

12/21/2006

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

RIGHT NUMBER: 75-14035
NAME AND ADDRESS: MICHAEL DUNPHY
PO BOX 412
SALMON ID 83467

DORENE DUNPHY
PO BOX 412
SALMON ID 83467

SOURCE: NORTH FORK TOWER CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.120 CFS
PRIORITY DATE: 12/10/1909
POINT OF DIVERSION:
T24N R22E S33 SWSE 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	0.100 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T23N R22E S04 NENW 1.60
STOCKWATER same as IRRIGATION
1.6 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

SCANNED

JAN 28 2008

11/13/2006

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

RIGHT NUMBER: 75-14035
NAME AND ADDRESS: MICHAEL DUNPHY
PO BOX 412
SALMON ID 83467

DORENE DUNPHY
PO BOX 412
SALMON ID 83467

SOURCE: NORTH FORK TOWER CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.120 CFS
PRIORITY DATE: 05/01/1908
POINT OF DIVERSION:
T24N R22E S33 SWSE 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	0.100 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T23N R22E S04 NENW 1.60
STOCKWATER same as IRRIGATION

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

JAN 28 2009

75-14035

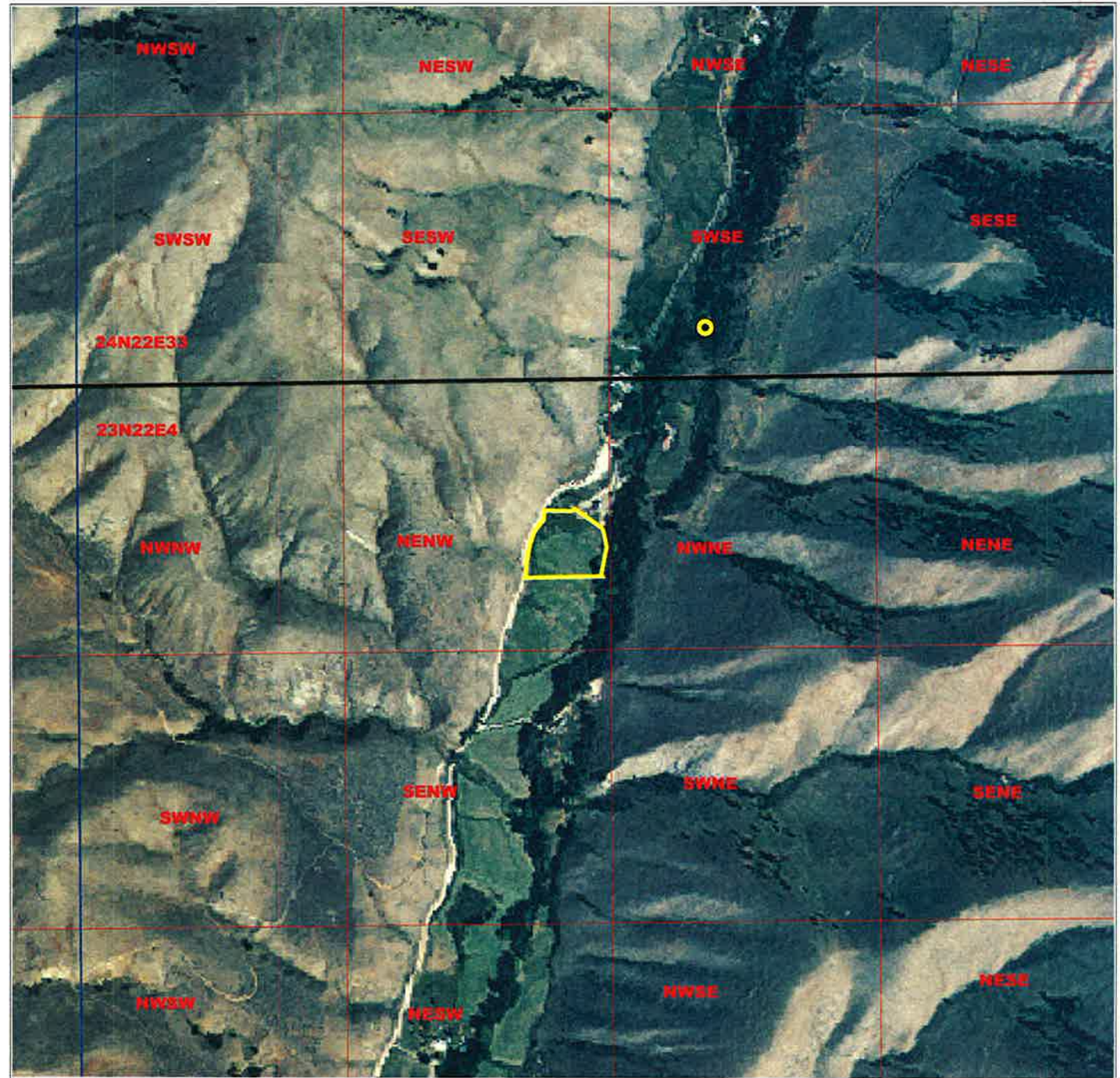
Place(s) of Use

Lot Numbers

1993 True Color



Prepared By: Danielle Favreau
October 28, 2005



0.1 0 0.1 0.2 0.3 0.4 0.5 Miles





Idaho Department of Water Resources

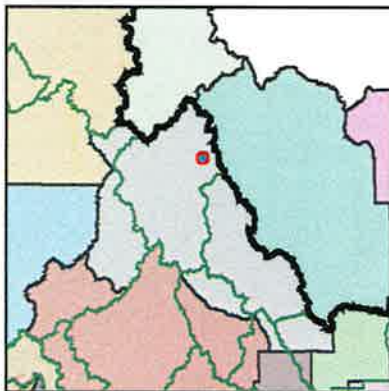
SRBA Recommendation:

75-14035

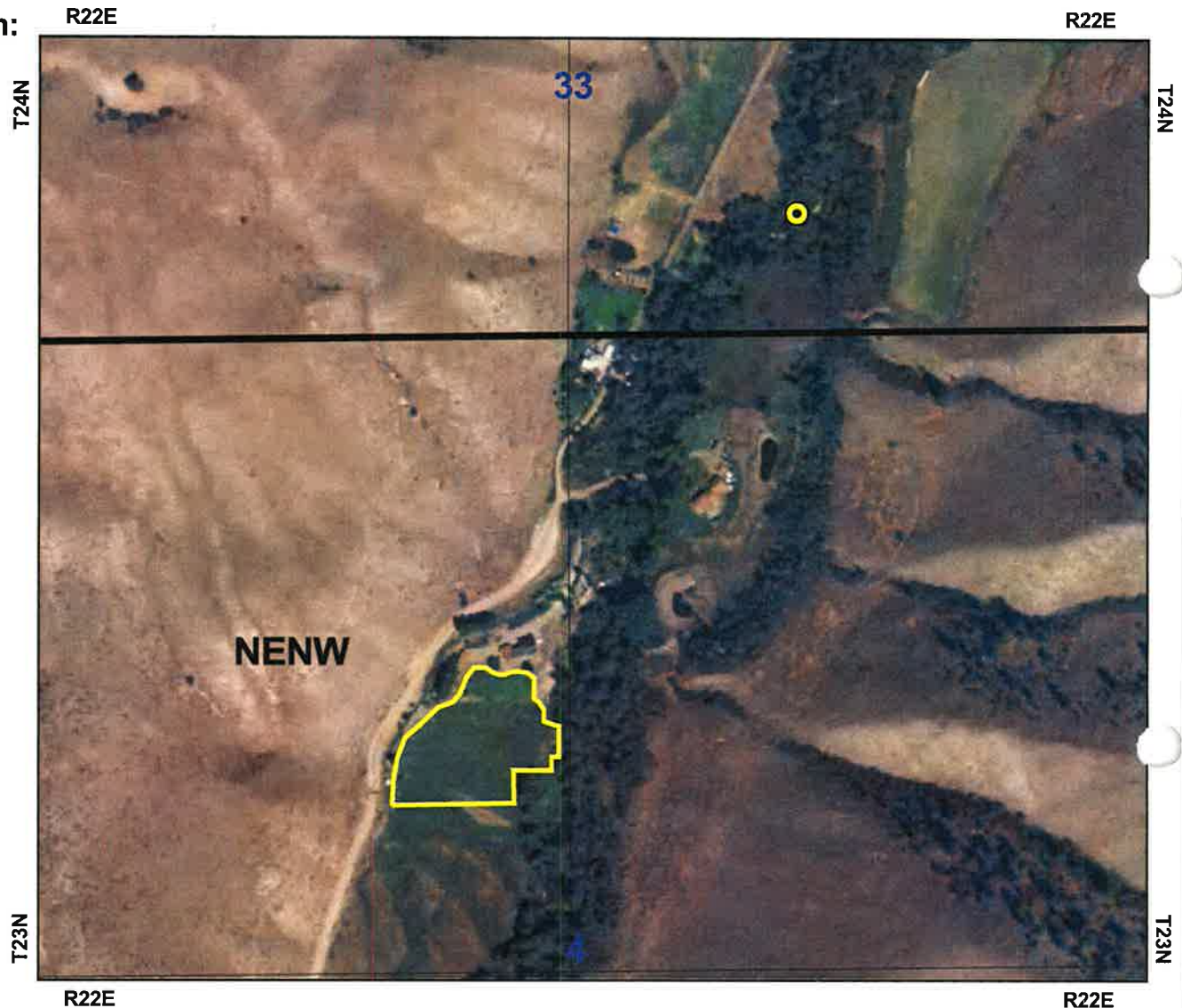
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.1 0.2 Miles

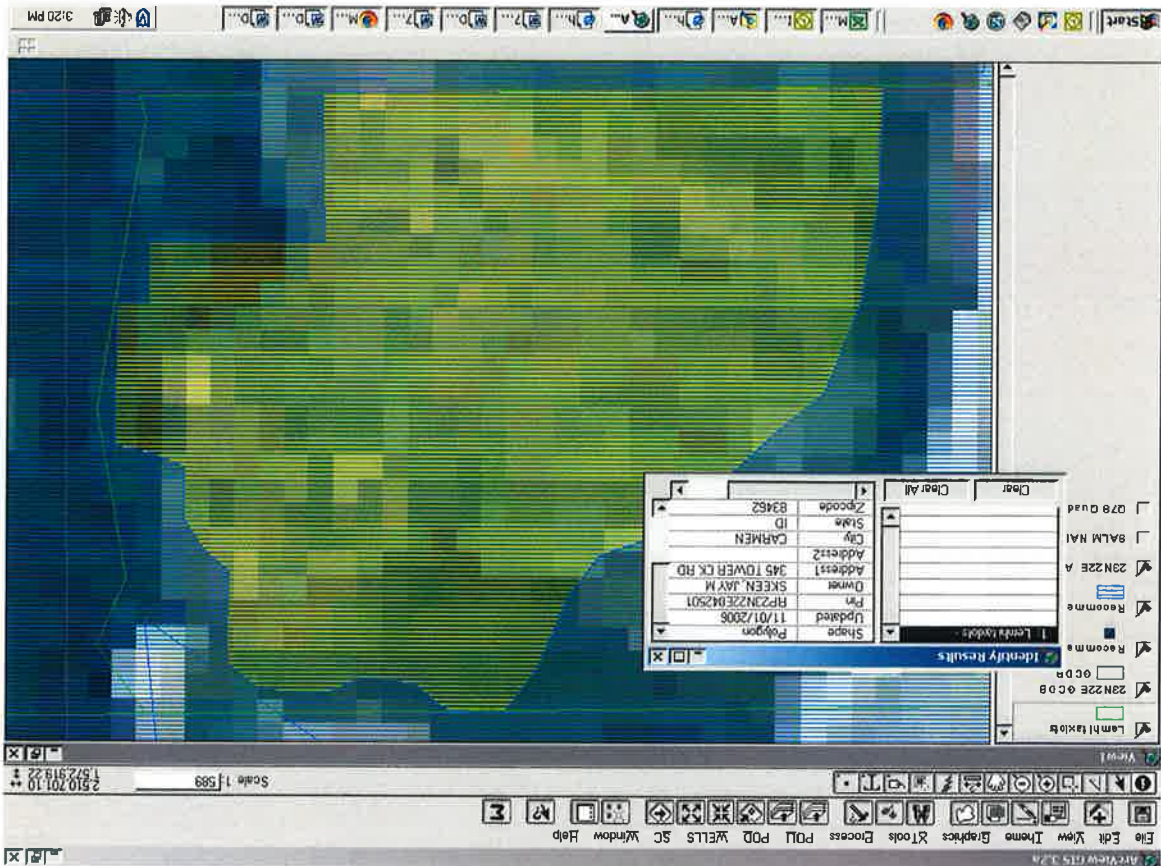


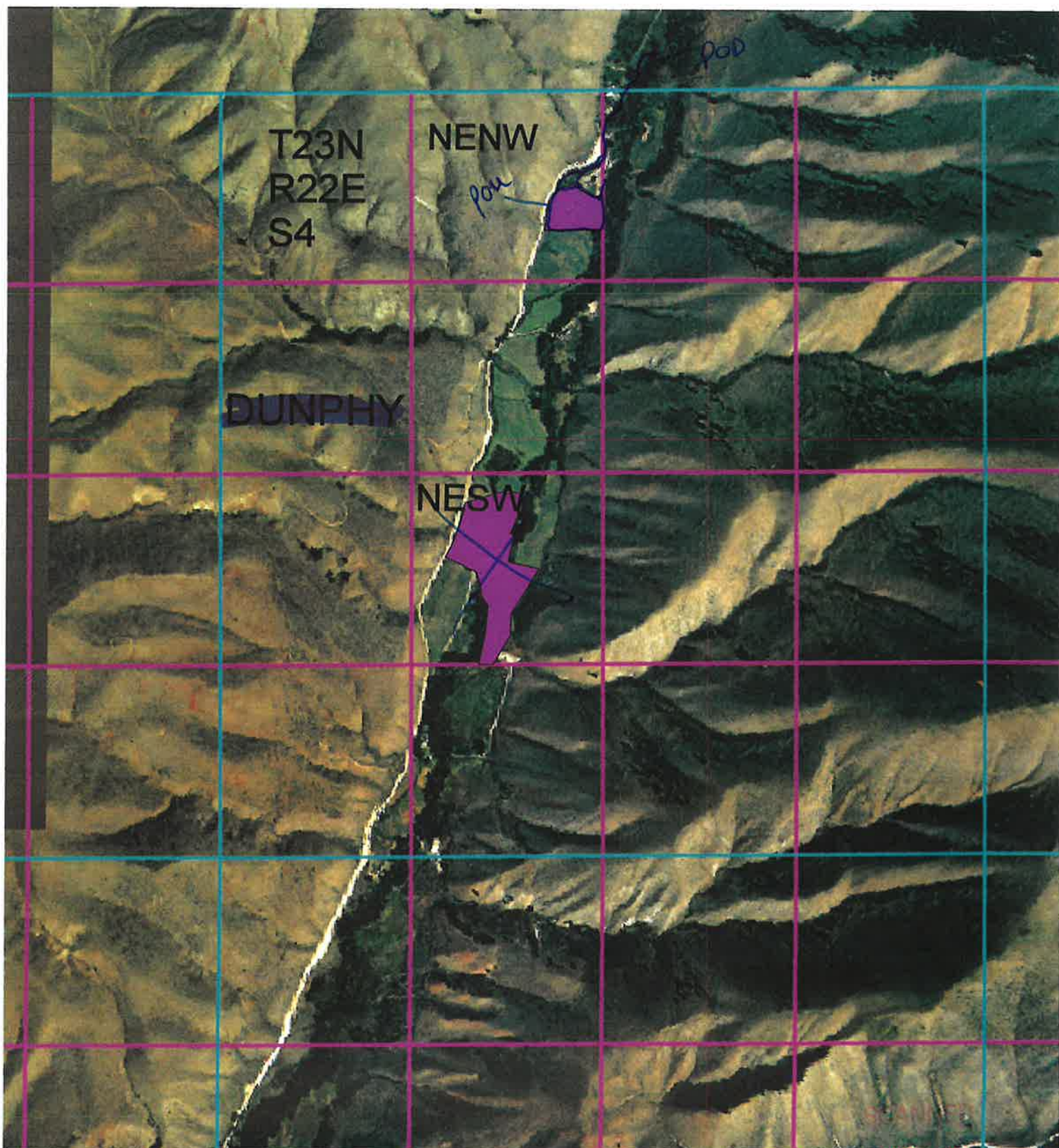
Prepared by M. Ciscell
On Monday, November 20, 2006
2004 Aerial Photography

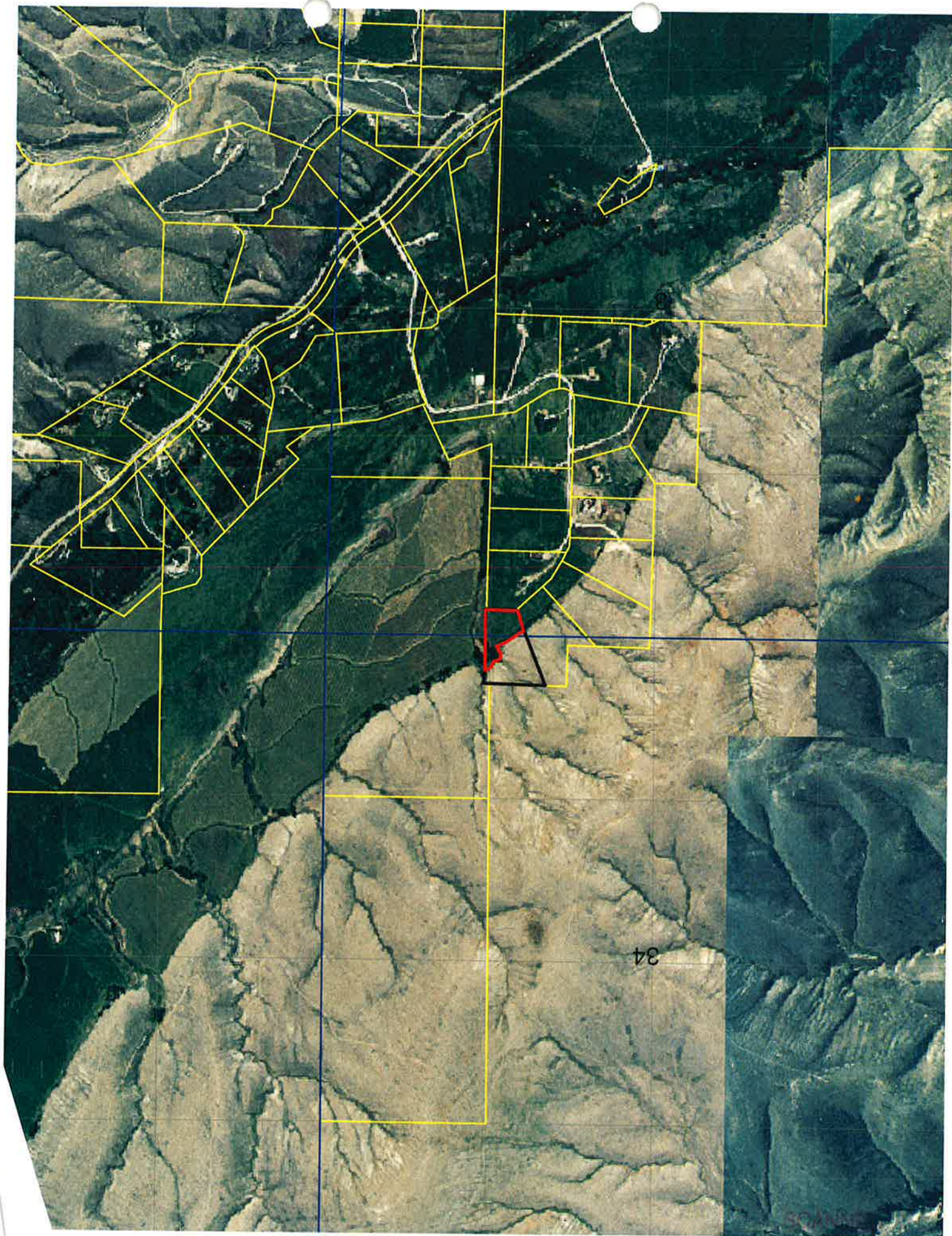
JAN 28 2009

SCANNED
JAN 28 2008

75-14035
N. Avenue
Mr. Gay Steen

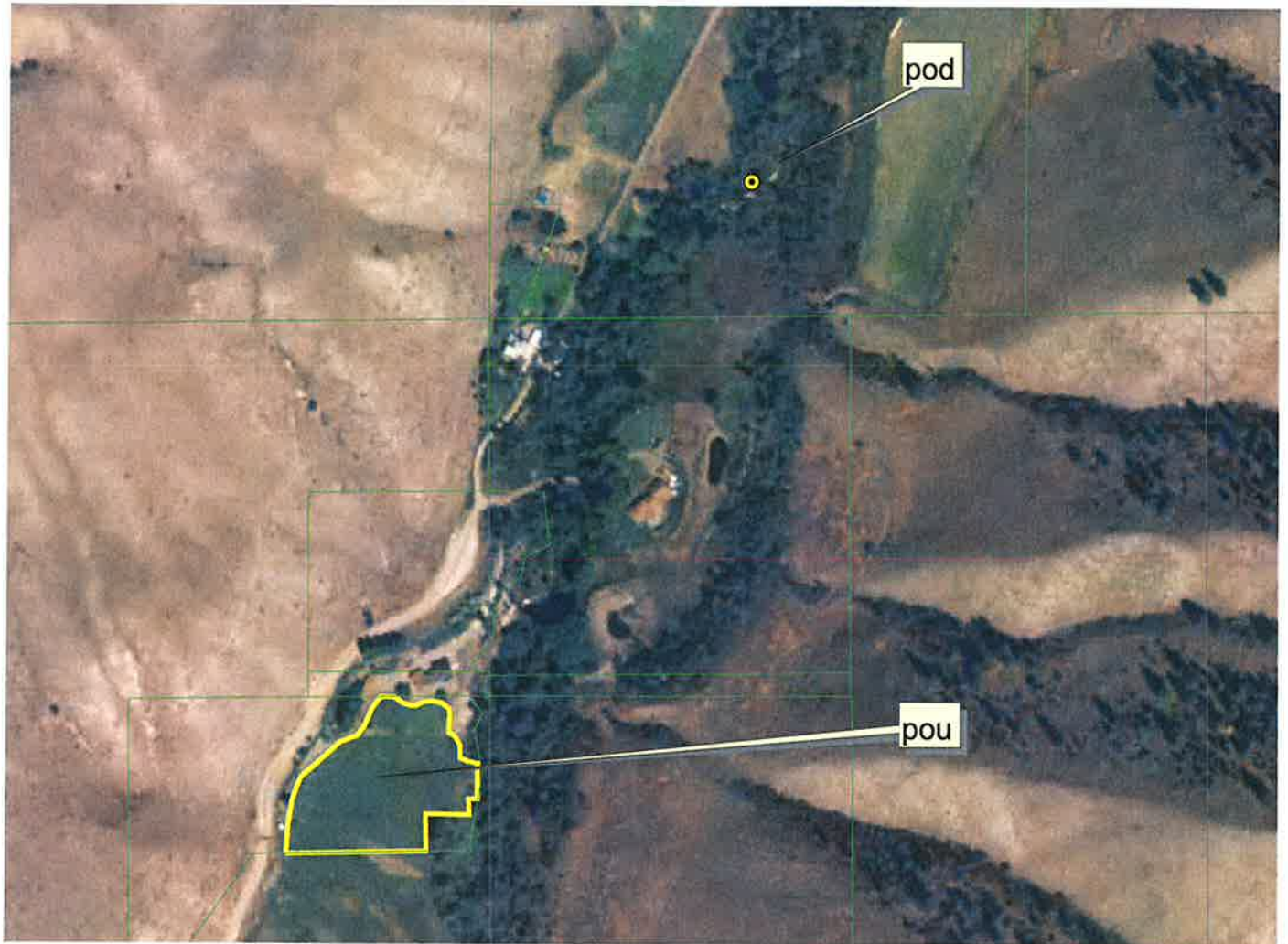






JAN 28 2008

75-14035



-  Lemhi taxlots
-  GCDB23N22E GCDB
-  Foster.shp
-  Pou.shp
-  Pod.shp
-  Administrative BasinsAdminbas.shp



SCANNED
JAN 28 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14035

WATER RIGHT NUMBER: 75-14035

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL DUNPHY PO BOX 412 SALMON, ID 83467 (208)756-4858
Current Owner	DORENE DUNPHY PO BOX 412 SALMON, ID 83467 (208)756-4858
Original Owner	SALMON MEDICAL CENTER PENSION PLAN PO BOX 1110 SALMON, ID 83467

Priority Date: 04/01/1899

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK 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 11/01	0.210 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.210 CFS	

Location of Point(s) of Diversion

NORTH FORK TOWER CREEK LEMHI County	L3 (SE1/4NE1/4NW1/4)	Sec. 4, Twp 24N, Rge 22E, B.M.
NORTH FORK TOWER CREEK LEMHI County	SW1/4SW1/4SE1/4	Sec. 33, Twp 24N, Rge 22E, B.M.
NORTH FORK TOWER CREEK LEMHI County	L2 (NW1/4NW1/4NE1/4)	Sec. 4, Twp 23N, Rge 22E, B.M.

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	4					6.0				13.0								19.0
							L 3												

Total Acres: 19

STOCKWATER same as IRRIGATIONConditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14035

1. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-04295B.

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 11/20/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

W.R. 75-14035

Return Service Requested



RECEIVED

JUN 04 2008

Department of Water Resources
Idaho Falls, Idaho

XXXX 837 DE 1 06 06/06/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

83467+0412 8007

BC: 83402170073

*2936-04799-04-42

83402@1700



SCANNED
JUL 10 2008

PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 27, 2008

MICHAEL & DORENE DUNPHY
PO BOX 412
SALMON, ID 83467

RE: Notice of Change of Water Right Ownership (NCO) for 75-14035
and Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. and Mrs. Dunphy:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of this water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Denise Kidman

Water Resource Agent

SCANNED
JUL 10 2008

PROFILED



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

May 27, 2008

JAY SKEEN
345 TOWER CREEK RD
CARMEN, ID 83462-4516

RE: Notice of Change of Water Right Ownership (NCO) for 75-14035
and Notice of Completed Administrative Proceeding (NCAP)

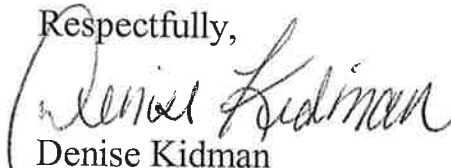
Dear Mr. Skeen:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of this water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Denise Kidman
Water Resource Agent

SCANNED

JUL 10 2008

PROFILED

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)

Water Rights: 75-14035

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

☐ Address change

☒ Substitution of Party DUNPHY - SKEEN

☐ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

☐ period of use ☐ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: June 4, 2008

Ernest Carlson
Signature of IDWR Representative

FILED

SCANNED

JUN 06 2008

CERTIFICATE OF MAILING

I certify that on June 4, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
MICHAEL & DORENE DUNPHY
PO BOX 412
SALMON, ID 83467

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
JAY SKEEN
345 TOWER CREEK RD
CARMEN, ID 83462-4516

4. One copy to:

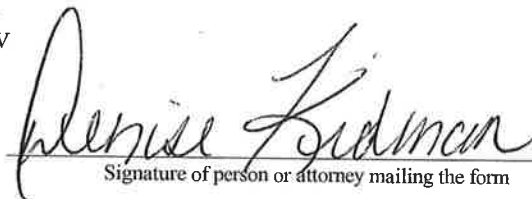
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

PROFILED

SCANNED

JUN 06 2008

05/27/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14035

NAME AND ADDRESS: JAY SKEEN
345 TOWER CREEK RD
CARMEN ID 83462-4516

SOURCE: NORTH FORK TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.120 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/10/1909

POINT OF
DIVERSION:

T24N R22E S33 SWSE 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	0.100 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S04 NENW 1.60

STOCKWATER same as IRRIGATION

1.6 ACRES TOTAL

Place of use does not include federal public lands

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

FILED

SCANNED
JUN 06 2008

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)

Water Rights: 75-14035

Case No. 39576)

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ADMINISTRATIVE
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- ☒ Substitution of Party DUNPHY - SKEEN
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

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DATED: June 4, 2008

Ernest Carlson

Signature of IDWR Representative

PROFILED

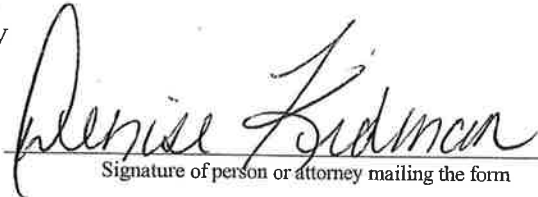
SCANNED

JUN 06 2008

CERTIFICATE OF MAILING

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1. Original to:
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Twin Falls ID 83303-2707
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PO BOX 412
SALMON, ID 83467
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
JAY SKEEN
345 TOWER CREEK RD
CARMEN, ID 83462-4516
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

PROFILED

**SCANNED
JUN 06 2008**

05/27/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14035

NAME AND ADDRESS: JAY SKEEN
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CARMEN ID 83462-4516

SOURCE: NORTH FORK TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.120 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/10/1909

POINT OF
DIVERSION:

T24N R22E S33 SWSE 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	0.100 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T23N R22E S04 NENW 1.60

STOCKWATER same as IRRIGATION

1.6 ACRES TOTAL

Place of use does not include federal public lands

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The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

FILED

SCANNED

JUN 06 2008

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
75-14035					

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) Michael & Dorise Dunphy
Po Box 412
Salmon ID 83467

4. New Owner/Claimant(s) Jay Skeen
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address 345 Tower Creek RD

City, State and ZIP Code Cavender ID 83462

New Telephone Number (208) 756-3862 Email: _____

RECEIVED

MAY 27 2008

Department of Water Resources
Eastern Region

5. Date you acquired the property

5-27-1990

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

Warranty Deed

For Value Received

MICHAEL D. DUNPHY AND DORENE KAY DUNPHY, HUSBAND AND WIFE

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

JAY MATTHEW SKEEN, A SINGLE PERSON

whose current address is

HC 10 BOX 32

CARMEN, ID 83462

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

A parcel of land located in Government Lot 12, Section 4, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Beginning at the NW Corner of said Lot 12 from which the NE Corner of Lot 12 bears N 89°52'08" E 329.06 ft., the Basis Of Bearing of this description, run thence N 89°52'08" E along the northerly boundary of Lot 12 a distance of 290.73 ft. to a point on the centerline of Tower Creek;

Thence the following courses and distances along said centerline:

S 35°05'43" E 39.62 ft.; S 25°15'21" W 33.74 ft.;

S 09°45'49" E 78.87 ft.; S 10°06'07" W 134.03 ft.;

S 17°38'44" E 10.15 ft.;

Thence S 89°32'44" W a distance of 293.85 ft. to a point on the westerly boundary of said Lot 12;

Thence N 00°16'26" E along said boundary a distance of 283.05 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 1.97 ACRES

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that they 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: MAY 19, 1997

Michael D. Dunphy Dorene Kay Dunphy
MICHAEL D. DUNPHY DORENE KAY DUNPHY

STATE OF IDAHO, COUNTY OF LEMHI
On this 27 day of MAY, 1997,
before me, a notary public in and for said State, personally appeared

MICHAEL D. DUNPHY
AND DORENE KAY DUNPHY

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

Natalie Banta

Notary Public

Commission Expires

Salmon, Idaho

State of Idaho)
County of Lemhi)

SS No. 233360

This instrument was filed for record at the request of Jay Skeen

at 2:50 clock p.m. 5-29 1997

and duly filed and indexed in the records of Lemhi

County

Alberta Wiedarrick

Deputy Recorder

Laurie J. Norton Deputy

Return to

Warranty Deed

For Value Received

JAY MATTHEW SKEEN, A SINGLE PERSON

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

MICHAEL D. DUNPHY AND DORENE KAY DUNPHY, HUSBAND AND WIFE

whose current address is

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

A parcel of land located in Government Lot 13, Section 4, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the NW Corner of Lot 12 of said section from which the NE Corner of said Lot 12 bears N 89°52'08" E 329.06 ft., the Basis Of Bearing of this description, run thence S 00°16'26" W along the easterly boundary of said Lot 13 a distance of 283.05 ft. to the POINT OF BEGINNING;

Thence continuing S 00°16'26" W along said boundary a distance of 371.87 ft. to the SE Corner of said Lot;

Thence S 89°56'16" W along the southerly boundary of said lot a distance of 327.91 ft. to the SW Corner of said lot;

Thence N 00°12'08" E along the westerly boundary of said lot a distance of 50.55 ft.;

Thence N 35°16'51" E a distance of 393.04 ft.

Thence N 89°32'44" E a distance of 102.50 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 1.97 ACRES

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee S, that he is the owner 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: MAY 19, 1997

Jay Matthew Skeen
JAY MATTHEW SKEEN

State of Idaho
County of Lemhi

SB No. **233361**

This instrument was filed for record at the request of Jay Skeen
at 3:50 o'clock pm 5-29 19 97

and duly filed and indexed in the records of Lemhi County

Alberta Wiederrick
Ex Officio Recorder

By Lerni J. M. [Signature] Deputy
Per 30

Return to

STATE OF IDAHO, COUNTY OF LEMHI

On this 27th day of MAY, 1997,
before me, a notary public in and for said State, personally appeared

JAY MATTHEW SKEEN

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

Natalie Banta

Notary Public

Residing at Salmon
Comm. Expires 5-18-98

, Idaho



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

CLAIM NO(s). 75-14035

1. ☐ No Change NAME IS SAME

☒ NEW OWNER: Jay Skeen

☒ No Change ADDRESS 345 Tower Cr. Co.

☒ NEW ADDRESS: HC10 - Box 32 Carmen ID 83462

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.: A0015054 GPS file T062116A

Township 24N Range 22E Section 33 1/4 SW 1/4 SW 1/4 SE

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

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS

☐ Incomplete description, list below:

diversion in Creek, ditch to place of use, shaves P/D
with 75-4432, 75-4295A, 75-14036 in SWSWSE 24N 22E 33

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 *See remarks*

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: <i>irrig.</i>	Township <i>23N</i>	Range <i>22E</i>	Section <i>4</i>	1/4 <i>NE</i>	1/4 <i>NW</i>
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

Jay Skeen purchased approx. 5 acres in NE1/4 S4 T22N R22E

from Dunphy. No measurement taken as no water was

being diverted at the time of visit. See 75-14036 which

covers remainder of Dunphy Property. Dunphy's no longer own property

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: *6-21-05*

FIELD EXAMINER: *Bob Foster*

Print Name

Bob Foster

Signature

79-14035

Estimating Conveyance Loss using the Worstell Method

Claim No.

Formula: $S = (w)(i)(0.0667)$ Where: S = loss in cfs per mile w = top width of the high water mark in feet i = loss rate in feet per day (see Table)

Type of soil	i (ft/day)
medium clay loam	0.5 - 1.5
impervious clay	0.5
medium soils	1.0
somewhat pervious soils	1.5 - 2.0
gravels	2.5 - 5.0

Worksheet:

 $w = 9$ assume $i = 1.0$ ft/dayditch length (mi.) = $1,340' = 0.25$ miles

Conveyance Loss:

$$S = (3)(1)(0.0667) = 0.2 \text{ cfs/mile}$$

$$\text{Loss} = 0.05 \text{ cfs/mile}$$

$$0.2 \text{ cfs/mile} \times 0.25 \text{ miles} = 0.05 \text{ cfs}$$

$$\begin{array}{rcl}
 (1.6 \text{ ac})(0.03 \text{ cfs/ac}) & = & 0.05 \text{ cfs irrigation} \\
 \text{ditch loss} & = & +0.05 \text{ cfs} \\
 & & \hline
 & & 0.10 \text{ cfs} \\
 \text{state Allocation} & & 0.02 \text{ cfs stock water} \\
 & & \hline
 & & 0.12 \text{ cfs Total}
 \end{array}$$

claimed $\approx 0.11 \text{ cfs}$ after splitRecommend $\approx 0.12 \text{ cfs}$

SCANNED

JAN 28 2008

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

Measurement done by: B. Foster

A0015054

Global Inputs:

Note to user:

Make entries in cells without shading.

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

SCANNED
JAN 28 2008

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

Measurement done by: B. Foster

Date if measurment: 7/12/2005

REW value: 1.00

LEW value: 3.10

readings (ft): 0.30

Make entries in cells without shading.

SCANNED
JAN 28 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

MICHAEL & DORENE DUNPHY
PO BOX 412
SALMON ID 83467

Re: Tower Creek Adjudication Recommendation

Dear Mr. & Mrs. Dunphy:

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

JAN 28 2008

Taylor, Greg

From: Foster, Bob
Sent: Tuesday, August 01, 2006 3:22 PM
To: Taylor, Greg
Subject: RE: Tower or N.F.

Greg, If I am not mistaken, the East Fork and the North fork come together to form Tower Creek. It does not appear that way on the map so we may need to change the calims. Talk to you tomorrow. Bob

From: Taylor, Greg
Sent: Tue 8/1/2006 3:33 PM
To: Foster, Bob
Subject: Tower or N.F.

Bob,

Didn't you say that Kord Smith, Jay Skeen and Bernt all diverted out of the the North Fork, not Tower Creek? I can't see it on the USGS map.

GT

Note: At time of verification, left the
source as the North Fork of Tower
Creek.
KJ 11/13/06

SCANNED

JAN 28 2008

8/18/2006

NOVEMBER 13, 2006

NOTE TO THE FILE:

THIS CLAIM NEEDS AN OWNERSHIP CHANGE FROM DUNPHY TO JAY SKEEN. MR. SKEEN WAS CONTACTED ON AUGUST 1, 2006, ABOUT THE CHANGE, BUT HE DID NOT RESPOND AT THE TIME OF THE CLAIM VARIFICATION.

KEITH E. FRANKLIN
SENIOR WATER RESOURCES AGENT

SCANNED
JAN 28 2008



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

August 1, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Jay Skeen
345 Tower Creek Rd
Carmen ID 83462

Re: Snake River Basin Adjudication (SRBA)
Investigation of Claim No(s). 75-14035

Dear Mr. Skeen:

Lemhi County tax lot information shows that you are the current owner of the property that is claimed in the enclosed Notice of Claim. If you do own the property and you want your name in the final recommendation, you will 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.

Also, we are currently doing the final review on the claim noted above. It appears that you may wish to amend the Notice in order to claim a priority date that is earlier than the 1908 date originally claimed.

I have enclosed a claim for your use that shows an 1899 priority date. If you agree that you wish to amend the claim, please sign the form in the presence of a Notary Public and return it to this office as soon as possible.

Please do not hesitate to contact me if you have any questions regarding this matter.

Sincerely,

Gregory J. Taylor
Sr. Water Resource Agent

SCANNED

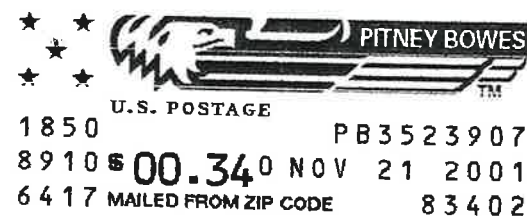
JAN 28 2003

75-14035
copy complete
without claim

SCANNED
JAN 28 2003

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr.
Idaho Falls, ID 83402-1718

Return Service Requested



MICHEAL & DORENE DUNPHY
PO BOX 412
SALMON ID 83467





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 20, 2001

MICHEAL & DORENE DUNPHY
PO BOX 412
SALMON ID 83467

RE: CHANGE IN OWNERSHIP FOR A75-04295B AND A75-10501

Dear Mr. & Mrs. Dunphy:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-14035: 0.21 CFS, 10.26 ACRES, DUNPHY
75-14036: 0.47 CFS, 23.74 ACRES, SMITH

Water right A75-10501 will be processed and mailed to you in a different mailing.

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

SCANNED

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

OK JC
11-21-01
RECEIVED

NOV 19 2001

Department of Water Resources
Eastern Region

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
75-04295B - split					
75-10501 - \$25-					

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)

Michael & Dorene Dunphy
PO Box 412 Salmon ID 83467

4. New Owner/Claimant(s)

Kord S & Macy Ann H. Smith
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

781 Cedar Ridge Drive

City, State and ZIP Code

IDAHO Falls, ID 83404

New Telephone Number

(208) 522-1184 (208) 756-2338

5. Date you acquired the property

6-15-01

SCANNED

JAN 28 2003

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) Karl J. Smith
(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 JC Date 11-19-01 Fee 25
 Received by JC Date 11-19-01 Receipt No. E027289
 Processed by AJ Date _____ WR _____ Date _____

SCANNED

JAN 28 2002

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: 75-14035

MICHAEL DUNPHY

PO BOX 412

SALMON ID 83467

Telephone Number: (208)756-4858

DORENE DUNPHY

PO BOX 412

SALMON ID 83467

Telephone Number: (208)756-4858

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: _____ SIGNATURE: _____

Please print your name: _____

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

SCANNED
JAN 28 2008

11/20/2006

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

RIGHT NUMBER: 75-14035
NAME AND ADDRESS: MICHAEL DUNPHY
PO BOX 412
SALMON ID 83467

DORENE DUNPHY
PO BOX 412
SALMON ID 83467

SOURCE: NORTH FORK TOWER CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.120 CFS
PRIORITY DATE: 05/01/1908
POINT OF DIVERSION: T24N R22E S33 SWSE 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	0.100 CFS
	STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION in LEMHI County
T23N R22E S04 NENW 1.60
STOCKWATER same as IRRIGATION
1.6 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

SCANNED
JAN 28 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

7600 Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 • Fax: (208) 762-2819 • Web Site: www.idwr.idaho.gov

NORTHERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

February 14, 2007

SCANNED
FEB 14 2007

Mr. Jay M. Skeen
345 Tower Creek Rd.
Carmen, ID 83462

Re: 75-14035

Dear Mr. Skeen:

We have sent to the Snake River Basin Adjudication Court our recommendation of the enclosed water right. We have received information that you may now own the property and the associated water right. If you do own the property, 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,

Kenneth Knoblock
Water Rights Supervisor