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

CIVIL NO. 4948
PROPOSED FINDING OF
WATER RIGHTS

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.)

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 Higinson, 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

WILLIAM M. ED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER RIGHTS ABSTRACT

05/04/83

SOURCE: LEWIS RIVER

TRIBUTARY TO: SALMON RIVER

INDICATES TOTAL	RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE FROM TO	USE PERIOD	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
	74-0850	CITY OF SALMON SALMON REMARKS: AC. IRR.=12.1. DIV. L-6.	12-10-1890	IRRIGATION	03-15 11-15	.48 CFS	SESE S24 T21N R22E	NESE(05) NWSE(07) S08 T21N R22E	DEGREE
	74-0701	ANDREWS, REX ANDREWS, MARY LENDY REMARKS: DIV. L-2b. AC. IRR.=31.7.	02-07-1891	IRRIGATION	03-15 11-15	.95 CFS	SWNE S06 T19N R24E	NWSE(18) SWSE(14) S31 T20N R24E	DEGREE
	74-0702	ANDREWS, REX ANDREWS, MARY LENDY REMARKS: DIV. L-2b. AC. IRR.=55.2.	02-07-1891	IRRIGATION	03-15 11-15	1.66 CFS	SWNE S08 T19N R24E	NESE(21) SWSE(04) SESE(31) S31 T20N R24E	DEGREE
	74-0513	LARSEN, MAREL KT. 1 SALMON REMARKS: AC. IRR.=7.5. DIV. L-2.	04-22-1891	IRRIGATION	03-15 11-15	.30 CFS	NWNE S09 T21N R22E	SESE(08) S05 T21N R22E	DEGREE
	74-0051	KEIRNES, DEE M. KEIRNES, DONNA L. KT. 1 SALMON REMARKS: DIV. L-2.	04-22-1891	IRRIGATION	03-15 11-15	.32 CFS	NWNE S09 T21N R22E	SESE(08) S05 T21N R22E	DEGREE
	74-0916	ELLSWORTH LAND & CATTLE INC. P.O. BOX 26 LEWIS REMARKS: AC. IRR.=33.6. DIV. L-4b. CHANGED FROM PROPOSED FINDING FILED WITH THE COURT PER COURT-AUTHORIZED STIPULATION.	04-07-1892	IRRIGATION	03-15 11-15	2.00 CFS	NWNE S24 T17N R24E	NWNE(08) LTO1 (NENE)(01) LTO2 (SENE)(24) SWNE(02) S09 T17N R24E	DEGREE

See
File

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 27, 1984

Mr. Jim Herndon
P. O. Box 789
Salmon, ID 83467

Dear Jim:

Re: Water Right Nos. 74-0915, 74-0916 and 74-7106 -- Christensen

Your letter of January 17, 1984 to Ken Dunn relative to updating Department records has been referred to me for response. I apologize for the late response, but by now you have received Kay Walker's letter of February 9, 1984 advising that the Christensen's names have been entered in our computer records for those rights conveyed by Ellsworth Land and Cattle Co. to the Christensens.

In general, the Department enters new water right ownership data when provided with evidence of ownership.

Thank you for your interest in this matter.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

January 27, 1984

*Saxton -
draft a response
N7*

RECEIVED
JAN 30 1984

Mr. A. Kenneth Dunn
Mr. Jim Johnson
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Department of Water Resources

Re: Water Rights in the Lemhi River Drainage Basin

Gentlemen:

As you know, the water rights in the Lemhi River drainage basin have been compiled and placed in booklet form and indexed by right number assigned by the department, and also in alphabetical order by name of the right holder at the time the findings of fact and conclusions of law were presented to the Court.

Frequently now I have requests that the index be changed to reflect the name of the new owner of the property to which water is appurtenant. Sometimes the name of the new owner also contains a new address.

For instance, Ellsworth Land and Cattle, Inc. at Lemhi, Idaho, conveyed a portion of its holdings to Steven Ray Christensen and Diana Lynne Christensen, and also gave an assignment on the water and water rights appurtenant to the lands conveyed. The Christensens want the index changed so that their names appear as the record holders of the water rights involved and not Ellsworth Land and Cattle, Inc. What procedures, if any, does the department have, or will it have for reflecting the change in ownership?

According to a discussion between my office and Mr. Johnson of your staff, all that can be done at this time is a letter sent to your department informing your department of the change in ownership of the land and a change in address for mailing purposes. Under separate cover, we have complied with that suggestion for Mr. Christensen.

Since the water rights are now on computer, we would certainly hope that some method would be devised whereby the changes in ownership can be reflected. Otherwise, the name index (it would appear to us) would become obsolete in a few years.

Very truly yours,

[Signature]
JAMES C. HERNDON

JCH:jcb



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

February 9, 1984

RE: Water Right Nos. 74-0915, 74-0916 & 74-1603 (Christensen)

James C. Herndon, Attorney

Herndon Hotel Block

Box 789

Salmon, ID 83467

Dear Mr. Herndon:

This is just to confirm our telephone conversation on February 7, 1984. Our office has changed the computer records to show that Steven Ray and Diana Lynne Christensen, of Lemhi, Idaho, are the current holders of the above referenced water rights.

Any future correspondence regarding these rights will be forwarded to the Christensens.

If we can be of any further assistance, please feel free to contact our office.

Sincerely,

KAY WALKER

Technical Records Specialist

KW:sc

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February 6, 1984

RE: Decreed Water Rights Nos. 74-1603, 74-0915 and 74-0916

Mr. & Mrs. Steven Ray Christensen
c/o James C. Herndon
Herndon Hotel Block
Box 789
Salmon, ID 83467

Dear Water Right Holders:

Our office acknowledges receipt of Assignment of the above referenced water rights. However, in reviewing the files I find that the water rights are Decreed Water Rights.

In Idaho, a decreed water right is considered real property and is acquired when the property to which it is appurtenant to is purchased. Proof of owning the land is proof of owning the water right decree.

Therefore, I have put the Assignment into the files for future reference only and no other action will be taken. I have also enclosed copies of the decrees for your records.

If you have any questions please feel free to contact our office.

Sincerely,

KAY WALKER
Chief Clerk

KW:sc
Enclosures

LAW OFFICES OF
JAMES C. HERNDON
HERNDON HOTEL BLOCK
P. O. BOX 789
SALMON, IDAHO 83467

J. CHARLES HERNDON [1911-1966]

TELEPHONE 756-2412
AREA CODE 208

January 27, 1984

Mr. Jim Johnson
State of Idaho
Department of Water Resources
Statehouse
Boise, Idaho 83720

Re: Idaho Permit Nos. 74-1603,
74-0915 and 74-0916

Dear Mr. Johnson:

Enclosed herewith please find an executed assignment of the above described water rights. The assignment was given in connection with the sale of the lands to which the water was appurtenant from Ellsworth Land and Cattle, Inc., a corporation, to Mr. and Mrs. Steven Ray Christensen.

Please note the change in your records and acknowledge by letter to us that you have received the information.

It is quite important to the Christensens that they have something in writing to evidence the fact that the water as described in those permits, which was assigned to them, is in fact appurtenant to the land which they own in their names.

Very truly yours,



JAMES C. HERNDON

JCH:jcb
Enclosure

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ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS, That ELLSWORTH LAND AND CATTLE, INC., a corporation, for and in consideration of the sum of One Dollar and other valuable considerations, to-wit: the purchase of lands to which the water rights herein described are appurtenant hereby assigns, conveys and sets over to STEVEN RAY CHRISTENSEN and DIANA LYNN CHRISTENSEN, all right, title and interest in and to the following described water, water rights, ditches and ditch rights, to-wit:

Idaho Permit No. 74-1603, Point of diversion on the Lemhi River in Lemhi County, Idaho, being L-45 located in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, Township 17 North, Range 24 East, Boise Meridian, for 1.29 cfs, priority date of October 9, 1911, for irrigating the following described lands: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and NW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 4, Township 17 North, Range 24 East, Boise Meridian, Lemhi County, Idaho.

Idaho Permit No. 74-0916, Point of diversion on the Lemhi River in Lemhi County, Idaho, being L-46A located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 24, Township 17 North, Range 24 East, Boise Meridian, for 2.00 cfs, priority date of April 7, 1892, for irrigating the following described lands: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 9, Township 17 North, Range 24 East, Boise Meridian, Lemhi County, Idaho.

Idaho Permit No. 74-0915, Point of diversion being the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, Township 17 North, Range 24 East, Boise Meridian, for 1.10 cfs, priority date of March 12, 1892, for irrigating the following described lands: NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, Township 17 North, Range 24 East, Boise Meridian, Lemhi County, Idaho.

TO HAVE AND TO HOLD the same unto themselves, their executors, administrators and assigns, forever, to and for their own proper use and benefit.

IN WITNESS WHEREOF, Ellsworth Land and Cattle, Inc. has caused its corporate name to be hereunto subscribed and its corporate seal to be affixed hereto this ^{23rd} day of June, 1983.

ELLSWORTH LAND AND CATTLE, INC.

BY: George Ellsworth 6-23

Attest:

Just Ramsey
Secretary

STATE OF IDAHO :
County of Lemhi : ss.

On this 23 day of June, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared George Ellsworth known to me to be the President of Ellsworth Land and Cattle, Inc. the corporation that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

George R. Ramsey
Notary Public for State of Idaho
Residing at Salmon
Commission expires: November, 1984