

08/16/2006

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

RIGHT NUMBER: 75-10272
NAME AND ADDRESS: DAVID F WARREN
PO BOX 1375
SALMON ID 83467

THYRA WARREN
PO BOX 1375
SALMON ID 83467

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.060 CFS
6.000 AFY
PRIORITY DATE: 02/19/1907
POINT OF DIVERSION:

T23N R22E S17 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.060 CFS 6.00 AFY

PLACE OF USE: IRRIGATION Within LEMHI County
T23N R22E S18 NESE 2.00

2 ACRES TOTAL

Right Nos. 75-10272 and 75-7271 are limited to the irrigation of a combined total of 2.0 acres in a single irrigation season.

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 - License

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

75-10272

T23N R22E Sec. 18

LEGEND

 Point(s) of Diversion

 Place of Use

Gov. Lot Numbers

 Townships

 Sections

 Quarter Quarter

IMAGE 1993 True Color



Prepared By: Asher Barton
November 14, 2005





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

DAVID F & THYRA WARREN
PO BOX 1375
SALMON ID 83467

Re: Tower Creek Adjudication Recommendation

Dear Mr. & Mrs. Warren:

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 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

01/10/2007

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

RIGHT NUMBER: 75-10272
NAME AND ADDRESS: DAVID F WARREN
PO BOX 1375
SALMON ID 83467

THYRA WARREN
PO BOX 1375
SALMON ID 83467

SOURCE: TOWER CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.060 CFS
PRIORITY DATE: 02/19/1907
POINT OF DIVERSION:

T23N R22E S17 SWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.060 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S18 NESE 2.00

2 ACRES TOTAL

Right Nos. 75-10272 and 75-7271 are limited to the irrigation of a combined total of 2.0 acres in a single irrigation season.

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 - License

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 75-10272 V1

WATER RIGHT NUMBER: 75-10272 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID F WARREN PO BOX 1375 SALMON, ID 83467 (208)756-8036
Original Owner	SYBIL E HARDIE PO BOX 70 CARMEN, ID 83462 (208)756-3511
Original Owner	ORA R HARDIE PO BOX 70 CARMEN, ID 83462 (208)756-3511
Current Owner	THYRA WARREN PO BOX 1375 SALMON, ID 83467 (208)756-8036
Original Owner	TRACY CHARLES FRENCH 4640 DOE ST SHINGLE SPRINGS, CA 95682 (916)933-3081

Priority Date: 02/19/1907

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.060 CFS	~~6.00~~ AF
	<u>Total Diversion:</u>	0.060 CFS	

Location of Point(s) of Diversion

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

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
23N	22E	18													2.0				2.0

Total Acres: 2

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 75-10272 V1

Conditions of Approval:

1. C18 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.
2. E55 Right Nos. 75-10272 and 75-7271 are limited to the irrigation of a combined total of 2.0 acres in a single irrigation season.

Remarks:

Comments:

1. abarton 11/14/2005 POD

Comment: POD based on location of historic ditch, as shown in field exam for 75-7271. The ditch is now gone, and the claimant states he began pumping in the current location in 1998. The water user must file a transfer to official record this change.

Water Supply Bank:

[Close](#)

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

08/16/2006

WATER RIGHT NO. 75-7271

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ORA R HARDIE
Current Owner	SYBIL E HARDIE
	PO BOX 70
	CARMEN, ID 83462
	(208)756-3511
Original Owner	CHARLES C HAWKINS

Priority Date: 09/14/1981

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	11/01	0.06 CFS	6 AFA
Total Diversion			0.06 CFS	

Location of Point(s) of Diversion:

TOWER CREEK|SWNW|Sec. 17|Township 23N|Range 22E|LEMHI County

Licensed Diversion Capacity: 0.79

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
23N	22E	18		NESE	2									

Total Acres: 2

Conditions of Approval:

1. ||Place of use also known as Lot 2, Tower Creek Estates Subd.

Dates:

Licensed Date: 04/02/1990

Decreed Date:

Permit Proof Due Date: 12/1/1982

Permit Proof Made Date: 10/13/1982

Permit Approved Date: 11/4/1981

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date: 09/14/1981

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

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

CLAIM NO(s). 75-10272

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.: A0015039 File # T0610138

Township 23N Range 22E Section 18 1/4 NE 1/4 SE 1/4 NE
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☒ Incomplete description, list below:

3/4 hp pump in creek

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

claimant changed POD to pump in tower check in
1998. ditch no longer exists to POD. transfer may be
needed to reflect current POD.

☒ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

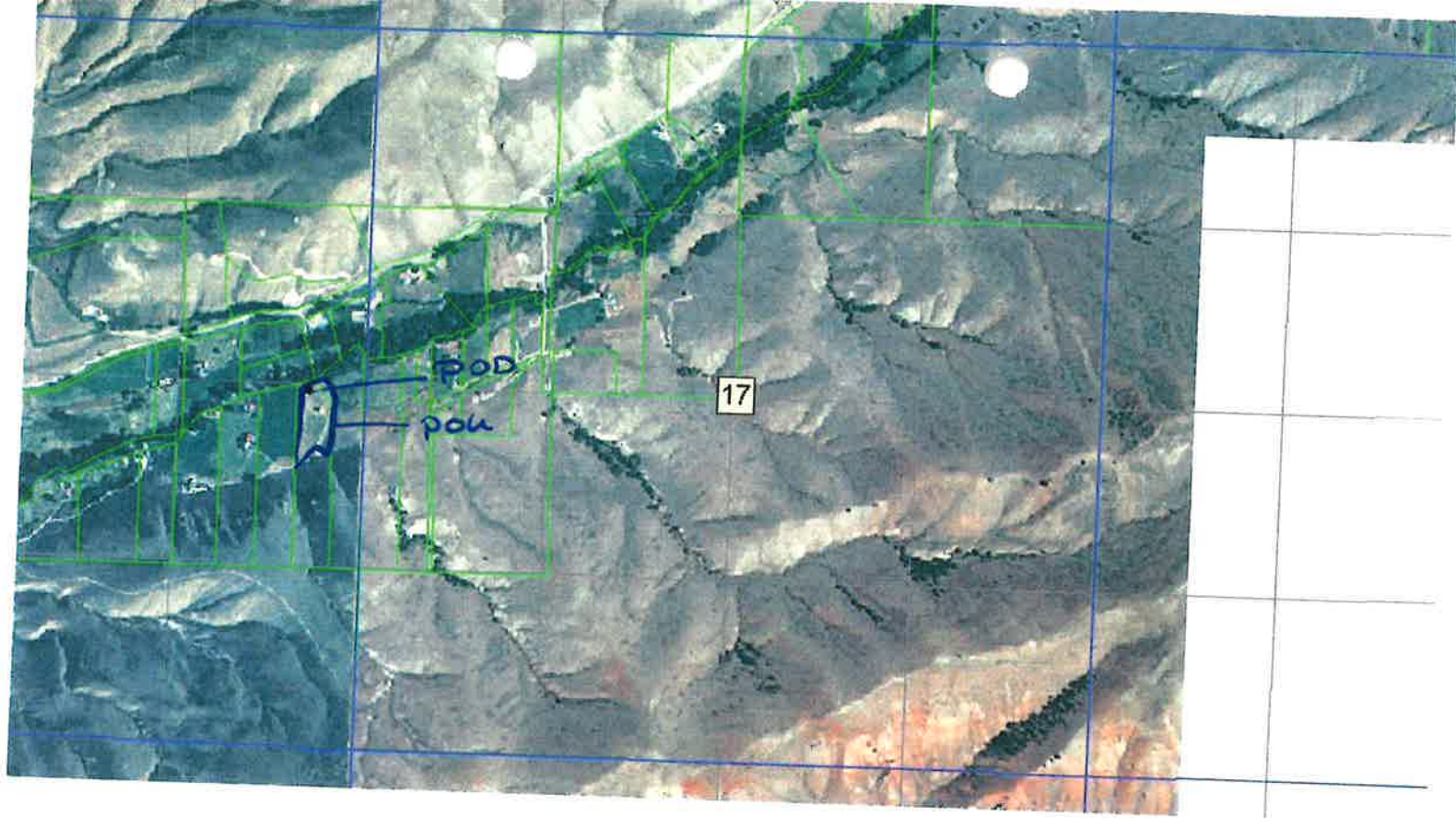
DATE EXAM CONDUCTED: 6-10-05

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature



75-10272



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

JUL 25 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-10272

DAVID F WARREN
THYRA WARREN
PO BOX 1375
SALMON ID 83467

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

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

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

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

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

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

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED

JUL 25 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-10272

WATER RIGHT NUMBER: 75-10272

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID F WARREN PO BOX 1375 SALMON, ID 83467 (208)756-8036
Original Owner	SYBIL E HARDIE PO BOX 70 CARMEN, ID 83462 (208)756-3511
Original Owner	ORA R HARDIE PO BOX 70 CARMEN, ID 83462 (208)756-3511
Current Owner	THYRA WARREN PO BOX 1375 SALMON, ID 83467 (208)756-8036
Original Owner	TRACY CHARLES FRENCH 4640 DOE ST SHINGLE SPRINGS, CA 95682 (916)933-3081

Priority Date: 03/03/1909

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.060 CFS	6.00 AF
<u>Total Diversion:</u>		0.060 CFS	

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within LEMHI County

T23N R22E S18 NESE 2.0

Total Acres: 2

Conditions of Approval:

1. THIS CLAIM IS BASED ON LICENSE # 75-07271. THE CLAIMANTS FILED THIS CLAIM BASED ON BENEFICIAL USE TO SHOW THE OLDER PRIORITY DATE.
CHANGED OWNERSHIP PER REQUEST 5/27/97/JT/SB

SCANNED

JUL 25 2005

Quitclaim Deed.

This Indenture, Made the Second day of November in the year of our Lord one thousand nine hundred and thirteen between Fredrick Meyers

of City William J. Rose County of Lemhi and State of Idaho, the party of the first part, and

County of Lemhi State of Idaho the party of the second part,

WITNESSETH, that the said party of the first part, for and in consideration of the sum of One Thousand Dollars lawful money of the United States to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, do W. REMISE, RELEASE and forever QUITCLAIM unto the said party of the second part, and to his heirs and assigns, the following described real estate, situated in the County of Lemhi and State of Idaho, to-wit:

The south east quarter of the north east quarter, the north east quarter of the south east quarter of Section Eighteen (18), and that certain forty acre tract of unincorporated land, which when surveyed will be the south west quarter of the north west quarter of Section Seventeen (17) all in Township Twenty Three North of Range Twenty Two, East, Tenth, the same land described in Recent Land Entry, No 1086, dated United States District Land Office, Hailey, Idaho, April 8th 1903, also two ditches and water right taken out of Boyle Creek, and carried to and upon the aforesaid land, and all other ditches and water rights upon, belonging to, and used in connection with said land. The above mentioned water right, being the second right to the use of the waters of said Boyle Creek. And the party of the first part does hereby relinquish, demise, set over and assign to the said party of the second part, all his right, title and interest, in and to that certain Recent Land Entry of said land, No 1086, made by said party of the first part, at the United States District Land Office, Hailey Idaho, April 8th 1903.

together with all the tenements, hereditaments and appurtenances therunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest property, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances.

unto the said party of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of
J. C. Sinclair } Fredrick Meyers (SEAL)
(SEAL)

STATE OF IDAHO, } ss.
County of Lemhi
On this Second day of November 1903, before me John C. Sinclair
a Notary Public in and for said County, personally appeared Fredrick Meyers
known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this day of November 1903, before me, the officer above described, personally appeared William J. Rose
known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

John C. Sinclair
Notary Public

STATE OF IDAHO, } ss.
County of Lemhi
I hereby certify that this instrument was filed for record at request of William J. Rose
at 11 minutes past 1 o'clock P. M., this 3rd day of November A. D. 1903, in my office, and duly recorded in Book 10 of Records at page 57.

SCANNED
JUL 25 2015

This Indenture, Made this 31st day of July, in the year of our Lord one thousand nine hundred and Sixteen, between William J. Rosa 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, ha ve 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 ha ve hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

William J. Rosa (SEAL)

Nannie Rose (SEAL)

(SEAL)

STATE OF IDAHO, } ss.
COUNTY OF LEMHI }

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. Rosa and his wife Nannie Rose, personally known to me, to be the persons whose names 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

JUL 25 2005

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. A. Simmonds* Deputy

SCANNED

JUL 25 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MAY 27, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID F WARREN
PO BOX 1375
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-10272

Dear Mr. Warren:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notice of Claim

OK
DE. LOG
S Ball
520-97
5/24/97

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

RECEIVED
MAY 19 1997
Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A75- 10272

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

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question. WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) TRACY Charles French

4640 DOE STREET Shingle Springs CA. 95682

4. New Owner/Claimant(s) DAVID F +/or THYRA WARREN

Name connector (Check one): [] AND, [] OR, [X] AND/OR

New Mailing Address PO Box 1375

City, State and ZIP Code Salmon ID 83467

New Telephone Number (208) 752 - 8030

5. Date you acquired the property March 9, 1995

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Thyra Warren Date 5/16/97

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

WARRANTY DEED

For Value Received

TRACY CHARLES FRENCH, an unmarried man,

the grantor, does hereby grant, bargain, sell and convey unto

DAVID F. AND THYRA WARREN, husband and wife, P.O. Box 1375,
Salmon, Idaho 83467

the grantees, the following described premises, in Lemhi County Idaho, to wit:

Lot Two (2) Tower Creek Estates Subdivision, according to the official
Plat thereof filed for record in Book 4 of Plats at Page No. 52,
records of Lemhi County, Idaho.

Subject to Deeds of Trust recorded under Instrument Nos. 217231
and 217232.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s,
their heirs and assigns forever. And the said Grantor does hereby covenant to
and with the said Grantees, that they the owners in fee simple of said premises; that they
are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 10, 1995

Tracy Charles French
Tracy Charles French

STATE OF IDAHO, COUNTY OF Lemhi

On this 10th day of March, 1995,
before me, a notary public in and for said State, personally appeared

Tracy Charles French, an unmarried

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that he executed the same.

David F. Warren
Notary Public
Residing at Salmon, Idaho
Comm. Expires 10-6-99

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at the request of Lemhi Title

at 47 minutes past 3 o'clock p.m.,
this 9th day of March
1995, in my office, and duly recorded in Book
of Deeds at page

Alberta Hiedrich
Ex-Officio Recorder

By Sharon Stevens
Deputy.

Fees \$ 3-
Mail to: L.T.

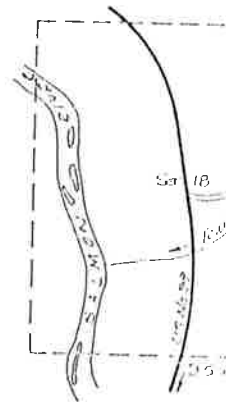
INSTRUMENT NO. 225594



STATE OF IDAHO }
COUNTY OF LEMHI } S.S.

COUNTY COMM.

Eleanor Aldous
ATTEST: CLERK



VICII

nston • couch
 eers • surveyors
 mon • idaho



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

JANUARY 22, 1993

TRACY CHARLES FRENCH
4640 DOE STREET
SHINGLE SPRINGS CA 95682

RE: CHANGE IN OWNERSHIP FOR A75-10272 AND A75-10274

Dear Ms French:

The request for Change in Ownership concerning your Notices of Claim in the above reference has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Please see next letter about "Evidence of Priority" for A75-10272.

Respectfully submitted,

Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: Copy of Notices

MICROFILMED

APR 19 1994



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED

JAN 12 1993

Department of Water Resources

DATE OF CLOSING: 12/17/92

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot 2, Block, _____, Subdivision/Townsite TOWER CREEK ESTATES SUBDIVISION
If you have additional legal descriptions, please attach separate sheet. LEMHI COUNTY, IDAHO

[] 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) JAN 19 1993

kk Water Right Number(s) A75-10272, A75-10274 and 75-07271 NOT CLAIMED
Assigned by IDWR: claimed as this water right Department of Water Resources
Eastern District Office

kk Name and Address of Former Owner/Claimant(s)(Seller): ORA R. HARDIE, P.O. BOX 70, CARMEN, IDAHO 83462

kk New Owner/Claimant (Purchaser): TRACY CHARLES FRENCH, 4640 DOE STREET, SHINGLE SPRINGS, CALIFORNIA 95682

[] New Mailing Address:

kk New Telephone Number: (916) 933-3081

kk Does the change in ownership result in a splitting of the water right owned/claimed? yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

kk Attach proof of ownership, describe proof attached: WARRANTY DEED

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

X Signature of New Owner/Claimant(s) Tracy Charles French Date 1-7-93

X Signature of Former Owner/Claimant(s): Ora R. Hardie Date 12/20/92

(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:

MICROFILMED

APR 19 1994

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

WARRANTY DEED

Copy

For Value Received

ORA R. HARDIE and SYBIL E. HARDIE, husband and wife.

the grantors, do hereby grant, bargain, sell and convey unto

TRACY CHARLES FRENCH, an unmarried man
4640 DOE STREET, SHINGLE SPRINGS, CALIFORNIA 95682

the grantee, the following described premises, in Lemhi County Idaho, to wit:

LOT TWO (2) TOWER CREEK ESTATES SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF FILED FOR RECORD IN BOOK 4 OF PLATS AT PAGE NO. 53, RECORDS OF LEMHI COUNTY, IDAHO.

SUBJECT TO RESTRICTIVE COVENANTS, RECORDED UNDER INSTRUMENT NO. 132566, RECORDS OF LEMHI COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 20, 1992

ORA R. Hardie
ORA R. HARDIE

Sybil E. Hardie
SYBIL E. HARDIE

STATE OF IDAHO, COUNTY OF LEMHI

On this _____ day of December, 19 92
before me, a notary public in and for said State, personally appeared

ORA R. AND SYBIL E. HARDIE

known to me to be the persons whose names are
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Notary Public
Idaho

Residing at Salmon
Comm. Expires 10-6-98

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of Lemhi Title Co.

at 00 minutes past 11 o'clock A.M.,
this 17th day of December
1992, in my office, and duly recorded in Book
of Deeds at page

Alberta Wiederrick
Ex-Officio Recorder

by Debra Jackson Deputy.

Fees \$ 3.00
Mail to:

INSTRUMENT NO. 217230

SCANNED

OCT 15 2 11

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: **A75-10272**
Date Received: 4/25/1990
Receipt No: M006742
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name:	DAVID F WARREN	208-756-8036
Address:	PO BOX 1375	
	SALMON ID	83467
AND/OR		
Name:	THYRA WARREN	208-756-8036
Address:	PO BOX 1375	
	SALMON ID	83467

2. Date of Priority: MAR 3, 1909

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	17	SW	NW			LEMHI

5. Description of diverting works:
DITCH & HEADGATE, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		6.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	18	NE SE		IRR	2.0
Section Acres						2.0
Total Acres						2.0

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:

THIS CLAIM IS BASED ON LICENSE # 75-07271. THE CLAIMANTS FILED
THIS CLAIM BASED ON BENEFICIAL USE TO SHOW THE OLDER PRIORITY
DATE.

CHANGED OWNERSHIP PER REQUEST 5/27/97/JT/SB

15. 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: **A75-10272**
Date Received: 4/25/1990
Receipt No: **M006742**
Received By: _____

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

1. Name: TRACY CHARLES FRENCH 916-933-3081
Address: 4640 DOE STREET
SHINGLE SPRINGS CA 95682

2. Date of Priority: MAR 3, 1909

3. Source: TOWER CREEK Trib. to: SALMOM RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	17	SW		NW		LEMHI

5. Description of diverting works:
DITCH & HEADGATE, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		6.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	18	NE	SE		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	2.0
					Total Acres	2.0

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:

THIS CLAIM IS BASED ON LICENSE # 75-07271. THE CLAIMANTS FILED THIS CLAIM BASED ON BENEFICIAL USE TO SHOW THE OLDER PRIORITY DATE.

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: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A75-10272
Date Received: 4/25/1990
Receipt No: M-6742
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ORA R. HARDIE 208-756-3511
Address: P.O. BOX 70
CARMEN, ID 83462

AND/OR

Name: SYBIL E. HARDIE 208-756-3511
Address: P.O. BOX 70
CARMEN, ID 83462

2. Date of Priority: MAR 03, 1909

3. Source: TOWER CREEK Trib. to: SALMOM RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
23N	22E	17	SW NW		LEMHI

5. Description of diverting works:
DITCH & HEADGATE, GRAVITY IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		6.00

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

A75-10272

Page 1

Date: 04/25/90

MICROFILMED
DEC 15 1992

A7510272



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	18	NE SE		IRR	2.0
Section Acres						2.0
Total Acres						2.0

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:

THIS CLAIM IS BASED ON LICENSE # 75-07271. THE CLAIMANTS FILED
THIS CLAIM BASED ON BENEFICIAL USE TO SHOW THE OLDER PRIORITY
DATE.

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): X *Clara B. Hardie* Date: *4/25/90*
Sybil E. Hardie Date: *4-25-90*

State of Idaho)
County of *Lemhi*) SS.

Subscribed and sworn (or affirmed) before me this *25* day

of *April* 19 *90*

Allen Beardsley
Notary Public

Seal

Residing at *Cataldo*

My Commission Expires *7/20/94*