

12/11/2006

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

RIGHT NUMBER: 75-4496A

NAME AND ADDRESS: WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

MADELINE CAROL BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

SOURCE: HULL CREEK TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.400 CFS

Right Nos. 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.02 cfs per acre.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION:

T25N R21E S29 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.380 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S28	SWNW	4.50	T25N R21E S28	NWSW	8.00
T25N R21E S29	SENE	0.50			

STOCKWATER in LEMHI County

T25N R21E S28	SWNW	T25N R21E S28	NWSW
T25N R21E S29	SENE		

13 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

11/20/2006

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

RIGHT NUMBER: 75-4496A
NAME AND ADDRESS: WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

MADELINE CAROL BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

SOURCE: HULL CREEK
QUANTITY: 0.280 CFS

TRIBUTARY: NORTH FORK SALMON RIVER

Right Nos. 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.02 cfs per acre.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION: T25N R21E S29 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	4/01 10/31	0.020 CFS
IRRIGATION	4/01 10/31	0.260 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S28	SWNW	4.50	T25N R21E S28	NWSW	8.00
T25N R21E S29	SENE	0.50			

STOCKWATER in LEMHI County

T25N R21E S28	SWNW	T25N R21E S28	NWSW
T25N R21E S29	SENE		

13 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

76

11/12/2006

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

RIGHT NUMBER: 75-4496A
NAME AND ADDRESS: WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

MADELINE CAROL BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

SOURCE: HULL CREEK TRIBUTARY: NORTH FORK SALMON RIVER
QUANTITY: 0.280 CFS
Right Nos. 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.02 cfs per acre.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION:
T25N R21E S29 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	4/01 10/31	0.020 CFS
IRRIGATION	4/01 10/31	0.260 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S28	SWNW	4.50	T25N R21E S28	NWSW	8.00
T25N R21E S29	SENE	0.50			

STOCKWATER in LEMHI County

T25N R21E S28	SWNW	T25N R21E S28	NWSW
T25N R21E S29	SENE		

13 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



SRBA Claim:
75-4496A

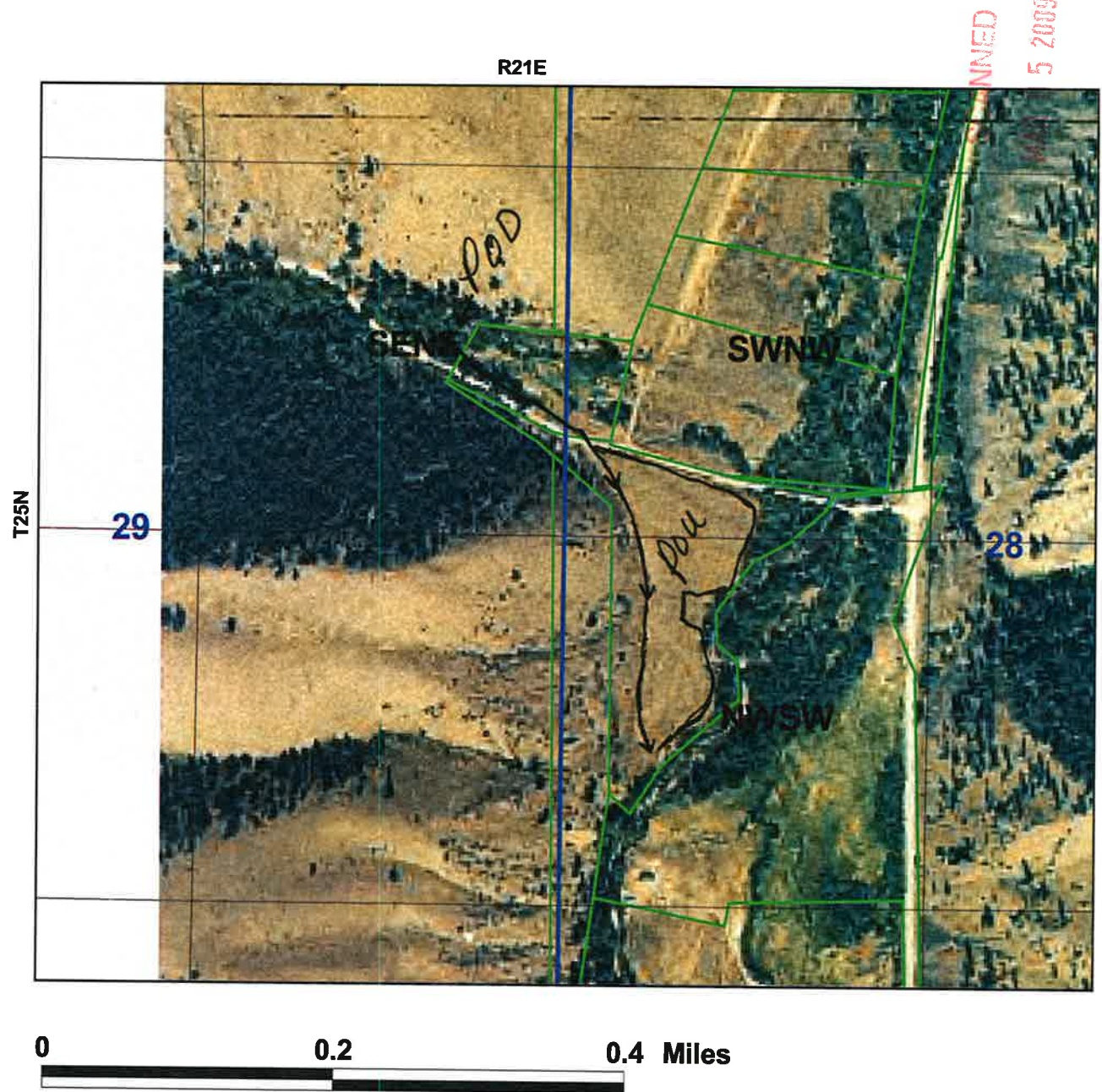
Legend

-  Townships
 -  PLS Sections
 -  Quarter Quarters
 -  Parcels



**Lemhi County
IDWR Basin 75**

**Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography**

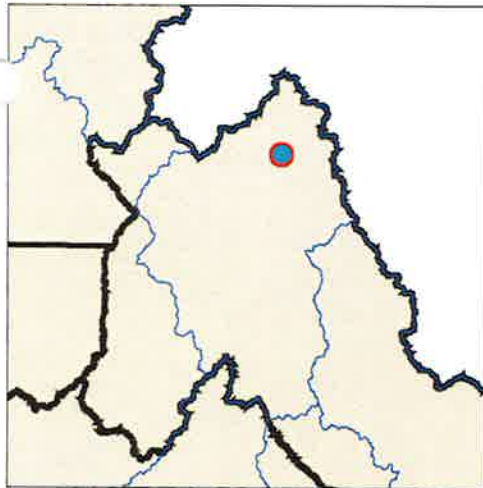


Idaho Department of Water Resources



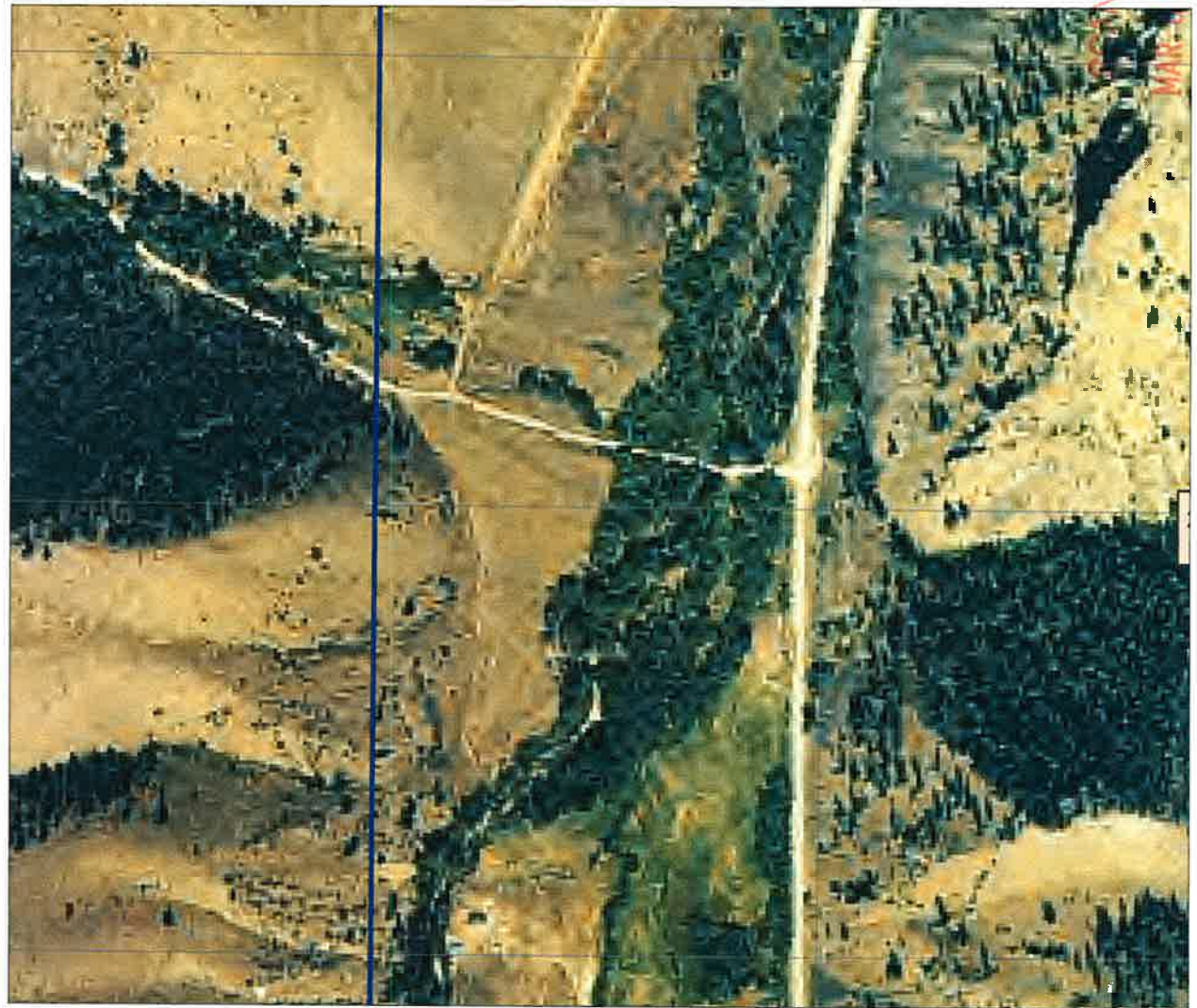
Adjudication Claim Number: **75-4496A**

RECEIVED
MAR 5 2009



Legend

- PLS Sections
- Quarter Quarters



0 0.2 0.4 Miles

A scale bar showing distances in miles, with markings for 0, 0.2, and 0.4 miles.

Prepared by M. Vanbussum
On Thursday, May 12, 2005
1991 Aerial Photography

MEMORANDUM

July 14, 2009

To: Monica Van Bussum

From: Bob Foster

Re: 75-4494A, 75-4496A

In response to Mr. Bishop's concern over ditch loss, I assume he is referring to the ditch from Hull Creek which is the conveyance system for 75-4496A. This ditch is of considerable length and traverses a gravely alluvial fan. The possibility for ditch loss in this conveyance system would be of some concern.

The issue of conveyance loss under right 75-4494A would be directly related to the efficiency of pumping system Mr. Bishop utilizes from the North Fork of the Salmon River. This reach of the North Fork of the Salmon River is not flow impaired during the irrigation season.

SCANNED

JUL 14 2009



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

July 23, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

WILLIAM VERNON BISHOP
MADELINE CAROL BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

RE: Snake River Basin Adjudication (SRBA) claims 75-4494A and 75-4496A

Dear Claimants:

Thank you for your patience as IDWR has been more thoroughly investigating your claims. You filed objections to water rights 75-4494A and 75-4496A seeking additional flow rate under each, citing ditch loss as the reason for additional flow.

A site visit was conducted to examine the points of diversion (POD) from Hull Creek and North Fork Salmon River. The site visit found the ditch from Hull Creek is lengthy and traverses a gravelly alluvial fan, indicating ditch loss would be of concern. The site visit indicated loss from North Fork Salmon River would be directly related to the efficiency of the pumping system and ditch loss would not be a factor.

Based on the site visit, I have generated two new recommendations trying to address the ditch loss from Hull Creek. Please look these over carefully and let me know if you agree to I can generate documents to formally settle your objection. However, if you do not agree and wish to pursue ditch loss from North Fork Salmon River, IDWR will ask you to provide additional evidence supporting additional flow from North Fork Salmon River in the form of a Hubble analysis. Please contact me if you wish to pursue the Hubble analysis method.

You can contact me at the address above, or by telephone at (208) 287-4907. Of course, feel free to call if you have questions, as well.

Sincerely,

Monica Van Bussum

Sr. Water Resource Agent

Adjudication Bureau

SCANNED
JUL 23 2009

07/23/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-4494A

NAME AND ADDRESS: MADELINE CAROL BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

SOURCE: NORTH FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.260 CFS

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

Right Nos. 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.39 cfs.

PRIORITY DATE: 04/01/1908

POINT OF
DIVERSION:

T25N R21E S28 NWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.260 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S28	SWNW	4.50	T25N R21E S28	NWSW	8.00
T25N R21E S29	SENE	0.50			

STOCKWATER in LEMHI County

T25N R21E S28	SWNW	T25N R21E S28	NWSW
T25N R21E S29	SENE		

13 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

SCANNED
JUL 23 2009

07/23/2009

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

RIGHT NUMBER: 75-4496A

NAME AND ADDRESS: WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

MADELINE CAROL BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466

SOURCE: HULL CREEK

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.390 CFS

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

Right Nos. 75-4494A and 75-4496A are limited to a total combined diversion rate of 0.39 cfs.

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION:

T25N R21E S29 SENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 10/31	0.020 CFS
IRRIGATION	04/01 10/31	0.390 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S28	SWNW	4.50	T25N R21E S28	NWSW	8.00
T25N R21E S29	SENE	0.50			

STOCKWATER in LEMHI County

T25N R21E S28	SWNW	T25N R21E S28	NWSW
T25N R21E S29	SENE		

13 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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The portion of Right 75-4496A used for conveyance losses is 0.13 cfs.

SCANNED
JUL 23 2009

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: 75-4496A

WILLIAM VERNON BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466
Telephone Number: (208)865-2465

MADELINE CAROL BISHOP
24 HULL CREEK RD
PO BOX 236
NORTH FORK ID 83466
Telephone Number: (208)865-2465

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:

DIVERSION RATE QUESTIONED

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:

12/6/06

SIGNATURE:

William V. Bishop

Please print your name: _____

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

SCANNED

MAR 05 2009

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

CLAIM NO(s). A7504496A A7504496B

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☒ NEW ADDRESS: P.O. Box 236 24 Hull Creek Rd Northfork, Id 83466 208-865-2465

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:

A0017084 GPS 108
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

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MAR 05 2009

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

A 7504496B is just duplication of
A 7504496A

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis

Signature

SCANNED

Madeline Carol Bishop
William Vernon Bishop
24 Hull Creek Road
P.O. Box 236
North Fork, ID 83466

Water Right Number 75-4494A and Water Right Number 75-4496A

RECEIVED
JUL 29 2005
DEPARTMENT OF
WATER RESOURCES

July 24, 2005

Roxanne Brown
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Subject: Evidence of Priority Dates on above water rights.

First and foremost we would like to say, right up front, it is our sincere belief that both of our water rights, listed above, are valid water rights (claims) and **the priority dates of 04/01/1908, on both, are also very valid.** Hopefully, we can convince you of the same.

We received your letter, requiring the evidence of priority dates, on July 7, 2005. The letter only gave us until July 29, 2005 to provide you with evidence of these 1908 priority dates. Per Bob Foster, something like 1300 of these letters went out at the same time. The result was a Lemhi County Clerk's office that could not handle all the demands to look up old records. I did get to look up a few things but very few. Much evidence will have to wait until the current record demand slows. At any rate, I will present what I have and I'm confident you will most likely see the validity of my priority dates. If further evidence must be located and produced, down the road, we shall do so.

Our property is located at the intersection of the North Fork Salmon River and Hull Creek. We live, full time, on this property and both of the above water rights are used on this same property. Our eastern property boundary runs up the center of the North Fork Salmon River and Hull Creek runs along our northern boundary but about 100 feet onto the adjacent property. At one time, our property was part of a large ranch and both streams ran through the central portions of the ranch.

Our property lies mostly in the H.E. Survey #89. This 79 acre piece of land was claimed, by homestead, by Charles M. Hull and recorded such on Nov. 9th, 1916. We have attached a copy of this recorded patent 522238.

A small portion of our property lies on H.E. Survey #647. This 51 acres was claimed, by homesteading, by John H. Roske on April 6th, 1922. We have attached a copy of this recorded patent 853662.

SCANNED

AUG 01 2005

Madeline Carol Bishop
William Vernon Bishop
Water rights 75-4494A and 75-4496A
July 24, 2005

Page 2

The Hull Creek and North Fork Salmon River waters were clearly being used on a steady basis far before the above 1916 and 1922 dates. The further one goes back in history, the more important bottom land became. Nearly everything involved the use of horses, mules, and oxen. Every possible field, in these bottom lands, was irrigated for hay and pasture. It had to be! People had to have large gardens and fruit trees. It is estimated the town of Gibbonsville, a few miles north of us had a population between 2500 and 3500 in the 1880's. Additional, in the late 1800's and early 1900's, large mining operations were in full swing on Hughes Creek, even closer to my location. The demand for stock, hay, and home grown gardens was huge!! The use of water was a must!

In the book Centennial History of Lemhi County Vol II, written by the Honorable Judge Fred Snook, Chairman, and a local historical committee, it states that Charles Hull settled on the North Fork, at Hull Creek, around 1900. On his 79 acres of good farm and hay land he raised a large garden, an orchard, sheep, a few cattle, and horses. In the same books, Vol I, it states that a school was built and opened in 1908 at the confluence of Hull Creek and North Fork Salmon River. The foundation for the school is still visible and only a few hundred feet from the north east corner of our property.

Our point is a simple one: There was a great deal of activity in the area of our property around 1900 and before. Water was very important and used to make hay and pasture on all available bottom lands, here in the area of our property. At the moment, we can't tell you how the original priority date on our water rights was determined. The 1908 priority date was 97 years ago; there are no living witnesses, that we know of. But knowing a little history of the area, common sense will tell you the water was being used on these properties on that date. There certainly is no reason to question this priority date.

The Hull family lived along the shore of Hull Creek a few hundred yards upstream from the confluence with North Fork Salmon River. Their home burned in 1917. Neighbors helped them quickly build a new home and that new home is still standing a few hundred feet north of our north property line.

We would like to point out that our water rights, 75-4494A and 75-4496A, are not the only water rights in the area with a priority date of 04/01/1908. The following water rights, which do not belong to me, but are in our immediate area, also have a priority date of 04/01/1908. They are 75-4494A, 75-4494G, 75-4494F, 75-10589, 75-4138, 75-4138A, 75-4138D, and 75-4494E. There are probably more than I have listed here. The reason they all have the same priority date as my water rights is because they were once all part of the same larger ranches. They are either all valid or none of them are valid.

We are also attaching two letters from people who have witnessed the use of our water rights on our property in more recent times, specifically since about 1943. The signatures of these witnesses, on both letters, have been notarized. Mr. Naugle writes of the use of water on our property since we have owned the property. Mr. Maxwell writes of the use of water on our property since about 1943.

SCANNED

AUG 11 2005

Madeline Carol Bishop
William Vernon Bishop
Water rights 75-4494A and 75-4496A
July 24, 2005

Page 3

The water from both the North Fork Salmon River and Hull Creek is currently being utilized to irrigate our property. We have spent thousands of dollars on these systems since we purchased this property in 1993. The Dept of Water Resources led us to believe these water rights were totally valid when we purchased this property. We believe both these water rights are valid. We believe the priority dates on both (04/01/1908) are valid. These waters have been utilized on these properties, continually during the spring, summer, and fall seasons since sometime before 1900 and they continue to be used today. We are presenting what evidence we currently possess concerning this issue. Hopefully, we won't have to search for further evidence, however, we shall if necessary.

If we can be of further assistance in this very important matter please so advise and we will attempt to accommodate you. We would gladly meet with you in the area or in Boise if necessary. Our goal is to validate these water rights and the 1908 priority dates on these rights as they have been on file for years.

Thank you for your time and considerations,

Madeline Carol Bishop
7/25/05

Madeline Carol Bishop

William Vernon Bishop 7/25/05

William Vernon Bishop

Attachments

State of Idaho	
County of Lemhi	
On this 25 day of July, 2005, before me	
Deana J. Fletcher, a Notary Public in and for said county and state, personally appeared	
Madeline + William Bishop	
known or proved to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they executed the same.	
Deana J. Fletcher	
Notary Public for Idaho	
Residing at Salmon, ID	
Commission term 7-26-2010	

DEANA J. FLETCHER
NOTARY PUBLIC
STATE OF IDAHO

SCANNED

AUG 1 2005

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, 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 Charles M. Hull has been established and duly consummated, in conformity to law, for the H. E. Survey No. 89, comprising Tracts A and B, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract B at corner No. 1, from which the north quarter corner of Section four in Township twenty-four north of Range twenty-one east of the Boise Meridian bears south nineteen degrees, forty-two minutes, forty-five seconds east one hundred eleven and eighty-two-hundredths chains distant; thence north one degree, nine minutes east fifteen and sixty-six-hundredths chains to corner No. 2; thence north forty-nine degrees, twenty-eight minutes west five and thirty-eight-hundredths chains to corner No. 3; thence north fifty-seven degrees, twenty-one minutes west six chains to corner No. 4; thence north twenty-nine degrees, ten minutes east three and sixty-four-hundredths chains to corner No. 5; thence south eighty-three degrees, fifty-two minutes east eight and forty-nine-hundredths chains to corner No. 6; thence south eleven degrees, fifty-nine minutes west five and seventy-eight-hundredths chains to corner No. 20; thence south seventy-five degrees, eighteen minutes east seven and two-hundredths chains to corner No. 21; thence south eighty degrees, forty-three minutes east six and twenty-five-hundredths chains to corner No. twenty-two; thence south thirty-three degrees, twenty-four minutes west twelve and fifty-nine-hundredths chains to corner No. 23; thence south forty-seven degrees, seventeen minutes west eight and forty-four-hundredths chains to corner No. 1, the place of beginning;

Beginning for the description of Tract A at corner No. 16, from which U. S. Forest Service Monument bears south sixty-two degrees, thirty-five minutes east one and forty-two-hundredths chains distant; thence south eighty-three degrees, forty-seven minutes west five and twenty-seven-hundredths chains to corner No. 17, from which corner No. 22 of said Tract B bears south one degree, thirty-two minutes west fifty links distant; thence north eighty degrees, forty-three minutes west six and fifteen-hundredths chains to corner No. 18; thence north seventy-five degrees, eighteen minutes west six and fifty-three-hundredths chains to corner No. 19; thence north eleven degrees, fifty-nine minutes east five and eighty-four-hundredths chains to corner No. 7; thence north twenty-one degrees, forty-three minutes east seventeen and nineteen-hundredths chains to corner No. 8; thence north thirteen degrees, thirty-one minutes east twenty-three and fifty-five-hundredths chains to corner No. 9; thence south seventy-two degrees, forty-one minutes east four and ninety-four-hundredths chains to corner No. 10; thence south seven degrees, twelve minutes east one and sixty-two-hundredths chains to corner No. 11; thence south forty degrees, fifty minutes east eight and thirty-three-hundredths chains to corner No. 12; thence south three degrees, twenty-five minutes west three and eighteen-hundredths chains to corner No. 13; thence south twenty-six degrees, one minute west six and ninety-one-hundredths chains to corner No. 14; thence south four degrees, fifty-five minutes west four and fourteen-hundredths chains to corner No. 15; thence south five degrees, eighteen minutes west twenty-three and eighty-seven-hundredths chains to corner No. 16, the place of beginning, containing seventy-nine acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant, the tracts of Land above described; TO HAVE AND TO HOLD the said tracts 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, Woodrow Wilson 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 THIRTIETH day of MARCH in the year of our Lord one thousand nine hundred and SIXTEEN and of the Independence of the United States the one hundred and FORTIETH.

SEAL.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

L. Q. C. Lamar

RECORDED: Patent Number 522238

Recorder of the General Land Office.

Recorded at the request of C. M. Hull Nov. 9th, 1916 at --- minutes past 11 o'clock A. M., in Book Y of Deeds page 121, Records of Lemhi County, Idaho.

BY W. W. Simmonds
Deputy.

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

SCANNED
AUG 01 2005

HES 89(A+B)

Hailey 020293

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 Hailey, 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 John H. Roske, has been established and duly consummated, in conformity to law, for the H. E. Survey No. 647, embracing a portion of, approximately, Sections twenty-eight and twenty-nine in Township twenty-five north of Range twenty-one east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No.1, from which the corner to Sections thirty-two and thirty-three in said Township and Range and Sections four and five in Township twenty-four north of Range twenty-one east of the Boise Meridian, bears south twelve minutes east eighty-eight and thirty-eight-hundredths chains distant; thence, north eight degrees thirty-two minutes east seventeen and thirty-hundredths chains to corner No.2; thence, north forty-seven degrees seventeen minutes east eight and forty-four-hundredths chains to corner No.3; thence, north thirty-two degrees fifty-two minutes east twelve and fifty-six-hundredths chains to corner No.4; thence, north eighty-three degrees forty-six minutes east five and thirty-seven-hundredths chains to corner No.5; thence, south twenty degrees twenty minutes west seven and seventy-five-hundredths chains to corner No.6; thence, south twenty-three degrees nine minutes east three and seven-hundredths chains to corner No.7; thence, south one degree five minutes east twenty-seven and eighty-two-hundredths chains to corner No.8; thence, north seventy-nine degrees five minutes west twenty and twenty-nine-hundredths chains to corner No.1, the place of beginning, containing fifty-one acres, according to the Official Plat

4-1044.

Hailey 020293

of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

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.

HES 647

AUG 11 2005

SCANNED

**Larry D. Maxwell
P.O. Box 156
1749 Hwy 93
North Fork, ID 83466
208-865-2401**

RECEIVED
JUL 29 2005
DEPARTMENT OF
WATER RESOURCES

July 13, 2005

**Dept. of Water Resources
Adjudication Bureau
P.O. Box 83720
Boise, ID 83720-0098**

Subject: Water Right Numbers 75-4494A and 75-4496A

Concerning the above water rights, currently owned by Madeline Carol Bishop and William V. Bishop: I was not around in 1908 when these water rights were first filed for but I have lived in the North Fork area since 1939. I can safely say that I can remember these waters being used to irrigate and to water stock on the Bishop's property back until 1942-43 when I first was old enough to remember these things. Additionally, being familiar with the early ranches and knowing many early ranchers, I certainly believe that these waters have been used to irrigate this property, at the least, since 1900 or before.

This property (Bishop's property) consists of a hay field which has always been irrigated, primarily, by a ditch coming out of Hull Creek. This property has been re-seeded by various people over the years and used for both raising hay and for stock. There also were pole fence extensions reaching out into the North Fork Salmon River so as the stock, on Bishop's property could be watered from the North Fork Salmon River. Bishop's property was originally part of a large ranch called the Becker Ranch and the Matiskey Ranch before Becker. The old ranch has now been divided into many parts with many owners. This large ranch always got most of its water from the North Fork Salmon River and the Bishop's property portion also got much of its water out of Hull Creek. None of this large ranch (now multiple pieces of property) has ever been abandoned. It is all valuable bottom land which continues to be irrigated for stock and hay.

I, personally, irrigated the Bishop's property with the water out of Hull Creek, using the old ditch coming out of Hull Creek during the 1990's to grow and process hay, mostly alfalfa. During the same period I also kept horses on the property which were watered by the same water.

Also, during the 1990's (and currently) Mr. Bishop had a pump and 3 inch pipe line coming out of the North Fork Salmon River and crossing his field which he used to supplement the Hull Creek waters. This system pumped water out of the North Fork Salmon River onto Mr. Bishop's property.

SCANNED

AUG 1 2005

The Bishop's have built a home on this property and have lived there, full time, for about 5 years. These waters are used on their property nearly every day.

As of today's date, the water coming out of Hull Creek, by ditch, and the water pumping system out of the North Fork Salmon River both continue to be maintained and used on Mr. and Mrs. Bishop's property.

Having lived in the area for so long and having known many of the "old timers", who are now passed on, I certainly believe that the 1908 priority dates on these water rights are most likely accurate. I would also believe these waters have been used on the property, currently owned by Mr. and Mrs. Bishop, since then and before the 1908 date. They certainly have been used for as long as I have been around.

Respectfully,

Larry D. Maxwell

Larry D Maxwell



Larry D Maxwell appeared

Lee Bingham Notary Public
Comm expires *10-1-06*

SCANNED

AUG 11 2005

Frederick B. Naugle
P.O. Box 111
North Fork, ID 83466
208-865-2417

July 13, 2005

Concerning: William V. Bishop and Madeline C. Bishop's water rights
Water Right # 75-4494A and #75-4496A

I live along the east bank of the North Fork of the Salmon River directly across the stream from the Bishop's property. Their property is on the west side of the North Fork of the Salmon River. The common property line between us runs down the middle of the North Fork of the Salmon River, thus the west half of the river is on their property for about 1/3 mile.

I have lived here, with my wife, for approximately 14 years and have just recently sold my property (25 acres) to Bruce A. Cole who is another neighbor on another side of my residence. Due to the recent sale of my property, my water rights have been transferred to Bruce A. Cole, the new owner, however, if you will inspect my old water rights (#75-4494H and #75-4494G) you will note that their priority dates are both 04-01-1908, the same date as the priority dates on Bishop's water rights. Furthermore, if you look at the other water rights, in the immediate area, you will find that many more have the same exact priority date. This is because all of these adjoining properties were once one large working ranch.

The original ranch, back at the turn of the 20th century, was made up of bottom lands which all were very fertile when provided with irrigation. That irrigation all came out of the North Fork of the Salmon River and Hull Creek. Some of the northern portions may have also gotten water out of Hughes Creek also.

At any rate, the ranch was slowly divided up and sold to different people until today. Each time a division was made, the different pieces retained proportional amounts of the original water rights.

Back when this ranch was first homesteaded, sometime around 1900, water was extremely important. It was critical that all that could be irrigated was irrigated. The rancher's livelihood depended on it. Thus, common sense will lead one to believe that none of these water rights were ever abandoned. Each one of these properties continued to need and use the water out of the North Fork of the Salmon River and, in the case of Bishop's property, also the water out of Hull Creek.

I can not say that I witnessed any water usage before living here, however, it is very clear to me that these waters have been used to irrigate these properties and to water stock on these properties for as long as these properties have been ranched. These are valuable hay fields that must have water. No one owning these properties would likely ignore those water rights.

SCANNED

AUG 11 2005

I can say that the Bishop's property has been continually irrigated with water coming out of Hull Creek by ditch and by pumping out of the North Fork of the Salmon River for as long as the Bishop's have owned the property (12-13 years). The Bishop's live on the property and irrigate most of it every year.

In the 1990's, I not only observed Mr. and Mrs. Bishop using the Hull Creek and North Fork of the Salmon River waters but I also observed the Bishop's property being irrigated by Larry Maxwell and Claude Johnson who sometimes got two cuttings of hay off the property in the same summer. Larry Maxwell also kept horses on the property several times. Maxwell and Johnson used, primarily, the water out of Hull Creek for these purposes.

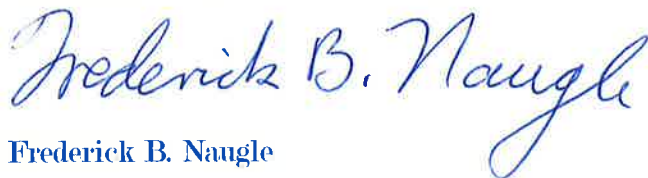
They have been torn down now, but there used to be pole fence extensions protruding into the west side of the North Fork of the Salmon River (on Bishop's property) so stock being kept on Bishop's property could water in the North Fork of the Salmon River.

I believe that the water rights claimed by the Bishop's, my old water rights, and most other water rights in this immediate area are certainly valid water rights. Based on my understanding of the original homesteading of ranches in this area, I believe the priority date of 04-01-1908 on Bishop's water rights are the correct priority date. It is also the same correct priority date on those water rights held by Bruce Cole, Shelly England (Gregoire), Cliff Cummings, Jon Cummings, Cliff Cummings Sr., and probably a few others who now own a part of the original ranch. These water rights (claims) have been on file for all these years; there is no reason to believe these priority dates are not correct and if one examines these lands, prime irrigated fields, one would certainly believe they were most likely always irrigated and used since being homesteaded sometime around 1900 or before.

All of these little pieces of the original ranch are certainly being irrigated with the waters from the North Fork of the Salmon River and from Hull Creek today.

Hopefully, the Dept of Water Resources will fully recommend the court validate those water rights (claims) belonging to William V. Bishop and his wife, Madeline. I would also hope the Dept. will support those other water rights which have the same priority date of 4-1-1908 mentioned above. I think they are clearly all very valid.

Thank you for your considerations,



Frederick B. Naugle

SCANNED
OCT 10 1993

OCTOBER 29, 1993

WILLIAM BISHOP
309 HONEYSUCKLE DR
FAIRFIELD CA 94533

RE: CHANGE IN OWNERSHIP FOR A75-04494A AND-04496A

Dear Mr. Bishop:

The request for Change in Ownership concerning your Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,


Jo Thompson
Secretary, Adjudications

Enclosure: Notice(s) of Claim

MICROFILMED
APR 19 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

OCT 22 1993

Department of Water Resources
Eastern District Office

DATE OF CLOSING: May 17, 93

LEGAL DESCRIPTION OF PROPERTY: Township 25 N Range 21 E
Section 28, NW 1/4 of NW 1/4 of 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

Also: SW $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ SW $\frac{1}{4}$ & SE $\frac{1}{4}$ NW $\frac{1}{4}$

- [] Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- [] Water Right Number(s) Assigned by IDWR: A75-04494A and A75-04496A *OK*
- [] Name and Address of Former Owner/Claimant(s)(Seller): Melba Keadle
567 Laurel Ave. #3
Hayward, CA 94541
- [] New Owner/Claimant (Purchaser): William Vernon Bishop & Madeline Carol Bishop
309 Honeysuckle Dr.
- [] New Mailing Address: Fairfield, CA 94533
- [] New Telephone Number: (707) 422-4928=home & 707-428-2100=work
- [] Does the change in ownership result in a splitting of the water right owned/claimed? yes ~~xx~~ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
- [] Attach proof of ownership, describe proof attached: Warranty Deed
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- [] Signature of New Owner/Claimant(s): *William Vernon Bishop* Date 10/20/93
- [] Signature of Former Owner/Claimant(s): Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: By:
Further Action Needed:

Further Action Taken
Date: By:
Final Review and Data-Entry
Date: By:
Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED
APR 19 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

27 February 1990

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

George Keadle
567 Laurel Avenue #3
Hayward, Calif 94541

RE: Filing on Water Rights Snake River Basin Adjudication

Dear Claimant:

As per my telephone conversation with Mrs. Keadle of 26 February 1990 enclosed are the necessary forms with instructions to file an adjudication claim on your water rights. Since I did not have a complete description of the property I contacted the Lemhi county assessor. It would appear that you own all or part of claims 75-4496 and 75-4496. (For your convenience I have also included a copy of claim 75-4368 which you may also own a part of.)

If you will review the copies of 75-4494 and 75-4496, you should be able to determine the water right(s) that you own.

Instead of coping the map of your right on the "Map of Project" page you can include a copy of the map from the enclosed claims. Be sure to make any changes that has occurred in the place of use or point of diversion.

Feel free to contact this office for any additional assistance that you may need.

Sincerely,

Keith C. Wilson
Senior Resource Agent

MICROFILMED

DEC 15 1992

INDIVIDUAL ACKNOWLEDGMENT

State/
Commonwealth of IDAHO } ss.
County of LEMHI



On this the 13 day of JULY, 2005,
before me, CLAUDIA MAXWELL,
Name of Notary Public

the undersigned Notary Public, personally appeared
FREDERICK B. NAUGLE,
Name of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed
to the within instrument, and acknowledged that
he/she/they executed it.

WITNESS my hand and official seal.

Claudia Maxwell
Signature of Notary Public

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: #75-4494A & #75-4496A Letter Concerning Water Rights

Document Date: 7/13/05 Number of Pages: 2

Signer(s) Other Than Named Above: NA

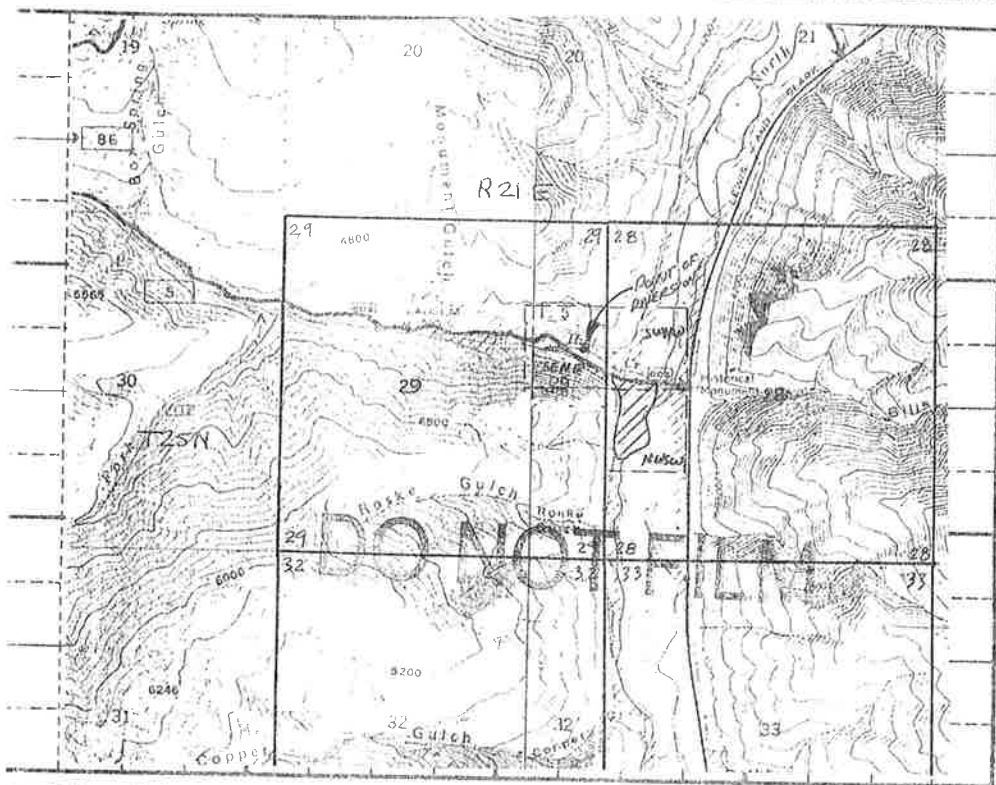
**RIGHT THUMBPRINT
OF SIGNER #1**

Top of thumb here

**RIGHT THUMBPRINT
OF SIGNER #2**

Top of thumb here

(10) Remarks Diversion is approximately .3 miles West of the 1969 HES 89A survey marker which is located North of the Hull Creek Rd. and east of the North Fork and is marked with an arrow and a 21.8 ft. designation. Ditch from diversion runs on north side of Hull Creek Road and crosses into B and W land via culvert .2 miles West of marker.



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)
County of Bannock) 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 28 day of Aug, 1983.

Richard W. Williams
(Claimant)

Notary Public
Residing at Huber Falls, Id

My commission expires 6-28-84

Received by CW Date 6-29-83 Exception filed by _____ Date _____
Prelim. check by HWS Date 12-28-83 Forwarded to claimant by: _____ Date _____
\$30.00 fee received by CW Date 6-29-83
Published in Record of Decisions # 25645
Dates 1/12 - 1/19/84

STATE 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 B. & W. Land, Inc.

(Name of Claimant)

D. O. No. 200

Idaho Falls, ID 83402
(Mailing Address)

(Zip Code)

Telephone No. 523-0862

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) April 1, 1908

April 1, 1908

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)

Hull Creek tributary to North Fork of the 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:

(cfs. af)

(Domestic, Irrigation, Stock, Etc.)

140

(clusive)

Quantity 26 cfs Use Irrigation Period of Use From 4-1 To 10-31

Quantity .02 cfs Use Stock Period of Use From 4-1 To 10-31

Quantity _____ Use _____
Quantity _____ Use _____

Quantity _____ Use _____ Period of Use From _____ To _____
Quantity _____ Use _____ Period of Use From _____ To _____

(4) .28cfs TOTAL QUANTITY USED. — Period of Use From _____ To _____

 $\{c(s, af)\}$

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

SE 1/4 NE 1/4, Sec. 29 Twp. 25N Rge. 21E 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. Diversion ditch controlled by canvas headgate.

(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.

[illegible]

No. of acres 13

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

Besides irrigation water is used for stock

NOTE: Include here the type and number of stock watered: Range stock 30 to 60 head.

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

PLEASE REMOVE FROM FILE BEFORE
SCANNING OR CLAIMANT REVIEW

Van Bussum, Monica

From: Van Bussum, Monica
Sent: Friday, March 06, 2009 9:52 AM
To: Baxter, Garrick
Cc: Cooley-Denney, Suzy
Subject: RE: 75-4494A & 75-4496A

THIS EMAIL CONTAINS ATTORNEY-CLIENT PRIVILEGED INFORMATION AND SHOULD NOT BE
SCANNED.

Hi Garrick,

Below is a summary of my analysis of 75-4494A and 75-4496A. As always, it's more complicated than it once appeared.

75-4494A

I looked at 75-4494A and the other splits of statutory claim 75-4494. The stat claim was for 144 acres at 2.88 cfs for irrigation (that equates to exactly 1 inch to the acre). The adjudication claim for 75-4494A was filed for 0.38 cfs and 13 acres of irrigation (small stockwater component), or just slightly less than 1.5 inches to the acre.

We recommended the other 75-4494 splits with flow rates commensurate with 1 inch to the acre and, if they overlapped with another right, set a total combined use limit with a quantity that would limit total diversion to 1 inch to the acre. The recommendation for 75-4494A was different in that it was given a flow limit with 75-4496 that limited to 1 inch to the acre but did not have the total combined use limit condition (e.g. rights are limited to a total diversion of ___ cfs). However, we recommended a total diversion rate for both 75-4494A and 75-4496B that would equate to roughly 1.5 inches per acre without the total flow limiting condition. In short, we recommended 75-4494A inconsistent with other splits.

If I had it to do over again, I would recommend 75-4494A with a flow rate equal to 1 inch to the acre and add a total combined use limit for flow rate with 75-4496A. However, I don't think this will take care of the claimant's objection because we will not be giving over 1 inch to the acre. I am happy to rewrite the recommendation as I have suggested, but if the claimant wishes to pursue the additional flow rate, I would ask for a Hubble analysis.

75-4496A

Statutory claim 75-4496 was claimed for 13 acres of irrigation and 0.26 cfs of flow for irrigation. The adjudication claim was filed for 0.26 cfs and 13 acres for irrigation (small stockwater component). We recommended 75-4496A for 0.38 cfs and 13 acres of irrigation. It was given a combined use limit with 75-4494A for 1 inch to the acre. There are no comparable splits of 75-4496 because we disallowed the B portion. However, we should not have recommended 0.38 cfs to 75-4496A because it is (significantly) more than was claimed.

If I had to rewrite the recommendation, I would put it back to 0.26 cfs for irrigation and put a combined use limit with 75-4494A for 0.26 cfs between the two of them. I do not believe there is a need for the 0.02 cfs per acre condition if both are limited to a total diversion of 1 inch to the acre. If the claimant wants to pursue this, we would need an amended claim and I would also ask for a Hubble analysis. I do not believe my proposed corrections to this recommendation will resolve the objection.

On a side note, we cannot recommend 1.5 inches to the acre for 75-4494A and 75-4496B without the Hubble because there are more than 10 irrigated acres.

If the claimant does pursue the additional water under these rights, I envision other splits will want to do the same. I will wait to hear back from you before altering either of these recommendations. Please let me know if you have any questions.

3/6/2009

Thanks!

Monica

From: Baxter, Garrick
Sent: Thursday, March 05, 2009 3:30 PM
To: Van Bussum, Monica; Cooley-Denney, Suzy
Subject: 75-4494A & 75-4496A

Monica,

These are the cases where the recommended cfs is over an inch to the acre, but then there is a combined use limit suggesting they are limited to an inch to the acre. The claimant filed a motion to have this fixed because his ditch goes over a half mile through gravel. When you have time, please look into these and determine what an appropriate comment would be. Once you have that, please prepare a new recommendation and forward it to Suzy. No hurry on this...next status conference is July.

Suzy,

Please add these to our Basin 75 tracking sheet. Once Monica shoots you the new rec, please prepare coversheet and forward for my review. Also, please prepare a cover letter for your signature explaining that IDWR proposes a new condition and that if they accept, to sign & initial the new recommendation and to return to you.

Thanks!
Garrick

3/6/2009

OCT 10 1993

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: **A75-04496A**
Date Received: 3/19/1990
Receipt No: E012429
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: WILLIAM VERNON BISHOP
Address: 309 HONEYSUCKLE DR
FAIRFIELD CA 94533

707-422-4928

AND/OR

Name: MADELINE CAROL BISHOP
Address: 309 HONEYSUCKLE DR
FAIRFIELD CA 94533

707-422-4928

2. Date of Priority: APR 1, 1908

3. Source: HULL CREEK Trib. to: SALMON RIVER NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	21E	29		SE	NE		LEMHI

5. Description of diverting works:
DITCH & HEADGATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.260		
STOCKWATER	04/01	10/31	0.020		

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

A.F.A.

8. Total consumptive use is 32.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/30-60 RANGE STOCK

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	21E	28	SW	NW		IRR	4.0
			NW	SW		IRR	9.0

Section Acres 13.0

Total Acres 13.0

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

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: A75-04496A
Date Received: 3/21/1990
Receipt No: E012429
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE KEADLE 415-886-4123
Address: 567 LAUREL AVE. #3
HAYWARD, CA 94541

Name: MELBA KEADLE 415-886-4123
Address: 567 LAUREL AVE. #3
HAYWARD, CA 94541
2. Date of Priority: APR 01, 1908
3. Source: HULL CREEK Trib. to: SALMON RIVER NORTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	21E	29	SE	NE			LEMHI
5. Description of diverting works:
DITCH & HEADGATE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.260		
STOCKWATER	04/01	10/31	0.020		
7. Total Quantity Appropriated is:
0.280 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 32.5 Acre Feet Per Annum.
9. Non-irrigation uses:
S/30-60 RANGE STOCK

A75-04496

Page 1

Date: 03/21/90

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10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	21E	28	SW	NW		IRR	4.0
			NW	SW		IRR	9.0
					Section Acres		13.0
					Total Acres		13.0

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: _____

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: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

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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

39356
A75-04496 A

3-19-90

E012429/90

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAR 19 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) GEORGE & MELBA KEADLE Phone (415) 886-4123

Mailing Address 567 Laurel Avenue, #3, Hayward, CA Zip 94541

2. Date of Priority (Only one (1) per claim) April 1, 1908

3. Source of water supply (a) HULL CREEK

which is tributary to (b) No. Fork of the Salmon River

4. a. Location of existing point of diversion is: Township 25 N Range 21 E Section 29,

S/E 1/4 of NE 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

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.

Diversion ditch controlled by Canvas Headgate

A7504496A



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 10-31 amount .26 or _____
For STOCK purposes from 4-1 to 10-31 amount .02 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .28 (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.) Stockwater 30-60 herd of range stock.

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
25N	21E	28										4				9			13

Total number of acres irrigated 13

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

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:

Diversion is approximately .3 miles west of the H.E.S. 89A Survey marker which is
located north of Hull Creek Road.

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DEC 15 1992

Last Name _____ Ident No. _____

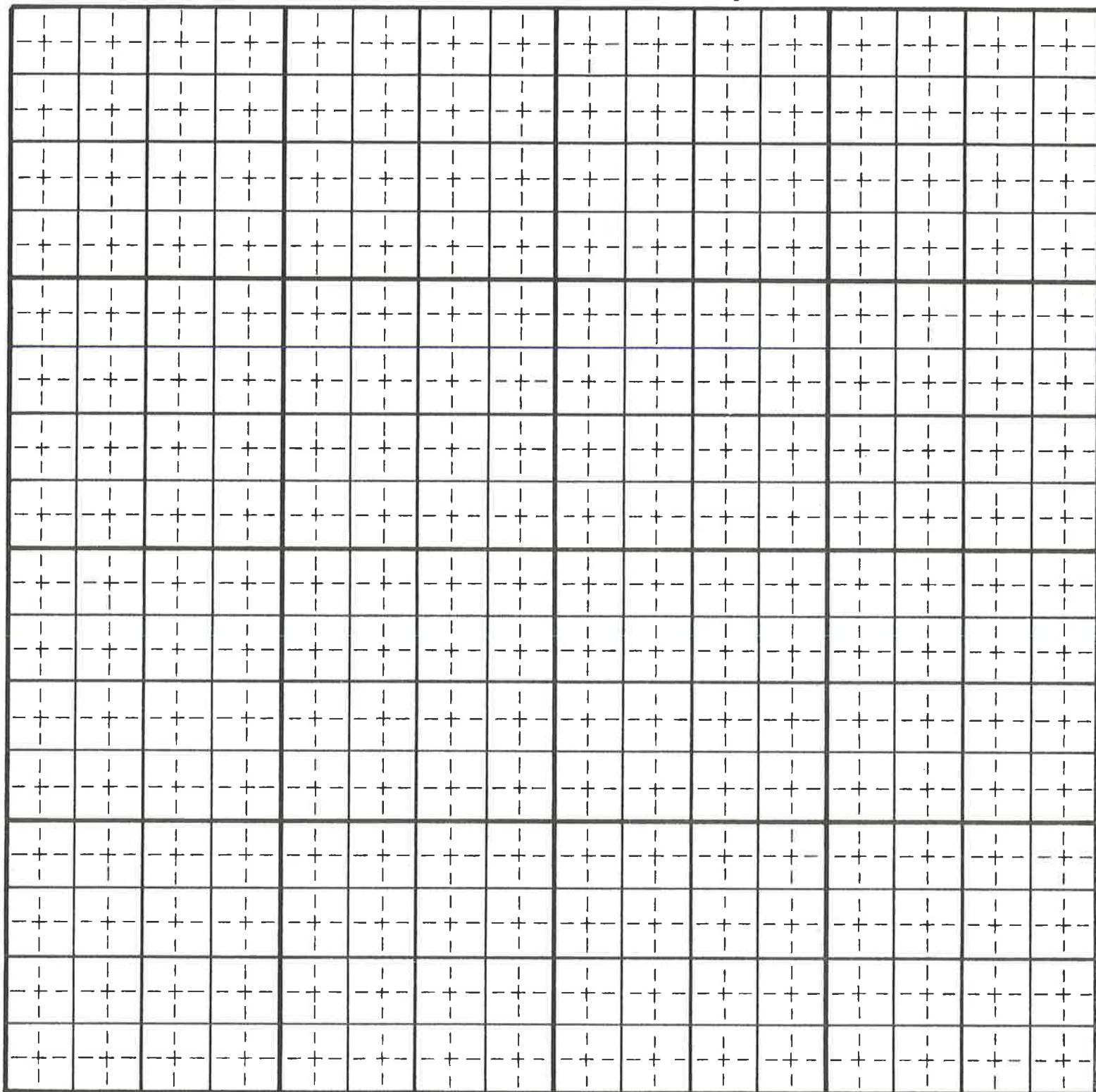
Copies: White -State, Yellow-Claimant

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

Per instructions: Keith C. Wilson
Senior Resources Agent
February 27, 1990



MICROFILMED
DEC 15 1992

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75-4496
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 _____
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 3-13-90

Date 3-13-90

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 _____ of _____
Title Organization

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

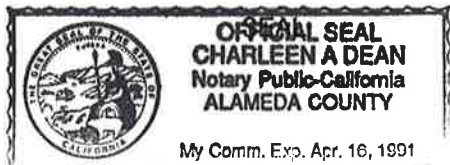
Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of ~~Idaho~~/or California)
County of Alameda) SS.

Subscribed and sworn (or affirmed) before me this 13th day of March 19 90



Notary Public Charleen A. Dean

Residing at 400 Roland Way, Oakland, CA

My Commission Expires 4-16-91

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 _____

MICROFILMED
DEC 15 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant