

Taylor, Greg

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Thursday, September 28, 2006 8:07 AM
To: Taylor, Greg
Cc: dmoyer@alscott.com; Fritschle, Carter
Subject: 79-04123

This is a claim by J B Scott for irrigation in sections 1 and 12, T24N, R1W. I believe I've eluded previously about the survey for the NWNE of Sec 12. It is a little unusual and difficult to pin point at this time. There is private land owned by Mr. Scott and National Forest System land in this quarter-quarter. I discussed this matter yesterday with Mr. Dennis Moyer, Mr. Scott's property manager. I proposed to Mr. Moyer that because of the property boundary question and the fact that the intricate property boundaries can not be investigated, and if need be surveyed and posted in a manner that would facilitate reporting the directors recommendations to the SRBA Court, that the water right remain as it is in your preliminary recommendation with a statement added to the other provisions something to the effect that: "This water right includes no National Forest System land." This would serve the dual purposes of protecting the integrity of the preliminary recommendation and ultimate decree of the water right without the delay of an objection as well as the interests of the Forest Service. So, the claimant and the FS encourage your consideration of this course of action. If you have any questions about this matter please contact me. Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us



**Steven M
Spencer/R4/USDAFS**

09/22/2006 01:32 PM

To Greg Taylor
cc Carter Fritschle
bcc
Subject 79-04123

RECEIVED
SEP 25 2006
IDWR/North

This is one we would probably object to. Maps and the patent document are coming to you in the US Mail with some of our NOE's for Basin 79. Only the N 1/2 of the N1/2 of the NWNE is private. There is a tiny bit of irrigation shown that appears to be below the private land boundary. That would be our concern.

If that bit of irrigation was removed from the layout map and words to the effect that "This water right includes no National Forest System land", I believe that would clarify things and we would not have to object. Please contact me if you have any questions about this.

Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

08/18/2006

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

RIGHT NUMBER: 79-4123

NAME AND ADDRESS: J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

SOURCE: GRAVE CREEK

TRIBUTARY: RACE CREEK

QUANTITY: 0.560 CFS

PRIORITY DATE: 02/18/1922

POINT OF DIVERSION: T24N R01W S12 NENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.560 CFS
PLACE OF USE:	<u>IRRIGATION Within IDAHO County</u>		
	T24N R01W S01 SWSE 6.50	T24N R01W S01 SESE	8.10
	T24N R01W S12 NENE 8.30	T24N R01W S12 NWNE	5.20
	28.1 ACRES TOTAL		

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

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

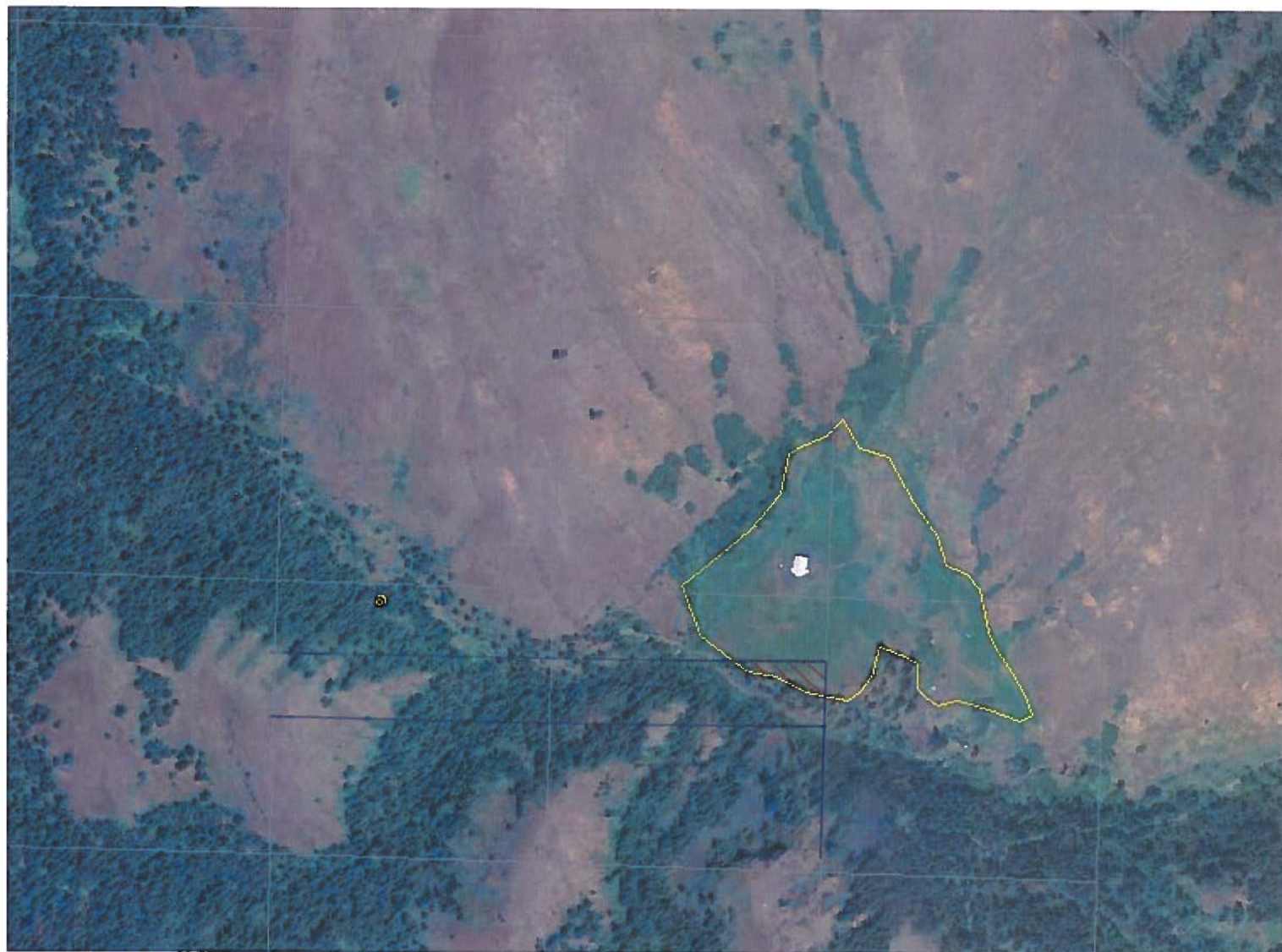
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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SEP 25 2006
IDWR/North

79-4123

**T24N R01W
Section(s) 1 & 12**

RECEIVED
SEP 25 2006
IDWR/North



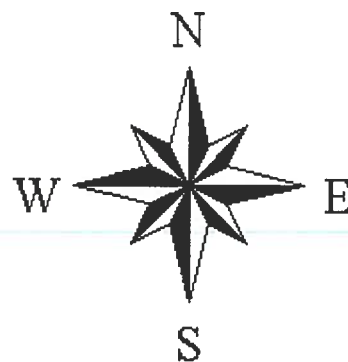
0.2 0 0.2 0.4 Miles



Place of Use



Point of Diversion



Layout prepared on April 1, 2006
By Greg Taylor
Idaho Department of Water Resources

The United States of America,

To all to whom these presents shall come. Greeting:

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SEP 25 2006
IDWR/North

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

Jennette E. Denney, formerly Jennette E. Hinkley,

has been established and duly consummated, in conformity to law, for the northwest quarter of the southeast

quarter, the east half of the southwest quarter and the east half of the

northwest quarter of the southwest quarter of Section one and the north half

of the north half of the northeast quarter of the northwest quarter and the

north half of the north half of the northwest quarter of the northeast quar-

ter of Section twelve in Township twenty-four north of Range one west of the

Boise Meridian, Idaho, containing one hundred sixty 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, **Hoodrow 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 **TWENTY-SIXTH**

(SEAL)

day of **FEBRUARY** in the year of our Lord one thousand

nine hundred and **TWENTY-ONE** and of the Independence of the

United States the one hundred and **FORTY-FIFTH.**

By the President:

By

Woodrow Wilson
W. P. L. Roy Secretary.
S. C. Samar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **796533**

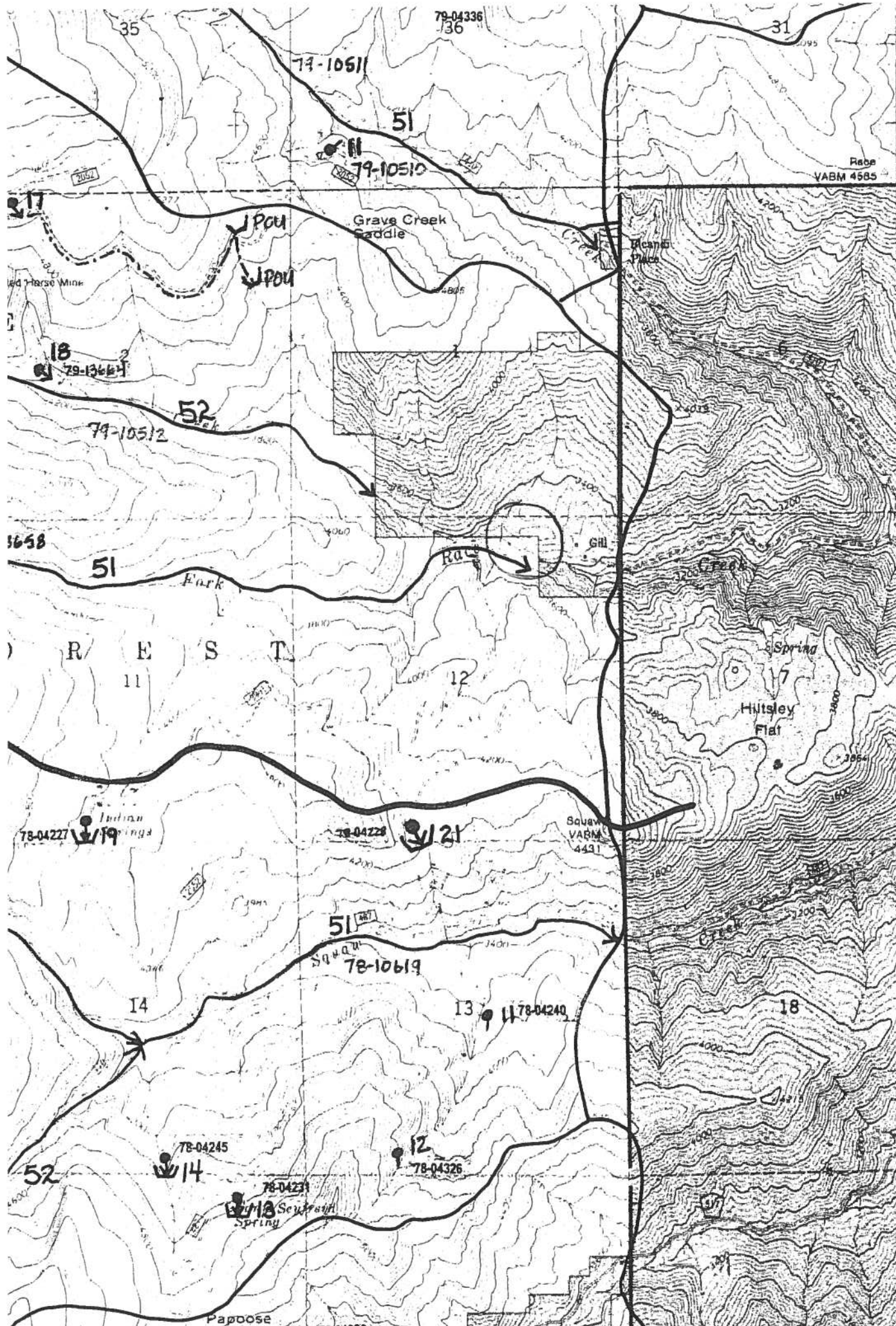
RECEIVED

SEP 25 2006

IDWF/North

(RIGGINS)
1516-4-2-1

Kessler
Cr





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

September 27, 2006

JB Scott
PO Box 70001
Boise ID 83707-0101

Re: Recommendation for Notice of Claim #79-4123

Dear Mr. Scott:

After receiving additional information concerning the ownership of a portion of the property outlined in our original recommendation, we have modified the recommendation to decrease the number of acres because the USFS owns the S1/2 of the N1/2 of the NWNE.

I have enclosed a new layout showing the property outline, reduced the number of irrigated acres and added the remark concerning public lands.

If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

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

Gregory J. Taylor
Sr. Water Resource Agent

cc: USFS
File

09/26/2006

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

RIGHT NUMBER: 79-4123

NAME AND ADDRESS: J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

SOURCE: GRAVE CREEK

TRIBUTARY: RACE CREEK

QUANTITY: 0.560 CFS

PRIORITY DATE: 02/18/1922

POINT OF DIVERSION:

T24N R01W S12 NENW Within IDAHO County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.560 CFS

PLACE OF USE: IRRIGATION Within IDAHO County

T24N R01W S01	SWSE	6.50	T24N R01W S01	SESE	8.10
T24N R01W S12	NENE	8.30	T24N R01W S12	NWNE	2.70

25.6 ACRES TOTAL

Place of use does not include federal public lands

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: BASIS OF CLAIM - Beneficial Use

79-4123

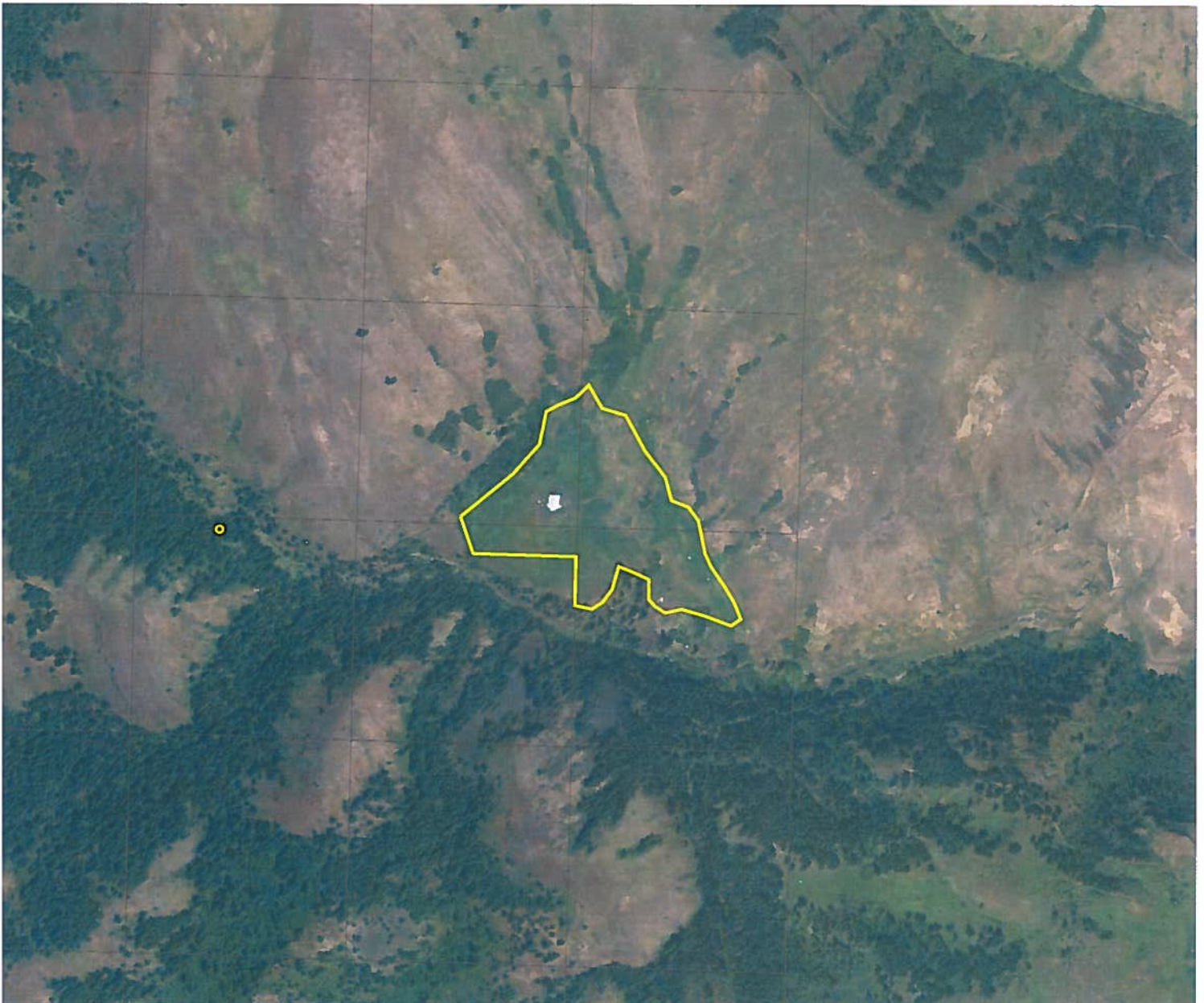
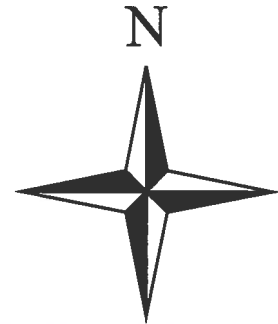
**T24N R1W
Sections 22**



Place of Use



Point of Diversion



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 79-4123
Date Received: 9/22/88
Receipt No: W000964
Received By:

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

1. Name of Claimant(s): J B SCOTT Phone: (208)424-3865
PO BOX 70001
BOISE ID USA 837070101

2. Date of Priority: 01/01/1905

3. Source: GRAVES CREEK Trib. to: RACE CREEK, S.F.

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	01W	12	NW NE NW	IDAHO	

5. Description of diverting works:

DIVERSION DAM & DITCHES, 12" X 18" HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	10/15	2	

7. Total Quantity Appropriated is:
2 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
24N	01W	12	NE NE		IRRIGATION	25
			NW NE		IRRIGATION	15
					Section Acres	40
					Total Acres	40

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:

14. Remarks:

Ownership changed by DB 3/14/2001.

15. Basis of Claim: Statutory Claim

Form 42-345(12-1409(s) July, 2000)

RECEIVED

MAR 14 2001

WATER RESOURCES
WESTERN REGION

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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, 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
79-10346					
A79-04123					

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) are 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) MELVIN C. and MARGRET L. GILL
P.O. Box 386 Lucile, IDAHO 83542
4. New Owner/Claimant(s) J. B. Scott
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address P.O. Box 70001
- City, State and ZIP Code Boise, IDAHO 83707-0101
- New Telephone Number (208) 424-3865
5. Date you acquired the property April 10, 1998

Form #2-248/42-1409(6) July, 2000

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) _____
(include title if applicable)

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 AB
 Receipted by AB
 Processed by _____ AJ

Date 3/14/01
 Date 3-14-01
 Date _____

Fee \$25-
 Receipt No. W027449
 WR _____ Date _____

Ownership information for J B Scott – purchased from Gill

Here is what I found as far as water right numbers pertaining to the information you left with me earlier today. I also found 3 other numbers in Gill's name, but they don't apply. I have described them below with the others. I hope it all makes sense. Let me know if you have any other questions. I have also enclosed the profile reports for these rights.

- | | |
|-----------|---|
| 79-4123 | OK to change to J B Scott – no fee required |
| 79-4030 | Place of Use on claim is not covered on the deed submitted – see profile report attached. |
| 79-4031 | Place of Use on claim is not covered on the deed submitted – see profile report attached. |
| 79-04084A | Place of Use on claim is not covered on the deed submitted – see profile report attached. |
| 79-10344 | Place of Use on claim is not covered on the deed submitted – see profile report attached. |
| 79-10345 | Claim has been disallowed – no Beneficial Use found |
| 79-10346 | OK to change to J B Scott - \$25 filing fee , decreed 12/2000 |
| 79-10347 | Place of Use on claim is not covered on the deed submitted – see profile report attached. |
| 79-10482 | Place of Use on claim is not covered on the deed submitted – see profile report attached. |

*This sheet faxed
to Dennis Moyer
3/8/01.*

Danise

STATE of IDAHO	
County of Idaho	ss
Recorded at request of	
INLAND TITLE CO.	
at 50 minutes past 3 o'clock P. M.	
this 13 day of April, 19 98	
ROSE E. GEHRING	
By Edith L. Anderson	Recorder
Fees \$ 9.00	Deputy

COMPUTER ()
INDEXED ()
TRACTED ()
FILMED ()
ASSASSOR ()

399163

WARRANTY DEED

FOR VALUE RECEIVED, the Grantors, MELVIN C. GILL and MARGARET L. GILL, husband and wife, hereby grant, bargain, sell and convey unto J.B. SCOTT, a single person, the Grantee, whose address is: P. O. Box 70001, Boise, Idaho 83707, the following described premises situate in Idaho County, State of Idaho, to-wit:

See Exhibit A attached hereto and incorporated herein by this reference.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that it is free from all encumbrances, and that they will warrant and defend the same from all lawful claims whatsoever except general taxes for the year 1998, and easements, reservations, restrictions and rights-of-way of record or in use.

DATED this 10 day of April, 1998.

Melvin C. Gill
MELVIN C. GILL

Margaret L. Gill
MARGARET L. GILL

WARRANTY DEED

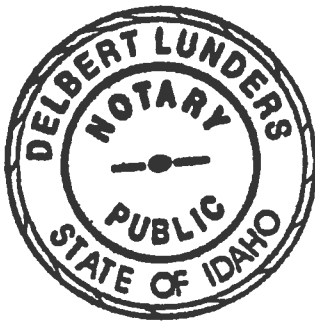
STATE OF IDAHO)

:ss.

County of ~~Nez Perce~~ ^{Idaho})

On this 10th day of April, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared MELVIN C. GILL and MARGARET L. GILL, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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



Delbert Lunders
NOTARY PUBLIC in and for the
State of Idaho, residing at
Kamiah therein.
My Commission Expires: 08-24-98

First American Title Insurance

15885

EXHIBIT "A"

PROPERTY DESCRIPTION

PARCEL I- FEE INTEREST

79-10346

Township 24 North, Range 1 West, Boise Meridian, Idaho County, Idaho

Section 1: $S\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}$ ✓

Section 12: $N\frac{1}{2}N\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$ ✓ all that part of the $NE\frac{1}{4}NE\frac{1}{4}$ lying North of the thread of the stream of Race Creek.

A79-04123

Township 24 North, Range 1 East, Boise Meridian, Idaho County, Idaho

Section 6: Government Lots 6 and 7, $SE\frac{1}{4}SW\frac{1}{4}$,

Section 7: Government Lot 1 and $W\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ lying North of the thread of the stream of Race Creek.

PARCEL II- EQUITABLE INTEREST

A right of way and easement for a private road as indicated in QUITCLAIM DEED recorded as Instrument Number 106557, records of Idaho County, Idaho.

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: A79-04123
Date Received: 9/22/1988
Receipt No: W000964
Received By: LW

7/25

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN C. GILL 208-628-3444
Address: PO BOX 386
LUCILE, ID 83542

OR

Name: MARGARET L. GILL 208-628-3444
Address: PO BOX 386
LUCILE, ID 83542

2. Date of Priority: JAN 01, 1905

3. Source: GRAVES CREEK Trib. to: RACE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
24N	01W	12	NW	NE	NW		IDAHO

5. Description of diverting works:
DIVERSION DAM & DITCHES, 12" X 18" HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	10/15	2.000		

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

8. Total consumptive use is 80.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	01W	12	NE	NE	IRR	25.0
			NW	NE	IRR	15.0
					Section Acres	40.0
					Total Acres	40.0

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:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

ok

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

CIVIL CASE NUMBER: 39356

Ident. Number 79-4123

Date Received _____

Receipt Number _____

RECEIVED
JUL 25 1988

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
JUL 22 1988

Department of Water Resources
Western Regional Office

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Melvin C. and/or Margaret L. Gill Phone (208) 628-3444Mailing Address P.O. Box 386 Lucile, ID Zip 835422. Date of Priority (Only one (1) per claim) 1905 (Jan. 1)3. Source of water supply (a) Graves Creek
which is tributary to (b) Race Creek4. a. Location of existing point of diversion is: Township 24N Range 1W Section 12,
NW 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Idaho

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. Headgate, diversion dam and ditches12" x 18" H eadgate

MICROFILMED

Copies: White State, Yellow Claimant

OCT 06 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 10/15 amount 2.0 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 80 acre feet per annum.

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

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	
24N	1W	12	25	15															40

Total number of acres irrigated 40

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

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:

Last Name Gill Ident No. _____

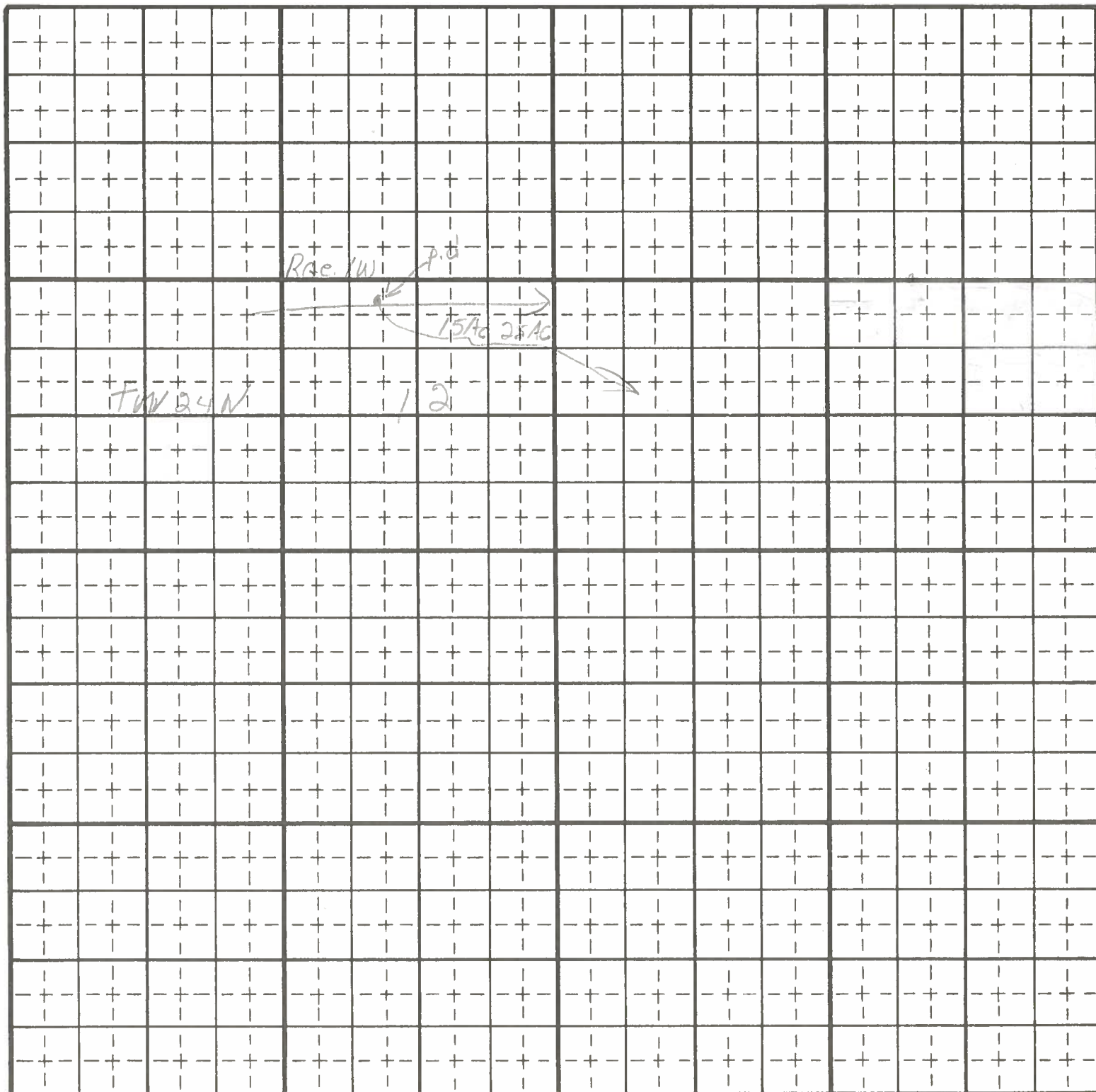
Copies: White State Yellow Orange

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

Scale: 2 inches equals 1 mile



Last Name G ill Ident No. _____

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Copies: White-State, Yellow-Claimant
OCT 06 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit ~~79-1123~~

Decree _____

If applicable provide IDWR Water Right Number 79-1123

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 0

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

Signature of Claimant (s) Spelman C. Gill Date 7-19-88

Margaret L. Gill Date 7-17-88

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

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 Idaho)

County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19 day of July 19 88

SEAL

Notary Public Deo Travis

Residing at Logans

My Commission Expires 10.10.88

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 Gill Ident. Number _____

Copy to Water State, Yellow Claimant

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NOV 06 1988

CONVERSATION MEMORANDUM

DATE 8/26/88

FILE _____

NAME OF PARTY Gill, MelvinEMPLOYEE J. WarnerRE: 79-4123 OKOldNew20 cfs20 cfs take off stockwaterpriority date: 1-1-190579-4030old - George & O. paldog nameNew1.24 cfs.65 cfsSource: Cow orCabin orPODinstream flow - deletePOUPOU - Bonclain formPOD - 25N, 1E, S 8, NE, NE79-4031OldNewGeorge & O. pal0.510.44Source - Stream~~stream~~ (crub)PODPOD instream stockdelete S/D? ^{NO} other right should leave as is1 No need to file on undeveloped spring2 OK

4123 90.00

3 OK

4030 80.00

4 undeveloped spring

4031 60.00

5 OK

2 25 -

6 OK

3 25 -

include note
re who remembers

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OCT 6 1992

25 -

25 -

100.00

7/23/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME

Hill, Melvin

CLAIM IDENT. NO.

79-4123

DATE RECEIVED

7-25-88

CK #

2370

AMOUNT \$

330 -

YES

NO

1. Is the name and address complete with zip code?

✓

2. Is priority date entered?

✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). Use care if claim is returned. Refer to Adjudication Memos # 1 (Adj. Claims/Applications) and # 9 (Rejection of Claims). Explain in Comments.

3. (a) Is a source entered?

✓

(b) Is a tributary to entered? (if required)

✓

4. Is the legal description of the p.d. complete?

✓

5. Is there a description of the diverting works?

✓

6. Are the water uses appropriate for the form? The short form limited domestic and stockwater. Instream stockwater must use long form.

✓

Is the period of use included?

✓

Is a quantity claimed for each use?

✓

7. Is a total quantity claimed entered?

✓

8. Is the consumptive use correct?

✓

If required is a consumptive use entered?

✓

9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim.

✓

10. Is (are) the place(s) of use entered?

✓

11. Is (are) the county(ies) entered?

✓

12. Is the ownership of p.u. checked?

✓

13. Are other water rights listed or "none" checked?

✓

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.)

✓

15. Is the basis of the claim checked?

✓

16. Is the claim signed by the claimant?

✓

Is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?)

✓

Has the claim been signed, sealed, and dated by a notary?

✓

Is the fee enclosed correct?

✓

If this claim is based on an existing water right, has the identification number been entered?

N/A

✓

Should this claim be receipted and data entered?

✓

Claim checked by:

LA

Comments:

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OCT 06 1988



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

March 30, 2001

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

J B SCOTT
PO BOX 70001
BOISE ID 83707-0101

Re: Notice of Claim to a Water Right No. 79-04123

Dear Claimant(s):

Enclosed is a copy of the above referenced claim, which reflects the change in ownership of the land and appurtenant water rights covered under the original filing.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Please note, the ownership has also been changed on water right number 79-10346 which has been decreed by the SRBA Court.

Thank you for your patience and cooperation, as we have had several ownership changes to process. If you have any questions concerning the enclosed claim, please feel free to contact this office.

Sincerely,

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure



State of Idaho
DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 2735 Airport Way, Boise, Idaho 83705 • (208) 334-2190

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

August 30, 1988

Melvin & Margaret Gill
PO Box 386
Lucile, ID 83542

Dear Mr. & Mrs. Gill;

Enclosed is your check regarding the corrected claims for water rights which we discussed in our conversation yesterday afternoon.

The amount due of \$330.00 rather than the \$405.00 remitted indicates the two undeveloped springs which do not need to be filed on plus claim number 79-4031 for irrigation, domestic and stockwater which can be combined per the previous water right.

Please remit a new check for the above amount within 30 days of the date of this letter to avoid a late fee. When I receive your check, I will process your claims and send you a computer copy of the corrected claims. Thank you for your time and consideration in this matter.

Sincerely,

Linda A. Werner

Linda A. Werner
Sr. Water Resources Agent
Adjudication Section

RECEIVED
SEP 19 1988

Department of Water Resources
Western Regional Office

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OCT 26 1987

J. B. SCOTT
501 BAYBROOK COURT
BOISE, IDAHO 83706

P.O. Box 70001 • BOISE, IDAHO 83707-0101
(208) 424-3840 • FAX (208) 424-3850

October 4, 2004

Mr. Gregory J Taylor
Idaho Department of Water Resources
1118 F. Street
Lewiston, Idaho 83501

RE: Water Right 79-4123
Evidence of Priority Date

Dear Mr. Taylor:

As you and I discussed on the phone today, I am writing on behalf of the property's current owner, Mr. J.B. Scott. The ownership transferred in 2001.

We are responding to the notice from your office, dated September 8, 2004. Enclosed is evidence of priority date usage for the above noted water right.

Mr. Melvin C. Gill, the previous property owner, has provided a signed letter stating that the Gill family had used the water on the property for approximately forty (40) years. The letter also references the use by an even earlier owner of the property, Stewart Aikens. Mr. Gill was unable to have the letter notarized because of the hardship of traveling the great distance from his rural ranch home to the nearest town where notary service is available.

If you have other questions, please do not hesitate to call me at 208-424-3865.

Thank you.

Sincerely,



Dennis Moyer
Vice President of Real Estate

cc: Mr. JB Scott
Mr. Norm Close

September 22, 2004

Mr. Gregory J. Taylor
Idaho Department of Water Resources
1118 F. St.
Lewiston, Idaho 83501

RE: Water Right 79-4123
Evidence of Priority Date and Use

Dear Mr. Taylor:

We are the former owners of certain property located in Idaho County near Riggins, Idaho. This property is noted as the "Place of Use" on the attached Adjudication Claim Report 79-4123.

We (and members of our immediate family) resided and/or operated a farm and ranch operation on this property for approximately 40 years. The forty (40) acres of land shown in the above referenced claim report has been irrigated by that water diversion during all the period of our ownership. This forty acres was used to raise various crops, including hay and pasture for livestock production.

At the time we purchased the property, the people (Stewart Atkins) that we bought the property from had a similar agricultural operation in place that further evidenced the use of the water from the date of the original Priority Date, 01/01/ 1905.

If you have any questions, please write or call me at the address shown on the referenced attachment.

Sincerely,

Melvin C. Gill
Melvin C. Gill

9-27-04
Date

STATE OF IDAHO)
:ss
COUNTY OF IDAHO COUNTY)

Before me, _____, on this day personally appeared Melvin C. Gill to be the person whose name subscribed to the above instrument, and acknowledged to me that he executed the same
On this _____ day of _____ ,

Notary Public in the State of Idaho
residing at _____
My commission expires on _____

Taylor, Greg

From: Fritschle, Carter
Sent: Thursday, June 24, 2004 10:15 AM
To: Taylor, Gregory
Subject: 79-4123

Hi Greg,

I have a contact for J. B. Scott and Al Scott Real Estate LLP. It is Dennis Moyer at 424-3865. He could not come to the meeting in White Bird, but he believes they have some kind of court determination for 79-4123 in the 1990s. This would be odd since any determination of the elements of the water right after 11-19-1987 should have been done in the SRBA Court, but he said he would send me the documents. I will make sure that whatever he gives me I will get to you.

Carter

2/18/1922