

05/01/2007

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

RIGHT NUMBER: 75-10589

NAME AND ADDRESS: JON CUMMINGS
PO BOX 202
NORTH FORK ID 83466

NANCY CUMMINGS
PO BOX 202
NORTH FORK ID 83466

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION:

T25N R21E S28 SWNW Within LEMHI County

T25N R21E S33 SWNW 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 2.50 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S33	NESW	1.30	T25N R21E S33	NWSW	3.70
---------------	------	------	---------------	------	------

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

11/20/2006

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

RIGHT NUMBER: 75-10589

NAME AND ADDRESS: VICTOR URSO
1796 NEWBERRY
BULLHEAD CITY AZ 86430

SOURCE: NORTH FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION:

T25N R21E S28 SWNW Within LEMHI County
T25N R21E S33 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

0.030 CFS
2.50 AFY

PLACE OF USE:

IRRIGATION in LEMHI County

T25N R21E S33

NESW 1.30

T25N R21E S33

NWSW 3.70

5 ACRES TOTAL

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11/05/2006

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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1796 NEWBERRY
BULLHEAD CITY AZ 86430

SOURCE: NORTH FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

PRIORITY DATE: 04/01/1908

POINT OF DIVERSION:

T25N R21E S28 SWNW Within LEMHI County

T25N R21E S33 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

0.030 CFS

2.50 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S33

NESW

1.30

T25N R21E S33

NWSW

3.70

5 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

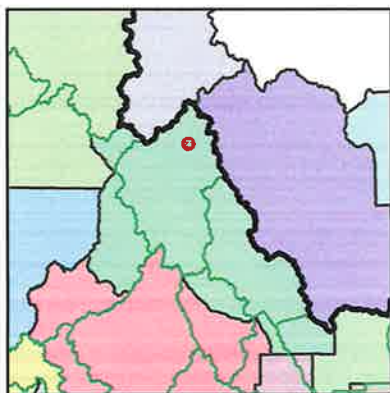
SRBA Recommendation:

75-10589

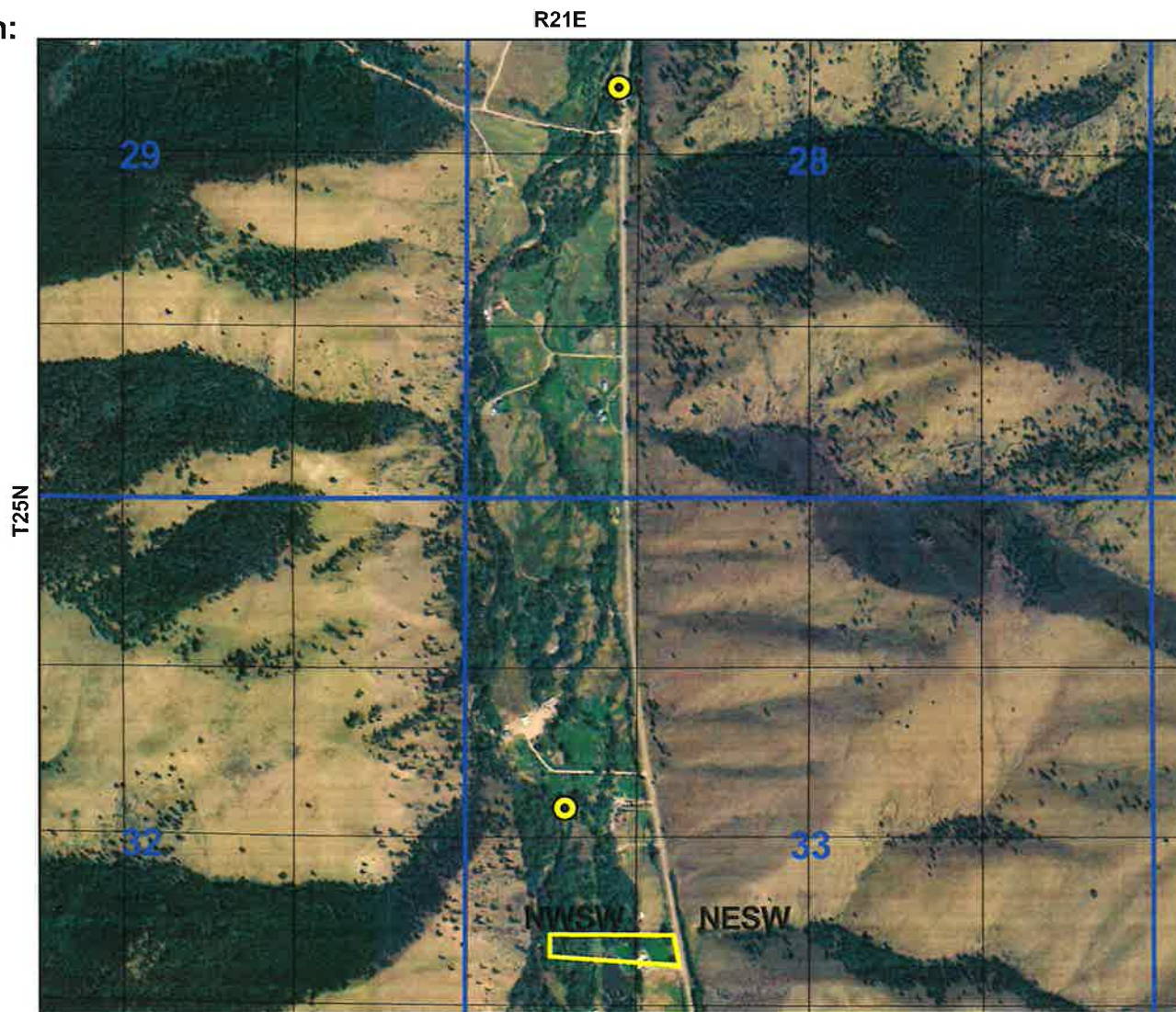
(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



0 0.6 1.2 Miles

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



Idaho Department of Water Resources

SRBA Claim:

75-10589

A0014990 GPS 075

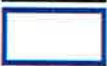
R21E

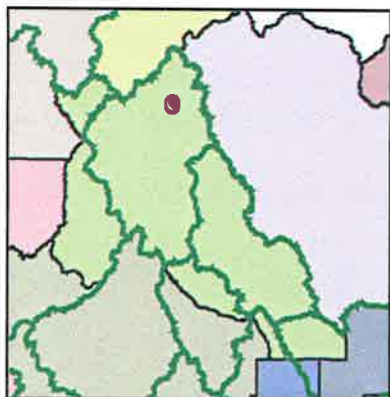
X P00

A0014967 GPS 055

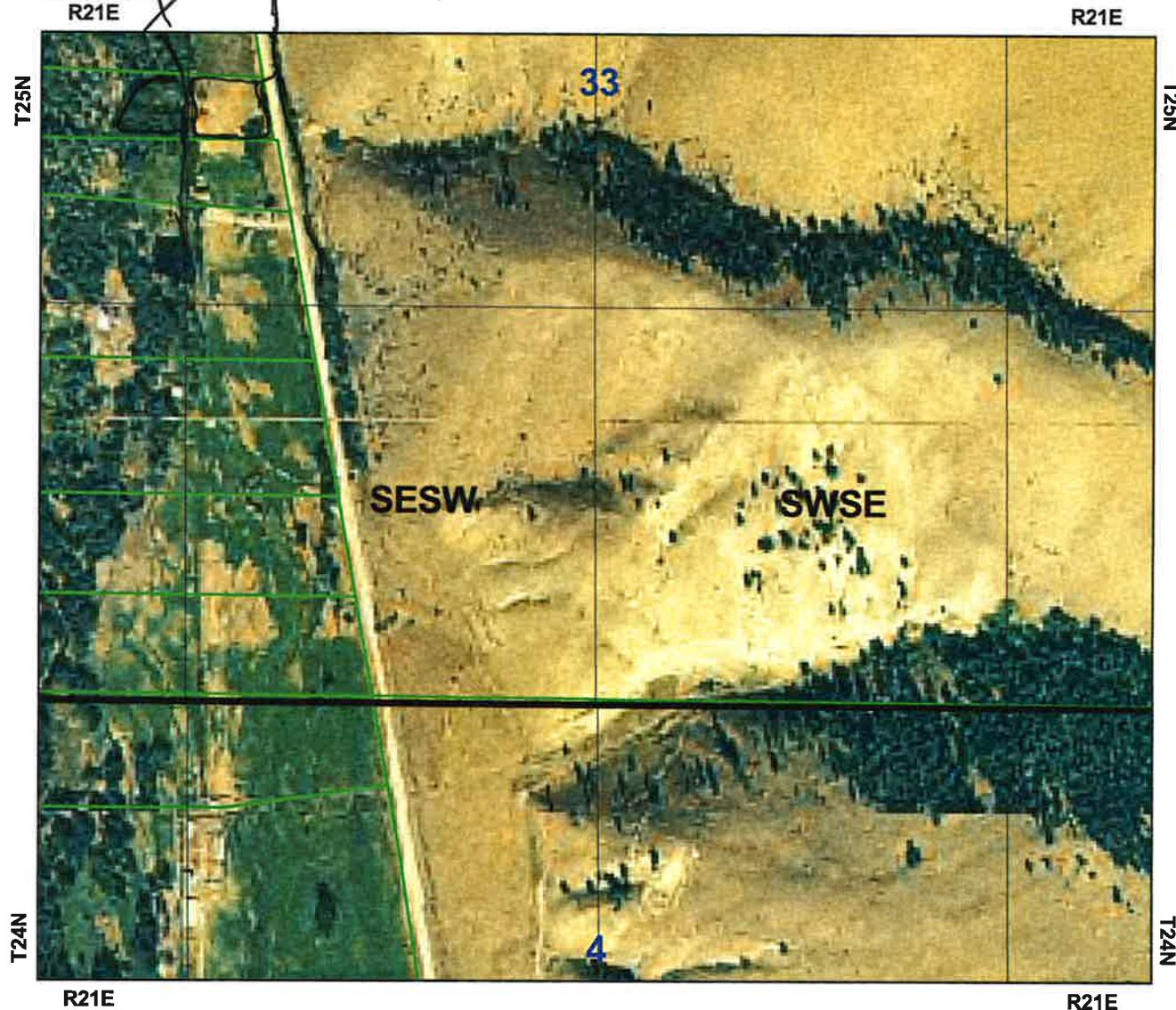
R21E

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75

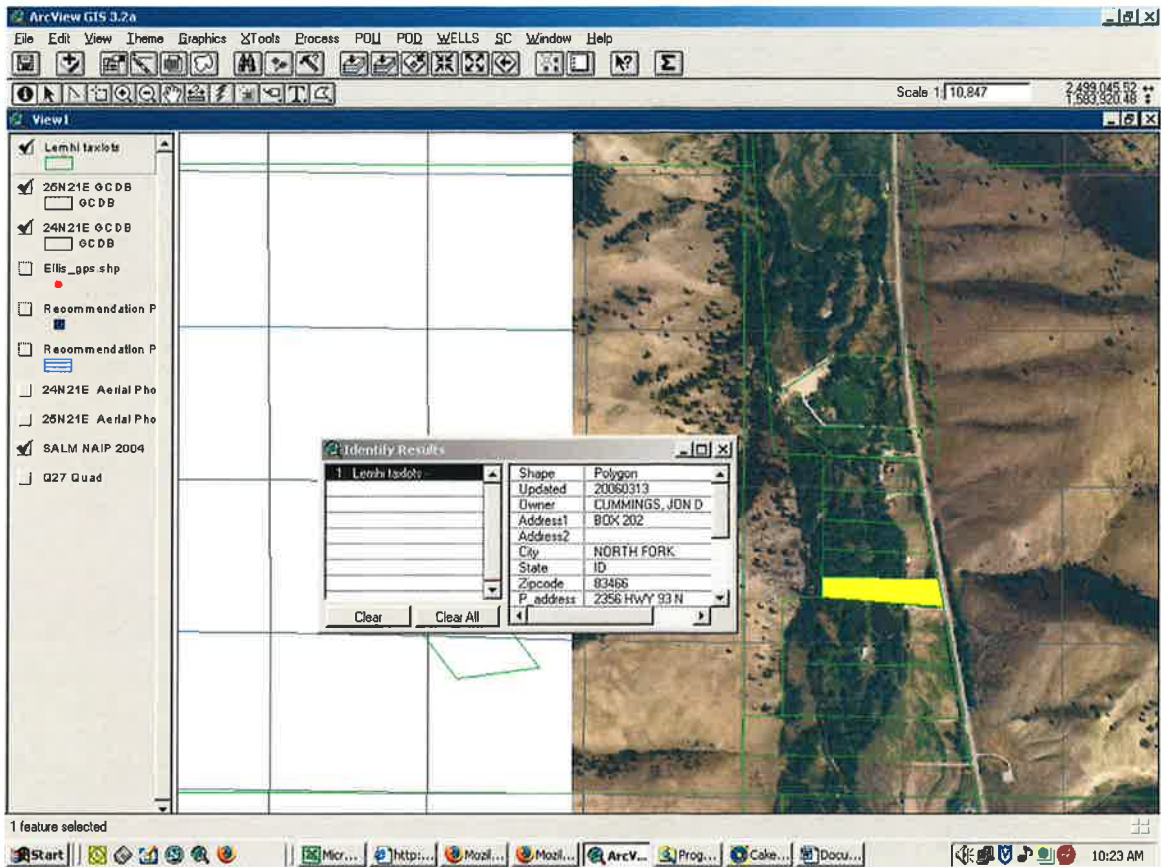


0

0.2

0.4 Miles

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



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

CLAIM NO(s).

A7510589

1. ☐ No Change NAME IS SAME 208-865-2165
☒ NEW OWNER: Jon and Nancy Cummings
☐ No Change ADDRESS
☐ NEW ADDRESS: 2356 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.: A0014990 GPS 075 A0014967 GPS 055

Township 25N Range 21E Section 28 1/4 SE 1/4 SW 1/4 NW
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

*Jon and Nancy now own this 5 acres
and have ~~filled~~ a C/s form.
filed*

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis

Signature

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: 75-10589

VICTOR URSO

1796 NEWBERRY

BULLHEAD CITY AZ 86430

Telephone Number: (602)763-9350

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: _____ SIGNATURE: _____

Please print your name: _____

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

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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, 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
<u>75-10589</u>	<u>75-10589</u>	—	_____	_____	—
<u>75-10590</u>	<u>75-10590</u>	—	_____	_____	—
<u>75-4504</u>	<u>75-4504</u>	—	_____	_____	—
<u>75-4138</u>	<u>75-4138</u>	—	_____	_____	—
<u>75-10413</u>	<u>75-10413</u>	—	_____	_____	—

SCANNED

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

MAY - 1 2007

A. ~~The appropriate PLAT OF PROPERTY or SURVEY MAP 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).~~

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) are 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)

on enclosed papers

4. New Owner/Claimant(s)

Jon & Nancy Cummings
Name Connector (Check one): [] and, [] or, [x] and/or

New Mailing Address

Box 202 2356 HWY 93N

City, State and ZIP Code

North Fork, ID 83466

New Telephone Number

(208) 865-2165

5. Date you acquired the property

on enclosed Paper

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Jon Cummings Nancy Cummings

Water Right info for Jon & Nancy Cummings

Date acquired	Water right #	Name of previous owner
1978	75-4504	Jon & Deborah Cummings
1978	75-10413	(divorce, new wife is Nancy) Box 202 North Fork, Id 83466 208-865-2165
2004	75-10589	Victor Urso 1796 Newberry
2004	75-10590	Bullhead City, Az 86430 602-763-9350
1996	75-4138	Clifford O. Cummings Sr. 51 Upper Big Flat Lane Carmen, Id. 83462 208-756-1141

change from Deborah & Nancy to Jon & Nancy Cummings

75-4138C - Done
we have it -

Warranty Deed

For Value Received SHIRLEY F. URSO,, a single person,

the grantor , do hereby grant, bargain, sell and convey unto

JON CUMMINGS AND NANCY CUMMINGS, HUSBAND AND WIFE,

whose current address is Box 202, North Fork, ID 83466

the grantee S, the following described premises, in Lemhi County Idaho, to wit:

SEE EXHIBIT "A" ATTACHED HERETO;

The above conveyance is made free and clear of all other encumbrances except: Rights of way and easements, reservation in Federal patents and state deeds, or other restrictions imposed by law, building and use restrictions of records, building and zoning regulations and ordinances of any governmental unit whether of sight or of record.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, THEIR heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that she is the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: September 1 2004

SHIRLEY F. URSO

260034

Ref-
To water
Right
75-10589
75-10590

ARIZONA
STATE OF ARIZONA, COUNTY OF
On this 31st day of August, 2004
before me, a notary public in and for said State, personally appeared

SHIRLEY F. URSO

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that
she executed the same.

Residing at
Comm. Expires

Sue Iris Tyler
Notary Public
Lake Havasu City, ARIZONA
12-03-2007

State of Idaho) SS No.
County of Lemhi)

This instrument was filed for record at the request
of Alliance Title
at 2:16 o'clock P.M. 9-7-2004
and duly filed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder
By [Signature] Deputy
Fee \$6.00
Return to A-T.



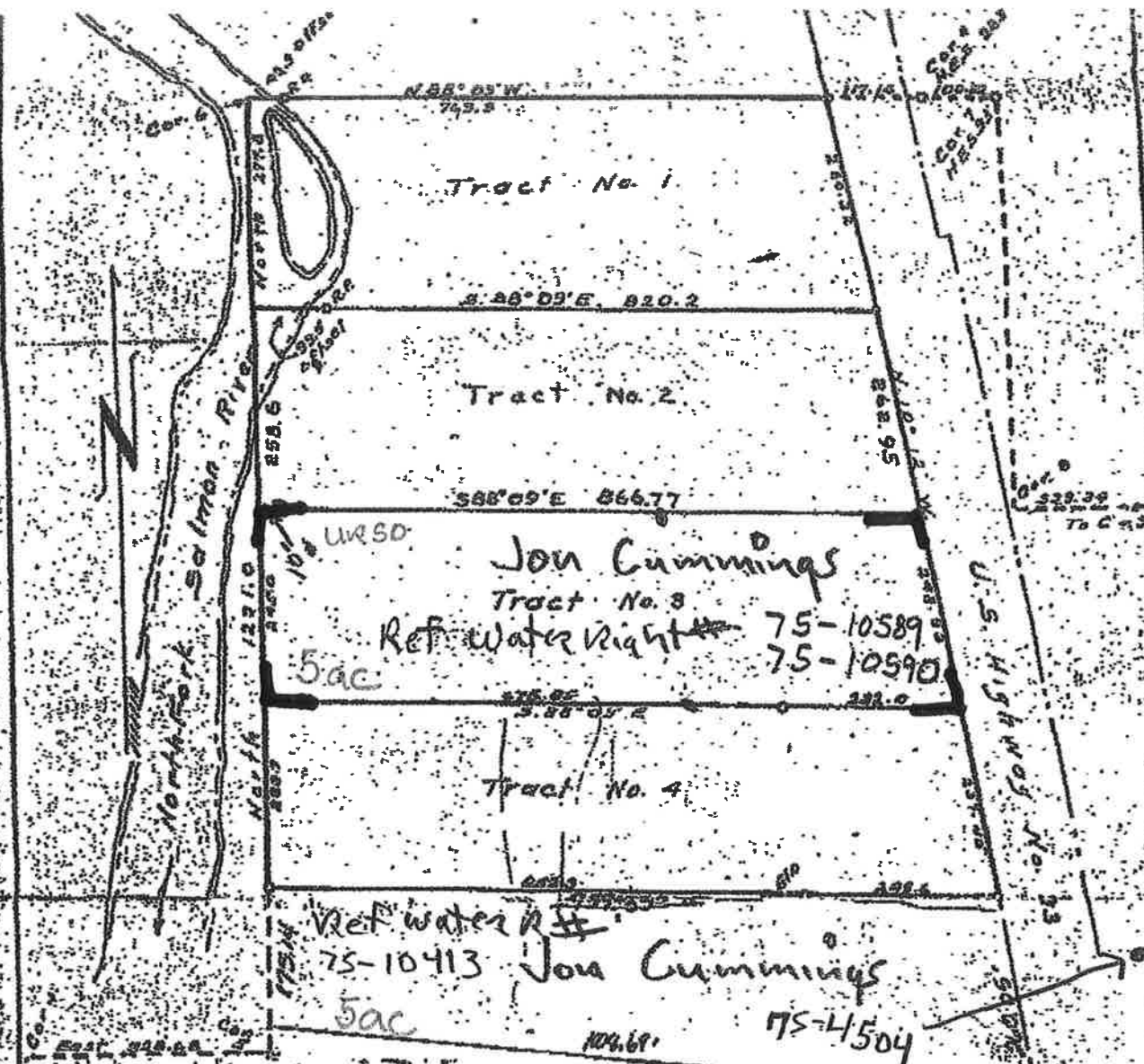
WRSO
5 acres

260034

EXHIBIT "A"

A fraction of H.E.S No. 93 in approximate Section 33, Township 25 North, Range 21 East, Boise Meridian more particularly described as follows, to wit:

Commencing at Corner No. 6 of H.E.S. No. 93, run thence South along the Westerly boundary H.E.S. No. 93, a distance of 536.6 feet to the point of beginning, and the Northwesterly corner of the tract of land herein described; continuing thence South 245.0 feet; thence South $88^{\circ}09'$ East 910.85 feet, more or less, to a point on the Westerly right-of-way line of U.S. Highway No. 93, thence North $10^{\circ}12'$ West along said right-of-way line 248.93 feet; thence North $88^{\circ}09'$ West 866.77 feet to the point of beginning. Containing 5.0 acres.



The Company has not surveyed the premises described in 04-253302. The sketch below is furnished without charge solely for the purpose of assisting in locating said premises and the Company assumes no liability as to the validity, location, or ownership of any easement or other matter shown thereon, nor for the inaccuracies therein, including the accurate location of boundaries, including water boundaries. This sketch does not purport to show all highways, roads and easements adjoining or affecting said premises, nor is it a part or modification of the report, commitment, policy or other title evidence to which it may be attached.

Jon Cummings
 Ref. Water Right
 75-4138
 16.59 ac

C. Cummings Tracts
 H.E.S. No. 93
 Salmon Nat'l Forest
 Appx. Sec. 35, T.25N, R.21E, B. 1M
 Lemhi Co., Idaho

Scale: 1 in. = 200 ft.





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 14, 2007

SCANNED

MAR 14 2007

Jon D. Cummings
P.O. Box 202
North Fork, ID 83466

Re: 75-10589

Dear Jon:

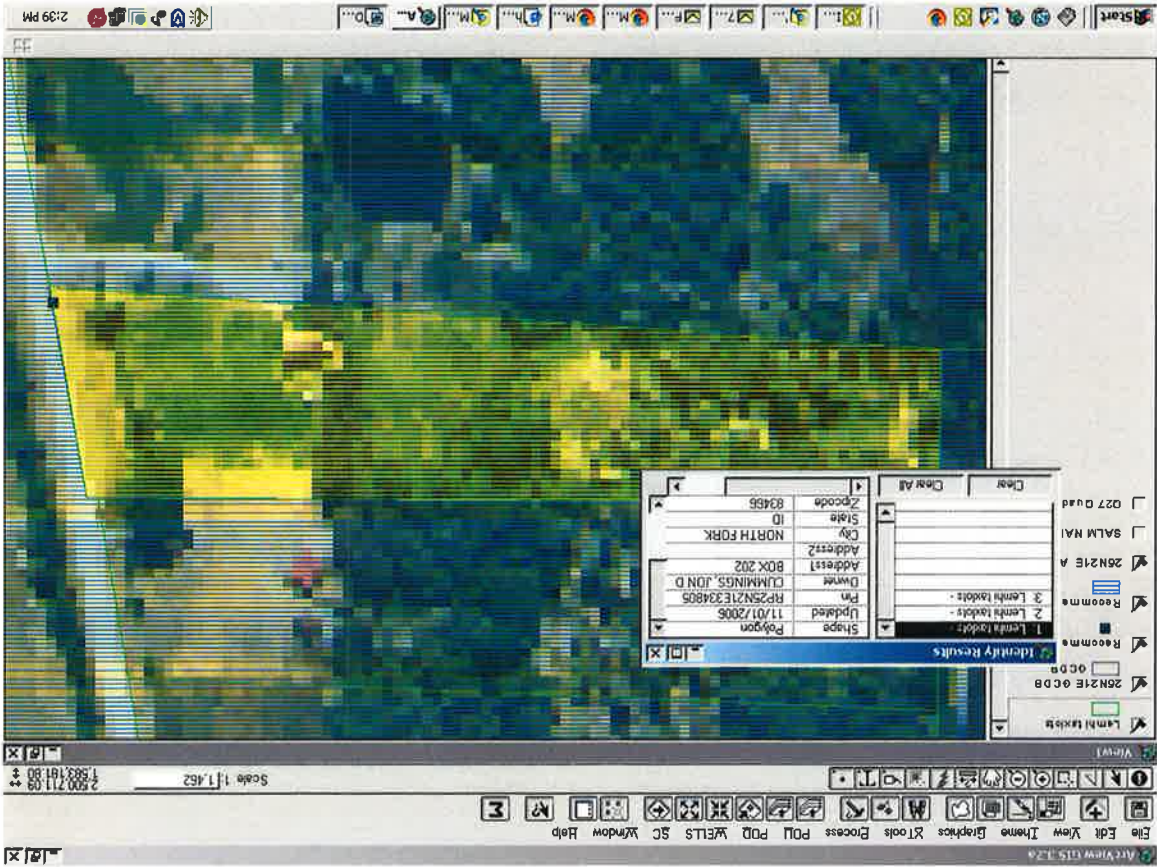
We have sent to the Snake River Basin Adjudication Court our recommendation of the enclosed water right. We have received information that you may now own the property and the associated water right. If you do own the property, then you need to file a change in water right ownership form and mail it to this office. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Sincerely,

Kenneth Knoblock
Water Rights Supervisor

KK: cm

Encl.



SCANNED

601-2-11

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: **A75-10589**
Date Received: 5/27/1993
Receipt No: E014258
Received By: _____

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

1. Name: VICTOR URSO 602-763-9350
Address: 1796 NEWBERRY
BULLHEAD CITY AZ 86442
2. Date of Priority: APR 1, 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 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 25N | 21E | 33 | SE | SE | SW | | LEMHI |
5. Description of diverting works:
DITCH AND 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 | | 2.50 |
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:
10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
25N	21E	33	SW	SE		IRR	5.0
Section Acres							5.0
Total Acres							5.0

MICROFILMED

APR 14 1994



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:

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 _____

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 475-10589Date Received 5-7-90Receipt Number E014258

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 7 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) VICTOR URSO Phone (602) 763-9350
Mailing Address 1796 NEWBERRY, BULLHEAD CITY, AZ. Zip 86442

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

3. Source of water supply (a) SALMON RIVER, NORTH FORK
which is tributary to (b) SALMON RIVER

4. a. Location of existing point of diversion is: Township 25 Range 21 Section 33,
SE 1/4 of SW 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 _____ 1/4,

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.

DITCH AND FLOOD IRRIGATION

MICROFILMED

APR 19 1994

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 0.03 or 2.5

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.03 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) NONE

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	
<u>25</u>	<u>21</u>	<u>33</u>															☒		<u>5 AC.</u>

Total number of acres irrigated 5 ACRES

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 ☒ 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:

Last Name VR50 Ident No. _____

MICROFILMED

Copies: White - State, Yellow - Claimant

APR 19 1994

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

Scale: 2 inches equals 1 mile

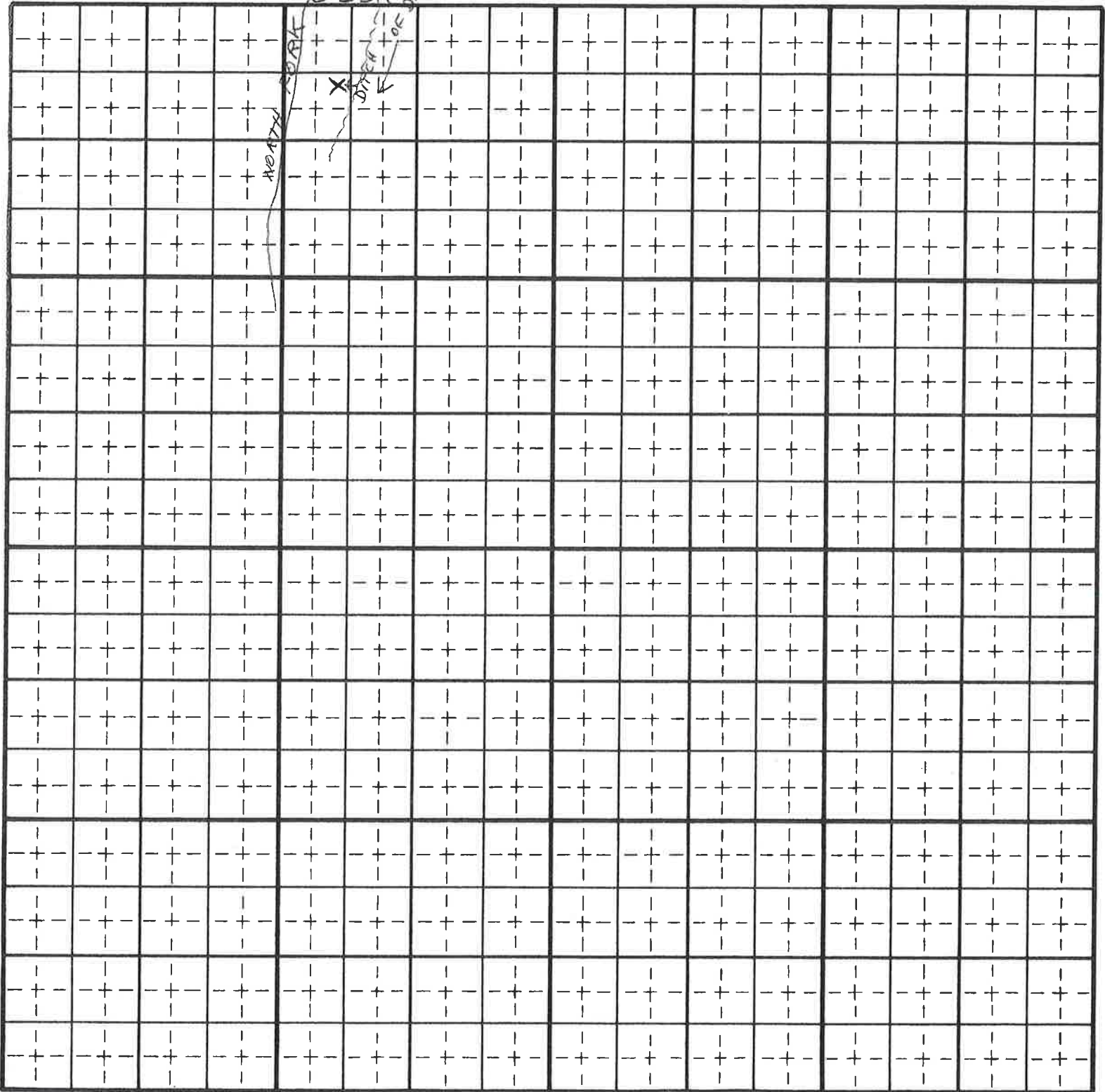
T25N R21E S-33

S-33

ROAD

X

POINT OF DIV.



MICROFILMED

Last Name URSO Ident No. _____

Copies: White-State Yellow-Claimant **APR 19 1994**

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 _____

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

Signature of Claimant (s)

Victor G. Urso

Date 5-4-90

Shirley F. Urso

Date 5-4-99

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

Title

of _____

Organization

, that I have signed the foregoing

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 Arizona)

County of Mohave)

SS.

Subscribed and sworn (or affirmed) before me this 4th day of May 19 90

SEAL

Notary Public William E.F. Harris

Residing at 1484 Highway 95, Buckhorn City, AZ

My Commission Expires _____

My Commission Expires Aug 27, 1990

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 _____

Last Name URSO

Ident. Number _____

MICROFILMED

APR 19 1994

Copies White-State, Yellow-Claimant