

To: IDWR

Evidence of Priority

RECEIVED

NOV 15 2005

Department of Water Resources

Proof of beneficial use of water rights Salmon Cr. No. 7810160 and
Mill Cr. No. 7810160 & A7810160.
7810161 & A7810161 (typographical error) &c.

I, Claus White, born 1927, have personally observed the use of the
water rights listed above on the ranch land shown on the attached maps
since 1954.

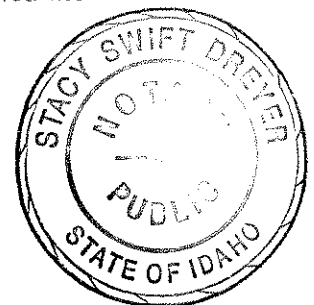
Signed,

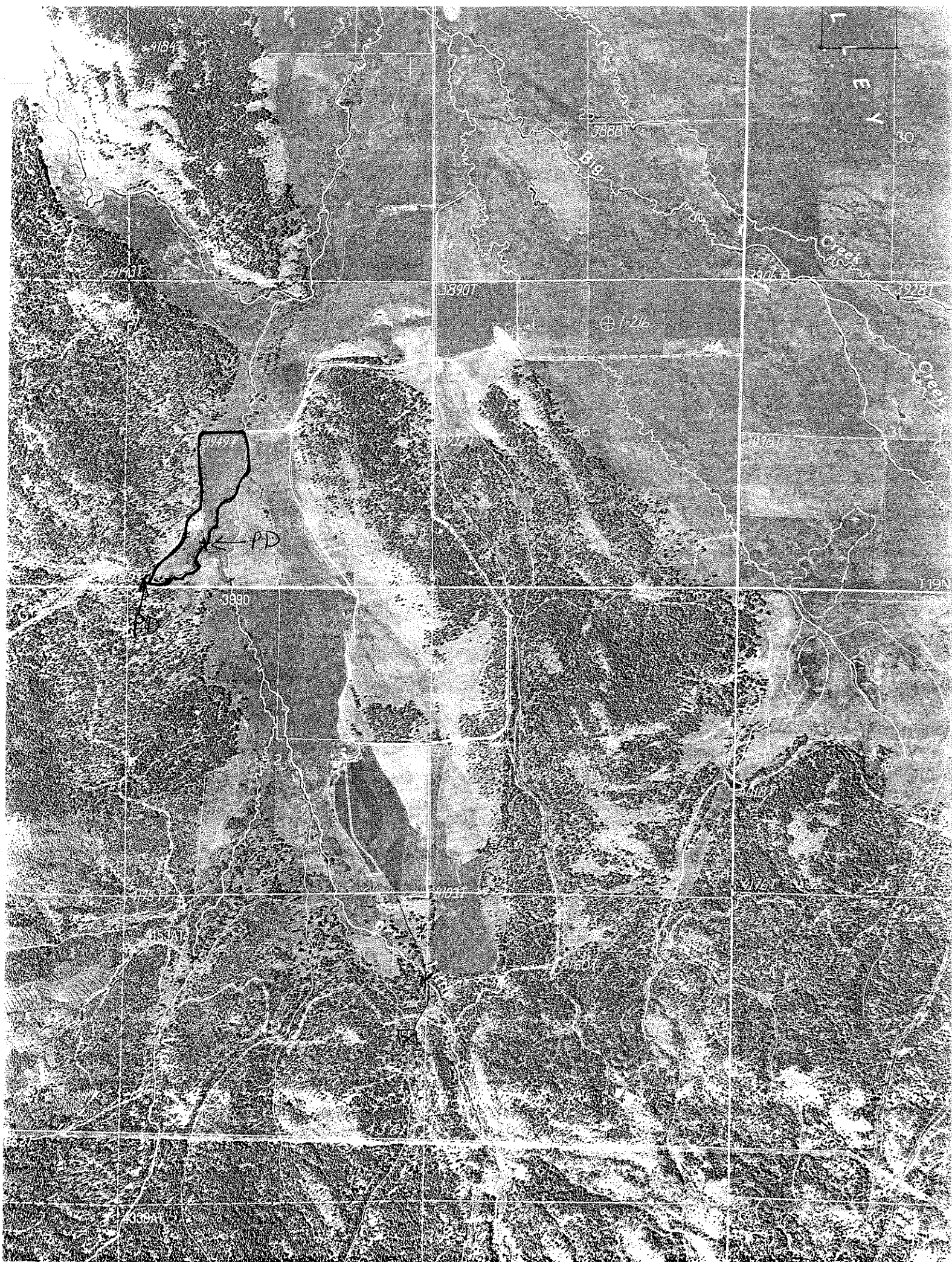
Claus White

STATE OF IDAHO)
COUNTY OF ADAMS) ss

On This 14th day of November, in the year 2005 before me, a Notary
Public in and for said State, personally appeared Claus White
_____, known or identified to me to be the person(s) whose names(s) _____
subscribed to the within Instrument, and acknowledged to me that he executed the
same.

Stacy Swift Dreyer
Notary Public of Idaho
Residing at Blair Meadows, Idaho
Commission Expires: 3/7/2011





11-14-05

attention Carter Fritschle:

on water rite # 78-10161 (Mill Creek)
It states Beneficial Use as 4/15 to 10/15.
Mill Creek dries up some time in
July and it seems to be less as
time goes by.

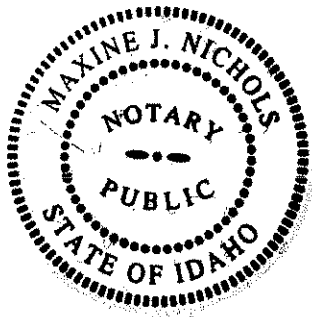
Loraine, my husband was grateful
for what he could get.

I'm sure I did mention to you
that Tom passed away on 4-28-05.

Sincerely,

Loraine Carr.

SUBSCRIBED AND SWORN to before me this 14th day of November, 2005.



Maxine J. Nichols
Notary Public for Idaho
Residing at: Pringle
My Commission Expires: 05/24/06

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADAMS.

W. H. Dreyer, :
Plaintiff, :
vs. :
George S. Mitchell, :
Thomas Hubbard, et al, :
Defendants. :

DECREE
(Case No. 1006)

This cause came on for trial without a jury on May 13, 1936, the plaintiff and all the defendants except the Boise Payette Lumber Company appearing in person and by their respective attorneys, the default of Boise Payette Lumber Company being duly entered in the premises.

Witnesses were sworn and certain depositions were taken and filed, and the evidence being all before the Court, and the Court having taken the same under advisement, does thereafter file its Findings of Fact and Conclusions of Law and directs Decree to be entered in accordance therewith, such Findings of Fact and Conclusions of Law being hereby referred to and by reference made a part hereof.

And it is ORDERED, ADJUDGED and DECREED (among other things) that the defendant Thomas Hubbard is entitled to the use of the waters of the Little Salmon River on his said lands described in his said Cross Complaint and Findings filed herein, the following amounts and of the following priority dates;

Seventeen and 5/10 (17.5) miners' inches as of June 1, 1905
Fifty-two and 5/10 (52.5) miners' inches as of June 1, 1916.

That said Hubbard may divert his said water at such points into his respective ditches as he may find convenient but he is at all times to build, maintain and keep in good condition, proper head gates, weirs, or measuring devices at each point of diversion, so as to properly and accurately measure all the water to which he is entitled, and which he is diverting from the Little Salmon River or any of its tributaries.

It is further Adjudged and Decreed, that the defendant Boise-Payette Lumber Company has no interest or right to the waters of the Little Salmon River or its tributaries, except subsequent to the amounts and uses herein awarded to plaintiff and the appearing defendants as aforesaid.

Dated this 25th day of January, 1937.

A. O. Sutton

District Judge.

Abstracter's Note: The lands of Thomas Hubbard as described in Cross-Complaint are described as follows: The SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 35, Twp. 19 N., Range 1 East of the Boise Meridian, in Adams County, State of Idaho.

LITTLE SALMON CREEKFLOW RIGHT

Richard E. Armacost
2.4 Priority 2-10-48.
P.D. NW¹SW¹ 25-20N.-1E.

20300-4774

DECREE 559, DREYER vs. MITCHELL, et.al.

Little Salmon	(W. H. Dreyer	17.5 inches	Priority 6-1-03	) -34 From Madison Ditch 5
	(W. H. Dreyer	17.5 inches	Priority 6-1-05	
	(W. H. Dreyer	39.38 inches	Priority 6-1-12	
		<u>74.38 inches</u>		
Little Salmon	(George S. Mitchell	43.75 inches	Priority 6-1-12	) -5 From Madison Ditch
Little Salmon	(Theodore Johnson	8.75 inches	Priority 6-1-12	) -5 8
	(Theodore Johnson	39.38 inches	Priority 6-1-28	
		<u>48.13 inches</u>		
Little Salmon	78-0151 (Thomas Hubbard	17.5 inches	Priority 6-1-05	) -4 6
	(Thomas Hubbard	52.5 inches	Priority 6-1-16	
	78-0152	<u>70.0</u>		
Little Salmon	(Daniel K. Carlock	6.13 inches	Priority 6-1-03	) -3 Spring Creek 7
	(Daniel K. Carlock	140.0 inches	Priority 8-10-20	
		<u>146.13</u>		

* P. D. is discretionary: "---to carry his or their waters in said two ditches, or such other ditches as they may from time to time deem advisable, but whatever the point of diversion or ditch or ditches used-----"

LITTLE SALMON -- SPRING CREEK

DECREE 472, HAWTHORN vs. WARD, et.al.

Charles Hawthorn	88 inches	Priority June 1888 /
Charles Hawthorn	1.5 inches	Priority June 1910
Charles Hawthorn	1.5 inches	Priority June 1918
	<u>91 inches</u>	
Sara IreneMayer	50 inches	Priority June 1899-2
Sara IreneMayer	all water over	
	55 inches in	
	Spring Creek.	

* P.D. is point of diversion from stream.

PLAINTIFF'S P. D.s:

Hawthorn Ditch: P. D. on E. side of Little Salmon River at a point about 375' South-easterly from the NW Cor. of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp. 18 N., Rge. 1 E.

Supply Ditch from Spring Creek conveys water to Little Salmon River at a point just above the diversion dam in Hawthorn Ditch. P. D. is on E. side of Spring Cr. at a point approx. 400' Westerly of the SW Cor. of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T18N., R. 1 E.

Middle Ditch: P. D. on the E. bank of the Little Salmon River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, and at a point about 450' W. and 100' S. of the NE Cor. of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, Twp. 18N., Rge. 1 E.

Two Small Ditches: One on E. Side and one on the W. Side of Little Salmon River., about 100 or 150' E. or Easterly of the SW Cor. of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, Twp. 18 N., 1 E., called "Lower Ditch".

DEFENDANT'S P. D.s:

Ward Ditch: P. D. on E. bank of the Little Salmon River at a point about 100' down stream from the point of diversion of "Hawthorn Ditch", the P.D. of "Ward Ditch" being about 200' Southerly from the NW Cor. of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, Twp. 18 N., Rge. 1E.

Spring Cr. Supply Ditch:
"---at whatever point or points the said Sara Irene Mayer makes diversion of said excess from said supply ditch---"

A Second Ditch: P. D. on the E. bank of the Little Salmon River in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 2, about 450' W. & 100' S. of the NE Cor. of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2.

Boise Payette Lumber Company,
a corporation of Delaware,

to

Oliver Wendell Collins and
Beylah Marjory Collins, hus-
band and wife.

Q U I T C L A I M D E E D

Dated October 2, 1951
Recorded Oct. 29, 1951
Book 22, Deeds
Pages 116-117

Consideration \$1.00

Said first party, having been hereunto duly authorized by resolution of its Board of Directors, does by these presents remise, release and forever QUITCLAIM, unto said second parties and to their heirs and assigns, all those certain lots, pieces or parcels of land, situate, lying and being in the County of Adams, State of Idaho, bounded and particularly described as follows, to-wit:

The Southwest quarter of the Northwest quarter (SW¹/₄ NW¹/₄), the Northwest quarter of the Southeast quarter (NW¹/₄ SE¹/₄), of Section Thirty-five (35), in Township Nineteen (19) North, Range One (1) East, B.M., and Lot Four (4), of Section Two (2), in Township Eighteen (18) North, Range One (1) East, B.M., and containing 118.03 acres, more or less, according to government survey,

less existing forest protection and county roads, and subject to existing right of way easements for irrigation ditches, telephone lines and roads.

Reserving to first party, until Dec. 31, 1961, all timber and trees on the above described premises, together with the perpetual right to go up on same and construct logging roads, railroads, or other facilities necessary for removing said timber, and/or timber on adjacent lands; also the right to remove all equipment or improvements placed upon said premises by said first party.

It is provided that if any taxes or other liens or encumbrances on said premises shall become delinquent at any time prior to Dec. 31, 1961, the first party shall have the right to pay any or all thereof, and second parties agree to pay to first party, on demand, the amount of any such payments with interest from date of payment at 6% per annum; and also agree to give first party a first and prior lien upon said premises to secure such payments, which lien, in the event of failure or refusal of said second parties to pay any of such amounts on demand, may be foreclosed in the manner provided for the foreclosure of real estate mortgages by the laws of Idaho.

By this indenture the parties confirm the conveyance of said property and this quitclaim deed is made to clarify the terms and limit the removal time for the timber reservation contained in those certain deeds from the party of the first part hereto to Thomas Hubbard under dates of September 18, 1941 and July 16, 1945, subsequently deeded by Thomas H. Hubbard and Sarah Ann Hubbard, husband and wife, to the second parties

hereto, under date of November 4, 1946, and recorded in Book 20 of Deeds at page 138 in the records of Adams County, Idaho.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its Vice President and its corporate seal to be affixed by its Assistant Secretary in pursuance to said resolution the day and year first above written.

(CORPORATE SEAL)

BOISE PAYETTE LUMBER COMPANY
formerly BOISE PAYETTE, INC.

Attest: W. A. Aitchison
Assistant Secretary

By John L. Aram
Vice President

Acknowledged Oct. 2nd, 1951 in Ada County, Idaho by John L. Aram, known to be the Vice President of the corporation that executed the foregoing instrument, that such corporation executed the same, before I. A. Anderson, Notary Public for the State of Idaho, residing at Boise, Idaho. Seal.

THIS QUITCLAIM DEED, dated October 2, 1951, has been delivered to and is hereby accepted and approved by the parties of the second part thereto.

Oliver Wendell Collins
Beulah Marjory Collins

Acknowledged Oct. 22, 1951 in Adams County, Idaho by Oliver Wendell Collins and Beulah Marjory Collins, husband and wife, known to be the persons who signed the foregoing instrument, before Geo. V. Hjort, Notary Public for the State of Idaho, residing at Boise, Idaho. Seal.

THIS INDENTURE, made this 1st day of April, 1960,
 between OLIVER WENDELL COLLINS AND BEULAH MARJORY COLLINS, husband and
wife,
 of New Meadows, County of Adams, State of Idaho
 the parties of the first part and THOMAS B. CARR AND LORRAINE CARR, husband and
wife,
 of New Meadows
 County of Adams, State of Idaho, the parties of the second part,
 WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
-----FORTY THOUSAND AND NO/100----- Dollars
 lawful money of the United States of America
 to them in hand paid by the parties of the second part, the receipt whereof is hereby acknowledged,
 have granted, bargained, sold, and by these presents, do grant, bargain, sell and convey and confirm unto
 the said parties of the second part, and to their heirs and assigns, forever, all the following described
 real estate, situated in the _____, County of _____, State of Idaho, to-wit:

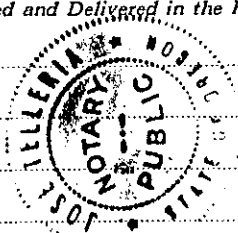
The Southwest Quarter (SW $\frac{1}{4}$), the Southwest Quarter of the
 Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the West Half of the Southeast
 Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-Five (35), Township Nineteen
 (19) North, Range One (1) East, Boise Meridian, and Lot Four (4)
 (which in instruments of record has been sometimes referred to as
 the NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Two (2), Township Eighteen (18) North,
 Range One (1) East, Boise Meridian; and Together with all water
 and water rights, ditches and ditch rights and irrigating works
 of whatever nature, used upon, connected with or in anywise
 appurtenant to said land, But Subject, However, to all encumbrances
 and rights of way for existing roads and lines of utilities, and
 to taxes on said land for 1960.

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, and rents, issues
 and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity
 of the said part _____ of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
 with the appurtenances unto the parties of the second part, and to their heirs and assigns forever.
 And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable
 possession of the said parties of the second part, their heirs and assigns, against the said part
 of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully
 claiming or to claim the same shall and will warrant and by these presents forever defend.

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

Executed and Delivered in the Presence of



_____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]
 _____ [SEAL]

Oregon
STATE OF ~~Idaho~~
County of *Malheur* } ss.
On this *16* day of *Nov* in the year 19*70*, before me
Oliver Wendell Collins & Beulah Marjory Collins, a Notary Public in and for said State, personally appeared
known to me to be the person *S* whose name *S* 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.

James H. Collins
Notary Public for the State of ~~Idaho~~, *Oregon*
Residing at *Malheur, Idaho*
James H. Collins 5-21-71

No. *340*
WARRANTY DEED
(FORM No. 300)

Oliver Wendell &
Beulah Marjory Collins
to
Thomas B. & Lorraine
Carr

Dated April 1, 1960

STATE OF IDAHO, } ss.
County of Adams
I hereby certify that this instrument
was filed for record at request of
Thomas B. Carr
at 48 minutes past 11
o'clock A. M., this 16th day of
November, 1970, in my
office, and duly entered in Book 29-M
of Deeds
at page 200

Marie McFadden
Ex-Officio Recorder.
By *Thomas B. Carr* Deputy.
Fees, \$ 2.00
Mail to

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

LITTLE SALMON CREEK

FLOW RIGHT

Richard E. Armacost
2.4 Priority 2-10-48.
P.D. NW¹SW¹ 25-20N.-1E.

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		<u>74.38 inches</u>		

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