

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: A72-16555
Date Received: 12/23/1998
Receipt No: S021689
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LARRY G SIDLO 208-879-4332
Address: HC 63 BOX 1580
CHALLIS ID 83226

AND/OR

Name: JUDY A SIDLO 208-879-4332
Address: HC 63 BOX 1580
CHALLIS ID 83226

2. Date of Priority: OCT 10, 1911

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

4. Point of Diversion:

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

5. Description of diverting works:

HEADGATE, PARSHALL MEASURING FLUME, OPEN DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:

0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
14N	18E	2	SW	NW		IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	2	SE	NW		IRR	3.4

Section Acres 18.4

Total Acres 18.4

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:
72-00007B

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No: S021689

Date: 12/23/1998
Time: 16:47:00

Reccive \$ SIDLO, LARRY
From:

	Type of Payment	41503	Program A cct	337	1155	Amount
JUDICATION FEE						50.00

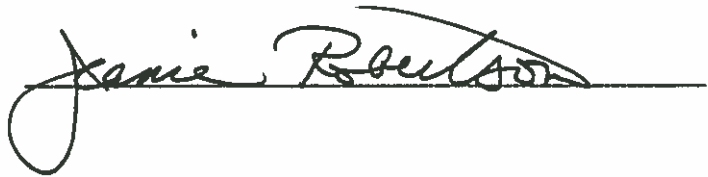
CHECK 1380

Total \$ 50.00

A72-16555 - Water Right Numbers -

Region: SOUTHERN

Signature:



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 A72-16555Date Received 12-23-1998Receipt Number SD21689

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

RECEIVED

DEC 23 1998

Department of Water Resources
Southern Region

Please type or print clearly

1. Name of Claimant (s) Larry G. and/or Judy A. Sidlo Phone (208) 874-4332Mailing Address HC 63 Box 1580 Challis, Idaho Zip 83226-9301

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) Eddy Creek
which is tributary to (b) Challis Creek4. a. Location of existing point of diversion is: Township 14 N Range 18 E Section 2,
NW 1/4 of NW 1/4 of NW 1/4, Govt. Lot, 4 B.M., County of Custer

Additional points of diversion if any: _____

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

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

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

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

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

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

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 .10 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

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

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
14N	18E	2							15	3.4									18.4

Total number of acres irrigated 18.4

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.
Water Right # 72-000078 by decree of 1879 or None ()

14. Remarks:

Last Name Sidle Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

The image shows a 16x16 grid of graph paper. In the top-left corner, there is a shaded triangular region. The region is labeled "Eddy Creek 200" and "Sec 2". The grid is divided into four quadrants by a vertical line between columns 8 and 9, and a horizontal line between rows 8 and 9. The top-left quadrant (columns 1-8, rows 1-8) contains the shaded region. The top-right quadrant (columns 9-16, rows 1-8) is empty. The bottom-left quadrant (columns 1-8, rows 9-16) contains a green dashed line forming a horizontal path across the middle of the quadrant. The bottom-right quadrant (columns 9-16, rows 9-16) is empty.

15. Basis of Claim (check one) B. ☒ al Use ☒ Posted Notice ☐ ☐ se ☐ Permit ☐

Decree

If applicable provide IDWR Water Right Number _____

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.) ☒ We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 5

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

Signature of Claimant (s)



Date 12-18-98

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 _____)

SS.

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

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

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 Sidlo Ident. Number _____

Copies White-State, Yellow-Claimant

RECEIVED

DEC 23 1998

Department of Water Resources
Southern Region

AFFIDAVIT

IN THE MATTER OF:

Sidlo Confirmation of Water Usage

State of Idaho

County of Custer

L. T. Stevenson being first duly sworn, deposes
and says: We leased a parcel of land from George Gentner and also a R. Stevens amounting to 240 acres
located in Sec. 2, T 14N, R 18E BM. Larry and Judy Sidlo purchased 20 acres from George Gentner in 1977
(I am a Real Estate Broker and handled the transaction). As I recall we leased and irrigated the ground
from the mid-1970's to 1988. We used water out of Eddy Creek to irrigate the parcel (20 acres) which was
purchased by Larry and Judy Sidlo from Gentner. We ran cattle at this time and used the property for
pasture. Our water usage was based on water rights claimed by J. J. Sanderson of 109 inches of 1879 water
and 50 inches of 1909 water as noted on the attached water master listing for the entire 240 acre parcel.

L. T. Stevenson
(signature)

On this 11th day of Dec., in the year of 1998

personally appeared L. T. Stevenson 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.

Helen K. Howard
(notary public)

Residing at Charlottesville, Idaho

My commission expires 2002

NAME

DITCH

2000.00

	Howard Cutler	Highline	276 - 1879	391.60
	Howard Cutler	Highline	298 - 1879	328.06
1750	Manley Rusten	Highline	45 - 1879 3-1910	31.00
2338	Edward Dr. Powell HOGAN ✓	Highline	50 - 1910	17.00
	WmT & Anthony Gammache	Highline	25 - 1910	59.38
	WmT & Anthony Gammache	Highline	25 - 1910	11.50
2337	Mark Stark ✓	Highline	100 - 1910	480.34
	Ethel Philps	Highline	119 - 1910	46.94
2720	Ethel Philps ✓	Highline	120 - 1910	36.63
	Piva Bros. (Marion)	Highline	52 - 1879 85-1910	168.50
2326	Bradbury Bros (Ella) ✓	Highline		72.96
	Bradbury Bros (Ella)	Highline	126 - 1909	81.48
2420	Netta Jones ✓	Highline	45 - 1910	20.00
2320	Clyde Green	Mosquito Flat	37 - 1906 - 110 - 1910	72.33
	Herman Schut Estate	Challis Creek	66 - 1879	88.72
	Herman Schut Estate	Challis Creek	77 - 1909	33.04
	LeRoy Stephens	Challis Creek	137 - 1879	110.85
	LeRoy Stephens	Challis Creek	66 - 1910	73.64
	WmT Anthony Gammache	Challis Creek	101 - 1879	200.27
2451	William Hammond ✓	Challis Creek	60 - 1910	90.58
2335	Jess Rankin ✓	White Valley Creek		29.12
	Marie Dobbs	Low Line	296 - 1879	453.54
	Ella Bradbury	Low Line		387.71
2347	Grant Dobbs ✓	Low Line	331 - 1879	805.23
	WmT & Anthony Gammache	Low Line (Amar)	68 - 1879	140.89
	Mark Stark	Low Line		50.68
	Clyde Green	Low Line	24 - 1909	52.04
	Ethel Philps	Low Line	159 - 1879	489.96
2334	Jim Smith ✓	Twin Peaks Res.	22 PAYS	
		Bear Creek	25 - 1879 70 - 1936	122.32
2452	J.J. Sanderson ✓	Challis Creek	109 - 1879	248.82
	J.J. Sanderson	Challis Creek	50 - 1909	70.54
	Merle Hamilton	Challis Creek	75 - 1879	85.16
	Ethel Philps	Challis Creek	85 - 1879 35 - 1909	164.32
2352	Kenneth Bradbury ✓	Challis Creek	70 - 1879	121.42
	Ella Bradbury	Darling Creek	62 - 1879	166.08
	Robert & Marion Benner	High Line	20 - 1909	15.93
	Kenneth Strickler	Challis Creek	186 - 1879	377.52
	Mark Stark	Mosquito Flat Res.		12.80
	Ethel Philps	Mosquito Flat Res.		24.80
	Clyde Green	Challis Cr. Lake		26.45
	Ethel Philps	Challis Cr. Lake		10.60
	Bradbury Bros. (Ella)	Low Line	245 - 1879	45.84
	Jess Rankin	Challis Cr.	72 - 1897	30.00
	B.L.M.	Challis Creek		24.00
2379	Perry Watson	Challis Creek	45 - 1909	66.27
2503	Peck ✓	Challis Creek	35 - 1909	17.52
	Gritton	Challis Creek	20 - 1910	5.88
2225	STEVENSON ✓	Totals	100 - 1909	6,500.26
2721	OSBORN ✓			

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DEC 23 1998

Department of Water Resources
Southern Region

RECEIVED

DEC 23 1998

Department of Water Resources
Southern Region

IN THE MATTER OF:

Sidlo Confirmation of Water Usage

State of Idaho

County of Custer

AFFIDAVIT

Larry G. Sidlo

being first duly sworn, deposes

and says: In 1977, my wife and I purchased 20 acres located in the SW $\frac{1}{4}$ of Sec. 2, T-14N, R-18E with water rights stated on our warranty deed of 7.5 and 5.0 miners inches pursuant to decrees of 1879 and 1909 respectively. We have irrigated this parcel yearly utilizing the old diversion point located on Eddy Creek and filed in 1983 under 72-04137 to correctly show the diversion point at its true location which had been used at least as early as 1928. While gathering information to file for a right of way in 1985 for use of BLM land for this irrigation ditch and headgate at the diversion point on Eddy Creek, Mrs. Ione Clark (now deceased) stated that the current apple orchard located on our property was already established at the time she was a teenager in 1914. This would indicate irrigation water was most likely being utilized at that time from Eddy Creek. Also during my research, Robert Hiam, realty specialist with the BLM located an aerial photo to help prove the existence of early irrigation usage. The photo taken in the late 1940's or early 1950's clearly showed large cottonwood trees growing in a line precisely parallel to the existing irrigation ditch. Being located on an elevated hillside such as it was, cottonwood trees would not have established without a large source of water. Our application to the BLM for irrigation right of way was approved in 1986 and filed as I-23091.

Larry G. Sidlo
(signature)

On this 11th day of December, in the year of 1998

personally appeared LARRY SIDLO 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.

Helen R. Howard
(notary public)

Residing at Challis Idaho

My commission expires 2002

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DEC 23 1998

Department of Water Resources
Southern Region

IN THE MATTER OF:

Sidlo Confirmation of Water Usage

State of Idaho

County of Custer

AFFIDAVIT

Gladys Laverty being first duly sworn, deposes
and says: In 1941, my husband, Ray Laverty, and I moved onto the property now owned by Larry and
Judy Sidlo. We lived there from 1941 through 1943. Water from Eddy Creek was used throughout that
time and prior to our living there. This property was previously irrigated using the same diversion
point on Eddy Creek and water rights used by my grandparents, Mr. and Mrs. Arthur Wilkerson from at
least 1928 through 1941. The water from Eddy Creek was used for the irrigation of the hillside
pasture, an apple orchard and our garden area immediately below the county road on Challis Creek. This
property is located in Section 2, Township 14N, Range 18E.

Gladys Laverty
(signature)

On this 16 day of December, in the year of 1998

personally appeared Gladys Laverty 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.

Charlotte D. Miller
(notary public)

Residing at Challis

My commission expires 4-10-2004

RECEIVED

DEC 23 1998

Department of Water Resources
Southern Region

IN THE MATTER OF:

Sidlo Confirmation of Water Usage

State of Idaho

County of Custer

AFFIDAVIT

Vera Sanderson being first duly sworn, deposesand says: In 1958, my husband, J. J. Sanderson, and I purchased 240 acres of ranchland on ChallisCreek which we operated from 1958 until 1974. During that time we lived on the William Eddy homesteadlocated in Sec. 2, T-14N, R-18E. Each year we irrigated approximately 20 acres of hillside pasture andan apple orchard above the homesite. This acreage is located in the southwest quarter of the northwestquarter of section 2. The diversion point for this hillside and orchard was actually located on EddyCreek just above where the county road crosses Eddy Creek because the elevation of this hillside wastoo high to be able to irrigate with water from Challis Creek. The ranch was previously owned ormanaged by a Mr. Shull at the time we purchased it. We then sold the ranch to a Mr. Gentner and hethen subdivided the ranch and sold the old William Eddy homesite to Larry and Judy Sidlo in 1977.Vera Sanderson

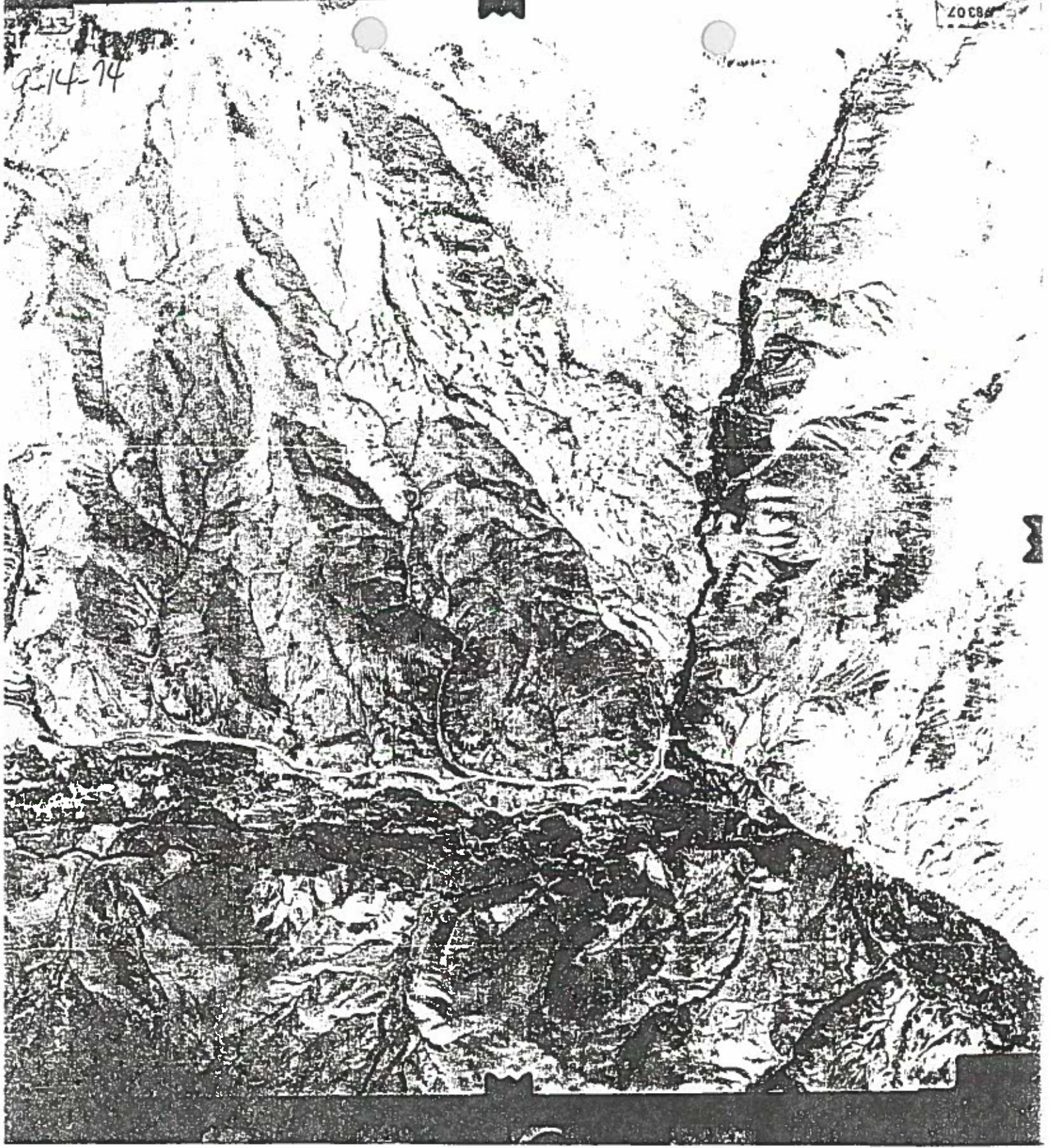
(signature)

On this 16th day of December, in the year of 1998personally appeared VERA SANDERSON 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.Shelton R. Howard

(notary public)

Residing at Challis Id.My commission expires 2002

9-14-74



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DEC 23 1990

Department of Water Resources
Coulson, Ruger

RECEIVED

JUL 15 1999

Department of Water Resources

RECEIVED

JUN 21 1999

Department of Water Resources

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

In Re SRBA

Case No. 39576

A. Subcase 72-16555

(Insert water right number
From the Objection Form)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please print or type the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: Larry G. & Judy A. Sidlo

Address: HC 63 Box 1580

Grullis, ID 83226

Daytime Phone: Larry G. Sidlo 203 379-4144; Judy A. Sidlo 203 379-2557

Name & Address of Attorney, if any:

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

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1337 South Vinnell Way

Boise, Idaho 83709-1657

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

1. ☐ Name and Address
2. ☐ Source
3. ☐ Quantity
4. ☐ Priority Date
5. ☐ Point(s) of Diversion
6. ☐ Instream Flow Description
7. ☐ Purpose(s) of Use
8. ☐ Period of Year
9. ☒ Place of Use See attached
11. Recommendation
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Custer)

Larry G. Sidlo, duly sworn, upon oath, deposes and says:
(Name of person filing response)

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

[Signature]
(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6-18-99

[Signature]
Notary Public for Idaho
Residing at: Challis
My Commission Expires: 3/20/09

INSTRUCTIONS FOR MAILING

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

F.

CERTIFICATE OF MAILING

I certify that on June 13th, 1999, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Larry G. & Judy A. Sidlo
Address: HC 63 Box 1580
Challis, ID 83226

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

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office
Address: 1337 South Vinnell Way
Boise, Idaho 83709-1657

4. Copies to:

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

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

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


Your signature or signature of attorney mailing on your behalf

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: 72-16555

NAME AND ADDRESS: LARRY G SIDLO
JUDY A SIDLO
HC 63 BOX 1580
CHALLIS ID 83226

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.1 CFS

PRIORITY-DATE: 10/10/1911

POINT OF DIVERSION T14N R18E S02 NNNWNW Within CUSTER County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	0.1 CFS

PLACE OF USE: IRRIGATION Within CUSTER County

	T14N R18E S02	SNNW 15	SENN 3.4
18.4 ACRES TOTAL			

POU should read: T14N R18E S02 SNNW 15 SENN Lot 5 3.4

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 18.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00007B, 72-16555.

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00007B, 72-16555.

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DEC 17 1999

Department of Water Resources
Southern Region

1979 NOV 23 PM 1:39

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

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 72-00007B
6555

On November 23, 1999, 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 November 23, 1999.

TERI HRANAC
Deputy Clerk

1999 NOV 23 PM 1:39
DISTRICT COURT-SRBA
TWIN FALLS, IDAHO
FILED

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

In Re SRBA	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
	)	FOR WATER RIGHT 72-00007B
	)	

I. FINDINGS OF FACT

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

All objections to this water right were resolved by stipulation of the parties with a *Standard Form 5*. 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 this water right be decreed with the elements as set forth in the *Partial Decree Pursuant to I.R.C.P. 54(b) for Water Right 72-00007B*.

DATED: November 23, 1999.



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 72-00007B

1999 NOV 23 PM 1:39

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

NAME AND ADDRESS: JUDY A SIDLO
LARRY G SIDLO
HC 63 BOX 1580
CHALLIS, ID 83226

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.15 CFS

PRIORITY DATE: 05/01/1879

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

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.15 CFS
	Stockwater	04-01 TO 10-31	0.02 CFS

PLACE OF USE:	Irrigation		Within Custer County
	T14N R18E S02	SWNW 15.0	LOT 05 (SENW) 3.4
	18.4 Acres Total		
Stockwater			Within Custer County
	T14N R18E S02	SWNW	

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 18.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00007B, 72-16555.

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.

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

NOV 23 1999

SPECIAL MASTER

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

1999 NOV 23 PM 1:39
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): 72-00007B
72-16555

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 November 23, 1999, with sufficient first-class postage prepaid to
the following:

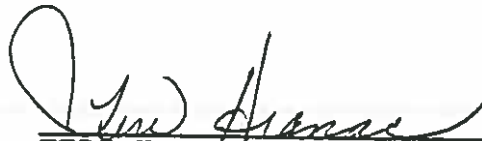
DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

USDI BLM

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

JUDY A SIDLO
LARRY G SIDLO
HC 63 BOX 1580
CHALLIS, ID 83226
Phone: 208-879-4144

CERTIFICATE OF MAILING


TERI HRANAC
Deputy Clerk

PAGE 1
11/23/99

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: NOV-23-1999
PAGE: A-1-----
RIGHTS FROM: SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

RIGHT NUMBER: 72-16555

NAME AND ADDRESS: LARRY G SIDLO
JUDY A SIDLO
HC 63 BOX 1580
CHALLIS ID 83226

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.1 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S02 LOT 4 (NWNWNW) Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	0.1 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R18E S02 SWNW 15 Lot 5 (SENW) 3.4
SENW 3/4
18.4 ACRES TOTALUSE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 18.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00007B, 72-16555.

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.

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

DATE: NOV-23-1999

PAGE: A-2

72-16555 (CONT.)

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00007B, 72-16555.

Jones, Doug

From: Jones, Doug
Sent: Wednesday, November 17, 1999 9:07 AM
To: Denniston, Sara
Subject: RE: Season of use

There are nine objections on claims that also have SOU issues.

72-00028 : Allow season 4/1 to 11/1
72-00109G: Season should be 4/1 to 10/31
72-00151B: Season should be 4/15 to 10/15 with shoulder language
72-00152B: Season should be 4/15 to 10/15 with shoulder language
72-02050B: Allow season 4/1 to 11/1
72-02072 : Season should be 4/1 to 10/31
72-04095 : Season should be 4/1 to 10/31
72-04224D: Season is ok
72-16555 : Season should be 4/1 to 10/31

These dates are being distributed to the files and agents. Shall we generate R-records for these and then deal with additional changes thru settlement?

Carter is messing with the Director's Report print to a file and formatting. We're making progress but it's not in the bag yet.

Doug—Original Message—

From: Denniston, Sara
Sent: Tuesday, November 16, 1999 5:20 PM
To: Jones, Doug
Subject: Season of use

Doug,

What's going on with the basin 72 season of use corrections? We need to get those together ASAP. It would be nice for those that have objections if we could just fix it as part of the SF5

Robertson, Jean

From: Denniston, Sara
Sent: Friday, November 12, 1999 2:39 PM
To: Robertson, Jean
Subject: RE: 72-00007B (Sidlo)

Jeanie,

I talked to the claimant on Wednesday and he agreed with adding "lot 5" I had Carter make the change to the R record so I could get the SF5 out the door quickly. While he was making the change he also added "lot 4" to the POD on 72-16555 so it would be the same as the description of the POD for 72-00007B.

Sara

RECEIVED

JUN 29 1999

Department of Water Resources
Southern Region

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

In Re SRBA

Case No. 39576

A. Subcase 72-16555

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown 208 387-0835; R. Lee Leininger, 202 305-0242; Paul F. Holleman, 202 305-0494

United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

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

Name: Larry & Judy Sidlo

Address: HC 63 Box 1580 Challis, ID 83226

Name:

Address:

Name:

Address:

Name:

Address:

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

1. ☐ Name and Address

Should be: _____

2. ☐ Source

Should be: _____

3. ☐ Quantity

Should be: _____

4. ☐ Priority Date

Should be: _____

5. ☐ Point(s) of Diversion

Should be: _____

6. ☐ Instream Flow Description

Should be: _____

7. ☐ Purpose(s) of Use

Should be: _____

8. ☐ Period of Year

Should be: _____

9. ☒ Place of Use

Should be: See attached

11. I object because:

☐ This water right should not exist.

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

E. **REASONS SUPPORTING OBJECTION(S):**

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F.

VERIFICATION (Must be Completed)

State of Idaho)

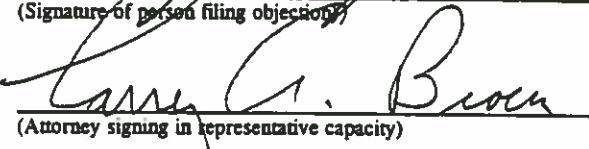
) ss.

County of Ada)

Gary A. Madenford, Water Rights Team Leader, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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


(Signature of person filing objection)


(Attorney signing in representative capacity)

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



John W. Thornburgh

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05-16-2003

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on June 2nd, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Larry & Judy Sidlo
Address: HC 63 Box 1580 Challis, ID 83226
Name:
Address:
Name:
Address:
Name:
Address:

3. Copies to:

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

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

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


Signature of Objector or attorney mailing on Objector's behalf

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAWDATE: JAN-26-1999
PAGE: A-324

RIGHTS FROM: SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK
RIGHT NUMBER: 72-16555

NAME & ADDRESS: LARRY G SIDLO
JUDY A SIDLO
HC 63 BOX 1580
CHALLIS ID 83226

MIXED OWNERSHIP
CLARIFY W/LOTS

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.1 CFS

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S02 LOT 4 (NNWNNW) BLM Within CUSTER County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
IRRIGATION 04-01 11-01 0.1 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R18E S02 SENW 151
18.4 ACRES TOTAL SENW 3.4 BLM/PUT

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 18.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00007B, 72-16555.

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

SENW = LOTS = PUT
LOT 6 = BLM

AJ5856NP

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

DATE: JAN-26-1999
PAGE: A-325

RIGHTS FROM:	SOURCE: EDDY CREEK	TRIBUTARY: CHALLIS CREEK
RIGHT NUMBER:	72-16555	(CONT)

EXPLANATORY MATERIAL: (CONT)

RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00007B, 72-16555.



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 30, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

LARRY G SIDLO
JUDY A SIDLO
HC 63 BOX 1580
CHALLIS ID 83226

RE: 72-16555

Dear Mr. and Mrs. Sidlo,

Enclosed is the computer print-out and receipt for the new claim you filed for your high water right. Please look it over carefully to make sure it is correct.

I have also enclosed the Director's proposed recommendation for this right and an updated one for 72-00007B with some combined use remarks in each.

If you have any questions, please feel free to contact me at the office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeanie', written over the printed name.

Jeanie Robertson
Senior Water Resource Agent

RIGHT NUMBER: 72-16555

NAME AND ADDRESS: LARRY G SIDLO
JUDY A SIDLO
HC 63 BOX 1580
CHALLIS ID 83226

SOURCE: EDDY CREEK TRIBUTARY: CHALLIS CREEK

QUANTITY: 0.1 CFS

PRIORITY-DATE: 10/10/1911

POINT OF DIVERSION T14N R18E S02 NWNWNW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	04-01 11-01	0.1 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T14N R18E S02 SWNW 15 SENW 3.4
18.4 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 18.4 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00007B, 72-16555.

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
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SOURCE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.
THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00007B, 72-16555.

DATE: 12/29/98
PAGE: 1

EXP THE FOLLOWING RIGHTS ARE DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 72-00007B, 72-16555.

AJ0749NP
No. R72-16555

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

DATE: 12/29/98
PAGE: 2

=====

Dates:	Exam Made Date:	Verified Date:	12/29/1998	Objection Filed Date:
--------	-----------------	----------------	------------	-----------------------

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

Comments: Date: 12/29/1998 User-ID: JROBERTS Subject: NEW CLAIM
THIS CLAIM WAS FILED FOR THE HIGHWATER RIGHT MENTIONED IN DEED.

Audit: 12/29/98 JROBERTS

RECEIVED

FEB 9 1983

Department of Water Resources
Southern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Larry G. Sidlo

(Name of Claimant)

H/C 63 Box 1580, Challis, Idaho 83226
(Mailing Address)

83226
(Zip Code)

Telephone No. 879-1329

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1879

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Eddy Creek tributary to Challis Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.25 cfs</u>	Use	<u>Irrigation</u>	Period of Use From	<u>Apr. 15</u> To <u>Sep. 1</u>
Quantity	<u>0.01 cfs</u>	Use	<u>Stock</u>	Period of Use From	<u>Apr. 15</u> To <u>Sep. 1</u>
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	
Quantity		Use		Period of Use From	

- (4) 0.26 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 NW 1/4, Sec. 2 Twp. 14N Rge. 18E B.M., County of Custer

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion dam, 1 mile ditch, & 7.5 miners inches pursuant to decree of 1879 and 5.0 miners inches pursuant to decree of 1909.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NEX				NW				SW				SE				TOTAL
			NEX	NW	SW	SE	NEX	NW	SW	SE	NEX	NW	SW	SE	NEX	NW	SW	SE	
<u>14N</u>	<u>18E</u>	<u>2</u>							<u>15</u>										<u>15</u>

No. of acres 15

- B) If water is used for other than irrigation fully describe that use, being as specific as possible: Livestock water

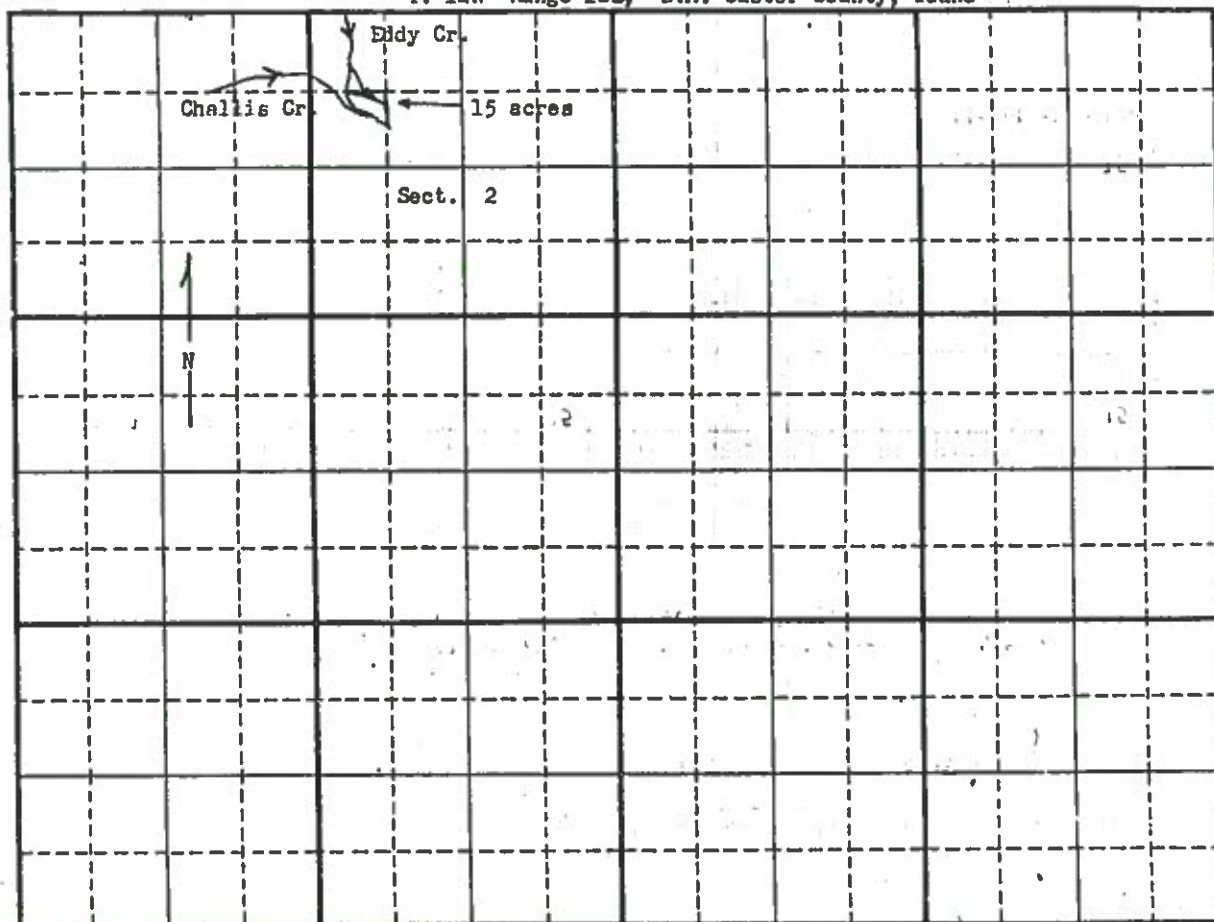
NOTE: Include here the type and number of stock watered: 5 horses, 5 beef cattle

- (7) If you are claiming water as a member of an organization, list name of organization:

72-4137

(8) Remarks Water rights of 7.5 miners inches pursuant to decree of 1879 and 5.0 miners inches of water pursuant to decree of 1909 as recorded on Warranty Deed at Custer County Courthouse, Instrument No. 143646

T. 14N Range 18E, B.M. Custer County, Idaho



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 Elmore

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 7 day of Feb

Randy A. Lida
(Claimant)
1983
Lora Anderson
Notary Public
Residing at Elmore County

My commission expires 3-21-84

FOR DEPARTMENT USE ONLY

Received by T.G. Blaw Date 2-17-83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by _____ Date _____
\$30.00 fee received by maile Date 2/17/83 # 23986
Published in Custer Publishing Co
Dates 3/24 & 3/31/83

Identification No.

Claim No.

Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not constitute the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Please refer to the instructions on the back of this form.

1. Name of claimant J. J. Sandersen
Post office address Challis, Idaho
2. The point of diversion is in SW 1/4 of SW 1/4 Section Three Township 11N
Range 16 East B.M. located on Challis Creek
tributary to Salmon River in Custer County
Salmon River
Name of source

3. Dates of priority claimed: For the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been a material increase in the water which has been beneficially used for the same purpose as originally appropriated, the priority that you claim should extend from the time that the water began beneficially applied following the period of non-use.

a. Date of priority claimed: 1879
amount 4.0 c.f.s. or _____ acre ft.
amount _____ c.f.s. or _____ acre ft.
amount _____ c.f.s. or _____ acre ft.
Total claimed _____ c.f.s. or _____ acre ft.

4. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed.

use Irrigation period of use from April 1 to October 1 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works

a. Surface water diversion dam and or headgate: material is composed of Diverston wing dam made of straw, rock, plastic, wooden headgate length is 15 feet; height is two feet; width at bottom is four feet; width at top is two feet; explain any increase in diversion capacity, since structure was first built, giving dates and estimated capacities if known No increase known of _____

b. Underground water diverting works: is well flowing or pumped NONE; depth of well _____ feet; diameter of well is _____ inches; type of pump is NONE
capacity of pump is _____ g.p.m.; name and address of well driller is NONE
NONE

72-4002

The Sanderson land was increased by 10 acres in 1968

72-4002

No. 72-4002

J. J. Sanderson, Challis, Idaho.

has filed a claim to a water right

4.0

the Salmon River _____ with point of diversion in the SW 1/4 of Sec. 3, T. 14N, R. 18E, N.W.

Sec. 3, T. 14N, R. 18E, B.M., Custer County ; the water is

April 1 to October 1 for Irrigation

with a priority of 1879

the place of use is within the SW-NW.

Sec. 2: E₂NH₂, R₂NH₂, NH₂S₂H, NH₂SD₂H, Sec. 3, T. 14N, R. 18E, S.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Challis Messenger, Challis, Idaho
December 11

December 11 and December 18, 1969

72-4002

A F F I D A V I T

STATE OF IDAHO

County of Custer--SS

Earl Millick, being first duly sworn according to law,
deposes and says:

That he has been a long time resident of Custer County, Idaho
and has personal knowledge of the operations of the following
described property in Custer County, Idaho, to wit:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2, and the S $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the
NW $\frac{1}{4}$ SE $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, Township 14 North,
Range 18, E.B.M., Custer County, Idaho, of which 140
acres is now being irrigated,

and knows of his own knowledge that approximately one (1) inch of
water per acre was used on said property each and every year since
1910; that in later years this amount was increased over a period
of years until it became between two (2) and three (3) inches of
water per acre has been put to beneficial use on said lands.

Earl Millick

Subscribed and sworn to before me this 21st day of Oct, 1949.

H. E. B. Burtch

Notary Public for Idaho, Residing at Shallis, Idaho

December 31, 1969

Re: Claim to a Water Right No. 72.-4002

Mr. J. J. Sanderson

Challis, Idaho 83226

Dear Mr. Sanderson:

The Department of Reclamation has completed the processing of your claim to a water right, and no further action is authorized under Section 41-225 of the Idaho Code. Notice of your claim was published and no one has filed an exception to your claim. Your claim will remain in our files and will be available at any time for your or the courts use.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or evidence that you would like to have included in your claim file, you may add that information at any time. Please refer to your claim number when corresponding with this office.

We are enclosing, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Very truly yours,

Donald W. McElweeney
Appropriation Examiner

DWM:dr

Enclosures: Copy of Claim

Receipt No. 3880

Frederick Hughes Snook

ATTORNEY AT LAW

SALMON, IDAHO

November 20, 1969

Department of Reclamation
Boise, Idaho

Re: J. J. Sanderson
Challis, Idaho

Gentlemen:

Enclosed herewith you will find a claim to a water right signed by J.J. Sanderson, together with a supporting affidavit of Earl Millick. If there is any charge for filing this, please let me know and I will send it to you.

Sincerely yours,

FHS/w
Encls.

PS # 16 enclosed

72-4002