

09/13/2005

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

RIGHT NUMBER: 78-4021A

NAME AND ADDRESS: HARM H SCHLOMER
PO BOX 1277
RIGGINS ID 83549

SOURCE: SQUAW CREEK

TRIBUTARY: LITTLE SALMON RIVER

QUANTITY: 0.060 CFS

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

PRIORITY DATE: 04/01/1890

POINT OF DIVERSION:

T24N R01E S21 SENE Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	03/01 11/15	0.060 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R01E S21 SENE 2.0 T24N R01E S22 SWNW 1.0

STOCKWATER Within IDAHO County

T24N R01E S21 SENE T24N R01E S22 SWNW

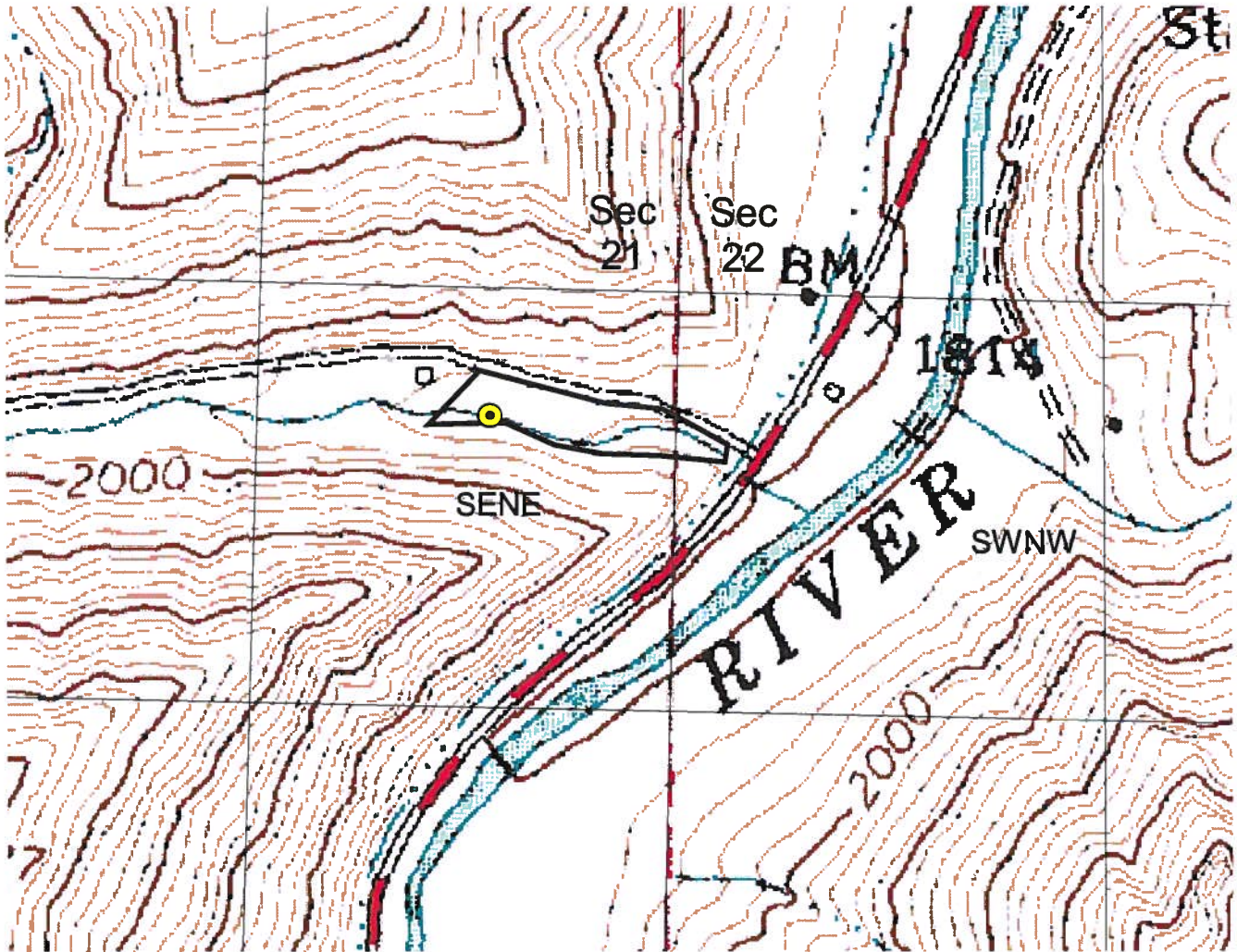
3 ACRES TOTAL

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

78-4021A



0 400 800 Feet

Sections 21 & 22
T24N R1E



● Point of Diversion

□ Place of Use

Map prepared on September 13, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

INSTRUMENT No. 383416

STATE OF IDAHO } SS
COUNTY OF IDAHO }

AT THE REQUEST OF CARL V EDWARDS, THE FOREGOING SURVEY WAS FILED
FOR RECORD IN THE OFFICE OF THE RECORDER OF IDAHO COUNTY, IDAHO
ON THE 9TH DAY OF AUGUST, 1995, AT 10:00 A.M. AND DULY
RECORDED IN SURVEY BOOK _____ AT PAGE _____, FEE: \$500.

DEPUTY RECORDER

EX-OFFICIO RECORDER

REFERENCE SURVEYS

FEDERAL AID PROJECT 9(G) 1933
INSTRUMENT # 375485 -- SECTION BREAKDOWN
INSTRUMENT # 353817 -- PARCEL SURVEY

NW 1/4 NW 1/4

SW 1/4 NW 1/4

SUB-PARCEL
3.34447 Acres

Chord D N25°08'38"E
Chord L 263.753
Delta 10°23'00"
Radius 1457.394
Arc Length 264.114
Tangent 132.420

TOTAL PARCEL
5.45628 AcresSUB-PARCEL
1.48777 AcresSUB-PARCEL
0.82403 Acres

SQUAW CREEK LITTLE

SALMON RIVER

N90°00'00"
30.749'S01°14'16"W
442.629'S14°05'27"W
386.462'S14°05'27"W
155.180'

35.908'

238.289'

213.276'

S37°38'54"W

100.210'

S46°19'42"W

216.550'

N57°03'45"W

111.167'

N30°18'08"E

247.000'

S59°41'52"E

268.895'

S59°41'52"E

268.895'

S59°41'52"E

268.895'

S59°41'52"E

268.895'

S59°41'52"E

268.895'

S59°41'52"E

268.895'

S59°41'52"E

LEGEND

- SECTION COR FND BC BY L.S. 3227
- ▲ QUARTER COR FND BC BY PE-LS 2098
- ⊙ PROPERTY COR SET 5/8" x 30" REBAR PIN WITH PLASTIC CAP
- ⊗ RIGHT-OF-WAY MON. SET 2" x 30" PIPE WITH BC
- PROPERTY COR NOT SET
- Ⓢ POINT NUMBER

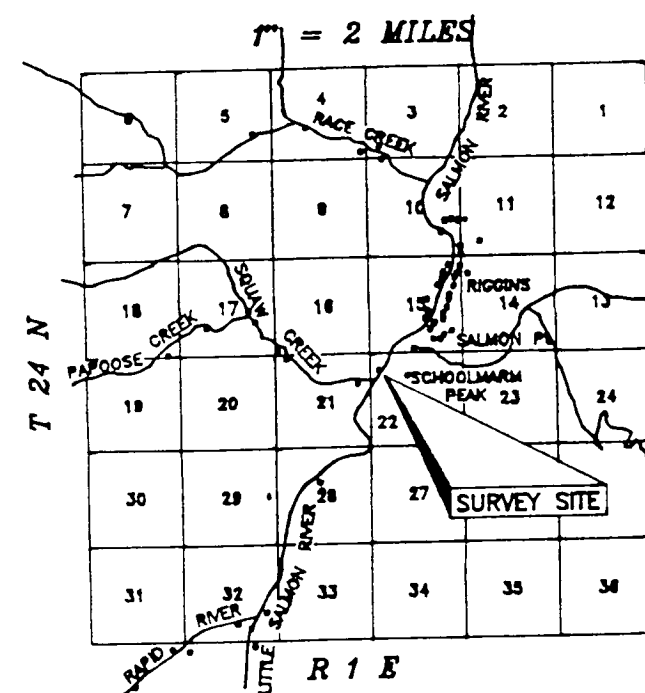
SECTION LINE

HIGHWAY CENTERLINE

RIGHT-OF-WAY (ROW) LINE

PARCEL LINE

1/16th SEC LINE APPROXIMATE

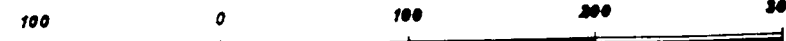
VICINITY MAP**COORDINATES**

POINT	NORTHING	EASTING	DESCRIPTION
1	24359.07226	23311.73811	PARCEL CORNER AND HIWAY 95 ROW SET PIN
3	23966.93752	23169.64049	HIGHWAY 95 ROW SET 2" PIPE AND BC
5	23728.11212	23057.71245	HIGHWAY 95 ROW SET 2" PIPE AND BC
17	23208.55607	23036.67609	PARCEL COR SET PIN
20	23397.22750	23182.22635	PARCEL COR SET PIN
22	23541.71238	23238.83792	PARCEL COR SET PIN
26	23916.54663	23332.92536	PARCEL COR SET PIN
29	24359.07226	23342.48695	PARCEL COR SET PIN
79	23257.10229	22782.45117	PARCEL CORNER AND HIWAY 95 ROW SET PIN
80	23353.08085	22838.54168	HIGHWAY 95 ROW SET PIN
81	23566.33455	22963.16856	HIGHWAY 95 ROW SET PIN
86	23430.66060	23195.32599	SET PIN ON LINE
87	23228.36121	23051.95473	SET PIN ON LINE
100	23139.35877	22964.19356	PARCEL COR SET PIN
404	23159.28452	22933.43765	SET PIN ON LINE
427	25025.87800	22359.50400	SEC CORNER FND BC
447	22442.06567	22382.43677	1/4 CORNER FND BC BY PE-LS 2098
521	24727.86844	23806.63484	ITD AC '85 RG4 FND BC NOT SHOWN
530	25117.69914	24331.61677	ITD AC '85 RG4-1 FND BC NOT SHOWN

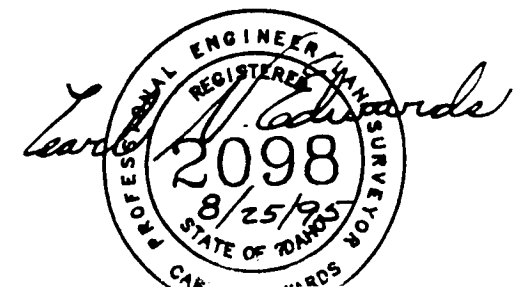
78-4021A

SCALE

1 INCH = 100 FEET

**CERTIFICATION**

THIS IS TO CERTIFY THAT I, CARL V. EDWARDS, A REGISTERED
PROFESSIONAL ENGINEER AND LAND SURVEYOR IN THE STATE OF
IDAHO, PE-LS 2098, HAD RESPONSIBLE CHARGE FOR THIS SURVEY OF
THE LANDS AND CORNERS AS INDICATED ON THIS "RECORD OF
SURVEY" AND THAT THIS IS A TRUE REPRESENTATION OF SAID SURVEY.



Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

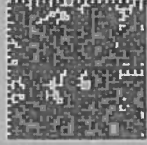
ADDRESS SERVICE
REQUESTED

 Rt. # _____
Carry Inlt. _____
Date _____

☐ Not Deliverable As Addressed
☐ Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Undelivered ☐ Refused
☐ Attempted Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed-No Order
☐ Returned For Better Address
☐ Postage Due

78-40218 J
78-4256 J

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.37
8004388393 NOV 17 2003
MAILED FROM ZIP CODE 83701

RECEIVED

NOV 24 2003

DEPT. OF
WATER RESOURCES

HARM H SCHLIDMER
PO BOX 1277
RIGGINS ID

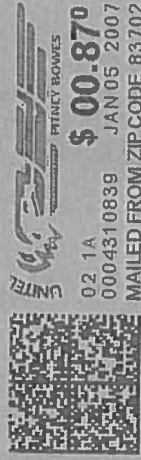
Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

22

78-4021A ✓
78-7259 ✓

RT S _____
Carm Inlt _____
Date _____
☐ Not Directed to Adjudication
☐ Unable to Pay and
☐ Incomplete Return
☐ Mailed with No Return
☐ Return to Sender
☐ Attempted Delivery
☐ No Such Street or Number
☐ Vacant ☐ Occupied
☐ No Mail Receipts
☐ Box Closed-No Order
☐ Returned For Better Address
☐ Postage Due _____

FIRST CLASS



RECEIVED
JAN 10 2007
DEPARTMENT OF
WATER RESOURCES

HARM H SCHLOMER
PO BOX 1277
RIGGINS ID 83549

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 No. 39576)
_____)

A. Subcase 78-4021A
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ben Aitken
Address: 920 Sage Creek Rd.
Nampa ID 83686
Daytime Phone: (208) 463-1937

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Harm H Schlomer
Address: PO Box 1277
Riggins ID 83549

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 0.04 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: T24N R01E S21 SENE 2 acres
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.

E. **REASONS SUPPORTING OBJECTIONS(S):** A maximum of 2
acres is all that has been historically irrigated
on this property.

F.

VERIFICATION (must be completed)

State of ID)
)ss.
County of Ada)

Ben Aitken, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

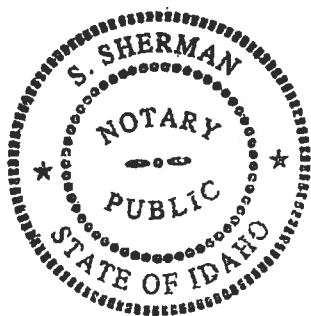
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Ben Aitken
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 15, 2007

S. Sherman
Notary Public for Idaho
Residing at: Boise
My Commission Expires: 11-14-2010



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 4/6/07, 200__, I mailed the original and copies of this objection, including all attachments, to the following persons:

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

Name: Harm H Schlouer
Address: PO 1277
Riggins ID 83549

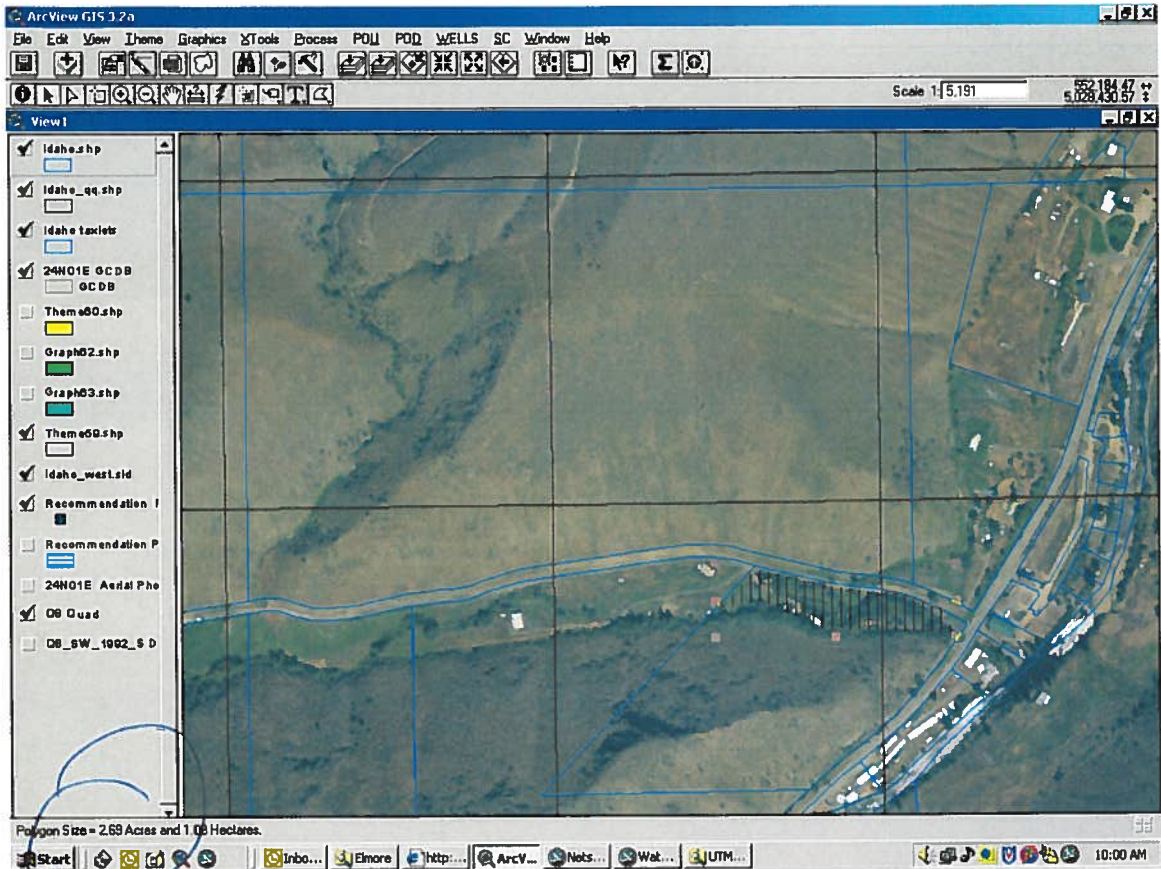
3. Copies to:

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

Ben Richer
Signature of objector or attorney
mailing on Objector's behalf



[Handwritten signature]

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: A78-04021A
Date Received: 6/15/1988
Receipt No: C001387
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARM H. SCHLOMER 208-838-8164
Address: PO BOX 1277
LONER SQUAW CREEK
RIGGINS, ID 83549

2. Date of Priority: APR 01, 1890

3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	21	SE	NE			IDAHO

5. Description of diverting works:
PIPELINE IN CREEK LEADS TO DITCH THAT IRR. ORCHARD & PASTURE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.080		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
2 HOUSEHOLDS, 2 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	21	SE	NE		IRR	4.0

Section Acres 4.0

A78-04021A

Page 1

Date: 12/01/88

MICROFILMED
OCT 05 1992

10. Place of Use: Continued

Total Acres 4.0

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:
NONE

14. Remarks:

*****MEMO TO FILE*****
MR. AITKEN HAS SOLD 4 ACRES OF THIS PARCEL OF LAND TO HARM H. SCHLOMER. MR. SCHLOMER HAS FILED A NOTICE OF CLAIM ON THIS 4 ACRES, WR#A78-04021A. I HAVE CORRESPONDED WITH MR. AITKEN REGARDING THIS, HOWEVER, HE HAS NOT RESPONDED. THEREFORE, I AM PROCESSING MR. SCHLOMER'S CLAIM ON THE 4 ACRES HE PURCHASED AND WILL LEAVE AITKEN'S CLAIM AS IS. 11/30/88-L. WERNER ALSO-A78-04021 SHOWS 3.5 IRR ACRES IN PARCEL SCHLOMER BOUGHT.

THIS CLAIM, WHEN COMBINED WITH A78-04021, SHALL DIVERT NO MORE THAN 0.40 CFS.
THE 2 HOUSES LISTED IN ITEM 9 ARE RELATIVE TO A78-07259.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 784021

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

4021 A

NUMBER: 39356

H 78-04021

06-15-88

C 001387

RECEIVED
JUN 15 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Harm H. Schlomer Phone (509) 838-8164

Mailing Address P.O. Box 1277, Lower Squaw Creek, Riggins, Idaho Zip 83549

2. Date of Priority (Only one (1) per claim) No. 78-4021 Original Diversion Right 4/1/1890

3. Source of water supply (a) Squaw Creek
which is tributary to (b) Little Salmon River

4. a. Location of existing point of diversion is: Township 24N Range 1E Section 21,
SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Idaho

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township ~~24N~~ Range ~~1E~~ Section ~~21~~ 1/4 of ~~NE~~ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of ~~Idaho~~

ending point is: Township ~~24N~~ Range ~~1E~~ Section ~~21~~, ~~SE~~ 1/4 of ~~NE~~ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of ~~Idaho~~

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. Pipeline inserted into Creek leads to
ditch That irrigates Orchard and Pasture.

MICROFILMED

OCT 05 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/1 to 12/1 amount .08 cfs or _____

For STOCKWATER purposes from 1/1 to 12/31 amount .02 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .08 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 Households 2 Horses - with right to change to 4 head of cattle, or Rent pasture

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>24N</u>	<u>1E</u>	<u>21</u>				<u>4</u>													<u>4</u>

Total number of acres irrigated 4

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
DOMESTIC FROM GROUNDWATER FOR LAWN & GARDEN & IN HOUSE USE FOR 2 HOUSES or None ()

14. Remarks:

MICROFILMED

OCT 05 1992

Last Name Schlomer Ident No. A 78-7259 04021

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 78-4021
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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

Signature of Claimant (s) X *Harm F Schlomer* Date June 13, 1988
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 13th day of June 19 88

SEAL

Notary Public *Patricia Pearson*

Residing at *Spangville*

My Commission Expires *2-14-93*

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 *Harm F Schlomer*

Address *P.O. Box 1277, Piggins, Idaho 83549*

Date *6-13-88*

MICROFILMED

OCT 05 1992

Last Name *SCHLOMER* Ident. Number *A78-04021*

Copies White-State, Yellow-Claimant

5/18/90

FILE WITH A78-04021A HARM H. SCHLOMER
P.O. Box 1277, LOWER SQUAW CREEK
RIGGINS, ID 83549

OR
Box 340
MEDICAL LAKE, WA
99022

A 78-04021A

QUITCLAIM DEED

For Value Received

STEWART AITKEN and GRACE AITKEN, husband and wife, Grantors
Riggins, Idaho

do hereby convey, release, remise and forever quit claim unto

Harm H. Schlomer, Grantee

Box 1277
Riggins, Idaho 83549

the following described premises, to-wit:

Claim to Water Right No. 78-4021 as it applies, only, to a narrow strip of land lying between Squaw Creek and Squaw Creek Road (being approximately 4 acres) and being a part of a tract of land located in the NE $\frac{1}{4}$ of Section 21 and NW $\frac{1}{4}$ of Section 22, Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho; and being more particularly described in EXHIBIT "A" Attached hereto.

SUBJECT TO GRANTOR'S heirs and assigns retaining easement over grantee's land to use and maintain irrigation ditches now in use. Location and flow of such ditches not to be changed or altered, unless such changes or alterations meets approval of both parties.

RECEIVED

MAY 18 1990

Department of Water Resources
Western Regional Office

together with their appurtenances.

Dated:

March 14, 1983

March 14, 1983

Stewart Aitken - by Grace Aitken

Grace Aitken
Stewart Aitken, Grantor
By Grace Aitken with power of attorney

Grace Aitken
Grace Aitken, Grantor

STATE OF IDAHO, COUNTY OF

On this 14 day of March, 1983,
before me, a notary public in and for said State, personally
appeared Grace Aitken
Stewart Aitken by Grace Aitken with
her power of attorney

known to me to be the person who so name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Residing at
Comm. Expires

Riggins

Mary P. Teague
Notary Public
Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request of

at _____ minutes past _____ o'clock m.,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Fees \$
Mail to:

Deputy

MICROFILMED

OCT 05 1992

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Schlomer, Harro

CLAIM IDENT. NO.

A78-4021A

DATE RECEIVED

6-15-88

CK #

47574

AMOUNT \$

79

YES

NO

1. Is the name and address complete with zip code?

✓

2. Is a priority date entered?

✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

✓

3. (a) Is a source entered?

✓

(b) Is a tributary to entered? (if required)

N/A

✓

4. Is the legal description of the p.d. sufficient?

✓

5. Is there a description of the diverting works?

✓

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.

✓

Is the period of use included?

✓

Is a quantity claimed for each use?

✓

7. Is a total quantity claimed entered?

✓

8. If required is a consumptive use entered?

N/A

OK✓

Is the consumptive use correct?

N/A

✓

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4.

✓

10. Is (are) the place(s) of use entered?

✓

11. Is (are) the county(ies) entered?

✓

12. Is the ownership of p.u. checked?

✓

13. Are other water rights listed or "none" checked?

✓

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

N/A

✓

15. Is the basis of the claim checked?

✓

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

✓

Has the claim been signed, sealed, and dated by a notary?

✓

Is the fee enclosed correct?

✓

If this claim is based on an existing water right, has the identification number been entered?

N/A

✓

Should this claim be receipted and data entered?

✓

MICROFILMED

Claim checked by:

OCT 05 1992

Comments:

Consump. use ← OK111 ha surface right? - Schlomer, owns 4 acres

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: A78-04021A
Date Received: 6/15/1988
Receipt No: C001387
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HARM H. SCHLOMER 208-838-8164
Address: PO BOX 1277
LONER SQUAW CREEK
RIGGINS, ID 83549

2. Date of Priority: APR 01, 1890

3. Source: SQUAW CREEK Trib. to: LITTLE SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	01E	21	SE	NE			IDAHO

5. Description of diverting works:
PIPELINE IN CREEK LEADS TO DITCH THAT IRR. ORCHARD & PASTURE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.080		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 12.0 Acre Feet Per Annum.

9. Non-irrigation uses:
2 HOUSEHOLDS, 2 HORSES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	01E	21	SE	NE		IRR	4.0

Section Acres 4.0

A78-04021A

Page 1

Date: 12/01/88

MICROFILMED

OCT 05 1992

10. Place of Use: Continued

Total Acres 4.0

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:
NONE

14. Remarks:

*****MEMO TO FILE*****
MR. AITKEN HAS SOLD 4 ACRES OF THIS PARCEL OF LAND TO HARM H. SCHLOMER. MR. SCHLOMER HAS FILED A NOTICE OF CLAIM ON THIS 4 ACRES, WR#A78-04021A. I HAVE CORRESPONDED WITH MR. AITKEN REGARDING THIS, HOWEVER, HE HAS NOT RESPONDED. THEREFORE, I AM PROCESSING MR. SCHLOMER'S CLAIM ON THE 4 ACRES HE PURCHASED AND WILL LEAVE AITKEN'S CLAIM AS IS. 11/30/88-L. WERNER ALSO-A78-04021 SHOWS 3.5 IRR ACRES IN PARCEL SCHLOMER BOUGHT.

THIS CLAIM, WHEN COMBINED WITH A78-04021, SHALL DIVERT NO MORE THAN 0.40 CFS.
THE 2 HOUSES LISTED IN ITEM 9 ARE RELATIVE TO A78-07259.

15. Basis of Claim: BENEFICIAL USE
Water Right Number: 784021

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

Identification No. _____

Claim No. 78-4021 P

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Amended

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant STEWART AITKEN

post office address Riggins, Idaho 83549

2. Point of diversion: SE 1/4 NW 1/4, SW 1/4 NE 1/4, Section 21, Township 24 North, Range 1 East, B.M., located on Squaw Creek, a tributary of Little Salmon River, Blaine County, Idaho.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

April 1, 1890 amount: 1.9 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed 1.9 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigation period of use from April 1 to Oct. 15 (both dates inclusive)

use livestock period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works: **SEE EXHIBIT "A" ATTACHED**

a. Surface water diversion dam and/or headgate: material is composed of _____

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____ ; depth of well is _____

_____ feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

_____ ;

Explain any significant increase in area irrigated since first use, give dates and acreages if known. _____

b. Do you get water through a ditch owned by several users? yes If yes, give the name of the ditch _____
_____. The other users and their respective
interests in the ditch are (if known) One unnamed ditch (#1, Exhibit "A") used in
common with Roy D. Wisdom, who irrigates _____ acres, from this ditch.

6. Where water is used for stock watering, give number of each kind of stock watered _____
cattle - 75 head; 5 horses and 25 chickens

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation
Lands irrigated are mostly narrow, irregularly shaped tracts along north
and south sides of Squaw Creek. All tracts slope sharply towards creek and
soil is shallow, all underlain with gravel and sand. Land does not sub-irrigate
like lower country, heavy soil lands, but water sinks quickly and goes back to
stream. For this reason, not less than 4 miners inches of water per acre is
required to effectively irrigate land.

NOTE: This claim is supported by the attached Affidavits of Eunice Parkison,
Albert W. Campbell, Loy Hollenbeak and Rollie L. Campbell as to the
priorities and use of water upon claimant's lands.

State of Idaho

County of Adams

} ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the
foregoing claim to a water right, together with all attached information, and that the matters and facts therein are
true to the best of the affiants knowledge.

Sworn to before me this 17th day of July, 1971.

x Stewart Parkison
Claimant

Rollie L. Campbell
Notary Public

Residing at Council, Idaho

My commission expires April 13, 1975

For Department Use Only

Received by <u>ej</u> Date <u>7-22-71</u>	Exception filed by: _____	Forwarded to _____	Date _____
Date of first receipt: <u>5-28-71</u>		claimant by: _____	
Prelim. check by <u>Dee</u> Date <u>5-28-71</u>	_____	_____	_____
Fee received by <u>ej</u> Date <u>6-1-71</u> Fee \$ <u>10.00</u>	_____	_____	_____
Approved for publication by <u>D</u>	_____	_____	_____
Published in <u>Idaho County</u> Dates <u>8-4 & 8-11, 1971</u>	_____	_____	_____
<u>Free Press at Grangeville, Idaho</u>	_____	_____	_____

28 4034

AITKEN WATER FILING:

EXHIBIT A

4c. Conveying Works:

1. Diversion ditch from Squaw Creek in SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 21; 24" wide by 1500' long; irrigates 2 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 21 (ditch used jointly with Roy D. Wisdom).
2. Diversion ditch from Squaw Creek in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; 12" wide by 400' long; irrigates 2 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21.
3. Diversion ditch from Squaw Creek in SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; 8" wide by 400' long; irrigates 2 acres in SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21.
4. Diversion ditch from Squaw Creek in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; 18" wide by 1320' long; irrigates 1 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21 and 3 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22.
5. Diversion ditch from Squaw Creek in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; 8" wide by 600' long; irrigates .5 acre in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21 and SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 22.
6. Diversion ditch from Squaw Creek in SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21; 18" wide by 2640' long; irrigates 12 acres in W $\frac{1}{2}$ NW $\frac{1}{4}$, Section 22.

CONVERSATION MEMORANDUM

RE: Snake River Adjudication Water Right No. 78-04021A

July 21, 2004

Mr. Ben Aitken (the current owner of Water Right No. 78-12215) came into the Western Region office this afternoon to share some information with us regarding Water Right No. 78-04021A.

Mr. Aitken sold a parcel of his land (3.5 acres) to Harm Schlomer and is, therefore, very familiar with the property relating to 78-4021A. According to Mr. Aitken, "Harm Schlomer doesn't have 4 acres to irrigate." Mr. Aitken also stated that "1 acre, at most, is irrigatable ground." Mr. Aitken explained that there is no way Mr. Schlomer could irrigate 4 acres of the land because most of it is at a steep 50 to 60 degree angle.

Mr. Aitken then gave me directions to the property; just in case we need to send someone out there to do a field exam in the future.

Directions: Go to Riggins, turn up Squaw Creek, the first place on the left (with 2 mobile homes) is the site to look for ("It's not more than 100 yards from the highway," according to Mr. Aitken). Also, if you see a white barn, you've gone too far!

I told Mr. Aitken that I would place his comments in the file for future reference.

In addition, as I read the General Remarks attached to the 78-4021A Adjudication Claim Report (attached), I see that Mr. Aitken was contacted in 1988 regarding this right, but did not respond. Perhaps this visit was his response.

Kimberly Brown
Senior Water Resource Agent
Western Region

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4021A

WATER RIGHT NUMBER: 78-4021A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HARM H SCHLOMER PO BOX 1277 RIGGINS, ID 83549 (208)838-8164
Original Owner	BEN AITKEN 1139 HWY 11 WEIPPE, ID 83553 (208)435-4110

Priority Date: 04/01/1890

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SQUAW CREEK	LITTLE SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/01 to 10/01	0.080 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

SQUAW CREEK	SE1/4NE1/4	Sec. 21, Twp 24N, Rge 01E, B.M.
IDAHO County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
24N	01E	21				4.0													4.0

Total Acres: 4

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 78-4021A

1. General

*****MEMO TO FILE***** MR. AITKEN HAS SOLD 4 ACRES OF THIS PARCEL OF LAND TO HARM H.

SCHLOMER. MR. SCHLOMER HAS FILED A NOTICE OF CLAIM ON THIS 4 ACRES, WR#A78-04021A. I HAVE CORRESPONDED WITH MR. AITKEN REGARDING THIS, HOWEVER, HE HAS NOT RESPONDED. THEREFORE, I AM PROCESSING MR. SCHLOMER'S CLAIM ON THE 4 ACRES HE PURCHASED AND WILL LEAVE AITKEN'S CLAIM AS IS_11/30/88-L. WERNER ALSO-A78-04021 SHOWS 3.5 IRR ACRES IN PARCEL SCHLOMER BOUGHT.

***** THIS CLAIM, WHEN COMBINED WITH A78-04021, SHALL DIVERT NO MORE THAN 0.40 CFS. THE 2 HOUSES LISTED IN ITEM 9 ARE RELATIVE TO A78-07259.

Comments:

78-4021A

24N 1E

Section Line



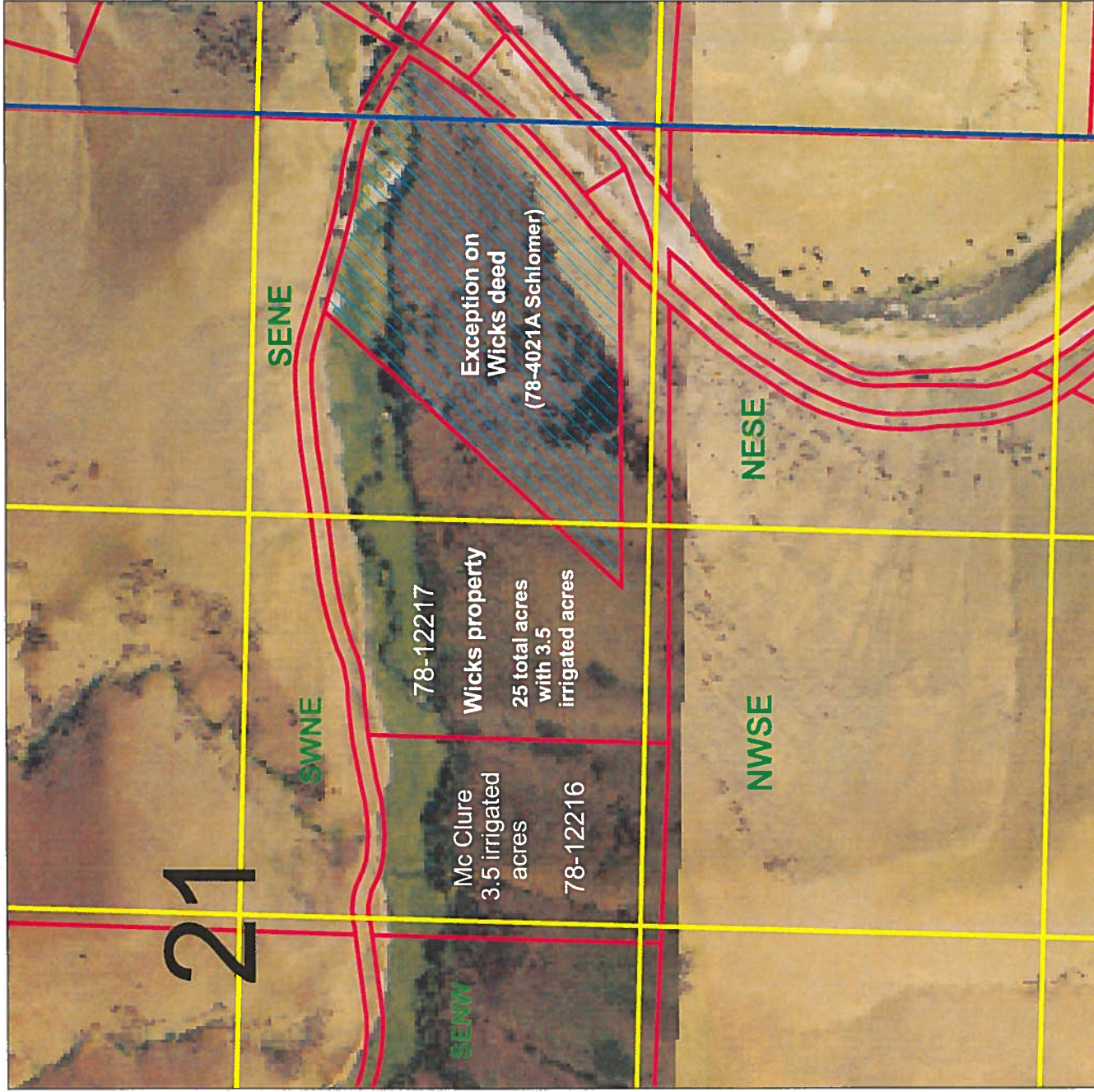
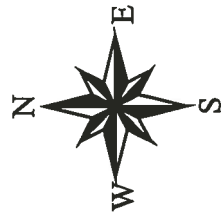
QQ Lines



Tax Lot Data



Schlomer property



0.04 0 0.04 0.08 Miles





State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

October 5, 1988

Ben Aitken
1139 Hwy. 11
Weippe, ID 83553

SUBJECT: Split Water Rights, A78-04021A and A78-04021B

Dear Mr. Aitken:

In order to split the water right with Mr. Schlomer, it must be determined exactly which acreages from this right are the property of the new owner. I will then subtract these acreages from your portion of the right and add them to the new portion. The right will then read A78-04021A and A78-04021B with Mr. Schlomer's acreages on the B portion. This is necessitated by the fact that the water right is appurtenant to the property.

I have enclosed a copy of this water right for your convenience. Please contact me as soon as possible so I may complete the processing of these claims. Thank you for your assistance in this matter.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resource Agent
Adjudication Section

LW:lh
Enclosures

MICROFILMED
OCT 05 1992

CONVERSATION MEMORANDUM

DATE 10-3-88FILE 78-7259
78-4021NAME OF PARTY Schlomer, HarmEMPLOYEE A. Warner

RE:

78-4021 - Bought property from Ben Aitken,
ok to add consumptive use,

78-7259 - Claimant ~~owns both~~ does
not own both homes on property. He rents
one out; however he does own the land
Claimant is sending check for additional
\$25.00. - Received check on 10-5-88

Called Ben Aitken 10-3-88 AM & PM -
No answer.

Also uses water from Aitken's
ditch out of other side.

Sent letter requesting clarification of
property sold to Mr. Aitken on 10-5-88
No reply as of 11-30-88. Will
process claim (A78-7259 & A78-4021A)

MICROFILMED

OCT 05 1992