

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: A75-04067
Date Received: 5/ 2/1990
Receipt No: M006867
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARVIN_S ENGLAND 208-865-2323
Address: BOX 124
NORTH FORK ID 83466

2. Date of Priority: JUN 7, 1897

3. Source: TOWER CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	17	SW		NW		LEMHI

5. Description of diverting works:
HEADGATE, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, UP TO 50 HEAD CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	18	SW	NE		IRR	7.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	7.0
					Total Acres	7.0

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:

SOURCE KNOWN LOCALLY AS BOYLE CK.
ORIGINAL STATUTORY CLAIM LISTED 35 ACRES; HOWEVER, DUE TO
SLOPES AND GULLIES, THERE NEVER WOULD HAVE BEEN 35 ACRES
IRRIGATED.

15. Basis of Claim: STATUTORY CLAIM

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: _____

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DEC 15 1992

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 _____

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: A75-04067
Date Received: 5/02/1990
Receipt No: MOD 867
Received By: RAT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROGER C. STROM
Address: 2900 ROCKLEDGE TRL.
BEAVERCREEK, OH 45430

OR

Name: CLAIRE STROM
Address: 2900 ROCKLEDGE TRL.
BEAVERCREEK, OH 45430

2. Date of Priority: JUN 07, 1897

3. Source: TOWER CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	17	SW		NW		LEMHI

5. Description of diverting works:
HEADGATE, DITCH, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.140		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.140 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 17.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCK, UP TO 50 HEAD CATTLE

A75-04067

Page 1

Date: 05/02/90

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DEC 15 1992

A7504067

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	18	SW NE		IRR	7.0
Section Acres						7.0
Total Acres						7.0

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:

SOURCE KNOWN LOCALLY AS BOYLE CK.
ORIGINAL STATUTORY CLAIM LISTED 35 ACRES; HOWEVER, DUE TO
SLOPES AND GULLIES, THERE NEVER WOULD HAVE BEEN 35 ACRES
IRRIGATED.

15. Basis of Claim: STATUTORY CLAIM

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): X Edward Eugene Rader Date: + May 2 - 1990

Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 2nd day

of May 19 90

Seal

John Garish
Notary Public

Residing at 1425 Harrison, Notary Public
Boise, Idaho
My Commission Expires December 1, 1994

AJ0749NP

No. 17-00007

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)DATE: 06/17/99
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MARVIN S ENGLAND	06/07/1897	IRRIGATION	04-01 11-01	0.140 CFS	
	C/O SHELLEY ENGLAND		STOCKWATER	01-01 12-31	0.020 CFS	
	PO BOX 723					
	SALMON ID 834670723					
	(208) 756-3481					
TOTAL DIVERSION:					0.140 CFS	
CONSUMPTIVE USE:						17.50 AFA

Water Source: TOWER CREEK

Tributary to: SALMON RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion: T23N R22E S17 SWNW

LEMHI County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
23N	22E	18	:				07	:					:					:						:	7.0	
																							TOTAL ACRES	7.0		

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: LEMHI

Non-Irrigation Uses: STOCK, UP TO 50 HEAD CATTLE

Other Rights: NONE

Remarks: GEN SOURCE KNOWN LOCALLY AS BOYLE CK.
ORIGINAL STATUTORY CLAIM LISTED 35 ACRES; HOWEVER, DUE TO
SLOPES AND GULLIES, THERE NEVER WOULD HAVE BEEN 35 ACRES
IRRIGATED.
ADDRESS CHANGE BY CLAIMANT LETTER 6/17/99 SS.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

May 6, 1999

KARL J. DREHER
DIRECTOR

RECEIVED

JUN 16 1999

Department of Water Resources

MARVIN S ENGLAND
C/O SHELLY ENGLAND
PO BOX 723
SALMON ID 83467-0723

Re: Snake River Basin Adjudication (SRBA)
Water Rights #75-10465 & A75-04067
Change of Address

*Records changed 617-99
-10*

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

The address is correct as shown above or as otherwise changed.

Shelly England

Claimant Signature

756-3481

Telephone No.

Mar S England



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

JUN 11 1999

Department of Water Resources
Eastern Region

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

May 6, 1999

MARVIN S ENGLAND
C/O SHELLY ENGLAND
PO BOX 723
SALMON ID 83467-0723

6-7-99
response
- 10

Re: Snake River Basin Adjudication (SRBA)
Water Rights #75-10465 & A75-04067
Change of Address

Dear Water Right Holders:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by May 17, 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

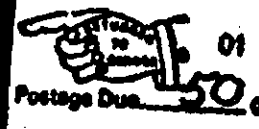
The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.

return
↓ to sender ↓ fee due 50¢

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



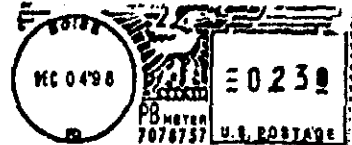
First-Class Mail
Postage & Fees Paid
USPS
Permit No. 115

U.S. POSTAL SERVICE
PS FORM 3547

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



IMPORTANT WATER RIGHT INFORMATION

+A75-04067

75-10465
MARVIN S ENGLAND
BOX 124
NORTH FORK ID 83466

ENGL305 634673007 1798 05 12/03/98
ENGLAND SHELLEY
PO BOX 723
SALMON ID 63467-0723

83466-0044





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

ATTN: SK: p

April 19, 1995

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Marvin and Shelly England
305 12th
Salmon, Idaho 83467

RECEIVED

APR 20 1995

Department of Water Resources
Eastern District Office

Mr. and Mrs. England:

This letter is in response to a written complaint filed with this office by Michael and Betty Fink. My writing this letter does not mean I am accepting the Fink's representation of the facts in this matter.

The complaint alleges your refusal to allow the Finks' access to your property to operate and/or maintain the delivery system which crosses your property and delivers the Fink's irrigation and stockwater right from Tower Creek. The complaint also alleges negligent irrigation practices which may have resulted in property damage and a waste of water.

I made an on-site visit to the Fink property on April 17, 1995, at that time I walked the delivery system from the Fink property to your property. While it appears the Fink's delivery system located on their property is in a satisfactory state of maintenance, the portion of the delivery system from the the Fink property through your property is in dire need of maintenance.

I also made a visit to point where the delivery system crosses the Tower Creek road, at this point in the delivery system there appears to be ample water to satisfy both your and the Fink's water rights, however the condition of the ditch may prohibit this.

Further investigation revealed evidence of water washing the recently constructed roadside on Tower Creek road as well the washing of a substantial amount of soil across Tower Creek road and Highway 93.

Idaho statutes recognize the right of a water right holder access to your property for the purposes of operating and/or maintaining an irrigation delivery system as well the liability for the waste of water and property damage incurred due to negligent irrigation practices. I have enclosed copies of these statutes for your information.

There are both criminal and civil penalties for interfering with a water right holder in the exercise of his or her water right. In some cases the court may even assess triple damages for interfering with water being diverted for irrigation.

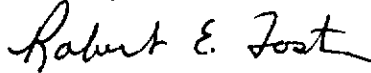
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NOV 18 1996

A 75-04067

If you would like further information concerning this matter, please feel free to contact me at (208) 756-6644 or Harold W. Jones in our Idaho Falls office at (208) 525-7161.

Cordially,



Robert E. Foster

Sr. Water Resource Agent

cc:

Gary Spackman, IDWR, Boise

Harold W. Jones, IDWR, Idaho Falls

Michael and Betty Fink, Carmen

enc:

copies of Idaho Code 42-916 & 42-1104

MICROFILMED
NOV 18 1996

Michael and Betty Fink
HC 10 Box 33
Carmen, ID 83462
Phone (208)756-6146

Idaho Department of Water Resources
206 Van Dreff, Suite B
Salmon, ID. 83467

April 16, 1995

Dear Mr. Robert E. Foster:

Please consider this letter to be a formal complaint against Marvin (Butch) and Shelly England.

They are refusing to give us our share of the water and are negligent in ditch maintenance.

The diversion at the creek, located at Sioux Lane, was opened on April 7, 1995. They have kept all the water, which is in an abundance, since that date except for one short period of time. Between the hours of 9:30 PM on Saturday April 15, 1995 to 3:30 PM on Sunday April 16, 1995 we did receive an amount of water sufficient to meet our needs.

They are negligent in their irrigation duties by allowing the water to flow in an uncontrolled manner destroying County and private property and by letting the water flow onto the street.

Please refer to the correspondence by us to Englands which accompanies this complaint.

Sincerely,

Michael G. Fink
Michael G. Fink

Betty J. Fink
Betty J. Fink

MICROFILMED
NOV 18 1996

MAY 8, 1992

MARVIN S ENGLAND
BOX 124
NORTH FORK ID 83466

RE: CHANGE IN OWNERSHIP FOR A75-04067 AND A75-10465

Dear Mr. England:

The request for Change in Ownership concerning Notices of Claim in the above reference has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure

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DEC 15 1992

RECEIVED

MAY 06 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

Department of Water Resources
Eastern District Office

DATE OF CLOSING: April 29, 91

LEGAL DESCRIPTION OF PROPERTY: Township 23 N Range 22 E. B.M.
Section 18, SW 1/4 of NE 1/4 of 1/4 Govt. Lot 4&5, B.M. & NW 1/4 SE 1/4
Lot _____, Block, _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: A75-04067 (irrigation) & A75-10465 (domestic)
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Roger C. and Claire Strom
2900 Rockledge trl.
Beavercreek, Ohio 45430
- ☐ New Owner/Claimant (Purchaser): Marvin S. England
- ☐ New Mailing Address: Box 124
North Fork, Id 83466
- ☐ New Telephone Number: (208) 756- - 865-2323
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes x no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Marvin S. England Date 5/5/92
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

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DEC 15 1992

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

For Value Received

ROGER C. STROM AND CLAIRE STROM, husband and wife

the grantors, do hereby grant, bargain, sell and convey unto

MARVIN S. ENGLAND, a single person

whose current address is

BOX 124

NORTH FORK, ID 83466

the grantee, the following described premises, in LEMHI County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 1 1991

Roger C. Strom

ROGER C. STROM

Claire Strom

CLAIRE STROM

(Montgomery) OHIO

STATE OF ~~INDIANA~~ COUNTY OF may
On this 1st day of APRIL, 19 91,
before me, a notary public in and for said State, personally
appeared

ROGER C. STROM AND CLAIRE
STROM

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to
me that Roger C. Strom executed the same.

In and for the State of Ohio
My Commission Expires Jan. 30

Notary Public

OHIO ~~xxIdaho~~

Residing at

Comm. Expires 30 JAN 94

MONTGOMERY COUNTY

State of Idaho)
County of Lemhi)

No. 210228

This instrument was filed for record at
the request of American Land Title
at 3:25 o'clock P m May 3 19 91
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiedenrick

Ex-Officio Recorder

By Deanne Gray Deputy

Fees: 6.00

EXHIBIT "A"

A PARCEL OF LAND LOCATED IN SW1/4NE1/4, NW1/4SE1/4, U.S. GOVERNMENT LOTS 4 AND 5, SECTION 18, T. 23 N., R. 22 E., B.M., LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 18, A DISTANCE OF 1303.57 FEET ON A BEARING OF S. $0^{\circ} 50' 30''$ W. ALONG THE CENTER OF SECTION LINE TO THE NORTH 1/16 CORNER; THENCE S. $89^{\circ} 21' 27''$ E. 1330.35 FEET TO THE NORTHEAST CORNER OF THE SW1/4NE1/4; THENCE S. $0^{\circ} 26' 42''$ W., 277.66 FEET ALONG THE EAST BOUNDARY OF THE SW1/4NE1/4 TO THE REAL POINT OF BEGINNING.

THENCE S. $89^{\circ} 13' 11''$ W. 638.84 FEET;
THENCE S. $70^{\circ} 35' 17''$ W. 526.47 FEET;
THENCE N. $82^{\circ} 47' 49''$ W. 323.55 FEET;
THENCE S. $88^{\circ} 19' 09''$ W. 45.96 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 93;
THENCE S. $7^{\circ} 39' 51''$ E. 949.77 FEET ALONG SAID RIGHT OF WAY TO A POINT ON THE NORTH SIDE OF THE TOWER CREEK ROAD;
THENCE THE FOLLOWING COURSES AND DISTANCES ALONG SAID NORTH RIGHT OF WAY OF THE TOWER CREEK ROAD:
A DISTANCE OF 182.49 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIAL OF N. $26^{\circ} 46' 43''$ E. 451.95 FEET AND A CENTRAL ANGLE $23^{\circ} 08' 08''$;
A DISTANCE OF 459.43 FEET ALONG A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIAL OF N. $3^{\circ} 38' 34''$ E. 756.15 FEET AND A CENTRAL ANGLE $34^{\circ} 48' 46''$;
N. $58^{\circ} 49' 48''$ E., 226.40 FEET;
A DISTANCE OF 180.06 FEET ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIAL OF S. $31^{\circ} 10' 12''$ E. 718.00 FEET AND A CENTRAL ANGLE OF $14^{\circ} 22' 07''$;
N. $73^{\circ} 11' 55''$ E. 415.67 FEET TO A POINT ON THE EAST BOUNDARY OF THE SW1/4NE1/4;
THENCE N. $0^{\circ} 26' 42''$ E. 715.36 FEET TO THE REAL POINT OF BEGINNING. . .

MICROFILMED

DEC 15 1992

COLONEL ROGER C. STROM

2900 Rockledge Trail

(513) 427-1741

Beavercreek, Ohio 45430

April 2, 1990

Idaho Department of Water Resources
Adjudication Bureau
Statehouse
Boise, Idaho 83720

RE: Appointment of Agent
on my behalf

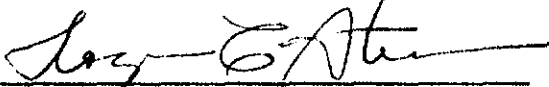
Parcels #: RP23N22E181203A 1
RP23N22E181201A 7
RP23N22E181805A 31

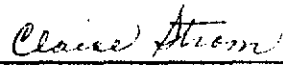
Dear Sirs:

We, the undersigned husband and wife hereby appoint Mr. Gen. Risbon, as our agent to act on our behalf to protect our water rights on the above parcels of real property.

Due to the fact that we are a military family serving outside of Idaho we are unable to represent ourselves.

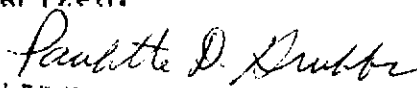
Thank you very much for your assistance.


Colonel Roger C. Strom


Claire Strom

Notarized:

Date: 3 April 90


PAULETTE D. GRUBBS, Notary Public
In and for the State of Ohio
My Commission Expires 19 Aug 90
My commission expires: _____

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DEC 15 1992