

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
Indent. Number 72-16782
Date Received _____
Receipt Number _____

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

Please type or print clearly

1. Name of Claimant(s) D. Wayne Baker, Melodie L. Baker Phone (208) 838-2440
Mailing Address HC 68 Box 304, Clayton, Idaho Zip 83227
2. Date of Priority only (1) per claim) April 1, 1930
3. Source of water supply (a) Salmon River, East Fork
which is tributary to (b) Salmon River
4. a. Location of existing point of diversion is: Township 10N Range 18E Section 12,
_____ 1/4 of SW 1/4 NE 1/4, Govt. Lot, _____ B.M., County of Custer (aka EF-3)
Additional points of diversion if any: All from the Salmon River, East Fork: T. 09N, R. 18E, Sec. 5, Lot 3,
NE1/4NW1/4 (aka EF-11); T. 10N, R. 18E, Sec. 31, SE1/4SW1/4SE1/4 (aka EF-12); T10N, R. 18E, Sec. 31,
SW1/4SW1/4SW1/4 (aka EF-13)
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 enlargement in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. There are four (4) diversion works covered by this claim,
designated as EF-3, EF-11, EF-12, and EF-13. Each diversion has a headgate in the East Fork of the Salmon
River. Each diverts water into a ditch that has a fish screen installed by the Idaho Department of Fish and Game.
Each diversion is described in greater detail in the Affidavit of D. Wayne Baker in Support of Motion to File Late
Notices of Claims.
6. Water is claimed for the following purposes:
(both dates are inclusive) (cfs) (acre feet)
For Irrigation (conveyance loss) purposes from 4/1 to 10/31 amount 52.86 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

Last Name Baker Ident. Number 72-16782

ORIGINAL

7. Total quantity claimed (a) 52.86 (cfs) and/or (b) _____ (acre feet)8. Total consumptive use claimed is N/A acre fee per annum.9. Non-Irrigation uses; describe fully (e.g. Domestic: Give number of households served; Stockwater Type and number of livestock etc.) This water right is for conveyance losses in conveying water from the points of diversion to the places of use. There is no consumptive use associated with this claim.

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.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
9N	18E	4	8.8 lot 1	12.0 lot 2				2.1 lot 4											22.9
9N	18E	5						2.4											2.4
9N	18E	6	8.8 lot 1	4.8 lot 2			0.5 lot 3												11.9
10N	18E	31												7.0			5.7	12.0	24.7
10N	18E	32											15.0	18.0			20.0	22.0	75.0
10N	18E	33											15.0 lot 4	10.3 lot 5			8.2 lot 6		33.5
11N	18E	35								16.0					33.4		25.0	18.0	92.4

Total number of acres irrigated 262.811. 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 _____13. Describe any other water rights used at the same place and for the same purposes as described above.
The following rights are for irrigation from these diversions: 72-224 (EF-3), 72-225 (EF-3), 72-196 (EF-11), 72-197 (EF-11), 72-199 (EF-11 & EF-12), 72-200 (EF-11 & EF-12), 72-202F (EF-12), 72-201C (EF-13), 72-201F (EF-13), 72-202D (EF-13), 72-202E (EF-13), 72-202G (EF-13) or None ()

14. Remarks:

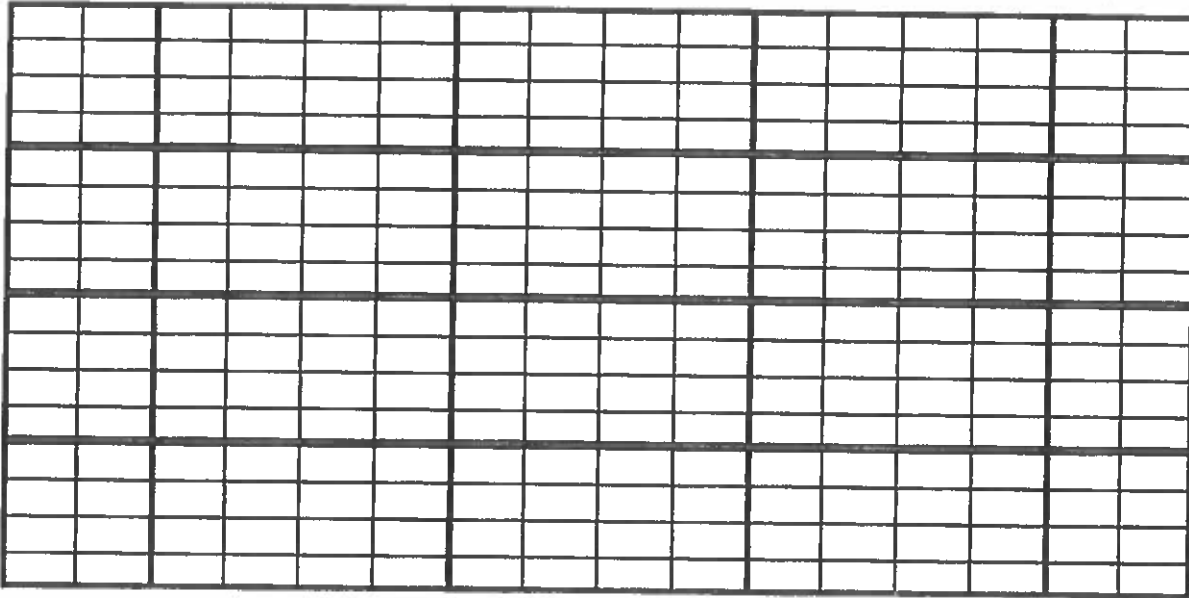
The maximum combined diversion for irrigation and conveyance loss at each point of diversion under the claimants water rights is limited as follows (see Exhibit A):

EF-3: this claim, 72-224 and 72-225 = 15.00 cfsEF-11: this claim, 72-196, 72-197, 72-199 and 72-200 = 17.0 cfsEF-12: this claim, 72-199, 72-200, 72-202F = 23.80 cfsEF-13: this claim, 72-201C, 72-201F, 72-202A, 72-202D, 72-202E and 72-202G = 7.84 cfsLast Name Baker Ident. Number 72-16782

Form No. 42-1409 (2) a 9/88 (Internet)

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

SCALE: 2 inches equal 1 mile. Draw plan in ink. See Exhibit B.



15. Basis or 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 _____

Last Name Baker Ident. Number 72-16782

16. Signature (s)

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

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

Signature or Claimant (s) *Daniel Steenson* Date 2-20-13
Attorney for claimants 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

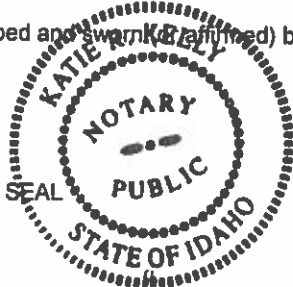
and that the statements contained in the foregoing document are true and correct.

Signed of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn to (affirmed) before me this 20th day of February 2013



Notary Public *Katie P. Kern*

Residing at *Paris, ID*

My Commission Expires *2/20/14*

16. Notice of Appearance:

Notice is hereby given that I, Daniel V. Steenson will be acting as attorney at law on behalf of the claimant signing above, and 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 *Daniel Steenson*

Address P.O. Box 7985, Boise, Idaho 83707

Date February 20, 2013

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 72-16782
Date Received: 5/7/2010
Receipt No: C090756
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DAVID WAYNE BAKER Phone: (208) 838-2440
HC 68 BOX 304
CLAYTON ID USA 83227

MELODIE L BAKER Phone: (208) 838-2440
HC 68 BOX 304
CLAYTON ID USA 83227

2. Date of Priority: 04/01/1930

3. Source: SALMON RIVER EAST FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10N	18E	12	SW NE	CUSTER	EF-3
09N	18E	5	NE NW 3	CUSTER	EF-10/11
10N	18E	31	SE SW SE	CUSTER	EF-12
10N	18E	31	SW SW SW	CUSTER	EF-13

5. Description of diverting works:

There are four (4) diversion works covered by this claim, designated as EF-3, EF-11, EF-12 and EF-13. Each diversion has a headgate in the East Fork of the Salmon River. Each diverts water into a ditch that has a fish screen installed by the Idaho Department of Fish and Game. Each diversion is described in greater detail in the Affidavit of D. Wayne Baker in Support of Motion to File Late Notices of Claims.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	52.86	

7. Total Quantity Appropriated is:
52.86 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
09N	18E	4	NE	NE	1	IRRIGATION	8.8
			NW	NE	2	IRRIGATION	12
			NW	NW	4	IRRIGATION	2.1
						Section Acres	22.9
09N	18E	5	NW	NW		IRRIGATION	2.4
						Section Acres	2.4
09N	18E	6	NE	NE	1	IRRIGATION	6.6
			NW	NE	2	IRRIGATION	4.8
			NE	NW	3	IRRIGATION	0.5
						Section Acres	11.9
10N	18E	31	SE	SW		IRRIGATION	7
			SW	SE		IRRIGATION	5.7
			SE	SE		IRRIGATION	12
						Section Acres	24.7
10N	18E	32	SW	SW		IRRIGATION	15
			SE	SW		IRRIGATION	18
			SW	SE		IRRIGATION	20
			SE	SE		IRRIGATION	22
						Section Acres	75
10N	18E	33	SW	SW	4	IRRIGATION	15
			SE	SW	5	IRRIGATION	10.3
			SW	SE	6	IRRIGATION	8.2
						Section Acres	33.5
						Total Acres	170.4

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

Other water rights used at the same place and for the same purposes: 72-224 (EF-3), 72-225 (EF-3), 72-196 (EF-11), 72-197 (EF-11), 72-199 (EF-11 and EF-12), 72-200 (EF-11 and EF-12), 72-202F (EF-12), 72-201C (EF-13), 72-201F (EF-13), 72-202D (EF-13), 72-202E (EF-13) and 72-202G (EF-13).

The maximum combined diversion for irrigation and conveyance loss at each point of diversion under the claimants water rights is limited as follows (see Exhibit A):

EF-3: this claim, 72-224 and 72-225 = 15.00 cfs

EF-11: this claim, 72-196, 72-197, 72-199 and 72-200 = 17.0 cfs

EF-12: this claim, 72-199, 72-200 and 72-202F = 23.80 cfs

EF-13: this claim, 72-201C, 72-201F, 72-202A, 72-202D, 72-202E and 72-202G = 7.84 cfs

15. Basis of Claim: Beneficial Use

11/26/2012

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

RIGHT NUMBER: 72-16782

NAME AND ADDRESS: DAVID WAYNE BAKER
HC 68 BOX 304
CLAYTON ID 83227MELODIE L BAKER
HC 68 BOX 304
CLAYTON ID 83227

SOURCE: EAST FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: ~~42.060~~ ^{39.2} CFS

The flow rates described at each diversion represent peak measured values during maximum discharge periods in the Springtime. Actual authorized diversion flow rates vary seasonally through the year and are proportional to river stage.

Right nos. 72-2048, 72-10303 and 72-16779 are limited to a maximum combined diversion rate of 9.60 cfs at the EF-14 Diversion located in T09N, R17E, S01, SWSWNE.

Right nos. 72-2048, 72-10302A, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 19.20 cfs at the EF-15 Diversion located in T09N, R17E, S11, NENWNE.

Right nos. 72-2048, 72-10302C, 72-10303, 72-10304 and 72-16779 are limited to a maximum combined diversion rate of 20.00 cfs at the EF-16 Diversion located in T09N, R17E, S11, NENESW.

PRIORITY DATE: 04/01/1938

POINT OF DIVERSION:

T09N R18E S5 NENW Lot 3 Within CUSTER County
T10N R18E S31 SWSWSW Within CUSTER County
T10N R18E S31 SESWSE Within CUSTER County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	42.060 CFS

PLACE OF USE:

IRRIGATION in CUSTER County

T09N R18E S04 Lot 1 NENE	8.80	T09N R18E S04 Lot 2 NWNE	12.00
T09N R18E S04 Lot 4 NWNW	2.00	T09N R18E S05 Lot 4 NWNW	2.40
T09N R18E S06 Lot 1 NENE	6.60	T09N R18E S06 Lot 2 NWNE	4.90
T09N R18E S06 Lot 3 NENW	0.40	T10N R18E S31	SESW 10.00
T10N R18E S31	SWSE 8.70	T10N R18E S31	SESE 7.60
T10N R18E S32	SWSW 15.00	T10N R18E S32	SESW 18.00
T10N R18E S32	SWSE 19.00	T10N R18E S32	SESE 21.00
T10N R18E S33 Lot 4 SWSW	16.00	T10N R18E S33 Lot 5 SESW	10.00
T10N R18E S33 Lot 6 SWSE	8.40		

170.8 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.

The maximum combined diversion for irrigation and conveyance loss at each point of diversion under the claimants water rights is limited as follows (see Exhibit A):

EF-3: this claim, 72-224 and 72-225 = 15.00 cfs

EF-11: this claim, 72-196, 72-197, 72-199 and 72-200 = 17.0 cfs

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EF-13: this claim, 72-201C, 72-201F, 72-202A, 72-202D, 72-202E and 72-202G = 7.84 cfs

Other water rights used at the same place and for the same purposes:

72-224 (EF-3), 72-225 (EF-3), 72-196 (EF-11), 72-197 (EF-11), 72-199 (EF-11 and EF-12), 72-200 (EF-11 and EF-12), 72-202F (EF-12), 72-201C (EF-13), 72-201F (EF-13), 72-202D (EF-13), 72-202E (EF-13) and 72-202G (EF-13).

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

May 17, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

DANIEL V STEENSON
RINGERT LAW CHARTERED
PO BOX 2773
BOISE ID 83701

Re: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right Nos. 72-16779, 72-16780, 72-16782,
72-16783, 72-16784, 72-16785, 72-16786, 72-16787, 72-16788, 72-16789

Dear Mr. Steenson:

The Notices of Claim you filed on behalf of your clients were received from the SRBA Court. I have enclosed Receipt No. C090756 for the filing fees paid. Please retain the receipt for your records.

The Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. If you have any questions, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section

LH:l
Enclosure