

75-11627

RECEIVED

JUL 15 2005

DEPARTMENT OF
WATER RESOURCES

7-11-05

State of Idaho
Dept. of Water Resources
P.O. Box 83707-9815

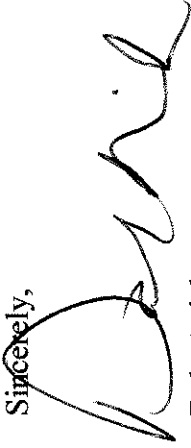
Dear Roxanne,

I received your letter the other day requesting Evidence of Priority on our Water Rights Claim. I spoke to you a few months ago on this issue. I had put an application in to Water Resources on 3-5-04 to construct a pond. The purpose is to pump water from the pond and set up a sprinkler system to irrigate as well as a trout pond. The application was postponed until a Favorable Recommendation was made on the Claim.

I have done some research and have included the following information. A copy of the Stipulation from Lemhi County for Mr. Hansen whom originally owned all the land and had the water rights up Fourth of July and Little Fourth of July Creek. Our Parcels of land are included or within the stated legal description of the Hansen Stipulation. It takes the Priority Date back to April 1 1896.

There are old irrigation ditches present on our parcels. Cook Real Estate has also given me the names of two individuals that can validate the water usage from Little Fourth of July Creek , Maxine Risbon (Huff) and a woman named Febe. If it is necessary I can try and locate them August 15th when we are out in Salmon, ID to get further validation by Affidavit. Please let me know if this will be necessary.

Sincerely,



Dale Anich
2575 Bear Valley Drive
Carlton, MN. 55718
218-384-3447

02/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjustment Claim Report

WATER RIGHT NO. 75-11627

Owner Type
Current Owner
Name and Address
RICHARD EBERHARDT
PO BOX 1605
HANALEI, HI 967141605
(808)826-5217

Priority Date: 05/22/1913
Basis: Beneficial Use
Status: Active

Source
LITTLE FOURTH OF JULY CREEK
Tributary to
FOURTH OF JULY CREEK

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	1/01	12/31	0.75 CFS		
Total Diversion				0.75 CFS	

Location of Point(s) of Diversion:

LITTLE FOURTH OF JULY CREEK SESESE Sec. 24 Township 24N Range 21E LEMHI County

IRRIGATION Use:
Acre Limit: 15

Place(s) of use:

Place of Use Legal Description: IRRIGATION

LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
24N	21E	25		NENE	11						
							SENE	4			
Total Acres:											15

Remarks:

1. General ADDRESS CHANGE BY CLAIMANT LETTER. SS 01/04/99

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): E013414
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:

Water Right 75-11627

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO

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

2002 OCT 25 PM 3 49

In re SRBA)
)
Case No. 39576)

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

Water Right 75-10199

NAME AND ADDRESS:

DALE A ANICH
SUZANNE M ANICH
2575 BEAR VALLEY DR
CARLTON, MN 55718

SOURCE:

GROUNDWATER

QUANTITY:

0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE:

05/22/1913

POINT OF DIVERSION:

T24N R21E S24

SESESE Within Lemhi County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Domestic 1 HOME

PERIOD OF USE
01-01 TO 12-31 0.04 CFS

PLACE OF USE:

Domestic
T24N R21E S25

Within Lemhi County

NENE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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.


Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

FROM :

FAX NO. 1

Apr. 25 2004 08:59AM P2

7-15-2004

Cook Real Estate
Attn. Freddie and or Cary

RE: Water Rights, Little Fourth of July Creek

I need your help!

I purchased this property in 2001. I had understood it to have water rights. I have since been informed by Roxanne Brown, the lead investigator of the adjudication process that I do not have a water right, but a claim to a water right that needs to be substantiated. Ms. Brown is requiring evidence of the priority date of the claim which is 05/22/1913. In other words a signed statement by a prior owner or witness that can validate that the property was irrigated as per the claim going back to the date of the claim.

If you know of anyone that is familiar with this property's history and could help me I would be grateful. Thank you!

Sincerely,



Dale A. Anich
2575 Dear Valley Drive
Carlton, MN. 55718
800-416-3447

What is the letter from Roxanne asking for 1913 was a vidence. #11627? The adjudicative claim report should be satisfied - go see Bob Foster.

Freddie, the 2 people that can substatiate water usage are: Maxine Risbon 865-2463 Lives in the little boy cabin on the highway right where 42nd & Hwy A. Rd. takes off.

Travis Bolander, the 2nd original homestead } Bear them cause the Wilma, } have along the highway } 40's - maybe 30's Brice } on the east side.

75-11627

Dear Frede,

This Stipulation does not really cover Little 4th of July Creek. It was for the distribution of the main 4th Of July Creek water and only references Little 4th as a landmark; the point on the main creek above which water was appropriated for use from the main creek. EXCEPT, where it described those lands on the Little 4th of July Creek owned by Mr. Hansen; it did say, "all the water and water rights appurtenant thereto". Hansen had use of all the little 4th of July Creek water of which Eberhardts parcel was a part of.

Look at the top of the page on Anich's water right No. 75-11627. It says "Adjudication Claim Report" That means it is in the process of being "Perfected" which means it has not been adjudicated yet. Most water rights in Lemhi County are a "claim" to water and the Snake river Basin Adjudication should be through by the year 2004-2005. If Anich got some kind of letter questioning the data on his "Adjudication Claim Report" he needs to take it over to Bob Foster to straighten it out. This is why Bob Foster's office was opened in Lemhi County; to help with these type issues.

Thanks,

Cary

(218) 384-3447

75-11627

Page 1

Don
Bellamy
865-2002

Little
Signed affadavit maps
Feb... to 1940 when Metzkov's
maxine ribbon (Huff)
original owner was
Frank Munkers was

Land situated in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township 24 North, Range 22 East, Boise Meridian, containing 4 acres, more or less.

13. Hansen are the owners, in possession and entitled to

the possession of the following described land situated in the

County of Lemhi, State of Idaho, to-wit:

North Half of Southeast Quarter of the Southeast Quarter (NW $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), the Northeast Quarter of the SouthEast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), the East Half of the Southeast Quarter of Northeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast Quarter of Northeast Quarter of Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-five (25) in Township Twenty-four North, Range Twenty-one East, and the Lot 4 of Section 30 and the Lot 5 of Section 31, in Township 24 North, Range 22 East of the Boise Meridian, containing 149.29 acres. ALSO, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Section 25, in Township 24 North of Range 21 East of the Boise Meridian, containing 37 $\frac{1}{2}$ acres of land.

All of Lots 1, 2, 3 and 4 of Section 19 of Township 24 North, Range 22 East Boise Meridian, containing 159.28 acres of land, according to the U. S. Government Survey.

E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 24; and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 25; all in Township 24 North, Range 21 East Boise Meridian, containing 47 $\frac{1}{2}$ acres.

Together with all water and water rights, ditches and ditch rights, range and range rights appurtenant thereto or used in connection therewith. This is all the water met of Little 4th of July Co.

EXCEPTING THEREFROM:

A fraction of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and a fraction of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township 24 North, Range 21 East, Boise Meridian, more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 25, run thence North 330.0 feet to the point of beginning; thence S. 89 $^{\circ}$ 48' W. 83.7 feet; thence North 990.0 feet; thence N. 89 $^{\circ}$ 48' E. 981.5 feet; thence South 660.0 feet; thence S. 89 $^{\circ}$ 48' W. 566.5 feet; thence South 330.0 feet; thence S. 89 $^{\circ}$ 48' W. 331.1 feet to the point of beginning, containing 17.966 acres; together with all water and water rights, ditches and ditch rights used in connection therewith.

as in connection

29
30
31
32

JAMES C. HERRDON
ATTORNEY AT LAW
P. O. BOX 181
BALDWIN, IDAHO 83447
(208) 756-4118

Commencing at the South quarter corner of said Section 25, run thence North 330.0 feet; thence West 364.8 feet to the point of beginning and the Southeast corner of the tract of land hereby conveyed; continuing thence West 295.2 feet; thence North 295.2 feet; thence East 295.2 feet; thence South 295.2 feet to the point of beginning, containing 2.0 acres.

STIPULATION FOR ENTRY OF JUDGMENT

Page 24

1 in connection therewith.

2 Hansens are entitled to have, and they are hereby awarded
3 water rights and privileges, points of diversion and places of
4 use as follows:

5 (a) 20 miner's inches or .4 cubic feet per second of
6 the waters of Fourth of July Creek from the commence-
7 ment of the irrigation season each calendar year until
8 August 1 of each such year, and after August 1 until the
9 end of each such irrigation season 16 miner's inches or
10 .3 cubic feet per second of the waters of Fourth of
11 July Creek with a priority of appropriation dating from
12 April 1, 1896 and delivered through the existing ditch
13 known as the Upper Ditch (Ditch No. 4) with a point
14 of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township
15 24 North, Range 22 East, Boise Meridian, for irrigation
16 of the following described premises in Lemhi County,
17 Idaho, to-wit:

18 Land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township
19 24 North, Range 21 East of the Boise Meridian, con-
20 taining 10 acres, more or less.

21 (b) 40 miner's inches or .8 cubic feet per second of
22 the waters of Fourth of July Creek from the commence-
23 ment of the irrigation season each calendar year until
24 August 1 of each such year and after August 1 until
25 the end of each such irrigation season, 30 miner's
inches or .6 cubic feet per second of the waters of

10



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-11627

SUZANNE M ANICH

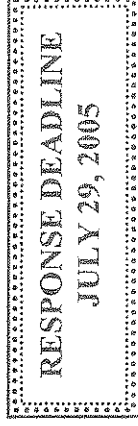
DALE A ANICH

2575 BEAR VALLEY DR

CARLTON MN 55718

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.

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

02/27/2001

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

WATER RIGHT NO. 75-11627

Owner Type
Current Owner

Name and Address
RICHARD EBERHARDT
PO BOX 1603
HANALEI, HI 96714-1603
(808)826-6217

Priority Date: 05/22/1913
Basis: Beneficial Use
Status: Active

Source
LITTLE FOURTH OF JULY CREEK

Tributary to
FOURTH OF JULY CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	1/01	12/31	0.75 CFS		
Total Diversion			0.75 CFS		

Location of Point(s) of Diversion:

LITTLE FOURTH OF JULY CREEK SESESE Sec. 24 Township 24N Range 21E LEMHI County

IRRIGATION Use:
Acre Limit: 15

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
24N	21E	25		NENE	11		SENE	4			
Total Acres: 15											

Remarks:

1. General ADDRESS CHANGE BY CLAIMANT LETTER, \$5 01/04/99

Dates:

Licensed Date:
Claim Received Date:
Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:

Other Information:

Receipt Number(s): E013514
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate per Acre:
Generic Max Volume per Acre:

Water Right 75-11627

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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

2002 OCT 25 PM 3 49

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

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

Water Right 75-10199

NAME AND ADDRESS: DALE A ANICH
SUZANNE M ANICH
2575 BEAR VALLEY DR
CARLTON, MN 55718

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY:

PRIORITY DATE: 05/22/1913

POINT OF DIVERSION: T24N R21E S24 SESESE Within Lemhi County

PURPOSE AND PERIOD OF USE: PURPOSE OF USE QUANTITY
Domestic 1 HOME 01-01 TO 12-31 0.04 CFS

PLACE OF USE: Domestic T24N R21E S25 NENE Within Lemhi County

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.
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
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Presiding Judge of the
Snake River Basin Adjudication

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Apr. 25 2004 09:59PM P2

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Attn. Freddie and or Cary

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If you know of anyone that is familiar with this property's history and could help me I would be grateful. Thank you!

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Dale A. Anich
2575 Bear Valley Drive
Carlton, MN. 55718
800-416-3447

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asking for 1913 some evidence.
The adjudicative claim report should
be satisfied - go see Bob Foster.*

*Further, the 2 people that can substantiate water usage
are: Maxine Ribson 865-2403 Lives in the little boy
cabin on the highway
right where 4th & Hwy
A. Rd. take off.*

*Travis Bolander, the ~~original~~ ^{the old} original homestead
Wilma, } the old original homestead } Bear then came the
Bruce } home along the highway } 40's - maybe 30's
on the east side.*

75-11627

Dear Frede,

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Look at the top of the page on Anich's water right No. 75-11627. It says "Adjudication Claim Report" That means it is in the process of being "Perfected" which means it has not been adjudicated yet. Most water rights in Lemhi County are a "claim" to water and the Snake river Basin Adjudication should be through by the year 2004-2005. If Anich got some kind of letter questioning the data on his "Adjudication Claim Report" he needs to take it over to Bob Foster to straighten it out. This is why Bob Foster's office was opened in Lemhi County; to help with these type issues.

Thanks,

Cary

CS18J 3841-3447

Don
Bellamy
865-2002

11/10/97

Frank Munkers was

original owner. He
signed affidavits in
Feb. 1940 when Munkers
maxine risbon maps were made.

maxine risbon (Hoff)

Land situated in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, Township
24 North, Range 22 East, Boise Meridian, containing
4 acres, more or less.

13. Hansen are the owners, in possession and entitled to

the possession of the following described land situated in the

County of Lemhi, State of Idaho, to-wit:

North Half of Southeast Quarter of the Southeast Quarter
(N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), the Northeast Quarter of the Southeast
Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), the East Half of the Southeast Quarter
of Northeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast
Quarter of Northeast Quarter of Northeast Quarter
(SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-five (25) in Township
Twenty-four North, Range Twenty-one East, and the Lot
4 of Section 30 and the Lot 5 of Section 31, in Township
24 North, Range 22 East of the Boise Meridian, containing
149.29 acres; ALSO, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$; the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; and
the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; all in Section 25, in Township 24 North
of Range 21 East of the Boise Meridian, containing 37 $\frac{1}{2}$
acres of land.

All of Lots 1, 2, 3 and 4 of Section 19 of Township 24
North, Range 22 East Boise Meridian, containing 159.28
acres of land, according to the U. S. Government Survey.

E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section
24; and the NE $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 25; all in Township 24
North, Range 21 East Boise Meridian, containing 47 $\frac{1}{2}$ acres.

Together with all water and water rights, ditches and
ditch rights, range and range rights appurtenant thereto
or used in connection therewith. *This is all the water
out of the 4 $\frac{1}{2}$ of Section 25.*

EXCEPTING THEREFROM:

A fraction of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ and a fraction of the SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 25, Township 24 North, Range 21 East, Boise
Meridian, more particularly described as follows, to-wit:

Commencing at the South Quarter corner of said Section 25,
run thence North 330.0 feet to the point of beginning;
thence S. 89 $^{\circ}$ 48' W. 83.7 feet; thence North 990.0 feet;
thence N. 89 $^{\circ}$ 48' E. 981.5 feet; thence South 660.0 feet;
thence S. 89 $^{\circ}$ 48' W. 566.5 feet; thence South 330.0
feet; thence S. 89 $^{\circ}$ 48' W. 331.1 feet to the point of
beginning, containing 17.966 acres, together with all
water and water rights, ditches and ditch rights used
in connection therewith.

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Commencing at the South quarter corner of said Section 25, run thence North 330.0 feet; thence West 364.8 feet to the point of beginning and the Southeast corner of the tract of land hereby conveyed; continuing thence West 295.2 feet; thence North 295.2 feet; thence East 295.2 feet; thence South 295.2 feet to the point of beginning, containing 2.0 acres.

STIPULATION FOR ENTRY OF JUDGMENT

Page 24

JAMES C. HERRDON
ATTORNEY AT LAW
P. O. BOX 108
SALMON, IDAHO 83487
(208) 758-2413

1 in connection therewith.

2 Hansens are entitled to have, and they are hereby awarded
3 water rights and privileges, points of diversion and places of
4 use as follows:

5 (a) 20 miner's inches or .4 cubic feet per second of
6 the waters of Fourth of July Creek from the commence-
7 ment of the irrigation season each calendar year until
8 August 1 of each such year, and after August 1 until the
9 end of each such irrigation season 16 miner's inches or
10 .3 cubic feet per second of the waters of Fourth of
11 July Creek with a priority of appropriation dating from
12 April 1, 1896 and delivered through the existing ditch
13 known as the Upper Ditch (Ditch No. 4) with a point
14 of diversion in the NE¼NW¼ of Section 29, Township
15 24 North, Range 22 East, Boise Meridian, for irrigation
16 of the following described premises in Lemhi County,
17 Idaho, to-wit:

18 Land situated in the NE¼SE¼ of Section 25, Township
19 24 North, Range 21 East of the Boise Meridian, con-
20 taining 10 acres, more or less.

21 (b) 40 miner's inches or .8 cubic feet per second of
22 the waters of Fourth of July Creek from the commence-
23 ment of the irrigation season each calendar year until
24 August 1 of each such year and after August 1 until
25 the end of each such irrigation season, 30 miner's
inches or .6 cubic feet per second of the waters of

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existing ditch known as Southside Ditch (Ditch No. 6)
with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29,
Township 24 North, Range 22 East of the Boise Meridian,
for irrigation of the following described premises in
Lemhi County, Idaho, to-wit:

STIPULATION FOR ENTRY OF JUDGMENT

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JAMES C. HERRDON
ATTORNEY AT LAW
R. O. BOX 768
MILBURN, IDAHO 83417
(208) 756-4412

1 A fraction of the E½SE¼SW¼ of Section 25, Township 24
2 North Range 21 East, Boise Meridian, more particularly
3 described as follows, to-wit:

4 Commencing at the Southerly quarter corner of said Sec-
5 tion 25, run thence North 330.0 feet; thence West 83.7 feet
6 of the point of beginning; and the Southeasterly corner
7 feet; thence West 578.9 feet; thence North 545.8
8 boundary of the NE¼SE¼NW¼ of Section 25, thence South
9 252.6 feet; thence East 295.2 feet; thence South
10 feet to a point on the Southerly boundary of the N½SE¼SW¼
11 of Section 25; thence East 283.7 feet to the point of
12 beginning, containing 5.25 acres, together with all
13 water and water rights, ditch and ditch rights used in
14 connection therewith.

15 A fraction of the SE¼SE¼NW¼SE¼ and a fraction of the
16 SW¼SW¼NE¼SE¼ of Section 25, Township 24 North, Range
17 21 East, Boise Meridian, more particularly described as
18 follows, to-wit:

19 Commencing at the Southwesterly corner of the said
20 SE¼SE¼NW¼SE¼ of Section 25, run thence North 30.0 feet
21 to the point of beginning; continuing thence North
22 300.0 feet; thence N. 89°48' E. 410.6 feet; thence S.
23 6°24' W. 251.6 feet; thence S 89°48' W. 51.2 feet; thence
24 S. 79°12' W. 337.3 feet to the point of beginning, con-
25 taining 2.247 acres, together with all water and water
26 rights, ditches and ditch rights used in connection
27 therewith.

28 A fraction of the SE¼ of Section 25, Township 24 North,
29 Range 21 East Boise Meridian, more particularly described
30 as follows; to-wit:

31 Beginning at the Southwesterly corner of the SE¼SE¼NW¼SE¼
32 of said Section 25, run thence North 30.0 feet; thence
33 N. 79°12' E. 337.3 feet; thence N. 89°48' E. 109.9 feet;
34 thence South 737.5 feet to a point on the Southerly
35 boundary of the NW¼SE¼SE¼ of Section 25; thence S.
36 89°48' W. 537.3 feet; thence North 660.0 feet to a
37 point on the Northerly boundary of the SW¼SE¼ of Section
38 25; thence N. 89°48' E. 96.1 feet to the point of
39 beginning. Containing 8.777 acres. Together with water
40 and water rights, ditch and ditch rights thereunto belong-
41 ing or anywise appertaining.

42 A fraction of the SW¼SW¼ of Section 30, Township 24 North,
43 Range 22, East Boise Meridian, more particularly
44 described as follows, to-wit:

45 Commencing at the Northeast Corner of said SW¼SW¼ of
46 Section 30, run thence West 47.3 feet to a point on the
47 boundary of the SE¼SE¼NW¼SE¼ of Section 25, Township 24 North,
48 Range 21 East Boise Meridian, more particularly described as follows, to-wit:

49

29 C. HERNON
TORREY AT LAW
P.O. BOX 318
RM. 1540 89487
801 756-3412

County Road; thence Easterly along the Northernly side
of the Lemhi County Road 1288.0 feet to the point of
beginning, containing 1.3 acres, together with all
water and water rights, ditch and ditch rights used

STIPULATION FOR ENTRY OF JUDGMENT

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1 Land situated in the NW $\frac{1}{4}$ of Section 30, NW $\frac{1}{4}$ of
2 Section 31, Township 24 North, Range 22 East of the
3 Boise Meridian, containing 20 acres more or less.

4 (c) 24 miner's inches or .48 cubic feet per second of
5 the waters of Fourth of July Creek from the commence-
6 ment of the irrigation season each calendar year until
7 August 1 of each such year and after August 1 until
8 the end of each such irrigation season 18 miner's in-
9 ches or .36 cubic feet per second of the waters of
10 Fourth of July Creek with a priority of appropriation
11 dating from April 1, 1896, and delivered through the
12 existing ditch known as the Lower Ditch (Ditch No. 9)
13 with point of diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30,
14 Township 24 North, Range 22 East of the Boise Meridian,
15 for irrigation of the following described premises in
16 Lemhi County, Idaho, to-wit:

17 Land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, Township
18 24 North, Range 21 East of the Boise Meridian, con-
19 taining 13 acres, more or less.

20 14. Defendants Appleman, are the owners, in possession
21 of and entitled to the possession of the following described
22 land situated in the County of Lemhi, State of Idaho, herein-
23 after called Appleman lands, more particularly described as
24 follows, to-wit:

25 All of that portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
26 Lots 1 and 2 of Section 35, T. 24 N., R. 21 E., Boise
Meridian, lying on the Southerly side of U. S. Highway
No. 93.

29
30
31
32

the intersection of the Easterly boundary of said Lot 1, and the Southwesterly Right-of-Way line of U. S. Highway No. 93, run thence Northwesterly along the Southwesterly Right-of-Way line of U. S. Highway 93 a distance of 407.0 feet; thence S. 49°00' W. 190.0 feet, more or less, to the Northerly bank of the Salmon River; thence meandering the Northerly bank of the Salmon River in an Easterly direction 460.0 feet;

STIPULATION FOR ENTRY OF JUDGMENT

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MES C. HENDON
ATTORNEY AT LAW
P.O. BOX 718
SON. IDAHO 83417
(208) 788-1111

JOINT APPLICATION FOR PERMITS

U.S. ARMY CORPS OF ENGINEERS
IDAHO DEPARTMENT OF WATER RESOURCES
IDAHO DEPARTMENT OF LANDSDO NOT START WORK UNTIL YOU
RECEIVE PERMITS FROM BOTH THE
CORPS AND THE STATE

This application may be used to apply for both a Department of the Army permit from the U.S. Army Corps of Engineers (Corps) and for State of Idaho permits. Department of the Army permits are required by Section 10 of the Rivers and Harbors Act of 1899 for any structures or work in or affecting navigable waters of the United States and by Section 404 of the Clean Water Act for discharges of dredged or fill material into waters of the United States, including their adjacent wetlands. State permits are required under the State of Idaho, Stream Channel Protection Act (Title 42, Chapter 38, Idaho Code) and the Idaho Lake Protection Act, Section 58-142 et. seq., Idaho Code. Route Users: Information provided on this form will be used in evaluating the application. Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can permits be issued. Applicants should send this completed application, along with one set of good reproducible drawings showing the location and character of the proposed project, to both the Corps of Engineers and the State of Idaho. NOTE: DRAWINGS NO LARGER THAN 8-1/2 X 11 INCHES IN SIZE. The Applicant information pamphlet provides instructions and a checklist for completing the drawings.

1. Corps of Engineers # Date Received	2a. Department of Water Resources # Date Received	2b. Department of Lands # Date Received
Fee Rec'd By: _____		Receipt # _____
PLEASE TYPE OR PRINT		

3. a. Applicant Dele A. Anich 4. a. Authorized Agent _____b. Mailing Address 2575 Bear Valley Drive b. Mailing Address _____Coeville, ID 83418c. Work Phone (208) 384-3441 Home (208) 384-3382d. Fax Number 208-384-3447e. Email Address anichdale@cs.com

5. Location where proposed activity exists or will occur.

a. Waterway Little 4th of July Creek5 miles from North Fork ID

b. Distance/Direction from nearest city or town _____ County/State _____

83418 Idaho

c. Zip Code _____ Local jurisdiction (city or county) _____

d. Direction to the site 18 miles north of Salmon, ID on 93. Right on 4th of July Creek Rd. 60.1 mile6. a. Describe Project (Work below the ordinary high water mark or in wetlands). Take left on Little 4th of July Creek Rd. 60.1 mile

Dig and construct a pond using a backhoe. Dredged material will be hauled to a site away from pond. There are no wetlands. Pond will be along side of creek with a gated inlet and outlet.

b. Construction methods and equipment Backhoe, Dump Truckc. Length of project along the stream or extension into lake or reservoir: 50' Diameter pond

d. Size and flow capacity of proposed bridge or culvert and area of drainage served (sq. miles): (Idaho Department of Water Resources requirement.) _____

COMPLETE THE FOLLOWING FOR DISCHARGES OF DREDGED OR FILL MATERIAL

7. a. Volume dredged or fill material to be placed waterward of the ordinary high water mark (BOTH TEMPORARY AND PERMANENT)? 200 (cubic yards)b. Will fill be placed in wetlands? No If yes, area: _____ (acres) Type of fill material: _____ (i.e. sand, rock, clay, concrete, etc.)c. Will dredging be required waterward of the ordinary high water mark or in wetlands? No If yes, volume _____ (cubic yards)d. Type of dredged material top soil and hard pane. Disposal site for dredged material: Backhoef. Method to control turbidity and sedimentation: Project will be done late summer during low waterg. Is project located in a mapped floodway? No If yes, complete the Engineering "No-Fill" certification form. and dredging will be away from creek

8. a. Purpose and intended use: Commercial Public Private ☒ Other Describe
 b. Reason for project: trout pond

9. Proposed Starting Date 10-04 Estimated Duration 1 week

10. List portions of the project that are complete with month and year of completion
 Label this work on your drawings.

11. Name, address, and telephone numbers of adjoining property owners, lessees, etc., whose property also adjoins the waterway.

Rob & Cindy Hallen Arnt Vethus

PO Box 243 Selma ID 83467

Careson, ID 83462

208-865-2418 208-756-2776

☐ Check here if the alteration is located on endowment lands administered by the Idaho Department of Lands

12. LEGAL OWNER IF OTHER THAN APPLICANT

a. Name Suzanne Anick (wife) d. Phone Work (218) 384-3382

b. Mailing Address 3575 Bear Valley Drive Home 41

c. City, State, Zip Code Carlton, mn. 55718

13. List applications, approvals, or certifications from other Federal, state, or local agencies for work described in this application.
 Issuing Agency _____ Type of Approval _____ Identification No. _____ Date of Application _____ Date of Approval _____

14. Has any agency denied approval for the proposed activity? Yes No ☒ (If "Yes" explain)

15. Other comments/information:

CSO
pond

16. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief, such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. I hereby grant to the agencies to which this application is made, the right to come upon the above-described location to inspect the proposed and completed work.

Signature of Applicant (ORIGINAL SIGNATURE REQUIRED) DAVID Date Anick 3-5-04

17. If you wish to designate an authorized agent, complete item 4, item 18 and the following information.

I hereby designate _____ to act as my agent in matters related to this permit application. I understand that if Federal permit is issued, I must sign the permit.

Original Signature of Authorized Agent _____ Date _____ Original Signature of Applicant DAVID Date 3-5-04

18. U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

DO NOT SEND CORPS PROCESSING FEE WITH APPLICATION

SEND IDAHO DEPARTMENT OF WATER RESOURCES OR IDAHO DEPARTMENT OF LANDS FILING FEE WITH APPLICATION



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 17, 2004

Mr. Dale Anich
2575 Bear Valley Dr.
Carlton, Minnesota 55718

Re: Project No. US Army Corps of Engineers # NWW 023200090

Dear Mr. Anich,

I recently received a copy of a letter that was sent to you from the US Army Corps of Engineers referenced by the above number. In that letter, it indicates your wishes to construct a pond and to be able to divert water from Little 4th of July Creek into the pond.

I performed a water right search and found that you (or the former owner) made a claim to a water right from Little 4th of July Creek for irrigation purposes. The basis of the claim or the method of appropriation was by "beneficial use" with a priority date of May 22, 1913. For your convenience, I have included a copy of the proof report of this claim.

In order for you to legally divert water into the proposed pond, you need to transfer water from the above-mentioned water right. The procedures for making these changes are based upon an administrator's memorandum, a copy of which I have included.

There is one problem. The area of basin 75 of which this water right pertains is currently undergoing review for the Snake River Basin Adjudication (SRBA). Since the claim to a water right in the SRBA is a "beneficial use" claim, I would be required to wait until a favorable recommendation was made on the claim. "Favorable" meaning that it is a valid water right. Until that time, we could make the application for transfer but would not be able to process until a favorable recommendation was received. For your convenience, I have also included a transfer application and instructions.

It is likely that you have already received letters in regards to the SRBA requesting information for your claim to a water right. I encourage you to cooperate and provide them with the necessary information so they may validate your claim to a water right.

If I can be of further assistance, please feel free to call me at (208) 525-7161.

Sincerely,

W. Roger Warner

W. Roger Warner
Water Right Supervisor – Eastern Region

Cc: James Joyner – US Army Corps of Engineers, Idaho Falls, ID (w/o enclosures)
Terry Blau – IDWR – Southern Region, Twin Falls, ID (w/o enclosures)

Enclosures: Adjudication Claim proof report for 75-11627,
Administrator's Memorandum for permitting requirements for ponds,
Transfer Application and instructions