

12/10/2006

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

RIGHT NUMBER: 75-10544

NAME AND ADDRESS: SHIRLEY J MATTIS
PO BOX 265
CARMEN ID 83462

SOURCE: WASTE WATER

TRIBUTARY: CARMEN CREEK

QUANTITY: 0.160 CFS

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

The rights listed below are limited to a total combined diversion rate of 0.14 cfs.

Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T22N R22E S3 NWSENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.140 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T22N R22E S03 SWNE 6.40 T22N R22E S03 NWSE 0.30

STOCKWATER in LEMHI County

T22N R22E S03 SWNE T22N R22E S03 NWSE

6.7 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 6.7 acres in a single irrigation season. Combined Right Nos.: 75-69P, 75-70P, 75-10061Z, 75-10062X, 75-10543 and 75-10544.

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

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

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

RECORDED
JAN 25 2006

11/01/2006

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

RIGHT NUMBER: 75-10544

NAME AND ADDRESS: SHIRLEY J MATTIS
PO BOX 265
CARMEN ID 83462

SOURCE: WASTE WATER

TRIBUTARY: CARMEN CREEK

QUANTITY: 0.180 CFS

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

This right when combined with other rights shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/01/1882

POINT OF DIVERSION:

T22N R22E S3 NWSENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1/01 12/31	0.020 CFS
IRRIGATION	4/01 11/01	0.160 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T22N R22E S03	SWNE	7.50	T22N R22E S03	~~SENE~~	0.50
<u>STOCKWATER Within LEMHI County</u>					
T22N R22E S03	SWNE		T22N R22E S03	~~SENE~~	

8 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

SCANNED
JAN 25 2003

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: 75-10544

SHIRLEY J MATTIS

PO BOX 265

CARMEN ID 83462

Telephone Number: (208)756-3944

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

THE LEGAL DESCRIPTION OF THE PLACE OF USE, SPECIFICALLY, THAT GROUND LOCATED IN T22N, R22E, S3, SENE (50AC) IS INCORRECT.

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

THE LEGAL DESCRIPTION SHOULD BE T22N, R22E, S3, NWSE

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

THE DELINEATION OF THE PROPERTY ON THE AERIAL PHOTO IS INCORRECT. NO PORTION OF THE PROPERTY IS IN T22N, R22E, S3, SENE.

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

DATE: 12-6-06

SIGNATURE: Shirley J. Mattis

Please print your name: SHIRLEY J. MATTIS

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

SCANNED
JAN 25 2008

SCANNED
OCT 15 1991
John S. McKinney

April 30, 1990

DEPARTMENT OF WATER RESOURCES
Adjudication Bureau
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83401

RECEIVED

MAY - 1 1990

Department of Water Resources
Eastern District Office

ATTORNEY AT LAW
1015 MAIN STREET
P.O. BOX 1442
SALMON, IDAHO 83467
TELEPHONE: (208) 756-4287

Re: Kendall or Shirley Mattis

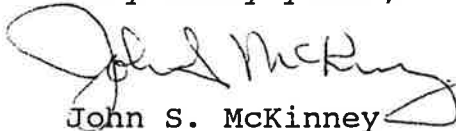
Gentlemen,

Find enclosed seven (7) "Notices of Claim to a Water Right" in the Snake River Basin Water System . Please file and return copies to me.

Also find enclosed check no. 634 from the Mattis's in the amount of \$333.00 to cover the filing of the seven (7) claims.

Any questions may be directed to me at the above address or phone number. Thank you.

Very truly yours,


John S. McKinney

:j

enclosures

MICROFILMED
DEC 15 1992
SCANNED
JAN 25 2003

RECEIVED

JUN 01 1992

Department of Water Resources

Eastern District Office

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: A75-10627

Date Received: 5/ 8/1990

Receipt No: M006945

Received By:

Receipt # E017425
Kaw

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: SALMON RIVER PROPERTIES 208-756-3885
Address: C/O MC CARTY CO.
P.O. BOX 4005
STOCKTON CA 95204

2. Date of Priority: JUN 6, 1927

3. Source: DEER CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
18N	21E	3	SW	NW	SW	8	LEMHI
			NE				LEMHI

5. Description of diverting works:
HEADGATES AND OPEN DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.480		

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

8. Total consumptive use is 92.5 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
18N	21E	3	SW	NE	5	IRR	16.0
			NE	NW	3	IRR	12.0

A75-10627

Page 1

Date: 05/20/92

MICROFILMED

DEC 15 1992

JAN 25 2008

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	21E	3	SW	NW		IRR	1.0
			SE	NW	5	IRR	8.0
Section Acres							37.0
Total Acres							37.0

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am Manager of
Salmon River Properties, Inc. that I have signed the foregoing
Organization Title
document in the space below as Manager of
Title
Salmon River Properties, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Manager, Salmon River Properties, Inc.
Title and Organization
5-28-92
Date

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of May 19 92

Seal

Susan E. Zeeb
Notary Public

Residing at Salmon, Idaho

My Commission Expires 9-4-93

SCANNED

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: **A75-10627**
Date Received: 5/ 8/1990
Receipt No: M006945
Received By: _____

AMENDED

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

AMENDED

1. Name: SALMON RIVER PROPERTIES
Address: C/O MC CARTY CO
PO BOX 4005
STOCKTON CA

208-756-3885

95204

2. Date of Priority: JUN 6, 1927

3. Source: SALMON RIVER
DEER CREEK

Trib. to: SNAKE RIVER
SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
18N	21E	3	SW	NE	NW	5	LEMHI
			SW				LEMHI

5. Description of diverting works:

HEADGATES AND OPEN DITCHES FROM DEER CREEK/PUMP FROM SALMON RIVER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.480		98.00

7. Total Quantity Appropriated is:

1.480 C.F.S. (and/or) 98.00 A.F.A.

8. Total consumptive use is

70.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use
18N	21E	3	SW	NE	5	IRR
			NE	NW	3	IRR

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11 0
9.0 18 1330

A75-10627

Page 1

Date: 11/01/95

SCANNED

JAN 25 2003

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	21E	3	SW	NW		IRR	1.0
			SE	NW	5	IRR	7.0
Section Acres							28.0
Total Acres							28.0

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:

14. Remarks:

CHANGES TO THIS CLAIM RESULTED FROM APPROVED TRANSFER DATED 12/3/1992. DATA ENTRY CHANGES BY ESV 12/28/92.

*** CONDITIONS OF TRANSFER ***

THE CHANGE AUTHORIZED BY THIS TRANSFER SHALL BE ACCOMPLISHED WITHIN ONE (1) YEAR OF THE DATE OF THIS APPROVAL.

FAILURE TO COMPLY WITH THE CONDITIONS OF THIS TRANSFER IS CAUSE FOR THE DIRECTOR TO ISSUE AN ORDER TO SHOW CAUSE WHY THE APPROVAL OF THE TRANSFER SHOULD NOT BE RESCINDED.

USE OF WATER UNDER THIS RIGHT IS LIMITED TO THE IRRIGATION OF 28 ACRES.

A MEASURING DEVICE SHALL BE INSTALLED AND MAINTAINED ACROSS THE CHANNEL OF DEER CREEK ABOVE THE RIGHT HOLDER'S POINT OF DIVERSION FROM THE CREEK. DIVERSION FROM THE SALMON RIVER IS LIMITED TO PERIODS WHEN THERE IS SUFFICIENT WATER MEASURED IN DEER CREEK TO SATISFY THE RIGHT. FURTHER, DIVERSION FROM DEER CREEK &/OR THE SALMON RIVER IS LIMITED TO THE AMOUNT OF FLOW IN DEER CREEK AVAILABLE TO SATISFY THE RIGHT.

15. Basis of Claim: BENEFICIAL USE

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NOV 18 1995

SCANNED

JAN 25 2008

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

Date Received

Receipt Number

A75-10544

5-1-90

E014217

CK# 634 50° of 333.00

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

Please type or print clearly

1. Name of Claimant (s) MATTIS, Kendall or Shirley Phone (208) 756-3944

Mailing Address P.O. Box 265, Carmen, Idaho Zip 83462

2. Date of Priority (Only one (1) per claim) May 1, 1882

3. Source of water supply (a) Wastewater D. McFarland Ranch
which is tributary to (b) Carmen Creek, Salmon River

4. a. Location of existing point of diversion is: Township 22 Range 22 Section 3
NW 1/4 of SE 1/4 of NE 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 _____

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. Headgate and culvert

MICROFILMED

DEC 15 1992

SCANNED

JAN 25 2003

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Jan 1 to Dec 31 amount 0.16 or _____

For Stockwater purposes from Jan 1 to Dec 31 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.18 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 130.09 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Cattle and Horses 15

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. 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	
22N	22E	3	1.5		6.5														8

Total number of acres irrigated 8

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.
Creek (2), Springs - 1875, 1888, 1892 or None ()

14. Remarks:

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DEC 15 1992

SCANNED

Last Name MATTIS 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 _____
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 2

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

Signature of Claimant (s) Kendall Mattis Date 4/30/90
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 for _____)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 30th day of April 19 90

SEAL

Notary Public [Signature]

Residing at Salmon, Idaho

My Commission Expires 4/8/92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, John S. McKinney 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 [Signature]

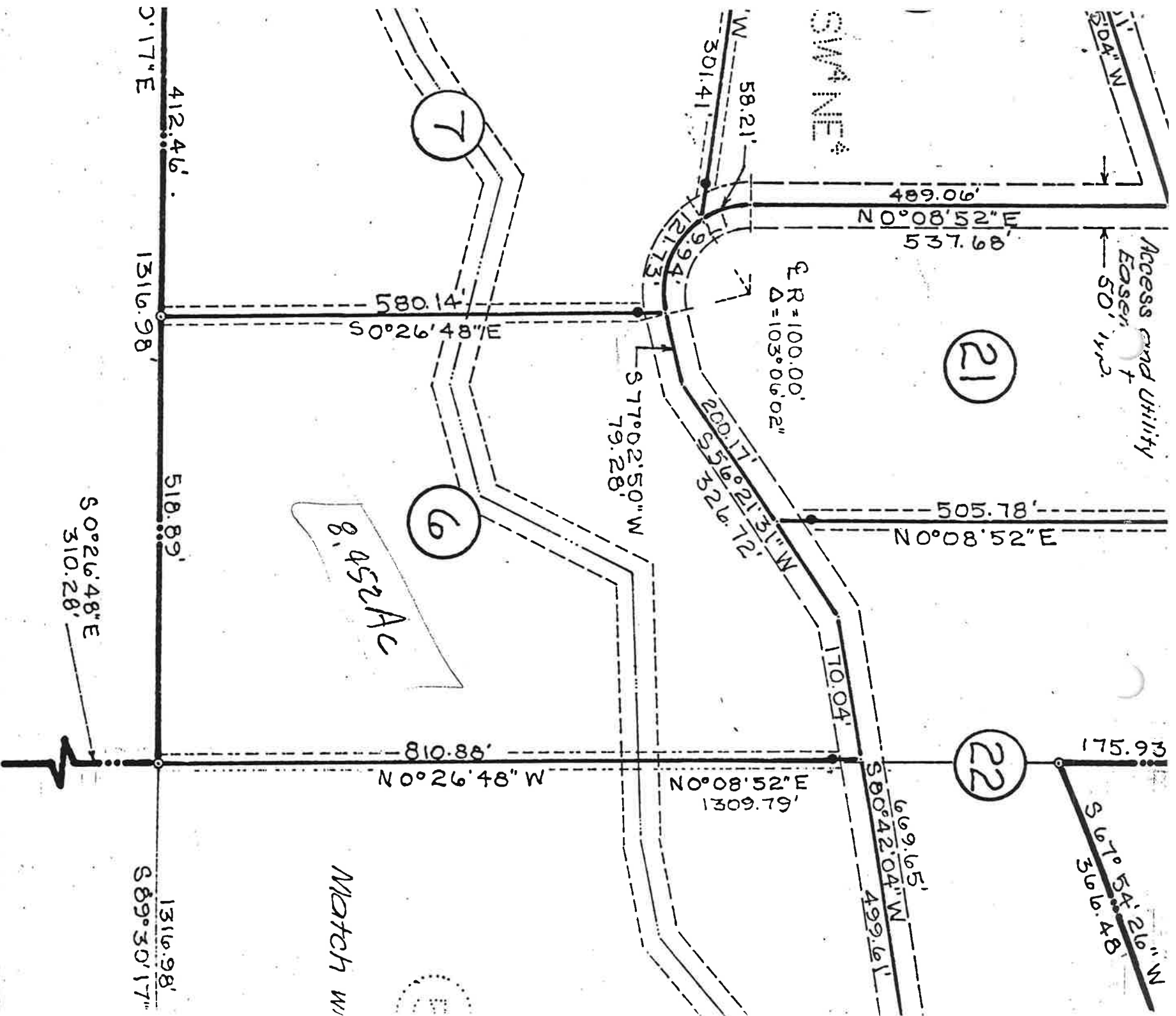
Address P.O. Box 1442, Salmon, ID 83467

Date April 30, 1990

Last Name MATTIS Ident. Number _____

MICROFILMED
DEC 15 1992

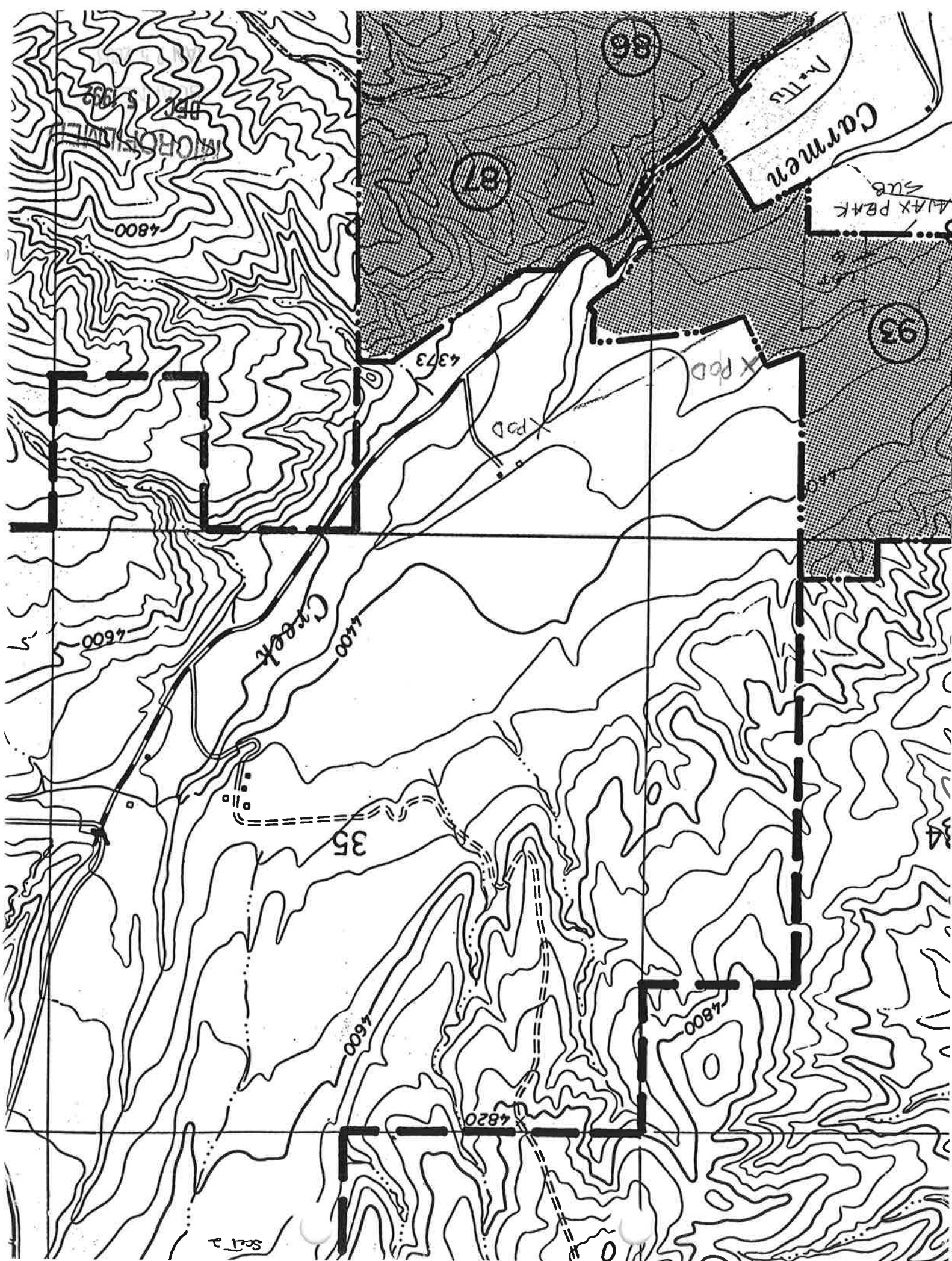
SCANNED
Copies White-State, Yellow-Claimant
JAN 25 2008



SECTION 3 T22N02E
MICROFILMED
1 1/2

ALAX PEAK

DEC 15 1992



SCANNED

001121

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: A75-10544
Date Received: 5/01/1990
Receipt No: E014217
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: KENDALL MATTIS 208-756-3944
Address: PO BOX 265
CARMEN, ID 83462

OR
Name: SHIRLEY MATTIS 208-756-3944
Address: PO BOX 265
CARMEN, ID 83462

2. Date of Priority: MAY 01, 1882

3. Source: WASTEWATER Trib. to: CARMEN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	22E	3	NW	SE	NE		LEMHI

5. Description of diverting works:
HEADGATE/ CULVERT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.160		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 130.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 15 CATTLE AND HORSES

A75-10544

Page 1

Date: 06/07/90

MICROFILMED
DEC 15 1992

SCANNED
JAN 25 2003

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	22E	3	NE	NE		IRR	1.5
			SW	NE		IRR	6.5
Section Acres							8.0
Total Acres							8.0

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:
75-00070P, 10061Z, 10062X, 00069P, 10543

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 _____ 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: _____