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In File

## TRANSFER OF WATER RIGHT

This is to certify that: **RICHARD SCHOWENGERDT**  
**CHRISTINE SCHOWENGERDT**  
**250 N SUMMIT MOORS DR**  
**OCONOMOWOC WI 53066**

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION</u> <u>RATE</u>	<u>ANNUAL</u> <u>VOLUME</u>
Right No. 72-04192C :			
IRRIGATION	04/01 to 10/31	15.00 CFS	897.1 AF
Priority: 04/16/1898			
Right No. 72-10235 :			
IRRIGATION	04/01 to 10/31	10.00 CFS	320.3 AF
Priority: 06/01/1890			
	TOTAL:	25.00 CFS	1217.4 AF

Total number of acres irrigated: \* 347.8

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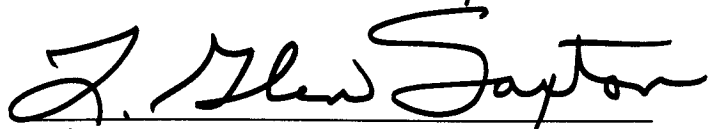
[illegible]

TRANSFER NO. 4938  
WATER RIGHT NO(S). 72-04192C/72-10235

CONDITIONS OF APPROVAL AND REMARKS

1. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
2. 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.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. All water rights within Basin 72 are from connected sources of water in the Snake River Basin and shall be administered conjunctively.
6. Approval of Transfer 4938 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. After specific notification by the department, the right holder shall measure the diversion or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
- \* 8. Right 72-04192C is limited to the irrigation of 256.3 acres in the place of use described above in a single irrigation season.
- \* 9. Right 72-10235 is limited to the irrigation of 91.5 acres in the place of use described above in a single irrigation season.

Dated this 12<sup>th</sup> day of October, 1999.

  
Chief, Water Allocation Bureau

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RECEIVED

JUL 25 1983

Department of Water Resources

72-H

72-00243

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF CUSTER.

JOHN CHIVERS, THOMAS CHIVERS And )  
GARTH CHIVERS, doing business as )  
partners under the firm name and )  
style of CHIVERS BROTHERS; M. H. )  
SHULL, a bachelor; FRANK SHULL )  
and FLORENCE ANABELLE SHULL, hus- )  
band and wife; and PAUL RIGGS and )  
HELEN RIGGS, husband and wife, and )  
GENE RIGGS, a bachelor, )

Plaintiffs, )

-vs-

JUDGMENT

C. N. JOHNSON and FRIEDA JOHNSON, )  
husband and wife; and FRANK BUR- )  
STEDT and ENID BURSTEDT, husband )  
and wife, )

Defendants. )

This cause came on regularly for hearing on the 12th day of April, 1951, before the Honorable Preston Thatcher, District Judge, C. Walker Lyon, and Jack B. Furey appearing as attorneys for the plaintiffs, and the defendants having heretofore appeared by stipulation and in person but without counsel, and it appearing to the court that all the plaintiffs interested in the determination of this action have appeared by counsel and all the defendants have appeared in person but without counsel, and it appearing to the court all the parties interested in the determination of this action and the attorneys of record have heretofore made and filed their stipulation and agreed therein that judgment may be entered upon application of any party, without notice to the other parties in accordance with the terms and conditions of said stipulation, and having therein waived the findings of fact and conclusions of law, and application this day having been made by the plaintiffs by and through their counsel of record that judgment be entered in accordance with the terms of the said stipulation heretofore filed and made a matter of record in this action, and said stipula-

RECORDED  
JUL 30 1996

waters flowing therein, shall be placed in said Upper McGowan Ditch prior to April 20, 1951, and shall number not more than one (1), and said plaintiffs shall not divert their portion of water in said Upper McGowan Ditch therefrom at any point in said ditch except where taken through the division boxes as herein required and provided for.

That the plaintiffs, Paul Riggs, Helen Riggs, and Gene Riggs, shall bear their proportionate share of the expense of maintaining, operating and repairing said Upper McGowan Ditch according to their interest therein as herein set forth, and shall maintain that portion of the Upper McGowan Ditch according to Paul Riggs, Helen Riggs, and Gene Riggs' percentage of flow of water taken through said Upper McGowan Ditch or portions thereof as compared to the respective flows of water taken through the same ditch or portions thereof by the remaining owners and users in said Upper McGowan Ditch.

That the defendants, C. N. Johnson and Frieda Johnson, are the owners of and entitled to the possession of the following described lands situated in the County of Custer, State of Idaho, to-wit:

72-0242  $S\frac{1}{2}NE\frac{1}{4}$ ,  $N\frac{1}{2}SE\frac{1}{4}$ , Section 2, Township 13 North,  
Range 19, East of the Boise Meridian.

And appurtenant to said lands, the defendants, C. N. Johnson and Frieda Johnson, shall be entitled to not to exceed an undivided eighteen and two-thirds per cent ( $18\frac{2}{3}\%$ ) interest in the Upper McGowan Ditch and the waters flowing therein from the point where said ditch diverts water from the Salmon River in Custer County, State of Idaho, to the last division box or turnout used by the said defendants in accordance with the terms and provisions of this judgment, and C. N. Johnson and Frieda Johnson, defendants herein, shall be entitled to not to exceed an undivided eighteen and two-thirds per cent ( $18\frac{2}{3}\%$ ) of the waters flowing in said ditch from its point of origin, except as otherwise appears hereafter in accordance with the "enlargement of ditch" provision.

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JUL 30 1996

errors in descriptions and that at any time within said period any party or parties to this action may apply to the Court or the Judge thereof for correction of such errors.

Dated this 24<sup>th</sup> day of April, 1951.

Preston Thatcher  
Judge of District Court

STATE OF IDAHO )  
COUNTY OF CUSTER ) SS

I hereby certify that the foregoing is a full, true and correct copy of the original on file in this office.

Ethel M. Beck  
By: Barbara Abbott

MICROFILM-13-

NOT A TRUE

JUL 8 0 1996

## MEMORANDUM

**TO:** Files 72-04192C & 72-10235 (Combination of 72-00241 & 72-00243)

**FROM:** Pam Skaggs<sup>28</sup>/State Office

**SUBJECT:** Transfer 4938

**DATE:** October 5, 1999

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Transfer 4938 was originally proposed by Salmon River Hereford Ranch and based on SRBA claims. A change of ownership processed by the SRBA identifies the Schowengerdts as current owners of the rights affected by this transfer. A mail message from region adjudication staff noted that the new owners were aware of the proposed transfer. I have contacted the Schowengerdts to confirm their desire to have the transfer approved.

The application and region review were based first on the SRBA claims and then the original recommendations by the adjudication staff ("R" records). The transfer approval is based on the rights as recommended in the Basin 72 Director's Report. There were slight modifications in the rights between initial and final recommendations, causing adjustments to the final transfer approval document also.

The place of use under each right has been combined into a 347.8-acre permissible place of use and the points of diversion changed to a common delivery point of the Challis Irrigation Company Canal. The transfer eliminates two Salmon River diversions.

Recommended conditions include measuring device & lockable controlling works, future annual reporting, connected sources, right-of-way, permissible place of use limits, irrigation overlap and standard transfer conditions.

RECORDED

OCT 11 1999

WR0749NP  
No. 72-00243

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 10/13/99  
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FRANK BURSTEDT	06/01/1890	IRRIGATION	00/00 00/00	6.000 CFS	
C	ENID BURSTEDT					
TOTAL DIVERSION:					6.000 CFS	

Water Source: SALMON RIVER

Tributary to: SNAKE RIVER

Stage: DECREE

Point(s) of Diversion: T13N R19E S16 Lot 05( SWSE)

CUSTER County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
13N	19E	2	:			02-I		:	03-I	03-I	05-I	I	:	I	I	I	I	:						:
13N	19E	3	:				06-I	:					:					:	06-I		10-I	10-I		:
13N	19E	10	:	01-I				:					:					:						:
13N	19E	11	:					:	01-I				:					:						:
14N	19E	35	:					:					:			09-I		:						:

Pou County: CUSTER

Remarks: GEN RT. IS FOR 15% OF FLOW IN UPPER MCGOWAN DITCH, UP TO 6 CFS.  
PRIORITY DATE GIVEN IN DECREE AS 1890.

Dates: App. Received: Priority Date: 06/01/1890  
Proof Due Date: Proof Made Date:  
Exam Made Date: Exam Sent to S.O.:  
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Comments: Date: 10/13/1999 User-ID: PSKAGGS Subject: TRANSFER 4938/SEE X72-10235  
TRANSFER 4938/SEE X72-10235

Audit: 03/12/85 05/28/88 CONVERT 10/13/99 PSKAGGS



MEMORANDUM

TO: FILE 72-00243

FROM: PAM SKAGGS *PS*

RE: TRANSFER # 4938

DATE: 10-05-99

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Original Transfer Application, Form and correspondence  
regarding the above referenced Transfer is located within  
file # 72-04192C.

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OCT 15 1999

Water Right Number - A72-00243

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

## \*\*\* C - CURRENT OWNER \*\*\*

COMBINED RIGHT

1 -  
2 -  
3 -  
City- NA State- ID Zip- 0  
Phone - 208-000-0000

## \*\*\* O - ORIGINAL OWNER \*\*\*

BURSTEDT

FRANK

1 -  
2 -  
3 -  
City- N State- ID Zip- 0  
Phone - 208-000-0000

BURSTEDT

ENID

1 -  
2 -  
3 -  
City- N State- ID Zip- 0  
Phone - 208-000-0000+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +  
06/01/1890 17 SOUTHERN Z - SEE REMARKS+ - - - - Source - - - - - + + - - - - Tributary - - - - - +  
SALMON RIVER SNAKE RIVER  
COMBINED RIGHT+ - - - - Point of Diversion - - - - - +  
TwN Rng Sec Tract Lot RFlg County Diversion Name  
13N 19E 16 SW SE 5 (37) CUSTER+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume  
01 - IRRIGATION 6.000+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +  
6.000 0.0+ - - - - Place of Use - - - - - +  
TwN Rng Sec Tract Lot Acres Code Description County  
13N 19E 2 NW NE 2 01 IRRIGATION (37) CUSTER  
13N 19E 2 NE NW 3 01 IRRIGATION (37) CUSTER  
13N 19E 2 NW NW 3 01 IRRIGATION (37) CUSTER  
13N 19E 2 SW NW 5 01 IRRIGATION (37) CUSTER  
13N 19E 2 SE NW 01 IRRIGATION (37) CUSTER  
13N 19E 2 NE SW 01 IRRIGATION (37) CUSTER  
13N 19E 2 NW SW 01 IRRIGATION (37) CUSTER  
13N 19E 2 SW SW 01 IRRIGATION (37) CUSTER  
13N 19E 2 SE SW 01 IRRIGATION (37) CUSTER  
13N 19E 3 SE NE 6 01 IRRIGATION (37) CUSTER  
13N 19E 3 NE SE 6 01 IRRIGATION (37) CUSTER  
13N 19E 3 SW SE 10 01 IRRIGATION (37) CUSTER

Water right number - A72-00243

Prefix Translation: ADJUDICATION CLAIM

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
13N	19E	3	SE SE	10		01	IRRIGATION	(37) CUSTER
13N	19E	10	NE NE	1		01	IRRIGATION	(37) CUSTER
13N	19E	11	NW NW	1		01	IRRIGATION	(37) CUSTER
14N	19E	35	SE SW	9		01	IRRIGATION	(37) CUSTER

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

GEN RT. IS FOR 15% OF FLOW IN UPPER MCGOWAN DITCH, UP TO 6 CFS.  
PRIORITY DATE GIVEN IN DECREE AS 1890.

|

THIS RIGHT HAS BEEN COMBINED WITH 72-00241 TO EQUAL 25% OF THE  
TOTAL WATERS IN THE UPPER MCGOWAN DITCH. SEE A72-10235.  
CLAIM UNDER SALMON RIVER HERFORD RANCH, WESTERGARD.

+ - - - - - Old Water Right Numbers - - - - - +

A7210235

+ - - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - +

CHIVERS ET AL

+ - - - - Decree Defendant - - - +

JOHNSON ET AL

+ - Decree Date - +

00/00/0000

+ - - Audit Fields - 12/06/89 BAUMHOFF

+ - - - - - Comments - - - - - +

No Comments Found

+ - - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 03/12/1985	Old Judicial District	-
Claim Received Date	- 00/00/0000	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	-
Licensed Date	- 00/00/0000	Receipt Number	- X777777	Federal/State Indicator	- S
		POU Ownership Flag	- Y	Presumption Flag	-
		Name Connector	-	Notice of Error Flag	-