

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: **A75-10693**
Date Received: 5/ 9/1990
Receipt No: M006992
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JAMES M HARVAT
Address: HERITAGE HILLS 1B
SOMERS NY

914-277-4904

10589

AND/OR

Name: RONALD J WEHRLI
Address: HERITAGE HILLS 1B
SOMERS NY

914-277-4904

10589

2. Date of Priority: OCT 23, 1933

3. Source: SPRING CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	29	SW	SW	NW		LEMHI

5. Description of diverting works:
DAM AND DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.000		
STOCKWATER	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/50 HEAD DAIRY CATTLE

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NOV 18 1990

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	19	SW	SE	1	IRR	20.0
						Section Acres	20.0
		30	NW	NE		IRR	30.0
						Section Acres	30.0
						Total Acres	50.0

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:
CHANGED OWNERSHIP 9/6/95/JT/GT

15. Basis of Claim: BENEFICIAL USE

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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: A75-10693
Date Received: 5/09/1990
Receipt No: 1006992
Received By: RM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN R. MCFREDERICK 208-756-2040
Address: HC 10 BOX 8
CARMEN, ID 83462

AND/OR

Name: CYNTHIA L. MCFREDERICK 208-756-2040
Address: HC 10 BOX 8
CARMEN, ID 83462

2. Date of Priority: OCT 23, 1933

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
23N	22E	29	SW	SW	NW		LEMHI

5. Description of diverting works:
DAM AND DITCHES TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
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9. Non-irrigation uses:
S/50 HEAD DAIRY CATTLE

A75-10693

Page 1

Date: 05/09/90

A7510693



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DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	19	SW	SE	11	IRR	20.0
						Section Acres	20.0
		30	NW	NE	1	IRR	30.0
						Section Acres	30.0
						Total Acres	50.0

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:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Cynthia L. McFadden Date: 5-9-90

Date: _____

State of Idaho)
County of Lewie) SS.

Subscribed and sworn (or affirmed) before me this 9 day

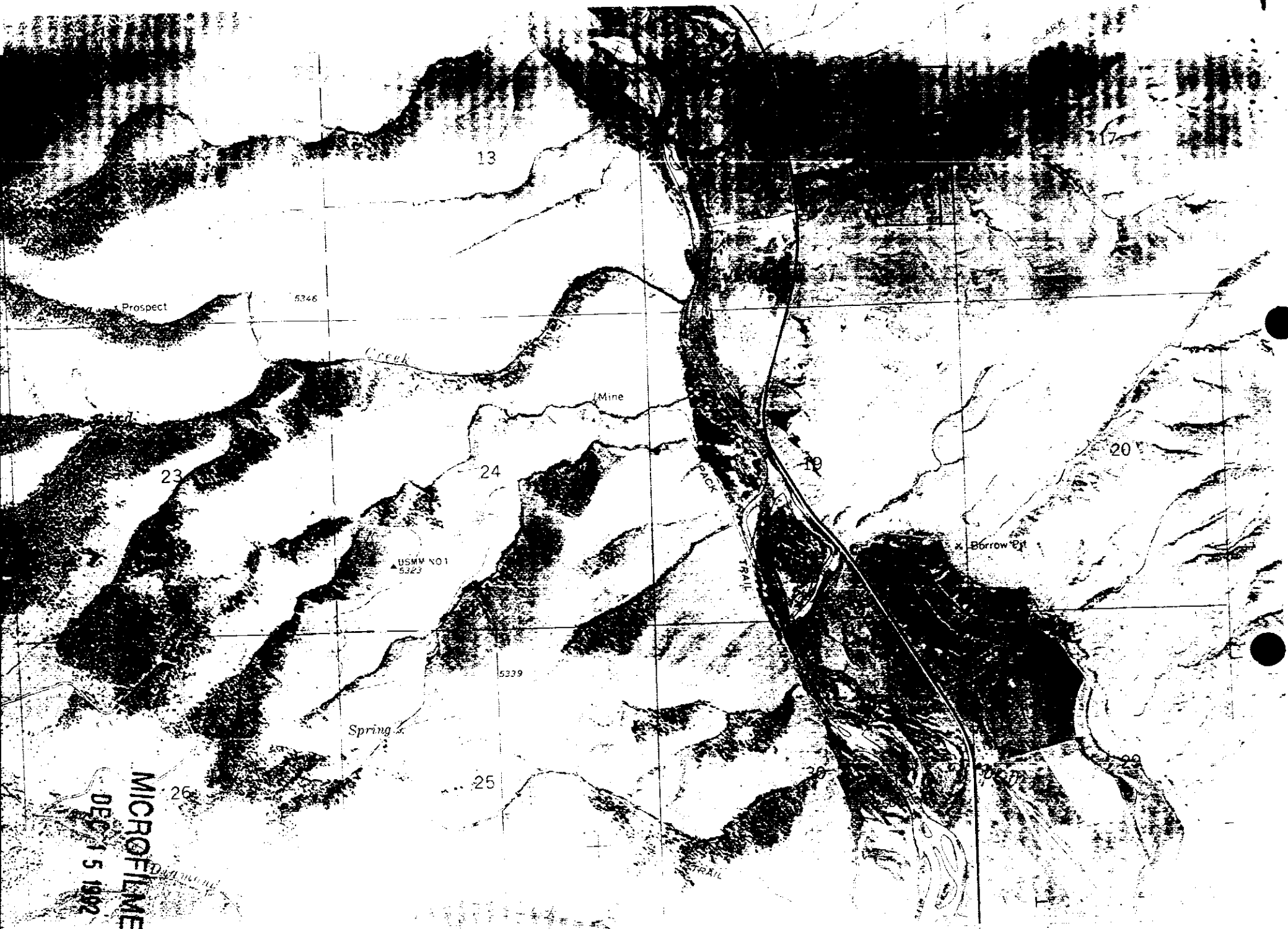
of May 19 90

John MacLachlan
Notary Public

Seal

Residing at Boise Id

My Commission Expires 4/2/94



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DEC 15 1992



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

SEPTEMBER 6, 1995

JAMES M HARVAT
RONALD J WEHRLI
HERITAGE HILLS 1B
SOMERS NY 10589

Dear Claimants:

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 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

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NOV 18 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type

(see instructions on back of page)

SEP 05 1995

DATE OF CLOSING: June 6, 1994

Department of Water Resources:

LEGAL DESCRIPTION OF PROPERTY: Township 23 N. Range 22 E. Eastern District OfficeSection 19 & 30 SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot _____, BM.Lot 1 & 11, Block, _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

Lenhi County

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

- ☐ Water Right Number(s)
Assigned by IDWR:

A 75 - 10693^{o/c} 25

- ☐ Name and Address of Former
Owner/Claimant(s)(Seller):

John R. McFrederickHC 10 Box 8Carmen, ID 83462

- ☐ New Owner/Claimant
(Purchaser):

JAMES M. HAKVAT ; RONALD J. WEHLI

- ☐ New Mailing Address:

HEMINGG HILLS 1BSOMERS, NY 10589

- ☐ New Telephone Number:

(914) 277 - 4904

- ☐ 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:

- ☐ Attach proof of
ownership, describe
proof attached:

Recorded land sale contracts.

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

- ☐ Signature of New
Owner/Claimant(s)

J. M. Hakvat
Ronald J. Wehli

Date 8/24/95Date 8/24/95

- ☐ Signature of Former
Owner/Claimant(s):

Date _____

Date _____

(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:

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

River and Wetland Restoration

Box 1388
Hailey, ID 83333
208-788-6265

RECEIVED

SEP 05 1995

Department of Water Resources
Eastern District Office

September 1, 1995

To whom it may concern;

Bob Foster from the Salmon branch of IDWR has been assisting with the change in ownership on water rights I'm presenting to you. I'm representing Jim Harvat and Ron Wehrli - if I need to give you additional information, please call me at 208. 788. 6265.

Thank-you.

Sincerely,

Barbara Heller

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NOV 18 1995

This instrument was filed for record at
the request of Lemhi Title
at 4:00 o'clock pm 6-10 1994
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederick

By Lemhi Title Ex-Officio Recorder
1200 Deputy
Fees: 1200

NOTICE OF LAND SALE CONTRACT

NOTICE IS HEREBY GIVEN that the real property described
hereinbelow has been sold subject to the terms and conditions of an
unrecorded Land Sale Contract.

DATED: June 6th, 1994.

PARTIES

SELLERS: WILLIAM D. INMAN and DONNA M. MARTIN
both single persons as tenants in common,
Box 1216
Salmon, Idaho 83467
hereinafter referred to as "SELLERS"

BUYERS: JAMES HARVAT
Heritage Hills, 317-A
Somers, New York 10589

and RON WEHRLI
Crestview Builders
1207 Hunter Circle
Naperville, Illinois 60540
both unmarried men,
hereinafter referred to as "BUYERS"

LEGAL DESCRIPTION

A parcel of land located in U.S. Government Lots 1 and 6,
Section 30, and U.S. Government Lot 11, Section 19, T. 23 N., R. 22
E., B.M. Lemhi County, Idaho, more particularly described as
follows:

Commencing at the Northwest Corner of said Section 30, a
distance of 3,952.34 feet on a bearing of N. 89° 57' 54" E. along
the section line to the northeast corner of said Lot 11; thence S.
00° 00' 03" E. 84.40 feet to a Bureau of Public Roads monument on
the westerly right of way of U.S. Highway No. 93 and being the REAL
POINT OF BEGINNING.

Thence S. 00° 17' 07" W., 1,714.89 feet to a point on
the east bank of the Salmon River;

Thence the following courses and distances along said bank;

Thence N. 56° 24' 39" W. 50.88 feet;

Thence N. 73° 30' 58" W. 303.19 feet;

Thence N. 60° 22' 20" W. 523.84 feet;

Thence N. 66° 37' 39" W. 374.92 feet;

Thence N. 21° 20' 33" W. 296.26 feet;

Thence N. 47° 41' 13" E. 61.34 feet;

Thence N. 26° 00' 18" W. 531.41 feet;

Thence N. 28° 40' 04" W. 148.58 feet;

Thence N. 29° 26' 54" E. 957.73 feet;

Thence N. 33° 55' 22" E. 261.55 feet;

Thence N. 47° 08' 54" E. 209.66 feet;

Thence N. 01° 47' 50" W. 288.36 feet to a point on the
westerly right of way of U.S. Highway No. 93;

Thence the following courses and distances along said
highway:

State of Idaho)
County of Lemhi) ss No. **214560**

State of Idaho)
County of Lemhi) ss No. **210841**

This instrument was filed for record at
the request of Lemhi Title
at 2:46 o'clock p.m. 5-13 1992
and duly filmed and indexed in the
records of Lemhi County

This instrument was filed for record at
the request of Lemhi Title Co.
at 7:34 o'clock A.m. July 2 1991
and duly filmed and indexed in the
records of Lemhi County

Alberta Wiederriek
Ex-Officio Recorder
By Lorri J. Morton Deputy
Fees: 9.00

Alberta Wiederriek
Ex-Officio Recorder
By Deanne Gray Deputy
Fees: 9.00

NOTICE OF ASSIGNMENT AND ASSUMPTION OF
LAND SALE CONTRACT

NOTICE IS HEREBY GIVEN that the real property described
in Exhibit "A" attached hereto has been sold subject to the terms
and conditions of an unrecorded Assignment and Assumption of Land
Sale Contract.

DATED: July 1st, 1991.

SELLERS: JOHN R. MCFREDERICK and CYNTHIA L. MCFREDERICK,
husband and wife,
HC 10, Box 8
Carmen, Idaho 83462
hereinafter referred to as "SELLERS"

BUYERS: WILLIAM D. INMAN and DONNA M. MARTIN,
both single persons as tenants in common,
Route #1, Box 176
Salmon, Idaho 83467
hereinafter referred to as "BUYERS"

POSSESSION:

Under the terms of said Assignment and Assumption of Land
Sale Contract, Buyers are entitled to possession, use and
occupancy of said property on the date of closing, so long as
each and every covenant of said Agreement shall be faithfully
performed by Buyers.

TITLE:

Title to the property remains with the Sellers (ELVIN
J. ALBISTON and BARBARA J. ALBISTON, husband and wife, and THE
ESTATE OF HOBERT B. AULTZ) until the entire purchase price is
fully paid.

LIENS:

Buyers have no right or authority to create or permit the
imposition of any lien or encumbrance upon said property.

ESCROW AGENT:

The Escrow Holder under the terms of said Land Sale Agreement (ALBISTON/McFREDERICK) hereby assigned to WILLIAM D. INMAN and DONNA M. MARTIN, each single persons as tenants in common, is LEMHI TITLE AND ABSTRACT of 531 Main Street, Salmon, Idaho 83467.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day first above written.

ASSIGNORS:

John R. McFrederick
JOHN R. McFREDERICK
Soc. Sec. No. 519 69 8023

Cynthia L. McFrederick
CYNTHIA L. McFREDERICK
Soc. Sec. No. 518-76-4284

ASSIGNEES:

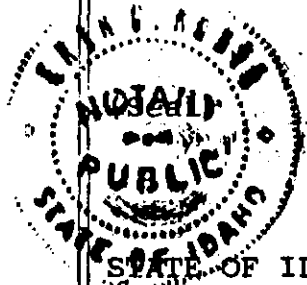
William D. Inman
WILLIAM D. INMAN
Soc. Sec. No. 330-32-4549

Donna M. Martin
DONNA M. MARTIN
Soc. Sec. No. 322-38-5034

STATE OF IDAHO,)
County of Lemhi) ss.

On this 1st day of July, 1991, before me, a Notary Public in and for said State, personally appeared JOHN R. McFREDERICK and CYNTHIA L. McFREDERICK, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

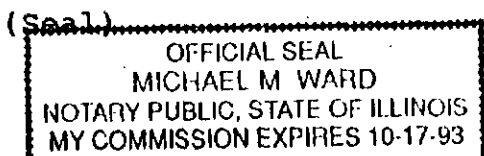


[Signature]
Notary Public for Idaho
Residing at Salmon Idaho
Commission Expires: 1/1/92

STATE OF ILLINOIS)
County of Peoria) ss.

On this 28th day of June, 1991, before me, a Notary Public in and for said State, personally appeared WILLIAM D. INMAN and DONNA M. MARTIN, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Michael M. Ward
Notary Public for Illinois
Residing at: 7501 N. Michigan
Commission Expires: 10-17-93

A parcel of land located in U.S. Government Lots 1 and 6, Section 30, and U.S. Government Lot 11, Section 19, T. 23 N. R. 22 E., B.M., Lemhi County, Idaho more particularly described as follows:

Commencing at the Northwest Corner of said Section 30, a distance of 3952.34 feet on a bearing of N. 89° 57' 54" E. along the section line to the northeast corner of said Lot 11; thence S. 00° 00' 03" E. 84.40 feet to a Bureau of Public Roads monument on the westerly right of way of U.S. Highway No. 93 and being the REAL POINT OF BEGINNING.

Thence S. 00° 17' 07" W. 1714.89 feet to a point on the east bank of the Salmon River;

Thence the following courses and distances along said bank:

Thence N. 56° 24' 39" W. 50.88 feet;

Thence N. 73° 30' 58" W. 303.19 feet;

Thence N. 60° 22' 20" W. 523.84 feet;

Thence N. 66° 37' 39" W. 374.92 feet;

Thence N. 21° 20' 33" W. 296.26 feet;

Thence N. 47° 41' 13" E. 61.34 feet;

Thence N. 26° 00' 18" W. 531.41 feet;

Thence N. 28° 40' 04" W. 148.58 feet;

Thence N. 29° 26' 54" E. 957.73 feet;

Thence N. 33° 55' 22" E. 261.55 feet;

Thence N. 47° 08' 54" E. 209.66 feet;

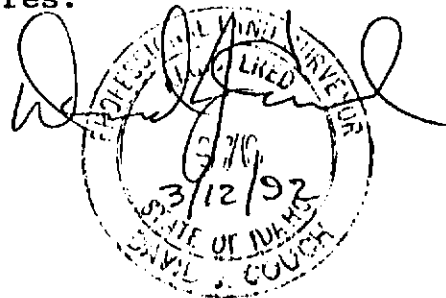
Thence N. 01° 47' 50" W. 288.36 feet to a point on the westerly right of way of U.S. Highway No. 93;

Thence the following courses and distances along said highway:

Thence a distance of 376.12 feet along a curve concave to the southwest having a radial of S. 52° 47' 33" W. 3786.81 feet and a central angle of 05° 41' 27".

Thence S. 58° 29' 00" W. 17.00 feet;

Thence S. 31° 31' 00" E. 1049.64 feet to the REAL OF BEGINNING, said parcel contains 61.004 Acres.



J. ALBISTON and BARBARA J. ALBISTON, husband and wife, and THE ESTATE OF HOBERT B. AULTZ) until the entire purchase price is fully paid.

LIENS:

Buyers have no right or authority to create or permit the imposition of any lien or encumbrance upon said property.

State of Idaho)
) ss.
County of Lemhi)

ALVIN C. MERRITT, being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands owned by Mark C. Miller and the water rights supplying the water for irrigation for said lands; said lands being described as follows, to-wit:

Lots 5 and 11, of Section 19, and Lot 1, of Section 30, all in Township 23 North of Range 22 East of the Boise Meridian.

That all of the water supplying this land is by private ditch, in which no one else has any interest.

That the ditch from the Salmon River is approximately one-half mile in length, and is about 3 feet wide on the bottom and 5 feet at the top, the depth of the ditch varies from one foot to 3 feet, and will carry enough water to irrigate the entire ranch every year, and there is an inexhaustible supply of water from the Salmon River, at all times.

In addition to the Salmon River Ditch, there is a ditch from Spring Creek, point of diversion being on the lands of W.C. Bloomsburg directly south of this ranch. This ditch is approximately three-fourths mile long and is about 3 feet wide on the bottom and about 5 feet at the top, the depth of the ditch varying from one foot 4 feet and will safely convey over 300 miners inches. This ditch is used merely for convenience, as the Salmon River Ditch will at all times convey all of the water needed for the ranch, but cost of keeping up the Salmon River Ditch being much heavier than the Spring Creek Ditch, makes it desirable to use the Spring Creek waters, as said waters are below all other lands on the Salmon River, and not available for any other lands.

None of this water has been decreed to this ranch, for the reason that the waters are not available for any other lands, said ranch being at or near the mouth of the canyon, and no lands lying below it. Said waters of Spring Creek, has more water alone, than can be used on the said lands, and there is an inexhaustible supply of water also, from the Salmon River. If needed, the two said ditches could supply 700 miners inches at all times of the year, whereas less than 200 miners inches are needed at any time of the year. These waters have been used continuously on the said lands, for more than 30 years.

Subscribed and sworn to before me a
Notary Public, this 23rd day of
October, 1933.