

09/12/2006

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

RIGHT NUMBER: 75-4104

NAME AND ADDRESS: PATRICIA L KASPER
88 CHURCH LN
NORTH BRUNSWICK NJ 08902

SOURCE: TENMILE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 04/01/1893

POINT OF DIVERSION:

T20N R21E S24 SESE Lot 6 Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.160 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T20N R21E S24 Lot 4 NESE 4.60

T20N R21E S24 Lot 6 SESE 0.80

5.4 ACRES TOTAL

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

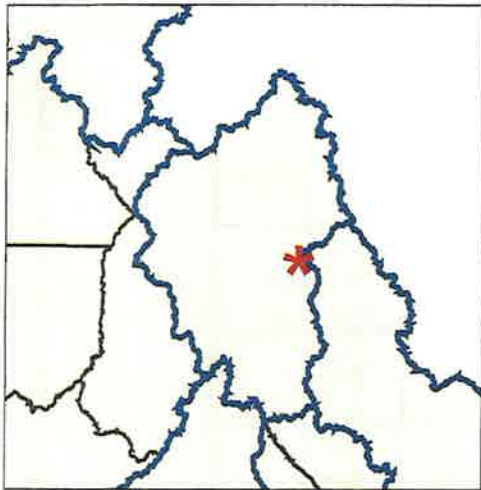
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

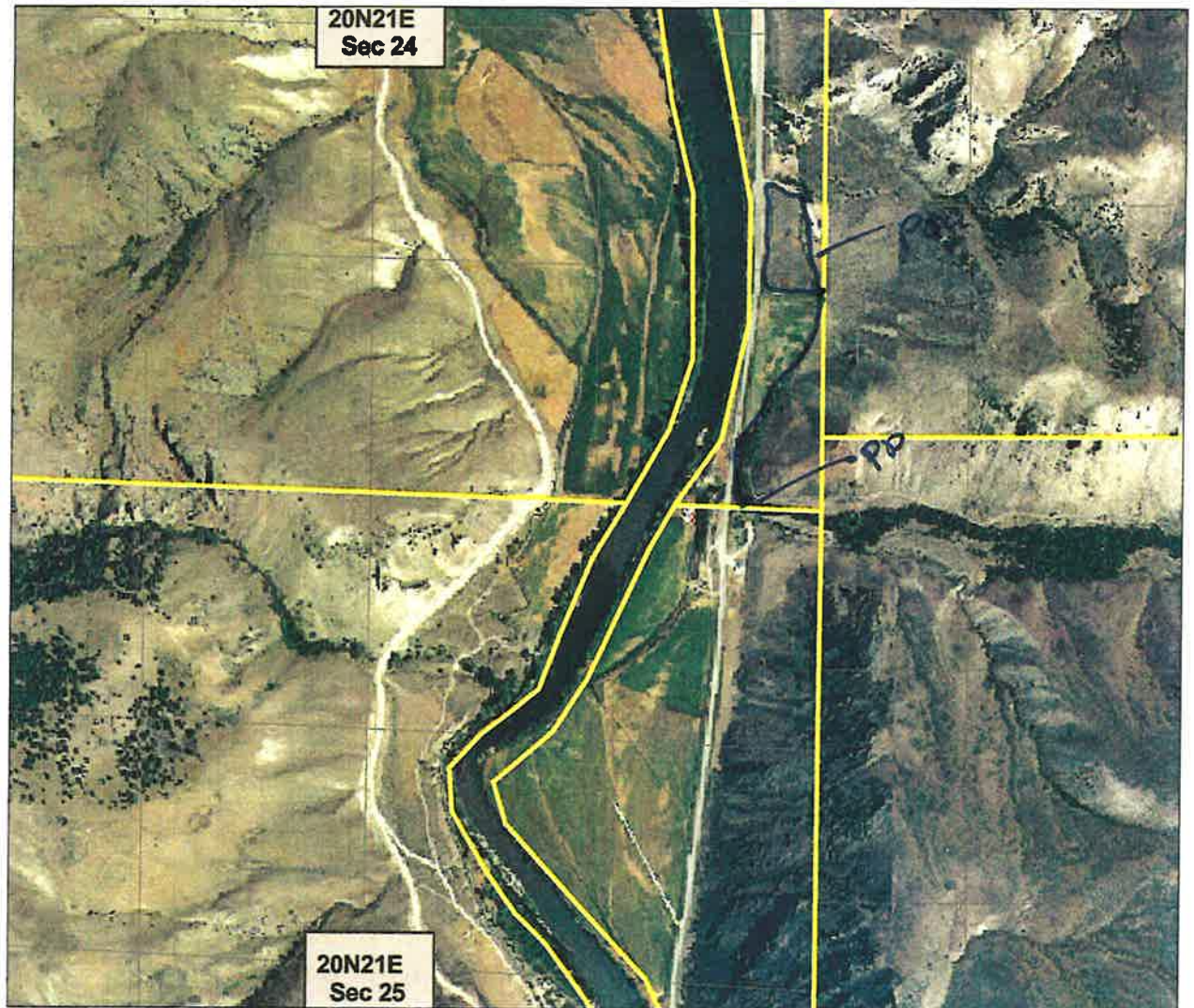


Adjudication Claim Number: ⁴¹⁰⁴~~75-4100~~ **A**



Legend

- Section Lines
- 20N21E GCDB
- 20N22E GCDB



0 0.4 0.8 Miles

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

Prepared by M. Van Bussum
May 10, 2005
Photography

Idaho Department of Water Resources



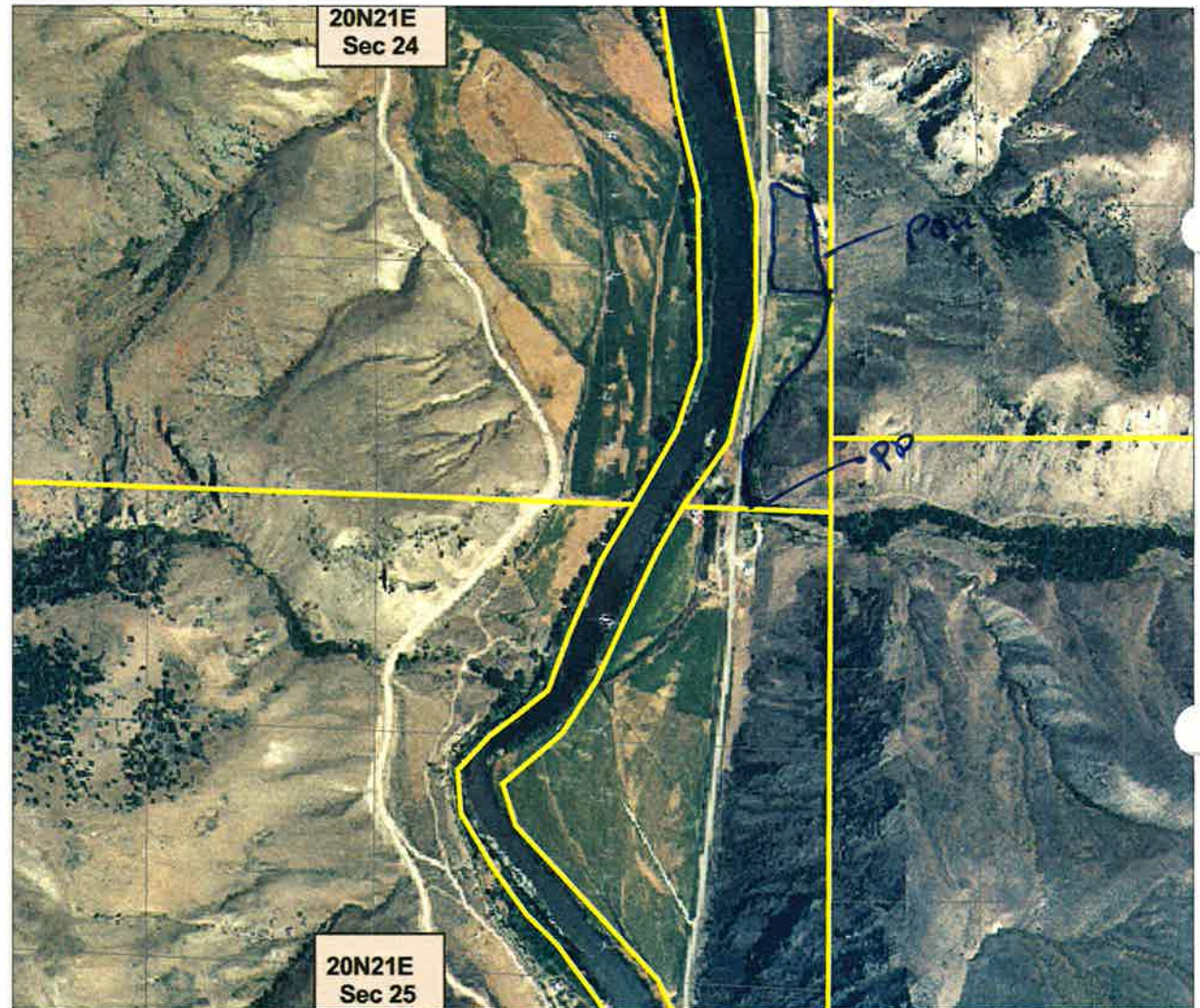
Adjudication Claim Number:

4104
75-4100 A



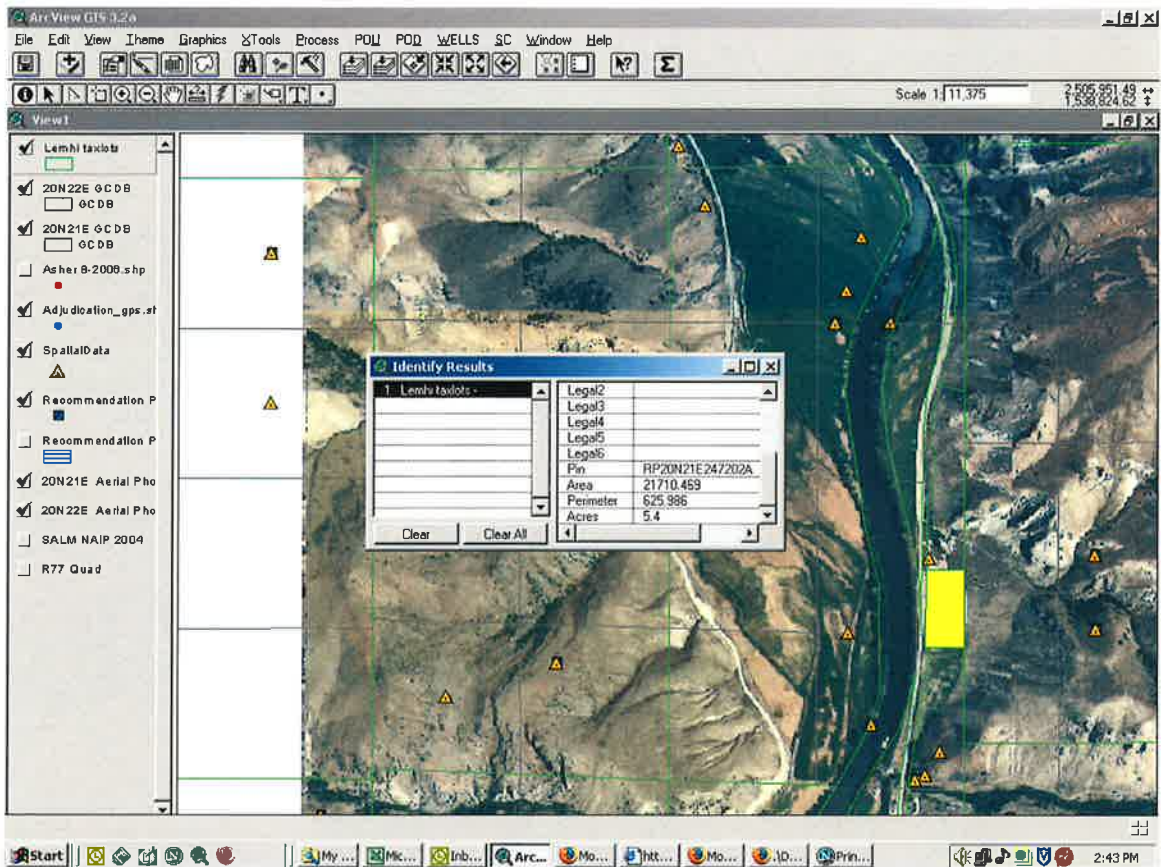
Legend

- SCANNED
JUL 20 2006
- Section Lines
 - 20N21E GCDB
 - 20N22E GCDB



0 0.4 0.8 Miles

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



Accession/Serial #: IDIDAA 046283 **BLM Serial #:** IDIDAA 046283**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.**Names****Patentee:** JOHN GUTZMAN**Survey****State:** IDAHO**Acres:** 134.7**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/2/1904**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** May 20, 1862: Homestead EntryOriginal (12 Stat. 392)**Document Numbers****Document Nr.:** 1188**Accession/Serial Nr.:** IDIDAA 046283**BLM Serial Nr.:** IDIDAA 046283

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
4	24/	20-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 4 OR NESE QUARTER								
6	24/	20-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 6 OR SESE QUARTER								
1	25/	20-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 1 OR NORTH HALF OF NE QUARTER								
4	25/	20-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 4 OF S HALF OF NE								
5	25/	20-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 5 OR NESE QUARTER								

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

CLAIM NO(s). 75-4104

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.: A0017454

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:

ditch from creek to place of use

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: 7-11-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

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 75-4104Date Received 7/18/06Receipt Number CO81699

RECEIVED

d.e. 8-2-06
-ss

JUL 18 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) PATRICIA L KASPER Phone (732) 297-3480Mailing Address 88 CHURCH LANE, NO. BRUNSWICK NJ Zip 089022. Date of Priority (Only one (1) per claim) 04/01/18933. Source of water supply (a) TENMILE CREEKwhich is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township 20N Range 21E Section 24,SE 1/4 of SE 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of LEMHI

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. ditch from creek to place of

use

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JUL 20 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4-1 to 11-1 amount .24 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.24 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
20N	21E	24																6.0	6.0

Total number of acres irrigated 6.0

11. In which county (ies) are lands listed above as place of use located? LEMH

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None X

14. Remarks:

Last Name _____ Ident No. _____

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11/11 20 2006

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 75 - 4104

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Patricia L Kasper Date July 12, 2006

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

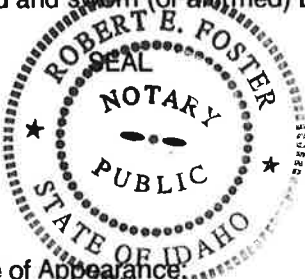
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 12th day of July 19 2006



Notary Public Robert E. Foster

Residing at Salmu Id

My Commission Expires 2-16-07

Please Print Name

17. Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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JUL 20 2006

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows, totaling 256 squares. The dashed lines are thin and light gray, contrasting with the white background of the squares.

Last Name _____ Ident No. _____

SCANNED

20 2006

IN THE PROBATE COURT OF THE COUNTY OF LEMHI, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE :

OF :

JOHN GUTZMAN, DECEASED. :

DECREE SETTTLING FINAL ACCOUNT AND FOR DISTRIBUTION.

Annie Gutzman, executrix of the last will and estate of John Gutzman, deceased, having on the 16th day of December, 1927, rendered and filed herein a full account and report of her administration of said estate which account was for final settlement, and having with said account filed a petition for the final distribution of the estate of said deceased; and said account and petition this day coming on regularly to be heard and proof having been made to the satisfaction of the court that notice of the settlement of said account and the hearing of said petition in the manner and for the time heretofore ordered and directed by the court, and it appearing that said account is in all respects true and correct; that it is supported by proper vouchers; that all taxes upon the property of the estate have been fully paid; that there is no inheritance tax chargeable to said estate; that all expenses of administration of said estate have been paid; that said John Gutzman, died testate and by his last will, duly proved and allowed in this court on the third day of July, 1925, devised and bequeathed all of his estate to Annie Gutzman, his widow, who is the sole devisee and legatee named therein; that said Annie Gutzman, executrix aforesaid, has in her possession belonging to said estate subject to distribution under and in accordance with the said last will and testament of said deceased, after deducting the credits to which she is entitled, the following described property of said estate, to-wit:

Real Estate.

Government Lots 4 and 6 in Section 24. Lots 1, 4, and 5 in Section 25. All in Township 20 North, Range 21 East of the Boise Meridian. Containing 134 acres and all water rights and appurtenances thereto.

Personal Property.

One horse, ten head of stock cattle, six pigs, one mower, one hay rake, one sweep rake, one hay derrick, one gas engine, one drag saw, one riding plow, one walking plow, one shovel cultivator, one disc harrow, one grain binder, household effects in dwelling house.

And no person appearing to oppose said hearing or said will it is ordered, adjudged and decreed that the said final account of said Annie Gutzman as executrix of said last will and estate, be, and the same is hereby approved, settled and allowed and that the residue of said estate hereinbefore particularly described and any other property which may belong to said estate or in which the said estate may have any interest, be, and the same is hereby distributed to said Annie Gutzman in accordance with the provisions of said last will and testament of said deceased, and as sole devisee and legatee named therein.

Done in open court this 28th day of December, 1927.

- S E A L -

G. W. Cronkrite,
Judge of said Probate Court.

STATE OF IDAHO,)
: ss.
COUNTY OF LEMHI.)

I, George W. Cronkrite, Judge of the Probate Court of the County of Lemhi, State of Idaho, and Ex-Officio Clerk of said Court, do hereby certify that the foregoing two pages contain a full, true and correct transcript of the decree of final distribution on file and of record in said Probate Court in the Matter of the Estate of John Gutzman, deceased, and of the whole thereof.

WITNESS my hand and the seal of said Probate Court this 28th day of December, A.D. 1927.

- S E A L -

G. W. Cronkrite,
Probate Judge and Ex-Officio
Clerk of said Court.

Filed December 28th, 1927.
G. W. Cronkrite, Clerk.

Recorded at the request of G.W. Cronkrite, December 28th, 1927, at 30 minutes past 11 o'clock A.M., in Book V of Deeds, page 442, Records of Lemhi County, Idaho.

Fee: 1.50

W. W. Simonson
County Recorder.

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JUL 20 2006

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JUL 26 2005

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Recorded at the request of Thos. Elden July 11th, 1902 at 11 o'clock A.M.
in Book 2 of Records page 181 Records of Public Lands, Idaho.

H. C. Longley, Register, Recorder
of Public Lands, Idaho.

The United States of America,
To all to whom these presents shall come, Greeting:
Homestead Certificate No. 1188 }
Application 1482 }

Whereas There has been deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears, that, pursuant to the Act of Congress approved 20th May, 1882, "To secure Homesteads to actual settlers on the Public Domain," and the acts supplemental thereto, the claim of John Gutzman has been established and duly consummated, in conformity to law, for the Lots numbered four and six of Section twenty-four and the Lots numbered one four and five of Section twenty-five in Township twenty North of Range twenty one East of Ties Meridian in Idaho, containing one hundred and thirty-four acres and seventy 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:

Now know ye, That there is, therefore, granted by the United States unto the said John Gutzman the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said John Gutzman 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. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, Theodore Roosevelt, President of the United States of America, has 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 second day of June, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth

Cal.

By the President T. Roosevelt
By F. M. McKee, Secretary,
G. H. Bush Recorder of the General Land Office

Recorded Idaho, vol 51, Page 182.

SCANNED

JUL 20 2006

SCANNED

JUL 26 2005

Idaho Department of Water Resources Receipt

Receipt ID C081699

Payment Amount \$112.00 Date Received 7/18/2006 12:37:56 PM Region State Status
Payment Type Check Check Number 1490

Payer KASPER, PATRICIA

Comment 75-4104

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$112.00	WATER RIGHT FILING SUBSCRIPTION	0229	21	51100	1755



Signature Line (Dept. Representative)

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JUL 18 2006
DEPARTMENT OF
WATER RESOURCES