

sent to Suzy @Northern for
ADR filing 9/18/2008 MVB

09/18/2008

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

RIGHT NUMBER: 75-4173

NAME AND ADDRESS: CECIL T JACKSON
42 WILD ROSE RD
SALMON ID 83467

JUDITH BAILEY JACKSON
42 WILD ROSE RD
SALMON ID 83467

SOURCE: UNNAMED STREAM

TRIBUTARY: HYDE CREEK

QUANTITY: 0.020 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 07/01/1932

POINT OF DIVERSION:

T20N R22E S8 NESE End of Stream Flow Within LEMHI County

T20N R22E S8 SESE Begin of Stream Flow Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: STOCKWATER in LEMHI County

T20N R22E S08	NESE	T20N R22E S08	SESE
---------------	------	---------------	------

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

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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

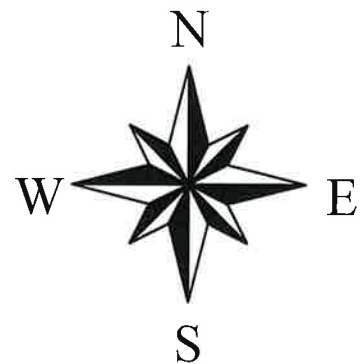
Stockwater use is for 20 head mixed stock.

Source is also known as Eli Creek.

75-4173



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





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 75-4173

Date Received: 9/10/2008

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

1. Name of Claimant(s) Cecil T Jackson
Judith Bailey Jackson Phone ²⁰⁸ 756-2429

Mailing Address 42 Wild Rose Rd Salmon ID Zip 83467

2. Date of Priority: (Only one per claim) 7/1/1932 Month/Day/Year

3. Source of water supply (Check one) Ground Water () or Other () (a) Eli Creek
which is tributary to (b) Salmon River

4. Location of Point of Diversion is: Township beginning 20N, Range 22E, Section 8,
1/4 of SE, 1/4 of SE, 1/4 Govt. Lot _____, BM., County of Lemhi

Additional points of diversion if any: end: 20N 22E Sec 8 NESE

5. Description of diverting works (Wells, Pumps, Spring boxes, Pipelines, 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. instream stockwater

6. Water is claimed for the following: (limited to Domestic and/or Stockwater uses. See page 1 of the instructions.)

For Stockwater purposes from ^{Month/Day} 1/1 to ^{Month/Day} 12/31 amount ^(cfs) 0.02

For _____ purposes from _____ to _____ amount _____

7. Total Quantity claimed 0.02 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership;

Stockwater and Number of livestock) 20 mixed

SCANNED
SEP 18 2008

10. Location of Place of Use is: Township 20N, Range 22E, Section 8,
SE, 1/4 of SE, 1/4, Govt. Lot _____, BM. and NESE

for (Circle One) **Domestic** **Stock** **Domestic and Stock**
 Additional places of use, if any _____

11. Which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes ☒ No ()

If the 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.

None () _____

14. Remarks:

15. Basis of Claim (Circle One) **Beneficial Use** Posted Notice License Permit Decree
 Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

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) Karl J. [Signature] Date: 9/10/08
David [Signature] Date: 9-10-08

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

of _____, that I have signed the foregoing document in the space below as
 Organization

Title _____ of _____ Organization _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

State of Idaho)
) SS.
 County of _____)

NOTARIZATION REQUIRED FOR EACH CLAIM

Subscribed and sworn (or affirmed) before me this 10th day of September 2008

Notary Public [Signature]

Residing at Boise, ID

My commission Expires 4/11/2013

Seal



Last Name _____ Identification No. _____

SCANNED
 SEP 18 2008

RECEIVED

AUG 22 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

☒ Subcase 75-4173

(insert water right number)

DOMESTIC AND
STOCK WATER RIGHT
OBJECTION

Please fill in the following information:

☒ NAME AND ADDRESS OF PERSON OBJECTING

Name: SUNSET HEIGHTS WATER DISTRICT

Address: P.O. Box 4

SALMON, ID 83467

Daytime Phone: 208-256-7179 - KATHY

Name & Address of Attorney, if any:

☒ CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: JUDITH BAILEY JACKSON - CECIL T. JACKSON

Address: 42 WILD ROSE RD

SALMON, ID 83467

☒ I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

☒ **REASONS SUPPORTING OBJECTION(S):** THERE IS NO DAM
TO SUPPORT CLAIM OF STORAGE - RECREATION OR
OTHERWISE. DAM WAS BREACHED BEFORE 1970
AND HAS NOT BEEN USED.

VERIFICATION (Must be Completed)

State of Idaho)
County of Lewiston)ss.

Sunset Heights Water District, duly sworn, upon oath, deposes and says:
(Name of person filing objection) By Kathy Coker, Board Member

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Sunset Heights Water District
(Signature of person filing objection) By Kathy Coker
Board Member
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



May 18, 2007
M. A. Slavin
Notary Public for IDAHO
Residing at: 591 MON, ID
My Commission Expires: 10/26/11

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.



CERTIFICATE OF MAILING

I certify that on August 20, ²⁰⁰⁷~~199~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Shirley A. & Gerald Jackson - c/o Kent W. Foster
Address: Holston, Richard, Nahr & Chap. PLLC
P.O. Box 50130, Idaho Falls, ID 83405-0130

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Kathy Carter for Smart Heights
Signature of Objector or attorney
mailing on Objector's behalf Water District

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: 75-4173

CECIL T JACKSON
42 WILD ROSE RD
SALMON ID 83467
Telephone Number: (208)756-2429

JUDITH BAILEY JACKSON
42 WILD ROSE RD
SALMON ID 83467
Telephone Number: (208)756-2429

RECEIVED

DEC 17 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:

SCANNED

DEC - 6 2006

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: 12/7/06

SIGNATURE:

Cecil T. Jackson

Please print your name:

Cecil T. Jackson

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4173 V1

WATER RIGHT NUMBER: 75-4173 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CECIL T JACKSON 42 WILD ROSE RD SALMON, ID 83467 (208)756-2429
Current Owner	JUDITH BAILEY JACKSON 42 WILD ROSE RD SALMON, ID 83467 (208)756-2429
Original Owner	WILLIAM R STIGALL RR1 BOX 224-50 42 WILD ROSE RD SALMON, ID 83467 (208)756-2778
Original Owner	RALSTON W ADAMS RT 1 BOX 224-50 SALMON, ID 83467 (208)756-3611
Original Owner	GLORIA J STIGALL RR1 BOX 224-50 42 WILD ROSE RD SALMON, ID 83467 (208)756-2778
Original Owner	RACHEL L ADAMS RT 1 BOX 224-50 SALMON, ID 83467 (208)756-3611
Attorney	JORDAN P SMITH 807 MAIN ST SALMON, ID 83467

Priority Date: 07/01/1932

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	HYDE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NE1/4SE1/4	Sec. 8, Twp 20N, Rge 22E, B.M.
LEMHI County	(Ending of Reach)	
UNNAMED STREAM	SE1/4SE1/4	Sec. 8, Twp 20N, Rge 22E, B.M.
LEMHI County	(Beginning of Reach)	

Place of Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4173 V1

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
20N	22E	8													X				X

Conditions of Approval:

1. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. C18 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.
4. X02 Stockwater use is for 20 head mixed stock.
5. B01 Source is also known as Eli Creek.

Remarks:Comments:

1. mvanbussum 9/18/2008 Objection Resolution

Comment: At the initial hearings in September 2008, I had a chance to speak with the claimants and objectors about this claim, which was originally disallowed. The claimants, per their statements, had only intended to claim instream stockwater and filed an amended claim on that date. The objectors said they had no problem with instream stockwater being claimed. I am changing the recommendation to active based on the amended claim and will file an ADR with the SRBA Court.

2. mvanbussum 9/18/2008 Copied from comments

Comment: FIELD EXAMINER, ON 10/17/2006, COULD FIND NEITHER A DIVERSION OR POND/RESERVIOR AS CLAIMED.

3. mvanbussum 9/18/2008 Copied from comments

Comment: CHANGED OWNERSHIP PER REQUEST/CV/12/21/00

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4173 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/15/2006 3:36:45 PM	kfranklin			Active
POD	11/15/2006 3:59:11 PM	kfranklin			Active
POU	11/15/2006 3:59:12 PM	kfranklin			Active
Source	11/15/2006 3:59:15 PM	kfranklin			Active
Season	11/15/2006 3:59:16 PM	kfranklin			Active
Use	11/15/2006 3:59:16 PM	kfranklin			Active
Quantity	11/15/2006 3:59:17 PM	kfranklin			Active
Summary			11/15/2006	kfranklin	Active
Contacts	9/18/2008 2:42:12 PM	mvanbussum			Active
Priority Date	9/18/2008 2:42:48 PM	mvanbussum			Active
POD	9/18/2008 2:43:03 PM	mvanbussum			Active
Source	9/18/2008 2:47:38 PM	mvanbussum			Active
POU	9/18/2008 2:48:08 PM	mvanbussum			Active
POU	9/18/2008 2:48:21 PM	mvanbussum			Active
Use	9/18/2008 2:53:19 PM	mvanbussum			Active
Season	9/18/2008 2:53:55 PM	mvanbussum			Active
Quantity	9/18/2008 2:54:42 PM	mvanbussum			Active
Summary			09/18/2008	mvanbussum	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	9/18/2008 2:45:13 PM	mvanbussum	Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4173 V1

POD	9/18/2008 2:46:04 PM	mvanbussum	Updated Shape
POU	9/18/2008 2:48:08 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required?
General	11/15/2006 4:36:51 PM	kfranklin	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - AFFIDAVIT OF ELETIA S. DANIELS.
POD	11/15/2006 4:59:17 PM	kfranklin	(No) 1. Is the basis of this claim a Decree or License?
POU	11/15/2006 4:59:18 PM	kfranklin	(No) 1. Is the basis of this claim a Decree or License?
Source	11/15/2006 4:59:21 PM	kfranklin	(No) 1. Is the basis of claim Decree or License?
Use	11/15/2006 4:59:22 PM	kfranklin	(No) 1. Is the basis of this claim a Decree or License?
Season	11/15/2006 4:59:23 PM	kfranklin	(No) 1. Is the basis of claim Decree or License?
Quantity	11/15/2006 4:59:23 PM	kfranklin	(No) 1. Is the basis of this claim a Decree or License?
Summary	11/15/2006 4:59:24 PM	kfranklin	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right?
Contacts	9/18/2008 2:42:13 PM	mvanbussum	(No) 1. Do you want to schedule an appointment?

Comment for 1: Desktop review.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4173 V1

General	9/18/2008 2:42:49 PM	mvanbussum	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - De minimus stockwater with usual N codes. No evidence of priority needed.
POD	9/18/2008 2:43:03 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	9/18/2008 2:47:38 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - Claimed as Eli Creek trib to Salmon River. Topographic map suggests it is actually an unnamed stream trib to Hyde Creek.
POU	9/18/2008 2:48:21 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - Claimant correspondence.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4173 V1

Summary	9/18/2008 3:00:33 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Use	9/18/2008 2:53:20 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Claimant communication.
Season	9/18/2008 2:53:56 PM	mvanbussum	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (No) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required? Description for Question 15 - Standard season for stockwater.
Quantity	9/18/2008 2:54:42 PM	mvanbussum	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - Per IDWR Director Dave Tuthill, no flow measurement needed if recommended flow is less than 0.2 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4173 V1

POU 9/18/2008 2:52:44 PM mvanbussum Updated Shape

SubCase:

SubCase Number: 75-4173

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Keith Franklin

Basis of Claim: Beneficial Use

Date Filed: 8/30/2007 Objection Status: Active

Date Filed: 8/20/2007 Objection Status: Active

Water Supply Bank:

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

CLAIM NO(s). 75-4173 _____

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.: _____

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:

see remarks

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 diversion or pond found

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-17-06

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

Jordan P. Smith Chartered
Jordan P. Smith
Attorney at Law
807 Main Street
Salmon, ID 83467
Telephone: (208) 756-2257
Facsimile: (208) 756-4626

Idaho State Bar Number: 1760

RECEIVED
FEB 21 2006
DEPARTMENT OF
WATER RESOURCES

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) CASE NO. 35976
of Right to the Use of Water from)
the Snake River Basin Water System,) NOTICE OF APPEARANCE
)
)
)

NOTICE IS HEREBY GIVEN that Jordan P. Smith hereby enters an
appearance on behalf of the Claimants, CECIL T. JACKSON and JUDITH BAILEY
JACKSON, in the above-entitled action.

DATED: February 14, 2006.

75-4173
75-14179
added to
records
2-22-06
-ss



Jordan P. Smith
Attorney for Claimants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of February, 2006, I caused a true and correct copy of the following-described document to be served on the parties listed below, by mailing, with the correct postage thereon, or by causing the same to be hand delivered or transmitted by facsimile.

DOCUMENT SERVED:

PARTIES SERVED:

NOTICE OF APPEARANCE

Karl J. Dreher, Director
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Roxanne Brown
Sr. Water Resource Agent
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

() Hand Delivery
(XX) Mailed
() Faxed



Jordan P. Smith

JORDAN P. SMITH

CHARTERED

ATTORNEY AT LAW

807 MAIN STREET

SALMON, IDAHO 83467

208-756-2257

TELEFAX (208) 756-4626

August 23, 2005



Robert Foster
Idaho Department of Water Resources
206 Van Dreff
Salmon, ID 83467

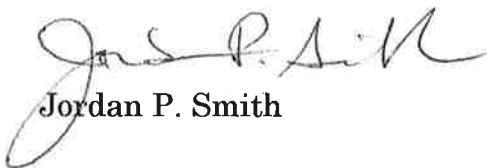
Re: Water Right No. 75-4173⁸
Current Owner: Cecil and Judith Jackson
Priority Date Claimed: 7/01/1932

Dear Mr. Foster:

In support of the claim by Mr. and Mrs. Jackson to the above described claim to a water right, I am enclosing the following: letter/affidavit from Mrs. Eletha S. Daniels.

I would appreciate you're submitting this to the Department of Water Resources in support of the claim.

Sincerely,



Jordan P. Smith

JPS:lem

Enclosures

cc: Cecil Jackson

SCANNED

AUG 26 2005

RECEIVED

AUG 26 2005

Department of Water Resources

August 18, 2005

Robert Foster
Idaho Department of Water Resources
206 Van Dreff
Salmon, ID 83467

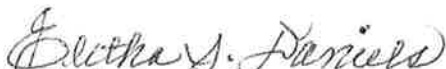


Re: Water Right No. 75-4173
Current Owner: Cecil and Judith Jackson
Priority Date Claimed: 7/01/1932

Dear Mr. Foster:

Mr. and Mrs. Jackson have requested that I provide this letter setting forth my knowledge of the date when the above claim to a water right was first in use. The pond in question was constructed, to the best of my knowledge, in the early 1930's, and possibly 1932. My knowledge is based on the fact that I married Mr. Robert Daniels and took up residence on the ranch where the pond is located in 1946. The ranch had been owned by my husband's family (Mr. and Mrs. Seth Daniels) since before 1920. My husband told me that the pond had been built by his family with scrapers, and my recollection was that it was constructed in the early 1930's.

Sincerely,


Eletha Daniels

SUBSCRIBED AND SWORN TO Before me this 19th day of August, 2005.




Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 9-4-2011

SCANNED

AUG 26 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 21, 2000

WILLIAM R & GLORIA J STIGALL
RR1 BOX 224-50
42 WILD ROSE RD
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-04029, A75-04173

Dear Claimant:

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

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. 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,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure: Notice(s) of Claim

DELOG JC 11-24-00
OK JC 12/21/00

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

NOV 22 2000

Department of Water Resources
Eastern Region

1. Water Right No(s): A75-04029 AND A75-04173
Adjudication Claim No(s): AJ5809NP
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim 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 RALSTON W. ADAMS AND RACHEL L. ADAMS
RT 1 BOX 224-50, SALMON, IDAHO 83467
4. New Owner/Claimant(s) WILLIAM R. STIGALL & GLORIA J. STIGALL, HUSBAND & WIFE
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address RR1, BOX 224-50, 42 WILD ROSE ROAD,
City, State and ZIP Code SALMON, IDAHO 83467
New Telephone Number (208) 756-2778
5. Date you acquired the property OCTOBER 13, 2000
6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right 42 Number and type of stock _____
 Diversion rate in CFS 2.5 & .20 Number of homes you acquired 1 Other uses IRRIGATION, STOCKWATER
RECREATION STORAGE AND DIVERSION TO STORAGE
7. Signature of New Owner(s) William R. Stigall
or Claimant(s) _____
- Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

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 75-4173
Date Received: 4/25/1990
Receipt No: M006731
Received By: EMC

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

1. Name of Claimant(s)

CECIL T JACKSON Phone: (208)756-2429
JUDITH BAILEY JACKSON Phone: (208)756-2329
42 WILD ROSE RD
SALMON ID USA 83467

2. Date of Priority: 07/01/1932

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
20N	22E	8	SE SE	LEMHI	

5. Description of diverting works:

EARTH DAM, 11' HIGH, 200' LONG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.02	
RECREATION STORAGE			11/15	3/15
15				
DIVERSION TO STORAGE			11/15	3/15 0.2

7. Total Quantity Appropriated is:
0.2 C.F.S. and/or 15 A.F.A.

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	8	SE	SE		RECREATION STORAGE	
			SE	SE		STOCKWATER	

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:

15. Basis of Claim: Statutory Claim

SCANNED

OCT 0 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 75-4173
Date Received: 4/25/90
Receipt No:
Received By:

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

1. Name of Claimant(s)

WILLIAM R STIGALL Phone: (208) 756-2778

RR1 BOX 224-50
42 WILD ROSE RD
SALMON ID USA 83467

GLORIA J STIGALL Phone: (208) 756-2778

RR1 BOX 224-50
42 WILD ROSE RD
SALMON ID USA 83467

2. Date of Priority: 07/01/1932

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
20N	22E	8	SE SE	LEMHI

5. Description of diverting works:

EARTH DAM, 11' HIGH, 200' LONG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.02	
RECREATION STORAGE	11/15	3/15	0	15
DIVERSION TO STORAGE	11/15	3/15	0.2	

7. Total Quantity Appropriated is:

0.2 C.F.S. and/or 15 A.F.A.

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	8	SE	SE	RECREATION STORAGE	
			SE	SE	STOCKWATER	

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:

CHANGED OWNERSHIP PER REQUEST/CV/12/21/00

15. Basis of Claim: Statutory Claim

70
X
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: A75-04173
Date Received: 4/25/1990
Receipt No: 7006731
Received By: EAC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALSTON W. ADAMS 208-756-3611
Address: RT. 1 BOX 224-50
SALMON, ID 83467

OR
Name: RACHEL ADAMS 208-756-3611
Address: RT. 1 BOX 224-50
SALMON, ID 83467

2. Date of Priority: JUL 01, 1932

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
20N	22E	8	SE	SE			LEMHI

5. Description of diverting works:
EARTH DAM, 11' HIGH, 200' LONG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.020		
DIVERSION TO STORAGE	11/15	03/15	0.200		
RECREATION STORAGE	11/15	03/15			15.00

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 15.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE. R/ PRIVATE RECREATION FACILITY.

A75-04173

Page 1

Date: 04/25/90

A7504173



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
20N	22E	8	SE	SE		STOCK	
			SE	SE		REC S	

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 X 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): Ralston H. Adams Date: 4/25/90
_____ Date: _____

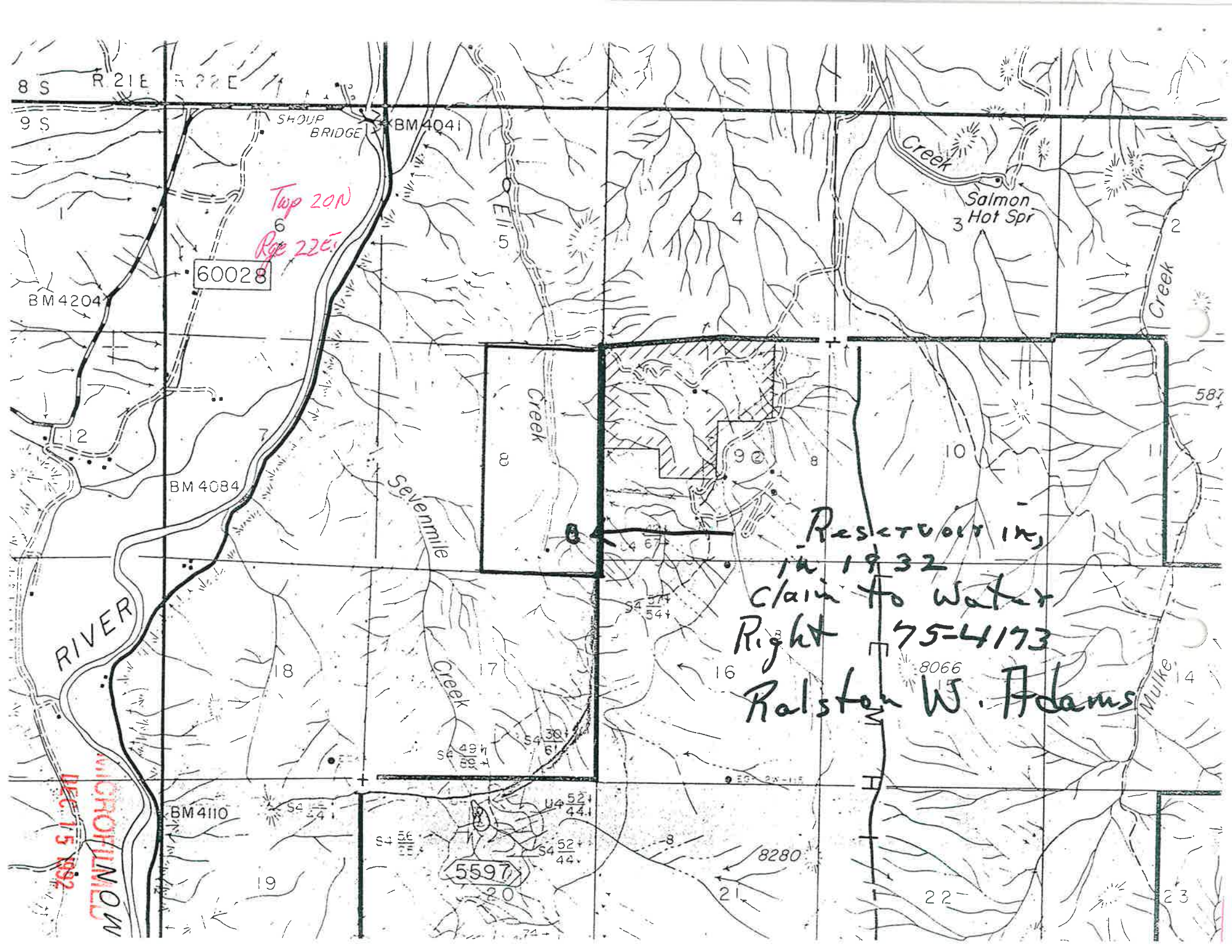
State of Idaho)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of April 19 90.

E. T. Adams
Notary Public

Seal

Residing at Wata Falls, ID
My Commission Expires 6-14-1994



8 S R 21 E R 22 E
9 S

Top 20N
Rge 22E

60028

BM 4204

BM 4084

Sevenmile

RIVER

DEC 15 1992
MICROFILMED

BM 4110

5597

Reservoir in,
in 1932
Claim to water
Right 75-4173
Ralston W. Adams

Salmon
Hot Spr

Muir