

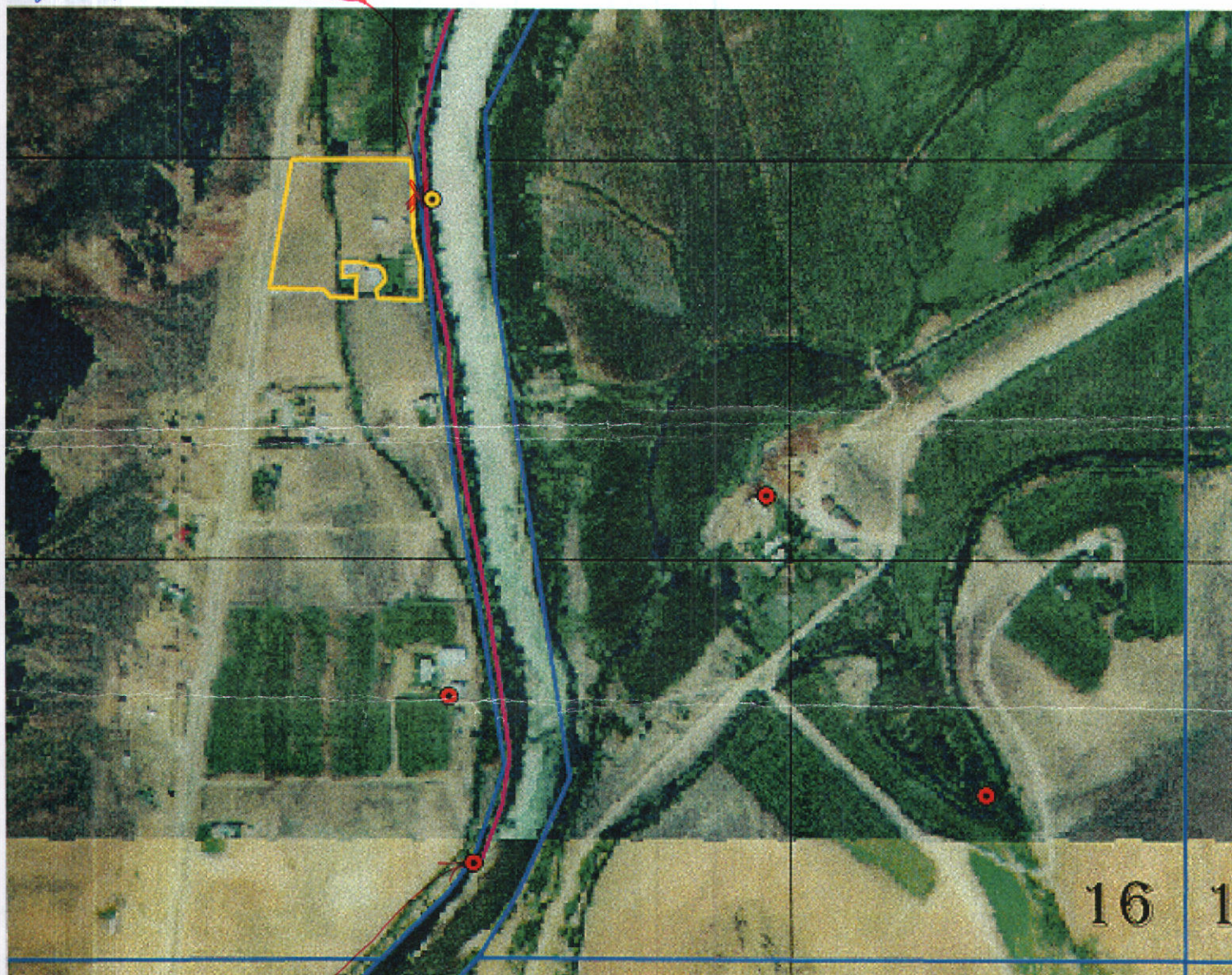
IDAHO DEPARTMENT OF WATER RESOURCES

REDIVERSION FROM GINI DITCH

T#5799

Pg 7 of 8

72-04152



NEW POINT OF DIVERSION
(GINI DITCH)

660 0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 13N
RNG: 19E
SEC: 16

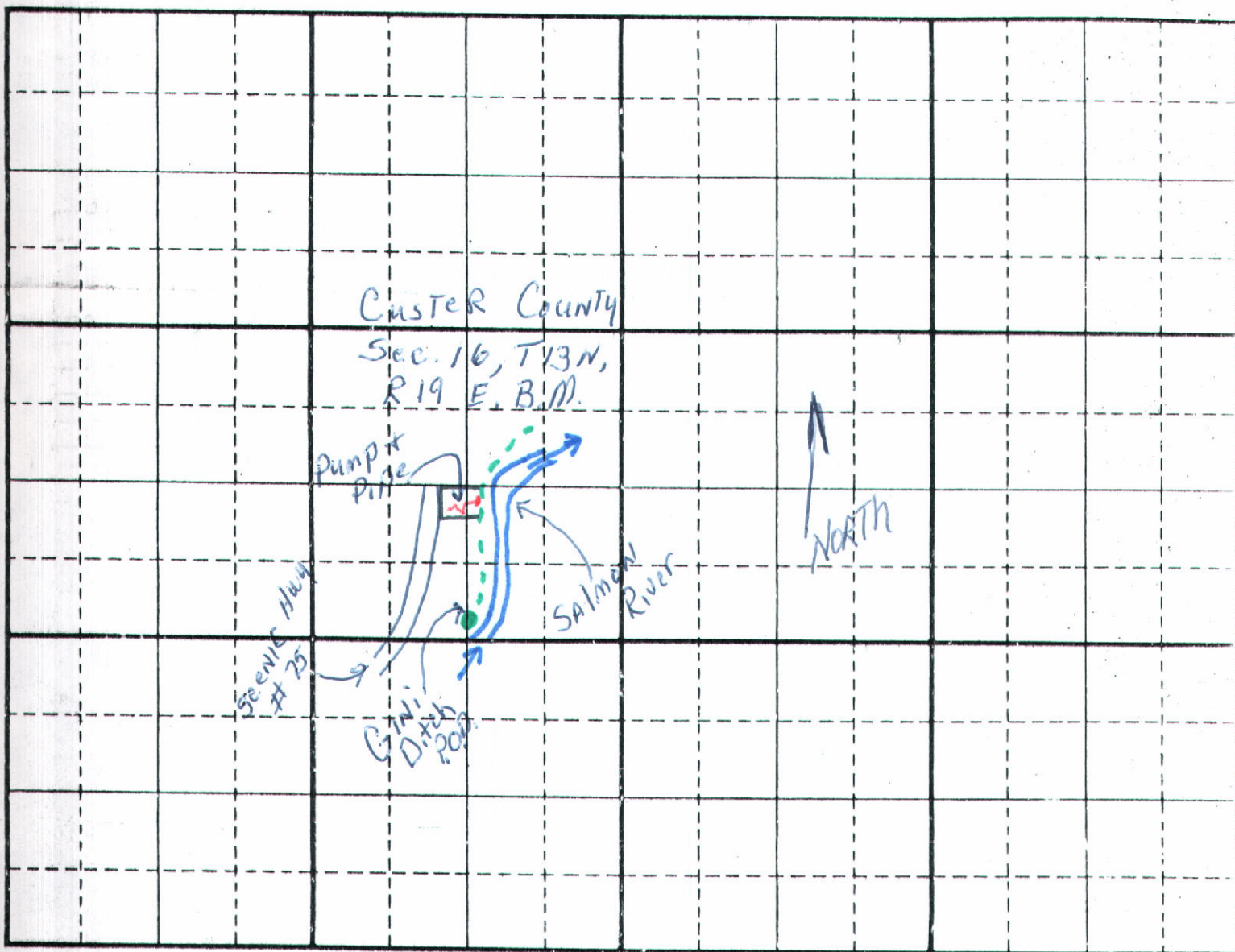


MICROFILMED
SEP 25 2001

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 5, 1998

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Custer) 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.

Sylvia E. Pfeiffer
Charles L. Pfeiffer
(Claimant)

Sworn to before me this

12th

day of

April

19 83.

Dian M. Lacy
Notary Public

Residing at

Challis, Id

My commission expires

Life

FOR DEPARTMENT USE ONLY

Received by [signature]

Date

4/15/83

Exception filed by:

Forwarded to

Date

Prelim. check by [signature]

Date

4/19/83

\$30.00 fee received by [signature]

Date

4/23/83 #27219

claimant by:

Published in Custer Publishing

Dates

3/19 & 3/26/83

RECEIVED
JUL 31 2000
Boise Public Library

0201157

WARRANTY DEED

For Value Received FRANCES W. CHRISTOPHERSON, a widow, the grantor, does hereby grant, bargain, sell and convey unto KURT W. VAN PELT and CINDY VAN PELT, husband and wife, the grantees, whose current address is P.O. Box 1024, Challis, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

A fraction of Lot 5, Section 16, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:
Beginning at the intersection of the Northerly boundary of said Lot 5 and the centerline of U.S. Highway No. 93; thence Southwesterly along the centerline of said highway a distance of 500.0 feet; thence North 89°58' East, 604.5 feet to a point on the Westerly bank of the Salmon River; thence meandering the Westerly bank of said river in a Northerly direction, a distance of 500.0 feet, more or less, to a point on the Northerly boundary line of Lot 5, thence South 89°58' West along the Northerly boundary of said Lot 5, a distance of 488.0 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that she is free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: This 24 day of February, 1992.

Frances W. Christopherson
FRANCES W. CHRISTOPHERSON

STATE OF IDAHO)
 : ss
County of Custer)
On this 24th day of
February, 1992, before
me, a Notary Public, per-
sonally appeared
Frances W. Christopherson
known or identified to me
to be the person(s) whose
name(s) are subscribed to
the within instrument, and
acknowledged to me that
she executed the same.
Susan Sundell
Notary Public
Residing at Challis
Commission Expires 7-15-92

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instru-
ment was filed for record at the
request of Custer County Title
at 20 minutes past
o'clock P.M., this 25th day of
February, 1992, in my office,
and duly recorded in Book _____
of Deeds at page _____.

Ethel M. Peck
Ex-Officio Recorder
BY Wanda J. Murphy
Deputy

Fee: \$ 3.00
Mail to: Custer County Title

MICROFILMED
SEP 25 2001
T#5798

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 MAY 19.....

1983 and ending with the issue dated MAY 26..... 1983

Margaret Parks.....

Subscribed and sworn to before this 27th day of May..... 1983

Eckel M. Beck.....

Notary Public, residing at Challis, Idaho. My commission expires on 1/26/86.....

RECEIVED

JUN 2 1983

Department of Water Resources
Southern District Office

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim (s) to water right (s) have been established by diversion and application to beneficial use:

72-4152

PFEIFFER, CHARLES
&/or SYLVIA
H/C 67 BOX 2021, CHALLIS,
ID 83226

Source: SALMON RIVER
trib. to SNAKE RIVER
Priority Date: 05/01/1967
Diversion Pt: LOT 06 Sec 16
T 13N R 19E

Use: IRRIGATION (0.30
CFS)

In: LOT 05 Sec 16 T 13N R
19E FOR 5 ACRES

72-4153

KRISTAN, LOUIS L.
C/O JAMES R. BENNETTS,
BOX 36, CHALLIS, ID 83226

Source: SALMON RIVER
trib. to SNAKE RIVER
Priority Date: 05/15/1900
Diversion Pt: LOT 10 Sec 24
T 15N R 19E

Use: IRRIGATION (1.00
CFS)

In: LOT 01 (NENE) Sec 24 T
15N R 19E LOT 03 (SESE) Sec
13 T 15N R 19E LOT 08 (SWSW)
NESW SESW Sec 18 T 15N R
20E FOR 41 ACRES

72-4154

LIVINGSTON SILVER,
INC.

CHALLIS, ID 83226
Source: JIM CREEK trib. to
BOULDER CREEK
Priority Date: 01/01/1925
Diversion Pt: SESE Sec 02 T
09N R 16E

Use: POWER (5.00 CFS)
In: SWSW SESW SWSE
SESE Sec 02 T 09N R 16E

72-4155

LIVINGSTON SILVER,
INC.

CHALLIS, ID 83226
Source: UNNAMED STRE-
AM trib. to JIM CREEK

SPRINGS trib. to JIM CREEK

Priority Date: 01/01/1925

Diversion Pt: SWSW Sec 01 T
09N R 16E

Use: INDUSTRIAL (0.50
CFS) DOMESTIC (0.50 CFS)
In: SWSW SESW SWSE
SESE Sec 01 T 09N R 16E

72-4156

LIVINGSTON SILVER,
INC.

CHALLIS, ID 83226
Source: UNNAMED STRE-
AM trib. to JIM CREEK
SPRING trib. to JIM CREEK

Priority Date: 01/01/1925
Diversion Pt: SESW Sec 01 T
09N R 16E

Use: INDUSTRIAL (0.50
CFS) DOMESTIC (0.50 CFS)
In: SESW SWSE SESE Sec
01 T 09N R 16E

Any exception to any claim
of water right may be filed
with the Director of the Idaho
Department of Water Resour-
ces, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301.

A. KENNETH DUNN
Director

Pub. 5/19 & 5/26/1983.

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 68483

This is to certify that: KURT W VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226
(208)879-2309

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
72-4152	AJC/Beneficial Use	05/01/1967	0.12 cfs		4.0	4.0	SALMON RIVER

Purpose of Transfer (Changes Proposed)

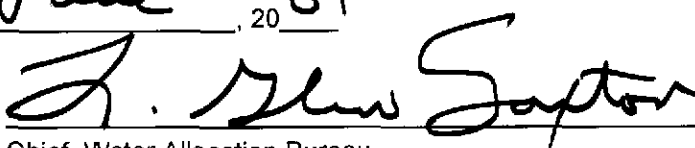
<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
72-4152	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
72-4152	72-4152	0.12 cfs	14.0 af	4.0	4.0		N/A	N/A	N/A	N/A
TOTALS		0.12 cfs	14.0 af	4.0	4.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 23rd day of June, 2001


Chief, Water Allocation Bureau

WDRD-1000-1
1000-1000-1

WATER RIGHT NO. 72-4152
As Modified by Transfer No. 68483

In accordance with the approval of Transfer No. 68483, Water Right No. 72-4152 is now described as follows.

Right Holder: KURT W VAN PELT And
 CINDY VAN PELT
 HC 67 BOX 2015
 CHALLIS ID 83226

Priority Date: 05/01/1967

Source: SALMON RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.12 CFS	14.0 AF
			0.12 CFS	14.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER Lot 6 SWSWSE Sec. 16 Twp 13N Rge 19E 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	
13N 19E 16									3.5								4.0
									L5								

Total Acres: 4.0

CONDITIONS OF APPROVAL

1. Use of water under this right may be affected by an agreement between the protestant and the right holder.
2. Approval of Transfer 68483 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
3. The right holder shall comply with all fish screening requirements of the Idaho Department of Fish and Game.
4. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.

WATER RIGHT NO. 72-4152
As Modified by Transfer No. 68483

CONDITIONS OF APPROVAL

6. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
7. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22nd day of June, 2001


Chief, Water Allocation Bureau

RECEIVED
JUL 03 2000
Department of Water Resources
Southern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

68483
Transfer No. 5799

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

RECEIVED
JUN 26 2000
Department of Water Resources
Southern Region

Name of applicant KURT VAN PELT Phone 208-879-2309
Post Office address HC 67 Box 2015 CHALLIS, IDAHO 83226

PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes THE GINI DITCH COMPANY HAS GIVEN ME PERMISSION TO USE THEIR DITCH AGAIN. THIS SHORTENS THE LIFE OF THE PUMP AND MAKES ACCESS EASIER.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>72-64152</u>	<u>5/1/1967</u>	<u>.120 cfs</u>	<u>IRRIGATION</u>	<u>4/1</u> to <u>10/31</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred .120 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water SALMON RIVER tributary to SNAKE RIVER
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
<u>6</u>	<u>SW</u>	<u>SW</u>	<u>SE</u>	<u>16</u>	<u>13N</u>	<u>19E</u>	<u>CUSTER</u>	<u>GINI DITCH</u>

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
<u>13N</u>	<u>19E</u>	<u>16</u>									<u>3.5</u>				<u>0.5</u>	<u>0.5</u>			<u>4.0</u>
											<u>10.5</u>				<u>2.5</u>	<u>5</u>			

5. Per phone conversation with Kurt Van Pelt

MICROFILMED

PART 1

T#5799

i. General Information:

a. Description of diversion system PUMP WITH SUCTION LINE IN THE GINI DITCH
(GINI DITCH DIVERSION)

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

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

N/A

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

MICROFILMED

SEP 1 1984

PART 2

A. DESCRIPTION OF RIGHT AS RECORDED:

Claim No. 72-04152

STAGE: BENEFICIAL USE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/31	0.12 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
SALMON RIVER	SNAKE RIVER

Priority: 05/01/1967

LOCATION OF POINT(S) OF DIVERSION: Lot 5(NWNWSE), Sec. 16, Township 13N, Range 19E
CUSTER County

PLACE OF USE:

IRRIGATION

				NE				NW				SW				SE																	
				NENE	NWNE	SWNE	SENE	: NENW				NWNW	SWNW	SENW	: NESW				NWSW	SWSW	SESW	: NESE				NWSE	SWSE	SESE	:				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
---	---	---	:	---	---	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---	---	---	---	---	---	---	---	:	---
13N	19E	16	:											:									:	05-03								:	4.0
																																TOTAL ACRES	4.0

CONDITIONS/REMARKS:

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

WATER RIGHT NO.	SOURCE
NONE	NONE

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

Describe any other water rights used for the same purpose as described above:

Inserted by John Freitag

MICROFILMED

SEP 11 1980

Page 4 of 8

TRANS NO.

T#5799

Claim No. 72-04152

To your knowledge has any portion of this water right undergone a period of five or more consecutive years of non-use? _____ If yes, describe:

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

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

MICROFILMED

SEP 20 1981

Inserted by John Freitag

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

RECEIVED
JUN 26 2000
Department of Water Resources
Southern Region

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 72-04152 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

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

- ☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water SALMON RIVER tributary to SNARE RIVER

4. Date or priority 05/01/1967

5. Water is used for the following purpose:

- amount 0.12 cfs for IRRIGATION purposes from 04/01 to 10/31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

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

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
5	NW	NW	SE	16	13N	19E	CUSTER	PUMP IN SALMON RIVER

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
13N	19E	16									3.5				0.5				
											4.0								

J.E. Per phone conversation with Kurt Van Pelt

MICHAEL

Total acres 4.0

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

IDAHO DEPARTMENT OF WATER RESOURCES

REDIVERSION FROM GINI DITCH

T#5799

Pg 7 of 8

72-04152

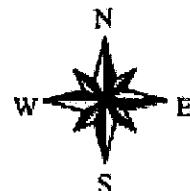


NEW POINT OF DIVERSION
(GINI DITCH)

0 660 1320 Feet

-  RECOMMENDED PLACE OF USE
-  RECOMMENDED POINT OF DIVERSION
-  SECTION LINES
-  QUARTER-QUARTER LINES
-  STREAMS & DITCH CHANNELS

TWN: 13N
RNG: 19E
SEC: 16



MICROFILMED

SEP 25 1997

GIS PLACE OF USE PRESENTATION
USFS AERIAL PHOTOGRAPHY, 1988
BY STEVE CLELLAND

DATE: NOV. 5, 1998

PART 3

T#5799

B. CHANGES IN NATURE OF USE

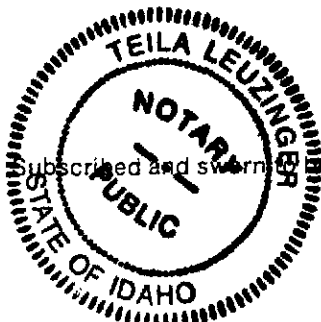
1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

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

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

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

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



Just Van Pelt
(Signature of Applicant)

(Signature of Applicant)

Subscribed and sworn before me this 23rd day of June, 192000.

Teila Leuzinger
(Notary Public)

My commission expires 8-31-2001

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 0 attachments

Received by John Freitag Date 07/03/00

Prelim. check by John Freitag Fee \$100.00

Received by John Freitag Date 07/03/00

Published in Challis Messenger

Pub. dates 8/10 & 8/17/00

Watermaster recommendation requested on N/A

_____ rec'd. _____

_____ by Adm

Copy of transfer sent to lien holder _____

Protest filed by Gini Ditch Co. (with Larson)

5023198

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☒ approval ☐ denial

MICROFILMED

SEP 13 1999

RECEIVED
JUL 31 1992

0201157

WARRANTY DEED

For Value Received FRANCES W. CHRISTOPHERSON, a widow, the grantor, does hereby grant, bargain, sell and convey unto KURT W. VAN PELT and CINDY VAN PELT, husband and wife, the grantees, whose current address is P.O. Box 1024, Challis, Idaho 83226, the following described premises, in Custer County, Idaho, to-wit:

A fraction of Lot 5, Section 16, Township 13 North, Range 19 East, Boise Meridian, Custer County, Idaho, described as:
Beginning at the intersection of the Northerly boundary of said Lot 5 and the centerline of U.S. Highway No. 93; thence Southwesterly along the centerline of said highway a distance of 500.0 feet; thence North 89°58' East, 604.5 feet to a point on the Westerly bank of the Salmon River; thence meandering the Westerly bank of said river in a Northerly direction, a distance of 500.0 feet, more or less, to a point on the Northerly boundary line of Lot 5, thence South 89°58' West along the Northerly boundary of said Lot 5, a distance of 488.0 feet to the Point of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that she is free from all incumbrances save and excepting therefrom all covenants, conditions and restrictions of record and all easements of sight and of record as recorded in the records of Custer County, Idaho and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: This 24 day of February, 1992.

Frances W. Christopherson
FRANCES W. CHRISTOPHERSON

STATE OF IDAHO)
County of Custer) ss
On this 24th day of February, 1992, before me, a Notary Public, personally appeared Frances W. Christopherson

known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that she executed the same.

James Sundell
Notary Public
Residing at Challis
Commission Expires 7-15-92

STATE OF IDAHO, COUNTY OF CUSTER
I hereby certify that this instrument was filed for record at the request of Custer County Title at 20 minutes past 2 o'clock P.M., this 25th day of February, 1992, in my office, and duly recorded in Book _____ of Deeds at page _____.

Elmer M. Peck
Ex-Officio Recorder
BY Wendy Murphy
Deputy

Fee: \$ 3.00
Mail to: Custer County Title

T#5799

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 CHARLES AND SYLVIA PFEIFFER, husband and wife,
(Name of Claimant)

H/C 67, Box 2021, Challis, Idaho 83226 Telephone No. 879-2590
(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) May 1, 1967,

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)
Salmon River tributary to Snake River

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

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.3 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr 1</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) 0.3 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lot 6~~X~~ ~~XX~~ Sec. 16 Twp. 13 N, Rge. 19 E.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. Gini Ditch approximately 14 feet wide, 4 1/2 feet deep, flows North to property, thence 3 H.P. pump through 2" pipe and 2" hand lines with sprinklers

(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.	NE¼				NW¼				Lot 5				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13N	19E	16									5								5

No. of acres 5

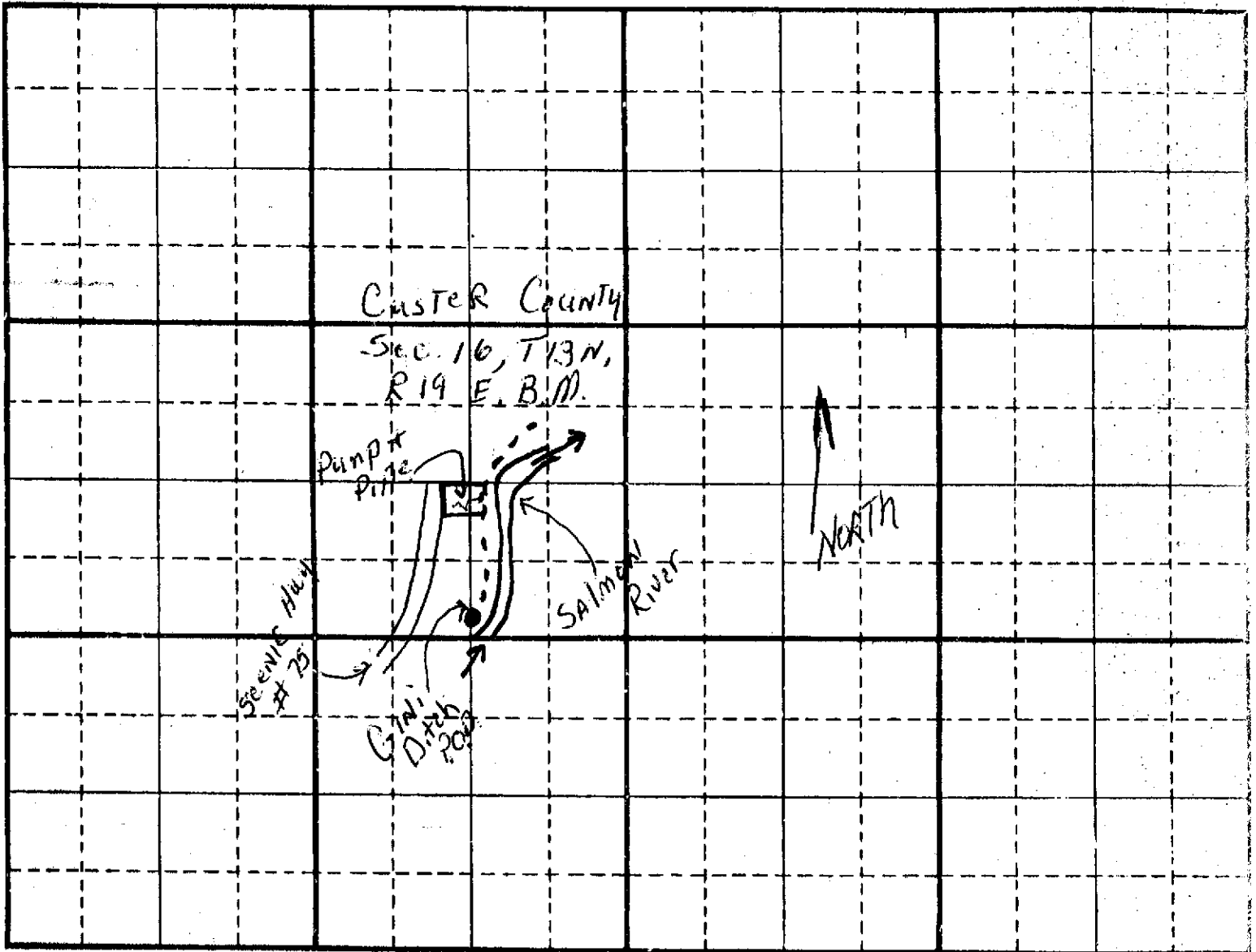
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

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: _____

RECEIVED

(8) Remarks



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Custer) 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.

Sylvia E. Pfeiffer
Charles L. Pfeiffer
(Claimant)

Sworn to before me this 12th day of April, 19 83.

Diana M. Lacy
Notary Public
Residing at Challis, Id

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by [Signature] Date 4/15/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by [Signature] Date 4/19/83 claimant by: _____
\$30.00 fee received by [Signature] Date 4/19/83 # 27219
Published in Custer Publishing
Dates 5/19 & 5/26/83

MICROFILMED

JAMES R. BENNETTS

ATTORNEY AT LAW

P. O. BOX 36

CHALLIS, IDAHO 83226

(208) 879-4488

April 12, 1983

State of Idaho
Department of Water Resources
Southern Region
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

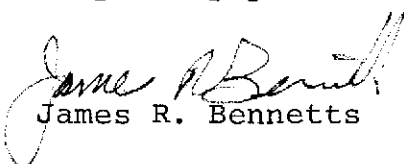
Re: Charles and Sylvia Pfeiffer - Claim to a Water Right

Dear Sirs:

Enclosed please find a Claim to A Water Right for Charles and Sylvia Pfeiffer.

Please file the enclosed Claim as appropriate. We enclose a check from Mr. Pfeiffer in the amount of \$30.00 to cover the filing fee. Thank you.

Very truly yours,


James R. Bennetts

JRB:dl
Enclosures

RECEIVED
APR 13 1983
WATER RESOURCES
DIVISION

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

1. 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 MAY 19.....

1983 and ending with the issue dated MAY 26..... 1983

Margaret Parks

Subscribed and sworn to before this 27th day of May 1983

Evel M. Beck

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

1/26/86

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim (s) to water right (s) have been established by diversion and application to beneficial use:

72-4152

PFEIFFER, CHARLES &/or SYLVIA
H/C 67 BOX 2021, CHALLIS, ID 83226

Source: SALMON RIVER trib. to SNAKE RIVER

Priority Date: 05/01/1967

Diversion Pt: LOT 06 Sec 16 T 13N R 19E

Use: IRRIGATION (0.30 CFS)

In: LOT 05 Sec 16 T 13N R 19E FOR 5 ACRES

72-4153

KRISTAN, LOUIS L.
C/O JAMES R. BENNETTS, BOX 36, CHALLIS, ID 83226

Source: SALMON RIVER trib. to SNAKE RIVER

Priority Date: 05/15/1900

Diversion Pt: LOT 10 Sec 24 T 15N R 19E

Use: IRRIGATION (1.00 CFS)

In: LOT 01 (NENE) Sec 24 T 15N R 19E LOT 03 (SESE) Sec 13 T 15N R 19E LOT 08 (SWSW) NESW SESW Sec 18 T 15N R 20E FOR 41 ACRES

72-4154

LIVINGSTON SILVER, INC.

CHALLIS, ID 83226

Source: JIM CREEK trib. to BOULDER CREEK

Priority Date: 01/01/1925

Diversion Pt: SESE Sec 02 T 09N R 16E

Use: POWER (5.00 CFS)

In: SWSW SESW SWSE SESE Sec 02 T 09N R 16E

72-4155

LIVINGSTON SILVER, INC.

CHALLIS, ID 83226

Source: UNNAMED STREAM trib. to JIM CREEK

SPRINGS trib. to JIM CREEK

Priority Date: 01/01/1925

Diversion Pt: SWSW Sec 01 T 09N R 16E

Use: INDUSTRIAL (0.50 CFS) DOMESTIC (0.50 CFS)

In: SWSW SESW SWSE SESE Sec 01 T 09N R 16E

72-4156

LIVINGSTON SILVER, INC.

CHALLIS, ID 83226

Source: UNNAMED STREAM trib. to JIM CREEK

SPRING trib. to JIM CREEK

Priority Date: 01/01/1925

Diversion Pt: SESW Sec 01 T 09N R 16E

Use: INDUSTRIAL (0.50 CFS) DOMESTIC (0.50 CFS)

In: SESW SWSE SESE Sec 01 T 09N R 16E

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN
Director

Pub. 5/19 & 5/26/1983.

RECEIVED

JUN 2 1983

Department of Water Resources
Southern District Office

RECORDED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

June 25, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

KURT W VAN PELT
CINDY VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226

RE: Transfer No.: 68483 - Water Right 72-4152 - Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for Jeff Peppersack, Manager
Water Rights Permits Section

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SEP 15 2001

JP:klt

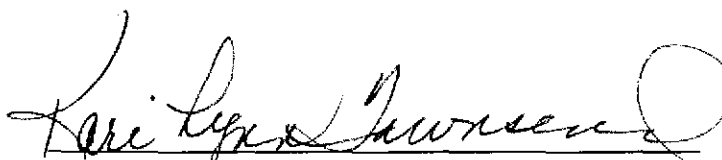
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on June 25, 2001 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 68483 - WATER RIGHT 72-4152

**KURT W VAN PELT
CINDY VAN PELT
HC 67 BOX 2015
CHALLIS ID 83226**

A handwritten signature in cursive script, reading "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

SEP 25 2001

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 5799/68483

DATE REVIEWED 6-19-01 28

SPLIT POD ☒ ADD POD POU PERIOD or NATURE of USE

ALL OF RIGHT(S) W=Water Right C=SRBA Claim R=SRBA Recommendation

<u>R 172-4152</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>N/A</u> <u>8-21-2000</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)

(Unchanged)

(Changed)

<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
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<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 4-1 to 10-31

Standard Volume 3.5 / 2.5

(1) ☒ Priority (2) ☒ Use (3) ☒ Season/W61 (4) ☒ Rate (5) Volume

(6) ☒ Source (7) P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) Yes Pertinent Conditions (13) ND Expansion
WM/Rcvd

(5) Standard Vol = 4 acres x 3.5 ac = 14 abn < VDR

(7) Change P/D to Grini Ditch

Protest issue = timing, not capacity of ditch. See 8-15-00 Letter Kent Foster.
This not delivered when other ditch rts. delivered.

Conditions/Remarks W63, 020, 029, R67, W57, T07, T08

WRs for Update Comments 72-4152 ☒

Database Updated to Reflect Final Action 6-22-01 28

SRBA SUBCASE SUMMARY REPORT 72-04152

[Return to SRBA Home Page](#)

SRBA
06-19-2001

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 72-04152 FILE#: 00492
CLAIMANT: VAN PELT, CINDY
STATUS: ADMIN PROCEED PENDING
WATER SOURCE: SALMON RIVER, SNAKE RIVER

**** PARTIES INVOLVED ****

CINDY VAN PELT	C PRO SE
KURT W VAN PELT	C PRO SE

**** ROA ENTRIES ****

08-21-2000	NOTICE OF ADMINISTRATIVE PROCEEDING	AZ	07-03-2001
	IC 42-222 TFER 5799		

[Return to SRBA Home Page](#)

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SEP 25 2001

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Kurt Van Pelt

TRANSFER NO.

5799

1. Right number(s)

72-04152

68483

2. Type of right

☐ Decree ☐ License ☐ Statutory Claim
☒ SRBA Beneficial Use Claim

3. Purpose of transfer

☒ Change P/D ☐ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: _____

5. Check Proposed Right for amount of land &/or water transferred:

____ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☐ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: None Apparent

(5799/68483)

i. X Existing rights from same source, on land water is being transferred to; right number(s): _____

j. X SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. X Comment letters _____ Yes _____ No _____
If yes _____ Water District # _____
_____ Lienholder, others, see #2
_____ below for name and address

INITIAL ALLOCATION REVIEW BY John Freitag DATE 07/28/00
SRBA SUPERVISOR REVIEW BY _____ DATE _____
PUBLICATION REVIEW BY _____ DATE _____

1. Legal Notice electronically sent to DWR03::VAULT ✓ Yes 8/2/00
2. COMMENT LETTERS Copy of Pg 1 to AJ ✓ Yes 8/1/00

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ✓ Yes _____ No _____
4. Affidavit of publication received? ✓ Yes _____ No _____
5. Protests received? ✓ Yes _____ No; Acknowledgement sent? ✓ Yes _____
6. Copies made for Region file (see attached supplemental page)? _____ Yes _____

RECOMMENDED ACTION

1. ✓ Approve
2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

✓ Also see attached memo for recommendation dated: 5/31/01
4. By AD Date 5/31/01

MEMO

FROM: Allen Merritt 

DATE: May 31, 2001

TO: Transfer File No. 68483
Water Right(s): 72-04152
In the Name of: Kurt Van Pelt

SUBJECT: Review and Recommendation

This transfer proposes to move the point of diversion to the Gini Ditch. The diversion has been determined to be within Gov't Lt. 6 (SWSWSE) Section 16, T13N, R19E. by the SRBA staff. This move is being made to reduce lift and provide better access to the diversion pump as a convenience to the applicant.

The transfer was protested by the Gini Ditch Company but they worked out an agreement.

Recommendation

I recommend that these transfers be approved subject to the following conditions:

-Subject to agreement with Gini Ditch Company.

Specifically...The parties agree that if the transfer is approved, Gini Ditch Company is not obligated to deliver water under water right number 72-04152 except when there is water available in the canal under the water rights of the Ditch Company.

I interpret this to mean that the capacity of the Gini Ditch is not to be increased so when 72-04152 is combined with other rights in the ditch that the total rate is limited to the existing rate of the other rights. Additionally the delivery of right 72-04152 is subordinate to the other existing rights in the ditch.

-Maintenance of measuring device, control works and fish screen at the point of diversion.
-Does not grant easement over lands of others.

Protest Issue
Timing / Not Capacity
See Kent Foster's
8-15-00 Letter for
Gini Ditch Co.

MICROFILMED

SEP 23 2006

T5799

FILE PROGRAM

Kerck Van Pelt

72-04152

SEP 15 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 29, 2001

KENT FOSTER
HOLDEN KIDWELL & ASSOCIATES
PO BOX 50130
IDAHO FALLS ID 83405

Re: Application for Transfer No. (5799/68483) Van Pelt

Dear Mr. Foster:

This office acknowledges receipt of the Settlement Agreement on behalf of the Gini Ditch Company regarding the above referenced application

Since the issue of the protest has been resolved, the Department is now prepared to proceed with the normal processing of the application which includes regional review prior to being forwarded to our State Office.

The Department will continue review of the application without further contact with the parties unless information is requested.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Allen D. Merritt, P.E.

Southern Region Manager

AM:mb

Cc:

KURT VAN PELT
HC 67 BOX 2015
CHALLIS ID 83326

CHARLES R BOGE SEC/TREAS
GINI DITCH COMPANY
1452 THREE FOUNTAINS DR
IDAHO FALLS ID 83404-5641

MICROFILMED

SEP 25 2001

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

RECEIVED

MAY 24 2001

**Department of Water Resources
Southern Region**

April 23, 2001

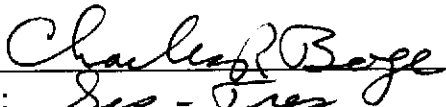
Idaho Department of Water Resources
Southern Region Office
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301

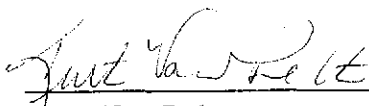
Re: Transfer No. 5799 of Water Right 72-04152 in the Name of Kurt Van Pelt

Gentlemen:

By this letter, we are informing you that the parties, Kurt Van Pelt, applicant, and Gini Ditch Company, protestant, have resolved the protest of the Gini Ditch Company to the Application for Transfer No. 5499 of Kurt Van Pelt on the following condition to which the parties hereby agree:

The parties agree that if the transfer is approved, Gini Ditch Company is not obligated to deliver water under water right number 72-04152 except when there is water available in the canal under the water rights of the Ditch Company.


By: Charles R. Borge
of Gini Ditch Company


Kurt Van Pelt



CHARLES R BOGE
1452 THREE FOUNTAINS DR
IDAHO FALLS ID 83404-5641



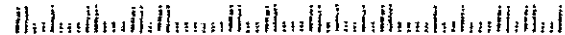
Idaho Dept. of Water Resources

1341 Fillmore St Suite 200

Twin Falls, Idaho 83301

Attn: Alan Merritt

8330143380



SEP 27 2001

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 6, 2000

KURT VAN PELT
HC 67 BOX 2015
CHALLIS ID 83326

RE: APPLICATION FOR TRANSFER NO. 5799 (72-04152)

Dear Mr. Van Pelt:

Enclosed is a copy of a protest filed against the above referenced application. The Department suggests you contact the protestant(s) directly to determine the exact nature of the protest(s) and, if possible, to resolve the matter without action by the Department.

Please note that your application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you wish to proceed with a Pre-hearing Conference &/or formal Hearing, please notify this office or if you have any questions please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB

Enclosure(s)

MICROFILMED

SEP 25 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 6, 2000

KENT FOSTER
HOLDEN KIDWELL & ASSOCIATES
PO BOX 50130
IDAHO FALLS ID 83405

RE: APPLICATION FOR TRANSFER NO. 5799 (72-04152)-Van Pelt

Dear Mr. Foster:

The protest on behalf of the **Gini Ditch Company** against the approval of the above referenced application has been received and a copy has been sent to the applicant with the suggestion that he contact you directly to determine the exact nature of the protest and, if possible, to resolve the matter without action by the Department.

Please note that the application is considered a contested case and subject to the Rules of Procedure adopted by the Department.

If you need a copy of these rules, please contact this office. The Rules of Procedure are also available on the Internet by using the IDWR Homepage at the following electronic address:

<http://www.idwr.state.id.us/apa/idapa37/0101.htm>

The attachment to this letter describes the issues which the Department must consider in taking action on an application. It also gives a brief description of the conference and hearing procedure followed by the Department in resolving protested applications.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,

Allen D. Merritt, P.E.
Southern Region Manager

AM:MB
Enclosure(s)

MICROFILMED

SEP 15 2000

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
THEL W. CASPER
SHAN B. PERRY
AMELIA A. CANEGALY

U.S. BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

August 15, 2000

RECEIVED

AUG 16 2000

Department of Water Resources
Southern Region

Idaho Department of Water Resources
Southern Region Office
1341 Fillmore Street Suite 200
Twin Falls, Idaho 83301

Re: Notice of Proposed Change of Water Right-Kirt Van Pelt (Transfer #5799) .

Gentlemen:

We are writing this letter on behalf of the Gini Ditch Company with respect to the above matter. Although the company is aware of the transfer and is in basic agreement with Mr. Van Pelt's proposal, the company wants to ensure that there is a condition in the approval of the transfer which provides that the company is not obligated to deliver water under Water Right No. 72-04152 except when there is water available in the canal under the canal company's rights. We assume that the irrigation season for the company's rights and Mr. Van Pelt's rights are the same, but want to make certain not to jeopardize the operation of the canal for all of the stock holders.

Our check in the amount of \$25.00 is enclosed herewith and a copy of this letter has been sent directly to Mr. Van Pelt. Thank you for your kind attention hereto.

Very truly yours,



Kent W. Foster

Enclosure

cc. Kurt Van Pelt

MICROFILMED

SEP 25 2000

Received by John Freitag on 08/16/00

receipt # 5023319

AFFIDAVIT OF PUBLICATION

State of Idaho, County of Custer, ss:

I, Ruth E. Burchell, representing the
Challis Messenger, a weekly newspaper, pub-
lished at Challis, Idaho, do solemnly swear that
the notice hereto attached and made a part here-
of, was published in the regular and entire issue
of the Challis Messenger for 2
consecutive weeks, commencing with the issue
dated Aug 10 2000 and ending with
the issue dated Aug 17 2000.

Ruth E Burchell

STATE OF IDAHO

COUNTY OF CUSTER

On this 17th day of Aug. in the
year of 2000 before me, a Notary Public,
personally appeared Ruth E. Burchell
known or identified to me to be the person
whose name subscribed to the within instru-
ment, and being by me first duly sworn, declared
that the statements therein are true, and ac-
knowledge to me that he executed the same.

NOTARY

Edith M. Peck
Notary Public for Idaho

Residing at Challis

My commission expires: 3-19-2004

OK
mb
8/21/00

RECEIVED
AUG 18, 2000

Department of
Southern Region

MICROFILMED

SEP 25 2000

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHTS**

Notice is hereby given that Kurt Van Pelt, HC 67 Box 2015, Challis ID 83226 has filed an application with the Department of Water Resources for changes to a water right within Custer County as described below.

Transfer No. 5799 involves Right No. 72-04152 (0.12 cfs) recorded with priority date of 05/01/1967 from Salmon River tributary to Snake River, within Lot 5 (NWNWSE) for irrigation of 4.0 acres within S1/2. The applicant requests to record the point of di-

version within Lot 6 (SWSWSE) via Gini Ditch with no other changes; all S16, T13N, R19E.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200, Twin Falls ID 83301 together with a protest fee of \$25.00 on or before August 28, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Pub: Aug. 10 & 17, 2000.

STATEMENT

**Custer Publishing, Inc.**

Phone 879-4445

P.O. Box 405

Challis, Idaho 83226

*Dept. of Water
1341 Fremore St., Suite 200
Sun Falls, Id 83301-3380*

Job No.	Date	DESCRIPTION	Amount
	8-17-00	Notice of Proposed Change of water right Transfer No. 5799 No. <u>72-04152</u> 8/10 & 17/00 34 lines	\$46.93 OK mb 8/21/00 RECEIVED AUG 18 2000 Department of Water Resources Southern Region

A finance charge of 1½ percent (annual percentage rate of 18%) with a minimum charge of 50¢ will be charged to all accounts not paid within 30 days of billing.

MICROFILMED

SEP 25 2001

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

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Transfer No. 5799 involves Right No. 72-04152 (0.12 cfs) recorded with priority date of 05/01/1967 from Salmon River tributary to Snake River within Lot 5 (NWNWSE) for irrigation of 4.0 acres within S1/4. The applicant requests to record the point of diversion within Lot 6 (SWSWSE) via Gini Ditch with no other changes; all S16, T13N, R19E.

Any protest against the proposed changes must be filed with the Department of Water Resources, Southern Region, 1341 Fillmore St., Suite #200; Twin Falls ID 83301 together with a protest fee of \$25.00 on or before August 28, 2000 to be considered by the Department in its decision to grant or deny any part of the proposed change. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Challis Messenger on 08/10 & 08/17/00.

✓
OK

✓
OK

MICROFILMED

SEP 25 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 2, 2000

ATTN LEGALS
CUSTER PUBLISHING
PO BOX 405
CHALLIS ID 83226

Ladies and Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper.

We have inserted the required publication dates. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Administrative Assistant

Enclosure

MICROFILMED

SEP 25 2001

John

THANKS FOR TAKING CARE OF
THIS. I APPRECIATE IT.

Jurt Van Relt

RECEIVED
JUL 31 2000
Department of Water Resources
Southern Region

T#5799

MICROFILMED

SEP 25 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 28, 2000

Kurt Van Pelt
HC 67 Box 2015
Challis, ID 83226

Dear Mr. Van Pelt:

Please find enclosed a water right transfer application, along with the \$100.00 filing fee, that you recently submitted to our office. Examination of your application revealed some incomplete items that need to be addressed before we can process your application.

I have talked with Steve Clelland, of this office, and based on my understanding of your proposal, I have prepared a "suggested" application for your reference and possible use. This application is based on changing only the point of diversion for water right 72-04152 to the Gini Ditch, further up the river. It is my understanding that you will divert your water from the Gini Ditch adjacent to your property. You can use this "suggested" application to assist in completing the application that you prepared if it adequately describes your proposal.

Once our office receives a complete application, along with the fee, we will begin processing your application. If you have any questions, or if you need any further assistance, feel free to contact this office at your convenience.

Sincerely,

Corey Skinner, P.E.
Water Resource Engineer

Enclosures

MICROFILMED

SEP 25 2001

T#5799

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resources

Receipt No:

S023198

Date:
Time:

7/ 3/2000
15:00:06

Received
From:

Type of Payment

Program A cct

Amount

VAN PELT

APPLICATION FOR TRANSFER

64106

229 21 1155 100.00
Total

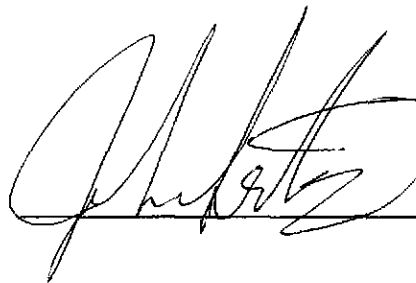
CHECK

1366

\$ 100.00

Region: SOUTHERN

Signature:



MICROFILMED

SEP 25 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1941 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

JUNE 14, 1982

POOR QUALITY ORIGINAL

CHARLES PFEIFFER
SYLVIA PFEIFFER
H/O 57 BOX 2021
CHALLIS

ID 87225

RE: Claim No. 72-4152

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,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

22-4152-

PFEIFFER, CHARLES &/or SYLVIA

H/C 67 BOX 2021, CHALLIS, ID 83226

Source: SALMON RIVER trib. to SNAKE RIVER

Priority Date: 05/01/1967

Diversion Pt: LOT 06 Sec 16 T 13N R 19E

Use: IRRIGATION (0.30 CFS)

In: LOT 05 Sec 16 T 13N R 19E FOR 5 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

ublished 5/19 & 5/26.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

MAY 6, 1983

Custer Publishing Company
P. O. Box 405
Challis, Idaho 83226

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 6, 1983.

Yours truly,

Mary A. Newby
Secretary

Encl.

MICROFILMED

IDENT. NO. 72-4152

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG[illegible]

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Right Number 72-4152

Applicant PFEIFFER, Charles & Sylvia

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.
- ☒ Claim published correctly.
- ☒ Exceptions processed.

By Date

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By RC Date 6/27/83

RECEIVED
JUN 27 1983
Department of Water Resources