

07/09/2008

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

RIGHT NUMBER: 75-113B

NAME AND ADDRESS: RICHARD J BILLS
PO BOX 523
SALMON ID 83467

SANDRA L BILLS
PO BOX 523
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.124 CFS

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T21N R21E S1 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.124 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S31 Lot 3 NWSW	13.00	T22N R22E S31 Lot 4 SWSW	1.00
--------------------------	-------	--------------------------	------

14 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

11/16/2006

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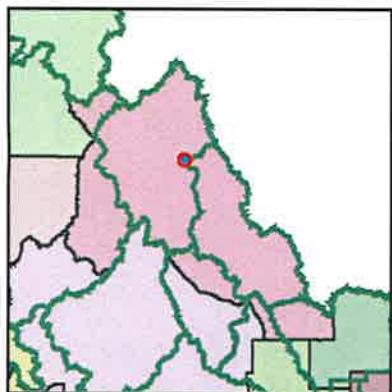
Idaho Department of Water Resources

Adjudication Claim:

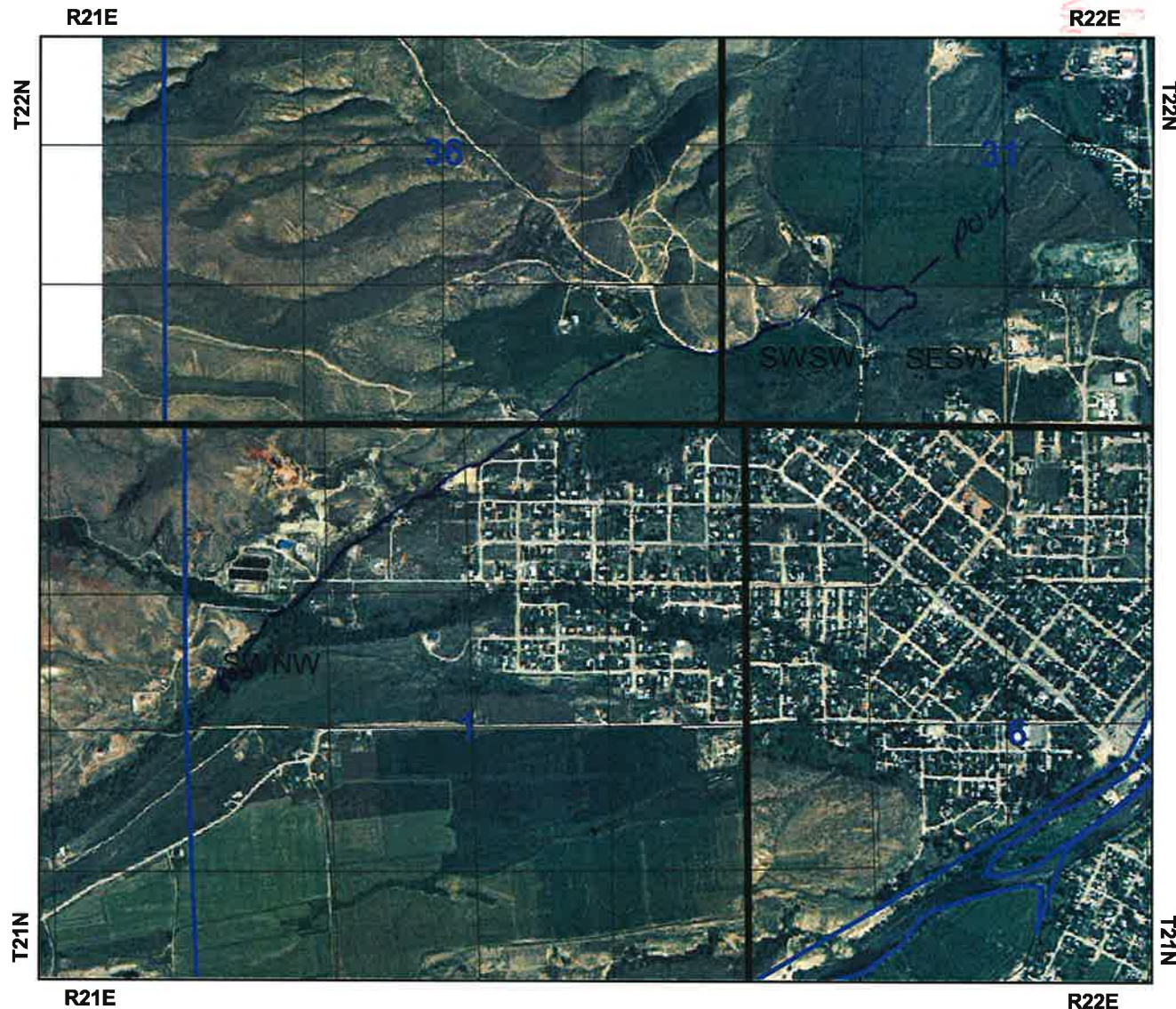
75-113B

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.7 1.4 Miles

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

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

75-113B

(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 Road

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:

Richard J Bills / Sandra L Bills

Address:

P O Box 523

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: _____

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☒ **Point of Diversion** *There are 2 possible Points of Diversion*
Should be: *① NE 1/4 Lot 4 Section 31, T22N, R22E, B.M.*
② SE 1/4 Lot 3 Section 31, T22N, R22E, Boise meridian within Lemhi County

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):** *With a priority date of 04/01/1894, this water right had to be delivered by way of a natural stream known as Jesse Creek. This description refers to the points where the water right is diverted from Jesse 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, 2007, 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: Richard J. Bills / Sandra L. Bills
Address: P.O. Box 523
Salmon, ID 83467

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 J. Blackadar
Signature of objector or attorney
mailing on Objector's behalf

75-19D
75-19H
75-113A
75-113C
75-20
75-24
75-113B
75-14123
75-14124
75-14125

Jesse Creek/Pollard Canyon Creek Confluence Area

This memo serves to document two field trips that I have taken to review the area of the Jesse Creek/Pollard Creek confluence and a review of what is currently mapped as Jesse Creek below the City of Salmon water treatment plant.

Since the Salmon-Challis National Forest took the lead on watershed delineation for the Middle Salmon-Panther Subbasin, the Forest Service has an interest in the correct representation of the streams and watershed boundaries in the Jesse and Pollard Canyon drainages.

I have conducted several field reviews of this area one with Bob Blackadar, local citizen and irrigator, on December 7, 2007 and one with Monica Van Bussum, Senior Water Resource Agent from Idaho Department of Water Resources, on August 29, 2008.

Current topographic maps depict Pollard Canyon and Jesse Creek as separate channels that do not intersect but come close in the SWNW of Section 1 just below the water treatment plant. In reality these streams intersect at a diversion structure located below the road that goes to the Forest Service storage area located south of the water treatment plant. At this structure water can be diverted into what is mapped as Jesse Creek or into Pollard Canyon Creek.

A debate is currently underway in the Snake River Adjudication as to whether the stream course that is mapped as Jesse Creek is a natural channel or an irrigation ditch. From the Roosevelt Street stream crossing downstream the channel is located in a topographic low and appears to be a natural channel, though highly modified as it flows through the residential areas on the upper bar. However, from the diversion structure at the Jesse/Pollard confluence to the Roosevelt Street crossing the channel that is mapped as Jesse Creek is a perched channel that has been bermed to keep the water in the channel. If the water breached this channel it would flow south towards what is mapped as Pollard Canyon Creek.

This stream reach from the diversion structure to the road crossing is not a natural channel. However, remnants of a natural channel can be observed below the existing water treatment plant. It is possible that the natural Jesse Creek channel was moved to the south to its current location when the water treatment plant was constructed.

I have lived and worked as a hydrologist in the Salmon, Idaho area since 1977. Until recent maps were produced the stream channel flowing down the bar hill into the Salmon River adjacent to the Idaho Adventures office has been known as Jesse Creek. Locals still call this channel Jesse Creek. Old maps have variously called both Pollard Canyon and Jesse Creek as forks of Jesse Creek, or called the southern stream Pollard Canyon down to the confluence with Jesse Creek then Jesse Creek below that point. Recent maps

SCANNED

SEP - 3 2008

Priority Date Data Entry Form

Claim Number 75-113B

Claimed Priority Date: 4/1/1894

Claimed Basis: Decreed

☒ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Water Right Priority Date:

Water Right Basis:

Recommended Priority Date ____

Recommended Basis _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

decreed for ~~75-113B~~ 4/1/1894

Reviewer: MVBDate: 6/23/2008

Point of Diversion and Source Data Entry Form

Claim Number 75-113B

Claimed Point of Diversion and Source

T21N R21E S1 NESWNW Within LEMHI County Source: JESSE CREEK SALMON RIVER

☐ Use Claimed POD and Source as Recommended POD and Source

Water Right Point of Diversion and Source

Recommended Point of Diversion and Source

Source Information

Source

Tributary To

_____	_____
_____	_____
_____	_____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source

Other rights from this POD? 75-113A, 75-113C, 75-10475, 75-20, 75-24, 75-14123, 75-14124, 75-14125

Document how the POD and Source were verified:

Objection from Bob Blackadar says there are 2 possible PODs
* source should be Jesse Creek (recommended source is Jesse Cr.)
need to confirm source is Jesse Cr. during FE - also
meet w/ Betsy Reefenberger of USFS
Where is 2nd POD?

Reviewer: MVBDate: 6/23/2008

Place Of Use Data Entry Form

Claim Number 75-113B

Claimed Place Of Use

T22N R22E S31

SWSW

7.00

T22N R22E S31

SESW

7.00

Total Acres 14



Use Claimed POU as Recommended POU

Water Right Place Of Use

Recommended Place of Use

____ See corrections to claimed POU above

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres ____

Document how the POU was verified:

Deeded POU is north of of claimed POUTransfer 1090 moved POU for this water right to Sec. 31
- good map of transfer p.4 of 75-113 water right backfileReviewer: MVBDate: 6/23/2008

Purpose of Use Data Entry Form

Claim Number 75-113B

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
IRRIGATION			

☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit
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Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation	—	—	—	—

Document how the Purpose of Use was verified:

decreed for irrigation

Reviewer: MVBDate: 6/23/2008

Period of Use and Quantity Data Entry Form

Claim Number 75-113B

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	1	

Overall Diversion Rate 1 Overall Diversion Volume

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
-----------	-------	-----	------	--------

Overall Diversion Rate Overall Diversion Volume

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/31	0.55	— surface water, no volume needed
standard season for this PLS				

Overall Diversion Rate 0.55cfs Overall Diversion Volume —

Document how the Period of Use and/or Diversion Rate were verified:

No explanation in the files for how quantities were assigned in initial recommendations.

No other claims for 75-113.

splits of 75-113
If break them up & recommend them for same acreage, it works out to almost 2 inches/ac (0.039 cfs/ac). No duty of water in Jesse Creek decrees.

$$14 \text{ ac} \times \frac{0.039 \text{ cfs}}{\text{ac}} = 0.55 \text{ cfs}$$

Reviewer: MVB

Date: 6/23/2008

Contacts Data Entry Form

Claim Number: 75-113B

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	ESTATE OF JOHN LONG			ID		
Current Owner	RICHARD J BILLS	PO BOX 523	SALMON	ID	83467	(208)756-3415
Current Owner	SANDRA L BILLS	PO BOX 523	SALMON	ID	83467	(208)756-3415
Original Owner	WALTER L BLACKADAR			ID		

Date of Field Exam: _____ Time: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Directions to Property (if different from above) and/or update owner information:

NDE/DR are not ~~returne~~ returned, so contacts look
okay.

Reviewer: MVBDate: 6/23/2008

History for decreed right 75-113

WR History

Transfer 1090
moved POU to Sec 31

75-113 Estate of John Long

2 cfs
ac
Irrigation

Claim History

Claim

Recommendation

		75-113A	L. Blackadar	75-113A	L. Blackadar
75-113	cfs ac	1.5	cfs	0.185	cfs
		22	ac	22	ac
			IRRIGATION		IRRIGATION
			Jesse Creek		Jesse Creek
		75-113B	Bills	75-113B	Bills
		1	cfs	0.124	cfs
		14	ac	14	ac
			IRRIGATION		IRRIGATION
			Jesse Creek		Jesse Creek
		75-113C	R. Blackadar	75-113C	R. Blackadar
		0.25	cfs	0.25	cfs
		25	ac	15	ac
			IRRIGATION		IRRIGATION
			Jesse Creek		Jesse Creek

*Last updated 6/23/2008 (mvanbussum)

For digital copy of Excel spreadsheet see Monica Van Bussum

Sum recommended cfs	0.559
Sum recommended ac	51
Sum recommended af	N/A

Unaccounted for cfs	1.441
Unaccounted for ac	N/A
Unaccounted for af	N/A

Split/Overlap Analysis - Water Right No.: 75-113

[illegible]

0.559 cfs recommended
27.95 inches
51 acres

*FE from Bob Foster shows POU in SWSW and SESW

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

CLAIM NO(s). 75-113B

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.: A0014938 File # 412PJOPODZ

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:

headgate in creek, ditch to place of use

113A - 1.2/6
113B - .69
113C - .25
2.00

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

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 4-12-06

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

SCANNED

JAN 03 2003

75-1
George G. Miller, seven-tenths of one cubic foot per second of time with date of priority April 1st, 1894, appurtenant to,-

All that certain piece or parcel of land bounded as follows:-

Beginning at corner No. 1, identical with the standard corner of Township 22 N.R. 21 and 22 E.B.M., thence N. 89° 55' W. 40 chains to corner No. 2; thence N. 5' E. 20 chains to corner No. 3; thence S. 89° 55' E. 39.9 chains to corner No. 4; thence S. 20.06 chains to corner No. 1, the place of beginning, containing 80.02 acres of land.

Estate of John Long, Deceased, 2 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

75-113
All of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lots No. 2 and 3, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 30, all in Township 22 North, Range 22 East of the Boise Meridian, also

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 30 in said Township and Range excepting therefrom that part heretofore conveyed by John Long and Nancy Long to John H. Wheeler by Deed dated September 7th, 1901, and recorded in the office of the County Recorder of said Lemhi County, in Book "L" of Deeds page 225, also the following described tract of land, to-wit,-

From the NE Corner of the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 30 in said Township and Range run thence South 17 rods to the place of beginning, thence South 63 rods, thence East 80 rods, thence North 64 rods 23.48 links, thence North 88° 20' West 57 rods 38 links, thence West 23 rods to the place of beginning, being the same land conveyed by John H. Wheeler and Emma Wheeler to John Long by Deed dated April 3rd, 1909, and recorded in the office of the Recorder of said Lemhi County in Book "S" of Deeds page 378, being a part of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 30.

75-2
Guy Edwards, 1.7 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

Lots No. 3 and 4 and the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 31, Township 22 North, Range 22 East of the Boise Meridian.

75-3
William Boomer, 1.44 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

S $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the SE $\frac{1}{4}$, Section 31 of Township 22 North of Range 22 East of the Boise Meridian, (Excepting therefrom that parcel of land conveyed to William S. Andrews by Deed dated June 1st, 1901, recorded in Book "L" of Deeds at page 163, and excepting therefrom that parcel conveyed to the Gilmore & Pittsburg Railroad Company by Deed dated May 10th, 1909, recorded in Book "S" of Deeds at page 410, and excepting therefrom that

1868
Water Right 75-19A 1.307 cfs in sw 1/4 sec 31

75- 19H .807 74.8 + 14 = 88.8
19D .50

1.307

75-113 4-1-1894

2.0 160-25 = 135 Ac.
2.0 cfs / 135 ac = .014815 cfs / Ac.

113C R. Blackadar 12R owns 15 of 135

113A L. Blackadar Irr 22 of 135

113B Bills Irr 7.4

19H R. Blackadar Irr 74.8 of 135 claimed in 19H
119.2 actually irrigated

R. Blackadar 15 / 119.2 = .126 = .25

L. Blackad 22 / 119.2 = .185 = .37

Bills 7.4 / 119.2 = .062 = .124

SCANNED

JAN 03 2008

SCANNED

OCT 0 2 21

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: A75-00113B

Date Received: 4/27/90

Receipt No: 1006781

Received By: gpe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD J. BILLS 208-756-3415
Address: P.O. BOX 523
SALMON, ID 83467
AND/OR
Name: SANDRA L. BILLS 208-756-3415
Address: P.O. BOX 523
SALMON, ID 83467

2. Date of Priority: APR 01, 1894

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
21N	21E	1	NE	SW	NW		LEMHI

5. Description of diverting works:
HDGATE WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A75-00113B

Page 1

Date: 04/27/90

MICROFILMED

DEC 15 1992

JAN 03 2005

A7500113B



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	31	SW	SW	IRR	7.0
			SE	SW	IRR	7.0
Section Acres						14.0
Total Acres						14.0

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:
75-0002.

14. Remarks:
TRANS. 1090. P/D SOURCE J. FEREBAYER.
*** THIS RIGHT HAS BEEN SPLIT

15. Basis of Claim: BENEFICIAL USE

(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.

MICROFILMED
DEC 15 1992

