

11/12/2006

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

RIGHT NUMBER: 75-4431

NAME AND ADDRESS: JOSEPH A PROKSCH
823 UNION AVE
SALMON ID 83467

HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467

SOURCE: WASTE WATER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.170 CFS

PRIORITY DATE: 02/12/1887

POINT OF DIVERSION:

T21N R22E S6 NWSW Lot 6 Within LEMHI County

T21N R22E S6 SWSW Lot 7 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	0.150 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T21N R22E S06 Lot 8 NESW 7.40

STOCKWATER same as IRRIGATION

7.4 ACRES TOTAL

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

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

SRBA Claim:

75-4431

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.3 0.6 Miles

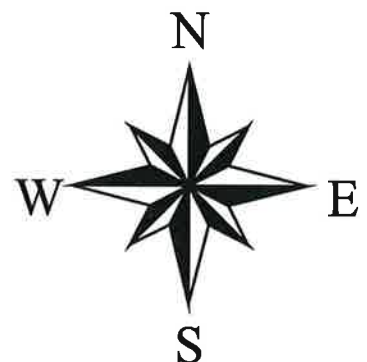


Prepared by R. Brown
On Tuesday, May 16, 2006
1987/88 Aerial Photography

75-4431



- Lemhi taxlots
- GCDB21N22E GCDB
- GCDB22N22E GCDB
- GCDB22N21E GCDB
- GCDB21N21E GCDB
- Pou.shp
- Pod.shp
- Administrative BasinsAdminbas.shp



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Department of Water Resources
Adjudication Bureau

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4431

*WATER RIGHT NUMBER: 75-4431

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J MALCOMB ASPLUND
	, ID
Original Owner	PAT ASPLUND
	, ID
Current Owner	JOSEPH A PROKSCH 823 UNION AVE SALMON, ID 83467 (208)756-2252
Current Owner	HALLIE H PROKSCH 823 UNION AVE SALMON, ID 83467 (208)756-2252

Priority Date: 02/12/1887

Basis: Statutory Claim

Status: Active

Source

WASTE WATER

Tributary

SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.234 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.254 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4SW1/4	Sec. 6,	Twp 21N, Rge 22E, B.M.
LEMHI County			
WASTE WATER	SW1/4SW1/4	Sec. 6,	Twp 21N, Rge 22E, B.M.
LEMHI County			

Place of UseIRRIGATION Within LEMHI County

T21N R22E S06	NESW	5.0	T21N R22E S06	NWSW	2.0
T21N R22E S06	SWSW	0.5	T21N R22E S06	SESW	0.3

Total Acres: 7.8

STOCKWATER same as IRRIGATIONConditions of Approval:

1. S/5 HORSES

Remarks:See Letter Attached

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July 26, 2005

Joseph A. Proksch
823 Union Ave.
Salmon, Idaho 83467
Phone 208-756-2252

Idaho Department of Water Resources,

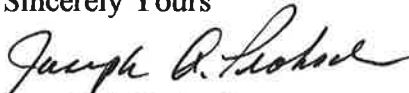
Subject: Evidence of Priority and beneficial use

WATER RIGHT NUMBER: 75-4431

Dear Sir or Madam:

The above water right #75-4431 is in the names of J Malcomb Asplund, Pat Asplund, and Joseph A. Proksch, Hallie H. Proksch. The Proksch's have purchased the Asplund's 50% of the property. Do we need to file a change of name application? I understand that Jesse Creek or water district 75-A has been adjudicated and there is no specific water right for this property, except maybe high water or waste water. I remember irrigating this property in the early 1960's with waste water from the Oliver/Jolley ranch when they flood irrigated. Because of subdivisions and sprinkler irrigation there hasn't been any surplus water to irrigate with the last few years. Is there anyway I can get some kind of water right for watering of livestock and high water right for irrigation? I think this property originally was part of the ranch above and was irrigated from the same water right.

Sincerely Yours


Joseph A. Proksch

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

CLAIM NO(s). 75-4431

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: See Remarks

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

claimant stated wastewater no longer reaches
this property as wateruser's above have went to sprinkler
irrigation no water being diverted at time of exam

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-1-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Adjudication Bureau

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
75-4431					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR

If your water right(s) and/or adjudication claim(s) 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(s)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

claim J. Malcomb Asplund - Pat Asplund

Joseph A. Proksch - Hallie H. Proksch

Joseph A. PROKSCH & Hallie H. PROKSCH

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

823 Union Ave

Salmon, Idaho - 83467

(208) 256-2252

Other Half - Aug. 18, 1988

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6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Joseph A. Profsch
Hallie H. Profsch

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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AUG 09 2005

WARRANTY DEED

For Value Received

PATRICIA J. HAVENS ASPLUND

the grantor , does hereby grant, bargain, sell and convey unto

JOSEPH A. PROKSCH AND HALLIE H. PROKSCH

the grantees , the following described premises, in LEMHI County Idaho, towit:

Real property situated in Lemhi County, being an undivided one-half ($\frac{1}{2}$) interest in and to the following described parcel of land:

Lot Number Eight (8) of Section Six (6), Township 21 North, Range 22 East, Boise Meridian, being described as that part of South-west Quarter of Section Six, Township 21 North, Range 22 East, Boise Meridian, as follows: From the west quarter corner of Section Six (6), run thence North 89° 20' East along the center line of said section 1270.4 feet to the northwest corner of the Tingley Addition, thence South 0°40' East along the west line of said Tingley Addition 410 feet to the place of beginning; thence on same course 157.4 feet; thence North 89°20' East along the south side line of Adams Street 360 feet, thence South 0°40' East 637.8 feet; thence South 80°59' West 61 feet; thence South 42°14' West 163 feet, thence South 44°06' West 250 feet, thence south 63° West 78 feet; thence North 0°40' West 1139.3 feet; thence North 89°20' East 50 feet to the place of beginning.

TOGETHER with all water, water rights, ditches, ditch rights of every kind, nature and/or description whatsoever. ALSO all improvements and paraphernalia now located on the above described premises.

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

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

Dated: 18 Aug. 1988

Patricia J. Asplund

STATE OF IDAHO, COUNTY OF

On this 18 day of August, 1988, before me, a notary public in and for said State, personally appeared *Patricia J. Asplund*.

known to be the person whose name subscribed to the within instrument, and acknowledged to me that she executed the same.

Virginia Justice
Notary Public

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at the request of *Joseph A. Proksch*

at 5 minutes past 3 o'clock p. m., this 18th day of August 1988, in my office, and duly recorded in Book of Deeds at page

Alberta Wiederrich
Ex-Officio Recorder

By *Terri J. Morton*
Deputy.

SCANNED

AUG 09 2005

INSTRUMENT No. 191645

OCT 10 1990

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: A75-04431

Date Received: 4/17/1990

Receipt No: 1006644

Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HALLIE H. PROKSCH 208-756-2252
Address: 823 UNION AVE
SALMON, ID 83467

OR
Name: JOSEPH A. PROKSCH 208-756-2252
Address: 823 UNION AVE.
SALMON, ID 83467

2. Date of Priority: FEB 12, 1887

3. Source: WASTEWATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
21N	22E	6	NW	SW	SW		LEMHI
			SW	SW			LEMHI

5. Description of diverting works:
DITCH, CANVAS DAM TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.234		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 19.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 3 CATTLE

A75-04431

Page 1

Date: 04/17/90

A7504431



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	6	NE	SW		IRR	5.0
			NW	SW		IRR	2.0
			SW	SW		IRR	0.5
			SE	SW		IRR	0.3
Section Acres							7.8
Total Acres							7.8

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:
S/5 HORSES

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: 0

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): Joseph A. Lohr Date: 4/17/90

Date: _____

State of Idaho)
County of Lewhi) SS.

Subscribed and sworn (or affirmed) before me this 17 day
of April 19 90
Dave Cook
Notary Public

Seal

Residing at Heise, Id
My Commission Expires 2/26/96