

04/05/2006

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

RIGHT NUMBER: 75-4386
NAME AND ADDRESS: JAMES E HOWARD
1727 QUESTAR LN
SARASOTA FL 34231
JOYCE O HOWARD
1727 QUESTAR LN
SARASOTA FL 34231

SOURCE: SPRING TRIBUTARY: PANTHER CREEK

QUANTITY: 0.040 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/15/1955

POINT OF DIVERSION:
T19N R18E S3 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.020 CFS
DOMESTIC	1/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within LEMHI County
T19N R18E S03 NESW 0.50 T19N R18E S03 SESW 0.50
DOMESTIC Within LEMHI County
T19N R18E S03 NESW

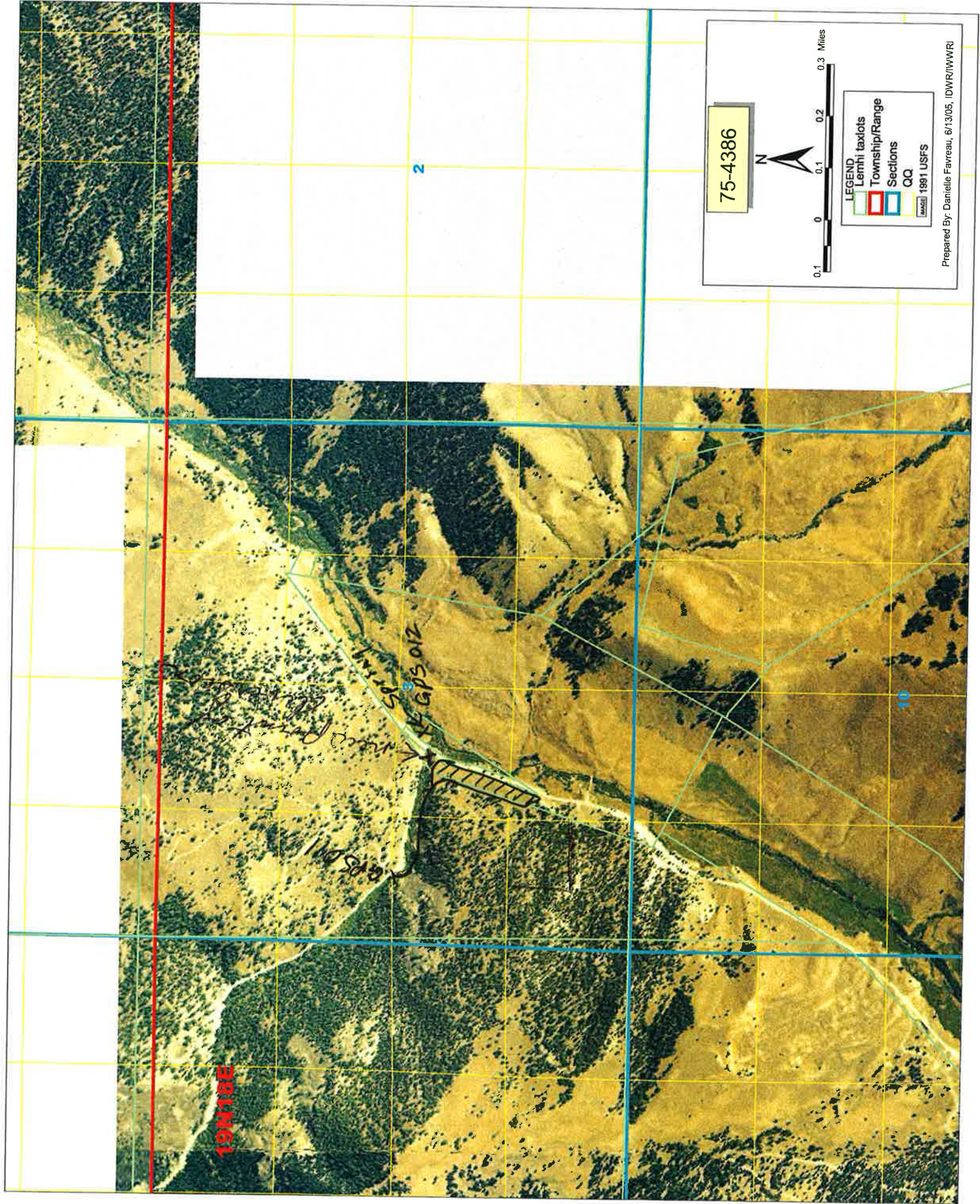
1 ACRES TOTAL

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

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



75-4386



LEGEND

- Lenth taxlots
- Township/Range
- Sections
- QQ
- MASS 1991 USFS



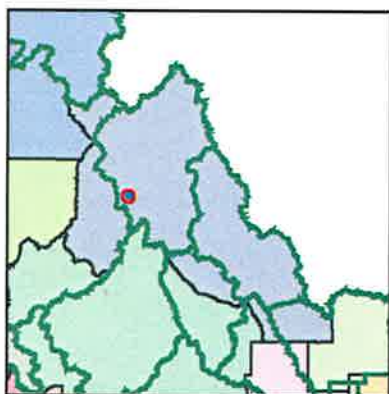
Idaho Department of Water Resources

Adjudication Claim:

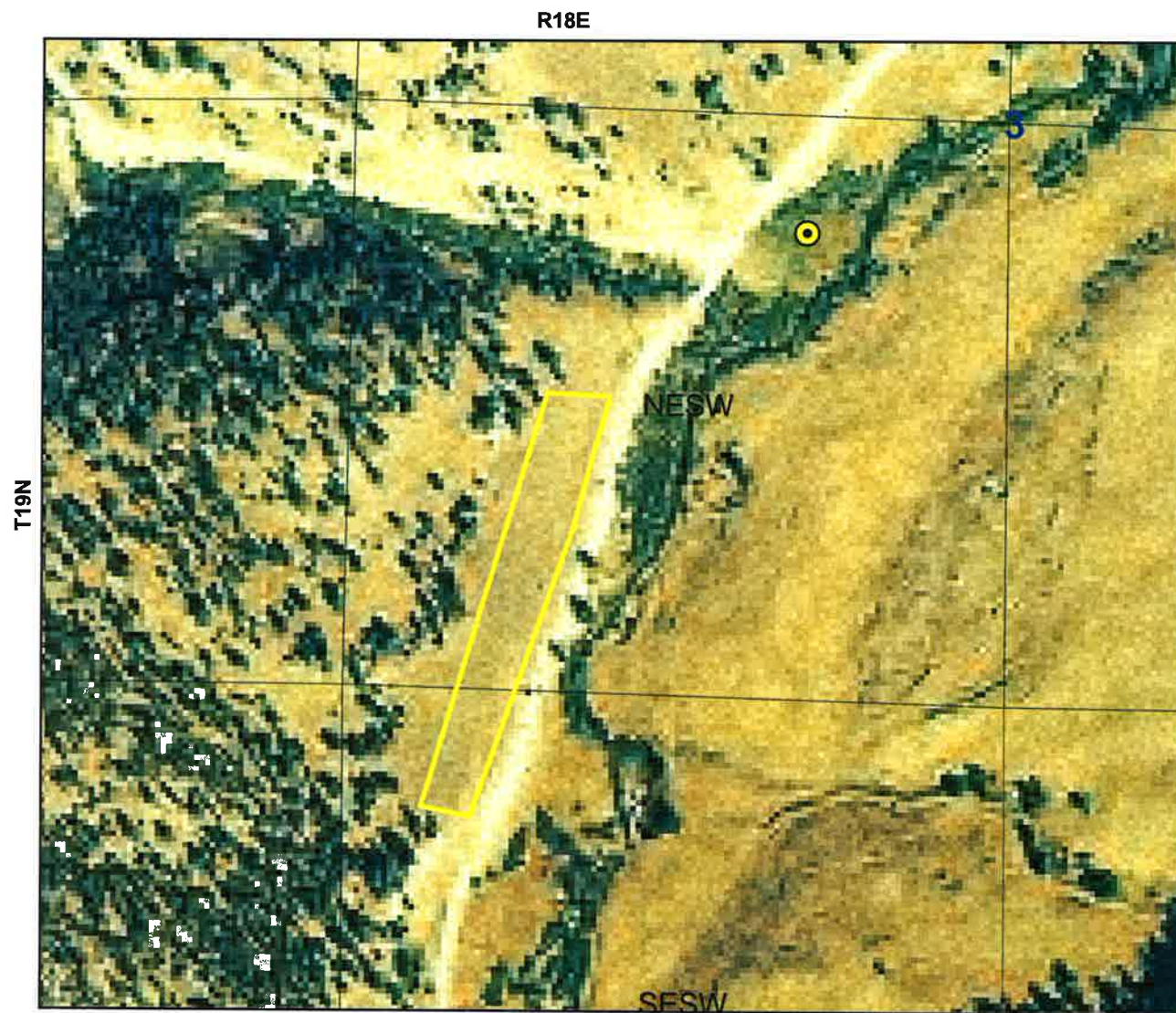
75-4386

Legend

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



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

Prepared by Kenneth Knoblock
On Wednesday, April 5, 2006
1987/88 Aerial Photography



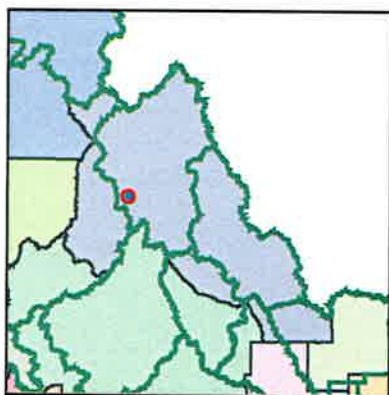
Idaho Department of Water Resources

Adjudication Claim:

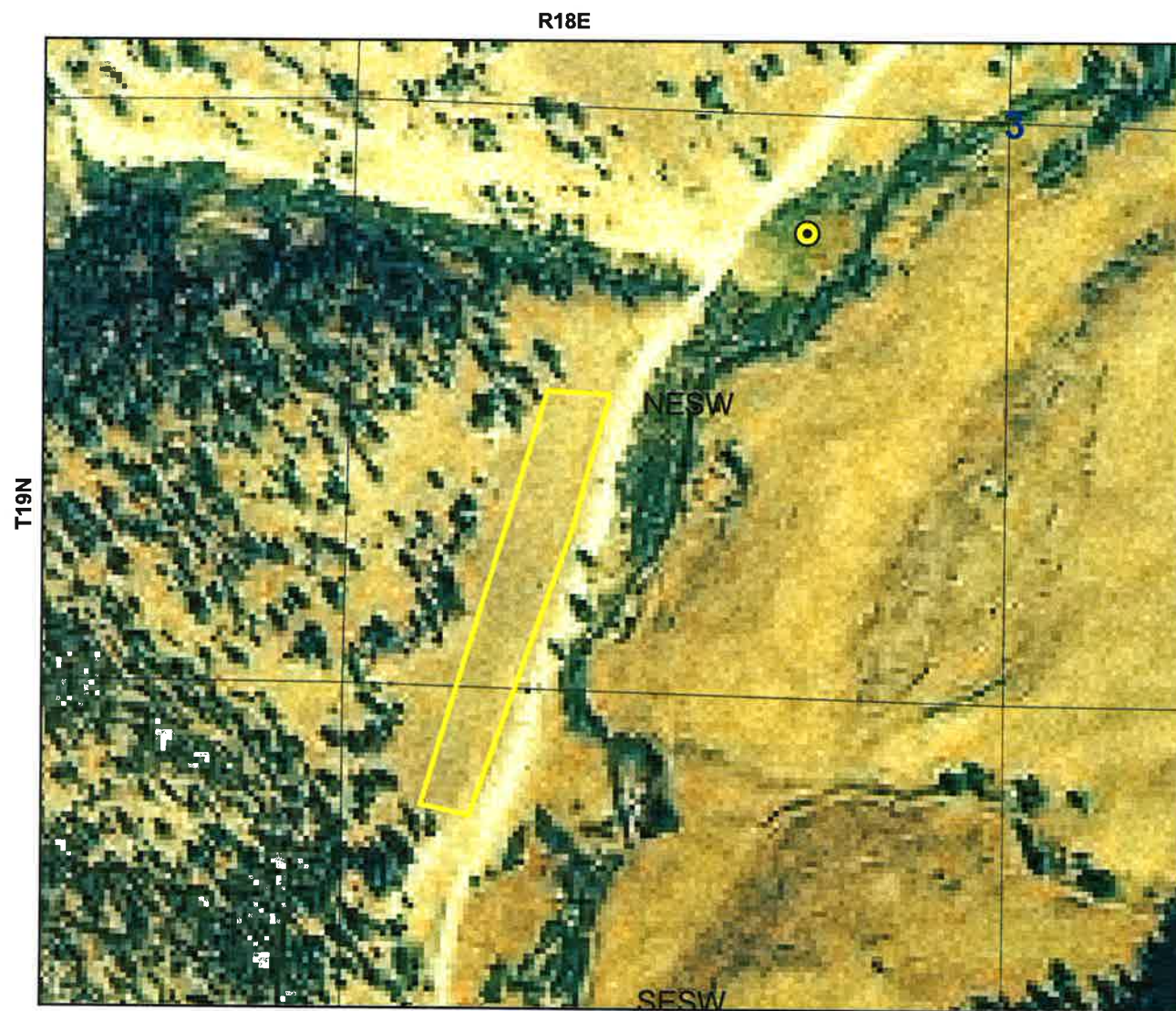
75-4386

Legend

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



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

A horizontal scale bar with markings for 0, 0.1, and 0.2 miles.

Prepared by Kenneth Knoblock
On Wednesday, April 5, 2006
1987/88 Aerial Photography

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: 75-4386

JAMES E HOWARD
1727 QUESTAR LN
SARASOTA FL 34231
Telephone Number: (813)924-1078

JOYCE O HOWARD
1727 QUESTAR LN
SARASOTA FL 34231
Telephone Number: (813)924-1078

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

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

DATE: 12/04/06

SIGNATURE: Joyce O Howard

Please print your name: Joyce O. Howard

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

SEARCHED
DEC 12 2006

RECEIVED
DEC 13, 2006
IDWR/NORTH

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

CLAIM NO(s). A75 04051 A75 4386

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted

☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE

☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

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

As you can see from the map the first 700ft of ditch ~~is~~ crosses across slide rock in a 12 in. pipe. The first 400ft has been stolen, so about 2 years ago. So they haven't had water

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis

Signature

in the ditch for the last 2 years. They are sending a request for a change of the point of diversion to a place marked on the map. The new point is on their property. They will put
(over)



DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Site 15, Idaho Falls, Idaho 83402 - () 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 16, 1990

James E. or Joyce O. Howard
1727 Questar Lane
Sarasota, FL 34231

RE: Notice of Claim

Dear Mr. and Mrs. Howard:

The Idaho Department of Water Resources (IDWR) is returning your checks (#3781/\$25.00 and #3782/\$50.00) and your Notices of Claim to a Water Right because of insufficient fees. All fees must be submitted before the IDWR can process the Notices.

The filing fees for the Notices of Claim you submitted are \$50.00 each plus \$1.00/acre, bringing the amount due to \$51.00 and \$62.00 for the Notices submitted.

Please return the Notices and filing fees to the IDWR by June 16, 1990 to avoid an additional late fee.

If you have any questions, please feel free to call the IDWR at (208) 525-7161.

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:bb

Enclosure

3781

LINCOLN Continental
AMERICA'S MOST DISTINGUISHED MOTORCAR

James E. or Joyce O. Howard
1727 Questar Lane 921-4402
Sarasota, FL 34231

May 7, 1990

63-654
631

PAY TO THE ORDER OF *Idaho Dept. of Water Resources* \$ 25.00

Twenty-five and 00/100 DOLLARS

C&S The Citizens and Southern National Bank of Florida
Sarasota County

FOR *Water Right*

0631065431 3781 0002132265

MICROFILMED
DEC 15 1992

TO A
WATER RIGHT

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

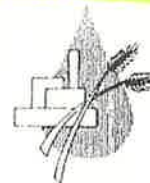
RECEIVED

AUG 05 2005

DEPARTMENT OF
WATER RESOURCES

JUN 9 1983

CLAIM TO A WATER RIGHT



Department of Water Resources

Eastern District Office

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Joyce O. and/or James E. Howard

(Name of Claimant)

1820 Meadowood St. Sarasota, FL 33581

(Mailing Address)

Telephone No. (813) 924-1078

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use)

9-15-1955

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Spring

tributary to

Panther Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity <u>0.04cfs</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		
Quantity _____	Use _____	Period of Use From _____	To _____		

- (4) 0.04cfs TOTAL QUANTITY USED.

(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 SW 1/4, Sec. 3 Twp. 19N Rge. 18E, B.M., County of Lemhi

Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Gravity flow to house then pressurized for domestic use.

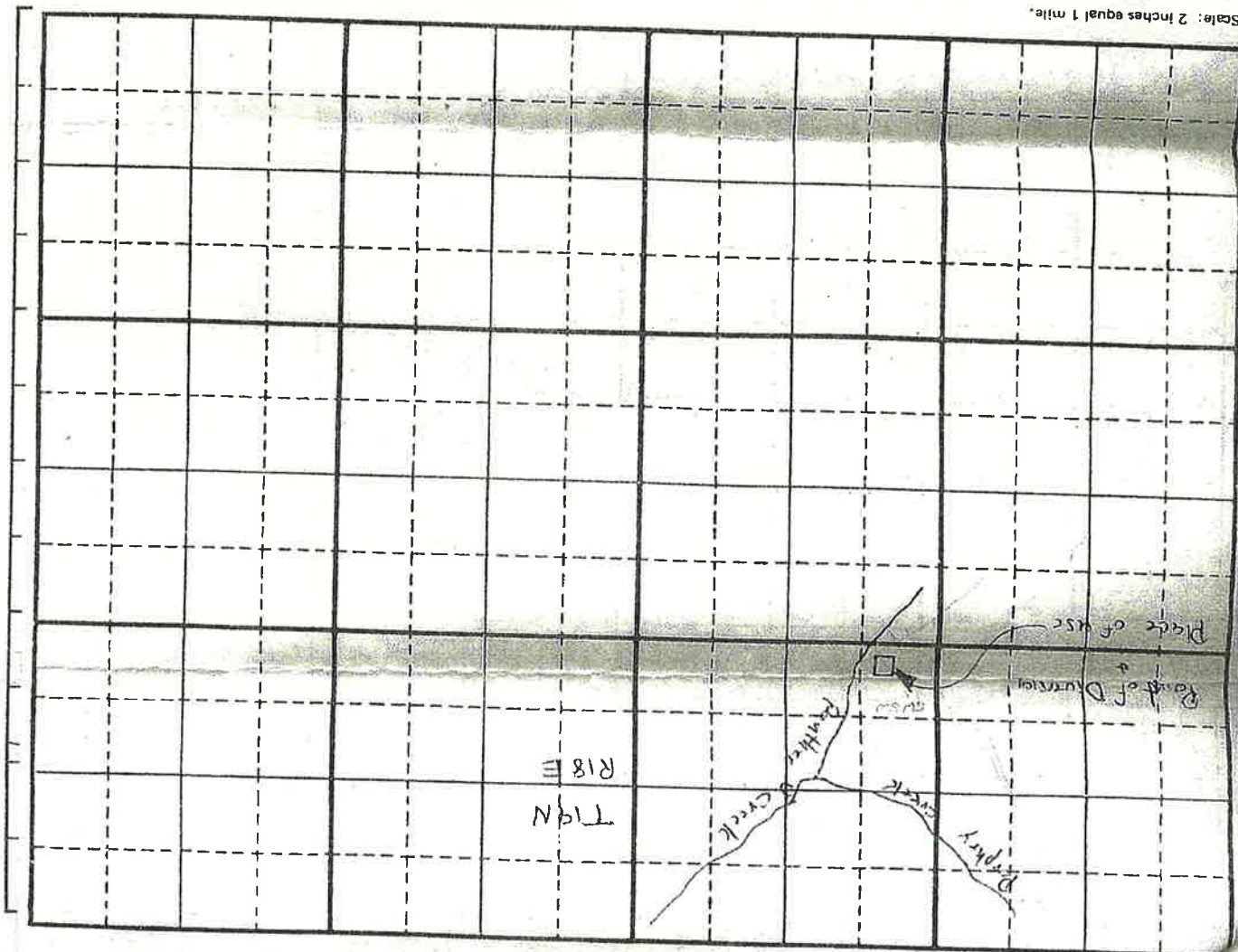
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
19N	18E	3											X						

SCANNED

AUG 08 2005

Scale: 2 inches equal 1 mile.



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho FLORIDA

County of Sarasota

ss.)
)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 2 day of June

(Claimant)

[Signature]

[Signature]

Notary Public

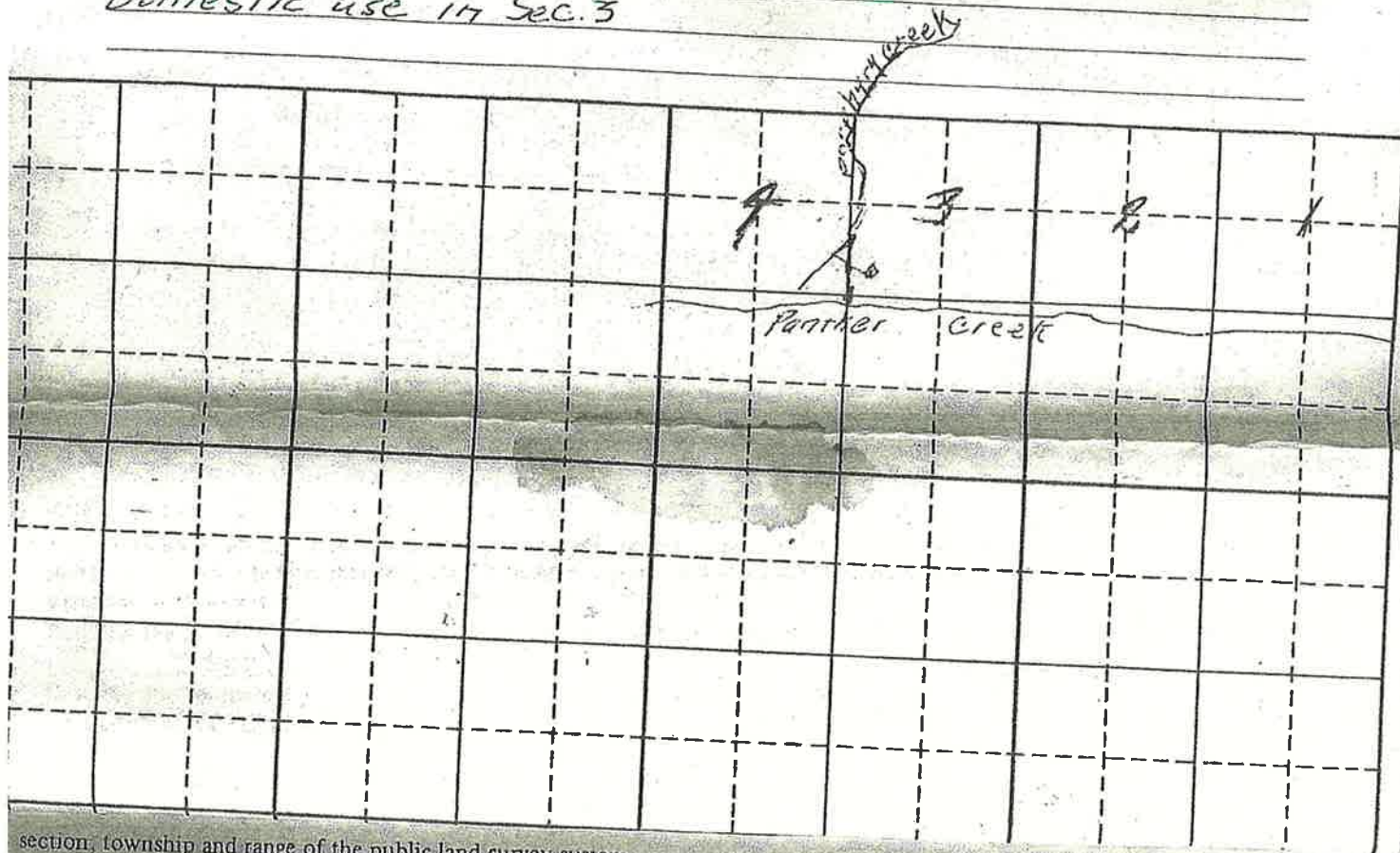
Residing at *[Address]*

My commission expires May 14, 1986
Notary Public, State of Florida
Bonds: Three Year Term - Insurance, Inc.

FOR DEPARTMENT USE ONLY
Date 6-9-83
Date 6-13-83
Date 6/13/83
Exception filed by:
Forwarded to
Claimant by:
Date

SCANNED
AUG 08 2005

(8) Remarks Diversion for domestic to SW⁴ SW⁴ Sec. 3
Top 19th Reg. 18E.
Domestic use in Sec. 3



section, township and range of the public land survey system.

State of Idaho)
County of DADE) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 4 day of June, 1976.

Notary Public

Residing at 8880 Bisc Blvd.
Miami Fla 33135

Notary Public, State of Florida at Large
My commission expires Feb. 14, 1979
BONDED BY AMERICAN BANKERS INSURANCE CO.

For Department Use Only

Received by DEH Date 6-12-76
relim. check by DRT Date 6-14-76
10.00 fee received by TMB Date 6-14-76
approved for publication by 7-8-76

Exception filed by:

Forwarded to
claimant by: Date

SCANNED

AUG 0 8 2005

READING REPORT
(REGIONAL)

Water Right Number - A75-04386

Adj. Flag Translation: ADJUDICATION CLAIM

Old (D) Number

+ - - - - Last Name - - - - +

+ - First Name - - +

+ - - - - Address - - - - -

*** C - CURRENT OWNER ***
HOWARD

JOYCE O.

1 - 1820 MEADOWOOD ST.

2 -

3 -

City- SARASOTA

State- FL Zip- 3

Phone -

1 - 1820 MEADOWOOD ST.

2 -

3 -

City- SARASOTA

State- FL Zip- 33581

Phone -

HOWARD

JAMES E.

+ - - Priority Date - - +
09/15/1955

+ - - Region - - - +
15 Error in Region

+ - - Stage - - - +
S - STATUTORY CLAIM

+ - - Status - - - +

+ - - Source - - - - - +
SPRING

+ - - Tributary - - - - - +
PANTHER CREEK

Twn	Rng	Sec	Tract	Lot	RFlg	Point of Diversion - - - - -	County (Blank if no Index Code)
19N	18E	3	SW SW			(59) LEMHI	

Code	Description	Period From	Water Use Period To	Diversion Rate	Diversion Volume
43 - DOMESTIC		01/01	12/31	0.040	

+ - Total Div. Rate - + + - Total Div. Volume - +

0.040

+ - Total Consumptive Use - + + - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
19N	18E	3	SW SW			43 DOMESTIC		(59) LEMHI

Total Acres:

+ - - Diversion Means - GRAVITY FLOW

+ - - Non-Irrigation Use - D/4 HORSES, 1 COW

+ - - Other Rights for Same Use -

- Remarks -
No Remarks found.

SCANNED
AUG 08 2005

(REGIONAL)

er right number - A75-04386

Adj. flag translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +
+ - - - - Old Water Right Numbers - - - - - +
+ - - - - No Old Water Right Numbers Found
+ - - - - Conditions of Approval - - - - -
+ - - - - No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date -
+ - - - - 00/00/0000
+ - - - - Audit Fields - - +
+ - - - - SMITH

+ - - - - Adjudication Rights Dates and Flags Area - - - - -
Court Report Filing - 00/00/0000 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Case Number -
Claim Received Date - 04/20/1990 Last Amended Date - 00/00/0000 Old Judicial District -
Receipt Number - Temporary Right - T
POU Ownership Flag - Y Water District -
Name Connector - Federal/State Indicator - S
Presumption Flag -

AUG 0 8 2005

SCANNED

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: A75-04386
Date Received: 6/04/1990
Receipt No: E014747
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOYCE O. HOWARD 813-924-1078
Address: 1727 QUESTAR LANE
SARASOTA, FL 34231

OR
Name: JAMES E. HOWARD 813-924-1078
Address: 1727 QUESTAR LANE
SARASOTA, FL 34231

2. Date of Priority: SEP 15, 1955

3. Source: SPRING Trib. to: PANTHER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	18E	3	NE	SW	SW		LEMHI

5. Description of diverting works:
GRAVITY FLOW TO CISTERN/ PIPELINE TO HOUSE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	11/01	0.020		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ONE HOME S/ 4 HORSES, 1 COW

SCANNED

SEP 26 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSNO LATE FEE IF RECEIVED
BY 6-16-90 B.B.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

A75-04386

Date Received

Receipt Number

E014747

RECEIVED

MAY 28 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY 11 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Joyce O. Howard or James E. Howard Phone (813) 924-1078Mailing Address 1727 Questar Lane Sarasota, Florida Zip 342312. Date of Priority (Only one (1) per claim) 9-15-553. Source of water supply (a) Spring
which is tributary to (b) Panther Creek4. a. Location of existing point of diversion is: Township 19N Range 18E Section 3,
NE 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of LemHIAdditional points of diversion if any: Noneb. If instream flow, beginning point of claimed instream flow is: Spring on Private Pater Prof

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.Gravity Flow - 3/4" pipe - 200' to cistern - Domestic
use.Pipe to house location, foundation level, pressurized for household
lawn and livestock use.

A7504386



MICROFILMED

DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic/Stockwater purposes from 6/01 to 12/31 amount 0.040 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.040 (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.) Domestic - One Household + Garden + Stockwater: 4 Horses 1 Cow

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
19N	18E	3											D/S						1

Total number of acres irrigated 1

11. In which county (ies) are lands listed above as place of use located? Leath

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

14. Remarks:

MICROFILMED

DEC 15 1992

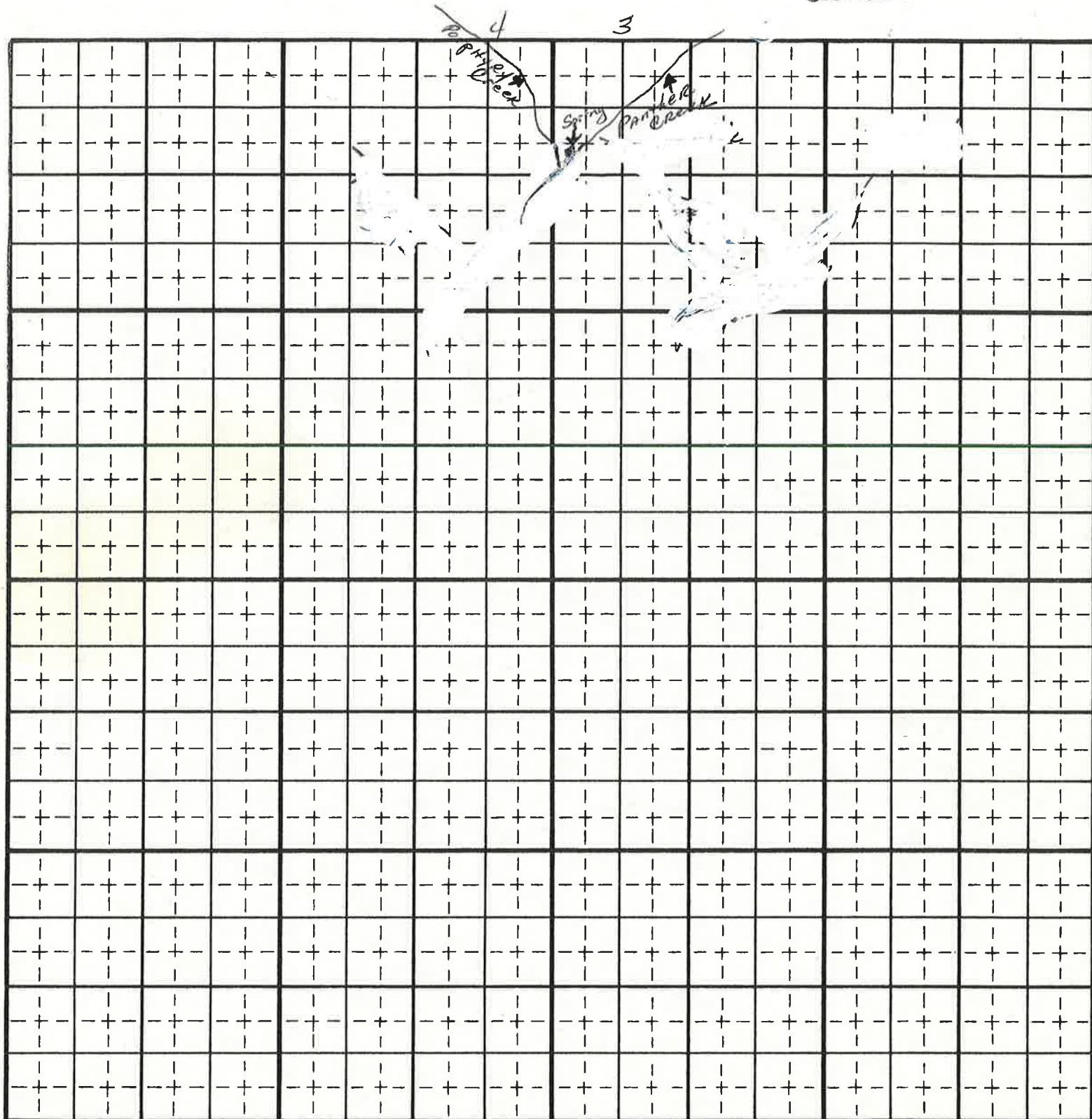
Last Name Howard Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

Twp = 19N
Range = 18E
Section = 3



MICROFILMED

DEC 15 1992

Last Name

Howard

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number A75-04386
Court _____ Case Number 39576 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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 May 7, 1990

Date _____

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

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or FLORIDA)

County of SARASOTA)

SS.

Subscribed and sworn (or affirmed) before me this 07 day of May 19 90

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: OCT. 30, 1990.
BONDED THRU NOTARY PUBLIC UNDERWRITERS

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.

Last Name _____

MICROFILMED

DEC 15 1992

White-State, Yellow-Claimant

A75-04386

Required
Info.?

- DEC 15 1992