

07/21/2006

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

RIGHT NUMBER: 75-4133

NAME AND ADDRESS: JOHN ALAN TYMOCHKO
3478 SALMON RIVER RD
SHOUP ID 83469

SOURCE: SHELL CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.200 CFS

PRIORITY DATE: 10/22/1924

POINT OF DIVERSION:

T23N R16E S25 NESW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
IRRIGATION	3/15 11/01	0.160 CFS

PLACE OF USE:

IRRIGATION Within LEMHI County

T23N R16E S25	NESW	0.50	T23N R16E S25	SESW	4.00
T23N R16E S25	SWSE	4.00			

DOMESTIC Within LEMHI County

T23N R16E S25 SWSE

8.5 ACRES TOTAL

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

Property is within Homestead Entry Survey No. 624.

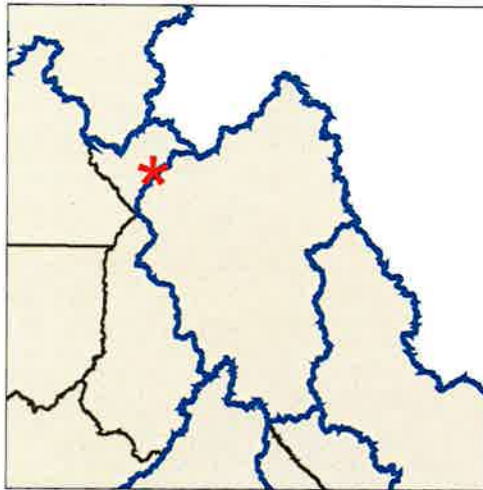
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources

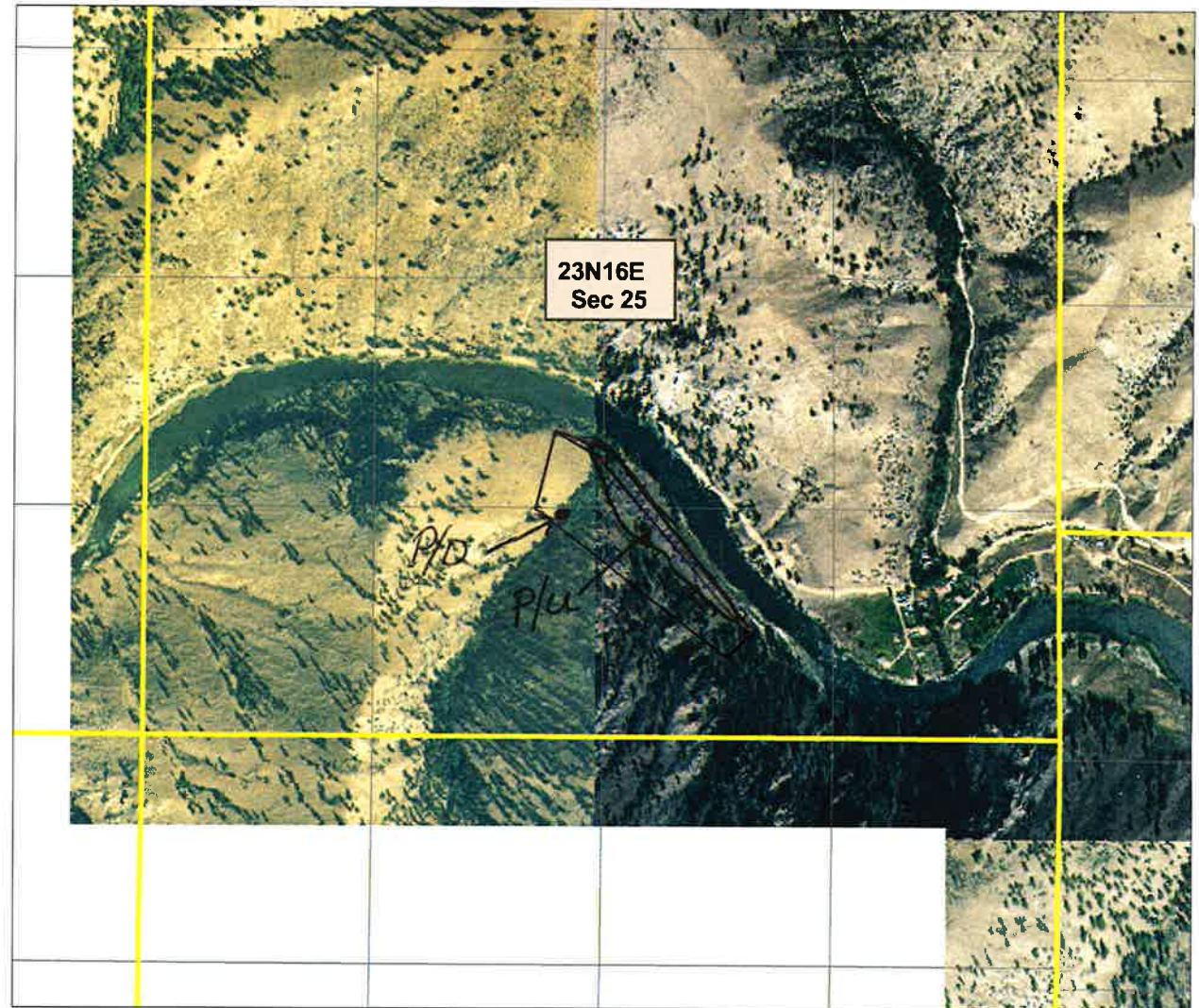


Adjudication Claim Number: **75-4133**



Legend

-  Section Lines
-  23N17E GCDB
-  23N16E GCDB



Prepared by M. Van Bussum
On Tuesday, May 10, 2005
1991 Aerial Photography

0 0.4 0.8 Miles



A75 04133



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

December 12, 2006

John Alan Tymochko
3478 Salmon Rover Rd.
Shoup, Idaho 83469

Re: Claim 75-4133
Dear Mr. Tymochko:

The Idaho Department of Water Resources has reviewed the Notice of Error Reply submitted on your behalf by Denise Wilson on 12/6/2006.

The Notice of Error Reply requested a change in the priority date from October 10, 1924 to what was stated on the original Statutory Claim, March 2, 1912. After revisiting the file, the department could not find any documentation to substantiate the priority date of 1912. The only record available is a land patent that was issued to a Walter J. Smith, by the land office in Hailey, Idaho for Lemhi County on October 22, 1924.

If you can find additional evidence that would support the 1912 priority date, you can file an objection to the court prior to October 17, 2007. If you have any questions, feel free to contact me at this office.

Sincerely,

Keith E. Franklin
Water Resources Agent

Encl/kf

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4133

JOHN ALAN TYMOCHKO
3478 SALMON RIVER RD
SHOUP ID 83469
Telephone Number: (208)394-2212

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Priority date

2. Describe the changes you wish to make in the proposed recommendation:

priority date should be March 02, 1912

3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12/6/06 SIGNATURE: Denise Wilson Agent for
Please print your name: John Allen Tymochko

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

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

CLAIM NO(s). 475 04133

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: John Tymochko
☐ No Change ADDRESS
☒ NEW ADDRESS: 3478 Salmon River Road Shoup, Id 83469

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 GPS 018 A0014910
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

A reverse of a septic system - all under ground -
The water runs thru a drain field or filter
system, into pipes, to a large concrete collection
box - then by pipe to place of use.

1
HES 624

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	<u>23N</u>	Range	<u>16E</u>	Section	<u>25</u>	<u>1/4 NW</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

c/o coming

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 7-8-05

FIELD EXAMINER:

<u>Jack F. Ellis</u>	Print Name
<u>Jack F. Ellis</u>	Signature

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

RECEIVED**SEP 26 2005**

Department of Water Resources

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

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
A7504433	AT				

RECEIVED**NOV 4 2005**

From W.A. [signature]
 Department of Water Resources

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

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

Thomas Pike
26 A Hillcrest Mill Valley, Ca 94941

4. New Owner/Claimant(s)

JOHN TYMOCHKO

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

New Mailing Address

3478 SALMON RIVER RD

City, State and ZIP Code

51400, ID 83469

New Telephone Number

208-394-2212

5. Date you acquired the property

MAY 11, 2001

SCANNED**NOV 17 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)

[Handwritten Signature]

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 _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED

NOV 07 2005

RECEIVED

SEP 26 2005

247126 Department of Water Resources

WARRANTY DEED

FOR VALUE RECEIVED, THOMAS C. PIKE, TRUSTEE OF THE THOMAS C. PIKE REVOCABLE INTER VIVOS TRUST AGREEMENT DATED MARCH 11, 1992, the Grantor, does hereby grant, bargain, sell and convey unto JOHN ALAN TYMOCHKO and MAUREEN D. TYMOCHKO, husband and wife, whose current address is 4 Bradley Lane, Hampton, NH 03862, the Grantee, the following described premises, in Lemhi County, Idaho, to-wit:

H.E. Survey No. 624, embracing a portion of approximately Section 25, Township 23 North, Range 16 East, Boise Meridian, Lemhi County, Idaho, more particularly bounded and described as follows:

Beginning at Corner No. 1 from which U.S. Location Monument No. 199 bears N. 41°21' E., 16.18 chains distant; Thence S. 46°15' W., 3.32 chains to Corner No. 2; Thence N. 50°52' W., 20.31 chains to Corner No. 3; Thence N. 17°7' E., 6.60 chains to Corner No. 4; Thence meandering the left bank of Salmon River, S. 71°30' E., 4.50 chains S. 44°30' E., 7 chains; S. 33°50' E., 12.52 chains to Corner No. 1, the PLACE OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he the owner in fee simple of said premises; that they are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: May 11, 2001.

THOMAS C. PIKE REVOCABLE INTER
VIVOS TRUST DATED MARCH 11, 1992

By Thomas C. Pike
Thomas C. Pike, Trustee

SCANNED

NOV 07 2005

STATE OF NEW HAMPSHIRE)
County of Cheshire) SS

On this 11 day of May, 2001, before me, a Notary Public in and for said State, personally appeared THOMAS C. PIKE, Trustee of the Thomas C. Pike Revocable Inter Vivos Trust Agreement dated March 11, 1992, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Dianne M. Ryll
Notary Public for New Hampshire
Residing at Bank of New Hampshire
Commission Expires: 3/18/03

State of Idaho)
County of Lemhi) SS No. 247126

This instrument was filed for record at the request
of Alliance Title

at 3:20 o'clock p.m. 16 May 2001

and duly filmed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder

By KB Deputy

Fee 6.00

Return to hand delivered

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

09/21/2005

WATER RIGHT NO. 75-4133

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THOMAS C PIKE 26 A HILLCREST MILL VALLEY, CA 94941 (415)388-9618
Original Owner	NALDO ALBIN VAZZA STAR RT SHOUP, ID 83469

Priority Date: 03/02/1912

Basis: Statutory Claim

Status: Active

10/22/24

C C PIKE'S
DOCUMENT
PATENT
DATE
DATE

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/01	0.16 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

SHELL CREEK	SESW	Sec. 25	Township 23N	Range 16E	LEMHI County
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SCANNED
NOV 07 2005

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
23N	16E	25		NESW SWSE	0.5 4		SESW	4						

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 8.5

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

SCANNED

NOV 07 2005

STATE OF IDAHO,)
COUNTY OF LEMHI.) ss.

I hereby certify that this instrument was filed for record at the request of Matt W. Stewart at 35 minutes past 4 o'clock P.M., this 4th day of June A.D. 1928, in my office, and duly recorded in Book 29 of Deeds, at pages 113-114.

Fee: 2.00

W.D. Simmonds
Ex-Officio Recorder.

----- Instrument No. 34358 -----
4-1043
Hailey 025099
THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of WALTER J. SMITH has been established and duly consummated, in conformity to law, for the H. E. Survey No. 624, embracing a portion of, approximately, Section twenty-one in Township twenty-three north of Range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning at Corner No. 1, from which U. S. Location Monument No. 199, bears North forty-one degrees twenty-one minutes east sixteen and eighteen hundredths chains distant; thence, south forty-six degrees fifteen minutes west three and thirty-two hundredths chains to Corner No. 2; thence, north fifty degrees fifty-two minutes west twenty and thirty-one hundredths chains to corner No. 3; thence, north seventeen degrees seven minutes east six and sixty hundredths chains to corner No. 4; thence, meandering the left bank of Salmon River, south seventy-one degrees thirty minutes east four and fifty hundredths chains, south forty-four degrees thirty minutes east seven chains, south thirty-three degrees fifty minutes east twelve and fifty-two hundredths chains to Corner No. 1, the place of beginning, containing thirteen acres and thirty-five hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, President of the United States of America, have 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 TWENTY-SECOND day of OCTOBER in the year of our Lord one thousand nine hundred and TWENTY-FOUR and of the Independence of the United States the one hundred and FORTY-NINTH.

By the President: Calvin Coolidge.
By Viola B. Pugh, Secretary.
M. P. LeRoy, Recorder of the General Land Office.

- S E A L -

RECORDED: Patent Number 946732

Recorded at the request of Walter J. Smith, June 11th, 1928, at 15 minutes past 1 o'clock P.M., in Book 29 of Deeds, page 114, Records of Lemhi County, Idaho.

Fee: 1.00

W.D. Simmonds
County Recorder.

SCANNED
NOV 07 2005



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

April 5, 2006

JOHN TYMOCHKO
3478 SALMON RIVER RD
SHOUP ID 83469

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-4133

Dear Claimant:

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

Enclosed is a copy of your claim for your file. Please refer to this record number 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 claim.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Technical Section

SS:state
Enclosure:

Copy of Notice of Claim to a Water Right Referenced Above

185

SCANNED
APR - 5 2006

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

RECEIVED

SEP 26 2005

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
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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
A7504133	AT				

RECEIVED

NOV 4 2005

Department of Water Resources

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

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

Thomas Pike
 26A Hillcrest Mill Valley, Ca 94941

4. New Owner/Claimant(s)

JOHN TYMUCKO

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

New Mailing Address

3478 SALMON RIVER RD

City, State and ZIP Code

SHOUP, ID 83469

New Telephone Number

218-394-2212

5. Date you acquired the property

MAY 11, 2001

O.K. to process
 R. Brown 3/28/06

SCANNED

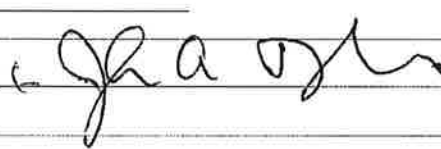
APR - 5 2006

SCANNED

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.

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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)
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Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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 _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by AD AJ Date 4-5-06 WR _____ Date _____

SCANNED

APR - 5 2006

SCANNED

RECEIVED

SEP 26 2005

247126 Department of Water Resources

WARRANTY DEED

FOR VALUE RECEIVED, THOMAS C. PIKE, TRUSTEE OF THE THOMAS C. PIKE REVOCABLE INTER VIVOS TRUST AGREEMENT DATED MARCH 11, 1992, the Grantor, does hereby grant, bargain, sell and convey unto JOHN ALAN TYMOCHKO and MAUREEN D. TYMOCHKO, husband and wife, whose current address is 4 Bradley Lane, Hampton, NH 03862, the Grantee, the following described premises, in Lemhi County, Idaho, to-wit:

H.E. Survey No. 624, embracing a portion of approximately Section 25, Township 23 North, Range 16 East, Boise Meridian, Lemhi County, Idaho, more particularly bounded and described as follows:

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TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he the owner in fee simple of said premises; that they are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

DATED: May 11, 2001.

THOMAS C. PIKE REVOCABLE INTER
VIVOS TRUST DATED MARCH 11, 1992

By Thomas C. Pike
Thomas C. Pike, Trustee

STATE OF NEW HAMPSHIRE)
) SS
County of Cheshire)

On this 11 day of May, 2001, before me, a Notary Public in and for said State, personally appeared THOMAS C. PIKE, Trustee of the Thomas C. Pike Revocable Inter Vivos Trust Agreement dated March 11, 1992, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

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



Dianne M. Ryll
Notary Public for New Hampshire
Residing at Bank of New Hampshire
Commission Expires: 3/18/03

State of Idaho) SS No. 247126
County of Lemhi)
This instrument was filed for record at the request
of Alliance Title
at 3:20 o'clock p.m. 16 May 2001
and duly filmed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder
By KB Deputy
Fee 6.00
Return to hand delivered

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report

09/21/2005

WATER RIGHT NO. 75-4133

Owner Type	Name and Address
Current Owner	THOMAS C PIKE 26 A HILLCREST MILL VALLEY, CA 94941 (415)388-9618
Original Owner	NALDO ALBIN VAZZA STAR RT SHOUP, ID 83469

Priority Date: 03/02/1912

Basis: Statutory Claim

Status: Active

10/22/24

C C PERKINS
DOCUMENT
PATENT
DATE
DATE

Source	Tributary
SHELL CREEK	SALMON RIVER

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	3/15	11/01	0.16 CFS	
DOMESTIC	1/01	12/31	0.04 CFS	
Total Diversion			0.2 CFS	

Location of Point(s) of Diversion:

SHELL CREEK	SESW	Sec. 25	Township 23N	Range 16E	LEMHI County
-------------	------	---------	--------------	-----------	--------------

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
23N	16E	25		NESW SWSE	0.5 4		SESW	4						

Place of Use Legal Description: DOMESTIC same as IRRIGATION

Total Acres: 8.5

Dates:

Licensed Date:

Claim Received Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Other Information:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

STATE OF IDAHO,)
) ss.
COUNTY OF LEMHI.)

I hereby certify that this instrument was filed for record at the request of Matt W. Stewart at 35 minutes past 4 o'clock P.M., this 4th day of June A.D. 1928, in my office, and duly recorded in Book 29 of Deeds, at pages 113-114.

Fee: 2.00

W.D. Simmonds
Ex-Officio Recorder.

----- Instrument No. 34358 -----
4-1043

Hailey 025099

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of WALTER J. SMITH has been established and duly consummated, in conformity to law, for the H. E. Survey No. 624, embracing a portion of, approximately, Section twenty-one in Township twenty-three north of Range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows:

Beginning at Corner No. 1, from which U. S. Location Monument No. 199, bears North forty-one degrees twenty-one minutes east sixteen and eighteen hundredths chains distant; thence, south forty-six degrees fifteen minutes west three and thirty-two hundredths chains to Corner No. 2; thence, north fifty degrees fifty-two minutes west twenty and thirty-one hundredths chains to corner No. 3; thence, north seventeen degrees seven minutes east six and sixty hundredths chains to corner No. 4; thence, meandering the left bank of Salmon River, south seventy-one degrees thirty minutes east four and fifty hundredths chains, south forty-four degrees thirty minutes east seven chains, south thirty-three degrees fifty minutes east twelve and fifty-two hundredths chains to Corner No. 1, the place of beginning, containing thirteen acres and thirty-five hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Calvin Coolidge, President of the United States of America, have 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 TWENTY-SECOND day of OCTOBER in the year of our Lord one thousand nine hundred and TWENTY-FOUR and of the Independence of the United States the one hundred and FORTY-NINTH.

By the President: Calvin Coolidge.

- S E A L -

By Viola B. Pugh, Secretary.

M. P. LeRoy, Recorder of the General Land Office.

RECORDED: Patent Number 946732

Recorded at the request of Walter J. Smith, June 11th, 1928, at 15 minutes past 1 o'clock P.M., in Book 29 of Deeds, page 114, Records of Lemhi County, Idaho.

Fee: 1.00

W.D. Simmonds
County Recorder.

SCANNED

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Pike

CLAIM IDENT. NO.

A75-04133

DATE RECEIVED

4/2/90

CL. #

OCT 0-2000

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒
2. Is a priority date entered? ☒
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒
3. (a) Is a source entered? ☒
(b) Is a tributary to entered? (if required) ☒ N/A
4. Is the legal description of the p.d. sufficient? ☒
5. Is there a description of the diverting works? ☒
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒
Is the period of use included? ☒
Is a quantity claimed for each use? ☒
7. Is a total quantity claimed entered? ☒
8. If required is a consumptive use entered? ☒ N/A
Is the consumptive use correct? ☒ N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ N/A
10. Is (are) the place(s) of use and purpose(s) indicated? ☒
11. Is (are) the county(ies) entered? ☒
12. Is the ownership of p.u. checked? ☒
13. Are other water rights listed or "none" indicated? ☒
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ N/A
15. Is the basis of the claim indicated? ☒
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒
18. Has the claim been signed, sealed, and dated by a notary? ☒
19. Was this claim filed on time, or was an extension granted? ☒
20. Is the fee enclosed correct? ☒ Exempt
21. If this claim is based on an existing water right, has the identification number been entered? ☒ N/A
22. Should this claim be data entered? ☒

Claim checked by:

DC

Date:

4/3/90

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

(Yes) ☒ (No)

Receipt Prepared by:

Claim data entered by:

Sent to claimant by:

Date:

Date: 4/3/90

Date:

Checked by:

Date:

Comments:

MICROFILMED

DEC 15 1992

3/29/90

To whom it may concern,

I just bought this land that I am claiming the water rights to from Naldo Vayga. Therefore, the previous claim to the water rights were in his name. I don't know if that matters, but I just wanted to clarify my situation. Thank you for your time.

Sincerely, Tom Pike

Tom Pike
26 A Hillcrest
Mill Valley, CA
94941

RECEIVED

APR - 2 1990

Department of Water Resources
- Eastern District Office

MICROFILMED

DEC 15 1992

SCANNED

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: A75-04133
Date Received: 4/02/1990
Receipt No: E012729
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: THOMAS C. PIKE 415-388-9618
Address: 26 A HILLCREST
MILL VALLEY, CA 94941

2. Date of Priority: MAR 02, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	16E	25	NE SE SW		LEMHI

5. Description of diverting works:
DAM & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	03/15	11/01	0.160		

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

8. Total consumptive use is 20.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ ONE HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	16E	25	NE SW		IRR	0.5
			SE SW		IRR	4.0
			NW SE			

A75-04133

Page 1

Date: 04/03/90

MICROFILMED
DEC 15 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	16E	25	SW SE		IRR	4.0
Section Acres						8.5
Total Acres						8.5

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: STATUTORY CLAIM

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 A75-04133Date Received 4-2-90Receipt Number E012729

RECEIVED

APR - 2 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Thomas C. Pike Phone (415) 388-9618
Mailing Address 26 A Hillcrest Mill Valley CA Zip 94941

2. Date of Priority (Only one (1) per claim) March 2, 1912

3. Source of water supply (a) Shell Creek
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 23 N Range 16 E Section 25,
SE 1/4 of SW 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Earth-fill dam and pipeline for irrigation
diversion, concrete diversion structure (2') with pipeline (600', 1 1/2") for domestic diversion.

A7504133



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DEC 15 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount ~~0.08~~ 0.04 or _____

For Irrigation purposes from 3/15 to 11/1 amount 0.16 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) ~~0.24~~ 0.20 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 11 households served

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23 N	16 E	25									1/2			3/4			4		8 1/2
														D					

Total number of acres irrigated 8

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes ☒ No ☐
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (✓)

14. Remarks:

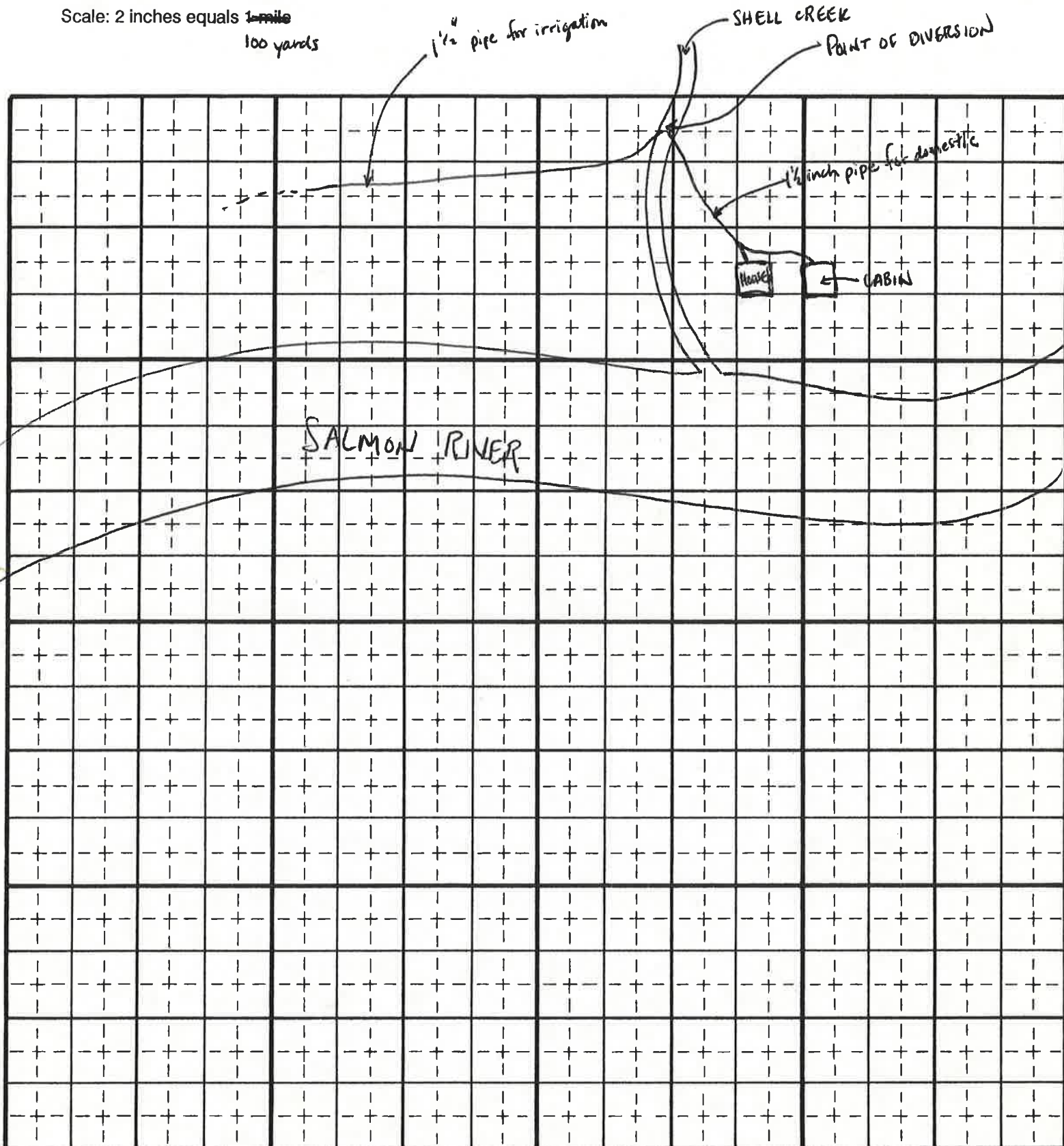
MICROFILMED
DEC 15 1992

Last Name Pike Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals ~~1 mile~~
100 yards



MICROFILMED

DEC 15 1992

Last Name

Pike

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number 75 4133
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

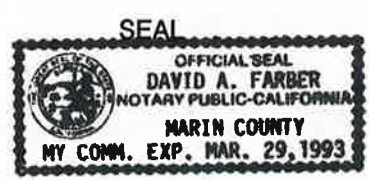
16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
Signature of Claimant (s) Thomas C. Pike Date 3/29/90
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____ Organization _____, that I have signed the foregoing
document in the space below as _____ Title _____ of _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of ~~Idaho~~ Calif)
County of Marin) SS.

Subscribed and sworn (or affirmed) before me this 29th day of March 19 90



Notary Public David A. Farber
Residing at Sausalito CA
My Commission Expires 3-29-90

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name Pike Ident. Number _____

MICROFILMED
DEC 15 1992
Copies White-State, Yellow-Claimant