



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

March 6, 2006

Tommy & Sue Taylor
4622 CO Rd 13
Heflin, AL 36264

RE: 77-14140

Dear Mr. & Mrs. Taylor:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply. In order for us to retrieve your water right from our system whether is by computer, maps or paper we have to have the approximate township, range, section and forty acre tracts. We realize that this is an unsurveyed area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Knoblock', is written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

03/06/2006

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

RIGHT NUMBER: 77-14140

NAME AND ADDRESS: TOMMY TAYLOR
4622 CO RD 13
HEFLIN AL 36264

SUE TAYLOR
4622 CO RD 13
HEFLIN AL 36264

SOURCE: DUCK CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.400 CFS

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

PRIORITY DATE: 05/15/1951

POINT OF DIVERSION:

T18N R17E S30 SESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.360 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T18N R16E S36	NESE	8.00	T18N R16E S36	SESE	6.00
T18N R17E S31	NWNW	2.00	T18N R17E S31	SWNW	2.00

DOMESTIC Within LEMHI County

T18N R16E S36	NESE	T18N R16E S36	SESE
T18N R17E S31	NWNW	T18N R17E S31	SWNW

18 ACRES TOTAL

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

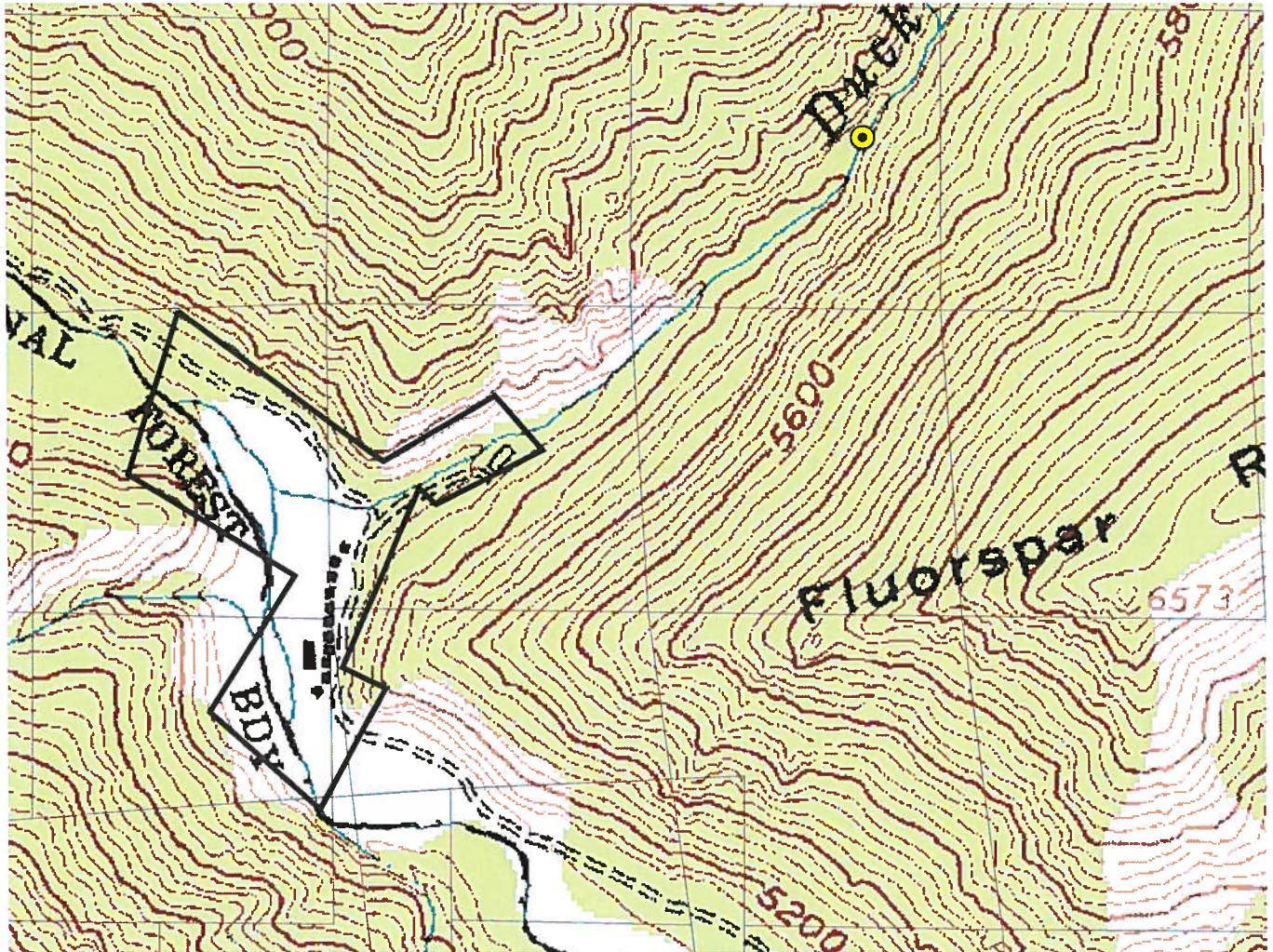
Irrigation and domestic use is within MS3548B unsurveyed.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

78-14140



0 500 1000 Feet



● Point of Diversion

□ Place of Use

Map prepared on March 6, 2006
By Kenneth Knoblock
Idaho Department of Water Resources

11/30/2005

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

RIGHT NUMBER: 77-14140
NAME AND ADDRESS: TOMMY TAYLOR
4622 CO RD 13
HEFLIN AL 36264

SUE TAYLOR
4622 CO RD 13
HEFLIN AL 36264

SOURCE: DUCK CREEK TRIBUTARY: CAMAS CREEK
QUANTITY: 0.400 CFS
The quantity of water under this right for domestic use shall not exceed
13,000 gallons per day.
PRIORITY DATE: 05/15/1951
POINT OF DIVERSION:

T18N R17E S30 SESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.360 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T18N R16E S36	NESE	8.0	T18N R16E S36	SESE	6.0
T18N R17E S31	NWNW	2.0	T18N R17E S31	SWNW	2.0

DOMESTIC Within LEMHI County

T18N R16E S36	NESE	T18N R16E S36	SESE
T18N R17E S31	NWNW	T18N R17E S31	SWNW

18 ACRES TOTAL

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

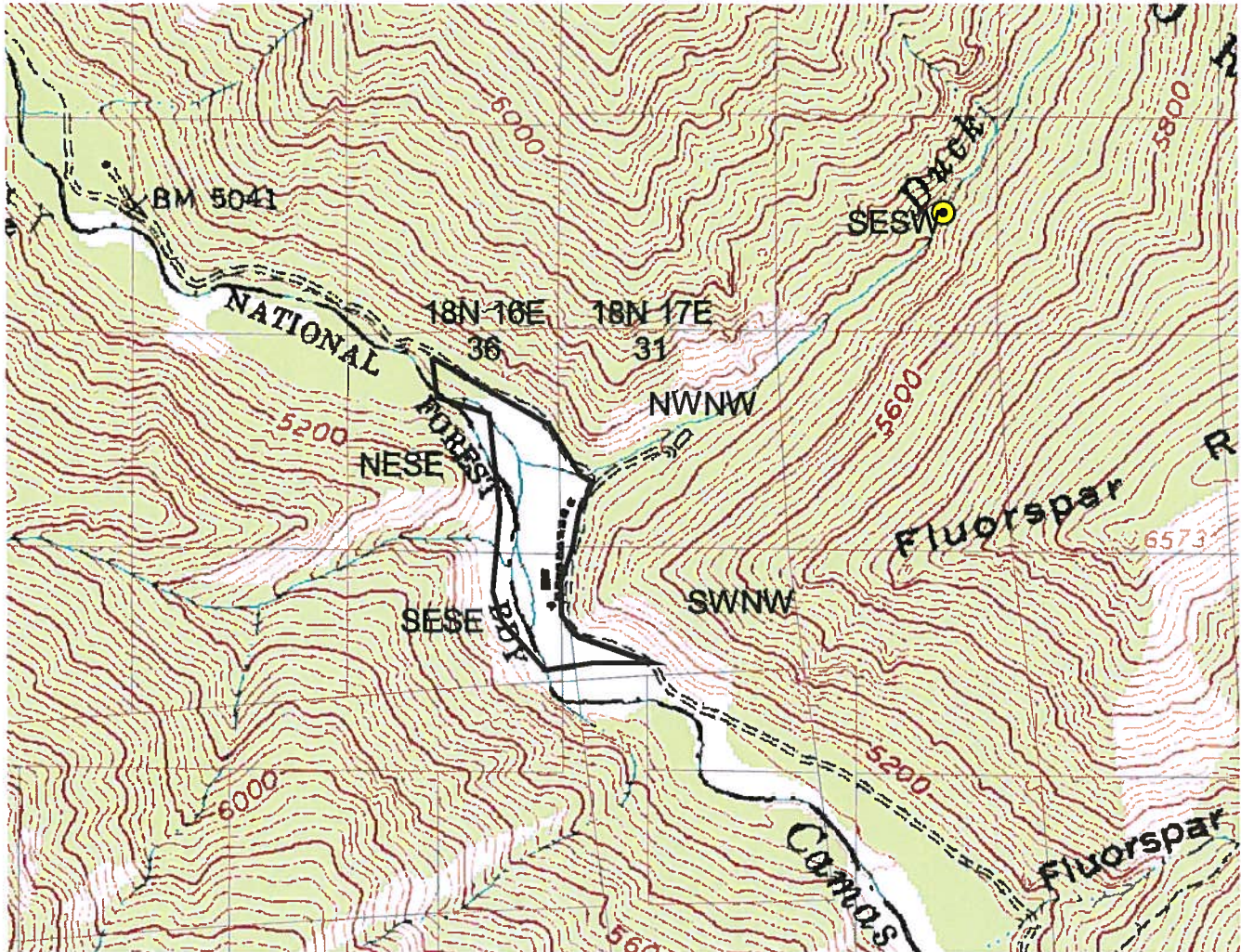
Property is within MS3548B unsurveyed.

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

77-14140



0 700 1400 Feet

Section 36
T18N R16E
Section 31
T18N R17E

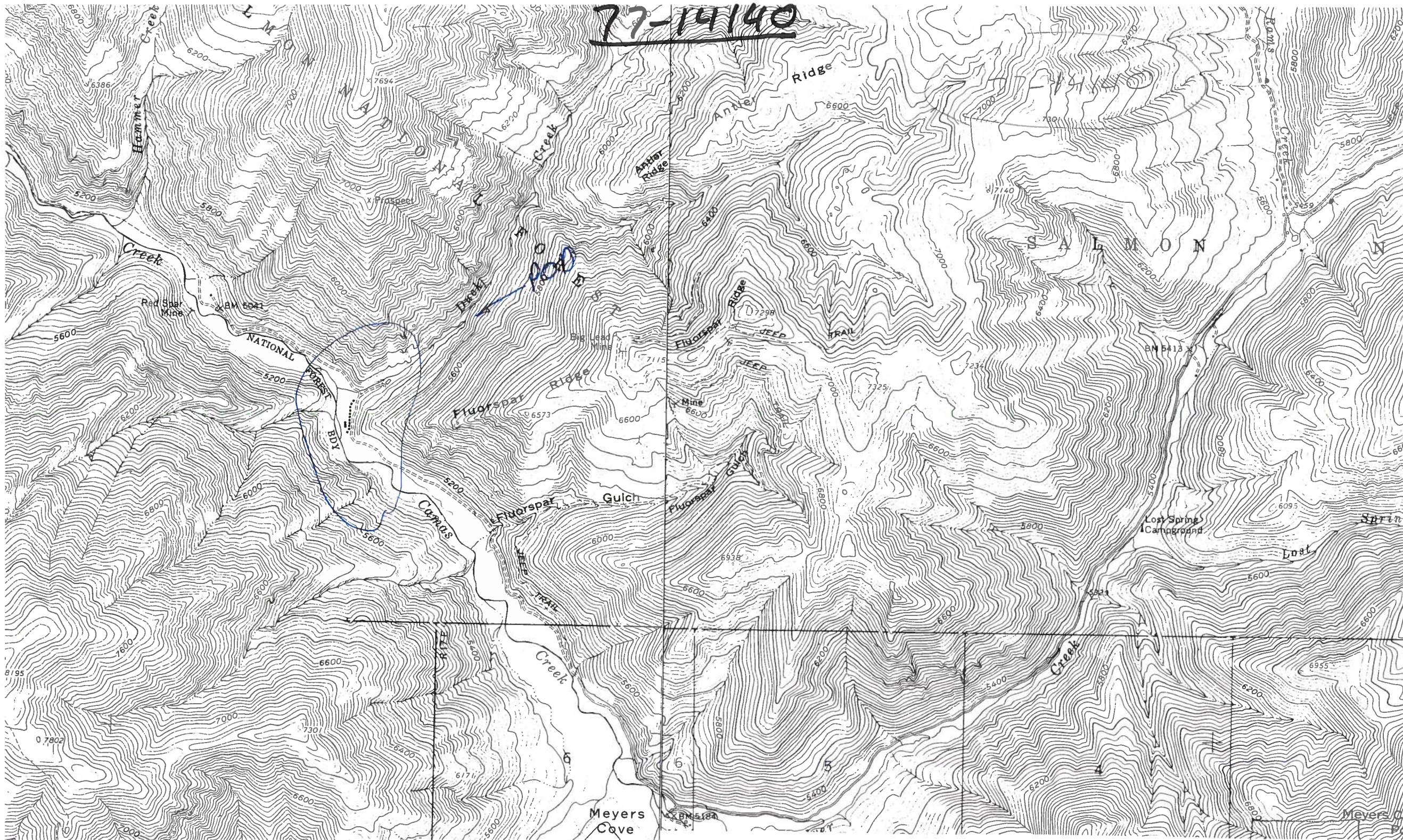


● Point of Diversion

□ Place of Use

Map prepared on November 30, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

77-14140



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: 77-14140

TOMMY TAYLOR
4622 CO RD 13
HEFLIN AL 36264
Telephone Number: (256)835-1800

SUE TAYLOR
4622 CO RD 13
HEFLIN AL 36264
Telephone Number: (256)835-1800

RECEIVED
MAR 02 2006
IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): Point of Diversion: You have as the SE of SW of Section 30, T-18 N, R 17 E. This property is located on an unsurveyed section of Lemhi County. The area is also located at a Township & Range correction line. (See additional at bottom of page.)

2. Describe the changes you wish to make in the proposed recommendation:
Point of Diversion: I suggest you use a G.P.S. coordinate as a point of diversion. Place of Use: Use the mineral survey map #MS3548B recorded 4/28/83 as the place of use and not Section-Township & Ranges.
Map: See corrected map.

3. Give a brief explanation as to why you disagree with these portions:
The volume of water is correct; it is locations you have stated that may be in error. Use of MS3548B should clarify this.

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

DATE: 2/13/06

SIGNATURE: [Signature]

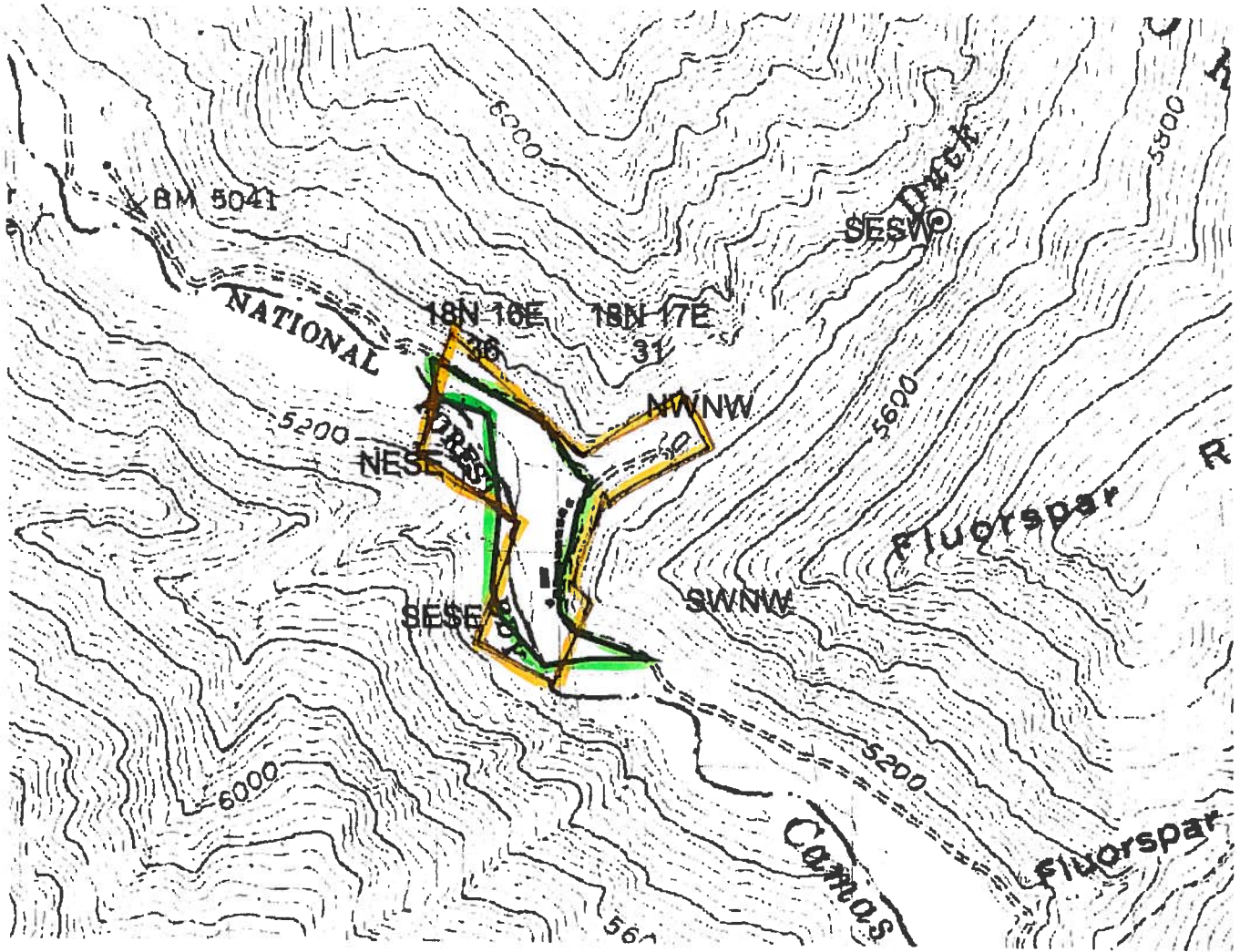
Please print your name: _____

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

1. (Continued from above) Place of Use: (Irrigation) As stated above in the Point of Diversion answer, you are using Quarter-Quarter descriptions which at the present time has not been surveyed. (Domestic) Same as Place of Use stated above.

Map: Prepared by Kenneth Knoblock dated November 30, 2005 does not show the complete irrigated area. Corrected map is enclosed.

77-14140



0 700 1400 Feet



AREA as shown by
Kenneth Knoblock



Area of MS 3548 +
as irrigated

Section 36
T18N R16E
Section 31
T18N R17E

⊙ Point of Diversion

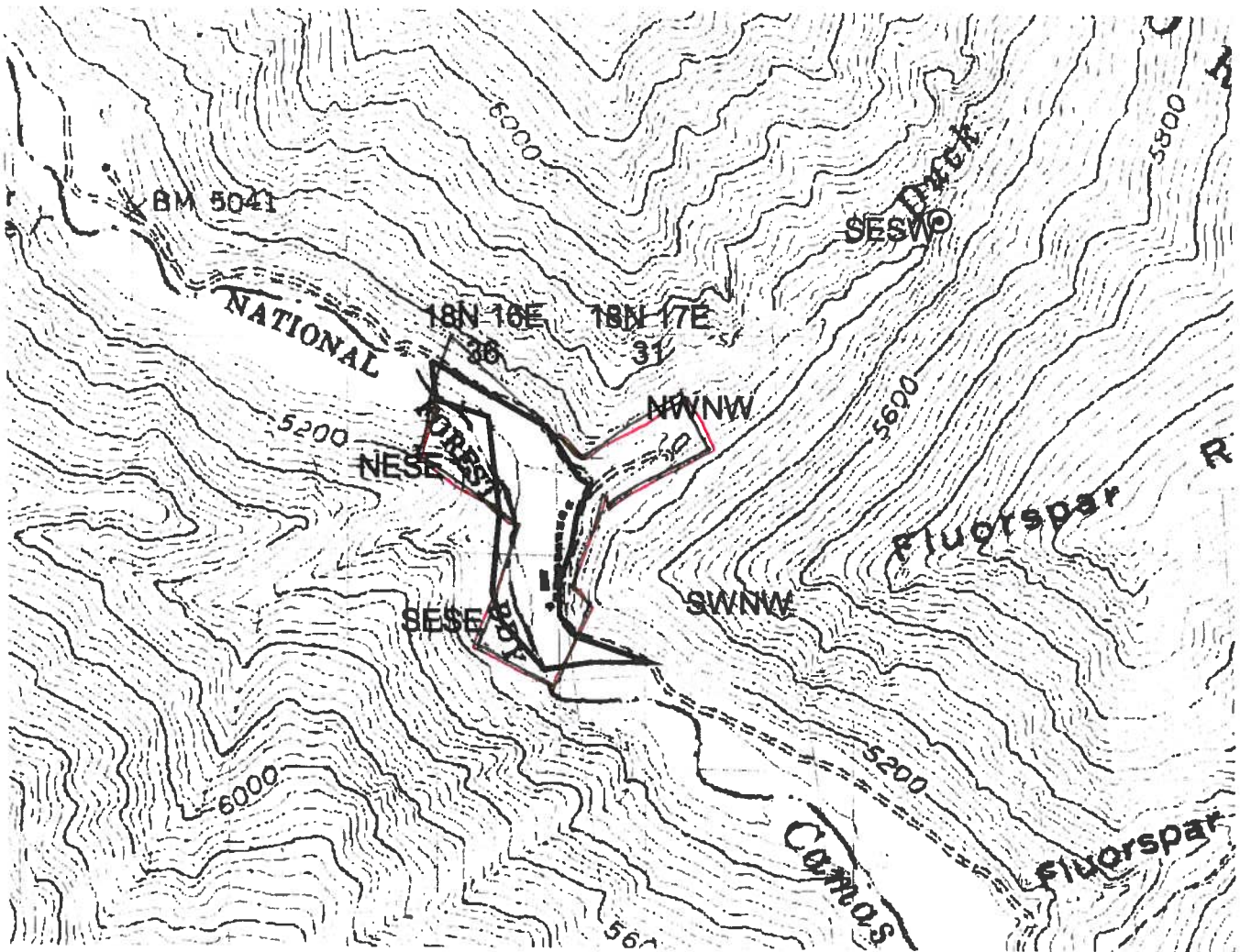
□ Place of Use



(corrected)

Map prepared on November 30, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

77-14140



0 700 1400 Feet

Section 36
T18N R16E
Section 31
T18N R17E



⊙ Point of Diversion

□ Place of Use

Map prepared on November 30, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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

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

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

A77-14140

4-2-01

W027513

RECEIVED

APR 06 2001

Department of Water Resources
Southern Region

RECEIVED

APR 05 2001

Department of Water Resources
Eastern Region

NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

APR 09 2001

WATER RESOURCES
WESTERN REGION

RECEIVED

APR 02 2001

WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant (s) Tommy & Sue Taylor Phone (256) 835-1800Mailing Address 4622 CQ RD 13, Heflin, AL Zip 362642. Date of Priority (Only one (1) per claim) May 15, 19513. Source of water supply (a) Duck Creek
which is tributary to (b) Camas Creek4. a. Location of existing point of diversion is: unsurveyed area NE of Crystal No. 1 Mill Site*
Township Range Section ,
1/4 of 1/4 of 1/4 of Govt. Lot B.M. County of Lemhi-see attached map

Additional points of diversion if any: _____

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. Existing wood headgate to existing 8" buried
pipeline (gravity pressure), thence SW to irrigated lands on Crystal No. 2
Mill Site, Crystal No. 3 Mill Site, Crystal No. 5 Mill Site and Crystal
No. 1 Mill Site.* Approximately 3/4 of a mile Northwest of the Northwest corner of
Section 6, Township 17N, Range 17E is the approximate location of
the place of use.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 1 amount 0.36 or _____

For Domestic purposes from Jan. 1 to Dec. 31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.4 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 36 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 household with guest cabins

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		
							UNSURVEYED - SEE MAP													
			The description for the place of use is approximately 3/4 of a mile Northwest																	
			of the Northwest corner of Section 6 of Township 17N, Range 17E																	

Total number of acres irrigated 18

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

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.
_____ or None (X)

14. Remarks:
The diversion point and place of use are on the unsurveyed domain in
Southwest Lemhi Count (see map). Water will be used for domestic and
irrigation purposes on patented mining claims, titled to the claimant.

Last Name Tommy & Sue Taylor Ident No. _____

Scale: 2 inches equals 1 mile

[illegible]

Last Name Tommy & Sue Taylor Ident No. _____

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 X do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

Signature of Claimant (s) [Signature] Date 3/27/2001
[Signature] Date 3/27/2001

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 Alabama)
County of At Large) SS.

Subscribed and sworn (or affirmed) before me this Twenty-seventh day of March 2001

SEAL Shannon S. Charles Notary Public for Alabama
Shannon S. Charles Residing at 154 Harper RD Heflin, AL 36264

My Commission Expires 01/24/2004

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 _____

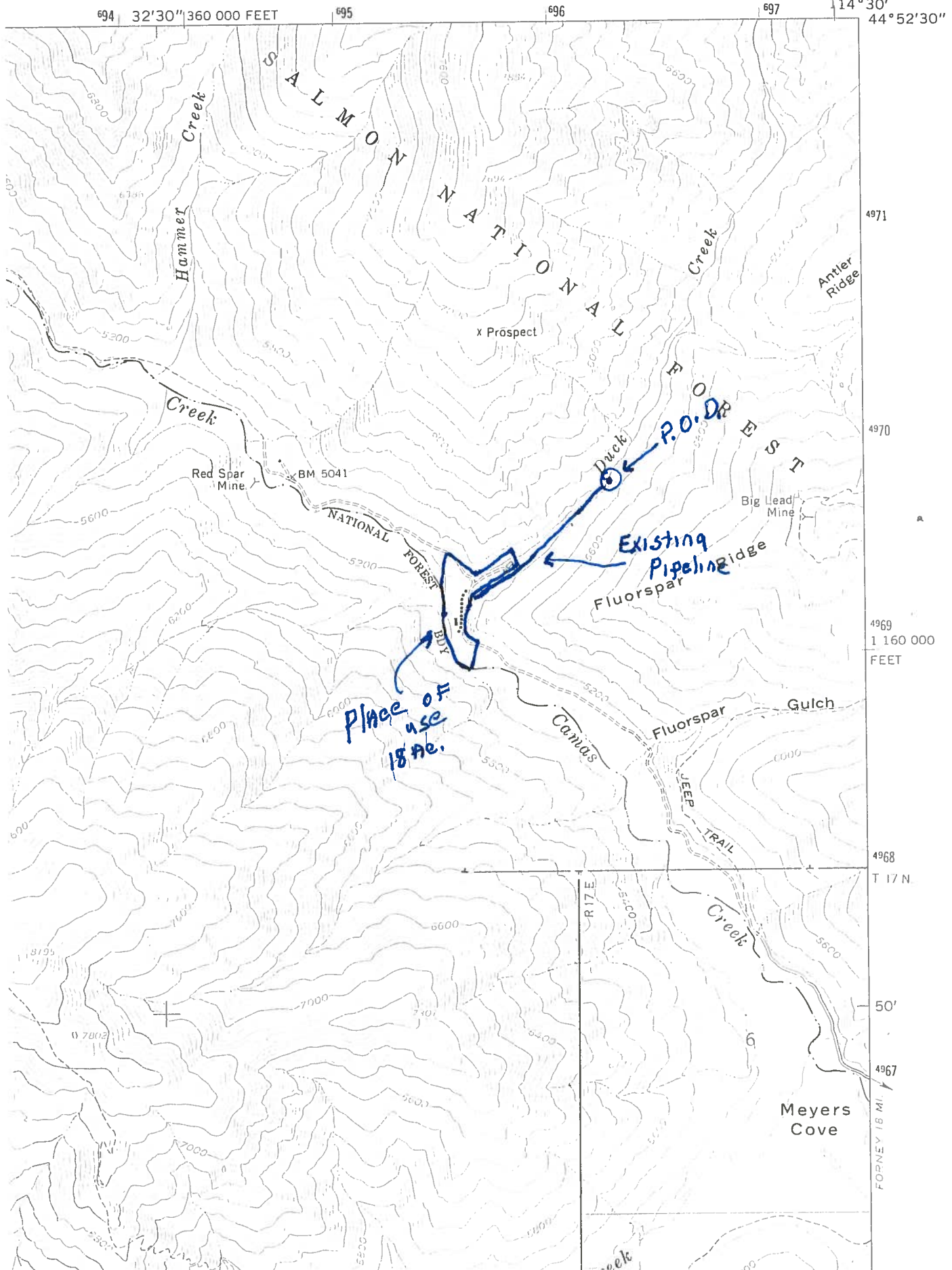
Address _____

Date _____

Last Name Tommy & Sue Taylor Ident. Number _____

MEYERS COVE QUADRANGLE
IDAHO-LEMHI CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

3173 IV NW
(DUCK CREEK POINT)



1988

77-14140

Exam Notes

Tommy Taylor

Alabama

(254) 835-1866 Ext 104

Mouth Duck Creek

$44^{\circ} 51' 6''$

$114^{\circ} 31' 32''$

Phone Conversation: 8-6-05

Will be on place From Tuesday 8-9-05 to Following Monday

Voice Mail 1-800-750-7114

System

Drop box built in 40's

6" Steel cast line goes $\frac{1}{4}$ mile over Forest Service land.
E branches

~~Runs about~~

Sprinklers $\rightarrow$ 62 $\rightarrow$ 48 psi
Gravity

Directions! From Challis

North on 93 for 7 mi

Take Morgan Creek Rd (Forest Serv Rd # 055)

West over Morgan Summit

At Mile Post 37, left on Silver Creek Rd (For. Serv. # 108)
16 Miles (See Forth Mine)

14 Miles to Meyers

Stay Right.

At Gate $\rightarrow$ Gate has lock
2 More Miles

Call
For
Combination

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 77-14140
Date Received: 4/2/01
Receipt No: W027513
Received By:

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

1. Name of Claimant(s)

TOMMY TAYLOR Phone: (256)835-1800

4622 CO RD 13
HEFLIN AL USA 36264

SUE TAYLOR Phone: (256)835-1800

4622 CO RD 13
HEFLIN AL USA 36264

2. Date of Priority: 05/15/1951

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
18N	17E	30	<i>SW</i> <i>SE</i> SW	LEMHI	

5. Description of diverting works:

Existing wood headgate to existing 8" buried pipeline (gravity pressure),
thence SW to irrigated lands on Crystal No. 2 Mill Site, Crystal No. 3 Mill Site,
Crystal No. 5 Mill Site and Crystal No. 1 Mill Site.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.36	
DOMESTIC	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
18N	16E	36	NE	NE		IRRIGATION	2
			SW	NE		IRRIGATION	8
			NW	NE		IRRIGATION	8
			NW	NE		DOMESTIC	
			SW	NE		DOMESTIC	
Section Acres							18
Total Acres							18

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:

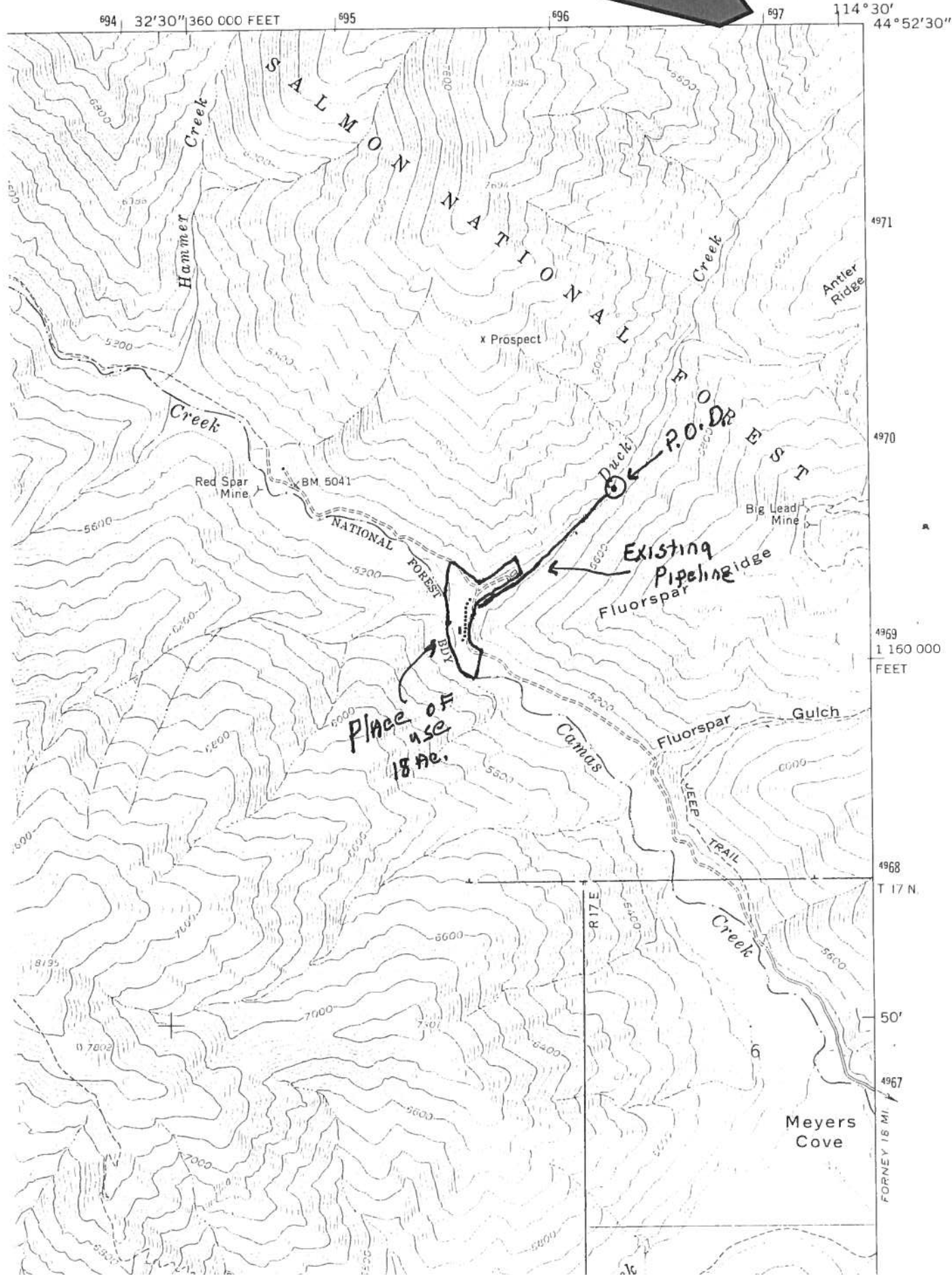
14. Remarks:

The diversion point and place of use are on the unsurveyed domain in Southwest Lemhi County (see map). Water will be used for domestic and irrigation purposes on patented mining claims, titled to the claimant.
The POD and POU were projected per attached map.

15. Basis of Claim: Beneficial Use

MEYERS COVE QUADRANGLE
IDAHO LEMHI CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

3173 IV NW
DUCK CREEK POINT



JAMES R. BENNETTS
Attorney at Law
P. O. Box 36
Challis, Idaho 83226
Phone: 208/879-4488
Fax: 208/879-4248

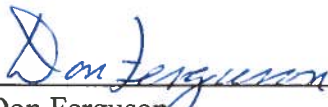
AFFIDAVIT OF DON FERGUSON

STATE OF IDAHO)
 ss:
County of Custer)

First being sworn and deposed the undersigned states as follows:

1. That the undersigned worked at the Fluorspar Mine at the mouth of Duck Creek, a tributary of Camas Creek, in Lemhi County, Idaho during some or all of 1951, 1952 and 1953. Further, that the undersigned was working as a mining engineer on the project for J.R. Simplot Mining Company during that period.
2. That as an engineer on the project, the undersigned was familiar with the gravity pipeline system out of Duck Creek and the use of the water therefrom. In addition to industrial use for mining purposes, the water was used for domestic uses and yard, garden and sprinkling of the areas surrounding the houses.
3. That it is also Affiant's recollection that the water delivery system consisted of a pipeline, approximately 8" in diameter, with a point of diversion from Duck Creek located a few hundred yards above the dwellings. The elevation differential between the point of diversion and point of use was sufficient to develop considerable pressure in the system.
4. That the uses referred to above, occurred during the summer season of 1951 and 1952, but to the best of Affiant's belief, continued during a few years immediately following during the time that the lands and property were under clean-up or under a caretaker's control.

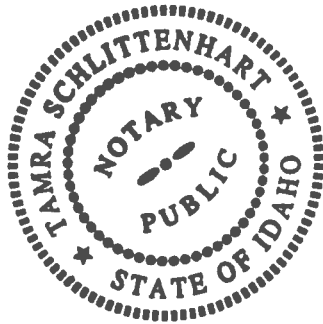
IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.



Don Ferguson

On this 30 day of January, 2001, before me, a Notary Public in and for said State, personally appeared Don Ferguson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Tamra Schlittenhart

Notary Public

My Commission Expires on _____

Notary Public for the State of Idaho.

Residing at Kellogg, ID

My Commission Expires August 21, 2006.

JAMES R. BENNETTS
Attorney at Law
P. O. Box 36
Challis, Idaho 83226
Phone: 208/879-4488
Fax: 208/879-4248

AFFIDAVIT OF BUD KING

STATE OF IDAHO)
 ss:
County of Custer)

First being sworn and deposed the undersigned states as follows:

1. That the undersigned worked at the Fluorspar Mine at the mouth of Duck Creek, a tributary of Camas Creek, in Lemhi County, Idaho during some or all of 1951, 1952 and 1953.
2. That the undersigned was familiar with the gravity pipeline system out of Duck Creek and the use of the water therefrom. In addition to industrial use for mining purposes, the water was used for domestic uses and yard, garden and sprinkling of the areas surrounding the houses.
3. That the uses referred to above, occurred during the summer season of 1951, 1952 and 1953. Affiant believes that the uses probably continued for periods after 1953, but did not personally observe that use.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.



Bud King

On this 25th day of January, 2001, before me, a Notary Public in and for said State, personally appeared Bud King, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.





Notary Public
My Commission Expires on 1-13-2005
Residing at: Challis, Idaho

JAMES R. BENNETTS
Attorney at Law
P. O. Box 36
Challis, Idaho 83226
Phone: 208/879-4488
Fax: 208/879-4248

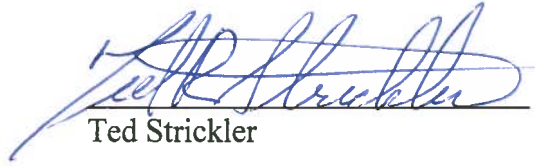
AFFIDAVIT OF TED STRICKLER

STATE OF IDAHO)
 ss:
County of Custer)

First being sworn and deposed the undersigned states as follows:

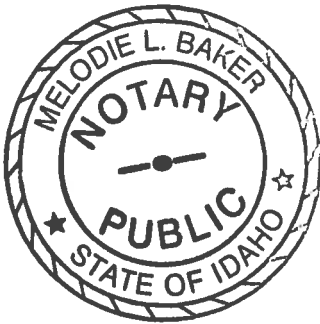
1. That during the period of 1951 through 1955 and again during the early and mid 1960's, the undersigned spent considerable time in and around the Duck Creek drainage, tributary of Camas Creek, in southwest Lemhi County, Idaho.
2. That Affiant was especially familiar with the area around the Fluorspar Mine operation at the mouth of Duck Creek and observed the goings on in that area during the periods set out above.
3. That to the best of Affiant's recollection and belief, the employees of the mine operation and/or mine staff regularly irrigated the yards, gardens and pasture area around the buildings during the 1950's with water from Duck Creek.
4. That when Affiant returned to the area in the early 1960's (after being gone for a few years), Affiant recalls that the mine operation had ceased, but that the mine site was primarily under the care of one Clyde Johnson as caretaker. Affiant recalls and swears that to the best of his recollection and belief the yards and surrounding areas continued to be kept up, irrigated and maintained with Duck Creek water by the caretaker for use as a horse pasture by the caretaker's horses.
5. That Affiant can not recall a specific date, but can swear that he observed water being used on the premises by or before September of 1951.
6. Affiant further recalls that during the early years of the operation all of the flat area at the mouth of Duck Creek was occupied by as many as 30-40 houses, boarding houses, and the like, which were used as housing for a quite sizable work force.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.


Ted Strickler

On this 12th day of February, 2001, before me, a Notary Public in and for said State, personally appeared Ted Strickler, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.




Notary Public
My Commission Expires on 10/23/06

Idaho Department of Water Resources Receipt

Receipt ID W027513

Payment Amount Date Received Region Status

Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$118.00	ADJUDICATION FILING FEE	0337	42503	1155	



Signature Line (Dept. Representative)