

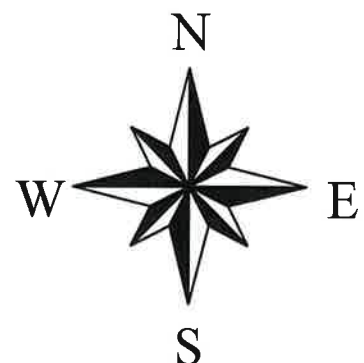
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

This right is a split from former right 75-14368

75-14370



-  Lemhi taxlots
-  GCDB25N21E GCDB
-  Foster.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$

Where: S = loss in cfs per mile

w = top width of the high water mark in feet

i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

$w = 3$ assume

$i = 1.0$ ft/day

ditch length (mi.) = $2950' = 0.56$ mile

Conveyance Loss:

$S = (3)(1)(0.0667) = 0.20$ cfs/mile

Loss = 0.11 cfs

0.20 cfs/mile $\times 0.56$ mile = 0.11 cfs

$(2.3 \text{ ac}) (0.03 \text{ cfs/ac}) = 0.07$ cfs irrigation
 ditch loss $= +0.11$ cfs
0.18 cfs Total

Claimed ≈ 0.654 cfs

Recommend: 0.18 cfs

Splits

75-4298 (Hanson)
Irrigation 88 Ac, 10 cfs, 18

✓ (Ferrell) ✓

75-4298A

Irrigation

2 ac, 0.06 cfs

75-4298B

Irrigation

50 ac, 10 cfs

75-4298C

Irrigation

Stock Water

1.7 ac, 0.26 cfs

75-14368

(Cerise) ✓

Irrigation

9.28 Ac, 3.56 cfs

75-14367

(Ferrell) ✓

Irrigation

40.72 ac, 7.43 cfs

✓ 75-14370

(Cook)

Irrigation

2.28 Ac, 0.654 cfs

✓

75-14369

(Cerise)

Irrigation

7.0 ac, 1.909 cfs

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 75-14370
Date Received: 4/17/1990
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CARY G COOK Phone: (208) 756-2524

436 HWY 28
SALMON ID USA 83467

MERRILEE COOK Phone: (208) 756-3031

436 HWY 28
SALMON ID USA 83467

2. Date of Priority: 05/15/1898

3. Source: SHEEP CREEK Trib. to: SALMON RIVER NORTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
25N	21E	14	NE NW	LEMHI	

5. Description of diverting works:

DAM, HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/15	0.654	

7. Total Quantity Appropriated is:

0.654 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	21E	15	NE	NE	IRRIGATION	2.28
					Section Acres	2.28
					Total Acres	2.28

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 RT. APPARENTLY HAD ITS ID NO. TRANSPOSED WITH 75-04297 WHEN THE CLAIM WAS DATA ENTERED. CLAIMANTS TO THE BEST OF THEIR KNOW- LEGE FEEL THAT THE DESCRIPTION HERE DESCRIBES WHAT SHOULD BE FOR THE RIGHT.

This right is a split from former right 75-4298B.

This right is a split from former right 75-14368 .

15. Basis of Claim: Statutory Claim

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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

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

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
<u>A75-04298B</u>	_____	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

RECEIVED

NOV 4 2005

from W.A., as

Department of Water Resources

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) Lowell Cerise
56 Whiting Rd. Salmon, Id. 83467
4. New Owner/Claimant(s) Cary & Merrilee Cook
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 436 Hwy. 28
- City, State and ZIP Code Salmon, Id. 83467
- New Telephone Number 208.756-3031
5. Date you acquired the property 5-4-05

SCANNED

NOV 17 2005

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>A75-04298B</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>0.654 CFS</u>	<u>2.28 ACRES</u>
Stock	<u>stockwater incidental to irrigation</u>	
Domestic	_____	_____
Other	_____	_____
Total	_____	

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) Cary Cook
(include title if applicable) Myrtle Cook

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by AJ Date _____ WR _____ Date _____

SCANNED

NOV 07 2005

WARRANTY DEED

Order No.:307053001L-G

FOR VALUE RECEIVED

Lowell Cerise, a single person

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Cary G. Cook and Merrilee Cook, husband and wife

whose current address is

525 Main St. Salmon, ID 83467

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

LOT 8 IN MOUNTAIN GLEN ESTATES SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 6 OF PLATS AT PAGE 44 OFFICIAL RECORDS OF LEMHI COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 5/4/05

Lowell Cerise
Lowell Cerise

State of Idaho

County of Lemhi

} ss.

On this 4th day of May, in the year 2005 before me, a Notary Public in and for said state, personally appeared Lowell Cerise known or identified to me to be the persons whose names are 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 first above written.



Sheri Hall
Notary Public for the State of Idaho
Residing at: Salmon
Commission Expires: 4/30/2009

State of Idaho) SS No. 262795
County of Lemhi)

This instrument was filed for record at the request
of Alliance
at 3:41 o'clock Pm 4 May 2005
and duly filed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder
By K. Baumer Deputy
Fee 3.-

Return to _____

SCANNED

NOV 07 2005

EXHIBIT B - IRRIGATION

This subdivision and other properties are served by a diversion on Sheep Creek, a tributary of the North Fork of the Salmon River. The Developer holds those water rights defined on claim A75-04298B, attached. That water claimed and currently used by the developer under claim A75-04298B is based on beneficial use on the ~26 acres in the subdivision and the ~10 acres of the Harold Hanson lifetime estate. Other claims exist on this diversion.

Three irrigation ditches, A, B, and C pass through this subdivision:

- * Ditches A and B, described as follows, are served by a concrete headgate located in the easternmost corner of Lot 8. Said headgate also provides irrigation water to the Darrah property adjoining Lot 8 to the north.
- * Ditch A proceeds parallel to US 93 from said headgate and passes through and along the southeastern property boundaries of Lots 8, 9, and 10 to the subdivision access road thence passes through a culvert under US 93 in a southeasterly direction. Ditch A serves the downstream properties and water claims of Joe Fraser and Robin Burrell. Ditch A is not, nor is intended to be, used on the subject subdivision.
- * Ditch B is likewise served by the cited headgate and proceeds parallel to US 93 through and along the southeastern boundaries of Lots 8, 9, 10 and 1. Ditch B is intended to provide irrigation water for lots 8, 9, 10 and 1 as well as that part of the Hanson property currently irrigated by ditch B.
- * Ditch C enters the subdivision at or about the northernmost point of the Lot 7- Lot 8 common boundary, then proceeds northwesterly parallel to the northeast boundary of Lot 7 to the most northerly corner of Lot 7. Ditch C then proceeds in a southerly direction through Lots 7, 6, 5, 3 and 2. Ditch C is intended to provide irrigation water for Lots 7, 6, 5, 3, 2, 4 and that part of the Hanson property currently irrigated by ditch C and any other valid existing claims of downstream users.

All claimants, to the best knowledge of the Developer, using the same Sheep Creek diversion point are listed as follows:

<u>Properties</u>	<u>Allotment</u>	<u>Acres</u>	<u>Use</u>	<u>Diversion Method</u>	<u>~Total</u>
Edstrom	0.02 cfs/A	5A	Pasture	pump in ditch	0.1 cfs
Fraser	0.02 cfs/A	15.5	Pasture	ditch/flood	0.3
Proksch	0.02 cfs/A	10	Pasture	ditch/flood	0.2
Burrell	0.02 cfs/A	3	Pasture	pump in ditch	0.1
Durrah	0.02 cfs/A	1	Yard	ditch/flood	neg
Ward	0.02 cfs/A	10	Pasture	sprinkler (planned)	0.2
Ferrelli/Hanson 10.0 cfs (claim A75-04298B)		~26A/10A	Pasture	ditch/flood (original)	10.0
Total					10.9 cfs

Water rights associated with the subdivision (~26A) and the Harold Hanson lifetime estate (~10A) will be proportioned on the basis of respective lot sizes. The 10.0 cfs under claim A75-04298B would then be allocated as follows (approximations due to rounding):

<u>Property</u>	<u>Acreage</u>	<u>Percentage</u>
Hanson	10 A	25%
Lot 1	2.53	7
Lot 2	2.93	8
Lot 3	2.3	6
Lot 4	4.09	11
Lot 5	2.43	7
Lot 6	2.72	8
Lot 7	2.06	6
Lot 8	2.28	6
Lot 9	2.31	6
Lot 10	2.16	6
Total	36 A	90 %

Note 1 - Claim A75-04298B has a priority date of May 15, 1898. The developer believes that there are no other claims with greater seniority.

SCAN

NOV 07

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

Renumbered: A75-04298B

Ident. Number: A75-04290

Date Received: 4/17/1990

Receipt No: M006652

Received By: *[Signature]*

*2/24/93
SC*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JARED F. FERRELL
Address: HC 10 BOX 28
NORTH FORK, ID 83466
OR
Name: MIRIAM F. (PAV) FERRELL
Address: HC 10 BOX 28
NORTH FORK, ID 83466
208-865-2402
208-865-2402
2. Date of Priority: MAY 15, 1898
3. Source: SHEEP CREEK Trib. to: SALMON RIVER, NORTH FORK
4. Point of Diversion:
Township Range Section 1/4 of 1/4 of 1/4 Lot County
25N 21E 14 NE NW LEMHI
5. Description of diverting works:
DAM, HEADGATE & DITCH
6. Water is used for the following purposes:
Purpose From To C.F.S. (or) A.F.A.
IRRIGATION 04/01 11/15 10.000
7. Total Quantity Appropriated is:
10.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 150.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

A75-04298

Page 1

Date: 04/17/90

~~NOT RECORDED~~
DEC 15 1992

SCAN
NOV 0

adequate to keep said animal or animals on said lot. Corrals, barns, etc., shall be maintained in a clean condition at all times.

7) No noxious, illegal or offensive activity shall be carried out upon any lot/tract, nor shall anything be done thereon which is or may become an annoyance or nuisance to the neighborhood. No owner of any lot shall at any time conduct, or permit to be conducted on said lot/tract, any trade or business of any description whatever except for those occupations which do not affect the enjoyment of the subdivision by other owners.

8) No lots may be further subdivided.

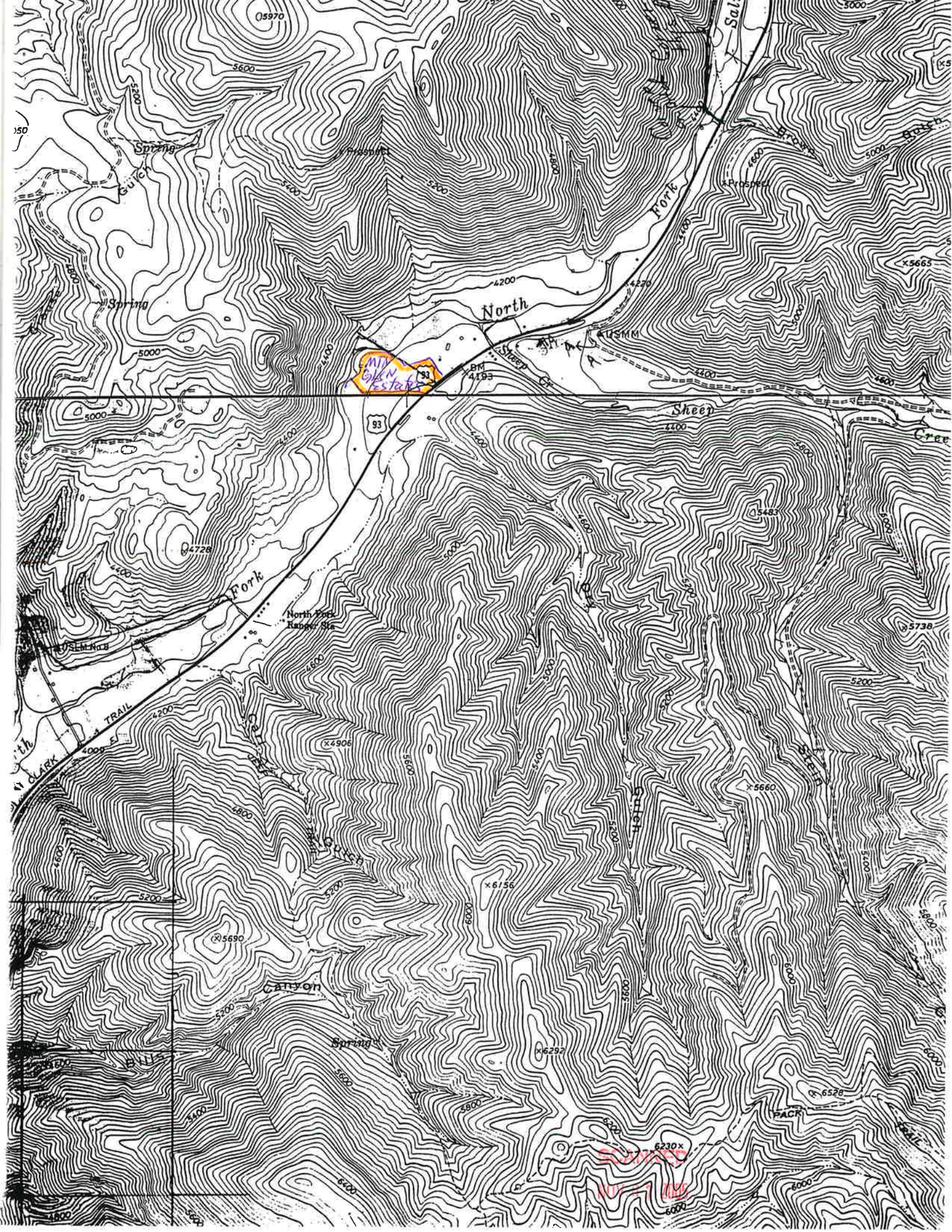
9) The irrigation water rights from the Sheep Creek diversion are conveyed to these lots by virtue of an existing ditch system described in Appendix "B" attached hereto. Pursuant to the provisions of Idaho Code 42-1301, Chapter 13, an organization automatically comes into existence for management of the ditch system, referred to in such statutory provision as a "lateral ditch water user's association". The provisions of these Idaho statutory requirements shall be followed for management of the ditch system, maintenance of the ditch, and payment of expenses related to the ditch. In addition to the lots in this subdivision, this ditch water user association will include other claimants and water users. Other claimants and water users' known to the developer are listed in Appendix "B". Lot owners access to specific lateral ditches and proportions of water are specified in Appendix "B". Ditches described in Appendix "B" as Ditch A, B, and C serve downstream properties and should be regarded by lot owners as easements to downstream users for purposes of reasonable maintenance when and if required. For all lots purchased after January 1, 1997 only sprinkler irrigation is allowed and diversion of water shall be via ditch pumps installed with acceptable practices. Lot 4 is permitted to use flood irrigation. Water rights are going through an adjudication process at this time. The existing water rights and or water rights determined after readjudication shall be divided on a pro-rated percentage based on the acreage of each lot. The water rights consist of 36 acres, 26 of which constitute this subdivision. Of the water rights entitled to the 36 acres, the individual lots will receive the percentage described in Appendix "B".

10) The responsibility for the maintenance of subdivision access roads will be assumed by all lot owners. Each owner will pay a proportionate share of road maintenance, repair, upkeep and snow removal costs. A proportionate share will be determined by a Home Owners Association consisting of all lot owners. The owners of said lots for which the road provides shall determine the work necessary.

Parking on access roads is prohibited. Lot owners are responsible for providing off-road parking for all vehicles and guests.

SCANNED

NOV 07 2005

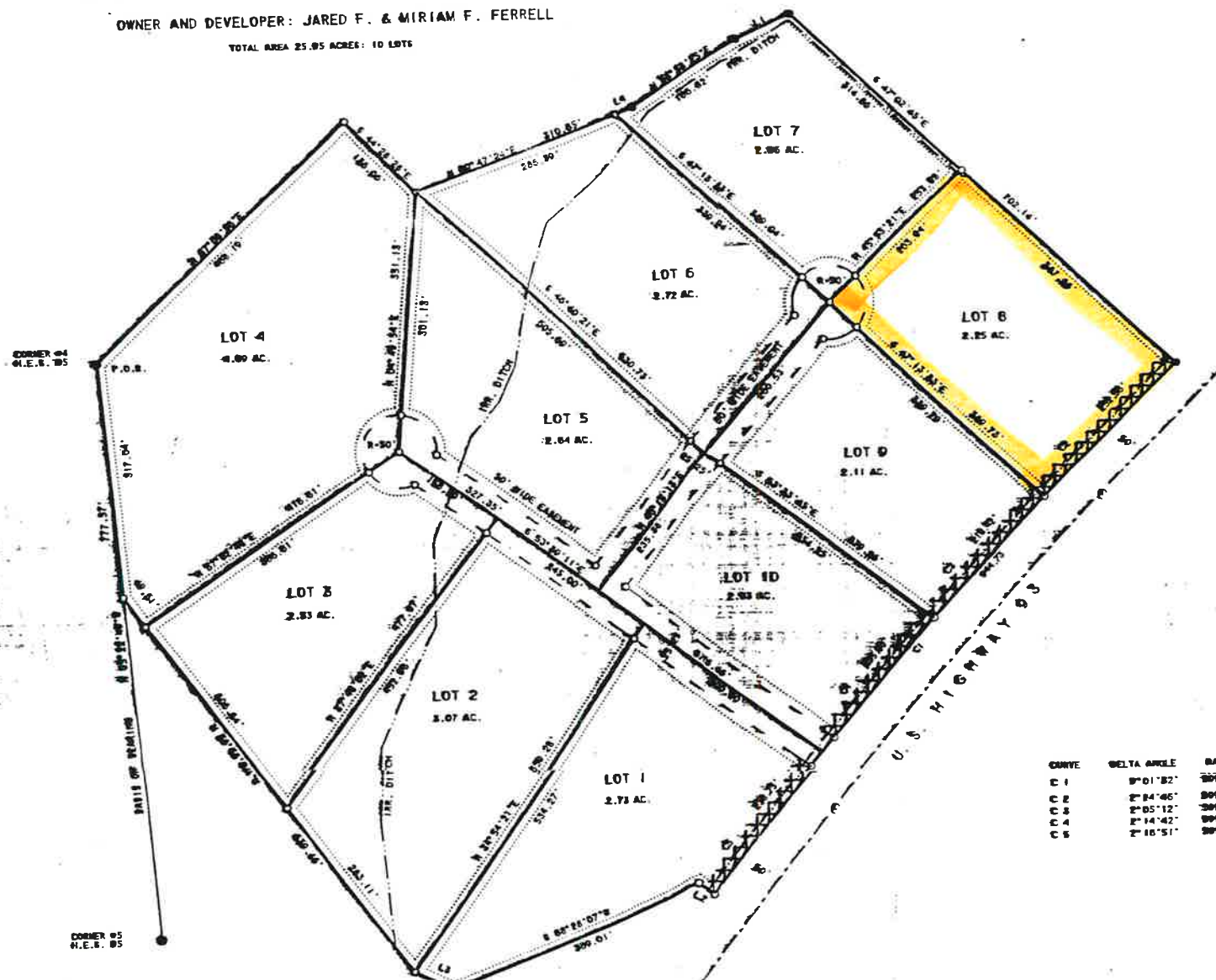


MOUNTAIN GLEN ESTATES SUBDIVISION

LOCATED IN H.E.S. NO. 95, UNSURVEYED SECTION 15, T. 25 N.,
R. 21 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO

OWNER AND DEVELOPER: JARED F. & MIRIAM F. FERRELL

TOTAL AREA 25.95 ACRES: 10 LOTS



LEGEND

- 3 1/2" ALUM. BLM MONUMENT
- 5/8" X 24" REBAR WITH A PLASTIC CAP
MARKED GRADE 91.9 0000
- 5/8" REBAR WITH A PLASTIC CAP
SET BY L.S. 0770
- IRRIGATION DITCH
- NO ADDRESS OR EGRESS ZONE
- 10 FT. WIDE UTILITY EASEMENT
- P.O.B. POINT OF BEGINNING

LINE	BEARING	DISTANCE
L 1	N 85° 27' 42" E	79.78
L 2	N 82° 00' 10" W	25.90
L 3	N 82° 00' 50" W	185.72
L 4	N 80° 47' 24" E	24.86

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	0° 01' 32"	3097.42	344.73	474.35	252.54	S 43° 2'
C 2	2° 04' 45"	3097.42	252.56	126.90	218.41	S 67° 0'
C 3	2° 05' 12"	3097.42	218.42	109.22	234.90	S 60° 5'
C 4	2° 14' 42"	3097.42	235.00	117.52	236.74	S 54° 3'
C 5	2° 16' 51"	3097.42	234.75	119.30	236.74	S 54° 3'

MADE SUE

SCANNED
NOV 07 2005