

11/03/2006

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

RIGHT NUMBER: 75-2004D

NAME AND ADDRESS: KRISTI PERISHO MC KAY
29 TOWER CREEK RD
CARMEN ID ID 83462

DENNIS RADTKE
29 TOWER CREEK RD
CARMEN ID 83462

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 02/19/1907

POINT OF DIVERSION:

T23N R22E S17 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	0.100 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S18	SENE	2.00	T23N R22E S18	NESE	4.00
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6 ACRES TOTAL

Right Nos. 75-2004D and 75-7142 are limited to the irrigation of a combined total of 6 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED
SEP 19 2008



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

KRISTI PERISHO MC KAY and DENNIS RADTKE
29 TOMER CREEK RD
CARMEN ID 83462

Re: Tower Creek Adjudication Recommendation

Dear Ms. McKay and Mr. Radtke:

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

Robert G. Haynes P.E.
Regional Manager

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SEP 19 2008



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

October 19, 2005

KRISTI PERISHO-MC KAY
DENNIS RADTKE
29 TOWER CREEK RD
CARMEN ID 83462

RE: Snake River Basin Adjudication (SRBA) [REDACTED]
Notices of Claim to a Water Right #75-2004D and 75-7142

Dear Claimants:

We have processed your change in ownership of the Notices of Claim referenced above. Thank you for your patience.

Enclosed are copies of your Notices of Claim for your file. Please refer to these record numbers in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claims.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:region
Enclosures:

Copies of Notices of Claim Referenced Above

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OCT 19 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

RECEIVED
SEP 20 2005
DEPARTMENT OF
WATER RESOURCES

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
75-2004D					
75-7142	→ AJ				
75-10016 P.D.					

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts. *25⁰⁰*

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

Milford + Lydia Schofield

4. New Owner/Claimant(s)

Carmen ID 83462

Dennis Radtke / Kristi Perisho-McKay

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

29 Tower Creek Rd.

City, State and ZIP Code

Carmen, ID 83462

New Telephone Number

208 756-8480

5. Date you acquired the property

7/6/05

D.K. to process
10/12/05 RBrown

COPY

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OCT 19 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

D. Radtke
Krista Perisho-McLay

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by M Date 9-20-05 Fee \$25.00
 Receipted by M Date 9-20-05 Receipt No. C079161
 Processed by Adrian Date 10-18-05 WR _____ Date _____

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OCT 19 2005

WARRANTY DEED

263588

10/21/05
KPM

Order No.:307053123L-G

FOR VALUE RECEIVED

Schofield Revocable Living Trust u/a/d November 20, 1998,

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Dennis L. Radtke and Kristi Perisho-McKay, Husband and Wife

whose current address is

12 September Dr. Missoula, MT 59802

the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

A PARCEL OF LAND LOCATED IN THE SE1/4NE1/4, NE1/4SE1/4, SECTION 18, T. 23 N., R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER SAID SECTION 18, FROM WHICH THE SE CORNER OF SAID SECTION BEARS S. 00° 00' 38" E. A DISTANCE OF 5237.98 FT., THE BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE S. 00° 00' 38" E. ALONG THE EASTERLY BOUNDARY OF SAID SECTION A DISTANCE OF 1309.50 FT. TO THE NE CORNER OF THE SE1/4NE1/4;

THENCE N. 89° 25' 15" W. A DISTANCE OF 1330.39 FT. TO THE NW CORNER OF SAID SE1/4NE1/4;

THENCE S. 00° 23' 00" W. ALONG THE WESTERLY BOUNDARY OF SAID SE1/4NE1/4 A DISTANCE OF 1042.71 FT. TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF TOWER CREEK ROAD;

THENCE N. 71° 27' 08" E. ALONG SAID RIGHT-OF-WAY A DISTANCE OF 30.11 FT. TO THE POINT OF BEGINNING;

THENCE CONTINUING THE FOLLOWING COURSES AND DISTANCES ALONG SAID RIGHT-OF-WAY;

N. 71° 27' 08" E., 322.76 FT.; N. 66° 06' 55" E., 71.93 FT.;

THENCE S. 00° 23' 00" W. A DISTANCE OF 541.19 FT. TO A POINT ON THE

LONG SAID

NT ON THE

404.15

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OCT 19 2005

State of Idaho }
County of Lemhi } ss.

On this 6th day of July 2005, before me, a Notary Public in and for said state, personally appeared Milford E. Schofield and Lydia Schofield known or identified to me to be the persons whose names are subscribed to the foregoing instrument as trustees of the Schofield Revocable Living Trust u/a/d November 20, 1998, and acknowledged to me that they executed the same as Trustee.

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



Sheri Hall
Notary Public for the State of ID
Residing at: Salmon
Commission Expires: 4/30/2009

State of Idaho) 263588
County of Lemhi) SS No.

This instrument was filed for record at the request
of Alliance Title
at 3:40 o'clock p m. 7-6 2005
and duly filmed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder
By Brenda Clutney Deputy
Fee 600
Return to AT

RECORDED
OCT 19 2005

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: A75-02004D

Date Received: 12/16/1988

Receipt No: MOD 6642

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILFORD SCHOFIELD 208-756-2829
Address: P.O. BOX 922
SALMON, ID 83467

AND/OR

Name: LYDIA W. SCHOFIELD 208-756-2829
Address: P.O. BOX 922
SALMON, ID 83467

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 of	Lot	County
23N	22E	17	SW	SW	NW		LEMHI

5. Description of diverting works:
HEADGATE & GRAVITY DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.100		

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

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

A75-02004D

Page 1

Date: 04/17/90

A7502004D



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	18	SE	NE		IRR	2.0
			NE	SE		IRR	4.0
Section Acres							6.0
Total Acres							6.0

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:

LICENSE, 75-07142

14. Remarks:

THIS RIGHT WAS SPLIT AND CLAIMED AS FOLLOWS:

A75-02004A MINOR 0.01 CFS

-02004B FOLKER 0.157 CFS

-02004C BAIRD 0.06 CFS

-02004D SCHOFIELD 0.10 FOR 6 AC.

TOWER CK. AKA BOYLE CREEK

MEMO TO FILE: WHEN SEARCHING FOR SPLIT ASSIGNMENT FOR THIS RT.

NO RECORD WAS INDICATED EXCEPT ON THE REMARKS FOR A SPLIT TO

KLINGER FOR A75-02004D. CONSEQUENTLY IF A CLAIM APPEARS WITH

DUPLICATE SUFFIX LETTER A NEW LETTER SHOULD BE ASSIGNED EITHER TO
THE KLINGER CLAIM OR TO THIS ONE.

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: 1

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): Wilford Schepfield Date: 4-17-90
Loretta Schepfield Date: 4-17-90

State of Idaho)
County of LEMHI) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of April 19 90

Forrest E. Luthy
Notary Public

Seal

Forrest E. Luthy, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994
My Commission Expires _____

MICROFILMED
DEC 15 1992

T 23N
R 22E
Sec 17-18

