

12/19/2006

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

RIGHT NUMBER: 75-14137

NAME AND ADDRESS: MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.080 CFS

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

This right when combined with Right No. 75-10342 shall provide no more than .02 cfs per acre.

PRIORITY DATE: 05/15/1920

POINT OF DIVERSION:

T22N R22E S6 NENWSE Lot 12 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	04/01 10/31	2.030 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S31 Lot 13 NWSE 77.80

STOCKWATER same as IRRIGATION

77.8 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

12/14/2006

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

RIGHT NUMBER: 75-14137
NAME AND ADDRESS: MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604

SOURCE: SALMON RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 1.940 CFS
The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/15/1920

POINT OF DIVERSION:
T22N R22E S6 NENWSE Lot 12 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	04/01 10/31	1.890 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T23N R22E S31 Lot 13 NWSE 72.70

STOCKWATER same as IRRIGATION

72.7 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/20/2006

RECEIVED
DEC 12 2006
WATER RESOURCES

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

RIGHT NUMBER: 75-14137

NAME AND ADDRESS: MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.540 CFS

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

PRIORITY DATE: 05/15/1920

POINT OF DIVERSION:

T22N R22E S6 NENWSE Lot 12 Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.050 CFS

IRRIGATION

04/01 11/01

1.490 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S31 Lot 13 NWSE 52.00

STOCKWATER same as IRRIGATION

52 ACRES TOTAL

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

11/20/2006

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PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14137

NAME AND ADDRESS: MARRUE K SIMMONS
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PROVO UT 84604

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.540 CFS

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PRIORITY DATE: 05/15/1920

POINT OF DIVERSION: T22N R22E S6 NENWSE Lot 12 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.050 CFS
IRRIGATION	04/01 11/01	1.490 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S31 Lot 13 NWSE 52.00

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

SRBA Claim:

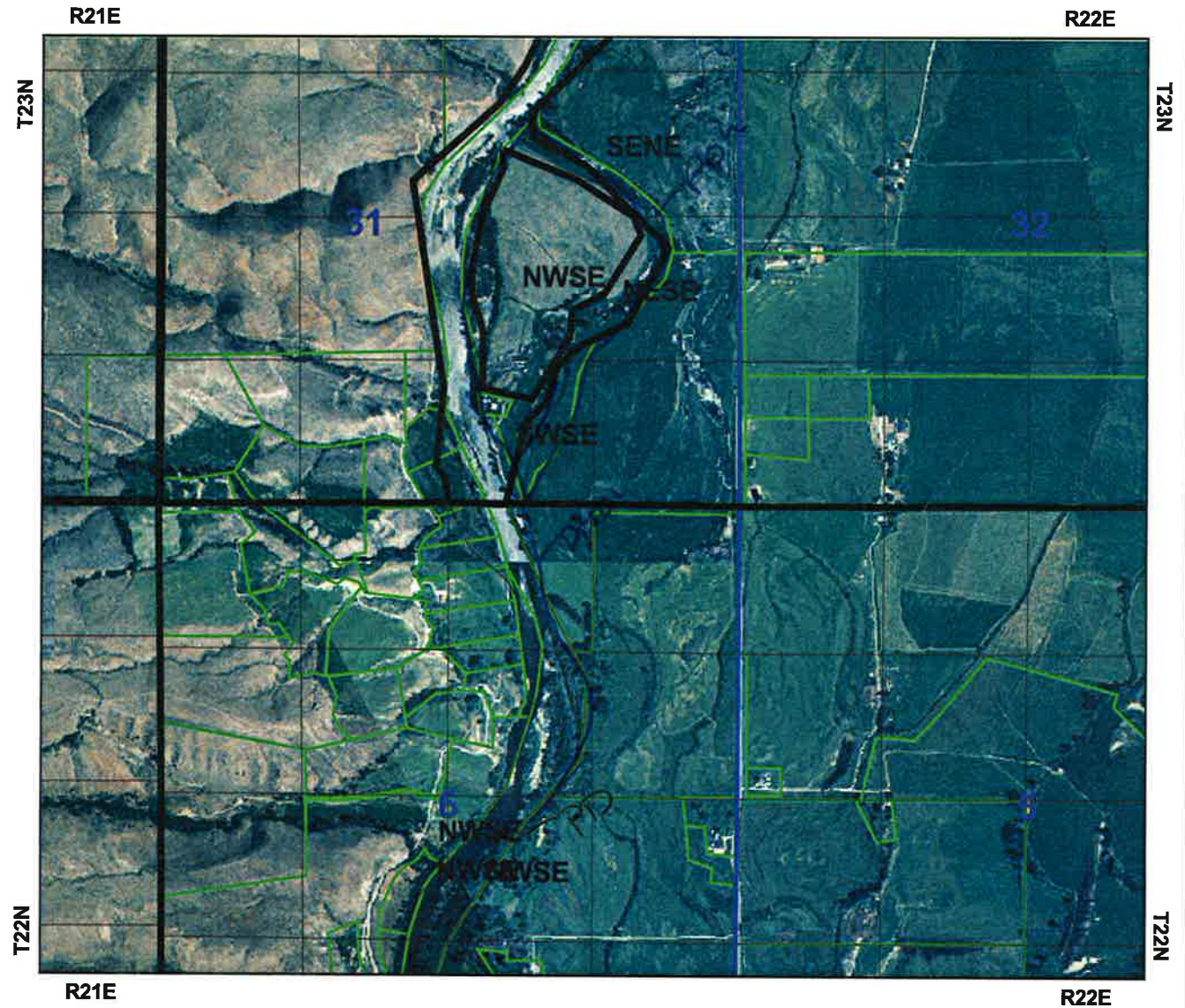
75-14137

Legend

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



Lemhi County
IDWR Basin 75



0 0.6 1.2 Miles



Prepared by R. Brown
On Tuesday, May 16, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources

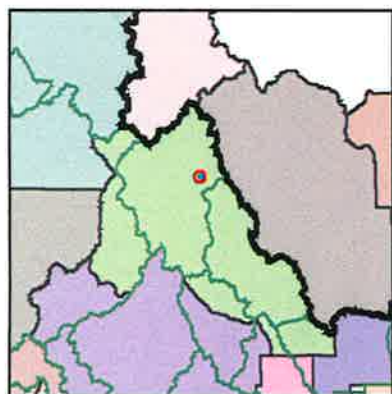
SRBA Recommendation:

75-14137

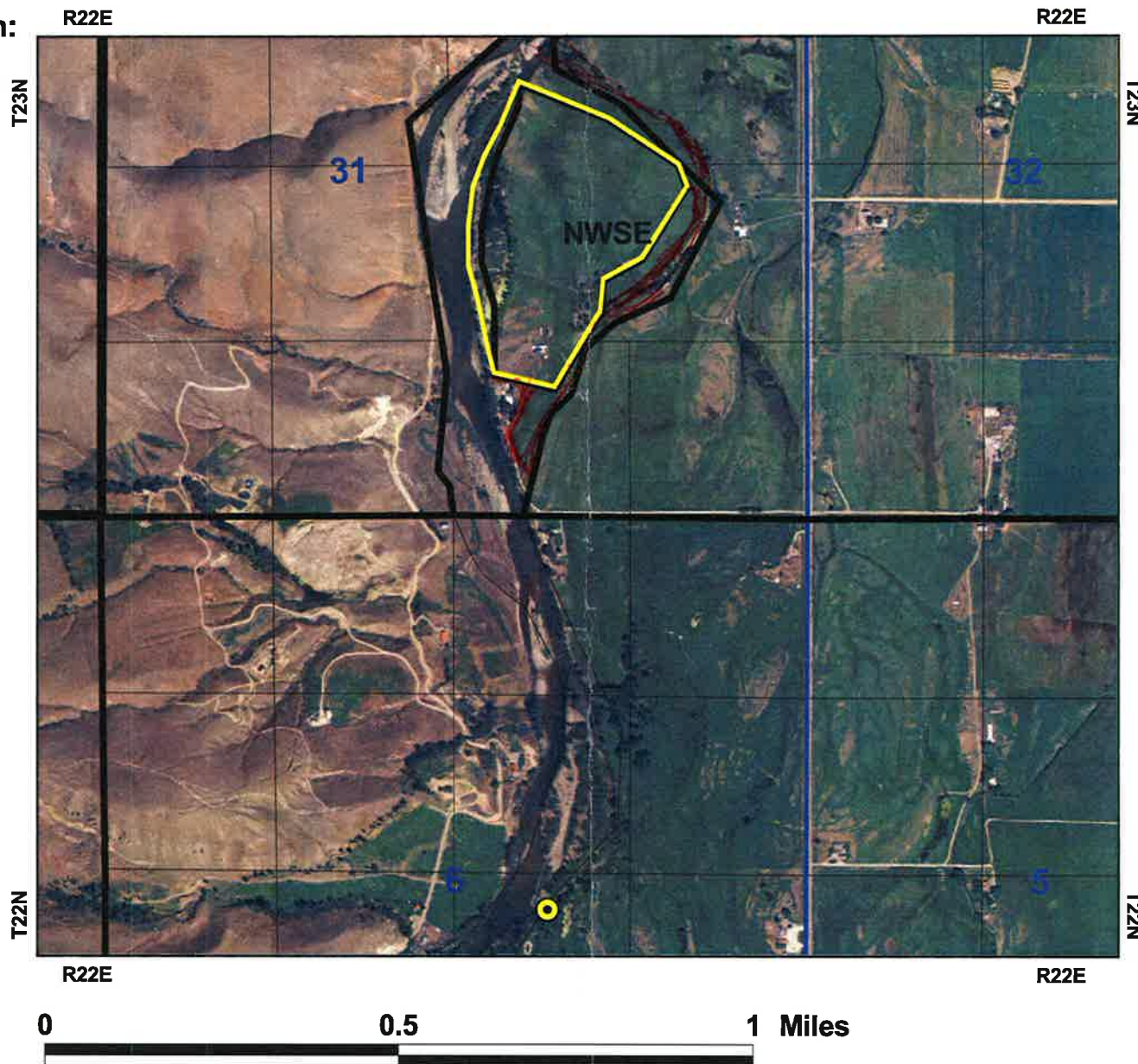
(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



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

Actual Property Line in red



Idaho Department of Water Resources

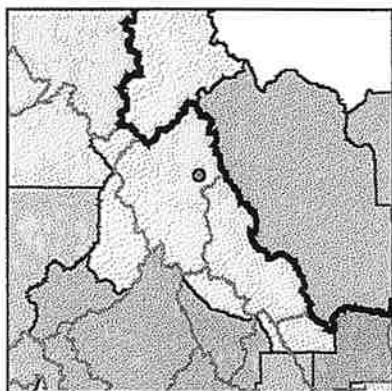
SRBA Recommendation:

75-14137

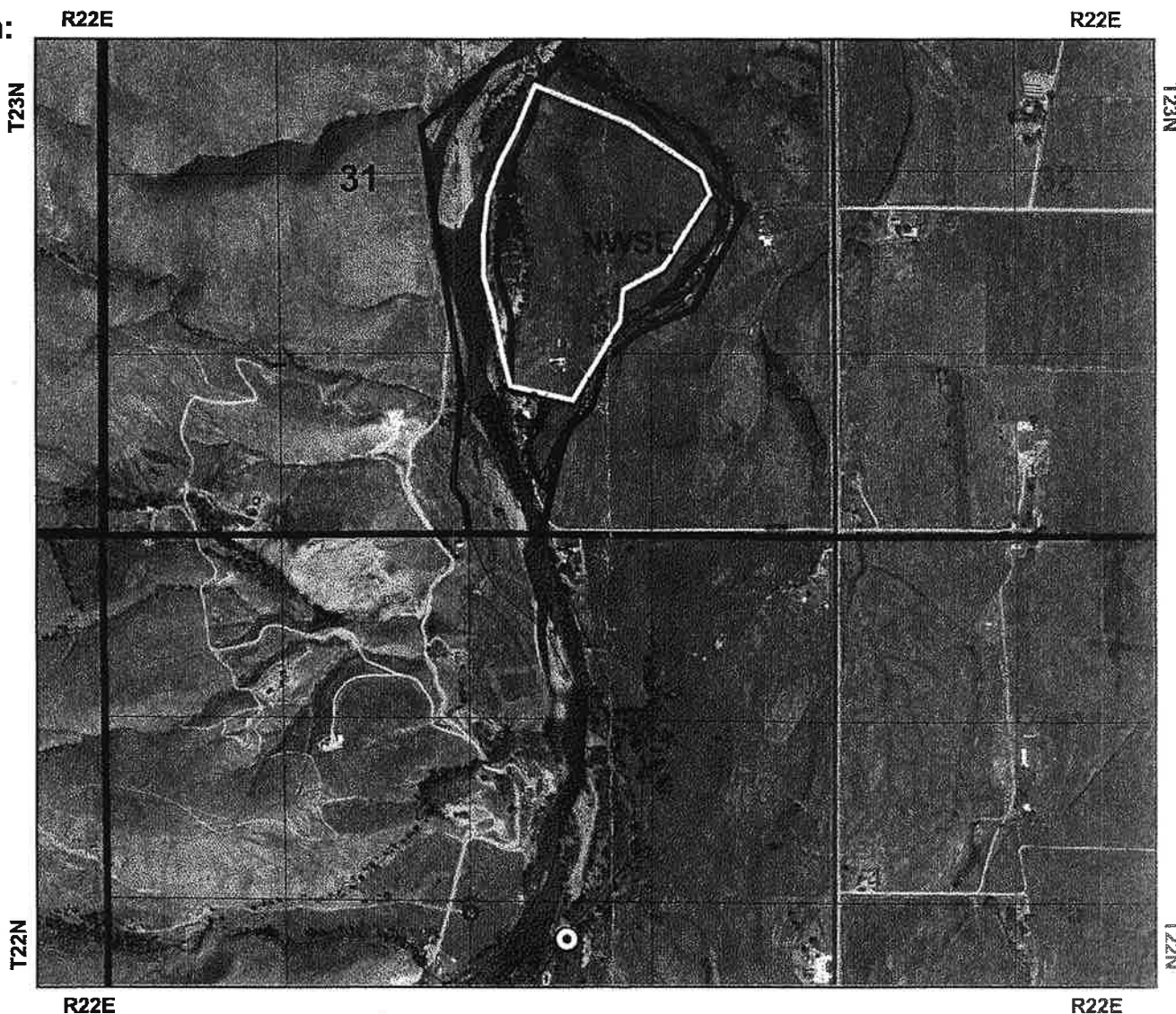
(Irrigation)

Legend

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



Lemhi County
IDWR Basin 75



0 0.5 1 Miles

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

Actual Property Line in red

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: 75-14137

MARRUE K SIMMONS
SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604
Telephone Number: (801)221-7644

SCANNED
DEC 19 2006

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

CFS 1.540 - is not enough to irrigate the 74 acres which need water. you reduced CFS.

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

Change acreage to at least 70 or more -
CFS back to 3.25 or more

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

Cannot farm it with so little water!!
As is you recommend.

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

DATE: Dec. 3, 06 SIGNATURE: MarRue K. Simmons
Please print your name: MARRUE K. SIMMONS

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

Please Call me! The
Acreage is not correct, nor is
the CFS to Care for the acreage
pastured.
I pay taxes on 79.2 acres.
barns & Corral & ponds do not use
27 acres of land - Thank you.
MarRue K. Simmons
801-221-7644 or
Justin Simmond 406-375-1192

11/20/2006

NOTICE OF ERROR
REPLY

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Water right number: 75-14137

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SIMMONS FAMILY TRUST
245 E THREE FOUNTAINS DR
PROVO UT 84604
Telephone Number: (801)221-7644

SCANNED

DEC 12 2006

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Cannot farm it with so little water!!
As is your recommend.

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

DATE: Dec. 3, 06

SIGNATURE: Marrue K. Simmons

Please print your name: MARRUE K. SIMMONS

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

Please Call me! The
Acreage is not correct, nor is
the CFS to Care for the Acreage
pastured.
I pay taxes on 79.2 Acres.
barns & Corral & ponds do not use
27 acres of land - Thank you.
Marrue K. Simmons
801-221-7644 or
C...T... Simmons 406-375-1192

Idaho Department of Water Resources Receipt

Receipt ID N018078

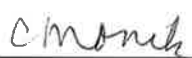
Payment Amount \$20.00 Date Received 12/19/2006 11:19:00 AM Region Northern Status ☐
Payment Type Check Check Number 10091

Payer MARRUE K SIMMONS

Comment 75-14137

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$20.00	PERMITS	0229	21	65103	1155


Signature Line (Dept. Representative)

Ken Knoblock/Dept. of Water Resources Personnel
7600 Mineral Drive
Suite 100
Coeur d'Alene ID 83815

12-10-2006

RE: Water Rights 75-14137

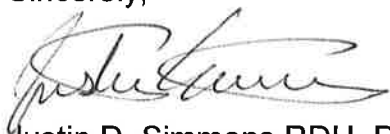
Dear Ken Knoblock or other Dept. of Water Resources Personnel,

I am writing in regard to our river water right (75-14137) for the Simmons Family Trust (MarRue Simmons) that your department decreased from 3.2+ to 1.5 cfs. Per our conversation at the Salmon meeting, we filled out the appropriate paper work (enclosed) to increase the water right to 2.2+ cfs for a correct 78 irrigatable acres allowing for 30% water loss from the point of diversion. I have taken the appropriate photos albeit in the middle of winter for my explanation and they show the small amount of water that actually reaches our farm 2+ miles from the point of diversion. You recommended a 30% water loss. There is much more water loss as seen in the photos. The water loss is more on the order of 50-60%. The flow rate at the river is faster than at our ranch and much wider and taller. Some water is lost in the fish screen and slowed by the fish screen wheel. Some of the water is lost in the overflow pipe. But most of the water loss comes from the long trip to the ranch. Please reconsider the amount of water loss to be at least 50% as our 120 cattle depend on that water. We have enclosed a check for \$20 to increase the water right to 2.2+ cfs. Please let us know how much you need for the additional water loss consideration.

Ken, I believe the paperwork you filled out for me is in error for the cfs under #6. Please correct and call me with any questions if you do not recall our conversation about the above. (406) 396-0372. Grandma's signature is only valid if the cfs #'s are correct.

Pictures are included and written on for your viewing and understanding. If you have any questions please notify me as soon as possible.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Justin D. Simmons', written in a cursive style.

Justin D. Simmons RDH, DDS
2831 Foxtrotter Trail
Victor, MT 59875



File Name : IMG_1576.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/800
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

Inlet from River

File Name : IMG_1577.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/100
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

inlet from river

File Name : IMG_1578.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/1600
 Av (Aperture Value) : 8.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

inlet from river



File Name : IMG_1579.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/1000
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

inlet from river

File Name : IMG_1580.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/160
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 17.3 mm
 White Balance : Auto

over flow

File Name : IMG_1581.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/400
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 17.3 mm
 White Balance : Auto



File Name : IMG_1582.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/60
 Av (Aperture Value) : 3.5
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

fish screen

File Name : IMG_1583.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/80
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

fish screen

File Name : IMG_1584.JPG
 Shooting Mode : Auto
 Tv (Shutter Speed) : 1/100
 Av (Aperture Value) : 4.0
 Exposure Compensation : 0
 ISO Speed : Auto
 Focal Length : 7.3 mm
 White Balance : Auto

fish screen wheel

12/06/06

PMO100 - PARCEL MASTER INQUIRY

09:08:52

PARCEL: RP 23N22E317202 A

F17=DD

F23=AG

LEGAL DESCRIPTION

SIMMONS FAMILY TRUST
SIMMONS, MARRUE K TRUSTEET-4295
31 23 22

245 EAST THREE FOUNTAINS DR

CODE AREA 21-0000 OWNER CD _____
PARC TYPE _____ LOC CODE _____
EFFDATE 3012002 EXPDATE _____
PREV PARCEL _____

PROVO UT 84604

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2006	15397	AC	12287				
4	2006	16835	AC	15310				

TOTALS

32232

27597

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

#1 15
38
5 4 irrigated
24 Meadow
A 8

over 60 acres of Irrigation
30% ditch loss

78 acres x 2.23 cfs

will be sending amended
claim

12/06/06

PMO100 - PARCEL MASTER INQUIRY

09:08:46

PARCEL: RP 23N22E311201 A

F9=MS

F12=RC

F17=DD

F23=AG

LEGAL DESCRIPTION

SIMMONS FAMILY TRUST
SIMMONS, MARRUE K TRUSTEELOT 13 LESS T-1348
31 23 22245 E THREE FOUNTAINS DRProVal Area Number 2CODE AREA 21-0000 OWNER CDPARC TYPE TVLOC CODE 3200

EFFDATE

EXPDATE

PREV PARCEL

PROVO UT 84604

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
1	2006	~~38000~~	AC	24700				
4	2006	~~8710~~	AC	8231				
32	2006		AC	8194				

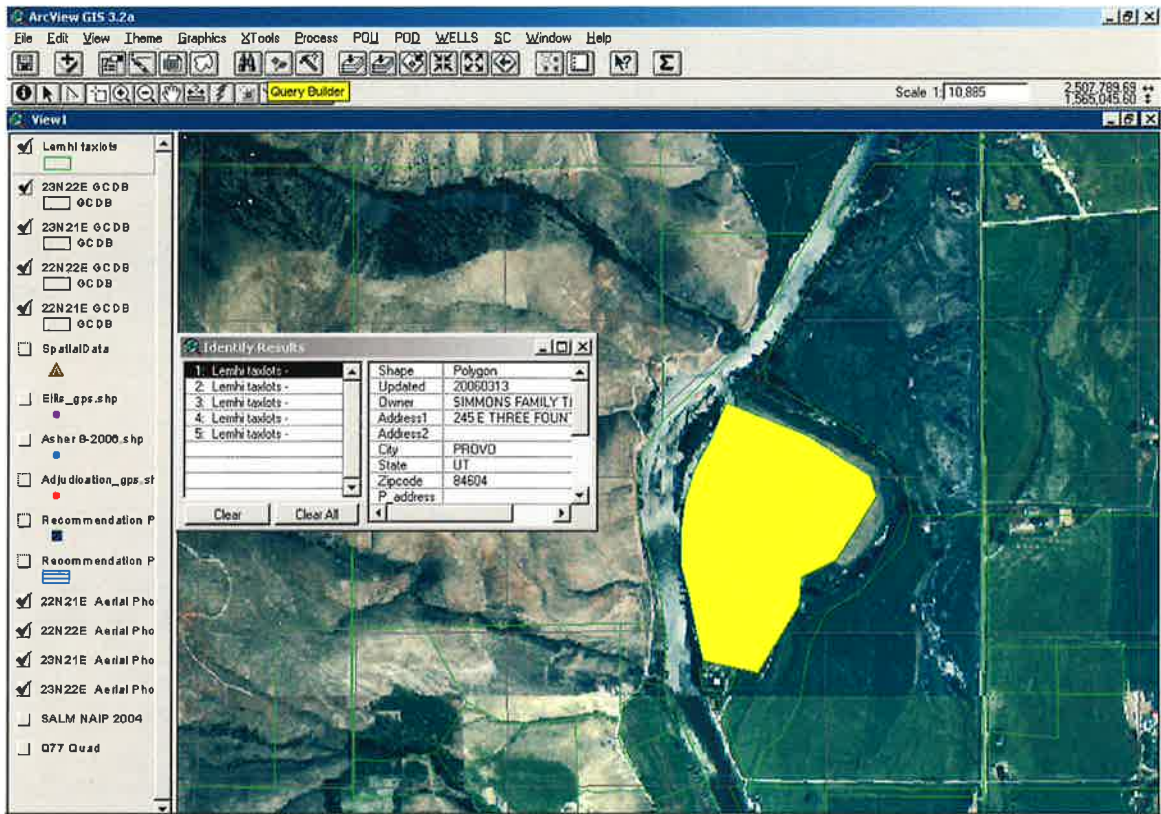
TOTALS

46710

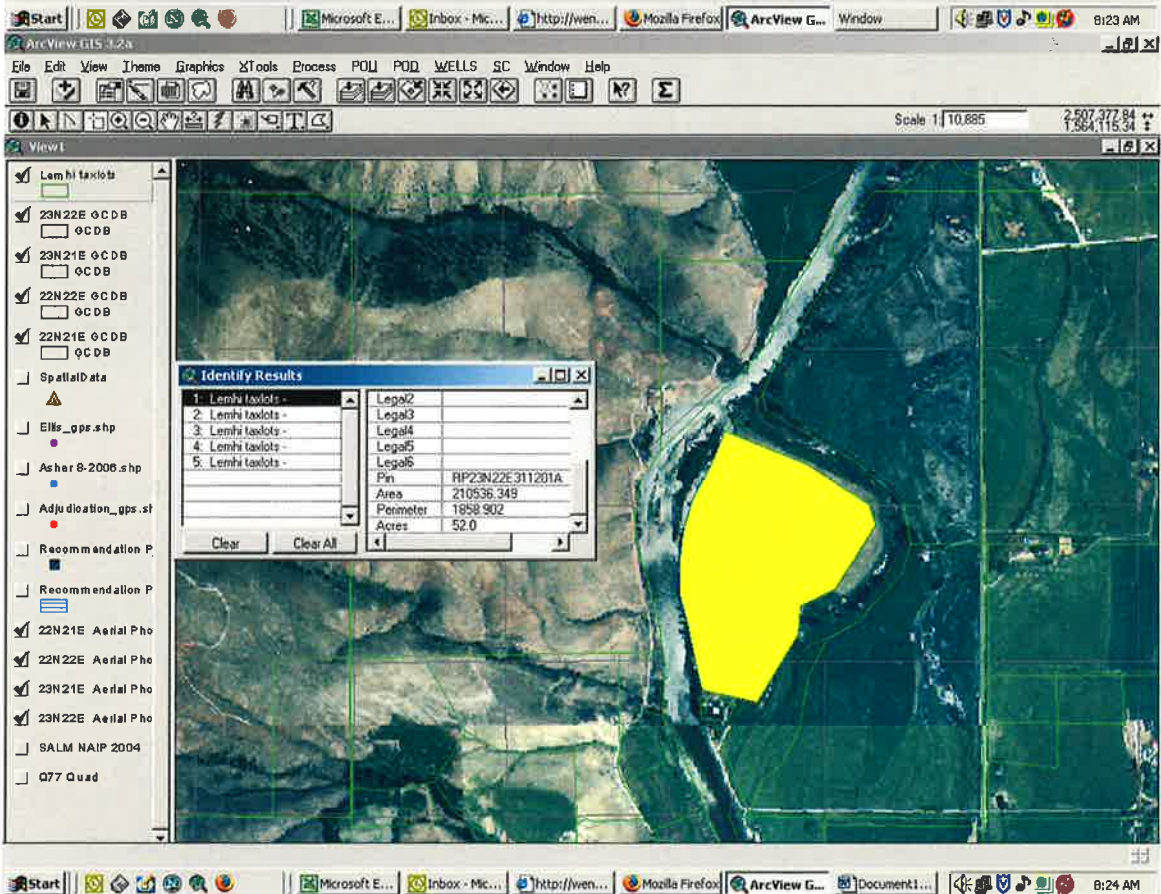
41125

ENTER NEXT PARCEL NUMBER RP AFKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH F22=EU

4-meadow land
38. acres
1 5



Displays the Query Builder to select features with a logical expression



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

CLAIM NO(s). 75-14137

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.: A0017208

Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>
Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>	<u>1/4</u>

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

Wooden structure with metal screen gate, ditch to place
of use

0.02 cfs/acre X 52 acres
+ 30% Ditch loss

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

no water being diverted at time of exam

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *8-11-06*

FIELD EXAMINER:

Bob Foster

Print Name

Bob Foster

Signature

RECEIVED
AUG 04 2005
DEPARTMENT OF
WATER RESOURCES

July 28, 2005

R. Brown
Idaho Department of Water Resources
P O BOX 83720
Boise ID 83707-9815

Dear Ms. Brown:

This has been an interesting time researching the history of my little farm here in Lemhi Co.. Unfortunately it is not possible to get affidavits back further than 1944, because the previous owners of the property have died or left the country and now one knows where they can be located.

From the Deeds it is evident that they used the water for crops and animals because they had chicken coops, barns etc. and irrigation rights.

I am enclosing a Deed History hoping that this is sufficient for proof that the water was used at least as far back as 1900, for irrigation and animal use.

The Clerks at the Lemhi Co Courthouse need to be congratulated. They are the best and are so eager to help me.

Here is the running history and documents are enclosed.

1. William A. Terrill sold the property to L. C. Hampton Feb. 9, 1926, I could find no record of when he acquired it or who he acquired it from. No Tax record, but he lived there some years, and had animals and built buildings and provided for them.
2. The Hampton's acquired the property from Terrill and owned it until Dec. 20, 1944 when it was sold to Albert Ziems.. I have Affidavit that Joe Proksch helped Ziems on the farm and they were irrigating from the ditches and ponds now established.
3. Albert Ziems sold to Albert Proksch April, 1947 The ponds and ditches were being used for irrigation..
4. Albert Proksch farmed the land until 1955, growing hay, grain and potatoes, when the farm was sold to Mr. Wm. Sillbaugh, Affidavit included.
5. Sillbaugh used the land and all the ponds as well, died and estate sold to the Lindbergs by the property executor. Dec. 1958.
6. Mr. Floyd Lindberg purchased the land from Sillbaugh, Dec. 1958. He farmed and raised dairy cows on the property, using the ditches and irrigation ponds as

SCANNED

AUG 08 2005

well as barns and other buildings. Used the well for culinary and sprinkle irrigation where it was hard to get the irrigation water to flow.

7. Boyd K. Simmons and MarRue K. Simmons purchased the farm from the Lindbergs, May 1970. We irrigated from the ditches and ponds also sprinkled from the existing well. The pumps both for irrigation and domestic water were in the pump house built before the Lindbergs arrived. WE raised eight children, hay, pasture and had a 50 cow calf operation on the acreage providing all the hay and pasture for the animals, and kept the eight children busy working to keep things going. I am leasing the farm at this time until one of my children can purchase it. All of the acreage is being irrigated from the ditches at present time.

If any other information is needed please notify me and I'll try to do what you suggest. I have no power to have the deceased resurrected early so you can ask them for signed affidavits.

Sincerely,

MarRue K Simmons (Trustee)

MarRue K. Simmons, Trustee
Simmons Family Trust
245 E. Three Fountains Drive
Provo, Ut 84604

State of Utah County of Utah
Subscribed and sworn to before me on 8-1-05 (Date)
Carolyn Gross
(Notary Signature)
Carolyn Gross



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AUG 08 2005

RECEIVED

AUG 04 2005

DEPARTMENT OF
WATER RESOURCES

Mar Rue Simmons
For Simmons Family Trust
245 E Three Fountains Dr
Provo, Utah 84604
Phone 801-221-7644

July 15, 2005

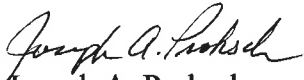
Reference: Water Right Number 75-14137

To Whom It May Concern:

I am Joseph A. Proksch, a life long resident of Lemhi County. My family owned and operated the farm referenced by the above water right number from 1947 to 1955. We raised hay, potatoes, grain and pastured cows during those years. The land was irrigated from existing ditches on the farm and received water from the Salmon River.

I can also verify the use of water on the same property when Albert Ziems owned the farm from 1944 until our family purchased the land. Albert Ziems was a close friend of our family and we helped him occasionally with his farm work.

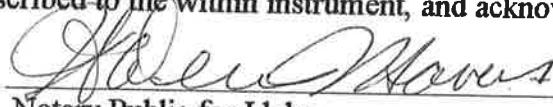
Sincerely Yours


Joseph A. Proksch
823 Union Ave
Salmon, Idaho 83467
208-756-2252

State of Idaho)
County of Lemhi) ss.

I, H. Dennis Havens, a notary public, do hereby certify that on this 15th
Day of July, of 2005, before me, personally appeared JOSEPH A. PROKSCH,
known to me to be the person (s) whose name is subscribed to the within instrument, and acknowledged
to me that he (they) executed the same.




Notary Public for Idaho
Residing at Salmon Idaho
My Commission expires Nov. 28, 2006

SCANNED

AUG 08 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14137

WATER RIGHT NUMBER: 75-14137

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	BOYD K SIMMONS PO BOX 207 CARMEN, ID 83462 (208)756-3006
Current Owner	SIMMONS FAMILY TRUST 245 E THREE FOUNTAINS DR PROVO, UT 84604 (801)221-7644

Priority Date: 05/15/1920

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	01/01 to 12/31	0.050 CFS	
IRRIGATION	04/01 to 11/01	3.200 CFS	
<u>Total Diversion:</u>		3.200 CFS	

Location of Point(s) of Diversion

SALMON RIVER	L12 (NE1/4NW1/4SE1/4)	Sec. 6,	Twp 22N,	Rge 22E, B.M.
LEMHI County				

Place of UseIRRIGATION Within LEMHI County

T23N R22E S31 Lot 13 SWNE	14.0	T23N R22E S31 Lot 13 SENE	3.0
T23N R22E S31 Lot 13 NESE	12.0	T23N R22E S31 Lot 13 NWSE	29.0
T23N R22E S31 Lot 13 SWSE	10.0		

Total Acres: 68

STOCKWATER same as IRRIGATIONConditions of Approval:

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4123

Remarks:

SCANNED

AUG 08 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10342

WATER RIGHT NUMBER: 75-10342

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SIMMONS FAMILY TRUST 245 E THREE FOUNTAINS DR PROVO, UT 84604 (801)221-7644
Current Owner	BOYD K SIMMONS PO BOX 207 CARMEN, ID 83462 (208)756-3006

Priority Date: 06/01/1952
 Basis: Beneficial Use
 Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.050 CFS	
IRRIGATION	4/01 to 11/01	1.360 CFS	
<u>Total Diversion:</u>		1.360 CFS	

Location of Point(s) of Diversion

GROUND WATER	SW1/4NW1/4SW1/4	Sec. 31, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T22N R22E S31 Lot 13 SWNE	14.0	T22N R22E S31 Lot 13 SENE	3.0
T22N R22E S31 Lot 13 NESE	12.0	T22N R22E S31 Lot 13 NWSE	29.0
T22N R22E S31 Lot 13 SWSE	10.0		

Total Acres: 68

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

SCANNED

AUG 08 2005

Quitclaim Deed.

Instrument No. 31453

BOOK 0

Page 630

This Indenture, Made the 9th day of February in the year of our Lord one thousand nine hundred and twenty-six between William A. Terrill, A single man; of Carmen County of Lemhi and State of Idaho, the party of the first part, and L. C. Hampton of Salmon County of Lemhi State of Idaho the part y. of the second part,

WITNESSETH, that the said part y. of the first part, for and in consideration of the sum of THREE HUNDRED Dollars, lawful money of the United States to him in hand paid by the said part y. of the second part, the receipt of which is hereby acknowledged, do GRANT, REMISE, RELEASE and forever QUITCLAIM unto the said party of the second part, and to his heirs and assigns, the following described real estate, situated in the County of Lemhi and State of Idaho, to-wit:

All of my right, title and interest in and to an island in the Salmon River, which it is believed will be described as follows, when surveyed:
As a fractional lot in Section 31, Township 23 North, Range 22, East of the Boise Meridian, Lemhi County, Idaho.

Together with all improvements situated thereon and appurtenant thereto, being more fully described as follows:-- Dwelling House, Stable, chicken-house, and all fences and other appurtenances thereto, including all water and water rights used on said land.

Documentary Stamp: .50
W. A. T., 2/9/26.

together with all the tenements, hereditaments and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest property, possession, claim and demand whatsoever as well in law as in equity, of the said part y. of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances into the said part y. of the second part, his heirs and assigns forever.
IN WITNESS WHEREOF, the said part y. of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of
W. W. Simmonds, } Wm. A. Terrill (SEAL)
(SEAL)

STATE OF IDAHO, } ss.
County of Lemhi, }
On this 9th day of February 1926, before me W. W. Simmonds, Clerk of the District Court in and for said County, personally appeared William A. Terrill, a single man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this 19th day of February 1926, before me, the officer above described, personally appeared L. C. Hampton, known to me to be the person whose name is subscribed to the within instrument, described as a married woman; and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

W. W. Simmonds
Clerk of the District Court, in
and for the County of Lemhi, Idaho.

STATE OF IDAHO, } ss.
County of Lemhi, }
I hereby certify that this instrument was filed for record at request of L. C. Hampton, 1926
45 minutes past 11 o'clock A. M., this 9th day of February A. D. 1926, in my
face, and duly recorded in Book 0 of Deeds at page 630

SCANNED

AUG 8 2005

Court in and for said County, personally appeared V. A. Coiner, known to me to be the chairman of the Board of County Commissioners of said Lemhi County, who executed the foregoing instrument, and acknowledged to me that he executed the same as such officer.

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

W. W. Simmonds
Clerk of the District Court in and for Lemhi
County, Idaho.

((SEAL))

STATE OF IDAHO,)
County of Lemhi) SS.

I hereby certify that this instrument was filed for record at the request of William B. Hill at 20 minutes past 1 o'clock P. M., this 10th day of March, A. D. 1941, in my office, and duly recorded in Book 35 of Deeds at pages 516-517

W. W. Simmonds
Ex-Officio Recorder

By Deputy Deputy

Fees, \$1.50

-----Instrument No. 55224-----
Blackfoot 040865

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1882, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Aaron C. Hampton has been established and duly consummated, in conformity to law, for the Lot thirteen of Section thirty-one in Township twenty-three north of Range twenty-two east of the Boise Meridian, Idaho, containing forty-seven acres and ninety-one hundredths of an acre, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;

TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant 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 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, Franklin D. 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.

GIVEN under my hand, at the City of Washington, the FOURTH day of APRIL in the year of our Lord one thousand nine hundred and THIRTY-THREE and of the Independence of the United States the one hundred and FIFTY-SEVENTH

((SEAL))

By the President: Franklin D. Roosevelt,

1851745

By Leafie E. Dietz, Secretary
Emma L. Warren, Recorder of the General
Land Office.

RECORD OF PATENTS: Patent Number 1062470

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington, D. C. Dec 20 1940

I hereby certify that this photograph is a true copy of the patent record which is in my custody in this office.

((SEAL))

R. S. Clinton
Chief, Patents Division

Recorded at the request of Aaron C. Hampton March 10, 1941 at 50 minutes past 1 o'clock P. M., in Book 35 of Deeds page 517 Records of Lemhi County, Idaho.

W. W. Simmonds
County Recorder

By Deputy Deputy

Fee: \$1.00

SCANNED

AUG 18 2005

WARRANTY DEED

THIS INDENTURE, Made this 15th day of May in the year four Lord one thousand nine hundred and forty-four, between Aaron C. Hampton and Carolyn Hampton, husband and wife, of a County of Lemhi, State of Idaho, the parties of the first part, and Albert Zieme, a single man, of Salmon, County of Lemhi, State of Idaho, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TWELVE HUNDRED AND NO/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in a County of Lemhi, State of Idaho, to-wit:

Lot thirteen of Section thirty-one in Township twenty-three north of Range twenty-two east of the Boise Meridian, Idaho, containing forty-seven acres and ninety-one hundredths of an acre, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE.

Together with all water and water rights, ditches or ditch rights appurtenant thereto or used in connection therewith.

Documentary Stamps \$1.65 - Canceled AZ 6-5-44

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN) CAROLYN HAMPTON (Seal)
PRESENCE OF) AARON C. HAMPTON (Seal)

TERRITORY OF ALASKA,)
) ss.

On this 24th day of May in the year 1944, before me, a Notary Public in and for said Territory, personally appeared Aaron C. Hampton and Carolyn Hampton, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

FRED E. M. CRAIG
Notary Public for the
Residing at
Notary Public in and for Alaska
My Commission expires May 13, 1945

STATE OF IDAHO,)
) ss.
County of Lemhi)

I hereby certify that this instrument was filed for record at request of Loella Igou, at 10 minutes past 1 o'clock P. M., this 5th. day of June, A. D. 1944 in my office, and duly recorded in Book 37 of Deeds at page 518.

Ex-Officio Recorder

Fees, \$1.25 Paid

SCANNED

AUG 18 2005

WARRANTY DEED

4-15-1947

THIS INDENTURE, Made this 15th day of April in the year of our Lord one thousand nine hundred and forty-seven between Albert Ziems, a single man, of Salmon, County of Lemhi, State of Idaho the party of the first part, and Albert Proksch and Anna Proksch, husband and wife, of Salmon, County of Lemhi State of Idaho the parties of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of SIX THOUSAND and no/100 DOLLARS, lawful money of the United States of America, to him in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Salmon County of Lemhi, State of Idaho, to wit:

All of Lot numbered Two (2) of Section six (6) of Township twenty-two (22) North, Range Twenty-two (22) East of the Boise Meridian, containing 14.92 acres;

Together with all water, water rights, ditches and ditch rights appertaining thereto or used in connection therewith.

ALSO Lot thirteen of Section thirty-one in Township twenty-three north of Range Twenty-two east of the Boise Meridian, Idaho, containing forty-seven acres and ninety-one hundredths of an acre.

Together with all water, water rights, ditches and ditch rights appertaining thereto or used in connection therewith.

DOCUMENTARY STAMPS

\$6.60

CANCELLED

4/16/47

P.T.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder, and remainders, rents, issues and profits thereof; and all estate, right, title, and interest in and to the said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said party of the first part, and his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE)
OF

Albert Ziems (SEAL)

STATE OF IDAHO,)
County of Lemhi) ss.

On this 15th day of April in the year 1947, before me F. A. McCall, a Notary Public in and for said State, personally appeared Albert Ziems, a single man, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

((SEAL))

F. A. McCall
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

STATE OF IDAHO,)
County of Lemhi) ss.

I hereby certify that this instrument was filed for record at request of Albert Proksch at 18 minutes past 11 o'clock A.M., this 28th day of June, A.D. 1952 in my office and duly recorded in Book 43 of Deeds at page 551.

W. W. Simmonds
Ex-Officio Recorder.

By Carol A. Black
Deputy

Fees, \$1.50 Paid

SCANNED

AUG 08 2005

5

WARRANTY DEED

THIS INDENTURE, Made this 13th day of May in the year of our Lord one thousand nine hundred and fifty-five between ALBERT PROKSCH and ANNIE PROKSCH, husband and wife, the parties of the first part, and WILLIAM H. SILBAUGH, a married man, the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of EIGHT THOUSAND FIVE HUNDRED AND NO/100 (\$8,500.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED and SOLD and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Lemhi, State of Idaho, to wit:

All of Lot numbered two (2) of Section six (6) of Township twenty-two (22) North, Range twenty-two (22) East of the Boise Meridian, containing 14.92 acres;

Together with all water, water rights, ditches and ditch rights appertaining thereto or used in connection therewith.

ALSO Lot thirteen of Section thirty-one in Township twenty-three north of Range twenty-two east of the Boise Meridian, Idaho, containing forty-seven acres and ninety-one hundredths of an acre.

Together with all water, water rights, ditches and ditch rights appertaining thereto or used in connection therewith.

Documentary Stamps \$9.35

Cancelled 5/21/55

F.W.

Together with all and singular the tenements, hereditaments and appurtenances, thereunto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said party of the second part, his heirs and assigns, against the said parties of the first part and their heirs, and against all and every person and persons whomsoever, lawfully claiming, or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

Albert Proksch (Seal)

Annie Proksch (Seal)

State of Idaho,)
) ss.
County of Lemhi)

On this 13th day of May in the year 1955 before me, the undersigned, a Notary Public in and for the said County, personally appeared Albert Proksch and Annie Proksch, husband and wife, known to me, to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

(SEAL)

Frederick Hughes Snook

State of Idaho,)
) ss.
County of Lemhi)

I hereby certify that this instrument was filed for record at request of Fred H. Snook at - minutes past 10 o'clock A.M., this 21st. day of May 1955, in my office, and duly recorded in Book 45 of Deeds at page 90.

W. W. Simmonds

Ex-Officio Recorder

By *Opal Reddington* Deputy

Fees, \$1.50 Paid

SCANNED
AUG 08 2005

STATE OF IDAHO)
County of Lemhi) ss.

Recorded at the request of J. W. Herndon December 9th 1958 at 10 minutes past 11 o'clock A.M., in Book 47 of Deeds Page 97 and 98 Records of Lemhi County, Idaho.

W.W. Simmonds, County Recorder

By *Opal Reddington* Deputy

Fees, \$.75 Paid

Instrument No. 90714

IN THE PROBATE COURT OF THE COUNTY OF LEMHI, STATE OF IDAHO

IN THE MATTER OF THE ESTATE

OF

WILLIAM H. SILBAUGH, Deceased.

ORDER CONFIRMING SALE OF
REAL ESTATE AT PRIVATE SALE

Comes now, Ivan H. Silbaugh, executor of the above entitled estate and proves to the satisfaction of the court that his return of sale of real estate was duly filed in the office of the clerk of said court on the 18th day of November, 1958; that the clerk thereupon fixed the 4th day of December, 1958, as the day for the hearing thereof, and gave due notice of said hearing as required by law, and thereupon after examining the return and hearing the evidence, the court finds therefrom that said property was sold to Floyd A. Lindburg and Dorothy M. Lindburg, husband and wife, for the sum of TWELVE THOUSAND AND NO/100 (\$12,000.00) DOLLARS, said amount being upon the terms set forth in said notice; and that being the highest and best bid therefor; that it is for the best interests of the estate that the property be sold; that said sale was legally made and fairly conducted; that notice of the time, place and terms of said sale was duly given in the manner and form as prescribed by law and that said notices described said land as the same is hereinafter described; that said property was appraised within one year of the time of such sale, and that the price obtained at such sale is more than 90% of the appraised value; That a sum exceeding said bid of at least 10%, exclusive of the expenses of a new sale, cannot be obtained; and no person objecting thereto or offering a higher price; that the said Ivan H. Silbaugh, the executor of said estate, in all things proceeded with and managed such sale as required by law in such cases made and provided; and that all the allegations of said return and petition are true.

IT IS ORDERED by the court that the sale of the real estate hereinafter described to Floyd A. Lindburg and Dorothy M. Lindburg, husband and wife, for the sum of TWELVE THOUSAND AND NO/100 (\$12,000.00) DOLLARS in cash, be and the same is hereby confirmed, and the said executor is directed to execute to the purchasers a deed of conveyance thereof.

Said lands are described as follows:

All of Lot Numbered two (2) of Section six (6) of Township Twenty-two (22) North, Range twenty-two (22) East of the Boise Meridian, containing 24.92 acres;

Also Lot thirteen of Section thirty-one in Township Twenty-three north of Range twenty-two east of the Boise Meridian, containing forty-seven acres and ninety-one hundredths of an acre.

Together with all water, water rights, ditches and ditch rights appertaining thereto or used in connection therewith.

Dated this 4th day of December, 1958.

(SEAL)

Donald E. Martin
PROBATE JUDGE

STATE OF IDAHO
County of Lemhi--SS

I, Donald E. Martin, Judge of the Probate Court of the County of Lemhi, State of Idaho, and Ex-Officio Clerk thereof, do hereby certify that the within copy of Order Confirming Sale of Real Estate at Private Sale is a full, true and correct copy of the original on file in said court and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said court this 4th day of December, 1958.

(SEAL)

Donald E. Martin
Probate Judge & Ex-Officio Clerk

STATE OF IDAHO)
County of Lemhi) ss.

Recorded at the request of Fred H. Snook December 9th 1958 at 30 minutes past 2 o'clock P.M., in Book 47 of Deeds Page 98 Records of Lemhi County, Idaho

W.W. Simmonds, County Recorder

By *Opal Reddington* Deputy

Fees, \$2.00 Paid

SCANNED

AUG 18 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

75-14137

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

RECEIVED

DEC 03 2003

Department of Water Resources
Eastern Region

[] Name(s): Deceased
Boyd & Marrue Simmons

[] Old Mailing Address: PO Box 207
Carmen ID 83462

[] New Mailing Address: Simmons Family Trust
245 E Three Fountains Dr.
Provo, UT 84604

Telephone Number: (801) 221 - 7644

[] Signature(s): Marrue K. Simmons
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf) Trustee of Simmons Family Trust
(include your title if on behalf of company or organization)

Date: Nov. 30, 2003

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 19, 2003

BOYD SIMMONS
PO BOX 7
CARMEN ID 83462

RE: CHANGE IN OWNERSHIP FOR 75-4123

Dear Mr. Simmons:

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:

75-4123 split into:

75-14137: 3.2 cfs, 68 acres, Simmons

74-14138: 0.80 cfs, 17 acres, Kranse

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

Technical Records Specialist

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

RECEIVED

OCT 17 2003

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

Department of Water Resources
 Eastern Region

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	75-4123	✓			

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) 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(s)

Boyd K. & MARRUE K. Simmons
 PO Box 7 CARMEN ID 83462

4. New Owner/Claimant(s)

Jerry Kranse

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

2222 Commercial ST.

City, State and ZIP Code

San Diego CA 92113

New Telephone Number

800 521-5062

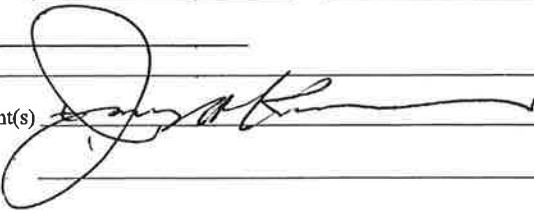
5. Date you acquired the property

June 1, 1992

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>75-4123</u>		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	<u>1.736 cfs</u>	<u>16 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>1.736</u>	

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	_____	

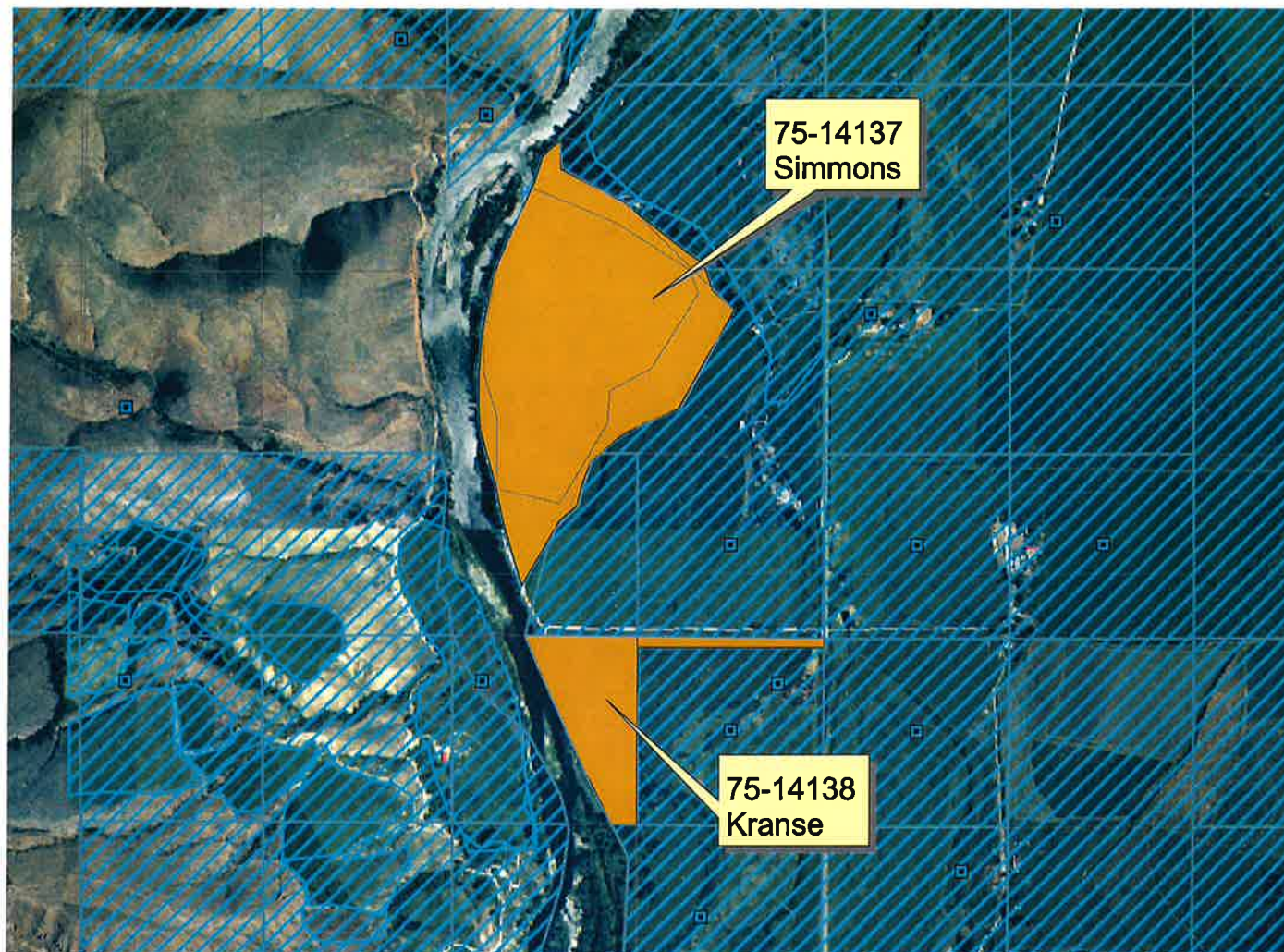
7. Signature of New Owner(s) or Claimant(s) 
(include title if applicable)

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

For Office Use Only

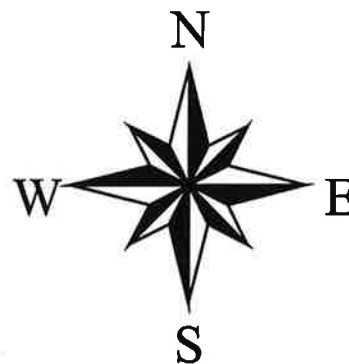
Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Split of 75-4123



0.2 0 0.2 0.4 Miles

-  Lemhi taxlots
-  GCDB23N21E GCDB
-  GCDB23N22E GCDB
-  GCDB22N22E GCDB
-  GCDB22N21E GCDB
-  75-4123.shp
-  POD-AJ ClaimClaim POD
-  POU-AJ ClaimClaim POU



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 75-14137
Date Received: 11/19/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

SIMMONS FAMILY TRUST Phone: (801)221-7644
245 E THREE FOUNTAINS DR
PROVO UT USA 84604

2. Date of Priority: 05/15/1920

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	22E	6	NE NW SE 12	LEMHI	

5. Description of diverting works:

6' WOODEN HDGATE DAM AND DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.2	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
3.2 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
23N	22E	31	SW NE 13	IRRIGATION	14
			SE NE 13	IRRIGATION	3
			NE SE 13	IRRIGATION	12

NW	SE	13	IRRIGATION	29
SW	SE	13	IRRIGATION	10
Section Acres				68
Total Acres				68

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 75-4123

15. Basis of Claim: Statutory Claim

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 75-14137
Date Received: 11/19/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

BOYD K SIMMONS Phone: (208)756-3006
PO BOX 207
CARMEN ID USA 83462

MARRUE K SIMMONS Phone: (208)756-3006
PO BOX 207
CARMEN ID USA 83462

A7514137



2. Date of Priority: 05/15/1920

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	22E	6	NE NW SE 12	LEMHI	

5. Description of diverting works:

6' WOODEN HDGATE DAM AND DITCH WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	3.2	
STOCKWATER	01/01	12/31	0.05	

7. Total Quantity Appropriated is:
3.2 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		
23N	22E	31	SW	NE	13	IRRIGATION	14		
			SE	NE	13	IRRIGATION	3		
			NE	SE	13	IRRIGATION	12		
			NW	SE	13	IRRIGATION	29		
			SW	SE	13	IRRIGATION	10		
			Section Acres						68
			Total Acres						68

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 75-4123

15. Basis of Claim: Statutory Claim

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 75-14137Date Received 12/6/6Receipt Number 11018078

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MARQUE SIMMONS Phone () _____
Mailing Address 245 E. THREE FOUNTAINS Zip _____
PROVO, UT 84604
2. Date of Priority (Only one (1) per claim) 5/15/1920
3. Source of water supply (a) SALMON RIVER & SPRING TRIB
which is tributary to (b) SALMON RIVER

4. a. Location of existing point of diversion is: Township 23N Range 77E Section 31,
_____ 1/4 of NW 1/4 of SE 1/4, Govt. Lot, 12 B.M., County of LENAH

Additional points of diversion if any: _____

- b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4/1 to 11/1 amount 0.29 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.29 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>23N</u>	<u>22E</u>	<u>31</u>														<u>LOT 10</u>			
																<u>78</u>			

Total number of acres irrigated

78

11. In which county (ies) are lands listed above as place of use located? LEMMING

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 75-M-8-14137

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

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

Signature of Claimant (s) Simmons Family Trust Date Dec. 10, '06

Date _____

For Organizations: I do solemnly swear or affirm that I am Trustee Title

of Simmons Family Trust (Farm) Organization, that I have signed the foregoing

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 UTAH)
County of UTAH) SS.

Subscribed and sworn (or affirmed) before me this 10th day of December 2006



Notary Public Terdaun Bingham

Residing at 4657 N 265 E, Provo, UT 84608

My Commission Expires 6-14-2009

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant