

11/02/2006

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

RIGHT NUMBER: 75-14183

NAME AND ADDRESS: LUCY HINCKLEY LITTLEJOHN
PO BOX 193
CARMEN ID 83462-0193

SOURCE: SMOUT CREEK

TRIBUTARY: FREEMAN CREEK

QUANTITY: 0.190 CFS
18.600 AFY

PRIORITY DATE: 05/01/1915

POINT OF DIVERSION:

T23N R23E S31 NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.190 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R23E S31 Lot 2 SWNW 9.30

9.3 ACRES TOTAL

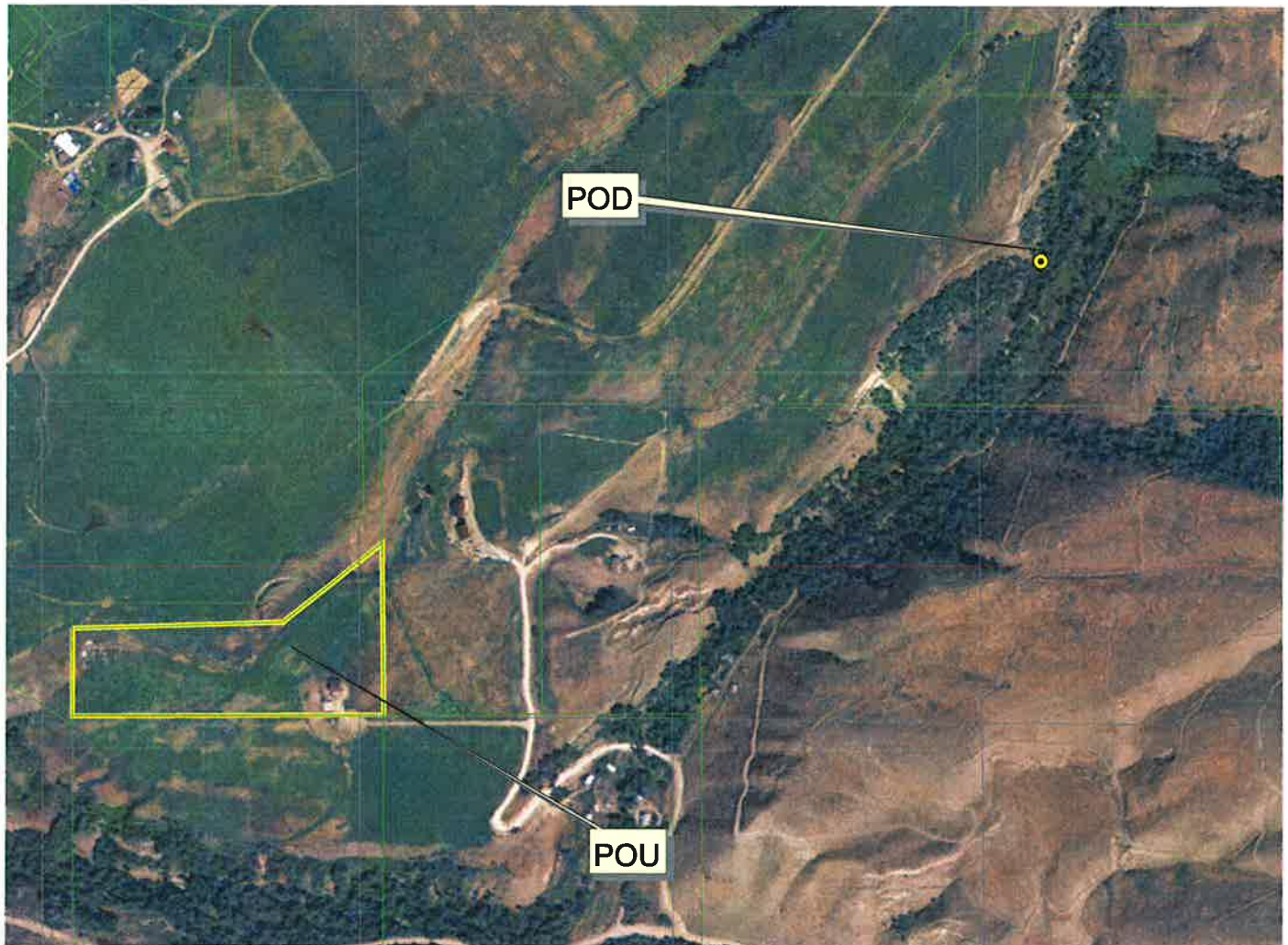
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

OTHER WATER RIGHTS USED AT THE SAME PLACE AND FOR THE SAME
PURPOSES: SMOUT CREEK 75-14017 AND GOLWAY GULCH 75-14015.

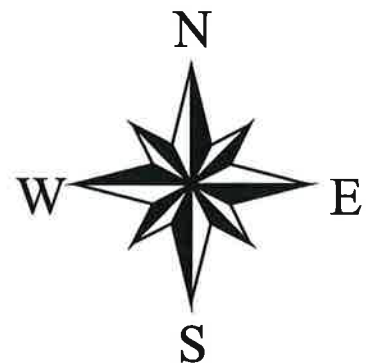
This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Statutory Claim

75-14183



-  Lemhi taxlots
-  GCDB23N23E GCDB
-  GCDB22N22E GCDB
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

JUL 27 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-14183

LUCY HINCKLEY LITTLEJOHN
PO BOX 193
CARMEN ID 83462-0193

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

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JUL 28 2005

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JUL 27 2005

DEPARTMENT OF
WATER RESOURCES

July 22, 2005

I John Jakovac, son of the late Jake Yakovac is making a statement of water use on the land now owned by Lucy Hinkley Littlejohn.

Jake Yakovac bought the neighboring ground in 1935 from Charlie Ziems who homesteaded the place. The piece Lucy Hinkley Littlejohn is on was owned by the Peterson's. That was homesteaded in the early 1900's. Charlie Ziems irrigated this place. When Jake Yakovac bought the Ziems place he irrigated it, later bought it and incorporated it in his place.

Signature

John Jakovac

7-22-05

Subscribed to and sworn before me
this date.

Linda K. Robie

10-6-05



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JUL 28 2005

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

CLAIM NO(s). A75 14183 _____

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:

Township 23N Range 23E Section 31 1/4 NE 1/4 NE 1/4
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

- A0011578 GRS005
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



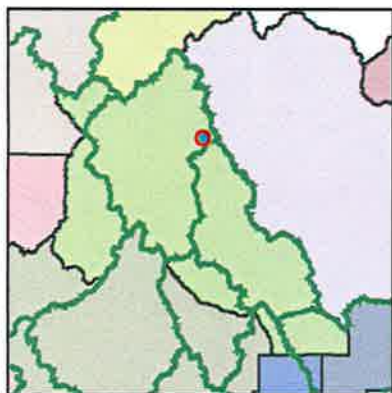
Idaho Department of Water Resources

SRBA Claim:

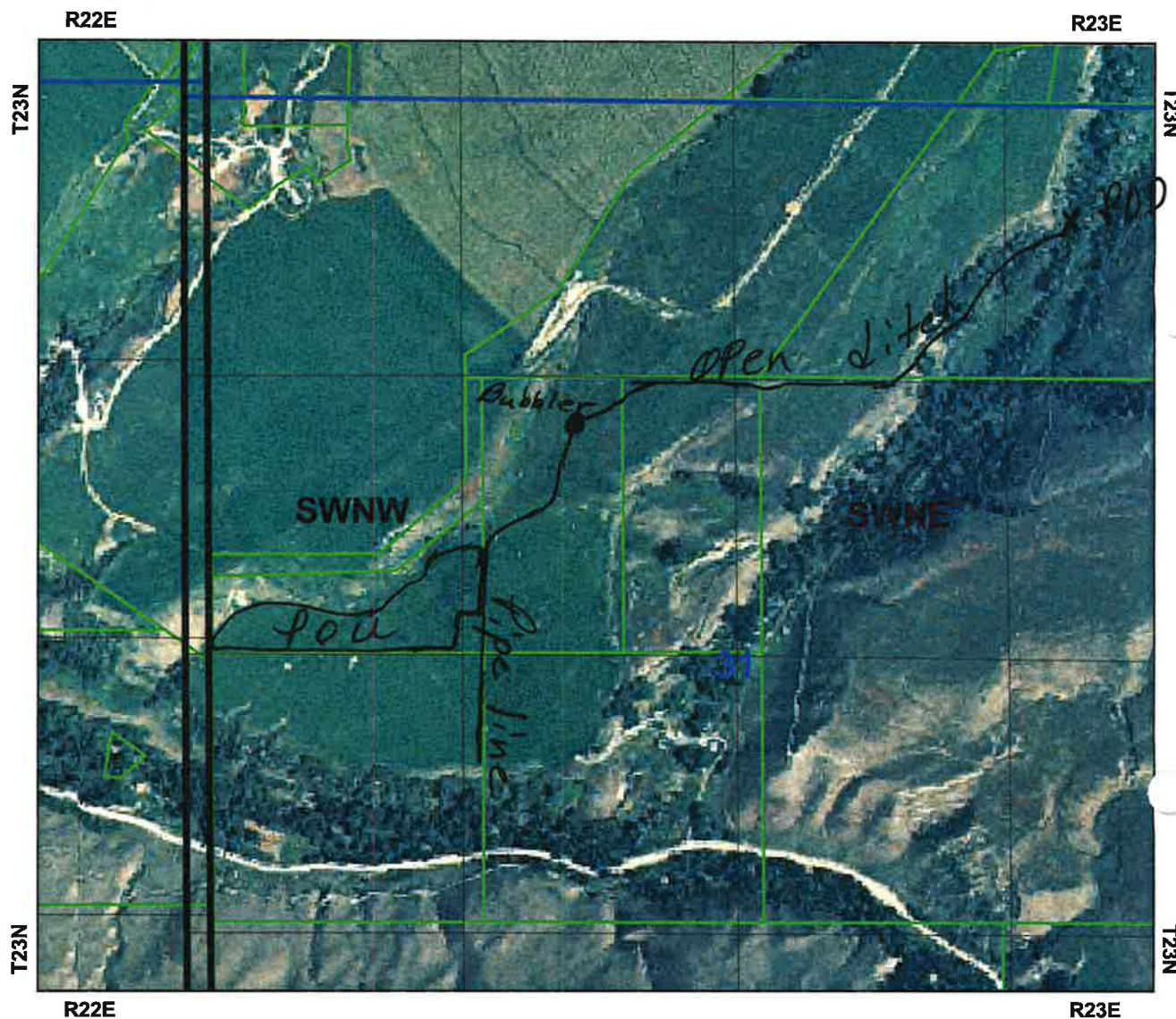
75-14183

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



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

1.) Littlejohn basing claim on Statutory Claim 75-4205, which was for:

Irrigation

91.0 acres Total

3.0 cfs diversion

$$3\text{cfs} / 91.0 = 0.033 \text{ cfs per acre}$$

Littlejohn is claiming 9.3 acres

$$9.3\text{ac} \times 0.033 \text{ cfs per ac.} = 0.31\text{cfs}$$

Claimed diversion 0.19cfs < 0.31 cfs

OK,

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

MAR 29 2005

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Department of Water Resources

39576

Ident. Number

Date Received

Receipt Number

C077119

d.e. 4-13-05
- 20

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NOTICE OF CLAIM

TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s)

Lucy Littlejohn

Phone (208)

756-2373 work

756-3317 home

Mailing Address

P.O. Box 193, Carmen, ID

Zip

83462

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

May 1, 1915

3. Source of water supply (a)

Smout Creek

which is tributary to (b)

Freeman Creek

4. a. Location of existing point of diversion is: Township

23N

Range

23E

Section

31

SW

1/4 of

NE

1/4 of

1/4, Govt. Lot,

B.M., County of

Lemhi

Additional points of diversion if any:

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

Township

Range

Section

,

1/4 of

1/4 of

1/4,

Govt. Lot

B.M., County of

ending point is: Township

Range

Section

,

1/4 of

1/4 of

1/4, Govt. Lot

B.M., County of

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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.

culvert gate and open ditch. Ditch blew out and was reconstructed in 2004. Water conveyed through ditch to a little perennial, springfed draw just upstream of my property. Tim Brownlee installed a bubbler on the springfed creek in SE 1/4 of the NW 1/4 just upstream of my place in 2002. Water is diverted onto my place through the creek (plastic damst ditches for flood irrigation) or through sprinklers + a common irrigation pipeline shared by Brownlees, Avery, Solomon, and I. We run out of water before end of season.

Section 3)

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 5/01 to 10/31 amount 0.19 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.19 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 18.6 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>23E</u>	<u>31</u>							<u>9.3</u>										<u>9.3</u>

Total number of acres irrigated 9.3

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

12. Do you own the property listed above as place of use? Yes 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.
Smout Creek 75-14017 and Golway Gulch 75-14015 or None ()

14. Remarks:

Last Name Littlejohn Ident No. 7514183

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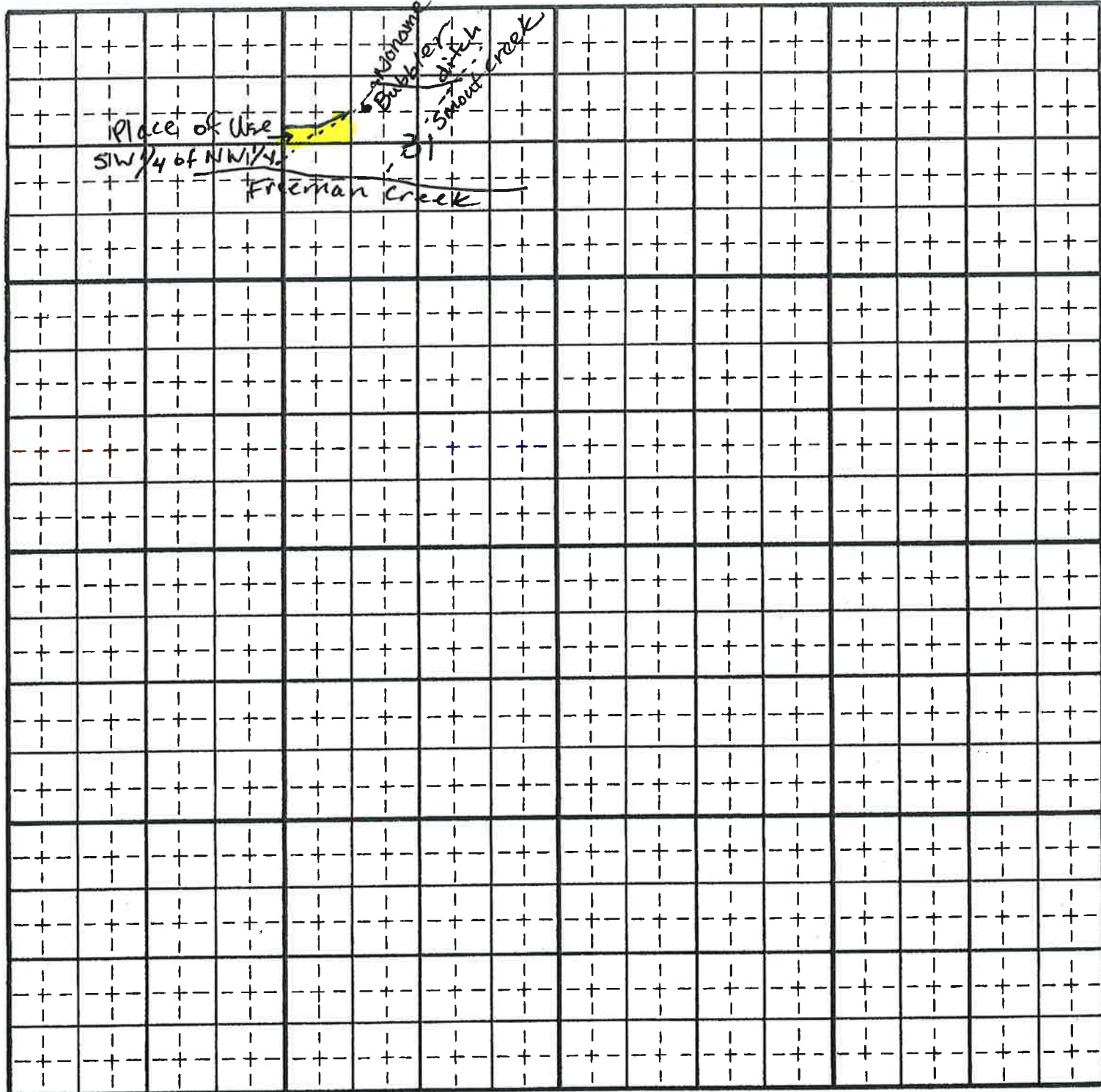
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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

see quad map, attached
for better illustration

T23N R23E



Last Name Littlejohn Ident No. 75-14183

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15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree _____ Statutory Claim X
If applicable provide IDWR Water Right Number 75-4205 Jack + Diane Ellis
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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 1

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

Signature of Claimant (s)

Lucy Littlejohn

Date

03/25/05

Date

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

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho/or _____)

County of Lemhi)

SS.

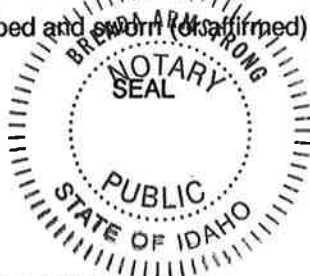
Subscribed and sworn (or affirmed) before me this

25th

day of

March

2005



Notary Public

Brenda Armstrong

Residing at

Salmon Id 83467

My Commission Expires

March 14, 2011

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

Littlejohn

Ident. Number

75-14183

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APR 13 2005

WARRANTY DEED

For Value Received JACK F. ELLIS AND DIANE L. ELLIS, HUSBAND
AND WIFE

the grantor_s, do hereby grant, bargain, sell and convey unto LUCY HINCKLEY LITTLEJOHN,
A SINGLE WOMAN

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

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee,
HER heirs and assigns forever. And the said Grantor_s do hereby covenant to
and with the said Grantee, that they are the owner_s in fee simple of said premises; that they
are free from all incumbrances

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

Dated: JULY 28, 2001

Jack F. Ellis
JACK F. ELLIS

Diane L. Ellis
DIANE L. ELLIS

STATE OF IDAHO, COUNTY OF LEMHI

On this 28th day of JULY 2001, before me, a notary public in and for said State, personally appeared JACK F. ELLIS AND DIANE L. ELLIS

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Residing at SALMON
Comm. Expires 1/10/04

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for re-
cord at the request of Lucy Littlejohn

at 45 minutes past 1 o'clock P m.,
this 3 day of August
2001, in my office, and duly recorded in Book
of Deeds at page

Ann M. Boston
Ex-Officio Recorder
By Sandra Cunningham Deputy.

Fees \$ 6.00
Mail to:

LEMHI TITLE & ABSTRACT — SALMON, IDAHO

SCANNED

APR 13 2005

Littlejohn

EXHIBIT "A"
PARCEL "C"

A portion of Lot 2, Section 31, T. 23 N., R. 23 E., Boise Meridian, Lemhi County, Idaho more particularly described as follows:

Beginning at the West 1/4 Corner of said Section 31 from which the NW Corner of said Section 31 bears N00°02'25"W, the BASIS OF BEARING of this description;

Thence N00°02'25"W along the west line of said Section 31, 367.00 feet;

Thence N88°27'03"E, 864.00 feet;

Thence N51°36'46"E, 530.00 feet to the intersection with the east line of said Lot 2, Section 31;

Thence S00°16'07"E, 720.00 feet to the SE Corner of said Lot 2, Section 31;

Thence N89°58'37"W, 1282.23 feet to the POINT OF BEGINNING.

Together with and subject to an ingress and egress easement Instrument No. 244871, dated 7/27/00, records of Lemhi County, Idaho.

Also subject to and together with a perpetual right-of-way for an existing road over and across a strip of land 60 feet wide for public access and use known as Freeman Creek Road.

Also subject to and together with a strip of land 10 feet wide for the maintenance and use of existing power and phone lines.

Also subject to and together with a strip of land for the installation, maintenance and use of power and phone lines 10 feet wide, 5.00 feet on both sides of the following described centerline:

Commencing at the South 1/4 Corner of said Section 31, from which the SE Corner of said Section 31 bears N89°24'36"E; Thence N00°12'50"W, 2614.76 feet to the Center 1/4 of said Section 31; Thence N89°58'37"W along the north line of the NE1/4SW1/4 of said Section 31, 489.12 feet; Thence S21°10'51"W, 431.23 feet; Thence N64°12'06"W, 368.66 feet; Thence N64°11'39"W, 568.03 feet to an existing utility pole said point also being the POINT OF BEGINNING;

Thence N27°30'20"E, 350.03 feet said point being the point of terminus.

The sidelines of said easements shall be prolonged or shortened to conform with the Grantor's and Grantee's boundary lines.

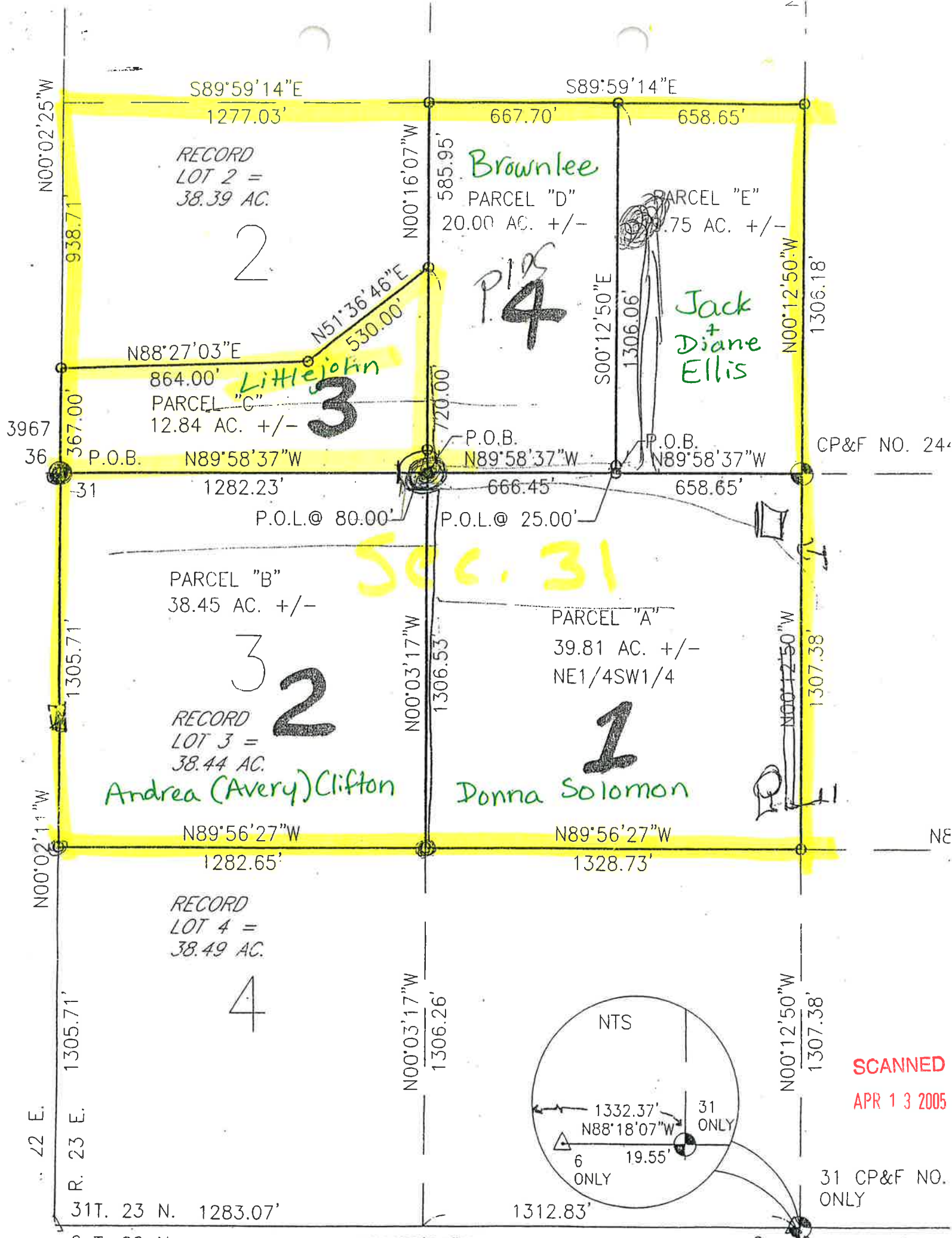
Zero (0) lot splits remain.

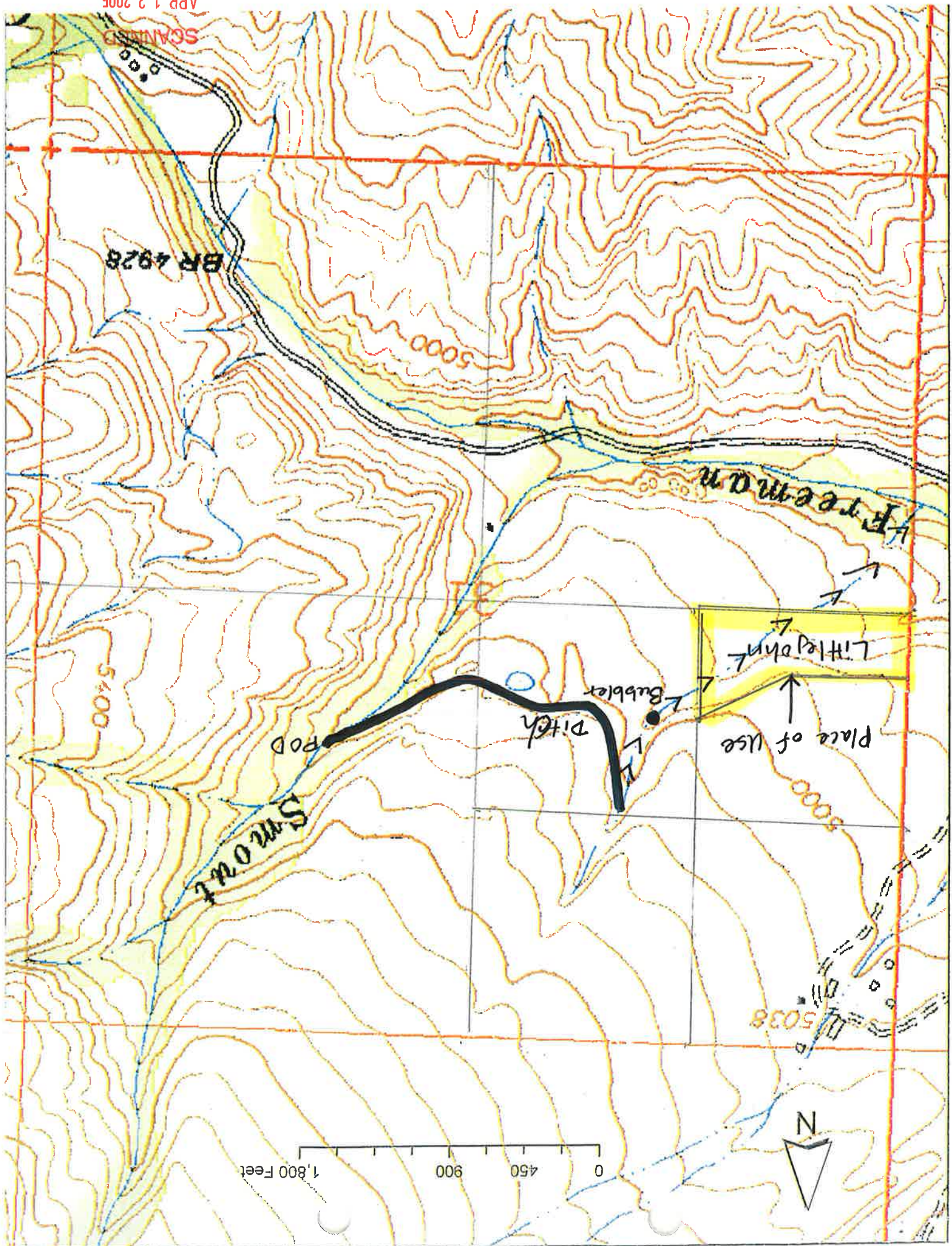
Parcel contains 12.84 acres more or less.

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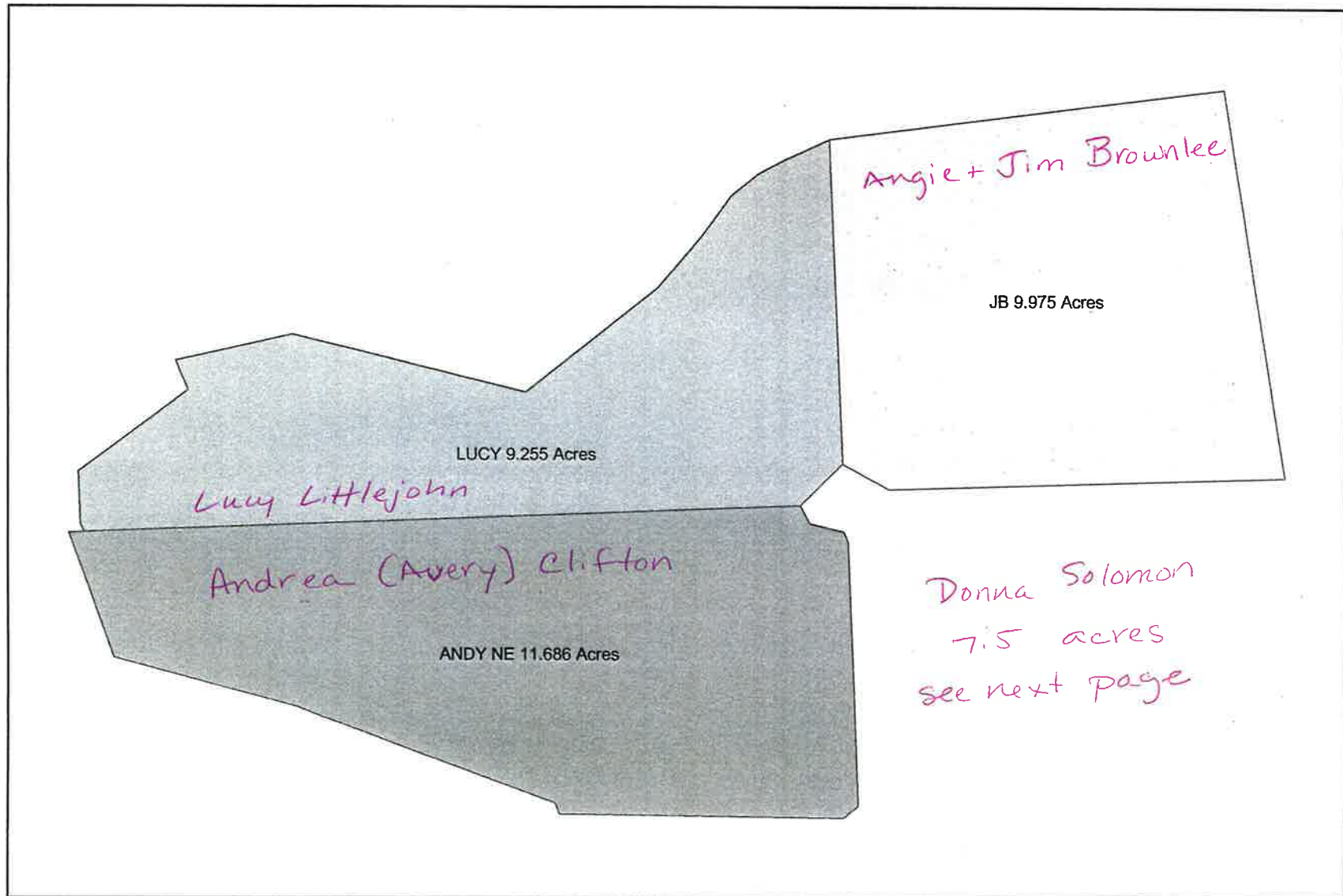
APR 13 2005

Littlejohn





Ellis Subdivision
10-29-04





0 260 520 1,040 Feet

Solomon - 7.5 Acres

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