

08/17/2005

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

RIGHT NUMBER: 78-10151

NAME AND ADDRESS: MARY ARLENE FORSETH
HC 75 BOX 3551
NEW MEADOWS ID 83654

SOURCE: ELK CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.080 CFS

The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.

PRIORITY DATE: 01/01/1957

POINT OF DIVERSION:

T22N R01E S26 SENWNW Within IDAHO County

T22N R01E S26 NESWNW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
IRRIGATION	04/01 10/31	0.040 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T22N R01E S26 SWNW 1.0

DOMESTIC Within IDAHO County

T22N R01E S26 SWNW

1 ACRES TOTAL

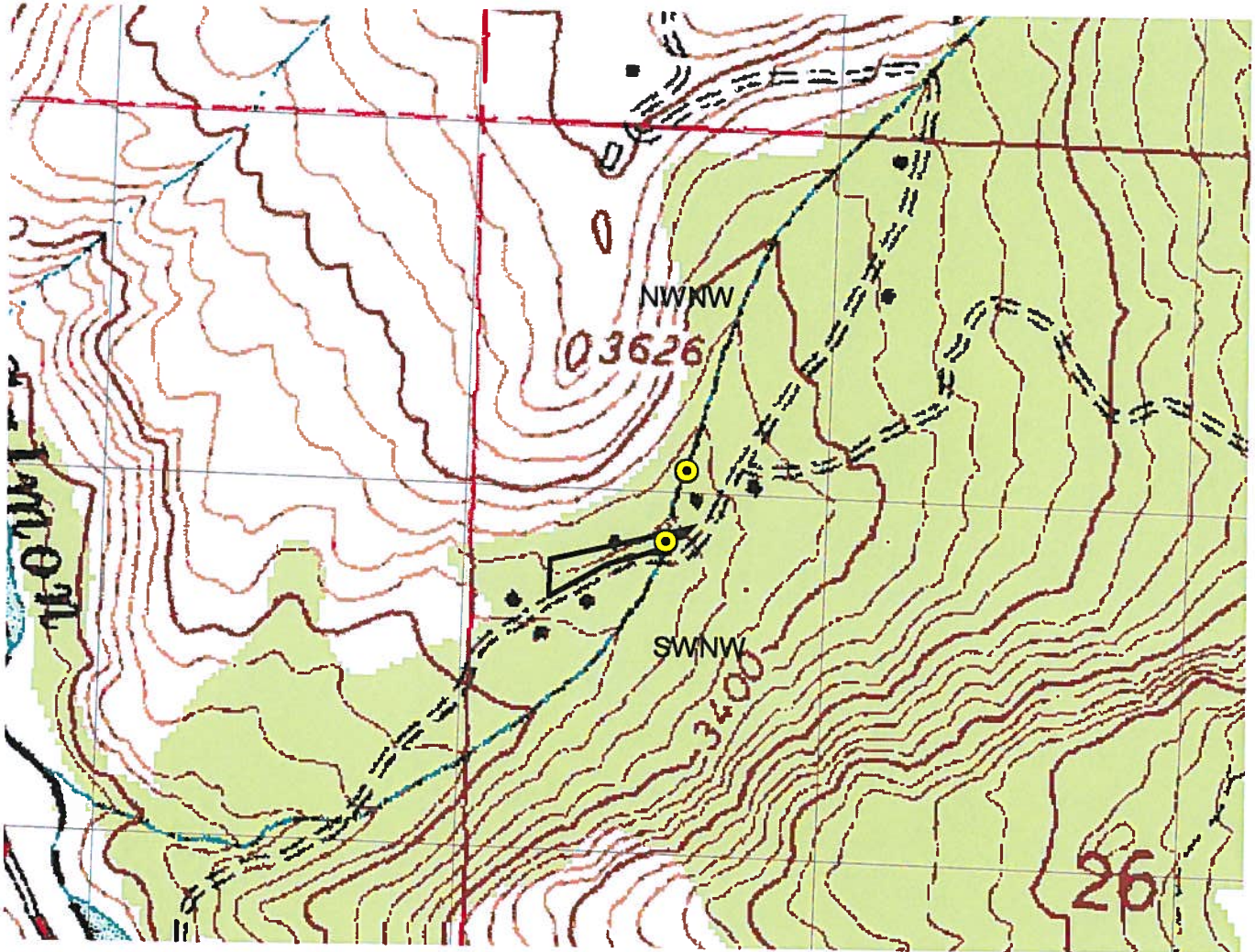
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination
of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-10151



0 500 1000 Feet

Section 26
T22N R1E



● Point of Diversion

□ Place of Use

Map prepared on August 17, 2005
By Kenneth Knoblock
Idaho 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: **A78-10151**
Date Received: 5/17/1988
Receipt No: M000002
Received By: _____

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

1. Name: MARY ARLENE FORSETH
Address: HC 75 BOX 3551
NEW MEADOWS ID

208-628-3788

83654

2. Date of Priority: JUN 1, 1898

Jan 1 1957 Leo Ellabee letter

3. Source: ELK CREEK

Trib. to: LITTLE SALMON

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	01E	26	SE	NW	NW		IDAHO
			NE	SW	NW		IDAHO

5. Description of diverting works:

2" PIPE IN CREEK TO P/U, DAM IN CREEK DIVERTS INTO DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/15	10/15	0.040		

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

A.F.A.

8. Total consumptive use is

2.0 Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC, 1 HOME

**MICROFILMED
OCT 24 1996**

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
22N	01E	26	SW	NW		IRR	1.0
			SW	NW		DOMEST	

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	1.0
					Total Acres	1.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
78-7014

14. Remarks:

BENEFICIAL USE OF WATER ON THIS LAND WAS EARLIER THAN THE 1969
PRIORITY DATE LISTED ON WATER RIGHT 78-7014. AFFIDAVITS SIGNED
BY LEO L. ELLIBEE AND WILLIAM M. ROBERTS.
NAME CHANGE BY LH 6/1/95.

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

APR 13 1995

Department of Water Resources

DATE OF CLOSING: 12/87

LEGAL DESCRIPTION OF PROPERTY: Township T22N Range R1E
Section 26, 1/4 of 1/4 of 1/4 Govt. Lot , BM.

Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

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WATER RESOURCES
WESTERN REGION

[] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[] Water Right Number(s)
Assigned by IDWR: A 78-10151

[] Name and Address of Former Owner/Claimant(s)(Seller): MARY ARLENE FORSETH / JAMES FORSETH
HC 75 BOX 3551 / BOX 752

[] New Owner/Claimant (Purchaser): NEW MEADOWS #83654 / Karnian, Idaho
(MARY) ARLENE FORSETH

[] New Mailing Address: HC 75 BOX 3551
NEW MEADOWS

[] New Telephone Number: IDAHO 83654
(208) 628-3636

[] Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

[] Attach proof of ownership, describe proof attached: copy of title

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

[] Signature of New Owner/Claimant(s) Mary Arlene Forseth Date 12/87 a

Date

[] Signature of Former Owner/Claimant(s): _____ Date 8/9 a

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

NOTE

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date 6-1-95 By td

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date 6-1-95 By td

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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This process is to remove James Forseth name from these water rights.

TAXPAYER'S VALUATION ASSESSMENT NOTICE

Property situated in Idaho County, Idaho
THIS IS NOT A NOTICE OF TAXES DUE.

NAME AND ADDRESS OF OWNER:

MH 14206620560A

9-00

FORSETH, ARLENE

#

MC75 BOX 3551

NEW MEADOWS ID 83654

1966 UNIVERSAL

56X20

ELK CK

ON REAL ESTATE 22N01E263775

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JUN 01 1995

WATER RESOURCES

Category
No.

REAL PROPERTY ¹⁹⁸⁹ LAND

1. Investment Irrigated Agricultural
2. Deleted 1979
3. Investment Non-irrigated Agricultural
4. Investment Meadow
5. Investment Dry Grazing
6. Forest Land — Productivity Option
7. Forest Land — Bare land 3% Yield
8. Reforestation
9. Mineral
10. Homesite Value on Rural Investment Land
11. Recreational Sites
12. Rural Residential Tracts
13. Rural Commercial Tracts
14. Rural Industrial Tracts
15. Rural Subdivisions Residential Lots and/or Acreages
16. Rural Subdivisions Commercial Lots and/or Acreages
17. Rural Subdivisions Industrial Lots and/or Acreages
18. Other Rural Land
19. Waste [acreage only (public rights of way)]
20. Residential Lots and/or Acreages (inside city limits)
21. Commercial Lots and/or Acreages (inside city limits)
22. Industrial Lots and/or Acreages (inside city limits)

IMPROVEMENTS

31. Improvements on Category 10
32. Improvements on Categories 1 through 9
33. Improvements on Category 11
34. Improvements on Category 12
35. Improvements on Category 13
36. Improvements on Category 14
37. Improvements on Category 15
38. Improvements on Category 16
39. Improvements on Category 17
40. Improvements on Category 18
41. Improvements on Category 20
42. Improvements on Category 21
43. Improvements on Category 22
44. Improvements on Exempt Land
45. Utility Systems (locally assessed)
46. Mobile Homes
47. Improvements to Mobile Homes

PERSONAL PROPERTY

55. Boats
56. Construction Machinery, Tools and Equipment
57. Equities in State Land (pyt in 2 inst. Sec 63-1302)
58. Farm Machinery, Tools and Equipment
59. Furniture and Fixtures
60. Improvements on Railroad Rights of Way
61. Improvements by Lessee other than Category 62
62. Leasehold improvements located on Fed. Gov't., State or Indian Land (pyt in 2 inst. Sec. 63-1302)
63. Logging Machinery, Tools and Equipment
64. Mining Machinery, Tools and Equipment
65. Mobile Homes
66. Net Profit of Mines
67. Operating Property (assessed by STC assessor identification only)
68. Other Miscellaneous Machinery, Tools and Equipment
69. Recreational Vehicles
70. Reservations and Easements
71. Signs and Signboards
72. Tanks, Cylinders, Vessels (kegs, vats, etc.)

EXEMPT PROPERTY

81. Real and/or Personal

CATEGORY NO.

ACRES/LOTS

MARKET VALUATION

04-13-95

original tax notice returned to
Arlene as she requested. Mailed
4-13-95 to above address,
- S. Sherman

TOTAL MARKET

EXAMINE THIS ASSESSMENT.

In Case of Error — Notify the Assessor's Office
BEFORE the Fourth Monday in June.

Property is listed by class number, please check your Assessment against number description listed at top right.

Pursuant to Sec. 63-401, Idaho Code, the board of county commissioners of Idaho County meets as a Board of Equalization on the Wednesday following the 2nd Monday of each month of the year from January up to the fourth Monday of June, for the purpose of hearing complaints upon valuations of property, and for the purpose of equalizing assessments of property on the real and personal property assessment rolls; and shall meet on the fourth Monday of June to complete the equalization of assessment of all real and personal property which has not yet been equalized. Upon meeting to complete the equalization of assessment, the board shall continue in session from day to day until assessment of such property has been completed and shall also hear and determine complaints upon allowing or disallowing hardship exemptions under Sec. 63-105BB, Idaho Code. The board may "recess" but not officially adjourn as a board of equalization until the second Monday of July, at which time it must have completed its business.

Pursuant to Sec. 63-1904, Idaho Code, the board of county commissioners of each county shall meet as a board of equalization on the fourth Monday of November of each year for the purpose of hearing complaints concerning the valuation of property placed on the subsequent assessment roll, for the purpose of equalizing the subsequent property assessment roll and for allowing or disallowing exemptions and rebates complained of under the provisions of this act affecting the Assessment of property entered on the subsequent rolls and for the purpose of having settlement with the assessor and tax collector. The board may "recess" but not officially adjourn as a board of equalization until the first Monday of December, at which time its business must have been completed.

The county commissioners shall convene as a board of equalization on Wednesday following the second Monday and on April 15, upon which date it must complete its business and adjourn, to consider claims for tax reduction under the provisions of Sections 63-117 through 63-125, Idaho Code. Should April 15 fall on a Saturday, Sunday, or legal holiday, the board shall meet on the next business day.

Applications for tax relief by reason of the existence of undue hardship must be made each year by personal appearance of the applicant before the county board of equalization between January 1, and June 20th. Sections 63-105BB and 63-107, Idaho Code.

All meetings of the Idaho board of equalization are held at Commissioners Room, Courthouse, Grangeville, at the hour of 10:00 A.M. to 5:00 P.M.

JIM BECKMAN, Assessor

983-2742

SYCO — Boise

MICROFILMED

OCT 24 1996

POOR ORIGINAL

RECEIVED

APR 13 1995

Department of Water Resources

COMPUTER

INDEXED

EXTRACTED

FILMED

ASSESSOR

WARRANTY DEED

1 GRANTOR, SIGURD A. ULSTAD and VELMA B. ULSTAD, husband and
2 wife, of Riggins, Idaho, for a good and valuable consideration,
3 the receipt of which is hereby acknowledged, does hereby grant,
4 bargain, sell and convey unto ARLENE FORSETH,
5 of M/HC75 Box 3551, New Meadows, Idaho 83654, as
6 GRANTEE, and to grantee's heirs and assigns forever, all of the
7 following described real estate located in the County of Idaho,
8 State of Idaho, to wit:

RECEIVED

JUN 01 1995

9 See Exhibit "A" attached hereto and hereby
10 incorporated by this reference.

WATER RES. DIV.
WESTERN REGION

11 TOGETHER with all improvements, water, water rights, ditches,
12 ditch rights, easements, hereditaments and appurtenances thereto.

13 Subject to:

14 1. General taxes for the year 1987, which are a lien,
not yet due and payable.

15 2. Easements of record.

16 Grantor, for himself, his heirs and assigns does hereby
17 covenant, warranty and shall defend the quiet and peaceable
18 possession of said premises by the Grantee, his heirs and assigns
19 forever against the lawful claims of all persons.

20 In construing this deed, and where the context so requires,
21 the singular includes the plural and the masculine, the feminine
22 and the neuter.

23 IN WITNESS WHEREOF, Grantors have hereunto subscribed their
24 names to this instrument this 30th day of November, 1987.

25
26 Sigurd A. Ulstad
27 SIGURD A. ULSTAD

Velma B. Ulstad
VELMA B. ULSTAD

MICROFILMED

OCT 24 1996

STATE OF IDAHO)

County of Idaho) ss.

On this 30th day of November, 1987, before me,
Ray A. Maurice, a Notary for the said County and
 State, personally appeared SIGURD A. ULSTAD and VELMA B. ULSTAD,
 husband and wife, known or identified to me to be the persons
 whose names are subscribed to the within instrument, and they
 acknowledged to me that they freely executed the same and that the
 statements therein contained are true.

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

(NOTARY SEAL)

Ray A. Maurice
 Notary Public for State of Idaho,
 Residing at Marionville, therein.
 My commission expires on
March 19, 1993.

Filed and recorded at the request of Velma Ulstad
 at 10:25 o'clock A M this 30th day of Nov 1987

By _____ Deputy

Joe E. Hekking
 Ex-Officio Auditor and Recorder
 Idaho County, Idaho

Fee \$ 7.00

M/Velma Ulstad
525 S. College Avenue
College Place, Wa
99324

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OCT 24 1996

EXHIBIT A

A Tract of land in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 26, Township 22 North Range 1 E.B.M.

Beginning at the intersection of the Northerly boundary of the Elk Lake Road and the Easterly boundary line of the W.M. Roberts property, which point is the true point of beginning, thence northerly 418 feet more or less to the quarter Section line of Section 26, thence Easterly along said quarter Section line 550 feet, more or less, thence Southerly along the center line of Elk Creek 300 feet more or less to the Northerly boundary of Elk Lake Road. Thence Westerly along said boundary line 400 feet, more or less, to point of true beginning.

Excepting: the following described property.

Beginning at the Section corner common to Sections 22, 23, 26, & 27 T.W.N. 22 N. R 1 E. B.M. Thence South 1320 ft. more or less to a point on the South West corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 26 T.W.N. 22 N. R 1 E. B.M. Thence 250 ft due East to the true point of beginning. Thence, East 550 ft. more or less to the center line of Elk Creek, thence, South Westerly along the center line of Elk Creek 150 ft. more or less to the North existing fence line of the Sigurd A. Ulstad property, thence South 75 degrees West along the North existing fence line 528 ft. more or less to the Easterly boundary fence line of the W. M. Roberts property, thence, North 279 ft. to the true point of beginning.

All in Idaho County, Idaho

POOR ORIGINAL

1720 much like book
date 1/11/11

2000
1 claim on line
2 " on use

extra for wrap & water trans. cost

Back side
of G4 A

CERTIFICATE

STATE OF IDAHO

ss.

County of Idaho

I, Rose E. Gehring, County Recorder in and for said County and State, do hereby certify that the foregoing is a full, true and correct copy of the instrument it purports to be, together with the endorsements thereon, as the same appears of record in my office as

Instrument No. 339022

WITNESS my hand and official seal, this 7 day of December 19 87, at Grangeville, Idaho

ROSE E. GEHRING
ROSE E. GEHRING
BY Edith L. Anderson Deputy

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OCT 24 1996

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: A78-10151
Date Received: 5/17/1988
Receipt No: M00002

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY ARLENE FORSETH 208-628-3788
Address: HC 75 BOX 3551
NEW MEADOWS, ID 83654

AND/OR

Name: JAMES E. FORSETH 208-628-3788
Address: HC 75 BOX 3551
NEW MEADOWS, ID 83654

2. Date of Priority: JUN 01, 1898

3. Source: ELK CREEK Trib. to: LITTLE SALMON

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
22N	01E	26	SE	NW	NW		IDAHO
			NE	SW	NW		IDAHO

5. Description of diverting works:
2" PIPE IN CREEK TO P/U, DAM IN CREEK DIVERTS INTO DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/15	10/15	0.040		

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

8. Total consumptive use is 2.0 Acre Feet Per Annum.

9. Non-irrigation uses:
1 DOMESTIC

A78-10151

Page 1

Date: 05/17/88

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OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	01E	26	SW	NW		IRR	1.0
			SW	NW		DOMEST	
						Section Acres	1.0
						Total Acres	1.0

11. Place of use in counties: IDAHO

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

13. Other Water Rights Used:
78-7014

14. Remarks:
BENEFICIAL USE OF WATER ON THIS LAND WAS EARLIER THAN THE 1969
PRIORITY DATE LISTED ON WATER RIGHT 78-7014. AFFIDAVITS SIGNED
BY LEO L. ELLIBEE AND WILLIAM M. ROBERTS.

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: -3-

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): Mary Arlene Jorseth Date: 5-17-1988
James E. Jorseth Date: 5-17-1988

State of Idaho)

County of Adams)

SS.

Subscribed and sworn (or affirmed) before me this 17th day

of Mary 19 88

Carter Fritschle
Notary Public

Seal

Residing at Eagle Id.

My Commission Expires 3-21-94

A78-10151



MICROFILMED

OCT 05 1992

IN THE MATTER OF:
WATER RIGHT No. 78-7014

AFFIDAVIT

Formerly ULSTAD
DIRECTING DAM & DITCH
ON EEL CREEK
State of Idaho
County of IDAHO

being first duly sworn,

deposes and says: In 1957 while we rented
the Clark ranch (old Dean Ranch) of
which the Ulstead property was a
part - there was a diversion
dam on Eel Creek to take water
to the Ulstead property location.

Geo. B. E. Ulstead
(Signature)

Subscribed and sworn to before me this 7 day of April, 1988

Wicky F. Lowe
(Notary Public)

Residing at Riggins, Idaho
My Commission Expires April 27, 1993

MICROFILMED

OCT 05 1992

IN THE MATTER OF:
Water Right No-78-7014
Formerly ULSTAD
DIRIGING Dam & Ditch
OFF ELK CREEK
State of Idaho
County of IDAHO

AFFIDAVIT

J. Wilbur Roberts being first duly sworn,
deposes and says: The area that I purchased and
later the area by Ulstad purchased was irrigated
by water taken from Elk Creek by a dam and ditch
that served both places and some of the ranch
adjoining.

I purchased my place in Sept 1965 and
this irrigation system had been in place for many
years.

Wilbur M. Roberts
(Signature)

Subscribed and sworn to before me this 16 day of May, 1988

(Notary Public)

Residing at _____
My Commission Expires _____

MICROFILMED

OCT 05 1992