

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: December 8, 2006

Water right number: 75-14299

COLSON CREEK IRRIGATION CO
990 HOMER AVE
IDAHO FALLS ID 83404

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

TOTAL ACRES IRRIGATED IS IN ERROR.

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

REVISE IRRIGATED ACRES FROM 30 ACRES TOTAL
TO 39.69 ACRES TOTAL AND INCREASE RATE OF FLOW ACCORDINGLY.

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

Accuracy reflects ACTUAL IRRIGATED ACRES
Revised MAP enclosed.

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

DATE: 12/7/06

SIGNATURE:

William E. English for Board of Directors/Secretary.

Please print your name:

William E. English - Colson Creek Irr. Co.

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



39.69 AC.
Coburn Creek Fire Co.

Memorandum

To: 75 - 14299

From: Dave Turnill

DATE: 12/7/06

RE: Acreage & Rate of Flow

Each Maillard recomputed the no. of acres in this Company to be 39.6 irrigated, removing roads.

Therefore, change the allowed acreage to 40, and
the rate of flow to 0.80 cfs for Irr
+ 0.03 stockwater
0.83 cfs total

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14299 V1

WATER RIGHT NUMBER: 75-14299 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	COLSON CREEK IRRIGATION CO 990 HOMER AVE IDAHO FALLS, ID 83404
Attorney	RIGBY, THATCHER, ANDRUS, RIGBY & MOELLER, CHTD C/O JERRY R RIGBY 25 N 2ND E PO BOX 250 REXBURG, ID 83440-0250

Priority Date: 10/13/1913

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
COLSON CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.600 CFS	
STOCKWATER	01/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.630 CFS	

Location of Point(s) of Diversion

COLSON CREEK	SE1/4SE1/4	Sec. 25, Twp 23N, Rge 16E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N 16E 25																X	
23N 17E 19											X						
23N 17E 30					X	X											

Total Acres: 33.4

STOCKWATER same as IRRIGATIONConditions of Approval:

1. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14299 V1

2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
5. K06 This right is limited to the irrigation of 33.4 acres within the place of use described above in a single irrigation season.

Remarks:Comments:

1. dfavreau 11/19/2006 POU

Comment: claim filed 2005, company in good standing and incorporated as of 1993.

2. dfavreau 11/19/2006 Quantity

Comment: HES 199 original docs for 30 acres under cultivation.

3. dfavreau 11/19/2006 quantity

Comment: reduced to 0.02 cfs per acre. original Tibbets claim for only 0.02 cfs per acre. no evidence of more cfs needed in file.

4. dfavreau 11/19/2006 quantity

Comment: stockwater for 80 horses

5. dfavreau 12/21/2006 POD

Comment: POD moved to match 75-4012B. Field exam in 75-4012B

6. dfavreau 12/21/2006 POU

Comment: POU and quantity adjusted as per Dave Tuthill 12/17/06 after conversation with claimant. Included all lands requested by Tibbetts (75-4012B) in service area boundary but removed acres owned by Tibbetts in total acres

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:

Owner Name Connector:

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 Recommendation Report 75-14299 V1

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/19/2006 11:56:42 AM	dfavreau			Active
POD	11/19/2006 11:57:20 AM	dfavreau			Active
Source	11/19/2006 12:44:04 PM	dfavreau			Active
POU	11/19/2006 12:44:25 PM	dfavreau			Active
Use	11/19/2006 12:46:43 PM	dfavreau			Active
Season	11/19/2006 12:48:01 PM	dfavreau			Active
Quantity	11/19/2006 12:55:16 PM	dfavreau			Active
Summary			11/19/2006	dfavreau	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	11/19/2006 12:46:44 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - HES 199 and aerial photography
POU	11/19/2006 11:39:13 AM	dfavreau	Updated shape for Active POU
POD	11/19/2006 12:01:36 PM	dfavreau	Updated PLS
Source	11/19/2006 12:44:04 PM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - HES 199
POU	11/19/2006 12:44:26 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (No) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14299 V1

Summary	11/19/2006 1:53:16 PM	dfavreau	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	11/19/2006 12:48:01 PM	dfavreau	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
POU	12/21/2006 4:29:02 PM	dfavreau	Updated PLS for Active POU
POD	12/21/2006 4:31:40 PM	dfavreau	Updated shape
POD	11/19/2006 11:59:45 AM	dfavreau	Updated shape
POU	11/19/2006 12:45:17 PM	dfavreau	Updated shape for Active POU
POU	11/19/2006 12:45:27 PM	dfavreau	Updated PLS for Active POU
Quantity	11/19/2006 12:55:17 PM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
POU	12/21/2006 4:28:52 PM	dfavreau	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-14299 V1

General	11/19/2006 11:56:42 AM	dfavreau	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - HES 199 p. 10 - about 30 acres of land included within the claim are under cultivation Used date of HES of 10-27-1913
POD	11/19/2006 11:57:20 AM	dfavreau	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?

Water Supply Bank:



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 27, 1983

Nora F. Sharp
Box 1136
North Fork, ID 83466

Dear Mrs. Sharp:

The information you sent in your letter of January 23, 1983, was of help in researching water rights in the general vicinity of Colson Creek and the Salmon River.

I note that Claims 75-4012 and 75-4013 were filed in June 1972 by Rodney and Wanda Tibbetts. The claims show a November 10, 1916 priority date for domestic, irrigation and power purposes. The irrigation use is for 69 acres somewhere within H.E.S. #199. From the information I have, I cannot determine exactly which 69 acres are included in the claim. If the lot you own, however, is a part of the 69 acres, it is not necessary for you to submit a claim for the uses already claimed by Tibbetts. The title company or perhaps the courthouse could tell you whether Tibbetts was a prior owner of the land which you now own. (Enclosed is a copy of those claims for your information.)

I also noted in my research that several claims have been submitted by individuals for irrigation and domestic use from Colson Creek. Such claims have been submitted by William F. Bilger, Blaine J. White and Ralph and Bonnie Gray. All these claims show a priority date of November 10, 1916. Enclosed for your information is a copy of one of these claims.

If you cannot determine whether the claims filed by Tibbetts covers your land, I suggest you file a claim similar to the example individual claim enclosed. This assumes, of course, that you and/or a previous owner of the property are using or have used water from Colson Creek.

Enclosed is a Claim to a Water Right form and instructions. If you decide to file such a claim, it should be completed and mailed with a \$30.00 fee to our Eastern Regional Office at 150 Shoup Ave., Suite 15, Idaho Falls, 83401.

I am returning the copies of the warranty deed and plat which you sent with your letter.

Sincerely,

L. Glen Saxton

L. GLEN SAXTON
Chief, Operations Bureau

LGS:sc

Enclosures

١٢٣٤ ١٢٣٤ ١٢٣٤

95/11-27

Shirley to - act

James H. Thompson

I am still trying to get a note right for
 my property down the river at Cochen Creek.
 My husband, O. J. Hoag, passed away in Oct. 20.
 I am trying to do this myself & write to see a
 real estate man how long ago and he gave
 me this information to send to you. I will
 forward Quality in Volume, No. 1 & let the
 information help. Thanks.

[Handwritten signature]

Acres, 83720

Department of State
Washington, D. C.

State of Ohio

1983 05 14

RECEIVED



IDAHO SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

[\[New Search \]](#)[\[Get a certificate of existence for COLSON CREEK IRRIGATION COMPANY \]](#)

COLSON CREEK IRRIGATION COMPANY

9 REDSIDE WAY
SHOUP, ID 83469

Type of Business: CORPORATION, WATER USERS ASSOCIATION**Status:** GOODSTANDING, ANREPT SENT 03 Apr 2006**State of Origin:** IDAHO**Date of** 17 Jun 1993**Origination/Authorization:**

Initial Registered Agent: JACK BASOLO
HC 64 BOX 66
SHOUP, ID 83469

Organizational ID / Filing C102465
Number:

Number of Authorized Stock
Shares:

Date of Last Annual Report: 18 Apr 2006**Amendments:****Amendment filed 17 Jun 1993** INCORPORATION[View Document Online](#)
[Download \(TIFF format\)](#)**Amendment filed 16 Dec 1996** REINSTATEMENT[View Document Online](#)
[Download \(TIFF format\)](#)**Annual Reports:****Report for year 2006** ANNUAL REPORT[View Document Online](#)
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Report for year 1993 ANNUAL REPORT

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Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

ARTICLES OF INCORPORATION
OF
COLSON CREEK IRRIGATION COMPANY
SEC. OF STATE

We, the undersigned persons of the age of twenty-one years or more, at least the majority of whom are residents of the State of Idaho and citizens of the United States, do hereby associate ourselves together for the purpose of forming a non-profit corporation in accordance with Section 30-301 of the Idaho Code.

ARTICLE ONE

NAME

The name of said Corporation shall be COLSON CREEK IRRIGATION COMPANY.

ARTICLE TWO

PRINCIPAL OFFICE

The Corporation's principal office is located at Sawtooth Auto Sales Building, Hwy 75 South, Hailey, Idaho 83333. The Corporation's registered agent is Jack Basolo at Sawtooth Auto Sales Building, Hwy 75 South, Hailey, Idaho 83333.

ARTICLE THREE

DURATION

The period of the duration of this Corporation is perpetual.

ARTICLE FOUR

PURPOSE

The purpose for which said Corporation is formed is to acquire, hold, own, maintain and control the waters of Colson

Creek Irrigation Company pipeline, or other sources of supply and to distribute the same among its shareholders equally and ratably to each of the shareholders' valve and/or property line with each shareholder to be responsible for his or her irrigation water from the valve or property line upon the lots within said subdivision.

ARTICLE FIVE

CAPITALIZATION

This Corporation shall be non-stock, and no dividends or pecuniary profits shall be declared or paid to the members thereof. This Corporation shall issue a membership certificate for each lot of said subdivision.

ARTICLE SIX

MEMBERSHIP AND VOTING REQUIREMENTS

The Corporation shall have one class of membership; the members must own or have an equity in a lot or lots situated within the Armalu Subdivision(s) at the mouth of Colson Creek, Lemhi County, Idaho. Each member shall be entitled to vote one vote for each paid 3/4 inch pipeline hookup/headgate in which the said person holds an interest; Provided, however, that there shall be no more than one vote per hookup. In the event a lot is owned by more than one person, then said persons shall be entitled to cast one vote for each paid 3/4 inch pipeline hookup/headgate as they themselves determine. New members shall be entitled to vote and to share in the property of the associa-

ARTICLES OF INCORPORATION

PAGE 2

tion with the old members in accordance with the general rule or rules.

One membership certificate shall be issued with the one voting right for each hook-up.

ARTICLE SEVEN

AMENDMENTS

This Certificate of Incorporation may be amended in the manner provided by the statutes of the State of Idaho at the time of the amendment.

ARTICLE EIGHT

DIRECTORS

The number of Directors constituting the initial Board of Directors of the Corporation is five (5), and the names and addresses of the persons who are to serve as the initial Directors are:

Jack Basolo	- - - - -	PO Box 40 Hailey, Idaho 83333
Sam Davis	- - - - -	2160 N. 800 E. Montevue, Idaho 83435
Larry Stark	- - - - -	Box 1565 Ketchum, Idaho 83340
Mike Tibbetts	- - - - -	Colson Creek Shoup, Idaho 83469
George Kinghorn	- - - - -	HC 64 Shoup, Idaho 83469

Rodney B. Tibbetts, 292 E. 5th St., Quincy, CA 95971, or his designated agent, shall be a continuing member on the Board of Directors, so long as

ARTICLES OF INCORPORATION

PAGE 3

"Tibbetts" shall continue to own the property whereupon is located the reservoir, valve house, main points of diversion and the water diverting equipment.

ARTICLE NINE

INCORPORATORS

The names and street addresses of each incorporator are:

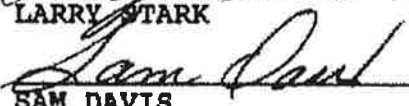
NAME	ADDRESS
Jack Basolo - - - - -	PO Box 40 Hailey, Idaho 83333
Sam Davis - - - - -	2160 N. 800 E. Monteview, Idaho 83435
Larry Stark - - - - -	Box 1565 Ketchum, Idaho 83340
Mike Tibbetts - - - - -	Colson Creek Shoup, Idaho 83469
George Kinghorn - - - - -	HC 64 Shoup, Idaho 83469

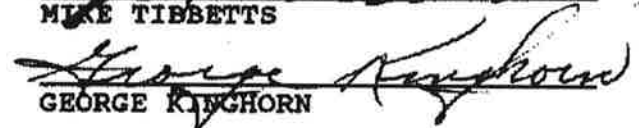
IN WITNESS WHEREOF, The persons named herein as Directors have hereunto set their hands and seals this 20th day of May, 1993.


JACK BASOLO


LARRY STARK


MIKE TIBBETTS


SAM DAVIS


GEORGE KINGHORN

ARTICLES OF INCORPORATION

IDAHO SECRETARY OF STATE
19930607 0900 80341 2
CK #: 5319 CUST# 1
CORPORATIO 10 20.00= 20.00
PAGE 4

State of Idaho

Department of State

CORPORATION REINSTATEMENT CERTIFICATE

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, do hereby certify that COLSON CREEK IRRIGATION COMPANY file number C 102465, a corporation organized under the laws of the State of Idaho, forfeited its corporate powers or its right to do business in the State of Idaho on December 2, 1996.

I FURTHER CERTIFY That the corporation has on December 16, 1996, been reinstated on the records of this office, and that its corporate powers or its right too do business in the State of Idaho are hereby restored.

Dated: December 16, 1996



Pete T. Cenarrusa
SECRETARY OF STATE

By *Debbie Hainsworth*

Favreau, Danielle

From: Foster, Bob
Sent: Monday, October 16, 2006 10:42 AM
To: Favreau, Danielle
Subject: RE: 75-4013, 75-4012A, 75-4012B

Danielle, looks like Jack Ellis did the exams on those. Jack did not take flow measurements on his exams. Bob

From: Favreau, Danielle
Sent: Mon 10/16/2006 9:21 AM
To: Foster, Bob
Subject: FW: 75-4013, 75-4012A, 75-4012B

Hi Bob,

Are 75-4012A, B still in need of field exams? I need a flow measurement for 75-14299 which I believe is the same ditch as 75-4012A,B.

<<75-14299.pdf>>

Thanks,

Danielle

-----Original Message-----

From: Favreau, Danielle
Sent: Friday, October 13, 2006 10:17 AM
To: Knoblock, Ken
Subject: RE: 75-4013, 75-4012A, 75-4012B

Thanks Ken!

Danielle

-----Original Message-----

From: Knoblock, Ken
Sent: Friday, October 13, 2006 9:24 AM
To: Favreau, Danielle
Subject: RE: 75-4013, 75-4012A, 75-4012B

I assume you mean 75-14299. We have 75-4181 which has no flow measurement. The POD is number 14 in the attached files. The others are in Salmon awaiting transport to Cd'A.

<< File: Ellis_GPS.dbf >> << File: Ellis_GPS.sbn >> << File: Ellis_GPS.sbx >> << File: Ellis_GPS.shp >> << File: Ellis_GPS.shx >>

-----Original Message-----

From: Favreau, Danielle
Sent: Friday, October 13, 2006 7:03 AM
To: Knoblock, Ken; Taylor, Greg
Subject: 75-4013, 75-4012A, 75-4012B

10/18/2006

Good Morning Ken and Greg,

Would you please check the files 75-4013, 75-4012A and 75-4012B for field exams. I am looking for POD and flow information.

I am currently working on 75-41299 - Colson Creek Irrigation Co. It appears that in 1987, Tibbetts owned all of HES 199. Tibbetts than subdivided the property. As a result, in 1993 the Colson Creek Irrigaiton District was formed. If everything is as it appears, I will recommend 75-41299 and disallow 75-4354 and disallow at least the irrigation portion of 75-4012A, 75-4012B, and 75-4181.

Thanks,

Danielle

Danielle Bruno-Favreau
GIS Analyst
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4938
Fax: (208) 287-6701

Favreau, Danielle

From: Favreau, Danielle
Sent: Monday, October 30, 2006 1:56 PM
To: 'Jerry Rigby'
Subject: RE: colson creek irrigation co

Hi Jerry,

That does narrow it down. I will look on some imagery that we have for a house on Tibbits' property that is near something that looks like a reservoir. At least the location on the USFS ground is not valid!

When your clients receive the notice of error, please have them take a careful look at the Point of Diversion.

Thank you for all your help.

Danielle

Danielle Bruno-Favreau
GIS Analyst
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4938
Fax: (208) 287-6701

-----Original Message-----

From: Jerry Rigby [mailto:jerry.rigby@gmail.com]
Sent: Monday, October 30, 2006 11:33 AM
To: Favreau, Danielle
Subject: FW: colson creek irrigation co

Danielle,
For some reason, this bounced. Therefore, I am sending on my gmail account.
Thanks

From: Jerry Rigby [mailto:jrigby@rigby-thatcher.com]
Sent: Monday, October 30, 2006 9:49 AM
To: 'Favreau, Danielle'
Subject: RE: colson creek irrigation co

Although they don't have a map which actually shows the reservoir, they believe that the distance is about 800 feet from Tibbits' house. Is that good enough?
Thanks

Jerry R.

From: Favreau, Danielle [mailto:Danielle.Favreau@idwr.idaho.gov]
Sent: Friday, October 27, 2006 12:34 PM
To: Rigby, Jerry (IWRB Member)
Subject: RE: colson creek irrigation co

Hello Jerry,

10/30/2006

I also am not sure where the reservoir is. I was hoping that your clients could indicate which taxlot the reservoir is in or perhaps some general distance from the Salmon River.

Thanks,

Danielle

Danielle Bruno-Favreau
GIS Analyst
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4938
Fax: (208) 287-6701

-----Original Message-----

From: Jerry Rigby [mailto:jrigby@rigby-thatcher.com]
Sent: Friday, October 27, 2006 11:57 AM
To: Favreau, Danielle
Subject: RE: colson creek irrigation co

Danielle,
I have finally had my clients give me a return call. It is apparent that the diversion would be AT the reservoir. The problem is that I can't decide from your map just exactly where the reservoir is located. I'm assuming that you know this. The line comes from the reservoir and then splits to the Tibbits Pelt Wheel and then on to the homeowners association.
Does this adequately address your question?
Please let me know.
Thanks
Jerry R.

From: Favreau, Danielle [mailto:Danielle.Favreau@idwr.idaho.gov]
Sent: Thursday, October 19, 2006 11:07 AM
To: jrigby@srv.net
Subject: colson creek irrigation co

Hello Jerry,

I am attempting to clarify the location of the point of diversion for the Colson Creek Irr. Co. I have included a map indicating the claimed location represented as the center of 23N16E24SESE. 23N16E24SESE is entirely owned by the USFS, is not actually on Colson Creek, and is a significant distance away from the location of the company. I have included 2 other possible locations on the map in 23N16E25SESE. The northern most is located in a parcel owned by the Salmon Lodge #1620 and the southern one is in a parcel owned by Tibbetts Family Trust according to our records. Please have your clients indicate where the correct point of diversion is for their claim 75-4108.

If the water is being passed through a reservoir, the point of diversion is where the dam of the reservoir intersects the source (Colson Creek) or where the diversion from the creek to the reservoir is located, not the dam outlet. Please have your clients indicate where the dam intersects the source, the location of the reservoir, and the acre feet capacity of the reservoir if applicable.

<<podrequest.jpg>>

Thank you for your assistance.

10/30/2006

Danielle

Danielle Bruno-Favreau
GIS Analyst
Idaho Department of Water Resources
322 East Front St.
PO Box 83720
Boise, ID 83720-0098
Phone: (208) 287-4938
Fax: (208) 287-6701

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RECEIVED

AUG 12 2005

DEPARTMENT OF
WATER RESOURCES

AUG 12 2005

August 08, 2005

Department of Water Resources
Roxanne Brown, Sr. Water Resource Agent, Adjudication Bureau
PO Box 83720
Boise, ID 83720-0098

Re: Claim to a Water Right Nos. 75-04012B; 7504013

The attached documents are submitted as evidence supporting our water right claim with priority dates 1913 and 1916:

1. Homestead Entry Survey No. 199, Salmon National Forest, Stated of Idaho, signed under oath by Earl R. Gilbert, Forest Manager, Surveyor, October 27, 1913. Arthur W. Pope, Claimant.

Page 10, it states "1/2 mile of ditches. . ."

Also on Page 10, under Description, its states, "... About 30 acres of the land included within the claim are under cultivation."...

2. Plat of Homestead Entry No. 199 in the Salmon National Forest, Office of US Surveyor General, Boise, Idaho, February 24, 1914.

List No. 4-322, Date January 27, 1910, Act of June 11, 1906; Act of Mar. 4, 1913.

2. Record of Patents, Patent Number 553802, date Unknown "... a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office ... ' To Secure Homesteads ... the claim of Arthur R. Pope, has been established ... for the H. E. Survey No. 199. (Hailey 08769)

Please contact me if you require additional information. My phone number is 208.394.2153.



Michael B. Tibbetts
3431 Salmon River Rd
Shoup, ID 83469
e-mail: tibbssalvage@salmoninternet.com

in behalf of Rodney B. Tibbetts, Wanda S. Tibbetts and Michael B. Tibbetts, current owners.

Attachments

HOMESTEAD ENTRY SURVEY NO. 199

SALMON NATIONAL FOREST

STATE OF IDAHO.

Chains

Arthur W. Pope, applicant for listing, Application No.

20, dated January 2, 1908.

Special Instructions dated September 24, 1914, for E. E.

Survey No. 199.

Claim situated approximately in unsurveyed Township 27 North, Range 17 East, of the Boise Meridian, Idaho, and in the Salmon National Forest.

Authority contained in the Acts of June 11, 1906 and March 3, 1913.

Surveyed October 26 to 27, 1913.

Survey executed with a Gurley Light Mountain Transit, the horizontal limb having two double verniers, placed opposite each other and reading to single minutes of the arc.

Measurements made with a 132 ft. (2 chain) steel tape.

Measurements taken horizontally and a plumb line used for marking the point.

October 26, 1913.

I examine the adjustments of the transit finding all adjustments correct.

There being no corners of the public land survey or other established monument within two miles, I establish U. S. L. M. No. 199, as follows:

A point of granite rock in place, 6 x 4 x 3 ft. above ground, chiseled X U. S. L. M. 199 on the south face, with a hole 1 in. dia. and 4 ins. deep drilled in the top for U. S. Location Monument No. 199.

A point of granite rock in place, 10 x 5 x 4 ft. above ground, chiseled U. S. L. M. 199 BR on the south face, bears N 79° 50' W, 56 lks. dist.

A point of porphyry rock in place, 4 x 3 x 4 ft. above ground, chiseled U. S. L. M. 199 BR on south face.

HO homestead entry survey No. 199
SALMON NATIONAL FOREST
STATE OF IDAHO.

10.

Chains	
Log house, 12 x 16 ft., course of long sides E. and W., the NW cor. of which bears from cor. 1, N. 86° 16' E., 3,700 obs. dist.	Value \$150.00
Log barn, 14 x 20 ft., course of long sides E. and W., the NW cor. of which bears from cor. 1, S. 84° 00' W., 2,000 obs. dist.	Value \$100.00
$\frac{1}{2}$ mile of rail fence.	Value \$ 75.00
$\frac{1}{2}$ mile of ditches.	Value \$ 75.00
Total value of improvements:	\$400.00

DESCRIPTION.

About 36 acres of this claim are excellent river bottom land; 6 acres are creek flat; 5 acres are bar land; 14 acres are steep hillside. The drainage is to Salmon River, which forms the southern boundary of the claim. The claim is crossed by the Salmon - Colson Creek trail. Shoup, the nearest Post Office, is about 20 miles distant to the northwest. There is practically no timber on the claim. About 20 acres of the land included within the claim are under cultivation. There are some old placer workings, approximately $\frac{1}{2}$ acre in area, on the west end of the claim, along the Salmon River. No other indications of mineral found on the claim.



PLAT OF
 HOMESTEAD ENTRY SURVEY No. 199
 IN THE
 SALMON NATIONAL FOREST
 ID.

SECTION 10, T12S, R10E, S1E

OF THE
 BUREAU OF LAND MANAGEMENT
 ID-440
 ALLEGRA W. FORT
 (SALMON)

Section of Homestead Entry Survey
 No. 199, in the Salmon National Forest,
 Idaho, containing 320 acres, more or less,
 situated in the 10th section of the 12th
 township of the 10th range of the 1st
 meridian, T12S, R10E, S1E.

OFFICE OF THE BUREAU OF LAND MANAGEMENT
 SALT LAKE CITY, UTAH

[Signature]
 Special Agent in Charge

COPIES OF THIS PLAT, SHOWING AT THE
 BUREAU OF LAND MANAGEMENT, SALT LAKE CITY,
 UTAH, MAY BE OBTAINED BY MAIL, FOR \$0.50 PER COPY.

HOMESTEAD ENTRY SURVEY NO. 199

SALMON NATIONAL FOREST

STATE OF IDAHO.

11.

Chains

BOUNDARIES OF H. E. SURVEY 199

Course	Dist.	Lat.N.	Lat.S.	Dep.E.	Dep.W.
N. 5° 58' E.	30.51	30.34		3.17	
S. 86° 21' E.	3.54		.23	3.53	
S. 6° 16' W.	27.91		27.74		3.05
N. 78° 08' E.	12.54	2.58		12.27	
S. 72° 42' E.	23.65		7.03	22.58	
N. 80° 16' E.	10.33	1.75		10.18	
S. 17° 17' W.	8.91		8.51		2.65
S. 57° 15' W.	8.76		3.66		5.69
N. 82° 59' W.	5.70	.70			5.66
N. 55° 13' W.	18.45	10.53			15.16
S. 89° 06' W.	9.15		.14		9.15
S. 42° 25' W.	8.55		6.31		5.77
S. 74° 06' W.	5.29		1.45		5.09
N. 68° 00' W.	3.35	1.26			3.12
N. 40° 07' W.	25.87	19.78			16.67
S. 60° 11' E.	25.57		11.72	20.45	
Totals:	224.09	66.94	66.79	72.18	72.00
		66.79		72.00	
Errors:		.15		.18	

Error of Closure = $\frac{1}{956}$

It being impracticable to take my assistants before an officer qualified to administer oaths, without great inconvenience, delay and expense, I administer, myself, the required affidavit of the assistants.

October 27, 1913.

Earl R. Gilbreath

Forest Ranger,
Surveyor.

75-4013

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 Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain", and the note supplemental thereto, the claim of Arthur W. Pope, has been established and duly consummated, in conformity to law, for the H. M. Survey No. 199, embracing a portion of the Unsurveyed Public Domain, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the U. S. Location Monument No. 199, bears north twenty-two degrees three minutes west seven and ninety-one-hundredths chains distant; Thence, north five degrees fifty-eight minutes east thirty and fifty-one-hundredths chains to corner No. 2; Thence, south eighty-six degrees twenty-one minutes east three and fifty-four-hundredths chains to corner No. 3; Thence, south six degrees sixteen minutes west twenty-seven and ninety-one-hundredths chains to corner No. 4; Thence, north seventy-eight degrees eight minutes east twelve and fifty-four-hundredths chains to corner No. 5; Thence, south seventy-two degrees forty-two minutes east twenty-three and sixty-five-hundredths chains to corner No. 6; Thence, north eighty degrees sixteen minutes east ten and thirty-three-hundredths chains to corner No. 7;

Thence, meandering right bank of Salmon River, south seventeen degrees seventeen minutes west eight and ninety-one-hundredths chains, south fifty-seven degrees fifteen minutes west six and seventy-six-hundredths chains, north eighty-two degrees fifty-nine minutes west five and seven-tenths chains, north fifty-five degrees thirteen minutes west eight and forty-five-hundredths chains, south eighty-nine degrees six minutes west nine and fifteen-hundredths chains, south forty-two degrees twenty-five minutes west eight and fifty-five-hundredths chains, north seventy-four degrees six minutes west five and twenty-nine-hundredths chains, north sixty-eight degrees west three and thirty-six-hundredths chains, north forty degrees seven minutes west twenty-five and eighty-seven-hundredths chains to corner No. 8; Thence, south sixty degrees eleven minutes east twenty-three and fifty-seven-hundredths chains to corner No. 1, the place of beginning, containing sixty-one acres, according to the

Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General;

NOT 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, Woodrow Wilson

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 Tenth

(SEAL)

day of NOVEMBER in the year of our Lord one thousand nine hundred and SIXTY and of the Independence of the United States the one hundred and FORTY-FIRST.

By the President:

By

Secretary.

Recorder of the General Land Office.

75-4012

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 75-14299
Date Received: 6/30/2006
Receipt No: E032036
Received By: TG/KMJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

COLSON CREEK IRRIGATION CO Phone: (208)522-5609
990 HOMER AVE
IDAHO FALLS ID USA 83404

RECEIVED
JUL 10 2006
DEPARTMENT OF
WATER RESOURCES

2. Date of Priority: 11/11/1910

3. Source: COLSON CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	16E	24	SE SE	LEMHI	

5. Description of diverting works:

A DAM ON COLSON CREEK A RESERVOIR A PUMP AND MAINLINE DELIVERING WATER TO EACH LOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.8	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
1.63 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	16E	19	SW	SW	IRRIGATION	0.5
					Section Acres	0.5
23N	16E	25	SE	SE	IRRIGATION	15
					Section Acres	15
23N	16E	30	NE	NW	IRRIGATION	15.5
			NW	NW	IRRIGATION	14
					Section Acres	29.5
					Total Acres	45

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

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

75-14299

Date Received

6/30/06 TG/KMJ

Receipt Number

E032036

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Colson Creek Irrigation Company Phone (208) 522-5609

Mailing Address 990 Homer Ave. Idaho Falls, IF Zip 83404

2. Date of Priority (Only one (1) per claim) November 11, 1910

3. Source of water supply (a) Colson Creek

which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 23 N Range 16 E Section 24,
1/4 of SE 1/4 of SE 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 _____

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. A dam on Colson Creek, a reservoir, a pump,
and mainline delivering water to each lot.

SCANNED

JUL -18 2006

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 10/31 amount 1.8 or _____

For Stockwater purposes from 01/01 to 12/31 amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.63 (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.) 80 horses

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	
23N	16E	25																	15.15
23N	17E	30								15.14									29.5
23N	17E	19												.5					.5

Total number of acres irrigated 4.5 acres

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 _____ No X

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:

Claimant's shareholders own the land. Top Competing Claim

For 75-4013.

Last Name _____ Ident No. _____

SCANNED

JUL - 10 2006

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75-4013
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) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Secretary _____
Title
of Colson Creek Irrigation Company _____, that I have signed the foregoing
Organization
document in the space below as _____ Secretary _____ of Colson Creek Irrigation Company
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature]
Title and Organization Secretary, Colson Creek Irrigation Co. Date June 30, 2006

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 30 day of June 19 2006

SEAL

Notary Public Katy Jackson
Residing at Idaho Falls
My Commission Expires March 31, 2011

Please Print Name

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

Signature [Signature]
Address P.O. Box 1250
Date JUNE 27, 2006

Last Name _____

356-3633

Rigby



SCANNED

JUL -18 2006

23N17E19

23N17E30

23N16E25

SCANNED
11-1-2006