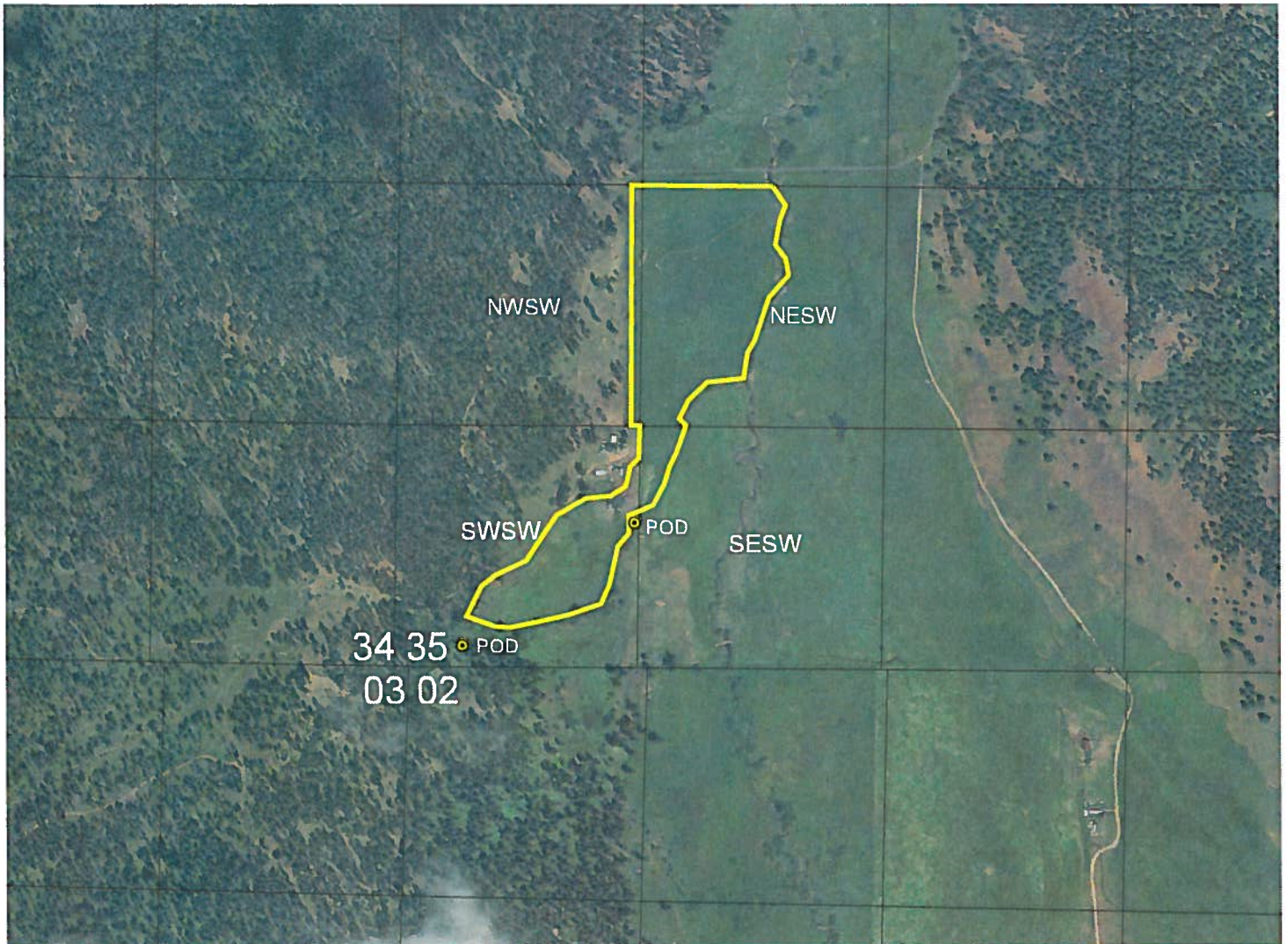


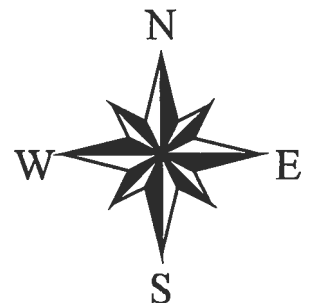
78-10161



1000 0 1000 2000 3000 4000 Feet

T19N R01E S35

Map prepared by: Carter Fritschle
Date prepared: 11/10/06
2004 NAIP Photography
Idaho Department of Water Resources



12/8/06

NOTICE OF ERROR

REPLY

RECEIVED
DEC 11 2006
DEPARTMENT OF
AGRICULTURE

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter.

Water right number: 78-10161

LORAINNE CARR
925 W 2ND STREET
WEISER, ID 83672
Telephone Number: 208-549-3243

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Name, Quantity and Priority Date.

2. Describe the changes you wish to make in the proposed recommendation:

Please correct the spelling to be LORAINNE CARR.

Quantity should be 1.0 CFS.

Priority date should be May 1, 1900.

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/8/06

SIGNATURE: 

Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of Record for Loraine Carr

IDWR Regional Office, Western Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

NOTICE OF ERROR REPLY

SCANNED
DEC 11 2006

BOI_MT2:635077.1

12/11/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-10161

NAME AND ADDRESS: LORAIN CARR
PO BOX 67
WEISER ID 83672

SOURCE: MILL CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: ~~0.620~~ 1.000 CFS

PRIORITY DATE: 05/01/1954

POINT OF
DIVERSION:

T19N R01E S35 SWSW Within ADAMS County

T19N R01E S35 SWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	~~0.620~~ 1.000 CFS
PLACE OF USE:	<u>IRRIGATION in ADAMS County</u>		
	T19N R01E S35 NESW 19.00	T19N R01E S35 NWSW	2.10
	T19N R01E S35 SWSW 8.60	T19N R01E S35 SESW	1.70
	31.4 ACRES TOTAL		

Right Nos. 78-137, 78-151, 78-152, 78-10160 and 78-10161 are limited to the irrigation of a combined total of ~~282.2~~ 282.6 acres in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

12/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 78-10161

NAME AND ADDRESS: THOMAS B CARR
925 W 2ND ST
WEISER ID 83672

LORRAINE CARR
925 W 2ND ST
WEISER ID 83672

SOURCE: MILL CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.620 CFS

PRIORITY DATE: 05/01/1954

POINT OF DIVERSION:

T19N R01E S35 SWSW Within ADAMS County

T19N R01E S35 SWSW Within ADAMS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.620 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T19N R01E S35	NESW	19.00	T19N R01E S35	NWSW	1.70
T19N R01E S35	SWSW	8.60	T19N R01E S35	SESW	1.70

31 ACRES TOTAL

Right Nos. 78-137, 78-151, 78-152, 78-10160 and 78-10161 are limited to the irrigation of a combined total of 282.2 acres in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

12/8/06

NOTICE OF ERROR

REPLY

RECEIVED
DEC 11 2006
LORAIN CARR
208-549-3243

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: See cover letter.

Water right number: 78-10161

LORAIN CARR
925 W 2ND STREET
WEISER, ID 83672
Telephone Number: 208-549-3243

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Name, Quantity and Priority Date.

2. Describe the changes you wish to make in the proposed recommendation:

Please correct the spelling to be LORAIN CARR.

Quantity should be 1.0 CFS.

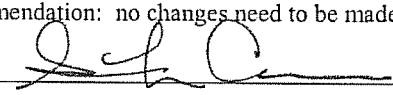
Priority date should be May 1, 1900.

spelling corrected
- Nothing submitted to support a diversion rate greater than 0.02 cfs/sec.
- No evidence for this early of priority date. Also, see decree.

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/8/06

SIGNATURE: 

Please print your name:

Scott L. Campbell
Moffatt, Thomas, Barrett, Rock & Fields, Chartered
PO Box 8729
Boise, Idaho 83701

Counsel of Record for Loraine Carr

IDWR Regional Office, Western Regional Office, 2735 Airport Way, Boise, ID 83705, 208-334-2190

Moffatt Thomas

MOFFATT THOMAS BARRETT ROCK & FIELDS, CHTD.

Boise
Idaho Falls
Pocatello
Twin Falls

RECEIVED

DEC 08 2006

DEPARTMENT OF
WATER RESOURCES

December 8, 2006
via Hand Delivery

US Bank Plaza Building
101 S Capitol Blvd 10th Fl
PO Box 829
Boise Idaho 83701 0829

208 345 2000
800 422 2889
208 385 5384 Fax
www.moffatt.com

Eugene C. Thomas
John W. Barrett
R. B. Rock
Richard C. Fields
John S. Simko
John C. Ward
D. James Manning
Gary T. Dance
Larry C. Hunter
Randall A. Peterman
Mark S. Prusynski
Stephen R. Thomas
Glenna M. Christensen
Gerald T. Husch
Scott L. Campbell
Robert B. Burns

Michael E. Thomas
Patricia M. Olsson
Bradley J. Williams
Lee Radford
Michael O. Roe
David S. Jensen
James L. Martin
C. Clayton Gill
Michael W. McGreaham
David P. Gardner
Julian E. Gabiola
Angela Schaer Kaufmann
Kimberly D. Evans Ross
Paul D. McFarlane
Jon A. Stenquist
Tyler J. Henderson

Jason G. Murray
Mark C. Peterson
Andrew J. Waldera
Tyler J. Anderson
Dylan B. Lawrence
Russell G. Metcalf
Benjamin C. Ritchie
Rebecca A. Rainey

Robert E. Bakes, *of counsel*
Morgan W. Richards, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

Dave Tuthill
Idaho Department of Water Resources
322 E. Front St
Boise, Idaho 83720-0098

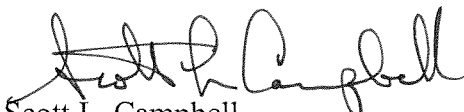
Re: Loraine Carr
MTBR&F File No. 23028.0

Dear Dave:

Enclosed please find the original Notice of Error Reply form for each of the following water rights: 78-137, 78-151, 78-152, 78-10160 and 78-10161. We are submitting the enclosed Notices on behalf of our client, Loraine Carr. A copy of each form is also enclosed. Please receive stamp the copies and return them in the enclosed self-addressed, stamped envelope.

Thank you for your assistance to this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Scott L. Campbell

SLC/kcs
Enclosures

SCANNED

DEC 11 2006

BOI_MT2:635395.1

To: IDWR

Evidence of Priority

RECEIVED

NOV 15 2005

Department of Water Resources

Proof of beneficial use of water rights Salmon Cr. No. 7810160 and
Mill Cr. No. 7810160 & A7810160.
7810161 & A7810161 (typographical error) &c.

I, Claus White, born 1927, have personally observed the use of the
water rights listed above on the ranch land shown on the attached maps
since 1954.

Signed,

Claus White

STATE OF IDAHO)

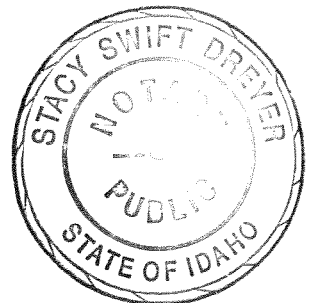
: ss

COUNTY OF ADAMS)

On This 14th day of November, in the year 2005 before me, a Notary
Public in and for said State, personally appeared Claus White
_____, known or identified to me to be the person(s) whose names(s) _____
subscribed to the within Instrument, and acknowledged to me that he executed the
same.

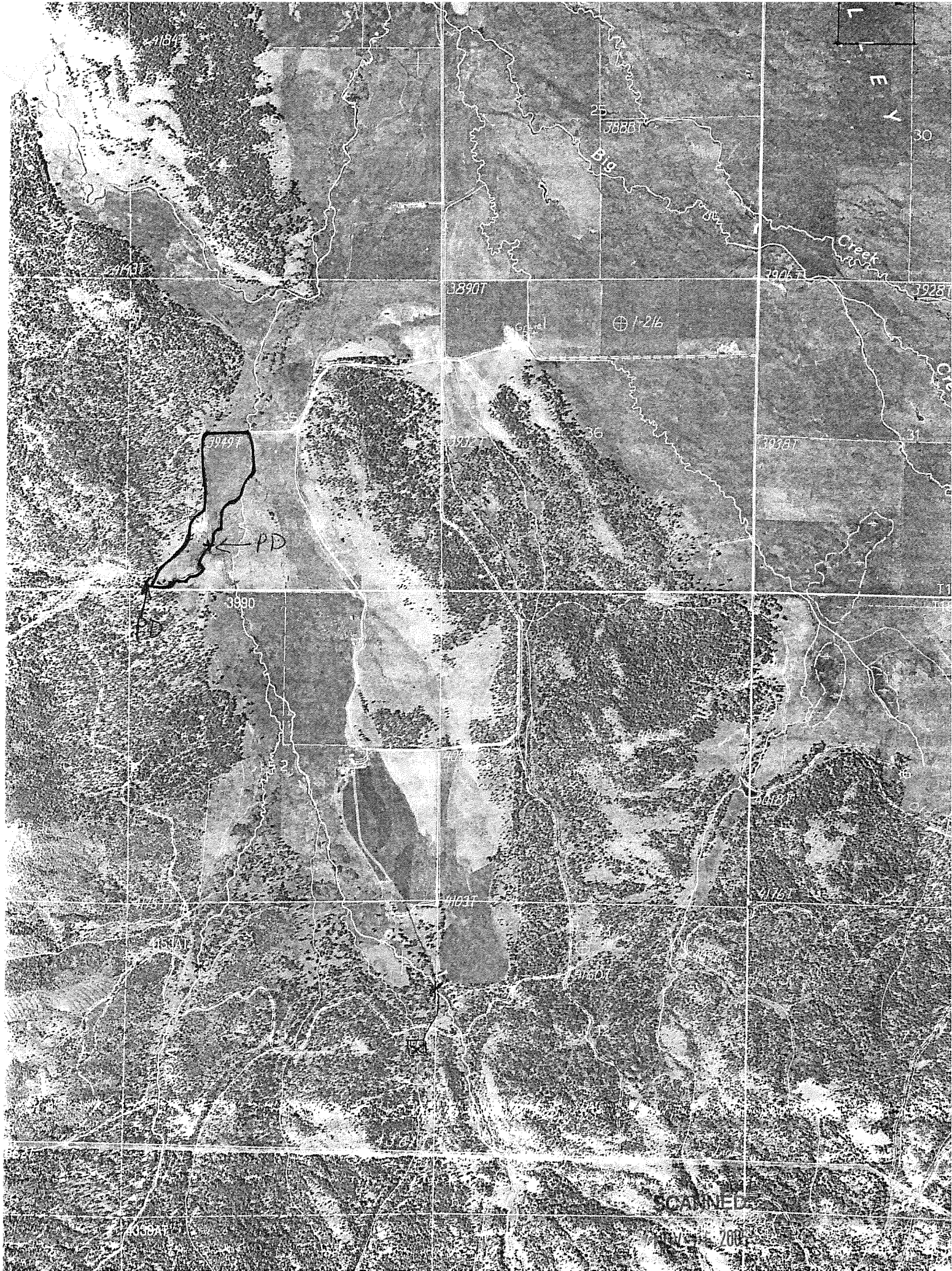
Stacy Swift Dreyer

Notary Public of Idaho
Residing at New Madrid, Idaho
Commission Expires: 3/7/2011



SCANNED

NOV 15 2005



11-14-05

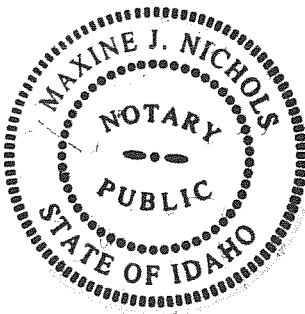
attention Carter Fritschle:

on water rite # 78-10161 (Mill Creek)
It states Beneficial Use as 4/15 to 10/15.
Mill Creek dries up some time in
July and it seems to be less as
time goes by.

Lorena, my husband was grateful
for what he could get.
I'm sure I did mention to you
that Tom passed away on 4-28-05.

Sincerely,
Lorena Carr.

SUBSCRIBED AND SWORN to before me this 14th day of November, 2005.



Maxine J. Nichols

Notary Public for Idaho

Residing at: *Prutrale*

My Commission Expires: 05/24/06

SCANNED

NOV 15 2005

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS.

W. H. Dreyer, :
Plaintiff, :
vs. :
George S. Mitchell, :
Thomas Hubbard, et al, :
Defendants. :

D E C R E E
(Case No. 1006)

This cause came on for trial without a jury on May 13, 1936, the plaintiff and all the defendants except the Boise Payette Lumber Company appearing in person and by their respective attorneys, the default of Boise Payette Lumber Company being duly entered in the premises.

Witnesses were sworn and certain depositions were taken and filed, and the evidence being all before the Court, and the Court having taken the same under advisement, does thereafter file its Findings of Fact and Conclusions of Law and directs Decree to be entered in accordance therewith, such Findings of Fact and Conclusions of Law being hereby referred to and by reference made a part hereof.

And it is ORDERED, ADJUDGED and DECREED (among other things) that the defendant Thomas Hubbard is entitled to the use of the waters of the Little Salmon River on his said lands described in his said Cross Complaint and Findings filed herein, the following amounts and of the following priority dates;

Seventeen and 5/10 (17.5) miners' inches as of June 1, 1905
Fifty-two and 5/10 (52.5) miners' inches as of June 1, 1916.

That said Hubbard may divert his said water at such points into his respective ditches as he may find convenient but he is at all times to build, maintain and keep in good condition, proper head gates, weirs, or measuring devices at each point of diversion, so as to properly and accurately measure all the water to which he is entitled, and which he is diverting from the Little Salmon River or any of its tributaries.

It is further Adjudged and Decreed, that the defendant Boise-Payette Lumber Company has no interest or right to the waters of the Little Salmon River or its tributaries, except subsequent to the amounts and uses herein awarded to plaintiff and the appearing defendants as aforesaid.

Dated this 25th day of January, 1937.

A. O. Sutton
District Judge.

Abstracter's Note: The lands of Thomas Hubbard as described in Cross-Complaint are described as follows: The SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35, Twp. 19 N., Range 1 East of the Boise Meridian, in Adams County, State of Idaho.

LITTLE SALMON CREEKFLOW RIGHT

Richard E. Armacost
2.4 Priority 2-10-48.
P.D. NW¹SW¹ 25-20N.-1E.

20300-4774

DECREE 559, DREYER vs. MITCHELL, et.al.

Little Salmon	(W. H. Dreyer	17.5 inches	Priority 6-1-03	) ³⁴ From Madison Ditch 5
	(W. H. Dreyer	17.5 inches	Priority 6-1-05	
	(W. H. Dreyer	39.38 inches	Priority 6-1-12	
		<u>74.38 inches</u>		
Little Salmon	(George S. Mitchell	43.75 inches	Priority 6-1-12	) ⁵ From Madison Ditch
Little Salmon	(Theodore Johnson	8.75 inches	Priority 6-1-12	) ⁵ 8
	(Theodore Johnson	39.38 inches	Priority 6-1-28	
			<u>48.13 inches</u>	
Little Salmon	(Thomas Hubbard	17.5 inches	Priority 6-1-05	) ⁴ 6
	(Thomas Hubbard	52.5 inches	Priority 6-1-16	
		<u>70.0</u>		
Little Salmon	(Daniel K. Carlock	6.13 inches	Priority 6-1-03	) ³ Spring Creek 7
	(Daniel K. Carlock	140.0 inches	Priority 8-10-20	
		<u>146.13</u>		

* P. D. is discretionary: "---to carry his or their waters in said two ditches, or such other ditches as they may from time to time deem advisable, but whatever the point of diversion or ditch or ditches used-----"

LITTLE SALMON -- SPRING CREEK

DECREE 472, HAWTHORN vs. WARD, et.al.

Charles Hawthorn	88 inches	Priority June 1888- /
Charles Hawthorn	1.5 inches	Priority June 1910
Charles Hawthorn	1.5 inches	Priority June 1918
	<u>91 inches</u>	
Sara IreneMayer	50 inches	Priority June 1899-2
Sara IreneMayer	all water over	
	55 inches in	
	Spring Creek.	

* P.D. is point of diversion from stream.

SCANNED

NOV 15 2005

PLAINTIFF'S P. D.s:

Hawthorn Ditch: P. D. on E. side of Little Salmon River at a point about 375' South-easterly from the NW Cor. of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp. 18 N., Rge. 1 E.

Supply Ditch from Spring Creek conveys water to Little Salmon River at a point just above the diversion dam in Hawthorn Ditch. P. D. is on E. side of Spring Cr. at a point approx. 400' Westerly of the SW Cor. of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T18N., R. 1 E.

Middle Ditch: P. D. on the E. bank of the Little Salmon River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, and at a point about 450' W. and 100' S. of the NE Cor. of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, Twp. 18N., Rge. 1 E.

Two Small Ditches: One on E. Side and one on the W. Side of Little Salmon River., about 100 or 150' E. or Easterly of the SW Cor. of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Twp. 18 N., 1 E., called "Lower Ditch".

DEFENDANT'S P. D.s:

Ward Ditch: P. D. on E. bank of the Little Salmon River at a point about 100' down stream from the point of diversion of "Hawthorn Ditch", the P.D. of "Ward Ditch" being about 200' Southerly from the NW Cor. of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp. 18 N., Rge. 1E.

Spring Cr. Supply Ditch:

"---at whatever point or points the said Sara Irene Mayer makes diversion of said excess from said supply ditch---"

A Second Ditch: P. D. on the E. bank of the Little Salmon River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, about 450' W. & 100' S. of the NE Cor. of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2.

SCANNED

NOV 15 2005

Boise Payette Lumber Company,
a corporation of Delaware,

to

Oliver Wendell Collins and
Beylah Marjory Collins, hus-
band and wife.

Q U I T C L A I M D E E D

Dated October 2, 1951
Recorded Oct. 29, 1951
Book 22, Deeds
Pages 116-117

Consideration \$1.00

Said first party, having been hereunto duly authorized by resolution of its Board of Directors, does by these presents remise, release and forever QUITCLAIM, unto said second parties and to their heirs and assigns, all those certain lots, pieces or parcels of land, situate, lying and being in the County of Adams, State of Idaho, bounded and particularly described as follows, to-wit:

The Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), of Section Thirty-five (35), in Township Nineteen (19) North, Range One (1) East, B.M., and Lot Four (4), of Section Two (2), in Township Eighteen (18) North, Range One (1) East, B.M., and containing 118.03 acres, more or less, according to government survey,

less existing forest protection and county roads, and subject to existing right of way easements for irrigation ditches, telephone lines and roads.

Reserving to first party, until Dec. 31, 1961, all timber and trees on the above described premises, together with the perpetual right to go up on same and construct logging roads, railroads, or other facilities necessary for removing said timber, and/or timber on adjacent lands; also the right to remove all equipment or improvements placed upon said premises by said first party.

It is provided that if any taxes or other liens or encumbrances on said premises shall become delinquent at any time prior to Dec. 31, 1961, the first party shall have the right to pay any or all thereof, and second parties agree to pay to first party, on demand, the amount of any such payments with interest from date of payment at 6% per annum; and also agree to give first party a first and prior lien upon said premises to secure such payments, which lien, in the event of failure or refusal of said second parties to pay any of such amounts on demand, may be foreclosed in the manner provided for the foreclosure of real estate mortgages by the laws of Idaho.

By this indenture the parties confirm the conveyance of said property and this quitclaim deed is made to clarify the terms and limit the removal time for the timber reservation contained in those certain deeds from the party of the first part hereto to Thomas Hubbard under dates of September 18, 1941 and July 16, 1945, subsequently deeded by Thomas H. Hubbard and Sarah Ann Hubbard, husband and wife, to the second parties

SCANNED

NOV 15 2005

hereto, under date of November 4, 1946, and recorded in Book 20 of Deeds at page 138 in the records of Adams County, Idaho.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its Vice President and its corporate seal to be affixed by its Assistant Secretary in pursuance to said resolution the day and year first above written.

(CORPORATE SEAL)

BOISE PAYETTE LUMBER COMPANY
formerly BOISE PAYETTE, INC.

Attest: T. A. Aitchison
Assistant Secretary

By John L. Aram
Vice President

Acknowledged Oct. 2nd, 1951 in Ada County, Idaho by John L. Aram, known to be the Vice President of the corporation that executed the foregoing instrument, that such corporation executed the same, before I. A. Anderson, Notary Public for the State of Idaho, residing at Boise, Idaho. Seal.

THIS QUITCLAIM DEED, dated October 2, 1951, has been delivered to and is hereby accepted and approved by the parties of the second part thereto.

Oliver Wendell Collins
Beulah Marjory Collins

Acknowledged Oct. 22, 1951 in Adams County, Idaho by Oliver Wendell Collins and Beulah Marjory Collins, husband and wife, known to be the persons who signed the foregoing instrument, before Geo. V. Hjort, Notary Public for the State of Idaho, residing at Boise, Idaho. Seal.

THIS INDENTURE, made this 1st day of April, 19 60,
between OLIVER WENDELL COLLINS AND BEULAH MARJORY COLLINS, husband and
wife,
of New Meadows, County of Adams, State of Idaho
the parties of the first part and THOMAS B. CARR AND LORRAINE CARR, husband and
wife,
of New Meadows
County of Adams, State of Idaho, the parties of the second part,
WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
-----FORTY THOUSAND AND NO/100----- Dollars
lawful money of the United States of America
to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged,
have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
the said parties of the second part, and to their heirs and assigns, forever, all the following described
real estate, situated in the County of Adams,
State of Idaho, to-wit:

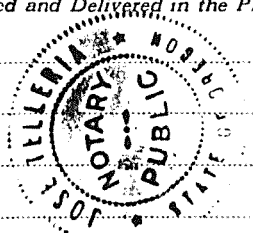
The Southwest Quarter (SW $\frac{1}{4}$), the Southwest quarter of the
Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the West Half of the Southeast
Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-Five (35), Township Nineteen
(19) North, Range One (1) East, Boise Meridian, and Lot Four (4)
(which in instruments of record has been sometimes referred to as
the NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Two (2), Township Eighteen (18) North,
Range One (1) East, Boise Meridian; and Together with all water
and water rights, ditches and ditch rights and irrigating works
of whatever nature, used upon, connected with or in anywise
appurtenant to said land, But Subject, However, to all easements
and rights of way for existing roads and lines of utility, and
to taxes on said land for 1960.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
of the said part of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.
And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
possession of the said parties of the second part, their heirs and assigns, against the said part
of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands
and seals the day and year first above written.

Executed and Delivered in the Presence of



with Collins [SEAL]

_____ [SEAL]

_____ [SEAL]

_____ [SEAL]

SCANNED

NOV 15 2005

Oregon
 STATE OF ~~IDAHO~~
 County of *Malheur* } ss.
 On this *16* day of *Nov* in the year 19*70*, before me
Oliver Wendell Carr, a Notary Public in and for said State, personally appeared
Beulah Marjory Collins & Thomas B. & Lorraine Carr
 known to me to be the person *s* whose name *s* subscribed to the within instrument, and acknowledged
 to me that *he* 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.

Marie McFadden
 Notary Public for the State of ~~Idaho~~, *Oregon*
 Residing at *Prineville, Oregon*, ~~Idaho~~.

Given under my hand 5-21-71

No. *210*
WARRANTY DEED
 (FORM No. 300)
 Oliver Wendell &
 Beulah Marjory Collins
 TO
 Thomas B. & Lorraine
 Carr
 Dated April 1, 1960
 STATE OF IDAHO, } ss.
 County of Adams
 I hereby certify that this instrument
 was filed for record at request of
 Thomas B. Carr
 at 48 minutes past 11
 o'clock A. M., this 16th day of
 November, 1970, in my
 office, and duly entered in Book 29-M
 of Deeds
 at page 200
 Marie McFadden
 Ex-Officio Recorder.
 By *Marie McFadden* Deputy.
 Fees, \$ 2.00
 Mail to

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

ADAMS Co.

LITTLE SALMON CREEK

FLOW RIGHT

Richard E. Armacost
2.4 Priority 2-10-48.
P.D. NW $\frac{1}{4}$ SW $\frac{1}{4}$ 25-20N.-1E.

20300-4774

DECREE 559, DREYER vs. MITCHELL, et.al.

Little Salmon	(W. H. Dreyer	17.5 inches	Priority 6-1-03	) ³⁴ From Madison Ditch - 5
	(W. H. Dreyer	17.5 inches	Priority 6-1-05	
	(W. H. Dreyer	39.38 inches	Priority 6-1-12	
		<u>74.38 inches</u>		
Little Salmon	(George S. Mitchell	43.75 inches	Priority 6-1-12	) ⁵ From Madison Ditch
Little Salmon	(Theodore Johnson	8.75 inches	Priority 6-1-12	- 5 - 8
	(Theodore Johnson	39.38 inches	Priority 6-1-28	
		<u>48.13 inches</u>		
Little Salmon	(Thomas Hubbard	17.5 inches	Priority 6-1-05	- 4 - 6
	(Thomas Hubbard	52.5 inches	Priority 6-1-16	
		<u>70.0</u>		
		78.0151		
		78.0152		
Little Salmon	(Daniel K. Carlock	6.13 inches	Priority 6-1-03	) ³ Spring Creek - 7
	(Daniel K. Carlock	140.0 inches	Priority 8-10-20	
		<u>146.13</u>		

* P. D. is discretionary: "---to carry his or their waters in said two ditches, or such other ditches as they may from time to time deem advisable, but whatever the point of diversion or ditch or ditches used-----"

LITTLE SALMON -- SPRING CREEK

DECREE 472, HAWTHORN vs. WARD, et.al.

Charles Hawthorn	88 inches	Priority June 1888 /
Charles Hawthorn	1.5 inches	Priority June 1910
Charles Hawthorn	1.5 inches	Priority June 1918
	<u>91 inches</u>	
Sara Irene Mayer	50 inches	Priority June 1899-2
Sara Irene Mayer	all water over	
	55 inches in	
	Spring Creek.	

* P.D. is point of diversion from stream.

SCANNED

NOV 15 2005

sent this copy to T.D.W.R.

PLAINTIFF'S P. D.s:

Hawthorn Ditch: P. D. on E. side of Little Salmon River at a point about 375' South-easterly from the NW Cor. of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp. 18 N., Rge. 1 E.

Supply Ditch from Spring Creek conveys water to Little Salmon River at a point just above the diversion dam in Hawthorn Ditch. P. D. is on E. side of Spring Cr. at a point approx. 400' Westerly of the SW Cor. of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T18N., R. 1 E.

Middle Ditch: P. D. on the E. bank of the Little Salmon River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, and at a point about 450' W. and 100' S. of the NE Cor. of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, Twp. 18N., Rge. 1 E.

Two Small Ditches: One on E. Side and one on the W. Side of Little Salmon River., about 100 or 150' E. or Easterly of the SW Cor. of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Twp. 18 N., 1 E., called "Lower Ditch".

DEFENDANT'S P. D.s:

Ward Ditch: P. D. on E. bank of the Little Salmon River at a point about 100' down stream from the point of diversion of "Hawthorn Ditch", the P.D. of "Ward Ditch" being about 200' Southerly from the NW Cor. of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp. 18 N., Rge. 1E.

Spring Cr. Supply Ditch:
"---at whatever point or points the said Sara Irene Mayer makes diversion of said excess from said supply ditch---"

A Second Ditch: P. D. on the E. bank of the Little Salmon River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, about 450' W. & 100' S. of the NE Cor. of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2.



State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 15, 2005

78-10160 & 78-10161

Lorraine Carr
PO Box 63
New Meadows ID 83654

x

x

NEW MEADOWS ID 83654

Re: Field Examination and Evidence of Priority Date

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown above your names has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area will take place during the fall of 2005 or Spring 2006. An examiner will be contacting you to schedule a time to visit your property to verify your use of the water right claimed.

Also, even though most of the elements of your claim can be verified by the field exam, the date of first use, or priority date can only be verified by documentation of the historic use. If you have not supplied documentation for the priority date and historical beneficial use of the water, please submit your evidence by **November 15, 2005**. Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if the priority date and the historic use cannot be documented. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have questions not covered by this letter or the enclosed pamphlet, please contact at (208) 287-4917 or by email at Carter.Fritschle@idwr.idaho.gov.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosure:

Evidence of Priority Date pamphlet
Copy of Notice of Claim

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: **A78-10161**
Date Received: 5/18/1988
Receipt No: M000021
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: TOM CARR
Address: 925 W 2ND ST
WEISER ID 83672
AND/OR
Name: LORRAINE CARR
Address: 925 W 2ND ST
WEISER ID 83672
208-549-3243
208-549-3243
2. Date of Priority: MAY 1, 1900
3. Source: MILL CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	01E	35	NE	SW	SW		ADAMS
			SW	SW	SW		ADAMS
5. Description of diverting works:
DIRT AND CONCRETE DAMS IN MILL CREEK INTO GRAVITY DITCH.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		
7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 74.0 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
19N	01E	35	NE		SW		IRR	20.0
			NW		SW		IRR	2.0
			SW		SW		IRR	12.0
			SE		SW		IRR	3.0
							Section Acres	37.0
							Total Acres	37.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

78-0137, 78-0138, 78-0139, 78-0151, 78-0152, AND FLOODWATER

14. Remarks:

ADDRESS CHANGED PER CLAIMANT LETTER. 11/4/98 LH

15. Basis of Claim: BENEFICIAL USE

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: A78-10161
Date Received: 5/18/1988
Receipt No: 42281 MB00031

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOM CARR 208-549-3243
Address: 541 WEST 3RD ST.
WEISER, ID 83672
AND/OR
Name: LORRAINE CARR 208-549-3243
Address: 541 WEST 3RD ST.
WEISER, ID 83672
2. Date of Priority: MAY 01, 1900
3. Source: MILL CREEK Trib. to: LITTLE SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	01E	35	NE	SW	SW		ADAMS
			SW	SW	SW		ADAMS
5. Description of diverting works:
DIRT AND CONCRETE DAMS IN MILL CREEK INTO GRAVITY DITCH.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.000		
7. Total Quantity Appropriated is:
1.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 74.0 Acre Feet Per Annum.
9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
19N	01E	35	NE		SW		IRR	20.0
			NW		SW		IRR	2.0
			SW		SW		IRR	12.0
			SE		SW		IRR	3.0
							Section Acres	37.0
							Total Acres	37.0

11. Place of use in counties: ADAMS

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

13. Other Water Rights Used:

78-0137, 78-0138, 78-0139, 78-0151, 78-0152, AND FLOODWATER

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

Water Right Number:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Tom Carve Date: 5/18/88

Date: _____

State of Idaho)
County of Adams) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of May 19 88

Seal

Carte Fintache
Notary Public

Residing at Eagle, Id
My Commission Expires 3-21-94





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

AUG 10 1998

Department of Water Resources

July 20, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

MR. & MRS. TOM CARR
925 W 2ND ST
WEISER ID 83672

RE: Snake River Basin Adjudication (SRBA)
Notice of Claims A78-10162, A78-00137, A78-00151, A78-00152, A78-10160 & A78-10161
Change of Address

Dear MR. & MRS. CARR:

The Department has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter. Please return the letter by August 31, 1998. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Anita L. Warntjes
Administrative Assistant
Adjudication Bureau

ALW
CC:region

#####

The address is correct as shown above or as otherwise changed.

Claimant Signature