

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
APR 04 2007

STATE OF I D A H O
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

WRD410

05/04/H3

SOURCE: SPRINGS

INDICATES TOTAL

RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACCEAGE	BASIS FOR RIGHT

74-1872

SAME AS OTHER USE

DOMESTIC 01-01 12-31 .02 CFS

---*AEA
 .04*CES

74-1873

SWAHLEN, WILLIAM B.	04-19-1910	STUCKWATER	01-01	12-31	SESE S29	SESE	NESE
SWAHLEN, MARIAN H.					.02 CFS	T21N R23E	S29 T21N R23E

REMARKS: CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.

SAME AS OTHER USE

DOMESTIC 01-01 12-31
-02 CFS

--*AFA
 .04*CFS

74-0823

JOLLEY, ELDON
JOLLEY, EDNA Z.
04-26-1910 IRRIGATION 03-15 11-15
SWNE S05 LT02 (NWNE)(16)
T20N R23E S05 T20N R23E
.32 CFS
DEGREE

SALMON ID 83467
RF:MARKS: AC. IRK.=15.b.

74-0909

04-01-1911 INVESTIG 03-15 11-15

FAYLE, WILLIAM L.
P.O. BOX 114
LEADORE.

REMARKS: AC. IRK.=168.

SOURCE KNOWN AS MILL SPRING, TRIB. TO EIGHTEENMILE CREEK.

74-1618

AMONSON, RUSSELL T.
P.O. BOX 25
07-01-1912 IRRIGATION 03-15 11-15
NEW# S27 NEW#(03) NEW#(06) DECEEE
T17N R24E NEW#(01) S#W(12)
NEW# S27 NEW#(05) NEW#(12)
TD 83465
FEMHT

7D 83465