

12/21/2006

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

RIGHT NUMBER: 75-4139

NAME AND ADDRESS: ROLAND K SMITH
PO BOX 145
SALMON ID 83467

SOURCE: EAST FORK TOWER CREEK

TRIBUTARY: TOWER CREEK

QUANTITY: 0.160 CFS

PRIORITY DATE: 05/10/1913

POINT OF DIVERSION:

T24N R22E S34 SESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 11/01

0.160 CFS

PLACE OF USE:

IRRIGATION in LEMHI County

T23N R22E S03

SWSE

10.00

10 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

08/16/2006

IDAHO DEPARTMENT OF WATER RESOURCES
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SALMON ID 83467

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PRIORITY DATE: 04/01/1913

POINT OF DIVERSION:

T24N R22E S34 SESE Within LEMHI County

PURPOSE AND

PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.160 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T23N R22E S03 SWSE 10.00

10 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.:

75-4139

T23N R22E Sec. 3

LEGEND

 Point(s) of Diversion

 Place(s) of Use

Lot Numbers

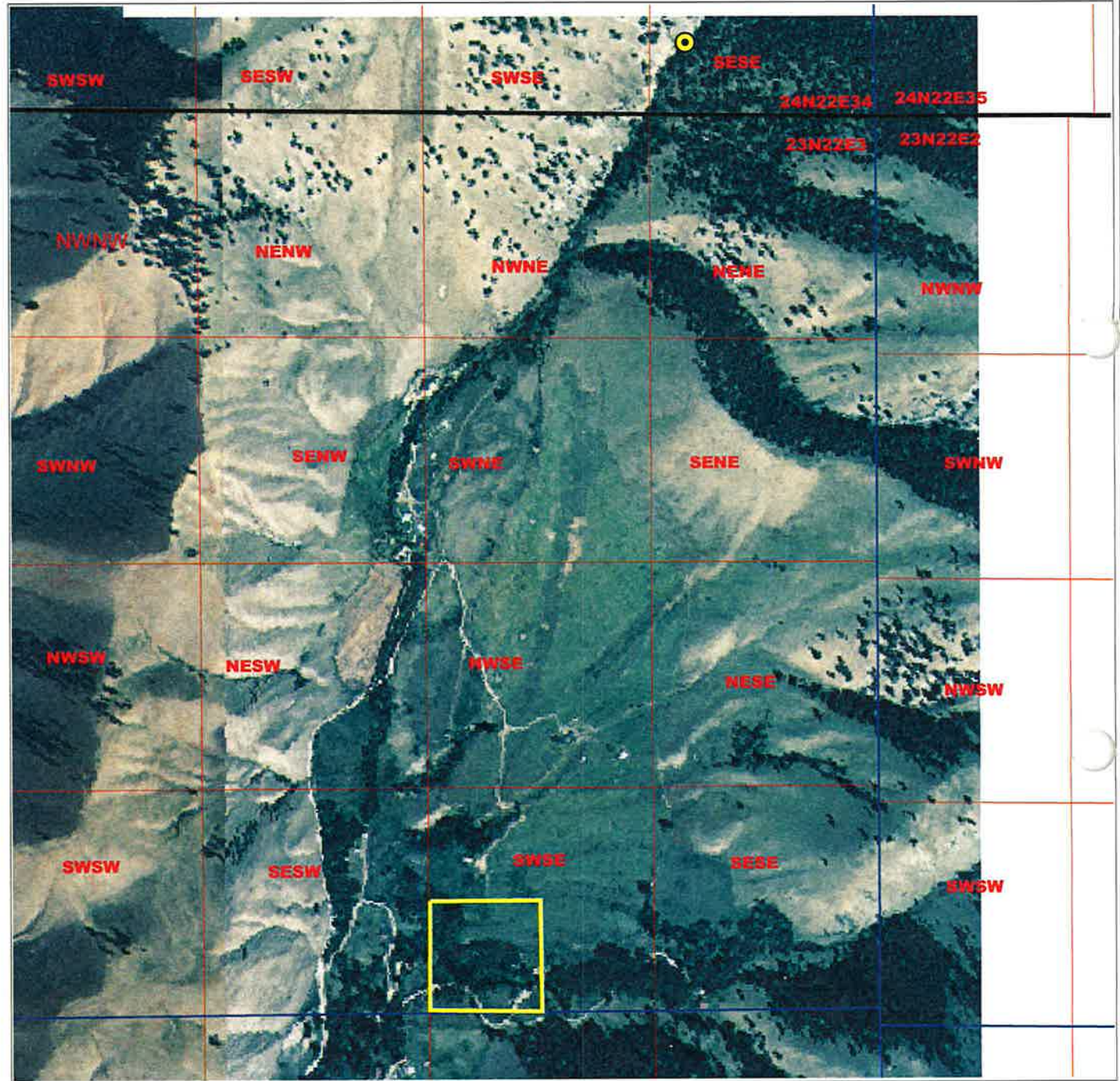
 Quarter Quarter Lines

 Section Lines

IMAGE 1993 True Color



Prepared By: Danielle Favreau
October 28, 2005



0.1 0 0.1 0.2 0.3 0.4 0.5 Miles

A horizontal scale bar with alternating black and white segments. Above the bar, numerical values are placed at regular intervals: 0.1, 0, 0.1, 0.2, 0.3, 0.4, and 0.5. The unit 'Miles' is written at the far right end of the bar.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

January 11, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

ROLAND K SMITH
8789 S 48TH AVE
YUMA AZ 85364-9603

4-9-08
Response.
SS

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-4139 and Decree 75-7151

Dear Claimant:

The Postal Service advised us your address has changed to the above address.

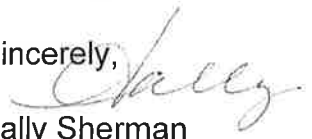
Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

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 before returning this letter, **list any other water rights you have**, and return this letter by January 31, 2008. 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. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,


Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Water Right Holder's Signature

Telephone Number

SCANNED

APR 10 2008

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

75-4139
75-7151-P.D.

ADDRESS SERVICE
REQUESTED

SMITH145 834672026 1906 16 11/26/06
FORM 3547
SMITH, ROLAND K III
8789 S 48TH AVE
YUMA AZ 85364-9603



ROLAND K SMITH
PO BOX 145
SALMON ID 83467

83720/0098



FIRST CLASS

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

U.S.P.S. Form 3547

fee due 75 ¢

U.S. POSTAL SERVICE
FORM 3547

RECEIVED
NOV 29 2006
DEPARTMENT OF
WATER RESOURCES

SCANNED

APR 10 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

ROLAND K SMITH
PO BOX 145
SALMON ID 83467

Re: Tower Creek Adjudication Recommendation

Dear Mr. Smith:

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 16, 2006

Monagail Evans
9319 SW Westhaven
Portland, OR 97225

RE: 75-4139

On April 30, 1990, Roland Smith submitted a Notice of Claim in the Snake River Adjudication. We searched the Lemhi County tax lot information and it appears that you may now own the property. If you do own the property, and the water is still being used, and you want your name in the final recommendation, then you need to file a change in water right ownership form and mail it to this office. Be sure to include a copy of the warranty deed or other document as described in item 2. B.

Sincerely,

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

Kenneth Knoblock
Water Resources Agent

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

CLAIM NO(s). 75-4139

1. ☐ No Change NAME IS SAME
☒ NEW OWNER: MONAGAIL EVANS
☐ No Change ADDRESS
☒ NEW ADDRESS: 9319 SW Westhaven Portland Or 97225
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.: A0015063 File 862705 POD1

Township 24N Range 22E Section 34 1/4 SW 1/4 SE 1/4 SE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

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

structure in creek, 8 inch pipe to mainline and gravity
sprinklers No POD in 23N 22E 3 SE NW NE

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 *See Remarks*

☐ 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

*total system runs 232 5/32 rainbirds, maximum diversion at 40 psi
is 1070 gpm = 2.37 cfs system is also POD for 75-41440
75-4144A, 75-4144B 75-4345A. max diversion on claimant property
is 15 5/32 rainbirds. @ estimated 45 psi = 73.65 gpm = .16 cfs*

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

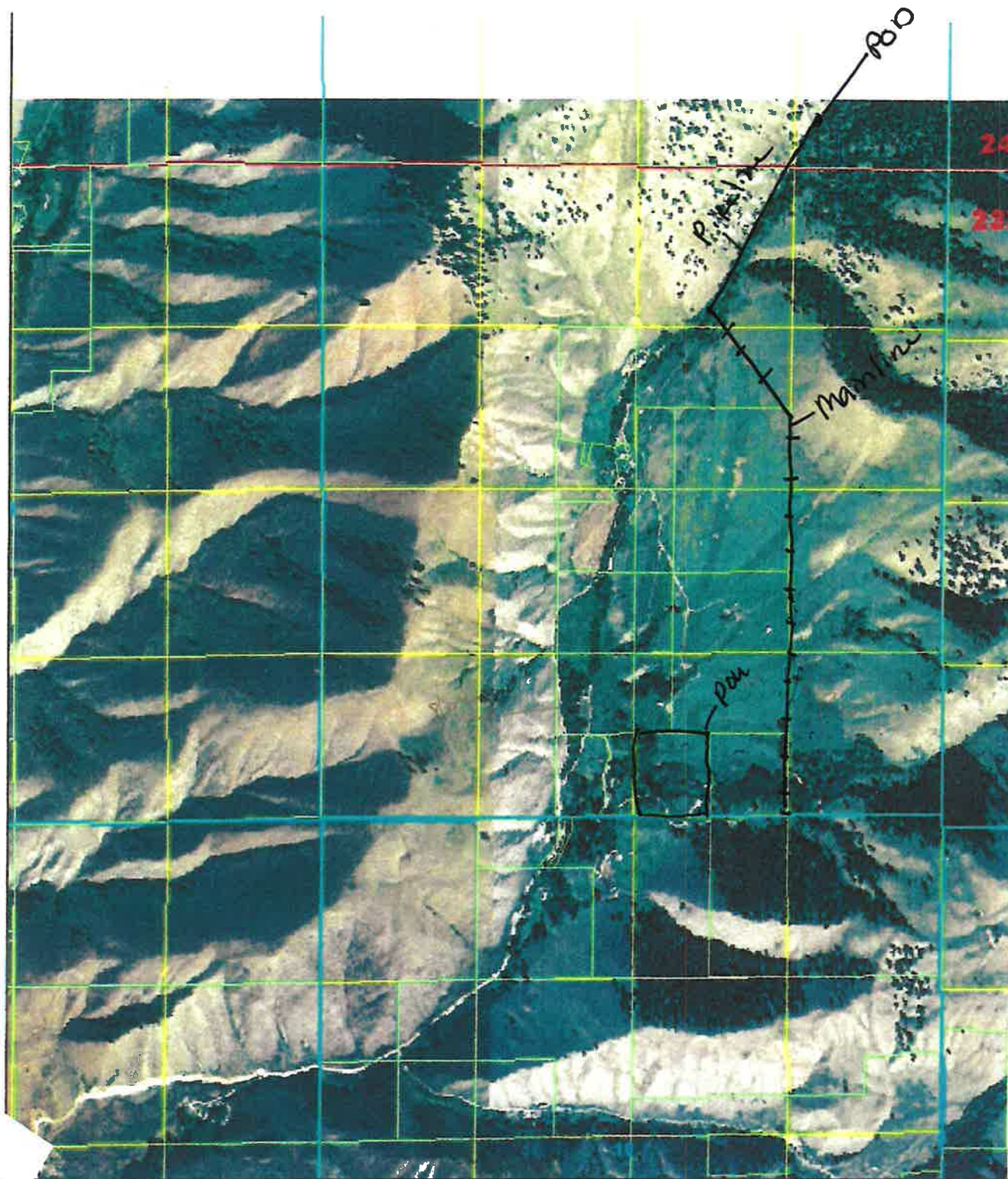
☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-27-05

FIELD EXAMINER:

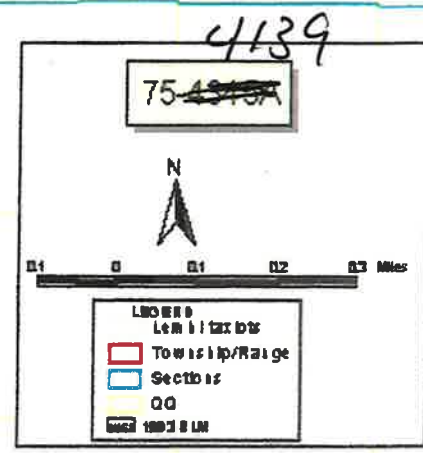
Bob Foster
Print Name

Bob Foster
Signature



24N22E

23N22E



SCANNED

OCT 10 1990

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: A75-04139
Date Received: 4/30/1990
Receipt No: 1006806
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROLAND K. SMITH
Address: P.O. BOX 145
SALMON, ID 83467
208-756-3891

2. Date of Priority: APR 01, 1913

3. Source: TOWER CREEK, EAST FORK Trib. to: TOWER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	3	SE	NW	NE		LEMHI

5. Description of diverting works:
HEADGATE AND PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 25.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
23N	22E	3	SW	SE		IRR	5.0
			SE	SE		IRR	5.0
Section Acres							10.0

A75-04139

Page 1

Date: 04/30/90

MICROFILMED

DEC 15 1992



10. Place of Use: Continued

Total Acres 10.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): Robert K. Lutz Date: 4/30/90
_____ Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of April 1990

Anna Baumhoff
Notary Public

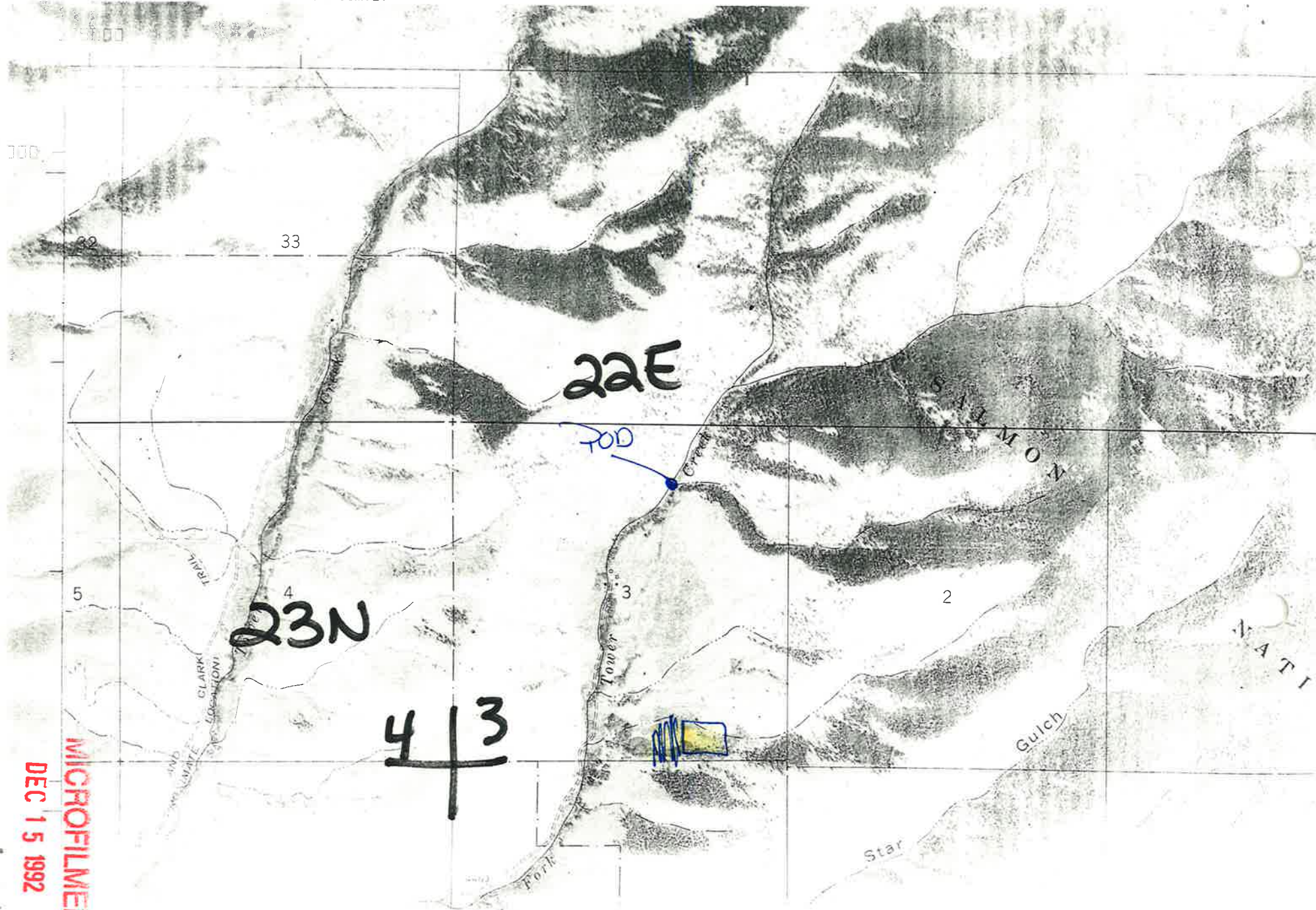
Seal

Residing at Anna Baumhoff, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

276000m.E.

°22'30"

000m. N.



MICROFILMED
DEC 15 1992