

RECEIVED

AUG 23 2005

DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT
WATER RIGHTS PRIORITY

RE: Water Rights:

75-10668
75-10669
75-10671
75-10672
75-10673
75-10674

Elizabeth Hutchison, being sworn deposes and says as follows:

1. Of my own recollection, I can recall certain events in my childhood. I remember when I was between 5 and 6 years of age in the year 1929, my parents purchased portions of the lands being irrigated by the waters from Poison Creek as listed under some of the water rights listed above from the Predmore family. I also recall that my memories forward from that time would indicate that the ditches servicing the lands listed as the place of use under Water Rights Numbers: 75-10668, 75-10669, 75-10672, and 75-10673 were much the same in appearance as one would see today-i.e., mature trees were growing along the ditches that could not survive without the annual flow of irrigation water in the ditch, etc. It is, therefore, my firm belief that the water had been used on the referred to lands for many years as of the times of my earliest recollections as indicated above.
2. Next, I recall numerous conversations with elders in my family and neighbors relative to irrigation issues throughout the Poison Creek drainage that took place during my childhood. These conversations, coupled with my knowledge of the history of the area, having been born in the area and having spent my entire lifetime on the described property, would all support the authenticity of the priority dates listed on the above listed water rights. Further, in respect to the water rights described under 75-10674 (priority date 08/17/1932) and 75-10671 (priority date 05/01/1980), there is no question in my mind as to their accuracy as listed-both in priority and place of use. This I can state from personal recollection and first hand knowledge. I further state that the waters referred to above have all been applied diligently and beneficially used during every irrigation year or season from 1929 forward.
3. I have attached copies of affidavits executed by William C. Smith, George E. Shoup and W. H. Shoup marked as Exhibits "A-1", "A-2" and "A-3" respectively. These are copies of the original signed affidavits in my possession and as included in an Abstract of Title produced by Lemhi Title and Abstract Company of Lemhi County and issued under certificate dated November 28th, 1933. The originals can be reproduced or duplicated and further certified upon request.

I knew the affiants of all three affidavits personally and believed them to be of good character and integrity and men of good reputation and standing in the community. They were of an age in 1933 when the affidavits were signed to have personal knowledge of all matters set out in the affidavits.

From my knowledge of the subject matters under discussion at the time these affidavits were executed, I can state that the references in the mid-portion of the affidavit, which set out:

“Homestead, David Edson, since 1896
Desert Entry David Edson, since 1900
Desert Entry, Nira Edson, since 1920
Gutzman Entry, since 1916.”,

all refer to the water rights with matching priority dates (i.e. water right numbers 75-10069, 75-10668, 75-10672 and 75-10673 in that order respectively).

4. The undersigned also offers the attached Exhibit “B” to supplement the affidavit’s marked Exhibit “A-1”, “A-2” and “A-3” and to further support the claims made under water right numbers 75-10669 and 75-10668. This exhibit is a copy of the assessment roll of Lemhi County, Idaho for certain of the properties owned in the year 1915 by affiants family and predecessors in interest, the Edsons, and by others in the area. The original of this document is available at the Lemhi County Courthouse for inspection upon request.

This document does not necessarily prove the use of water for beneficial purposes as of the priority dates claimed, however, it is offered as further evidence of early day use that is consistent with the dates claimed. At this point in time, no earlier data has been located by affiant or her agents (to either support or refute the claim), but if any such document is found, it will be offered to supplement affiant’s file with the Idaho Department of Water Resources.

Based upon affiant’s lifetime of experience in the area and her general knowledge, affiant offers the following observations and beliefs regarding Exhibit “B”:

- a. Given the normal processes of county government, it is logical to conclude that the information evidenced within the assessment document is based upon data gathered over the period (probably years) prior to the assessment year of 1915. Therefore, even though this seems to be the first year for which data of this nature is available, it is logical the to conclude that that irrigation systems were employed for some prior period as of that date.

- b. Aerial photography and the more sophisticated mapping or survey processes were not available in 1915. Therefore, the assessor's records were based upon estimates and to some extent based upon negotiation. Again, property owners were very concerned about their tax bill with little concern, if any, about having an absolute record of each and every acre beneficially served by the irrigation system. In short, the classification of the acres cultivated was a conservative estimate, which very likely did not include those acres benefited by the irrigation systems; but which were less than fully productive.
- c. Again, affiant believes that tolerance needs to be shown in regard to the early day records as they relate to the precise location (by land survey subdivision) of the irrigated acreage. Some lands thought to have been located within a particular subdivision may have later been identified to be within an adjoining subdivision.

Given the above, affiant believes that Exhibit "B" lends support to her claimed priority and usage as of the dates on file.

5. Lastly, from my knowledge, recollection and best belief, and based upon my research and lifetime information, the lands described as the place of use under the rights above referred to have been irrigated in much the same manner since the date of entry or homestead as they are today and that the claims filed an referred to first above are accurate.

Given the content of the attached affidavits and my recollections, use has been continuous and without interruption for the full period after completion of entry, homestead or patent until today's date.

6. I hereby confirm the authenticity and accuracy of the statements made above, based on my recollections and further state that I have reviewed all claims made as to priority, place of use and other data and can state as a fact that my recollections, when coupled with the attached exhibits, and along with my knowledge of early history of the area, all support the claims made under the water rights listed above in every respect.

Dated: 8-15-2005

Elizabeth Hutchison
Elizabeth Hutchison

STATE OF IDAHO)

SS:

AFFIDAVIT

WATER RIGHTS PRIORITY

Numbers: 75-10668, 75-10669, 75-10671, 75-10672, 75-10673 and 75-10674

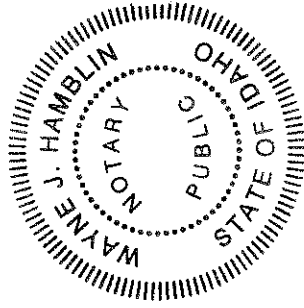
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165.07.05

County of Lemhi)

On this 15 day of August, 2005, before me, a Notary Public in and for said State, personally appeared ELIZABETH HUTCHISON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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



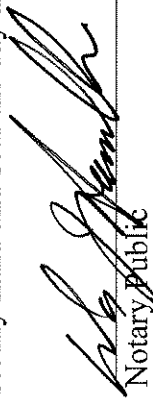

Notary Public
My Commission Expires: 3/8/2010

EXHIBIT "A-1"

State of Idaho)
County of Lemhi) ss.
)

Wm. C. Smith, being first duly sworn deposes and says:

I am a citizens of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands and water rights owned by David Edson in Lemhi County, Idaho.

That all of the lands owned by the said David Edson lies along and below what is known as Poison Creek; that the said Poison Creek at low water stage, carries about 400 miners inches; that there are no other lands appurtenant to the said creek, and that all its waters are used on the lands of the said David Edson.

That the said waters have been appropriated and used ever since the following dates:

Homestead, David Edson, since 1896 ✓
Desert Entry David Edson, since 1900 ✓
Desert Entry, Nira Edson, since 1920 ✓
Gutzman Entry, since 1916. ✓

That the waters have been used uninterruptedly and continuously on the said lands.

That the ditch irrigating the Homestead is about one mile long, and point of diversion is at the upper end of said homestead; said ditch is about $2\frac{1}{2}$ feet wide at bottom and $3\frac{1}{2}$ feet at the top, and about 2 feet deep, and will carry 200 inches of water; that no other lands are appurtenant except the said David Edson's; that the ditch irrigating the desert entry of said Edson, is about $\frac{1}{4}$ mile long, and said desert lands lie below the said creek; point of diversion at the upper end of the Homestead; said ditch is about $2\frac{1}{2}$ feet at bottom and $3\frac{1}{2}$ feet at top, with depth of about 2 feet, and will safely carry about 200 inches of water; that the ditch irrigating the Nira Edson Desert Entry, is about $\frac{1}{4}$ miles long, with point of diversion about $1\frac{1}{2}$ miles above the Edson Homestead; said ditch is about $2\frac{1}{2}$ feet wide at top and 2 feet at bottom with depth of $1\frac{1}{2}$ feet, and will carry 100 inches of water; that the ditch irrigating the Gutzman lands is about one mile long, with point of diversion about 3 miles above the Edson Homestead; said ditch is about $2\frac{1}{2}$ feet wide at top, and 2 feet at bottom, with depth of $1\frac{1}{2}$ feet, and will easily carry 100 inches or more, having lots of grade down the mountain canyon.

That said water has never been decreed, but has been acquired through use; that said waters all belong to the said lands of David Edson, and that no other lands are appurtenant; that the waters have been used on the said lands for more than 35 years. that the said use has been uninterrupted and continuous for the beneficial use of said lands; that said ditches or creek does not supply the lands of, and is not appurtenant to the lands of any other person.

Subscribed and sworn to before me, a Notary Public, this
21st day of November, A.D. 1933.

William C. Smith

James A. Stewart
Notary Public for Idaho,
Residing at Salmon, Idaho.

State of Idaho } ss.
County of Lemhi }

George E. Shoup, being first duly sworn deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands and water rights owned by David Edson in Lemhi County, Idaho.

That all of the lands owned by the said David Edson lies along and below what is known as Poison Creek; that the said Poison Creek at low water stage, carries about 400 miners inches; that there are no other lands appurtenant to the said creek, and that all its waters are used on the lands of the said David Edson.

That the said waters have been appropriated and used ever since the following dates:

Homestead, David Edson, since 1896
Desert Entry David Edson, since 1900
Desert Entry, Nira Edson, since 1920
Gutzman Entry, since 1916.

That the waters have been used uninterruptedly and continuously on the said lands.

That the ditch irrigating the Homestead is about one mile long, and point of diversion is at the upper end of said homestead; said ditch is about $2\frac{1}{2}$ feet wide at bottom and $3\frac{1}{2}$ feet at the top, and about 2 feet deep, and will carry 200 inches of water; that no other lands are appurtenant except the said David Edson's; that the ditch irrigating the desert entry of said Edson, is about $\frac{1}{4}$ mile long, and said desert lands lie below the said creek; point of diversion at the upper end of the Homestead; said ditch is about $2\frac{1}{2}$ feet at bottom and $3\frac{1}{2}$ feet at top, with depth of about 2 feet, and will safely carry about 200 inches of water; that the ditch irrigating the Nira Edson Desert Entry, is about $\frac{1}{4}$ miles long, with point of diversion about $1\frac{1}{2}$ miles above the Edson Homestead; said ditch is about 2 feet wide at top and 2 feet at bottom with depth of $1\frac{1}{2}$ feet, and will carry 100 inches of water; that the ditch irrigating the Gutzman lands is about one mile long, with point of diversion about 3 miles above the Edson Homestead; said ditch is about $2\frac{1}{2}$ feet wide at top, and 2 feet at bottom, with depth of $1\frac{1}{2}$ feet, and will easily carry 100 inches or more, having lots of grade down the mountain canyon.

That said water has never been decreased, but has been acquired through use; that said waters all belong to the said lands of David Edson, and that no other lands are appurtenant; that the waters have been used on the said lands for more than 35 years. That the said use has been uninterrupted and continuous for the beneficial use of said lands; that said ditches or creek does not supply the lands of, and is not appurtenant to the lands of any other person.

George E. Shoup

Subscribed and sworn to before me, a Notary Public, this 21st day of November, A.D. 1933.

James Rodden
Notary Public for Idaho,
Residing at Salmon, Idaho.



State of Idaho) ss.
County of Lemhi)

W.H. Shoup, being first duly sworn deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands and water rights owned by David Edson in Lemhi County, Idaho.

That all of the lands owned by the said David Edson lies along and below what is known as Poison Creek; that the said Poison Creek at low water stage, carries about 400 miners inches; that there are no other lands appurtenant to the said creek, and that all its waters are used on the lands of the said David Edson.

That the said waters have been appropriated and used ever since the following dates:

Homestead, David Edson, since 1896
Desert Entry David Edson, since 1900
Desert Entry, Nira Edson, since 1920
Gutzman Entry, since 1916.

That the waters have been used uninterruptedly and continuously on the said lands.

That the ditch irrigating the Homestead is about one mile long, and point of diversion is at the upper end of said homestead; said ditch is about $2\frac{1}{2}$ feet wide at bottom and $3\frac{1}{2}$ feet at the top, and about 2 feet deep, and will carry 200 inches of water; that no other lands are appurtenant except the said David Edson's; that the ditch irrigating the desert entry of said Edson, is about $\frac{1}{4}$ mile long, and said desert lands lie below the said creek; point of diversion at the upper end of the Homestead; said ditch is about $2\frac{1}{2}$ feet at bottom and $3\frac{1}{2}$ feet at top, with depth of about 2 feet, and will safely carry about 200 inches of water; that the ditch irrigating the Nira Edson Desert Entry, is about $\frac{1}{4}$ miles long, with point of diversion about $1\frac{1}{2}$ miles above the Edson Homestead; said ditch is about $2\frac{1}{2}$ feet wide at top and 2 feet at bottom with depth of $1\frac{1}{2}$ feet, and will carry 100 inches of water; that the ditch irrigating the Gutzman lands is about one mile long, with point of diversion about 3 miles above the Edson Homestead; said ditch is about $2\frac{1}{2}$ feet wide at top, and 2 feet at bottom, with depth of $1\frac{1}{2}$ feet, and will easily carry 100 inches or more, having lots of grade down the mountain canyon.

That said water has never been decreed, but has been acquired through use; that said waters all belong to the said lands of David Edson, and that no other lands are appurtenant; that the waters have been used on the said lands for more than 35 years. that the said use has been uninterrupted and continuous for the beneficial use of said lands; that said ditches or creek does not supply the lands of, and is not appurtenant to the lands of any other person.

Subscribed and sworn to before me, a Notary Public, this 21st day of November, A.D. 1933.

James P. Shoup
Notary Public for Idaho,
Residing at Salmon, Idaho.



18 N R 21 E.B.M.
Township 18 N Range 23 E.B.M.

EXHIBIT "B"

REAL PROPERTY ASSESSMENT ROLL, YEAR 1915

CLASSIFICATION OF LANDS AND IMPROVEMENTS										P H																											
No. of Assessment List	No. of Tax-payer's Receipt	NAME AND ADDRESS OF OWNER, REPORTED OWNER OR UNKNOWN OWNER	SUBDIVISION OR TAX NUMBER	Section	Township N.	Range E.	IRRIGATED LAND		GRAZING LAND		WASTE LAND		MINERAL LAND		IMPROVE-MENTS		TOTAL VALUE OF REAL PROPERTY	Imp. on G. L.	Equity in S. L.	CATTLE		CALVES		COWS		GRADED HORSES		RANGE HORSES		COLTS		STALLIONS					
							A	Value	A	Value	A	Value	A	Value	K	Value				No.	K	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	No.	Value	
1	1508 369	Harris Homer	Lots 3, 5, 8, Salmon, Ida.	SW 1/4 NW 1/4	3	18	21	40	1700	40	740	62	62				450	1952																2	120	1	20
2	1416 789	Schultz W.W.	Lots 1, 6, 7, Salmon, Ida.	NE 1/4 NE 1/4	10			60	1670	10	70	72	72				500	2262		16	480	9	135	2	80	3	225	22	830	6	120						
			Lot 9,		15			5	135	5	35																										
			Lot 1,		16																																
3	1452 242	Doody Jerry	Lot 1, SE 1/4 NE 1/4	21				20	671	10	70	47	47			275																					
			Lot 2,		22			75	675		1	1				1929			105	3150	18	270	2	80	2	200	9	315	8	160	1	150					
			Lots 7, 10		15			40	1200		36	36																									
			Lot 3,		21			1	30		2	2																									
4	522 271	Edson David	Lots 1, 3, 4, 5, Salmon, Ida.	NE 1/4 NW 1/4, NE 1/4 SW 1/4	22			62	1860	70	170	143	143			750	4141		72	690	8	170	2	80	4	425	81	7850									
5	523 379	Hellman Adam	Salmon, Ida.	Lots 3, 9, 11,	10			60	1800		78	78				1828	400		88	7640	40	600	2	80	3	240	6	225	5	100							
6																																					
7																																					
				Lot 1, SE 1/4 NE 1/4	31	18	23	70	400	70	110	73	73																								

ELIZABETH HUTCHISON
FOR WATER RIGHTS PRIORITY
Numbers: 75-10668, 75-10669, 75-10671, 75-10672, 75-10673 and 75-10674

ELIZABETH HUTCHISON
FOR WATER RIGHTS PRIORITY
Numbers: 75-10668, 75-10669, 75-10671, 75-10672, 75-10673 and 75-10674

AFFIDAVIT OF LEE EVARTS
WATER RIGHTS PRIORITY

RE: Water Rights now held by Elizabeth Hutchison:

75-10668
75-10669
75-10671
75-10672
75-10673
75-10674

Lee Evarts, being sworn deposes and says as follows:

1. I am 87 years of age. I live in Lemhi County, Idaho. I was born in the area and have been familiar with the Poison Creek Drainage Ranch Lands along the Salmon River for my entire lifetime.
2. My recollections of the above referenced water rights are basically the same as those of Elizabeth Hutchison as stated in her affidavit dated on or about this same date, which I have also read and understood. My understanding and knowledge of the history of the area would confirm that the exhibits attached to the Hutchison affidavit are also accurate and true.
3. Lastly, from my knowledge, recollection and best belief, and based upon my research and lifetime information, the lands described as the place of use under the rights above referred to have been irrigated in much the same manner since the date of entry or homestead as they are today and that the claims filed and referred to first above are accurate.

Given the content of the exhibits attached to the Hutchison affidavit and my recollections, use has been continuous and without interruption for the full period after completion of entry, homestead or patent until today's date. From my own recollections, I can confirm this to be true since 1922.

4. I hereby confirm the authenticity and accuracy of the statements made above, based on my recollections and further state that I have reviewed all claims made as to priority, place of use and other data and can state as a fact that my recollections, when coupled with the attached exhibits, and along with my knowledge of early history of the area, all support the claims made under the water rights listed above in every respect.

Dated: 8/18/05

Lee Evarts
Lee Evarts

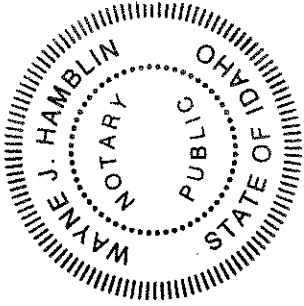
STATE OF IDAHO)

ss:

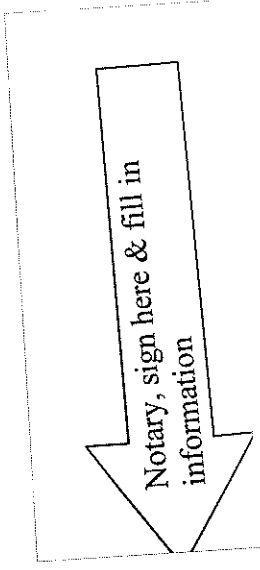
County of Penhi)

On this 18 day of August, 2005, before me, a Notary Public in and for said State, personally appeared LEE EVARTS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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




Notary Public
My Commission Expires: 3/8/2010



AFFIDAVIT OF ROSANNA EVARTS
WATER RIGHTS PRIORITY

RE: Water Rights now held by Elizabeth Hutchison:

75-10668
75-10669
75-10671
75-10672
75-10673
75-10674

Rosanna Evarts, being sworn deposes and says as follows:

1. I am 83 years of age. I live in Lemhi County, Idaho. I was born in the area and have been familiar with the Poison Creek Drainage Ranch Lands along the Salmon River for my entire lifetime.
2. My recollections of the above referenced water rights are basically the same as those of Elizabeth Hutchison as stated in her affidavit dated on or about this same date, which I have also read and understood. My understanding and knowledge of the history of the area would confirm that the exhibits attached to the Hutchison affidavit are also accurate and true.
3. Lastly, from my knowledge, recollection and best belief, and based upon my research and lifetime information, the lands described as the place of use under the rights above referred to have been irrigated in much the same manner since the date of entry or homestead as they are today and that the claims filed and referred to first above are accurate.

Given the content of the exhibits attached to the Hutchison affidavit and my recollections, use has been continuous and without interruption for the full period after completion of entry, homestead or patent until today's date. From my own recollections, I can confirm this to be true since 1922

4. I hereby confirm the authenticity and accuracy of the statements made above, based on my recollections and further state that I have reviewed all claims made as to priority, place of use and other data and can state as a fact that my recollections, when coupled with the attached exhibits, and along with my knowledge of early history of the area, all support the claims made under the water rights listed above in every respect.

Dated: 8-18-05


Rosanna Evarts

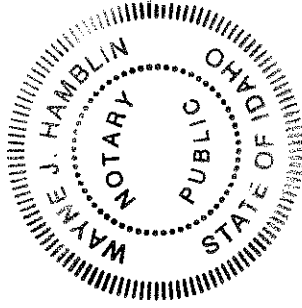
STATE OF IDAHO)

ss:

County of Lemhi)

On this 18 day of August, 2005, before me, a Notary Public in and for said State, personally appeared ROSANNA EVARTS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same.

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



Wayne J. Hamblin
Notary Public

My Commission Expires: 3/8/2010