

12/16/2006

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

RIGHT NUMBER: 75-10400

NAME AND ADDRESS: SUSAN K KOZACEK
7739 W. GOLDBROOK DR
TUCSON AZ 85743

SOURCE: SPRINGS

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.180 CFS

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

Right Nos. 75-10392 and 75-10400 are limited to a total combined diversion rate of 0.3 cfs.

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

T25N R21E S15 SWSW Within LEMHI County

T25N R21E S15 SWSW Within LEMHI County

T25N R21E S15 SESW Within LEMHI County

T25N R21E S15 SESW 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	0.140 CFS
STOCKWATER	1/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S21	NENE	2.95	T25N R21E S21	NWNE	0.09
T25N R21E S21	SENE	0.46			

STOCKWATER in LEMHI County

T25N R21E S21	NENE	T25N R21E S21	SENE
---------------	------	---------------	------

3.5 ACRES TOTAL

Right Nos. 75-10392 and 75-10400 are limited to the irrigation of a combined total of 6.5 acres.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

10/06/2006

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

RIGHT NUMBER: 75-10400
NAME AND ADDRESS: SUSAN K KOZACEK
7739 W. GOLDBROOK DR
TUCSON AZ 85743
SOURCE: SPRING TRIBUTARY: NORTH FORK SALMON RIVER
QUANTITY: 0.180 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
PRIORITY DATE: 05/01/1887
POINT OF DIVERSION:

T25N R21E S15 SESW 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	0.140 CFS
STOCKWATER	1/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T25N R21E S21 NENE 3.60 T25N R21E S21 SENE 0.40

STOCKWATER Within LEMHI County

T25N R21E S21 NENE T25N R21E S21 SENE

4 ACRES TOTAL

Right Nos. 75-10392 and 75-10400 are limited to the irrigation of a combined total of 6.7 acres.

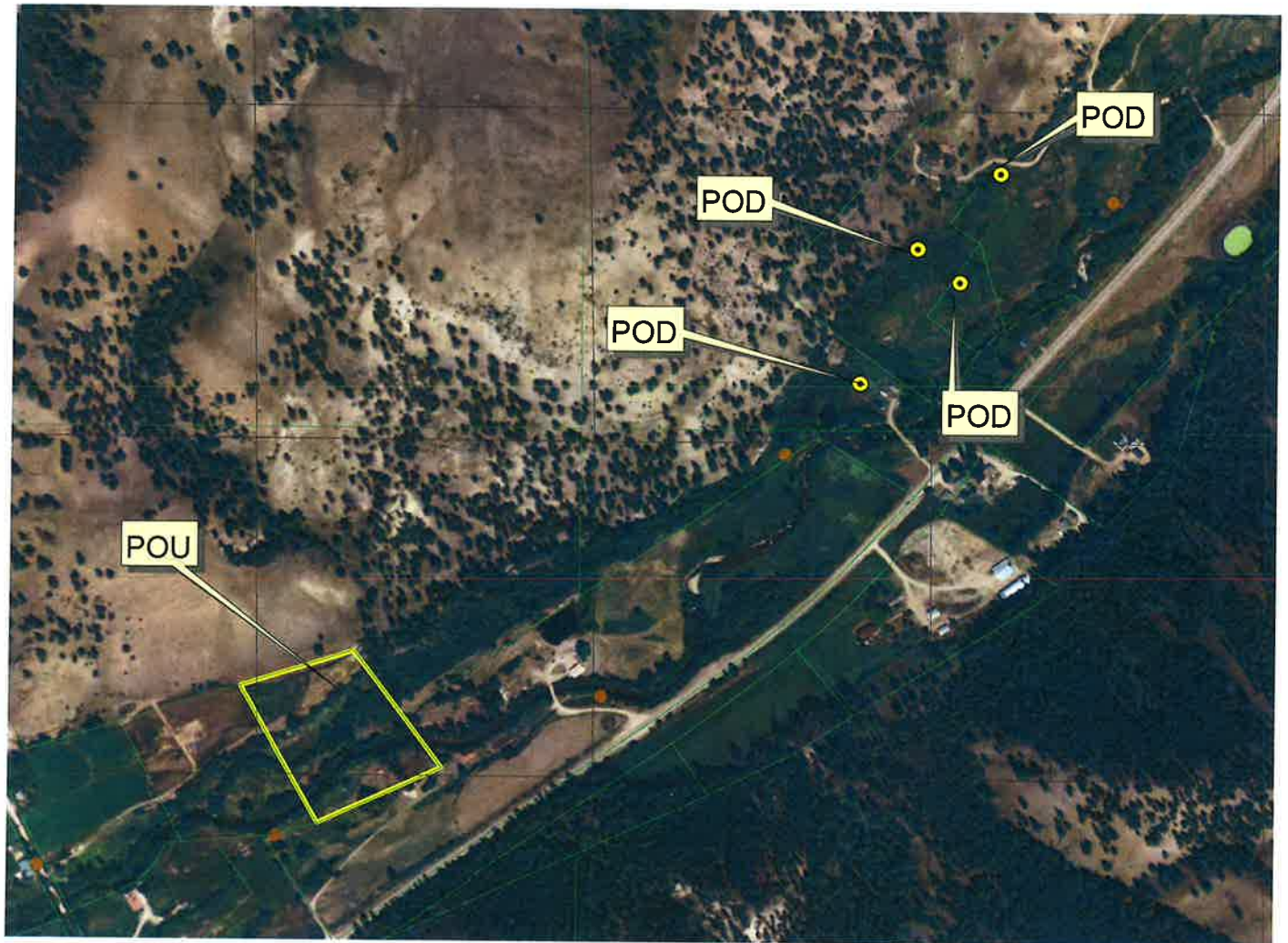
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

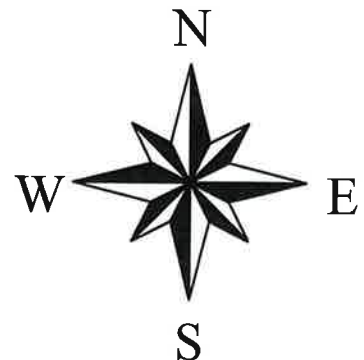
Valid

75-10400



0.2 0 0.2 0.4 Miles

-  Lemhi taxlots
-  GCDB25N21E GCDB
-  Ellis_gps.shp
-  Foster.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

w = 3' assumed

i = 2.0 ft/day

ditch length (mi.) = $3650' = 0.69 \text{ miles}$

Conveyance Loss:

$S = (3)(2)(0.0667) = 0.33 \text{ cfs/mile}$

Loss =

cfs

$(0.33 \text{ cfs/mile})(0.69 \text{ miles}) = 0.23 \text{ cfs}$

$3.5 \text{ acres} \times 0.03 \text{ cfs/Ac} = 0.11 \text{ cfs}$

ditch loss = +0.23 cfs

stockwater = +0.02 cfs

0.38 cfs

Claimed: 0.18 cfs

Recommend: 0.18 cfs



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 16, 2006

Susan K. Kozacek
7739 W Goldbrook Dr.
Tucson AZ 85743

Re: Claim 75-10400

Dear Ms. Kozacek:

Enclosed is a new map and a preliminary recommendation reflecting the comments you made on the Notice of Error Reply.

The department has reviewed your Notice of Error Reply. An error was discovered in the original preliminary recommendation for acreage and has been corrected. The original claim filed on 3/16/1990 was for the irrigation of 3.5 acres, with a total claimed diversion of 0.18 cfs that includes 0.04 cfs for stock water. The corresponding recommendation cannot exceed the original claim. If additional acreage and cfs are sought, the claim must be amended and resubmitted to the court.

The additional points of diversion were added, since the claim called for points of diversion located in the South $\frac{1}{2}$ of the South West $\frac{1}{4}$. The place of use used in this recommendation is Lemhi County Tax Lot # 001320020030 of which you own.

If you disagree, you may file an objection with the court. I have enclosed Standard Form 1 Objection for your convenience. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

Susan K. Kozacek
7739 W. Goldbrook Dr.
Tucson, AZ 85743

December 6, 2006

Idaho Department of Water Resources
7600 Mineral Drive Suite 100
Coeur D'Alene, ID 83815

RECEIVED
DEC 11 2006
IDWR/North

To Whom It May Concern:

Enclosed are my two Notice of Error Replies for Water Right Numbers 75-10400 and 75-10392. Attached to these are the preliminary recommendations I received, on which I indicated in red the corrections/additions. Also attached are the copies of the aerial photos on which I indicated in orange the corrections/additions. I crossed out the yellow dots and yellow polygons since they were not in the correct locations.

I was not able to make the trip to Idaho this week to attend the meeting in Salmon. I had commitments with my work here in Tucson, Arizona. However, on September 24, 2005, I did make a special trip to Idaho to meet with Jack Ellis on my property. We walked the ditches and acreage and located the springs and diversions with a GPS system. Jack was very good to work with and I very much appreciate his help. Unfortunately the GPS must not have been working correctly since those GPS points, although close, are not in the correct locations on the aerial photo. I indicated in orange on the copies of the aerial photos the correct locations as best I could.

The availability of the copy of the aerial photos and the indication of the sections and quarter sections was very helpful in locating and describing more accurately the legal description of the points of diversions and place of use. Previously these copies were not available and for that reason it was not until I had these that I was able to accurately make these descriptions. Thank you for providing the copies.

I also want to recognize that Robert Foster has been extremely helpful every time I have called him with questions.

I am hoping that you can make the corrections/additions that I have indicated without any problems. If you need to reach me, my cell phone number is 520-979-9100.

Thank you for this opportunity.

Sincerely,



Susan K. Kozacek

11/20/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 11 2006
IDWR/North

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: 75-10400

SUSAN K KOZACEK
7739 W. GOLDBROOK DR
TUCSON AZ 85743
Telephone Number: (520)979-9100

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

source, quantity, point of diversion, place of use, purpose and period of use

2. Describe the changes you wish to make in the proposed recommendation:

see attached sheet
where changes/additions
are indicated in red

• source: change spring to springs

• quantity: change to .24 cfs

• point of diversion: change legal description to: T25N R21E S15 NWSESW Within LEMHI County
add legal descriptions: T25N R21E S15 SWSESW Within LEMHI County
T25N R21E S15 NESWSW Within LEMHI County
T25N R21E S15 SE SWSW Within LEMHI County

• purpose and period of use: change IRRIGATION Quantity to .20 cfs

• Place of Use: IRRIGATION in LEMHI County change to read:

T25N R21E S21 NENE 4.0 T25N R21E S21 SENE .40
T25N R21E S21 NWNE .4 T25N R21E S21 SWNE .20

STOCKWATER in LEMHI County same as IRRIGATION

T25N R21E S21 NENE T25N R21E S21 SENE
T25N R21E S21 NWNE T25N R21E S21 SWNE

change Total acres to 5 acres Total

3. Give a brief explanation as to why you disagree with these portions:

• source: I changed "spring" to "springs" since the source is actually a system of springs

• quantity: The acreage irrigated with water from this water right number 75-10400 is 5 acres
 $5 \text{ acres} \times .04 \text{ cfs/acre} = .20 \text{ cfs for irrigation}$
 $.04 \text{ cfs for stockwater}$
 $.24 \text{ cfs}$

• point of diversion: I added the additional legal descriptions for the additional points of diversion which are part of this system. The head spring is the first one listed: T25N R21E NWSESW. The papers sent to me did not have the point of diversions listed correctly.

• place of use: I made changes as best I could to reflect the acres irrigated in the various legal description locations. The acres add up to 5 acres. The legal description of place of use was not entirely correct in the papers sent to me and the acres were not entirely correct.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/6/2006

SIGNATURE:

Susan K. Kozacek

Please print your name:

Susan K. Kozacek

phone number 520-979-9100

changes requested are indicated in red

11/20/2006

RECEIVED
DEC 11 2006
IDWR/North

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

RIGHT NUMBER: 75-10400

NAME AND ADDRESS: SUSAN K KOZACEK
7739 W. GOLDBROOK DR
TUCSON AZ 85743

SOURCE: SPRINGS

TRIBUTARY: NORTH FORK SALMON RIVER

QUANTITY: 0.180 CFS

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

PRIORITY DATE: 05/01/1887

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

NWSESW
T25N R21E S15 SESEW Within LEMHI County
T25N R21E S15 SWSESW Within LEMHI County
T25N R21E S15 NESWSW Within LEMHI County
T25N R21E S15 SESESW Within LEMHI County

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

0.140 CFS

STOCKWATER

1/01 12/31

0.040 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S21

NENE

4.0

T25N R21E S21

SENE

0.40

T25N R21E S21

NWNE

3.60

T25N R21E S21

SWNE

0.20

STOCKWATER in LEMHI County

same as IRRIGATION

T25N R21E S21

NENE

T25N R21E S21

SENE

T25N R21E S21

NWNE

T25N R21E S21

SWNE

5.4 ACRES TOTAL

Right Nos. 75-10392 and 75-10400 are limited to the irrigation of a combined total of 6.7 acres.

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

Susan K. Kozacek 12/6/2006

Susan K. Kozacek

phone number 520-979-9100



Idaho Department of Water Resources

*Original yellow dots
& yellow lines were
incorrect*

*The orange dots refer to points of diversion
The orange line is place of use around acreage*

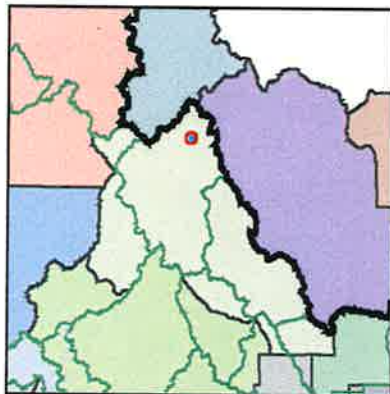
SRBA Recommendation:

75-10400

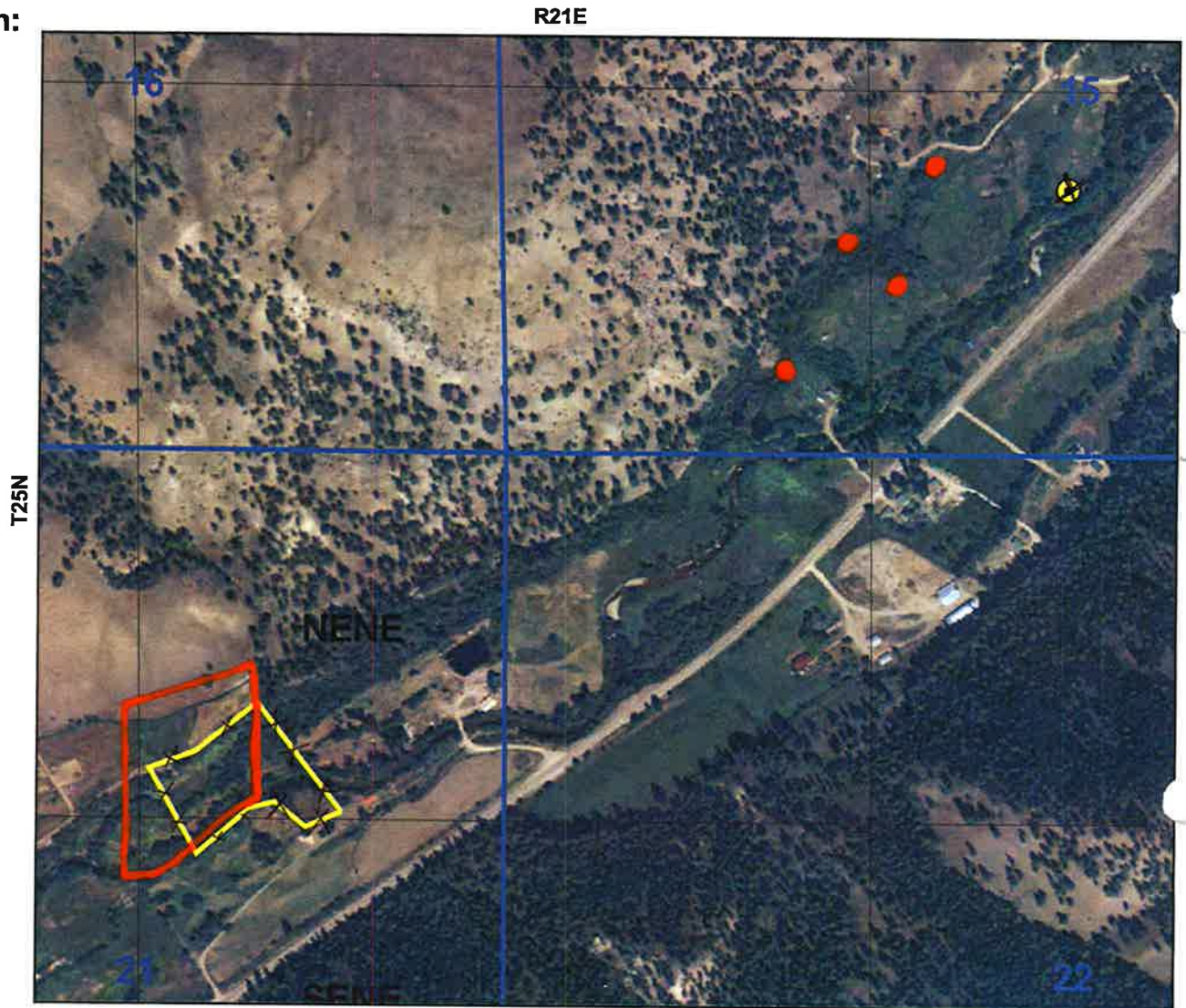
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.3 0.6 Miles

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

*Susan K. Kozacek 12/6/2006
Susan K. Kozacek*

phone number 520-979-9100

RECEIVED
DEC 11 2006
IDWR/North

SCANNED
OCT 15 1992

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: A75-10400
Date Received: 5/01/1990
Receipt No: MOOLP2P
Received By: gpc

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SUSAN K. KOZACEK
Address: P.O. BOX 592
GLOBE, AZ

602-425-7240

85502

2. Date of Priority: MAY 01, 1887

3. Source: SPRING

Trib. to: SALMON RIVER, NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
25N	21E	15	SE	SW	SW		LEMHI
			SW	SE	SW		LEMHI

5. Description of diverting works:
DITCHES WITH CONVEYANCE TO FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 10.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 25 HD MIXED HORSES, MULES, CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
25N	21E	21	SE	NE		IRR	4.0

A75-10400

Page 1

Date: 05/01/90

MICROFILMED

DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	21E	21	SE NE		STOCK	

Section Acres	4.0
---------------	-----

Total Acres	4.0
-------------	-----

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:
AC. IRR.=3.5
BLOCK 2 LOT 3 RIVER RUN SUB.

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 _____ 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 _____

Russell Kozacek
P.O. Box 128
North Fork, Id.
83466

Jan. 20, 2008

Nate Arave
Idaho Department of Water Resources
900 N Skyline Drive
Idaho Falls, Idaho 83402

RECEIVED

JAN 24 2008

Department of Water Resources
Eastern Region

Dear Nate :

This letter is a follow-up to our conversation December 6, 2007. I called regarding two objections that were filed regarding my water right #75-10400. I explained that the two objections are correct. As the two objections pointed out, an error was made in the listing of the point of diversion. In our conversation, you explained you would fill out Standard Form 5, obtain the signatures necessary, and send me a copy of the corrections.

The legal descriptions that were originally submitted for the point of diversion were:

T25N R21E S15 SWSW Within Lemhi County
T25N R21E S15 SWSW Within Lemhi County
T 25 N R21E S15 SESW Within Lemhi County
T25 N R21E S15 SESW Within Lemhi County

The legal description of the correct point of diversion is T 25N R21E S15 SESWSW (this would qualify for the first line above of SWSW). The other three lines of legal descriptions describe points of origin which are springs flowing into a natural water course from which the water is diverted on Forest Service property at the SESWSW point. I have indicated this correction on the attached copy of the aerial photo that the Department of Water Resources sent to me.

Sincerely

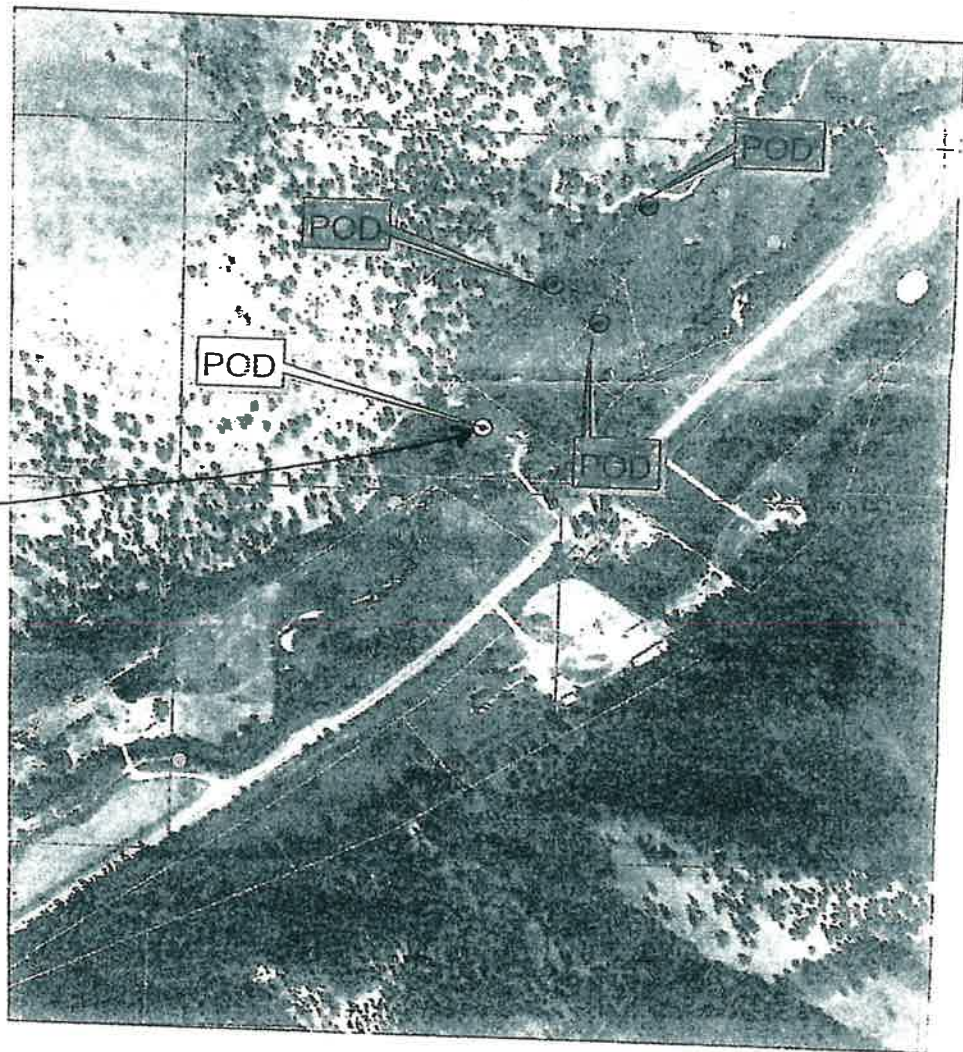


Russell Kozacek

Cc Daryl Hull
Patrick Murphy

75-10400

correct point
of diversion
T25N R21E S15 SESWSW



75-10400
Susan Kay Kozacek
7739 W. Goldbrook Dr.
Tucson, AZ 85743

August 12, 2005

Roxanne Brown, Sr. Water Resource Agent
State of Idaho Department of Water Resources
322 East Front Street
Boise, ID 83720-0098

Dear Roxanne Brown:

As requested in your June 29, 2005 letter, which I received July 25, 2005, I am enclosing documents that provide evidence of my 1887 priority date for my water right numbers 75-10400 and 75-10392. Your letter was marked with a response due date of August 17, 2005. The 1887 priority date in my enclosed documents agrees with the priority date stated on the Adjudication Claim Reports that you enclosed in your letter. The 1887 priority date also agrees with the Notice of Claim for a Water Right listed under my name and water right numbers on your website.

I am enclosing a set of priority documentation for each of the two water rights that I am claiming for Lot 3 Block 2 River Run Estates (water right number 75-10400 and 75-10392) and the water right that Russ Kozacek is claiming for Lot 1 Block 2 River Run Estates (water right number 75-04126). The ditch associated with my water right 75-10400 flows through both of our properties and was the same 1887 Eldridge Homestead. I have much of the documentation and he may not have had copies of all of it when he submitted his documentation to you.

On each document, I indicated with a colored sticky the claim number, the document title/subject, and the document date. On those documents that specifically stated a priority date/beneficial use, I placed a plastic yellow flag marker on the side to assist you. I have also included a list of the supporting documents for each claim.

When I submitted my claim 15 years ago, I used an orthophoto quad map to determine legal description for place of diversion and place of use. I did not have access to a GPS unit for precise location. I contacted Robert Foster and he said not to be concerned about that now. He said these would each be field checked at a later date using more sophisticated equipment for precise locations.

Please note that I have a new address from the one you have on record. My new address is:

Susan Kay Kozacek
7739 W. Goldbrook Drive
Tucson, AZ 85743

Phone number 520-979-9100

Please notify me if you need additional information. Thank you for your assistance.

Sincerely,


Susan Kay Kozacek

enclosures: documents for claims 75-10400, 75-10392 and 75-04126

SCANNED

AUG 16 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

Susan K. Kozacek
7739 W. Goldbrook Dr.
Tucson AZ 85743

Re: Evidence of Priority Date

Dear Claimant:

RESPONSE DEADLINE
AUGUST 17, 2005

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED

AUG 16 2005

Document List for Claim #75-10400 Susan K. Kozacek

- Adjudication claim report sent with June 29, 2005 letter from Idaho Department of Water Resources.
- Documents of claim to water right May 1990
- Notarized statement by Velma Ravndal giving summary of priority date and use June 1984
- Document request Sue Kozacek sent to Archives in Washington, DC
- February 1908 Obituary of David P. Eldridge, husband of Elizabeth M. Eldridge who filed Homestead Entry
- Application for Homestead Entry October 9, 1908
- March 10, 1909 letter to Commissioner of General Land Office from District Forester requesting land be open to entry in accordance with June 1906 Act.
- Homestead Application document July 16, 1909
- Acceptance of application for Homestead Entry July 30, 1909
- Homestead Entry Survey September 1910
- 1909 – 1912 Notes of Ora Cockrell of US Forest Service Hughes Creek substantiating water use and crops
- Homestead Entry Survey accepted April 1, 1912
- Duplicate of map listed above but with corners clearly marked
- Notice of Intention to Make Proof May 28, 1912
- Posting of Notice May 28, 1912
- Certificate of Posting of Notice June 3, 1912
- Affidavit of Elizabeth Eldridge and witnesses as to her posting June 3, 1912
- Affidavit of Publication July 24, 1912
- Homestead Entry Final Proof given by Elizabeth Eldridge July 29, 1912
- Homestead Entry Final Proof given by Gilbert Hull July 29, 1912

SCANNED

AUG 16 2005

- Homestead Entry Final Proof given by Werner Snow July 29, 1912
- Final Affidavit of Elizabeth Eldridge July 29, 1912
- Homestead Certificate approved April 16, 1913
- Document of granted patent May 14, 1913
- Map of Hughes Creek Ranger Station showing ditch to Eldridge Homestead
- Special use permit map of Forest Service Administrative site horse pasture showing ditch to Lew Gohmes private land (Eldridge homestead). Permit for ditch maintenance. September 17, 1962
- November 29, 1976 letter from Idaho Department Water Resources to John Westman, subdivider of Homestead into River Run Estates
- Map showing River Run Estates date approximately 1979
- Map showing HES 61 (Eldridge Homestead) in relationship to other entires
- Notarized statement by Harold Hanson March 5, 1979
- Letter to Bob Martin USFS July 23, 1984
- Special Use Application to USFS to perform ditch maintenance July 1985
- Special Use Application to USFS for permanent water system easement July 1996

SCANNED

AUG 16 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10400

WATER RIGHT NUMBER: 75-10400

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SUSAN K KOZACEK PO BOX 592 GLOBE, AZ 85502 (602)425-7240

Priority Date: 05/01/1887

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	NORTH FORK SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.140 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.180 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4SE1/4SW1/4	Sec. 15, Twp 25N, Rge 21E, B.M.
LEMHI County		
SPRING	SE1/4SW1/4SW1/4	Sec. 15, Twp 25N, Rge 21E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	21E	21				4.0													4.0

Total Acres: 4

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
25N	21E	21				X													

Conditions of Approval:

SCANNED

AUG 16 2005

Page 2

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10400

1. AC. IRR.=3.5 BLOCK 2 LOT 3 RIVER RUN SUB.

Remarks:

Comments:

Water Supply Bank:

SCANNED

AUG 16 2005

Susan K. Kozacek
7739 W Goldbrook Dr
Tucson, AZ 85743

December 22, 2007

RECEIVED
DEC 31 2007

Department of Water Resources
Eastern Region

Nate Arave
Idaho Department of Water Resources
900 N Skyline Drive
Idaho Falls, Idaho 83402

Dear Nate :

This letter is a follow-up to our conversation December 6, 2007. I called regarding two objections that were filed regarding my water right #75-10400. I explained that the two objections are correct. As the two objections pointed out, an error was made in the listing of the point of diversion. In our conversation, you explained you would fill out Standard Form 5, obtain the signatures necessary, and send me a copy of the corrections.

The legal descriptions that were originally submitted for the point of diversion were:

T25N R21E S15 SWSW Within Lemhi County
T25N R21E S15 SWSW Within Lemhi County
T 25 N R21E S15 SESW Within Lemhi County
T25 N R21E S15 SESW Within Lemhi County

The legal description of the correct point of diversion is T 25N R21E S15 SESWSW (this would qualify for the first line above of SWSW). The other three lines of legal descriptions describe points of origin which are springs flowing into a natural water course from which the water is diverted on Forest Service property at the SESWSW point. I have indicated this correction on the attached copy of the aerial photo that the Department of Water Resources sent to me.

I was unable to respond earlier because I had been out of the country since October 15, 2007, my mother passed away, and I have been unable to get back to where my water right paperwork was stored until today.

I am sending a copy of this letter to Daryl Hull and Patrick Murphy so they will know I agree with their objection and have made that correction in the paperwork.

Thank you for your assistance in this matter.

Sincerely,



Susan K. Kozacek

Cc Daryl Hull
Patrick Murphy

SCANNED
JAN 03 2008

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

CLAIM NO(s).

A75 10400

1. ☒ No Change NAME IS SAME

☐ NEW OWNER:

520-979-9100

☐ No Change ADDRESS

☒ NEW ADDRESS: 7739 W. Goldbrook Dr. Tucson, AZ 85743

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:

A0014987 GPS 064
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:

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

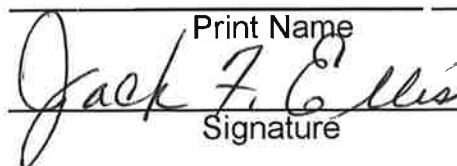
☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

	Print Name _____
	Signature _____

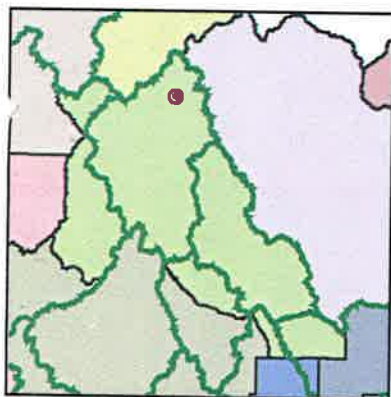


Idaho Department of Water Resources

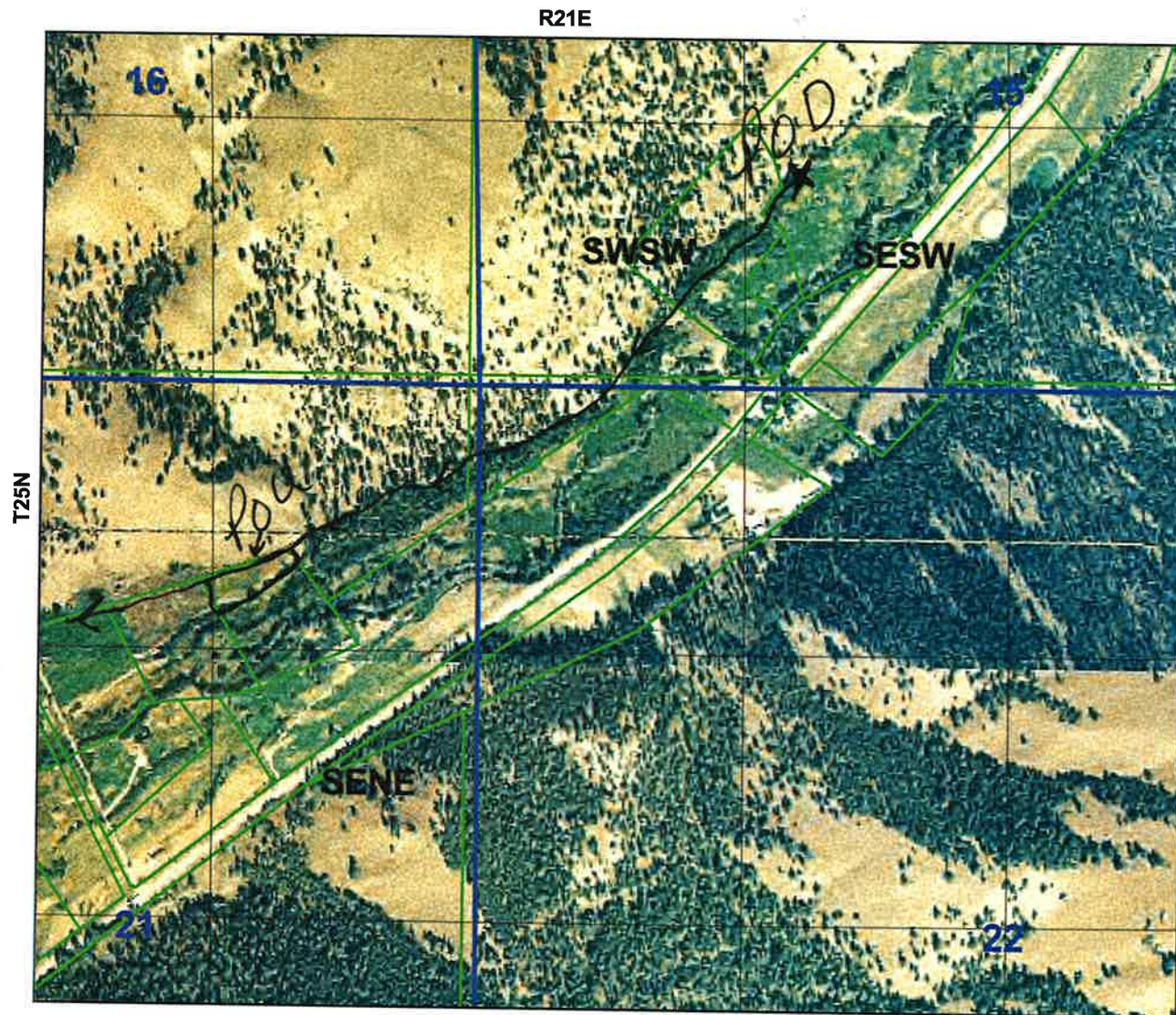
SRBA Claim:
75-10400

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



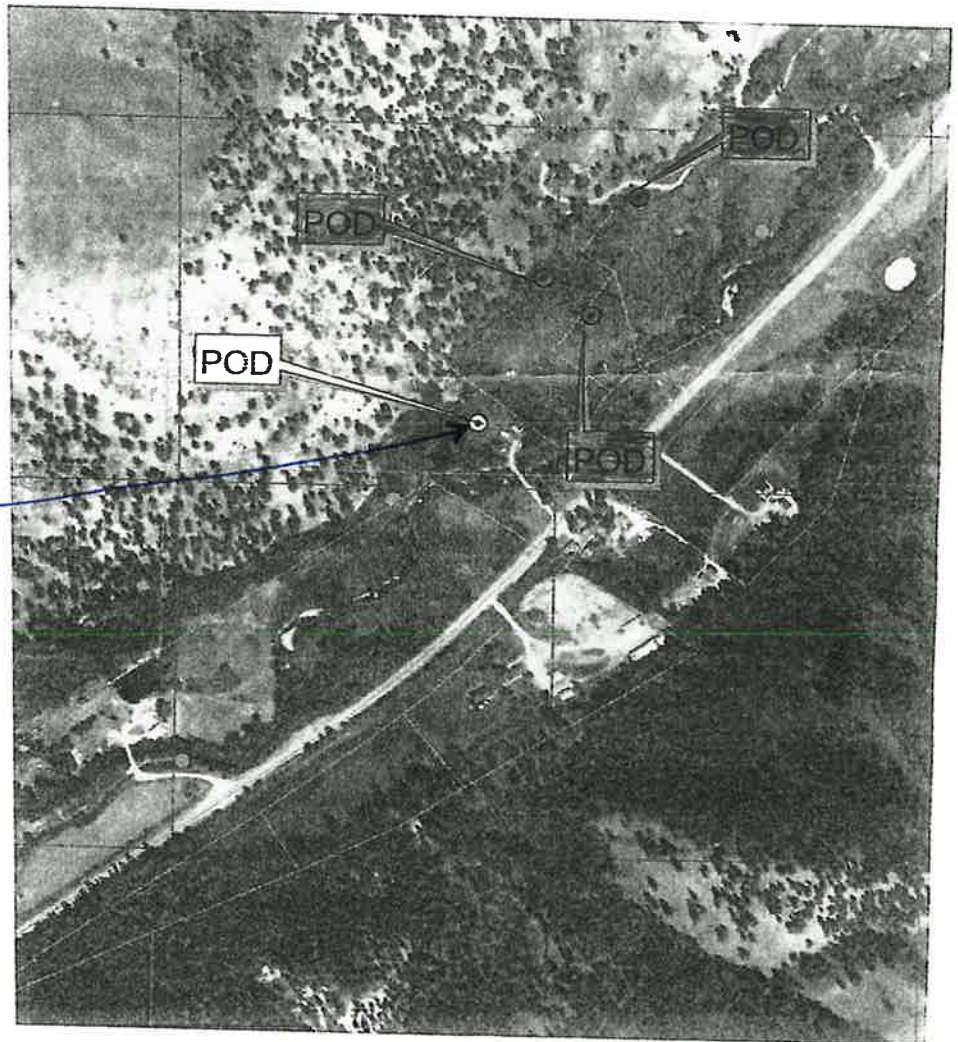
Lemhi County
IDWR Basin 75



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

75-10400

correct point
of diversion
T25N R21E S15 SESWSW



0.2 0 0.2 0.4 Miles

SCANNED
JAN 03 2008

OCT 11 1991

Attachments for water rights (Kozacek);

1. Elizabeth M. Eldridge Homestead claim. Patent #332406. H.E.S. #61. 33pages.
2. Statement and Map from Velma Ravndal showing ditch location and date of use (1 page).
3. Entries by Ora Cockrell U.S.F.S. Ranger in 1909 substantiating spring in use in 1887. (2 pages).
4. List of water rights on the North Fork of the Salmon River by Idaho Dept of Water Resources.
5. Plat of Subdivision, River Run Estates. Area of concern is Block 2 lot 1. (1 pg.).
6. Kozacek's Claim to a water right in 1979. Claim #75-4126. (4 pages).
7. Water Right Claim by John Westman. Subdivider of River Run Estates.
8. U.S.F.S. Map of property and spring location.

MICROFILMED
DEC 15 1992

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 A75-10400
Date Received _____
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW



Please type or print clearly

1. Name of Claimant (s) Susan Kay Kozacek Phone (602) 425-7240
Mailing Address P.O. Box 592 Globe, Az. Zip 85502

2. Date of Priority (Only one (1) per claim) 1887 May 1

3. Source of water supply (a) Unnamed spring
which is tributary to (b) Hughes creek and North Fork of Salmon River

4. a. Location of existing point of diversion is: Township 25N Range 21E Section 15,
S¹/₂ ~~XX~~ of SW 1/4 of 1/4, Govt. Lot, B.M., County of Lemhi

Additional points of diversion if any: SW¹/₄ NE¹/₄ Sec 15 (Harold Hanson's diversion on the North Fork).

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

Township 25N Range 21E Section 21, XXSW 1/4 of NE 1/4 of 1/4,
Govt. Lot _____ B.M., County of Lemhi

ending point is: Township 25N Range 21E Section 21, SW 1/4 of NE 1/4 of
1/4, Govt. Lot _____ B.M., County of Lemhi

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. Conveyance to capture spring water is one

mile from its source to the use area. Soil along ditch is pores.

The soil and distance of the ditch requires additional water to get sufficient
water to the use area. The spring runs year round and is fed partially from

the North Fork in the summer. This ditch was in exsistance and being used during
the spring of 1887 (See attached Homestead plat for Elizabeth M. Eldridge).

This homestead entry varifies the exsistance of the ditch. The ditch had work
done on it in 1962 by Lew Gomes and in 1985 by Russell Kozacek

MICROFILMED

DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount .14cfs or _____
 For Stockwater purposes from 1-1 to 12-31 amount .04cfs or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .18 (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.) Horses/Mules/Cattle

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	21				3.5													3.5
25N	21E	21				s													

Total number of acres irrigated 3.5

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 XX 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:

See water Rights For Russell and Sue Kozacek (this is the same ditch and spring).
The area being irrigated is steep and is flood irrigated, requiring additional water.

MICROFILMED

DEC 15 1992

Last Name Kozacek Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75 4055
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 6 (37 pages)

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

Signature of Claimant (s) Susan Kay Kgaek Date 3/16/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ 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 Arizona)
County of Gila) SS.

Subscribed and sworn (or affirmed) before me this 16th day of March 1990

SEAL

Notary Public Patricia L. Brink

Residing at 11300 N. 1st St. Globe, AZ 85501

My Commission Expires _____ My Commission Expires Jan. 31, 1993

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

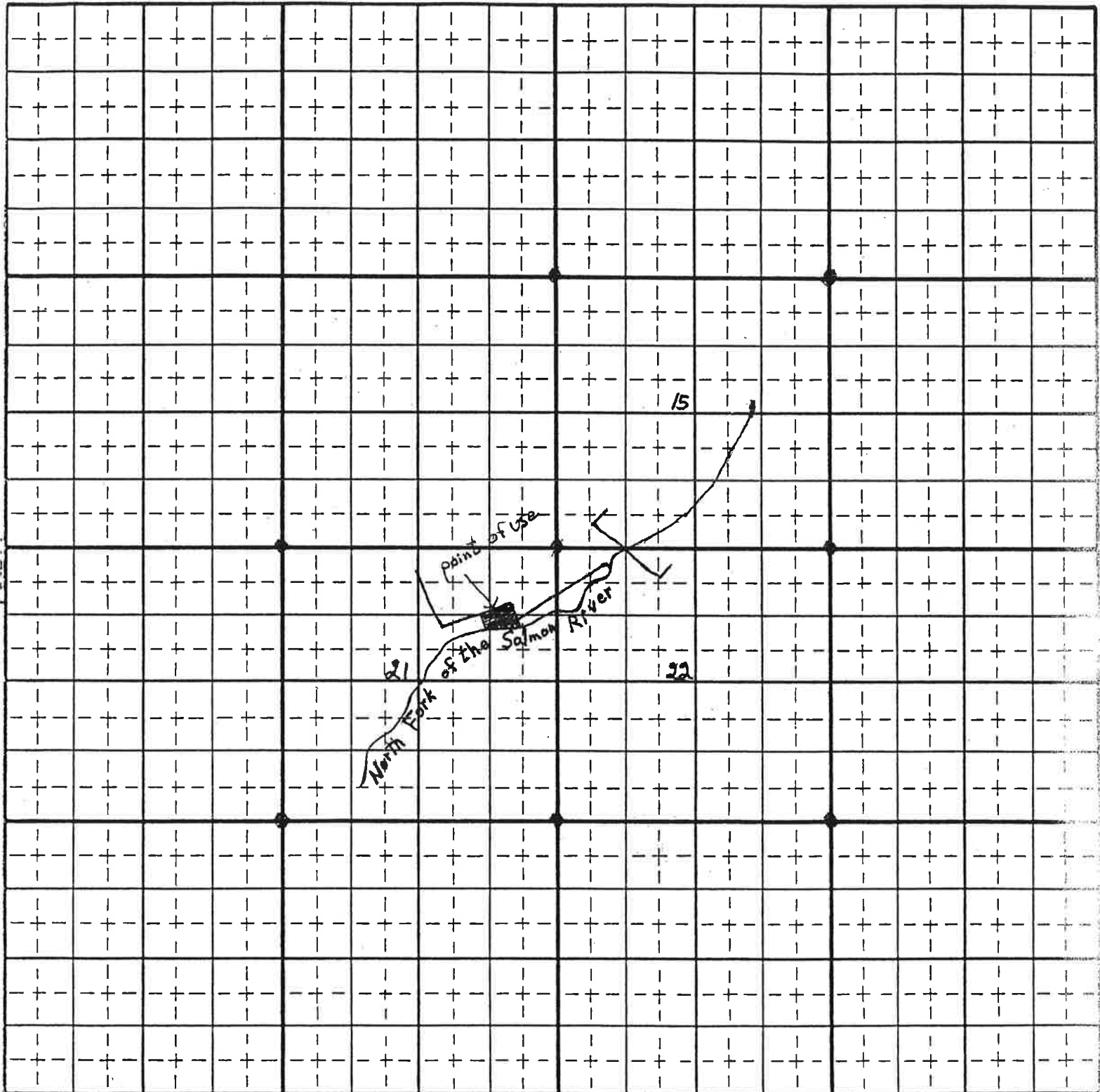
Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

R 21 E



R 21 E

MICROFILMED

DEC 15 1992

Name Kozacek

Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75 4055
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 6 (37 pages)

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

Signature of Claimant (s)

Susan Kay Kgasak

Date 3/16/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

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

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or Arizona)

SS.

County of Gila)

Subscribed and sworn (or affirmed) before me this _____

16th

day of March

1990

SEAL

Notary Public

Patricia L. Brink

Residing at

1150 Broad
Globe 85501

My Commission Expires _____

My Commission Expires Jan. 31, 1993

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