

12/13/2005

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

RIGHT NUMBER: 77-4035

NAME AND ADDRESS: SALMON RIVER RETREATS LLC
BOX 5405
BOISE ID 83716

SOURCE: ELKHORN CREEK
SPRING

TRIBUTARY: SALMON RIVER
TRIBUTARY: ELKHORN CREEK

QUANTITY: 0.830 CFS

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

PRIORITY DATE: 05/15/1863

POINT OF DIVERSION:

T24N R03E S28 SWNE Within IDAHO County

T24N R03E S28 SWNE 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	0.740 CFS
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R03E S21 Lot 8 SWSW 7.0 T24N R03E S21 Lot 7 SESW 30.0

STOCKWATER Within IDAHO County

T24N R03E S21 Lot 8 SWSW T24N R03E S21 Lot 7 SESW

DOMESTIC Within IDAHO County

T24N R03E S21 Lot 7 SESW

37 ACRES TOTAL

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

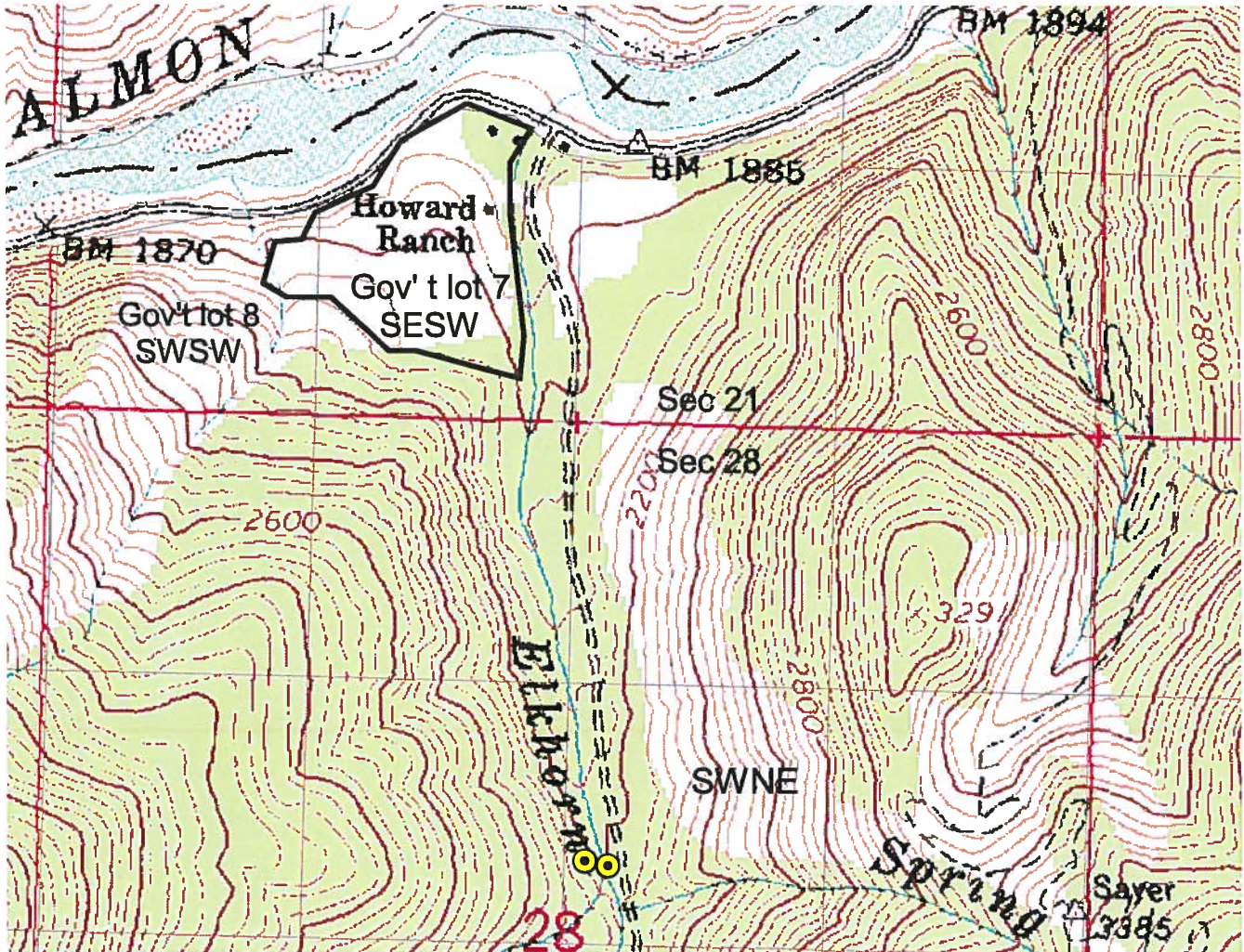
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-4035



0 700 1400 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



07/10/1998

COMMUNICATION DOCUMENTATION

Claim No.: A77-04035B

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent: Sally Sherman

Date: July 10, 1998

Contact Person(s): Dave Cook (208/678-3759) Very nice, most cooperative.

Nature of Contact:

Mr. Cook was responding to my letter of 6/30/1998, regarding an address change and the fact that the County shows no improvements on the property associated with this claim.

Mr. Cook informed me Gerald and Geneva Kooyers defaulted on the property sale and Ron Yanke now owns the property with this water right. Mr. Cook's mother, June B. Cook is paying the taxes on the property until Mr. Yanke pays her in full for the property. June B. Cook wants to remain as claimant along with Mr. Yanke until property is paid off. John B. Cook is deceased.

Mr. Cook told me there are indeed two houses on the property, and also two houses on the other side of Elkhorn Creek. He and his brother own one side and Yanke owns the other side. Mr. Cook will send me copies of his tax notices plus go talk to the County. He will call Yanke's attorney and have him send documentation for the two houses on Yanke's side.

later 7/10/98 - explained above to Don. He said don't worry about Yanke - it's their responsibility to tell us of an ownership change. Removing Kooyers from claim is simply an address change since they are c/o vs. claimants.

I called Dave Cook at 4:20pm and left this message.

77-4035A



Photo 1: POD looking north.

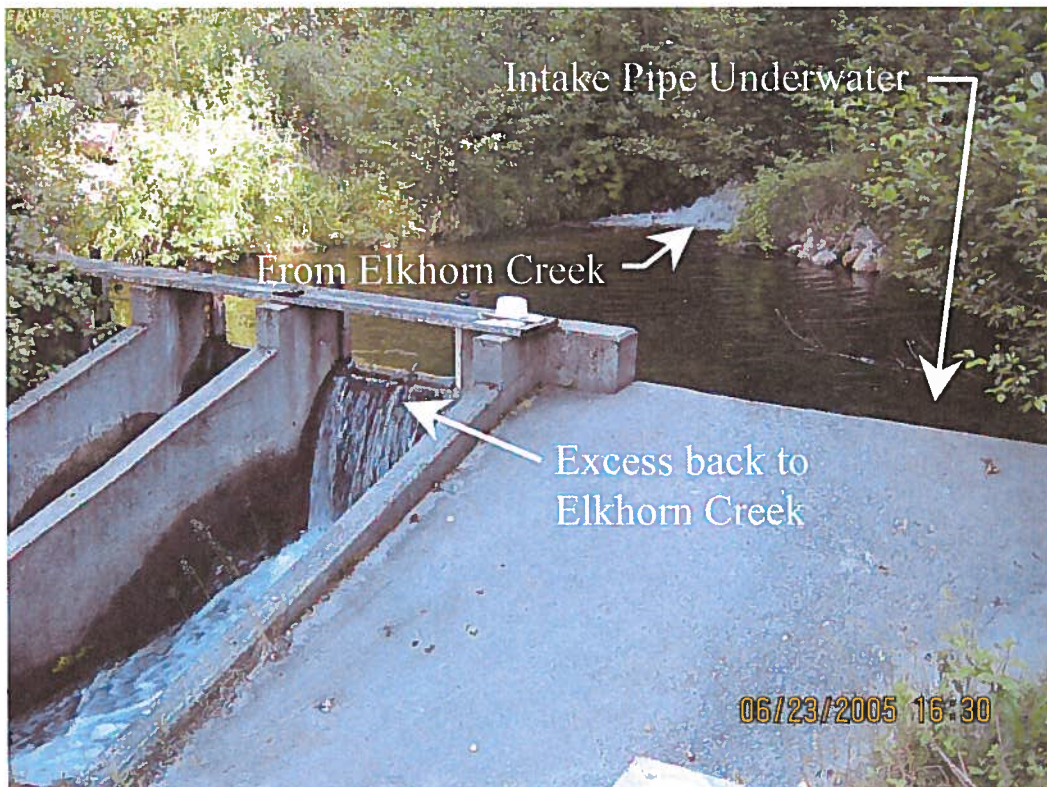


Photo 2: Lateral split looking southeast.

77-4035A

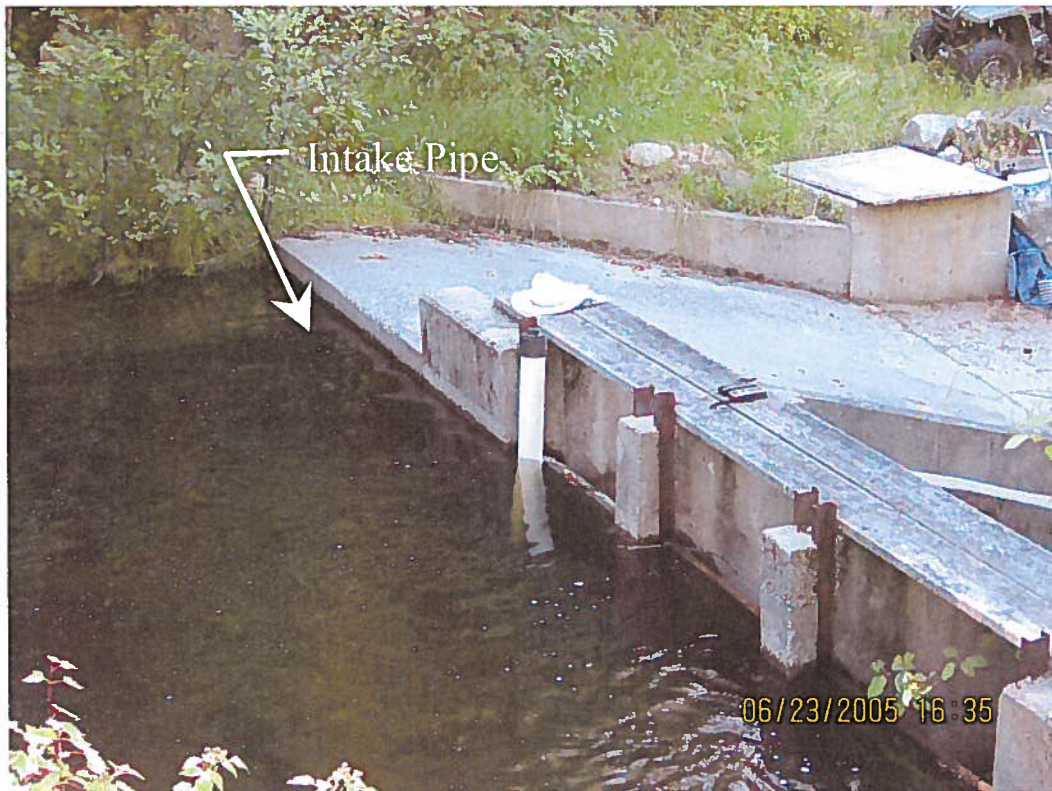


Photo 3: Lateral split looking northwest.

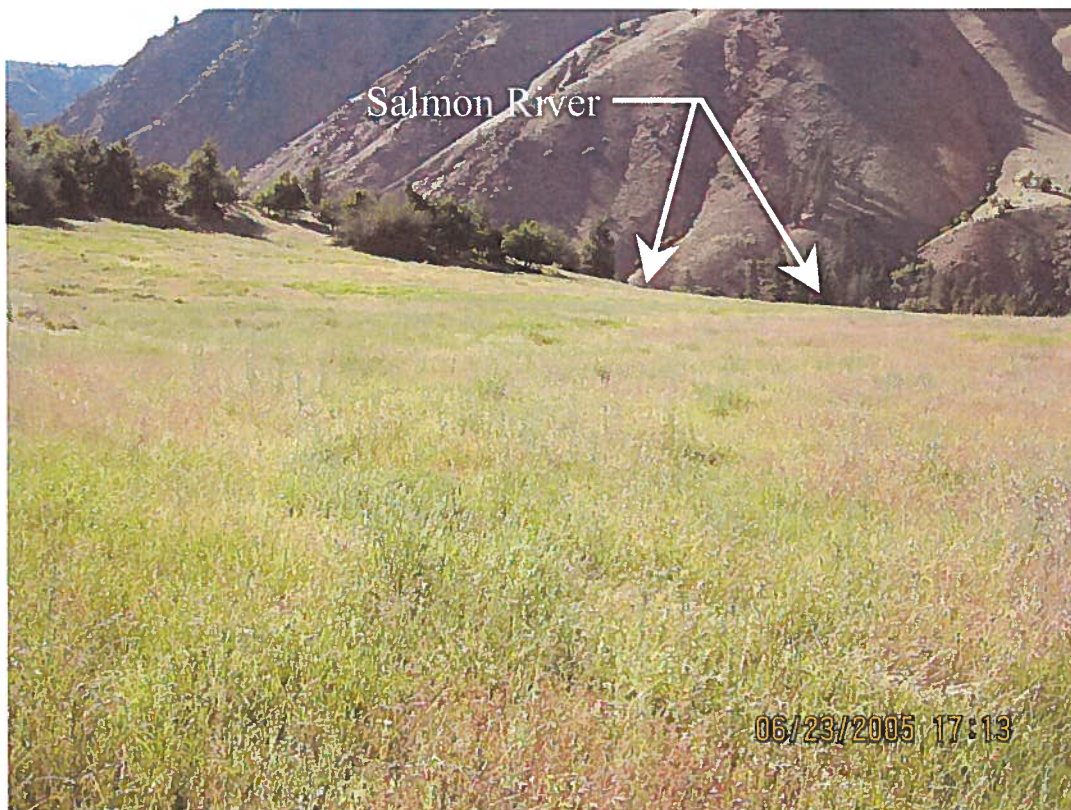


Photo 4: POU. Looking northwest over hayfield from the point where water enters the field.

77-4035A



Photo 5: Looking southeast at discharge pipe at upper end of hayfield.



Photo 6: Valve separating irrigation water from powerhouse water.

77-4035A



Photo 9: Date (1863) scratched on rock.

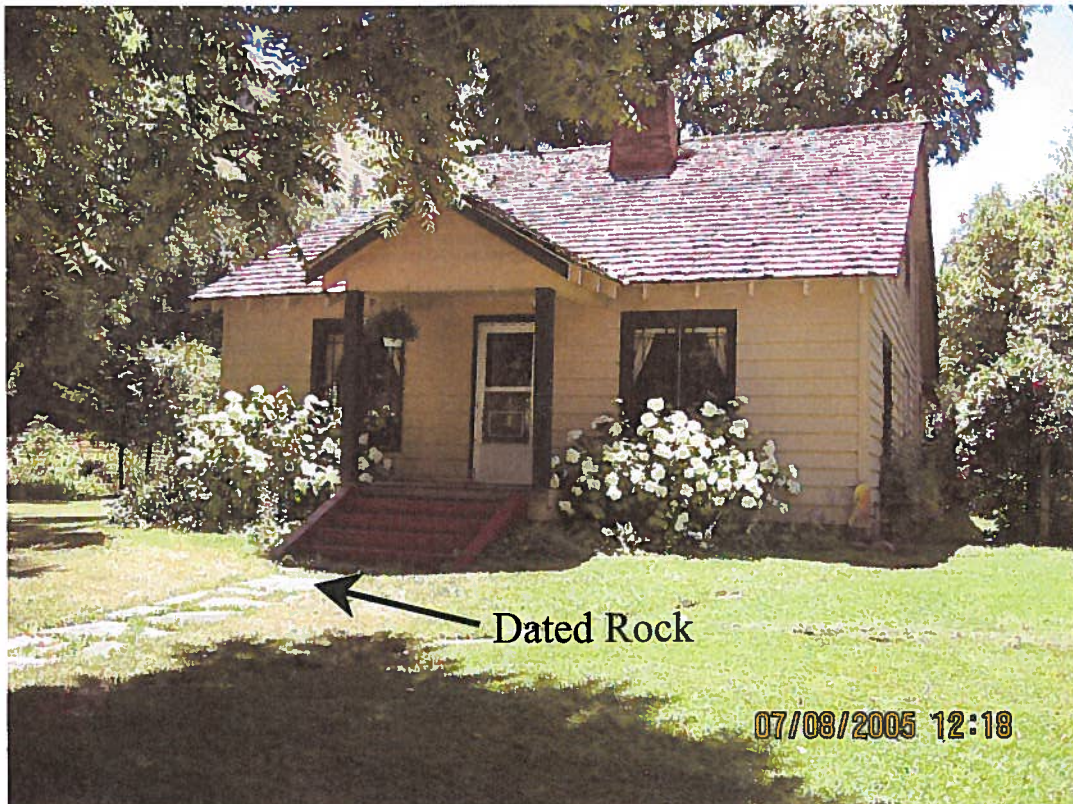


Photo 10: House with dated rock in step.

77-4035



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. and/or June B. Cook
(name of claimant)
of Box 407 Riggins Id., claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe the source of water: (name of stream, lake, spring, etc., or ground water) Elkhorn Cr.
_____, 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>.04</u> | Use | <u>Domestic</u> | Period of Use: | From | <u>1/1</u> | To | <u>12/31</u> |
| Amount | <u>.74</u> | Use | <u>Irrigation</u> | Period of Use: | From | <u>7/1</u> | To | <u>10/31</u> |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/l) | | (dom., Irr.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: .78 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)
SW ¼ NE ¼, Sec. 28 Twp. 27N 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. Gravity Flow 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]

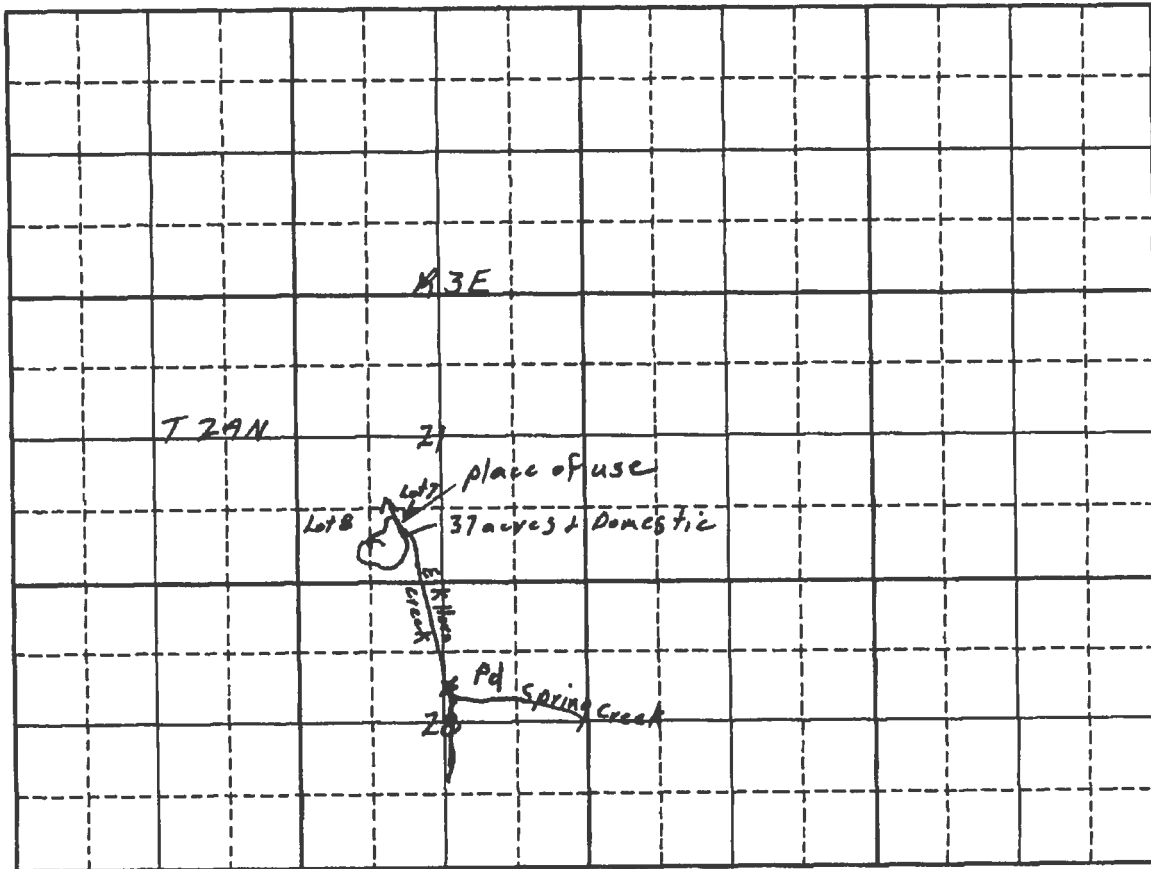
Total No. of acres 37

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

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

MICROFILMED

(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 30th day of December, 1977.
June B. Cook (Claimant)
John Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by <u>GLG</u>	Date <u>12/30/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GLG</u>	Date <u>1/3/78</u>		claimant by:	
\$10.00 fee received by <u>GLG</u>	Date <u>12/30/77</u>	# <u>9719</u>		
Approved for publication by _____				
Published in _____				
Dates _____				

SALMON RIVER RETREAT, L.L.C.

P.O. Box 5405 (83705)

4414 S. Gekeler Lane

Boise, ID 83716

208/342-8901

208/338-2215 (fax)

rdheaton@yankemachine.com

July 1, 2005

HAND DELIVERED

IDWR
WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705-5082

RECEIVED
JUL 11 2005
IDWR/North

Re: Water Right No.: 77-4035A

Gentle people:

Enclosed is a Notice of Change in Water Right Ownership for Water Right No. 77-4035A (the "Notice"). Included with the Notice are two Warranty Deeds which document the ownership by Salmon River Retreat, L.L.C. of the land on which both the point of diversion and place of use are located. Also included is a map provided by IDWR with the place of use in Section 21, T24N, R3E circled.

Should you need anything more please contact the undersigned at 342-8901.

Sincerely,



RICHARD D. HEATON
General Counsel

RDH/lo

Enc.

RECEIVED
JUL 01 2005
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED**JUL 01 2005****WATER RESOURCES
WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
<u>77-4035A</u>	<u>77-4035A</u>	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐
_____	_____	☐	_____	_____	☐

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

See Attached

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) John B. Cook and June B. Cook
P.O. Box 407, Riggins, ID 83549
4. New Owner/Claimant(s) SALMON RIVER RETREAT, L.L.C.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 4414 S. Gekeler Lane
- City, State and ZIP Code Boise, ID 83716
- New Telephone Number (208) 342-8901
5. Date you acquired the property March 3, 1995;
See two Deeds Attached November 11, 1997

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) SALMON RIVER RETREAT, L.L.C.
(include title if applicable)
By: Bryan S. Norby
Bryan S. Norby, Manager

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 77-4035A

WATER RIGHT NUMBER: 77-4035A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JUNE B COOK PO BOX 407 RIGGINS, ID 83549 (208)628-3976
Current Owner	JOHN B COOK PO BOX 407 RIGGINS, ID 83549 (208)628-3976

Priority Date: 05/15/1863

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
ELKHORN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.740 CFS	
	<u>Total Diversion:</u>	0.740 CFS	

Location of Point(s) of Diversion

ELKHORN CREEK	SW1/4NE1/4	Sec. 28, Twp 24N, Rge 03E, B.M.
IDAHO County		

Place of Use

IRRIGATION

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	03E	21											7.0	30.0					37.0
													L 8	L 7					

Total Acres: 37

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 77-4035A

Claim Received Date: 7/28/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

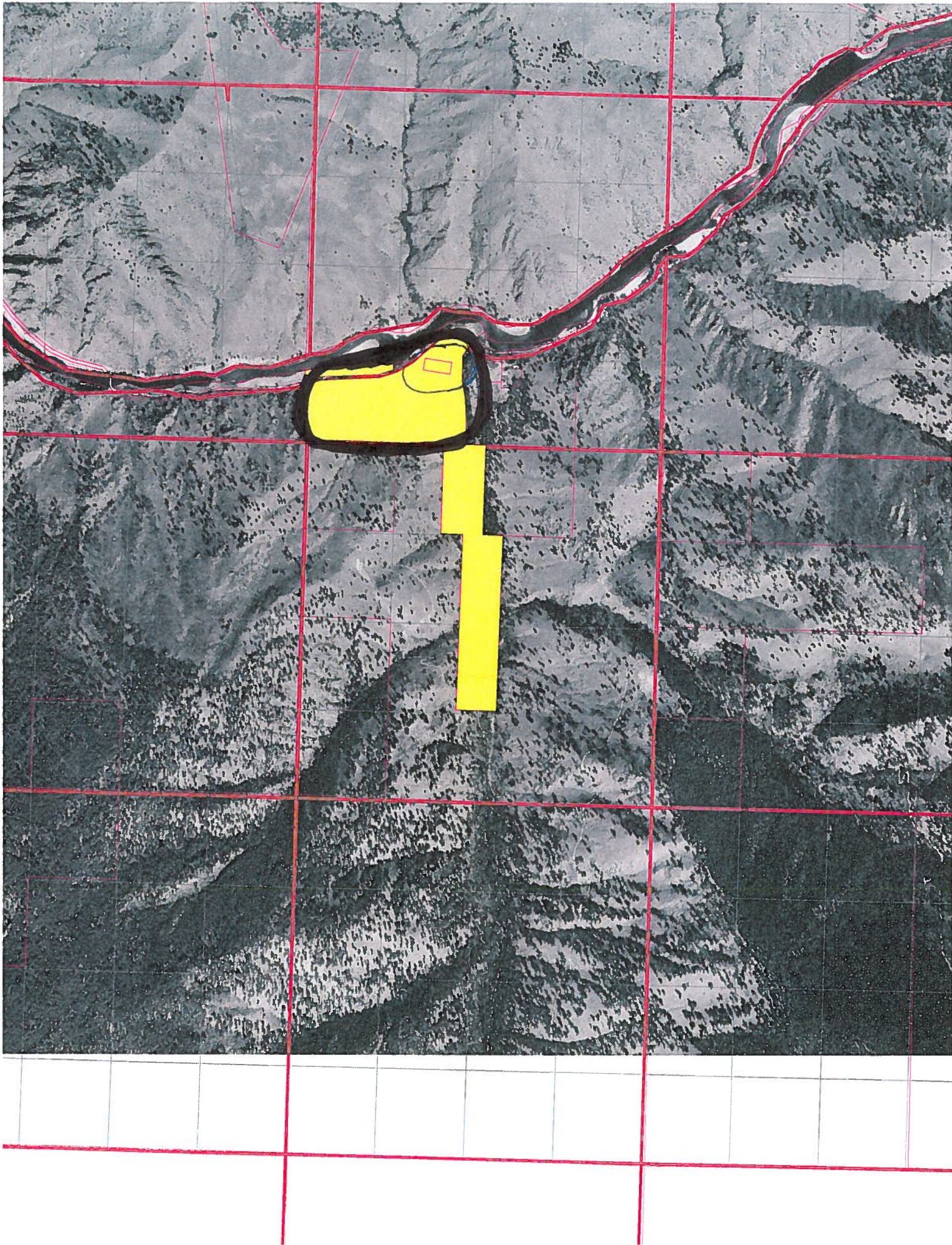
DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:



PLEASE RECORD AND RETURN TO:
Richard D. Heaton
P.O. Box 5405
4414 S. Gekeler Lane
Boise, ID 83705

COMPUTER 1 1
INDEXED 1 1
TRACTED 1 1
FILMED 1 1
ASSESSOR 1 1

MAIL TAX STATEMENTS TO:
SALMON RIVER RETREAT, L.L.C.
4414 S. Gekeler Lane
Boise, ID 83705

379144

WARRANTY DEED

FOR VALUE RECEIVED RONALD C. YANKE and LINDA L. YANKE, husband and wife, the Grantors, whose address is 4414 S. Gekeler Lane, Boise, Idaho 83705, do hereby GRANT, BARGAIN, SELL AND CONVEY unto SALMON RIVER RETREAT, L.L.C., an Idaho limited liability company, the Grantee, whose current address is 4414 S. Gekeler Lane, Boise, Idaho 83705, the following described real property, in IDAHO COUNTY, IDAHO to wit:

The real property which is more particularly described on EXHIBIT "A" attached hereto and by this reference made a part hereof;

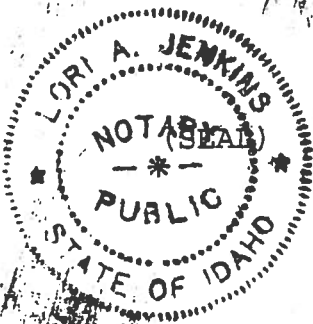
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantee, its representatives, successors and assigns forever. The Grantors do hereby covenant to and with the Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances except current year's taxes, levies, and assessments, and except restrictions, reservations and easements of record and easements visible upon the premises, and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: March 3, 1995

Ronald C. Yanke

Linda L. Yanke
Linda L. Yanke

On this 3rd day of March, 1995, before me, a notary public in and for said State, personally appeared RONALD C. YANKE and LINDA L. YANKE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



me to be the persons whose names are
instrument, and acknowledged to me that



Notary Public for the state of Idaho
Residing at: Borke, Idaho
My commission expires: 7/12/95

Exhibit "A"

Township 24 North, Range 3 East, Boise Meridian, Idaho County, Idaho
Section 21: A tract of land located in the SW $\frac{1}{4}$ and more particularly described

as:

Beginning at the SW Section Corner for said Section 21 (a brass cap & pipe)

thence North 89°40'00" East, 2634.508 feet to the South $\frac{1}{4}$ Corner (a stone) for said Section 21, the basis of bearing

thence North 38°28'53" West, 1568.825 feet to Corner One and the True Point of Beginning

thence South 83°00'00" East, 400.00 feet to Corner Two

thence South 07°00'00" West, 200.00 feet to Corner Three

thence North 83°00'00" West, 506.342 feet to Corner Four

thence North 35°00'00" East, 226.515 feet to Corner One and the Place of Beginning

All positions called as Corners are marked with a 24" x 5/8" diameter steel pin

Also an easement for access and utilities, and an easement for access and maintenance of a spring box and pipeline as described in Warranty Deed, Instrument No. 298293.

STATE of IDAHO	{ ss
County of Idaho	
Recorded at request of <u>INLAND TITLE CO.</u>	
at <u>50</u> minutes past <u>2</u> o'clock <u>P.</u> M.	
this <u>6</u> day of <u>March</u> 19 <u>95</u>	
<u>ROSE E. GEHRING</u>	
By <u>Sandy Moin</u>	Recorder
For \$ <u>9.00</u>	Deputy

396736

PLEASE RECORD AND RETURN TO:
Richard D. Heaton
P.O. Box 5405
Boise, ID 83705

MAIL TAX STATEMENTS TO:
SALMON RIVER RETREAT, L.L.C.
4414 S. Gekeler Lane
Boise, ID 83716

STATE of IDAHO	
County of Idaho	
Recorded at request of <u>INLAND TITLE CO.</u>	
at <u>45</u> minutes past <u>2</u> o'clock <u>9</u> M.	
this <u>13</u> day of <u>November</u> , 19 <u>97</u>	
<u>ROSE E. GEHRING</u>	
By <u>Sandy L. Linn</u>	Recorder
Fees \$ <u>9.00</u>	Deputy

WARRANTY DEED

FOR VALUE RECEIVED RONALD C. YANKE and LINDA L. YANKE, husband and wife, the Grantors, whose address is 4414 S. Gekeler Lane, Boise, Idaho 83716, do hereby GRANT, BARGAIN, SELL AND CONVEY unto SALMON RIVER RETREAT, L.L.C., an Idaho limited liability company, the Grantee, whose current address is 4414 S. Gekeler Lane, Boise, Idaho 83716, the following described real property, in IDAHO COUNTY, IDAHO to wit:

The real property which is more particularly described on EXHIBIT "A" attached hereto and by this reference made a part hereof;

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the Grantee, its representatives, successors and assigns forever. The Grantors do hereby covenant to and with the Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances except current year's taxes, levies, and assessments, and except restrictions, reservations and easements of record and easements visible upon the premises, and that they will warrant and defend the same from and all lawful claims whatsoever.

DATED: November 11, 1997

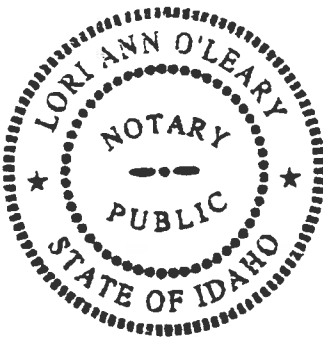
~~Ronald C. Yanke~~

~~Ronald C. Yanke~~

Linda L. Yanke
Linda L. Yanke

STATE OF IDAHO)
) ss
COUNTY OF ADA)

On this 11th day of November, 1997, before me, a notary public in and for said State, personally appeared RONALD C. YANKE and LINDA L. YANKE, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Notary Public for the state of Idaho

Residing at:

My commission expires:

WARRANTY DEED

Exhibit "A"

The West 300 feet of the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$), the East 300 feet of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$), the West 300 feet of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}NE\frac{1}{4}$), the East 300 feet of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}NW\frac{1}{4}$), the East 600 feet of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}NW\frac{1}{4}$), all in Section Twenty-Eight (28), Township Twenty-four (24) North, Range Three (3) East, Boise Meridian, Idaho County, Idaho, and Lot Eight (8) and all of Lot Seven (7) lying West of the centerline of Elkhorn Creek, in Section Twenty-one (21), Township Twenty-four (24) North, Range Three (3) East, Boise Meridian, Idaho County, Idaho

LESS: A tract of land located in the Southwest One-quarter ($SW\frac{1}{4}$) of Section Twenty-one (21), Township Twenty-four (24) North, Range Three (3) East, Boise Meridian, Idaho County, Idaho and more particularly described as beginning at the Southwest Section Corner for said Section Twenty-one (a brass cap and pipe);

thence N. $89^{\circ} 40' 00''$ E, 2634.508 feet to the South one quarter corner (a stone) for said Section Twenty-one, the basis of bearing;
thence N. $38^{\circ} 23' 53''$ W., 1568.825 feet to corner one and the true point of beginning;
thence S. $83^{\circ} 00' 00''$ E., 400.00 feet to corner two;
thence S. $07^{\circ} 00' 00''$ W., 200.00 feet to corner three;
thence N. $83^{\circ} 00' 00''$ W., 506.342 feet to corner four;
thence N. $35^{\circ} 00' 00''$ E., 226.515 to corner one and the place of beginning.

77-4035

Field Exam Notes

Date of Exam: June 23, 2005

The field exams for this claim and claims **77-4031** 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, this claim and claim **77-4036** each list a domestic use for two (2) houses. According to these 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 this claim and claim **77-4036**. The two (2) homes at that location are the residences of Daniel and David Cook and their wives.

The single POD 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 by 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. A visual estimate of the flow was between 50*gpm* and 150*gpm* (0.11 - 0.33*cfs*).

The claim lists the legal location of both the two (2) PODs as **SWNE** Sec. 28, Rge. 3E, Twp. 24N, BM. As mentioned above, there is only one (1) POD which is located on Elkhorn Creek in **NENW** of the same section, range and township as the listed location. Daniel Cook stated that no spring (listed as a source in this claim) was ever developed.

The claim lists **SWSW**, SESW, 21, Rge. 3E, Twp. 24N, BM. as the irrigation POU. It was found that **SWSW** is not part of the POU but that the irrigation POU does include **SWSE** of the same section, range and township and that part of the **NESW** and **NWSE** that lie south of the Salmon River also of the same section, range and township.

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 **77-4031**, **77-4036**, and **77-7065** as mentioned above. It was also found that this claim has the same irrigation POU as claims **77-4031** and **77-4036** also mentioned above.

The claim lists June B. Cook as the owner of record. Mrs. Cook is deceased and the property is owned by members of the Cook family (see **77-4031**).

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 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. Mr. 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, reading "Jim Zimmerman". The signature is written in black ink and is positioned below the "Field Examiner:" label.

Priority Date Data Entry Form

Claim Number 77-4035

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 77-4035

Claimed Point of Diversion and Source

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

T24N R03E S28 SWNE Within IDAHO County Source: SPRING ELKHORN CREEK

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

T24N R03E S28 SWNE 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>SWNE NW</u>	<u>Idaho</u>	<u>Elkhorn Creek</u>

Other rights from this POD? 77-4035, 77-4036, 77-7065

Document how the POD and Source were verified:

GPS location N 45° 23' 47.4" by W 116° 5' 41.9"C1565 7½ min Topo Map (Kelly Mountain (1995))

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 77-4035

Claimed Place Of Use

T24N R03E S21 Lot 8 SWSW 7.0 T24N R03E S21 Lot 7 SESW 30.0
 T24N R03E S21 Lot 7 SESW

Total Acres 37

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T24N R03E S21 Lot 7 SESW
 T24N R03E S21 Lot 8 SWSW 7.0 T24N R03E S21 Lot 7 SESW 30.0

Total Acres 37

Recommended Place of Use

☐ See corrections to claimed POU above

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

See Notes for Domestic Use 7/3

Total Acres _____

Document how the POU was verified:

On site Exam / Conversation with Daniel Cook / Photo-aerial map
 (Daniel indicating on Map) 7/3

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 77-4035

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			
DOMESTIC			

☐ 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
DOMESTIC			
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:

Conversation with Daniel Cook / On site Exam 7/7

Reviewer: _____

Date: _____

See Notes
for
Domestic
7/3

Period of Use and Quantity Data Entry Form

Claim Number 77-4035

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	0.74	
DOMESTIC	1/01	12/31	0.04	

Overall Diversion Rate 0.78

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	4/01	10/31	0.74	
DOMESTIC	1/01	12/31	0.04	

Overall Diversion Rate 0.78

Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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: 77-4035

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JUNE B COOK	PO BOX 407	RIGGINS	ID	83549	(208)628-3976

Date of Field Exam: 6-23-05 Time: 1:00 pmAccompanied By: David E David Phone Number: (208) 628-3759
cookRelationship to Claimant: Son

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

Go up main Salmon River out of Riggins to Elkhorn Creek.
Immediately after crossing Elkhorn Creek, go through gate
E Sallow road to end

Reviewer: _____

Date: _____



Photo 1: Rock dam at POD.

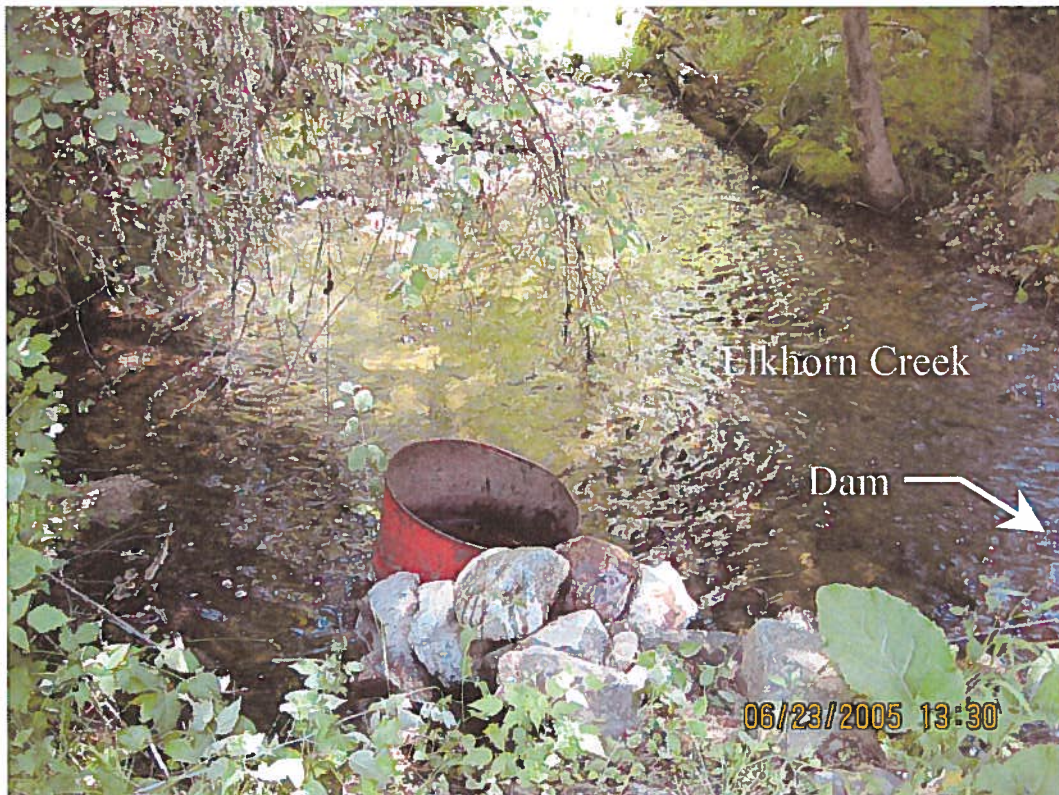


Photo 2: POD showing 55 gallon barrel intake.

77-4035



Photo 3: Ten inch PVC conveyance pipe.

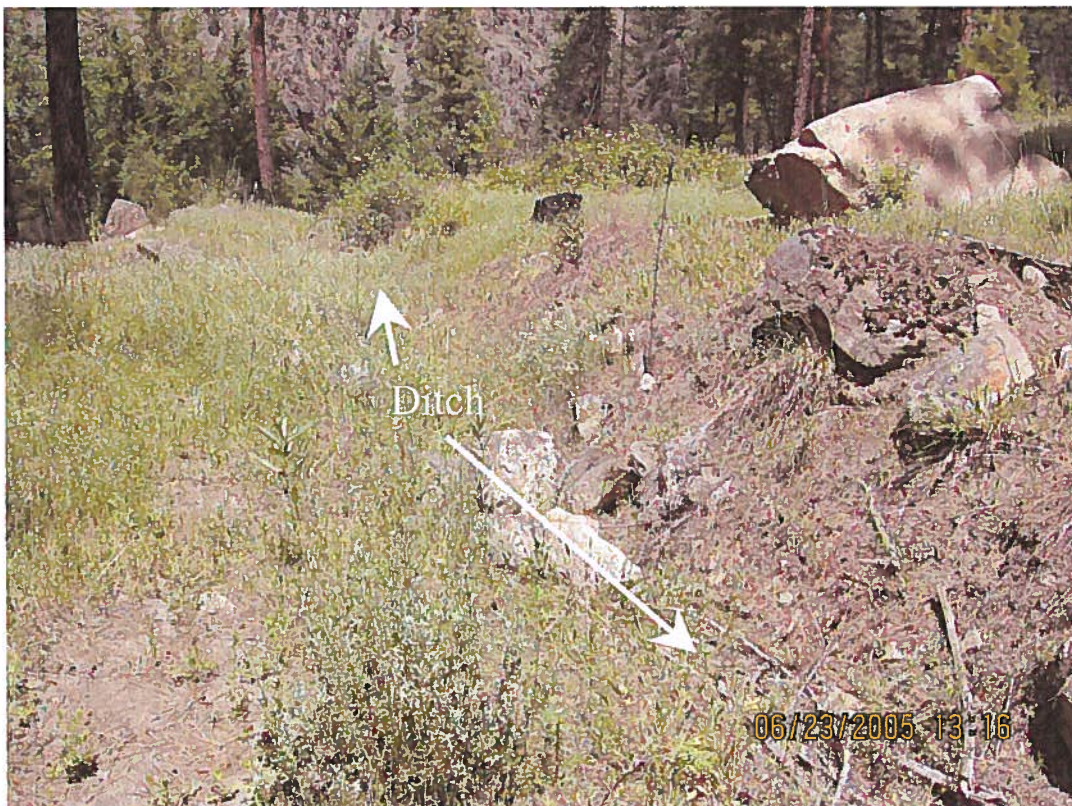


Photo 4: Looking approximately north across old 1862-1863 ditch.



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



Photo 6: Typical sprinkler.

77-4035



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



Photo 8: Date (1863) on rock.

77-4035

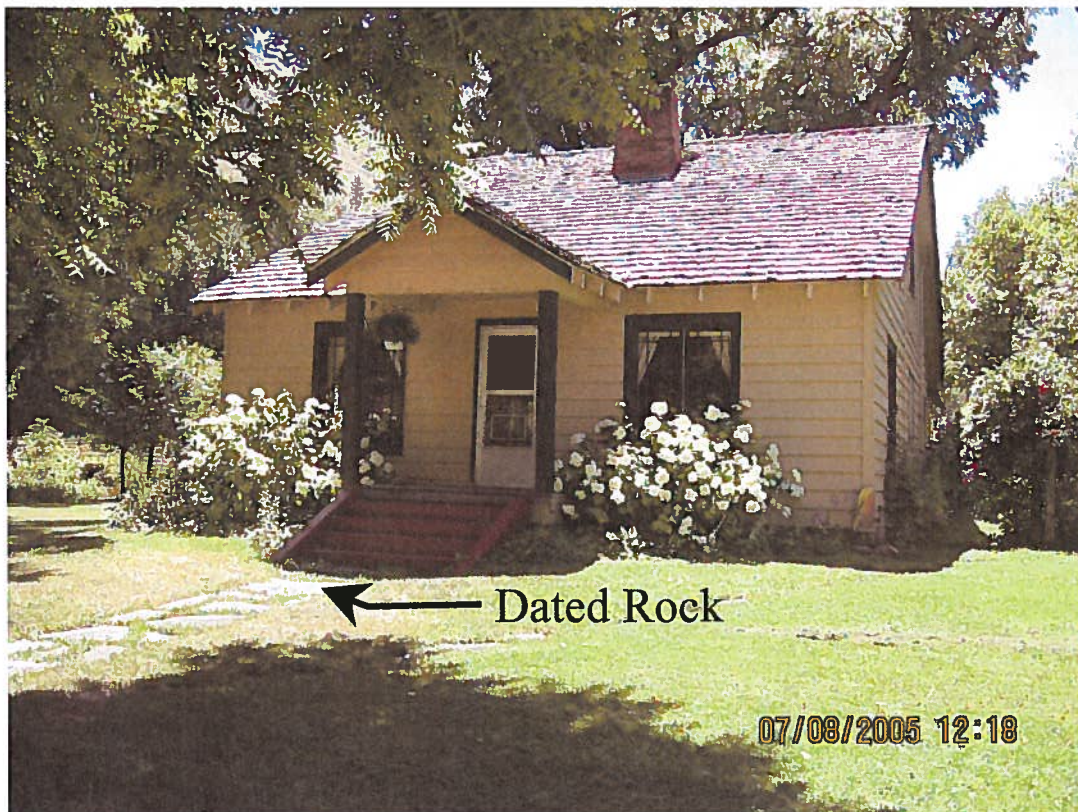


Photo 9: Looking southwest to house on sold property where dated rock is in step.



Photo 10: Looking south toward old house located east of house with dated rock.

77-4035

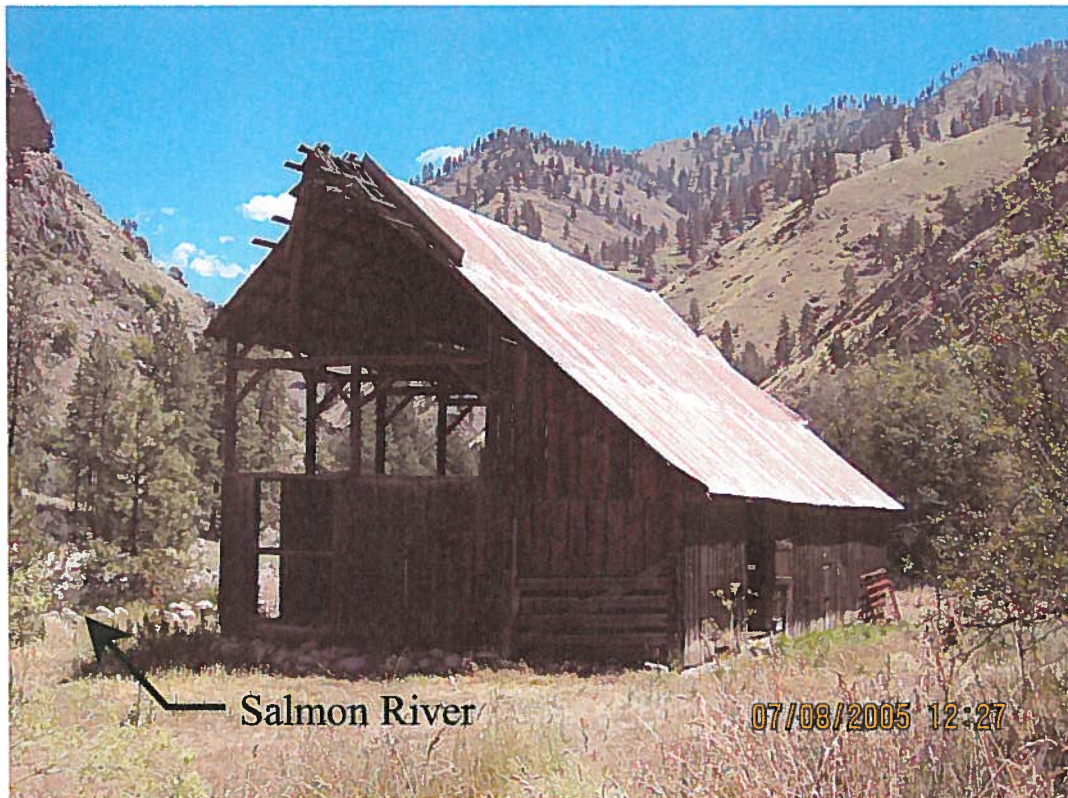


Photo 11: Looking east toward old barn on sold property, across road north from houses.

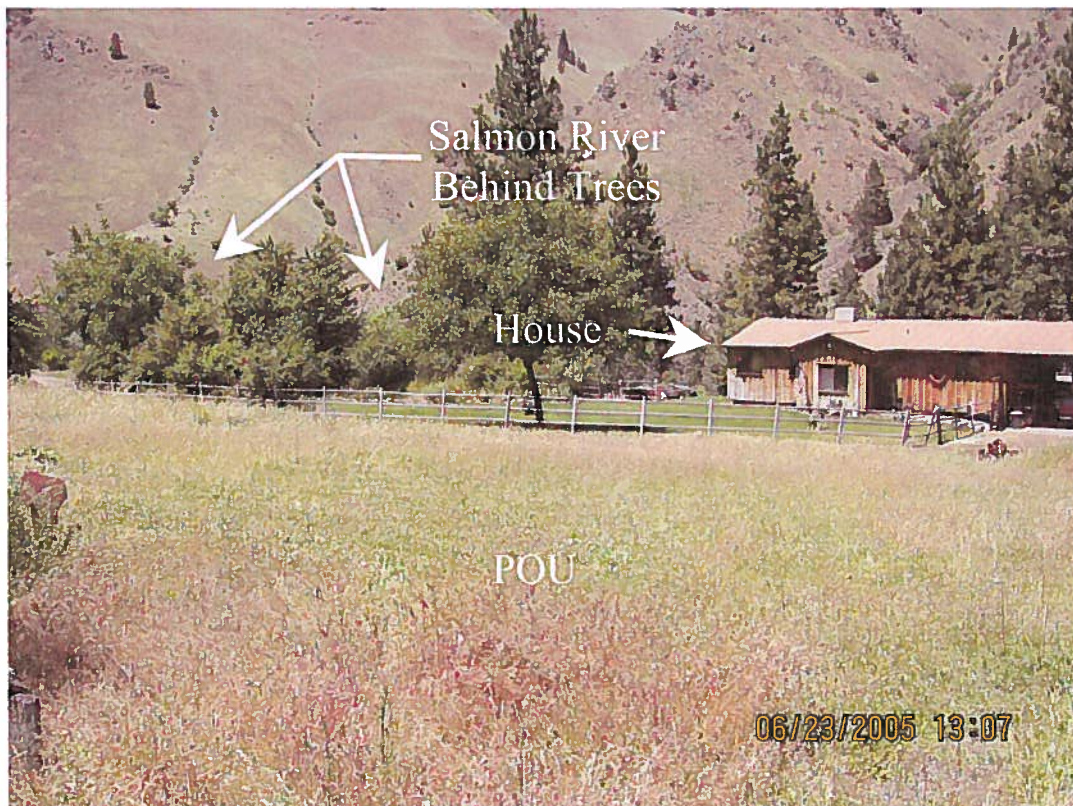


Photo 12: Looking northwest over POU which includes lawn.

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. and/or June B. Cook
(name of claimant)
of Box 407 Riggins Id., claims a right to the diversion and beneficial use of
(mailing address)
the public water of the State of Idaho

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.
_____, 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>.04</u> | Use | <u>Domestic</u> | Period of Use: From | <u>1/1</u> | To | <u>12/31</u> |
| Amount | <u>.74</u> | Use | <u>Irrigation</u> | Period of Use: From | <u>7/1</u> | To | <u>10/31</u> |
| 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: .78 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)
SW ¼ NE ¼, Sec. 28 Twp. 27N 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. Gravity Flow 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]

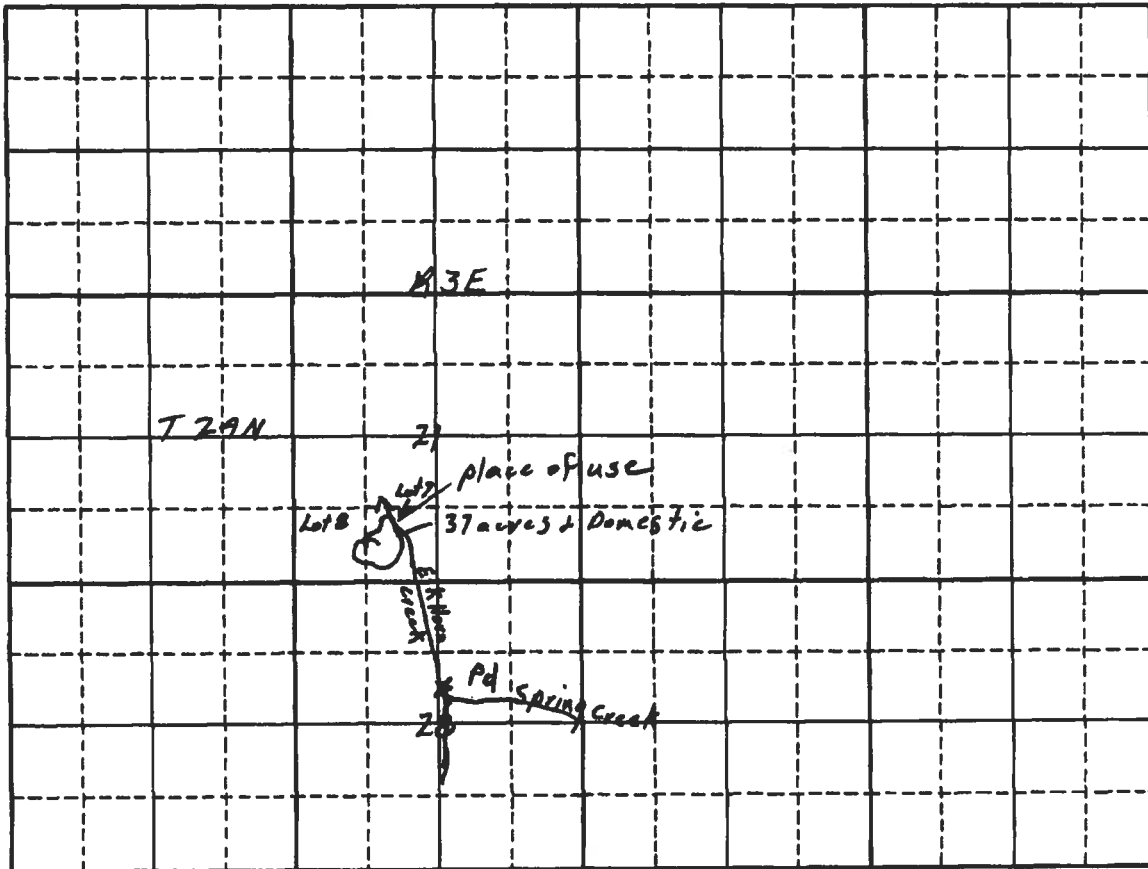
Total No. of acres 37

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

Domestic one house hold

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 30th day of December, 1977.

June B. Cook
(Claimant)
John Glen Saxton
Notary Public
Residing at Boise, Idaho

My commission expires 11-25-78

For Department Use Only

Received by <u>CHS</u>	Date <u>12/30/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>CHS</u>	Date <u>1/13/78</u>		claimant by:	
\$10.00 fee received by <u>CHS</u>	Date <u>12/30/77</u>	# <u>9719</u>		
Approved for publication by _____				
Published in _____				
Dates _____				

77-4035

SWNW

SENW

SWNE

NESW

NWSE

NWSW

SESW

SWSE

SWSW

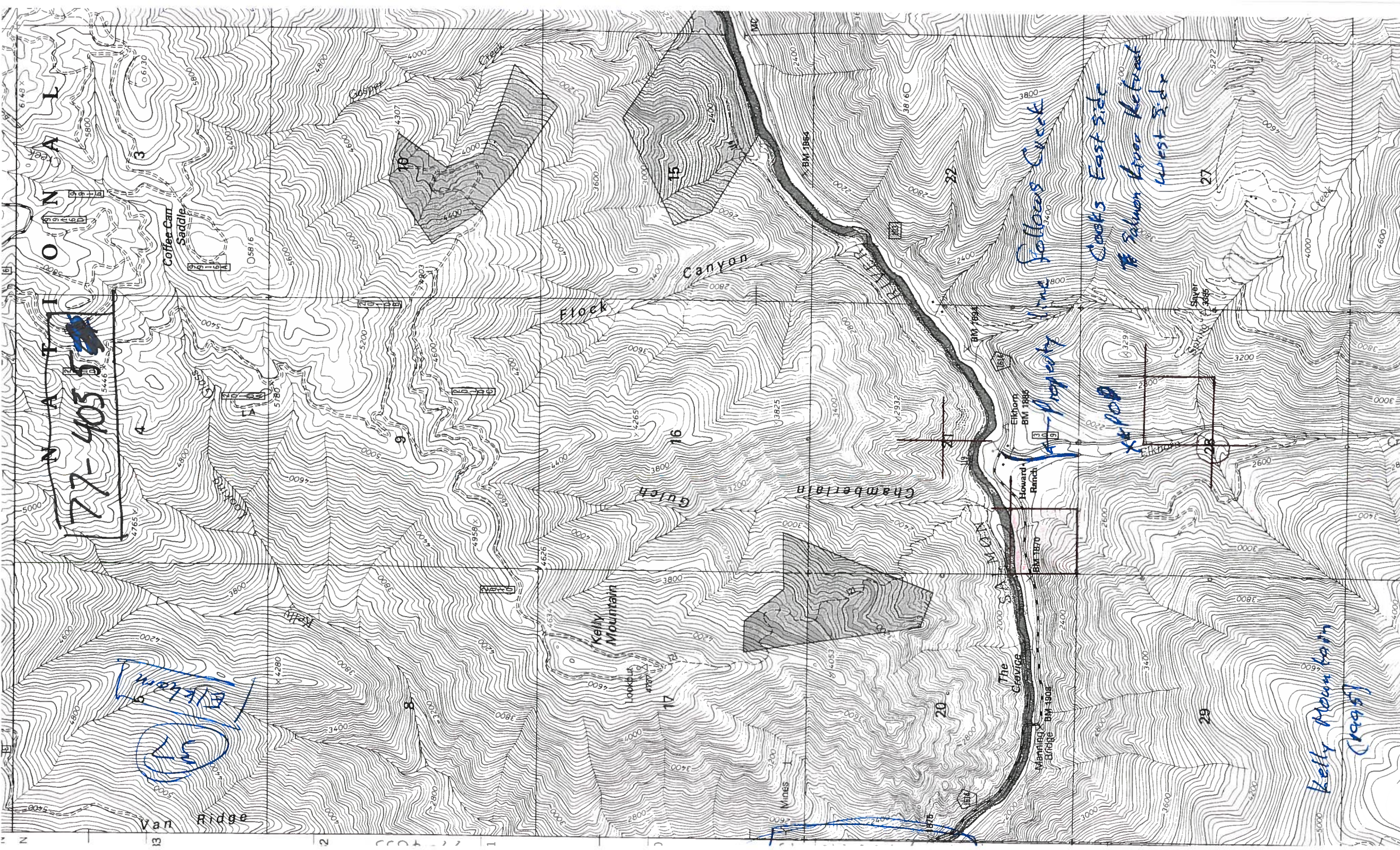
NWNW

NENW

NWNE

21
28





N A T I O N A L

77-4055

Elkhorn

Van Ridge

Kelly Mountain

Gulch

Flock

Canyon

Folgers Creek

Clarks East side

Salmon River Retreat
West side

Kelly Mountain

(1995)

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 22 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
77-4021, 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 Elk Horn Creek and lot 6
in Idaho County.

Daniel W. Cook
(Signature)

Subscribed and sworn to before me this
day 17th 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

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 #A77-04036
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.

Dale E. Astle

(Signature)

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

SEAL

Louella K. Chapman
(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 H. 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 H. Thach
(Signature)

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

SEAL

Loretta K. Burkman
(Notary Public)

MICROFILMED

Residing at Riggins AUG 08 1994

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

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. Buchanan

(Notary Public)

MICROFILMED

Residing at

Riggins

AUG 08 1994

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.

SEAL

Carolyn Buxton
(Notary Public)

MICROFILMED

Residing at Riggins AUG 08 1994

My Commission Expires 08-05-98.

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)

MICROFILMED

Residing at Riggins ID AUG-08 1994

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

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) MICROFILMED
AUG 08 1994

Residing at Peggine, Idaho
My Commission Expires April 27, 1999

MICROFILMED
AUG 08 1994

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-
Exam to S.O. Date	-	00/00/0000	Verified Date	-	02/26/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000	Transfer/Amended	-
Decree Date	-	00/00/0000	Presumption Flag	-			

MICROFILMED
AUG 08 1994