

09/22/2006

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

RIGHT NUMBER: 75-4142

NAME AND ADDRESS: CORALEE SUMMERS
C/O LOIS M WILLIS
2499 N WHITEBIRD AVE
MERIDIAN ID 83642

BUD D SUMMERS
647 N 3000 E
SUGAR CITY ID 83448

SOURCE: COW CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.270 CFS

PRIORITY DATE: 03/03/1961

POINT OF DIVERSION:

T16N R21E S8 NWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	0.200 CFS
IRRIGATION	04/01 10/31	0.070 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T16N R21E S08 Lot 1 NENW 1.80

FISH PROPAGATION Within LEMHI County

T16N R21E S08 Lot 1 NENW

1.8 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

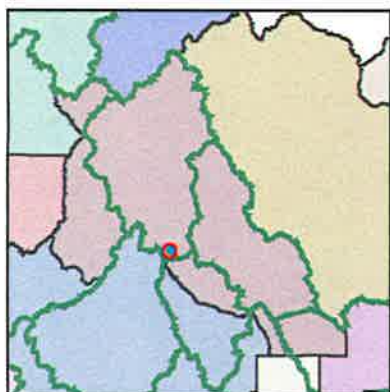
SRBA Recommendation:

75-4142

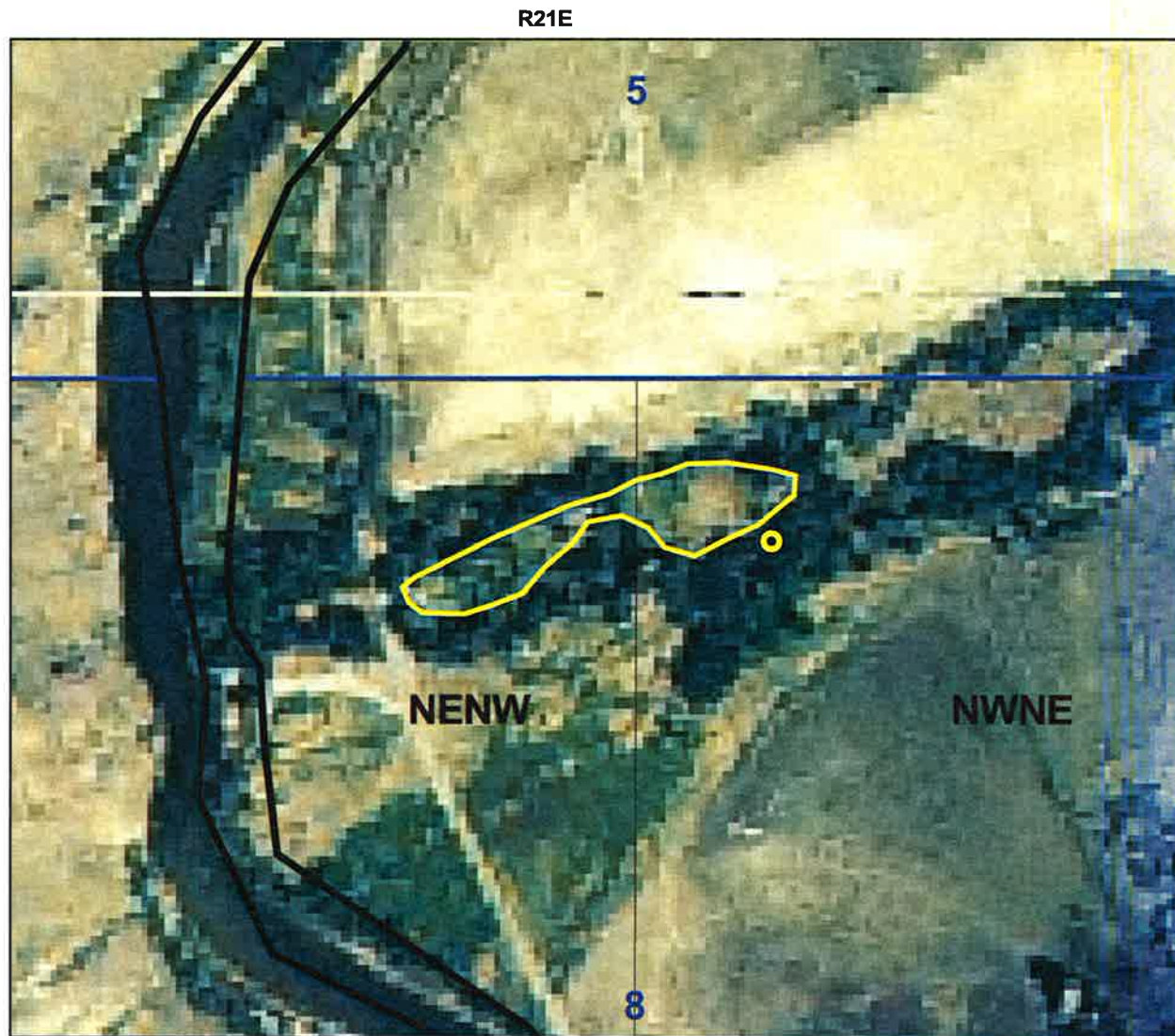
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

Prepared by D. Favreau
On Monday, July 24, 2006
1987/88 Aerial Photography

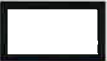


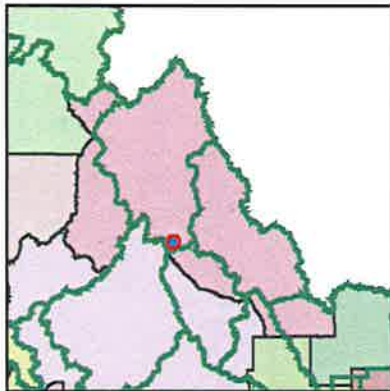
Idaho Department of Water Resources

Adjudication Claim:

75-4142

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Friday, March 3, 2006
1987/88 Aerial Photography

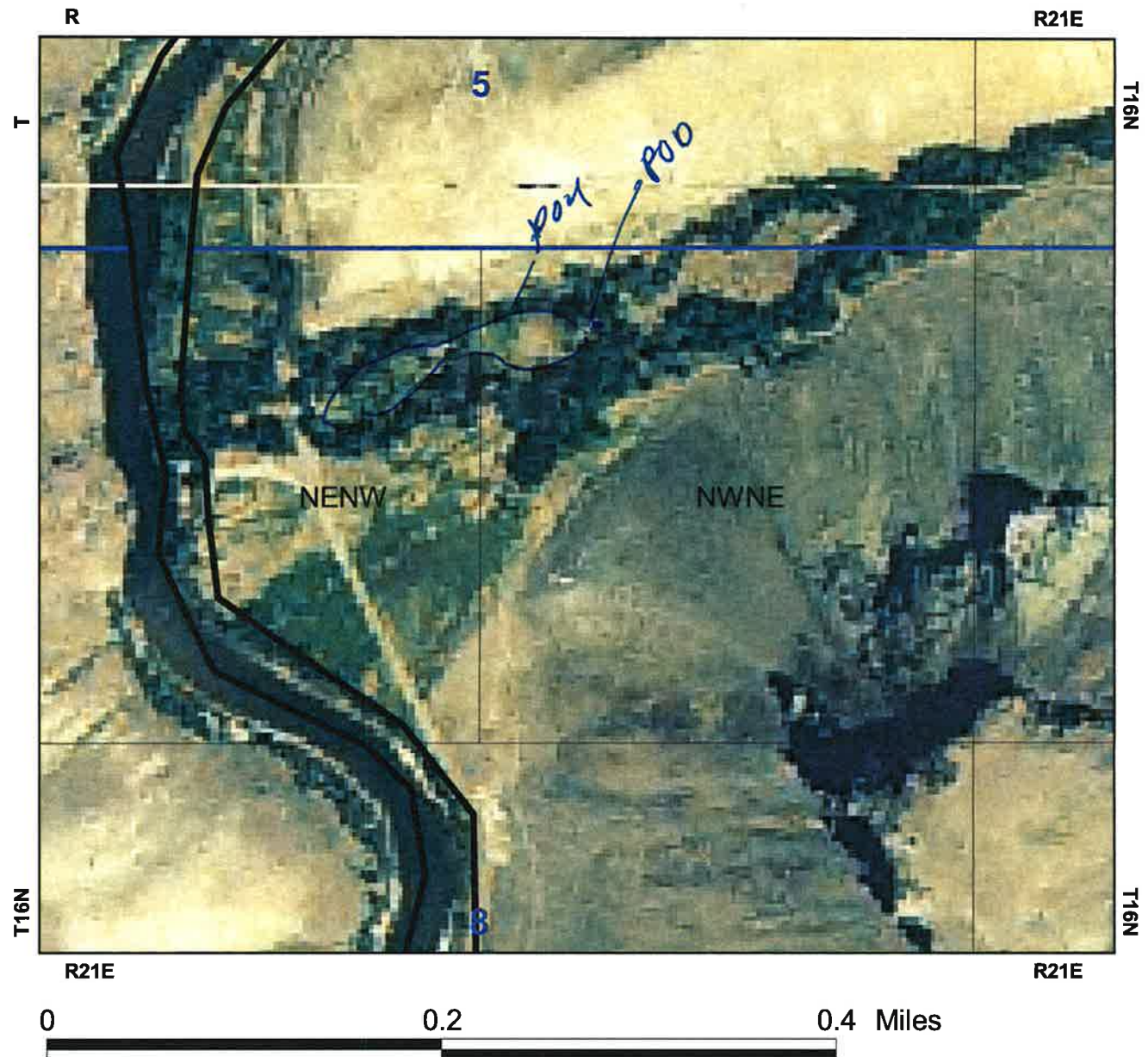


EXHIBIT "A"

278358

Township 16 North, Range 21 East, Boise Meridian, Lemhi County, Idaho

Section 5: Government Lots 8 and 11

Except the following: Commencing at the South 1/4 corner of Section 5, Township 16 North, Range 21 East, Boise Meridian; thence North 17° 35' West 1133.0 feet to a point in the Southeasterly right-of-way line of existing U. S. Highway 93, the real point of beginning; thence South 74° 26' East 277.74 feet; thence North 74° 03' 45" East 279.69 feet; thence North 62° 52' 30" East 527.80 feet; thence North 22° 37' 45" East 395.10 feet; thence North 1° 54' 45" East 674.22 feet to a point in the Southeasterly right-of-way line of said U. S. Highway 93; thence Southwesterly along said right-of-way line 1816.0 feet, more or less to the point of beginning.

Section 8: Government Lot 1, NW 1/4 NE 1/4

Except the following: Commencing at the Northeast corner of Lot 1, Section 8, thence South 7° 32' West 246.4 feet; thence South 72° 38' West 252.5 feet to the point of beginning; thence South 72° 38' West 170 feet, more or less, to the Easterly right-of-way of U. S. Highway 93; thence Southeasterly along said right-of-way 130 feet; thence North 59° 16' East 170.3 feet, thence Northwesterly to the East right-of-way line of Highway 93, 140 feet to the point of beginning.

11/20/2006

RECEIVED

DEC 18 2006

DEPARTMENT OF
WATER RESOURCES

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: 75-4142

CORALEE SUMMERS
C/O LOIS M WILLIS
2499 N WHITEBIRD AVE
MERIDIAN ID 83642
Telephone Number: (208)846-8574

BUD D SUMMERS
647 N 3000 E
SUGAR CITY ID 83448
Telephone Number: (208)356-6377

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: 12-14-06

SIGNATURE: 

Please print your name:

Bud D. SUMMERS

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

SCANNED

DEC 19 2006

11/20/2006

RECEIVED

DEC 18 2006

DEPARTMENT OF
WATER RESOURCES

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SUGAR CITY ID 83448
Telephone Number: (208)356-6377

RECEIVED
DEC 21 2006
IDWR/North

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: 12-14-06 SIGNATURE: [Signature]
Please print your name: Bud D. Summers

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

SCANNED /

DEC 18 2006

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

CLAIM NO(s). 75-4142

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.: A0017416

Township 16N Range 21E Section 8 1/4 NW 1/4 NW 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

ditch to pipeline to small pond 40'x40'x10'
pump in ditch to 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

No water being diverted at time of exam.

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 5-11-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04142

BUD B SUMMERS

647 N 3000 E

SUGAR CITY ID 83448

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.

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 21 2005

756-CC44

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4142

WATER RIGHT NUMBER: 75-4142

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CORALEE SUMMERS C/O LOIS M WILLIS 2499 N WHITEBIRD AVE MERIDIAN, ID 83642 (208)846-8574
Current Owner	BUD D SUMMERS 647 N 3000 E SUGAR CITY, ID 83448 (208)356-6377

Priority Date: 03/03/1961

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
COW CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	0.200 CFS	
IRRIGATION	4/01 to 10/01	0.070 CFS	
	<u>Total Diversion:</u>	0.270 CFS	

Location of Point(s) of Diversion

COW CREEK	NW1/4NE1/4	Sec. 8, Twp 16N, Rge 21E, B.M.
LEMHI County		

Place of Use

FISH PROPAGATION Within LEMHI County

T16N R21E S08 NWNE

IRRIGATION Within LEMHI County

T16N R21E S08 NWNE 1.0 T16N R21E S08 Lot 1 NENW 2.0

Total Acres: 3

Conditions of Approval:

Remarks:

SCANNED

JUL 21 2005

Idaho Dept of Water Resources.

July 9th - 05

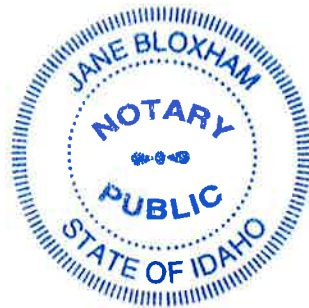
I am a previous owner
of this parcel of ground.

We bought it in 1960. Then
sold it to Carl + Irene Nulty
in 1961. Both are deceased.

Next to Krisofferson. Then
to Bud + Cora Summers.
in 1985.

Sincerely
Marie E Doll

Jane Bloxham
Challis, ID
Custer County
Comm exp. 1-26-10



SCANNED

JUL 21 2005

15-4142

SCANNED

OCT 0 2009

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: A75-04142
Date Received: 1/30/1990
Receipt No: E011890
Received By: Kes

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BUD D. SUMMERS 208-356-6377
Address: 647 NORTH 3000 EAST
SUGAR CITY, ID 83448
OR
Name: CORA LEE SUMMERS 208-356-6377
Address: 647 NORTH 3000 EAST
SUGAR CITY, ID 83448

2. Date of Priority: MAR 03, 1961

3. Source: COW CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	21E	8	NW	NE			LEMHI

5. Description of diverting works:
DITCH PIPELINE POND FOR FISH PROPAGATION & IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.070		
FISH PROPAGATION	01/01	12/31	0.200		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
PRIVATE FISH POND

A75-04142

Page 1

Date: 01/30/90



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	21E	8	NW	NE		IRR	1.0
			NW	NE		FISH	
			NE	NW	1	IRR	2.0
						Section Acres	3.0
						Total Acres	3.0

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:
75-02044A

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): Cara J. Summers Date: 1-30-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30th day

of Jan 19 90

Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

R21E

114°00'

263000m.E. SALMON 36 MI.

