

07/09/2008

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

RIGHT NUMBER: 75-14

NAME AND ADDRESS: JOSEPH A PROKSCH
823 UNION AVE
SALMON ID 83467

COLLEEN BENEDICT
BOX 7
SALMON ID 83467

RALPH BENEDICT
BOX 7
SALMON ID 83467

HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/01/1902

POINT OF DIVERSION:

T21N R21E S2 NENESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	1.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R21E S01	SWNW	15.00	T21N R21E S01	SENW	25.00
---------------	------	-------	---------------	------	-------

40 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 - Decreed

05/31/2006

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

RIGHT NUMBER: 75-14
NAME AND ADDRESS: JOSEPH A PROKSCH
823 UNION AVE
SALMON ID 83467

COLLEEN BENEDICT
BOX 7
SALMON ID 83467

RALPH BENEDICT
BOX 7
SALMON ID 83467

HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467

SOURCE: JESSE CREEK TRIBUTARY: SALMON RIVER

QUANTITY: 1.200 CFS

PRIORITY DATE: 04/01/1902

POINT OF DIVERSION:

T21N R21E S2 NENESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	1.200 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T21N R21E S01	SWNW	15.00	T21N R21E S01	SENW	25.00
---------------	------	-------	---------------	------	-------

40 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 - Decreed



Idaho Department of Water Resources

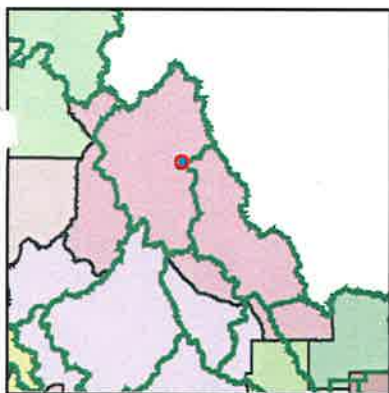
SCANNED
FEB 20 2008

Adjudication Claim:

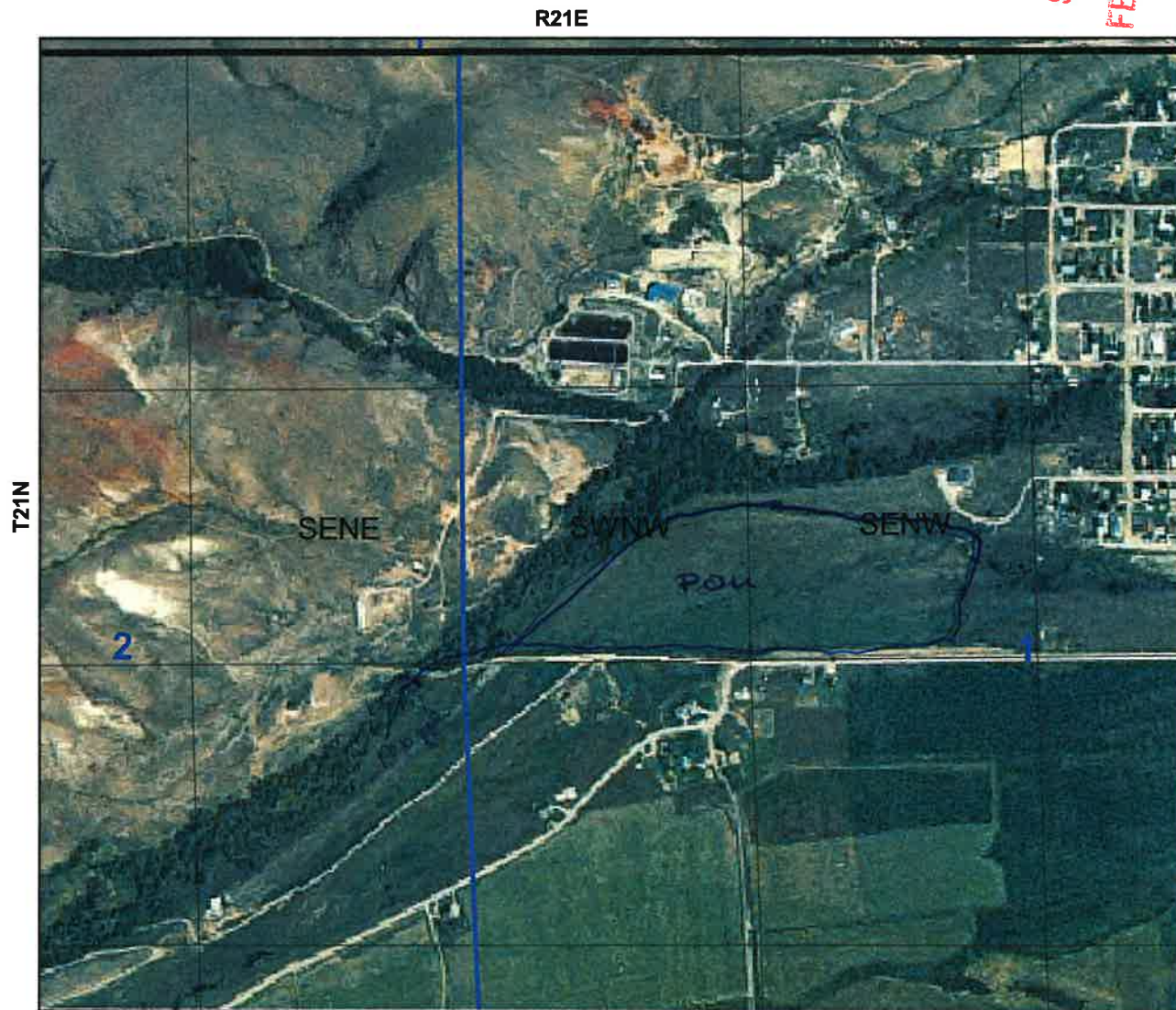
75-14

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.3 0.6 Miles



Prepared by R. Brown
On Friday, March 3, 2006
1987/88 Aerial Photography

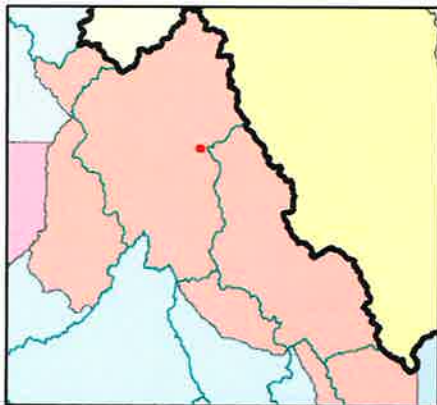


Idaho Department of Water Resources

SRBA Recommendation
75-14
(IRRIGATION)

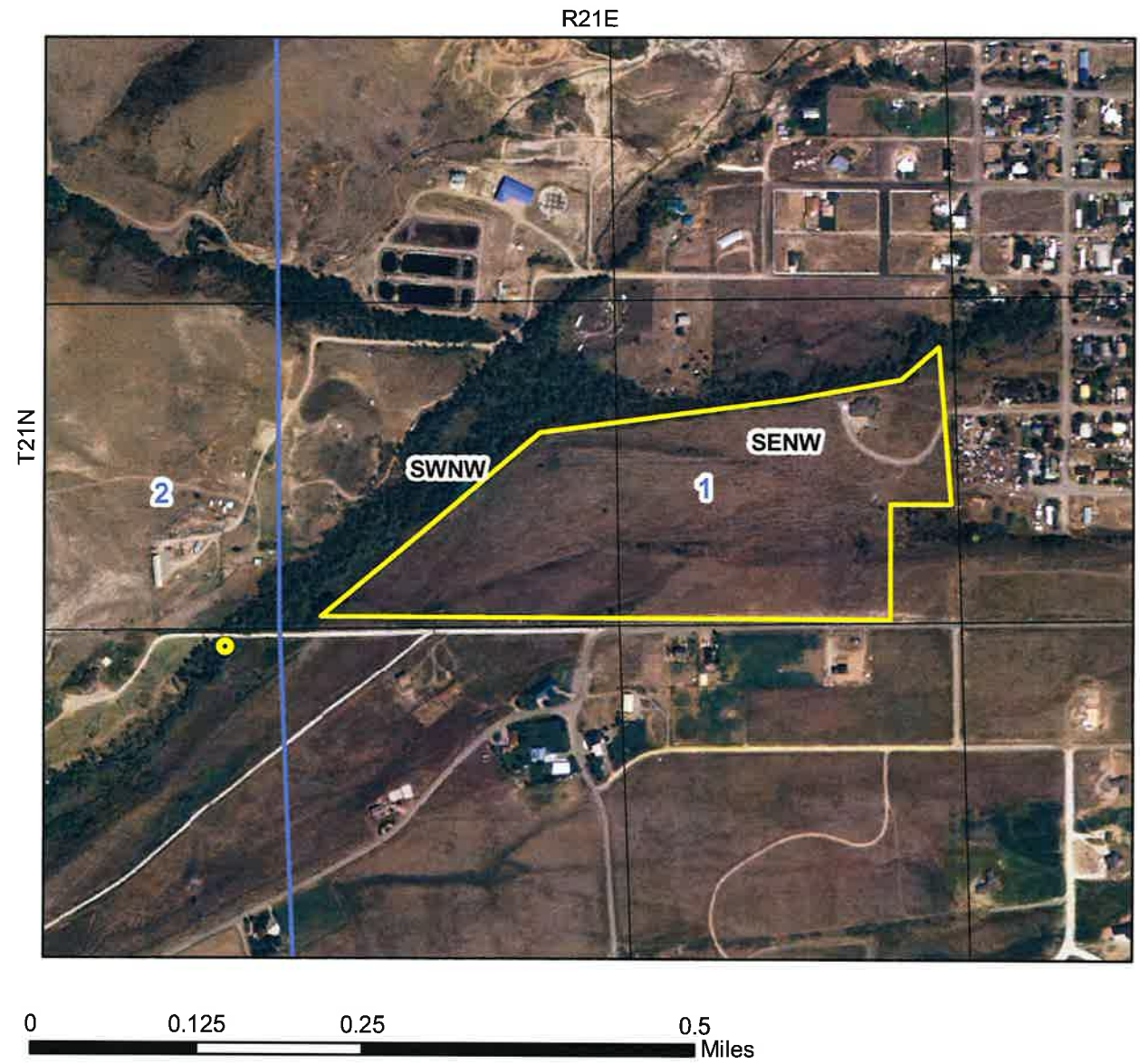
Legend

-  Point of Diversion
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75

Prepared by Zach Maillard
On July 11, 2008
2004 Aerial Photography





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

RECEIVED

DEC 24 2008

DEPARTMENT OF
WATER RESOURCES

MEMORANDUM

December 18, 2008

TO: Monica Van Bussum

FROM: Tom Bassista, ^{T.B.} Stream Protection Specialist, Eastern Regional Office

RE: Jesse Creek Stream Channel and Farmers Market Point of Diversion

This memorandum is in reference to our site visit made to Jesse Creek and the Farmers Market Point of Diversion (POD) near Salmon, Idaho on October 1st, 2008. The purpose of the site visit was to assess whether the channel heading off Jesse Creek at the Farmers Market POD should be considered a jurisdictional channel under Idaho Stream Protection Act (Idaho Code Section 42-3802). The definition of stream channel means a natural watercourse of perceptible extent, with definite bed and banks, which confines and conducts continuously flowing water. It is my opinion that the channel heading off Jesse Creek at the Farmers Market POD should not be considered a natural steam channel but should be considered an irrigation ditch or canal. The reasoning for my opinion is that it appears that the channel coming off of Jesse Creek at the Farmers Market POD was created to carry water, it is manipulated by a diversion structure, and it does not reflect a natural water course based on the topography of the area. I recommend the following:

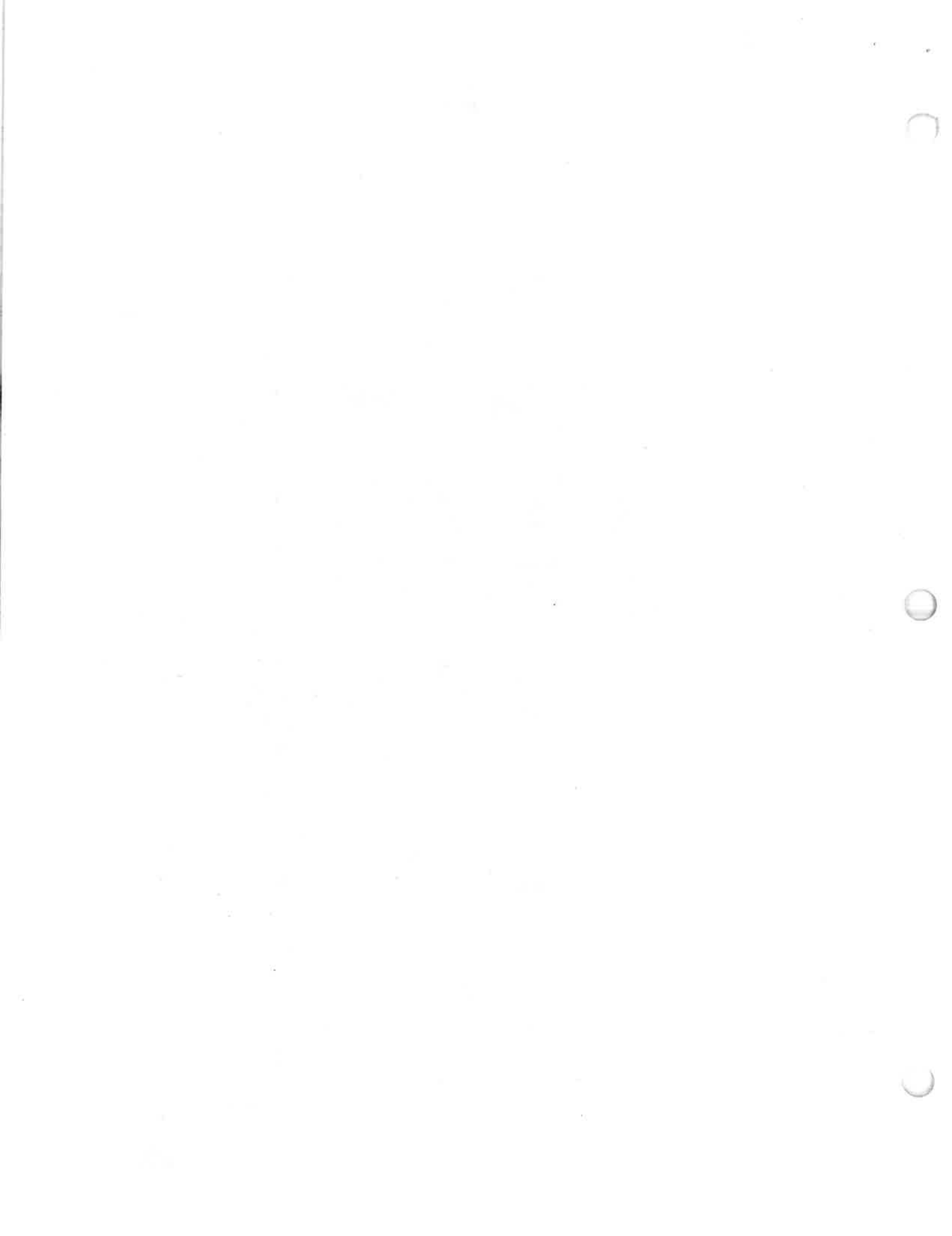
1. Keep the Farmers Market POD as the legal POD to be consistent with historic irrigation use on the Farmers Market Canal.
2. Maintain the Jesse Creek channel as the natural watercourse which would carry most of the spring run off flow into the Salmon River.
3. Because Jesse Creek has a direct connection to the Salmon River I recommend only the legal amount of water be diverted through the Famers Market diversion structure with all non allocated water going into Jesse Creek.

Please contact me if you have any questions or concerns.

Signature

SCANNED

DEC 31 2008





6/16/08 MVB TN

History for decreed right 75-134

WR History

75-14 Pope
1.2 cfs
80.02 ac
Irrigation, Domestic

Claim History

75-14 Benedict & Proksch
1.2 cfs
40 ac
Irrigation

Recommendation

75-14 Benedict & Proksch
1.2 cfs
40 ac

*Last updated 4/2/2008 (mvanbussum)

For digital copy of Excel spreadsheet see Monica Van Bussum

Sum recommended cfs	1.2
Sum recommended ac	40
Sum recommended af	N/A

Unaccounted for cfs	0
Unaccounted for ac	40.02
Unaccounted for af	N/A

Split/Overlap Analysis - Water Right No.:

75-14

Tw	Rng	Sec	Q-Q	Decree	WR record	Claim	Recommendation
				75-14	75-14	75-14	75-14
				Pope	Pope	Benedict & Proksch	Benedict & Proksch
				1.2	1.2	1.2	1.2
POD:				Jesse Creek Decree	Jesse Creek Decree	Jesse Cr	Jesse Cr
21N	21E	2	SENE			X	
			NESE		X		X
POU:							
21N	21E	1	SWNW	X	X	15	15
			SENW	X	X	25	25
				60	60	60	60
				0	0	40	40

inches
acres

RECEIVED

OCT 15 2007

DEPARTMENT OF
WATER RESOURCES

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

A.

Subcase

75-14

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name:

Robert J. Blackadar

Address:

10 N Cherokee Rd

Salmon, ID 83467

Daytime Phone:

208-756-4967

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name:

Joseph A. Proksch

Hallie H. Proksch

Ralph Benedict
Colleen Benedict

Address:

823 Union Ave

Salmon, ID 83467

Box 7

Salmon, ID 83467

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Pollard Creek
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☐ **I object because:**
 - ☐ This water right Should not exist.
 - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** The only source from which this water right can be diverted is Pollard Creek.

F.

VERIFICATION (must be completed)

State of Idaho)

County of Lemhi) ss.

Robert L. Blackadar, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Robert L. Blackadar
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Oct. 12, 2007



Judy A. Peck
Notary Public for East Idaho C.U.
Residing at: Carmen, Id.
My Commission Expires: 7-31-2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on October 13, 200 7, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name:	<u>Joseph A Proksch</u>	<u>Ralph Benedict</u>
	<u>Hallie H Proksch</u>	<u>Colleen Benedict</u>
Address:	<u>823 Union Ave</u>	<u>Box 7</u>
	<u>Salmon, ID 83467</u>	<u>Salmon, ID 83467</u>

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449

Robert L. Blackadar

Signature of objector or attorney
mailing on Objector's behalf

RECEIVED

MAR 10 2008

DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 75-0014

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0014948

Township 21N Range 21E Section 2 1/4 NE 1/4 NE 1/4 SE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

Wooden headgate in creek, ditch to place of use

SCANNED

FEB 20 2008

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

PD is in NENESE, was not claimed correctly

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 4-20-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

SCANNED

FEB 20 2008

OCT 03 2001

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: A75-00014
Date Received: 4/17/1990
Receipt No: M0006644
Received By: PC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name:	JOSEPH A. PROKSCH	208-756-2252
Address:	823 UNION AVE. SALMON, ID	83467
OR		
Name:	HALLIE PROKSCH	208-756-2252
Address:	823 UNION AVE. SALMON, ID	83467
OR		
Name:	RALPH BENEDICT	208-756-2853
Address:	BOX 7 SALMON, ID	83467
OR		
Name:	COLLEEN BENEDICT	208-756-2853
Address:	BOX 7 SALMON, ID	83467

A7500014



2. Date of Priority: APR 01, 1902

3. Source: JESSE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	21E	2	SE	NE			LEMHI

5. Description of diverting works:
HEADGATE/DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.200		

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

A.F.A.

A75-00014

Page 1

Date: 04/17/90

MICROFILMED

DEC 15 1992

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ TO 50 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
21N	21E	1	SW	NW	IRR	15.0
			SE	NW	IRR	25.0
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
ADA POPE EXECUTRIX OF ESTATE - HORACE G. POPE.
P/D SOURCE - J. FEREBAUER.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

POPE

Decree Plaintiff

vs

LONG

Decree 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

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): Joseph A. Probst Date: 4/17/90

Date: _____

State of Idaho)
County of Lenzie) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of April 19 90 Marie C. [Signature]
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96

