

Water Supply Bank No. _____

Water Right No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 14 2004

Department of Water Resources

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK

Name of Seller/Lessor Bureau of Land Management Phone 756-5400

Post office address 50 Hwy 93 South Salmon ID 83467

1 DESCRIPTION OF WATER RIGHT:

Right evidenced by:

a Decree No 74-1128 Decreed to USDI - BLM
in case of Lemhi Adjudication vs _____
dated _____ in _____ county of _____
(Name of court)

b License No _____ issued by the Idaho Department of Water
Resources.

c Permit No _____ issued by the Idaho Department of Water
Resources

2 DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE: (If the entire right is for sale or lease,
show "all" on line a. below and skip the remainder of part 2)

a Amount of water under right: all cubic feet per second &/or
_____ acre-feet per annum

b Point of diversion: _____ 1/4 of _____ 1/4 of Section _____ Township _____ Range
_____, B.M. in _____ County

Additional points _____

c Place of use:

TWP	RGE	SEC	N E				N W				S W				S E				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank

Total number of acres _____

3 ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation

The BLM acquired water right 74-1128 by assignment of IDWR in 1974 after a failed homestead entry by Jack Powers in 1952. The BLM received a Decreed water right in the Lemhi Adjudication on December 30, 1982.

- b Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years)

The BLM received a decreed on 12/30/82 and then entered the SRBA on 12/1987. The BLM seeks to make this right available to the water supply bank.

- c If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right.

Water is available from 3/15 to 11/15

- d Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease. Will the present place of use continue to receive water from any source? If so, describe

none

- e If the water right is a permit, describe the work accomplished toward developing the right

NA

- f If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached

4. REMARKS:

5 SALE/LEASE AGREEMENT

1 The water right, or portion thereof, described above is offered to the Idaho Water Resource Board:

_____ For sale;

_____ For lease for a period from indefinite to _____
(Day month year) (Day, month year)

(The lease period may be shown as "indefinite", if the total duration of lease is unknown); or

_____ As a gift to the state of Idaho

2. Show the minimum payment acceptable to the Seller/Lessor. Include the method of determining the minimum payment. The minimum payment may be shown as the "current rental rate"

current rental rate

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following:

- 1 Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank
- 2 While a right is in the bank, the owner of the right may not use the right even if the right is not rented.
3. A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires.
4. While a water right is in the bank, forfeiture provisions are stayed
- 5 Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right

5/7/04
Date

Alan B. Borth
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial by _____

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

02/20/2004

WATER RIGHT NO. 74-1128

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT IDAHO STATE OFFICE 1387 S VINNELL WY BOISE, ID 83709-1657 (208)373-4000

Priority Date: 04/01/1936

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CHIPPIE CREEK	WHISKEY SPRING CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	1/01	12/31	0.01 CFS	
STOCKWATER	1/01	12/31	0.62 CFS	
WILDLIFE	1/01	12/31	0.62 CFS	
Total Diversion			0.62 CFS	

Location of Point(s) of Diversion:

CHIPPIE CREEK	SWSE	Sec. 21	Township 17N	Range 27E	LEMHI County
CHIPPIE CREEK	SESE	Sec. 21	Township 17N	Range 27E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
17N	27E	21		SESW	3									
				NWSE	6		SWSE	9		SESE	6			

Place of Use Legal Description: STOCKWATER LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
17N	27E	28		SESE										

Place of Use Legal Description: WILDLIFE LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
17N	27E	28		SESE										

Total Acres: 24

Remarks:

1.	General	BLM RECORD ID = 7404688001 PREVIOUSLY FILED WITH THE DEPARTMENT OF WATER RESOURCES
----	---------	--

Dates:

Licensed Date:

Claim Received Date:

Decreed Date: 12/30/1982

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

RECEIVED
MAY 14 2004
Department of Water Resources

June 28, 1972

C Franklin Jack Powers
Leadore, Idaho 83464

RE: Lemhi River Adjudication-Civil No. 4948, Claim 74-1128

Dear Mr. Powers:

O This letter is simply a reminder that Claim No. 74-1128 which you
filed with this Office is incomplete.

This Claim was for irrigation water from Chippie Creek.

Please submit the priority date you wish to claim at your earliest
convenience.

P Sincerely,

Y I. Glen Saxton, Area Engineer

LGS:pc

$$377(.02) = 0.75$$

RECEIVED
NOV 19 1973
Department of Water Administration

Leadore, Idaho
November 15, 1973

The District Court of the
Seventh Judicial District of
The State of Idaho

Dear Sirs:

In reply to Civil Case No. 4948 Lemhi River Drainage Proposed Finding of Water Rights (Initiative), I hereby oppose priority dates on rights claimed 74-1126, 74-1125, 74-2214, 74-1119, and 74-1128 on the grounds that these rights were put into beneficial use after right 74-2289 as evidenced by personal knowledge and water master reports and budgets of Water District 79-G or 74-W for the past 14 years.

I do request that rights 74-1126, 74-1125, 74-2214, 74-1119, and 74-1128 bear a date later than March 7, 1944, the priority date of right 74-2289 which was put to beneficial use and licensed before the above opposed rights.

Respectfully yours,

Max F. Beyeler
Leadore, Idaho

6073

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

C. H. D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - A: box 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

November 19, 1973

Re: Draft Report - Proposed Findings of Water Rights-
Lenhi River Adjudication
74-1126 (Franklin Jack & Elizabeth M. Powers)
74-1125 " " "
74-2214 " " "
74-1119 " " "
74-1123 " " "
74-2210 (Maxwell E. & Rona S. Beyeler)

Max F. Beyeler
Leadore,
Idaho 83462

Dear Mr. Beyeler:

This office acknowledges your letter of November 15, 1973, in which you take exception to the above referenced recommended water rights as shown in the Draft Report.

This Department intends to hold fact finding hearings soon in Salmon. We will send you notice of hearing in order that you may present an evidence in support of your letter of protest.

Sincerely,

J. Glen Saxion

J. GLEN SAXION
Adjudication Section

CS/jlr

Call BLM



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

SALMON DISTRICT OFFICE
P. O. Box 430
Salmon, Idaho 83467

IN REPLY REFER TO:

Department of Water Administration

January 7, 1974

L. Glen Saxton
Adjudication Section
State of Idaho
Department of Water Administration
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720

Dear Mr. Saxton:

It has come to our attention that Franklin Jack Powers and/or Elizabeth M. Powers, Leadore, Idaho, have filed a beneficial use right on the waters of Chippie Creek. Mr. & Mrs. Powers claim is listed on page 36 of the Proposed Finding of Water Rights-Iemhi River Drainage under Identification No. 74-1128, the point of diversion is indicated as the SE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T17N., R27E., Boise Meridian and the place of use as the SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T17N., R27E., B.M.

Our records show this land to be owned by the United States Government and under the Administration of the Salmon District of the Bureau of Land Management, U. S. Department of the Interior. A previously filed application for a homestead on the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 21, T17N., R27E. was cancelled on February 13, 1952.

It is requested that this filing of 114.0 acre feet per annum and 0.75 cubic feet per second be awarded to the Bureau of Land Management, U. S. Department of the Interior.

It is our understanding that the water is not used for agricultural crops, but is used to irrigate range lands to increase grazing production for licensed livestock grazing public lands. It is our concern that in the future, Mr. & Mrs. Powers, or their successors in interest, may attempt to use the water for agricultural crops, thereby farming the public lands in trespass.

Sincerely yours,

Harry R. Finlayson
Harry R. Finlayson
District Manager

GEFord:ab:1/7/74

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Diggison
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 11, 1974

Re: Draft Report - Proposed Finding of
Water Rights - Lemhi River Adjudication
Claim #74-1128 (Franklin Jack &/or
Elizabeth M. Powers)

Harry R. Finlayson
District Manager
Salmon District Office
P. O. Box 430
Salmon, Idaho 83467

Dear Mr. Finlayson:

This office acknowledges receipt of your letter dated January 7, 1974, in which you request that Claim No. 74-1128 be recommended to the court in the name of the United States Department of the Interior-BLM, rather than in the name of Franklin Jack &/or Elizabeth M. Powers.

This office will confer with our counsel and will consider your letter in preparation of our final report to the court.

If this office can be of further assistance, please contact us.

Sincerely,

L. GLEN SAXTON
Adjudication Section

LGS:jfr

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 14, 1974

Re: Draft Report - Proposed Finding of
Water Rights - Lemhi River Adjudication
74-1128 (Franklin Jack &/or Elizabeth M. Powers)

Franklin Jack Powers
Leadore,
Idaho 83464

Dear Mr. Powers:

This office recently received an objection from the United States Department of Interior - B.L.M. in regard to the above referenced draft report and Claim 74-1128.

The claim was for the irrigation of pasture land to increase grazing potential of B.L.M. land in the Leadore area. Since the land involved on Claim 74-1128 is in its entirety in Federal Ownership, it would appear appropriate that the claim should be shown in the name of the Federal Government.

Note that the B.L.M. is not indicating that there is no water right, and in view of this, the grazing allotment holder could continue to utilize the right for pasture production as in the past.

Please advise this office at your earliest convenience of your present position in this matter.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON
Adjudication Section

LGS:jfr

JACK AND ELIZABETH
POWERS

POWERS RANCH

ROUTE 1

LEADORE, IDAHO 83464

January 22, 1974

TELEPHONE
(208) 768-2671

RECEIVED

JAN. 24 1974

Department of Water Administration

Mr. Glen Saxton
614 State Street
Statehouse Annexx2
Boise, Idaho 83720

Dear Mr. Saxton:

In accordance with our telephone conversation recently I agree Claim 74-1128 should be in the name of the Federal Government.

In reviewing other claims of the Proposed Findings of Water Rights in the Lemhi River Basin I find that the following claims have been changed (mostly reduced) from the claim we filed to the entry which appears in the publication. The following are those claims which I find to be altered: 74-1142, 74-1143, 74-1144, 74-1145, 74-1146, 74-1147, 74-0336, 74-1119, 74-1125, 74-1126, 74-1140, 74-1141. The original claims were based on findings by your staff and by the testimony of the previous owners, Tex Schmidt and Mahaffey Livestock. I was wondering what formula was used to change these claims and for what purpose were these changes made. Would you please advise me in this matter?

Sincerely yours,

Jack Powers
Jack Powers

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor
R. Keith Higginson
Director

614 State Street
Statehouse - Annex 2
Boise, Idaho 83720
(208) 384-2190



Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

January 28, 1974

RE: DRAFT REPORT - PROPOSED FINDING OF WATER RIGHTS -
LEMMING RIVER ADJUDICATION - 74-1128 (FRANKLIN JACK
AND/OR ELIZABETH M. POWERS)

Mr. Harry R. Finlayson
District Manager
Bureau of Land Management
Box 430
Salmon, Idaho 83467

Dear Mr. Finlayson:

Pursuant to your letter of January 7, 1971, in which you indicated that claim 74-1128 should be in the name of the B.L.M. rather than Franklin Jack Powers, please be advised that this Department has corresponded with Mr. Powers concerning this matter.

In a letter from Mr. Powers dated January 22, 1974, he stated that claim 74-1128 should be in the name of the Federal Government rather than in his name.

For this reason, claim 74-1128 will be recommended in the name of the U. S. Department of Interior - BLM in the final report which this office will prepare for the court.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, P.E.
Water Resource Engineer

LGS:mkr