

*no objection farm
in bathfield*

01/05/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2006

Water right number: 77-10126

EVELYN WILLIAMS
PO BOX 1
PEARCE AZ 85625
Telephone Number: (602)826-3318

GERALD WILLIAMS
PO BOX 1
PEARCE AZ 85625
Telephone Number: (602)826-3318

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 1-20-06 SIGNATURE: Gerald Williams
Please print your name: Gerald Williams

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

SCANNED

11/22/2005

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

RIGHT NUMBER: 77-10126

NAME AND ADDRESS: EVELYN WILLIAMS
PO BOX 1
PEARCE AZ 85625

GERALD WILLIAMS
PO BOX 1
PEARCE AZ 85625

SOURCE: CASTLE CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 1.050 CFS
1.000 AFY

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T17N R17E S12 NENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
RECREATION STORAGE	01/01 12/31	1.00 AFY
FIRE PROTECTION STORAGE	01/01 12/31	1.00 AFY
RECREATION	01/01 12/31	0.010 CFS
DOMESTIC	01/01 12/31	0.020 CFS
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.930 CFS
DIVERSION TO STORAGE	01/01 12/31	1.050 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T17N R17E S11	SWNE	10.0	T17N R17E S11	SENE	14.0
T17N R17E S11	NESW	6.0	T17N R17E S11	NWSE	1.0

STOCKWATER Within LEMHI County

T17N R17E S11 NESW

DOMESTIC Within LEMHI County

T17N R17E S11 SENW

RECREATION Within LEMHI County

T17N R17E S11 NESW

RECREATION STORAGE Within LEMHI County

T17N R17E S11 NESW

FIRE PROTECTION STORAGE Within LEMHI County

T17N R17E S11 NESW

31 ACRES TOTAL

Right Nos. 77-4178 and 77-10126 are limited to the irrigation of a combined total of 31 acres in a single irrigation season and a diversion rate of 1.05 cfs.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT

11/22/2005

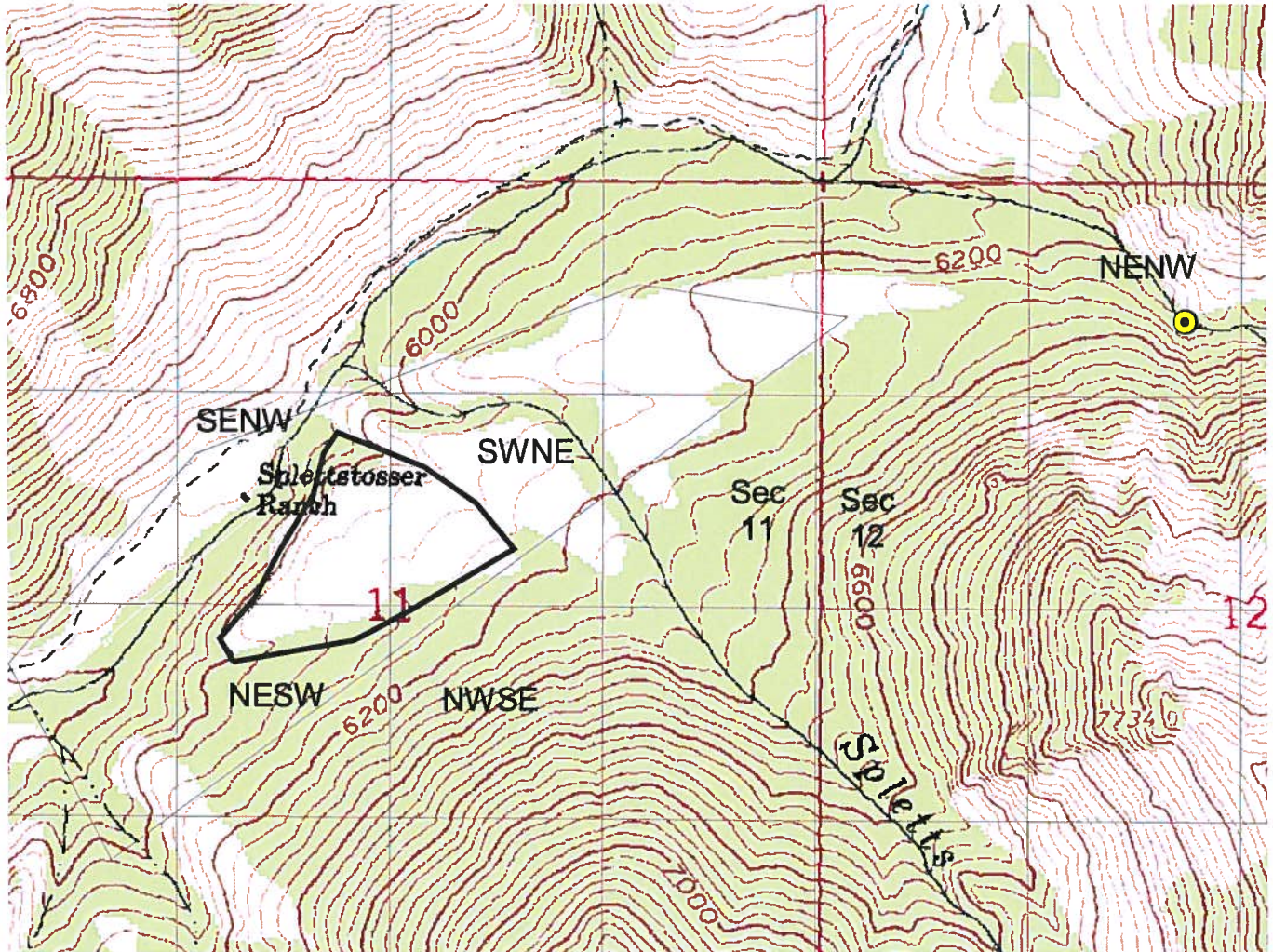
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

Property is known as Homestead Entry Survey No. 325.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

77-10126



0 700 1400 Feet

Sections 11 & 12
T17N R17E



● Point of Diversion

□ Place of Use

Map prepared on November 22, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

RECEIVED

DEC 18 1995

WATER RESOURCES
WESTERN REGION

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: A77-10126
Date Received: 4/27/1990
Receipt No: M006786
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: GERALD WILLIAMS 602-826-3318
Address: PO BOX 1
PEARCE AZ 85625
OR
Name: EVELYN WILLIAMS 602-826-3318
Address: PO BOX 1
PEARCE AZ 85625

2. Date of Priority: APR 1, 1919

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	17E	12	NW	NE	NW		LEMHI

5. Description of diverting works:
HEADGATE, PIPE, HOLDING POND, 200' FLUME, DITCH 1.5 MI. LONG

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
IRRIGATION FROM STORAGE	04/01	11/01			1.00
IRRIGATION STORAGE	04/01	11/01			1.00
STOCKWATER	01/01	12/31	0.020		
RECREATION	01/01	12/31	0.010		
RECREATION STORAGE	01/01	12/31			1.00
FIRE PROTECTION	01/01	12/31	1.000		
FIRE PROTECTION STORAGE	01/01	12/31			1.00
FIRE PROTECT. FROM STOR	01/01	12/31			1.00
DOMESTIC	01/01	12/31	0.020		
DOMESTIC STORAGE	01/01	12/31			1.00
DOMESTIC FROM STORAGE	01/01	12/31			1.00

7. Total Quantity Appropriated is:

1.030 C.F.S. (and/or)

1.00 A.F.A.

8. Total consumptive use is

117.5 Acre Feet Per Annum.

9. Non-irrigation uses:

SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	SW	NE		IRR	10.0
			SE	NW		IRR	25.0
			SE	NW		DOMEST	
			NE	SW		IRR	7.0
			NE	SW		REC	
			NW	SW		IRR	5.0
						Section Acres	47.0
						Total Acres	47.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

A77-04178

14. Remarks:

RECREATION IS FOR FISH. STOCK-50 CATTLE & HORSES
DOMESTIC USE IS FOR OUTSIDE IRRIGATION OF LAWN AREA.
ADDRESS CHANGE REC'D 08/11/94 SS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s):

Gerald Williams

Date:

12/15/95

Date:

State of ~~Idaho~~ Arizona)

County of Cochise)

SS.

Subscribed and sworn (or affirmed) before me this 15 day

of December 19 95

Hellie VanDerpant
Notary Public

Seal

Residing at

Pearce, Arizona

My Commission Expires

June 22, 1996

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-10126
Date Received: 4/27/1990
Receipt No: MC786
Received By: LRW

RECEIVED

MAY 23 1990

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERALD WILLIAMS 208-756-3019
Address: C/O DAVID COUCH
1021 MAIN ST.
SALMON, ID 83467

OR

Name: EVELYN WILLIAMS 208-756-3019
Address: C/O DAVID COUCH
1021 MAIN ST.
SALMON, ID 83467

2. Date of Priority: APR 01, 1919

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	17E	12	NW	NE	NW		LEMHI

5. Description of diverting works:
HEADGATE, PIPE, HOLDING POND, 200' FLUME, DITCH 1.5 MI. LONG

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
IRRIGATION FROM STORAGE	04/01	11/01			1.00
IRRIGATION STORAGE	04/01	11/01			1.00
STOCKWATER	01/01	12/31	0.020		
RECREATION	01/01	12/31	0.010		
RECREATION STORAGE	01/01	12/31			1.00
FIRE PROTECTION	01/01	12/31	1.000		
FIRE PROTECTION STORAGE	01/01	12/31			1.00
FIRE PROTECT. FROM STOR	01/01	12/31			1.00

7. Total Quantity Appropriated is:

1.030 C.F.S. (and/or)

1.00 A.F.A.

A77-10126

Page

1

Date: 04/27/90

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OCT 05 1992

8. Total consumptive use is 117.5 Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	SW	NE		IRR	10.0
			SE	NW		IRR	25.0
			NE	SW		IRR	7.0
			NE	SW		REC	
			NW	SW		IRR	5.0
						Section Acres	47.0
						Total Acres	47.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A77-04178

14. Remarks:
RECREATION IS FOR FISH. STOCK-50 CATTLE & HORSES

15. Basis of Claim: BENEFICIAL USE

(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.

MICROFILMED
OCT 05 1992

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

A77-10126

Date Received

Receipt Number

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 23 1990

Department of Water Resources
Western Regional Office

Please type or print clearly

1. Name of Claimant (s) Gerald or Evelyn Williams Phone (208) 756-3019Mailing Address % David Couch, 1021 Main St., Salmon Zip 834672. Date of Priority (Only one (1) per claim) April 1, 19193. Source of water supply (a) Castle Creek
which is tributary to (b) Camas Creek4. a. Location of existing point of diversion is: Township 17N Range 17E Section 12,
NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of LemhiAdditional points of diversion if any: Spletts Creek

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

Township Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of 5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Headgate on pipe, holding pond,
200 ft flume, ditch 1 1/2 miles long

Upper Castle Cr. Ditch

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OCT 05 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan 1 to Dec 31 amount 1.0 or _____

For Stockwater purposes from Jan 1 to Dec 31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.02 (cfs) and/or (b) _____ (acre feet)

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

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stockwater: Cattle and horses - 50

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
17N	17E	11			10					25	7	5							47

Total number of acres irrigated 47

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

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Spletts Cr. ditch or None ()

14. Remarks:

Last Name Williams Ident No. _____

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Copies: White, State, Yellow, Claimant

OCT 05 1992

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

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 3

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

Signature of Claimant (s) Gerald Williams Date 4/13/90

Date _____

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

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or ARIZONA)
County of Cochise) SS.

Subscribed and sworn (or affirmed) before me this 13 day of April 19 90

SEAL

Notary Public [Signature]

Residing at _____

My Commission Expires _____

My Commission Expires July 8, 1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

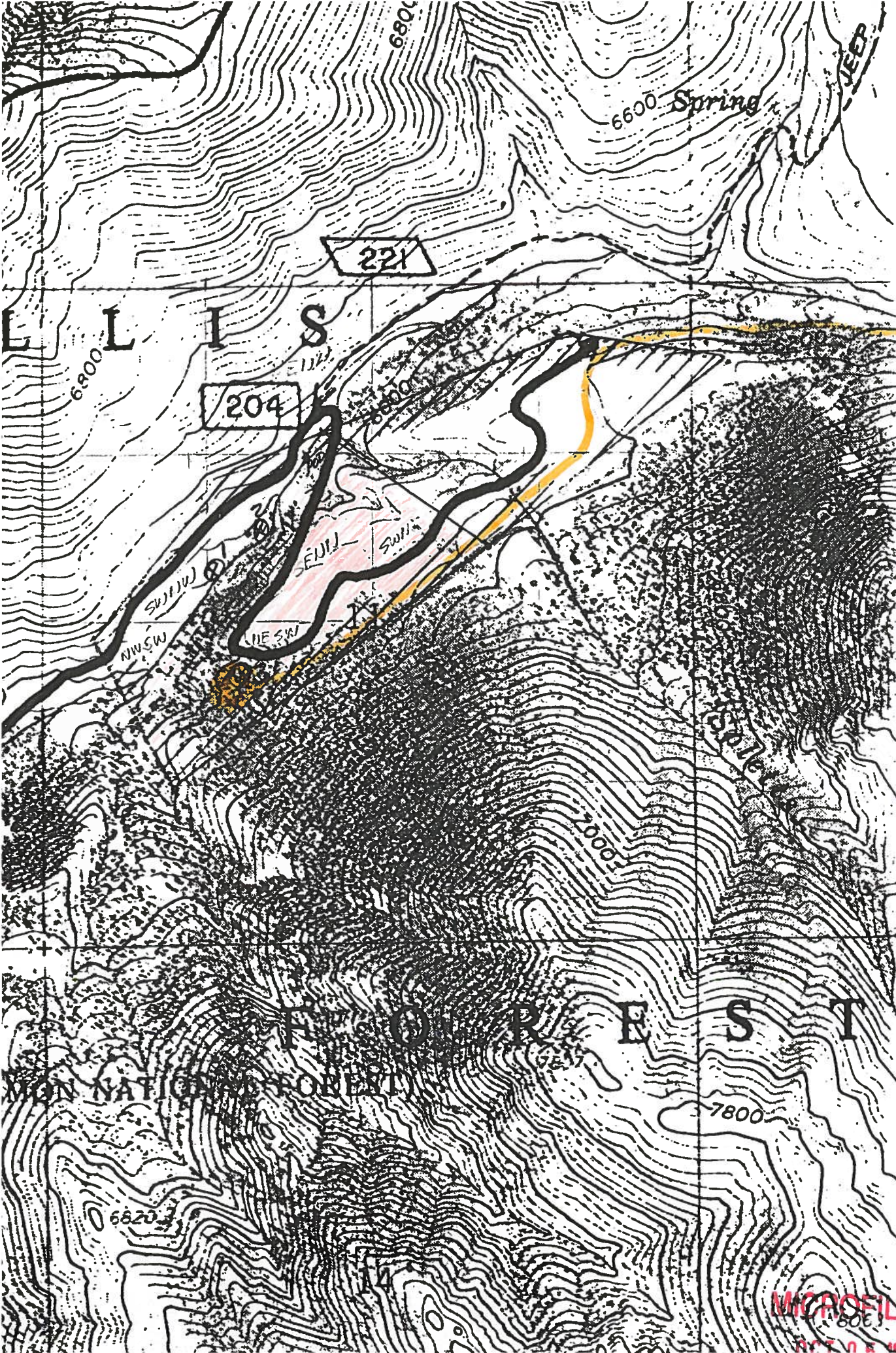
Last Name Williams Ident. Number _____

MICROFILMED

Copies White State, Yellow Claimant

OCT 05 1992

6



P60

MICROFILMED

NOV 11 1963

77-10126



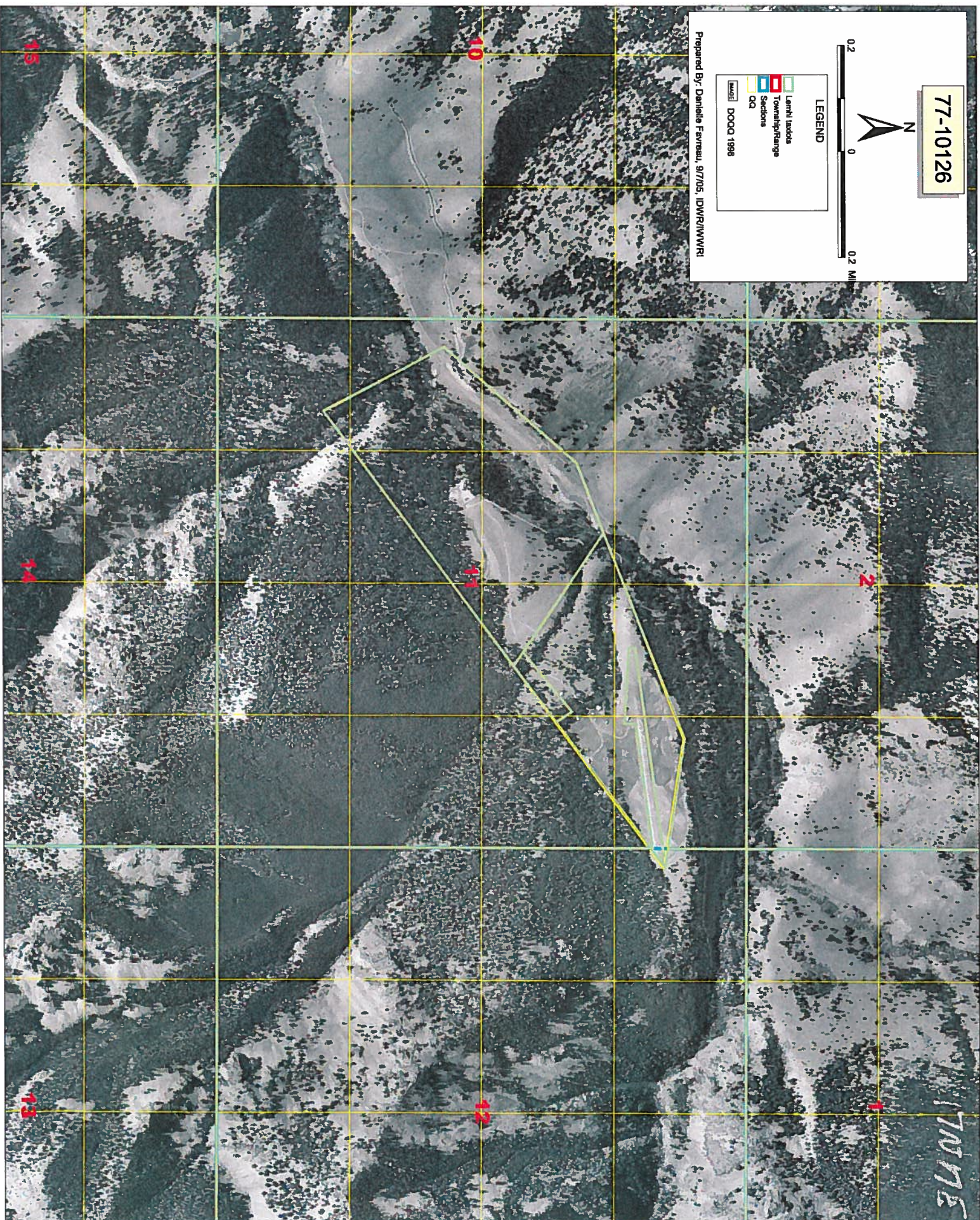
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LEGEND

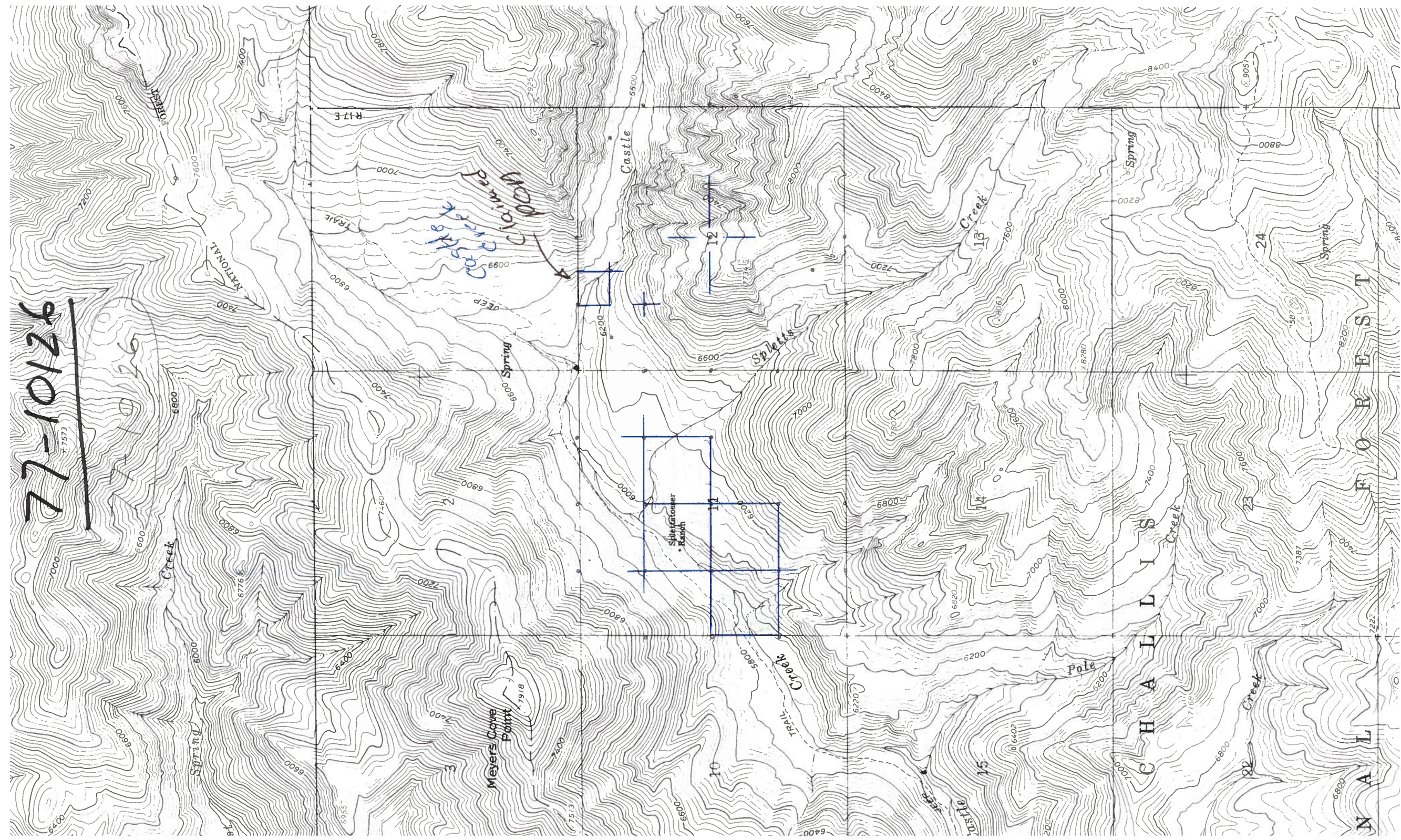
- Lenth Islands
- Township/Range
- Sections
- QQ

Source: DOQQ 1998

Prepared By: Danielle Favreau, 9/7/05, IDWR/IWMRI



77-10126



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

AMENDED

Ident. Number 77-10126
Date Received: 4/27/1990
Receipt No: M006786
Received By:

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

1. Name of Claimant(s)

EVELYN WILLIAMS
PO BOX 1
PEARCE AZ USA 85625

Phone: (602)826-3318

GERALD WILLIAMS
PO BOX 1
PEARCE AZ USA 85625

Phone: (602)826-3318

2. Date of Priority: 04/01/1919

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
17N	17E	12	NW	NE	NW	LEMHI	

5. Description of diverting works:

HEADGATE, PIPE, HOLDING POND, 200' FLUME, DITCH 1.5 MI. LONG

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1	
IRRIGATION STORAGE	04/01	11/01		1
IRRIGATION FROM STORAGE	04/01	11/01		1
STOCKWATER	01/01	12/31	0.02	
DOMESTIC	01/01	12/31	0.02	
DOMESTIC STORAGE	01/01	12/31		1
DOMESTIC FROM STORAGE	01/01	12/31		1
RECREATION	01/01	12/31	0.01	
RECREATION STORAGE	01/01	12/31		1
FIRE PROTECTION	01/01	12/31	1	
FIRE PROTECTION STORAGE	01/01	12/31		1
FIRE PROTECTION FROM STORAGE	01/01	12/31		1

7. Total Quantity Appropriated is:
1.03 C.F.S. and/or 1 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
17N	17E	11	NE	SW		RECREATION	
			SE	NW		DOMESTIC	
			SW	NE		IRRIGATION	10
			NE	SW		IRRIGATION	7
			NW	SW		IRRIGATION	5
			SE	NW		IRRIGATION	25
						Section Acres	47
						Total Acres	47

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

Amended claim received 12/18/1995.

RECREATION IS FOR FISH. STOCK-50 CATTLE & HORSES ADDRESS CHANGE RECEIVED 08/11/94 SS.

15. Basis of Claim: Beneficial Use

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: **A77-10126**
Date Received: 4/27/1990
Receipt No: M006786
Received By: _____

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

1. Name: GERALD WILLIAMS 602-826-3318
Address: PO BOX 1
PEARCE AZ 85625
OR
Name: EVELYN WILLIAMS 602-826-3318
Address: PO BOX 1
PEARCE AZ 85625

2. Date of Priority: APR 1, 1919

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

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5. Description of diverting works:
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IRRIGATION FROM STORAGE	04/01	11/01			1.00
IRRIGATION STORAGE	04/01	11/01			1.00
STOCKWATER	01/01	12/31	0.020		
RECREATION	01/01	12/31	0.010		
RECREATION STORAGE	01/01	12/31			1.00
FIRE PROTECTION	01/01	12/31	1.000		
FIRE PROTECTION STORAGE	01/01	12/31			1.00
FIRE PROTECT. FROM STOR	01/01	12/31			1.00

7. Total Quantity Appropriated is:
1.030 C.F.S. (and/or) 1.00 A.F.A.

8. Total consumptive use is 117.5 Acre Feet Per Annum.

9. Non-irrigation uses:
SEE REMARKS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	SW	NE		IRR	10.0
			SE	NW		IRR	25.0
			NE	SW		IRR	7.0
			NE	SW		REC	
			NW	SW		IRR	5.0
Section Acres							47.0
Total Acres							47.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A77-04178

14. Remarks:
RECREATION IS FOR FISH. STOCK-50 CATTLE & HORSES
ADDRESS CHANGE REC'D 08/11/94 SS.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

RECEIVED

CHANGE IN ADDRESS OF NOTICE OF CLAIM

AUG 11 1994

[] Water Right Number (s): A 77-04178

A 77-10126

Department of Water Resources

A 77-10127, -28, 29, 30,

[] Old Mailing Address: c/o David Couch

1021 Main Street
Salmon, ID 83467

[] New Mailing Address: P. O. Box 1
Pearce, AZ. 85625

New Telephone Number: (602) 826-3318

[] Signature of Claimant: Gerald Williams

Date: Aug. 11, 1994

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 08-11-94

By: S. Sherman

Further Action Needed: ☒

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

SEND TO YOUR NEAREST
REGION OFFICE:

Western Region Office
2735 Airport Way
Boise, ID 83705
(208) 334-2190

Southern Region Office
222 Shoshone St. East
Twin Falls ID 83301
(208) 734-3578

to me, please!
Sally

State Office
1301 N. Orchard St.
Boise, ID 83720-2237
(208) 327-7900

Eastern Region Office
150 Shoup Ave. #15
Idaho Falls ID 83402
(208) 525-7161

Northern Region Office
1910 Northwest Blvd. #210
Coeur d'Alene ID 83814
(208) 756-4539

August- 26, 1983

Lee Sisco
Senior Water Resource Agent
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Application for Permit--
Gerald Williams

Dear Mr. Sisco:

The Idaho Code provides for an inch to the acre unless additional need can be established. If you will check the adjudicated rights in Lemhi County, you will find that due to the nature of the soil, more than an inch to the acre is necessary. For example, the Lemhi River adjudication all allowed an inch and a half to the acre. Some creek bottoms are rockier than others and allow more. The need on Castle Creek is two inches to the acre due to the gravels and soils.

Very truly yours,

JAMES C. HERNDON

JCH:jcb

MICROFILMED
OCT 05 1992

Williams



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 11, 1995

Richard McAfee or John Drake
PO Box 865
Salmon, ID 83467

Dear Mr. McAfee and Mr. Drake:

Enclosed are copies of amended Claim Nos. A77-04209 and A77-04222. The priority dates on these claims have been amended to April 1, 1919, per the amended claims received March 17, 1995. The evidence of priority submitted with these amended claims has also been placed in the files.

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

Sincerely,

Adjudication Staff
Western Regional Office
(208) 334-2190

Enclosures

cc: Gerald Williams
PO Box 1
Pearce, AZ 85625

Mr. Williams,

I PLACED A COPY OF THE EVIDENCE OF PRIORITY INFORMATION SUBMITTED IN CLAIM NOS. A77-04170, A77-10126 & A77-10127 IN ADDITION TO THE ABOVE AMENDED CLAIM FILES.

SINCERELY,
T

Gerald Williams
P. O. Box 1
Pearce, Arizona 85625

RECEIVED

MAR 20 1995

WATER RESOURCES
WESTERN REGION

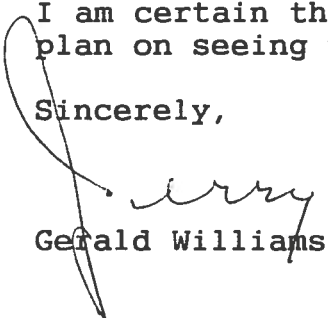
March 16, 1995

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Jan:

I want to express my sincere thanks to you for taking the time to help me with the water issues yesterday. When I can finally understand just how the system works and what the regulations mean, I am certain that it will not seem such a problem to me. We will plan on seeing you in early summer.

Sincerely,


Gerald Williams

4-11-95

I sent Mr. Williams a copy of amended Claim Nos. A77-04209 & A77-04222 on this date. See letter dated 3-2-95 as to the amending of those claims & the attached evidence of priority for this claim #A77-10126. I also sent copy of amended claims to the claims & Dick & McAttee.

RECEIVED

MAR 17 1995

WATER RESOURCES
WESTERN REGION

Gerald Williams
P. O. Box 1
Pearce, Arizona 85625

March 14, 1995

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Jan:

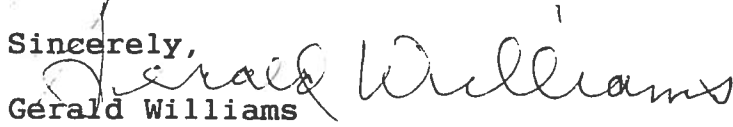
I just received the notarized copies of the change of priority date on the water claims by Mr. McAfee. It took two States in order to catch up with him. If there is anything missing or you need to talk to me by telephone, I should be, for all practical purposes, here at Spring Valley Ranch until about April 15. (Telephone is: 520-826-3318) The area code will have changed (March 19) from 602 to 520. Phoenix area will still be 602, but all the rest of Arizona will have the 520 code.

Jan, I want to be certain that I am at Castle Creek when you or some one from your Department come to make the verification next year. I am trying to make everything as good and efficient as one can in rocky, sandy, mountain terrain as to the irrigation techniques. I plan on stopping by your office some time this year in order to discuss some minor problems which I am running into in making the system work properly. I will value your counsel.

I generally am at the Castle Creek Ranch at least from July 15 until September 1 of each year. I spend much more time there, but other business often calls me in and out. If you write to our address here in Arizona in plenty of advance I can schedule to be there. If I am at Castle Creek, you can call in Salmon (756-4713) and they will get in touch with us by radio.

The directions for getting to Castle Creek are: Challis north about 8-10 miles on US 93 and then left on Morgan Creek Road to Meyers Cove. The road goes up over the Pass and then down Panther Creek toward Cobalt, but takes a sharp turn left to Meyers Cove (18 miles). At Meyers Cove you are 5.6 miles from us. Go up Camas (four wheel drive road) fording the Creek two times (total of 2.8 miles) and after the last ford take left up Castle Creek (2.8 miles) and you are at our place. The road runs straight onto our airstrip and ours is the first place and McAfees live higher on up on the Old Homestead.

Sincerely,


Gerald Williams

Gerald Williams
P. O. Box 1
Pearce, Arizona 85625

RECEIVED

MAR 17 1995

WATER RESOURCES
WESTERN REGION

March 2, 1995

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Jan:

It was a privilege for me to talk to you by telephone today. As I had Dave Couch, a Civil Engineer, do up our Water Claims, I was not familiar with the organization of the Department of Water Resources. I had Ernie Carlson's name in my file from Salmon, but now I realize it was because he worked with the folk there in the Lemhi River Basin. It was only after I talked with him by telephone just before Christmas that I learned that our area in the mountains is covered by your Western Region Office. Anyway he outlined the things that I should do and gave to me your name and address. He was very nice and helpful and thought that the information which I am sending to you would suffice. I will send a couple of affidavits which he suggested that I do even though they do not constitute the kind of proof normally accepted. All of the documents which I will enclose do add up to a reasonable credence that 1919 should be the date of priority. There are no irrigators that would complain in any case about our water as all of the land between us and the western border of Idaho is strictly Forest Service land and I doubt there are hardly anyone using water in that 175 mile expanse. Castle Creek flows into Camas and Camas into the Middle Fork of the Salmon and then into the Salmon River to the west of Salmon, Idaho (out of the area) where people do irrigate in the Lemhi Valley. I, along with your Department want the record to be clear.

Our neighbor, Dick McAfee and us use the same irrigation ditch which diverts water from Castle Creek to what was the Ernest Spletstosser homestead. He filed for the land in 1914 and proved up on it during the next five years when he was granted the patent in 1919. It is common knowledge that the condition for receiving patents on those kinds of homesteads was to prepare the land for tilling and to irrigate, without which there could be no crop. The patent deed from Woodrow Wilson makes it fairly clear that irrigation ditches were a part of the patent and indeed the requirement in order to receive the deed.

The reason that this issue came up during this past year was that my neighbor and I were comparing our Water Rights in conjunction with obtaining our permanent easement for the irrigation ditch across Forest Service land. Mr. McAfee noticed the discrepancy in our dates of priority. Obviously if both of us are using the same

irrigation ditch from Castle Creek, then the priority date would naturally be one and the same. He was concerned, but as we have always been very good neighbors for twenty plus years, I told him not to worry about it for I would work with your Department and have it changed. As I told you by telephone, he had put down June 20, 1967 as the time that he and his partners took possession of the land and he did not understand the purpose of the "date of priority."

I am enclosing several documents.

Two of them are the signed (and notarized) Claims to Water by Richard McAfee changing the priority date from 1967 to 1919. The claim numbers are A77-04209 and A77-04222. Claim A77-04222 for Spletts Creek is probably really not a Creek, but rather a 6-8 week run off, but it was included in the original 1919 maps, etc. so we have always made a claim for it even though it is not much good. It is a "feast or famine" type of water source.

A copy of the original deed to Ernest Spletstosser by Woodrow Wilson.

Field notes which indicate the progress of preparing tillable land on the homestead from 1918-1919.

Copy of Claim To A Water Right prepared by Attorney James Herndon (now an Idaho District Judge) for us in the early eighties when we first needed to file claims. Herndon is the one who came up with the exact date of April 1, 1919. Even though all of the cumulative evidence points to that time being correct, I am not certain where he discovered the exact date of April 1. It was, however, accepted by the State Of Idaho Department Of Water Resources. Herndon's law practice has now been dissolved and I have no way of checking his records.

Copy of certification by me, Gerald Williams, as to conversations with a Mr. W. M. Wilson who was a contemporary rancher with Spletstosser. In the seventies I could have received a certification directly from him, but he is now deceased.

Copy of certification by a Mr. Frank Pfeiffer.

Once the priority date has been changed for Mr. McAfee, please return the documents to me so that I can give them to him. He is concerned about this issue (even though I have told him that we would get it changed) and I want to place his mind at ease.

The same documentation which I am enclosing will serve as proof of priority date for the claims of Gerald and Evelyn Williams. These claims are: A77-10126; A77-04178; and A77-10127.

If there is anything further that we need in order to effect this change, please let me know. We are looking forward to seeing you in Castle Creek. It is a beautiful area. You will be "hooked" so

you had better sell out before you go as you probably won't want to leave.

Sincerely,


Gerald Williams

Enclosures:

RECEIVED

MAR 17 1995

The United States of America,

To all to whom these presents shall come, Greeting:

WATER RESOURCES
WESTERN REGION

WHEREAS, a Certificate of the Register of the Land Office at

Hailey, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Ernest R. Spletstosser

has been established and duly consummated, in conformity to law, for the H.L. Survey No. 325, embracing a portion of, approximately, Township seventeen north of Range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the U.S. Location Monument No. 325 bears south thirty-nine degrees thirty-one minutes west four and forty-eight hundredths chains distant; thence north forty-one degrees thirty minutes east twenty-six and fifty-four hundredths chains to corner No. 2; thence north sixty-eight degrees forty-eight minutes east forty-four and sixty-four hundredths chains to corner No. 3; thence south eighty-one degrees twenty-six minutes east nineteen and eighty-one hundredths chains to corner No. 4; thence south fifty-three degrees twenty-one minutes west eighty-six and thirteen hundredths chains to corner No. 5; thence north twenty-seven degrees fifty-five minutes west twenty and eighty-two hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and seventy-six hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the THIRTEENTH

day of DECEMBER in the year of our Lord one thousand

nine hundred and NINETEEN and of the Independence of the

United States the one hundred and FORTY-FOURTH.

By the President:

By

Woodrow Wilson
W. P. Le Roy Secretary
L. B. Samuels

Recorder of the General Land Office.

724054

✓ 014052

Act of June 11, 1906. List No. 4-672

NOTATIONS.

No. 1.
(herein
the
the
1st

SECTION.	IONOSP.	BASE.	AREA.
34			
35	177.	166	153 81

DATE.

NOTATIONS.

OCT 1 - 1918 RECEIPT NO. 1145976 - Allowed

Allowed under, Act of June 11 1906.

To GLO. OCT. RETURNS

NOV 1 1918 Plant & field notes filed at 325

Native sent.

OCT 4 1918 One Native sent.

NOV 9 1918 Add to make 3 of strong letters about

NOV 24 1918 Willam Co. Inc. check July 2-1917

NOV 24 1918 Letter received from Willam Co. Inc. regarding that

NOV 24 1918 Letter received from Willam Co. Inc. regarding that

NOV 24 1918 Letter received from Willam Co. Inc. regarding that

NOV 24 1918 Letter received from Willam Co. Inc. regarding that

NOV 24 1918 Letter received from Willam Co. Inc. regarding that

Platitudinal

Equal time filed & RECEIPT NO. 2224508

Address made by H. B. Adams in Co. Inc. 24th

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KIND: H.E.

#2

DATE

SERIAL No. 014052

Earnest R. Spletstosser

ADDRESS

Myers Cove, Idaho

DATE

NOTATIONS

DESCRIPTION OF LAND

SECTION

TOWNSHIP

RANGE

AREA

Feb 16 1920

Patent made C. S. Spletstosser et al.
Myers Cove, Idaho

DATE

NOTATIONS

"FS" of 5-5-1919 accepts cultivation already

performed on said entry, and authorizes issuance
of F.C. upon the claimant filing a supplemental
affidavit showing that the land has been used for
grazing purposes in lieu of cultivation.

Notice sent.

JUN 17 1919

Suppl. affidavit as to cultivation
filed with Bureau to Office 6-8-1919.

Witnessed at Myers Cove, Idaho
and for grazing purposes.

Witnessed at Myers Cove, Idaho JULY 1919, Return

JUL 17 1919

Patent # 724154 denied

JUL 12 1919

Notice sent

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

111N 15 1983



CLAIM TO A WATER RIGHT

**Department of Water Resources
Eastern District Office**

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that GERALD WILLIAMS
 c/o James C. Herndon (Name of Claimant)
 P. O. Box 789, Salmon, Idaho 83467
 (Mailing Address) Telephone No. 208-756-2412
 (Zip Code)

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1919
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 is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spletts Creek tributary to Castle Creek

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, gpd, AFA)	(Domestic, Irrigation, Stock, Etc.)	(Mo., Day)	(Mo., Day)
Quantity	1.00 cfs	Use Irrigation	Period of Use From	To
Quantity	0.02 cfs	Use Domestic	Period of Use From	To
Quantity	1.00 AFA	Use Irrigation storage	Period of Use From	To
Quantity	1.00 AFA	Use Irrigation from	Period of Use From	To
Quantity		Use storage	Period of Use From	To
(4) 1.02 cfs		TOTAL QUANTITY USED.		

(5) A) Point of diversion: (Location of point where water is diverted from its source)
 SW ¼ NE ¼, Sec. 11 Twp. 17N Rge. 17E B.M., County of Lemhi
 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. Describe any changes in the system and give the date of the change. Domestic: holding box and $\frac{1}{2}$ " pipe; Irrigation; diversion dam headgate and ditch works (2600 linear feet)

(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]

No. of acres 25

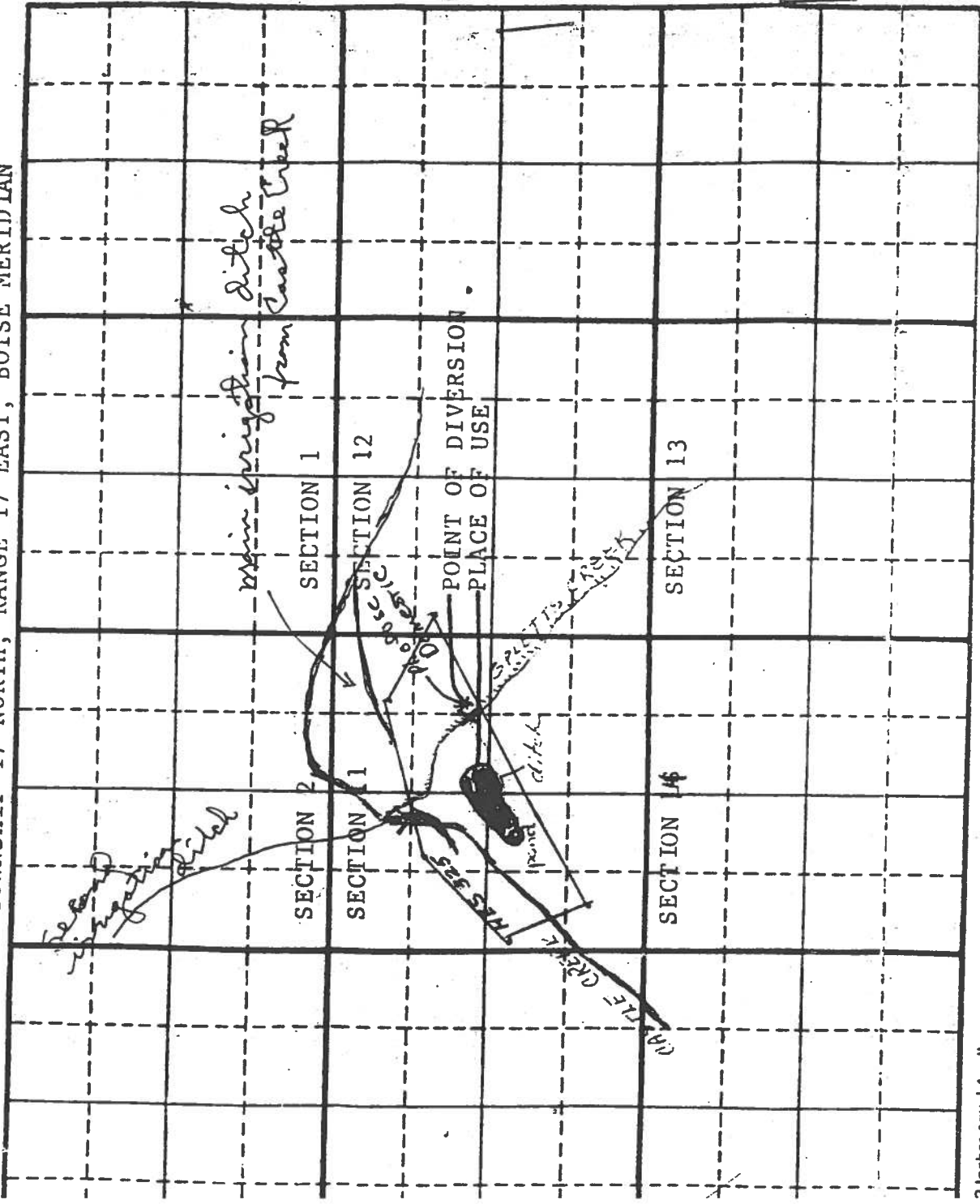
B) If water is used for other than irrigation, fully describe that use, being as specific as possible.
Domestic: SETNEZ one family dwelling being the "old cabin" on
H.E.S. No. 325.

H. E. S. No. 325.

20. Include here the type and number of stock watered:

and claiming water as a member of an organization, list name of organization:

TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN



State of Idaho)
County of Lemhi) ss.)

Sworn to before me this 25th day of May, 1983.

ly commission expires
10/86

Received by	Date	Forwarded to	Date
elim. check by	Exception filed by:	claimant by:	
\$0.00 fee received by			
Published in			
ates			

TO WHOM IT MAY CONCERN:

I, Gerald Williams do make the following certification. My family has owned what is known as Castle Creek Ranch since 1971. The ranch is located in Lemhi County, Idaho and consists of the major portion of H.E.S. 325 which was the homestead of Ernest R. Splettstosser who filed claim for the land in 1914 and proved up on his claim during the following five years and was granted permanent title and patent to the land in 1919 by President Woodrow Wilson. Our ranch is more specifically identified on the present tax records as RP 17N17E110002 A.

During the late 1970s I had the opportunity to meet a Mr. W. M. Wilson (known as Bill Wilson) who was one of the early pioneers in the area and owned the ranch at Meyers Cove. His ranch was located about three miles from our present ranch (as the crow fly) and about 5.6 miles by the primitive road following Castle and Camas Creeks. Mr. Wilson was the only neighbor to Mr. Splettstosser and related a great deal of the early history of the area to me. He told me that Mr. Splettstosser had built by means of a team of horses, using primitive frontier equipment, the present irrigation ditch which transverses Forest Service property to join his homestead land in order to irrigate his crops which consisted of potatoes and wheat. According to Mr. Wilson the irrigation ditch was somewhat of an engineering marvel considering the primitive tools he had to work with as far as elevations and fall were concerned. It was my distinct impression that the irrigation ditch existed from the beginning time of Mr. Splettstosser's homestead and was a requirement by the U.S. Government for proving up on his land. Mr. Wilson is now deceased. I have met a daughter of his, but she does not remember anything that would pertain to Mr. Splettstosser as she was only a child. Several pieces of haying equipment are still laying around (rotting) on the ranch and I can recall their vintage of being at least in the early thirties.

March 1, 1995

Date

Gerald Williams

Gerald Williams

P. O. Box 2512

Salmon, Idaho 83467

TO WHOM IT MAY CONCERN:

I, Frank Pfeiffer, now being retired do certify that during the summers of 1937, 1938, and 1939 that I worked two of those summers for Ernest R. Splettstosser on his homestead on Castle Creek in Lemhi County, Idaho. I was a boy at the time and recall vividly some of the scenes on his farm in the mountains in those early days. Mr. Splettstosser raised goats and made cheese from the milk. He had an irrigation system whereby he raised hay and potatoes. The irrigation water came onto his property through some source from Castle Creek up high on his homestead. I recall his haying equipment which consisted of an old dump rake and a horse drawn mowing machine.

January 25, 1995

Date

Frank Pfeiffer

Frank Pfeiffer
P. O. Box 534
Challis, Idaho 83226

6/9/94

RECEIVED

DEC 05 1994

COMMUNICATION DOCUMENTATION

WATER RESOURCES
WESTERN REGION

Claim No. A77-10126 & A77-04209

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 Ernie Carlsen. Date 30 NOV 94

Contact Person(s) Gerald Williams

Nature of Contact Telecon concerning evidence of priority and amending priority date on A77-04209.

Substance of Communication Mr. Williams is assisting his neighbor in compiling evidence of priority and subsequently amending the priority date on A77-04209. Mr. Williams will send IDWR a copy of ~~his~~ the land patent, dated 1919, for the homestead that originally included both his and his neighbors property along with a personal affidavit. These documents will apply to both A77-10126 & A77-04209. His neighbor will then file and amended A77-04209 conforming to the evidence of priority.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 12, 1994

GERALD AND EVELYN WILLIAMS
PO BOX 1
PEARCE AZ 85625

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim No. A77-04178, A77-10126,
A77-10127, A77-10128, A77-10129 & A77-10130
Change of Address Notification

Dear Mr. & Mrs. Williams:

It was delightful to meet you yesterday. I hope your drive home was a safe one and you weren't delayed by the fires. I've changed the address of your water right claims referenced above, as you requested.

If you have any questions or need further assistance, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Sally".

Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:region

P. O. Box 1
Pearce, Az. 85625
April 13, 1990

Idaho Department of Water Resources
Eastern Region
150 Shoup Avenue Suite 15
Idaho Falls, ID 83401

Dear Sirs:

As our Castle Creek Ranch (Lemhi County) is located so far back in the mountains, communication by mail is often very irregular. We can't always drive into our place and flying to our place is also not too definite because of snow and weather.

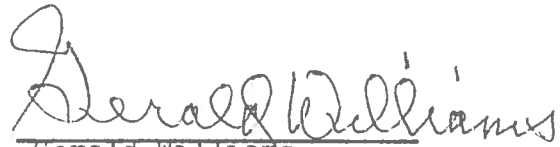
Therefore, I am asking Dave Couch to serve as our representative in working out the details our Water Rights. I will handle basically everything, but as Dave is an Idaho licensed surveyor and knows our ranch well, he can help resolve some details that might arise and be a little difficult for me to handle in a timely fashion. We will also use his address for Department correspondence.

David Couch
Surveyor
1021 ~~8th~~ Main Street
~~P. O. Box 1460~~
Salmon, Idaho 83467

208-756-3019

I am having my signature to be notarized so that the above becomes an official appointment of Dave to help us and to act as our agent. Thank you

Signed:


Gerald Williams



My Commission Expires July 8, 1991


Personal Income Tax Service
Evelyn Aungst 381-28-1703
320 Flynn Jans Court
Pearce, AZ 85625

4-13-90

MICROFILMED

OCT 05 1992