

12/14/2006

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

RIGHT NUMBER: 75-14428
NAME AND ADDRESS: KATHE S RHODES
25 PEPPER LANE
SALMON ID 83467

KENT T RHODES
25 PEPPER LANE
SALMON ID 83467

SOURCE: TWELVEMILE CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.090 CFS
PRIORITY DATE: 10/24/1918
POINT OF DIVERSION:

T19N R21E S1 NENE Lot 1 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	0.090 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T19N R21E S01 Lot 2 NWNE 4.30

4.3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 75-14428
Date Received 12/11/06
Receipt Number N018062 d

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
DEC 11 2006
IDWR/North

Please type or print clearly

1. Name of Claimant (s) KENT & KATHE RHODES Phone 208 756-4216
Mailing Address 25 PEPPERLANE SALMON, ID Zip 83467
2. Date of Priority (Only one (1) per claim) OCT 24 1918
3. Source of water supply (a) TWELVE MILE CREEK
which is tributary to (b) SALMON RIVER
4. a. Location of existing point of diversion is: Township 19N Range 21E Section 1,
1/4 of DE 1/4 of DE 1/4, Govt. Lot, see attached map B.M., County of LEMMING

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. PUMP & PIPELINE

Dam at POD, ditch to property line, then ^

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 1/15 amount 0.89 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.89 (cfs) and/or (b) _____ (acre feet)

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

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
19N	21E	1		4.3															4.3

Total number of acres irrigated 4.3

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None ()

14. Remarks:

Last Name _____ Ident No. 75-14428

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Copies: White-State, Yellow-Claimant

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

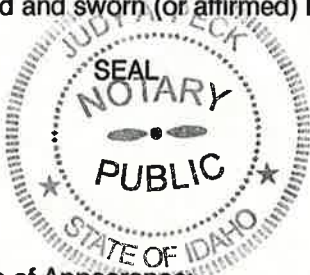
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
☒ Signature of Claimant (s) Kent Rhodes Date Dec. 8, 2006
Kathe Rhodes Date Dec. 8, 2006

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 _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 8th day of December 19 2006



Notary Public Judy A. Beck
Residing at 348 Hwy 93N Carmen Id 83462
My Commission Expires 7-31-2012

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 _____

Idaho Department of Water Resources
Regional Office
7600 Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

December 7, 2006

Gentlemen:

In response to questions I raised with IDWR staff at a meeting held yesterday in Salmon, Idaho, I was advised to file the attached Notice of Claim to a Water Right .

Attached to my Notice of Claim to a Water Right is documentation which indicates that the land found in T.19N., R. 21E., Sec. 1, lot 2, (some of which I now own and am claiming as Place of Use) was originally patented on Oct. 24, 1923. That patent was in response to a claim by Thomas J. Stroud pursuant to the Act of Congress of May 20, 1862, "Homestead Act of 1862 - To Secure Homesteads to Actual Settlers on the Public Domain." The Homestead Act (the Act) of 1862 provides for claimants to enter lands, "...for the purpose of actual settlement and cultivation..." (Sec. 2 of the Act).

Section 2 of the Act also says, "That no certificate shall be given or patent to issued therefore until the expiration of five years from the date of such entry;" The Act further requires that, "at the expiration of such time, or at any time within two years thereafter, the person making such entry; ... shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid [i.e. affidavit certifying eligibility to enter the lands]" Mr. Stroud would have provided evidence of settlement and cultivation, which requires water in the high desert climate where the land is located in order to produce results from the cultivation, and applied for patent sometime between five and seven years following the time he entered the land. That would indicate that he entered and began watering those lands sometime between 1916 and 1918. Therefore, we are requesting that the priority date for the water right be established as October 24, 1918, the later of the two likely priority dates.

Also attached to my Notice of claim to a Water Right is a map indicating the Place of Use and Point of Diversion of the claim.

Thank you for your consideration of this request.

Sincerely,



12/7/06

Kent and Kathe Rhodes

Attachment: Notice of Claim to a Water Right
Thomas J. Stroud land patent
Map indicating POU and POD
Check for \$108⁰⁰

4-1003

Salmon

Hailey 020381

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 acts supplemental thereto, the claim of THOMAS J. STROUD, has been established and duly consummated, in conformity to law, for the

Lots one, two, three, four, seven and eight of Section one in Township nineteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred sixty acres and forty-six hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, 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 TWENTY-FOURTH day of OCTOBER in the year of our Lord One thousand nine hundred and TWENTY-THREE and of the Independence of the United States the one hundred and FORTY-EIGHTH.

- S E A L -

RECORDED: Patent Number 921706

By the President: Calvin Coolidge
By Viola B. Pugh, Secretary.
M. P. LeRoy, Recorder of the General Land Office.

Recorded at the request of W. C. Smith, February 10th, 1928, at - minutes past 1 o'clock P.M., in Book 29 of Deeds, page 69, Records of Lemhi County, Idaho.

Fee: 1.00

W. W. Simmonds
County Recorder.