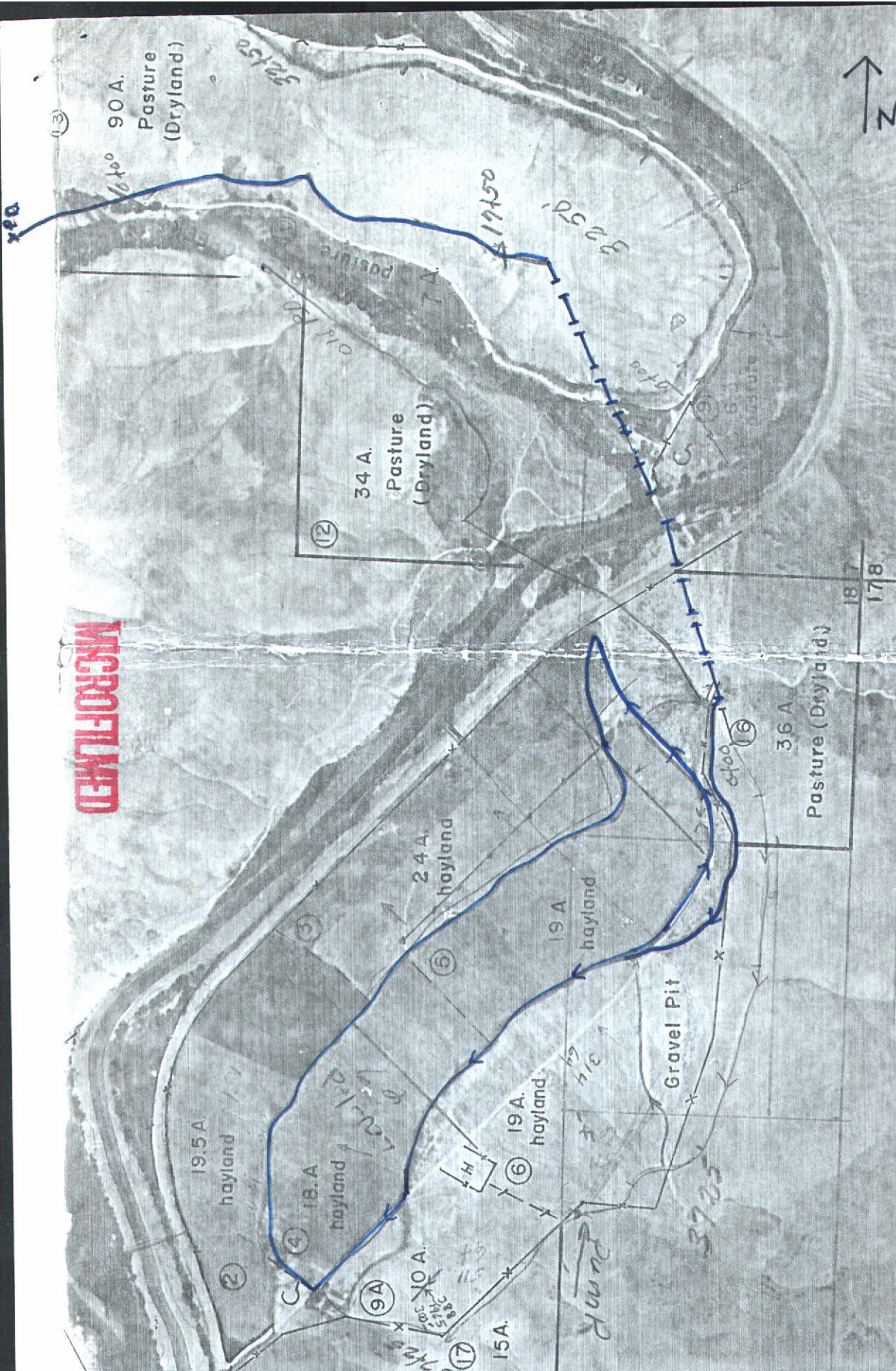


MICROFILMED



CA-33-PG
2-14-56

OUR SOIL & OUR STRENGTH



SOIL and CAPABILITY MAP

Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
cooperating with

CUSTER S. C. D.

S. C. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER SELBY HANSEN

OPERATOR

CUSTER

FARM No. 88

DATE 12-6

SCALE 660

ACRES 700

PHOTO No. 19 W 62

IDAHO

COUNTY

STATE

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

August 5, 1981

HOWARD R. CUTLER
P.O. BOX 298
CHALLIS

ID 83226

RE: Claim No. 72-4082

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,



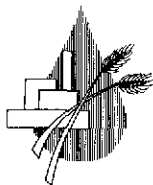
LOREN O. HOLMES
Southern Region Supervisor

enclosure

MICROFILMED

RECEIVED
JUN 22 1981
Department of Water Resources
Southern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



AMENDED 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 Howard R. Cutler (Name of Claimant)
Box 298, Challis, Idaho 83226 Telephone No. 838-2366
(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) April 15, 1921

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)
Bayhorse Creek tributary to Salmon 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:

(cfs, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>3.0 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>April 1</u>	To <u>Nov. 1</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) 3.0 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
NW ¼ SW ¼, Sec. 7 Twp. 12 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. Rock wingdam and earth ditch to inverted siphon to earth ditch on opposite side of the river.

(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				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12 N	19 E	18	Lt 1		Lt 6	7										LT 7			39
			6		16											10			

No. of acres 39

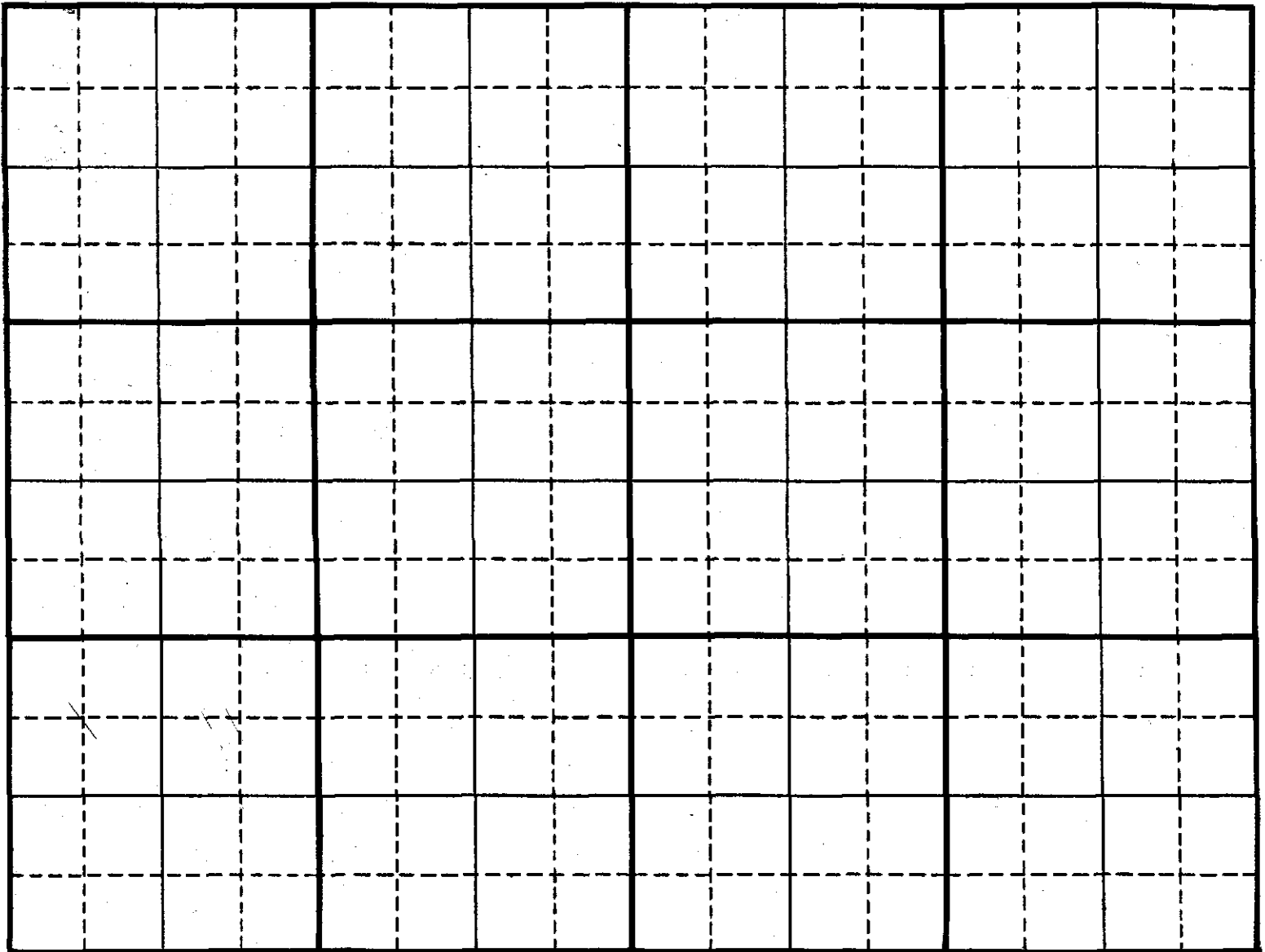
B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

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:

MICROFILMED

(8) Remarks In 1957 the location of the point of diversion and the pipeline across the Salmon River was changed to this location from a point of diversion on the south side of Bayhorse Creek with a cable supported river crossing.



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.

Howard R. Cutler
(Claimant)

Sworn to before me this 18th day of June, 19 81.

Glenda H. Mann
Notary Public
Residing at Charley, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by <u>maaya</u>	Date <u>6/22/81</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>TGB</u>	Date <u>6/29/81</u>		claimant by:	
\$20.00 fee received by <u>N/A</u>	Date			
Published in <u>7/9 & 7/16/81</u>	<u>Chellis Messenger</u>	<u>None</u>		
Dates				

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 4 1981

CLAIM TO A WATER RIGHT

Department of Water Resources
Southern District Office

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.

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Notice is hereby given that Howard R. Cutler (Name of Claimant)

Box 298 Challis, Idaho 83226 Telephone No. 838-2366
(Mailing Address) (Zip Code)

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(1) Date of priority: (When was the water first applied to a beneficial use) April 15, 1923

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)
Bayhorse Creek tributary to Salmon 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:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>3.0</u>	Use <u>irrigation</u>	Period of Use From <u>Apr 1</u>	To <u>Nov 1</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) 3.0 TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
Lt8 NW ¼ SW ¼, Sec. 7 Twp. 12N Rge. 19E 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. Rock Wingdam and earth ditch to inverted siphon to earth ditch on opposite side of river

(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				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	19E	18	Lt1		Lt6	7										Lt7			39
			6		16											10			

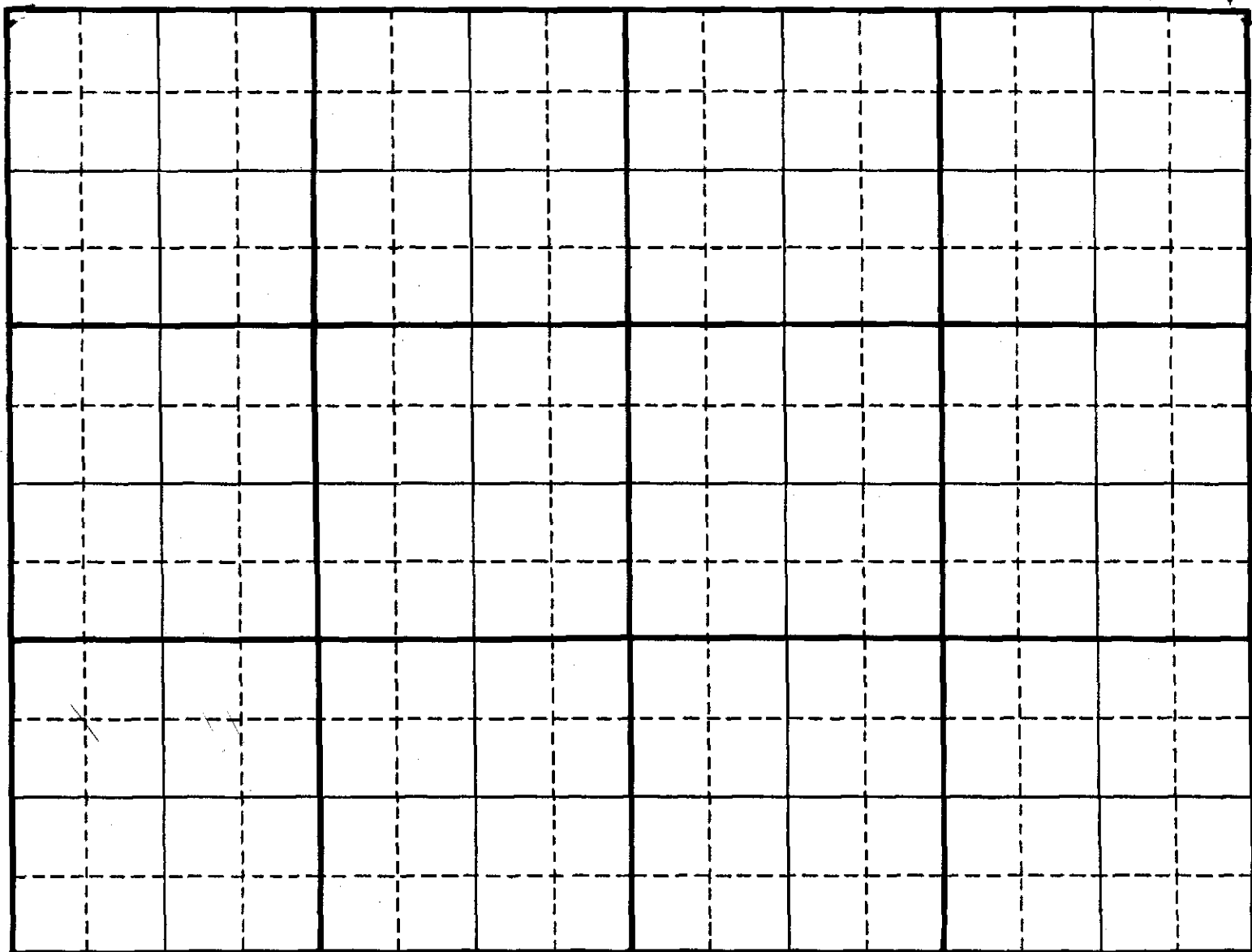
No. of acres 39

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:

(8) Remarks In 1957 the location of the point of diversion and the pipeline across the Salmon River was changed to this location from a point of diversion and a cable supported pipeline on the south side of Bayhorse Creek



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 _____) 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.

Howard R Cutler
(Claimant)

Sworn to before me this 1 day of May, 1981.

Mae Kopp
Notary Public
Residing at Challis

My commission expires Indefinite

RECORDED

FOR DEPARTMENT USE ONLY

Received by TGB Date 5-5-81 Exception filed by: _____ Forwarded to _____ Date _____
Adm. check by ADA Date 5/5/81
\$30.00 fee received by Mae Kopp Date 5/5/81
Published in Cutler Publishing Co
Dates 5/4 + 5/6/81

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 JULY 9
1981, and ending with the issued
dated JULY 16 1981.

Margaret Parks

Subscribed and sworn to before
me this 28 day of July
1981.

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

4-30-83

Department of Water Resources
Southern District Office

NOTICE OF CLAIM 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:

72-4082

CUTLER, HOWARD R.
P.O. BOX 298, CHALLIS, ID
83226

Source: BAYHORSE CREEK
tributary to SALMON RIVER

Priority Date: 04/15/1921

Amount: 3.00 CFS

Diversion Point: LOT 08
(NWSW) Sec. 07 T 12N R 19E,
CUSTER Co.

Use: IRRIGATION (3.00
CFS) from 04/01 to 11/01

Place of Use: LOT 01 (NENE)
LOT 06 (SWNE) SENE LOT 07
(NWSE) Sec 18 T. 12N R 19E
FOR 39 ACRES

Diversion Means: CHECK
DAM & DITCH.

Any exception of 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. 7/9 & 7/16/81

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 1

consecutive weeks, commencing with
the issue dated MAY 14

1981 and ending with the issue
dated 19

Margaret Parks

Subscribed and sworn to before
me this 22 day of May
1981

Janice M. Jensen

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

4-30-83

72-4082

CUTLER, HOWARD R.
P.O. BOX 298, CHALLIS, ID
83226

Source: BAYHORSE CREEK
tributary to SALMON RIVER.

Priority Date: 04/15/1923.

Amount: 3.00 CFS.

Diversion Point: LOT 08
(NWSW) Sec 07 T 12N R 19E,
CUSTER Co.

Use: IRRIGATION (3.00
CFS) from 04/01 to 11/01

Place of Use: LOT 01 (NENE)

LOT 06 (SWNE) SENE LOT 07

(NWSE) Sec 18 T 12N R 19E

FOR 39 ACRES

Diversion Means: CHECK
DAM & DITCH.

RECEIVED

MAY 27 1981

Department of Water Resources
Southern District Office

Ran May 14, then pulled by request

RECEIVED

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:

Z2-4082-

CUTLER, HOWARD R.

P.O. BOX 298, CHALLIS, ID 83226

Source: BAYHORSE CREEK tributary to SALMON RIVER

Priority Date: 04/15/1921

Amount: 3.00 CFS

Diversion Point: LOT 08 (NWSW) Sec 07 T 12N R 19E, CUSTER Co.

Use: IRRIGATION (3.00 CFS) from 04/01 to 11/01

Place of Use: LOT 01 (NENE) LOT 06 (SWNE) SENE LOT 07 (NWSE)
Sec 18 T 12N R 19E FOR 39 ACRES

Diversion Means: CHECK DAM & DITCH.

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

Published 7/9 & 7/16/81.

**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:

72-4082

CUTLER, HOWARD R.
P.O. BOX 298, CHALLIS, ID
83226

Source: BAYHORSE CREEK
tributary to SALMON RIVER

Priority Date: 04/15/1921

Amount: 3.00 CFS

Diversion Point: LOT 08
(NWSW) Sec. 07 T 12N R 19E,
CUSTER Co.

Use: IRRIGATION (3.00
CFS) from 04/01 to 11/01

Place of Use: LOT 01 (NENE)
LOT 06 (SWNE) SENE LOT 07
(NWSE) Sec 18 T. 12N R 19E
FOR 39 ACRES

Diversion Means: CHECK
DAM & DITCH.

Any exception of 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. 7/9 & 7/16/81

ok
merge
7/17/81

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3576

June 29, 1981

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 July 27, 1981.

Yours truly,

Mary A. Hill

Mary A. Hill
Secretary

Encl.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

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

C. Stephen Allred
Director

May 19, 1981

Howard Cutler
Box 298
Challis, Idaho 83226

Dear Mr. Cutler:

Please find enclosed an amended claim as per your request.

Please have your signature notarized and return it to this office.

Sincerely,

Terry G. Blau
Senior Water Resource Agent

TGB:

Encl:

*Called The
Challis Messenger
5-18-81. The
will Hold further
advertising on
72-4082 until
further notice*

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:

Z2-4082-

CUTLER, HOWARD R.

P.O. BOX 298, CHALLIS, ID 83226

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Use: IRRIGATION (3.00 CFS) from 04/01 to 11/01

Place of Use: LOT 01 (NENE) LOT 06 (SWNE) SENE LOT 07 (NWSE)
Sec 18 T 12N R 19E FOR 39 ACRES

Diversion Means: CHECK DAM & DITCH.

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

Published 5/14 & 5/21/81.

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Southern Region

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

MAY 5, 1981

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

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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 1, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 72-4082 Applicant CUTLER, Howard R.

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. None

By ADM Date 8/7/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 8/14/81

MICROFILMED