

11/15/2006

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

RIGHT NUMBER: 75-4003

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON ID 83467

SOURCE: IRON CREEK
SALMON RIVER

TRIBUTARY: SALMON RIVER
TRIBUTARY: SNAKE RIVER

Diversion of water from the Salmon River is limited to those times water is available for diversion under this right and priority from Iron Creek. Availability of water from Iron Creek shall be determined based on the lesser of the flow in Iron Creek at the authorized point(s) of diversion or at the mouth of Iron Creek.

QUANTITY: 0.830 CFS

This right when applied to lands via sprinklers shall be limited to 0.02 cfs per acre and 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 04/28/1928

POINT OF DIVERSION:

T18N R21E S15 NWNESW Within LEMHI County
T18N R21E S15 NWNWSW Lot 8 Within LEMHI County
T18N R21E S16 SENE 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	0.830 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T18N R21E S09 Lot 2 NESE	21.00	T18N R21E S09 Lot 3 SESE	28.00
T18N R21E S10 Lot 10 SWSW	12.00	T18N R21E S15 Lot 4 SWNE	18.00
T18N R21E S15 Lot 2 NENW	37.80	T18N R21E S15 SWNW	4.80
T18N R21E S15 Lot 3 SENW	32.00	T18N R21E S15 Lot 8 NWSW	10.00

163.6 ACRES TOTAL

This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.

Rights 75-101, 75-102, 75-2093, 75-4003, 75-7031, 75-14196, and 75-14198 when combined shall not exceed the irrigation of 163.6 acres.

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 - Beneficial Use



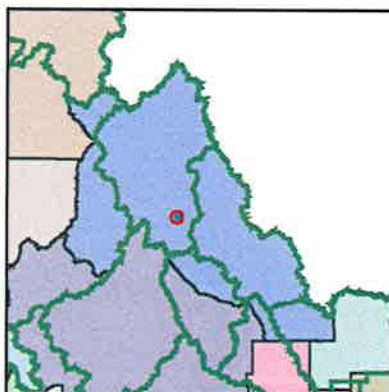
Idaho Department of Water Resources

Adjudication Claim:

75-4003

Legend

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



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles

Prepared by R. Brown
On Wednesday, April 5, 2006
1987/88 Aerial Photography

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: 75-4003

CLYDE L PHILLIPS

12 HUSSEY LN

SALMON ID 83467

Telephone Number: (208) 894-2224

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: 12-06-06

SIGNATURE:

Clyde L. Phillips

Please print your name:

Clyde L. Phillips

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

SCANNED
DEC 13 2006



RECEIVED

AUG 08 2005

Department of Water Resources
Adjudication Bureau

07-27-05

In regards to water right #75-4003, I Eugene G. Hussey can personally verify that my father, Frank Hussey added ground under an existing ditch, and used water from said permit to irrigate hay and pasture ground in 1928. And that water from this permit has been used to irrigate hay and pasture ground, from 1928 to the present day.

Eugene G. Hussey

State of Idaho)
County of Lemhi) S.S.

On this 26th day of July, in the year of 2005, before me Kim S. Hamilton a notary public, personally appeared Eugene G. Hussey, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Kim S. Hamilton

Notary Public

My Commission Expires on 03-24-06



SCANNED

AUG 09 2005

11/20/2006

NOTICE OF ERROR
REPLY

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

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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: 12-06-06

SIGNATURE:

Clyde L. Phillips

Please print your name:

Clyde L. Phillips

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

SCANNED

DEC 14 2006

WATER RIGHT NO. 75-4003
As Modified by Transfer No. 72536

In accordance with the approval of Transfer No. 72536, Water Right No. 75-4003 is now described as follows.

Right Holder: CLYDE L PHILLIPS And
 JANELLE D PHILLIPS
 12 HUSSEY LANE
 SALMON ID 83467

Priority Date: April 28, 1928

Source: SALMON RIVER
 IRON CREEK

Tributary: SNAKE RIVER
 SALMON RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to	10/31	0.83 CFS	
			0.83 CFS	

LOCATION OF POINT(S) OF DIVERSION:

SALMON RIVER	NWNESW	Sec. 15 Twp 18N	Rge 21E	LEMHI County
IRON CREEK	L8 (NWNWSW)	Sec. 15 Twp 18N	Rge 21E	LEMHI County
IRON CREEK	NWSENE	Sec. 16 Twp 18N	Rge 21E	LEMHI County

PLACE 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	
18N 21E 9													21.0 L 2			28.0 L 3	49.0
18N 21E 10											12.0 L 10						12.0
18N 21E 15			18.0 L 4		37.8 L 2		4.8	32.0 L 3		10.0 L 8							102.6

Total Acres: 163.6

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.
2. Rights 75-101, 75-102, 75-2093, 75-4003, 75-7031, 75-14196, and 75-14198 when combined shall not exceed the irrigation of 163.6 acres.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Iron Creek at the original point(s) of diversion, at the mouth of Iron Creek and at the point of diversion from the Salmon River.

WATER RIGHT NO. 75-4003
As Modified by Transfer No. 72536

CONDITIONS OF APPROVAL

4. Diversion of water from the Salmon River is limited to those times water is available for diversion under this right and priority from Iron Creek. Availability of water from Iron Creek shall be determined based on the lesser of the flow in Iron Creek at the authorized point(s) of diversion or at the mouth of Iron Creek.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.
6. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
7. This right when applied to lands via sprinklers shall be limited to 0.02 cfs per acre and 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 4th day of August, 20 06


Chief, Water Allocation Bureau

Knoblock, Ken

From: Fritschle, Carter
Sent: Friday, September 15, 2006 2:34 PM
To: Knoblock, Ken
Cc: Shaff, Don
Subject: RE: 75-4003

Hi Ken,

I have done some additional research on this one, and I may have figured out what is going on.

It looks like the high diversion rate was intended to bring up the overall average rate for the land not covered by license 75-7031 to something close to what was licensed for the 53 acres of land covered by 75-7031. 75-7031 was issued for 2.39 cfs on 53 acres, or 0.45 cfs/acre.

The sum of the other rights for the remaining 110.6 acres is 4.69 cfs, or 0.042 cfs/acre. I think that probably the beneficial use rights should have been spread out over more acres, but as long as the transfer was approved, we need to follow its lead.

Carter

-----Original Message-----

From: Knoblock, Ken
Sent: Friday, September 15, 2006 10:54 AM
To: Shaff, Don; Fritschle, Carter
Cc: Spackman, Gary; Keen, Shelley
Subject: 75-4003

Claim 75-4003 is a right that submitted for 0.7 cfs for 12 acres of irrigation. The claim was verified as 0.83 cfs for 12 acres of irrigation. I looked at the scanned file trying to find a justification for supporting the use of 0.7 cfs on 12 acres. I discovered a transfer that was approved on August 4, 2006, approving the use of 0.83 cfs on 163.5 acres when combined with six other rights.

What is the correct recommendation to send to the court:

0.7 for 12 acres

0.83 for 12 acres

0.83 for 163.5 acres?

ken

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4003

WATER RIGHT NUMBER: 75-4003

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CLYDE L PHILLIPS 12 HUSSEY LN SALMON, ID 83467 (208) 894-2224
Original Owner	FRANK G HUSSEY 20 HUSSEY LN SALMON, ID 83467-5118
Original Owner	EUGENE G HUSSEY 20 HUSSEY LN SALMON, ID 83467-5118
Current Owner	JANELLE D PHILLIPS 12 HUSSEY LANE SALMON, ID 83467 (208) 894-2224

Priority Date: 04/28/1928

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
IRON CREEK	SALMON RIVER
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.830 CFS	
<u>Total Diversion:</u>		0.830 CFS	

Location of Point(s) of Diversion

SALMON RIVER	NW1/4NE1/4SW1/4	Sec. 15, Twp 18N, Rge 21E, B.M.
LEMHI County		
IRON CREEK	L8 (NW1/4NW1/4SW1/4)	Sec. 15, Twp 18N, Rge 21E, B.M.
LEMHI County		
IRON CREEK	NW1/4SE1/4NE1/4	Sec. 16, Twp 18N, Rge 21E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
18N	21E	9													21.0			28.0	49.0
															L 2			L 3	
18N	21E	10													12.0				12.0
															L 10				

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4003

18N 21E 15	18.0	37.8	4.8	32.0	10.0	102.6
	L 4	L 2		L 3	L 8	

Total Acres: 163.6

Conditions of Approval:

1. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
2. Diversion of water from the Salmon River is limited to those times water is available for diversion under this right and priority from Iron Creek. Availability of water from Iron Creek shall be determined based on the lesser of the flow in Iron Creek at the authorized point(s) of diversion or at the mouth of Iron Creek.
3. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Iron Creek at the original point(s) of diversion, at the mouth of Iron Creek and at the point of diversion from the Salmon River.
4. R63 This right when applied to lands via sprinklers shall be limited to 0.02 cfs per acre and 3.5 afa per acre at the field headgate for irrigation of the lands above.
5. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
6. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
7. X27 This right is limited to the irrigation of 12 acres within the place of use described above in a single irrigation season.
8. 01Q After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. X35 Rights 75-101, 75-102, 75-2093, 75-4003, 75-7031, 75-14196, and 75-14198 when combined shall not exceed the irrigation of 163.6 acres.
10. 029 Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game.

Remarks:

Estimating Conveyance Loss using the Worstell Method**Claim No. 75-4003****Formula:** $S = (w)(i)(0.0667)$ **Where:** S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

w = 4 ft

i = 2

ditch length (mi.) = 1.1 mi

Conveyance Loss:

S = 0.53

Loss = 0.59 cfs/mile

$$\begin{aligned} (12.0 \text{ acres})(0.02 \text{ cfs/acre}) &= 0.24 \text{ cfs} \\ + 0.59 \text{ cfs} \\ \hline &0.83 \text{ cfs} \end{aligned}$$

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

CLAIM NO(s). 75-4003

1. ☐ No Change NAME IS SAME

☒ NEW OWNER: Clyde L. Phillips

☐ No Change ADDRESS

☒ NEW ADDRESS: 12 Hussey Ln 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.: _____

Township 18N Range 21E Section 16 1/4 NE 1/4 SE 1/4 NW
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: _____	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

Shares pod with 75-2093, ground in SE 1/4 of sec 8
may be covered by 75-2093

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

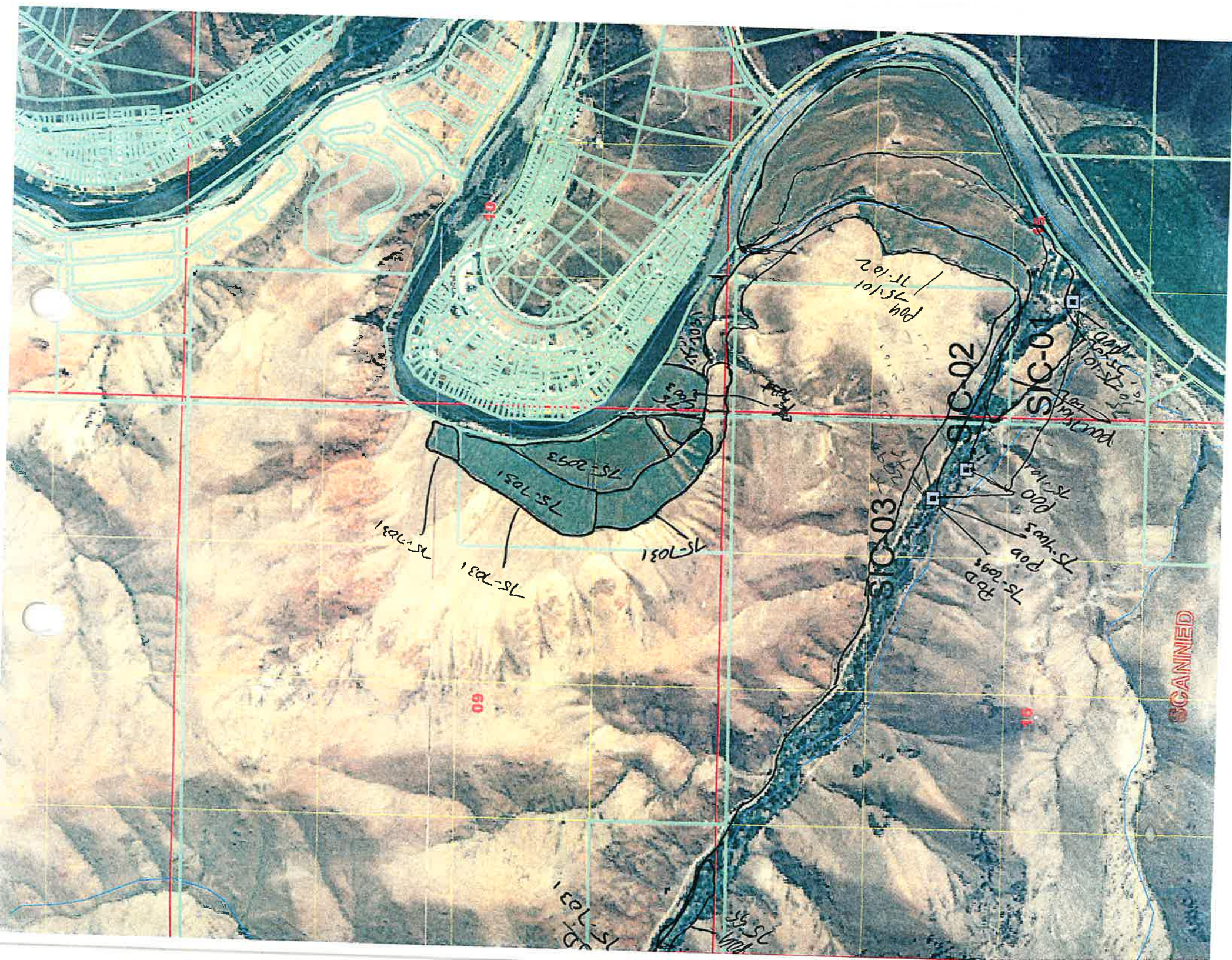
☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-17-05

FIELD EXAMINER:

Bob Foster
Print Name

Bob Foster
Signature



orchard

File IRON CREEK 3

Start Date and Time ----- 2004/06/02 10:39:14
 Sensor Type ----- FlowTracker Handheld ADV
 SerialNumber ----- P170
 Averaging Time ----- 20 sec
 Units system ----- ENGLISH
 Staff height ----- 0.00 ft
 Gauge height ----- 0.00 ft
 Rated discharge ----- 0.000 cfs
 Starting edge of water --- LEW
 Number of stations ----- 9
 Total width ----- 4.0 ft
 Total area ----- 3.88 ft^2
 Total discharge ----- 4.807 cfs
 Mean velocity ----- 1.233 ft/s
 Mean SNR ----- 24.7 dB
 Mean std. error of vel. --- 0.04 ft/s
 Mean boundary conditions -- 0 (BEST)
 Boundary condition (Bnd) -- 0: BEST

done

- 1: GOOD
- 2: FAIR
- 3: POOR

ST.	Loc.	Depth	IceD	MDep	Clock	Npts	Spike	Vel	SNR	Angle	Verr	Bnd	Temp	Corr	MeanV	Area	Flow
	(ft)	(ft)	(ft)	(°D)	(ft/s)	(dB)	(deg)	(ft/s)	(degF)	Fact	(ft/s)	(ft^2)	(cfs)				
0	1.0	0.00	0.00	.0	00:00	0	0	0.00	0.0	0	0.00	1.00	1.288	0.00	0.000		
1	1.4	0.80	0.00	.6	10:39	20	1	1.288	21.5	3	0.05	0	46.22	1.00	1.288	0.320	0.412
2	1.8	1.00	0.00	.6	10:40	20	1	1.402	22.7	1	0.05	0	46.20	1.00	1.402	0.400	0.561
3	2.2	1.00	0.00	.6	10:40	20	0	1.499	23.2	4	0.04	0	46.18	1.00	1.499	0.400	0.600
4	2.6	1.20	0.00	.6	10:41	20	0	1.639	24.0	5	0.03	0	46.17	1.00	1.639	0.480	0.787
5	3.0	1.20	0.00	.6	10:42	20	0	1.504	25.8	6	0.03	0	46.15	1.00	1.504	0.480	0.722
6	3.4	1.20	0.00	.6	10:43	20	0	1.330	26.6	6	0.04	0	46.17	1.00	1.330	0.480	0.638
7	3.8	1.20	0.00	.6	10:43	20	0	1.392	25.8	7	0.04	0	46.18	1.00	1.392	0.480	0.668
8	4.2	1.00	0.00	.6	10:44	20	1	0.947	25.8	11	0.03	0	46.20	1.00	0.947	0.400	0.379
9	4.6	1.10	0.00	.6	10:45	20	0	0.094	27.0	48	0.03	0	46.22	1.00	0.094	0.440	0.041
10	5.0	0.00	0.00	.0	00:00	0	0	0.00	0.0	0	0.00	1.00	0.094	0.00	0.000		

SCANNED

007032.1

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: A75-04003
Date Received: 5/01/1990
Receipt No: 14006817
Received By: BHS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE HUSSEY
Address: HC 61 BOX 117
SALMON, ID

83467

2. Date of Priority: APR 28, 1928

3. Source: IRON CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
18N	21E	16	SE	NE			LEMHI

5. Description of diverting works:
DITCH AND GRAVITY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.700		

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

A.F.A.

8. Total consumptive use is

80.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
18N	21E	9	NE	SE	2	IRR	4.0
			SE	SE	3	IRR	12.0

Section Acres 16.0

A75-04003

Page 1

Date: 05/01/90

A7504003



MICROFILMED

DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
18N	21E	10	SW SW	10	IRR	7.0
Section Acres						7.0
Total Acres						23.0

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:
75-02093

14. Remarks:
AC. IRR.=22.8.

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

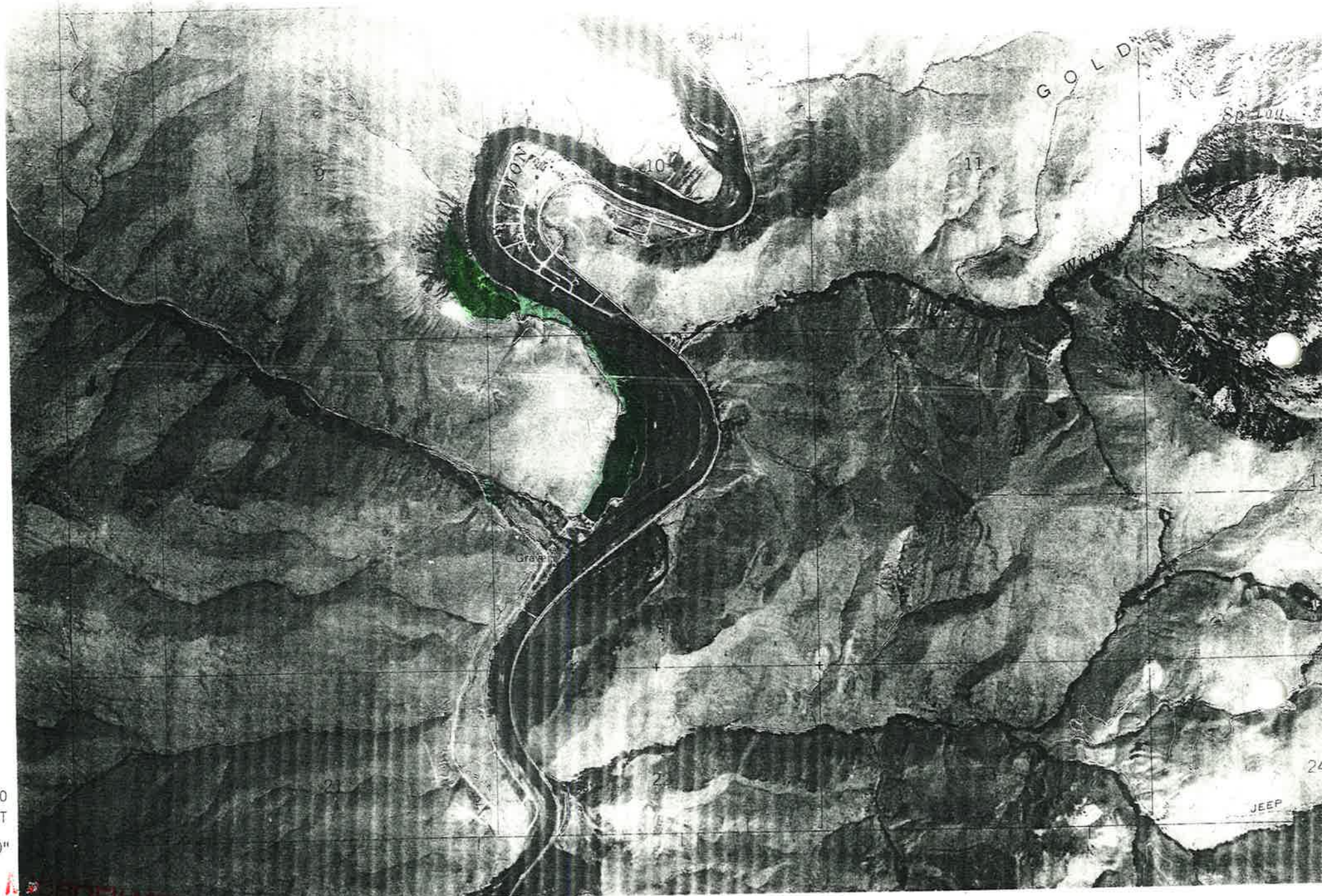
Signature of Claimant(s): Eugene G. Hussey Date: 5-1-90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 1 day
of May 19 90 Bruce A. Schaff
Notary Public

Seal

Residing at Bruit Lake
My Commission Expires 4/11/95



70 000
FEET
52'30"

510 000 FEET

SCALE 1:24 000

FORMED
UEC 15 1992 and published by the U.S. Army
in cooperation with the U.S. Navy

Aerial photograph prepared by the U.S. Army