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Candice M. McHugh, ISB # 5908
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RECEIVED
JUN 27 2014
DEPARTMENT OF
WATER RESOURCES

Attorneys for Shanna Foster and Jennifer Ayers

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

In Re SRBA

Case No. 39576

Subcase Nos. 74-1615 and 74-2351

**AFFIDAVIT OF CHRIS M.
BROMLEY**

STATE OF IDAHO)
) ss.
County of Ada)

CHRIS M. BROMLEY, being first duly sworn upon oath, deposes and says:

1. I am an attorney representing Shanna Foster and Jennifer Ayers ("Claimants"). I am over the age of 18 and state the following based upon my own personal knowledge.
2. On or about June 2, 2014, Shanna Foster called my office concerning whether the above-captioned water rights on Everson Creek had been filed on in the SRBA.
3. Attached hereto as **Exhibit A** are a copies of the claims filed by Claimants' predecessor, Albert Peterson, in the Lemhi Adjudication. The claim for 74-1615 was based on beneficial use. The claim for 74-2351 was based on a prior license. I obtained the document that makes up Exhibit A from the Idaho Department of Water Resources ("IDWR").

4. Attached hereto as **Exhibit B** is a copy of the pertinent pages from the Lemhi Adjudication “Green Book” showing that the claims for 74-1615 and 74-2351 were recommended by IDWR for decree. I obtained the document that makes up Exhibit B from IDWR.

5. Attached hereto as **Exhibit C** is a copy of the pertinent page from the Lemhi Adjudication “Black Book” showing that the recommendations for 74-1615 and 74-2351 were decreed. I obtained the document that makes up Exhibit C from IDWR.

6. Attached hereto as **Exhibit D** is a copy of the pertinent pages from the IDWR “Affidavit of Mailing” regarding First Round Service to water users in Basin 74/Lemhi County. I obtained the document that makes up Exhibit D from IDWR. There is no address given for Albert Peterson in Exhibit D.

7. Attached hereto as **Exhibit E** is a copy of IDWR’s inventory of diversions in Water District 74-Z. I obtained the document that makes up Exhibit D from IDWR.

8. The IDWR water rights database identifies the following users has holding water rights from Everson Creek:

Basin	Sequence	Basis	Priority Date	Div. Rate (cfs)	Water Use	Owner
74	10551	Decreed	6/1/1876	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	2195A	Decreed	12/11/1915	1.40	IRRIGATION	TOMCHAK, DAVID R; TOMCHAK MARI
74	14448	Decreed	6/28/1934	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	2261A	Decreed	12/21/1941	1.00	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	TOMCHAK, DAVID R; TOMCHAK MARI
74	2339A	Decreed	12/21/1941	1.00	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	TOMCHAK, DAVID R; TOMCHAK MARI

9. The IDWR water rights database identifies the following users has holding water rights and recommendations from Lee Creek:

Basin	Sequence	Basis	Priority Date	Div. Rate (cfs)	Water Use	Owner
74	10554	Decreed	6/1/1876	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	361	Rec'd	5/12/1883	1.2	IRRIGATION, STOCKWATER	MCCONNELL, BRUCE; MCCONNELL, GLENDA
74	363	Rec'd	5/12/1883	1.0	IRRIGATION	MCCONNELL, BRUCE; MCCONNELL, GLENDA
74	365	Rec'd	5/12/1883	1.2	IRRIGATION	MCCONNELL, BRUCE; MCCONNELL, GLENDA
74	367	Rec'd	5/12/1883	0.6	IRRIGATION	MCCONNELL, BRUCE; MCCONNELL, GLENDA
74	364	Rec'd	6/1/1900	1.3	IRRIGATION	MCCONNELL, BRUCE; MCCONNELL, GLENDA
74	362	Rec'd	5/1/1906	4.1	IRRIGATION	MCCONNELL, BRUCE; MCCONNELL, GLENDA
74	368	Rec'd	11/5/1909	5.8	IRRIGATION	MCCONNELL, BRUCE; MCCONNELL, GLENDA
74	1831	Decreed	6/28/1912	0.24	IRRIGATION	RUGGLES, AL; RUGGLES, JAMIN K
74	949	Decreed	12/5/1918	0.04	IRRIGATION, STOCKWATER	RUGGLES, AL; RUGGLES, JAMIN K
74	14451	Decreed	6/28/1934	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	2261	Decreed	12/21/1941	2	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	ANDERSON, BOBBIE E; ANDERSON, DORIS
74	2339	Decreed	12/21/1941	2	IRRIGATION, IRRIGATION FROM STORAGE, IRRIGATION STORAGE	ANDERSON, BOBBIE E; ANDERSON, DORIS
74	7274	Permit	12/8/1989	0.07	STOCKWATER	PETERSON, EDDIE R
74	15200	License	5/8/1990	0.26	IRRIGATION	PETERSON, HARVEY E
74	15201	License	5/8/1990	0.34	IRRIGATION	PETERSON, JANETTE S; PETERSON, KENNETH J

10. The IDWR water rights database identifies the following users has holding water rights from Stroud Creek:

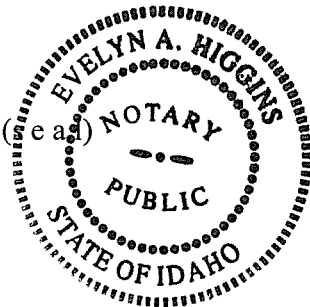
Basin	Sequence	Basis	Priority Date	Div. Rate (cfs)	Water Use	Owner
74	14449	Decreed	6/28/1934	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	1057	Decreed	4/1/1957	0.02	DOMESTIC	TOMCHAK, DAVID R; TOMCHAK MARI
74	1855	Decreed	6/28/1912	2	IRRIGATION	WHITTAKER, CALVIN J; WHITTAKER CAROL L
74	10552	Decreed	6/1/1876	0.02	STOCKWATER	UNITED STATES OF AMERICA ACTING THROUGH
74	15788	Decreed	12/31/1982	1.97	IRRIGATION	WHITTAKER, F JAMES; WHITTAKER, PAULA J

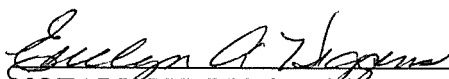
11. I served the above water users on Everson Creek, Lee Creek, and Stroud Creek with a transmittal letter and attached DVD containing all documents filed in this matter.

DATED this 19th day of June, 2014.


 CHRIS M. BROMLEY
Attorneys for Shanna Foster and Jennifer Ayers

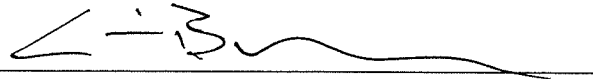
SUBSCRIBED AND SWORN TO BEFORE ME this 19 day of June, 2014.




 NOTARY PUBLIC for Idaho
 Residing at: Burien, Id.
 My Commission Expires: 12-31-15

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of June 2014, I caused the following documents to be filed with the Court: *Notice of Service*, *Notice of Hearing*; *Motion to Set Aside and Memorandum in Support*; *Affidavit of Chris M. Bromley*; *Affidavit of Shanna Foster*; *Affidavit of Thomas C. Udy*; *Affidavit of Carter Fritschle*; *Affidavit of Roxanne Brown*; *Motions for Late Claims*; *Memorandum in Support of Motions for Late Claim*; *Notices of Claim*. As attested to in the *Notice of Service*, the foregoing documents were filed with the Court and true and correct copies served on the SRBA's Expedited Mailing List and water users on Everson Creek, Lee Creek, and Stroud Creek.

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

CHRIS M. BROMLEY

Attorneys for Shanna Foster and Jennifer Ayers

EXHIBIT A

NOTICE OF CLAIM
TO A
WATER RIGHT

MAP NO.

74-1615

15N-25E-B

(Name of Claimant)

(Mailing Address)

... claims a right to the diversion

(Mailing Address)

The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) April 1, 1919

- (72) Describe source of water: (Name of stream, lake, spring, etc. or groundwater) Everson Creek, tributary to Lee Creek, tributary to Lemhi River at Div. F-1.

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity 2.45
UNIT XXXX

1120 Irrigation
(domestic, irrigation, stock, etc.)

Period of Use From April 1 To November 1

Quantity
GFS, GDP, AFA

1780
(Home die, ignition, stock, etc.)

Period of Use From _____ To _____
(Both Dates Inclusive)

Quantity _____ U.S. GDP, AEA

Use . . . (domestic, litigation, stock, etc.)

Period of Use From _____ To _____
(Both Dates Inclusive)

4-1-21 2.53
XXXXXX

TOTAL QUANTITY CLAIMED.

(Both Dates Inclusive)

- (5) A) Point of Diversion: (Give location of point where water is diverted from its source. Sec. 6, Twp. 15N, Rge. 25E, S. 14, T. 14N, R. 24E; additional points:

- 11) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. Dam diverts water from Creek into ditch. Ditch then conveys water to its place of use.

- (6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

11) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____ Total No. of acres 116.7

- (7) Effluent, sewage waste, or return water from this use is discharged into _____

- (8) If you are claiming water as a member of an organization, list name of organization.

- (D) Remarks

- (10) Basis of claim (Check one) ☒ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case _____

- ☐ (c) Right based on application, license, or claim filed with the Idaho Department of Water Administration.

I declare under penalty of perjury that the foregoing is true and accurate to the best of (his, her, their) knowledge.

Individual

March 31, 1972

(Date)

(Signature of Claimant)

State of Idaho

County of _____, Indiana

Organization
 Seal

Organization

(Signature of Spouse)

David R. Anderson
(Signature of Authorized Agent)

On this 21st day of March, in the year 1972, before me,
a notary public, personally appeared Dave Anderson,
known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,
corporation, partnership or _____)

Notary Public residing Salmon, Idaho

My commission expires July 14, 1974

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL DETER-
MINATION OF THE RIGHT TO THE USE OF
SURFACE WATERS AND TRIBUTARIES FROM
WHAITEMAN CREEK AND THE LEMHI RIVER
DRAINAGE BASIN

NOTICE OF CLAIM
TO A
WATER RIGHT

IDENT. NO.
74-2351
XXXXXX

MAP NO.
15N-25E-B

Notice is hereby given that Albert Peterson

Leadore, Idaho 83464

(Name of Claimant)

claims a right to the diversion
and beneficial use of the surface or groundwater, of or tributary to the LEMHI River;

The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use, or date that permit was issued) January 9, 1963
XXXXXXXXXXXXXXXXXX

(2) Describe source of water: (Name of stream, lake, spring, etc., or groundwater) Everson Creek, tributary to
Lee Creek, tributary to Lemhi River at Div. E-1.

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	Use	Period of Use From	To
3.34 GFS XXXXX	Irrigation	April 1	November 1
0.00 GFS AL	Domestic, irrigation, stock, etc.		
0.00 GFS AL	Domestic, irrigation, stock, etc.		
0.00 GFS AL	Domestic, irrigation, stock, etc.		
3.34 GFS XXXXX	TOTAL QUANTITY CLAIMED		

(5) A) Point of Diversion: Give location of point where water is diverted from its source SE 1/4 NE 1/4, B.M.; additional points:
Sec. 1, Twp. 15N, Rge. 24E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.)
Give sizes and capacities; be as specific as possible. Dam in creek diverting water to ditch which is
approximately 1 mile long.

(6) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for
irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
15N	25E	5							5.7				13.7						18.9
15N	25E	6	3.6			4.8													8.4

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Total No. of acres 27.3

(7) Effluent, sewage waste, or return water from this use is discharged into
(8) If you are claiming water as a member of an organization, list name of organization.
(9) Remarks

(10) Basis of claim (Check one) ☐ A) Right based on diversion and beneficial use.
☐ B) Right decreed by court, cite title of case.
☒ C) Right based on application, license, or claim filed with the Idaho Department of Water
Administration.

Be it known that the undersigned, after being duly sworn on oath, deposes(s) and says(s) that all statements included herein are
true and accurate to the best of (his, her, their) knowledge.

Individual

March 31, 1972

(Date)

(Signature of Claimant)

Organization

(Signature of Spouse)

State of Idaho

County of Lemhi

Organization
Seal

On this 31st day of March, 1972, before me,
a notary public, personally appeared Albert Peterson

known to me to be the person(s) whose name(s) are subscribed to the above instrument, and acknowledged to me that (he, she, they,
corporation, partnership or) executed the same.

Notary Public residing at Idaho

My commission expires July 14, 1973

EXHIBIT B

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

OF THE STATE OF IDAHO, IN AND FOR

LEMHI COUNTY

PROPOSED FINDING OF WATER RIGHTS

IN THE

LEMHI RIVER BASIN

CIVIL CASE NO. 4948

PROPOSED FINDING OF WATER RIGHTS - LEACH RIVER DRAINAGE

SOURCE: Lee Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
74-1831	NEP, Darrell J. and/or Verna M. Star Route Leadore, Idaho	6-28-1912	Irrigation	4/1 11/1	0.24	NE $\frac{1}{4}$ SE $\frac{1}{4}$, S. 30 T16N, R25E	Sec. 30 NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, T16N, R25E	Beneficial Use Lee Creek
74-2195	ANDERSON, Bobbie E. and/or Doris Box 53 Leadore, Idaho	12-11-1915	Irrigation	4/1 11/1	2.80	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 1 T15N, R24E	Sec. 6 Lot 3, Lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, T15N, R25E	License Everson Creek
74-0949	NEP, Darrell J. and/or Verna M. Star Route Leadore, Idaho	12-5-1918	Irrigation	4/1 11/1	0.02	NE $\frac{1}{4}$ SW $\frac{1}{4}$, S. 20 T16N, R25E	Sec. 20 NE $\frac{1}{4}$ SW $\frac{1}{4}$, T16N, R25E	Beneficial Use Lee Creek
74-1615	PETERSON, Albert Leadore, Idaho	12-5-1918	Stockwater	1/1 12/31	0.02 0.04	Same as above	Same as above	
74-2261 and 74-2339	ANDERSON, Bobbie E. and/or Doris Box 53 Leadore, Idaho	12-21-1941	Irrigation	4/1 11/1	2.00	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 1 T15N, R24E	Sec. 6 Lot 3, Lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, T15N, R25E	License Storage Glacier Lake Reservoir
The amount of storage under this right is 48.0 AF.							122.4	

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Lee Creek and Tributaries

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	POINT OF DIVERSION	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
				From	To				
74-1057	ANDERSON, Bobbie E. and/or Doris Box 53 Leadore, Idaho	4 -1 -1957	Domestic	1/1	12/31	0.02	Lot 4, S. 6 T15N, R25E	Sec. 6 Lot 4, T15N, R25E	Beneficial Use Stroud Creek
74-2351	PETERSON, Albert Leadore, Idaho	1 -9 -1963	Irrigation	4/1	11/1	0.55	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S. 1 T15N, R24E	Sec. 5 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 6 Lot 1, Lot 6, T15N, R25E	License Everson Creek
								5.2 13.7 3.6 4.8 <u>27.3</u>	

EXHIBIT C

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS)
TO THE USE OF THE SURFACE WATERS)
AND TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

SCANNED
APR 04 2007

NR041b
05/04/83

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

PAGE 54

INDICATES TOTAL

SOURCE: EVERSON CREEK

TRIBUTARY TO: LEE CREEK

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
74-2195	ANDERSON, BOBBIE E. ANDERSON, DORIS P.O. BOX 53 LEADORE REMARKS: AC. IRR.= 88.3.	12-11-1915	IRRIGATION	03-15 11-15	2.80 CFS	SENE S01 LT03(01) LT05(24) DEGREE NWSM(05) S06 T15N R25E	
74-1615	PETERSON, ALBERT LEADORE	04-01-1919	IRRIGATION	03-15 11-15	2.45 CFS	SENE S01 SWSM(37) NWSE(31) DEGREE LT01 (NENE)(22) LT02 (NWE)(07) LT06 (SENE)(14) LT07 (NESE)(10) S06 T15N R25E * 122 ACRES*	
74-2352	PETERSON, JOHN LEADORE	03-18-1949	IRRIGATION	- -	3.20 CFS	SENE S01 NWSM(40) NWSM(40) LICENSE SWSM(40) SWSM(40) S06 T15N R25E	
74-2351	PETERSON, ALBERT LEADORE	01-09-1963	IRRIGATION	03-15 11-15	.55 CFS	SENE S01 SWSM(05) NWSM(14) DEGREE S05 T15N R25E LT01 (NENE)(04) LT06 (SENE)(05) S06 T15N R25E	
REMARKS: AC. IRR.=27.3.							* 28 ACRES*

EXHIBIT D

IDAHO DEPARTMENT OF WATER RESOURCES
AFFIDAVIT OF MAILING

DATE: 05/28/90
PAGE: 499

NAME/ADDRESS	DOCUMENT	MAIL DATE	CERTIFIED NUMBER
PERU, GRACE H HC-61, BOX 118 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, ELMER P.O. BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, ELMER BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, JAY STAR ROUTE 1, BOX 2545J TEHACHAPI, CA 93561	NOTICE #1	2/12/90	
PETERS, OHNA BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, OHNA L BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSEN, SHERRIE BOX 454 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, ALBERT LEADORE, ID 83464	NOTICE #1	2/12/90	
PETERSON, ALVIN C RT. 1 BOX 158 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, ALVIN C RT. 1 BOX 158 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BARBARA BOX 2285 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BARBARA P O BOX 2285 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BEATRICE 23 CYPRUS POINT EASTSIDE, OR 97420	NOTICE #1	2/12/90	
PETERSON, BILL G P O BOX 806 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BILLIE P.O. BOX 144 LEADORE, ID 83464	NOTICE #1	2/12/90	
PETERSON, BILLIE 3200 BEAVERHEAD LANE, BOX 14 DILLON, MT 59735	NOTICE #1	2/12/90	
PETERSON, BILLIE & FOSTER, RICHARD BOX 55 LEADORE, ID 83464	NOTICE #1	2/12/90	

NAME/ADDRESS	DOCUMENT	MAIL DATE	CERTIFIED NUMBER
PERU, GRACE H HC-61, BOX 118 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, ELMER P.O. BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, ELMER BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, JAY STAR ROUTE 1, BOX 2545J TEHACHAPI, CA 93561	NOTICE #1	2/12/90	
PETERS, OHNA BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERS, OHNA L BOX 391 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSEN, SHERRIE BOX 454 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, ALBERT LEADORE, ID 83464	NOTICE #1	2/12/90	
PETERSON, ALVIN C RT. 1 BOX 158 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, ALVIN C RT. 1 BOX 158 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BARBARA BOX 2285 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BARBARA P.O. BOX 2285 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BEARRICE 23 CYPRESS POINT EASTSIDE, OR 97420	NOTICE #1	2/12/90	
PETERSON, BILL G P.O. BOX 806 SALMON, ID 83467	NOTICE #1	2/12/90	
PETERSON, BILLIE P.O. BOX 144 LEADORE, ID 83464	NOTICE #1	2/12/90	
PETERSON, BILLIE 3200 BEAVERHEAD LANE, BOX 14 DILTON, MT. 59725	NOTICE #1	2/12/90	
PETERSON, BILLIE & POSTER, RICHARD BOX 55 LEADORE, ID 83464	NOTICE #1	2/12/90	

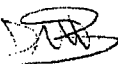
EXHIBIT E

WD 74Z 2002

State of Idaho
Department of Water Resources
1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866

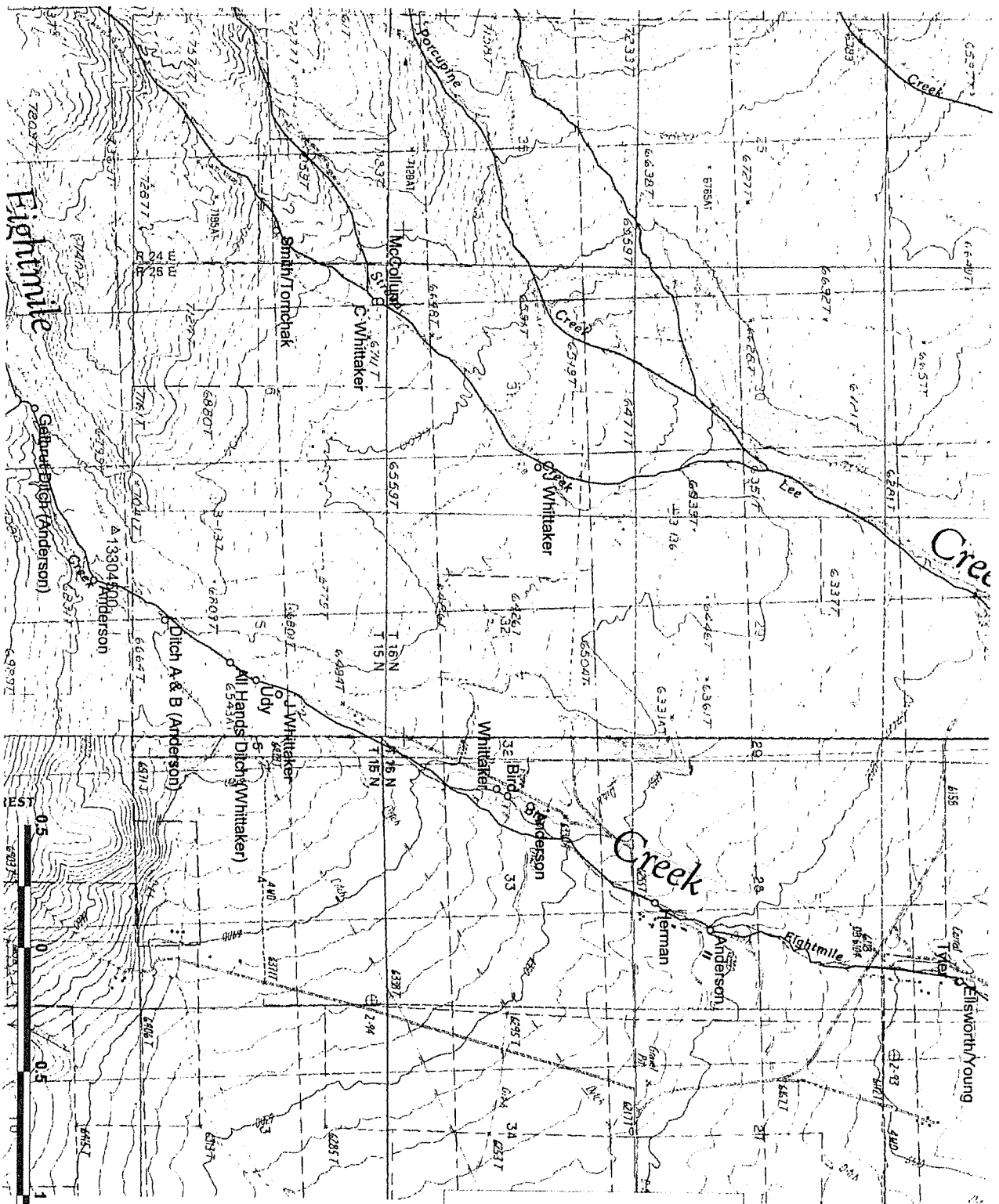
Date: July 10, 2002

To: Cal Whittaker, Advisory Board Chairman
Big 8 Mile & Lee Crks Water Dist 74-Z
PO Box 10
Leadore Id 83464
208-768-2485

From: Dayna Ball *for* Tim Luke 
Water Distribution
327-7907
Fax 327-7866

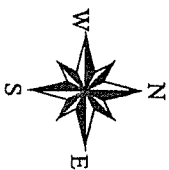
Enclosed is a copy of the memo from Jane Tallman dated August 2, 2000 regarding Inventory of water district 74-Z and a recent detailed map of the diversions.

Please feel free to contact Tim Luke at 327-7864 with any questions regarding these items



WATER DIST. 74-Z BIG EIGHTMILE CR.

- Diversion Location
- ~ Stream
- Canal or Ditch
- Intermitent
- Highways
- Roads
- △ USGS GAGE



MEMORANDUM

To: File
From: Jane Tallman
Date: August 2, 2000
Subject: Water District 74-Z Inventory

A general inventory of diversions was made of the diversions in this district on June 14-15, 2000. The inventory was part of a general inventory of diversions in the Lemhi River Basin for water management and distribution purposes. Richard Moll is the watermaster in this district. There are a total of 19 diversions in the district. The diversions are described here in order from upstream to downstream.

Gethrut Ditch is accessible from Eight Mile Creek Road and diverts only during high water. The wood diversion box has been damaged and is set to be replaced before next year. The trees that have fallen on it and branches that have clogged its entrance need to be cleaned out. The Cipolletti weir is broken on one side and Moll has been told it will be replaced by a metal structure.

The following diversions visited are accessible by way of the unnamed road across the creek from Eight Mile Creek Road. The two uppermost ditches, Cartwright Ditch (not decreed) and an unnamed ditch owned by Dare Anderson, are high water diversions only, their head gates being within 10 feet of one another. The Cartwright Ditch is used only as a safeguard to protect head gates downstream from being "blown out" in very high water so the fact that the wooden diversion structure is no longer functional is not an issue to the other water users, based on my discussion with Moll. The neighboring unnamed ditch does need to have the wooden diversion structure reset as water is leaking under the boards and through the sides of the structure. Neither of these two ditches contains a measuring device, which is not critical, as these are high water diversions.

Ditch "A" and Ditch "B" have parallel headgates in a shared wooden structure in good condition. Both have adequate Cipolletti weirs in good condition but the silt build up needs to be cleaned out from behind each to obtain accurate measurements.

The Kent Bird Ditch, All Hands Ditch and the Tom Udy Ditch are accessible from Eight Mile Creek Road or from the unnamed road across Big Eight-Mile Creek. The All Hands and Udy ditches have head gates in good condition. The Kent Bird Ditch has a wooden gate with stop logs that provides good control but no lockable control. The weir in the Bird Ditch is silted in and requires weir pool maintenance. The weir in the All Hands Ditch should be reset for a more accurate measurement as it is leaning downstream. The weir in the Udy Ditch is in very good condition.

The Ted Peterson Ditch is located just downstream of the Bird Ditch. It has an adequate lockable

steel crew gate. The owner installed a Cipolletti weir in a steel box below the headgate but the weir is welded in the box at about a 60-degree downstream sloping angle. This device needs to be reset in the box at a 90-degree angle, leveled, and perpendicular to the flow. James Whittaker owns a small-unnamed ditch just upstream of the Ted Peterson Ditch. This ditch has a headgate but is used for high water diversion only. The watermaster indicated the ditch had not been used in a number of years.

The head gate and weir on the Ted Whittaker Ditch are in good condition but the moss build-up on the weir was not readily removed and needs to be cleaned out.

The Herman Ditch, Jimmy and Anderson Ditch are accessible from Eight-Mile Creek Rd through the James Whittaker Ranch. Both ditches have adequate lockable control gates. The Herman Ditch has a 6-ft. wood crest Cipolletti weir that requires some minor maintenance. The Anderson Ditch has no measuring device.

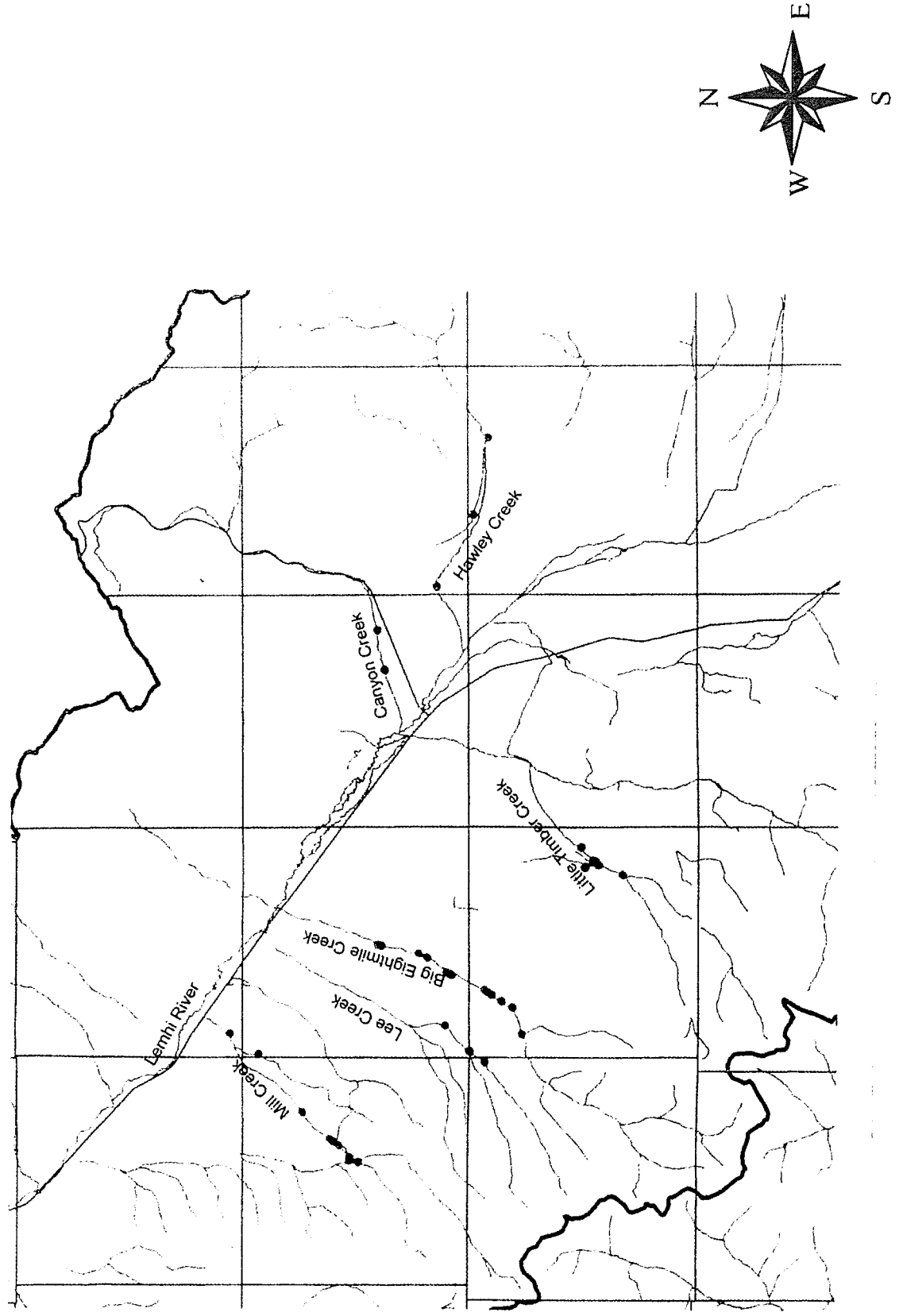
The Carl Tyler and Ellsworth-Young Ditches are the lower most diversions and are formed by a split in the creek. Neither diversion has any control device or structure. Both diversions have weirs which are in good condition.

There are a total of four diversions on Lee and Stroud Creeks. One of the diversions is actually located on Everson Creek while the other three are actually on Stroud Creek, both tributary to Lee Creek. Three of the four diversions had some limited type of stoplog control structure, while the fourth had no control. Three of the diversions had measuring devices but only one was operable (Tomchak-Smith diversion had two good broad crested weirs where the ditch splits). The remaining ditches need to have new devices installed or have significant repairs to the existing structures. The watermaster does not make regular visits to these diversions. Regulation of these diversions appears to be rather limited, occurring perhaps from time to time as needed.

The watermaster appears to be diligent in his inspection, measurement, and regulation of all diversions on Big Eight Mile Creek. There is adequate control over flow in all but the uppermost high water diversions, and limited control of the four diversions on the Lee Creek tributaries.

Water District 74W and 74Z

Diversion Inventory



CERTIFICATE OF SERVICE

On August 3, 2000 (am), copies of the inventory sheets, photos, basin map, and memo for Water District 74-Q and 74-Z were mailed to the following:

Richard Moll, Watermaster
Water District 74-Q & 74-Z
PO Box 153
Leadore, Id 83464

Bob Foster
IDWR Salmon Field Office

Harold Jones
IDWR Eastern Region Office

DAB
Dayna M. Ball, Office Specialist II
Water Distribution Section