

JULY 25, 2005

ROXANNE BROWN,

IN RESPONSE TO EVIDENCE OF PRIORITY, I HAVE GATHERED THE FOLLOWING DOCUMENTS, ALONG WITH ADDITIONAL INFORMATION FOR OUR ADJUDICATION FILE.

1. CHAIN OF TITLE FROM THE ORIGINAL HOMESTEADS UP TO ADAMS WHO SUBDIVIDED THE LAND AND CREATED THE SUNSET HTS. SUBDIVISION.
2. THE ORIGINAL WATER RIGHT THAT OVER THE YEARS BECAME THE 75-4029 WATER RIGHT. AT THE TIME OF THE ORIGINAL APP., THE CREEK WAS NAMED TIMBER CREEK RATHER THAN SEVEN MILE CREEK, BUT IT IS THE SAME PHYSICAL DESCRIPTION WITH NO TIMBER CREEK IN THE AREA AT THIS TIME. THESE CREEK NAMES ARE FOR THE SAME STREAM. AT SOME POINT IN TIME, TIMBER CREEKS NAME WAS CHANGED TO SEVEN MILE CREEK.
3. ASSESSORS PLAT OF SUNSET HTS. SUBDIVISION.
4. 75-4029 WATER RIGHT CLAIMS FROM ADAMS TO STIGAL.

IN THE 75-4029 WATER RIGHT REPORT AND IN ADAMS CLAIM TO WATER RIGHT, A TOTAL OF 200 ACRES OF LAND IS NOTED FOR IRRIGATION. AFTER ADAMS SUBDIVIDED THIS LAND, THE NW 1/4 OF NE 1/4, SW 1/4 OF NE 1/4, A PORTION OF NE 1/4 OF SE 1/4 AND A PORTION OF NW 1/4 OF SE 1/4 BECAME PART OF THE SUNSET HTS. SUBDIVISION. THESE AREAS ARE NOTED ON ADAMS WATER RIGHT PAPER WORK WHEN TOTAL ACRES WAS 200.

SHOWN IN STIGALS CHANGE OF OWNERSHIP NOTICE FOR 75-4029 A TOTAL OF 42 ACRES ARE NOTED FOR IRRIGATION.

PLEASE NOTE #9 (REMARKS) OF ADAMS 75-4029 CLAIM TO WATER RIGHT. PROOF OF COMPLETION OF WORKS BY STATE ENGINEER J.H. SMITH 7/21/1916. IF PROOF OF PRIORITY IS INCOMPLETE OR NOT CLEAR, PLEASE CONTACT US IMMEDIATELY, SO WE CAN DO OUR BEST TO CLARIFY THIS ISSUE.

5. AGREEMENT BETWEEN HYDE AND ADAMS
IT SHOWS AGREEMENT BETWEEN HYDE AND ADAMS TO EXCHANGE WATER FOR ADAMS USE OF 75-7032.
SOME OF THE WATER THAT WAS USED ON THE LAND THAT BECAME SUNSET HTS., WAS THEN ROUTED TO HYDES TO REPLACE WATER FROM THE 75-7032 CLAIM OF ADAMS.

SINCERELY,

Robert Gruszecki

ROBERT GRUSZECKI
DIRECTOR
S.H.W.D.

S.H.W.D.
PO BOX 4
SALMON, ID. 83467

CALL
ROBERT GRUSZECKI 756-1059 OR
KATHY CORKIN 756-7179

R. Brown

RECEIVED

JUL 27 2005

DEPARTMENT OF
WATER RESOURCES

CLAIM REPORT # 75-14180

LAND IN OUR SUBDIVISION ON MC ELISTER SANFORD HOMESTEAD AND ORIGINAL
WATER RIGHT.
SE 1/4 OF NE 1/4
PORTION OF E 1/2 OF SE 1/4

LAND IN OUR SUBDIVISION ON ELLEN GANSER HOMESTEAD AND ORIGINAL WATER
RIGHT.
N1/2 OF NE 1/4
SW 1/4 OF NE 1/4

LAND IN OUR SUBDIVISION ON ADAMS CLAIM TO WATER RIGHT.
NW 1/4 OF NE 1/4
SW 1/4 OF NE 1/4
PORTION OF NE 1/4 OF SE 1/4
PORTION FO NW 1/4 OF SE 1/4

Book K Page 475

Mustard Certificate No 1002.

Application 1311. The United States of America

It all to whom these Presents shall come greeting.

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Healy, Idaho, whereby it appears that, pursuant to the Act of Congress, approved 20th May, 1862, "To secure Homesteads to actual settlers on the Public Domain and the acts supplemental thereto, the claim of M^r E. Elster Sanford has been established and duly consummated in conformity to law, for the South East quarter of the North East quarter, the East half of the South East quarter, and the South West quarter of the South East quarter of Section eight in Township twenty, North of Range, twenty two East of Pine Meridian in Idaho, containing one hundred and sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, J. W. Brown, Jr., that there is, there fore, granted by the United States unto the said M^r E. Elster Sanford, the tract of Land above described, to have and to hold, the said tract of Land, with the appurtenances thereto, unto the said M^r E. Elster Sanford, and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also, subject to the right of a proprietor of a vein or lode, to extract and remove his or therefrom, should the same be found to penetrate a mineral interest. The premises hereby granted (as provided by law.) And there is reserved from the lands hereby granted, a right of way thereon, for ditches or canals, constructed by the authority of the United States.

In testimony whereof, I Theodore Roosevelt, President of the United States of America, have caused these Letters to be made, Patent and the seal of the General Land Office to be hereunto affixed. Given under my hand at the City of Washington, the twelfth day of February, in the year of our Lord, one thousand nine hundred and two, and of the Independence of the United States the one hundred and twenty sixth.

By the President J. Roosevelt

Seal

By J. M. M^r Kean

Secretary.

C. M. Booth - Recorder of the General Land Office.

Recorded Idaho.

Vol. 28. page 150.

Recorded at the request of Thomas Elden
 R. M. Thompson, at 2.50, at 10 minutes past 2 o'clock
 of A.M. in Book H of Records on page 475
 of J. H. Edwards, Co. Recorder, Lemhi County, Idaho.
 By Deputy.

Instrument No. 16804.

Hailey 07425.

4-1023.

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant Ellen Ganser according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the north half of the northeast quarter, the southwest quarter of the northeast quarter and the northwest quarter of the southeast quarter of Section eight in Township twenty north of Range twenty-two east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Thirteenth day of March in the year of our Lord one thousand nine hundred and Fifteen and of the Independence of the United States the one hundred and Thirty-ninth.

SEAL.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

L. Q. C. Lamar

Recorder of the General Land Office.

RECORDED: Patent Number 462497

Recorded at the request of Annie Le Beau, April 6th, 1916 at 15 minutes past 4 o'clock P. M., in Book W of Deeds page 622, Records of Lemhi County, Idaho.

By W. W. Zimmerman Deputy

J. L. Kirtley, Jr.

County Recorder.

T20 N R22E

ORDER NO. _____

[illegible]

TZON RZZE

ORDER NO. _____

[illegible]

T20N R22E
 Claim Report 75-14180

DESCRIPTION:

ORDER NO. _____

INSTRUMENT	BOOK	PAGE	GRANTOR	GRANTEE	DATE		
	X	116	Robert S Miller	Effie E Miller	1/11	SE4	Sec 8
					1917		
	X	219	Robert S + Effie E Miller	Wm Seth + Jessie G Daniels	8/22	E2	
					1917		320 acres
	X	532	Wm Seth Daniels	Jessie A Daniels	5/25	SE4	
					1920		160 acres
	42	613	Wm Seth + Jessie G Daniels	Robert H + Elitha Daniels	12/28	E2	
					1950		
	48	8	Robert H + Elitha Daniels	Charles J + Anna M Vance	11/10	E2	
					1960		
			Vance	Daniels	11/30	E2	
105726			Vance	Jappan	1966		
117061			Vance		11/30	E2	
117062			Daniels	James A + Patricia Jappan	1966		
					8/16	E2	
117063			Jappan	M M Melton + H F LeMoynne	1967		
					3/6	E2	
117064			Melton + LeMoynne	Marion B Edmond	1968		
					3/15	E2	
117066			Marion + Lois E Edmonds	Ralston W + Rachel L Edmond	1971		

Notice of Waters Right.

State of Idaho } ss. To all concerned;
County of Lemhi. }
Notice is hereby given;

1st That I McElister Sanford of Lemhi County, State of Idaho, hereby claim the use of the waters of Timber Creek, which flows into the south side of Salmon River within the limits of Section No. 7, in Township 20 North of Range 22 East of Boise meridian, to the extent of five (5) cubic feet per second.

2nd, It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows; A point on said Timber Creek about one mile in a southerly direction from the South east corner of section 8 in Township 20 North of Range 22 East of Boise meridian.

3d. The said water is intended to be used for irrigation and domestic purposes. The place of intended use is upon the S.E. $\frac{1}{4}$ N.E. $\frac{1}{4}$ and the E. $\frac{1}{2}$ S.E. $\frac{1}{4}$ and the S.W. $\frac{1}{4}$ S.E. $\frac{1}{4}$ of section 8 T₂₀ N. R. 22, E. of Boise Meridian.

4th It is intended to divert said water by means of a dam and ditch of suitable height and dimensions to hold and carry said water. The general course of the proposed canal or ditch is nearly north from the point of diversion.

The length of the proposed canal is about one and one half miles. It is intended to use said water for irrigating the above described land; and for domestic purposes.

5th It is intended to have the works for diversion and use of said water as aforesaid completed within two years. Witness my hand at Lemhi County, State of Idaho, this sixth day of June 1895.

State of Idaho } ss.
County of Lemhi. }

McElister Sanford being first duly sworn, deposes and says that he is of lawful age and the claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion, on the 6th day of June 1895.

McElister Sanford.
Subscribed and sworn to before me this 8th day of June 1895,
(Seal)

C. Ross, Elder.

Notary Public.

State of Idaho } ss. I hereby certify that this instrument
County of Lemhi. }
was filed for record at request of McElister Sanford at 8 o'clock A.M., this 5th day of July A.D. 1895, in my office and has been recorded in Book "Water Rights" at page 122

RECEIVED
JUL 27 2005
DEPARTMENT OF
WATER RESOURCES

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 75-4029
Date Received: 4/25/90
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GLORIA J STIGALL Phone: (208) 756-2778

RR1 BOX 224-50
42 WILD ROSE RD
SALMON ID USA 83467

WILLIAM R STIGALL Phone: (208) 756-2778

RR1 BOX 224-50
42 WILD ROSE RD
SALMON ID USA 83467

2. Date of Priority: 03/21/1914

3. Source: SEVENMILE CREEK SOUTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
20N	22E	20	NE NE NW	LEMHI

5. Description of diverting works:

HEADGATE AND 2.5 MILES OF OPEN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.5	
STOCKWATER	1/01	12/31	0.03	

7. Total Quantity Appropriated is:
2.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	22E	8	NE	SE	IRRIGATION	2
			NW	SE	IRRIGATION	12
			SW	SE	IRRIGATION	28
					Section Acres	42
					Total Acres	42

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:

THE DITCH FROM SEVEN MILE CREEK TO THE PLACE OF USE TRAVERSES A STEEP ROCKY HILL SIDE. DESPITE CONTINUOUS MAINTENANCE I EXPERIENCE EXCESSIVE TRANSMISSION LOSSES ALONG THE DITCH

CHANGED OWNERSHIP PER REQUEST/CV/12/21/00

15. Basis of Claim: Statutory Claim

92-
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: A75-04029
Date Received: 4/25/1990
Receipt No: 710026731
Received By: ENC.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALSTON W. ADAMS
Address: RT. 1 BOX 224-50
SALMON, ID

OR

Name: RACHEL L. ADAMS
Address: RT. 1 BOX 224-50
SALMON, ID

2. Date of Priority: MAR 21, 1914

3. Source: SEVENMILE CREEK, SOUTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
20N	22E	20	NE NE NW		LEMHI

5. Description of diverting works:
HEADGATE AND 2.5 MILES OF OPEN 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	
STOCKWATER	01/01	12/31	0.030	

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

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 100 RANGE.

A75-04029

Page 1

Date: 04/25/90



MICROFILME

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	22E	8	NE	SE	IRR	2.0
			NW	SE	IRR	12.0
			SW	SE	IRR	28.0
Section Acres						42.0
Total Acres						42.0

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:

THE DITCH FROM SEVEN MILE CREEK TO THE PLACE OF USE TRAVERSES
A STEEP ROCKY HILL SIDE. DESPITE CONTINUOUS MAINTENANCE I
EXPERIENCE EXCESSIVE TRANSMISSION LOSSES ALONG THE DITCH.

15. Basis of Claim: STATUTORY CLAIM

A75-04029

Page

2

Date: 04/25/90

MICROFILMED

DEC 15 1992

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: _____

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): Reuben H. Adams Date: 4/25/90

_____ Date: _____

State of Idaho)
County of Latah) SS.

Subscribed and sworn (or affirmed) before me this 25 day
of April 19 90.

Ernest T. Carlson
Notary Public

Seal

Residing at Adams Hill, ID

My Commission Expires 6-14-1994

Claim Report # 14180

DELOG-JC 11-24-00

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

RECEIVED

JUL 27 2003 12/12/03

DEPARTMENT OF
WATER RESOURCES

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED

1. Water Right No(s): A75-04029 AND A75-04173Adjudication Claim No(s): AJ5809NP

NOV 22 2000

Department of Water Resources
Eastern Region2. 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** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

- C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant RALSTON W. ADAMS AND RACHEL L. ADAMSRT 1 BOX 224-50, SALMON, IDAHO 834674. New Owner/Claimant(s) WILLIAM R. STIGALL & GLORIA J. STIGALL, HUSBAND & WIFEName Connector (Check one): ☐ and, ☐ or, ☐ and/orNew Mailing Address RR1, BOX 224-50, 42 WILD ROSE ROAD,City, State and ZIP Code SALMON, IDAHO 83467New Telephone Number (208) 756- 27785. Date you acquired the property OCTOBER 13, 2000

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.**

Number of acres you irrigate with this water right 42 Number and type of stock _____Diversion rate in CFS 2.5 & .20 Number of homes you acquired 1 Other uses IRRIGATION, STOCKWATER
RECREATION STORAGE AND DIVERSION TO STORAGE7. Signature of New Owner(s) William R. Stigall
or Claimant(s) _____

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

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

VOLUME

Stage: STATUTORY CLAIM

LEWIS County

Place of use Legal Description for: IRRIGATION

BEA

YRBE	NNNE	SNNB	SENB	: NENN	NNNN	SNNN	MNSN	: NESN	NQSN	SQSN	MSN	: NESN	NNSB	SNBS	SESE :
------	------	------	------	--------	------	------	------	--------	------	------	-----	--------	------	------	--------

[illegible]

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: LGTHI

Non-Irrigation Uses: S/ 100 RANGE.

Other Rights: NONE.

Remarks: GEN THE DITCH FROM SEVEN HILL CREEK TO THE PLACE OF USE TRAVERSES A STEEP ROCKY HILL SIDE. DESPITE CONTINUOUS MAINTENANCE I EXPERIENCE EXCESSIVE TRANSMISSION LOSSES ALONG THE DITCH.

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
		04/23/1985	

Misc: Water District Number: Field Inspection Flag: Presumption Flag:

Audit: 04/25/90 MOBILE2 03/30/95 POST-STD

No. A75-04173

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/04/00
PAGE: 2

OWNER	NAME & ADDRESS	PRIORITY	USE PERIOD	DIVERSION	DIVERSION
CODE		DATE	FROM TO	RATE	VOLUME
C	PALSTON W ADAMS	07/01/1932	01-01 12-31	0.020 CFS	
C	RACHEL ADAMS		11-15 03-15		15.00 APA
	RT 1 BOX 224-50				
	SALMON ID 83467		11-15 03-15	0.200 CFS	
	{208} 7556-3611		TOTAL DIVERSION:	0.200 CFS	15.00 APA

Water Source: MTL CREEK

Tributary to: SALMON RIVER

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T20N R22E S08

अनुसूची

LBMH County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	NE	NW	SE	SW	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51
52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68
69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85
86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102

Place of use Legal Description for: RECREATION STORAGE

[illegible]

POW County: LEMHI

Non-Irrigation Uses: 5/100 RANGE. R/ PRIVATE RECREATION FACILITY.

Other Rights: NONE

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
---------------	------------------------	-----------------------	------------------------------

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 04/25/90 MOBILE2 03/30/95 POST-STD

Claim Report # 14180

RECEIVED

JUL 27 2005

DEPARTMENT OF
WATER RESOURCES

Identification No. 75 4029

Claim No. _____

Map No. _____

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ralston W. and/or Rachel L. Adams

post office address Box 1479 Salmon, Idaho 83467

2. The point of diversion is in NE 1/4 of NW 1/4 Section 20 Township 20N

Range R 22E B.M. located on South Seven Mile Creek

(name of source)

tributary to Salmon River in Idaho County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time.

If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed: (March) 3/24/1914 amount: 2.5 c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

_____ amount: _____ c.f.s. or _____ acre feet

Total claimed 2.5 c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use irrigating period of use from April 1 to Nov 1 (both dates inclusive)

use Stock water period of use from Jan 1 to Dec 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of dirt

diversion _____ length is _____ feet; height is one feet;

width at bottom is 3 feet; with at top is 3 1/2 feet; explain any increase in diversion capac-

ity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____

_____ feet; diameter of well is _____ inches; type of pump is _____

capacity of pump is _____ g.p.m.; name and address of well driller is _____

* Beneficial use was never filed but this has

been used on this land since Original application.

Point of reference made by State engineer, J.H. Smith

1640's

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 7920 feet; width of ditch at top is 4 feet; width of bottom of ditch is 3 feet; depth of water is 1 feet; grade of ditch per 1000 feet is Varies feet; material through which ditch passes is Varies ; maximum length of pipe line to first place of use is feet; diameter of pipe line is inches; type of pipe ; grade of pipe per 1000 feet is .

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible En Sept 1966 a James

ing date and dimensions if possible. In Sept 1966 a James H. Tappan put a 4" 1/2" in ditch, ran a new ditch 791 feet and used a pipe sprinkler system from there as well as the old ditch for flood irrigating.

d. If water is stored: name of reservoir: ago. It went out about 1967 or 1968
 total capacity of reservoir is acre feet; active capacity of reservoir is acre feet;
 There was a reservoir built years ago.

year construction commenced _____; year completed _____; date first used _____;
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built about 1914 or 15, if so, give dates and describe I intend to rebuild the Reservoir at same future date At present I just use live water

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 200

Explain any significant increase in area irrigated since first use, give dates and acreages if known

Claim Report #
14180

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch

The other users and their respective

interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered.

150 Hd. Cattle

7. Where water is used for domestic or municipal purposes give number of families served

name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities.

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Has previously noted this water was filed for under permit No 10060 = a New No. 475-2041 - Proof of completion of works was made by J.H. Smith State Engineer 7/21/73. Beneficial use was never filed but this water has been used on this land since that original application and possibly be done.

State of Idaho

County of Latah ss.

I, Rachel L. Adams, being duly sworn, depose and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information and that the facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 7/71 day of July, 1973

Claimant

Notary Public

Residing at Salt Lake

My commission expires 1/10/74

For Department Use Only

Received by Ind Date 7-11-73

Exception filed by:

Forwarded to claimant by:

Date

Prelim. check by MCY Date 7/14/73

Fee received by Ind Date 7-11-73 Fee \$ 10.00 # 10-265

Approved for publication by MCY

Published in Recorder-Standard Dates 7-19-73

P. blication App'd DNR 8/5/73

-R 14-9

Claim Report # 14180

RECEIVED

JUL 27 2005

DEPARTMENT OF
WATER RESOURCES

Identification No. 75 4029

Claim No. _____

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Ralston W. and/or Rachel Adams
post office address Box 1479 Salmon, Idaho 83467
2. The point of diversion is in NE 1/4 of NW 1/4 Section 20 Township 20N
Range R 22E B.M. located on South Seven Mile Creek
(name of source)
tributary to Salmon River in Latah County.
3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.
a. Date of priority claimed: (March) 3/21/1914 amount: 2.5 c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 3.5 c.f.s. or _____ acre feet.
- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:
use irrigating period of use from April 1 to Nov 1 (both dates inclusive)
use Stock water period of use from Jan 1 to Dec 31 (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

- a. Surface water diversion dam and/or headgate: material is composed of dirt
diversion; length is _____ feet; height is 0.5 feet;
width at bottom is 3 feet; with at top is 3 1/2 feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

- b. Underground water diverting works: is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

* Beneficial use was never filed but this has been used on this land since original application.
Printed for exchange made by State Engineer, J.H. Smith

75-4029
Claim Report #
14180

attach well logs if available; has there been any change in pump or motor since well was first completed _____; if so, give dates and explain _____

c. Conveying works: length of ditch to place of use is 7920 feet; width of ditch at top is 4 feet; width of bottom of ditch is 3 feet; depth of water is 1 feet; grade of ditch per 1000 feet is Varies feet; material through which ditch passes is Varies; maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches; type of pipe _____; grade of pipe per 1000 feet is _____.

Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible. In Sept 1966 a James H. Tappan put a 1" in ditch, ran a new ditch 791 feet and used a pipe sprinkler system from there as well as the old ditch for flood irrigating.

d. If water is stored: name of reservoir There was a reservoir built years ago. It went out about 1967 or 1968
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;

year construction commenced _____; year completed _____; date first used _____;
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions.

has there been any enlargement of the reservoir since it was first built about 1914 or 15, if so, give dates and describe I intend to rebuild the Reservoir at same & put over date. At present I just use live water

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated 200

Explain any significant increase in area irrigated since first use, give dates and acreages if known

Claim Report #
14180

b. Do you get water through a ditch owned by several users? NO If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

1500 head cattle

7. Where water is used for domestic or municipal purposes give number of families served _____
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities _____

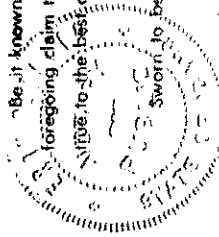
9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

Has previously noted this water
was filed for under permit No 10960 =
a New No 75-2041 - Broad of completion
of works was made by JH Smith
State Engineer 7/21/96. Beneficial use
was never filed by this water has
been used on this land since that
original application and possibly
be done.

State of Idaho

County of Latah ss.

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 contents and facts therein are
true to the best of the affiants knowledge.



day of 23 July 1993

Sworn to before me this 2/7

Claimant

Notary Public

Residing at Edwards

My commission expires 7/11/93

For Department Use Only

Received by State Date 7-11-93

Exception filed by: _____

Forwarded to
claimant by: _____

Date _____

Prelim. check by NCE Date 7/11/93

Fee received by State Date 7-11-93 Fee \$ 10.00

Approved for publication by NCE # 10-465

Published in Recorders Office Dates 7-19-93

P. blication App'd DR 8/2/93

14-9

Chain Report # 14180

REF ID: A66862

close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

07/14/2005

WATER RIGHT NO. 75-4029

Owner Type

Name and Address

Current Owner

RACHEL L ADAMS

Current Owner

RALSTON W ADAMS

PO BOX 1479

SALMON, ID 83467

Priority Date: 03/21/1914

Basis: Statutory Claim

Status: Active

Source

SOUTH FORK SEVENMILE CREEK

Tributary

SALMON RIVER

Beneficial Use

IRRIGATION

STOCKWATER

Total Diversion

From

401

101

To

11/01

12/31

Diversion Rate

2.5 CFS

2.5 CFS

Volume

Location of Point(s) of Diversion:

NEN
SEVENMILE CREEK
W

Range 22E LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
<u>P</u>	<u>E</u>										
20N	22E	8		NWN	40		SWN	40			
				E			E				
				NESE	40		NWS	40		SWS	40
							E			E	

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 200

Dates:

Licensed Date:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

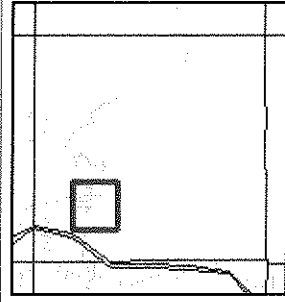
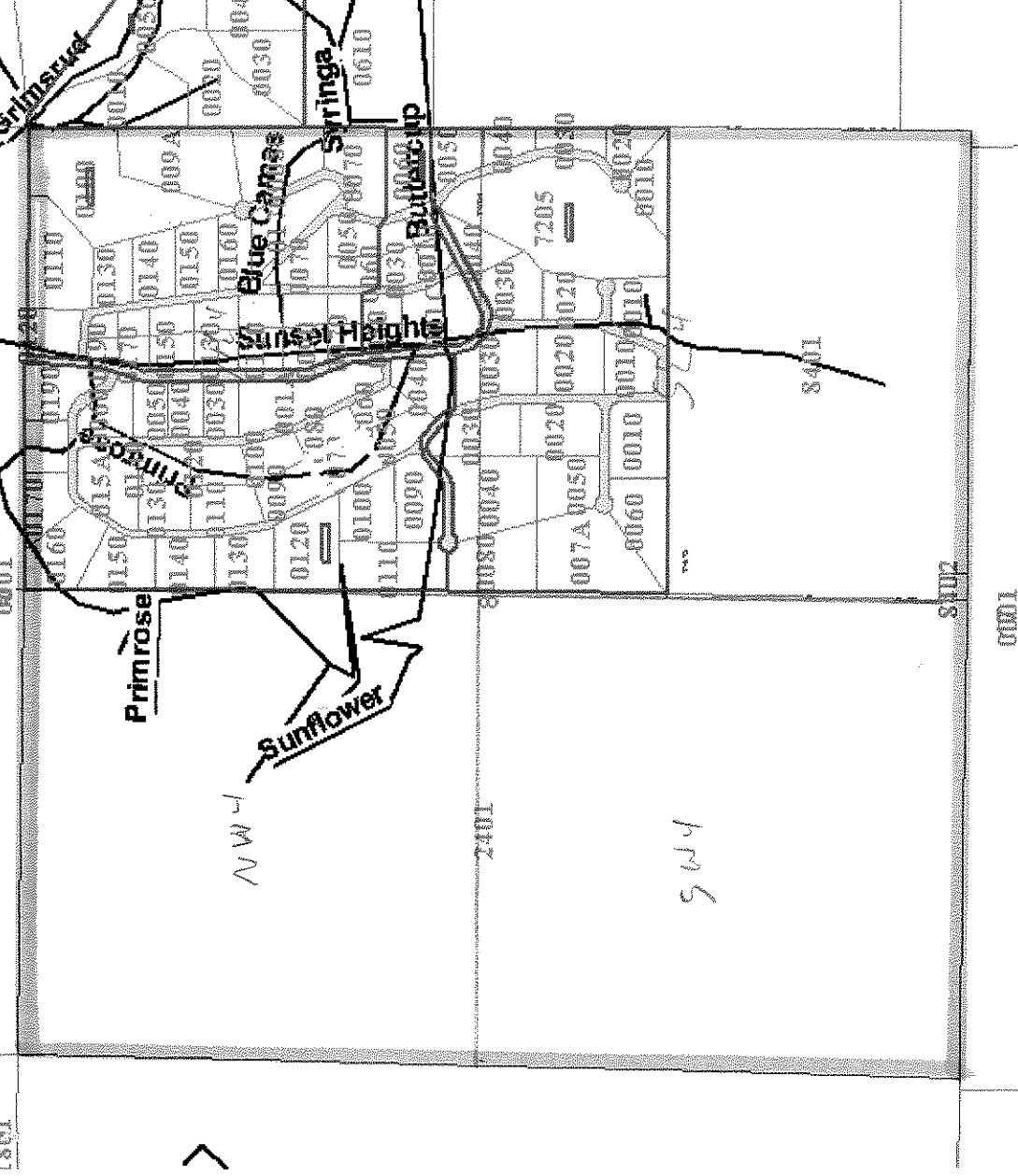
Close		
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Claim Report # 7514180

GRUSZECKI, ROBERT

RP000890030070A

1861



T.20N R.22E

Sec.08

Parcels

Tax lots

City Streets and no parcel available

Roads

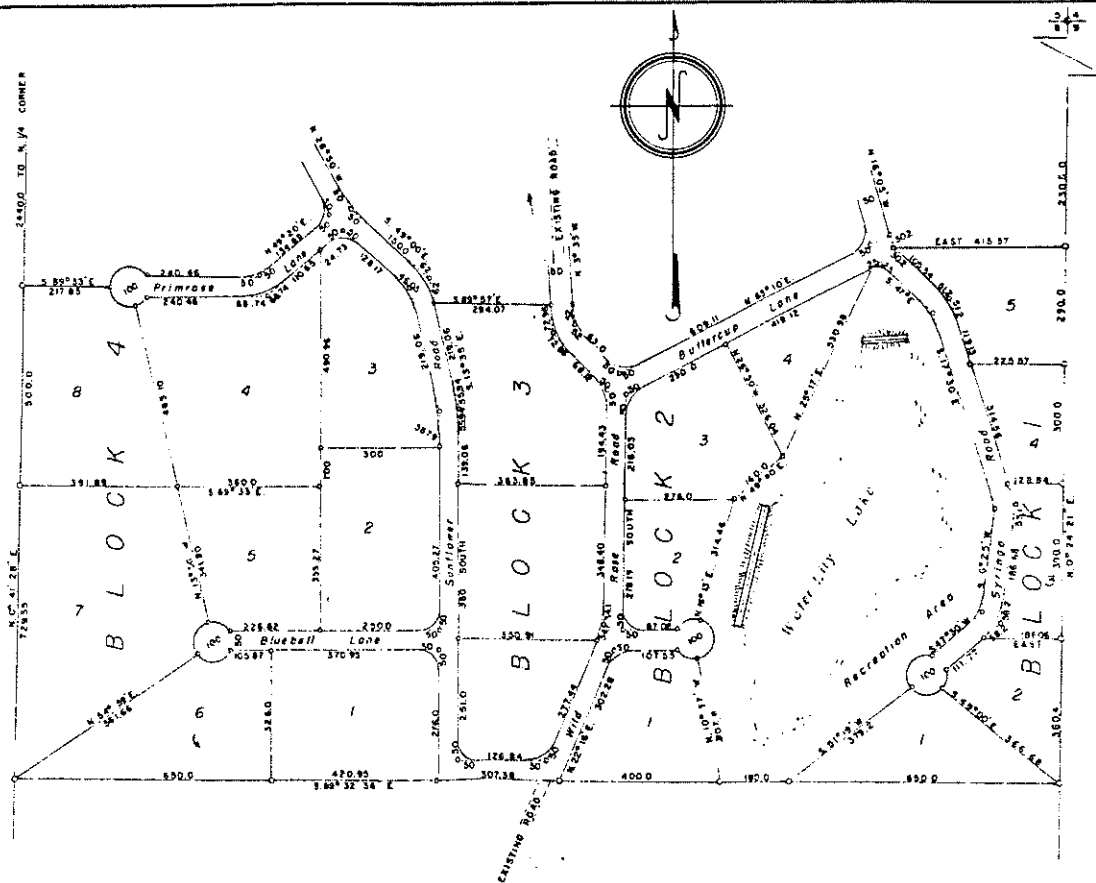
Railroads



1:12000



THIS DRAWING IS TO BE USED FOR REFERENCE PURPOSES ONLY. THE COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES CONTAINED HEREIN.



SUNSET HEIGHTS SUBDIVISION

E 1/2 Section 8

T. 20 N., R. 22 E., Boise Meridian

Lemhi County, Ida.

UNIT ONE

Approved by the Lemhi County Board of Commissioners this 13th day of September 1971

Attest: Edna Alderman
Clerk

Chairman
Chairman

DEDICATION CERTIFICATE

Be it known, that we, Reiston W. Adams and Rachel L. Adams, husband and wife, residing at Salmon, Idaho, owners and proprietors of the East one-half of Section 8, T. 20 N., R. 22 E., B. M. have caused the N 1/2 of said Section 8, as delineated on this plot to be known as the SUNSET HEIGHTS SUBDIVISION, that the portion of the East one-half of Section 8, as delineated on this plot to be known as UNIT ONE of the SUNSET HEIGHTS SUBDIVISION, that all roads shown on this plot are hereby deeded and donated to the use of the public, that the Lane and Recreation Area, as shown, are hereby donated to, and reserved for the use of the property owners of the SUNSET HEIGHTS SUBDIVISION only, and that any and all construction on these premises shall be required to conform to the requirements of the Idaho State Board of Health.

Reiston W. Adams
Rachel L. Adams

Subscribed and Sworn to before me Edna Alderman
a Notary Public, in and for the State of Idaho, this 13th day of September, 1971.

Edna Alderman
Notary Public



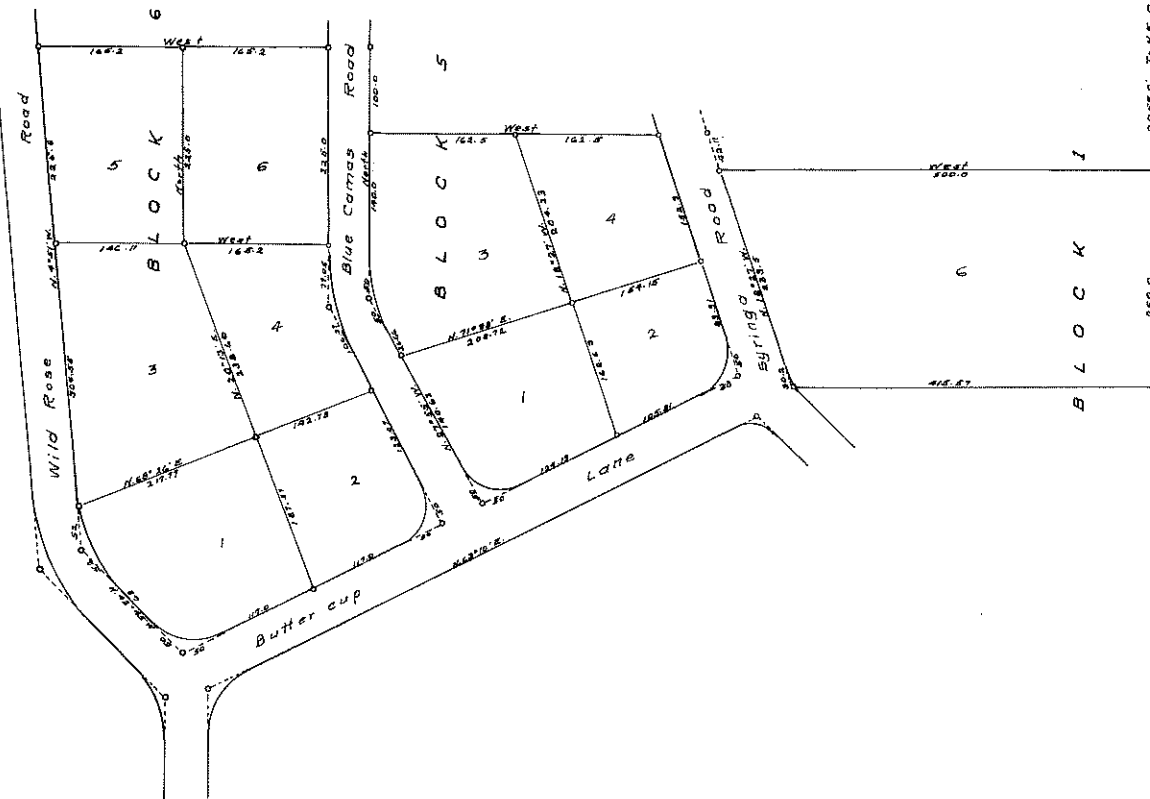
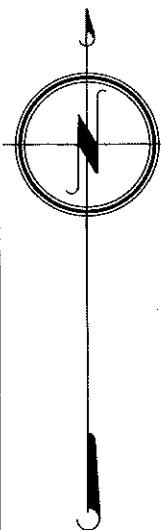
SURVEYORS CERTIFICATE

I, Hugh M. Garner, Registered Land Surveyor in the State of Idaho, in the State of Idaho, hereby certify that the survey of UNIT ONE of the SUNSET HEIGHTS SUBDIVISION, as delineated on this plot, was made by me and under my supervision, that such survey was correctly made, and is accurately represented on this plot.



Filed for Record, at the request of Hugh M. Garner
this 13th day of September, 1971, at 2 minutes past 11 o'clock, P. M., and recorded in Book 3 of F. & S. at page 18. Records of Lemhi County, at Salmon, Idaho.

Edna Alderman
Lemhi County Recorder



SUNSET HEIGHTS SUBDIVISION

E. 1/2 Section 8

T. 20 N., R. 22 E., Boise Meridian

Lemhi County, Idaho

UNIT TWO

Owners Certificate:

Be it Known: That we, Ralston W. Adams and Rachel L. Adams, husband and wife, residing at Salmon, Idaho, owners and proprietors of the E. 1/2 of Section 8, T. 20 N., R. 22 E., Boise Meridian, have caused a portion of the same to be surveyed, subdivided, and plotted, to be known as SUNSET HEIGHTS SUBDIVISION, Unit Two, represented on this sheet, that the streets and roads as shown on this sheet are hereby dedicated and donated to the use of the public, in perpetuity, and that any and all construction on these premises shall be required to conform to the rules and regulations of the Idaho State Board of Real Estate.

Ralston W. Adams
Rachel L. Adams

ACKNOWLEDGEMENT

State of Idaho) s.s.
County of Lemhi)
On this 9th day of July, 1973, before me, a Notary Public, in and for the State of Idaho, personally appeared Ralston W. Adams, and Rachel L. Adams, known to me to be the persons whose names are subscribed to the above Certificate, and acknowledged to me that they executed the same.



Notary Public

Surveyors Certificate

I, Hugh M. Coiner, Registered Land Surveyor in the State of Idaho, hereby certify that the survey of the SUNSET HEIGHTS SUBDIVISION, Unit Two, as shown on this plat was made by me, and under my supervision, that such survey was correctly made, and is accurately represented on this plat.



APPROVAL

Approved by the Lemhi County Board of Commissioners, Regular meeting, this 9th day of July, 1973.

Charles B. Vance
Chairman

Attest Eleanor Adams
Clerk

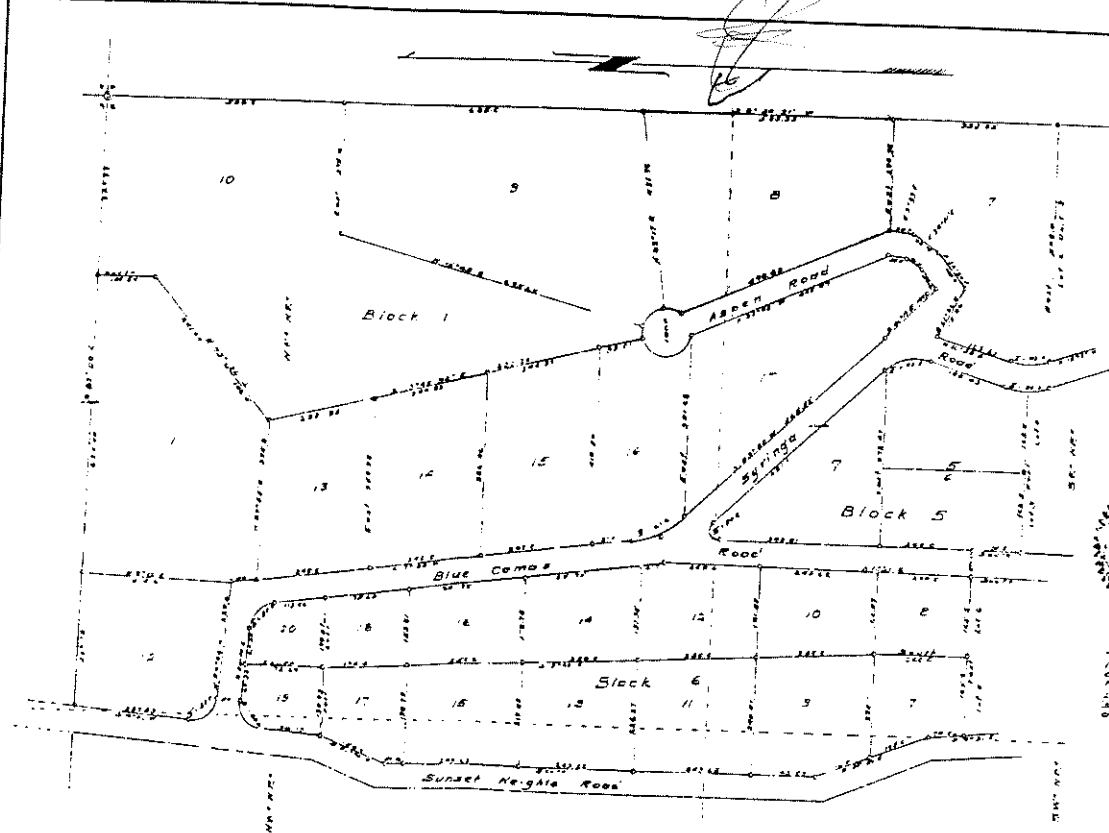


Filed for Record at the request of Ralston Adams this 9th day of July, 1973, at 42 minutes past 3 o'clock P.M. and recorded in Book 7 of plats, of page 5. Records of Lemhi County, at Salmon, Idaho.

Eleanor Adams
Lemhi County Recorder

CLAIM REPORT # 14180

Book 4 pg 42



SUNSET HEIGHTS SUBDIVISION
 EV2 Section 8
 T. 20 N., R. 22 E., Boise Meridian
 Lemhi County, Idaho
UNIT THREE

Owners Certificate:

Be it known that the Robert A. Adams and F. E. Adams, husband and wife, residing at Boise, Idaho, and proprietors of the E. 1/2 of Section 8, T. 20 N., R. 22 E., Boise Meridian, have caused a plat to be made and recorded of the above described land, and the same is hereby certified to the public in full faith and confidence that the same is correct and conforms to the regulations of the State Board of Surveyors.

ACKNOWLEDGMENT

I, the undersigned, County Clerk of Lemhi County, Idaho, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my office, and that the same is correct and conforms to the regulations of the State Board of Surveyors.



Surveyors Certificate:

I, the undersigned, Surveyor of Lemhi County, Idaho, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my office, and that the same is correct and conforms to the regulations of the State Board of Surveyors.



Approval Certificate:

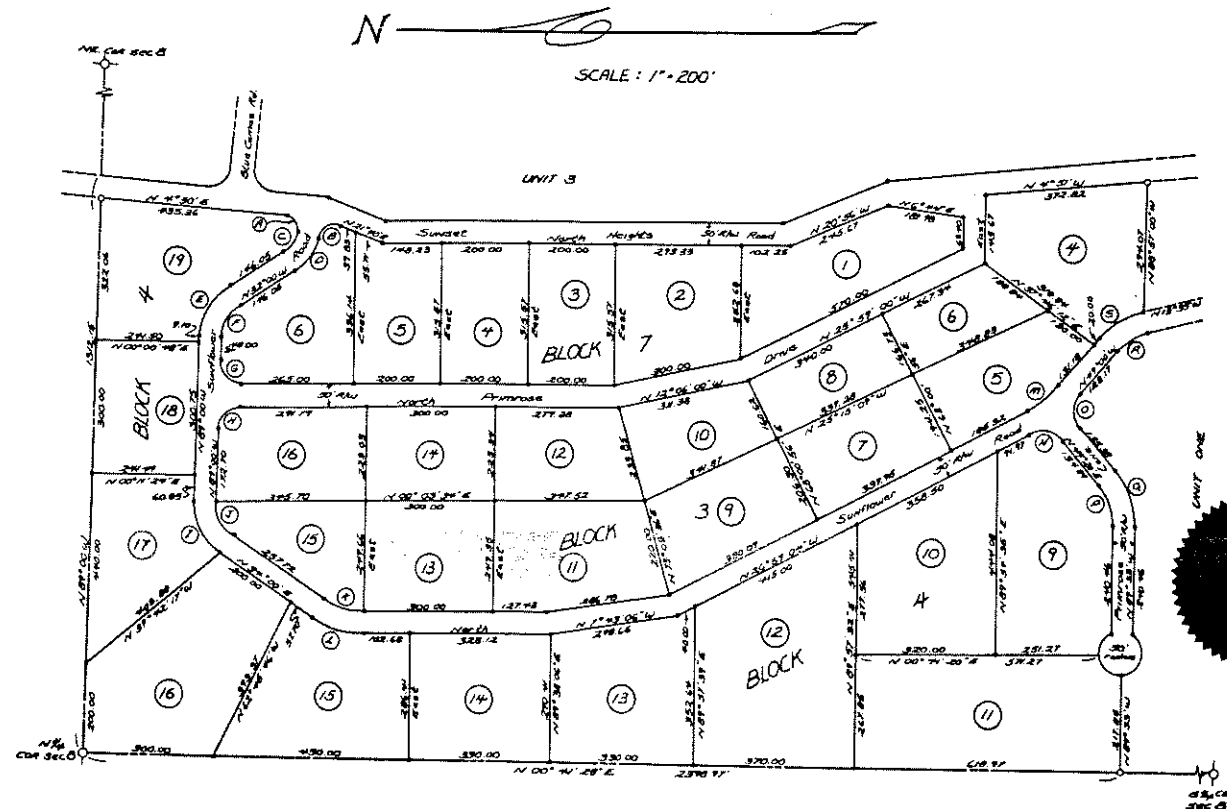
I, the undersigned, County Clerk of Lemhi County, Idaho, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my office, and that the same is correct and conforms to the regulations of the State Board of Surveyors.

Attest: _____
 Clerk

Filed for Record at the office of the County Clerk of Lemhi County, Idaho, on this _____ day of _____, 19____.

Lemhi County, Idaho

Scale: 1 in. = 150 ft.



CURVE	Δ ANGLES	RADIUS	TANGENT
A	102° 00' 00"	30.25	37.33
B	75° 10' 00"	40.85	44.28
C	41° 30' 00"	79.18	30.00
D	41° 30' 00"	127.10	48.77
E	37° 00' 00"	142.09	77.15
F	37° 00' 00"	92.09	30.00
G	91° 00' 00"	47.12	30.00
H	87° 00' 00"	30.00	30.00
I	37° 00' 00"	142.09	77.15
J	37° 00' 00"	92.09	30.00
K	37° 00' 00"	142.09	50.00
L	37° 00' 00"	142.09	63.27
M	22° 01' 36"	254.84	30.00
N	76° 19' 04"	63.63	30.00
O	81° 40' 00"	57.86	30.00
P	41° 07' 00"	183.32	30.00
Q	41° 07' 00"	183.32	68.77
R	35° 25' 00"	144.16	76.05
S	35° 25' 00"	144.16	62.00

SUNSET HEIGHTS SUBDIVISION UNIT FOUR

WITHIN EAST 1/2 SECTION 8,
T.20N. R.22E. BOISE MERIDIAN
LEMHI COUNTY, IDAHO

OWNER'S CERTIFICATE:

Be it known that we Ralston W. Adams and Rachel L. Adams, husband and wife, residing at Salmon, Idaho, owners and proprietors of the E/2 of Section 8, T.20N., R.22E., Boise Meridian, have caused a portion of the same to be surveyed, subdivided, and plotted, to be known as SUNSET HEIGHTS SUBDIVISION, UNIT FOUR, represented on this sheet, that the streets and roads as shown on this sheet are hereby devoted and donated to the use of the public, in perpetuity, and that any and all construction on these premises shall be required to conform to the rules and regulations of the Idaho State Board of Health.

Ralston W. Adams

Rachel L. Adams

ACKNOWLEDGEMENT:

State of Idaho, ss. County of Lemhi, ss. on this 11th day of March, 1976, before me, a Notary Public, in and for the State of Idaho, personally appeared Ralston W. Adams, and Rachel L. Adams, known to me to be the persons whose names are subscribed to the above Certificate, and acknowledged to me that they executed the same.

Notary Public

SURVEYOR'S CERTIFICATE:

I, Hugh M. Cowan, Registered Land Surveyor in the State of Idaho, hereby certify that the survey of SUNSET HEIGHTS SUBDIVISION, UNIT FOUR, as shown on this plat, was made by me, and under my supervision, that such survey was correctly made, and is accurately represented in this plat.



APPROVAL CERTIFICATE:

Approved by the Lemhi County Board of Commissioners at a regular meeting, this 11th day of March, 1976.

Chairman

B. E. Adams
Clerk

Int. # 132449

Filed for Record at the request of *Hugh Cowan*
this 11th day of March, 1976, at 11:00 a.m. by *Hugh Cowan*, Notary Public,
Ore. # 12,171, in and for the County of Lemhi, State of Idaho, page 52.

Hugh Cowan
Lemhi County Recorder

Claim Refert # 14180

IN RESERVE D

RECEIVED
JUL 27 2005
DEPARTMENT OF
WATER RESOURCES

MAY 9 1973
Department of Water Administration
Section of the Office

A G R E E M E N T

THIS AGREEMENT, Made and entered into this 21st day of December, 1972, by and between RALSTON W. ADAMS and RACHEL L. ADAMS, husband and wife, parties of the first part, hereinafter called 'Adams', and GEORGE L. HYDE and ALTHEA R. HYDE, husband and wife, parties of the second part, hereinafter called 'Hyde', --

WITNESSETH:

WHEREAS, Adams and Hyde are owners of certain separate tracts of land situated in Lemhi County, and more particularly described in Exhibit A attached hereto and made a part hereof, for which the second parties claim to be able to furnish proof of prior diversion and appropriation water rights dating back to the year 1873; and

WHEREAS, Adams filed application for permit #75-7032 before the Department of Water Administration to appropriate public waters from a spring situated in the Northeast Quarter of the Northeast Quarter, Section 17, Township 20 North of Range 22 E.B.M.; and

WHEREAS, Hyde filed a protest against the approval of said application, and an informal hearing was held on said protest before the Department of Water Administration on October 16, 1972; and

WHEREAS, The parties hereto desire to settle their differences in regards to said application and enter into an agreement for the exchange of water rights:

NOW, THEREFORE, For and in consideration of the mutual covenants and agreements hereinafter contained, the parties hereto covenant and agree as follows:

I

That Adams shall deliver waters of the South Fork of Seven Mile Creek, to which Adams has accrued a beneficial water right,

75-7032

to a certain ditch belonging to Hyde, via a certain ditch, one hundred (100) feet in length, more or less, at a point within the Southwest of the Southwest of the Northeast, Section 16, Township 20 North of Range 22 E.B.M., as more particularly described in Exhibit B; that Adams shall construct said diversion ditch and Hyde shall maintain said ditch.

II

That Adams shall exchange for waters from the South Fork of Seven Mile Creek in equal shares, measured in cubic feet per second or fraction thereof, for waters from a certain spring situated in the Northeast quarter of the Northeast quarter of Section 17, Township 20 North of Range 22 E.B.M.; that Adams shall have the privilege and right of using said spring water for domestic and/or irrigation purposes, and Hyde grants a right and easement to divert said waters from said spring.

III

That Adams shall have the right to divert a quantity of water from said spring in an amount not to exceed .40 cubic feet per second and to use said waters on the East Half of Section 8, Township 20 North of Range 22 E.B.M. and to obtain a permit from the Department of Water Administration of the State of Idaho as an exclusive appropriator and user of said .40 cubic feet per second of water; that a diversion and a weir, constructed in accordance with specifications approved by the State of Idaho, shall be placed at the diversion point on said irrigation ditch and at the diversion point on said spring; that Adams shall pay for the costs of construction of the weir on the ditch and for the costs of construction of the weir and measuring device at the spring; that the amount of the said water to be exchanged shall be determined by a propeller - flow meter placed within the

claim report # 14180
diversion at the spring; that the maintenance of the diversion on the ditch shall be borne by Hyde and maintenance of the diversion on the spring shall be borne by Adams; that it is specifically understood and agreed by the parties hereto that no larger amount of water shall be diverted from the Adams ditch from Seven Mile Creek to the Hyde ditch than Adams uses of waters from the spring, and the second parties shall at any and all times have the right of inspection of the weir, measuring devices, flow meters and such other diversion works as may be used by the parties hereto, wherever they are located.

IV

That Hyde covenants and agrees to withdraw the water protest filed September 18, 1972 against application #75-7032, application for the appropriation of public waters of the State of Idaho, filed by Ralston W. and/or Rachel Adams, a notice thereof having been published in the Recorder Herald at Salmon, Idaho on August 31, 1972 and September 7, 1972, and by these presents does withdraw said protest; and, the parties hereto agree that a copy of this agreement shall be sent to the Department of Water Administration of the State of Idaho.

V

That this agreement supersedes all prior agreements and understandings between the parties hereto relating to the subject matter hereof, and this agreement specifically includes and supersedes a certain Stipulation and Memorandum of Agreement, dated October 16, 1972, and entered into certain informal hearing on application #75-7032, at the Lemhi County Courthouse at Salmon, Idaho; and that there are no agreements or representations between the parties relating to the subject matter hereof other than that expressly contained herein. This agreement may not be modified or amended orally, and no attempted modification or amendment shall be binding unless it is in writing and signed by both parties.

VI

It either party finds it necessary to file any formal action to enforce any provision of this agreement, then the losing party

shall pay all costs in connection therewith, including reasonable attorney fees for the prevailing party.

VII

It is further understood and agreed by the parties hereto that each and every covenant and condition herein contained shall bind and inure to the heirs, executors, administrators and authorized assigns of the parties hereto.

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

Rachel L. Williams

Rachel L. Williams

Parties of the First Part

George H. Hyde

William R. Hyde

Parties of the Second Part

75-7032

Claim Report # 14180

B

EXHIBIT A

Ralston W. Adams and Rachel L. Adams Property:

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

The East One-Half of Section 8, Township 20 North, Range 22, East of the Boise Meridian.

George L. Hyde and Althea R. Hyde Property:

The following described real property situate in the County of Lemhi, State of Idaho, more particularly described as follows, to-wit:

West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) and the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirty-two (32), Township Twenty-one (21) North of Range Twenty-two (22) East of the Boise Meridian.

Together with all water and water rights, ditch and ditch rights appertaining thereto or used in connection therewith.

Excepting therefrom, the Northwest fifteen acres of said Northeast Quarter of the Northwest Quarter of Section thirty-two.

Claim Ref # 14180

STATE OF IDAHO : ss.
County of Lemhi :

On this 2nd day of December, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared RALSTON W. ADAMS and MICHAEL L. ADAMS, 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 in this certificate first above written.

Wendell Henderson
Notary Public for State of Idaho
Residing at Salmon, Idaho
Comm. expires 10/15/74

STATE OF IDAHO : ss.
County of Lemhi :

On this 4th day of ^{Nov} December, 1972, before me, the undersigned, a Notary Public in and for said State, personally appeared GEORGE L. HYDS and ALTHEA K. HYDS, 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 in this certificate first above written.

Wendell Henderson
Notary Public for State of Idaho
Residing at Salmon, Idaho
Comm. expires 2-9-76

Agreement - Page Seven

75-1082