

NAME: Hicks

CLAIM: A84-12109

CORRESPONDENCE

EVIDENCE OF

PRIORITY

RECEIVED

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

NOV 02 1998

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Department of Water Resources

39576

Ident. Number

484-12109

Date Received

11/2/98

Receipt Number

1043812

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) HICKS, ROYCEE ^{INDOR} HICKS, EVAH J. Phone (208) 435-4331

Mailing Address 1001 POVERTY GULCH RD., P.O. Box 116, WEIPPE, ID Zip 83533

2. Date of Priority (Only one (1) per claim) JANUARY 1, 1924

3. Source of water supply (a) SCHMIDT CK. & SPRINGS TRIBUTARY TO SCHMIDT CK.
which is tributary to (b) LOLO CREEK

4. a. Location of existing point of diversion is: Township 35 N Range 3 E Section 23,

SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of CLEARWATER

Additional points of diversion if any: SEE EXHIBITS 1 & 2.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. SEE EXHIBITS 1 & 2.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For STOCKWATERING purposes from JAN. 1 to DEC. 31 amount .02 CFS or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .02 CFS (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATERING FOR UP TO 40 HEAD OF MIXED STOCK.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
35N	3E	23				S									S			S	
35N	3E	24						S			S	S	S	S					

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? CLEARWATER

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: SCHMIDT CK FORMERLY KNOWN AS SNIBLEY CK.
POINTS OF ORIGIN FOR SOME OF THE DESCRIBED SPRINGS ARE NOT ON THE
CLAIMANT'S PROPERTY, BUT ATTACHED IS AFFIDAVIT ACKNOWLEDGING THAT
THE WATERS FROM THESE SOURCES HAVE BEEN IN USE SINCE 1924.

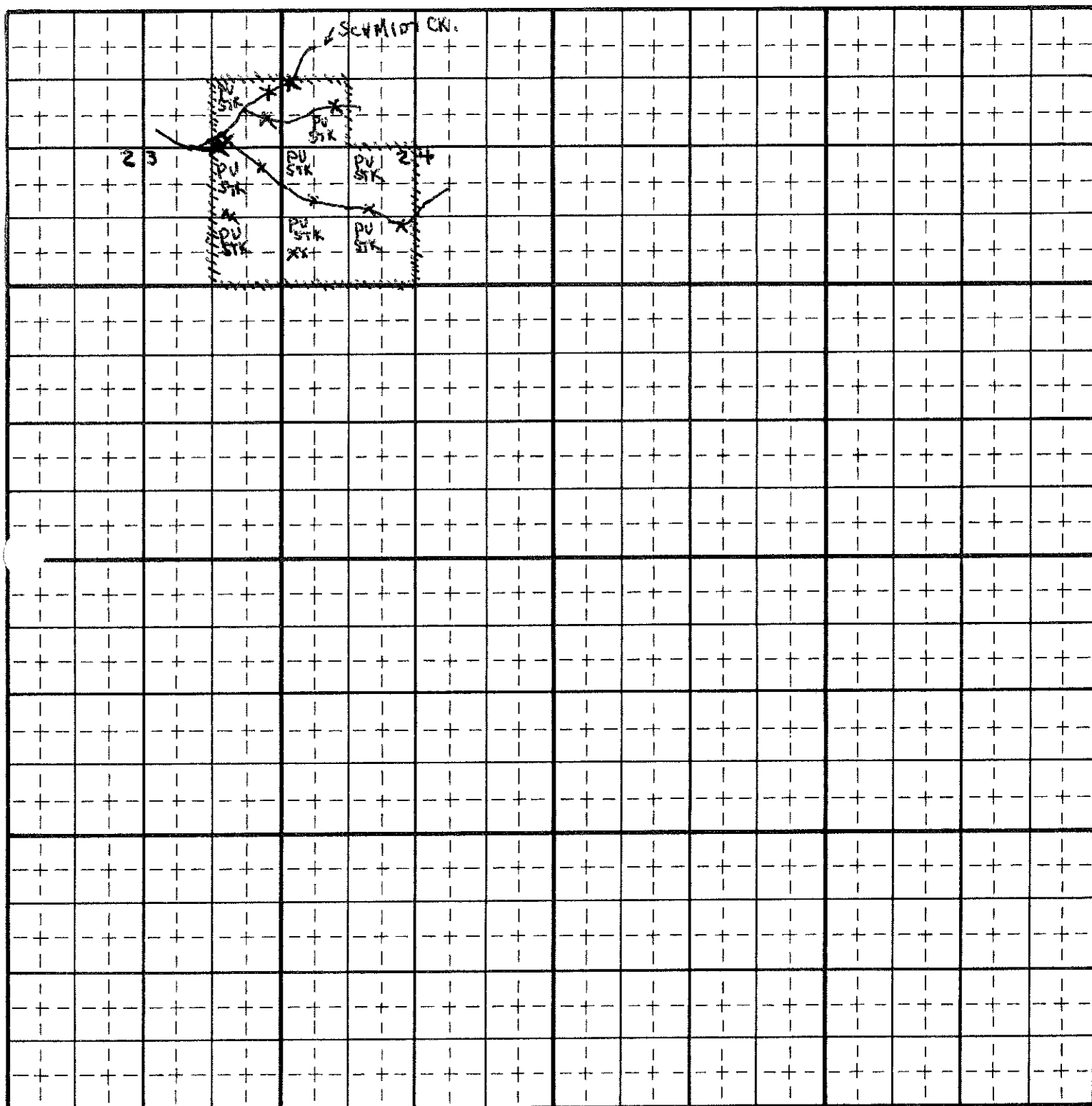
Last Name HICKS, ROYCE E. AND OR Ident No. _____
HICKS, EVAH J.

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T35N R3E.B.M.



Last Name HICKS, ROYCE E. AND OR
HICKS, EVAN J.

Ident No. _____

Copies: White-State, Yellow-Claimant

EXHIBIT 1

- Item 1 Instream stockwatering from Schmidt Ck. proper in the SENE & NESE, Sect.23, and the SWNW, Sect. 24, all in Twp.35N Rge.3E.B.M.
- Item 2 Stockwatering in small spring-fed streams tributary to Schmidt Ck., originating in the South-half of Sect.24 and flowing through drainages in the SENE & NESE, Sect.23, and the NESW, NWSW, & SESW, Sect.24, all in Twp.35N Rge.3E.B.M.
- Item 3 Stockwatering in small spring-fed streams, tributary to Schmidt Ck., originating in the SENW, Sect.24 and flowing through the SENE, Sect.23 and the SWNW, Sect.24, all in Twp.35n Rge.3E.B.M.
- Item 4 Stockwatering from a small water impoundment and springs feeding it in the SWSW, Sect.24., Twp. 35N Rge.3E.B.M.
- Item 5 Stockwatering from a small water impoundment and springs feeding it in the NESE & SESE, all in Sect.23, Twp.35n Rge.3E.B.M.

A34-12109

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s)

Royce E. Hicks

Date 08 SEP 1998

Eva H. Hicks

Date 08 SEP 1998

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

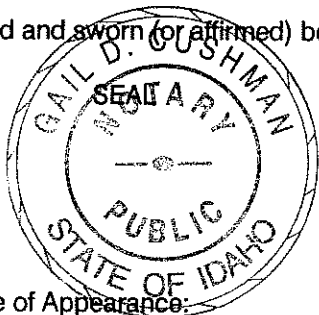
Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho for _____)
County of Clearwater) SS.

Subscribed and sworn (or affirmed) before me this 8th day of September 19 98



Notary Public

Gail D. Cushman

Residing at

Pierce Idaho

My Commission Expires

10-10-03

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name

Hicks, Royce E.
Hicks, Eva H.

Ident. Number _____

Copies White-State, Yellow-Claimant

176788

RECEPTION ☒
INDEXED ☒
FILMED ☒
DELIVERED ☒
MAILED ☒

17 December 1997

Claim # A84-12109

AFFIDAVIT

I hereby confirm that I have personal knowledge of the previous owners of the real property shown on the attached exhibit, marked (exhibit 2), and dated 17 December 1997.

I also have personal knowledge that the surface waters shown on the above named exhibit under items 1 through 5, have been in continual use since the property was owned by my great uncle, Prince Albert Snyder, in January of 1924. The waters usage has been domestic, garden irrigation, and in-stream livestock.

Edna M. Thornton X Edna M. Thornton

Notary: On December 18, 1997, the above named person appeared before me and placed her signature on this document.

Robin Christensen
Clerk/Auditor/Recorder

Garrie Bird

By Deputy, notary public for the

State of Idaho. My commission expires _____

Filed and recorded at the request of Edna M. Thornton
at 1:20 o'clock P. M., this day of Dec 19, 1997
Robin Christensen

Ex-Officio Auditor-Recorder
Clearwater County, Idaho

Fee \$ 6.00

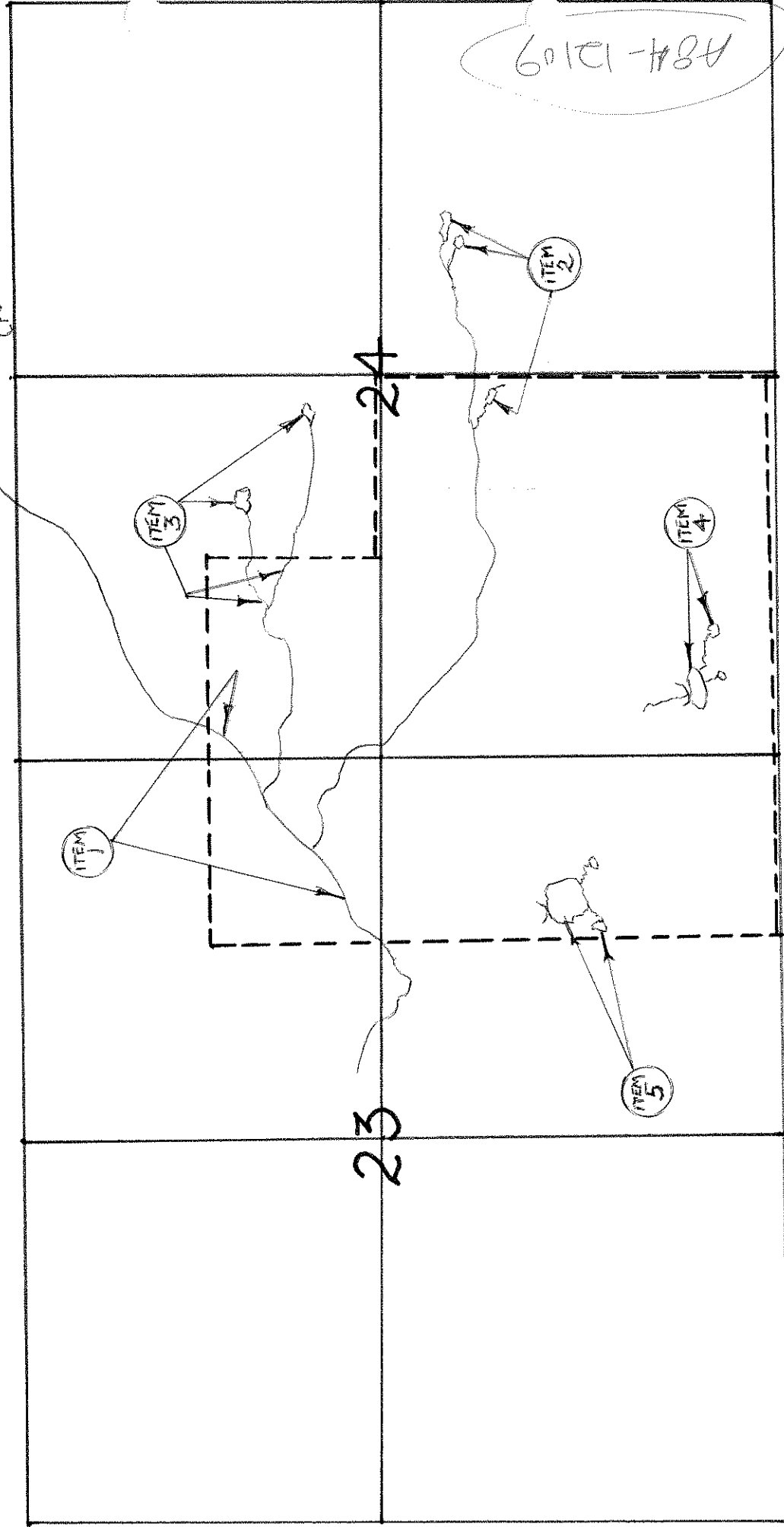
Return: 4314 Thornton Rd
Oronino, Idaho 83544

Royce E. or Evah J. Hicks
1001 Poverty Gulch Road
P.O. Box 116
Weippe, ID 83553
(208) 435-4331

17 December 1997

EXHIBIT 2 T35N R3E B.M.

SCHMIDT CREEK
(FORMERLY SNIBLY CREEK)



Edna M. Thornton X Edna M. Thornton



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

November 30, 1998

KARL J. DREHER
DIRECTOR

ROYCE OR EVAH HICKS
PO BOX 116
WEIPPE ID 83533

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A84-12109
Receipt #C043812

Dear Mr. and Mrs. Hicks:

Enclosed is another computer-generated copy of Notice of Claim #A84-12109 which you filed for your property in Clearwater County. I noticed this morning your receipt number as shown on your claim copy, is incorrect; I had dropped the 2. The claim copy enclosed replaces the one I mailed you earlier, which you may destroy. The receipt number is the only item on your claim which was changed. Please keep this correct copy for your records.

Please contact me at 1/800-327-7862 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally'.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Notice of Claim #84-12109

cc: F. Luthy

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A84-12109**
Date Received: 11/16/1998
Receipt No: C043812
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: ROYCE E HICKS 208-435-4331
Address: PO BOX 116
WEIPPE ID 83533
AND/OR
Name: EVAH J HICKS 208-435-4331
Address: PO BOX 116
WEIPPE ID 83533

2. Date of Priority: JAN 1, 1924

3. Source: SCHMIDT CREEK Springs Trib. to: LOLO CREEK
SCHMIDT CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
35N	03E	23	SE	NE			CLEARWATER
			NE	SE			CLEARWATER
			SE	SE			CLEARWATER
		24	SW	NW			CLEARWATER
			NE	SW			CLEARWATER
			NW	SW			CLEARWATER
			SW	SW			CLEARWATER
			SE	SW			CLEARWATER

5. Description of diverting works:
INSTREAM AND IMPOUNDMENTS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.020 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 40 HEAD MIXED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
35N	03E	23	SE	NE		STOCK	
			NE	SE		STOCK	
			SE	SE		STOCK	
		24	SW	NW		STOCK	
			NE	SW		STOCK	
			NW	SW		STOCK	
			SW	SW		STOCK	
			SE	SW		STOCK	

11. Place of use in counties: CLEARWATER

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
SCHMIDT CREEK FORMERLY KNOWN AS SNIBLEY CREEK. POINTS OF ORIGIN
FOR SOME OF THE DESCRIBED SPRINGS ARE NOT ON THE CLAIMANT'S
PROPERTY, BUT ATTACHED IS AFFIDAVIT ACKNOWLEDGING THAT THE WATERS
FROM THESE SOURCES HAVE BEEN IN USE SINCE 1924.
PROPERTY ALSO KNOWN AS 1001 POVERTY GULCH RD.

15. Basis of Claim: BENEFICIAL USE

Knoblock, Ken

From: Taylor, Greg
Sent: Friday, March 25, 2005 9:13 AM
To: Knoblock, Ken
Subject: FW: 84-12109: Objection service copy to claimant returned as undeliverable

Ken,

Sally sent this to me.

-----Original Message-----

From: Sherman, Sally
Sent: Friday, March 25, 2005 9:07 AM
To: Fritschle, Carter; Taylor, Greg
Subject: FW: 84-12109: Objection service copy to claimant returned as undeliverable

Greg, the Ashahka address was just updated by me in November, 2004. The support doc should be in your file. I don't know why it wasn't scanned, but it's not in DOCs. Fred was going to telephone Evah to get the correct address.

...Sal

-----Original Message-----

From: Fred_Price@blm.gov [mailto:Fred_Price@blm.gov]
Sent: Friday, March 25, 2005 8:49 AM
To: ddelaney@srba.state.id.us; juliem@srba.state.id.us;
sally.sherman@idwr.idaho.gov
Cc: gloria.baimbridge@usdoj.gov; dlash@srba.state.id.us
Subject: 84-12109: Objection service copy to claimant returned as undeliverable

Morning Everyone,

On 03-23-05, I received an envelope from the Post Office that was the service copy to the claimant of BLM's objection to subcase 84-12109. The address listed on the envelope was obtained from the Director's Report, and was as follows:

Royce E. & Evah J. Hicks
4229 View Point Dr.
Ahsahka, ID. 83520

The Post Office marked the envelope as follows:

No forward order on file
Unable to forward
Return to sender

We were able to find an alternative address for the claimant and resent the service copy to the claimant on 03-24-05 at the following address. We couldn't find any information for Royce E. Hicks.

Evah J. Hicks
P.O. Box 116
Weippe, ID. 83533

Fred Price
Water Rights Specialist
BLM, Idaho State Office

03/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 84-12109
NAME AND ADDRESS: ROYCE E HICKS
4229 VIEW POINT DR
AHSAHKA ID 83520
EVAH JEAN HICKS
4229 VIEW POINT DR
AHSAHKA ID 83520

SOURCE: SCHMIDT CREEK
SPRINGS
UNNAMED STREAM
TRIBUTARY: LOLO CREEK
TRIBUTARY: SCHMIDT CREEK
TRIBUTARY: SCHMIDT CREEK

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1924

POINT OF DIVERSION:

T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 SESE Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 NESW Within CLEARWATER County
T35N R03E S24 NWSW Within CLEARWATER County
T35N R03E S24 SWSW Within CLEARWATER County
T35N R03E S24 SESW Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CLEARWATER County

~~T35N R03E S23~~	SWNE	T35N R03E S23	SENE
T35N R03E S23	NESE	~~T35N R03E S23~~	NWSE
T35N R03E S23	SESE	T35N R03E S24	SWNW
T35N R03E S24	SENW	T35N R03E S24	NESW
T35N R03E S24	NWSW	T35N R03E S24	SWSW
T35N R03E S24	SESW		

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

03/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

RECEIVED

MAR 17 2005

DEPARTMENT OF
WATER RESOURCES

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

A. Subcase 84-12109
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau
of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Royce E. and Evah Jean Hicks
Address: 4229 View Point Dr.; Ahsahka, Idaho 83520
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.
11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which a portion of the use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU.

F.

VERIFICATION (Must be Completed)

State of Idaho

)

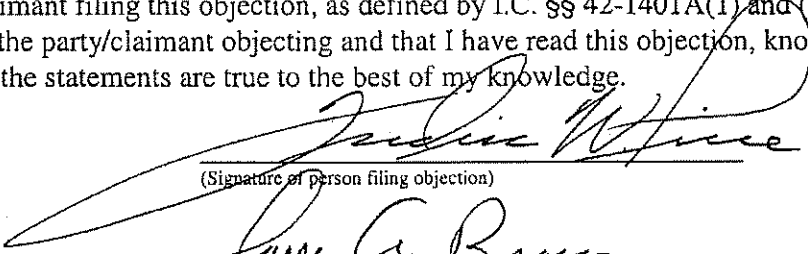
) ss.

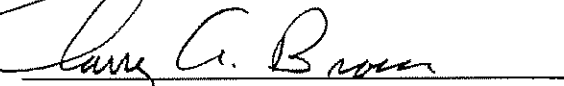
County of ADA

)

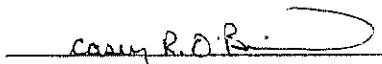
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)


(Attorney signing in representative capacity)

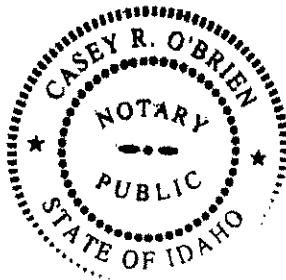
Subscribed and sworn to before me on: MARCH 15, 2005


Casey R. O'Brien

Notary Public for Idaho

Residing at: Nampa, ID.

My Commission Expires: 10-31-2009



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on March 16, 2005, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

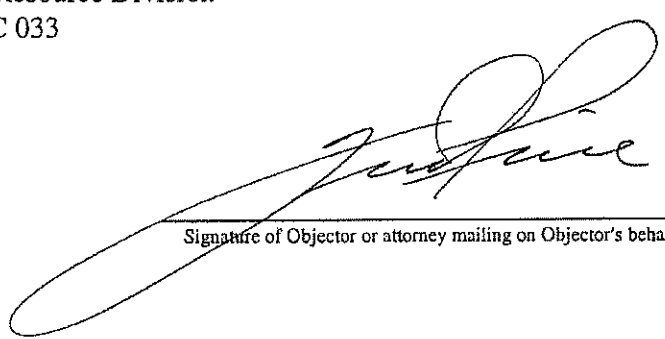
Name: Royce E. and Evah Jean Hicks
Address: 4229 View Point Dr.; Ahsahka, Idaho 83520

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

01/04/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 84-12109
NAME AND ADDRESS: ROYCE E HICKS
4229 VIEW POINT DR
AHSAHKA ID 83520
EVAH JEAN HICKS
4229 VIEW POINT DR
AHSAHKA ID 83520

- POU on BLM

- PERHAPS THIS IS A
TYPOGRAPHICAL ERROR
AS THE POU ON BLM
IS NOT LISTED AS
A POU, AND WAS NOT
CLAIMED.

SOURCE: SCHMIDT CREEK
SPRINGS
UNNAMED STREAM

TRIBUTARY: LOLO CREEK
TRIBUTARY: SCHMIDT CREEK
TRIBUTARY: SCHMIDT CREEK

- CLAIMANTS ARE NOT
AUTHORIZED TO GRAZE
PUBLIC LAND.

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1924

POINT OF
DIVERSION: POU

T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 SESE Within CLEARWATER County
T35N R03E S24 SNNW Within CLEARWATER County
T35N R03E S24 SNNW Within CLEARWATER County
T35N R03E S24 SNNW Within CLEARWATER County
T35N R03E S24 SNNW Within CLEARWATER County
T35N R03E S24 NESW Within CLEARWATER County
T35N R03E S24 NWSW Within CLEARWATER County
T35N R03E S24 SWSW Within CLEARWATER County
T35N R03E S24 SESW Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
STOCKWATER

PERIOD OF USE
1/01 12/31

QUANTITY
0.020 CFS

PLACE OF USE:
POU

STOCKWATER Within CLEARWATER County

T35N R03E S23

SWNE ✓ not claimed

T35N R03E S23

SENE ✓

T35N R03E S23

NESE ✓

T35N R03E S23

NWSE BLM not claimed

T35N R03E S23

SESE ✓

T35N R03E S24

SNNW ✓

T35N R03E S24

SENN ✓

T35N R03E S24

NESW ✓

T35N R03E S24

NWSW ✓

T35N R03E S24

SWSW ✓

T35N R03E S24

SESW ✓

01/04/2005

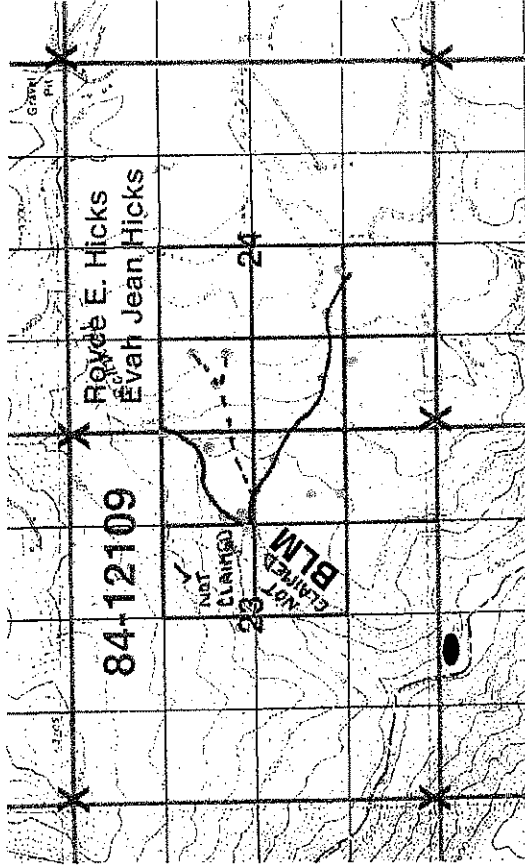
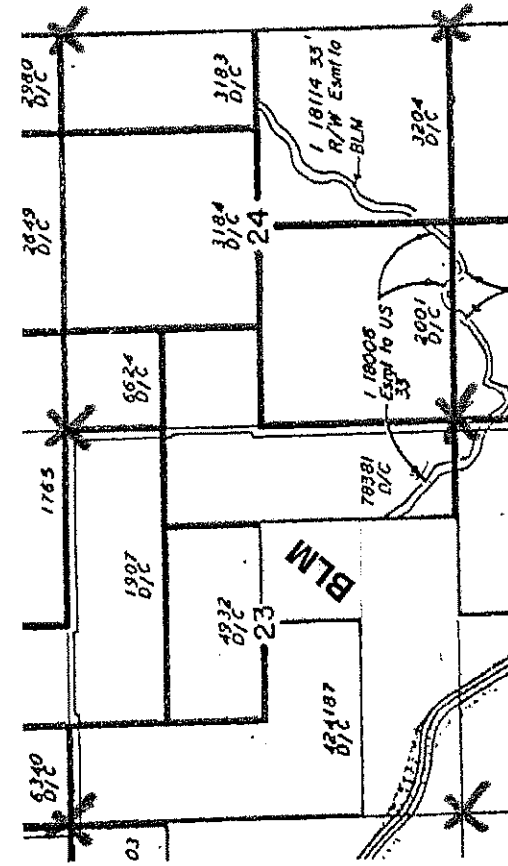
IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

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. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



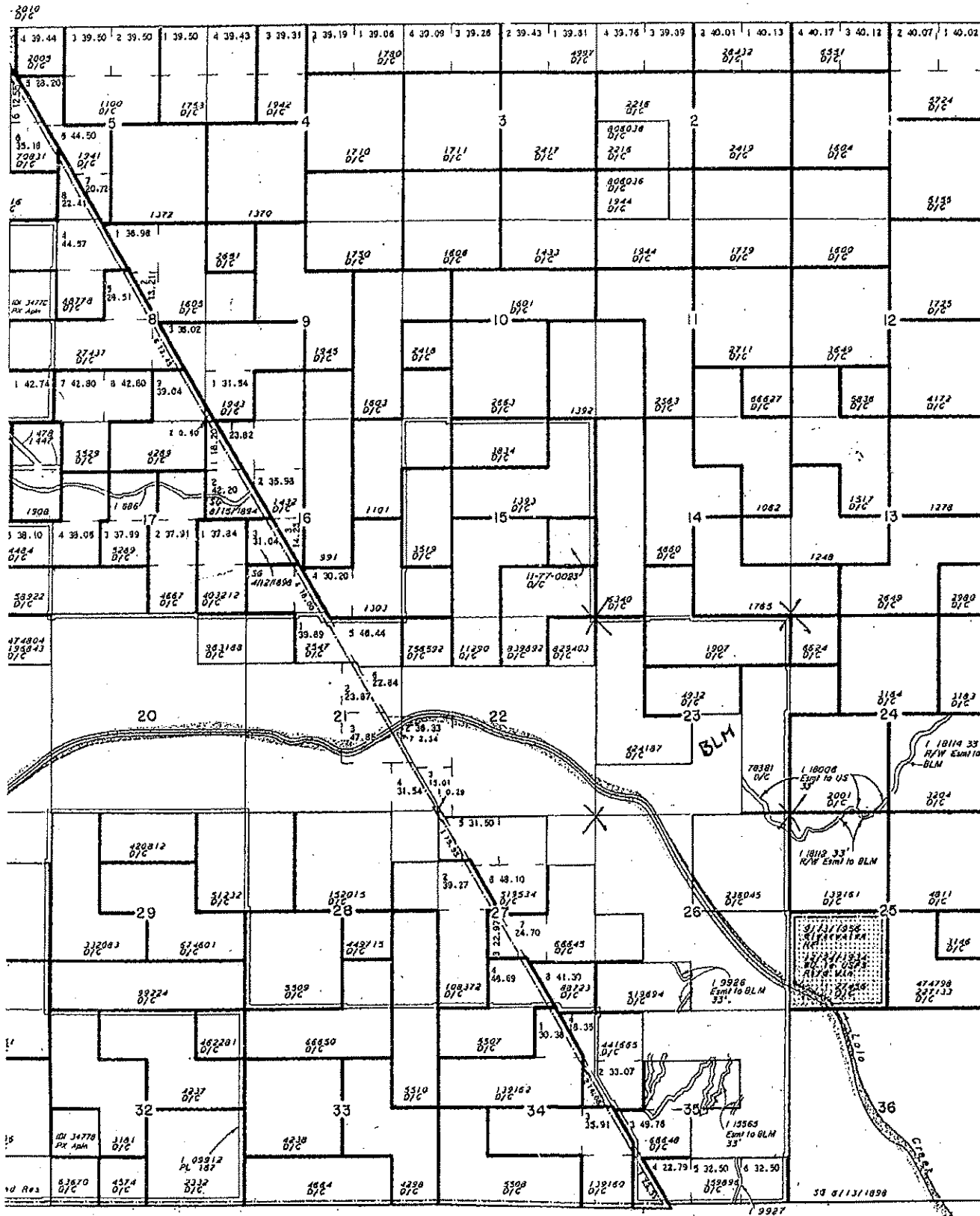
T35N R03E

-Place of Use T35N R03E S23 NWSE is BLM land

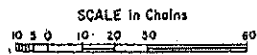
-Remove Place of Use on BLM from claim 84-12109

TOWNSHIP 35 NORTH RANGE 3 EAST OF THE BOISE MERIDIAN, IDAHO

COEUR D'ALENE DISTRICT
COTTONWOOD



Lat. 45° 20' N
Long. 116° 02' W



IDAHO COUNTY 049 CLEARWATER

WARNING STATEMENT
This plat is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records herein do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water.

THE NOTATION SHOWN ON WITHIN ACTION TAKEN BUT MAY NOT BE THE HISTORICAL INDEX FOR THE DRAWING ORDER

09/29/2004

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 27, 2004

Water right number: 84-12109

ROYCE E HICKS
4229 VIEW POINT DR

AHSAHKA ID 83520

Telephone Number: (208) 435-4331

EVAH JEAN HICKS

4229 VIEW POINT DR

AHSAHKA ID 83520

Telephone Number: (208) 435-4331

Change made 11-9-04.
PLEASE NOTE NEW PHONE #5
(208) 476-7475

(208) 476-7475

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 27 OCT 2004 SIGNATURE: *Royce E. Hicks*
Please print your name: ROYCE E. HICKS

IDWR Regional Office, 1910 Northwest Blvd, Suite 210, Coeur D' Alene, ID 83814, 2087691450

IDWR North

NOTE --- YOUR RECOMMENDATIONS ARE
CORRECT. THANK YOU FOR THE
DETAILED AND CAREFUL PREPARATION.

Royce E. Hicks

SCANNED
NOV 01 2004

27 Oct 2004

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

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The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

RECEIVED
NOV 1 2001
IDWR North

SCANNED
NOV 01 2001

02/18/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 84-12109

NAME AND ADDRESS: ROYCE E HICKS
1001 POVERTY GULCH RD
PO BOX 116
WEIPPE ID 83553

EVAH J HICKS
1001 POVERTY GULCH RD
PO BOX 116
WEIPPE ID 83553

SOURCE: SCHMIDT CREEK
SPRINGS
UNNAMED STREAM

TRIBUTARY: LOLO CREEK
TRIBUTARY: SCHMIDT CREEK
TRIBUTARY: SCHMIDT CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 01/01/1924

POINT OF DIVERSION:

T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 SENE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 NESE Within CLEARWATER County
T35N R03E S23 SESE Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 SWNW Within CLEARWATER County
T35N R03E S24 NESW Within CLEARWATER County
T35N R03E S24 NWSW Within CLEARWATER County
T35N R03E S24 SWSW Within CLEARWATER County
T35N R03E S24 SESW Within CLEARWATER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER Within CLEARWATER County

T35N R03E S23	SWNE	T35N R03E S23	SENE
T35N R03E S23	NESE	T35N R03E S23	NWSE
T35N R03E S23	SESE	T35N R03E S24	SWNW
T35N R03E S24	SENW	T35N R03E S24	NESW
T35N R03E S24	NWSW	T35N R03E S24	SWSW
T35N R03E S24	SESW		

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

02/18/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

84-12109



0 900 1800 Feet

Sections 24 & 25
T35N R3E



⊙ Point of Diversion

Place of Use

Map prepared on February 18, 2004
By Kenneth Knoblock
Idaho Department of Water Resources

RECEIVED

NOV 02 1998

Department of Water Resources

934 I Street
Washougal, WA
98671
Oct. 29, 1998

Mr. Donald Shaff
Idaho Dept. of
Water Resources
Boise, ID

Hi Don:

With several pauses including some traveling to Lewiston for my youngest daughter's big 4-0 birthday and trying to redo the bathroom here, I finally got my act together on Mr. Hicks' Claim on various springs and creeks tributary to Lolo Creek in Clearwater County.

As you may recall from our conversations, Jan at Western could find no record of Mr. Hicks being joined to the Snake Basin Adjudication, so there should probably be no late filing fee.

I would greatly appreciate it if you or Carter would review the Claim and if you find something not kosher, please return it to me and I will go over it with Mr. Hicks at the earliest opportunity. If all looks okay to either of you please process it and forward his copy to Mr. Hicks at his Weippe address.

Enclosed is a check for \$25.00 made out to the Department which I believe you related was correct. If it is not, please let me know and I will forward the correct amount. Thanks for all the help and tell everyone hello for me.

Sincerely,


Forrest

A84-12109

84-12109

29 MARCH 2003

RE: ADDRESS
CORRECTION
BASIN 84

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
P.O. Box-83720
BOISE, ID 83720-0098

RECEIVED
APR - 2 2003

Department of Water Resources

ATT: CARTER FRITSCHLE, WATER RIGHTS
SUPERVISOR

84-12109

THANK YOU FOR YOUR LETTER ANNOUNCING
THE MEETING IN CROFINO ON 09 APRIL.
WE PLAN TO BE THERE.

PLEASE NOTE THAT OUR ADDRESS
HAS CHANGED. WE NOW RECEIVE
MAIL ON A RURAL ROUTE NOT
AT BOX-116. (WE STILL LIVE AT THE
SAME PLACE). Records updated 4-2-03.
-ps

OUR CURRENT ADDRESS IS:

ROYCE E. HICKS
EVAN J. HICKS
1001 POVERTY GULCH ROAD
WEIPPE, ID 83553

SCANNED
APR 02 2003

THANK,
Royce Hicks



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

November 24, 1998

**KARL J. DREHER
DIRECTOR**

ROYCE OR EVAH HICKS
PO BOX 116
WEIPPE ID 83533

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A84-12109

Dear Claimants:

Enclosed is a computer-generated copy of Notice of Claim #A84-12109 which you filed for your property in Clearwater County. I have also enclosed your yellow file copy of the claim. You may retain these documents for your records.

Please contact me at 1/800-327-7862 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally', is written over a horizontal line.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Notice of Claim #84-12109
Yellow File Copy of Claim

cc: F. Luthy



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

November 24, 1998

KARL J. DREHER
DIRECTOR

MR FORREST LUTHY
934 I ST
WASHOUGAL WA 98671

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim #A84-12109

Dear Forrest,

I was pleased to hear you are doing well!

Don passed Mr. & Mrs. Hicks' claim to me, natch, for data entry. I have enclosed a copy for your information as well as your receipt #C043812 for their filing fee. There is no late fee involved. I have mailed the Hicks' file copy to them.

Have a lovely holiday season, Forrest.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Sally Sherman'.

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosures:

Copy of Claim #A84-12109

Receipt #C043812

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Hicks

CLAIM IDENT. NO.

184-12109

DATE RECEIVED

11/02/98

CK #

1122

AMOUNT \$

25

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ *
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
Is the period of use included? ☒ YES ☐ NO ☐ *
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
Is the consumptive use correct? ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: [Signature]Date: 11/12/98

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐Receipt Prepared by: [Signature]Claim data entered by: [Signature]Sent to claimant by: [Signature]Date: 11/02/98Date: 11-16-98Date: 11-16-98Checked by: [Signature]Date: 11/30/98

Comments:

cc: MR LUTHY w/rec'd.