

12/21/2006

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

RIGHT NUMBER: 75-4433

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

HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467

SOURCE: WARM SPRINGS
WASTE WATER

TRIBUTARY: SALMON RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 2.700 CFS

PRIORITY DATE: 05/10/1881

POINT OF DIVERSION:

T21N R22E S7 SENE Within LEMHI County
T21N R22E S7 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	2.700 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T21N R22E S07	NENE	0.50	T21N R22E S07	NWNE	2.20
T21N R22E S07	SWNE	21.00	T21N R22E S07	SENE	37.00
T21N R22E S08	SWNW	1.40			

STOCKWATER same as IRRIGATION

62.1 ACRES TOTAL

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

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.

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

11/12/2006

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

RIGHT NUMBER: 75-4433

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

HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467

SOURCE: WARM SPRINGS
WASTE WATER

TRIBUTARY: SALMON RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 1.070 CFS

PRIORITY DATE: 05/10/1881

POINT OF DIVERSION:

T21N R22E S7 SENE Within LEMHI County

T21N R22E S7 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	1.050 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T21N R22E S07	NENE	0.30	T21N R22E S07	NWNE	0.40
T21N R22E S07	SWNE	21.00	T21N R22E S07	SENE	31.00

STOCKWATER same as IRRIGATION

52.7 ACRES TOTAL

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

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

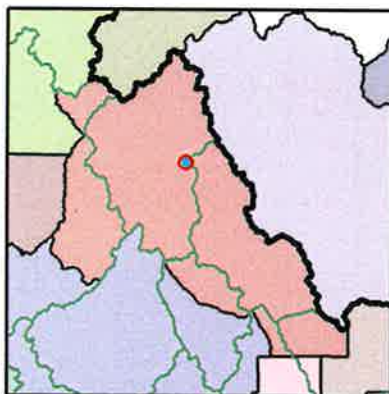
SRBA Recommendation:

75-4433

(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



Prepared by A. Warntjes
On Thursday, December 21, 2006
2004 Aerial Photography



Idaho Department of Water Resources

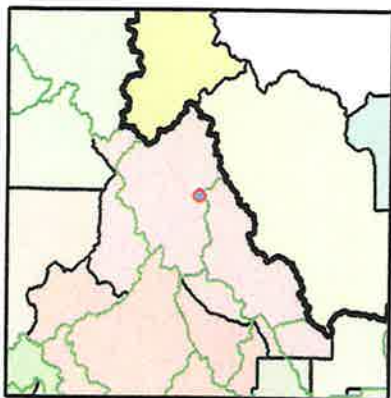
SRBA Recommendation:

75-4433

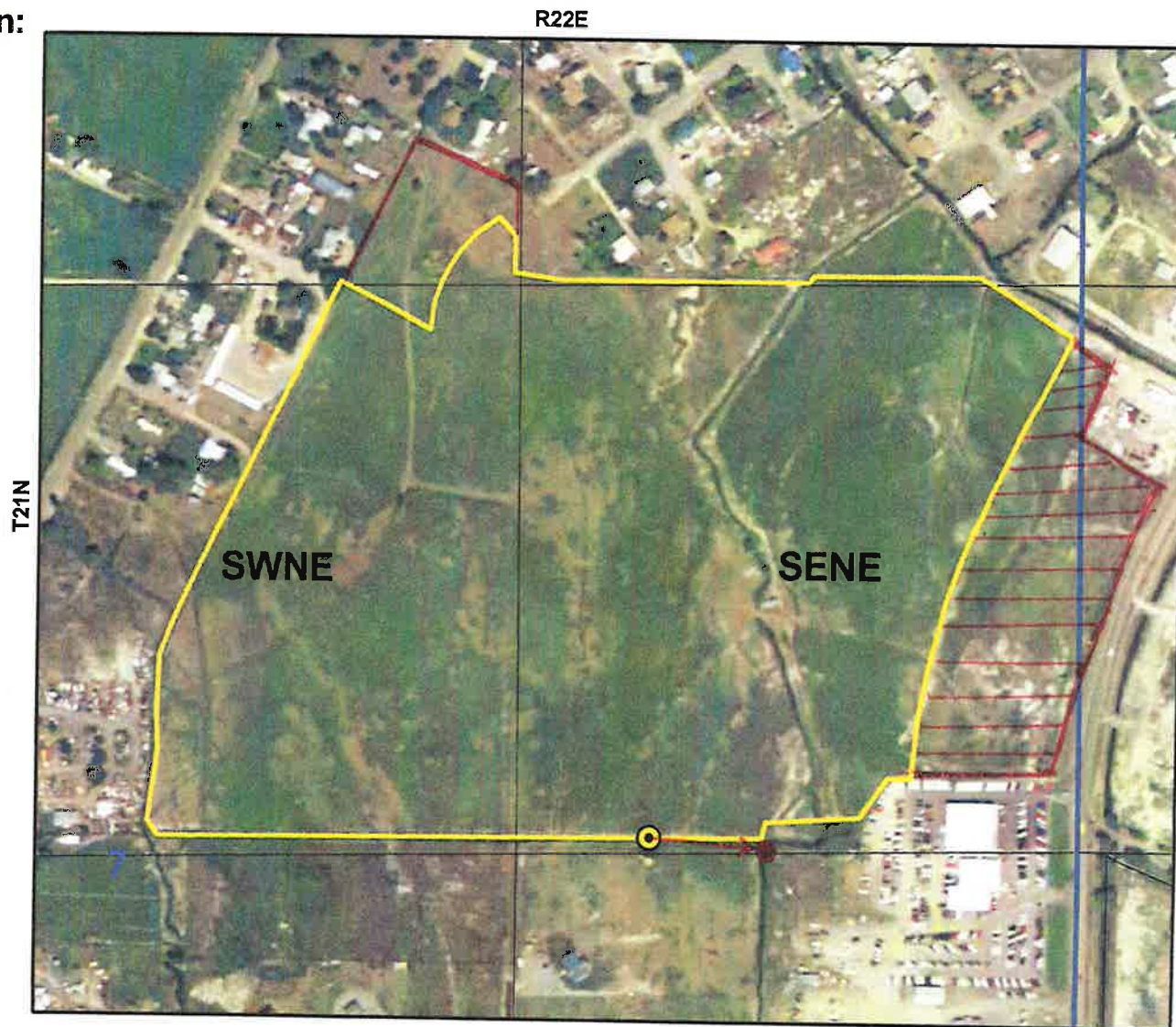
(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



Prepared by M. Ciscell
On Monday, November 20, 2006
2004 Aerial Photography



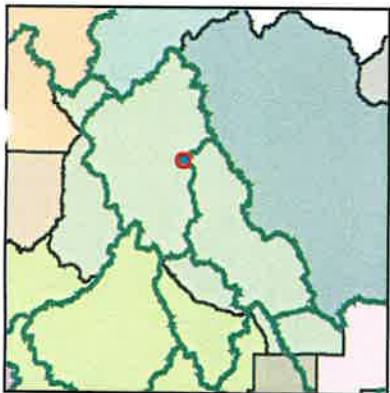
Idaho Department of Water Resources

SRBA Claim:

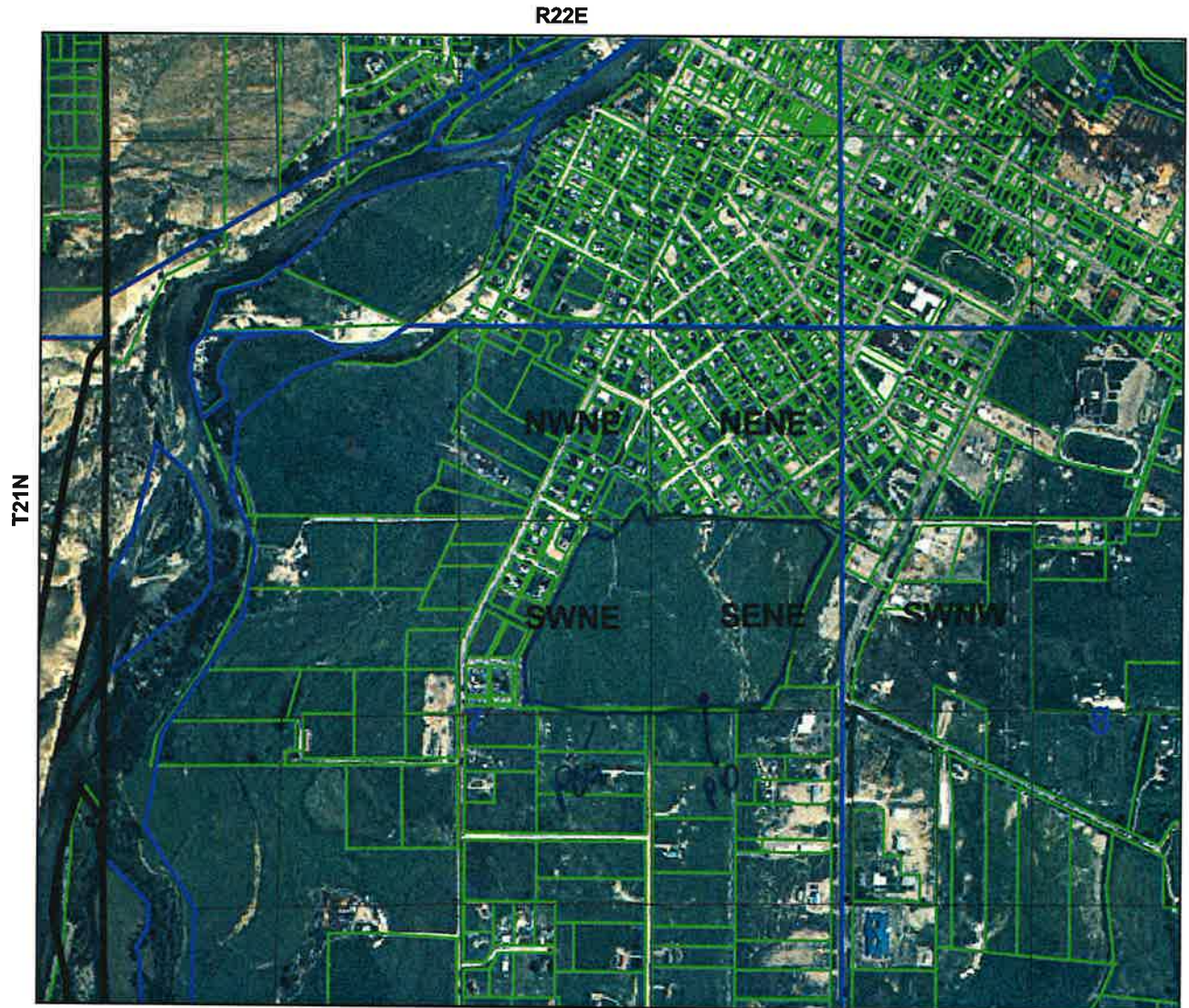
75-4433

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75

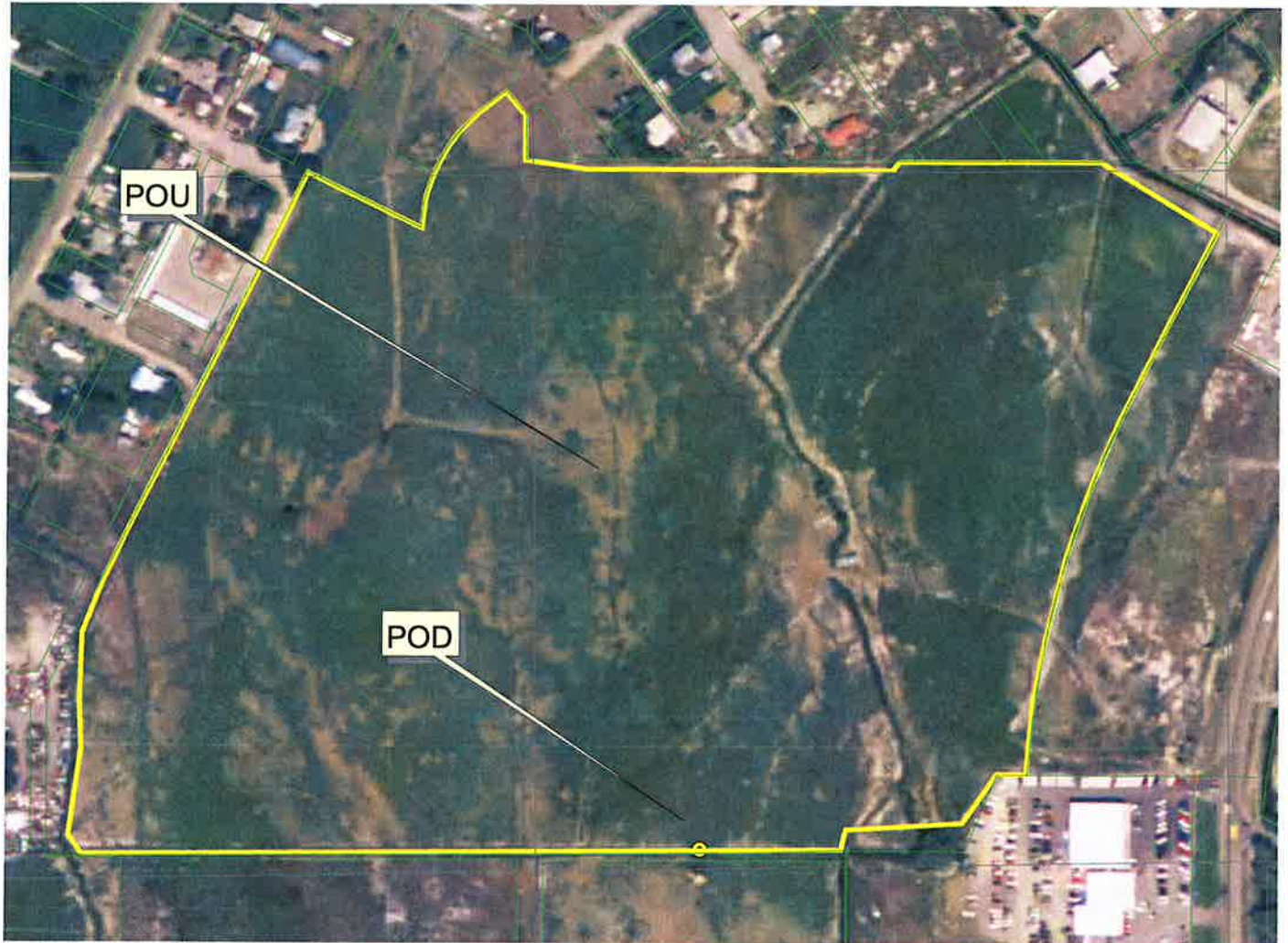


0 0.5 1 Miles

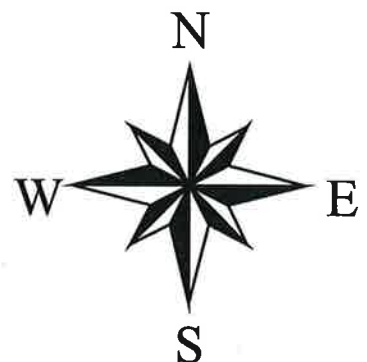
A scale bar showing distances of 0, 0.5, and 1 mile.

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

75-4433



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



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: 75-4433

JOSEPH A PROKSCH
823 UNION AVE
SALMON ID 83467
Telephone Number: (208)756-2252

HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467
Telephone Number: (208)756-2252

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

1. Point of Diversion

2. Place of use

3. Total Diversion - from 2.7 cfs to 1.070 cfs

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

OK DW 1. Move point of Diversion To Red Dot marked on map

OK DW 2. Place of use outlined in Red Boarder - Part of Ranch + Being Irrigated

OK * Increase Acre's

3. Increase Diversion to 2.7 cfs

3. Give a brief explanation as to why you disagree with these portions:

1. - Is the location

2. - Portion in Hash MARKS (||||) is still part of Ranch & being Irrigated.

The city put Sewer to Car Dealership & put that portion East of utility in
The city + needed legal description. The land in that area is still ag.

3. I think 2.7 cfs is necessary for Ranch

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-6-06

SIGNATURE: Joseph A. Proksch

Please print your name: _____

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

* Primarily wastewater - can exceed 0.02 cfs/acre
due to periodic availability Dnr

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

CLAIM NO(s). 75-4433

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.: A0017204

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:

ditches to place of use

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

*both sources are diverted from a common ditch
which services the place of use. no water being
diverted at time of exam*

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *7-31-06*

FIELD EXAMINER: *Bob Foster*
Print Name

Bob Foster
Signature

RECEIVED

AUG 08 2005

Department of Water Resources
Adjudication BureauIDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4433

WATER RIGHT NUMBER: 75-4433

<u>Owner Type</u>	<u>Name and Address</u>
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: 05/10/1881

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS	SALMON RIVER
WASTE WATER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	4/01 to 12/31	0.020 CFS	
IRRIGATION	4/01 to 11/01	2.680 CFS	
<u>Total Diversion:</u>		2.700 CFS	

Location of Point(s) of Diversion

WARM SPRINGS	SE1/4NE1/4	Sec. 7, Twp 21N, Rge 22E, B.M.
LEMHI County		
WASTE WATER	SE1/4NE1/4	Sec. 7, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T21N R22E S07	NENE	1.0	T21N R22E S07	NWNE	2.0
T21N R22E S07	SWNE	23.0	T21N R22E S07	SENE	40.0
T21N R22E S08	SWNW	1.0			

Total Acres: 67

STOCKWATER same as IRRIGATIONConditions of Approval:

1. S/50 COWS

Remarks:

SCANNED

AUG 09 2005

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: 75-4433

Dear Sir or Madam:

I am enclosing some information that I feel will help to establish a priority date of beneficial use of water for #75-4433. Please review the exhibits for supporting facts:

Exhibit #1 Metsker Map – Show Sec., Township, and Range of Property
And property marked in Purple

Exhibit #2 Affidavit – Joseph A. Proksch, irrigated since 3-21-1942

Exhibit #3 Abstract of Title –

YELLOW shows most of our property deeded to Pattison in 1893
BLUE shows a small part deeded to McCain 1893
RED shows a small part deeded to Bryan in 1892.
PURPLE shows a Quick Claim deed from Dudley to Martin
transferring the land (which is 95% of our farm) and references
water Book A page 221 and all water rights and ditches.

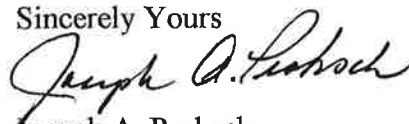
Exhibit #4 Pope Ditch Instrument # 27863 – shows waste water emptying
into Warm Springs

Exhibit #5 Kane-Ramey Ditch – After water leaves the Infanger's it runs
North to the Proksch farm for irrigation - Isaac Buckley Filed
Book A Page 315 May 18, 1887

Exhibit #6 Page 221 out of Book A gives notice that George W. Dudley
Claims all the surplus water in Warm Springs and files on it
May 10, 1881.

I believe that beneficial use of water, would be recognized as of May 10, 1881.

Sincerely Yours



Joseph A. Proksch

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AUG 09 2005

Beck, F page 179

4-10-1895

Book 6 Page 786

Rec. 6-30-1892

BOOK K - page 521)



Exhibit (1)

ABSTRACT of Title

1

United States) PATENT
to) Dated June 26th 1883
Ellwood T. Beatty,) Recorded July 20th 1883
Probate Judge of) Book C Page 227
Toshi County, in trust.)

For the $N\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 8 Township 21 North
Range 22 East of the Boise Meridian(and other property)
In trust for the several use and benefit of the occupants
of the Salmon City Townsite.

2

United States) PATENT
to) Dated February 28th 1893
Robert R. Pattison) Recorded April 3rd 1893
Book F page 779

For the $S\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 7 Township 21 North
Range 22 East of the Boise Meridian, containing 80 acres.

3

United States) PATENT
to) Dated May 5th 1893
Sylvester McCain) Recorded April 10th 1895
Book G page 786

For the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 7 Township 21 North
Range 22 East of the Boise Meridian, containing 40 acres.

4

United States) PATENT
to) Dated June 30th 1892
William J. Bryan) Recorded June 28th 1902
Book K page 521

For the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ and the
NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 8 township 21 North Range 22 East
of the Boise Meridian, containing 160 acres.

5

George W. Dudley) Quit Claim Deed
to) Dated July 26th 1887
Charles H. Martin) Acknowledged July 26th 1887
Recorded July 26th 1887
Book E page 241: Consideration \$500.00

Conveys the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of
Section 7 Township 21 North Range 22 East of the Boise Meridian,
containing 120 acres. Also water rights and ditches. George W. Dudley signs by mark.
Witness Thos. Elder and E.E. Jeanjaquet.

SCANNED

AUG 19 2005

Exhibit (3)

July 26, 2005

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

Idaho Department of Water Resources,

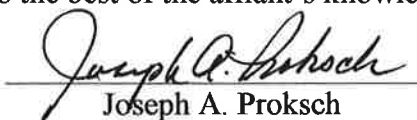
Subject: Evidence of Priority for beneficial use

WATER RIGHT NUMBER: 75-4433

AFFIDAVIT:

Albert and Annie Proksch purchased the property irrigated under water right #75-4433 on March 21, 1942 from Allen C. Merritt and Inez Merritt. I, Joseph A. Proksch, grew up on the farm and remember irrigating the land from existing ditches, putting up hay, and pasturing cows on the property. The waste water used to irrigated, came from Warm Springs, Pope, and the Kane Ramey Ditches. Sometimes when we tried to hay everyone was doing the same and we had so much water it was hard to keep the land dry so we could hay. I purchased the farm from my parents December 30, 1975 and the farm has been continually irrigate from March 21, 1942 to the present.

Be it known that the undersigned, being duly sworn, deposes and says that the matters and facts described in the above statement are true to the best of the affiant's knowledge.


Joseph A. Proksch

State of Idaho)
County of Lemhi) ss.

I, H. Dennis Havens, a notary public, do hereby certify that on this 27th day of

July, of 2005, before me personally appeared JOSEPH A. PROKSCH

known to me to be the person (s) whose name is subscribed to the within instrument, and

acknowledged to me that he (they) executed the same




H. Dennis Havens

Notary Public for Idaho
Residing at Salmon, Lemhi Co, Id.
My Commission expires Nov. 28, 2006

SCANNED

AUG 09 2005

Exhibit (2)

THIS INDENTURE, Made the 4th day of December, 1922, by and between THOMAS KANE, a widower, WILLIAM A. WARNER and JENNIE WARNER, his wife, JOSEPHINE V. RIGGS, an unmarried woman, FRANK H. McCRACKEN and MINNIE McCRACKEN, his wife, HARRY L. SUMMERS and BESSIE L. SUMMERS, his wife, MURRAY A. CROOK and LYDIA CROOK, his wife, JAMES W. BOWMAN, a widower, JOHN F. LAMBETH, an unmarried man, LAURA ELIZABETH PECK and W. H. PECK, her husband, GRANVELL LAMBETH, an unmarried man, REBECCA LAMBETH, a minor, represented by JOHN F. LAMBETH, guardian of her estate, DWIGHT T. FOX, RALPH W. FOX, KENNETH FOX, unmarried men, BESSIE L. FOX and WALTER P. FOX, her husband, W I T N E S S E T H:

WHEREAS, The parties aforesaid who are residents of Lemhi County, Idaho, are the owners of real estate situated in Sections 19, 20, 29, 30, 31 and 32 in Township 21 North, Range 22 East of the Boise Meridian, and Section 5 in Township 20 North, Range 22 East of said meridian, in said county, that is to say:

Said THOMAS KANE is the owner of the Southeast Quarter (SE $\frac{1}{4}$) of Section Nineteen (19);

Said WILLIAM A. WARNER and JENNIE WARNER are the owners of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty (20);

Said JOSEPHINE V. RIGGS is the owner of the Southwest Quarter (SW $\frac{1}{4}$), and the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Twenty (20);

Said FRANK H. McCRACKEN and MINNIE McCRACKEN are the owners of the North Half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-nine (29);

Said JAMES W. BOWMAN, JOHN F. LAMBETH, LAURA ELIZABETH PECK, GRANVELL LAMBETH and REBECCA LAMBETH are the owners of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$), the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-nine (29);

Said HARRY L. SUMMERS and BESSIE L. SUMMERS, MURRAY A. CROOK and LYDIA CROOK are the owners of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twenty-nine (29);

Said BESSIE L. FOX and WALTER P. FOX are the owners of Lots Three (3) and Four (4) in Section Thirty-one (31);

Said DWIGHT T. FOX, RALPH W. FOX and KENNETH M. FOX are the owners of the West Half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-two (32), Township Twenty-one (21) North, Range Twenty-two (22) East of said meridian; and

Said EDGAR S. EDWARDS and SUSAN EDWARDS are the owners of Lot Four (4) and the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Five (5) in Township Twenty (20), North of Range Twenty-two (22) East of said meridian; and

WHEREAS, There is an irrigation ditch extending northerly from a point on Section Seven (7) Township Twenty (20) North, Range Twenty-two (22) East of the Boise Meridian over and across Sections Six (6) and Seven (7) in said township, and over and across Sections Thirty-two (32), Twenty-nine (29) and Twenty (20) in said Township Twenty-one (21) North, Range Twenty-two (22) East of said meridian, with many laterals extending therefrom, which ditch conveys water from Salmon River for the irrigation of the lands hereinbefore described, and which is known as the "P O P E D I T C H" and

WHEREAS, The several owners of the aforesaid land have appropriated water from said river by diverting the same from the channel thereof into the head of said ditch, and by means thereof and of the lateral ditches connected therewith have caused the water so diverted to flow in said ditch and laterals to their said several parcels of land, and have used the same for a considerable time for the irrigation of their said land and for domestic purposes, and in that manner, and by means of the premises they have become water users of the neighborhood and have formed a water district, each person claiming a common right to the waters of said ditch for irrigation and domestic purposes, and

WHEREAS, The waters so claimed and used have not been allotted to the individual users thereof, and by reason thereof the several parties hereto claim rights, in part, under and by virtue of the provisions of Section 5626 of the Compiled Statutes of Idaho, and

WHEREAS, Divers disputes and differences have arisen, and are still subsisting, between the said parties relative to the use of said ditch and the waters therein, and to the improvement and maintenance thereof.

NOW THEREFORE, For the purpose of a more systematic use of said ditch and laterals and the waters therein, and for better control and greater economy in the expense of improvement, repair and maintenance thereof, as well as control of the use of said water, it is hereby covenanted and agreed by and between the parties hereto as follows:

1. That said ditch shall be maintained; and the expense of maintenance and improvement of the same, from the intake thereof at said river to a point at the Northeast Corner of the West Half of the Northeast Quarter of said Section Twenty-nine (29), when necessary to divert the requisite amount of water for the purpose of irrigating said several parcels of land, shall be borne and paid by each owner

SCANNED

AUG 09 2005

Exhibit (4)

be constructed, a measuring device for measuring the flow of water each user is entitled to have for the purpose of irrigating his, or her, said land, and shall maintain the same in suitable condition for use, and in such form that the same may be regulated by a lock; and in case of failure or neglect of the water user to establish such device upon his or her land, the Water Master appointed for the distribution of the waters of said ditch may construct such device upon the land of the owner using said water, and the expense thereof shall be placed in his bill of expenditures presented to the County Commissioners.

3. That on the first Monday of March of each year a meeting of the users of the water from said ditch shall be held at some place to be designated, at which meeting there shall be chosen, by a majority vote, a committee of three, who shall be users of said water and who shall advise and direct relative to the work necessary to be done upon said main ditch during the then current year. Said Committee shall appoint a Secretary who shall keep a record of all decisions of the meeting and all things done by the Committee during the year relating to the repair, improvement and use of said ditch during said year, also an itemized expense account. At said meeting there shall be elected, by a majority vote, a Water Master, who may be one of said users, who shall have general supervision of the work advised by said Committee to be done upon said ditch during the time he is employed as such Water Master. If for any reason a meeting of said water users is not held on the first Monday of March, a special meeting may be called by one or more of said users of said water, upon five (5) days' notice, to be held at some designated time and place before the 15th day of March, when the business aforesaid shall be transacted; and in case any such meeting is not held during said month, any one or more of said users of said water may petition the Judge of the District Court of the County of Lemhi for the appointment of a Water Master for said district under the provisions of Section 5626 of the Compiled Statutes of Idaho.

4. Said Committee shall have charge of all work done or to be done upon said ditch during the year of their appointment, and may employ any of said water users, or any other person or persons to perform work necessary to be done upon said main ditch during the season. The person or persons performing work upon said main ditch under the direction of said committee, shall have credit therefor and the same shall be applied as a credit upon the charge against him, her or their proportion of the cost of improvement, repair and maintenance.

5. The Water Master so appointed shall perform all duties required of Water Masters by the provisions of the Statutes of Idaho, and the additional duty of caring for said ditch and the water therein during the time he is employed, and including in his report to the County Commissioners such amounts as are reported to him by said Committee, which amounts he shall apportion and charge in said report to the several users of said water.

6. That said users of water shall, during the time from April 15 to October 1 of each year, if necessary, keep a flow of water in said ditch sufficient for the requirements of such persons as are properly entitled to use the waters therefrom, and if such amount of water is not so provided, any one of said water users who, after June 15th of each year, is in need of the use of the amount of water necessary for the irrigation of his or her ranch, may call the Water Master appointed as aforesaid to distribute the waters of said ditch.

7. That such Water Master shall be entitled to such compensation as shall be fixed at the time of his appointment, not exceeding the sum of Four Dollars (\$4.00) for each day he shall be employed in the duties of his office, which compensation, and the expense of maintenance and improvement of said ditch shall be charged against the land of the users to which water was delivered.

8. Said Water Master is hereby required to file with the County Recorder of Lemhi County, prior to the meeting of the Board of County Commissioners of Lemhi County, for the month of October in the year of his appointment, a bill or statement showing the proper apportionment of all expenditures relating to said ditch and chargeable to the various users of water therefrom, which expense shall be charged against the land of each owner in the amount apportioned to the same by the bill of said Water Master, and be added to the taxes of said land and collected with other taxes assessed against said land.

9. It is estimated that said main ditch, at the date hereof, will convey an amount of water sufficient to supply each of said water users one and one-half inches of water per acre; it is therefore agreed that each of the users of the water in said main ditch shall receive therefrom one and one-half inches of water per acre for use upon his or her land, and in case any one or more of said users of water from said ditch desires more than one and one-half inches per acre, he or she shall, at his or her expense, enlarge said ditch to such size that it will convey said extra amount of water to the premises of said party.

10. Waste water from said ditch shall be wasted into Warm Springs Creek at the Northeast Corner of the West Half of the Northeast Quarter of Section Twenty-nine (29) in Township Twenty-one (21) North, Range Twenty-two (22) East of the Boise Meridian.

11. The main ditch herein mentioned shall be deemed to extend from its intake at Salmon River to said Northeast Corner of the West Half of the Northeast Quarter of said Section Twenty-nine (29); a dam at said river is deemed to be a part of said intake.

12. There being privity of estate between the parties hereto, and it appearing that the covenants herein will permanently affect the mode of use and enjoyment of said ditch and water therein, and the nature and value of said property, and that the same should be binding upon the grantees of any of the aforesaid parties, as they should in good con-

SCANNED

AUG 9 2005

Exhibit (4)

FOR VERA INFANGER
DESCRIPTION:

Kane-Ramey Ditch -

ORDER NO. _____

INSTRUMENT	BOOK	PAGE	GRANTOR	GRANTEE	DATE	
pp. 138	E	455	(Receivers Receipt (Homestead) U.S.		7-6- 1888	E 2 NE 4 + E 2 SE 4 Sect. 18 21 N 22 E - 160 ACR + S
	H	299	Buckley, Isaac	Isaac Buckley	5-18-1887	Claim to water Book A - Page 35 150 inches
				Solicitors Loan + Trust By Sheriff	12-20 1894	
	K	438	Philadelphia Securities			
	L	227	Walter Davis + Clinton Williams	Walter Davis + Clinton Williams	12-3 1901	160 acres with water rights
	S	187	Edgar S. Edwards	Edgar S. Edwards	11-23-01	with water rights
	37	254 158	Mabel Axline widow	G.A. Axline	3-22-08	1/3 int. to Kane Ramey NE 4 NE 4 Sect. 18-20 NE 22 E SE 4 NE 4 " "
pp. 138	39	421	H.N. Benham	H.N. Benham		
	40	202	H.N. Benham	James Franklin Stoddard	8-15-46	NE NE 4 Sect. 18, 21 N 22 E
	43	446	James Franklin Stoddard + Jean	James Franklin Stoddard	4-29-47	NE 4 SE 4 NE 4 Sect. 18, 21 N 22 E
claim Dred	44	325	W.H. Stoddard	W.H. + Catherine Stoddard	12-13-51	NE NE 4 + NE 4 SE 4 NE 4 18-21-22
13305			Catherine Stoddard	Catherine Stoddard	"	" "
13306			" "	Ray + Vera Infanger	"	" "
13307			" "	" "	11-29-60	S 2 SW 4 NE 4 NE 4 18-21-22
04197			" "	" "	"	N 2 SW 4 NE 4 NE 4 18-21-22
04198			" "	" "	"	S 2 NW 4 NE 4 NE 4 18-21-22
04199			" "	" "	"	S 2 NE 4 NE 4 NE 4 18-21-22
			" "	" "	"	N 2 NE 4 NE 4 NE 4 18-21-22
			" "	" "	"	N 2 SE 4 NE 4 NE 4 18-21-22

AUG 09 2005

SCANNED

Exhibit (5)

Stallies is hunting ground that the undersigned
has this day located and claims as the rights therein
accruing to the Wagon Springs Creek, the lands
at a certain point - history (George) Oregon the lands
the claims by dirt laws (land) for irrigation
and other purposes and location is situated about
one mile south of Salmon City in Clark County
Idaho Territory
May 10th 1881.
Geo. W. Sweeney

Filed for record in the Office of the
1881; at 9 A.M. and recorded in books of State High Clerk
Idaho Territory
Geo. W. Sweeney
May 14th 1881

Salmon City - Idaho Territory
J. H. O'Leary and Abraham Ogden, claim
all the State of Utah in known as Clark Canyon
situated 2 miles below what is called John Bush's
Daw Mills about 3 hundred yards, also three
hundred yards from what is known as the creek
the same stream that John O'Leary's mine is on
the water taken out about three hundred
yards below said mine, and conveyed by ditch 1924 to
Clark Canyon, shown by ditch 1924, now J. H. O'Leary
Rough for irrigating purposes
Filed for record May 14th A. D. 1881, at 90 minutes
Paul & O'Leary & Co. and day recorded in books
of State High Clerk - Geo. W. Sweeney
SCANNED
AUG 09 2005
Geo. W. Sweeney
Stallies is hunting ground that the undersigned

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SCANNED
AUG 09 2005
Geo. W. Sweeney
Stallies is hunting ground that the undersigned

OCT 10 2 3

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: A75-04433

Date Received: 4/17/1990

Receipt No: 11006644

Received By: PC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR

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

2. Date of Priority: MAY 10, 1881

3. Source: WARM SPRINGS WASTEWATER Trib. to: SALMON RIVER
SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	22E	7	SE	NE			LEMHI

5. Description of diverting works:
HEADGATES, DITCHES 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	2.680		
STOCKWATER	04/01	12/31	0.020		

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

8. Total consumptive use is 167.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 50 CATTLE

A75-04433

Page 1

Date: 04/17/90

A7504433



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	7	NE	NE		IRR	1.0
			NW	NE		IRR	2.0
			SW	NE		IRR	23.0
			SE	NE		IRR	40.0
						Section Acres	66.0
		8	SW	NW		IRR	1.0
						Section Acres	1.0
						Total Acres	67.0

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:
S/50 COWS

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: 6

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. Probst Date: 4/17/90

Date: _____

State of Idaho)
County of Lewia) SS.

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

Seal

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