

10/31/2006

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

RIGHT NUMBER: 75-4100B

NAME AND ADDRESS: MARY NICHOLS
12353 E 214TH ST
HAWAIIAN GARDENS CA 90716-2324

RICHARD NICHOLS
12353 E 214TH ST
HAWAIIAN GARDENS CA 90716-2324

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.280 CFS

PRIORITY DATE: 07/11/1904

POINT OF DIVERSION:

T20N R21E S24 SESESE 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	0.280 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T20N R21E S24 Lot 1 NENE	4.00	T20N R21E S24 Lot 3 SENE	8.00
T20N R21E S24 Lot 4 NESE	2.00		

14 ACRES TOTAL

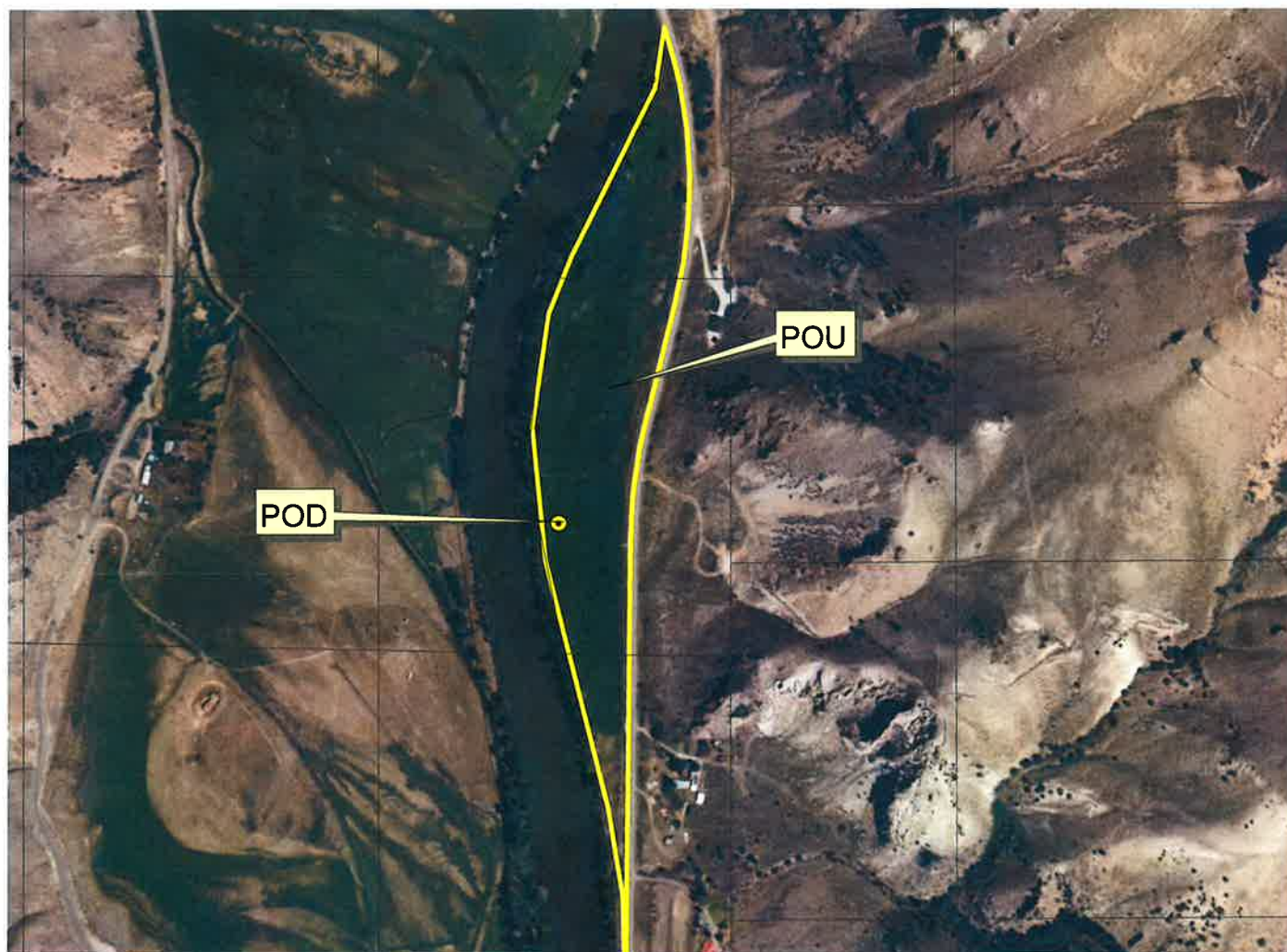
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

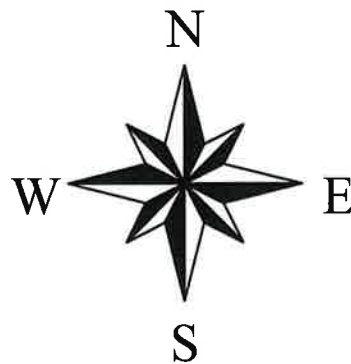
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

75-4100B



- 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

Richard Nichols
12353 E 214th St.
Hawaiian Gardens, CA 90716-2324

Re: Claim 75-4100B

Dear Mr. Nichols:

The Department of Water Resources has reviewed your Notice of Error Reply for the above-mentioned claim.

The claim is a result of the split of Statutory Claim 75-4100, which your portion of the split amounted to 14 acres. The claim for 75-4100B is based upon 14 acres. To increase this amount you would have to file an amendment of the claim to the court. Additionally, the diversion rate was also based upon the 14 acres, utilizing the statutory allotment of 0.02 cfs per acre, resulting in a diversion rate of 0.28 cfs.

Lemhi County Tax Lot # RP20N21E240005 does show a gross acreage of 18.57 acres, however, the department can only process what is claimed.

If you feel this analysis is in error, you may file an objection with the court any time prior to October 17, 2007. I have enclosed Standard Form 1 Objection for your convenience. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

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: 75-4100B

MARY NICHOLS
12353 E 214TH ST
HAWAIIAN GARDENS CA 90716-2324
Telephone Number: (310) 865-0670

RICHARD NICHOLS
12353 E 214TH ST
HAWAIIAN GARDENS CA 90716-2324
Telephone Number: (310) 865-0670

562 CHANGE AREA CODE.

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

I DISAGREE WITH ACREAGE & AMOUNT
ACREAGE SHOULD BE 18.9 AC.
WATER QUANTITY SHOULD BE 0.410 CFS OR 35 AC FT PER ANNUM.

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

CHANGE: 0.280 CFS. TO 0.410 CFS

CHANGE: 14.0 ACRES TO 18.9 ACRES

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

THE ORIGINAL CLAIM TO A WATER RIGHT ALLOCATED
0.410 CFS OR 35 AC FT PER ANNUM. AND THERE ARE
18.9 ACRES NOT 14 AC. *

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

DATE: 11-29-2006

SIGNATURE:

Richard W Nichols

Mary Nichols

Please print your name:

RICHARD W NICHOLS

Mary F. Nichols

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

* COPY OF 100 YEAR OLD WATER RIGHT ON FILE
LEMMI CO COAST HOUSE.

SCANNED

DEC 12 2006

RECEIVED

DEC 11 2006

IDWR/North

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

CLAIM NO(s). 75-4100B

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: Salmon River

4. ☐ No Change — POINT OF DIVERSION

☒ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0017455

Township 20N Range 21E Section 24 1/4 SW 1/4 SE 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

7.5 hp pump in Salmon River with 10' lift to
mainline + sprinkler system

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

Source was changed to Salmon River 8-13-87

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 7-11-06

FIELD EXAMINER: _____

Bob Foster

Print Name

Bob Foster

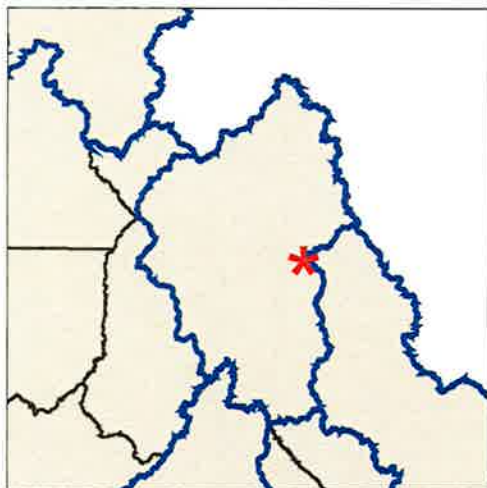
Signature

PUMPING STATION DISCHARGE																		
Pumping Plant Efficiency =															0.8			
Q = 8.8 * Hp * eff/lift + 2.31(psi)															Pressure at Well Head =		40 psi	
Horsepower																		
		0.5	1	1.5	2	2.5	3	3.5	4	4.5	5	5.5	6	6.5	7	7.5		
Discharge Pressure at Well Head	5	0.04	0.07	0.11	0.14	0.18	0.22	0.25	0.29	0.33	0.36	0.40	0.43	0.47	0.51	0.54		
	10	0.03	0.07	0.10	0.14	0.17	0.21	0.24	0.28	0.31	0.34	0.38	0.41	0.45	0.48	0.52		
	15	0.03	0.07	0.10	0.13	0.16	0.20	0.23	0.26	0.29	0.33	0.36	0.39	0.43	0.46	0.49		
	20	0.03	0.06	0.09	0.13	0.16	0.19	0.22	0.25	0.28	0.31	0.34	0.38	0.41	0.44	0.47		
	25	0.03	0.06	0.09	0.12	0.15	0.18	0.21	0.24	0.27	0.30	0.33	0.36	0.39	0.42	0.45		
	30	0.03	0.06	0.09	0.12	0.14	0.17	0.20	0.23	0.26	0.29	0.32	0.35	0.37	0.40	0.43		
	35	0.03	0.06	0.08	0.11	0.14	0.17	0.19	0.22	0.25	0.28	0.30	0.33	0.36	0.39	0.41		
	40	0.03	0.05	0.08	0.11	0.13	0.16	0.19	0.21	0.24	0.27	0.29	0.32	0.35	0.37	0.40		
	45	0.03	0.05	0.08	0.10	0.13	0.15	0.18	0.20	0.23	0.26	0.28	0.31	0.33	0.36	0.38		
	50	0.02	0.05	0.07	0.10	0.12	0.15	0.17	0.20	0.22	0.25	0.27	0.30	0.32	0.35	0.37		
	55	0.02	0.05	0.07	0.10	0.12	0.14	0.17	0.19	0.21	0.24	0.26	0.29	0.31	0.33	0.36		
	60	0.02	0.05	0.07	0.09	0.12	0.14	0.16	0.18	0.21	0.23	0.25	0.28	0.30	0.32	0.35		
	65	0.02	0.04	0.07	0.09	0.11	0.13	0.16	0.18	0.20	0.22	0.25	0.27	0.29	0.31	0.34		
	70	0.02	0.04	0.07	0.09	0.11	0.13	0.15	0.17	0.20	0.22	0.24	0.26	0.28	0.30	0.33		
	75	0.02	0.04	0.06	0.08	0.11	0.13	0.15	0.17	0.19	0.21	0.23	0.25	0.27	0.29	0.32		
	80	0.02	0.04	0.06	0.08	0.10	0.12	0.14	0.16	0.18	0.20	0.22	0.25	0.27	0.29	0.31		
	85	0.02	0.04	0.06	0.08	0.10	0.12	0.14	0.16	0.18	0.20	0.22	0.24	0.26	0.28	0.30		
	90	0.02	0.04	0.06	0.08	0.10	0.12	0.14	0.15	0.17	0.19	0.21	0.23	0.25	0.27	0.29		
	95	0.02	0.04	0.06	0.08	0.09	0.11	0.13	0.15	0.17	0.19	0.21	0.23	0.24	0.26	0.28		
	100	0.02	0.04	0.05	0.07	0.09	0.11	0.13	0.15	0.16	0.18	0.20	0.22	0.24	0.26	0.27		
	105	0.02	0.04	0.05	0.07	0.09	0.11	0.12	0.14	0.16	0.18	0.20	0.21	0.23	0.25	0.27		
110	0.02	0.03	0.05	0.07	0.09	0.10	0.12	0.14	0.16	0.17	0.19	0.21	0.23	0.24	0.26			
115	0.02	0.03	0.05	0.07	0.08	0.10	0.12	0.14	0.15	0.17	0.19	0.20	0.22	0.24	0.25			
120	0.02	0.03	0.05	0.07	0.08	0.10	0.12	0.13	0.15	0.17	0.18	0.20	0.22	0.23	0.25			
125	0.02	0.03	0.05	0.06	0.08	0.10	0.11	0.13	0.15	0.16	0.18	0.19	0.21	0.23	0.24			
130	0.02	0.03	0.05	0.06	0.08	0.09	0.11	0.13	0.14	0.16	0.17	0.19	0.21	0.22	0.24			
135	0.02	0.03	0.05	0.06	0.08	0.09	0.11	0.12	0.14	0.15	0.17	0.19	0.20	0.22	0.23			
140	0.02	0.03	0.05	0.06	0.08	0.09	0.11	0.12	0.14	0.15	0.17	0.18	0.20	0.21	0.23			
145	0.01	0.03	0.04	0.06	0.07	0.09	0.10	0.12	0.13	0.15	0.16	0.18	0.19	0.21	0.22			
150	0.01	0.03	0.04	0.06	0.07	0.09	0.10	0.12	0.13	0.15	0.16	0.17	0.19	0.20	0.22			
155	0.01	0.03	0.04	0.06	0.07	0.09	0.10	0.11	0.13	0.14	0.16	0.17	0.18	0.20	0.21			
160	0.01	0.03	0.04	0.06	0.07	0.08	0.10	0.11	0.13	0.14	0.15	0.17	0.18	0.20	0.21			
165	0.01	0.03	0.04	0.05	0.07	0.08	0.10	0.11	0.12	0.14	0.15	0.16	0.18	0.19	0.21			
170	0.01	0.03	0.04	0.05	0.07	0.08	0.09	0.11	0.12	0.13	0.15	0.16	0.17	0.19	0.20			
175	0.01	0.03	0.04	0.05	0.07	0.08	0.09	0.11	0.12	0.13	0.14	0.16	0.17	0.18	0.20			
180	0.01	0.03	0.04	0.05	0.06	0.08	0.09	0.10	0.12	0.13	0.14	0.16	0.17	0.18	0.19			
185	0.01	0.03	0.04	0.05	0.06	0.08	0.09	0.10	0.11	0.13	0.14	0.15	0.16	0.18	0.19			
190	0.01	0.02	0.04	0.05	0.06	0.07	0.09	0.10	0.11	0.12	0.14	0.15	0.16	0.17	0.19			
195	0.01	0.02	0.04	0.05	0.06	0.07	0.09	0.10	0.11	0.12	0.13	0.15	0.16	0.17	0.18			
200	0.01	0.02	0.04	0.05	0.06	0.07	0.08	0.10	0.11	0.12	0.13	0.14	0.16	0.17	0.18			
205	0.01	0.02	0.04	0.05	0.06	0.07	0.08	0.09	0.11	0.12	0.13	0.14	0.15	0.17	0.18			
210	0.01	0.02	0.03	0.05	0.06	0.07	0.08	0.09	0.10	0.12	0.13	0.14	0.15	0.16	0.17			

Idaho Department of Water Resources

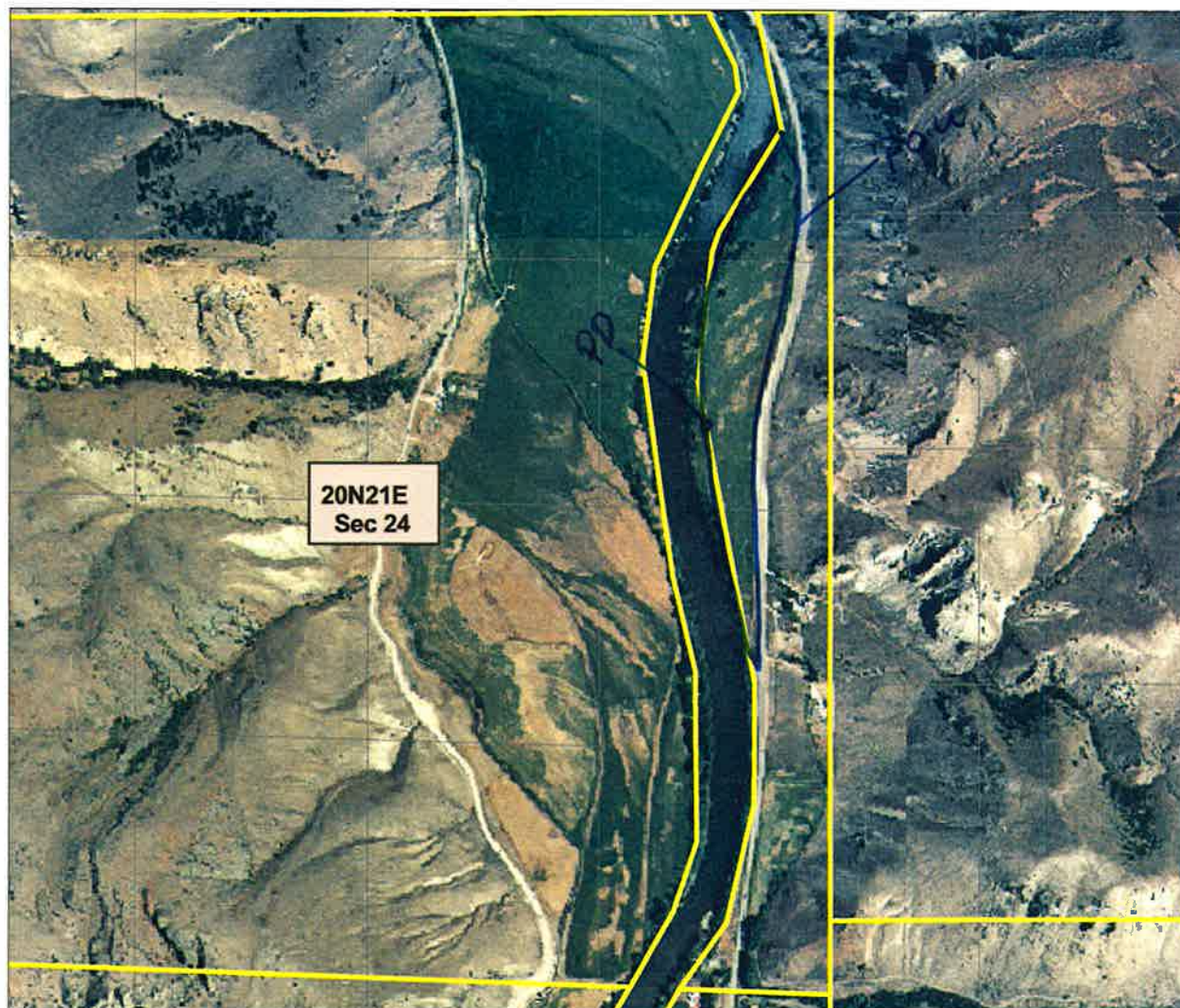


Adjudication Claim Number: **75-4100 B**



Legend

-  Section Lines
-  20N22E GCDB
-  20N21E GCDB



Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1993/88 Aerial Photography

0 0.4 0.8 Miles

A horizontal scale bar with markings at 0, 0.4, and 0.8 miles.

SCANNED

JUL 23 1992

JULY 23, 1992

RICHARD NICHOLS
12353 E 214TH STREET
HAWAIIAN GARDENS CA 90716-2324

RE: CHANGE IN OWNERSHIP FOR A75-04100

Dear Mr. Nichols:

The request for Change in Ownership concerning your Notice of Claim in the above reference has been processed and the Notice modified to reflect you as the new owner.

A75-04100 was split and claimed as follows: A75-004100A (Roger Tracy), 0.59 cfs on 20 acres; A75-04100B (Richard Nichols) 0.41 cfs on 14 acres (copy enclosed).

A75-04101, a water right also filed on by Roger Tracy and was shown on the Change of Ownership form you submitted to this office, is not appurtenant to the land you purchased. Therefore, no Change of Ownership was done on this Notice.

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 this Notice for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: NOTICE OF CLAIM

cc: Roger Tracy

MICROFILMED
DEC 15 1992

SCANNED

OCT 07 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: A75-04100B

Date Received: 5/ 3/1990

Receipt No: X777777

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD NICHOLS 310-865-0670
Address: 12353 E 214TH STREET
HAWAIIAN GDNS CA 90716-2324
OR
Name: MARY NICHOLS 310-865-0670
Address: 12353 E 214TH STREET
HAWAIIAN GDNS CA 90716-2324

A7504100B



2. Date of Priority: JUL 11, 1904

3. Source: TEN MILE CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
20N	21E	24	SE	SE	SE		LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.410		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
20N	21E	24	NE		NE	1	IRR	3.0
			SE		NE	3	IRR	10.0
			NE		SE	4	IRR	1.0

Section Acres 14.0

Total Acres 14.0

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:

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: _____

MICROFILMED

DEC 15 1992

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

RECEIVED

Department of Water Resources
Eastern District Office

LEGAL DESCRIPTION OF PROPERTY: Township 20 N Range 21 E
 Section 24, SE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot 1, 3, 4, BM. .
 Lot _____, Block, _____, Subdivision/Townsite _____.
 If you have additional legal descriptions, please attach separate sheet. LEMMI CO.

- NOT PART
OF LAND
PURCHASED

- (Signature of former claimant(s) is not required if proof of ownership is attached.)

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

MICROFILMED

DEC 15 1992

WARRANTY DEED

For Value Received

ROGER R. TRACY AND VICKY H. TRACY, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

RICHARD W. NICHOLS OR MARY E. NICHOLS, husband and wife

whose current address is

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

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
 their heirs and assigns forever. And the said Grantor s do hereby covenant to and
 with the said Grantee s, that they are the owners in fee simple of said premises; that they are free
 from all incumbrances

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

Dated: JANUARY 21, 1992


 ROGER R. TRACY


 VICKY H. TRACY

STATE OF IDAHO, COUNTY OF LEMHI

On this 21st day of JANUARY, 1992,
 before me, a notary public in and for said State, personally
 appeared

ROGER R. TRACY and
 VICKY H. TRACY

known to me to be the persons whose names are
 subscribed to the within instrument, and acknowledged to
 me that they executed the same.

State of Idaho)
 County of Lemhi) ss No. 213289

This instrument was filed for record at
 a request of American Land
 at 2:31 o'clock P.m. Jan. 31 1992
 and duly filed and indexed in the
 records of Lemhi County

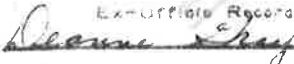
Ex-Officio Recorder
 By  Deputy

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN U.S. GOVERNMENT LOTS 1, 3, AND 4, SECTION 24, T. 20 N., R. 21 E., B.M., LEMHI COUNTY, IDAHO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 24, A DISTANCE OF 527.83 FEET ON A BEARING OF S. 27 DEGREES 32' 40" W. TO A POINT ON THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 93 AND THE EAST BANK OF THE SALMON RIVER AND BEING THE REAL POINT OF BEGINNING.

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE WESTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 93;

A DISTANCE OF 197.25 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIAL OF S. 71 DEGREES 27' 23" W. 1732.20 FEET AND A CENTRAL ANGLE OF 6 DEGREES 31' 28";

A DISTANCE OF 847.96 FEET ALONG A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIAL OF S. 77 DEGREES 58' 50" W. 1870.00 FEET AND A CENTRAL ANGLE OF 25 DEGREES 58' 52";
S. 13 DEGREES 57' 42" W. 425.40 FEET;

A DISTANCE OF 454.11 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIAL OF S. 76 DEGREES 02' 18" E. 1947.81 FEET AND A CENTRAL ANGLE OF 13 DEGREES 21' 28";

S. 0 DEGREES 36' 13" W. 1727.22 FEET TO A POINT ON THE EAST BANK OF THE SALMON RIVER;

THENCE THE FOLLOWING COURSES AND DISTANCES ALONG THE EAST BANK OF THE SALMON RIVER:

N. 1 DEGREE 20' 00" W. 415.00 FEET;

N. 9 DEGREES 25' 00" W. 335.00 FEET;

N. 13 DEGREES 58' 58" W. 939.73 FEET;

N. 5 DEGREES 45' 00" W. 490.00 FEET;

N. 8 DEGREES 15' 00" E. 420.00 FEET;

N. 21 DEGREES 44' 01" E. 234.46 FEET;

N. 26 DEGREES 00' 00" E. 685.00 FEET;

N. 8 DEGREES 30' 00" E. 228.73 FEET TO THE REAL POINT OF

BEGINNING.

THE INTENT OF THE ABOVE DESCRIBED PARCEL IS TO CONVEY ALL LAND LOCATED WEST OF U.S. HIGHWAY NO. 93 TO THE MEAN HIGHWATER LINE OF THE SALMON RIVER IN LOTS 1, 3, AND 4 SECTION 24.

DEC 12 1935

RECORDED