

08/09/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14130

NAME AND ADDRESS: ELIZABETH A HARRISON
PO BOX 88
CARMEN ID 83462

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 06/28/1899

POINT OF DIVERSION:

T23N R22E S18 NESE Within LEMHI County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.090 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T23N R22E S18

NWSE

4.80

4.8 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

02/07/2006

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

RIGHT NUMBER: 75-14130

NAME AND ADDRESS: ELIZABETH A HARRISON
PO BOX 88
CARMEN ID 83462

SOURCE: TOWER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.090 CFS

PRIORITY DATE: 04/01/1912

POINT OF DIVERSION:

T23N R22E S18 NESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
0.090 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T23N R22E S18 NWSE 2.50

2.5 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

2.5
0.3

0.75

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT NO.:

75-14130

T23N R22E Sec. 18

LEGEND

 Point(s) of Diversion

 Place of Use

Gov. Lot Numbers

 Townships

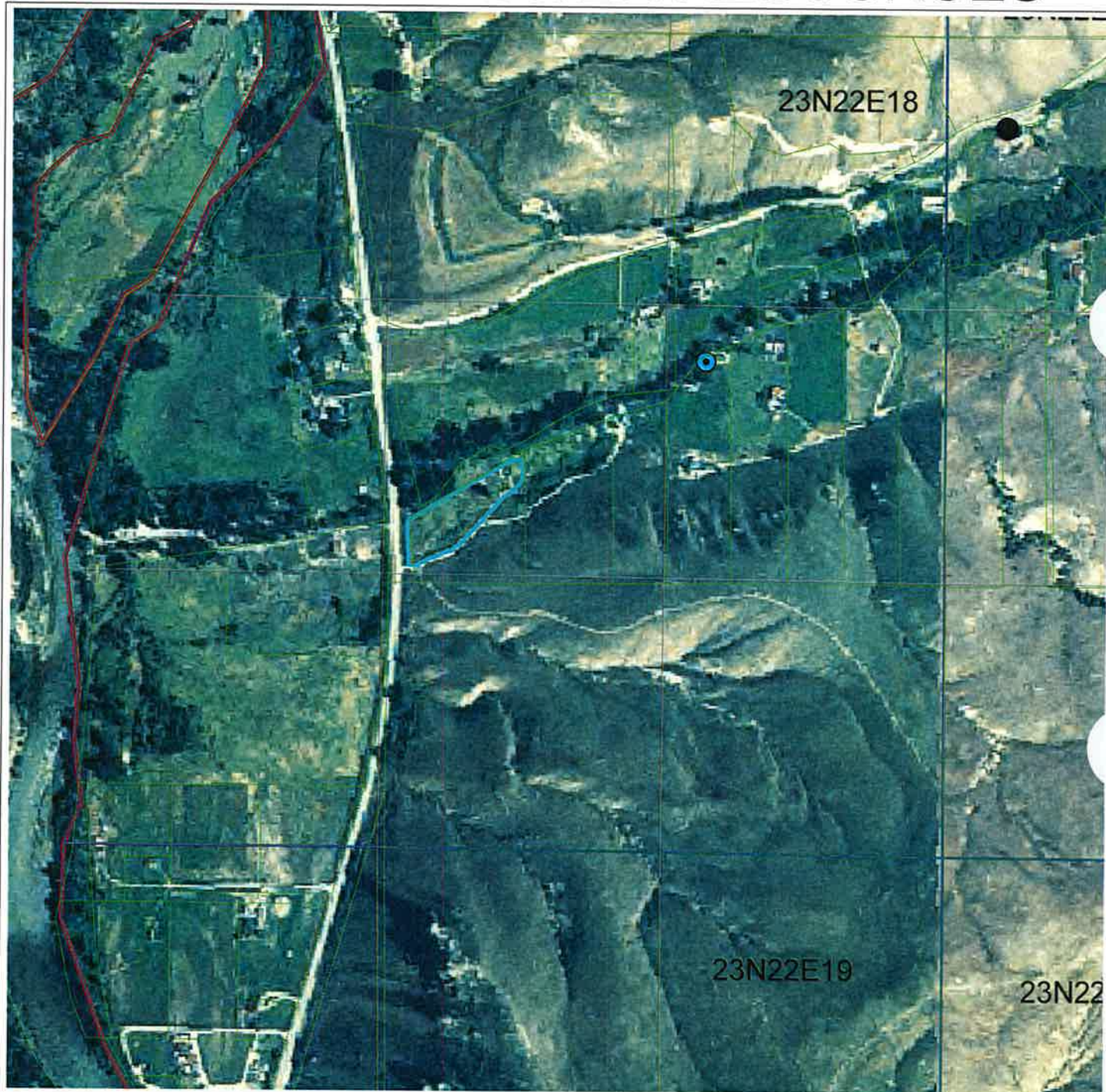
 Sections

 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

ELIZABETH HARRISON
PO BOX 88
CARMEN ID 83462

Re: Tower Creek Adjudication Recommendation

Dear Ms. Harrison:

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



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-14130

ELIZABETH A HARRISON
PO BOX 88
CARMEN ID 83462

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 28 2005

July 22 - 2005

Water claim # 75-14130

To whom it may concern;

I Roger Lanni of 130 N Agate Dr. Salmon Id.
have been cutting ^{hay} annually on Tower Creek for
the past fifteen years for Libby Harrison.

Thank you

Roger L. Lanni

SCANNED

JUL 28 2005

The United States of America

To all to whom these presents shall come, Greeting

Homestead Certificate No. 798

Application 990

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th. May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Fred. W. Niemann, has been established and duly consummated, in conformity to law, for the North West quarter of the South East quarter and the Lots numbered five and eight of Section eighteen and the Lot numbered one of Section nineteen in Township twenty three, North of Range twenty two, East of Boise Meridian in Idaho, containing one hundred and sixty three acres and seventy five hundredths of an Acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, Now know Ye, That there is therefore, granted by the United States, unto the said Fred W. Niemann, the tract of Land above described, To have and to hold the said tract of Land, with the appurtenances thereof unto the said Fred W. Niemann and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States, In Testimony whereof I, William McKinley, 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 eighth day of June in the year of our Lord one thousand eight hundred and ninety nine, and of the Independence of the United States the one hundred and twenty third

Seal

Recorded, Vol. 34

Page 447

By the President William McKinley

By F. M. McKean

Secretary

L. M. Bush Recorder of the General Land Office

Recorded at the request of F. W. Niemann at 30 minutes past 2 o'clock
P. M., August 20, 1899, in Book 16 of Records on page 447
Recorded of Lemhi County, Idaho.
County Recorder, By Deputy

SCANNED

JUL 28 2005

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

CLAIM NO(s). 75-14130

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.: A0015833 GPS file T060520A

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

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

diversion from creek ditch to place of use

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

☒ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 6-9-05

FIELD EXAMINER: Bob Foster

Print Name

Bob Foster

Signature

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

Measurement done by: B. Foster

Location of measurement: Tower Creek 75-14130, 7514131

Date if measurment: 6/9/2005

REW value: 1.50

LEW value: 5.00

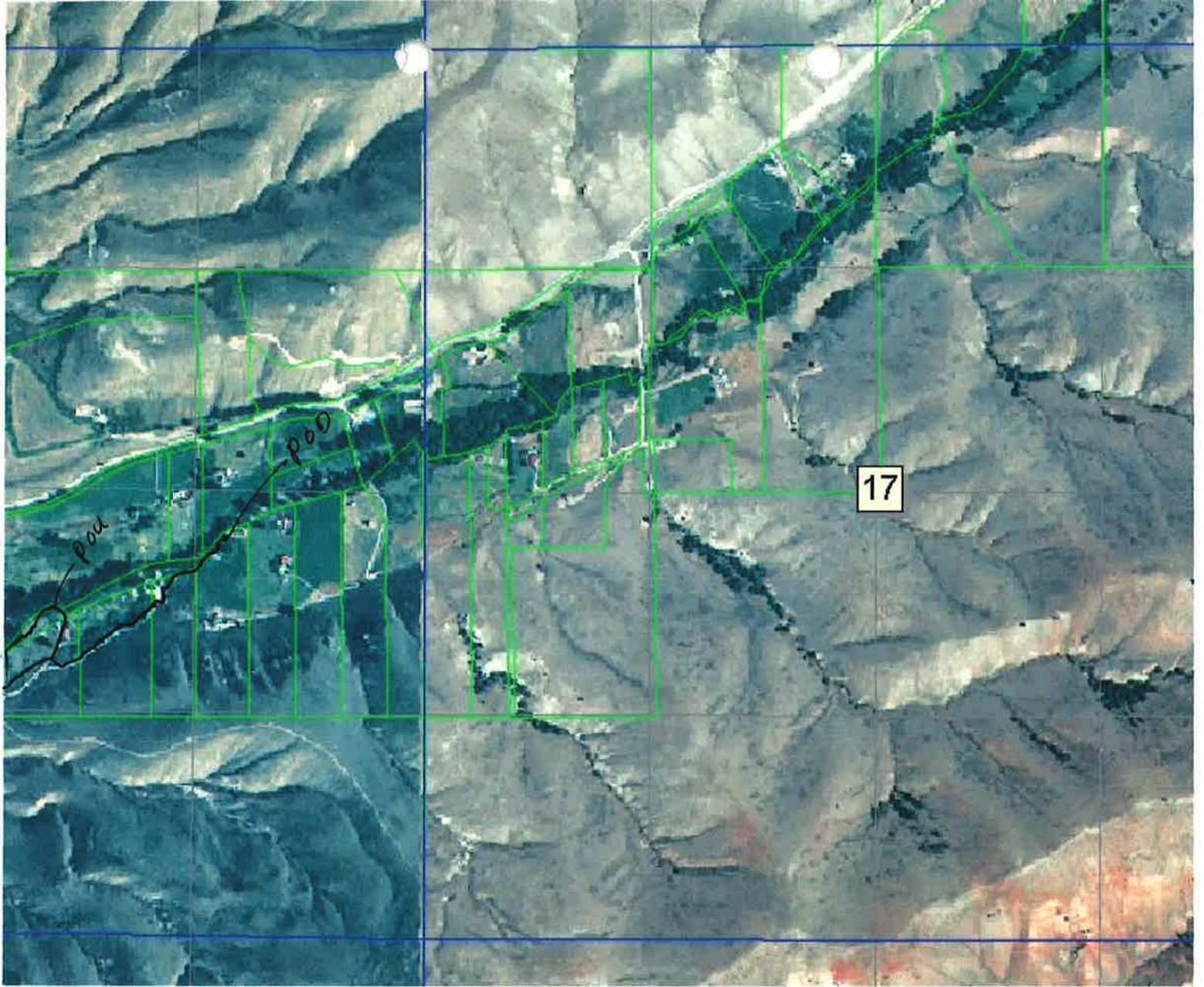
Space between

readings (ft): **0.50**

Note to user:

Make entries in cells without shading.

[illegible]



75 14130



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION
December 22, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

CATHERINE CHRISTENSEN
PO BOX 283
CARMEN ID 83462

RE: REVISED SPLIT OF CLAIM 75-4383

Dear Ms. Christensen:

I made an error when I split the above referenced claim between you and Ms. Harrison. You are each entitled to a water right for 4.8 irrigated acres.

When Mr. Schwarting filed the water right for this property in 1983, he claimed 18 acres of irrigation. However, when he filed a claim on this same property in 1990, he reduced it to 11 acres of irrigation. Upon my examination of the aerial photo for your property, I found 9.6 irrigated acres.

While your deed and plat map show you received a total of 11.9 acres of property from Mr. Schwarting, you are only entitled to a water right for the number of irrigated acres. Please refer to the enclosed aerial photo that depicts which acres are irrigated and which are not.

In addition to this matter, we also need proof of the 1899 priority date claimed by Mr. Schwarting. Please submit any proof you have that a diversion was established from Tower Creek in 1899. The enclosed "Evidence of Priority" brochure may help you.

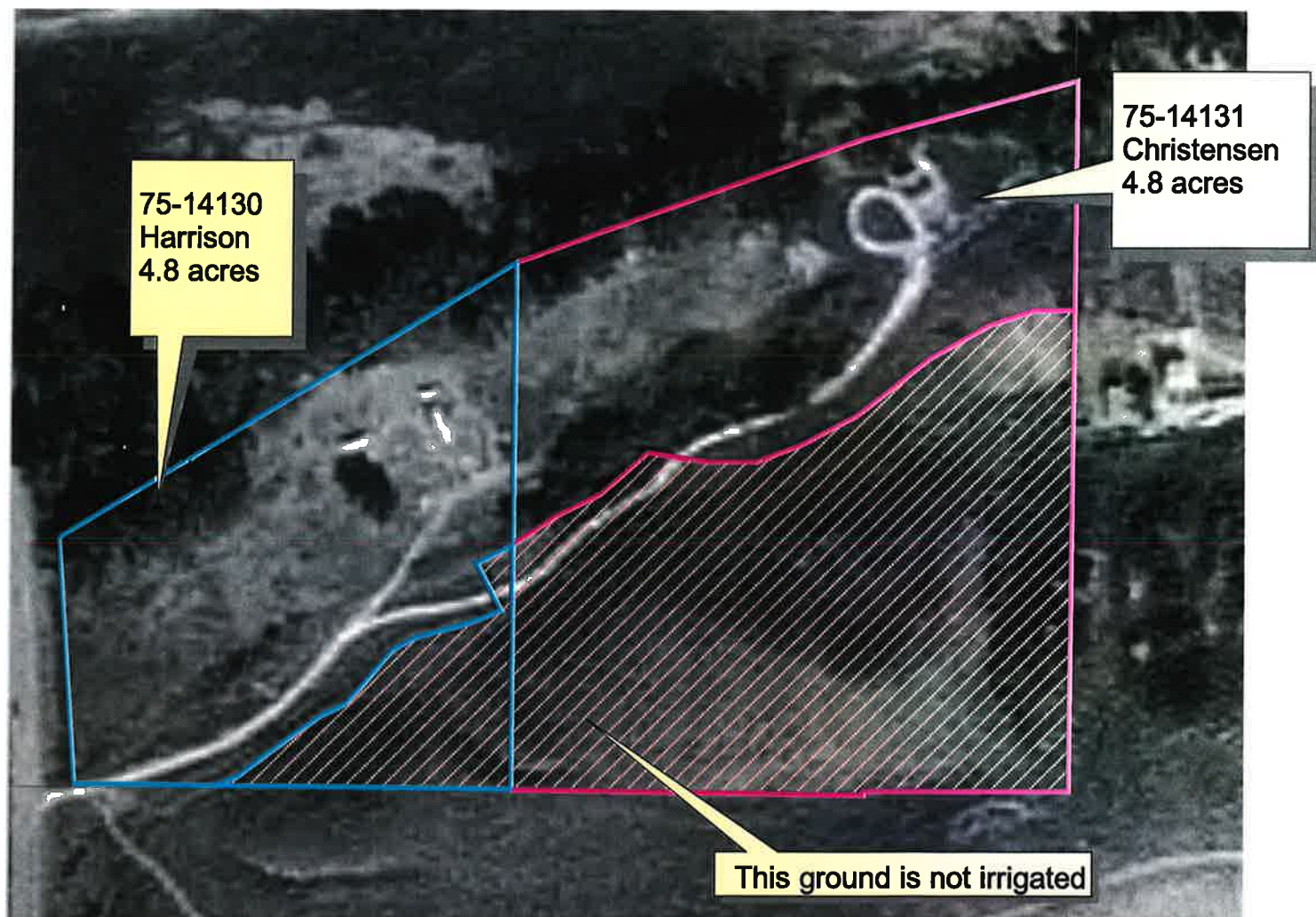
Respectfully,

Ernest Carlsen
Water Rights Supervisor

Enclosure

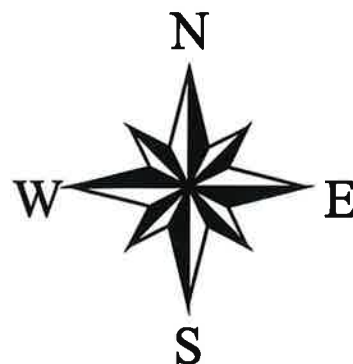
cc: Bob Foster; Elizabeth Harrison

Revised Split of 75-4383



0.04 0 0.04 0.08 Miles

-  Harrison.shp
-  Cathy christensen.shp
-  Not irrigated.shp
-  GCDB23N22E GCDB





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 17, 2003

CATHERINE CHRISTENSEN
PO BOX 283
CARMEN ID 83462

RE: OWNERSHIP OF WATER RIGHT 75-14130 IN THE NAME OF HARRISON

Dear Ms. Christensen:

Our Salmon agent, Bob Foster, sent me the tax notices you provided as proof of ownership of the above referenced property. Unfortunately, we cannot accept tax notices for ownership changes.

Please provide a copy of your warranty deed for the Harrison property. I have enclosed the legal description and highlighted the property with a pink highlighter. Fill out the enclosed ownership change form and send this information to our office. I will process your request as soon as possible.

Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

Jennifer Crabtree
Technical Records Specialist

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 21, 2003

ELIZABETH HARRISON
PO BOX 88
CARMEN ID 83462

RE: CHANGE IN OWNERSHIP FOR 75-4383

Dear Ms. Harrison:

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:

75-4383 split into:

75-14130, .09 cfs, 5 acres, Harrison

75-14131, .11 cfs, 6 acres, Christensen

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,

A handwritten signature in cursive script that reads "Jennifer Crabtree".

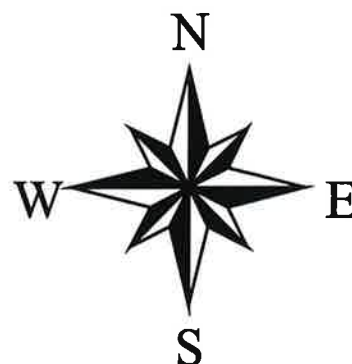
Jennifer Crabtree

Technical Records Specialist

Splits of 75-4383



0.07 0 0.07 0.14 Miles



WARRANTY DEED

For Value Received DENNIS W. SCHWARTING,
an unmarried man

the grantor , do es hereby grant, bargain, sell and convey unto
JERROLD J. HARRISON and ELIZABETH A. HARRISON,
husband and wife

the grantee s, the following described premises, in Lemhi County Idaho, towit:

SEE ATTACHED EXHIBIT "A".

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 doeshereby 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 except the lien for taxes for the current year,
any liens and encumbrances of record on this date, and any liens or
encumbrances suffered or created by Grantees prior to the date hereof,
and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 6, 1989.

DENNIS W. SCHWARTING

STATE OF IDAHO, COUNTY OF Lemhi

On this 6th day of July, 1989,
before me, a notary public in and for said State, personal-
ly appeared

DENNIS W. SCHWARTING

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

Notary Public
Residing at Salmon, Idaho
Comm. Expires

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for re-
cord at the request of

at minutes past o'clock m.,
this day of
19, in my office, and duly recorded in Book
of Deeds at page

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

INSTRUMENT NO.

PROPERTY DESCRIPTION

SCHWARTING/HARRISON LAND SALE

A parcel of land located in the Northwest 1/4 Southeast 1/4, Section 18, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, described as follows:

Commencing at the Southeast corner of the Northwest 1/4 Southeast 1/4 of said Section 18, run thence N. 89 degrees 21' 19" W. a distance of 682.50 feet to the POINT OF BEGINNING;

Thence continuing N. 89 degrees 21' 19" W. a distance of 530.25 feet to a point on the Easterly R.O.W. line of Highway 93;

Thence on a chord N. 03 degrees 45' 40" W. a distance of 299.39 feet to a point in the centerline of Tower Creek;

Thence N. 58 degrees 49' 41" E. along said centerline a distance of 646.78 feet;

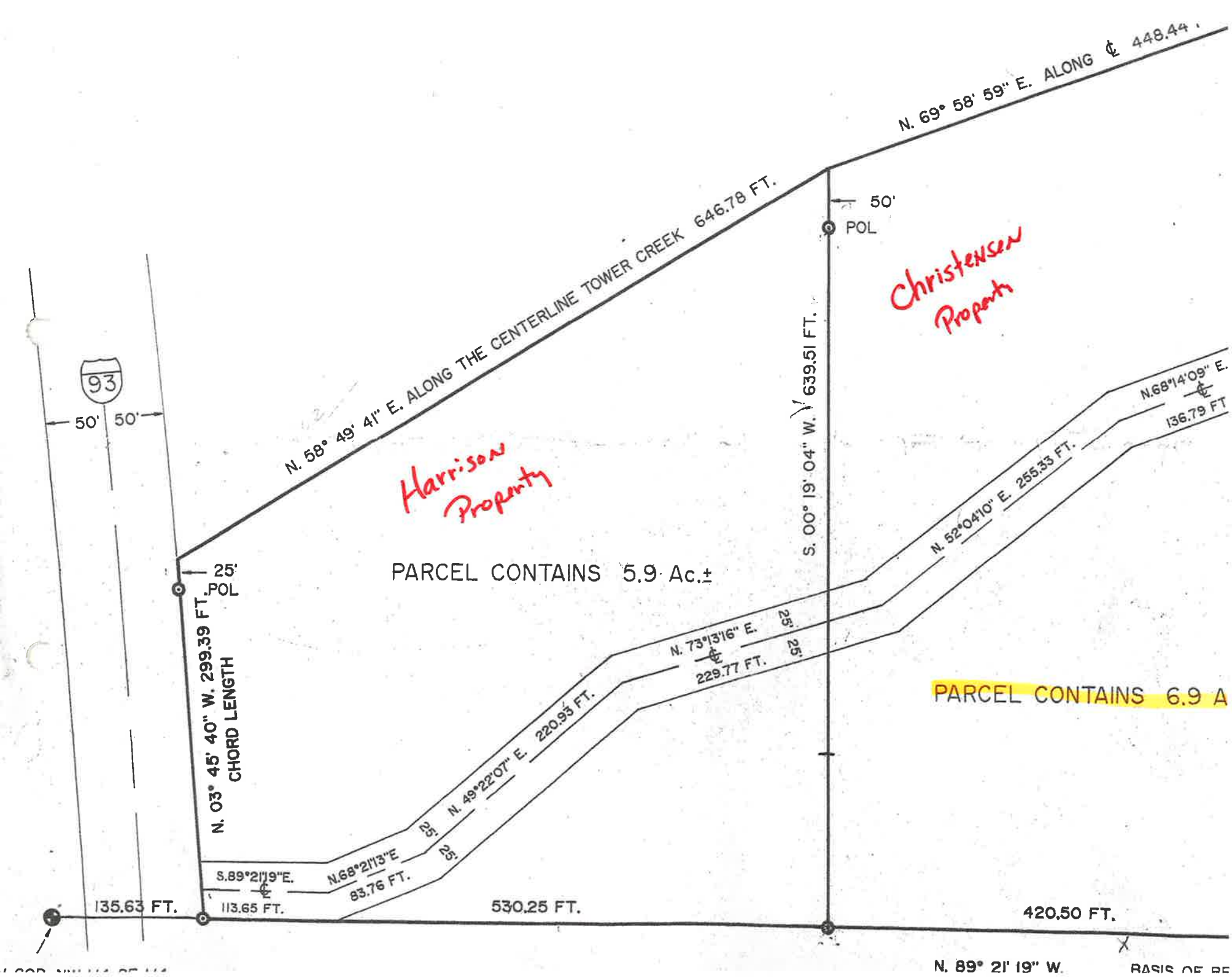
Thence S. 00 degrees 19' 04" W. a distance of 639.51 feet to the POINT OF BEGINNING.

RESERVING FROM THE ABOVE AN EASEMENT FOR INGRESS AND EGRESS; more particularly described as follows: A 50 foot wide easement shall be retained for ingress and egress 25 feet on either side of the following described centerline;

Commencing at the Southwest Corner of the Northwest 1/4 Southeast 1/4, run thence S. 89 degrees 21' 19" E. a distance of 135.63 feet to the Easterly R.O.W. of Highway 93; Thence N. 03 degrees 45' 40" W. along said R.O.W. a distance of 25.00 feet to the POINT OF BEGINNING; Thence S. 89 degrees 21' 19" E. a distance of 113.65 feet, Thence N. 68 degrees 21' 13" E. a distance of 83.76 feet.; Thence N. 49 degrees 22' 07" E., a distance of 220.93 feet; Thence N. 73 degrees 13' 16" E., a distance of 229.77 feet; Thence N. 52 degrees 04' 10" E., a distance of 255.33 feet; Thence N. 68 degrees 14' 09" E., a distance of 136.79 feet; Thence N. 41 degrees 14' 08" E., a distance of 71.49 feet.

Together with all water and water rights, ditch and ditch rights, appurtenant thereto, including a domestic well located thereon.

Together with all improvements located thereon and appurtenances thereto "AS IS, WHERE IS" excluding all warranties, express or implied.



Christensen
Property

Harrison
Property

PARCEL CONTAINS 5.9 Ac.±

PARCEL CONTAINS 6.9 A

N. 89° 21' 19" W. BASIS OF BE

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 75-14130
Date Received: 10/21/2003
Receipt No:
Received By:

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

1. Name of Claimant(s)

ELIZABETH A HARRISON Phone: (208)756-2909
PO BOX 88
CARMEN ID USA 83462

2. Date of Priority: 06/28/1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	18	NE SE	LEMHI	

5. Description of diverting works:

HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.09	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
23N	22E	18	NW SE	IRRIGATION	4.8
Section Acres					4.8

Total Acres 4.8

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4383

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 75-14130
Date Received: 10/21/2003
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

A7514130



1. Name of Claimant(s)

ELIZABETH A HARRISON Phone: (208)756-2909
PO BOX 88
CARMEN ID USA 83462

2. Date of Priority: 06/28/1899

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
23N	22E	18	NE SE	LEMHI	

5. Description of diverting works:

HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.09	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
23N	22E	18	NW SE	IRRIGATION	5
Section Acres					5

Total Acres 5

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 75-4383

15. Basis of Claim: Beneficial Use