

August 24, 2005

Idaho Dept. of Water Resources

Re: Snake River Adjudication

To Whom It May Concern:

This is to certify that I, Gordon Schmidt, have personal knowledge of the use of Water Right No. 37-13369. This is a water right on Ryan Springs Creek. I can absolutely substantiate that this right was used for both irrigation purposes as well as stock water. I observed this use as a boy, as my father *(since 1929)* farmed the land, and can recollect at least back to 1945. I personally farmed the land and utilized these water rights subsequent to these dates.

Feel free to contact me for any further information.

Sincerely,

Gordon Schmidt



July 29, 1975

RE: 37-XX07

Mr. Gerhard Schmidt
Fairfield, Idaho 83327

Dear Mr. Schmidt:

Enclosed is a Certificate of Approval for storage of water behind Kelly Dam. The Department has issued this certificate in accordance with Title 42, Chapter 17 of the Idaho Code. This certificate is issued for a two-year period, at which time the dam will be re-examined and another certificate issued, if it is in satisfactory condition.

A recent inspection reveals that some improvements of the dam have been made; however, several problems still exist that require your attention. Rodents and other burrowing animals must be eliminated from the fill by poisoning or trapping them. Controlling vegetative cover often helps in rodent control. Water must not be allowed to pond along the toe of the dam; therefore, some type of drain is needed or pervious fill must be placed to keep this area free of standing water. Such ponding saturates the toe and makes seepage problems hard to detect. Also, a suitable spillway capable of providing at least 3.5 feet of freeboard must be constructed and maintained.

All work must be completed prior to the expiration of the enclosed certificate of continued use of the dam is desired.

If you have any questions, please contact me.

Sincerely,

BOB HAYNES
Southern District Supervisor

BH:cc

Enclosure
cc: Boise - IDWR

Water Claims at page No. 155. I.W.Garrett, Co. Recorder, By Leon Fuld, Deputy.

Transcribed from page 155, Book 4, Water Locations, Blaine County Records.

Michael Ryan. Water Right. Ryan Creek. Notice of Water Right.

Notice is hereby given that the undersigned claims the Water of Ryan Creek to the extent of Two hundred and Fifty inches measured under a four inch pressure said mentioned Creek herein denominated and called Ryan Creek rises and springs from the ground on or near Section 26 Twp. 1 S. R. 15 E. B. M. Logan County, Idaho, that the point of diversion is about fifty yards from the head of the stream in a Northwesterly direction, that said Water is diverted by a dam and run through a ditch two feet wide at bottom 3 feet wide at top and two feet deep, that the water herein claimed is for agricultural purposes and used on E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 23, Tp. 1 S. R. 15 E. B. M. Logan County, Idaho. Dated Crichton Idaho. Nov. 13th, 1890. Michael Ryan.

Recorded at request of E.B.Lemmon.

State of Idaho, County of Alturas,) ss. I hereby certify that this W.R. was filed for record in my office at 4:25 o'clock P. M. November 14th 1890 and is duly recorded in Book 4 W.R. page 156. I.W.Garrett, Co. Recorder, By Leon Fuld, Deputy.

Transcribed from page 156, Book 4, Water Locations, Blaine County Records.

Rowley et al. Willow Creek.

This is to certify that we the undersigned have this 28 day of June 1891, taken up and do claim 500 inches of water out of this Creek which is known as Cherry Creek the water to be conveyed by a ditch to land below and to be used for placer mining purposes said ditch to be taken out about 600 yards above the Smoky Road on Willow Creek. Alturas County, State of Idaho, June 28, 1891. J.J. Rowley, Sigle Morrell.

Recorded at request of J.J.Rowley on the 11th day of July A.D 1891 at 10:50 oclock A.M.

QUITCLAIM DEED

THIS INDENTURE, Made the 4th day of August
 in the year of our Lord one thousand nine hundred and forty-one, between
Michael Peter Kelly, a single person, sometimes known as Michael Kelly and
somteimes as M. P. Kelly,
of Hawthorne, County of Mineral, State of Nevada,
 the part Y of the first part, and Lola Schmidt

of Fairfield, County of Camas, State of Idaho,
 the part Y of the second part:
 WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of
One ----- DOLLARS,
 lawful money of the United States of America, to him in hand paid by the said
 part Y of the second part, the receipt whereof is hereby acknowledged, do ES by these presents
 remise, release and forever QUITCLAIM, unto the said part Y of the second part, and to her heirs
 and assigns, all certain lot, piece or parcel of land,
 situate, lying and being in Camas, County of Camas, State of Idaho,
 bounded and particularly described as follows, to-wit:

The Northeast Quarter (NE $\frac{1}{4}$) and the East Half of the Northwest
Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 26, Township One South of Range 15 E.B.M.
together with the reservoir site and ditch right-of-ways thereunto
belonging numbered Hailey, Idaho, Land Office No. 09245 and Blackfoot,
Idaho, Land Office No. 037699.

This is deeded to Lola Schmidt as her separate property.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belong-
 ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and
 profits thereof.

TO HAVE AND TO HOLD, All and singular, the said premises, together with the appurtenances, unto
 the said part Y of the second part, and to her heirs and assigns forever.

This is a correction deed to carry the right-of-way omitted from other deed.

IN WITNESS WHEREOF, The said part Y of the first part has hereunto set his hand
 and seal the day and year first above written.

Signed, Sealed and Delivered in the Presence of

Michael Peter Kelly (SEAL)
 Signature of: Michael Peter Kelly.
 (SEAL)
 (SEAL)
 (SEAL)

STATE OF ~~XXXX~~ Nevada, }
COUNTY OF Mineral } ss.

On this 18th day of August, in the year 19 41, before me,

J. J. Gonnely

, a Notary Public

in and for said State, personally appeared Michael Peter Kelly, a single person, sometimes known as Michael Kelly and/or M. P. Kelly,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(notary seal)

J. J. Gonnely
Notary Public residing at Hootsme, ~~XXXX~~ Nev.

My Commission Expires
April 5, 1942

No. 229891

QUITCLAIM DEED

Michael Peter Kelly

Lola H. Schmidt

Dated August 17, 19 41

I hereby certify that this instrument was filed for record at the request of

Chas. Scoggin

at 5 minutes past 14 o'clock

A. M., this 22 day of August

A. D. 19 41, in my office, and duly

recorded in Book 16 of Deeds

at page 600

John L. Edwards
Ex-Officio Recorder

By *L. P. Pearson*

Fees, \$ 1.00

INDEXED
PROOF READ

QUITCLAIM DEED