

Roxanne - Please attach to water
right #'s 73-4012 A, 73-4013 A,
73-4014 A, 73-4033 A

STATE OF IDAHO) for Stan + Trish Downton.
) ss. AFFIDAVIT RE: WATER RIGHTS PRIORITY
County of Custer)

BOISE H. ELLIS, being first duly sworn, on his oath does
depose and say:

That I am 89 years old, having been born October 30, 1888, on
the old Ellis Ranch in the Pahsimeroi Valley, Custer County, where
I reside at this time;

That my father, George A. Ellis, Sr., owned the North 1/2,
approximately, known as the "Ellis Ranch" and owned in partner-
ship with James M. Shoupe (Jim Shoupe) the remainder or South 1/2,
approximately, known as the "Jim Shoupe Ranch" of the ranch
property described in the attached Exhibit A which is a part of
this Affidavit.

That the described ranch property was occupied by Jim Shoupe
and my father sometime after 1863, the year my father came to
Salmon, Idaho as a 6 year old boy but several years before
Government Patents were issued for the property: that I recall
my father stating the lands were occupied before he was old
enough to file an entry with the government and that it was after
occupying these lands for production of cattle and horse feed
that he married my mother whose name was Mary Ellis, after marriage;
that he also stated to me he had to give a man named Dan Hyer,
a squatter on the Ellis Ranch before Patent was issued, a few
head of stock to move his horses and camp off the land because
he was interfering with the irrigation, raising of crops and
pasturing of cattle and horses; and that it was the hard winter
of 1889 when he lost over 1000 head of cattle:

Department of Water Resources

MAY 13 2005

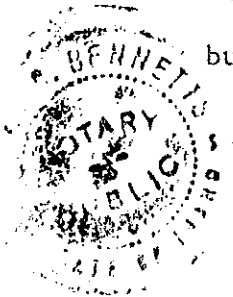
RECEIVED

That as a boy under six years old, I saw tall, heavy willows growing along the old Weller-Shoupe-Ellis ditch and other lower ditches as a result of irrigation water flowing each season for delivery to the ranches from the Pahsimeroi river; that these willows were tall enough to completely conceal a rider named Lee Watson as I watched him riding a half-broken horse up the ditch bottom;

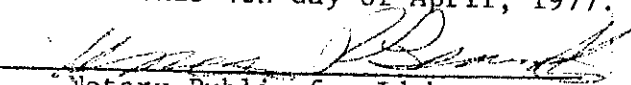
That based on my own observations and the conversations had over a period of many years with my father, George A. Ellis, Sr., I state as a fact that large amounts of water were diverted from the Pahsimeroi River through the Weller-Shoupe-Ellis ditch and other ditches headed below to irrigate the Ellis and Jim Shoupe ranches herein described; and, that such waters were used with never a shortage from the late 1970's, without interruption, to this date; and

That large amounts of water are necessary in order to grow wild grass pasture and grass hay for the Ellis and Jim Shoupe ranches for the reason that they are bottom-type ground which requires large amounts of water on a regular basis to keep from burning.

Dated this 4th day of April, 1977.


Boise H. Ellis
Boise H. Ellis

SUBSCRIBED and SWORN To before me this 4th day of April, 1977.


Notary Public for Idaho
Residing at Challis, therein.
My commission expires:
July

CUSTER COUNTY, IDAHO:

Township 15 North, Range 20 East, Boise Meridian;

Section 1: Lot 1 and Lot 2.

Township 15 North, Range 21 East, Boise Meridian;

Section 6: Lot 4 save and except that part thereof located in Lemhi County, Idaho.

Township 16 North, Range 21 East, Boise Meridian;

Section 31: Lot 2 (SW $\frac{1}{2}$ SW $\frac{1}{2}$) save and except that part thereof located in Lemhi County, Idaho.

Township 16 North, Range 20 East, Boise Meridian;

Section 36: SW $\frac{1}{2}$ SE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho, NE $\frac{1}{2}$ SW $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{2}$, SW $\frac{1}{2}$ NE $\frac{1}{2}$, SE $\frac{1}{2}$ NE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho, NW $\frac{1}{2}$ NE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho, and a fraction of SE $\frac{1}{2}$ SW $\frac{1}{2}$ more particularly described as beginning at the Southeast corner of said SE $\frac{1}{2}$ SW $\frac{1}{2}$, said Section 36, thence North 330 feet to a point on the boundary line between the SE $\frac{1}{2}$ SW $\frac{1}{2}$ and the SW $\frac{1}{2}$ SE $\frac{1}{2}$ said Section 36, the point of beginning, thence North 990 feet, thence West 660 feet, thence Southeasterly 1190 feet to the point of beginning.

Section 25: SW $\frac{1}{2}$ SE $\frac{1}{2}$ save and except that part thereof located in Lemhi County, Idaho and SE $\frac{1}{2}$ SW $\frac{1}{2}$.

EXHIBIT A

STATE OF IDAHO)
COUNTY OF CUSTER) ss. W $\frac{1}{2}$ 143789
This instrument was filed for record

at the request of Jack Fisher
at 3:00 o'clock P.M. 4/13 1977
and duly filed and indexed in the
Records of Custer County, Idaho.

Maria Sullivan
Ex-Officio Recorder.
By Regina [Signature] Deputy

Return to Jack Fisher