

08/28/2006

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

RIGHT NUMBER: 75-4078S

NAME AND ADDRESS: HERBERT C FOUTZ
12 SIMS RANCH RD
SALMON ID 83467

CAROL J FOUTZ
12 SIMS RANCH RD
SALMON ID 83467

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.107 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	04/01 11/01	0.107 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T20N R22E S06 Lot 2 NENE	5.00	T20N R22E S06 Lot 3 NWNE	0.50
--------------------------	------	--------------------------	------

5.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

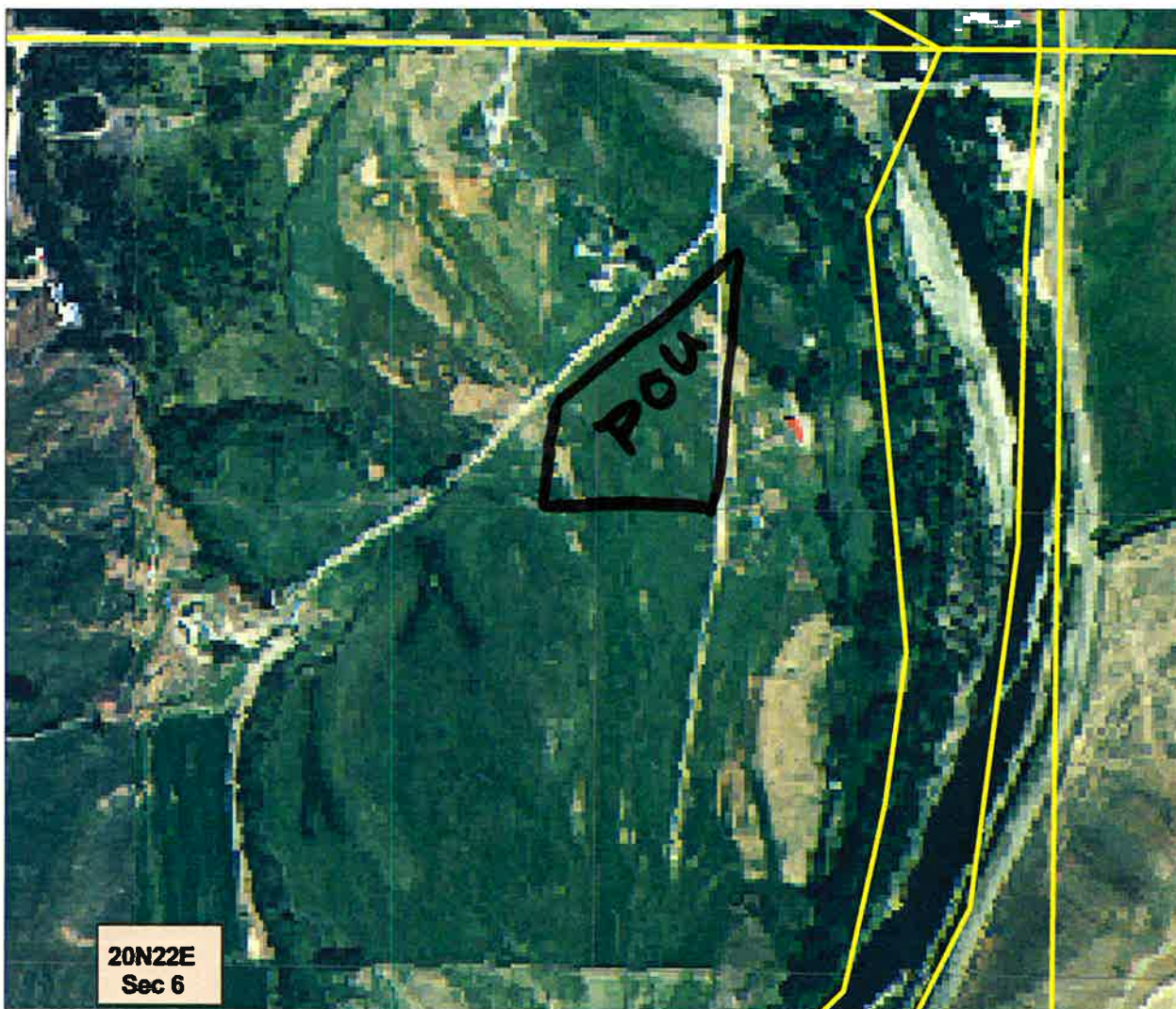


Adjudication Claim Number: **75-4078 S**



Legend

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



0 0.2 0.4 Miles



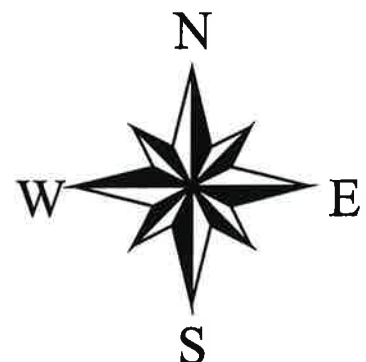
Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1993/94 Aerial Photography

Lot 19

Chinook Subdivision



0.1 0 0.1 0.2 Miles



GCDB20N22E GCDB
75-4078.shp

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

CLAIM NO(s).

75-40785

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.

change of ownership lists

5.5 acres #107 cfs

make 12

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

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED:

07-24-06

FIELD EXAMINER:

Asher Barton

Print Name

Asher Barton

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

JUL 14 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04078S
CAROL J FOUTZ
HERBERT C FOUTZ
12 SIMS RANCH RD
SALMON ID 83467

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129. *Sally*

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures



SCANNED

JUL 14 2005

756-2134

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4078SRECEIVED
JUL 14 2005
DEPARTMENT OF
WATER RESOURCES

WATER RIGHT NUMBER: 75-4078S

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HERBERT C FOUTZ 12 SIMS RANCH RD SALMON, ID 83467
Current Owner	CAROL J FOUTZ 12 SIMS RANCH RD SALMON, ID 83467

Priority Date: 05/11/1893

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
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 11/01	0.130 CFS	
	<u>Total Diversion:</u>	0.130 CFS	

Location of Point(s) of Diversion

SALMON RIVER	NW1/4SW1/4SW1/4	Sec. 7,	Twp 20N,	Rge 21E, B.M.
LEMHI County				

Place of UseIRRIGATION Within LEMHI County

T20N R22E S06 Lot 2 NENE 5.2 T20N R22E S06 Lot 3 NWNE 0.9

Total Acres: 6.1

Conditions of Approval:

1. PROPERTY AKA LOT 19 CHINOOK SUBDIVISION
2. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4078P.

Remarks:

SCANNED

JUL 14 2005

Geo L. Shoup

Desert lands &
Certificate No 2151

The United States of America. To all to whom these 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 Naily, 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 Knowye, 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 a vein or lode 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 E. 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 J of Deeds page 17 Records of Lemhi County, Idaho.

Timothy Dore
County Recorder

Claim # 75-040785

SCANNED
JUL 14 2005

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: 75-4078S

HERBERT C FOUTZ
12 SIMS RANCH RD
SALMON ID 83467

CAROL J FOUTZ
12 SIMS RANCH RD
SALMON ID 83467
Telephone Number: (208) 756-2134

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: 12-6-2006 SIGNATURE: Hubert C Foutz
Please print your name: Hubert C Foutz

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

SCANNED
DEC 11 2006 ✓

RECEIVED
DEC 03 2006
IDWR/North



EASTERN REGION

State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 4, 2003

HERBERT & CAROL FOUTZ
12 SIMS RANCH RD
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR 75-4078P

Dear Mr. & Mrs. Foutz:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-4078P split into:
75-4078R, Sims
75-4078S, Lot 19, 0.13 cfs, 6.1 acres, Foutz

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	75-4078P	☒			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) SANDY H. Sims
PO Box 686 Salmon ID 83467
4. New Owner/Claimant(s) Herbert C Yon Carol J. Gontz
 Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 12 Sims Ranch Rd
- City, State and ZIP Code Salmon ID 83467
- New Telephone Number (208) 752-2134
5. Date you acquired the property 4-1-2002

RECEIVED
 SEP 25 2002
 Department of Water Resources
 Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>75-40787</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>.107 cfs</u>	<u>5.5 ac.</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

[Signature] *[Signature]*

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

Order No.:307021064L-G

FOR VALUE RECEIVED

Frank Stevens and Sharon Stevens, also known of record as Frank G. Stevens, Jr. and Sharon L. Stevens, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Hubert C. Foutz and Carol J. Foutz, Husband and Wife

whose current address is

12 Sims Ranch Rd. Salmon, ID 83467

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

Lot 19 of Chinook Subdivision, according to the official plat thereof, filed in Book 5 of Plats at Page(s) 29 Official Records of Lemhi County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 3/28/2002

Frank G. Stevens, Jr.

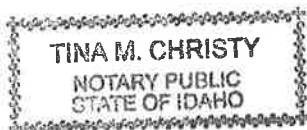
Sharon Stevens

State of Idaho }
County of Lemhi } ss.

On this March 28, 2002, before me, a Notary Public in and for said state, personally appeared Frank Stevens, Jr. and Sharon Stevens

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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



Tina M. Christy
Notary Public for the State of Idaho
Residing at: SALMON, ID
Commission Expires: 2/6/2004

State of Idaho)
County of Lemhi) SS No. 250140

This instrument was filed for record at the request of alliance

at 2:00 o'clock p.m. 29 March 2002

and duly filed and indexed in the records of Lemhi County
Tina J. Menden
De-Official Recorder

By: K. Baumert Deputy

Fees 3.00

Return to:

Warranty Deed

For Value Received

SANDY H. SIMS, A SINGLE MAN
the grantor, do hereby grant, bargain, sell and convey unto

FRANK STEVENS AND SHARON STEVENS, husband and wife also known of record as Frank
whose current address is G. Stevens, Jr.

PO BOX 122 NORTH FORK, ID 83466

LOT 19 OF CHINOOK SUB, SALMON, ID 83467

the grantees, the following described premises, in LEMHI County Idaho, to wit:

LOT 19 IN CHINOOK SUBDIVISION ACCORDING TO THE
OFFICIAL PLAT THEREOF FILED FOR RECORD IN BOOK
5 OF PLATS AT PAGE NO. 29, RECORDS OF LEMHI
COUNTY, IDAHO. . .

SUBJECT TO: ALL existing patent reservations, easements, rights of way, protective covenants, zoning
ordinances and applicable building codes, laws and regulations.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said
Grantees, that he is the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: September 27, 1993

Sandy H. Sims
SANDY H. SIMS

STATE OF IDAHO, COUNTY OF LEMHI
On this 27th day of SEPTEMBER, 1993,
before me, a notary public in and for said State, personally appeared

SANDY H. SIMS

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that
he executed the same.

Sharon M. Stevens
Notary Public

Residing at 06/19/95, Idaho
Comm. Expires

State of Idaho)
County of Lemhi) ss. No. 220058

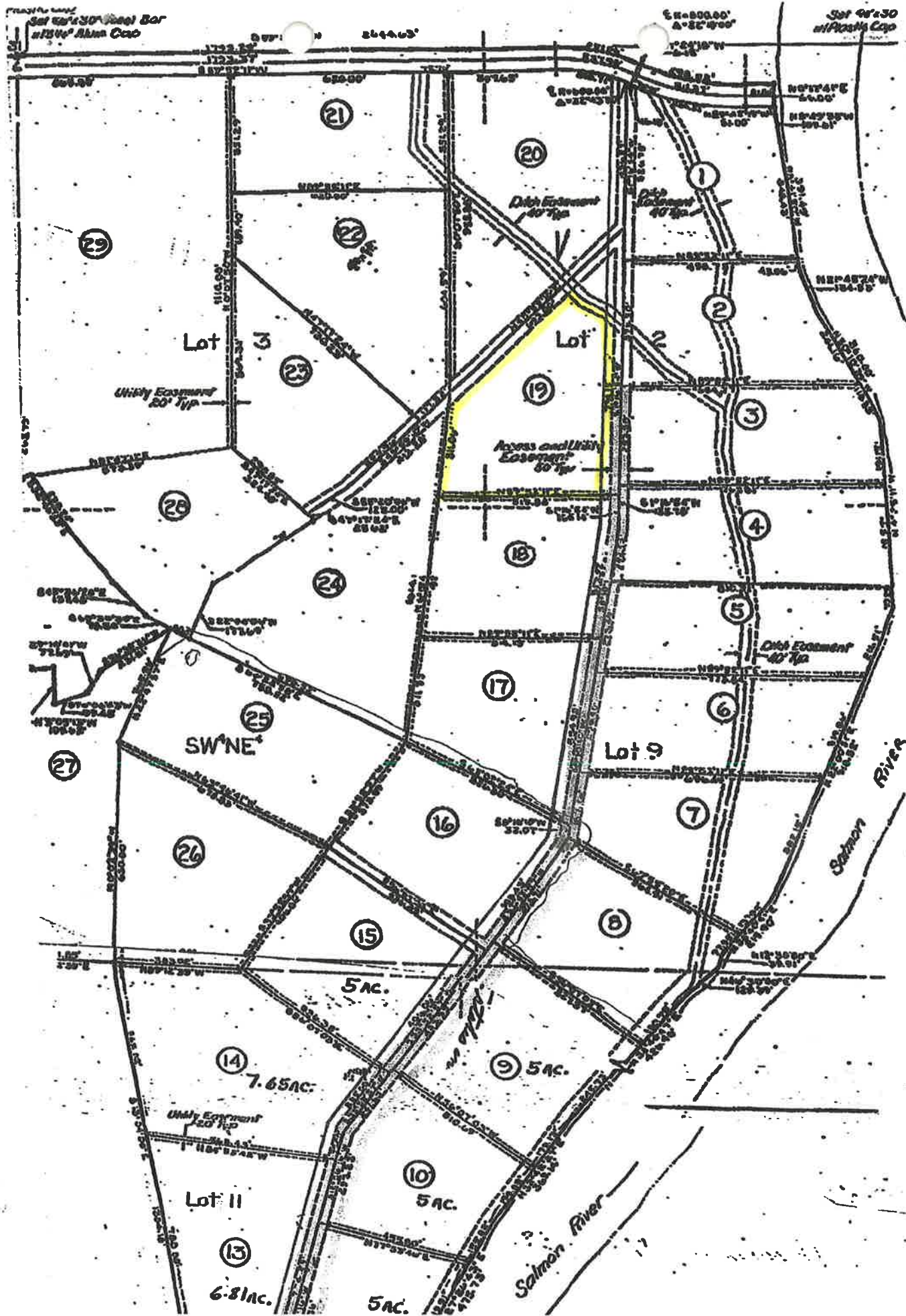
This instrument was filed for record at
the request of American Land Title
at 1:41 o'clock P.M. 9-28-93
and duly filed and indexed in the
records of Lemhi County

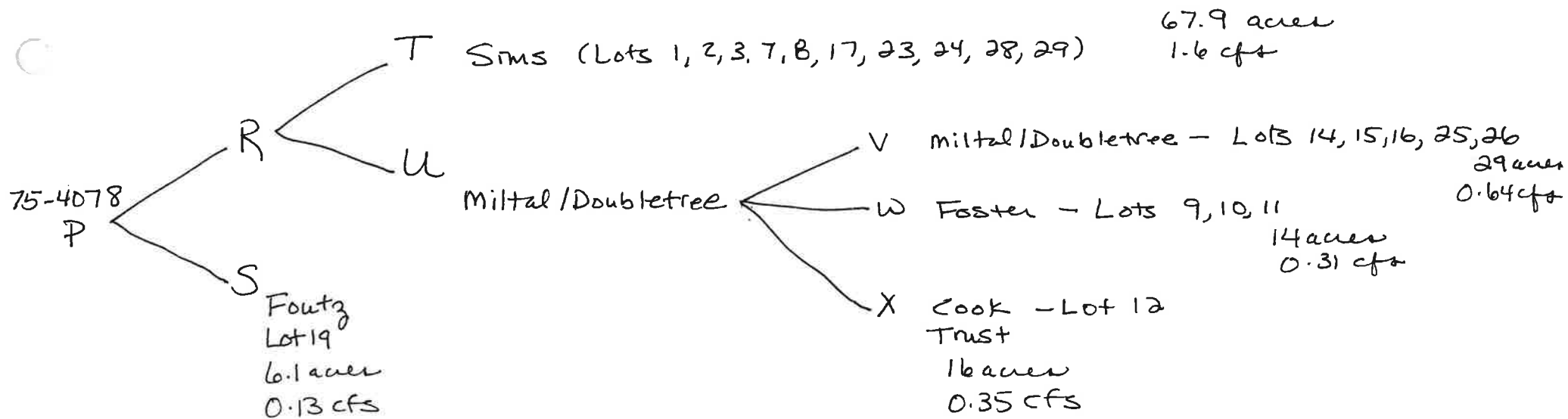
Alberta Wiederrick

Ex. Off. Public Recorder

By Jerry J. Morton Deputy

Filed 306





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 75-4078S
Date Received: 10/8/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

HERBERT C FOUTZ Phone:
12 SIMS RANCH RD
SALMON ID USA 83467

CAROL J FOUTZ Phone:
12 SIMS RANCH RD
SALMON ID USA 83467

2. Date of Priority: 05/11/1893

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	Type
20N	21E	7	NW SW SW	LEMHI	

5. Description of diverting works:

ROCK DIV. DAM WITH PIPE HEADGATE AND DITCHES WITH PUMP AND SPRINKLER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.13	

7. Total Quantity Appropriated is:
0.13 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

20N

22E 6

NE NE 2
NW NE 3

IRRIGATION 5.2
IRRIGATION 0.9

Section Acres 6.1

Total Acres ~~6.1~~

5.5

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:

14. Remarks:

PROPERTY AKA LOT 19 CHINOOK SUBDIVISION

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4078P.

15. Basis of Claim: Beneficial Use