

12/11/2006

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

RIGHT NUMBER: 75-4207

NAME AND ADDRESS: NORTON DITCH CO
162 HIGHWAY 93 N
SALMON ID 83467-5301

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 89.900 CFS

PRIORITY DATE: 10/20/1887

POINT OF DIVERSION:

T21N R22E S6 SWSENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	89.600 CFS
STOCKWATER	01/01 12/31	0.300 CFS

PLACE OF USE:

1791 ACRES TOTAL

This right is limited to the irrigation of 1791 acres within the place of use described above in a single irrigation season.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

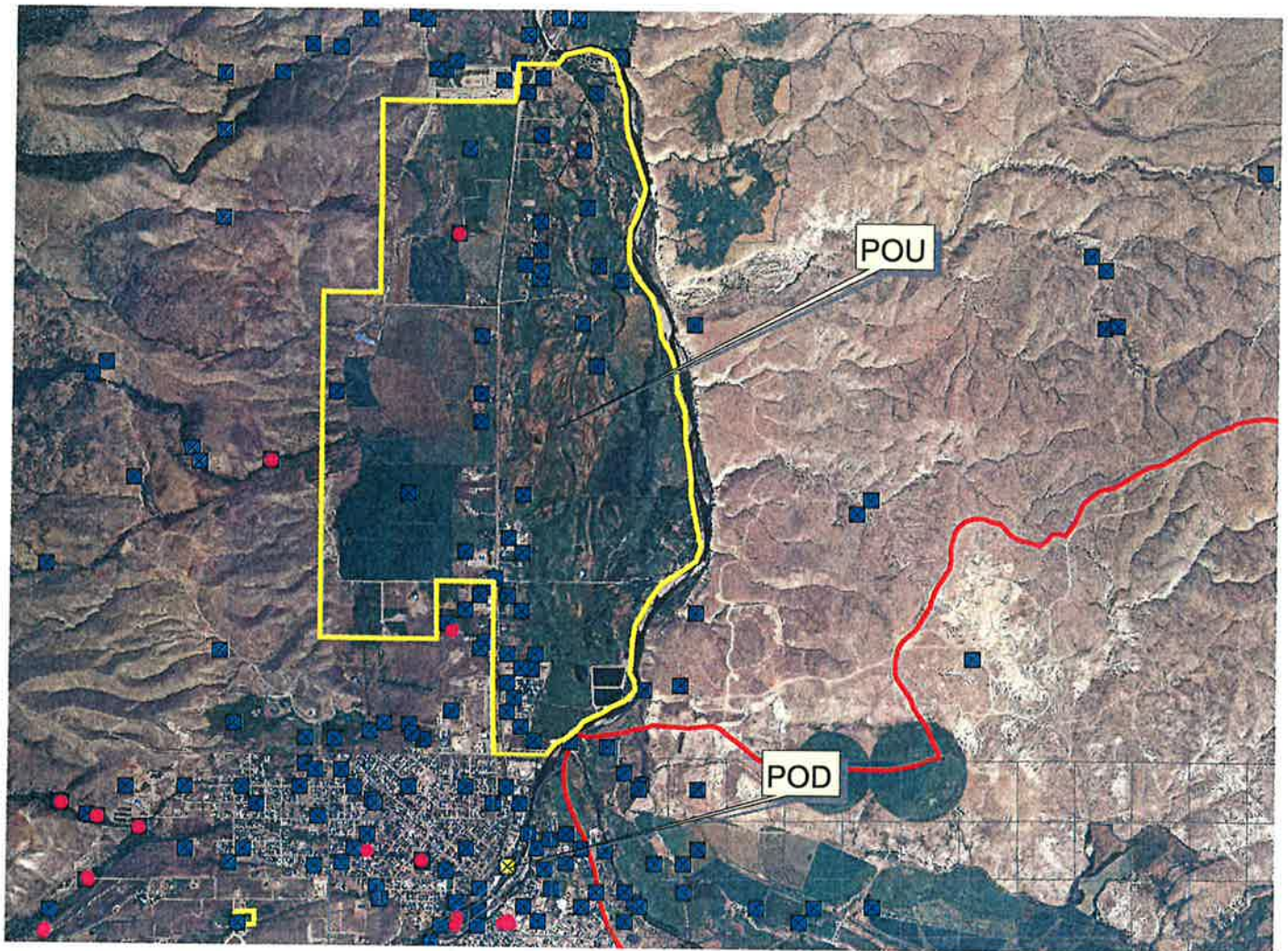
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

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

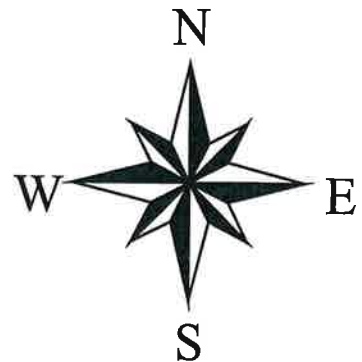
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

75-4207



1 0 1 2 Miles

-  GCDB21N22E GCDB
-  Theme24.shp
-  Foster.shp
-  Recommendation POD
-  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 11, 2006

Norton Ditch Co.
162 Highway 93 N
Salmon, Idaho 83467-5301

Re: Claim 75-4207

Gentlemen:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply. Claim 75-4207 is being recommended with a priority date of 10-20-1887. Please contact me if the changes are incorrect.

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: December 8, 2006

Water right number: 75-4207

NORTON DITCH CO
162 HIGHWAY 93 N
SALMON ID 83467-5301
Telephone Number: (208)756-2809

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

WE DISAGREE WITH OUR WATER BEING DISALLOWED BASED ON PRIORITY DATE.

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

CONSIDER PRIORITY DATE OF OCTOBER 20, 1887 BASED ON ADDITIONAL DOCUMENTS ATTACHED.

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:

Dec. 7, 2006

SIGNATURE:

Michael Overacker

Please print your name:

MICHAEL OVERACKER

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

Department of Water Resources
Adjudication Bureau
PO Box 83720
Boise, Idaho 83720-0098
December 7, 2006

Dear Sirs,

The Norton Ditch Company respectfully requests that the following documents be added to our file to verify the date that water was put to beneficial use on lands served by the Norton Canal.

The first document, recorded October 20, 1887, shows that J.H. Wheeler, Wm. Andrews, and C.C. Willis claimed 3000 inches for agricultural and other purposes, and taken to the West from the Salmon River about 400 yards below the mouth of the Lemhi River.

The second document, recorded July 22, 1889, is a notice of change of point of diversion from a point 400 yards below the mouth of the Lemhi River on the West side of the Salmon River to a point about 300 yards below the bridge across the Salmon River at Salmon City and on the West side of said Salmon River. This document is signed by C. C. Willis and J. H. Wheeler.

The third document to be added to the Norton Ditch Company file is an aerial photograph of the lands served by the Norton Canal taken in 1946. This photograph shows the extensive agricultural development that had taken place by 1946.

The Norton Ditch Company further requests that you look at page 45 of the Metsker's Idaho Atlas published in 1940, which shows T 22N/R 22E. The Norton Canal can be seen flowing North and joining Bob Moore Creek, then flowing back to the Salmon River.

Sincerely,



Michael Overacker
Sec.-Treasure Norton Canal Company

Book A
Water
Sacramento
County

Notice is hereby given that we the undersigned have this day changed the point of diversion of the water right located by us and Wm Andrews October 20th 1887 and recorded in Book A of Water Rights at page 377 Records of Lemhi County, Idaho T^y. The said point of diversion is changed from 400 yards below the mouth of Lemhi River on the west side of Salmon River, to the northeast corner of Mrs A. B. McCaleb's field and about 300 yards below the bridge across Salmon River at Salmon City, and on the west side of said Salmon River.

Dated July 2nd 1889

B. C. Willis
J. H. Wheeler

Recorded at the request of C. C. Willis July 22nd, 1889 at
40 minutes past 2 o'clock P.M. in Book A of Water Rights page
364, Records of Lincoln County, Idaho Territory.

Timothy Dore
County Recorder

Noticé.

Notice is hereby given that we, the undersigned citizens
of the United States, bear this 15th day of July A.D. 1889,
located and do claim 1000 inches, ^{approximately} more or less,
amount of the Water of Patterson Creek at its mouth
about one half mile from the mouth of the Carryon
and conveyed by Ditch in an artificial wood conduit to
the undersigned Ranch to be used for Irrigating ~~for~~
Agricultural and Culinary purposes the right of the
Ditch ^{which} conveys said water as to be conveyed is ten feet
wide and one foot deep.
Said water right and ditch is situated in Pak-
Simasi Valley on the east side in Lemhi County,
Idaho Territory,
dated July 15th 1889

J. W. Jackson.
H. S. Hopper.

Recorded at the request of J. M. Jackson July 25th 1898
at 30 minutes past 6 o'clock P.M., in Book C of Water Rights
page 364 Records of Fremont County, Idaho Territory.

Timothy Dore
County Recorder

Book A -
J. H. W. County

and have this day
Value of the Lemhi
+ which is about
in the Indian Reservation
Ten Thousand inches
so far as other
able manner to
and near and along
1/2 path of Rang-
tony of Idaho,

will be twelve
bottoms, where
constructed six feet
are of pipes they
general dimension

Ad Mining Co.,
Sept 23 1887
K "A" of Water Rights
J. H. W. County
Recorder

signed claim
instead claims
west of the
and inches of
Creek at a
Mile Canyon
ditch of
about amount
of described
books
person
admission

Oct. 1887, at 30 Min
A of Water Rights
J. H. W. County
Recorder

Junction Idaho Oct 3rd 87
We the undersigned claim six hundred inches of water for
irrigating purposes out of Eight Mile Creek at the
mouth of the Cannon when we have this sixth day
of Oct placed notice of location

N. K. Cartwright
J. F. Yearian

Filed for record in this Office this 9th day of October A.D.
1887, at 10 Min past 4 O'clock P.M. and recorded in Book
"A" of Water Rights

Junction Oct 2nd 87
We the undersigned claim five hundred inches of water
for irrigating purposes out of Timber Creek right
hand fork near the mouth of Cannon when we have
this sixth day of Oct placed notice of location

J. F. Yearian
N. K. Cartwright

Filed for record in this Office this 9th day of October A.D.
1887, at 10 Min past 4 O'clock P.M. and recorded in Book
"A" of Water Rights page 327

John Hogan
County Recorder

Notice is hereby given that we the undersigned have this
day located and claimed (3000) three thousand inches of the
water of the Salmon River for agricultural and other
purposes to be taken out of the said stream at a certain
point about about 400 yards below the mouth of the
Lemhi River and on the West side near the upper line of
William Andrews field, and to be conveyed by ditch
of sufficient capacity to our respective Resort Land
Claims to be used for irrigation thereon

Salmon City Lemhi County Idaho

October 20th 1887.

J. H. Wheeler
W. H. Andrews
C. C. Willis

Filed for record in this Office this 21st day of October A.D.
1887, at 9 O'clock A.M. and recorded in Book A of
Water Rights page 327

John Hogan
Rec, Recorder

Recorded at the office of the Clerk of the Court, at the County of ...
on the 10th day of ... 1882.
By the Clerk of the Court, ...
Deputy Clerk of the Court, ...

Recorded at the office of the Clerk of the Court, at the County of ...
on the 10th day of ... 1882.

Records of the General Land Office

At all to whom these presents shall come, greeting:
Whereas John has been deposited in the General Land Office of the
United States a Certificate of the Register of the Land Office at Albany, New
York, to appear that, pursuant to the Act of Congress approved 20th May
1862 (12 Stat. 389) in the Public Domain and the
lands of the United States, this claim of John C. Smith has been established
and duly consummated, in conformity to law, for the North East quarter of
Section numbers one and twenty Township Twenty Two North Range Twenty Two East
of Range in State, containing one hundred and sixty acres
according to the Official Plat of the Survey of the said land, returned to the
General Land Office by the Surveyor General.
Now know ye, that there is, therefore, granted by the United States
with the said John C. Smith the tract of land above described:
I have and to hold the said tract of land, with the appurtenances
thereof, unto the said John C. Smith and to his heirs and assigns
forever, subject to any valid and lawful water rights for mining, or
irrigation, manufacturing, or other purposes, and rights to ditch and
waterways used in connection with such water rights, as may be nec-
essary 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 ore or minerals, should the same be found to
be situated or extracted from the lands hereby granted, as provided by law.
And there is reserved from the lands hereby granted, as much of way
as may be necessary for the same, as provided by the authority of the United States.
Do testimony whereof, I, William McKim, 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 this twenty first
day of March in the year of our Lord one thousand eight hundred
and ninety eight and of the Independence of the United States the one
hundred and twenty second. By the President William McKim.
By John C. Smith and John C. Smith (Deaf)

The United States of America.

To all to whom these presents shall come Greeting: Whereas there has been deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Boise Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, to secure homesteads to actual settlers on the Public Domain and the acts supplemental thereto, the claim of Charles H. Webb has been established and duly consummated, in conformity to law for the North West quarter of the South east quarter; the North east quarter of the South west quarter and the lots numbered two and three of Section thirty in Township twenty two North of Range twenty two East of Boise Meridian in Idaho, containing one hundred and fifty nine acres, and thirty 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 Charles H. Webb the tract of land above described: To have and to hold, the said tract of land, with the appurtenances thereof, unto the said Charles H. Webb 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 I Grover Cleveland 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 twenty seventh day of July in the year of our Lord one thousand eight hundred and ninety six and of the Independence of the United States the one hundred and twenty first.

By the President Grover Cleveland

(Seal)

By M. M. Kean Secretary.

L. B. Lamar Recorder of the

General Land Office Recorded Vol 2^a page 228.

Recorded at the request of John Long March 2 - 1897 at 2 O'clock P.M. in Book E of Deeds page 290. Records of Lemhi County Idaho
J. P. Kellogg

Desert Lands.- Certificate No 335-

The United States of America,

To all to whom these presents shall come Greeting: Whereas Emma Wheeler 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 Healy, Idaho, whereby it appears that full payment has been made by the said Emma Wheeler 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 lots numbered two, three and four of Section twenty, in Township twenty-two North, of Range twenty-two East of Boise Meridian in Idaho, containing one hundred and seven acres and sixty five 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 Emma Wheeler. Now know ye, That the United States of America, in consideration of the premises, and with 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 Emma Wheeler and to her heirs, the said tract above described. To have and to hold the same, together with all the rights, privileges, immunities and appurtenances of whatever nature, thereunto belonging unto the said Emma Wheeler and to her 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 a proprietor of a vein or lode to extract and remove his ore. Wherefrom 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, I William McKinley 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 twenty third day of May in the year of our Lord one thousand eight hundred and ninety eight and of the Independence of the United States the one hundred and twenty second.

By The President William M. Kinley By F. M. McLean Secretary

Desert Lands } The United States of America, to all to whom these
 Certificate No. 224 } presents shall come, Greeting.

Whereas John N. Wheeler 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 Boise Idaho whereby it appears that full payment has been made by the said John N. Wheeler 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 East half of the South East quarter of Section nineteen the North East quarter of the North East quarter of Section thirty, and the North West quarter of the North West quarter of Section twenty nine in Township twenty two North of Range twenty two east of Boise Meridian in Idaho containing one hundred and sixty acres 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 John N. Wheeler

Now know ye, that the United States of America in consideration of the premises and in conformity with the several Acts of Congress in such cases made and provided have given and granted, and by these presents do give and grant unto the said John N. Wheeler 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 John N. Wheeler 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 Grover Cleveland, 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 Twenty fifth day of October 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 eighteenth.

By the President Grover Cleveland
 By M. McKean Secretary

Recorded Vol 2. Page 83.

L. O. C. Lamar, Recorder of the General Land Office

Recorded at the request of John N. Wheeler January 12th 1894 at 10 Minutes past 3 o'clock P.M. in Book G of Deeds page 227. Records of Lemhi County Idaho

Timothy Dots
 County Recorder
 By C. H. Simpson Deputy

Revised Certificate No 889

Application 10410

The United States of America,

Do all to whom these presents shall come, Knowing,

Whereas, there has been deposited in the General Land Office, of the United States, a Certificate of the Register of the Land Office at Albany, Idaho, whereby it appears that, pursuant to the Act of Congress, approved 20th May 1862, to secure Homesteads to Settled Soldiers in the United States, and the acts supplemental thereto, the claim of John W. Cotto, has been established and duly enumerated in conformity to law, for the North West quarter of the North West quarter, and the East quarter of the North East quarter of Section twenty one, and the Township twenty two, Range twenty two East of 13th Principal Meridian, in Idaho, containing one hundred and fifty nine acres and twenty hundredths of an acre, according to the Official Plat of the Survey of the Land returned to the General Land Office by the Surveyor General, Row Reno Co. that there is, therefore, granted by the United States, unto the said John W. Cotto, the said tract of land above described. So have and to that the said limit of land, with the appurtenances thereof, unto the said John W. Cotto 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 easements 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 proprietors of a vein or lode to extract and remove therefrom, should the same be found to penetrate or intersect the premises hereby granted as provided by law. And there is returned from the lands hereby granted a right of way thereon for a ditch or canal constructed by the authority of the United States.

On testimony whereof, I William M. Kenley, President of the United States of America, have caused these letters to be made, Signed, 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 November in the year of our Lord one thousand nine hundred, and of the Independence of the United States the one hundred and twenty fifth. By the President, William M. Kenley

Deaf

By W. M. Kenley

Secretary

To Mr. Reno.

Recorder of the General Land Office

Revised Idaho Vol. 46, Page 488

Homestead Certificate No 879

Application 769.

The United States of America.

To all to whom these presents shall come Greeting

Whereas there has been deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Boise, Idaho, whereby it appears that pursuant to the Act of Congress approved 20th May 1862, "To secure Homesteads to Actual Settlers on the Public Domain" and the acts supplemental thereto, the claim of John Long has been established and duly consummated in conformity to law, for the East half of the North West quarter, and the South West quarter of the North East quarter of Section Thirty in Township twenty two, North of Range twenty two, East of Boise Meridian in Idaho, containing one hundred and twenty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, two hours ye. That there is, therefore, granted by the United States unto the said John Long, the tract of land above described, to have and to hold the said tract of Land with the appurtenances thereof, unto the said John Long and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural or 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 explore 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, I William McKinley, 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 second day of June, in the year of our Lord one thousand nine hundred, and of the Independence of the United States the one hundred and twenty fourth.

By the President William McKinley

"Seal"

By J. M. McKean

Secretary.

C. W. Booth Recorder of the General Land

Recorded, Idaho, Vol. 45, Page 79.

Recorded at the request of Thomas Elder, at 10 minutes past 1 o'clock
 P.M. on the 18th day of June, in Book R of Deeds on page 174.
 Record of Lemhi County, Idaho.
 County Recorder, By Deputy.

ABSTRACT OF TITLE
to

The Northeast quarter of the Northeast quarter of Section Thirty-one;
the Northwest quarter of the Northwest quarter and Lot one of section 32
Thirty-two; the South half of the Southeast quarter of the southeast quarter
of Section Thirty; the South half of the South half of the southwest quarter and
the south half of Lot seven of Section Twenty-nine, all in Township Twenty-
two North, of Range Twenty-two East of the Boise Meridian in Lemhi County,
State of Idaho, containing 196 acres of land.

W.H. Shoup

the N.W. 1/4 of the N.W. 1/4 of the N.E. 1/4 of the N.E. 1/4
Tp. 22 N.R. 22 E. (and other property).
To secure \$2722.00 1 note for \$1361 due 2 years & 1 mat
note for \$1361. due 4 years. 10% per annum.

Chester C. Willis

to
Thomas Elder 2
M.H. McPherson 3
George L. Shoup 4
A.J. Maenab 5
William H. Shoup 6) Mtg. Book C.p. 735
Dated, Acknowledged and recorded Dec. 19th 1896.
On the N.W. 1/4 of the S.E. 1/4 of Sec. 30 and the W. 1/2 of the
S.W. 1/4 and the N.E. 1/4 of the S.W. 1/4 of Sec. 29 and the N.E.
1/4 of the N.W. 1/4 of Sec. 31 and the E.W. 1/4 of the N.W. 1/4
and Lot 1 of Sec. 32 all in Tp. 22 N.R. 22 E. containing
220 acres. Also all water rights and ditches connected
with above land.
To secure 2 notes, 1 note for \$1175.40 payable to 2 due June 15th 1902, 1
interest 10% annually, 1 note for \$1084.90 payable to 3, 4, 5 & 6 due June
15th 1902 10% int. annually.
Satisfied in full May 15th 1907.

Thos Elder 1) Satisfaction. Book C.p. 736
Geo. L. Shoup 2) Dated 1896. Acknowledged and recorded Dec. 15th 1896.
A.J. Maenab 3) Of Mortgage dated Dec. 25th 1894 executed by 6 to 1, 2,
M.H. McPherson 4) 3, 4 & 5 recorded in Book C.p. 226-7-8.
W.H. Shoup 5) 2 by 4 his attorney in fact.
to
Chester C. Willis)

Geo. L. Shoup) General Power of Attorney. Book A.p. 368
to) Dated and Acknowledged June 13th 1892.
M.H. McPherson) Recorded July 12th 1899.

United States
to
Curtis L.

ABSTRACT OF TITLE
to

The Northeast quarter of the Northeast quarter of Section Thirty-one;
the Northwest quarter of the Northwest quarter and Lot one of section F
Thirty-two; the South half of the Southeast quarter of the southeast quarter
of Section Thirty; the South half of the South half of the southwest quarter of
the South half of Lot seven of Section Twenty-nine, all in Township Twenty-
two North, of Range Twenty-two East of the Boise Meridian in Lemmi County,
State of Idaho, containing 196 acres of land.

W.H. Shoup

1 Tp. 22 N.R. 22 E. (and other property).
To secure \$2722.00 1 note for \$1361 due 2 years & 1 nat
note for \$1361. due 4 years. 10% per annum.

Chester C. Willis

to
Thomas Elder 1
M.M. McPherson 3
George L. Shoup 4
A.J. Macnab 5
William H. Shoup 6
Dated, Acknowledged and recorded Dec. 15th 1898.
On the N.E. 1 of the S.E. 1 of sec. 31 and the W. 1/2 of the
S.E. 1 and the N.E. 1 of the S.W. 1 of Sec. 29 and the N.E.
1 of the N.W. 1 of Sec. 31 and the E. 1/2 of the N.W. 1
and Lot 1 of sec. 32 all in Tp. 22 N.R. 22 E. containing
526 acres. Also all water rights and ditches connected
with above land.
To secure 2 notes, 1 note for \$1175.40 payable to 2 due June 15th 1902, &
interest 10% annually, 1 note for \$1084.90 payable to 3, 4, 5 & 6 due June
15th 1902 10% int. annually.
Satisfied in full May 15th 1907.

Thos Elder 1

Geo. L. Shoup 2

A.J. Macnab 3

M.M. McPherson 4

W.H. Shoup 5

to
Chester C. Willis

) Satisfaction. Book C.p. 738
) Dated 1898. Acknowledged and recorded Dec. 15th, 1898
) Of Mortgage dated Dec. 25th 1894 executed by 6 to 1, 2,
3, 4 & 5 recorded in Book C.p. 226-7-8.
) 2 by 4 his attorney in fact.

Geo. L. Shoup

to

M.M. McPherson

) General Power of Attorney. Book A.p. 308
) Dated and Acknowledged June 15th 1892.
) Recorded July 12th 1892.

United States

to

Curtis L.

United States) Patent Book G.p 174
to) Dated July 10th 1893. Recorded November 23rd 1893.
Chester C. Willis) For N.E. 1/4 of the N.E. 1/4 Sec. 31, the N.W. 1/4 of the N.W. 1/4
and Lot No. 1 Sec. 32 the S.E. 1/4 of the S.W. 1/4 of Sec. 29
Tp. 22 N.R. 22 E. containing 166 acres.

United States) Patent Book G.p. 192.
to) Dated October 25th 1893. Recorded December 6th 1893.
Chester C. Willis) For the N.E. 1/4 of the S.E. 1/4 of Sec. 30 the W. 1/2 of the S.W. 1/4
and the N.E. 1/4 of the S.W. 1/4 of Sec. 39 Tp. 22 N.R. 22 E.

C.C. Willis) Mortgage Book C.p 128
to) Dated, Acknowledged and Recorded December 27th 1893.
Lanson Northrup) On the S.W. 1/4 of Sec. 30 the N.E. 1/4 of the S.E. 1/4 of Sec. 30
the N.W. 1/4 of the S.E. 1/4 of Sec. 31 the N.W. 1/4 of the N.W. 1/4
and Lot 1 of Sec. 32 Tp. 22 N.R. 22. Also water right to 50 in. of water in
Jennie Creek.
To secure \$1466.00 on or before Nov. 1st 1894-1895 per annum.
Satisfied on margin of record Oct 30th 1894.

Chester C. Willis) Mortgage. Book C.p 226
to) Dated, Acknowledged and Recorded December 28th 1894.
Thomas Elder) On N.E. 1/4 of the S.E. 1/4 of Sec. 30 the W. 1/2 of the S.E. 1/4
H.H. McPherson) the N.E. 1/4 of the S.W. 1/4 of Sec. 30 the N.E. 1/4 of the N.E. 1/4
Geo. L. Shoup) of Sec. 31 the N.W. 1/4 of the N.W. 1/4 and Lot 1 of Sec. 32
A.J. Macnab) Tp. 22 N.R. 22 E. (and other property).
W.H. Shoup) To secure \$722.30 1 note for \$1361 due 2 years & 1 nat
note for \$1361. due 4 years. 10% per annum.

Chester C. Willis) Mtg. Book C.p. 733
to) Dated, Acknowledged and Recorded Dec. 19th 1895.
Thomas Elder) On the N.E. 1/4 of the S.E. 1/4 of Sec. 30 and the W. 1/2 of the
H.H. McPherson) S.W. 1/4 and the N.E. 1/4 of the S.W. 1/4 of Sec. 29 and the N.E. 1/4
George L. Shoup) 1/4 of the N.E. 1/4 of Sec. 31 and the N.W. 1/4 of the N.W. 1/4
A.J. Macnab) and Lot 1 of Sec. 32 all in Tp. 22 N.R. 22 E. containing
William H. Shoup) 326 acres. Also all water rights and ditches connected
with above land.
To secure 2 notes, 1 note for \$1125.40 payable to 2 due June 15th 1902, 1
interest 10% annually, 1 note for \$1084.90 payable to 3, 4, 5 & 6 due June
5th 1902 10% int. annually.
Satisfied in full May 15th 1907.

Thos Elder 1) Satis. action. Book C.p 738
Geo. L. Shoup 2) Dated 1898. Acknowledged and recorded Dec. 15th. 1898
A.J. Macnab 3) Of Mortgage dated Dec. 25th 1894 executed by 5 to 1, 2,
H. McPherson 4) 3, 4 & 5 recorded in Book C.p 226-7-8.
H. Shoup 5) 2 by 4 his attorney in fact.
to)
Chester C. Willis)

Geo. L. Shoup) General Power of Attorney. Book A.p 333
to) Dated and Acknowledged June 13th 1892.
H.H. McPherson) Recorded July 10th 1892.

United States
to

Neal McDevitt) Wty. Deed. Book L p 475. \$400.00
to) Dated, Acknowledged and Recorded Oct. 5th 1904.
Chester C. Willis) Conveys Lots 5 and 7 sec 29, Tp. 22 N.R. 22 E. 25.62
acres. Also an und 1/20 of ditch and water right taken
from Salmon River near Salmon City bridge, conveyed by 2 to 1 Oct 31st,
1903, Book O Reeds p 53. Also all right, title and interest which may here-
after be acquired by virtue of any patent issued by U.S. under proceed-
ings instituted by 1.
Acknowledged before John C. Sinclair Notary Public, Lemhi County, Idaho,
Seal.

United States) Patent Book Qpp 468 D.I. 492
to) Dated Feb. 17th 1906. Recorded April 12th 1906.
Neal McDevitt) For the Lots Nos 5 and 7 of Sec. 29 Tp. 22 N.R. 22 E.
25.62 acres. 2 assigned to Horace A. Cody.

Chester C. Willis) Mtg. Book R. p 579
to) Dated May 15, Acknowledged May 14, Recorded May 15th.
Thomas Elder) 1907.
On S.W. 1/4 and Lots 5 and 7, Sec 29 the E 1/2 of the S.W. 1/4
of Sec. 30, the N.E. 1/4 of the N.W. 1/4 of Sec 31, the N.W. 1/4 of the N.W. 1/4 and
Lot 1 of sec. 32, all in Tp. 22 N.R. 22 E. containing 302.62 acres. Also the
und 1/3 int or share of, in and to that certain ditch and water right,
taken out of the W. side of Salmon River at a point thereon about
200 yards below Salmon River Bridge, at Salmon, Idaho, conveying water to
and upon the above described land, less 50 inches of said water conveyed
by me to Wm S. Andrews. And all other ditches and water rights used in
connection therewith.
On or before 2 yrs, after date, I promise to pay to the order of Thomas
Elder, before John C. Sinclair Notary Public, \$2500.00 and int. at 3%.
Before John C. Sinclair N.P. Seal
Satisfied in full on margin of record Sept 26th 1906 by M.M. McPherson
Executor of Thos. Elder deceased.

Chester C. Willis) Wty. Deed. Book S. p 32 \$5000.00
to) Dated and Acknowledged May 27th, 1907. Recorded June
John J. McGracken) 14th 1907.
John H. Coles) Conveys the S.W. 1/4 and Lots 5 and 7 of Sec. 29; the E 1/2
of the S.W. 1/4 of Sec 30; the N.E. 1/4 of the N.W. 1/4 of Sec.
31 and the N.W. 1/4 of the N.W. 1/4 and Lot 1 of Sec 32, all in Tp. 22 N.R. 22 E.
containing 302 acres and 62/100 acres.
Also an und 1/3 int. in that certain ditch and water right out of the W.
side of the Salmon River at a point thereon about 200 yds below Salmon
River Bridge at Salmon, Idaho, conveying water to and upon the above de-
scribed land, less 50 inches of said water, conveyed by 1 to Wm. S. Andrews
Also all other ditches and water rights belonging to said land.
Subject to mortgage dated May 15th 1907 from 1 to Thomas Elder, Book F
page 579. Before John C. Sinclair N.P. Seal

John J. McGracken) Mortgage Book F. p 53
Nazel L. McGracken) Dated and Acknowledged Sept. 21st 1908. Recorded Sept.
John H. Coles) 22 1908.
Fannie L. Coles) On the S.W. 1/4 and Lots 5 and 7 of Sec 29; the E 1/2 of the
to) S.W. 1/4 of Sec. 30; the N.E. 1/4 of the N.W. 1/4 of Sec. 31;
M.M. McPherson) the N.W. 1/4 of the N.W. 1/4 and Lot 1 of Sec 32, all in Tp.
22 N.R. 22 E. containing 302.62 acres.

Accession/Serial #: IDIDAA 046582 **BLM Serial #:** IDIDAA 046582**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.**Names****Patentee:** CHESTER C WILLIS**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Title Transfer****Issue Date:** 10/25/1893**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** No**Mineral Reservations:** No**Authority:** April 24, 1820: Sale-Cash Entry (3 Stat. 566)**Document Numbers****Document Nr.:** 225**Accession/Serial Nr.:** IDIDAA 046582**BLM Serial Nr.:** IDIDAA 046582

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
N½SW	29/	22-N	22-E	No	Boise	ID	Lemhi	
SWSW	29/	22-N	22-E	No	Boise	ID	Lemhi	
NESE	30/	22-N	22-E	No	Boise	ID	Lemhi	

Accession/Serial #: IDIDAA 046598 **BLM Serial #:** IDIDAA 046598**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.**Names****Patentee:** KARL PAUTZKE**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Title Transfer****Issue Date:** 3/21/1898**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** May 20, 1862: Homestead Entry Original (12 Stat. 392)**Document Numbers****Document Nr.:** 742**Accession/Serial Nr.:** IDIDAA 046598**BLM Serial Nr.:** IDIDAA 046598

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
NE	19/	22-N	22-E	No	Boise	ID	Lemhi	

Accession/Serial #: IDIDAA 046601 **BLM Serial #:** IDIDAA 046601**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.**Names****Patentee:** EMMA WHEELER**Survey****State:** IDAHO**Acres:** 107.65**Metes/Bounds:** No**Title Transfer****Issue Date:** 5/23/1898**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** April 24, 1820: Sale-Cash Entry (3 Stat. 566)**Document Numbers****Document Nr.:** 335**Accession/Serial Nr.:** IDIDAA 046601**BLM Serial Nr.:** IDIDAA 046601

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
2	20/	22-N	22-E	No	Boise	ID	Lemhi	
Remarks: LOT 2 OF SWNW								
3	20/	22-N	22-E	No	Boise	ID	Lemhi	
Remarks: LOT 3 OF NWSW								
4	20/	22-N	22-E	No	Boise	ID	Lemhi	
Remarks: LOT 4 OF S HALF OF SW								

Accession/Serial #: IDIDAA 046593 **BLM Serial #:** IDIDAA 046593**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.**Names****Patentee:** CHARLES H WEBB**Survey****State:** IDAHO**Acres:** 159.3**Metes/Bounds:** No**Title Transfer****Issue Date:** 7/27/1896**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.:** 649**Accession/Serial Nr.:** IDIDAA 046593**BLM Serial Nr.:** IDIDAA 046593

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
NESW	30/	22-N	22-E	No	Boise	ID	Lemhi	
NWSE	30/	22-N	22-E	No	Boise	ID	Lemhi	
2	30/	22-N	22-E	No	Boise	ID	Lemhi	
Remarks: LOT 2 OR SWNW QUARTER								
3	30/	22-N	22-E	No	Boise	ID	Lemhi	
Remarks: LOT 3 OR NWSW QUARTER								

Accession/Serial #: IDIDAA 046626 **BLM Serial #:** IDIDAA 046626**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 H WHEELER**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Title Transfer****Issue Date:** 10/25/1893**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** No**Mineral Reservations:** No**Authority:** March 3 1877: Desert Land Act (19 Stat. 377)**Document Numbers****Document Nr.:** 224**Accession/Serial Nr.:** IDIDAA 046626**BLM Serial Nr.:** IDIDAA 046626

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
E½SE	19/	22-N	22-E	No	Boise	ID	Lemhi	
NWNW	29/	22-N	22-E	No	Boise	ID	Lemhi	
NENE	30/	22-N	22-E	No	Boise	ID	Lemhi	

Accession/Serial #: 393810 **BLM Serial:** IDH 0006193**Names****Patentee:** CHARLES A NORTON**Survey****State:** IDAHO**Acres:** 80**Metes/Bounds:** No**Title Transfer****Issue Date:** 3/19/1914**Land Office:** Hailey**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** April 24, 1820: Sale-Cash Entry (3 Stat. 566)**Document Numbers****Document Nr.:** 06193**Accession/Serial Nr.:** 393810**BLM Serial Nr.:** IDH 0006193

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
SESW	19/	22-N	22-E	No	Boise	ID	Lemhi	
NESW	19/	22-N	22-E	No	Boise	ID	Lemhi	

Accession/Serial #: 474788 **BLM Serial:** IDH 0007477 01**Names****Patentees:** CHARLES A NORTON,
JOSEPH WATSON**Survey****State:** IDAHO**Acres:** 14.3**Metes/Bounds:** No**Title Transfer****Issue Date:** 5/26/1915**Land Office:** Hailey**Cancelled:** No**U.S. Reservations:** No**Mineral Reservations:** No**Authority:** April 14, 1914: Supplemental Non-Coal Patent (38 Stat. 335)**Comments:** SEE SERIAL PATENT NR 221155 FOR COAL RESERVATION**Document Numbers****Document Nr.:** 07477**Accession/Serial Nr.:** 474788**BLM Serial Nr.:** IDH 0007477 01

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
1	20/	22-N	22-E	No	Boise	ID	Lemhi	

Remarks: LOT 1 OR NWNW QUARTER

Accession/Serial #: 221155 **BLM Serial:** IDH 0007477**Names****Patentees:** CHARLES A NORTON,
JOSEPH WATSON**Survey****State:** IDAHO**Acres:** 14.3**Metes/Bounds:** No**Title Transfer****Issue Date:** 8/17/1911**Land Office:** Hailey**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** Yes**Authority:** May 20, 1862: Homestead Entry Original (12 Stat. 392)**Document Numbers****Document Nr.:** 07477**Misc. Doc. Nr.:** 0**Accession/Serial Nr.:** 221155**BLM Serial Nr.:** IDH 0007477**Comments:** SEE SERIAL PATENT NR 474788 FOR SUPPLEMENTAL PATENT

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
1	20/	22-N	22-E	No	Boise	ID	Lemhi	

Remarks: LOT 1 OR NWNW QUARTER

Accession/Serial #: IDIDAA 046607 **BLM Serial #:** IDIDAA 046607**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 H COLES**Survey****State:** IDAHO**Acres:** 149.2**Metes/Bounds:** No**Title Transfer****Issue Date:** 11/12/1900**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.:** 889**Accession/Serial Nr.:** IDIDAA 046607**BLM Serial Nr.:** IDIDAA 046607

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
SWNW	29/	22-N	22-E	No	Boise	ID	Lemhi	
SENE	30/	22-N	22-E	No	Boise	ID	Lemhi	
1	29/	22-N	22-E	No	Boise	ID	Lemhi	
Remarks: LOT 1 OR NENW QUARTER								
3	29/	22-N	22-E	No	Boise	ID	Lemhi	

Accession/Serial #: IDIDAA 046606 **BLM Serial #:** IDIDAA 046606**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 LONG**Survey****State:** IDAHO**Acres:** 120**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/2/1900**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.:** 879**Accession/Serial Nr.:** IDIDAA 046606**BLM Serial Nr.:** IDIDAA 046606

<u>Aliquot Parts</u>	<u>Sec./ Block</u>	<u>Township</u>	<u>Range</u>	<u>Fract. Section</u>	<u>Meridian</u>	<u>State</u>	<u>Counties</u>	<u>Survey Nr.</u>
E½NW	30/	22-N	22-E	No	Boise	ID	Lemhi	
SWNE	30/	22-N	22-E	No	Boise	ID	Lemhi	

Accession/Serial #: IDIDAA 046605 **BLM Serial #:** IDIDAA 046605**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 H WHEELER**Survey****State:** IDAHO**Acres:** 160**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/2/1900**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.:** 877**Accession/Serial Nr.:** IDIDAA 046605**BLM Serial Nr.:** IDIDAA 046605

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
W½SE	19/	22-N	22-E	No	Boise	ID	Lemhi	
SESW	19/	22-N	22-E	No	Boise	ID	Lemhi	
NWNE	30/	22-N	22-E	No	Boise	ID	Lemhi	

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4207 V1

WATER RIGHT NUMBER: 75-4207 V1

Owner Type Name and Address
 Current Owner NORTON DITCH CO
 162 HIGHWAY 93 N
 SALMON, ID 83467-5301
 (208)756-2809

Priority Date: 10/20/1887

Basis: Beneficial Use

Status: Disallowed

Source Tributary
 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 10/31	89.600 CFS	
STOCKWATER	01/01 to 12/31	0.300 CFS	
	<u>Total Diversion:</u>	89.900 CFS	

Location of Point(s) of Diversion

SALMON RIVER SW1/4SE1/4NE1/4 Sec. 6, Twp 21N, Rge 22E, B.M.
 LEMHI County

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
22N	22E	17											X						
22N	22E	19	X	X	X	X	X			X	X	X	X		X	X	X	X	
													L 3						
22N	22E	20					X	X	X	X	X	X	X	X					
													L 4						
22N	22E	29			X		X	X	X	X	X	X	X	X		X	X		
																	L 7		
22N	22E	30	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
								L 1	L 2			L 3	L 4						
22N	22E	31	X	X		X	X	X	X	X					X				X
								L 1	L 2										
22N	22E	32		X			X	X	X	X	X	X	X	X					

Total Acres: 1791

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4207 V1

STOCKWATER same as IRRIGATIONConditions of Approval:

1. K06 This right is limited to the irrigation of 1791 acres within the place of use described above in a single irrigation season.
2. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
5. P01 No lawful appropriation shown.
6. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Remarks:Comments:

1. dfavreau 11/20/2006 Quantity

Comment: stockwater deminimus - 1000 head

2. dfavreau 11/20/2006 Quantity

Comment: Allowed 2.5 cfs per acre based on letter in file from soil conservationist. Conferred with Don Shaff 11/17/06

3. dfavreau 11/20/2006 POU

Comment: 75-17C not in POU after G. Taylor confirmed with Bob Foster

4. dfavreau 11/20/2006 POD

Comment: POD is S-10

5. dfavreau 11/20/2006 Priority Date

Comment: As of 11/20/06 evidence of priority is insufficient. Reviewed with Carter. Several deeds and land patents - no or little mention of irrigation and no HES.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4207 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>
POD	11/20/2006 2:54:45 PM	dfavreau			Disallowed
Source	11/20/2006 2:57:38 PM	dfavreau			Disallowed
POU	11/20/2006 2:57:54 PM	dfavreau			Disallowed
Use	11/20/2006 3:03:59 PM	dfavreau			Disallowed
Season	11/20/2006 3:04:21 PM	dfavreau			Disallowed
Quantity	11/20/2006 3:06:13 PM	dfavreau			Disallowed
Summary			11/20/2006	dfavreau	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	11/20/2006 2:55:42 PM	dfavreau	Updated shape
Source	11/20/2006 2:57:39 PM	dfavreau	(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 - GPS
POU	11/20/2006 2:57:55 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (No) 14. Is a POU remark and/or condition required?
POU	11/20/2006 2:58:30 PM	dfavreau	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4207 V1

POU	11/20/2006 2:59:11 PM	dfavreau	Updated PLS for Active POU
POU	11/20/2006 3:01:39 PM	dfavreau	Updated PLS for Active POU
POU	11/20/2006 3:02:36 PM	dfavreau	Updated shape for Active POU
POU	11/20/2006 3:03:10 PM	dfavreau	Updated PLS for Active POU
POU	11/20/2006 3:25:46 PM	dfavreau	Updated shape for Active POU
POD	11/20/2006 2:54:45 PM	dfavreau	(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?
Use	11/20/2006 3:03:59 PM	dfavreau	(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 - GIS review of aerial photography
Season	11/20/2006 3:04:21 PM	dfavreau	(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? (No) 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? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/20/2006 3:06:13 PM	dfavreau	(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? (Yes) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-4207 V1

Summary	11/20/2006 5:32:50 PM	dfavreau	(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? (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?
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Water Supply Bank:

Accession/Serial #: IDIDAA 046580 **BLM Serial #:** IDIDAA 046580**Note:** This record has not been checked against the Legal Land Patent. We don't have an electronic image for this document.**Names****Patentee:** CHESTER C WILLIS**Survey****State:** IDAHO**Acres:** 166**Metes/Bounds:** No**Title Transfer****Issue Date:** 7/19/1893**Land Office:** Idaho**Cancelled:** No**U.S. Reservations:** No**Mineral Reservations:** No**Authority:** May 20, 1862: Homestead Entry Original (12 Stat. 392)**Document Numbers****Document Nr.:** 470**Accession/Serial Nr.:** IDIDAA 046580**BLM Serial Nr.:** IDIDAA 046580

<u>Aliquot Parts</u>	<u>Sec./ Block</u>	<u>Township</u>	<u>Range</u>	<u>Fract. Section</u>	<u>Meridian</u>	<u>State</u>	<u>Counties</u>	<u>Survey Nr.</u>
SESW	29/	22-N	22-E	No	Boise	ID	Lemhi	
NENE	31/	22-N	22-E	No	Boise	ID	Lemhi	
NWNW	32/	22-N	22-E	No	Boise	ID	Lemhi	
1	32/	22-N	22-E	No	Boise	ID	Lemhi	

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4207

WATER RIGHT NUMBER: 75-4207

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	NORTON DITCH CO 162 HIGHWAY 93 N SALMON, ID 83467-5301 (208)756-2809

Priority Date: 10/20/1887
Basis: Statutory Claim
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	4/01 to 12/01	96.200 CFS	
STOCKWATER	1/01 to 12/31	0.300 CFS	
	<u>Total Diversion:</u>	96.500 CFS	

Location of Point(s) of Diversion

SALMON RIVER	SW1/4SE1/4NE1/4	Sec. 6,	Twp 21N,	Rge 22E, B.M.
LEMHI County				

Place of UseIRRIGATION Within LEMHI County

T22N R22E S19	NENE	25.0	T22N R22E S19	NWNE	10.0
T22N R22E S19	SWNE	40.0	T22N R22E S19	SENE	39.0
T22N R22E S19	NENW	2.0	T22N R22E S19	SENE	18.0
T22N R22E S19	NESW	40.0	T22N R22E S19 Lot 3	NWSW	2.0
T22N R22E S19	SESW	37.0	T22N R22E S19	NESE	39.0
T22N R22E S19	NWSE	40.0	T22N R22E S19	SWSE	39.0
T22N R22E S19	SESE	39.0	T22N R22E S20	NENW	5.0
T22N R22E S20	NWNW	35.0	T22N R22E S20	SWNW	35.0
T22N R22E S20	SENE	8.0	T22N R22E S20	NESW	2.0
T22N R22E S20	NWSW	35.0	T22N R22E S20	SWSW	40.0
T22N R22E S20	SESW	10.0	T22N R22E S29	NWNE	3.0
T22N R22E S29	SWNE	8.0	T22N R22E S29	NENW	37.0
T22N R22E S29	NWNW	40.0	T22N R22E S29	SWNW	40.0
T22N R22E S29	SENE	40.0	T22N R22E S29	NESW	40.0
T22N R22E S29	NWSW	40.0	T22N R22E S29	SWSW	40.0
T22N R22E S29	SESW	40.0	T22N R22E S29	NWSE	9.0

SCANNED

APR 09 2005

SCANNED

OCT 01 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: A75-04207
Date Received: 5/09/1990
Receipt No: M006995
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTON DITCH CO. 208-756-2809
Address: 1510 HWY 93N
SALMON, ID 83467

2. Date of Priority: OCT 20, 1887

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
21N	22E	6	SW	SE	NE		LEMHI

5. Description of diverting works:
DAM & SPILLWAY/ CONCRETE HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	12/01	96.200		
STOCKWATER	01/01	12/31	0.300		

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

8. Total consumptive use is 4810.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 1000 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	22E	19	NE	NE		IRR	25.0
			NW	NE		IRR	10.0
			SW	NE		IRR	40.0

A75-04207

Page 1

Date: 05/22/90

A7504207



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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
22N	22E	19	SE		NE		IRR	39.0
			NE		NW		IRR	2.0
			SE		NW		IRR	18.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	2.0
			SE		SW		IRR	37.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
								Section Acres 370.0
		20	NE		NW		IRR	5.0
			NW		NW		IRR	35.0
			SW		NW		IRR	35.0
			SE		NW		IRR	8.0
			NE		SW		IRR	2.0
			NW		SW		IRR	35.0
			SW		SW		IRR	40.0
			SE		SW		IRR	10.0
								Section Acres 170.0
		29	NW		NE		IRR	3.0
			SW		NE		IRR	8.0
			NE		NW		IRR	37.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	9.0
			SW		SE		IRR	17.0
								Section Acres 354.0
		30	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	15.0
			SW		NW	2	IRR	22.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	22E	30	NW	SW	3	IRR	24.0
			SW	SW	4	IRR	26.0
			SE	SW		IRR	40.0
			NE	SE		IRR	39.0
			NW	SE		IRR	39.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0

Section Acres 559.0

31	NE	NE	IRR	30.0
	NW	NE	IRR	34.0
	SE	NE	IRR	39.0
	NE	NW	IRR	40.0
	NW	NW	1	IRR 25.0
	SW	NW	2	IRR 25.0
	SE	NW	IRR	35.0
	NE	SE	IRR	20.0
	SE	SE	IRR	20.0

Section Acres 268.0

32	NW	NE	IRR	14.0
	SW	NE	IRR	1.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	19.0
	NE	SW	IRR	5.0
	NW	SW	IRR	31.0
	SW	SW	IRR	13.0

Section Acres 203.0

Total Acres 1924.0

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

175-04207

Date Received

5/9/90

Receipt Number

1006995



NOTICE OF CLAIM
TO A
WATER RIGHT

Department of Water Resources

ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Norton Ditch Co. Ditch Co. AKA. Norton-Wheeler Phone (208) 756-2809

Mailing Address 1510 Hwy 93N, Salmon, ID. Zip 83467

2. Date of Priority (Only one (1) per claim) Oct 20, 1887

3. Source of water supply (a) Salmon River
which is tributary to (b) SNAKE River

4. a. Location of existing point of diversion is: Township 21N Range 22E Section 6,
SW 1/4 of SE 1/4 of NE 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, 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.

DIVERSION DAM AND OPEN SPILLWAY. CONCRETE
HEADGATE MEASURES 8' X 11'.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Apr. 1 to Dec. 1 amount 96.2² or _____
 For Stockwater purposes from JAN 1 to Dec 31 amount .3 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 96.5 (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.) Stockwater - 1000 hds CATTLE & horses.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
22N	22E	31	30	34	0	39	40	Lot 1 25	Lot 2 25	35	0	0	0	0	20	0	0	20	268
		32	0	14	1	0	40	40	40	19	5	31	13	0	0	0	0	0	203
		30	39	39	39	39	40	Lot 1 15	Lot 2 22	40	40	Lot 3 24	Lot 4 26	40	39	39	39	39	559
		29	0	3	8	0	37	40	40	40	40	40	40	40	0	9	17	0	354
		19	25	10	40	39	2	0	0	18	40	Lot 3 2	0	37	39	40	39	39	370
		20	0	0	0	0	5	35	35	8	2	35	40	10	0	0	0	0	170

Total number of acres irrigated 1924

11. In 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 X¹
 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 ()

14. Remarks:
 1- All water users of Norton Ditch have elected to file as one claim.
 2- See attached letter from Ralph Swift, Lemhi District conservationist. Also, the length of the canal and the gravelly bottom contributes to additional losses.

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DEC 15 1992

Last Name Norton Ditch Co. Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

SEE ACCOMPANYING MAP

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

DEC 15 1992

Last Name Nonteng (pitch) CANAL Co. Ident No. _____

Copies: White-State, Yellow-Claimant

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

Decree _____

If applicable provide IDWR Water Right Number 75-4207

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

Number of attachments 3

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am PRESIDENT AND SECY-TREASURER

Title

of Norton Ditch Co. , 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 John Alderson

Title and Organization PRESIDENT Norton Ditch Co Date May 9, 1990

Michael Overacker secy-treas.
Norton Ditch Co.

State of Idaho/or _____)

County of Lamhi) SS.

Subscribed and sworn (or affirmed) before me this 9th day of May 19 90

SEAL

Notary Public Laura Sandrich

Residing at Salmon

My Commission Expires 10-31-94

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 _____

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DEC 15 1992

Last Name Norton Ditch Co. Ident. Number _____

Copies White-State, Yellow-Claimant

OCT 08 2001

April 17, 1990

Sub: Irrigation Water Requirements
To: Norton Ditch Company
Salmon, Idaho

Mike Overacker, of the Norton ditch company requested assistance from the Soil Conservation Service in determining the amount of irrigation water required to supply a full season of water to crops on the ditch. They are in the process of applying for a water right under the Snake River adjudication procedure. For several reasons I am only able to do a very general analysis of this need. Some of the reasons are I have limited time, there are **33** irrigators on the ditch, various size tracts are involved, various types of crops are involved, different irrigation methods are being used, soils vary and ect. For this assessment I'm assuming two things: 1) flood irrigation and 2) a alfalfa-grass crop. These would be typical of the majority of irrigation methods and crops on the ditch.

Soils vary, but a typical map unit would be the Bromaglin complex. This complex is derived on old Salmon river terraces. This soil has a silt loam surface over a gravelly sandy loam subsoil. It has an available water holding capacity of about 4.5 inches in the top 60 inches. The normal rooting depth for the alfalfa grass crop is about 30 inches. The AWC in this depth is 2.5 inches. From this using a peak consumptive use of .25 inches per day during the peak growing season then $2.5 \times 50\% = 1.25 / .25 = 5$ day. These are from the SCS Idaho Irrigation Guide. This states that a 1.25 inch application is needed every 5 days during the peak months of July and August. This seems very close to the irrigation interval most irrigators on the ditch are using.

Also from the Irrigation Guide, a alfalfa-grass crop requires 24.60 inches of water gross and 21.15 net per season in this area. The 21.15 would be what's needed from irrigation. $21.15 / 1.25 = 17$ irrigations. $17 \times 5 = 105$ days. This would be about right if you put 10 days on the front of the season and 10 days on the back where irrigation would not be required making this a 125 day growing season. This seems very close since the growing season in Salmon is near 120 days.

Calculating the water needed to supply the 1.25 inch irrigation is not complicated. What is complicated is figuring the efficiency of application and efficiency of delivery of this 1.25 inches to the crop. A typical system

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is earthen ditches with irrigation dams. Fields for the most part are unleveled and are as the river left them years ago. Very little leveling has been done because of the gravel bars running through the fields. Based on what I have observed for the past 10 years the irrigation field efficiency runs about 30 to 35 percent. I base this not only on observation but from calculating field efficiencies from producers estimates of water used per season. Delivery efficiency is also very difficult since there aren't any measuring devices on the ditch or its field laterals. Again from observation this runs from 60 to 90 percent. I assumed 70 percent delivery for this estimate of water used.

I calculated the water needs per acre. Net requirement is $.25"/\text{day} \times 1\text{cfs}/24\text{ acre inches/day} = .0104\text{ cfs/acre}$. Gross requirement is $.0104/.35 = .0297\text{ cfs}$ or $.0297 \times 50\text{ in/cfs} = 1.49\text{ winners inches}$. This divided by 70% is equal to 2.12 inches per acre. This could go to 2.47 inches per acre if a 30 percent irrigation efficiency was assumed.

There are some pros and cons in this amount of water used. In terms of water use only, these are very poor. However in terms of wildlife habitat that is created along the earthen ditches banks and in the swales that sub and create wetlands it's good. This letter is not meant to be a statement by the SCS as for or against these poor efficiencies but the affects of improving them may or may not be of benefit.

Ralph Swift

Ralph Swift
District Conservationist
Soil Conservation Service

Salmon, Id.

DEC 15 1992

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