

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 31 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant ANTONY & MADGE YACOMELLA Phone 208-879-4399
208-879-4391
Post Office Address P.O. Box 51, Challis IDAHO 83226 208-879-7500

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof TRANSFER H2O leased
from Stephen & Lynella Bauehman, Catalis Creek
CATTLE & LLC FROM MOSQUITO FLAT RAILROAD

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>72-2149B</u>	<u>6/3/1988</u>	<u>15.84</u>	<u>IRRIGATION</u>	<u>7/1</u> to <u>9/1</u>
				to
				to
				to

2. Total amount of water being transferred 19.0416 cubic feet per second and/or acre-feet per annum.

3. Source of water Challis Creek tributary to SALMON RIVER

4. Point(s) of Diversion:

Ident No.	Lot	%	%	%	Sec	Twp	Rge	County	Local name for diversion
		SW	SW	SW	23	14N	17E	Custer	Mosquito Flat
		SE	SW	SE	17	14N	19E	Custer	HIGHLINE CANAL
	10	SW	NW	NW	7	14N	19E	Custer	

5. Lands irrigated or place of use:

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	19E	17																//	//
14N	19E	17																//	//

Total Acres 22

6. General Information:

- a. Who owns the water right to be changed? Challis Cattle Co LLC, Pocatello
- b. Describe the arrangement allowing use of the right Lease Agreement
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
redistribution of H₂O
- d. Has the water right sought to be transferred been used this year? No If yes, explain.
- e. Absent the changes, how would the right be used for the remainder of the year? distributed as required
- f. Describe other water rights used for the same purpose.
#72-32H & 72-32J
- g. Remarks: These are both 1910 Rights and we need some Late Water

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and 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.

Anthony P. Yacamella
Madge P. Yacamella
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by [initials] Date 7/31/07 Fee 50⁰⁰

Receipted [initials] # SD29639 Recommend: approve deny

Watermaster recommendation

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-72-06

And said application is hereby approved, subject to the following limitations and conditions:
Subject to order dated 7/31/07

Witness my hand this 31st day of July, 2007

[Signature]
For the Director

LEASE-RENTAL AGREEMENT AND DEPOSIT RECEIPT

ANTHONY

Anthony and Madge Yacomelli, hereinafter referred to as Tenant enters into an annual lease agreement with **Challis Creek Cattle Co** hereinafter referred to as Owner, for Mosquito Flat Reservoir Water on the **Challis Creek Property Sec 17, Twp 14N, Rge 19E, SE ¼ SE**, located in Custer County, Idaho, herein after referred to as Property.

Tenant hereby offers to rent from the Owner a portion of **Water Right 72-2149B** situated in the County of Custer, State of Idaho, described as **Mosquito Flat Storage Water consisting of 19.0416AF or 12 miner inches for 40 days** upon the following **TERMS AND CONDITIONS**.

TERM: The term hereof shall commence on or around June 1st through September 1st of each irrigation season. This agreement is for a period of five (5) years commencing in 2007. The owner may terminate this agreement at any time with seven (7) days notice.

RENT Rent shall be \$25/AF or \$476.04 plus any associated costs related to the delivery of water presently or in the future, payable in advance, upon the first day of each calendar month to Owner or his authorized agent, at the following address 3 Miles North Challis Creek Rd, P.O. Box 10, Challis, Idaho 83226, or at such other places as may be designated by Owner from time to time.

MULTIPLE OCCUPANCY: It is expressly understood that this agreement is between the Owner and each signatory individually and severally. In the event of default by any one signatory each and every remaining signatory shall be responsible for timely payment of rent and all other provisions of this agreement.

ORDINANCES AND STATUTES: Tenant shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the use of the water right.

POSSESSION: If Owner is unable to deliver the water at the commencement hereof, Owner shall not be liable for any damage caused thereby, or shall this agreement be void or voidable, but Tenant shall not be liable for any rent until possession is delivered.

DEFAULT: If Tenant shall fail to pay rent when due, or perform an term hereof, after not less than three (3) days written notice of such default given in the manner required by law, the Owner, at his option may terminate all rights of Tenant hereunder unless Tenant, within said time, shall cure such default. All property on the premises is hereby subject to a lien in favor of Owner for the payment of all sums due hereunder to the maximum extent of the law.

ATTORNEYS FEES: In any legal action brought by either party to enforce the terms hereof or relating to the demised premises, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee.

WAIVER: No failure of Owner to enforce any term hereof shall be deemed a waiver, nor shall any acceptance of a partial payment of rent be deemed a waiver of Owner's right to the full amount thereof.

NOTICES: Any notice which either party may or is required to give, may be given by mailing the same, postage prepaid, to Tenant at the premises or to Owner at the address shown below or at such other places as may be designated by the parties from time to time.

TIME: Time is of the essence of this agreement.

RECEIVED

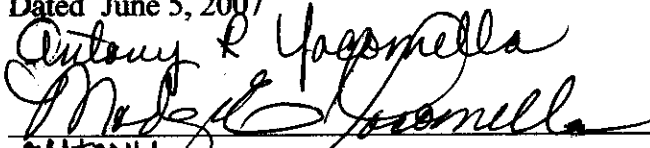
JUL 31 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

ENTIRE AGREEMENT: The foregoing constitutes the entire agreement between the parties and may be modified only in writing signed by both parties. The following exhibit, if any have been made a part of this agreement before the parties execution hereof

The undersigned Tenant hereby acknowledges receipt of a copy hereof.

Dated June 5, 2007


ANTHONY
Anthony & Madge Yacomello

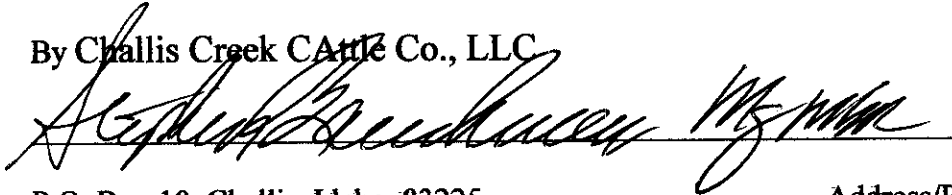
Tenant

P.O. Box 51, Challis, Idaho 83226

208-879-

Address/Phone

By Challis Creek Cattle Co., LLC



P.O. Box 10, Challis, Idaho 83225

Address/Phone

JUL 25 2007 2:38PM

IDAHO DEPT OF WATER RESOURCES

WR 0024

Page 1

07/25/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-32H

RECEIVED

WATER RIGHT NUMBER: 72-32H

JUL 31 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Owner Type Name and Address
Current Owner MADGE E YACOMELLA
 PO BOX 51
 CHALLIS, ID 83226
 (208)879-2300
Original Owner ROUND VALLEY IRRIGATION CO
 CHALLIS, ID 83226

*North
place*

Priority Date: 07/22/1910

Basis: Decreed

Status: Active

Source Tributary
 CHALLIS CREEK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.200 CFS	
<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

CHALLIS CREEK	SE1/4SW1/4SE1/4	Sec. 17, Twp 14N, Rge 19E, B.M.
CUSTER County	(Rediversion)	
CHALLIS CREEK	L10 (SW1/4NW1/4NW1/4)	Sec. 7, Twp 14N, Rge 19E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
14N	19E	17																	11.0

Total Acres: 11

Conditions of Approval:

1. M04 A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.
2. 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.

Page 2

07/25/2007

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-32J

3. M04 A MEASURING DEVICE AND LOCKABLE CONTROLLING WORKS OF A TYPE ACCEPTABLE TO IDWR SHALL BE PERMANENTLY INSTALLED AND MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks:Comments:

1. JROBERTS 12/18/1995 COPIED FROM REMARKS
Comment: THIS CLAIM REPRESENTS A PORTION OF DECREED RIGHT 72-00032.
***** IDWR NOTE: SEE MEMO 1/5/90 FROM ADM APPEARS RT. SHOULD BE FOR 0.20 CFS.
2. AJU10-DS 11/21/1998 AJU10 CONDITION UPDATE
Comment: CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.
3. JROBERTS 1/20/1999 ADDRESS CHANGE
Comment: PER NOE, CHANGED ADDRESS TO C/O MADGE YACOMELLA, PO BOX 51, CHALLIS, ID 83226.

Dates and Other Information:

Licensed Date:
Decreed Date: 12/14/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 72C
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39575
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
OLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Page 1

07/25/2007

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 72-32J

WATER RIGHT NUMBER: 72-32J

Owner Type Name and Address
Original Owner ROUND VALLEY IRRIGATION CO

Current Owner CHALLIS, ID 83226
 ANTONY R YACOMELLA
 C/O MADGE YACOMELLA
 PO BOX 51
 CHALLIS, ID 83226
 (208)879-4628

*South
place*

Priority Date: 07/22/1910

Basis: Decreed

Status: Active

Source Tributary
CHALLIS CREEK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.200 CFS	
<u>Total Diversion:</u>		0.200 CFS	

Location of Point(s) of Diversion

CHALLIS CREEK	SE1/4SW1/4SE1/4	Sec. 17, Twp 14N, Rge 19E, B.M.
CUSTER County	(Rediversion)	
CHALLIS CREEK	L10 (SW1/4NW1/4NW1/4)	Sec. 7, Twp 14N, Rge 19E, 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 19E 17																	11.0

Total Acres: 11

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. THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C.

Page 2

07/25/2007

IDaho DEPARTMENT OF WATER RESOURCES

Water Right Report 72-32H

3. THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.
4. THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 72-C.

Remarks:Comments:

1. JROBERTS 12/18/1995 COPIED FROM REMARKS

Comment: THIS CLAIM REPRESENTS A PORTION OF DECREE RIGHT 72-00032.

***** IDWR NOTE: SEE MEMO DATED 1/5/90 FROM ADM.
APPEARS THIS RIGHT SHOULD BE FOR 0.20 CFS.

2. AJU10-DS 11/21/1998 AJU10 CONDITION UPDATE

Comment: CONDITION CODE(S) C16 ADDED IF NOT ALREADY PART OF RECORD THRU AJU10.

3. scurlis 7/12/2002 6:57:48 AM Water Right

Comment: This water right record was updated by decree record from old RightID 94623 to new RightID 183417

Dates and Other Information:

Licensed Date:

Decreed Date: 11/17/2000

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number: 72C

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number: 39576

Judicial District: FIFTH

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-2149B

WATER RIGHT NUMBER: 72-2149B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STEPHEN G BAUCHMAN PO BOX 10 CHALLIS, ID 83226 (208)879-4242
Current Owner	LYNDELLA A BAUCHMAN PO BOX 10 CHALLIS, ID 83226 (208)879-4242
Current Owner	CHALLIS CREEK CATTLE CO LLC PO BOX 10 CHALLIS, ID 83226 (208)879-4242
Previous Owner	KAY A PIVA HC 63 BOX 1641 CHALLIS, ID 83226
Previous Owner	ROBERT A PIVA HC 63 BOX 1641 CHALLIS, ID 83226
Original Owner	WILLIAM L HAMMOND HC 63 BOX 1544 CHALLIS, ID 83226 (208)879-4459
Original Owner	BESSIE I HAMMOND HC 63 BOX 1544 CHALLIS, ID 83226 (208)879-4459
Original Owner	HAMMOND FAMILY CORP HC 63 BOX 1544 CHALLIS, ID 83226 (208)879-4459

Priority Date: 06/03/1958

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CHALLIS CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	4/15 to 10/15		176.00 AF
IRRIGATION STORAGE	1/01 to 12/31		176.00 AF
	<u>Total Diversion:</u>		176.00 AF

Location of Point(s) of Diversion

CHALLIS CREEK	SW1/4SW1/4SE1/4	Sec. 8,	Twp 14N,	Rge 19E, B.M.
CUSTER County	(Rediversion)			
CHALLIS CREEK	SW1/4NE1/4SW1/4	Sec. 8,	Twp 14N,	Rge 19E, B.M.
CUSTER County	(Rediversion)			

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-2149B

CHALLIS CREEK	SW1/4NW1/4NE1/4	Sec. 8,	Twp 14N,	Rge 19E, B.M.
CUSTER County	(Rediversion)			
CHALLIS CREEK	L10 (SW1/4NW1/4NW1/4)	Sec. 7,	Twp 14N,	Rge 19E, B.M.
CUSTER County	(Rediversion)			
CHALLIS CREEK	SW1/4SW1/4SW1/4	Sec. 23,	Twp 14N,	Rge 17E, B.M.
CUSTER County				
CHALLIS CREEK	SW1/4NW1/4NE1/4	Sec. 17,	Twp 14N,	Rge 19E, B.M.
CUSTER County	(Rediversion)			
CHALLIS CREEK	SE1/4SE1/4NE1/4	Sec. 20,	Twp 14N,	Rge 19E, B.M.
CUSTER County	(Rediversion)			

Place of Use

IRRIGATION FROM STORAGE

[illegible]

Total Acres: 701.7

IRRIGATION STORAGE

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 72-2149B

Conditions of Approval:

1. R40 The storage of water, in Mosquito Flat Reservoir, under this right is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
2. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
3. X61 The period of use for the irrigation from storage described in this approval may be extended to a beginning date of 4/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/15 and after 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 17, 2000.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 72C.
5. R59 This right when combined with all other rights shall provide no more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
7. 004 This right does not grant any right-of-way or easement across the land of another.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
10. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Remarks:

11. psdaggs 4/24/2006 10:06:00 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 72526