

12/17/2006

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

RIGHT NUMBER: 75-4078B

NAME AND ADDRESS: ROBERT A RUSSELL
#5 SIMS RANCH RD
SALMON ID 83467

NANCY D RUSSELL
#5 SIMS RANCH RD
SALMON ID 83467

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 05/11/1893

POINT OF DIVERSION:

T20N R21E S12 SESE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.140 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T20N R22E S06 Lot 2 NENE 5.00

T20N R22E S06 Lot 3 NWNE 2.00

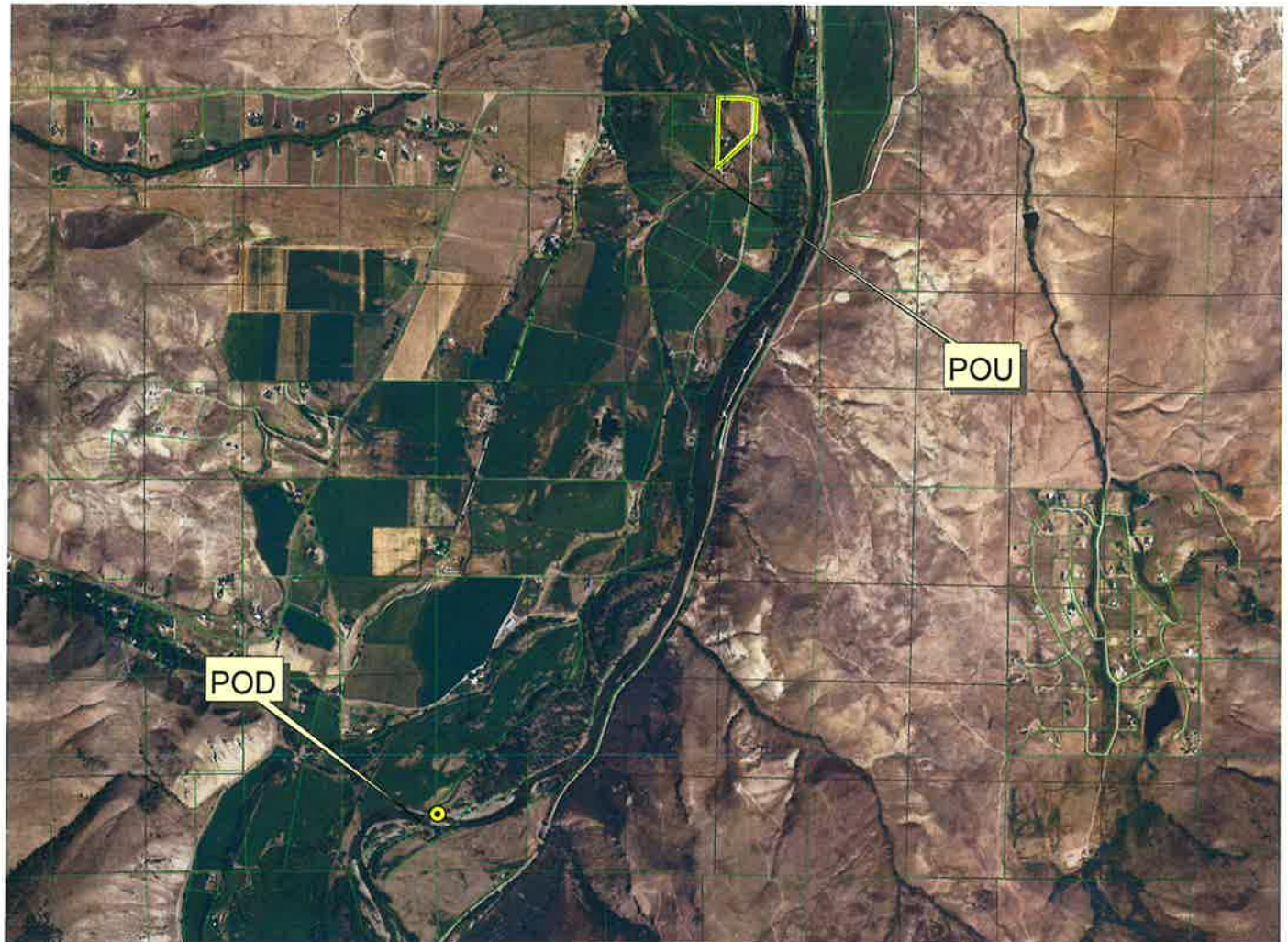
7 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

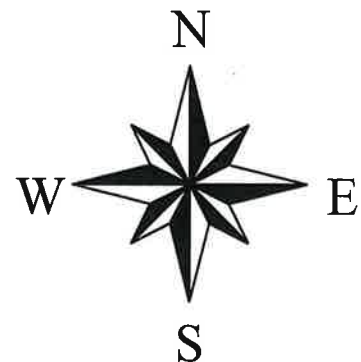
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

75-4078B



-  Lemhi taxlots
-  GCDB20N22E GCDB
-  GCDB20N21E GCDB
-  Theme43.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 17, 2006

Robert A. Russell
5 Sims Ranch Rd.
Salmon, Idaho 83467

Re: Claim 75-4078B

Dear Mr. Russell:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

The original claim submitted to the department on April 24, 1990, only claimed 7.0 acres of land for irrigation with a diversion of 0.14 cfs. To increase the acreage or diversion originally claimed, you would have to file an amended claim with the court.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

08/28/2006

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

RIGHT NUMBER: 75-4078B
NAME AND ADDRESS: ROBERT A RUSSELL
2155 W 700 S #4
CEDAR CITY UT 84720

NANCY D RUSSELL
2155 W 700 S #4
CEDAR CITY UT 84720

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 0.140 CFS
PRIORITY DATE: 05/11/1893
POINT OF DIVERSION:

T20N R21E S12 SESE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.140 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T20N R22E S06 Lot 2 NENE	5.00	T20N R22E S06 Lot 3 NWNE	2.00
--------------------------	------	--------------------------	------

7 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 - Beneficial Use

Void

RECEIVED

DEC 15 2006

Department of Water Resources
Washington Bureau

RECEIVED

DEC 20 2006

11/20/2006

NOTICE OF ERROR
REPLY

IDWR/North

12/12/06

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: 75-4078B

ROBERT A RUSSELL

2155 W 700 S #4

CEDAR CITY UT 84720

Telephone Number: (435) 865-7044

NANCY D RUSSELL

2155 W 700 S #4

CEDAR CITY UT 84720

Telephone Number: (435) 865-7044

#5 Sims Ranch Road

SAL mon, ID 83467

ph 208/756-6206

208/940-0213 (cell)

→ Same as above

✓ pl's correct
current,
mailing
address.

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

^{imprinted} Point of Use
Total Acreage of property is 8.25 Acres (not 7.0 as described)

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

Recommendation should be increased to reflect the
Acreage above, if appropriate.
(ie if a per/acre water right rate has been applied)

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

What A Reel

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

SCANNED

DEC 15 2006

scanned
jk

RECEIVED
DEC 20 2006
IDWR/North

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Water Right Number(s):

75-4078.B

Previous Mailing Address:

Robert + Nancy Russell

2155 W. 700 S. #4

Cedar City, UT 84720

New Mailing Address:

Robert + Nancy Russell

#5 Sims Ranch Road

Salmon ID 83467

Telephone Number:

208/756-6206

Signature of all Claimant(s):

Please print your name below your signature.

SCANNED

DEC 19 2006

Please mail or FAX this completed form to the office nearest you:

**Adjudication Bureau
Idaho Dept. of Water Resources
7600 N. Mineral Dr., Ste. 100
Coeur d'Alene, ID 83815
Ph. 208/762-2800 or
FAX 208/762-2819**

**Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348**

**Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380
Ph. 208/736-3033 or
FAX 208/736-3037**

**Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653
Ph. 208/525-7161 or
FAX 208/525-7177**

**Adjudication Bureau
Idaho Dept. Of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098
Ph 208/287-4800
FAX 208/287-6700**

RECEIVED

DEC 14 2006

Department of Water Resources
Eastern Region

11/20/2006

NOTICE OF ERROR
REPLY

12/12/06

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: 75-4078B

ROBERT A RUSSELL
2155 W 700 S #4

CEDAR CITY UT 84720

Telephone Number: (435) 865-7044

NANCY D RUSSELL

2155 W 700 S #4

CEDAR CITY UT 84720

Telephone Number: (435) 865-7044

#5 Sims Ranch Road
SAL mon, ID 83467

ph 208/756-6206
208/940-0213 (cell)

→ Same AS Above

pl's correct
current
mailing
address.

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

^{registered} Point of Use
Total Acreage of property is 8.25 Acres (not 7.0 AS described)

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

Recommendation should be increased to reflect the
Acreage above, if appropriate.
(ie. if a per/acre water right purchase has been applied)

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

Robert A. Russell

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

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

RECEIVED

DEC 15 2006

IDWR/North

SCANNED ✓
DEC 15 2006

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

CLAIM NO(s). 75-4078B

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.: A0017445

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:

Pipe in River to Ditch - Fish screen Located
1/2 mile down ditch - S15.

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

Pipe in River to Ditch - pump in ditch
to sprinkler pipe.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 07-28-06

FIELD EXAMINER:

Asher Barton

Print Name

Asher Barton

Signature

Idaho Department of Water Resources



Adjudication Claim Number: **75-4078 B**



Legend

-  Section Lines
-  21N22E GCDB
-  20N22E GCDB
-  20N21E GCDB



0 0.2 0.4 Miles

A horizontal scale bar with markings at 0, 0.2, and 0.4 miles.

Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1993/94 Aerial Photography

RECEIVED

SEP 14 2005

Department of Water Resources

WA
August 23, 2005

July 28, 2005

Re: Claim # 75-04078B

State of Idaho
Department of Water Resources
PO BOX 83720
Boise, ID 83707-9815

Enclosed is the certified
proof of beneficial use I recently
obtained from the Lemhi Co.
Courthouse, to be added
to my file.
Robert Kimmel

In response to your letter of June 29, 2005 the following information is submitted in support of the Beneficial Use claim for irrigation purposes with priority date of 05/11/1893. Unfortunately, since I currently reside temporarily in Southern Utah, I do not have immediate access to either the records and legal documents stored at my home in Salmon (which I still own), nor to the Lemhi County Courthouse records. **I hereby request an extension of at least 60 days to complete this letter of response and obtain the necessary collaborating documentation.**

The claim is based on physical evidence still clearly visible on the property. Our lot, Lot 20, Chinook Subdivision was once part of the original Shoup Ranch. It was later part of what is now known as the Sims Ranch. To the best of my knowledge, the Sims Ranch was subdivided in the late 1970s or early 1980s. The ditch, known locally as the Fife Ditch (or more recently the Edwards Ditch) remained and has diverted water from the Salmon River on a continuous basis since 1893 for irrigation purposes, primarily on the Fife property to the north of the Williams Creek Road.

This claim pertains to only about 7 acres of the total 8.5 acres of the property. A old lateral ditch off the Fife Ditch (from which the diversion structure was removed prior to my ownership of the property) was used for many years until the diversion structure was removed to irrigate the lower part of my property (and crosses under the Williams Creek Road to irrigation a portion of the Fife Ranch property, now operated under a lease arrangement by Paul Edwards). That ditch is still clearly visible above the lower 7 acres of my property and capable of carrying water.

I do not know the date that the original diversion structure was removed, but Rex Tollman (deceased), former owner of the adjacent Tollman Ranch, told me when I bought the property in 1988 that flood irrigation of the lower 7 acres of my property had continued uninterrupted from the Fife Ditch after that, using another diversion structure (a culvert blocked by plywood) about 100 yards below the former diversion structure. Mr. Tollman himself irrigated the lower 7 acres of my property on a regular basis from 1988 to about 1995, in exchange for the hay it produced. My wife Nancy and I have grazed llamas and horses on that part of our lot since 1988, and we continued to irrigate the property every year until 2003, when the culvert structure we used as a point of diversion was removed from the Fife Ditch by Paul Edwards (without the permission of the owner of the property that is was located within-another lot owner in the Chinook Subdivision). At about the same time, we moved to Utah, rented the property, and have

SCANNED

SEP 16 2005

as yet been unable to re-establish a point of diversion in the ditch (thought we plan to do so when we return to Idaho in 2006).

Therefore-to the best of my knowledge, the lower 7 acres of my property (below the old lateral ditch) has been continuously irrigated from the Fife Ditch until 2003, and should share the priority date established by the Water Court for that ditch under this adjudication (which I believe to be 1893).

It is also requested that the Court note that only portions of three lots in the Chinook Subdivision share this distinction (those below the old lateral ditch).

Evidence exists that the remainder of the subdivision, including the upper 1 and 1/2 acres of my lot, was historically flood (and later sprinkler) irrigated mostly by wastewater (and spring water) from the Tollman Ranch, which originates in Perreau Creek (and perhaps some from Williams Creek)-not from the Fife Ditch. Therefore, this claim should NOT be construed to pertain to that upper bench (the vast majority) of the Chinook Subdivision-nor should any finding pertaining to claims in that area be extrapolated to include the lower 7 acres of my property below the old lateral ditch.

I would appreciate your early acknowledgement of my request for additional time to research this claim further and provide additional evidence for the adjudication. Thank you for your consideration.

Sincerely,

ROBERT A RUSSELL

SCANNED

SEP 16 2005

Idaho State

L. Shoup

STATE OF IDAHO
COUNTY OF LEMHI
I, TERRI J. MORTON, CLERK OF THE DISTRICT COURT
OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF
IDAHO, IN AND FOR THE COUNTY OF LEMHI DO HEREBY
CERTIFY THAT THE PROCEEDING IS A TRUE AND CORRECT
COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.
BY VITTISS: WITNESS: I HAVE HEREunto SET MY HAND
AND SEAL OF OFFICE THIS 19 DAY
OF AUGUST YEAR 2005
T. J. Morton, CLERK
T. J. Morton, DEPUTY

Desert Lands &
Certificate No 2151

The United States of America, presents shall come, Greeting:

Whereas George L. Shoup of Lemhi County, Idaho, has deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Nailey, Idaho whereby it appears that full payment has been made by the said George L. Shoup, according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for

The South-East quarter of the North-West quarter; the South-West quarter of the North-East quarter; the East half of the South-West quarter and the Lots numbered two, three, four, five, six, seven, eight, nine, eleven and thirteen of Section Six, and the Lots numbered one, five and six of Section seven, in Township twenty North of Range twenty-two East of Boise Meridian in Idaho, containing five hundred and eighty-eight acres, and twenty-eight hundredths of an acre according to the Official Plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said Tract has been purchased by the said George L. Shoup

Now know ye, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, have given and granted, and by these presents do give and grant, unto the said George L. Shoup and to his heirs, the said Tract above described:

To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, unto the said George L. Shoup and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of the premises to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In testimony whereof I, Benjamin Harrison, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twelfth day of January, in the year of our Lord one thousand eight hundred and ninety-three and of the Independence of the United States the one hundred and seventeenth

(Seal)

By the President: Benjamin Harrison

By C. Macfarland, Asst Secretary

Recorded Vol. 2 Page 57. S. P. Roberts, Recorder of the General Land Office

Recorded at the request of Geo L Shoup May 11th 1893, at 45 minutes past 10 o'clock A.M. in Book 9 of Deeds page 17 Records of Lemhi County, Idaho.

Timothy Dore
County Recorder

SCANNED

SEP 16 2005

July 28, 2005

Re: Claim # 75-04078B*

State of Idaho
Department of Water Resources
PO BOX 83720
Boise, ID 83707-9815

In response to your letter of June 29, 2005 the following information is submitted in support of the Beneficial Use claim for irrigation purposes with priority date of 05/11/1893. Unfortunately, since I currently reside temporarily in Southern Utah, I do not have immediate access to either the records and legal documents stored at my home in Salmon (which I still own), nor to the Lemhi County Courthouse records. **I hereby request an extension of at least 60 days to complete this letter of response and obtain the necessary collaborating documentation.**

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SCANNED

AUG 04 2005

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I would appreciate your early acknowledgement of my request for additional time to research this claim further and provide additional evidence for the adjudication. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert A. Russell", written in a cursive style.

ROBERT A RUSSELL

SCANNED

AUG 04 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 75-4078B

[] Name(s): Nancy D Russell
Robert A Russell

[] Old Mailing Address: P O Box 1061
Salmon ID 83467

[] New Mailing Address: 2155 West 700 So, #4
Cedar City, UT 84720

After 6/2006 5 Sims Ranch Rd
Salmon, ID 83467

Telephone Number: (435) 865-7044

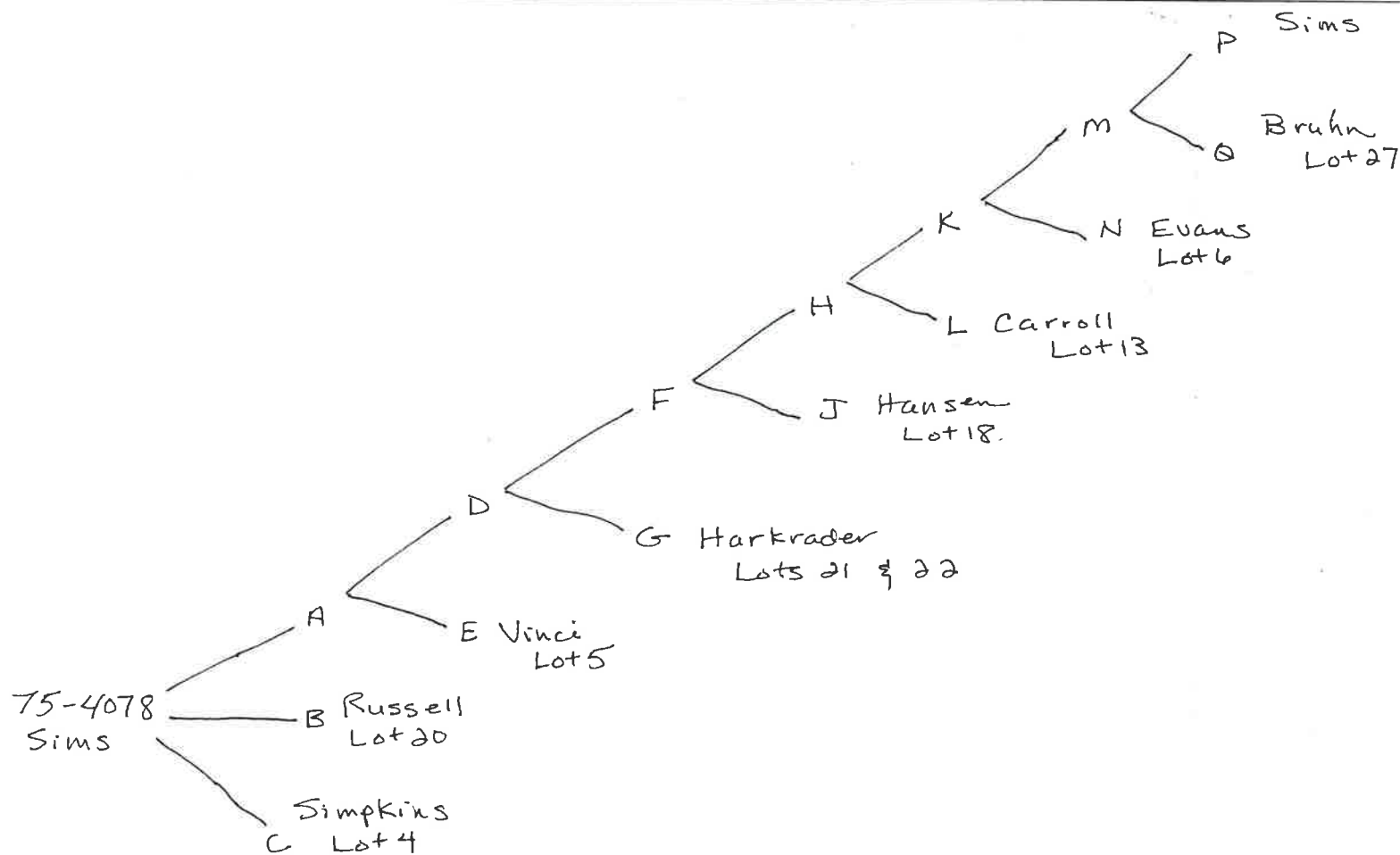
[] Signature(s) of Owner(s)

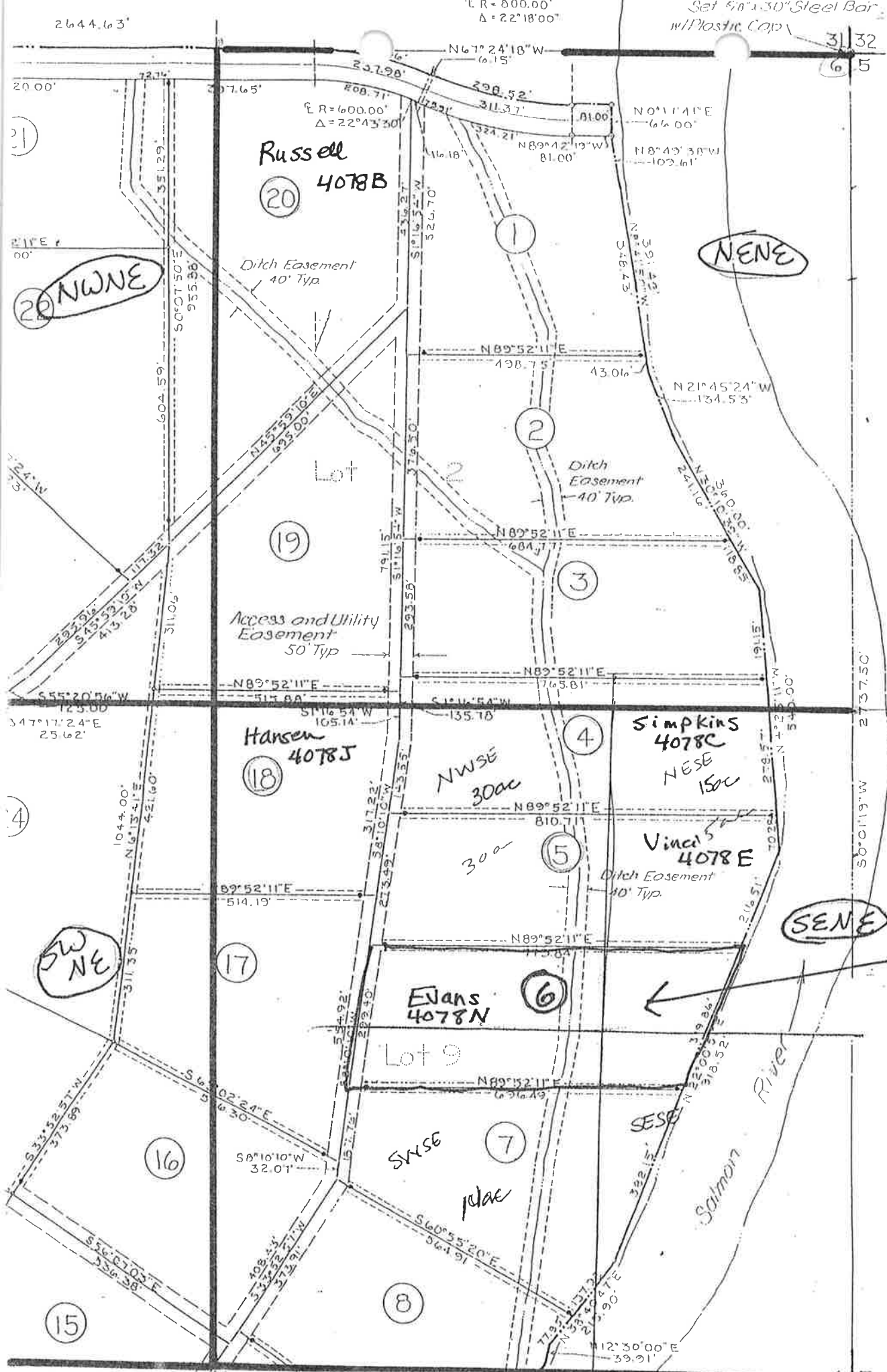
[Signature]
(Include your title if on behalf of company or organization)

Date: 2/16/05

Records Modified
3-7-05
-10

SCANNED
MAR 14 2005





151844
COUNTY CLERK

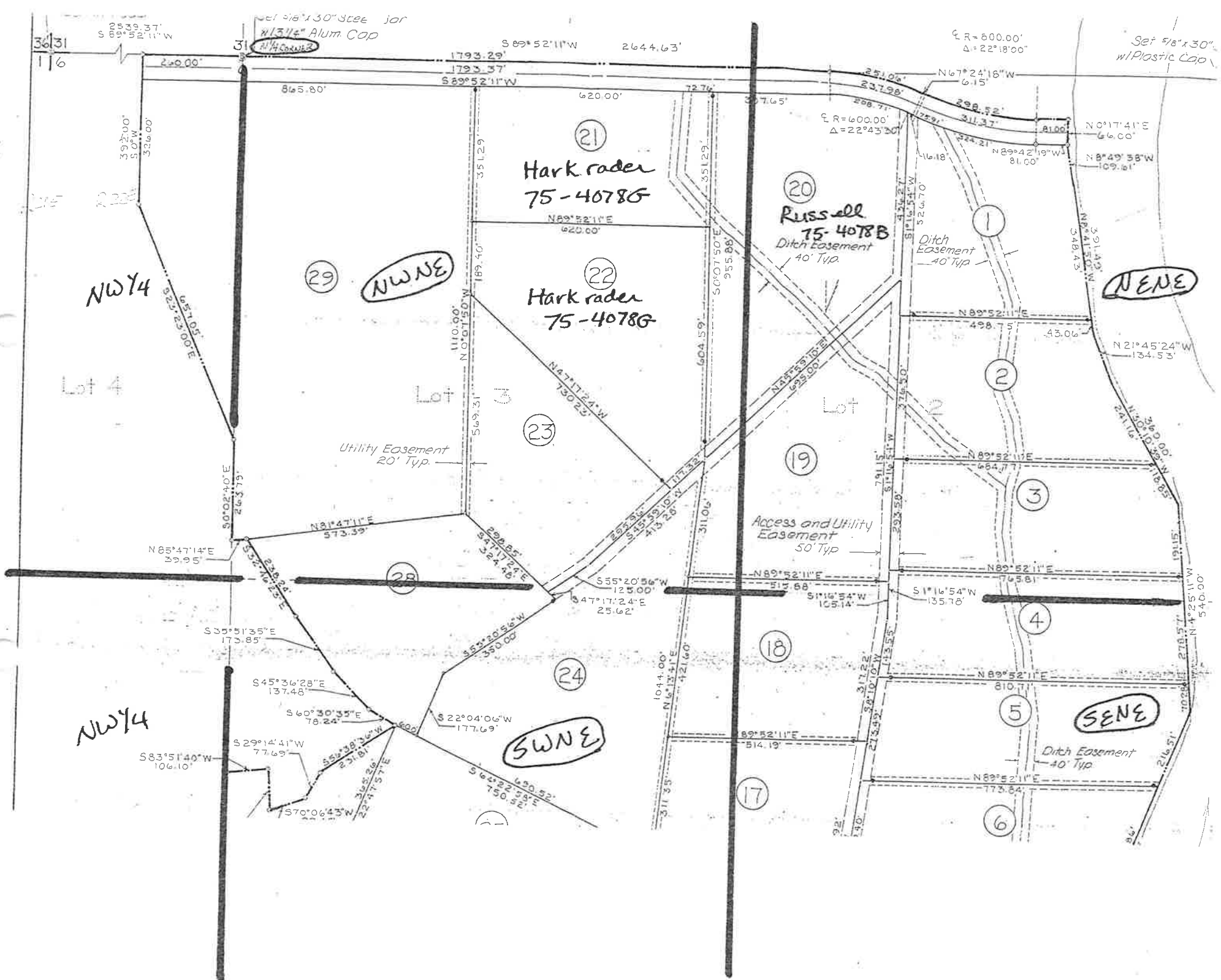
The foregoing
by the Board
County, Idaho
1980.

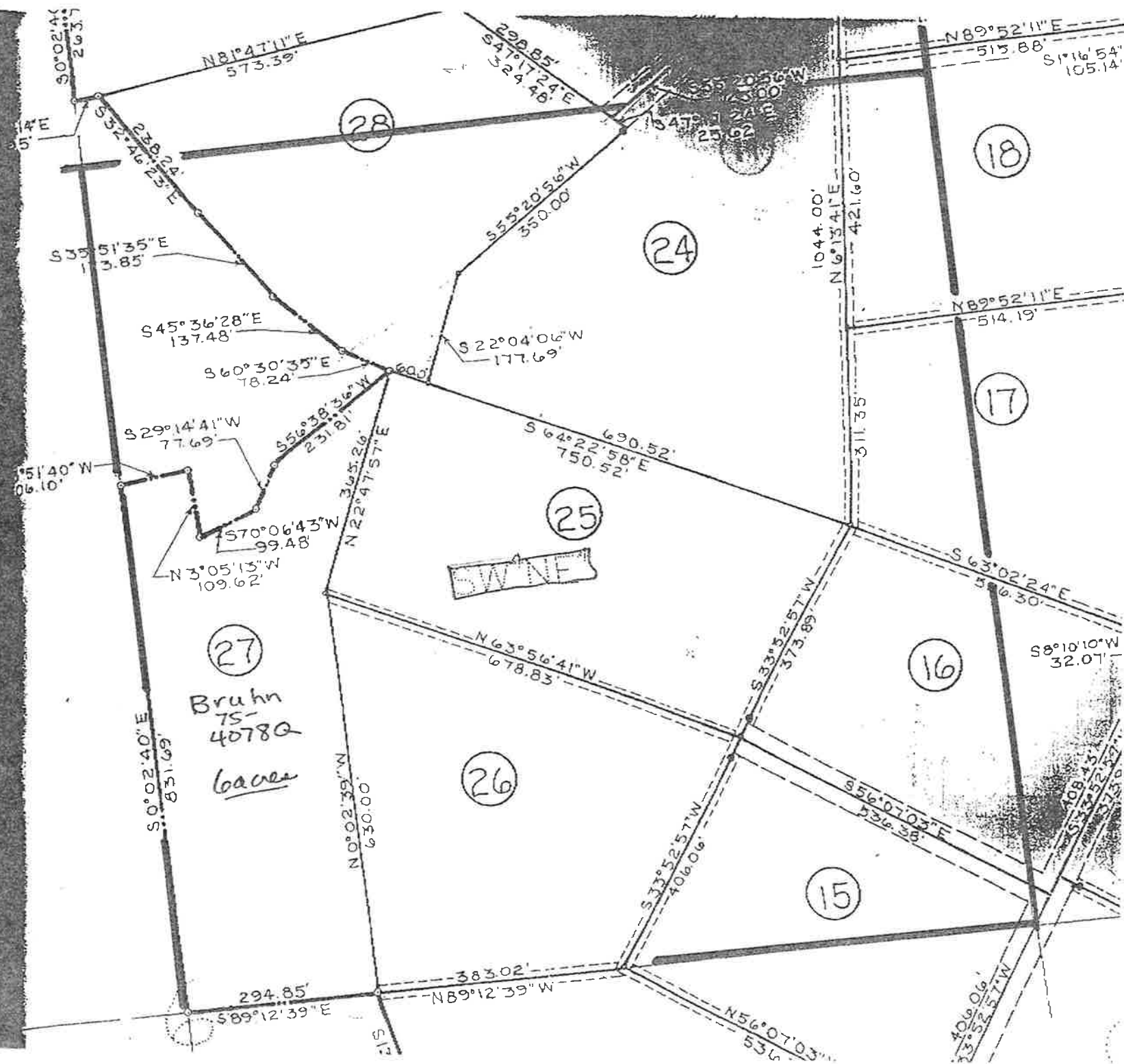
E. Hansen
Attest Clerk

COUNTY

State of Idaho
County of Lemhi
This is to be
in the Office
on this 2nd
and duly rec

E. Hansen
Ex-Officio Rec





OCT 08 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: A75-04078B
Date Received: 4/24/1990
Receipt No: MOO 6705
Received By: Joe

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT A. RUSSELL 208-756-3724
Address: P.O. BOX 1061
SALMON, ID 83467

AND/OR
Name: NANCY D. RUSSELL 208-756-3724
Address: P.O. BOX 1061
SALMON, ID 83467

2. Date of Priority: MAY 11, 1893

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
20N	21E	7	NW	SW	SW		LEMHI

5. Description of diverting works:
ROCK DIV. DAM WITH PIPE HDGATE AND DITCHES WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		

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

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A75-04078B

Page 1

Date: 04/24/90

A7504078B



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	22E	6	NE NE		IRR	7.0
Section Acres						7.0
Total Acres						7.0

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:
SPLIT RIGHT.
LOT 20 OF CHINOOK SUB.

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): Robert H. Russell Date: 4/24/90

Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 24 day
of April 19 90

John W. L. Carter
Notary Public

Seal

Residing at Boise ID
My Commission Expires 6/2/94



T. 21 N.
T. 20 N.

T2
T2