

07/09/2008

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

RIGHT NUMBER: 75-113C

NAME AND ADDRESS: ROBERT L BLACKADAR
10 N CHEROKEE RD
SALMON ID 83467

SOURCE: JESSE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.250 CFS

PRIORITY DATE: 04/01/1894

POINT OF DIVERSION:

T21N R21E S1 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.250 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S31

SESW

15.00

15 ACRES TOTAL

Right Nos. 75-113C and 75-19H are limited to the irrigation of a combined total of 88.8 acres in a single irrigation season.

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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PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.250 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S31 SESW 15.00

15 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



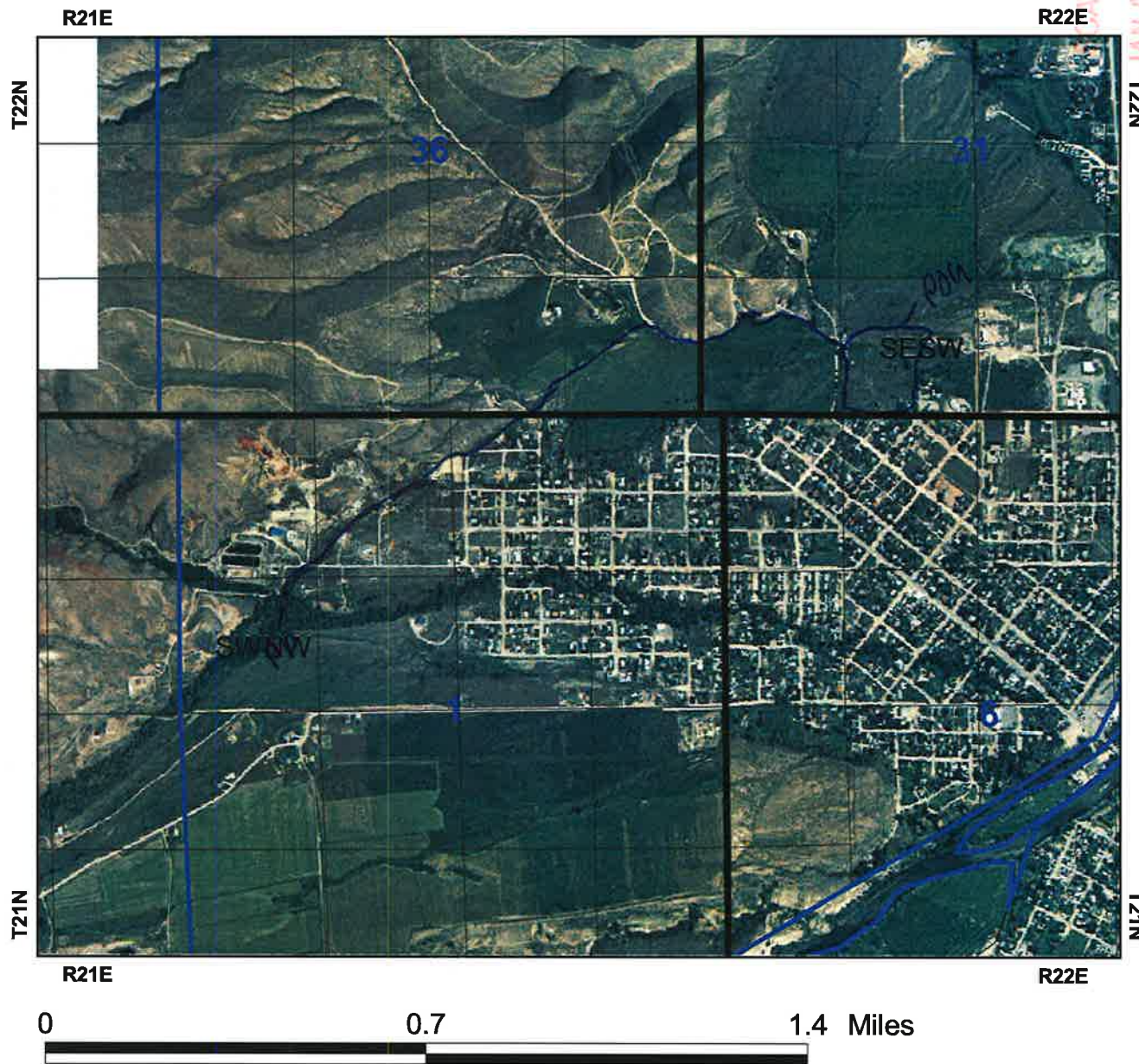
75-113C

Legend



PLS Sections

Quarter Quarters



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

22E

RECEIVED

DEC 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 75-113C
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Robert L. 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: Robert L. Blackadar
Address: 10 N Cherokee Rd
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**

Should be: _____

There are 3 possible Points of Diversion:
2 of the 3 share the same description
① & ② NE 1/4 Lot 4 Section 31, T22N, R22E B.M.
③ SE 1/4 Lot 4 Section 31, T22N, R22E B.M.
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.

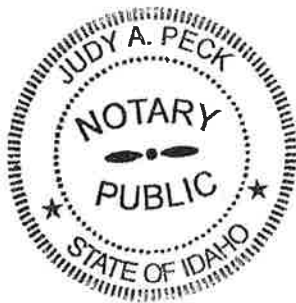
Robert L. Blackadar, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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: Robert L. Blackadar

Address: 10 N Cherokee Road
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 L. 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 75-113C

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 4/1/1894

Reviewer: MVBDate: 6/24/2008

Point of Diversion and Source Data Entry Form

Claim Number 75-113C

Claimed Point of Diversion and Source

T21N R21E S1 SWNW 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, 75-113B, 75-10475, 75-20, 75-20, 75-24, 75-14123,
75-14124, 75-14125

Document how the POD and Source were verified:

Check for 2 PODs - objection from Blackadar Says there are
2 PODs
confirm source during field exam - also meet w/ Betsy Reefenberger
of USFS

Reviewer: MVB

Date: 6/24/2008

Place Of Use Data Entry Form

Claim Number 75-113C

Claimed Place Of Use

T22N R22E S31 SESW 25.00

Total Acres 25

☐ 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:

claimed POU is in WR POU after Transfer 1090Reviewer: MVBDate: 6/24/2008

Purpose of Use Data Entry Form

Claim Number 75-113C

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

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: 6/24/2008

Period of Use and Quantity Data Entry Form

Claim Number 75-113C

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRRIGATION	4/01	11/01	0.25	

Overall Diversion Rate 0.25 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		— surface water, no volume needed

Overall Diversion Rate _____ 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 competing claims.

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

$$15 \text{ ac} \times \frac{0.039 \text{ cfs}}{\text{ac}} = 0.56 \text{ cfs}$$

Reviewer: MVB

Date: 6/24/2008

Contacts Data Entry Form

Claim Number: 75-113C

Owner Type	Full Name	Address	City	State	Zip	Phone
Original Owner	ESTATE OF JOHN LONG			ID		
Current Owner	ROBERT L BLACKADAR	10 N CHEROKEE RD	SALMON	ID	83467	(208)756-4625
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:

claimant has been recently contacted @ this information,
so contacts appear okay

Reviewer: MVBDate: 6/24/2008

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

75-113	cfs ac	75-113A	L. Blackadar	75-113A	L. Blackadar
		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). 75-113C

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS
☒ NEW ADDRESS: 10 N Cherokee RD Salmon ID 83467
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.: A0014988 FL # 41250 P002

Township 21N Range 21E Section 1 1/4 NE 1/4 SW 1/4 NW
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

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: 4-17-06

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

$$\begin{aligned} \text{R. Black} &= 15/19.2 = .126 = .25 \\ \text{L. Black} &= 22/19.2 = .185 = .37 \\ \text{Bills} &= 7.4/19.2 = .062 = .124 \end{aligned}$$

119.2 actually irrigated

13C R. Black or 15 of 135
13A L. Black or 22 of 135
13B Bills 7.4
19H R. Black or 74.8 of 135 also in 19H

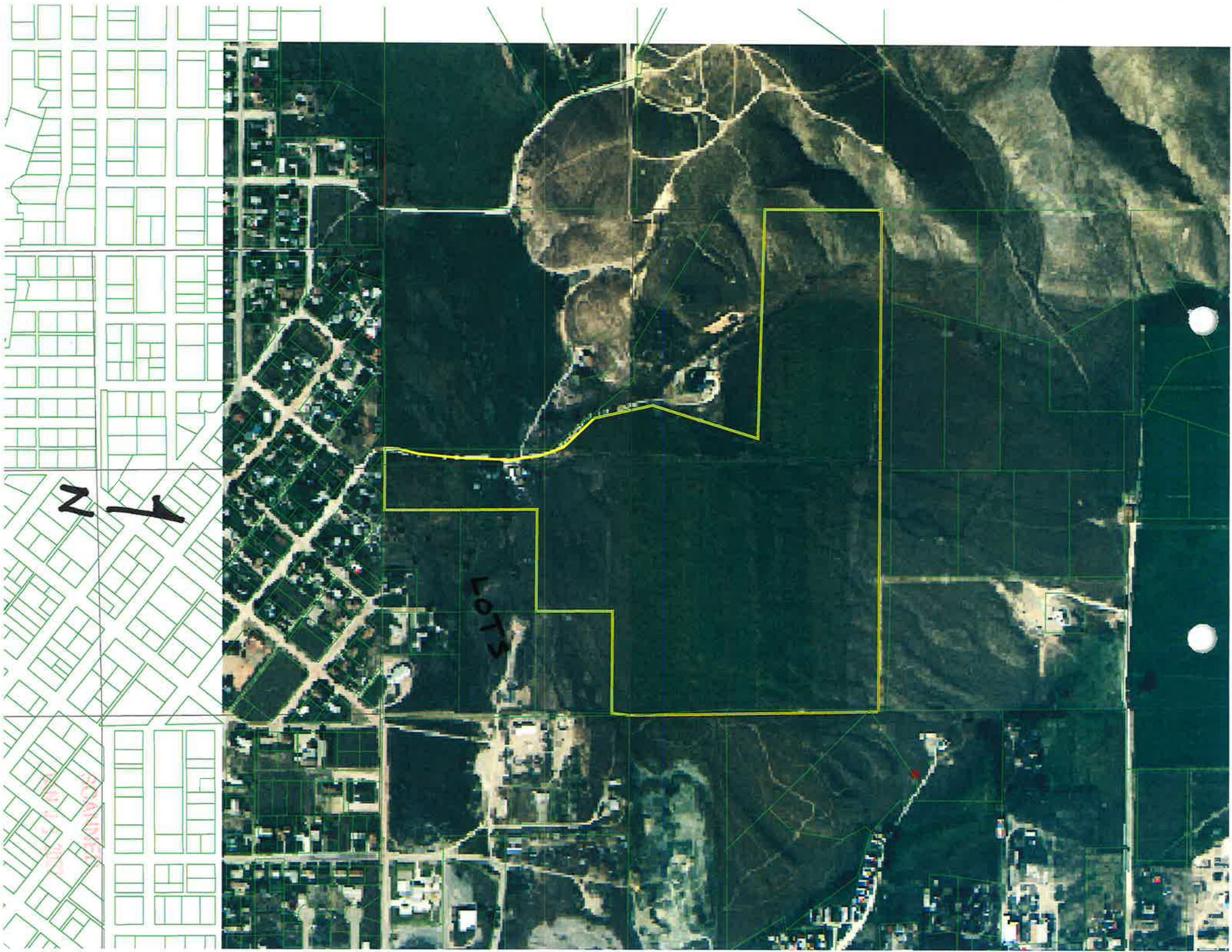
$$\begin{aligned} 2.0 \text{ cfs} / 135 \text{ ac} &= .014815 \text{ cfs/Ac.} \\ 2.0 \quad 160 - 25 &= 135 \text{ Ac.} \end{aligned}$$

75-113 4-1-1894

$$\begin{aligned} 1.307 \\ \hline .50 \end{aligned}$$

$$75-19H .807 \quad 74.8 + 14 = 88.8$$

1868
Water Right 75-19A 1.307 cfs in SW 1/4 Sec 31



1 N

LOTS

200' 0"

502
SCANNED

OCT 0 2 11

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: A75-00113C

Date Received: 5/07/1990

Receipt No: E014210

Received By: Kew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT L. BLACKADAR
Address: 801 FAIRMONT STREET
SALMON, ID

208-756-4625

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	SW	NW			LEMHI

5. Description of diverting works:
WEIR TO DITCH FOR 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	0.250		

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

A.F.A.

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
22N	22E	31	SE	SW		IRR	25.0

A75-00113C

Page 1

Date: 05/07/90

SCANNED MICROFILMED
JAN 03 2000 DEC 15 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.0
					Total Acres	25.0

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:
75-00019H/07112A/10546

14. Remarks:

TRANS. 1090. P/D SOURCE J. FEREBAYER.
*** THIS RIGHT HAS BEEN SPLIT AND CLAIMED AS FOLLOWS:
- A75-00113A 1.50 CFS LOIS BLACKADAR. ESV 4/12/90
- A75-00113B 1.00 CFS RICHARD J. BILLS
- A75-00113C 0.25 CFS ROBERT L. BLACKADAR

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

MILLER

Decree Plaintiff

vs

LONG ET AL

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

Number of attachments: _____

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): Robert J. Blackman Date: 5-7-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 7 day
of May 19 90
William Wray
Notary Public

Seal

Residing at Wako Falls
My Commission Expires 3/29/99

DEC 15 1992

UNCLASSIFIED

A75-00135

SALMON

POINT OF DIVERSION

PLACE OF USE

ST22N

T21N

36

31

R21E R22E