

11/20/2006

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

RIGHT NUMBER: 75-10240
NAME AND ADDRESS: JILL FAIRBANK
PO BOX 1
NORTH FORK ID 83466

CLAUDIA MAXWELL
PO BOX 1
NORTH FORK ID 83466

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER
QUANTITY: 0.030 CFS
PRIORITY DATE: 04/01/1908
POINT OF DIVERSION: T24N R21E S9 SWSW Within LEMHI County
PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	4/01 11/01	0.030 CFS
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T24N R21E S17 SWNE 1.00		
	1 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

11/06/2006

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

RIGHT NUMBER: 75-10240

NAME AND ADDRESS: JILL FAIRBANK
PO BOX 1
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QUANTITY: 0.030 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION:

T24N R21E S9 SWSW Within LEMHI County

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PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.030 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T24N R21E S17 SWNE 1.00

1 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

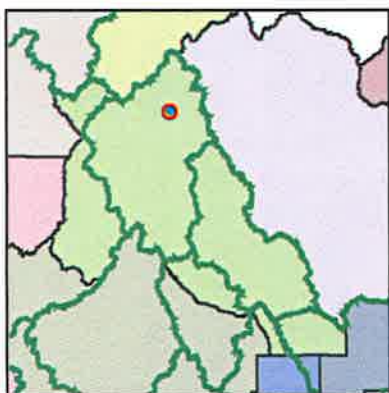


Idaho Department of Water Resources

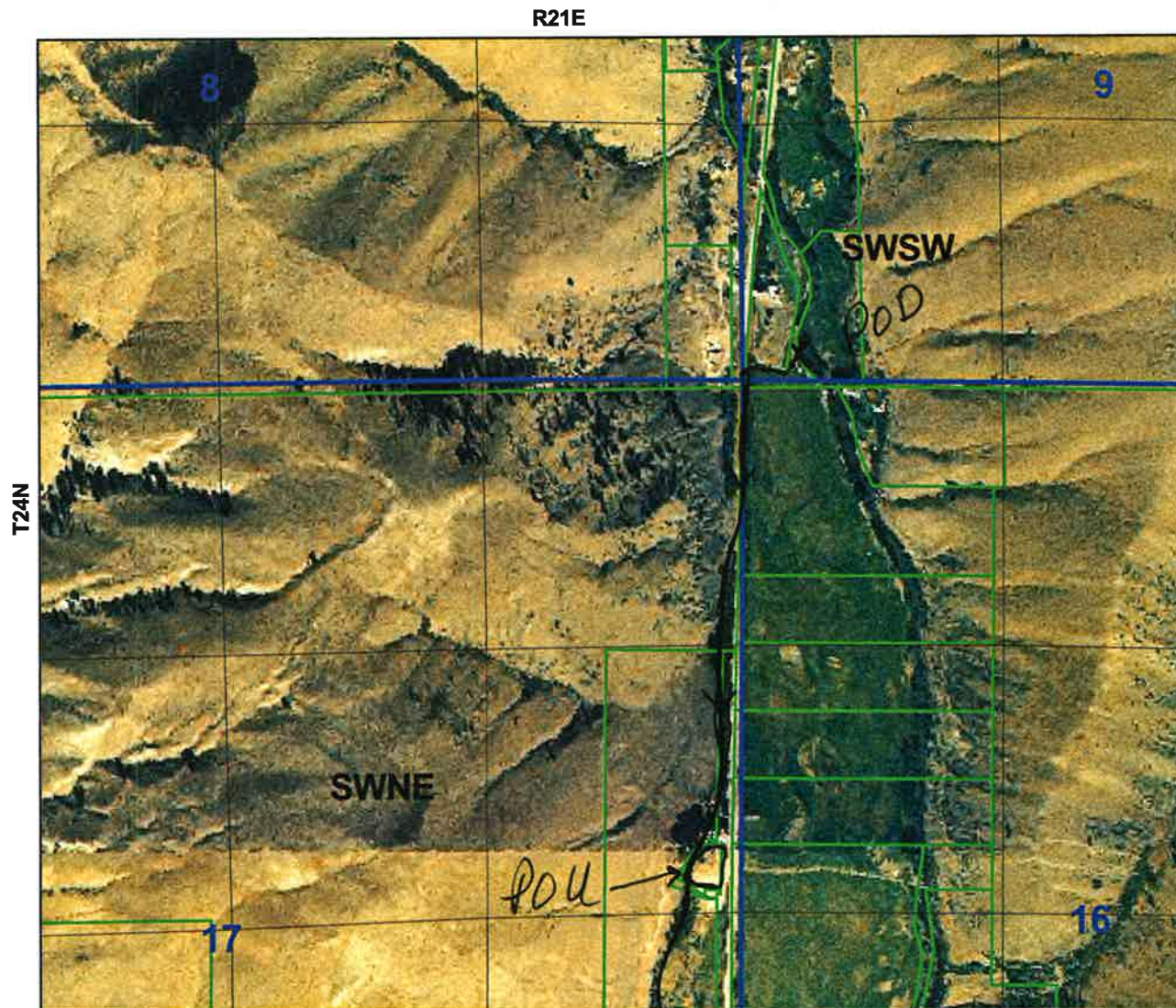
SRBA Claim:
75-10240

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.4 0.8 Miles



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

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: 75-10240

JILL FAIRBANK
PO BOX 1
NORTH FORK ID 83466
Telephone Number: (208) 865-2422

CLAUDIA MAXWELL
PO BOX 1
NORTH FORK ID 83466
Telephone Number: (208) 865-2422

RECEIVED

DEC 14 2006

IDWR/North

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:

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: 12/10/2006

SIGNATURE:

Please print your name:

JILL E. FAIRBANK

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

SCANNED ✓
DEC 14 2006

November 6, 2006

Jill Fairbank
Claudia Maxwell
P.O. Box 1
North Fork, ID 83466

RE: 75-10240

Dear Ms. Fairbank and Ms. Maxwell:

We have processed your change of water right ownership form. Enclosed is a copy of our recommendation, which we expect to submit in the near future.

Sincerely,

Carolyn Monitz ✓
Records Clerk

CM: Encl.

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

RECEIVED
 SEP 05 2006
 DEPARTMENT OF
 WATER RESOURCES

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	A7510240				

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 SEP 11 2006
 IDWR/North

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

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

OR

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

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

Clifford and Nancy Cummings
P.O. Box 810 Northfork, ID 83466

4. New Owner/Claimant(s)

JILL FAIRBANK AND/or CLAUDIA MAXWELL

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

P.O. Box 1

City, State and ZIP Code

NORTH FORK, ID. 83466

New Telephone Number

208) 865-2422

5. Date you acquired the property

AUG. 21., 2003

RECEIVED
 AUG 31 2006
 Department of Water Resources
 Eastern Region

SCANNED

SEP 05 2006

51

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: A75-10240
Date Received: 4/24/1990
Receipt No: E013584
Received By: ALJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLIFFORD O. CUMMINGS 208-865-2422
Address: BOX 810
NORTH FORK, ID 83466
OR
Name: NANCY CUMMINGS 208-865-2422
Address: BOX 810
NORTH FORK, ID 83466

2. Date of Priority: APR 01, 1908

3. Source: SALMON RIVER, NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	21E	9	SW	SW			LEMHI

5. Description of diverting works:
DITCH TO 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	0.030		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A75-10240

Page 1

Date: 04/24/90

MICROFILMED

DEC 15 1992

SCANNED
SEP 05 2006



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	17	SW	NE		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Gancy Cummings Date: 4/24/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of apri 19 90

Seal

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires 6-30-94

Tim Jones

06/06/2001 04:01 PM

To: Patty Bates/R4/USDAFS@FSNOTES
cc: (bcc: Tim Jones/R4/USDAFS)
Subject: Re: North Fork Admin Site Water Rights 

No easement to the US. The reservation for a ditch easement across NF to his property is for his use. I will send you a map.

Patty Bates

Patty Bates

06/06/2001 12:04 PM

To: Tim Jones/R4/USDAFS
cc: bschuckert
Subject: Re: North Fork Admin Site Water Rights 

Thanks Tim - I think what we're trying to track down is the portion of the ditch that appears to be on Cummings property north/west of the admin site, not necessarily our water rights. Is there an easement to the US from Cummings for the ditch crossing his property. And does that easement provide some sort of water use for him?

Patty Bates

District Ranger

North Fork: 208/865-2731

Middle Fork: 208/879-4101

cell: 208/940-0388

Patty Bates

06/05/2001 03:38 PM

To: Patty Bates/R4/USDAFS@FSNOTES

cc:

bcc:

Subject: North Fork Admin Site Water Rights

SCANNED
SEP 05 2006

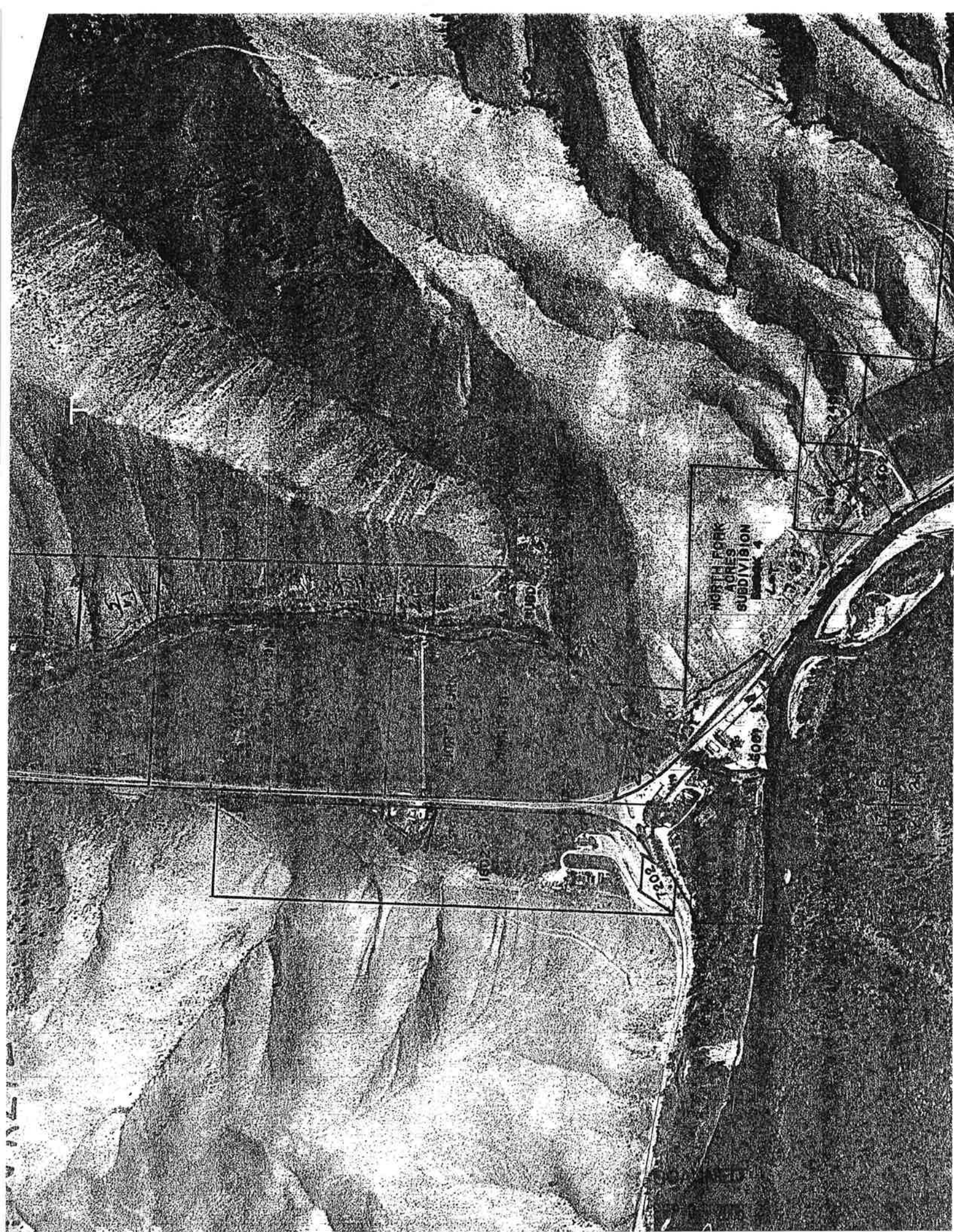
A couple of deeds pertaining water rights within the North Fork Admin Site are in Instrument No. 20865 dated November 18, 1918, which indicates in paragraph three that all water, water rights, ditches, flumes and aquaducts thereto belonging or in any wise thereto appertaining to are conveyed with the property. Instrument No. 76360 is a right-of-way deed for the State highway in the North Fork junction area. Included in the right-of-way deed in paragraph three is a description of lands adjacent to the Administrative Site and in paragraph eight is recognition of right-of-way for irrigation and drainage ditches.

Upon purchase of 30.7 acres on January 14, 1965 from Dyke and Alice Powers for the North Fork Admin Site, a ditch was reserved by the Powers beginning at the north boundary of the tract and runs southerly approximately parallel to U.S. Highway 93 to a 0.89 acre tract of land, being a distance of approximately 969 feet, transporting approximately twenty miners inches of water.

Sounds like we have the right to all ditches and water within the admin site parcels except for the one ditch reserved.

SCANNED

SEP 05 2006



NORTH FORK
ACRES
SUBDIVISION
Block 4

1200

1200

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420

vers, Dyke
North Fork Adams
Site

Dyke Powers Tract
North Fork, Idaho
Section 17
T24N, R21E, B1M
n = 200 ft
0.4h was reserved
in sale to 45

US Highway

912.0 ±

E2 NE 1/4 SE 1/4

1320

TV Tower
Radius 2846
388.6 ±

N 42.0

E 205.7

N 42.0 E 405.7

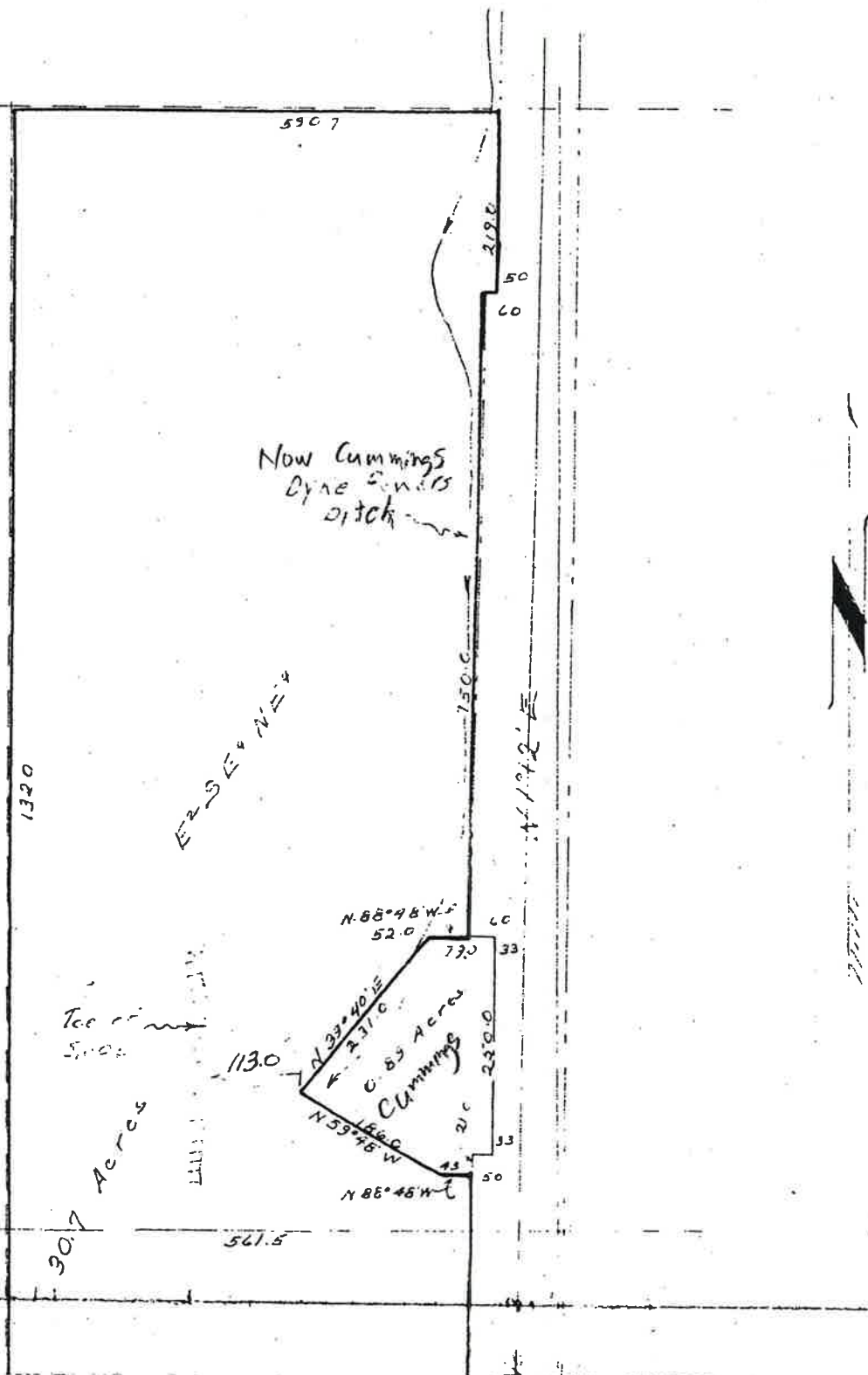
Lot 10

Lot 9

Salmon River

SCANNED
SEP 05 2006

SCANNED
SEP 05 2006



A FRACTION OF THE EAST HALF SOUTHEAST QUARTER NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 21 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY BOUNDARY OF THE EAST HALF SOUTHEAST QUARTER NORTHEAST QUARTER OF SECTION 17, AND THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 93, AND RUNNING THENCE SOUTH 1 DEGREE 12' WEST ALONG SAID RIGHT OF WAY LINE, 219.00 FEET; THENCE NORTH 88 DEGREES 48' WEST, 10.0 FEET; THENCE SOUTH 1 DEGREE 12' WEST, 750.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 48' MINUTES EAST, 27.0 FEET; THENCE SOUTH 1 DEGREE 12' WEST, 250.0 FEET; THENCE NORTH 88 DEGREES 48' WEST, 17.0 FEET; THENCE SOUTH 1 DEGREE 12' WEST, 21.0 FEET; THENCE NORTH 88 DEGREES 48' WEST, 43.0 FEET; THENCE NORTH 59 DEGREES 48' WEST, 186.0 FEET; THENCE NORTH 39 DEGREES 40' EAST, 231.0 FEET; THENCE SOUTH 88 DEGREES 48' EAST, 52.0 FEET TO THE POINT OF BEGINNING ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 93.

EXCEPTING THEREFROM THE LEMHI TELEPHONE COMPANY TRACT, TO-WIT: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 17 AND RUNNING THENCE SOUTH ALONG THE EAST BOUNDARY OF SECTION 17, A DISTANCE OF 2,520.0 FEET; THENCE NORTH 88 DEGREES 48' WEST, 46.2 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 93; CONTINUING THENCE NORTH 88 DEGREES 48' WEST, 77.0 FEET; THENCE SOUTH 1 DEGREE 12' WEST, 30.6 FEET; THENCE SOUTH 59 DEGREES 48' EAST, 19.4 FEET; THENCE SOUTH 88 DEGREES 48' EAST, 43.0 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 93; THENCE ALONG SAID RIGHT OF WAY NORTH 1 DEGREE 12' EAST, 21.0 FEET; THENCE SOUTH 88 DEGREES 48' EAST, 17.0 FEET; THENCE NORTH 1 DEGREE 12' EAST, 19.0 FEET TO THE POINT OF BEGINNING.

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

CLAIM NO(s).

A75 10240

1. ☐ No Change NAME IS SAME

☒ NEW OWNER:

Jill Fairbank and/or Claudia Maxwell 208-865-2422

☐ No Change ADDRESS

☒ NEW ADDRESS:

2022 Hwy 93N Northfork, ID 83466

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.: A0014984 GPS 070

Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>
Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>

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

They are sending a Change of Ownership

☐ 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

OCT 15 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-10240
Date Received: 4/24/1990
Receipt No: E013584
Received By: ALJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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NORTH FORK, ID 83466
OR
Name: NANCY CUMMINGS 208-865-2422
Address: BOX 810
NORTH FORK, ID 83466

2. Date of Priority: APR 01, 1908

3. Source: SALMON RIVER, NORTH FORK Trib. to: SALMON RIVER

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5. Description of diverting works:
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6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.030		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	17	SW	NE		IRR	1.0
Section Acres							1.0
Total Acres							1.0

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: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): Nancy Cummings Date: 4/24/90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 24th day

of April 19 90

Seal

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94