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JUL 30 2010

**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

Subcase No. 75-4

Case No. 39576

**STANDARD FORM 1
OBJECTION**

NAME AND ADDRESS OF PERSON OBJECTING

Name: City of Salmon
Address: 200 Main St.
Salmon, ID 83467

Daytime Phone: (208) 756-3214

Name & Address of Attorney:

Josephine P. Beeman
Beeman & Associates, P.C.
409 W. Jefferson Street
Boise, ID 83702
(208) 331-0950
(208) 331-0954 (fax)
jo.beeman@beemanlaw.com

CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

City of Salmon
200 Main St.
Salmon, Idaho 83467

I object to the following elements as recommended in the Director's Report.

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: 1) Jesse Creek, Pollard Canyon Creek, and Chipps Creek. 2) Second paragraph should be deleted or revised to properly recognize the priority date of this right. 3) The third paragraph should be deleted.

3. ☒ **Quantity**

Should be: 1) The combined right diversion rate limit of 11.6 cfs should be deleted. 2) The annual volume of diversion should be deleted or revised to a combined limit for all rights held by the City.

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion**

Should be: 1) The points of diversion, injection, and rediversion for Pollard Canyon Creek should be T21N R21E Section 10 NENE. 2) Omit the reference to rediversion from Chipps Creek.

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☒ **Period of Year**

Should be: The period of use should be January 1 to December 31.

9. ☐ **Place of Use**

Should be: _____

10. ☐ **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

REASONS SUPPORTING OBJECTIONS:

(See also attached July 19, 2010 Affidavit of Paul Drury.)

Objections to Source and Point of Diversion: Maintenance of historic distribution of water from Jesse Creek and tributaries requires recognition of Jesse Creek, Pollard Canyon Creek, and Chipps Creek as the source of supply the City has relied upon for many decades. The City uses Jesse Creek to the extent water is available to satisfy demands under its rights in priority. Water available from Pollard Canyon Creek is then used as needed under its rights in priority before calling for water at its Chipps Creek diversion. The Amended Director's Report for the City of Salmon water rights 75-4, 75-17B, 75-19C, 75-26A, and 75-10075 recognizes the City's historic practice of diverting first from Jesse Creek, then from Pollard Canyon Creek, and lastly from Chipps Creek, but then restricts the use of Pollard Canyon Creek and Chipps Creek at times when Jesse Creek alone cannot satisfy the City's rights in priority. This would occur because in the amended recommendations these rights cannot be diverted from Pollard Canyon or Chipps Creeks when water rights with equal priority date are fully deliverable at the Farmers Ditch diversion. This is not consistent with historical practices and, since Farmers Ditch is downstream from the City's diversion on Jesse Creek, the City's Jesse Creek diversions may not satisfy the City's rights in priority because the City would be prevented from its historic practice of diverting available water from Pollard Canyon and Chipps Creek. In addition, the computation of water availability at the Farmers Ditch diversion should include all the water available at any given time from all three sources upstream of the Farmers Ditch. In contrast, water right 75-5 (Arrowhead Irrigation District) was recommended and water right 75-2 (Edwards) was partially decreed without limitations associated with changes to these rights following their original decrees.

Legal descriptions for points of diversion, redirection, and injection for Pollard Canyon Creek:

Diversion: Township 21N Range 21E Section 10, NENE

Injection: Township 21N Range 21E Section 10, NENE

Rediversion: Township 21N Range 21E Section 10, NENE

Legal description for point of diversion for Chipps Creek:

Diversion: Township 21N Range 21E Section 11, NWNW

Objections to Quantity: 1) The recommended maximum diversion rate for the City is neither accurate nor required. Water District 75A annual reports and other IDWR records document diversion rates to the City's water treatment plant exceeding the recommended combined diversion rate limit of 11.6 cfs. IDWR's practice is to include a combined diversion limit only on the description of the most junior right, in this matter License No. 75-7563.

2) Water District 75A records and internal measurement data collected by the City document annual diversion volumes greater than recommended for the City's combined rights. Distribution of water in Water District 75A and other water districts on creeks and rivers has historically not included regulation of the annual volume of diversion. If such regulation is implemented, the impact on the City will be lessened by regulating the total volume allowed to be diverted under a combination of the City's rights instead of regulating volume for each

specific right. This is needed to prevent accounting of diversions to the oldest priority water rights when junior priority rights are also in priority.

Objections to Period of Year: The City now diverts water, and has since the system was first constructed and acquired by the City, to meet municipal needs at any and all times of the year including the winter (non-irrigation) season. IDWR applied an erroneous policy, one that has not been consistently used, relative to extending the period of use when the nature of use is changed.

Explanatory Material should be revised as follows: Use of water under this right will be administered during times of shortage by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this action, this water right is within State Water District 75A.

VERIFICATION

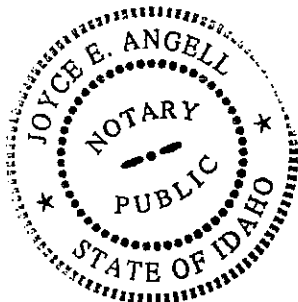
State of Idaho)
) ss.
County of Ada)

Josephine P. Beeman, duly sworn, upon oath, deposes and says:

That I am the attorney for the party objecting and that I have read this objection, know its contents, and believe that the statements are true to the best of my knowledge.

Josephine P. Beeman
Attorney for Objector

Subscribed and sworn to before me on: July 28, 2010



Joyce E. Angell
Notary Public for the State of Idaho
Residing at: Boise, Idaho
My Commission Expires: 7-29-14

CERTIFICATE OF MAILING

I certify that on July 28, 2010, I mailed the original and copies of this Objection, including the July 19, 2010 Affidavit of Paul Drury to the following:

Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

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

City of Salmon
200 Main St.
Salmon, ID 83467

Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

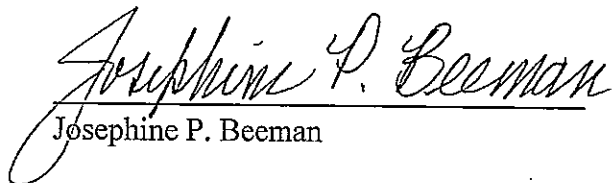
United States Department of
Justice
Environment & Nat'l
Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources
Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Lemhi County Courthouse
206 Courthouse Dr.
Salmon, ID 83467

Edgar & Myrtle Edwards
Represented by:
Randall C. Budge
201 E. Center, Ste. A2
P.O. Box 1391
Pocatello, ID 83204-1391

Arrowhead Water District
Represented by:
Jerry R. Rigby
25 N. 2nd E.
P.O. Box 250
Rexburg, ID 83440-0250


Josephine P. Beeman

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JUL 30 2010

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

Subcase No. 75-4

Case No. 39576

AFFIDAVIT OF PAUL DRURY, DATED JULY 19, 2010,

IN SUPPORT OF CITY OF SALMON'S STANDARD FORM 1: OBJECTION

DATED JULY 28, 2010

Josephine P. Beeman (ISB # 1806)
Beeman & Associates, P.C.
409 West Jefferson Street
Boise, ID 83702
Phone: 208-331-0950
Fax: 208-331-0954
jo.beeman@beemanlaw.com

Attorneys for the City of Salmon

**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	)	
	)	Subcase No. 00-9202175 [BWI 92-21-75]
Case No. 39576	)	
_____	)	AMENDED AFFIDAVIT OF PAUL DRURY IN SUPPORT OF CITY OF SALMON'S SUPPLEMENTAL RESPONSE TO STATE OF IDAHO'S MOTION FOR ORDER OF INTERIM ADMINISTRATION OF WATER RIGHTS IN BASIN 75

STATE OF IDAHO	)
	) ss:
COUNTY OF ADA	)

I, Paul Drury, after first being duly sworn upon oath, depose and state that:

1. I am over 18, a resident of the State of Idaho, and am employed by ERO Resources Corporation, a business consisting of natural resource and environmental consultants.
2. On behalf of the City of Salmon, I have reviewed the SRBA District Court files for the City of Salmon subcases 75-7, 75-17D (75-17A and 75-17B), 75-19E (75-19B and 75-19C), 75-26A, 75-10075, and 75-10076 (75-4 and 75-114). The court files include the City's SRBA claims, the August 1, 2007 Director's Report, corresponding objections/amended objections by Arrowhead Water District (Arrowhead) and Edgar and Myrtle Edwards (Edwards), and the June 22, 2010 Amended Director's Report.
3. The City of Salmon subcases involve water rights from Jesse Creek and its tributaries Pollard Canyon Creek and Chipps Creek. The Idaho Department of Water Resources

- Water District 75A encompasses the Jesse Creek drainage, including Pollard Canyon Creek and Chipps Creek.
4. Since March 2009 I have been assisting the City of Salmon in settlement negotiations to resolve the Arrowhead and Edwards objections. These negotiations are ongoing and I am actively drafting and reviewing stipulated elements for inclusion in Standard Form 5's that will encompass the settlement agreement among the parties.
 - a. The objections to the August 1, 2007 Director's Report for subcases 75-7, 75-17D (75-17A and 75-17B), 75-19E (75-19B and 75-19C), 75-26A, 75-10075, and 75-10076 (75-4 and 75-114) were the *framework* for the negotiations.
 - b. The negotiations are *based* on my comprehensive review (with Norm Young of ERO) of the historic practices/records for the City of Salmon's municipal water rights and delivery system, as well as watermaster records for Water District 75A.
 - c. In April 2010 I visited the Jesse Creek drainage and observed the diversions for the City of Salmon, Arrowhead, and Edwards. Due to the unfortunate death of the current watermaster for Water District 75A, my site visit was made in the company of the backup watermaster Paul Stokes, who is also an employee with the City of Salmon. During this site visit I obtained GPS coordinates for the three diversions operated by the City of Salmon.
 5. In March 2010, Monica Van Bussum of the Idaho Department of Water Resources was included in settlement meetings and subsequent settlement correspondence between ERO for the City of Salmon and Roxanne Brown (SPF Engineering) for Arrowhead.
 6. In order to confirm the parties' settlement progress, ERO recommended to the City of Salmon's counsel that the SRBA Court schedule a mandatory in person settlement conference. On behalf of the City of Salmon, I prepared for and attended the April 14, 2010 SRBA settlement conference at the Idaho Department of Water Resources in Boise, Idaho, intending to review the details of the parties' written negotiations in which I am an active participant and drafter. SRBA Special Master Ted Booth was the settlement moderator.
 7. Hours before the April 14, 2010 settlement conference, I received IDWR's April 13 email of draft recommendations proposing to amend the August 2007 Director's

- Report for the City of Salmon water rights 75-7, 75-17D (75-17A and 75-17B), 75-19E (75-19B and 75-19C), 75-26A, 75-10075, and 75-10076 (75-4 and 75-114).
8. This was my first knowledge that IDWR was considering amending its August 2007 Director's Report.
 9. The week of April 26, 2010 I received a copy of the State of Idaho's April 23, 2010 Motion FOR ORDER OF INTERIM ADMINISTRATION OF WATER RIGHTS IN BASIN 75 AND REQUEST FOR EXPEDITED HEARING. The Motion seeks "an order authorizing interim administration of water rights in Basin 75 in accordance with the Director's Report ... and partial decrees that supersede the Director's Reports."
 10. On June 22, 2010 IDWR issued an Amended Director's Report for the City of Salmon water rights 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, and 75-10075.
 11. Based on the City of Salmon's SRBA claims and the June 22, 2010 Amended Director's Report, I prepared two tables that are Attachment A to this Affidavit. Attachment A, page 1, is a table entitled Irrigation Season Authorized Diversion Rate. Attachment A, page 2, is a table entitled Winter Season Authorized Diversion Rate. Reviewing Attachment A, it is evident that the Amended Director's Report, while consistent with the claimed irrigation season diversions, excludes any non-irrigation season diversions from Jesse Creek, Pollard Canyon Creek and Chipps Creek.
 - a. During the non-irrigation season, the City of Salmon claims originally filed in 1990 best reflect the historic and current diversions and use from Jesse Creek and its tributaries.
 - b. During the irrigation season, the June 22, 2010 Amended Director's Report is more consistent with the historic and current diversions and use from Jesse Creek and its tributaries, although the recommendations add undue restrictions to the water rights which will need to be addressed as explained below.
 12. **The Amended Director's Report for the City of Salmon water rights 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, and 75-10075 does not recognize the historical use of water from all three sources on a year round basis by the City of Salmon.** Water from all three sources has historically been available to the

City of Salmon and its predecessor's. Use of Jesse Creek waters for year round municipal purposes within the City began in 1890 with the development of the Salmon City Water Company. The City purchased the Salmon City Water Company in 1912 and subsequently upgraded the water system and acquired additional water rights within the Jesse Creek drainage which it has accessed from all three sources -- Jesse Creek, Pollard Canyon Creek, and Chipps Creek -- on a year round basis. Attachment B to this affidavit is a copy of the City of Salmon's Motion to File Late Claim 75-2167 that ERO Resources assisted in preparing. The Motion includes the late claim and the following documentation of this continuing historic practice:

- (1) Water Right License No. 75-2167.
 - (2) Copy of document dated January 2, 1912 deeding License No. 75-2167 to the City of Salmon.
 - (3) Copy of IDWR "Water Rights Proof Reading Report dated December 13, 1984 listing License No. 75-2167 in the name of Salmon City Water Co. Ltd. for municipal purposes within the City of Salmon.
 - (4) Copy of IDWR Memorandum Decision and Order dated June 6, 1981, including on page 3 a summary of testimony from Virgil Schofield, watermaster of Water District 75A (Jesse Creek and Tributaries), noting winter time use of water by the City of Salmon.
 - (5) Copy of U.S. Forest Service Management Plan for the Salmon Municipal Watershed dated June 1975 confirming year round municipal diversions from Jesse Creek, Pollard Canyon Creek, and Chipps Creek.
13. **The Amended Director's Report for the City of Salmon water rights 75-4, 75-17B, 75-19C, 75-26A, and 75-10075 lists only Jesse Creek as the source. The source should list all three creeks or, alternatively, Jesse Creek should be defined to include its tributaries for these rights.** Presently, the amended Director's Report for these rights lists a point of diversion, injection, and rediversion from Jesse Creek in the NENE Section 2, a point of diversion, injection, and rediversion from Pollard Canyon Creek in the SWSW Section 2 (should be NENE Section 10) and lists a point of rediversion (should be diversion) from Chipps Creek in the NWNW Section 11.

14. **The Amended Director's Report for the City of Salmon water rights 75-4, 75-17B, 75-19C, 75-26A, and 75-10075 recognizes the City's historic practice of diverting first from Jesse Creek, then from Pollard Canyon Creek, and lastly from Chipps Creek, but then restricts the use of Pollard Canyon Creek and Chipps Creek at times when Jesse Creek alone cannot satisfy the City's rights in priority.** This would occur because in the amended recommendations these rights cannot be diverted from Pollard Canyon or Chipps Creeks when water rights with equal priority date are fully deliverable at the Farmers Ditch Diversion. This is not consistent with historical practices and, since Farmers Ditch is downstream from the City's diversion on Jesse Creek, the City's Jesse Creek diversions may not satisfy the City's rights in priority because the City would be prevented from its historic practice of diverting available water from Pollard Canyon and Chipps Creek. In addition, the computation of water availability at the Farmers Ditch diversion should include all the water available at any given time from all three sources upstream of the Farmers Ditch. In contrast, water right 75-5 (Arrowhead Irrigation District) was recommended and water right 75-2 (Edwards) was partially decreed without limitations associated with changes to these rights following their original decrees.
15. **The Amended Director's Report for the City of Salmon water rights 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, and 75-10075 limits the combined diversion rate to 11.6 cfs.** This limitation should be removed considering:
- a. **Diversion rates of more than 14 cfs were recorded by the watermaster in the 1987-1989 watermaster reports;** Attachment C page 1 is an ERO Resources summary of *maximum diversion rates* by the City of Salmon recorded in the watermaster delivery records from 1970 to the 2008. Attachment C, Pages 2-29 are copies of Water District 75A watermaster records for the 1987 delivery season (with ERO annotations from IDWR microfiche).
 - b. **IDWR calculated the system diversion capacity at approximately 20 cfs.** Attachment D is the January 30, 1996 report of an IDWR field examination conducted September 20, 1995. Page 1 of attachment D has been relocated from

within the report for convenience; it includes an estimate for the City of Salmon's diversion capacity from Jesse Creek calculated by IDWR at 19.95 cfs. ERO Resources understands that the September 20, 1995 field examination was conducted for purposes of licensing 75-7563 (1990 priority) which was then licensed with an 11.6 cfs combined diversion rate limit. ERO further understands that this 11.6 cfs limitation is the basis for the Amended Director's Report inclusion of an 11.6 cfs combined diversion rate limit for all of the City's water rights that were in existence as of or prior to November 19, 1987.

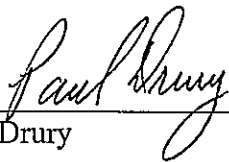
16. **The Amended Director's Report for the City of Salmon water rights 75-4, 75-19C, 75-26A, 75-114, and 75-10075 includes limits to the annual diversion volume for each right and a combined volume limit for rights 75-7, 75-17A, and 75-19B.**

There is no volume limit for water right 75-17B.¹ The watermaster records and the City's separate internal records demonstrate that some years the *historic volume* diverted by the City is greater than the recommended volume limits. Attachment E, page 1 is an ERO Resources summary of the total diversion volumes for the City of Salmon from Water District 75A watermaster records for 1970 through 2008. Attachment E, page 2, is an ERO summary of data collected by the City of Salmon of combined Jesse Creek, Pollard Canyon Creek, and Chipps Creek diversions to the City's water treatment plant for the years 1992 through 2007. On some years the City could be limited in supplying water to its customers in the late irrigation season, especially if the volume limits accrue to the most senior rights first. The historical and current practice of administering rights in Water District 75A does not limit the annual volume diverted under any water right. This practice should be continued or the accounting for annual volume should be mitigated by accounting diversion volume to the most junior rights in priority first, or preferably, combining the volume limit for all rights.

¹ The annual diverted volume total for the City of Salmon's municipal rights from the June 25, 2010 Amended Director's Report is 1698.5 acre-feet without a diverted volume for 75-17B. The annual volume for 75-17B can be calculated at a maximum of 101.9 acre-feet if 75-17B is diverted continuously from April 1 through October 31.

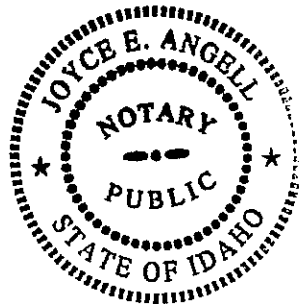
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 19th day of July 2010.



Paul Drury

SUBSCRIBED AND SWORN to before me this 19th day of July 2010.





Notary Public in and for the State of Idaho
Residing in Boise, Idaho
My Commission Expires: July 29, 2014

CERTIFICATE OF MAILING

I certify that on July 19, 2010, I mailed copies of this document, including all attachments, to the following:

INTERIM ADMINISTRATION
IN BASIN 75

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

A C & LUELLA PILKERTON
ALBERT & ALVERA FOLS
CHARLES & MARY HARLING
JAMES EDGREN
JENNIFER BRADY
LLOYD & SHERYL TUTOR
TRACY MASCIA

Represented by:
PAUL L ARRINGTON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

GEORGE MATEJKO
BOX 129
CARMEN, ID 83462

ROBERT M & JACQUELINE ERNEST
BOX 132
CARMEN, ID 83642

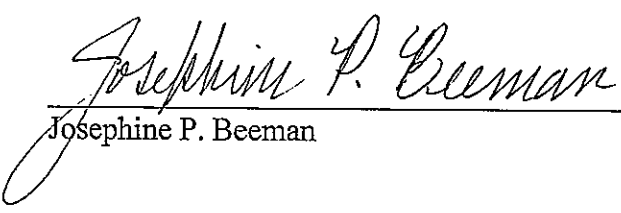
JAMES R & ROWENA D QUINN
BOX 1473
CARMEN, ID 83462

WILLIAM W CLEMENTZ
BOX 225
CARMEN, ID 83462

JOHN E & RUTH C BURNS
BOX 264
CARMEN, ID 83462

RICK & LINDA RICE
BOX 285
CARMEN, ID 83462

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098



Josephine P. Beeman

TABLE 1. Irrigation Season Authorized Diversion Rate, cfs.

Point of Diversion		Jesse Creek			Pollard Canyon Creek			Chippis Creek			Combined Sources		
Priority Date	Water Right	Original Claim	Directors Report	Amended Directors Report	Original Claim	Directors Report	Amended Directors Report	Original Claim	Directors Report	Amended Directors Report	Original Claim	Directors Report	Amended Directors Report
1867	17D	1.5	1.445	-	0	0	-	0	0	-	1.5	1.445	-
	17A	-	-	1.26	-	-	0	-	-	0	-	-	1.26
	17B	-	-	0.24	-	-	0.24	-	-	0.24	-	-	0.24
	10075	0	0	2.3	2.3	2.26	2.3	2.3	2.26	2.3	2.3	2.26	2.3
	Subtotal	1.5	1.445	3.8	2.3	2.26	2.54	2.3	2.26	2.54	3.8	3.705	3.8
1868	19E	0	0	-	1.99	1.99	-	1.99	1.99	-	1.99	1.99	-
	19B	-	-	0.49	-	-	0	-	-	0	-	-	0.49
	19C	-	-	1.5	-	-	1.5	-	-	1.5	-	-	1.5
	Subtotal	1.5	1.445	5.79	4.29	4.25	4.04	4.29	4.25	4.04	5.79	5.695	5.79
1884	26A	0	0	0.3	0.3	0	0.3	0.3	0.3	0.3	0.3	0.3	0.3
	Subtotal	1.5	1.445	6.09	4.59	4.25	4.34	4.59	4.55	4.34	6.09	5.995	6.09
1894	10076	0	0	-	1.7	1.7	-	1.7	1.7	-	1.7	1.7	-
	4	-	-	1.2	-	-	1.2	-	-	1.2	-	-	1.2
	114	-	-	0.5	-	-	0	-	-	0	-	-	0
	7	4	4	4	0	0	0	0	0	0	4	4	4
	Total	5.5	5.445	11.79	6.29	5.95	5.54	6.29	6.25	5.54	11.79	11.695	11.79

TABLE 2. Winter Season Authorized Diversion Rate, cfs.

Point of Diversion		Jesse Creek			Pollard Canyon Creek			Chippis Creek			Combined Sources		
Priority Date	Water Right	Original Claim	Directors Report	Amended Directors Report	Original Claim	Directors Report	Amended Directors Report	Original Claim	Directors Report	Amended Directors Report	Original Claim	Directors Report	Amended Directors Report
1867	17D	0	0	-	0	0	-	0	0	-	0	0	-
	17A	-	-	0	-	-	0	-	-	0	-	-	0
	17B	-	-	0	-	-	0	-	-	0	-	-	0
	10075	0	0	0	2.3	2.26	0	2.3	2.26	0	2.3	2.26	0
	Subtotal	0	0	0	2.3	2.26	0	2.3	2.26	0	2.3	2.26	0
1868	19E	0	0	-	1.99	0	-	1.99	0	-	1.99	0	-
	19B	-	-	0	-	-	0	-	-	0	-	-	0
	19C	-	-	0	-	-	0	-	-	0	-	-	0
	Subtotal	0	0	0	4.29	2.26	0	4.29	2.26	0	4.29	2.26	0
1884	26A	0	0	0	0.3	0	0	0.3	0.3	0	0.3	0.3	0
	Subtotal	0	0	0	4.59	2.26	0	4.59	2.56	0	4.59	2.56	0
1894	10076	0	0	-	1.7	1.7	-	1.7	1.7	-	1.7	1.7	-
	4	-	-	0	-	-	0	-	-	0	-	-	0
	114	-	-	0	-	-	0	-	-	0	-	-	0
	7	4	0	0	0	0	0	0	0	0	4	0	0
	Total	4	0	0	6.29	3.96	0	6.29	4.26	0	10.29	4.26	0

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 39576

Subcase 75-2167
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:

☒ LATE NOTICE OF CLAIM

☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

■ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is:

My address is:

My phone number is: Work: Home:

I am an attorney representing: City of Salmon

My name is: Josephine P. Beeman #1806

My address is: BEEMAN & ASSOCIATES, P.C.
409 West Jefferson Street
Boise, Idaho 83702

My phone number is: (208) 331-0950

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

■ I did not file a Notice of claim to the use of water in the SRBA because:

The information supporting the filing of a late claim with an early priority date for this existing water use came to my attention only recently.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

■ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

The following documents are attached to document the claimed use of water:

A. Water Right License No. 75-2167.

B. Copy of document dated January 2, 1912 deeding License No. 75-2167 to the City of Salmon.

- C. Copy of IDWR "Water Rights Proof Reading Report dated December 13, 1984 listing License No. 75-2167 in the name of Salmon City Water Co. Ltd. for municipal purposes within the City of Salmon.
- D. Copy of IDWR Memorandum Decision and Order dated June 6, 1981, including on page 3 a summary of testimony from Virgil Schofield, watermaster of Water District 75A (Jesse Creek and Tributaries), noting winter time use of water by the City of Salmon.
- E. Copy of U.S. Forest Service Management Plan for the Salmon Municipal Watershed dated June 1975 estimating at page 3 (un-numbered) the City of Salmon's peak municipal use of water from Jesse Creek during winter at 800 gallons per minute and 3500 gallons per minute during summer.

I have attached:

- A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$300.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on Tuesday, September 21, 2010, at 1:30 p.m.,
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Josephine P. Beeman, duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

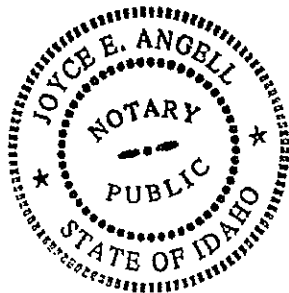
Signature of person filing motion

Josephine P. Beeman
Attorney signing in representative capacity

Subscribed and sworn to before me on: _____

June 23, 2010

(Insert Date)



Joyce E. Angell
Notary Public for Idaho
Residing at: Boise
My Commission expires: 7-29-14

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on June 23, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

Arrowhead Water District
C/O Jerry Rigby
25 N. 2nd E.
Rexburg, ID 83440

Jon Cummings
Nancy Cummings
P.O. Box 202
North Fork, ID 83466

Edgar & Myrtle Edwards
C/O Randall C. Budge
P.O. Box 1391
Pocatello, ID 83204

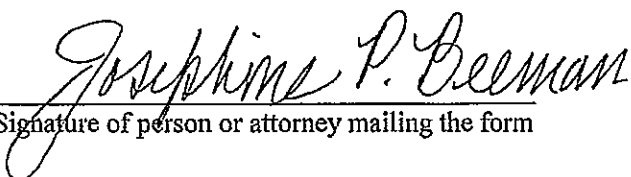
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

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

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)


Signature of person or attorney mailing the form

Should questions arise during the processing of this application please contact:
Josephine P. Beeman, Beeman & Associates
409 West Jefferson Street, Boise, Idaho (208) 331-0950
office@beemanlaw.com

RECEIVED
JUL 30 2010
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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 75-2167

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) City of Salmon Phone (208) 756-3214
Mailing Address 200 Main Street, Salmon, Idaho 83467
Street or Box _____ City _____ State _____
2. Date of Priority (Only one (1) per claim) April 21, 1905
Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Jesse Creek which is tributary to
(b) Salmon River; (a) Pollard Canyon Creek which is tributary to (b) Jesse Creek; (a) Chipps Creek which is
tributary to (b) Pollard Canyon Creek.
4. a. Location of Point of Diversion from Jesse Creek is: Township 21 North, Range 21 East, Section
2, $\frac{1}{4}$ of NE, $\frac{1}{4}$ of NE, Govt. Lot 1, B.M., County of Lemhi
Parcel (PIN) no. _____
Additional points of diversion if any: Pollard Canyon Creek Diversion is NENE Section 10, T21N, R21E; Chipps
Creek Diversion is NWNW, Section 11, T21N, R21E.
If available, GPS Coordinates Jesse Creek - 45° 10.985'N, 113° 56.202'W
Pollard Canyon Creek - 45° 10.254'N 113° 57.251'W
Chipps Creek - 45° 10.19'N 113° 57.162'W
b. If instream flow, beginning point of claimed instream flow is: N.A.
Township _____, Range _____, Section _____, $\frac{1}{4}$ of _____, $\frac{1}{4}$,
Govt. Lot _____, B.M., County of _____
Ending point is: Township _____, Range _____, Section _____, $\frac{1}{4}$ of _____, $\frac{1}{4}$
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. Water is diverted from Chipps Creek by headgate and pipeline,
injected into Pollard Canyon Creek in the NENE Section 10, T21N, R21E; Pollard Canyon Creek water combined
Last Name City of Salmon Ident. Number 75-2167

with water diverted from Chipps Creek is diverted by headgate and pipeline, injected into Jesse Creek in the NENE Section 2, T21N, R21E.; Jesse Creek water combined with water diverted from Pollard Canyon and Chipps Creeks is diverted by headgate and pipeline to the City of Salmon treatment plant for distribution through the municipal system.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)
 For Municipal purposes from January 1 to December 31 amount 2.00 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) 2.00 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully. (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Municipal purposes within the service area of the City of Salmon municipal system.

9. 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. (Place of use is within the service area of the City of Salmon municipal water supply system as provided for under Idaho Law.)

TWN	RNG	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Parcel (PIN) no(s). _____ Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes () No (✓)
 If your answer is No, describe in Remarks below the authority you have to claim this water right. Municipal service provider.

12. Describe any other water rights used at the same place and for the same purposes as described above.
Right Nos. 75-4, 75-7, 75-17A, 75-17B, 75-19B, 75-19C, 75-26A, 75-114, 75-4084, 75-7108, 75-7156, 75-10075
 or None ()

13. Remarks:
 a. Change in point of diversion prior to May 26, 1969 is claimed under Idaho law; subsequent change in point of diversion is claimed as an accomplished transfer in accordance with Section 42-1425, Idaho Code.
 b. Salmon City Water Company, LTD applied for this right in 1905, diverted and applied to beneficial use water in accordance with the permit, received a license and subsequently deeded the system along with all water rights including License No. 75-2167 to the City of Salmon in 1912. The City of Salmon has continuously used water for municipal purposes under this right, as needed and within the priority of right since then.

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License (✓) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 75-2167

15. 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: one (1)

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

John Miller, Mayor of City of Salmon
Title Organization

that I have signed the foregoing document in the space below as

Mayor of City of Salmon
Title Organization

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

Signature of Authorized Agent [Signature] Date 6-22-10
Title and Organization Mayor, City of Salmon

16. Notice of Appearance:

Notice is hereby given that I, Josephine P. Beeman, 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 Josephine P. Beeman Date 23 June 2010

Address Beeman & Associates, P.C.

409 West Jefferson Street

Boise, Idaho 83702

208-331-0950



Points of Diversion
 Lemhi County, Idaho

Legend

- 2000 Incorporated Area
- QQ_Lines
- Section Lines

Data Source: IDWR
Image Source: 2006 NAIP

Scale:
 0 2,500 5,000 Feet
 1 Inch = 5,000 Feet

Figure 1
 City of Salmon

Prepared for: City of Salmon
 File: 3787
 Date: June 18, 2010



ATTACHMENT A

Water Right License No. 75-2167

- Brief -

Lemhi County
Jesse Creek
2 sec. ft.
Fire and Domestic
Priority 4-21-05

STATE OF IDAHO

- Water License No. 1241 -

WHEREAS, On the 21st day of April, A. D. 1905, SALMON CITY WATER COMPANY, LIMITED of Salmon, County of Lemhi, and State of Idaho, duly made application (No. 1717) to me for a permit to use two cubic feet per second of the waters of Jesse Creek, County of Lemhi, State of Idaho, for water supply, fire and domestic purposes; and,

WHEREAS, On the 18th day of May, A. D. 1905, Permit No. 1241 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of November, A. D. 1905, and for the application to beneficial use of said water on or before the 18th day of November, A. D. 1905; and,

WHEREAS, On the 25th day of August, A. D. 1905, the holder of said permit duly made proof of the completion of adequate works for the diversion of two cubic feet per second of said waters, as evidenced by my Certificate No. 1241, dated September 6, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two cubic feet per second of water, with date of priority of April 21, 1905, and,

WHEREAS, On the 25th day of August, A. D. 1905 proof was duly made of the application to beneficial use of two cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to SALMON CITY WATER COMPANY, LIMITED of Salmon, Idaho, the holder and owner of said Permit No. 1241 a perpetual right, dating from April 21, 1905, to the use of two cubic feet per second of the waters of Jesse Creek, in the County of Lemhi and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Section One, Township 21 North, Range 21 East of Boise Meridian, and conducted to Salmon City, Lemhi County, Idaho, for the purpose of water supply, fire, and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS My hand and the seal of my office, at Boise, Idaho, this sixth day of September A. D. Nineteen Hundred and five.

Jas. Stephenson, Jr.

Seal

State Engineer.

75 2167

Recorded September 6, 1905.

ATTACHMENT B

Copy of document dated January 2, 1912, deeding
License No. 75-2167 to the City of Salmon

THIS INSTRUMENT, made this 2nd day of January in the year of our Lord one thousand nine hundred and twelve between the Salmon City Water Company, Limited, a corporation, having its principal place of business at the city of Salmon, State of Idaho, organized and existing under and by virtue of the laws of said state, hereinafter called the grantor, party of the first part, and the City of Salmon, Idaho, by its mayor and city council, hereinafter called the grantees, party of the second part.

WITNESSETH, that pursuant to resolutions heretofore regularly passed by the stockholders of aforesaid corporation, and the directors thereof, and in consideration of the sum of Thirty Thousand (\$30,000.00) Dollars, to it in hand paid by the party of the second part, through and by its Mayor and City Council, at or before the executing and delivery of these presents, the receipt whereof is hereby acknowledged, the party of the first part has granted, bargained, sold, conveyed, confirmed, assigned, transferred and set over, and by these presents does grant, bargain, sell, convey, confirm, assign, transfer and set over unto the party of the second part for ever all the following described real estate, situate, lying and being in Lemhi County, State of Idaho, and more particularly described, to wit: all that certain lot, piece or parcel of land situate, lying and being in the Townsite of Salmon City, County and State aforesaid bounded and particularly described as follows, to wit: from the northeast corner of the block of land in Salmon City bounded northerly by Main Street and easterly by Terrace & Treat run North, sixty one degrees and thirty minutes West, three hundred and five and five tenths (305.5) feet along the southerly side of said Main Street to the place of beginning; thence South twenty four degrees and fifty four minutes West thirty and five tenths (30.5) feet to Southeast corner of lot hereby conveyed; thence north eighty degrees and fifty seven minutes West, seventy-eight and four tenths (78.4) feet to easterly side of Salmon River; thence North thirty nine degrees and fifty minutes East, along the easterly bank of Salmon River, fifty-seven and four tenths (57.4) feet to southerly side of Main Street and thence South sixty-one degrees and thirty minutes East, along southerly side of Main Street, sixty and seven tenths (60.7) feet to the place of beginning, the area of said lot being 3058 feet, more or less, and being the northwest corner of that certain lot conveyed to said Salmon City Water Company, Limited, by Michael O. Spahn and to Michael O. Spahn by Theo. Elder, Probate Judge of Lemhi County by deed dated May 20th, 1884 and recorded in Book of Townsite Deed at page 109 records of said County.

Also all that certain lot, piece or parcel of land situate, lying and being in the Townsite of Salmon City, County and State aforesaid bounded and particularly described as follows: beginning at the Southeast corner of the block of land bounded westerly by First Street and southerly by Washington Street of Tingley's Addition to North Salmon the same point being the Southeast corner of the lot hereby conveyed and running thence South 89°20' West along the northerly line of said Washington Street fifty feet to the Southwest corner of said lot; thence North 0°40' West fifty feet to the northwesterly corner of said lot; thence North 89°20' East fifty feet to the westerly line of said First Street and the northwesterly corner of said lot; thence South 0°40' East along the said westerly line of First Street fifty feet to the place of beginning, the same being a portion of the block on which the Brooklyn School House is located.

Also all that certain lot, piece or parcel of land situate, lying and being in the Southeast quarter of the North-east quarter of Section One, Township twenty-one North of Range Twenty-one East of the Boise Meridian in Lemhi County, State of Idaho, and bounded and described as follows, to wit: beginning at a point on the East line of Fifteenth Street as the same is laid out and platted in the Gilmore Addition to Salmon City, North 0°10'40" West from the Northwest corner of Block twenty-three as platted in said Gilmore Addition, from which point the east quarter corner of said Section One bears South 27°15' East 728.3 feet; thence South 89°49'20" West 95.75 feet; thence North 0°10'40" West 100 feet; thence North 89°40'20" East 100 feet; thence South 0°10'40" East 100 feet; thence South 89°49'20" West 4.25 feet to the place of beginning.

Together with all rights, privileges and benefits accruing to said party of the first part herein under and by virtue of one certain warranty deed of conveyance dated June 23, 1910, signed and acknowledged by Herman O. Pope and Ada P. Pope, his wife, to the Salmon City Water Company, Limited, the party of the first part herein, and recorded in Book "U" of Deeds page 135, in the office of the County Recorder of Lemhi County, Idaho, the special privilege clause of which deed reads as follows: "Together with a full, free and unobstructed right of way through and upon other lands now owned by the said parties of the first part situate in the said Southeast quarter of the Northeast quarter of said section one Township 21 North of Range 21 East for the purpose of laying and repairing the pipe and the right to enter upon said lands for said purpose as the said pipe line is now laid and runs over and across said lands, and the said parties of the first part hereby waive all claims for damages for or on account of the same."

2. All these rights, powers, privileges, franchises and easements described in and granted by that certain ordinance of the Village of Salmon City, County of Lemhi, State of Idaho, designated and entitled as follows:

"Ordinance Number 20" entitled "An ordinance granting the right of way through the streets and alleys of Salmon City to the Salmon City Water Company for the purpose of laying water pipe." Approved on the 6th day of April, A.D. 1897.

3. All rights of way owned or controlled by said party of the first part for the construction, maintenance and operation of water mains, pipes, conduits, etc. therein for the transmission and conducting of water purposes along and upon the courses where said water mains, pipes, conduits, etc. are now constructed, laid and placed from the Jesse Creek reservoir of said grantor to all points of distribution throughout said city of Salmon or elsewhere.

4. The grantor herein also conveys to said second party all rights, privileges, benefits, interests, accrued or accruing, established, maintained, recognized, continuing or which may arise, be established, recognized or be admitted under and by virtue of that one certain agreement and contract entered into for and in behalf of the grantor herein, and continued by said grantor to this date, by one R.W. Faris, as agent of grantor herein, by which said Faris negotiated and entered into an agreement and contract with the County of Lemhi, State of Idaho, by and through its Board of County Commissioners, on the first day of September, 1897, by which agreement and contract said Faris was granted permission of carrying and conducting a water main or pipe across the new Salmon River Wooden Truss Bridge across Salmon River in said County, on a line with Main Street of the City of Salmon, Idaho, agreeing and paying therefor the sum of five hundred dollars.

5. All these certain ditches, canals and flumes extending from the intake, of said Salmon City Water Company, Limited, on Jesse Creek to the reservoir of said grantor and being and extending through, to and upon portions of the real premises herein described and conveyed, together with all rights, privileges, easements and appurtenances thereto belonging, or in any wise appurtenant, meaning and intending hereby to convey to the second party herein all ditches, canals, flumes, conduits, rights of way and privileges owned, controlled or used by the said party of the first part in any wise pertaining to said water system, plant and reservoir heretofore owned, controlled and used by said first party.

6. Also twenty-five (25) inches of water of that certain water right to the use of 180 inches of water of Jesse Creek awarded to C.O. Willis and John H. Wheeler by a decree of the District Court of the Fifth Judicial District of the State of Idaho, in and for Lemhi County,

dated September 30, 1893, which decree is duly recorded in the office of the Clerk of said Court in Book "A" of Judgments at page 251. The said G.O. Willis having on the 28th day of June, 1897, conveyed by deed the said twenty-five inches of the waters of Jesse Creek to The Salmon City Water Company, Limited, party of the first part herein, which deed of conveyance was duly acknowledged and recorded on July 12, 1897, in Book "I" of Deeds page 488 in the office of the County Recorder of Lemhi County, Idaho, which twenty-five inches of water, and all rights or interests therein, are hereby conveyed by said grantor to the party of the second part herein.

Also all rights title and interest in and to the water of Jesse Creek in said Lemhi County, State of Idaho, acquired by that certain Water License No. 1241 granted by the State Engineer of Idaho to the grantor herein which license reads as follows: "STATE OF IDAHO. Water License No. 1241. Whereon, on the 21st day of April, A.D. 1905 Salmon City Water Company, Limited, of Salmon, County of Lemhi, and State of Idaho, duly made application (No. 1717) to me for a permit to use two cubic feet per second of the waters of Jesse Creek County of Lemhi, State of Idaho, for water supply, fire and domestic purposes; and, WHEREAS, On the 18th day of May, A.D. 1905 Permit No. 1241 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of November, A.D. 1905, and for the application to beneficial use of said water on or before the 18th day of November, A.D. 1905; and, WHEREAS, on the 26th day of August, A.D. 1905 the holder of said permit made proof of the completion of adequate works for the diversion of two cubic feet per second of said waters, as evidenced by my certificate No. 1241, dated September 6, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two cubic feet per second of water, with date of priority of April 21, 1905, and, WHEREAS On the 25th day of August A.D. 1905 proof was duly made of the application to beneficial use of two cubic feet per second of said water NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Salmon City Water Company, Limited, of Salmon, Idaho, the holder and owner of said Permit No. 1241 a perpetual right, dating from April 21, 1905, to the use of two cubic feet per second of the waters of Jesse Creek in the County of Lemhi, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at a point in the SW¹/₄ of 12¹/₂ Section One, Township 21 North, Range 21 East of the Boise Meridian, and conducted to Salmon City, Lemhi County, Idaho, for the purpose of water supply, fire and domestic use, subject, however to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which water may be taken, when such rules and regulations have for their object the economical use of such water. WITNESS my hand and seal of my office, at Boise, Idaho, this sixth day of September, A.D. Nineteen Hundred and five. Jas. B. Stephenson, Jr. State Engineer" Said license was recorded in Book 1 of Licenses page 24. It is intended to hereby convey all interests and benefits, right and title which said grantor holds or be entitled to, to the party of the second part herein. Together with any and all other rights of every kind and character in and to the waters of said Jesse Creek including all the rights, privileges, easements and powers including riparian rights, rights to divert the waters of said Jesse Creek and to construct, maintain and operate all ditches, flumes and canals owned, controlled and used by said party of the first part, acquired by the aforesaid deed and license, by prior appropriation and any and all rights in and to the waters of said Jesse Creek acquired in any other method, manner or procedure.

7. The entire water plant and system owned, operated, controlled and constructed by said grantor including all portions of the plant or system, reservoir, buildings, works equipment, appliances, canals, pipes, tools and supplies and all other machinery, equipment, fixtures, appliances and appurtenances belonging or appertaining to its said water system and plant and business, and all other machinery, apparatus, appliances, appurtenances, materials, supplies, stores, goods, wares and merchandise now owned by the grantor and used in distributing, using, selling, furnishing and supplying water general, domestic, fire and commercial use and all other purposes in and about the City of Salmon, County of Lemhi, State of Idaho.

8. All rights which the grantor has however originating and however acquired to appropriate, divert and use the waters of said Jesse Creek including all riparian rights, water rights and water appropriations, rights to store, divert and use the water of said stream now owned by the grantor and also all dams now owned by the grantor and extending across or entering into Jesse Creek as the same are now located and constructed, together with all head gates, ditches, pipes and flume lines, easements and other appurtenances thereunto belonging or in any wise appertaining.

9. All the property, real, personal and mixed, rights in property whether or not hereinbefore mentioned in or to which it has any estate, right, title, interest, claim or demand as well in law as in equity including all its lands, tenements, hereditaments, licenses, permits, privileges, franchises, grants, easements, contracts, rights of action, water appropriation, water rights, records, monuments of title, insurance policies, and everything else belonging to the grantor or to which it has any rights, or in which it has any interest and also including all the rights, privileges, easements, tenements, hereditaments and appurtenances belonging to or used by the grantor or in any wise appertaining to said property, real, personal, or mixed, or any thereof and all its estates, rights titles, interests, claims and demands therein or thereto, and also the reversions and reversion, remainders and remainders, and the rents issues and profits thereof from and including January 1, 1912, and no words of particular description of property contained in this indenture shall be deemed, held or construed to limit or curtail the words of general description of property contained in this indenture.

To have and to hold the above granted premises, rights, privileges, franchises and property together with all of the profits, proceeds, rights, easements and appurtenances connected therewith, or pertaining or belonging thereto, unto the said party of the second part, forever, from and after January 1, 1912, to its use and benefit forever.

And the grantor covenants to and with the said party of the second part that it is the owner of all of the above mentioned property and premises, use and operation of said water plant and system; that it has good right to sell and convey said premises and property and the same are free from all incumbrances and said grantor will forever defend all the above described premises and all property intended hereby to be conveyed unto the said grantees against, the right, title, interest, claim or demands of all persons whosoever claiming or to claim the same, or any portion thereof and that it will from time to time at the request of and costs of said grantees execute all such further assurance for the further or more perfectly or satisfactorily assurance and confirming the premises, property, rights and franchises hereby granted to said grantees as said grantees shall require and as shall be tendered to be done or to be executed.

IN WITNESS WHEREOF, said party of the first part has hereunto set its hand and seal the said day and year in this instrument first above written.

By W.H. Shoup, Pres. By F.B. Wright, Sec.

State of Idaho }
County of Lemhi, } ss. On this Fourth day of January, in the year 1912, before me W.U.

dated September 30, 1898, which appears in duly recorded in the Court in Book "A" of Judgments at page 251. The said O.O. Willis having on the 28th day of June, 1897, conveyed by deed the said twenty-five inches of the waters of Jesse Creek to the Salmon City Water Company, Limited, party of the first part herein, which deed of conveyance was duly acknowledged and recorded on July 12, 1897, in Book "I" of Deeds page 488 in the office of the County Recorder of Lemhi County, Idaho, which twenty-five inches of water, and all rights or interests therein, are hereby conveyed by said grantor to the party of the second part herein.

Also all rights title and interest in and to the water of Jesse Creek in said Lemhi County, State of Idaho, acquired by that certain Water License No. 1241 granted by the State Engineer of Idaho to the grantor herein which license reads as follows: "STATE OF IDAHO. Water license No. 1241, Whereas, on the 21st day of April, A.D. 1905 Salmon City Water Company, Limited, of Salmon, County of Lemhi, and State of Idaho, duly made application (No. 1717) to me for a permit to use two cubic feet per second of the waters of Jesse Creek County of Lemhi, State of Idaho, for water supply, fire and domestic purposes; and, WHEREAS, On the 18th day of May, A.D. 1905 Permit No. 1241 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 18th day of November, A.D. 1905, and for the application to beneficial use of said water on or before the 15th day of November, A.D. 1905; and, WHEREAS, on the 25th day of August, A.D. 1905 the holder of said permit made proof of the completion of adequate works for the diversion of two cubic feet per second of said waters, as evidenced by certificate No. 1241, dated September 6, 1905, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use two cubic feet per second of water, with date of priority of April 21, 1905, and, WHEREAS On the 25th day of August A.D. 1905 proof was duly made of the application to beneficial use of two cubic feet per second of said water NOW, THEREFORE, by virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Salmon City Water Company, Limited, of Salmon, Idaho, the holder and owner of said Permit No. 1241 a perpetual right, dating from April 21, 1905, to the use of two cubic feet per second of the waters of Jesse Creek in the County of Lemhi, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbefore mentioned, to be diverted at a point in the SW 1/4 of J4, Section One, Township 21 North, Range 21 East of the Boise Meridian, and conducted to Salmon City, Lemhi County, Idaho, for the purpose of water supply, fire and domestic use, subject, however to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which water may be taken, when such rules and regulations have for their object the economical use of such water. WITNESS my hand and seal of my office, at Boise, Idaho, this sixth day of September, A.D. Nineteen Hundred and five. Jas. S. Stephenson, Jr. State Engineer." Said license was recorded in Book 1 of Licenses page 24. It is intended to hereby convey all interests and benefits, right and title which said grantor holds or is entitled to, to the party of the second part herein. Together with any and all other rights of every kind and character in and to the waters of said Jesse Creek including all the rights, privileges, easements and powers including riparian rights, rights to divert the waters of said Jesse Creek and to construct, maintain and operate all ditches, flumes and canals owned, controlled and used by said party of the first part, acquired by the aforesaid deed and license, by prior appropriation and any and all rights in and to the waters of said Jesse Creek acquired in any other method, manner or procedure.

7. The entire water plant and system owned, operated, controlled and constructed by said grantor including all portions of the plant or system, reservoir, buildings, works equipment, appliances, canals, pipes, tools and supplies and all other machinery, equipment, fixtures, appliances and appurtenances belonging or appertaining to its said water system and plant and business, and all other machinery, apparatus, appliances, appurtenances, materials, supplies, stores, goods, wares and merchandise now owned by the grantor and used in distributing, using, selling, furnishing and supplying water general, domestic, fire and commercial use and all other purposes in and about the City of Salmon, County of Lemhi, State of Idaho.

8. All rights which the grantor has however originating and however acquired to appropriate, divert and use the waters of said Jesse Creek including all riparian rights, water rights and water appropriations, rights to store, divert and use the water of said stream now owned by the grantor and also all dams now owned by the grantor and extending across or entering into Jesse Creek as the same are now located and constructed, together with all headgates, ditches, pipes and flume lines, easements and other appurtenances thereunto belonging or in any wise appertaining.

9. All the property, real, personal and mixed, rights in property whether or not hereinbefore mentioned in or to which it has any estate, right, title, interest, claim or demand as well in law as in equity including all its lands, tenements, hereditaments, licenses, permits, privileges, franchises, grants, immunities, contracts, rights of action, water appropriation, water rights, records, muniments of title, insurance policies, and everything else belonging to the grantor or to which it has any rights, or in which it has any interest and also including all the rights, privileges, easements, tenements, hereditaments and appurtenances belonging to or used by the grantor or in any wise appertaining to said property, real, personal, or mixed, or any thereof and all its estates, rights titles, interests, claims and demands therein or thereto, and also the reversions and reversion, remainders and remainders, and the rents issues and profits thereof from and including January 1, 1912, and no words of particular description of property contained in this indenture shall be deemed, held or construed to limit or curtail the words of general description of property contained in this indenture.

To have and to hold the above granted premises, rights, privileges, franchises and property together with all of the profits, proceeds, rights, easements and appurtenances connected therewith, or pertaining or belonging thereto, unto the said party of the second part, forever, from and after January 1, 1912, to its use and benefit forever.

And the grantor covenants to and with the said party of the second part that it is the owner of all of the above mentioned property and premises, use and operation of said water plant and system; that it has good right to sell and convey said premises and property and the same are free from all incumbrances and said grantor will forever defend all the above described premises and all property intended hereby to be conveyed unto the said grantee against, the right, title, interest, claim or demands of all persons whomsoever claiming or to claim the same, or any portion thereof and that it will from time to time at the request of and costs of said grantee execute all such further assurance for the further or more perfectly or satisfactorily assurance and confirming the premises, property, rights and franchises hereby granted to said grantee as said grantee shall require and as shall be tendered to be done or to be executed.

In WITNESS WHEREOF, said party of the first part has hereunto set its hand and seal the said and year in this instrument first above written.

SALMON CITY WATER COMPANY, LIMITED.
By W.H. Shoup, Pres. By F.S. Wright, Sec.

State of Idaho }
County of Lemhi, } ss. On this Fourth day of January, in the year 1912, before me W.O. Smith a Notary Public, personally appeared W.H. Shoup and F.S. Wright known to me to be the president and secretary respectively of the corporation that executed the instrument and no-

knowledge to me, that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

W.D. Smith
Notary Public in and for the County of Lemhi,
State of Idaho.

My commission expires December 31st, 1914

Recorded at the request of Frank G. Miller, Jan. 15th, 1912, at 15 minutes past 1 o'clock P.M., in Book V of Deeds, pages 9, 10, and 11, Records of Lemhi County, Idaho.

Frank G. Miller
County Recorder

Deputy.

Instrument No. 12294

IN THE PROBATE COURT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI.

In the Matter of the Estate of
Murdoch K. McHicoll, a minor.

ORDER OF DISTRIBUTION OF ESTATE.

Barbara McHicoll, the guardian of the estate of Murdoch K. McHicoll, a minor, having on the 22nd day of April, 1912, filed in this Court her petition, setting forth, among other matters, that her accounts have been finally settled and said estate is in a condition to be closed, and one half undivided interest of the estate hereinafter mentioned remains the sole property of the said ward, Murdoch K. McHicoll, said matter coming on regularly to be heard this 5th day of May, 1912, upon due proof that due and legal notice of such hearing had been given as directed by the order of this Court heretofore made; the said Barbara McHicoll appearing by her counsel, J.P. Nixon, Jr. this Court proceeded to the hearing of said petition; and it appearing, to the satisfaction of this Court, that the residue of said estate, consisting of the property hereinafter particularly described, is now ready for distribution, and that said estate is now in a condition to be closed;

That the whole of the said estate consist of real and personal property.
That the said Barbara McHicoll was duly appointed guardian of the said ward, Murdoch K. McHicoll, by this Court. And that the said ward, Murdoch K. McHicoll is now over the age of twenty-one years.

That all claims against the said estate are fully paid; that all taxes due from the said estate have been paid; and that the estimated expenses of closing said estate will amount to the sum of \$10.85.

That the said Murdoch K. McHicoll is entitled to an undivided one half interest in all real and personal property hereinafter mentioned.

Now on this, the said 6th day of May, 1912, on motion of J.P. Nixon, Jr., Esq. counsel for said Barbara McHicoll.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the residue of said estate, of Murdoch K. McHicoll a minor, hereinafter particularly described, and now remaining in the hands of said Barbara McHicoll and any other property not now known or discovered, which may belong to said estate, or in which the said estate may have an interest, be and the same is hereby distributed as follows, to wit:

An undivided one half interest in all real and personal property hereinafter mentioned together with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the rents, issues and profits thereof being the sole property of the said ward, Murdoch K. McHicoll.

The following is a particular description of said residue of said estate referred to in this decree, and of which distribution is ordered, adjudged and decreed as aforesaid, to wit:

All of that certain lot, piece or parcel of land situate, lying and being in the Townsite of Salmon City, County of Lemhi, State of Idaho, bounded and described as follows, to wit: Beginning at a point on the northerly side of Main Street, in the said Salmon City, North 61 30' West, and 67 feet and 9 inches distant from the Southeast corner of the Block of land in said townsite bounded southerly by Main Street and easterly by Center Street, and running thence North 61 30' West, along the northerly side of said Main Street, 33 feet and 2 inches to the lot now owned by Ole Johnson; thence North 27 55' East 118 feet and 3 inches; thence South 62 15' East 32 feet and 10 inches to the lot formerly owned by Margaret Williams; and thence South 27 50' West 119 feet and 2 inches to the place of beginning. The said lot being the same heretofore conveyed to H.L. Jeanjaquet by Thomas Alder, Probate Judge of said county, by deed dated March 14, 1887, and recorded in Book "D" of Townsite Deeds on page 139; together with the buildings and improvements situated thereon.

All of that certain lot, piece or parcel of land situate, lying and being in the Townsite of Salmon City, Lemhi County, Idaho, bounded and described as follows, to wit: Beginning at the Southeast corner of the Homestead lot formerly owned by Pluma Fuller on the southerly side of Main Street, and running thence South 28 30' West along the Westerly side of the lot now owned and occupied by A.J. MacNab as a residence 70 feet; thence North 61 30' West along the Northerly side of said lot now owned by William Peterson 98 feet and 3 inches to the Southeast corner of the lot of land now owned by L.H. Lofthorn; thence North 28 30' East 30 feet, and thence South 61 30' East along the Southerly end of the lot conveyed to Geo. J. Shoup by the Probate Judge of said county, and along the Southerly end of the said lot of Pluma Fuller 48 feet and 3 inches to the place of beginning. The lot hereby described being the same heretofore conveyed to Robert McHicoll, deceased, in his lifetime by Emily C. Crook and John W. Crook by deed dated October 24, 1880, and recorded in the office of the County Recorder of the said county of Lemhi in Book "P" of Deeds at page 492; together with all buildings and improvements thereon.

All of that certain lot, piece or parcel of land situated and lying in the said Townsite of Salmon City, bounded and described as follows, to wit: Beginning at a point 364 feet South 61 30' East from the Northeast corner of Main and Andrews Streets, in said Townsite, said point being the Southeast corner of the L.E. Church lot, and from thence North 29 East 117 feet and 6 inches; thence South 61 30' East 100 feet; thence South 29

ATTACHMENT C

Copy of IDWR "Water Rights Proof Reading Report dated December 13, 1984, listing License No. 75-2167 in the name of Salmon City Water Co. Ltd. For municipal purposes within the City of Salmon

12/13/84

WATER RIGHTS PROOF READING REPORT

WR0417

WATER RIGHT NUMBER 75-2167

VERIFIED LGS

OWNER LAST NAME - SALMON CITY WATER CO. LTD.
 ADDRESS LINE 1 -
 ADDRESS LINE 2 -
 ADDRESS LINE 3 -
 SOURCE - JESSE CREEK
 STATUS -
 STAGE - LICENSE
 TOTAL DIV. VOLUME -
 DIVERSION POINT - SWNE 01 21N 21E LOT
 FROM -
 TO -
 USE - MUNICIPAL
 PLACE OF USE -
 PLACE OF USE -
 DECREE NAME -
 REMARKS - P/U WITHIN CITY LIMITS OF SALMON.
 NON IRRIG USE -
 OTHER RIGHTS FOR SAME USE -
 PROOF DUE -
 PROOF MADE -
 DIVERSION MEANS -

TRIBUTARY OF - SALMON RIVER
 PRIORITY - 04-21-1905
 WATER DIST. -
 272.0 92.0 336.0
 USE DIV. RATE -
 2.0000 CFS
 DATE -

FIRST NAME -
 ORIG OWNER -
 STATE - ID
 ZIP CODE -

COUNTY - LEWIS
 DLE/CAREY ACT -
 0.0 0.0 0.0
 CFS USE DIV. VOLUME -
 2.0000 -CFS
 0.0 0.0 0.0
 2.5
 -00 AFA

TOTAL ACRES 0

PROTESTED -
 HEARING -
 OLD NO. - 1241

201 01/13/85

ATTACHMENT D

Copy of IDWR Memorandum Decision and Order dated June 6, 1981, including on page 3 a summary of testimony from Virgil Schofield, watermaster of Water District 75A (Jessie Creek and Tributaries), noting winter time use of water by the City of Salmon

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE
STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF
APPLICATION FOR TRANSFER NO. 75-0019 IN THE
NAME OF DALE T. SMEDLEY

MEMORANDUM DECISION
AND ORDER

On October 1, 1979, Dale T. Smedley applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Jesse Creek tributary to the Salmon River. The right sought to be changed is evidenced by a decree to John Wheeler and C. C. Willis in the case of E. T. Andrews and N. S. Andrews vs. John Martin, et al dated September 30, 1893 in the Fifth Judicial Court, County of Lemhi. The right was decreed for 3.60 cubic feet per second with the priority date of 1868, designating the point of diversion to be within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, Twp. 21N, Rge. 21E B.M., Lemhi County. The water was decreed for the irrigation of 480 acres within the SW $\frac{1}{4}$ of Sec. 31; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 30; the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 29; the E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 19, Twp. 22N, Rge. 22E B.M., Lemhi County. The portion of the right that is proposed to be changed is 0.30 cubic feet per second of water used for the irrigation of 39.99 acres of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 31, Twp. 22N, Rge. 22E B.M. That portion of the right is proposed to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 2 and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 10, Twp. 21N, Rge. 21E, B.M. for the irrigation of 20 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, and 20 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2, Twp. 21N, Rge. 21E B.M., Lemhi County.

Notice of this application was published on October 11 and 18, 1979 in the Recorder-Herald of Salmon, Idaho. On October 19, 1979, the Department received the initial protest against approval of this application from the estate of Walter L. Blackadar, deceased and Shirley C. Blackadar. A second protest was received on October 24, 1979 from the City of Salmon and a third on October 26, 1979 from Carl T. Gaver and Margaret Gaver. On October 29, 1979, additional protests were received from Nan Blackadar, Sue Blackadar and Robert L. Blackadar. The Department received the final protest on October 30, 1979 from John Bryant.

The protests indicated that if the application for transfer was granted it would result in a change in the nature of use, would adversely affect existing water rights and that the major portion of the right sought to be changed had been abandoned or forfeited through nonuse.

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On October 24, 1980, the Department of Water Resources conducted a hearing in this matter at the Lemhi County Courthouse in Salmon, Idaho. The applicant was present and was represented by James C. Herndon, Attorney at Law. Mr. and Mrs. Gaver were present along with representatives of the City of Salmon and were represented by Fred Snook, Jr., Attorney at Law. John Bryant and the Blackadar family were present and represented by Sherman F. Furey, Jr., Attorney at Law.

Prior to proceeding with testimony counsel for the parties involved stipulated that the Department of Water Resources conduct a field examination to determine if there is transmission loss in that reach of Pollard Creek between Snedley's point of diversion and the diversion for the city ditch. It was also stipulated that no more than four acres had been irrigated by John Reddington under right 75-0019 for at least the past ten consecutive years. The applicant and the objectors agreed to waive their right to a proposed decision and to allow the Director to issue a final decision on the matter based upon the testimony and evidence presented at the hearing, the findings of the field exam to be conducted by the Department and the Director's understanding of the law.

REVIEW OF EVIDENCE AND TESTIMONY

Exhibits submitted at hearing.

- 1) Applicant's Exhibit No. 1 - illustration of diversion on Chipps, Pollard and Jesse Creek designating approximate locations and distances between diversions.
- 2) Applicant's Exhibit No. 2 - aerial photo of drainage for water district 75A, Jesse Creek, superimposed with U.S.G.S. 7½ minute series topographic map.
- 3) Applicant's Exhibit No. 3 - entitled warranty deed dated June 26, 1978.
- 4) Applicant's Exhibit No. 4 - entitled deed of water rights dated March 8, 1978.
- 5) Applicant's Exhibit No. 5 - entitled water district role for Water District 75A, Jesse Creek, dated from 1963 to 1980.

TESTIMONY

The applicant testified that the intent of the application was to transfer 7½ miner's inches to his Chipps Creek diversion and 7½ miner's inches to his Pollard Creek diversion. This water would then be used to facilitate a gravity flow irrigation system which he hopes to install. Furthermore, water diverted at these two points would be collected in a reservoir to supplement irrigation later in the year when water was short. He testified that both reservoirs would be less than 100 acre-feet in capacity and that none of the stored water would be used for ordinary

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systems for the proposed subdivision. He also stated that of the 736 acres which he owns, around 350 are irrigable.

John Reddington, witness for the applicant and previous holder of the water right testified he had used the 15 miner's inches of water in question to irrigate 4 acres of land which consisted of a small orchard and pasture. He contended this quantity of water was necessary in order to irrigate the 4 acres because of the gravelly soil.

Witness Leon Hanning, consultant for the applicant, testified the duty of water on the Reddington property could easily have been 15 miner's inches for the 4 acres traditionally irrigated. He stated the applicant could definitely use the 15 miner's inches of water requested by the transfer. It was his opinion that the Blackadar water rights and Gaver's domestic well would not be adversely affected by the proposed change of points of diversion. He was unable to determine what effect the transfer of 7 1/2 miner's inches to the applicant's Chipps Creek diversion would have on the water rights for the City of Salmon.

Virgil Schofield, Watermaster for Water District 75A and witness for the applicant, testified that about 10 years ago, the City of Salmon changed their points of diversion to their present location on Chipps and Pollard Creeks. He also confirmed that during the winter and July and August, the city diverted all the water from Chipps Creek and that during these periods, the Blackadar and Reddington rights were filled with water rising in Pollard Creek below the city's diversion. He testified that in performing his duties as watermaster since 1962, it had been his experience that the City of Salmon did not require the entire flow of Chipps Creek in order to fill their first right and, therefore, the transfer of 7 1/2 miner's inches to Smedley's upper diversion would not adversely affect the city's right. He also testified that the city's rights were not measured until the water from all three creeks had been combined in the municipal system.

Protestant Carl Gaver testified he is the holder of 15 miner's inches of third right water with a priority of 1888. He has traditionally diverted this water from the city ditch about one-half mile upstream from the Reddington diversion and used the water to irrigate about 10 acres of land. However, he indicated his primary concern was the effect this transfer would have on his culinary well which has historically been recharged with the water remaining in the city ditch below his diversion. Mr. Gaver explained that during those periods prior to 1979 when the ditch was normally dry during the day there would be flows in the ditch at night which recharged the shallow groundwater aquifer. However, in 1979, the city

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modified its municipal system and initiated a storage procedure which stopped the nightly flows in the city ditch and in August his well went dry. Mr. Gaver described his well as consisting of a two-inch galvanized pipe, 23 feet deep and located about 60 feet from the bank of the city ditch.

Protestant Robert Blackadar testified that an 1868 priority right for 65 1/3 miner's inches is appurtenant to the Blackadar Ranch. He stated in 1966 his father, the late Walter Blackadar, initiated procedures to move their point of diversion to its present location. This was completed in 1974. He testified it was his belief the soil types and textures were similar to those found on the Reddington property and that it had been his experience you could irrigate 135 acres of land with 150 miner's inches of water. Mr. Blackadar stated his primary objection to the proposed transfer was that the percent of loss in the creek down to the Blackadar diversion would no longer be shared with the Reddington right.

Robert Locks, county agent for Lemhi County and witness for the Blackadar Estate, testified the City of Salmon has a 10-inch diameter pipe which diverts water from Chipps Creek into Pollard Creek and a 12-inch diameter pipe which diverts the combined water of Chipps and Pollard Creeks into Jesse Creek. He stated the city does divert all the water from Chipps Creek during July and August, during the winter and quite often during those periods there is not sufficient water to fill the city's 12-inch pipe on Pollard Creek. Although the city also diverts water from Jesse Creek, he explained that Chipps and Pollard Creeks are the primary sources for the city's water.

William J. Cannon, mayor of the City of Salmon and witness for the city, testified that although the Pollard Creek pipeline can carry excess water which is released into Jesse Creek for downstream users there are periods of the year when there is not sufficient water in the creeks to meet the city's needs. He testified that to his knowledge the city's first right water has always been filled. He explained when there is insufficient water to fill all of the second water right, the remaining water is apportioned among the owners of the second right water.

DEPARTMENT RECORDS OFFICIALLY NOTICED

- 1) Application for Transfer No. 75-0019 dated October 1, 1979.
- 2) Affidavit of publication dated October 19, 1979.
- 3) Letters of protest dated October 19, 24, 26, 29, and 30, 1979.
- 4) Notice of conference and/or hearing dated May 29, 1980.
- 5) Recess of hearing until July 19 and 20, signed May 29, 1980.
- 6) Stipulation waiving right to proposed decision dated June 22, 1980.

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7) Field report, Department of Water Resources, dated October 8, 1980.

8) Decree in the matter of E. T. Andrews and W. S. Andrews vs. John

Martin, et al dated September 30, 1893.

9) Decree in the matter of George G. Miller vs. Ernest Long, et al, dated June 19, 1925.

10) Decree in the matter of Ada P. Pope as executrix of the estate of Forest G. Pope, deceased vs. Ernest Long, et al, dated January 9, 1939.

FINDINGS OF FACT

1) The portion of water right No. 75-0019 which the applicant is requesting to transfer has been used on approximately 4 acres of ground during the past 10 years.

2) For many years, the domestic well of protestant Carl Gayer diverted water from the shallow groundwater aquifer which was artificially recharged by night-time flows down the city ditch. These flows ceased when the City of Salmon installed their storage facility in 1979 and began storing water during periods of low demand through the municipal system.

3) The delivery system for the City of Salmon is capable of diverting water from Chipps and Pollard Creeks in excess of the amounts required to fill the water rights claimed by the city on Chipps, Pollard, and Jesse Creeks. These rights, while evidenced by decree, have never been transferred to change the decreed point of diversion, place of use or nature of use.

4) The City of Salmon has traditionally measured its right after the water from Chipps, Pollard and Jesse Creeks have been combined. Any excess water is discharged into Jesse Creek upstream from the city ditch diversion.

5) Water diverted from Chipps Creek above the city's diversion will not adversely affect any right held by the city provided there is water flowing past the city's Jesse Creek diversion.

6) A field exam conducted by personnel of the Department of Water Resources determined that there was no loss due to seepage between the points of diversion proposed in application for transfer 75-0019 and the city ditch diversion.

7) The approval of application for transfer 75-0019 as requested would result in an expansion of the use under the original right.

CONCLUSIONS OF LAW

1) The right being transferred by the applicant is limited to the quantity of water necessary for adequate irrigation of 4 acres.

2) Water rights on Chipps, Pollard and Jesse Creeks will not be adversely

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affected by the establishment of the two points of diversion proposed by the applicant.

4) The applicant is entitled to the transfer he has requested subject to such conditions as are necessary to assure there will be no expansion in the use established under the original right.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Transfer No. 75-0079 is APPROVED subject to the following conditions:

- 1) Totalizing measuring devices and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
- 2) Use of water under this transfer shall be subject to the control of the watermaster of State Water District 75A, Jesse Creek.
- 3) Diversion of water under this transfer will be limited to the quantity of water necessary for the irrigation of 4 acres and shall not exceed 12 acre-feet per annum.

Dated this 5th day of June, 1981.


A. KENNETH DUNN

Director

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ATTACHMENT E

Copy of U.S. Forest Service Management Plan for the
Salmon Municipal Watershed dated June 1975, estimating
at page 3 (un-numbered) the City of Salmon's peak
municipal use of water from Jesse Creek during winter at
800 gallons per minute, and during summer at
3500 gallons per minute

MANAGEMENT PLAN

Salmon Municipal Watershed

Watershed Number 0015

Salmon Ranger District

Salmon National Forest

Region 4

Prepared by: A. T. Schubert Date 6/12/75

Recommended by: Donald E. Schlegel Date 6/16/75

Recommended by: _____ Date _____

Approved by: J. R. Munson Date 6/16/75

A. INTRODUCTION

The Salmon Municipal Watershed consists of the Jesse Creek, Chippa Creek and Pollard Canyon drainages. The lower boundary of the watershed lies approximately one mile west of the City of Salmon.

The Watershed is on the east facing slope of the Salmon River Mountains in Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 16, 17, and 18, T. 21 N., R. 21 E., S.M.; Sections 1 and 12, T. 21 N., R. 20 E., S.M.; Sections 18, 19, 20, 28, 29, 30, 31, 32, 33, 34, and 35, T. 22 N., R. 21 E., S.M.; Sections 24, 25, and 36, T. 22 N., R. 20 E., S.M. It is a tributary of the Salmon River Drainage of the Snake River Basin in the Columbia River system. Portions of the watershed are in the Lower, Intermediate, and Great Zones on the Salmon Ranger District, Salmon National Forest, County of Lemhi, State of Idaho.

The watershed contains approximately 13,240 acres of National Forest land and ranges in elevation from 4420 feet to 9150 feet with a mean elevation of 7230 feet. The area is characterized by narrow, steep walled canyons with numerous slide rock or talus slopes. Most of the drainages have very steep talus slopes or ledges at the head with small cirques or cirque basins immediately beneath these slopes.

The majority of substratum material on the watershed is composed of metamorphosed, impure gray quartzite. However, at the upper reaches of Jesse Creek, granitic formations representing the fringe of the Idaho batholith are present. At the lower reaches, portions of the Garman formation and Challis volcanics can be found. There are numerous faults within the watershed area, but they are of small displacement and appear to be of no major consequence.

The area contains a degree of mineralization. However, the exact extent is not known. There was a quartzite claim between Turner Gulch and Jesse Creek. A deposit of low grade coal or lignite is located in Pollard Canyon immediately below the Forest boundary.

Soils over the area are variable, ranging from very shallow to moderate in depth. Textures range from silt loams to clays with some granitic at the upper reaches of Jesse Creek.

Precipitation ranges from approximately 9 inches at the lower elevations to 30 inches near the summit. The monthly average precipitation, taken at the Salmon weather station, indicates the precipitation at the lower elevations is fairly well spread with the exceptions of May and June which receive somewhat more precipitation. The majority of the precipitation at the higher elevations comes during the winter in the form of snow. There is a snow measurement course approximately five miles south

2.

of the area in the head of Williams Creek which is read annually during the last of February and March. Measurements taken from this course show an average water content of 14.17 inches on April 1. The average annual precipitation received at Salmon is about 9.39 inches. Temperatures in the area vary considerably. At the Salmon weather station, for the period 1968 through 1974, the high temperature recorded was 105°F. while the lowest was -25°F., with a mean temperature of 45°F. At a mean elevation of 7230 feet on the watershed, the mean temperature would be approximately 33°F. At the 9150 foot elevation, the mean temperature would be approximately 28°F. The area is subject to high intensity, short duration cyclonic storms during the summer months.

Coniferous timber is the major cover type on the watershed area. Douglas-fir is the predominant species. However, lodgepole pine covers much of the area. At the upper reaches and along the ridges, limber pine is common. Along the canyon bottoms and around the small meadows and pot holes, Engelmann spruce is present. Sage-grass slopes and openings are scattered throughout the lower reaches of the watershed.

The City maintains three intake systems, one in Pollard Canyon, one in Chippis Creek and one in Jesse Creek. The intake system in Chippis Creek picks up water and transports it to Pollard Canyon in a twelve inch pipe. The Pollard Canyon intake system picks up the flow from the canyon and the piped flow from Chippis Creek, and transports it to Jesse Creek in a twelve inch pipe. The water is piped directly into a concrete collection tank. The water from the Jesse Creek drainage is allowed in a settling pond or reservoir with about one acre in surface. From there it flows into a wooden flume that carries it to the collection tank. Part of the flow is by-passed so that it does not enter the collection tank but continues downstream as natural flow. Additional water is pumped from a 10 foot well into the collection tank. From the collection tank, the water is piped down to the City's 75,000 gallon reservoir and distribution system before entering the City mains.

Under construction in 1975 is a three-pond water treatment and storage facility. The facility, known as a slow sand filter, will store 3 million gallons. It will be completed in 1976 at an estimated cost of \$100,000.

Although the water flow from the watershed is more than adequate for the City's needs, the City cannot take more than its rights for. The City has first right to only 215 inches. By agreement, it also takes an additional 100 inches and replaces it with irrigation water pumped from the Salmon River. City officials believe the supply is barely adequate to meet the present demand. Water use by both commercial and domestic users is estimated at 3500 gallons per minute peak use in the summer and 800 gallons per minute peak use in the winter. Converting the City's water right, which is stated in miners inches to gallons per minute (1 M. Inch = 9.0 gallons per minute) indicates a maximum water right of 2035 gallons per minute. An additional small allotment of water is obtained from the well.

A tabulation of the City's water rights is included as appendix material in this report.

7.

Prior to 1973, the water intake in Pollard Canyon was located below the confluence of Chippis Creek and Pollard Canyon. To eliminate sediment sources, the system was extended upstream and divided into a water intake in Chippis Creek and one in Pollard Canyon.

Special land uses are limited. Idaho Power Company has a permit dated 2/26/58 for a powerline right-of-way 75 feet in width which passes through a portion of the watershed area for approximately four miles. The City of Salmon has a permit for water transmission lines, structures, and road across the lower end of the watershed from Pollard Canyon to Jesse Creek. There is also a special use permit issued to Edgar Edwards for an irrigation ditch out of Chippis Creek.

Access into the watershed is very limited. There is a low standard road for about 1/2 mile in Jesse Creek. Limited access is also provided by the Salmon River Mountain Road along the west side of the watershed, the old Leeburg Road along the north side on the watershed and the road to the Forest Service administrative site in Jesse Creek at the lower end of the watershed.

B. HISTORY

Settlement of the Salmon area began in 1866 with the discovery of gold in the Leeburg area. The City of Salmon started as a supply point to the gold fields that were located to the west. Farmers and ranchers followed the early mining activity. As the community grew, so did the ordinary water requirements. In about 1890, H. S. Edwards built the first water system in the City of Salmon. This system was purchased in 1897 by the Salmon City Water Company. Finally in 1911, the City of Salmon purchased the system and it became known as the Salmon City Municipal Water Works.

During early settlement, the mountains surrounding the area were freely used by the settlers for the grazing of their domestic livestock. Timber was cut for lumber, homes, outbuildings, firewood, and many other uses. As time progressed, water from the watershed became the most important resource. Other uses were eliminated or restricted. Domestic sheep grazing was terminated from the area in 1911, and cattle grazing in 1917. Wild animals continue to use the drainages. Deer are the major big game species seen on the area. However, elk may occasionally be in the area. The watershed also supports limited populations of upland game birds such as bluegrouse, ruffed grouse, and chickadees. Because of the lack of access, recreation use, both in the past and in the foreseeable future, is very limited. There are no existing nor planned recreation developments in the watershed. However, a small lake near the head of Pollard Canyon attracts a few picnickers during the summer months. A few big game hunters use the area for a short time in the fall. The settling pond supports a few trout and receives light fishing use.

8.

There are a few exploratory mines scattered in the area. Even the old exploratory holes have been inactive for many years. Records show one claim as being surveyed. This claim, MS-1237 A and B, consists of approximately 45 acres and lies on the ridge between Turner Gulch and Jesse Creek in Sections 32 and 33, T. 22 N., R. 21 E., S. 4. This claim has been inactive for many years and is apparently abandoned. Low grade coal was mined below the Forest boundary on private land. A small amount of coal was mined. Due to poor quality, this venture was unsuccessful.

Fire occurrence within the watershed is fairly low. The area is rated as resource value class 6 because of the very important watershed values of the area. The fuel types on the area vary but in general, they are classified as low rate of spread and high resistance to control. The area has been placed in the two hour control zone, but it is doubtful if portions of the interior could be reached within these time limits due to the limited access.

The Forest Service maintains the Jesse Creek administrative site which is within the lower reaches of the municipal watershed. The area is used primarily as a storage area. The use of the administrative site for storage does not affect the municipal water supply as it is downstream from the intake systems. The administrative site was withdrawn from mineral entry May 18, 1964.

D. MANAGEMENT OBJECTIVES

The management objectives for this watershed are to provide maximum watershed protection to Jesse Creek, Chippewee Creek, and Rollard Canyon so they can produce the optimum amount of high quality water for on-site and downstream uses without impairing the other resource values of the area. This is to be accomplished within the guidelines set forth in the Salmon Ranger District Multiple Use Plan and the Cooperative Agreement entered into between the Secretary of Agriculture and the City of Salmon June 8, 1959.

D. HYDROLOGY

The watershed produces an estimated average water flow of 6140 acre feet per year. The city water system serves approximately 2,000 people. By using 100 gallons per person per day, the yearly average water consumption would be 340 acre feet of water for domestic purposes. This does not include water which is used by businesses in the area such as service stations, laundromats, car washes, hotels, motels, and the cheese factory, all of which consume large amounts of water. The city does not measure or meter the water so actual amounts used are not known.

Fluctuations in stream flow vary from 30% in June to 3% in February of the total water yield. Of the 6140 acre feet of water flowing from this watershed per year, approximately 80% or 4298 acre feet occurs during May, June, and July. Peak flows from snow melt generally occur between May 22 and June 14. Even though approximately 70% of the water produced flows from the area in a relatively short period of time, the stream channels within the National Forest boundary are stable and handle the flows without channel erosion. The stabilized condition of the channels indicates no flooding history. Flood potential of the forest lands within the watershed are low because of vegetative and ground cover conditions existing on the area. Although much of the area is covered with talus slopes and rock outcrops, only one problem area has been identified. A small clay basin, containing approximately 5 acres located above the holding reservoir, is a major producer of colloidal sediments in the Jesse Creek drainage. The soils in this basin are composed of plastic, very sticky clays. Vegetative cover is quite sparse, but probably approaches maximum density for the site. The problems associated with the site are aggravated by construction of the Pollard Canyon water transmission line. This activity exposed sterile subsoil at the water line as well as at the ditch that is now abandoned. Mechanical treatment would further aggravate the situation as it is unlikely sufficient vegetation could be established on the disturbed area to stabilize soil movement.

B. WATER MANAGEMENT PROBLEMS

Of the water produced on the watershed, quantity and timing present no problem although there is a wide variation in stream flow. Water samples taken and sent to the State each month for bacterial analysis nearly always test out within acceptable limits. This may be due to the fact that the water is chlorinated. Water samples are taken daily by the City and tested for the chlorine content. Chemical content of the water is good with a pH of approximately 8.9.

In 1967, Robert G. Bailey and Larry J. Schmidt, hydrologists from the Forest Service Regional Office, accompanied by forest personnel, made a reconnaissance of the Salmon Municipal Watershed. Followup investigations and a Hydrologic Problem Analysis Report was made in 1969. This report identified and suggests remedial action which could be taken on these problems or problem areas. The findings of these investigations indicate the quantity of water produced should generally be adequate as the mean low flow is approximately 450 percent of the estimated need. However, water rationing for lawn sprinkling has been necessary during dry summers.

Even though extension of the water intakes in Shippo Creek and Pollard Canyon have eliminated many of the sources of sediment and organic material, water quality remains a problem. The problem lies in the Jesse Creek drainage. The problem areas in Jesse Creek are located within the

Forest boundary and consists of the small clay basin above the holding reservoir, the nearly vertical banks at the excavation near the Jesse Creek water intake, access road, and the small gully leading into the excavation. From the standpoint of the municipal water supply, the best solution may be to extend the intake works up Jesse Creek to a point above these problem areas.

F. IMPROVEMENT NEEDS AND DEVELOPMENT PROGRAM

Forest Service lands within the watershed have been closed to domestic livestock grazing and timber harvesting for years. A proposal to withdraw the area from mineral entry is presently in progress. This will give added protection to the National Forest lands within the watershed. There are no land treatment measures planned on National Forest lands. The main problems located on Forest land which affect the municipal water supply, are located in the lower portion of the Jesse Creek drainage and are man made or have been aggravated and accelerated by the activities of man. The area believed to be contributing the majority of sediment is a small (4 or 5 acre) clay basin above the holding reservoir. This basin lies on the north facing slope and drains directly into the holding reservoir. The siltation from this basin occurs primarily during the snow melt period or after a heavy rainstorm. Soils in this basin are predominantly clays, appear to be relatively infertile and unstable. The basic nature of these soils limit the types of treatment which could be applied to the area. Presently, the solutions which appear the most feasible would be to extend the intake works up Jesse Creek to a point above the problem area or collect the runoff from this basin and channel it to some point below the intake system.

The water flowing from this watershed, even during the low flow period of February, exceeds the present and foreseeable needs of the City of Salmon. From this standpoint, it is not believed desirable to attempt to manipulate the quantity or timing of water released from the watershed.

Special use permits and cooperative agreements existing within the watershed boundary consist of:

1. A Cooperative Agreement between the City of Salmon, Idaho and the Secretary of Agriculture, dated June 9, 1939 for the purpose of conserving and protecting the municipal water supply for the City of Salmon. (Copy attached in appendix.)
2. Special use permit, dated 2/11/45, to the City of Salmon for a right-of-way to construct and maintain lines, structures, and a road from Pollard Canyon to Jesse Creek. Permit issued free. (A revised special use permit for the additional facilities the City has on the watershed is expected to be issued in May, 1972.)

11.

3. Special use permit dated 5/26/58, to the Idaho Power Company for a 75 foot right-of-way for the construction and maintenance of the Salmon-Blackbird Transmission Line.
4. Special use permit, dated 1/28/74, to Edgar Edwards for an irrigation ditch for transmission of water from Chippis Creek. Charge permit.

The City Council has outlined plans to continue developing the water system and watershed in future years. These plans include filling in the excavation at the Jesse Creek water intake, constructing a road across National Forest land and private land from Jesse Creek to Pollard Canyon, and reserving potential rock rip-rap material in Jesse Creek for emergency use by the City or County whenever the emergency might be.

Due to the uncertainty of how and when these proposed plans will become firm projects, there will be no further discussion of them in this plan.

G. ECONOMICS

Due to the fact that National Forest lands have been closed to most uses for many years, there would be negligible impacts to the National Forest in terms of dollar returns if presently permitted uses are terminated. The only permitted use which has a substantial fee applied to it is the Salmon-Blackbird power transmission line. The 1971 fee for this right-of-way was \$270.00. However, should this use be terminated, the effect on the area and persons dependant upon this power source, would be great. Observations and studies do not indicate that this transmission line is presently contributing to unsatisfactory watershed conditions which would require consideration for removing the power line from the municipal watershed.

According to the 1982 timber survey data, there are approximately 33.3 MMB of merchantable sized timber on the watershed. It is estimated that over one-half of this is not operable due to steep slopes, unstable soil or economics of present logging operations.

The monetary values of this timber, from a sawlog standpoint, is greatly outweighed by its value for watershed protection and other values.

H. MANAGEMENT DECISIONS (See latest H.U. Plan Revision)

Management decisions for the municipal watershed will be in accordance with the Cooperative Agreement dated 5/8/79 between the City of Salmon and the Forest Service, and patterned after those set forth in the Salmon Ranger District Multiple Use Plan. The management decisions are:

1. Withdraw from mineral entry.
2. Construct no roads unless access is controlled by the City and the water supply will not be degraded.

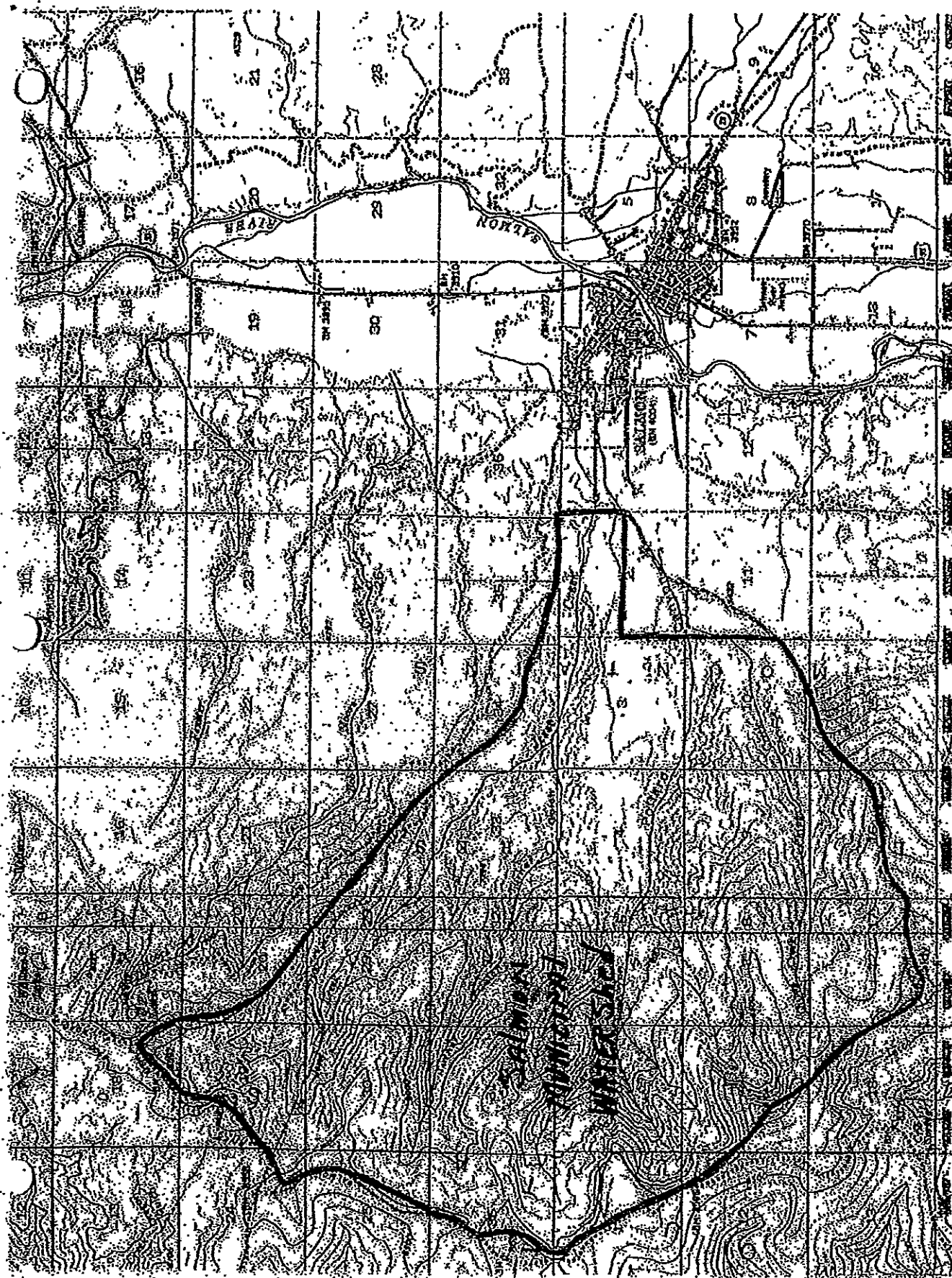
Appendix

Water Rights - Jesse Creek - 1st Decree

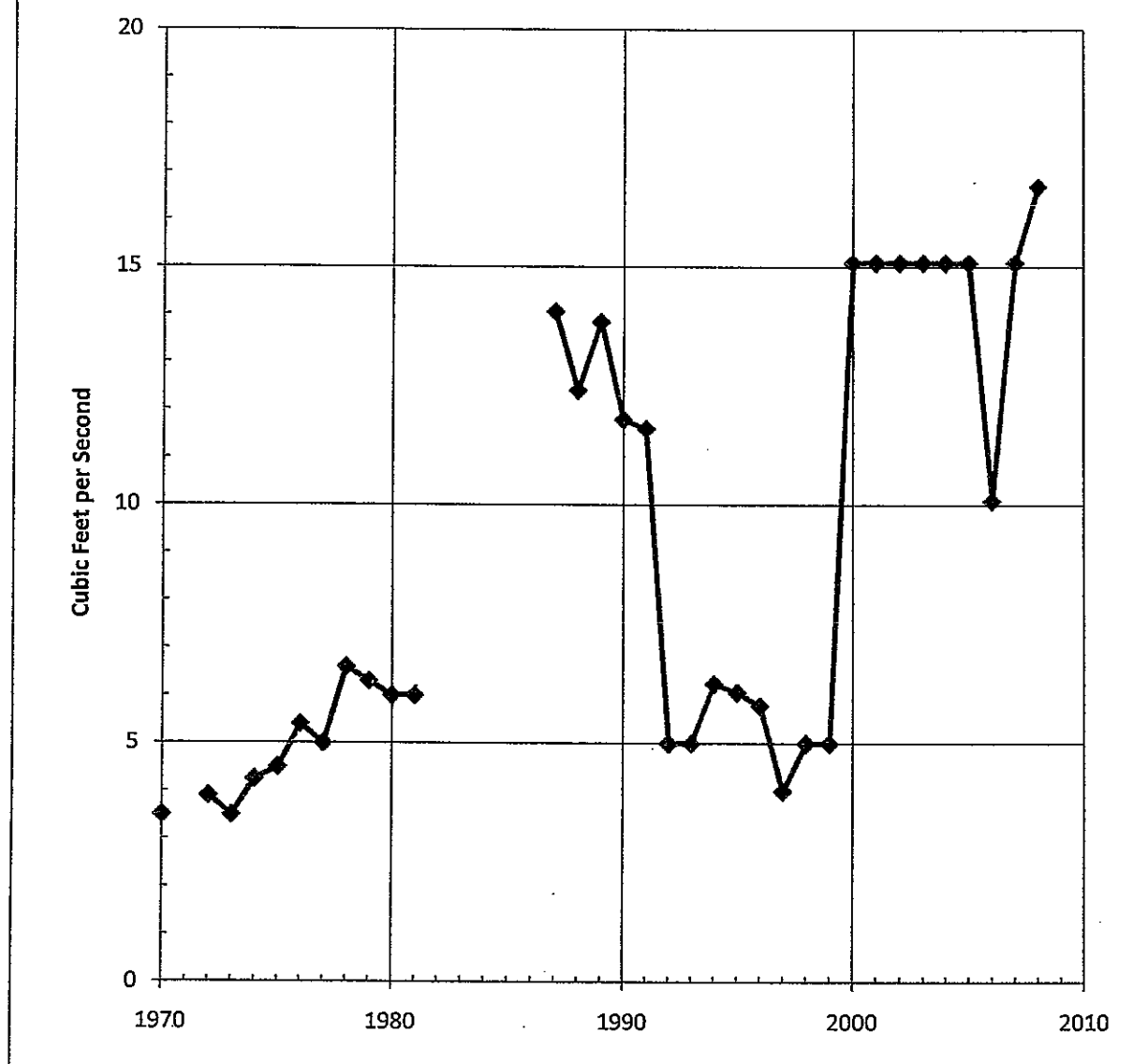
<u>Inches</u>	<u>Decreed To</u>	<u>Present Owner</u>	<u>Remarks</u>
75	Hanful	Aldous	Used by Salmon City in exchange for irrigation water
15	Long	Salmon City	
100	Andrews	Salmon City	
24 2/3	Wheeler Wills	Aldous	Used by Salmon City in exchange for irrigation water
60	Wheeler Wills	Salmon City	
15	Wheeler & Wills (Ostrander Ditch)	Salmon City	
15	Shoup and McPherson	Salmon City	
10	?	Salmon City	Harold Hayden, City Clerk, was not sure where this 10 inches came from
<u>115 inches</u>			

12.

3. Remove the merchantable timber volume from the Forest's inventory.
4. Protect water quality by deferring timber harvesting for the foreseeable future or until methods not requiring roads are feasible.
5. Issue no special use permits which may adversely affect water quality.
6. Continue closure to livestock grazing.
7. Exclude camping and recreational developments. Sign area to discourage recreation use.
8. Apply appropriate watershed restoration practices to correct siltation source in Jesse Creek.
9. Take prompt fire control action on all fires.
10. Give priority to controlling fires in watershed.
11. Use no herbicides nor pesticides within the drainage.
12. Bulldozers will not be used in fireline construction except when fire losses to water quality would exceed the damage caused by their use.
13. Restrict use of fire retardants to absolute minimum. Instruct those in charge of fire management efforts to avoid use of retardants where they may be dropped directly into stream channels.
14. Limit fire retardant use on slopes immediately visible from Salmon.
15. Encourage Salmon City to extend Jesse Creek water inlet upstream above clay basin problem area.
16. Determine if a closure of off-road vehicles is necessary and justified.



Salmon Maximum Diversion



Notes:

1. No Records in 1971
2. No Daily Records from 1982 thru 1986

PROPERTY OF THE STATE OF IDAHO

Form No. 500-W

WATERMASTER'S

DAILY RECORD

Stream Jacobi Creek
Water Station 75-A
Month of May, 1987
Watermaster Arthur Ziegler
P. O. Address 5178 River St.

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

16-25-175
1980 S-6222, 1,000

May

87

NOTE: Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet. (Give name of owner of water rights, not land.)

DAYS OF MONTH

Name of Forest Owner	Address	Map No.	Acres					Total
			1	2	3	4	5	
CITY OF SALMON	CITY OF Salmon		5.13	1.17		5.83	5.83	
			4.01	1.01		4.01	1.01	
			4.22	1.22		4.22	1.22	
Blackadar	KINGADAK	0019		.52				
		0113		1.0				
		0007		2.0				
Smedley	Smedley			2.40				
Jensen	SORENSEN			3				
Shaver	GAVER			3				
Whitson	WILSON			2				
Shulman	AUSTIN			1.4				
Edwards	Edwards			1.70				
780" in dwd			17.97 17.97					

May

1987

NOTE: Figures to be given in cubic feet per second for 24-hour periods, or 24-hour second feet (live ratios of curves of water rights, not tenant)

Walter
Right
Ident.

100-443887-1

DAYS OF MONTH

**Acres
Cultivated**

56

Name of Federal Circuit

14

13

40

19

20

21

22

23

24

25

City of London

583 - 42

44

11.971

Bhakti

Handwritten signature



1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

1

Leads

Month of

May

1987

Water
Right
Ident.

NOTE: Figures to be given in cubic
feet per second for 24-hour periods, or
24-hour second feet. Give name of owner
of water right, not tenant

DAYS OF MONTH

Name of Present Owner	26	27	28	29	30	31	Total in 24-hour Sec. Feet	REMARKS	Acres Culti- vated	Sec.
City of Lubbock							433.76	14 cfs ave. / month		
Blackadar							109.12			
Smalley							74.4			
Lawson							9.3	9.3		
Shover							9.3	9.3		
Wilson							6.2	6.2		
Anders							43.4	43.4		
Edwards							52.7	52.7		
							738.18			

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S
DAILY RECORD

Stream

Water District

Month of *June*, 19*82*

Watermaster

P. O. Address

Ten days after the close of the ir-
rigation season the Watermaster must
forward this book to

**DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

If this book is lost, the finder will please return it
to the Watermaster of its district, as it contains
valuable records.

60-60-170
1000 B-5000, 1,000

Name of Person		Address	Where Taken No.	DATE BY MONTHS					Age Calculated	Sex
				1	2	3	4	5		
J. J. [unclear]	ESTV	75-0016	100	7	99					
	1	75-0017	12							
		75-0018	15							
		19	60							
		19	15							
		24	5							
		26	15							
		4	10							
	114	1114	25							
	Blackadar	BLACKADAR	17	13	63	52	0	52		
		19	15	65	53					
		19	27							
113		1113	100							
	7	9	200							
Smedley	Smedley	19	15	2013	2	013				
		21	5							
	22	22	100							
	5	6	250							
Wilson	WILSON	0026		2						
	SORENSEN	26	10	1						
	0001	35	3							
Edwards	EDWARDS			4	0	4				
	CAVER			3	0	3				

DATA SOURCES

[illegible]

[illegible]

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S
DAILY RECORD

Stream

Water District

Month of

JULY

19 87

Watermaster

P. O. Address

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

If this book is lost, the finder will please return it to the Watermaster of the District, as it contains valuable records.

98-30-170
1000 B-0000, 1,000

DAYS OF MONTH

1

11

19

20



22

12

13

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12

4-11-2008

PB LLA RE

356

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Blackadar



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(15, 23)

Sandberg

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[illegible]

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

WATERMASTER'S

DAILY RECORD

Stream *Jordan Creek & P. Hand Creek*
Water District *15*
Month of *August*, 19*27*
Watermaster _____
P. O. Address _____

Ten days after the close of the irrigation season the Watermaster must forward this book to

DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

BB-31-178
1904 B-6202, 1,000

THIS IS A SUMMARY OF THE DATA OBTAINED FROM THE SURVEY OF THE AREA DURING THE MONTH OF MAY 1964.

DATE OF MONTH

Name of Survey	Notes	Time	1	2	3	4	5	Total	Mile	Top
16	16	16	30"	100						
		17	15"	100						
		18	15"	15						
		19	47"	75						
		19								
		24	15"	15						
26	26	26	40"	60						
		114	25"	75						
		17	13"	63						
Smedley	Smedley	19	15"	15						
		21	5"	5						
		22	12"	100						

BLACKADAR

U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D. C.

PLANT INDUSTRY

3.712
5.712
1

0.811
0.811 222/1

0.40
0.40 222/1

[illegible]

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

**WATERMASTER'S
DAILY RECORD**

Stream _____

Water District _____

Month of _____

19__

Watermaster _____

September 1987

P. O. Address _____

Ten days after the close of the ir-
rigation season the Watermaster must
forward this book to

**DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

If this book is lost, the finder will please return it
to the Watermaster of the district, as it contains
valuable records.

60-20-170
1000 B-0002, 1,500

U.S. DEPARTMENT OF AGRICULTURE
BUREAU OF PLANT INDUSTRY
WASHINGTON, D.C.

STATE OF MICHIGAN

DATE
PAGE

1 2 3 4 5

16 100
17 127
18 157
19 75
19
24 5
26 15 15
4 60
1114 25 20 (?)
17 62 63

19 15 15
25 15
7 22 100

Black Rock

Black Rock

NOTE: This instrument is not valid unless the proper amount of money is paid for the same.

DATE OF ISSUE

11 12 13 14 15

16 17 18 19 20

2.0899 per ft

0.20% per ft

0.4% per ft

DATE		TIME		REMARKS	
11	11	11	11	11.08	
10.415	10.415				
12.00	12.00				
133.50	133.50				

PROPERTY OF THE STATE OF IDAHO

Form No. 300-W

**WATERMASTER'S
DAILY RECORD**

Stream

Water District

Month of

October

1987

Watermaster

P. O. Address

Ten days after the close of the irrigation season the Watermaster must forward this book to

**DEPARTMENT OF WATER
RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

If this book is lost, the finder will please return it to the Watermaster of the district, as it contains valuable records.

DS 20-170
1000 S-5052, 1,000

NOTE—Figures to be given in table
 feet per second for 24-hour periods, on
 24-hour record fact. Give record of amount
 of water rights, not amount.

DAYS OF MONTH

Area
 Cont-
 tains

Sec.

Water
 Right
 No.

Address

Name of Owner
 or Lessee

16

17

18

19

19

24

26

4

1114

17

Black Rock

19

19

15"

21

21

5"

22

22

Page 87

NOTE.—Figure is as given in column
but per second for 24-hour synthesis, or
24-hour second first. Give name of source
of every figure, not credit.

23-1889 DAYS OF MONTH

2.00885 left

206
O. 206 rect

0.7	0.6	0.5	0.4	0.3	0.2	0.1	0
0.7	0.6	0.5	0.4	0.3	0.2	0.1	0

NOTE - This form is to be used for recording the results of the tests of the material under test. It is to be filled out by the test operator. It is to be filled out for each test run. It is to be filled out for each test run. It is to be filled out for each test run.

DATE OF TEST

Test No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
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WATERMASTER'S REPORT

From April 1 1987 To Nov 1 1987

Water District No. 75-A
Name of Watermaster Scott R. Ziegler
P. O. Address 517 River St. Salmon, Idaho 83467

AFFIDAVIT OF WATERMASTER

STATE OF IDAHO.
COUNTY OF Lemhi }
Scott R. Ziegler being first duly sworn, deposes and says
that he is (Deputy) Watermaster on Jessie Creek in District 75-A, having been
lawfully appointed by the Director, Department of Water Resources A. Kenneth Higgins
and that the volumes of water, as stated in this report, prorated by him to the several users, are correct;
that the sum of \$ 600⁰⁰ is justly due as stated.

Scott R. Ziegler
(Deputy) Watermaster District No. _____

Subscribed and sworn to before me, this 20th day of January, 1988

Ann C. Muttley
Notary Public

(SEAL)

My Commission expires Jun 23 1992

Boise, Idaho, January 28, 1988

I HEREBY CERTIFY, That, Scott R. Ziegler
was lawfully appointed by me (Deputy) Watermaster of District No. 75-A, and that his bill
for services rendered prorated to the several users, as herein sworn to, is, to the best of my knowledge
and belief, correct.

R. KEITH HIGGINSON
Director, Department of Water Resources

OWNER OR DITCH

WATER
RIGHT
IDENT. NO.

DESCRIPTION OF LAND

Subdivision

Sec.

Twp.

Rge.

City of Salmon

Robert L. Blackadar

Dale Smedley

Margaret Carver

Bill Schlenker

Edgar Edwards

Myrthus Aselin

Myrtle Wilson

District 75-A 1987 Watermaster's Report

NAME	VOLUME USED	SHARE OF COST	1987 ADOPTED BUDGET	1987	
				DEBIT	CREDIT
CITY OF SALMON	1181.89	997.07	532.70	464.37	.00
ROBERT BLACKADAR	197.13	166.30	522.66	.00	356.36
DALE SMEDLEY	191.40	161.47	266.49	.00	105.02
MARGARET GAYER	16.50	13.92	41.87	.00	27.95
BILL SCHULENBERGER	11.70	9.87	31.28	.00	21.41
EDGAR EDWARDS	63.10	53.23	60.05	.00	6.82
MYRTHUS AUSTIN	43.40	36.61	17.88	18.73	.00
MYRTLE WILSON	11.00	9.29	37.07	.00	27.78
TOTALS	1716.12	1447.76	1510.00	463.10	545.34

TOTAL EXPENSES FOR DISTRICT: 1447.76
TOTAL 'OTHER' INCOME FOR DISTRICT: .00
TOTAL EXPENSES ALLOCATED TO USERS: 1447.76
MINIMUM ALLOCATION : .00
FIRST FACTOR CALCULATED: .84362399
SECOND FACTOR CALCULATED: .84362399

WARNING. DUE TO ROUNDING THE CALC. TOTAL
FOR THE SHARE OF THE COST IS NOT EQUAL TO
TOTAL EXPENSES TO BE SHARED LISTED ABOVE.

Hazen-Williams Equation for Closed Pipe Flow

Assumptions: Head Loss due to bends, couplings, & valves is negligible

$$Q_{cfs} = 1.318 C_h (\pi D^2/4) \times (D/4)^{0.63} \times (H/L)^{0.54}$$

Q = Discharge (cfs)

D = Pipe Diameter (ft) = 1.166 ft

L = Pipe Length (ft) = 1,584 ft

H = Elevation Drop (ft) = 128 ft

C_h = Values for Types of Pipe = 120

150	-Plastic (PVC) > 6"	110	-Riveted Steel
140	-Very Smooth, PVC < 6"	100	-Old Cast Iron
130	-Cast Iron	80	-Badly Corroded Cast Iron
120	-Wood, Concrete, Welded Steel		

$$Q_{cfs} = 1.318 \left(\frac{120}{C_h} \right) \left[\pi \left(\frac{1.166}{D} \right)^2 / 4 \right] \times \left(\frac{1.166}{D} \right)^{0.63} \times \left(\frac{128}{H} / \frac{1,584}{L} \right)^{0.54}$$

$158.16 \times 1.0677 \times 0.4599 \times 0.257$

Q_{cfs} = 19.95 cfs

ESTIMATED PIPE CAPACITY

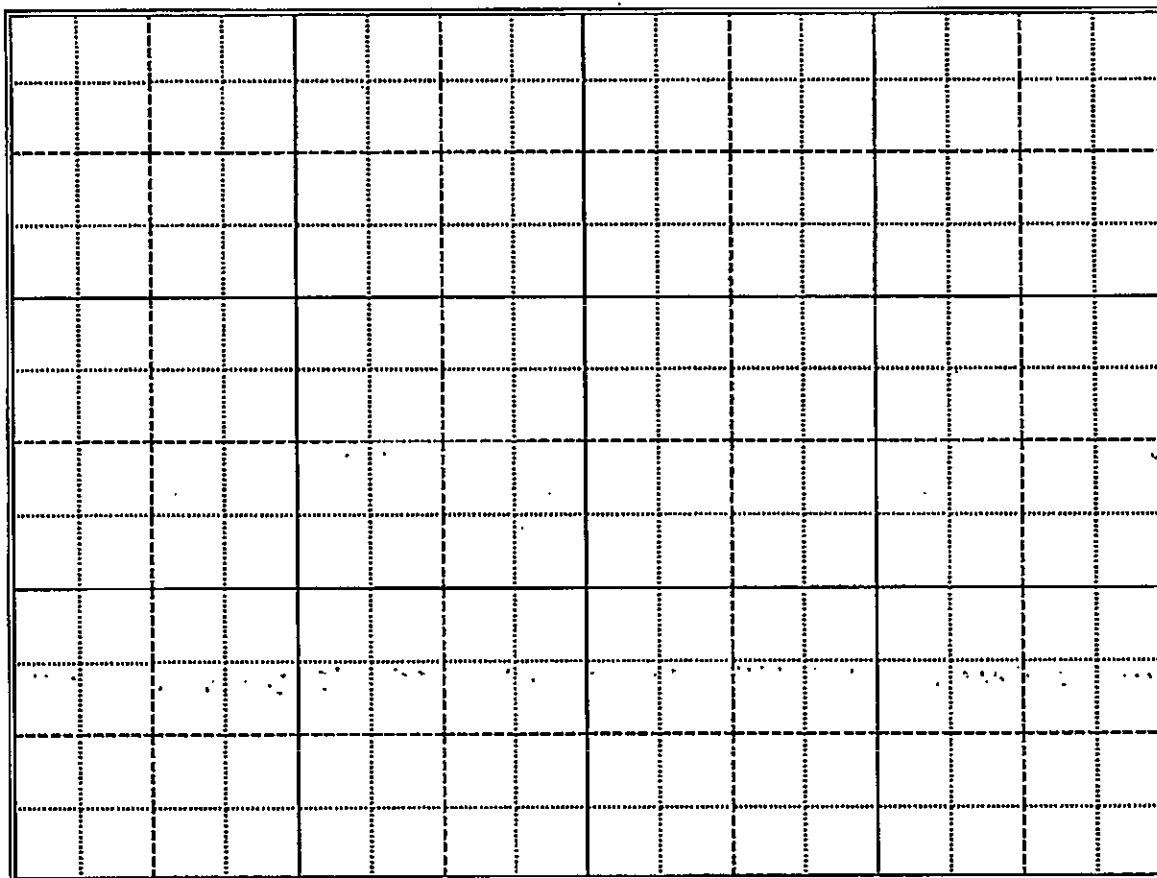
Amended Affidavit of Paul Drury
 Supporting Salmon's Supplemental Response
 to State's Motion for Interim Administration
 00-9202175
 July 19, 2010

Attachment D

Permit # 75-07563

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable. *SEE PHOTOS + MAP*



Scale: 1" = _____

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
<i>N/A</i>					

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
<i>AA METER</i>				<i>090127</i>		

2. Measurements: *1.61 cfs Recount Lining @ 5.00 cfs*

E. NARRATIVE/REMARKS/COMMENTS

BELOW POND ON JESSIE CREEK, CREEK WATER IS
DIVERGED INTO A 14" DIAMETER BURIED PIPELINE
WHICH SUPPLIES WATER TO 3 STORAGE PONDS; EXCESS
WATER IS DIVERGED BACK TO JESSIE CREEK.

WATER IS DIVERGED TO CITY WATER TREATMENT AS
NEEDED.

APPROXIMATE.

INTAKE ELEVATION 4512

POND ELEVATION 4384

128' DROP

JESSIE CREEK WAS AT LOWEST FLOW TIME OF YEAR AND
HAD NOT RECOVERED FROM 7 YRS OF DROUGHT.

Have conditions of permit approval been met? ☒ yes ☐ no

F. FLOW CALCULATIONS☒ Additional Computation Sheets Attached

Measured Method:

$$Q = 1.61 \text{ CFS}$$

*STREAM AT LOW FLOW — FOLLOWING DROUGHT YEARS***G. VOLUME CALCULATIONS**

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = \underline{\hspace{2cm}}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = \underline{\hspace{2cm}}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = \underline{\hspace{2cm}}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS*WATER
HIGH STREAM FLOW IN EXCESS OF 5.0 CFS.*

1. Recommended Amounts

Beneficial Use	Period of Use:		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<i>MUNICIPAL</i>	<i>1/1</i>	<i>12/31</i>	<i>5.0</i>	
Totals:			<i>5.0 CFS</i>	

2. Recommended Amendments

☒ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATIONField Examiner's Name *SIMPkins* Date *1/30/96*Reviewer *[Signature]* Date *2/7/96*

SEAL

75-07563
Water Right No.
(if applicable)

Open Channel Discharge Measurement Notes

A. GENERAL INFORMATION

GENERAL INFORMATION

1. Name of stream or ditch: JESSIE CREEK

2. Location: S2, T21N, R22E

3. Person conducting measurement: DDO SIMPKINS

4. Date and time of measurement: 1130 HRS 9/20/95

5. Accompanied by: PAUL STOKES

6. Measuring device size and ID no.: AA METER

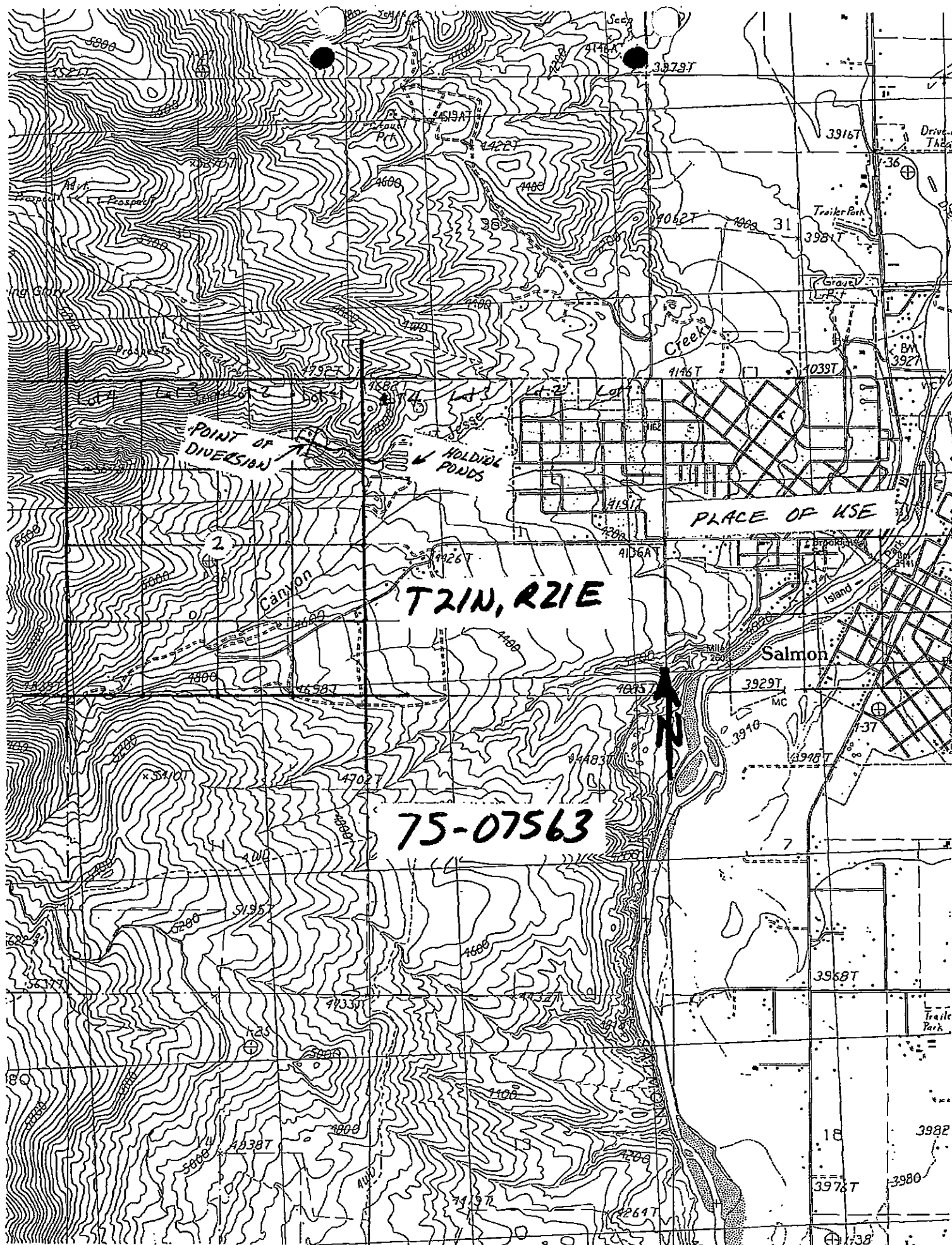
7. Spln test before measurement OK? OK after measurement OK? OK

8. Purpose of measurement: CITY OF SALTION

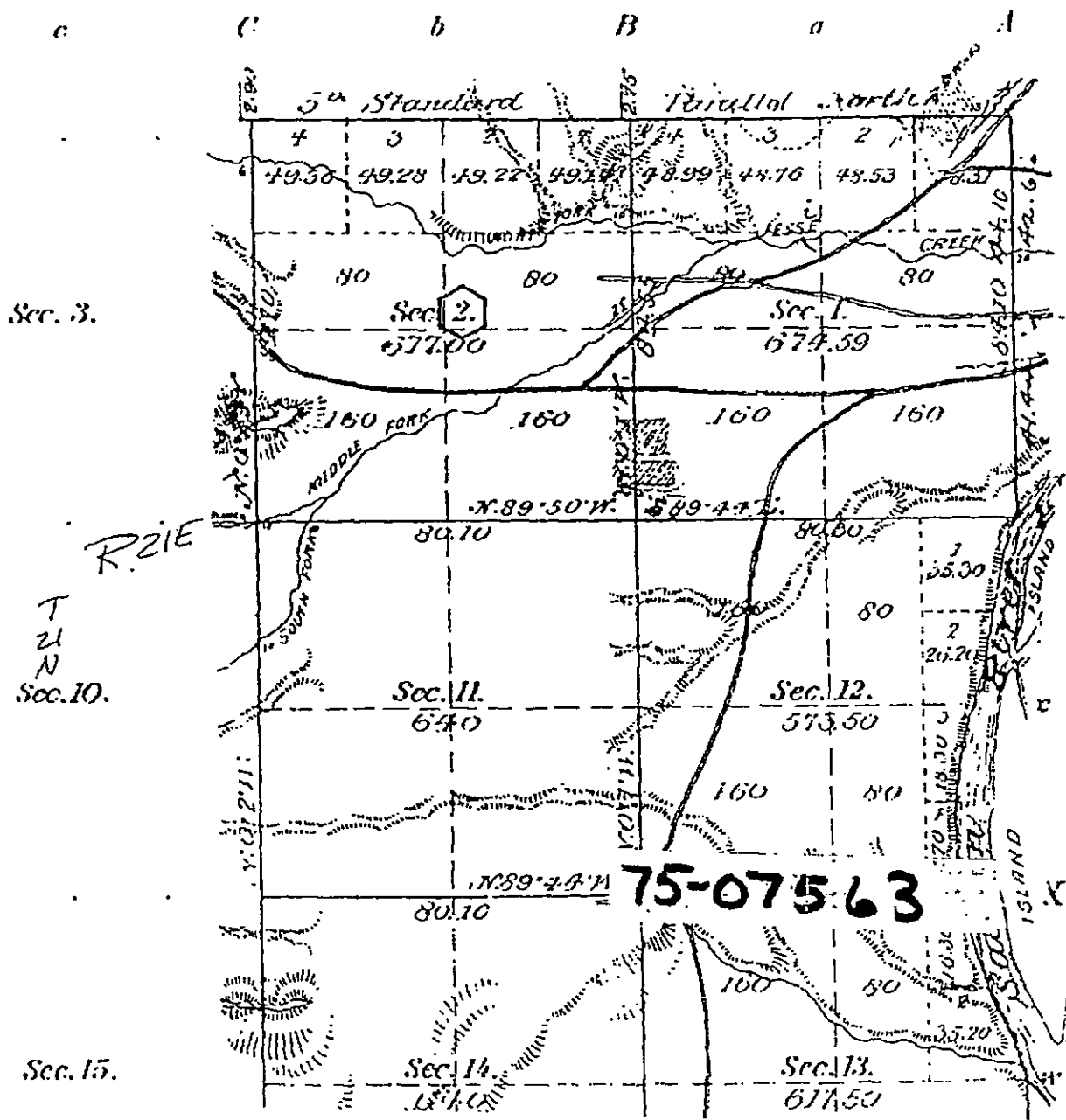
B. MEASUREMENT DATA

[illegible]

75-07563



Meridian

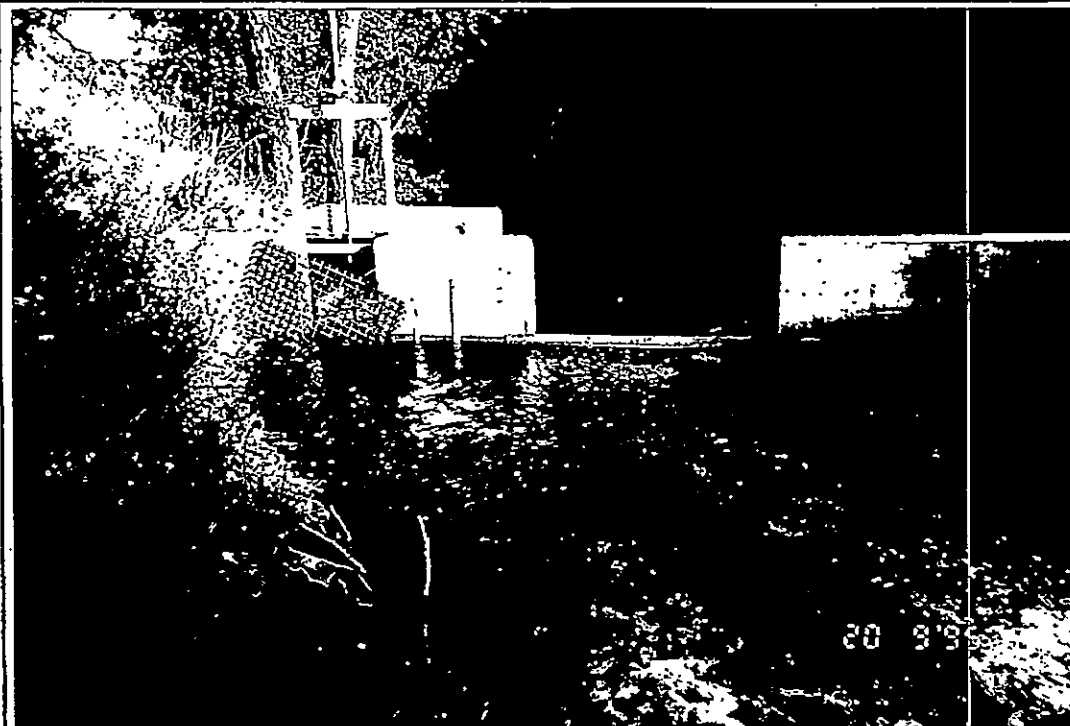


CITY OF SALMON
MUNICIPAL

1 of 2



JESSIE
CREEK
UPSTREAM
OF POINT
OF DIVERSION



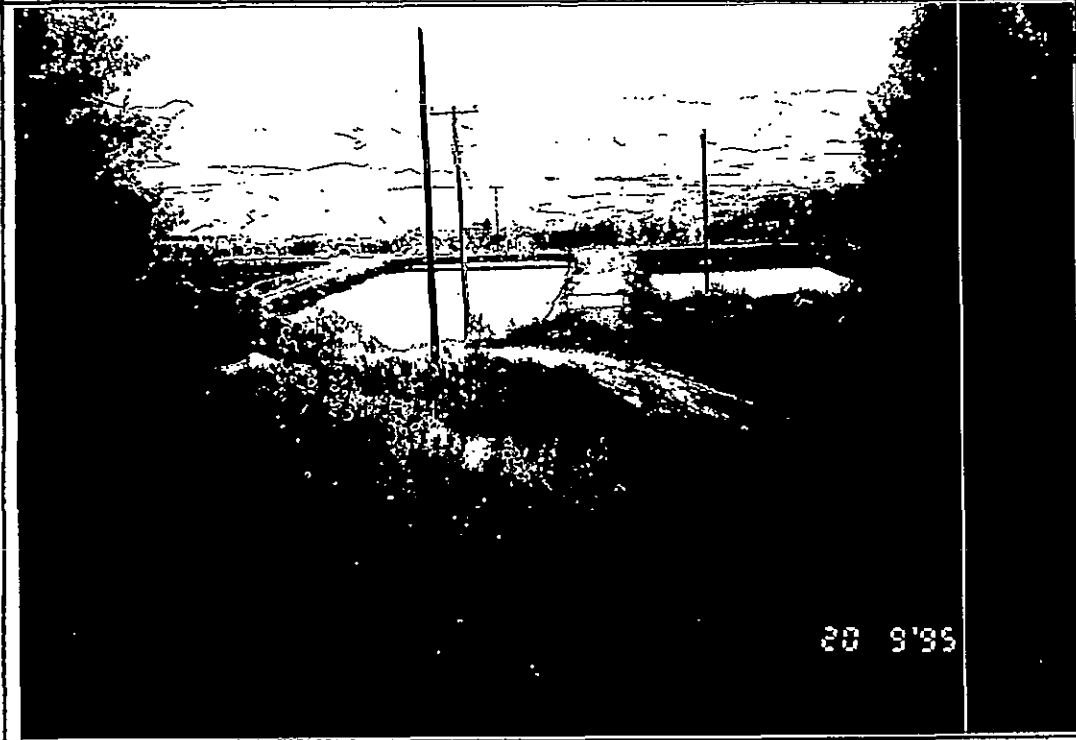
CITY OF
SALMON
MUNICIPAL
WATER
INTAKE ON
LEFT.

POINT OF
DIVERSION

75-07563

CITY OF SALMON
MUNICIPAL

2012



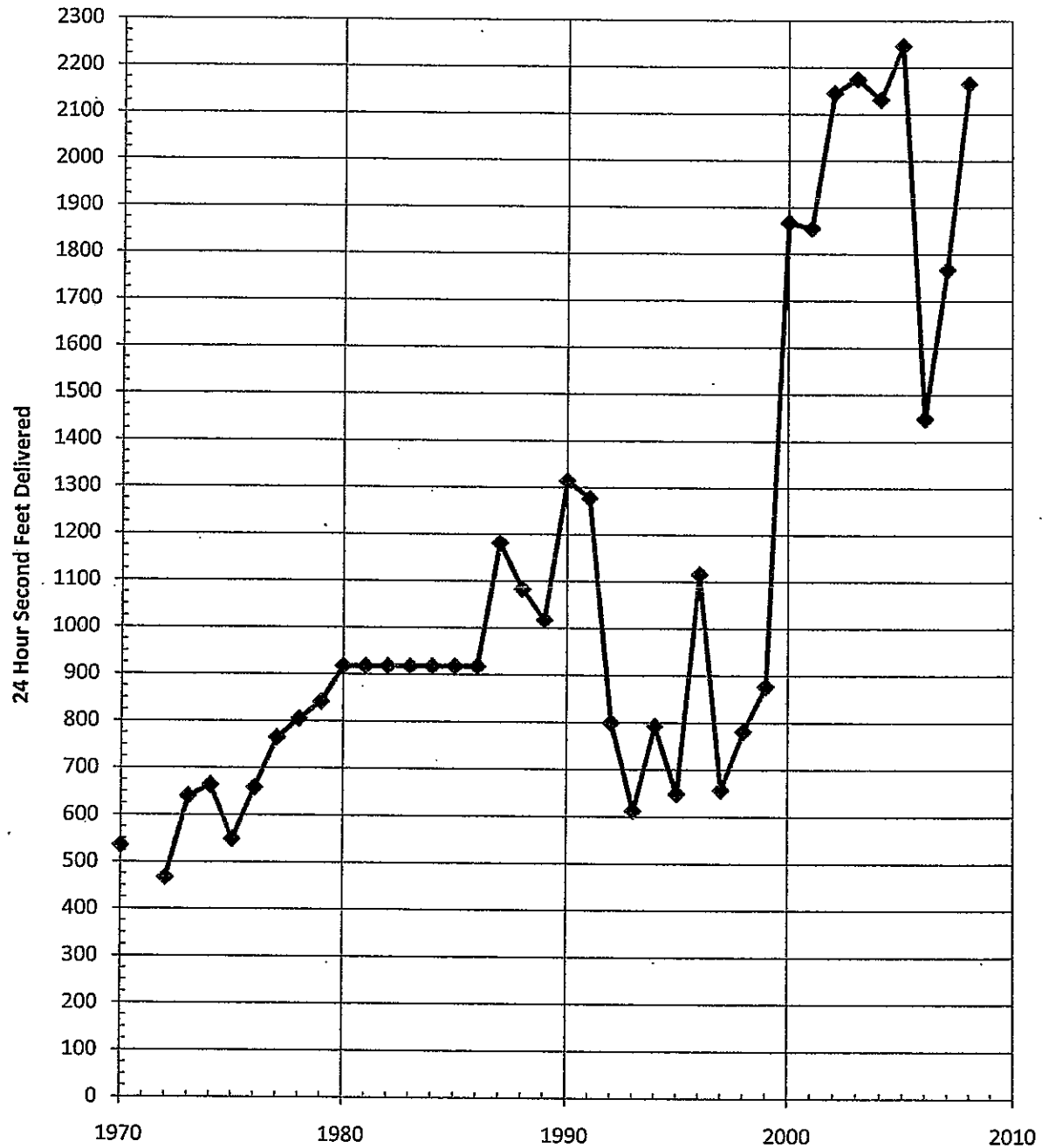
WATER
STORAGE
PONDS
ABOVE
WATER
TREATMENT
PLANT



WATER
TREATMENT
PLANT
ABOVE CITY
OF SALMON

75-07563

Salmon Total Diversion



Notes:

1. 2000 – 2008 Average 1868 24-hour Second Feet
2. 1972 – 1998 Average 856 24-hour Second Feet
3. No Records in 1971
4. No Daily Records from 1982 thru 1986

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Attachment E

City of Salmon Diversion Records

Miner's Inches Measured from Each Source

<i>Date</i>	<i>Chipps Creek</i>	<i>Pollard Canyon</i>	<i>Jessie Creek</i>	<i>Total</i>
6/19/1992	5.15	140	88.5	233.65
7/15/1992	5.15	50.85	122	178
7/30/1992	72.5	99	62	233.5
8/13/1992	55.5	44.5	66	166
8/27/1992	49.3	57.2	56	162.5
9/2/1992				148
9/4/1992	43.15	56.85	40.5	140.5
9/8/1992	46.2	57.3	59	162.5
9/15/1992	43.15	60.35	44.5	148
9/22/1992	40	47.5	49.5	137
9/29/1992	40	47.5	49.5	137
10/8/1992	43.15	56.85	55	155
4/30/1993	12.45	81.55	76	170
5/7/1993	19	143.5	119.5	282
5/11/1993	20.2	172.8	173	366
6/30/1993	69	61	270.5	400.5
7/30/1993	59	208	294	561
8/19/1993	19	117.75	180	316.75
8/25/1993	19	109.75	116	244.75
9/9/1993	14.55	111.95	135	261.5
9/23/1993	59	103.5	101	263.5
10/5/1993	52.5	95.5	115.5	263.5
4/4/1994	38.7	74.3	53	166
4/14/1994	40.2	59.8	85.5	185.5
4/27/1994	37	160	148	345
7/14/1994	72.5	144.5	95.5	312.5
7/21/1994	62.5	107.5	80.5	250.5
8/10/1994	52.5	77.5	95.5	225.5
8/19/1994	47.75	62.25	56	166
8/22/1994				193
8/30/1994				155
9/9/1994	34.4	59.6	46.5	140.5
10/7/1994	31.7	55.8	49.5	137
11/4/1994	29	52.5	48.5	130
11/18/1994	16.75	42.25	47.5	106.5

Annual Diversions (million gallons)

1992	537
1993	527
1994	619
1995	595
1996	661
1997	517
1998	519
2000	518
2001	545
2002	463
2003	470
2004	511
2005	Water plant under construction
2006	Diversions continued but no records
2007	609

Data provided by Mickey Verbeck, City of Salmon, reproduced from hand written notes recording actual flow measurements.