

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 20 2008

APPLICATION FOR EXCHANGE OF WATER

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

Under the provisions of Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant ROBIN WEGNER Telephone No: (208) 879 5820  
(Name of Applicant)  
HC 63 Box 1576, CHALLIS, ID 83226 Email: \_\_\_\_\_  
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged 72-10032  
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing information about each co-applicant.

Co-applicant \_\_\_\_\_ Telephone No: \_\_\_\_\_  
(Name of Co-applicant)  
\_\_\_\_\_  
(Mailing Address) (Zip Code) Email: \_\_\_\_\_

Co-applicant's Water Right(s) to be exchanged \_\_\_\_\_  
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT -- Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION -- Complete Part A or Part B to explain how the proposed exchange will operate.

**Part A -- For an exchange involving two or more water right holders.**

The applicant proposes to divert \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼, Govt. Lot \_\_\_\_\_ Sec. \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M., \_\_\_\_\_ County.

Additional points of diversion, if any: \_\_\_\_\_  
In exchange for authorization to divert water as described above, \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. made available to the co-applicant for diversion at \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼, Govt. Lot \_\_\_\_\_ Sec. \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M., \_\_\_\_\_ County.  
Additional points of diversion, if any: \_\_\_\_\_

OR

2. released from storage by the co-applicant into \_\_\_\_\_ at \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼, Govt. Lot \_\_\_\_\_ Sec. \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M., \_\_\_\_\_ County.

7005 0390 0006 2694 5055

**Part B -- For an exchange involving only the applicant's water right(s).**

The applicant proposes to divert 0.040 cfs and/or \_\_\_\_\_ acre feet per year of water at SW ¼ of NE ¼, Govt. Lot \_\_\_\_\_ Sec. 3 Township 14N Range 18E B.M., CUSTER County. Additional points of diversion, if any: \_\_\_\_\_

In exchange for authorization to divert water as described above, \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. diverted from SPRING at SW ¼ of NW ¼, Govt. Lot \_\_\_\_\_ Sec. 2 Township 14N Range 18E B.M., CUSTER County and injected into \_\_\_\_\_ at \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼, Govt. Lot \_\_\_\_\_ Sec. \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M., \_\_\_\_\_ County.

OR

2. released from storage by the applicant into \_\_\_\_\_ at \_\_\_\_\_ ¼ of \_\_\_\_\_ ¼, Govt. Lot \_\_\_\_\_ Sec. \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ B.M., \_\_\_\_\_ County.

**Additional Explanation** – Attach additional sheets if necessary.

APPLICANT HOLDS WATER RIGHT 72-10032 AND 72-16559 WHICH BOTH GO TO THE SAME PLACE OF USE EXCHANGE IS TO MOVE THE 72-10032 WATER RIGHT FROM THE SPRING SOURCE TO THE SPRING SOURCE FOR WATER RIGHT 72-16559

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. \_\_\_\_\_

5. **MAPS** -- Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, and re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7½-minute topographic quadrangles are preferred as base maps.

**SIGNATURE**

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert Miller

Applicant's Signature (and title if application is for an organization)

May 18 2008  
Date

**FOR DEPARTMENT USE ONLY**

This exchange application contains \_\_\_\_\_ pages, including attachments.

Received by C. SKINNER Date 5/20/2008 Fee \$100.00

Received by C. SKINNER Date 5/21/2008 Receipt No. 5030203

Preliminary review by C. SKINNER

Published in Challis Messenger

Publication dates 6-19 + 6-26-2008

Protests filed by \_\_\_\_\_

Copies of protests forwarded by \_\_\_\_\_

Watermaster recommendation requested on (#72A)06-18-08 (#170)05-22-08

Watermaster recommendation received on (#72A)06-27-08 (#170)06-09-08

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for Approval 07-24-08 Denial \_\_\_\_\_ By ADM

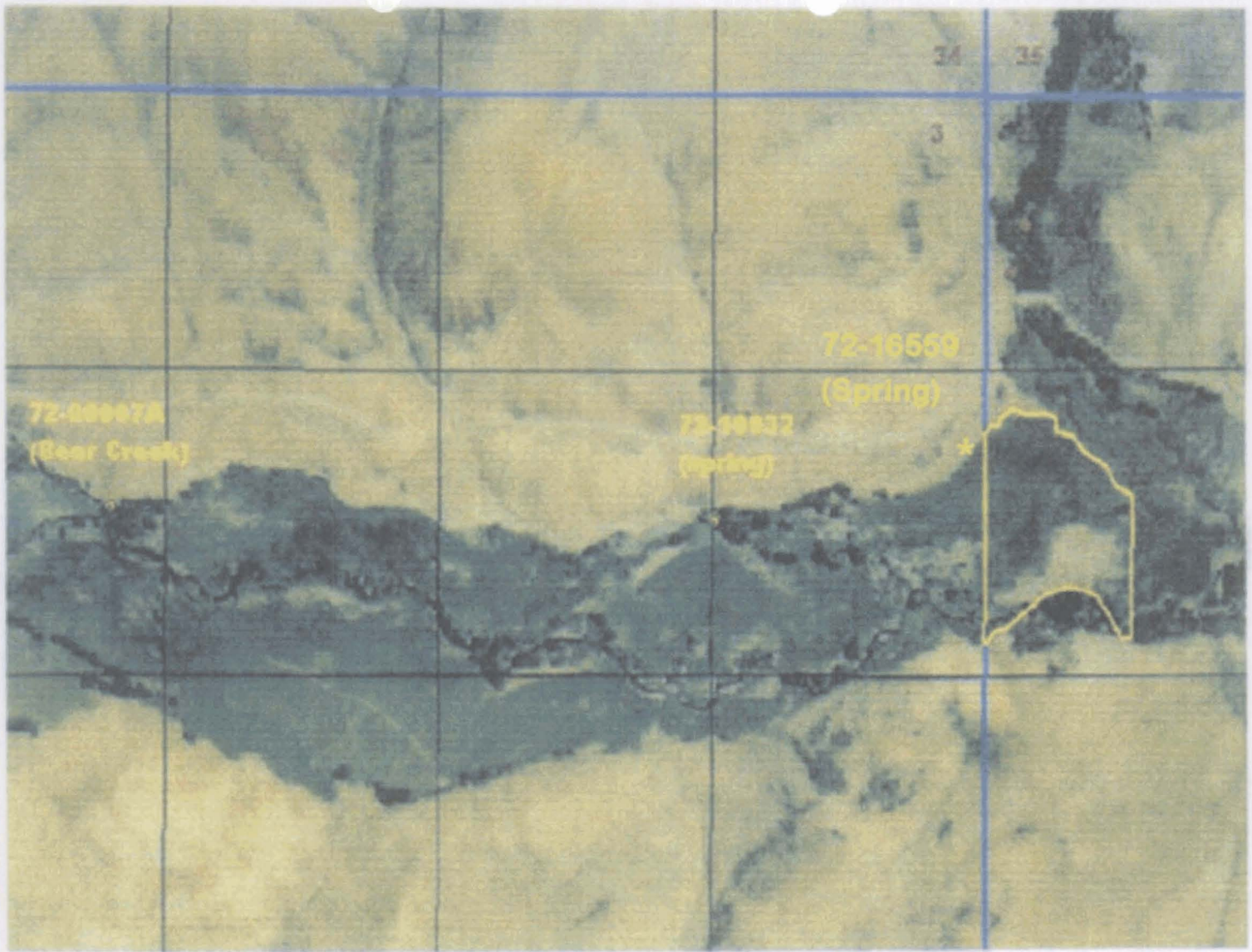


Pond  
140 ft X 100ft



Spring  
72-16559  
\* <-->  
&  
72-10032

Google



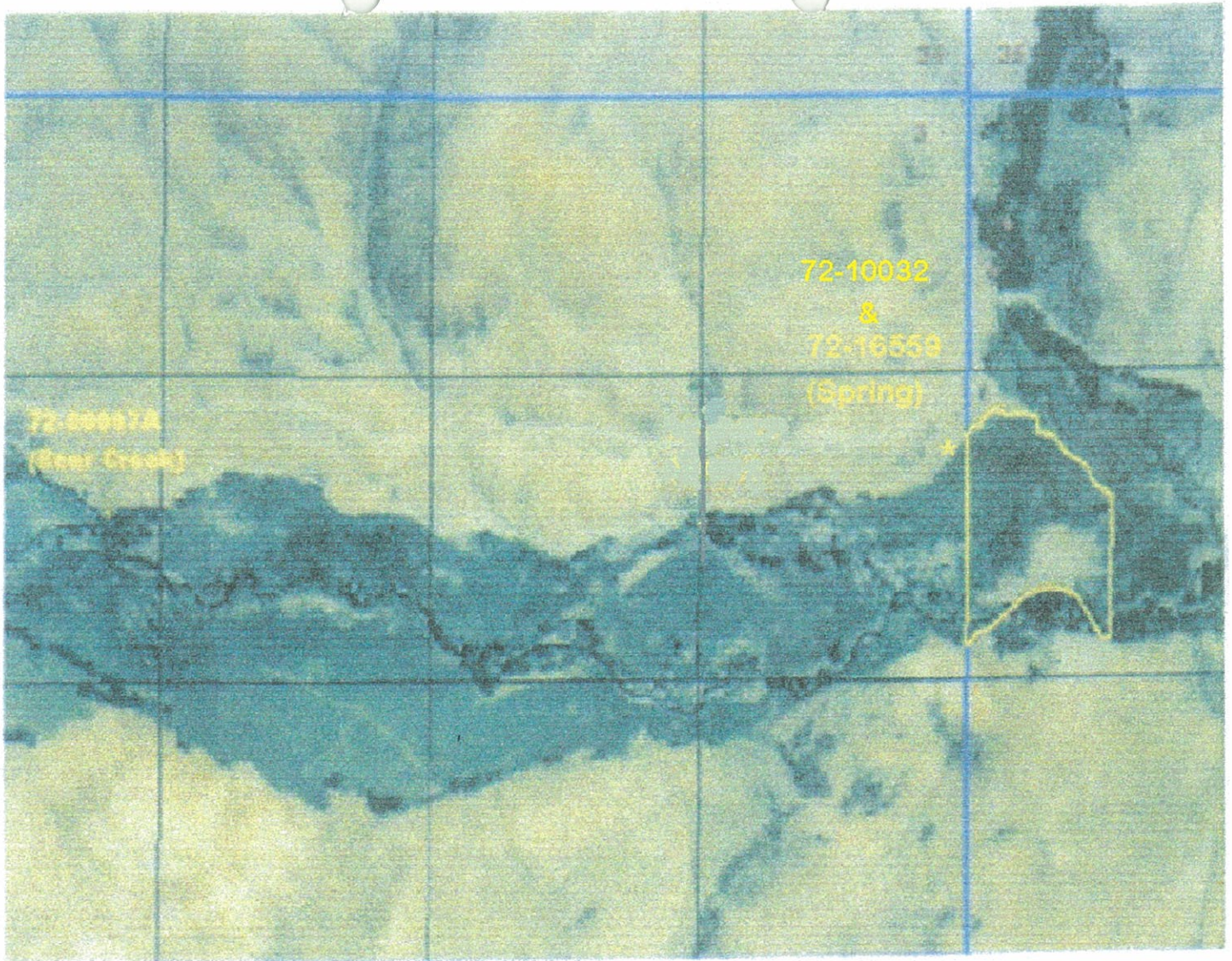
0 1170 Feet

RECOMMENDED PLACE OF USE

TWP 14N, 18E, SEC. 2



-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION



1000 FEET



RECOMMENDED PLACE OF USE

TWP 14N, 18E, SEC. 2

- RECOMMENDED PLACE OF USE
- RECOMMENDED POINT OF DIVERSION

SCANNED  
JUN 03 2003

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-10032

WATER RIGHT NUMBER: 72-10032

| <u>Owner Type</u> | <u>Name and Address</u>                                                |
|-------------------|------------------------------------------------------------------------|
| Current Owner     | ROBIN J WEGNER<br>HC 63 BOX 1576<br>CHALLIS, ID 83226<br>(208)879-5820 |
| Original Owner    | AFTON M LEWIS<br>475 N 500 W<br>MALAD CITY, ID 83252<br>(208)766-9239  |
| Original Owner    | THOMAS H LEWIS<br>475 N 500 W<br>MALAD CITY, ID 83252<br>(208)766-9239 |

Priority Date: 10/10/1911

Basis: Decreed

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SPRING        | SINKS            |

| <u>Beneficial Use</u>   | <u>From To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|----------------|-----------------------|----------------------|
| IRRIGATION              | 04/01 to 10/31 | 0.040 CFS             |                      |
| <u>Total Diversion:</u> |                | 0.040 CFS             |                      |

Location of Point(s) of Diversion

|               |                 |                                |
|---------------|-----------------|--------------------------------|
| SPRING        | SE1/4SW1/4NE1/4 | Sec. 3, Twp 14N, Rge 18E, B.M. |
| CUSTER County |                 |                                |

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 |        |
| 14N 18E 2   |    |    |    |    |    |    | 12.0 |    |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. E56 USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-7A, 72-10032, 72-16559, & 72-16560.
3. F05 RIGHT NO. 72-16563 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE. STOCK WATER INCIDENTAL TO IRRIG.

05/31/2001

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

RIGHT NUMBER: 72-16559

NAME AND ADDRESS: ROBIN J WEGNER  
HC 63 BOX 1576  
CHALLIS, ID 83226

SOURCE: UNNAMED STREAM TRIBUTARY: SINKS

QUANTITY: 0.06 CFS

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

PRIORITY DATE: 10/10/1911

POINT OF DIVERSION: T14N R18E S2 NWSWNW Within CUSTER County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04-01 10-31          | 0.06 CFS        |
| STOCKWATER            | 01-01 12-31          | 0.02 CFS        |

PLACE OF USE:

IRRIGATION Within CUSTER County  
T14N R18E S2 SWNW 12  
STOCKWATER Within CUSTER County  
T14N R18E S2  
SWNW

12 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO  
THE IRRIGATION OF A COMBINED TOTAL OF 12 ACRES IN A SINGLE  
IRRIGATION SEASON. COMBINED RIGHT NOS.: 72-7A, 72-10032, & 72-16560.

NBS  
RG NMS

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use  
STOCKWATER - 4 HORSES