

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: 77-14166

STATE OF IDAHO
IDAHO FISH & GAME COMMISSION
PO BOX 25
BOISE ID 83707-0025
Telephone Number: (208)334-3700

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):

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: 2 February 2006 SIGNATURE: Cynth Robertson Staff Biologist
Please print your name: Cynthia Robertson

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

SCANNED
FEB 22 2006

03/28/2005

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

RIGHT NUMBER: 77-14166
NAME AND ADDRESS: IDAHO FISH AND GAME COMMISSION
BOX 25
BOISE ID 83707
SOURCE: WARM SPRINGS CREEK TRIBUTARY: MIDDLE FORK SALMON RIVER
QUANTITY: 0.220 CFS
The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.
PRIORITY DATE: 03/26/1949
POINT OF DIVERSION:
T19N R14E S34 NWNENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.160 CFS
STOCKWATER	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

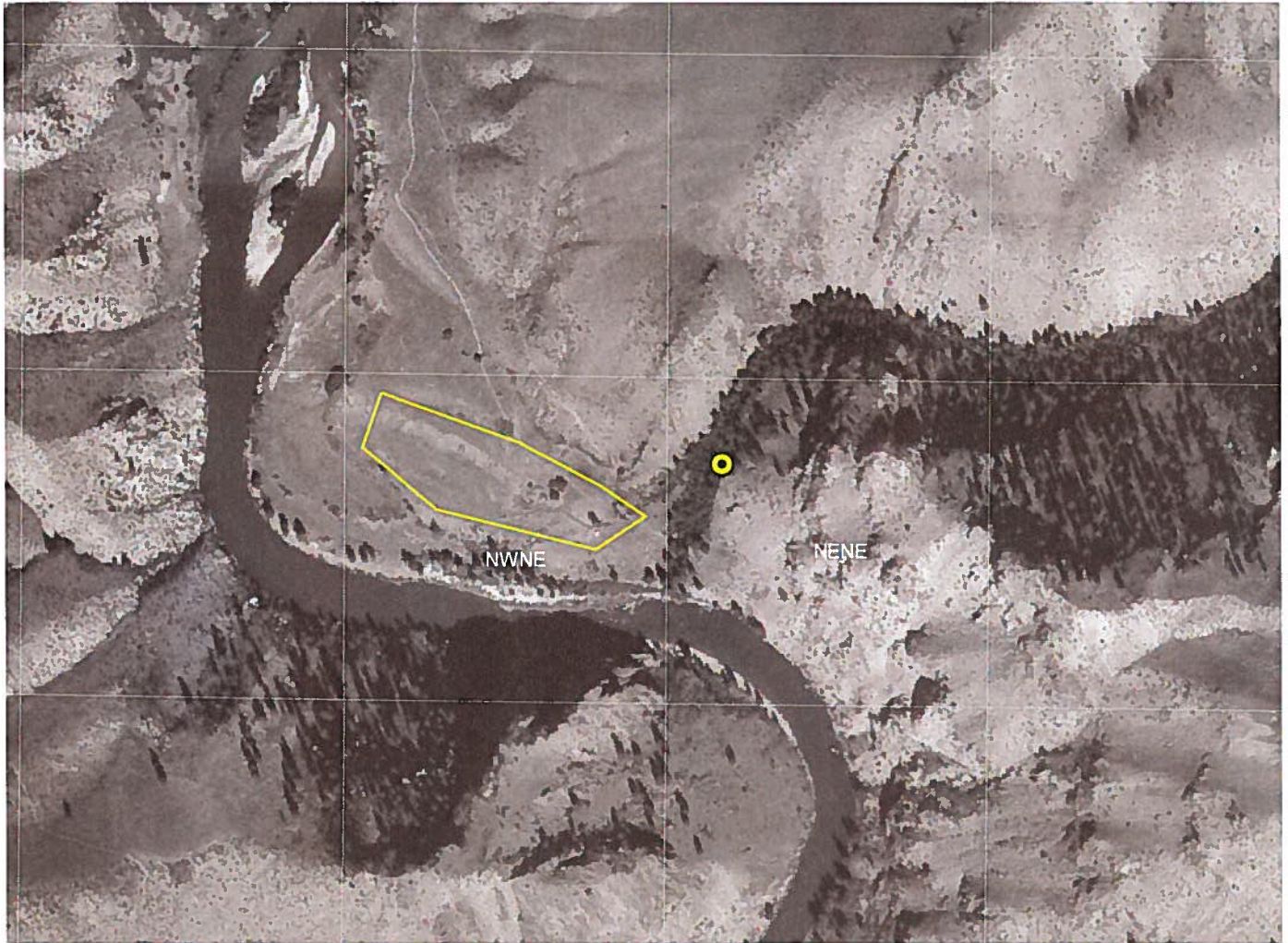
PLACE OF USE: IRRIGATION Within LEMHI County
T19N R14E S34 NWNE 8.0
STOCKWATER Within LEMHI County
T19N R14E S34 NWNE
DOMESTIC Within LEMHI County
T19N R14E S34 NWNE

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

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

EXPLANATORY MATERIAL: Beneficial Use

77-14166



0 400 800 Feet



Section 34
T19N R14E



-  Point of Diversion
-  Place of Use

Map prepared on March 28, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

77-14166

Date Received

3/25/05

Receipt Number

N016805

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 25 2005
IDWR/North

Please type or print clearly

1. Name of Claimant (s) Idaho Fish and Game Commission Phone (208) 334-3700

Mailing Address P.O. Box 25, 6005. Walnut Boise ID Zip 83707

2. Date of Priority (Only one (1) per claim) 3-26-1949

3. Source of water supply (a) Warm Springs Creek
which is tributary to (b) Middle Fork Salmon River

4. a. Location of existing point of diversion is: Township 19N Range 14E Section 34,
NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Lemhi

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. The irrigation system is a 12' long, 8"
diameter perforated pipe in Warm Springs Creek which runs into a collection
box. From the box, an 800' long, 6" pipe runs to the irrigation system. Water
is spread over the 8 acres with irrigation tubes and through flood irrigation.
A separate diversion approximately midpoint in the diversion pipe provides
water to the cabin and for small (<0.5 acre) area behind cabin.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/1 to 10/31 amount 0.16 or _____

For Domestic purposes from 1/1 to 12/31 amount 0.04 or _____

For Stockwater purposes from 4/1 to 10/31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.22 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 16.0 acre feet per annum.

9. Non-irrigation uses: describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic: 1 cabin; Stockwater: 6 head of horses

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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
19N	14E	34		8															8
		34		0/5															

Total number of acres irrigated 8

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 ☒ 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)

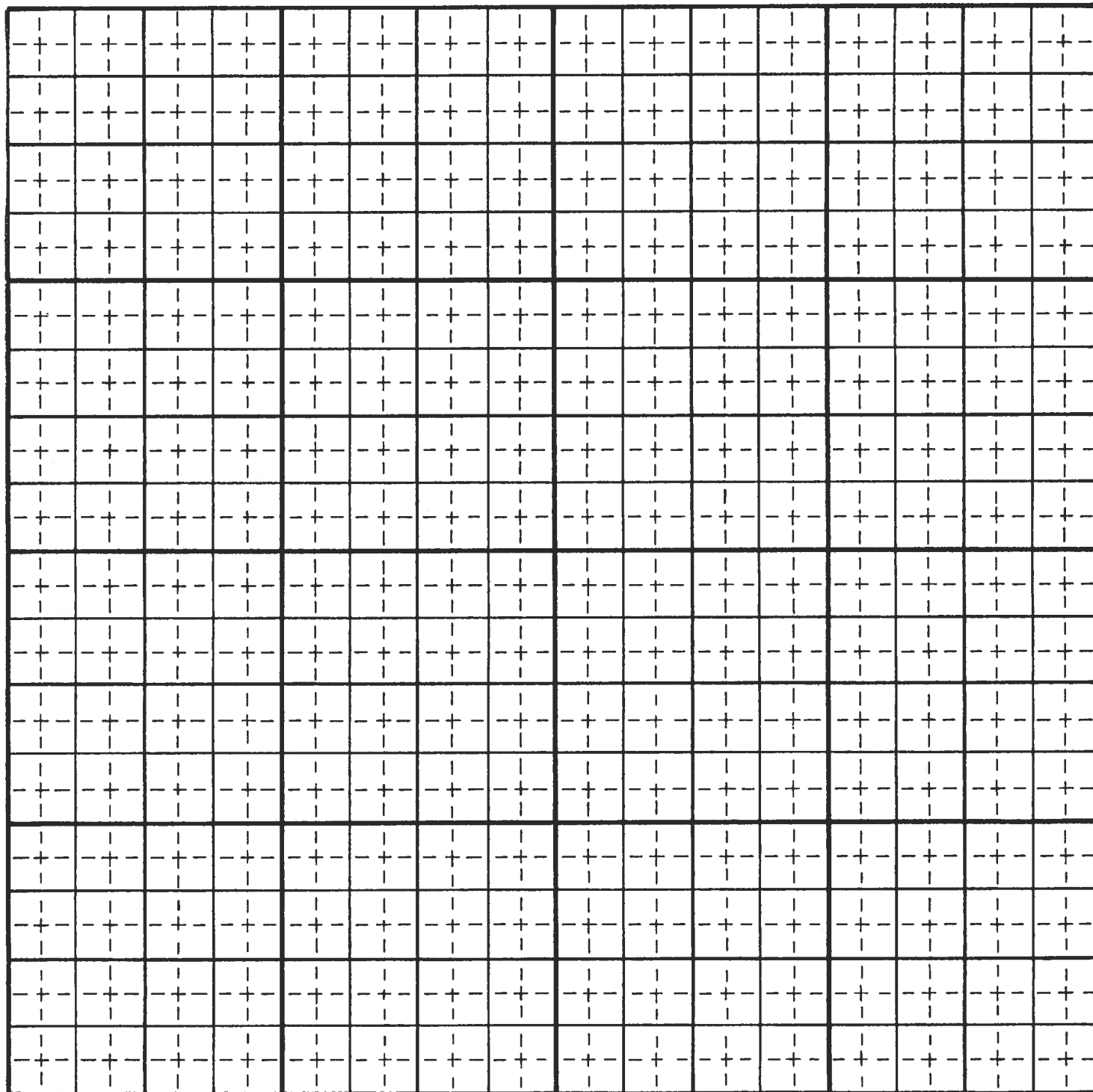
14. Remarks: Domestic and stockwater use in same location as irrigation use. The State of Idaho acquired the property on March 26, 1949 and began claimed water use at that time. We have no documentation of what the previous owners water use was or when it began. Hence, the 3-26-49 claimed priority date.

Last Name ID Fish and Game Ident No. _____
Commission

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

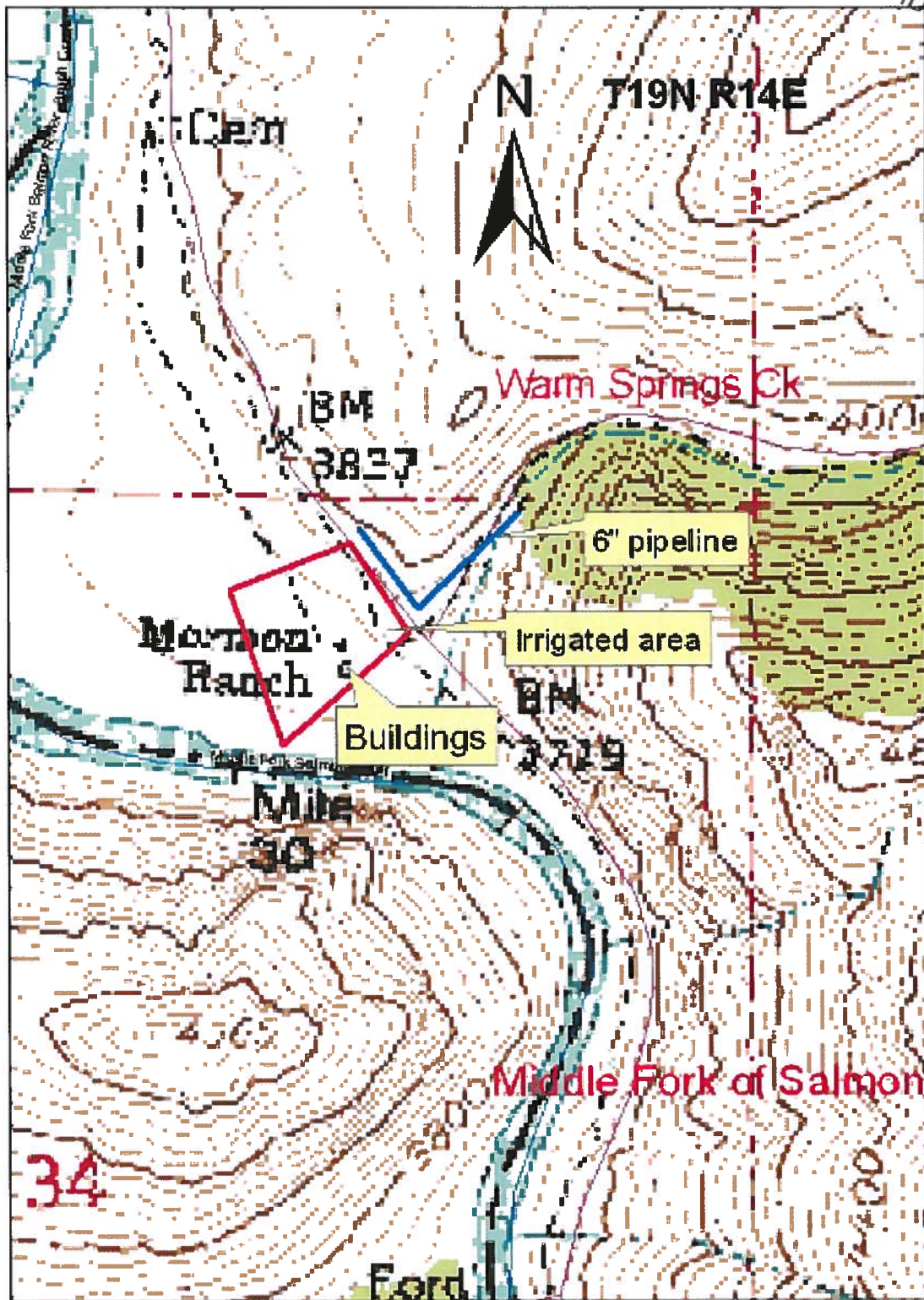
See attached map



Last Name ID Fish and Game Ident No. _____
Commission

Mormon Ranch Location Map

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MAR 25 2005
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15. Basis of Claim (check one) Beneficial Use ☒ 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 _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Secretary _____ Title _____

of Idaho Fish and Game Commission _____, that I have signed the foregoing
Organization

document in the space below as Secretary _____ of Idaho Fish and Game Commission _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]

Title and Organization Secretary, ID Fish and Game Commission Date Mar 16, 2005

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16th day of March 19 2005

Notary Public [Signature]

Residing at Boise, Idaho

My Commission Expires 11/15/2005

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 ID Fish and Game Ident. Number _____
Commission

69770

State of Idaho }
County of Lemhi } ss.

Recorded at the request of
Dept. of Fish and Game

May 23rd 1949

at 45 minutes past 11 o'clock

A. M., in Book 41 of Deeds

Page 573-574 Records of Lemhi
County, Idaho

W. W. Simmonds

County Recorder

By Patty Sue Mast
Deputy

Fees, \$2.30

Compared	•	•	•	•	•	✓
Indexed—Direct	•	•	•	•	•	✓
Indexed—Indirect	•	•	•	•	•	✓

Box 417.

Boise, Idaho

WARRANTY DEED

THIS INDENTURE made this 26 day of March, in the year of our Lord One Thousand Nine Hundred and Forty Nine, between OWEN WILSON, ERMA W. HERNTSON, LYNN W. WILSON, WILLIAM WILSON and GRETTE W. CARLSON, all of the last directors and as such statutory trustees of all of the assets of Wilson & Sons, Inc., a corporation dissolved by Decree of Dissolution duly entered in the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, on the 24th day of September, 1948, the parties of the first part, and the STATE OF IDAHO, for the use and benefit of the Department of Fish and Game, party of the second part, WITNESSETH:

That the said party of the first part, for and in consideration of the sum of ELEVEN THOUSAND, SEVEN HUNDRED AND FIFTY DOLLARS (\$11,750.00) lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to its successors and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to-wit:

HES #424, embracing a portion of approximately Township 19 North, Range 14 East, Boise Meridian, more particularly bounded and described as follows: Beginning at corner No. 1 from which U. S. Location Monument No. 424 bears North 29° 42' West 4.72 chains distant; South 88° 28' East 10.88 chains to corner No. 2; thence South 19° 25' West 13.05 chains to corner No. 3; thence meandering the right bank of the Middle Fork of Salmon River North 88° 47' West 9.76 chains, North 78° 13' West 14.59 chains, North 36° 45' West 3.86 chains, North 1° 50' West 5.11 chains, North 11° 39' East 4.79 chains, North 22° 30' East 9.38 chains, North 16° 52' East 6.24 chains, North 2° West 22.84 chains to Corner No. 4; thence North 79° 47' East 34.66 chains to Corner No. 5; thence South 29° 27' West 40.04 chains to Corner No. 1, the place of beginning. Containing 130.50 acres;

Also Lots 5, 10 and 11 of Section 22 and Lot 1 of Section 27 in Township 19 North, Range 14 East, Boise Meridian, containing 82.65 acres.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estates right, title and interest in and to the said property, as well in law as in equity,

of the said party of the first part.

TO HAVE AND TO HOLD, AIL and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to its successors and assigns forever and the said party of the first part, and its heirs, the said premises in the quiet and peaceable possession of the said party of the second part, its successors and assigns, against the said party of the first part, and its heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the parties of the first part have caused this instrument to be executed by authority of a resolution of the stockholders of Wilson & Sons, Inc., passed prior to the dissolution of said corporation, this _____ day of March, 1949.

Owen Wilson

Lynn W. Wilson

Arleta W. Carlson

Orma H. Buntson

William Wilson
All the directors, and as such Trustees
of the assets of Wilson & Sons, Inc., a
dissolved corporation.

STATE OF IDAHO)
COUNTY OF LEMHI) SS.

On this 26th day of March, 1949, before me the undersigned, a Notary Public in and for said State, personally appeared Owen Wilson and William Wilson, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same as surviving directors and statutory trustees of the assets of Wilson & Sons, Inc., a dissolved corporation.

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

My commission expires:

2-14-51

Charles Henderson

Notary Public, in and for the State
of Idaho, residing at SALMON, IDAHO

STATE OF UTAH

)
) SS.
)

COUNTY OF SALT LAKE

On this 9th day of March, 1949, before me Branthorson

a Notary Public in and for said State, personally appeared Irma Berntson and Gretta W. Carlson, two of the signers of the foregoing instrument, who duly acknowledged to me that they executed the same as surviving directors and statutory trustees of the assets of Wilson & Sons, Inc., a dissolved corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal

the day and year in this certificate first above written

Branthorson
 Notary Public, in and for the State
 of Utah, Residing at

My commission expires:

July 19, 1952

STATE OF IDAHO

)
) SS.
)

COUNTY OF CUSTER

On this 16th day of March, 1949, before me THOMAS BALL

a Notary Public in and for said State, personally appeared Lynn Wilson, one of the signers of the foregoing instrument, who duly acknowledged to me that he executed the same as a surviving director and statutory trustee of the assets of Wilson & Sons, Inc., a dissolved corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my

seal the day and year in this certificate first above written.

Thomas Ball
 Notary Public, in and for the State
 of Idaho, residing at

My commission expires:

May 14-1951