

11/20/2006

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

RIGHT NUMBER: 75-128
NAME AND ADDRESS: GRETA M WILKERSON
6515 IRIS DR
LOS ANGELES CA 90068

ROBERT S WILKERSON
6516 IRIS DR
LOS ANGELES CA 90068

SOURCE: FOURTH OF JULY CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.080 CFS
PRIORITY DATE: 05/12/1910
POINT OF DIVERSION: T24N R22E S20 SWSE Within LEMHI County
PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	08/02 11/01	0.060 CFS
	04/01 08/01	0.080 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T24N R22E S29 NENW 2.00
2 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

11/08/2006

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Idaho Department of Water Resources

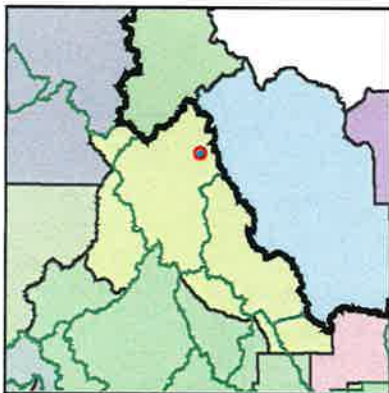
SRBA Recommendation:

75-128

(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles



Prepared by M. Ciscell
On Saturday, November 18, 2006
2004 Aerial Photography

Dept. of Water Res
Adjudication Bur
P. O. Box 83720
Boise, ID 83720-0098



REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$1
0004310839 NO
MAILED FROM ZIP CODE

75-126
127
128✓
10040

RECEIVED
DEC 08 2006
IDWR/North

POINT TO POINT
MAILING

NSN

ROBERT S WILKERSON

GRETA M WILKERSON
6515 IRIS DR
LOS ANGELES CA 90068

POINT TO POINT
MAILING

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: 75-128

GRETA M WILKERSON
6515 IRIS DR
LOS ANGELES CA 90068

ROBERT S WILKERSON
6516 IRIS DR
LOS ANGELES CA 90068

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

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

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: _____ SIGNATURE: _____

Please print your name: _____

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

1 Said Defendants, Richard William Nelson and Devon Denny,
2 are entitled to have, and they are hereby awarded, water rights
3 and privileges of and from the said Fourth of July Creek in
4 amounts, with priorities, points of diversion and places of use as
5 follows:

6 (a) (1) 10 miner's inches or .2 cubic feet per second of
7 75-0126 the waters of Fourth of July Creek from the commence-
8 ment of the irrigation season each calendar year
9 until August 1 of each such year and after August
10 1 until the end of each such irrigation season
11 7.5 miner's inches or .15 cubic feet per second
12 of the waters of Fourth of July Creek with a
13 priority of appropriation dating from April
14 1, 1898; and

15 (2) 10 miner's inches or .2 cubic feet per second
16 of the waters of Fourth of July Creek from the
17 commencement of the irrigation season each calendar
18 year until August 1 of each such year and
19 after August 1 until the end of each such
20 irrigation season 7.5 miner's inches or .15
21 cubic feet per second of the waters of Fourth of
22 July Creek with a priority of appropriation dat-
23 ing from April 1, 1910; and

24 (3) Both water rights described herein as (a) (1) and
25 (a) (2) totaling 20 miner's inches delivered
26 through the existing ditch (Ditch No. 13) with
27 the point of diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section
28 20, Township 24 North, Range 22 EBM, for irri-
29 gation of the premises herein described as the
30 Nelson-Denny lands.

31 (4) 4 miner's inches or .08 cubic feet per second
32 of the waters of Fourth of July Creek from the
33 commencement of the irrigation season each
34 calendar year until August 1 of each such year
35 and after August 1 until the end of each such
36 irrigation season 3 miner's inches or .06 cubic
37 feet per second of the waters of Fourth of July
38 Creek with a priority of appropriation dating
39 from May 12, 1910 and delivered through an
40 existing ditch (Ditch No. 12) with the point
41 of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Town-
42 ship 24 North, Range 22 East of the Boise
43 Meridian, containing 2 acres.

44 75-0129 (b) 5 acre feet of the waters stored in a fish pond and
45 used for irrigation, storing water and fishery with a
46 priority of appropriation of June 1, 1977, and situated
47 on the said Nelson-Denny lands.

48 75-0130 (c) 25 miner's inches or .5 cubic feet per second of con-
49 tinuous flow from January 1 to December 31 of the waters
50 of Fourth of July Creek with a priority of appropriation
51 dating from July 1, 1977, and delivered through an exist-
52 ing ditch (Ditch No. 13) with the point of diversion in the
53 SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 24 North, Range 22 EBM,
54 to an existing fish pond situated on the Nelson-Denny
55 premises and returning to said Fourth of July Creek on said
56 land.

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

CLAIM NO(s). 75-128

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.: A0015087 FL #J728054 POD

Township 24N Range 22E Section 20 1/4 SE 1/4 SW 1/4 SE

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

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

dam 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: <u>1.11</u>	Township <u>24N</u>	Range <u>22E</u>	Section <u>29</u>	<u>1/4 NE</u>	<u>1/4 NW</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>

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

ownership verified by Lemhi County tax records

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

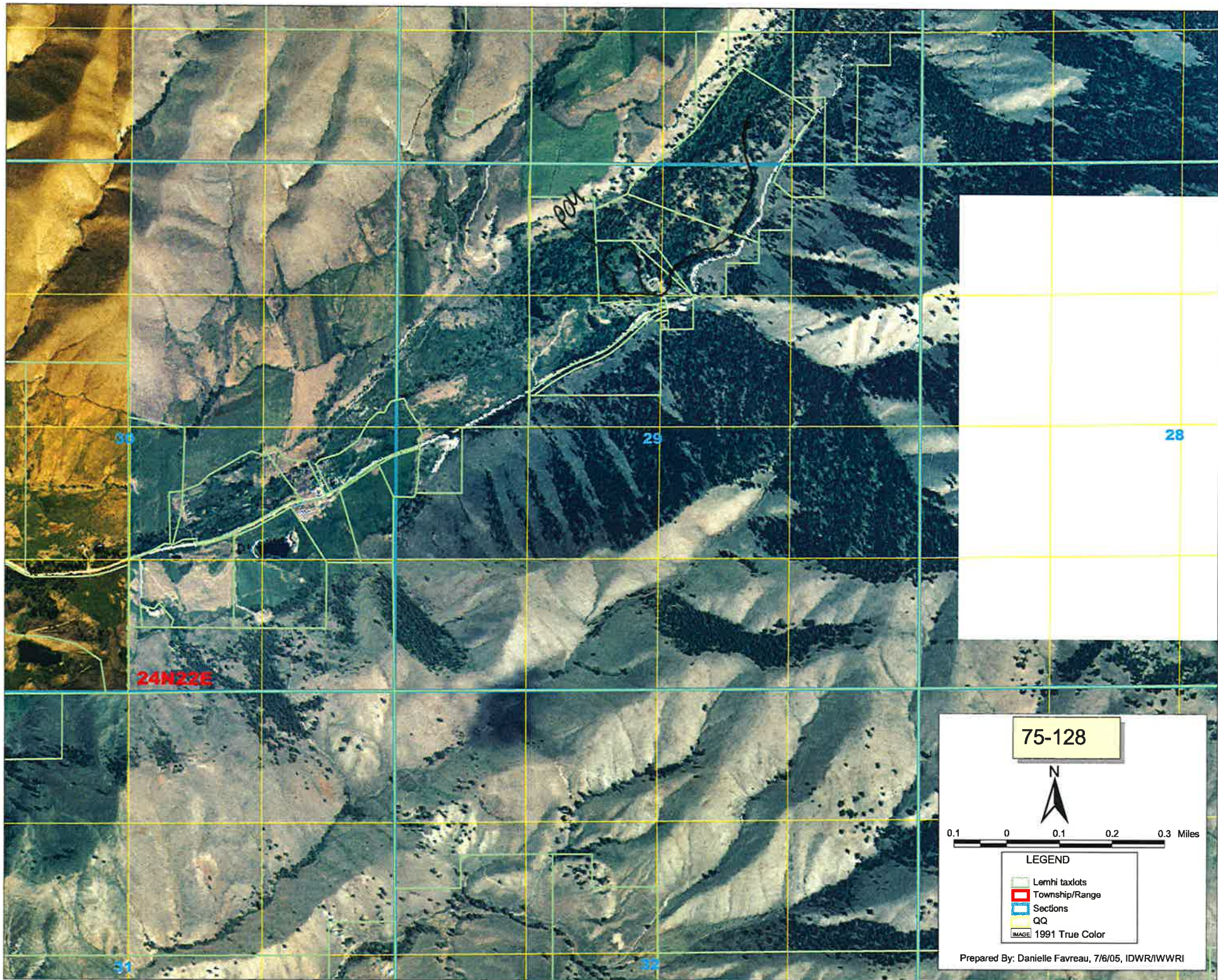
☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 7-28-05

FIELD EXAMINER:

Bob Foster
Print Name

Bob Foster
Signature



24N23E

29

28

30

31

32

POM

75-128



0.1 0 0.1 0.2 0.3 Miles

LEGEND

- Lemhi taxlots
- Township/Range
- Sections
- QQ
- IMAGE 1991 True Color

Prepared By: Danielle Favreau, 7/6/05, IDWR/IWWRI

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: A75-00128
Date Received: 2/09/1990
Receipt No: E012012
Received By: SMD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT S. WILKERSON 208-865-2220
Address: PO BOX 147
CARMEN, ID 83462

OR

Name: GRETA M. WILKERSON 208-865-2220
Address: PO BOX 147
CARMEN, ID 83462

2. Date of Priority: MAY 12, 1910

3. Source: FOURTH OF JULY CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	22E	20	SE	NE			LEMHI

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	08/01	0.080		
IRRIGATION	08/02	11/01	0.060		

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

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A75-00128

Page 1

Date: 02/09/90



MICROFILMED
DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	22E	29	NW NE		IRR	4.0
Section Acres						4.0
Total Acres						4.0

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:
A75-00126/A75-00127

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1982

MERRILL M. BROWN, ET AL.,
Decree Plaintiff

vs

FRANK R. NELSON, 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 S. Wickman Date: 02/09/90

Date: _____

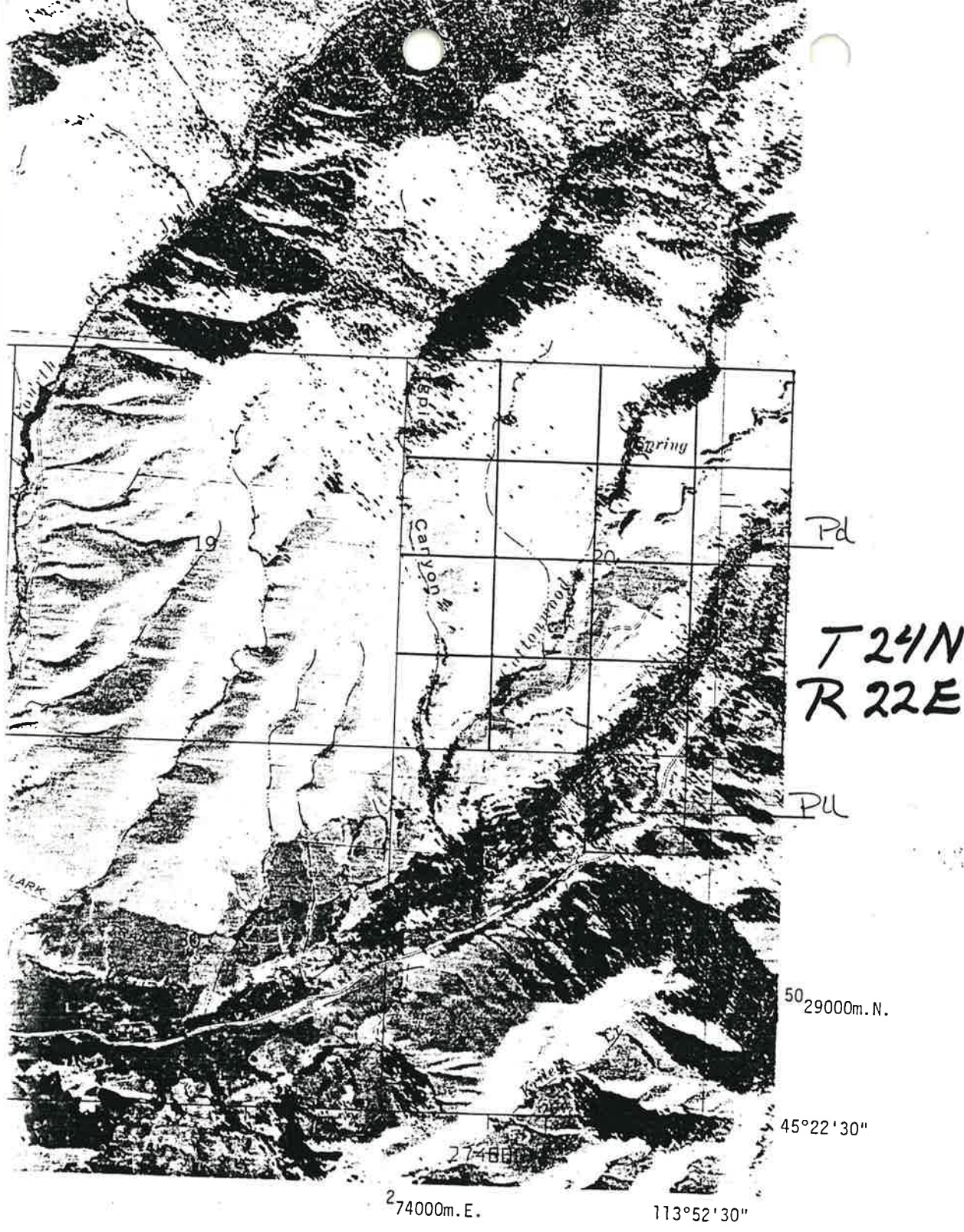
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 9 day
of Feb 19 90

Ernest Carlson
Notary Public



Residing at Idaho Falls, ID
My Commission Expires 6-14-1994



R22E

NORTH FORK, IDAHO
N4522.5-W11352.5/7.5
1974

ADVANCE PRINT

MICROFILMED
DEC 15 1992