

**SRBA DISTRICT COURT
PO BOX 2707
TWIN FALLS, ID 83303-2707
208-0736-3011
208-736-2121 (Fax)**

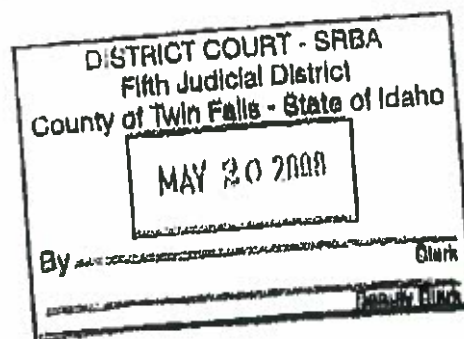
TO: Carter Fritschle

FROM: Diana Delancy

COPY

I need a water right for the following motion for late claim.

COPY



Hearing 7-15-08

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

In Re SRBA

Subcase

72-16768

(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 _____

My address is _____

My phone number is: Work _____ Home _____

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:

In 1993 I was told that a water right was not Required for
this source During that adjudication. I now now Required
a Claim Application

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

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 250.00.

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 July 15, 2008 @ 1:30 PM
(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.

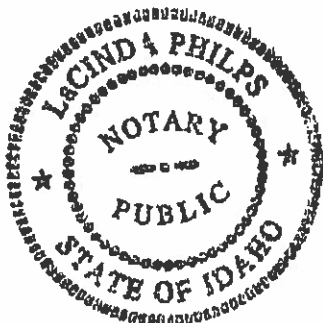
I have attached:

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

VERIFICATION (Must be completed)State of IdahoCounty of Custer

Charles M. Corrigan being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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



Charles M. Corrigan
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on March 6, 2008
(Insert Date)

Lacinda Philips
Notary Public for Challin, ID
Residing at: Challin, ID
My Commission expires: 3-19-13

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 19 MAY, 2008, 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/address of parties)



Signature of person or attorney mailing the form

Form No. 42-1-00 (2) 8/1/88

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

72-16768

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Charles m Corrigan Phone (208) 879-4251
Mailing Address PO Box 731 Challis, Id Zip 83226

2. Date of Priority (Only one (1) per claim) November 24, 1879

3. Source of water supply (a) Spring
which is tributary to (b) SLIKS

4. a. Location of existing point of diversion is: Township 13 N Range 19 E Section 28,
NW 1/4 of SE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Cluster

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.

Water Pumps at Spring
and flows to the three ponds. It is pumped to
the place of use. There are areas which allow
stock to water

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April to Oct 31 amount 1.5 or _____For Stockwater purposes from Jan 1 to Dec 31 amount 1.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (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.) Stockwater For up to 300 Pairs and 300 yearling:

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	
13N	19E	22															40		40
13N	19E	28			40														40

Total number of acres irrigated 8011. In which county (ies) are lands listed above as place of use located? Cluster12. 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. _____ or None (X)14. Remarks: see attached A

Last Name _____ Ident No. _____

Copies: White - State, Yellow - Claimant

Enclosure A

14. Remarks:

COPY

In November 1879 William and Hannah Bradbury settled at the spring which is the source of this water right and developed the spring. Shortly thereafter they moved to the area which was a natural depression and homesteaded. They developed this area by hand and with horses to hold water which flowed from the spring. This was the location of the stage station and a stop for the freight company. They also ranged the stock and grew crops in this area.

About 1900 this homestead became property R W Philps, my great grandfather and later was deeded to my grandmother and her husband Laura and Charles Bishop. The property eventually was passed to my mother and her husband Elinore and Richard Corrigan. The water right continued to be used for irrigation, stockwater and domestic purposes as it always had been. Elinore Corrigan Letter Enclosure B

In 1973, the land was sold to Baroid Management Company, a mining company, who submitted an application for the water rights. Enclosure C

In 1993, the land was purchased from Baroid Management by my wife Kami and myself. We also purchased the property next to the original homestead where the spring rises. The deeds to the properties are Enclosure D

The Idaho Department of Water Resources was starting the adjudication process at that time and my grandmother Laura Bishop and I met with their representative Thunderbird. After looking at the spring and property, he told us that the spring rose and sank on our property and was not used by any other users and as such would not require a water right application. Since, the Department of Water resources has required that a claim be filed.

Enclosure E shows the spring, Ponds and Places of use. Water is pumped from the spring area and Ponds to the places of use as needed. The water is also used for livestock and domestic purposes and it has Historically and Traditionally been used since the spring was developed.

Enclosure F shows the storage ponds that were developed and the approximate location of the Stage Station and residence on the original Homestead.

E

ENCLOSURE
B

- Feb 19, 2008

To whom it may concern:
Sec. 27 T3N R19E
Bradbury Springs

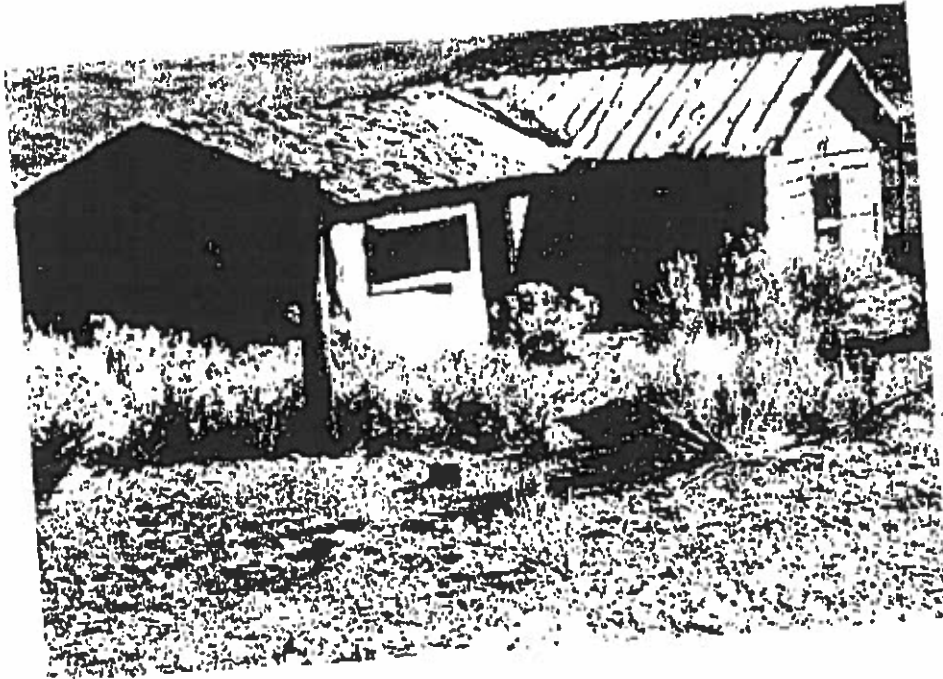
Bradbury Springs have been
used by my family years,
because I was born and raised
described property in 1935.

Prior to that date R.W. Phelps
(my grandfather) owned the
property and the water from
Bradbury Springs went with
the property.

Such has been the case
through four generations of
my family.

R.W. Phelps early 1900
Charles E. & Laura Phelps Bishop 1923
Myself Edwin Bishop Carrigan
M.E.C. and now

Mitchell & Kami Carrigan to date
all transactions are public
record on file with Esoteric Land



Lower -- Old Bradbury Stage-Station moved down from it's original location at Bradbury Springs. (Later the home of Slim and Laura Bishop.)

As he checked the nineteen-hardly could about to where he growing up coming from

The width of Indiana (Journey. with new

At I town. With from his attempt to clothes. bystander given an to this the slight checking

As the rich incentive

Indi carpenter casual for very fragile Harriet

From a large sisters. type of

One and Harr was eight wedding furnishes

Ind trains on the K

ENCLOSURE C

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Baroid Management Company Phone (713) 987-5120
Real Estate Services
Mailing Address P. O. Box 60087 Houston, Texas Zip 772052. Date of Priority (Only one (1) per claim) April 1, 19053. Source of water supply (a) Bradbury Spring a/k/a McTucker Spring
which is tributary to (b) sinks4. a. Location of existing point of diversion is: Township 13N Range 19E Section 27,
NW 1/4 of NE 1/4 of 1/4, Govt. Lot, B.M., County of CusterAdditional points of diversion if any: SE 1/4 NE 1/4, T13N, R19E, S27

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. Ditch - approximately three (3) feet wide,
One (1) foot deep to laterals surface gravity application

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan. 1 to Dec. 31 amount 1.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.5 (entire flow) (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.) N/A

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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
13N	19E	27		12															12
13N	19E	22														25	28		53

Total number of acres irrigated 6511. In which county (ies) are lands listed above as place of use located? Custer12. 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.
_____ or None (X)

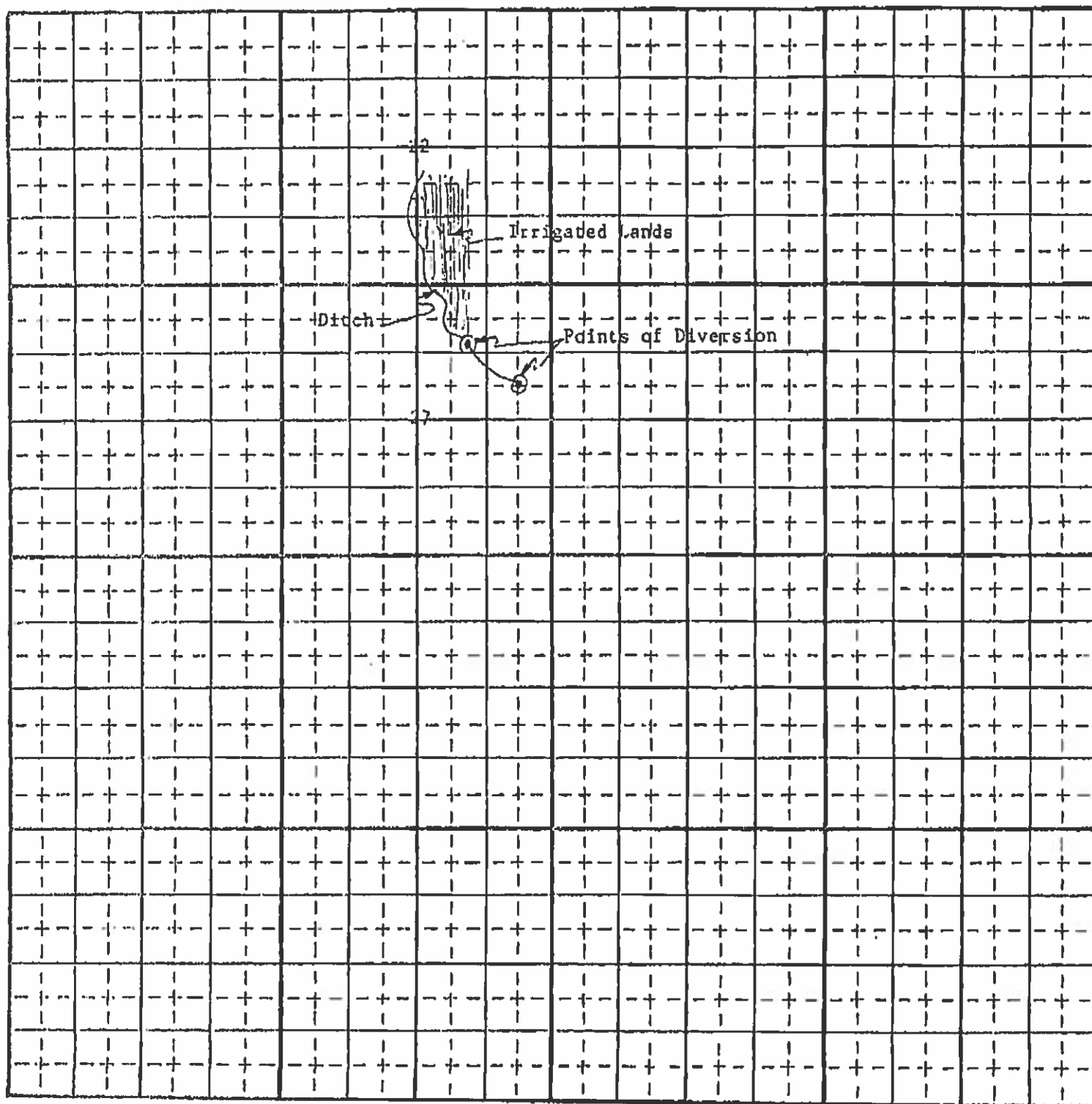
14. Remarks:

Last Name _____ Ident No. _____

Copies: White - State, Yellow - Claimant

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

Scale: 2 inches equals 1 mile



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X 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 _____

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 _____
 _____ Date _____

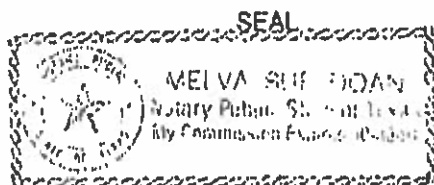
For Organizations: I do solemnly swear or affirm that I am Manager, Real Estate Services
 Title
 of Baroid Management Company that I have signed the foregoing
 Organization
 document in the space below as Manager, Real Estate Services of Baroid Management Company
 Title Organization
 and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William J. Evans

Title and Organization Manager, Real Estate Services
Baroid Management Company Date 1/8/90

State of Idaho/or TEXAS)
 County of WALLIS) SS.

Subscribed and sworn (or affirmed) before me this 8th day of JANUARY 19 90



Notary Public Melva Sue Hogan

Residing at Houston Texas

My Commission Expires 10/30/91

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

TOWNSHIP 13 NORTH, RANGE 9 EAST,
ROCK MERIDIAN
CUSTER COUNTY, IDAHO

22

120' Gash Road

detch -

21

Route of Drained

Received by 220004 Date 4/10/53 Exception filed by: _____ Forwarded to _____ Date _____
 Petition filed by 220004 Date 4/10/53
 \$20.00 fee received by 220004 Date 4/10/53
 Published in RESEARCH PUBLICATIONS CO. _____
 Dates 1/20 & 1/25/53

Water Right Number - A72-04193

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

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

*** C - CURRENT OWNER ***
BAROID MANAGEMENT COMPANY1 - P.O. BOX 60037
2 -
3 -
City- HOUSTON State- TX Zip- 77205
Phone - 713-987-5120*** O - ORIGINAL OWNER ***
H L INDUSTRIES INC.1 - P.O. BOX 60087
2 -
3 -
City- HOUSTON State- TX Zip- 77205
Phone - 208-000-C000+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - - Status - - - +
04/01/1905 17 SOUTHERN S - STATUTORY CLAIM+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
BRADBURY SPRING SINKS+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)
13N 19E 27 NW NE (37) CUSTER
SE NE (37) CUSTER+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 01/01 12/31 1.500+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.500 162.5+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
13N 19E 22 NW SE 25.0 01 IRRIGATION (37) CUSTER
13N 19E 22 SW SE 28.0 01 IRRIGATION (37) CUSTER
13N 19E 27 NW NE 12.0 01 IRRIGATION (37) CUSTER

Total Acres: 65.0

+ - - Diversion Means - DITCH (3'WIDE X 1'DEEP) TO LATERALS FOR GRAVITY APPLICATION

+ - - Non-Irrigation Use - NONE

+ - - Other Rights for Same Use - NONE

+ - - - - Remarks - - - - - +
SOURCE ALSO KNOWN AS HUTCHER SPRING.
ORIGINAL STATUTORY CLAIM LISTED PERIOD OF USE AS 4/1 TO 10/31.

P. 19

FAX NO. 31

SRBA

MAY-20-08 TUE 10:08 AM

Water right number - A72-04193

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Remarks - - - - -
CONSUMPTIVE USE ADDED 1/17/90 ADM.

+ - - - - Old Water Right Numbers - - - - -
No Old Water Right Numbers found.

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

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

+ - - Audit Fields - 01/17/90 YERRITT

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

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

Court Report Filing - 03/00/0000	Field Inspection Made - 00/00/0000	Civil Case Number - 39576
Objection Filed Date - 00/00/0000	Field Inspection Flag -	Old Case Number -
Response Filed Date - 00/00/0000	Verified Date - 01/28/1986	Old Judicial District -
Claim Received Date - 01/17/1990	Last Amended Date - 00/00/0000	Temporary Right - P
Proof Due Date - 00/00/0000	Proof Made Date - 03/00/0000	Water District -
Licensed Date - 00/00/0000	Receipt Number - S010973	Federal/State Indicator - S
Claims Tape Error Flg -	POU Ownership Flag - Y	Presumption Flag - C
Fee Exempt Flag -	Name Connector -	Notice of Error Flag -

ENCLOSURE U

COPY

CORPORATION DEED

For Value Received BAROID MANAGEMENT COMPANY, a corporation duly organized and existing under the laws of the State of Delaware, ("Grantor"), does hereby Grant, Bargain, Sell, Transfer, Assign and Convey unto CHARLES MITCHELL CORRIGAN and KAMI SUE CORRIGAN, husband and wife, ("Grantees"), whose address is P.O. Box 731, Challis, Idaho 83226, the following described real estate, to-wit:

The property described in Exhibit "A", attached hereto and made a part hereof, together with, if any, all rights and appurtenances thereto (the "Property").

THIS CONVEYANCE is made and accepted subject to the matters set forth in Exhibit "B", attached hereto and made a part hereof, to the extent same are valid, subsisting and affect the Property.

TO HAVE AND TO HOLD the Property, unto the said Grantees, their heirs and assigns forever.

And the said Grantor does hereby covenant to and with the said Grantees, that except for the exceptions and encumbrances set forth in Exhibit "B", that: Grantor is the owner in fee simple of the Property; Grantor has good right to convey the same; the Property is free and clear from any encumbrance done or suffered by it; and Grantor will warrant and defend the title of the Property unto the Grantees and unto Grantees' heirs and assigns forever, against the lawful claims and demands of all persons claiming by, through or under Grantor.

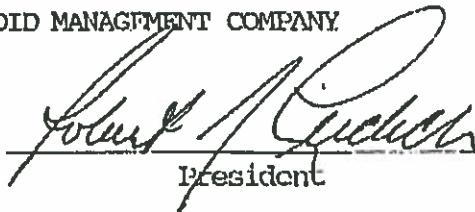
IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors, has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Assistant Secretary effective as of the 25th day of May, 1990.

BAROID MANAGEMENT COMPANY

ATTEST:


Assistant Secretary

By:


President

7.7

(CORPORATE SEAL)

0201591

WARRANTY DEED

For Value Received INGRAM WARM SPRINGS RANCH, a Partnership,
WILLIAM E. INGRAM and ALICE E. INGRAM, Managing Partners,

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

CHARLES MITCHELL CORRIGAN and KAMI SUE CORRIGAN, husband and wife,

the grantee S, whose current address is, P. O. Box 731, Challis, Idaho 83226,
the following described premises, to-wit:

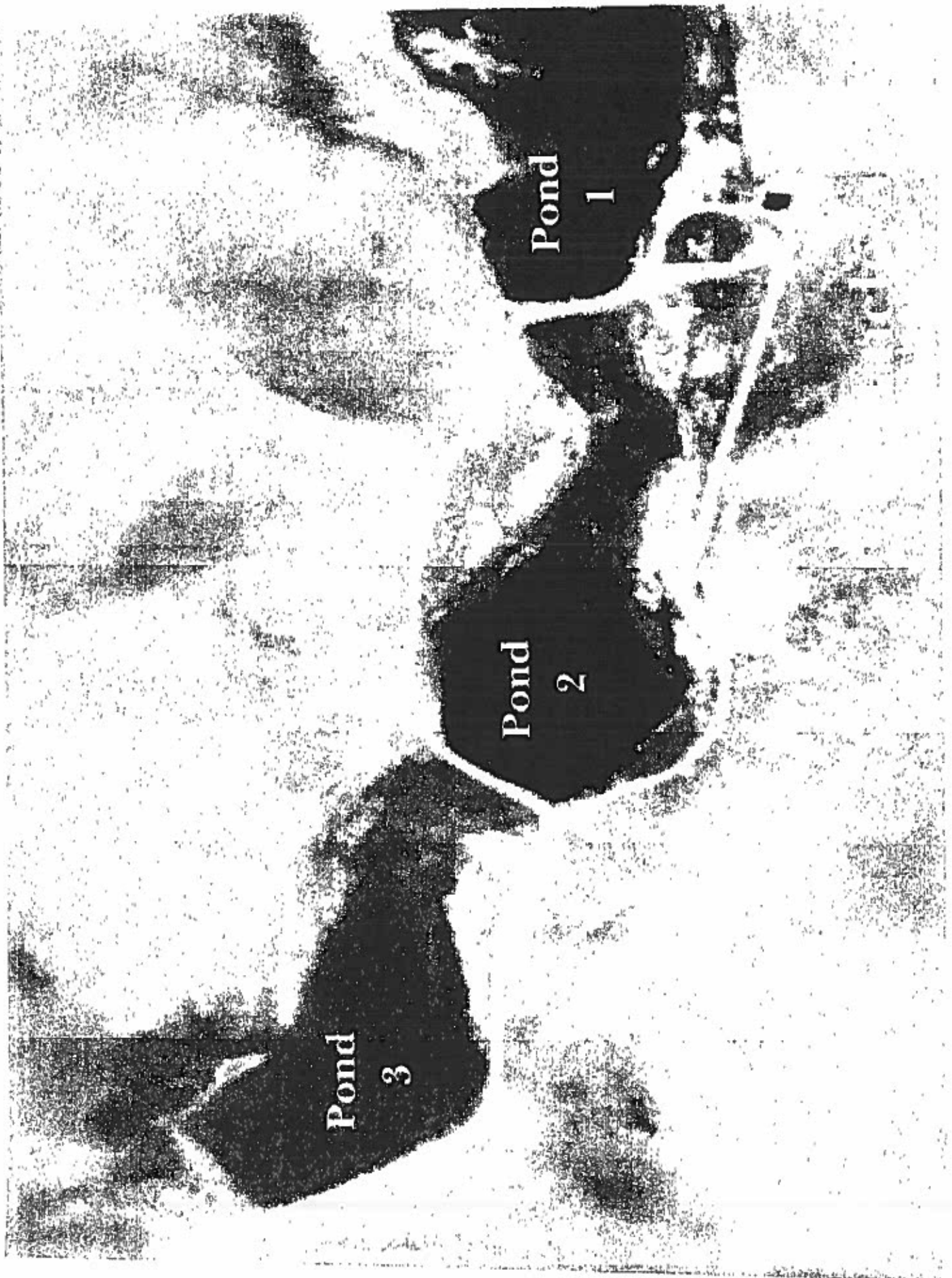
TOWNSHIP 13 NORTH, RANGE 19 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

Section 26: S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 27: SE $\frac{1}{4}$ NE $\frac{1}{4}$.



© 2008 Xerox



05/04/2012

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

RIGHT NUMBER: 72-16768

NAME AND ADDRESS: CHARLES M CORRIGAN
PO BOX 731
CHALLIS ID 83226

SOURCE: SPRING

TRIBUTARY: SINKS

QUANTITY: 0.840 CFS

PRIORITY DATE: 04/01/1903

POINT OF DIVERSION:

T13N R19E S27 SWNWNE 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	0.020 CFS
IRRIGATION	04/01 10/31	0.820 CFS

PLACE OF USE: IRRIGATION in CUSTER County

T13N R19E S22	SWSE	24.00	T13N R19E S27	NWNE	17.00
---------------	------	-------	---------------	------	-------

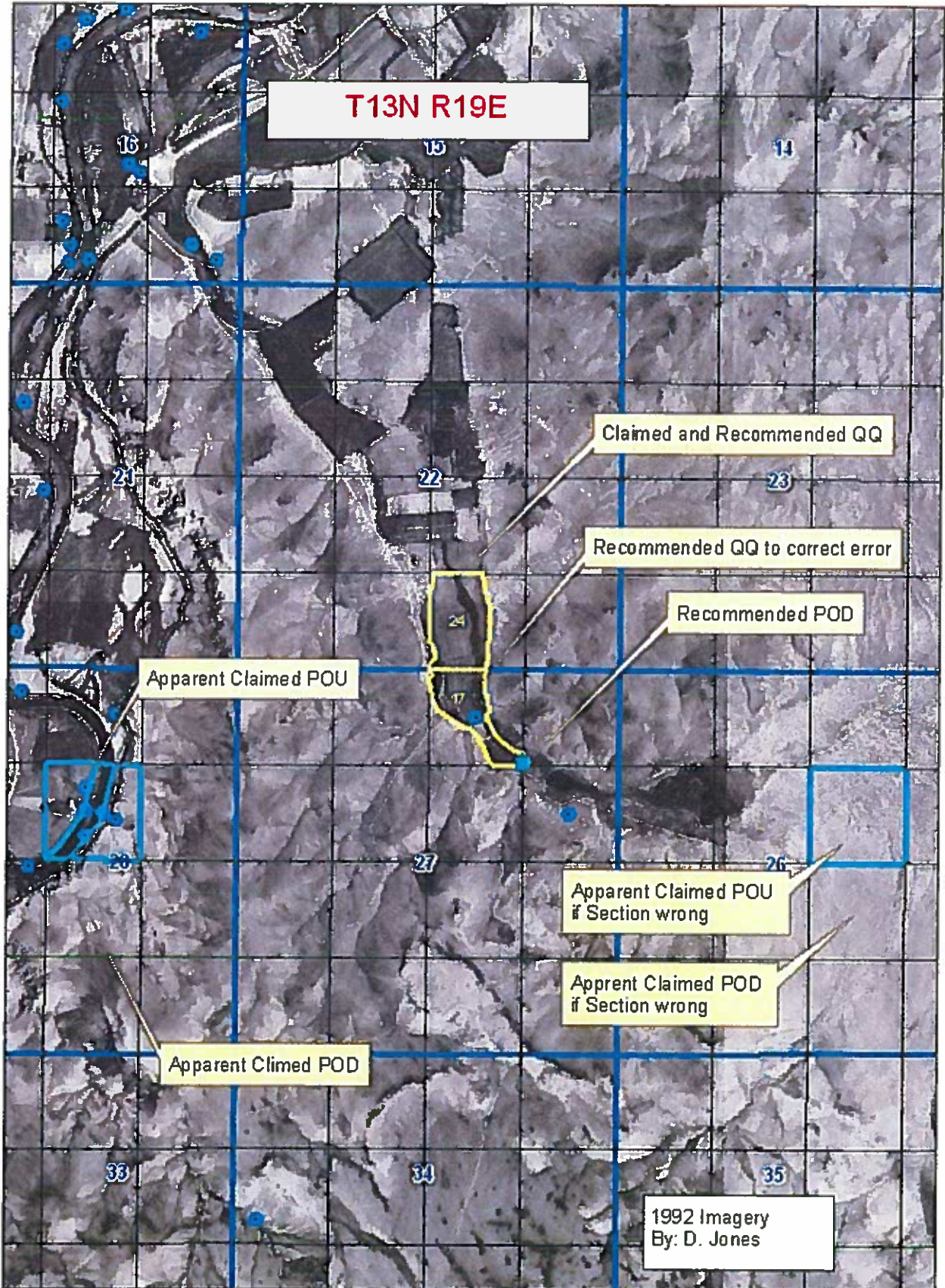
STOCKWATER same as IRRIGATION

41 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



72-16768 Draft Recommendation



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

5/7/2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Charles Corrigan
PO BOX 731
CHALLIS, ID 83226

RE: SRBA recommendation 72-16768

Dear Mr. Corrigan

In 2008 you filed an adjudication claim for irrigation use on the old Bradbury place. I am in the process of reviewing the claims, the next phase of the adjudication process, so they can be recommended to the court for decree. Enclosed are a draft of the proposed recommendation and map illustrating the right as I have concluded it existed in 1987, the commencement date of the adjudication.

* Please note that the original claim had some typographic errors with respect to the section number for the point of diversion (POD) and place of use (POU). At first you had identified Sec 26 and then lined through it and put in Sec 28 – the map shows these locales. I have tried to resolve the conflict and you will see that I have designated Sec 27.

* It is apparent that the present extent of irrigation is larger than described in this water claim filing and I have discovered that you have Challis Irrigation Co. shares for most of the other irrigation north of this claim. In addition I see that you have a protested application for permit, 72-16777, for storage in the ponds and possibly other uses extraneous from this SRBA adjudication claim and recommendation.

Please look these over for anything that is in error, or seem amiss, **AT YOUR EARLIEST OPPORTUNITY** and let me know what you think. IDWR will making a final Director's Report to the Court at the end of May and any basic changes can be made before then. After report then in order to change anything you would need to object. You will be receiving a copy of the report and that mailing will describe various processes available to you from that point forward.

I look forward to working with you to improve the accuracy and completeness of the recommendation(s). Please contact me if you have questions or to make an appointment to meet with me.

Sincerely,

Douglas Jones, PE
Water Rights Supervisor
Southern Adjudication Unit

Van Bussum, Monica

From: Spencer, Nick
Sent: Tuesday, July 15, 2008 4:58 PM
To: Fredric_Price@blm.gov
Cc: Saxton, Craig; Van Bussum, Monica; Williams, Ray
Subject: RE: 72-16768 - Claimant: Charles Corrigan

I think we can just correct the claim on the basis of it containing clerical errors. If you look at the map Corrigan submitted, and realize which direction the sections are numbered in it, it is clear that he simply put the wrong number by mistake. We've never viewed the claimant as being precisely locked into the claim as attached to the motion, and the court has on a number of prior occasions granted motions for late claim with the caveat that the mistakes in them the claimants can fix with the department before the recommendations are issued. If anybody has a problem with Corrigan actually claiming in Section 26, when he wrote 28 over top of the 26, they can file an objection to the recommendation.

As to the priority date, my recollection of Challis history is that Bonanza was founded in 1877. Originally it was accessed by a toll road over Mill Creek from Challis, but a stage road up the river was built pretty early. This place started out as a stage station, and probably some pasture and hay was irrigated for the livestock they would have had to keep (e.g. to change horses). Anyway, I think the Corrigan's may be a little optimistic, but a pretty early priority date is reasonably likely.

Fred, thank you again for catching this and pointing it out to me. As usual I don't know what the SRBA would do without your eagle eyes. NBS

-----Original Message-----

From: Fredric_Price@blm.gov [mailto:Fredric_Price@blm.gov]
Sent: Tuesday, July 15, 2008 3:26 PM
To: Spencer, Nick; Williams, Ray
Subject: 72-16768 - Claimant: Charles Corrigan

Nick,

RE: 07-15-08, 1:30 pm, Hearing on Motion to File Late Notice of Claim
72-16768 - Claimant: Charles Corrigan

The Notice of Claim attached to Corrigan's motion contains typos. He originally chose the correct section (S26) on the claim form and then changed his mind by writing over that entry (changed to S28). I'm guessing he assumed that every row of sections within a township are designated in ascending order from left to right for each row of sections within a township instead of the alternating, snaking down through the rows back and forth as is the standard. Judge Melanson granted the motion as submitted, so doesn't this mean that the claimant will need to file a Motion for Leave to File Amended Notice of Claim in order to fix the location errors?

He also appears overly optimistic in the selection of a priority date.

Fred
(See attached file: 72-16768_discrepancies.pdf)



State of Idaho

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322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 21, 2008

CHARLES M CORRIGAN
PO BOX 731
CHALLIS ID 83226

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #72-16768

Dear Claimant:

The Notice of Claim you filed was received from the SRBA Court recently

Your Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state

SCANNED

JUL 21 2008

Corrigan72-16768 - includes copy of stat claim 72-4193 in claim

SF4 received 5/21/2008

#290? could be #200

Priority date: 11/24/1879

Source: Spring trib to sinks

POD: 13N 19E Sec 28 NWSE Custer Co.

Water rises at spring & flows to three ponds.

It is pumped to the POU. - looks like several springs on map

Purpose & Quantity: Irrigation 1.5 cfs

Stock 0.02 cfs

300 yr.

300 yearlings

1.6 cfs ←

POU: 13N 19E 22 SWSE 40ac

13N 19E 28 SWNE 40ac

80ac

→ This is in data entry as Sec 28
 but from claim map & ArcMap imagery comparison,
 should probably be Sec. ~~28~~ 26
 Sec 28 doesn't make sense w/ map or ownership
 claim mentions property was once owned by Bradburys

72-4193 Claim

same notion, same claim as 72-16768

Corrigan72-4193 Statutory Claim from WR

was filed as an AJ claim 1/17/1990
 disallowed - no beneficial use found - 1994
 Says Source also known as McTucker Spring

Priority Date: 4/1/1905

Source: Bradbury Spring trib. to Sinks

POD: 13N 19E 27

NWNE

SENE

POU: 13N 19E 22

NWSE 25

SWSE 28

27 NWNE 12

65 ac

Purpose: Irrigation 1.5 cfs

Remarks from Rec: This claim could not be
 verified for the uses as claimed. No
 beneficial use found for the historic right
 claimed. Irrigation uses found at the
 1993 exam are a new right developed
 after 1988 (per BLM aerial photo) and
 require a permit appl.

Decreed disallowed 5/2/2001

MEMORANDUM

TO: File

FROM: Monica Van Bussum

MVB

DATE: May 21, 2008

RE: Numbering claims 72-4193 and 72-16768, with notes to reviewer, and fees

Due to some confusion regarding how many claims Charles Corrigan filed, it appears our office gave two different subcase numbers to the same claim: 72-4193 and 72-16768. Regardless of the number assigned, the claim IS based on an old statutory claim – 72-4193 – but 72-4193 was filed as an SRBA claim in 1990 by Baroid Management Company and was decreed as disallowed in 2001. Since there is a claim history for 72-4193, we are not going to use the number 72-4193 as the number for the Corrigan claim filed May 20, 2008. We will be using the number 72-16768. I spoke with Julie at the SRBA Court today and confirmed this.

NOTE TO REVIEWER: 72-4193 was disallowed by Steve Clelland in 1994 with the remark that there was no evidence irrigation took place before 1988, based on a 1993 field exam. It is likely the field exam notes are still in the original claim file. 1988 imagery does not cover this whole claimed POU, just the western half. That imagery shows no irrigation in the claimed POU. However, there is a note in the claim from someone (no name attached to document) who says they were born on the area in 1935 and water was used, but there is no indication of how the water was used and this statement is not sufficient for evidence of priority. If we are to recommend this, we will need pretty good evidence of beneficial use, especially since a field exam found no evidence of irrigation in this area. If we do disallow it, we need to disallow it with the conditions for "Recommended as right no. 72-4193" so we keep the claim histories tied.

FEES: Claimant filed \$290 in claim filing fees for 72-16768. The hearing for this claim is 7-15-2008, which will mean the pre-2006 fee schedule will be in place. 28 acres under this claim had the variable fee paid when 72-4193 was originally filed in 1990, so 52 acres need filing fees.

Filing fees for SRBA claim 72-16768 should be:

\$50 claim fee

\$50 late fee

52 acres @ \$1/ac = \$52

Total fee: \$152

Claimant overpaid: \$290-\$152 = \$138

Claimant also filed an application for permit on 5/21/2008 and submitted \$100 in filing fees under receipt C086929. The correct filing fee for the permit should have been \$290,

which is probably what the \$290 check included with the claim was meant for. However, we have already processed the \$100 check for the permit, but we can apply the surplus fees from the claim to the permit.

Fees for application for permit:

Receipt C086929: \$100

Surplus from SRBA claim 72-16768: \$138

Total fees paid thus far: \$238

Needed fees for application for permit: $\$290 - \$238 = \$52$

I sent an e-mail to Sally Sherman today asking her to prepare the transfer fees document, but to hold on actually transferring the fees until the motion is granted by the Court, which should be sometime after the hearing in July.



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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTTILL, JR.
Director

May 22, 2008

KAMI CORRIGAN
PO BOX 731
CHALLIS ID 83226

RE: Fees for Snake River Basin Adjudication (SRBA) claim 72-16768 and Application for Permit

Dear Kami:

As we discussed during our phone conversation this morning, you submitted two checks with your Motion to File a Late Claim for 72-16768 and the Application for Permit you submitted at the same time. One check was for \$290 and the other for \$100.

The fee for the Application for Permit is \$290 and the fee for the SRBA claim is \$152. We will apply the \$290 check to the Application for Permit so the Department can begin processing it right away. We have applied the \$100 check to the fees for SRBA claim 72-16768 and are awaiting the check for \$52 you will be sending.

I have let the Legal staff know you are sending the additional \$52, which will satisfy the fees for the late claim, so they may be prepared during the hearing regarding the motion on July 15, 2008.

If you have any further questions or need assistance, please do not hesitate to call me at (208) 287-4907.

Sincerely,

Monica

Monica P. Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

Cc: Emalee Rushing, Water Allocations Bureau

MEMORANDUM

TO: File

FROM: Monica Van Bussum

DATE: May 21, 2008

RE: 72-4193 and 72-16768 fees

Before reading this memo, read memo from me dated 5/21/2008, which is also in the scanned documents for this claim.

FEES: I found out today that Debbie Allen can change the receipt for the \$100 check to the claim and we can apply the \$290 check to the permit. I have asked her to do that and notified Allocations of the change. The Court is sending the \$290 check to this office so we can receipt it.

To recap, claimant sent two checks with the claim and the application for permit – one for \$290 and one for \$100. The application fee for the permit is \$290, so the \$290 check will go to that.

Filing fees for SRBA claim 72-16768 should be:

\$50 claim fee

\$50 late fee

52 acres @ \$1/ac = \$52

Total fee: \$152

Claimant needs to supply: \$52

I spoke with Kami Corrigan 5/22/2008 and she will be sending in a check for \$52 to cover the requisite fees.

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Thursday, May 22, 2008 10:23 AM
To: Spencer, Nick; Williams, Ray
Cc: Saxton, Craig
Subject: RE: Late Claim 72-16768 - Overpaid filing fees

Hello everyone,

Please disregard the e-mail below. The claimant actually sent two checks. Here's the new breakdown:

The claimant paid \$100.

The filing fee after 7-8-08 should be:

\$50 claim fee
\$50 late fee
\$52 variable fee
Total: \$152

Claimant underpaid \$52. I called her today to explain how we're going to process the checks and she said she is sending another check for \$52 to the Department. By the time of the hearing, we should have all the fees we need. Thanks!

Monica

From: Van Bussum, Monica
Sent: Wednesday, May 21, 2008 3:29 PM
To: Spencer, Nick; Williams, Ray
Cc: Saxton, Craig
Subject: Late Claim 72-16768 - Overpaid filing fees

Hello everyone,

Motion to file late claim 72-16768 was received by IDWR on 5-21-08. The motion will be heard on 7-15-08. If the motion is granted on or after that date, the new fee schedule approved by the legislature this year will be in effect.

The claimant paid \$290.00

The filing fee after 7-8-08 should be:

\$50 claim fee
\$50 late fee
\$52 variable fee
Total : \$152

That's an overpayment of \$138. However, the claimant underpaid for an application for permit filed the same day, so we are going to transfer the overpaid fees from the claim to the application for permit once the motion is granted. **No refund needed.**

Thanks,

Monica

5/22/2008

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Thursday, May 22, 2008 10:23 AM
To: Spencer, Nick; Williams, Ray
Cc: Saxton, Craig
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The claimant paid \$290.00

The filing fee after 7-8-08 should be:

\$50 claim fee
\$50 late fee
\$52 variable fee
Total : **\$152**

That's an overpayment of \$138. However, the claimant underpaid for an application for permit filed the same day, so we are going to transfer the overpaid fees from the claim to the application for permit once the motion is granted. **No refund needed.**

Thanks,

Monica

5/22/2008

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Thursday, May 22, 2008 10:21 AM
To: Rushing, Emalee
Subject: RE: receipt for Corrigan app for permit

Hi! I went over to your office but Darla said you are gone today and tomorrow. I talked to Debbie Allen about all the incorrect fees and how the claimant did give us a check for \$290 and another for \$100 and the application for permit fee was \$290. Debbie said she can change the receipt for the \$100 from the permit to the adjudication claim and then we can take the \$290 check and apply it to the application for permit so the application for permit will be fine and then we'll handle getting the needed fees when we have the hearing for the adjudication claim. I've already called the claimant and she said that was fine and she is sending the \$52 for the claim. Anyway, I hope this makes sense and if it doesn't you know how to reach me. Thanks!

Monica

From: Rushing, Emalee
Sent: Wednesday, May 21, 2008 2:19 PM
To: Van Bussum, Monica
Subject: RE: receipt for Corrigan app for permit

It's receipt # C086929 for \$100.

From: Van Bussum, Monica
Sent: Wednesday, May 21, 2008 1:17 PM
To: Rushing, Emalee
Subject: RE: receipt for Corrigan app for permit

That's probably why I can't find anything on a receipt search. :) Whenever you get it. Thanks!

Monica

From: Rushing, Emalee
Sent: Wednesday, May 21, 2008 1:13 PM
To: Van Bussum, Monica
Subject: RE: receipt for Corrigan app for permit

I will go get it later this afternoon. Camille has not receipted the money yet....

From: Van Bussum, Monica
Sent: Wednesday, May 21, 2008 1:03 PM
To: Rushing, Emalee
Subject: receipt for Corrigan app for permit

Hi there! When you get a receipt, can you let me know the receipt number and amount? Thanks!

Monica

5/22/2008

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Thursday, May 22, 2008 10:24 AM
To: Allen, Debbie
Cc: Saxton, Craig
Subject: FW: receipt for Corrigan app for permit

Hi Debbie,

Please change this receipt from application for permit to be Adjudication claim fees for claim 72-16768. Let me know if you need anymore information. Thanks!

Monica

From: Rushing, Emalee
Sent: Wednesday, May 21, 2008 2:19 PM
To: Van Bussum, Monica
Subject: RE: receipt for Corrigan app for permit

It's receipt # C086929 for \$100.

From: Van Bussum, Monica
Sent: Wednesday, May 21, 2008 1:17 PM
To: Rushing, Emalee
Subject: RE: receipt for Corrigan app for permit

That's probably why I can't find anything on a receipt search. :) Whenever you get it. Thanks!

Monica

From: Rushing, Emalee
Sent: Wednesday, May 21, 2008 1:13 PM
To: Van Bussum, Monica
Subject: RE: receipt for Corrigan app for permit

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To: Rushing, Emalee
Subject: receipt for Corrigan app for permit

Hi there! When you get a receipt, can you let me know the receipt number and amount? Thanks!

Monica

5/22/2008

Van Bussum, Monica

Subject: FW: checks in mail for me

From: Van Bussum, Monica
Sent: Thursday, May 22, 2008 10:33 AM
To: Pew, Lori; Sherman, Sally; Smith, Danni; Mitchell, Camille
Cc: Saxton, Craig; Rushing, Emalee
Subject: checks in mail for me

Hello all,

There are two checks coming in the mail to my attention. Hopefully they will have letters explaining their purpose, but I thought I'd send this e-mail just in case.

One check will be for \$52 and from either Kami or Charles Corrigan. This \$52 should be applied to the Adjudication claim fee for 72-16768.

One check will be for \$290 and coming from the SRBA Court and will be applied to an application for permit for the Corrigan. Emalee will have a permit number for it.

If you have any questions, please let me know. Thanks!

Monica

5/22/2008