



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director
RECEIVED

AUG 12 2004

DEPARTMENT OF
WATER RESOURCES

July 26, 2004

73-4077

JIM & LOUANNE HESS
PO BOX 1340
CHALLIS ID 83226

RESPONSE DEADLINE
AUGUST 27, 2004

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

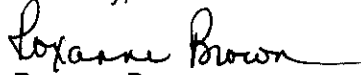
Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129 and ask for me or Danni Smith.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,


Roxanne Brown
Sr. Water Resource Agent

Enclosures

2014
327-7900

AUG 12 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 73-4077

DEPARTMENT OF
WATER RESOURCES

WATER RIGHT NUMBER: 73-4077

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILDA HILL PO BOX 54 ELLIS, ID 83235 (208)876-4495
Current Owner	JIM HESS PO BOX 1340 CHALLIS, ID 83226
Current Owner	LOUANNE HESS PO BOX 1340 CHALLIS, ID 83226
Original Owner	VERA M SANDERSON HC 62 BOX 1220 ELLIS, ID 83235

Priority Date: 04/01/1870

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
PAHSIMEROI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	5/01 to 11/01	3.000 CFS	
	<u>Total Diversion:</u>	3.000 CFS	

Location of Point(s) of Diversion

PAHSIMEROI RIVER	NE1/4NW1/4NE1/4	Sec. 7,	Twp 15N,	Rge 21E, B.M.
CUSTER County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	20E	36																	1.0

Total Acres: 1

Conditions of Approval:Remarks:

- General ACTUAL PROPERTY IS 1.1 ACRES.

156361
STATE OF IDAHO)
) ss. AMENDED AFFIDAVIT RE: WATER RIGHTS PRIORITY
County of Custer)

BOISE H. ELLIS, being first duly sworn, on his oath does
depose and say:

That I am 89 years old, having been born October 30, 1888, on
the old Ellis Ranch in the Pahsimeroi Valley, Custer County, where
I reside at this time;

That my father, George A. Ellis, Sr., owned the North 1/2,
approximately, known as the "Ellis Ranch" and owned in partner-
ship with James M. Shoupe (Jim Shoupe) the remainder or South 1/2,
approximately, known as the "Jim Shoupe Ranch" of the ranch
property described in the attached Exhibit A which is a part of
this Affidavit.

That the described ranch property was occupied by Jim Shoupe
and my father sometime after 1863, the year my father came to
Salmon, Idaho as a 6 year old boy but several years before
Government Patents were issued for the property: that I recall
my father stating the lands were occupied before he was old
enough to file an entry with the government and that it was after
occupying these lands for production of cattle and horse feed
that he married my mother whose name was Mary Ellis, after marriage;
that he also stated to me he had to give a man named Dan Hyer,
a squatter on the Ellis Ranch before Patent was issued, a few
head of stock to move his horses and camp off the land because
he was interfering with the irrigation, raising of crops and
pasturing of cattle and horses: and that it was the hard winter
of 1889 when he lost over 1000 head of cattle:

That as a boy under six years old, I saw tall, heavy willows growing along the old Weller-Shoupe-Ellis ditch and other lower ditches as a result of irrigation water flowing each season for delivery to the ranches from the Pahsimeroi river; that these willows were tall enough to completely conceal a rider named Lee Watson as I watched him riding a half-broken horse up the ditch bottom;

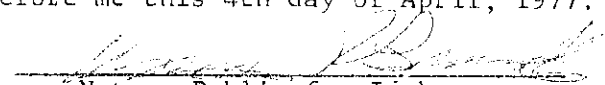
That based on my own observations and the conversations had over a period of many years with my father, George A. Ellis, Sr., I state as a fact that large amounts of water were diverted from the Pahsimeroi River through the Weller-Shoupe-Ellis ditch and other ditches headed below to irrigate the Ellis and Jim Shoupe ranches herein described; and, that such waters were used with never a shortage from the late 1870's, without interruption, to this date; and

That large amounts of water are necessary in order to grow wild grass pasture and grass hay for the Ellis and Jim Shoupe ranches for the reason that they are bottom-type ground which requires large amounts of water on a regular basis to keep from burning.

Dated this 4th day of April, 1977.


Boise H. Ellis
Boise H. Ellis

SUBSCRIBED and SWORN To before me this 4th day of April, 1977.


Notary Public for Idaho
Residing at Challis, therein.
My commission expires:

CUSTER COUNTY, IDAHO:

Township 15 North, Range 20 East, Boise Meridian;

Section 1: Lot 1 and Lot 2.

Township 15 North, Range 21 East, Boise Meridian;

Section 6: Lot 4 save and except that part thereof located in Lemhi County, Idaho.

Township 16 North, Range 21 East, Boise Meridian;

Section 31: Lot 2 (SW $\frac{1}{2}$ SW $\frac{1}{2}$) save and except that part thereof located in Lemhi County, Idaho.

Township 16 North, Range 20 East, Boise Meridian;

Section 36: SW $\frac{1}{2}$ SE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho, NE $\frac{1}{2}$ SW $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho, NW $\frac{1}{2}$ NE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho, and a fraction of SE $\frac{1}{2}$ SW $\frac{1}{2}$ more particularly described as beginning at the Southeast corner of said SE $\frac{1}{2}$ SW $\frac{1}{2}$, said Section 36, thence North 330 feet to a point on the boundary line between the SE $\frac{1}{2}$ SW $\frac{1}{2}$ and the SW $\frac{1}{2}$ SE $\frac{1}{2}$ said Section 36, the point of beginning, thence North 990 feet, thence West 660 feet, thence Southeasterly 1190 feet to the point of beginning..

Section 25: SW $\frac{1}{2}$ SE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho and SE $\frac{1}{2}$ SW $\frac{1}{2}$.

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

EXHIBIT A

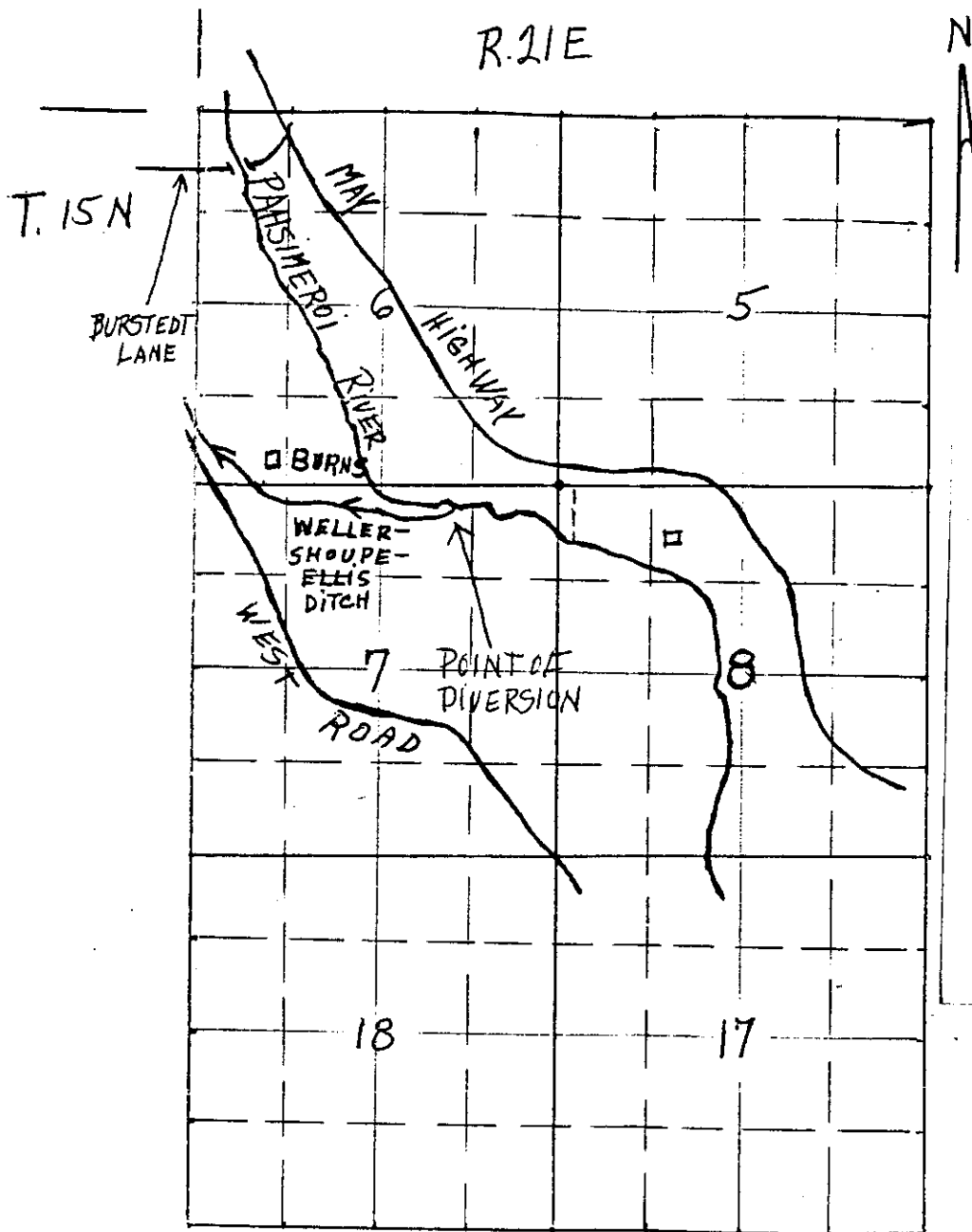
This instrument was filed for record
at the request of Jack Turvey
at 2:45 o'clock P.M. 10-17 1980
and duly filmed and indexed in the Records of Custer County

HOWARD A. DARTER
County Office Recorder
By Bushua Adair Deputy
Jack Turvey

STATE OF IDAHO)
COUNTY OF CUSTER) ss. No. 143722

This instrument was filed for record
at the request of Jack Turvey
at 3:00 o'clock P.M. 10-27
and duly filmed and indexed in the
Records of Custer County, Idaho.

By Maria Sullivan County Office Recorder.
By Deputy Deputy
Return to Jack Turvey



POINT OF DIVERSION — N

