

12/21/2006

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

RIGHT NUMBER: 75-4005

NAME AND ADDRESS: JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN ID 83462-0049

SOURCE: CARMEN CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 3.700 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION:

T23N R22E S36 NWSW Within LEMHI County

T23N R22E S36 NWNESE Within LEMHI County

T23N R23E S31 NWSE 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	3.700 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S02 Lot 1 NENE	3.40	T23N R22E S35	NENE	10.00
T23N R22E S35	SWSE 4.10	T23N R22E S35	SESE	17.00
T23N R22E S36	NESW 16.00	T23N R22E S36	NWSW	26.00
T23N R22E S36	SWSW 19.00	T23N R22E S36	SESW	8.00
T23N R22E S36	NWSE 0.60			

104.1 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 104.1 acres in a single irrigation season. Combined Right Nos.: 75-10061AH, 75-10062AG and 75-4005.

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

12/13/2006

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

RIGHT NUMBER: 75-4005

NAME AND ADDRESS: JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN ID 83462-0049

SOURCE: FREEMAN CREEK

TRIBUTARY: CARMEN CREEK

QUANTITY: 2.670 CFS

PRIORITY DATE: 04/01/1915

POINT OF DIVERSION:

T23N R22E S36 NWSW Within LEMHI County
T23N R22E S36 NWNESE Within LEMHI County
T23N R23E S31 NWSE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.670 CFS

PLACE OF USE:

IRRIGATION in LEMHI County					
T22N R22E S02 Lot 1 NENE	3.40	T23N R22E S35	NESE	10.00	
T23N R22E S35 SWSE	4.10	T23N R22E S35	SESE	17.00	
T23N R22E S36 NESW	16.00	T23N R22E S36	NWSW	26.00	
T23N R22E S36 SWSW	19.00	T23N R22E S36	SESW	8.00	
T23N R22E S36 NWSE	0.60				

104.1 ACRES TOTAL

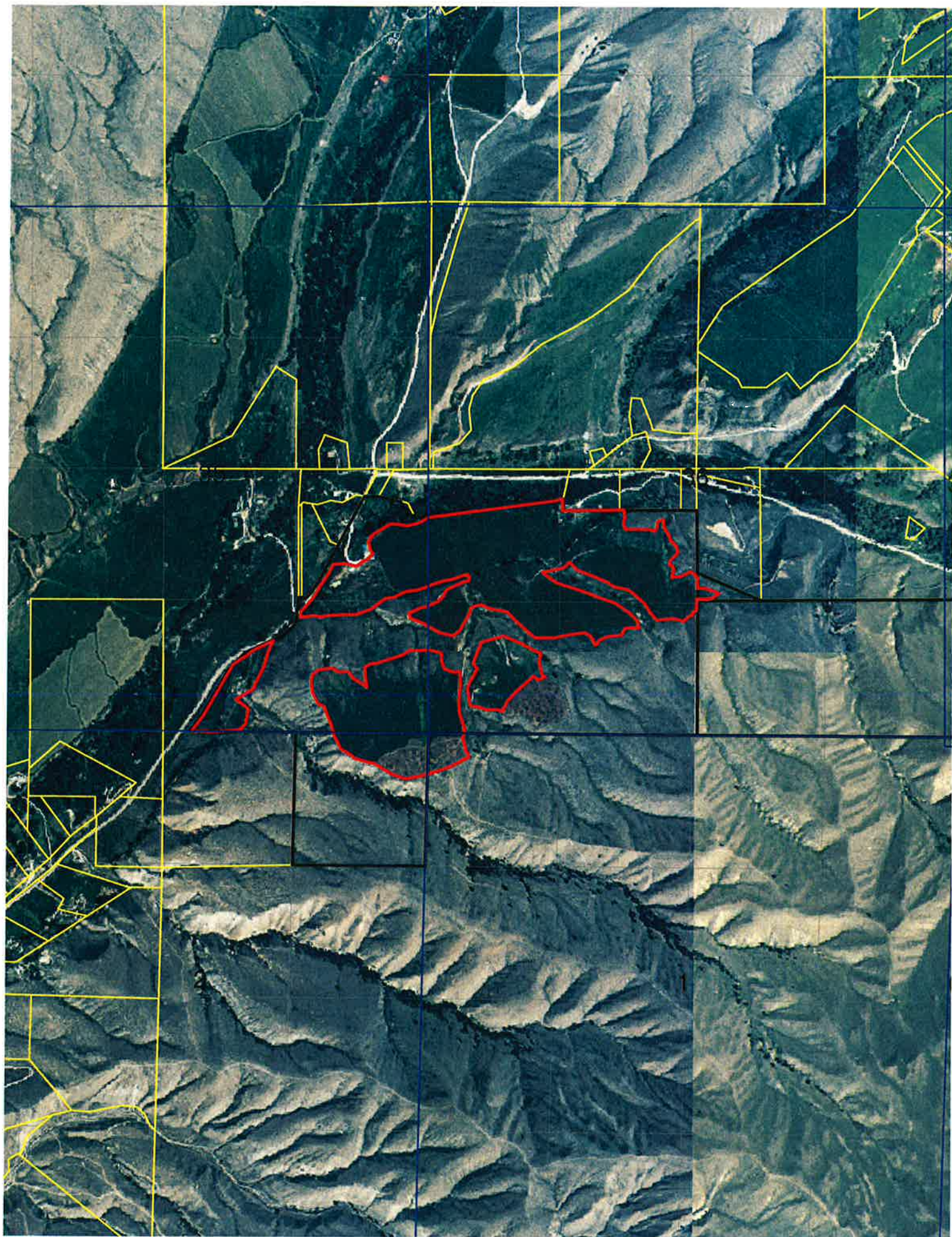
The rights listed below are limited to the irrigation of a combined total of 104.1 acres in a single irrigation season. Combined Right Nos.: 75-10061AH, 75-10062AG and 75-4005.

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

Void



RECEIVED

DEC 15 2006

Department of Water Resources
Adjudication Bureau

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: 75-4005

JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN ID 83462-0049
Telephone Number: (208) 756-4241

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DEC 20 2006
IDWR/North

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

Quantity
Source

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

This place has 3 ditches all useable in which we have been using 5 cfs total. I wish to increase 75-4005 to 4.45 cfs.

There is a third source from Freeman Creek not identified on this map but added to claims 75-10061 AN & 75-10062 AG which need be added to this

3. Give a brief explanation as to why you disagree with these portions:

One cannot viable continue to flood irrigate on this land with .03 cfs/acre

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-8-06

SIGNATURE:

John Wayne Campbell

Please print your name:

JOHN WAYNE CAMPBELL

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

4005
10062 AG
10061 AN

2.67 133 1/2 > 156"
.16 > .22 1/2
.29

222 1/2
4.45

13313
13314

.18
.110

spring
spring

SCANNED

DEC 15 2006

11/16/2006

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

RIGHT NUMBER: 75-4005
NAME AND ADDRESS: JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN ID 83462-0049
SOURCE: FREEMAN CREEK TRIBUTARY: CARMEN CREEK
QUANTITY: 2.670 CFS
PRIORITY DATE: 04/01/1915
POINT OF DIVERSION:
T23N R22E S36 NWNESE Within LEMHI County
T23N R23E S31 NWSE 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	2.670 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S02 Lot 1 NENE	3.40	T23N R22E S35	NESE	10.00	
T23N R22E S35	SWSE	4.10	T23N R22E S35	SESE	17.00
T23N R22E S36	NESW	16.00	T23N R22E S36	NWSW	26.00
T23N R22E S36	SWSW	19.00	T23N R22E S36	SESW	8.00
T23N R22E S36	NWSE	0.60			

104.1 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

$$\begin{array}{r} 104.1 (.04 \text{ cfs/ac}) = 4.16 \\ - .45 \text{ demand} \\ \hline 3.71 \end{array}$$

Void

RECEIVED
JAN 24 1994

Department of Water Resources
Eastern District Office

January 20, 1994

Attn: Gregory J. Taylor
State of Idaho Dept. of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Dear Mr. Taylor:

Thank you for your prompt letter, it reached us in Carmen the following day, and we do appreciate that.

We are enclosing a copy of your letter, and have highlighted the description. These things are confusing, and we ask that you please check, so that we can be sure we are talking about the same property.

The ditch, (blue on the map) follows a hill side. The Rector property (formerly DeBoard) (orange on the map) is below the ditch, and running down hill above the Freeman road (green on the map). Freeman creek is black on the map, and below the road. The small parcel below the road has recently been sold, divided from Mr. Rector's larger parcel, and is probably the two acres and homesite referred to as having the 1990 priority date.

The wording of your letter is excellent, really covers all questions and problems. If you will just check the property description, and if necessary correct the letter, it will be much appreciated. We are enclosing a stamped, addressed envelope so that the map, and letter can be returned.

We will be gone next week, returning about February 2, so that if there are questions, you could call then.

Thank you for your time and attention.

Wayne Campbell

(John) Wayne Campbell
PO Box 49
Carmen, Idaho 83462

PH: 756-4241

CAMPBELL

18-Jan-1994

JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN ID 83462

RE: WATER RIGHTS ON FREEMAN CREEK

Dear Mr. Campbell:

Regarding our conversation concerning water rights from Freeman Creek tributary to Carmen Creek, I have found that you have three(3) Notices of Claim filed with Freeman Creek as the source. The Notices of Claim that pertain to your property are Nos. A75-04005 with a priority date of 6-13-1912, A75-10062AG with a priority date of 5-1-1882 and A75-10061AH with a priority date of 5-1-1875. There is one water right permit that we do have record of that is for two(2) acres and one(1) home and lies north of the road that borders the northern portion of your property. This Permit has a 1990 priority date and is in the name of DeBoard or Rector.

There are no other water rights claimed in the NWSE Sec. 36 T23N, R22E that are south of the road. Because of this fact, it appears that any diversions from Freeman Creek that may be taking place by any other parties are being done so illegally.

Because Idaho Water Law is based on the concept of "first in time, first in right", it is the duty of the Water Master to **deliver rights according to their priority date**. If there are no water rights that pertain to a certain tract of land, the Water Master cannot legally deliver any water.

I hope this answers any questions you have regarding this matter. If you or the Water Master have any questions regarding this matter, please do not hesitate to contact this office.

Respectfully,

Gregory J. Taylor
Sr. Water Agent, Adjudications



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

NOVEMBER 10, 1992

JOHN WAYNE CAMPBELL
PO BOX 49
CARMEN ID 83462-0049

RE: CHANGE IN OWNERSHIP FOR A75-10061AH, 10438, 04005, &
10062AG

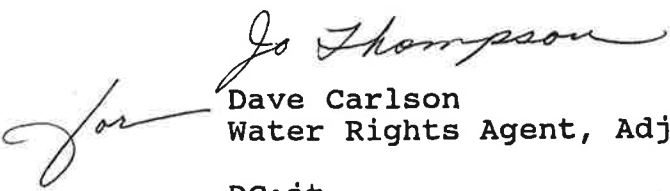
Dear Mr. Campbell:

The request for Change in Ownership concerning your Notices of Claim in the above reference has been processed and the Notices changed to show you 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,


Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosures: Copies of Notice/Change/Ownership Form

cc: Ziegler Brothers/letter

MICROFILMED
DEC 15 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

DATE OF CLOSING: 4/10/92

RECEIVED
NOV 02 1992

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range SEE ATTACHED EXHIBIT "A"
Section _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM. _____
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

Department of Water Resources
RECEIVED
NOV 05 1992

- ☐ 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) 4002
Assigned by IDWR: A75-10061AH, A75-10438, A75-04005, & A75-10062AG
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): ZIEGLER BROTHERS, P. O. BOX 1101, SALMON, IDAHO 83467
- ☐ New Owner/Claimant (Purchaser): JOHN WAYNE CAMPBELL, P.O. BOX 49, CARMEN, IDAHO 83462-0049
- ☐ New Mailing Address: P.O. BOX 49, CARMEN, IDAHO 83462-0049
- ☐ New Telephone Number: (208) 756-4241
- ☐ 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: WARRANTY DEED
(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) Wayne Campbell Date 4/10/92
- ☐ Signature of Former Owner/Claimant(s) Ziegle Bros. by John Ziegle Date 4/10/92

(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

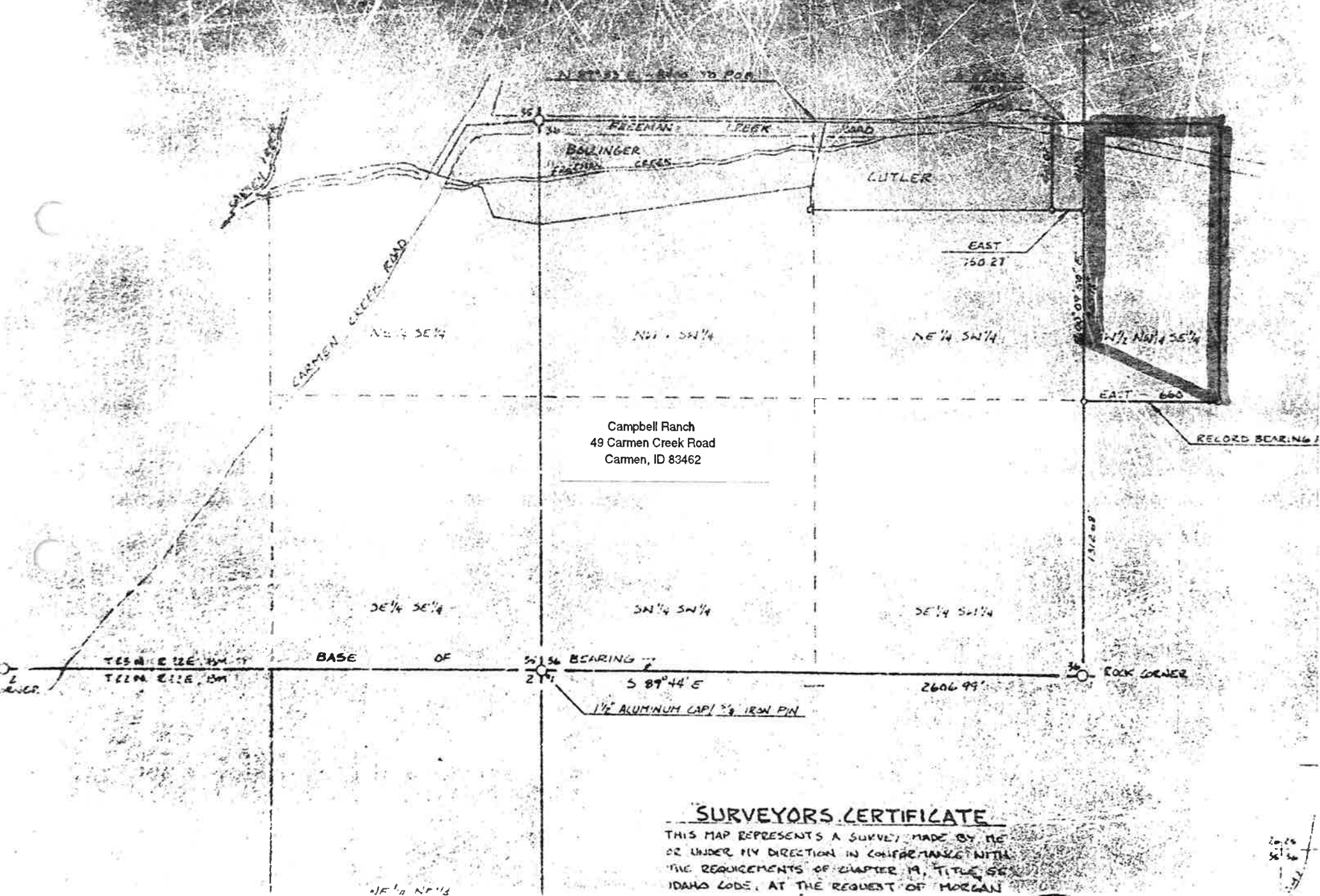
Date: _____ By: _____

Claim Numbers of Split, if any:

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

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DEC 15 1992

BOOKS OF SURVEY
 LOCATED IN THE NEW SW 1/4 SEC. 34 T2N R12E S12E IDAHO



SURVEYORS CERTIFICATE

THIS MAP REPRESENTS A SURVEY MADE BY ME
 OR UNDER MY DIRECTION IN CONFORMANCE WITH
 THE REQUIREMENTS OF CHAPTER 19, TITLE 56,
 IDAHO CODE, AT THE REQUEST OF MORGAN

20.25
 56.25
 17.25



2400

N2W/4

Sp3

3601

T 2860
PARCELS
SP2

6000

TE

0651

Yn1

7203

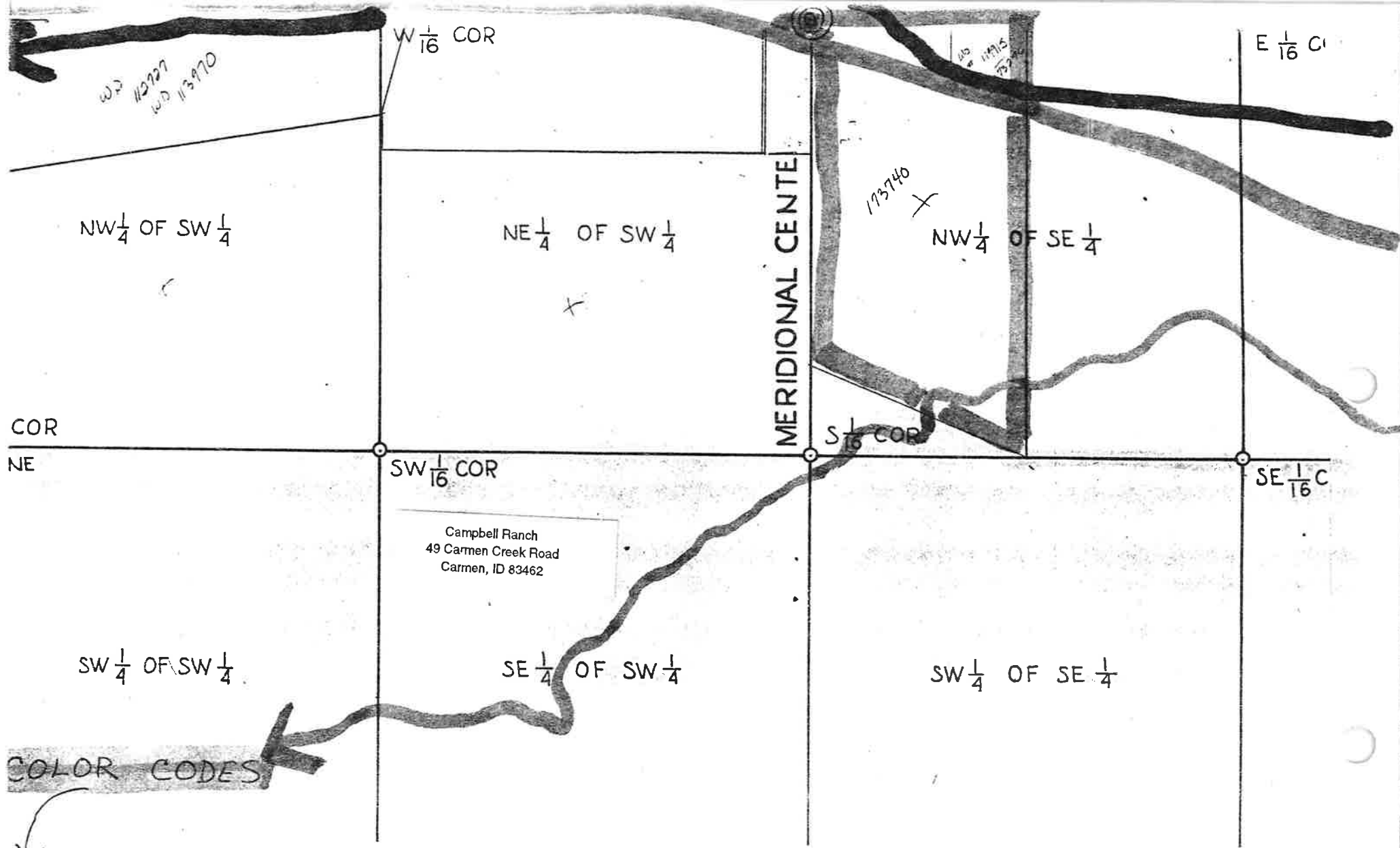
7805

8000

2
END OF
DITCH

MBF

116



CONTRACT 8:

A parcel of land located in the $W\frac{1}{2}NW\frac{1}{2}SE\frac{1}{4}$, Section 36, Township 23 North, Range 22 East, Boise Meridian, Lemhi County, State of Idaho, more particularly described as follows, to-wit:

Commencing at the South Quarter Corner of Section 36, a distance of 1,033.74 feet on a bearing of North 0 deg. 09'50" East to the REAL POINT OF

BEGINNING:

Thence South 66 deg. 01'12" East, 699.49 feet;

Thence North 0 deg. 03'37" East, 1,311.74 feet;

Thence North 89 deg. 26'08" West, 637.57 feet;

Thence South 0 deg. 09'50" West, 1,033.74 feet to the REAL POINT OF

BEGINNING.

Said parcel contains 17.193 acres.

RECTOR PROPERTY

Morgan DeBoard to Ziegler Bros. *TO CAMPBELL*

T-2496
A parcel of land located in the $W\frac{1}{2}NW\frac{1}{2}SE\frac{1}{4}$, Section 36, Township 23 North, Range 22 East, Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the South Quarter Corner of Section 36, a distance of 1,033.74 feet on a bearing of North 0 deg. 09'50" East to the REAL POINT OF BEGINNING.

Thence South 89 deg. 37'07" East, 639.93 feet;

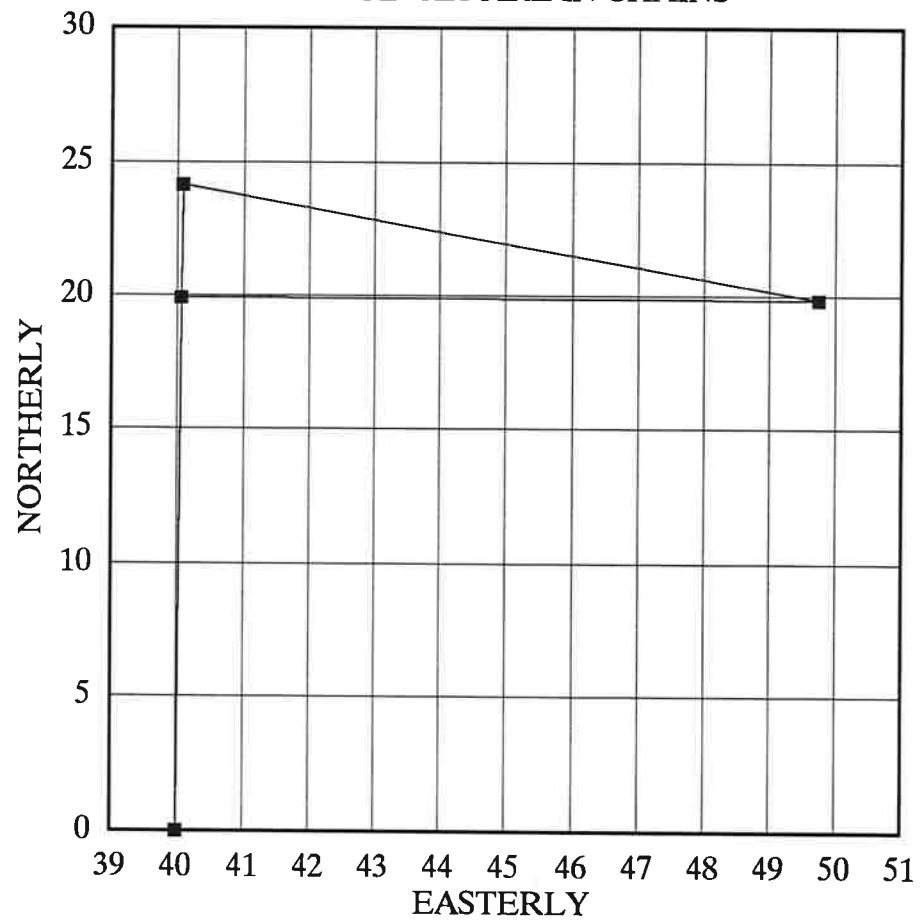
Thence North 66 deg. 01'12" West, 699.49 feet;

Thence South 0 deg. 09'50" West, 280.03 feet to the REAL POINT OF BEGINNING, said parcel contains 2.057 acres.

TRIANGLE PORTION OFF RECTOR PROPERTY 

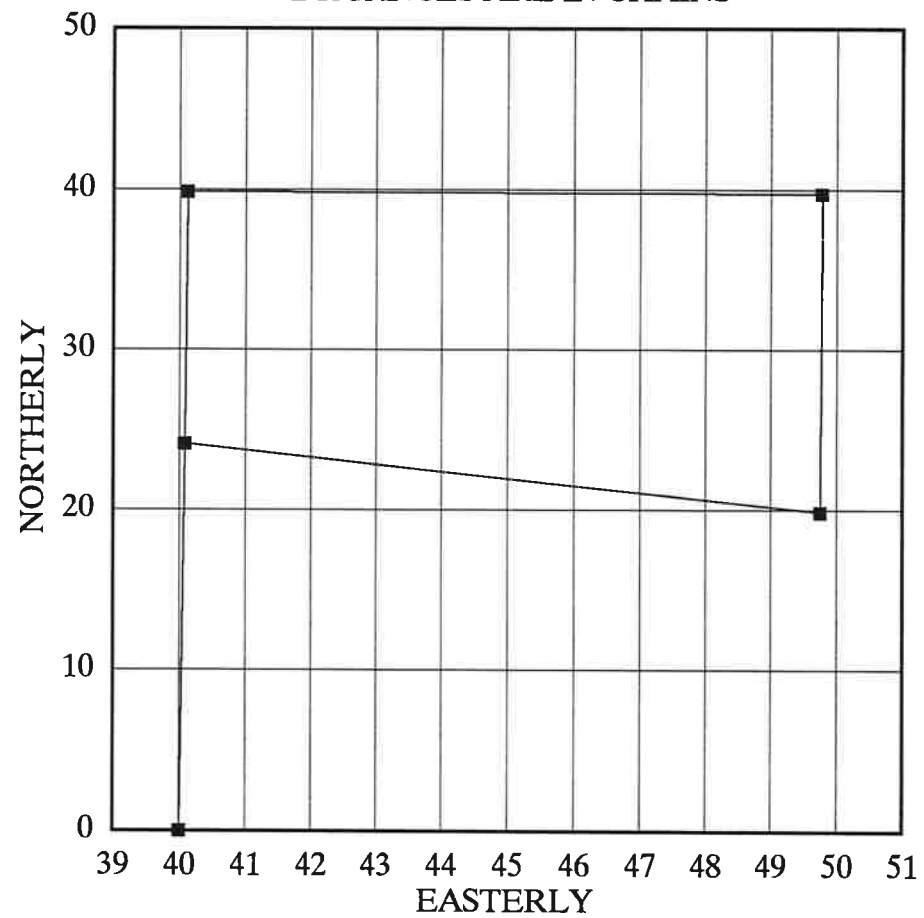
POLAR COORDINATE X-COR Y-COR (CHAINS)		ANGLE			BEARING ANGLE DIRECTION	DIST (FT)	CUMULATIVE ACRES
		DEGREES	MINUTES	SECONDS			
40.00	0.00						
40.06	19.91	0.00	9.00	50.00	NE	1313.77	0.06
49.75	19.84	89.00	37.00	7.00	SE	639.93	0.03
40.07	24.15	66.00	1.00	12.00	NW	699.49	2.14
40.06	19.91	0.00	9.00	50.00	SW	280.03	2.11

METES & BOUNDS POLAR LOCATION PLOT
DISTANCES ARE IN CHAINS



POLAR COORDINATE X-COR Y-COR (CHAINS)		ANGLE			BEARING ANGLE DIRECTION	DIST (FT)	CUMULATIVE ACRES
		DEGREES	MINUTES	SECONDS			
40.00	0.00						
40.07	24.15	0.00	9.00	50.00	NE	1593.79	0.08
49.75	19.84	66.00	1.00	12.00	SE	699.49	2.03
49.77	39.72	0.00	3.00	37.00	NE	1311.74	17.37
40.11	39.81	89.00	26.00	8.00	NW	637.57	17.42
40.07	24.15	0.00	9.00	50.00	SW	1033.74	17.28

METES & BOUNDS POLAR LOCATION PLOT
DISTANCES ARE IN CHAINS



OCT 05 1991

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: A75-04005

Date Received: 5/10/1990

Receipt No: M007034

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: JOHN WAYNE CAMPBELL 208-756-4241
Address: PO BOX 49
CARMEN ID 83462-0049

2. Date of Priority: JUN 13, 1912

3. Source: FREEMAN CREEK Trib. to: CARMEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	36	NW	NE	SE		LEMHI
	23E	31	SW	NW	SE		LEMHI

5. Description of diverting works:
2 HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.500		

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

8. Total consumptive use is 265.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	4.0
		2	NE	NE	IRR	7.0
					Section Acres	7.0
23N	22E	35	NE	SE	IRR	11.0
			SW	SE	IRR	3.0
			SE	SE	IRR	14.0
					Section Acres	28.0
		36	NE	SW	IRR	13.0
			NW	SW	IRR	19.0
			SW	SW	IRR	22.0
			SE	SW	IRR	11.0
			NW	SE	IRR	1.0
			SW	SE	IRR	1.0
					Section Acres	67.0
					Total Acres	106.0

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:
EXCHANGE WATER

14. Remarks:

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: _____

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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.

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Receipt No: M007034
Received By: CF

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ACQUIRED UNDER STATE LAW

1. Name: ZIEGLER BROTHERS
Address: P.O. BOX 1101
SALMON, ID 83467
208-756-3791

2. Date of Priority: JUN 13, 1912

3. Source: FREEMAN CREEK Trib. to: CARMEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
23N	22E	36	NW	NE	SE		LEMHI
	23E	31	SW	NW	SE		LEMHI

5. Description of diverting works:
2 HEADGATES AND DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.500		

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

8. Total consumptive use is 265.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

A75-04005

Page 1

Date: 05/10/90

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DEC 15 1992

A7504005



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	22E	2	NE	NE		IRR	7.0
			Section Acres				7.0
23N	22E	35	NE	SE		IRR	11.0
			SW	SE		IRR	3.0
			SE	SE		IRR	14.0
			Section Acres				28.0
		36	NE	SW		IRR	13.0
			NW	SW		IRR	19.0
			SW	SW		IRR	22.0
			SE	SW		IRR	11.0
			NW	SE		IRR	1.0
			SW	SE		IRR	1.0
			Section Acres				67.0
			Total Acres				106.0

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:
EXCHANGE WATER

14. Remarks:

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:

For Organizations:

I do solemnly swear or affirm that I am gen part. of
Ziegler Bros. Title
Organization, that I have signed the foregoing
document in the space below as gen. part. of
Ziegler Bros Title
Organization and that the statements contained in the
foregoing document are true and correct.

John T Ziegler
Signature of Authorized Agent

gen part, Ziegler Bros
Title and Organization

5 10 90
Date

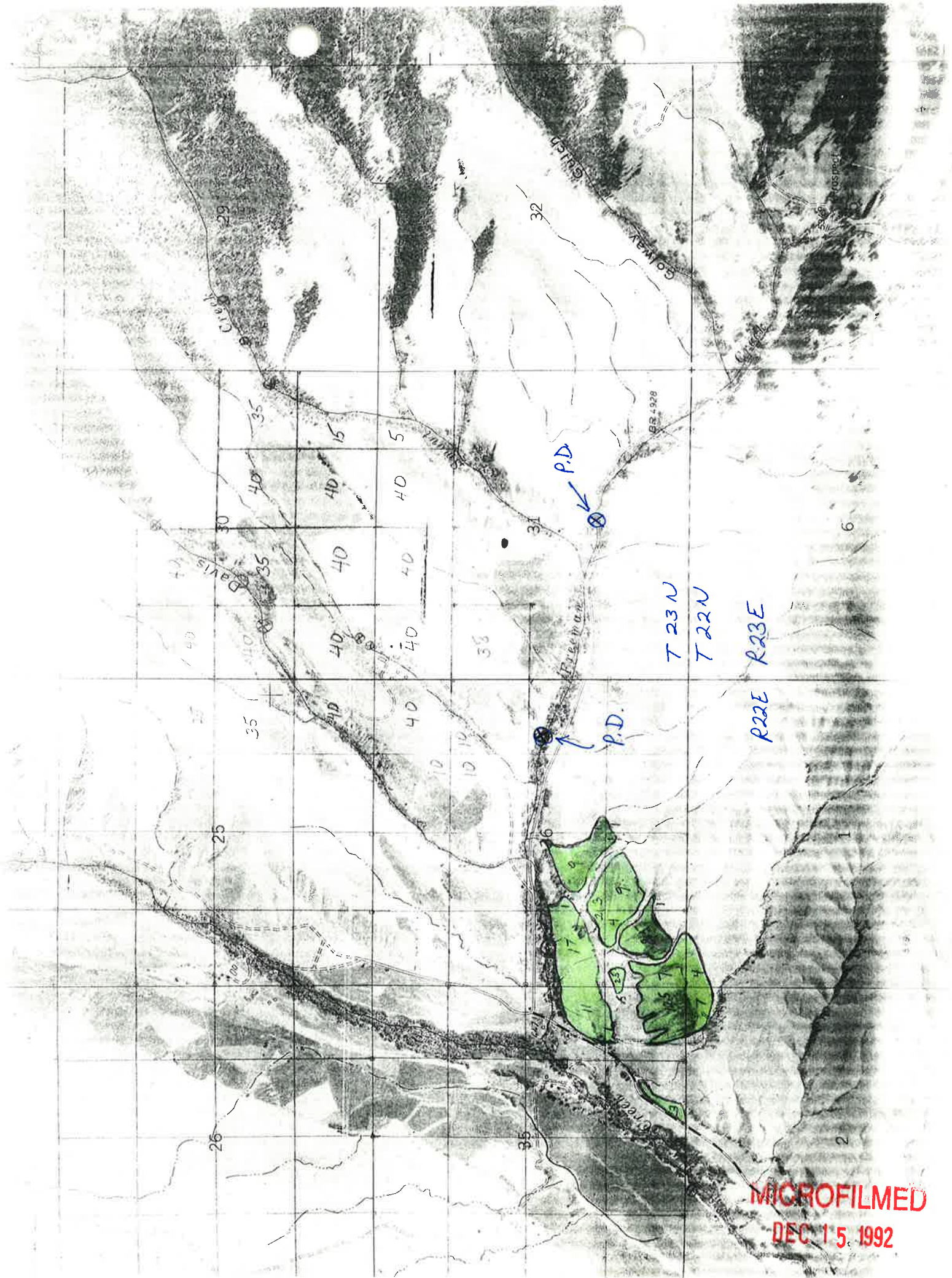
State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of May 19 90

Carter Fritschle
Notary Public

Seal

Residing at Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994
My Commission Expires



MICROFILMED
DEC 15 1992