



RECEIVED

*This is the day
the Lord has made*

MAY 30 2006

let us rejoice and be glad in it.

24 May 06

— Psalm 118:24

Department of Water Resources

Roxanne &/or Sally -

I copied the package I
sent in August '05 and
didn't change the dates on
the letters. Please keep me
updated via email on the
status of this package's
processing. Thank you.

Sally Post



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MAY 30 2006

DEPARTMENT OF
WATER RESOURCES

Kelly Jost
3309 Teal Sunset St.
Las Vegas, NV 89129
Phone: (702) 256-5320
Fax: (702) 256-5320
Email: jostsk@aol.com

10 Aug 05

My husband Stephen and I own Lot 1 of the Becker Estates north of North Fork, Idaho, located in Township 25N, Range 21E, Section 28. When we purchased the property in October 2002, it was with the understanding that the property had water rights to Hughes Creek via an already-existing ditch that enters our property at the northwest corner. This highline ditch is diverted from Hughes Creek about 1 1/4 miles upstream and passes under Becker Road to our property via a culvert. According to neighbors and an 85-year old individual who grew up in that area, the property that is now ours has been irrigated for years by the Hughes Creek ditch. My husband and I intend to re-open the headgate and once again use the ditch for irrigation.

The enclosed package contains the following documents as proof of beneficial use and priority date:

- Notice of Claim to a Water Right (with applicable maps)
- A photograph of our property taken from atop a rocky bluff directly adjacent the property, showing the Hughes Creek Ditch
 - A diagram describing details within the photograph is attached to the photo
- Declaration of Protective Covenants, which refers to water rights from Hughes Creek
- Grand Deed, referring to the Hughes Creek Ditch and its easement across our property
- Excerpt from our Title Insurance Policy, which refers to the Hughes Creek Ditch running across our property
- Two affidavits of personal knowledge of beneficial use of water for irrigation, dating as far back as 1929
- Original Homestead Document for our property, referring to water rights, dated March 30, 1916

It is my understanding after speaking with various Idaho Department of Water Resources representatives that there is a \$50 fee associated with this application, plus a \$1 per acre fee for any acreage to be irrigated that is not already irrigated under an existing water rights claim. In the enclosed claim, I am applying for irrigation of 10 acres, 9 of which are covered under claim 75-14160 from Hull Creek. Therefore, I have enclosed a check for \$51 for the cost of the application and the additional acre to be irrigated. If I am mistaken with this information and the fee is either more or less, please let me know and I will make the appropriate adjustment.

Please contact me at the address/phone/fax/email above with any questions. Thank you for your time and consideration.



Kelly Jost

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 _____

Date Received _____

Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Stephen E. or Kelly S. Jost Phone (702) 256-5320

Mailing Address 3309 Teal Sunset St, Las Vegas, NV Zip 89129

2. Date of Priority (Only one (1) per claim) April 1, 1912

3. Source of water supply (a) Hughes Creek
which is tributary to (b) North Fork of Salmon River

4. a. Location of existing point of diversion is: Township 25N Range 21E Section 21,
1/4 of NE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Lemhi

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

Water is brought from Hughes Creek through a highline ditch a distance of about 1 1/4 miles. There is a headgate in Hughes Creek at the head of the ditch. Water is diverted from ditch its entire length. Ditch terminates on our property. (See attached photograph of ditch, taken from above.) A culvert brings ditch under Becker Road to our property.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from Apr 1 to Oct 31 amount 20 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 20 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 25.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
25N	21E	28							10										10

Total number of acres irrigated 10

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
75-14160 or None ()

14. Remarks:

Attachments: Department of the Interior Geological Survey Map, photograph with attached diagram, Declaration of Protective Covenants, Grant Deed, excerpt from Title Insurance Policy, letter to landowners, and original Homestead Document.

Last Name JOSE Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date 9 Aug 05

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of ~~Idaho~~ or Nevada)
County of Clark) ss.

Subscribed and sworn (or affirmed) before me this 9th day of August 2005

SEAL

Notary Public [Signature]

Residing at _____

NEOSHA L. BROADY, TSgt USAF
Paralegal

My Commission Expires 11/1

NOTARY BY FEDERAL STATUTE

10 U.S.C. 1044a

IAW AFI 51-504

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

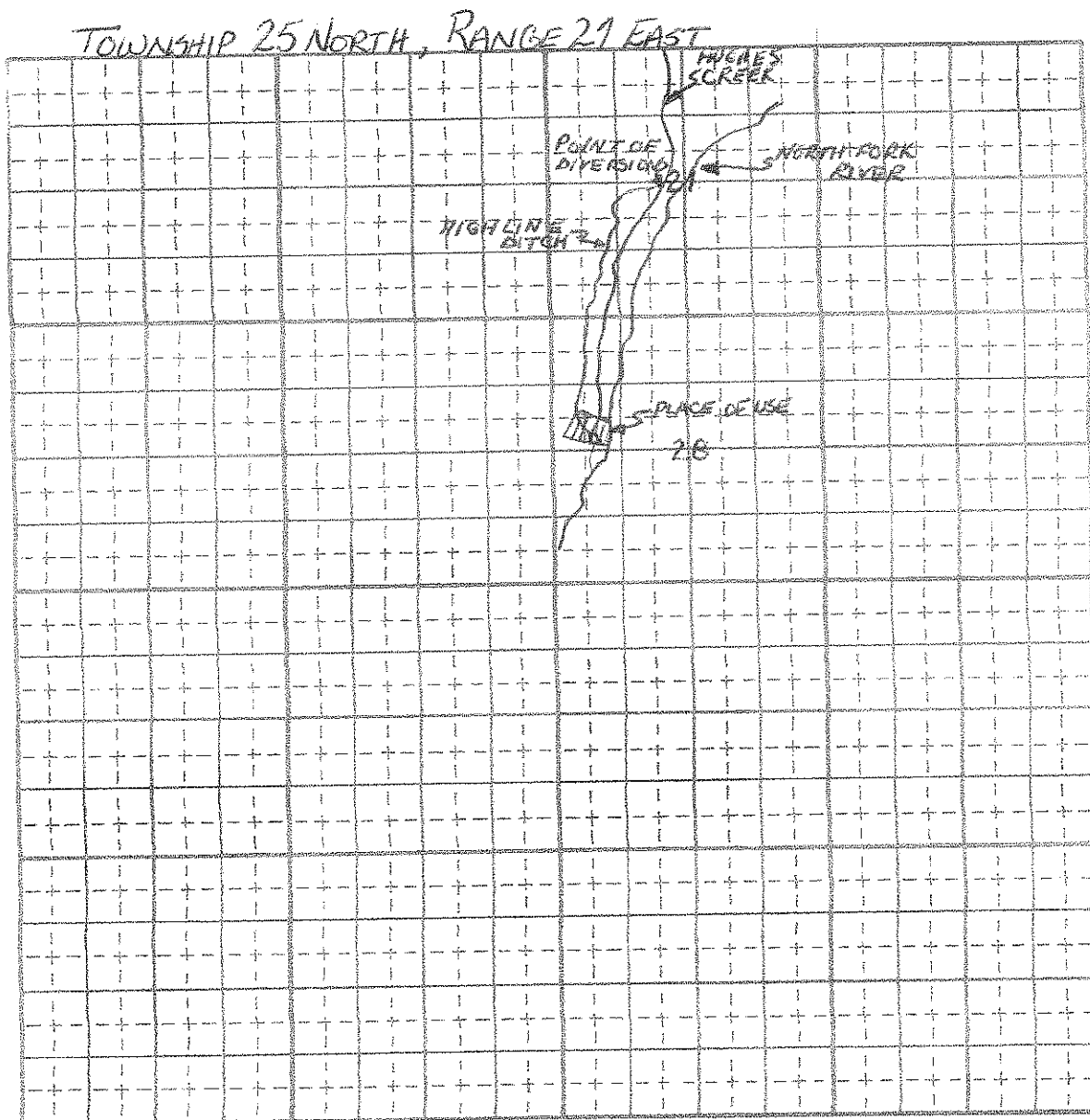
Address _____

Date _____

Last Name JOSE Ident. Number _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name JOSE Ident No. _____

DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

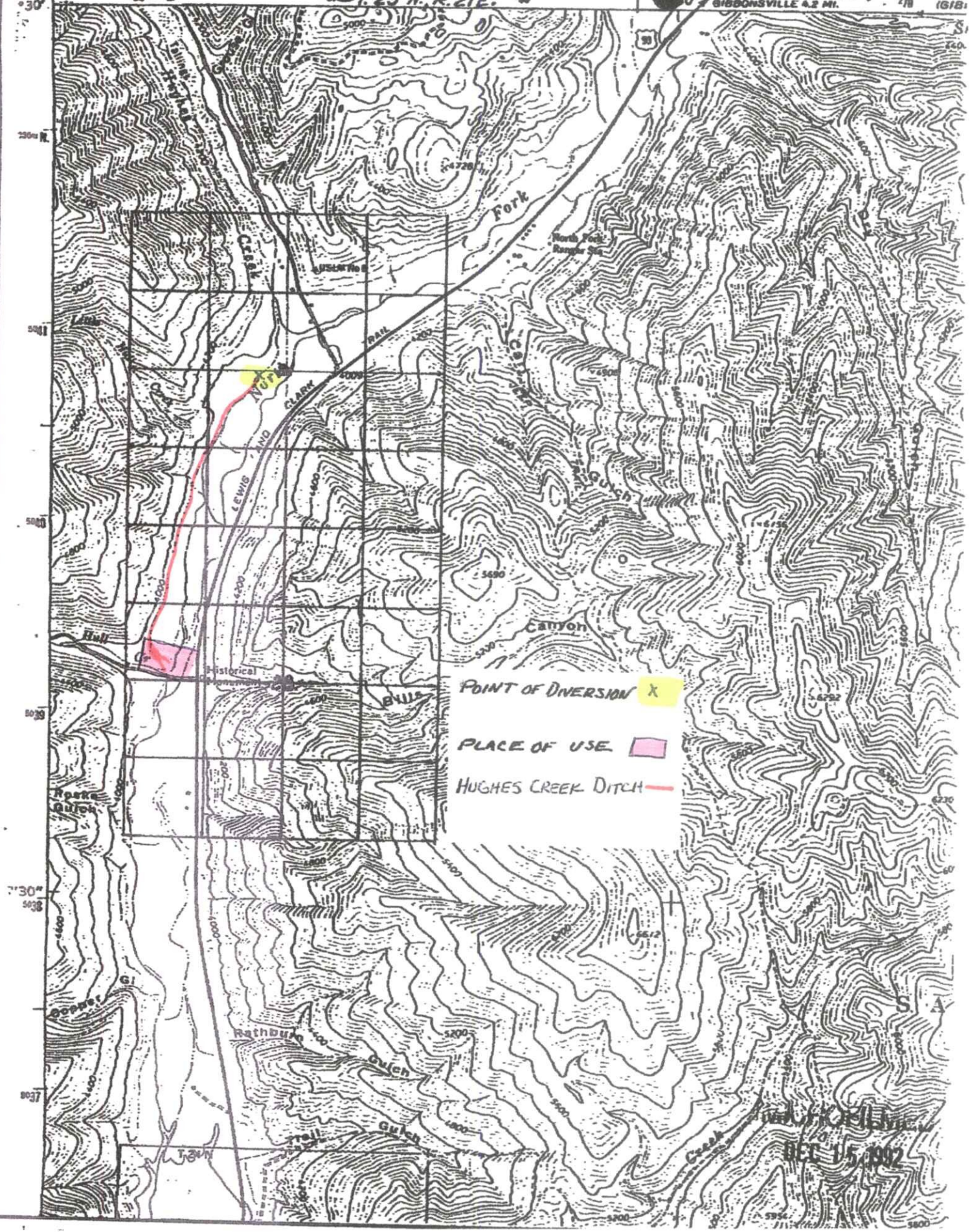
114°00'
30"

25000000

T. 25 N. R. 21 E.

MISSOULA, MONT. 113 MI.
GIBBONSVILLE 4.2 MI.

78 (GIB)



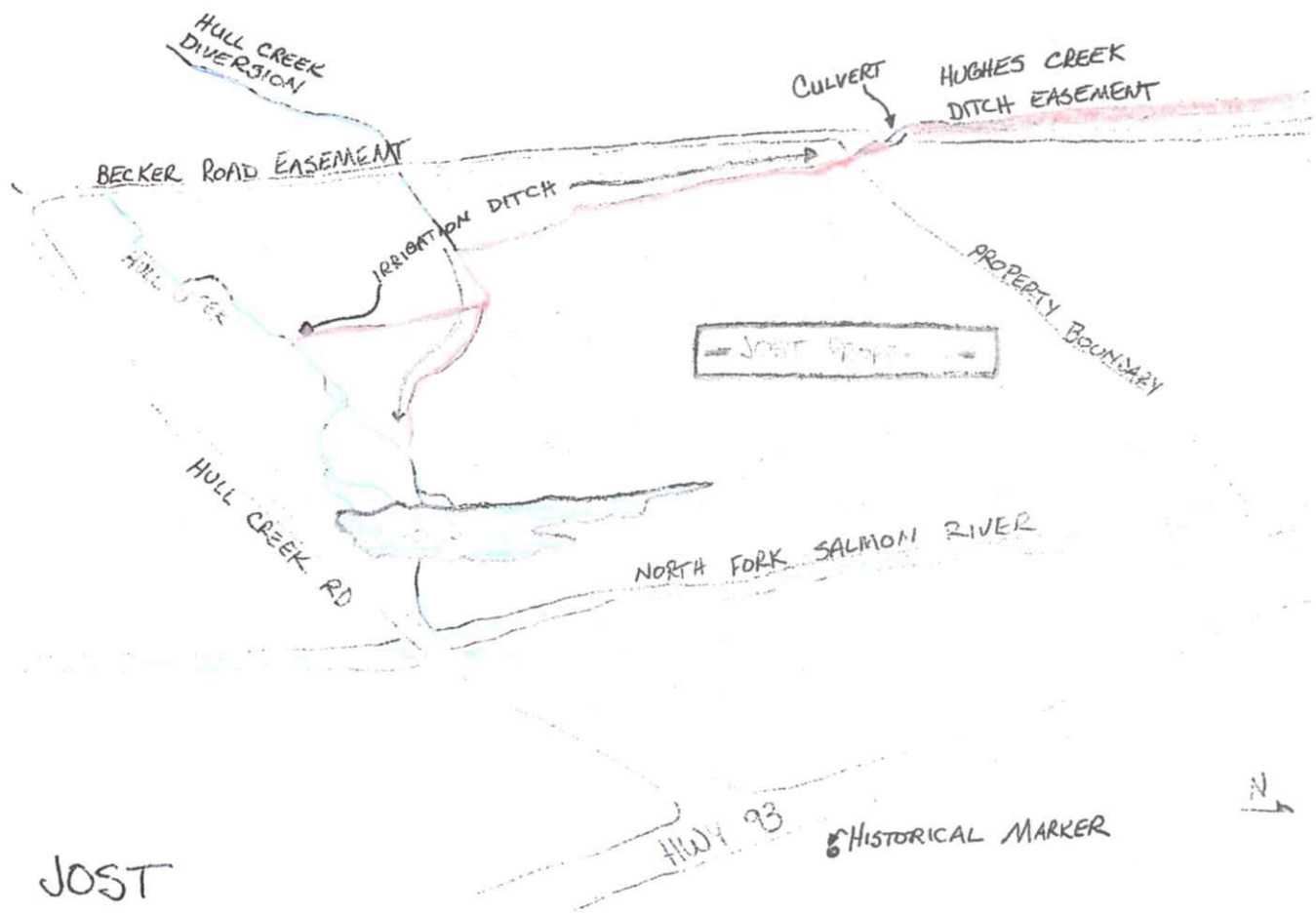
8 Aug 05

Attached is a photograph of our property, Lot 1 of the Becker Estates in North Fork, ID, taken from atop a rocky bluff directly adjacent the property in 2003. Attached to the photograph is a diagram describing details within the photograph for clarity. Note the Hughes Creek diversion ditch entering our property in the top right (northwest) corner. This diversion ditch was present when we (my husband Stephen and I) purchased the property in October 2002. According to neighbors, the ditch has been used to irrigate our property for many years. (See statement of forthcoming affidavit, also attached.) My husband and I intend to re-open the headgate and once again use the ditch for irrigation.



Kelly Jost

1-11





8 Aug 05

Attached are pages 1 and 2 from the Declaration of Protective Covenants pertaining to our property, Lot 1 of the Becker Estates in North Fork, ID. These Covenants went into effect when the original Becker Estate was subdivided into 5 lots, and prior to our purchase of Lot 1 in October 2002. Note paragraph 11, which refers to water rights from the Hughes Creek Ditch. These Covenants were recorded with the Lemhi County Clerk's Office as Instrument #250584 on August 13, 1996.

A handwritten signature in cursive script, appearing to read "Kelly Post".

Kelly Post

State of Idaho)
County of Lemhi) SS No. 230815

This instrument was filed for record at the request
of Lemhi Title
at 4:20 o'clock p.m. 22 May 1996
and duly filmed and indexed in the records of Lemhi
County Tam J. Morton
Ex-Officio Recorder

By K. Baument Deputy

Fee 30.00

Return to _____

State of Idaho)
County of Lemhi) SS No. 230815

This instrument was filed for record at the request
of Tom Lapsatt
at 2:40 o'clock p.m. 8-13 1996
and duly filmed and indexed in the records of Lemhi
County

Alberta Wiederrick

Ex-Officio Recorder

By Tam J. Morton Deputy

Fee 27.00

Return to _____

DECLARATION OF PROTECTIVE COVENANTS

Whereas, the Daryl ^{A.}Becker Estate, hereafter referred to as the "Developer", is the owner of certain real property located in Lemhi County, Idaho which is being subdivided and recorded as The Becker Estates, the legal description of which is attached hereto as Exhibit "A: and by reference made a part hereof.

Developer hereby makes the following declarations as to the limitations, restrictions, and uses to which lots and/or tracts constituting said subdivision may be put, and hereby constitute covenants to run with all the land as provided by the law and shall be binding upon all parties and persons claiming under them and for the benefit and limitation upon future owners, in said subdivision. This declaration of protective covenants is designed for the purpose of keeping said subdivision desirable, uniform and suitable in architectural design and use as specified herein.

- 1) All lots and/or tracts shall be residential-agricultural. No structure shall be erected, altered, placed or permitted to remain on any portion of these lands other than a single family dwelling, private garage and other such outbuildings as may be incidental to the residential/agricultural use of the land. Outbuildings shall be limited to one shed or barn to house not more than six horses; one tool shed and/or woodshed; and one well house.
- 2) No dwelling, house or any part thereof shall be erected east of the P.O.L. line of each lot, as set forth on the official plat record, and no building shall be located on any lot nearer than 50 feet to any sideline, and no detached garages or other building shall be located closer than 40 feet to any property line.
- 3) No person shall begin construction on a dwelling in the calendar year 1996 which when completed will have an appraised value of less than \$100,000.00, excluding land costs. The value, excluding land costs, of any dwelling on which construction is started after December 31, 1996 shall not be less than the total of \$100,000.00 plus a percentage increase which is equal to the combined yearly cost of living increase from January 1, 1996. The cost of living increase will be derived from the U.S. Department of Labor cost of living index.
- 4) The purchaser of any lot/tract, once he begins construction thereon, shall within six months have the exterior completely finished and all necessary painting or staining completed.
- 5) All lots/tracts shall have individual water and sewage systems. Except as provided hereafter, all utilities shall be buried underground. Before construction can begin, approval must be obtained from District Seven Health Department.
- 6) Adjoining state, federal, and private property is used for the grazing of cattle. It is the responsibility of each lot owner to exclude such cattle from his lot, if desired, by fencing, cattle guards, or other appropriate means. This notice of the lot owners responsibility to fence out cattle shall in no way reduce each lot owner's responsibility to fence in his own animals as provided in section 7 below.

7) Equine livestock, maximum of six, and the usual and ordinary dogs, (excluding hounds, and the raising of dogs for commercial purpose), cats, fish, birds and other household pets may be kept on lots provided they are not kept in unreasonable quantities. The keeping of pigs, sheep and/or goats is prohibited on any lot or parcel. If any animal is kept or maintained on a lot/tract the owner of said lot/tract must construct and maintain at all times wooden or woven wire fencing which is adequate to keep said animal or animals on said lot. No pets, animals or poultry can be kept on any lot/tract if they become a nuisance to other residents within the subdivision.

8) No structure of a temporary character, trailer, basement, tent, shack, barn or other outbuilding shall be used on any tract at any time as a residence, whether temporary or permanently, providing however, trailer houses may be used as temporary residences no longer than one year after acquisition of a portion of the premises.

9) No noxious, illegal or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which is or may become an annoyance or nuisance to the neighborhood. No owner of any lot shall at any time conduct, or permit to be conducted on said lot, any trade or business of any description of either commercial, charitable or religious character, nor shall such lot be used for any other purpose whatever except for the purpose of a private dwelling or residence.

10) No lots may be further subdivided.

11) The water rights from the Hughes Creek Ditch to these lots are conveyed by virtue of an existing ditch near the west end of the lots running parallel to the road providing access to the lots. Pursuant to the provisions of Idaho Code Title 14, Chapter 13, an organization automatically comes into existence for management of this ditch, referred to in such statutory provision as a "lateral ditch water user's association". The provisions of these Idaho statutory requirements shall be followed for management of the ditch, maintenance of the ditch, and payment of expenses related to the ditch. In addition to the lots in this subdivision, this lateral ditch water user's association will include three properties (and any future divisions thereof) to the north of this subdivision, which will also be serviced by the ditch.

12) The access road to the lots in the subdivision is also serving the owners of three properties to the north of this subdivision. One of these properties is presently owned by Claude T. Johnson and Jeannette M. Johnson. They hold a road easement across the roadway servicing the lots in the subdivision as set forth in the attached contractual provision, in which the Johnsons were buyers and Daryl A. Becker was seller. The rights of the owners of lots in this subdivision to use the road shall be supplemental to the rights of the Johnsons and subject to such rights. Johnson's duty to maintain the road shall coincide with the duties of the subdivision owner to maintain the road. The owners of the lots in the subdivision through the Owner's Association will coordinate with Johnson and his successors in interest as to maintenance and usage of the road, so long as Johnson or his successors in interest held any right to such road.

The responsibility for the cost of the access road maintenance will be assumed by all lot owners. Each owner will pay a proportionate share of road maintenance, repair and upkeep costs. A proportionate share will be determined by a Home Owners Association consisting of all lot owners. The owners of said lots for which the road provides access shall determine the work necessary.

Scott Hatch owns another of the properties to the north of the subdivision. Hatch holds a License Agreement which was recorded as Instrument No. 227765, records of Lemhi County, Idaho on October 17, 1995. A copy of such License Agreement has been provided to the initial owners of lots in this

8 Aug 05

Attached is the Grant Deed for our property, Lot 1 of the Becker Estates in North Fork, ID. Note the highlighted paragraphs, which refer to the Hughes Creek irrigation ditch and its easement running across our property. This Grant Deed was recorded with the Lemhi County Clerk's Office as Instrument #252304 on October 30, 2002.



Kelly Jost

GRANT DEED

THIS INDENTURE is made this 23 day of October, 2002, between Daryl A. Becker Estate, Robert E. Farnam, Personal Representative of Idaho Falls, County of Bonneville, State of Idaho, the "Grantor", and Stephen F. Jost and Kelly S. Jost, Husband and Wife whose mailing address is 2231 East 3225 North, Layton, Utah 84040, the "Grantee".

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does grant and confirm unto the Grantee, and to Grantee's heirs and assigns forever, all of the following described property in the County of Lemhi, State of Idaho, to-wit:

Lot 1, Becker Estates, as recorded in Block 6, Page 39, under Instrument No. 229554, Records of Lemhi County, Idaho

SUBJECT TO all real property taxes and assessments, all existing patent reservations, easements, rights of way, protective covenants and other matters of record, all applicable zoning ordinances, building codes, laws and regulations, and all encroachments, overlaps, boundary line disputes, claims of easements and other matters that would be disclosed by an accurate survey or inspection of the property.

ALSO SUBJECT TO easements, reservations, restrictions and dedications as the same appear on the official plat of Becker Estates.

ALSO SUBJECT TO notification of irrigation ditch easement as described on Becker Estates according to the official plat recorded April 5, 1996, in Book 6 at Page No. 39, Records of Lemhi County, Idaho.

ALSO SUBJECT TO road and ditch easement running across the westerly boundary of the above described real property as shown on the Becker Estate Subdivision plat recorded April 5, 1996, in Book 6 of plats at Page No. 39.

8 Aug 05

Attached are the Exceptions From Coverage of the Policy of Title Insurance for our property, Lot 1 of the Becker Estates in North Fork, ID. Although excepted from coverage, the Title Insurance acknowledged the existence of the Hughes Creek Ditch running across our property. Note the highlighted paragraphs, which refer to the ditch and its easement.

A handwritten signature in cursive script, appearing to read "Kelly Jost".

Kelly Jost

10-1

SCHEDULE B

File No.

Policy of Title Insurance
Policy No. 1278950

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

SECTION 1

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims or easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. (a) Unpatented mining claims, (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Any lien, or right to a lien, for services, labor or material, theretofore or hereafter furnished, imposed by law and not shown by the public records.

SECTION 2

7. GENERAL TAXES AND ASSESSMENTS FOR THE YEAR 2002 ARE A LIEN, BUT ARE NOT YET DUE AND PAYABLE.
8. EASEMENTS, RESERVATIONS, RESTRICTIONS AND DEDICATIONS AS THE SAME APPEAR ON THE OFFICIAL PLAT OF BECKER ESTATES.
9. NOTIFICATION OF IRRIGATION DITCH EASEMENT AS DESCRIBED ON BECKER ESTATES ACCORDING TO THE OFFICIAL PLAT RECORDED APRIL 5, 1996, IN BOOK 6 AT PAGE NO. 39, RECORDS OF LEMHI COUNTY, IDAHO.
10. ROAD AND DITCH EASEMENT RUNNING ACROSS THE WESTERLY BOUNDARY OF THE ABOVE DESCRIBED REAL PROPERTY AS SHOWN ON THE BECKER ESTATES SUBDIVISION PLAT RECORDED APRIL 5, 1996, IN BOOK 6 OF PLATS AT PAGE NO. 39, RECORDS OF LEMHI COUNTY, IDAHO.
11. TERMS AND CONDITIONS CONTAINED IN GRANT DEED FOR ROAD EASEMENT RECORDED NOVEMBER 5, 1986, UNDER INSTRUMENT NO. 183020, RECORDS OF LEMHI COUNTY, IDAHO.
12. ANY RIGHT, INTERESTS OR EASEMENTS IN FAVOR OF THE PUBLIC WHICH EXIST OR ARE CLAIMED TO EXIST OVER ANY PART OF SAID LAND COVERED BY WATER THAT IS INCLUDED WITHIN THE BOUNDARIES OF HULL CREEK OR THE NORTH FORK OF THE SALMON RIVER.
13. THE RIGHT, TITLE AND INTEREST OF THE PUBLIC IN AND TO THOSE PORTIONS OF THE ABOVE DESCRIBED PREMISES FALLING WITHIN THE BOUNDS OR ROADS AND OR HIGHWAYS DEDICATED AND OR OTHERWISE USED BY THE PUBLIC, AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS ATTENDANT AND PERTINENT TO SAID HIGHWAYS.
14. RESTRICTIVE COVENANTS APPEARING OF RECORD UNDER INSTRUMENT NO. 230815, AND RE-RECORDED MAY 22, 2002, UNDER INSTRUMENT NO. 250584, RECORDS OF LEMHI COUNTY, IDAHO FOR THE PURPOSE OF ADDING THE LEGAL DESCRIPTION.

10 Aug 05

Attached are copies of two affidavits detailing personal knowledge of water from Hughes Creek being beneficially used to irrigate land on what is now known as the Becker Estates in North Fork, ID. This personal knowledge dates back to at least 1929, with strong speculation of earlier water use for irrigation. Please include this information as further proof of priority date in my water rights claim application. Thank you.

A handwritten signature in cursive script, appearing to read "Kelly Jost".

Kelly Jost

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DEANNE CASPERSON**

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL RFARNAM@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri and Kansas

August 4, 2005

Scott Hatch
P.O. Box 141
North Fork, Idaho 83466

Claude Johnson
P.O. Box 86
North Fork, ID 83466

Robert and Carrie Archie
13155 Thomas Creek Road
Reno, Nevada 89511

Stephen & Kelly Jost
3309 Teal Sunset Street
Las Vegas, Nevada 89129

Mike, Meta, and Glenda Hollingsworth
1212 York Avenue
Fort Pierce, Florida 34982

Sean Babcock
18935 N.W. Aurora Street
Portland, Oregon 97229

RE: Becker Estate

Ladies and Gentlemen:

I am writing as a follow up to my recent letter regarding the Snake River Basin Adjudication and the necessity that everyone having claims to water rights provide verification of their entitlements and priority dates.

As indicated in that letter, we were able to obtain helpful information through Sue Meeks, the daughter of Daryl and Virginia Becker and AdaRuth Colwell, a lady with whom Sue was acquainted who had lived on the farm prior to the Beckers.

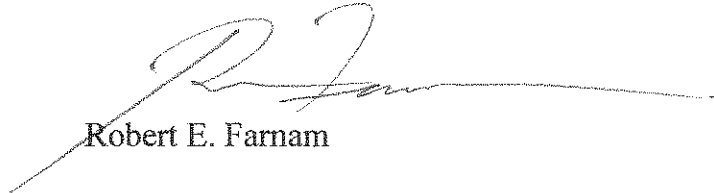
Lot Owners
August 4, 2005
Page 2

As an aid to assist you in filing your claims, we have enclosed affidavits from each of these ladies.

My water law partner, Kent Foster, advises me there is no specific form provided by Water Resources to file the claims.

We would urge you to proceed with your filings as soon as possible to protect your rights.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'R. Farnam', with a long horizontal flourish extending to the right.

Robert E. Farnam

Enclosures
c: Sue Meeks

AFFIDAVIT

STATE OF IDAHO)
)
Ada County)

Sue Meeks, being first duly sworn, on her oath does depose and say:

I am over the age of eighteen years and make this affidavit based on my own personal knowledge.

I am the daughter of Daryl and Virginia Becker, and am 56 years of age, having been born March 27, 1949. I was raised on the below described property and can testify, based on my personal knowledge, about the application of irrigation water from Hull Creek and Hughes Creek on the below described property from the time that I was at least ten years old, which would have been approximately 1958. The water from Hull Creek and Hughes Creek was applied to the below described property for the purposes of irrigating crops and watering of livestock.

From the time I can remember, it was obvious that the irrigation system had been in place for a long time based on the condition of the ditches and other components of the irrigation system. In addition, from comments of my parents, it was also clear that the irrigation system had been in place for many years prior to their acquiring the property.

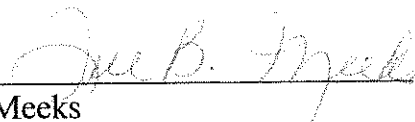
Based on this personal knowledge from at least 1958 and undoubtedly before that time, I declare that water from Hull Creek in Lemhi County, Idaho, was diverted from Hull Creek in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, in Lemhi County, Idaho, and used for irrigation on the

Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 28, Township 25 North, Range 21, EBM, for irrigation of 19 acres; and for the irrigation of 12 acres in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, Lemhi County, Idaho.

I further declare that water was diverted from Hughes Creek in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, for the irrigation of 15 acres in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 21, Township 25 North, Range 21, EBM, one acre in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, and 11 acres in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM. This Hughes Creek water was also used for irrigation of one acre in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section 28, Township 25 North, Range 21, EBM, and for irrigation of three acres in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section 28, Township 25 North, Range 21, EBM.

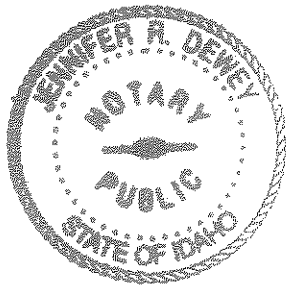
I can verify of my personal knowledge that the property has continued to be irrigated from these creeks by virtue of the irrigation system to the present time. I still own a portion of the above property and visit it a number of times each year and in the course of those visits, observe the ongoing activity on the remainder of the property.

Dated this 26th day of August, 2005.


Sue Meeks

SUBSCRIBED AND SWORN TO before me August 20, 2005.

(seal)



Jennifer R. Dewey

Notary Public for Idaho

Residing at: Boise, ID

My commission expires: 11/22/10

AFFIDAVIT

STATE OF IDAHO)

Ada County)

AdaRuth Colwell, being first duly sworn, on her oath does depose and say:

I am over the age of eighteen years and make this affidavit based on my own personal knowledge.

I am the daughter of Charles and Nellie Motichka, and am 86 years of age, having been born 10/27/18. I was raised on the below described property and can testify, based on my personal knowledge, about the application of irrigation water from Hull Creek and Hughes Creek on the below described property from the time that I was at least ten years old, which would have been approximately 1929. The water from Hull Creek and Hughes Creek was applied to the below described property for the purposes of irrigating crops and watering of livestock.

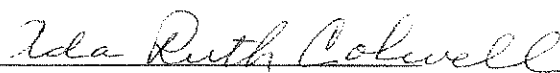
From the time I can remember, it was obvious that the irrigation system had been in place for a long time based on the condition of the ditches and other components of the irrigation system. In addition, from comments of my parents, it was also clear that the irrigation system had been in place for many years prior to their acquiring the property.

Based on this personal knowledge from at least 1929 and undoubtedly before that time, I declare that water from Hull Creek in Lemhi County, Idaho, was diverted from Hull Creek in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, in Lemhi County, Idaho, and used for irrigation on the

Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 28, Township 25 North, Range 21, EBM, for irrigation of 19 acres; and for the irrigation of 12 acres in the Southeast Quarter of the Northeast Quarter (SE1/4 NE1/4), Section 29, Township 25 North, Range 21, EBM, Lemhi County, Idaho.

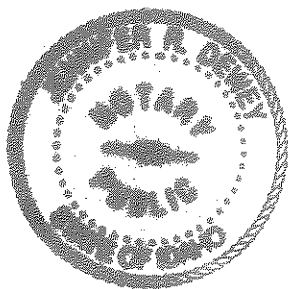
I further declare that water was diverted from Hughes Creek in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, for the irrigation of 15 acres in the Northeast Quarter of the Southwest Quarter (NE1/4 SW1/4) of Section 21, Township 25 North, Range 21, EBM, one acre in the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM, and 11 acres in the Southeast Quarter of the Southwest Quarter (SE1/4 SW1/4), Section 21, Township 25 North, Range 21, EBM. This Hughes Creek water was also used for irrigation of one acre in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4), Section 28, Township 25 North, Range 21, EBM, and for irrigation of three acres in the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4), Section 28, Township 25 North, Range 21, EBM.

Dated this 30 day of July, 2005.


AdaRuth Colwell

SUBSCRIBED AND SWORN TO before me July 30, 2005.

(seal)



Jennifer R. Dewey

Notary Public for Idaho

Residing at: Borco, Idaho

My commission expires: 11/22/10

8 Aug 05

Attached is the original Homestead Document filed with the Lemhi County Clerk's Office as Patent #522238, claiming water rights to our property (Lot 1, Becker Estates, North Fork, ID), dated 30 March 1916. Our property is a subset of that described in paragraph 3(the highlighted square).



Kelly Jost

THE UNITED STATES OF AMERICA,

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Charles M. Hull has been established and duly consummated, in conformity to law, for the H. E. Survey No. 89, comprising Tracts A and B, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning for the description of Tract B at corner No. 1, from which the north quarter corner of Section four in Township twenty-four north of Range twenty-one east of the Boise Meridian bears south nineteen degrees, forty-two minutes, forty-five seconds east one hundred eleven and eighty-two-hundredths chains distant; thence north one degree, nine minutes east fifteen and sixty-six-hundredths chains to corner No. 2; thence north forty-nine degrees, twenty-eight minutes west five and thirty-eight-hundredths chains to corner No. 3; thence north fifty-seven degrees, twenty-one minutes west six chains to corner No. 4; thence north twenty-nine degrees, ten minutes east three and sixty-four-hundredths chains to corner No. 5; thence south eighty-three degrees, fifty-two minutes east eight and forty-nine-hundredths chains to corner No. 6; thence south eleven degrees, fifty-nine minutes west five and seventy-eight-hundredths chains to corner No. 20; thence south seventy-five degrees, eighteen minutes east seven and two-hundredths chains to corner No. 21; thence south eighty degrees, forty-three minutes east six and twenty-five-hundredths chains to corner No. twenty-two; thence south thirty-three degrees, twenty-four minutes west twelve and fifty-nine-hundredths chains to corner No. 23; thence south forty-seven degrees, seventeen minutes west eight and forty-four-hundredths chains to corner No. 1, the place of beginning;

Beginning for the description of Tract A at corner No. 16, from which U. S. Forest Service Monument bears south sixty-two degrees, thirty-five minutes east one and forty-two-hundredths chains distant; thence south eighty-three degrees, forty-seven minutes west five and twenty-seven-hundredths chains to corner No. 17, from which corner No. 22 of said Tract B bears south one degree, thirty-two minutes west fifty links distant; thence north eighty degrees, forty-three minutes west six and fifteen-hundredths chains to corner No. 18; thence north seventy-five degrees, eighteen minutes west six and fifty-three-hundredths chains to corner No. 19; thence north eleven degrees, fifty-nine minutes east five and eighty-four-hundredths chains to corner No. 7; thence north twenty-one degrees, forty-three minutes east seventeen and nineteen-hundredths chains to corner No. 8; thence north thirteen degrees, thirty-one minutes east twenty-three and fifty-five-hundredths chains to corner No. 9; thence south seventy-two degrees, forty-one minutes east four and ninety-four-hundredths chains to corner No. 10; thence south seven degrees, twelve minutes east one and sixty-two-hundredths chains to corner No. 11; thence south forty degrees, fifty minutes east eight and thirty-three-hundredths chains to corner No. 12; thence south three degrees, twenty-five minutes west three and eighteen-hundredths chains to corner No. 13; thence south twenty-six degrees, one minute west six and ninety-one-hundredths chains to corner No. 14; thence south four degrees, fifty-five minutes west four and fourteen-hundredths chains to corner No. 15; thence south five degrees, eighteen minutes west twenty-three and eighty-seven-hundredths chains to corner No. 16, the place of beginning, containing seventy-nine acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant, the tracts of Land above described; TO HAVE AND TO HOLD the said tracts of Land, with the appurtenances thereof, unto the said claimant, and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the THIRTIETH day of MARCH in the year of our Lord one thousand nine hundred and SIXTEEN and of the Independence of the United States the one hundred and FORTIETH.

SEAL.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

L. Q. C. Lamar

Recorder of the General Land Office.

RECORDED: Patent Number 522238

Recorded at the request of C. M. Hull Nov. 9th, 1916 at --- minutes past 11 o'clock A. M., in Book Y of Deeds page 121, Records of Lemhi County, Idaho.

BY *W. W. Simmonds*