(00r 1)ocuments In File

## STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

### TRANSFER OF WATER RIGHT

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

This is to certify that: RICHARD SCHOWENGERDT

CHRISTINE SCHOWENGERDT 250 N SUMMIT MOORS DR OCONOMOWOC WI 53066

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION <u>RATE</u>	ANNUAL VOLUME
Right No. 72-041920 IRRIGATION Priority: 04/16/2	04/01 to 10/31	15.00 CFS	897.1 AF
Right No. 72-10235 IRRIGATION Priority: 06/01/3	04/01 to 10/31	10.00 CFS	320.3 AF
	TOTAL:	25.00 CFS	1217.4 AF

SOURCE TRIBUTARY OF

SALMON RIVER SNAKE RIVER

LOCATION OF POINT(S) OF DIVERSION: SWNE , Sec. 32, Township 13N, Range 19E CUSTER County

PLACE OF USE: IRRIGATION

TWN RGE SEC	ACRES	ACRES	<u>ACRES</u> <u>TOTAL</u>
13N 19E 2 Lo	ot 2(NWNE) 8.0	SWNE 2.0 Lot	3 (NENW) 32.0
L	ot 3(NWNW) 7.0	Lot 5(SWNW) 33.0	SENW 36.5
	NESW 38.0	NWSW 40.0	SWSW 40.0
	SESW 40.5		277.0
3 L	ot 6(NESE) 10.0	Lot 10(SESE) 19.0	29.0
10 L	ot 1 (NENE) 0.8		0.8
11	NENW 2.0	Lot 1(NWNW) 29.0	31.0
14N 19E 35 L	ot 9(SESW) 10.0		10.0
		Total number of acres	irrigated: * 347.8

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# 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.
- 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 <u>use</u> described above in a single irrigation season.

Dated this 12 th day of 0 there, 1999.

Chief, Water Allocation Bureau

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ACT IS BEEN

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Filed
1-25- Royl.

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Department of water normales

Department of water normales

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, husband 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



described lands situated in the County of Custer, State of Idaho, to-wit:

Tract #903: Beginning at a point  $2\mu$  rods South of the corner common to  $SE_{\frac{1}{4}}$  and  $NE_{\frac{1}{4}}$  of Section 35, and the  $NW_{\frac{1}{4}}$  and  $SW_{\frac{1}{4}}$  of Section 36, thence running straight South 56 rods along the section line, thence West at right angles  $2\mu$ 0 rods to Last bank of the Salmon River, thence North along said river bank 56 rods, thence at right angles straight East  $2\mu$ 0 rods to place of beginning.

72-0241 Tract #904: Beginning at a point common to SE½ of Section 35 and SW½ of Section 36, 80 rods South of center line common to NE½SE½ of Section 35 and the NW½NW½ of Section 36, thence South along said line 29 rods, thence West at right angles 160 rods, thence North at right angles 29 rods along center line of Section 35, thence East at right angles 160 rods to place of beginning.

Tract #906: Beginning at a point 24 rods South of center of Section line common to Section 35 and 36, thence due South 80 rods, thence North at an angle 30 degrees East 100 rods to line common between Tract #902 and #907, thence due West 20 rods to place of beginning, all in Township 14 North, Range 19, East of the Boise Meridian.

And appurtenant to said lands the plaintiffs, Paul Riggs,
Helen Riggs and Gene Riggs, shall be entitled to not to exceed an
undivided ten per cent (10%) 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 plaintiffs in accordance with the terms and provisions of this judgment,
and Paul Riggs, Helen Riggs and Gene Riggs, plaintiffs herein,
shall be entitled to not to exceed an undivided ten per cent (10%)
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.

That division boxes for measuring the amount of water to which Paul Riggs, Helen Riggs and Gene Riggs, plaintiffs herein, are entitled according to their interest in said Upper McLowan Ditch and

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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 2476 day of April, 1951.

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.

Py: Barbara ahbatt

Mr AU ILA -13- VU

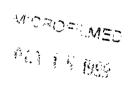
JUL 3 0 1896

WR0631NP

# IDAHO DEPARTMENT OF WATER RESOURCES PREFIX/SPLIT QUERY

DATE: 10/13/99 TIME: 08:03:00 PAGE: 1

WATER RIGHT NO.	NAME	OWNER	PRIORITY DATE	STG/STS	SOURCE	USE DESC	SYSTEM
X72-10235	SCHOWENGERDT, CHRISTINE SCHOWENGERDT, RICHARD	c c	06/01/1890	D/	SALMON RIVER	IRR	WR
72-10235	SCHOWENGERDT, CHRISTINE	С	06/01/1890	D/	SALMON RIVER	IRR	AJ
	SCHOWENGERDT, RICHARD	С					
A72-10235	SCHOWENGERDT, RICHARD	С	06/01/1890	D/	SALMON RIVER	IRR	AJ
	SCHOWENGERDT, CHRISTINE	С					



#### **MEMORANDUM**

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

FROM: Pam Skaggs/State Office

SUBJECT: Transfer 4938

DATE: October 5, 1999

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.



WR0749NP No. 72-00241 IDAHO DEPARTMENT OF WATER RESOURCES WATER RIGHT PROFILE REPORT

DIVERSION

VOLUME

PAGE: 1

DATE: 10/13/99

PRIORITY USE PERIOD DIVERSION CODE NAME & ADDRESS

DATE WATER USE FROM TO RATE -----

------

Stage: DECREED

CUSTER County

C PAUL, ET. AL. RIGGS 06/01/1890 IRRIGATION 00/00 00/00 4.000 CFS \_\_\_\_\_

TOTAL DIVERSION: 4,000 CFS

Water Source: SALMON RIVER Tributary to: SNAKE RIVER

Place of use Legal Description for: IRRIGATION

NW SW

T13N R19E S16 Lot 05( SWSE)

NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SESW : NESE NWSE SWSE SESE :

T R S : Lt Ac Lt A --- --- : : ----- ; ----- ----- : ----- ; ----- ----- ; ----- ; ----- ----- ; ----- ; ----- ; -----

14N 19E 35 : I I I : : 06-I 06-I I I 14N 19E 36:

Pou County: CUSTER

Point(s) of Diversion:

Remarks: GEN RT. IS FOR 10% OF FLOW IN UPPER MCGOWAN DITCH, UP TO 4 CFS.

P/U INCOMPLETE. SEE DECREE & MAP IN FILE.

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: 000 Field Exam Fee:

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

TRANSFER 4938/SEE X72-10235

Audit: 12/09/85 05/28/88 CONVERT 10/13/99 PSKAGGS

Page 1

Water Right N	umber - A	72-00241	Pro	efix Translat	tion: ADJUD	CATION CLAIM	Old	D) Number -
+	- Last Na	ame	- +	+ - First Na	ame +	+	- Address	
*** C - CURREI	NT OWNER 1	***						
COMBINED RIG						1 -		
						2 -		
						3 -		
						City- N	s	State- ID Zip- 0
						Phone - 208-000		•
*** 0 - ORIGII	NAL OWNER	***						
RIGGS				PAUL, ET. A	AL.	1 -		
						2 -		
						3 -		
						City- N	S	State- ID Zip- 0
						Phone - 208-000	-0000	·
+ Priority	y Date - ·	- +	+	· Region	· - +	+ Stage ·	- +	+ Status +
06/01/	1890		17 SOUT	HERN		•		Z - SEE REMARKS
+	- Source			+		+ Tri	ibutary	
SA	ALMON RIVE	R				SNAKE F		
CC	OMBINED RI	GHT						
+				Po	int of Diver	sion		
Twn Rng	Sec	Tract	Lot RF	g County	′	Diversion Name		
13N 19E	16	SW SE	5	(37) CUS	STER			
+					- Water Use			
Code						Diversion Rate		
01 - IF	RRIGATION					4.000		
Takal Bira	B							
		+ - lot	al Div. Vol	ume - + +	- Total Div.	Capacity - + + - Tota		se - + + - KW Usage - +
4	.000						0.0	
					Diana of Hea			
Twn	Dna	Coo						
· Will	Rng	Sec	Tract	Lot Acr	es Code	Description		County
14N	19E	35	NE SW	6	01	IRRIGATION	(3	7) CUSTER
14N	19E	35	NW SW	6		IRRIGATION		7) CUSTER
14N	19E	35	NE SE			IRRIGATION		7) CUSTER
14N	19E	35	NW SE			IRRIGATION		7) CUSTER
14N	19E	35	SW SE			IRRIGATION		7) CUSTER
14N	19E	35	SE SE			IRRIGATION		7) CUSTER
14N	19E	36	NW SW			IRRIGATION		7) CUSTER
14N	19E	36	SW SW			IRRIGATION		7) CUSTER
					· ·		,5	

+ - - Diversion Means - VIA UPPER MCGOWAN DITCH

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

SRBA Combined Right

Water right number - A72-00241

Prefix Translation: ADJUDICATION CLAIM

10/13/99 08:39:50 ADJUDICATION CLAIMS PROOF READING REPORT Page 2

GEN RT. IS FOR 10% OF FLOW IN UPPER MCGOWAN DITCH, UP TO 4 CFS. P/U INCOMPLETE. SEE DECREE & MAP IN FILE. THIS RIGHT HAS BEEN COMBINED WITH 72-00243 TO CLAIM 25% OF THE TOTAL WATER IN THE UPPER MCGOWAN DITCH. SEE A72-10235 CLAIMED BY THE SALMON RIVER HERFORD RANCH. (WESTERGARD) CLAIM 72-04178 ALSO DESCRIBED THIS RIGHT EXCEPT TH E PRIORITY DATE WAS WRONG, SEE REMARKS IN A72-04178. -----+ A7210235 No Conditions of Approval found. + - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - + CHIVERS ET AL JOHNSON ET AL 00/00/0000 + - - Audit Fields - 12/06/89 BAUMHOFF No Comments Found 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 - 12/09/1985 Old Judicial District -Claim Received Date - 00/00/0000 Last Amended Date - 00/00/0000 Temporary Right 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

## MEMORANDUM

TO:	FILE 73-00341
FROM	: PAM SKAGGS
RE:	TRANSFER # 4938
DATE	: <u>10-05-99</u>
***	· · · · · · · · · · · · · · · · · · ·
	Original Transfer Application, Form and correspondence rding the above referenced Transfer is located within

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18代刊第三 排列

Page 1

Prefix Translation: ADJUD	ICATION CLAIM	Old (D) Number -
- + + - First Name +	+ Addre	ss +
	1 - 2 - 3 - City- N	State– ID Zip– O
PAUL, ET. AL.	Phone - 208-000-0000  1 - 2 - 3 - City- N Phone - 208-000-0000	State- ID Zip- 0
+ Region + 17 SOUTHERN	+ Stage +	+ Status + Z - SEE REMARKS
+	+ Tributary SNAKE RIVER	+
		+
5 (37) CUSTER		
	4.000	
l Div. Volume - + + - Total Div	. Capacity - + + - Total Consum	mptive Use - + + - KW Usage - + 0.0
		County
		(37) CUSTER (37) CUSTER
	PAUL, ET. AL.  PAUL, ET. AL.  +Region+ 17 SOUTHERN+  Cot RFlg County  5 (37) CUSTER	1 - 2 - 3 - City- N Phone - 208-000-0000  PAUL, ET. AL. 1 - 2 - 3 - City- N Phone - 208-000-0000  + Region + + Stage + 17 SOUTHERN  + + Tributary SNAKE RIVER  Point of Diversion

<sup>+ - -</sup> Diversion Means - VIA UPPER MCGOWAN DITCH

<sup>+ - -</sup> Non-Irrigation Use -

<sup>+ - -</sup> Other Rights for Same Use -

10/04/99 10:07:52 Page 2

Federal/State Indicator - S

Notice of Error Flag

Presumption Flag

Prefix Translation: ADJUDICATION CLAIM Water right number - A72-00241 GEN RT. IS FOR 10% OF FLOW IN UPPER MCGOWAN DITCH, UP TO 4 CFS. P/U INCOMPLETE. SEE DECREE & MAP IN FILE. THIS RIGHT HAS BEEN COMBINED WITH 72-00243 TO CLAIM 25% OF THE TOTAL WATER IN THE UPPER MCGOWAN DITCH. SEE A72-10235 - CLAIMED BY THE SALMON RIVER HERFORD RANCH. (WESTERGARD) CLAIM 72-04178 ALSO DESCRIBED THIS RIGHT EXCEPT TH E PRIORITY DATE WAS WRONG, SEE REMARKS IN A72-04178. ----+ A7210235 -----+ No Conditions of Approval found. + - Decree Date - + + - - - Decree Defendant - - - + + - - - - Decree Plaintiff - - - + 00/00/0000 JOHNSON ET AL CHIVERS ET AL + - - Audit Fields - 12/06/89 BAUMHOFF \_\_\_\_\_+ No Comments Found Field Inspection Made - 00/00/0000 Civil Case Number 39576 Court Report Filing - 00/00/0000 Old Case Number Objection Filed Date - 00/00/0000 Field Inspection Flag Verified Date - 12/09/1985 Old Judicial District -Response Filed Date - 00/00/0000 Temporary Right Claim Received Date - 00/00/0000 Last Amended Date - 00/00/0000 - 00/00/0000 Water District Proof Due Date - 00/00/0000 Proof Made Date

- 00/00/0000

Licensed Date

Receipt Number

Name Connector

POU Ownership Flag

- x777777

- Y