07/18/2007

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2121

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: HOTZEL CREEK — TRIBUTARY: CHAMBERLAIN CREEK
GAME CREEK — TRIBUTARY: WEST FORK CHAMBERLAIN CREEK
WEST FORK CHAMBERLAIN CREEK — TRIBUTARY: CHAMBERLAIN CREEK

QUANTITY: 8.150 CFS
1,171.200 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 10/14/1954

POINT OF DIVERSION:

T23N R10E S2 SWNE Within IDAHO County

T24N R10E S25 SWSW Within IDAHO County

T24N R10E S26 NWNE Within IDAHO County

T24N R10E S26 NWNWSE Within IDAHO County

T24N R10E S36 NWNW Within IDAHO County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.080 CFS 1.20 AFY
IRRIGATION	05/01 10/31	8.150 CFS 1,170.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS

Domestic use is for 2 homes.

PLACE OF USE: IRRIGATION in IDAHO County

T23N R10E S02	NENE	4.00	T23N R10E S02	NWNE	6.00
T24N R10E S25	SWSW	21.00	T24N R10E S25	SESW	23.00
T24N R10E S25	SWSE	22.00	T24N R10E S25	SESE	1.00
T24N R10E S26	SWNE	4.00	T24N R10E S26	SWNW	1.00

T24N R10E S26	SENW	21.00	T24N R10E S26	NESW	38.00
T24N R10E S26	NWSW	11.00	T24N R10E S26	SESW	1.00
T24N R10E S26	NESE	3.00	T24N R10E S26	NWSE	34.00
T24N R10E S26	SWSE	31.00	T24N R10E S26	SESE	28.00
T24N R10E S35	NENE	0.50	T24N R10E S35	SESW	0.50
T24N R10E S35	NESE	14.00	T24N R10E S35	SWSE	31.00
T24N R10E S35	SESE	34.00	T24N R10E S36	NENE	0.50
T24N R10E S36	NWNE	2.50	T24N R10E S36	NENW	2.50
T24N R10E S36	NWNW	2.60	T24N R10E S36	SWNW	26.00
T24N R10E S36	SENW	2.60	T24N R10E S36	NWSW	23.00

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

T24N R10E S36 SWSW 1.30

DOMESTIC in IDAHO County

T24N R10E S26 NESW T24N R10E S36 SWSW

STOCKWATER same as IRRIGATION

390 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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.

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NOS. 344, 699 & 711.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Knoblock, Ken

From: Fritschle, Carter
Sent: Monday, July 09, 2007 3:47 PM
To: Knoblock, Ken
Cc: Bromley, Chris
Subject: RE: 77-2121

Ken,

Yes, the POD in Section 36 should be NWNW. The transfer also lists the new point of diversion in Section 26 as NWNWSE, the recommendation leaves off the 10-acre tract. I believe item 2 on Memo 30 says we need to include the 10-acre tract in our recommendation. http://wenet/Adjudication/Administrative%20Memorandums/admmemo30.doc And, if I am reading the map correctly, the source associated with this POD appears to be the West Fork of Chamberlain Creek rather than Game Creek.

If everyone is convinced the claim was amended to add stockwater, and the stockwater is diverted along with the water for irrigation and domestic purposes, then it should be listed without a diversion volume and the recommendation should include the following conditions

N05: The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
N08: The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Also, I think the basis of claim should be License instead of beneficial use.

Carter

-----Original Message-----
From: Knoblock, Ken
Sent: Monday, July 09, 2007 4:16 PM
To: Bromley, Chris; Fritschle, Carter
Subject: RE: 77-2121

The change we need is to change the point of diversion that is listed as the NENW S36 to NWNW S36 and the stockwater use. Is that correct? I can change the point of diversion. I am not sure what needs to be done with the stockwater use.

If you want me to change the POD let me know.

ken

-----Original Message-----
From: Bromley, Chris
Sent: Friday, June 29, 2007 8:25 AM
To: Knoblock, Ken; Harvey, Becky
Cc: Fritschle, Carter
Subject: 77-2121

Ken,

We've got a problem that I didn't realize we had until I started looking more closely at this subcase late yesterday and early today with Carter. There was a 1992 transfer that changed some of the elements of the license. In the various draft amended director's reports that you've been patiently putting together for David, we've gotten away from the terms of the transfer.

The only solution that we have is to enter into an SF5 with David based on how the right was claimed after approval of the 1992 transfer. David will need to accept the solution, have the right decreed in the SRBA, then pursue a subsequent transfer to account for what's changed since 1992.

I will talk with David and let him know what's going on. I suppose the good news for him is he's already done all

the research!

Ken, would you please put together a Director's Report that describes the right as it was claimed (the original claim was amended to reflect the 1992 transfer, so don't use the original claim, use the amended claim that appears in the AJ database).

Becky, when you get back, would you please put together the coversheets.

Thanks,

Chris

Knoblock, Ken

From: Knoblock, Ken
Sent: Monday, July 09, 2007 3:16 PM
To: Bromley, Chris; Fritschle, Carter
Subject: RE: 77-2121

The change we need is to change the point of diversion that is listed as the NENW S36 to NWNW S36 and the stockwater use. Is that correct? I can change the point of diversion. I am not sure what needs to be done with the stockwater use.

If you want me to change the POD let me know.

ken

-----Original Message-----
From: Bromley, Chris
Sent: Friday, June 29, 2007 8:25 AM
To: Knoblock, Ken; Harvey, Becky
Cc: Fritschle, Carter
Subject: 77-2121

Ken,

We've got a problem that I didn't realize we had until I started looking more closely at this subcase late yesterday and early today with Carter. There was a 1992 transfer that changed some of the elements of the license. In the various draft amended director's reports that you've been patiently putting together for David, we've gotten away from the terms of the transfer.

The only solution that we have is to enter into an SF5 with David based on how the right was claimed after approval of the 1992 transfer. David will need to accept the solution, have the right decreed in the SRBA, then pursue a subsequent transfer to account for what's changed since 1992.

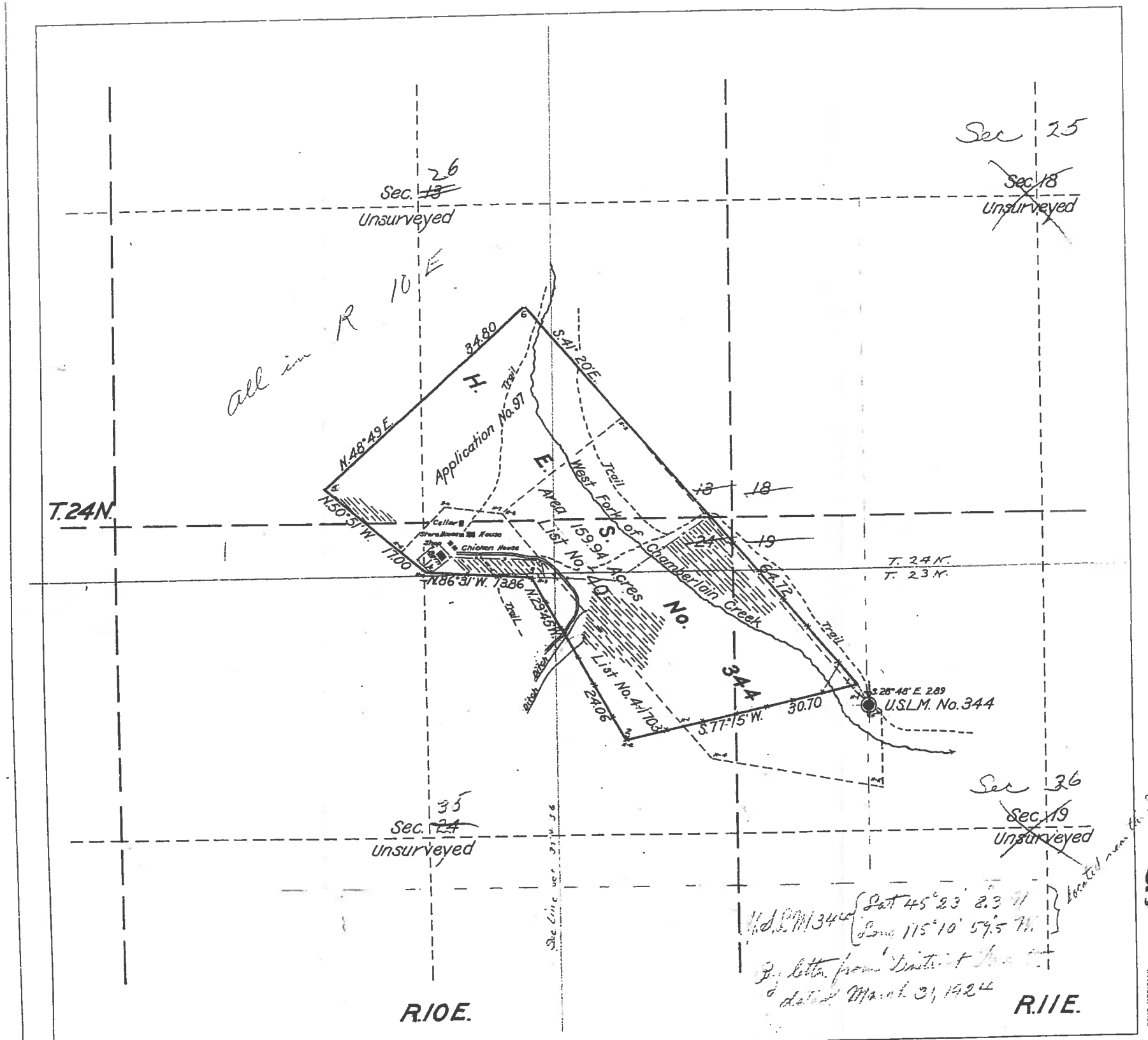
I will talk with David and let him know what's going on. I suppose the good news for him is he's already done all the research!

Ken, would you please put together a Director's Report that describes the right as it was claimed (the original claim was amended to reflect the 1992 transfer, so don't use the original claim, use the amended claim that appears in the AJ database).

Becky, when you get back, would you please put together the coversheets.

Thanks,

Chris



SCALE 10 chains to 1 inch

Surveys Designated	By whom Surveyed	Inst. Cont. Group No.	Inst. Cont. Group Date	When Surveyed Begun	When Surveyed Completed	Date of Approval
H.E. Survey No. 344	Frank D. Maxwell	344	March 27, 1915	Sept. 27, 1915	Sept. 29, 1915	
	Surveyor-Forest Service					

	Areas in Acres	
H.E. Survey No. 344		Conflicts
In Section		
In Section		
In Section		
In Section		
Total	159.94	

Act of June 11, 1906
List No 740
List No 4-1703
Latitude 45° 25' N.
Longitude 115° 10' W. ✓
Mean Mag. Decl. 19° 28' E
At Corner No. 1

Act of March 4, 1915
Dated Nov. 27, 1907.
Dated March 22, 1915

Plat of

HOMESTEAD ENTRY SURVEY

No. 344

in the

IDAHO

NATIONAL FOREST

in

Secs. 13-24 unsurveyed, T. 24 N., R. 10 E.
Section 19 unsurveyed, T. 24 N., R. 11 E.

of the

BOISE BASE AND MERIDIAN

IDAHO

This plat of Homestead Entry Survey No. 344 State of Idaho is strictly conformable to the field notes thereof on file in this office, which have been examined and approved.

U. S. Surveyor General's Office

Boise, Idaho.

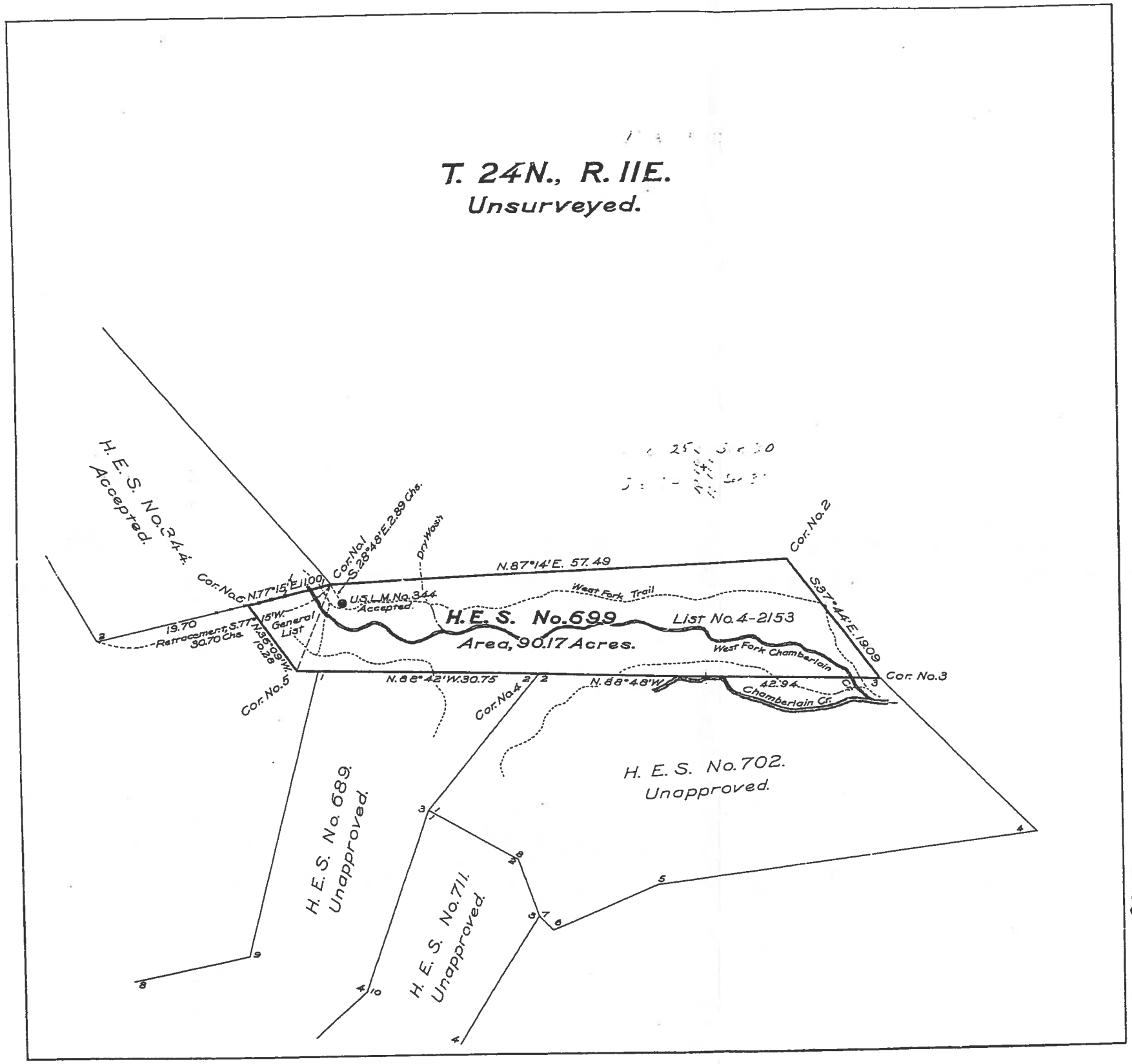
January 14, 1916.

U.S. Surveyor General

Accepted Aug. 14, 1916

ORIGINAL

Survey accepted April 12, 1921.
General Land Office



Plat of
HOMESTEAD ENTRY SURVEY
No. 699 PATENTED
in the
IDAHO
NATIONAL FOREST
in
Approximate
Unsurveyed Sections 19, 20,
T. 24N., R. 11E.
of the
BOISE BASE AND MERIDIAN.
IDAHO.

This plat of Homestead Entry Survey No. 699 State of Idaho is strictly conformable to the field notes thereof on file in this office, which have been examined and approved.

U.S. Surveyor General's Office
Boise, Idaho, August 18, 1920.

Edward Hedden
U.S. Surveyor General

SCALE: 10 chains to 1 inch

Surveys Designated	By whom Surveyed	Inst. Cont. Group No.	Inst. Cont. Group Date	When Surveyed Begun	When Surveyed Completed	Date of Approval
H. E. S. No. 344	Frank D. Maxwell.	344	March 27, 1915	September 27, 1915	September 29, 1915	January 14, 1916
U.S.L.M. No. 344	Frank D. Maxwell,	344	March 27, 1915	September 27, 1915	September 27, 1915	January 14, 1916
	Sur. U.S. Forest Service					
H. E. S. No. 689	C. A. Martin,	689	January 15, 1919	September 16, 1919	September 23, 1919	
H. E. S. No. 702	C. A. Martin,	702	January 15, 1919	September 16, 1919	September 23, 1919	Aug. 18, 1920
H. E. S. No. 711	C. A. Martin,	711	January 15, 1919	September 16, 1919	September 26, 1919	
H. E. S. No. 699	C. A. Martin, Sur. U.S. Forest Service	699	January 15, 1919	September 16, 1919	October 6, 1919	

	Areas in Acres	Conflicts
H. E. Survey No. 699		
Unlisted Land	5.18	
Listed Land	84.99	
In Section		
In Section		
Total	90.17	

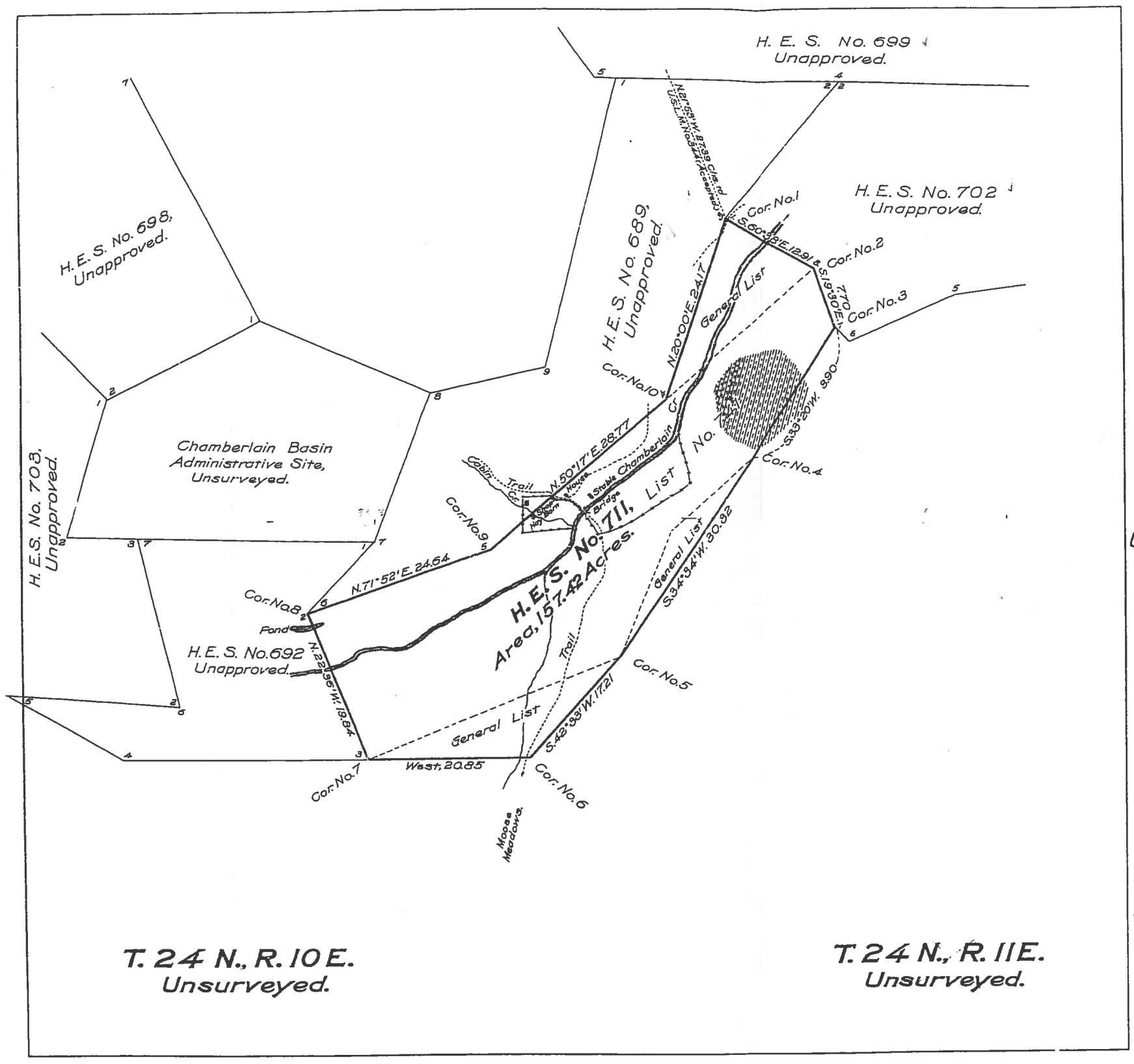
Act of June 11, 1906 — Act of July 24, 1919

List No. 4-2153 — Dated April 17, 1917

Latitude 45° 23' N.
Longitude 115° 10' W.
Mean Mag. Decl. 21° 30' E.

Observations at Corner No. 1

Survey accepted April 21, 1921
General Land Office



Plat of HOMESTEAD ENTRY SURVEY No. 711, PATENTED in the IDAHO NATIONAL FOREST

in

Approximate
Unsurveyed Section 25, T. 24 N., R. 10 E.
Unsurveyed Sections 19, 30, T. 24 N., R. 11 E.
of the

BOISE BASE AND MERIDIAN,

IDAHO.

This plat of Homestead Entry Survey No. 711 State of Idaho is strictly conformable to the field notes thereof on file in this office, which have been examined and approved.

U. S. Surveyor General's Office
Boise, Idaho, February 17, 1921.

Edward Hecklen
U. S. Surveyor General

SCALE: 10 chains to 1 inch

Surveys Designated	By whom Surveyed	Inst. Cont. Group No.	Inst. Cont. Group Date	When Surveyed Begun	When Surveyed Completed	Date of Approval
U.S.L.M. No. 344	Frank D. Maxwell,	344	March 27, 1915	September 27, 1915	Sept. 27, 1915	January 14, 1916
	Sur. U.S. Forest Service					
H. E. S. No. 699	C. A. Martin,	699	January 15, 1919	September 16, 1919	October 6, 1919.	Aug. 18, 1920
H. E. S. No. 702	C. A. Martin,	702	January 15, 1919	September 16, 1919	September 23, 1919	Aug. 18, 1920.
H. E. S. No. 689	C. A. Martin,	689	January 15, 1919	September 16, 1919	September 23, 1919	Febr. 17, 1921
H. E. S. No. 692	C. A. Martin,	692	January 15, 1919	September 24, 1919	September 30, 1919	" " "
H. E. S. No. 703	C. A. Martin,	703	January 15, 1919	September 24, 1919	October 3, 1919.	Aug. 18, 1920.
H. E. S. No. 698	C. A. Martin,	698	January 15, 1919	September 16, 1919	October 9, 1919.	Febr. 17, 1921
H. E. S. No. 711	C. A. Martin, Sur. U.S. Forest Service.	711	January 15, 1919	September 16, 1919	September 26, 1919.	" " "

H. E. Survey No. 711	Areas in Acres	Conflicts
Area Listed	123.46	
Area to be Listed	33.96	
In Section		
In Section		
Total	157.42	

Act of June 11, 1906 — Act of July 24, 1919
List No. 741 — Dated November 27, 1907
Latitude 45° 22' 42" N.
Longitude 115° 10' W.
Mean Mag. Decl. 21° 30' E.
Observations at Corner No. 1

UNSURVEYED TOWNSHIP 23 NORTH RANGE 10 EAST OF THE BOISE MERIDIAN, IDAHO

Protraction Diagram No 41 approved 8/18/1956

IDAHO COUNTY 049

COEUR D'ALENE DISTRICT

6 629	5 640	4 640	3 640	2 630	1 554
7 630	8	9	10	11	12
18 631	17	16	15	14	13
19 632	20	21	22	23	24
30 633	29	28	27	26	25
31 634	32	33	34	35	36

PLO 4214 Wdl USFS Ada S

HES 711 157.42

897368 D/C

SCALE in Chains

10 5 0 10 20 30 60

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY	ORIGINAL SURVEY			
TRACT NO	T	R	SEC	SUBDIVISION

All Tp included in Wdl Payette NF PLO 218 3/18/1944

All Tp included in I 08863 Det PL 167 (Act of Cong 7/23/1955) completed 10/18/1960. All NF surface Mgmt by USFS

All Tp included in Frank Church River of No Return Wilderness Area Wd' 7/23/1980

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO

USE PLATS

WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

Boise Mer

T. 23 N

R. 10 E

UNSURVEYED TOWNSHIP 24 NORTH RANGE 11 EAST OF THE BOISE MERIDIAN, IDAHO

Protraction Diagram No 41 approved 3/13/1935

IDAHO COUNTY 049

COEUR D' ALENE DISTRICT

PLO 1358 Wdl USFS Public Service S 6 623	5 640	4 640	3 640	2 640	1 640
7 624	8	9	10	11	12
18 625	17	16	15	14	13
19 626	20	21	22	23	24
30 627	29	28	27	26	25
HES 699 30.17 1029005 D/C 31 604	32	33	34	35	36

SCALE in Chains

10 5 0 10 20 30 60

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

RESURVEY	ORIGINAL SURVEY			
TRACT NO	T	R	SEC	SUBDIVISION

All To included in Wdl Payette NF PLO 218 3/18/1944

All To included in 1 08863 Det PL 16T (Act of Cong 7/23/1955) completed 10/18/1960. All NF surface Mgmt by USFS

All To included in Frank Church River of No Return Wilderness Area Wdl 7/23/1980

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

CURRENT TO	CURRENT TO

USE PLATS

WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

Boise Mer

T. 24 N

R. 11 E

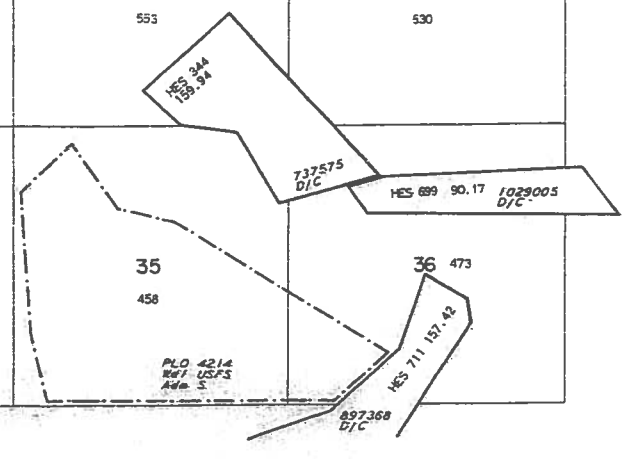
UNSURVEYED TOWNSHIP 24 NORTH RANGE 10 EAST OF THE BOISE MERIDIAN, IDAHO

Protraction Diagram No 41 approved 8/18/1965

IDAHO COUNTY 049

COEUR D' ALENE DISTRICT

6 623	5 640	4 643	3 640	2 640	1 640
7 624	8	9	10	11	12
18 625	17	16	15	14	13
19 626	20	21	22	23	24
30 627	29	28	27	26 553	25 530
31 628	32	33	34	35 458	36 473



SCALE in Chains

10 5 0 10 20 30 60

STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS				
RESURVEY	ORIGINAL SURVEY			
TRACT NO	T	R	SEC	SUBDIVISION

SO 1/16/1908 Wdl USFS Adm S
M&B: Chamberlain Basin Rgr Sta

All Tp included in Wdl Payette NF PLO 218 3/18/1944

All Tp included in I 08863 Det PL 167 (Act of Cong 7/23/1955) completed 10/18/1960. All NF surface Mgmt by USFS

All Tp included in Frank Church River of No Return Wilderness Area Wdl 7/23/1980

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO JAN 4 2007	CURRENT TO

USE PLATS:

Boise Mer

T. 24 N

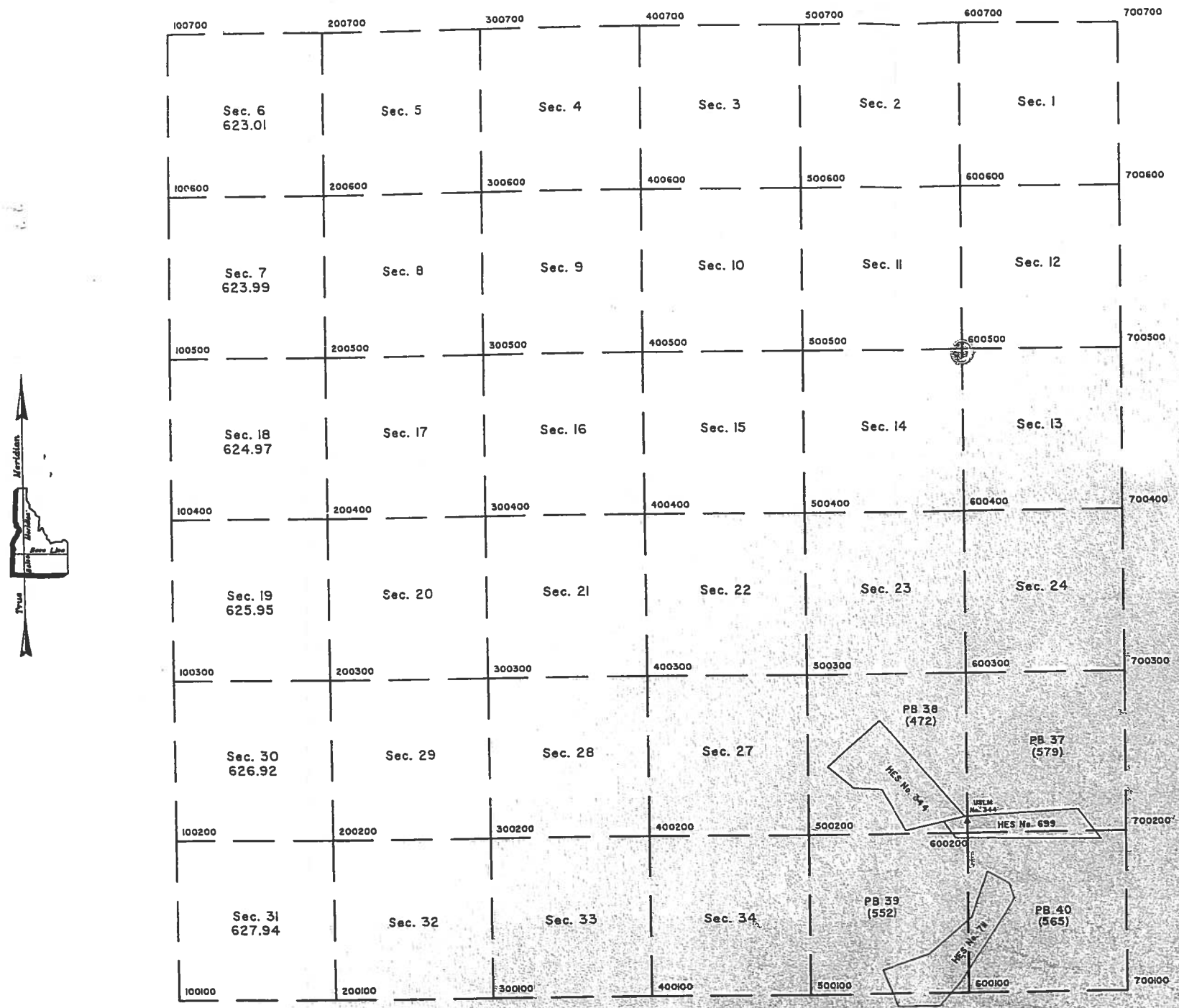
R. 10 E

WARNING STATEMENT

This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information

TOWNSHIP 24 NORTH, RANGE 10 EAST, OF THE BOISE MERIDIAN, IDAHO

PROTRACTION DIAGRAM



This protraction diagram was prepared for the express purpose of describing unsurveyed public land. It does not constitute an official survey, but establishes the plan for extending the rectangular survey system over these unsurveyed lands, and may be used for leasing and administrative purposes only.

The actual area of protracted blocks (PB) shown on this diagram may vary due to the reliability of the survey information used to determine the positions of existing survey boundaries. A protracted block cannot be subdivided without an official survey. Unless otherwise shown, each unsurveyed section, designated Sec. on the diagram, contains 640 acres. The sections on this diagram depict how the area may be surveyed; but until that time they will continue to be unsurveyed lands. Data shown in parenthesis ( ) are proposed information for the plan of survey and subject to change.

This protraction diagram officially supersedes the existing protraction for this area.

Latitudes and Longitudes were computed to portray standard protracted sections using an elevation of 7000 ft. for this township.

Point ID	NAD 1983 Latitude	Longitude
100100	45°22'11.3882"	115°17'10.1674"
100200	45°23'03.5164"	115°17'10.1674"
100300	45°23'55.6287"	115°17'10.1674"
100400	45°24'47.7408"	115°17'10.1674"
100500	45°25'39.8528"	115°17'10.1674"
100600	45°26'31.9647"	115°17'10.1674"
100700	45°27'24.0764"	115°17'10.1674"
200100	45°22'11.4071"	115°15'57.5765"
200200	45°23'03.5193"	115°15'57.6708"
200300	45°23'55.6314"	115°15'57.7652"
200400	45°24'47.7434"	115°15'57.8597"
200500	45°25'39.8553"	115°15'57.9542"
200600	45°26'31.9670"	115°15'58.0488"
200700	45°27'24.0786"	115°15'58.1435"
300100	45°22'11.4071"	115°14'43.6441"
300200	45°23'03.5193"	115°14'43.7195"
300300	45°23'55.6314"	115°14'43.7951"
300400	45°24'47.7434"	115°14'43.8706"
300500	45°25'39.8553"	115°14'43.9463"
300600	45°26'31.9670"	115°14'44.0220"
300700	45°27'24.0786"	115°14'44.0977"
400100	45°22'11.4071"	115°13'29.7117"
400200	45°23'03.5193"	115°13'29.7683"
400300	45°23'55.6314"	115°13'29.8250"
400400	45°24'47.7434"	115°13'29.8816"
400500	45°25'39.8553"	115°13'29.9384"
400600	45°26'31.9670"	115°13'29.9951"
400700	45°27'24.0786"	115°13'30.0519"
500100	45°22'11.4071"	115°12'15.7793"
500200	45°23'03.5193"	115°12'15.8171"
500300	45°23'55.6314"	115°12'15.8548"
500400	45°24'47.7434"	115°12'15.8926"
500500	45°25'39.8553"	115°12'15.9304"
500600	45°26'31.9670"	115°12'15.9683"
500700	45°27'24.0786"	115°12'16.0062"
600100	45°22'11.4071"	115°11'01.8470"
600200	45°23'03.5193"	115°11'01.8658"
600300	45°23'55.6314"	115°11'01.8847"
600400	45°24'47.7434"	115°11'01.9036"
600500	45°25'39.8553"	115°11'01.9225"
600600	45°26'31.9670"	115°11'01.9414"
600700	45°27'24.0786"	115°11'01.9604"
700100	45°22'11.4071"	115°09'47.9146"
700200	45°23'03.5193"	115°09'47.9146"
700300	45°23'55.6314"	115°09'47.9146"
700400	45°24'47.7434"	115°09'47.9146"
700500	45°25'39.8553"	115°09'47.9146"
700600	45°26'31.9670"	115°09'47.9146"
700700	45°27'24.0786"	115°09'47.9146"

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Boise, Idaho — December 16, 1998

This diagram represents the official protraction of the rectangular system of surveys and is hereby accepted.

For the Director

Mark Sweeney

ACTING Chief Cadastral Surveyor for Idaho

06/28/2007

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2121

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE:

HOTZEL CREEK	TRIBUTARY: CHAMBERLAIN CREEK
GAME CREEK	TRIBUTARY: WEST FORK CHAMBERLAIN CREEK
WEST FORK CHAMBERLAIN CREEK	TRIBUTARY: CHAMBERLAIN CREEK

QUANTITY: 8.150 CFS
1,172.880 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 10/14/1954

POINT OF DIVERSION:

T23N R10E S2 SWNE Within IDAHO County

T24N R10E S25 SWSW Within IDAHO County

T24N R10E S26 NWNE Within IDAHO County

T24N R10E S26 NWSE Within IDAHO County

T24N R10E S36 NENW Within IDAHO County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.080 CFS 1.20 AFY
IRRIGATION	05/01 10/31	8.150 CFS 1,170.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS 1.68 AFY

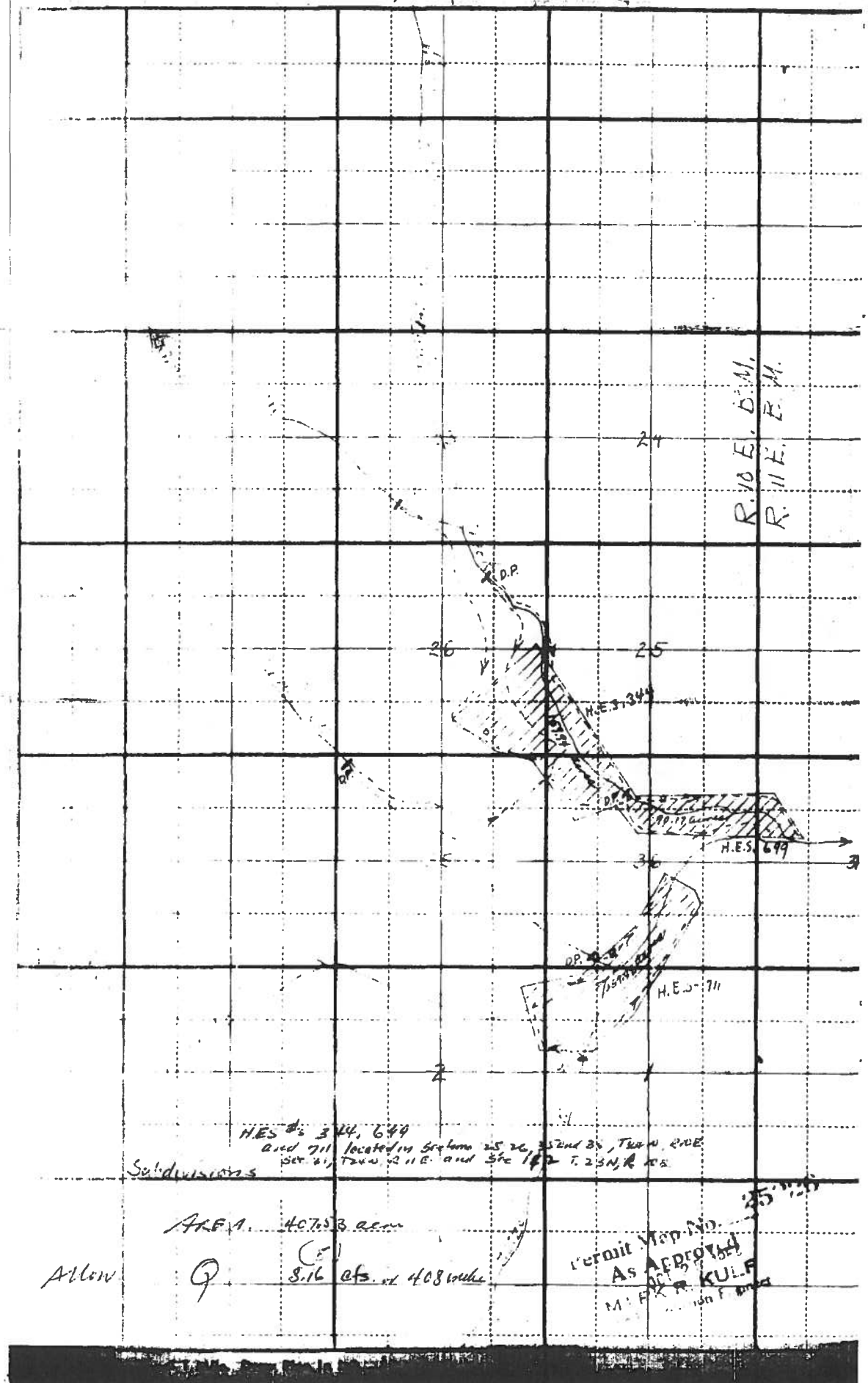
Domestic use is for 2 homes.

PLACE OF USE: IRRIGATION in IDAHO County

T23N R10E S02	NENE	~~8.~~00 4.00	T23N R10E S02	NWNE	~~21.~~00 6.00
~~T23N R10E S02~~	~~NENW~~	~~2.00~~			
T24N R10E S25	SWSW	~~8.~~00 21.00	T24N R10E S25	SESW	~~20.~~00 23.00
T24N R10E S25	SWSE	~~17.~~00 22.00	T24N R10E S25	SESE	1.00
T24N R10E S26	SWNE	4.00	T24N R10E S26	SWNW	1.00
T24N R10E S26	SENW	~~10.~~00 21.00	T24N R10E S26	NESW	~~40.00~~ 38.00

NAME OF APPLICANT ... of ... Dept. of Fish & Game

Form No.



H.E.S. #'s 344, 649 and 711 located in Sections 25, 26, 35 and 36, T. 24 N., R. 10 E. and Sec. 1 & 2, T. 23 N., R. 10 E.

Subdivisions

AREA 1. 40.76 acres

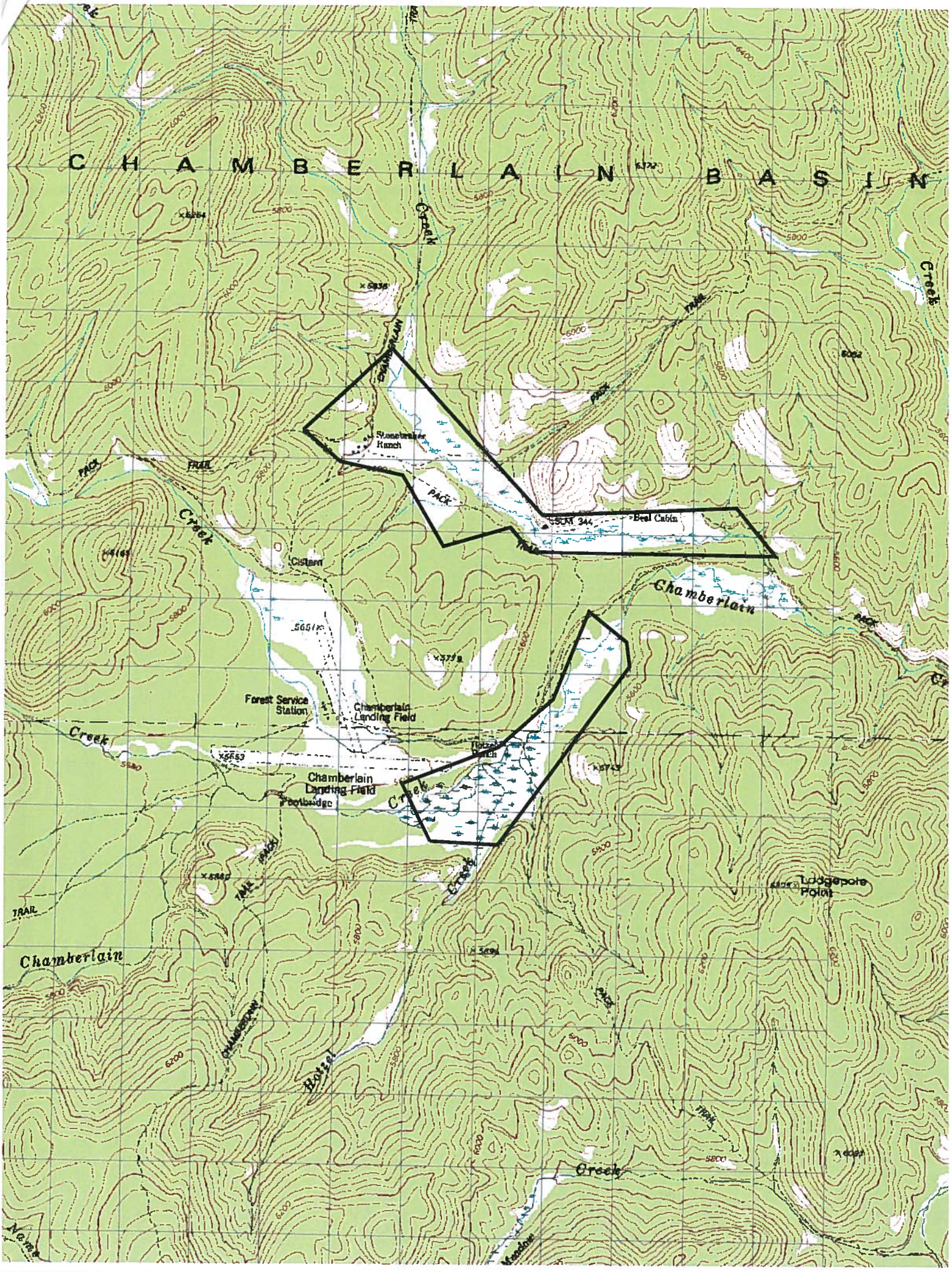
Allow Q 8.16 cfs. or 408 inches

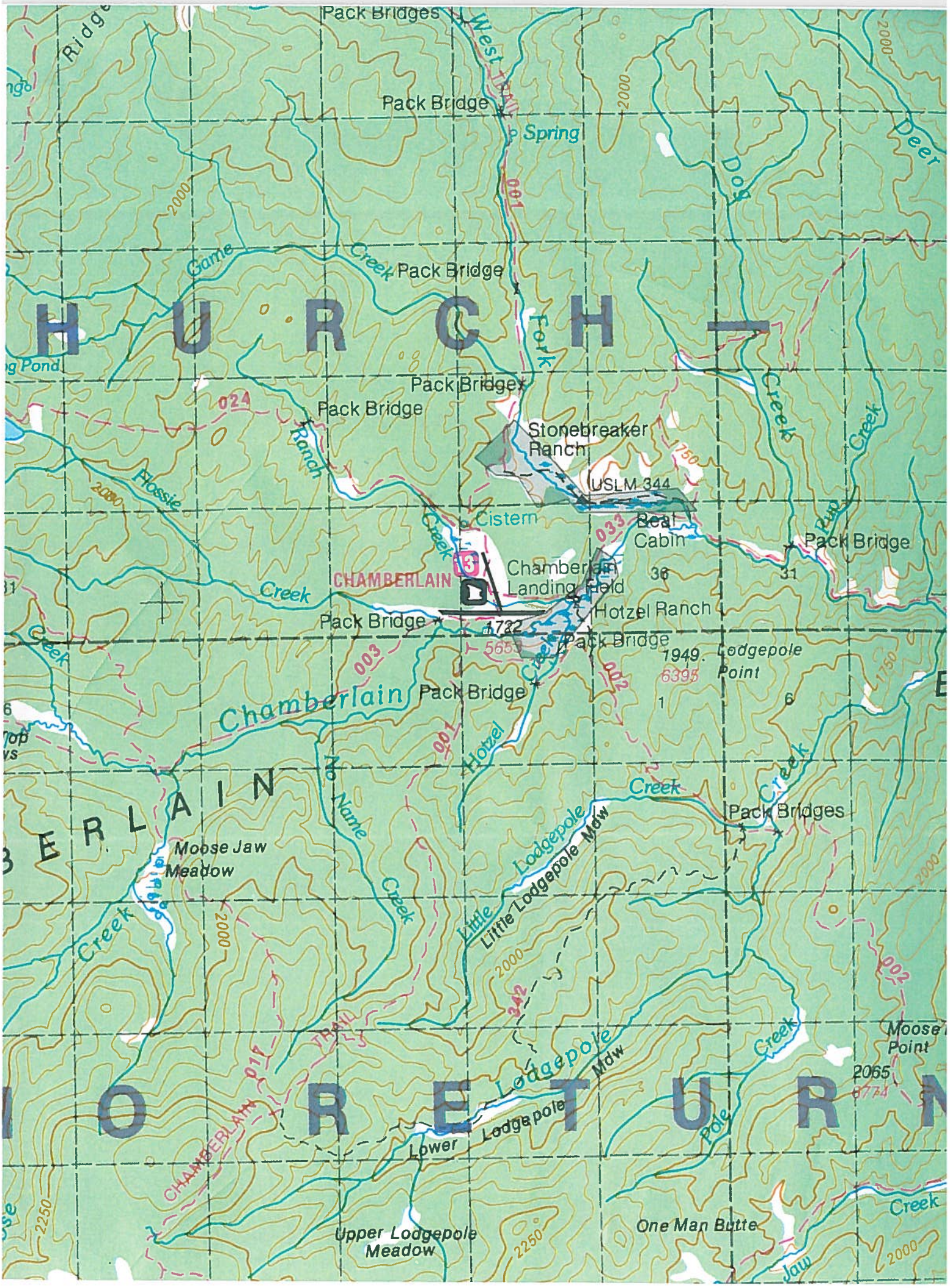
Permit Map No.

As Approved

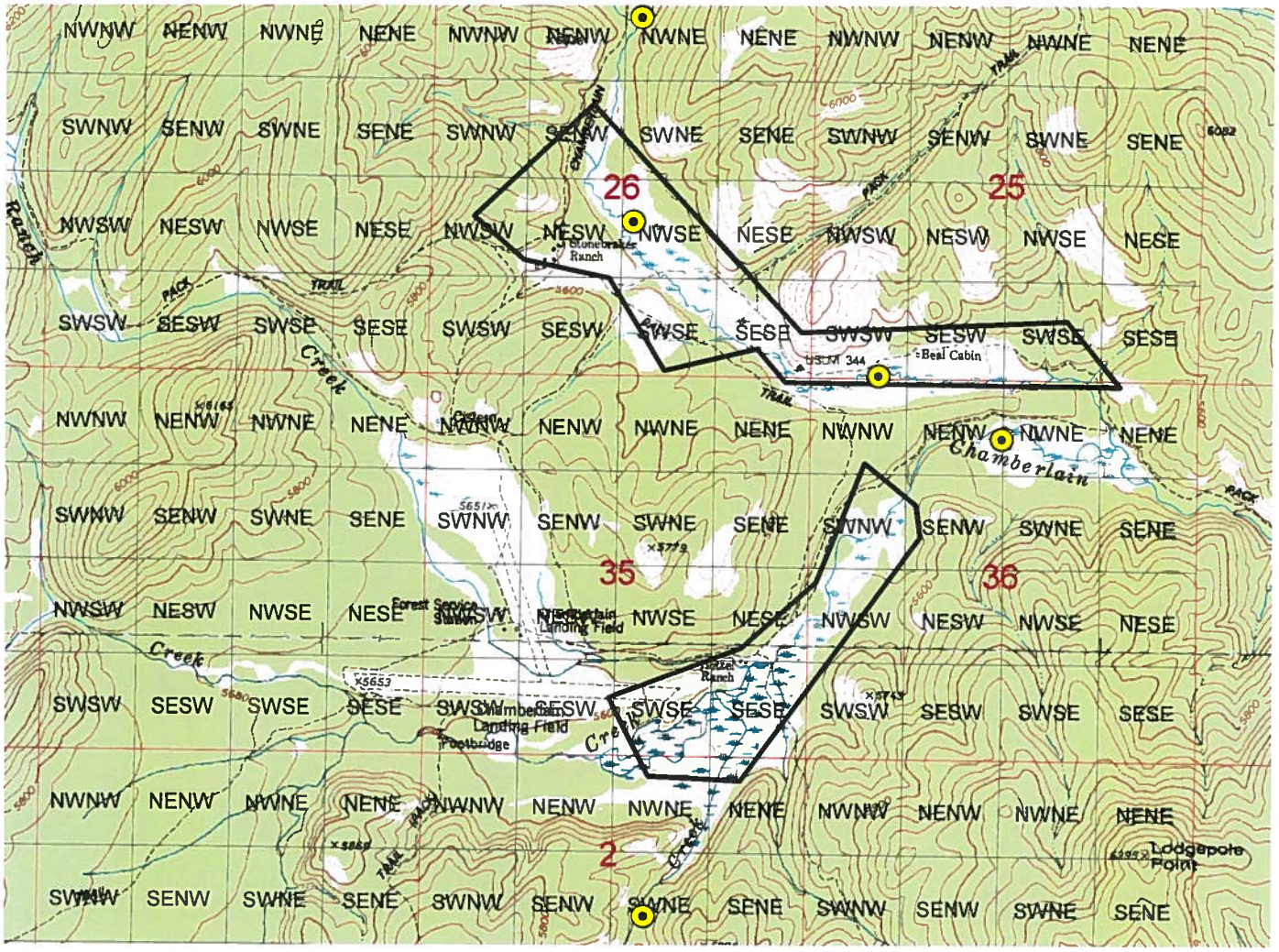
DEPT. OF FISH & GAME

25.2.34


CHAMBERLAIN BASIN
Creek
Stonebraker Ranch
Beal Cabin
Cistern
Forest Service Station
Chamberlain Landing Field
Footbridge
Lodgepole Point
TRAIL
PACK
Chamberlain
Boise


Pack Bridges
Pack Bridge
Spring
West Trail
Deer
Dog
Game
Creek
Pack Bridge
H U R C H T
Fork
Pack Bridges
Pack Bridge
Ranch
Stonebreaker Ranch
USLM 344
Creek
Flossie
Cistern
Creek
Beal Cabin
Pack Bridge
CHAMBERLAIN
Chamberlain Landing Field
Hotzel Ranch
Creek
Pack Bridge
1732
Pack Bridge
1949
Lodgepole Point
6395
Creek
Chamberlain
Pack Bridge
Hotzel
Creek
Pack Bridges
Moose Jaw Meadow
No Name
Creek
Lodgepole Mdw
Little
Little Lodgepole Mdw
Creek
Creek
Lodgepole Mdw
Lower Lodgepole
Pole
Creek
Moose Point
2065
6774
Upper Lodgepole Meadow
One Man Butte
Creek
Jaw

77-2121



Section 2
T23N R10E
Sections 25,26,35 & 36
T24N R10E

N

Place of Use

Point of Diversion

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED
JUN 27 2007
IDWR/North

June 25, 2007

VIA U.S. MAIL &
FACSIMILE (208) 736-2121

Honorable Theodore Booth
Special Master
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Re. Water Right Nos. 77-02121, 77-02124, 77-04179, and 77-04181.

Dear Special Master Booth:

Your Order Extending Deadlines for Amended Director's Reports and Objections sets the date of June 28, 2007 as the deadline for objections to the Amended Director's Reports. The purpose of this letter is to advise you that the existing deadline will not provide me sufficient time to conduct the review that I need and to explain the problem. I conducted some additional research for the water right at the Stonebraker Ranch on the Middle Fork of the Salmon River. I sent that information to Mr. Ken Knoblock and Mr. Chris Bromley for their review on June 7, 2007. A copy of that letter is enclosed. I have not been able to follow up with them; nor have I had the opportunity to review carefully the recommendations for the other water rights listed above.

My present schedule will not allow for that review. Presently pending in the Idaho Supreme Court is the appeal by the City of Pocatello regarding its claim to a federal water right. The respondent's brief is due on July 6, 2007, and this matter is assigned to me. Because of other pending SRBA matters, I just began that brief today.

Normally, I would have prepared a motion for extension of time with other appropriate papers. I decided that I did not have the time for that. I decided to send you this letter instead as a heads up to my later motion to file a late objection to at least one of the above water rights.

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8072
Located at 700 W. State Street
Joe R. Williams Building, 2nd Floor

Sincerely,

DAVID J. BARBER
Deputy Attorney General

DJB/ov
cc: Ken Knoblock
Chris Bromley

SCANNED
JUN 0 8 2007

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED
JUN 27 2007
IDWR/North
NATURAL RESOURCES

June 7, 2007

Mr. Ken Knoblock
Idaho Department of Water Resources
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815

Re: Transmittal of Information related to Subcase No. 77-02121.

Dear Ken:

Enclosed for your review are the documents described on Attachment I. The Idaho Department of Fish and Game ordered the patent files from the National Archives, and I have also done some research at the Idaho Historical Society and the State Office of the U.S. Department of the Interior, Bureau of Land Management. I am providing all of the information that I have collected to date. I think the solution would be for the Idaho Department of Fish and Game to amend its notice of claim one more time to reflect this new information. After you have reviewed this information, please give me a phone call. I would like to include Mr. Bromley in the phone conference, as well.

Sincerely,

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

DJB/ov

Encl.

cc: Chris Bromley (w. encl.)
Walton Poole (w. selected encl.)

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8072
Located at 700 W. State Street
Joe R. Williams Building, 2nd Floor

ATTACHMENT I

1. Master Title Plats for the following townships: Twp. 24N, Rge. 11E., Twp. 23N, Rge 10E, and Twp. 24N, Rge. 10E. The last township is dated January 4,.1999.

2. Protraction Diagram for Twp, 24N, Rge. 10 E., which was filed on December 16, 1998.

3. Plats of Homestead Entry Survey Nos. 344, 699, and 711.

4. Field Notes of Homestead Entry Survey Nos. 344, 699, and 711.

5. Patents issued to William A. Stonebraker, Phillip G. Beal, and August Hotzel.

6. Serial Register Pages for Serial Nos. 011604, 022890, 017436, and 039266.

7. Excerpt from Sheila D. Reddy, *Wilderness of the Heart*, Heritage Program Payette National Forest, U.S. Department of Agriculture, Intermountain Region (Jan. 1995).

8. Excerpt from Peter Preston, *An Outline of the Cultural History of the Frank Church – River of No Return Wilderness, Heritage Program*, Payette National Forest Service, U.S. Department of Agriculture, Intermountain Region (Nov. 2001).

9. Patent files for William A. Stonebraker, Phillip G. Beal, and August Hotzel.

State of Idaho
License and Certificate of Water Right

Water License No. 25226 Amount 8.15 c.f.s.

Water District No. Priority October 14, 1954

THIS IS TO CERTIFY that STATE OF IDAHO, DEPT. OF FISH AND GAME

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 14, 19 54; that Permit No. 25226 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.15 second feet, was issued thereunder on October 19, 19 64, showing that said works were completed on the 9th day of December, 1954; and that on the 9th day of December, 19 54,

STATE OF IDAHO, DEPT. OF FISH AND GAME

of Boise, State of Idah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Game Creek, (see below) Ranch (Cabin) Creek, Hotzel Creek, West Fork of Chamberlin Creek, a tributary of Chamberlin Creek, for the purpose of irrigation & domestic use, under Use Permit No. 25226 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8025, on the 19 day of October, 1964;

The right hereby confirmed dates from October 14, 19 54;

The Point of Diversion is located W. Fk. Chamberlin Cr. NW¼NE¼, Sec. 26; NE¼NW¼, Sec. 36 * (see below) in the ¼ ¼, Sec., Tp., R., B. M. County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 8.15 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
*Game Creek SE¼SW¼, Sec. 23; Ranch (Cabin) Creek; NW¼NW¼, Sec. 25 and SW¼SW¼, Sec. 36, T. 24 N., R. 10 E., B. M.; From Hotzel Creek, SW¼NW¼, Sec. 1, T. 23 N., R. 10 E., B. M. to irrigate 407.53 acres in H. E. Surveys 711, 699, 344, located approximately in Sections 25, 26, 35 and 36, Twp. 24 N., R. 10 E., B. M; Sec. 31, T. 24 N., R. 11 E. B. M. and Sections 1 and 2, Twp. 23 N., R. 10 E., B. M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 19th day of October, 19 64.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

77 2121

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 77-02121

1. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Dated this 16th day of December, 1992.

L. Glen Saxton
Chief, Water Alloc. Bureau

MICROFILMED
AUG 0 8 1994

T24N R10E S26	NWSW	11.00	T24N R10E S26	SESW	~~10.00~~ 1.00
T24N R10E S26	NESE	3.00	T24N R10E S26	NWSE	~~23.00~~ 34.00
T24N R10E S26	SWSE	~~36.00~~ 31.00	T24N R10E S26	SESE	~~21.00~~ 28.00
T24N R10E S35	NENE	~~7.00~~ 0.50	T24N R10E S35	SESW	~~2.00~~ 0.50
T24N R10E S35	NESE	~~6.00~~ 14.00	T24N R10E S35	SWSE	~~19.00~~ 31.00
T24N R10E S35	SESE	~~35.00~~ 34.00	T24N R10E S36	NENE	0.50
T24N R10E S36	NWNE	~~16.00~~ 2.50	T24N R10E S36	NENW	~~15.00~~ 2.50
T24N R10E S36	NWNW	~~15.00~~ 2.60	T24N R10E S36	SWNW	~~20.00~~ 26.00
T24N R10E S36	SENW	2.60	T24N R10E S36	NWSW	~~26.00~~ 23.00
T24N R10E S36	SWSW	~~2.00~~ 1.30			

DOMESTIC in IDAHO County

T24N R10E S26	NESW	T24N R10E S36	SWSW

STOCKWATER same as IRRIGATION

390 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.

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NOS. 344, 699 & 711.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Water Right Number - 77-02121 Prefix Translation: WATER RIGHT Old (D) Number - 25226

*** C - CURRENT OWNER ***
STATE OF IDAHO

1 - DEPT OF FISH & GAME
2 - PO BOX 25
3 -
City- BOISE State- ID Zip- 83707
Phone - 208-000-0000

Priority Date: 10/14/1954 | Region: 14 WESTERN | Stage: L - LICENSE | Status:

Source:
RANCH CREEK
HOTZEL CREEK
CHAMBERLAIN CREEK, WEST FORK

Tributary:
CHAMBERLAIN CREEK
CHAMBERLAIN CREEK
CHAMBERLAIN CREEK

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
23N	10E	2	SW NE		(49)	IDAHO			
24N	10E	25	SW SW		(49)	IDAHO			
		26	NW NE		(49)	IDAHO			
			NW SE		(49)	IDAHO			
		36	~~NW~~ NE NW		(49)	IDAHO			

(PROPOSED PID NOT LISTED ON PROOF)

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	04/15	10/15	8.150	1170.00
43	DOMESTIC	01/01	12/31	0.080	1.20

Total Div. Rate: 8.150 | Total Div. Volume: 1171.20 | Total Div. Capacity:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
23N	10E	2	NE NE		20.0	01	IRRIGATION	(49) IDAHO
23N	10E	2	NW NE		20.0	01	IRRIGATION	(49) IDAHO
24N	10E	25	SW SW		15.0	01	IRRIGATION	(49) IDAHO
24N	10E	25	SE SW		15.0	01	IRRIGATION	(49) IDAHO
24N	10E	25	SW SE		15.0	01	IRRIGATION	(49) IDAHO
24N	10E	26	SW NE		40.0	01	IRRIGATION	(49) IDAHO
24N	10E	26	SE NW		40.0	01	IRRIGATION	(49) IDAHO
24N	10E	26	NE SW		40.0	01	IRRIGATION	(49) IDAHO
24N	10E	26	NW SE		20.0	01	IRRIGATION	(49) IDAHO
24N	10E	26	SW SE		20.0	01	IRRIGATION	(49) IDAHO
24N	10E	35	NE NE		5.0	01	IRRIGATION	(49) IDAHO
24N	10E	36	NE NE		25.0	01	IRRIGATION	(49) IDAHO
24N	10E	36	NW NE		25.0	01	IRRIGATION	(49) IDAHO
24N	10E	36	NE NW		25.0	01	IRRIGATION	(49) IDAHO
24N	10E	36	NW NW		25.0	01	IRRIGATION	(49) IDAHO

MICROFILMED
AUG 0 8 1994

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

RECEIVED
JUL - 2 2007
IDWR/North

June 29, 2007

VIA U.S. MAIL &
FACSIMILE (208) 736-2121

Honorable Theodore Booth
Special Master
253 3rd Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Re. Update Regarding Water Right Nos. 77-02121, 77-02124, 77-04179, and 77-04181.

Dear Special Master Booth:

I had the opportunity of participating in a conference call with Mr. Ken Knoblock and Mr. Chris Bromley about the material that I sent them regarding water right no. 77-2121. I have also had the opportunity of discussing with my client, the Idaho Department of Fish and Game (hereinafter the "IDF&G"), the Amended Director's Reports for these four water rights. The IDF&G is satisfied with the recommendations in the Amended Director's Reports for water right nos. 77-02124, 77-04179, and 77-04181. Those three water rights could proceed to a special master's report and partial decree. The last wilderness water right, water right no. 77-02121, presents more challenges. The additional research that I conducted regarding this facility may support some additional claims. The IDF&G and I are still evaluating this information at this time. In addition, the definition of the proposed place of use presents some challenges since this township has never been surveyed. The maps that I obtained locate the three old homesteads in various locations. Mr. Knoblock agreed to redo the map of the premises and the legal description based on the best information that I obtained from the Bureau of Land Management.

Finally, Mr. Bromley called this morning and informed me that the issuance of a transfer for this water right in the early 1992 may present some administrative problems as well. I do not have this issue sorted out at this time. After I finish the appellate brief for water right no. 29-11609, I will meet with the Idaho Department of Water Resources. I fully expect that we will

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8072
Located at 700 W. State Street
Joe R. Williams Building, 2nd Floor

be able to jointly make a recommendation on how to proceed with water right no. 77-02121.

Sincerely,

DAVID J. BARBER
Deputy Attorney General

DJB/ov
cc: Ken Knoblock
Chris Bromley

12
343
2.5
Nichols
659
Richmond
295
265
C225
Aplin
123

Form 222
1-87

Page 1 of 6

AUG 19 1992

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Regional Office

Transfer No. 4033

APPLICATION FOR TRANSFER OF WATER RIGHT

APPROVED

PART 1

887-6729

Name of applicant State of Idaho Department of Fish and Game Phone 334-3700

Post Office address P.O. Box 25, Boise, Idaho 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Due to fragile soils, a long open ditch and the resulting erosion problems, plans are to install a solar powered pump closer to the place of use.

DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
77-02121	10-14-1954	8.150 cfs	Irrigation	_____ to _____
			Domestic	_____ to _____
A77-02121	10-14-1954	8.15 cfs	Irrigation	5-01 to 10-31
		0.080	Domestic	1-01 to 12-31

2. Total amount of water being transferred 8.23 cfs cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Ranch Creek, Hotzel Creek and Chamberlain Creek, West Fork tributary to Chamberlain Creek
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE	✓	2	23N	10E	Idaho	
	NW	NW	SE	26	24N	10E	Idaho	PROPOSED
	SW	SW	✓	25	24N	10E	Idaho	
	NW	NE		26	24N	10E	Idaho	
	NW	NW		36	24N	10E	Idaho	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
N/C																			

APPROVED
DEC 16 1992

Total acres _____

Page 1 of 1 — **PART 2** — Transfer No. _____

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED N/A

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NW	SE	26	24N	10E	Idaho	

3. Lands irrigated or place of use: N/A

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT *(omit if there is no change)* N/A

amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____
amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

DEC 16 1992

Total acres _____

CONDITIONS OF APPROVAL
Transfer of Water Rights
No. 77-02121

1. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Dated this 16th day of December, 1992.

L. Glen Saxton
Chief, Water Alloc. Bureau

DEC 16 1992

Page 6 of 6

Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE N/A

1 New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			_____ to _____
			_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Don Wright (Acting Regional Supervisor)
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of August, 19 92.

Eva M. Roberts
(Notary Public)

My commission expires Jan 9, 1997

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and — attachments

Received by MM Date 8/19/92 Protest filed by _____

Prelim. check by LJ Fee $50.00 _____

Receipted by DM Date 8-19-92 _____

Published in Idaho County Free Press Copies of protest forwarded by _____

Pub. dates 9/16 & 9/23/92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DR

Copy of transfer sent to lien holder _____

RECEIVED

DEC 16 1992

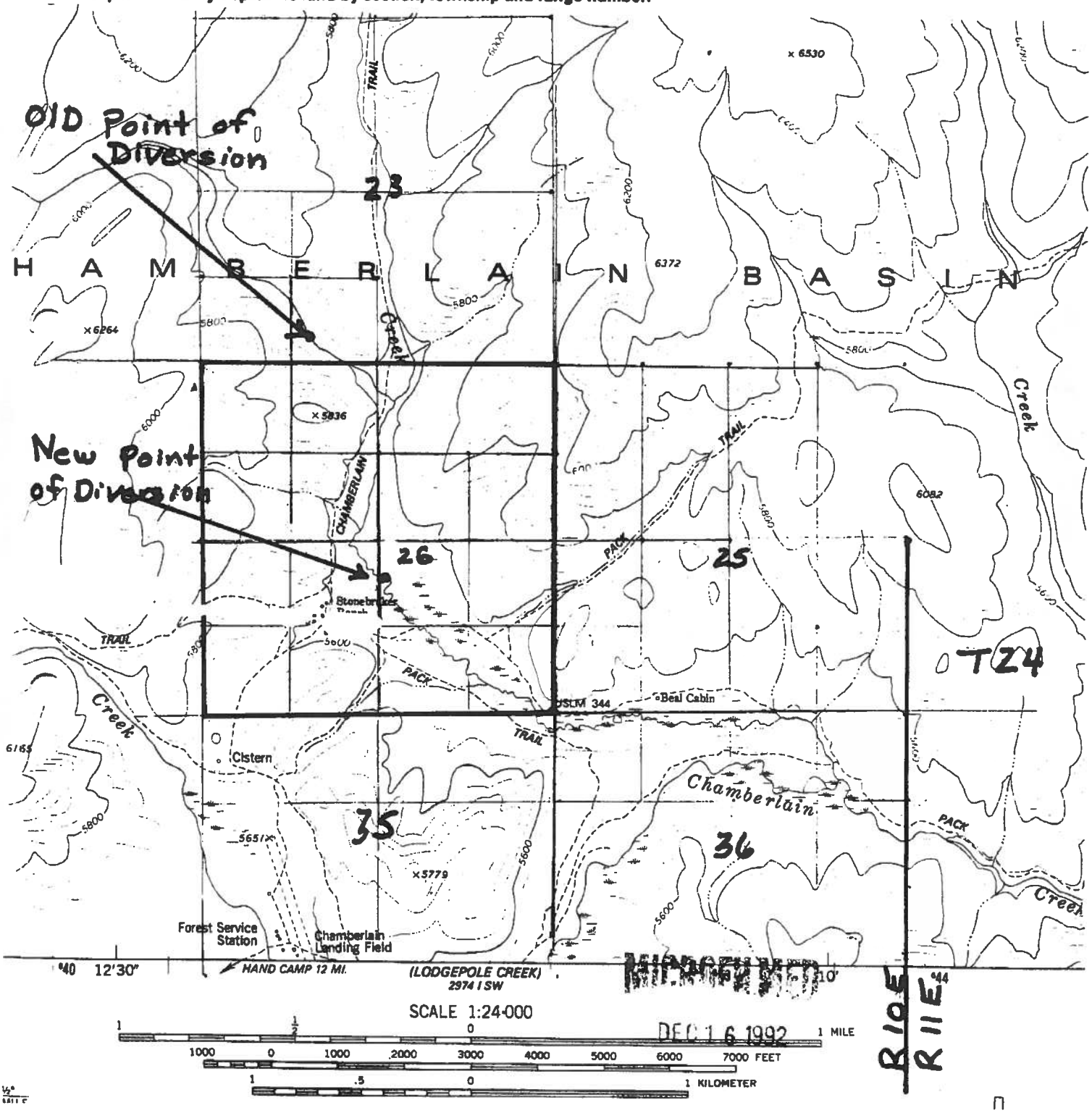
Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system Solar Powered pump, 3/4" poly pipe buried, three (3) 200 gallon storage tanks.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No Change

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 77-02121

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

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: A77-02121
Date Received:
Receipt No: C018454
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
   Address: DEPT. OF FISH & GAME
   P.O. BOX 25
   BOISE, ID 83707

2. Date of Priority: OCT 14, 1954

3. Source: GAME CREEK — Trib. to: CHAMBERLIN CREEK
   RANCH CREEK — CHAMBERLIN CREEK
   HOTZEL CREEK — CHAMBERLIN CREEK
   CHAMBERLIN CREEK, WEST FORK — CHAMBERLIN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	10E	2	SW NE		IDAHO
24N	10E	23	SE SW		IDAHO
		25	SW SW		IDAHO
		26	NW NE		IDAHO
		36	NE NW		IDAHO

5. Description of diverting works:
   DAM ACROSS GAME CREEK, PIPE, OPEN DITCH TO PLACE OF USE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	10/31	8.150		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is 780.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   DOMESTIC USE FOR 2 HOUSEHOLDS

MICROFILMED
OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
23N	10E	2	NE	NE		IRR	20.0
			NW	NE		IRR	20.0
						Section Acres	40.0
24N	10E	25	SW	SW		IRR	15.0
			SE	SW		IRR	15.0
			SW	SE		IRR	15.0
						Section Acres	45.0
		26	SW	NE		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SE		IRR	20.0
			SW	SE		IRR	20.0
						Section Acres	160.0
		35	NE	NE		IRR	5.0
						Section Acres	5.0
		36	NE	NE		IRR	25.0
			NW	NE		IRR	25.0
			NE	NW		IRR	25.0
			NW	NW		IRR	25.0
			SW	NW		IRR	20.0
			NW	SW		IRR	20.0
						Section Acres	140.0
						Total Acres	390.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
NONE

14. Remarks:
P/U H.E.S. 711,699,344.
SOURCES ARE GAME, RANCH, HOTZEL & W. FK. CHAMBERLIN CKS. TRIB. CHAMBERLIN CK.
AC. IRR. = 390

MICROFILMED
OCT 05 1992

15. Basis of Claim: LICENSE

Water Right Number: 25226

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 Organizations:

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

_____
Signature of Authorized Agent

_____
Title and Organization

_____
Date

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
OCT 05 1992

10.(cont.)

Total Acres 390 acre

MICROFILMED
OCT 05 1992

Form 222
1-87

Page 1 of 6

RECEIVED
DEC 22 1992
Department of Water Resources
Western Regional Office

RECEIVED
AUG 19 1992
Department of Water Resources
Western Regional Office

Transfer No. 4033

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

APPROVED

887-6729

Name of applicant State of Idaho Department of Fish and Game Phone 334-3700

Post Office address P.O. Box 25, Boise, Idaho 83707

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
   ☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Due to fragile soils, a long open ditch and the resulting erosion problems, plans are to install a solar powered pump closer to the place of use.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1.

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
77-02121	10-14-1954	8.150 cfs	Irrigation	_____ to _____
			Domestic	_____ to _____
A77-02121	10-14-1954	8.15 cfs	Irrigation	5-01 to 10-31
		0.080	Domestic	1-01 to 12-31

2. Total amount of water being transferred 8.23 cfs cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Ranch Creek, Hotzel Creek and Chamberlain Creek, West Fork tributary to Chamberlain Creek

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NE		2	23N	10E	Idaho	
	NW	NW	SE	26	24N	10E	Idaho	PROPOSED
	SW	SW		25	24N	10E	Idaho	
	NW	NE		26	24N	10E	Idaho	
	NW	NW		36	24N	10E	Idaho	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
N/C																			

MICROFILMED
AUG 08 1994

Total acres _____

 Transfer No. _____

PART 1

6. General Information:

a. Description of diversion system Solar Powered pump, 3/4" poly pipe buried, three (3) 200 gallon storage tanks.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

No Change

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 77-02121

And said application is hereby APPROVED, subject to the following limitations and conditions:

SEE ATTACHED SHEET FOR CONDITIONS OF APPROVAL.

Witness my hand this 10th day of December, 19 92.

L. Glen Saxton

MICROFILMED
AUG 0 8 1994

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

   a. Decree No. _____ Decreed to N/A

   in case of _____ vs. _____

   dated _____ in _____ county of _____

   b. License No. 77-02121 issued by the Idaho Department of Water Resources.

   c. Claim No. A77-02121 (SRBA) on file with the Idaho Department of Water Resources.

   d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

   ☐ Tax Notice ☒ Warranty Deed ☐ Other _____

3. Source of water Hotzel Creek, W.F. of Chamberlain Creek tributary to Chamberlain Creek Game Creek, Ranch Creek

4. Date or priority 10-14-1954

5. Water is used for the following purpose:

   amount 8.150 cfs (cfs/ac-ft) for Irrigation purposes from 5/01 to 10/31

   amount 0.080 cfs (cfs/ac-ft) for Domestic purposes from 1/01 to 12/31

   amount _____ (cfs/ac-ft) for _____ purposes from _____ to _____

6. Total amount of water under right 8.230 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lc	Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion: Local name for diversion
	23N	10E	2	SW NE			(49) IDAHO	
	24N	10E	23	SE SW			(49) IDAHO	INEFFICIENT P/D
			25	SW SW			(49) IDAHO	
			26	NW NE			(49) IDAHO	
			36	NE NW			(49) IDAHO	

8. Lands irrigated or place of use:

Twp	Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
	23N	10E	2	NE NE		20.0	01	IRRIGATION	(49) IDAHO	S
	23N	10E	2	NW NE		20.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	25	SW SW		15.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	25	SE SW		15.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	25	SW SE		15.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	26	SW NE		40.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	26	SE NW		40.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	26	NE SW		40.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	26	NW SE		20.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	26	SW SE		20.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	35	NE NE		5.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	36	NE NE		25.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	36	NW NE		25.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	36	NE NW		25.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	36	NW NW		25.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	36	SW NW		20.0	01	IRRIGATION	(49) IDAHO	
	24N	10E	36	NW SW		20.0	01	IRRIGATION	(49) IDAHO	

MICROFILMED
AUG 0 8 1994

9. De

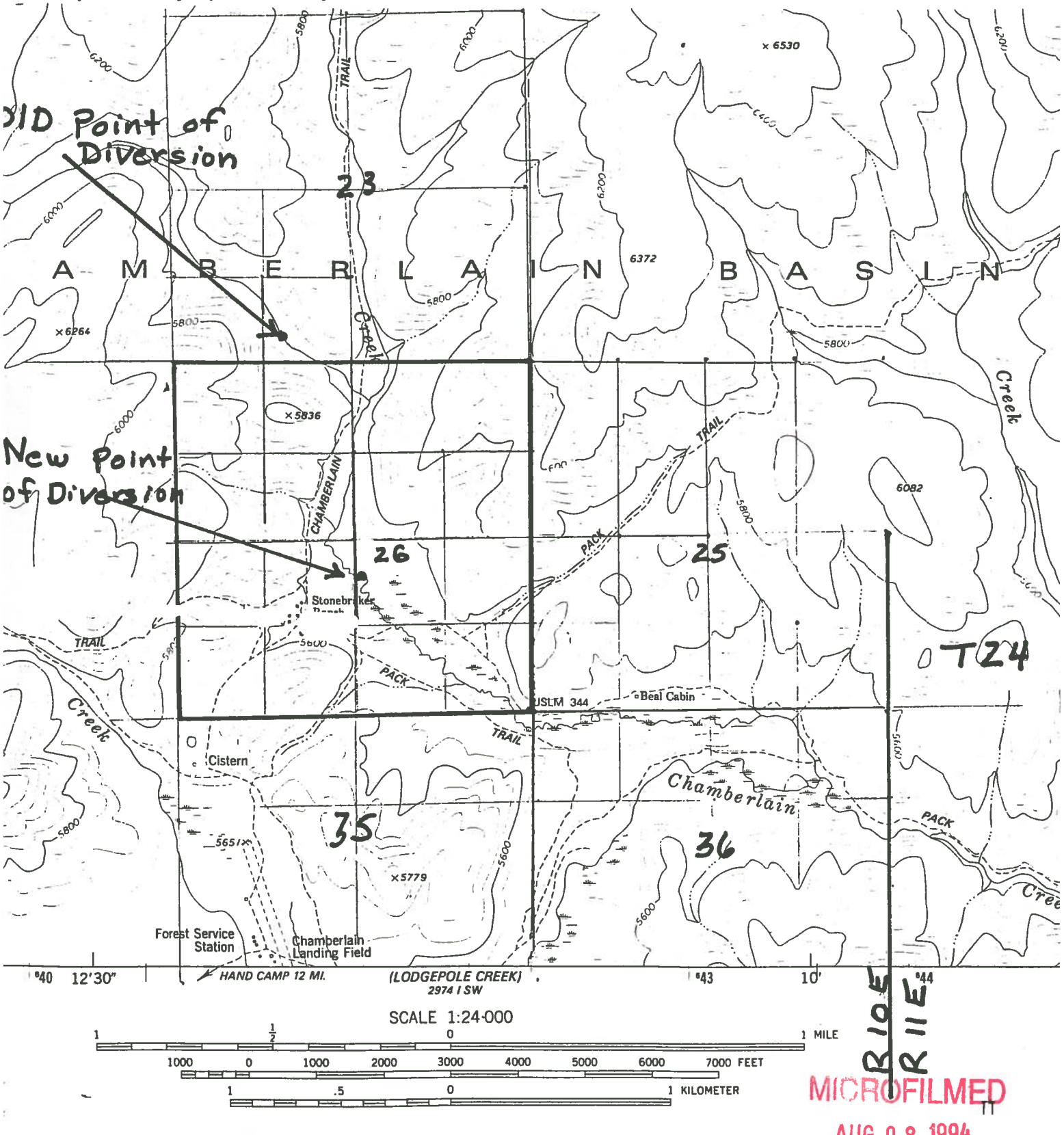
Page _____ of 6

POOR ORIGINAL

Transfer No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



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

MICROFILMED
AUG 0 8 1994

Page 6 of 6 Transfer No. _____

PART 3

B. CHANGES IN NATURE OF USE N/A

1 New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
			_____ to _____
			_____ to _____

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Don Wright (Acting Regional Supervisor)
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of August, 19 92.

Eva M. Roberts
(Notary Public)

My commission expires Jan 9, 1997

FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and — attachments

Received by MM Date 8/19/92 Protest filed by _____

Prelim. check by LG Fee $50.00 _____

Receipted by MM Date 8-19-92 _____

Published in Idaho County Free Press Copies of protest forwarded by _____

Pub. dates 9/16 & 9/23/92 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by DRT

Copy of transfer sent to lien holder _____

MICROFILMED
AUG 08 1994

State of Idaho
License and Certificate of Water Right

Water License No. 25226 Amount 8.15 c.f.s.

Water District No. Priority October 14, 1954

THIS IS TO CERTIFY that STATE OF IDAHO, DEPT. OF FISH AND GAME

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated October 14, 19 54; that Permit No. 25226 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 8.15 second feet, was issued thereunder on October 19, 19 64, showing that said works were completed on the 9th day of December, 1954; and that on the 9th day of December, 19 54,

STATE OF IDAHO, DEPT. OF FISH AND GAME

of Boise, State of Idah, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Game Creek, (see below) Ranch (Cabin) Creek, Hotzel Creek, West Fork of Chamberlin Creek, a tributary of Chamberlin Creek, for the purpose of irrigation & domestic use, under Use Permit No. 25226 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 13 of Licenses at page 8025, on the 19 day of October, 1964;

The right hereby confirmed dates from October 14, 19 54;

The Point of Diversion is located W. Fk. Chamberlin Cr. NW¼NE¼, Sec. 26; NE¼NW¼, Sec. 36 * (see below) in the ¼ ¼, Sec., Tp., R., B. M. County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 8.15 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
*Game Creek SE¼SW¼, Sec. 23; Ranch (Cabin) Creek; NW¼NW¼, Sec. 25 and SW¼SW¼, Sec. 36, T. 24 N., R. 10 E., B. M.; From Hotzel Creek, SW¼NW¼, Sec. 1, T. 23 N., R. 10 E., B. M.					
to irrigate 407.53 acres in H. E. Surveys 711, 699, 344, located approximately in Sections 25, 26, 35 and 36, Twp. 24 N., R. 10 E., B. M; Sec. 31, T. 24 N., R. 11 E. B. M. and Sections 1 and 2, Twp. 23 N., R. 10 E., B. M.					

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 19th day of October, 19 64.

RALPH W. THOMAS
Deputy State Reclamation Engineer.

(SEAL)

Loy Johnson exam Oct. 14, 1964 TT 2121

Stockwater not mentioned

IDAHO DEPARTMENT OF WATER RESOURCES

RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2121

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: HOTZEL CREEK
GAME CREEK
WEST FORK CHAMBERLAIN CREEK

TRIBUTARY: CHAMBERLAIN CREEK
TRIBUTARY: WEST FORK CHAMBERLAIN CREEK
TRIBUTARY: CHAMBERLAIN CREEK

QUANTITY: 8.150 CFS
~~1171.200~~ 1,172.880 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 10/14/1954

POINT OF DIVERSION:

T23N R10E S2 SWNE Within IDAHO County

T24N R10E S25 SWSW Within IDAHO County

T24N R10E S26 NWNE Within IDAHO County

T24N R10E S26 NWSE Within IDAHO County

T24N R10E S36 NENW Within IDAHO County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.080 CFS 1.20 AFY
IRRIGATION	05/01 10/31	8.150 CFS 1,170.00 AFY
STOCKWATER	01/01 12/31	0.020 CFS 1.68 AFY

Domestic use is for 2 homes.

PLACE OF USE: IRRIGATION in IDAHO County

~~T23N R10E S02~~	NENE	~~8.00~~ 4	T23N R10E S02	NWNE	~~21.00~~ 6
~~T23N R10E S02~~	~~NENW~~	~~2.00~~	T24N R10E S25	SWSW	~~8.00~~ 20
T24N R10E S25	SESW	~~20.00~~ 22	T24N R10E S25	SWSE	~~17.00~~ 21
T24N R10E S25	SESE	1	T24N R10E S26	SWNE	4
T24N R10E S26	SENW	~~10.00~~ 20	T24N R10E S26	NESW	~~40.00~~ 38
T24N R10E S26	SWNW	1			
T24N R10E S26	NWSW	~~11.00~~ 10	T24N R10E S26	SESW	~~10.00~~ 1
T24N R10E S26	NESE	3			
T24N R10E S26	NWSE	~~23.00~~ 33	T24N R10E S26	SWSE	~~36.00~~ 30
T24N R10E S26	SESE	~~21.00~~ 27	T24N R10E S35	NENE	~~7.00~~ 1

T24N R10E S35	SESW	~~2.00~~ 1	T24N R10E S35	NESE	~~6.00~~ 13
T24N R10E S35	SWSE	19.00 30	T24N R10E S35	SESE	~~35.00~~ 37
T24N R10E S36	NWNE	~~16.00~~ 3	T24N R10E S36	NENW	~~15.00~~ 2
T24N R10E S36	NWNW	~~15.00~~ 7	T24N R10E S36	SWNW	~~20.00~~ 25
T24N R10E S36	NWSW	~~26.00~~ 22	T24N R10E S36	SWSW	2.00

DOMESTIC in IDAHO County

T24N R10E S26	NESW	T24N R10E S36	SWSW

STOCKWATER same as IRRIGATION

390 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.

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NOS. 344, 699 & 711.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

SCANNED
JUN 27 2007

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

June 7, 2007

RECEIVED
JUN 11 2007
IDWR/North

Mr. Ken Knoblock
Idaho Department of Water Resources
7600 N. Mineral Dr., Suite 100
Coeur D'Alene, ID 83815

Re: Transmittal of Information related to Subcase No. 77-02121.

Dear Ken:

Enclosed for your review are the documents described on Attachment I. The Idaho Department of Fish and Game ordered the patent files from the National Archives, and I have also done some research at the Idaho Historical Society and the State Office of the U.S. Department of the Interior, Bureau of Land Management. I am providing all of the information that I have collected to date. I think the solution would be for the Idaho Department of Fish and Game to amend its notice of claim one more time to reflect this new information. After you have reviewed this information, please give me a phone call. I would like to include Mr. Bromley in the phone conference, as well.

Sincerely,

DAVID J. BARBER
Deputy Attorney General
Natural Resources Division

DJB/ov

Encl.

cc: Chris Bromley (w. encl.)
Walton Poole (w. selected encl.)

Natural Resources Division
P.O. Box 83720, Boise, Idaho 83720-0010
Telephone: (208) 334-2400, FAX: (208) 854-8072
Located at 700 W. State Street
Joe R. Williams Building, 2nd Floor

ATTACHMENT I

1. Master Title Plats for the following townships: Twp. 24N, Rge. 11E., Twp. 23N, Rge 10E, and Twp. 24N, Rge. 10E. The last township is dated January 4,.1999.

2. Protraction Diagram for Twp, 24N, Rge. 10 E., which was filed on December 16, 1998.

3. Plats of Homestead Entry Survey Nos. 344, 699, and 711.

4. Field Notes of Homestead Entry Survey Nos. 344, 699, and 711.

5. Patents issued to William A. Stonebraker, Phillip G. Beal, and August Hotzel.

6. Serial Register Pages for Serial Nos. 011604, 022890, 017436, and 039266.

7. Excerpt from Sheila D. Reddy, *Wilderness of the Heart*, Heritage Program Payette National Forest, U.S. Department of Agriculture, Intermountain Region (Jan. 1995).

8. Excerpt from Peter Preston, *An Outline of the Cultural History of the Frank Church – River of No Return Wilderness, Heritage Program*, Payette National Forest Service, U.S. Department of Agriculture, Intermountain Region (Nov. 2001).

9. Patent files for William A. Stonebraker, Phillip G. Beal, and August Hotzel.

$440 CD

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: A77-02121
Date Received: 2/16/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

1. Name: STATE OF IDAHO
   Address: DEPT. OF FISH & GAME
   BOISE, ID 83707

2. Date of Priority: OCT 14, 1954

3. Source: GAME CREEK — Trib. to: CHAMBERLIN CREEK
   RANCH CREEK — CHAMBERLIN CREEK
   HOTZEL CREEK — CHAMBERLIN CREEK
   CHAMBERLIN CREEK, WEST FORK — CHAMBERLIN CREEK

4. Point of Diversion: see attachment

~~Township~~	Range	Section	1/4 of 1/4 of 1/4	Lot	~~County~~
23N	10E	1	SW	NW	IDAHO
24N	10E	23	SE	SW	IDAHO
		25	NW	NW	IDAHO
		26	NW	NE	IDAHO
		36	NE	NW	IDAHO
			SW	SW	IDAHO

5. Description of diverting works: Dam across Game Creek; water flows into a pipe and then into an open ditch to the P/U.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	5/1	10/31	8.150		
DOMESTIC	1/1	12/31	0.08		

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

8. Total consumptive use is 780 Acre Feet Per Annum.

9. Non-irrigation uses: Domestic use for 2 households.

MICROFILMED
OCT 05 1992

10. Place of Use: see attachment

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	10E	1			IRR	
		2			IRR	
24N	10E	25			IRR	
		26			IRR	
		35			IRR	
		36			IRR	
	11E	31			~~IRR~~	

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:

14. Remarks:
P/U H.E.S. 711,699,344.
SOURCES ARE GAME, RANCH, HOTZEL & W. FK. CHAMBERLIN CKS. TRIB. CHAMBERLIN CK.
~~AC. IRR. = 407.53.~~ 390 acres (see attachment)

15. Basis of Claim: LICENSE
Water Right Number: 25226

MICROFILMED
OCT 0 5 1992

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: _____

For Organizations:

I do solemnly swear or affirm that I am Director (Title) of IDAHO DEPT. OF FISH & GAME (Organization), that I have signed the foregoing document in the space below as Director (Title) of IDAHO DEPT. OF FISH & GAME (Organization) and that the statements contained in the foregoing document are true and correct.

Director,

Signature of Authorized Agent

IDAHO DEPT. OF FISH & GAME

Title and Organization

June 20, 1990

Date

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 20th day of June 1990

Dorothy Baker
Notary Public

Seal

Residing at Emmett Idaho

My Commission Expires October 31, 1991

MICROFILMED
OCT 05 1992

Attachment of Corrections for A77-02121

Item No. Corrected Information

4. Point of Diversion:

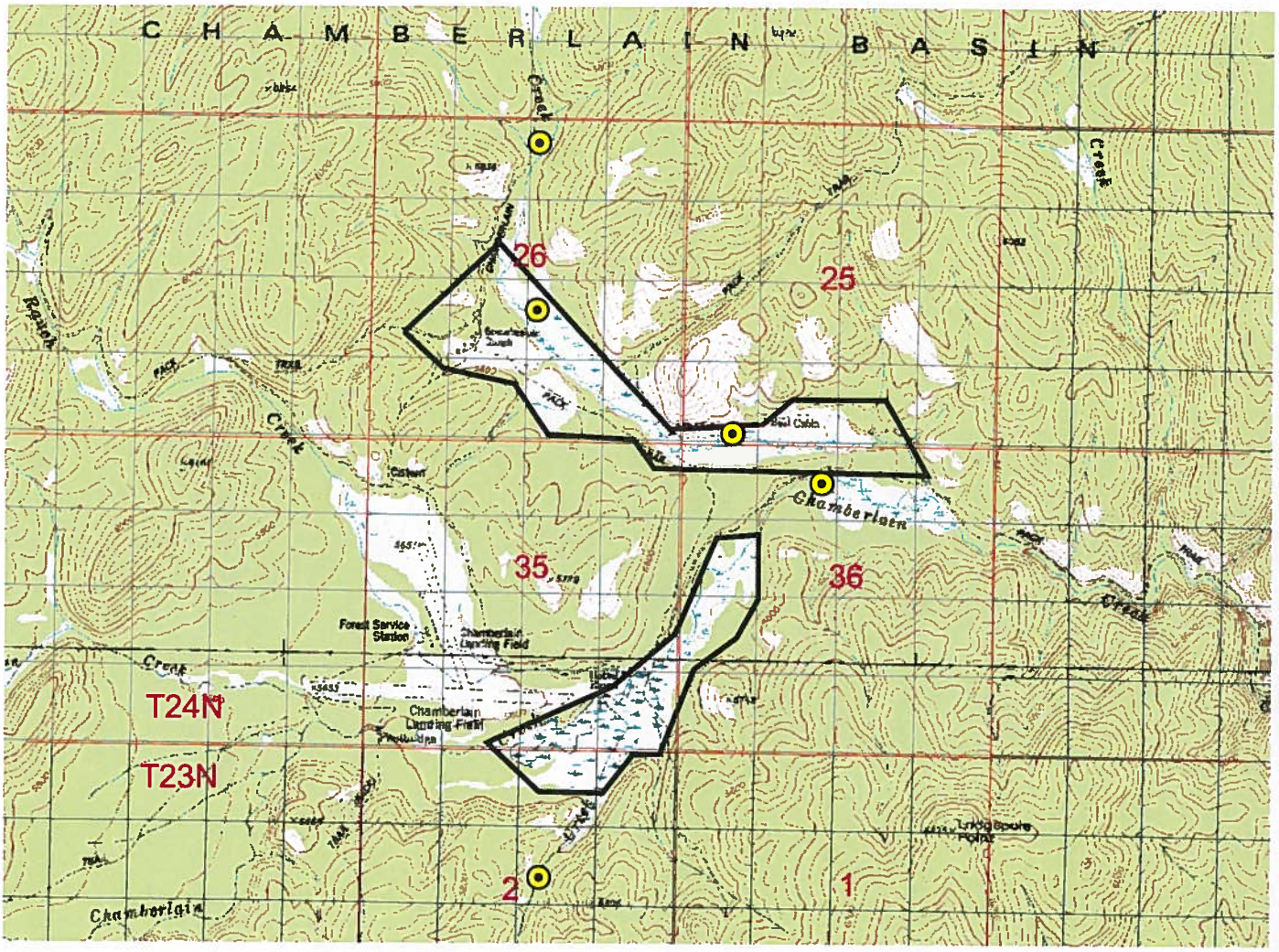
Township	Range	Section	¼ of ¼ of ¼	Lot	County
23N	10E	2	SW NE		Idaho
24N	10E	23	SE SW		"
		25	SW SW		"
		26	NW NE		"
		36	NE NW		"

10. Place of Use

Township	Range	Section	¼ of ¼	Use	Acres
23N	10E	2	NW NE	IRR	20
			NE NE	IRR	20
24N	10E	25	SW SW	IRR	15
			SE SW	IRR	15
			SW SE	IRR	15
		26	NW SE	IRR	20
			SW SE	IRR	20
			NE SW	IRR	40
			SE NW	IRR	40
			SW NE	IRR	40
		35	NE NE	IRR	5
		36	SW NW	IRR	20
			NW SW	IRR	20
			NW NW	IRR	25
			NE NW	IRR	25
			NW NE	IRR	25
			NE NE	IRR	25

MICROFILMED
OCT 05 1992

77-2121



0 2000 4000 Feet

N

Section 2
T23N R10E
Sections 25,26, 35 & 36
T24N R10E

Point of Diversion

Place of Use

Map prepared on December 6, 2004
By Kenneth Knoblock
Idaho Department of Water Resources

Knoblock, Ken

From: Barber, David [david.barber@ag.idaho.gov]
Sent: Thursday, June 07, 2007 7:25 AM
To: Knoblock, Ken
Cc: Bromley, Chris; Poole, Walt
Subject: RE: 77-2121

Dear Ken:

Thanks for the e-mail. Initially, I compared the legal description from the water right with the BLM Master Title Plat (MTP) dated January 1999. The MTP is substantially different from the description in the water right. I sent a copy of it to Chris Bromley. After I had that discussion with Mr. Bromley, I followed up at the BLM office and asked about any additional information. Yesterday, I obtained from them a protraction diagram for this township from the BLM dated 12/16/1998. A protraction diagram provides the latitude and longitude for each section corner. It differed substantially from the MTP and is closer to the representation that you evidently used. I then interviewed one of the BLM surveyors and asked him which document was the better representation. They told me that neither map was equivalent to an actual survey and that the protraction diagram was probably the best available.

My goal is to simply use the best map available for developing a legal description for the place of use. My review of the protraction diagram is that it is pretty close to the map that you used. A careful examination indicates at least some differences. I think that the solution would be for me to send you the map for your review so that we can discuss this further. I would much prefer to retain an actual legal description for the place of use in the water right.

Sincerely,
David J. Barber

-----Original Message-----
From: Knoblock, Ken [mailto:Ken.Knoblock@idwr.idaho.gov]
Sent: Wednesday, June 06, 2007 12:05 PM
To: Barber, David
Subject: FW: 77-2121

Dave - I understand that you have some questions about the legal descriptions that we used for the place of use on the water right near the Chamberlain Landing Field. Attached are two maps: Chamberlain attachment is from the Forest Service's Frank Church-River of No Return Wilderness map and the recommendation we developed in 2004. As you can see they are approximately in the same location. The legal description of the property is H.E.S. 344, 699 & 711 without any reference to township, range or section. Instead of leaving the place of use blank, we list a nominal township, range etc. and put in the H.E.S. numbers in the remarks. This will allow people to find the water right when a search by legal description is done. We could delete all the nominal descriptions and have the right decribed as Domestic, Stockwater and 390 acres of irrigation within the Homestead Entry Survey numbers 344, 699 and 711.

Ken Knoblock
762-2802

<<Recommend.pdf>> <<Chamberlain.pdf>>

COPY
RECEIVED
JUL 31 2006
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

A. Subcase Number: 77-02121
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: State of Idaho,
Department of Fish and Game
Address: 600 S. Walnut St.
P. O. Box 25
Boise, Idaho 83707
Daytime Phone: (208) 334-3700

Name and Address of Attorney, if any:

Attorney Name: LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER (ISB # 2597)
Deputy Attorney General
Attorney Address: Office of the Attorney General
700 W. Jefferson, Room 210
P.O. Box 44449
Boise, ID 83711-4449
Attorney Phone No. (208) 334-2400

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

Name: STATE OF IDAHO
DEPT OF FISH & GAME
Address: PO Box 25
Boise, ID 836707

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

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Points of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: Not applicable.

7. ☑ **Purpose(s) of Use**
   Should be: Stock watering should be added as a purpose of use. See Attachment I.

8. ☐ **Period of Year**
   Should be: _____

9. ☑ **Place of Use**
   Should be: The irrigated acreage should also be described as the place of use for stock watering. See Attachment I.

10. ☐ **Other Provisions**
    Should be: _____

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 State of Idaho, Department of Fish and Game, hereinafter "IDF&G," is the owner of the land at the place of use. The watering of stock has occurred at the property since IDF&G acquired the land.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

DAVID J. BARBER, Deputy Attorney General, duly sworn, upon oath, deposes and says:

That the State of Idaho, Department of Fish and Game, in its proprietary capacity is filing this objection and that I am a Deputy Attorney General authorized to represent the State of Idaho, Department of Fish and Game, which is a party/claimant in this proceeding, as defined by I.C. § 42-1401A(1) and (7), and I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

LAWRENCE G. WASDEN
Attorney General
CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division
DAVID J. BARBER
Deputy Attorney General

By Attorney signing in representative capacity

Subscribed and sworn to before me on: July 28, 2006
(Insert Date)

OLGA L. VALDIVIA NOTARY PUBLIC STATE OF IDAHO

Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

ATTACHMENT I

RIGHT NUMBER: 77-2121

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE:	WEST FORK CHAMBERLAIN CREEK	TRIBUTARY:	CHAMBERLAIN CREEK
	GAME CREEK	TRIBUTARY:	WEST FORK CHAMBERLAIN CREEK
	HOTZEL CREEK	TRIBUTARY:	CHAMBERLAIN CREEK

QUANTITY: 8.150 CFS
~~2,672.00~~ 1,172.88 AFY

This right when combined with all other rights shall provide no mare than 0.02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 10/14/1954

POINT OF DIVERSION:

T23N R10E S2 SWNE Within IDAHO County

T24N R10E S25 SWSW Within IDAHO County

T24N R10E S26 NWNE Within IDAHO County

T24N R10E S26 NWSE Within IDAHO County

T24N R10E S36 NENW Within IDAHO County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.080 CFS 1.20 AFY
IRRIGATION	05/01 10/31	8.150 CFS 1,170.00 AFY
STOCK WATERING	***01/01 12/31***	***0.02 CFS*** ***1.68 AFY***

Domestic use is for 2 homes.

PLACE OF USE: IRRIGATION Within IDAHO County

T23N R10E S02	NENE	8.00	T23N R10E S02	NWNE	21.00
T23N R10E S02	NENW	2.00	T24N R10E S25	SWSW	8.00
T24N R10E S25	SESW	20.00	T24N R10E S25	SWSE	17.00
T24N R10E S26	SENW	10.00	T24N R10E S26	NESW	40.00
T24N R10E S26	NWSW	11.00	T24N R10E S26	SESW	10.00
T24N R10E S26	NWSE	23.00	T24N R10E S26	SWSE	36.00
T24N R10E S26	SESE	21.00	T24N R10E S35	NENE	7.00
T24N R10E S35	SESW	2.00	T24N R10E S35	NESE	6.00
T24N R10E S35	SWSE	19.00	T24N R10E S35	SESE	35.00
T24N R10E S36	NWNE	16.00	T24N R10E S36	NENW	15.00
T24N R10E S36	NWNW	15.00	T24N R10E S36	SWNW	20.00
T24N R10E S36	NWSW	26.00	T24N R10E S36	SWSW	2.00

STOCK WATERING Within IDAHO County

The place of use is the same as for IRRIGATION.

DOMESTIC Within IDAHO County

T24N R10E S26 NESW T24N R10E S36 SWSW

390 ACRES TOTAL

ATTACHMENT I

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

PROPERTY IS KNOWN AS HOMESTEAD ENTRY SURVEY NOS. 344, 699 & 711.

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 - License

Knoblock, Ken

From: Barber, David [david.barber@ag.idaho.gov]
Sent: Thursday, June 07, 2007 7:25 AM
To: Knoblock, Ken
Cc: Bromley, Chris; Poole, Walt
Subject: RE: 77-2121

Dear Ken:

Thanks for the e-mail. Initially, I compared the legal description from the water right with the BLM Master Title Plat (MTP) dated January 1999. The MTP is substantially different from the description in the water right. I sent a copy of it to Chris Bromley. After I had that discussion with Mr. Bromley, I followed up at the BLM office and asked about any additional information. Yesterday, I obtained from them a protraction diagram for this township from the BLM dated 12/16/1998. A protraction diagram provides the latitude and longitude for each section corner. It differed substantially from the MTP and is closer to the representation that you evidently used. I then interviewed one of the BLM surveyors and asked him which document was the better representation. They told me that neither map was equivalent to an actual survey and that the protraction diagram was probably the best available.

My goal is to simply use the best map available for developing a legal description for the place of use. My review of the protraction diagram is that it is pretty close to the map that you used. A careful examination indicates at least some differences. I think that the solution would be for me to send you the map for your review so that we can discuss this further. I would much prefer to retain an actual legal description for the place of use in the water right.

Sincerely,
David J. Barber

-----Original Message-----
From: Knoblock, Ken [mailto:Ken.Knoblock@idwr.idaho.gov]
Sent: Wednesday, June 06, 2007 12:05 PM
To: Barber, David
Subject: FW: 77-2121

Dave - I understand that you have some questions about the legal descriptions that we used for the place of use on the water right near the Chamberlain Landing Field. Attached are two maps: Chamberlain attachment is from the Forest Service's Frank Church-River of No Return Wilderness map and the recommendation we developed in 2004. As you can see they are approximately in the same location. The legal description of the property is H.E.S. 344, 699 & 711 without any reference to township, range or section. Instead of leaving the place of use blank, we list a nominal township, range etc. and put in the H.E.S. numbers in the remarks. This will allow people to find the water right when a search by legal description is done. We could delete all the nominal descriptions and have the right decribed as Domestic, Stockwater and 390 acres of irrigation within the Homestead Entry Survey numbers 344, 699 and 711.

Ken Knoblock
762-2802

<<Recommend.pdf>> <<Chamberlain.pdf>>

01/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-2121

NAME AND ADDRESS: STATE OF IDAHO
DEPT OF FISH & GAME
PO BOX 25
BOISE ID 83707

SOURCE: HOTZEL CREEK — TRIBUTARY: CHAMBERLAIN CREEK
GAME CREEK — TRIBUTARY: WEST FORK CHAMBERLAIN CREEK
WEST FORK CHAMBERLAIN CREEK — TRIBUTARY: CHAMBERLAIN CREEK

QUANTITY: 8.150 CFS
1,171.200 AFY

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for irrigation of the lands above.

PRIORITY DATE: 10/14/1954

POINT OF DIVERSION:

T23N R10E S2 SWNE Within IDAHO County

T24N R10E S25 SWSW Within IDAHO County

T24N R10E S26 NWNE Within IDAHO County

T24N R10E S26 NWSE Within IDAHO County

T24N R10E S36 NENW Within IDAHO County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.080 CFS 1.20 AFY
IRRIGATION	05/01 10/31	8.150 CFS 1,170.00 AFY

PLACE OF USE:

DOMESTIC Within IDAHO County

T24N R10E S26	NESW		T24N R10E S36	SWSW	

IRRIGATION Within IDAHO County

T23N R10E S02	NENE	8.0	T23N R10E S02	NWNE	21.0
T23N R10E S02	NENW	2.0	T24N R10E S25	SWSW	8.0
T24N R10E S25	SESW	20.0	T24N R10E S25	SWSE	17.0
T24N R10E S26	SENW	10.0	T24N R10E S26	NESW	40.0
T24N R10E S26	NWSW	11.0	T24N R10E S26	SESW	10.0
T24N R10E S26	NWSE	23.0	T24N R10E S26	SWSE	36.0
T24N R10E S26	SESE	21.0	T24N R10E S35	NENE	7.0
T24N R10E S35	SESW	2.0	T24N R10E S35	NESE	6.0
T24N R10E S35	SWSE	19.0	T24N R10E S35	SESE	35.0
T24N R10E S36	NWNE	16.0	T24N R10E S36	NENW	15.0
T24N R10E S36	NWNW	15.0	T24N R10E S36	SWNW	20.0
T24N R10E S36	NWSW	26.0	T24N R10E S36	SWSW	2.0

390 ACRES TOTAL

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

Domestic use is for 2 homes.

PROPERTY IS ~~ALSO~~ KNOWN AS HOMESTEAD ENTRY SURVEY NOS. 344, 699 & 711.

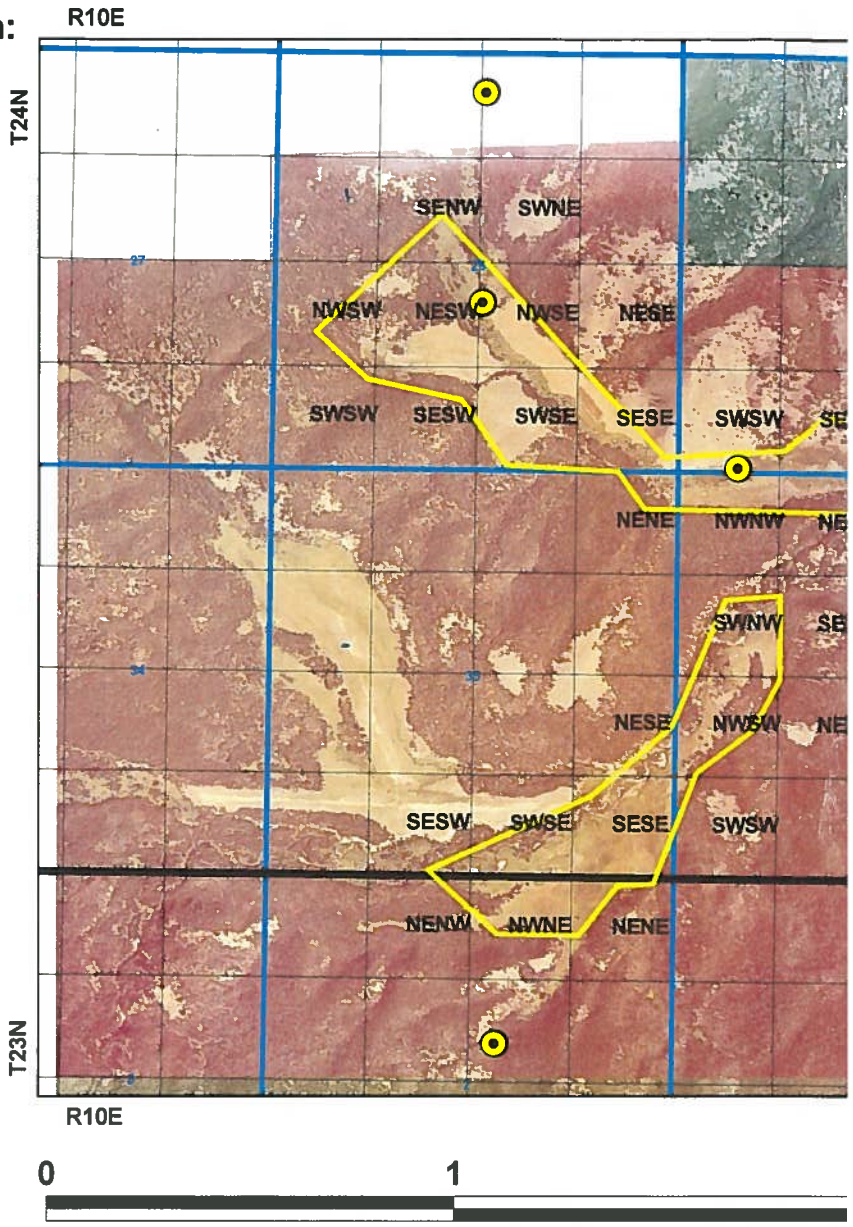
EXPLANATORY MATERIAL: Beneficial Use

Idaho Department of Water Reso

SRBA Recommendation:

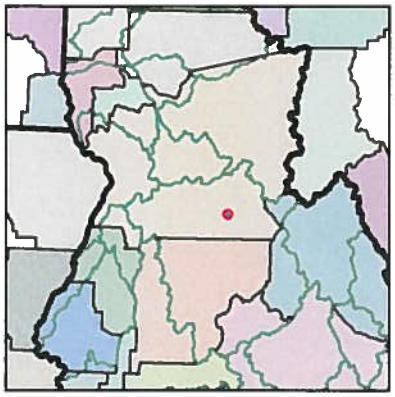
77-2121

(Irrigation)



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



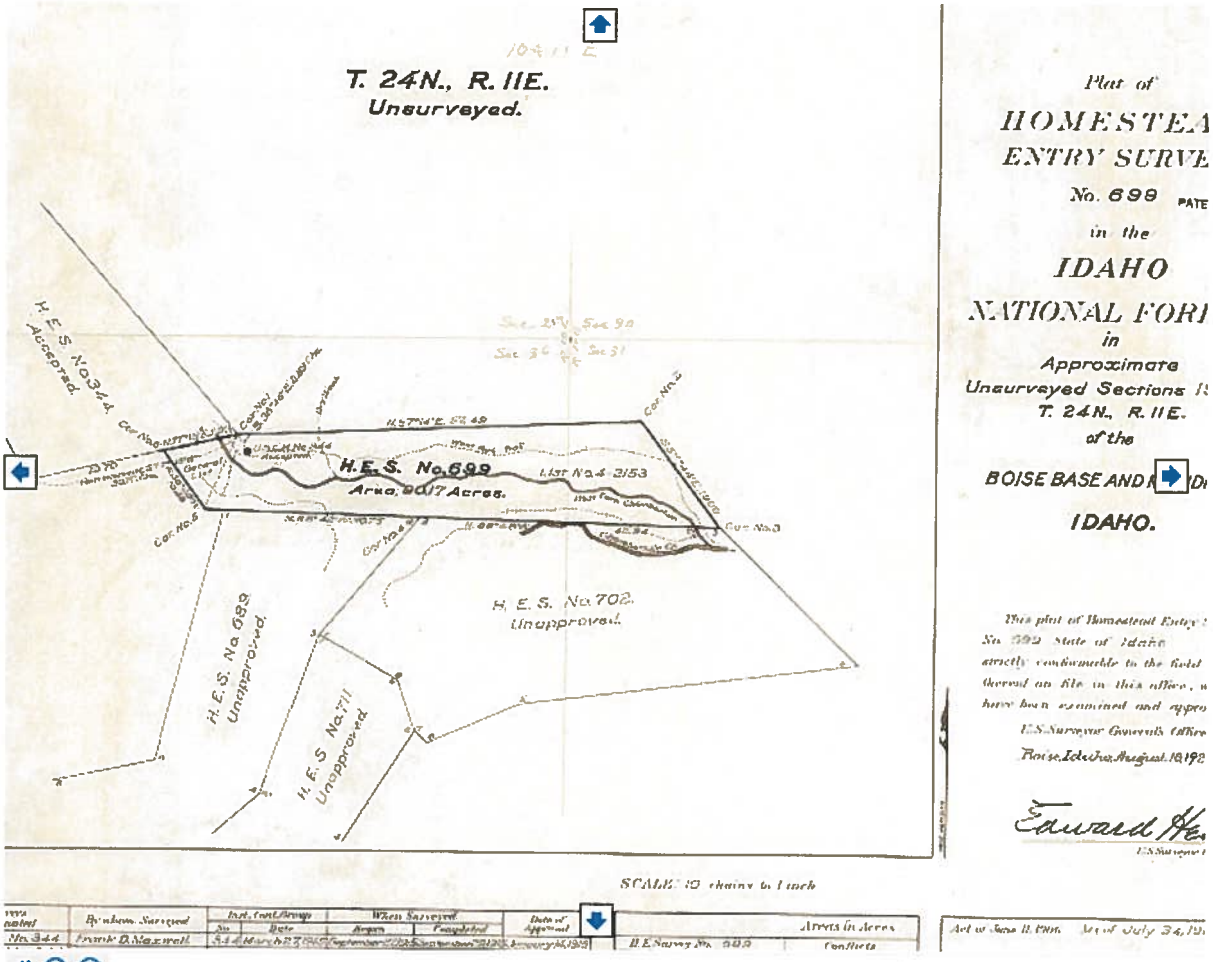
Idaho County
IDWR Basin 77

N

Prepared by K. Knobloc
On Wednesday, June 6, 2007
1987/88 Aerial Photography

Plat Details

Description: ---

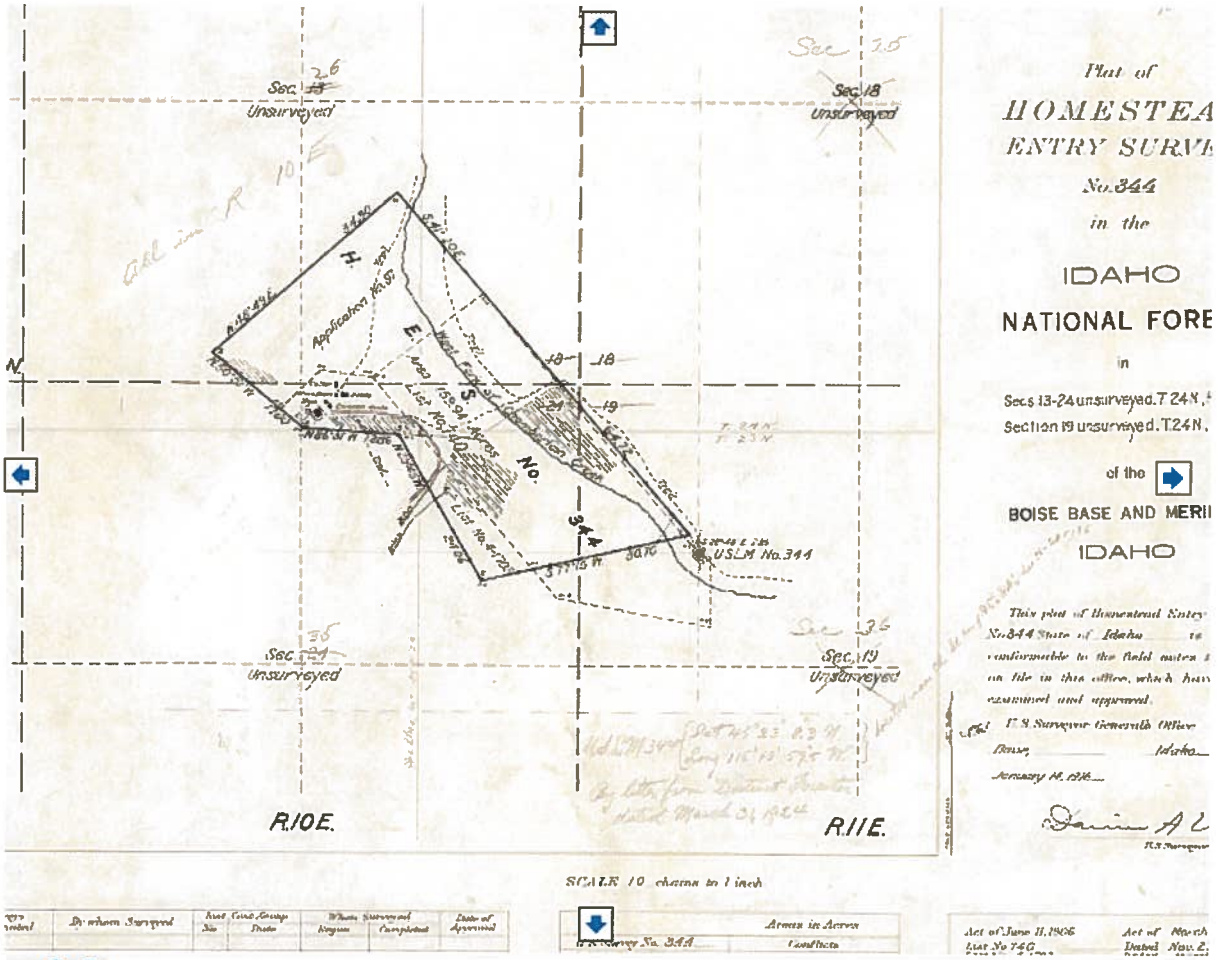


Basic Viewer | JavaScript Viewer | Plug-In Viewer | Download Image File

- Want to try one of our more powerful viewers? Please check our Browser Compatibility Guide for Plat Image Viewers.
- **A Note about printing:** You will not get satisfactory print results from any of our image viewers. For information about printing, check this Help page

Plat Details

Description: ---

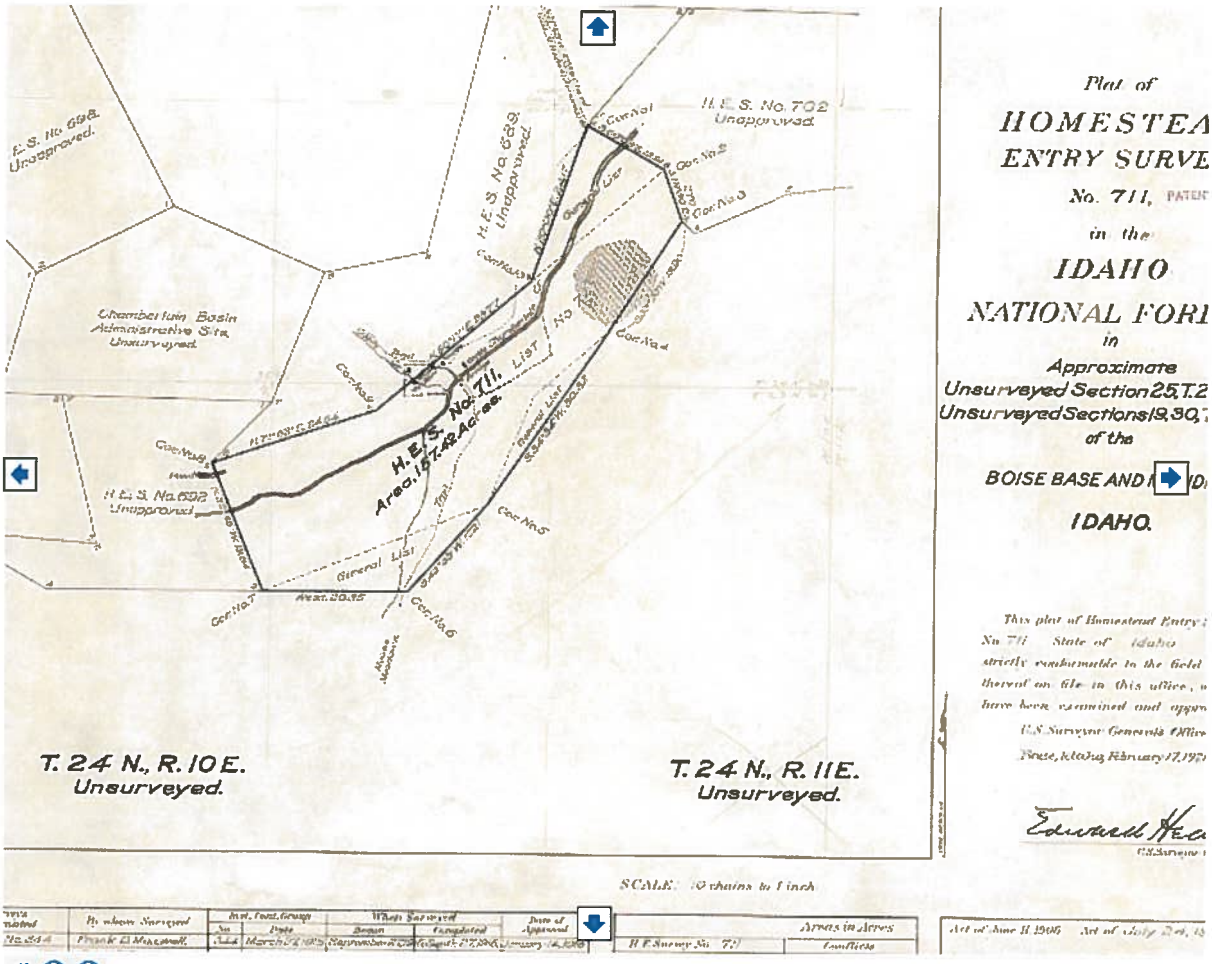


Basic Viewer | JavaScript Viewer | Plug-In Viewer | Download Image File

- Want to try one of our more powerful viewers? Please check our Browser Compatibility Guide for Plat Image Viewers.
- **A Note about printing:** You will not get satisfactory print results from any of our image viewers. For information about printing, check this Help page

Plat Details

Description: ---



Basic Viewer | JavaScript Viewer | Plug-In Viewer | Download Image File

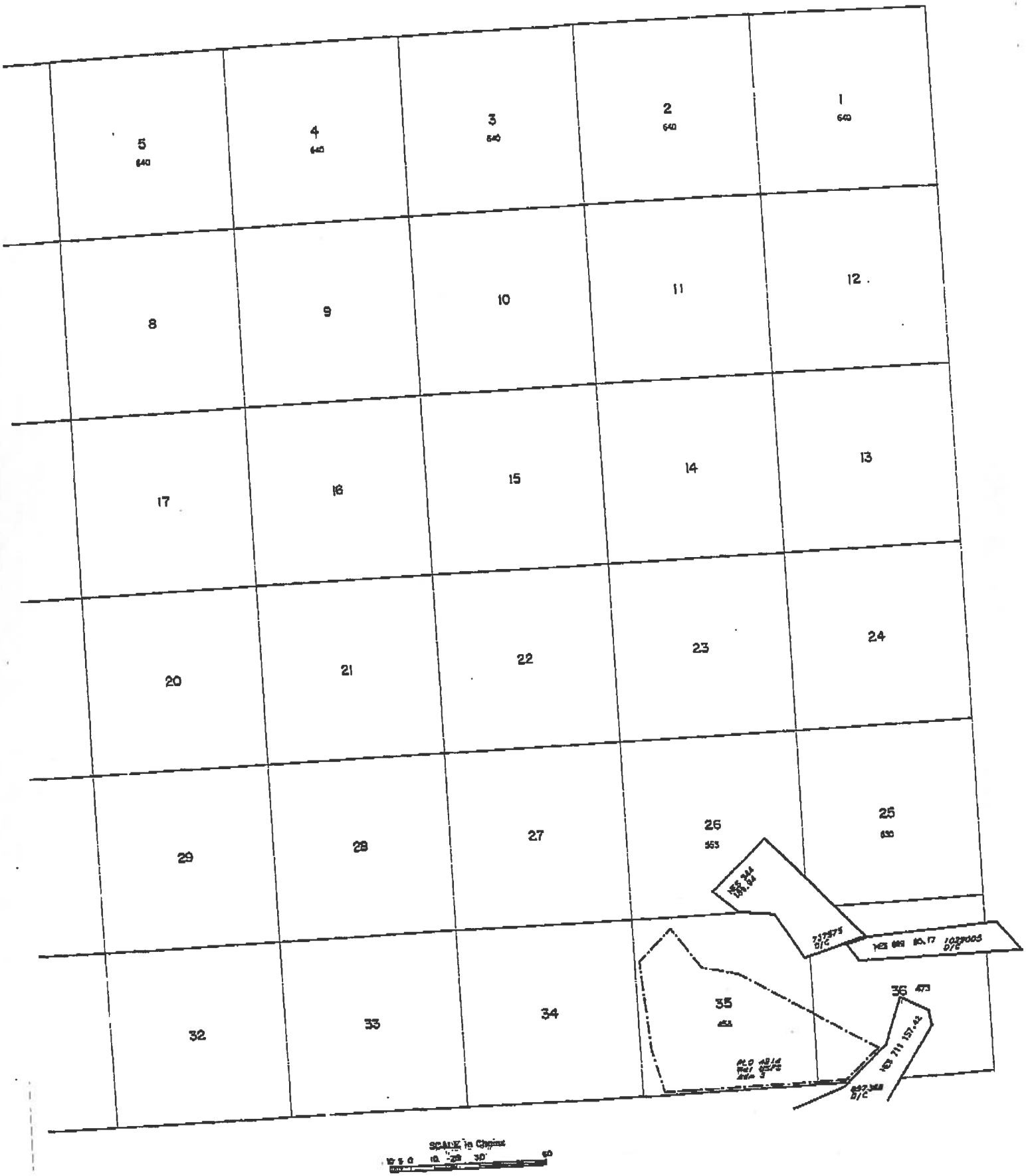
- Want to try one of our more powerful viewers? Please check our Browser Compatibility Guide for Plat Image Viewers.
- **A Note about printing:** You will not get satisfactory print results from any of our image viewers. For information about printing, check this Help page

VEYED TOWNSHIP 24 NORTH RANGE 10 EAST OF THE BOISE ME

Diagram No 41 approved 8/15/1966

IDAHO COUNTY 049

COEUR D' ALENE DISTRICT

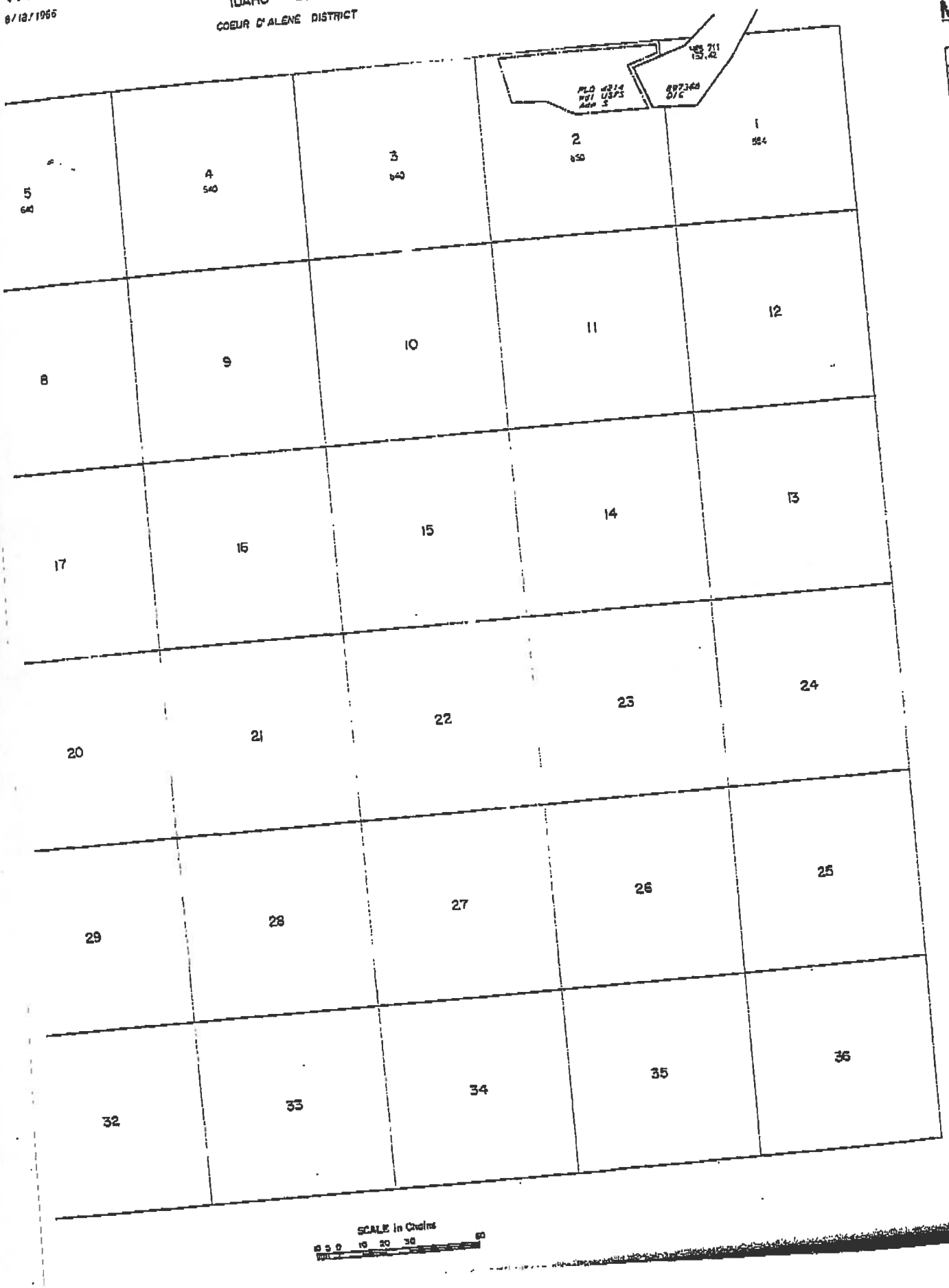


VNSHIP 23 NORTH RANGE 10 EAST OF THE BOISE MERIDIAN

IDAHO COUNTY 049

COEUR D'ALENE DISTRICT

8/18/1966



MT PL

INDEX T

RESURVEY		
TRACT NO	T	R

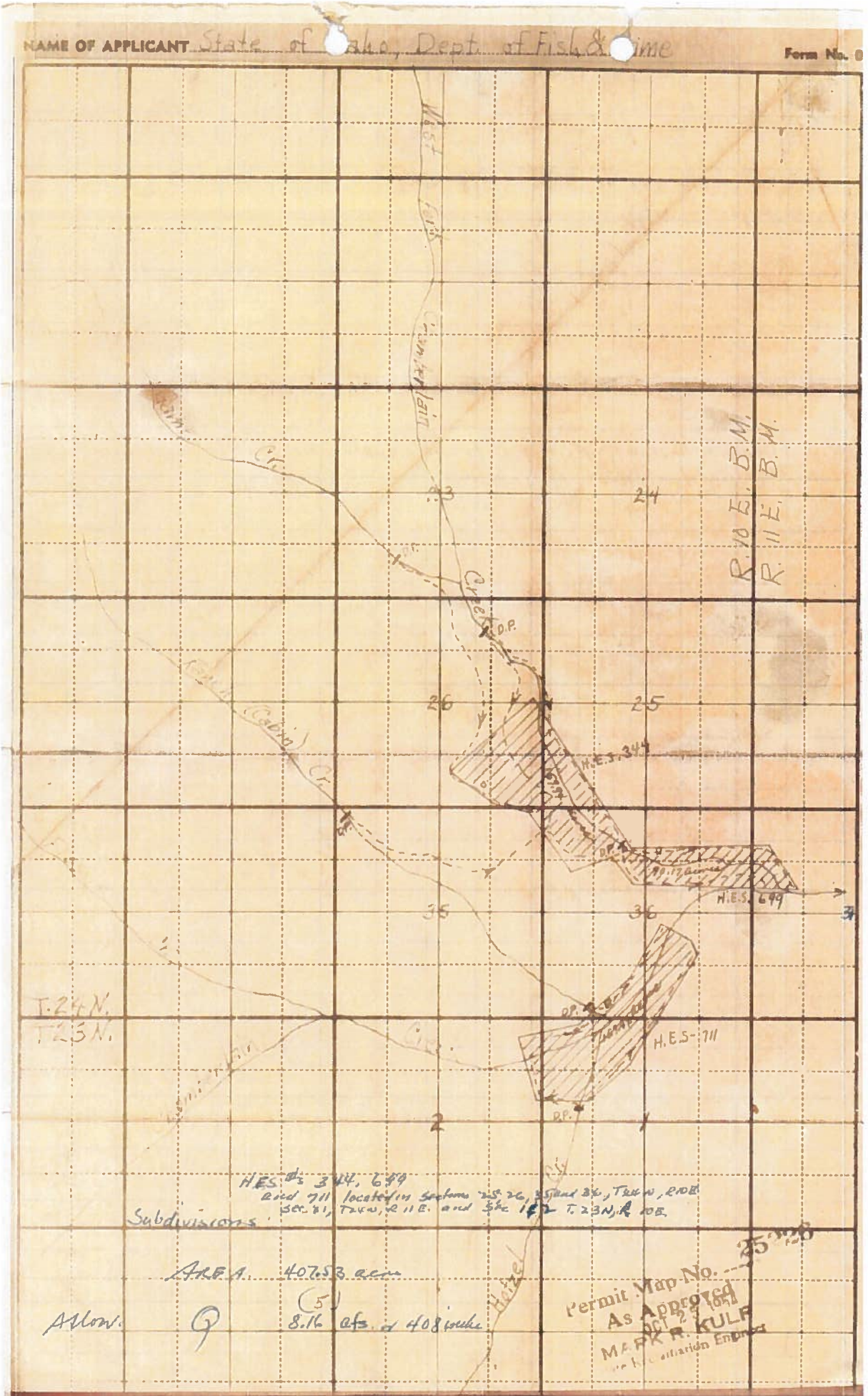
All Tp include 5/18/1944

All Tp include Segs 7/23/1953 surface right t

All Tp included in F Wilderness Area We

NAME OF APPLICANT State of Idaho, Dept. of Fish & Game

Form No. 0



H.E.S. #s 344, 699 and 711 located in Sections 25 & 26, S/2 and SE¼, T. 3 N., R. 10 E. Sec. 31, T. 3 N., R. 11 E. and Sec. 1 & 2 T. 2 N., R. 10 E.

Subdivisions:

AREA 1. 407.53 acres

Allow. Q (5) 8.16 cfs. or 408 inches

Permit Map No. 25-3N-10E

As Approved
OCT 23 1961
MARK R. KULP
Idaho Fish and Game Engineer

Scale: Equal 1 Mile. Draw Plan in Ink.

25226