

11/12/2006

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

RIGHT NUMBER: 75-4426

NAME AND ADDRESS: HALLIE H PROKSCH
823 UNION AVE
SALMON ID 83467

JOSEPH A PROKSCH
823 UNION AVE
SALMON ID 83467

SOURCE: SPRINGS
WASTE WATER

TRIBUTARY: SALMON RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 06/26/1883

POINT OF DIVERSION:

T21N R22E S8 SENW Within LEMHI County

T21N R22E S8 SENW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.170 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T21N R22E S08 NENW 5.70 T21N R22E S08 NWNW 2.60

STOCKWATER same as IRRIGATION

8.3 ACRES TOTAL

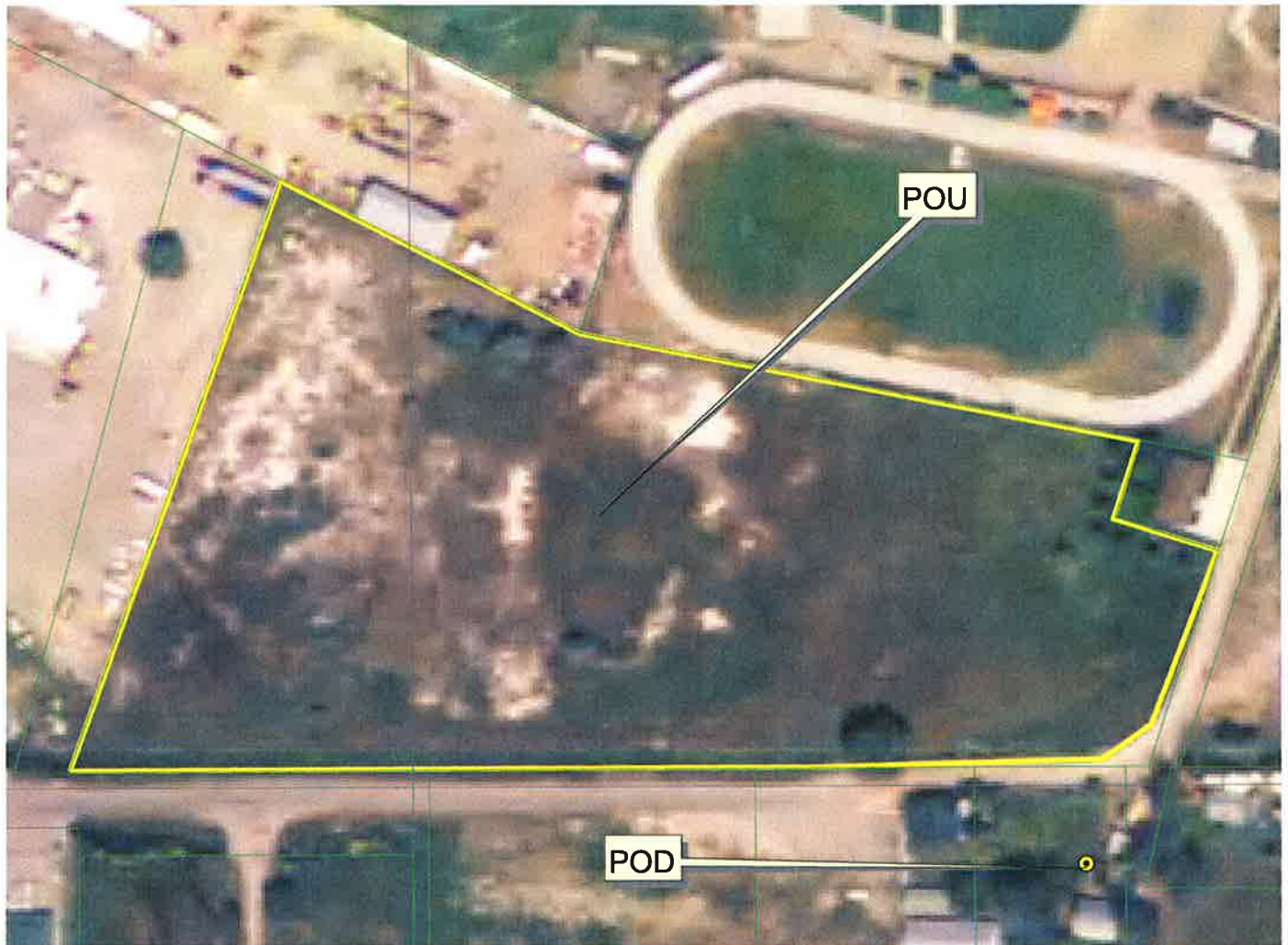
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

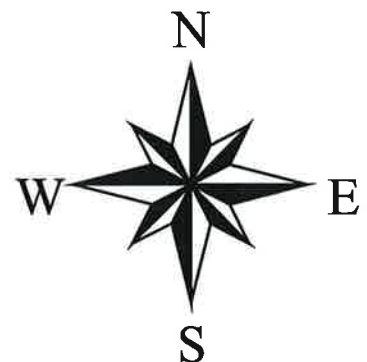
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

75-4426



0.05 0 0.05 0.1 Miles

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





Idaho Department of Water Resources

SRBA Recommendation:

75-4426

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



Idaho Department of Water Resources

SRBA Recommendation:

75-4426

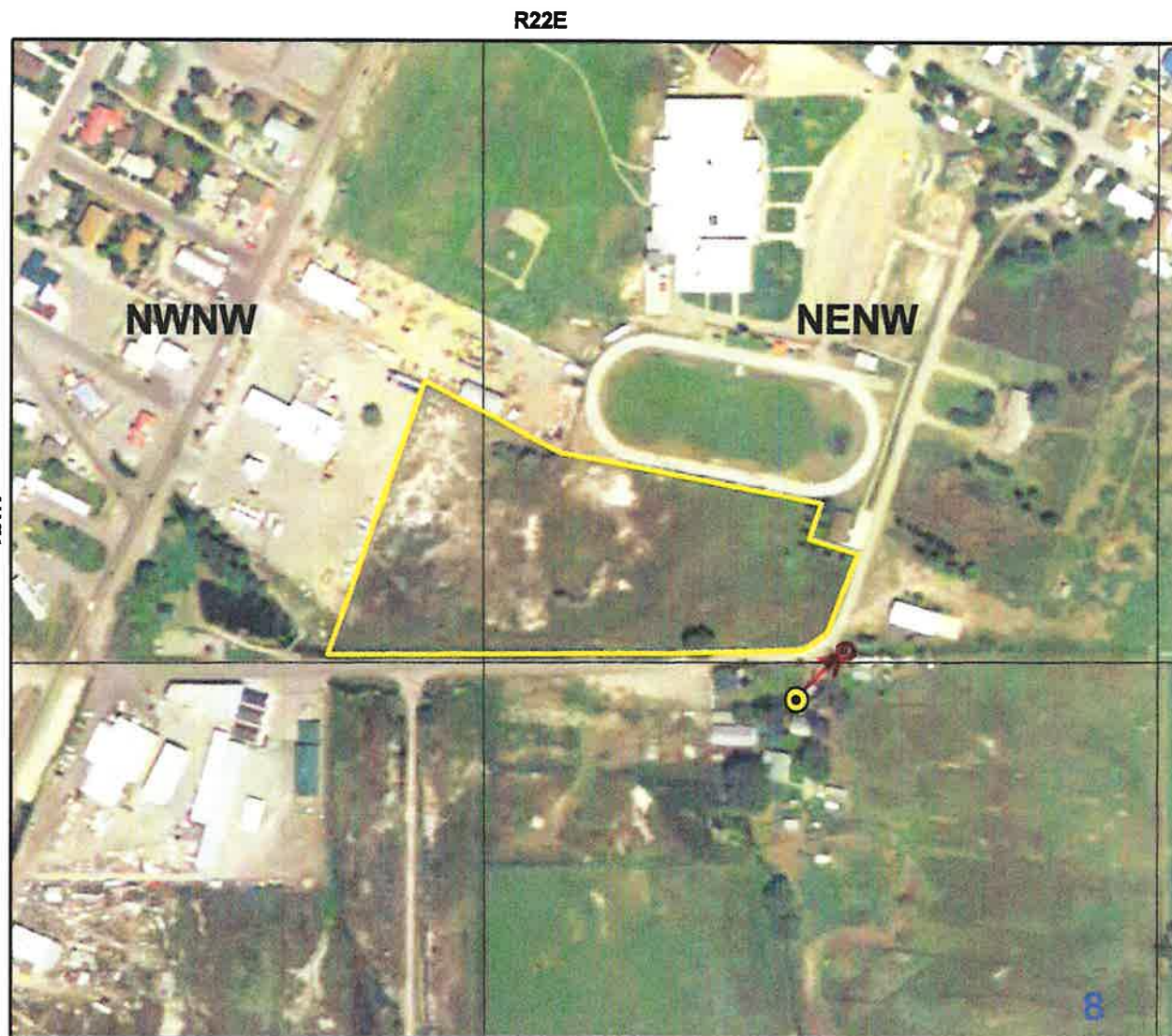
(Irrigation)

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

RECEIVED

AUG 08 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4426

Department of Water Resources
Adjudication Bureau

WATER RIGHT NUMBER: 75-4426

74-0580 ← } ?

Lemhi - Town Ditch

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HALLIE H PROKSCH 823 UNION AVE SALMON, ID 83467 (208)756-2252
Current Owner	JOSEPH A PROKSCH 823 UNION AVE SALMON, ID 83467 (208)756-2252

Priority Date: 06/26/1883

Basis: Statutory Claim

Status: Active

SourceSPRINGS
WASTE WATERTributarySALMON RIVER
SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/01 to 11/01	0.280 CFS	
<u>Total Diversion:</u>		0.300 CFS	

Location of Point(s) of Diversion

SPRINGS	NE1/4NW1/4	Sec. 8, Twp 21N, Rge 22E, B.M.
LEMHI County		
WASTE WATER	NE1/4NW1/4	Sec. 8, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T21N R22E S08 NENW 5.5 T21N R22E S08 NWNW 4.0

Total Acres: 9.5

STOCKWATER same as IRRIGATIONConditions of Approval:

1. AC. IRR. = 9.5.

Remarks:

SCANNED

AUG 09 2005

July 26, 2005

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

Idaho Department of Water Resources,

Subject: Evidence of Priority and beneficial use

WATER RIGHT NUMBER: 75-4426

Dear Sir or Madam:

I am enclosing some information that I feel will help to establish a priority date of beneficial use of water for #75-4426. Please review the exhibits for supporting facts:

Exhibit #1 Abstract of Title – Page 1 United States to Elwood T. Beatty on June 26, 1883 this is marked in BLUE

Exhibit #2 Metsker Map – Shows Sec., Township, and Range of Property, the legal from Exhibit 1 is marked in BLUE, and the property I own is marked in RED

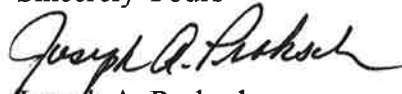
Exhibit #3 Affidavit – Joseph A. Proksch, irrigated since October 14, 1959

Exhibit #4 Lemhi River Div L-7 (Town Ditch) – Ident. No. 74-0580 which I believe, is for the same water right as is 75-4426. The priority date of 7-27-1888 is noted. They show .02 for Irrigation instead of stock watering and nothing for irrigation. We applied for .280 cfs for irrigation. Refer to Exhibit #5

Exhibit #5 Notice of Claim - To show amounts of water used for the following purposes as discussed in Exhibit #4

I believe that beneficial use of water, should be recognized when the land was deeded in June 26, 1883. The Town Ditch water runs through our land before running into the Salmon River, and I believe it would have been used for economic gain to Elwood T. Beatty who purchased the land in 1883..

Sincerely Yours


Joseph A. Proksch

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AUG 09 2005

Abstract of Title

(1)

United States
to
Ellwood T. Beatty,
Probate Judge of
Lemhi County, in trust.

PATENT
Dated June 26th 1883
Recorded July 20th 1883
Book C Page 227

Track stop



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

2

United States
to
Robert R. Pattison

PATENT
Dated February 28th 1893
Recorded April 3rd 1893
Book F page 779

Miss of Ranch

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

3

United States
to
Sylvester McCain

PATENT
Dated May 5th 1893
Recorded April 10th 1895
Book G page 786

Part of Ranch

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

4

United States
to
William J. Bryan

PATENT
Dated June 30th 1892
Recorded June 28th 1902
Book K page 521

Not Part

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

5

George W. Dudley
to
Charles H. Martin

Quit Claim Deed
Dated July 26th 1887
Acknowledged July 26th 1887
Recorded July 26th 1887
Book E page 241: Consideration \$500.00

Part of Ranch

Conveys the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ and the $SE\frac{1}{4}$ of the $NE\frac{1}{4}$ of
Section 7 Township 21 North Range 22 East of the Boise Meridian,
containing 120 acres. Also water Book A at page 221 and all
water rights and ditches. George W. Dudley signs by mark.
Witness Thos. Elder and E.H. Jeanjaquet.

SCANNED

AUG 09 2005

N 1/2 of NW 1/4 of Section 8 U.S. to Ellwood T. Beatty June 26 1883 (Rec 7-20-1883 Book C page 227)

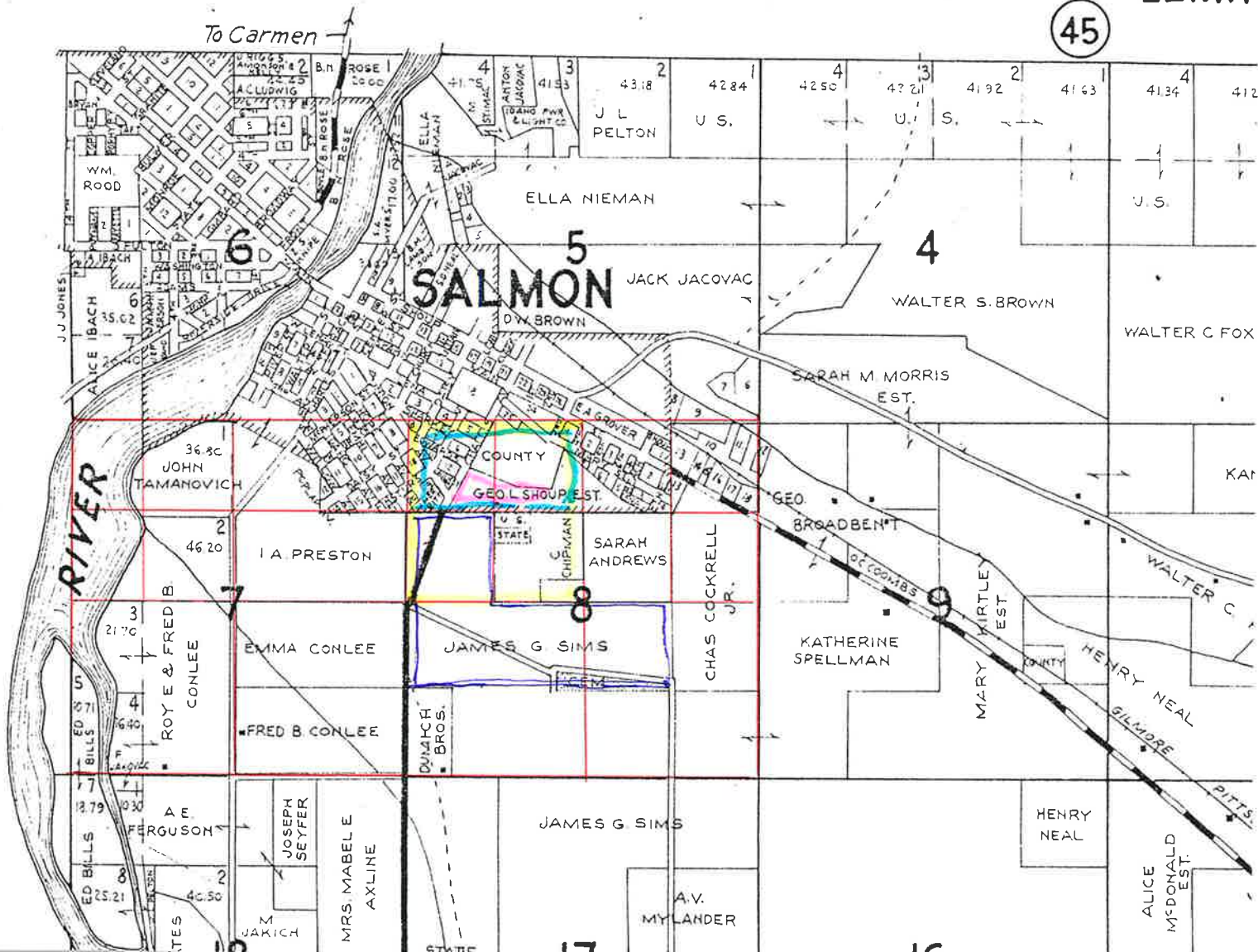
SCANNED
AUG 09 2005

Twp 21 N Range 22 E

LEMH

45

1020 THIRD AVE., SEATTLE, WASHINGTON



July 26, 2005

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

Idaho Department of Water Resources,

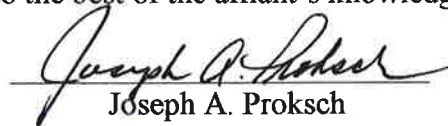
Subject: Evidence of Priority for beneficial use

WATER RIGHT NUMBER: 75-4426

AFFIDAVIT:

My father-in-law Harold C. Havens purchased the land irrigated from water right # 75-4426 October 14, 1959 from Laura M Shoup. I, Joseph A. Proksch, purchased the land from the Havens Trust February 24, 1982. I am aware of Mr. Havens irrigating from existing ditches while he owned the land, and I did the same until the present.

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


Joseph A. Proksch

State of Idaho)
County of Lemhi) ss.

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

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

known to me to be the person (s) whose name is subscribed to the within instrument, and acknowledged to me that he (they) executed the same.




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

SCANNED
AUG 09 2005

PROPOSED FINDING OF WATER RIGHTS - LEMHI RIVER DRAINAGE

Lemhi River, Div. L-7

Source: (Town Ditch)

Pt. of Div.: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 30, T21N, R23E

IDENT. NO.	NAME AND ADDRESS	PRIORITY	PURPOSE	PERIOD OF USE		MAXIMUM RATE OF DIVERSION (cfs)	PLACE OF USE and LANDS IRRIGATED		BASIS OF RIGHT and REMARKS
				From	To				
74-0551	WILLIAMS, Sidney and/or Oliver and/or Grace P. O. Box 918 Salmon, Idaho	7 -27-1888	Irrigation	4/1	11/1	0.44	Sec. 24		Beneficial Use
		7 -27-1888	Stockwater	1/1	12/31	0.02 0.44	NE $\frac{1}{4}$ SW $\frac{1}{4}$,	1.4	
							NW $\frac{1}{4}$ SE $\frac{1}{4}$,	7.3	
							SW $\frac{1}{4}$ SE $\frac{1}{4}$,	6.0	
							T21N, R22E		
								14.7	
74-0562	BROG, Paul A. and/or SOUTH, Peter J. P. O. Box B Salmon, Idaho	7 -27-1888	Irrigation	4/1	11/1	0.03	Sec. 5		Beneficial Use
							SE $\frac{1}{4}$ SW $\frac{1}{4}$,	0.55	
							SW $\frac{1}{4}$ SE $\frac{1}{4}$,	0.20	
							T21N, R22E		
								0.75	
Property is within lots 1 thru 6, Block 1, Demick Addition to Salmon City Original.									
74-0566	SMITH, Edgar W. and/or Gladys Pattee Route 1 Salmon, Idaho	7 -27-1888	Irrigation	4/1	11/1	0.02	Sec. 9		Beneficial Use
							SW $\frac{1}{4}$ NW $\frac{1}{4}$,	0.5	
							T21N, R22E		
								0.5	
74-0580	HAVENS, Harold C. and/or Ila V., (Trust) c/o Joseph A. Proksch Box 1431 Salmon, Idaho	7 -27-1888	Irrigation <i>stock watering</i>	4/1	11/1	0.02 <i>0.280</i>	Sec. 8		Beneficial Use
							NW $\frac{1}{4}$ NE $\frac{1}{4}$,	0.4	
							T21N, R22E		
								0.4	
lots 1, 2, fraction lot 3, Block 1, Norton Addition to Salmon City Original.									
	. and/or	7 -27-1888	Irrigation	4/1	11/1	0.03	Sec. 8		Beneficial Use
		7 -27-1888	Stockwater	1/1	12/31	0.02 0.03	NW $\frac{1}{4}$ NE $\frac{1}{4}$,	0.9	
							T21N, R22E		
								0.9	
thin Block 3, Demick Addition to Salmon City Original.									

AUG 09 2005

RECORDED

75-4426

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: A75-04426
Date Received: 4/17/1990
Receipt No: 10006644
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

OR

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

2. Date of Priority: JUN 26, 1883 7-27-1888

3. Source: SPRINGS Trib. to: SALMON RIVER
WASTE WATER SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
21N	22E	8	NE	NE	NW		LEMHI

5. Description of diverting works:
CANVAS DAM, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.280		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 23.8 Acre Feet Per Annum.

9. Non-irrigation uses:
S/20 RANGE CATTLE

A75-04426

Page 1

Date: 04/17/90

SCANNED

AUG 09 2005

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
21N	22E	8	NE	NW		IRR	5.5
			NW	NW		IRR	4.0
					Section Acres		9.5
					Total Acres		9.5

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:
AC. IRR. = 9.5.

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: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Joseph A. Rodsch Date: 4/17/90

Date: _____

State of Idaho)
County of Lewia) SS.

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

Dave Carls
Notary Public

Seal

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

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

CLAIM NO(s). 75-4426

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.: A0017203

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:

Common ditch to place of use

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

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

7. ☒ No Change - TOTAL VOLUME

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

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

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

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

Additional comments: _____

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

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

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

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

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 8-1-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

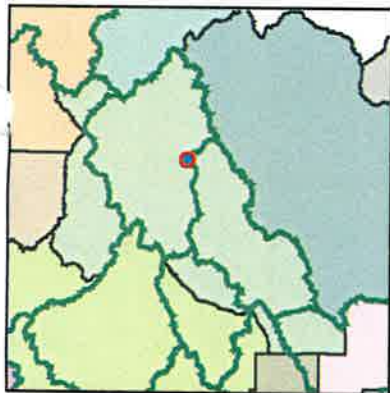


Idaho Department of Water Resources

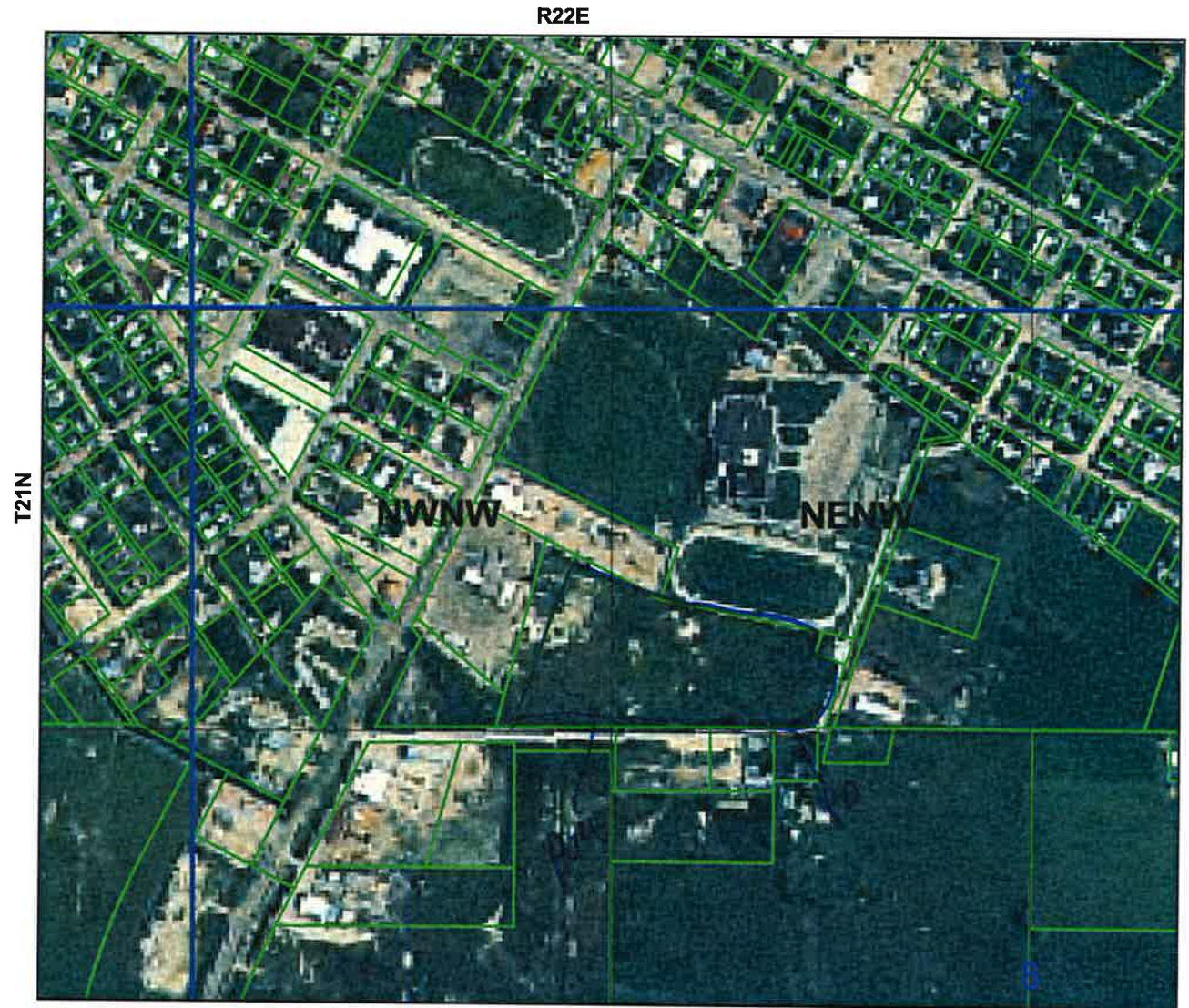
SRBA Claim:
75-4426

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles

A horizontal scale bar with markings for 0, 0.2, and 0.4 miles.

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

SCANNED
OCT 10 2 31

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
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0.300 C.F.S. (and/or) A.F.A.

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S/20 RANGE CATTLE

A75-04426

Page 1

Date: 04/17/90

A7504426



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
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			NW	NW		IRR	4.0
					Section Acres		9.5
					Total Acres		9.5

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12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 9.5.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

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Number of attachments: 0

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Joseph A. Lohsch Date: 4/17/90

Date: _____

State of Idaho)
County of Lewia) SS.

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

Seal

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