

75-4471

RECEIVED

JUL 15 2005

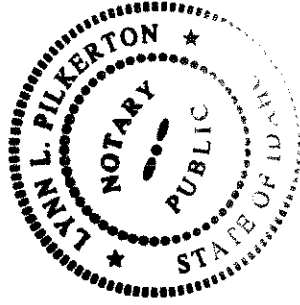
DEPARTMENT OF
WATER RESOURCES

Dear Roxanne:

Enclosed are copies of some of the papers I found in regards to our water Rights from Jesse creek. My father who has been the owner of this ranch, passed away a little over a year ago and I am not up on what papers all need to be sent. Looking through papers these are some of what I found. There are papers showing water rights dating back to 1894 for Gilmore Pittsburg railroad which this ranch is now a part of. My uncle bought the property from the railroad co. in 1944, and in 1947 my father bought a portion of it from my uncle and has been using water from it every since then. I also found a paper having water right #A75-10475 showing priority date 04/01/1894 besides the claim #75-04471 . I know that my father has been receiving water from said ditch since owning the property in 1947. I also know that in a court hearing a couple of years ago between my father and Bob Blackadar that the priority date of 1941 was mentioned I hope you find the information needed in what I have sent.

Thank You Ron Austin

Rm Austin



STATE OF IDAHO
COUNTY OF LEMHI

Subscribed and sworn to/affirmed before

me this 13 day of July 20 05

Lynn L. Pilkerton

NOTARY PUBLIC

My Commission Expires on 02/28/07

George O. Miller
V.S.
Ernest Long et al
Defendants

WATER DIST
JUDICIAL DIST
DATE OF DECREE

COUNTY
JUDGE George W. Edgill
RECORDED IN BOOK NO. AT PAGE NO.
June 19, 1925

DM.	DECREED OWNER	PRESENT OWNER	NAME	AMT SEC. FLD	PRIORITY	SUBDIV.	SEC.	TWR.	RE.	DIVISION	REMARKS, LAND TO BE IRRIGATED, ETC.
0001	George G. Miller			35	4-1-1894	Jesse Creek					W ₁ SW ₄ - Sec. 31, T22N, R22E
0113	Estate of John Long			0 (100)	4-1-1894	Jesse Creek					NW ₁ SE ₄ , NE ₁ SW ₄ , Lots 2, 3, SE ₁ NW ₁ , SW ₁ NE ₁ , NW ₁ NE ₁ - Sec. 30, T22N, R22E
	Trans. 1090 - Walter L. Blackadar			100							Lots 3, 4, E ₁ SW ₄ - Sec. 31, T22N, R22E
0002	Guy Edwards			85	4-1-1894	Jesse Creek					Lots 3, 4, E ₁ SW ₄ - Sec. 31, T22N, R22E
0003	William Boomer			72	4-1-1894	Jesse Creek					SW ₁ NE ₁ , NW ₁ SE ₁ - Sec. 31, T22N, R22E (Exce
0004	Harry Kelly			60	4-1-1894	Jesse Creek					Property in Manhattan Addition, Salmon (
0005	George Oliver			250	4-1-1894	Jesse Creek					SW ₁ & SE ₁ - Sec. 1; SE ₁ SW ₄ , S ₁ SE ₁ , NE ₁
0114	Bertha N. Rose			25	4-1-1894	Jesse Creek					Lots 1 & 10 - Sec. 6, T21N, R22E. (Exce
0008	Edson A. Morris			13	4-1-1894	Jesse Creek					Portion of Sec. 1, in Arlington Heights
0007	Citizens National Bank			200	4-1-1894	Jesse Creek					SE ₁ SW ₄ , SW ₁ SE ₁ , Lot 4 - Sec. 30, NW ₁ NE ₁ , SE ₁ NW ₄ , Lots 1, 2 - Sec. 31, T22N, R22E
75-0003	Emerson Hill			7.5	4-1-1894	Jesse Creek					Lots in North Salmon Addition, Grandvi
											and McCordell's Addition, Salmon, City,

Defendants

ng et al

DATE OF DECREE

June 19, 1925

IN BOOK NO.

AT PAGE NO.

FILE NO.

JUDGE George W. Edgington

RECORDED

WATER DIST

JUDICIAL DIST.

Q.T.

REMARKS, LAND TO BE IRRIGATED, ETC.

W¹SW¹ - Sec. 31, T22N, R22E

N¹SE¹, NE¹SW¹, Lots 2, 3, SE¹SW¹, SW¹NE¹, Parts NE¹SW¹, & NW¹NE¹ - Sec. 30, T22N, R22E

Lots 3, 4, E¹SW¹ - Sec. 31, T22N, R22E

St¹NE¹, N¹SE¹ - Sec. 31, T22N, R22E (Except for 2 parts, deeded to Gilmore & Pittsburg RR & G. W. Snyder)

Property in Manhattan Addition, Salmon City, Idaho

SW¹ & SE¹ - Sec. 1; SE¹SW¹, S¹SE¹, NE¹SE¹ - Sec. 2

Lots 1 & 10 - Sec. 6, T21N, R22E. (Except for part of Lots 1 & 10 described in decree.)

Portion of Sec. 1, in Arlington Heights addition, Salmon City, Idaho

SE¹SW¹, SW¹SE¹, Lot 4 - Sec. 30; NW¹NE¹, NE¹SW¹, SE¹SW¹, Lots 1, 2 - Sec. 31, T22N, R22E

Lots in North Salmon Addition, Grandview Addition, and McGardell's Addition, Salmon City, Idaho

NAME PRESENT OWNER

AMT SEC. FT. □

PRIORITY

DIVERSION

SUBDIV. SEC. TWR. RA.

4-1-1894

Jesse Creek

35

4-1-1894

Jesse Creek

(100)

Walter L. Blackadar

85

4-1-1894

Jesse Creek

72

4-1-1894

Jesse Creek

60

4-1-1894

Jesse Creek

250

4-1-1894

Jesse Creek

25

4-1-1894

Jesse Creek

13

4-1-1894

Jesse Creek

200

4-1-1894

Jesse Creek

7.5

4-1-1894

Jesse Creek

onal Bank

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: **A75-10475**
Date Received: 5/ 3/1990
Receipt No: M006881
Received By: _____

COPY

COPY FOR YOUR FILES **NOTICE OF CLAIM TO A WATER RIGHT** **COPY FOR YOUR FILES**
ACQUIRED UNDER STATE LAW

1. Name: SILVER PEAK RANCH TRUST 208-756-3368

Address: C/O MYRTHUS AUSTIN/RON AUSTIN
TRUSTEES
1029 HWY 93 N
SALMON ID 83467

2. Date of Priority: APR 1, 1894

3. Source: JESSE CREEK

Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
21N	22E	1	SW NW		LEMHI
22N	22E	31	NE SW		LEMHI
			NW SE		LEMHI

5. Description of diverting works:
HEADGATE, 2 DITCHES, 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	1.940		

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

8. Total consumptive use is 335.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	31	NE NE		IRR	4.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
22N	22E	31	SE	NE		IRR	40.0
			NE	SE		IRR	10.0
Section Acres							54.0
32							
			NE	NW		IRR	4.0
			NW	NW		IRR	4.0
			SW	NW		IRR	40.0
			SE	NW		IRR	17.0
			NE	SW		IRR	3.0
			NW	SW		IRR	12.0
Section Acres							80.0
Total Acres							134.0

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:

THIS CLAIM IS FOR COMBINED DECREED RTS. 75-0009 AND 0003 IN
IN TOTAL. CLAIMANTS LAND IS VERY ROCKY AND REQUIRES ABOUT
4 INCHES PER ACRE TO IRRIGATE ADEQUATELY.
THIS IS A HIGH WATER RIGHT AND IS USUALLY AVAILABLE ONLY FOR A
SHORT PERIOD OF THE IRRIGATION SEASON.
CHANGED OWNERSHIP 3/8/95/JT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff vs Decree Defendant



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

DATE OF CLOSING: Jan. 2-1995
(see instructions on back of page)

RECEIVED

JAN 06 1995

LEGAL DESCRIPTION OF PROPERTY: Township 21. N. 22. N Range 22E

Section 31, SE SE 1/4 of NE SE 1/4 of SE NE 1/4, Govt. Lot , BM. Department of Water Resources

Lot 1, Block , Subdivision/Townsite

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

RECEIVED

☐ 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) 75-4471
Assigned by IDWR:

Department of Water Resources
Eastern District Office

JAN 11 1995

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

☐ New Owner/Claimant (Purchaser):
SILVER PEAK RANCH TRUST

☐ Myrthus Austin -- Trustee

☐ New Mailing Address:
(208) 756-3368

☐ 1029 HWY 93 N. Salmon, ID. 83467

☐ New Telephone Number: (208) 756-3368

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes 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:

(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) Myrthus Austin Date 1-2-1995
Silver Peak Ranch Date

☐ Signature of Former Owner/Claimant(s): John Austin Date 1-2-1995
Betty Austin 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: Date: By:
Further Action Taken Date: By:
Final Review and Data-Entry Date: By:
Claim Numbers of Split, if any:

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

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: 10470090

Date: 3/ 8/1991
Time: 15154144

Received
From: *AUSTIN, MYRTUS*

Type of Payment

ASSOCIATION FEE
LATE FEE

Program A cct

41500
41500

037
337

Amount

50.00
50.00

CHECK

1290

Total

100.00

A75-04471

WATER RIGHT NUMBERS

VEGETATION EASTERN

SIGNATURE

Jo Thompson

For Organizations:

I do solemnly swear or affirm that I am Trustee of
Silver Peak Ranch Trust, that I have signed the foregoing
Organization
document in the space below as Trustee of

Silver Peak Ranch Trust and that the statements contained in the
Organization
foregoing document are true and correct.

Myritha Austin
Signature of Authorized Agent

Trustee Silver Peak Ranch Trust
Title and Organization

3-8-95 Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of March 19 95

Seal

Betty J. Thompson
Notary Public

Residing at
BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT 1111 N. 10TH ST.,
BOISE, IDAHO 83702
My Commission Expires July 7, 2000

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
22N	22E	31	SE	NE	IRR	40.0
			NE	SE	IRR	10.0
Section Acres						54.0
		32	NE	NW	IRR	4.0
			NW	NW	IRR	4.0
			SW	NW	IRR	40.0
			SE	NW	IRR	17.0
			NE	SW	IRR	3.0
			NW	SW	IRR	12.0
Section Acres						80.0
Total Acres						134.0

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:

14. Remarks:

CHANGED OWNERSHIP 3/8/95/JT/DW

15. Basis of Claim: STATUTORY CLAIM

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 not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

This is a Constitutional Right

A75-10475 attached

See I.C. 42-105

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: **A75-04471**
Date Received: 3/ 8/1995
Receipt No: E020756
Received By: Jo

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

1. Name: SILVER PEAK RANCH TRUST
Address: C/O MYRTHUS AUSTIN/RON AUSTIN
TRUSTEES
1029 HWY 93 N
SALMON ID 83467
208-756-3368

2. Date of Priority: APR 1, 1941

3. Source: WASTE WATER (HIGH WATER) Trib. to: SALMON RIVER
JESSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
22N	22E	31	NE SW		LEMHI
			SE SW		LEMHI
			NW 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	2.500		

7. Total Quantity Appropriated is:
2.500 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
22N	22E	31	NE NE		IRR	4.0

75-4471

75-4471
(2)

Jessie Cook

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR LAMHI COUNTY

GEORGE G. MILLER,

Plaintiff,

vs.

ERNEST LONG, MRS. ERNEST LONG, JAMES
MORTON, MRS. JAMES MORTON, GUY EDWARDS,
MRS. GUY EDWARDS, WILLIAM EDWARDS, MRS.
WILLIAM EDWARDS, HARRY KELLY, MRS. HARRY
KELLY, MOLA WINDLEKAPPE, J. C. MILLER-
KAUFF, GEORGE W. OLIVER, MRS. GEORGE W.
OLIVER, CHARLES H. ROSE, MRS. CHARLES
H. ROSE, ITSMAN A. MERRIS, MRS. MERRIS,
MARGA A. McCALLIFF, MARGA A. MARY
FRANK AVARE, MRS. FRANK AVARE, EMMETT
RANDOLPH, E. B. RANDOLPH, B. J. RANDOLPH,
REBECCA KING, RICHARD KING, OLIVE
KING, E. J. DOWNEY, MRS. E. J. DOWNEY,
MURIEL M. HART, WILLIAM E. HART, C. H.
KEYSTONE, MARY HART, FERRY HART, J. E.
BOYER, EDWARD HART, ERNEST A. CAMPBELL,
MRS. M. CAMPBELL, CLARA B. FLETCHER,
ANNIE MITCHELL, CITIZENS NATIONAL BANK,
CITY OF LAMHI, ALFRED CROFT, MRS. ALFRED
CROFT, WILLIAM H. CROFT, MRS. WILLIAM H.
CROFT, CHARLES A. MORTON, MRS. CHARLES A.
MORTON, CLARK ALBER, JOHN LUYER, JR., MRS.
JOHN LUYER, FR. J. C. J. STEWART, MORTON
HILL, MRS. MORTON HILL,

DEFENDENTS.

Defendants,

1925

This cause came regularly to be heard the 18th day of June, 1925,
before Hon. George W. Edgington of the Ninth Judicial District of the State
of Idaho sitting for Hon. Ralph W. Adair, Judge of the Sixth Judicial District
of the State of Idaho, in and for the County of Lamhi, without a jury, John
H. Padgham, Esq., appearing as attorney for the plaintiff George G. Miller,
Messrs. Burleigh & Clemon appearing as attorneys for the defendants Anthony
Nichols, Frank Avare and Thomas Wend, R. A. Hall, Jr., Esq., appearing as
attorney for the defendant E. B. Randolph, and E. B. Costerlin, Esq., appear-
ing as attorney for the defendants Ernest Long, Guy Edwards, William Booner,
Harry Kelly, George W. Oliver, Bertha M. Rose, otherwise known as Mrs. Charles
I.

See Pages 4-5

P. 1

H. Rose, Edson A. Morris, Sarah K. Wiley, Citizens National Bank, Emerson Hull, Gilmore and Pittsburg Railroad Company, Limited, and the Estate of John Long, deceased; and it appearing to the satisfaction of the Court that all of the above entitled parties are properly parties to this action, and that the default of all the non-answering defendants herein has been duly entered, and that this action has been dismissed as to all parties not served with summons; and it further appearing to the satisfaction of the Court that the parties hereto, by stipulation, duly filed with the Court, have agreed upon a Decree and have waived findings of fact and conclusions of law, and this matter having been fully considered by the Court and the Court being fully advised in the premises,

WHEREFORE, By reason of the law and the premises aforesaid IT IS ORDERED, ADJUDGED AND DECREED as follows:-

That this decree is a summary, supplemental adjudication of the waters of Jesse Creek and its tributaries, supplemental to that certain Decree of record in the office of the Clerk of this Court in Book "A" of Judgments at page 251 thereof, and that the rights hereby adjudicated shall be, and they are, subject to all the terms and conditions of such original Decree, and shall not in any manner affect any right therein established.;

That each and every of the tracts of land described in the Complaint, Complaints in Intervention, answers and Cross Complaints in this action belonging to the several parties plaintiff and defendant herein are arid in character and will not successfully raise any agricultural crops without the application of water thereon for the irrigation thereof, and that all of said lands are susceptible of irrigation from the said Jesse Creek;

That the owners of the said respective tracts of land are as alleged in the said Complaints, Complaints in Intervention and Cross Complaints on file herein, and that they are as hereinafter set forth.

That the amount of water for each tract of land hereinafter set forth is necessary and ample for the proper irrigation of said lands and in the respective amounts necessary for the delivery to the said several tracts of land of the amount necessary for the proper irrigation thereof;

That the dams and diverting works of the several parties to this action were, at the time of the several appropriations, and are now of sufficient size and capacity to carry and convey water so appropriated to and upon the several tracts of land of the said several parties for the irrigation thereof, and that each and every of the said several tracts of land are situated in Lemhi County, State of Idaho;

That for the irrigation of the said several tracts of land the said parties hereto, or their predecessors in interest, did, respectively, appropriate the quantities of water hereinafter stated and on the dates hereinafter set forth and from the stream herein mentioned, as set opposite the names of each of said parties and ever since said dates of the said several appropriations said water has been so diverted and used on said lands in the irrigation thereof;

That the points of diversion of the waters of said Jesse Creek for the said tracts of land, respectively, be and the same hereby are fixed at the points where they now exist;

That the following named parties to this suit are entitled to the uninterrupted use of the flow of the waters of Jesse Creek and its tributaries upon the lands mentioned and described in the Complaints, Complaints in Intervention and Answers and Cross Complaints herein, and appurtenant to said lands as hereinafter specified in the following amounts and from the following dates, to-wit,-

George G. Miller, seven-tenths of one cubic foot per second of time with date of priority April 1st, 1894, appurtenant to,-

All that certain place or parcel of land bounded as follows:-

Beginning at corner No. 1, identical with the standard corner of Township 22N., R. 21 and 22 E., S. 4N., thence N. 89° 45' E. 40 chains to corner No. 2; thence N. 5' E. 20 chains to corner 3; thence S. 89° 55' E. 38.9 chains to corner No. 4; thence S. 20.08 chains to corner No. 1, the place of beginning containing 80.02 acres of land.

Estate of John Long, Deceased, 2 cubic foot per second of time, with date of priority April 1st, 1894, appurtenant to,-

All of the NW¹/₄ of the 36th, the NE¹/₄ of the SW¹/₄ and Lots No. 2 and 3, and the SW¹/₄ of the NW¹/₄, and the 13th of the NE¹/₄ of Section 30, all in Township 22 North, Range 22 East of the Boise Meridian, also

The NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 30 in said Township and Range excepting therefrom that part heretofore conveyed by John Long and Nancy Long to John H. Wheeler by deed dated September 7th, 1901, and recorded in the office of the County Recorder of said Lemhi County, in Book "18" of Deeds page 225, also the following described tract of land, to-wit,-

From the NE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 30 in said Township and Range run thence South 17 rods to the place of beginning, thence South 63 rods, thence East 30 rods, thence North 64 rods 23.45 links, thence North 88° 20' West 57 rods 53 links, thence West 23 rods to the place of beginning, being the same land conveyed by John H. Wheeler and Anna Wheeler to John Long by deed dated April 2nd, 1909, and recorded in the office of the Recorder of said Lemhi County in Book "9" of Deeds page 376, being a part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 30.

Guy Edwards, 1.7 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

Lots No. 3 and 4 and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31, Township 22 North, Range 22 East of the Boise Meridian.

William Booser, 1.44 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 31 of Township 22 North of Range 22 East of the Boise Meridian, (Excepting therefrom that parcel of land conveyed to William S. Andrews by deed dated June 1st, 1901, recorded in Book "1" of Deeds at page 183, and excepting therefrom that parcel conveyed to the Gilmore & Pittsburg Railroad Company by deed dated May 10th 1909, recorded in Book "9" of Deeds at page 410, and exception therefrom that parcel of land conveyed to George W. Snyder and Lizzie Snyder by deed dated August 20th, 1909, recorded in Book "9" of Deeds at page 449, all reference being to Records of Lemhi County, Idaho).

Mary Kelly, 1.2 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

All of Blocks 1, 2, 11, 12, 13, 14, 15, and Lots 12 to 5, inclusive, in Block 3, Lots 1 to 8 and 11 to 13, inclusive, in Block 10, Lots 1 to 5 and 11 to 13, inclusive, in Block 23, Lots 1 to 15, inclusive in Block 25, Lots 3 to 17, inclusive, in Block 24, Lots 1 to 7, inclusive, in Block 25, Lots 2 to 3, inclusive, in Block 26, and Lots 1 to 5, inclusive, in Block 27, all in Manhattan Addition to the City of Helmon.

George F. Oliver, 5 cubic feet per second of time, with date of priority of April 1st, 1894, appurtenant to,-

The SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 1, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 2, all in Township 21 North of Range 21 East of the Boise Meridian.

Bertha H. Ross, five-tenths of one cubic foot per second of time, with date of priority April 1st, 1894, appurtenant to,-

All of Lots 1 and 10, Section 3, Township 21 North Range 22 E.M.M. (Excepting from this conveyance that part of said Lots 1 and 10 described as follows:

That part of said Lot 10 described as follows:

Beginning at the SW corner of said Lot 10 and running thence N. 17 rods, 21 links; thence N. 43° 10' E. 9 rods; thence S. 80° 40' E. 13 rods 7 links; thence S. 54° 45' W. 21 rods, 18 links and thence W. 5 rods, 7 links to the place of beginning. Containing 263 rods. And also excepting that part of said Lot 1 described as follows: Beginning at a point 92 rods, 12 links E. from the NW corner of NE $\frac{1}{4}$ of said Section 6 and running thence E along the N. line of said Twp. 53 rods to the W. side of the Salmon River; thence S. along the W. side of Salmon River 7 rods and 10 links; thence N. 85° W. 52 rods, 15 links; thence N. 10° 20' W. 3 rods, 15 links to the place of beginning. Containing 1 acre and 130 rods. And exceptin therefrom that certain parcel conveyed to Adolph Wright by deed recorded in Book "X" of Deeds at page 321 thereof, and those certain parcels conveyed to Elle Nieman by Deeds recorded in Book "27" of Deeds at page 117 thereof and Book "2" of Deeds at page 74 thereof, Records of Lemhi County, Idaho).

Edson A. Morris, twenty-six hundredths of one cubic foot per second of time, with priority date of April 1st, 1894, appurtenant to,-

Beginning at a point on the North line of Section 1, in Township 21 North of Range 21 East of the Boise Meridian, South 89° 47' 30" West, 590 feet from the Northeast corner of said Section 11, and running thence South 0° 39 East 552.48 feet to the North line of the alley in Block 14 of Arlington Heights Addition, thence South 89° 53' 30", along the North line of said alley, 880 feet to the East line of 18th Street, in said Arlington Heights Addition, thence North 0° 39' West along said East line of 18th Street, 850.94 feet to the said North line of Section 1; thence North 89° 47' 30" East along said North line of Section 1, 280 feet to the place of beginning containing eleven and forty six one hundredths (11.46) acres.

Citizens National Bank, 4 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and Lot 4 of Section 20, and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ and Lots 1 and 2 of Section 31, all in Township 22 North of Range 22 East of the Boise Meridian.

Emerson Hill, fifteen hundredths of one cubic foot per second of time, with date of priority April 1st, 1894, appurtenant to,-

of Block 2

All of the Lots 1 and 2 in North Salmon Addition; Lot 5 and the W $\frac{1}{2}$ of Lot 6 in Block 3 of Grandview Addition to North Salmon; Lots 4 and 5 of Block 1 and Lots 1, 2, 3, 4, and 5 of Block 8 of McCordell's Addition to North Salmon in the City of Salmon, Lemhi County, Idaho.

Gillmore and Pittsburg Railroad Company, Limited, 1.5 cubic feet per second of time, with date of priority April 1st, 1894, appurtenant to,-

The SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 31 and Lots 3, 6 and 8 of Section 22, Township 22 North, Range 22 East of the Boise Meridian; also

All that part of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 31, described as follows,-

From the SW corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 31, run East along the South line of said subdivision 13 rods to the place of beginning; thence North 20° East 155 rods, more or less, to the NW Corner of Lot 3 of said Section 31; thence South along the West line of Section 22, 160 rods to the SE corner of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 31, thence West along the South line of said subdivision to the place of beginning; also

That part of Lot 1, Section 6, Township 21 North, Range 22 East of the Boise Meridian, described as follows,-

Beginning at a point 92 rods 12 links West of the NW Corner of the NE $\frac{1}{4}$ of said Section 6, run thence East along the North line of said Township 53 rods to the West side of the Salmon River; thence easterly along said river 7 rods and 10 links, thence North 85' West 52 rods 15 links to the East side of the County Highway, thence North 10° 30' West 3 rods 15 links to the place of beginning, which said tract is further described in Book "9" of Deeds at page 411, Records of Lemhi County, Idaho; also,

Beginning at the NW corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 31, Township 12 North, Range 22 East of the Boise Meridian, run thence East along the North line of said subdivision to the center of the County Highway, the place of beginning; thence South along the center line of said Highway to the South line of the NE $\frac{1}{4}$ of said Section 31, thence East 94.5 rods, more or less, to the SW Corner of the land described in Book "9" of Deeds at page 411, thence North about 20° East 165 rods, more or less, to the NW Corner of Lot No. 3 of Section 32 in said Township, thence West 60 rods, more or less, to the place of beginning, being the same property description in Book "9" of Deeds, page 410 thereof, all Records of Lemhi County, Idaho

Anthony Nichols, 1.6 cubic feet per second of time, with date of priority September 14th, 1914, appurtenant to,--

The South half of the Southwest quarter (SE $\frac{1}{2}$ SW $\frac{1}{4}$) of Section eleven (11) Township twenty-one (21) North, Range twenty-one (21) East of the Boise Meridian.

Frank Ayers, 1.12 cubic feet per second of time, with date of priority September 14th, 1914, appurtenant to,--

The East half of the Northeast quarter (NE $\frac{1}{2}$ NE $\frac{1}{4}$) of Section eleven (11) Township twenty-one (21) North, Range twenty-one (21) East of the Boise Meridian.

H. B. Randolph, 1.6 cubic feet per second of time, with date of priority September 14th, 1914, appurtenant to,--

The Southwest quarter of Section Twelve, in Township twenty-one North, Range 21 East of the Boise Meridian, containing 160 acres.

George C. Miller, six-tenths of one cubic foot per second of time with date of priority September 15th, 1914, appurtenant to,--

All that certain piece or parcel of land bounded as follows:--

Beginning at corner No. 1, identical with the Standard corner of Township 22 N., R. 21 and 22 W., T. 12 N.; thence N. 89° 55' W. 40 chains to corner No. 2; thence N. 5° E. 20 chains to corner No. 3; thence South 89° 55' E. 38.9 chains to corner No. 4; thence S. 30.06 chains to corner No. 1, the place of beginning; contain as 80.02 acres of land.

That the water hereby decreed to the respective parties hereto shall be measured at their respective points of diversion in the said Jesse Creek:

If, at any time, there is not sufficient water in said creek to supply the full amount awarded herein and hereby to each of said parties the amount of water attainable from the creek shall be distributed pro rata to all persons herein named who are in need of said water for irrigation purposes and desire to presently use the same for that purpose.

IT IS FURTHER ADJUDGED AND DECREED, That each of the parties to this action shall pay his or her own costs:

That each and every of the parties to this suit, their agents, servants, attorneys and employees and each and every and all persons acting in aid of or for any of the parties to this suit are hereby restrained and enjoined from in any manner interfering with or diverting or using the waters of said stream, or its tributaries, except in accordance with the terms and conditions of this Decree.

Dated this 19th day of June, 1925.

Geo. W. Edgington
Judge

Filed & Entered June 20th, 1925.

W. W. Simmonds, Clerk

By Margaret Aboup, Deputy.

Book "C" of Judgments, pages 284-5-6-7.

STATE OF IDAHO)
County of Latah) ss.

I, W. W. Simmonds, Clerk of the District Court in and for the County aforesaid, do hereby certify that the foregoing is a full, true and complete copy of a Decree on file and of record in my office, in Book "C" of Judgments at pages 284-5-6-7.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 16th day of July, 1925.

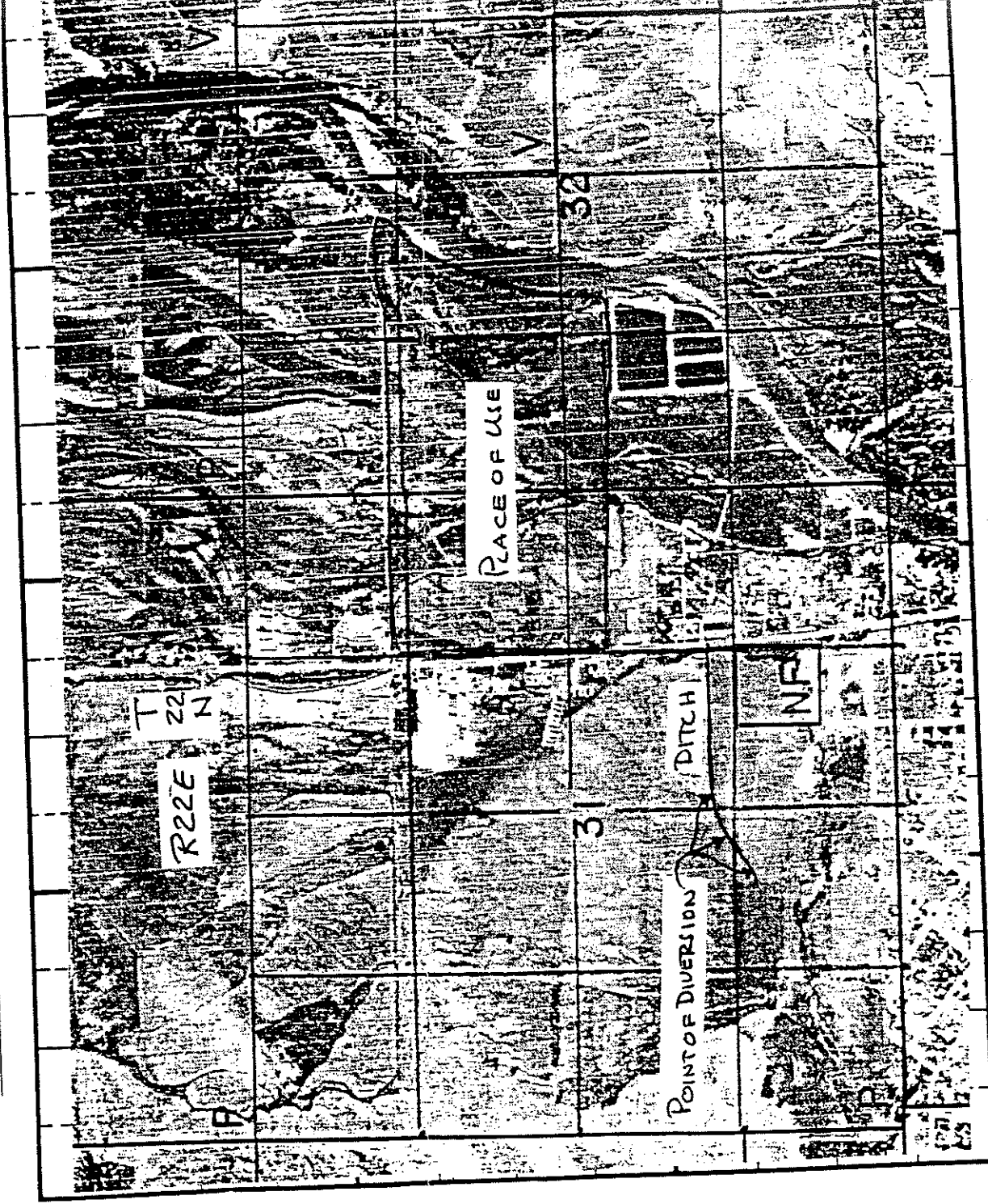
W. W. Simmonds
Clerk of the District Court.

AMENDED

Also exempted are rights represented by a permit, license, decision, or order before June 25, 1980, that may result in forfeiture of a water right.

NOTE: Include here the type and number of stock watered.

(8) Remarks CLAIMANTS HAVE USED THIS WASTEWATER DITCH TO COLLECT THE WATER AND TRANSPORT THE WATER TO THEIR LAND



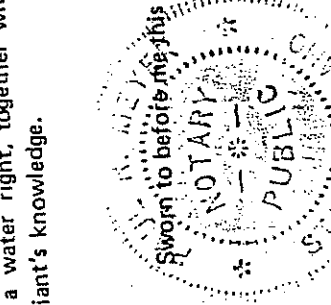
Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivision section, township and range of the public land survey system.

State of Idaho

County of BONNEVILLE

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of affiant's knowledge.



John Austin
(Claimant)

22 day of November, 1987.

Notary Public
Residing at 1440 Pauls

My commission expires 12 Sept. 1994

AMENDED FOR DEPARTMENT USE ONLY

Received by KCU

Date

22 NOV 1987

Forwarded to
claimant by:

Date

Prelim. check by N.A.

Date

\$30.00 fee received by N.A.

Date

Published in Bozorder-Herald

Dates 1-4-80

Robert L. Blackadder Ow 3-14-