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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4426

Department of Water Resources
Adjudication Bureau

WATER RIGHT NUMBER: 75-4426

74-0580

Lemhi - Town Ditch

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HALLIE H PROKSCH 823 UNION AVE SALMON, ID 83467 (208)756-2252
Current Owner	JOSEPH A PROKSCH 823 UNION AVE SALMON, ID 83467 (208)756-2252

Priority Date: 06/26/1883
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	SALMON RIVER
WASTE WATER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/01 to 11/01	0.280 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

SPRINGS	NE1/4NW1/4	Sec. 8, Twp 21N, Rge 22E, B.M.
LEMHI County		
WASTE WATER	NE1/4NW1/4	Sec. 8, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T21N R22E S08 NENW 5.5 T21N R22E S08 NWNW 4.0

Total Acres: 9.5

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. AC. IRR. = 9.5.

Remarks:

July 26, 2005

Joseph A. Proksch
823 Union Ave.
Salmon, Idaho 83467
Phone 208-756-2252

Idaho Department of Water Resources,

Subject: Evidence of Priority and beneficial use

WATER RIGHT NUMBER: 75-4426

Dear Sir or Madam:

I am enclosing some information that I feel will help to establish a priority date of beneficial use of water for #75-4426. Please review the exhibits for supporting facts:

Exhibit #1 Abstract of Title – Page 1 United States to Elwood T. Beatty on June 26, 1883 this is marked in BLUE

Exhibit #2 Metsker Map – Shows Sec., Township, and Range of Property, the legal from Exhibit 1 is marked in BLUE, and the property I own is marked in RED

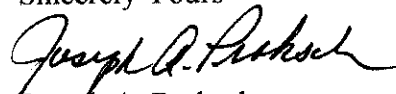
Exhibit #3 Affidavit – Joseph A. Proksch, irrigated since October 14, 1959

Exhibit #4 Lemhi River Div L-7 (Town Ditch) – Ident. No. 74-0580 which I believe, is for the same water right as is 75-4426. The priority date of 7-27-1888 is noted. They show .02 for Irrigation instead of stock watering and nothing for irrigation. We applied for .280 cfs for irrigation. Refer to Exhibit #5

Exhibit #5 Notice of Claim - To show amounts of water used for the following purposes as discussed in Exhibit #4

I believe that beneficial use of water, should be recognized when the land was deeded in June 26, 1883. The Town Ditch water runs through our land before running into the Salmon River, and I believe it would have been used for economic gain to Elwood T. Beatty who purchased the land in 1883..

Sincerely Yours


Joseph A. Proksch

Abstract of Title

(1)

United States
to
Ellwood T. Beatty,
Probate Judge of
Lemhi County, in trust.

) PATENT
) Dated June 26th 1883
) Recorded July 20th 1883
) Book C Page 227

TRUCK STOP

For the $N\frac{1}{2}$ of the $NW\frac{1}{2}$ of Section 8 Township 21 North
Range 22 East of the Boise Meridian (and other property)
In trust for the several use and benefit of the occupants
of the Salmon City Townsite.

2

United States
to
Robert R. Pattison

) PATENT
) Dated February 28th 1893
) Recorded April 3rd 1893
) Book F page 779

Miss of Ranch

For the $S\frac{1}{2}$ of the $NE\frac{1}{2}$ of Section 7 Township 21 North
Range 22 East of the Boise Meridian, containing 80 acres.

3

United States
to
Sylvester McCain

) PATENT
) Dated May 5th 1893
) Recorded April 10th 1895
) Book G page 786

Part of Ranch

For the $NW\frac{1}{2}$ of the $NE\frac{1}{2}$ of Section 7 Township 21 North
Range 22 East of the Boise Meridian, containing 40 acres.

4

United States
to
William J. Bryan

) PATENT
) Dated June 30th 1892
) Recorded June 28th 1902
) Book K page 521

Not Part

For the $SW\frac{1}{2}$ of the $NW\frac{1}{2}$ and the $N\frac{1}{2}$ of the $SW\frac{1}{2}$ and the
 $NW\frac{1}{2}$ of the $SE\frac{1}{2}$ of Section 8 township 21 North Range 22 East
of the Boise Meridian, containing 160 acres.

5

George W. Dudley
to
Charles H. Martin

) Quit Claim Deed
) Dated July 26th 1887
) Acknowledged July 26th 1887
) Recorded July 26th 1887
) Book E page 241: Consideration \$500.00

Part of Ranch

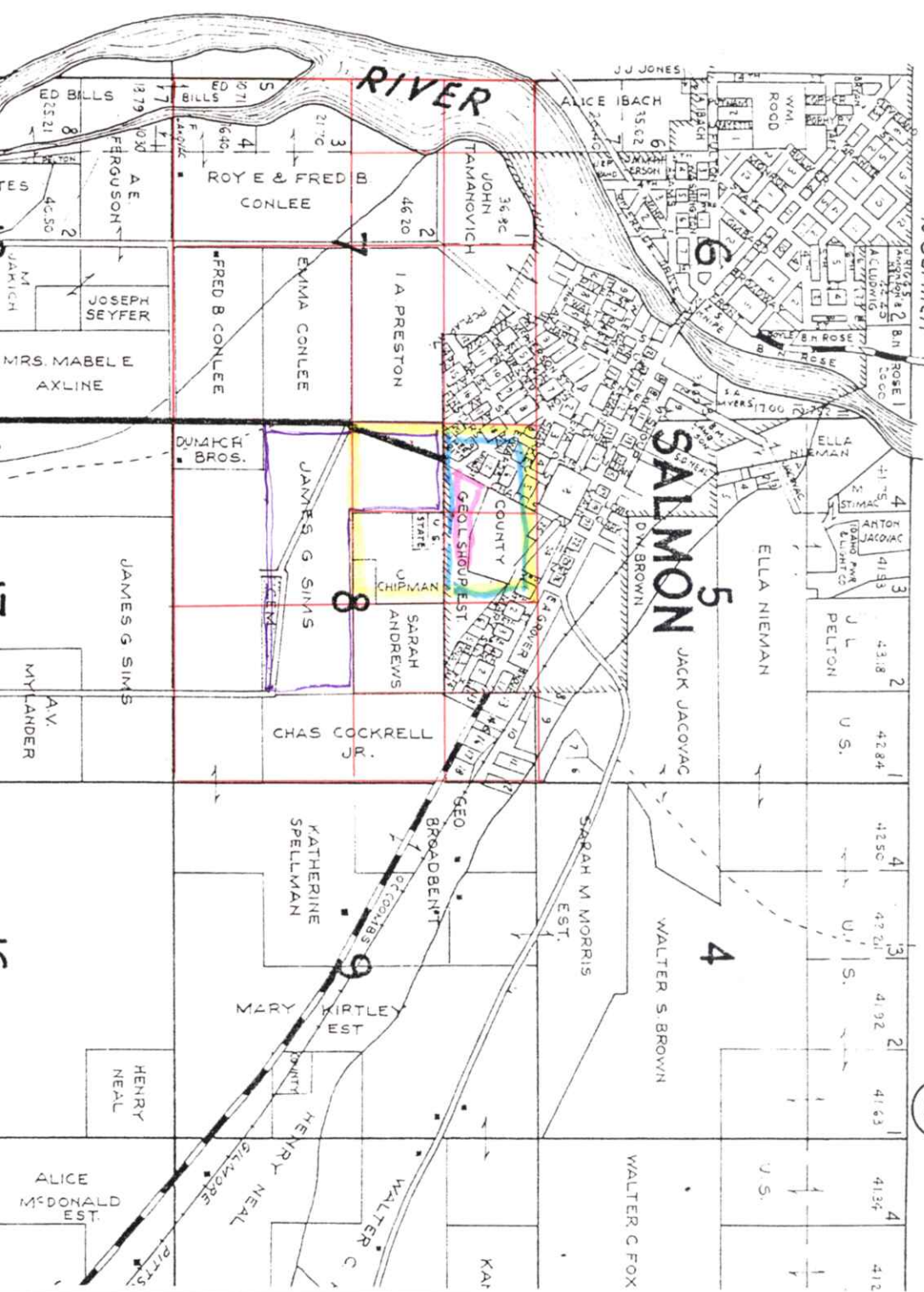
Conveys the $W\frac{1}{2}$ of the $NE\frac{1}{2}$ and the $SE\frac{1}{2}$ of the $NE\frac{1}{2}$ of
Section 7 Township 21 North Range 22 East of the Boise Meridian,
containing 120 acres. Also water Book A at page 221 and all
water rights and ditches. George W. Dudley signs by mark.
Witness Thos. Elder and E.H. Jeanjaquet.

Feb 7-20-1883
Book C Page 2

Tishp 21 Range 22

45

LEMH



July 26, 2005

Joseph A. Proksch
823 Union Ave.
Salmon, Idaho 83467
Phone 208-756-2252

Idaho Department of Water Resources,

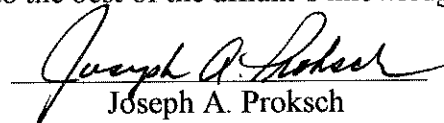
Subject: Evidence of Priority for beneficial use

WATER RIGHT NUMBER: 75-4426

AFFIDAVIT:

My father-in-law Harold C. Havens purchased the land irrigated from water right # 75-4426 October 14, 1959 from Laura M Shoup. I, Joseph A. Proksch, purchased the land from the Havens Trust February 24, 1982. I am aware of Mr. Havens irrigating from existing ditches while he owned the land, and I did the same until the present.

Be it known that the undersigned, being duly sworn, deposes and says that the matters and facts described in the above statement are true to the best of the affiant's knowledge.


Joseph A. Proksch

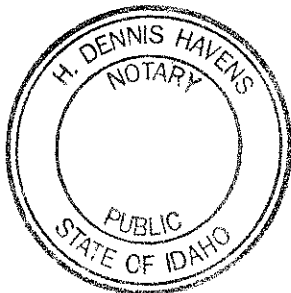
State of Idaho)
County of Lemhi) ss.

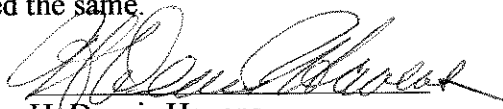
I, H. Dennis Havens, a notary public, do hereby certify that on this 27th day of

July, of 2005, before me personally appeared Joseph A. PROKSCH,

known to me to be the person (s) whose name is subscribed to the within instrument, and

acknowledged to me that he (they) executed the same.




H. Dennis Havens
Notary Public for Idaho
Residing at Salmon, Lemhi Co, Id.
My Commission expires Nov. 28, 2006

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

Lemhi River, Div. L-7

Source: (Town Ditch)

Pt. of Div.: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T21N, R23E

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To			
74-0551	WILLIAMS, Sidney and/or Oliver and/or Grace P. O. Box 918 Salmon, Idaho	7 -27-1888	Irrigation	4/1	11/1	0.44	Sec. 24 NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, T21N, R22E	Beneficial Use 1.4 7.3 6.0 <u>14.7</u>
74-0562	BROG, Paul A. and/or SOUTH, Peter J. P. O. Box B Salmon, Idaho	7 -27-1888	Irrigation	4/1	11/1	0.03	Sec. 5 SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, T21N, R22E	Beneficial Use 0.55 0.20 <u>0.75</u>
Property is within lots 1 thru 6, Block 1, Demick Addition to Salmon City Original.								
74-0566	SMITH, Edgar W. and/or Gladys Pattee Route 1 Salmon, Idaho	7 -27-1888	Irrigation	4/1	11/1	0.02	Sec. 9 SW $\frac{1}{4}$ NW $\frac{1}{4}$, T21N, R22E	Beneficial Use 0.5 <u>0.5</u>
74-0580	HAVENS, Harold C. and/or Ila V., (Trust) c/o Joseph A. Proksch Box 1431 Salmon, Idaho	7 -27-1888	Irrigation	4/1	11/1	0.02	Sec. 8 NW $\frac{1}{4}$ NE $\frac{1}{4}$, T21N, R22E	Beneficial Use 0.4 <u>0.4</u>
ts 1, 2, fraction lot 3, Block 1, Norton Addition to Salmon City Original. and/or 7 -27-1888 7 -27-1888 Irrigation Stockwater 4/1 11/1 1/1 12/31 0.03 0.02 <u>0.03</u> thin Block 3, Demick Addition to Salmon City Original.								
								Beneficial Use 0.9 <u>0.9</u>

Stock water

0.280

Salmon, Idaho

74-0580

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: A75-04426
Date Received: 4/17/1990
Receipt No: W006644
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH A. PROKSCH 208-756-2252
Address: 823 UNION AVE.
SALMON, ID 83467

OR
Name: HALLIE H. PROKSCH 208-756-2252
Address: 823 UNION AVE
SALMON, ID 83467

2. Date of Priority: JUN 26, 1883 7-27-1888

3. Source: SPRINGS Trib. to: SALMON RIVER
WASTE WATER SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	22E	8	NE	NW			LEMHI

5. Description of diverting works:
CANVAS DAM, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.280		
STOCKWATER	01/01	12/31	0.020	—	

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

8. Total consumptive use is 23.8 Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 RANGE CATTLE

A75-04426

Page 1

Date: 04/17/90

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	8	NE	NW		IRR	5.5
			NW	NW		IRR	4.0
						Section Acres	9.5
						Total Acres	9.5

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 9.5.

15. Basis of Claim: STATUTORY CLAIM

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Joseph A. Hobbsch Date: 4/17/90

Date: _____

State of Idaho)
County of Lewia) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of April 19 90

Don C. Cook
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96