

11/01/2006

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

RIGHT NUMBER: 75-4403

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON ID 83467

SOURCE: IRON CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.160 CFS

PRIORITY DATE: 04/22/1931

POINT OF DIVERSION:

T18N R21E S8 SWNW Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.160 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T18N R21E S08

SESW

7.80

T18N R21E S08

NESW

0.20

8 ACRES TOTAL

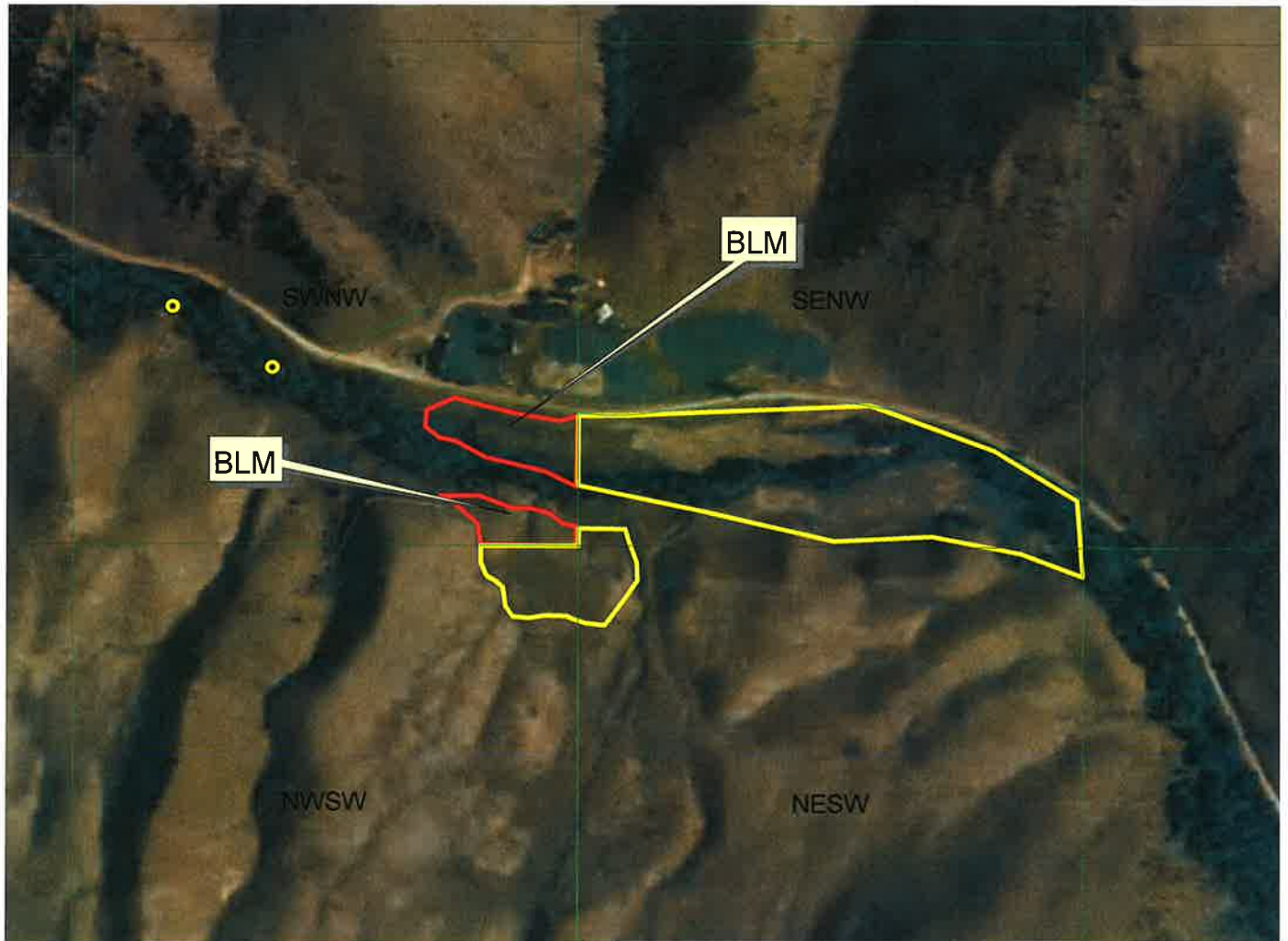
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

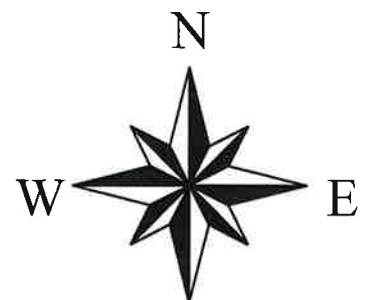
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Void

75-4403



-  Lemhi taxlots
-  GCDB18N21E GCDB
-  Theme35.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



SCANNED
OCT 22 2008



Idaho Department of Water Resources

SRBA Recommendation:

75-4403

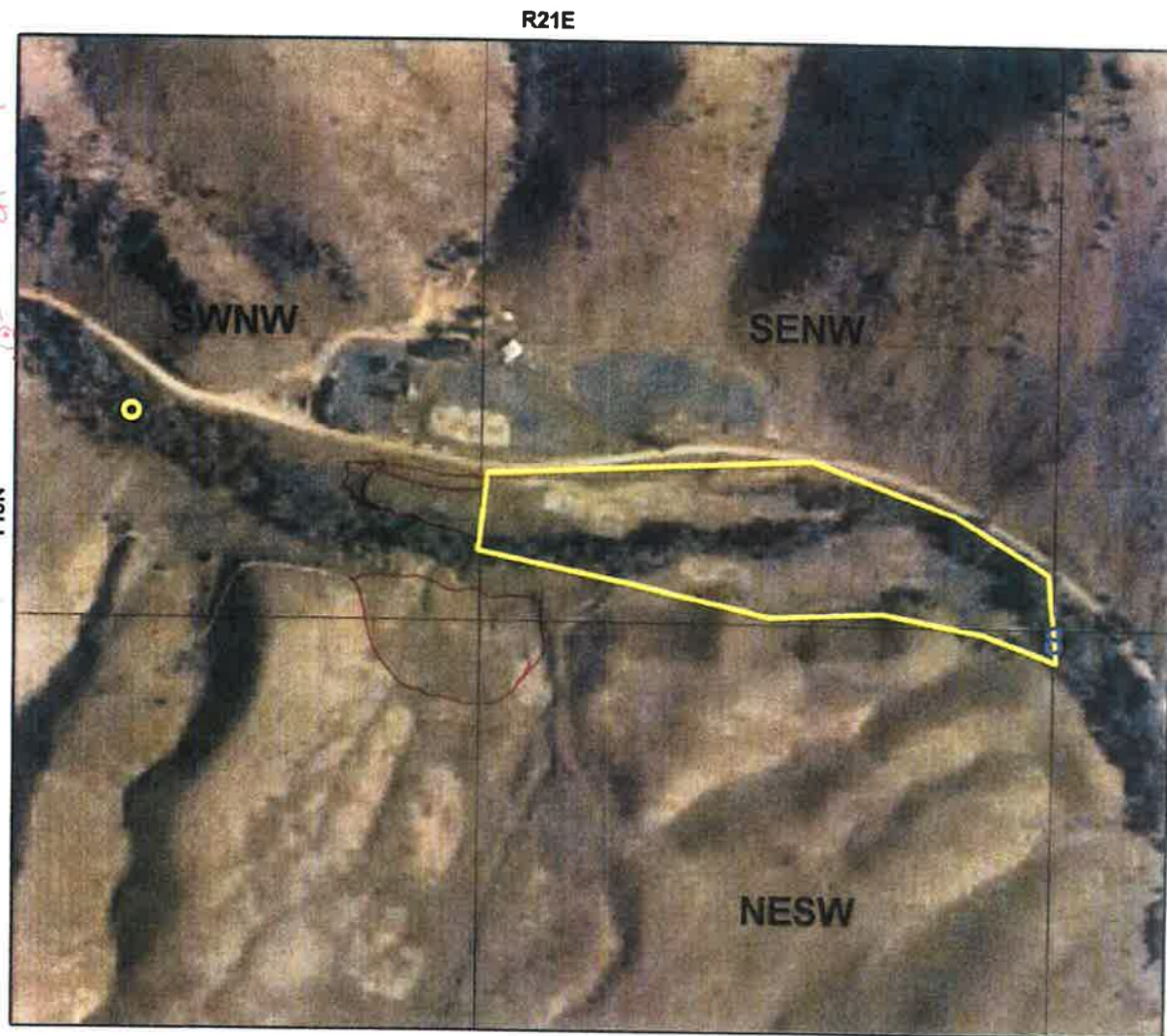
(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles

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

OCT 22 2008
SCANNED



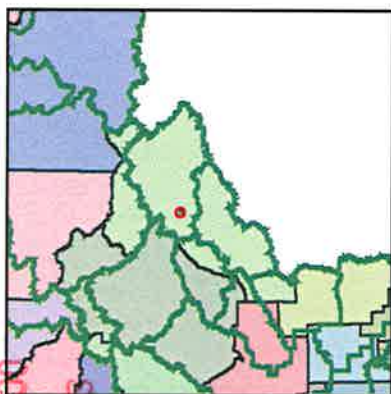
Idaho Department of Water Resources

Adjudication Claim Number: **75-99, 75-4403, 75-14194**

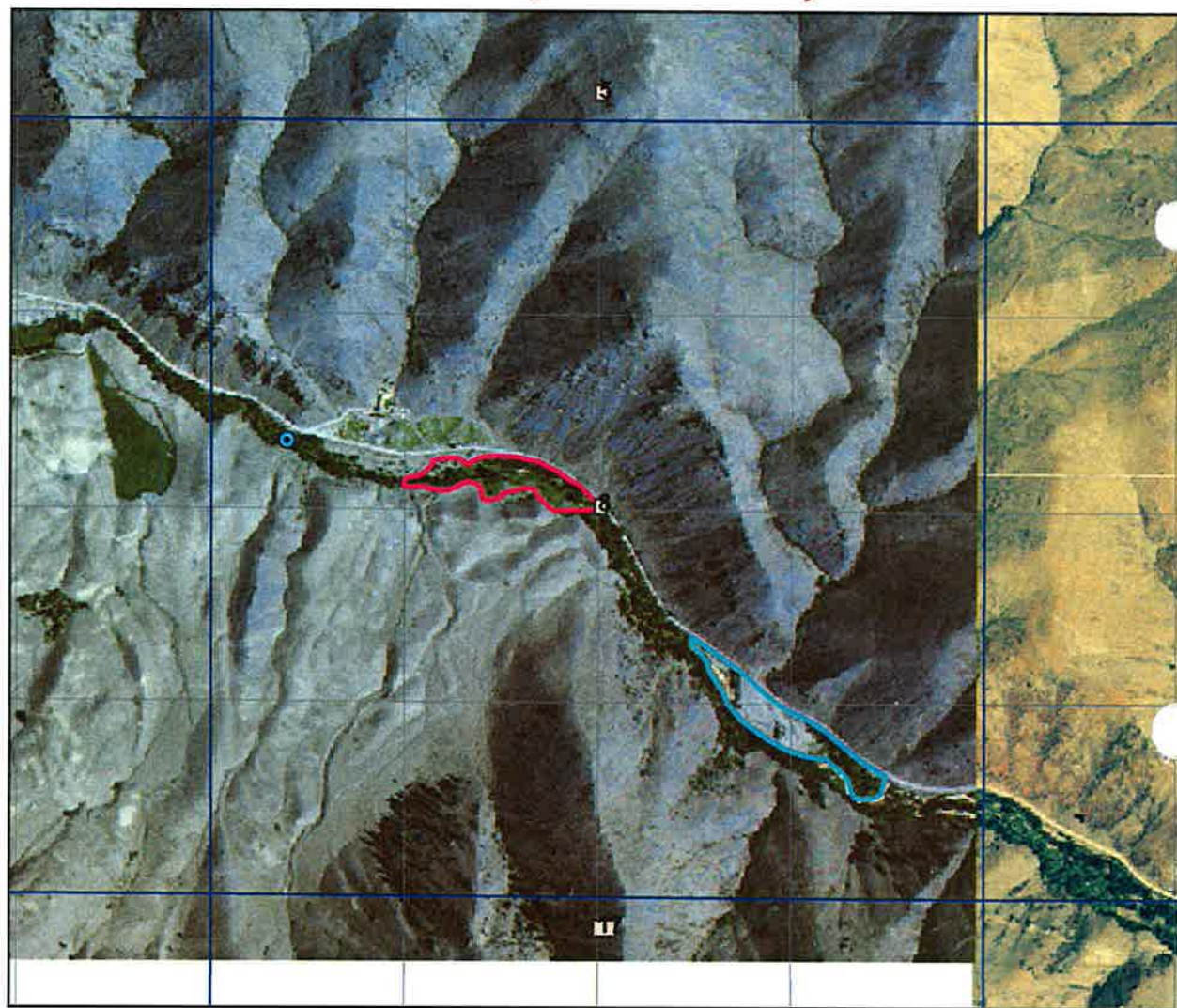
T18N R21E

Legend

- Point of diversion
- 75-4403
- 75-99, 75-14194.shp
- Township/Range
- Sections
- GCDB18N21E GCDB



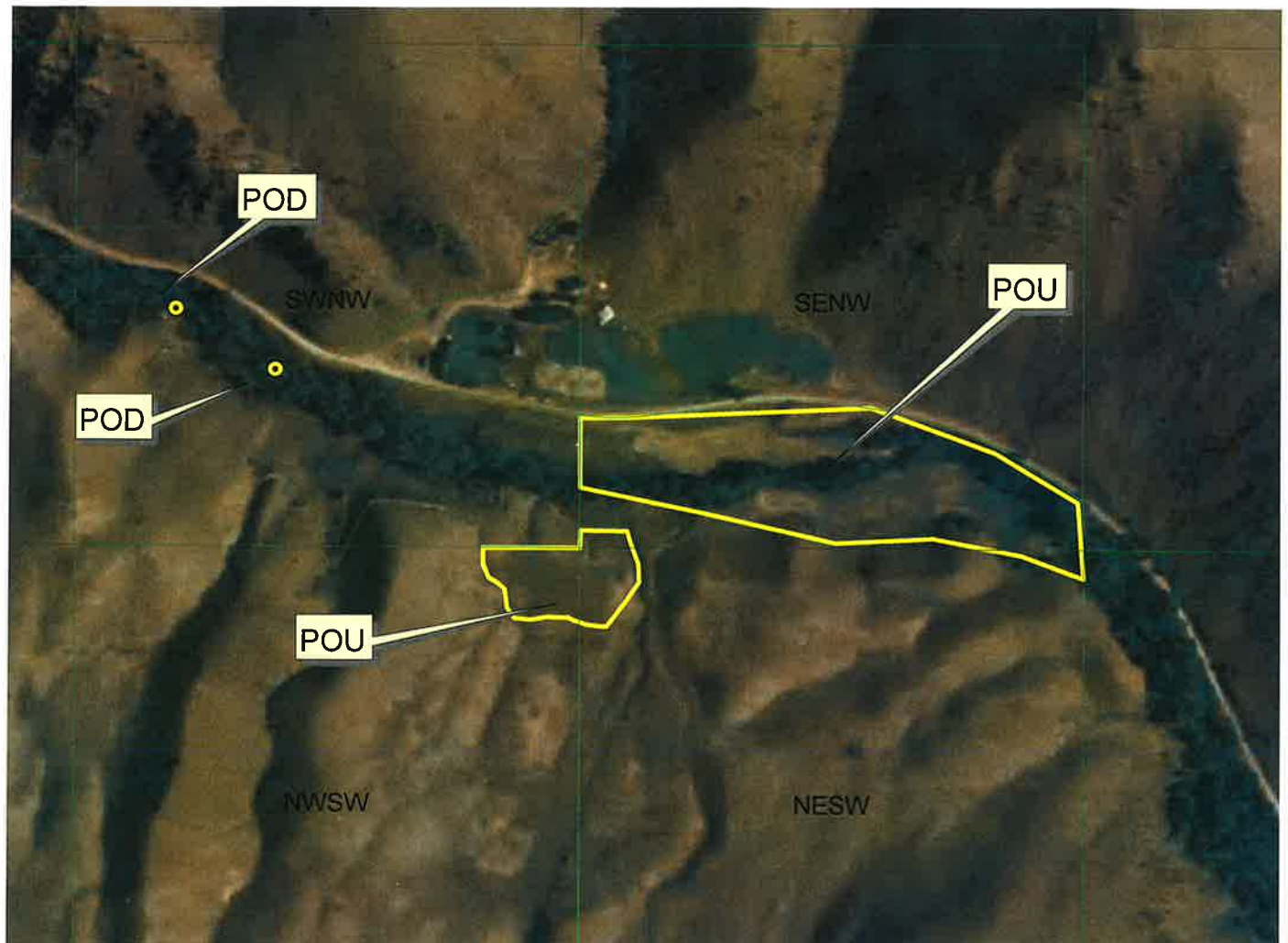
Lemhi County
IDWR Basin 75



0 0.4 0.8 Miles

Prepared by R. Brown
On Friday, September 30, 2005
1988 Aerial Photography

75-4403



-  Lemhi taxlots
-  GCDB18N21E GCDB
-  Theme35.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



SCANNED
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B. H. ditches

Estimating Conveyance Loss using the Worstell Method

Claim No. 75-4403

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

$$w = 2.7'$$

$$i = 2 \text{ ft/day}$$

$$\text{ditch length (mi.)} = 3,640' = 0.5 \text{ mile}$$

Conveyance Loss:

$$S = (2.7)(2)(0.0667) = 0.36 \text{ cfs/mile}$$

$$\text{Loss} = 0.18 \text{ cfs}$$

$$(0.36 \text{ cfs/mile})(0.5 \text{ miles}) = 0.18 \text{ cfs}$$

$$9.7 \text{ Ac} \times 0.02 \text{ cfs/Ac} = 0.19 \text{ cfs}$$

$$\text{ditch loss} = +0.18 \text{ cfs}$$

$$\underline{0.37 \text{ cfs}}$$

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OCT 22 2008

File IRON CREEK 5

Jimmy

Start Date and Time ----- 2004/06/02 11:39:52
 Sensor Type ----- FlowTracker Handheld ADV
 SerialNumber ----- P170
 Averaging Time ----- 20 sec
 Units system ----- ENGLISH
 Staff height ----- 0.00 ft
 Gauge height ----- 0.00 ft
 Rated discharge ----- 0.000 cfs
 Starting edge of water --- LEW
 Number of stations ----- 8
 Total width ----- 2.7 ft
 Total area ----- 0.82 ft^2
 Total discharge ----- 1.572 cfs
 Mean velocity ----- 1.858 ft/s
 Mean SNR ----- 31.9 dB
 Mean std. error of vel. --- 0.09 ft/s
 Mean boundary conditions -- 0 (BEST)
 Boundary condition (Bnd) -- 0: BEST
 1: GOOD
 2: FAIR
 3: POOR

ST.	Loc.	Depth	IceD	MDep	Clock	Npts	Spike	Vel	SNR	Angle	Verr	Bnd	Temp	Corr	MeanV	Area	Flow
	(ft)	(ft)	(ft)	(*D)	(ft/s)	(dB)	(deg)	(ft/s)	(degF)	Fact	(ft/s)	(ft^2)	(cfs)				
0	1.0	0.00	0.00	.0	00:00	0	0	0.00	0.0	0	0.0	0	0.00	1.00	0.802	0.00	0.000
1	1.3	0.20	0.00	.6	11:39	20	0	0.802	29.6	1	0.03	0	47.01	1.00	0.802	0.060	0.048
2	1.6	0.20	0.00	.6	11:40	20	0	1.383	31.3	7	0.02	0	46.96	1.00	1.383	0.060	0.083
3	1.9	0.30	0.00	.6	11:41	20	1	2.764	30.5	7	0.07	0	46.87	1.00	2.764	0.090	0.249
4	2.2	0.35	0.00	.6	11:41	20	0	3.227	30.9	5	0.18	0	46.87	1.00	3.227	0.105	0.338
5	2.5	0.40	0.00	.6	11:42	20	0	3.205	31.3	12	0.14	0	46.89	1.00	3.205	0.120	0.384
6	2.8	0.45	0.00	.6	11:43	20	0	2.814	31.3	10	0.09	0	46.89	1.00	2.814	0.135	0.380
7	3.1	0.45	0.00	.6	11:44	20	1	0.665	30.0	-12	0.17	0	46.90	1.00	0.665	0.135	0.090
8	3.4	0.40	0.00	.6	11:45	20	0	0.003	39.9	27	0.00	0	46.94	1.00	0.003	0.120	0.000
9	3.7	0.00	0.00	.0	00:00	0	0	0.00	0.0	0	0.0	0	0.00	1.00	0.003	0.00	0.000

SCANNED

SCANNED

OCT 22 2008

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: 75-4403

CLYDE L PHILLIPS

12 HUSSEY LN

SALMON ID 83467

Telephone Number: (208) 894-2224

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

2. Describe the changes you wish to make in the proposed recommendation: there are two diversions points one to irrigate the south side of iron creek and one to irrigate the north side. You missed some acres on the north side and south side

3. Give a brief explanation as to why you disagree with these portions: There are two diversion points to this water right. one on the south side of iron creek + one on the north. the right needs to be restored to 140 CFS - .160 CFS would even reach the field.

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

DATE: 12-06-06

SIGNATURE: Clyde L. Phillips

Please print your name: Clyde L. Phillips

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

SCANNED

OCT 22 2006



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 15, 2006

Clyde L. Phillips
12 Hussey Ln.
Salmon, Idaho 83467

Re: Claim 754403

Dear Mr. Phillips:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

The acreage was adjusted from 8.0 acres to 9.7 acres and the diversion allotment was also adjusted to 0.37 cfs, which reflects a statutory diversion allotment of 0.02 cfs/acre plus a ditch loss factor of 0.18 cfs. The additional acreage outlined in red on the enclosed map could not be recommended, since records show it's owned by the BLM.

If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

SCANNED

OCT 22 2008

11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

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

The quantity of water and the number of acres

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

there are two diversion points one to irrigate the south side of Iron Creek and one to irrigate the north side. You missed some acres on the north side and south side

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

There are two diversion points to this water right, one on the south side of Iron Creek + one on the north. the right needs to be restored to 140 CFS - 160 CFS won't even reach the field.

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

DATE: 12-06-06

SIGNATURE:

Clyde L. Phillips

Please print your name:

Clyde L. Phillips

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

SCANNED ✓

DEC 13 2006



Idaho Department of Water Resources

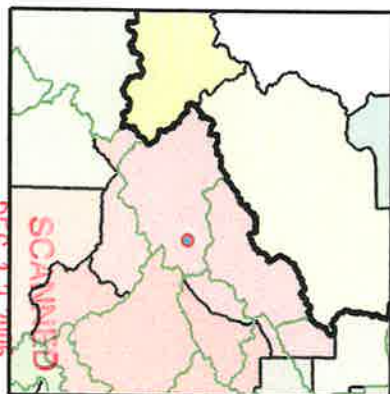
SRBA Recommendation:

75-4403

(Irrigation)

Legend

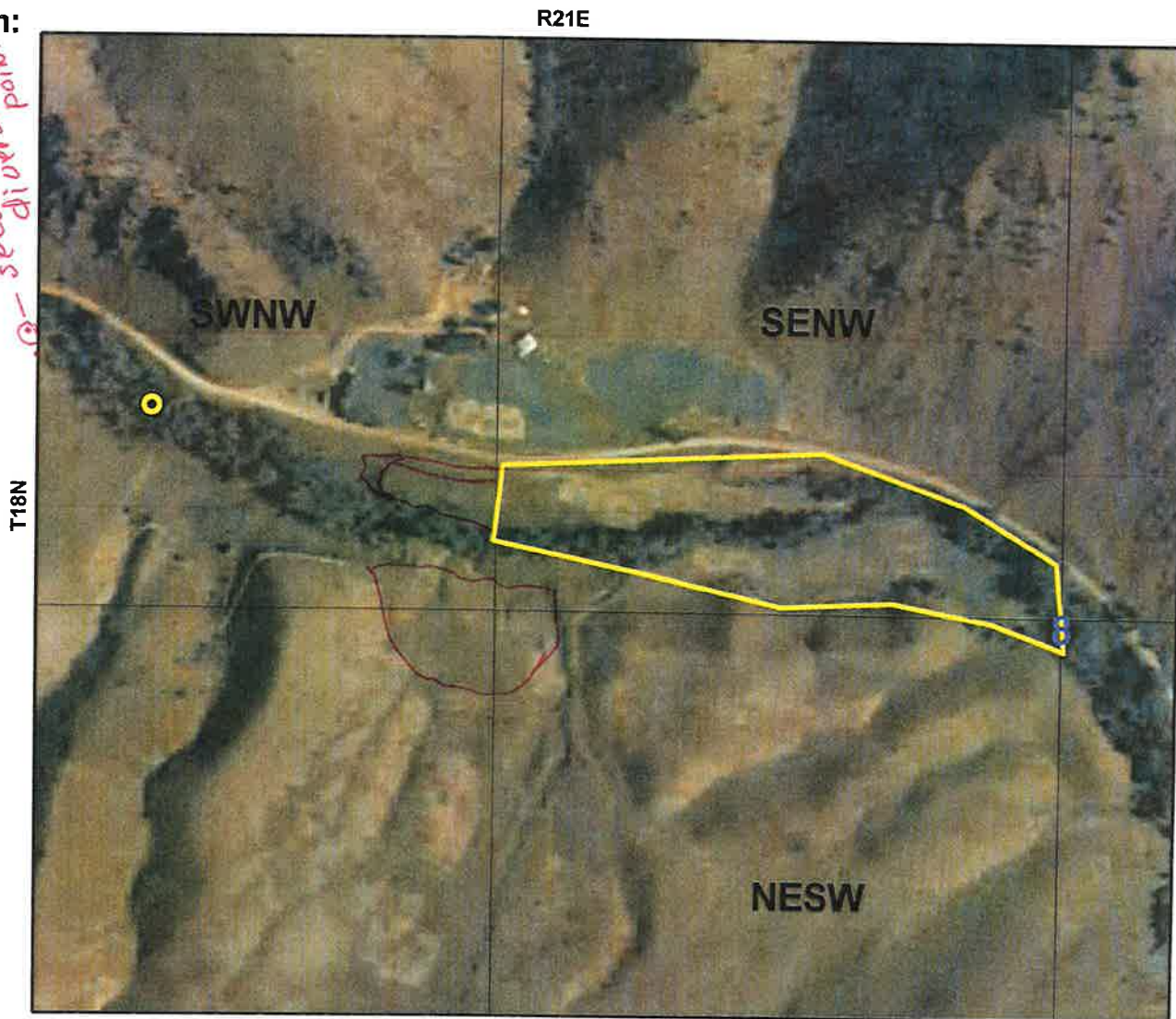
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



second diversion point



0 0.2 0.4 Miles

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

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

CLAIM NO(s). 75-4403

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.: NO TAG PD IS SIC-05 on map

Township 18N Range 21E Section 8 1/4 SW 1/4 SW 1/4 NW

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

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

dam in creek ditch to pool

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: <u>irr</u>	Township <u>18</u>	Range <u>21E</u>	Section <u>8</u>	<u>1/4 SE</u>	<u>1/4 NW</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>

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

you is less than claimed

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-17-05

FIELD EXAMINER:

Bob Foster

Print Name

Bob Foster

Signature

File IRON CREEK 5

Jimmy

Start Date and Time ----- 2004/06/02 11:39:52
 Sensor Type ----- FlowTracker Handheld ADV
 SerialNumber ----- P170
 Averaging Time ----- 20 sec
 Units system ----- ENGLISH
 Staff height ----- 0.00 ft
 Gauge height ----- 0.00 ft
 Rated discharge ----- 0.000 cfs
 Starting edge of water --- LEW
 Number of stations ----- 8
 Total width ----- 2.7 ft
 Total area ----- 0.82 ft^2
 Total discharge ----- 1.572 cfs
 Mean velocity ----- 1.858 ft/s
 Mean SNR ----- 31.9 dB
 Mean std. error of vel. --- 0.09 ft/s
 Mean boundary conditions -- 0 (BEST)
 Boundary condition (Bnd) -- 0: BEST

- 1: GOOD
- 2: FAIR
- 3: POOR

ST.	Loc.	Depth	IceD	MDep	Clock	Npts	Spike	Vel	SNR	Angle	Verr	Bnd	Temp	Corr	MeanV	Area	Flow
	(ft)	(ft)	(ft)	(*D)		(ft/s)	(dB)	(deg)	(ft/s)	(degF)	Fact	(ft/s)	(ft^2)	(cfs)			
0	1.0	0.00	0.00	.0	00:00	0	0	0.00	0.0	0	0.00	1.00	0.802	0.00	0.000		
1	1.3	0.20	0.00	.6	11:39	20	0	0.802	29.6	1	0.03	0	47.01	1.00	0.802	0.060	0.048
2	1.6	0.20	0.00	.6	11:40	20	0	1.383	31.3	7	0.02	0	46.96	1.00	1.383	0.060	0.083
3	1.9	0.30	0.00	.6	11:41	20	1	2.764	30.5	7	0.07	0	46.87	1.00	2.764	0.090	0.249
4	2.2	0.35	0.00	.6	11:41	20	0	3.227	30.9	5	0.18	0	46.87	1.00	3.227	0.105	0.338
5	2.5	0.40	0.00	.6	11:42	20	0	3.205	31.3	12	0.14	0	46.89	1.00	3.205	0.120	0.384
6	2.8	0.45	0.00	.6	11:43	20	0	2.814	31.3	10	0.09	0	46.89	1.00	2.814	0.135	0.380
7	3.1	0.45	0.00	.6	11:44	20	1	0.665	30.0	-12	0.17	0	46.90	1.00	0.665	0.135	0.090
8	3.4	0.40	0.00	.6	11:45	20	0	0.003	39.9	27	0.00	0	46.94	1.00	0.003	0.120	0.000
9	3.7	0.00	0.00	.0	00:00	0	0	0.00	0.0	0	0.00	1.00	0.003	0.00	0.000		

SCANNED

175-4403

Instrument No. 58463

Blackfoot 040212

4-1003

THE UNITED STATES OF AMERICA,
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain", and the acts supplemental thereto, the claim of PERRY T. SHULL, JUNIOR, has been established and duly consummated, in conformity to law, for the southeast quarter of the southeast quarter and the north half of the southeast quarter of Section eight and the southwest quarter of the southwest quarter of Section nine in Township eighteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant 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 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, Herbert Hoover, 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 March in the year of our Lord one thousand nine hundred and Thirty-two and of the Independence of the United States the one hundred and Fifty-sixth

By the President: Herbert Hoover
(SEAL) By Leafie E. Dietz, Secretary
Emma L. Warren
Recorder of the General Land Office.

RECORDED: Patent Number 1054046

Recorded at the request of J. W. Herndon March 29th, 1943 at 46 minutes past 10 o'clock A.M., in Book 37 of Deeds page 38 Records of Lemhi County, Idaho.

W. W. Simmonds
County Recorder

By *Freda Ross*
Deputy

Fee: \$1.00

FRONT



RECEIVED

AUG 08 2005

Department of Water Resources
Adjudication Bureau

07-27-05

In regards to water right #75-4403, I Eugene G. Hussey can personally verify that Henry Schimtz, by diverting water in two separate ditches one on the north side of Iron creek and one on the south side of Iron creek, was using water from this permit to irrigate hay and pasture land in 1931. And that water from this permit has been used to irrigate hay and pasture ground, from 1931 to the present day.

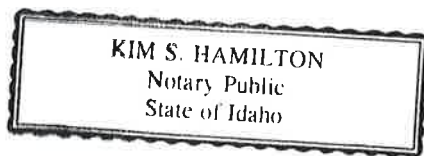
Eugene G. Hussey

State of Idaho)
County of Lemhi) S.S.

On this 26th day of July, in the year of 2005, before me Kim S. Hamilton a notary public, personally appeared Eugene G. Hussey, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Kim S. Hamilton
Notary Public

My Commission Expires on 03.24.06



SCANNED

AUG 09 2005

OCT 10 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: A75-04403
Date Received: 5/01/1990
Receipt No: 1006819
Received By: DBB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENE G. HUSSEY
Address: HC 61 BOX 117
SALMON, ID

83467

2. Date of Priority: APR 22, 1931

3. Source: IRON CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	21E	8	SW	NW			LEMHI

5. Description of diverting works:
DAM & DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

A.F.A.

8. Total consumptive use is 70.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	21E	8	SE	NW		IRR	20.0

Section Acres 20.0

A75-04403

Page 1

Date: 05/01/90

MICROFILMED

DEC 15 1992

A7504403



10. Place of Use: Continued

Total Acres 20.0

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: 1

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): Eugene H. Hussey Date: 5-1-90
Date:

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this day

of May 19 90

Seal

Bruce A. Schell
Notary Public

Residing at Boss's Dr.

My Commission Expires 4/11/95

Sworn to before me this 31st day of March

1983
(Claimant)

Eugene A. Hunsley

DEC 15 1992

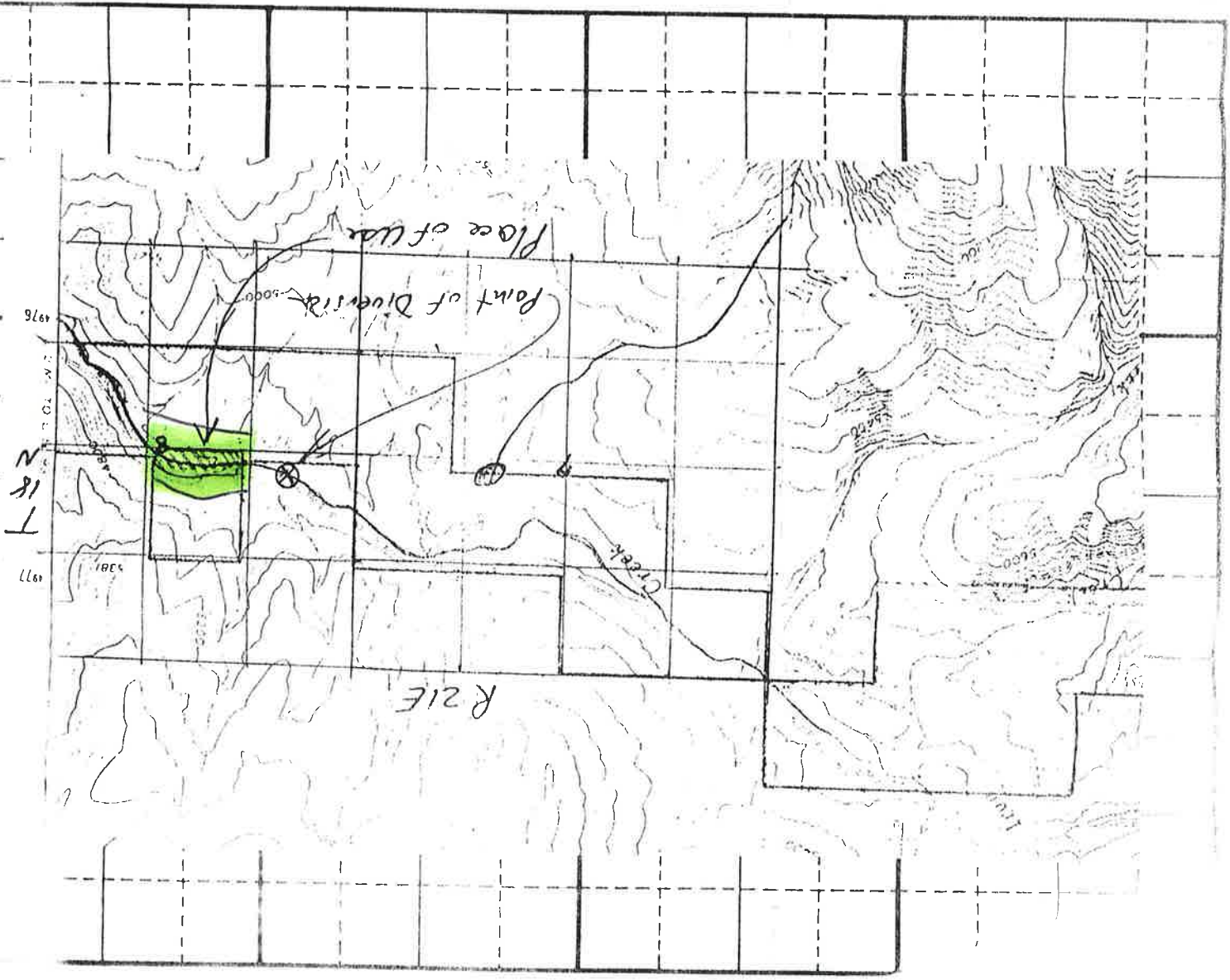
MICROFILMED

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

State of Idaho
County of LATA
ss.)
)

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.

Scale: 2 inches equal 1 mile.



12/15/2006

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

RIGHT NUMBER: 75-4403

NAME AND ADDRESS: CLYDE L PHILLIPS
12 HUSSEY LN
SALMON ID 83467

SOURCE: IRON CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.370 CFS

PRIORITY DATE: 04/22/1931

POINT OF DIVERSION:

T18N R21E S8 SWNW Within LEMHI County

T18N R21E S8 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.370 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T18N R21E S08

SENW

8.00

T18N R21E S08

NESW

0.80

T18N R21E S08

NWSW

0.90

9.7 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use