

10/05/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-10014

NAME AND ADDRESS: E RONALD DAY
3064 SALMON RIVER RD
SHOUP ID 83469

MERLENE DAY
3064 SALMON RIVER RD
SHOUP ID 83469

SOURCE: SKULL GULCH SPRINGS

TRIBUTARY: SALMON RIVER

QUANTITY: 0.030 CFS

Right Numbers 75-4316, 75-4371B and 75-10014 are limited to a total combined diversion rate of 0.03 cfs and irrigation of 0.9 acres.

PRIORITY DATE: 06/06/1969

POINT OF DIVERSION:

T23N R17E S16 SESE Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.030 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T23N R17E S16

SESE

0.60

T23N R17E S21

NENE

0.30

0.9 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



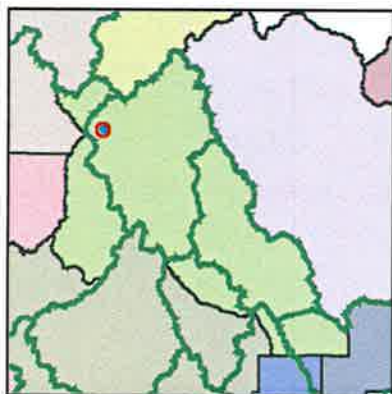
Idaho Department of Water Resources

SRBA Claim:

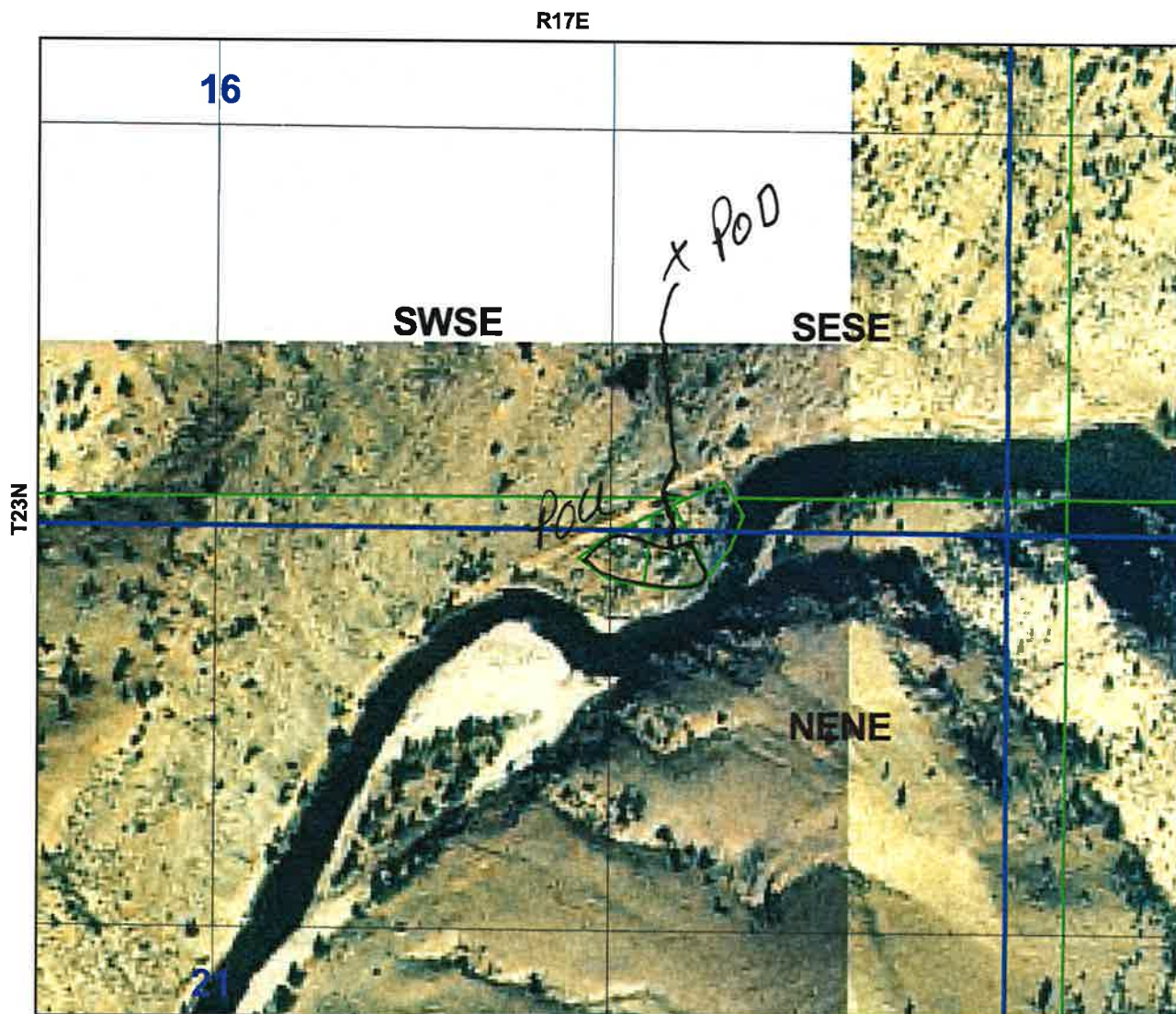
75-10014

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles



Prepared by R. Brown
On Friday, May 19, 2006
1987/88 Aerial Photography

RECEIVED

DEC 12 2006

11/20/2006

NOTICE OF ERROR
REPLY

DEPARTMENT OF
WATER RESOURCES

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: 75-10014

E RONALD DAY
3064 SALMON RIVER RD
SHOUP ID 83469
Telephone Number: (210)383-5604

MERLENE DAY
3064 SALMON RIVER RD
SHOUP ID 83469
Telephone Number: (210)383-5604

SCANNED

DEC 21 2006

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: 12-5-06 SIGNATURE: *E. Ronald Day*
Please print your name: E. Ronald Day

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

RECEIVED

DEC 17 2005

11/20/2006

NOTICE OF ERROR
REPLY

DEPARTMENT OF
WATER RESOURCES

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Telephone Number: (210)383-5604

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: 12-5-06 SIGNATURE: E. Ronald Day
Please print your name: E. Ronald Day

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

SCANNED

DEC 13 2006

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: A75-10014
Date Received: 8/22/1989
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: E. RONALD DAY
Address: 26851 IPAVA AVE.
LAKEVILLE, MN 55044

AND/OR

Name: MERLENE DAY
Address: 26851 IPAVA AVE.
LAKEVILLE, MN 55044

2. Date of Priority: JUN 06, 1969

3. Source: SKULL GULCH SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	17E	16	NE	SW	SE		LEMHI
			SW	SE	SE		LEMHI

5. Description of diverting works:
DAM IN SKULL GULCH WITH 1" PLASTIC PIPE TO HOUSE.

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		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ IN HOUSE USE AND LAWN AND FRUIT TREES.

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	17E	21	NE NE		DOMEST	

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:
A7504371B

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):

Date: 5-26-04

Date: 5-26-04

State of Idaho)

) SS.

County of Lemhi)

Subscribed and sworn (or affirmed) before me this 26th day

of May 19 2004

Jackie L. Reynolds
Notary Public

Residing at Salmon, Idaho

My Commission Expires 8-27-2009



A75-1004

Page

2

Date: 08/22/89

Salmon River

75-04371 (used records)
.02 4-1-1920

D # 75-04371 A (Decreed)
(Decreed) .02 4-1-1920

75-04371 B (Not signed) ^{Not signed} .04 4-1-1920
Signed not Decreed

Joint - Salmon River

754365 (used records)
.11 5-2-67

8-2-05

Re: Approx 1 acre part of Tract 37 currently owned by E. Ronald Day & Merlene Day. Purchased from Ted & Barbara Mastretti in 1982. Mastretti's purchased property from Colon & Violet Smith approx 1972. Smiths acquired property from US Forest Service in 1967. At that time there was a farm house and orchard existing on property occupants unknown. The fruit orchard has been irrigated continuously from the Salmon River from prior to 1967 til current. The then existing dwelling and current existing dwellings have used the Skull Gulch Springs for domestic use. The diversion is located approx 3000 feet ~~off~~ from Salmon River up Skull Gulch. I have maintained ~~a forest service~~ and paid for a Forest Service Special Use Permit to divert this spring water since 1996. There are approx 50 existing fruit bearing trees.

Ron Day
8-2-05

8/01/05

PMO100 - PARCEL MASTER INQUIRY

11:39:03

DS

PARCEL: RP 23N17E168406 A

F9=MS

F12=RC F14=HO

F17=DD F19=SP

F24=LD

LEGAL DESCRIPTION

DAY, E RONALD & MERLENE TRUST
 DAY, E RONALD, TRUSTEE
 & DAY, MERLENE, TRUSTEE

FR TRACT 37

T-2428

16 23 17

+

ProVal Area Number 2

2202 SPRING RD

CODE AREA 4-0000 OWNER CD

PARC TYPE LOC CODE 9000

EFFDATE 30I2001 EXPDATE

PREV PARCEL

PIPE CREEK TX 78063

3064 SALMON RIVER RD

X for parcel comments

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2003	889	AC	48061				
32	2003			13628				
34	2003			65000				

TOTALS

889

126689

ENTER NEXT PARCEL NUMBER RP A

FKeys: F2=TX F3=Exit F5=SS F6=NM F7=LG
 F8=CT F13=TM F18=HS F20=SrcH F22=EU

2428 23
Instrument 162747
Tract #37

- 17 Theodore R. Maestretti and Barbara R. Maestretti to E. Ronald Day and Merlene Day

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

A fraction of Tract No. 37, in approximate T. 23 N.; R. 17 E., Boise Meridian, within the Salmon National Forest; more particularly described as follows:

Beginning at AP-1 of said Tract No. 37, run thence South 29 deg. 43' 36" East 129.46 feet to AP-4 of said Tract No. 37; thence South 22 deg. 40' West 118.85 feet; thence South 38 deg. 44' West 112.3 feet; thence North 26 deg. 45' West 259.4 feet to a point on the Northerly boundary of Tract 37; thence North 65 deg. 25' 24" East 185.07 feet to the point of beginning.

EXCEPTING THEREFROM a right-of-way for ingress and egress for vehicular traffic through the existing gateway and to and from the following described real property, to-wit:

Commencing at AP-2 of said Tract No. 37, run thence North 65 deg. 25' 24" East 80.75 feet to the point of beginning; continuing thence North 65 deg. 25' 24" East 148.65 feet; thence South 26 deg. 45' East 259.4 feet to a point on the Southerly boundary of Tract No. 37; thence South 38 deg. 44' West 25.1 feet; thence South 78 deg. 24' West 131.2 feet; thence North 25 deg. 12' West 242.15 feet to the point of beginning.

2429 28 21 22
Instrument 167557

- Lee J. Rice and Dorothy L. Rice to Zach A. Johnson and Esther A. Johnson

A parcel of land located in the $W\frac{1}{2}NW\frac{1}{4}$, Section 28, Township 21 North, Range 22 East, Boise Meridian, County of Lemhi, State of Idaho, described as follows:

Commencing at the Northwest section corner of said Section 28, a distance of 46.38 feet on a bearing of North 89 deg. 50' 43" East along the North boundary of Section 28 to the Real Point of Beginning, thence the following courses and distances along an existing fence; South 49 deg. 12' 50" East, 51.69 feet; thence South 9 deg. 02' 34" East, 270.50 feet; thence South 15 deg. 19' 58" East, 306.54 feet; thence South 20 deg. 16' 23" East, 179.70 feet; thence South 31 deg. 52' 08" East, 261.61 feet; thence South 28 deg. 15' 54" East, 180.70 feet; thence South 26 deg. 40' 27" West, 544.91 feet; thence South 22 deg. 22' 13" West, 630.76 feet; thence South 0 deg. 16' 05" East, 432.20 feet to the West quarter corner of Section 28; thence North 89 deg. 32' 60" East, 1313.46 feet to the Southeast corner of the $SW\frac{1}{4}NW\frac{1}{4}$; thence North 0 deg. 16' 14" West, 2641.96 feet to the Northeast corner of the $NW\frac{1}{4}NW\frac{1}{4}$; thence South 89 deg. 50' 43" West

Cancelled
See Tax #2769

Idaho 013608

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS

Colon Spence Smith and Violet S. Smith

are entitled to a Land Patent pursuant to the General Exchange Act of March 20, 1922 (42 Stat. 465), as amended by the Act of February 28, 1925 (43 Stat. 1090), for the following described land:

Boise Meridian, Idaho

T. 23 N., R. 17 E.,
Tract No. 37

containing 2.492 acres:

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above named claimants the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimants, their successors and assigns, forever; Subject, however, to any vested and accrued rights therein; and

EXCEPTING AND RESERVING TO THE UNITED STATES:

5430

May 10, 1967

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Colon S. and Violet S. Smith
Shoup, Idaho 83469

Dear Mr. and Mrs. Smith:

Enclosed is U.S. Patent No. 11-67-0141 granting to you 2.492 acres of land selected in the land exchange serialized as Idaho 013608 and described in your offer dated August 17, 1962. The patent should be recorded in Lemhi County for protection of your title.

This completes the exchange. We hope it will prove beneficial to you as well as to the Forest Service.

Sincerely yours,

J. M. HERBERT
Assistant Regional Forester
Division of Recreation and Lands

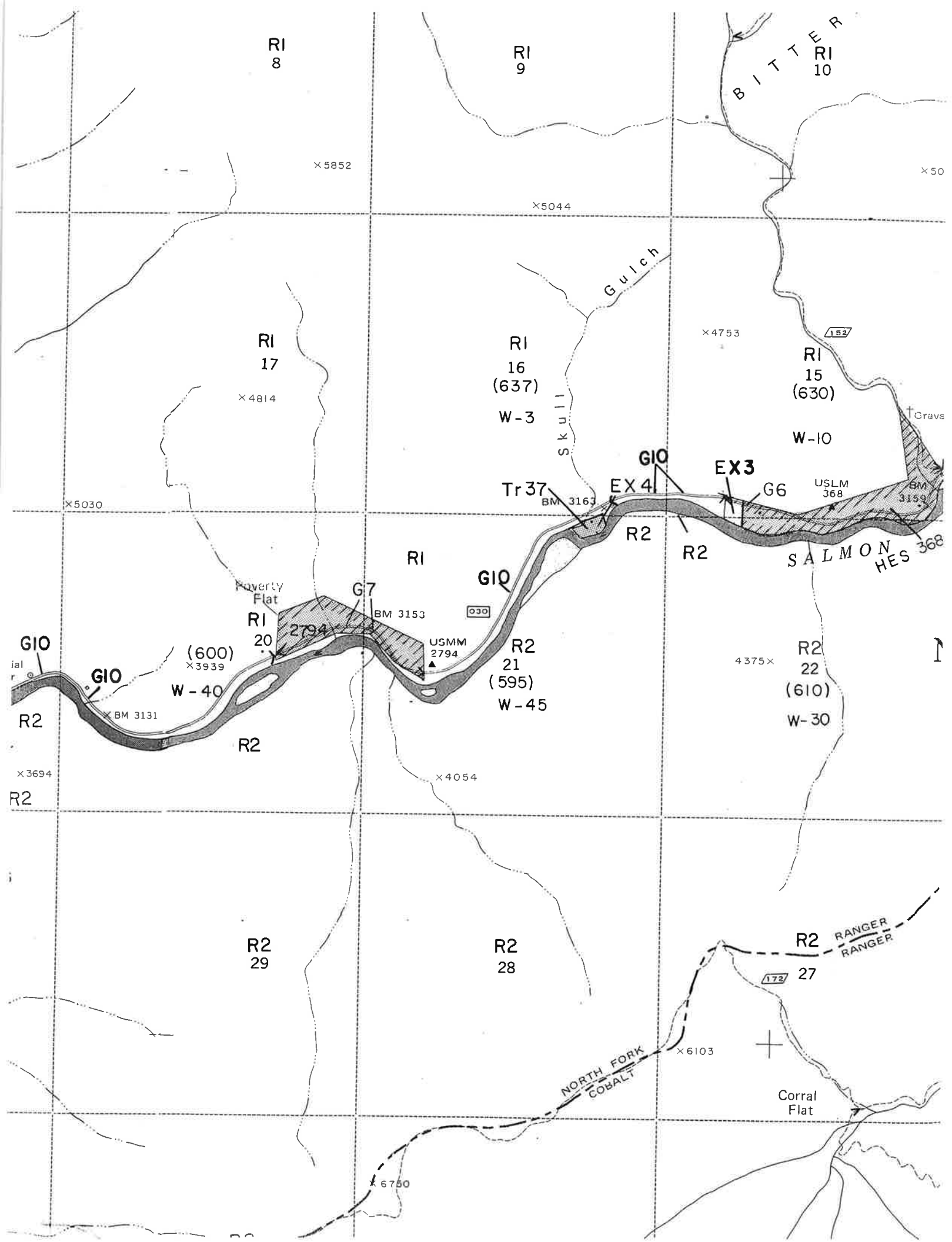
W. F. SHAW

By

Enclosure

cc? Salmon N.F.

MAY 12 '67



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

CLAIM NO(s). A75-10014 _____

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:

A 0017085 GPS 085
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:

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

The Dais also have a pump in the river
Id no. A75-04371B - A0014994 GPS 044

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Print Name

Jack F. Ellis

Signature

RECEIVED

DEC 5 2005

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

Department of Water Resources

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 75-10014
Date Received: 8/22/1989
Receipt No: C079782
Received By: M

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

de p 12-6-05

1. Name of Claimant(s)

E RONALD DAY Phone: (210)383-5604

3064 SALMON RIVER RD
SHOUP ID USA 83469

MERLENE DAY Phone: (210)383-5604

3064 SALMON RIVER RD
SHOUP ID USA 83469

2. Date of Priority: 06/06/1969

3. Source: SKULL GULCH SPRINGS Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	17E	16	SW SE SE	LEMHI	
23N	17E	16	NE SW SE	LEMHI	

5. Description of diverting works:

DAM IN SKULL GULCH WITH 1" PLASTIC PIPE TO HOUSE AND ORCHARD nl

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC IRRIGATION nl	1/01	12/31	0.04	

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

8. Total consumptive use:

SCANNED

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	17E	21	NE	NE	DOMESTIC	.88

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:

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 X 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):

[Handwritten Signature]
[Handwritten Signature]

Date: 11-29-05

Date: 11-29-05

State of ~~Idaho~~ **TEXAS**

County of BANDERA

) SS.
)

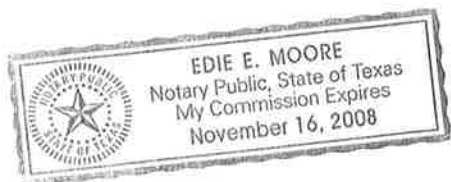
Subscribed and sworn (or affirmed) before me this

29th day

of November 20 05.

[Handwritten Signature]

Notary Public



Residing at _____

My commission Expires _____