

To Water Resource Board and Osborn Ranch Inc.

A ditch was dug by hand over the mountain, the year of 1903, to convert 30CFS of water from the tributary of Browns Creek. Diversion point is located NE $\frac{1}{4}$ SE Sect. 17 TWP 20N Range 2E BM, Adams County, Idaho. This ditch runs water into Six Mile Creek.

Water from Six Mile Creek and tributary to Browns Creek has been used for irrigation and stock water since this time.

Rollie L. Campbell, who is giving this information, was born the year of 1895. He was born and raised on the Circle C Ranch, which is located 6 miles N.E. of New Meadows, Idaho -Adams County, Idaho. Mr Campbell lived there for 77 yrs. and was a major share holder in the Circle C ranch from the time it was incorporated until it was sold in 1972.

The water has been used every year since 1903 during irrigation seasons on the above described land in Adams County.

11-3-87 Rollie Campbell
Osborn Ranch Inc. by Warren Osborn

IN THE MATTER OF:)
)
IN RE THE GENERAL ADJUDI-)
CATION OF RIGHTS TO THE)
USE OF WATER FROM THE)
SNAKE RIVER BASIN)
WATER SYSTEM)

CIVIL CASE NO. 39576

AFFIDAVIT

RE: CLAIM OF ALVIN H. HALL TO A
WATER RIGHT, IDENTIFICATION
NO. A78-04080

STATE OF IDAHO)
) ss.
County of Ada)

ROLLIE L. CAMPBELL,, being first duly sworn,
deposes and says:

1. That your affiant, ROLLIE L. CAMPBELL, is a resident of Boise, Ada County, Idaho, and also of McCall, Valley County, Idaho, and that he has personal knowledge of the facts set forth in this Affidavit;

2. That this Affidavit is made in opposition to the above-described claim to a water right No. A78-04080 (hereinafter referred to as the "Opposed Claim"), and in support of limiting the Opposed Claim in accordance with the facts herein stated;

3. At all material times hereinafter mentioned, your affiant was an owner of, and lived upon, what was known as "Circle C Ranch", predecessor in interest to Osborn Ranch, Inc., claimant to a water right bearing Identification No. A78-04133 (hereinafter referred to as the "Supported Claim");

4. That the Opposed Claim claims a priority date of January 1, 1879, but the correct priority date should be during the year 1920, when the first diversion of water related to the Opposed

Claim occurred, because of the construction in that year of a ditch (hereinafter referred to as the "1920 Ditch") for the collection of water from one or more tributaries of Brown Creek and the transportation of that water through the 1920 Ditch to Six Mile Creek;

5. Said 1920 Ditch was constructed by Frank Delbar and Harold Campbell, and said 1920 Ditch was and is the source of the Six Mile Creek water referred to in the Opposed Claim;

6. Said 1920 Ditch was constructed for the purpose of providing to the predecessor of the claimant under the Opposed Claim a more convenient means of diversion of water from a tributary of Brown Creek but was not intended, or used for, a means of diversion of water from Six Mile Creek other than water put into Six Mile Creek through said 1920 Ditch;

7. The right of said claimant under the Opposed Claim to the use of water in Six Mile Creek was and is, therefore, only for said claimant's water diverted into Six Mile Creek from a tributary of Brown Creek, and said claimant had and has no right to any water from Six Mile Creek itself;

8. That Osborn Ranch, Inc., successor to Circle C Ranch, under the Supported Claim has the right to water diverted by another, separate ditch (hereinafter referred to as the "1903 Ditch) constructed in 1903 from a tributary of Brown Creek to Six Mile Creek;

9. That at all times from and since 1903, Circle C Ranch and thereafter Osborn Ranch, Inc., used the water of Six Mile Creek, as well as that of a tributary of Brown Creek through the 1903

Ditch, for irrigation and to water livestock, as claimed in the Supported Claim;

10. That at all times from and since 1879, Circle C Ranch and thereafter Osborn Ranch, Inc., used the water of Six Mile Creek for irrigation and to water livestock; and

11. That, therefore, the Supported Claim of Osborn Ranch, Inc., to the water of Six Mile Creek is prior in time and prior in right to that of the claimant under the Opposed Claim.

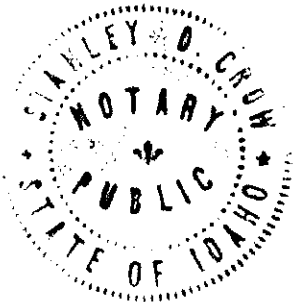
FURTHER YOUR AFFIANT SAYS NOT.

Stanley D. Crow

(Signature)

Subscribed and sworn to before me this 20th day of

April, 1989.



Stanley D. Crow

Notary Public for the State of
Idaho, residing at Boise, Idaho.
My commission expires 1/22/94.

INSTRUMENT NO. 77069

State of Idaho }
County of Adams } :ss.

Filed for record at the request of

Warren Osborn

45 min. past 3 o'clock P.M.

this 11 day of May, 19 89

BK16M of Misc. PG. 090

MICHAEL FISK, RECORDER

by *Sonda Lawrence* Deputy
Fee \$ 9.00

78-4276
October 10, 1996

To Whom It May Concern:

As a resident of New Meadows, Idaho my entire life, I am writing this letter as a testimony as to what I know about the Last Chance Ditch and the 1903 Ditch.

In 1898, my father built a ditch out of Sewell Creek, and I know that the Last Chance Ditch was built before that. I do not know the exact year, but only that it was built prior to 1898.

On or about 1926, I personally worked on what is known as the 1920 Ditch that comes out of Brown's Creek. In 1926, I worked on extending that ditch with Harold Campbell and Frank Delbar.

I mention the above ditch only to place it in relationship to the old Circle C Ditch or 1903 Ditch as it is called that comes out of Brown's Creek. I know that when I was working on the 1920 Ditch, the 1903 Ditch had been in existence for quite sometime. I never heard the exact year, but assume it was built in 1903.

Charlie Wallace

Charlie Wallace
Birthdate September 17, 1907

State of Idaho }
County of Adams } ss

On this October 10, 1996 before me a Notary Public in and for Idaho, personally appeared Charlie Wallace, known to me as the person who signed the above document.

Larry Fausell - Notary Public
at New Meadows, Idaho
my commission expires 8/23/97