

01/03/2007

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

RIGHT NUMBER: 75-4067

NAME AND ADDRESS: MARVIN S ENGLAND
C/O SHELLY ENGLAND
PO BOX 723
SALMON ID 83467-0723

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.140 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 06/07/1897

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	04/01 10/31	0.140 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S18 SWNE 7.00

STOCKWATER same as IRRIGATION

7 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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 - Beneficial Use

09/12/2006

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

RIGHT NUMBER: 75-4067

NAME AND ADDRESS: MARVIN S ENGLAND
C/O SHELLY ENGLAND
PO BOX 723
SALMON ID 83467-0723

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 06/07/1897

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	04/01 10/31	0.140 CFS
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PLACE OF USE: IRRIGATION Within LEMHI County

T23N R22E S18 SWNE 7.00

STOCKWATER same as IRRIGATION

7 ACRES TOTAL

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 - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

75-4067

T23N R22E Sec. 18

LEGEND

 Point(s) of Diversion

 Place of Use

Gov. Lot Numbers

 Townships

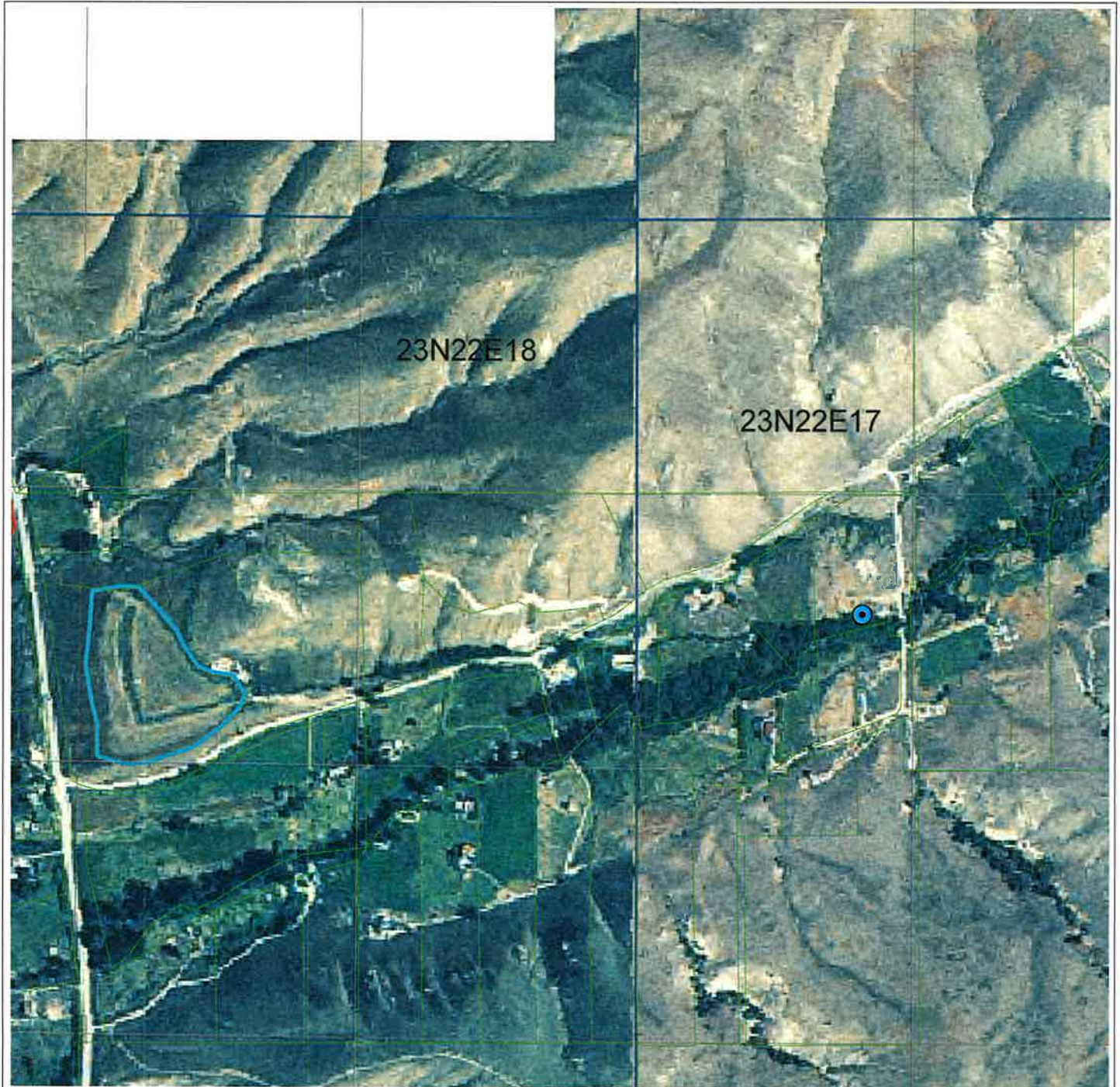
 Sections

 Quarter Quarter

IMAGE 1993 True Color



Prepared By: Asher Barton
October 28, 2005



IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

75-4067

T23N R22E Sec. 18

LEGEND

 Point(s) of Diversion

 Place of Use

Gov. Lot Numbers

 Townships

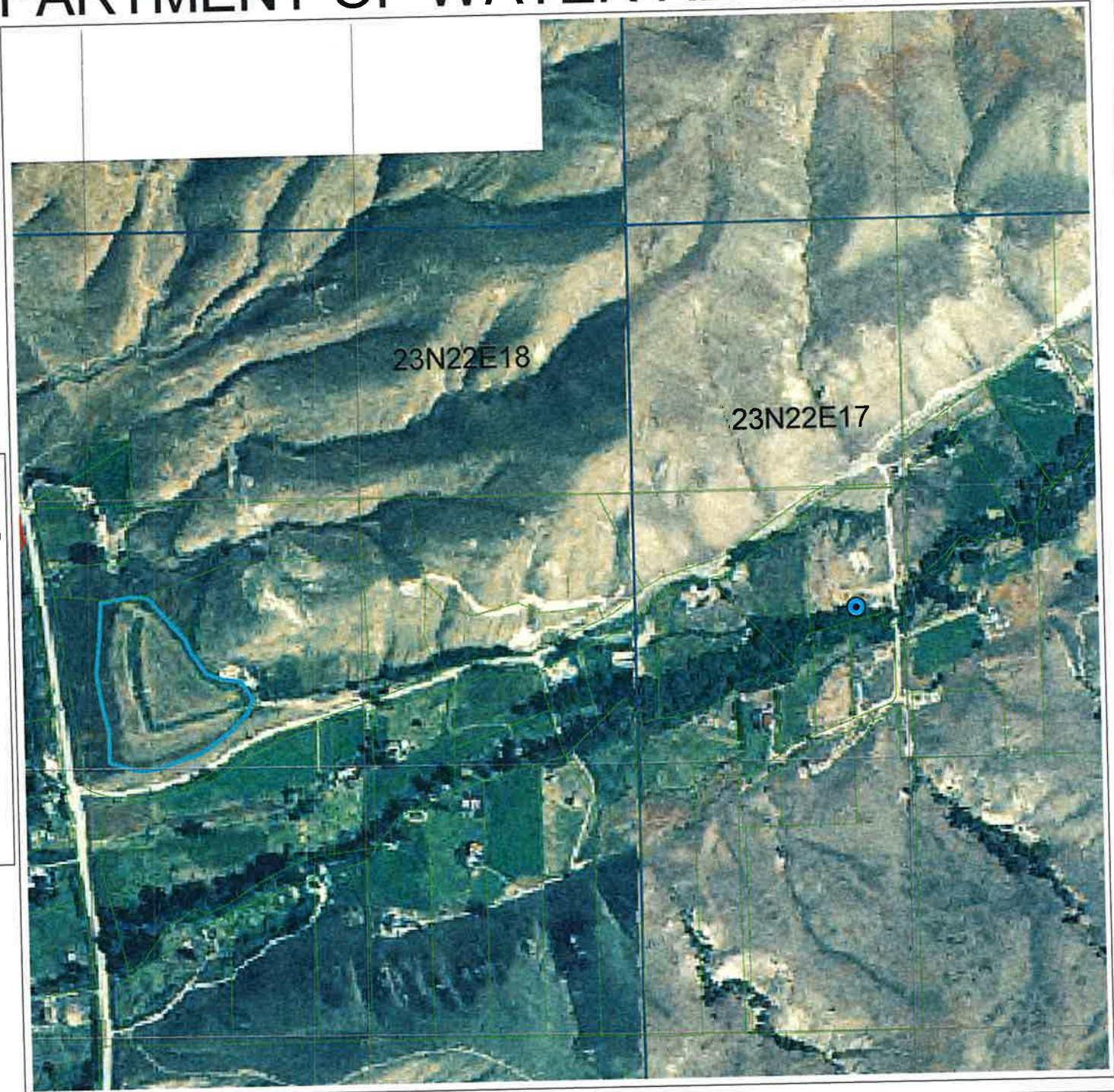
 Sections

 Quarter Quarter

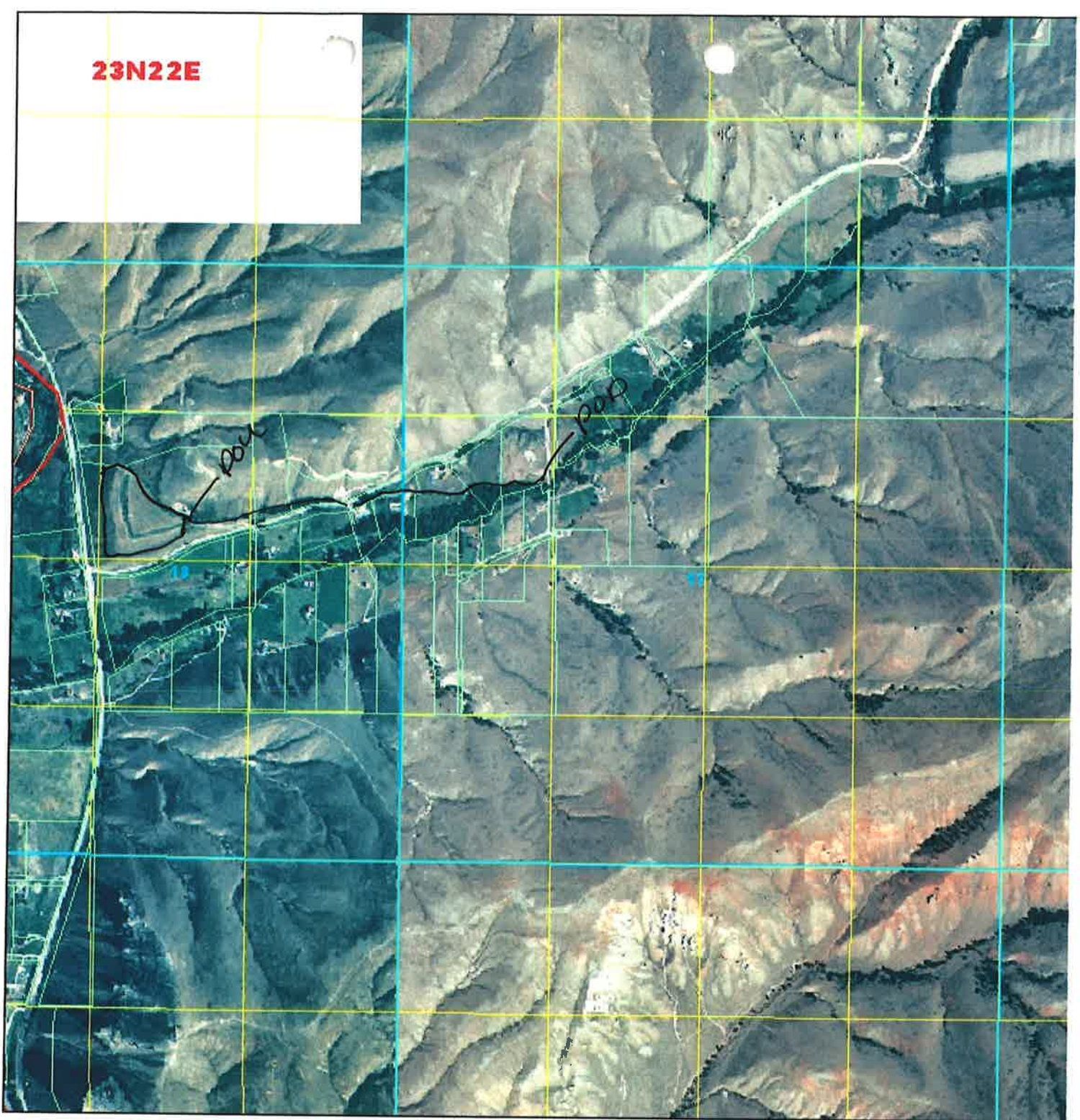
IMAGE 1993 True Color



Prepared By: Asher Barton
October 28, 2005



23N22E



75.4067



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

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

Re: Tower Creek Adjudication Recommendation

Dear Mr. England:

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 with a large, prominent 'R' at the beginning.

Robert G. Haynes P.E.
Regional Manager



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

Marvin England
C/o Shelly England
P.O. Box 723
Salmon, ID 83467-0723

Re: Snake River Basin Adjudication (SRBA)
Subcase No. 75-4067

Dear Claimant:

As you know, the Idaho Department of Water Resources (IDWR) is currently reviewing your claim to a water right in the SRBA. The claim number (subcase no.) is shown above

This claim is based on a previously unconfirmed water right. The first step in our investigation is to establish the correct priority date for the water right. Any further investigation will proceed only after the priority date has been established. Remember, when establishing priority, it is important to both establish the date and verify that the use claimed commenced on that date.

We have received information confirming the homestead of your property in 1897 and evidence a prior owner of the property paid taxes as early as 1898. Of course, we assume there may have been some early irrigation in conjunction with the homestead.

It is our understanding that you currently use a diesel pump to deliver water from a ditch to your irrigation system. It is unlikely that these lands were irrigated in 1898. Perhaps there is evidence of an older system that delivered water via gravity, or the acres you irrigate were placed in to production sometime later than 1898. Either way, we require more information before your claim can be recommended in the SRBA.

There are many ways to confirm a reasonable priority date. Affidavits may be taken from anyone who may have personal knowledge of the development of the water right. Receipts may be available for the purchase of the pump, or fuel for the pump. Old photos can sometimes suffice for proving priority. If you need help with this task, please call me at (208)287-4914.

Sincerely yours,

A handwritten signature in cursive script that reads "Roxanne".

Roxanne Brown
Idaho Dept. of Water Resources

Enclosure (1)



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

RECEIVED

MAR 24 2006
DEPARTMENT OF
WATER RESOURCES

January 25, 2006

Marvin England
C/o Shelly England
P.O. Box 723
Salmon, ID 83467-0723

Re: Snake River Basin Adjudication (SRBA)
Subcase No. 75-4067

Dear Claimant:

As you know, the Idaho Department of Water Resources (IDWR) is currently reviewing your claim to a water right in the SRBA. The claim number (subcase no.) is shown above

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SCANNED
MAR 24 2006

RECEIVED

MAR 21 2006

DEPARTMENT OF
WATER RESOURCES

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Sincerely yours,



Roxanne Brown
Idaho Dept. of Water Resources

Enclosure (1)

SCANNED
MAR 24 2006

Marvin S. England
511 Main St.
Salmon, Id. 83467

RECEIVED
MAR 24 2006
DEPARTMENT OF
WATER RESOURCES

March 17, 2006

RE: water rights for property

Idaho dept. of Water Resources

We purchased this property in 1989 at that time it was irrigated by gravity flow ditch. I have included an photo taken in 1979 to substantiate this. We purchased the diesel pump in 2004 to get better coverage on our hay crop. Prior to the 2004 irrigation season the property was irrigated from the ditch. We did not change the ditch or any portion of it when we installed the pump.

Sincerely,
Marvin England

Marvin England

Shelly England

Shelly England

SCANNED
MAR 24 2006

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

CLAIM NO(s). 75-4067

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☐ No Change ADDRESS _____
☐ NEW ADDRESS: _____

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.: N0015°35' GPS File # T061020A

Township 23N Range 22E Section 17 1/4 SE 1/4 SW 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

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

diversion in creek, ditch to place of use, diesel pump
in ditch w/ sprinkler system, max diversion is 15 9/64 rambolds
at one time = 62.7 gpm @ 50 psi = .14 cfs

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: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

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

Shares POD with 75-2004E, 75-2004G, 75-2004K, 75-2004L
75-4141, 75-4168, 75-4314, 75-4497

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-8-05

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

Date of measurement: 6/10/2005

REW value: 1.00

LEW value: 6.00

Space between

readings (ft): 0.50

Note to user:

Make entries in cells without shading.

[illegible]

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 to be the said persons, and executed the same.

My Commission Expires Jan. 1, 1992

Residing at 207 1/2 N. 1st St.
Comm. Expires Jan 1, 1992
Notary Public
OHIO ~~xx~~
MONTGOMERY COUNTY

State of Idaho)
County of Lemhi) ss 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 filed and indexed in the
records of Lemhi County

Alberta Wiederrick

Ex-Officio Recorder

By Deanne Shoff Deputy

Fee: 6.00

Furnished by the AMERICAN LAND TITLE CO., Pocatello, Idaho

52NE
4 Lot 4
23N 2E 518

The United States of America. To All to whom these presents shall come. Greeting: Whereas Frederick W. Niemann of Lemhi County, Idaho. Desert Lands. } has deposited in the General Land Office of the United States. Certificate No 307 } a Certificate of the Register of the Land Office at Carey, Idaho. Whereas it appears that full payment has been made by the said Frederick W. Niemann according to the provisions of the Act of Congress of the 24th of April 1820. entitled "An act making further provision for the sale of the Public Lands" and the acts supplemental thereto for the South West quarter of the North East quarter of the Lot numbered four of section eighteen in Township twenty three North of Range twenty two East of Boise Meridian in Idaho containing sixty five acres according to the Official Plat of the Survey of the said Lands returned to the General Land Office by the Surveyor General which said Tract has been purchased by the said Frederick W. Niemann. Now know ye that the United States of America in consideration of the premises and in conformity with the several acts of Congress in such case made and provided have given and granted and by these presents do give and grant unto the said Frederick W. Niemann and to his heirs the said Tract above described: To have and to hold the same together with all its rights privileges immunities and appurtenances of whatsoever nature thereunto belonging unto the said Frederick W. Niemann and to his heirs and assigns forever: subject to any vested and accrued water rights for mining agricultural manufacturing or other purposes. Right to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local custom laws and decisions of courts. And also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law. By these is reserved from the Lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

6/7/1897

In testimony whereof I William McKimley President of the United States of America has caused these letters to be made Patent and the Seal of the General Land Office to be hereunto affixed. Given under my hand at the City of Washington the seventh day of June in the year of our Lord one thousand eight hundred and ninety seven of the Independence of the United States the one hundred and twenty first.

(Seal) By the President: William McKimley.
By M. M. Kean Secretary.
L. W. Bruck

Record of Vol 3 A. page 242. Recorder of the General Land Office.

Recorded at the request of F. W. Niemann August 10 1897 at 30 minutes past 3 o'clock P. M. in Book "D" of Deeds page 536. Records of Lemhi County Idaho.

J. P. Blount



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.

RECEIVED

JUL 29 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-4067

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

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED

AUG 9 2005

AJ-NUMBER: CURRENT OWNER:
A75-04067 MARVIN S ENGLAND

PRIORITY DATE:
06-07-1897

STAGE:
STATUTORY CLAIM

BOX 124
NORTH FORK, ID 83466
COUNTY: LEMHI
SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

WATER USE: DIVERSION RATE: DIVERSION VOLUME:
IRRIGATION 0.140
STOCKWATER 0.020
TOTAL: 0.140

PERIOD FROM: PERIOD TO:
04/01 11/01
01/01 12/31

POINT OF DIVERSION: Twp Rge Sec Tract Lot
23N 22E 17 SW NW

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

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

PLACE OF USE LOCATION FOR STOCKWATER IS THE SAME LOCATION AS DESCRIBED FOR:

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.

AJ-NUMBER: CURRENT OWNER:
A75-04494F SHELLY GREGOIRE

PRIORITY DATE:
04-01-1908

STAGE:
STATUTORY CLAIM

305 12TH ST
SALMON, ID 83467
COUNTY: LEMHI

SOURCE: SALMON RIVER, NORTH FORK TRIBUTARY: SALMON RIVER

WATER USE: DIVERSION RATE: DIVERSION VOLUME:
IRRIGATION 1.240
TOTAL: 1.240

PERIOD FROM: PERIOD TO:
04/01 10/31

POINT OF DIVERSION: Twp Rge Sec Tract Lot
25N 21E 28 SW NW
NW SW

PLACE OF USE LEGAL DESCRIPTION FOR: IRRIGATION

				NE				NW				SW				SE																		
		NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE		
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	

SCANNED
APR 9 2005

Desert Land Act

From Wikipedia, the free encyclopedia.

The **Desert Land Act** was passed by the United States Congress on 3 March 1877 to encourage and promote the economic development of the arid and semiarid public lands of the Western United States. Through the Act, individuals may apply for a desert-land entry to reclaim, irrigate, and cultivate arid and semiarid public lands.

The act offered 640 acres (2.6 km²) of land to anyone who would pay 25 cents an acre (\$61.78/km²) and promise to irrigate the land within 3 years. Individuals taking advantage of the act were required to submit proof of their efforts to irrigate the land within three years, but as water was relatively scarce, a great number of fraudulent "proofs" of irrigation (estimated as high as 95% for early claims) were provided.

This article is based in part upon content from <http://www.blm.gov/nhp/landfacts/DesertLand.html>, a public domain resource provided by the United States federal government.

Retrieved from "http://en.wikipedia.org/wiki/Desert_Land_Act"

Categories: Law stubs

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SCANNED

AUG 09 2005

Land Act of 1820

From Wikipedia, the free encyclopedia.

The **Land Act of 1820** (enacted April 20, 1820) eliminated the purchase of public land in the United States on credit. It also reduced the minimum size of the tract from 160 to 80 acres (647,000 to 324,000 m²). Additionally, the act required a down payment of \$100.00 and reduced the price from \$1.65 to \$1.25 per acre (\$408 to \$309/km²). The land was located in the Northwest and Missouri Territories (at that time referred to as the West).

The act was instrumental in ushering in a new age of Western influence. The low price made it possible for settlers to move to the West, thus increasing the population in the West, and with it, Senate seats from the eventual states.

Retrieved from "http://en.wikipedia.org/wiki/Land_Act_of_1820"

Categories: Historic U.S. land legislation | United States-related stubs

-
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SCANNED

AUG 09 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4067

WATER RIGHT NUMBER: 75-4067

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARVIN S ENGLAND C/O SHELLY ENGLAND PO BOX 723 SALMON, ID 83467-0723 (208)756-3481

Priority Date: 06/07/1897
Basis: Statutory Claim
Status: Active

<u>Source</u>	<u>Tributary</u>
TOWER CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01	to 12/31	0.020 CFS	
IRRIGATION	4/01	to 11/01	0.140 CFS	
	<u>Total Diversion:</u>		0.140 CFS	

Location of Point(s) of Diversion

TOWER CREEK	SW1/4NW1/4	Sec. 17, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T23N R22E S18 SWNE 7.0

Total Acres: 7

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. 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.

SCANNED

AUG 09 2005



SCANNED

OCT 08 2001

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
GOVERNORKARL J. DREHER
DIRECTOR

May 6, 1999

RECEIVED

JUN 16 1999

Department of Water Resources

MARVIN S ENGLAND
C/O SHELLY ENGLAND
PO BOX 723
SALMON ID 83467-0723Re: Snake River Basin Adjudication (SRBA)
Water Rights #75-10465 & A75-04067
Change of Address*Records changed 617-99
-ns*

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

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Claimant Signature

Telephone No.

U.S. POSTAL SERVICE
PS FORM 3547

return
↓ to sender ↓ fee due 50¢

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

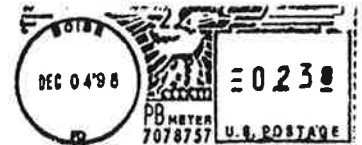


First-Class Mail
Postage & Fees Paid
USPS
Permit No. 210

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

ENGLES05 834673007 1798 05 12/03/98
ENGLAND, SHELLEY
PO BOX 723
SALMON ID 83467-0723

83466-0723





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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 19, 1995

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.

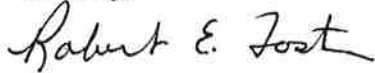
MICROFILMED

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

4-15-95
C. Foster

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 maintainance.

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 suffient 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 accompanes 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

MICROFILMED

DEC 15 1992



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

MAY 06 1992

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

Date _____
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

Date _____

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

MICROFILMED

DEC 15 1992

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:

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

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 acre
RP23N22E181201A 7.17
RP23N22E181805A 31

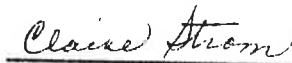
Dear Sirs:

We, the undersigned husband and wife hereby appoint Mr. Gene
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.

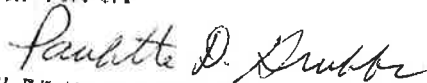
Thank you very much for your assistance.


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: _____

MICROFILMED

DEC 15 1992

OCT 08 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: A75-04067
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

MICROFILMED

DEC 15 1992

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: _____

MICROFILMED

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 _____

MICROFILMED
DEC 15 1992

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: MOB 867
Received By: RET

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

A7504067



MICROFILMED

DEC 15 1992

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 Rulon Date: + May 2-1990

Date: _____

State of Idaho)

County of Lenhi) SS.

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

of May 19 90

Seal

John Garick
Notary Public

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho

My Commission Expires December 1, 1994

AJ0749NP
No. A75-04067

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 C/O SHELLY ENGLAND PO BOX 723 SALMON ID 834670723 (208) 756-3481	06/07/1897	IRRIGATION STOCKWATER	04-01 11-01 01-01 12-31	0.140 CFS 0.020 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					0.140 CFS	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	
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:

475-04067

