

11/11/2006

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

RIGHT NUMBER: 75-10668

NAME AND ADDRESS: ELIZABETH HUTCHISON
9 POISON CREEK RD
SALMON ID 83467-5189

SOURCE: POISON CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 1.520 CFS

PRIORITY DATE: 04/01/1900

POINT OF DIVERSION:

T18N R21E S22 SENW Lot 3 Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 11/01

1.520 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T18N R21E S15 Lot 7 NESW 10.00 T18N R21E S15 Lot 10 SWSW 17.00

T18N R21E S15 SESW 21.00 T18N R21E S15 Lot 6 NWSE 13.00

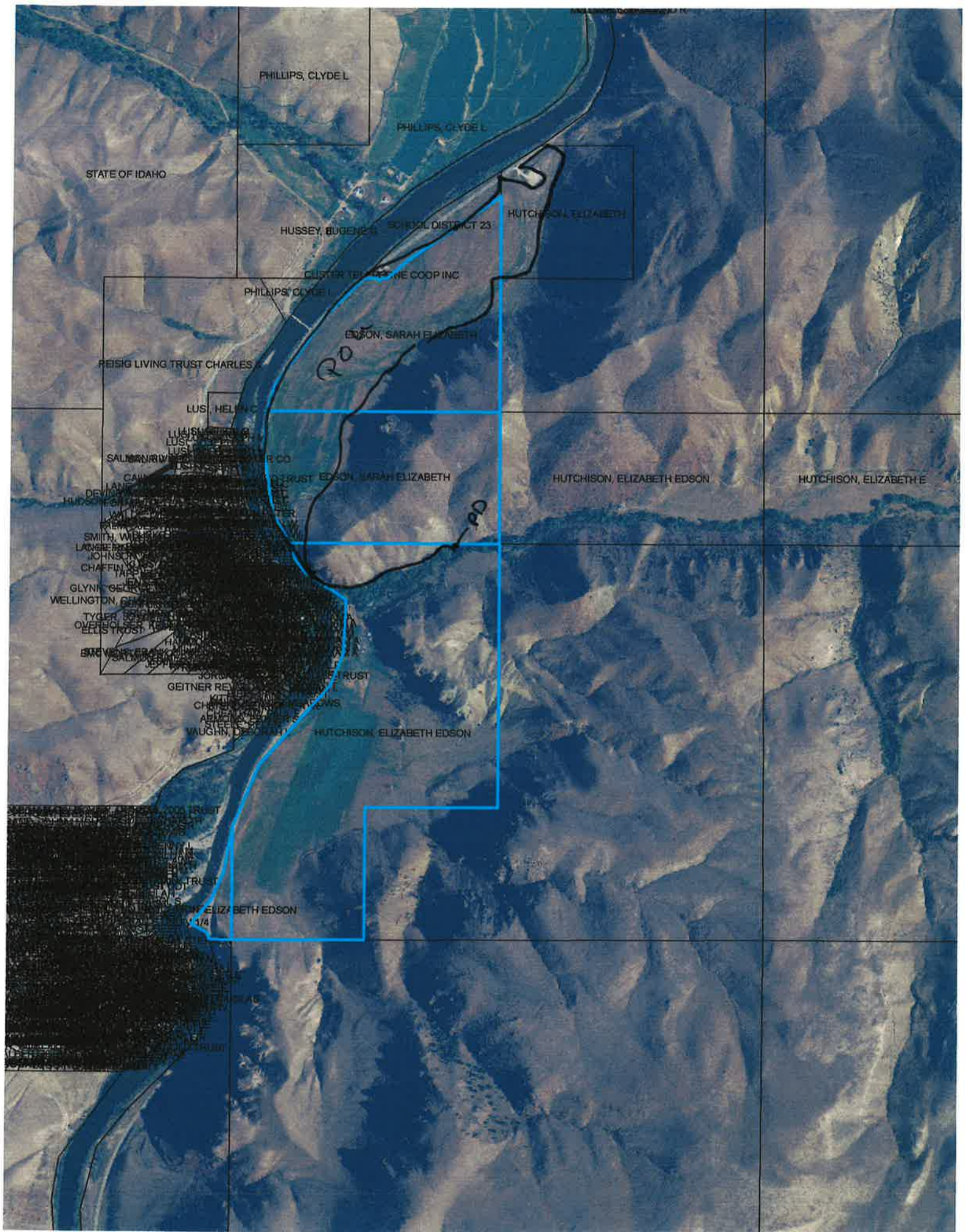
T18N R21E S22 Lot 1 NWNW 15.00

76 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



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

CLAIM NO(s). 75-10668 _____

1. ☒ No Change NAME IS SAME
 ☐ NEW OWNER: _____
 ☒ No Change ADDRESS
 ☐ NEW ADDRESS: _____
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.: ADU 17222

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:

diversion in creek ditch to pipeline + gravity sprinkler
system

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: 9-16-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

Date: August 8, 2005

JAMES R. BENNETTS
ATTORNEY AT LAW
P.O. BOX 36
CHALLIS, IDAHO 83226-0036
PHONE NO. (208) 879-4488
FAX NO. (208) 879-4248
FAX TRANSMITTAL

Number of pages including cover page 1

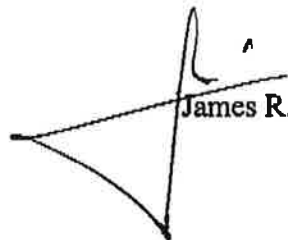
ATTN: ROXANNE BROWN
1301 N ORCHARD
BOISE ID 83706
PHONE: 208-287-4914
FAX: 208-287-6700

Re: Elizabeth Hutchison
Water Rights: 75-10668
75-10669
75-10671
75-10672
75-10673
75-10674

Dear Roxanne:

Elizabeth is nearly blind and needs assistance to travel. We have gathered good data on the proofs necessary, but it may be a few more days before she can get in to sign.

Very truly yours,


James R. Bennetts

JRB:mlb

SCANNED

AUG 09 2005

RECEIVED
AUG 23 2005
DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT
WATER RIGHTS PRIORITY

RE: Water Rights:

75-10668
75-10669
75-10671
75-10672
75-10673
75-10674

Elizabeth Hutchison, being sworn deposes and says as follows:

1. Of my own recollection, I can recall certain events in my childhood. I remember when I was between 5 and 6 years of age in the year 1929, my parents purchased portions of the lands being irrigated by the waters from Poison Creek as listed under some of the water rights listed above from the Predmore family. I also recall that my memories forward from that time would indicate that the ditches servicing the lands listed as the place of use under Water Rights Numbers: 75-10668, 75-10669, 75-10672, and 75-10673 were much the same in appearance as one would see today-i.e., mature trees were growing along the ditches that could not survive without the annual flow of irrigation water in the ditch, etc. It is, therefore, my firm belief that the water had been used on the referred to lands for many years as of the times of my earliest recollections as indicated above.
2. Next, I recall numerous conversations with elders in my family and neighbors relative to irrigation issues throughout the Poison Creek drainage that took place during my childhood. These conversations, coupled with my knowledge of the history of the area, having been born in the area and having spent my entire lifetime on the described property, would all support the authenticity of the priority dates listed on the above listed water rights. Further, in respect to the water rights described under 75-10674 (priority date 08/17/1932) and 75-10671 (priority date 05/01/1980), there is no question in my mind as to their accuracy as listed-both in priority and place of use. This I can state from personal recollection and first hand knowledge. I further state that the waters referred to above have all been applied diligently and beneficially used during every irrigation year or season from 1929 forward.
3. I have attached copies of affidavits executed by William C. Smith, George E. Shoup and W. H. Shoup marked as Exhibits "A-1", "A-2" and "A-3" respectively. These are copies of the original signed affidavits in my possession and as included in an Abstract of Title produced by Lemhi Title and Abstract Company of Lemhi County and issued under certificate dated November 28th, 1933. The originals can be reproduced or duplicated and further certified upon request.

SCANNED
AUG 23 2005

165.07.05

I knew the affiants of all three affidavits personally and believed them to be of good character and integrity and men of good reputation and standing in the community. They were of an age in 1933 when the affidavits were signed to have personal knowledge of all matters set out in the affidavits.

From my knowledge of the subject matters under discussion at the time these affidavits were executed, I can state that the references in the mid-portion of the affidavit, which set out:

“Homestead, David Edson, since 1896
Desert Entry David Edson, since 1900
Desert Entry, Nira Edson, since 1920
Gutzman Entry, since 1916.”,

all refer to the water rights with matching priority dates (i.e. water right numbers 75-10069, 75-10668, 75-10672 and 75-10673 in that order respectively.

4. The undersigned also offers the attached Exhibit “B” to supplement the affidavit’s marked Exhibit “A-1”, “A-2” and “A-3” and to further support the claims made under water right numbers 75-10669 and 75-10668. This exhibit is a copy of the assessment roll of Lemhi County, Idaho for certain of the properties owned in the year 1915 by affiants family and predecessors in interest, the Edsons, and by others in the area. The original of this document is available at the Lemhi County Courthouse for inspection upon request.

This document does not necessarily prove the use of water for beneficial purposes as of the priority dates claimed, however, it is offered as further evidence of early day use that is consistent with the dates claimed. At this point in time, no earlier data has been located by affiant or her agents (to either support or refute the claim), but if any such document is found, it will be offered to supplement affiant’s file with the Idaho Department of Water Resources.

Based upon affiant’s lifetime of experience in the area and her general knowledge, affiant offers the following observations and beliefs regarding Exhibit “B”:

- a. Given the normal processes of county government, it is logical to conclude that the information evidenced within the assessment document is based upon data gathered over the period (probably years) prior to the assessment year of 1915. Therefore, even though this seems to be the first year for which data of this nature is available, it is logical the to conclude that that irrigation systems were employed for some prior period as of that date.

- b. Aerial photography and the more sophisticated mapping or survey processes were not available in 1915. Therefore, the assessor's records were based upon estimates and to some extent based upon negotiation. Again, property owners were very concerned about their tax bill with little concern, if any, about having an absolute record of each and every acre beneficially served by the irrigation system. In short, the classification of the acres cultivated was a conservative estimate, which very likely did not include those acres benefited by the irrigation systems; but which were less than fully productive.
- c. Again, affiant believes that tolerance needs to be shown in regard to the early day records as they relate to the precise location (by land survey subdivision) of the irrigated acreage. Some lands thought to have been located within a particular subdivision may have later been identified to be within an adjoining subdivision.

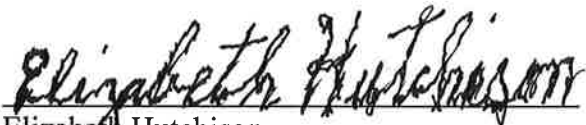
Given the above, affiant believes that Exhibit "B" lends support to her claimed priority and usage as of the dates on file.

- 5. Lastly, from my knowledge, recollection and best belief, and based upon my research and lifetime information, the lands described as the place of use under the rights above referred to have been irrigated in much the same manner since the date of entry or homestead as they are today and that the claims filed an referred to first above are accurate.

Given the content of the attached affidavits and my recollections, use has been continuous and without interruption for the full period after completion of entry, homestead or patent until today's date.

- 6. I hereby confirm the authenticity and accuracy of the statements made above, based on my recollections and further state that I have reviewed all claims made as to priority, place of use and other data and can state as a fact that my recollections, when coupled with the attached exhibits, and along with my knowledge of early history of the area, all support the claims made under the water rights listed above in every respect.

Dated: 8-15-2005

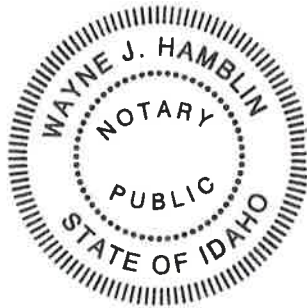

Elizabeth Hutchison

STATE OF IDAHO)
SS:

County of Lemhi)

On this 15 day of August, 2005, before me, a Notary Public in and for said State, personally appeared ELIZABETH HUTCHISON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.




Notary Public
My Commission Expires: 3/8/2010

State of Idaho)
) ss.
 County of Lemhi)



Wm. C. Smith, being first duly sworn deposes and says:

I am a citizens of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands and water rights owned by David Edson in Lemhi County, Idaho.

That all of the lands owned by the said David Edson lies along and below what is known as Poison Creek; that the said Poison Creek at low water stage, carries about 400 miners inches; that there are no other lands appurtenant to the said creek, and that all its waters are used on the lands of the said David Edson.

That the said waters have been appropriated and used ever since the following dates:

Homestead, David Edson, since 1896 ✓
 Desert Entry David Edson, since 1900 ✓
 Desert Entry, Nira Edson, since 1920 ✓
 Gutzman Entry, since 1916. ✓

That the waters have been used uninterruptedly and continuously on the said lands.

That the ditch irrigating the Homestead is about one mile long, and point of diversion is at the upper end of said homestead; said ditch is about $2\frac{1}{2}$ feet wide at bottom and $3\frac{1}{2}$ feet at the top, and about 2 feet deep, and will carry 200 inches of water; that no other lands are appurtenant except the said David Edsons; that the ditch irrigating the desert entry of said Edson, is about $\frac{1}{4}$ mile long, and said desert lands lie below the said creek; point of diversion at the upper end of the Homestead; said ditch is about $2\frac{1}{2}$ feet at bottom and $3\frac{1}{2}$ feet at top, with depth of about 2 feet, and will safely carry about 200 inches of water; that the ditch irrigating the Nira Edson Desert Entry, is about $\frac{1}{4}$ miles long, with point of diversion about $1\frac{1}{2}$ miles above the Edson Homestead; said ditch is about $2\frac{1}{2}$ feet wide at top and 2 feet at bottom with depth of $1\frac{1}{2}$ feet and will carry 100 inches of water; that the ditch irrigating the Gutzman lands is about one mile long, with point of diversion about 3 miles above the Edson Homestead; said ditch is about $2\frac{1}{2}$ feet wide at top, and 2 feet at bottom, with depth of $1\frac{1}{2}$ feet, and will easily carry 100 inches or more, having lots of grade down the mountain canyon.

That said water has never been decreed, but has been acquired through use; that said waters all belong to the said lands of David Edson, and that no other lands are appurtenant; that the waters have been used on the said lands for more than 35 years; that the said use has been uninterrupted and continuous for the beneficial use of said lands; that said ditches or creek does not supply the lands of, and is not appurtenant to the lands of any other person.

William C. Smith

Subscribed and sworn to before me, a Notary Public, this 21st day of November, A.D. 1933.

James A. Stewart

Notary Public for Idaho,
 Residing at Salmon, Idaho.

State of Idaho }
County of Lemhi) ss.



George E. Shoup, being first duly sworn deposes and says:

I am a citizens of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands and water rights owned by David Edson in Lemhi County, Idaho.

That all of the lands owned by the said David Edson lies along and below what is known as Poison Creek; that the said Poison Creek at low water stage, carries about 400 miners inches; that there are no other lands appurtenant to the said creek, and that all its waters are used on the lands of the said David Edson.

That the said waters have been appropriated and used ever since the following dates:

Homestead, David Edson, since 1896
Desert Entry David Edson, since 1900
Desert Entry, Mira Edson, since 1920
Gutzman Entry, since 1916.

That the waters have been used uninterruptedly and continuously on the said lands.

That the ditch irrigating the Homestead is about one mile long, and point of diversion is at the upper end of said homestead; said ditch is about 2 1/2 feet wide at bottom and 3 1/2 feet at the top, and about 2 feet deep, and will carry 200 inches of water; that no other lands are appurtenant except the said David Edson's; that the ditch irrigating the desert entry of said Edson, is about 1/2 mile long, and said desert lands lie below the said creek; point of diversion at the upper end of the Homestead; said ditch is about 2 1/2 feet at bottom and 3 1/2 feet at top, with depth of about 2 feet, and will safely carry about 200 inches of water; that the ditch irrigating the Mira Edson Desert Entry, is about 1/2 miles long, with point of diversion about 1 1/2 miles above the Edson Homestead; said ditch is about 2 1/2 feet wide at top and 2 feet at bottom with depth of 1 1/2 feet, and will carry 100 inches of water; that the ditch irrigating the Gutzman lands is about one mile long, with point of diversion about 3 miles above the Edson Homestead; said ditch is about 2 1/2 feet wide at top, and 2 feet at bottom, with depth of 1 1/2 feet, and will easily carry 100 inches or more, having lots of grade down the mountain canyon.

That said water has never been decreed, but has been acquired through use; that said waters all belong to the said lands of David Edson, and that no other lands are appurtenant; that the waters have been used on the said lands for more than 35 years. that the said use has been uninterrupted and continuous for the beneficial use of said lands; that said ditches or creek does not supply the lands of, and is not appurtenant to the lands of any other person.

George E. Shoup.

Subscribed and sworn to before me, a Notary Public, this 21st day of November, A.D. 1933.

James A. Adams
Notary Public for Idaho,
Residing at Salmon, Idaho.

State of Idaho }
County of Lemhi } ss.



W.H. Shoup, being first duly sworn deposes and says:

I am a citizens of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands and water rights owned by David Edson in Lemhi County, Idaho.

That all of the lands owned by the said David Edson lies along and below what is known as Poison Creek; that the said Poison Creek at low water stage, carries about 400 miners inches; that there are no other lands appurtenant to the said creek, and that all its waters are used on the lands of the said David Edson.

That the said waters have been appropriated and used ever since the following dates:

Homestead, David Edson, since 1896
Desert Entry David Edson, since 1900
Desert Entry, Nira Edson, since 1920
Gutzman Entry, since 1916.

That the waters have been used uninterruptedly and continuously on the said lands.

That the ditch irrigating the Homestead is about one mile long, and point of diversion is at the upper end of said homestead; said ditch is about 2½ feet wide at bottom and 3½ feet at the top, and about 2 feet deep, and will carry 200 inches of water; that no other lands are appurtenant except the said David Edson; that the ditch irrigating the desert entry of said Edson, is about ¼ mile long, and said desert lands lie below the said creek; point of diversion at the upper end of the Homestead; said ditch is about 2½ feet at bottom and 3½ feet at top, with depth of about 2 feet, and will safely carry about 200 inches of water; that the ditch irrigating the Nira Edson Desert Entry, is about ¼ miles long, with point of diversion about 1½ miles above the Edson Homestead; said ditch is about 2½ feet wide at top and 2 feet at bottom with depth of 1½ feet, and will carry 100 inches of water; that the ditch irrigating the Gutzman lands is about one mile long, with point of diversion about 3 miles above the Edson Homestead; said ditch is about 2½ feet wide at top, and 2 feet at bottom, with depth of 1½ feet, and will easily carry 100 inches or more, having lots of grade down the mountain canyon.

That said water has never been decreed, but has been acquired through use; that said waters all belong to the said lands of David Edson, and that no other lands are appurtenant; that the waters have been used on the said lands for more than 35 years. that the said use has been uninterrupted and continuous for the beneficial use of said lands; that said ditches or creek does not supply the lands of, and is not appurtenant to the lands of any other person.

W. H. Shoup

Subscribed and sworn to before me, a Notary Public, this 21st day of November, A.D. 1933.

James A. Newton
Notary Public for Idaho,
Residing at Salmon, Idaho.

SCANNED

AUG 23 2005

AFFIDAVIT OF LEE EVARTS
WATER RIGHTS PRIORITY

RE: Water Rights now held by Elizabeth Hutchison:

75-10668
75-10669
75-10671
75-10672
75-10673
75-10674

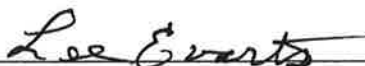
Lee Evarts, being sworn deposes and says as follows:

1. I am 87 years of age. I live in Lemhi County, Idaho. I was born in the area and have been familiar with the Poison Creek Drainage Ranch Lands along the Salmon River for my entire lifetime.
2. My recollections of the above referenced water rights are basically the same as those of Elizabeth Hutchison as stated in her affidavit dated on or about this same date, which I have also read and understood. My understanding and knowledge of the history of the area would confirm that the exhibits attached to the Hutchison affidavit are also accurate and true.
3. Lastly, from my knowledge, recollection and best belief, and based upon my research and lifetime information, the lands described as the place of use under the rights above referred to have been irrigated in much the same manner since the date of entry or homestead as they are today and that the claims filed and referred to first above are accurate.

Given the content of the exhibits attached to the Hutchison affidavit and my recollections, use has been continuous and without interruption for the full period after completion of entry, homestead or patent until today's date. From my own recollections, I can confirm this to be true since 1922.

4. I hereby confirm the authenticity and accuracy of the statements made above, based on my recollections and further state that I have reviewed all claims made as to priority, place of use and other data and can state as a fact that my recollections, when coupled with the attached exhibits, and along with my knowledge of early history of the area, all support the claims made under the water rights listed above in every respect.

Dated: 8/18/05



Lee Evarts

STATE OF IDAHO)

County of Lemhi)
SS:

On this 18 day of August, 2005, before me, a Notary Public in and for said State, personally appeared LEE EVARTS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.



Wayne J. Hamblin
Notary Public

My Commission Expires: 3/8/2010

AFFIDAVIT OF ROSANNA EVARTS
WATER RIGHTS PRIORITY

RE: Water Rights now held by Elizabeth Hutchison:

75-10668
75-10669
75-10671
75-10672
75-10673
75-10674

Rosanna Evarts, being sworn deposes and says as follows:

1. I am 83 years of age. I live in Lemhi County, Idaho. I was born in the area and have been familiar with the Poison Creek Drainage Ranch Lands along the Salmon River for my entire lifetime.
2. My recollections of the above referenced water rights are basically the same as those of Elizabeth Hutchison as stated in her affidavit dated on or about this same date, which I have also read and understood. My understanding and knowledge of the history of the area would confirm that the exhibits attached to the Hutchison affidavit are also accurate and true.
3. Lastly, from my knowledge, recollection and best belief, and based upon my research and lifetime information, the lands described as the place of use under the rights above referred to have been irrigated in much the same manner since the date of entry or homestead as they are today and that the claims filed and referred to first above are accurate.

Given the content of the exhibits attached to the Hutchison affidavit and my recollections, use has been continuous and without interruption for the full period after completion of entry, homestead or patent until today's date. From my own recollections, I can confirm this to be true since 1922.

4. I hereby confirm the authenticity and accuracy of the statements made above, based on my recollections and further state that I have reviewed all claims made as to priority, place of use and other data and can state as a fact that my recollections, when coupled with the attached exhibits, and along with my knowledge of early history of the area, all support the claims made under the water rights listed above in every respect.

Dated: 8-18-05



Rosanna Evarts

STATE OF IDAHO)

County of Lemhi)^{SS:}

On this 18 day of August, 2005, before me, a Notary Public in and for said State, personally appeared ROSANNA EVARTS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

Wayne J. Hamblin
Notary Public

My Commission Expires: 3/8/2010



4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Hutchison

CLAIM IDENT. NO.

A75-10668

DATE RECEIVED

CK #

AMOUNT \$

YES

NO

Required
Info?

1. Is the name and address complete with zip code? 1
2. Is a priority date entered? 1
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. 1
3. (a) Is a source entered? 1
(b) Is a tributary to entered? (if required) N/A 1
4. Is the legal description of the p.d. sufficient? 1
5. Is there a description of the diverting works? 1
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. 1
Is the period of use included? 1
Is a quantity claimed for each use? 1
7. Is a total quantity claimed entered? 1
8. If required is a consumptive use entered? N/A 1
Is the consumptive use correct? N/A 1
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A 1
10. Is (are) the place(s) of use and purpose(s) indicated? 1
11. Is (are) the county(ies) entered? 1
12. Is the ownership of p.u. checked? 1
13. Are other water rights listed or "none" indicated? 1
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A 1
15. Is the basis of the claim indicated? 1
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A 1
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. 1
18. Has the claim been signed, sealed, and dated by a notary? 1
19. Was this claim filed on time, or was an extension granted? 1
20. Is the fee enclosed correct? Exempt 1
21. If this claim is based on an existing water right, has the identification number been entered? N/A 1
22. Should this claim be data entered? 1

Claim checked by: DCDate: 5/18/90Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

DEC 15 1992

SCANNED
007152-1

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: A75-10668
Date Received: 7/18/1990
Receipt No: M006963
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ELIZABETH HUTCHISON 208-756-2250
Address: HC 61 BOX 150
SALMON, ID 83467

2. Date of Priority: APR 01, 1900

3. Source: POISON CREEK Trib. to: SALMON

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	21E	22	SE	NW			LEMHI

5. Description of diverting works:
HEADGATE 12' WIDE INTO 4'X 4' DIVERSION BOX INTO GRAVITY FLOW DT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.520		

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

8. Total consumptive use is 190.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	21E	15	NE	SW		IRR	17.0
			SW	SW		IRR	19.0
			SE	SW		IRR	20.0
			NW	SE		IRR	3.0

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Date: 07/18/90

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	59.0
		22	NW	NW	IRR	17.0
					Section Acres	17.0
					Total Acres	76.0

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: _____

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 _____

17. Notice of Appearance:

Notice is hereby given that I, _____ will be
Print Name
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 _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

A75-10668

Date Received

5/8/90

Receipt Number

M006963

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Elizabeth Hutchison Phone (208) 756-2250Mailing Address H.C. 61, Box 150, Salmon, Idaho Zip 834672. Date of Priority (Only one (1) per claim) April 1, 19003. Source of water supply (a) Poison Creek
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 18 N. Range 21 EBM Section 22,
SE 1/4 of NW 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 _____

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. Board headgate 12' wide into 4' x 4'
diversion box into gravity flow ditch 2'x2' and 12" pipe 1/2 mile to place of use

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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 1.52 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.52 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 190 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	
18N	21E	15									17		19	20		3			59
18N	21E	22						17											17

Total number of acres irrigated 76

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 (X)

14. Remarks:

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DEC 15 1992

Last Name Hutchison Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XX 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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

Signature of Claimant (s)

Elizabeth Hutchison
Elizabeth Hutchison

Date

5/8/90

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 _____)

County of Lemhi)

SS.

Subscribed and sworn (or affirmed) before me this 8th day of May 19 90

SEAL

Notary Public [Signature]

Residing at Salmon, Idaho

My Commission Expires Life

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Sherman F. Furey III, Esq. 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 116 N. Center, Salmon, Idaho 83467

Date 5-8-90

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Last Name Hutchison Ident. Number _____

Copies White-State, Yellow-Claimant

$N \uparrow$

Lenthi County



Creeks & River

Ditch

Place of use

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