

01/16/2004

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

RIGHT NUMBER: 74-249
NAME AND ADDRESS: JOHN E SELLS
PO BOX 34
TENDON ID 83468

SOURCE: AGENCY CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 3.800 CFS
PRIORITY DATE: 11/27/1919

POINT OF DIVERSION:

T19N R24E S28 NWNW Lot 1 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	3.800 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T19N R24E S16	SWSW	40.0	T19N R24E S20	SWNE	31.5
T19N R24E S20	SENE	30.5	T19N R24E S20	NESE	30.3
T19N R24E S20	NWSE	31.5	T19N R24E S21	NWNW	6.0
T19N R24E S21	SWNW	40.0			

209.8 ACRES TOTAL

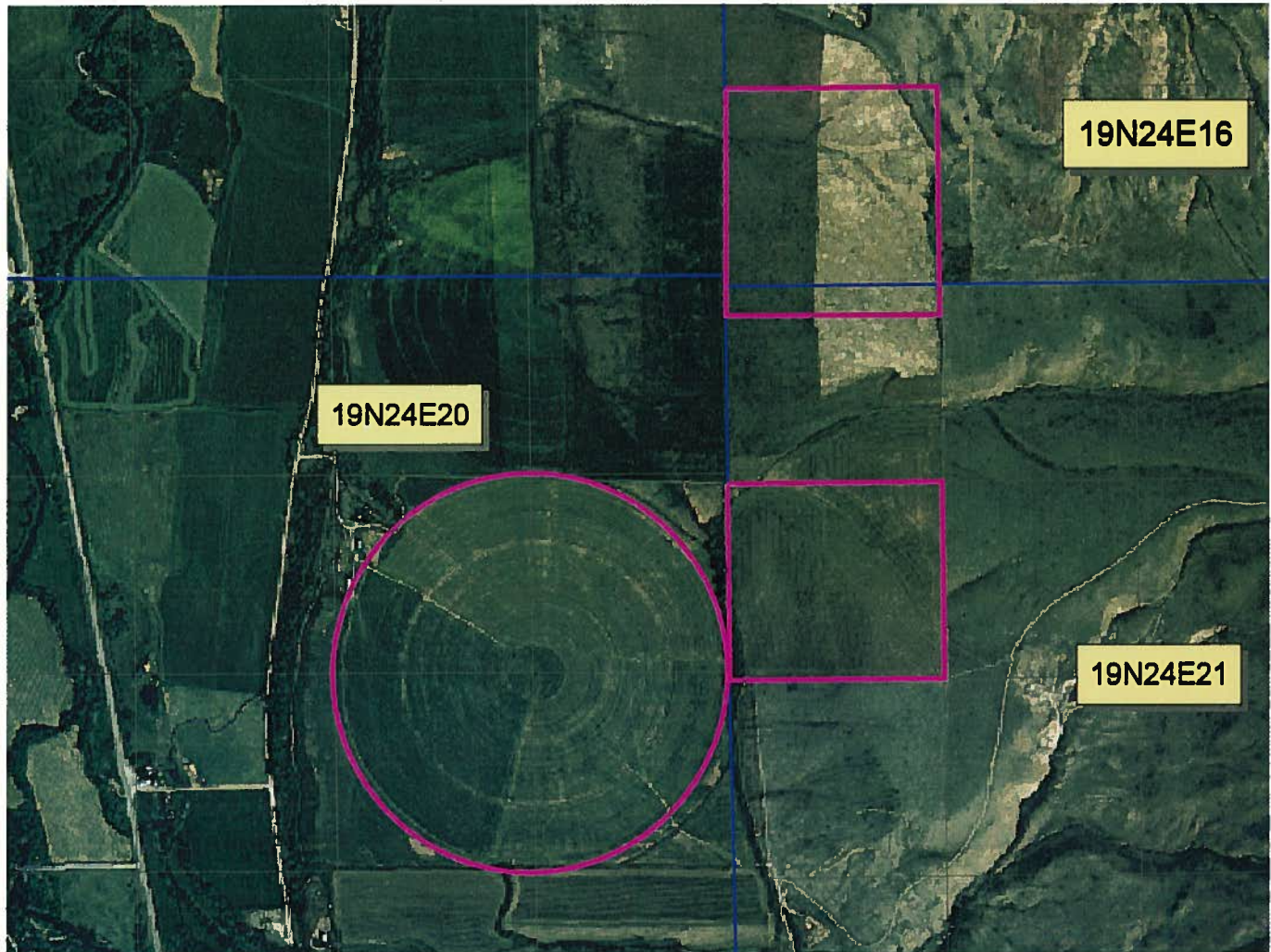
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Water right 74-249 is supplemental to right 74-404 and may only be diverted when right 74-404 cannot be diverted due to its relative priority when considered together with other rights diverted from the Lemhi River, and shall be limited to the use of one inch of water per acre.

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 Dept. of Water Resources
Water Right No. 74-249, 74-404
John Sells



0.2 0 0.2 0.4 Miles

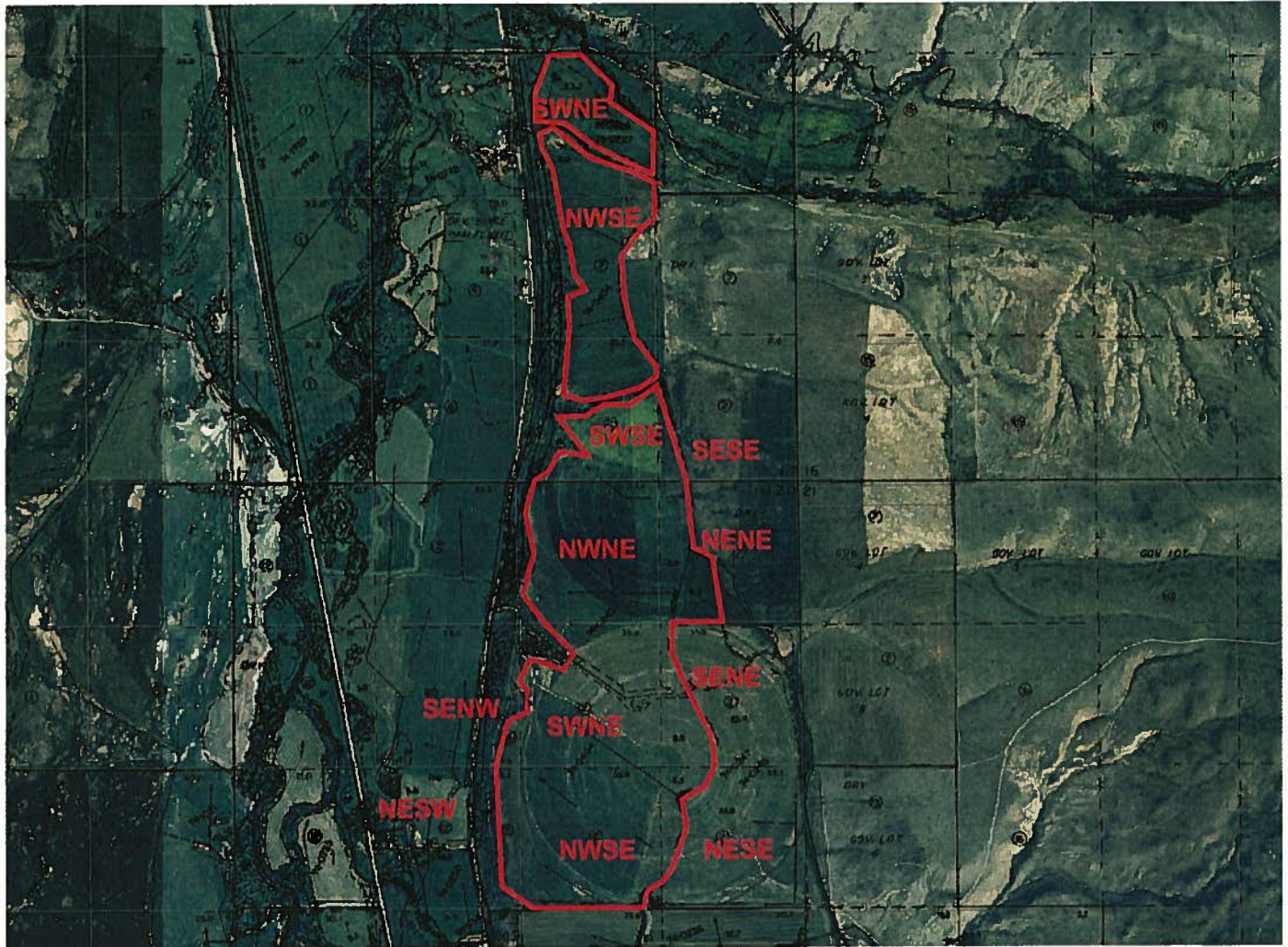
 **Place of Use**



GIS Presentation
Prepared by R. Brown
January 16, 2004
1993/94 True Color Photography

Idaho Department of Water Resources

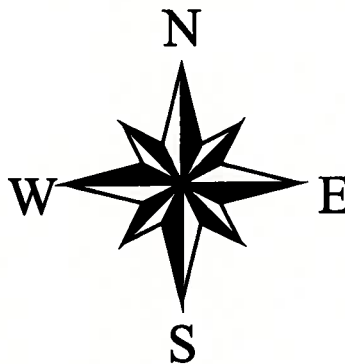
A74-00249



2000 0 2000 4000 6000 Feet



T19N, R24E, S17 & S20



Looks Good

Prepared by Anita Warntjes
February 7, 2003
1993/94 True Color Aerial Photo

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-249

WATER RIGHT NUMBER: 74-249

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAMES F STODDARD RT 1 BOX 120 SALMON, ID 83467
Original Owner	JEAN L STODDARD RT 1 BOX 120 SALMON, ID 83467
Current Owner	JOHN E SELLS ~~PO BOX 34~~ ~~TENDON, ID 83468~~ ~~(208) 756-2698~~

*PO Box 7597
Incline Village, NV 89452*

Priority Date: 11/27/1919 ✓

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
AGENCY 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	3.800 CFS	
	<u>Total Diversion:</u>	3.800 CFS ✓	

Location of Point(s) of Diversion

AGENCY CREEK	L1 (NW1/4NW1/4)	Sec. 28, Twp 19N, Rge 24E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T19N R24E S17	SWNE	23.0	T19N R24E S17	NWSE	18.0
T19N R24E S17	SWSE	26.0	T19N R24E S17	SESE	3.0
T19N R24E S20	NENE	7.0	T19N R24E S20	NWNE	37.0
T19N R24E S20	SWNE	36.0	T19N R24E S20	SENE	8.0
T19N R24E S20	SENW	2.0	T19N R24E S20	NESW	5.0
T19N R24E S20	NESE	6.0	T19N R24E S20	NWSE	39.0

Total Acres: 210

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 74-249

1. General AC. IRR.=209.8.
THIS RT. IS ONLY SUPPLEMENTAL TO RT. 74-0404 FOR THE SAME LAND AND MAY ONLY BE USED WHEN THE WATER AVAILABLE FROM THE LEMHI RIVER USING RT. 74-0404 CANNOT BE FILLED DUE TO ITS RELATIVE PRIORITY WHEN CONSIDERED TOGETHER WITH OTHER RTS. DIVERTED FROM THE LEMHI RIVER, PROVIDED FURTHER THAT SAID RT. SHALL BE LIMITED TO THE USE OF ONE INCH OF WATER PER ACRE.
CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.

Dates and Other Information:

Claim Received Date: 5/5/1990
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

RRL
4/10/03