

JUN 13 2001

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A75-11623**
Date Received: 5/22/1990
Receipt No: E014635
Received By:

OK to do
address
change

AMENDED

208-~~237-6982~~
756-2858

Name: JUDY O BRIEN
Address: ~~1387 SEDERO LN~~ Po Box 192 83462
~~POCATELLO ID~~ Coeur d'Alene 83204

208-~~237-6982~~
756-2858

Trib. to: SALMON RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DITCH HEADS AT TOWER CREEK, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	0.060		

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:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	17	NE NW		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	17	SE NW		IRR	0.6
Section Acres						2.6
Total Acres						2.6

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:

RANCH SUBDIVIDED MAY 10, 1976.
75-04192 AS BASIS OF THIS CLAIM, BUT DOES NOT APPLY TO POU/POD.
LOT 6 IS A SUBDIV. LOT, NOT A US GOV'T SURVEY LOT.
CHANGE OF OWNERSHIP, 10/29/97, ABR.

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): Arden D. Brien Date: 6-11-01

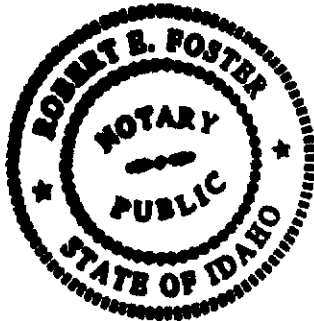
Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of JUNE 18 2001

Robert E. Foster
Notary Public

Seal



Residing at Salmon Idaho

My Commission Expires 02-06-07

A75-11623

T23N, R22E

8
18 17

BLM
NW

Tower Creek Rd

Point of Diversion

Place of Use

95 Photo 3-5

Sub Divs

BL

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: A75-11623
Date Received: 5/22/1990
Receipt No: E014635
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ARLEN O BRIEN 208-237-6982
Address: 1387 SEDERO LN
POCATELLO ID 83204
AND/OR
Name: JUDY O BRIEN 208-237-6982
Address: 1387 SEDERO LN
POCATELLO ID 83204

2. Date of Priority: JUL 10, 1906

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	NE	NW			LEMHI

5. Description of diverting works:
DITCH HEADS AT TOWER CREEK, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	0.060		

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:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	17	NE	NW		IRR	2.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
23N	22E	17	SE	NW	IRR	0.6
Section Acres						2.6
Total Acres						2.6

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:

RANCH SUBDIVIDED MAY 10, 1976.
75-04192 AS BASIS OF THIS CLAIM, BUT DOES NOT APPLY TO POU/POD.
LOT 6 IS A SUBDIV. LOT, NOT A US GOV'T SURVEY LOT.
CHANGE OF OWNERSHIP, 10/29/97, ABR.

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: _____

*Replace WITH
Signed Claim
form from O'Brien*

AK

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: A75-11623
Date Received: 3/26/1993
Receipt No: E014635
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOSHUA MILLER 602-637-2421
Address: P.O. BOX 78
ASHFORK AZ 86320
OR
Name: ANGELIA MILLER 602-637-2421
Address: P.O. BOX 78
ASHFORK AZ 86320
2. Date of Priority: JUL 10, 1906
3. Source: TOWER CREEK Trib. to: SALMON RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	Lot	County
23N	22E	17	SW	NW		LEMHI
5. Description of diverting works:
DITCH HEADS AT TOWER CREEK, THROUGH LOTS BELOW NO. SIDE
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	10/15	0.060		
7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 7.0 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	17	SW	NE		IRR	2.6
Section Acres							2.6
Total Acres							2.6

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:

REF:75-04192 STAT.CLAIM AS BASIS THIS NEW #, APPARENT ERROR.

14. Remarks:

RANCH SUBDIVIDED MAY 10, 1976.

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)
County of _____) SS.

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: 175-11623Ident. Number 39576Date Received 175-04192Receipt Number EO14635/90

NO LATE FEE IF RECEIVED
BY June 8 1990 BB

RECEIVED

MAY 18 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

MAY - 7 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Joshua or Angelia Miller Phone (602) 6372421
Mailing Address P. O. BOX 78 Ashfork Az. Zip 86320

2. Date of Priority (Only one (1) per claim) 1906 July 10

3. Source of water supply (a) Tower Creek
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 23 N. Range 22 E. Section 17,
SW 1/4 of NW 1/4 of 1/4, Govt. Lot, B.M., County of Lemhi

Additional points of diversion if any: none

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of

Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. There are four (4) lots on our ditch

that have rights to the water. The ditch starts at Tower Creek and
runs through block four (4) to lots 3 & 4 and through block 3 lots
4, 5, & 6. Of the Tower Creek Property Sub-Division in Lemhi County
Idaho. The ranch was subdivided on May 10, 1976.

It was a working ranch until this date, The water rights were
sold with the property.

MICROFILMED

APR 19 1994

A7511623



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 10-15 amount 0.06 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and/or (b) 7.00 (acre feet)

8. Total consumptive use claimed is 7.00 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for Irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
23	N	22E	17		~~Lot 6~~	~~2.6~~				0.6									2.6

Total number of acres irrigated 2.6

11. In which county (ies) are lands listed above as place of use located? Lemhi County

12. Do you own the property listed above as place of use? Yes xxx No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: Attached is a plat map
of the property in value.
Lot 6 is a subdivision lot = not a U.S. Govt survey lot.

MICROFILMED

Last Name Miller Ident No. 39576

APR 19 1994
 Copies: White-State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

APR 19 1994

Last Name Miller

Ident No. 39576

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number X 75-04192
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

John Miller
Angelia Miller

Date

4/30/90

Date

4/30/90

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____

Organization

, that I have signed the foregoing

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of ~~Idaho~~/or Arizona)
) SS.
County of Maricopa)

notarized in Yavapai county

Subscribed and sworn (or affirmed) before me this 30th day of April 19 90

SEAL

Notary Public

Residing at Ash Fork, Arizona

My Commission Expires August 31, 1990

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

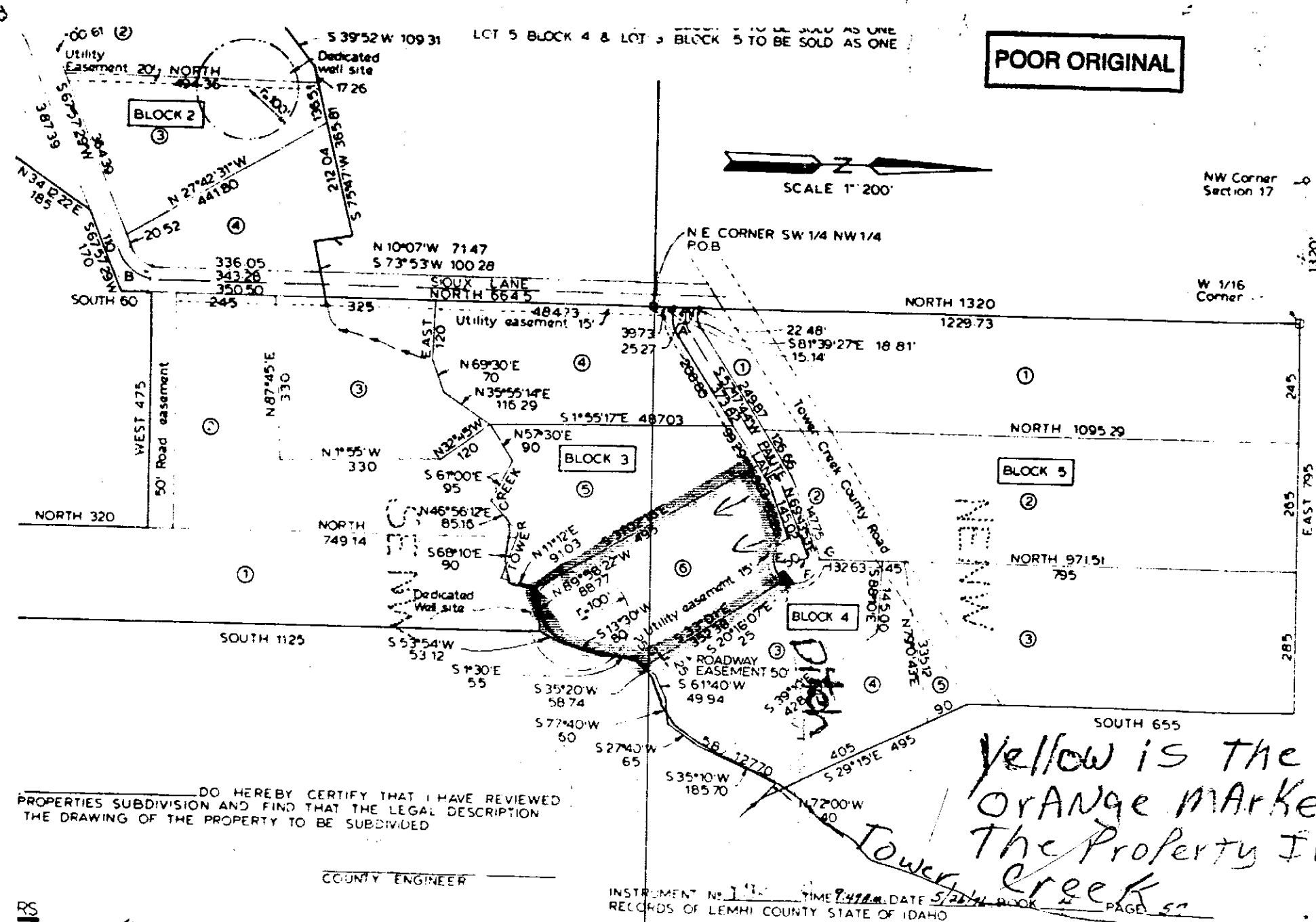
Last Name Miller Ident. Number 39576

MICROFILMED

APR 19 1994

Copies White-State, Yellow-Claimant

MICROFILMED
APR 19 1994



DO HEREBY CERTIFY THAT I HAVE REVIEWED
PROPERTIES SUBDIVISION AND FIND THAT THE LEGAL DESCRIPTION
THE DRAWING OF THE PROPERTY TO BE SUBDIVIDED

COUNTY ENGINEER

RS

CHAIRMAN OF THE BOARD OF COUNTY COMMI.
DAHO DO HEREBY CERTIFY THAT THE ACCOMPANYING PLAT OF TOWER
PTED AND APPROVED BY SAID BOARD THIS 10 DAY OF May 1976

Chairman Aldous
COUNTY CLERK CHAIRMAN

INSTRUMENT No. 111 TIME 9:41 AM DATE 5/21/76 BOOK PAGE 51
RECORDS OF LEMHI COUNTY STATE OF IDAHO

~~SANITARY RESTRICTIONS IN FORCE UNDER TITLE 50 CHAPTER 12
DRAIN FIELDS AND SEWAGE BEDS ONLY TO BE PERMITTED~~

I HEREBY CERTIFY THAT SANITARY RESTRICTIONS REQUIRED BY SECTION 12-1301
OF THE IDAHO STATE CODE HAS BEEN SATISFIED AND THIS PLAT IS HEREBY
APPROVED FOR RECORDING BY FILE NO. 111-1-1-1

DAHO STATE DEPARTMENT OF REVENUE

POOR ORIGINAL

SCALE 1"=200'

NW Corner
Section 17

W 1/16
Corner

IT IS THE
DESCRIBED
DIVIDED IN
DIMENSIONS
THE DEPT
PUBLIC THE
THE PUBLIC
LY RESERV
TED HERE
PURPOSE

Yellow is the Ditch
Orange Marked Prop is
The Property Irrigated
Tower Creek

Id.# 39576
Miller

JUNE 14, 2001

DEAR MR. & MRS. O BRIEN:

WATER RIGHT NUMBER A75-11623 HAS BEEN CHANGED TO REFLECT THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



ARLEN & JUDY O BRIEN
PO BOX 192
CARMEN ID 83462

6-13-01

Note to file: 75-11623

We are changing the
address of this file
based on the signed,
notarized & amended
claim we received on
June 13, 2001.

Jennifer Crabtree
Technical Records Specialist



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

October 29, 1997

ARLEN & JUDY O'BRIEN
1387 SEDERO LN
POCATELLO ID 83204

RE: CHANGE IN OWNERSHIP FOR A75-04192 & A75-11623

Dear Mr. & Mrs. O'Brien:

The request for Change in Ownership concerning A75-04192 does not appear to be appurtenant to the property sold to you by Mr. Miller and is not able to be conveyed.

Enclosed you will find a photo map and one copy of the Notice of Claim for A75-11623 amended to reflect the proper place of use and point of diversion and with your name shown as the current owner. Please review the documents. If there are no corrections or questions, please sign the document in the presence of a notary and return to this office.

If you have further questions, please contact Senior Water Agent Allen Ruberry at (208) 525-7161.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Amended Notice of Claim

Memorandum

Date: October 22, 1997

To: Allen Ruberry, Eastern Region

From: Bob Foster, Salmon Office

Re: A75-11623

RECEIVED

OCT 28 1997

Department of Water Resources
Eastern Region

I made another on-site visit to the property covered under the above claim. I was accompanied by the realtor who had sold the property to the O'Brien's. The purpose of this visit to correctly identify the place of use and point of diversion.

I have enclosed an ASCS photo with the POD and POU marked as well as an extra photo for your use.

Photo 3-

A75-11623

T23N, R22E

78
1817

8 9
17 16

Lower Creek Rd

NW

75 Photo 35

SE

SE



Memorandum

Date: September 03, 1997

To: Allen Ruberry, Eastern Region

From: Bob Foster, ^{BR}Salmon

Re: Change of Ownership A75-11623

On the above date I made an on site inspection to determine the correct place of use and point of diversion for the above claim. I have enclosed a copy of a USGS quad map with the point of diversion and place of use marked. The place of use and the point of diversion are both located in T23N R22E S17 SWNW. As we had discussed in an earlier telephone conversation the claimed place of use in the SWNE of section 17 is actually upstream from the point of diversion and is probably the result of a clerical error on the original claim.

5 SEPT 97 2:40 PM.

BOB, PER OUR TELECON, HORNSWITH IS THE ORIGINAL CLAIM, THE WRONGLY CLAIMED RIGHT (A75-04192), PLAT MAPS, ETC. AS YOU WILL NOTE YOUR RECENT FIELD EXAM SHOWS THE POD/POU TO BE ON THE OPPOSITE SIDE OF TONISTE CREEK WHEN REFERENCED TO THE CLAIM.

Thank you for your assistance
can I & can assist you.

AC

RECEIVED

SEP 05 1997

Department of Water Resources
Eastern Region

DELOG 8/27/97 A.R.

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

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) ~~A75-09142~~ A75-11623

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) Joshua + Angelia Miller
PO Box 203 NORTH FORK ID 83466 865-2361

4. New Owner/Claimant(s) Arlen + Judy O'Brien
Name connector (Check one): [] AND, [] OR, [☒] AND/OR
New Mailing Address 1387 Sedona Lane
City, State and ZIP Code Pocatello IDAHO 83204
New Telephone Number (208) 237-6982

5. Date you acquired the property 6-6-97

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) Judy K O'Brien Date 6-6-97
Arlen O'Brien Date 6-6-97

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

RECEIVED

AUG 22 1997

Department of Water Resources
Eastern Region

LETTER OF CLOSING INSTRUCTIONS
TO AMERICAN LAND TITLE CO.

ESCROW NO. E-2461-TMS

DATE: June 6, 1997

We, the undersigned, hereby instruct American Land Title Co. hereinafter referred to as the "Closing Agent", when in receipt of all documents and monies as set out herein, to close this transaction according to the following instruction and information:

The parties have entered into a contract for the purchase and sale of the subject property entitled, SALE AGREEMENT dated MARCH 21, 1997, hereinafter referred to as the contract. The closing agent is hereby instructed to close the transaction in accordance with the terms of the Contract as well as these instructions, HOWEVER, in the event the terms of the contract and the terms of these instructions shall conflict, the terms of these instructions shall control.

PROPERTY: LT 6 /3 & LT 2 /4 TOWER CR PRP SALMON, IDAHO

BUYER: ARLEN D. O'BRIEN AND JUDY K. O'BRIEN

SELLER: JOSHUA J. MILLER AND ANGELIA J. MILLER

TERMS:

Sales Price \$ 91,000.00

Payable as follows:

Earnest Money Deposit	\$ <u>500.00</u>	held by <u>ALLIANCE TITLE & ESCROW CORP.</u>
Cash (approximate)	\$ <u>34,500.00</u>	
Assumption of	\$ _____	
approx. balance owing to		
New Loan amount	\$ _____	from _____
Deed of Trust (Mortgage)	\$ <u>56,000.00</u>	
in favor of	<u>JOSHUA J. & ANGELIA J. MILLER</u>	

In the event more than one deed of trust or mortgage is to be recorded in connection with this transaction, said liens shall be recorded in the following order of priority:

1st lien shall be in favor of _____ in the amount of \$ _____
2nd lien shall be in favor of _____ in the amount of \$ _____

In the event this transaction involves a  loan or assumption of existing loan, the instructions must conform to the instructions of that lender.

205 COURTHOUSE DRIVE • P.O. BOX 1169 • SALMON, ID 83467

208.756.4231 • FAX 208.756.4232

PRO-RATION DATE: June 6, 1997CLOSING DATE: June 6, 1997

The "Closing Agent" is instructed to pro-rate all items to be pro-rated as of the above date with the seller being responsible for all such items up to but not including the date of pro-ration and the Buyer being responsible for such items from and including the date of pro-ration.

The property taxes for 1996 shall be pro-rated on the basis of the 1996 tax assessed. If the amount assessed is not known, taxes shall be pro-rated on the estimate of \$432.28. The parties hereto acknowledge that there may be a difference between the amount of taxes pro-rated and the actual assessment levied. The parties further acknowledge that under Idaho Code Sections 63-403 and 8302203, and Title 63, Chapter 39 "New and Additional Assessments," "Adjustments of taxes by the Board of Commissioners," and "Tax on Newly Constructed and Occupied Residential and Commercial Structures," additional taxes and agree to promptly adjust any such difference between themselves. The "Closing Agent" shall not pro-rate any utility charges, unless specifically instructed to do so.

THE FOLLOWING ITEMS SHALL BE PAID BY BUYER (B), SELLER (S), DIVIDED BETWEEN BUYER AND SELLER EVENLY UNLESS OTHERWISE STATED (D) OR PAID OUTSIDE CLOSING (POC)

_____	Attorney's Fees
<u>D</u>	Closing Fee
<u>S</u>	Title Insurance, Own Policy
_____	Title Insurance, Loan Policy
_____	Assumption Fee
<u>D</u>	Escrow Set-up
_____	Survey
<u>S</u>	Real Estate Commission of <u>6%</u> to _____
_____	Real Estate Commission of <u>DEBOARD RE</u> to _____

TITLE INSURANCE: Insurer SECURITY UNION TITLE		No. <u>6-7486-C</u>
<u>S</u>	(X)std () ext. coverage owners policy	AMT. \$ <u>91,000.00</u>
_____	()std (X) ext. coverage loan policy	AMT. \$ _____

HAZARD INSURANCE:

() Assume Existing, (X) Obtain New, From _____ Paid _____

When closing agent has received all properly executed documents and all funds necessary for completion of the transaction and the Title Insurer is in a position to issue the type of policy(s) set out above, subject only to exceptions No. 7 - 13 as set out in their commitment or preliminary report dated JUNE 2, 1997, and their usual printed exceptions, the closing agent is hereby authorized to record or file all necessary documents and disburse funds deposited in accordance with the amounts shown on the closing statement. Minor adjustments may be made for additional interest due or delay in disbursing beyond the control of the closing agent, for which the respective party shall be given an accounting.

In the event this transaction does not close for any reason, the closing agent shall be entitled to reimbursement for any and all costs expended by it and shall be further entitled to an escrow cancellation fee not to exceed one half of the normal fee and the parties hereto agree to jointly and severally liable for same. Further, any earnest money deposited with the closing agent shall be refunded only upon written instruction from the parties hereto. EXCEPT that, in the event the earnest money has been deposited by the Broker, the closing agent is hereby authorized to refund same to the broker's trust account for his disposition to the parties and in the event the closing agent has incurred expenses in connection herewith, the closing agent shall be entitled to retain so much of the earnest money as it is entitled to hereunder for the reimbursement of said expenses.

STATEMENT OF SETTLEMENT
Buyer's

Property Address: LT 6 /3 & LT 2 /4 TOWER CR PRP SALMON, ID 83467

Seller: JOSHUA J. MILLER AND ANGELIA J. MILLER

Purchaser: ARLEN D. O'BRIEN AND JUDY K. O'BRIEN

Settlement Date: 06/06/97

Date of Proration: 06/06/97

Legal Description:

LOT 6 IN BLOCK 3 AND LOT 2 IN BLOCK 4 OF TOWER CREEK PROPERTIES
SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF FILED FOR RECORD IN
BOOK 4 OF PLATS AT PAGE NO. 57 AND AMENDED BY RECORD OF SURVEY RECORDED
IN BOOK 10 OF SURVEYS AT PAGE NO. 6 AND FURTHER AMENDED BY RECORD OF SURVEY
RECORDED IN BOOK 10 OF SURVEYS AT PAGE NO. 6.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED REAL PROPERTY
LYING WITHIN TOWER CREEK ROAD.

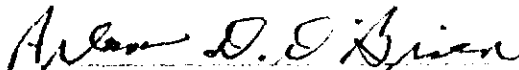
File No: 6-7486-C

Description	Debit	Credit
Contract Sales Price	91,000.00	
Deposit or earnest money		500.00
New loan from		56,000.00
CURRENT TAXES 01/01/97 to 06/06/97		184.76
Settlement Fee to AMERICAN LAND TITLE CO., INC.	156.50	
Document Preparation to ALLIANCE TITLE & ESCROW CORP.	25.00	
Recording Fees	9.00	
BILL ALLEN ESCROW	76.00	
Sub-Totals	91,266.50	56,684.76
Balance due from Buyer		34,581.74
TOTALS	91,266.50	91,266.50

The 1996 taxes are pro-rated on the 1996 tax amount. The signatories herein, hereby acknowledge that there may be a difference between the amount of taxes pro-rated and the actual amount of taxes. It is further acknowledged that under the Idaho Code Sections 63-203, "Taxpayers Property Declaration", (personal property); 63-403, "New and Additional Assessments"; 63-3905, "Reporting", (newly constructed improvements), additional taxes may be levied. We further agree to hold American Land Title Company harmless for any such pro-ration differences. We further agree to hold American Land Title Company harmless for any additional taxes which may be levied. Taxes will be re-adjusted between the buyer and seller when actual tax statements become available and same is hereby agreed to by the signatories hereon.

WE HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE STATEMENT.

APPROVED and ACCEPTED


ARLEN D. O'BRIEN


JUDY K. O'BRIEN

AMERICAN LAND TITLE CO., INC.

STATEMENT OF SETTLEMENT
Seller's

Property Address: LT 6 /3 & LT 2 /4 TOWER CR PRP SALMON, ID 83467

Seller: JOSHUA J. MILLER AND ANGELIA J. MILLER

Purchaser: ARLIN D. O'BRIEN AND JUDY K. O'BRIEN

Settlement Date: 06/06/97

Date of Proration: 06/06/97

Legal Description:

LOT 6 IN BLOCK 3 AND LOT 2 IN BLOCK 4 OF TOWER CREEK PROPERTIES
SUBDIVISION ACCORDING TO THE OFFICIAL PLAT THEREOF FILED FOR RECORD IN
BOOK 4 OF PLATS AT PAGE NO. 57 AND AMENDED BY RECORD OF SURVEY RECORDED
IN BOOK 10 OF SURVEYS AT PAGE NO. 6 AND FURTHER AMENDED BY RECORD OF SURVEY
RECORDED IN BOOK 10 OF SURVEYS AT PAGE NO. 6.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED REAL PROPERTY
LYING WITHIN TOWER CREEK ROAD.

File No: 6-7486-C

Description	Debit	Credit
Contract Sales Price		91,000.00
Payoff loan		37.50
Payoff loan		
DEED OF TRUST	56,000.00	
CURRENT TAXES 01/01/97 to 06/06/97	42.46	14.76
Commission	5,460.00	
Settlement Fee to AMERICAN LAND TITLE CO., INC.	156.50	
Document Preparation to ALLIANCE TITLE & ESCROW CORP.	25.00	
Title Insurance to AMERICAN LAND TITLE CO., INC.	523.50	
BILL ALLEN ESCROW	76.00	
Sub-Totals	62,283.16	91,000.00
Balance due to Seller	28,716.84	
TOTALS	91,000.00	91,000.00

The 1996 taxes are pro-rated on the 1996 tax amount. The signatories herein, hereby acknowledge that there may be a difference between the amount of taxes pro rated and the actual amount of taxes. It is further acknowledged that under the Idaho Code Sections 63-203, "Taxpayers Property Declaration", (personal property); 63-403, "New and Additional Assessments"; 63-3905, "Reporting", (newly constructed improvements), additional taxes may be levied. We further agree to hold American Land Title Company harmless for any such pro ration differences. We further agree to hold American Land Title Company harmless for any additional taxes which may be levied. Taxes will be re-adjusted between the buyer and seller when actual tax statements become available and same is hereby agreed to by the signatories hereon.

WE HEREBY ACKNOWLEDGE RECEIPT OF THE ABOVE STATEMENT.

APPROVED and ACCEPTED


JOSHUA J. MILLER


ANGELIA J. MILLER

MARCH 26, 1993

JOSHUA MILLER
P O BOX 78
ASHFORK AZ 86320

RE: IRRIGATION ADJUDICATION NOTICE A75-11623

Dear Mr. Miller:

The water right number assigned to the Notice of Claim for your property in Lemhi County had previously been used. Therefore, we have renumbered your Notice of Claim from A75-04192 to A75-11623 and modified Receipt No. E014635 to reflect this change.

The enclosed form is a computer generated duplicate of the original notice but with the newer water right number. Please retain this Notice for your records and future reference.

I apologize for any inconvenience caused by the renumbering of this Notice. The issuing of duplicate numbers occurs when there are several offices used by the public to file their Notice of Claim.

If you should have any questions regarding this matter please feel free to contact me at (208) 525-7161.

Respectfully submitted,

Allen B. Ruberry
Sr. Water Agent - Adjudications

Enclosure: Notice of Claim A75-11623

MICROFILMED

APR 19 1994

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME MILLER J.CLAIM IDENT. NO. 11623
A25-04192DATE RECEIVED 5/7/90

CK # _____

AMOUNT \$ 53.00

YES NO Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ *
2. Is a priority date entered? ☒ YES ☐ NO ☐ *
- Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ *
3. (a) Is a source entered? ☒ YES ☐ NO ☐ *
- (b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ *
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ *
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ *
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ *
- Is the period of use included? ☒ YES ☐ NO ☐ *
- Is a quantity claimed for each use? ☒ YES ☐ NO ☐ *
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ *
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ *
- Is the consumptive use correct? ☒ YES ☐ NO ☐ *
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ *
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ *
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ *
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ *
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ *
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ *
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ *
22. Should this claim be data entered? ☒ YES ☐ NO ☐ *

Claim checked by: DRR Date: 3/8/93Claim must be returned to claimant: ☐ (Yes) ☐ (No)Claimant must be notified of modifications: ☐ (Yes) ☐ (No)

Receipt Prepared by: _____

Claim data entered by: _____

Sent to claimant by: _____

Date: _____

Date: _____

Date: _____

MICROFILMED

Checked by: _____

Date: _____

APR 19 1994

Comments: Constructing #76145 New #10000Remarks: Refer to 75-04192 stability claim as basis for this permit. Approving 4/11/94