

**STARTING
LEFT
SIDE OF
FILE**

BEFORE THE IDAHO WATER RESOURCE BOARD
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION)
TO LEASE WATER RIGHT LICENSE)
NOS. 77-04207 AND 77-04208 TO)
THE WATER SUPPLY BANK)

RESOLUTION

WHEREAS, W.A. and Florence M. Sandy (applicant) have submitted two (2) applications to place Water Right Nos. 77-04207 and 77-04208 into the Water Supply Bank (bank) which is administered by the Idaho Water Resource Board (Board); and

WHEREAS, the rights are described as follows:

Ident No. : Claim to a Water Right No. 77-04207
Source : Knapp Creek tributary to Marsh Creek
Priority : July 12, 1922
Rate of div: 4.7 cubic feet per second
Use : Irrigation of 159 acres in Section 13, T12N, R11E, B.M., Custer County.

Ident No. : Claim to a Water Right No. 77-04208
Source : Knapp Creek tributary to Marsh Creek
Priority : July 12, 1922
Rate of div: 4.8 cubic feet per second
Use : Irrigation of 159 acres in Sections 13 and 24, T12N, R11E, B.M. and in Sections 18 and 19, T12N, R12E, B.M., Custer County.

WHEREAS, the Director of the Department of Water Resources (Director) presently is investigating the water right claims and the applications to lease the rights to the bank as required by IDAPA Rule 37.02.03025.03 (Water Supply Bank Rule 25.03.) but has not had sufficient time to complete the investigation; and

WHEREAS, the Director and the Board find that the preliminary requirements for leasing water to the bank have been met by the applicant;

NOW, THEREFORE, BE IT RESOLVED:

1. That the Board accepts the rights into the bank on a contingency basis with payment to be made to the applicant only upon rental of the rights or portion thereof from the bank.

2. Rental of the rights is contingent upon the Director's ongoing investigation that the rights are valid and have not been forfeited through non-use.

3. The Director shall determine the volume of water which the rights represent and which may be rented from the bank.

4. The Director shall determine an acceptable rental price based upon negotiations between the applicant and the prospective renter of the water before renting the rights from the bank.

Adopted this 21st day of April, 1995.

Clarence Parr
Chairman

Attest: _____
Secretary

Water Supply Bank No. _____

Water Right No. A77-04208

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE
WATER SUPPLY BANK

RECEIVED

APR 04 1995

Department of Water Resources

Name of Seller/Lessor W.A. & Florence M. Sandy Phone 208-~~345~~-4625
Post office address 90 John Sandy 3323 Snowflake Way Boise, Id. 83706

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree No. _____ Decreed to _____ (Name)
in case of _____ VS _____
dated _____ in _____ county of _____
(Name of court)

b. License No. _____ Issued by the Idaho Department of Water Resources.

c. Permit No. A77-04208 Issued by the Idaho Department of Water Resources.

2. Source of water Knapp Creek tributary to Marsh Creek

3. Date of priority 7/12/1922

4. Water is used for the following purposes:

amount 4.8 for Irrigation purposes from 4/15 to 10/15
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)

5. Total amount of water under right: a. 4.8 cubic feet per second
&/or
b. _____ acre feet per annum

6. Location of point of diversion is THE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 18
Township 12N Range 12E, B.M. in Custer County

Additional points of diversion, if any _____

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7. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	11E	13															5	17	22
12N	11E	24	40	10		8													58
12N	12E	18											38	2					40
12N	12E	19					7	32											39

Total number of acres to be irrigated 159

B. DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease, omit part B.)

- Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
- Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

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C. ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

1. Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right.

Own land see attached deed.

2. Describe the frequency of water use under the right, or portion thereof, during the past 5 years. Attach water-master records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture:

Gravity diversion water has been diverted & used to irrigate

3. Describe the relative availability of water to fill the right, or portion thereof. Attach evidence to support the availability:

Water has been available in all but driest years.
1994 was the driest year in memory. EST. About 50% in 1994.

4. Describe any other water rights with the same purpose and place of use as the right, or portion thereof. Will the present place of use continue to receive water from any source? If so, describe.

Also submitting application on Right No. A77-04207. IF
This application is accepted and water rented for flow
augmentation, Land will remain dry.

5. If the water right is a permit, describe the work accomplished toward developing the right.

Water was put to use under original homestead ACT, And has
been ~~use~~ filed on under SRBA

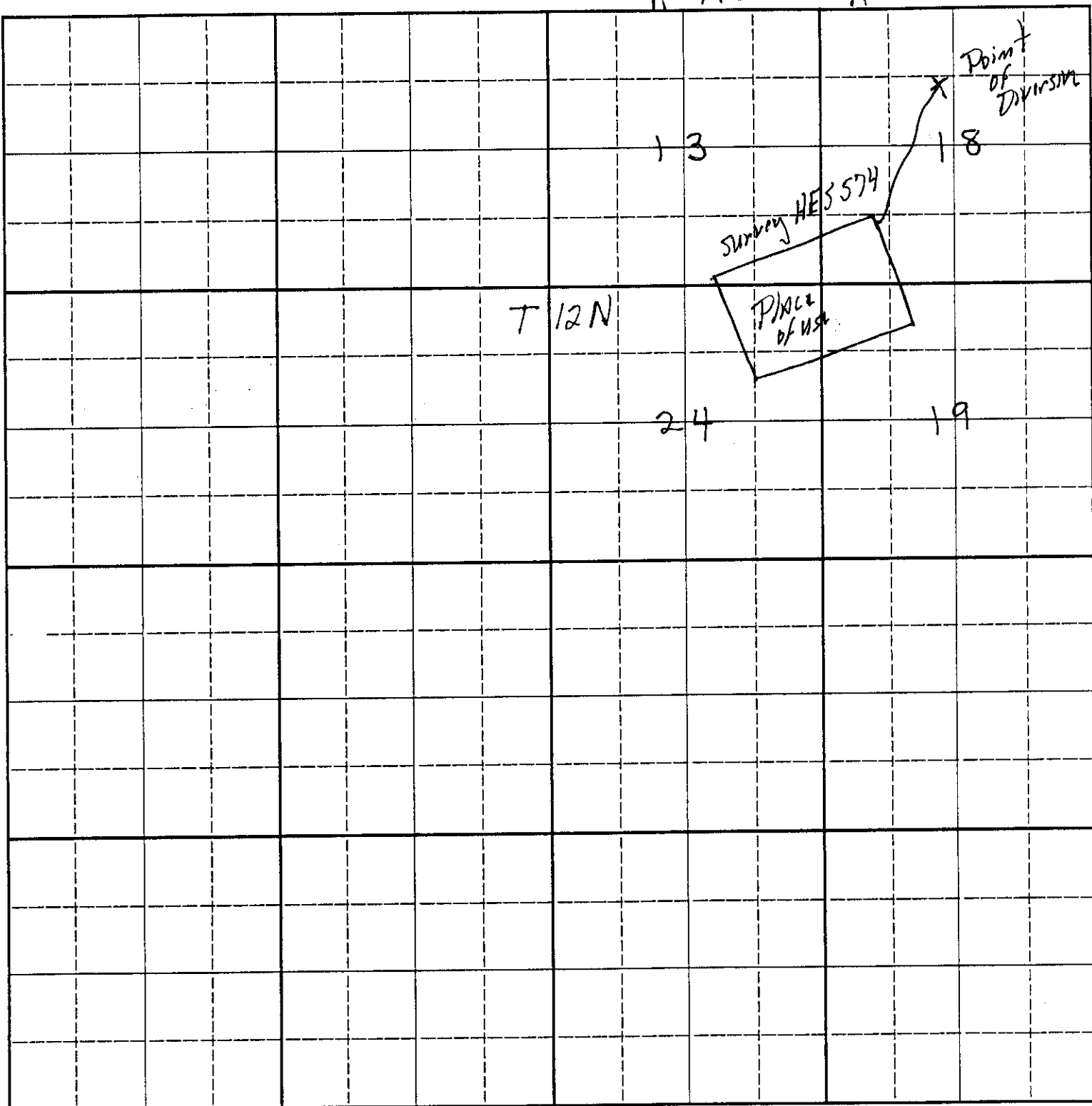
6. If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached.

7. If the right is included in an ongoing adjudication, a copy of the claim must be provided with this application.

8. Draw a map indicating the point(s) of diversion and place of use of the right, or portion thereof. Show clearly the land involved by section, township and range.

R 11 E

R 12 E



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

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9. Remarks This water use occurs in a prime salmon
habitat area. This Application is submitted on the
condition that the water be rented for instream
flow improvements to lower Granite Dam.

D. SALE/LEASE AGREEMENT

1. The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale

X For lease for period from for 1995 season of use
(year) (year)

_____ As a gift to the State of Idaho.

2. The minimum payment acceptable to the Seller/Lessor is: (Include the method of determining the minimum payment)

\$50.00 per acre

3. Payment contingent on subsequent sale or leasing of this right, or portion thereof, is:

_____ Acceptable _____ Not Acceptable

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer the sale or lease of this right to the Idaho Water Resource Board.

4/4/95
(Date)

W.A. & Florence M. Sandy
(Signature of applicant)

By [Signature]

FOR DEPARTMENT USE ONLY

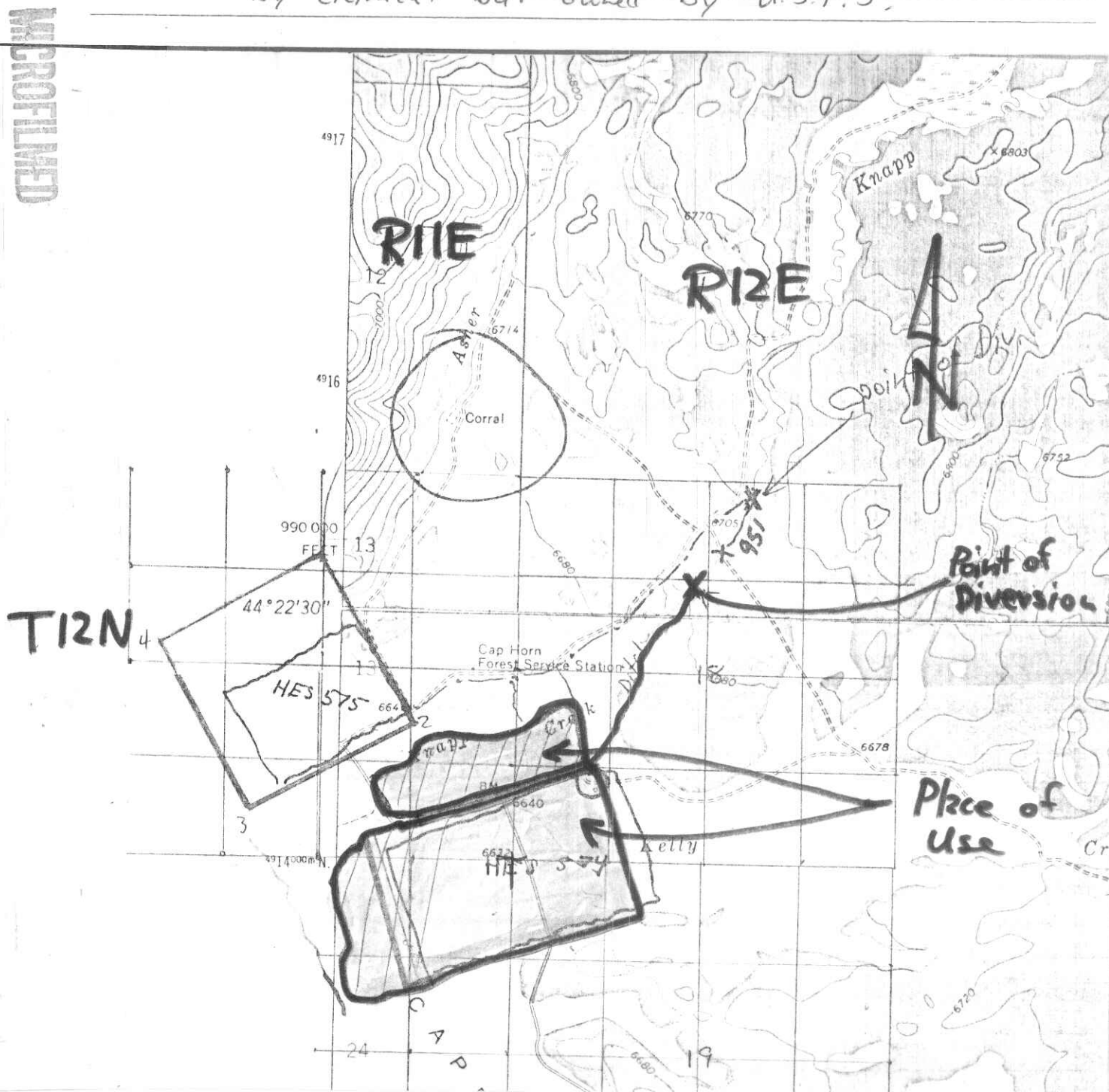
Received by [Signature] Date 12:48 PM 4-4-95 Preliminary check by [Signature]

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

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(8) Remarks This claim is for lands irrigated from Knapp Creek
and cover HES 574 and pasture land irrigated
by claimant but owned by U.S.F.S.



State of Idaho)
County of ADA) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

W.A. Sandy & Florence M. Sandy
Power of At. John A. Sandy
(Claimant)

Sworn to before me this 26 day of November, 1982.

Jim Johnson
Notary Public
Residing at Boise

My commission expires life

FOR DEPARTMENT USE ONLY			
Received by <u>ADM</u>	Date <u>6/29/83</u>	Exception filed by:	Forwarded to
Prelim. check by <u>GLS</u>	Date <u>11/7/83</u>		claimant by:
\$30.00 fee received by <u>ADM</u>	Date <u>6/29/83</u> # <u>29092</u>		
Published in <u>Custer Publishing Co</u>			
Dates <u>1/26 & 2/2/84</u>			

County of Custer

This instrument was filed for record at the request of Hawley, Tregell, Ennis & Hawley at 1:00 o'clock
P. M. June 27, 1963 and duly recorded in Vol. 35 of Deeds Page 506 Records of Custer County, Idaho.

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60 degrees 30 minutes East 3996.56 feet to Corner No. 4 of H. E. S. No. 270; thence North 42 degrees 37 minutes East 2119.28 feet to Corner No. 5 of H. E. S. No. 270; thence North 62 degrees 15 minutes West 1370.16 feet to corner No. 6 of H. E. S. No. 270; thence North 99 degrees 14 minutes East 2000.72 feet to corner No. 7 of H. E. S. No. 270, which is identical with Corner No. 2 of H. E. S. No. 271; thence North 36 degrees 23 minutes West 908.82 feet to corner No. 3 of H. E. S. No. 271, which is the true point of beginning, containing 216.29 acres more or less. Together with a water right of 200 inches of waters of Hannah Creek, tributary of Valley Creek and/or Valley Creek, with date of priority May 1, 1914; and a water right of 19.32 inches of the waters of Valley Creek with date of priority May 1, 1914, according to the decree in the case of Cavanaugh vs. Merritt et al, wherein the said water rights were decreed to John H. Thompson and Josephine Thompson.

The land so being conveyed is otherwise known and described as H. E. S. No. 270 and that part of H. E. S. No. 271 lying northeast of the state wagon road as it now exists.

TRACT FOUR: The following described real property, being a portion of Section 3, Township 11 North, Range 12, East Boise Meridian, designated as Tract "C", being 80.78 acres, more or less, to-wit: Beginning at Corner No. 6 of H. E. S. 274; thence south 87 degrees 00 minutes West 1135.95 feet to Line 2-3 H. E. S. 274; thence following original survey North 29 degrees 30 minutes West 621.35 feet to Corner No. 3 H. E. S. 274; thence North 18 degrees 30 minutes West 1547.04 feet to Corner No. 4 H. E. S. 274; Thence North 69 degrees 11 minutes East 1806.42 feet to corner No. 5 H. E. S. 274; thence South 50 degrees 21 minutes East 2605.2 feet to Corner No. 6 H. E. S. 274 to the place of beginning. Together with 130 inches of water, with date of priority May 1, 1915, point of diversion from Valley Creek at a point located in the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) of Section 4, Township 11 North, Range 12 East Boise Meridian.

subject to all recorded and visible easements and rights-of-way for roads, irrigation ditches and canals and for public utilities as the same may now exist; subject also to taxes and assessments for 1965 and subsequent years.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances, including all water rights, ditches, canals and rights-of-way for ditches and canals thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the property, as well in law as in equity, of the said Grantors.

TO HAVE AND TO HOLD, All and singular, the above-mentioned and described lands, together with the appurtenances, unto the Grantees, and to their heirs and assigns, forever, in the following proportions: An undivided one-fourth interest to John W. Jones, Jr., an undivided one-fourth interest to Deloris D. Jones; an undivided one-fourth interest to W. A. Sandy; and an undivided one-fourth interest to Florence M. Sandy, and the said Grantors, and their heirs, the said premises in the quiet and peaceable possession of the said Grantees, their heirs and assigns, against the said Grantors and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents for ever DEFEND.

IN WITNESS WHEREOF, The said Grantors have hereunto set their hands and seals the day and year first above written.

John W. Jones, Sr.
John W. Jones, Sr.

Etzel H. Jones
Etzel H. Jones

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PCC

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WILLIAMS, The parties hereto, being to transfer
party hereinafter described to grantees;

NOW, THEREFORE, In consideration of the sum of _____, money of lawful coin, to the said _____, and by
these presents do give, grant, convey and first mortgage to the said _____ and assigns forever,
all of the Grantors' right, title and interest in and to the following described real estate situated in
Custer County, State of Idaho, to-wit:

TRACT ONE: H. E. Survey No. 575, embracing a portion of, a part of, _____, Section _____, Township
Twelve North of Range Eleven East of the Boise Meridian, Idaho, more particularly described and described
as follows:

Beginning at corner No. 1, from which U. S. Land Grant No. 574 bears north, fifty-three degrees
forty-five minutes east, two and ninety-two hundredths chains distant; thence, north twenty-nine
degrees two minutes east, thirty-nine and eighty-nine hundredths chains to corner No. 2; thence, north
sixty degrees forty-nine minutes west, thirty-nine and seventy hundredths chains to corner No. 3;
thence, north twenty-nine degrees one minute west, thirty-nine and ninety-one hundredths chains to
corner No. 4; thence, north sixty degrees fifty-nine minutes east, thirty-nine and sixty-six hundredths
chains to corner No. 1, the place of beginning, containing one hundred fifty-eight acres and thirty-
four hundredths of an acre, according to the Official Plat of the Survey of the said land, on file in
the GENERAL LAND OFFICE:

TRACT TWO: H. E. Survey No. 574, comprising Tracts "A" and "B", embracing a portion of, approximately,
Sections 13, 16, 19 and 24, unsurveyed, Township 12 North Range 11 and 12 East, Boise Meridian, more
particularly described as follows:

Tract A: Beginning at corner No. 1 from whence U. S. L. M. No. 574 (approved) bears North 34 degrees
20 minutes West 58.02 chains; thence South 19 degrees 06 minutes East 30.00 chains to corner No. 2;
thence South 71 degrees 08 minutes West (30.86 chains to corner No. 3; thence North 19 degrees 03
minutes West), 31.93 chains to corner No. 4; thence North 71 degrees 00 minutes East 30.85 chains to
Corner No. 1, the place of beginning.

Tract B: Beginning at corner No. 5 from whence corner No. 1 of Tract A of this survey, heretofore
described bears South 71 degrees 00 minutes West 50 links distant; thence North 71 degrees 00 minutes
East 19.00 chains to corner No. 6; thence South 19 degrees 07 minutes East 32.00 chains to corner No.
7; thence South 71 degrees 08 minutes West 19.00 chains to Corner No. 8; thence North 19 degrees 06
minutes West 32 chains to corner No. 5, the place of beginning. F. C. issued July 12, 1922. 159.42
acres.

TRACT THREE: Beginning at a point on the section line common to Sections 2 and 3, Township 11 North,
Range 12 East Boise Meridian, Custer County, Idaho, which point bears North 00 degrees 15 minutes West
1089 feet from the corner common to Sections 2, 3, 10, and 11, in said Township and Range and which
point is designated as Corner No. 3 of H. E. S. No. 271; thence South 79 degrees 30 minutes West 2192.98
feet to the state road; thence along said State road South 76 degrees 24 minutes East 291.7 feet; thence
along said state road South 62 degrees 55 minutes East 228.7 feet; thence southerly along said state
road South 45 degrees 48 minutes East 1538.5 feet to Corner No. 2 of H. E. S. , No. 270; thence South

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...said partnership was terminated and dissolved effective as of January 1, 1965 by mutual agreement between the parties hereto pursuant to which Grantors retired as active partners in said partnership business and Grantees have continued to carry on said partnership business under the same or such other name as Grantees may agree upon; and

WHEREAS, On January 1, 1965 for and in consideration of the mutual love and affection which Grantors had for the Grantees, Grantors gave, granted, transferred, conveyed and assigned unto the Grantees all of the Grantors' right, title and interest in and to said partnership business and in and to all of the property then held and used as and constituting a part of the partnership assets, including the real property hereinafter described; and

WHEREAS, The parties hereto desire to confirm such gift and to establish record title to the real property hereinafter described in Grantees;

NOW, THEREFORE, In consideration of the premises, Grantors have given, granted and conveyed, and by these presents do give, grant, convey and confirm unto the Grantees, and to their heirs and assigns forever, all of the Grantors' right, title and interest in and to the following described real estate situated in Blaine County, State of Idaho, to-wit:

TRACT ONE: E. E. Survey No. 575, embracing a portion of, approximately, Section Thirteen in Township Twelve North of Range Eleven East of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which U. S. Location Monument No. 574 bears north fifty-three degrees forty-five minutes east, two and ninety-two hundredths chains distance; thence, south twenty-nine degrees two minutes east, thirty-nine and eighty-nine hundredths chains to corner No. 2; thence, south sixty degrees forty-nine minutes west, thirty-nine and seventy hundredths chains to corner No. 3; thence, north twenty-nine degrees one minute west, thirty-nine and ninety-one hundredths chains to corner No. 4; thence, north sixty degrees fifty-one minutes east, thirty-nine and sixty-six hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-eight acres and thirty-four hundredths of an acre, according to the Official Plat of the Survey of the said land, on file in the GENERAL LAND OFFICE:

TRACT TWO: E. E. Survey No. 574, comprising Tracts "A" and "B", embracing a portion of, approximately, Sections 13, 18, 19 and 24, unsurveyed, Township 12 North Range 11 and 12 East, Boise Meridian, more particularly described as follows:

Tract A: Beginning at corner No. 1 from whence U. S. L. M. No. 574 (approved) bears North 34 degrees 20 minutes West 58.02 chains; thence South 19 degrees 06 minutes East 31.00 chains to corner No. 2; thence South 71 degrees 08 minutes West (30.36 chains to corner No. 3; thence North 19 degrees 03 minutes West), 31.93 chains to corner No. 4; thence North 71 degrees 00 minutes East 30.36 chains to Corner No. 1, the place of beginning.

Tract B: Beginning at corner No. 5 from whence corner No. 1 of Tract A of this survey, heretofore described bears South 71 degrees 00 minutes East 51.14 chains; thence North 71 degrees 00 minutes East 19.00 chains to corner No. 6; thence South 19 degrees 06 minutes East 31.00 chains to corner No. 7; thence South 71 degrees 06 minutes West 30.36 chains to corner No. 8; thence North 19 degrees 06 minutes West 31 chains to corner No. 5, the place of beginning. A. L. issued July 11, 1964. 153.42 acres.

TRACT THREE: Beginning at a point on the Boise Meridian, more particularly described as follows: Township 12 North Range 12 East Boise Meridian, U. S. Location Monument No. 575, from whence U. S. Location Monument No. 576 bears North 71 degrees 00 minutes East 31.00 chains to corner No. 1, the place of beginning. A. L. issued July 11, 1964. 153.42 acres.

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POOR QUALITY ORIGINAL

No. 119945

WARRANTY DEED

THIS INDENTURE, Made this 1st day of January, 1965, between JOHN W. JONES, SR. and ETHEL E. JONES, husband and wife, of Hagerman, County of Gooding, State of Idaho, the Grantors, and JOHN W. JONES, JR. and DELORIS D. JONES, husband and wife, and W. A. SANDY and FLORENCE M. SANDY, husband and wife, all of Hagerman, County of Gooding, State of Idaho, the Grantees,

WITNESSETH;

WHEREAS, Prior to January 1, 1965 Grantors and Grantees were co-partners doing business under the firm name and style of John W. Jones & Sons; and

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to the Agreement for ... olution and Winding Up of Jones and
Sandy Livestock Company, an Idaho Partnership, and for the
Division of Assets and Liabilities of the Partnership. Both the

WARRANTY DEED - 3

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STATE OF IDAHO)
County of Franklin) ss.

On this 25 day of January, 1982, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN W. JONES, JR. and DELORIS D. JONES, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Ralph M. Lucke
NOTARY PUBLIC in and for said
State, residing at Franklin

STATE OF IDAHO)
County of Franklin) ss.

On this 27 day of January, 1982, before me, the undersigned, a Notary Public in and for said State, personally appeared W.A. SANDY and FLORENCE W. SANDY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Ralph M. Lucke
NOTARY PUBLIC in and for said
State, residing at Franklin

STATE OF IDAHO)
COUNTY OF CLUSTER) ss.

This instrument was filed for record
at the request of CLUSTER COUNTY TRUST
on 1-26 at 1:26 P.M. 1982
and duly filed and indexed in the Records of Cluster
County.

HOWARD A. BAXTER
Ex-Officio Recorder

By Howard A. Baxter Deputy

Fees 10.00

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with line 4
86 degrees 11 minutes 42 seconds to corner
No. 3 of 1913, No. 271, which is the true point
beginning, containing 216.29 acres more or less,
together with a water right of 240 inches of the
waters of Hannah Creek, Tributary of Valley Creek
and/or Valley Creek, with date of priority May 1,
1913; and a water right of 79.32 inches of waters
of Valley Creek with date of priority May 1, 1914.

WARRANTY DEED - 2

WARRANTY

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Agreement and the First Addendum were made effective July 2,
1981, and have been executed by all general partners of the Jones
and Sandy Livestock Company. A memorandum of the Agreement as
modified by the First Addendum was recorded on January 27 1982
1982, as Microfilm Instrument No. 93262, records of Gooding
County, Idaho.

TO HAVE AND TO HOLD all and singular the above mentioned
and described premises, together with the appurtenances, unto the
said Grantees, and to their heirs and assigns forever.

The said Grantors WARRANT to the Grantees that they are
lawfully seized of the above described real property in fee
simple; that Grantors have lawful right to convey the said
property, and that the same is free and clear of any and all
encumbrances of every kind and description, EXCEPT: taxes for
the year 1981, easements of record, if any, and those
restrictions specified hereinabove.

IN WITNESS WHEREOF the said Grantors have hereunto set
their hands the day and year hereinabove first written.

John W. Jones, Jr.
John W. Jones, Jr.

Deloris D. Jones
Deloris D. Jones

W. A. Sandy
W. A. Sandy

Florence M. Sandy
Florence M. Sandy

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according to the decree in the case of Cavanaugh vs. Merritt et al, wherein the said water rights were decreed to John H. Thompson and Josephine Thompson.

The land so being conveyed is otherwise known and described as H.E.S. No. 270 and that part of H.E.S. No. 271 lying Northeast of the state wagon road as it now exists.

Tract Four:

The following described real property, being a portion of Section 3, Township 11 North, Range 12, E.B.M., designated as Tract "C", being 80.78 acres, more or less, to-wit:

 Beginning at Corner No. 6 of H.E.S. 274; thence south 87 degrees 00 minutes West 1135.95 feet to Line 2-3 H.E.S. 274; thence following original survey North 29 degrees 30 minutes West 621.35 feet to Corner No. 3 H.E.S. 274; thence North 18 degrees 30 minutes West 1547.04 feet to Corner No. 4 H.E.S. 274; thence North 69 degrees 11 minutes East 1806.42 feet to Corner No. 5 H.E.S. 274; thence South 50 degrees 21 minutes East 2605.2 feet to Corner No. 6 H.E.S. 274 to the place of beginning.

Together with 130 inches of water, with date of priority May 1, 1915, point of diversion from Valley Creek at a point located in NW 1/4, Section 4, Twp. 11 North, Range 12 E.B.M.

TOGETHER with all and singular the tenements, hereditaments and appurtenances, thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainder, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity of the said Grantor.

SUBJECT TO those certain rights of first refusal provisions contained in Section 21 of the Agreement for Dissolution and Winding Up of Jones and Sandy Livestock Company, an Idaho Partnership, and for the Division of Assets and Liabilities of the Partnership as modified by the First Addendum to the Agreement for Dissolution and Winding Up of Jones and Sandy Livestock Company, an Idaho Partnership, and for the Division of Assets and Liabilities of the Partnership. Both the

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Tract Two:

H.E. Survey No. 574, comprising Tracts "A" and "B", embracing a portion of, approximately, Section 13, 18, 19 and 24, unsurveyed, Township 12 North, Range 11 and 12 E.B.M., more particularly described as follows:

Tract A: Beginning at Corner No. 1 from whence U.S.L.M. No. 574 (approved) bears North 34 degrees 20 minutes West 58.02 chains; thence South 19 degrees 06 minutes East 32.00 chains to Corner No. 2; thence South 71 degrees 08 minutes West 30.86 chains to Corner No. 3; thence North 19 degrees 03 minutes West 31.93 chains to Corner No. 4; thence North 71 degrees 00 minutes East 30.85 chains to Corner No. 1, the place of beginning.

Tract B: Beginning at Corner No. 5 from whence Corner No. 1 of Tract A of this survey, heretofore described bears South 71 degrees 00 minutes West 50 links distant; thence North 71 degrees 00 minutes East 19.00 chains to Corner No. 6; thence South 19 degrees 07 minutes East 32.00 chains to Corner No. 7; thence South 71 degrees 08 minutes West 19.00 chains to Corner No. 8; thence North 19 degrees 06 minutes West 32 chains to Corner No. 5, the place of beginning. P.C. issued July 12, 1922. 159.42 acres.

Tract Three:

Beginning at a point on the section line common to Sections 2 and 3, Township 11 North, Range 12 E.B.M., Custer County, Idaho, which point bears North 00 degrees 03 minutes West 1089 feet from the corner common to Sections 2, 3, 10 and 11, in said Township and Range and which point is designated as Corner No. 3 of H.E.S. No. 271; thence South 79 degrees 34 minutes West 2192.98 feet to the state road; thence along said state road South 76 degrees 24 minutes East 291.7 feet; thence along said state road South 62 degrees 55 minutes East 228.7 feet; thence Southerly along said state road south 45 degrees 48 minutes East 1538.5 feet to Corner No. 2 of H.E.S. No. 270; thence South 60 degrees 20 minutes East 3396.36 feet to Corner No. 4 of H.E.S. No. 270; thence North 42 degrees 37 minutes East 2117.28 feet to Corner No. 5 of H.E.S. No. 270; thence North 62 degrees 15 minutes West 1370.16 feet to Corner No. 6 of H.E.S. No. 270; thence North 59 degrees 14 minutes West 2067.72 feet to Corner No. 7 of H.E.S. No. 270, which is identical with Corner No. 2 of H.E.S. No. 271; thence North 86 degrees 23 minutes West 908.82 feet to Corner No. 3 of H.E.S. No. 271, which is the true point of beginning, containing 216.29 acres more or less. Together with a water right of 240 inches of the waters of Hannah Creek, Tributary of Valley Creek and/or Valley Creek, with date of priority May 1, 1913; and a water right of 79.32 inches of waters of Valley Creek with date of priority May 1, 1914.

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162320

WARRANTY DEED

THIS INDENTURE made this 15 day of January, 1982,
 by and between JOHN W. JONES, JR. and DELORIS D. JONES, husband
 and wife, and W. A. SANDY and FLORENCE M. SANDY, husband and
 wife, all as GRANTORS, and W. A. SANDY and FLORENCE M. SANDY,
 husband and wife, as GRANTEES, who have stated their current
 address to be: 318 Brunson Street (P. O. Box 326), Nagerman,
 Idaho 83332.

WITNESSETH, that

The said Grantors, for and in consideration of the sum
 of ONE DOLLAR (\$1.00), and other good and valuable consideration,
 legal money of the United States of America to them in hand paid
 by the said Grantees, the receipt of which is hereby acknow-
 ledged, have granted, bargained and sold, and by these presents
 does grant, bargain, sell, convey and confirm unto the said
 Grantees, and to their heirs and assigns forever, all of the real
 property situate in the County of Custer, State of Idaho, to-wit:

Tract One:

U.S. Survey No. 575, embracing a portion of, ap-
 proximately, Section 13, Twp. 12 N., R. 11 E.S.M.,
 more particularly bounded and described as follows:

Beginning at Corner No. 1, from which U.S. Location
 Monument No. 574 bears North fifty-three degrees
 forty-five minutes East, two and ninety-two hun-
 dredths chains distance; thence South twenty-nine
 degrees two minutes East, thirty-nine and eighty-
 nine hundredths chains to Corner No. 2; thence,
 South sixty degrees forty-nine minutes West,
 thirty-nine and seventy hundredths chains to Corner
 No. 3; thence North twenty-nine degrees one minute
 West, thirty-nine and ninety-one hundredths chains
 to Corner No. 4; thence, North sixty degrees fifty-
 one minutes East, thirty-nine and sixty-six hun-
 dredths chains to Corner No. 1, the piece of
 beginning, containing 158.34 acres, according to
 the Official Plat of the Survey of said land, on
 file in the General Land Office.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that W.A. Sandy & Florence M. Sandy
(Name of Claimant)
Box 326 Hagerman, Idaho 83332 Telephone No. 208-837-6554
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) July 12, 1922

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Knapp Creek tributary to Marsh Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>4.8</u>	Use <u>Irrigation</u>	Period of Use From <u>April 15</u>	To <u>Oct. 15</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

(4) 4.8 TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE 1/4 NW 1/4, Sec. 18 Twp. 12N Rge. 12E B.M., County of Custer
Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.
Headgate to open ditch

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
12N	11E	24	40	32	20	8													100
	11E	13												10		15	38		63
	12E	18									38	2							40
	12E	19					7	32											39
(H.E. SURVEY NO. 574)																			
(Forest Service Lands Irrigated)																			

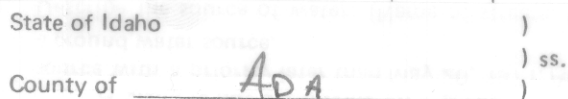
No. of acres 242

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: NA

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

UNPROFILLED



W. A. Sandy & Florence M. Sandy
Power of At. John B. Sandy
(Claimant)

Notary Public
Residing at

FOR DEPARTMENT USE ONLY

Received by <u>ADM</u>	Date <u>6/29/83</u>	Exception filed by: _____	Forwarded to _____
Prelim. check by <u>625</u>	Date <u>11/7/83</u>		Date _____
\$30.00 fee received by <u>ADM</u>	Date <u>6/29/83</u> # <u>29092</u>		claimant by: _____
Published in <u>Custer Publishing Co</u>			
Dates <u>1/26 & 2/2/84</u>			

Tract Two:

H.E. Survey No. 574, comprising Tracts "A" and "B", embracing a portion of, approximately, Section 13, 18, 19 and 24, unsurveyed, Township 12 North, Range 11 and 12 E.B.M., more particularly described as follows:

Tract A: Beginning at Corner No. 1 from whence U.S.L.M. No. 574 (approved) bears North 34 degrees 20 minutes West 58.02 chains; thence South 19 degrees 06 minutes East 32.00 chains to Corner No. 2; thence South 71 degrees 08 minutes West 30.86 chains to Corner No. 3; thence North 19 degrees 03 minutes West 31.93 chains to Corner No. 4; thence North 71 degrees 00 minutes East 30.85 chains to Corner No. 1, the place of beginning.

Tract B: Beginning at Corner No. 5 from whence Corner No. 1 of Tract A of this survey, heretofore described bears South 71 degrees 00 minutes West 50 links distant; thence North 71 degrees 00 minutes East 19.00 chains to Corner No. 6; thence South 19 degrees 07 minutes East 32.00 chains to Corner No. 7; thence South 71 degrees 08 minutes West 19.00 chains to Corner No. 8; thence North 19 degrees 06 minutes West 32 chains to Corner No. 5, the place of beginning. F.C. issued July 12, 1922. 159.42 acres.

Tract Three:

Beginning at a point on the section line common to Sections 2 and 3, Township 11 North, Range 12 E.B.M., Custer County, Idaho, which point bears North 00 degrees 03 minutes West 1089 feet from the corner common to Sections 2, 3, 10 and 11, in said Township and Range and which point is designated as Corner No. 3 of H.E.S. No. 271; thence South 79 degrees 34 minutes West 2192.98 feet to the state road; thence along said state road South 76 degrees 24 minutes East 291.7 feet; thence along said state road South 62 degrees 55 minutes East 228.7 feet; thence Southerly along said state road south 45 degrees 48 minutes East 1538.5 feet to Corner No. 2 of H.E.S. No. 270; thence South 60 degrees 20 minutes East 3396.36 feet to Corner No. 4 of H.E.S. No. 270; thence North 42 degrees 37 minutes East 2117.28 feet to Corner No. 5 of H.E.S. No. 270; thence North 62 degrees 15 minutes West 1370.16 feet to Corner No. 6 of H.E.S. No. 270; thence North 59 degrees 14 minutes West 2007.72 feet to Corner No. 7 of H.E.S. No. 270, which is identical with Corner No. 2 of H.E.S. No. 271; thence North 86 degrees 23 minutes West 908.82 feet to Corner No. 3 of H.E.S. No. 271, which is the true point of beginning, containing 216.29 acres more or less. Together with a water right of 240 inches of the waters of Hannah Creek, Tributary of Valley Creek and/or Valley Creek, with date of priority May 1, 1913; and a water right of 79.32 inches of waters of Valley Creek with date of priority May 1, 1914,

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, MARGARET PARKS

Publisher of the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2

consecutive weeks, commencing with the issue dated Jan 26

1984 and ending with the issue dated Feb 2, 1984

Margaret Parks

Subscribed and sworn to before this 2nd day of February, 1984

Edna M. Peck

Notary Public, residing at Challis, Idaho. My commission expires on

Life

RECEIVED
FEB 6 1984

Department of Water Resources
Western Regional Office

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

77-4195

U.S. DEPT. OF AGRI.
FOREST SERVICE, FEDERAL BLDG., 324 25th ST., OGDEN, UT 84401

Source: SUNFLOWER FLAT HOT SPRING trib. to SALMON RIVER, MIDDLE FORK

Priority Date: 08/30/1940

Diversion Pt: NENE Sec 17 T 16N R 12E

Use: RECREATION (0.04 CFS) RECREATION STORAGE (0.01 AF)

In: NENE Sec 17 T 16N R 12E

77-4196

U.S. DEPT. OF AGRI.
FOREST SERVICE, FEDERAL BLDG., 324 25th ST., OGDEN, UT 84401

Source: LOON CREEK HOT SPRING trib. to LOON CREEK

Priority Date: 08/30/1910

Diversion Pt: SWNE Sec 22 T 17N R 14E

Use: RECREATION (0.04 CFS) RECREATION STORAGE (0.01 AF)

In: SWNE Sec 22 T 17N R 14E

77-4207

SANDY, W. A. &/or FLORENCE M.
P.O. BOX 326, HAGERMAN, ID 83332

Source: KNAPP CREEK trib. to MARSH CREEK

Priority Date: 07/12/1922

Diversion Pt: NWNE Sec 18 T 12N R 12E

Use: IRRIGATION (4.70 CFS)

In: SWNE/SWNW SENW NESW NWSW SESW NWSE Sec 13 T 12N R 11E FOR 159 ACRES

77-4208 ✓ 5P

SANDY, W. A. &/or FLORENCE M.
P.O. BOX 326, HAGERMAN, ID 83332

Source: KNAPP CREEK trib. to MARSH CREEK

Priority Date: 07/12/1922

Diversion Pt: SENW Sec 18 T 12N R 12E

Use: IRRIGATION (4.80 CFS)

In: NENE NWNE SWNE SENE Sec 24 T 12N R 11E NESE SWSE SESE Sec 13 T 12N R 11E SWSW SESW Sec 18 T 12N R 12E NENW NWNW Sec 19 T 12N R 12E FOR 242 ACRES

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83720.

KEN DUNN, Dir.
Published 01/26 & 02/02/84.

MICROFILMED

**STARTING
RIGHT
SIDE OF
FILE**



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

February 19, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CAPE HORN RANCH LLC
2724 NORTHVIEW DR
HAGERMAN ID 83332

RE: WATER RIGHT LEASED TO THE WATER SUPPLY BANK, WATER RIGHT NO. 77-4208

Dear Lessor:

The Department of Water Resources (Department) records indicate Cape Horn Ranch LLC as current owner of water right 77-4208. This water right was originally leased to the water supply bank (Bank) on April 4, 1995, in the name of Robert Sandy for an indefinite term. The current amounts leased to the Bank are as follows:

<u>Water Right No.</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>
77-4208	3.80 cfs	N/A	N/A	99.0 ac

Enclosed is a Request to Release or Lease Term Extension Form if you would like to make any changes to the current lease term or leased portion. If the Department receives no further correspondence, the existing portion of water right no. 77-4208 will continue to remain in the Bank indefinitely.

Please note, while a right is in the Bank, the owner of the right may not use the right without approval of the Department even if the right is not rented from the Bank. Any violation of the terms of this lease may result in enforcement procedures pursuant to Section 42-351, Idaho Code, for illegal diversion and use of water, and may include civil penalties pursuant to Section 42-1701B, Idaho Code. Also consider that the five (5) year period of nonuse related to forfeiture of a water right shall begin to accrue upon release of the right from the bank or shall continue to accrue if a period of nonuse occurred prior to the lease date of the right to the Bank.

If you have any questions regarding this matter, please contact me at (208) 287-4943.

Sincerely,

Aaron Marshall
Water Allocation Bureau

Enc: 1

c: John Westra – IDWR Western Regional Office

507-11
SEP 19 2008

9/21/05

We would like to release a part
of 77-4208- associated with 60 acres
in the SW Quarter of section 18, T12N R12E
Robert Sandy

SCANNED

FEB 14 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 14, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

W. A. Sandy
P.O. Box 326
Hagerman, ID 83332

RE: RIGHTS IN THE WATER SUPPLY BANK – 77-04207 and 77-04208

Dear Mr. Sandy:

This letter confirms that department records show that the above referenced water rights in the name of W. A. Sandy continue to be leased to the Water Supply Bank ("bank") managed by the Idaho Water Resource Board ("Board"). The rights claim water from Knapp Creek tributary to Marsh Creek. As a reminder of rules related to the rights leased to the bank, the following provisions apply:

1. There is no payment to the owner of a right if the right is not rented from the bank.
2. While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed.

Please consider that the rights will be retained in the bank indefinitely unless the Board releases the rights upon a request from the owner.

If you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading 'L. Glen Saxton', is written over a horizontal line.

L. GLEN SAXTON, P.E.
Chief, Water Allocation Bureau

c: IDWR – Regional Office

MICROFILMED
AUG 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 24, 1995

COPY

Kenneth R. Pedde
U.S. Bureau of Reclamation
1150 North Curtis Road
Boise, Idaho 83706-1234

Re: John Sandy's Water Use on Knapp Creek
Water Right Claim Nos. A77-04207 and A77-04208

Dear Ken:

You have asked for a confirmation that water left undiverted by John Sandy under his water right claims from Knapp Creek in the Middle Fork of the Salmon River Drainage (Middle Fork), will not be subject to diversion by other users before it flows out of Idaho in the Snake River at Lewiston during water year 1995. The undiverted water will naturally flow down the drainage to Lewiston because presently there are no authorized diversions junior in priority which would not otherwise be satisfied between John Sandy's diversion and Lewiston.

Knapp Creek, located in the upper head waters of the Middle Fork in Custer County, Idaho, enters Marsh Creek in Section 24, T12N, R11E. Marsh Creek combines with other streams to create the Middle Fork about eight miles downstream from the mouth of Knapp Creek.

A review of IDWR's water right records indicates that no water rights are of record that would prevent undiverted flows from being passed down the river system. Attached is a list of water rights claimed in the Snake River Basin Adjudication (SRBA) for Knapp Creek and Marsh Creek. Only five rights for irrigation have been claimed from Knapp Creek and none from Marsh Creek. Two of the five rights from Knapp Creek are those owned by John Sandy and the other three are claimed by the United States. Use of water under earlier priority rights, such as those claimed by the United States, would be unaffected whether or not water is diverted under a junior priority right. Because there are no rights junior in priority to John Sandy's claimed rights from Knapp Creek or Marsh Creek, water left undiverted by Sandy will remain in the stream system.

MICROFILMED
AUG 11 2003

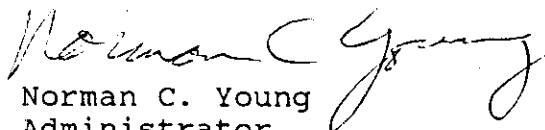
Kenneth R. Pedde
U.S. Bureau of Reclamation
July 24, 1995
Page 2

Flow records (copy attached) for the Middle Fork near Capehorn gauge (located about .05 miles downstream from the mouth of Marsh Creek for the period 1929 to 1972 show that the upper reaches of the Middle Fork and, by inference, the major tributaries including Marsh Creek that come together to form the Middle Fork, are continuously flowing throughout the year. Flows observed during the irrigation season usually exceed 100 cfs. Flows less than 35 cfs were not measured at any time during the period of record. Moving downstream in the basin, increased streamflows are observed in all reaches of the Middle Fork, main Salmon River and Snake River. Demand for water under valid rights to divert water has never exceeded the available flows in these reaches. An uninterrupted stream/river extends to Lewiston so that water left undiverted and unused by Sandy would not simply sink in a dry reach but would, as it progressed downstream, increase flows in these reaches over what it would have been if Sandy were diverting and using water as claimed.

A moratorium is presently in place for the entire Salmon River drainage, including the Middle Fork and tributaries, preventing the issuance of new permits for development that consumptively use water. Because of the limited private land base in the Middle Fork Basin and the short growing season associated with the elevation of the area, little demand exists for new irrigation development anyway.

If I can provide any additional information on this matter, please give me a call.

Sincerely,



Norman C. Young
Administrator
Water Management Division

MICROFILMED
AUG 11 2003

13308500

MF SALMON RIVER NR CAPEHORN ID

LOCATION.--Lat 44:24:30, Long 115:10:20, Hydrologic Unit 17060205.

DRAINAGE AREA.-- 138.00 mi2 (357.42 km2).

PERIOD OF RECORD.-- 1929-1972

GAGE.-- Altitude of gage is 6435.00 ft(1961 m).

STREAMFLOW (CFS), Mean

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
WTR YR 1929	99	87	79	82	76	79	77	456	621	176	92	82
WTR YR 1930	80	52	85	52	50	55	281	613	499	162	114	93
WTR YR 1931	107	80	68	70	65	75	187	475	249	96	71	70
WTR YR 1932	69	65	62	60	67	74	103	821	964	296	120	91
WTR YR 1933	88	95	58	62	60	65	100	350	1317	231	113	89
WTR YR 1934	83	80	74	76	80	122	577	679	269	110	77	72
WTR YR 1935	80	77	65	60	60	60	129	685	725	183	94	79
WTR YR 1936	73	68	50	55	55	65	261	1046	627	168	102	89
WTR YR 1937	73	69	65	55	60	65	82	621	423	158	88	75
WTR YR 1938	72	67	95	80	75	80	203	930	1253	380	150	107
WTR YR 1939	112	90	80	75	70	87	282	625	258	121	77	75
WTR YR 1940	74	63	74	70	65	70	228	1045	538	163	92	104
WTR YR 1941	115	100	80	75	70	76	197	752	523	184	137	110
WTR YR 1942	100	130	204	120	104	90	310	688	831	290	130	99
WTR YR 1943	87	91	85	80	80	80	318	1015	1493	809	211	127
WTR YR 1944	114	105	74	70	65	64	113	567	553	213	109	90
WTR YR 1945	81	83	58	61	54	64	91	608	716	241	115	94
WTR YR 1946	86	87	78	90	80	78	257	1071	794	245	124	106
WTR YR 1947	116	94	86	80	75	77	191	1283	848	277	134	112
WTR YR 1948	129	95	85	88	80	75	110	808	1287	279	141	105
WTR YR 1949	99	92	77	65	65	70	179	1015	644	180	107	89
WTR YR 1950	90	93	78	70	72	75	109	659	1384	580	184	139
WTR YR 1951	144	134	105	87	91	80	287	1147	1010	408	180	110
WTR YR 1952	134	97	90	80	74	71	207	1179	1017	307	146	107
WTR YR 1953	91	75	58	79	69	69	136	503	1223	517	158	107
WTR YR 1954	97	94	79	68	67	68	170	1048	828	376	153	108
WTR YR 1955	92	85	70	70	63	60	63	398	982	309	124	98
WTR YR 1956	94	94	127	101	65	72	249	1395	1463	403	170	118
WTR YR 1957	115	99	84	74	68	72	102	1020	1136	283	128	100
WTR YR 1958	98	78	72	68	68	62	88	1121	960	247	128	101
WTR YR 1959	88	98	92	76	67	63	159	530	981	236	120	117
WTR YR 1960	136	104	72	64	63	63	172	564	771	183	108	96
WTR YR 1961	86	82	64	51	61	58	111	612	650	143	97	92
WTR YR 1962	89	71	64	64	65	61	229	803	920	283	136	97
WTR YR 1963	180	133	99	72	98	72	99	836	922	276	138	129
WTR YR 1964	115	118	73	72	70	68	104	604	1005	318	146	111
WTR YR 1965	90	82	297	113	82	74	157	861	1680	627	221	151
WTR YR 1966	113	97	83	84	73	65	146	667	438	149	92	77
WTR YR 1967	77	77	81	72	65	60	59	619	1384	397	135	101
WTR YR 1968	132	104	73	57	59	72	114	605	758	202	137	113
WTR YR 1969	115	109	87	95	77	65	252	1282	888	258	116	108
WTR YR 1970	98	85	78	80	69	64	65	658	1323	406	145	119
WTR YR 1971	98	125	111	94	86	76	112	957	1716	646	209	143
WTR YR 1972	114	96	83	76	62	74	94	849	1426	---	---	---

AUG 1 1979

13308500

MF SALMON RIVER NR CAPEHORN ID

LOCATION.--Lat 44:24:30, Long 115:10:20, Hydrologic Unit 17060205.

DRAINAGE AREA.-- 138.00 mi2 (357.42 km2).

PERIOD OF RECORD.-- 1929-1972

GAGE.-- Altitude of gage is 6435.00 ft(1961 m).

WTR YR 1929	TOTAL	61138	MEAN	168	MAX	935	MIN	63	AC-FT	121265
WTR YR 1930	TOTAL	65172	MEAN	179	MAX	946	MIN	35	AC-FT	129267
WTR YR 1931	TOTAL	49237	MEAN	135	MAX	652	MIN	62	AC-FT	97660
WTR YR 1932	TOTAL	85142	MEAN	233	MAX	1380	MIN	60	AC-FT	168877
WTR YR 1933	TOTAL	79692	MEAN	218	MAX	2120	MIN	45	AC-FT	158067
WTR YR 1934	TOTAL	69959	MEAN	192	MAX	1040	MIN	60	AC-FT	138762
WTR YR 1935	TOTAL	70034	MEAN	192	MAX	1110	MIN	58	AC-FT	138910
WTR YR 1936	TOTAL	81325	MEAN	222	MAX	1720	MIN	50	AC-FT	161306
WTR YR 1937	TOTAL	56010	MEAN	153	MAX	910	MIN	50	AC-FT	111094
WTR YR 1938	TOTAL	106403	MEAN	292	MAX	1940	MIN	60	AC-FT	211047
WTR YR 1939	TOTAL	59598	MEAN	163	MAX	825	MIN	65	AC-FT	118211
WTR YR 1940	TOTAL	79097	MEAN	216	MAX	1420	MIN	55	AC-FT	156887
WTR YR 1941	TOTAL	73862	MEAN	202	MAX	1210	MIN	70	AC-FT	146503
WTR YR 1942	TOTAL	94274	MEAN	258	MAX	1560	MIN	89	AC-FT	186990
WTR YR 1943	TOTAL	136524	MEAN	374	MAX	2300	MIN	70	AC-FT	270791
WTR YR 1944	TOTAL	65287	MEAN	178	MAX	840	MIN	54	AC-FT	129495
WTR YR 1945	TOTAL	69111	MEAN	189	MAX	995	MIN	50	AC-FT	137080
WTR YR 1946	TOTAL	94488	MEAN	259	MAX	1470	MIN	65	AC-FT	187414
WTR YR 1947	TOTAL	103109	MEAN	282	MAX	1840	MIN	70	AC-FT	204514
WTR YR 1948	TOTAL	99984	MEAN	273	MAX	2220	MIN	65	AC-FT	198315
WTR YR 1949	TOTAL	81935	MEAN	224	MAX	1540	MIN	65	AC-FT	162516
WTR YR 1950	TOTAL	107596	MEAN	295	MAX	1710	MIN	70	AC-FT	213413
WTR YR 1951	TOTAL	115722	MEAN	317	MAX	1850	MIN	65	AC-FT	229531
WTR YR 1952	TOTAL	107202	MEAN	293	MAX	1650	MIN	65	AC-FT	212632
WTR YR 1953	TOTAL	93896	MEAN	257	MAX	1810	MIN	47	AC-FT	186240
WTR YR 1954	TOTAL	96401	MEAN	264	MAX	1840	MIN	60	AC-FT	191208
WTR YR 1955	TOTAL	73425	MEAN	201	MAX	1530	MIN	55	AC-FT	145636
WTR YR 1956	TOTAL	132830	MEAN	363	MAX	2830	MIN	58	AC-FT	263464
WTR YR 1957	TOTAL	100027	MEAN	274	MAX	2190	MIN	60	AC-FT	198401
WTR YR 1958	TOTAL	94397	MEAN	259	MAX	2100	MIN	55	AC-FT	187234
WTR YR 1959	TOTAL	79871	MEAN	219	MAX	1420	MIN	47	AC-FT	158422
WTR YR 1960	TOTAL	73007	MEAN	199	MAX	1200	MIN	53	AC-FT	144807
WTR YR 1961	TOTAL	64148	MEAN	176	MAX	1300	MIN	44	AC-FT	127236
WTR YR 1962	TOTAL	87794	MEAN	241	MAX	1250	MIN	45	AC-FT	174137
WTR YR 1963	TOTAL	93025	MEAN	255	MAX	1510	MIN	60	AC-FT	184512
WTR YR 1964	TOTAL	85388	MEAN	233	MAX	1390	MIN	64	AC-FT	169365
WTR YR 1965	TOTAL	135209	MEAN	370	MAX	2370	MIN	52	AC-FT	268183
WTR YR 1966	TOTAL	63653	MEAN	174	MAX	986	MIN	58	AC-FT	126254
WTR YR 1967	TOTAL	95076	MEAN	260	MAX	1780	MIN	56	AC-FT	188580
WTR YR 1968	TOTAL	73982	MEAN	202	MAX	1210	MIN	50	AC-FT	146741
WTR YR 1969	TOTAL	105453	MEAN	289	MAX	1850	MIN	61	AC-FT	209163
WTR YR 1970	TOTAL	97072	MEAN	266	MAX	1910	MIN	57	AC-FT	192539
WTR YR 1971	TOTAL	133223	MEAN	365	MAX	2270	MIN	69	AC-FT	264244
WTR YR 1972	TOTAL	---	MEAN	---	MAX	---	MIN	---	AC-FT	---

MICROFILMED
JUL 1 1991

00-5813
AJ5813NP
SELECTION FILE: RMC-MARSH-KNAPP

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION WATER MASTER REPORT
BY WATER SOURCE/PRIORITY DATE

DATE: 07/20/95
TIME: 09:40:06
PAGE: 1

*MPOD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	S T G	F L G	POINT OF DIVERSION	TOTAL DIVERSION	POD DIVERSION NAME	*M P O D E
WATER SOURCE: KNAPP CREEK								
A77-11569	AMERICA ACTING THROUGH, UNITED STAT	11/05/1906	F	12N 12E 18	NENW	1.000 CFS		Y 01
A77-10738	AMERICA ACTING THROUGH, UNITED STAT	11/05/1906	F	12N 11E 13	SENE	1.000 CFS		N 01
A77-11569	AMERICA ACTING THROUGH, UNITED STAT	11/05/1906	F	12N 12E 18	SENE	1.000 CFS		Y 01
A77-04207	SANDY, WA	07/12/1922	S	12N 12E 18	NWNWE	4.700 CFS		N 01
A77-04208	SANDY, WA	07/12/1922	S	12N 12E 18	NESENW	4.800 CFS		N 01
WATER SOURCE: MARSH CREEK								
77-12760	SHOSHONE-BANNOCK TRIBES OF THE		F	12N 12E 32	NESWNW			Y 59
77-12482	NEZ PERCE TRIBE ACTING THROUGH THE		F	12N 11E 3	SESESW			Y 59
77-12483	NEZ PERCE TRIBE ACTING THROUGH THE		F	12N 11E 3	SESESW			Y 59
77-12210	AMERICA, TRUSTEE, UNITED STATES OF		F	12N 11E 3	SESESW			Y 59
77-12761	SHOSHONE-BANNOCK TRIBES OF THE		F	12N 11E 3	SWNENW			Y 59
77-12479	NEZ PERCE TRIBE ACTING THROUGH THE		F	12N 11E 3	SWNENW			Y 59
77-12761	SHOSHONE-BANNOCK TRIBES OF THE		F	12N 11E 3	SESESW			Y 59
77-12206	AMERICA, TRUSTEE, UNITED STATES OF		F	13N 10E 23	SWNENW			Y 59
77-12206	AMERICA, TRUSTEE, UNITED STATES OF		F	12N 11E 3	SWNENW			N 67
77-12766	NORTHWESTERN BAND OF THE SHOSHONI N		F	13N 10E 23	SWNENW	1300.000 CFS		Y 59
77-12757	SHOSHONE-BANNOCK TRIBES OF THE		F	13N 10E 23	SWNENW			Y 59
77-12210	AMERICA, TRUSTEE, UNITED STATES OF		F	12N 11E 3	SWNENW			Y 59
77-12483	NEZ PERCE TRIBE ACTING THROUGH THE		F	12N 11E 3	SESESW			Y 59
77-12760	SHOSHONE-BANNOCK TRIBES OF THE		F	12N 12E 32	NESWNW			Y 59
77-12209	AMERICA, TRUSTEE, UNITED STATES OF		F	12N 12E 32	NESWNW			Y 59
77-12482	NEZ PERCE TRIBE ACTING THROUGH THE		F	12N 11E 3	SWNENW			Y 59
77-12757	SHOSHONE-BANNOCK TRIBES OF THE		F	13N 10E 23	SWNENW			Y 59
77-12479	NEZ PERCE TRIBE ACTING THROUGH THE		F	12N 11E 3	SESESW			N 04
77-12209	AMERICA, TRUSTEE, UNITED STATES OF		F	12N 11E 3	SESESW	0.020 CFS		N 61
A77-10262	AMERICA ACTING THROUGH, UNITED STAT	05/01/1869	J	12N 12E 32	NWNW			N 61
77-11885	AMERICA ACTING THROUGH, UNITED STAT	11/05/1906	F	12N 11E 3	NESW			N 61
77-11927	AMERICA ACTING THROUGH, UNITED STAT	11/05/1906	F	12N 11E 13	SWSW			N 61
77-11883	AMERICA ACTING THROUGH, UNITED STAT	11/05/1906	F	12N 11E 4	NENE			N 67
77-11926	AMERICA ACTING THROUGH, UNITED STAT	06/12/1960	F	12N 11E 24	NENE			N 67
77-11886	AMERICA ACTING THROUGH, UNITED STAT	06/12/1960	F	12N 11E 3	NESW			N 67
77-11884	AMERICA ACTING THROUGH, UNITED STAT	06/12/1960	F	12N 11E 4	NENE			N 67
A77-13238	AMERICA ACTING THROUGH, UNITED STAT	06/12/1960	J	12N 11E 4	NENE			N 67
A77-13239	AMERICA ACTING THROUGH, UNITED STAT	06/12/1960	J	12N 11E 3	NESW			N 67
A77-13253	AMERICA ACTING THROUGH, UNITED STAT	06/12/1960	J	12N 11E 24	NENE			N 67

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APR 1 1997

AJ5811NP
SELECTION FILE: RMC-MARSH-KNAPP

IDAHO DEPARTMENT OF WATER RESOURCES
SELECTION FILE CONTENTS

DATE: 07/20/95
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77-11883	77-11884	77-11885	77-11886	77-11926	77-11927	77-12206	77-12209	77-12210	77-12479
77-12482	77-12483	77-12757	77-12760	77-12761	77-12766	A77-04207	A77-04208	A77-10262	A77-10738
A77-11569	A77-13238	A77-13239	A77-13253						

TOTAL RECORDS IN SELECTION FILE: 24

MICROFILMED
JUL 21 1995

MEMORANDUM

TO: FILE 77-4207 AND 77-4208

FROM: NORM

SUBJECT: TELEPHONE DISCUSSION WITH RICH RIGBY

DATE: July 19, 1995

=====

In an earlier telephone conversation, I had advised Rich Rigby, U.S. Bureau of Reclamation, that the department was delaying approval and perhaps would propose to deny use of natural flow rights in the Board's water bank for salmon flow purposes. I explained that approval of water bank rentals for out-of-state salmon flow augmentation could be viewed as IDWR prematurely taking a position on certain issues raised in the protests against the transfer of the 427,000 acre feet of stored water for salmon flow purposes. I explained that the requests to rent the natural flow rights in the water bank will be held until these issues are resolved.

We then discussed that some of the water users with water accepted into the Board's water bank are relying upon having their water rented and have not planted or made the other arrangements necessary to use their water for their usual purposes. We agreed to seek ways to resolve this concern.

The purpose of this conversation was to give Rich two options for compensating John Sandy, and others in a similar situation, for not diverting water thereby increasing flows for salmon during the migration period:

1. The water rights have been accepted into the water bank and are protected from forfeiture. The Bureau and Sandy can have an agreement whereby Sandy agrees not to divert and use his water in return for payment by the Bureau. Because of Sandy's location, the water, if not diverted, will reach the Lower Snake River reaches where the Bureau wants to augment flows.

IDWR cannot agree to shepherd the water as would be needed if it were in a water district; so this option will not work for acquiring flows in most of Southern Idaho, but may work for those in the Snake River below Milner Dam, such as Jay Hulet located near Murphy.

2. If the Board will agree to amend its acceptance of the Sandy rights into the water bank so that the water can be used to protect spawning beds in tributaries to the Middle Fork of the Salmon River, the Board could rent the water for that purpose. Again, the water if not diverted will naturally reach the lower

MICHAEL W. LEE

2007

Snake River. This option would require reimbursement by the Bureau to the Board of the rental payment to Sandy.

Probably this option is applicable only to the Sandy rental because of its location just above spawning beds.

Rich indicated that he would review these options and get back to me.

MICROFILMED

AUG 7 1 2003

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burdick, representing the Challis Messenger, a weekly newspaper, published at Challis, Idaho, do solemnly swear that the notice hereto attached and made a part hereof, was published in the regular and entire issue of the Challis Messenger for 2 consecutive weeks, commencing with the issue dated June 8 1995 and ending with the issue dated June 15 1995.

Ruth E. Burdick

STATE OF IDAHO

COUNTY OF CUSTER

On this 15th day of June in the year of 1995 before me, a Notary Public, personally appeared Ruth E. Burdick known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Ed M. Beck

Notary Public for Idaho

Residing at Challis

My commission expires: 3-29-98

NOTICE OF PROPOSED RENTAL FROM THE WATER SUPPLY BANK

Notice is hereby given pursuant to Section 42-222, Idaho Code, and IDAPA Rule 37.02.03030 (Water Supply Bank Rule 30) that the U.S. Bureau of Reclamation has submitted a request to the Idaho Water Resource Board to rent Water Right Nos. 77-04207 and 77-04208 from the Water Supply Bank operated by the Idaho Water Resource Board for the 1995 irrigation season.

The proposed rental would provide for the instream flow use (non-diversion) of 9.5 cubic feet per second of the waters of Knapp Creek tributary to Marsh Creek for anadromous fish flow enhancement in Marsh Creek tributary to the Middle Fork of the Salmon River and downstream rivers.

The right was originally used to irrigate 318 acres of land in Sections 13 and 24, T12N, R11E, B.M. and in Sections 18 and 19, T12N, R12E, B.M. all in Custer County, Idaho. The claimed priority of use is July 12, 1922.

Any protest against the proposed rental must be filed with the Idaho Department of Water Resources, 1301 N. Orchard St., Boise, Idaho 83706 on or before June 26, 1995, and must be accompanied with the statutory protest fee of twenty-five dollars (\$25).

KARL J. DREHER, Director
Dept. of Water Resources
Pub: June 8 & 15, 1995.

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AUG 11 2003

JUN 16 1995

The Idaho Statesman

P.O. BOX 40, BOISE, IDAHO 83707

 TRANSIENT
 208-327-7900

LEGAL ADVERTISING INVOICE

 Department of Water Resources
 Amount Due

\$46.20

Account Number		Identification	
Order No.: 983748		NOTICE OF PROPOSED RENTAL FROM THE WATER SUPPLY BANK	
Ordered By	P.O. Number	Rate	Run Dates
Julie Yarbrough		NT	June 8 & 15, 1995
Julie Yarbrough IDAHO DEPARTMENT OF WATER RESOURCES 1301 North Orchard Street Statehouse Mail Boise, Idaho 83720-9000		Estimated Inches.	Real Inches
		# Affidavits	Legal Number
		1	2205

LEGAL NOTICE

NOTICE OF PROPOSED RENTAL FROM THE WATER SUPPLY BANK

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KARL J. DREHER, Director
Department of Water Resources

Pub. June 8 & 15, 1995 2205

LINDA PORTER

, being duly

sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in The Idaho Statesman in conformity with Section 60-108, Idaho Code as amended, for TWO

☒ consecutive weekly ☐ consecutive daily ☐ single ☐ odd skip

insertion(s) beginning with the issue of JUNE 8, 19 95

and ending with the issue of JUNE 15, 19 95

Linda Porter

STATE OF IDAHO)

ss.

COUNTY OF ADA)

On this 15th day of JUNE in the year of 1995,

LINDA PORTER

before me, a Notary Public, personally appeared _____, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

MICROFILMED

AUG 11 2003

Janice Madrie
Notary Public for Idaho

Residing at Boise, Idaho

My commission expires: 5797



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

May 16, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

W. A. Sandy
c/o John Sandy
3323 Snow Flake Way
Boise, ID 83706

**RE: LEASE OF CLAIM TO WATER RIGHT NOS. 77-04207 AND 77-04208 TO
THE WATER SUPPLY BANK**

Dear Mr. Sandy:

On April 21, 1995, the Idaho Water Resource Board (Board) at a regularly scheduled Board meeting, adopted a resolution conditionally accepting the above referenced water right claims into the Water Supply Bank. As the name suggests, the water right documents which have been offered are "claims" which have not been investigated in the past by the department relative to either validity or extent of use. Department records do show, however, that the claimant has filed Snake River Basin Adjudication (SRBA) claims based on the prior filed Claims to a Water Right.

The resolution adopted by the Board requires the Director of the department to determine the volume of water that the rights represent and that may be rented from the bank. The field headgate requirement in the vicinity of T12N, R11E, B.M. has been estimated to be 3 AF per acre of which the Consumptive Irrigation Requirement is approximately 2 AF per acre.

The SRBA claims filed for these rights claim a consumptive use volume of 2.5 AF per acre for the 159 irrigated acres claimed on each claim. This volume figure was used, because at the time the SRBA claims were filed the department did not have volume data available for the area of the Sandy property. The claims indicate separate places of use for the two filings.

It appears that the amount of water available from the two water rights based on the field headgate requirement for irrigated crops at the original place of use would not exceed 954 AF. This volume is estimated as $(2)(159 \text{ acres})(3 \text{ AF/acre}) = 954 \text{ AF}$. This determination does not take into account the amount, location or timing of any return flows because the department has not made an in-depth review of the water requirements or use on the Sandy property nor has any field evaluation been conducted.

MICHAEL

AUG 11 2003

In most instances, the volume would be based upon the consumptive use to avoid potential injury to other right holders. However, in this case, there does not appear to be any other right holders to be affected. In addition, the volume required for diversion at the field headgate is available to improve stream flows in the local area and to control the timing of the flow available in the downstream reaches of interest for salmon flow augmentation.

This volume estimate is being provided for the limited purpose of identifying the volume of water that may be available for rental through the water supply bank and is not to be considered a precedent for the quantification of the right in the SRBA or any other administrative or judicial proceeding.

IDAPA Rule 37.02.03030 (Water Supply Bank Rule 30) authorizes the Director to give notice of the intended rental of water from the bank. The department will publish a legal notice of the intended rental prior to approval of the rental for instream flow purposes.

If you have questions, please feel free to contact the department.

Sincerely,



L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
USBR - Rich Rigby

MICROFILMED

AUG 11 2003

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: CLS

Right Number 77-4208 Applicant Sandy

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 2/6/84
- ☒ Claim published correctly. Custer Publishing Co
30/29092 1/26 2/2/84
- ☒ Exceptions processed.

By CLS Date 3/26/84

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By pc Date 4/3/84

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RECEIVED
APR 03 1984

Department of Water Resources

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Western Region

Statehouse
Boise, Idaho 83720
(208) 334-2190

FEBRUARY 15, 1984

W. A. SANDY
FLORENCE M. SANDY
P.O. BOX 326
HAGERMAN

ID 83332

RE: Claim No. 77-4208

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID B. SHAW
Western Region Supervisor

Enclosure

MICROFILMED

ZZ-4208-

SANDY, W. A. &/or FLORENCE M.

P.O. BOX 326, HAGERMAN, ID 83332

Source: KNAPP CREEK trib. to MARSH CREEK

Priority Date: 07/12/1922

Diversion Pt: SENW Sec 18 T 12N R 12E

Use: IRRIGATION (4.80 CFS)

In: NENE NWNE SWNE SENE Sec 24 T 12N R 11E NESE SWSE SESE Sec 13 T 12N R 11E
SWSW SESW Sec 18 T 12N R 12E NENW NWNW Sec 19 T 12N R 12E
FOR 242 ACRES

RECEIVED