

To the Idaho Department of Water Resources, The following letter is from Darrell Campbell regarding the spring and Ditch located in the NW ¼ SW 1/4, Sec. 27 Twp 20N Rge 2E County of Adams.

To the best of my recollection, the following is what I know about Steve Campbell's claim # 78-4136, the so called "Spring and Ditch" that inject water into Four Mile creek.

When I was ten years old (1943), I was helping the association rider move cattle up to summer range. The trail crossed a man-made ditch way up on the mountain, near where we were to leave the cattle.

In 1956 I leased the property belonging then to Gene McMahan, of which Steve is now the owner. Over the next twenty two years that I leased the property, I became close personal friends with Gene. He made me aware of the water rights for the property, which included the "Spring and Ditch". His knowledge of the water rights came from his father Jonathan McMahan, the original filer for the water for the property. As part of the lease agreement, it was my responsibility to maintain the ditch on a yearly basis.

Five or six years into the lease, in mid-July, I was not getting the amount of water I was accustomed to in prior years. I went up to inspect the spring and ditch and found that someone had diverted the water into the Martin Creek drainage. I informed Gene of what I had found. A week later, Gene called and told me that he talked to the neighbor by himself and put a stop to the diverting of his (Gene's) water into Martin Creek.

Darrell Campbell

Darrell Campbell

Date 11-30-06



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DEC 11 2006

DEPARTMENT OF
WATER RESOURCES

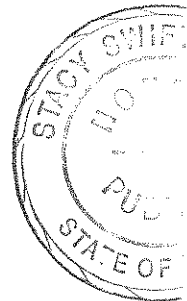
STATE OF IDAHO)

: ss

COUNTY OF ADAMS)

On This 3rd day of November, in the year 2006, before me, a Notary
Public in and for said State, personally appeared Dave Campbell
_____, known or identified to me to be the person(s) whose names(s) _____
subscribed to the within Instrument, and acknowledged to me that _____ executed the
same.

Steve Swift
Notary Public of Idaho
Residing at New Meadows, Idaho
Commission Expires: 3-17-2011



9a.

RECEIVED

DEC 11 2006

DEPARTMENT OF
WATER RESOURCES

IN THE MATTER OF:

AFFIDAVIT

AFFIDAVIT

STATE OF IDAHO
County of Gem

ss

EDWARD W. WARR, being first duly sworn, deposes and says:

Affiant is a resident of Gem County, Idaho, and is 71 years of age;

Affiant knows of his personal knowledge that during the approxi-

mate past 64 years, waters of Four Mile Creek have been used in

each and every irrigation season for irrigation of the following
of the following described land in Adams County, Idaho, to-wit:

described lands in Adams County, Idaho, to-wit:

In Township 19 North, Range 1 East

In Section 1: the SE $\frac{1}{4}$ NE $\frac{1}{4}$

In Township 19 North, Range 2 East and Lots 3 and 5.

In Section 6: the SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lots 3 and 5.

and during the early part of the irrigation season the flow of

Affiant further states that during said period of time, all of the

waters of Four Mile Creek were diverted during the irrigation season,

and put to beneficial use on said described lands. This affiant

recalls that approximately 185 acres of land were irrigated as

beneficially used for the irrigation of approximately 185 acres

of aforesaid and said lands produced grain, hay and pasture, and all

of said flows have been beneficially used for irrigation of said

premises during said period. Said irrigation and beneficial use

has always been a prior use of said creek. 16th day of May,

1968.

SUBSCRIBED AND SWORN to before me this 4th day of June, 1968.

at Emmett, Idaho.
My Commission expires 4-13-72.

Notary Public for State of Idaho;
Residing at Emmett, Idaho;
Commission Expires: July 20, 1969

UDELL and ELAM

ATTORNEYS AND COUNSELORS AT LAW
300 LENORA STREET
P.O. BOX 1300A McCall, IDAHO 83638
PHONE (208) 634-2108 or (208) 634-2100

BEFORE THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF THE)
DETERMINATION OF WATERS OF)
FOUR MILE CREEK, IN ADAMS)
COUNTY, STATE OF IDAHO.)

A F F I D A V I T

STATE OF IDAHO,)
(SS.
COUNTY OF VALLEY.)

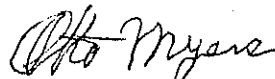
OTTO MYERS, BEING FIRST DULY SWORN, ON OATH, DEPOSES
AND SAYS:

THAT HE WAS BORN IN MEADOWS VALLEY, COUNTY OF ADAMS IN
1903, IS NOW OF THE AGE OF 77 YEARS, AND HAS AT ALL TIMES
RESIDED IN MEADOWS VALLEY;

THAT IN APPROXIMATELY THE YEAR 1919, HE BECAME AWARE
OF THE EXISTENCE OF A DITCH DIVERTING THE WATERS OF MARTIN
CREEK, IN ADAMS COUNTY, IDAHO INTO FOUR MILE CREEK, IN ADAMS
COUNTY, IDAHO; THAT AT THAT TIME, THE DITCH WAS NOT NEW OR
RECENTLY CONSTRUCTED; THAT HE WAS ADVISED BY HIS FATHER, E. H.
MYERS, AND JAMES ANDERSON, THAT THE DITCH AND DIVERSION
FACILITY WAS CONSTRUCTED BY GILBERT SMITH, AND THE JOINT
WATERS OF SAID CREEKS WERE APPLIED TO A BENEFICIAL USE
THEREAFTER UPON THE 160 ACRES OF THE SAID GILBERT SMITH AND
THE 160 ACRES OF MC MAHAN, FOR CROP IRRIGATION AND STOCK
WATERING; THAT THE SAID GILBERT SMITH HAD THE FIRST AND ONLY
RIGHTS TO SAID DITCHES AND WATERS UNTIL SUCH WATERS WERE
APPLIED TO THE LANDS OF MC MAHAN;

THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE
WATERS OF FOUR MILE CREEK HAVE BEEN APPLIED IN EACH AND EVERY
IRRIGATION SEASON TO THE LANDS OF MC MAHAN;

FURTHER, YOUR AFFIANT SAYETH NOT.


OTTO MYERS

STATE OF IDAHO,)
(SS.
COUNTY OF VALLEY.)

ON THIS 8TH DAY OF SEPTEMBER, 1980, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY
APPEARED OTTO MYERS, KNOWN TO ME TO BE THE PERSON WHOSE NAME