

12/11/2006

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

RIGHT NUMBER: 75-4425

NAME AND ADDRESS: KEITH BERNHARDT
1764 HWY 93 N
NORTH FORK ID 83466

GLENDIA BERNHARDT
1764 HWY 93 N
NORTH FORK ID 83466

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.480 CFS

PRIORITY DATE: 10/09/1912

POINT OF DIVERSION:

T24N R21E S27 SWNE Lot 4 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	0.480 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S27	SWNE	0.60	T24N R21E S27	NESE	5.60
T24N R21E S27	NWSE	18.00			

24.2 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

10/04/2006

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

RIGHT NUMBER: 75-4425

NAME AND ADDRESS: KEITH BERNHARDT
1764 HWY 93 N
NORTH FORK ID 83466

GLEND A BERNHARDT
1764 HWY 93 N
NORTH FORK ID 83466

SOURCE: UNNAMED SLOUGH

TRIBUTARY: SALMON RIVER

QUANTITY: 0.480 CFS

PRIORITY DATE: 10/09/1912

POINT OF DIVERSION:

T24N R21E S27 SWNE Lot 4 Within LEMHI County

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PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
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PLACE OF USE: IRRIGATION Within LEMHI County

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/20/2006

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

RIGHT NUMBER: 75-4425
NAME AND ADDRESS: KEITH BERNHARDT
1764 HWY 93 N
NORTH FORK ID 83466

GLEENDA BERNHARDT
1764 HWY 93 N
NORTH FORK ID 83466

SOURCE: UNNAMED SLOUGH

TRIBUTARY: SALMON RIVER

QUANTITY: 0.480 CFS

PRIORITY DATE: 10/09/1912

POINT OF DIVERSION: T24N R21E S27 SWNE Lot 4 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	0.480 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T24N R21E S27 SWNE 0.60	T24N R21E S27 NESE	5.60
	T24N R21E S27 NWSE 18.00		
	24.2 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



Idaho Department of Water Resources

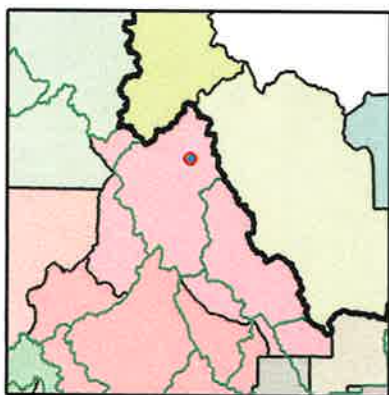
SRBA Recommendation:

75-4425

(Irrigation)

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



Idaho Department of Water Resources

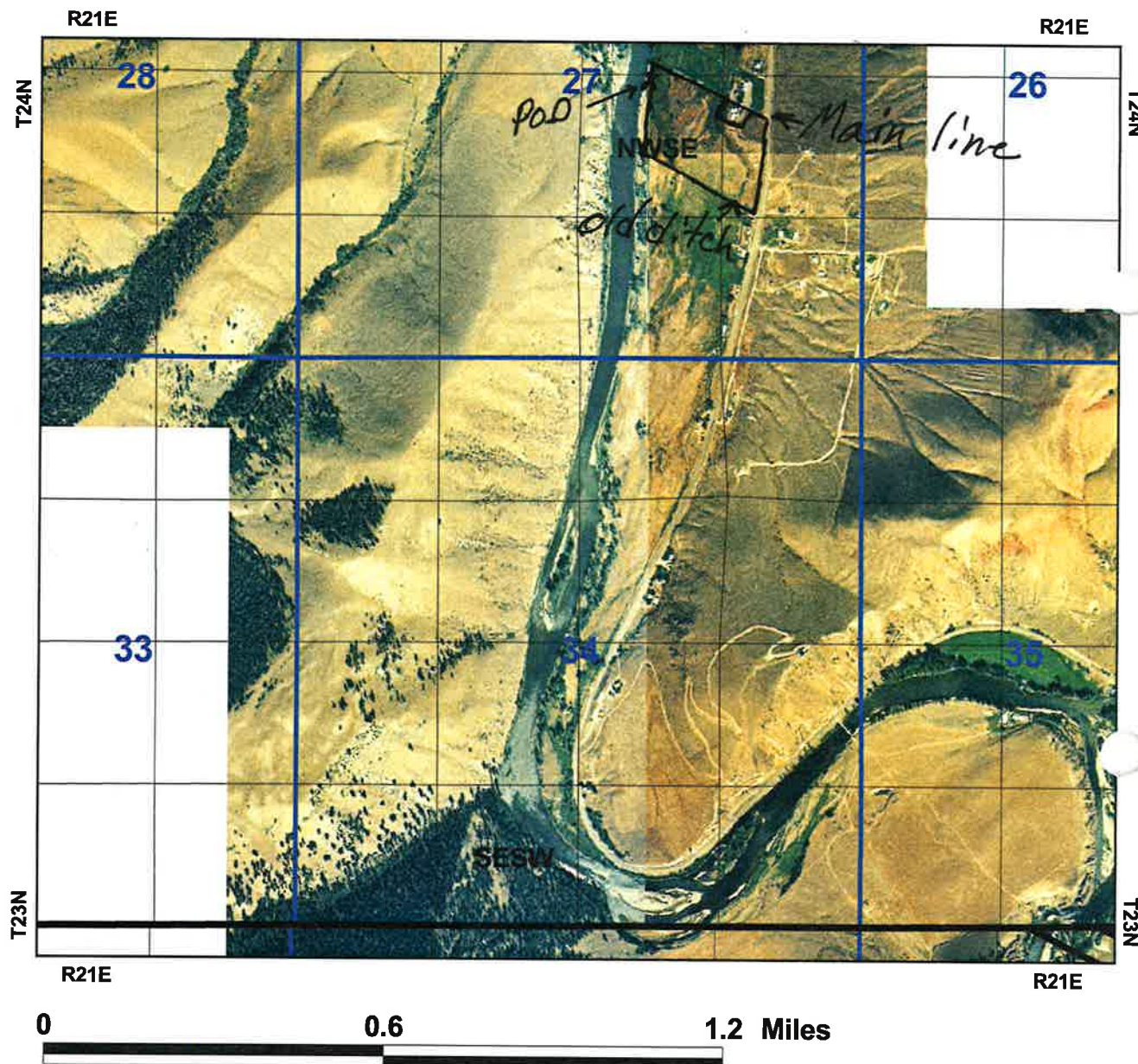
SRBA Claim:
75-4425

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters

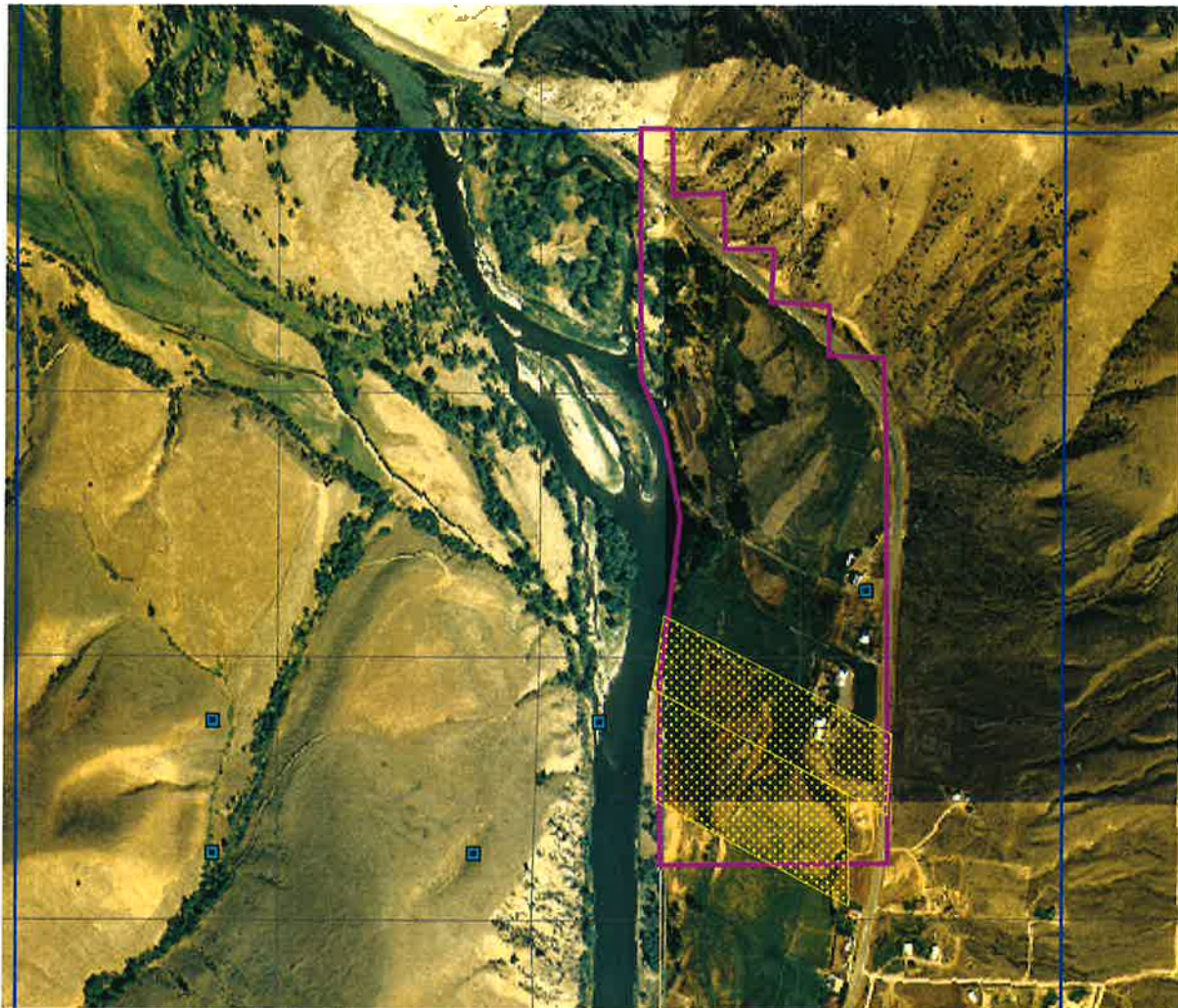


Lemhi County
IDWR Basin 75



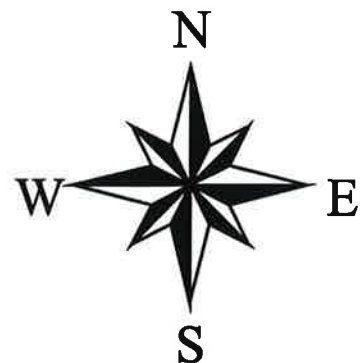
Prepared by R. Brown
On Tuesday, May 2, 2006
1987/88 Aerial Photography

75-4425



0.2 0 0.2 0.4 Miles

-  Bernhardt.shp
-  Hes101.shp
-  Lemhi taxlots
-  Sections
-  GCDB24N21E GCDB
-  POD-AJ ClaimClaim POD
-  Administrative BasinsAdminbas.shp



HES 101

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

CLAIM NO(s). A 750 4425

1. ☒ No Change NAME IS SAME

☐ NEW OWNER:

208-865-2212

☒ 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: Salmon River Trib Snake River

4. ☐ No Change — POINT OF DIVERSION

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

GPS Site Tag No.: A0017094 GPS094

Township 24N Range 21E Section 27 1/4 SW 1/4 NE 1/4
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

Pump to Main line to Sprinklers

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

The Bernhards wish to change their point of diversion to a pump and main line. They want to irrigate some land above the old ditch.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

Print Name _____
Jack F. Ellis
Signature _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

JAMES E. RISCH
Governor

KARL J. DREHER
Director

AUGUST 31, 2006

Keith and Glenda Bernhardt
1764 Hwy 93N
North Fork, ID 83466

Re: Snake River Basin Adjudication (SRBA)
Subcase No. 75-4425

Dear Claimants:

As you know, the Idaho Department of Water Resources (IDWR) is currently reviewing your claim to a water right in the SRBA. The claim number (subcase no.) is shown above.

This claim is based on a previously unconfirmed water right. The first step in our investigation is to establish the correct priority date for the water right. Any further investigation will proceed only after the priority date has been established. Remember, when establishing priority, it is important to both establish the date and verify that the use claimed commenced on that date.

We have received copies of documents supporting water use from Wagonhammer Creek (the claim is for an unnamed slough and you apparently are currently pumping from the Salmon River). In addition, we have received a copy of a 1917 tax document indicating use in Section 21 (your property is in Section 27). Neither of these documents supports a priority date for your use.

Without documentation supporting a lawful priority date, we have no choice but to recommend this claim be disallowed in the ongoing SRBA process. In addition, the application for transfer, which you recently filed, will not be processed until a recommendation can be made in the SRBA. Please call me if you have questions: (208) 287-4914.

Sincerely yours,

Roxanne Brown
Water Rights Supervisor
Idaho Dept. of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 24, 2004

KEITH & GLENDA BERNHARDT
1764 HWY 93 N
NORTH FORK ID 83466

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 75-4425

Dear Mr. & Mrs. Bernhardt:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,


Jennifer Crabtree
Technical Records Specialist

Enclosure

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

RECEIVED
FEB 18 2004

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

Department of Water Resources
 Eastern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
75-4425					

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

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

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former
 Owner/Claimant(s)

KENNETH L. SMITH

P.O. BOX 803 North Fork, ID 83466

4. New Owner/Claimant(s)

KEITH G BERNHARDT & GLENDA C BERNHARDT

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

New Mailing Address

1764 Highway 93 North

City, State and ZIP Code

NORTH FORK, ID 83466

New Telephone Number

307 733-9642

5. Date you acquired the property

04-04-03

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

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

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

7. **Signature of New Owner(s) or Claimant(s).** Kathy Bernhardt
(include title if applicable) Glenda Bernhardt

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

For Office Use Only

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

WARRANTY DEED

254171

Order No.:307031647L-G

FOR VALUE RECEIVED

Kenneth L. Smith, also known of record as Kenneth Lee Smith, a single person.

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Kelth G. Bernhardt and Glenda C. Bernhardt, husband and wife

whose current address is

1764 Highway 93 North North Fork, ID 83466

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

A PORTION OF H.E.S. 101, SECTION, 27, T. 24 N., R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NUMBER 2 OF SAID H.E.S. 101, RUN N. 89° 28' 11" W. THE BASIS OF BEARING OF THIS DESCRIPTION, 178.11 FEET TO CORNER NUMBER 1 H.E.S. 101; THENCE ALONG THE WESTERLY LINE OF H.E.S. 101 THE FOLLOWING COURSES, S. 01° 31' 49" W., 1235.50 FEET; S. 29° 58' 11" E., 336.50 FEET; S. 08° 28' 11" E., 396.00 FEET; S. 08° 01' 49" W., 545.38 FEET; THENCE LEAVING SAID WESTERLY LINE S. 65° 00' 30" E., 101.82 FEET TO THE POINT OF BEGINNING; X

THENCE CONTINUING S. 65° 00' 30" E., 1162.00 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF HIGHWAY 93 NORTH; ✓

THENCE ALONG SAID RIGHT-OF-WAY, THE FOLLOWING COURSES, S. 01° 39' 32" W., 420.83 FEET; THENCE ALONG A CURVE TO THE RIGHT 32.48 FEET, HAVING A RADIUS OF 3769.73 FEET, A CENTRAL ANGLE OF 00° 29' 37", AND A CHORD OF S. 01° 54' 12" W. 32.48 FEET;

THENCE LEAVING SAID RIGHT OF WAY N. 61° 13' 11" W., 1346.34 FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF H.E.S. 101; ✓

THENCE N. 08° 01' 49" E. ALONG SAID WESTERLY LINE, 342.22 FEET; ✓

THENCE LEAVING SAID LINE S. 65° 00' 30" E., 101.82 FEET TO THE POINT OF BEGINNING. ✓

ALSO INCLUDING:

A FRACTION OF H.E.S. NO. 101, AND A FRACTION OF H.E.S. NO. 50, IN SECTION 27, TOWNSHIP 24 N., RANGE 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT CORNER NO. 1 OF SAID H.E.S. NO. 101, RUN THENCE S. 1° 00' W., 1235.5 FEET; THENCE S. 30° 30' E., 336.5 FEET; THENCE S. 9° 00' E., 396.0 FEET; THENCE S. 7° 30' W., 887.6 FEET TO THE POINT OF BEGINNING, AND THE NORTHWESTERLY CORNER OF THE TRACT OF LAND HEREIN DESCRIBED; CONTINUING THENCE S. 7° 30' W., 102.4 FEET; THENCE S. 1° 20' W., 479.0 FEET; THENCE S. 61° 45' E., 1105.0 FEET, MORE OR LESS, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 93; THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY LINE, 579.0 FEET TO A POINT WHICH LIES S. 61° 45' E. FROM THE POINT OF BEGINNING; THENCE N. 61° 45' W., 1177.0 FEET; TO THE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 4/03/2003

Kenneth L. Smith
Kenneth L. Smith

State of Idaho

County of Lemhi

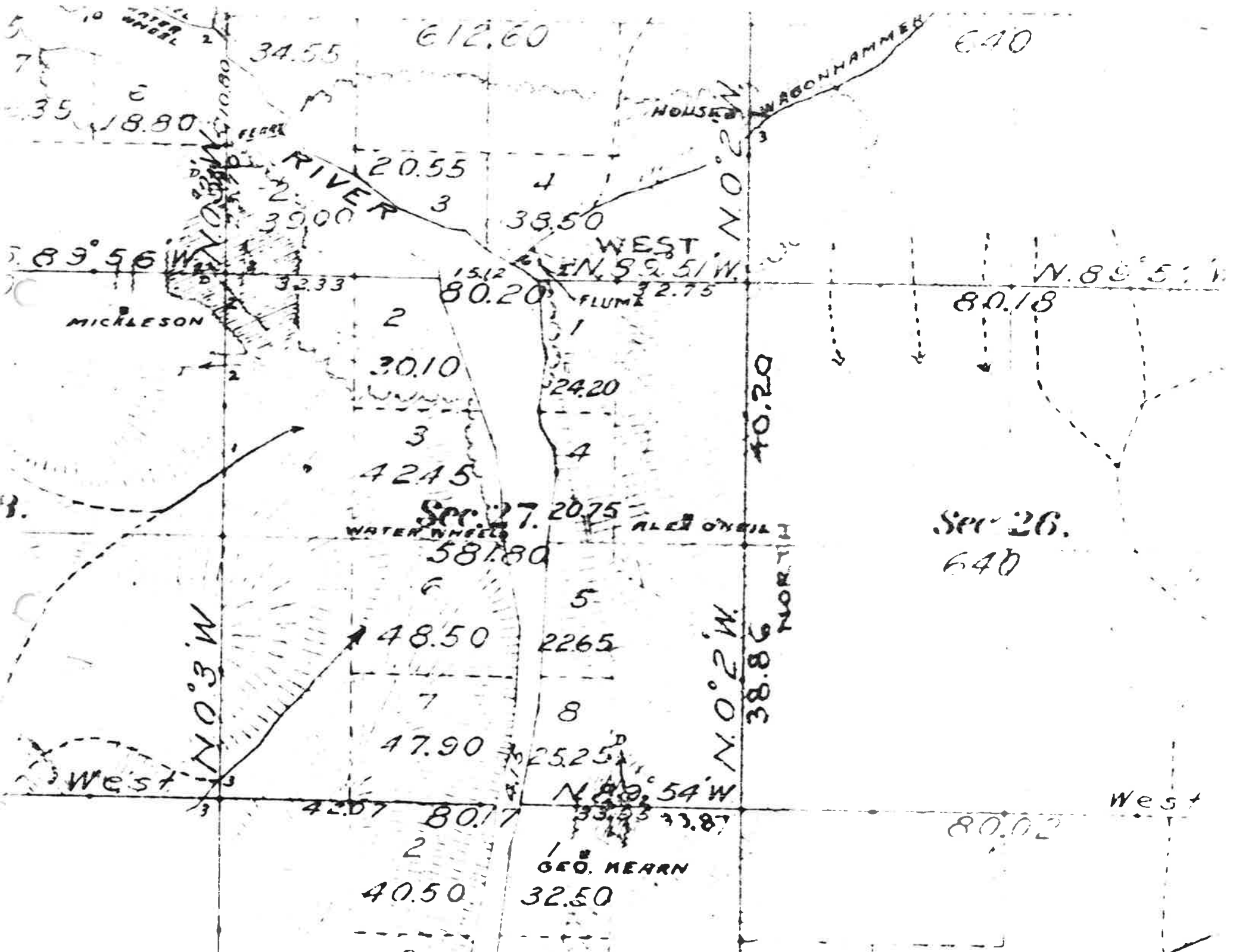
On this April 8, 2003, before me, a Notary Public in and for said state, personally appeared Kenneth L. Smith

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written.



Laurie M. Santee
Notary Public for the State of Idaho
Residing at: Salmon
Commission Expires: 6-19-2007

State of Idaho) 254171
County of Lemhi) SS No. _____
This instrument was filed for record at the request
of Alliance Litch
at 2:17 o'clock p.m. 4-11 2003
and duly filed and indexed in the records of Lemhi
County Terril J. Morton
Ex-Officio Recorder
By Terril J. Morton Deputy
Fee 6.00
Return to _____



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:

Ident. Number

Date Received

Receipt Number

39576

A75 - 04425

5-10-90 P.M.

E014900

NOTICE 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) KENNETH L. SMITH Phone (208) 865-2341Mailing Address GENERAL DELIVERY NORTH FORK ID Zip 834662. Date of Priority (Only one (1) per claim) OCTOBER 9, 19123. Source of water supply (a) UNNAMED DITCH (SLOUGH)
which is tributary to (b) SALMON RIVER4. a. Location of existing point of diversion is: Township 24 N Range 21 E Section 34,
SE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of LEMHI

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

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.HEADGATE AND OPEN DITCH

MICROFILMED

DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount 1.20 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 62.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

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	
24N	21E	27														25			25

Total number of acres irrigated 25

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

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 (✓)

14. Remarks:

MICROFILMED

DEC 15 1992

Last Name SMITH Ident No. _____

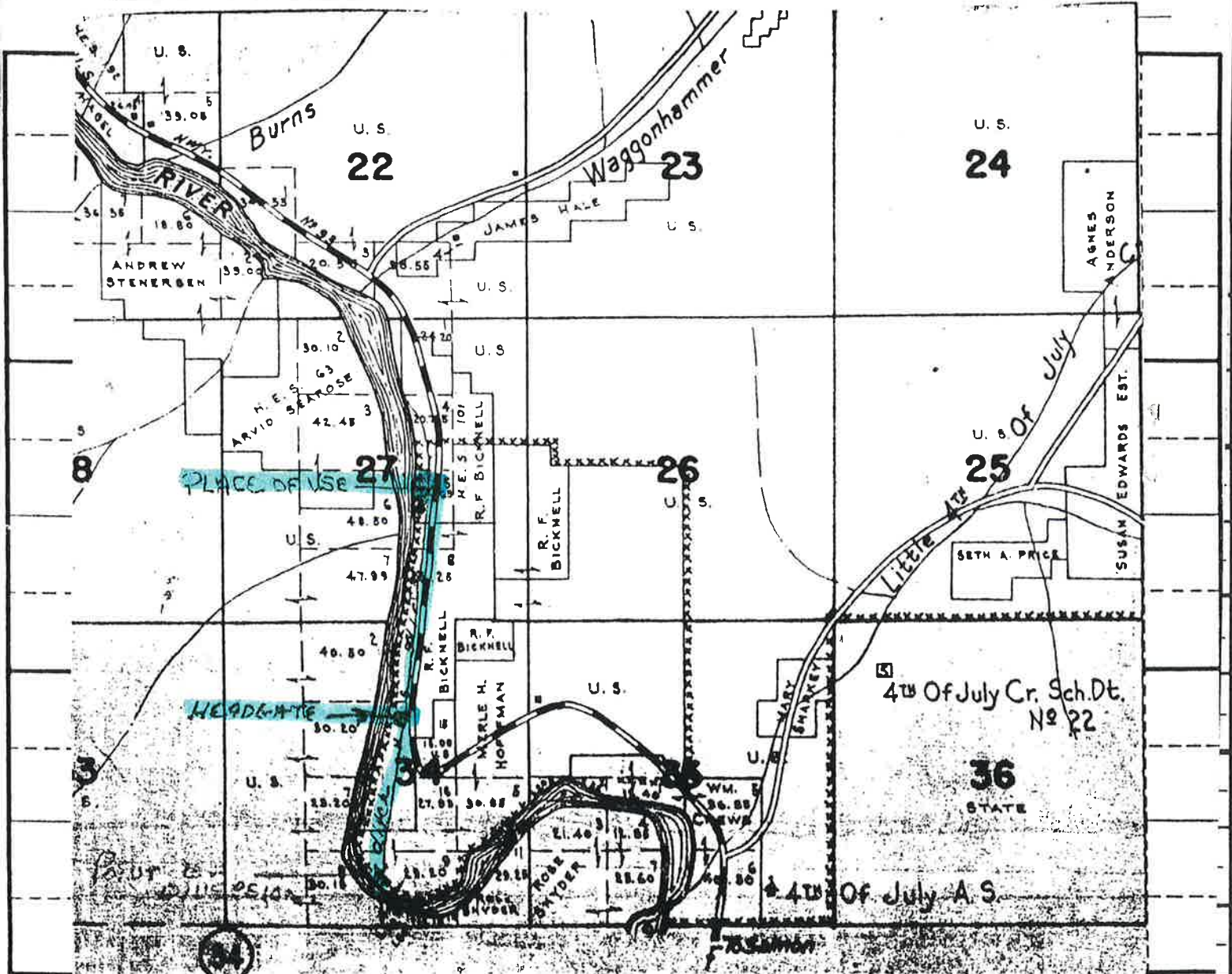
Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

SEE ATTACHED MAP

- (8) Remarks Included is allocation for water loss due to long ditch
Point of diversion marked on map is where water is diverted from the Salmon River.
Point of diversion in ditch is the SW 1/4 of Section 34. marked headgate on map



Scale: 2 inches equal 1 mile.

TOWNSHIP 24 NORTH, RANGE 21 EAST, BOISE MERIDIAN

MICROFILMED
DEC 15 1952

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.

Last Name SMITH

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75 4425
Court _____ Case Number _____ 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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Kenneth L. Smith

Date

5/09/90

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 _____)

County of LEMHI)

SS.

Subscribed and sworn (or affirmed) before me this

9th

day of

May

19 90

SEAL

Notary Public

Lois Matteson

Residing at

Salmon, Idaho

My Commission Expires

Lifetime

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.

Signature _____

Address _____

Date _____

Last Name

SMITH

Ident. Number _____

MICROFILMED

DEC 15 1992

Copies White-State, Yellow-Claimant

AUG 26 2005

Department of Water Resources

O'Neill's Water Right
Notice of Location

I the undersigned do hereby locate and claim all the water flowing in this creek, the same being 200 inches measured under a four inch pressure, the same to be taken out of Wagon Hammer Creek at a point on the South side of creek about 3000 feet above the mouth and to be conducted by a ditch, 2 1/2 feet wide and 1 1/2 feet deep and by flumes in part of same capacity, to and upon O'Neill's Ranch for the purpose of irrigating the same.

The point of diversion of this water right is in Lemhi County State of Idaho.

The said Ranch upon which the water claimed hereby is to be used embraces 160 acres in area, and is situated along and upon the east side of Salmon River in Lemhi County Idaho, the Northern end line of ranch being about 2000 feet Southwesterly and up the river from the mouth of said Wagon Hammer Creek.

Located and claimed this 10th day of January 1894,
claimant
Alexander O'Neill

Recorded at the request of Alex O'Neill January 18th 1894
at 15 minutes past 2 o'clock P.M. in Book 3 of Water Rights page
57. Records of Lemhi County Idaho.

Timothy Dorr
County Recorder
By E. H. Simpson
Deputy

not source claimed

SCANNED

AUG 26 2005

4-196

DEPARTMENT OF THE INTERIOR

UNITED STATES LAND OFFICE Hailey, Idaho

Serial No. 06554-012749

Receipt No. 54163-\$13.48

1144140-7.53

1850247-8.00

FINAL CERTIFICATE
HOMESTEAD.

Act of June 11, 1906-List Nos.
4-69, and 4-992.

September 8, 1916

IT IS HEREBY CERTIFIED that, pursuant to the provisions of Section 2291,
Revised Statutes of the United States, ALEXANDER O'NEIL, Carmen, Idaho, has made payment
in full for

A tract of 91.48 acres within Salmon National Forest, in surveyed Section 27,
T. 24 N., R. 21 E., B. M., designated as Homestead Entry Survey No. 101, List No. 4-69,
described by metes and bounds as follows: Beginning at Corner No. 1, identical with the
meander corner of fractional sections 22 and 27 on right bank of Salmon River, extending
thence East along the line between Sections 22 and 27, 2.68½ chains to Corner No. 2;
thence S. 0 deg. 3' E. 4.98 chains to Corner No. 3; thence S. 89 deg. 55' E. 5.01 chains
to Corner No. 4; thence S. 0 deg. 2' E. 4.99 chains to Corner No. 5; thence S. 89 deg.
49' E. 5.01 chains to Corner No. 6; thence S. 0 deg. 2' E. 4.99 ch. to Corner No. 7; thence
S. 89 deg. 43' E. 5.01 chains to Corner No. 8; thence S. 0 deg. 1' E. 4.99 chains to Cor-
ner No. 9; thence S. 89 deg. 38' E. 5.01 chains to Corner No. 10; thence S. 0 deg. 1' E.
34.67 chains to Corner No. 11; thence N. 89 deg. 36' W. 0.13 chains to Corner No. 12;
thence N. 0 deg. 01' W. 0.46½ chains to Corner No. 13; thence S. 89 deg. 46' W. 21.42
chains to Corner No. 14; thence along the meander line of the right bank of Salmon River,
N. 1 deg. 20' E. 10.03 chains; N. 7 deg. 30' E. 15 chains; N. 9 deg. 0' W. 6 chains; N.
30 deg. 30' W. 5.40 chains; N. 1 deg. 0' E. 18.72 ch. to Corner No. 1, the place of begin-
ning; and on March 27, 1913, made Additional Homestead Entry Serial No. 012749 for the
E½ NW¼ SE¼, NE¼ SE¼ SE¼, S½ SE¼ SE¼ NE¼ sec. 27, W½ NW¼ SW¼, NW¼ SW¼ SW¼, SW¼ SW¼ SW¼ NW¼,
sec. 26, T. 24 N., R. 21 E., B. M., containing 67.50 acres, List No. 4-992.
containing 158.98 acres.

NOW, THEREFORE, BE IT KNOWN that, on presentation of this Certificate to the
Commissioner of the General Land Office, the said Alexander O'Neil shall be entitled to
receive a Patent for the land above described if all then be found regular.

Ben R. Gray, Register.

Recorded at the request of H. E. Newman April 12th, 1917, at 25 minutes past 11
o'clock A. M., in Book Y of Deeds page 227, Records of Lemhi County, Idaho.

BY W. W. Simmonds
Deputy.

J. L. Kirtley, Jr.,
County Recorder.

SCANNED

AUG 26 2005



JUN 23 1983

Department of Water Resources
Eastern District OfficeSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

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 KENNETH L. SMITH

(Name of Claimant)

P.O. Box 803, North Fork, Idaho 83466

Telephone No. None

(Mailing Address)

(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) October 9, 1912

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)

Unnamed ditch (slough) tributary to Salmon River

(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, gpd, AFA)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	1.20 cfs	Use	Irrigation	Period of Use From 4/1	To 11/1
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity	1.20 cfs	Use		Period of Use From	To

(4) TOTAL QUANTITY USED.

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

SE 1/4 SW 1/4, Sec. 34 Twp. 24 N. Rge. 21 E. B.M., County of Lemhi

Additional points of diversion: Headgate in SW 1/4 of Section 34

See Section 8 remarks. (First point of diversion is from river) then headgate

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. Headgate and open ditch

(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 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
24N	21E	27													25				25

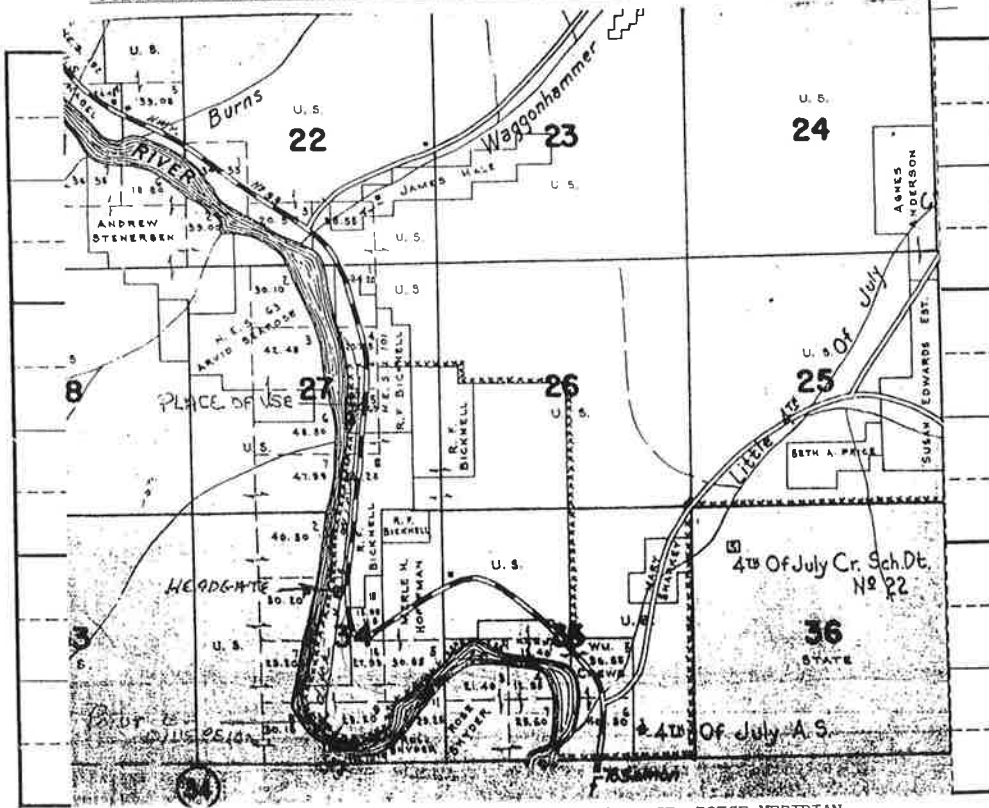
No. of acres 25

B) If water is used for other than irrigation, fully describe that use, being as specific as possible

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization:

(8) Remarks Included is allocation for water loss due to ditch
 Point of diversion marked on map is where water is diverted from the Salmon River.
 Point of diversion in ditch is the SW 1/4 of Section 34. marked headgate on map



Scale: 2 Inches equal 1 mile.

TOWNSHIP 24 NORTH, RANGE 21 EAST, BOISE MERIDIAN

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 Lemhi

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.

R. J. Smith
 (Claimant)

Sworn to before me this 20th day of June, 1983.

James Mattman
 Notary Public
 Residing at Salmon, Idaho

My commission expires Lifetime

Received by <i>CW</i>	Date <i>6-23-83</i>	Exception filed by:	Forwarded to claimant by:
Prelim. check by <i>JRM</i>	Date <i>6-27-83</i>		
\$10.00 fee received by <i>CW</i>	Date <i>7/21/83</i>		
Published in <i>Recorder</i>			
Dates <i>8/18 & 8/25/83</i>			

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 75-4425
Date Received: 5/11/1990
Receipt No: E014500
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

KEITH BERNHARDT Phone: (307)733-9642
1764 HWY 93 N
NORTH FORK ID USA 83466

GLENDA BERNHARDT Phone: (307)733-9642
1764 HWY 93 N
NORTH FORK ID USA 83466

2. Date of Priority: 10/09/1912

3. Source: UNNAMED SLOUGH Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	21E	34	SE SW	LEMHI	

5. Description of diverting works:

HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.2	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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24N	21E	27	NW	SE	IRRIGATION	25
					Section Acres	25
					Total Acres	25

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:

14. Remarks:

REDIVERSION SWNE, SEC. 34, T. 24N, R. 21E UNNAMED DITCH REFERRED TO AS SLOUGH

15. Basis of Claim: Statutory Claim

OCT 1 1991

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: A75-04425
Date Received: 6/20/1990
Receipt No: E014500
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENNETH L. SMITH
Address: GENERAL DELIVERY
NORTH FORK, ID 83466
208-865-2341

2. Date of Priority: OCT 09, 1912

3. Source: UNNAMED DITCH (SLOUGH) Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	21E	34		SE	SW		LEMHI

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

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

8. Total consumptive use is 62.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	27		NW SE		IRR	25.0

A75-04425

Page 1

Date: 06/20/90

MICROFILMED

DEC 15 1992

A7504425



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	25.0
					Total Acres	25.0

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:
REDIVERSION SWNE, SEC. 34, T. 24N, R. 21E
UNNAMED DITCH REFERRED TO AS SLOUGH

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: _____

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): _____ Date: _____
_____ Date: _____