

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



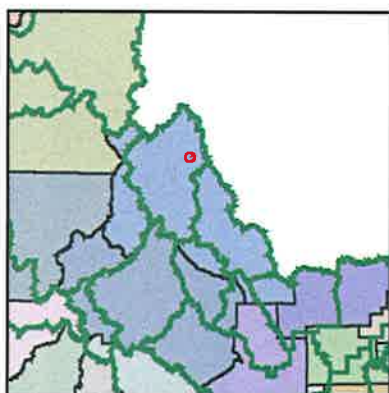
Idaho Department of Water Resources

Adjudication Claim Number: **75-2004 C**

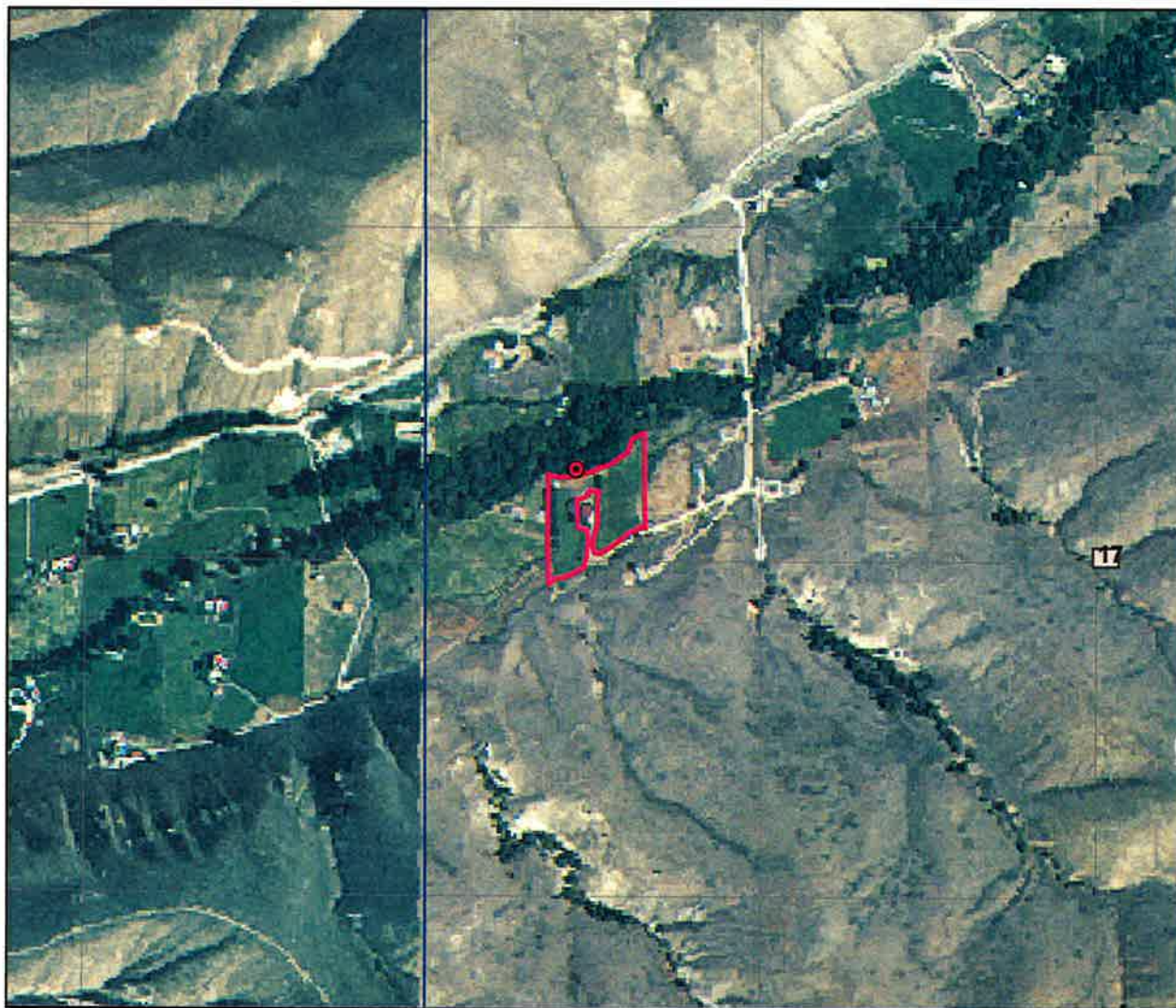
T23N R22E

Legend

-  Point of Diversion
-  Place of Use
-  Township/Range
-  Sections
-  GCDB23N22E GCDB



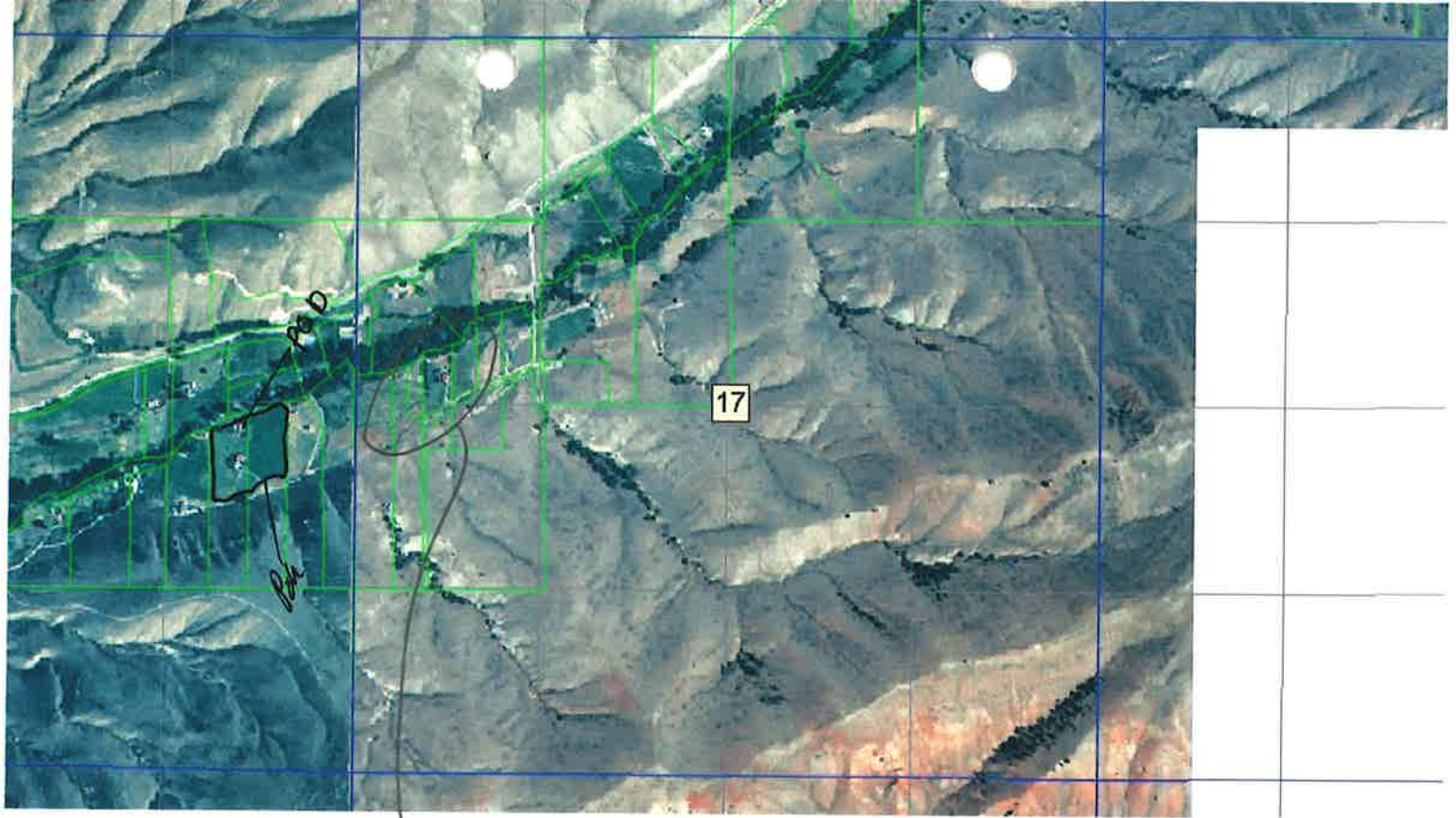
Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles



Prepared by R. Brown
On Wednesday, January 25, 2006
1993/94 Aerial Photography



actual
location
75-2004C
R Brown

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s). 75-2004C

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: Timothy VANDEMORE
☐ No Change ADDRESS
☒ NEW ADDRESS: 35 SIOUX LANE CARMEN ID 83462
2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION
☒ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0015046 GPS file # T061516A
Township 23N Range 22E Section 18 1/4 NW 1/4 NE 1/4 SE
Township _____ Range _____ Section _____ 1/4 1/4 1/4

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☒ Incomplete description, list below:

Claimant stated previous owner had been pumping from creek, not sure what year, will obtain documentation

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☒ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: <u>1177</u>	Township <u>23N</u>	Range <u>22E</u>	Section <u>18</u>	<u>1/4 NE</u>	<u>1/4 SE</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>
Use: _____	Township _____	Range _____	Section _____	<u>1/4</u>	<u>1/4</u>

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

2 hp pump in creek six (6) 5/32 birds max @ 40 psi

27.66 gpm = .06 cfs

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-15-05

FIELD EXAMINER:

Bob Foster

Print Name

Bob Foster

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

January 11, 2007

CLAIR K & JANELL BAIRD
PO BOX 195
CARMEN ID 83462

Re: Tower Creek Adjudication Recommendation

Dear Mr. & Mrs. Baird:

Enclosed is a spreadsheet that summarizes recommendations filed with the SRBA court for claims for water from Tower Creek for properties that were settled in the 1890's or early 1900's. The claims had a wide array of priority dates and evidence in support of those priority dates was received. Some of you filed a Notice of Error in response to the Recommended Findings that were mailed out to claimants in November 2006. Some of you may have already received a response from us regarding your Notice of Error.

After looking at each right separately, we concluded that a more systematic approach to how recommendations were made was required. It seemed to us that it made sense to have the same priority date recommended for all of the property that was originally part of a single homestead. To that end we evaluated the Evidence of Priority information that was submitted and used the earliest date that we felt could be verified. In some cases documents were submitted that may reference dates earlier than what we have recommended, but the extent of development was not quantified. The spreadsheet lists the various water rights and the basis for the selection of the date used. Please note that you still have the option of filing an objection with the court if you disagree with these recommendations

If you have any questions please don't hesitate to contact us.

Sincerely

A handwritten signature in black ink that reads "Robert G. Haynes". The signature is written in a cursive, flowing style.

Robert G. Haynes P.E.
Regional Manager



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

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Sincerely

Robert G. Haynes P.E.
Regional Manager

Priority date based on Frederick Niemann Homestead Patent Date									
Water Right No		Basis	Priority Date	Rate(cfs)	Owner(s)				
75	4067	Beneficial Use	6/07/1897	0.14	ENGLAND, MARVIN S				
75	4141	Beneficial Use	6/07/1897	0.15	ENOCH, NELDA & O A (Current)				
75	4143	Beneficial Use	6/07/1897	0.25	CRISPIN, DEBORAH & ROBERT				
Priority date based on Posted Notice filed by H.O. Billings									
Water Right No		Basis	Priority Date	Rate(cfs)	Owner(s)				
75	4088	Beneficial Use	3/19/1898	0.46	WYLAND, FRANCES J & WILFRED N				
Priority date based on Frederick Niemann Desert Land Entry Patent Date									
Water Right No		Basis	Priority Date	Rate(cfs)	Owner(s)				
75	4099 B	Beneficial Use	6/28/1899	0.15	DILLON, BETH				
75	14130	Beneficial Use	6/28/1899	0.09	HARRISON, ELIZABETH A				
75	14131	Beneficial Use	6/28/1899	0.09	BARRETT, KATIE & ROY				
75	14280	Beneficial Use	6/28/1899	0.47	LULL, JAMES W				
75	14281	Beneficial Use	6/28/1899	0.06	ARTEMIS, GEORGE S & JOY & DILLON, BETH				
Priority date based on Water right License issued to William Rose - 75-2004									
Water Right No		Basis	Priority Date	Rate(cfs)	Owner(s)				
75	2004 A	License	2/19/1907	0.06	DOCKTER, CYNTHIA D & THOMAS H				
75	2004 C	License	2/19/1907	0.06	BAIRD, CLAIR K & JANELL				
75	2004 D	License	2/19/1907	0.10	PERISHO MC KAY, KRISTI & RADTKE, DENNIS				
75	2004 E	License	2/19/1907	0.14	COCHRAN, CATHERINE M				
75	2004 F	License	2/19/1907	0.04	GARN, JAMES N & JOAN B				
75	2004 G	License	2/19/1907	0.06	DAVIS, DANI				
75	2004 H	License	2/19/1907	0.15	KLINGER, BARRY P & KLINGER, KAY L				
75	2004 K	License	2/19/1907	0.05	LUTCH, JEFFREY				
75	2004 L	License	2/19/1907	0.11	BLANKINSHIP, CAROLYN L				
75	4191	License	2/19/1907	0.08	NALL, ROBERT D				
75	10272	License	2/19/1907	0.06	WARREN, DAVID F & THYRA				
Priority date based on Johanna Mulcihy Homestead Patent Examination									
Water Right No		Basis	Priority Date	Rate(cfs)	Owner(s)				
75	4130	Beneficial Use	12/6/1908	1.07	PARK RANCH INC				
Priority date based on Margaret Baer Homestead Patent Examination									
Water Right No		Basis	Priority Date	Rate(cfs)	Owner(s)				
75	4171	Beneficial Use	12/10/1909	0.33	SHEFTS, CAROL ANNE & GREGORY MARTIN				
75	4295 A	Beneficial Use	12/10/1909	0.04	SIMMONS, BOYD K & MARRUE K				
75	4382	Beneficial Use	12/10/1909	0.10	MIHELICH, PAMELA K & MIHELICH, PATRICK D				
75	4432	Beneficial Use	12/10/1909	0.02	SKEEN, JAY				
75	10007	Beneficial Use	12/10/1909	0.18	BERNT, PEGGY JO & WILLIAM C				
75	10027	Beneficial Use	12/10/1909	0.24	BERNT, PEGGY JO & WILLIAM C				
75	10504	Beneficial Use	12/10/1909	0.02	HENNIG, MARGARET A & PAUL				
75	14035	Beneficial Use	12/10/1909	0.12	DUNPHY, DORENE & MICHAEL				
75	14036	Beneficial Use	12/10/1909	0.44	SMITH, KORD S & MARY ANN H				

Priority date based on Date Samuel Bowler paid for property

<u>Water Right No</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Owner(s)</u>			
75 4192 A	Beneficial Use	7/10/1911	0.08	O NEILL, TIM & VALERIE			
75 4192 B	Beneficial Use	7/10/1911	0.13	MORRILL, DAISY & DAVID			
75 4208 A	Beneficial Use	7/10/1911	0.04	HENNIG, SHARON			
75 4208 B	Beneficial Use	7/10/1911	0.03	FOUST, RICHARD E			
75 4483	Beneficial Use	7/10/1911	0.08	HENNIG, SHARON			
75 4507	Beneficial Use	7/10/1911	0.10	WILLIAMS, DAVID E & PATRICIA C			
75 10280	Beneficial Use	7/10/1911	0.05	CHARLTON, JOHN R & JUANITA E			
75 11623	Beneficial Use	7/10/1911	0.06	O BRIEN, ARLEN & JUDY			
75 13710	Beneficial Use	7/10/1911	0.15	STACEY, KATIE & RICHARD			
75 13982	Beneficial Use	7/10/1911	0.25	MONTEVERDI, DAVID J & LANCE J			
75 14001	Beneficial Use	7/10/1911	0.15	MONTEVERDI, DAVID J & LANCE J			
75 14002	Beneficial Use	7/10/1911	0.18	HENNIG, SHARON			

Priority date based on Floyd Cooper Homestead Patent Date

<u>Water Right No</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Owner(s)</u>			
75 4187	Beneficial Use	5/20/1912	0.29	GRISWOLD, FREDERICK & MARY E			
75 4194	Beneficial Use	5/20/1912	0.13	JOHNSTON FAMILY TRUST			

Priority date based on Erle Embley Homestead Patent Date

<u>Water Right No</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Owner(s)</u>			
75 4139	Beneficial Use	5/10/1913	0.16	SMITH, ROLAND K			
75 4140	Beneficial Use	5/10/1913	0.15	RANEN, KENNETH & RANEN, NANCY			
75 4144 A	Beneficial Use	5/10/1913	0.03	SLOAN, LANNY G & SLOAN, PATRICIA S			
75 4144 B	Beneficial Use	5/10/1913	0.55	SHAW, CLIFFORD D & SHAW, KARREN D			
75 4345 A	Beneficial Use	5/10/1913	0.33	CONRAD, THOMAS R			
75 4345 B	Beneficial Use	5/10/1913	0.44	SHAW, CLIFFORD D			

Priority date based on Winterowd Cash Act Patent Date

<u>Water Right No</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Rate(cfs)</u>	<u>Owner(s)</u>			
75 4375	Beneficial Use	5/24/1913	0.20	MONTEVERDI, DAVID J & LANCE J			
75 4376	Beneficial Use	5/24/1913	0.28	MONTEVERDI, DAVID J & LANCE J			



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 16, 2007

SCANNED

MAR 16 2007

Timothy Vandemore
35 Sioux Lane
Carmen, ID 83462

Re: 75-2004C

We have sent to the Snake River Basin Adjudication Court our recommendation of the enclosed water right. We have received information that you may now own the property and the associated water right. If you do own the property, then you need to file a change in water right ownership form and mail it to this office. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kenneth Knoblock', is written over a horizontal line.

Kenneth Knoblock
Water Rights Supervisor



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 25, 2006

TIMOTHY VANDEMORE
35 SIOUX LN
CARMEN ID 83462

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-2004C

Dear Claimant:

We have been notified you may be the current owner of the property and water right claim referenced above. Before we can change our records to reflect your ownership, we require the enclosed Notice of Change in Water Right Ownership form to be completed and returned.

Since this claim is still pending before the SRBA Court, there is no fee to change the ownership.

Please send your ownership change to the attention of **Roxanne Brown** at this address. Please call me toll-free at 1-800/451-4129 if you have any questions.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:duplex
Enclosure:

Notice of Change in Water Right Ownership Form

SCANNED

JAN 25 2006

75-2004c

July 1, 2005

Blackfoot, Idaho

7-7-05
P. 1

Tim [✓] Dan DaMore
34 Sioux Lane
Carmen, Idaho 83462

Mr. Dan DaMore:

This letter is to confirm that I did pump irrigation water out of Tower Creek to water my property on Sioux Lane. I started irrigating the pasture in 1982, but the water flow in the ditch was so inconsistent that in about 1986 or 87, I put the pump directly into Tower Creek and pumped water to the property through the hoses and sprinklers. I sold the property in 1996.

If you need more information, please call .

Sincerely,

CLAIR K. BAIRD
1695 Riverton Rd
Blackfoot, Idaho 83221
782-3425

Clair K. Baird



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

NOVEMBER 16, 1992

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

CLAIR K BAIRD
PO BOX 195
CARMEN ID 83462

RE: NOTICES OF CLAIM A75-02004C AND A75-10097

Dear Mr. Baird:

While doing the initial comparison between computer generated Notices and hard copy Notices filed by claimants in Basin 75 (Lemhi County) in April, 1990, it has come to our attention that a signed and notarized copy of your notices is not in our files.

Although Notices of Claim to your water right have been data entered in our computer system, it is necessary that we have signed and notarized Notices before we can process the Notices and make recommendations to the court. Since your names on the Notices of Claim are separated by "and/or" only one of you need sign them before a Notary Public.

I have enclosed for your convenience typed Notices of Claim that must be signed in the presence of a Notary and returned to this department within 10 days (November 30, 1992). If the signed Notices are not returned by this date, this office will initiate procedures for refunding the filing fees paid in conjunction with the Notices of Claim forms you submitted for the Snake River Basin Adjudication (SRBA).

The effect of this action will be to remove these Notices from the Department's records. Should you decide to refile these Notices once the refund has been issued, the new filing will be subject to a late fee of \$50.00 for each Notice.

I will keep your Notices of Claim in my office until December 1, 1992. If we have not heard from you, the refund process will be initiated.

MICROFILMED

DEC 15 1992

Clair K Baird
Page - 2 -

I am sorry for the delay in returning these Notices and any inconvenience. We have so many Notices from all over the State that have similar problems, it has taken us awhile to get to all of them. Please do not hesitate to contact this office if you have any questions regarding this matter (525-7161).

Respectfully submitted,

for 
Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Notice of Claim A75-04184

FILE: TIC

MICROFILMED

DEC 15 1992

Lemhi County
Boyle Creek
1.34 sec.ft.
Irrigation
Priority-2-19-1907

STATE OF IDAHO

Water License No.2579.

WHEREAS, On the 19th day of February, A.D.1907, WILLIAM J. ROSE of Carmen, County of Lemhi and State of Idaho, duly made application (No.5026) to me for a permit to use 2.4 cubic feet per second of the waters of Boyle Creek, County of Lemhi, State of Idaho, for irrigation and domestic purposes; and,

WHEREAS, On the 23rd day of February, A.D.1907, Permit No. 2579 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 23rd day of August, A.D.1907, and for the application to beneficial use of said water on or before the 23rd day of August, A.D.1907, and,

WHEREAS, On the 15th day of August, A.D.1907, the holder of said permit duly made proof of the completion of adequate works for the diversion of 2.4 cubic feet per second of said waters, as evidenced by my Certificate No. 2579, dated August 27, 1907, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 2.4 cubic feet per second of water, with date of priority of February 19, 1907, and,

WHEREAS, On the 15th day of August, A.D.1907, proof was duly made of the application to beneficial use of 1.34 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to WILLIAM J. ROSE of Carmen, Idaho, the holder and owner of said Permit No.2579, a perpetual right, dating from February 19, 1907, to the use of 1.34 cubic feet per second of the waters of Boyle Creek, in the County of Lemhi and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Southwest quarter of Northeast quarter and Southeast quarter of Northwest quarter, Section 17, Township 23 North, Range 22 East of Boise Meridian, and conducted to and upon

15 acres in Southeast quarter of Northeast quarter, Sec.18, Tp. 23 N. R. 22 E.
31 " " Northeast quarter of Southeast quarter, " 18, Tp. 23 N. R. 22 E.
17 " " Southwest quarter of Northwest quarter, " 17, Tp. 23 N. R. 22 E.
19 " " Northwest quarter of Southwest quarter, " 17, Tp. 23 N. R. 22 E.

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho,
this 27th day of August, A.D. Nineteen Hundred and seven.

(SEAL)

Recorded August 27, 1907.

Jas. Stephenson, Jr.

State Engineer.

75 2005

MICROFILMED

DEC 15 1992

State Engineer
J. W. Rogers
February 23, 1907

Formal and Plan of Work in detail	accompany the	Formal mit Inappropiate und
-----------------------------------	---------------	-----------------------------

Township 10.23, North of Range 22 East

6457d

THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATIONS
500 5TH AVENUE
NEW YORK 17, N.Y.

MICROFILM (M-F)

DEC 15 1992

OCT 05 2001

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: A75-02004C

Date Received: 4/10/1990

Receipt No: E012987

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: CLAIR K. BAIRD 208-756-2658
Address: PO BOX 195
CARMEN ID 83462
OR
Name: JANELL BAIRD 208-756-2658
Address: PO BOX 195
CARMEN ID 83462



2. Date of Priority: FEB 19, 1907

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	SE	NW			LEMHI

5. Description of diverting works:
HEADGATE AND DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		

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

8. Total consumptive use is 7.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	17	SW	NW		IRR	3.0
Section Acres							3.0
Total Acres							3.0

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:

15. Basis of Claim: LICENSE

Water Right Number: 2579

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): Janelle H. Baird Date: Nov. 30, 1992

Date: _____

MICROFILMED

State of Idaho)
County of Bonner) SS.

Subscribed and sworn (or affirmed) before me this 30 day
of Nov 19 92

Betty J. Thompson
Notary Public

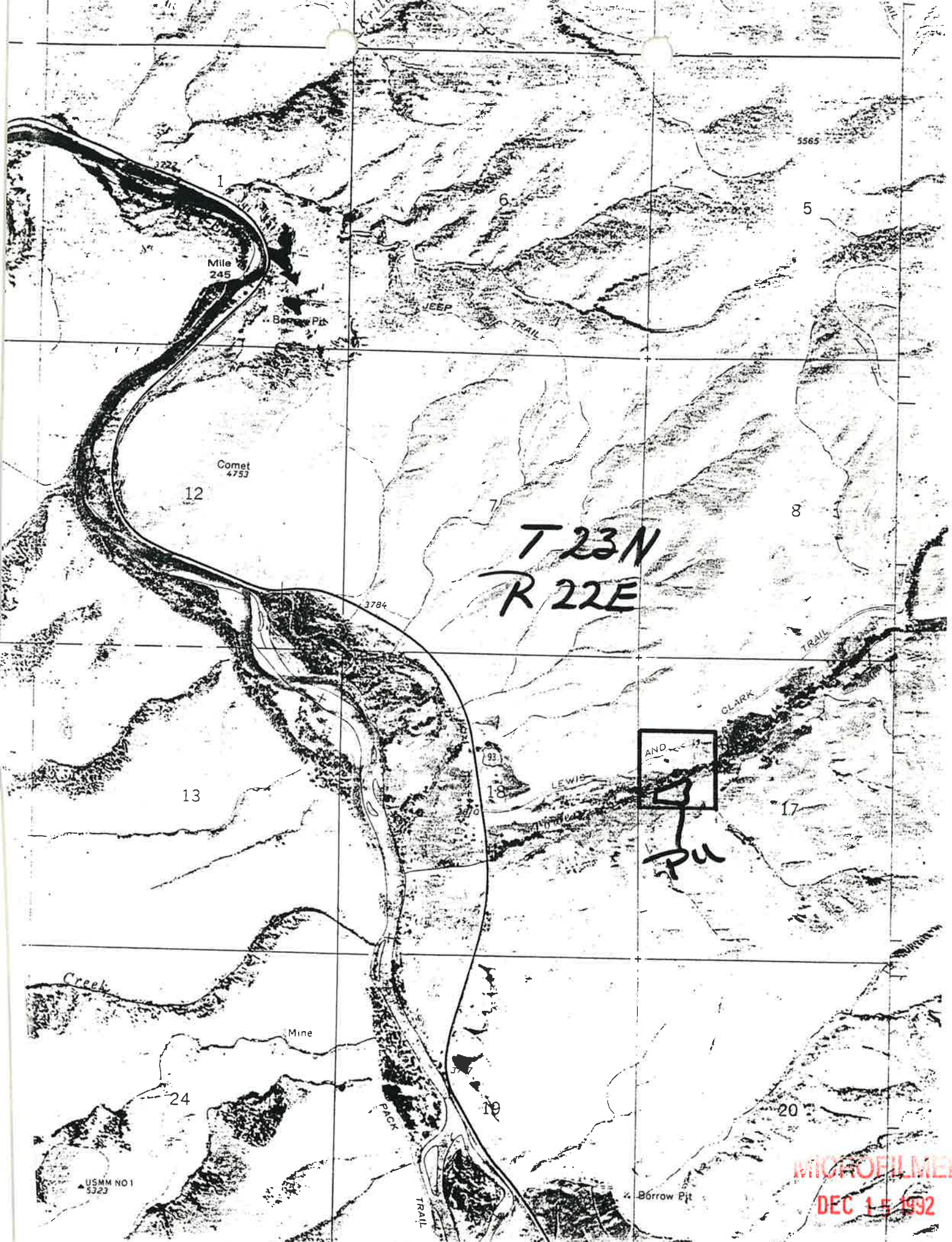
Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires RESIDING AT IDAHO FALLS, IDAHO

MY COMMISSION EXPIRES: 6-30-94

MICROFILMED



MICROFILMED
DEC 15 1992