

July 25-05

RECEIVED

JUL 28 2005

DEPARTMENT OF
WATER RESOURCES

Roxanna

Please find enclosed
documents & degree's from
court as to dates of water
Right on tail

Thank You
Cora M H Lotzner

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 75-4211
Date Received: 8/26/1994
Receipt No: E020212
Received By:

COPY FOR YOUR FILE

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

1. Name of Claimant(s)

EDNA MAE GRAY ROTZIEN Phone: (208)756-4031

PO BOX 224

CARMEN ID USA 83462

2. Date of Priority: 04/01/1886

3. Source: WASTE WATER Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
22N	22E	19	NE NE	LEMHI	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.1	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:				Acres
Township	Range	Section	1/4 of 1/4 Lot	Use
22N	22E	18	NE SE 8	IRRIGATION
				Section Acres
				5
				Total Acres
				5

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:

THIS PROPERTY HISTORICALLY WAS PART OF THE CHARLES THOMAS RANCH AND WAS IRRIGATED WITH THE SAME WATER. THEREFORE, THIS CLAIM HAS BEEN STRUCTURED TO BE SIMILAR TO A75-04509 WHICH DESCRIBES IRRIGATION OF THE THOMAS PROPERTY.

15. Basis of Claim: Statutory Claim

IDWR Water Right and Adjudication Search

Note: This search tool identifies active water rights and active transfers. If you want to search both active and inactive water rights, please check the box below.
☐ Search for both active and inactive water right records.

Search Results

Type of Query		USAGE INSTRUCTION
☐ All SRBA & Water Rights		
SRBA ☐ Claims ☐ Recommendations ☒ Both	Water Rights ☐ Applications ☐ Permits ☒ Decrees, Licenses and Statutory Claims ☒ Transfers ☐ All of the above	Clear Search Help

Query parameters:

basinFrom = 75

basinTo = 75

sequenceNumberFrom = 4211

sequenceNumberTo = 4211

lastName = rotzien

Search for: active Records

Information for type: Claim

	Record	Basin	Sequence	Suffix	Version	Basis	Status	Priority Date	Diversi Rate
Details									
Related Documents	1	75	4211			Statutory Claim	Active	1886-04-01	0.1
General Provision									

Number of records = 1

Doc Name	File Type	Water Right Number	Doc Date	Date Received
<u>OWNERSHIP CHANGE APPROVED</u>	Microsoft Word	754211	5/20/2005	
<u>Ownership Change</u>	Adobe Acrobat	754211	3/23/2005	3/23/2005
<u>Water Rights Back File 75-4211</u>	Adobe Acrobat	754211		
<u>Adjudication Claim Back File 75-4211</u>	Adobe Acrobat	754211		
<u>OWNERSHIP CHANGE APPROVED</u>	Adobe Acrobat	754211	2/15/2005	2/15/2005
<u>Change of Name Gray to Rotzien</u>	Adobe Acrobat	754211		2/15/2005
<u>Change of Ownership</u>	Adobe Acrobat	754211	10/19/2001	

ACREAGES

157 acres 4 1/2 miles North of
Salmon
198 acres surrounded by National
Forest on 3 sides

Business & Business Opportunities

Meat Packing Business and 3
bedroom home
50'x50' vacant building, East
Main St.
3 acre mobile home park
Trailer Court and 3 bedroom
home
Steel Building 50'x150' with 3
phase electricity
Welding shop 32'x52' and 2
mobile hookups

COOK REAL ESTATE

PHONE: 756-2524 or 756-4622

RESIDENCE PHONES —

CARY COOK — 756-3031

HELEN ARRETCH — 756-2521

BLAINE COOK — 756-2777

MEMBER SALMON
EXCHANGE LISTING

FOR RENT: New three
bedroom home, one bath,
\$295 month. Call 756-4352
or 756-4490.

9-10-tfc

HOUSE FOR RENT: Four
bedrooms, 2 baths, 1110
Tendoy Ave., \$500 month.
Ph. 756-3346.

R-5-6-3tp

RENT new portable
RINSE — N — VAC that
steam cleans, rinses and
vacuums carpets profes-
sionally clean. Havemann
Hardware.

R-5-6-1tc

DEL'S HALF ACRE

STORAGE

INDIVIDUAL UNITS
HAROLD JOHNSTON
PHONE 756-2423
P. O. BOX 1342

SALMON

★ NEW LISTING

Beautiful two
home on a large
nice shop. This
home is beauti-
scaped with
flowering crab
bushes. This
"buy-of-the-year"
\$32,000. Check
the terms avail-

Ed F. Smith,
Edgar W. S.
Associate Br.
Office — 756-
We Welcome Call

LEGAL NOTICES

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given
that the following claim(s)
water right(s) have
been established by diver-
sion and application to
beneficial use:
74-4013

WARD, ELLSWORTH, B.
P. O. BOX 58, SAL-
MON, ID 83467

Source: GROUND-
WATER

Priority Date: 11/01/1922

Amount: 0.10 CFS

Diversion Point: NENE

Sec 13 T 16N R 26E, LEM-

HI Co.

Use: COMMERCIAL

(0.02 CFS) from 01/01 to

01/01/01 to 12/31

Place of Use: NENE Sec

13 T 16N R 26E

Diversion Means:

WELLS, PUMP & LINES

75-4289

SALMON RIVER

RANCHES INC.

P. O. BOX 107, NORTH

FORK, ID 83466

Source: SQUAW CREEK

tributary to SALMON

RIVER

Priority Date: 05/01/1912

Amount: 2.75 CFS

Diversion Point: SENE

Sec 15 T 24N R 19E, LEM-

HI Co.

Use: IRRIGATION (2.75

CFS) from 04/01 to 10/31

Place of Use: SESW

SESE Sec 22 T 24N

R 19E FOR 40

ACRES

Diversion Means: DITCH

& PIPELINE

75-4292

DEREIVAL, NORBERT

P. O. BOX 206, SALMON,

ID 83467

Source: SPRING tributary

to KRILEY GULCH

R 19E NENE NWNE Sec
27 T 24N R 19E NWNW
Sec 26 T 24N R 19E FOR
138 ACRES

Diversion Means: DAM,
DITCH & PIPELINE
75-4290

CAPPS, MARTIN
P. O. BOX 691, SALMON,
ID 83467

Source: LAKE CREEK
tributary to WILLIAMS
LAKE

Priority Date: 04/01/1911

Amount: 2.00 CFS

Diversion Point: SENW

Sec 06 T 19N R 21E, LEM-

HI Co.

Use: IRRIGATION (2.00

CFS) from 04/01 to 11/01

Place of Use: NENE

NWNE SWNE SENE Sec

06 T 19N R 21E FOR 40

ACRES

Diversion Means: DITCH

& PIPELINE

75-4291

HUNSAKER, O. LAVAN

P. O. BOX 641, SALMON,

ID 83467

Source: SPRINGS tribu-

tary to SALMON RIVER

Priority Date: 04/01/1900

Amount: 0.06 CFS

Diversion Point: SWNW

Sec 32 T 24N R 22E, LEM-

HI Co.

Use: STOCKWATER

(0.02 CFS) from 01/01 to

12/31

DOMESTIC (0.04 CFS)

from 01/01 to 12/31

Place of Use: SWNW Sec

32 T 24N R 22E

Diversion Means: PUMP

& PIPELINE

75-4292

HUNSAKER, O. LAVAN

P. O. BOX 641, SALMON,

ID 83467

Source: WASTEWATER

tributary to SALMON

RIVER

MAYDOLE, M. THOMAS
&/or HELEN J.
P. O. BOX 1127, NORTH
FORK, ID 83466

Source: SALMON RIVER
tributary to SNAKE RIV-
ER

Priority Date: 08/01/1966

Amount: 0.78 CFS

Diversion Point: NENW

Sec 21 T 24N R 21E, LEM-

HI Co.

Use: IRRIGATION (0.76

CFS) from 04/01 to 11/01

STOCKWATER (0.02

CFS) from 04/01 to 11/01

Place of Use: NWNE Sec

21 T 24N R 21E SESW Sec

16 T 24N R 21E FOR 38

ACRES

Diversion Means: PUMP

& PIPELINE

75-4293

HUNSAKER, O. LAVAN

P. O. BOX 641, SALMON,

ID 83467

Source: SPRINGS tribu-

tary to SALMON RIVER

Priority Date: 04/01/1886

Amount: 4.27 CFS

Diversion Point: NWNE

Sec 30 T 22N R 21E

SWSW SWNE NWNE Sec

19 T 22N R 21E LEMHI

Co.

Use: IRRIGATION (4.22

CFS) from 04/01 to 11/01

STOCKWATER (0.05

CFS) from 01/01 to 12/31

Place of Use: NWNE

NENW Sec 30 T 22N R

21E NWNE SWNE SENE

SENE NWSE SWSE

SESE Sec 19 T 22N R 21E

FOR 211 ACRES

Diversion Means: 21

SPRINGS FLOOD IRRI-

GATE THE LAND

75-4294

HUNSAKER, O. LAVAN

P. O. BOX 641, SALMON,

ID 83467

Source: WASTEWATER

tributary to SALMON

RIVER

at the time of sale, the
real property situated in
the County of Lemhi,
State of Idaho, and des-
cribed as follows, to wit:
Lots 17, 20, 21 and 24 in
Pleasant Meadows, Sub-
division, Lemhi County,
Idaho.

Said sale will be made
without covenant or war-
ranty regarding title,
possession or encum-
brances to satisfy the obli-
gation secured by and
pursuant to the power of
sale conferred in the Deed
of Trust executed by Steve
Burk, Grantor, to Lemhi
Title and Abstract Com-
pany, Inc., as Trustee, for
the benefit and security of
LeMoyn Development,
Inc., whose principal
office and post office ad-
dress is 1418 Blue Lakes
Boulevard North, Twin
Falls, Idaho 83301, as
Beneficiary, recorded
April 9, 1980, as Instru-
ment No. 151887,
records of Lemhi County,
Idaho.

Default for which this
sale is to be made is fail-
ure to pay quarterly in-
stallments due under the
Deed of Trust Note dated
March 15, 1980, in the
amount of \$389.96 on
September 15, 1981, and
\$389.96 on December 15,
1981, and the balance
owing thereunder is \$2,-
537.86 principal balance
together with interest
thereon from July 15,
1981, at the rate of 10%
per annum and foreclos-
ure costs.

DATED January 28,
1982.

LEMHI TITLE AND
ABSTRACT
COMPANY, INC.
BY: Erin G. Robie
TRUSTEE

STATE OF IDAHO
ss.

County of Lemhi

On January 28th, 1982,
before me, the undersig-
ned, a Notary Public in and
for said County and State,
personally appeared Erin
G. Robie, known to me to
be the President of LEMHI
TITLE AND ABSTRACT
COMPANY, INC., whose name is sub-
scribed to the foregoing
instrument and acknow-

GIVEN that the under-
signed has been appoint-
ed Personal Representa-
tive of the above-named
estate. All persons having
claims against the said
deceased are required to
present their claims with-
in four months after the
date of the first publica-
tion of this notice or said
claims will be forever bar-
red. Claims must either
be presented to Frances
V. Grayot, the personal
representative of the
estate at Rt. 1, Box 241,
Salmon, Idaho 83467 or
filed with the Court.

DATE of first publica-
tion: April 22, 1982.

Frances V. Grayot
Personal
Representative
Snook & Snook
Attorneys at Law
Box 1227
Salmon, Idaho 83467
Telephone: 756-2714
4-22-3tc

NOTICE OF ANNUAL SCHOOL ELECTION

In Leadore School Dis-
trict No. 292, Lemhi Coun-
ty, Idaho

NOTICE IS HEREBY
GIVEN, That the annual
school election for Lead-
ore School District No. 292
and Lemhi County will be
held on Tuesday, 18th day
of May, 1982 at the follow-
ing polling place in said
District:

1. Leadore School,
Leadore, Idaho and that
the polls will be open be-
tween the hours of 1:00
o'clock P.M. and 6:00
o'clock P.M.

That the purpose of this
election is to elect to the
board of trustees for said
district:

1. One trustee from
Trustee Zone No. 3 and
for a period of 3 years:

That the name or names
of all candidates for elec-
tion of trustees and the
term for which each is
nominated shall be on file
in the office of Clerk of the
Board of Trustees not less
than 18 days prior to elec-
tion of Trustees.

That each nominating
petition or petitioners
shall bear the signature of

the seal of said District
Court, this 6th day of
April, 1982.

Alberta Wiederrick
Clerk
By: /s/ Mary Alder
Deputy
Sherman F. Furey III
FUREY & FUREY
Attorneys at Law
P. O. Box 1127
Salmon, Idaho 83467
Attorneys for Plaintiff
4-15-4tc

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given
that the following applica-
tion(s) have been submit-
ted for permit to appro-
priate the public waters of
the State of Idaho:
73-7058

WHITE, KEN
MAY, ID 83253
Source: FALLS CREEK
tributary to PAHSIMER-
OI RIVER
Date Filed: 04/14/1982
Amount: 3.20 CFS

Diversion Point: NENE
Sec 06 T 14N R 23E, LEM-
HI Co.

Use: IRRIGATION (3.20

CFS) from 04/01 to 11/01

Place of Use: NESE SESE

Sec 06 T 14N R 23E NENE

NWNE SWNE SENE Sec

07 T 14N R 23E FOR 240

ACRES

Diversion Means: HEAD-

BOX, WEIR, & DITCH

75-7296

BARRETT, JOANN

SMITH, RAYMOND N.

P. O. BOX 305, SALMON,

ID 83467

Source: SPRING tributary

to SINKS

Date Filed: 04/14/1982

Amount: 0.20 CFS

Diversion Point: NESE

Sec 14 T 22N R 21E, LEM-

HI Co.

USE: MINING (0.20 CFS)

from 01/01 to 12/31

DOMESTIC (0.02 CFS)

from 01/01 to 12/31

Place of Use: NESE Sec 14

T 22N R 21E

Diversion Means:

clued in the plan include
the following: population,
economic development,
land use, natural re-
source, hazardous areas,
public services, facilities
and utilities, transporta-
tion, recreation, special
area or sites, housing,
community design and
implementation.

DATED This 1st day of
April, 1982.

LEMHI COUNTY
Commissioners
By Alberta
Wiederrick, Clerk
4-22-3tc

NOTICE OF PUBLIC HEARING ON THE BUSINESS LICENSE FOR THE CITY OF SALMON

Notice is hereby given
that the Salmon City
Council shall hold a public
hearing on the proposed
Business License on Mon-
day, June 7, 1982, at 7:00
p.m. in the Council Cham-
bers of City Hall, Salmon,
Idaho.

Copies of the Business
License ordinance are
available for public in-
spection and evaluation at
the Salmon City Hall. Any
interested parties shall
have an opportunity to ex-
press their view at said
public hearing and written
testimony will be accepted
and evaluated.

Dated this 4th day of
May, 1982.

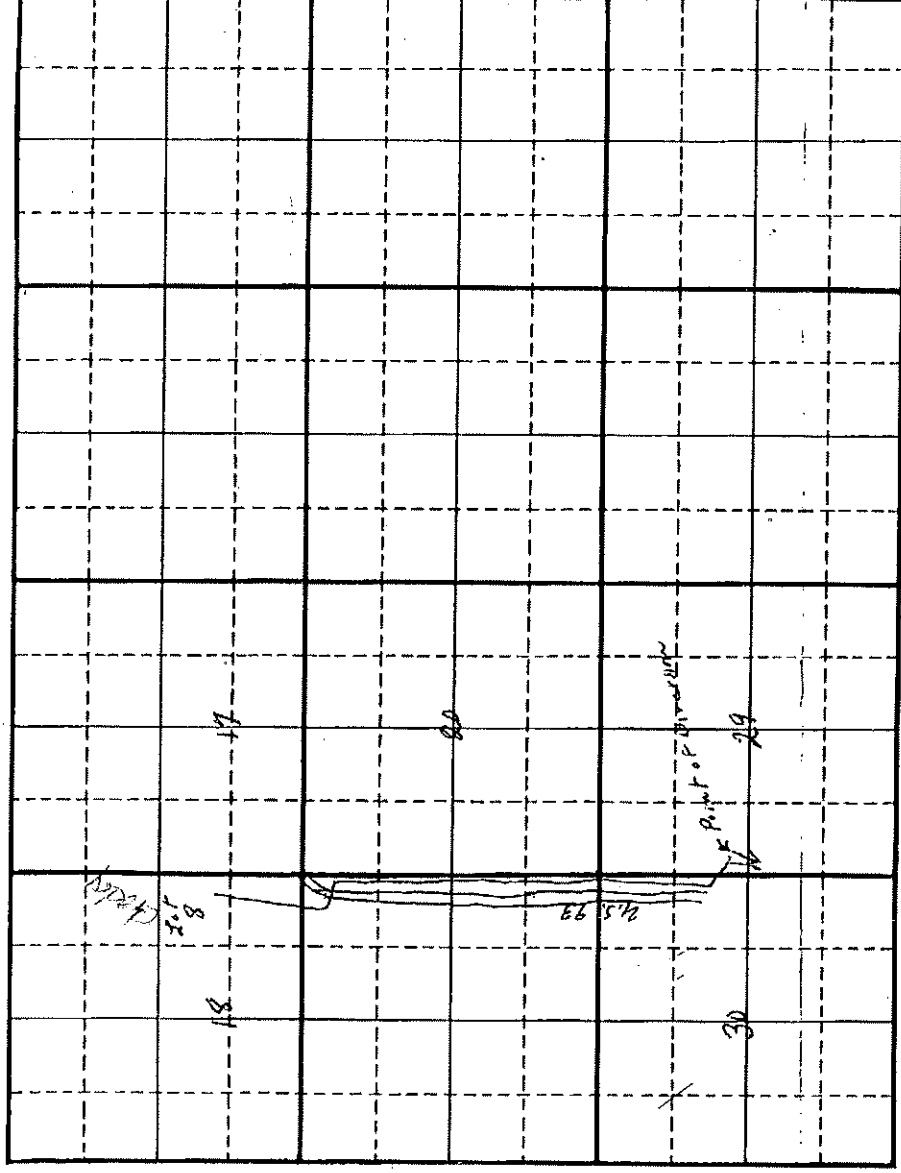
CITY OF SALMON

J. Ellis Smith

City Administrator

5-6-2tc

T 22 n. R. 22 E BM.



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

State of Idaho

Be it kn

Edra Mae
(Claimant)

Sworn to before me this 7th day of _____ 1944

Notary Public
Residing at

Life

FOR DEPARTMENT USE ONLY

Received by AW Date 1-11-82
 Prelim. check by AW Date 1-11-82
 \$30.00 fee received by AW Date 1-11-82
 Published in Recorder News #20
 Dates AW 21+28, 1982

Exception filed by:

Date 1-11-82

75-4211
GODOY, EDNA MAE
BOX 39, CARMEN, ID
83462

Source: SPRINGS tribu-
tary to SALMON RIVER
Priority Date: 08/01/1908
Amount: 0.09 CFS

Diversion Point: NWSW
Sec 29 T 22N R 22E, LEM-
HI Co.

Use: IRRIGATION (0.09
CFS) from 03/15 to 11/15
Place of Use: NESE Sec 18
T 22N R 22E FOR 5

ACRES
Diversion Means: BOR-
ROWPIT AND CULVERT

Any exception to any
claim of water right may
be filed with the Director
of the Idaho Department
of Water Resources, 150

Shoup Ave., Idaho Falls,
Idaho 83402

A. KENNETH DUNN
Director
Published 1/21 & 1/28/
82

MICROFILMED
1-2tc

This Indenture, Made the seventeenth day of June in the year of our Lord one thousand nine hundred and seven between Eva D. Webb and Charles H. Webb, her husband,

of the County of Lemhi and State of Idaho, the parties of the first part, and Meade Neal

County of Lemhi State of Idaho the part Y of the second part, WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Two Hundred (\$200.00)

lawful money of the United States, to them in hand paid by the said part Y of the second part, the receipt of which is hereby acknowledged, do REMIT, RELEASE and forever QUITCLAIM unto the said party of the second part, and to his heirs and assigns, the following described real estate, situated in the County of Lemhi and State of Idaho, to-wit:

The undivided one third interest or share of, in and to that certain water right of four hundred miners inches, measured under a four inch pressure, of the waters of Salmon River, Lemhi County, State of Idaho, taken therefrom at a point on the west side of said Salmon River, on Lot Four of Section Twenty in Township Twenty Two North of Range Twenty two east of Boise Meridian, the said water right being more particularly described in the location notice thereof recorded in the office of the Recorder of Lemhi County, Idaho, on the 25th day of March, 1897, in Book "B" of Water Rights, at page 236, of the records of said county.

Also the undivided one third interest or share of, in and to the ditch, belonging to the said parties of the first part, conveying said water from the Salmon River.

together with all the tenements, hereditaments and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all the estate, right, title, interest

property, possession, claim and demand whatsoever as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances

unto the said part Y of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of

J. C. Sinclair

Eva D. Webb

(SEAL)

Charles H. Webb,

(SEAL)

STATE OF IDAHO,
County of Lemhi } ss.

On this Eighteenth day of June 1907, before me John C. Sinclair in and for said County, personally appeared Eva D. Webb and Charles H. Webb

Notary Public

known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that he Y executed the same; and on this day of June 1907, before me, the officer above described, personally appeared

known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Seal.

My Commission expires February 11th 1911.

John C. Sinclair,

Notary Public in and for the County of Lemhi, State of Idaho.

STATE OF IDAHO,
County of Lemhi } ss.

I hereby certify that this instrument was filed for record at request of J. C. Sinclair

at 30 minutes past 9 o'clock A.M., this 20th day of June

office, and duly recorded in Book 0 of Deeds at page 173. A. D. 1907, in my

W. C. Smith

Ex-officio Recorder.

By

Deputy.

Noted

Noted is hereby given that I the undersigned do hereby certify four hundred inches of the waters of this stream (salmon River) to be taken therefrom at a point on the west side thereof where a copy of this notice is posted, and on lot #11 Town of Section 20 in Township 22. north of Range 22. East of 4th Meridian in the County of Lemhi State of Idaho. And that I intend to convey said water by means of a ditch of sufficient capacity from said point of diversion to and upon my desert- land claim, embracing what will be without platted, the $E\frac{1}{2}$ S. W. $\frac{1}{4}$ Sec 7. and that portion of S. W. $\frac{1}{4}$ S. $E\frac{1}{4}$ of Sec 7 and the west side of Salmon River, and the N. W. $\frac{1}{4}$ N. E. $\frac{1}{4}$ Sec 18. of 22. N. Range 22. East, to be used thereon for the purpose of irrigating said land and for domestic and other purposes.

Dated on the ground May 1st 1892.

Witness

C. H. Webb.

Eva H. Webb.

Recorded at request of Eva H. Webb, March 25-1897 at 30 minutes past 1 O'clock P.M. in Book 23 of Water Rights- Page 236. - Records of Lemhi County Idaho

J. P. Clough
Recorder

This Indenture, Made the first day of August in the year 1908, between Jeremiah Fahey, a bachelor, of Gibbonsville, Idaho, and Thomas Griffiths, of Butte, Silver Bow County, Montana, party of the second part, Witnesseth: That the said party of the first part for and in consideration of the sum of One (\$1.00) Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the said party of the second part, and to his heirs and assigns, forever, all that certain lot, piece or parcel of land, situated in the said Lemhi County of the State of Idaho, and bounded and particularly described as follows, to wit:

All right title and interest in and to the Belle Placer Claim, originally located on the 13th day of March, 1893, by Fred W. Turner, Frank A. Patton and John Boyle, and recorded on page 274, of Book F records of Lemhi County, Idaho, to which record reference is hereby made.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversions and reversions, remainder and remainders, rents issues and profits thereof.

To have and To Hold, all and singular, the said premises, together with the appurtenances into the said party of the second part, and to his heirs and assigns forever.

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

Francis T. Morris

State of Idaho,)

County of Lemhi.) ss

On this 5th day of October in the year 1908, before me A.L. Kirk a Notary Public in and for the County of Lemhi State of Idaho, personally appeared Jeremiah Fahey known to me to be the person whose name is subscribed to the within instrument, and who severally acknowledged to me that he executed the same.

In Testimony Whereof, I have hereunto subscribed my hand, and affixed my Notarial Seal on this 5th day of October 1908.

Jeremiah Fahey (Seal)

Seal

A.L. Kirk
Notary Public in and for Lemhi County,
Idaho.

State of Idaho,)

County of Lemhi) ss

I hereby certify that the within instrument was filed for record Oct, 15, A.D. 1908, at 9 o'clock A.M. and recorded in Book R of Deeds on page 216 Records of Lemhi County, Idaho.

County Recorder.

Instrument No. 7226

THE UNITED STATES OF AMERICA.

To all to whom these presents shall come, GREETING:
Homestead Certificate No. 1437.)

Application 2127.

WHEREAS, There has been deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Hailey, 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 Meade Neal has been established and duly consummated, in conformity to law, for the Lots seven and eight of Section eighteen in Township twenty-two north of range twenty two east of the Boise meridian, Idaho, containing fifty and eighty-five hundredths 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 there is, therefore, granted by the United States unto the said Meade Neal the tract of Land above described; To Have And To Hold the said tract of Land, with the appurtenances thereof, unto the said Meade Neal 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 local customs, laws and decisions of Courts, and also subject to the rights of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect 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 thirteenth day of January, in the year of our Lord one thousand nine hundred and eight and of the Independence of the United States the one hundred and thirty-second.

By the President: Theodore Roosevelt

Seal

By M.W. Young, Secretary.

H.W. Sanford

Recorder of the General Land Office.

Recorded, Vol. 712, Page 10

Recorded at the request of Meade Neal, Oct. 17th., 1908 at minutes past 4 o'clock P.M. in Book R of Deeds page 216 Records of Lemhi County, Idaho. W.C. Smith

Page 310

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

BERTHA N. ROSE, :
Plaintiff, :
vs. : D E C R E E.

CHARLES H. WEBB, EVA D. WEBB, :
husband and wife, BERTHA N. :
MALCOLM and FRANK MALCOLM, :
wife and husband, :
Defendants. :

This cause came on regularly to be heard in open Court, at the April, 1925, term thereof, E. H. Casterlin, Esq. and Messrs. Whitcomb, Cowen & Clark appearing as counsel for the plaintiff, and Messrs. Burleigh & Glennon appearing as counsel for all the defendants, thereupon testimony and documentary proof were introduced and submitted on the part of the respective parties hereto, and the case was submitted to the Court upon the same for final determination, and after having duly considered the same, and being fully advised in the premises, the Court files its Findings of Fact and Conclusions of Law in writing, and orders that judgment be entered herein in accordance therewith.

WHEREFORE, by reason of the law, and the Findings and Conclusions of Law, aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff, Bertha N. Rose, in her own right, and for her sole and separate use and benefit, is the owner, and is entitled to the possession of a certain ditch and ditch system acquired and constructed by Joe Moodie, which includes the Tendoy Ditch and the Moodie Extension so-called as parts thereof, located in Lemhi County, State of Idaho, the point of diversion of which is located in and on Wallace Creek about three and one-half miles distant from its junction with the Salmon River upon unsurveyed and unoccupied Public Domain, whence the said ditch runs in a southerly or southeasterly direction on the westerly side of Salmon River to the head of Dry Gulch so-called, thence in a southerly or southeasterly direction to Deriar Gulch, thence down the natural water-course of Deriar Gulch to Queen Gulch, thence down the natural water-course of Queen Gulch to a point now established where an artificial ditch leads to the lands of this plaintiff, together with sufficient land on either side of said ditch and this ditch system for the proper care and maintenance thereof; also that said plaintiff in her own right and for her sole and separate use and benefit is the owner and entitled to the use of 1.6 cubic feet per second in time of the waters of Wallace Creek with the exclusive right to conduct the same through said ditch and ditch system with date of priority in the fall of 1912, when said ditch and ditch system was acquired and completed, to and upon plaintiff's lands, to which said ditch, said water and water rights are appurtenant, and which said lands are located and situated in Lemhi County, State of Idaho, and described as follows, to-wit:

Southeast Quarter of the Southwest Quarter, Northeast Quarter of the Southwest Quarter, Southeast Quarter of the Northwest Quarter, Southwest Quarter of the Northeast Quarter, West Half of the Southeast Quarter, and Lot 9 of Section 18, Township 22 North, Range 22 East of the Boise Meridian.

That the defendants, Bertha N. Malcolm and Frank Malcolm, are the owners of the following described land situated in Lemhi County, Idaho, to-wit:

Lots 8, 11, and 13, in Section 6, and Lots 7, and 8, of Section 18, Township 22 North, Range 22 East of the Boise Meridian.

That the defendants, Bertha N. Malcolm and Frank Malcolm, have the right to enlarge and increase at their exclusive costs and expenses that part of said ditch and ditch system designated as the Tendoy Ditch for the purpose of conducting any unappropriated water from said Wallace Creek to Dry Gulch, thence down Dry Gulch to and upon their said lands, but said use shall always be limited to and measured by the increased carrying capacity of said ditch in excess of 1.6 cubic feet of water per second of time, and shall at all times be subject and subordinate to the rights of the plaintiff herein decreed.

That the said defendants, Charles H. Webb and Eva D. Webb, or either of them, have no right, title, interest or estate whatsoever in or to the said ditch and ditch system acquired and constructed by said Joe Moodie for any use or purpose whatever.

That the rights of the plaintiff, Bertha N. Rose, and of the defendants, Bertha N. Malcolm and Frank Malcolm, in and to the said ditches are hereby quieted in said respective parties as above decreed.

That the defendants, and each and all thereof, their agents, employees, attorneys and successors, be, and they are hereby forever restrained from in any manner interfering with the rights of the plaintiff, Bertha N. Rose, in and to the said ditch and ditch system as herein decreed, and her right to conduct 1.6 cubic feet per second of time of the waters of Wallace Creek therein and therethrough to and upon her said lands, and from in any manner

interfering with her right to maintain and operate said ditch and ditch system for the purpose of irrigating her said land as herein decreed.

That costs and charges of enlarging said Tendency Ditch as herein permitted, shall be borne and discharged exclusively by the defendants, Bertha N. Malcolm and Frank Malcolm that the costs and charges of keeping in repair and maintaining the said Tendency Ditch after its enlargement shall be paid by the plaintiff, Bertha N. Rose, and the defendants, Bertha N. Malcolm and Frank Malcolm in proportion to the respective uses made thereof, and the amount of water carried therein by each respectively.

That the plaintiff, Bertha N. Rose, do have and recover from the said defendants the sum of \$ 61.70 assessed as costs and disbursements herein.

Judgment rendered this 30th day of July, 1925.

Ralph W. Adair
Judge of said District Court.

Filed and Entered August 4th, 1925.

W. W. Simmonds, Clerk.

By Felia M. Glennon, Deputy.

Book C of Judgments, Pages 310-311.

IN THE SUPREME COURT OF THE STATE OF IDAHO.

DON C. RICHARDS)
vs.) Respondent,)
No. 4229

SAMUEL M. JARVIS,)
Ellen F. Jarvis, and The)
Lemhi Valley Bank, a cor-)
poration.)
Appellants.)

This cause having been heretofore heard, submitted and taken under advisement and the court having fully considered the same, now on this day the cause was again called and the decision of the court is delivered by Justice Budge, to the effect that the judgment of the lower court be reversed and the cause remanded.

It is therefore considered, adjudged and decreed that the judgment of the district court of the sixth judicial district in and for Lemhi County in the above entitled cause be and the same hereby is reversed and the cause is remanded with directions to the court below to amend its findings and judgment in accordance with the views expressed in the opinion of this court. Each of the parties to this appeal is to bear his own costs.

I, I. W. Hart, Clerk of the Supreme Court of the State of Idaho, do hereby certify that the preceding and annexed contains a true and correct copy of the original judgment entered in the above entitled cause, on the 30th day of July, 1925, and now on file in my office.

Witness my hand and the seal of the Court this 30th day of July, 1925.

-SEAL-

I. W. Hart
Clerk

Filed & Entered August 24th, 1925.

W. W. Simmonds, Clerk

By Margaret Shoup, Deputy

Judgment Book "C", Page 311.

Instrument No. 67140

WARRANTY DEED

THIS INDENTURE, Made this 31st day of May in the year of our Lord one thousand nine hundred and forty-seven, between FRANK MALCOLM, a widower of Salmon, County of Lemhi, State of Idaho, the party of the first part, and RAY F. PIERCE, a married man of Salmon, County of Lemhi, 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 Six Thousand and No/100 (\$6,000.00) -----DOLLARS, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said part of the second part, and to his heirs and assigns forever, all of the following described real estate, situated in said County of Lemhi, State of Idaho, to-wit:

Lots Seven (7) and Eight (8) of Section Eighteen (18), Township Twenty-two (22), North, Range Twenty-two (22) East of the Boise Meridian.

Together with all water rights and rights in ditches, canals and laterals, and rights of way therefor, appurtenant to said premises or used in connection therewith, now and/or at any time, including, but not limited to the following:

All waters allocated to the above described land by decree of District Court of Lemhi County, Idaho, dated July 30th 1925, and recorded in Book C of Judgments, page 310, records of Lemhi County, Idaho.

Revenue Stamp Canceled \$6.60 12/1/47 F.M.

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 his 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, his heirs and assigns, against the said party of the first part, and his 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

Frank Malcolm (SEAL)

STATE OF IDAHO,)
COUNTY OF LEMHI) ss.

On this 31st day of May in the year 1947, before me J. W. Herndon, a Notary Public in and for said State, personally appeared Frank Malcolm known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

(SEAL)

STATE OF IDAHO,)
County of Lemhi) ss.

J. W. Herndon
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

I hereby certify that this instrument was filed for record at request of Ray F. Pierce at 3 minutes past 10 o'clock A.M., this 1st day of December, A.D. 1947 in my office, and duly recorded in Book 40 of Deeds at page 515.

Fees, \$1.25 Paid

W. W. Simmonds
Ex-Officio Recorder

By Betty L. Stewart Deputy

IN THE PROBATE COURT OF THE COUNTY OF LEMHI, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE)
OF)
BERTHA N. MALCOLM, DECEASED.)
DEGREE DISTRIBUTING COMMUNITY ESTATE.

Frank Malcolm, having on the 23rd day of ~~April, 1931~~ filed in this Court his petition setting forth among other matters, that Bertha N. Malcolm died intestate in the County of Lemhi, State of Idaho, on or about March 5, 1931, possessing title to certain real property subject to the liens thereon, situated in said County of Lemhi, State of Idaho, and hereinafter described, and therein declaring that he and Bertha N. Malcolm were at the time of her death, husband and wife, and that such relation had existed since December 19, 1908, and that all of said real property hereinafter described was acquired after said marriage and that the same constituted community property, and said matter coming on regularly to be heard this 23rd day of April, 1931, upon proof that due and legal notice of such hearing had been given by order of this Court heretofore made, the said Frank Malcolm appearing by counsel, E. W. Whitcomb, and no other person making any appearance, either in person or by counsel, this Court proceeded to the hearing of said petition, and it appearing to the satisfaction of this Court that the allegations contained in said petition are true and that said real estate hereinafter particularly described constitutes community property, and that said Frank Malcolm, as the surviving spouse is entitled to have the same decreed to him;

Now, on this, the said 23rd day of April, 1931, on motion of E. W. Whitcomb, counsel for said Frank Malcolm;

IT IS ORDERED, ADJUDGED AND DECREED, That Frank Malcolm and Bertha N. Malcolm were lawfully married on or about December 19, 1908, and ever after continued to be husband and wife up to the time of the death of said Bertha N. Malcolm. That Bertha N. Malcolm died intestate on or about March 5, 1931, then possessing title, subject to certain liens and mortgages thereon, to the following described real property, situated in the County of Lemhi, State of Idaho, to wit:

All of Lots Numbers 8, 11 and 13, of Section 6, and Lots No. 7 and 8 of Section 18, Twp. 22 N.R. 22 E. B. M., containing 152.91 acres.

Together with all the ditches, water and water rights belonging to said premises or used in the irrigation thereof, or in connection therewith. Including that certain water right to the use of two cubic feet per second of the waters of Wallace Creek, according to the location thereof recorded in Book "B" of Water Rights, page 279.

That said Bertha N. Malcolm acquired said property on or about September 26, 1921, and that the same was purchased from the joint earnings of said Bertha N. Malcolm and Frank Malcolm. That all of said real property, subject to existing liens and mortgages thereon, and the title thereto, is hereby distributed to Frank Malcolm as the surviving spouse of said marriage.

Done in open Court this 23rd day of April, 1931.

STATE OF IDAHO,)
COUNTY OF LEMHI.) ss.

G. W. Cronkrite,
Probate Judge.

I, G. W. Cronkrite, Ex-Officio Clerk of the Probate Court of the County of Lemhi, State of Idaho, hereby certify that I have compared the foregoing copy with the original decree rendered in the matter of the above named estate, and filed in my office on the day of April, 1931, and that the same is a full, true and correct copy of such original decree and of the whole thereof and now on file in this office.

WITNESS my hand and the seal of said Court, this 23rd day of April, 1931.

((((SEAL)))

G. W. Cronkrite
Clerk.

Recorded at the request of Frank Malcolm, April 23rd, 1931, at 20 minutes past 4 o'clock P.M., in Book V of Deeds, page 592, Records of Lemhi County, Idaho.

Fee: 1.50

E. W. Whitcomb
County Recorder.

This Indenture, Made this 26th day of September in the year of our Lord one thousand nine hundred and twenty-one between Charles H. Webb and Eva D. Webb husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and Bertha N. Malcolm of the County of Lemhi, State of Idaho,

the part Y of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of One and No/100 DOLLARS, lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED and SOLD and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said part Y of the second part, and to her heirs and assigns forever, all those certain lots, pieces or parcels of land situate lying and being in the County of Lemhi, State of Idaho, and particularly described as follows, to wit, All of Lots Numbered Eight, Eleven and Thirteen of Section Six, and Lots Numbered Seven and Eight of Section Eighteen all in Township Twenty-two North, Range Twenty-two East of the Boise Meridian, Containing 152.91 acres of land

Together with all the ditches, water and water rights belonging to said premises, or used in the irrigation thereof or in connection therewith. Including that certain water right to the use of two cubic feet per second of the waters of Wallace Creek according to the location thereof recorded in Book B of Water Rights page 279 of the Records of Lemhi County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances to have and hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the part Y of the second part, and to her heirs and assigns forever. And the said parties of the first part, and her heirs, the said premises in the quiet and peaceful possession of the said part Y of the second part, her heirs and assigns, against the said parties of the first part and their heirs, 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 parties of the first part have hereunto set their hand and seals the day and year first above written.

Signed, sealed and delivered in the presence of Charles H. Webb (SEAL) Eva D. Webb (SEAL)

STATE OF IDAHO, } ss. COUNTY OF LEMHI } On this 26th day of September in the year 1921 before me, Allen C. Merritt a Notary Public in and for the said County, personally appeared Charles H. Webb and Eva D. Webb husband and wife known to me, to be the person whose name is 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.

SEAL Allen C. Merritt

County of Ingham State of Idaho

TRINIA THOMAS, husband and wife
County of Lemhi State of Idaho

... of the second part.

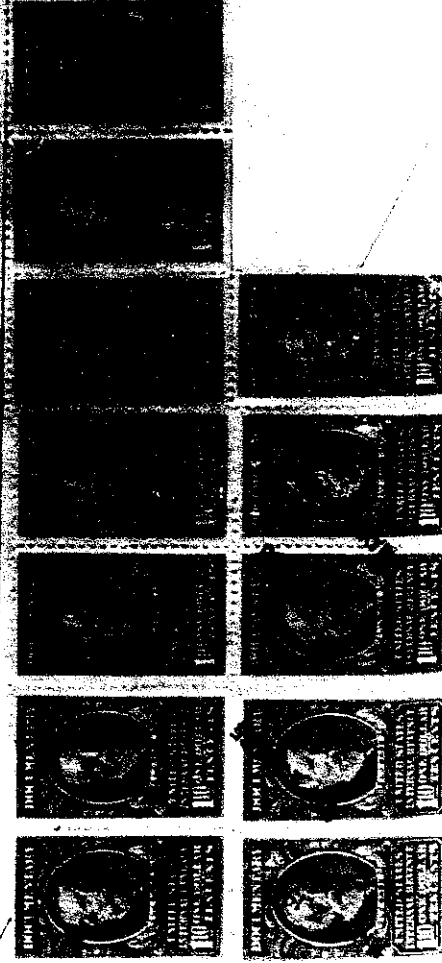
WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TWELVE THOUSAND and NO/100 ----- (\$12,000.00) - --DOLLARS, lawful money of the United States of America.

parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in Salmon, County of Lemhi, State of Idaho, to-wit:

Lots Seven (7) and Eight (8) of Section Eighteen (18), Township Twenty-two (22) North, Range Twenty-two (22) East, Boise Meridian.

Together with all water rights and rights in ditches, canals and laterals, and rights of way therefore, appurtenant to said premises or used in connection therewith, now and/or at any time, including, but not limited to the following:

All waters allocated to the above described land by decree of District Court of Lemhi County, Idaho, dated July 30th 1925, and recorded in Book O of judgments, page 310, records of Lemhi County, Idaho.



TOGETHER, With all and singular the tenements, hereditaments and appurtenances therunto 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, together with as much of the said parties as in equity, of the said parties, of the first part.

[illegible]

ALL PARTIES WHEREOF, The said parties of the first part have hereunto set
hand s and seals the day and year first above written.
SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Ray H. Pierce (Seal)
Verlin B. Pierce (Seal)
(Seal)
(Seal)

STATE OF IDAHO,) ss.
COUNTY OF LEMHI)

On this 12th day of May In the year 19 65, before me
a Notary Public

in and for said State, personally appeared
RAY F. PIERCE and VERLIN B. PIERCE, Husband and Wife
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.

Ray H. Pierce
Notary Public for the State of Idaho
Residing at Salmon, Idaho

WARRANTY DEED

STATE OF IDAHO,
COUNTY OF LEMHI, ss.

I, J. W. Herndon
Notary at request of
Ray F. Pierce
minutes past 3
P. M. this 12th
day of May
A. D. 19 65
in writing, and duly entered in Book
Deeds at page
Eleanor Aldous
Ex-Officio Recorder
1.75

State of Idaho } ss.
County of Lemhi }

To, all concerned: Notice is hereby given:

1st. That William Hoffman of Lemhi co. Idaho hereby claim the use of the waters of Wallace creek to the extent of Two cubic feet per second. 2d. 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: Beginning at or near one certain araser and also where an old Placer ditch formerly owned and operated by Whitwell and runnings intersects said Wallace Creek.

3d. The purpose for which said water is intended to be used is Agricultural and domestic Purposes. The place of intended use is situated at the mouth of said Wallace creek west of Salmon River and north of Wallace creek watering about 40 Acres more or less. 4th. It is intended to divert said water by means of ditch 2 ft. wide and one foot deep. The general course of the proposed canal is North Easterly. The length of the proposed canal is about 8 rods more or less. It is intended to use said water for irrigating the following described lands: The lands lying north of Wallace creek containing about 40 acres more or less.

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within (3) Three years.

Witness my hand at Wallace Creek, Idaho, - this 13 day of May 1898
Wm. Hoffman Claimant.

State of Idaho } ss.
County of Lemhi }

Wm. Hoffman being first duly sworn deposes and say 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 the 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 (as provided by law) on the 13 day of May, at 7 o'clock P.M. 1898
Wm. Hoffman.

Subscribed and sworn to before me this 14 day of May, 1898.
(Seal) J. P. Delough County Recorder

STATE OF IDAHO,
County of Lemhi. } ss.

I hereby certify that this instrument was

filed for record at request of

Wm. Hoffman

at minutes past 21 o'clock

P.M., this 14 day of May

A. D. 1898, in my office, and duly recorded

in book B of H. A. at page 272

J. P. Delough

Ex Officio Recorder.

By G. A. Humphrey Deputy.

STATE OF TEXAS

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-245, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1985. Excepted from this filing are single family domestic uses as defined in Section 42-230(c), Idaho Code. Also exempt are rights represented by permit licenses, decrees, adjudicated right or a previously filed claim.

15. The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that

THE ADVANCE

beneficial use of the surface or ground water. The

(7) Date of priority. (When was the water first applied to a beneficial user. *July 1, 1952*.)

A claim is not acceptable on a ground water source with a priority later than March 25, 1953 or on a surface water source with a priority later than May 20, 1957. An exception is that a claim may be filed on such family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Water water

for house use

[illegible]

Quantity	Use	Period of Use From	To
5.00 cfs.	Sanitation	April 1	To May 1
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To
Quantity	Use	Period of Use From	To

(4) 5.00 TOTAL QUANTITY USED. (pts. ad)

(15) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 NE 1/4 Sec. 19 Twp. 22N Rge. 22E B.M. County of Lea
 Additional points of diversion: Sub NE 1/4 Section 19 Twp 22N Rge 22E

8) Describe means of diversion of water: (Pump and Disbaling, well, diversion dam, reservoir, leath of ditch and field etc). Give sizes and capacities be as specific as possible. Describe any changes in the system and give the date of the change. *Our ditches collect waste water & convey it to the elements property.*

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

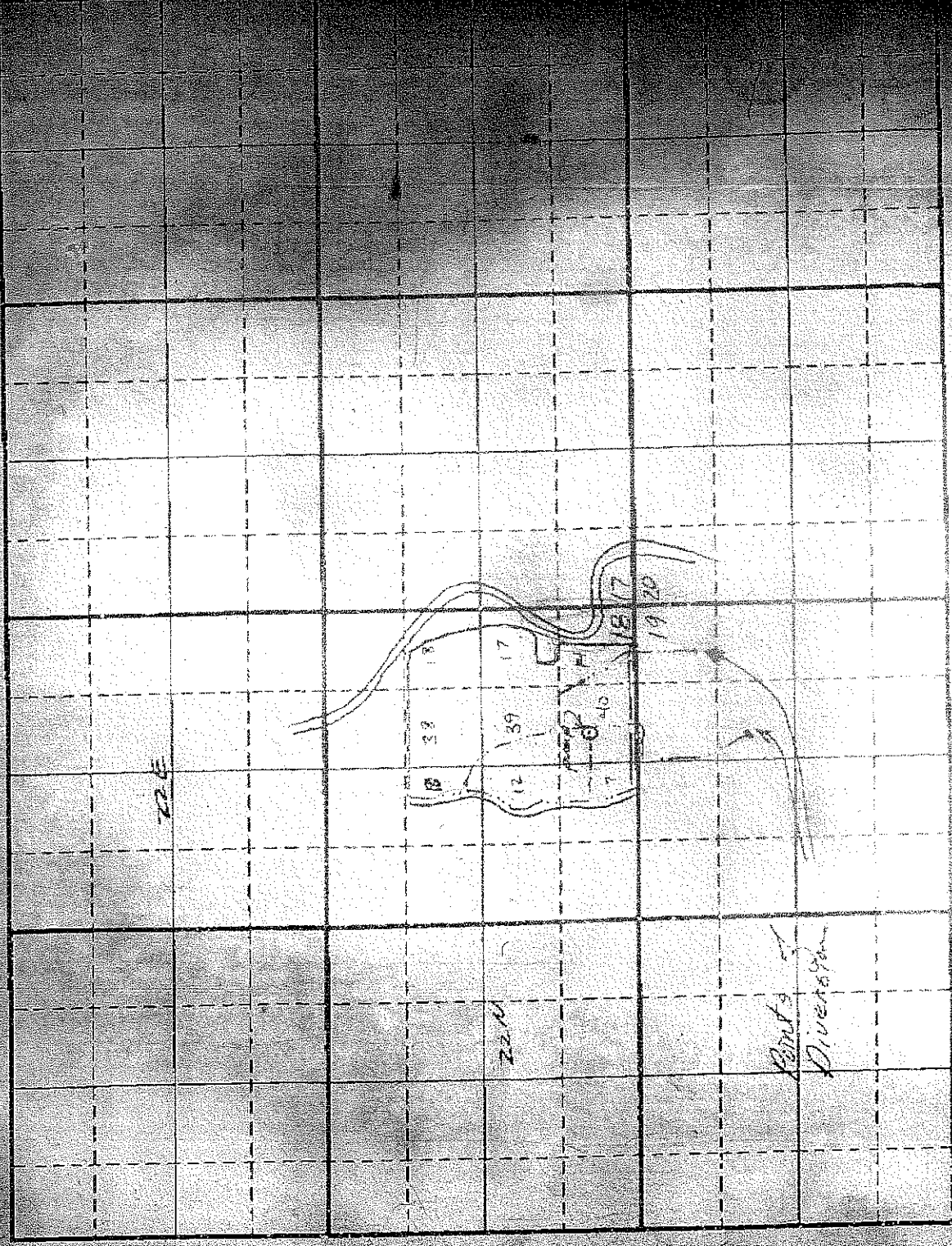
MICROFILM

(B) If water is used for other than irrigation, fully describe that use, being as specific as possible.

(8)

Remarks

Points of diversion were located on where the claimant
to maintain the ditches and may water to 10-12 feet



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 subdivisions, township and range of the public land survey system.

State of Idaho

County of Latah

Be it known that the undersigned, being duly sworn deposes and says that he, she, they subscribed the foregoing 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.

Sworn to before me this 21 day of April, 1982.

My commission expires 12-21-82.

Charles C. Thomas
(Claimant)

Glenn R. Ruel
Notary Public
Residing at Idaho



STATE OF IDAHO,)
) SS.

County of Lemhi,)

I hereby certify that this instrument was filed for record at request of Walter Selck at 25 minutes past 11 o'clock A.M., this 23rd day of October, 1964, in my office, and duly entered in Book 49 of Deeds at pages 346-47.

Fees, \$1.75 Paid

Paul Adams Ex-Officio Recorder.

By Margaret Butler Deputy.

-----Instrument No. 101614-----
IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

CHARLES C. THOMAS,)
) Plaintiff,

vs.)

OSCAR L. HUNSAKER and)
LAURETA BLACK,)
) Defendants.

No. 4431

DECREE

This cause coming on regularly to be heard this 15th day of October, 1964, before Honorable Ezra P. Monson, Judge of the above entitled Court, sitting without a jury, the plaintiff appearing by his attorney, Sherman F. Pury, Jr., and the Defendants appearing by their attorneys, Charles Herndon and Fred H. Snook, respectively, and the parties having executed and entered herein a Stipulation settling the matters in dispute and providing that Decree may be entered herein in accordance with said Stipulation, and the Court having considered the evidence, and being advised in the premises, and Findings of Fact and Conclusions of Law having been waived;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, as follows:

1. That there is decreed to plaintiff and to plaintiff's lands hereinafter described a ditch easement right of way on and across a portion of the lands of defendants hereinafter described, which said easement and right of way is described as follows:

A right of way and easement for an irrigation and stock-water ditch, and for maintenance of the same, the easterly boundary of said right of way being 10 feet from the centerline of the easterly side thereof, and the westerly boundary being 2 feet from the centerline on the westerly side thereof, said centerline being more particularly described on Exhibit "A", attached hereto, and by reference made a part hereof.

2. That there is decreed to plaintiff and to plaintiff's land hereinafter described the right to go upon and clean and maintain, so that it will carry water, the portion of a ditch, the centerline of which is more particularly described on Exhibit "B", attached hereto, and by reference made a part hereof. Plaintiff shall not have the right to deepen or widen said portion of ditch.

3. Defendants and their successors in interest shall and do have the right to dam the southerly extremity of the portion of a ditch described in Exhibit "B", attached hereto, and to divert water therefrom in such amounts and at such times as is necessary for the proper irrigation of defendants' premises, but at such times as the water in said ditch is not needed for the irrigation of defendants' said premises, the water in said ditch shall be released into the ditch running to plaintiff's premises, being the portion of a ditch described in Exhibit "B" hereof. For the purpose of controlling the water as provided in this paragraph, an adequate headgate according to State of Idaho Department of Reclamation standards shall be constructed at said point of diversion, and the expense of building and maintaining said headgate shall be paid by plaintiff.

4. That there is decreed to plaintiff as an appurtenance of his premises, a right of way and easement for an irrigation ditch and for maintenance thereof, which ditch is approximately 400 feet long, being 6 feet on each side of a centerline, described on Exhibit "C", attached hereto, and by reference made a part hereof. Said easement and right of way shall be 12 feet wide, 6 feet on each side of said centerline; provided, however, that defendants and their successors shall have the right to maintain under said ditch a drain pipe or culvert to drain excess water from defendants' said lands; provided, further, however, that defendants and their successors shall maintain such drain in such way as not to interfere with, or in any way damage, plaintiff and his successors in their use of said ditch as an irrigation ditch.

5. Defendants and their successors in interest in the realty through which said ditch rights of way pass are perpetually restrained and enjoined from cutting, damming, breaking, blocking or otherwise interfering with the natural flow of water in, and into, the ditch maintained by plaintiff and his successor in interest along said rights of way described on Exhibit "A", and Exhibit "C", provided, however, that defendants may divert water from the southerly extremity of the ditch described on Exhibit "A" for periods of time not exceeding six days each calendar month. Plaintiff and defendant Hunsaker shall divide equally the expense of installing and maintaining headgates for the purpose of making such diversion.

6. The provisions herein are, and shall be, from the date hereof, covenants running with the lands of plaintiff and defendants, respectively.

7. Plaintiff's said lands referred to hereinabove are situate in Lemhi County, and are described as follows:

W $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and SW $\frac{1}{4}$ NE $\frac{1}{4}$, and Lot 9, less 9.6 acres in Section 18, T. 22 N., R 22 E.B.M.

8. Defendants' said lands referred to hereinabove are situate in Lemhi County, Idaho, and are particularly described on Exhibit "D", attached hereto, and by reference made a part hereof. The rights and duties granted and imposed on defendants herein shall be, from the date of decree herein, appurtenances of, and charges against, said lands of defendants.

9. Money damages claimed by any of the parties in this action are hereby denied.

10. Each party shall bear his and her own court costs incurred in this litigation.

DONE in open court this 15th day of October, 1964.

/s/ Ezra P. Monson

District Judge

EXHIBIT "A"

Instrument No. 101614 (Continued)

Across $W\frac{1}{2}NE\frac{1}{4}$ Section 19, Township 22 North, Range 22 E.B.M., Beginning at a point which lies N. $39^{\circ} 44'$ E. 4767.9 feet from the Southwest corner of said Section 19, run thence N. $19^{\circ} 54'$ E. 738.0 feet; thence N. $49^{\circ} 55'$ W. 225.0 feet; thence N. $32^{\circ} 48'$ E. 238.0 feet; thence N. $39^{\circ} 24'$ E. 622.0 feet; thence North to the North boundary of Section 19.

EXHIBIT "B"

Across the $NW\frac{1}{4}SE\frac{1}{4}$ and the $SW\frac{1}{4}NE\frac{1}{4}$ of Section 19, Township 22 North, Range 22 E.B.M.

Beginning at a point which lies N. $57^{\circ} 12'$ E. 3800.1 feet from the Southwest corner of said Section 19, run thence N. $33^{\circ} 45'$ W. 175.0 feet; thence N. $56^{\circ} 50'$ W. 338.0 feet; thence N. $12^{\circ} 07'$ E. 270.0 feet; thence N. $3^{\circ} 56'$ E. 350.0 feet; thence N. $12^{\circ} 56'$ E. 682.0 feet to a point which lies N. $39^{\circ} 44'$ E. 4767.9 feet from the Southwest corner of Section 19.

EXHIBIT "C"

Across the $NE\frac{1}{4}NE\frac{1}{4}$ of Section 19, Township 22 North, Range 22 E.B.M.

Beginning at a point which lies N. $42^{\circ} 35'$ E. 6527.2 feet from the Southwest corner of said Section 19, run thence N. $5^{\circ} 49'$ E. 215.0 feet; thence N. $25^{\circ} 30'$ E. 195.0 feet; thence North to a point on the North boundary of Section 19.

EXHIBITS "A", "B" and "C"

EXHIBIT "D"

All that part and portion of the following described property lying and being westerly of U. S. Highway No. 93 as the same now exists, to-wit:

That part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 22 North, Range 22 East of the Boise Meridian, described as follows: Beginning at the Northeast corner of the $NE\frac{1}{4}NW\frac{1}{4}$ of Said Section 30 and running West 80 rods; thence South 13 rods; thence South $88^{\circ} 20'$ East 80 rods and .12 links; thence North 15 rods and 1.52 links to the place of beginning;

The Northwest Quarter of the Northeast Quarter of said Section 30, same township and range, excepting therefrom the following described tract, to-wit:

Beginning at the Northeast corner of the $NE\frac{1}{4}NW\frac{1}{4}$ of Section 30 and running South 17 rods to the place of beginning of the tract excepted, and running thence South 63 rods; thence East 80 rods; thence North 64 rods and 23.48 links; thence North $88^{\circ} 20'$ West 57 rods and 38 links, thence West 23 rods to the place of beginning;

The West Half of the Southeast Quarter, the East Half of the Southwest Quarter, the Southeast Quarter of the Northwest Quarter, the West Half of the Northeast Quarter, fraction of the East Half of the Northeast Quarter, fraction of the East Half of the Southeast Quarter of Section 19, Township 22 North of Range 22, East of the Boise Meridian, Lemhi County, Idaho. Lots 1, 2, 3 and 4 and the South Half of the Northeast Quarter of the Northwest Quarter, and the South Half of the North Half of the Northeast Quarter of the Northwest Quarter of Section 19, Township 22 North, Range 22 E.B.M., all in Lemhi County, Idaho.

STATE OF IDAHO) EXHIBIT "D"

County of Lemhi) SS. CERTIFICATE

I, Paul Adams, Clerk of the District Court and Ex-Officio Auditor and Recorder of the County of Lemhi, State of Idaho, do hereby certify that the foregoing is a true, correct and complete copy of the Judgment F of Judgments, at pages 90-91-92, records of the Clerk of this Court, on the 15th day of October, 1964, and of the whole thereof.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said District Court this 26th day of October, 1964.

State of Idaho) ss
County of Lemhi)
(SEAL)
Paul Adams
Clerk of the District Court and Ex-Officio
Auditor and Recorder of Lemhi County, Idaho
By Marguerite Butler Deputy

Recorded at the request of Sherman F. Furey Jr. October 26th 1964 at 5 minutes past 2 o'clock P.M., in Book 49 of Deeds Pages 347-48 Records of Lemhi County, Idaho

Paul Adams County Recorder

Fee, \$5.00 Paid

By Marguerite Butler Deputy