

11/05/2006

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

RIGHT NUMBER: 75-10003

NAME AND ADDRESS: DONALD E THURBER
C/O WENDY GROSS
7227 SAN PEDRO RD
JACKSONVILLE FL 32217

LOIS BUCK THURBER
C/O WENDY GROSS
7227 SAN PEDRO RD
JACKSONVILLE FL 32217

SOURCE: EAST BOULDER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1923

POINT OF DIVERSION:

T24N R19E S24 SWNWSE Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R19E S24

SENW

0.40

T24N R19E S24

NESW

0.10

0.5 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



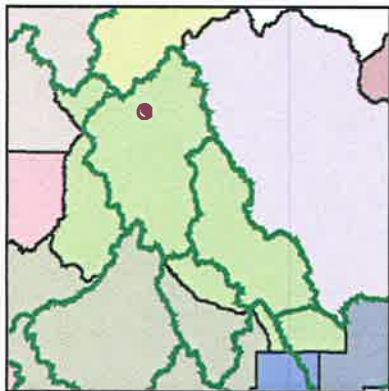
Idaho Department of Water Resources

SRBA Claim:

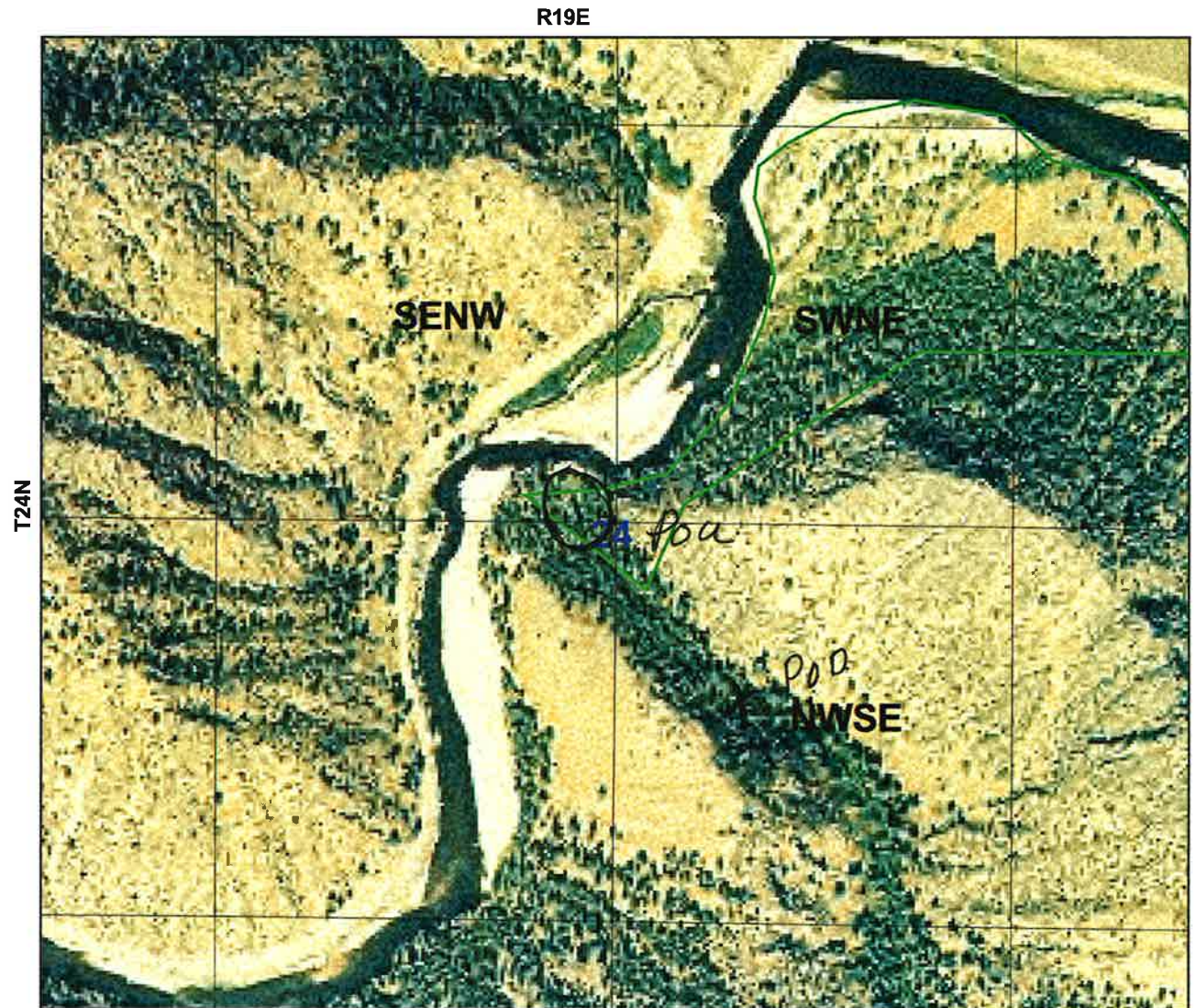
75-10003

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75

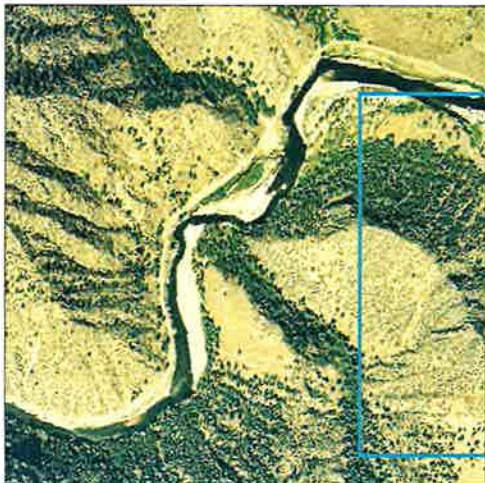


0 0.2 0.4 Miles



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

Adj75-10003



Adj75-10003



Idaho Department of Water Resources

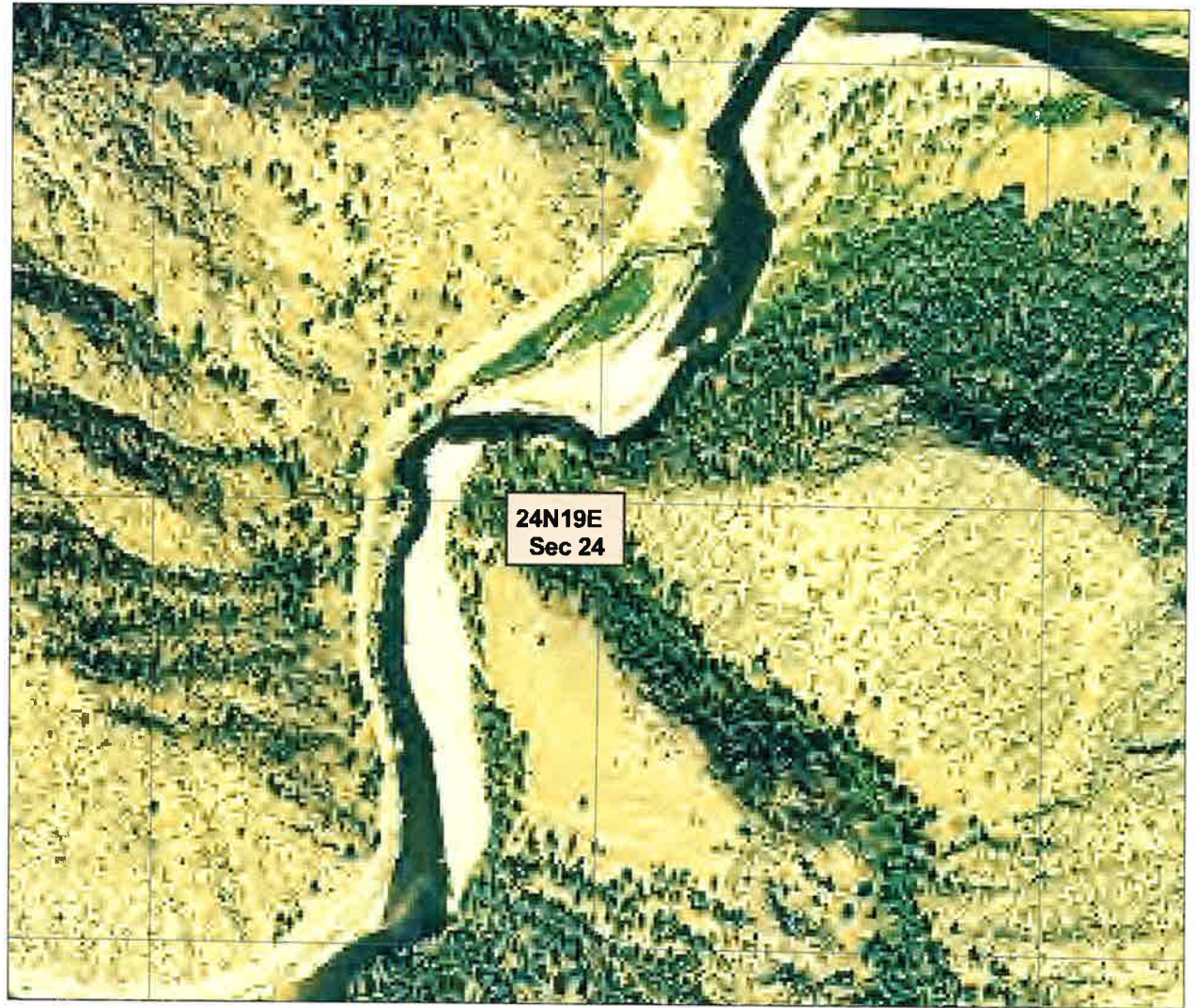


Adjudication Claim Number: **75-10003**



Legend

-  PLS Sections
-  Quarter Quarters

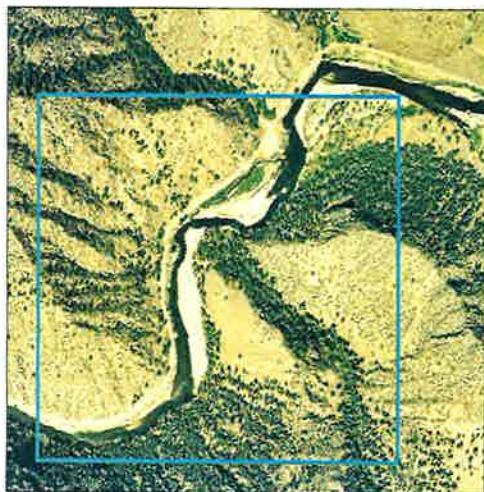


0 0.2 0.4 Miles

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

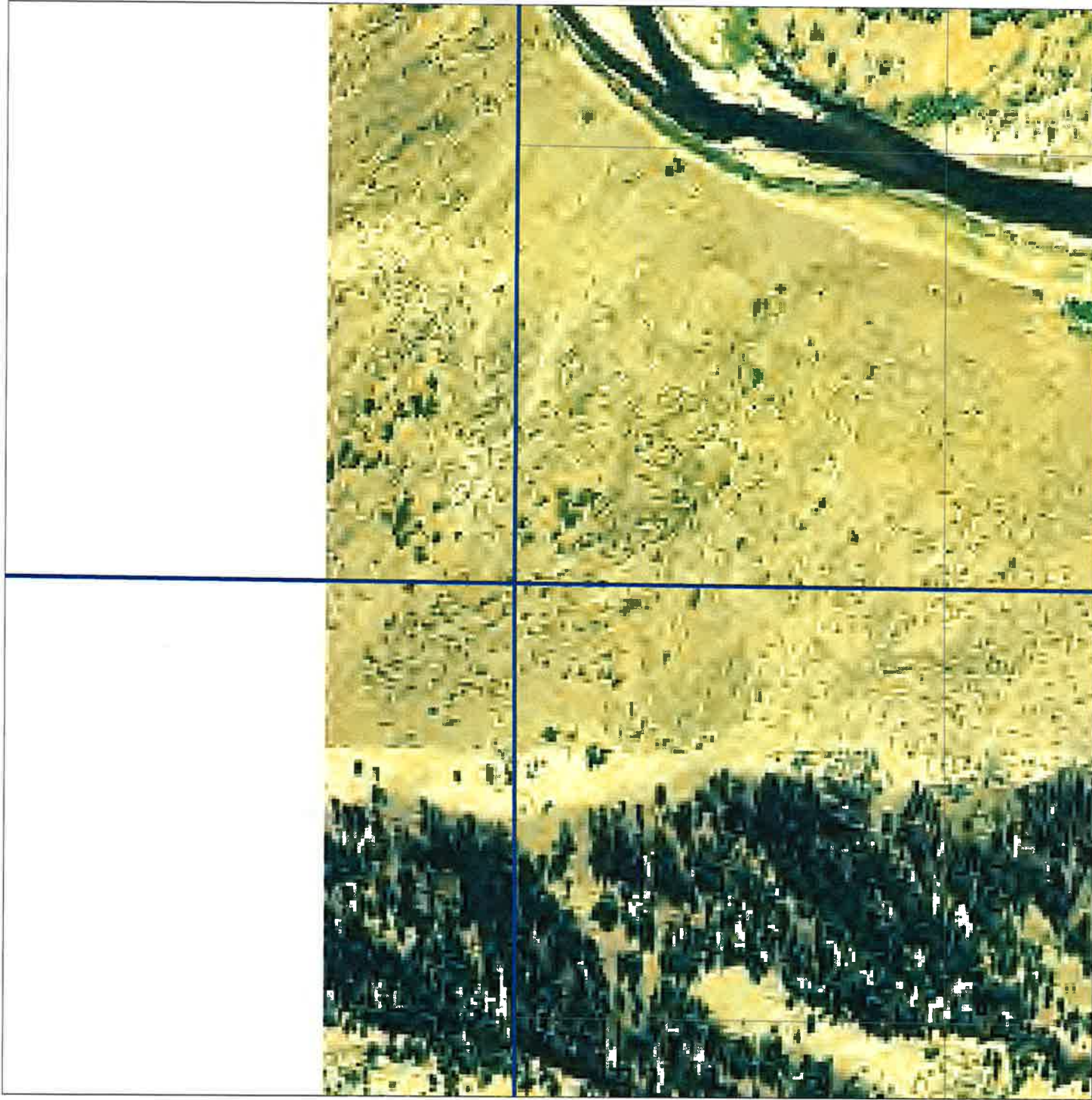
Prepared by M. Vanbussum
On Thursday, May 12, 2005
1991 Aerial Photography

Adj75-10003





Adj75-10003



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

CLAIM NO(s). A 7510003 904-737-6907

1. ☐ No Change NAME IS SAME Thurber Family Property
☐ NEW OWNER: Wendy T. Gross
☐ No Change ADDRESS
☐ NEW ADDRESS: 7227 San Pedro Rd, Jacksonville, Florida
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted 32217
☐ 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.: A0017019 GRS 142

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:

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

Water has not been used on this property for so long that it was hard to find a place of use, other than around the house for yard and garden. I was able to find a point of diversion.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

<i>Jack F. Ellis</i>	Print Name
_____	Signature

RECEIVED

JUL 25 2005

DEPARTMENT OF
WATER RESOURCES

July 19, 2005

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Re: Water Right Claim Number 75-10003

Dear Ms. Brown:

I am writing this letter to confirm priority status for a small domestic and stockwater beneficial use claim (number 75-10003) on the 25 acres of private homesteaded land surrounding the mouth of East Boulder Creek on the Salmon River. The following articulates historic beneficial water use over several generations, beginning with when my family obtained and used water on the land. To the best of my knowledge, this is an accurate record that affirms historic beneficial water use.

My parents purchased the land from Jim "Elmer" M. and Verna Hall in 1970. We, personally, have had 3.5 decades of water use on the property beginning in April, 1970. Our water usage has been primarily domestic and culinary, and for garden irrigation. My father, Donald Thurber, worked for the US Forest Service at Indianola Ranger Station, just across from this property for 23 years. He was the one in our family who first managed a large organic garden from which our family routinely obtained vegetables each summer, as well as enjoyed a remarkable selection of hand seeded flowering plants.

With regard to earlier historical use of water on this property, during the process of inspecting and exploring the options for purchase in 1969 and 1970, we spent a number of days with the Halls getting to know them, hiking the acreage to examine boundaries and learning the history of their experience on the Salmon River. Mr. Hall told us that he moved to this property when he was 5 years old which must have been in the late 1800's or early 1900's. Mr. Hall grew up on this property and stayed and lived there after he married his wife, Verna, who had been his school teacher in Shoup. His parents moved down river below Hale Gulch where Mr. Hall described stories of himself and his brothers helping his Dad, Frank Hall, build their new house. He showed us the site where that home was located and told us that one of his family members was buried on the ridge overlooking the site. In the history River of No Return by Johnny Carrey and Cort Conley, it says that "on the point across the river from the road about a mile below Hale Gulch, a two story log house was built by Frank Hall and his 3 boys about 1915." (page 87) We know that the Halls had already been living on our property at East Boulder Creek prior to that, affirming their water use back through the turn of the century. We learned from the Halls that there were two families sequentially using our property prior to them, thereby extending use that much earlier.

SCANNED

JUL 25 2005

When the Hall family lived there, there was a house on the upper end of our property right across from Indianola Ranger Station where they had apple trees and kept livestock. When we purchased the property in 1970, there still existed a diversion ditch from East Boulder Creek to irrigate this acreage.

On the lower end of the property down around the corner from Indianola Ranger Station, the Halls had another house, a workshop, a shed for their cow, a shed for storage and a one room log cabin. They built a series of rock ponds in front of the house that they kept fish in and they landscaped the grounds with some 37 different varieties of lilacs that Verna proudly nurtured. The grounds also had a number of fruit trees including apricots and apples. Mr. Hall, a talented woodworker, made toys and built all of his own furniture in his shop that was powered by water from East Boulder Creek. We still have one of his chairs that he made that was an early version of a recliner where you can lower the seatback by placing a support into different notches like a modern day lawn chair. Mr. Hall's shop was equipped with a lathe, a drill press, a jigsaw and a circular saw, all powered with a system of belts and pulleys and a waterwheel using East Boulder Creek water.

Mr. Hall had also built a shower behind the shop where the water was stored in a metal lined container on top where it was warmed by the sun during the day. In addition to the family's domestic water use, the hydro power for running the shop and the irrigation for the grounds and the livestock, Mr. Hall also reported the use of East Boulder Creek for placer mining in his family's early years on the property.

Sadly the Halls and my parents, Don and Lois Thurber, are all deceased, but the lives of my brother, sister and myself are all richer for the treasured experiences and history that they shared with us. The current use of East Boulder Creek for us, remains primarily domestic and culinary with some irrigation of the garden and grounds. Our major concern is that the water remain pure and drinkable. We are anxious to retain our priority rights to assure that the water in East Boulder Creek remains unpolluted by other interests or misuse.

Please contact me if you need any further information.

Sincerely,

Wendy T. Gross

Wendy Thurber Gross, RN, MPH
7227 San Pedro Road
Jacksonville, Florida 32217
(904) 737-6907
Water Right Claim Number 75-10003

Cc: Lee P. Ritzau, Esq.

Subscribed and sworn before me, this 20th
day of July, 2005, a Notary Public
in and for Duval County,
State of Florida
Heather Fazio
(Signature)
NOTARY PUBLIC
My Commission expires Sep. 08, 2008



Heather Fazio
Commission # DD353533
Expires: SEP. 08, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

SCANNED

JUL 25 2005

SCANNED

6900 X

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: A75-10003

Date Received:

Receipt No: E012179/90

Received By: _____

RECEIVED

FEB 27 1990

Department of Water Resources
Eastern District Office

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

1. Name: ~~MR. AND MRS. DONALD E. THURBER FAMILY~~ 208-726-5107
Address: BOX 246
SUN VALLEY, ID 83353

AND LOIS BUCK THURBER
2. Date of Priority: JUN 01, 1923

3. Source: EAST BOULDER CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	19E	24	SW	NW	SE		LEMHI

5. Description of diverting works:
HEADGATE/DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.380		

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

8. Total consumptive use is 47.5 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	19E	24	SW	NE		IRR	5.0
			SE	NW		IRR	4.0
			NW	SE		IRR	10.0

Section Acres 19.0

A75-10003

Page

1

Date: 11/08/88

A7510003



MICROFILMED
DEC 15 1992

10. Place of Use: Continued

Total Acres 19.0

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:
A75-10002.

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM
Water Right Number: 4007

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 Organizations:~~

I do solemnly swear or affirm that I am Lois Buck Thurber of _____ Title

_____, that I have signed the foregoing

~~Organization~~ document in the space below as owner of _____ Title

_____, and that the statements contained in the ~~Organization~~ foregoing document are true and correct.

Lois Buck Thurber
Signature of Authorized Agent

Donald E Thurber
Title and Organization

Feb 26, 1990
Date

State of Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 26 day

of February 19 90

Cathy K. Brock
Notary Public

Seal

Residing at Hailey
My Commission Expires 12-14-95

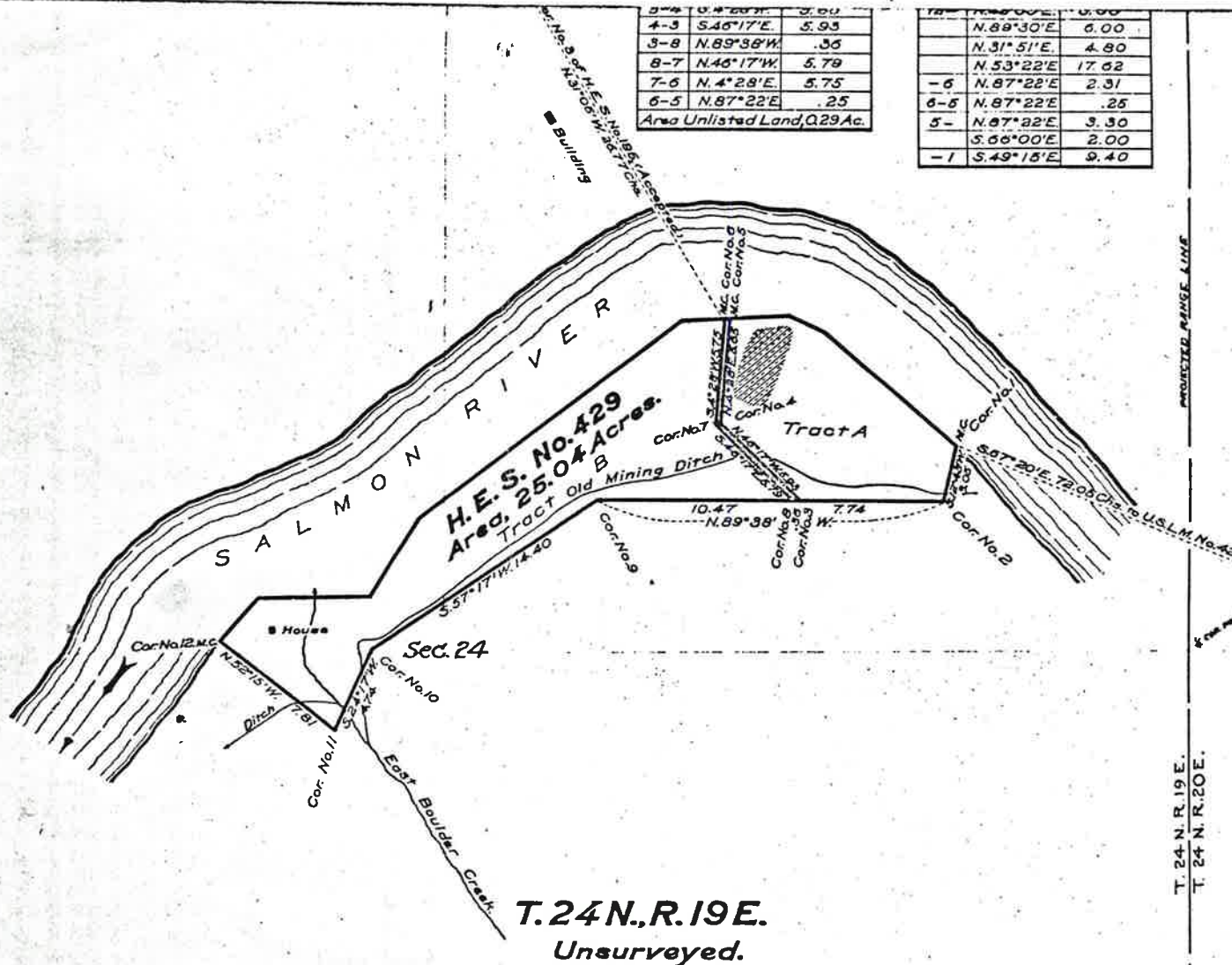
Plat of
HOMESTEAD
ENTRY SURVEY
 No. 429
 in the
SALMON
NATIONAL FOREST
 in
 Approximate
 Section 24 Unsurveyed
 T. 24 N., R. 19 E.
 of the
 BOISE BASE AND MERIDIAN
IDAHO.

This plat of Homestead Entry Survey
 No. 429 State of Idaho
 strictly conformable to the field notes
 thereof on file in this office, which
 have been examined and approved.
 U.S. Surveyor General's Office
 Boise, Idaho, February 21, 1920.

Edward Hedden
 U.S. Surveyor General

1-2	N. 89° 30' E.	6.00
2-3	N. 31° 51' E.	4.80
3-4	N. 53° 22' E.	17.62
4-5	N. 87° 22' E.	2.31
5-6	N. 87° 22' E.	.25
6-7	N. 87° 22' E.	3.30
7-8	S. 66° 00' E.	2.00
8-9	S. 49° 15' E.	9.40

9-10	S. 46° 17' E.	5.93
10-11	N. 89° 38' W.	.36
11-12	N. 46° 17' W.	5.79
12-13	N. 4° 28' E.	5.75
13-14	N. 87° 22' E.	.25
Area Unlisted Land, Q. 29 Ac.		



SCALE 5 chains to 1 inch

Survey Designated	By whom Surveyed	Inst. Cont. Group		When Surveyed		Date of Approval
		No.	Date	Began	Completed	
U.S.L.M. No. 429	Frank D. Maxwell,	430	April 28, 1916	May 23, 1918	May 23, 1918	
H.E.S. No. 195	" " "	195	Sept. 23, 1913	Oct. 12, 1913	Oct. 14, 1913	April 15, 1914
" " 429	" " "	429	April 28, 1916	May 28, 1918	May 30, 1918	Febr. 21, 1920.
Sur. U.S. Forest Service						

Areas in Acres		
H.E. Survey No. 429		
In Tract A	8.60	Tract C (road exemption)
In Tract B	16.44	Area 0.29 acres
In Section		
In Section		
Total	25.04	

Act of June 11, 1906 Act of March 4, 1917
 List No. 4-1219 Dated July 18, 1913
 Latitude 45° 25' N. Observations
 Longitude 114° 4' W. Corner No. 1
 Mean Mag. Decl. 21° 50' E.

MICROFILMED
 DEC 15 1997