

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. _____
RECEIVED**APPLICATION FOR TRANSFER OF WATER RIGHT**

FEB 14 2002

SECOND AMENDED (2-13-02) **PART 1**
J.E. per phone conversation with Pat BrownDepartment of Water Resources
Southern RegionName of applicant Melodie and Wayne Baker Phone 208-838-2440
Post Office address HC 68 Box 304, Clayton, ID 83227**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 Moving POD upstream to use piping rather than open ditch
will result in more efficient conveyance which in turn leaves additional water in
Pine Creek which will in turn contribute to flows in the Salmon River.

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
<u>72-00201B</u>	<u>5-1-1888</u>	<u>.05 cfs</u>	<u>Irrigation</u>	<u>4-01</u> to <u>10-31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .05 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Pine Creek tributary to Salmon River, East Fork

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	5	9N	18E	Custer	XXXXXX <u>**may include the SWSW of Sec. 5 also.</u> <u>SWSW</u>

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	
9N	18E	06	3.9																3.9

Total acres 3.9

(Internet)

RECEIVED

FEB 12 2002

Page 1 of 7

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

AMENDED 2-8-02

PART 1

Name of applicant Melodie and Wayne Baker Phone 208-838-2440
Post Office address HC 68 Box 304, Clayton, ID 83227

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
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1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
72-00201B	5-1-1888	.05 cfs	Irrigation	4-01 to 10-31
				to
				to
				to

2. Total amount of water being transferred .05 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Pine Creek tributary to Salmon River, East Fork

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 3.9

Page 1 of 1

Transfer No. 69678
RECEIVED

SEP 28 2001

Department of Water Resources
Southern Region

Name of applicant Melodie and Wayne Baker Phone 208-838-2440
Post Office address HC 68 Box 304, Clayton, ID 83227

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 Moving POD upstream to use piping rather than open ditch
will result in more efficient conveyance which in turn leaves additional water in
Pine Creek which will in turn contribute to flows in the Salmon River.

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
72-00201B	5-1-1888	.05 cfs	Irrigation	4-01 to 10-31
				to
				to
				to

2. Total amount of water being transferred .05 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Pine Creek tributary to Salmon River, East Fork

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 3.9

PART 1

6. General Information:

a. Description of diversion system Diversion will be into screened 10" pipe, much
of which will be buried, including in the ditch route from the old POD.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes XX 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:
Will not 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. _____
 And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

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 _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 72-00201B 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 Pine Creek tributary to Salmon River, East Fork

4. Date or priority 5-1-1888

5. Water is used for the following purpose:

amount .05 cfs for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .05 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	5	9N	18E	Custer	
	NE	NW	SW	5	9N	18E	Custer	

8. 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	
9N	18E	6	3.9																3.9

Total acres 3.9

9. Describe any other water rights used for the same purpose as described above _____

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

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

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

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	5	9N	18E	Custer	
	NE	NW	SW	5	9N	18E	Custer	

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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

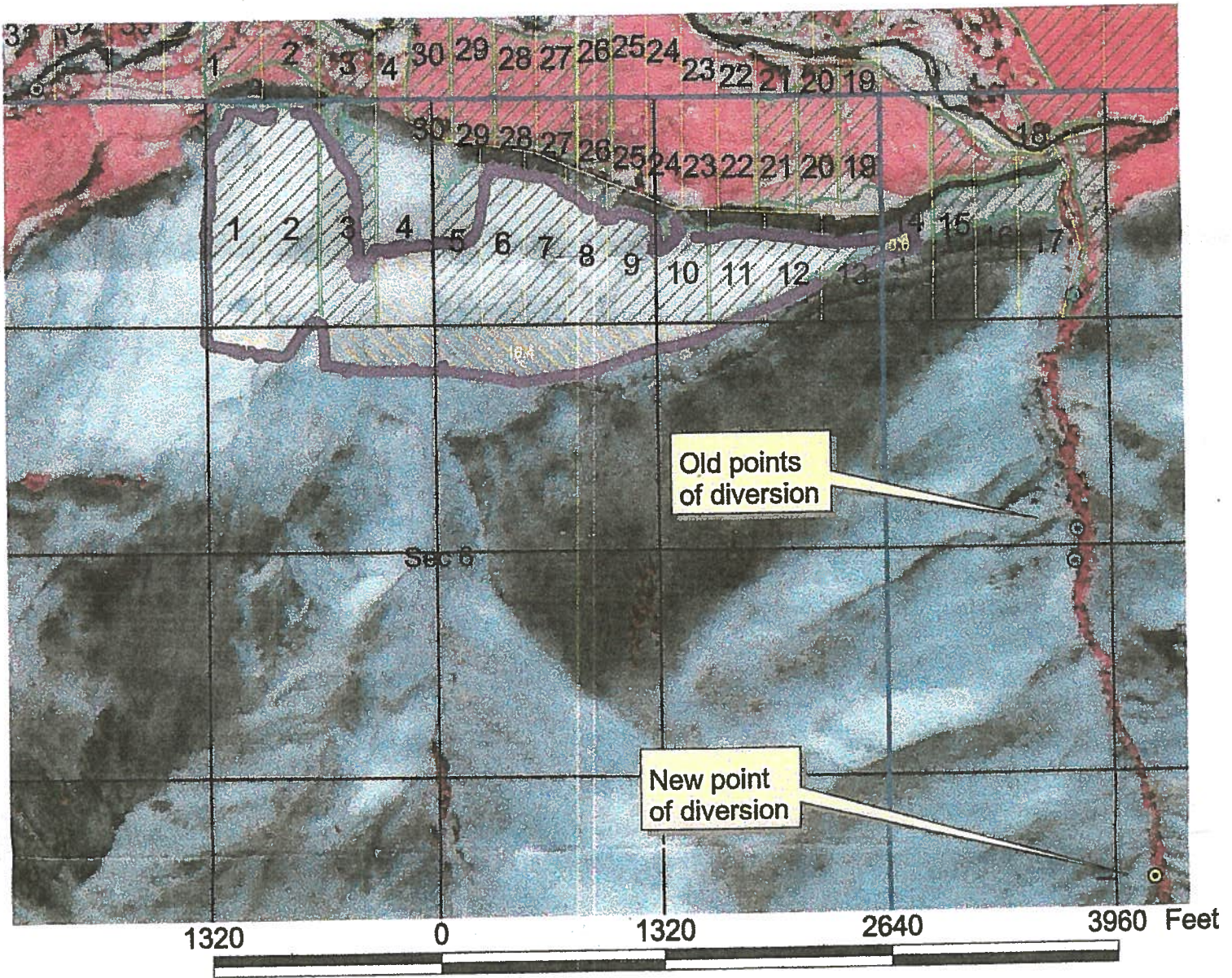
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

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	

Total acres _____

Potential Illegal Irrigation Pine Creek Subdivision Area



Section 6 and 5
T09N, R18E

- T09n18e-sec.shp
- T09n18eqq.shp
- M071119b.txt
- T110n18e.shp
- T109n18e.shp
- Vhb72-pou.shp
- Baker potential illegal.shp
- Vhb72-pod.shp
- M071119a.txt

By: ADM

C-4

PART 3

B. CHANGES IN NATURE OF USE

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:

N/A

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.

Subscribed and sworn to before me this 27th day of September, 192001

(Signature of Applicant)

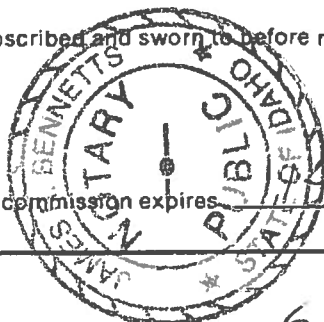
Subscribed and sworn to before me this

day of

192001

My commission expires

(Notary Public)



FOR DEPARTMENT USE ONLY

Transfer contains 6 pages and 5 attachmentsReceived by JF Date 9-28-01

Protest filed by _____

Prelim. check by JF Fee 100 - ck for 3905024338 two transfersReceipted by JF Date 9-28-01Published in The Challis Messenger

Copies of protest forwarded by _____

Pub. dates 3/7 & 3/14/02

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☐ approval ☐ denial

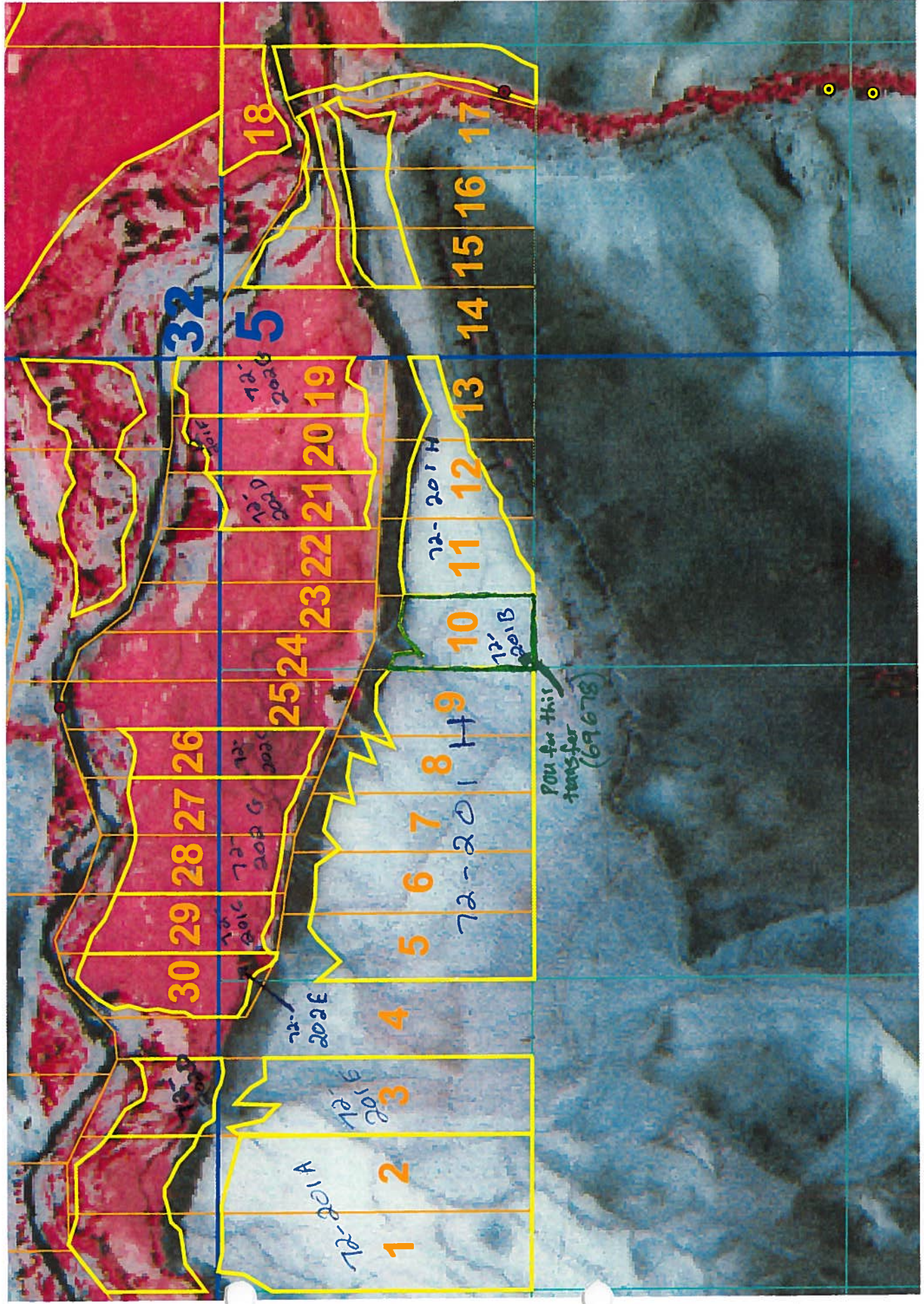
_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

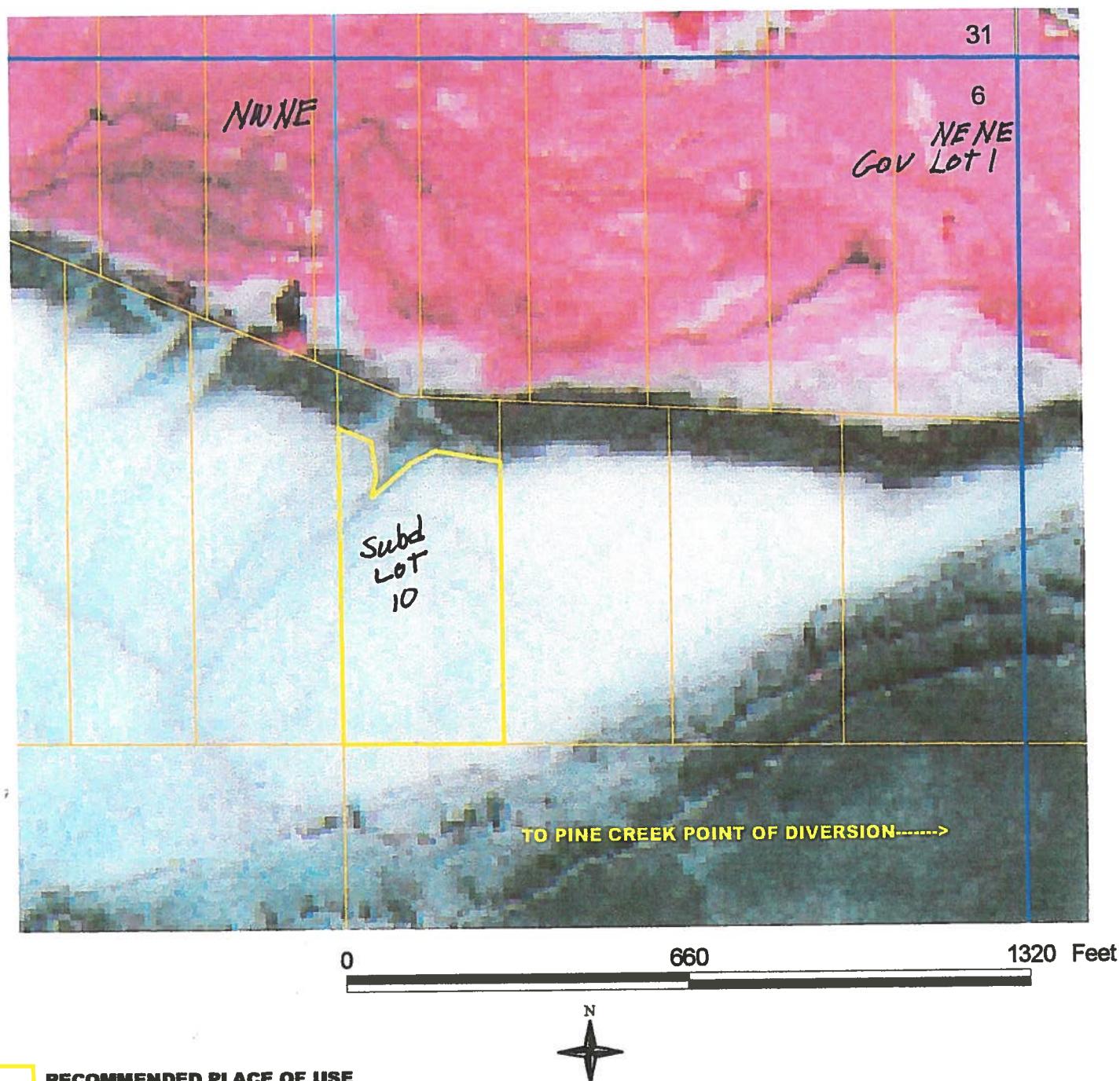
PINE CREEK SUBDIVISION

Overlap Review Map
J. F.

TWP 09N RNG 18E SEC 5, 6
TWP 10 N RNG 18E SEC 31



T69678

RIGHT 72-00201B**RECOMMENDED PLACE OF USE
TWP 09N, RNG 18E, SEC 6
data entry on October 27, 1998**

- RECOMMENDED PLACE OF USE**
- RECOMMENDED POINT OF DIVERSION**
- SECTION LINES**
- QUARTER/QUARTER LINES**
- SUBDIVISION LOT BOUNDARIES**

**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

*Recommendation Map
for 72-201B
inserted by John Freitag*

T69678

STANDARD FORM 299 (1/99)
Prescribed by DOW/JSD/ADOT
P.L. 96-487 and Federal
Register Notice 5-22-95

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB NO. 1004-0060
Expires: December 31, 2001

FOR AGENCY USE ONLY

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date Filed

3. TELEPHONE (area code)
(208) 838-2440

Applicant

Authorized Agent

1. Name and address of applicant (include zip code)

Wayne & Melodie Baker

HIC 68 Box 304

Clayton, ID 83227

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

4. As applicant are you? (check one)

- a. ☒ Individual
b. ☐ Corporation*
c. ☐ Partnership/Association*
d. ☐ State Government/State Agency
e. ☐ Local Government
f. ☐ Federal Agency

5. Specify what application is for: (check one)

- a. ☐ New authorization
b. ☐ Renewing existing authorization No.
c. ☐ Amend existing authorization No.
d. ☐ Assign existing authorization No.
e. ☐ Existing use for which no authorization has been received*
f. ☒ Other*

* If checked, complete supplemental page

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? ☒ Yes ☐ No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction (Attach additional sheets, if additional space is needed.)
72-00201A, 72-00201B
72-00201E, 72-00201H

Applicants have pre-FLEPMA rights of way to divert and convey water rights from 2 points of diversion (shown on the attached map) on Pine Creek to their property. Here, propose moving the points of diversion about 1800' up Pine Creek, abandoning the old points, and thereby piping water rather than using open ditches. This saves water, leaving more water in the creek, which then flows into the East Fork of the Salmon River.

Therefore, what is proposed is, in part, an exchange of grandfathered rights of way, and, in part, an additional right of way to move the POD upstream and accommodate pipe, which will mostly be buried.

8. Attach a map covering area and show location of project proposal see attached

9. State or Local government approval: ☐ Attached ☐ Applied for ☐ Not Required In the process of applying to transfer POD's with IDWR.

10. Nonreturnable application fee: ☐ Attached ☒ Not required

11. Does project cross international boundary or affect international waterways? ☐ Yes ☒ No (if "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

The system is, in part, constructed and applicants have full financial and technical competence to construct, operate and maintain it. They will screen, or otherwise operate the system to avoid fish entrapment or mortality.

(Continued on reverse)

This form is authorized for local reproduction

C-1

13a. Describe other reasonable alternative routes and modes considered.

T69678

NONE

b. Why were these alternatives not selected? The system proposed results in the greatest water savings and benefit to the stream.

* c. Give explanation as to why it is necessary to cross Federal Lands.

gravity flow

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

IDWR

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits. The diversion will utilize 10" pipe, as opposed to the 18" culvert in the old system. There is a power savings, maintenance savings, and savings on disturbance of the banks and sediment control. Saves power for public use, reduces from two diversions to one. Screened for fish and more water left in the creek.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles. More viability as a ranch operation with gravity flow which will help the overall economy of Custer County as we are able to stay in business and put more dollars into the local economy. Less sediment means lower TMDLs which is better for the water source. (cost incurred by the individual)

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability. Water quality will be better, more water will also stay in the creek (except during extreme drought). No noise level (extreme reduction from present). More vegetation for wildlife and better fish habitat and screened intake to protect fish.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

see above

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6901 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

NONE

20. Name all the Department(s)/Agency(ies) where this application is being filed.

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

C-2

Application for Transportation and Utility Systems and Facilities on Federal Lands

The following is more information to better answer questions 7., and 15.-18.

We have worked very hard to improve the ranch and improve the habitat on this ranch and along the river and creek. We have worked through a cooperative project through Model Watershed and Custer Soil District to fence the river and creeks to provide for better fish habitat. The new fences have also been built for wildlife passage. Through this cooperative group, we have put in rock barbs and planted a variety of trees and bushes to help stabilize the river, providing better habitat and less erosion and sediment downstream for a healthier functioning system.

This system has consisted of two separate ditches with two separate diversions. The water was carried around for a total length of around 4 to 5 miles. The diversions were unscreened, the maintenance was extreme and sliding of the hillside added to sediment in the creek. More water had to be diverted because of ditch seepage and evaporation. Two electric pumps had to be used to provide enough pressure for the irrigation systems.

The combination of the two diversions into a piped system has eliminated the sediment from the sliding hillside, providing for more soil stability, a bubbler has been added for fish screening and maintenance is minimal. The two electric pumps have been eliminated which is a power savings that can be used elsewhere and makes this a more feasible ranching operation.

The ability to make this a more feasible ranching operation will allow us to be a long term economic benefit to the community. Keeping this operation viable also means we will not have to seek other ways to use the land, such as subdivision. Keeping this property whole will mean more open space for wildlife and a better fisheries.

This area is critical habitat for 4 federally listed fish species (chinook salmon, steelhead trout and bull trout) and is home to the westslope cutthroat trout, another species of special concern. The new system will greatly reduce sediment in the creek, reduce need to work in the creek to do maintenance and as stated above reduces two diversions into one and provides a bubbler to screen fish out of the system.

Sediment reduction in the creek is also important to help lower the TMDL loads, which is improving the water quality for everyone downstream.

Each of Idaho's native big game species are found here: elk, mule deer, moose, bighorn sheep, mountain goat, and pronghorn. The grasses grown on this property provide critical and protective habitat for the big game species. The grasses also help in soil stability as cloud bursts on the East Fork can lead to extreme high water flows and excessive runoff if not held by well established root systems.

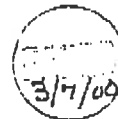
Noise levels are eliminated with the removal of the two electric pumps. Going to gravity flow eliminates the use of electricity which can be sent down the system to areas where electricity is in high demand.

The cost of the improved system has been completely paid for by the landowners.

RECEIVED

MAR 09 2000

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

Subcase No. 72-00201B

Standard Form 5

STIPULATED ELEMENTS
OF A WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

D. Wayne Baker
Melodie L. Baker

D. Wayne Baker
D. Wayne Baker

11/30/99
Date

Melodie L. Baker
Melodie L. Baker

11/30/99
Date

IDWR CONCURRENCE:

Kerran Heron
Date

OBJECTOR:

United States on behalf of the
Bureau of Land Management

Larry A. Brown
Larry A. Brown

11/30/99
Date

Fug
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Date

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

RIGHTS FROM: SOURCE: PINE CREEK TRIBUTARY: SALMON RIVER, EAST FORK

RIGHT NUMBER: 72-00201B

NAME & ADDRESS: D WAYNE BAKER
MELODIE L BAKER
HC 68 BOX 304
CLAYTON ID 83227

SOURCE: PINE CREEK

TRIBUTARY: SALMON RIVER, EAST FORK

QUANTITY: 0.05 CFS

PRIORITY DATE: 05/01/1888

POINT OF
DIVERSION: T09N R18E S05

SESWNW
NENWSW

Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04-01 10-31

QUANTITY
0.05 CFS

PLACE OF USE:

IRRIGATION
T09N R18E S06

Within CUSTER County

SWNE 3.9
LOT 1 (NENE) 3.9

3.9 ACRES TOTAL

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

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN BASIN 72:

WATER RIGHT NO.
NONE

SOURCE
NONE

THE FOLLOWING WATER RIGHTS FROM THE FOLLOWING SOURCES OF
WATER IN BASIN 72 SHALL BE ADMINISTERED SEPARATELY FROM ALL
OTHER WATER RIGHTS IN THE SNAKE RIVER BASIN:

WATER RIGHT NO.
NONE

SOURCE
NONE

ALL WATER RIGHTS WITHIN BASIN 72 ARE FROM CONNECTED
SOURCES OF WATER IN THE SNAKE RIVER BASIN AND SHALL BE
ADMINISTERED CONJUNCTIVELY.

EXPLANATORY MATERIAL: BASIS OF CLAIM - DECREE

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

PROPERTY IS ALSO KNOWN AS LOT 3 10, BLK 1, PINE CREEK
SUBDIVISION.

THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 72-00201A, 72-00201B, 72-00201E,
72-00201H, 72-00201J.

INCIDENTAL STOCKWATER 30 COWS

*Fwp WB. RB
WB*

CERTIFICATE OF MAILING

I certify that on March 7, 2000, I mailed the original and copies of this form, including all attachments, postage prepaid and addressed as follows:

1. Original to:

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

2. Copy to:

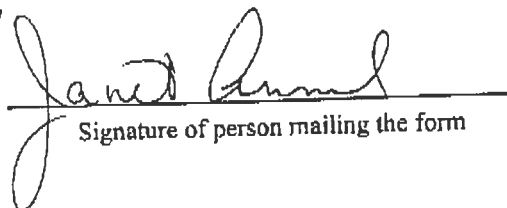
Chief Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83720-0098

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

3. Copies to all parties to the subcase (insert names and addresses):

U.S., Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

D. Wayne & Melodie L. Baker
HC 68 Box 304
Clayton, Idaho 83227


Signature of person mailing the form

CHRIS JAMES
 CUSTER COUNTY ASSESSOR
 PO BOX 597
 CHALLIS, ID 83226

2001

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
 DO NOT PAY.

169678

PARCEL DESCRIPTION:
 BLK 1 LOT 5
 PINE CREEK SUBDIVISION

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

BAKER DAVID WAYNE
 & BAKER MELODIE
 HC 68 BOX 304
 CLAYTON ID 83227

Appeals of your property value must be filed in
 writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 000570010050 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	AC	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRIG AG	7.282	AC	2,906	2,906
SUBTOTAL:		7.282	2,906	2,906
LESS HOMEOWNERS EXEMPTION:				
NET TAXABLE PROPERTY VALUE:			2,906	2,906

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	6.00	6.00	208-879-2360	09/04/2001
SCHOOL 181	10.08	10.08	208-879-4231	06/11/2001
NO. CUSTER FIRE	2.56	2.56	208-879-1234	08/27/2001
N. C. HOSP	2.32	2.32	208-879-2003	00/10/2001
SUBTOTAL:		18.96		
FEES:				
TOTAL PROPERTY TAXES & FEES:		18.96		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

SEP 27 01 10:37A
CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

2001

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:
BLK 1 LOT 6
PINE CREEK SUBDIVISION

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

BAKER DAVID WAYNE
& BAKER MELODIE
HC 68 BOX 304
CLAYTON ID 83227

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 000570010060 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRIG AG	6.999 AC	2,793	2,793
SUBTOTAL:		2,793	2,793
LESS HOMEOWNERS EXEMPTION:		2,793	2,793
NET TAXABLE PROPERTY VALUE:		2,793	2,793

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	5.78	5.78	208-879-2360	09/04/2001
SCHOOL 181	9.68	9.68	208-879-4231	06/11/2001
NO. CUSTER FIRE	.54	.54	208-879-1234	08/27/2001
N. C. HOSP	2.22	2.22	208-879-2883	08/16/2001
SUBTOTAL:		18.22		
FEES:		18.22		
TOTAL PROPERTY TAXES & FEES:		18.22		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

2001

ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:
BLK 1 LOT 7
PINE CREEK SUBDIVISION

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

BAKER DAVID WAYNE
& BAKER MELODIE
HC 68 BOX 304
CLAYTON ID 83227

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 000570010070 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRIG AG	5.688 AC	2,270	2,270
SUBTOTAL - LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	5.600	2,270 2,270	2,270 2,270

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	4.70	4.70	208-879-2360	09/04/2001
SCHOOL 181	7.86	7.86	208-879-4231	06/11/2001
NO. CUSTER FIRE	.44	.44	208-879-1234	08/27/2001
N. C. HOSP	1.82	1.82	208-879-2883	08/16/2001
SUBTOTAL: FEES:	14.82	14.82		
TOTAL PROPERTY TAXES & FEES:	14.82	14.82		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

2001

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:
BLK 1 LOT 10
PINE CREEK SUBDIVISION

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

BAKER DAVID WAYNE
& BAKER MELODIE
HC 68 BOX 304
CLAYTON ID 83227

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 000570010100 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRIG	5.000 AC	1,995	1,995
SUBTOTAL: LESS HOMEOWNERS EXEMPTION: NET TAXABLE PROPERTY VALUE:	5.000	1,995 1,995	1,995 1,995

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ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	4.12	4.12	208-879-2360	09/04/2001
SCHOOL 181	6.92	6.92	208-879-4231	06/11/2001
NO. CUSTER FIRE	.38	.38	208-879-1234	08/27/2001
N. C. HOSP	1.60	1.60	208-879-2883	08/16/2001
SUBTOTAL: FEES: TOTAL PROPERTY TAXES & FEES:	13.02 13.02	13.02 13.02		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

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CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83226

2001

ASSESSMENT NOTICE
& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:
BLK 1 LOT 11
PINE CREEK SUBDIVISION

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

BAKER, DAVID WAYNE
& BAKER, MELODIE
HC 68 BOX 304
CLAYTON ID 83227

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 000570010110 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRR1 AG	5.000 AC	1,995	1,995
SUBTOTAL:	5.000	1,995	1,995
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		1,995	1,995

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	4.12	4.12	208-879-2360	09/04/2001
SCHOOL 181	6.92	6.92	208-879-4231	06/11/2001
NO. CUSTER FIRE	.38	.38	208-879-1234	08/27/2001
N. C. HOSP	1.60	1.60	208-879-2883	08/16/2001
SUBTOTAL:	13.02	13.02		
FEES:				
TOTAL PROPERTY TAXES & FEES:	13.02	13.02		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

CHRIS JAMES
CUSTER COUNTY ASSESSOR
PO BOX 597
CHALLIS, ID 83225

2001

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:
BLK 1 LOT 12
PINE CREEK SUBDIVISION

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 879-2325

PARCEL ADDRESS:

BAKER DAVID WAYNE
& BAKER MELODIE
HC 68 BOX 304
CLAYTON ID 83227

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 22, 2001

Tax Code Area: 24-00

Parcel Number: RP 000570010120 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRIG AG	5.000 AC	1,995	1,995
SUBTOTAL:		1,995	1,995
LESS HOMEOWNERS EXEMPTION:		1,995	1,995
NET TAXABLE PROPERTY VALUE:		1,995	1,995

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	4.12	4.12	208-879-2360	09/04/2001
SCHOOL 181	6.92	6.92	208-879-4231	06/11/2001
NO. CUSTER FIRE	.38	.38	208-879-1234	08/27/2001
N. C. HOSP	1.60	1.60	208-879-2883	03/16/2001
SUBTOTAL:		13.02		
FEES:		13.02		
TOTAL PROPERTY TAXES & FEES:		13.02		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

Transfer No. 69678

Receipt No.S024338

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

1. Applicant Information MELODIE L BAKER
HC 68 BOX 304
CLAYTON ID 83227
(208)838-2440

AND/OR

D WAYNE BAKER
HC 68 BOX 304
CLAYTON ID 83227-9601
(208)838-2440

Will this transfer result in an ownership change? _____ Yes _____ No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acres	Total	Source
72-201B	WR/Beneficial Use	0.05 cfs		3.9		PINE CREEK

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
72-201B	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

Moving POD upstream to use piping rather than open ditch will result in more efficient conveyance which in turn leaves additional water in Pine Creek which will in turn contribute to flows in the Salmon River.

4. FOR CHANGES IN NATURE OF USE ONLY**A. Describe the expected quantity of the return flows and location of discharge after the proposed change**

NA

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

NA

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
72-201B	0.05 cfs		3.9	
TOTAL	0.05 cfs	3.9	3.9	

Transfer No. 69678
Receipt No.S024338

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

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.

(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this _____ day of _____, 20____.

(Notary Public)

My commission expires _____

Transfer No. 69678
Receipt No.S024338

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 72-201B

Priority Date: 05/01/1888
Origin: Water Right
Basis: Beneficial Use
Status: Closed

Source: PINE CREEK Tributary: EAST FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.05 CFS		
	Total Diversion	0.05 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
PINE CREEK	09N	18E	5	SESWNW		CUSTER
PINE CREEK	09N	18E	5	NENWSW		CUSTER

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	18E	6	3.9																3.9
			L 1																

Total Acres: 3.9

Conditions/Remarks:

1. THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. PROPERTY IS ALSO KNOWN AS LOT 10, BLK 1, PINE CREEK SUBDIVISION INCIDENTAL STOCKWATER THE FOLLOWING RIGHTS ARE DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 72-00201A, 72-00201B, 72-00201E, 72-00201H, 72-00201J.
3. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Page 4

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

NA

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

Transfer No. 69678
Receipt No.S024338

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 72-201B

Priority Date: 05/01/1888
Origin: Water Right
Basis: Beneficial Use
Status: Closed

Source: PINE CREEK

Tributary: EAST FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.05 CFS		
	Total Diversion	0.05 CFS		

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
PINE CREEK	09N	18E	5	NWSESW		CUSTER
PINE CREEK	09N	18E	5	SWSESW		CUSTER

Describe the proposed diversion system

Point of Diversion # 1 Only one POD - Right on line of NWSESW and SWSESW. Diversion will be into

10 inch pipe, much of which will be buried, including in the ditch route from the old POD.

Point of Diversion # 2 Only one POD - Right on line of NWSESW and SWSESW. Diversion will be into

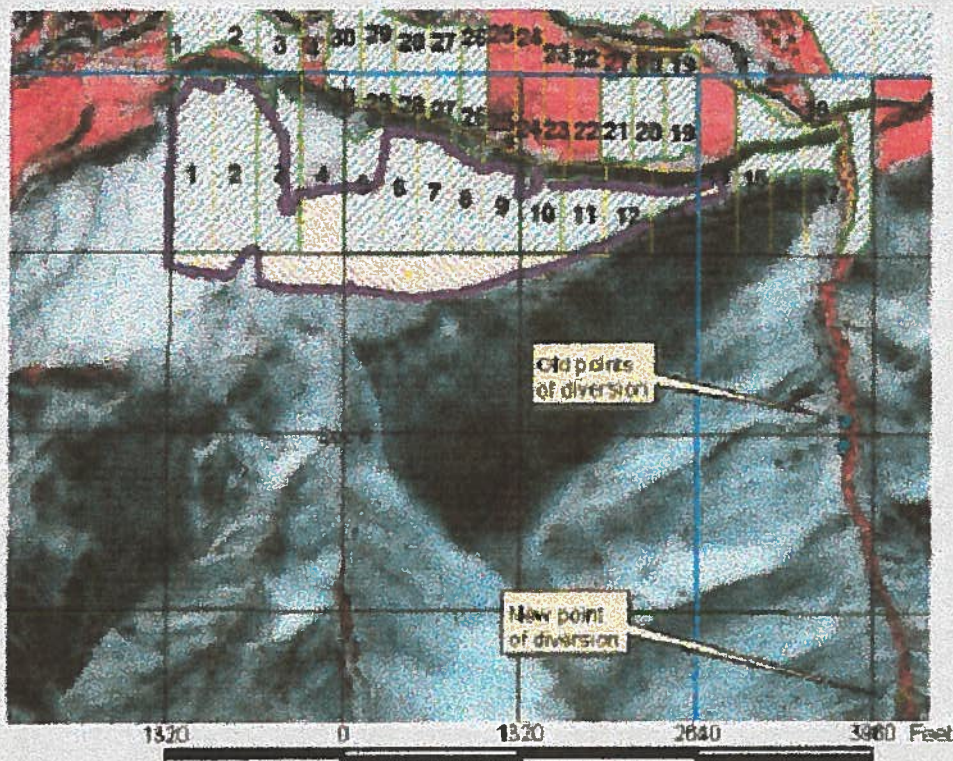
10 inch pipe, much of which will be buried, including in the ditch route from the old POD.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09N	18E	6	3.9															3.9	
			L 1																

Total Acres: 3.9

Potential Illegal Irrigation Pine Creek Subdivision Area



Section 6 and 5
T09N, R18E

- 10000-100000.chp
- 10000-100000.shp
- 10000-100000.tbl
- 10000-100000.cbp
- 10000-100000.hlp
- 10000-100000.ppt
- 10000-100000.pdf
- 10000-100000.doc
- 10000-100000.xls

By ADM
8/2/01