



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 23, 2006

Daniel Cook
Box 198
Riggins, ID 83549

RE: 77-4036

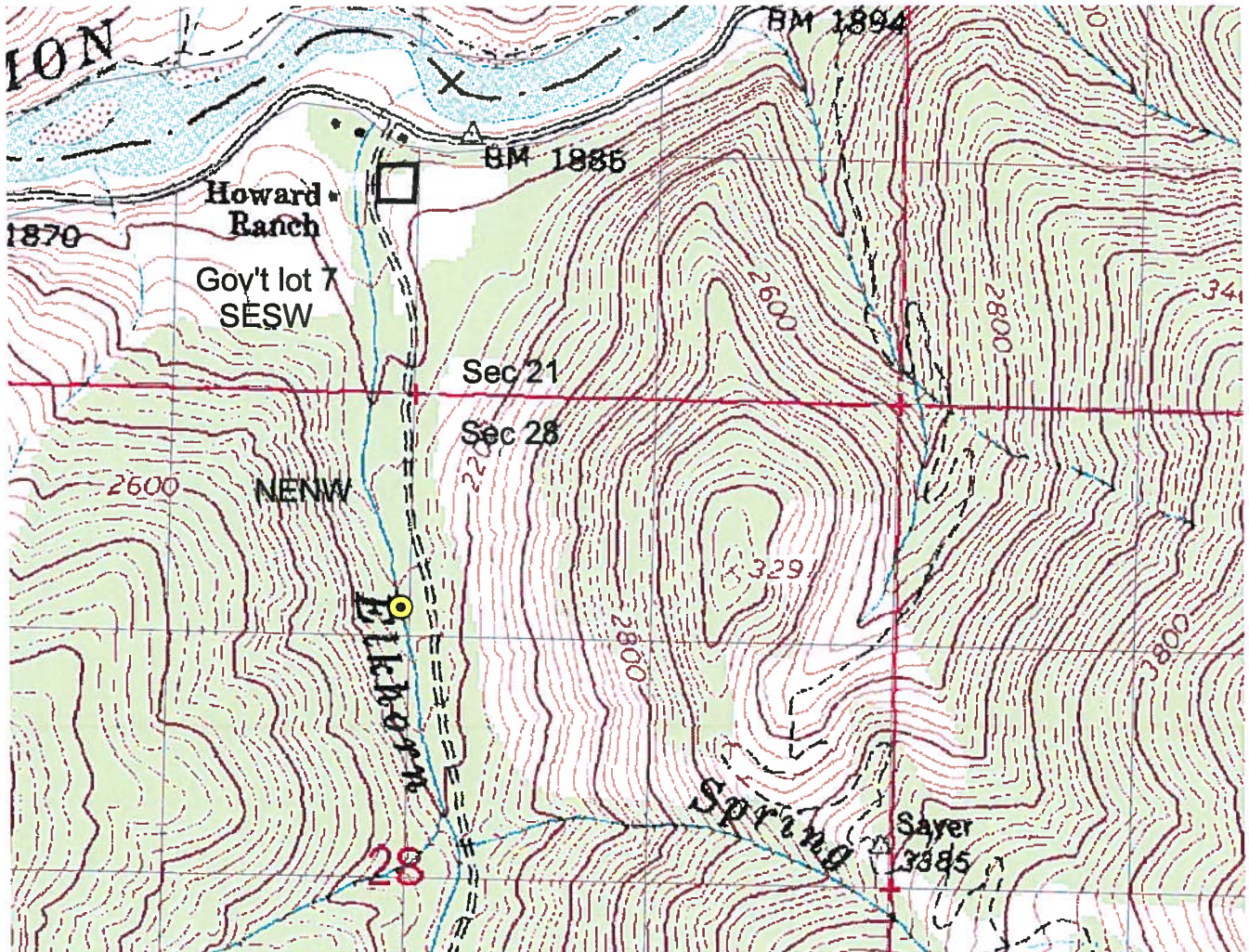
Dear Mr. Cook:

Enclosed is a new map reflecting the comments you made on the Notice of Error form.
Thank you for your help.

Sincerely,

Kenneth Knoblock
Water Resources Agent

77-4036



0 700 1400 Feet

Sections 21 & 28
T24N R3E



● Point of Diversion

□ Place of Use

Map prepared on February 23, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

RECEIVED

01/05/2006

FEB 02 2006

DEPARTMENT OF
WATER RESOURCES

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: 77-4036

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

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

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

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

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

Point of diversion,

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

Should be T24N ROSE S28 NENW
Within Idaho County (as it is on 77-4036, 77-7065)

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:

Jan 30 2006

SIGNATURE:

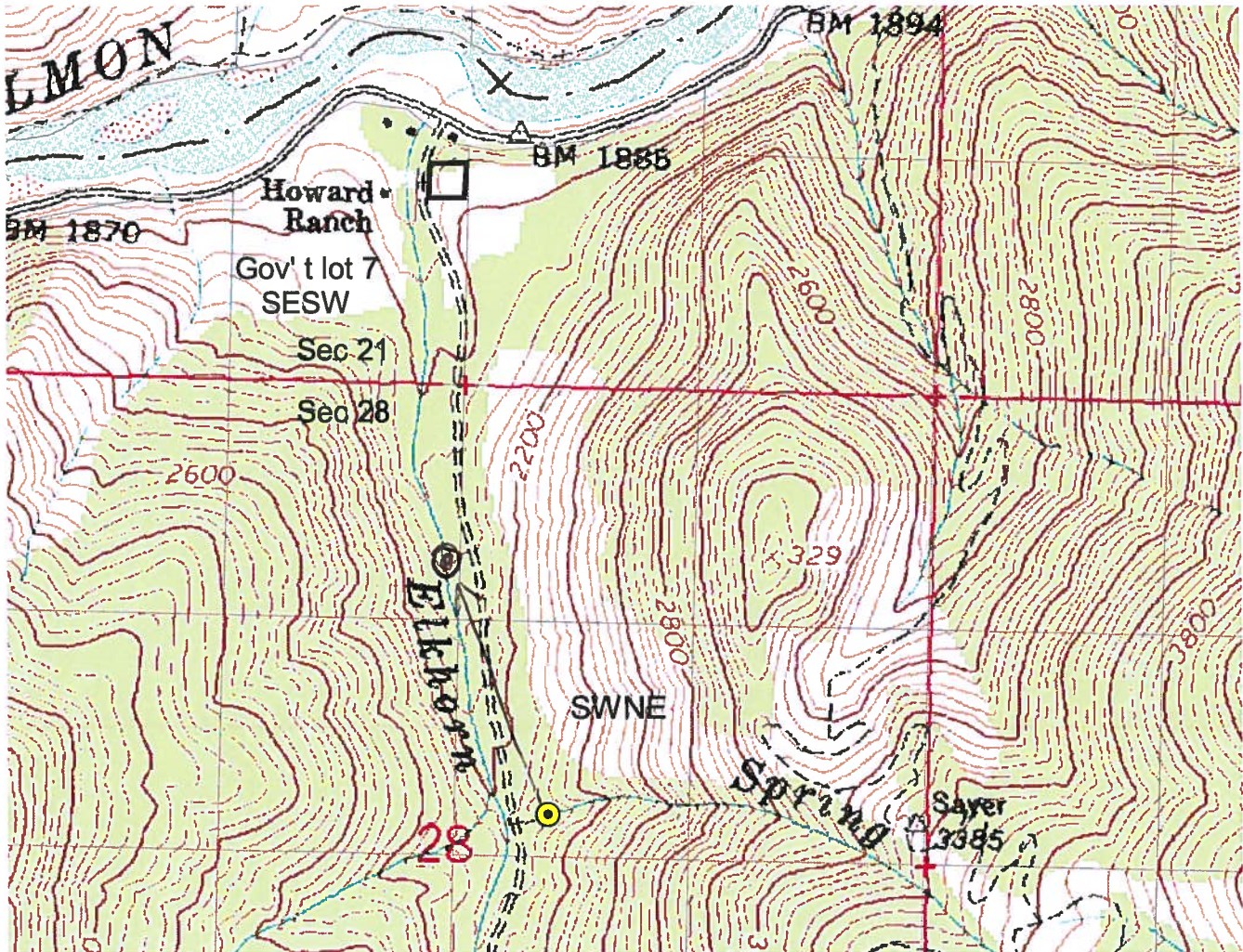
Daniel W. Cook

Please print your name:

DANIEL W. COOK

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

77-4036



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

SCANNED

FEB 02 2006

12/13/2005

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

RIGHT NUMBER: 77-4036
NAME AND ADDRESS: DANIEL W COOK
PO BOX 198
RIGGINS ID 83549

DAVID J COOK
BOX 198
RIGGINS ID 83549

BEATE COOK
BOX 198
RIGGINS ID 83549

ANN COOK
BOX 198
RIGGINS ID 83549

SOURCE: *Spring*
QUANTITY: 0.600 CFS

TRIBUTARY: *Elkhorn Creek*

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

PRIORITY DATE: 01/01/1968

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC Within IDAHO County
T24N R03E S21 Lot 7 SESW

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-4036



Photo 1: Rock dam at POD.

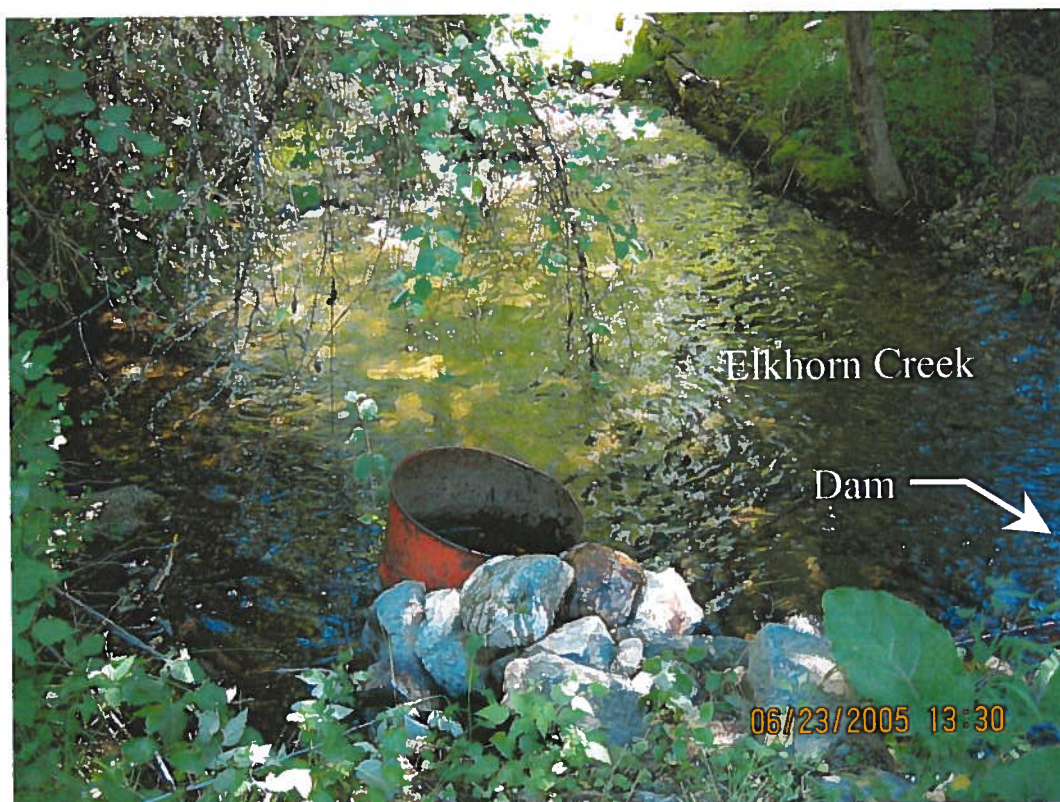


Photo 2: POD showing 55 gallon barrel intake.



Photo 3: Ten inch PVC conveyance pipe.

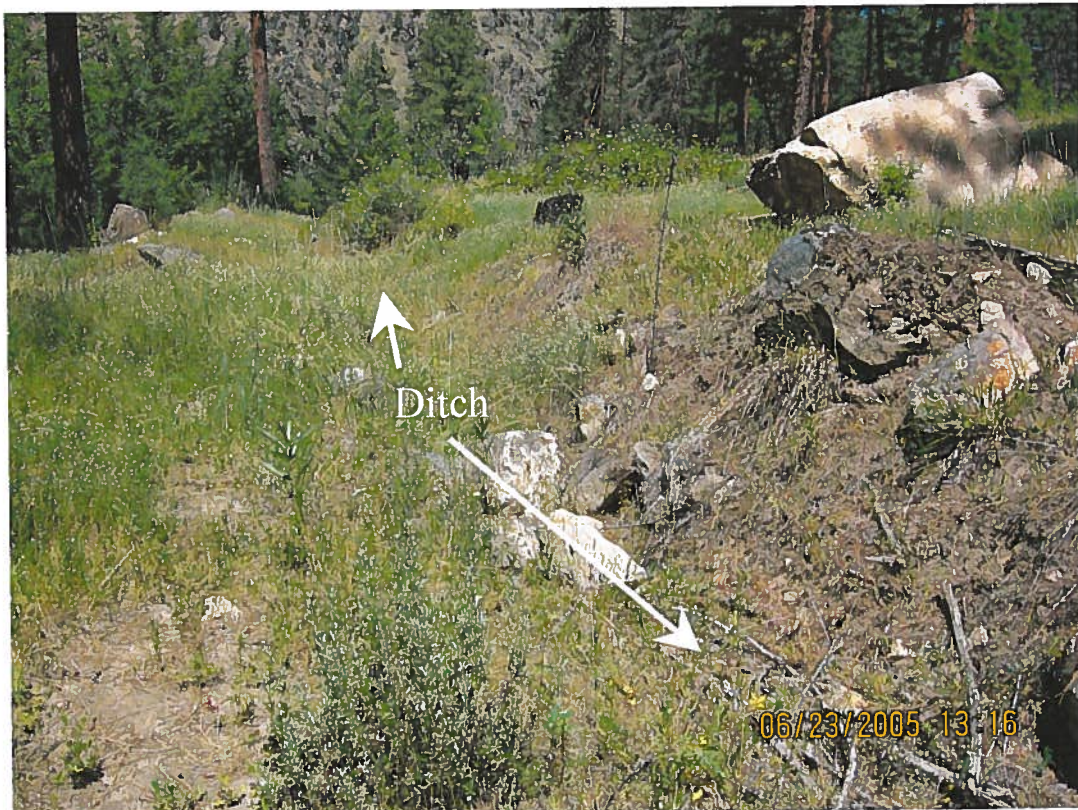


Photo 4: Looking approximately north across old 1862-1863 ditch.

77-4036



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



Photo 6: Typical sprinkler.

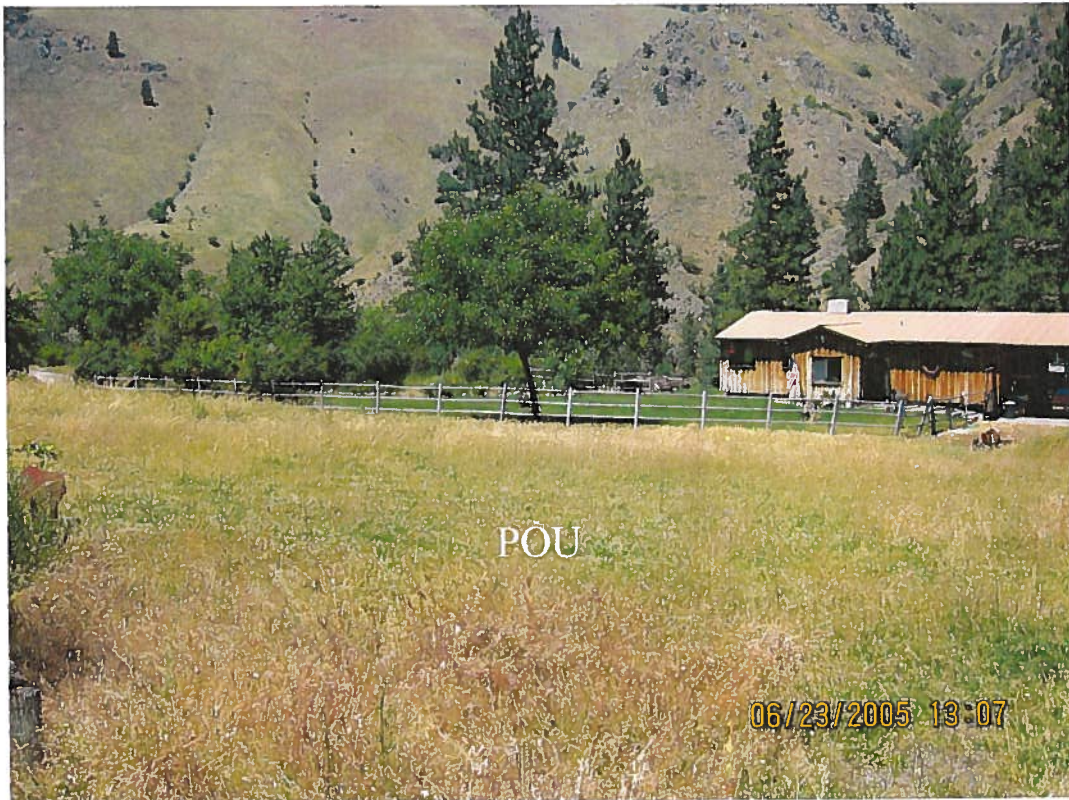


Photo 7: POU including lawn. Looking southwest to house.



Photo 8: Date (1863) on rock.

77-4036

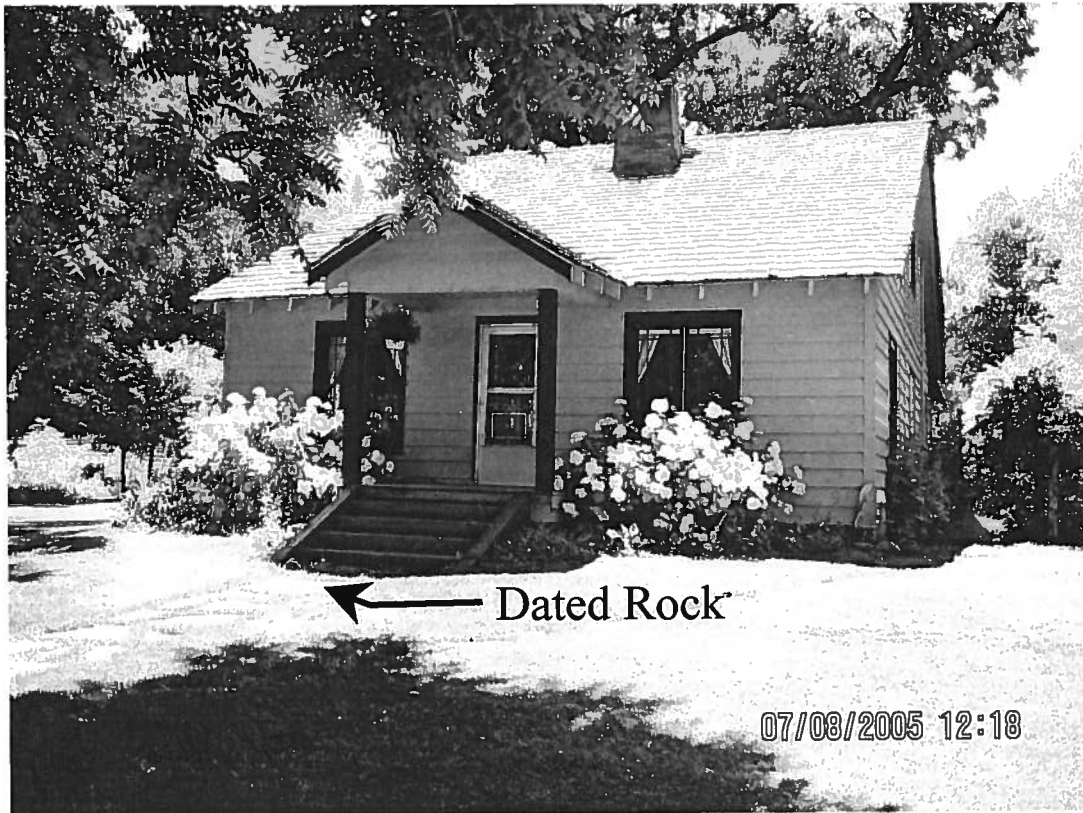


Photo 9: Looking southwest to house on sold property where dated rock is in step.

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

Re: Water Right No.: 77-4036

Gentle people:

Enclosed is a Notice of Change in Water Right Ownership for Water Right No. 77-4036 (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.

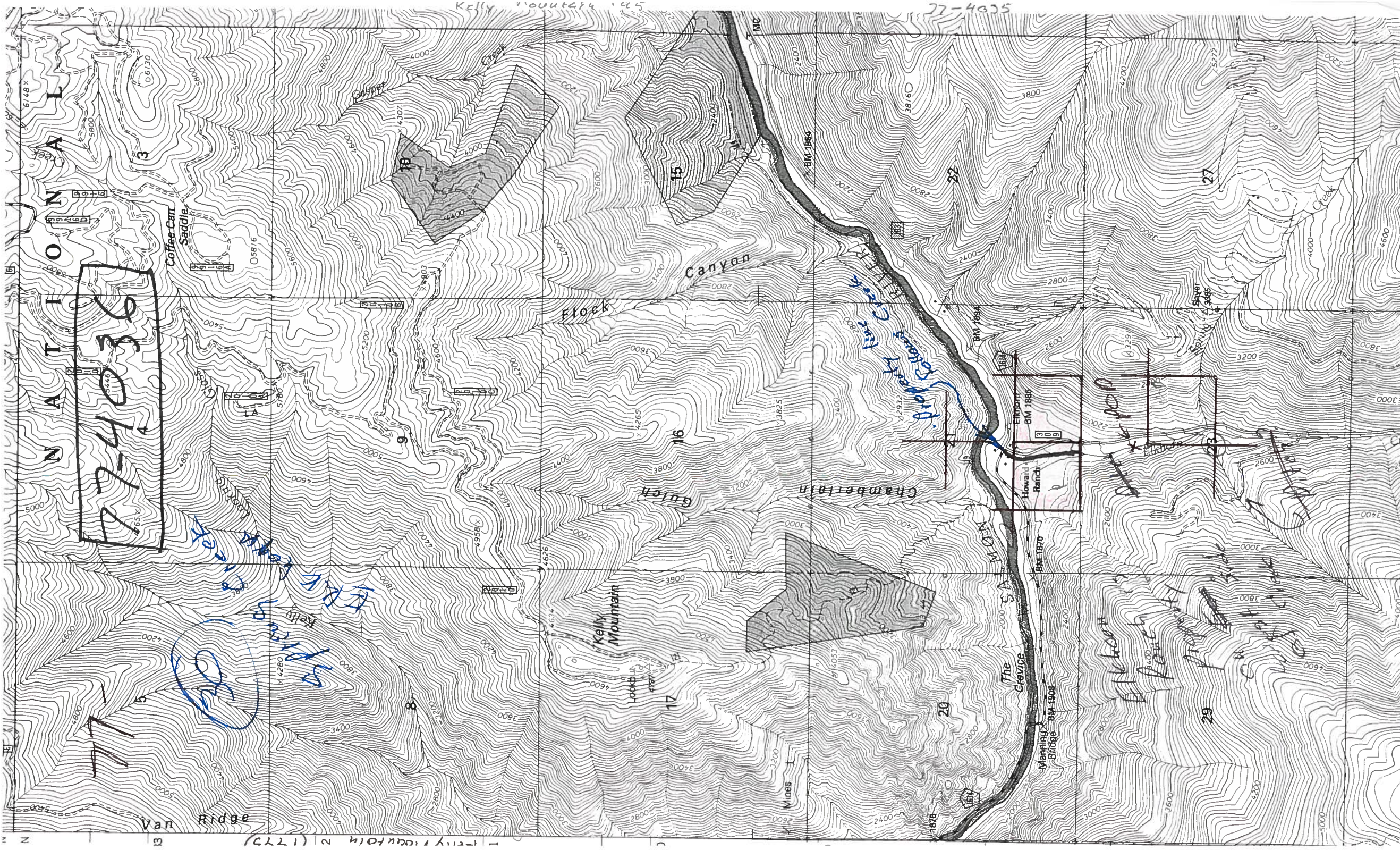
*Ignore
this
change of
ownership on
household property*

RECEIVED
JUL 11 2005
IDWR/North

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>77-4036</u>	<u>77-4036</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**.

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 7, 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 _____



Adjudication Recommendation Report 77-4036 V1

<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	DANIEL W COOK PO BOX 379 RIGGINS, ID 83549 (208)628-3759

Status:

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.600 CFS	
DOMESTIC	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

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																	30.0
													15.0				15.0		
													L 7				L 6		

DOMESTIC

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																	
													X						
													L 7						

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 77-4036 V1

Remarks:Comments:Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector: OR
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:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

COMPUTER
INDEXED
TRACTED
FILMED
ASSESSOR

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

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.

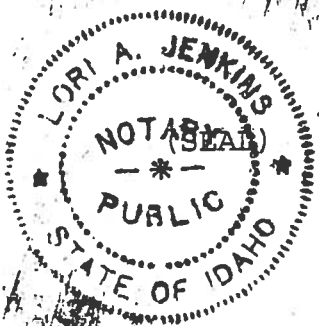
DATED: March 3, 1995

Ronald C. Yanke
Ronald C. Yanke

Linda L. Yanke
Linda L. Yanke

STATE OF IDAHO)
) ss
COUNTY OF ADA)

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.



Notary Public for the state of Idaho

Residing at:

My commission expires:

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	INLAND TITLE CO.
at 50 minutes past 2 o'clock P.M.	
this 6 day of March 19 95	
ROSE E. GEHRING	Recorder
By Sandy Gains	Deputy
Fee \$ 9.00	

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 INLAND TITLE CO.	
at <u>45</u> minutes past <u>2</u> o'clock <u>P</u> M.	
this <u>13</u> day of <u>November</u> , 19 <u>97</u>	
ROSE E. GEHRING	
By <u>Sandy Jones</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

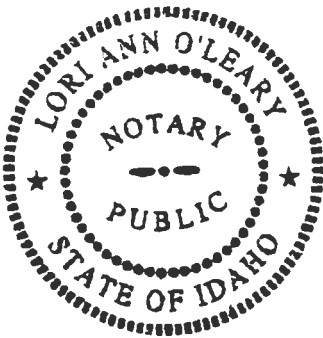
GRANTORS :

~~Ronald C. 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.

Claim No. 77-4036

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:

- The extent and nature of said claim is as follows:
- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Spring Creek
_____, tributary to, Elkhorn Cr.
- (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 | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| Amount | _____ | Use | _____ | Period of Use: | From | _____ | To | _____ |
| | (cfs, gpm
or a/h) | | (dom., irri.,
stock, etc.) | | | | | (both dates inclusive) |

- (3) Total quantity of water claimed: .04 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) 1968

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. 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. Spring box and pipeline

- (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.

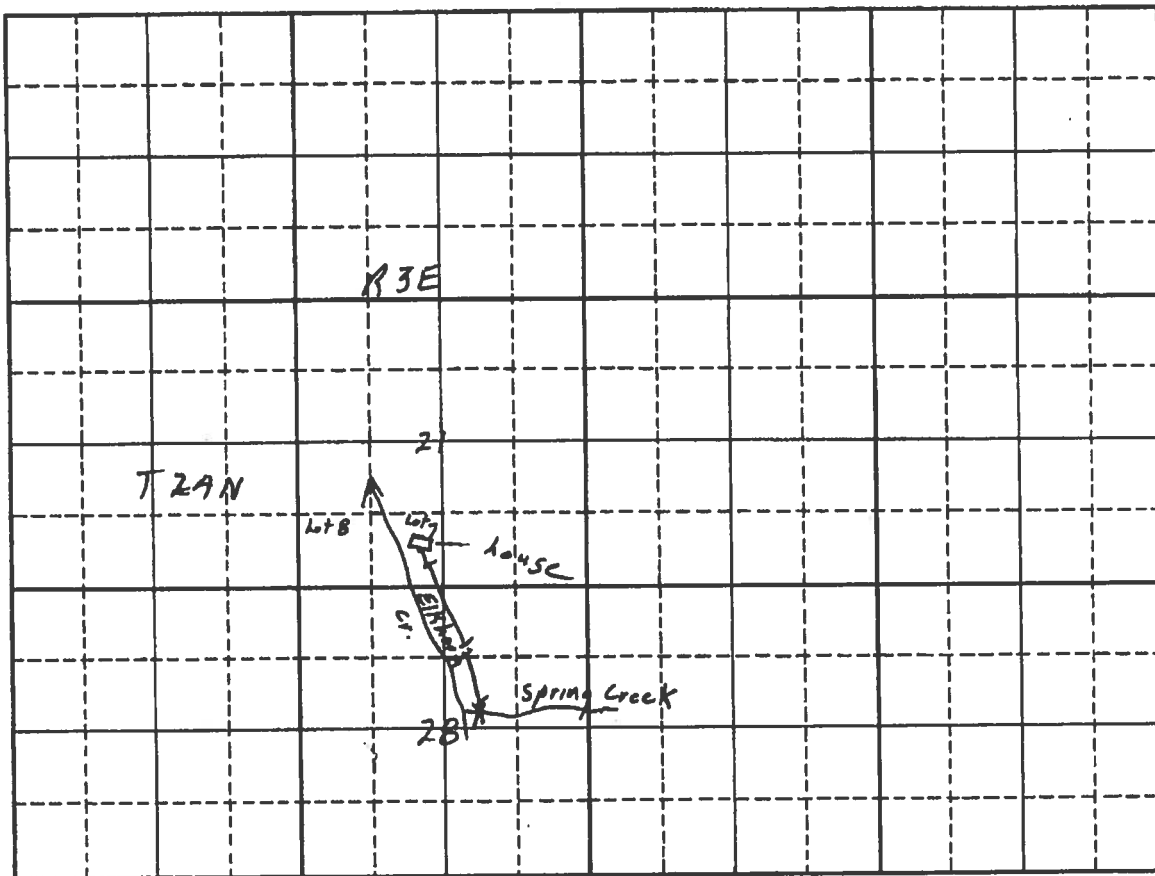
[illegible]

Total No. of acres _____

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

- 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

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

My commission expires 11-25-78

For Department Use Only

Received by <u>GLS</u>	Date <u>12/30/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>GLS</u>	Date <u>11/3/78</u>		claimant by:	
\$10.00 fee received by <u>GLS</u>	Date <u>12/30/77</u>	# <u>4719</u>		
Approved for publication by _____				
Published in _____				
Dates _____				

77-4036

SWNW

SENW

SWNE

NWSW

NESW

NWSE

SESW

SWSE

SWSW

21

28

NWNW

NENW

NWNE



77-4036

Field Exam Notes

Date of Exam: June 23, 2005

The field exams for this claim and claims **77-4031** and **77-4035** 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 **77-4035** 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, 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**, Sec. 21, Rge. 3E, Twp. 24N, BM. The two (2) homes at that location are the residences of Daniel and David Cook and their wives.

The single 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 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.	gpm
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 50gpm and 150gpm (0.11 - 0.33cfs).

The claim lists the legal locations of two (2) PODs as **SWNE** and **NENW** Sec. 28, Rge. 3E, Twp. 24N, BM. Spring Creek is also listed on the claim as a source along with Elkhorn Creek. It was found that Spring Creek is not a source and that there is no POD in **SWNE** Sec. 28, Rge. 3E, Twp. 24N, BM. Daniel Cook stated that a diversion on Spring Creek was never developed.

In addition to the legal location listed in the claim for the POU, 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 **77-4031**, **77-4035**, and **77-7065** as mentioned above. It was also discovered that this claim has the same irrigation POU as claims **77-4031** and **77-4035** also mentioned above.

One of the co-claimants listed on this claim is June B. Cook. Mrs. Cook is deceased. The other co-claimant listed on this claim is Daniel W. Cook who is one of the sons of Mrs. Cook.

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 77-4036

Claimed Priority Date: 1/1/1968

Claimed Basis: Statutory Claim

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

Water Right Priority Date: 1/1/1968

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 77-4036

Claimed Point of Diversion and Source

T24N R03E S28 SWNE Within IDAHO County

T24N R03E S28 NENW Within IDAHO County

☐ 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

Tributary To

Elkhorn CreekSalmon 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? 77-4031 , 77-4035 , 77-7065

Document how the POD and Source were verified:

GPS location N45°23'47.4" by W116°5'41.9" / 7½ min LISAS
Topo Map (Kelly Mountain (1995))

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number 77-4036

Claimed Place Of Use

T24N R03E S21 Lot 7 SESW 15.0 T24N R03E S21 Lot 6 SWSE 15.0
T24N R03E S21 Lot 7 SESW

Total Acres 30

☐ Use Claimed POU as Recommended POU

Water Right Place Of Use

T24N R03E S21 Lot 7 SESW

Total Acres

Recommended Place of Use

☐ See corrections to claimed POU above

Tw	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
T24N	3E	21	SE	SW	Idaho			Irrigation
"	"	"	NE	SW	"			"
"	"	"	SW	SE	"			"
"	"	"	NW	SE	"			"

See Notes for domestic use 6/3

Total Acres

Document how the POU was verified:

On site Exam / Photo-ground map. 6/3
Conversation with Daniel Cook (indicating on Map)

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number 77-4036

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

Recommended Purpose of Use

Water Use

Number of Homes

Number of Stock

Acre Limit

Number of Other

Irrigation				

See
Notes
For
Domestic
Use

Document how the Purpose of Use was verified:

Conversation with Daniel Cook / On site Exam.	7/3

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number 77-4036

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	10/31	0.6	
DOMESTIC	1/01	12/31	0.04	

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
DOMESTIC	1/01	12/31	0.04	

Overall Diversion Rate 0.04 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: 77-4036

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	JUNE B COOK	PO BOX 407	RIGGINS	ID	83549	(208)628-3976
Current Owner	DANIEL W COOK	PO BOX 379	RIGGINS	ID	83549	(208)628-3759

Date of Field Exam: 6-23-05 Time: 1:00 pmAccompanied By: Daniel E David Phone Number: (208) 628-3759
CookRelationship 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, Go through Gate
E Follow Road to end

Reviewer: _____

Date: _____

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: A77-04036
Date Received: 6/03/1988
Receipt No: C001112
Received By: gcr

JUN 6 1988

Department of Water Resources
Western Regional Office
AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUNE B. COOK 208-628-3601
Address: P.O. BOX 407
RIGGINS, ID 835490000
OR
Name: DANIEL W. COOK 208-628-3759
Address: BOX 379,
RIGGINS, ID 83549

2. Date of Priority: JAN 01, 1968

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	10/31	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:
DOMESTIC FOR 2 HOUSEHOLDS

A77-04036

Page 1

Date: 06/03/88

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
24N	03E	21	SE		SW	7	DOMEST	
			SE		SW	7	IRR	15.0
			SW		SE	6	IRR	15.0
							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:
N/A

14. Remarks:

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 ☒ 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): Glenn L. Cook Date: 3 Jun 88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day
of June 19 88

Seal

Anna Beclup
Notary Public

Residing at Caldwell, Id
My Commission Expires 3/21/94

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 2,
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

Louella K Buchanan
(Notary Public)

Residing at Reggie 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

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

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) MICROFILM

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 MICROFILMED
(Notary Public) AUG 08 1994

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

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
77-4031, 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.

SEAL

Loretta K Buchanan
(Notary Public)

Residing at Reggie 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

Luella K. Erickson
(Notary Public)

Residing at Riggins ID.

My Commission Expires 7-1994

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

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. Buchanan
(Notary Public)

Residing at Riggins.

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

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)

Residing at

Riggins

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

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)

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

MICROFILME

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 Resou
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 Piggins, Idaho

My Commission Expires April 27, 1999

Plot of

HOMESTEAD ENTRY SURVEY

No. 707

in the

IDAHO

NATIONAL FOREST
in

Approximate Section 29,
T. 26 N., R. 3 E.,
Unsurveyed.

of the

CANDLERMAN

IDAHO

This plot of Homestead Entry Survey
No. 707 State of Idaho is
situated eastward to the field notes
taken on file in this office, which
have been examined and approved.

U.S. Surveyor General's Office

Boise, Idaho, May 12, 1920

MICROFILMED

Enclosed

Water is taken from creek using old existing ditch

Scale: 1" = 5 chains to 1 inch

Areas in Acres	
Homestead Entry No. 707	Unsurveyed
Section 29	
1/4 Sec. 29	
1/2 Sec. 29	

Section	Area	Remarks
1/4 Sec. 29	1.25	Unsurveyed
1/2 Sec. 29	2.50	Unsurveyed
3/4 Sec. 29	3.75	Unsurveyed

Act of March 14, 1907 Act of May 20, 1920
Pat. No. 4,707,13 Dated February 16, 1920
L. S. 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

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: A77-04036

Date Received: 6/03/1988

Receipt No: C001112

Received By: RR

Department of Water Resources

Western Regional Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUNE B. COOK
Address: P.O. BOX 407
RIGGINS, ID 835490000 208-628-3601

OR

Name: DANIEL W. COOK
Address: BOX 379,
RIGGINS, ID 83549 208-628-3759

2. Date of Priority: JAN 01, 1968

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	10/31	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:
DOMESTIC FOR 2 HOUSEHOLDS

A77-04036

Page 1

Date: 06/03/88

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	03E	21	SE	SW	7	DOMEST	
			SE	SW	7	IRR	15.0
			SW	SE	6	IRR	15.0
						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:
N/A

14. Remarks:

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 ☒ 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): Alamir Cook Date: 3 Jun 88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of June 19 88

Deana Keelup
Notary Public

Seal

Residing at Caldwell, Id

My Commission Expires 3/21/94

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: A77-04036

Date Received: 6/03/1988

Receipt No: C001112

Received By: SEE

JUN 6 1988

Department of Water Resources

Western Regional Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUNE B. COOK
Address: P.O. BOX 407
RIGGINS, ID 835490000 208-628-3601

OR

Name: DANIEL W. COOK
Address: BOX 379,
RIGGINS, ID 83549 208-628-3759

2. Date of Priority: JAN 01, 1968

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	10/31	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:
DOMESTIC FOR 2 HOUSEHOLDS

A77-04036

Page 1

Date: 06/03/88

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	03E	21	SE	SW	7	DOMEST	
			SE	SW	7	IRR	15.0
			SW	SE	6	IRR	15.0
						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:
N/A

14. Remarks:

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 ☒ 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): Alam Lu Cook Date: 3 Jun 88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of June 19 88

Gene Keeling
Notary Public

Seal

Residing at Caldwell, Id

My Commission Expires 3/21/94

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: A77-04036

Date Received: 6/03/1988

Receipt No: C001112

Received By: SEE

Department of Water Resources

Western Regional Office

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JUNE B. COOK
Address: P.O. BOX 407
RIGGINS, ID 835490000 208-628-3601

OR
Name: DANIEL W. COOK
Address: BOX 379,
RIGGINS, ID 83549 208-628-3759

2. Date of Priority: JAN 01, 1968

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

4. Point of Diversion:

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

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	10/31	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:
DOMESTIC FOR 2 HOUSEHOLDS

A77-04036

Page 1

Date: 06/03/88

MICROFILMED

OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
24N	03E	21	SE		SW	7	DOMEST	
			SE		SW	7	IRR	15.0
			SW		SE	6	IRR	15.0
							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:
N/A

14. Remarks:

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 ☒ 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): James P. Cook Date: 3 Jun 88

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day

of June 19 88

Anna K. Kelley
Notary Public

Seal

Residing at Caldwell, Id
My Commission Expires 3/21/94

MICROFILMED
OCT 05 1992