

RECEIVED

MAY 23 2005

DEPARTMENT OF
WATER RESOURCES

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

6704058)

AFFIDAVIT

State of Idaho)
County of Washington)

being first duly sworn,

deposes and says: See legal document dated 8 Jan 1921. It says
ditch could carry 25". This is the most western point of diversion.

I have owned this property since 1959 and both ditches were
about equal in size so this could be a claim of 50" of water
with a date of 1921.

Harmon Harmon

(Signature)

Subscribed and sworn to before me this
day _____ of _____, 19____.

SEAL

(Notary Public)

Residing at _____.

My Commission Expires _____.

This Indenture, Made this 8th day of January

the year of our Lord one thousand, nine hundred and twenty-one

Between, Harold J. Wilson, a bachelor,

whose postoffice address is Cambridge County of Washington

State of Idaho, the party of the first part, and Myrtle Schmitz

Administrator of estate of C.E. Schmitz, with will annexed,

whose postoffice address is Cambridge County of Washington

State of Idaho, the party of the second part.

Witnesseth: That the said party of the first part, for and in consideration of the sum of two hundred twenty DOLLARS

lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold, and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said party of the second part and to her heirs and assigns forever all the following described real estate situate in

County of Washington State of Idaho, to wit:

One twenty-fifth of one second foot of water and water right with date of priority as of May 1st, 1904 (equivalent to two miners inches, and also eleven one hundredths of one second foot (equivalent to five and one half miners inches of water, or water right with date of priority as of May 1st 1912, all appropriated from Pine Creek in said County and as decreed to the first party in that certain adjudication suit in the District Court of the seventh Judicial District of the State of Idaho, in the Case of Muir vs Allison et al, to which decree reference is hereby made, and also a right in and to the ditch appurtenant to such water rights from what is known as the west fork of little pine creek and known as the Marquess ditch, the point of diversion of which ditch is NW 1/4 Sec 36, Tp 15 N, range 4 West of B. M., and such right hereby conveyed being one-half of the right in such ditch as heretofore conveyed to the first parties in that certain deed, dated April 17th, 1912, as of record in book 31 of deeds, at page 155 in the recorder's office of said County, (to which record reference is hereby made and had,) the said right in said ditch so conveyed being for the capacity flow of 25 miners inches, and these presents are intended to convey one-half of such title so acquired plus the enlargement thereof or increased capacity.



Together, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said party of the first part.

To Have and to Hold. All and singular the above-mentioned and described premises, together with the appurtenances, unto the party of the second part, and to her heirs and assigns forever. And the said party of the first part, and his heirs, the said premises in the quiet and peaceable possession of the said party of the second part, heirs and assigns, against the said party of the first part, and heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

In Witness Whereof. The said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Presence of

Harold J. Wilson (SEAL)

(SEAL)

(SEAL)

Warranty Deed

Harold J. Wilson

TO

Myrtle Schmitz

Date January 8, 1921

STATE OF IDAHO

County of Washington } SS.

I hereby certify that the within instrument was filed for record at request of

Myrtle Schmitz

at 4 o'clock P. M.

this 11 day of

Jan. A. D. 1921

in my office and duly recorded in Book

49 of Deeds at Page 137

Book 6 of 1921

Recorder.

By B. B. Smith Deputy

Fees, \$1.00

Completed

In Witness Whereof, I have hereunto set my hand and official seal the day and year in this certificate first above written.

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

On this 8th day of January, 1921, before me, R. E. Wilson, Notary Public in and for said County, personally appeared Harold J. Wilson, a bachelor

STATE OF IDAHO }
County of Washington } SS.