

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: A72-16561
Date Received: 11/ 2/1999
Receipt No: C047033
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J R CHALLIS 208-879-4617
Address: PO BOX 1220
CHALLIS ID 83226-1220

AND/OR

Name: PATRICIA W CHALLIS 208-879-4617
Address: PO BOX 1220
CHALLIS ID 83226-1220

2. Date of Priority: MAY 1, 1879

3. Source: SPRING Trib. to: SINKS

4. Point of Diversion:

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

5. Description of diverting works:
SEE REMARKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.050		0.10
IRRIGATION	04/01	10/31	0.040		0.08

7. Total Quantity Appropriated is:
0.090 C.F.S. (and/or) 0.18 A.F.A.

8. Total consumptive use is 53.3 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
14N	18E	3	SE	NE		STOCK	
			SE	NE		IRR	2.5
						Section Acres	2.5
						Total Acres	2.5

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:
72-00007C AND 72-10368

14. Remarks:

ITEM 5. THE SPRING RUNS FROM A HILLSIDE JUST SOUTH AND EAST
OF OUR EAST PROPERTY ENTRANCE INTO OUR PASTURE.
ITEM 14. SEE ENCLOSED FILING SUPPLEMENT.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

RECEIVED

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

DEC 02 1999

Department of Water Resources
Southern Region
39576

CIVIL CASE NUMBER:

Ident. Number

A72-16561

Date Received

Receipt Number

COA 7033, COA 7156 (lat)
10/28/99 11-10-99

Voiced

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) J.P. AND/OR PATRICIA W. CHALLIS Phone (208) 879-4617Mailing Address P.O. Box 1220 CHALLIS, ID Zip 83226-12202. Date of Priority (Only one (1) per claim) MAY 1, 18793. Source of water supply (a) SPRING
which is tributary to (b) SINKS4. a. Location of existing point of diversion is: Township 14N Range 18E Section 3,
NE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of CUSTERAdditional points of diversion if any: N/Ab. If instream flow, beginning point of claimed instream flow is: N/A

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

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

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

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.THE SPRING RUNS FROM A HILLSIDE
JUST SOUTH AND EAST OF OUR EAST ~~TERRACE~~ PROPERTY
ENTRANCE INTO OUR PASTURE.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1/1 to 12/31 amount .05 or .10

For IRRIGATION purposes from 4/1 to 10/31 amount .04 or .08

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .09 (cfs) and/or (b) .18 (acre feet)
(SEE 14. REMARKS)

8. Total consumptive use claimed is 53.3 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: 100-200 HEAD CATTLE AND/OR HORSES

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	3				5 2 1/2													

Total number of acres irrigated 2 1/2

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
72-00007C & 72-10368 or None ()

14. Remarks: SEE ENCLOSED FILING SUPPLEMENT

Last Name CHALLIS Ident No. A72-16561

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ 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.) I/We do ☐ do not ☐ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments SINGLE PAGE FILING SUPPLEMENT PLUS MAP ATTACHED TO PAGE 3

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

Signature of Claimant (s) J.R. Challis Date JULY 12, 1999

J.R. CHALLIS

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 12th day of JULY 19 99



Notary Public Teila Leuzinger

Residing at Challis, ID

My Commission Expires 8-31-2004

Please Print Name

17. Notice of Appearance

Notice is hereby given that CHALLIS 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 CHALLIS Ident. Number A72-16561

Copies White-State, Yellow-Claimant



CHALLIS CREEK RANCH

Challis, J. R. and/or Patricia W.

Filing Supplement *A72-16561*

T14N, R18E, Section 3, NE¼ SE¼ NE¼, Spring Water Right Claim Filing

14. Remarks:

Though the flow varies proportional to runoff volume, generally there is a minimal flow even in the fall and winter to provide some year-round stockwater unless extreme cold results in a total freeze. Though seldom and minimal, in some years flow allows some irrigation benefit. In extremely good water years water will "trail" into the pasture though such flow generally subsides in mid-summer to a small "boggy" area just below the spring. The total flow claimed is our best estimate of the maximum flow in a very, very good water year. On the average, flows would be less and, as a result, available in whatever amount the continually changing conditions dictated. In some low water and all drought years we have experienced, this spring has dried up completely.

Scale: 2 inches equals 1 mile

A horizontal strip of 16 squares, each containing a crosshair pattern. The squares are arranged in a single row and are separated by thin vertical lines. Each square has a light gray background and a black crosshair in the center. The crosshair consists of a horizontal line and a vertical line intersecting at the center, with small squares at the ends of the lines.

1	2	3	4	5
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Copies: White-State, Yellow-Claimant



1999 OCT 22 PM 4: 46

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

Subcase Nos.: 72-16561, 72-16562, 72-16563,
72-16564 and 72-16565

Case No. 39576

**ORDER GRANTING MOTIONS TO FILE
LATE CLAIMS**

Pursuant to a hearing held on October 19, 1999, before the Honorable R. Barry Wood and good cause having been shown, the Motions to File Late Claims filed by J.R. and Patricia Challis for Claim Nos. 72-16561, 72-16562, 72-16563, 72-16564 and 72-16565 are hereby GRANTED.

DATED this 22 day of October, 1999.



R. BARRY WOOD, District Court Judge

ORDER GRANTING MOTIONS TO FILE LATE CLAIMS - 1

RECEIVED

OCT 26 1999

Department of Water Resources

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of October, 1999, I served a copy of the foregoing ORDER GRANTING MOTIONS TO FILE LATE CLAIMS, by depositing same in the United States mail, postage prepaid, in an envelope, addressed to the following:

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

Pat Brown
Attorney at Law
109 South Adams Street
Jerome, ID 83338

United States Dept. of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

IDWR Depository
P.O. Box 83720
Boise, ID 83720-0098

Thomas Lewis
475 N 500 W
Malad, ID 83252


CLERK OF THE COURT

nms99/challis/order1

RECEIVED

JUL 16 1999

Department of Water Resources

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

In Re SRBA

Subcase A72-16561

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

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

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

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

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

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

My name is J. R. CHALLIS

My address is P.O. Box 1220

CHALLIS ID 83226-1220

My phone number is: Work (208) 879-4617 Home (208) 879-4617

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

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

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

WE W. INADVERTENTLY LEAD TO BELIEVE FILING ON A

SPRING ON YOUR OWN PROPERTY ON WHICH NO ONE ELSE

HAD ANY CLAIM WAS UNNECESSARY.

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

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

ELEVEN (11) COPIES OF "AFFIDAVIT OF WATER USAGE"

AERIAL PHOTOGRAPH

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☒ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 50.00.
AMOUNT PER MS. JEANIE ROBERTSON, IDWR - TWIN FALLS 7/12/99
- ☐ A claim filing fee and a late claim... fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

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

This motion will be heard on OCTOBER 19th, 1999 AT 1:30 P.M.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

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

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

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of CUSTER

J. R. CHALLIS

(Insert name of person filing form)

, being first duly sworn, upon oath, deposes and says:

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

J. R. Challis

Signature of person filing motion

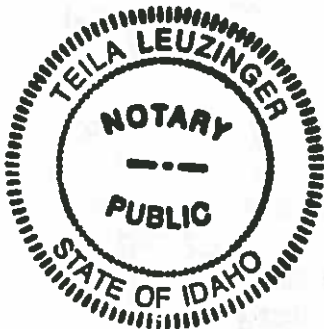
J. R. CHALLIS

Attorney signing in representative capacity

Subscribed and sworn to before me on

7/12/99

(Insert Date)



Teila Leuzinger

Notary Public for JD

Residing at: Challis, ID

My Commission expires:

8-31-2004

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on JULY 13, 1999, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

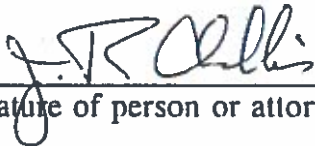
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

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

(Insert names/addresses of parties)



Signature of person or attorney mailing the form

AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s) 1990

SIGNATURE Jay H Horton

PRINTED NAME JAY H HORTON

DATE 3-30-92

ADDRESS HC 61 Box 3049 Challis Idaho 83226

EXPLANATION(if any) _____

State of Idaho/or _____)

County of Custer)

Subscribed and sworn (or affirmed) before me this 30 day of
March 1992.

Notary Public Sandra K Heie

Residing at Challis, ID 83226

My Commission Expires 12/27/95
0201540

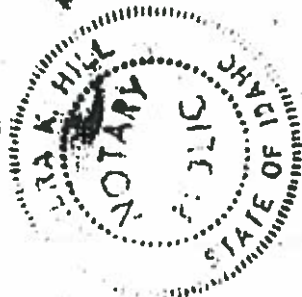
Custer County Req. of

Patricia Challis

Time 10:44 A.M.

May 13 1992
Ethel M. Peck, Clerk

\$ 3.00 Deputy



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s) 1984, 1985, 1986, 1987, 1988

SIGNATURE

Bessie Hammond

PRINTED NAME

William & Bessie Hammond

DATE

March 25, 1992

ADDRESS

Hc 63 Box 1544 Choeis ID 83226

EXPLANATION(if any)

Lensed the ranch from
the Stevens for Pasture

State of Idaho/or-----)

County of Custer-----)

Subscribed and sworn (or affirmed) before me this 26 day of
skt April March 1992.

Notary Public

Samuel Hies

Residing at

Choeis ID 83226

My Commission Expires

12/27/92

#

0201541

Custer County Req. of

Patricia Challis

Time 10:44 A.M.

May 13 1992
Chloeis ID 83226
Chloeis ID 83226

Deputy

\$ 3.00



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s) 1978-84.

SIGNATURE Lynn T. Stevenson

PRINTED NAME Lynn T. Stevenson

DATE 27 March 1992

ADDRESS P.O. Box 367 - Challis, ID. 83226

EXPLANATION (if any) Leased property from
a Robert Stevens

State of Idaho/or-----)
County of CUSTER)

Subscribed and sworn (or affirmed) before me this 27 day of
MARCH 1992.

Notary Public Sandra H. Hill

Residing at Challis, ID 83226

My Commission Expires 12/27/95
0201542

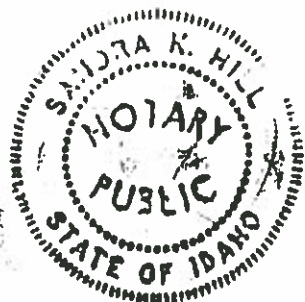
Custer County Req. of

Patricia Challis

Time 10:44 A.M.

May 13 1992
Ethel M. Ford Clerk
Ethel M. Ford
Deputy

\$ 3.00



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s) 1959 through 1974.

SIGNATURE Vera Sanderson

PRINTED NAME VERA SANDERSON

DATE April 1, 1992

ADDRESS H/c 62 Box 1220 Elgin, Id. 83235

EXPLANATION(if any) _____

State of Idaho Idaho)
County of Custer)

Subscribed and sworn (or affirmed) before me this 1st day of
April 1992.

Notary Public Sharon Hamilton

Residing at Challis

My Commission 0201543-21-94

Custer County Recd. of

Patricia Challis

Time 10:44 A.M.

Edel M. Peak
May 13 1992
Edel M. Peak, Clerk

Deputy

\$ 3.00



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s) 1941 - 1942 - 1943

SIGNATURE Gladys Lavery

PRINTED NAME Gladys Lavery

DATE 3-25-92

ADDRESS Box 178 Challis, Idaho 83226

EXPLANATION (if any) my Grandfather used the
water on this ranch from 1928 to 1941.

State of Idaho/or-----)

County of Custer)

Subscribed and sworn (or affirmed) before me this 25 day of
March 19 92.

Notary Public Sandra K Hill

Residing at Challis, Idaho 83226

My Commission Expires 12/17/95

0201544

Custer County Reg. of

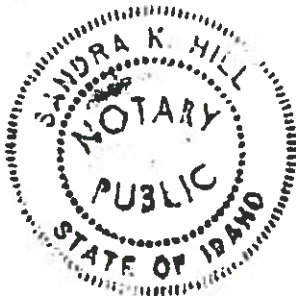
Patricia Challis

Time 10:44 AM

Ethel M. Wick
Notary Public

Deputy

\$ 3.00



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s)-----.

SIGNATURE

Glen Doffing

PRINTED NAME

GLEN DOFFING

DATE

April 24, 1992

ADDRESS

P.O. Box 3, DEER PARK, WA 99006

EXPLANATION(if any) I REMEMBER THIS PASTURE LAND BEING
IRRIGATED IN 1941 THROUGH 1946. I LIVED ON THE
NEIGHBORING RANCH WEST.

State of Idaho/or-----)

County of-----)

Subscribed and sworn (or affirmed) before me this 24 day of
April 1992.

Notary Public

Sandra K. Hill

Residing at

Challis, ID

My Commission Expires

12/27/95

0201545

Custer County Reg. of

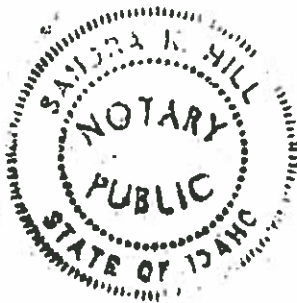
Patricia Challis

Time 10:44 A

May 13 1992
Edna M. Veck

Deputy

\$ 3.00



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

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The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR refers to the 1909 water right.

I used the water in the year(s) 1937 - 1970.

SIGNATURE Lloyd Reed by Debra Bunsick (dow) P.O.A.

PRINTED NAME LLOYD Reed.

DATE _____

ADDRESS P.O. Box 13 Republic WA 99166

EXPLANATION (if any) Lloyd Reed was a rancher on Challis Creek
for nearly 40 yrs. and used the Challis Creek water

State of ~~Idaho~~ WASHINGTON
County of ~~FEELT~~ _____

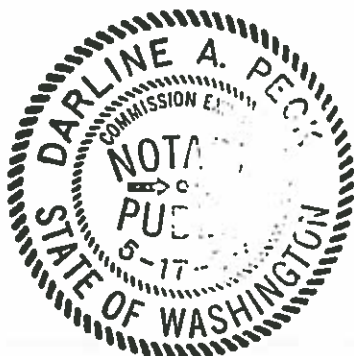
Subscribed and sworn (or affirmed) before me this 3rd day of
April 1992.

Notary Public Debra M. Beck

Residing at Republic

My Commission Expires 5-17-92

0201546



Patricia W. Challis
10:44 A.

Debra M. Beck
May 13, 1992
Deputy

\$ 3.00

AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s)-----.

SIGNATURE William L. Millick

PRINTED NAME William L. Millick

DATE 4/9/92

ADDRESS 446 E 3rd St 1259 Challis, Id. P 3726

EXPLANATION (if any) Helped put system in the ranch at
several times helped change the irrigation
water last years of 1991 -

State of Idaho/or-----)
County of Custer)

Subscribed and sworn (or affirmed) before me this 9th day of
April 19 92.

Notary Public Sandra H. Hill

Residing at Challis Idaho

My Commission Expires 12/27/95

0201547

Patricia Challis
10464 A

May 13 92
Ethel M. Ruck
Deputy

3rd



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s)-----.

SIGNATURE

Ralph H. Hutchison

PRINTED NAME

RALPH HUTCHISON

DATE

April 14, 1992

ADDRESS

HC 61 Box 3039 CHALLIS, ID 83226

EXPLANATION (if any)

I remember the fields being
irrigated from 1926 on - I was water master
then in the mid 70's also.

State of Idaho/or-----)

County of-----)

Subscribed and sworn (or affirmed) before me this 14 day of
August 1992.

Notary Public

Sandra H. Hise

Residing at

Challis, ID 83226

My Commission Expires

12/27/95

#

0201548

Custer County, ID

Patricia Challis

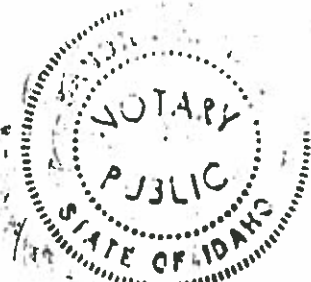
10:44 A

May 13, 1992

Evel M. Beck

Deputy

\$ 3.00



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s)-----.

SIGNATURE Elmer Stephens .

PRINTED NAME ELMER STEPHENS .

DATE April 14, 1992

ADDRESS Box 21 Challis, ID 83226 .

EXPLANATION (if any) I remember these fields being irrigated
in the early 1920's.

State of Idaho/or-----)

County of-----)

Subscribed and sworn (or affirmed) before me this 14 day of
April 1992.

Notary Public Sarah H. Hise

Residing at Challis, ID 83226

My Commission Expires 12/27/95

0201549

Custer County, Idaho

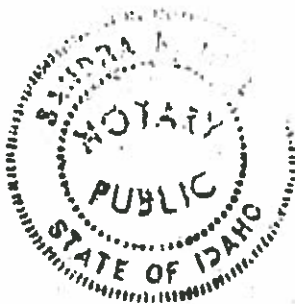
Patricia Challis

10:44 A.M.

May 13, 1992
Edith M. Beck

Deputy

\$ 3.00



AFFIDAVIT OF WATER USAGE

I do hereby certify that I used the irrigation water to
irrigate the property legally described as follows:

S2NE4, SE4NW4, NE4SW4, NW4SE4 Sec 3 T14N R18

Known to be owned today by John R. & Patricia W. Challis.

The purpose of this affidavit is to give proof of usage
and the years the individual used it. The number assigned
this water claim by the IDWR is Number A72-10368 in Custer
County Idaho. This IDWR number refers to the 1909 water right.

I used the water in the year(s) 44 to 48.

SIGNATURE Kenneth Bradbury.

PRINTED NAME KEVINETH BRADBURY.

DATE April 2, 1991

ADDRESS Challis, Ida. HC 63 Box 1680 83226

EXPLANATION (if any) Mother lived there as a small
child in the early 1900 and they irrigated

State of Idaho/or-----)

County of-----)

Subscribed and sworn (or affirmed) before me this 2nd day of
April 1992.

Notary Public Sandra K. Hie

Residing at Challis ID 83226

My Commission Expires 12/27/95



0201550

Patricia Challis
10:44 A.M.

Echel M. Beck
3⁰⁰ Deputy

CSC
RCHALLIS
CREEK
RANCH

NOV 15 1999

RECEIVED

November 9, 1999

NOV 15 1999

Donald V. Shaff, Manager
Technical Section, Adjudication Bureau
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Department of Water Resources

Dear Mr. Shaff:

Enclosed please find our check number 3571 in the amount of \$250.00 covering the Late Filing Fees for our Late Notice of Claim Nos. A72-16561, A72-16562, A72-16563, A72-16564 and A72-16565. Your letter of November 4, 1999, lists five (5) different numbers but I assume those are in error. If this is **not** the case, please let us know.

After discussing your letter of November 4th with Norm Semanko and advising him I had to be in Boise today anyway I told him I would try and see you on this matter while I was there. Unfortunately, I learned you were in Twin Falls. Sorry I missed you!

In any case, Norm suggested we advise that another party involved in this action was also advised by Ms. Jeanie Robertson that the subject late fees would be waived. Since we are now being required to pay these late fees we, of course, assume she must as well. Those Late Notices of Claim are A72-16559, A72-16560 and A72-16566. We would also question the late fees being applicable to a late revision filing on 72-10032.

Sincerely,
Challis Creek Ranch

J. R. Challis

claim A72

Robin Wegner (Temp)

6/16/99 MFLC

50/10303

10/24/99

7/23/03

Louis

7A Rd 6Z

10032 50

cc: Norman M. Semanko, Rosholt, Robertson & Tucker, Twin Falls



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

November 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

J. R. and Patricia W. Challis
P.O. Box 1220
Challis, ID 83226-1220

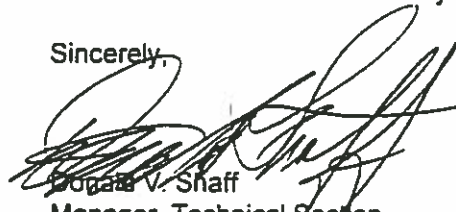
RE: Snake River Basin Adjudication (SRBA) ¹⁶ ¹⁶
Custer County – Late Notices of Claim No. A72-~~12561~~, A72-~~12562~~,
A72-~~12563~~, A72-~~12564~~ and A72-~~12565~~
₁₆ ₁₆ ₁₆

Dear Mr. and Mrs. Challis:

Your Notices of Claim to a Water Right were received from the SRBA Court recently. Unfortunately, the agent who assisted you apparently failed to recall the contents of SRBA Administrative Order 1 issued by Judge Hurlbutt October 16, 1997, in that late fees in the amount of \$50.00 per claim for uses other than domestic and stockwater were due at filing. Please submit late fees in the amount of \$250.00 payable to IDWR and send the payment to my attention. You can ignore my e-mail to you of October 28, 1999, in which I inquired about the fees.

Upon receipt of the late fees, your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,



Douglas V. Shaff
Manager, Technical Section
Adjudication Bureau

DVS:ss:state

cc: Norman E. Semanko

BCC: J. ROBERTSON

10447

05/31/2001

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

RIGHT NUMBER: 72-16561
NAME AND ADDRESS: J R CHALLIS
PATRICIA W CHALLIS
PO BOX 1220
CHALLIS, ID 832261220

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED
13,000 GALLONS PER DAY.

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S3 NESENE Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE: STOCKWATER Within CUSTER County
T14N R18E S3 SENE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES.

05/23/2001

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

RIGHT NUMBER: 72-16561

NAME AND ADDRESS: J R CHALLIS
PATRICIA W CHALLIS
PO BOX 1220
CHALLIS, ID 832261220

SOURCE: SPRING TRIBUTARY: SINKS

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S3 NESENE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.02 CFS

PLACE OF USE:

STOCKWATER Within CUSTER County
T14N R18E S3 SENE

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

~~RIGHT NO. 72-16559 IS ALSO DIVERTED THROUGH POINT OF~~
~~DIVERSION DESCRIBED ABOVE.~~
STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES.

05/23/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 72-16561

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J R CHALLIS
Current Owner	PATRICIA W CHALLIS
	PO BOX 1220
	CHALLIS, ID 832261220
	(208)879-4617

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

<u>Source</u>	<u>Tributary to</u>
SPRING	SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	01/01	12/31	0.02 CFS		

Total Diversion 0.02 CFS

Location of Point(s) of Diversion:

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

Place(s) of use:

Place of Use	Legal Description: STOCKWATER	CUSTER County
--------------	-------------------------------	---------------

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14N	18E	3		SENE										

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory RIGHT NO. 72-16559 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES.

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
jroberts	5/23/01	ADR	NEW RECOMMENDATION BASED UPON AGREEMENT BETWEEN CLAIMANT AND OBJECTOR, ROBIN WEGNER. (NO CHANGES FROM PREVIOUS RECOMMENDATION). READY FOR SF5. jr

Water Right 72-16561

Dates:

Licensed Date:
Claim Received Date: 11/02/1999
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Decreed Date:
Date Filed with Court:
Objection Filed Date:
SF5 Filed:
Special Master Recom Signed Date:

Other Information:

Receipt Number(s): C047033
State or Federal: S
Owner Name Connector: AND
Water District Number: 72C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
PresumptionFlag:
Notice of Error Flag:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

claim

05/21/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 72-16561

Owner Type
Current Owner
Current Owner

Name and Address
J R CHALLIS
PATRICIA W CHALLIS
PO BOX 1220
CHALLIS, ID 832261220
(208)879-4617

Priority Date: 05/01/1879
Basis: Beneficial Use
Status: Active

Source
SPRING

Tributary to
SINKS

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	4/01	10/31	0.04 CFS	0.08 AFA	
STOCKWATER	1/01	12/31	0.05 CFS	0.1 AFA	
Total Diversion			0.09 CFS	0.18 AFA	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 2.5

Place(s) of use:

Place of Use Legal Description: IRRIGATION CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
14N	18E	3		SENE	2.5									

Place of Use Legal Description: STOCKWATER CUSTER County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
14N	18E	3		SENE										

Total Acres: 2.5

Remarks:

1. General ITEM 5. THE SPRING RUNS FROM A HILLSIDE JUST SOUTH AND EAST OF OUR EAST PROPERTY ENTRANCE INTO OUR PASTURE.
ITEM 14. SEE ENCLOSED FILING SUPPLEMENT.

Dates:

Licensed Date:
Claim Received Date:

Water Right 72-16561

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): C047033
State or Federal: S
Owner Name Connector: AND
Water District Number: 72C
Generic Max Rate per Acre:
Generic Max Volume per Acre:
Civil Case Number:
Old Case Number:
Decree Plaintiff:
Decree Defendant:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Cary Act Number:
Mitigation Plan: False

version 1

05/21/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 72-16561

Owner Type Name and Address
Current Owner J R CHALLIS
Current Owner PATRICIA W CHALLIS
 PO BOX 1220
 CHALLIS, ID 832261220
 (208)879-4617

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

Source Tributary to
SPRING SINKS

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.02 CFS		

Total Diversion 0.02 CFS

Location of Point(s) of Diversion:

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

Place(s) of use:

Place of Use Legal Description: STOCKWATER CUSTER County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14N	18E	3		SENE										

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

1. Explanatory RIGHT NO. 72-16559 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES

Comments:

<u>Author</u>	<u>Date</u>	<u>Subject</u>	<u>Comment</u>
JROBERTS	5/17/00	COPIED FROM REMARKS	ITEM 5. THE SPRING RUNS FROM A HILLSIDE JUST SOUTH AND EAST OF OUR EAST PROPERTY ENTRANCE INTO OUR PASTURE. ITEM 14. SEE ENCLOSED FILING SUPPLEMENT.

Water Right 72-16561

Enlargement Statute Priority Date:
Application Received Date: 06/29/1994
Protest Deadline Date:
Number of Protests: 0

Other Information:

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

RECEIVED

JUL 14 2000

Department of Water Resources

Robin Wegner

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

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

In Re SRBA	)	A. Subcase 72-16561
	)	
Case No. 39576	)	STANDARD FORM 2
	)	RESPONSE TO OBJECTION
	)	
	)	
	)	

B. NAME AND ADDRESS OF PERSON RESPONDING

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

RECEIVED
SEP 01 2000
Department of Water Resources
Southern Region

Name & Address of attorney, if any:

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

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

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

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

1. Name and Address
2. Source
3. ☒ Quantity: See below.
4. ☒ Priority Date: See below.
5. Point(s) of Diversion
6. Instream Flow Description
7. ☒ Purpose(s) of Use: See below.
8. Period of Year/Use
9. ☒ Place of Use: See below.

11. Recommendation

☒ This water right should not exist.

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

E. COMMENTS/REASONS.

This right should be disallowed because it has never been used as claimed or recommended. The only use of water from this source has been as set forth in claim 72-16559, IDWR's Recommendation, and the Claimant's objection to 72-16559.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Jerome)

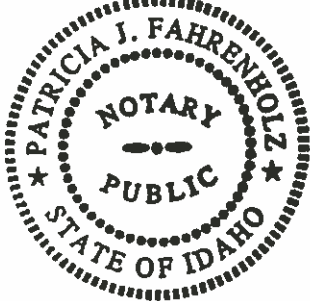
Patrick D. Brown, duly sworn, upon oath, deposes and says:

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

(Signature of person filing response)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: July 13, 2000.



Patricia J. Farrenholz
Notary Public for Idaho

Residing at: Twin Falls

My Commission Expires: 11-09-2004

INSTRUCTIONS FOR MAILING

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

F. CERTIFICATE OF MAILING

I certify that on July/3, 2000, I mailed the original and copies of this response, including all attachments, to the following persons:

1. Original to:

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

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

Name: Robin Wegner
Address: HC 60 Box 1576
Challis ID 83226

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

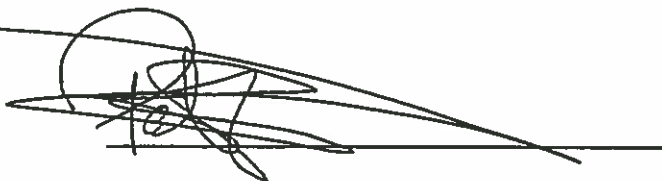
Name: JR & Patricia Challis
Norman M. Semanko
Exec. Director/General Counsel
Address: Idaho Water Users Association, Inc.
410 South Orchard, Suite 144
Boise, ID 83705

4. Copies to:

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

United States Department of Justice
Environment and Natural Resource Division
5550 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

A handwritten signature in black ink, appearing to be "J. Semanko", is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

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: 72-16561

STANDARD FORM 1

OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Jack and Patricia Challis

Address: P.O. Box 1220
Challis, ID 83226

Daytime Phone: (208) 879-4617

Name & Address of Attorney, if any:

Norman M. Semanko
Rosholt, Robertson & Tucker
P.O. Box 1906
Twin Falls, ID 83303-1906

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

Name: J R Challis
Patricia W. Challis
Address: P.O. Box 1220
Challis, ID 83226

RECEIVED

JUN 30 2000

Department of Water Resources

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: .09 cfs
4. ☒ **Priority Date:**
Should be: 5/01/1879
5. ☐ **Point(s) of Diversion:**
Should be:
6. ☐ **Instream Flow Description:**
Should be:
7. ☒ **Purpose(s) of Use:**
Should be: Stockwater and irrigation
8. ☐ **Period of Year:**
Should be:
9. ☒ **Place of Use:**
Should be: listed for stockwater and irrigation (2.5 acres)

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 recommendation failed to include irrigation use, as claimed, and also failed to include the total quantity claimed for stockwater use.

VERIFICATION

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

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

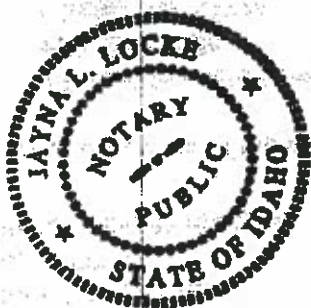
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Handwritten Signature]

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 28, 2000.



[Handwritten Signature]

NOTARY PUBLIC FOR IDAHO
Residing at: Wendell, Id
My commission expires: 9-25-01

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on June 28, 2000, I mailed the original and copies of this objection including all attachments, to the following persons:

1. Original to:

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

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

Name: J R and Patricia Challis
Address: P.O. Box 1220
Challis, ID 83226

3. Copies to:

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

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

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



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

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 No.: 72-16561
STANDARD FORM 1
OBJECTION

RECEIVED

JUL 03 2000

Please fill in the following information:

Department of Water Resources
Southern Region

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Robin J. Wegner
Address: HC 63 Box 1576
Challis, ID 83226
Daytime Phone: (208) 879-5820

Name & Address of Attorney, if any:

Patrick D. Brown, P.C.
109 South Adams Street
Jerome, ID 83338 (644-1967)

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

Name: J. R. Challis
Patricia W. Challis
Address: P.O. Box 1220
Challis, ID 83226-1220

COPY

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

10. I object because:

☒ This water right should not exist. (See E below.)

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

E. REASONS SUPPORTING OBJECTION(S): This right should be disallowed
because it has never been used as claimed or recommended. The only use of water
from this source has been as set forth in claim 72-16559, IDWR's Recommendation,
and the Claimant's objection to 72-16559.

F.

State of Idaho)

:SS

County of Twin Falls)

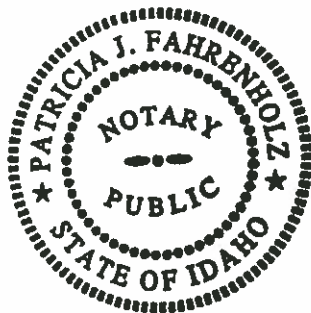
Robin Wegner _____, duly sworn upon oath, deposes and says:

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

(Signature of person filing Objection)

Attorney (signing in representative capacity)

SUBSCRIBED AND SWORN To before me on: June 22, 2000



Notary Public for: Idaho
Residing at: Twin Falls
My Commission Expires: 11-09-2000

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the SRBA 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 22, 2000, I mailed the original and copies of this Objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: J. R. Challis and Patricia W. Challis
Address: P.O. Box 1220
Challis, ID 83226-1220

2. Copies to:

Idaho Dept. of Water Resources
Document Depository
P. O. Box 83720
Boise, ID 83701-0098

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

Norm Semanko
Irosholt, Robertson & Tucker
P.O. Box 1905
Twin Falls, ID 83303-1905

☒ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☐ Telecopy (Fax)

(Signature of Objector or attorney mailing on Objector's behalf)

AJ0749NP
No. R72-16561

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

DATE: 05/18/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R CHALLIS	10/10/1911	STOCKWATER	01-01 12-31	0.020 CFS	
C	PATRICIA W CHALLIS					
TOTAL DIVERSION:					0.020 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14N R18E S03

NESENE

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	:
14N	18E	3	:					S	:											:

POU County: CUSTER

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
- ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
- DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
- ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
- 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 RIGHT NO. 72-16559 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.
STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES

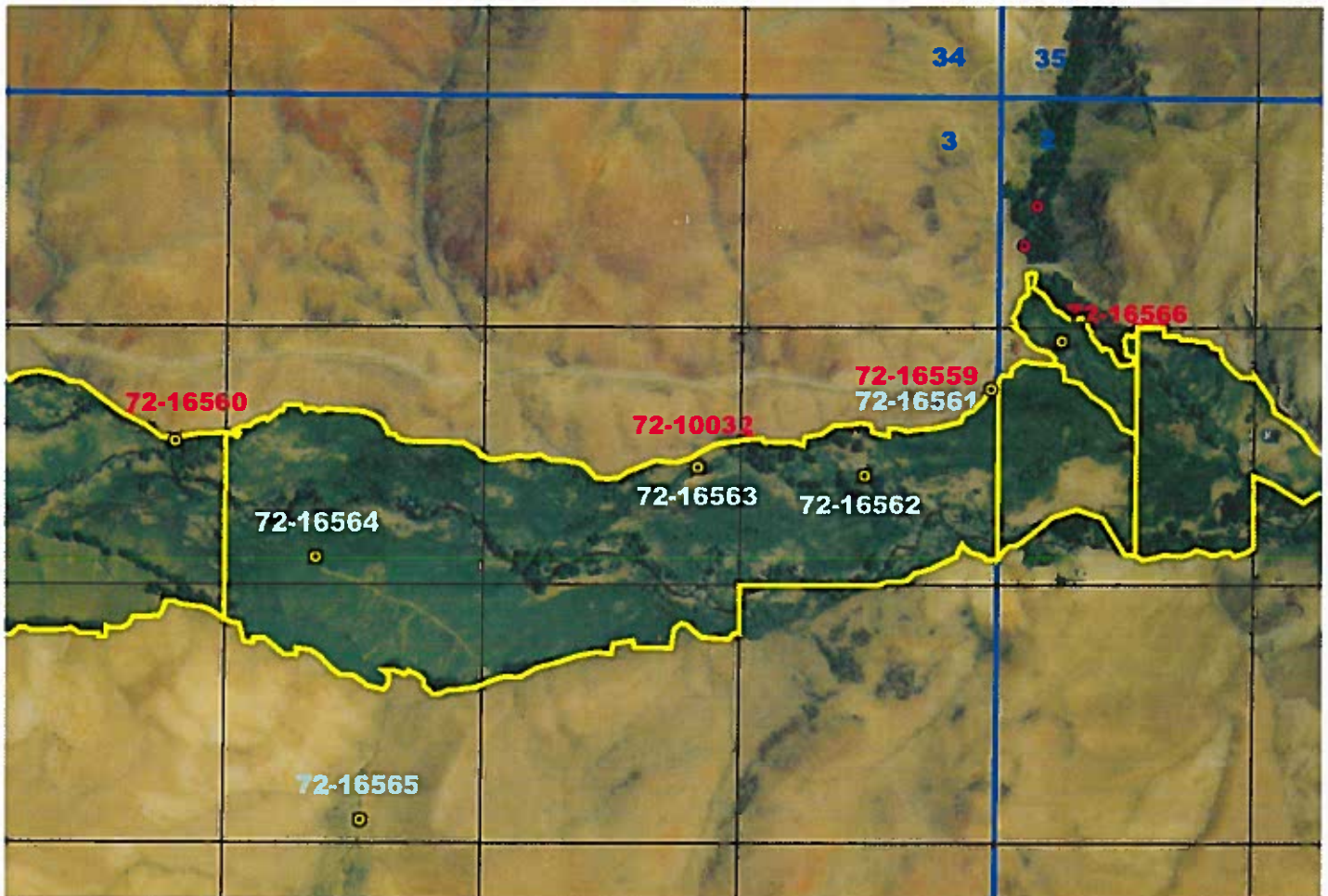
Dates: Exam Made Date: 04/28/2000 Verified Date: Objection Filed Date:

Misc: Water District Number: 72C Field Inspection Flag:
Presumption Flag:

IDAHO DEPARTMENT OF WATER RESOURCES

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

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



0 1320 Feet

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



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

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

AJ0749NP
No. 72-16561

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

DATE: 05/17/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R CHALLIS	10/10/1911	IRRIGATION	04-01-10-31	0.010 CFS	
C	PATRICIA W CHALLIS		STOCKWATER	01-01 12-31	0.010 CFS	
TOTAL DIVERSION:					0.020 CFS	

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion:

T14N R18E S03

NESENE

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	
14N	18E	3	:					19	23	:				25	:	13	:		11	:	91.0
																			TOTAL ACRES	91.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: CUSTER

Other Rights: ~~72-00007C, 72-10368, 72-16562, 72-16563, 72-16564, 72-16565~~

Conditions of Approval:

- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
 - ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
 - DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
 - ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
 - STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
 - USE.

Remarks: ~~POU1~~ USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF
A COMBINED TOTAL OF 91 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 72-00007C, 72-10368, 72-16561, 72-16562,
72-16563, 72-16564, AND 72-16565.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100-ACRE-WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP RIGHT NO. 72-16559 IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.
STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES

Dates: Exam Made Date: 04/28/2000

Verified Date:

Objection Filed Date:

Misc: Water District Number: 72C

Field Inspection Flag:
Presumption Flag:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

17:18:00
05/17/00
12

PAGE: 3
PROFILE REPORT

CLAIM NUMBER: A72-16561

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J R CHALLIS	~~05/01/1879~~	IRRIGATION	04-01 10-31	0.040 CFS .01	0.08 AFA
C	PATRICIA W CHALLIS	10/10/1911	STOCKWATER	01-01 12-31	0.050 CFS .01	0.10 AFA
TOTAL DIVERSION:					0.090 CFS	0.18 AFA
CONSUMPTIVE USE:					.02	53.30 AFA

Water Source: SPRING

Tributary to: SINKS

Stage: BENEFICIAL USE

Point(s) of Diversion: T14N R18E S03 NESENE

CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		SUM
14N	18E	3	:				:				:				:	2.5
TOTAL ACRES															2.5	

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
14N	18E	3	:				:				:				:	

POU County: CUSTER

Non-Irrigation Uses: STOCKWATER, 100-200 HEAD CATTLE AND/OR HORSES EXP

Other Rights: 72-00007C AND 72-10368, 72-16562, 16563, 16564, 16565

Remarks: GEN ITEM 5. THE SPRING RUNS FROM A HILLSIDE JUST SOUTH AND EAST
OF OUR EAST PROPERTY ENTRANCE INTO OUR PASTURE.
ITEM 14. SEE ENCLOSED FILING SUPPLEMENT.

copy to
comments

Dates: Exam Made Date: 4/28/2000 Verified Date: Objection Filed Date:

Misc: Water District Number: 72C Field Inspection Flag:
Presumption Flag:

Remarks:
POU 1
E14, K06
1A
EXP F05
(72-16559)



**CHALLIS
CREEK
RANCH**

RECEIVED

NOV 01 1999

Department of Water Resources
Southern Region

October 29, 1999

Donald V. Shaff
Technical Section Manager
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Dear Mr. Shaff:

We received your E-mail yesterday regarding the payments we made for four (4) late filings you advise the Court had forwarded to you for processing. First, please be advised there should have been five (5) late filings, Subcases 72-16561, 72-16562, 72-16563, 72-16564 and 72-16565 (please find enclosed a copy of the ORDER GRANTING MOTIONS TO FILE LATE CLAIMS dated October 22, 1999, signed by R. BARRY WOOD, District Court Judge).

Second, with regard to your question of the amount paid, this amount was specifically stipulated to us by Ms. Jeanie Robertson, Senior Water Resource Agent, Southern Region Office, Twin Falls, when these late claims were filed. In short, we paid what we were then advised to pay by the Department.

If there are any questions or I can answer anything additional, please let me know.

Sincerely,
Challis Creek Ranch

J. R. Challis

cc: Norman M. Semanko, Rosholt, Robertson & Tucker, Twin Falls & Boise

cc: Ms. Jeanie Robertson, IDWR - Twin Falls



EIVED

01 1999

Water Resources
m Region

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

3301-3380





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

November 4, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

J. R. and Patricia W. Challis
P.O. Box 1220
Challis, ID 83226-1220

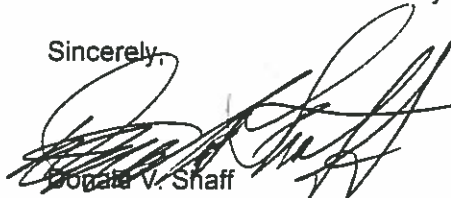
RE: Snake River Basin Adjudication (SRBA)
Custer County – Late Notices of Claim No. A72-12561, A72-12562,
A72-12563, A72-12564 and A72-12565

Dear Mr. and Mrs. Challis:

Your Notices of Claim to a Water Right were received from the SRBA Court recently. Unfortunately, the agent who assisted you apparently failed to recall the contents of SRBA Administrative Order 1 issued by Judge Hurlbutt October 16, 1997, in that late fees in the amount of \$50.00 per claim for uses other than domestic and stockwater were due at filing. Please submit late fees in the amount of \$250.00 payable to IDWR and send the payment to my attention. You can ignore my e-mail to you of October 28, 1999, in which I inquired about the fees.

Upon receipt of the late fees, your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/327-7932 if you have any questions.

Sincerely,



Donata V. Shaff
Manager, Technical Section
Adjudication Bureau

DVS:ss:state

cc: Norman E. Semanko

BCC: J. ROBERTSON

RECEIVED

DEC 02 1999

Department of Water Resources
Southern Region

1999 OCT 22 PM 4: 46

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

Subcase Nos.: 72-16561, 72-16562, 72-16563,
72-16564 and 72-16565

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE CLAIMS

Pursuant to a hearing held on October 19, 1999, before the Honorable R. Barry Wood and good cause having been shown, the Motions to File Late Claims filed by J.R. and Patricia Challis for Claim Nos. 72-16561, 72-16562, 72-16563, 72-16564 and 72-16565 are hereby GRANTED.

DATED this 22 day of October, 1999.



R. BARRY WOOD, District Court Judge





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

November 18, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

J. R. Challis
Challis Creek Ranch
P.O. Box 1220
Challis, ID 83226

RECEIVED

NOV 19 1999

Department of Water Resources
Southern Region

Re: Snake River Basin Adjudication
Notices of Claim to a Water Right No. A72-16561, A72-16562, A72-16563,
A72-16564 and A72-16565

Dear Mr. Challis,

You were charged in error for the late fees you paid recently. We were able to retrieve your check No. 3571, voided it and have enclosed it.

Also enclosed are your receipts for the filing fees (#C047033, C047034, C047035, C047036 and C047037). Your receipt for the late fees (#C047156) was also voided. Please keep these receipts for your records.

We apologize for the error and any inconvenience this may have caused you.

Sincerely,

Donald V. Shaff
Manager
Adjudication Technical Section

DVS:region

Enclosures:

Voided Check #3571

Receipts as Referenced Above

Cc: Norm Semanko

J. Robertson

RECEIVED

10-22

DEC 03 1999

Department of Water Resources
Southern Region

RECEIVED

NOV 1 - 1999

Department of Water Resources

C
S
R

**CHALLIS
CREEK
RANCH**

October 29, 1999

Donald V. Shaff
Technical Section Manager
Idaho Department of Water Resources
P. O. Box 83720
Boise, ID 83720-0098

Dear Mr. Shaff:

We received your E-mail yesterday regarding the payments we made for four (4) late filings you advise the Court had forwarded to you for processing. First, please be advised there should have been five (5) late filings, Subcases 72-16561, 72-16562, 72-16563, 72-16564 and 72-16565 (please find enclosed a copy of the ORDER GRANTING MOTIONS TO FILE LATE CLAIMS dated October 22, 1999, signed by R. BARRY WOOD, District Court Judge).

Second, with regard to your question of the amount paid, this amount was specifically stipulated to us by Ms. Jeanie Robertson, Senior Water Resource Agent, Southern Region Office, Twin Falls, when these late claims were filed. In short, we paid what we were then advised to pay by the Department.

If there are any questions or I can answer anything additional, please let me know.

Sincerely,
Challis Creek Ranch



J. R. Challis

cc: Norman M. Semanko, Rosholt, Robertson & Tucker, Twin Falls & Boise

cc: Ms. Jeanie Robertson, IDWR - Twin Falls

1
2 RECEIVED

3 NOV 1 - 1999

4 Department of Water Resources

1999 OCT 22 PM 4:46

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

5
6 IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
7 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
8

9 In Re SRBA)

Subcase Nos.: 72-16561, 72-16562, 72-16563,
72-16564 and 72-16565

10 Case No. 39576)
11)
12)

**ORDER GRANTING MOTIONS TO FILE
LATE CLAIMS**

13 Pursuant to a hearing held on October 19, 1999, before the Honorable R. Barry Wood and
14 good cause having been shown, the Motions to File Late Claims filed by J.R. and Patricia Challis
15 for Claim Nos. 72-16561, 72-16562, 72-16563, 72-16564 and 72-16565 are hereby GRANTED.

16 DATED this 22 day of October, 1999.
17
18

19 

20 R. BARRY WOOD, District Court Judge
21
22
23
24
25
26

JR

RECEIVED

AUG 27 1999

Department of Water Resources
Smithson Center

RECEIVED

AUG 23 1999

Department of Water Resources
Adjudication Bureau



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 35976

Case No. A72-16561
(Insert water right number)

STANDARD FORM 1

OBJECTION

INSTRUCTIONS

This form must be used to file an objection to any water right recommended in the Director's Report. You may object to one water right per objection form. To object to more than one water right, you must file a separate objection form for each. The water right number you are objecting to must be indicated above in the blank space following "Case No." Forms may be obtained from the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form, as long as it is identical to the court's form. You must file your objection by the deadline shown in the notice that IDWR mailed to you. The objection must be received by the court on or before the deadline specified. Instructions for mailing this objection are found at Page 6, and must be strictly followed.

Any party physically filing 25 (twenty-five) or more objections must make an appointment with the Clerk of the SRBA Court no later than 14 days before the filing deadline to file their pleadings.

By filing an objection form, you are certifying that the objection is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needless increase in the cost of litigation.

I. GENERAL INFORMATION

Please fill in the following information:

1. *Party/Claimant objecting:*

Name: ROBIN WEGNER
Address: HC 63 BOX 1576
CHALLIS ID 83226
Phone: Work: _____ Home: 208 879 5820

Briefly describe your interest in this water right:

TRADITIONALLY AND HISTORICLY THE ENTIRE
CONTENTS OF THIS SPRING CROSSES
APPROXIMATELY 15 TO 20 FEET OF LAND
THROUGH NATURAL FLOW FOR USE ON
OUR PROPERTY FOR IRRIGATION

If this objection is filed by an attorney:

Attorney Name: _____
Attorney Address: _____

Attorney Phone No.: _____

If filed by an attorney, notice of pending court proceedings will be sent to the attorney only.

2. *Owner of the water right. You must identify the owner exactly as it appears in the Director's Report: NAME ON APPLICATION FOR WATER RIGHT:*

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

II. STATEMENT OF THE OBJECTION

Please check each "box" which states your objection to the recommendation in the Director's Report.

1. ☐ Name and Address: I object to the name and/or address of the owner of the water right.
2. ☐ Source: I object to the source of water.
3. Quantity: I object to:
 - ☐ a. the total quantity of water used in cubic feet per second; or
 - ☐ b. the total quantity of water stored in acre-feet per year; or
 - ☒ c. the total quantity of water reserved for each and every purpose, including all present and future uses.
4. ☒ Priority Date: I object to the priority date.
5. ☐ Points of Diversion: I object to the legal description of the point(s) of diversion.
6. ☐ Instream Flow: I object to the legal description of the beginning and ending points of the instream flow.
7. ☐ Purpose(s) of Use: I object to the purpose(s) of use.
8. ☐ Period of Year: I object to the period of year when water is used or is necessary for the purpose stated.
9. Place of Use: I object to:
 - ☐ a. the legal description of the place of use; or
 - ☒ b. the number of irrigated acres within each forty (40) acre subdivision.
10. ☒ Consumptive Use: I object to the annual volume of consumptive use.
11. Water Right Recommendation: I object to:
 - ☒ a. this water right being recommended at all; or
 - ☐ b. this water right not being recommended.
12. ☐ Description of Reservation: I object to the legal description of the reservation.

13. ☐ Other: I object to: _____

REASONS SUPPORTING EACH BOX CHECKED

You must state the reason(s) by number for each box checked. You may use additional pages if necessary.

PLEASE SEE ENCLOSED DETAILED EXPLANATION!

CHANGES TO THE DIRECTOR'S REPORT

Specifically describe how you want the Director's Report to be changed. You may use additional pages if necessary.

THIS CLAIM FOR A WATER RIGHT SHOULD NOT BE
ALLOWED AND THEREFORE SHOULD NOT BE
LISTED ON THE DIRECTOR'S REPORT

Note: You should attach copies of documents which support your objection. Note on each document the "box number" it supports.

☒ Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary.

JACK CHALLIS LETTER - 4 PAGES

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I hereby certify that on AUG 17, 1999, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

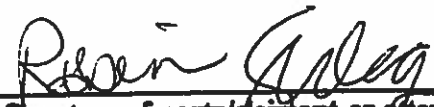
Name: JR AND/OR PATRICIA CHALLIS
Address: PO BOX 1220
CHALLIS, ID 83226-1220

3. One copy to:

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

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 033
Boise, Idaho 83734



Signature of party/claimant or attorney

VERIFICATION (Must be Completed)

State of Idaho

County of CUSTER

ROBIN WEGNER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection (as listed on Page 2, Section 2, "Party/Claimant Objecting") as defined by I.C. § 42-1401A(1) and (7), and that I have read this objection, know its contents and that the statements are true to the best of my knowledge and belief.

Robin Wegner
Signature of person filing objection

By: Attorney signing in representative capacity

Subscribed and sworn to before me on: Aug. 16, 1999

William R. Howard

Notary Public for Idaho
Residing at: Challis
My Commission expires: 3/20/04

The map of the project on the notice of claim to a water right fails to show an actual place of use as there is no place of use. The Challis property has neither historically and traditionally nor currently received benefit from this spring.

The topics indicated on the objection should properly read :

3. Quantity : None, no benefit received
4. Priority Date : None, this spring has not historically and traditionally been used nor is the spring currently being used as claimed.
9. Place of use : None, this spring cannot be used to irrigate as claimed.
10. Consumptive use : None, this spring has not historically and traditionally been used nor is the spring currently being used as claimed.
11. Water Right Recommendation : This water right should not be recommended as this spring has not historically and traditionally been used nor is the spring currently being used as claimed.

On 23 June 1999 during an informal hearing, IDWR Representatives and A-72 Advisory Board members viewed this spring. The entire natural flow of the spring was observed to transit approximately 15 to 20 feet of the property owned by Mr. Challis and that the property has not and does not receive benefit from this spring. The water from the spring was seen to flow across the surface in such a thin layer as to preclude any supposed benefit for stockwater.

(a copy of tape from the meeting could be made available to the court)

Further, the spring and the pasture area described by Mr. Challis as receiving benefit were viewed by Mark Olsen of the Custer Soil and Water District / Natural Resources Conservation District. It was the observation of Mr. Olsen that the topography of the area would prevent the spring from being used for irrigation on the Challis property. Mr. Olsen also witnessed that the flow was too thinly spread across the surface provide stockwater.

These facts are reinforced in the enclosed letter from Mr. Challis which suggests digging a " stock pond " so that he might receive benefit. This would constitute a new use and benefit which is prohibited under law as no benefit currently exists.

This water right should not be recommended at all as the water from this spring has not historically and traditionally been used for irrigation and/or consumptive use as claimed.



**CHALLIS
CREEK
RANCH**

June 25, 1999

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

Dear Gary and Robin:

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

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

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

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

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

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

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

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

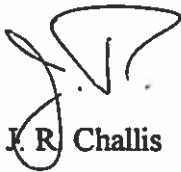
With regard to the sharing of costs to maintain Diversion No. A0002588, as you suggested we will agree that such division of costs be directly proportional to the percentage of use by each the prior season as determined by the Watermaster's Report. However, such specifically divided records of flows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

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

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

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

Sincerely,
Challis Creek Ranch

 "Jack" Challis
J. R. Challis

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

4-1-99
Date

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

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

Ladies and/or Gentlemen:

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

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

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

- ☐ The aforementioned shall have a proxy voting right in our absence at the annual meeting on any District matters that may arise.
- ☒ The aforementioned shall have the authority to represent our interests with the Watermaster and/or any other District representative(s) on any water issues that may arise during the irrigation season.

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

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

(208) 766 9239
Telephone

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