



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

RECEIVED

JUL 14 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04078S
CAROL J FOUTZ
HERBERT C FOUTZ
12 SIMS RANCH RD
SALMON ID 83467

RESPONSE DEADLINE
JULY 29, 2005

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.

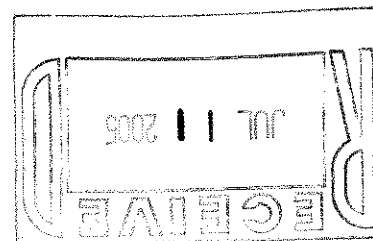
Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by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

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
Adjudication Bureau

Enclosures



756-2134

RECEIVED

JUL 14 2005

DEPARTMENT OF
WATER RESOURCES

Page 105

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4078S

WATER RIGHT NUMBER: 75-4078S

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERBERT C FOUTZ 12 SIMS RANCH RD SALMON, ID 83467
Current Owner	CAROL J FOUTZ 12 SIMS RANCH RD SALMON, ID 83467

Priority Date: 05/11/1893

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

SALMON RIVER	NW1/4SW1/4SW1/4	Sec. 7,	Twp 20N,	Rge 21E, B.M.
LEMHI County				

Place of Use

IRRIGATION Within LEMHI County

T20N R22E S06 Lot 2 NENE	5.2	T20N R22E S06 Lot 3 NWNE	0.9
--------------------------	-----	--------------------------	-----

Total Acres: 6.1

Conditions of Approval:

1. PROPERTY AKA LOT 19 CHINOOK SUBDIVISION
2. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4078P.

Remarks:

Geo L. Shoup

Desert Lands
Certificate No 2151The United States of America. To all to whom these
presents shall come, Greeting:

Whereas George L. Shoup of Lemhi County, Idaho, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho whereby it appears that full payment has been made by the said George L. Shoup, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for

The South-East quarter of the North-West quarter; the South-West quarter of the North-East quarter; the East half of the South-West quarter and the Lots numbered two; three; four; five; six; seven; eight; nine; eleven and thirteen of Section Six, and the Lots numbered one; five and six of Section seven, in Township twenty North of Range twenty-two East of Boise Meridian in Idaho, containing five hundred and eighty-eight acres, and twenty-eight hundredths of an acre according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said George L. Shoup

Now Know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said George L. Shoup and to his heirs, the said Tract above described:

To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said George L. Shoup and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Benjamin Harrison, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twelfth day of January, in the year of our Lord one thousand eight hundred and ninety-three and of the Independence of the United States the one hundred and seventeenth

(Seal)

By the President: Benjamin Harrison

By E. M. Farland Asst Secretary

Recorded Vol. 2 Page 57. D. P. Roberts, Recorder of the General Land Office

Recorded at the request of Geo L. Shoup May 11th 1893, at 45 minutes past 10 o'clock A.M. in Book G of Deeds page 17 Records of Lemhi County, Idaho.

Timothy Dore
County Recorder

Claim # 75-040785