

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4039 V1

WATER RIGHT NUMBER: 75-4039 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NEYMAN SUBDIVISION NUMBER ONE WATERUSERS C/O BERNARD BRADSHAW P O BOX 51 GIBBONSVILLE, ID 83463 (208)865-2234

Priority Date: 03/04/1909

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK SALMON RIVER	SALMON 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	1.040 CFS	
	<u>Total Diversion:</u>	1.040 CFS	

Location of Point(s) of Diversion

NORTH FORK SALMON RIVER	SE1/4NW1/4	Sec. 36, Twp 26N, Rge 21E, B.M.
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	
25N	21E	1						X	X										
26N	21E	36											X						

Total Acres: 26

Conditions of Approval:

1. C02 Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.
2. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
3. C18 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.

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Remarks:Comments:

1. dfavreau 10/16/2006 POU

Comment: Place of use portion of HES 54. Size of subdivision in GIS 26.7 acres. Recommendation assumes 62 total acres of HES 54 could be irrigated and 26 acres could have been POU of 75-4062. 1977 agreement between Usher and Neyman Sub mentions irrigation of 26 acres and because lots could potentially be returned to production and do not contain major roads, all 26 acres claimed recommended.

2. dfavreau 10/16/2006 Priority Date

Comment: Priority Date to match 75-4052A. 3/4/1909 is date of List No. on Plat map of HES 54. Affidavits in file go back to 1915-1920. Confirmed with K. Knobloch Oct 16, 2006

3. dfavreau 10/16/2006 POD

Comment: POD an accomplished transfer from Dahlenega Creek that occurred when HWY 93 went in. (See notes on amended water right claim.)

4. dfavreau 10/16/2006 LPOU

Comment: Neyman Sub. No. 1 WUA was signatory in 1977 agreement between Usher and Association and seems to represent all 24 lot owners within the subdivision.

5. dfavreau 10/16/2006 Quantity

Comment: Quantity recommended based on amount awarded in 1977 agreement

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	10/17/2006 10:52:57 AM	dfavreau			Active
POD	10/17/2006 10:54:18 AM	dfavreau			Active
Source	10/17/2006 10:59:15 AM	dfavreau			Active
POU	10/17/2006 10:59:49 AM	dfavreau			Active
Use	10/17/2006 11:01:17 AM	dfavreau			Active
Season	10/17/2006 11:01:45 AM	dfavreau			Active

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Quantity	10/17/2006 11:05:06 AM	dfavreau	Active
Summary	10/17/2006	dfavreau	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	10/17/2006 10:52:58 AM	dfavreau	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? Description for Question 12/13 - Homestead Entry Survey
POD	10/17/2006 10:54:18 AM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	10/17/2006 10:57:56 AM	dfavreau	Updated shape
Source	10/17/2006 10:59:15 AM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (Yes) 7. Is there evidence that there has been a change in the source? (Yes) 8. Can the change be verified as an accomplished transfer? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 8 - Field Exam

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Season	10/17/2006 11:01:45 AM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POD	10/17/2006 10:58:08 AM	dfavreau	Updated PLS
POU	10/17/2006 10:59:50 AM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (No) 14. Is a POU remark and/or condition required?
POU	10/17/2006 11:00:11 AM	dfavreau	Updated shape for Active POU
POU	10/17/2006 11:00:20 AM	dfavreau	Updated PLS for Active POU
Use	10/17/2006 11:01:17 AM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - field exam
Quantity	10/17/2006 11:05:07 AM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Flow as per 1977 agreement between land owners at 2" per acre. 2" per acre feasible because POU along stream bottom

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Summary 10/17/2006 11:05:55 AM dfavreau

(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?
(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?
(No) 5. Does this right have any combined use limits with other rights?
(No) 6. Is an additional remark and/or condition required?
(Yes) 7. Would you like to view the recommended right?
(No) 8. Is this a split or combined right?
(No) 9. Do you have documents you would like to attach or link to the file?
(Yes) 10. Would you like to set the verification date?

Water Supply Bank:



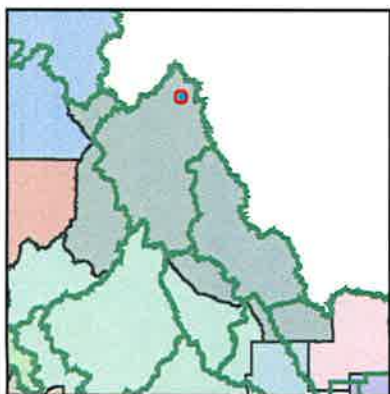
Idaho Department of Water Resources

Adjudication Claim:

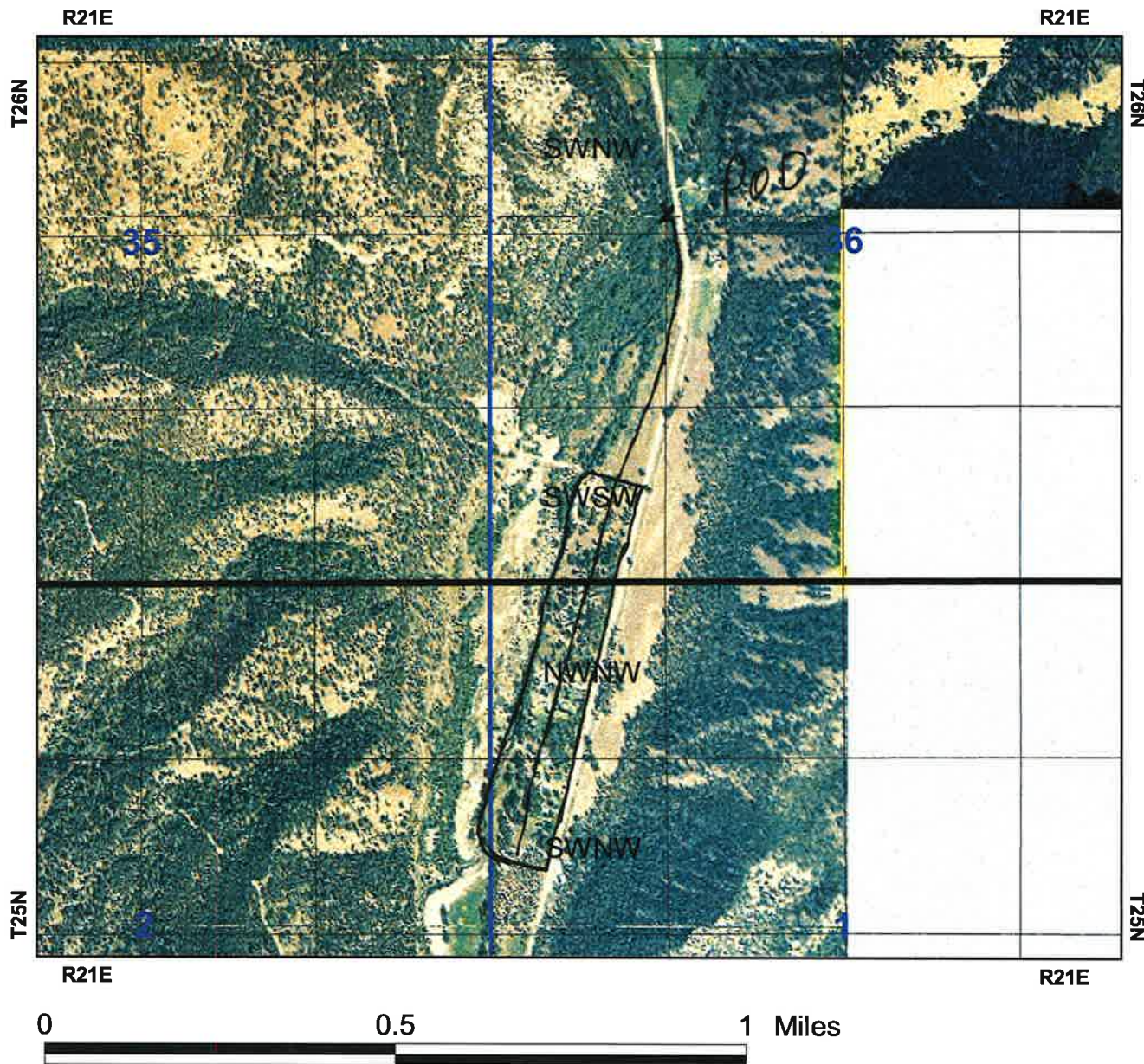
75-4039

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Sunday, March 5, 2006
1987/88 Aerial Photography

Owner: **NEYMAN SUBDIVISION NUMBER ONE WATERUSERS**

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.



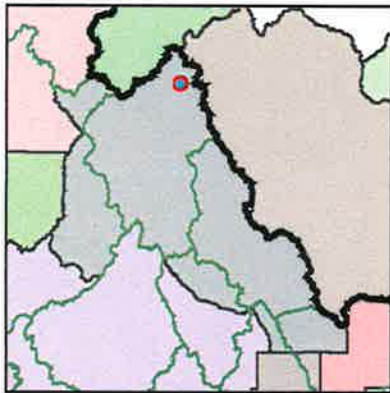
Neyman Subdivision Number One Waterusers

SRBA Recommendation: 75-4039

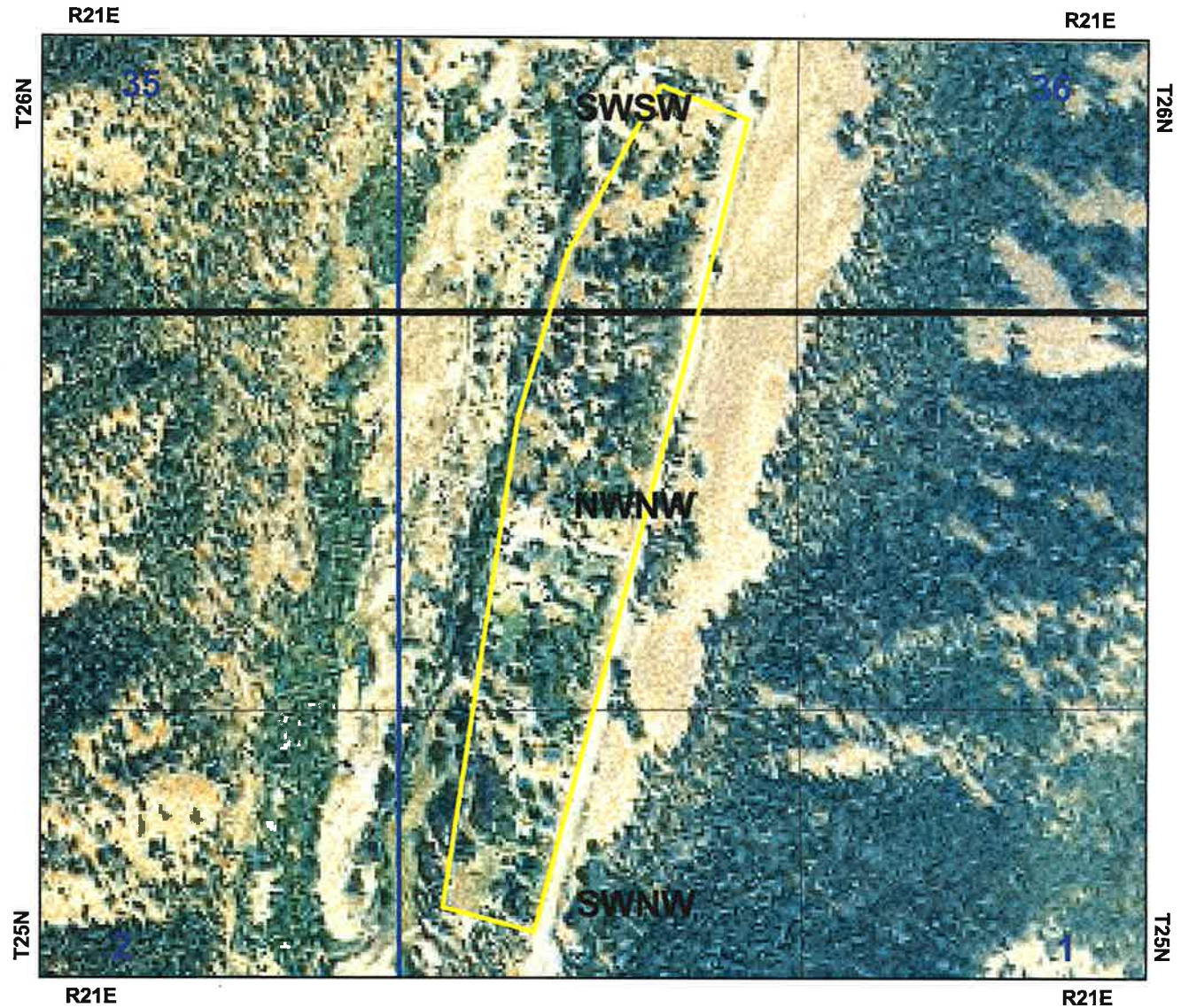
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles

Prepared by D. Favreau
On Tuesday, October 17, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 14, 2007

SCANNED

MAR 14 2007

Neyman Subdivision Number One
Waterusers
C/O Erick Kaiser
3036 Hwy 93 N
Gibbonsville, ID 83463

Re: 75-4039

Gentlemen:

This packet was mailed to Bernard Benton and was returned to our office. We understand that this is the correct address for the Neyman subdivision water users. In order for you to receive future correspondence you need to file the enclosed change of address form and return it to this office.

Sincerely.

Kenneth Knoblock
Water Rights Supervisor

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

CLAIM NO(s). A75 04039

1. ☐ No Change NAME IS SAME
☐ NEW OWNER: Go Erick Kaiser 208-865-2231
☐ No Change ADDRESS
☒ NEW ADDRESS: 3036 Hwy 93 N Gibbonsville Id 83463
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.: A0014981 GPS 061

Township 26N Range 21E Section 36 1/4 SE 1/4 NW 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:
- _____
- _____

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: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis

Signature

RECEIVED

Department of Water Resources
A F F I D A V I T

JUL 19 1976

Department of Water Resources
Eastern District Office

STATE OF IDAHO,)
) SS.
County of Lemhi.)

I, the undersigned, Leo L. Hagel, being of the age of 88 years old, of North Fork, Idaho, after being duly sworn according to the laws of the State of Idaho, depose and say:

That I have lived on the North Fork of the Salmon River since 1916. I am acquainted with the land that is known as the Neyman Ranch. Said ranch has been subdivided into acreages. Approximately half belongs to the Les Usher family. The balance is divided into about 18 acreage owners. I have known all of the owners of this ranch since 1916, including the present owners.

The irrigation water has been used on both sides of the highway, for it was originally one ranch. The irrigation ditches have been in constant use since the original owner put the ditch in, except for this year.

DATED: July 15, 1976.

Leo L Hagel

LEO L. HAGEL

SUBSCRIBED AND SWORN TO Before me this 15th day of July,
1976.

Fred Smith

Notary Public for Idaho
Residing at Salmon, Idaho

Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(name of claimant)

(mailing address)

The extent and nature of said claim is as follows:

- ## Dahlonga Creek

- N. Fork Salmon River

Use Irrigation

Use

Use

(dom., irri.,
stock, etc.)

(both dates inclusive)

- 1.04

- 1906

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- A) Point of diversion:** (give location of point where water is diverted from its source)

SW ¼ NW ¼, Sec. 36 Twp. 26N Rge. 21E B. M. County of Lemhi (unsurveyed)

Additional points of diversion:

- B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. water is diverted from creek approximately where natural channel enters N. Fk. Salmon River. Ditch parallels US Highway #93 on West side for approximately one-half mile then crosses to east side then back to west side of highway at Granite Mountain Road.

- A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

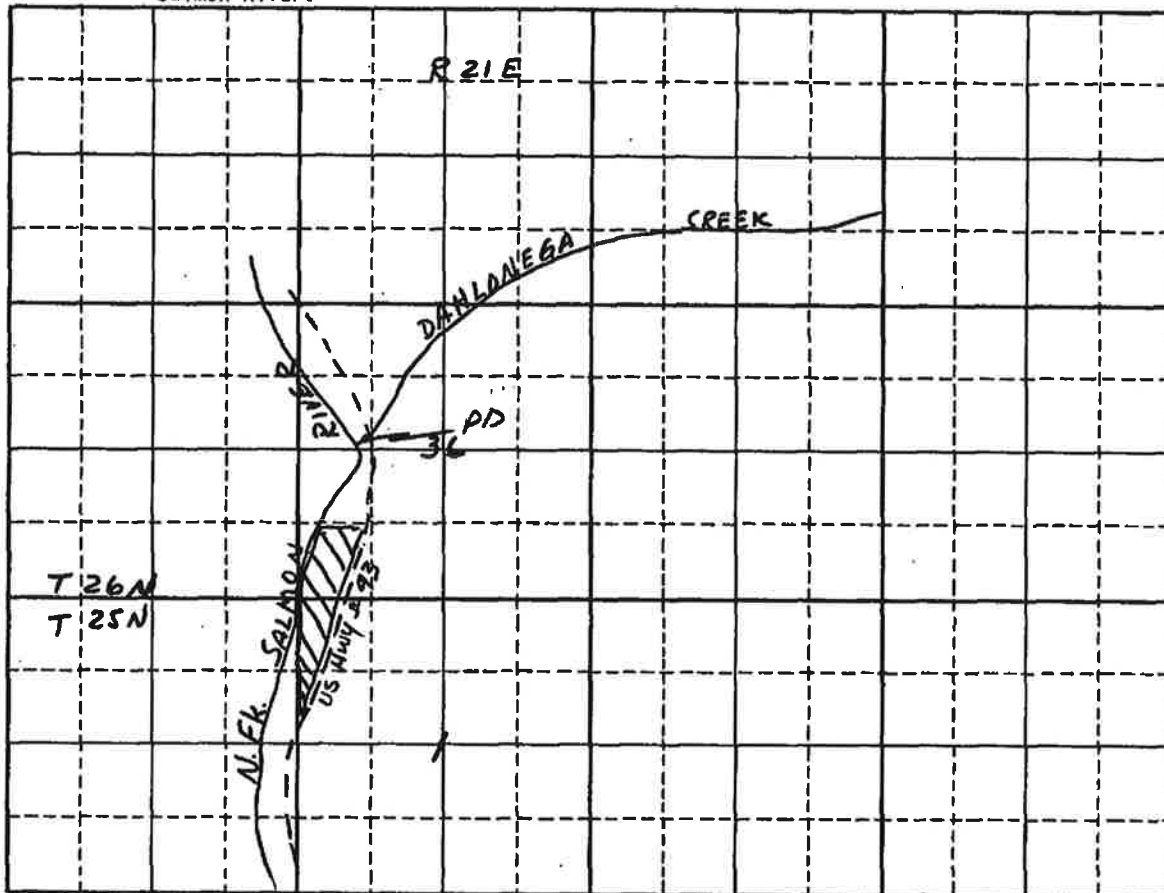
Total No. of acres 26

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible:**

- If you are claiming water as a member of an organization, list name of organization:

Neyman Subdivision #1, Water Users Association

- (8) Remarks The Idaho Dept. of Highways re-aligned U.S. 93 where it crosses
Dahlonge Creek some 20 years ago and changed the ditch to the west side of
the highway. The high water has eroded the mouth of Dahlonge Creek making
the point of diversion to be actually now on the left bank of the north fork
Salmon River.

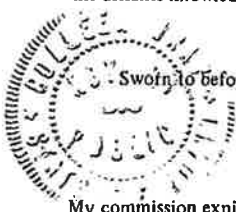


Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Bonneville)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.



Sworn to before me this 16th day of September, 1977.

Dorothy M. Kirk, Sec.
 (Claimant)

Notary Public

Residing at

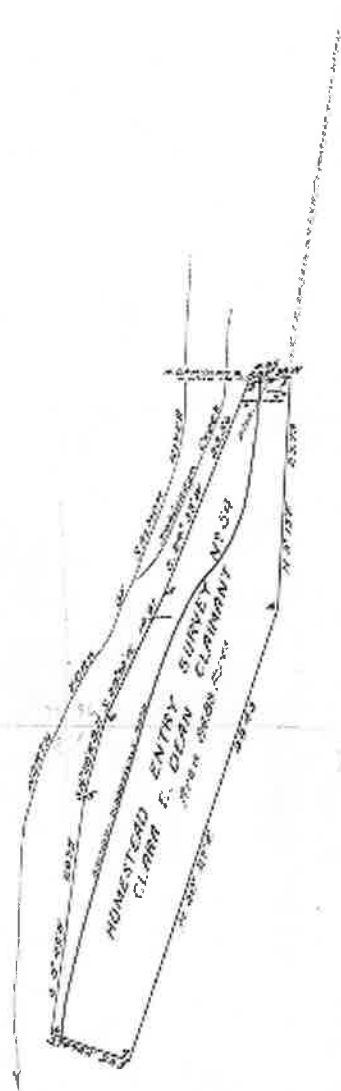
My commission expires

6/15/81

For Department Use Only

Received by <u>CW</u>	Date <u>9-16-77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>Jay</u>	Date <u>9-16-77</u>		claimant by:	
\$10.00 fee received by <u>NA</u>	Date			
Approved for publication by <u>me</u>	Date <u>10-11-77</u>			
Published in <u>Boise Herald</u>				
Dates <u>Sept. 29 & Oct. 6-1977</u>				

Aug 19, 1912



T 26 N
T 25 N

P 210

PLAT
of the Agricultural Claim of
CLARA E. DEAN,
within Salmon National Forest,
in approximately unsurveyed
T. 25 N., R. 20 E.
of the Boise Meridian,
Designated as H.E.S. No. 54
List No. 4-77, dated March 4, 1909
Homestead Entry No. 06519, dated July 10, 1909
HAILEY LAND DISTRICT,
IDAHO,
as surveyed by Allen C. Merrill, U.S. Deputy
Surveyor, under his Special Instructions
dated January 19, 1910.
Survey commenced August 4, 1910
completed 5,



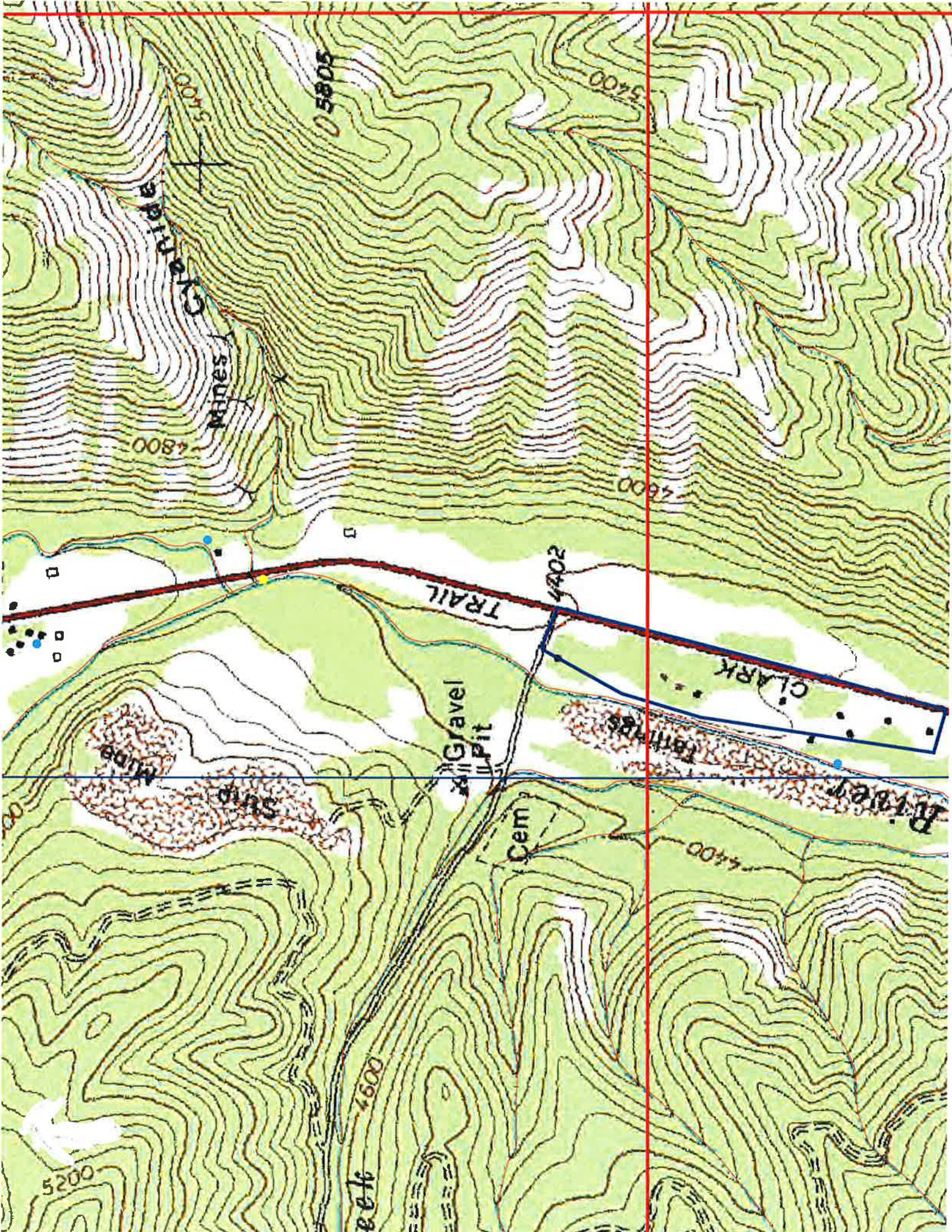
Scale 1000 ft = 1 inch
Magnetic Declination E 1° 20'

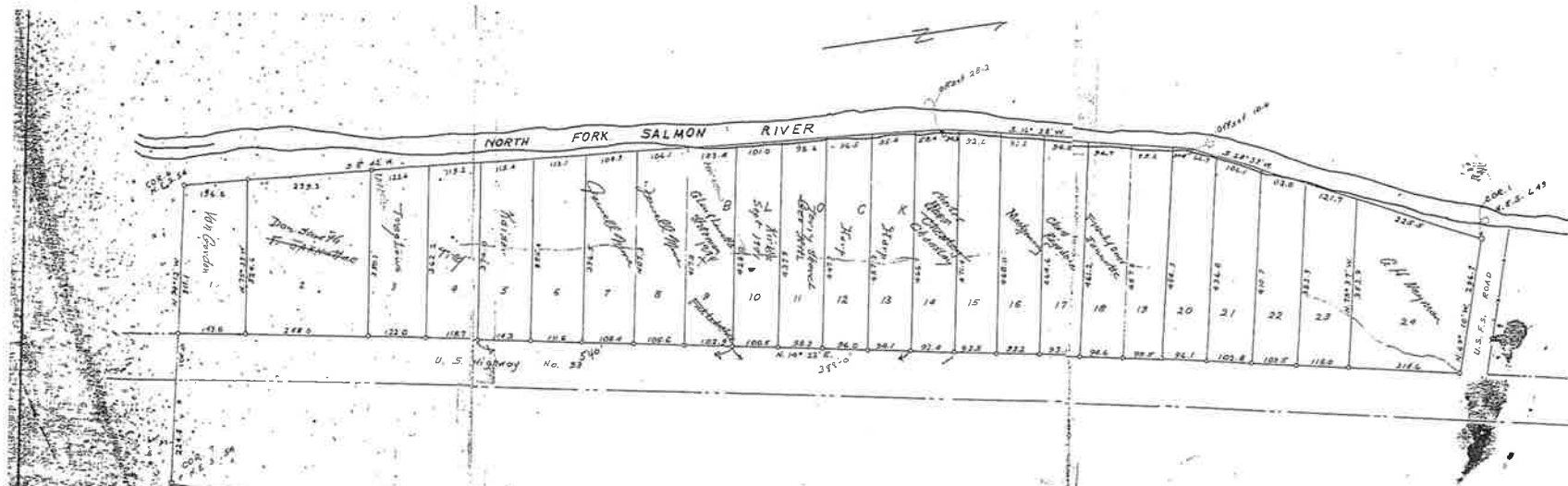
Approved by the Hon. Commissioner
of the L. & C. for Idaho, E. of Dec 11, 1911.

The above plat of Homestead Entry Survey
No. 54, Idaho is strictly conformable to
the field notes of the survey thereof, on file
in this Office, which have been examined
and approved
Surveyor General, E. C. Smith, # 7 H. I.









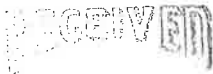
NEYMAN SUBDIVISION No. 1

H. E. S. No. 54

Appx. Sec. 35, T.26N, R.21E, B.M.
(Unsurveyed)

Lemhi County, Idaho





NOV 1 1977

Department of Water Resources
Eastern District OfficeA G R E E M E N T

THIS AGREEMENT, Made and entered into this 1st day of September, 1977, by and between LES USHER and MARY USHER, husband and wife, and MAURICE USHER, an unmarried man, parties of the First Part, hereinafter called "Usher", and the NEYMAN SUBDIVISION NO. 1 WATER USERS ASSOCIATION of Gibbonsville, Idaho, parties of the Second Part, which is composed of landowners within the Neyman No. 1 Subdivision who are CHARLES S. BRUCKNER and PATTY E. BRUCKNER, CHARLES RAGSDALE AND ETHEL RAGSDALE, JAMES O. MONTGOMERY and BILLIE MONTGOMERY, HOWARD HEMPHILL and MOIRA HEMPHILL, GARY HARP, LUTHER HARP and MARGARET HARP, EUGENE TORSION and KATHY TORSION, JOHN KIRK and DOROTHY KIRK, GLENN STUTZMAN and LOUETTA STUTZMAN, MAX B. DAY and LARAY DAY, ERICK KAISER and JOYCE KAISER, WILLIAM TREGLOWN and ISABELLE TREGLOWN, DONALD E. SMITH, EARL VAN GORDON and ALICE VAN GORDON, CLAYTON A. MAST and MARY MAST, LEON MEMMOTT, MARY BETH JESSUP, and the estate of GLENN NEYMAN, hereinafter called "Association",

WITNESSETH:

WHEREAS, the parties of this Agreement are the owners of real property the subject of this Agreement, as follows:

1. Usher: All of that part of Homestead Entry No. 54 lying East of U.S. Highway No. 93, including Pine Meadows Subdivision, as platted and described in Book 5 of Plats at p. 1, Records of Lemhi County, and that portion of Homestead Entry No. 54, lying North of the Granite Mountain Road (previously called Votlar Creek Road) and lying West of U.S. Highway 93, all located in Township 25 North, Range 21 East, and Township 26 North, Range 21 East, Boise Meridian (unsurveyed), Lemhi County, Idaho.

2. Association: All that certain real property contained within Neyman Subdivision No. 1, as platted and described on that certain plat recorded in Book 2 of Plats, page 6, Records of Lemhi County, Idaho, being and lying in a portion of Homestead Entry No. 54, lying South of the Granite Mountain Road and West of U.S. Highway No. 93, located in Township 26

North, Range 21 East, Boise Meridian (unsurveyed) of Lemhi County, Idaho.

WHEREAS, the parties have reached certain agreements with respect to the use by them of irrigation water and ditches from the North Fork of the Salmon River across said lands of Usher to and upon the lands of the Association, and the parties wish said agreements reduced to writing.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The North Fork of the Salmon River is a perennial stream of water located in Lemhi County, State of Idaho, arising in the mountains thereof, and the waters of it which flow Southwesterly and discharge into the Salmon River at a point Southerly of the lands herein described.
2. The flow of the water in said stream varies in amount during two seasons of the year, commonly known as high water season and low water season; the flow of the water of said stream during the low water season is minimal and scarcely sufficient to meet the requirements of the parties hereto for proper irrigation of the land described hereinabove.
3. Each of the parties hereto divert water from said stream by means of diversion works which were at the time of the construction thereof, and now are, of sufficient size and capacity to carry and convey the quantity of water appropriated by said parties and their predecessors to the lands described hereinabove for the beneficial purpose of irrigation thereof.
4. The irrigation season commences on or about April 1 of each calendar year and continues through on or about November 1 of each calendar year, and during said irrigation season, two miner's inches of water per acre acre measured under a four-inch pressure, or its equivalent in cubic feet per second, is the minimum amount of water necessary for the proper irrigation of said land.
5. That due to the climatic conditions and the nature of the soil prevalent in the area; the duty of water for said property for beneficial

irrigation is two miner's inches per acre.

6. Usher, for themselves, their heirs, successors and assigns, hereby grant, convey and set over unto Association, its heirs, successors and assigns, a perpetual easement and right-of-way for 42 miner's inches, or 1.04 cubic feet per second, in a certain existing irrigation ditch commencing at its Point of Diversion at approximately 45°32'28" North, 113°55'42" West in the Northwesterly portion of Homestead Entry No. 54, and traversing Usher's land as depicted in Paragraph 1, to the point where said ditch is intersected by a certain headgate situate at approximately the center of the Westerly property line of Lot 7 of Pine Meadow Subdivision. Usher, their heirs, successors and assigns, hereby reserve a perpetual easement and right-of-way through said ditch to carry through such irrigation ditch water in the amount or amounts made appurtenant to the lands described hereafter in Paragraph 10 by the parties hereto, said amounts to be measured from the aforementioned Point of Diversion.

7. The parties hereto, for themselves, their heirs, successors and assigns, hereby agree to maintain, improve, repair and keep clean the said irrigation ditch from its point of diversion of the North Fork of the Salmon River to that certain headgate situated approximately at the center of the Westerly property line of Lot 7 of Pine Meadows Subdivision where the Association diverts water through said ditch to the property of the Association; provided, however, that the parties hereto shall share in the expense of maintaining, improving, repairing and cleaning said ditch on a pro rata basis proportional to the acreage owned by each party. (For example, Party "A" owns 40 acres, and Party "B" owns 60 acres. If expenses equalled \$100, Party "A" would pay \$40.00 and Party "B" would pay \$60.00) The Association further agrees to be solely responsible for maintaining, improving, repairing and cleaning said ditch from the said headgate in Lot 7 of Pine Meadow Subdivision to the point where said ditch

exits from the Neyman No. 1 Subdivision.

8. That Usher, as owners of interest and equity in certain land aforesaid, are entitled to have, and they are hereby awarded, water use rights and privileges of and from the said North Fork and said ditch in amounts, with priorities, at points of diversion and places of use, as follows:

- (a) Ten miner's inches, or 0.2 cubic feet per second, of the waters of the North Fork of the Salmon River from the commencement of the irrigation season, each calendar year, with a priority appropriation dating from April 1, 1906, and delivered through an existing Point of Diversion at approximately 45°32'28" North, 113°55'42" West, lying in the Northwesterly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93, for irrigation of the following described premises in Lemhi County, Idaho, to wit:

That land situated in that portion of Homestead Entry No. 54, lying North of the Granite Mountain Road, and West of Highway No. 93, located in Township 26 North, Range 21 East, Boise Meridian (unsurveyed), Lemhi County, Idaho, containing approximately five acres, more or less.

- (b) Ten miner's inches, or 0.2 cubic feet per second, of the waters of the North Fork of the Salmon River from the commencement of the irrigation season each calendar year with a priority appropriation dating from April 1, 1906 and delivered through the aforesaid ditch with Point of Diversion at approximately 45°32'28" North, 113°55'42" West, lying in the Northwesterly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93 for irrigation of the following described premises in Lemhi County, Idaho, to wit:

Land situated in the Northeasterly portion of Homestead Entry No. 54, Township 25 North,

Range 21 East, Boise Meridian (unsurveyed),
containing five acres, more or less.

- (c) 64 Miner's inches, or 1.28 cubic feet per second of the North Fork of the Salmon River from the commencement of the irrigation season each calendar year with a priority appropriation dating from April 1, 1906 and delivered through the aforesaid ditch with Point of Diversion at approximately $45^{\circ}32'28''$ North, $113^{\circ}55'42''$ West, lying in the Northwesterly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93, for irrigation of the following described premises in Lemhi County, Idaho, to wit:

Lots 1-20, Pine Meadows Subdivision, as platted and described in Book 5 of Plats at page 1, Records of Lemhi County, Idaho, a portion of Homestead Entry No. 54, lying East of U.S. Highway No. 93, containing 32 acres, more or less.

9. Association, as owners of interest and equity in said lands as aforesaid, are entitled to have and are hereby awarded water rights and privileges of and from the said North Fork of the Salmon River in amounts with priorities, points of diversion and places of use as follows:

52 Miner's inches, or 1.04 cubic feet per second, of the waters of the North Fork of the Salmon River from the commencement of the irrigation season each calendar year with a priority appropriation dating from April 1, 1906, and delivered through the aforesaid ditch with Point of Diversion at approximately $45^{\circ}32'28''$ North, $113^{\circ}55'42''$ West, lying in the Northwesterly portion of Homestead Entry No. 54 on the Westerly side of U.S. Highway No. 93, for irrigation of Lots 1-24, Neyman Subdivision No. 1 as platted and described in Book 2 of Plats at page 6, Records of Lemhi County, Idaho, a portion of Homestead Entry No. 54, containing 26 acres more or less, with individual owners as follows: to wit:

NEYMAN SUBDIVISION #1 LOT NUMBER

OWNER MEMBERS

1.

Mr. & Mrs. E. Van Gordon

Lot Numbers (continued)

2
3 & 4
5
6, 7 & ½ of 8
½ of 8 & 9
10
11
12
13
14 & 15
16
17
18
19
20
21 & 22
23 & 24

Owner Members (continued)

Mr. Don Smith
Mr. and Mrs. William Treglown
Mr. and Mrs. Erick Kaiser
Mr. and Mrs. Max Day
Mr. and Mrs. Glenn Sutuzman
Mr. and Mrs. John Kirk
Mr. and Mrs. Eugene Torson
Mr. and Mrs. Luther Haro
Mr. Gary Haro
Mr. and Mrs. Howard Hemphill
Mr. and Mrs. Jim Montgomery
Mr. and Mrs. Charles Ragsdale
Mr. and Mrs. Charles Bruckner
Mr. and Mrs. Clayton Mast
Mr. Leon Memmott
Mary Beth Jessup
Estate of Glenn Neyman

10. The parties hereto agree that in low-water periods when there is insufficient water to maintain a sufficient flow for irrigating all the property of the parties hereto at the same time, that all water available may be used by Usher for farming purposes, with any excess continuing on for use in the aforementioned subdivisions.

The parties further agree that a continuous flow of water be maintained through the said ditch from the Point of Diversion through the Association property throughout the irrigation season, subject to the provisions herein, provided, however, that said flow may be discontinued for the purposes

of cleaning, maintaining or repairing said irrigation system.

11. It is stipulated and agreed that each party to this action will establish, at the several places of diversion of the waters of said ditch, such measuring devices as will conform to the requirements of the Department of Water Resources of the State of Idaho, or its successor, such that will be sufficient to determine the right of water each party is entitled to use by authority of any Decree entered on this Agreement.

12. Parties hereby agree that Usher, their heirs, successors or assigns can establish a headgate in said irrigation ditch adjacent to the Association headgate at approximately the center of the Westerly line of Lot 7 of Pine Meadows Subdivision, and further agree that Usher, their heirs, successors or assigns may extend said ditch on the Easterly side of U.S. Highway No. 93 for the purpose of irrigating Lots 8-20 of Pine Meadows Subdivision. Usher further agrees to maintain said headgate serving Lots 8-20 of said Pine Meadows Subdivision which controls the flow of waters running to Lots 8-20 of Pine Meadows Subdivision. The Association further agrees to maintain a headgate at approximately the center of the Westerly line of Lot 7 of Pine Meadows Subdivision.

13. Usher shall not in any way be liable for any damage or loss that the Association may incur in consequence of any breach in the ditch on the premises or the walls or works in connection therewith, or for any and all liability claim or claims that might hereafter arise or accrue to them for any loss or damage by reason of said irrigation system. Association shall not in any way be liable for any damage or loss that Usher may incur in consequence of any breach in the ditch on the premises or the walls or works in connection therewith, or for any and all liability claim or claims that might hereafter arise or accrue to them for any loss or damage by reason of said irrigation system.

14. Terms and conditions of this Agreement shall be subject to, and

construed in accordance with, all applicable statutes of the State of Idaho and any relevant regulations of pertinent administrative agencies as now or hereinafter enacted or amended.

15. The parties hereto nominate, select and appoint LES USHER as Master of the diversion works of the aforementioned ditch at the Point of Diversion. The parties hereto agree that the Association will nominate a member of the Association to act as Assistant Master of said diversion works, provided, however, that the Assistant Master shall have the authority requisite to regulate said diversion works in the absence of the Master.

16. The rights and easements described herein shall run with the land, shall bind on and shall inure to the benefit of the parties, their heirs, personal representatives, successors and assigns.

17. A diagram of the ditches and lands appurtenant thereto is attached hereto and made a part hereof for reference.

IN WITNESS WHEREOF, The parties have executed this Agreement at Salmon, Idaho, this day and year first above written.

PARTIES OF THE FIRST PART

PARTIES OF THE SECOND PART



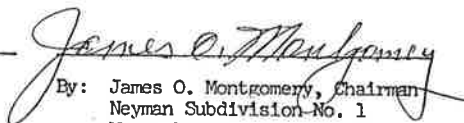
Les Usher



Mary Usher



Maurice Usher


By: James O. Montgomery, Chairman
Neyman Subdivision-No. 1
Water Users' Association

State of Idaho)
County of Lemhi) SS

On this 5 day of ^{October}~~September~~, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared LES USHER, MARY USHER, and MAURICE USHER, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

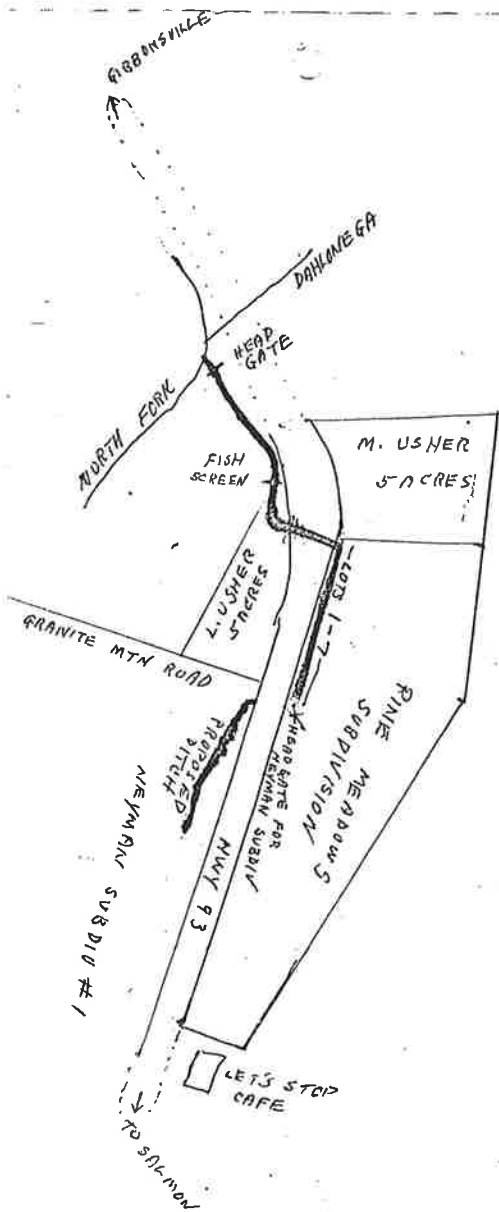
David L. H. H. H.
Notary Public for the State of Idaho
Residing at Salmon, Idaho
Commission expires: 10-78

State of Idaho)
County of Lemhi) SS

On this 26th day of September, 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JAMES O. MONTGOMERY, Chairman of the Water Users' Association of the Neyman Subdivision No. 1, known to me to be the person who is authorized to sign on behalf of said Association, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jordan P. Smith
Notary Public for Idaho
Residing at Salmon, Idaho
Commission expires: 10-80





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 7, 2004

NEYMAN SUBDIVISION
C/O BERNARD BRADSHAW
PO BOX 284
HANSEN ID 83334-0284

Handwritten in green: J May 20, 6-10-04

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-4039

Dear Claimant:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by May 21, 2004. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claim(s) referenced above, please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Water Right Holder's Signature

Telephone No.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

75-4039

RECEIVED

MAY 05 2004

Department of Water Resources

BRAD215

NEYMAN SUBDIVISION

C/O BERNARD BRADSHAW

P O BOX 51

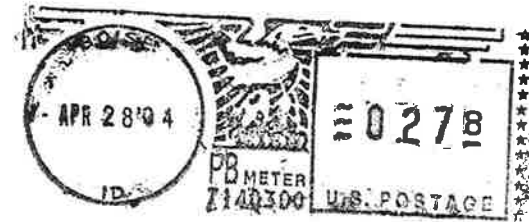
GIBBONSVILLE ID 83

BRAD215 834662005 1404 04 05/03/04
RETURN TO SENDER
BRADSHAW
PO BOX 284
HANSEN ID 83334-0284
RETURN TO SENDER

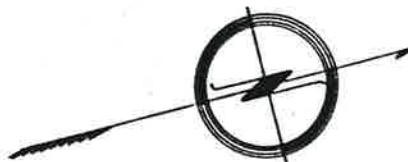
CAAGTMS 83720/0098



PRESORTED
FIRST CLASS



I, Hugh K. Corner, Registered Land Surveyor in the State of Idaho, hereby certify that the survey of the NEYMAN SUBDIVISION No. 1, as shown on this Plat, was made by me and under my supervision, beginning Sept. 23, 1962 and ending Jan. 21, 1963, that the survey was correctly made and is accurately represented on this Plat, and that all corners, as shown, are correctly monumented.



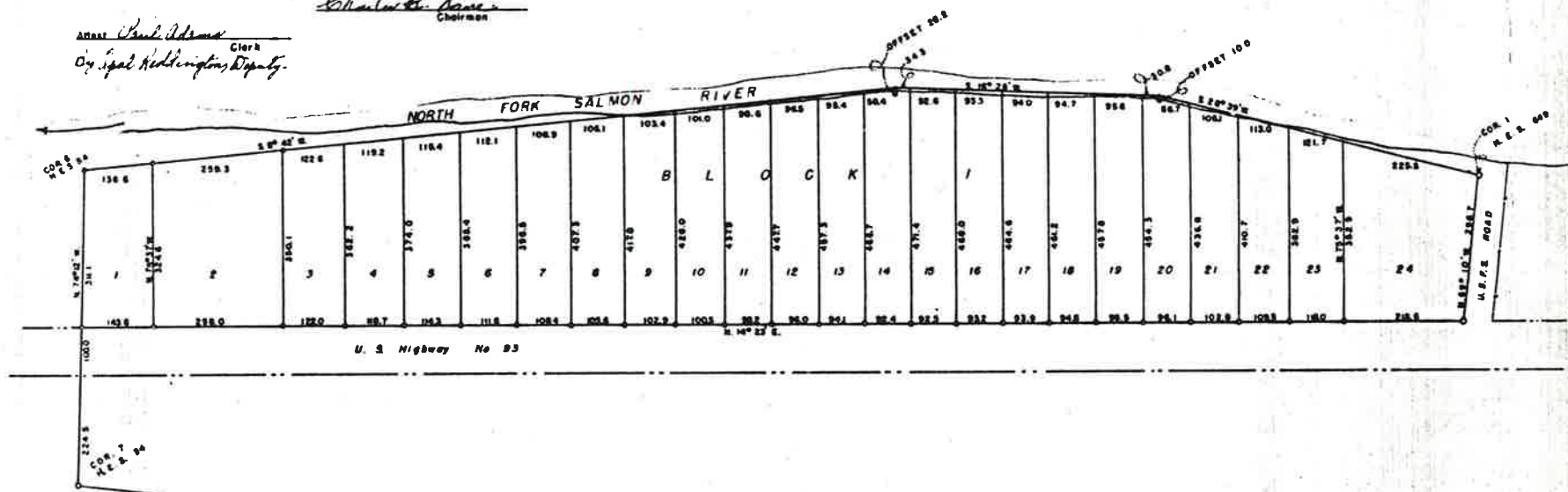
Be it Known, that I, Stan M. Meyman, owner and proprietor of land designated as M.E.S. No. 54, have caused the same to be surveyed and partially Platted, as shown hereon, to be NEYMAN SUBDIVISION No. 1 of M.E.S. No. 54, and is done of my free consent and in accordance with my desire.

Subscribed and Sworn to before me, this 31st day of _____

Approved by the Lemhi County Board of Commissioners in regular meeting, this 11 day of February 1963

Attest Paul Adams Clerk
By Paul Redington, Deputy.

Charles B. Kline
Chairman



**Appx. Sec. 35, T.26 N, R.21 E, B.M.
(Unsurveyed)
Lemhi County, Idaho.**

FILED FOR RECORD at the request of
Shirley Feyman this 4th day
of February, 1963, at 45 minutes past
3 o'clock P.M. and recorded in Book 2
of Plots, at page 6 Records of Lemhi
County at Salmon, Idaho

Wm. Adams
County Recorder
By Spaulding, Con. Deputy

1 inch = 150 feet

0
1
2
3
4
5
6

OCT 05 2009

DEC 15 1992

MICROFILMED

OCT 05 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: A75-04039
Date Received: 9/01/1989
Receipt No: E010100
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NEYMAN SUBDIVISION NUMBER ONE WATERUSERS 208-865-2234
Address: C/O BERNARD BRADSHAW
P. O. BOX 51
GIBBONSVILLE, ID 83463

2. Date of Priority: JUN 01, 1906

3. Source: SALMON RIVER, NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	21E	36	SW	NW			LEMHI

5. Description of diverting works:
HEADGATE TO DITCH TO PLACE OF USE FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.040		

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

8. Total consumptive use is 65.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	21E	1	NW	NW		IRR	
			SW	NW		IRR	

A75-04039

Page 1

Date: 09/01/89

A7504039



MICROFILMED

DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
26N	21E	36	SW	SW		IRR	

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:

N/A

14. Remarks:

ACTUAL IRRIGATED ACRES = 26.

SOURCE ON ORIGINAL STATUTORY CLAIM WAS DAHLONEGA CREEK TRIB.
TO SALMON RIVER, NORTH FORK. THIS APPEARS TO HAVE BEEN IN
ERROR. SOURCE IS ACTUALLY SALMON RIVER, NORTH FORK TRIB.

TO SALMON RIVER. LEGAL DESCRIPTIONS FOR POINT OF DIVERSION

AND PLACE OF USE ARE BEST POSSIBLE ESTIMATES AS LAND IS UN-
SURVEYED ACCORDING TO USGS TOPOGRAPHIC MAPS.

LEGAL DESCRIPTIONS ARE FROM ORIGINAL STATUTORY CLAIM.

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 PRESIDENT of
SUBDIVISION WATER Title
NEYMAN USERS ASSN. #1, that I have signed the foregoing
Organization
document in the space below as PRES. of
NEYMAN SUBDIVISION WATER Title
USERS ASSN #1 and that the statements contained in the
Organization
foregoing document are true and correct.

Bernard C. Bradshaw
Signature of Authorized Agent
PRES. OF NEYMAN WATER
USERS ASSN #1
Title and Organization
SEPT. 1 - 1989
Date

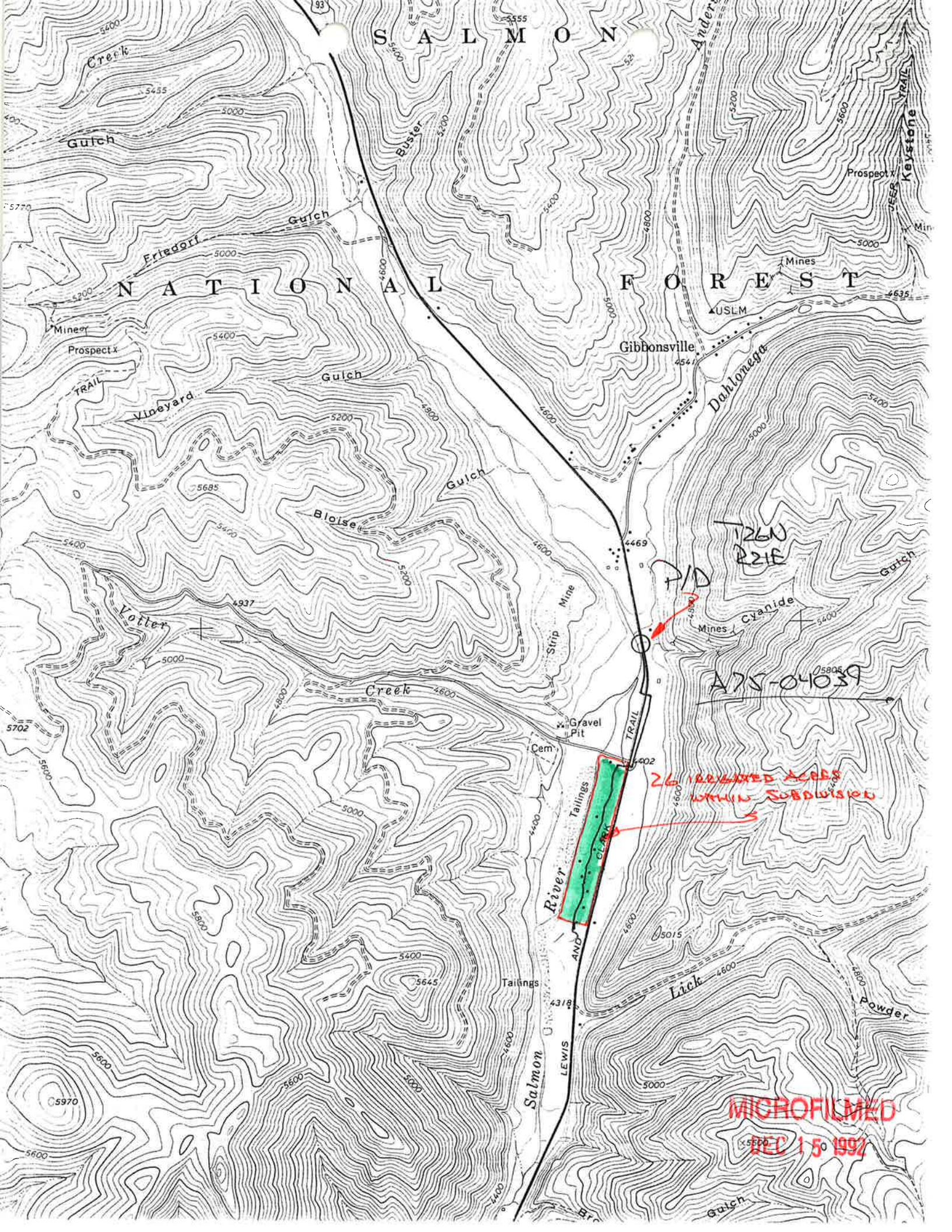
State of Idaho)
County of BONNAPVILLE) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of SEP 19 89

[Signature]
Notary Public



Residing at Idaho Falls
My Commission Expires 9-12-94



T26N
R21E

A7S-04039

26 1/2 ACRES
WITHIN SUBDIVISION

MICROFILMED
DEC 15 1992