



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

TIM & VALERIE O NEILL
5844 DUPOND AVE S
MINNEAPOLIS MN 55419

Re: Tower Creek Adjudication Recommendation

Dear Mr. & Mrs. O Neil:

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

SCANNED
SEP 23 2008

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

CLAIM NO(s). 75-4192A

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.: A0015072 AL T 71205 POD

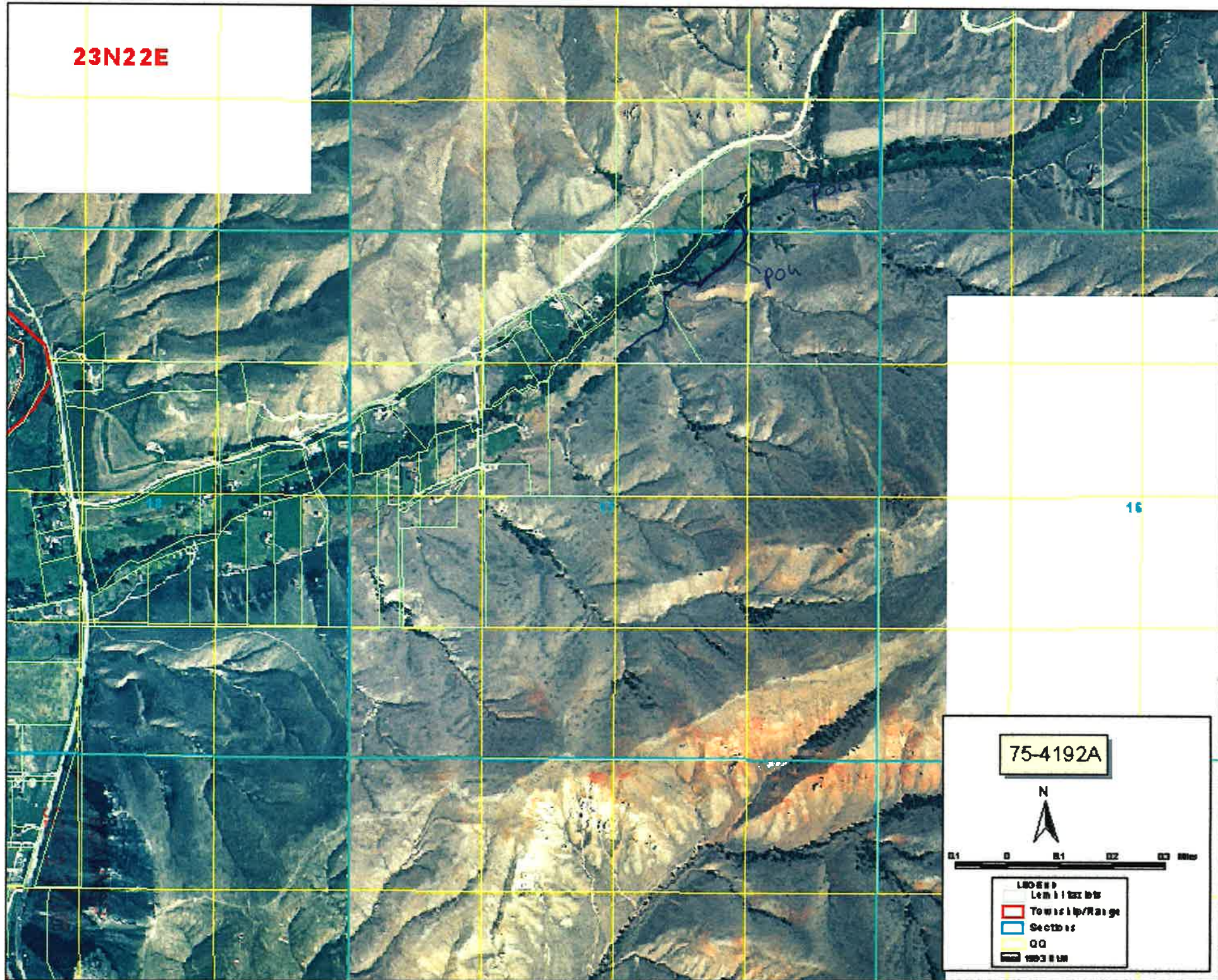
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

dam in creek ditch to place of use

23N22E



IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

75-4192A

T23N R22E Sec. 17

LEGEND



Point(s) of Diversion



Place of Use

#

Gov. Lot Numbers



Townships



Sections



Quarter Quarter

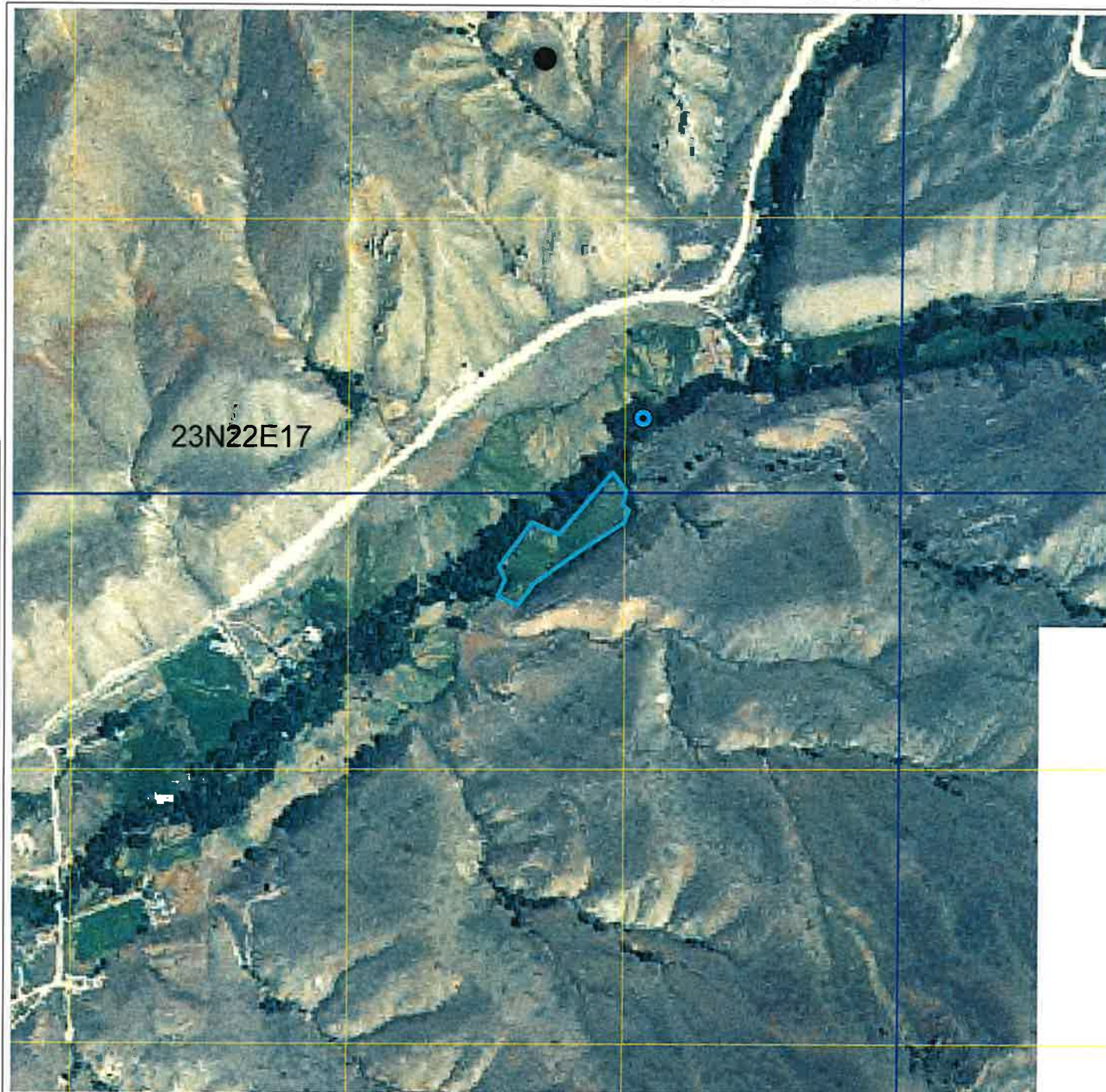


1993 True Color

SCANNED
SEP 2 2008



Prepared By: Asher Barton
November 7, 2005



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 measurement*

☐ 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

ditch was at approx. 2/3 capacity at time of exam

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *7-12-05*

FIELD EXAMINER: *Bob Foster*
Print Name

Bob Foster
Signature

GPS Site Tag No.: A0015072

POD Location:

Rate Measured: 0.38 cfs (ditch at 2/3 capacity)

Claim No.	Priority Claimed	Rate Claimed (cfs)	Priority Rec.	Rate (0.02 cfs/acre)	Ditch Length (mi.)	Conveyance Loss (cfs)	Max. Rate (cfs)	Rec. Rate (cfs)
75-4192A	7/10/1906	1.23	4/1/1912	0.062	0.057	0.0152	0.08	0.08
75-4192B	7/10/1906	0.77	4/1/1912	0.056	0.281	0.0750	0.13	0.13

Total	2		0.0902	0.21
-------	---	--	--------	------

Conveyance Loss (Worstell Method)

$S = (W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

Type of Soil	Loss Rate i (ft/day)
med. Clay loam	0.5 to 1.5
impervious clay	0.5
med. Soils	1.0
somewhat pervious	1.5 to 2.0
gravel	2.5 to 5.0

W = 2.0 ft.

i = 2.0 ft/day

S = 0.27 cfs/mi.

SCANNED
SEP 23 2008

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

Measurement done by: **B. Foster**

Date of measurement: 7/12/2005

REW value: 1.00

LEW value: 3.40

Space between

readings (ft):	0.30
----------------	------

Note to user:

Make entries in cells without shading.

SCANNED

SEP 23 2008

11/20/2006

**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: 75-4192A

TIM O NEILL
5844 DUPONT AVE S
MINNEAPOLIS MN 55419
Telephone Number: (612) 866-3927

VALERIE O NEILL
5844 DUPONT AVE S
MINNEAPOLIS MN 55419
Telephone Number: (612) 866-3927

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
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: 12-3-06

SIGNATURE:

Please print your name:

Valerie J. O'Neill

TIMOTHY M. O'NEILL

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



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 21, 2003

TIM & VALERIE O'NEILL
5844 DUPONT AVE S
MINNEAPOLIS MN 55419

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 75-4192A

Dear Mr. & Mrs. O'Neill:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

A handwritten signature in cursive script that reads "Kristen Forsgren".

Kristen Forsgren
Office Specialist 1

Enclosure

SCANNED

SEP 23 2008

OK jc
11-21-03

RECEIVED
SEP 24 2003
Department of Water Resources
Eastern Region

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

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	75-4192A				

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) Laery R. & Janet E. Gosack
111 N. Church Salmon ID 83407
4. New Owner/Claimant(s) Tim O'Neill & Valerie O'Neill
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 5844 DuPont Ave. S.
- City, State and ZIP Code Minneapolis MN. 55419-2105
612 866 3927
- New Telephone Number (612) _____
5. Date you acquired the property 07-11-02

Per Mr. Gosack - he sold all of his interest to Mr. O'Neill. O'Neill bought all of parcel 4 + Merrill bought all of parcel 5.

11-21-03 jc

SCANNED
SEP 23 2003

WARRANTY DEED

Order No.:307021236L-G

FOR VALUE RECEIVED

Larry R. Gosack and Janet E. Gosack, Husband and Wife

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

Timothy O'Neill and Valerie O'Neill, Husband and Wife

whose current address is

5844 Dupont Ave So. Minneapolis, MN 55419

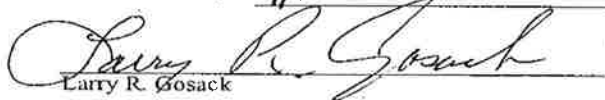
the grantee(s), the following described premises, in Lemhi County, Idaho, TO WIT:

Lot 4 of Amended Norton Subdivision No. 2, according to the official plat thereof, filed for record December 28, 1992 as Instrument No. 217383 in Book 6 of Plats at Page(s) 9A Official Records of Lemhi County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/11/2002


Larry R. Gosack


Janet E. Gosack

State of Idaho

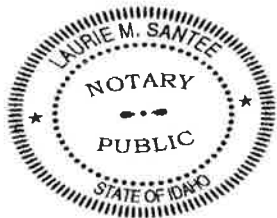
}
} ss.

County of Lemhi

On this July 11, 2002, before me, a Notary Public in and for said state, personally appeared Larry R. Gosack and Janet E. Gosack

known or identified to me to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

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




Notary Public for the State of Idaho
Residing at: Salmon
Commission Expires: 6-19-2007

State of Idaho) SS No. 251016
County of Lemhi)

This instrument was filed for record at the request
of Alliance Title
at 4:25 o'clock p.m. 11 July 2002
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder
By K. Baumer Deputy
Fee \$3.00
Return to _____

SCANNED
SEP 25 2002

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) Valerie J. O'Neil
(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.

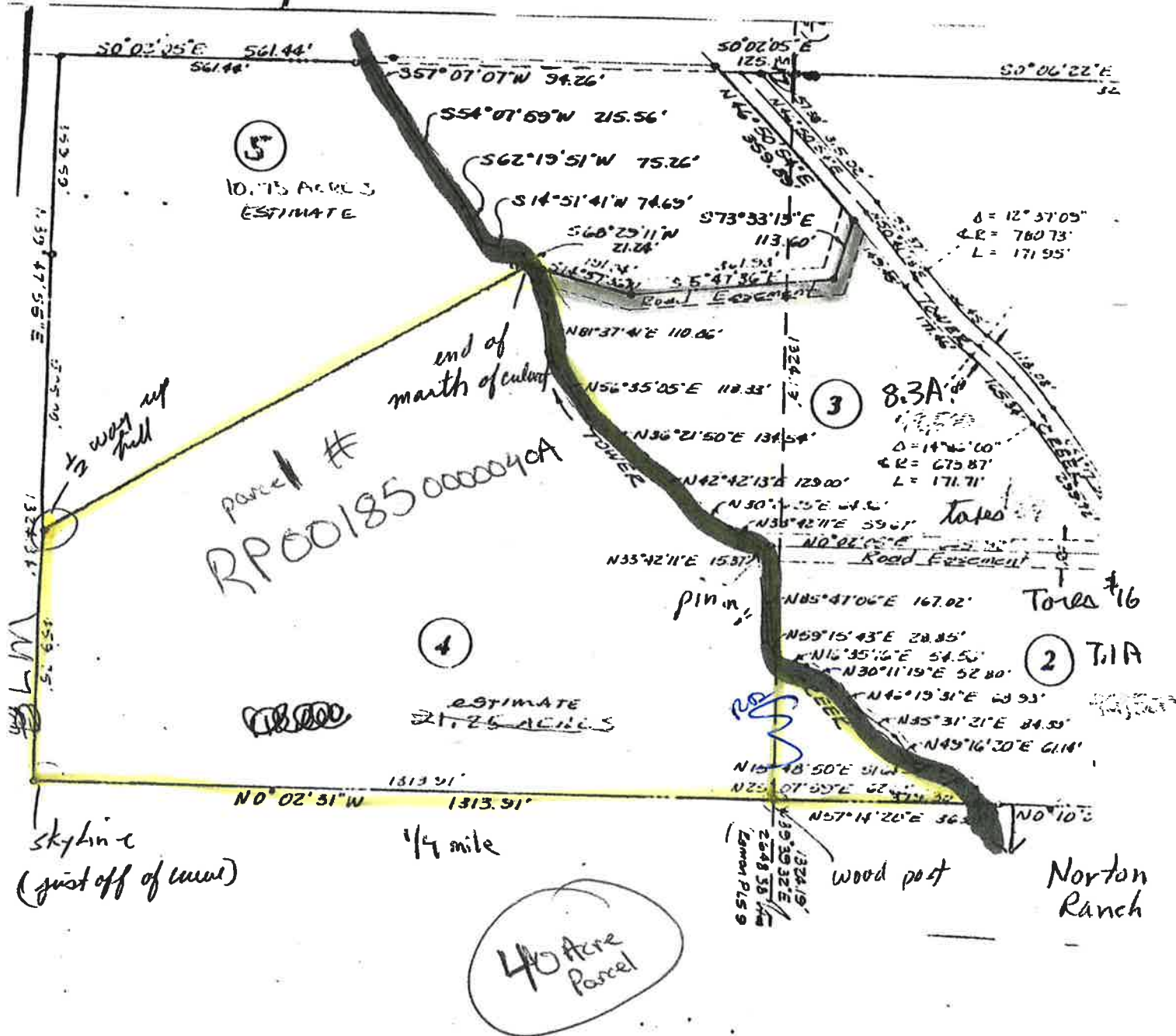
For Office Use Only

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

SCANNED

SEP 23 2008

~~PROPOSED~~ CHANGE



Upper
silver posts
orange caps
Can see stand

3/4 mile around

middle Creek

SCANNED
SEP 23 2008

Halley 0730

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, on May 11, 1911 Patent No. 197664 issued to William J. Rose, Assignee of Frederick Meyers, for the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section eighteen and the southwest quarter of the northwest quarter of Section seventeen in Township twenty-three north of Range twenty-two east of the Boise Meridian, Idaho, containing one hundred twenty acres, reserving to the United States all coal in said lands, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of said subject to the limitations of the Act of March 3, 1909; and

WHEREAS, the land so conveyed have been subsequently classified as noncoal in character; NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in accordance with the Act of Congress approved April 14, 1914 (Public No. 83) authorizing, under, such conditions, the issuance of new or supplemental patent without such reservation, does hereby remise, release, and forever quitclaim unto the said William J. Rose and to his heirs and assigns, all right, title, interest, and estate to and in the above-described lands which may be vested in and possessed by it by virtue of the reservation hereinbefore mentioned and recited.

IN TESTIMONY WHEREOF, I, Woodrow Wilson, 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-fifth day of May in the year of our Lord one thousand nine hundred and fifteen and of the Independence of the United States the one hundred and thirty-ninth.

(SEAL)

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary.

L.Q.C. Lamar, Recorder of the General Land Office.

Recorded: Patent Number 474755

Recorded at the request of W.J. Rose Aug., 12th, 1915, at... minutes past 9 O'clock A.M. in Book W of Deeds, page 521, records of Lemhi County, Idaho.

J. L. Kirtley, Jr., County Recorder.

BY *W.W. Simmonds* Deputy

TIM ONEILL

SCANNED

AUG 09 2005

This Indenture, Made this 31st. day of July, in the year of our Lord one thousand nine hundred and Sixteen, between William J. Rose and his wife Nannie Rose, both of Salmon, Lemhi County, Idaho, the parties of the first part, and W. L. Thompson, of Northfork, Idaho,

the part Y of the second part.

WITNESSETH, That the said part 1as of the first part, for and in consideration of \$5500.00

FIFTY FIVE HUNDRED

DOLLARS,

lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED and SOLD and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said part Y of the second part, and to his heirs and assigns forever, all those certain lots, pieces and parcels of land, situate, lying and being in Lemhi County, Idaho, to-wit:

The southeast quarter of the Northeast Quarter; the Northeast Quarter of the Southeast Quarter, of Section Eighteen; and the Southwest Quarter of the Northwest Quarter, Section Seventeen, and the Northwest Quarter of the Southwest Quarter of Section Seventeen; all in Township Twenty-three North, Range Twenty-two, East, Boise Meridian, containing 159 acres of land, more or less.

This being what is commonly known as the Rose Ranch, situated on Boyle Creek in said County and State.

Together with any and all water, water rights, ditches and conduits whatsoever, situate upon, belonging to, used in connection with, or appurtenant to said, or any part of said lands.

(Excepting and reserving from this conveyance, a certain tract of land, embracing about one acre, conveyed by said parties of the first part, to one S. E. Bowler by deed dated April 17th, 1911 and recorded in the County Recorder's office of said County in Book "U" of Deeds at page 334 thereof.)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said part 1as of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances to have and hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the part Y of the second part, and to his heirs and assigns forever. And the said part 1as of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said part Y of the second part, and his heirs and assigns, against the said part 1as of the first part and their heirs, against all and every person and persons whomsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part 1as of the first part has hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

William J. Rose (SEAL)

Nannie Rose (SEAL)

(SEAL)

STATE OF IDAHO. }
COUNTY OF LEMHI } ss.

On this 31st. day of July, in the year 1916 before me, Ariel C. Cherry, a Notary Public, for the State of Idaho, and in and for the said County, personally appeared William J. Rose and his wife Nannie Rose, personally known to me, to be the person s whose name s are 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.

SEAL.

Ariel C. Cherry

Notary Public for Idaho, Residing at
Salmon, Lemhi County, Idaho.

Recorded at request of W. L. Thompson at --- minutes past 9 o'clock

SCANNED

OCT 01 2001

MARCH 3, 1994

DAVID MORRILL
E 7505 HOWARD RD
ATHOL ID 83801

RE: CHANGE IN OWNERSHIP FOR A75-04192

Dear Mr. Morrill:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) have been split as follows:

A75-04192A, GOSACK, 1.23 CFS; 16 ACRES
A75-04192B, MORRILL, 0.77 CFS; 10 ACRES

Enclosed is a "copy" of the water right with your name shown as the current owner. Review the Notice and if there are other corrections or questions, feel free to contact this office (525-7161). **If there are no questions, please keep the Notice for your records.**

Respectfully submitted,

Gregory J. Taylor
Sr. Water Agent, Adjudications

GT:jt

Enclosure: Notice(s) of Claim

cc: Copy/Larry R Gosack



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

FEB 24 1994

RECEIVED

MAR 2 1994

RECEIVED

FEB 25 1994

WATER RESOURCES
WESTERN REGION

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 23 N Range 2 Department of Water Resources
Section 17 Nw 1/4 of NE 1/4 of 1/4 Govt. Lot Eastern District Office
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) split into A & B
Assigned by IDWR: A75-04192
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Larry R. and Janet E. Gosack
111 N Church St. Salmon, Id 83467
- ☐ New Owner/Claimant (Purchaser): David Morrill and Daisy Morrill
- ☐ New Mailing Address: E. 7505 Howard Rd
Athol, Id 83801
- ☐ New Telephone Number: (208)-683-2261
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? xx yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
0.77 C.F.S. and/or 25.0 Acre Feet per annum
for 10 acres of the total 26.
- ☐ Attach proof of ownership, describe proof attached: _____

(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) David C. Morrill Date 7/12/93
Daisy J. Morrill Date 7/18/93
- ☐ Signature of Former Owner/Claimant(s) Larry R. Gosack Date 7/20/93
Janet E. Gosack Date 7/20/93

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

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

COPY RECEIVED
MAY 27 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho
MAY 26 2009
By _____ Clerk
_____ Deputy Clerk

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA	)	Subcase No. 75-04192A
	)	
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

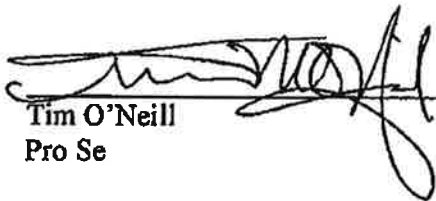
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

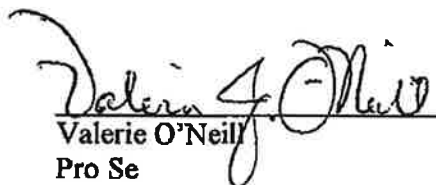
The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR
Tim O'Neill

CLAIMANT/OBJECTOR
Valerie O'Neill

 5/15/09

Tim O'Neill Date
Pro Se

 5-15-09

Valerie O'Neill Date
Pro Se

IDWR Concurrence:

Monica Van Bussum 5/20/2009

Monica Van Bussum

Date

Date

Senior Water Resource Agent

Garrick L. Baxter 5/20/09

Garrick L. Baxter

Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on 5/22, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

TIM O NEILL
TIMOTHY M & VALERIE O NEILL
5844 DUPONT AVE S
MINNEAPOLIS, MN 55419

VALERIE O NEILL
5844 DUPONT AVE S
MINNEPOLIS, MN 55419

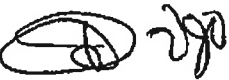


Signature of person or attorney mailing form

05/07/2009

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

RIGHT NUMBER: 75-4192A
NAME AND ADDRESS: TIM O NEILL
5844 DUPONT AVE S
MINNEAPOLIS MN 55419
VALERIE O NEILL
5844 DUPONT AVE S
MINNEAPOLIS MN 55419


MUB

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.080 CFS
PRIORITY DATE: 07/10/1911
POINT OF DIVERSION:



T23N R22E S8 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 10/31	0.080 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S08	SWSE	0.20	T23N R22E S17	NWNE	2.90
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3.1 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

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 75-4192A
Date Received: 4/18/1990
Receipt No: X999999
Received By:

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

1. Name of Claimant(s)

TIM O NEILL Phone: (612) 866-3927
5844 DUPONT AVE S
MINNEAPOLIS MN USA 55419

VALERIE O NEILL Phone: (612) 866-3927
5844 DUPONT AVE S
MINNEAPOLIS MN USA 55419

2. Date of Priority: 07/10/1906

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	Type
23N	22E	8	SE SE	LEMHI	

5. Description of diverting works:

DITCH IS 1/2 MILE LONG WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.23	

7. Total Quantity Appropriated is:
1.23 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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23N

22E 17

NW NE

IRRIGATION 16

Section Acres 16

Total Acres 16

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:

14. Remarks:

THIS RIGHT IS PAID FOR UNDER RECEIPT #M006672.

15. Basis of Claim: Statutory Claim

SCANNED

000 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: A75-04192A

Date Received: 4/18/1990

Receipt No: X777777

Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: LARRY R GOSACK
Address: 111 N CHURCH STREET
SALMON ID

208-756-4971

83467

AND/OR

Name: JANET E GOSACK
Address: 111 N CHURCH STREET
SALMON ID

208-756-4971

83467

2. Date of Priority: JUL 10, 1906

3. Source: TOWER CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	8	SE	SE	SE		LEMHI

5. Description of diverting works:
DITCH IS 1/2 MILE LONG WITH FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.230		

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

8. Total consumptive use is 40.0 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	17	NW	NE		IRR	16.0

A75-04192A

Page 1

Date: 03/03/94

SCANNED
SEP 23 2000



10. Place of Use: Continued

Section Acres 16.0

Total Acres 16.0

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:

14. Remarks:

THIS RIGHT IS PAID FOR UNDER RECEIPT #M006672.

15. Basis of Claim: STATUTORY CLAIM

23N

22E 17

NW NE

IRRIGATION 16

Section Acres 16

Total Acres 16

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:

14. Remarks:

THIS RIGHT IS PAID FOR UNDER RECEIPT #M006672.

15. Basis of Claim: Statutory Claim

SCANNED

000 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
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23N	22E	8	SE	SE	SE		LEMHI

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7. Total Quantity Appropriated is:

1.230 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

40.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
23N	22E	17	NW	NE		IRR	16.0

A75-04192A

Page 1

Date: 03/03/94

SCANNED
SEP 23 2000

A7504192A



10. Place of Use: Continued

Section Acres 16.0

Total Acres 16.0

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:

14. Remarks:

THIS RIGHT IS PAID FOR UNDER RECEIPT #M006672.

15. Basis of Claim: STATUTORY CLAIM