

12/15/2006

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

RIGHT NUMBER: 75-4406

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

SOURCE: IRON CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.600 CFS

PRIORITY DATE: 04/22/1931

POINT OF DIVERSION:

T18N R21E S7 NWNW Lot 1 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	0.600 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T18N R21E S07 SENE 8.00

8 ACRES TOTAL

This right authorizes the irrigation of 8.0 total acres.

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

The conveyance ditch to this property is approximately one mile in length and constructed in gravelly type soils. A ditch loss factor of 0.44 cfs was added to the statutory allotment of 0.02 cfs/acre.

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

11/10/2006

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

RIGHT NUMBER: 75-4406

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

SOURCE: IRON CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.230 CFS

PRIORITY DATE: 04/22/1931

POINT OF DIVERSION:

T18N R21E S7 NWNW Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.230 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T18N R21E S07 SENE 8.00

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

Vosd



Idaho Department of Water Resources

SRBA Recommendation:

75-4406

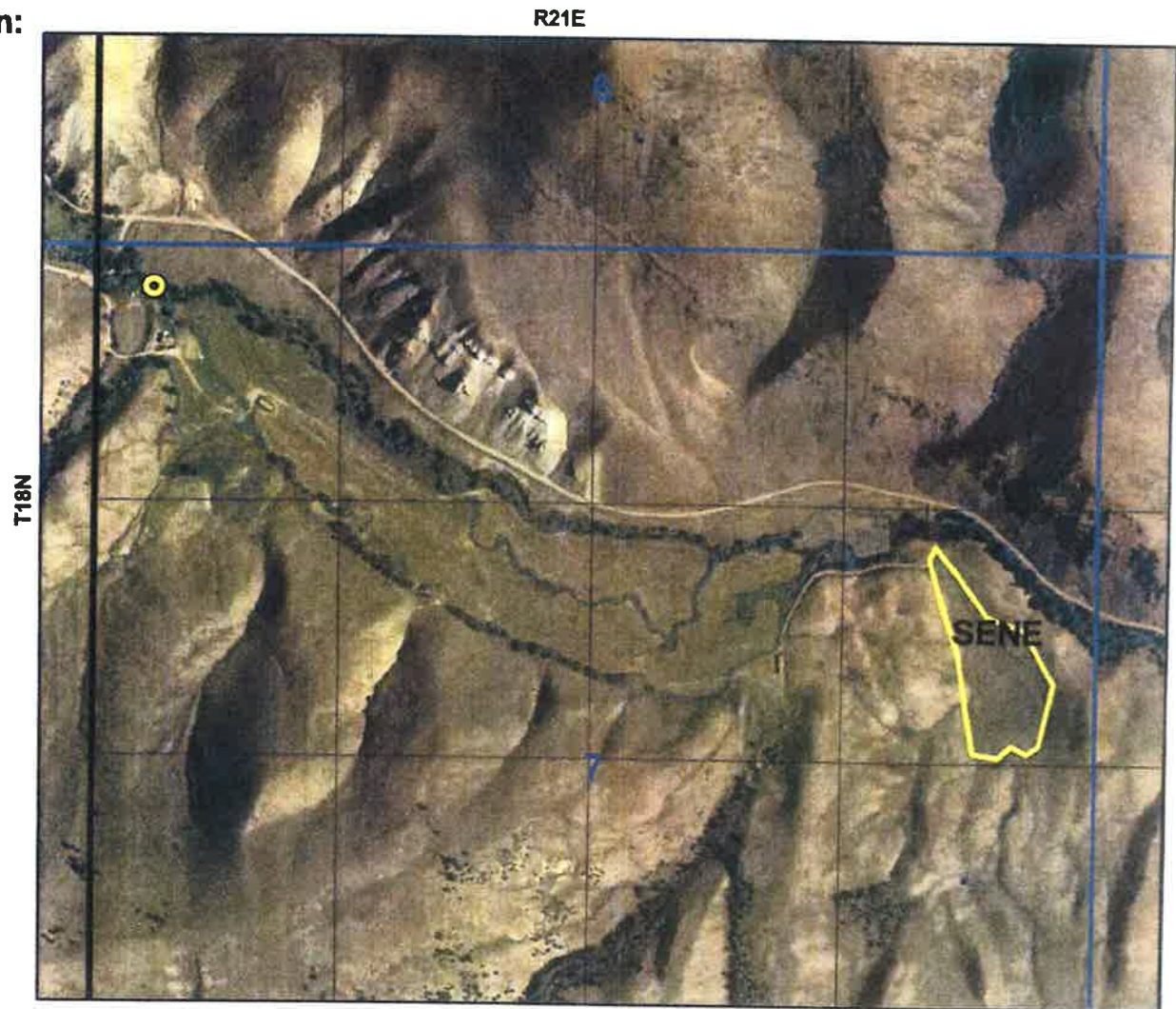
(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



0 0.4 0.8 Miles

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



Idaho Department of Water Resources

SRBA Recommendation:

75-4406

(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



0 0.4 0.8 Miles



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

DEC 13 2006

SCANNED



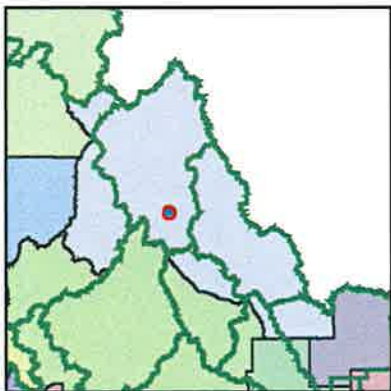
Idaho Department of Water Resources

Adjudication Claim:

75-4406

Legend

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



Lemhi County
IDWR Basin 75



0 0.4 0.8 Miles



Prepared by R. Brown
On Tuesday, April 4, 2006
1987/88 Aerial Photography

SCANNED

17



11/20/2006

**NOTICE OF ERROR
REPLY**

DEC 13 2006

DEPARTMENT OF
WATER RESOURCES

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: 75-4406

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): I disagree with the quantity of water allocated.

2. Describe the changes you wish to make in the proposed recommendation:
This water right needs to be restored to 0.61 CFS as it has been.

3. Give a brief explanation as to why you disagree with these portions:
The conveyance system consists of an earthen ditch which extends for nearly 1 mile. Because of the porous materials and length of the ditch, 230 CFS won't even reach the ground to be irrigated.

 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

Estimating Conveyance Loss using the Worstell Method

Claim No.

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:

$$w = 3'$$

$$i = 2.2 \text{ ft/day}$$

$$\text{ditch length (mi.)} = 5,280' = 1 \text{ mile}$$

Conveyance Loss:

$$S = (3)(2.2)(0.0667) = 0.44 \text{ cfs/mile}$$

$$\text{Loss} = 0.44 \text{ cfs}$$

$$(0.44 \text{ cfs/mile})(1 \text{ mile}) = 0.44 \text{ cfs}$$

$$\begin{aligned} (8 \text{ AC})(0.02 \text{ cfs/AC}) &= 0.16 \text{ cfs} \\ \text{ditch loss} &= +0.44 \text{ cfs} \\ \hline &0.60 \text{ cfs} \end{aligned}$$

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

CLAIM NO(s). 75-4406

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 POD is SEC. 07 on map

Township 18N Range 21E Section 7 1/4 NW 1/4 NW 1/4 NW
Township _____ Range _____ Section _____ 1/4 1/4 1/4

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

ditch to place of use

6 acres x .02 = .16 + 30% ditch loss
.23 cfs

SCANNED

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>14r</u>	Township <u>18N</u>	Range <u>21E</u>	Section <u>7</u>	<u>1/4 SE</u>	<u>1/4 NE</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

Shanes poe with 75-97, No poe in NESE 18N 21E
S 7

☐ 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



RECEIVED

AUG 8 2005

Department of Water Resources
Adjudication Bureau

COPY 07-27-05

In regards to water right #75-4406. I Eugene G. Hussey can personally verify that my uncle, Bill Schmitz was using water from said 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.

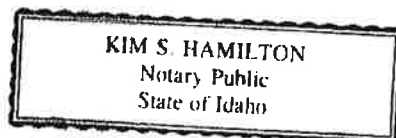
Eugene G. Hussey

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

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

Book 39 Page 118

Instrument No. 63326

State of Washington, :
 : ss
 County of Spokane. :

J. M. McPherson, being first duly sworn, according to law, deposes and says:
 That he is and, for more than forty years, has been a legal resident of Lemhi County, Idaho; that he is the holder of the legal title to various lots in Riverside Subdivision to Salmon, Lemhi County, Idaho; that said property is now under contract of sale by affiant and his wife to Fred H. Snook of Salmon, Idaho; that for a long period of time, to wit, more than twenty years, and continuously during all of that time said affiant has used and appropriated certain waste waters and other waters upon his lands in said Riverside Subdivision; that said use has been open and adverse and affiant has at all times claimed said water, part of which is waste water from the George Oliver Ranch and part is from general seepage and/or springs arising on lands between the said Oliver Ranch and the Riverside Subdivision above described; that from time to time during the past many years said affiant has permitted the occupants of the property, known as the Silver House, and property, and later the Jensen House and property, to use some of the water for gardening purposes, but at no time have said occupants received any right to the use of said water and the same has, at all times, been by permission only; that said water is, along with the lands referred to, being sold to said Fred H. Snook and said contract is of record in the office of the county recorder of Lemhi County, Idaho.

J. M. McPherson
 Subscribed and sworn to before me this 18th day of April, 1946.

(SEAL)

Edna L. Dahlberg
 Notary Public for the state of
 Washington, residing at Spokane, Washington.

Recorded at the request of Fred H. Snook April 22, 1946 at 41 minutes past 9 o'clock A. M., in Book 39 of Deeds page 118 Records of Lemhi County, Idaho.

W. W. Simmonds, County Recorder
 By Dorothy M. McPherson, Deputy.
 Fees, \$.60 Paid

-----Instrument No. 63330-----
 Blackfoot 039925 4-1003 NOV 18 1930

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 William J. Schmitz has been established and duly consummated, in conformity to law, for the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section seven and the northwest quarter of the southwest quarter of Section eight in Township eighteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred twenty 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



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 75-4406

Dear Mr. Phillips:

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

The diversion rate was adjusted to reflect ditch loss in approximately one mile of ditch constructed in gravelly type soils. Please contact me if the changes are incorrect.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

11/20/2006

NOTICE OF ERROR
REPLY

DEC 12 2006

DEPARTMENT OF
WATER RESOURCES

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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



RECEIVED

AUG 8 2005

Department of Water Resources
Adjudication Bureau

07-27-05

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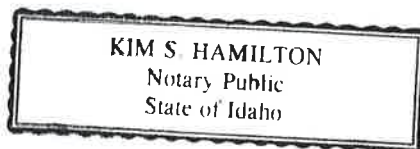
Eugene G. Hussey

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

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: A75-04406

Date Received: 5/01/1990

Receipt No: 1100 6819

Received By: 13715

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 of	Lot	County
18N	21E	7	NW	NW	NW		LEMHI

5. Description of diverting works:
DAM & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.610		

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

8. Total consumptive use is 52.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NA

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
18N	21E	7	SE	NE		IRR	13.0
			NE	SE		IRR	2.0
Section Acres							15.0

A75-04406

Page 1

Date: 05/01/90

MICROFILMED

DEC 15 1992

A7504406

10. Place of Use: Continued

Total Acres 15.0

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 J. Hussey Date: 4-5-1-90
_____ Date: _____

State of Idaho)
County of Ada) SS.

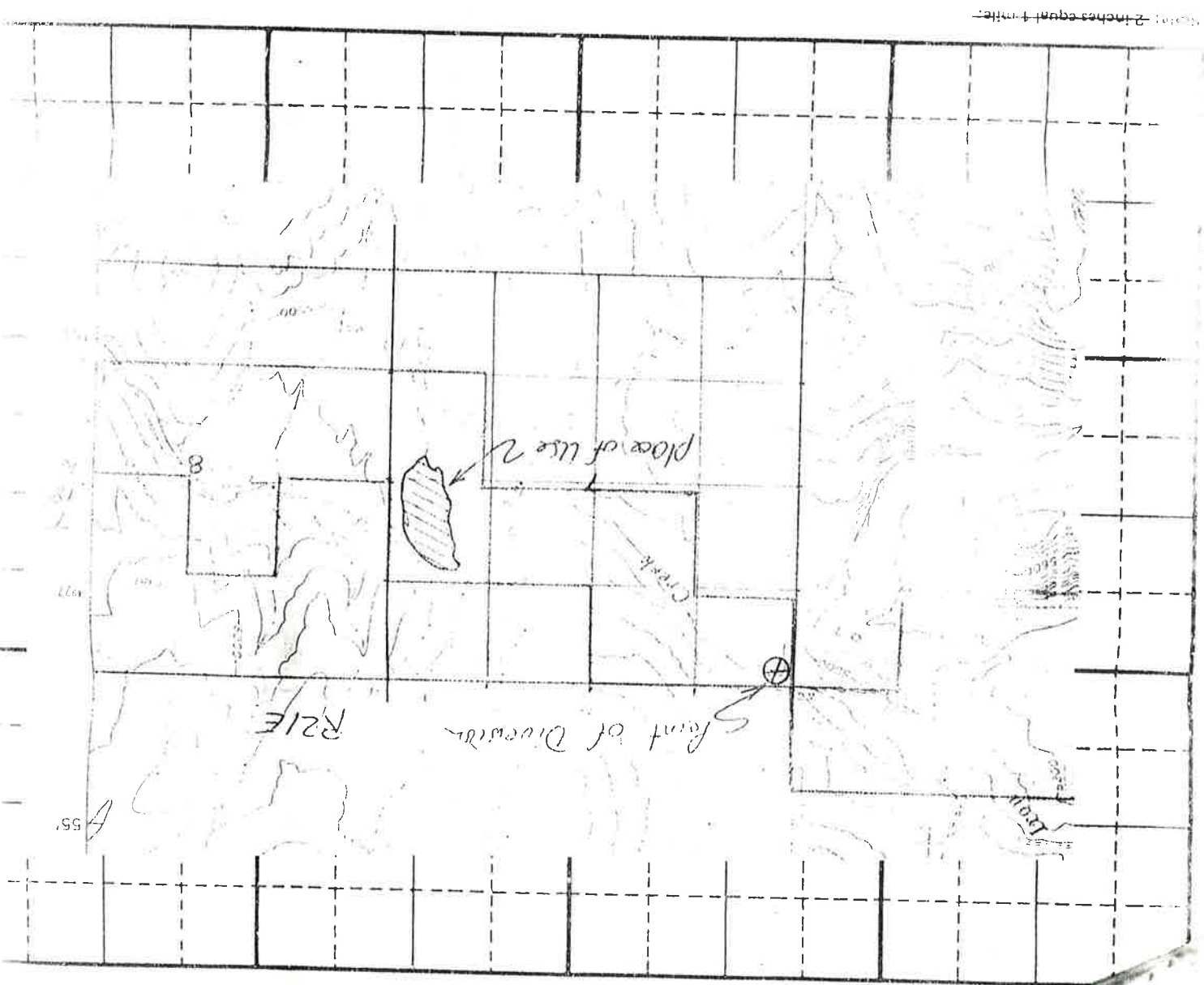
Subscribed and sworn (or affirmed) before me this day
of May 19 90

Seal

Bruce A. Schell
Notary Public

Residing at Boise Idaho
My Commission Expires 4/11/95

an decree shall US Hussy for Ivan Creek for Indian
 rewith payment for decora



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
 County of LEMING
) 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 3/5 day of May

X Eugene H. Hussy
 (Claimant)

1983

Notary Public
 Residing at Salmon
DEC 15 1992
MICROFILMED

My commission expires 7-15-91