

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

IN THE MATTER OF THE GENERAL)
DETERMINATION OF THE RIGHTS)
TO THE USE OF THE SURFACE WATERS)
AND TRIBUTARIES FROM WHATEVER)
SOURCE OF THE LEMHI RIVER)
DRAINAGE BASIN.)

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

The above-entitled cause was initiated under provisions of Section 42-1406, Idaho Code, by the submission of a petition from eight (8) water users in the Lemhi River Basin, requesting that the Department of Water Administration (changed to Department of Water Resources in 1974) obtain authority from the Court to prepare a proposed finding of water rights in the Lemhi River Basin. The petitioners specifically requested that the study reflect the present practice and use of water within the Lemhi River Basin.

Pursuant to Section 42-1407, Idaho Code, R. Keith Higginson, Director of the Department of Water Resources petitioned the Court on April 30, 1970, for an order of authorization for the commencement of an adjudication of water rights in the Lemhi River Drainage.

An order was signed on August 13, 1970, by District Judge Arnold T. Beebe, authorizing the Department to commence an investigation and determination of the various rights to the use of the water of the Lemhi River and its surface tributaries including ground water which may be either tributary to the Lemhi River or its surface tributaries within the Lemhi River Drainage Basin, such waters lying or being used within Lemhi County.

An order of joinder signed on June 17, 1971, made approximately 457 land owners and possible water users parties to the adjudication. An additional 351 water users were joined by an order signed November 1, 1971. Approximately 1,900 claims of water rights were submitted to the Department.

Based upon all existing court decrees adjudicating water rights within the Lemhi River Drainage Basin, the claims submitted, the files and records of the Department and the Court, the examination and studies of the Lemhi River Drainage Basin and the various ditches and other diversions of water therein and the lands irrigated or other uses of water, the Department of Water Resources, in July 1974, filed a proposed finding of water rights with the Court. Objections to the proposed finding were resolved either by stipulation or hearing before the Court. The Court then adopted the following findings of fact, conclusions of law and decree of water rights, in which the

SCANNED

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NUMBER	NAME	STAGE/ STATUS	PRIORITY DATE	SOURCE OF WATER	TRIBUTARY TO
74-1863	MAHAFFEY BROTHERS	D/	02-12-1875	SPRINGS	
74-1864	MAHAFFEY, DALE	D/	04-01-1910	SPRINGS	
	MAHAFFEY, MERLE				
	MAHAFFEY, VELMA				
74-1865	MAHAFFEY, DALE	D/	04-01-1956	SPRINGS	
	MAHAFFEY, MERLE				
	MAHAFFEY, VELMA				
74-1866	AMONSON, JOHN C.	D/	05-01-1889	WASTEWATER	SINKS
	AMONSON, MARIAN B.				
74-1867	AMONSON, JOHN C.	D/	05-30-1881	SPRINGS	
	AMONSON, MARIAN B.				
74-1868	AMONSON, JOHN C.	D/	05-19-1908	SPRINGS	
	AMONSON, MARIAN B.				
74-1869	NANCOLAS, RAYMOND E.	D/	04-01-1910	WASTEWATER	LEWYI RIVER
	NANCOLAS, STELLA K.				
74-1870	SWAHLEN, WILLIAM B.	D/	04-01-1869	SPRINGS	
	SWAHLEN, MARIAN H.				
74-1871	SWAHLEN, WILLIAM B.	D/	04-01-1869	SPRINGS	BOHANNON CREEK
	SWAHLEN, MARIAN H.				
74-1872	SWAHLEN, WILLIAM B.	D/	04-19-1910	SPRINGS	
	SWAHLEN, MARIAN H.				
74-1873	SWAHLEN, WILLIAM B.	D/	04-19-1910	SPRINGS	
	SWAHLEN, MARIAN H.				
74-1874	UDY, GEORGE CARL	D/	01-01-1938	GROUNDWATER	
74-2000	STEWART, VIRGIL R.	/C			
74-2001	MULKEY, CARRIE	/I	DISALLOWED		
74-2002	OLINGER, SYLVANUS	/I	DISALLOWED		
74-2003	SCHWARA, ANTON	/C			
74-2004	LEWYI POWER CO.	/I	DISALLOWED		
74-2005	CRANDALL, CHARLES	/C			
74-2006	MAHAFFEY LIVESTOCK INC.	D/	11-14-1904	EIGHTEENMILE CREEK	LEWYI RIVER
74-2007	SEE RT. 75-2167.	/			
74-2008	WARNER SPENCER EST.	D/	05-26-1905	HAYDEN CREEK	LEWYI RIVER
74-2009	DAISY NIELSON ESTATE	D/	06-15-1905	SANDY CREEK	LEWYI RIVER
74-2010	BOHANNON, JACOB G.	/I	DISALLOWED		
74-2011	WARREN, JOHN	/I	DISALLOWED		
74-2012	PATTON, SARA	/C			
74-2013	PATTON, EDWARD R.	/C			
74-2014	CALL, EDWIN L.	/I	DISALLOWED		
74-2015	SHAW, P. J.	/I	DISALLOWED		
74-2016	SKELTON RANCH CO. INC.	D/	10-29-1906	TENMILE CREEK	SINKS
74-2017	FAYLE, DALE	D/	12-11-1906	SPRINGS	
	FAYLE, WILLIAM L.				
74-2018	PROULA, MINNIE	/I	DISALLOWED		
74-2019	MOULTON, WILLARD R.	D/	04-17-1907	PRAFT CREEK	LEWYI RIVER
	MOULTON, MARGIE V.				

NOTE: ASTERIK (*) IN NAME FIELD DESIGNATES ORIGINAL OWNER.