

734
T-846

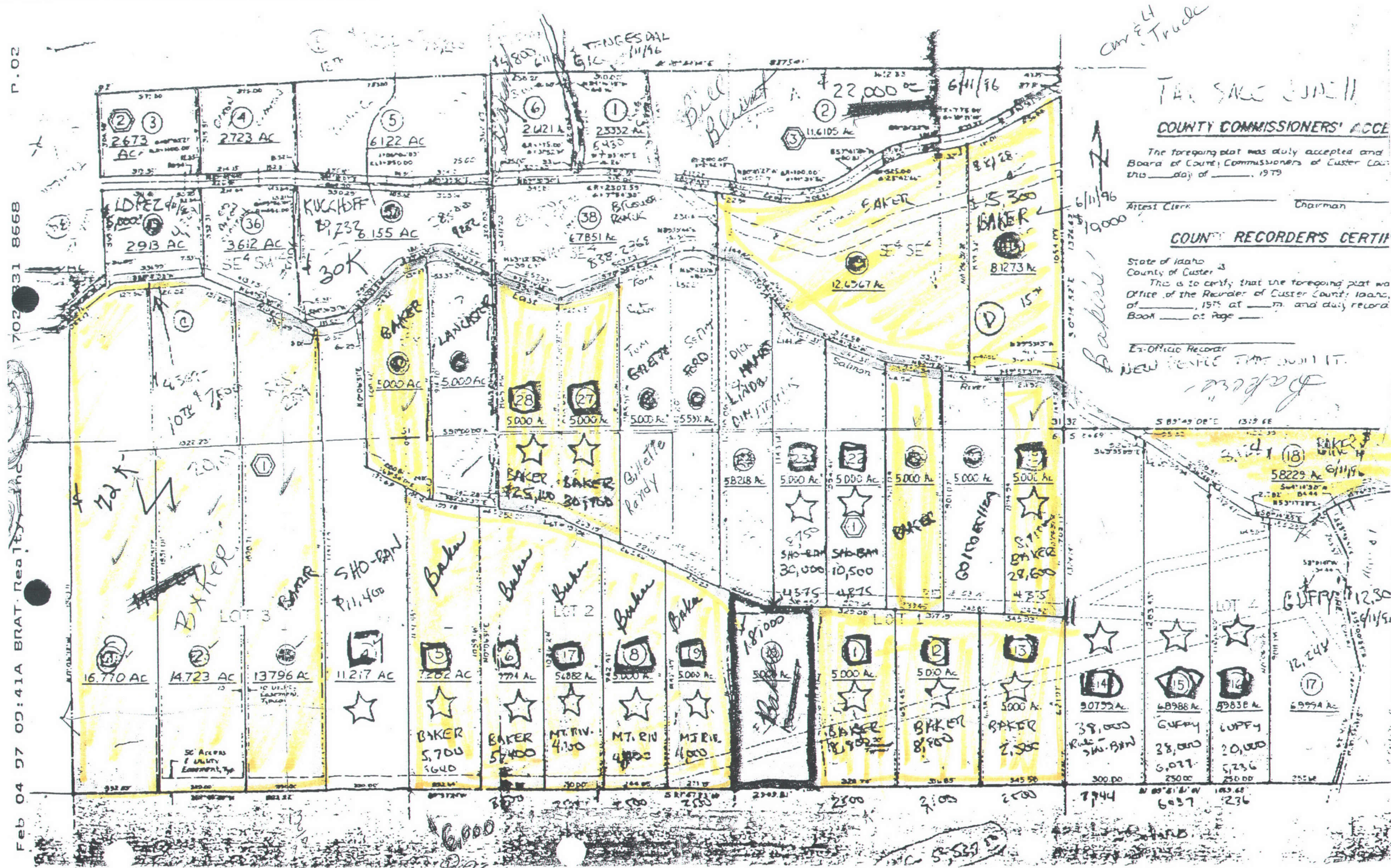
Point of Diversion
72-202 A
72-202 D
72-202 E
72-202 G

Lot 142
L. Saeres

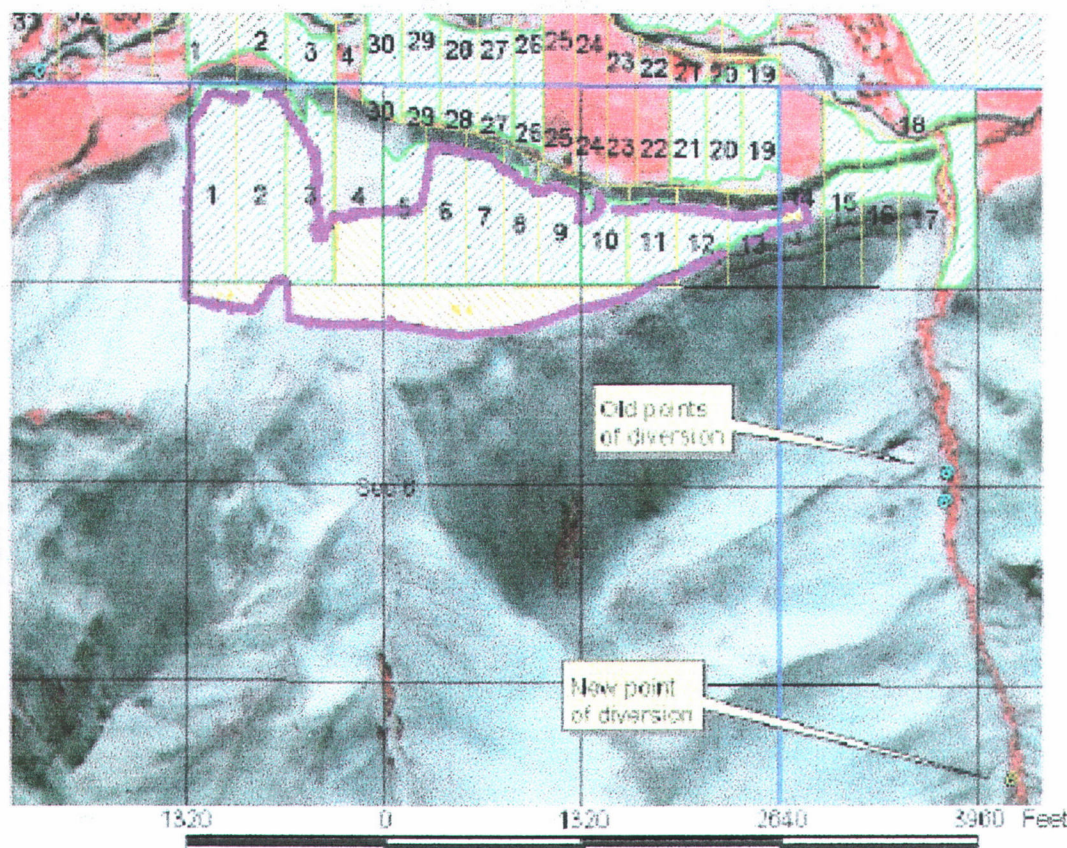
Point of Diversion
72-202 F
Lot 39

Lot 40





Potential Illegal Irrigation Pine Creek Subdivision Area



Section 6 and 5 T09N, R18E

- T09N18E-sec.chp
- T09N18E-qq.chp
- T09N18E-bd
- T09N18E-ss
- T09N18E-ss
- Wb672-pss.shp
- Baker potential illegal.shp
- Wb672-pss.shp
- T09N18E-bd

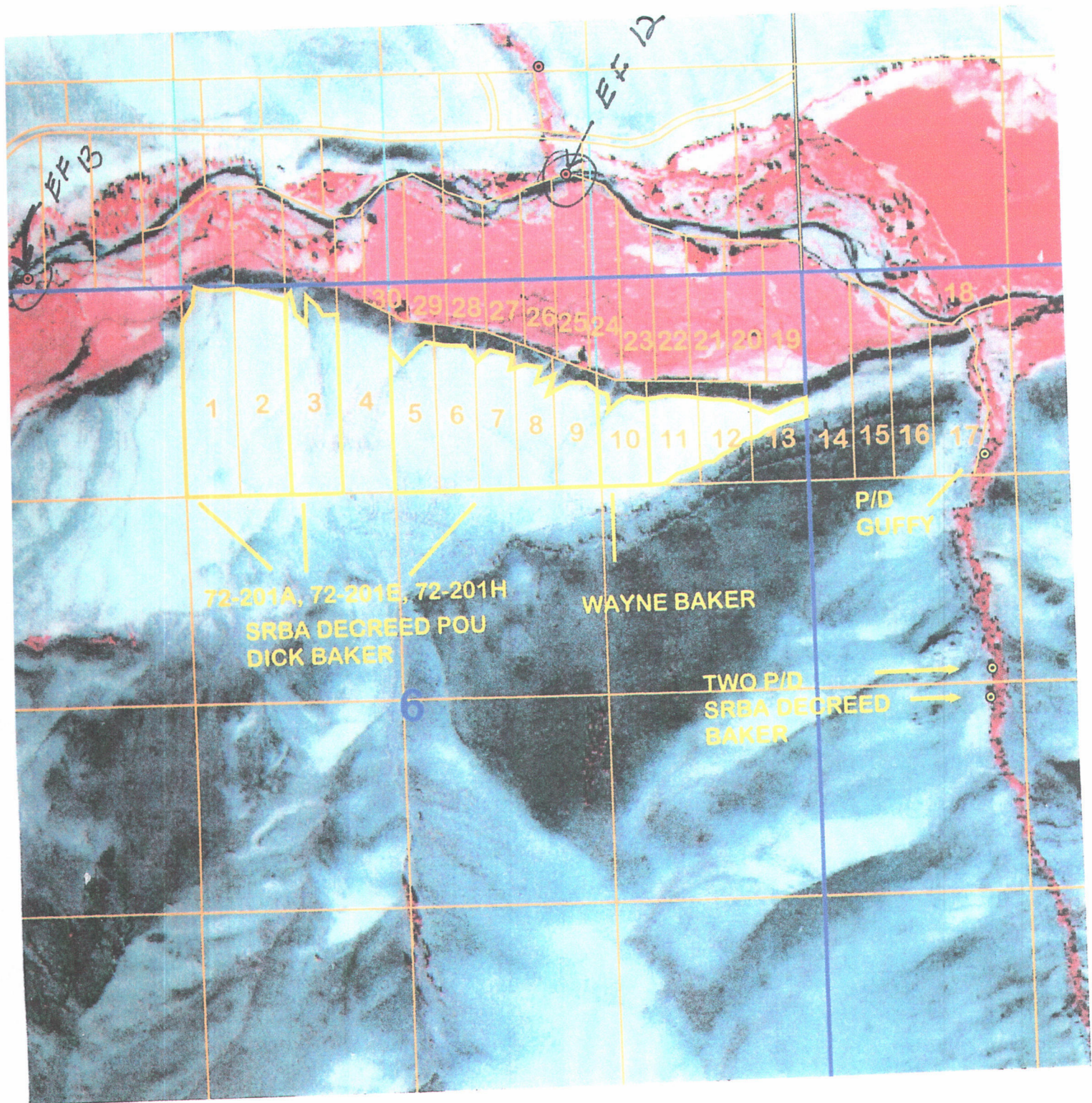
By: ADM
8/2/01

FILE NOTES

T69690

PINE CREEK SUBDIVISION

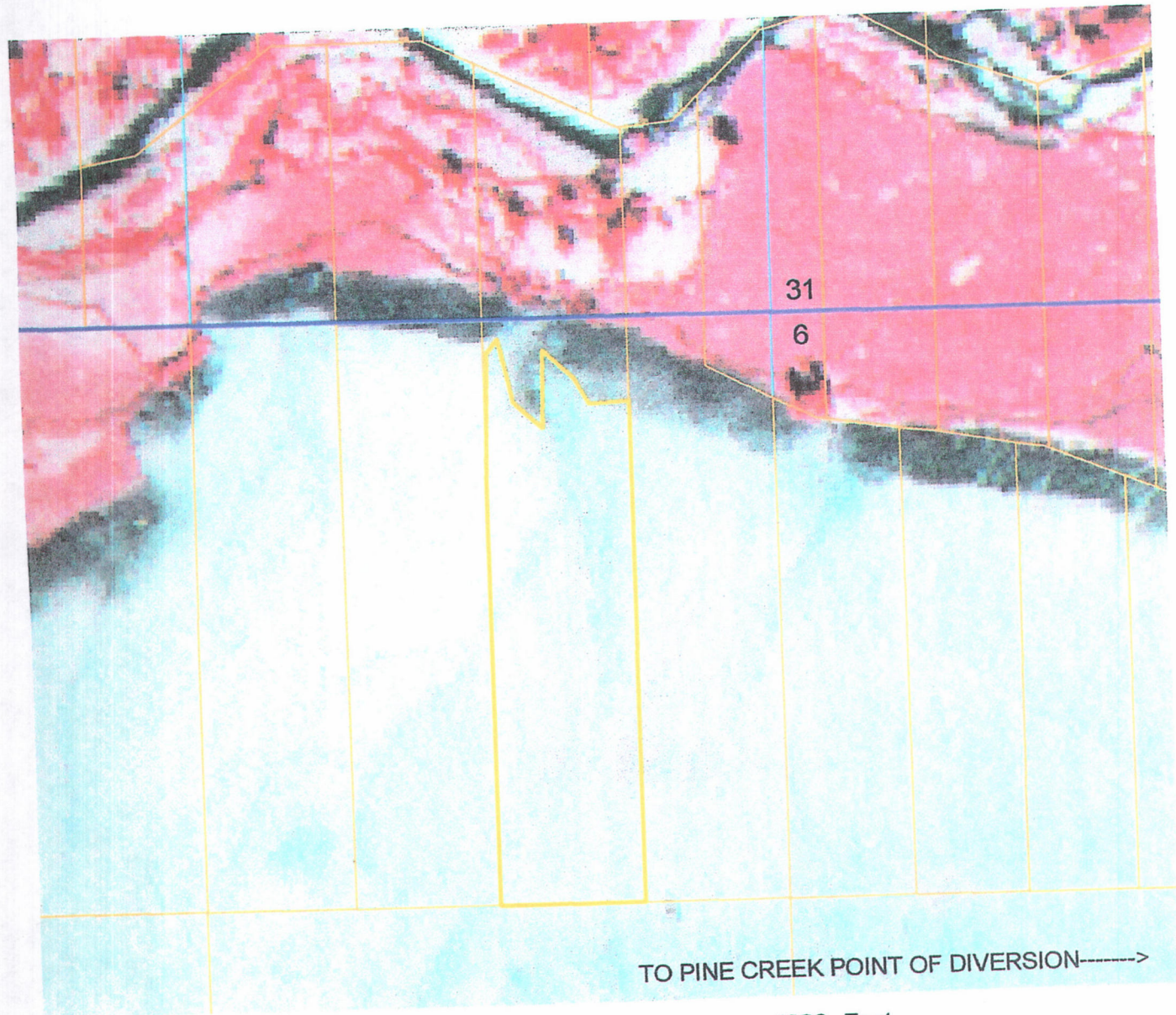
T 09N, R 18E



1987 NAPP AERIAL PHOTOGRAPHY

IDAHO DEPT OF WATER RESOURCES
V. HANCOCK
6-29-01

Revised Map from claim file
6-29-201A

RIGHT 72-00201E**RECOMMENDED PLACE OF USE
TWP 09N, RNG 18E, SEC 6
data entry on October 27, 1998**

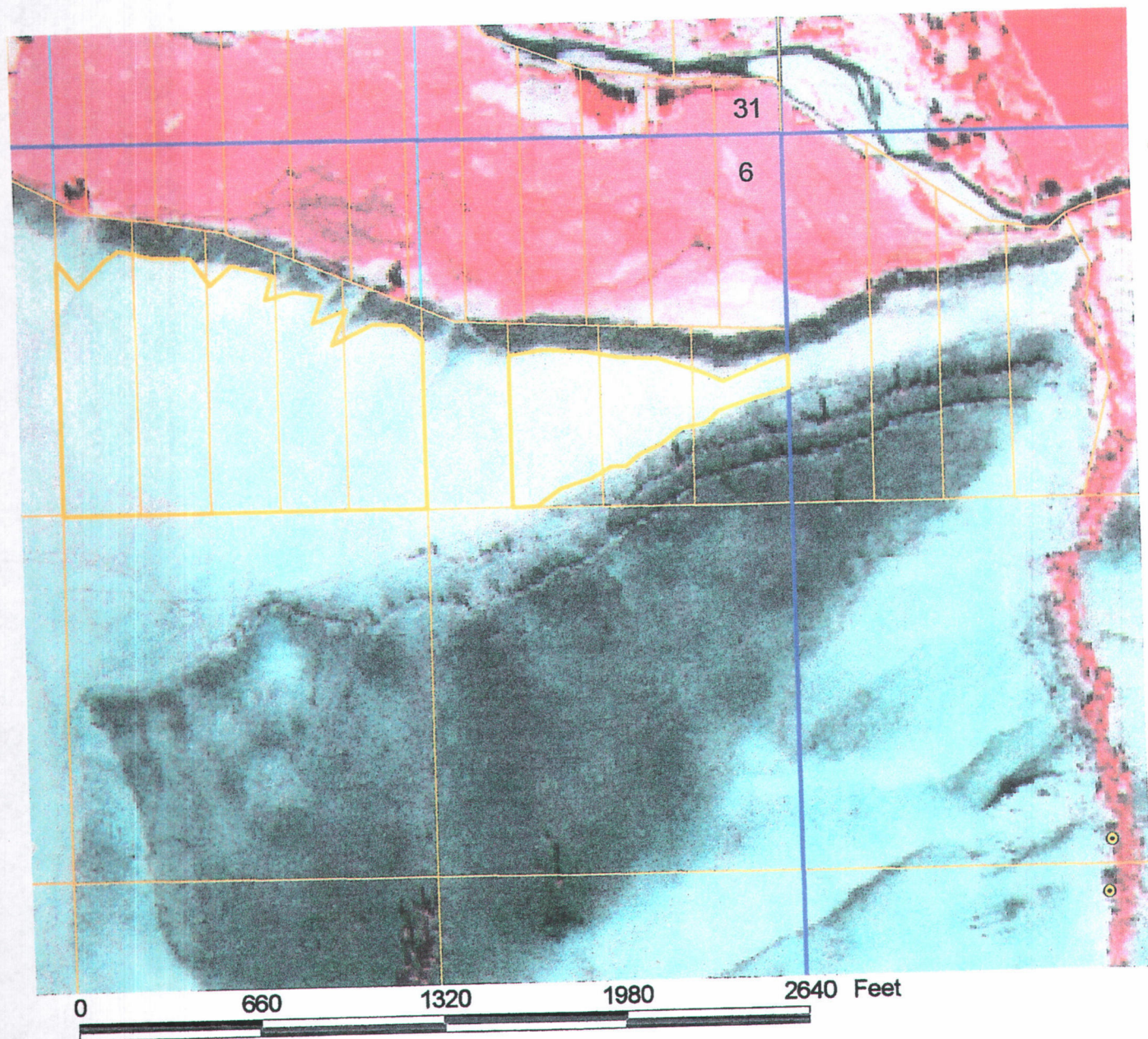
0 660 1320 Feet



-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**

**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

Recommendation Map for 72-201E

RIGHT 72-00201H**RECOMMENDED PLACE OF USE
TWP 09N, RNG 18E, SEC 6
data entry on October 27, 1998**

-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**

**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

NOV 18 2004

Department of Water Resources
Southern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number (s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change is ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required

Water Right No(s).	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>72-00201A</u>	_____	_____	<u>72-00202E</u>	_____	_____
<u>72-00201E</u>	_____	_____	<u>72-00202F</u>	_____	_____
<u>72-00201H</u>	_____	_____	<u>72-00202G</u>	_____	_____
<u>72-00202A</u>	_____	_____	_____	_____	_____
<u>72-00202D</u>	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEES**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner Claimant(s) DICK BAKER AND/OR BETTY L. BAKER
HC 68 BOX 304, CLAYTON, IDAHO 83227
4. New Owner/Claimant(s) WAYNE BAKER AND OR MELODIE L. BAKER
Name Connector (Check one) ☐ and ☐ or ☐ and/or
- New Mailing Address HC 68 BOX 304
- City, State and ZIP Code Clayton, Idaho 83227
- New Telephone Number (208) 838-2440
5. Date you acquired the property 9/14/98 & 6/1/04

SUPPORT DATA

IN FILE # 120044

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Weyn Baker - Co-owner
(include title if applicable) Melodie J. Baker - Co-owner

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by [Signature] Date 11/19/04 Fee 200.00
 Received by [Signature] Date 11/19/04 Receipt No 51113
 Processed by AJ Date _____ WR _____ Date _____

Custer County Reg. of

CCF

Time 4:45 P.M. Date 6/6/04

Ethel M. Beck, Clerk

~~With Brunker \$6.00~~

WARRANTY DEED

FOR VALUE RECEIVED, RICHARD L. BAKER and BETTY L. BAKER, as Co-Trustees of the RICHARD L. AND BETTY L. BAKER TRUST, under Trust Agreement dated May 1, 1991, Grantors, do Bargain, Sell and Convey unto DAVID WAYNE BAKER and MELODIE L. BAKER, husband and wife, Grantees, whose current address is HC 68 Box 304, Clayton, Idaho 83227, the following described premises, in Custer County, Idaho, to-wit:

Lot 1, 2, 3, 18, 21, 30, 39 and 40, Block 1, Pine Creek Subdivision, as shown by the Official Plat thereof, recorded June 6, 1979, as instrument No. 150184, records of Custer County, Idaho

Together with all appurtenances and water rights.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantees, their administrators, successors and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that the property is free from all encumbrances 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 it will warrant and defend the same from all lawful claims whatsoever.

Dated: 4-1-20

RICHARD L. BAKER and BETTY L. BAKER, as co-Trustees of the RICHARD L. AND BETTY L. BAKER TRUST, under Trust Agreement dated May 1, 1991, by:

Richard L. Baker
Richard L. Baker, Trustee

AND

Betty L. Baker
Betty L. Baker, Trustee

STATE OF IDAHO)

SS.

County of Custer)

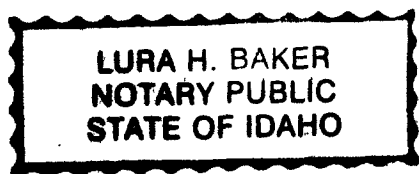
On this 1st day of June, 2004, before me, a Notary Public in and for said State, personally appeared, RICHARD L. BAKER and BETTY L. BAKER, as Co-Trustees of the RICHARD L. AND BETTY L. BAKER TRUST, under Trust Agreement dated May 1, 1991, whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Lura H. Baker

Notary Public

My Commission Expires on 12-12-09



WARRANTY DEED

216672

For Value Received RICHARD L. BAKER AND BETTY L. BAKER, aka DICK L. BAKER AND BETTY L. BAKER, husband and wife, the Grantors, do hereby grant, bargain, sell and convey unto DAVID WAYNE BAKER AND MELODIE BAKER, husband and wife, the Grantees, whose current address is HC 68 Box 304, Clayton, Idaho 83227, the following described premises, in Custer County, Idaho, to-wit:

Lots 5, 6, 7, 8, 9, 11, 12, 13, 19, 27, 28,
Block 1, Pine Creek Subdivision, as shown by the Official
Plat thereof, recorded June 6, 1979, as instrument No.
150184, records of Custer County, Idaho.

RECEIVED

NOV 18 2004

Department of Water Resources
Southern Region

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances 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 they will warrant and defend the same from all lawful claims whatsoever.

Dated: This 14th day of September, 1998.

Richard L. Baker
RICHARD L. BAKER

Dick L. Baker
DICK L. BAKER

Betty L. Baker
BETTY L. BAKER

Betty L. Baker
BETTY L. BAKER

STATE OF IDAHO)

: ss

County of: Custer)

On this 14th day of
September, 1998, before
me, a Notary Public, per-
sonally appeared Richard
L. Baker & Betty
L. Baker
known or identified to me to
be the person(s) whose name(s)
are subscribed to the within
instrument, and acknowledged to
me that they executed the same.

Patsy Kindt
Notary Public for Idaho

Residing at 17111111

Commission Expires 2001

STATE OF IDAHO, COUNTY OF CUSTER

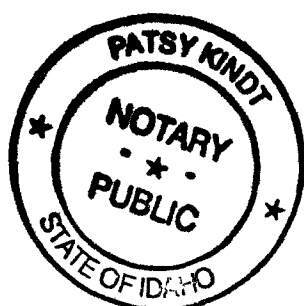
I hereby certify that this instrument was filed for
record at the request of Custer County Title
at 5 minutes past 3
o'clock P.M., this 18 day of Sept.
1998, in my office, and duly recorded in Book
_____ of Deeds at page _____.

Ethel M. Peck
Ex-Officio Recorder

BY Wendy Murphy
Deputy

Fee: \$ 3.00

Mail to:



134
F=846

Point of Diversion

- 72-202 A
- 72-202 D
- 72-202 E
- 72-202 G

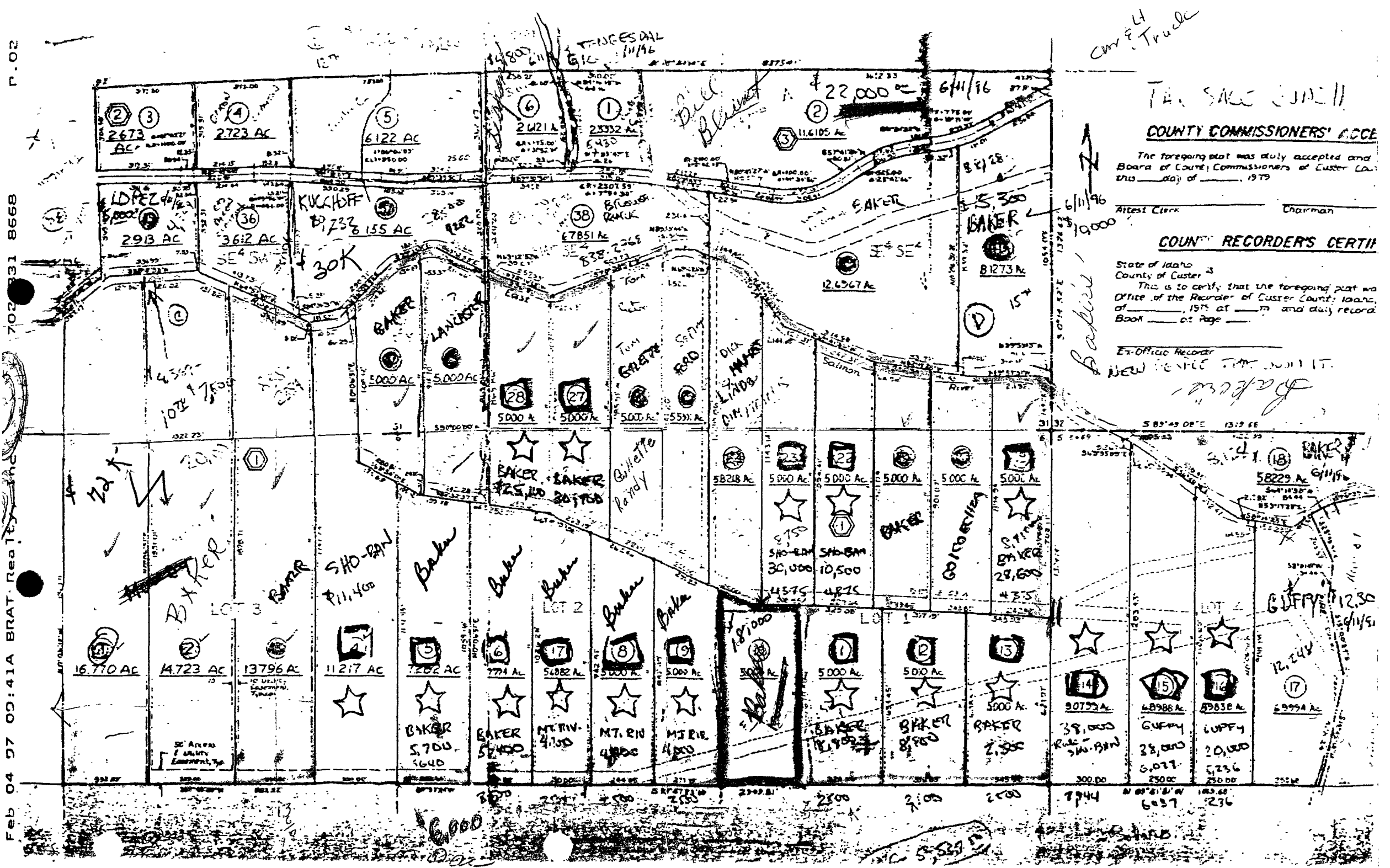
Lot 1 & 2
6.2 acres

Point of Diversion
72-202 E
39 ft

49 ft



Point of Diversion
72-202 A
72-202 D
72-202 E
72-202 G



(Internet)

T69690

Page 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT RECEIVED

SECOND AMENDED (2-13-02) PART 1

FEB 14 2002

Department of Water Resources
Southern RegionName of applicant Betty and Dick Baker Phone _____
Post Office address HC 68 Box 370, Clayton, ID 83227

A. PURPOSE OF TRANSFER

1. ☐ 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 moving POD upstream to use piping rather than open ditch
will result in a more efficient conveyance which in turn will leave additional
water in Pine Creek at times which will in turn contribute to flows in the
Salmon River.

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

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>72-00201A</u>	<u>5-1-1888</u>	<u>.56 cfs</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
<u>72-00201E</u>	<u>5-1-1888</u>	<u>.27 cfs</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
<u>72-00201H</u>	<u>5-1-88</u>	<u>.93 cfs</u>	<u>Irrigation</u>	<u>4-1</u> to <u>10-31</u>
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 1.76 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Pine Creek tributary to Salmon River, East Fork

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	SE	SW	5	9N	18E	Custer	**may include the SWSE of Sec. 5 also.
								SWSESW

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	18E	6	S	S			19												19.0
9N	18E	6					8.8												8.8
9N	18E	6	7.3	24															31.3

Total acres 59.1

PART 1**6. General Information:**

a. Description of diversion system Diversion will be into screened 10" pipe, much of which will be buried, including in the ditch route from the old POD.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No _____ 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:
Will not change.

d. Remarks:

none

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 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

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. 72-00201A 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 Pine Creek tributary to Salmon River, East Fork

4. Date or priority 5-1-1888

5. Water is used for the following purpose:

amount .56 cfs for Irrigation purposes from 4-1 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 .56 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW		5	9N	18E	Custer	
	NE	NW	SW	5	9N	18E	Custer	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	18E	6					19												19

Total acres 19

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for n/a purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW		5	9N	18E	Custer	
	NE	NW	SW	5	9N	18E	Custer	

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

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. 72-00201E 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 Pine Creek tributary to Salmon River, East Fork

4. Date or priority 5-1-1888

5. Water is used for the following purpose:

amount .27 for Irrigation purposes from 4-1 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 .27 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW		5	9N	18E	Custer	
	NE	NW	SW	5	9N	18E	Custer	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	18E	6					8.8												8.8

Total acres 8.8

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for N/A purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	NW		5	9N	18E	Custer	
	NE	NW	SW	5	9N	18E	Custer	

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion: N/A

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

RECEIVED

T69690

FEB 12 2002

Department of Water Resources
Southern Region

Transfer No. _____

Page 7 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

AMENDED 2-08-02

PART 2

(Attach one copy for each right)

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. 72-00201H 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 _____

Pine Creek

Snake River, East Fork

3. Source of water _____ tributary to _____

4. Date or priority 5-1-1888

5. Water is used for the following purpose:

amount .93 cfs for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)
amount .02 cfs for Irrigation purposes from 4-1 to 10-31
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right .93 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	5	9N	18E	Custer	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
9N	18E	6	7.3																7.3
9N	18E	6		24															24
9N	18E	6	S	S															

Total acres 31.3

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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for N/A purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: _____

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SW	NW	5	9N	18E	Custer	

3. Lands irrigated or place of use: _____

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: N/A

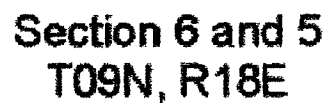
Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use: _____

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

1-1



- By: ADM
8/2/01

PART 3

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.

J.F.
Power of Attorney for
Betty & Dick Baker
(see attached)

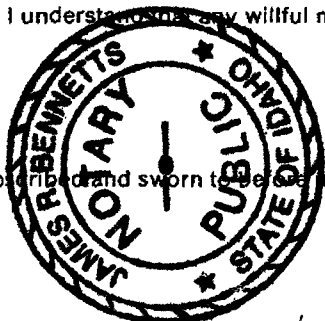
X Melodie Baker

(Signature of Applicant)

Subscribed and sworn to before me this

27th

day of

September 2001

James R. Bennetts

(Notary Public)

My commission expires

1-13-2005

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 4 attachmentsReceived by JF Date 9-28-01

Protest filed by _____

Prelim. check by JF Fee 290 - CK for 390 - 5024338 - 2 transfersReceipted by JF Date 9-28-01Published in The Challis Messenger

Copies of protest forwarded by _____

Pub. dates 3/7 & 3/14/02

Hearing held by _____ Date _____

Watermaster recommendation requested on N/ARecommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

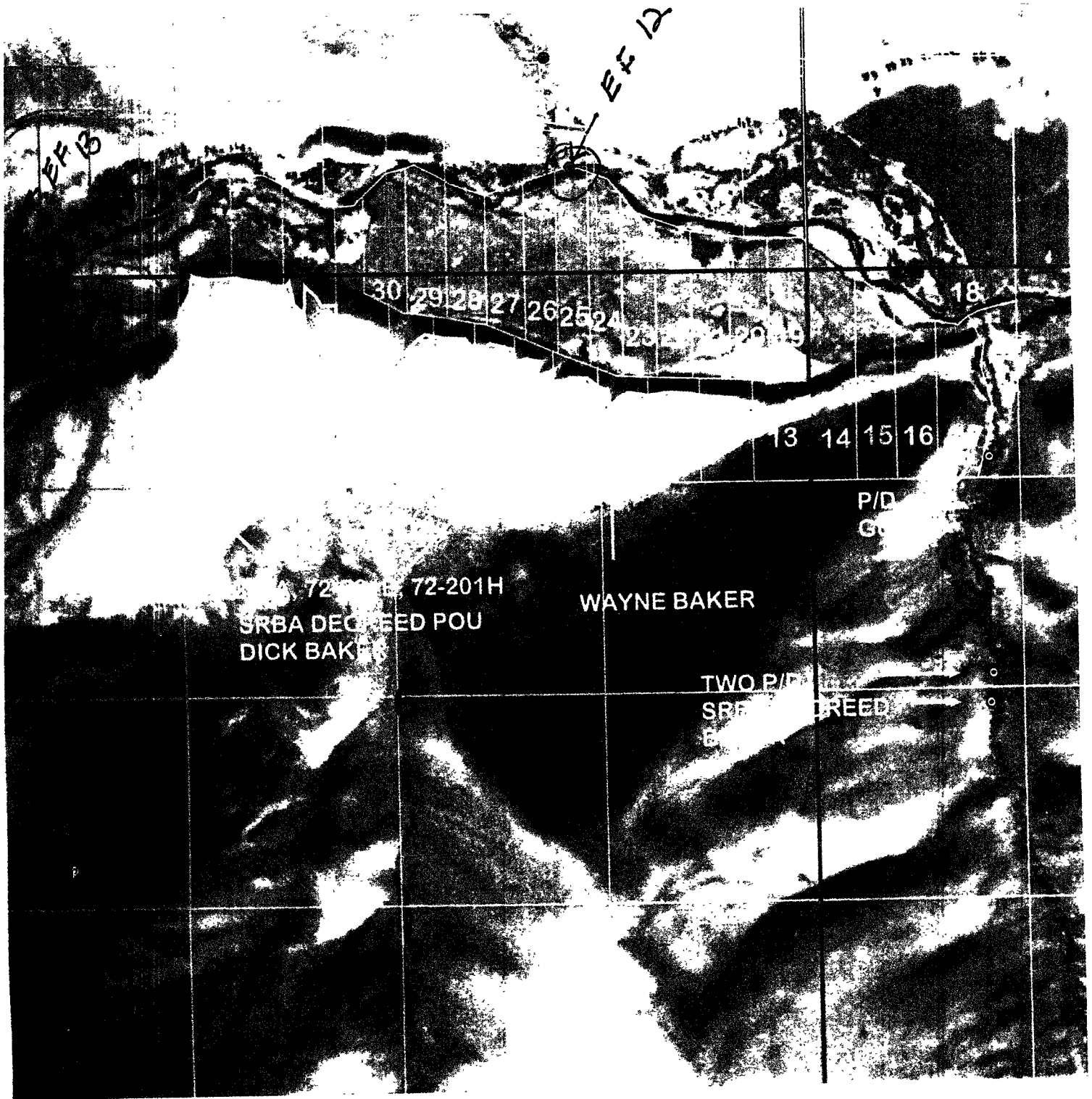
Copy of transfer sent to lien holder _____

FILE NOTES

T69690

PINE CREEK SUBDIVISION

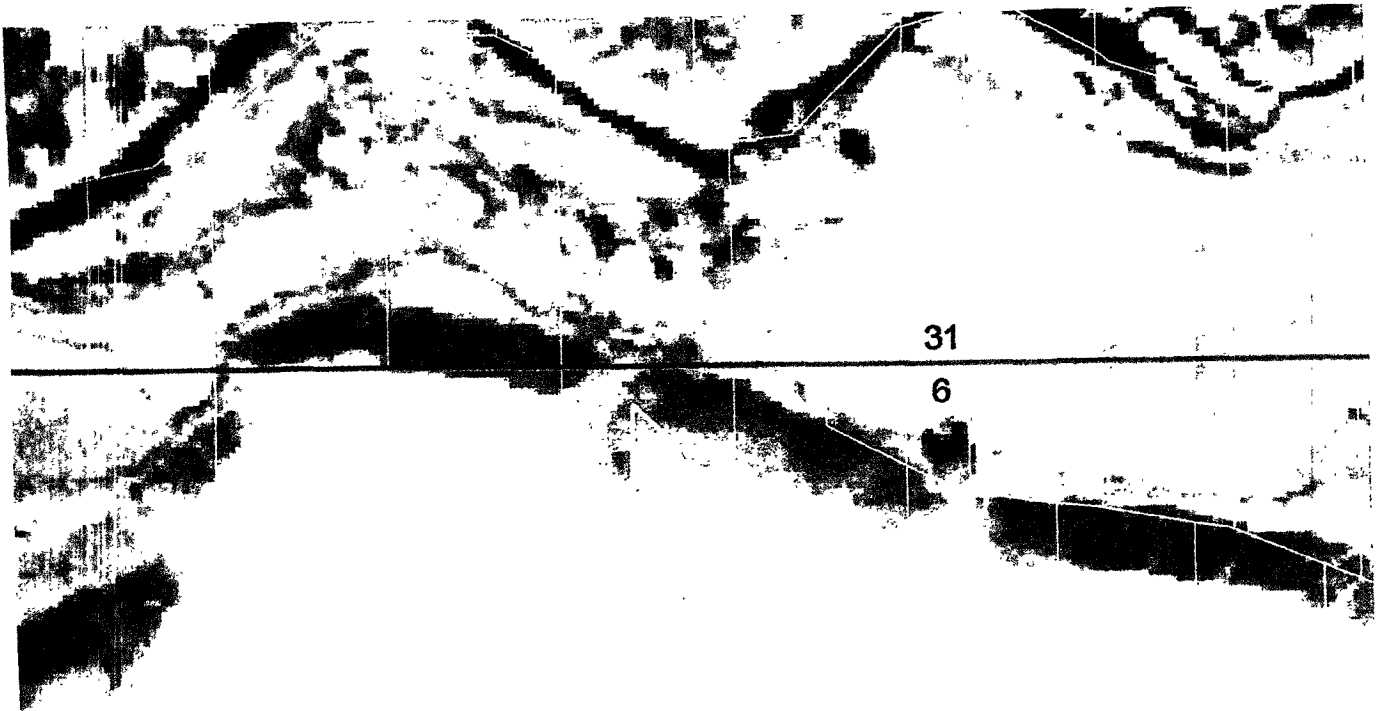
T 09N, R 18E



IDAHO DEPT OF WATER RESOURCES
V. HANCOCK
6-29-01

*Revised Map from claim file
6-22-201A*

1987 NAPP AERIAL PHOTOGRAPHY

RIGHT 72-00201E**RECOMMENDED PLACE OF USE
TWP 09N, RNG 18E, SEC 6
data entry on October 27, 1998**

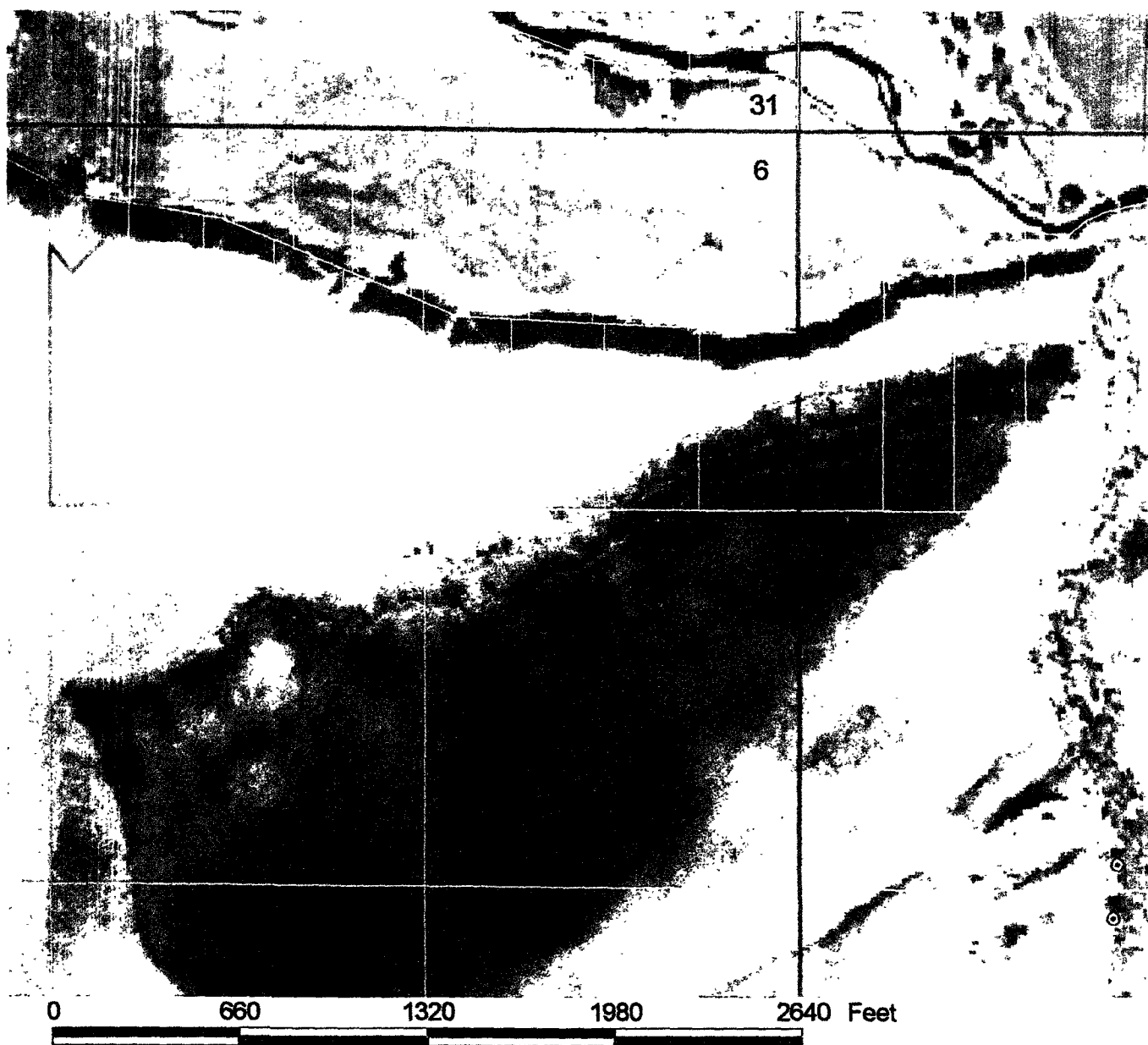
TO PINE CREEK POINT OF DIVERSION——>

0 660 1320 Feet



-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**

**GIS PLACE OF USE PRESENTATION
1987 OR 1988 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK***Recommendation Map for 72-201E*

RIGHT 72-00201H**RECOMMENDED PLACE OF USE****TWP 09N, RNG 18E, SEC 6****data entry on October 27, 1998**

-  **RECOMMENDED PLACE OF USE**
-  **RECOMMENDED POINT OF DIVERSION**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**
-  **SUBDIVISION LOT BOUNDARIES**

GIS PLACE OF USE PRESENTATION
1987 OR 1998 NAPP AERIAL PHOTOTGRAPHY
DATA ENTRY BY VIKIE HANCOCK

TWP 09N RNG 18E SEC 5, 6
TWP 10 N RNG 18E SEC 31

TWP 09N RNG 18E SEC 5, 6
TWP 10 N RNG 18E SEC 31



1987 NAPP AERIAL PHOTOGRAPHY

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 22 2002

Department of Water Resources
Sawtooth Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested Application for Transfer #69690 in the name of Dick & Betty Baker.
2. Name of protestant Valley Sun, LLC
3. Protestant's Representative for service (If different than protestant)
Jon Marvel c/o Valley Sun, LLC
4. Service mailing address Valley Sun, LLC P.O. Box 1770, Hailey, ID 83333
5. Service telephone no. (208) 788-2290

6. Basis of protest (including statement of facts and law upon which the protest is based)

See attached copy of letter dated March 21, 2002. Valley Sun, LLC also protests the installation of this new point of diversion if it is already in place and if that is the case, requests that IDWR investigate and order removal of the installation prior to considering this protest.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? Compliance with Federal and State Law.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 22nd day of March, ~~2000~~ 2002

Valley Sun LLC
Protestant

Jon Marvel, Manager
Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a \$25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
 2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
 3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
 4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
 5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
 6. Specifically describe the nature of the protest.
 7. Describe the relief being sought by the protestant.
-

FOR DEPARTMENT USE ONLY

Received by gs Date 3-22-02 Time 3:40 pm
\$25.00 fee Received by gs # 5024664 Date 3-22-02

PATRICK D. BROWN, P.C.
LAW OFFICES

T69690

RECEIVED

FEB 14 2002

February 13, 2002

Department of Water Resources
Southern Region

John Freitag
Idaho Department of Water Resources
1341 Filmore, Suite 200
Twin Falls ID 83301

RE: AMENDED APPLICATIONS FOR TRANSFER OF WATER RIGHT,
MELODIE AND WAYNE BAKER AND DICK AND BETTY BAKER

Dear John:

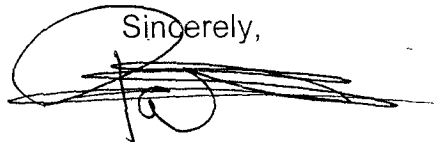
As we discussed earlier today, enclosed are the Second Amended pages to the applications for transfer of water rights No. 72-00201A, 201B, 201E, and 201H. These changes are to reflect the typographical error on page 1 of each Application for Transfer.

Under No. 4. "Point(s) of Diversion"-description after the requested change, the Application currently reads: "***may include the SWNESW of Sec. 5 also." It should read "***may include the SWSESW of Sec. 5 also." This is to reflect the POD may be further south and in any event is near the northern boundary of the SWSESW.

I have enclosed an amended copy of page 1 of each Application. Please insert them into the appropriate place.

Thank you for your assistance with this. If you have any questions, please feel free to call me.

Sincerely,



Patrick D. Brown
Attorney at Law

pdb/tf
enc. (2pg)
cc: Melodie Baker

T69690

Memorandum

To: T69690

From: John Freitag

Re: Legal Notice

Date: 02-13-02

This transfer is proposing to change the point of diversion for water rights 72-201A, 72-201E, and 72-201H. The source of water is Pine Creek tributary to the East Fork of the Salmon River. The point of diversion is to be moved upstream and will change from open ditches to pipes.

The location of this proposed transfer is located 8 miles south and 1 mile east of Clayton Idaho.



State of Idaho

T69690

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

Memorandum

To: T69690

From: John Freitag

Re: Transfer Review

Date: 02-13-02

This transfer will change the POD to a point upstream of the two older POD's.

The pipe from the POD to the POU goes across BLM land. A proposed agreement between the applicant and the BLM is included in the file, to date the agreement has not been signed by the BLM. Applicant's representative (Pat Brown) wishes to proceed with advertising of transfer, even though agreement has not been signed by BLM.

Water rights 72-202C, 72-202D, 72-202E, 72-202G, 72-201B 72-201C, and 72-201F, are used within some of the same forty acre tracts as this transfer, but do not overlap (See map in file). Transfer 69678 in the name of Melodie and Wayne Baker, which was submitted along with this transfer, includes right 72-201B. Transfer 69678 is proposing to change the POD to the same location and use the same system as this transfer.

RECEIVED

FEB 14 2000

Department of Water Resources

200 FEB 10 PM 12:37

FILED
FEB 10 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

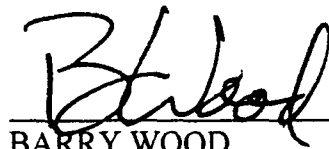
For Water Right 72-00201A

On December 10, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 72-00201A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED FEB 10 2000.



BARRY WOOD
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 72-00201A

SEP 10 10 PM 12:37

SRBA
TWIN FALLS, IDAHO

NAME AND ADDRESS: BETTY L BAKER
DICK L BAKER
HC 68 BOX 370
CLAYTON, ID 83227

SOURCE: PINE CREEK TRIBUTARY: SALMON RIVER, EAST FORK

QUANTITY: 0.56 CFS

PRIORITY DATE: 05/01/1888

POINT OF DIVERSION: T09N R18E S05 SWNW Within Custer County
NENWSW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	0.56 CFS

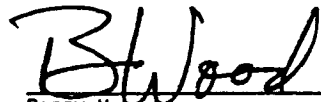
PLACE OF USE: Irrigation Within Custer County
T09N R18E S06 LOT 03 (NENW)19.0
19.0 Acres Total

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

2000 FEB 10 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 72-00201A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 72-00201A was mailed
on February 10, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BETTY L BAKER
DICK L BAKER
HC 68 BOX 370
CLAYTON, ID 83227
Phone: 208-838-2270

DIANA DELANEY
Chief Deputy Clerk



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

February 2, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

DAVID WAYNE BAKER
MELODIE L BAKER
HC 68 BOX 304
CLAYTON ID 83227

RE: Change of Ownership for Water Rights 72-201A, 72-201C, 72-201E, 72-201H,
72-202A, 72-202D, 72-202E, 72-202F,
& 72-202G

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klm
Enclosure

EAST FORK RANCHES
WAYNE & MELODIE L. BAKER
HC 68 BOX 304
CLAYTON ID 83227
PHONE: 208-838-2440
FAX: 208-838-2440
EMAIL: wmbaker@custertel.net

RECEIVED
JAN 26 2005
Department of Water Resources
Southern Region

January 25, 2005

IDWR SOUTHERN REGION
1341 FILLMORE ST, SUITE 200
TWIN FALLS ID 83301-3380

RE: Water Rights

In November I sent a letter with documentation for two Notice of Change in Water Right Ownership Forms and a check for \$225.00 for filing fees. I have enclosed a copy of the letter.

I note that my check has been cashed and so I assume your department is working on the changes, but I was wondering if I could have an update or if there were any questions or problems that I could help with.

You can reach me by phone or email, provided above.

Thank you,



Melodie L. Baker

EAST FORK RANCHES
WAYNE & MELODIE L. BAKER
HC 68 BOX 304
CLAYTON ID 83227
PHONE: 208-838-2440
PHONE: 208-879-4488
FAX: 208-838-2440

RECEIVED
NOV 18 2004
Department of Water Resources
Southern Region

IDWR SOUTHERN REGION
1341 FILLMORE ST, SUITE 200
TWIN FALLS ID 83301-3380

Enclosed are two Notice of Change in Water Right Ownership Forms.

- 1) 72-00201C-Enclosed with this form is a copy of the Warranty Deed and an Aerial Photo from USDA FSA, where I have highlighted the property and the point of diversion. By your records, there are 4 acres that are irrigated. Please review this and see if this is correct. I am also sending a copy of the section of the Pine Creek Subdivision that shows this property as Lot 29, Block 1.
- 2) 72-00201A, 72-00201E, 72-00201H, 72-202A, 72-202D, 72-202E, 72-202F, 72-202G-Enclosed with this form is are copies of the Warranty Deeds and an Aerial Photo from USDA FSA, where I have highlighted the property and the points of diversions and have written what water right goes with what point of diversion on the map. Also enclosed is a section of the Pine Creek Subdivision that shows the properties, which are:

	Water Right	Lots	Acres Irrigated -Approximate
a)	<u>72-201A</u> -	Lot 1 & 2	20
b)	<u>72-201E</u> -	Lot 3	9
c)	<u>72-201H</u> -	Lots 5-9 and Lots 11-13	32
d)	<u>72-202A</u> -	Lots 1 & 2	6.5
e)	<u>72-202D</u> -	Lots 3 & 21	6.5
f)	<u>72-202E</u> -	Lot 30	4
g)	<u>72-202F</u> -	Lots 18, 39 & 40	9.5
h)	<u>72-202G</u> -	Lots 1, 21, 27, 28	7.5

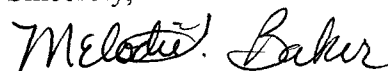
All of the water rights under #2 have stockwater filed with these rights and we want that changed over into our ownership as well.

All of the highlighted areas for the lots and PODs are approximate locations.

Also enclosed is a check for \$225.00 for the filing fees.

If you have any questions, please contact us.

Sincerely,



Melodie L. Baker



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

April 5, 2002

RECEIVED

DIRK KEMPTHORNE
Governor

APR - 8 2002

KARL J. DREHER
Director

DICK & BETTY BAKER
HC 68 BOX 370
CLAYTON ID 83227

Department of Water Resources

RE: Application for Transfer No. 69690 (Water Right Nos. 72-201E, 72-201A, 72-201H)

Dear Applicants:

Enclosed are copies of protests filed against the above referenced application. The Department suggests you contact the protestants directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department. In our experience, informal discussion between the parties prior to initiation of formal proceedings often leads to resolution of the protest.

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 the protest cannot be resolved informally, the matter will be scheduled for conference and/or hearing. The following are criteria the Department must consider in either approving or denying the application (Section 42-222, Idaho Code).

1. Will other water rights be injured by the proposed transfer?
2. Will the proposed change constitute an enlargement in the use of the original Right(s)?
3. Will the proposed change conflict with the local public interest?
4. Will the proposed change be contrary to the conservation of water resources within the State of Idaho?

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.

Please note that it is illegal to divert water in Idaho without or not in compliance with a valid water right pursuant to Section 42-351, Idaho Code. Since your current water rights do not authorize the new point of diversion from Pine Creek I request your cooperation in not using the new diversion until this matter is resolved &/or approval granted from this agency.

Very truly yours,

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

Enclosures

cc: Patrick Brown
Robert Foster, IDWR



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

April 4, 2002

RENEE SYNDER FIELD MGR
USDI – BUREAU OF LAND MGT
HC 63 BOX 1670
CHALLIS ID 83226 –9304

RE: Transfer No. 69678 (Water Right No. 72-00201B) - Wayne & Melodie Baker
Transfer No. 69690 (Water Right No. 72-00201E, 72-00201A, 72-00201H) - Dick & Betty Baker

Dear Ms. Synder:

Your protests against the approval of the above referenced applications have been received and a copy has been sent to the applicant with the suggestion that they contact you directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department.

Please note that the applications are considered as contested cases 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>

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

Sincerely,

Allen D. Merritt, P.E.
Regional Manager

Enclosure(s)



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

April 4, 2002

VALLEY SUN LLC
C/O JON MARVEL MGR
PO BOX 1770
HAILEY ID 83333

RE: Transfer No. 69678 (Water Right No. 72-00201B) - Wayne & Melodie Baker
Transfer No. 69690 (Water Right No. 72-00201E, 72-00201A, 72-00201H) - Dick & Betty Baker

Dear Mr. Marvel:

Your protests against the approval of the above referenced applications have been received and a copy has been sent to the applicant with the suggestion that they contact you directly to determine the exact nature of the protests and, if possible, to resolve the matter without action by the Department.

Please note that the applications are considered as contested cases 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>

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

Sincerely,

Allen D. Merritt, P.E.
Regional Manager

Enclosure(s)



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

March 26, 2002

Sun Valley LLC
HC 67 Box 2096
Challis, ID
83226

RE: Your Protests of Apps for Transfer #69678 & 69690 In the Name of Baker

Dear Sirs;

We received your protest of these transfers last week, and your check for \$50. Receipt S024664 was issued on 3-22-02, and is enclosed for your records. Yesterday we received the same protest, and another check for \$50. As the protest had an original signature, I put it in one of the application files. Your check #1137 is being returned herewith, as the full protest fee has already been paid.

Regards,

James E. Stanton
Sr. Water Resource Agent

VALLEY SUN LLC
P.O. Box 1770
Hailey, ID 83333
(208) 788-2290

March 21, 2002

RECEIVED

MAR 22 2002

Department of Water Resources
Southern Region

Idaho Department of Water Resources, Southern Region
1341 Fillmore St.-Suite 200
Twin Falls, Idaho 83301

Also sent by fax: March 22, 2002

Re: Protest the application of two companion transfers filed on 02/13/02 to transfer a point of diversion, application filing no. 69678 and 69690

Valley Sun L.L.C. (a down stream water right holder) and Western Watersheds Project (an Idaho non-profit corporation) hereby protest the application by D. Wayne & Melodie L. Baker, HC 68 Box 304; Clayton ID 83227 filed Application No. 69678 for diversion of 0.05 cfs for irrigation of 3.9 acres within NENE, S06, T09N, R18E and the application of Dick & Betty Baker, HC 68 Box 350; Clayton ID 83227 filed Application No 69690 for diversion of a combined total of 1.76 cfs for irrigation of 59.1 acres within N1/2, S06, T09N,R18E

The protest is filed to prevent diversion of waters of the State of Idaho in violation of law.

The combination of the water rights drawn from this proposed point of diversion total 1.81 cfs which may exceed the flows of Pine Creek during all or part of the irrigation season. In addition, it appears that the point of diversion is located not only on federal land but also within a wilderness study area. Pine Creek is tributary to the East Fork of the Salmon River which contains occupied habitat for Chinook Salmon, Steelhead and Bull Trout all of these are listed under the Endangered Species Act. Pine Creek is occupied by resident West Slope Cutthroat Trout a sensitive species. Dewatering of Pine Creek may and probably does have an impact on spawning and or rearing habitat of a listed species. It clearly would have an impact on West Slope Cutthroat. The application does not mention any NEPA analysis. A NEPA analysis is required for the alteration of the point of diversion on federal land. The potential for this diversion to impact a listed species and a wilderness study area make NEPA compliance critical. A federal judge ruled recently that federal agencies can restrict irrigation water in order to protect salmon listed under the ESA. The use of approved fish screens, metering devices or devices to ensure the maintenance of instream flows are not mentioned in

the application. State law requires that diversions utilize screens and provide for fish passage.

If approved, these applications may contribute to the taking of listed and sensitive fish species in violation of law. They would also illegally grant an intrusion or development in a designated wilderness study area. Furthermore, a relocation of the point of diversion up stream would cause a longer section of Pine Creek to be dewatered when dewatering occurs, further decrease fish habitat within Pine Creek. All of these issues indicate that granting these applications would not be in the public interest.

Sincerely,

Stew Churchwell

For: Jonathan H. Marvel, Ranch Manager, Valley Sun L.L.C.
Executive Director, Western Watersheds Project



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Upper Columbia - Salmon Clearwater District
Challis Field Office
HC 63, Box 1670
Challis, Idaho 83226-9304
<http://www.id.blm.gov>

In Reply Refer To:
7250 (084)

RECEIVED
MAR 04 2002

Department of Water Resources
Southern Region

February 28, 2002

RECEIVED
Receipt # 5024634
MAR 06 2002

Department of Water Resources
Southern Region

Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Idaho Department of Water Resources:

The Bureau of Land Management (BLM) is hereby protesting **Transfer No. 69690**, filed by Dick and Betty Baker. The BLM objects to the following:

T9N R18E S5 NWSESW	New Point of Diversion on BLM land.
T9N R18E S5 SWSESW	New Point of Diversion on BLM land.

The BLM has not authorized these new Points of Diversion. The area the new diversions are located in is a Wilderness Study Area and by regulation and policy new actions such as these diversions cannot be authorized.

Based on a field visit by BLM personnel on October 2, 2001, there is only one new diversion, located at T9N R18E S5 NWSESW, confirmed by Global Positioning System (GPS) data of the same date. The Bakers have illegally installed this new diversion and are fully aware that it is without the authorization of the BLM.

Transfer No. 69690 should be **disallowed** by the Idaho Department of Water Resources (IDWR), as the BLM will not grant authorization for this new diversion(s).

Sincerely,

Renee Snyder
Field Manager



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Upper Columbia - Salmon Clearwater District
Challis Field Office
HC 63, Box 1670
Challis, Idaho 83226-9304
<http://www.id.blm.gov>

In Reply Refer To:
7250 (084)

RECEIVED
MAR 06 2002
Department of Water Resources
Southern Region

March 4, 2002

Mary Baldwin
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Dear Mary:

In response to your phone call on March 4, 2002, I have enclosed a check for the amount of \$50 to cover fees associated with the letters of protest to transfers 69678 and 69690, which we submitted on February 28, 2002.

If you have any further needs, please contact me at (208) 879-6206.

Sincerely,

Kate Foster

for

Renee Snyder
Field Manager

MEMORANDUM

DATE: March 4, 2002
TO: Files: Apps for Transfer No. 69678 & 69690
FROM: Mary A. Baldwin, Southern Region
SUBJECT: BLM protests

On this date, we received a protest on both above referenced transfers from the BLM-Challis Office via Federal Express without the required protest fees.

A telephone call was made to the BLM office; Renee Snyder (Field Manager) is out of the office all this week.

Therefore, a message was left with Acting Field Manager, Peggy Redick, regarding the needed fees before the end of the protest period, March 25, 2002.

PATRICK D. BROWN, P.C.
LAW OFFICES

T69690

September 24, 2000

RECEIVED

SEP 28 2001

Department of Water Resources
Southern Region

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, ID 83301

RE: IDWR letter to Wayne and Melodie Baker regarding concerns about the place of use and point of diversion of their Pine Creek rights.

Dear Allen:

As you I discussed on the telephone, in order to address the concerns stated in your letter to the Bakers, we are doing the following,

1. The concerns about irrigation beyond the place of use are being addressed by identifying the property boundaries and by aligning the sprinklers so they do not cross those boundaries. The Bakers have been in touch with the BLM, who I understand will be flagging the property lines. Also, the Bakers want me to point out that some of the "irrigation" identified by IDWR in the lower lying areas is not a result of the application of water outside of the place of use. Rather, parts of the meadows are green due to surface and subsurface run off from irrigation within the place of use. In any event, the concerns are being addressed by marking the property and realigning the sprinkler systems to confine the application to the place of use.

2. To address concerns about the points of diversion, the Bakers are filing transfer applications. These applications are enclosed. They include transfers for each right affected by the installation of a pipeline further up the canyon from the decreed PODs. Because both the old and the proposed points of diversion are on federal property, the Bakers are addressing rights of way with the BLM. As a part of their transfer application, a copy of the proposed application for right of way with supporting documentation is enclosed.

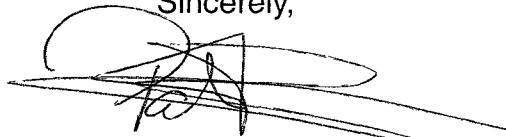
It may take some time for the right of way applications to work their way through the federal system. I would like to discuss whether or not it is better to advertise the transfer applications at this point, or wait until the BLM has made a determination concerning the rights of way.

Since the new point of diversion results in less water being lost in transit, more water should remain in Pine Creek during the irrigation season. Pine Creek flows into the East Fork of the Salmon River, and the change results in significant water saving for the entire system. That leads me to believe that BLM will be inclined to grant the rights of way. Also, utilization of the piping, which is now in place, should not injure anyone in the interim. In fact, I believe everyone benefits.

Consequently, I would ask you to call if you have any concerns about maintaining the status quo until rights of way and transfer applications have worked through the system.

If I have failed to address any of your concerns, or if you need further, information, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to be 'P.D. Brown', with a large, sweeping horizontal stroke underneath.

Patrick D. Brown
Attorney at Law

pdb/tf
enc. (2TrnsApps,ROWapp)
cc: Melodie Baker