

12/13/2005

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

RIGHT NUMBER: 77-4031
NAME AND ADDRESS: BEATE COOK
BOX 198
RIGGINS ID 83549

ANN COOK
BOX 198
RIGGINS ID 83549

DAVID J COOK
BOX 198
RIGGINS ID 83549

DANIEL W COOK
BOX 198
RIGGINS ID 83549

SOURCE: ELKHORN CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.600 CFS
PRIORITY DATE: 05/15/1863
POINT OF DIVERSION:

T24N R03E S28 NENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.600 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R03E S21 Lot 7 SESW	5.0	T24N R03E S21 Lot 6 SWSE	25.0
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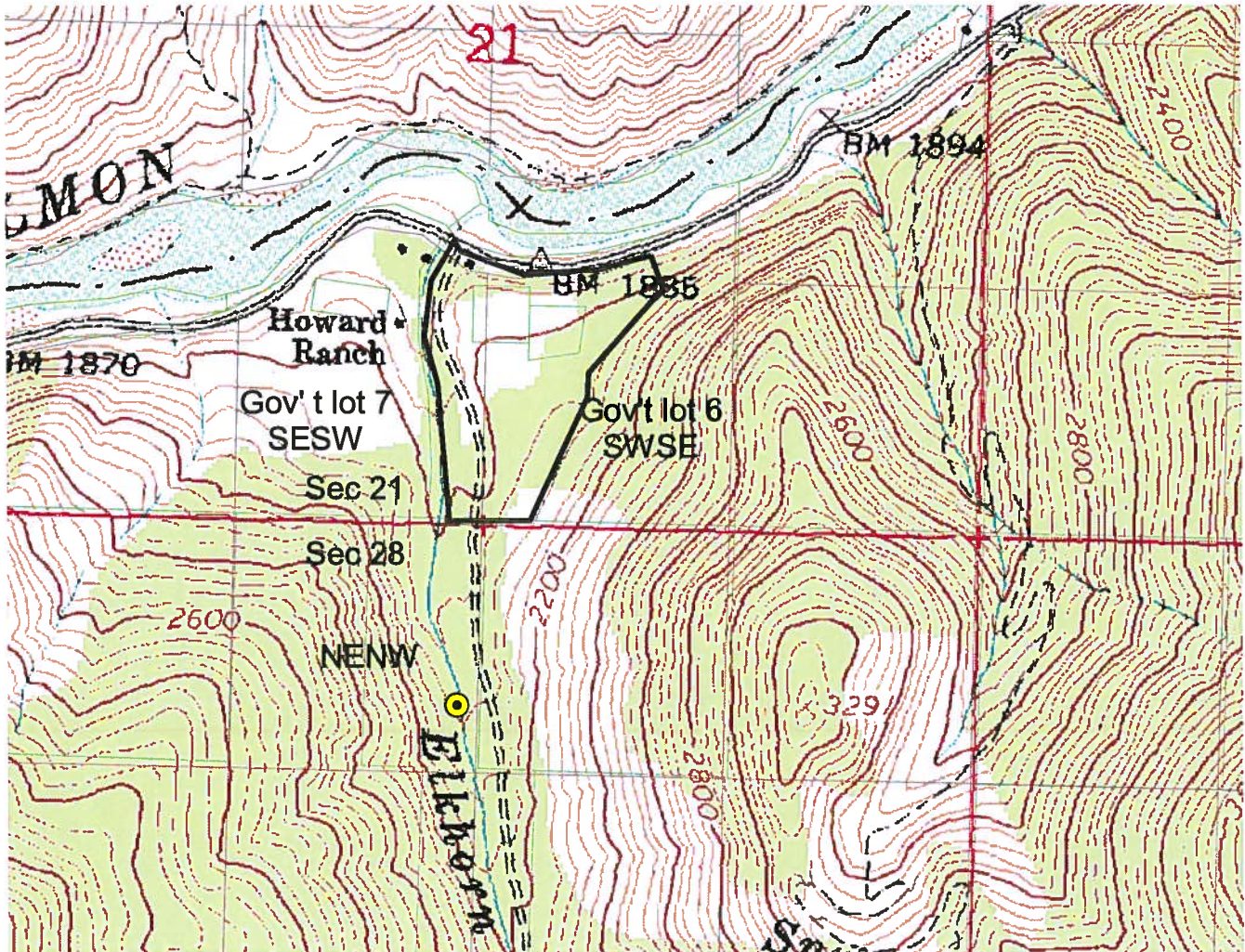
30 ACRES TOTAL

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

77-4031



0 800 1600 Feet

Sections 21 & 28
T24N R3E



● Point of Diversion

□ Place of Use

Map prepared on December 13, 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: A77-04035
Date Received: ~~6/03/1988~~ 6/13/88
Receipt No: C001345
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JUNE B. COOK
Address: P.O. BOX 407
RIGGINS, ID 83549 208-628-3601

2. Date of Priority: MAY 15, 1863

3. Source: ELKHORN CREEK
SPRING Trib. to: SALMON RIVER
ELKHORN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	03E	28	SW		NE		IDAHO

5. Description of diverting works:
SPRING-BOX & PIPELINE TO HOUSE, HEADGATE & PIPELINE IN CREEK

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.740		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC FOR 2 HOUSEHOLDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	03E	21	SW	SW	8	IRR	7.0

A77-04035

Page



Date: ~~06/03/88~~

06/13/88
20

JUN 13 1988

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	03E	21	SE	SW	7	IRR	30.0
			SE	SW	7	DOMEST	
Section Acres							37.0
Total Acres							37.0

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:
N/A

14. Remarks:
2 POINTS OF DIVERSION IN SE NE, SEC.21, TWP. 24N, RGE. 03E.

15. Basis of Claim: STATUTORY CLAIM
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 X 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): June B. Cook Date: 6-9-1988

Date: _____

State of Idaho)
County of Idaho) ss.

Subscribed and sworn (or affirmed) before me this 9 day

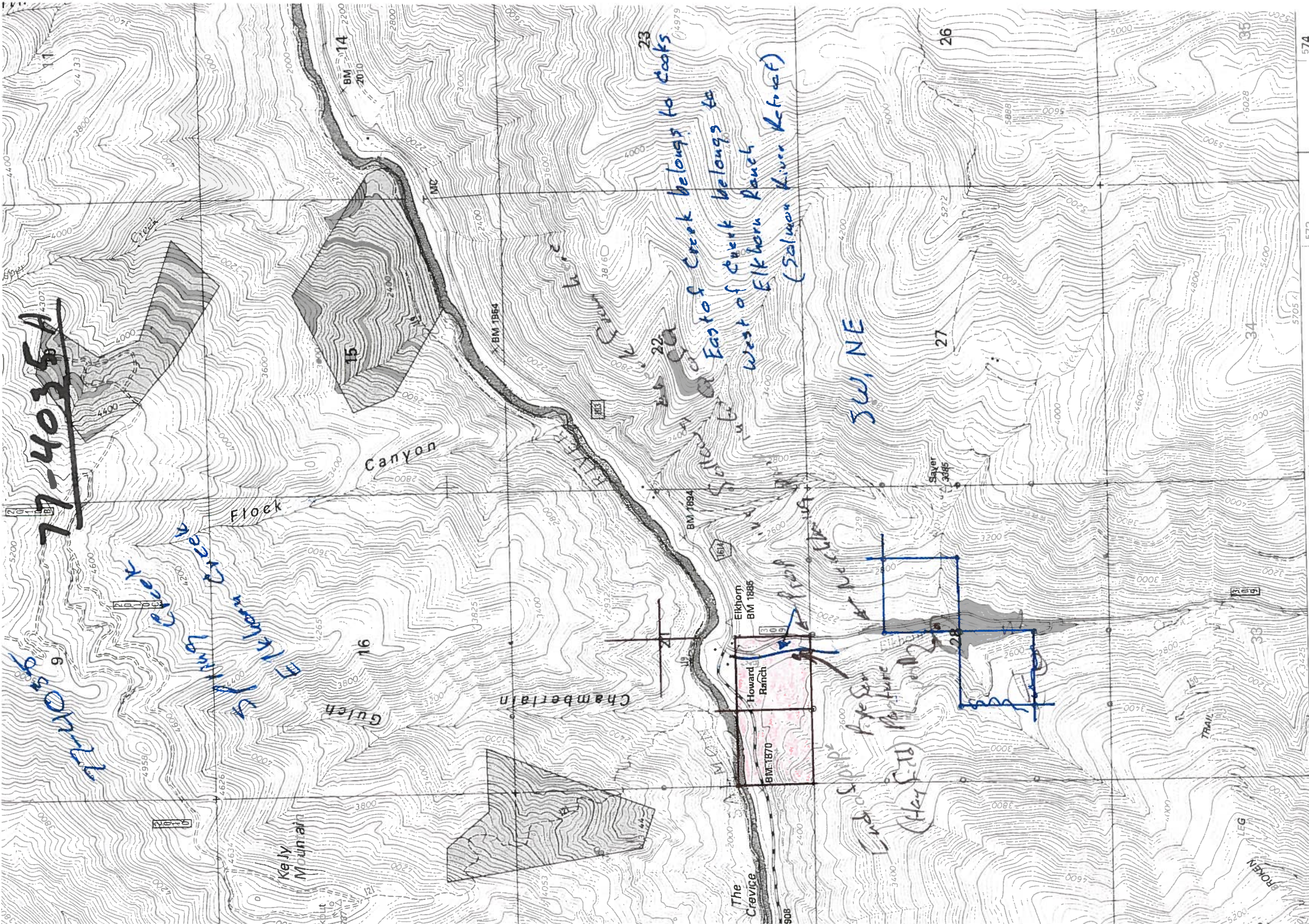
of June 19 88

Seal

Clara J. Lewis
Notary Public

Residing at Liggins

My Commission Expires 10-10-88



SCALE 1:24 000

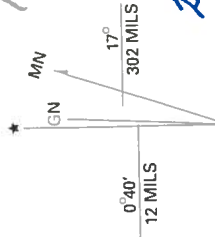
77-4035



CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
TO CONVERT FEET TO METERS, MULTIPLY BY 0.3048

24N 3E Sec. 28
Kelly Mountain (1975)

UTM GRID AND 1997 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET



sed
993
trial
it ticks:
ticks
software



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

APR 15 1996

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: NA

LEGAL DESCRIPTION OF PROPERTY: Township 24N Range 3E
Section 21, 1/4 of SE 1/4 of SW 1/4, Govt. Lot _____, BM.

Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet. 4 SWS E

- ☐ 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: A77-04031, A77-07065
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): DANIEL W & JUNE B COOK
DAN & BEATE COOK, DAVID & ANN COOK
- ☐ New Owner/Claimant (Purchaser): _____
- ☐ New Mailing Address: Box 198 Riggins, IDA 83549
- ☐ New Telephone Number: (208) 628-3759
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes 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: _____

(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) X Daniel Cook Beate Cook Date 3 APR 96
David & Ann B Cook Date 3 APR 1996
- ☐ Signature of Former Owner/Claimant(s) X Daniel W. Cook Date 3 APR 96
June B. Cook Date 9 APR 96

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

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-19-96 By: JD

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 4-19-96 By: JD

Claim Numbers of Split, if any:

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

MICROFILMED

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: **A77-04031**
Date Received: 9/22/1993
Receipt No: W016774
Received By: Rdh

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

1. Name: JUNE B. COOK
Address: P.O. BOX 407
RIGGINS ID 83549
OR
Name: DANIEL W COOK 208-628-3759
Address: PO BOX 379
RIGGINS ID 83549
2. Date of Priority: MAY 15, 1863
3. Source: ELKHORN CREEK Trib. to: SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	03E	28	NE	NE	NW		IDAHO
5. Description of diverting works:
HEADGATE AND PIPE, GRAVITY FLOWS, ROCK DAM
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	10/15	0.600		
7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

MICROFILMED
AUG 08 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	03E	21	SE	SW	7	IRR	5.0
			SW	SE	6	IRR	25.0
Section Acres							30.0
Total Acres							30.0

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:
NO LATE FEE, FILED OTHER CLAIMS ON TIME

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X 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): *Ramona Cook* Date: 22 SEP 93

Date: _____

MICROFILMED
AUG 08 1994

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of Sept 19 93

Ron Howerton
Notary Public

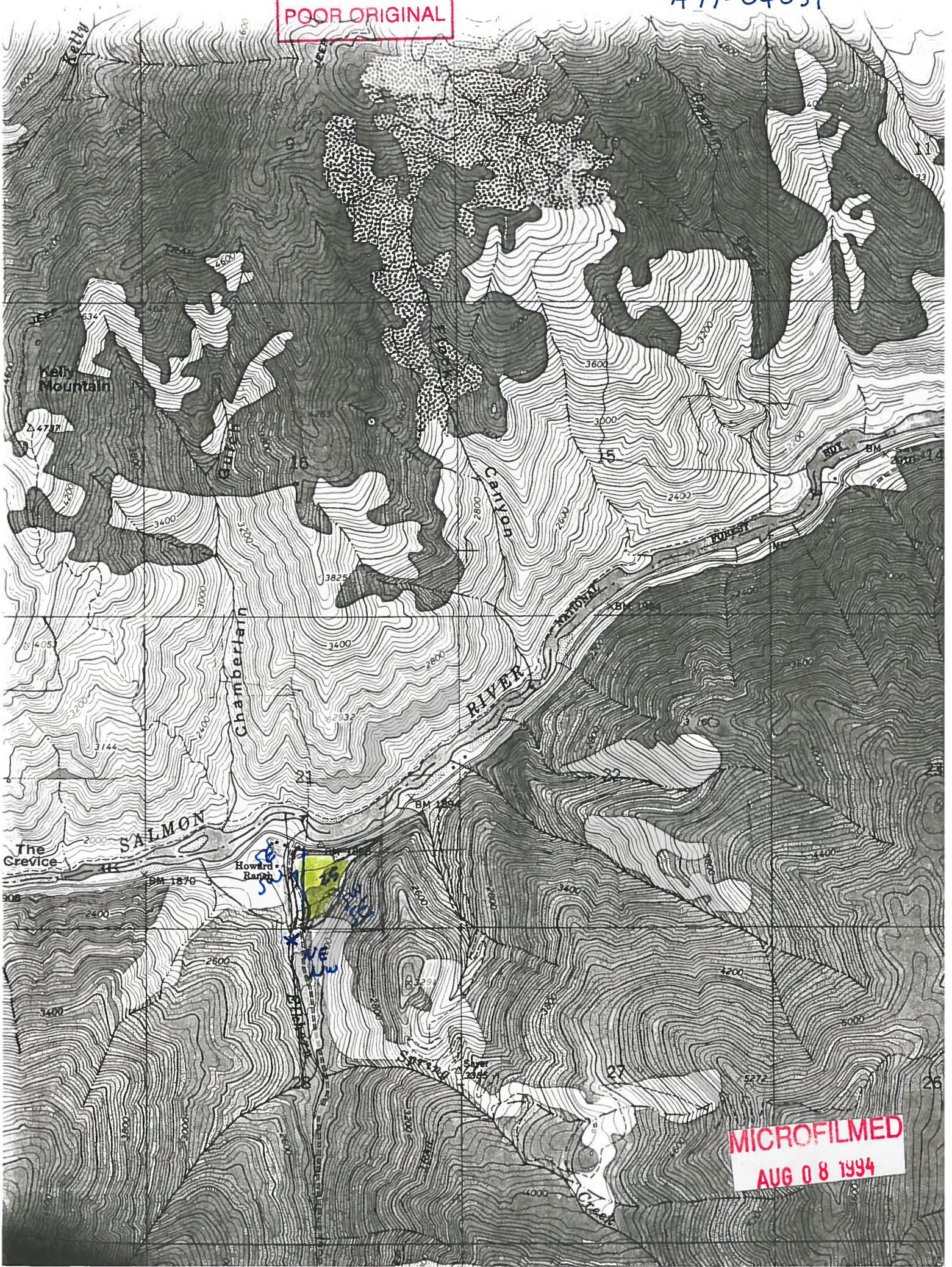
Seal

Ron Howerton
Residing at Residing at Boise, Idaho
My Commission Expires December 8, 1994
My Commission Expires _____

MICROFILMED
AUG 08 1994

POOR ORIGINAL

A77-04031



MICROFILMED
AUG 08 1994

77-4031

(77-4031)

SWNW

SENW

SWNE

NESW

NWSE

NWSW

SESW

SWSE

SWSW

28 21
30 28

POD
Burriek Pipeline
From POD

NWNW

NENW

NWNE

01/05/2006

**NOTICE OF ERROR
REPLY**

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: March 3, 2006

Water right number: 77-4031

BEATE COOK
BOX 198
RIGGINS ID 83549
Telephone Number: (208) 628-3759

ANN COOK
BOX 198
RIGGINS ID 83549
Telephone Number: (208) 628-3759

DAVID J COOK
BOX 198
RIGGINS ID 83549
Telephone Number: (208) 628-3759

DANIEL W COOK
BOX 198
RIGGINS ID 83549
Telephone Number: (208) 628-3759

RECEIVED

FEB 02 2006

DEPARTMENT OF
WATER RESOURCES

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

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

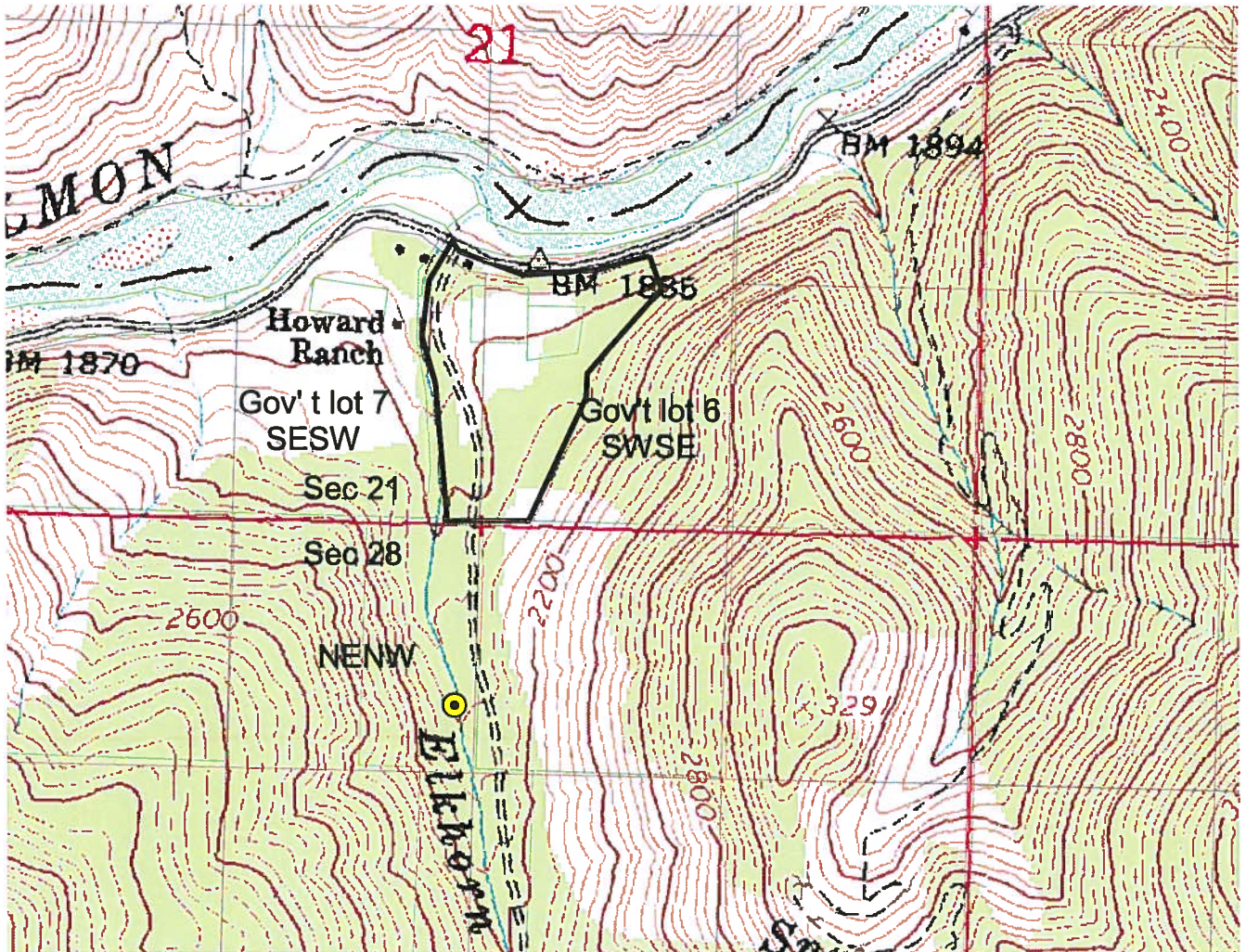
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 30 JAN 2006 SIGNATURE: *Daniel W Cook*
Please print your name: DANIEL W. COOK

IDWR State Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

77-4031



0 800 1600 Feet

Sections 21 & 28
T24N R3E

● Point of Diversion

□ Place of Use

DO NOT SCAN

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

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.

Notice is hereby given that John B. &/or June B. Cook
(name of claimant)
of Box 407 Riggins Id., claims a right to the diversion and beneficial use of
(mailing address) 83549
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- The extent and nature of said claim is as follows:
- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Elkhorn Cr.
Salmon River, tributary to, Salmon River
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
- | | | | | | | | | |
|--------|----------------------|-----|-------------------------------|----------------|------|---------------|----|------------------------|
| Amount | <u>0.60 cfs</u> | Use | <u>irrigation</u> | Period of Use: | From | <u>May 15</u> | To | <u>Oct. 15</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/f) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: 0.60 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) May 15, 1863

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
NE ¼ NW ¼, Sec. 28 Twp. 24N Rge. 3E B. M. County of Idaho
 Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. headgate and ditch

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

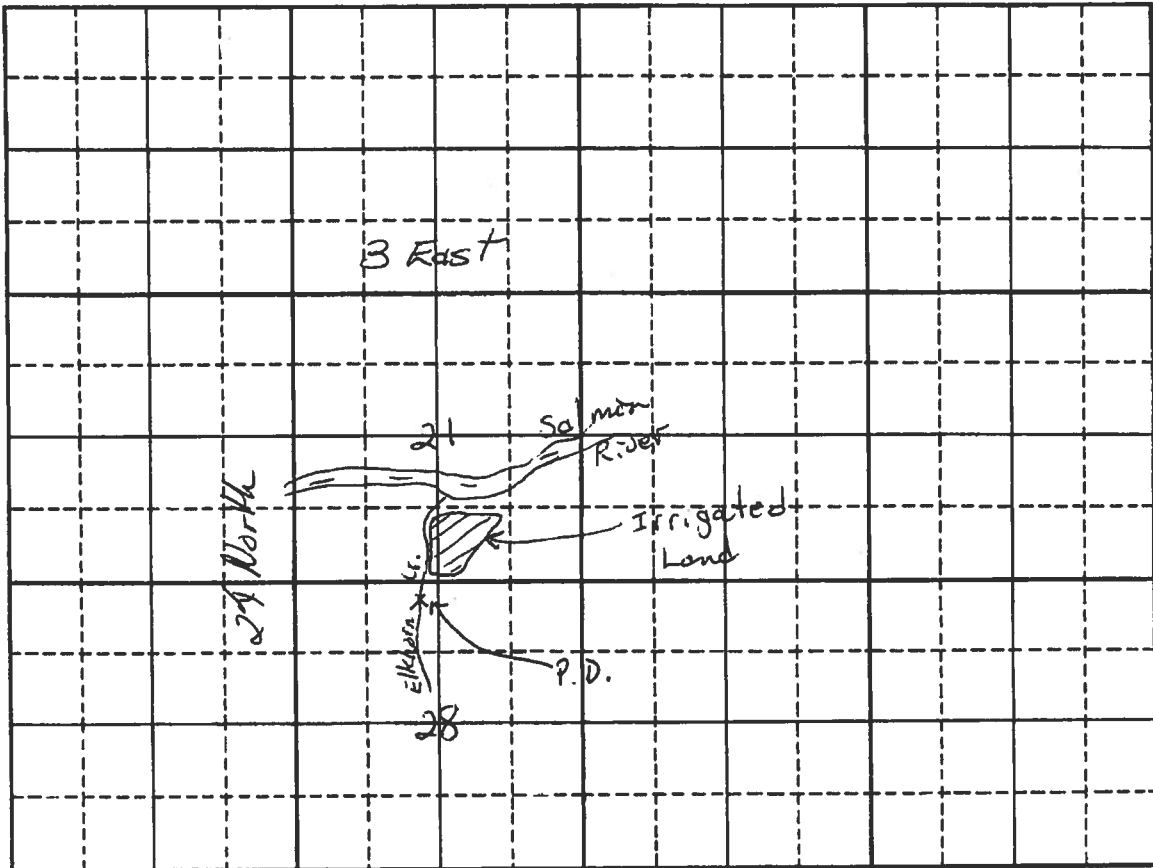
[illegible]

Total No. of acres 30

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) 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 15th day of August, 19 77.

June B. Cook
(Claimant)
Bita Bendale
Notary Public
Residing at Boise, ID

My commission expires March 8, 1980

For Department Use Only

Received by W.H.M. Date 8-15-77 Exception filed by: _____ Date _____
Prelim. check by W.H.M. Date 8/16/77 Forwarded to claimant by: _____
\$10.00 fee received by W.H.M. Date 8-15-77 \$8815
Approved for publication by _____
Published in Idaho County Free Press _____
Dates August 24 & 31 _____

77-4031



Photo 1: Rock dam at POD.

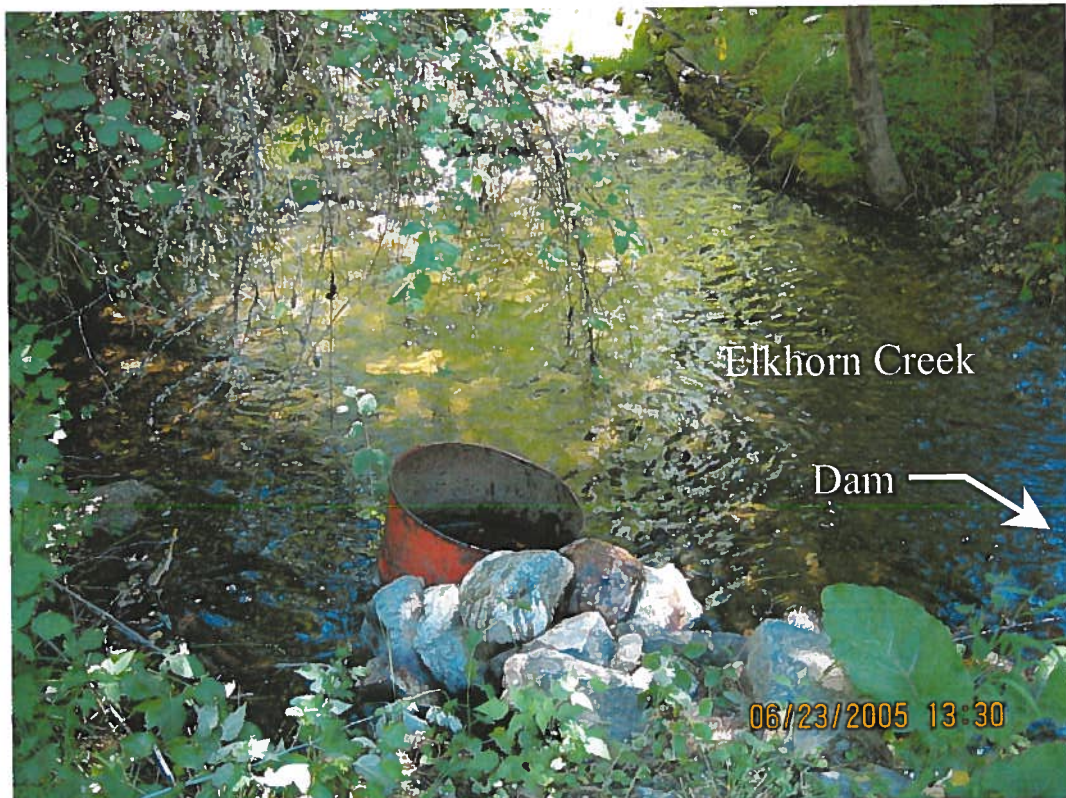


Photo 2: POD showing 55 gallon barrel intake.

77-4031



Photo 3: Ten inch PVC conveyance pipe.

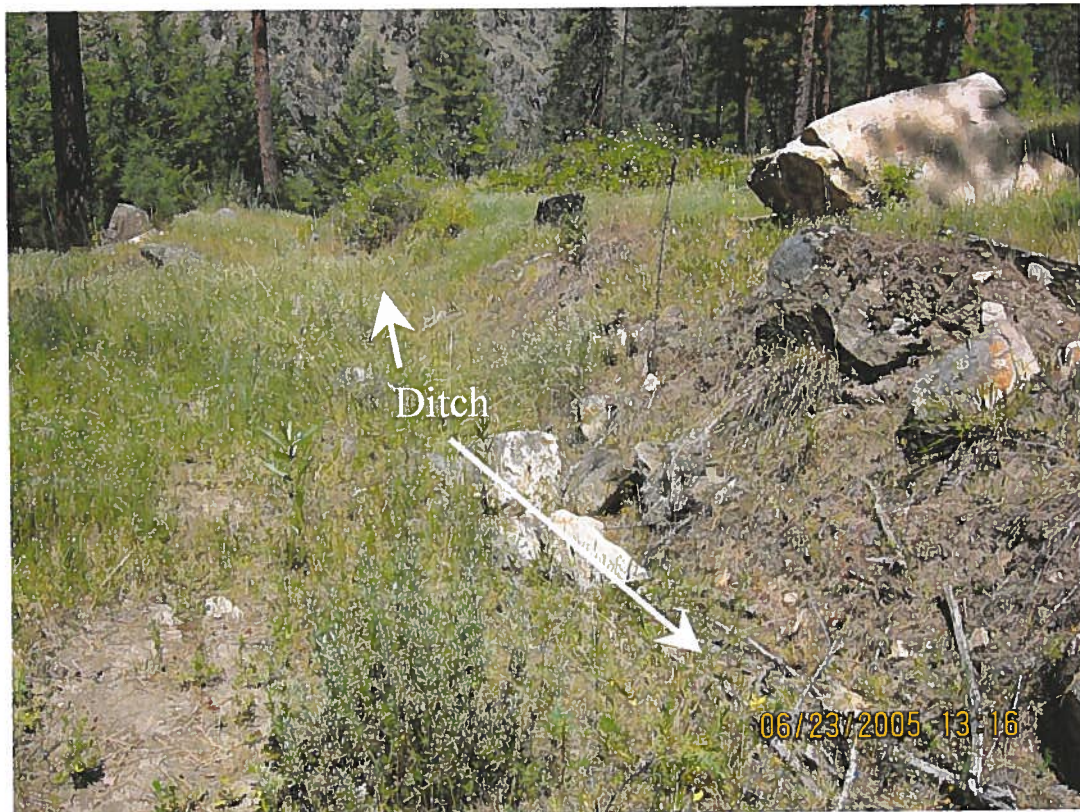


Photo 4: Looking approximately north across old 1862-1863 ditch.

77-4031



Photo 5: Poly-pipe that is moved around for flood irrigation.



Photo 6: Typical sprinkler.

77-4031

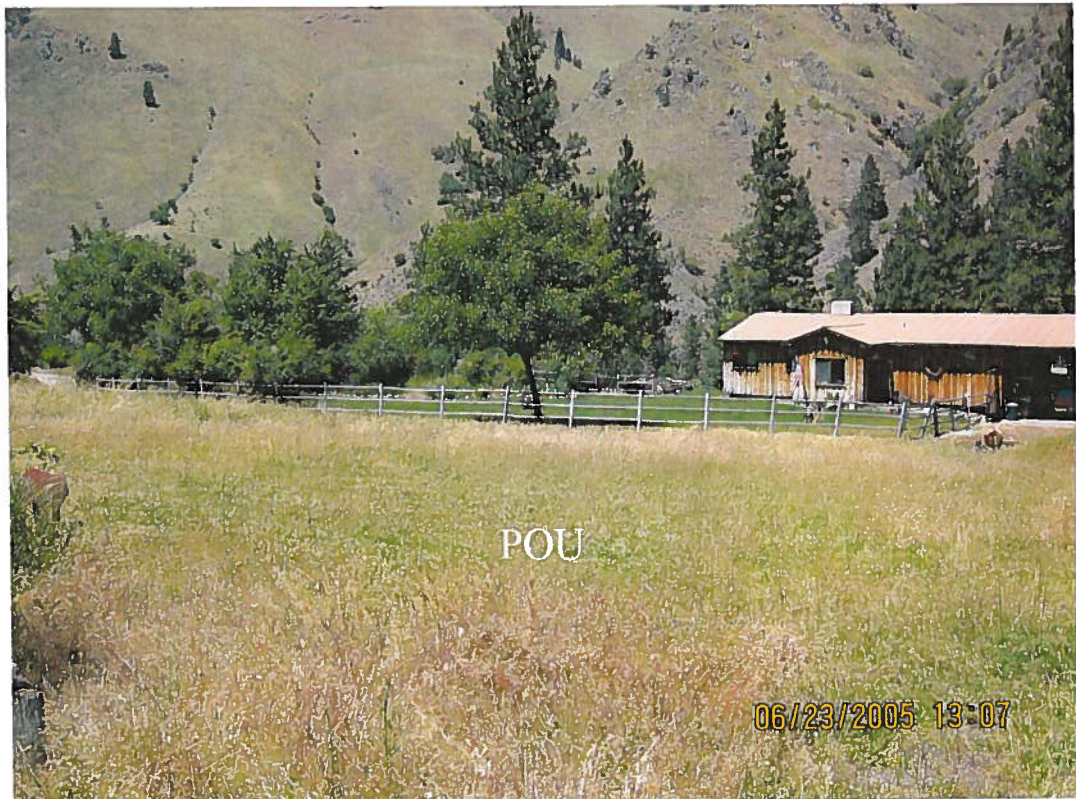


Photo 7: POU including lawn. Looking southwest to house.

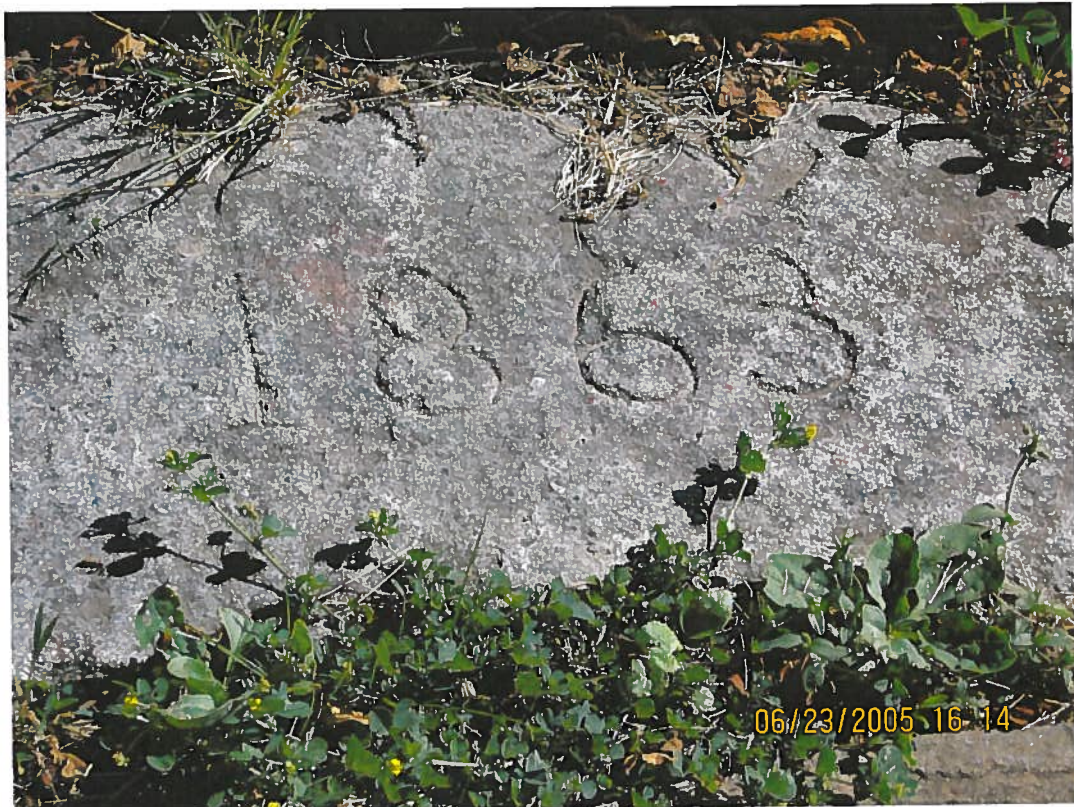
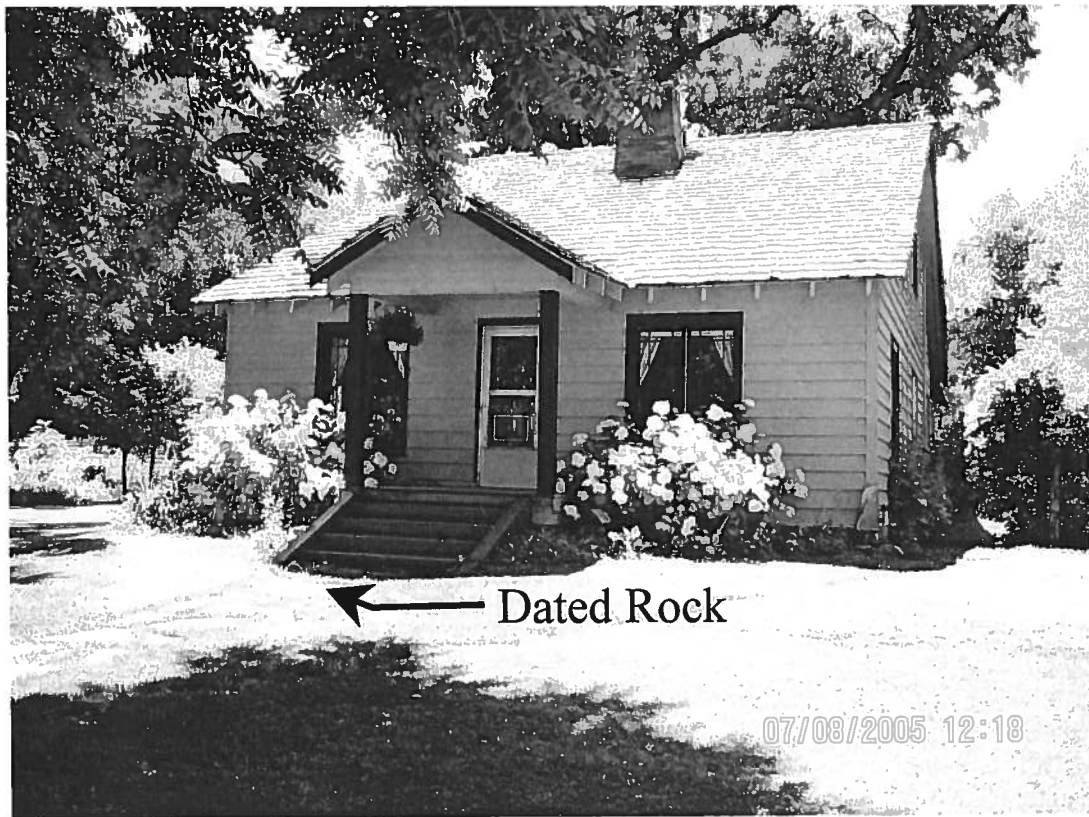


Photo 8: Date (1863) on rock.

77-4031



← Dated Rock

Photo 9: Looking southwest to house on sold property where dated rock is in step.

77-4031

Field Exam Notes

Date of Exam: June 23, 2005

The field exams for this claim and claims **77-4035** and **77-4036** were conducted at the same time. It was found that each of these three (3) claims has the same point of diversion (POD) and the same irrigation place of use (POU). However, claim **77-4035** and claim **77-4036** each list a domestic use for two (2) houses. According to those two claims, that domestic use is located in **SESW**, Sec. 21, Rge. 3E, Twp. 24N, BM. There are two (2) older houses at this location, but they lie on the west side of Elkhorn Creek. Daniel and David Cook, co-claimants who accompanied me on the field exam, stated that no water from any of their water rights supply water for any purpose on the west side of Elkhorn Creek. Of the original property that the Cooks owned, they sold that part of the property which lies west of Elkhorn Creek and retained that part which lies east of Elkhorn Creek.

Water right **77-7065** is also owned by the Cooks and is for power and domestic use (2 houses). It has the same POD as the three other mentioned claims. The legal location for the domestic use listed in 77-7065 is given as **SWSE** of the same section, range and township as 77-4035 and claim 77-4036. The two (2) homes at that location are the residences of Daniel and David Cook and their wives.

The point of diversion is located on Elkhorn Creek and has a GPS location of **N45° 23' 47.4"** by **W116° 05' 41.9"**. The diversion consists of rock dam (*Photo 1*) and a 55 gallon barrel with a screened lower portion located in Elkhorn Creek (*Photo 2*). From the barrel, water enters a buried ten inch (10") PVC pipe (*Photo 2*) where it is conveyed about 1600 feet to the POU. For much of the way, the pipe is located along the route of an old irrigation ditch which the Cooks stated was built around 1862 or 1863 (*Photo 4*)

Irrigation is done through both flood and sprinklers. Flood irrigation is accomplished by a series of small ditches and by a moveable poly-pipe (*Photo 5*). Sprinkler irrigation is accomplished by various sprinklers attached to garden hoses (*Photo 6*). Timed measurements were taken at each sprinkler running on the day of the exam using a five (5) gallon bucket and a stopwatch. In the measurements given below, the time for each sprinkler is given in seconds per five (5) gallons.

Sprinkler #	Time Sec./5 Gal.	<i>gpm</i>
1	90	3.3333
2	75	4.0000
3	140	2.1429
4	90	3.3333
5	90	3.3333
6	90	3.3333

Total *gpm* **19.4762**

$$\frac{19.4762 \text{ gpm}}{448.83 \text{ gpm} / \text{ cfs}} \approx 0.04339 \text{ cfs} \approx \mathbf{0.04 \text{ cfs}}$$

A ditch was also being used to irrigate on the day of the exam. Because of the steepness and non-uniformity of the ditch, no flow measurements were taken. However, a visual rough estimate of the flow was between 50*gpm* and 150*gpm* (0.11 - 0.33*cfs*).

In addition to the legal location for the POU listed in the claim, part of the **NESW** and **NWSE** of the same section, range and township that lie south of the Salmon River is also part of the POU.

From a conversation with the Cooks, a search of the Idaho Department of Water Resources (IDWR) public web site, and the field exam, it was found that this claim has the same POD as water rights **77-4035**, **77-4036**, and **77-7065**. It was also found that this claim has the same irrigation POU as claims **77-4035** and **77-4036** as mentioned above.

Daniel Cook stated that the property was located on the original route between McCall and Burgdorf to the south, and the mining camps at Florence and Lucile to the north. He also stated that the original owner of the property raised produce for sale to the miners. He further stated that the old irrigation ditch (that part remaining intact) located on the property was no longer used but that it was built in 1862 or 1863 as mentioned above (*Photo 3*).

Of the original property that the Cooks owned, that part of the property which lies west of Elkhorn Creek was sold. They retained that part which lies east of Elkhorn Creek. Daniel Cook stated that the front step of one of the houses on the sold portion has a rock with the date '1863' etched in it (*Photos 8 & 9*), that the house was built during World War I, and that the rock had been in place for at least the last forty (40) years. There was also an older house (*Photo 10*) and old barn (*Photo 11*) on the sold property.

Field Examiner:

A handwritten signature in cursive script, appearing to read "Jim Zimmerman". The signature is written in black ink and is positioned below the "Field Examiner:" label.

Priority Date Data Entry Form

Claim Number 77-4031

Claimed Priority Date: 5/15/1863

Claimed Basis: Statutory Claim

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date: 5/15/1863

Water Right Basis: Statutory Claim

Recommended Priority Date

Recommended Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Reviewer:

Date:

Point of Diversion and Source Data Entry Form

Claim Number 77-4031

Claimed Point of Diversion and Source

T24N R03E S28 NENW Within IDAHO County Source: ELKHORN CREEK SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T24N R03E S28 NENW Within IDAHO County

Recommended Point of Diversion and Source

Source Information

Source

Elkhorn Creek

Tributary To

Salmon River

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>24N</u>	<u>3E</u>	<u>28</u>		<u>30 NE NW</u>	<u>Idaho</u>	<u>Elkhorn Creek</u>

Other rights from this POD? ~~None~~ 77-4035, 77-4036, 77-7065

Document how the POD and Source were verified:

GPS location N45° 23' 47.4" by W 116° 05' 41.9" / 7½ minute USGSTopo map (Kelly Mountain (1995))77

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 77-4031

Claimed Place Of Use

T24N R03E S21 Lot 7 SESW 5.0 T24N R03E S21 Lot 6 SWSE 25.0
Total Acres 30

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T24N R03E S21 Lot 7 SESW 5.0 T24N R03E S21 Lot 6 SWSE 25.0
Total Acres 30

Recommended Place of Use

☐ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
24N	3E	21	SE	SW	Idaho			
24N	3E	21	SW	SE	Idaho			
↓	↓	↓	NE	SW	↓			
↓	↓	↓	NW	SE				

Total Acres _____

Document how the POU was verified:

Co-Claimant Sketch / On site exam / Photo-Quad Map 

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 77-4031

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation				

Document how the Purpose of Use was verified:

Claimant information / On site exam. *CF*

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 77-4031

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/15	10/15	0.6	

Overall Diversion Rate 0.6

Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	5/15	10/15	0.6	

Overall Diversion Rate 0.6

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation				

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Reviewer: _____

Date: _____

Contacts Data Entry Form

Claim Number: 77-4031

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	BEATE COOK	BOX 198	RIGGINS	ID	83549	(208)628-3759
Current Owner	ANN COOK	BOX 198	RIGGINS	ID	83549	(208)628-3759
Original Owner	DANIEL W COOK	PO BOX 379	RIGGINS	ID	83549	(208)628-3759
Original Owner	JUNE B COOK	PO BOX 407	RIGGINS	ID	83549	(208)628-3976
Current Owner	DAVID J COOK	BOX 198	RIGGINS	ID	83549	(208)628-3759
Original Owner	✓ JOHN B COOK	PO BOX 407	RIGGINS	ID	83549	(208)628-3976
Current Owner	DANIEL W COOK	BOX 198	RIGGINS	ID	83549	(208)628-3759

Date of Field Exam: 6/23/05 Time: 1:00 pmDaniel & David CookAccompanied By: _____ Phone Number: (208) 628-3759Relationship to Claimant: Co-Claimants

Directions to Property (if different from above) and/or update owner information:

Go up Salmon River out of Riggins. to Elkhorn Creek.
Immediately after crossing Elkhorn Creek, turn right. Go
through gate & follow road to end.

Reviewer: _____

Date: _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 22, 1996

Re: Notices of Claim to a Water Right Nos. A77-04031, A77-07065

DAN COOK
BEATE COOK
DAVID COOK
ANN COOK
BOX 198
RIGGINS ID 83549

Claimant(s):

Enclosed are copies of the above referenced claims which reflect the change in ownership of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist
Adjudication Section
Western Region Office

LH:1

Enclosures

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OCT 24 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

for 77-4031
Note rough irrig
diagram on
field notes.

A. GENERAL INFORMATION

Permit No. 77-7065

1. Owner: DANIEL W COOK

Phone No. 628-3759

Current Address: Box 379 RIGGINS ID 83549

2. Accompanied by: Dan & Dave Cook

EXAM DATE: 7-11-95

Address: Box 379 (both)

Phone No. Above

Relationship to Permit Holder: owners

3. Source: Elkhorn Creek

tributary to Salmon River

B. OVERLAP REVIEW

1. Other water rights with the same place of use: 77-4031

2. Other water rights with the same point of diversion: 77-4031

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		SE	NE	NW	28	24N	3E	Idaho	Site visit, orthoquad

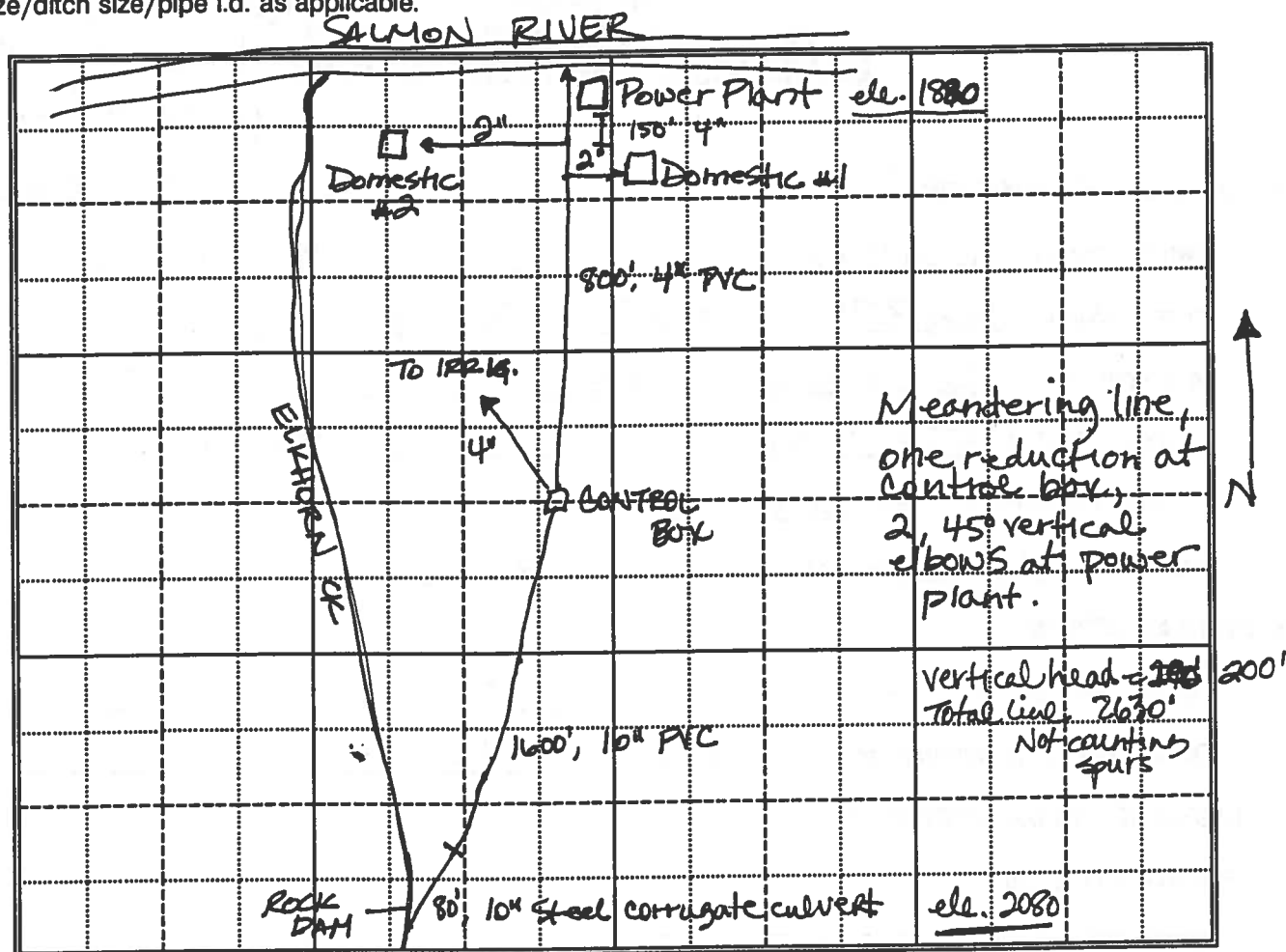
2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	3E	21															P/B		
																	L.6		

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OCT 24 1996

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.



Scale: 1" = NTS.

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

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

Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: Theoretical pipeflow measurement, See attached Permit holder est = 150 gpm. Discharge pressure @ power plant 80 psi thru 1 1/2" nozzle. Too much outflow for bucket measure. See photo. Flow controls are at power plant. Nozzle size is interchangeable 1 1/2" is most efficient.

E. NARRATIVE/REMARKS/COMMENTS

Permit is for domestic (2) and power purposes.

A rock diversion dam on Elkhorn Creek diverts to a screened 10" ~~horizontal~~ ^{horizontal} culvert then to 10" PVC penstock. After crossing ^{North} the ranch road, the buried penstock meanders along a contour for approx 1600' to a junction box in SWSWSE S21. At the junction the single line is reduced to 2, 4" lines. One ~~line~~ line bears northwest to the Irrigation System for approx 20 ac (under 77-4031). The second line continues north to the power plant, located just south of the county road. Two Spurs off this line serve 2 domestic units w/ yard irrigation of approx 1/2 ac each. Power plant consists of a belt-driven 6KW AC generator which produces all the power required ~~for~~ for the two homes. Tailwater from the plant goes ~~thru~~ under the county road and returns to the Salmon R.

Overlap only w/ 77-4031 as described above. Claims 77-4035 & 40 in the name of Cook are situated W. of Elkhorn Creek, use a different P/D, & have been purchased by another party. Claim A77-7065 filed based on this permit. Info placed in claims file.

Since permit was issued prior to 1977, yard irrigation was likely included in Domestic use. As that irrigation was developed, I am including it in the recommendation.

→ (@.04 per home)

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

(No meas device req)

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F. FLOW CALCULATIONS

Measured Method:

 Additional Computation Sheets Attached

Pipeflow equation - to power plant only (does not include
irrigation flows under 77-4031)
.32 cfs (144 gpm)

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

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

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____

2. Volume Calculations for Other Uses:

D(2 homes with yard irrigation (see remarks) $2 \times 1.2 = 2.4$

Power (capacity volume) $.32 \times 365 \times 1.9835 = 231.7$ AFA

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
POWER	1/1	12/31	.32	231.7
DOMESTIC	1/1	12/31	.08	2.4
Totals:			.32	231.7

2. Recommended Amendments

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

I. AUTHENTICATION

Field Examiner's Name cyh Date 3/29/96

Reviewer _____ Date _____

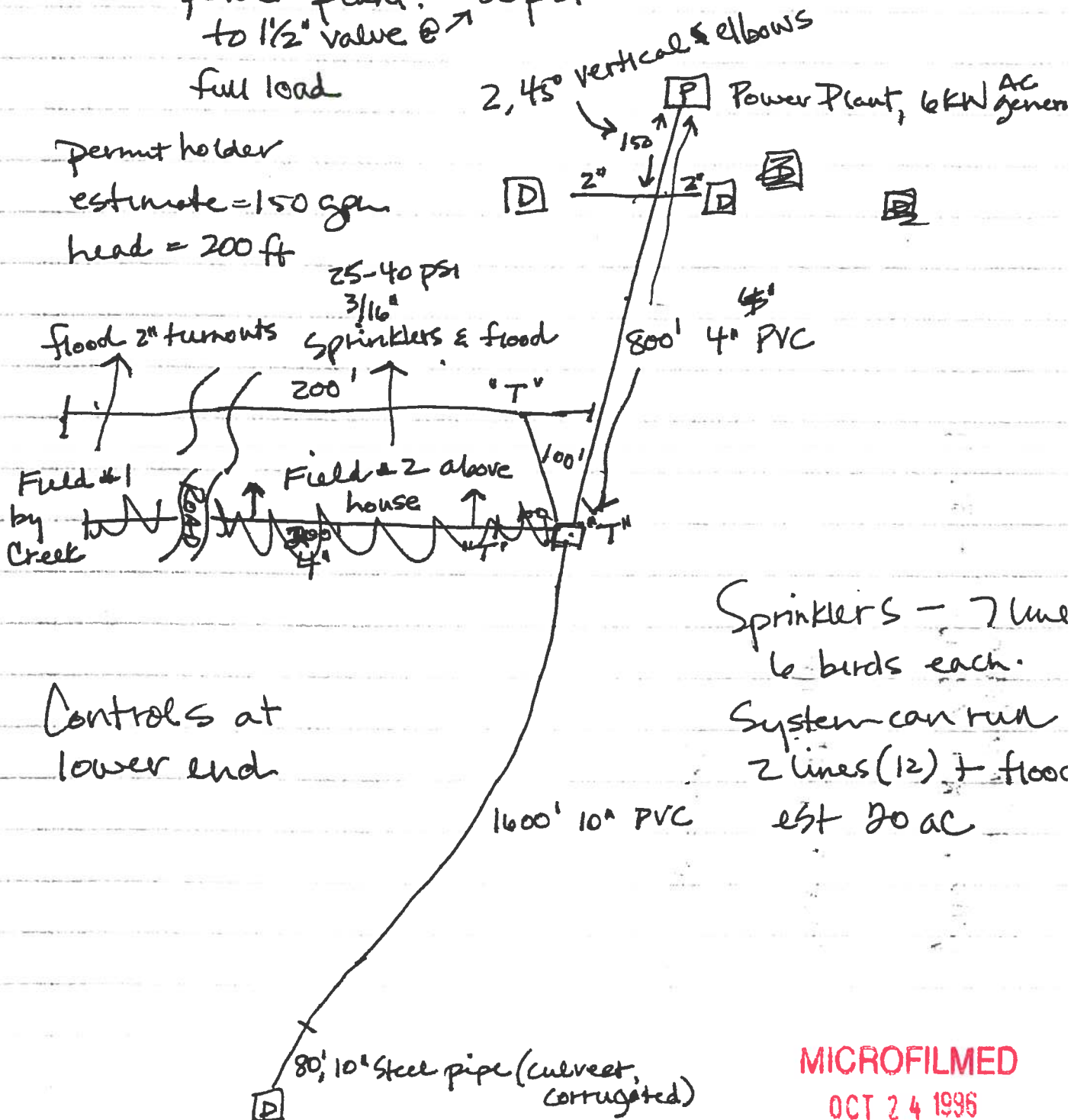
SEAL

MICROFILMED
JUL 2 1996

Cook: Diversion = rock dam, Screen 10" Steel culve (pipe)
 under road to 10" PVC - follows contour
 to a control box in Sec 21 - then reduced
 to 2, 4" lines - one for irrigation and one
 for combined uses ultimately terminating at
 Power Plant. - 80 psi
 to 1 1/2" valve @

full load

Permit holder
 estimate = 150 gpm
 head = 200 ft



Sprinklers - 7 line
 6 birds each.
 System can run
 2 lines (12) + flood
 est 20 ac

MICROFILMED
 OCT 24 1996

Pipeflow Computation Spreadsheet (DRT 12/31/1992)

Data Entered By: Cindy Hodges
3/29/96
Project: Flow Computation for Permit No. 77-07065
COOK
Given: See Data Table

Compute head losses with the Williams and Hazen Formula:
 $f = 0.2083 * (100 / \text{roughness})^{1.85} * ((\text{cfs} * 448.8)^{1.852} / \text{ID}^{4.8655} * \text{Length} / 100)$

To Find: Compute Rate of Flow

Data Table

Total Head: 200.00 feet

Pressure Req'd: 80.00 psi

Available Head: 15.20 feet

Pipe Roughness: 150.00 Note: pvc = 150, smooth and straight pipe = 140
aluminum - joint length 20' = 125, joint length
30' = 130, joint length 40' = 132, joint length
50' = 134, new riveted steel = 100
old riveted steel = 100, old cast iron = 95,
old pipes in poor condition = 60 to 80

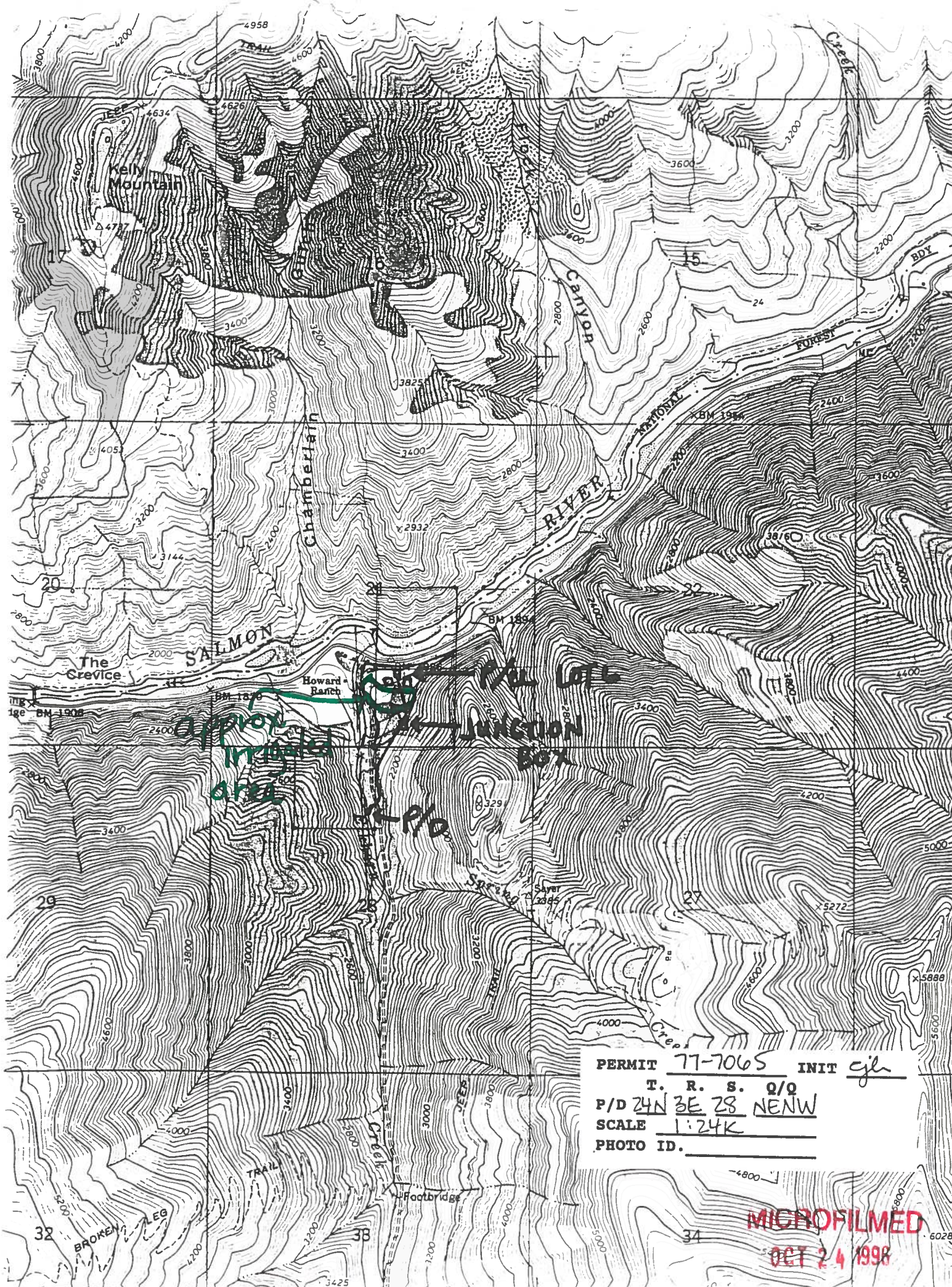
Inside Diameter in Inches	Equivalent Length in Feet	Unit Head Loss	Total Head Loss from Pipe Friction
9.75	1680.00	0.25	
3.75	950.00	14.89	
10.00	0.00	0.00	
10.00	0.00	0.00	15.14

Rate of Flow: 0.320 CFS

Solution is obtained by entering an estimated rate of flow and adjusting until Total Head Loss approximates Available Head.

This amount to power plant only
Separate spur goes to irr system
must be calculated separately.

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OCT 24 1996



PERMIT 77-7065 INIT cjl
T. R. S. Q/Q
P/D 24N 3E 28 NENW
SCALE 1:24K
PHOTO ID. _____

MICROFILMED
OCT 24 1998



MICROFILMED
OCT 24 1995



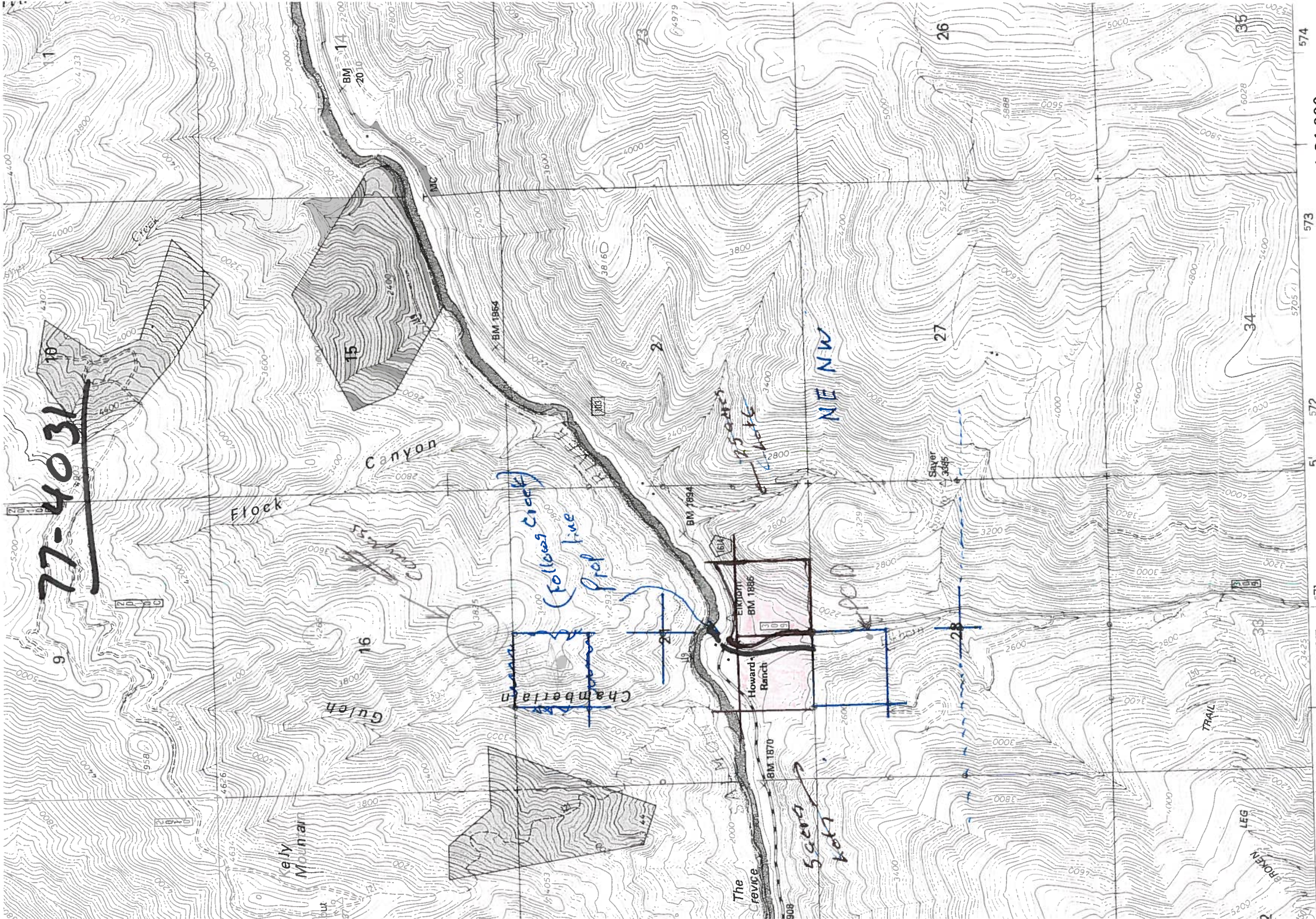
(looking south)
 approx 15 ac
 Irrigation
 in SWSE sec 21
 (lawn in foreground
 is included on
 77-7065, not
 on 4031)
 Irrigated area
 continues up into
 trees.



(looking south)
 5 ac irr
 in SESW
 Sec 21.

MICROFILMED
 OCT 24 1996

77-4031



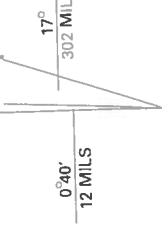
77-4031

77-4031

SCALE 1:24 000

24N 3E Sec. 28

Kelly Mountain
(1995)



ticks
software

CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
TO CONVERT FEET TO METERS, MULTIPLY BY 0.3048

UTM GRID AND 1997 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

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: **A77-04031**
Date Received: 9/22/1993
Receipt No: W016774
Received By: _____

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

1. Name:	DAN COOK	208-628-3759
Address:	BOX 198	
	RIGGINS ID	83549
AND		
Name:	BEATE COOK	208-628-3759
Address:	BOX 198	
	RIGGINS ID	83549
AND		
Name:	DAVID COOK	208-628-3759
Address:	BOX 198	
	RIGGINS ID	83549
AND		
Name:	ANN COOK	208-628-3759
Address:	BOX 198	
	RIGGINS ID	83549

2. Date of Priority: MAY 15, 1863

3. Source: ELKHORN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	03E	28	NE	NW			IDAHO

5. Description of diverting works:
HEADGATE AND PIPE, GRAVITY FLOWS, ROCK DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/15	10/15	0.600		

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

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

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	03E	21	SE	SW	7	IRR	5.0
			SW	SE	6	IRR	25.0
Section Acres							30.0
Total Acres							30.0

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:
NO LATE FEE, FILED OTHER CLAIMS ON TIME
OWNERSHIP CHANGED BY LH 4/19/96.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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

Number of attachments: _____

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 _____

POOR ORIGINAL

477-04031



MICROFILMED
AUG 08 1994

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
77-4031, 77-4035)
77-4036)
77-7065)
State of Idaho)
County of IDAHO)

AFFIDAVIT

RECEIVED
SEP 2 2 1993

Department of Water Resources
Western Regional Office

DANIEL W. COOK being first duly sworn,
deposes and says: I have been using
irrigation water, stock water, and
domestic water as per claims
77-4031, 77-4035, & 77-4036,
and 77-7065 since 1977. My home,
hydro-electric plant, and irrigated
ranch for horses are all being
supported by this water. The
location is T24N, R3E, Section 21,
NE 1/4, NW 1/4, that portion of lot 7
east of Elkhorn Creek and lot 6
in Idaho County.

Daniel W. Cook
(Signature)

Subscribed and sworn to before me this
day 17th of August, 1993.

Luella K. Buchanan
(Notary Public)

SEAL

Residing at Biggs ID
My Commission Expires 7-22-94

MICROFILMED
AUG 08 1994

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A77-4031)
A77-4035)
A77-4036, A77-7065)
State of Idaho)
County of IDAHO)

AFFIDAVIT

RECEIVED
SEP 22 1993

Department of Water Resources
Western Regional Office

Dale E. Astle

being first duly sworn,

deposes and says: It is my personal Knowledge
that the use of irrigation water and
stock water as per claim #A77-4036
has been continuous since the date of
priority of January 1, 1968 on the following
lands: T24N, R3E, Section 21, NE 1/4, NW 1/4,
that portion of lot 7 east of Elkhorn Creek
and lot 6, in Idaho County. (Property owned by
Dan & David Cook on the east side of Elkhorn
Creek) My personal Knowledge also is that use
of water for hydro-power & domicile as well as stock
and irrigation water has been continuous since
Dan W. Cook moved onto the property in 1977,
as per claims #A77-4031, A77-4035, A77-4036,
and 77-7065.

Dale E. Astle

(Signature)

Subscribed and sworn to before me this
day 16 of August, 1993.

SEAL

Loretta K. Buchanan
(Notary Public)

Residing at Riggins ID.

My Commission Expires 7-22-94.

MICROFILMED

AUG 08 1994

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

A77-4031 A77-4035
A77-4036 A77-7065

State of Idaho)
County of Idaho)

AFFIDAVIT

RECEIVED

SEP 22 1993

Department of Water Resources
Western Regional Office

Marvin R. Thach being first duly sworn,
deposes and says: It is my personal Knowledge
that the use of irrigation water and
stock water as per claim #A77-04036
has been continuous since the date of
priority of January 1, 1968 on the following
lands: T24N, R3E, Section 21, NE 1/4, NW 1/4,
that portion of lot 7 east of Elkhorn Creek
and lot 6, in Idaho County. (Property owned by
Dan & David Cook on the east side of Elkhorn
Creek) My personal Knowledge also is that use
of water for hydro-power & domicile as well as stock
and irrigation water has been continuous since
Dan W. Cook moved onto the property in 1977,
as per claims #A77-4031, A77-4035, A77-4036,
and 77-7065.

Marvin R. Thach
(Signature)

Subscribed and sworn to before me this
day 16 of August, 1993.

SEAL

Louetta K. Guberson
(Notary Public)

Residing at Riggins.

My Commission Expires 2-22-94.

MICROFILMED

AUG 08 1994

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A77-4031, A77-4035)
A77-4036, A77-7065)
State of Idaho)
County of Idaho)

AFFIDAVIT

RECEIVED
SEP 22 1993

Department of Water Resources
Western Regional Office

Diane Thach being first duly sworn,
deposes and says: It is my personal knowledge
that the use of irrigation water and
stock water as per claim #A77-04036
has been continuous since the date of
priority of January 1, 1968 on the following
lands: T24N, R3E, Section 21, NE 1/4, NW 1/4,
that portion of lot 7 east of Elkhorn Creek
and lot 6, in Idaho County. (Property owned by
Dan & David Cook on the east side of Elkhorn
Creek) My personal knowledge also is that use
of water for hydro-power & domicile as well as stock
and irrigation water has been continuous since
Dan W. Cook moved onto the property in 1977,
as per claims #A77-4031, A77-4035, A77-4036,
and 77-7065.

Diane Thach
(Signature)

Subscribed and sworn to before me this
day 16 of August, 1993.

SEAL

Louella K. Buehner
(Notary Public)

MICROFILMED

AUG 08 1994

Residing at Riggins.

My Commission Expires 7-22-94.

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S)

A77-4031, A77-4035
A77-4036, A77-7065

State of Idaho)
County of Idaho)

AFFIDAVIT

RECEIVED

SEP 22 1993

Department of Water Resources
Western Regional Office

Lester Lowe being first duly sworn,
deposes and says: It is my personal Knowledge
that the use of irrigation water and
stock water as per claim #A77-04036
has been continuous since the date of
priority of January 1, 1968 on the following
lands: T24N, R3E, Section 21, NE 1/4, NW 1/4,
that portion of lot 7 east of Elkhorn Creek
and lot 6, in Idaho County. (Property owned by
Dan & David Cook on the east side of Elkhorn
Creek) My personal Knowledge also is that use
of water for hydro-power & domicile as well as stock
and irrigation water has been continuous since
Dan W. Cook moved onto the property in 1977,
as per claims #A77-4031, A77-4035, A77-4036,
and 77-7065.

Lester Lowe
(Signature)

Subscribed and sworn to before me this
day 16 of August, 1993.

Carolyn Buxton
(Notary Public)

MICROFILMED

Residing at Riggins

AUG 08 1994

My Commission Expires 08-05-98.

SEAL

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))
A77-4031, A77-4035)
A77-4036, A77-7065)
State of Idaho)
County of Idaho)

AFFIDAVIT

RECEIVED

SEP 22 1993

Department of Water Resources
Western Regional Office

June B. Cook being first duly sworn,
deposes and says: It is my personal Knowledge
that the use of irrigation water and
stock water as per claim #A77-04036
has been continuous since the date of
priority of January 1, 1968 on the following
lands = T24N, R3E, Section 21, NE 1/4, NW 1/4,
that portion of lot 7 east of Elkhorn Creek
and lot 6, in Idaho County. (Property owned by
Dan & David Cook on the east side of Elkhorn
Creek) My personal Knowledge also is that use
of water for hydro-power & domicile as well as stock
and irrigation water has been continuous since
Dan W. Cook moved onto the property in 1977,
as per claims #A77-4031, A77-4035, A77-4036,
and 77-7065.

June B. Cook
(Signature)

Subscribed and sworn to before me this
day 13 of August, 1993.

SEAL

Louella K. Buchanan
(Notary Public)

Residing at Piggins, ID.

My Commission Expires 7-22-94

MICROFILMED

AUG 08 1994

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

A77-4031, A77-4035
A77-4036, A77-7065

State of Idaho)
County of Idaho)

AFFIDAVIT

RECEIVED
SEP 2 2 1993

Department of Water Resources
Western Regional Office

Paul A. Campbell being first duly sworn,

deposes and says: It is my personal knowledge
that the use of irrigation water and
stock water as per claim #A77-04036
has been continuous since the date of
priority of January 1, 1968 on the following
lands: T24N, R3E, Section 21, NE 1/4, NW 1/4,
that portion of lot 7 east of Elkhorn Creek
and lot 6, in Idaho County. (Property owned by
Dan & David Cook on the east side of Elkhorn
Creek) My personal knowledge also is that use
of water for hydro-power & domicile as well as stock
and irrigation water has been continuous since
Dan W. Cook moved onto the property in 1977,
as per claims #A77-4031, A77-4035, A77-4036,
and 77-7065.

Paul A. Campbell
(Signature)

Subscribed and sworn to before me this
day 16th of August, 1993.

SEAL

Vicky Lowe
(Notary Public)

Residing at Piggins, Idaho

My Commission Expires April 27, 1999

MICROFILMED

AUG 08 1994