



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

AUG 01 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-4494G, 75-4494H
BRUCE A COLE
MELISSA J COLE
612 MAIN ST
PO BOX 1987
SALMON ID 83467

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4494H

WATER RIGHT NUMBER: 75-4494H

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE A COLE PO BOX 1987 SALMON, ID 83467 (208)756-2649
Original Owner	FREDERICK B NAUGLE PO BOX 111 NORTH FORK, ID 83466
Original Owner	B & W LAND CO INC PO BOX 339 IDAHO FALLS, ID 83402 (208)522-1619
Current Owner	MELISSA J COLE PO BOX 1987 SALMON, ID 83467 (208)756-2649
Original Owner	JACQUELINE C NAUGLE PO BOX 111 NORTH FORK, ID 83466

Priority Date: 04/01/1908

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK SALMON RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/31	0.300 CFS	
	<u>Total Diversion:</u>	0.300 CFS	

Location of Point(s) of Diversion

NORTH FORK SALMON RIVER LEMHI County	NW1/4SW1/4	Sec. 28, Twp 25N, Rge 21E, B.M.
NORTH FORK SALMON RIVER LEMHI County	SW1/4NW1/4	Sec. 28, Twp 25N, Rge 21E, B.M.

Place of UseIRRIGATION Within LEMHI County

T25N R21E S28 SWSW 15.0

Total Acres: 15

Conditions of Approval:

1. NOTICE IS RESULT IN CHANGE OF OWNERSHIP FOR A PORTION OF A75-04494B, PAID FOR UNDER E013680. EMC 06-04-91 *CHANGE IN OWNESHIP 2-13-95 GJT.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4494G

WATER RIGHT NUMBER: 75-4494G

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	B & W LAND CO INC PO BOX 339 IDAHO FALLS, ID 83402 (208)522-1619
Current Owner	MELISSA J COLE 612 MAIN ST SALMON, ID 83467
Original Owner	JACQUELINE C NAUGLE PO BOX 111 NORTH FORK, ID 83466
Original Owner	FREDERICK B NAUGLE PO BOX 111 NORTH FORK, ID 83466
Current Owner	BRUCE A COLE 612 MAIN ST SALMON, ID 83467

Priority Date: 04/01/1908

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK SALMON RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

<u>Location of Point(s) of Diversion</u>		
NORTH FORK SALMON RIVER LEMHI County	SW1/4NW1/4	Sec. 28, Twp 25N, Rge 21E, B.M.
NORTH FORK SALMON RIVER LEMHI County	NW1/4SW1/4	Sec. 28, Twp 25N, Rge 21E, B.M.

Place of UseIRRIGATION Within LEMHI County

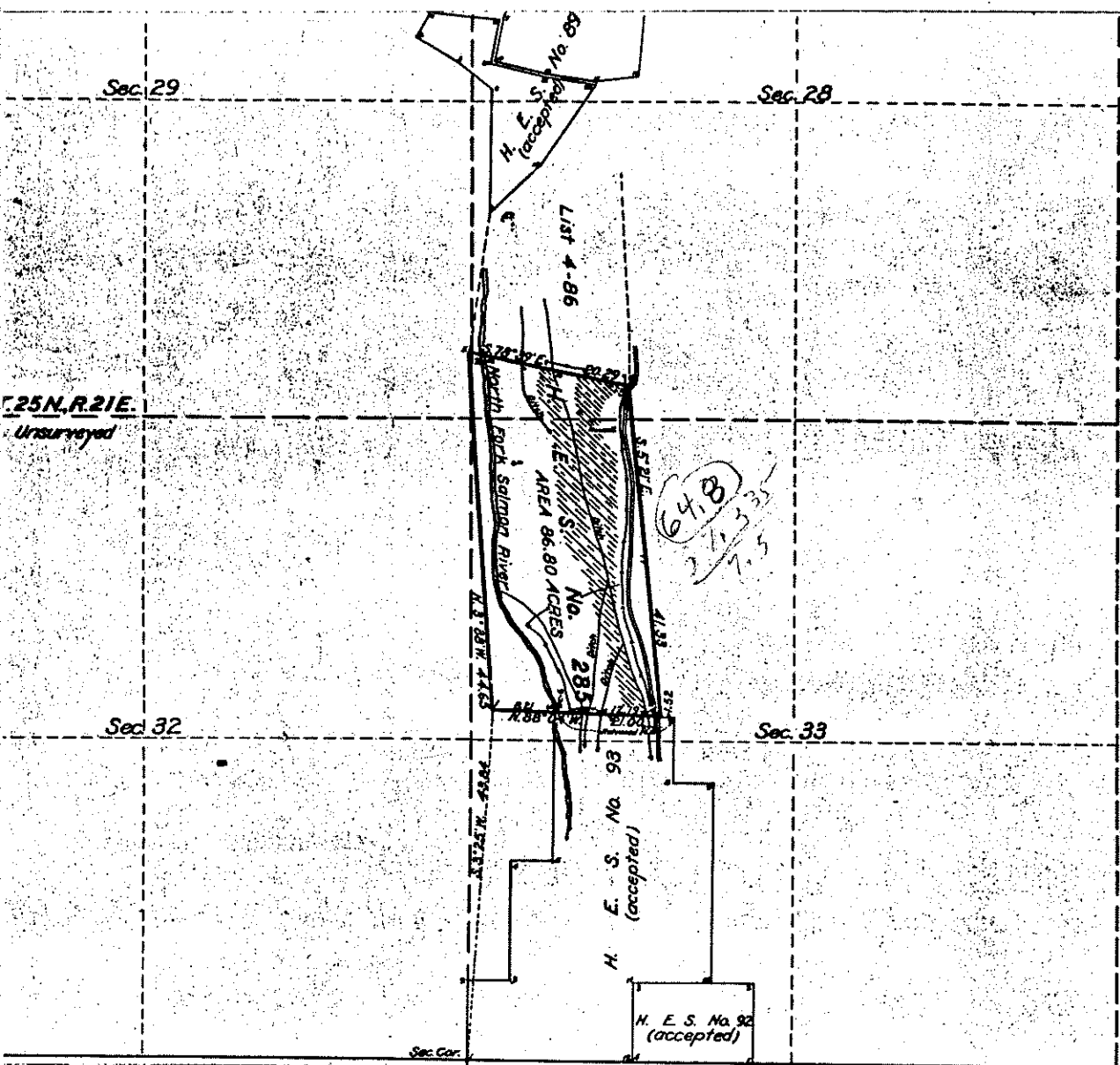
T25N R21E S28 NWSW 24.0 T25N R21E S28 SWSW 1.0

Total Acres: 25

Conditions of Approval:

1. NOTICE IS RESULT IN CHANGE OF OWNERSHIP FOR A PORTION OF A75-04494B, PAID FOR UNDER E013680. EMC 06-04-91 *CHANGE IN OWNERSHIP 2-13-95 GJT.

Remarks:



Plat of
**HOMESTEAD
 ENTRY SURVEY**
 No. 285
 in the
**SALMON
 NATIONAL FOREST**
 in
 Sections 28-29-33
 unsurveyed, T. 25N., R. 21E.
 of the
BOISE BASE AND MERIDIAN
IDAHO

This plat of Homestead Entry Survey
 No. 285 State of Idaho is strictly
 conformable to the field notes thereof
 on file in this office, which have been
 examined and approved.

U.S. Surveyor General's Office
 Boise, Idaho.
 January 14, 1916

Darius A. Ulter
 U.S. Surveyor General

SCALE 10 chains to 1 inch

Survey Designated	By whom Surveyed	Instr. Cont. Group No.	Where Surveyed Date	Where Surveyed Range	Date of Approval
E. Survey No. 89	James W. Caples	89	Oct 22, 1912	May 5, 1913	May 7, 1913
E. Survey No. 92		92	Dec 12, 1912	May 1, 1913	May 2, 1913
E. Survey No. 93		93	Nov 7, 1912		Nov 23, 1913
E. Survey No. 285	Earl R. Gilbreath Forest Ranger Surveyor		Aug 11, 1914	Sept 23, 1914	Sept 23, 1914

H. E. Survey No. 285	Areas in Acres
In Section	Conflicts
In Section	
In Section	
In Section	
Total	86.80

Act of June 11, 1906
 List No. 4-78
 Latitude 45° 28' 42" N.
 Longitude 113° 53' W.
 Mean Mag. Decl. 20° 29' E.
 At Corner No. 1.

Amplified Jan 28, 1916

Survey accepted April 14, 1921.
G.L.O.

Plat of
**HOMESTEAD
ENTRY SURVEY**
No. 647
in the
**SALMON
NATIONAL FOREST**
in
Unsurveyed Sections 2829
T. 25 N., R. 21 E.
of the
BOISE BASE & MERIDIAN.
IDAHO.

This plat of Homestead Entry Survey
No. 647 State of Idaho is
strictly conformable to the field notes
thereof on file in this office, which
have been examined and approved.

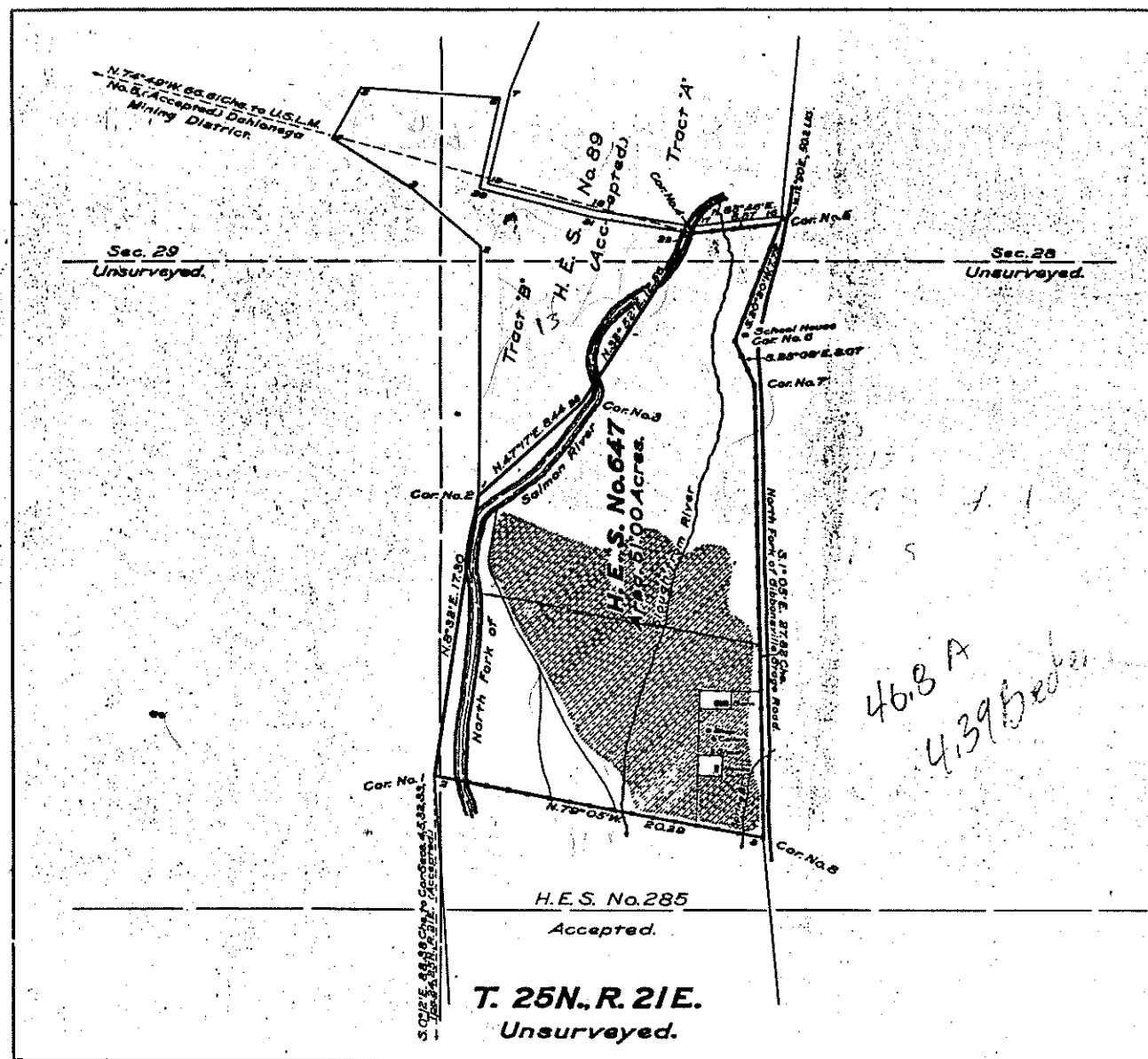
U.S. Surveyor General (Office)
Boise, Idaho, July 22, 1920

Edward Hedden
U.S. Surveyor General

SCALE: 5 chains to 1 inch

Areas in Acres	
H.E. Survey No. 647	Conflicts
In Section	
In Section	
In Section	
In Section	
Total	51.00

Act of June 11, 1906	Act of March 4, 1917
List No. 4-86	Initial March 4, 1909
Latitude 45°28'30"N.	Observations of
Longitude 113°53'30"W	Survey No. 1
Mean May Decl 21°30'E.	

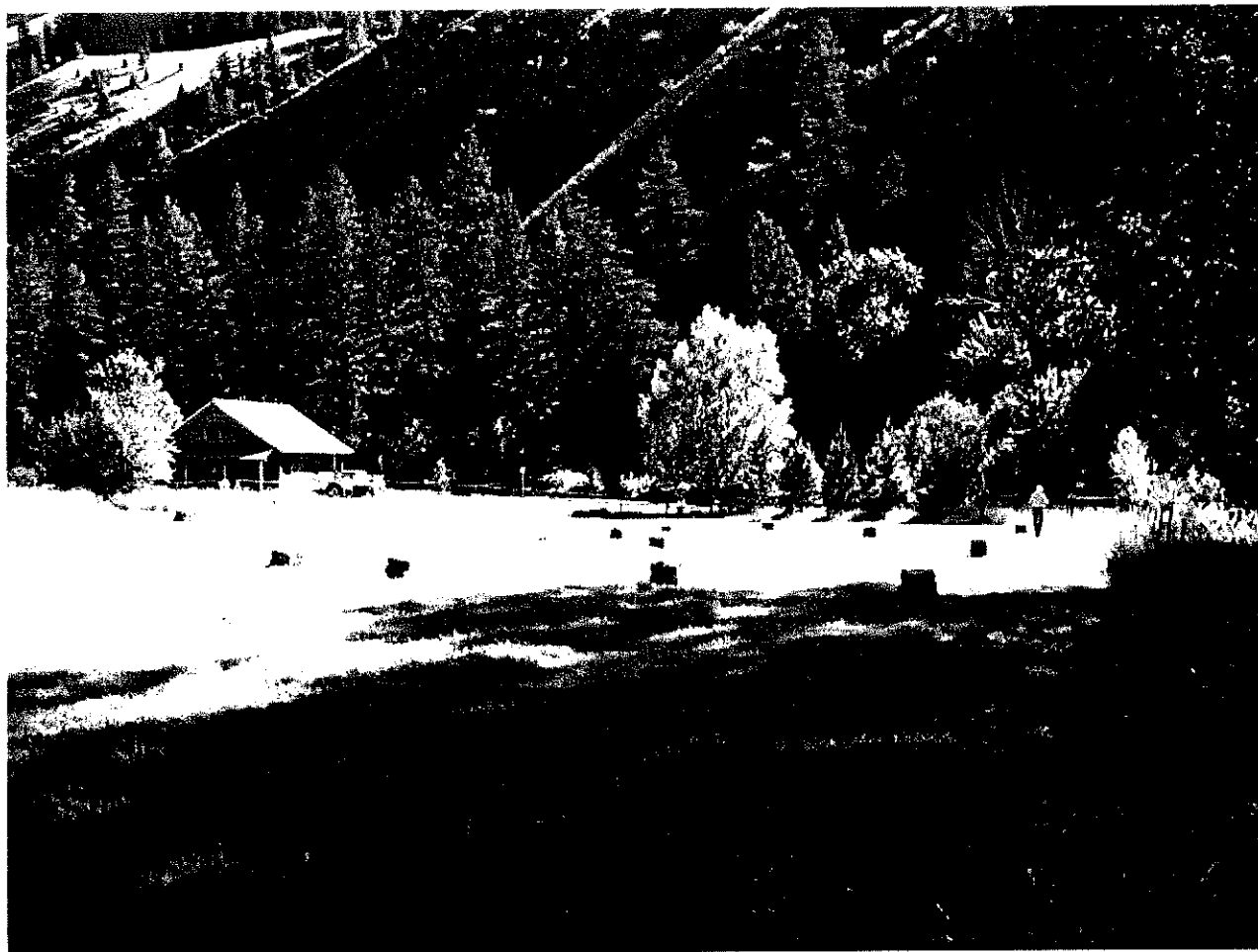


Surveys Designated	By whom Surveyed	Inst. Cont. Group		When Surveyed		Date of Approval
		No.	Date	Began	Completed	
H. E. S. No. 89	Charles M. Hull	89	Oct. 22, 1912	May 5, 1913	May 7, 1913	Dec. 20, 1913
H. E. S. No. 285	Earl R. Oilbreath	285	Aug. 11, 1914	Sept. 23, 1914	Sept. 23, 1914	Jan. 14, 1916
N.Bdy. T. 24 N., R. 21 E.	William D. Bush	289	June 10, 1907	July 27, 1907	Sept. 9, 1907	Nov. 27, 1908
U.S.L.M. No. 5	Peter Cardell	1300		Aug. 11, 1878	Oct. 15, 1898	
H.E.S. No. 647	Frank D. Maxwell	647	Feb. 27, 1918	May 4, 1918	May 7, 1918	July 22, 1920

Sur. U.S. Forest Service.

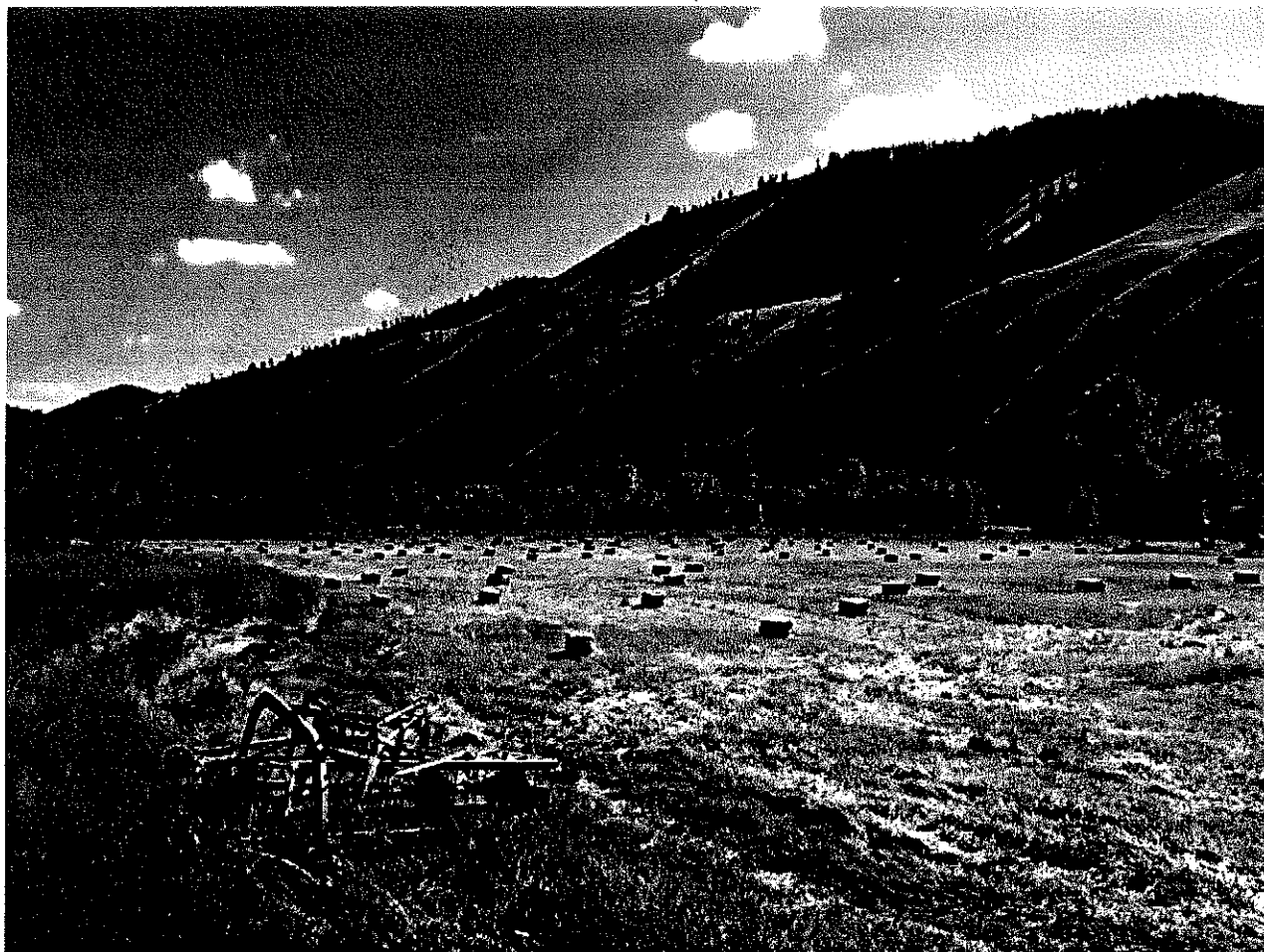
Barry and Jackie Naugle

From: "Vern and Madeline Bishop" <vern6561@ida.net>
To: "Barry & Jackie Naugle" <fbn@salmoninternet.com>
Sent: Thursday, July 07, 2005 6:22 PM
Attach: P7070027.jpg
Subject: Hay.....Photo #2



Barry and Jackie Naugle

From: "Vern and Madeline Bishop" <vern6561@ida.net>
To: "Barry & Jackie Naugle" <fhn@salmoninternet.com>
Sent: Thursday, July 07, 2005 6:19 PM
Attach: P7070025.jpg
Subject: Hay.....Photo #1



Barry and Jackie Naugle

From: "Vern and Madeline Bishop" <vern6561@ida.net>
To: "Barry & Jackie Naugle" <fhn@salmoninternet.com>
Sent: Thursday, July 07, 2005 6:26 PM
Attach: P7070029.jpg
Subject: Hay.....Photo #4



Barry and Jackie Naugle

From: "Vern and Madeline Bishop" <vern6561@ida.net>
To: "Barry & Jackie Naugle" <fhn@salmoninternet.com>
Sent: Thursday, July 07, 2005 6:23 PM
Attach: P7070028.jpg
Subject: Hay.....Photo #3



Pg 64
installations in said canal channel or ditch. The Ditch Owners hereby covenant and agree that in the operations of their canal, that during such periods of time when waters excess to their needs are available, their canal headgate will be so regulated as to divert into said canal the additional waters needed to operate said fish bypass.

All such installations placed on, within and across said canal or ditch by the Department shall be and remain the property of the Department and may be removed by the Department at any time.

All expenditures to be made by the Department under the provisions of this agreement shall be subject to appropriations being available for the purpose.

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

Ditch Owners
Theodore C. Slavin (Seal)
Leitha I. Slavin (Seal)
Department
STATE OF IDAHO
Department of Fish and Game
By Ross Leonard
Ross Leonard, Director

STATE OF IDAHO } ss
County of Lemhi

On this 30th day of July in the year 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared Theodore C. Slavin and Leitha I. Slavin known to me to be the persons whose names are subscribed to the within instrument, as Ditch Owners, 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.

Charles Herndon
Notary Public for the State of Idaho
Residing at Salmon, Idaho
My commission expires 2-14-59

(SEAL)
STATE OF IDAHO } ss
County of Ada

On this 12th day of August in the year 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared ROSS LEONARD, known to me to be the Director of the State of Idaho Department of Fish and Game, that executed the said instrument, and acknowledged to me that the State of Idaho Department of Fish and Game 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.

Anna Mastro
Notary Public for the State of Idaho
Residing at Boise, Idaho
My commission expires June 1, 1962

(SEAL)
State of Idaho } ss
County of Lemhi

Recorded at the request of Idaho Fish & Game Dep't. February 20th 1959 at 13 minutes past 8 o'clock A.M. in Book E of Agreements Page 63-64 Records of Lemhi County, Idaho.

Fees, \$2.25 paid

T. H. Ball, County Recorder
By *Opal Reddington* Deputy

-----Instrument No. 90969-----

(Water User)
NF-3A

EASEMENT AGREEMENT

THIS INDENTURE, Made and entered into this 3rd day of October, 1958, by and between Ettie E. Suydam hereinafter called Ditch Owners, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called the Department, WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Department to the Ditch Owners, receipt whereof is hereby acknowledged, the Ditch Owners, being the owners in common of that certain ditch/canal located in Lemhi County, and known as Lower Suydam Ditch, have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Department a permanent easement for the purposes of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on, within, and across said canal or ditch at a point located within the Homestead Entry Survey 93, which point is approximately 460 feet north 70°55' west from corner No. 12 thereof.

Together with the right of ingress and egress for Department personnel or its authorized agent or agents on and over the right of way of said ditch or canal for the purposes herein designated, together with the right to remove debris, logs, log jams, mud or gravel bars, that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

The Department hereby covenants and agrees that the construction, operation, maintenance, renewal, and removal of said installations shall be accomplished by the Department at its sole expense and in such a manner so as not to diminish the flow of water in said canal or ditch below said fish screen.

The Department further covenants and agrees that in the construction of its fish bypass that it will install a gate to provide for control of waters allowed to flow through said bypass during those periods of time that the supply of waters may be insufficient to operate the fish bypass without diminishing the flow of waters carried by the canal or ditch below said fish screen and when during said periods of time the operation of this control facility is demanded by the ditch owners.

In construction of the fish bypass, the Department will assume responsibility for the future stability of any dike, ditch, or canal bank, or similar structure penetrated by said bypass, in the immediate, contiguous and adjacent area disturbed by the penetration and installation of the bypass pipe.

Pg 65

In the event of any future alterations of the line or grade of the canal channel, ditch, or stream course necessitating changes in or relocation of the Department's installations, the Department at its expense will make such changes in or relocation of its installations as may be necessary in connection with such alterations. The Ditch Owners hereby grant, covenant and agree that in the event the line and/or grade of the canal channel, ditch, or stream course is changed necessitating relocation of the Department's installation, that this instrument shall also permit the Department to relocate its installations in said canal channel or ditch. The Ditch Owners hereby covenant and agree that in the operations of their canal, that during such periods of time when waters excess to their needs are available, their canal headgate will be so regulated as to divert into said canal the additional waters needed to operate said fish bypass.

All such installations placed on, within and across said canal or ditch by the Department shall be and remain the property of the Department and may be removed by the Department at any time.

All expenditures to be made by the Department under the provisions of this agreement shall be subject to appropriations being available for the purpose.

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

Ditch Owners
Ettie E. Suydam (Seal)
Department

STATE OF IDAHO Department of Fish and Game
By Ross Leonard
Ross Leonard, Director

STATE OF IDAHO } ss
County of Lemhi

On this 3rd day of October in the year 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared Ettie E. Suydam known to me to be the person whose name -- subscribed to the within instrument, as Ditch Owners, and acknowledged to me that she 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.

Charles Herndon
Notary Public for the State of Idaho
Residing at Salmon, Idaho
My commission expires 2-14-59

(SEAL)
STATE OF IDAHO } ss
County of Ada

On this 4th day of Dec. in the year 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared ROSS LEONARD, known to me to be the Director of the State of Idaho Department of Fish and Game, that executed the said instrument, and acknowledged to me that the State of Idaho Department of Fish and Game 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.

Anna Mastro
Notary Public for the State of Idaho
Residing at Boise, Idaho
My commission expires 6-1-62

(SEAL)
State of Idaho } ss
County of Lemhi

Recorded at the request of Idaho Fish & Game Dep't. February 20th 1959 at 14 minutes past 8 o'clock A.M., in Book E of Agreements Page 64-65. Records of Lemhi County, Idaho

Fees, \$2.25 Paid

By

T. H. Ball, County Recorder
Opal Reddington, Deputy

Instrument No. 90970

(Water User)
N.F. 4

EASEMENT AGREEMENT

THIS INDENTURE, Made and entered into this 3rd day of October, 1958, by and between CHARLES AND NELLIE B. MOTICHKA, husband and wife, and ETTIE E. SUIDAM, a widow, hereinafter called ditch Owners, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called the Department, WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Department to the Ditch Owners, receipt whereof is hereby acknowledged, the Ditch Owners, being the owners in common of that certain ditch/canal located in Lemhi County, and known as Motichka Ditch, have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Department a permanent easement for the purposes of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on, within, and across said canal or ditch at a point located within the Homestead Entry Survey 647, which point is approximately 430 feet south 70°30' west from corner No. 6 thereof.

Together with the right of ingress and egress for Department personnel or its authorized agent or agents on and over the right of way of said ditch or canal for the purposes herein designated, together with the right to remove debris, logs, log jams, and or gravel bars, that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

The Department hereby covenants and agrees that the construction, operation, maintenance, renewal, and removal of said installations shall be accomplished by the Department at its sole expense and in such a manner so as not to diminish the flow of water in said canal or ditch below said fish screen.

The Department further covenants and agrees that in the construction of its fish bypass that it will install a gate to provide for control of waters allowed to flow through said bypass during those periods of time that the supply of waters may be

STATE OF IDAHO } ss
County of Lemhi }

On this 29th day of July in the year 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles Motichka and Nellie B. Motichka, known to me to be the persons whose names are subscribed to the within instrument, as Grantors, 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.

Charles Herndon
Notary Public for the State of Idaho
Residing at Salmon, Idaho
My commission expires 2-14-59

(SEAL)

State of Idaho } ss
County of Lemhi }

Recorded at the request of Idaho Fish & Game Dep't. February 20th 1959 at 47 minutes past 8 o'clock A.M., in Book E of agreements Page/100 Records of Lemhi County, Idaho. 99-

Fees, \$1.25 Paid

By T. H. Ball, County Recorder
Opal Riddington Deputy

Instrument No. 91003

EASEMENT AGREEMENT

(Land Owner) N.F. 5

THIS INDENTURE, Made and entered into this 29th day of July, 1958, by and between Charles and Nellie B. Motichka, husband and wife, hereinafter called Grantors, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called Grantee, WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Grantee to the Grantors, receipt whereof is hereby acknowledged, the Grantors have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Grantee a permanent easement for the purposes of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on, within, and across a canal or ditch known as Suydam Ditch and located in Lemhi County upon lands of the Grantors at a point within the Homestead Entry Survey 89, which point is approximately 255 feet south 89°10' west from corner No. 16 thereof, said fish bypass to run from said fish screen to the adjacent stream course known as North Fork of Salmon River. Together with the right of ingress and egress for personnel of the Grantee or its authorized agent or agents on and over property of the Grantors for the purposes herein designated, together with rights of way along the canal channel to provide for removal of debris, logs, log jams, mud or gravel bars that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

In the event of any future alterations in the line or grade of the canal channel ditch or stream course necessitating changes in or relocation of the Grantee's installations, the Grantors, by these presents, also grant, bargain and sell to the Grantee an easement as herein first above granted to relocate its installations in said canal channel or ditch as the same may be located on the lands of the Grantors, their heirs and assigns.

All such installations placed on, within and across said canal or ditch by the Grantee shall be and remain the property of the Grantee and may be removed by the Grantee at any time.

All expenditures to be made by the Grantee under the provisions of this agreement shall be subject to appropriations being available for the purpose.

IN WITNESS WHEREOF, The said Grantors have hereunto set their hands and seals, the day and year first above written.

Charles Motichka (Seal)
Nellie B. Motichka (Seal)

STATE OF IDAHO } ss
County of Lemhi }

On this 29th day of July in the year 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles Motichka and Nellie B. Motichka known to me to be the persons whose names are subscribed to the within instrument, as Grantors, 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.

Charles Herndon
Notary Public for the State of Idaho
Residing at Salmon, Idaho
My commission expires 2-14-59

(SEAL)

State of Idaho } ss
County of Lemhi }

Recorded at the request of Idaho Fish & Game Dep't. February 20th 1959 at 48 minutes past 8 o'clock A.M., in Book E of Agreements Page 100 Records of Lemhi County, Idaho.

Fees, \$1.25 Paid

By T. H. Ball, County Recorder
Opal Riddington Deputy

Instrument No. 91004

EASEMENT AGREEMENT

(Land Owner) N.F. 6

THIS INDENTURE, Made and entered into this 22nd day of October, 1958, by and between Lew R. and Syble Gohmes, husband and wife, hereinafter called Grantors, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called Grantee, WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Grantee to the Grantors, receipt whereof is hereby acknowledged, the Grantors have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Grantee a permanent easement for the purposes of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on, within, and across a canal or ditch known as Gohmes No. 1 and located in Lemhi County upon lands of the Grantors at a point within Homestead Entry Survey #61, Tract A, which point bears north 46°35' west an approximate distance of 495 feet west from corner No. 9 thereof, said fish bypass to run from said fish screen to

EASEMENT AGREEMENT

(Land Owner) NF-3A

THIS INDENTURE, Made and entered into this 3rd day of October, 1958, by and between Ettie E. Suydam, hereinafter called Grantors, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called Grantee, WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Grantee to the Grantors, receipt whereof is hereby acknowledged, the Grantors have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Grantee a permanent easement for the purpose of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on within, and across a canal or ditch known as Lower Suydam Ditch and located in Lemhi County upon lands of the Grantors at a point within the Homestead Entry Survey 93, which point is approximately 460 feet north 70°55' west from corner No. 12 thereof, said fish bypass to run from said fish screen to the adjacent stream course known as North Fork of Salmon River. Together with the right of ingress and egress for personnel of the Grantee or its authorized agent or agents on and over property of the Grantors for the purposes herein designated, together with rights of way along the canal channel to provide for removal of debris, logs, log jams, mud or gravel bars that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

In the event of any future alterations in the line or grade of the canal channel, ditch or stream course necessitating changes in or relocation of the Grantee's installations, the Grantors, by these presents, also grant, bargain and sell to the Grantee an easement as herein first above granted to relocate its installations in said canal channel or ditch as the same may be located on the lands of the Grantors, their heirs and assigns.

All such installations placed on, within and across said canal or ditch by the Grantee shall be and remain the property of the Grantee and may be removed by the Grantee at any time.

All expenditures to be made by the Grantee under the provisions of this agreement shall be subject to appropriations being available for the purpose.

IN WITNESS WHEREOF, The said Grantors have hereunto set their hands and seals, the day and year first above written.

Ettie E. Suydam (Seal)

STATE OF IDAHO)
County of Lemhi) ss

On this 3rd day of October in the year 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared Ettie E. Suydam, known to me to be the person whose name -- subscribed to the within instrument, as Grantors, and acknowledged to me that she 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.

Charles Herndon
Notary Public for the State of Idaho
Residing at Salmon, Idaho
My commission expires 2-14--59

(SEAL)

State of Idaho)
County of Lemhi) ss

Recorded at the request of Idaho Fish & Game Dep't. February 20th 1959 at 46 minutes past 8 o'clock A.M., in Book E of Agreements Page 99 Records of Lemhi County, Idaho

Fees, \$1.25 Paid

By T. H. Ball, County Recorder

Instrument No. 91002-

EASEMENT AGREEMENT

(Land Owner) N.F. 4

THIS INDENTURE, Made and entered into this 29th day of July, 1958, by and between Charles and Nellie B. Motichka, husband and wife, hereinafter called Grantors, and the STATE OF IDAHO for the use and benefit of the Department of Fish and Game, hereinafter called Grantee, WITNESSETH:

That for and in consideration of the sum of ONE DOLLAR (\$1.00), cash in hand paid by the Grantee to the Grantors, receipt whereof is hereby acknowledged, the Grantors have this day bargained and sold and by these presents do hereby grant, bargain, sell, convey, transfer and deliver unto the Grantee a permanent easement for the purposes of construction, operation, maintenance, alteration, renewal and removal of a self-cleaning fish screen and fish bypass thereto on, within, and across a canal or ditch known as Motichka Ditch and located in Lemhi County upon lands of the Grantors at a point within the Homestead Entry Survey 647, which point is approximately 430 feet south 70°30' west from Corner No. 6 thereof, said fish bypass to run from said fish screen to the adjacent stream course known as North Fork of Salmon River. Together with the right of ingress and egress for personnel of the Grantee or its authorized agent or agents on and over property of the Grantors for the purposes herein designated, together with rights of way along the canal channel to provide for removal of debris, logs, log jams, mud or gravel bars that may accumulate in the canal channel or ditch immediately above or below the fish screen and which have been caused to accumulate by installation of said fish screen.

In the event of any future alterations in the line or grade of the canal channel, ditch or stream course necessitating changes in or relocation of the Grantee's installations, the Grantors, by these presents, also grant, bargain and sell to the Grantee an easement as herein first above granted to relocate its installations in said canal channel or ditch as the same may be located on the lands of the Grantors, their heirs and assigns.

All such installations placed on, within and across said canal or ditch by the Grantee shall be and remain the property of the Grantee and may be removed by the Grantee at any time.

All expenditures to be made by the Grantee under the provisions of this agreement shall be subject to appropriations being available for the purpose.

IN WITNESS WHEREOF, The said Grantors have hereunto set their hands and seals, the day and year first above written.

Charles Motichka (Seal)
Nellie B. Motichka (Seal)

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

Date Received

Receipt Number

175-04494
4-25-90/20
EO13680

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) B and W Land Co., Inc. Phone (208) 522-1619Mailing Address P.O. Box 51394 Idaho Falls, Id. Zip 83405-13942. Date of Priority (Only one (1) per claim) April 1, 19083. Source of water supply (a) North Fork of the Salmon River
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 25N Range 21E Section 28,
and SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of LemhiAdditional points of diversion if any: SW 1/4 of NW 1/4 of SW 1/4, 25N 21 E Section 28

b. If instream flow, beginning point of claimed instream flow is:

Township 25N Range 21E Section 28, SW 1/4 of NW 1/4 of SW 1/4Govt. Lot B.M., County of Lemhiending point is: Township 25N Range 21E Section 28, SW 1/4 of NW 1/4 of SW 1/4Govt. Lot B.M., County of Lemhi5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. See attachment to Claim to a Water Right.Last Name B and W Land Co., Inc. Ident No. 39576 Copyright 1988, Idaho Water Commission

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
 IN STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
 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
 THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

H75-04495

Date Received

4-25-90/20

Receipt Number

E013680

Receipt Number

NOTICE OF CLAIM
 TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW
 ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of Claimant (s) B and W Land Co., Inc. Phone (208) 522-1619
 Mailing Address P.O. Box 51294, Idaho Falls, Id 8 Zip 83405-1394
 Mailing Address P.O. Box 51294, Idaho Falls, Id Zip 83405-1394
- Date of Priority (Only one (1) per claim) April 1, 1908
 Date of Priority (Only one (1) per claim) April 1, 1908
- Source of water supply (a) Spring
 which is tributary to (b) (a) N/A
 which is tributary to (b) Salmon River
- a. Location of existing point of diversion is: Township 25N Range 21E Section 28,
SW 1/4 of SE 1/4 of SW 1/4, Govt. Lot, B.M., County of Lemhi
and NW 1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Lemhi
 Additional points of diversion if any: SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Lemhi
 b. If instream flow, beginning point of claimed instream flow is:
 Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
 Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,
 Govt. Lot _____ B.M., County of _____
 Govt. Lot _____ B.M., County of _____
 ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 of _____
 ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4 of _____
 _____ 1/4, Govt. Lot _____ B.M., County of _____
 _____ 1/4, Govt. Lot _____ B.M., County of _____
- Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
 including the dates of any changes or enlargements in use, the dimensions of the diversion works as
 constructed and as enlarged and the depth of each well. Diversion by culvert from eastside of
Highway to westside of each well. See attachment to claim for details.

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 475-04496

Date Received 4-25-90/90

Receipt Number EO13680

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) B and W Land Co., Inc. Phone (208) 522-1619

Mailing Address P.O. Box 51394 Idaho Falls, Id Zip 83405-1394

2. Date of Priority (Only one (1) per claim) April 1, 1908

3. Source of water supply (a) Hull Creek
which is tributary to (b) North Fork of the Salmon River

4. a. Location of existing point of diversion is: Township 25N Range 21E Section 29
SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of Lemhi

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section 1/4 of 1/4 of 1/4,

Govt. Lot B.M., County of

ending point is: Township Range Section 1/4 of 1/4 of

1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion ditch is controlled by
canvas headgate.

RECEIPT For Monies Paid to the

IDAHO 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 NO. 10-1

Trial Notice

Case Number

Judge's Office

Receipt No: E013680

Date: 04/25/90
Time: 16:21:09

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. **Received**
From: WILLIAMS, RULAND N.

Mailing Address

Type of Payment

Program Acct Class

Amount

2. Date of Priority (Only one (1) per claim) April 2, 1998 ADJUDICATION FEE 0410162 9337 6490 \$301.00

3. Source of water supply (a) Full Creek
which is tributary to (b) North Fork of the Salmon River

4. a. Location of existing point of diversion is: Township 32N Range 31E Section 1
SE 1/4 of SW 1/4 of SE 1/4, Gov. Lot, B.M., County of **Total** \$301.00

Additional points of diversion if any:

b. If downstream flow, beginning point of claimed upstream flow is:

5. **CHECK** **OE** Township 32N Range 31E Section 1

Gov. Lot WR/NO: A75-04496 A75-04495 A75-04494

ending point is: Township Idaho Department of Water Resources

Region: EASTERN B.M. County of

Signature: Thompson

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, etc.)
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Diversion ditch is completed by
carved headgate.



RECEIPT For Monies Paid NEW PROPERTY OWNERNOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: 5/15/91

LEGAL DESCRIPTION OF PROPERTY: Township 25N Range 21E
Section 28, SW 1/4 of NW 1/4 of SW 1/4, Govt. Lot _____, BM.
Lot _____, Block NW, Subdivision/Townsite _____.

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

Fraction of H&S 647 and 29 B. - See attached legal.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: _____
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): B + W Land Co., Inc
P.O. Box 51394
Idaho Falls, Idaho 83405-1394
- ☐ New Owner/Claimant (Purchaser): Frederick B. + Jacqueline C. Naugle
- ☐ New Mailing Address: Box 111
North Fork, Idaho 83466
- ☐ New Telephone Number: () _____ - NOT YET.

ADJUDICATION FEE

- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
Approx 40.3 acres - north part of approx 102
acres owned by B + W Land Co.

- ☐ Attach proof of ownership, describe proof attached: Warranty Deed - recorded.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): Frederick B. Naugle Date 5/30/91
Jacqueline C. Naugle Date 5/30/91
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed: _____
Further Action Taken
Date: _____ By: _____
Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any: _____

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

9. Non-irrigation uses: IN AND FOR THE COUNTY OF IDAHO

IN THE GENERAL ADJUDICATION

10. Place of use: SE OF RAIN 4111
THE SNAKE RIVER BASIN WATER DISTRICT

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
25N	21E	28	NW	SW	IRRIGATION	24
			SW	SW	IRRIGATION	1

CONFIRMATION STATE

Section Acres 25

NOTICE OF CLAIM TO A WATER RIGHT

ATTEMPTED UNDER STATE TOTAL ACRES 25

11. Name of Claimant(s)

11. Place of use in counties: LEMHI

CLARENCE J. COPE, JR.

12. Do you own the property listed above as place of use? Yes

WALTON ID USA 81487

13. Other Water Rights Used:

612 MAIN ST.

WALTON ID USA 83467

14. Remarks:

2. Name of - 10/10/03 04/01/03

15. Basis of Claim: Statutory Claim

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4	of 1/4	of 1/4	Acres
----------	-------	---------	------------	--------	--------	-------

21N	21E	28	NW	SW	1-01
-----	-----	----	----	----	------

21N	21E	28	NW	SW	1-01
-----	-----	----	----	----	------

5. Description of diverting works:

WALTON ID USA

6. Water is used for the following purposes:

Purpose	From	To	C.F.E.	10/1/03
IRRIGATION	04/01	10/31	0.5	

7. Total Quantity Appropriated is:

0.5 C.F.E.

8. Total Consumptive Use:

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 75-4494G
Date Received: 4/25/1990
Receipt No: X999999
Received By:

COPY FOR YOUR FILE

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

1. Name of Claimant(s)

MELISSA J COLE Phone:

612 MAIN ST
SALMON ID USA 83467

BRUCE A COLE Phone:

612 MAIN ST
SALMON ID USA 83467

2. Date of Priority: 04/01/1908

3. Source: SALMON RIVER NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
25N	21E	28	SW NW	LEMHI	
25N	21E	28	NW SW	LEMHI	

5. Description of diverting works:

HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.5	

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

8. Total consumptive use:



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 20, 2005

BRUCE A AND MELISSA COLE
612 MAIN ST
SALMON ID 83467

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right #75-4494G

Dear Claimants:

We have processed the change in ownership of the Notice of Claim to a Water Right referenced above for your property in Lemhi County. Thank you for your patience.

Enclosed is a copy of this water right claim. Please retain this copy for your file, and refer to this record number in any future inquiries or correspondence.

If your mail delivery address changes in any form, please contact us in writing so we can update our records to assure you receive important notices concerning your claim.

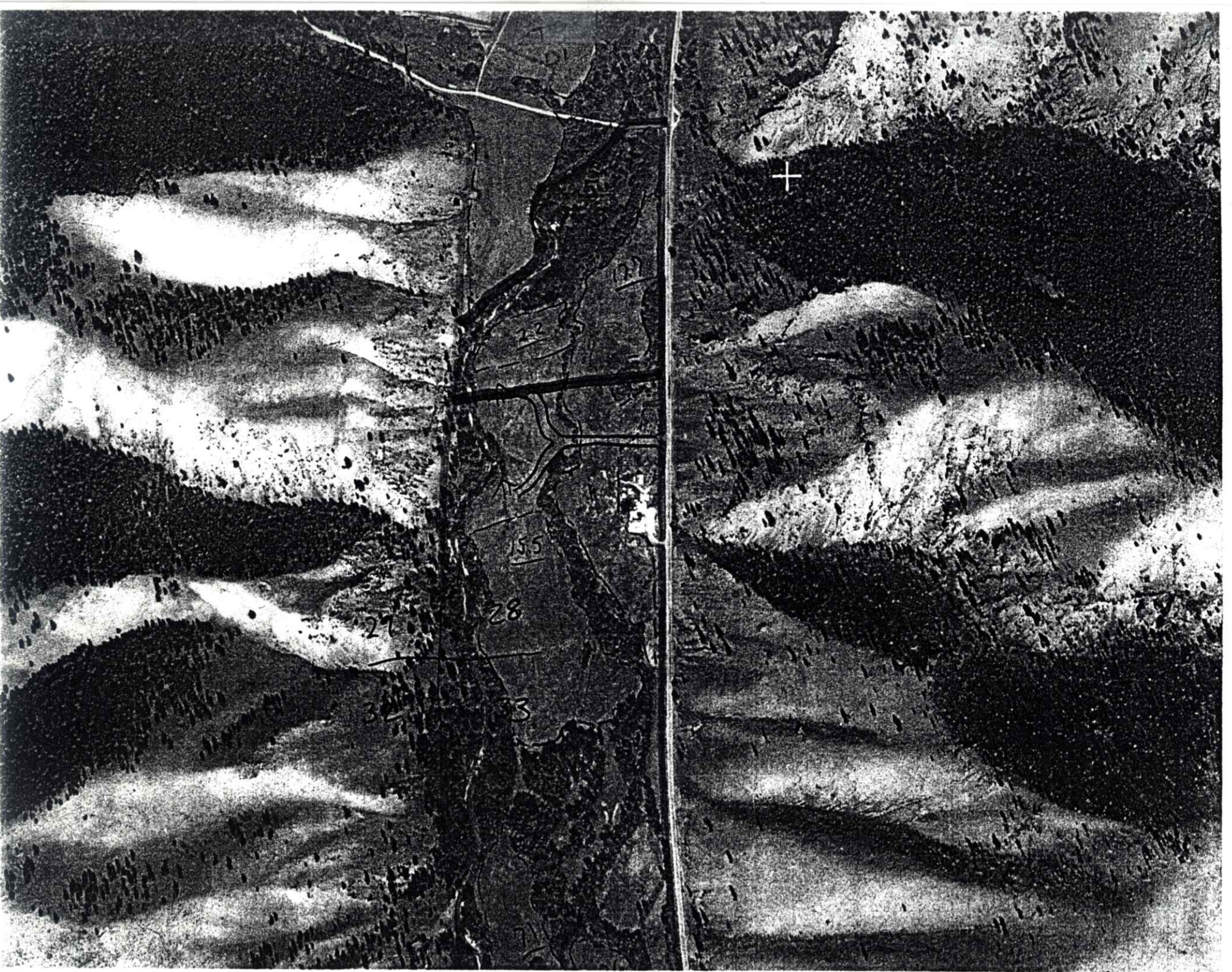
Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Copy of Notice of Claim Referenced Above



1978 Flight

RECEIVED
Lemhi-North Custer FSA

HULL Creek

1547000 R

89

