

12/18/2006

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

RIGHT NUMBER: 75-78
NAME AND ADDRESS: BEAVERHEAD PEAKS RANCH LLC
PO BOX 242
CARMEN ID 83462

SOURCE: TRIBUTARY:
QUANTITY: 0.300 CFS
PRIORITY DATE: 05/01/1898
POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R23E S05	NWNW	1.80	T22N R23E S06	NENE	0.50
T23N R23E S31	SESE	9.20	T23N R23E S32	SWSW	2.40

13.9 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

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

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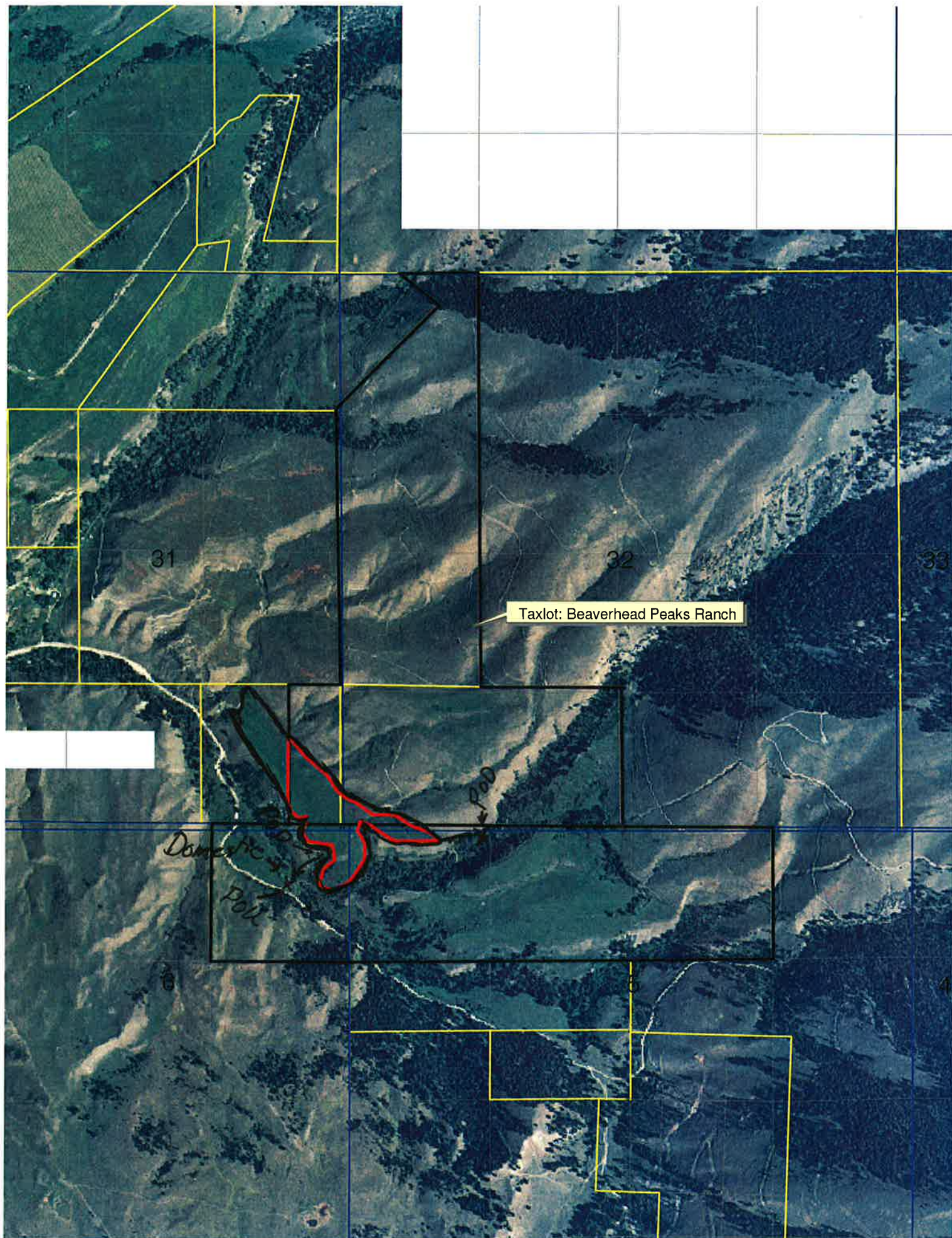
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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.



11/20/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-78

DIANE M ELLIS

PO BOX 301

SALMON ID 83467

Telephone Number: (208)756-2346

JACK F ELLIS

PO BOX 301

SALMON ID 83467

Telephone Number: (208)756-2346

RECEIVED

DEC 15 2006

SCANNED

IDWR/North

DEC 15 2006

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1) Name of ownership.
2) Point of diversion location.

2. Describe the changes you wish to make in the proposed recommendation:

1) Name of ownership changed to Beaverhead Peaks Ranch LLC
(See water right # 75-4206)
2) Point of diversion changed to location noted on map and error reply
form for 75-4206. (SW1/4, SE1/4 SW1/4 Sec. 32 T22N, R23E)

3. Give a brief explanation as to why you disagree with these portions:

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-11-06

SIGNATURE:

David W. Ellis for Beaverhead Peaks Ranch LLC

Please print your name: David W. Ellis

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

RECEIVED

DEC 15 2006

Department of Water Resources
Adjudication Bureau

11/20/2006

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Telephone Number: (208)756-2346

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DEC 20 2006
IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1) Name of ownership.
2) Point of diversion location.

2. Describe the changes you wish to make in the proposed recommendation:

1) Name of ownership changed to Beaverhead Peaks Ranch LLC
(See water right # 75-4206)

- 2) Point of diversion changed to location noted on map and error reply form for 75-4206. (SW 1/4, SE 1/4, SW 1/4 Sec. 32 T23N, R23E)
3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-11-06 SIGNATURE: David W. Ellis for Beaverhead Peaks Ranch LLC

Please print your name: David W. Ellis

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED
DEC 15 2006

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

CLAIM NO(s).

A75-00078

1. ☐ No Change NAME IS SAME

☒ NEW OWNER:

Beaverhead Peaks Ranch LLC

☐ No Change ADDRESS

☒ NEW ADDRESS:

P.O. Box 242 Carmen, Id 83462

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

GPS 780

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0011556

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

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

Points of diversion in Sec 6 is for domestic use only.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

Print Name _____
Jack F. Ellis
Signature _____

Page 1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-78

WATER RIGHT NUMBER: 75-78

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ELWOOD D CLARK
	, ID
Current Owner	DIANE M ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346
Current Owner	JACK F ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346

Priority Date: 05/01/1898

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
---------------	------------------

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.010 CFS	
IRRIGATION	4/01 to 11/01	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of DiversionPlace 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	
22N	23E	5						1.8											1.8
22N	23E	6	.5																.5
23N	23E	31															9.2		9.2
23N	23E	32										2.4							2.4

Total Acres: 13.9

DOMESTIC same as IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-78

Conditions of Approval:

1. ALL WATER FROM SPRINGS ON LAND.

Remarks:

Comments:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 75-78

WATER RIGHT NUMBER: 75-78

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ELWOOD D CLARK
	, ID

Priority Date: 05/01/1898

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CARMEN CREEK	SALMON RIVER
SPRINGS	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.300 CFS	
DOMESTIC	1/01 to 12/31		
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

CARMEN CREEK

SPRINGS

Place of Use

Conditions of Approval:

1. ALL WATER FROM SPRINGS ON LAND.
P/U INCOMPLETE. LANDS UNPATENTED.
P/D NOT GIVEN IN DECREE.

Remarks:

Comments:

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 75-78

Water Supply Bank:

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 A75-00078
Date Received 3/19/90
Receipt Number FO12421

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Jack F. or Diane M. Ellis Phone (208) 756-2346

Mailing Address P.O. Box 301 Salmon, Id Zip 83467

2. Date of Priority (Only one (1) per claim) 5-1-1898

3. Source of water supply (a) Golway Gulch
which is tributary to (b) Freeman Creek

4. a. Location of existing point of diversion is: Township 22N Range 23E Section 5,
NE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: NE 1/4, NE 1/4, NE 1/4 Sec 6 T22N R23

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Headgate and Ditch
16" wide 6' long 3" deep

A7500078



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 10-1 amount .30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 34.75 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic 1 household

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
22N	23E	5						1.8											1.8
		6	.5																.5
23N	23E	32										2.4							2.4
		31																9.2	9.2

Total number of acres irrigated 13.9

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Permit No. 8320 and Permit No. 75-4206 or None ()

14. Remarks: This claim for decreed water was
awarded to Elwood D. Clark on May 1, 1898,
by court case: David McNutt, et al

US.

Thomas Palmer, et al

Judge: Joseph C. Rich

Date of Decree May 9, 1902

Last Name Ellis Ident No. _____

Copies: White - State, Yellow - Claimant

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Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

DEC 15 1992

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 5-9-02

Plaintiff vs Defendant David McNutt vs Thomas Palmer

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

Number of attachments 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Jack F. Ellis Date 3-18-1990

Diane M. Ellis Date 3-18-1990

For Organizations: I do solemnly swear or affirm that I am _____ Title _____

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 15 day of March 19 90

SEAL

Notary Public Cory Cook

Residing at Sahidon

My Commission Expires 9-5-1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name Ellis Ident. Number _____

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Copies White-State, Yellow-Claimant