

07/06/2006

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

RIGHT NUMBER: 75-133

NAME AND ADDRESS: FOURTH OF JULY TRUST
C/O WINIFRED WUESTHOFF
PO BOX 42
CARMEN ID 83462

SOURCE: FOURTH OF JULY CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 5.000 AFY

PRIORITY DATE: 04/01/1963

POINT OF DIVERSION:

T24N R22E S29 NWSEW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	5.00 AFY
STOCKWATER STORAGE	01/01 12/31	5.00 AFY
IRRIGATION FROM STORAGE	04/01 11/01	5.00 AFY
RECREATION	01/01 12/31	5.00 AFY

PLACE OF USE:

IRRIGATION STORAGE Within LEMHI County

T24N R22E S29 SENW 5.00

IRRIGATION FROM STORAGE Within LEMHI County

T24N R22E S29 SENW 5.00

STOCKWATER STORAGE Within LEMHI County

T24N R22E S29 SENW 5.00

RECREATION Within LEMHI County

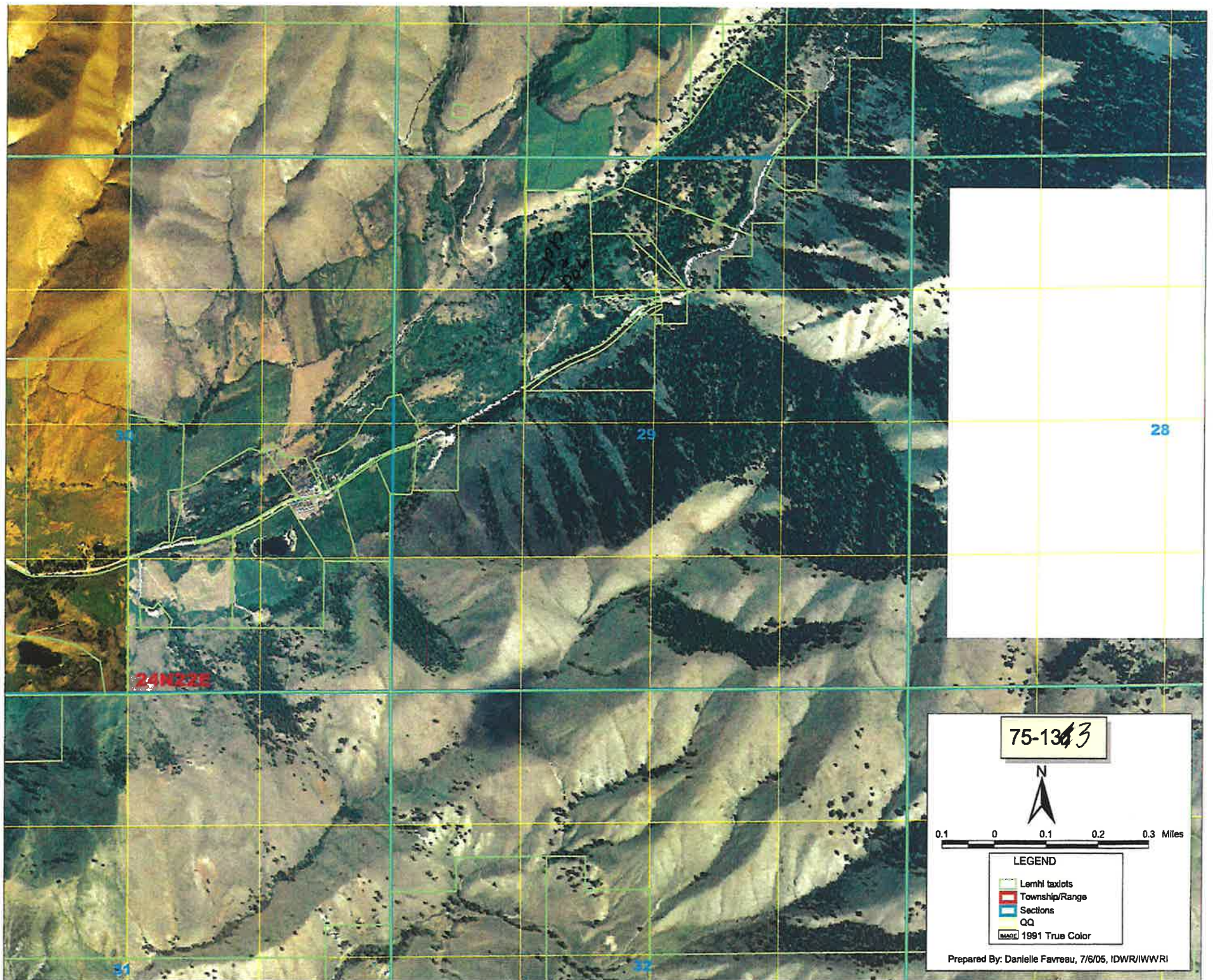
T24N R22E S29 SENW 5.00

5 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



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

CLAIM NO(s). 75-133

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.: A0015086 file 372805 WP02

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:

dam on creek, ditch to pond

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: 7-28-05

FIELD EXAMINER:

Bob Foster

Print Name

Bob Foster

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

AUGUST 26, 1994

FOURTH OF JULY TRUST
C/O MS WINIFRED WUESTHOFF
PO BOX 42
CARMEN ID 83462

RE: CHANGE IN OWNERSHIP FOR A75-00131, -00132, -00133,
-00134, -10163

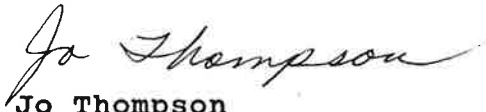
Dear Ms Wuesthoff:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,



Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

cc: GLENN JANSS/copy letter

MICROFILMED
NOV 18 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

RECEIVED

AUG 12 1994

LEGAL DESCRIPTION OF PROPERTY: Township 24N Range 22E
Section 20, 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

WATER RESOURCES
RECEIVED

AUG 18 1994

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s) Assigned by IDWR: 75-00131 75-00133 75-10108
75-00132 75-00134 (SEE ENCL)

Department of Water Resources
Boise District Office

☐ Name and Address of Former Owner/Claimant(s)(Seller): GLENN C JANSS

☐ New Owner/Claimant (Purchaser): P.O. BOX 329

☐ New Mailing Address: SUN VALLEY, IDAHO 83353

☐ New Telephone Number: FOURTH OF JULY TRUST
MS WINIFRED WUESTHOFF
PO BOX 42
CARMEN, ID. 83462
(208) 865-2282

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New Owner/Claimant(s): W. Wuesthoff Date 8-8-94
Paul Wuesthoff (Trustee) Date 8-8-94

☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

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NOV 18 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

SCANNED

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: A75-00133
Date Received: 4/19/1990
Receipt No: E013381
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: FOURTH OF JULY TRUST
Address: C/O WINIFRED WUESTHOFF
PO BOX 42
CARMEN ID 83462 208-865-2282

2. Date of Priority: APR 1, 1963

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	29	NW	SE	NW		LEMHI

5. Description of diverting works:
LOG DAM/ 24" PIPE/ CONTROL GATE/ OPEN DITCH TO POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			5.00
IRRIGATION FROM STORAGE	04/01	11/01			5.00
STOCKWATER STORAGE	01/01	12/31			5.00
FISH PROP. STORAGE	01/01	12/31			5.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 5.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 30 HEAD HORSES,

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	22E	29	SE	NW		IRR FS	5.0

Section Acres 5.0

Total Acres 5.0

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:
SOURCE NOT DEFINED IN DECREE.
FISH POND IS ONE AC. IN AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

MERRILL M. BROWN, ET AL.,
Decree Plaintiff

FRANK R. NELSON, ET AL.
vs Decree Defendant

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: A75-00133
Date Received: 4/19/1990
Receipt No: E013381
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GLENN C. JANSS 208-622-5246
Address: PO BOX 329
SUN VALLEY, ID 83353

2. Date of Priority: APR 01, 1963

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	29	NW	SE	NW		LEMHI

5. Description of diverting works:
LOG DAM/ 24" PIPE/ CONTROL GATE/ OPEN DITCH TO POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE	01/01	12/31			5.00
IRRIGATION FROM STORAGE	04/01	11/01			5.00
STOCKWATER STORAGE	01/01	12/31			5.00
FISH PROP. STORAGE	01/01	12/31			5.00

7. Total Quantity Appropriated is:
C.F.S. (and/or) 5.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 30 HEAD HORSES,

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	22E	29	SE	NW		IRR FS	5.0

A75-00133

Page 1

Date: 05/23/90

A7500133



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DEC 15 1992

10. Place of Use: Continued

Section Acres 5.0

Total Acres 5.0

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:
SOURCE NOT DEFINED IN DECREE.
FISH POND IS ONE AC. IN AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

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): _____ Date: _____
_____ Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

CIVIL CASE NUMBER: 39356

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident Number A75-00133
Date Received 4-19-29
Receipt Number E013381

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 19 1990

Department of Water Resources
Eastern District Office

1. Name of Claimant(s): Glenn C. Janss
Phone: 1-208-622-5246
Mailing Address: P. O. Box 329
Sun Valley, ID 83353
2. Date of Priority: April 1, 1963
3. Source of water supply (a) Fourth of July Creek
which is tributary to (b) Salmon River
4. a. Location of point of diversion is:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
24N	22E	29	NW	SE	NW		Lemhi

Additional points of diversion if any: None

- b. If instream flow, beginning point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
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Ending point:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>$\frac{1}{4}$</u>	<u>Lot</u>	<u>County</u>
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5. Description of existing diversion works: Log dam with 24" corrugated pipe and control gate; open ditch to pond.

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DEC 15 1992

6. Water is claimed for following purposes:

<u>Purpose</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Irrigation	January 1	December 1	5.0 AF
Storage			
Stockwater	January 1	December 1	5.0 AF
Storage			
Fish	January 1	December 1	5.0 AF
Propagation			

7. Total Quantity Claimed: 5.0 AF

8. Total consumptive use claimed is 25 acre feet per annum.

9. Non-irrigation uses: Stockwater - thirty (30) head of horses &/or beef cattle; non-commercial fish propagation.

10. Place of use:

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>¼</u>	<u>¼</u>	<u>Use</u>	<u>Irrig. Acres</u>
24N	22E	29	SE	NW	I/S/H	5

Total number of irrigated acres: 5

11. Place of use is located in Lemhi County.

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

13. Describe any other water rights used at the same place and for the same purposes as described above?

14. Remarks: See Paragraph 10(c) of the Stipulation for Entry of Judgment in Brown v. Nelson, Lemhi County District Court Case No. 5235.

Last Name: Janss Ident No. _____

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DEC 15 1992

15. **Basis of Claim:** Decree
IDWR Water Right Number: 75-00133
Court: Lemhi County District Court
Case Number: 5235
Decree Date: December 16, 1982
Plaintiff v. Defendant:
Brown v. Nelson, et al.

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet. Number of attachments -

[For individuals] I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s)

James C. Janss

Date 4/3/90

Date _____

State of Idaho)
County of Blaine) ss.

Subscribed and sworn before me this 3rd day of April, 1990.

Notary Public

Residing at

Commission Expires

James C. Latham
Salley, Id
1/13/95

17. **Notice of Appearance:**

Notice is hereby given that I, James P. Speck, will be acting as attorney at law 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 the address listed below.

Signature:

James P. Speck
James P. Speck
Hogue, Speck & Aanestad
P.O. Box 987
Ketchum, ID 83340

Date:

3/29/90

Last Name: Janss

Ident No.: _____

a(h203)\janss\7500133
3/29/90

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DEC 15 1992

Scale: 2 inches equals 1 mile

LEMH1 COUNTY

FOURTH OF JULY CREEK

DITCH No. 12

ROAD

DITCH No. 13

P/USE S I R R A

BAD

272 R. 22 E. 273

45° 22' 30"

113° 52' 30"

274000m E.

INTERIOR-GEOLOGICAL SURVEY, RESTON, VIRGINIA-1981

JANSS

Ident No.

Copies: White-State, Yellow-Claimant 5 1992

5 1992