

10/01/2014

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

RIGHT NUMBER: 74-15911

NAME AND ADDRESS: VINCENT TRACY
3 PRAIRIE RD
SALMON ID 83467

MALINDA TRACY
3 PRAIRIE RD
SALMON ID 83467

SOURCE: WASTE WATER

TRIBUTARY: LEMHI RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 08/26/1986

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T21N R23E S29 SWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.090 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T21N R23E S29	SWNE	2.50	T21N R23E S29	SENE	0.30
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2.8 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.

The source of this water right is waste water. The wasting of water may be discontinued at any time.

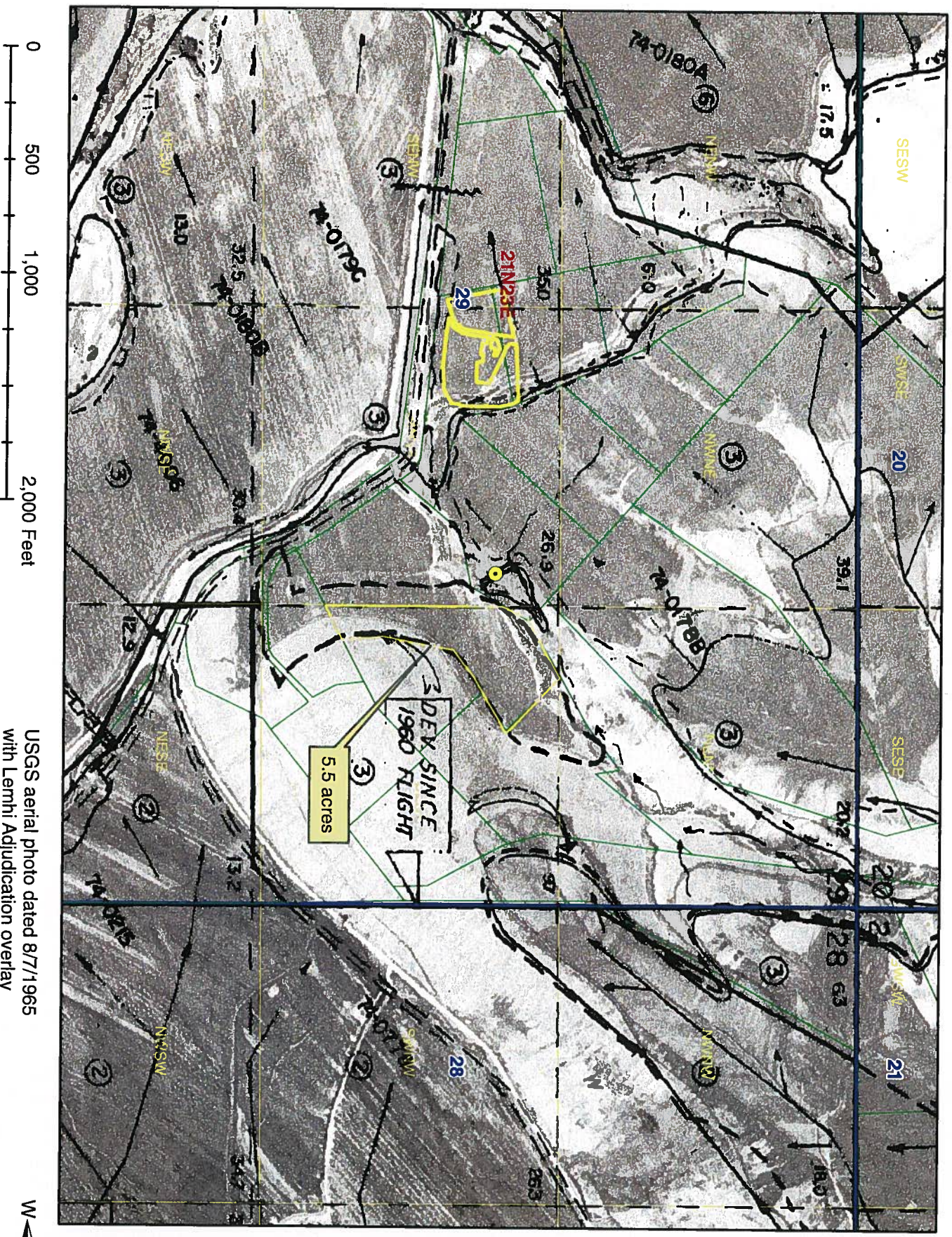
This right is based upon an enlargement of Right No. 74-178B pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

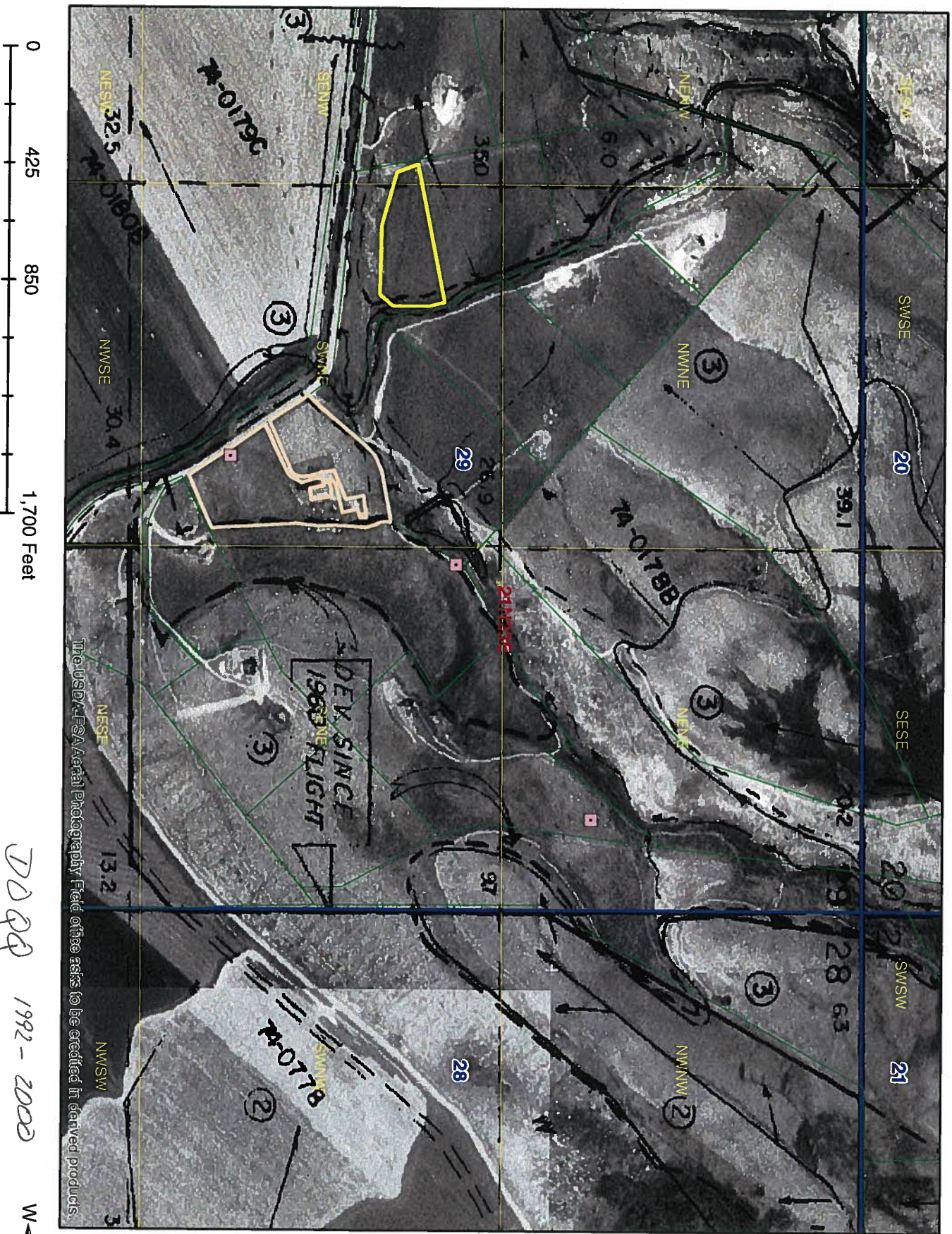
This right is for an enlargement of 2.8 acres.



74-15911

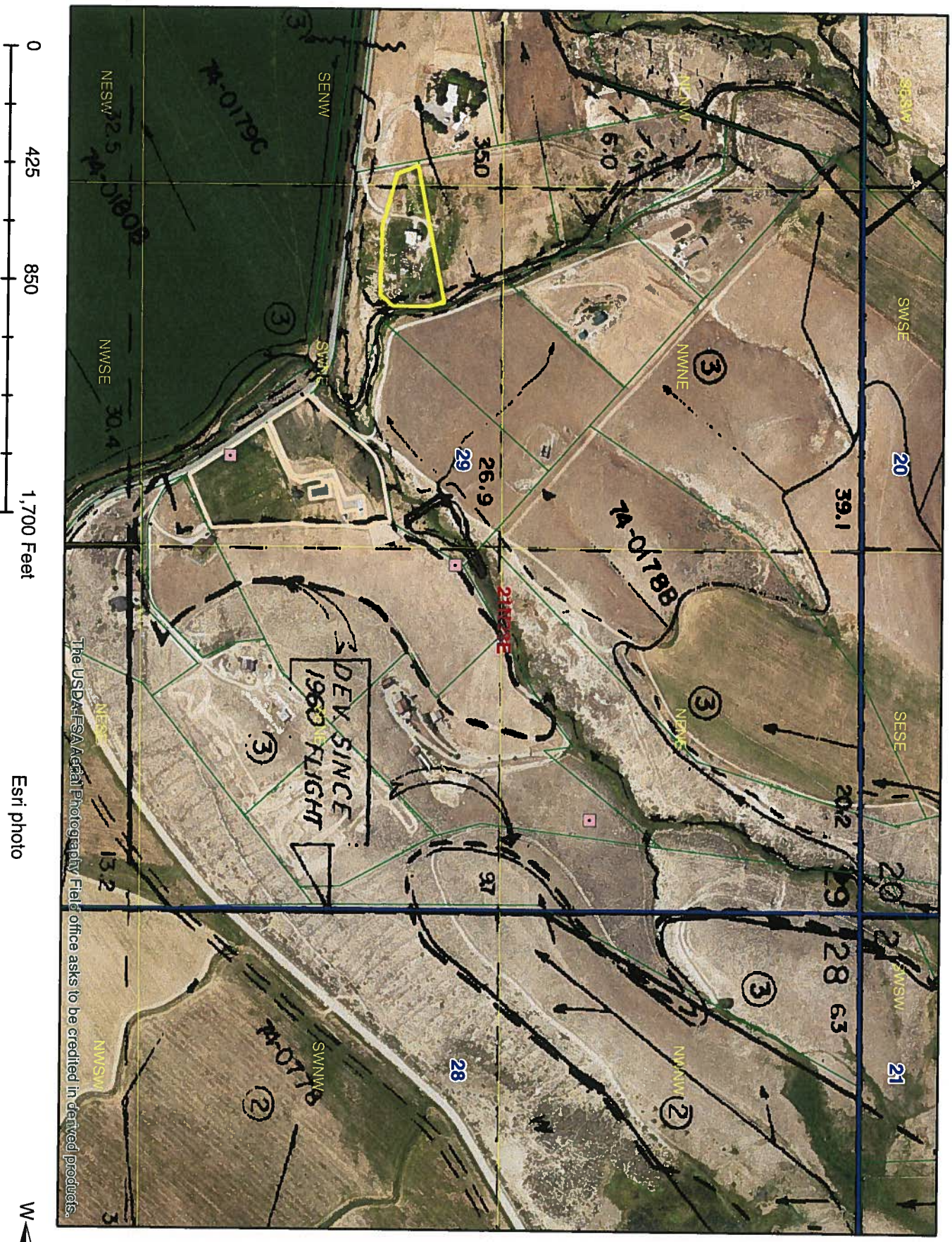


74-15911



DD 99 1992-2000

74-15911



8-17-85

1-83

GS-VFJB-C

8-9

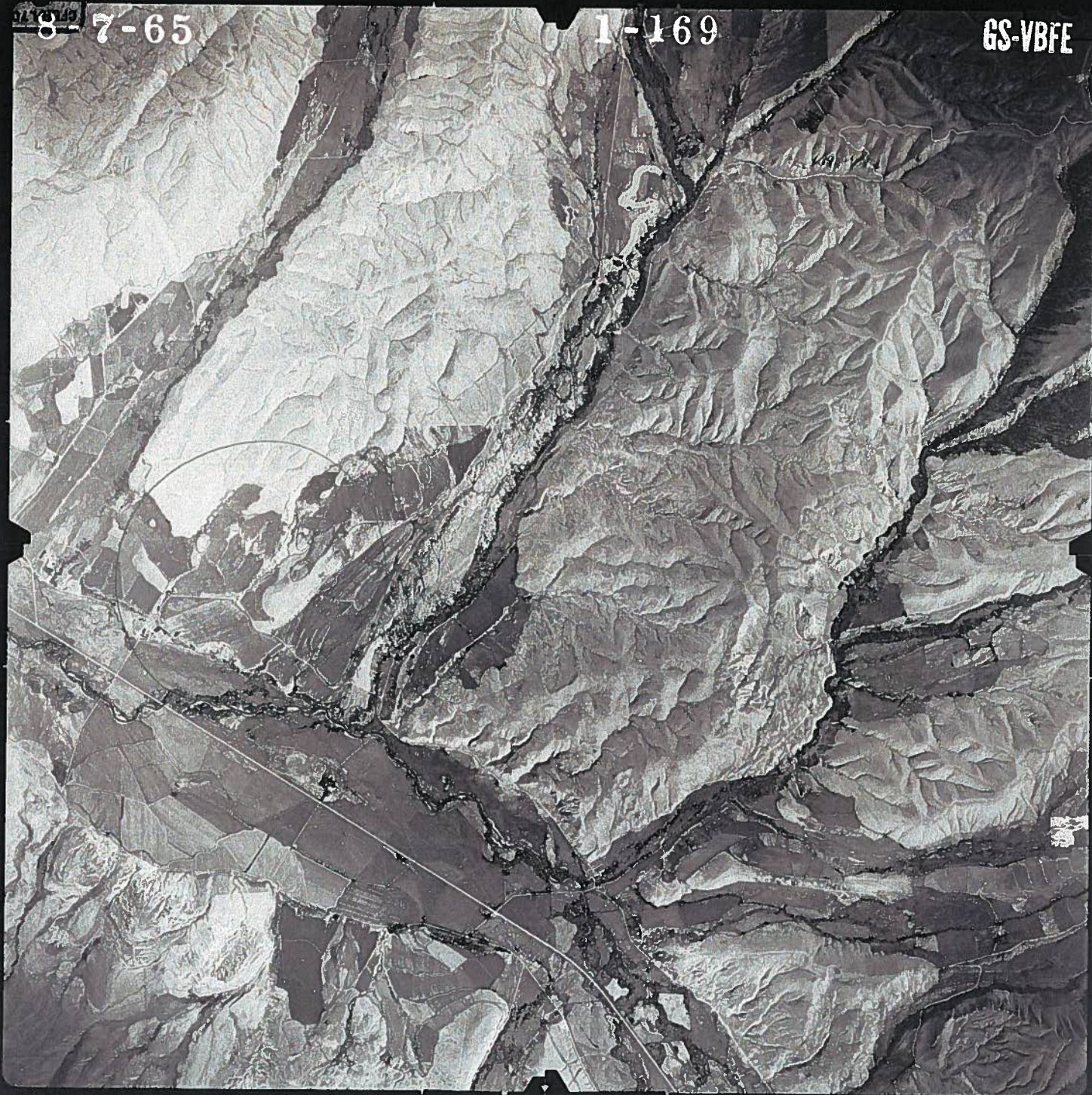
↑
N

681
20

8-7-65

1-169

GS-VBFE



↑
N

VV AS N 11 AMS 17 JUL 1953 121

1830

04092191-143

VV AS N 11 AMS 17 JUL 1953 121

1831

04092191-143

4
M
S

574

274

Barracks Lane Sub.
East portion of lot 1

**IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report**

11/17/2014

Adjudication Recommendation 74-178BB V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN ALFRED SIMPSON 774 LEMHI RD SALMON, ID 83467 (208)756-6845
Current Owner	SUSAN ISLEY SIMPSON 774 LEMHI RD SALMON, ID 83467 (208)756-6845
Original Owner	JEAN L STODDARD 6 KIRTLEY LN SALMON, ID 83467-5132
Original Owner	JAMES F STODDARD 6 KIRTLEY LN SALMON, ID 83467-5132
Original Owner	KIRK J KNUDSEN 774 LEMHI RD SALMON, ID 83467-5146 (208)756-4995

Priority Date: 3/9/1912

Basis: Decreed

Status: Disallowed

Source
BOHANNON CREEK

Tributary
LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	0.120 CFS	
	<u>Total Diversion</u>		0.120 CFS	

Source and Point(s) of Diversion

BOHANNON CREEK SESE Sec. 15, Twp 21N, Rge 23E, LEMHI County

Place Of Use

IRRIGATION within LEMHI County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
21N	23E	29				6.0													6.0

POU Total Acres: 6.0

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

11/17/2014

1. P16 Explanatory RECOMMENDED AS RIGHT NO. _____. This is included for a claim that is PROPOSED to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the OTHER right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the OTHER right, then the OTHER right is recommended in another claimant's name.
2. P06 General RECOMMENDED AS RIGHT NO. 74-178C.

Comments:

1. rbrown 6/12/2003 Recommendation
Watermaster John Tracey indicates that this right has never been delivered to the land claimed.
This right belongs to Stokes under claim 74-178C.

Dates and Other Information

State or Federal: S
Mitigation Plan: False

Combined Use Limits

N/A

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary	6/12/2003	rbrown	6/12/2003	rbrown	Disallowed

Verification Log

<u>Element</u>	<u>Date</u>	<u>User</u>	<u>Log Text</u>
POU	11/14/2002	awarntje	Edited shape boundary
POD	11/14/2002	awarntje	Edited point location
Summary	6/12/2003	rbrown	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 4. Is any portion of the claim be recommended? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

SubCase:

N/A

Water Supply Bank:

N/A

774 Lemhi Road
Salmon, ID 83467
August 15, 2004

RECEIVED
AUG 26 2004
Department of Water Resources

Ms. Roxanne Brown
Idaho Department of Water Resources
1301 N. Orchard
Boise, Idaho 83706

RE: WATER RIGHT CLAIM A74-00178BB

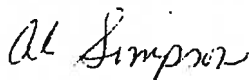
Dear Ms. Brown:

The enclosed information is being submitted in support of a claim filed in 1990 by Kirk and Kerri Knudsen for a wastewater right on agricultural land located in Lemhi County. In May, 2000 I purchased the property and submitted a Notice of Change for Water Right Ownership (NCO) to your department. I received acknowledgement of that NCO in June, 2000.

In support of claim A74-00178BB, I am providing additional evidence to substantiate this request for use of wastewater that originates from a diversion on Bohannon Creek. In addition to the enclosed affidavit from the Bohannon Creek watermaster (Exhibit A), I am also enclosing photographs of existing storage and conveyance facilities that were used for many years to irrigate approximately six acres of property that I now own (Exhibit B). Historically, wastewater was (and still is) seasonally captured in a small impoundment and discharged over a spillway that is located on my property. I would like to re-direct and convey the wastewater via an existing ditch to rejuvenate pasture land that was historically irrigated with Bohannon Creek water.

I hope that you will carefully consider this claim. Please feel free to contact me at (208) 756-6845 if you have any questions.

Respectfully,



Al Simpson

AFFADAVIT

As watermaster for Bohannon Creek, Lemhi County, Idaho, I am familiar with the historic and present application of irrigation water diverted from Bohannon Creek. In regards to Mr. Al Simpson's claim for a water right to beneficially use wastewater that runs off adjacent lands irrigated with water diverted from Bohannon Creek, I, John Tracey, can attest to the historic application of Bohannon Creek wastewater to lands currently owned by Al and Susan Simpson. The presence of a small dam/collection pond and conveyance ditch that was once used to convey irrigation wastewater to property now owned by Mr. Simpson is clear evidence of prior application of wastewater to property that he purchased approximately four years ago. Utilizing an existing collection pond and ditch, previous landowners conveyed wastewater runoff from adjacent flood irrigated agricultural lands and used that water to irrigate approximately six acres of land now owned by Mr. Simpson. The collection pond and ditch were once part of an agricultural ditch system that collected and distributed irrigation water diverted from a creek diversion referred to as Bohannon Creek diversion No. 6 located in Section 29, Township 21N, Range 23E. The Bohannon No. 6 diversion has a 1912 priority date.

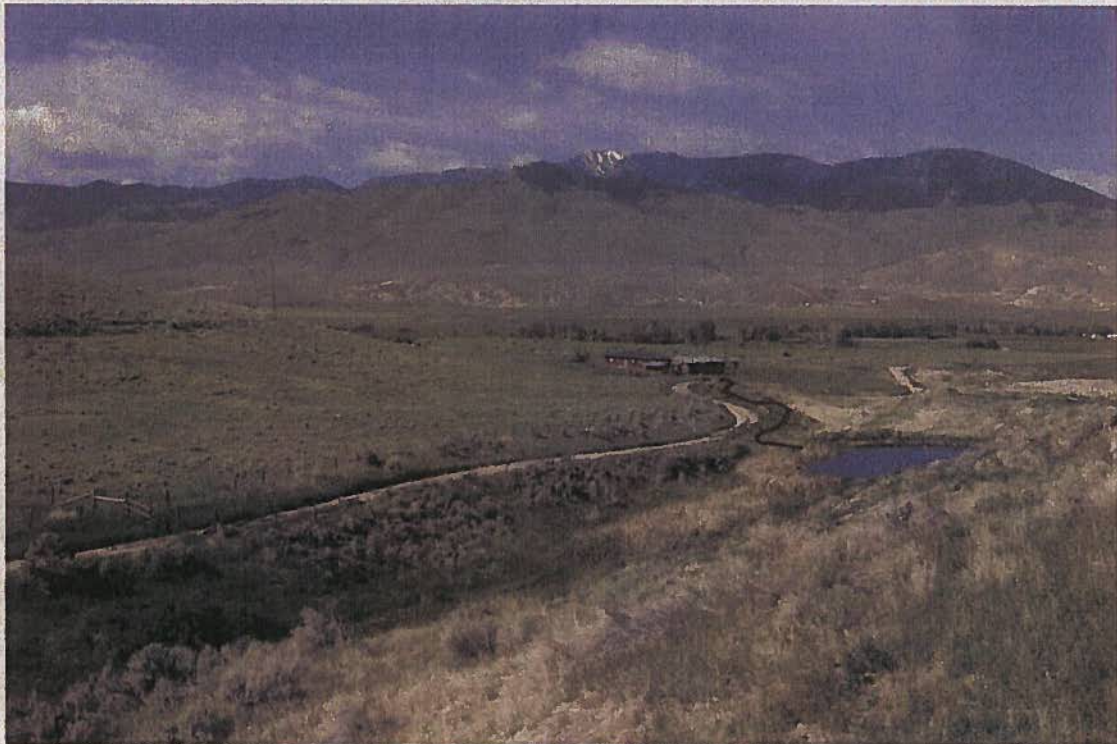
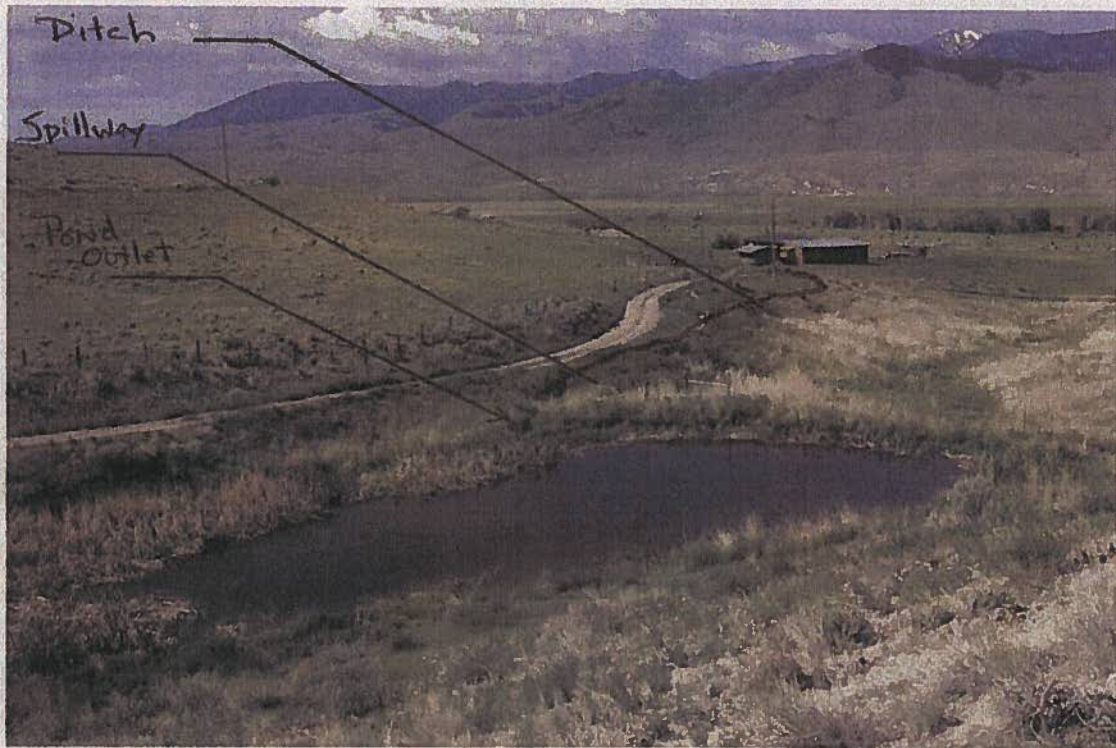
Signature:

John Tracey

Date:

July 28, 2004

Exhibit B



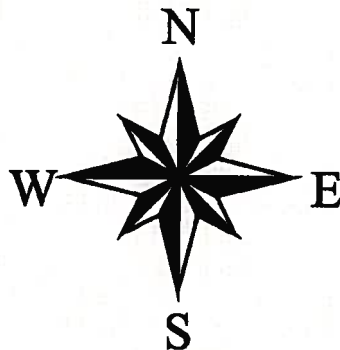
Idaho Department of Water Resources

A74-00178BB



800 0 800 Feet

T21N, R23E, S29



*Check Property description
(any reason a copy of the
contract between IDWR
and RTS Technology is in
this file?)*

Prepared by Anita Warntjes
November 14, 2002
1993/94 True Color Aerial Photo

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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 74-00179C

NAME AND ADDRESS: BETTY W STOKES
EARL DEAN STOKES
19 N BARRACKS LN
SALMON, ID 83467

SOURCE: BOHANNON CREEK TRIBUTARY: LEMHI RIVER

QUANTITY: 1.02 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION: T21N R23E S28 SENE Within Lemhi County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 03-15 TO 11-15 1.02 CFS

PLACE OF USE: Irrigation Within Lemhi County
T21N R23E S29
NWNE 2.0 SWNE 19.0
NENW 6.0 SWNW 3.0
SENE 35.0 NESW 13.0
NESE 13.0 NWSE 30.0
SESE 7.0
128.0 Acres Total

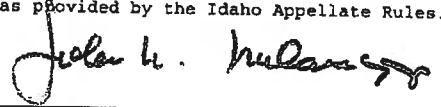
USE OF THIS RIGHT WITH RIGHT NO. 74-4006 and 74-180B IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 128.4 ACRES IN A SINGLE
IRRIGATION SEASON.
This right authorizes the irrigation of 128.4 total acres.

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, I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

All that portions of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-One (21), Township Twenty-One (21) North, Range Twenty-Three (23), East, Boise Meridian, lying and being on the Northwestern side of Bohannon Creek Road.

3. Based upon recommendations recently made by the Idaho Department of Water Resources (hereafter IDWR), to the Snake River Basin Adjudication Court (hereafter SRBA Court), the following water rights are appurtenant of record to the above described real property of STOKES:
 - a. 74-179C
 - b. 74-180B
 - c. 74-15520
4. Based also on recommendations recently made by the IDWR to the SRBA Court, the following rights are appurtenant of record to the above described real property of EVR:
 - a. 74-179D
 - b. 74-15521
5. At the time of the conveyance by STOKES to EVR of the real property described in Paragraph 2 above, there was a misunderstanding between the parties as to how the water rights listed in Paragraph 3 and 4 above had been used historically. The parties desire to correct the errors that resulted from such misunderstanding to the end that the following water rights or portions thereof shall become appurtenant to the above described property of STOKES:
 - a. 74-179D - All
 - b. 74-180B - 50 miner's inches or 1.0 cfs;and that the following water rights or portions thereof shall be appurtenant to the above described real property of EVR:
 - c. 74-179C - All
 - d. 74-180B - 80 miner's inches or 1.6 cfs
 - e. 74-15520 - All
 - f. 74-15521 - All
6. In order to accomplish the objectives of the parties set forth in Paragraph 5 above, the parties agree to do the following:
 - a. EVR shall execute a Quitclaim Deed for water right number 74-179D to STOKES, in the form attached hereto as Exhibit "1", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - b. STOKES shall execute a Quitclaim Deed for water right number 74-179C to EVR, in the form attached hereto as Exhibit "2", which Deed shall be recorded in the records of Lemhi County, Idaho.
 - c. STOKES shall execute a Quitclaim Deed for 80 miner's inches (1.6 cfs) of water right number 74-180B to EVR, in the form attached hereto as Exhibit "3", which Deed shall be recorded in the records of Lemhi County, Idaho.

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

29

SOURCE: Bohannon Creek

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				
74-0173	SWAHLEN, William B. and/or Marian H. Salmon, Idaho	4 -19-1910	Irrigation	4/1	11/1	2.9	NE $\frac{1}{4}$ SW $\frac{1}{4}$, S.22 T21N, R23E	Sec. 28 NW $\frac{1}{4}$ NE $\frac{1}{4}$, 18.7 NE $\frac{1}{4}$ NW $\frac{1}{4}$, 15.9 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 26.3 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 34.3 T21N, R23E 95.2	Decree
74-0178A	JOLLEY, E. Dale and/or Mildred H. Route 1 Salmon, Idaho	3 -9 -1912	Irrigation	4/1	11/1	1.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.28 T21N, R23E	Sec. 19 SE $\frac{1}{4}$ NE $\frac{1}{4}$, 14.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$, 39.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 35.2 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 23.4 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 15.2 Sec. 20 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 10.6 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 11.7 T21N, R23E 149.1	Decree
74-0178B	STODDARD, James F. and/or Jean L. Route 1 Salmon, Idaho	3 -9 -1912	Irrigation	4/1	11/1	4.6	SE $\frac{1}{4}$ SE $\frac{1}{4}$, S.15 T21N, R23E	Sec. 21 SW $\frac{1}{4}$ SW $\frac{1}{4}$, 25.0 Sec. 20 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 24.7 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 27.5 Sec. 28 NW $\frac{1}{4}$ NW $\frac{1}{4}$, 6.3 Sec. 29 NE $\frac{1}{4}$ NE $\frac{1}{4}$, 20.2 NW $\frac{1}{4}$ NE $\frac{1}{4}$, 39.1 SE $\frac{1}{4}$ NE $\frac{1}{4}$, 9.7 T21N, R23E 152.5	Decree

Above
Canal

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Bohannon Creek

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				
below 74-0179C	STODDARD, James F. and/or Jean L. Route 1 Salmon, Idaho	6 -1 -1897	Irrigation	4/1	11/1	1.02	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.28 T21N, R23E	Sec. 29 NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.9 SW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.0 NE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.9 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 35.0 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$, 12.9 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 30.4 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 7.3 T21N, R23E <u>128.4</u>	Decree
74-0179D	STODDARD, James F. and/or Jean L. Route 1 Salmon, Idaho	6 -1 -1897	Irrigation	4/1	11/1	2.00	SE $\frac{1}{4}$ SE $\frac{1}{4}$, S.15 T21N, R23E	Sec. 21 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 0.9 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 2.1 SE $\frac{1}{4}$ SW $\frac{1}{4}$, 36.2 NE $\frac{1}{4}$ SE $\frac{1}{4}$, 20.4 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 10.0 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 37.4 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 14.5 T21N, R23E <u>121.5</u>	Decree
74-0185	LOGAN, Ralph G. and/or Mildred I. Route 1 Salmon, Idaho	6 -1 -1897	Irrigation	4/1	11/1	3.00	SW $\frac{1}{4}$ NE $\frac{1}{4}$, S.22 T21N, R23E	Sec. 27 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 23.8 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 24.0 SW $\frac{1}{4}$ SW $\frac{1}{4}$, 3.7 Sec. 28 NE $\frac{1}{4}$ SE $\frac{1}{4}$, 33.5 SW $\frac{1}{4}$ SE $\frac{1}{4}$, 28.2 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 20.5 T21N, R23E <u>133.7</u>	Decree

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

SOURCE: Bohannon Creek

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
74-0180A	JOLLEY, E. Dale and/or Mildred H. Route 1 Salmon, Idaho	3 -9 -1912	Irrigation	4/1 11/1	1.0	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.28 T21N, R23E	Sec. 20 NW $\frac{1}{4}$ SW $\frac{1}{4}$, 11.7 SW $\frac{1}{4}$ SW $\frac{1}{4}$, 22.0 Sec. 29 NE $\frac{1}{4}$ NW $\frac{1}{4}$, 17.5 NW $\frac{1}{4}$ NW $\frac{1}{4}$, 40.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 20.1 T21N, R23E 111.3	Decree
Below 74-0180B	STODDARD, James F. and/or Jean L. Route 1 Salmon, Idaho	3 -9 -1912	Irrigation	4/1 11/1	2.6	SE $\frac{1}{4}$ NE $\frac{1}{4}$, S.28 T21N, R23E	Sec. 29 NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1.9 SW $\frac{1}{4}$ NE $\frac{1}{4}$, 19.0 NE $\frac{1}{4}$ NW $\frac{1}{4}$, 6.0 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 2.9 SE $\frac{1}{4}$ NW $\frac{1}{4}$, 35.0 NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.0 NE $\frac{1}{4}$ SE $\frac{1}{4}$, 12.9 NW $\frac{1}{4}$ SE $\frac{1}{4}$, 30.4 SE $\frac{1}{4}$ SE $\frac{1}{4}$, 7.3 T21N, R23E 128.4	Decree
74-0181	SWAHLEN, William B. and/or Marian H. Salmon, Idaho	5 -5 -1912	Irrigation	4/1 11/1	1.4	Lot 2, S. 35 T22N, R23E	Sec. 34 Lot 1, 13.9 Sec. 35 Lot 2, 5.2 Lot 3, 13.0 Lot 4, 19.6 T22N, R23E 51.7	Decree
74-0174	SWAHLEN, William B. and/or Marian H. Salmon, Idaho	6 -1 -1912	Irrigation	4/1 11/1	0.5	NW $\frac{1}{4}$ NW $\frac{1}{4}$, S.11 T21N, R23E	Sec. 10 SE $\frac{1}{4}$ NE $\frac{1}{4}$, 8.0 T21N, R23E 8.0	Decree

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

Source: Lemhi River, Div. L-8A

Pt. of Div.: NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T21N, R23E

Flow

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE From To	MAXIMUM RATE OF DIVERSION (cfs)	PLACE OF USE and LANDS IRRIGATED	BASIS OF RIGHT and REMARKS
74-4006	STODDARD, James F. and/or Jean L. Route 1 Salmon, Idaho	4 -1 -1959	Irrigation	4/1 11/1	2.57	Sec. 29 NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, T21N, R23E	Beneficial Use 1.9 19.0 6.0 2.9 35.0 13.0 12.9 30.4 7.3 <u>128.4</u>
74-1682	STATE OF IDAHO Department of Fish & Game Box 25 Boise, Idaho	4 -1 -1961	Fish Return	4/1 11/1	0.80	Sec. 32 NE $\frac{1}{4}$ NE $\frac{1}{4}$ T21N, R23E	Beneficial Use