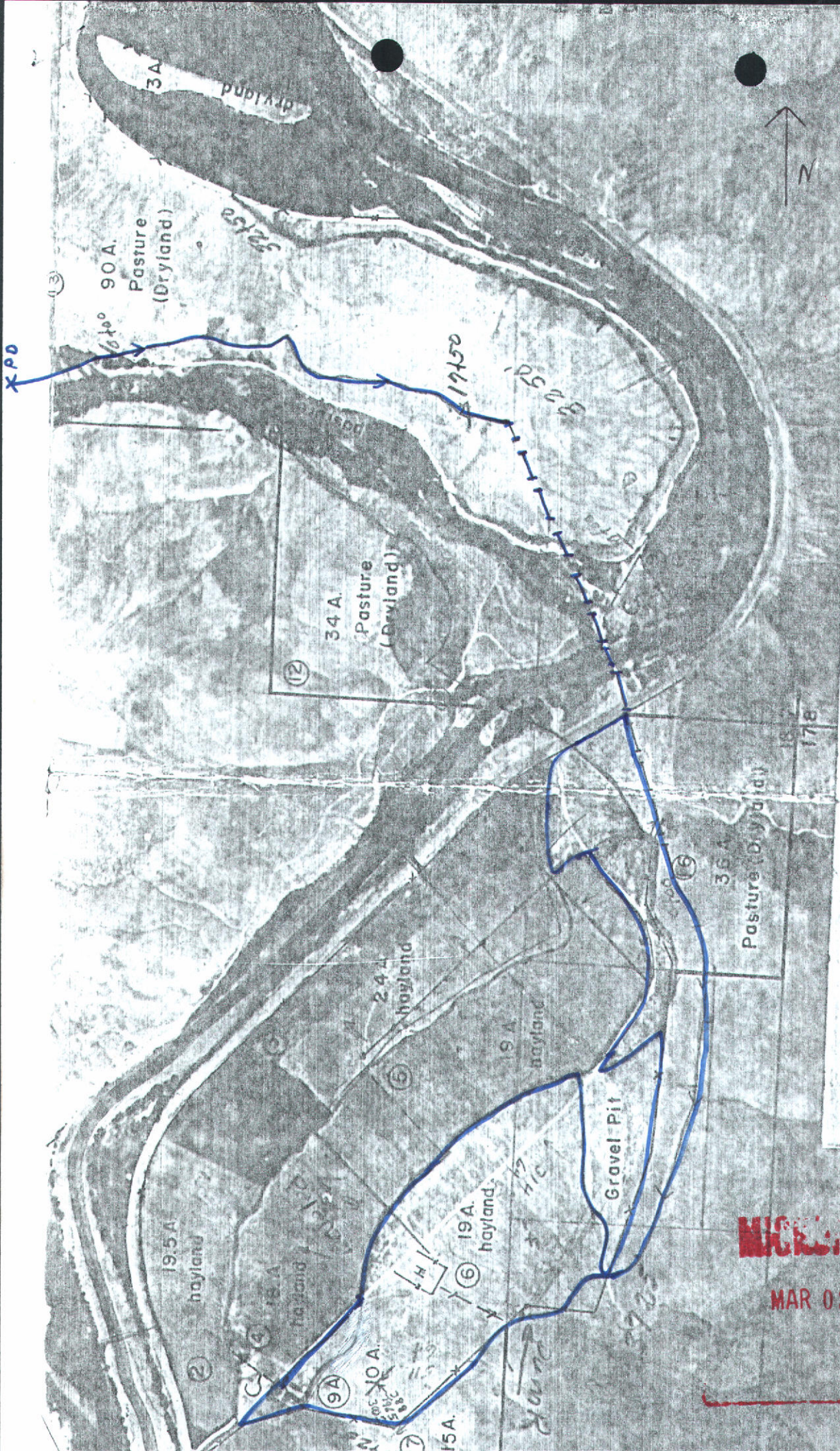




SOIL and CAPABILITY MAP
 Prepared by UNITED STATES DEPARTMENT of AGRICULTURE ★ SOIL CONSERVATION SERVICE
 cooperating with
CUSTER S. C. D.
U. S. DISTRICT AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER **SELBY HANSEN** FARM NO. **88** DATE **12-63**
 OPERATOR **CUSTER** SCALE **660** ACRES **700**
 COUNTY IDAHO PHOTO NO. **19 W 62**
 STATE

RECEIVED

MAR 03 1988

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

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

JUNE 1, 1981

HOWARD R. CUTLER
P.O. BOX 298
CHALLIS

ID 83226

RE: Claim No. 72-4081

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
LOREN O. HOLMES
Southern Region Supervisor

Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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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.

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, 1957

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>1.0</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) 1.0 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 in stream, earth ditch to pipeline which is an inverted siphon to earth ditches on opposite side of Salmon 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	
<u>12N</u>	<u>19E</u>	<u>18</u>	<u>Lt1</u>		<u>Lt6</u>	<u>12</u>								<u>4</u>	<u>1+7</u>				<u>45</u>
			<u>10</u>		<u>4</u>										<u>15</u>				

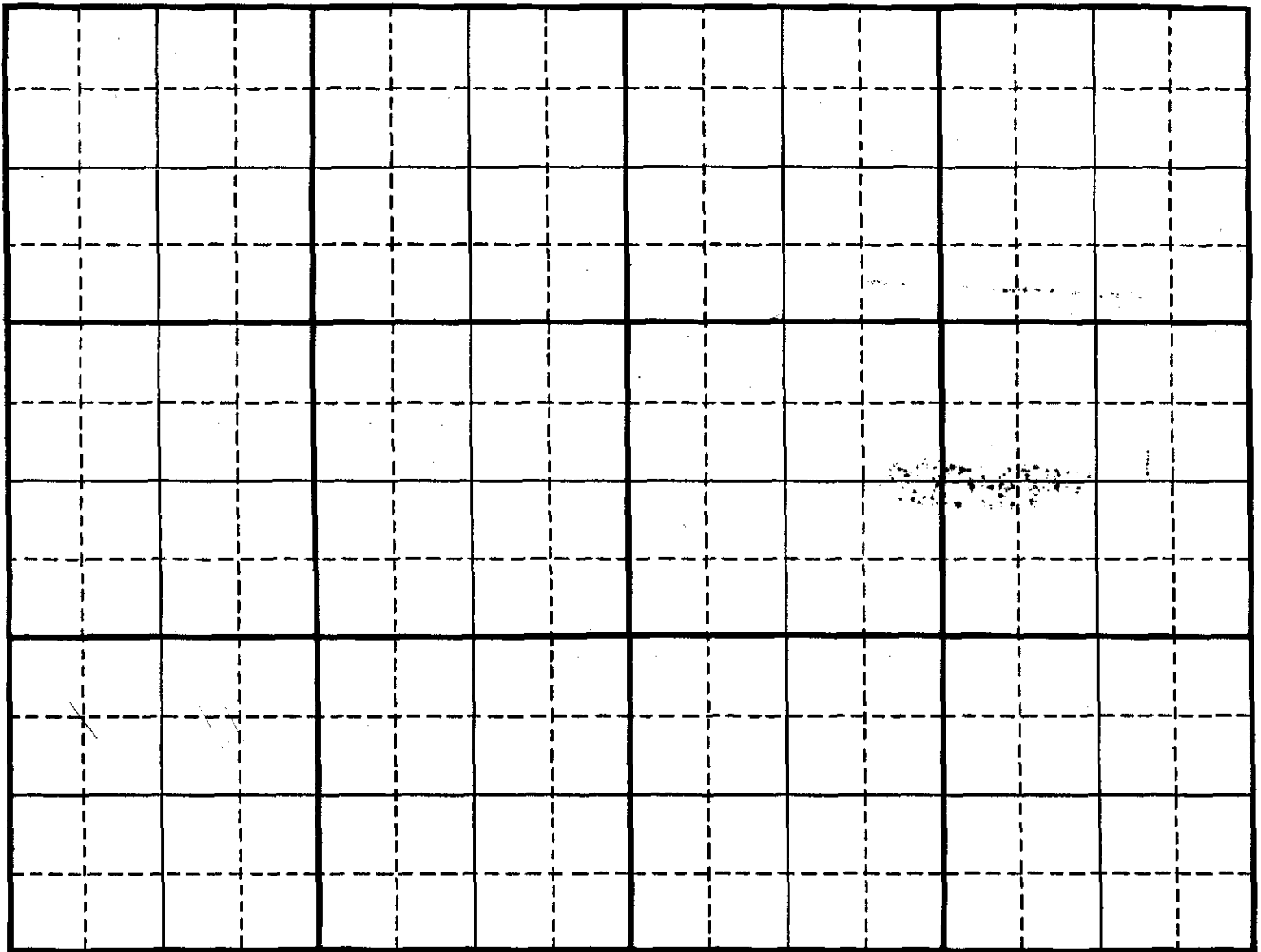
No. of acres 45

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: MAR 03 1983

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

(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 _____) 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)

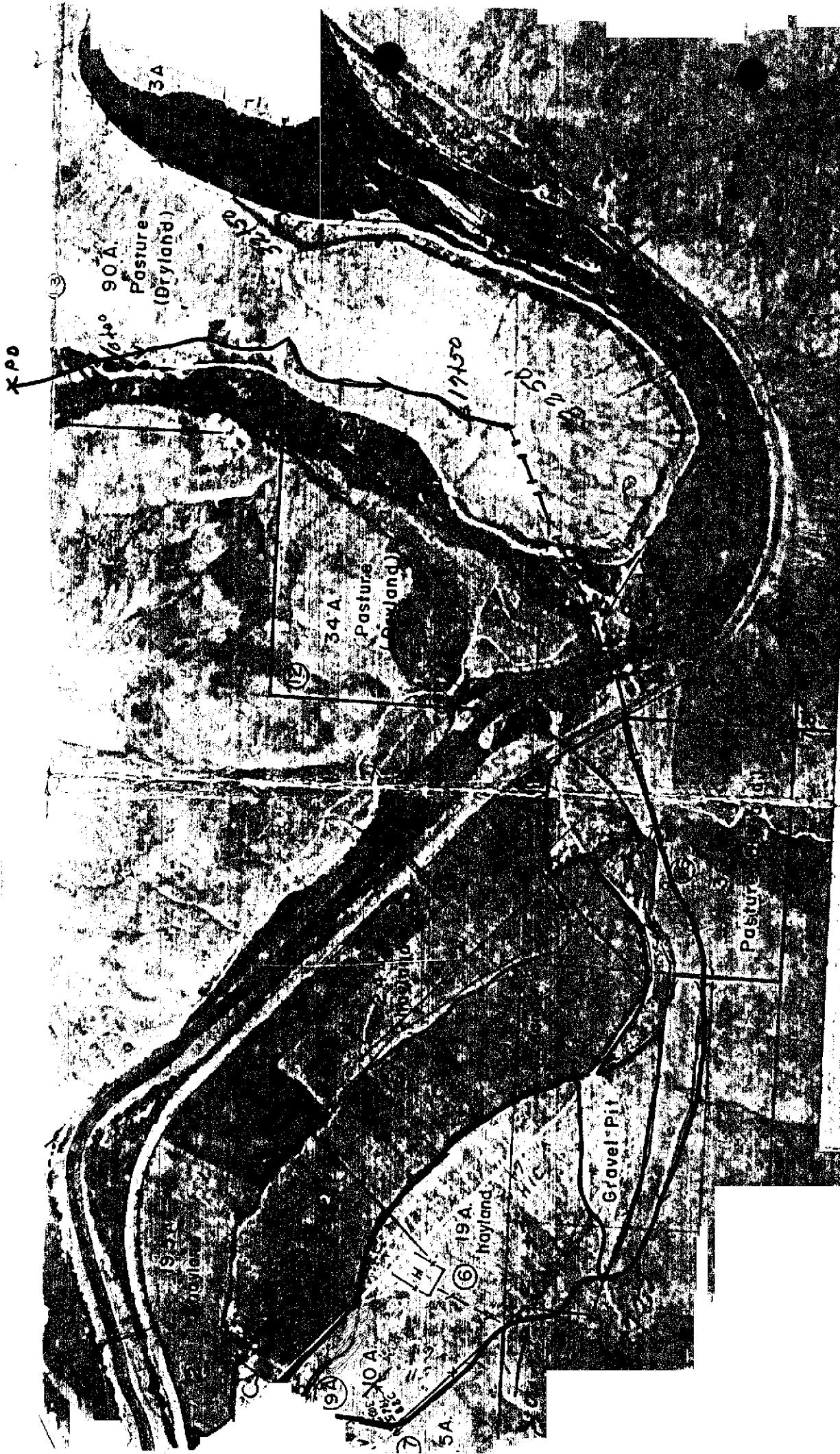
Sworn to before me this 1 day of May, 1981.

Mae Hopp
Notary Public
Residing at Challis

My commission expires Lifetime

NOTARIZED

maria 5-481 FOR DEPARTMENT USE ONLY MAR 03 1988
Received by TGB Date _____ Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by ADM Date 5/5/81
\$20.00 fee received by ADM Date 5/5/81 #16992
Published in Custer Publishing Co.
Dates 5/4 & 5/5/81



SOIL and CAPABILITY MAP
 Prepared by UNITED STATES DEPARTMENT OF AGRICULTURE * SOIL CONSERVATION SERVICE
 cooperating with
 CUSTER S. C. D.
U.S. OFFICE AND AGENCIES COOPERATING IN SOIL SURVEY

OWNER SELBY HANSEN
 OPERATOR CUSTER

FARM NO. 88 DATE 12-63
 SCALE 660 ACRES 700
 PHOTO NO. 19 W 62
 IDAHO STATE
 COUNTY

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 14,
1981, and ending with the issued
dated MAY 21, 1981.

Margaret Parks

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

Jandra M. James

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

4-30-83

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:

72-4081

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

83226

Source: BAYHORSE CREEK
tributary to SALMON RIVER

Priority Date: 04/15/1957.

Amount: 1.00 CFS.

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

Use: IRRIGATION (1.00
CFS) from 04/01 to 11/01.

Place of Use: LOT 01 (NENE)
LOT 06 (SWNE) SENE NESE
LOT 07 (NWSW) Sec 18 T 12N R
19E FOR 45 ACRES.

Diversion Means: CHECK
DAM & DITCH.

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MAR 03 1988

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:

22-4081

CUTLER, HOWARD R.

P.O. BOX 298, CHALLIS, ID 83226

Source: BAYHORSE CREEK tributary to SALMON RIVER

Priority Date: 04/15/1957

Amount: 1.00 CFS

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

Use: IRRIGATION (1.00 CFS) from 04/01 to 11/01

Place of Use: LOT 01 (NENE) LOT 06 (SWNE) SENE NESE LOT 07 (NWSE)
Sec 18 T 12N R 19E FOR 45 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.

RECORDED

MAR 03 1988

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

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 1, 1981.

Yours truly,

Mary A. Hill
Secretary

Encl.

RECEIVED

MAR 03 1988

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: ADM

Right Number 72-4081 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 6/3/81

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By [Signature] Date 6/19/81