

## Case Reference:

Gregory Raymond and Mary Angela English (husband and wife), water right claimant, Owl Creek land and dwelling owners of 4.11 acres, 2 cabins, one house, one guest house/garage, and irrigated yard, to include water rights (claim #75-14075 and #75-4119B). Replying to the State of Idaho Department of Water Resources Snake River Basin Adjudication (SRBA) request to supply proof to support priority date claimed and historic use of the water

STATE OF IDAHO  
County of Lemhi

Gregory Raymond English and Mary Angela English being first duly sworn upon oath, deposes and states as follows:

1. We are over the age of 18 years.
2. We are the Property owner in the above entitled matter.
3. We purchased two older rental cabins and 3.5 acres of land from Fred and Bonnie Porter on the Owl Creek Ranch during spring of 2002. These cabins were built (early to mid-1960's) whereas they have and continue to be supplied water from a gravity fed system (ditch), which also is used to supply water to Fred and Bonnie Porter's Owl Creek Ranch, Ed Anderson's orchard, Chick and Verna Farro's cabin and one remaining rental cabin that Fred and Bonnie Porter still own (**see attachment "A"**). Additionally, we also purchased one house and one guest house/garage with .63 acres (mostly irrigated lawn and trees) during November 2003 from Tom and Jerry Powell who in turn originally bought this house and parcel of land from Fred and Bonnie Porter (owners of the Owl Creek Ranch). This house, guest house/garage and parcel of land also has and continues to be supplied by the same gravity fed ditch system mentioned above. This house was also built in the early to mid-1960's.
4. A partial change of ownership was completed by the Department of Water Resources in the Idaho Falls, Idaho office at the time of my first purchase of property, e.g. the two older cabins and approximately 3.5 acres of property mentioned previously, which as stated by the letter "Enclosed for your records is a typed Notice(s) reflecting your portion of the right" (**see attachment "B"**) for this first purchase of two cabins and land. This transfer included a small .030 cfs water right for this parcel – I.D. #75-4119B.  
  
At the time of our second purchase for the older house and .63 acres of irrigated property from Tom and Jerry Powell, we were issued the attached .010 cfs record of transfer. The same Department of Water Resources office in Idaho Falls recorded the transfer of .010 CFS irrigated seasonal water right to my wife and I - Greg and Mary English – I. D. #75-14075 (**see attachment "C"**) from Tom and Jerry Powell, who in turn purchased it from Fred and Bonnie Porter.
5. The point of diversion for supplying water to the above referenced ditch comes from Owl Creek on Forest Service land which they have granted and approved many years ago based on historic long time use. The ditch proceeds down hill (gravity fed) and traverses through

private property (Porter's). From Porter's property there is a water line diversion from the ditch to service the two older cabins, guest house and one main house with lawn/trees that we own, to include Chick and Verna Ferro's cabin/lawn and Porter's own rental cabin/lawn that resides on the same side (East) of Owl Creek. Past the point in which the water line diversion is located, the ditch proceeds to Porter's property and Anderson's orchard (**again see attachment "A"**).

5. In total, we own just over 4 acres. Both parcels we own are joined together and share the same property line (**see attachment "D" – surveys and legal descriptions**). We own property on both sides of Owl Creek in one section, to include approximately 1000' stretch of the middle of Owl Creek. Both domestic and irrigation water historically has been and continues to be supplied by water from the water line which is connected to the elevated gravity fed ditch system. Since there has not been any electricity in this remote area, this method of supplying water has been in place long before my use of this area as a previous cabin renter and now as the owner. I personally have witnessed water being supplied to and used for the cabins, house and irrigation of lawn/trees from year 1970 to present, to include second hand knowledge of water supplied to these cabins and house when they were originally built (early to mid 1960s).
6. My dad (William English) who also frequently visited this area and rented the cabins from the Porter's which I now own can also personally verify that the dwellings and land that I now own were supplied water from the gravity fed ditch system in 1969 when he first rented the cabins. Additionally, I have second hand knowledge of water being used by the current and previous ranch owner whereas this beneficial use has and continues to be used by us since purchasing the property.

Prior to the first hand accounts of water utilization of the 1960's for the properties we own, the best record and evidence we could obtain was the attached condemnation/survey of 1935 (**see attachment "E"**). As denoted on this attachment, the pasture and ditch appear on this survey whereas beneficial use was established of which 4 acres is now owned by us. Additionally, I have obtained information from the current ranch owner that the East side of Owl creek where I own the majority of my property was irrigated dating back to the 1920's as part of the original homestead for a large garden and fruit trees. One old fruit tree currently exists on my property to date.

I have been informed by the Porter's that they recently filed their affidavit in which they showed evidence of water right and use dating back to April 1920 for the ranch, of which I own just over 4 acres. These records that Porter's have sent which I do not own in conjunction with this letter, attached documents, first hand verification and second hand knowledge hereby given by sworn testimony is our best and honest effort to satisfy the Snake River Basin Adjudication (SRBA) request.
7. The above water rights entail a small fraction of the overall water supplied by the gravity fed ditch system (a total of .030 cfs and .010 cfs based on two separate parcel purchases), which has historically supplied water to the cabins, house and .5 acres of lawn/tree for irrigation on a total parcel of over 4 acres. Owl Creek has historically and continues to supply an ample amount of water and head even during low precipitation years, which is one of the reasons why my family chose to live at this location part of the time. In total for all properties that is

served by Owl Creek, a very small fraction of water is being used in comparison to the flow and head of water that is present year round. We have been very cautious and considerate to use only our share of the water in a conservative manner. We have not changed nor expanded the domestic or irrigation water system since ownership of both parcels.

8. It is my desire for practical, financial and safety reasons that the historical diversion from Owl Creek that supplies water to the ditch and the properties we own be continued as has been and currently is since it doesn't make sense to have additional diversions on Owl Creek when the ditch diversion has historically supplied water to both parcels of land that we own. Furthermore, the current ditch system is an efficient means of using the water rights to include maintaining the pristine value of the creek without creating additional diversions. We would suffer a significant financial unnecessary burden if we were required to take water directly from the creek opposed to the ditch since there would be no way to create a gravity fed system on our property based on it's geographical setting.

Not using the gravity fed ditch system would require me to use a generator, consume fuel each time water is utilized, buy a water pump and re-route the water supply system which has been on our property as installed by the previous ranch owner. Historically, our property has been used as the location in which the water line not only services our properties, but also proceeds through our property via this same PVC main water line to supply water for Chick and Verna Ferro's cabin, their lawn and Fred and Bonnie Porter's rental cabin and their lawn whereas our land has historically been used as the location in which this main line is located to supply water to these aforementioned properties. Also, without the use of this historic gravity fed ditch system that has serviced the parcels of land prior to and after we purchased them would require me to buy additional equipment, install a new piping system, turn on the generator each time a family member used the toilet, showered, or even turned on a kitchen faucet, not to mention the continuous hours of generator use to water the lawn, to include re-routing and creating a separate water system for Farro's cabin/lawn and Porter's rental cabin/lawn.

We also have concern regarding fire safety if for any reason we have to pump water from the creek, requiring me to place a pump in the creek and turn on a generator opposed to having an "on-demand" water system as is currently present. If a fire was in close proximity to the parcels we own, we currently have the means to water down vegetation, cabins and house.

9. In an effort to ensure we have responded in accordance with the SRBA request, the information provided herein was discussed with Mr. Carter Fritschle of the Idaho Department of Water Resources Boise office on July 11, 2005 to ensure we have complied with providing all evidence within our means. Mr. Fritschle stated that the information being sent as explained to him via telephone on the above date appeared to be satisfactory in his opinion in meeting the intent of the SRBA request.

We would be happy to personally walk down this system with you on the premise and show evidence of both historic and current water utilization should you decide to personally visit this location. Please let me know at your earliest convenience the date and time so we can arrange my work schedule to accommodate this potential request. My work number is (208) 526-0716 and home number is (208) 523-1683

DATED This 18 day of July, 2005.

Gregory Raymond English  
Gregory Raymond English

Mary Angela English  
Mary Angela English

SUBSCRIBED AND SWORN to before us this 18 day of July, 2005.

Brenda Paulsen  
Notary Public  
Residing at: 910 Barnockan Idaho Falls ID 83402  
Commission expires:

April 25, 2011

CERTIFICATE OF SERVICE

We hereby certify that we served a true copy of the foregoing document upon the following this 18 day of July, 2005, by hand delivery, mailing with the necessary postage affixed thereto, facsimile, or overnight mail to the following person (recipient) and address:

Roxanne Brown, Sr. Water Resource Agent  
Adjudication Bureau  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83707-9815

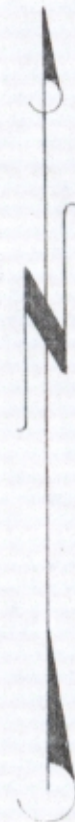
- ☐ Mailing  
☐ Hand Delivery  
☐ Fax  
☐ E-Mail  
☒ Overnight Certified Mail

Gregory Raymond English  
Gregory Raymond English

Mary Angela English  
Mary Angela English



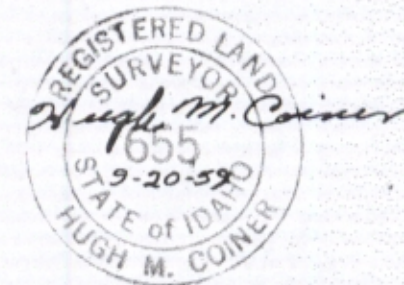
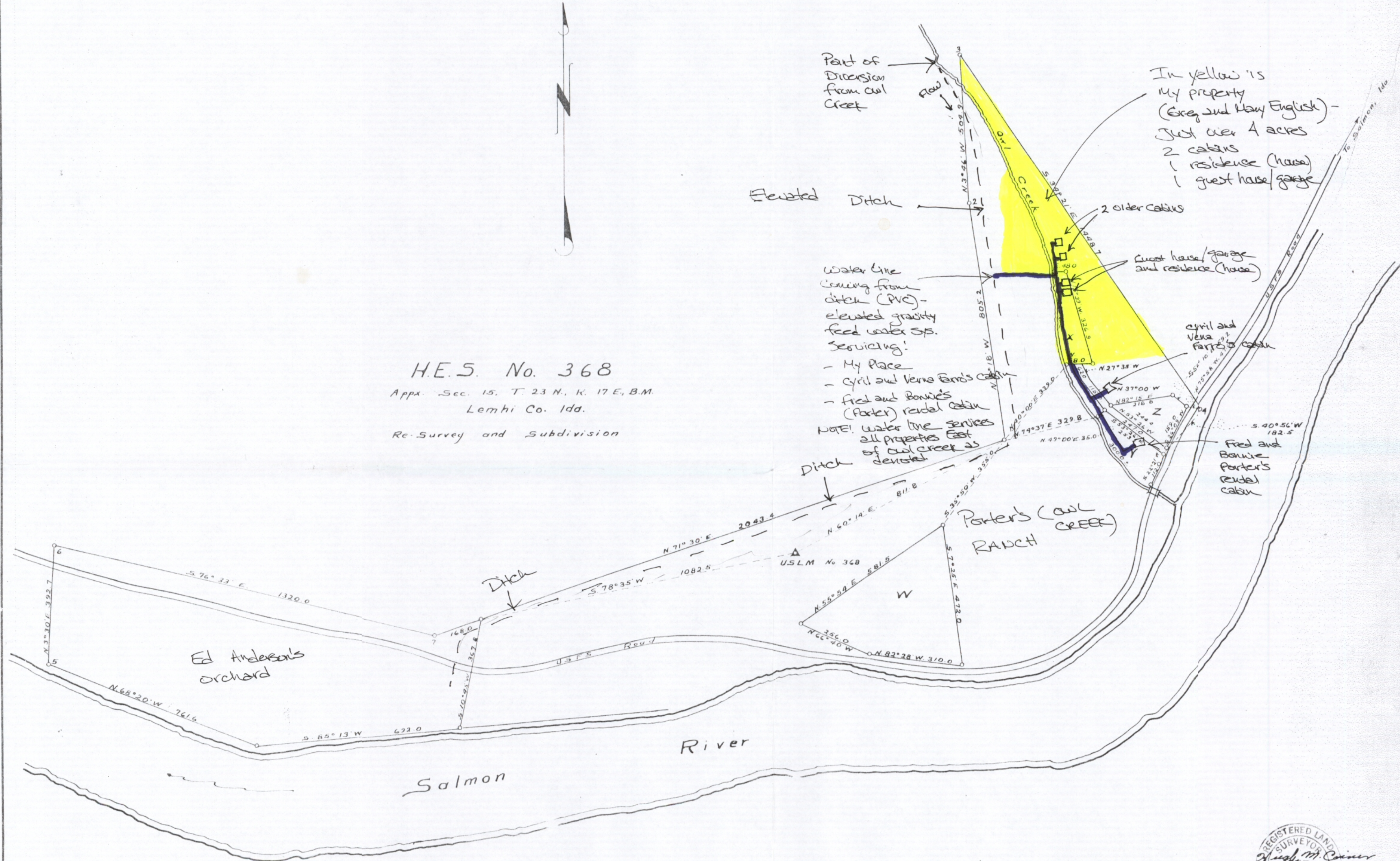
# ATTACHMENT A



# H.E.S. No. 368

Appx. Sec. 15, T. 23 N., R. 17 E., B.M.  
Lemhi Co. Ida.

Re-Survey and Subdivision



# ATTACHMENT B



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 24, 2002

GREG & ANGIE ENGLISH  
4940 E LOMA CIRCLE  
IDAHO FALLS ID 83406

RE: CHANGE IN OWNERSHIP FOR 75-4119A

Dear Mr. & Mrs. English:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

75-4119A:  
75-14074: 0.48 cfs, 19.5 acres, Porter  
75-14075: 0.03 cfs, 2 cabins, English

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree  
Technical Records Specialist

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 75-14075  
Date Received: 6/24/2002  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GREG ENGLISH Phone: (208)523-1683  
4940 E LOMA CIRCLE  
IDAHO FALLS ID USA 83406

ANGIE ENGLISH Phone: (208)523-1683  
4940 E LOMA CIRCLE  
IDAHO FALLS ID USA 83406

2. Date of Priority: 04/10/1920

3. Source: OWL CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 23N      | 17E   | 15      | NW NW SE              | LEMHI  |      |

5. Description of diverting works:

HEADGATES, DITCHES, PIPELINES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

|          |       |       |        |            |
|----------|-------|-------|--------|------------|
| Purpose  | From  | To    | C.F.S. | (or) A.F.A |
| DOMESTIC | 01/01 | 12/31 | 0.03   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use      | Acres |
|----------|-------|---------|------------|-----|----------|-------|
| 23N      | 17E   | 15      | SW         | SE  | DOMESTIC |       |

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:

DOMESTIC USE IS FOR 2 CABINS

15. Basis of Claim: Beneficial Use

WATER RIGHT NUMBER: 75-14075

Total Diversion: 0.030 CFS

LEMHI County

Sec. 15, Twp 23N, Rge 17E, B.M.

[illegible]

**Dates and Other Information:**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-14075

Dates and Other Information:

Claim Received Date: 6/24/2002

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: OR

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

# ATTACHMENT C



State of Idaho

## DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

November 7, 2003

GREGORY R & MARY ANGELA ENGLISH  
4940 EAST LOMA CIRCLE  
IDAHO FALLS ID 83406

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP  
NOTICE(S) OF CLAIM TO A WATER RIGHT 75-4119B

Dear Mr. & Mrs. English:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Kristen Forsgren  
Office Specialist 1

Enclosure

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 75-4119B  
Date Received: 4/17/1990  
Receipt No: X9999999  
Received By:

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

1. Name of Claimant(s)

GREGORY R ENGLISH Phone: (208) 523-1683  
4940 EAST LOMA CIRCLE  
IDAHO FALLS ID USA 83406

MARY ANGELA ENGLISH Phone: (208) 523-1683  
4940 EAST LOMA CIRCLE  
IDAHO FALLS ID USA 83406

2. Date of Priority: 04/10/1920

3. Source: OWL CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 23N      | 17E   | 15      | NW NW SE              | LEMHI  |      |

5. Description of diverting works:

HEADGATES, DITCHES, PIPELINES & SPRINKLER SYSTEM

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 4/01 | 10/31 | 0.01   |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use | Acres |
|----------|-------|---------|----------------|-----|-------|
|----------|-------|---------|----------------|-----|-------|

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
| 23N | 17E | 15 | SE | SE | IRRIGATION    | 0.5 |
|     |     |    |    |    | Section Acres | 0.5 |
|     |     |    |    |    | Total Acres   | 0.5 |

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:

P.D. NOT INDICATED IN 1/4 SECTIONS AS LAND IS UNSURVEYED.  
SEE MAP

15. Basis of Claim: Beneficial Use

**WATER RIGHT NUMBER: 75-4119B**

Original Owner  
JOHN F PORTER  
HC 64 BOX 34  
SHOUP, ID 83469  
(208)756-0070

Current Owner  
JERRELYN A POWELL  
HC 64 BOX 67  
SHOUP, ID 83469  
(208)394-2142

Priority Date: 04/10/1920

Status: Active

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION            | 4/01 to 10/31         | 0.010 CFS             |                      |

## Place of Use

| Twtp | Rge | Sec | NE     |    | NW |    | SW |    | SE |    | SE |
|------|-----|-----|--------|----|----|----|----|----|----|----|----|
|      |     |     | NE     | NW | NE | NW | NE | NW | NE | NW | SE |
| 23N  | 17E | 15  |        |    |    |    |    |    |    |    | .5 |
|      |     |     | Totals |    |    |    |    |    |    |    |    |

Conditions of Approval:

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4119B

1. General P.D. NOT INDICATED IN 1/4 SECTIONS AS LAND IS UNSURVEYED.  
SEE MAP

Comments:

Dates and Other Information:

Claim Received Date: 4/17/1990  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 State or Federal: S  
 Owner Name Connector: AND  
 Water District Number:  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4119B

WATER RIGHT NUMBER: 75-4119B

Owner Type  
Current Owner  
  
Name and Address  
GREGORY R ENGLISH  
4940 EAST LOMA CIRCLE  
IDAHO FALLS, ID 83406  
(208) 523-1683  
  
Current Owner  
MARY ANGELA ENGLISH  
4940 EAST LOMA CIRCLE  
IDAHO FALLS, ID 83406  
(208) 523-1683

Priority Date: 04/10/1920

Basis: Beneficial Use

Status: Active

Source  
OWL CREEK  
  
Tributary  
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  | 0.010 CFS             |                      |
| <u>Total Diversion:</u> |             |           | 0.010 CFS             |                      |

Location of Point(s) of Diversion

OWL CREEK  
LEMHI County  
  
NW1/4NW1/4SE1/4  
Sec. 15, Twp 23N, Rge 17E, B.M.

Place of Use

IRRIGATION Within LEMHI County

T23N R17E S15 SESE 0.5

Total Acres: 0.5

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4119B

Conditions of Approval:

1. P.D. NOT INDICATED IN 1/4 SECTIONS AS LAND IS UNSURVEYED.  
SEE MAP

Remarks

# ATTACHMENT D

# CORD OF SURVEY

H.E.S. 368

## DEPENDENT RESURVEY

### LEGEND

B.L.M. BRASS CAP IRON POST MONUMENT: RE-MONUMENTATION OF ORIGINAL EVIDENCE: FORSYTH, 1964 & 1967.

B.L.M. BRASS TABLET: REMONUMENTATION OF ORIGINAL EVIDENCE: FORSYTH, 1964.

U.S.F.S. BRASS CAP IRON POST MONUMENT: EXCHANGE CORNERS - 1966 & REMONUMENTATION OF ORIGINAL EVIDENCE - 1970; FERGUSON, PLS 695.

U.S.F.S. BRASS TABLET: REMONUMENTATION OF ORIGINAL EVIDENCE: HOFFMAN, PLS 5575, 2001.

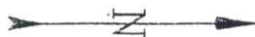
U.S.F.S. ALUM. DRIVEABLE MONUMENT: PROPORTIONED POSITION: HOFFMAN, PLS 5575, 2001.

PROPERTY LINE POSTED TO U.S.F.S. STANDARDS.

(SLANTED LETTERING) - GILBREATH - 1915

(SLANTED LETTERING) - WARRANTY DEED, BK 49, PG 40, 7/15/63.

NOTE: The location for topographic features on this plot were approximated from aerial photography only, or U.S.G.S. quadrangles. Salmon River Road location based on survey ties. Troil No. 152 mapped using resource grade GPS.

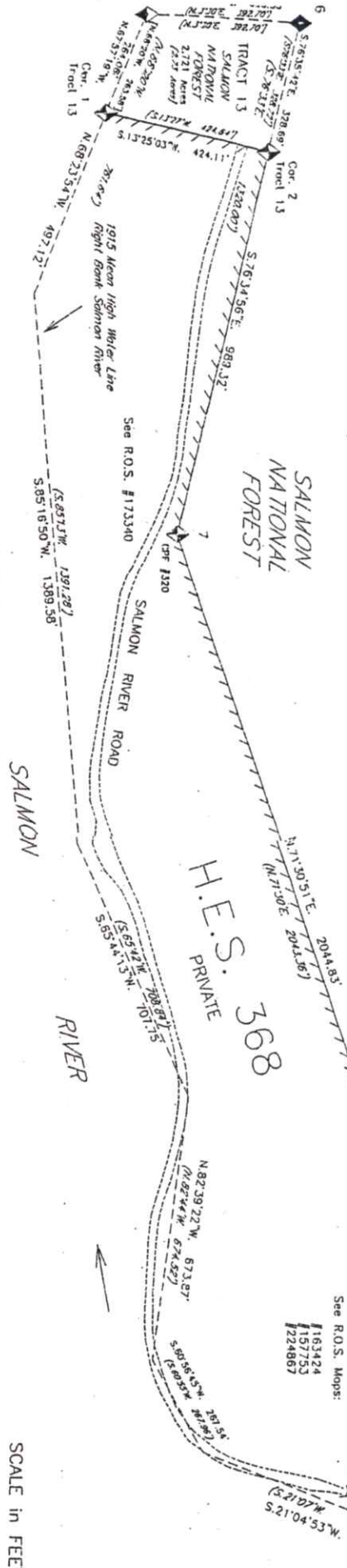


See next page for blow up of this section

COPY

More recent survey

All highlighted area is my property



See R.O.S. Maps: 1163424 1157753 1224867



SCALE in FEET



### RECORD CERTIFICATION

DATE 11/28/62  
PAGE 8  
OF LEMHI COUNTY, STATE OF IDAHO

### CERTIFICATE OF SURVEY

I, CHARLES J. HOFFMAN, Registration No. 5575, Professional Land Surveyor, State of Idaho, hereby certify that this plot correctly represents a survey made by me, or under my direction in conformance with the B.L.M. Manual of Surveying Instructions-1973 and the law(s) of the State of Idaho at the request of the U.S. Department of Agriculture-Forest Service-Tremm 4

### SURVEY HISTORY

The original survey of H.E.S. 368 was completed Sept. 20, 1915, by Earl R. Gilbreath, Forest Ranger, Surveyor.  
John Ferguson, PLS 695, U.S.F.S. Surveyor, surveyed and monumented Tracts No. 13 & 37 as part of a 1966 land exchange.

### BASIS OF BEARINGS

The bearing between two traverse control points was determined by direct solar observation on May 22, 2001. All courses are related to that base by angular measurement.

U.S. DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
SALMON NATIONAL FOREST

REGION 4  
FOREST PROPERTY LINE SURVEY  
DEPENDENT RESURVEY

H.E.S. 368

SECTIONS 15 & 16 (UNSURVEYED)  
TOWNSHIP 23 NORTH, RANGE 17 EAST, B.M  
LEMHI COUNTY, IDAHO

SURVEYED BY R. Schroeder & J.P. Wade, DATE 5/01, DRAWN RAS  
FOREST APPROVAL \_\_\_\_\_ DATE \_\_\_\_\_ CHECKED \_\_\_\_\_

C.P.M. INST.  
NO. \_\_\_\_\_

LOCATED IN H.E.S. 368, UNSURVEYED SECTION 15,  
T. 23 N., R. 17 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO

# RECORD OF SURVEY

THE PURPOSE OF THIS SURVEY IS TO RELOCATE COMMON  
BOUNDARY LINES BETWEEN ADJOINING PROPERTIES AND TO  
RELOCATE THE CENTERLINE OF SALMON RIVER CREEK.  
THIS SURVEY IS EXEMPT FROM A LOT SPLIT REVIEW.

FIELD SURVEY  
(conducted when first  
purchasing property)

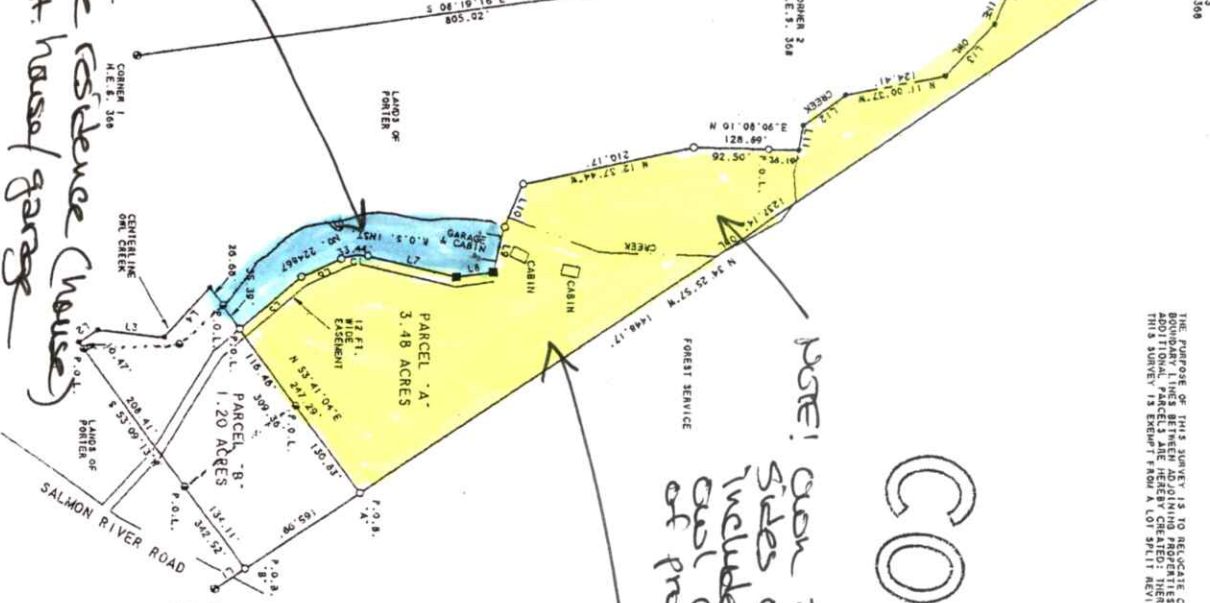
COPY

Both yellow  
and blue  
highlighted  
areas are  
owned by me  
(two different  
purchases  
at different  
times)

FOREST SERVICE

| LINE | BEARING         | DISTANCE |
|------|-----------------|----------|
| 1    | N 34° 23' 57" W | 43.04'   |
| 2    | N 31° 18' 34" W | 27.93'   |
| 3    | N 30° 53' 14" W | 81.35'   |
| 4    | N 48° 33' 20" W | 96.80'   |
| 5    | N 40° 53' 25" W | 51.58'   |
| 6    | N 23° 57' 59" W | 159.89'  |
| 7    | N 13° 00' 21" E | 45.03'   |
| 8    | N 08° 08' 09" W | 35.91'   |
| 9    | N 07° 30' 34" W | 30.97'   |
| 10   | N 06° 08' 47" W | 63.82'   |
| 11   | N 35° 08' 34" W | 82.01'   |
| 12   | N 46° 37' 01" W | 95.49'   |
| 13   | N 55° 54' 13" W | 13.42'   |
| 14   | N 53° 00' 13" W | 13.42'   |

Second Purchase  
100, 2003 with  
-64 acres that  
are irrigated  
(bowl trees), one residence (house)  
and one guest house/garage



NOTE: You agree on both  
sides of said creek to  
include the center of  
said creek entire length  
of property.

First Purchase  
(Spring 2002, two cabins w/ water  
and 3.48 acres)

| CURVE | DELTA ANGLE | RADIUS | ARC    | TANGENT | CHORD  | CHORD BEARING   |
|-------|-------------|--------|--------|---------|--------|-----------------|
| C 1   | 28° 58' 30" | 49.37' | 33.58' | 17.47'  | 32.94' | N 08° 28' 30" W |



## LEGEND

- GOVERNMENT MONUMENT
- CALCULATED POINT (NOT SET)
- 5/8" x 24" REBAR WITH PLASTIC CAP
- WARRIED MADE P.S. 5000
- 1/2" REBAR SET BY L.S. 979
- LAKE STONE WITH CHISELED "X"
- P.O.B. POINT ON LINE
- OLD PROPERTY BOUNDARY FROM INST. NO. 157753
- 12" WIDE ROAD EXISTENCE
- CENTERLINE OF CREEK

## COUNTY RECORDER'S CERTIFICATE

TIME: \_\_\_\_\_ DATE: \_\_\_\_\_ MONTH: \_\_\_\_\_ YEAR: 200  
BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_ INST. NO. \_\_\_\_\_  
RECORDED: \_\_\_\_\_ BY: \_\_\_\_\_

|                                      |            |  |  |
|--------------------------------------|------------|--|--|
| FOR GREG ENGLISH                     |            |  |  |
| FILED: ENGLISH, G.D.                 | CH. BY:    |  |  |
| DATE: 01/21/2002                     | DR. BY: RM |  |  |
| WADE SURVEYING                       |            |  |  |
| 104 S. MAPLE ST. SALMON, IDAHO 83449 |            |  |  |

# WADE SURVEYING

104 S Warpath  
Salmon, Idaho 83467

Phone (208) 756-3070

April 11, 2002

## PARCEL "B"

A parcel of land located in H.E.S. 368, unsurveyed Section 15, T. 23 N., R. 17 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at Corner 4 of said H.E.S. from which Corner 3 of said H.E.S. bears N 34°25'57" W 1448.17 ft., the Basis Of Bearing of this description, run thence N 34°25'57" W along the line between said Corners 4 and 3 a distance of 211.03 ft. to the POINT OF BEGINNING;

Thence S 53°41'04" W a distance of 247.29 ft. to the SE Corner of the property shown on R.O.S. Inst.No. 224867 as recorded in the Lemhi County Courthouse;

Thence the following courses and distances along said R.O.S.:

N 40°53'25" W 98.80 ft.; N 25°57'59" W 51.58 ft.;

33.58 ft. along a curve to the right having a chord of

N 06°28'50" W 32.94 ft., a delta of 38°58'30" and a radius of 49.37 ft.;

N 08°08'06" W 45.05 ft.; N 76°24'31" W 57.00 ft.;

Thence N 67°39'52" W a distance of 56.91 ft.;

Thence N 12°37'44" W a distance of 210.17 ft.;

Thence N 01°08'06" E a distance of 128.69 ft. to a point on

the centerline of Owl Creek;

Thence the following courses and distance along said centerline:

N 80°06'47" W 30.97 ft.; N 36°08'38" W 63.82 ft.;

N 11°00'37" W 124.41 ft.; N 46°37'04" W 87.01 ft.;

N 65°54'12" W 95.49 ft.; N 55°06'13" W 15.42 ft. to a

point on the line between Corners 2 and 3 of said H.E.S.;

Thence N 05°53'02" W along said line a distance of 207.16 ft.

to Corner 3 of said H.E.S.;

Thence S 34°25'57" E along the line between Corners 3 and 4 of said H.E.S. a distance of 1237.14 ft. to the POINT OF BEGINNING;

PARCEL CONTAINS 3.48 ACRES

TOGETHER WITH AND SUBJECT TO: A 12 ft. wide easement for ingress and egress along and existing road as shown on the R.O.S. filed in the Lemhi County Courthouse in 2002.

Parcel contains 10005 sq ft (0.23 acres)

TAX NUMBER : 4372 SEC # : 15 TWP # : 23 RGN # : 17

DATE : 9/10/2002 INSTRUMENT # : 251895

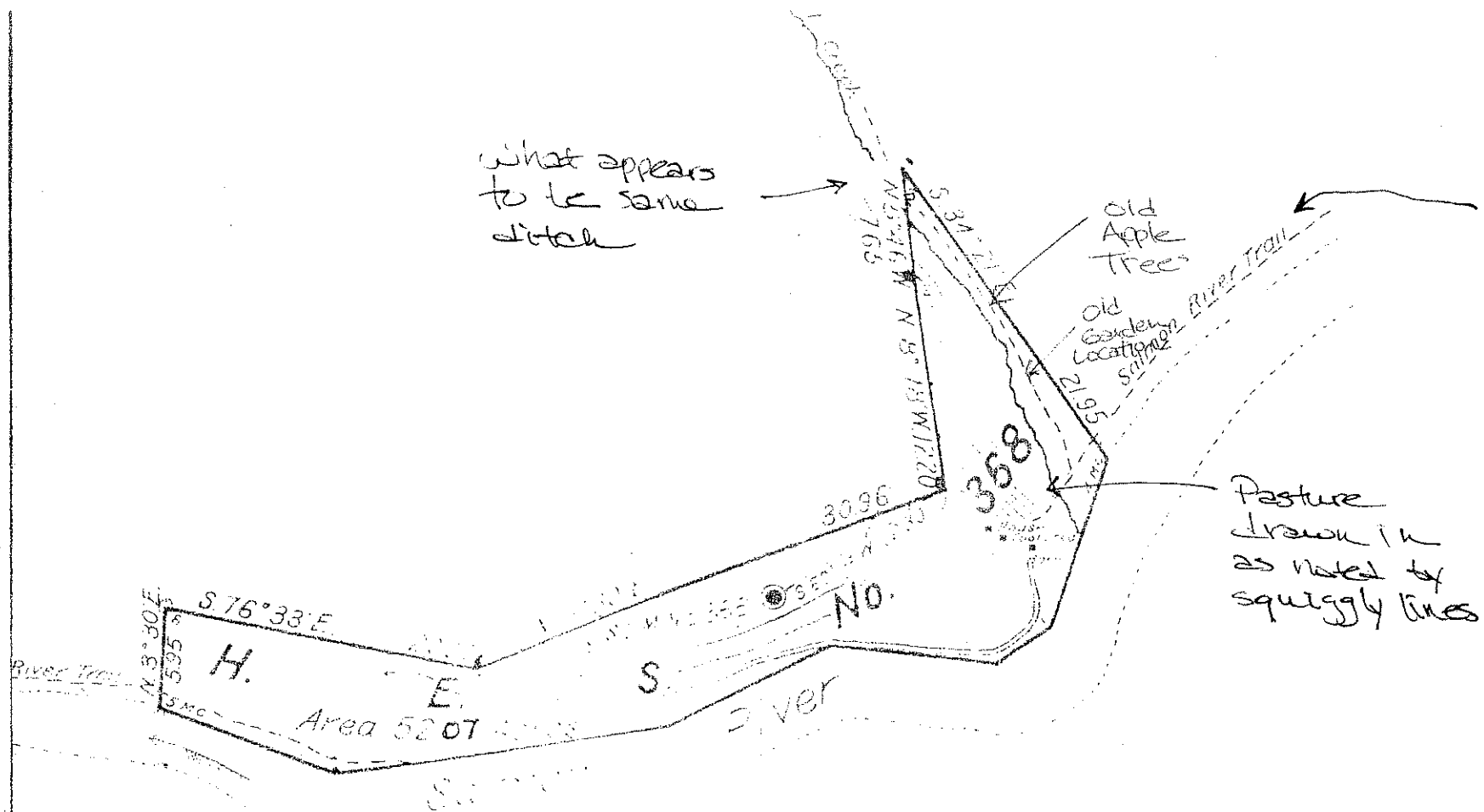
BUYER : R Thomas Powell and/or  
Jerrellyn A Powell

SELLER : John F Porter and Bonnie  
Jean Porter

DESCRIPTION :

A parcel of land located in H.E.S. 368, unsurveyed Section 15, T 23 N, R 17 E, Boise Meridian, Lemhi County, Idaho, more particularly described as follows: Commencing at Corner 4 of said H.E.S. from which Corner 3 of said H.E.S. bears N 34deg 25' 57" W 1448.17 ft, the Basis of Bearing of this description, run thence N 34deg 25' 57" W along the line between said Corners 4 and 3 a distance of 211.03 ft; Thence S 53deg 41' 04" W a distance of 247.29 ft to the SE Corner of the property shown on R.O.S. Inst No. 224867 as recorded in the Lemhi County Courthouse and the POINT OF BEGINNING; Thence S 53deg 41' 04" W a distance of 62.07 ft to a point on the centerline of Owl Creek; Thence S 43.37 ft; N 18deg 35' 20" W 81.61 ft; N 28deg 18' 24" W 39.68 ft; N 44deg 19' 28" W 32" W 106.78 ft; N 10deg 01' 34" E 54.37 ft; N 30deg 29' 18" E 102.98 ft to a point on the Westerly boundary of parcel "A" as shown on the R.O.S. Inst. No 249853 and as Parcel "B" as shown on the R.O.S. filed later in 2002; Thence the following courses and distances along said boundary: S 67deg 39' 52" E 12.57 ft; S 76deg 24' 31" E 57.00 ft; S 08deg 08' 06" E 45.05 ft; S 13deg 00' 21" W 109.89 ft; 33.58 ft along a curve to the Left having a chord of S 06deg 28' 50" E 32.94 ft, a delta of 38deg 58' 30" and a radius of 49.37 ft; S 25deg 57' 59" E 51.58 ft; S 40deg 53' 25" E 98.80 ft to the POINT OF BEGINNING. Parcel contains 0.63 acres.

# ATTACHMENT E



1935  
CONDENATION

NOTE! WATER  
USAGE FROM  
OWL CREEK PRIOR  
TO EVEL SALMON  
RIVER ROAD  
CONSTRUCTION  
(ONLY TRIAL)

Condensation 1-11-35  
title approved 10-9-68

33' Wide 0.85 mi length  
Section 15

Raid from Jim Wiley, U.S. Forest  
Service, North Fork, Id. June 1978