

11/20/2006

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

RIGHT NUMBER: 75-14382

NAME AND ADDRESS: ROBERT ANDERSON
PO BOX 852
KETCHUM ID 83340

LESLIE J ANDERSON
PO BOX 852
KETCHUM ID 83340

SOURCE: WALLACE CREEK

TRIBUTARY:

QUANTITY: 0.020 CFS

PRIORITY DATE: 05/13/1898

POINT OF DIVERSION:

T22N R22E S6 NWSW Lot 7 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S06 Lot 9 SWNE 2.00

2 ACRES TOTAL

2

The rights listed below are limited to the irrigation of a combined total of
acres in a single irrigation season. Combined Right Nos.: 75-14382 &
75-14384.

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.

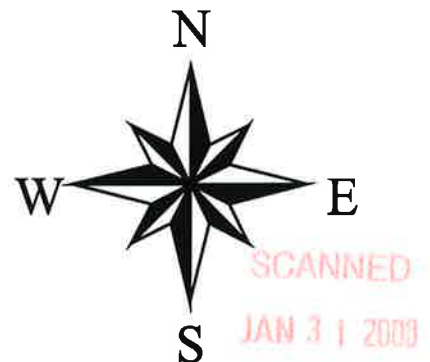
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 75-13949 .

75-13949
75-13951



-  75-13949.shp
-  QQ
-  Sections
-  GCDB22N22E GCDB
-  POD-AJ ClaimClaim POD



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: 75-14382

ROBERT ANDERSON
PO BOX 852
KETCHUM ID 83340
Telephone Number: (208)788-3550

LESLIE J ANDERSON
PO BOX 852
KETCHUM ID 83340

RECEIVED
DEC - 4 2006
IDWR/North

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

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

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

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

DATE: 11-28-06

SIGNATURE:

Please print your name:

ROBERT R. ANDERSON

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

SCANNED
DEC - 5 2006



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

March 9, 2004

ROBERT & LESLIE ANDERSON
PO BOX 852
KETCHUM ID 83340

Lot 1

Dear Mr. & Mrs. Anderson:

Our department received your ownership change request for water rights in the Diamond Creek Subdivision. Due to the confusing nature of these rights, we have decided not to process ownership changes until our agents conduct field exams of the Salmon River drainage in 2005.

While I cannot guarantee you have water rights, if your property was historically irrigated, it is likely you have a share of the Diamond Creek rights.

Respectfully,

Ernest Carlsen
Water Rights Supervisor

SCANNED

JAN 31 2004

DELOG DC
12-15-00

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

DEC 14 2000

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

Department of Water Resources
Eastern Region

1. Water Right No(s): 75-04385
Adjudication Claim No(s): A75-04385
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
AND
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
OR
 - C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.
3. Name and Address of Former Owner/Claimant
Larry B and Nina V Mott
Salmon ID 83467
4. New Owner/Claimant(s)
Robert & Leslie J. Anderson
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address
PO Box 852
City, State and ZIP Code
Ketchum ID 83340
New Telephone Number
(208) 788-3550
5. Date you acquired the property
9-22-95
6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

Number of acres you irrigate with this water right <u>2.5</u>	Number and type of stock _____
Diversion rate in CFS <u>.05 cfs</u>	Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) [Signature]

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

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

JAN 31 2001

Order No. 478

WARRANTY DEED

For Value Received Larry B. Mott and Nita V. Mott, husband and wife

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto
Robert Anderson and Leslie J. Anderson, husband and wife
whose address is: P.O. Box 852, Ketchum, ID 83340

Hereinafter called the Grantee, the following described premises situated in Lemhi County, Idaho, to-wit:

Lot 1 Diamond Creek Subdivision according to the official plat thereof
filed for recording in Book 5 of Plats at Page No. 15, and amended by
Affidavit Authorizing change in plat recorded October 28, 1981 as
Instrument No. 169591, records of Lemhi County, Idaho

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and the Grantee's heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantee is the owner in fee
simple of said premises; that said premises are free from all encumbrances except current years taxes, levies and assessments, and
except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will
warrant and defend the same from all claims whatsoever.

Dated: September 22, 1995

Larry B. Mott
Larry B. Mott

Nita V. Mott
Nita V. Mott

State of Idaho

County of Blaine

On Sept. 25 1995 before me, the undersigned, a Notary Public in and for said State, personally appeared Larry B.
Mott and Nita V. Mott personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose
name(s) are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Signature Mona M. Clark
Residing at Boise
Commission Expires: 2-2-97



2237 (198)

Notary Public
Instrument was filed for recording at the
Boise office
5 o'clock PM Sept 25 1995
Filed at: Indexed to the records of Lemhi

SCANNED

JAN 31 2000

WARRANTY DEED

For Value Received

SANDY H. SIMS, a single person

the grantor, does hereby grant, bargain, sell and convey unto

LARRY B. MOTT AND NITA V. MOTT, husband and wife

whose current address is

P.O. BOX 825
SUN VALLEY, ID 83353

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

LOT 1 DIAMOND CREEK SUBDIVISION ACCORDING TO THE OFFICIAL
PLAT THEREOF FILED FOR RECORD IN BOOK 5 OF PLATS PAGE
NO. 45, AND AMENDED BY AFFIDAVIT AUTHORIZING CHANGE IN
PLAT RECORDED OCTOBER 28, 1983, AS INSTRUMENT NO. 69591,
RECORDS OF LEMHI COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,
THEIR heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantee, that he is the owner in fee simple of said premises; that they are free
from all incumbrances

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

Dated: DECEMBER 21, 1992


SANDY H. SIMS

STATE OF IDAHO, COUNTY OF LEMHI

On this 21st day of Dec., 1992,
before me, a notary public in and for said State, personally
appeared

SANDY H. SIMS
NOTARY PUBLIC

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that he executed the same.

LAURIE M. SATTLE Notary Public
Residing at SALMON, Idaho
Comm. Expires 6-19-1995

State of Idaho)
County of Lemhi)

217375

This instrument was recorded in Book 5 of Plats, Page 45, and amended by Affidavit Authorizing Change in Plat recorded October 28, 1983, as Instrument No. 69591, Records of Lemhi County, Idaho.

By Laura Sattle DeputyFees: 3.00

ASSIGNMENT OF WATER RIGHT

For Ten Dollars (\$10.00) and other valuable consideration received the undersigned, William Maxwell and Gertrude Maxwell, husband and wife, hereby assign to Sandy H. Sams, Derrold Slavin and Barry Marcus, whose address is c/o Derrold Slavin, Box 41, Carmen, Idaho 83462, all of their right, title and interest in and to their water right in Wallace Creek, Lemhi County, Idaho to the extent of 35 miners inches flowing from Wallace Creek. The undersigned, William R. Maxwell, is the owner of a water right for 29 inches with priority of May 13, 1898 and 40 inches with priority of June 1, 1902 of the waters of Wallace Creek, which water right was decreed in the case of Bertha N. Rose, et al, Plaintiffs, vs. Eva D. Webb, et al, Defendants, dated January 27, 1941, District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi. Said decree has been entered in the records of the Department of Water Resources (formerly Department of Reclamation) State of Idaho, in Volume 6 of Decrees beginning at Page 873. The undersigned are the successors in interest with respect to said decreed water right to the extent of 29 inches with priority of May 13, 1898 and 40 inches with priority date of June 1, 1902. A copy of the aforementioned decree is attached hereto as Exhibit A and by reference made a part hereof. Said water right is further evidenced by Certificate of Water Right No. 937 issued by the State of Idaho, Department of Reclamation November 19, 1959. A copy of said Certificate is attached hereto as Exhibit B and by reference made a part hereof. The 35 inches

assigned herein shall be apportioned between the 1898 priority and the 1902 priority as follows: *DSS J.H.P.M.*

- 14.5*
(a) A water right for ~~10~~ *14.5* inches with priority of May 13, 1898 is hereby assigned; *DSS J.H.P.M.*
20 11 15 W.H.M.
(b) A water right for ~~10~~ *20* inches with priority of June 1, 1902 is hereby assigned.

The water right assigned herein shall be appurtenant to the real property described on Exhibit C and attached hereto and by reference made a part hereof, for irrigation and domestic purposes. The undersigned, William Maxwell and Gertrude Maxwell, hereby grant to Sims, Slavin and Marcus an easement for the existing pipeline which diverts water from Wallace Creek to the real property described on Exhibits C and D, including the right to repair, maintain, replace and improve said water line and diversion structure. *DSS W.R.M.*

August 89
Dated this *22* day of ~~February~~ *August*, 1986.

William Maxwell
William Maxwell

Gertrude Maxwell
Gertrude Maxwell

STATE OF IDAHO)
County of LEMHI)

On this 2nd day of August 1989, before me, the undersigned, a Notary Public in and for said state, personally appeared William and Gertrude Maxwell, husband and wife, known or identified 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 first above written.



Bill Allen
Notary Public for Idaho
Residing at Salmon Idaho

State of Idaho }
County of Lemhi } ss. 204742

This instrument was filed for record at the request of Harold Slavin at 4:25 o'clock p.m. 01-03 1990 and duly filed and indexed in the records of Lemhi County.

Alberta MacCerrick
Ex-Officio Recorder
by Norma Brown Deputy
Fees: 9.00 pd.

SCANNED

JAN 31 1990

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 75-14382
Date Received: 8/18/2000
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

LESLIE J ANDERSON Phone:

PO BOX 852
KETCHUM ID USA 83340

ROBERT ANDERSON Phone: (208)788-3550

PO BOX 852
KETCHUM ID USA 83340

2. Date of Priority: 05/13/1898

3. Source: WALLACE CREEK Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:

Source is Wallace Creek tributary to the Salmon River. Software would not allow Data Entry.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.04	14

7. Total Quantity Appropriated is:

SCANNED
JAN 11 2001

0.04 C.F.S. and/or 14 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
22N	22E	6	NE	SW	11	IRRIGATION	1
			SE	SW	13	IRRIGATION	3
						Section Acres	4
						Total Acres	4

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 THE RESULT OF SPLITTING A75-00083F. CHANGE OF OWNERSHIP DONE IN 1997 SHOULD HAVE SPLIT THE RIGHT. THIS SPLIT IS TO CORRECT THAT ERROR (CSAXTON 8/18/00)

This right is a split from former right 75-13949

15. Basis of Claim: Decreed

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.

SCANNED

JAN 31 2003

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 _____

SCANNED
JAN 31 2008