, Block 2). He doesn't know if the claim filing has been made on the water, although he has been irrigating and using it for years.

Could you check the status and send us a printout so we can either transfer ownership or file.

I've enclosed a copy of the plat so you can locate it in the event you don't have a plat.

Very truly yours,


James R. Bennetts

JRB:k

Enclosure

COPY

TELEPHONE MEMORANDUM

Incoming Call

✓
Outgoing Call 332

Returning Call

TO:

MICHAEL MARONICK or Patricia

DATE:

07-19-1993

FROM:

7H

FILE:

-00176B

FILE NO:

SUBJECT:

field exam

REMARKS:

disconnected recording

08-02-93

510

Jonnie Wilson

838-2446 - TUES

call in for Tues

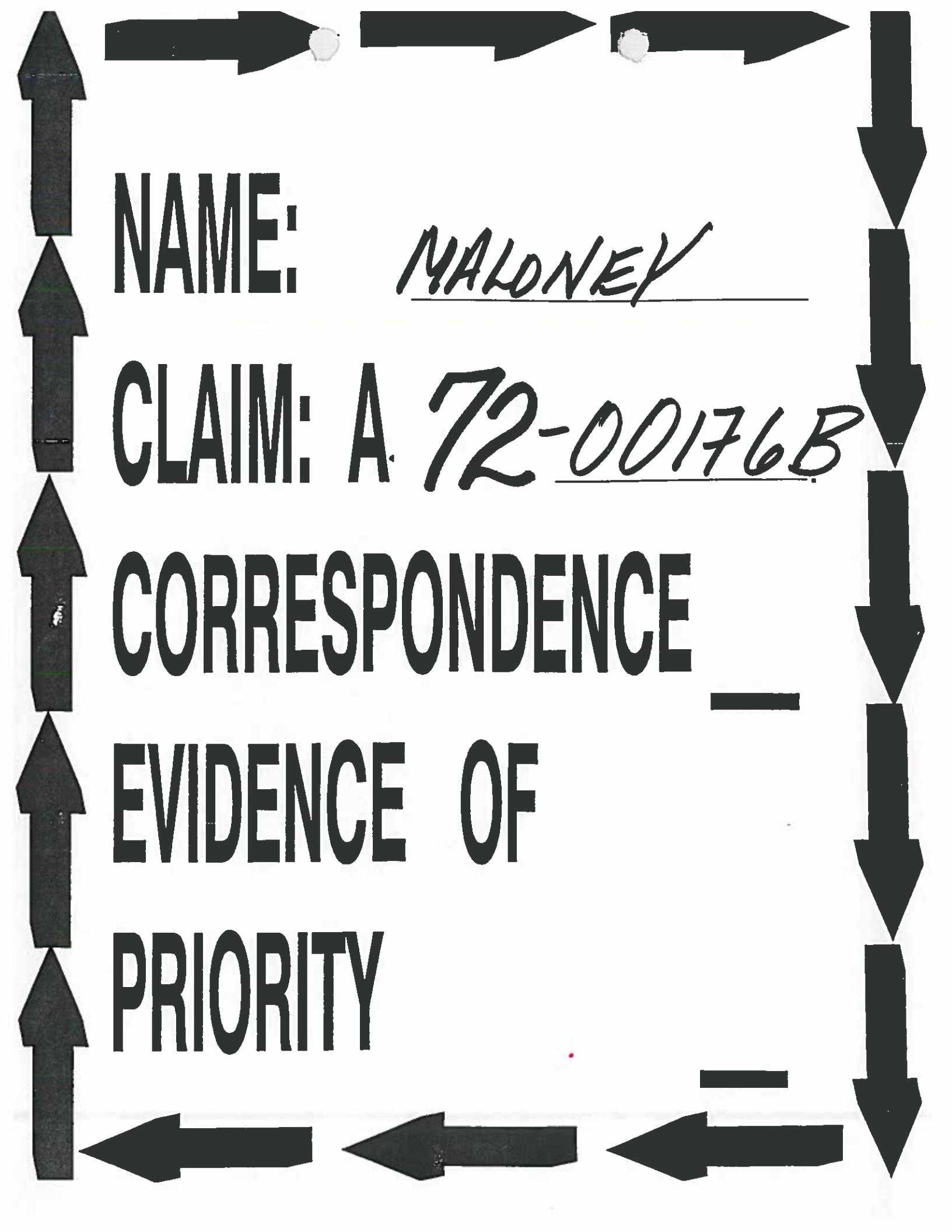
after ✓ w/ BRENNERS in the PM

805 N/A busy - ; 810 same, 840 - (930/10) TUESDAY

ROUTING
INSTRUCTIONS:

* review info of adjoining lots
acc to MRS. WILSON -

CALENDAR
DATES:



NAME:

MALONEY

CLAIM:

A 72-00176B

CORRESPONDENCE

EVIDENCE OF

PRIORITY

Department of Water Resources
Birmingham, Ala.

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 COMPLETED
ADMINISTRATIVE PROCEEDINGS

Water Rights 72-00230D, 72-10359
and 72-16554

IDWR has completed the following Administrative Proceeding:

X	Change of Address
_	Substitution of Party
_	I.C. 42-222 Transfer

CHANGE OF ADDRESS

Name of Claimant: PATRICIA M MALONEY
New Address: BOX 4870
SMITHERS BC
CANADA // V0J2N-0
Phone: (250) 847-0192

Claimant's Water Rights: 72-00230D, 72-10359 and 72-16554

The Claimant has filed Objections or Responses to the following water rights: 72-00230D

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
1/26/2000

72-00230D, 72-10359 and 72-16554

CERTIFICATE OF MAILING

I certify that on 2-10-00 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Each party in the subcase, or attorney of record:

PATRICK D BROWN PC
109 S ADAMS
JEROME ID 83338

MICHAEL M MALONEY
PATRICIA A MALONEY
BOX 4870
SMITHERS BC
CANADA // V0J2N-0

JAMES BENNETTS
PO BOX 36
CHALLIS ID 83227

R LEE LEININGER
550 W FORT ST MSC 033
BOISE ID 83724
3. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-26-2000
PAGE: A-2

RIGHTS FROM: SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK

RIGHT NUMBER: 72-16554

NAME & ADDRESS: MICHAEL M MALONEY
PATRICIA A MALONEY
BOX 4870
SMITHERS BC
CANADA // VOJ2N-0

SOURCE: ROAD CREEK TRIBUTARY: SALMON RIVER, EAST FORK
QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1879

POINT OF DIVERSION: T10N R18E S24 NENENW Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
STOCKWATER S/15 HORSES & COWS. AN 01-01 12-31 0.02 CFS

PLACE OF USE: STOCKWATER Within CUSTER County
T10N R18E S24 NWNW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PROPERTY IS ALSO KNOWN AS LOT 8, BLK 1, EAST FORK SUBDIVISION.

AJ0749NP
No. 72-16554

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

DATE: 01/25/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MICHAEL M MALONEY	04/01/1879	STOCKWATER	01-01 12-31	0.020 CFS	
C	PATRICIA A MALONEY					
	BOX 4870					
	SMITHERS BC					
	CANADA // VOJ2NO					
	(250) 847-0192					
				TOTAL DIVERSION:	0.020 CFS	

Water Source: ROAD CREEK

Tributary to: SALMON RIVER, EAST FORK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T10N R18E S24

NENENW

CUSTER County

Place of use Legal Description for: STOCKWATER

	NE					NW					SW					SE				
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
10N	18E	24	:																:	
			:																:	

POU County: CUSTER

Non-Irrigation Uses: S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PROPERTY IS ALSO KNOWN AS LOT 8, BLK 1, EAST FORK SUBDIVISION.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 12/18/1998 User-ID: VHANCOCK Subject: COPIED FROM REMARKS
SOURCE ALSO KNOWN AS MARSH CK.

RENUMBERED FROM A72-00176B TO MORE ACCURATELY DESCRIBE CLAIM FOR

AJ0749NP
No. 72-16554

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

DATE: 01/25/00
PAGE: 2

=====

Comments: Date: 12/18/1998 User-ID: VHANCOCK Subject: COPIED FROM REMARKS
STOCKWATER ONLY. ORIGINAL CLAIM A72-00176B WAS FOR IRR AND STOCK
AND BASED ON 1921 DECREE FOR IRRIGATION. V. HANCOCK 12-17-98

Date: 01/25/2000 User-ID: SSHERMAN Subject: ADDRESS CHANGE
ADDRESS CHANGE BY CLAIMANT LETTER.

Audit: 01/25/00 SSHERMAN



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

December 29, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

*called - said mail takes 3
wks to arrive.*

Michael M. Maloney
Patricia A. Maloney
Box 4870
Smithers, BC Canada VOJ2N0

cc: Becky H.

RECEIVED

JAN 24 2000

Department of Water Resources

cc: W.A.

Re: Snake River Basin Adjudication (SRBA)
Water Rights #72-00176J, 72-00230D, 72-04230, 72-10359 & 72-16554

I status

obj

Records modified,

NCA P prepared, 1-24-2k

Dear Water Right Holders:

We have been advised the address for you presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right(s) can be sent only to the address on your water right(s) or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 14, 2000. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Patricia A. Maloney

Telephone No.

250-847-019

December 22, 1998

**NOTICE OF ERROR
REPLY**

RECEIVED
DEC 22 1998
Department of Water Resources
Southern Region
RECEIVED
DEC 28 1998
Department of Water Resources
Southern Region
RECEIVED
DEC 28 1998
Department of Water Resources
Southern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.
YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 31, 1998

Water right number: 72-16554

JAMES BENNETTS
PO BOX 36
CHALLIS ID 83227

Daytime Telephone Number:
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12-26-98 SIGNATURE: Patricia A Maloney
Please print your name: PATRICIA A MALONEY
Michael M. Maloney

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R72-16554

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
BENNETTS

JAMES

1 - PO BOX 36
2 -
3 -
City- CHALLIS
Phone - 208-879-4488

State- ID Zip- 83227

*** C - CURRENT OWNER ***
MALONEY

MICHAEL M

1 - HC 68 BOX 349
2 -
3 -
City- CLAYTON
Phone - 208-838-2428
1 - HC 68 BOX 349
2 -
3 -

State- ID Zip- 83227

MALONEY

PATRICIA A

City- CLAYTON
Phone - 208-838-2428

State- ID Zip- 83227

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1879 17 SOUTHERN J - BENEFICIAL USE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
ROAD CREEK SALMON RIVER, EAST FORK

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
10N 18E 24 NE NE NW (37) CUSTER

+ - - - - - - - - - - - - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
04 - STOCKWATER 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.020 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10N 18E 24 NW NW 04 STOCKWATER (37) CUSTER

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use - S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

+ - - Other Rights for Same Use -

Water right number - R72-16554

Prefix Translation: RESEARCH

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

GEN SOURCE ALSO KNOWN AS MARSH CK.

RENUMBERED FROM A72-00176B TO MORE ACCURATELY DESCRIBE CLAIM FOR
STOCKWATER ONLY. ORIGINAL CLAIM A72-00176B WAS FOR IRR AND STOCK
AND BASED ON 1921 DECREE FOR IRRIGATION. V. HANCOCK 12-17-98

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

A7200176B

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

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ - - - - Decree Plaintiff - - - +
BRADSHAW, ET. AL.

+ - - - - Decree Defendant - - - +
LEUZINGER, ET. AL.

+ - Decree Date - +
00/00/0000

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

No Comments Found

+ - - Audit Fields - - +

12/17/98 VHANCOCK

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

Court Report Filing - 00/00/0000
Objection Filed Date - 00/00/0000
Response Filed Date - 00/00/0000
Claim Received Date - 01/03/1990

Field Inspection Made - 00/00/0000
Field Inspection Flag -
Verified Date - 00/00/0000
Last Amended Date - 00/00/0000
Receipt Number - S010814
POU Ownership Flag - Y
Name Connector - OR

Civil Case Number - 39576
Old Case Number -
Old Judicial District -
Temporary Right - P
Water District -
Federal/State Indicator - S
Presumption Flag -
Notice of Error Flag -



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

December 17, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Michael and Patricia Maloney
HC 68 Box 349
Clayton, Idaho 83227

RE: Snake River Basin Adjudication (SRBA)
Claim Numbers: A72-00230T and A72-00176B renumbered A72-16554

Dear Mr. and Mrs. Maloney:

I am taking the liberty of writing you directly, even though Mr. Bennetts is your attorney of record, because of my conversation with Patty on December 8th, in Challis.

I reviewed your claim number A72-00230T, and was able to add a half of an acre to the irrigated place of use. As we discussed at the meeting, my recommendation can only reflect what is currently being done on the property, and can't include what you plan to do in the future. I think that the place of use as recommended now encompasses the area to the east of the hump that stops gravity flow of irrigation from the East Fork ditch.

I have also recommended claim number A72-00176B for year round stockwater, with a priority date of 4-1-1879. I have, however, changed it to a beneficial use right, and renumbered it A72-16554. This claim is not based upon the 1921 Road Creek decree, which specified irrigation use, but was given the same priority date, because information indicated that stockwatering began at the same time as irrigation on the farmstead, and I have documented that in the file.

Please review the two corrected recommendations carefully. I would appreciate a reply to the new Notice of Error forms, but barring any further communication from you, will proceed with recommending your claims to the SRBA Court as they now appear.

It is looking like the actual Director's Report will go out sometime toward the end of January 1999. If I can be of any assistance to you, on any water right matter, please don't hesitate to call.

Sincerely,

Vikie Hancock
Water Resource Agent

NOTE TO FILE

From: Vikie Hancock

12/16/98

Regarding: Claim number A72-00176B

Mrs. Patricia Maloney attended the meeting in Challis on December 8th, and met with me afterwards to discuss two of her claims, 72-00230T and the above referenced claim. 72-00176B had been disallowed in the preliminary Director's Rept for both Irrigation and Stock use, as no beneficial use was found.

At first Mrs. Maloney wished to receive a recommendation for both irrigation and stockwater from Road Creek. I explained to her that we found no diversion ditches from Road Creek, no evidence of irrigation from Road Creek, and that her renter told us she only used the pump to divert from the East Fork ditch. She then asked if she could receive a right to stockwater only from Road Creek, as that was the only water available to her horses in the corrals, and that it was used year round, as Road Creek didn't freeze.

The decree that this claim is based upon is a decree from 1921 which specifies that the diversion is for irrigation of the land described. In conversation with Peter Anderson, IDWR attorney present at Challis, he suggested that stockwater could be recommended as an accomplished transfer of use from irrigation water. Further investigation shows that:

- ◆ Water from Road Creek was used at that location for stock water prior to 1987, and was used historically for year round stockwater per Gary Leuzinger, who grew up at the original ranch.
- ◆ Water from Road Creek is not being used at that location for irrigation, even though it was claimed.
- ◆ An alternate nature of use may be recommended pursuant to the original priority if change did not result in injury.

I propose to recommend this right, renumbered to reflect that it is a claim for stockwater only, with the original decreed priority date of 4-1-1879, and with a diversion rate of .02 cfs.

Customer:

From: Vikie Hancock

[illegible]

I talked to Gary Leuzinger regarding irrigation and stockwater at the place of use for this claim number. Gary grew up at the farmstead on what is now the Maloney property, and known as lot 8. Gary's parents owned the farm before it was subdivided into the East Fork Subdivision. He has knowledge of the historical irrigation and stockwatering practices on the farm and specifically on the place of use described for claim 72-00176B. His recollection is that they always watered stock from Road Creek where it runs through the corrals on lot 8. At this point, Road Creek has been joined by many tributary springs located just east of the county road, and so never freezes in the winter. For that reason, the original Leuzinger farm was able to water stock from Road Creek, at the corrals, all year round. This practice began at the same time that irrigation began at the farm.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R72-001768

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***

RENUMBERED RIGHT TO A72-16554

1 -
2 -
3 -

City- X

Phone - 208-000-0000

State- ID Zip- X

*** O - ORIGINAL OWNER ***

MALONEY

MICHAEL M.

1 - HC 68 BOX 349

2 -

3 -

City- CLAYTON

Phone - 208-838-2428

State- ID Zip- 83227

MALONEY

PATRICIA A.

1 - HC 68 BOX 349

2 -

3 -

City- CLAYTON

Phone - 208-838-2428

State- ID Zip- 83227

BENNETTS

JAMES

1 - PO BOX 36

2 -

3 -

City- CHALLIS

Phone - 208-879-4488

State- ID Zip- 83227

+ - - Priority Date - - +
04/01/1879

+ - - Region - - - +
17 SOUTHERN

+ - - Stage - - - +

+ - - Status - - - +
2 - SEE REMARKS

+ - - Source - - - - - +
RENUMBERED RIGHT

+ - - Tributary - - - - - +
RENUMBERED RIGHT

+ - - Point of Diversion - - - - - +

Twn Rng Sec Tract Lot RFlg County

10N 18E 24 NE NE NW (37) CUSTER

+ - - Water Use - - - - - +

Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION 04/01 11/01 0.200

04 - STOCKWATER 01/01 12/31 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.220 10.0

+ - - Place of Use - - - - - +

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 10N | 18E | 24 | NE NW | | 1.0 | 01 | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NW | | 3.0 | 01 | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NW | | | 04 | STOCKWATER | (37) CUSTER |

Total Acres: 4.0

Water right number - R72-001768

Prefix Translation: RESEARCH

+ - - Diversion Means - ROCK & GRAVEL DIVERSION TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - 72-00230, EAST FORK RIVER DITCH

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

GEN NO BENEFICIAL USE FOUND.

EXP S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.
PROPERTY IS ALSO KNOWN AS LOT 8, BLK 2, EAST FORK SUBDIVISION

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

+ - - - - - Conditions of Approval - - - - - +
P03 - NO BENEFICIAL USE FOUND: This is included for a claim based
- on beneficial use that is PROPOSED to be disallowed because
- beneficial use of water was not confirmed by IDWR's field
- examination or by other evidence submitted by the claimant.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
BRADSHAW, ET. AL. LEUZINGER, ET. AL. 00/00/0000

+ - - - - - Comments - - - - - +
Date: 02/02/1994 User Id: HITCHCOC Subject: COPIED FROM REMARKS
SOURCE ALSO KNOWN AS MARSH CK.
Date: 02/02/1994 User Id: HITCHCOC Subject: DISALLOWAL
NO BENEFICIAL USE FOUND. NO DIVERSION POSSIBLE AT CLAIMED POINT OF DIVERSION DUE TO CAVE IN OF BANK INTO DITCH SOME TIME AGO.
NO PUMP IN CREEK AS REFERRED TO IN ORIGINAL CLAIM.
Date: 12/17/1998 User Id: VHANCOCK Subject: RENUMBERED RIGHT
RENUMBERED TO A72-16554 AND CHANGED TO CLAIM FOR STOCKWATER ONLY

+ - - Audit Fields - - +
12/17/98 VHANCOCK

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 08/03/1993 | 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 | - 01/03/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S010814 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

November 20, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 72-00176B

MICHAEL M. MALONEY
PATRICIA A. MALONEY
HC 68 BOX 349
CLAYTON ID 83227

Daytime Telephone Number: 208-896-4933

Evening Telephone Number:

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

Disagree with "No Beneficial Use Found"

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

Grant use of 0.22 CFS for irrigation and stock water purposes as originally claimed.

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

Water Right 72-00176B from Road Creek is the primary source for stock water throughout the winter months and any other time stock is kept in the corrals adjacent to the house and barns. THERE IS NO OTHER SOURCE OF STOCK WATER FOR THE CORRALS AND IN THE WINTER. Water from Road

 I AGREE with this proposed recommendation; no changes need to be made. Creek is also used to irrigate along the creek.

DATE: 12-7-98

SIGNATURE:

Please print your name:

Patricia A. Maloney
Patricia A. Maloney
MICHAEL M. MALONEY

Note the GIS image

for 72-00230D and

you will see that there is an area along the bank of Road Creek where there is no other water right.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - R72-001768

Prefix Translation: RESEARCH

Old (D) Number -

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

*** A - ATTORNEY ***
BENNETTS

JAMES

1 - PO BOX 36
2 -
3 -

City- CHALLIS
Phone - 208-879-4488

State- ID Zip- 83227

*** C - CURRENT OWNER ***
MALONEY

MICHAEL M.

1 - HC 68 BOX 349
2 -
3 -

City- CLAYTON
Phone - 208-838-2428

State- ID Zip- 83227

MALONEY

PATRICIA A.

1 - HC 68 BOX 349
2 -
3 -

City- CLAYTON
Phone - 208-838-2428

State- ID Zip- 83227

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
04/01/1879 17 SOUTHERN I - DISALLOWED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROAD CREEK SALMON RIVER, EAST FORK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
10N 18E 24 NE NE NW (37) CUSTER

| Code | Description | Period From | Period To | Water Use | Diversion Rate | Diversion Volume |
|-----------------|-------------|-------------|-----------|-----------|----------------|------------------|
| 01 - IRRIGATION | | 04/01 | 11/01 | | 0.200 | |
| 04 - STOCKWATER | | 01/01 | 12/31 | | 0.020 | |

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.220 10.0

| TwN | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|-------------|
| 10N | 18E | 24 | NE NW | | 1.0 | 01 | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NW | | 3.0 | 01 | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NW | | | 04 | STOCKWATER | (37) CUSTER |

Total Acres: 4.0

+ - - Diversion Means - ROCK & GRAVEL DIVERSION TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use -

Water right number - R72-001768

Prefix Translation: RESEARCH

+ - - Other Rights for Same Use - 72-00230, EAST FORK RIVER DITCH

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

GEN NO BENEFICIAL USE FOUND.

EXP S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.
PROPERTY IS ALSO KNOWN AS LOT 8, BLK 2, EAST FORK SUBDIVISION

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

+ - - - - - Conditions of Approval - - - - - +
P03 - NO BENEFICIAL USE FOUND: This is included for a claim based
- on beneficial use that is PROPOSED to be disallowed because
- beneficial use of water was not confirmed by IDWR's field
- examination or by other evidence submitted by the claimant.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
BRADSHAW, ET. AL. LEUZINGER, ET. AL. 00/00/0000

+ - - - - - Comments - - - - - +
Date: 02/02/1994 User Id: HITCHCOC Subject: DISALLOWAL
NO BENEFICIAL USE FOUND. NO DIVERSION POSSIBLE AT CLAIMED POINT OF DIVERSION DUE TO CAVE IN OF BANK INTO DITCH SOME TIME AGO.
NO PUMP IN CREEK AS REFERRED TO IN ORIGINAL CLAIM.
Date: 02/02/1994 User Id: HITCHCOC Subject: COPIED FROM REMARKS
SOURCE ALSO KNOWN AS MARSH CK.

+ - - Audit Fields - - +
11/10/98 VHANCOCK

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 08/03/1993 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 11/10/1998 | Old Judicial District | - |
| Claim Received Date | - 01/03/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S010814 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:24:48
10/18/95
38

PAGE: 20
PROFILE REPORT

CLAIM NUMBER: A72-001768

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|------------------|--------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C | MICHAEL M MALONEY | 04/01/1879 | IRRIGATION | 04-01 11-01 | 0.20 CFS | |
| C | PATRICIA A MALONEY | | STOCKWATER | 01-01 12-31 | 0.02 CFS | |
| TOTAL DIVERSION: | | | | | 0.22 CFS | |
| CONSUMPTIVE USE: | | | | | | 10.00 AFA |

Water Source: ROAD CREEK

Tributary to: SALMON RIVER, EAST FORK

Stage: DECREED

Point(s) of Diversion:

T10N R18E S24

NENENW

CUSTER County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|-----|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | SUM |
| 10N | 18E | 24 | : | | | | | | | 01 | 03 | | | | | | | | | 4.0 |
| TOTAL ACRES | | | | | | | | | | | | | | | | | | | 4.0 | |

Place of use Legal Description for: STOCKWATER

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|-----|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--|
| T | R | S | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | |
| 10N | 18E | 24 | : | | | | | | | S | | | | | | | | | | |

POU County: CUSTER

Non-Irrigation Uses: S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

Other Rights: 72-00230, EAST FORK RIVER DITCH

Remarks: SOURCE ALSO KNOWN AS MARSH CK.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

JOI

NOTE TO FILE

From: Vikie Hancock

11/30/98

Regarding: Claim number **A72-00176B**

Maloney

During a short field exam conducted 9-1-98, I did not find any diversion works from Road Creek to the Maloney's property, lots 8 or 7 of the East Fork Subdivision. The only pump seen pumped out of the ditch from East Fork. This is consistent with agent Frank Hitchcock's observations during his field exams of the property.

BASIN 72 CLAIMS-ROAD CREEK DIVERSION POINT

01-20-1994

(The point of diversion from the Road Creek channel claimed by owners of lots in the East Fork Subdivision for their SRBA claims was reviewed this date.

(please see following exhibit of the decree for Road Creek which is silent regarding a point of diversion)

2 The review was scheduled at this time of year to clearly identify the diversion works since the brush obscuring the historical point of diversion would have died back allowing photos.

(please refer to the photographs of the site enclosed)

3 Diversion from the creek for lots in Block 1 is made upstream about a quarter of a mile near the remains of a set of wooden planks laid across the creek channel.

4 The diversion for lots in Block 2 is within the brush adjacent to the fenceline that crosses the creek channel between the elevations that form the draw for the Road Creek watershed. It is below the road that runs parallel to the creek about 150 feet from the junction of the county road and the lane along the creek.

5 It is worth mentioning again that the remains of the diversion works can't be observed at all during the good weather due to the brush growth.

(The diversion has been out of service for some years as a result of road construction in the subdivision that destroyed the diversion ditch serving lots above and below the creek which passes through the subdivision downstream of the original ranch buildings as it discharges into the Salmon River, East Fork.

The photographs clearly show that the diversion structure(s) has(have) been out of service long enough to have become dried out and going back into the dirt as they dessicate. The original ditch appears to have caved in or silted in and is difficult to pick out from the surrounding ground and brush.

None of the year-round residents of the subdivision or the family that has had their cattle on the lots in the past could give me a date when the diversion was abandoned. All contacts did maintain that construction of "the" road in the subdivision was responsible for not getting the Road Creek flows to the lots as had been done in the original, historical usage as decreed and used on the ranch.

Frequent field work in the East Fork Subdivision and passing above the ground on a daily basis during Basin 72 claim reviews since 1993 hasn't ever turned up any evidence of irrigation of the claimed place of use by observation or inquiry.

172-00171A

172-00171A

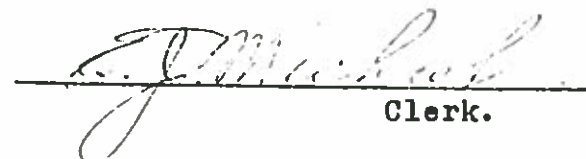
-2- That the plaintiff, Roy Bradshaw, be and he is hereby awarded the right to the use of one hundred sixty inches or three and one-fifth cubic feet per second of time of the flow of the waters of Road Creek, also known as Marsh Creek, for the irrigation of his land described as follows, to-wit: $N\frac{1}{2}$ of the $NW\frac{1}{4}$, the $N\frac{1}{2}$ of the $NE\frac{1}{4}$, Section 20, Township 10, North of Range 19, East of Boise Meridian, his right thereto, dated from April 1st, 1880.

72-00176 -3- That the defendant, Fridolin Leuzinger, be and he is hereby awarded the right to the use of twenty inches or four tenths cubic feet per second of time of the flow of the waters of Road Creek, also known as Marsh Creek, and also five hundred twenty inches or ten and two-fifths cubic feet per second of time of the flow of the waters of the East Fork of Salmon River, for the irrigation of his said land, described as follows, to-wit: $NE\frac{1}{4}$ of the $NW\frac{1}{4}$, the $S\frac{1}{2}$ of the $NW\frac{1}{4}$, the $N\frac{1}{2}$ of the $SW\frac{1}{4}$, the $SW\frac{1}{4}$ of the $SW\frac{1}{4}$ Section 13, and the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$, and the $N\frac{1}{2}$ of the $NW\frac{1}{4}$, Section 24, all in Township 10, North of Range 18, east of Boise Meridian, his dates of priorities to be as follows: from Road Creek also known as Marsh Creek, to date from the first day of April, 1879, and from the East Fork of Salmon River, from the first day of April, 1910.

Done in open Court this 31st day of October, 1921.

Ralph W. Adair,
Judge.

Filed this 31st day of October, A. D. 1921.


Clerk.

DECEED

MEMORANDUM

TO: Decree File No. 72-G -- James Bradshaw, et al., vs. Jacob Leuzinger, et al.
FROM: Roberta Garrett
THROUGH: Dave Tuthill *DET*
DATE: February 19, 1980
SUBJECT: Review of Fridolin Leuzinger's Decreed Rights on East Fork Salmon River

In the decree of 10-31-1921, James Bradshaw, et al., vs. Jacob Leuzinger and Fridolin Leuzinger, Fridolin Leuzinger was decreed 20 inches of the waters of Road Creek (4-1-1874) and 520 inches of East Fork Salmon River (4-1-1910) for lands identified in

T. 10 N., R. 18 E.

Section 13: NE4NW4, S2NW4, N2SW4, SW4SW4

24: NW4NE4, N2NW4

In the decree of 7-26-1933, Raymond Gossi, et al., vs. Phillip Gossi, Fridolin Leuzinger was decreed an additional 120 inches of the waters of East Fork Salmon River (5-1-1880) for lands not listed in the decree of 10-31-1921.

T. 10 N., R. 18 E.

Section 24: S2NW4, NE4SW4

The decree of 2-14-1938, Rosa A. Gossi, et al., vs. Paul Giampedraglia, et al. decreed rights on the East Fork Salmon River and named tributaries. Fredolin Leuzinger and his lands in the two prior decrees on East Fork Salmon River were enjoined in this decree:

T. 10 N., R. 18 E.

Section 13: NE4NW4 (11.36 ac.), S2NW4, N2SW4, SW4SW4

24: NW4, NW4NE4, NE4SW4

This decree supercedes all rights on the East Fork Salmon River leaving in effect all rights on Road Creek aka Marsh Creek in the decree of 10-31-1921 as this creek was not a named tributary in the decree.

MEMORANDUM
Page 2
February 19, 1980

Fredolin Leuzinger's rights are as follows:

72-0176 -- Road Creek -- 20 inches or 0.4 cfs -- 4-1-1874

T. 10 N., R. 18 E.

Section 13: NE4NW4, S2NW4, N2SW4, SW4SW4

24: NW4NE4, N2NW4

72-0230 -- East Fork Salmon River -- 400 inches or 8.0 cfs -- 5-1-1880

T. 10 N., R. 18 E.

Section 13: NE4NW4 (11.36 ac.), S2NW4, N2SW4, SW4SW4

24: NW4, NW4NE4, NE4SW4

rg

cc Southern Region

R19E

R18E

14

13

POU
POD

NE NE NW

3

23

24

T
10
N

26

25

- AS CLAIMED -

CLAIM 176 B INIT 7H

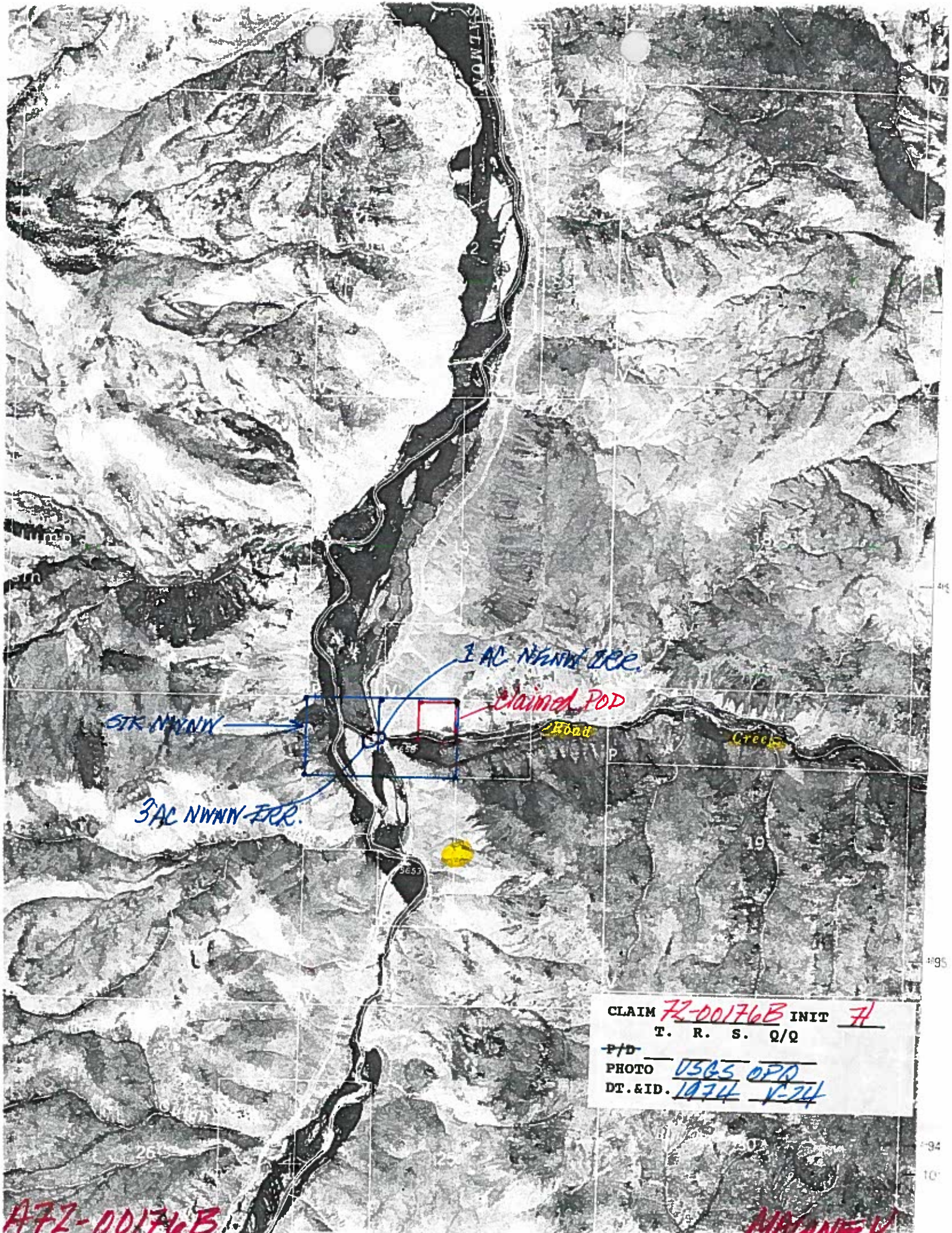
T. R. S. Q/O/R
P/D 10N 18E 24 NE NE NW

PHOTO V24 OPQ

DT.&ID. 7-24-74

472-00176B

NACONEV

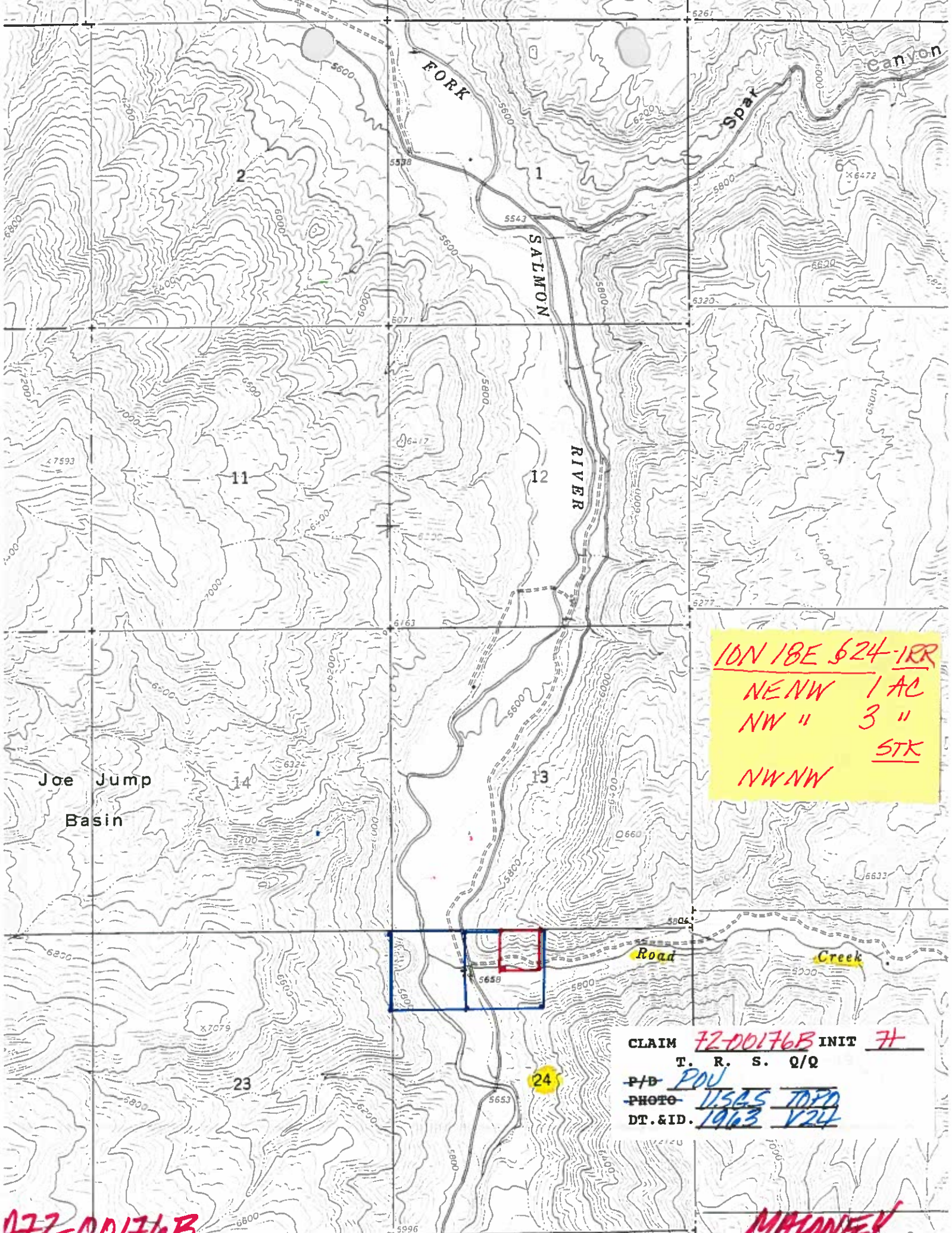


CLAIM 72-00176B INIT 71
T. R. S. Q/Q

P/D
PHOTO USGS OPD
DT. & ID. 1974 V-24

A72-00176B

MAY 1974

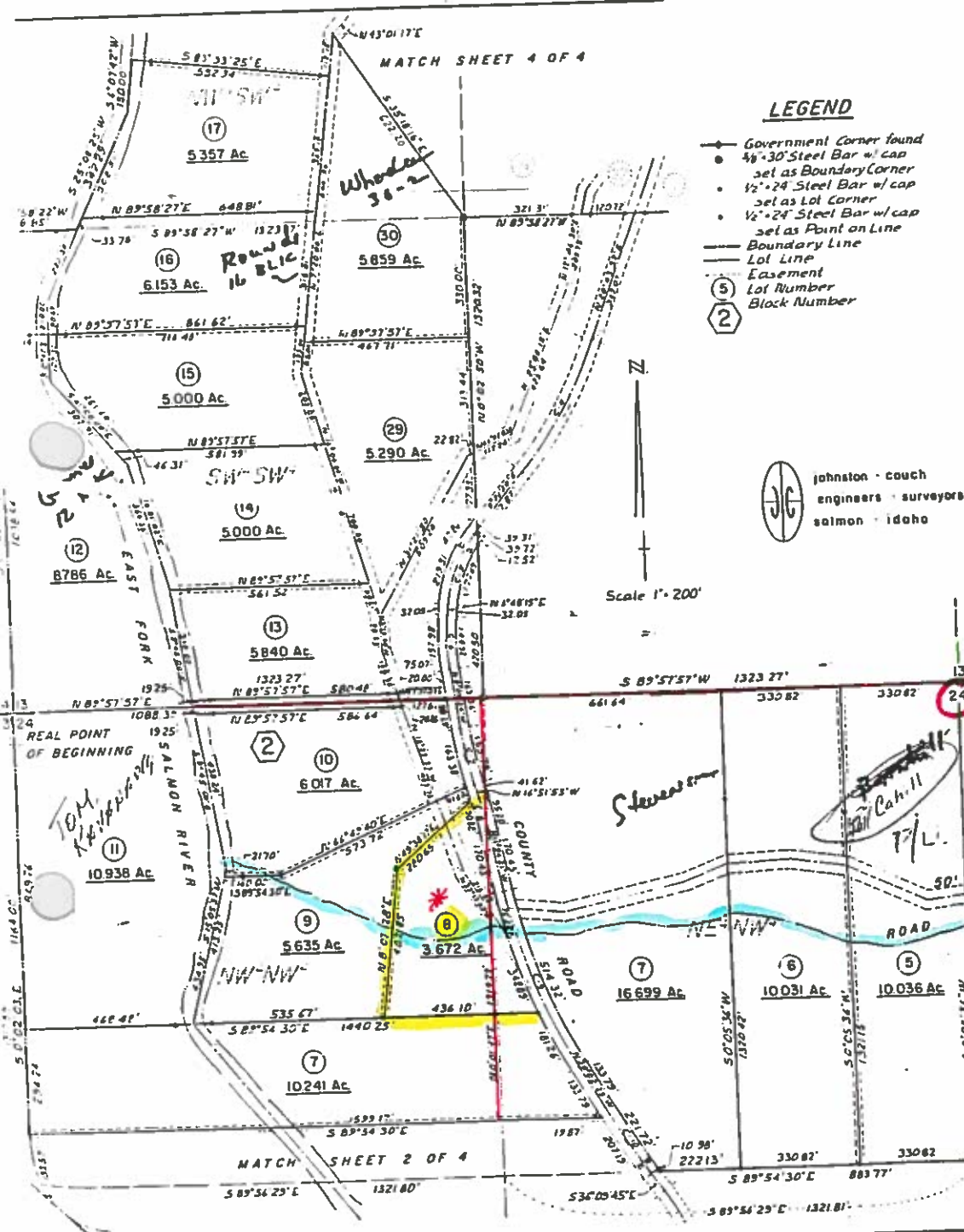


10N 18E S24-1RR
NE NW 1 AC
NW " 3 "
STK
NWNW

CLAIM 72-00176B INIT 7H
T. R. S. Q/Q
P/D POU
PHOTO 11565 TDFD
DT.&ID. 1963 V24

127-00176B

MALINER



COUNTY COMMISSIONERS' ACCEPTANCE

The foregoing plat was duly accepted and approval maintenance of all public roads was accepted by the of County Commissioners of the County of Custer in this day of 1978.

Attest Clerk

Chairman

COUNTY RECORDER'S CERTIFICATE

State of Idaho SS
County of Custer
This is to certify that the foregoing plat was filed Office of the Recorder of Custer County, Idaho on 1 day of 1978 at m and duly in Plat Book at Page

Ex Officio Recorder

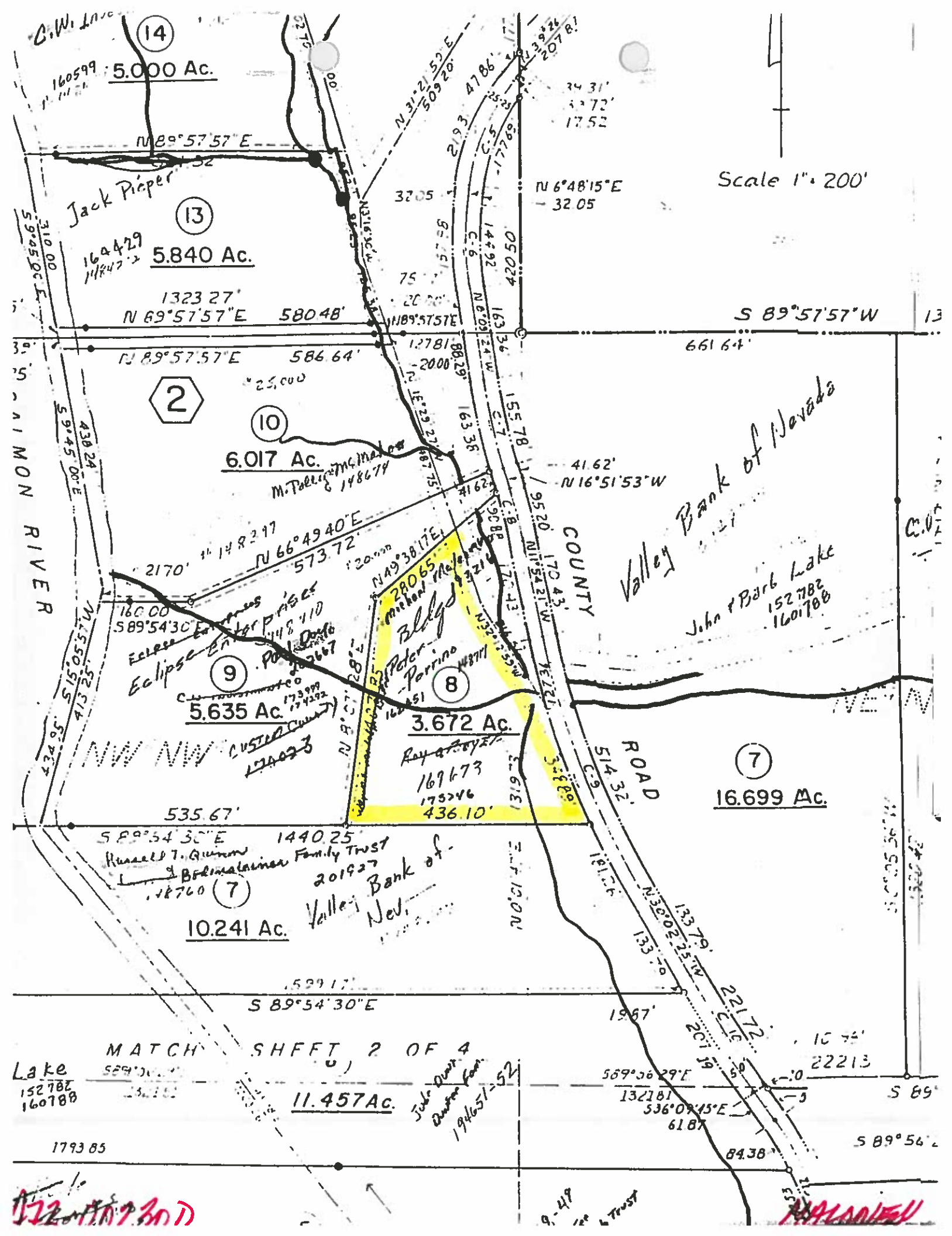
CLAIM 72-00176B INIT #
T. R. S. Q/Q
P/D EF SUBD PLAT (partial)
PHOTO ID

TOWN
R1E
T14N
E14E
Subdivision
Custer
14

*MALONEY

MALONEY

A72-00176B



Water Right Number - R72-001768

Prefix Translation: RESEARCH

Old (D) Number -

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

*** C - CURRENT OWNER ***
MALONEY

MICHAEL M.

1 - HC 68 BOX 349

2 -

3 -

City- CLAYTON

State- ID Zip- 83227

Phone - 208-838-2428

1 - HC 68 BOX 349

2 -

3 -

City- CLAYTON

State- ID Zip- 83227

Phone - 208-838-2428

MALONEY

PATRICIA A.

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
04/01/1879 17 SOUTHERN I - DISALLOWED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
ROAD CREEK SALMON RIVER, EAST FORK+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County

10N 18E 24 NE NE NW (37) CUSTER

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/01 11/01 0.200
04 - STOCKWATER 01/01 12/31 0.020+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.220 10.0+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

| | | | | | | | |
|-----|-----|----|-------|-----|----|------------|-------------|
| 10N | 18E | 24 | NE NW | 1.0 | 01 | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NW | 3.0 | 01 | IRRIGATION | (37) CUSTER |
| 10N | 18E | 24 | NW NW | | 04 | STOCKWATER | (37) CUSTER |

Total Acres: 4.0

+ - - Diversion Means - ROCK & GRAVEL DIVERSION TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

+ - - Other Rights for Same Use - 72-00230, EAST FORK RIVER DITCH

FORFEITURE

Water right number - R72-001768

Prefix Translation: RESEARCH

+ - - - - Remarks - - - - -
NO BENEFICIAL USE FOUND.

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

+ - - - - Conditions of Approval - - - - -
P03 - NO BENEFICIAL USE FOUND: This is included for a claim based
- on beneficial use that is PROPOSED to be disallowed because
- beneficial use of water was not confirmed by IDWR's field
- examination or by other evidence submitted by the claimant.

+ - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - Decree Date - +
BRADSHAW, ET. AL. LEUZINGER, ET. AL. 00/00/0000

+ - - - - Comments - - - - -
Date: 02/02/1994 User Id: HITCHCOC Subject: COPIED FROM REMARKS
SOURCE ALSO KNOWN AS MARSH CK.
Date: 02/02/1994 User Id: HITCHCOC Subject: DISALLOWAL
NO BENEFICIAL USE FOUND. NO DIVERSION POSSIBLE AT CLAIMED POINT OF DIVERSION DUE TO CAVE IN OF BANK INTO DITCH SOME TIME AGO.
NO PUMP IN CREEK AS REFERRED TO IN ORIGINAL CLAIM.

+ - - Audit Fields - - +
02/02/94 HITCHCOC

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

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 08/03/1993 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 02/02/1994 | Old Judicial District | - |
| Claim Received Date | - 01/03/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S010814 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

11:25:33
05/30/92

PAGE: 14
QUICKLOOK INFORMATION

CLAIM NUMBER: A72-00176B

| 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 | | | <i>7/</i>
08-03-1993
08-31-1993
10-01-1993
01-20-1994 | <i>N</i>
DISALLOW | | <i>7/</i>
02-02-94 | <i>7/</i>
02-02-94 | |
| POINT OF DIV | <i>(Y)</i> | | | | | | | |
| SOURCE | | | | | | | | |
| PLACE OF USE | <i>(Y)</i> | | | | | | | |
| DIV. AMOUNT
CFS/VOLUME | <i>(Y)</i> | | | | | | | |
| CONSUMPTIVE USE | - | | | | | | | |
| PURPOSES | Y | | | | | | | |
| PERIOD OF USE | Y | | | | | | | |
| BASIS OF CLAIM | <i>(Y)</i> | 08-05-1993
TCW | | | 5 | | | |
| REMARKS | <i>(Y)</i> | 01-13-1994
address
change to... | | | 6 P&3 | | | |

12-11-92
su

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAEP 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.

CONTACT PERSON: JANNIE WILSON

PHONE NUMBER: (0) 838 2446

DATE OF FIELD EXAM: 08/03/93

APPOINTMENT MADE: Y(✓) N()

TIME: 9³⁰:10⁰⁰ A(✓) P()

ACCOMPANIED BY: above

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: tenant

DIRECTIONS TO PROPERTY / REMARKS:

07-21-93: left note in mailbox to call me @ VILLAGE INN.

08-02-93: stopped and introduced self to tenant - set appt.

08-03-93 field exam conducted

& diversion found as claimed - tenant states claimant used to pump from creek but & diversion works found during exam.

NOTE: Claimant's temporary address/phone:

P.O. Box 5064

APACHE JUNCTION

AZ 85278

602-982-7943

01-24-1994: Change of Ownership rec'd but note from claimant caused another letter re: NOA by attorney - & Change till receive diversion.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

12:45:15
05/30/92

PAGE: 15
PROFILE REPORT

CLAIM NUMBER: A72-00176B

| OWNER CODE | NAME & ADDRESS | PRIORITY DATE | WATER USE | USE PERIOD FROM TO | DIVERSION RATE | DIVERSION VOLUME |
|------------|---------------------|---------------|------------|--------------------|----------------|------------------|
| C | MICHAEL M. MALONEY | 04/01/1879 | IRRIGATION | 04-01 11-01 | 0.20 CFS | |
| C | PATRICIA A. MALONEY | | STOCKWATER | 01-01 12-31 | 0.02 CFS | |
| | HC 68 BOX 349 | | | | | |
| | CLAYTON ID 83227 | | | | | |
| | (208) 838-2428 | | | | | |
| | | | | TOTAL DIVERSION: | 0.22 CFS | |
| | | | | CONSUMPTIVE USE: | | 10.0 AFA |

Water Source: ROAD CREEK

Tributary to: SALMON RIVER, EAST FORK

Stage: ~~BECKEED~~ *I DISALLOW*

Point(s) of Diversion:

T10N R18E S24

NENENW

CUSTER County

Place of use Legal Description for: IRRIGATION

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | | | | |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|-------------|-----|
| T | R | S | : | NENE | NWNE | SWNE | SENE | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE | : | SUM |
| | | | : | Lt | Ac | Lt | Ac | : | Lt | Ac | Lt | Ac | : | Lt | Ac | Lt | Ac | : | Lt | Ac | Lt | Ac | : | |
| 10N | 18E | 24 | : | | | | | : | 01 | | 03 | | : | | | | | : | | | | | : | 4.0 |
| | | | | | | | | | | | | | | | | | | | | | | | TOTAL ACRES | 4.0 |

Place of use Legal Description for: STOCKWATER

| | | | | NE | | | | NW | | | | SW | | | | SE | | | | | | |
|-----|-----|----|---|------|------|------|------|----|------|------|------|------|---|------|------|------|------|---|------|------|------|------|
| T | R | S | : | NENE | NWNE | SWNE | SENE | : | NENW | NWNW | SWNW | SENW | : | NESW | NWSW | SWSW | SESW | : | NESE | NWSE | SWSE | SESE |
| | | | : | Lt | Ac | Lt | Ac | : | Lt | Ac | Lt | Ac | : | Lt | Ac | Lt | Ac | : | Lt | Ac | Lt | Ac |
| 10N | 18E | 24 | : | | | | | : | | | | | : | | | | | : | | | | |
| | | | | | | | | | | | | S | | | | | | | | | | |

POU County: CUSTER

Non-Irrigation Uses: S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

Other Rights: 72-00230, EAST FORK RIVER DITCH

Non-Irrigation Use: S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

Remarks: SOURCE ALSO KNOWN AS MARSH CK.

Dates: Exam Made Date: 08-03-1993 Verified Date: 06/18/1985

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

REMARKS: ADD P&3

COA: P&3

NO BENEFICIAL USE FOUND

7/ 02-02-1994

C. FIELD EXAM REQUIRED?

DATABASE
N

FIELD
EXAMINER

REMARKS:

REVIEWED BY

DATE _____

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY |
|------------|------|------|------|-----|-----|-----|-----|--------|
| A72-00176B | 10N | 18E | 24 | NE | NE | NW | | CUSTER |

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
A72-00176J NONE

WR RECORDS IN SAME 40 ACRE TRACT

72-00230
72-04216
72-04230

SOURCE: ROAD CREEK

TRIB: SALMON RIVER, EAST FORK

B. WR POINT OF DIVERSION AND SOURCE:

000176 THERE IS NO POD ASSOCIATED WITH THIS WATER RIGHT NUMBER

SOURCE: ROAD CREEK

TRIB: SALMON RIVER, EAST FORK

C. FIELD EXAM REQUIRED?

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

REMARKS:

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:

| TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | COUNTY |
|------|------|------|-----|-----|-----|-----|--------|
|------|------|------|-----|-----|-----|-----|--------|

| | | | | | | | |
|-----|-----|-----|-----|-----|-----|-----|-----|
| --- | --- | --- | --- | --- | --- | --- | --- |
|-----|-----|-----|-----|-----|-----|-----|-----|

SOURCE: ROAD CREEK

TRIB: SALMON RIVER, EAST FORK

REVIEWED BY:

DATE:

A. ROOT WATER RIGHT NUMBERS: A72-00176A
A72-00176B
A72-00176F
A72-00176G
A72-00176C
A72-00176H
A72-00176D
A72-00176J

B. POU LISTING

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-----|-----|-----|-----|-----|-----|----------------------|-------------------|---------------|-----------------|----------------|------------------|
| 10N | 18E | 24 | NE | NW | | MALONEY, MICHAEL M. | A72-00176B / 1.0 | - / | 20.0 | | |
| | | | NE | NW | | QUINN, RUSSELL T | A72-00176J / 2.0 | - / | | | |
| | | | NE | NW | | QUINN, RUSSELL T | A72-00230T / 2.0 | - / | | | |
| | | | NE | NW | | MALONEY, PATRICIA A. | A72-00230D / 1.0 | - / | | | |
| | | | NE | NW | | C. W. INVESTMENT CO. | A72-00176F / 10.0 | - / | | | |
| | | | NE | NW | | CAHILL, WILLIAM C. | A72-00176C / 10.0 | - / | | | |
| | | | NE | NW | | C.W. INVESTMENT CO. | A72-00230S / 10.0 | - / | | | |
| | | | NE | NW | | DUNFEE FAMILY TRUST | A72-00230B / 1.5 | - / | | | |
| | | | NE | NW | | LEUZINGER, FRIDOLIN | | 72-00176 / | | | |
| | | | NE | NW | | LEUZINGER, FREDOLIN | | 72-00230 / | | | |
| 10N | 18E | 24 | NW | NW | | MALONEY, MICHAEL M. | A72-00176B / 3.0 | - / | 19.0 | | |
| | | | NW | NW | | QUINN, RUSSELL T | A72-00176J / 8.0 | - / | | | |
| | | | NW | NW | | QUINN, RUSSELL T | A72-00230T / 8.0 | - / | | | |
| | | | NW | NW | | MALONEY, PATRICIA A. | A72-00230D / 3.0 | - / | | | |
| | | | NW | NW | | MALONEY, MICHAEL M. | A72-04230 / | 72-04230 / | | | |
| | | | NW | NW | | MALONEY, MICHAEL M. | A72-10359 / | - / | | | |
| | | | NW | NW | | C.W. INVESTMENT CO. | A72-00176H / 5.0 | - / | | | |
| | | | NW | NW | | MC MAHON, M. POLLY | A72-00176D / 6.0 | - / | | | |
| | | | NW | NW | | MCHAHON, M. POLLY | A72-00230E / 6.0 | - / | | | |
| | | | NW | NW | | KAVANAUGH, TOM | A72-00230R / 10.9 | - / | | | |
| | | | NW | NW | | C. W. INVESTMENT CO. | A72-00230J / 5.0 | - / | | | |
| | | | NW | NW | | DUNFEE FAMILY TRUST | A72-00230B / 3.0 | - / | | | |
| | | | NW | NW | | LEUZINGER, FRIDOLIN | | 72-00176 / | | | |
| | | | NW | NW | | LEUZINGER, FREDOLIN | | 72-00230 / | | | |
| 10N | 18E | 24 | NW | NW | | MALONEY, MICHAEL M. | A72-00176B / | - / | 19.0 | | |
| | | | NW | NW | | QUINN, RUSSELL T | A72-00176J / 8.0 | - / | | | |
| | | | NW | NW | | QUINN, RUSSELL T | A72-00230T / 8.0 | - / | | | |
| | | | NW | NW | | MALONEY, PATRICIA A. | A72-00230D / 3.0 | - / | | | |

| TWP | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ
#/ACRES | WR
#/ACRES | LANDSAT
DATA | FIELD
EXAM. | RECOMM.
ACRES |
|-------------|-----|-----|-----|-----|-----|----------------------|-------------------|---------------|-----------------|----------------|------------------|
| | | | NW | NW | | MALONEY, MICHAEL M. | A72-04230 / | 72-04230 / | | | |
| | | | NW | NW | | MALONEY, MICHAEL M. | A72-10359 / | - / | | | |
| | | | NW | NW | | C.W. INVESTMENT CO. | A72-00176H / 5.0 | - / | | | |
| | | | NW | NW | | MC MAHON, M. POLLY | A72-00176B / 6.0 | - / | | | |
| | | | NW | NW | | MCMAHON, M. POLLY | A72-00230E / 6.0 | - / | | | |
| | | | NW | NW | | KAVANAUGH, TOM | A72-00230G / 10.9 | - / | | | |
| | | | NW | NW | | C. W. INVESTMENT CO. | A72-00230J / 5.0 | - / | | | |
| | | | NW | NW | | DUNFEE FAMILY TRUST | A72-00230B / 3.0 | - / | | | |
| | | | NW | NW | | LEUZINGER, FRIDOLIN | | 72-00176 / | | | |
| | | | NW | NW | | LEUZINGER, FREDOLIN | | 72-00230 / | | | |
| TOTAL ACRES | | | | | | A72-00176B | 4.00 | | 58.00 | | |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y() N()
☒ YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER POU COUNTY: CUSTER
DUE TO POU DISCREPANCY? (Y/N) Y -----

PRESUMPTION FLAG:

REMARKS:

☒ RECOMMENDATIONS:

TOTAL ACRES: -----

REVIEWED BY: -----

DATE: -----

A. AJ CLAIMED USES:

| PURPOSES | FROM | MONTH/DAY | TO | DIVERSION QUANTITY |
|-------------------------------------|------------|-----------|----|--------------------|
| A72-00176B IRRIGATION | FROM 04-01 | TO 11-01 | | .200 CFS |
| A72-00176B STOCKWATER | FROM 01-01 | TO 12-31 | | .020 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | | | .220 CFS |

B. WR RECORDED USES:

| PURPOSES | FROM | MONTH/DAY | TO | DIVERSION QUANTITY |
|-------------------------------------|------|-----------|----|--------------------|
| 72-00176 IRRIGATION | | | | .400 CFS |
| TOTAL DIVERSION RATE/VOLUME CLAIMED | | | | .400 CFS |

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED? Y() N()

RECOMMEND TO WR STANDARDS OR OTHER? Y() N() Explain in remarks, below.

REMARKS:

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

AJ TOTAL CLAIMED DIVERSION RATE: 0.220 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 0.400 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?

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

FIELD
DATABASE EXAMINER
Y -----

FLOW MEASUREMENT

MEASUREMENT METHOD _____, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: 72-00230, EAST FORK RIVER DITCH

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM NO. | SOURCE | NAME | DIV. RATE | DIV.
RATE/ACRE | DIV. VOL. | DIV.
VOL./ACRE |
|------------|---------------------------|-----------------------|-----------|-------------------|-----------|-------------------|
| A72-00176B | ROAD CREEK | MALONEY , MICHAEL M. | 0.220 | 0.055 | | |
| A72-00176C | ROAD CREEK | CAHILL , WILLIAM C. | 0.200 | 0.020 | | |
| A72-00176D | ROAD CREEK | MC MAHON , M. POLLY | 0.320 | 0.053 | | |
| A72-00176F | ROAD CREEK | C. W. INVESTMENT CO. | 0.200 | 0.020 | | |
| A72-00176H | ROAD CREEK | C.W. INVESTMENT CO. | 0.150 | 0.030 | | |
| A72-00176J | ROAD CREEK | QUINN , RUSSELL T | 0.200 | 0.020 | | |
| A72-00230B | SALMON RIVER, EAST FORK | DUNFEE FAMILY TRUST | 0.460 | 0.020 | | |
| A72-00230D | SALMON RIVER, EAST FORK | MALONEY , PATRICIA A. | 0.200 | 0.050 | | |
| A72-00230E | SALMON RIVER, EAST FORK | MCMAHON , M. POLLY | 0.300 | 0.050 | | |
| A72-00230J | EAST FORK OF SALMON RIVER | C. W. INVESTMENT CO. | 0.150 | 0.030 | | |
| A72-00230Q | SALMON RIVER, EAST FORK | KAVANAUGH , TOM | 0.220 | 0.020 | | |
| A72-00230S | SALMON RIVER, EAST FORK | C.W. INVESTMENT CO. | 0.200 | 0.020 | | |
| A72-00230T | SALMON RIVER, EAST FORK | QUINN , RUSSELL T | 0.200 | 0.020 | | |

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

| CLAIM NO. | PURPOSES | NAME | MONTH/DAY | RATE | VOLUME |
|-----------|----------|----------------------|---------------------|----------|--------|
| A72-04230 | DOMESTIC | MALONEY , MICHAEL M. | FROM 01-01 TO 12-31 | .040 CFS | |

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 = 10.0 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.)

RECOMMENDATIONS:

| REC.
PURPOSES | REC. PERIOD
FROM TO | REC. DIV | | REC. DIV | | REC. CONS. | |
|----------------------|------------------------|----------|----------|----------|----------|------------|----------|
| | | RATE | CES | VOL. | AE/A | USE | |
| | | DATABASE | EXAMINER | DATABASE | EXAMINER | DATABASE | EXAMINER |
| ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| TOTAL FOR THIS RIGHT | | ----- | ----- | ----- | ----- | ----- | ----- |

VIEWED BY:

DATE:

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: 72-00176

| | | | |
|-----------------------------------|-------------------|-------------------|-----|
| TOTAL DIVERSION RATE OF WR SPLITS | DATABASE
0.400 | EXAMINER
----- | CFS |
|-----------------------------------|-------------------|-------------------|-----|

SPLITS:

| OLD RIGHT
NUMBERS | CURRENT
CLAIM NUMBERS | DIVERSION
RATE | CURRENT "R"
CLAIM NUM. | "R" DIV.
RATE | WR RIGHT
NUMBERS | DIVERSION
RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| - | A72-00176A | 0.090 | - | - | - | - |
| - | A72-00176B | 0.220 | - | - | - | - |
| - | A72-00176F | 0.200 | - | - | - | - |
| - | A72-00176G | 0.240 | - | - | - | - |
| - | A72-00176C | 0.200 | - | - | - | - |
| - | A72-00176H | 0.150 | - | - | - | - |
| A72-00176 | A72-00176D | 0.320 | - | - | 72-00176 | 0.400 |
| 72-00176 | A72-00176J | 0.200 | - | - | 72-00176 | 0.400 |
| TOTAL CFS | | 1.620 | | | | 0.400 |

DIVERSION RATE REVIEW

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

DATABASE
N

FIELD
EXAMINER

REMARKS:

=====

AUTHENTICATION:

SIGNATURE:

F. G. Hitehorsk

DATE:

02-02-1994

NAME OF FIELD EXAMINER:

TITLE:

=====

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - A72-001768

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** A - ATTORNEY ***

BENNETTS

JAMES

1 - PO BOX 36

2 -

3 -

City- CHALLIS

Phone - 208-879-4488

State- ID Zip- 83227

*** C - CURRENT OWNER ***

MALONEY

MICHAEL M

1 - HC 68 BOX 349

2 -

3 -

City- CLAYTON

Phone - 208-838-2428

State- ID Zip- 83227

MALONEY

PATRICIA A

1 - HC 68 BOX 349

2 -

3 -

City- CLAYTON

Phone - 208-838-2428

State- ID Zip- 83227

+ - - Priority Date - - +
04/01/1879+ - - Region - - - +
17 SOUTHERN+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - - - Source - - - - - +
ROAD CREEK+ - - - - Tributary - - - - - +
SALMON RIVER, EAST FORK+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

10N 18E 24 NE NE NW (37) CUSTER

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

01 - IRRIGATION

04/01

11/01

0.200

04 - STOCKWATER

01/01

12/31

0.020

+ - Total Div. Rate - + + - Total Div. Volume - +
0.220+ - Total Consumptive Use - + + - KW Usage - +
10.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

10N 18E 24

NE NW

1.0

01

IRRIGATION

(37) CUSTER

10N 18E 24

NW NW

3.0

01

IRRIGATION

(37) CUSTER

10N 18E 24

NW NW

04

STOCKWATER

(37) CUSTER

Total Acres: 4.0

+ - - Diversion Means - ROCK & GRAVEL DIVERSION TO DITCH TO PLACE OF USE.

+ - - Non-Irrigation Use - S/15 HORSES & COWS. ANIMALS DRINK FROM CREEK & DITCHES.

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - 72-00230, EAST FORK RIVER DITCH

..... Remarks

GEN SOURCE ALSO KNOWN AS MARSH CK.

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

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

| | | |
|----------------------------------|----------------------------------|---------------------|
| + - - - Decree Plaintiff - - - + | + - - - Decree Defendant - - - + | + - Decree Date - + |
| BRADSHAW, ET. AL. | LEUZINGER, ET. AL. | 00/00/0000 |

-----Comments-----
No Comments Found

+ - - Audit Fields - - +
00/00/00

+ Adjudication Rights Dates and Flags Area +

| | | | | | |
|----------------------|--------------|-----------------------|--------------|-------------------------|---------|
| Court Report Filing | - 00/00/0000 | Field Inspection Made | - 00/00/0000 | Civil Case Number | - 39576 |
| Objection Filed Date | - 00/00/0000 | Field Inspection Flag | - | Old Case Number | - |
| Response Filed Date | - 00/00/0000 | Verified Date | - 00/00/0000 | Old Judicial District | - |
| Claim Received Date | - 01/03/1990 | Last Amended Date | - 00/00/0000 | Temporary Right | - P |
| | | Receipt Number | - S010814 | Water District | - |
| | | POU Ownership Flag | - Y | Federal/State Indicator | - S |
| | | Name Connector | - OR | Presumption Flag | - |
| | | | | Notice of Error Flag | - |

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)12/28/89 13:26:31
Page 1

Water Right Number - 72-00176

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
LEUZINGER

FRIDOLIN

1 -

2 -

3 -

City-

Phone -

State-

Zip-

+ - - Priority Date - - +
04/01/1879+ - - Region - - - +
17+ - - Stage - - - +
D - DECREED

+ - - Status - - - +

+ - - Source - - - - - +
ROAD CREEK+ - - Tributary - - - - - +
SALMON RIVER, EAST FORK+ - - Rng - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County+ - - Code - - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
01 - IRRIGATION

0.400

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.400

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use Code | Description | County |
|-----|-----|-----|-------|-----|-------|-------------------|-------------|-----------|
| 10N | 18E | 13 | NE NW | | | 01 | IRRIGATION | |
| 10N | 18E | 13 | SW NW | | | 01 | IRRIGATION | 37 CUSTER |
| 10N | 18E | 13 | SE NW | | | 01 | IRRIGATION | 37 CUSTER |
| 10N | 18E | 13 | NE SW | | | 01 | IRRIGATION | 37 CUSTER |
| 10N | 18E | 13 | NW SW | | | 01 | IRRIGATION | 37 CUSTER |
| 10N | 18E | 13 | SW SW | | | 01 | IRRIGATION | 37 CUSTER |
| 10N | 18E | 24 | NW NE | | | 01 | IRRIGATION | 37 CUSTER |
| 10N | 18E | 24 | NE NW | | | 01 | IRRIGATION | 37 CUSTER |
| 10N | 18E | 24 | NW NW | | | 01 | IRRIGATION | 37 CUSTER |

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - SOURCE ALSO KNOWN AS MARSH CK. - - - - - +
Remarks

MAR 18 1993

MICROFILMED

WR BASE RIGHT

| | | | | | | | |
|------------------|---|------------|-----------------|---|------------|------------------|---|
| 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 | - |
| Start Work Date | - | 00/00/0000 | Verified Date | - | 06/18/1985 | 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 | - | 10/31/1921 | | | | | |

MICROFILMED
MAR 18 1993