

11/11/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10785

NAME AND ADDRESS: GARY GAPP
20 JON LANE
NORTH FORK ID 83466

DIXIE GAPP
20 LON LANE
NORTH FORK ID 83466

SOURCE: WASTE WATER
NORTH FORK SALMON RIVER

TRIBUTARY: NORTH FORK SALMON RIVER
TRIBUTARY: SALMON RIVER

QUANTITY: 0.150 CFS

PRIORITY DATE: 12/26/1912

POINT OF DIVERSION:

T25N R21E S21 NESW Within LEMHI County
T25N R21E S21 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.150 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T25N R21E S21 NESW 5.20

5.2 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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

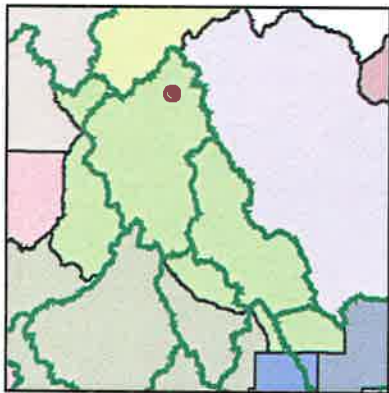


Idaho Department of Water Resources

SRBA Claim:
75-10785

Legend

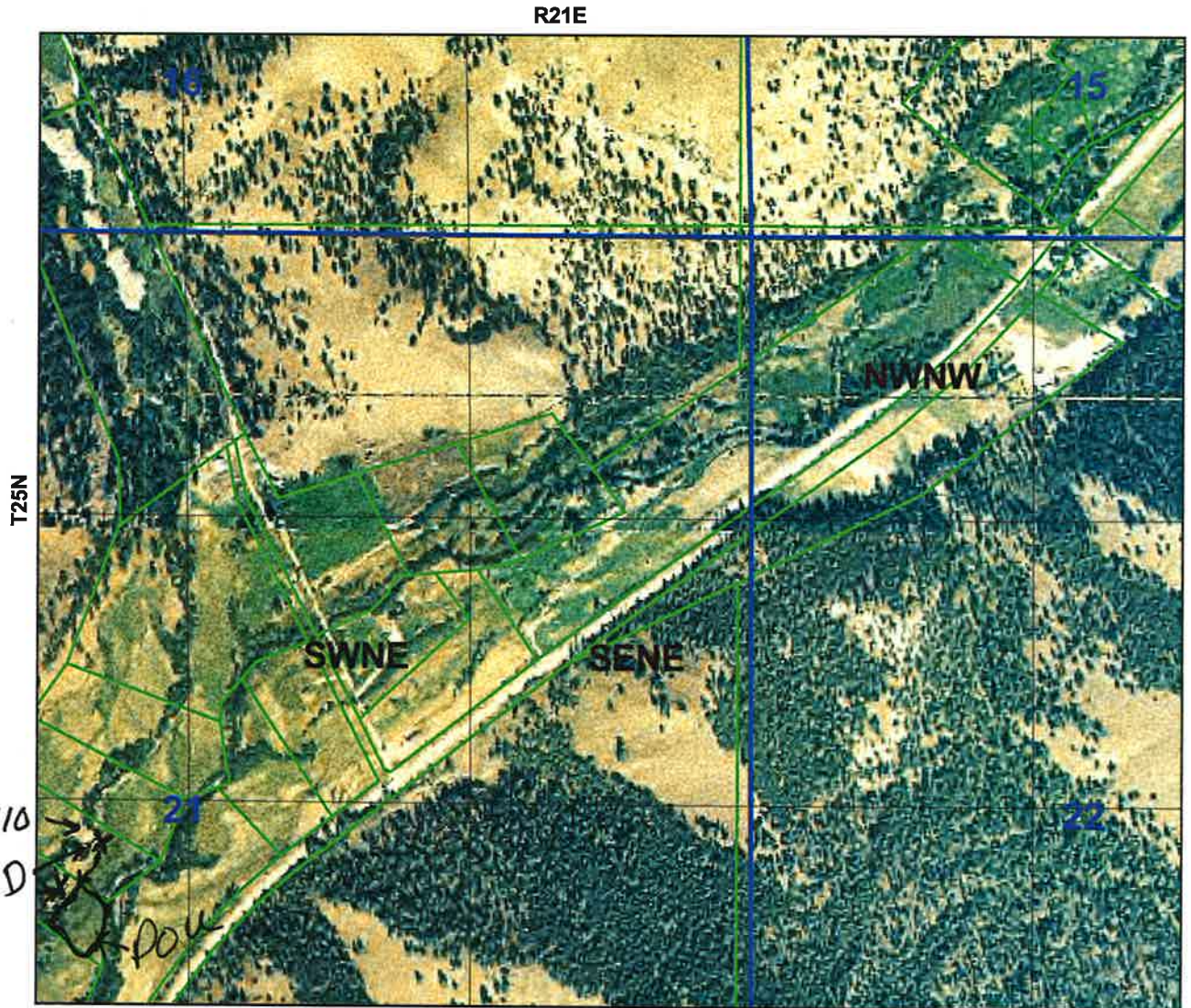
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



GPS 110
POD
POU



0 0.3 0.6 Miles

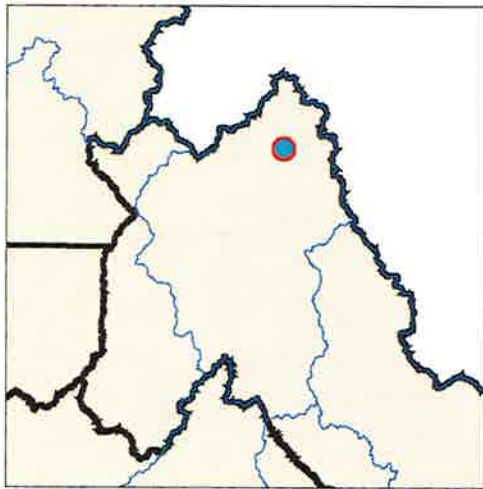


Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

Idaho Department of Water Resources

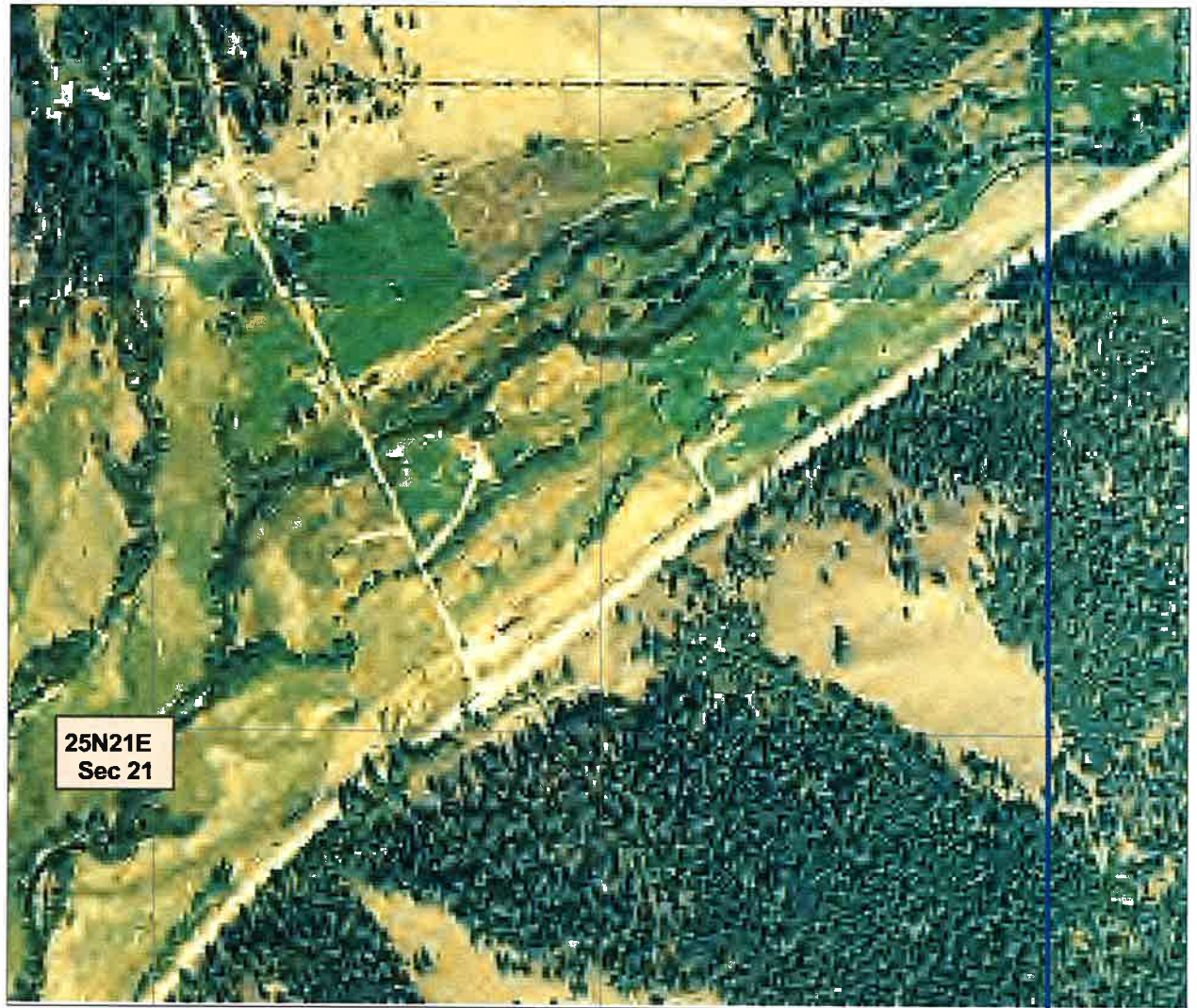


Adjudication Claim Number: **75-10785**



Legend

- PLS Sections
- Quarter Quarters



0 0.2 0.4 Miles

A horizontal scale bar with markings at 0, 0.2, and 0.4 miles.

Prepared by M. Vanbussum
On Monday, May 16, 2005
1991 Aerial Photography

11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-10785

GARY GAPP
20 JON LANE
NORTH FORK ID 83466
Telephone Number: (208)865-2663

DIXIE GAPP
20 LON LANE
NORTH FORK ID 83466
Telephone Number: (208)865-2663

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: 28 Nov 06 SIGNATURE: Gary C. Gapp & Dixie L. Gapp
Please print your name: GARY C. GAPP & DIXIE L. GAPP

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

RECEIVED

DEC 06 2006

IDWR/North

SCANNED

DEC - 8 2006

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

CLAIM NO(s). A75 10785

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☐ No Change ADDRESS

☒ NEW ADDRESS: 208-865-2663
20 Jon Ln North Fork, 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:

A0017072 GPS 110
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
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: <u>25N</u> Township <u>21E</u> Range <u>21</u> Section <u>NE 1/4 SW 1/4</u>
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

Gary gets some water from point of
diversion (GPS 110) and some waste water
from the Feltons. He irrigates a total
of about 5 acres

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 27, 2000

GARY & DIXIE GAPP
PO BOX 56
NORTH FORK ID 83466

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE OF CLAIM TO A WATER RIGHT **A75-10785**

Dear Mr. & Mrs. Gapp:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

RECEIVED
FEB 22 2000
Department of Water Resources
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A75-10785
2. The following **REQUIRED** information must be submitted with this form:
- A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
- AND**
- B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
- OR**
- C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Jon W. Ball
North Fork ID
4. New Owner/Claimant(s) Gary and/or Dixie Gapp
Name Connector (Check one): ☐ and ☐ or ☒ and/or
New Mailing Address 8725 Northbrook Place PO Box 56
City, State and ZIP Code North Fork, ID 83466
BORSE IDAHO 83703
- New Telephone Number (208) ~~853-1639~~ 856 4663

5. Date you acquired the property 07-12-1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate 2.5 3.5 Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Gary Gapp

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

WARRANTY DEED

For Value Received

JON W. BALL, A SINGLE MAN,

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

GARY C. GAPP and DIXIE L. GAPP, husband and wife,
P. O. Box 56, North Fork, Idaho 83466

the grantee s, the following described premises, in Lemhi County Idaho, towit:

Lot two (2), Block One (1) of River Run Estates, according to the official plat thereof on file in the office of the Lemhi County REcorder.

Together with right of ingress and egress along the existing roadway across Lot Three (3) and Lot Nine (9) and the existing bridges belonging to the Grantor. Grantees agree to share in the maintenance of the road and bridges across Grantor's property.

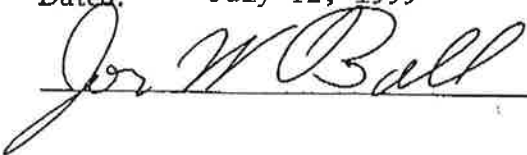
Together with all water, water rights, ditches and ditch rights apurtenances thereto .

RECORDED JULY 12, 1999
UNDER INSTRUMENT NO. 241225
RECORDS OF LEMHI COUNTY, IDAHO

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

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

Dated: July 12, 1999



WARRANTY DEED

For Value Received

NEIL M. SALMI AND KAREN S. SALMI, husband and wife

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

JON W. BALL AND YOSHIKO T. BALL, husband and wife

whose current address is 1729 BAYWOOD DRIVE
CONCORD, CALIFORNIA 94521-1256the grantees, the following described premises, in LEMHI County Idaho, to wit:LOTS 2 AND 3 IN BLOCK 1 OF RIVER RUN ESTATES, ACCORDING
TO THE PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE
OF THE RECORDER OF LEMHI COUNTY, IDAHO.TOGETHER WITH any and all water and water rights, ditch
and ditch rights, and mineral rights appurtenant thereto
or used in connection therewith.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 they are the owners in fee simple of said premises; that they are free
from all incumbrances

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

Dated: SEPTEMBER 9, 1991

NEIL M. SALMI

KAREN S. SALMI

UTAH
STATE OF IDAHO, COUNTY OFOn this 9th day of SEPTEMBER, 1991,
before me, a notary public in and for said State, personally
appearedNEIL M. SALMI and
KAREN S. SALMIknown to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Notary Public

State of Idaho
County of Lemhi

No. 211665

This instrument was filed for record at
the request of Jon W. Ball & Yoshiko T. Ball
at 1:00 o'clock p.m. on 9-11 1991and duly filed and indexed in the
records of Lemhi County

Alberta Wiscarick

County Clerk

by Scott J. Miller Deputy

Fees: \$00



certain

MG
IEth
sto

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

1667

Ord. at
12th
1991

he

Deputy

JON W. BALL

State of Idaho
County of Lemhi

38 No. 229103

This instrument was filed for record at the recorder's office of the County of Lemhi, Idaho, on the 18th day of January, 1996, at 1:40 o'clock P.M. 1996. It duly filed and indexed in the records of Lemhi County, Idaho.

Attest: Wanda R. Wadsworth
County Clerk

By: Wanda R. Wadsworth
County Clerk

Rehears

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Quitclaim Deed

THIS FORM FURNISHED BY TRUSTEES SECURITY SERVICE

191610

The undersigned Grantor(s) declare(s) under penalty of perjury that the following is true and correct:
Documentary transfer tax is \$

- () computed on full value of property conveyed, or
() computed on full value less value of liens and encumbrances remaining at time of sale.
() Unincorporated area: () City of _____, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged

YOSHIRO T. BALL

heroby REMISE(S), RELEASE(S) AND FOREVER QUIT CLAIM(S) to
JON W. BALL, AS HIS SOLE AND SEPARATE PROPERTY

the following described real property in the County of _____, IDAHO
LEMMI COUNTY, State of IDAHO:
LOTS 2 and 3 IN BLOCK 1 OF RIVER RUN ESTATES, ACCORDING TO THE PLAT
THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE RECORDER OF LEMHI
COUNTY, STATE OF IDAHO.
TOGETHER WITH ANY AND ALL WATER AND WATER RIGHTS, DITCH AND DITCH RIGHTS,
AND MINERAL RIGHTS APPURTENANT THERETO OR USED IN CONNECTION THEREWITH.

Dated January 18, 1996

Yoshiro T. Ball
YOSHIRO T. BALL

State of California
County of CONTRA COSTA

On 1-18-96
before me, TINA P. SCHNEEBERG
personally appeared YOSHIRO T. BALL

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) acted on the behalf of which the person(s) acted executed the instrument.



WITNESS my hand and official seal

Signature Tina P. Schneeborg

MAIL TAX
STATEMENTS TO:

ASSESSORS PARCEL NO.

164272

Recorded at Request of Lemhi Title Company
 at 1:15 P.M. Fee Paid \$ 2.00 by Carlton F. Shaw Deputy
~~XXX~~ Alberta Wiederrick, Clerk Dep. Book DEEDS Page XX Ref XX
~~MIN TAX NOTICE~~ September 20, 1982 ~~XXXXXX~~

WARRANTY DEED

JOHN A. WESTMAN and H.W. TAYLOR grantors
 of Bark City, County of Summit, State of Utah, hereby
 CONVEY and WARRANT to

NEIL M. SALMI and KAREN S. SALMI as joint tenants.

of Phoenix, Arizona grantees
 for the sum of
DOLLARS,

the following described tract of land in TEN
 State of UTAH IDAHO: Lemhi County,

All of Lot two (2) Block One (1) River Run Estates Lemhi County,
 Idaho.

WITNESS, the hand of said grantors, this 10th day of
August, A. D. 1982

Signed in the Presence of

STATE OF UTAH,

County of Summit } ss.

On the 10th day of August
 personally appeared before me JOHN A. WESTMAN and H.W. TAYLOR

the signers of the within instrument, who duly acknowledged to me that they executed the same.

Notary Public.

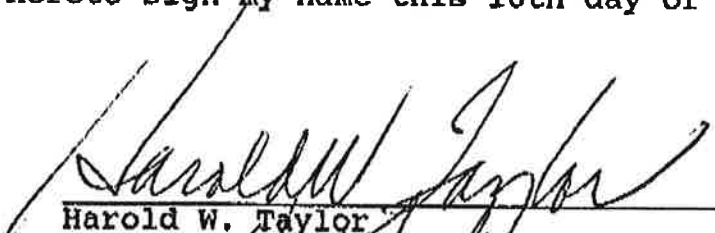
My commission expires Nov 4, 1983 Residing in Kamas, Utah

SPECIAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS that I, Harold W. Taylor of 5 Silver Queen Court, Park City, Utah, do hereby make, constitute and appoint David Couch of Lemhi County, Idaho, my true and lawful attorney-in-fact for me and in my name, place, and stead, and on my behalf, and for my use and benefit.

To sign my name to any instrument regarding any and all business pertaining to water rights and water shares which I own in Lemhi County, Idaho, and to do any other act or acts, which the undersigned can do through an agent, with respect to my interest in my water rights and water shares in Lemhi County, Idaho.

IN WITNESS WHEREOF, I hereto sign my name this 10th day of May, 1990.

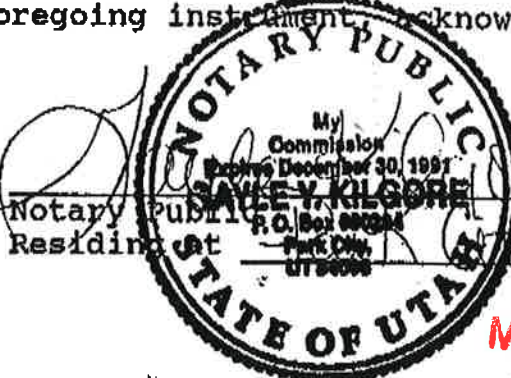

Harold W. Taylor

STATE OF UTAH)
: ss.
COUNTY OF SUMMIT)

On this 10th day of May, 1990, personally appeared before me, Harold W. Taylor, to me known to be the person described herein and who executed the foregoing instrument, acknowledged to me that he executed the same.

My Commission Expires:

12/30/91



MICROFILMED
DEC 15 1992

RECEIVED

AUG 08 2005

Department of Water Resources
Adjudication Bureau

Obs. Tract A

Survey commenced Sept. 4, 1910, and executed with an Ainsworth transit No. 2030, reading to 30° on both vertical and horizontal circles direct, fitted with plate levels, sensitive to 30°, and with a special level on standards, sensitive to 20°. Graduations are on solid silver.

The instrument is in perfect adjustment.

As an observation on Polaris was impossible on account of cloudy weather, I determine a meridian by direct solar observation, as herein after described.

Sept. 4 1910.

Beginning at Cor. No. 1 at base of hill, identical with Cor. No. 1, Hughes Creek Placer, Min. Sur. No. 1450, and identical with Cor. H/10 of Listing Survey, which is a porphyry stone, 5 x 12 x 15 ins., set in a mound of stone marked and witnessed as described by the Surveyor General;

No larger stone of suitable dimensions being available, I mark the same stone N E S 1/61 A on S. face, for Cor. No. 1 of this survey; from which

A pine, 20 ins. diam., bears S 34° 22' W., 65 links dist.

A fir, 36 ins. diam., bears N. 41° 42' E., 95 links dist.

Each blazed and marked BT1/1450 and RT1-MEN-61A.

U.S.L.M. No. 8, Dahlenega Mining District, which is a porphyry rock 6x10x16 ft. above ground, marked and witnessed as described by the Surveyor General, bears N. 61° 36' E., 4.21 chs. dist.

Thence S. 2° 25' E.

Along line 1-2 Hughes Creek Placer.

Over level cultivated bottom land.

3.97 Mrs. Eldridge's stable on line.

6.00 Road, bears NW and SE.

6.64 Fence, bears NW and SE, enter cultivated land.

15.80 North Fork of the Salmon River, 30 links wide, course S 2° W.

21.11 To Cor. No. 2, identical with Cor. H/11 of Listing Survey.

Obs.

and Cor. 2, Hughes Creek Placer, which is a post, 6 ins. sq. firmly set, marked and witnessed as described by the Surveyor General.

There being no stone of suitable size available for Cor. monument, I mark the same post 2-HES-61A on SE face, for Cor. 2 of this survey; from which

A cottonwood, 14 ins. diam., bears S $22^{\circ}59'E$, 18 link dist.

A cottonwood, 8 ins. diam. bears N $8^{\circ}17'E$, 19 lks. dist.

Each blazed and marked 2-1480 and 2 HES 61 A BT.

Thence N. $70^{\circ}15'W$.

Along line 2-3, Hughes Creek Placer.

Over level, cultivated bottom land,

1.49 To Cor. No. 3, identical with Cor. H/12 of Listing Survey, and Cor. 2, Stein Placer, Min. Sur. No. 1480, a post 6 ins. sq., set firmly, marked and witnessed as described by the Surveyor Gen'l.

No stone of suitable size being available for Cor. monument, I mark the same post 3-HES-61 A on SE face, for Cor. No. 3 of this survey; from which

A cottonwood, 6 ins. diam., bears S $81^{\circ}21'W$, 31 lks. dist.

A cottonwood, 5 ins. diam., bears S $4^{\circ}24'E$, 29 lks. dist.

Each blazed and marked BT 2-1480 and 3 HES-61-A-BT.

Thence S. $22^{\circ}32'W$.

Along line 2-3, Stein Placer.

Over level bottom land,

27.28 To Cor. No. 4, identical with Cor. H/13 Listing Survey, and Cor. 2 Homestead Entry Survey No. 55, a quartzite stone 51×26 ins., set 18 ins. in the ground, marked 2-HES 55 on SE face, with cross on top.

I mark 4-HES-61 A on NE face of stone, for Cor. 4 this survey.

No bearing objects available.

Cor. 3, Stein Placer, a stone $8 \times 12 \times 24$ ins. flush with

Obs. surface of ground marked 3/1480, bears S $22^{\circ}32'W$, 2.02 Obs. dist.

Thence S $80^{\circ}09'E$.

Along line 2-1 HES No. 55,

Over cultivated land, ascend gentle slope.

1.68 To Cor. No. 5 (in fence corner), identical with Cor. H/1 of Listing Survey, and Cor. 1 Homestead Entry Survey No. 55 a conglomerate boulder, showing $6 \times 8 \times 24$ ins. above ground, marked 1-HES-55 on SW face, with a cross(x) on top. I mark 5 HES 61 A on NW face, for Cor. 5 of this survey; from which

A pine, 12 ins. diam., bears N $87^{\circ}2'E$, 52 lks. dist.

A pine, 7 ins. diam., bears N. $6^{\circ}4'W$, 19 lks. dist.

Each blazed and marked 1-HES-55 BT and 5-HES-61 A BT.

Thence N. $30^{\circ}23'E$.

Along fence at base of ridge, and northerly side of County road from Salmon to Gibbonsville.

10.64 To Cor. No. 6, identical with Cor. H/2 of Listing Survey, which is a post, marked and witnessed as described by the Surveyor Gen'l.

In place of which I set a quartzite stone, $6 \times 8 \times 24$ ins., 12 ins. in ground, for Cor. 6, marked 6 HES 61 A on NW face, with a cross(x) on top; from which

An aspen, 18 ins. diam., bears S $56^{\circ}48'W$, 25 lks. dist.

A black pine, 12 ins. diam., bears N $43^{\circ}39'E$, 73 lks. dist.

Each blazed and marked (x) 6 HES 61 A BT

Thence N. $46^{\circ}29'E$.

Along fence at base of ridge and northerly side of county road from Salmon to Gibbonsville,

8.68 To Cor. No. 7, identical with Cor. H/3 of Listing Survey, which is a post marked and witnessed as described by the Surveyor General.

In place of which I set a quartzite stone, $8 \times 8 \times 16$ ins. 18 ins. in the ground, for Cor. 7, marked 7 HES 61 A on the NW face, with cross(x) on top; from which

Chs.

A black pine, 18 ins. diam. bears N 62° 35' E., 111 lks. dist.

A black pine, 30 ins. diam., bears S. 12° 23' E., 70 lks. dist.

Both blazed and marked (x) 7 HES 61 A BT.

No stone of larger size available for Cor. monument.

Thence N. 57° 22' E.

Along fence at base of ridge and northerly side of County road.

14.52 I cross fence, which bears N. 60° E.

Leave road and base of ridge.

Over rolling land.

16.52 To Cor. No. 8, in fence line, identical with Cor. H/4 of Listing Survey, a post marked and witnessed as described by the Surveyor General.

In same place set a quartzite stone, 6x8x24 ins., 12 ins. in the ground, for Cor. 8, marked 8 HES 61 A on NW face, with a cross(x) on top; from which

A cottonwood, 6 ins. diam., bears N. 73° W., 17 lks. dist. marked 8 HES 61 A BT.

A granite boulder, 4x3x2 1/2 ft. above ground, bears S. 12° 15' W., 40 lks. dist., marked 8 HES 61 A BR.

Thence N 43° 39' E.

Along base of ridge and NW edge of county road. Line runs outside of fence.

6.39 Cross the county road, course N 20° E.

6.89 To Cor No. 9, identical with Cor. H/5 Listing Survey, and Cor. 5, Bonanza Placer, Min. Sur. No. 1498, a granite boulder, 2x3x3 ft. above ground, marked and witnessed as described by the Surveyor General.

I mark the boulder 9 HES 61 A on W. face, for Cor. 9; from which

A pine, 18 ins. diam., bears N. 37° 50' E., 131 lks. dist. Marked (x) 9 HES 61 A-BT.

Chs.

Thence N 34° 33' W.

Along line 5-1 Mineral Sur. 1498

Over level bottom land.

0.25 County Road, Salmon to Gibbonsville, bears N 40° E, and S 20° W

2.25 Fence bears NW and SE. Enter field.

8.56 North Fork of the Salmon River, 30 lks. wide, course SW.

10.40 To Cor. No. 10, identical with Cor. H/6 of Listing Survey and Cor. 1, Min. Sur. No. 1498, Bonanza Placer, a cottonwood tree, 14 ins. diam., marked and witnessed as described by the Surveyor General.

I mark 10 HES 61 A on W. side of tree, for Cor. No. 10, from which

A cottonwood, 10 ins. diam., bears S 26° W., 8 lks. dist.

A cottonwood, 12 ins. diam., bears N 48° W., 8 lks. dist.

Both blazed and marked 10 HES 61 A BT.

Thence N. 55° 53' E.

Along line 1-2, Min. Sur. No. 1498, over level bottom land

10.50 North Fork of the Salmon River, 30 lks wide, course SW.

11.01 To point for Cor. No. 11, which falls on the edge of the left bank of North Fork of the Salmon River. Therefore at a point S 35° 2' E., 13 links dist., I set a quartzite stone, 3x12x24 ins., 12 ins. in ground, surrounded by mound of stone, for Witness Cor. No. 11, marked WC 11 HES 61 A on NW face, with a cross(x) on top, from which

A cottonwood, 24 ins. diam., bears S 79° 10' E., 10 lks. dist.

A cottonwood, 12 ins. diam., bears S 2° 10' E., 27 lks. dist.

Both blazed and marked WC 11 HES 61 A BT.

From true point for Cor. 11, Cor. No. 2 Min. Sur. 1498 which is an aspen tree, marked and witnessed as described by the Surveyor General, bears N 55° 53' E., 29.58 chs dist.

Cor. H/7 of Listing Survey has been destroyed by fire.

From true point for Cor. No. 11, I run

N. 35° 2' W.

SCANNED

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Obs.

0.25 North Fork of the Salmon River, 30 lks. wide, course SW.
Ascend over rolling land.

1.50 Fence, bears N 20° W. and S 20° E., enter field.

4.30 Claimant's irrigation ditch, 4 lks. wide, course S 72° W.

4.60 Fence, bears S 72° W. and N 72° E., leave field.

4.65 To Cor. No. 12, identical with Cor. R/S Listing Survey, a post in mound of rock, marked and witnessed as described by the Surveyor General.

In place of which I set a quartzite stone, 4x6x24 ins. 12 ins. in the ground, for Cor. No. 12, marked 12 HES 72 A on SW face, with cross(x) on top; from which

A cottonwood, 6 ins. diam., bears S 4° 34' E., 139 lks. dist.

A cottonwood, 8 ins. diam., bears S 19° 5' W., 163 lks. dist.

Both blazed and marked 12 HES 61 A BT.

Sept. 4 1910.

~~Sept. 5 1910~~

Thence S 72° 3' W.

Over rolling land, ~~over~~ base of ridge.

20.40 To Cor. No. 13, identical with Cor. H/9 of Listing Survey a quartzite boulder, 6x5x36 ins., set in a mound of stone, 24 ins. in ground, marked and witnessed as described by the Surveyor General.

I mark the same stone 13 HES 61 A on SW face, and cut a cross(x) on top, for cor. No. 13.

No bearing objects available.

From this corner, the NW corner of Claimant's residence, a log house, 31x26 ft. with an L 12x39 ft. on N. Cor., bears S 2° W 3.38 chs. dist.

The NE cor. of her stable, 40x50 ft., bears N 45° 15' W., 1.90 chs. dist.

The NE Cor. of her cellar, 18x20 ft., bears N. 60° W., 18 links dist. (long side of cellar N.W. 0

Obs.

Thence N 27° 59' W.

Along base of ridge, over rolling land, rocky soil.

5.22 To Cor. No. 1, the place of beginning.

Magnetic Declination 20° 30' E.

Homestead Entry Survey, No. 61, Tract A.

Beginning at Cor. No. 1, identical with Cor. H/16 of Listing Survey, which is a pine stump, marked and witnessed as described by the Surveyor General.

At edge of tree stump, set a quartzite stone, 4x12x18 ins., 12 ins. in the ground, for Cor. No. 1, marked 1-HES-61 B. on the S. face and cross (x) on top; from which

A pine, 6 ins. diam., bears S 16° W., 10 lks. dist.

A pine, 6 ins. diam., bears N 69° E., 11 lks. dist.

Both blazed and marked 1-HES-61-B-BT.

U.S. Location Monument No. 6, Dahlonga Mining District, heretofore described, bears N 52° 55' E., 16.22 chs. dist.

Thence S 20° 57' W.

Over rolling land, along base of ridge.

9.45 To Cor. No. 2, identical with Cor. H/17 of Listing Survey, a stone, 36x14x6 ins. above ground, marked and witnessed as described by the Surveyor General.

I mark 2-HES-61-B on E. face of stone, and cut a cross(x) on top for Cor. No. 2, from which

A pine, 8 ins. diam., bears N. 17° 15' W., 73 lks. dist.

A pine, 24 ins. diam., bears N 86° 35' W., 109 lks. dist.

Both blazed and marked (x) HES-61-B RT.

Thence S 36° 7' W.

Over rolling land, along base of ridge.

10.95 To Cor. No. 3, identical with Cor. H/18 of Listing Survey, and Cor. No. 6 of Homestead Entry Survey No. 55, a

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8. Homestead Entry Survey No. 61, Tract B.

Chs. quartzite stone, 8x14x24 ins., set in a mound of stone, marked 6-HES-55 on SE face, with a cross(x) on top.
I mark 3-HES-61 B on NE face of stone, for Cor. No. 3 of this survey; from which
A fir, 48 ins. diam., bears North 2 lks. dist., marked 6-HES-55-BT and 3-HES-61 B-BT.
No other bearing objects available.

Thence S 49° 26' E.

Along line 6-5 HES-55,
Over rolling land, descend gentle slope through scattering undergrowth
10.57 To Cor. No. 4, identical with Cor. H/19 of Listing Survey and Cor. 5-HES-55, a quartzite stone, 5x10x18 ins., set 12 ins. in ground, and marked 5-HES-55 on SW face, with cross(x) on top.

I mark the stone 4-HES-61 B on N face, for Cor. No. 4 of this survey.

No bearing objects available, and no stone of larger size available.

This Cor. is on line 4-1, Stein Placer, Mineral Survey No. 1480, N 22° 32' E., 6.86 chs. dist. from Cor. No. 4 of said survey, identical with Cor. 4, HES-No. 55, a quartzite stone, 5x5x24 ins., set 18 ins. in the ground and marked 4-HES-55 and 4-1480

Thence N 22° 32' E.

Along line 4-1, Stein Placer,
Over level bottom land, through scattering undergrowth
22.44 To Cor. No. 5, identical with Cor. H/14 of Listing Survey and Cor. 1 of Stein Placer, a pine post 4x6 ins., 24 ins. above ground, firmly set, marked 1-1480 on SE face, with a nail on top.
No stone of suitable size being available.
I mark post 3-HES-61 B on SW face, for Cor. 5 of this survey; from which

A pine, 20 ins. diam., bears N. 12° 36' E., 183 lks. dist., marked 1-1480 BT and 3-HES-61 B-BT.

Homestead Entry Survey No. 61, Tract B.

9.125

Chs. No other bearing objects available.
U.S. Location Monument No. 8, Dahlonega Mining District, heretofore described, bears N 27° 40' E., 22.90 chs. dist.
This Cor. is on line 2-3 Hughes Creek Placer, Min. Survey No. 1480, N 70° 15' W., 8.31 chs. dist. from Cor. 2 of said survey, identical with Cor. 2, Tract A of this survey, heretofore described.

Thence N 70° 15' W.

Along line 2-3 Hughes Creek Placer, over level meadow.
1.51 To Cor. No. 6, identical with Cor. H/15 of Listing Survey and Cor. 3 Hughes Creek Placer, a pine post, decayed and broken off at ground, in place of which set a quartzite stone, 8x16x24 ins., flush with natural surface of the ground (in edge of meadow) for Cor. No. 6 of this survey and Cor. 3 of Hughes Creek Placer, marked 3-1480 on NE face, 6-HES-61B on SW face, with cross(x) on top.
No bearing objects available.

Thence S 5° 3' W.

Ascend gentle slope over cultivated land.
3.38 Claimant's irrigation ditch, from Hughes Creek, 6 lks. wide course SW.
6.00 Leave cultivated land, bears NE and SW, enter scattering pine timber.
10.03 To Cor. No. 1, the place of beginning.

Sept. 5 1910, and Sept. 15, 1911.

Magnetic declination . 20° 30' E.

AREA

Tract A. 55.15 acres.
Tract B. 18.99 "
Total Area 74.14 acres.

SCANNED
AUG 09 2005

126A

AUG 9 2005

SCANNED

John C. [illegible]

- DIRECTIONS.—1. Carry out the area in acres to three decimals, and all other calculations to two decimals only.
 2. In balancing Lat. and Dep. do not obliterate or change the original figures. Put the corrected figure or figures above in red ink. Do not change the footing of the original figures, but put below them the corrected footing in red ink.
 3. In calculations of fallings take result to nearest hundredth. In calculations of N. and S. areas drop all after second decimal. Deputies are cautioned not to use tables that do not give results exact to the decimal specified.

TABLING AND CALCULATIONS OF *Elizabeth M. Eldridge, Homestead Entry*, SURVEY No. *61*, *1899*.

No.	COURSE.	DISTANCE.	LATITUDES.		DEPARTURES.		DOUBLE M. D.	N. AREAS.	S. AREAS.
			NORTH.	SOUTH.	EAST.	WEST.			
1-2	S 20°-57' W.	948		886	339		2573		
2-3	S 36°-07' W.	1095		1531	1117		1117		22771
3-4	S 49°-26' E.	1007		707	826		826		17101
4-5	N 22°-32' E.	2244	2074		860		2512	52074	5840
5-6	N 70°-15' W.	151	511			142	3230	1648	
6-1	N 5°-03' W.	1003	999			88	3000	29970	
			3124	3124	1686	1686		83672	45712
								45712	
								29970	
								1899 Acres	

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Homestead Entry Survey No. 61 General Description.

Nearly all the land embraced in this survey is cultivated. The soil is a sandy loam, with more or less of small rocks as you approach the ridges.
 Ditches from Hughes Creek and North Fork of the Salmon River supply ample for irrigating the land.
 Along the streams are willows, aspen and cottonwood, and on the ridges scattering fir and pine.
 Outbuildings consist of a dwelling house, barn and cellar, heretofore described.
 This claim is located approximately in unsurveyed T. 25 N., R. 21 E., S. 4 M.
 All lines and connecting lines of this survey were run directly on the ground.

James M. Coplan
 U.S. Deputy Surveyor.

28 July 2005

State of Idaho
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83707

Dear Sir or Madam:

In response to your letter of June 29 with regard to my water right number 75-10785 I am submitting the following information to support the claim and to aid in converting to claim to an actual water right.

Please note beforehand that there is an error in the 75-10785 claim. I am working with Bob Foster in the Salmon office to correct the error which states that I have a total of 42.6 acres of irrigated land. In fact I purchased only 5 acres and it is on just those five acres that I claim the water right. The 5 acres I own are Lot 2, Block 1 of River Run Estates. This property is in both the Stein Placer Survey Number 1480 and the HES Number 61 - Tract B.

For evidence of claim I am providing the original HES 61 Survey of E. M. Eldridge which started in 1910 and whose completion in 1912 resulted in the 12/26/1912 claim. Please direct your attention to page 10 of the HES survey titled General Description which says:

Nearly all the land embraced in this survey is cultivated. The soil is a sandy loam, with more or less of small rocks as you approach the ridges.

And

Ditches from Hughes Creek and the North Fork of the Salmon River supply ample water for irrigating the land.

I assume this will establish the start date for water usage and that the agricultural use has continued to the current date. The previous owner used the water and it has continued with our purchase in July 1999.

I also have a well that was drilled in October 1999 by JAFECO firm number 504. The well tag number is 0000391. It is 125 feet deep and was flow tested at 15gpm at 110 feet for 3 hours. The well report is on file with the IDWR to the best of my knowledge. A copy is enclosed.

Enclosed is a copy of the HES 61 Survey and the claim you sent to me with my handwritten note indicating that the correct acreage is 5 - not 42.6.

Thank you,

Gary C Gapp

Gary Gapp
PO Box 56
North Fork, ID 83466

AUG 09 2005

Received 12 July 05

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-10785

WATER RIGHT NUMBER: 75-10785

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HAROLD W TAYLOR PO BOX 804 PARK CITY, UT 84060 (801)649-8496
Current Owner	GARY GAPP PO BOX 56 NORTH FORK, ID 83466 (208)865-2663
Current Owner	DIXIE GAPP PO BOX 56 NORTH FORK, ID 83466

Priority Date: 12/26/1912

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	1.700 CFS	
	<u>Total Diversion:</u>	1.700 CFS	

Location of Point(s) of Diversion

NORTH FORK SALMON RIVER LEMHI County	NW1/4NW1/4	Sec. 22, Twp 25N, Rge 21E, B.M.
NORTH FORK SALMON RIVER LEMHI County	SE1/4NE1/4	Sec. 21, Twp 25N, Rge 21E, B.M.

Place of Use

IRRIGATION Within LEMHI County

T25N R21E S21 SWNE 25.8 T25N R21E S21 SENE 16.8

Total Acres: 42.6 5

Conditions of Approval:

1. THIS CLAIM COMBINES CLAIMS 75-04056 AND 75-04057.
SEE ENCLOSED MAP FROM ORIGINAL FILING.
OWNERSHIP CHANGED PER REQUEST/JC/7-27-00

Remarks:

SCANNED

AUG 09 2005

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 75-10785
Date Received: 5/10/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

Name: GARY GAPP Phone: (208)865-2663

Address: PO BOX 56
NORTH FORK ID USA 83466

Name: DIXIE GAPP Phone:

Address: PO BOX 56
NORTH FORK ID USA 83466

2. Date of Priority: 12/26/1912

3. Source: Salmon River North Fork Trib. to: Unknown Salmon River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
25N	21E	22	NW NW	0	LEMHI
25N	21E	21	SE NE	0	LEMHI

5. Description of diverting works:

2-WOOD HEADGATE, AND DAM, DITCHES, FLOOD IRRIGATION

2-WOOD HEADGATE, AND DAM, DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	1.7	0

7. Total Quantity Appropriated is:

1.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
25N	21E	21	SE NE	IRRIGATION	16.8
			SW NE	IRRIGATION	25.8
Section Acres					42.6
Total Acres					42.6

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:

THIS CLAIM COMBINES CLAIMS 75-04056 AND 75-04057
SEE ENCLOSED MAP FROM ORIGINAL FILING
OWNERSHIP CHANGED PER REQUEST/JC/7-27-00

15. Basis of Claim: Beneficial Use

16. Signature(s)

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: A75-10785
Date Received: 5/10/1990
Receipt No: NOV 10 30
Received By: AS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HAROLD W. TAYLOR
Address: P.O. BOX 804
PARK CITY, UT

801-649-8496

84060

2. Date of Priority: DEC 26, 1912

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	21		SE	NE		LEMHI
		22		NW	NW		LEMHI

5. Description of diverting works:
2-WOOD HEADGATE, AND DAM, DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.700		

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

A.F.A.

8. Total consumptive use is 106.2 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	21	SW	NE		IRR	25.8
			SE	NE		IRR	16.8

Section Acres 42.6

A75-10785

Page 1

Date: 05/10/90

MICROFILMED

DEC 15 1992

A7510785



10. Place of Use: Continued

Total Acres 42.6

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:

THIS CLAIM COMBINES CLAIMS 75-04056 AND 75-04057.
SEE ENCLOSED MAP FROM ORIGINAL FILING.

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): Harold W. Taylor Date: 5/10/90
by Daniel J. Caud Date: 5/10/90
Power of Attorney

State of Idaho

County of Lenex)
SS.)

Subscribed and sworn (or affirmed) before me this 10th day

of May 19 90

Seal

Anna Baumhoff
Notary Public

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

