

11/10/2006

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

RIGHT NUMBER: 75-14011

NAME AND ADDRESS: BETH ANNE O CONNER WALLACE
11920 NARCISSUS RD
JACKSON CA 95642

JEROLD W WALLACE
11920 NARCISSUS RD
JACKSON CA 95642

SOURCE: SMOUT CREEK

TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.260 CFS
45.500 AFY

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION:

T23N R23E S30 NWSESE Within LEMHI County

T23N R23E S31 SWNESE Within LEMHI County

T23N R23E S31 NESWNE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MITIGATION	04/01 11/01	0.020 CFS 3.50 AFY
IRRIGATION	04/01 11/01	0.240 CFS 42.00 AFY

PLACE OF USE: IRRIGATION in LEMHI County

T23N R23E S31 SENW 12.00

MITIGATION same as IRRIGATION

12 ACRES TOTAL

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

Recommended as Right No. 75-14009.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-13961.

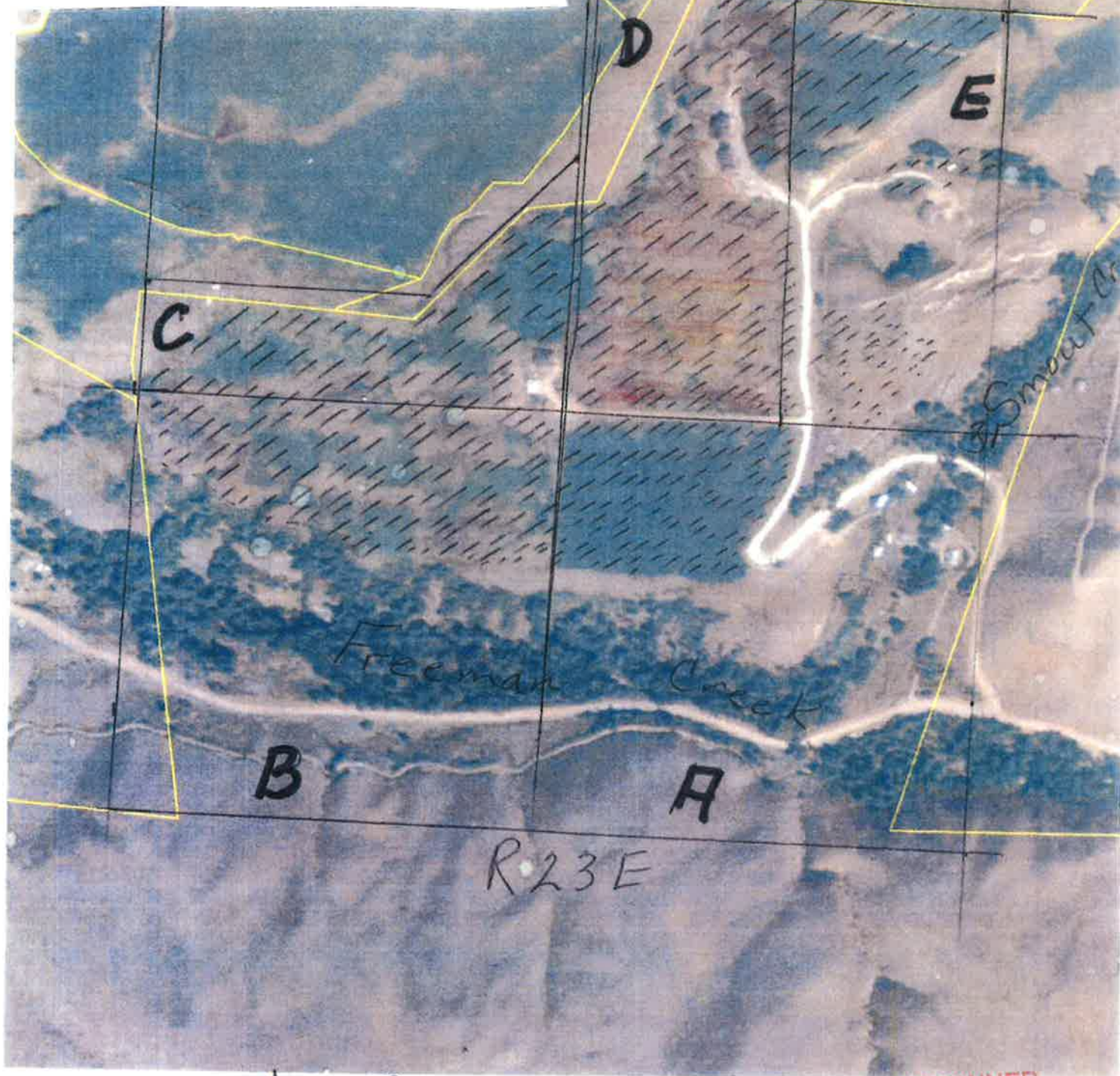
Informat.

Parcel

- A _ Lee and Ann Lieberman
- B _ Andrea Clifton
- C _ Lucy Littlejohn
- D _ Jerrold and Beth Anne Wallace
- E _ Jack and Diane Ellis



The Whole irrigated by the 1915 water right,



★ Ignore yellow Lines

SCANNED
JAN 28 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

OCT 03 2008

DEPARTMENT OF
WATER RESOURCES

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

September 17, 2008

① JEROLD W WALLACE
BETH ANNE O'CONNOR WALLACE
4820 GRAZING HILL RD
LATROBE CA 95682-9702
530-672-9639

RE: Snake River Basin Adjudication (SRBA)
~~Recommendations #36-16490 and 36-16491~~

② 11920 NARCISSUS RD
JACKSON, CA 95642
209-296-3601

75-14011

Dear Water Right Holders:

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 6, 2008. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

16 cards updated
NCRP prepared.
10-3-08
/M

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region
Enclosure:
Returned Mail

#####

The address is correct as shown above or as otherwise changed.

Jerold Wallace 9-30-08 530-672-9639
Water Right Holder's Signature Telephone No.

SCANNED

OCT - 3 2008

The United States of America,

To all to whom these presents shall come, Greeting:

Desert Lands.

Certificate No. 609.

WHEREAS,

WINSLOW T. SMOUT

has deposited in the GENERAL LAND OFFICE of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that full payment has been made by the said Winslow T. Smout

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the southeast quarter of the northwest quarter and the north-east quarter of the southwest quarter and the Lot three of Section thirty-one in Township twenty-three north of Range twenty-three east of the Boise Meridian, Idaho, containing one hundred eighteen and forty-four-hundredths acres,

according to the Official Plat of the Survey of the said lands, returned to the GENERAL LAND OFFICE by the Surveyor General, which said Tract has been purchased by the said Winslow T. Smout:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said Winslow T. Smout

and to

his heirs, the said Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said Winslow T. Smout

and to his heirs and assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof I, Theodore Roosevelt, President of the

United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

(SEAL) GIVEN under my hand, at the City of Washington, the twenty-ninth day of August, in the year of our Lord one thousand nine hundred and seven and of the Independence of the United States the one hundred and thirty-second.

By the President: Theodore Roosevelt

By Frank M. Kean, Secretary,

Harvey J. ...
Recorder of the General Land Office.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

hm 530-672-9639
cell 916-996-6300
JEROLD W WALLACE
BETH ANNE O CONNOR WALLACE
4820 GRAZING HILL RD
LATROBE CA 95682-9702

September 17, 2008

she called 9-30-08 Tues.
our prop together, have
separate mailing addresses.
She'll return ltr.

RE: Snake River Basin Adjudication (SRBA)
Recommendations #36-16490 and 36-16491

75-1400

Dear Water Right Holders:

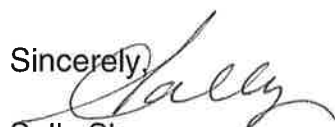
Mail we sent to you was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 6, 2008. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right(s) referenced above, please call this office toll-free at 1/800-451-4129 so we can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

#####

The address is correct as shown above or as otherwise changed.

RECEIVED
OCT 23 2008

Department of Water Resources
Eastern Region

Water Right Holder's Signature

Telephone No.

SCANNED

OCT 21 2008

Return Service Requested

75-14011

PRESORTED
FIRST CLASS



UNITED STATES POSTAGE
02 1M
0004227270
MAILED FROM ZIP CODE 83702
\$ 00.324
SEP 04 2006
PITNEY BOWES

DEPARTMENT OF
WATER RESOURCES

BETH ANNE ~~O GONOR~~ WALLACE
JEROLD W WALLACE
11920 NARCISSUS RD
JACKSON CA 95642

RETURN TO SENDER 1 708C 77 09/10/08
WALLACE BETH ANNE
4820 GRADING HILL RD
LATROBE PA 15652-9702

RETURN TO SENDER

CAACSS: 358
8372000098

|||||||

SCANNED
OCT 2 1 2008

RECEIVED

JUL 10 2007

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

A.

Subcase

75-14011

(Insert water right number)

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: BETH ANNE O'CONNOR WALLACE

Address: 52 SMOUT CREEK RD
CARMEN, IDAHO 83462

Daytime Phone: 208-756-2296
916-996-6300

Name & Address of Attorney, if any:

209-296-3001

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: BETH ANNE O'CONNOR WALLACE RTEROLD WALLACE

Address: 11920 NARCISSUS RD
JACKSON, CA 95682-9600

AS SOON AS WE SELL OUR HOME
IN CALIFORNIA, HOPEFULLY IDAHO, WILL
BE OUR HOME IN 2007.

WE BOUGHT IN IDAHO BECAUSE
WE WANTED WATER RIGHTS

FOR OUR ANIMALS
WE LOVE IDAHO!

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: 1915-05-01
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____
10. ☒ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** WE HAVE THE SAME 1915 WR AS THE ELLIS' & LIEBERMANS. OUR PROPERTY HAS ~~BEEN~~ ALWAYS BEEN IRRIGATED & GRAZED & WILL IN THE FUTURE WITH OUR ANIMALS & LIVESTOCK.

SEE ATTACHED LETTERS & EXPLANATION

F.

VERIFICATION (must be completed)

State of CALIFORNIA)

)ss.

County of Amador)

BETH ANNE O'CONNOR WALLACE duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Beth Anne O'Connor Wallace
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: July 2, 2007

Kathleen W. Foreman
Notary Public for California
Residing at: Volcano
My Commission Expires: 07-23-08



ACKNOWLEDGMENT

State of California

County of Amador

On July 9, 2007 before me, KATHLEEN W. Foreman, Notary Public,
(here insert name and title of the officer)

personally appeared Beth Anne D'Connor Wallace

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),
or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Kathleen W. Foreman



(Seal)

SCANNED
JAN 28 2009

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JULY 3, 2007 I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: BETH ANNE O'CONNOR WALLACE & JEROLD WALLACE
Address: 11920 NARCISSUS RD
JACKSON, CA 95682-9600

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

May 23, 07
Salmon, ID

Attention: Greg Taylor

Re: Wallace (Brownlee water right No. 75-14011)

The Wallace's have asked me to write concerning why they were denied their claim to a water right No. 75-14011.

In 2001 my wife and I sold a parcel of land containg 20 acres to the Brownlee's. Then on Oct. 5,2001 we recieved a letter from the IDWR informing us that IDWR has transferred 0.55 CFS to 13 acres to the Brownlee's. This transferr was made from 75-13961 with a priority date of 1915 - 05 - 01.

In 1967 My wife and I purchased the Jake Jakovac place. From 1967 to 2001 we used the 1915 right to irrigate the Whole as shown on the enclosed map.

Now I don't understand why the Wallace's should be denied their right to a part of that Whole. I'm sure they would appreciate an answer.

Sincerely,

Jack Ellis

SCANNED
JAN 28 2008

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.

☐ Search for both active and inactive water right records.

Search Results

Type of Query

USAGE INSTRUCTION

☐ All SRBA & Water Rights	
SRBA ☒ Claims ☐ Recommendations ☐ Both	Water Rights ☐ Applications ☐ Permits ☐ Decrees, Licenses and Statutory Claims ☐ Transfers ☐ All of the above

Basin Who What When Where Clear Search Help

Query parameters:

lastName = ellis

FirstName = jack

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversion Rate	Source List	Water Uses	Owner List
Details Related Documents General Provision	1	75	78			Decreed	Active	1898-05-01	0.3	GOLWAY GULCH CREEK	DOMESTIC, IRRIGATION	BEAVERHEAD PEAKS RANCH LLC (Current)
Details Related Documents General Provision	2	75	4206			Statutory Claim	Active	1918-05-01	2	GOLWAY GULCH CREEK	IRRIGATION	BEAVERHEAD PEAKS RANCH LLC (Current)
Details Pedigree Related Documents General Provision	3	75	10062	B		Decreed	Active	1882-05-01	0.45	GOLWAY GULCH CREEK	IRRIGATION	BEAVERHEAD PEAKS RANCH LLC (Current)
Details Pedigree Related Documents General Provision	4	75	14007			License	Active	1960-10-02	0.26	GOLWAY GULCH CREEK	IRRIGATION, MITIGATION	WALLACE, BETH ANNE O CONNOR (Current); WALLACE, JEROLD W (Current)
Details Pedigree Related Documents General Provision	5	75	14009			License	Active	1940-09-07	0.26	SMOUT CREEK	IRRIGATION, MITIGATION	WALLACE, BETH ANNE O CONNOR (Current); WALLACE, JEROLD W (Current)
Details Pedigree Related Documents General Provision	6	75	14011			Statutory Claim	Active	1915-05-01	0.55	SMOUT CREEK	IRRIGATION	WALLACE, BETH ANNE O CONNOR (Current); WALLACE, JEROLD W (Current)
Details Pedigree Related Documents General Provision	7	75	14201			Statutory Claim	Active	1948-05-01	0.59	FREEMAN CREEK	IRRIGATION	ELLIS, DIANE M (Current); ELLIS, JACK F (Current)

Details Pedigree Related Documents General Provision	8	75	14202		Statutory Claim	Active	1948-05-01	0.21	FREEMAN CREEK	IRRIGATION	BEAVERHEAD PEAKS RANCH LLC (Current)
Details Related Documents General Provision	9	75	14262		Beneficial Use	Active	2002-06-01	0.04	GROUND WATER	DOMESTIC	ELLIS, DIANE M (Current); ELLIS, JACK F (Current)
Details Pedigree Related Documents General Provision	10	75	14352		Statutory Claim	Active	1915-05-01	1.27	SMOUT CREEK	IRRIGATION	ELLIS, DIANE M (Current); ELLIS, JACK F (Current)
Details Pedigree General Provision	11	75	14353		Statutory Claim	Active	1915-05-01	0.52	SMOUT CREEK	IRRIGATION	LIEBERMAN, ANN (Current); LIEBERMAN, LEE (Current)
Details Pedigree Related Documents General Provision	12	75	14354		License	Active	1960-10-02	0.204	GOLWAY GULCH CREEK	IRRIGATION	ELLIS, DIANE M (Current); ELLIS, JACK F (Current)
Details Pedigree General Provision	13	75	14355		License	Active	1960-10-02	0.236	GOLWAY GULCH CREEK	IRRIGATION	LIEBERMAN, ANN (Current); LIEBERMAN, LEE (Current)
Details Pedigree Related Documents General Provision	14	75	14356		License	Active	1940-09-07	0.148	SMOUT CREEK	IRRIGATION	ELLIS, DIANE M (Current); ELLIS, JACK F (Current)
Details Pedigree General Provision	15	75	14357		License	Active	1940-09-07	0.172	SMOUT CREEK	IRRIGATION	LIEBERMAN, ANN (Current); LIEBERMAN, LEE (Current)

Number of records = 15

August 1, 2005

To whom it may concern:

On August 29th, 1907, by this instrument No. 9023, Desert Lands Certificate No. 609, Winslow T. Smout received full ownership of lands in: T23N, R23E, Section 31 SE 1/4, NW1/4, NE1/4 SW1/4 and Lot 3, containing 118.44 acres. Mr. Smout met all of the requirements and made full payment.

One of the requirements was that you put water on part of the irrigable land. He had to have irrigated part of the land to receive the deed that he had recorded on December 29, 1909.

The two ditches coming to this land from Smout Creek came to the above described land only. This identifies that this land has been irrigated since the summer of 1907, when he received the deed from President Theodore Roosevelt, eight years before the priority date of 1915.

The two points of diversion to these lands are: T23N, R23E, Section 31 NE1/4 - SW1/4 - NE1/4 and T23N, R23E, Section 31 SW1/4 - NE1/4 - NE1/4.

Thank You,

JACK Ellis

SCANNED

JAN 28 2008



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

September 29, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

JACK & DIANE ELLIS
PO BOX 301
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR 75-04205

Dear Mr. & Mrs. Ellis:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-04205: — 1915
75-13961, 2.34 CFS ON 55.1 ACRES, ELLIS
75-13962, 0.66 CFS ON 15.6 ACRES, JAKOVAC

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree
Jennifer Crabtree
Technical Records Specialist

Enclosure

*See next page
for Wallace*

SCANNED
JAN 28 2008



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

October 5, 2001

JACK F & DIANE ELLIS
PO BOX 301
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-2140, A75-2097 AND A75-13961

Dear Mr. & Mrs. Ellis:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-2140 as follows:

75-14006: 0.91 CFS, 136.83 AFA, 34.1 ACRES, ELLIS

75-14007: 0.35 CFS, 52.17 AFA, 13 ACRES, BROWNLEE

75-2097 as follows:

75-14008: 0.67 CFS, 85.21 AFA, 34.1 ACRES, ELLIS

75-14009: 0.25 CFS, 32.49 AFA, 13 ACRES, BROWNLEE

w allace

75-13961 as follows: *1915*

75-14010: 1.79 CFS, 42.1 ACRES, ELLIS

75-14011: 0.55 CFS, 13 ACRES, BROWNLEE

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED
JAN 28 2003



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

October 19, 2001

JACK F & DIANE ELLIS
PO BOX 301
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-14006 AND A75-14008

Dear Mr. & Mrs. Ellis:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-14006 Split:

75-14014: 0.76 CFS, 113.96 AFA, 28.4 ACRES, ELLIS

75-14015: 0.15 CFS, 22.87 AFA, 5.7 ACRES, LITTLEJOHN

75-14008 Split:

75-14016: 0.56 CFS, 70.97 AFA, 28.4 ACRES, ELLIS

75-14017: 0.11 CFS, 14.24 AFA, 5.7 ACRES, LITTLEJOHN

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cheri Vandermeulen".

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED
JAN 28 2003



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

November 19, 2001

JACK F & DIANE ELLIS
PO BOX 301
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-14014 AND A75-14016

Dear Mr. & Mrs. Ellis:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A75-14014 split into
A75-14031: 0.44 CFS, 65.81 AFA, 16.4 ACRES: ELLIS
A75-14032: 0.32 CFS, 48.15 AFA, 12 ACRES: AVERY

A75-14016 split into:
A75-14033: 0.32 CFS, 4098 AFA, 16.4 ACRES: ELLIS
A75-14034: 0.24 CFA, 29.99 AFA, 12 ACRES: AVERY

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED
JAN 28 2003

01/8/2007

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
75-14011	BETH ANNE O CONNOR WALLACE 11920 NARCISSUS RD JACKSON CA 95642	Disallowed	Recommended as Right No. 75-14009.
	JEROLD W WALLACE 11920 NARCISSUS RD JACKSON CA 95642		

SCANNED
JAN 28 2009

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

CLAIM NO(s).

A75-14011

1. ☒ No Change NAME IS SAME

☐ NEW OWNER:

☐ No Change ADDRESS

☒ NEW ADDRESS: P.O. Box 195 Carmen, Id 83462 208-756-2360

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

GPS 805

☐ Point of diversion is different than the claim and/or new P/D's:

GPS Site Tag No.: A0011578

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: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

Print Name

Jack F. Ellis
Signature

RECEIVED

JUN 27 2005

Department of Water Resources

Roxanne Brown
Idaho Dept. of Water Resources
322 Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Ref: Lapsed Permit 75-14011
James B. or Mary Angelia Brownlee

Dear Roxanne,

In reference to our conversation a couple weeks ago, I would like to thank you for your help in attempting to get my water right 75-14011 reinstated. I had hired a civil engineering company, Harper-Leavitt Eng., out of Idaho Falls in 2001 to design my pond project as well as fill out the proper paper work to make sure I was in compliance with Idaho law. It was at their request that I signed the "withdrawal" form. As it turned out, I ended up canceling the pond project without construction taking place. If I'm able to get my water right reinstated, I will be happy to pay any expense required. Thanks again.

James Brownlee
P.O. Box 195
52 Smout Creek Road
Carmen, Idaho 83462
208-756-2360

SCANNED

JUN 29 2005

RECEIVED

JUN 14 2005

Department of Water Resources

RECEIVED

JAN 30 2002

No. 1185 P. 3

Form 25a

REQUEST FOR WITHDRAWAL OF CLAIM

Name of Claimant:
(Please Print)

ANGELIA A. BROWNLEE AND

JAMES B. BROWNLEE

2457 SAVOY STREET

Mailing Address:

BIRMINGHAM, AL 35226

Amount:

\$

Receipt No.:

County of Water Right:

LEMHI

Claim No(s):

A75-14011

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do do not X request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

James B Brownlee
(Signature of Claimant)

1/23/02
(Date)

Angelia A Brownlee
(Signature of Claimant)

(Date)

(Signature of Claimant)

(Date)

Return to:

Idaho Department of Water Resources
Adjudication Section

For IDWR Use

Approval Region
Approval State Office
Data Entry
Claim File

Initials

Date

EMJ
[Signature]
[Signature]

Jan 28, 2002
1/30/02
1/30/02

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

The undersigned owner (s) of Permit (Application) No. 75-14007, 75-14009 of the State Reclamation Engineer of the State of Idaho heraby nominates and appoints HARPER-LEAVITT ENGINEERING, INC., whose address is 985 N. CAPITAL AVE, IDAHO FALLS ID 83402, as attorney-in-fact with full authority to act for and on behalf of the undersigned in all matters pertaining to Application or Permit. Such acts shall include, but not be limited to the filing of applications, receiving of all notices, the signing and filing of applications for extension of time and for amendment of said Permit, and the submission of proofs of completion of works and beneficial use of water.

Dated this 23 day of JANUARY, 2002.

James B Brownlee
Angelina A Brownlee

State of ALABAMA)
 : ss
County of JEFFERSON)

On this 23 day of JANUARY 2002,

personally appeared before me the signer (s) of the above instrument, who duly acknowledged to me that he (she)(they) executed the same.

[Signature]
Notary Public

My Commission Expires JANUARY 31, 2004

Form 25a

REQUEST FOR WITHDRAWAL OF CLAIM

Name of Claimant:
(Please Print)ANGELIA A. BROWNLEE AND
JAMES B. BROWNLEE

Mailing Address:

2457 SAVOY STREET
BIRMINGHAM, AL 35226

Amount:

\$

Receipt No.:

County of Water Right:

LEMH

Claim No(s):

A75-14011

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do do not X request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

James B Brownlee
(Signature of Claimant)
Angelia A Brownlee
(Signature of Claimant)

1/23/02
(Date)

(Date)

(Signature of Claimant)

(Date)

Return to:

Idaho Department of Water Resources
Adjudication Section-----
For IDWR UseApproval Region
Approval State Office
Data Entry
Claim File

Initials

EBW

Date

Jan 28, 2002



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

October 5, 2001

JAMES BARBIN & MARY ANELIA BROWNLEE
2457 SAVOY ST
BIRMINGHAM AL 35226

RE: CHANGE IN OWNERSHIP FOR A75-2140, A75-2097 AND A75-13961

Dear Mr. & Mrs. Brownlee:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-2140 as follows:

75-14006: 0.91 CFS, 136.83 AFA, 34.1 ACRES, ELLIS

75-14007: 0.35 CFS, 52.17 AFA, 13 ACRES, BROWNLEE

75-2097 as follows:

75-14008: 0.67 CFS, 85.21 AFA, 34.1 ACRES, ELLIS

75-14009: 0.25 CFS, 32.49 AFA, 130ACRES, BROWNLEE

75-13961 as follows:

75-14010: 1.79 CFS, 42.1 ACRES, ELLIS

75-14011: 0.55 CFS, 13 ACRES, BROWNLEE

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

SCANNED
JAN 28 2003



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

September 24, 2001

JAMES B & MARY A BROWNLEE
2457 SAVOY ST
BIRMINGHAM AL 35226

RE: OWNERSHIP CHANGE FOR 75-2097 & 75-2140 (ELLIS-BROWNLEE)

Dear Mr. & Mrs. Brownlee:

On August 6, 2001, I received the above referenced ownership change. The enclosed photo shows the number of irrigated acres within the property you purchased. I intend to give you a proportionate share of both water rights based on these acres. You will receive .25 cfs & 32.40 af of 75-2097 and .35 cfs & 52.17 af of 75-2140.

If you have questions or disagree with my calculations, please contact Water Rights Supervisor Ernest Carlsen by Friday October 5th. I will proceed with this change after that date.

Sincerely,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED
JAN 28 2003

OK 8C 10/9/01
RECEIVED

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

AUG 21 2001
 Department of Water Resources
 Eastern Region

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 No(s): LICENSED PERMIT NO'S: 75-2097 & 75-2140 (THE INTENT IS TO TRANSFER 22.63% OF THE ABOVE PERMITS) and 75-13961
 Adjudication Claim No(s): _____

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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. If your water right or adjudication claim is 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: JACK F. ELLIS AND DIANE L. ELLIS
P.O. BOX 301, SALMON, IDAHO 83467

4. New Owner/Claimant(s): JAMES BARBIN BROWNLEE & MARY ANGELIA BROWNLEE
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
 New Mailing Address: 2457 SAVOY STREET
 City, State and ZIP Code: BIRMINGHAM, AL 35226
 New Telephone Number: (205) 978-6835

5. Date you acquired the property: JULY 20, 2001

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right 16 Number and type of stock 4 HORSES

Diversion rate in CFS .6789 Number of homes you acquired 0 Other uses _____

7. Signature of New Owner(s) or Claimant(s): James Barbin Brownlee
Mary Angelia Brownlee

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

SCANNED
 JAN 20 2003

BETH ANNE O'CONNOR WALLACE

52 Smout Creek Road
Carmen, Idaho 83462

*CORRECTED
COPY*

July 27, 2007

Mr. Greg Taylor
Idaho Department of Water Resources
208-762-2800
208-762-2819

Re: Water Right #75-14011
In Re SRBA Case No. 39576

Dear Mr. Taylor:

For your information, attached is a statement from Jack Ellis concerning the above mentioned water right. I filed the Standard Form 1 Objection on July 3, 2007.

To make sure you have a copy, I am faxing this to you. Please let me know that you have received it.

Sincerely,



Beth Anne O'Connor Wallace
916-996-6300
Bethanne1000@aol.com

Attachment (1)

SCANNED

JAN 28 2008

May 23, 07
Salmon, ID

Attention: Greg Taylor

Re: Wallace (Brownlee water right No. 75-14011)

The Wallace's have asked me to write concerning why they were denied their claim to a water right No. 75-14011.

In 2001 my wife and I sold a parcel of land containg 20 acres to the Brownlee's. Then on Oct. 5, 2001 we recieved a letter from the IDWR informing us that IDWR has transferred 0.55 CFS to 13 acres to the Brownlee's. This transferr was made from 75-13961 with a priority date of 1915 - 05 - 01.

In 1967 My wife and I purchased the Jake Jakovac place. From 1967 to 2001 we used the 1915 right to irrigate the Whole as shown on the enclosed map.

Now I don't understand why the Wallace's should be denied their right to a part of that Whole. I'm sure they would appreciate an answer.

Sincerely,

Jack Ellis

SCANNED

JAN 28 2008

AUTOMATIC COVER SHEET

DATE : JUL-27-2007 02:42 PM

TO :

FAX #: 12087622819

FROM : WALLACE

FAX #: 2092963601

3 PAGES WERE SENT

(INCLUDING THIS COVER SHEET)

SCANNED
JAN 28 2008

BROWNLEE
13 ACRES

8.8

12.0

5.7

13.0

7.6

JAN 20 1961

STATE OF IDAHO
OFFICE OF STATE RECLAMATION ENGINEER
POWER OF ATTORNEY

The undersigned owner (s) of Permit (Application) No. 75-14007, 75-14009
of the State Reclamation Engineer of the State of Idaho hereby nominates
and appoints HARPER-LEAVITT ENGINEERING, INC., whose address is
985 N. CAPITAL AVE, IDAHO FALLS ID 83402, as attorney-in-fact with full author-
ity to act for and on behalf of the undersigned in all matters pertaining
to Application or Permit. Such acts shall include, but not be limited to
the filing of applications, receiving of all notices, the signing and
filing of applications for extension of time and for amendment of said
Permit, and the submission of proofs of completion of works and beneficial
use of water.

Dated this 23 day of JANUARY, 2002.

James B Brownlee
Angelina A Brownlee

State of ALABAMA)
) ss
County of JEFFERSON)

On this 23 day of JANUARY 192002,

personally appeared before me the signer (s) of the above instrument, who
duly acknowledged to me that he (she) (they) executed the same.

[Signature]
Notary Public

MY COMMISSION EXPIRES JANUARY 31, 2004

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 75-14011
Date Received: 10/5/2001
Receipt No:
Received By:

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

1. Name of Claimant(s)

JAMES BARBIN BROWNLEE Phone: (205) 978-6835

2457 SAVOY ST
BIRMINGHAM AL USA 35226

MARY ANGELIA BROWNLEE Phone: (205) 978-6835

2457 SAVOY ST
BIRMINGHAM AL USA 35226

2. Date of Priority: 05/01/1915

3. Source: SMOUT CREEK , ~~SMOUT CREEK~~ , ~~SMOUT CREEK~~ Trib. to: FREEMAN CREEK ,
~~FREEMAN CREEK~~ , ~~FREEMAN CREEK~~

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
~~23N~~	~~23E~~	~~31~~	~~NE SW NE~~	LEMHI	
23N	23E	31	SW NE NE	LEMHI	
~~23N~~	~~23E~~	~~30~~	~~NW SE SE~~	LEMHI	

5. Description of diverting works:

DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.
IRRIGATION	04/01	10/01	0.55	

7. Total Quantity Appropriated is:
0.55 C.F.S.

8. Total consumptive use:

SCANNED
JAN 28 2008



9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	23E	31	SE	NW	IRRIGATION	13
Section Acres						13
Total Acres						13

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 RIGHT IS A SPLIT FROM FORMER RIGHT 75-13961.

15. Basis of Claim: Statutory Claim

SCANNED

JAN 28 2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
75-13701	ROBERT FISHER C/O ALLEN & MARY FISHER PO BOX 1511 BELLEVUE ID 83313 JOEY FISHER C/O ALLEN & MARY FISHER PO BOX 1511 BELLEVUE ID 83313	Disallowed	No beneficial use found.
75-13702	DENNIS L HATCH 813 NEYMAN SALMON ID 83467	Disallowed	No lawful appropriation shown.
75-13703	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WAY BOISE ID 83709-1657	Disallowed	Recommended as Right No. 75-13846.
75-13707	RICHARD IGLINSKY 209 BARRETT SPRINGS WAY CANTON GA 30115-4329	Disallowed	No beneficial use found.
75-13720	LORI A CARLSON PO BOX 1071 SALMON ID 83467 RICHARD A CARLSON PO BOX 1071 SALMON ID 83467	Disallowed	No beneficial use found.
75-13960	WILLIAM M SALO PO BOX 2405 SALMON ID 83467-2405	Disallowed	No lawful appropriation shown.
75-13965	ABNER KING 17 SUN LN SALMON ID 83467	Disallowed	
75-14011	BETH ANNE O CONNOR WALLACE 11920 NARCISSUS RD JACKSON CA 95642 JEROLD W WALLACE 11920 NARCISSUS RD JACKSON CA 95642	Disallowed	Recommended as Right No. 75-14009.
75-14029	LLOYD A TUTOR 309 GRANITE ST SALMON ID 83467 SHERYL L TUTOR 309 GRANITE ST SALMON ID 83467	Disallowed	No beneficial use found.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14011

WATER RIGHT NUMBER: 75-14011

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JACK F ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346
Original Owner	DIANE M ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346
Original Owner	JAMES B BROWNLEE PO BOX 195 CARMEN, ID 83262 (208) 756-2362
Original Owner	MARY ANGELIA BROWNLEE PO BOX 195 CARMEN, ID 83262 (208) 756-2362
Current Owner	BETH ANNE O CONNOR WALLACE 11920 NARCISSUS RD JACKSON, CA 95642 (209)296-3601
Current Owner	JEROLD W WALLACE 11920 NARCISSUS RD JACKSON, CA 95642 (209)296-3601

Priority Date: 05/01/1915

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SMOUT CREEK	FREEMAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/01	0.550 CFS	
	<u>Total Diversion:</u>	0.550 CFS	

Location of Point(s) of Diversion

SMOUT CREEK	NE1/4SW1/4NE1/4	Sec. 31, Twp 23N, Rge 23E, B.M.
LEMHI County		
SMOUT CREEK	SW1/4NE1/4NE1/4	Sec. 31, Twp 23N, Rge 23E, B.M.
LEMHI County		
SMOUT CREEK	NW1/4SE1/4SE1/4	Sec. 30, Twp 23N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14011

Twp	Rge	Sec	NE				NW				SW				SE				Totals
23N	23E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	13.0
																			13.0

Total Acres: 13

Conditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-13961.

Remarks:Comments:Dates and Other Information:

Claim Received Date: 10/5/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14009

WATER RIGHT NUMBER: 75-14009

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEROLD W WALLACE 11920 NARCISSUS RD JACKSON, CA 95642 (209)296-3601
Original Owner	JAKE YAKOVAC
Original Owner	CARMEN, ID JAMES B BROWNLEE PO BOX 195 CARMEN, ID 83262 (208) 756-2362
Original Owner	DIANE M ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346
Original Owner	JACK F ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346
Original Owner	MARY ANGELIA BROWNLEE PO BOX 195 CARMEN, ID 83262 (208) 756-2362
Current Owner	BETH ANNE O CONNOR WALLACE 11920 NARCISSUS RD JACKSON, CA 95642 (209)296-3601

Priority Date: 09/07/1940

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SMOUT CREEK	FREEMAN CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.240 CFS	42.00 AF
MITIGATION	04/01 to 11/01	0.020 CFS	3.50 AF
	<u>Total Diversion:</u>	0.260 CFS	45.50 AF

Location of Point(s) of Diversion

SMOUT CREEK	SW1/4NE1/4NE1/4	Sec. 31, Twp 23N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14009

Twp	Rge	Sec	NE				NW				SW				SE				Totals
23N	23E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	12.0
										12.0									12.0

Total Acres: 12

MITIGATION same as IRRIGATIONConditions of Approval:

1. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75D.
2. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
3. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
4. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.

Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
7. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Remarks:Comments:

1. psdaggs 1/15/2004 3:24:31 PM Transferred Right
Comment: This is now an approved transfer, transfer number = 69672

Dates and Other Information:

Claim Received Date: 10/5/2001
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14009

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
	45.5	12

Combined Water Rights:

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14009 V1

WATER RIGHT NUMBER: 75-14009 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JAKE YAKOVAC
Original Owner	CARMEN, ID JAMES B BROWNLEE PO BOX 195 CARMEN, ID 83262 (208) 756-2362
Original Owner	DIANE M ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346
Original Owner	JACK F ELLIS PO BOX 301 SALMON, ID 83467 (208)756-2346
Original Owner	MARY ANGELIA BROWNLEE PO BOX 195 CARMEN, ID 83262 (208) 756-2362
Current Owner	BETH ANNE O CONNOR WALLACE 11920 NARCISSUS RD JACKSON, CA 95642 (209)296-3601
Current Owner	JEROLD W WALLACE 11920 NARCISSUS RD JACKSON, CA 95642 (209)296-3601

Priority Date: 09/07/1940

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SMOUT CREEK	FREEMAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.240 CFS	42.00 AF
MITIGATION	04/01 to 11/01	0.020 CFS	3.50 AF
	<u>Total Diversion:</u>	0.260 CFS	45.50 AF

Location of Point(s) of Diversion

SMOUT CREEK	SW1/4NE1/4NE1/4	Sec. 31, Twp 23N, Rge 23E, B.M.
LEMHI County		

Place of Use

IRRIGATION

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14009 V1

Twp	Rge	Sec	NE				NW				SW				SE				Totals
23N	23E	31	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	12.0
										12.0									12.0

Total Acres: 12

MITIGATION same as IRRIGATIONConditions of Approval:

1. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
2. C18 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.
3. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 75D.
4. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
5. R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
6. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
7. Rights 75-14007 and 75-14009 are used for mitigation purposes for Right 75-14062 under Transfer approval 69672. The irrigation and mitigation uses described under these mitigation rights when combined are limited to the following schedule of allowed use which begins on the date of approval of the transfer.

Year 1 and beyond the diversion and use of water under the rights are limited to 0.48 cfs, 42.0 afa and 12.0 acres (1 acre left unirrigated).

Remarks:Comments:

1. psdaggs 1/15/2004 3:24:33 PM Transferred Right
Comment: This is now a approved transfer, transfer number = 69672

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14009 V1

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number: 75D

Generic Max Rate Per Acre: 0.02

Generic Max Volume Per Acre: 3.5

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: