

12/11/2006

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

RIGHT NUMBER: 75-13935

NAME AND ADDRESS: LES USHER
39 GIBBONSVILLE RD
GIBBONSVILLE ID 83463

MARLON D USHER
39 GIBBONSVILLE RD
GIBBONSVILLE ID 83463

SOURCE: ANDERSON CREEK

TRIBUTARY: DAHLONEGA CREEK

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1933

POINT OF DIVERSION:

T26N R21E S25 SENW Within LEMHI County

T26N R21E S25 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: DOMESTIC in LEMHI County

T26N R21E S25 SESW

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
RP F00520000300A



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

December 19, 2006

Milton and Les Usher
39 Gibbonsville Rd
Gibbonsville, Idaho 83463

Re: Claim 75-13935

Gentlemen:

Enclosed is a new claim recommendation with the new address as per your request. On the Notice of Error Reply you indicated you should have irrigation rights with this claim. The original claim, filed by Les Usher in 1990, was for domestic use only. A domestic right allows for the irrigation of up to ½ acre of land. If you would like to expand the claim to include irrigation over ½ acre, you will have to file an amendment with the adjudication court.

Attached is Standard Form # 4 that will allow you to file a motion with the District Court of the Fifth Judicial District of the State of Idaho in Twin Falls County to amend the Notice of Claim. Please complete the form, sign it before a Notary Public and send the original to the Clerk of the District Court with copies to IDWR Document Depository, Chief, Natural Resources Division and United States Department of Justice as outlined on the back of page #6. The fee for amending the claim will be \$100.00 plus \$2.00 per acre claimed for irrigation. All checks should be made out to the IDWR.

If you should have any questions, don't hesitate to give me a call.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

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: 75-13935

LES USHER
7 OLD GIBTOWN RD
GIBBONSVILLE ID 83463
Telephone Number: (208)865-2254

MARLON D USHER
7 OLD GIBTOWN RD
GIBBONSVILLE ID 83463
Telephone Number: (208)865-2254

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

*We feel we should have irrigation rights
on 5 acres.*

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

*address change 39 Gibbonsville Rd.
Gibbonsville, ID 83463*

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: 12/6/06

SIGNATURE: *Sue Usher for Marlon Usher*

Please print your name: SUE USHER

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

10/30/2006

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

RIGHT NUMBER: 75-13935

NAME AND ADDRESS: LES USHER
7 OLD GIBTOWN RD
GIBBONSVILLE ID 83463

MARLON D USHER
7 OLD GIBTOWN RD
GIBBONSVILLE ID 83463

SOURCE: ANDERSON CREEK

TRIBUTARY: DAHLONEGA CREEK

QUANTITY: 0.040 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1933

POINT OF DIVERSION:

T26N R21E S25 SENW Within LEMHI County

T26N R21E S25 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

1/01 12/31

0.040 CFS

PLACE OF USE:

DOMESTIC Within LEMHI County

T26N R21E S25

SESW

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.

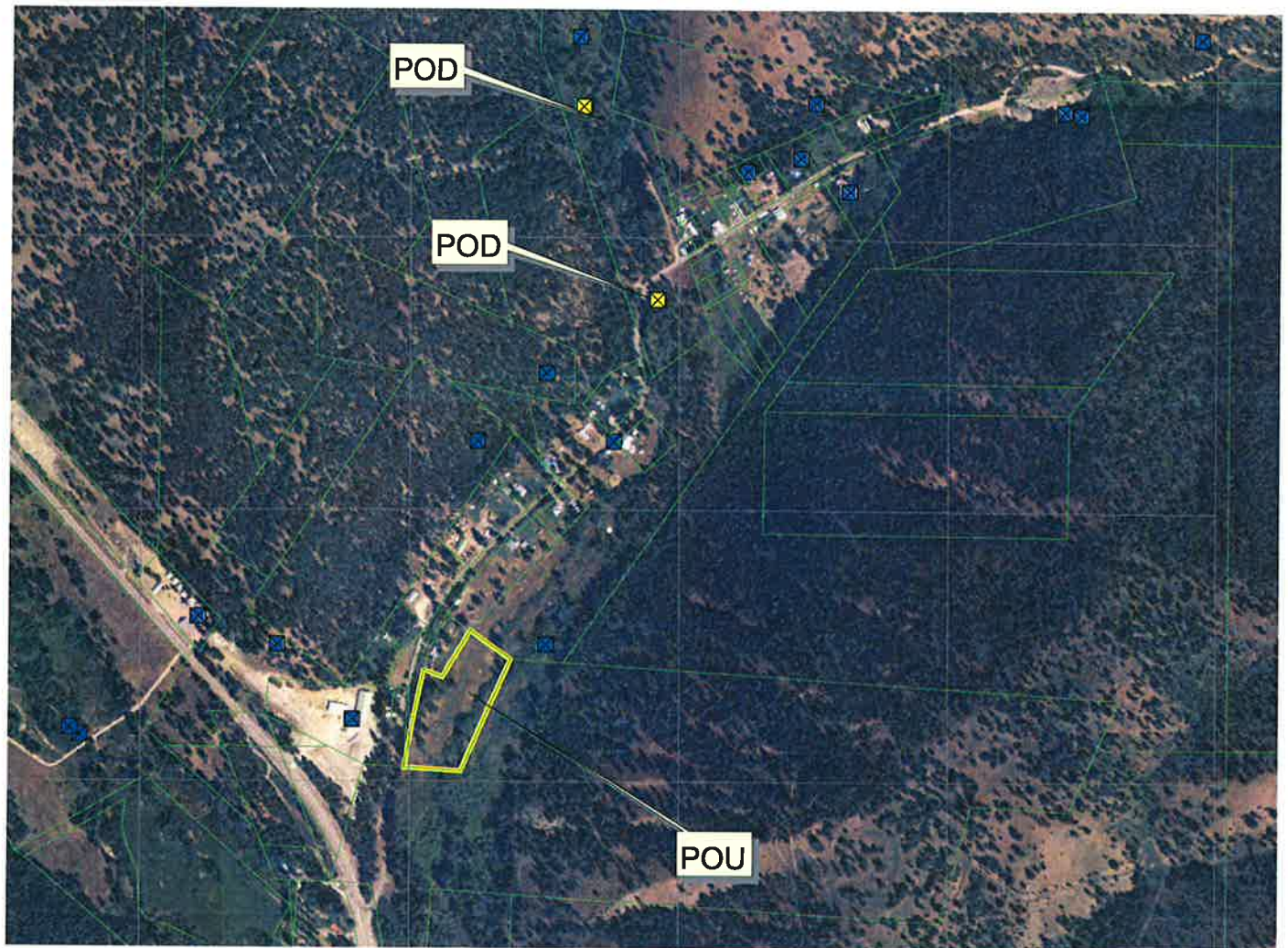
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

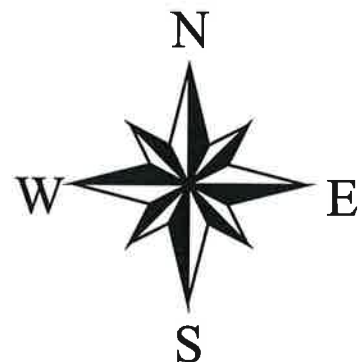
RP F00520000300A

Void

75-13935



-  Lemhi taxlots
-  GCDB26N21E GCDB
-  Recommendation POD
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



SCANNED

SEP 26 2001

Form No. 42-1409 (2) b 9/88

Renumbered

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

to
A75-13935

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

CIVIL CASE NUMBER: 39576

Identification No.

A75-04470C

Date Received

1/18/90

Receipt Number

E011777

NOTICE OF CLAIM TO A WATER RIGHT

RECEIVED

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

JAN 18 1990

Department of Water Resources
Eastern District Office

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) MARLON D. and/or LES USHER Phone (208) 865 2254

Mailing Address 7 Old Giltown Road, Gibbonsville, ID Zip 888463

2. Date of Priority (Only one per claim) January 1, 1933 Month/Day/Year

3. Source of water supply (Check one) () Groundwater or Other (X) (a) Anderson Creek

Name or kind of source

which is tributary to (b) Dahlonga Creek

Upper:

4. Location of point of diversion is: Township 26N Range 21E

Section 25, SE 1/4 of NW 1/4 of 1/4, Govt. Lot , B

County of Lemhi

Additional points of diversion if any: Lower: Twsp 26N, Range 21E, Sec. 25, NE 1/4 of SW 1/4

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. Headgate and open ditch on both

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For Domestic purposes from Jan 1 ^{Month/Day} to Dec 31 ^{Month/Day} amount (cfs)
(Both dates are inclusive)
For purposes from to amount 0.04

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) Domestic. One.

MICROFILMED

DEC 15 1992

A75-13935
A7504470C

10. Place of use is: Township: 26N Range 21E

Section 25, SE 1/4 of SW 1/4, Govt. Lot _____, B.M.,

County of Lemhi for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

12. Do you own the property listed above as place of use? Yes X Marlon D. Usher
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. None (X)

14. Remarks: Place of use in Gibbonsville Townsite, lots G & H. Marlon D.

Usher, 721 S. San Antonio Ave, Upland, CA, 91786 is owner: Les Usher is lessee.

Place of use is Gibbonsville Townsite, lots G & H

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 75-4470

16. Signature (s)

Number of Attachments One sketch

By signing I/We acknowledge reading the notice on the back of this claim form.

I/We wish to receive for a small annual fee monthly copies of the docket sheet.

YES _____ NO X

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

Signature of Claimant (s) Les Usher Date 16 Jan 90

Date _____

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

of _____, that I have signed the foregoing

document in the space below as _____ of _____

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

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

Subscribed and sworn (or affirmed) before me this 16th day of JANUARY 19 90

SEAL

Notary Public Laurie M. Santee

LAURIE M. SANTEE

Residing at SALMON, ID

My Commission Expires 6-19-1995

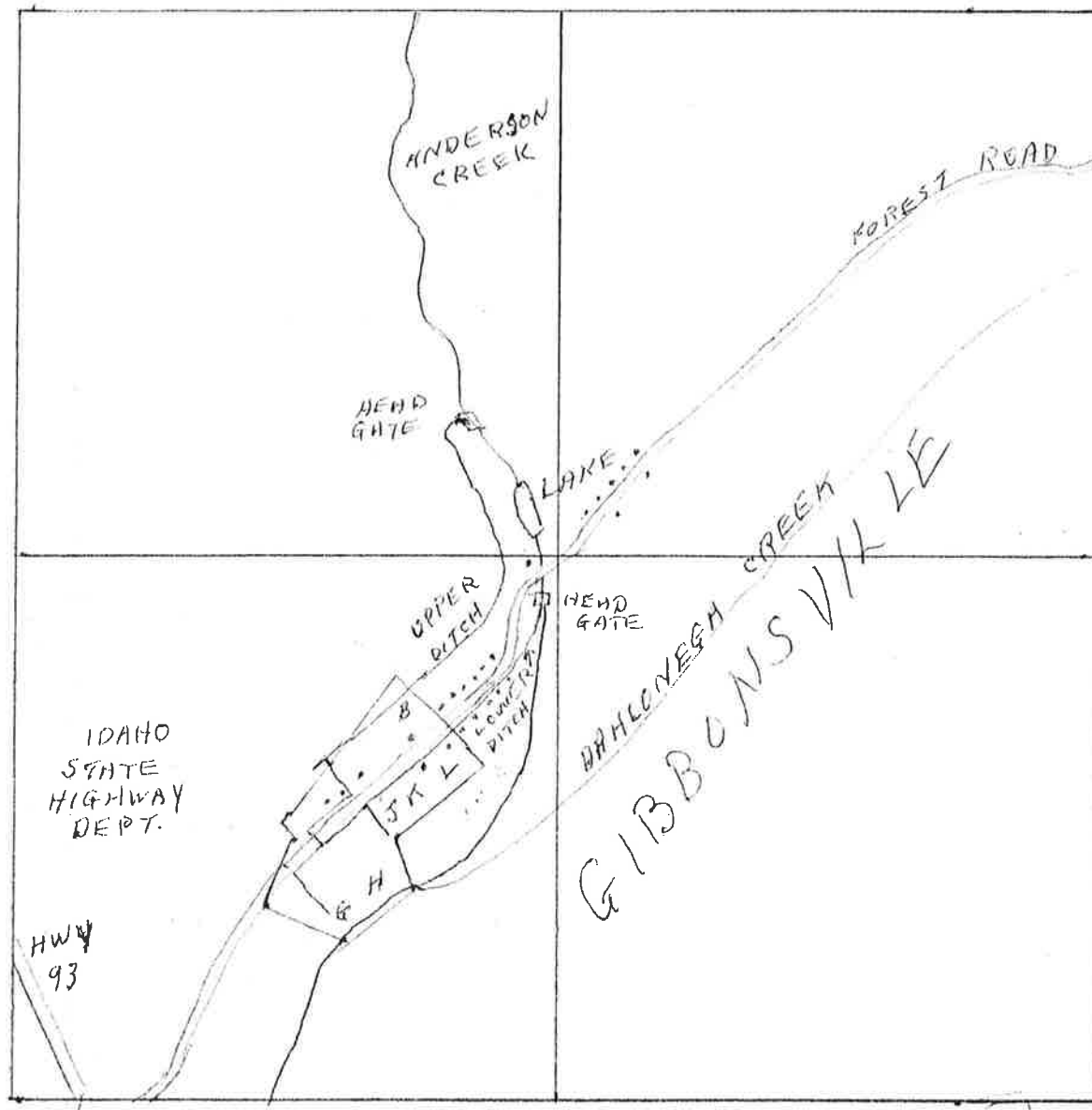
Last Name USHER, Les or Marlon D. Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED

DEC 15 1992

TOWNSHIP 26N
RANGE 21E
SECTION 25



3 1/2 MILES SOUTH
TO SALMON, ID.

USHER

MICROFILMED

DEC 15 1992

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: ~~A75-04470C~~ *A75-13935*

Date Received: 1/19/1990

Receipt No: E011777

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARLON D. USHER 208-865-2254
Address: 7 OLD GIBTOWN RD
GIBBONSVILLE, ID 83463
OR
Name: LES USHER 208-865-2254
Address: 7 OLD GIBTOWN RD
GIBBONSVILLE, ID 83463

2. Date of Priority: JAN 01, 1933

3. Source: ANDERSON CREEK Trib. to: DAHLONEGA CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
26N	21E	25	SE	NW			LEMHI
			NE	SW			LEMHI

5. Description of diverting works:
HEADGATE AND OPEN DITCHES

6. Water is used for the following purposes:

Purpose F1 *This was not* (or) A.F.A.
DOMESTIC 01 *signed.* 040

7. Total Quantity Appropriated
0.040 C.F.S. (and/or

8. Total consumptive use is Per Annum.

9. Non-irrigation uses:
D/ ONE HOME

~~A75-04470C~~

Page 1

Date: 01/19/90

A75-13935

MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
26N	21E	25	SE SW		DOMEST	

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

A75-04470C

Page 2

Date: 01/19/90

A75-13985

MICROFILMED
DEC 15 1992

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

A75-13935

CLAIMANT'S NAME UsherCLAIM IDENT. NO. A75-04470CDATE RECEIVED 1/18/90

CK # _____

AMOUNT \$ _____

- | | YES | NO | Required Info? |
|--|-------------------------------------|--------------------------|----------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. | | | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | * |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | * |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | * |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | * |
| 8. If required is a consumptive use entered? | ☒ | ☐ | * |
| Is the consumptive use correct? | ☒ | ☐ | * |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | * |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | * |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | * |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | * |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | * |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | * |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | * |
| 22. Should this claim be data entered? | ☒ | ☐ | * |

Claim checked by: DCDate: 1/19/90Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: (Yes) X (No)Receipt Prepared by: _____
Claim data entered by: DC
Sent to claimant by: _____

Date: _____

Date: 1/19/90

Date: _____

Checked by: _____

Date: _____

Comments: _____

MICROFILMED

DEC 15 1992

DATE: 11/17/98
PAGE: 1

Field Inspection Flag:
Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 17, 1998

MILTON & LES USHER
7 OLD GIBTOWN RD
GIBBONSVILLE ID 83463

RE: RENUMBERED NOTICE

Dear Messrs. Usher:

The Department has changed the identification number for Notice of Claim A75-04470C. The new number is A75-13935. We have also modified receipt E011777 to reflect the new number.

A copy of the receipt and the claim are enclosed for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosures