

10/20/2003

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

RIGHT NUMBER: 74-66

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

DRAFT

SOURCE: TEXAS CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.740 CFS

USE OF THIS RIGHT WITH RIGHT NO. 74-42 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.74 CFS.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION:

T15N R26E S11 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.740 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R26E S35	SWNW	13.3	T16N R26E S35	SENW	5.7
T16N R26E S35	NWSW	10.3	T16N R26E S35	SWSW	24.5

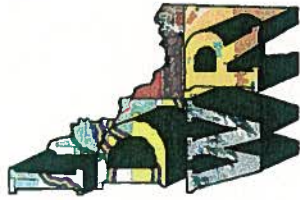
53.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 74-42, 74-67, 74-110, 74-111, AND
74-2320 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 452.4
ACRES IN A SINGLE IRRIGATION SEASON.

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: Decreed



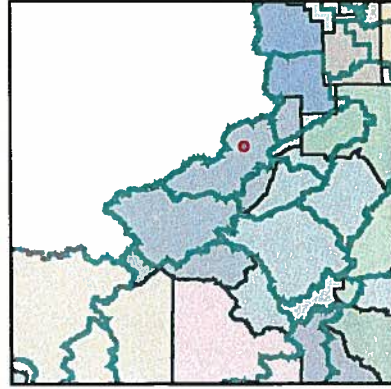
Idaho Department of Water Resources

Adjudication Claim Numbers: 74-42, 74-66, 74-67, 74-110, 74-111,
74-2329, 74-7006, 74-7148

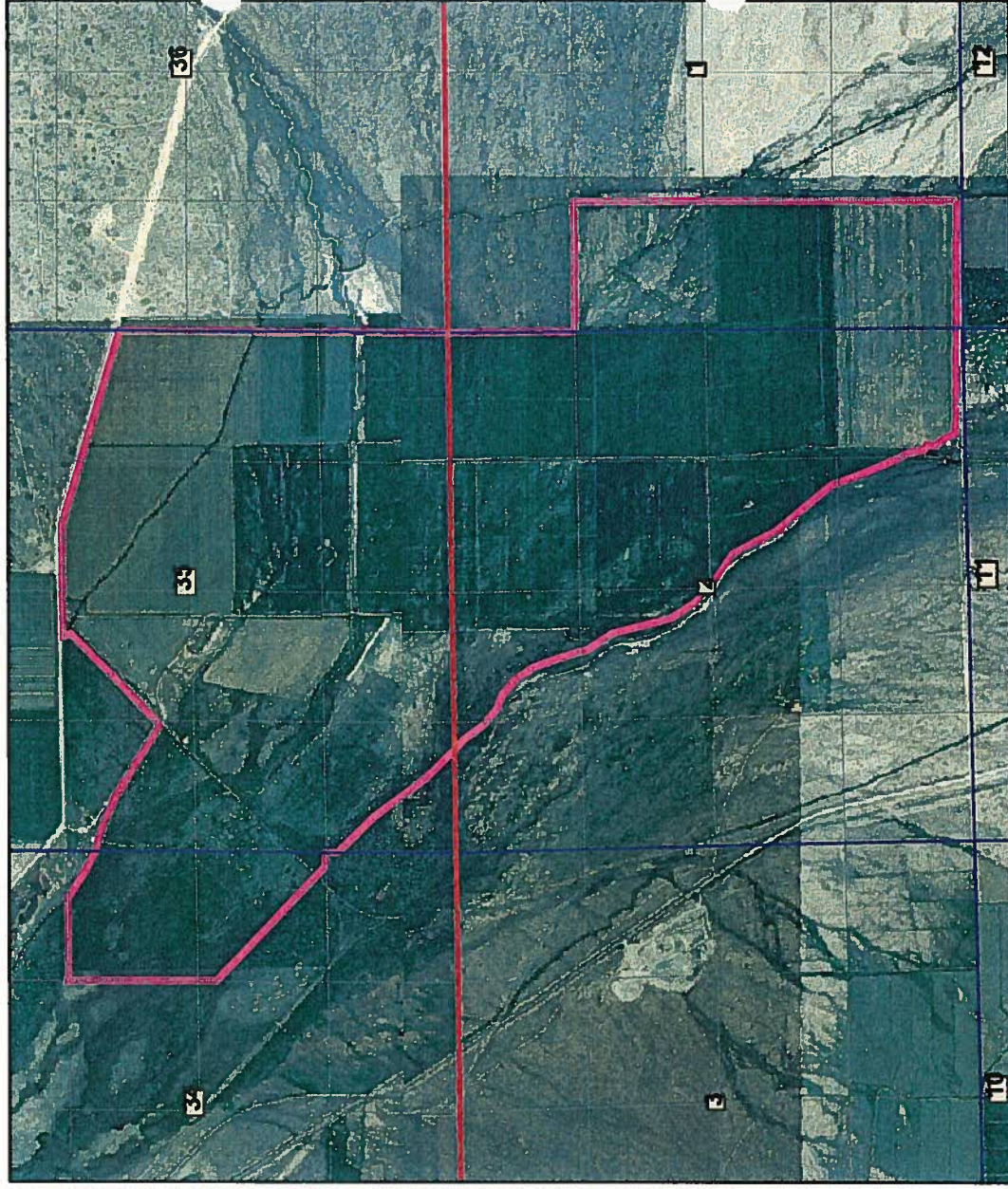
T15N R26E
T15N R27E
T16N R26E
T16N R27E

Legend

-  Township/Range
-  Sections
-  GCDB16N26E GCDB
-  GCDB15N26E GCDB
-  Permissible Place of Use



Lemhi County
IDWR Basin 74



Prepared by R. Brown
On Wednesday, November 9, 2005
1993/94 Aerial Photography

11/09/2005

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

RIGHT NUMBER: 74-66

NAME AND ADDRESS: ELLSWORTH ANGUS RANCH
PO BOX 60
LEADORE ID 83464

SOURCE: TEXAS CREEK

TRIBUTARY: LEMHI RIVER

QUANTITY: 2.740 CFS

Use of this right with right no. 74-42 is limited to a total combined diversion rate of 2.74 cfs.

PRIORITY DATE: 06/01/1880

POINT OF DIVERSION:

T15N R26E S11 SWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	2.740 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T15N R26E S01	SWNW	40.0	T15N R26E S01	NWSW	40.0
T15N R26E S01	SWSW	38.0	T15N R26E S02 Lot 1	NENE	40.0
T15N R26E S02 Lot 2	NWNE	40.0	T15N R26E S02	SWNE	40.0
T15N R26E S02	SENE	40.0	T15N R26E S02 Lot 3	NENW	29.0
T15N R26E S02 Lot 4	NWNW	1.0	T15N R26E S02	SENW	11.0
T15N R26E S02	NESE	40.0	T15N R26E S02	NWSE	22.0
T15N R26E S02	SWSE	2.0	T15N R26E S02	SESE	36.0
T16N R26E S34	SENE	39.0	T16N R26E S34	NESE	25.0
T16N R26E S35	SWNE	39.0	T16N R26E S35	SENE	28.0
T16N R26E S35	SWNW	22.0	T16N R26E S35	SENW	30.0
T16N R26E S35	NESW	40.0	T16N R26E S35	NWSW	40.0
T16N R26E S35	SWSW	26.0	T16N R26E S35	SESW	40.0
T16N R26E S35	NESE	40.0	T16N R26E S35	NWSE	40.0
T16N R26E S35	SWSE	40.0	T16N R26E S35	SESE	40.0

908 ACRES TOTAL

This right is limited to the irrigation of 53.8 acres within the place of use described above in a single irrigation season.

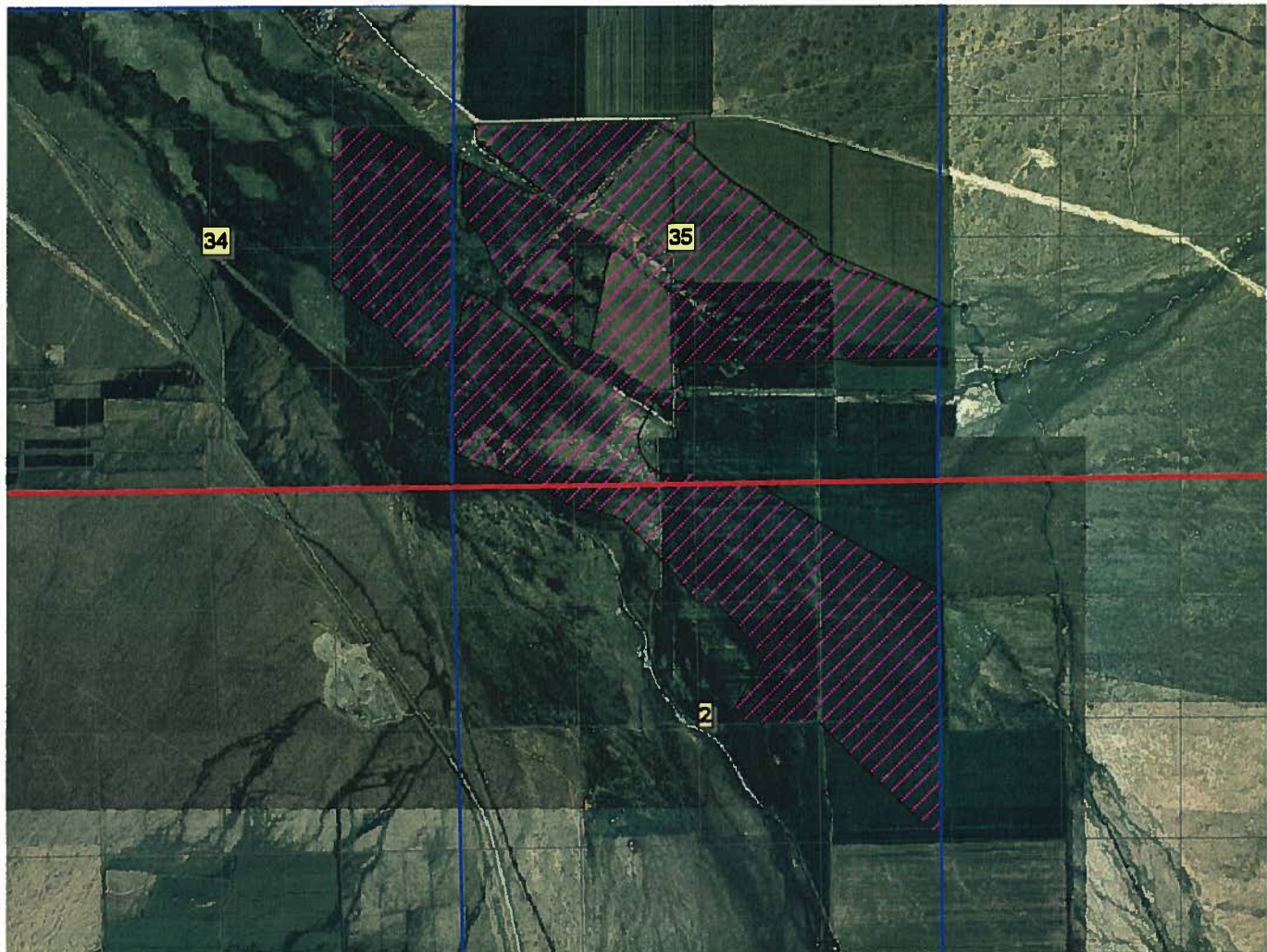
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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 - Decreed

Idaho Dept. of Water Resources
Water Right Nos. 74-42, 74-66, 74-67,
74-110, 74-111, 74-2320
Ellsworth Angus Ranch

DRAFT



0.3 0 0.3 0.6 Miles



Place of Use



T15N R26E
T16N R26E

GIS Presentation
Prepared by R. Brown
October 20, 2003
1993/94 True Color Photography

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

RECEIVED

OCT 12 1982

Department of Water Resources
Eastern District Office

COPY

IN THE MATTER OF APPLICATION FOR TRANSFER)
NOS. 74-0066/0067 IN THE NAME OF)
JAMES AND/OR MAYBELLE ELLSWORTH)

WITHDRAWAL

I, hereby, request that the above referenced application
for transfer be withdrawn from the files of the Department of Water
Resources.

Dated this 8 day of Oct., 1982.


JAMES ELLSWORTH

FILED

July 16, 1981

RECEIVED

JUL 17 1981

Department of Water Resources
Eastern District Office

COPY

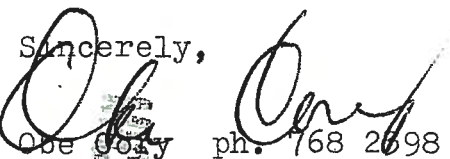
Gentlemen:

On July 14, 1981, I assisted Ernest Carlsen, Assistant Regional Supervisor, Department of Water Resources for the State of Idaho, in measuring the flow of water in the irrigation ditch mentioned in section C.1.b. of this Application For Transfer Of Water Right. The purpose of my request for this measurement was to determine the actual amount of water being delivered to the Ellsworth pumps, and to subsequently determine the amount of water loss that occurs between Mr. Ellsworth's weir and the aforementioned pumps.

Our findings were as follows: (1) The amount of water passing over the Ellsworth weir, some considerable distance upditch, measured 374 Miner's inches; (2) The amount of water actually reaching the Ellsworth pumps measured 255 Miner's inches. This represents a loss of water, between the Ellsworth weir and the Ellsworth pumps, of 119 Miner's inches, or a 31.8 percent shrink.

It is my opinion, based on a survey of the water users on Texas creek, that the surplus stream flow of Texas creek often is considerably less than the aforementioned 119 inches of shrink that occurs between the Ellsworth weir and pumps. Lloyd Clark, who has been a continuous water user on Texas Creek for over forty years has advised me that he has sometimes not had enough water during dry years and that if this application is approved as it stands, that he will not have adequate water even during normal years of average precipitation. In other words, I believe that this 119 inches of shrink will take water from users who have late priority rights. This, based on opinions of water users who have long observed the stream flow of Texas creek, and based on my actual measurements of Mr. Ellsworth's shrinkage, leads me to believe that I cannot in fairness endorse approval of this Application for Transfer as it now stands.

Sincerely,


Obe Coffey ph. 768 2698
Watermaster, District 74-W
Box 105
Leadore, Idaho 83464

copies to: Dept. Water Resources; Lloyd Clark, President, Dist. 74-W;
James Ellsworth, applicant; Max Beyeler, Secretary, 74-W

Transfer No. 2577Water Right No. 74-0066

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

COPY

Name of applicant James and/or Maybelle Ellsworth Phone 768-2664
 Post Office address Box 60, Leadore, Idaho 83464

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

74-0066; 74-0067

a. Decree No. _____ Decreed to Thomas H and Emma Yearian
 (Name)
 in case of Hays vs Benson

dated in May 14, 1920 in Sixth District county of _____
 (Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant is present owner of lands involved and is supported by findings of fact in current Lemhi

adjudication - pg. 133

3. Source of water Texas Creek tributary to Lemhi River

4. Date of priority 74-0066 (6/1/1880); 74-0067 (6/1/1881)

5. Water is used for the following purposes:

74-0066 amount 2.74 cfs for Irrigation purposes from 4/1/ to 11/1
 74-0067 amount 3.89 cfs for Irrigation purposes from 4/1 to 11/1
 amount _____ for _____ purposes from _____ to _____
 (month/day — both dates inclusive)

6. Total amount of water under right: a. 6.63 **see remarks cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 11
 Township 15N Range 26E, B.M., in Lemhi County
 Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4-0066																			
16N	26E	35							18.3	5.7			10.3	24.5					58.8
4-0067																			
15N	26E	2	L1	L2			L3	L4							22.8				141.1
			16.1	35.5	14.3	40	12.1	0.3											
16N	26E	35											24.5	25					49.5
																			90.6

Total number of acres to be irrigated 249.4

9. Describe any other water rights used for the same purpose as described above 74-2329
74-2320

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of nonuse? No If yes, describe in item D, REMARKS.

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	

Total number of acres to be irrigated _____

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. General Information 74-0066 - 2.74
74-0067 - 3.89
 - a. Amount of water to be diverted 6.63 c.f.s. &/or _____ acre feet
 - b. Description of diverting works Diversion dam in creek via ditch to pond then pump thru sprinkler line
 - c. Describe the reasons for the proposed changes More efficient transport and use of water and will facilitate easier measurement and delivery of right.

2. Change in point of diversion

Point of diversion SE ¼ SE ¼, Section 2 Township 15N
Range 26E, B.M., Lemhi County
Additional points _____

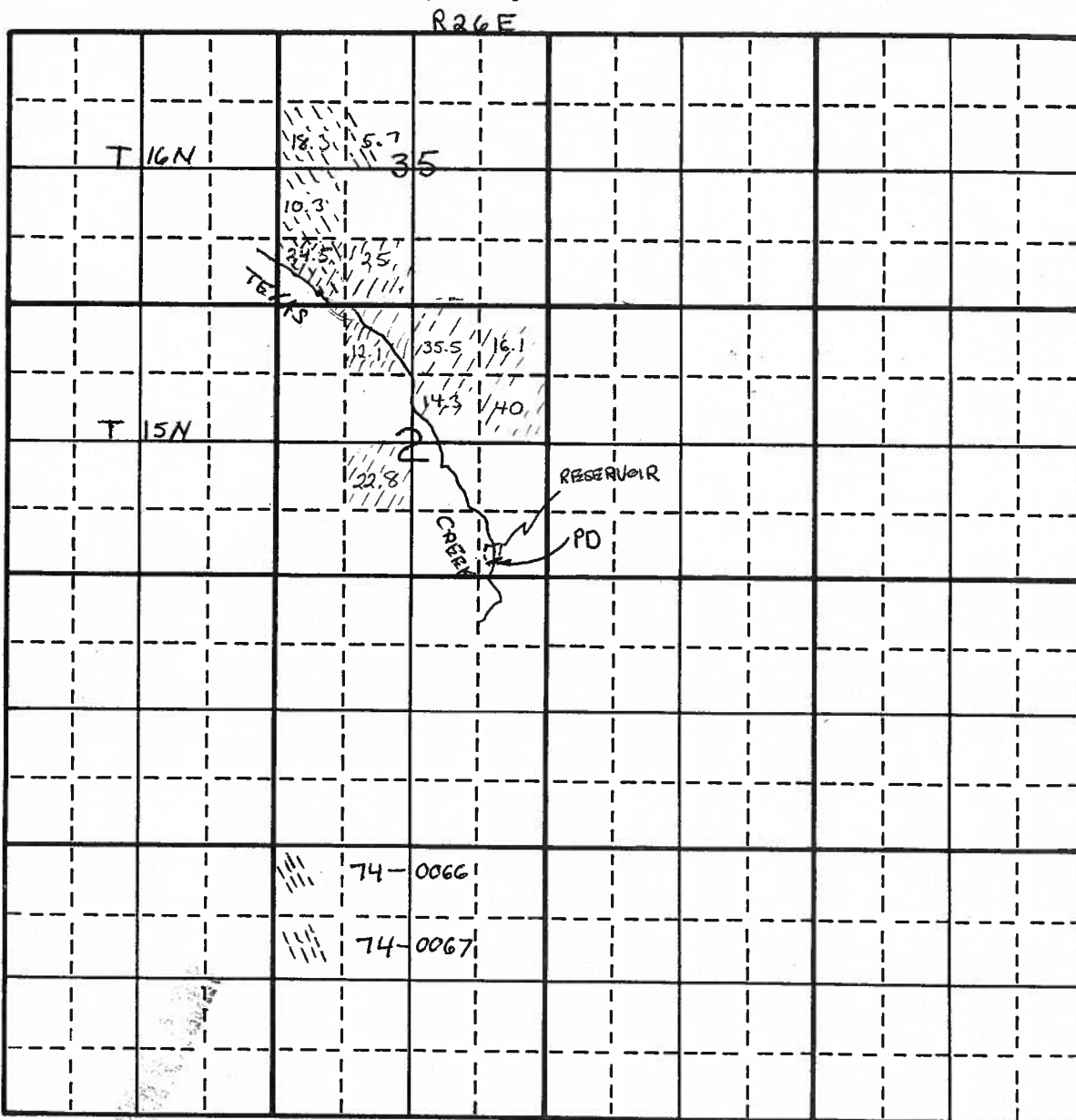
3. Change in place of use No Change

- a. Are there liens, mortgages, or contracts on the lands from which you propose to transfer the water right which limit your authority to make the proposed change? Yes _____ No _____. If yes, provide a statement agreeing to the proposed change from the holder of the lien, mortgage or contract.
- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer

[illegible]

Total number of acres to be irrigated _____

4. Describe any other water rights used for the same purpose as described above. _____
5. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

D. REMARKS

The rate of diversion from Texas Creek when added to a portion of right

74-0042 from ^{Timber} Timer Creek actually delivered into the channel of Texas Creek by
and through the Yearian - Timber Creek Ditch shall not exceed 2.74 cfs (74-0066)
and 3.89 cfs (74-0067)

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement
in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willfull misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 17th day of June, 19 81

(Signature of Applicant)

(Notary Public)

My commission expires 6/15/85

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
and said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by <u>Qu</u>	Date <u>6-17-81</u>	Protest filed by <u>M.E. Seavon, Lloyd</u>
Prelim. check by <u>KCW</u>	Fee _____	<u>Ben Sue Clark, Floyd</u>
Receipted by <u>Qu</u>	Date <u>6-17-81</u>	<u>Whittaker, James W. Whittaker</u>
Published in <u>Recorder News 1/723</u>		<u>Michael J. Overacker, Dennis R.</u>
Pub. dates <u>1/2 & 1/9/81</u>		<u>Studebaker, Charles Dsom</u>
Watermaster recommendation requested on _____		Hearing held by _____ Date _____
_____ rec'd. _____		Recommended for <u>William</u> approval _____ denial _____
		by <u>EMC</u>

M.J. Overacker, James
Fugway

05/04/83

S T A T E O F I D A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 395

INDICATES TOTAL

SOURCE: TEXAS CREEK

TRIBUTARY TO: LEWIS RIVER

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-0066	ELLSWORTH, JAMES ELLSWORTH, MAYBELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR. 58.8. <i>53.8</i> ID 83464 THE RATE OF DIVERSION FROM TEXAS CR. WHEN ADDED TO A PORTION OF RT. 74-0042 FROM TIMBER CR. ACTUALLY DELIVERED INTO THE CHANNEL OF TEXAS CR. BY AND THROUGH THE YEARIAN-TIMBER CR. DITCH, SHALL NOT EXCEED 2.74 CFS.	06-01-1880	IRRIGATION 03-15 11-15	2.74 CFS	SWSE S11 T15N R26E	SENE(13) SENE(06) DECREE NWSW(10) SWSW(24) S35 T16N R26E	
74-0067	ELLSWORTH, JAMES ELLSWORTH, MAYBELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR. 190.6. ID 83464 THE RATE OF DIVERSION FROM TEXAS CR. WHEN ADDED TO THE REMAINING PORTION OF RT. 74-0042 FROM TIMBER CR., ACTUALLY DELIVERED INTO THE CHANNEL OF TEXAS CR. BY AND THROUGH THE YEARIAN-TIMBER CR. DITCH, SHALL NOT EXCEED 3.89 CFS. P/U: T15N R26E S02 LT01 (NENE)(16) LT02 (NENE)(36) LT03 (NENE)(12) LT04 (NENE)(01) SWNE(14) SENE(40) P/U: T16N R26E S35 SWSW(24) SESE(25)	06-01-1881	IRRIGATION 03-15 11-15	3.89 CFS	SWSE S11 T15N R26E	DECREE	
74-0073B	MAHAFFEY LIVESTOCK INC. C/O STEPHEN MAHAFFEY P.O. BOX 4 TENDON REMARKS: THIS LAND IS ALSO IRRIGATED WITH RT. 74-01178. ID 83468	03-24-1883	IRRIGATION 03-15 11-15	.94 CFS	NWSE S11 T14N R26E	SENE(30) NENE(31) DECREE NWSW(26) SWSW(01) S02 T14N R26E	
74-0080	ELLSWORTH, JAMES ELLSWORTH, MAYBELLE P.O. BOX 27 LEADORE REMARKS: AC. IRR. 8.9. CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION. ID 83464 P/U: T14N R27E S19 LT02(04) P/U: T14N R26E S24 SENE(02)	08-01-1883	IRRIGATION 03-15 11-15	.13 CFS	LT03 S19 T14N R27E	DECREE	
74-0070	WHITTAKER, FLOYD J.	04-01-1887	IRRIGATION 03-15 11-15			9 ACRES*	

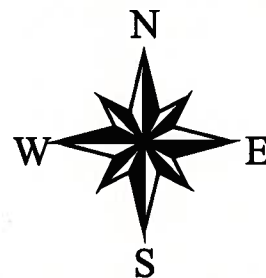
Idaho Department of Water Resources

74-66 & 74-67



0.5 0 0.5 1 1.5 Miles

T15N R26E S01 & S02
T16N R26E S35



Prepared by Danni Smith
November 25, 2002
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-66

WATER RIGHT NUMBER: 74-66

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELLSWORTH ANGUS RANCH PO BOX 60 LEADORE, ID 83464 (208)768-2664 ✓
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Original Owner	JAMES ELLSWORTH PO BOX 27 LEADORE, ID 83464

Priority Date: 06/01/1880 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TEXAS CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	2.740 CFS	
	<u>Total Diversion:</u>	2.740 CFS ✓	

Location of Point(s) of Diversion

TEXAS CREEK	SW1/4SE1/4	Sec. 11, Twp 15N, Rge 26E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	26E	1									40.0	40.0							80.0
15N	26E	2	40.0	40.0															80.0
			L1	L2															
16N	26E	2			40.0	40.0	13.0	1.0		11.0					40.0	23.0	4.0	40.0	212.0
							L3	L4											
16N	26E	35			39.0	30.0			31.0	39.0	35.0	10.0	24.0	40.0	40.0	40.0	40.0	40.0	408.0

Total Acres 780

58.8?
GBConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-110

WATER RIGHT NUMBER: 74-110

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELLSWORTH ANGUS RANCH PO BOX 60 LEADORE, ID 83464 ✓ (208)768-2664
Original Owner	MAYBELLE ELLSWORTH PO BOX 27 LEADORE, ID 83464 (208)768-2664
Original Owner	JAMES ELLSWORTH PO BOX 27 LEADORE, ID 83464

Priority Date: 05/14/1920 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TEXAS CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.220 CFS	
	<u>Total Diversion:</u>	0.220 CFS ✓	

Location of Point(s) of Diversion

TEXAS CREEK	SW1/4SE1/4	Sec. 11, Twp 15N, Rge 26E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T16N R26E S35	SWNW 18.0 ✓	T16N R26E S35	SENW 6.0
T16N R26E S35	NWSW 10.0 ✓	T16N R26E S35	SWSW 24.0

Total Acres: 58

~~SESW~~
NESW-25?

Conditions of Approval:Remarks:

1. General AC. IRR.=58.8 ✓

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-66

Remarks:

1. General THE RATE OF DIVERSION FROM TEXAS CR. WHEN ADDED TO A PORTION OF RT. 74-0042 FROM TIMBER CR. ACTUALLY DELIVERED INTO THE CHANNEL OF TEXAS CR. BY AND THROUGH THE YEARIAN-TIMBER CR. DITCH, SHALL NOT EXCEED 2.74 CFS.

Dates and Other Information:

Claim Received Date: 5/2/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

This right originally was all originally in NW and SW of Sec 35. It has been co-mingled with several other rights. Since this photo it has been changed further with pivots.