



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 25 2005

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

June 29, 2005

75-04126

RUSSELL J KOZACEK

PO BOX 128

NORTH FORK ID 83468

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
JULY 29, 2005

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4126

WATER RIGHT NUMBER: 75-4126

Owner Type
Current Owner
Name and Address
 RUSSELL J KOZACEK
 PO BOX 128
 NORTH FORK, ID 83466
 (208)865-2215

Priority Date: 05/01/1887

Basis: Statutory Claim

Status: Active

Source
 SPRING
Tributary
 NORTH FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/01	to 11/01	0.320 CFS	
DOMESTIC	1/01	to 12/31	0.040 CFS	
STOCKWATER	1/01	to 12/31	0.040 CFS	
<u>Total Diversion:</u>			0.320 CFS	

Location of Point(s) of Diversion

SPRING	LEMHI County	SW1/4SE1/4SW1/4	Sec. 15, Twp 25N, Rge 21E, B.M.
SPRING	LEMHI County	SE1/4SW1/4SW1/4	Sec. 15, Twp 25N, Rge 21E, B.M.

Place of UseIRRIGATION Within LEMHI County

T25N R21E S21	NWNE	6.0	T25N R21E S21	SWNE	2.0
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Total Acres: 8

DOMESTIC same as IRRIGATION
 STOCKWATER same as IRRIGATION

Conditions of Approval:

1. DOMESTIC USES FOR SINGLE-FAMILY RESIDENCE, STOCKWATER FOR APPROX. 25 HEAD OF HORSES & MULES BLOCK 2 LOT 1 RIVER RUN ESTATES.
 CHANGED OWNERSHIP PER REQUEST/JH/8-19-97

Remarks:

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

2440

FOREST SERVICE

FEB 17 1909

RECEIVED

ADDRESS 2-18-09

APPLICATION UNDER ACT OF JUNE 11, 1906.

Gibbonsville, Idaho

Oct 9, 1908.

THE FORESTER,

WASHINGTON, D. C.

I hereby make application for the examination and listing, under the Act of June 11, 1906, of the following-described lands in the Salmon National Forest,

INDEXED

Locality - five acres, more or less, of unsurveyed land
(If the land is surveyed, give each smallest legal subdivision and the section, township, and range. If the land is unsurveyed, describe it by reference to

lying on Hughes & North Fork Rivers about eight miles
natural objects, streams, or improvements, with boundary lines sufficiently definite to identify the land, so that the examiner may easily locate it. When con-

ditioned Gibbonsville. In unsurveyed Twp. 25 N. R. 21 E.
venient, submit sketch of the land on the township plat, last page.)

Boris M.

I am entitled to make entry under the homestead laws and the Act of June 11, 1906. I have actually been upon the land above described and believe it to be chiefly valuable for agriculture, having settled upon it (or examined it) settled in spring of 1887. Log house 18x26'
(Give the date of settlement or the date of the examination, the character of the improvements, if any, and the amount of cleared land.)
12 staves, log & post cellar 18x20, blacksmith shop, frame barn 18x20x20'
to square, milk house 16x14', 600 tree orchard, about 50 acres cleared
land and 750 rods fencing and all the required ditches
for the land.

My present address is Gibbonsville, Idaho.

Elizabeth M. E. L. Bridge
Applicant.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS

Application No. 55 - Salmon National Forest.

Land District Hailey. October 8-9-10, 1908.
(Date of examination.)

1. Name and address of applicant. Mrs. Elizabeth M. Eldridge,
(The county should always be given.)
Gibbonsville, Lemhi Co., Idaho.

2. Settlement Yes. Alleges settlement in spring of 1887.
(Is applicant living on land? Give date of settlement.)

3. Location Approximately seventy-five acres located by metes
(Local subdivision, or by metes and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settlements, etc.)
and bounds, lying at the confluence of Hughes Creek and the
North Fork of Salmon River about six miles below Gibbonsville,
in the unsurveyed T. 25 N. R. 21 E. Boise Mer.

4. Area Approximately seventy-five acres (75) more or less.
(Applied for, and recommended.)

9. Claims Aside from the patented placer ground which the claimant is at present occupying and cultivating there are no conflicting claims to the land or any of the improvements thereon. Log house, rock cellar, shop, large frame barn, milk house, 600 tree orchard, berry patches, fencing and ditches comprise the improvements.

10. Economic possibilities Applicant desires to obtain title to the claim as soon as possible so that she will feel more at liberty to further the improvement work. The ranch has been successfully farmed for quite a number of years and it has been demonstrated that the land is more valuable for agricultural purposes than for any other. The various markets throughout this end of the county are easily accessible and in the event of the opening up of the Bull of the Woods Mine, a few miles up Hughes Creek, this ranch will have the first opportunity of supplying the camp with farm products.

11. Recommendations It is respectfully recommended that the above described tract of land be listed for settlement for the previously stated reasons.

12. Photographs No photographs.

(Give numbers of negatives which go with this report. Photographs should be made in each case where unfavorable action is recommended.)

13. Personal

(Has applicant agreed to the findings of the examiner?)

E. C. Thompson
(Signature of examining officer.)

Land Examiner.
(Title.)

Approved

January 22, 1909

Approved

Mar 5 1909

(In charge, Examinations.)

Chief, Office of Lands.

Supplement to Form 110,

Mrs. E. M. Eldridge, H. E.

The applicant and deceased husband settled on this claim in the spring of 1887, after practically all of the land along the Hughes Creek bottom, from the mouth of the creek up the stream for a distance of about five miles, had been located for placer purposes. Later on a portion of the land upon which applicant settled was patented as placer ground. That portion of the ground along the creek which divides the applicants claim into two noncontiguous tracts, it is held, never exhibited any paying values and was simply patented in order to hold this lower creek bottom as a dumping ground for the placer workings higher up the creek. Furthermore, said applicant has always held and improved a large portion of the patented placer ground, such as is shown on the accompanying map, and at no time has she been requested to discontinue the occupancy of the land. Also the fact that aside from that portion of the Eagleson claim which lies adjacent to this noncontiguous tract on the south, there is absolutely no agricultural land whatever on the southwest, appears to add to the claimants priority of right to the tract, of eighteen acres in area, which is separated from the main branch by the patented placer claims.

I take this means of putting before the Service the fact that the present applicant has a preference right to the two noncontiguous tracts of land for which she is making application.

Geo L. Thompson

5. Topography The claim covers bench and bottom land in Hughes Creek

(Topography of tract applied for, and relation to surrounding territory. Topography should be considered particularly in and North Fork canyons, with a southeastern aspect. The altitude is bearing on agricultural possibilities, altitude, slope, aspect, etc.)

is approx. 4,100 feet. On all sides of the claim except up and down the creeks the mountains are very precipitous and rise in elevation to about 6,000 feet. All of the bench and bottom land is under ditch from North Fork and Hughes Creek.

6. Formation The soil consists of a sandy loam from one to two feet deep under which is a formation of coarse wash gravel. There (Nature and extent of soil, rock, etc., paying particular attention to their influence on agricultural possibilities. Presence of water for irrigation and domestic use. Possibilities for developing water.)

are no possibilities for developing water but, there is an abundance of water in both the North Fork and Hughes Creek easily obtainable for irrigation.

7. Climate The climate is moderate in winter and in summer it affords (Precipitation, temperature, occurrence of killing frosts.) a growing season of about fourteen to sixteen weeks from latter part of May. The occurrence of killing frosts is seldom before the latter part of September.

8. Cover Aside from a narrow strip of willows and brush along the west (Nature and extent of cover, with estimate of amount and value. Accessibility and distance to market. Is cover needed for productive or seeding purposes?) side of North Fork all of the land outside of that contained in the survey for Placer Patent is more or less cleared off. None of the growth contained on the applicants claim is of any value to the Forest.

5/13/MJR.

IN REPLY PLEASE REFER TO Hailey/Pat. 332406, "B", Q. S.

1 X Forester.

4-0860

DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

May 14, 1913.

WASHINGTON

ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE

The Forester,

Forest Service,

Washington, D. C.

Patent issued.

Sir:

In compliance with your request, you are informed that
Hailey, Idaho, Serial No. 332406,

Forest Homestead Patent, No. 332406,

in the name of Elizabeth M. Eldridge, for the H. E. Survey,
No. 61, comprising Tracts A and B, embracing a portion of the
unsurveyed public domain in the Salmon National Forest, issued
May 10, 1913.

Very respectfully,

6-1306

Commissioner

IN THE MATTER OF:
WATER RIGHTS

AFFIDAVIT

State of Idaho

County of LEMHI

HAROLD H. HANSON

being first duly sworn,

deposes and says: I HAVE LIVED ON H.E.S. 95 SINCE 1948 AND DO HEREBY

CERTIFY THE WATER THAT RAISES ON THE LOWER END OF MY RANCH IS CAUGHT

IN A DITCH THAT GOES TO IRRIGATE PART OF THE RANCH KNOWN TO ME AS THE

OLD RAVNDAL RANCH ON HUGHES CREEK, NORTH FORK, IDAHO, PART OF WHICH

RUSS KOZACEK HAS PURCHASED.

Harold H. Hanson

(signature)

Subscribed and sworn to before me this

5 day of March 19 77.

Residing at North Fork Rd. No 466

in the State of Mississippi

Wm. R. K. K. K. K.

(notary public)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

JULY 9, 1979

RUSSELL J. KOZACEK
SUSAN K. KOZACEK
BOX 1128
NORTH FORK

ID 83466

RE: Claim No. 75-4126

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

Enclosure

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

I, Russell J. Kozacek and/or Susan K. Kozacek
 Notice is hereby given that (Name of Claimant)
Box 1128, North Fork, Idaho 83466 865-2152
(Mailing Address) (Zip Code)
Telephone No.

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

May	1880
-----	------

(1) Date of priority: (When was the water first applied to a beneficial use)

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
unnamed spring tributary to Salmon River, North Fork

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	0.04 cfs	Use Domestic	Period of Use From 1/1	To 12/31
Quantity	0.32 cfs	Use Irrigation	Period of Use From 3/1	To 11/1
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity	0.36 cfs	Use	Period of Use From	To
		TOTAL QUANTITY USED.		

(5) A) Point of diversion: (Location of point where water is diverted from its source)

	SW	$\frac{1}{4}$	SW	$\frac{1}{4}$, Sec.	15	Twp.	Rge. 21E	B.M., County of Lemhi
A) Point on road from								

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Water is diverted by means of headbox & open ditch approx. 14' x 3975'. A USFS permit has been issued in conjunction with this use. Flood irrigation methods are used. Animals receive water directly from ditch. Also, water is pumped from well

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location. which is fed directly from irrigation ditch.

[illegible]

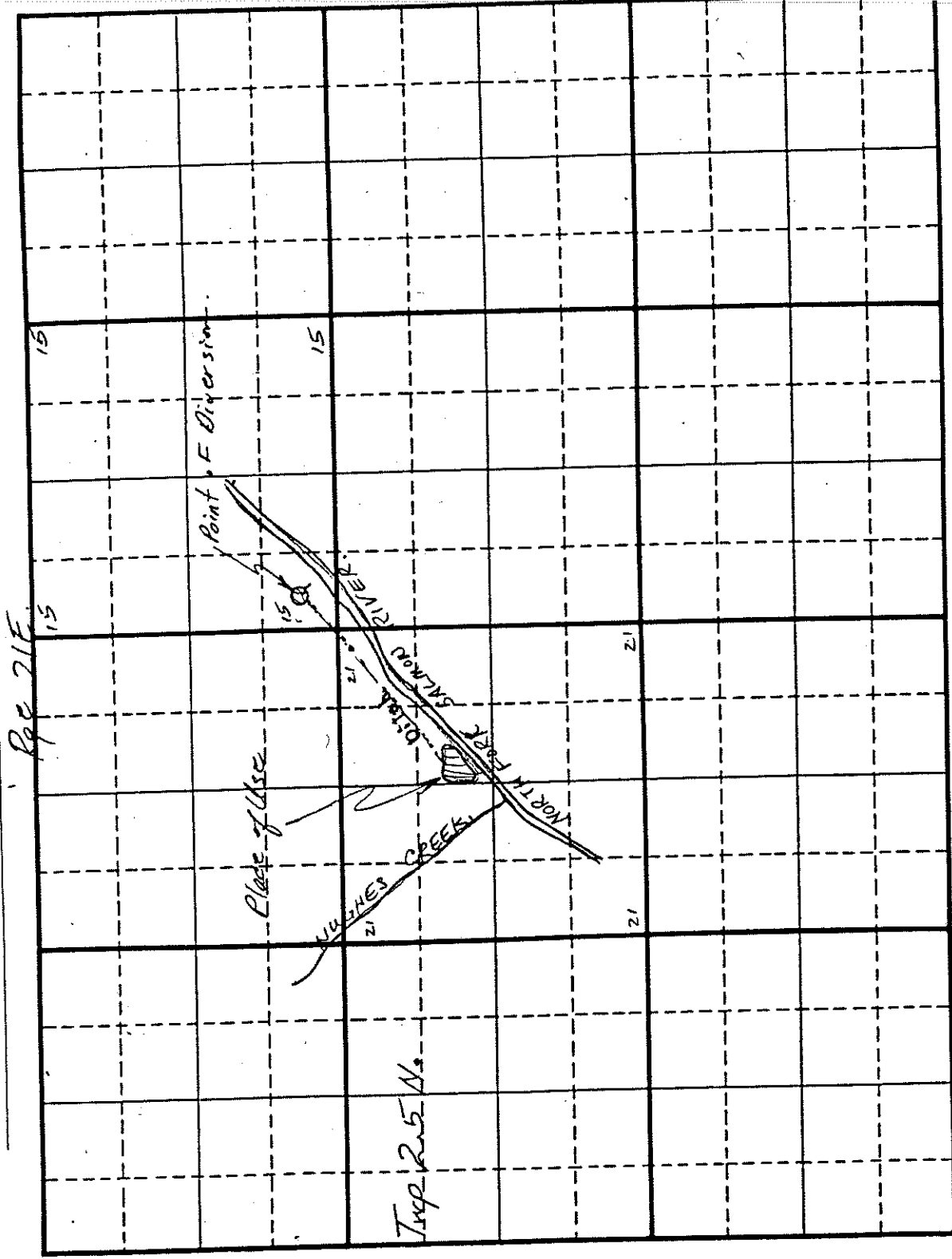
No. of acres	8
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B) If water is used for other than irrigation, fully describe that use, being as specific as possible: single-family domestic use; stockwater

NOTE: Include here the type and number of stock watered: horses & mules (approx. 50)

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks: See attached Forest Service Special Use Permit. Water wheel and generator will be installed in ditch to provide electricity.

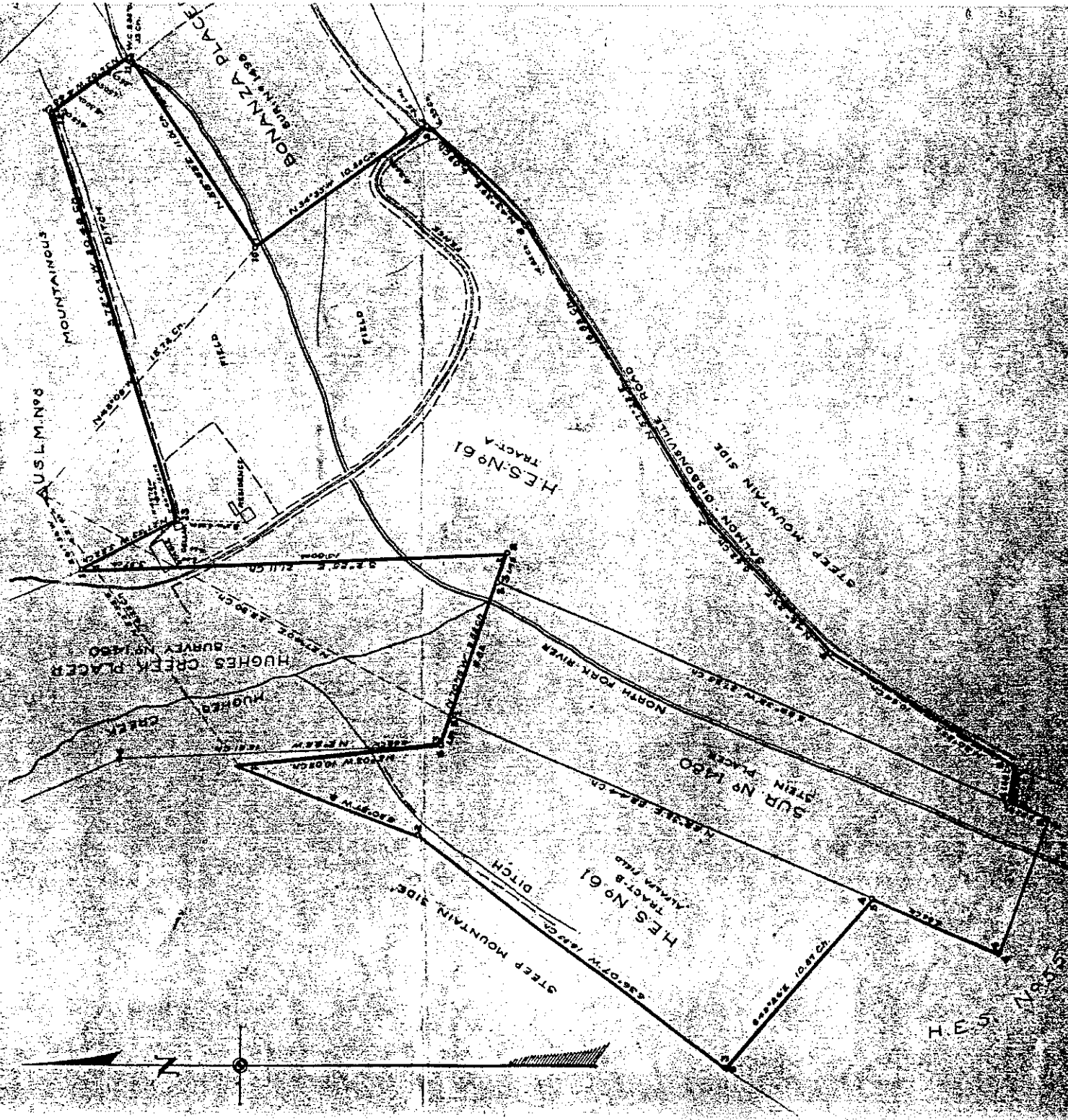


PLAT
OF
HOMESTEAD ENTRY SURVEY No 61

TRACTS A & B
SALMON NATIONAL FOREST
LEMHI COUNTY, IDAHO.

Surveyed Sept. 4-7, 1910. By.
James McCauley, U.S. Deputy Surveyor.

SCALE 5 Chains = 1 Inch.



Sue Kozacek
P.O. Box 1128
North Fork, Idaho 83466

July 23, 1984

Mr. Bob Martin
North Fork District USFS
P.O. Box 780
North Fork, Idaho 83466

Dear Bob:

Enclosed is a copy of the notarized statement by Velma Ravndal concerning the ditch used by the $\diamond$ H Ditch Association. This statement dates the beginning of continuous use of the ditch as 1887.

Could you please inform our Association by a letter of our different options at this point. Send this letter to me, and I will forward it to the other members.

If you have any questions, please contact me.

Sincerely,

Sue Kozacek

Sue Kozacek
President, $\diamond$ H Ditch Association

cc Sue and Russ Kozacek
Stuart Felton
Annie Noyes

State of Idaho
County of Lemhi

STATEMENT

I, Velma H. Ravndal, residing at 2121 E. Main St., Salmon, Idaho, do make the following statement regarding the irrigation ditch which is sketched below:

In the Spring of 1887, David P. and Elizabeth M. Eldridge settled at the mouth of Hughes Creek, and subsequently built a 2-story log house with a 1-story lean-to kitchen. At the time of settlement, domestic, stock and irrigation water was attained by tapping the overflow from a spring on the private property now owned by Harold Hanson, and building the "Spring Ditch", coming across Forest Service property to the said Eldridge property.

A Homestead Claim was applied for on Oct. 9, 1908. A Forest Survey was made Oct. 8-9-10, 1908 and approved Jan. 20, 1909. Homestead Entry No. 06540 was made July 20, 1909. List No. 4-81. Patent was granted May 10, 1913.

By the Spring of 1909, there were 600 bearing fruit trees, a berry patch and large garden, all watered by the said "Spring Ditch". (See attached copies of Hughes Creek Ranger, Ora Cockrell's, annual inspection records (Exhibits A and B) of Eldridge Homestead from 1909 through 1912.)

The above property was purchased by Eric and Hattie G. Ravndal on June 1, 1918. Gerald B. and Velma H. Ravndal sold said property to Lou and Sybil Gohmes in July, 1957. At that time, the said "Spring Ditch" had been used continuously from 1887 to 1957 for domestic, stock and irrigation water, and for stock and irrigation water from 1957 to the present date, for a total of more than 97 years' continuous use.

N.B. Albert Hull (born March 1881) visited the Ravndal ranch about 1953 and said he was a small boy of six when he accompanied his father, Joseph Hull, who with other neighbors helped "raise" the 2-story part of the Eldridge log house in the fall of 1887.

Velma H. Ravndal

Mrs. Gerald B. Ravndal.

Jan 8. December 1900.

Edwidge, Elizabeth M. N. 53
June 11, 1900

Alleged settlement 1887.
J. E. No. 6540 made July 20 1900.

Plot no. 4-81 - Area 75 acres.
S. 7. 25 N. R. 21 E. Sec 21.
at the mouth of Sugar Creek. Wm.

Improvements by room by house.
Back cellar. Shop. Milk house.
frame barn 600 bearing fruit trees
different varieties and very good.

Garden planted in spring 1900.
O.C. 6/8/00
Good yield of garden orchard
and berries. O.C. 10/9/00.

Garden planted of potatoes cabbage
and smaller varieties. O.C. 00 Apr. 6/11/00

Good yield from garden, orchard
and berries. Quercy chicken house
built in Sept. O.C. 5. 10/10/00

Went to see plants to grow
of different varieties. O.C. 00 Apr. 6/11/00

On Lockwell, General Sugar Creek Kansas Station
1908-1917

Reported and kept records on the same
in Williamsonville and North Oak Grove.

Garden and orchard, small
fruit yielded well. Claim average
for plot - O.C. 10/4/11
Garden of different varieties
planted. O.C. 7/16/11.

County road changed across
claim by claimant making a
much better road.
Good yield of garden and
orchard. O.C. 10/26/11

Patented May 10, 1913.

Flow purchased by E. H. (aka E. H.) Hume
June 1, 1918.

Sue Kozacek
Rt. 11, Box 110
Silver City, NM
88061

August 18, 1991

Rogers Thomas
North Fork District Ranger
Salmon National Forest
P.O. Box 780
North Fork, Idaho 83466

Dear Rogers:

As requested, enclosed are the names and addresses of the people who belong to the Diamond H Ditch Association. If you or the person handling this have any questions, please do not hesitate to call me.

Sue Kozacek
Rt. 11, Box 110
Silver City, NM 88061

Russ Kozacek
P.O. Box 128
North Fork, ID 83466

Stuart Felton
General Delivery
North Fork, ID 83466

Ann Heltsley
P.O. Box 83
Idaho City, ID 83631

It will sure be nice to get this resolved. Thanks for your help.

Sincerely,

Sue Kozacek

Sue Kozacek