



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Clyde W. Stock
P.O. Box 227
Freedom, WY 83120

March 22, 2005

Re: Snake River Basin Adjudication (SRBA)
Claim(s): 24-4076 and 24-4077

Subject: Evidence of Priority

Response Date: April 5, 2005

COPY

Dear Claimant(s):

Thank you for your response to our letter dated February 25, 2005. I'm returning items to you, that you may want to keep for your records. As they are not evidence and do not substantiate your claims.

- Letter to you from Ronald Carlson dated September 26, 1983.
- The partial decree dated February 12, 1999.
- Receipt for the adjudication fee of \$185.00
- Application for a permit, and
- Two claims to a water right, one for 135 acres the other for 95 acres.

The notice of water right filed on October 7, 1901 by Jacob Schiess helps to provide evidence of the priority date, but doesn't tell us who Mr. Schiess sold ground to. Did Charles Luthi purchase from Jacob Schiess? Need warranty deeds that answer these questions.

In your water right claims one for 40 acres the other for 95 acres you've provided some evidence that covers the following:

<u>Township, Range & Sec.</u>	<u>Quarter Quarters</u>	<u>Acres Claimed</u>	<u>Evidence</u>
5 46 8	SWNE	15.0	part of
	SENE	5.0	part of
	NESW	10.0	missing
	NWSE	10.0	missing
	SWNE	25.0	part of
	SENE	35.0	part of
	SWNW	10.0	missing
	SENE	20.0	part of
5 46 9	SENE	20.0	part of
	SWNW	5.0	missing

There is evidence that covers 100 acres of your claim; we need documentation covering the additional 35 acres.

This office must receive your response by the response date shown above. If no response is received from you, then we can not recommend the claims to the Court as claimed.

If you have any questions please feel free to contact us at 547-3993.

Respectfully,

Pauline Bassett

Enclosure:

EXHIBIT	Page	Of
8	1	1

STATE OF IDAHO,)
County of Bannock) SS

N-O-T-I-C-E O-F W-A-T-E-R
R-I-G-H-T

FILED: Oct. 7, 1901, at 11:25 A.M., and
recorded in Book 1 of Water Loca-
tions, at page 120, records of
Caribou County, State of Idaho

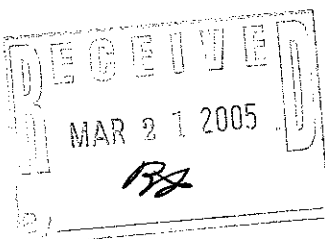
To All Concerned notice is hereby given: That Jacob Schiess of Freedom Ida hereby claims the use of the waters of Tincup Creek and what is called Schies Creek to the extent of three (3) cubic feet per second. It is intended to divert said water at or near a point where a copy of this notice has been posted as described in the following manner: Commencing at the N.W.1/4 of the N.E.1/4 of Sec. 8, Tp. 5 S. R. 46 E.B.M.; Thence running southeast through N.E.1/4 of N.W.1/4 and S.W.1/4 of N.E.1/4 of Sec. 8, Tp. 5, S.R. 46 E.B.M. Thence due east 1/4 mile. It is intended to use said water for agricultural purposes. The place of intended use is on his homestead. It is intended to divert said water by means of a ditch 4 feet wide and 3 feet deep. The general course of the ditch is southeast & east and the length is 3/4 mile. The ditch has been completed and the water used for the past 8 years on the following described land: The S.E.1/4 of N.W.1/4 and S.1/2 of N.E.1/4 and the N.E.1/4 of S.E.1/4 of Sec. 8, Tp. 5, S.R. 46 E.B.M.

Witness my hand at Freedom, Bannock County, Idaho, this 30th day of September 1901.

Jacob Schiess, Claimant

ACKNOWLEDGED: In the State of Idaho, County of Bannock, Sept. 30, 1901, by Jacob Schiess, claimant, before C. H. Haderlie, Justice of the Peace.

Transcribed from Bannock County Records, Water Location Record No. 2, page 109.



No. 5048

WARRANTY DEED

TO

Idaho
THE STATE OF WYOMING, }
Caribou } ss.
County of Lincoln }

Filed for record in my office this
26 day of June
A. D. 1923, at 1 o'clock PM.
and recorded in Book 6 of Deeds
on Page 78

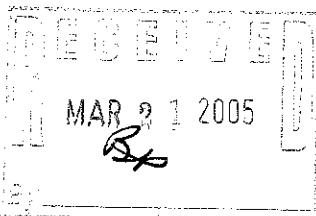
County Clerk and ex-Officio
Register of Deeds.

E. Kenneth Foster
By: *H. de Schep* Deputy.

Fees \$1.20

Returned to State Bank
Frederick
COMPARED

EXHIBIT	Page	Of
<u>1</u>	<u>1</u>	<u>4</u>



1	2	4
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5-1-1923

THIS DEED, Made this 1st day of May in the year of our Lord, One Thousand Nine Hundred twenty-three between Charles Luthi, a bachelor Freedom, Wyoming part V of the first part, and George Snyder,

Freedom, Wyoming part V of the second part,

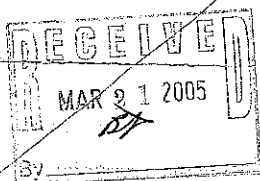
WITNESSETH, That the said part V of the first part, for and in consideration of the sum of TWO THOUSAND & 00/100 DOLLARS, to him in hand paid by the said part V of the second part, the receipt whereof is hereby confessed and acknowledged, ha s granted, bargained, sold and conveyed, and by these presents do ss grant, bargain, sell and convey unto said part V of the second part, and unto his heirs and assigns, forever, all that piece or parcel of land, situate, lying and being in the County of Caribou Idaho and State of Wyoming, and more particularly known and described as follows, to-wit

West half of the southeast quarter and the east half of the southwest quarter of Section eight in Township five south of Range forty-six east of the Boise Meridian, Idaho containing one hundred sixty acres, more or less, together with all improvements and water rights thereto belonging

T5S R46E Sec 8, W 1/2 SE

T5S R46E Sec 8 E 1/2 SW

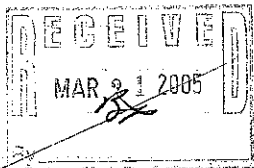
160 acres



And the said part V of the first part hereby expressly waive s and release s any and all right s, benefit s, privilege s, advantage s and exemption s under and by virtue of any and all statutes of the State of Idaho Wyoming, providing for the exemption of homesteads from sale on execution or otherwise.

TO HAVE AND TO HOLD The said above described premises unto the said part y of the second part, his heirs and assigns, Forever; together with the privileges, hereditaments and appurtenances thereunto in anywise appertaining or belonging. And the said part y of the first part, for himself, his heirs, executors and administrators, do es covenant and agree to and with the said part y of the second part, his heirs and assigns, that at the ensealing and delivery of these presents are well seized in said premises, in and of a good and indefeasible estate in fee simple And that they are free from all incumbrances whatsoever C. D. Blazard, \$1,500.00

EXHIBIT	Page	Of
1	3	4



And that he has good and lawful right to sell and convey the same. And the said part y of the first part will, and his heirs, executors and administrators shall warrant and defend the same against all lawful claims and demands whatsoever.

And the said part y of the first part for himself heirs, executors and administrators, do es covenant and agree to and with the said part y of the second part, his heirs and assigns, that he the said part y of the second part, shall and may lawfully at all times hereafter peaceably and quietly have, occupy, possess and enjoy the said premises hereby granted, or intended so to be, with the appurtenances, without the lawful molestation or hindrance of the part y of the first part, his heirs or assigns, or of any other person or persons whatsoever, by or with his or their consent, privity or procurement. And the said

will of the said

upon the consideration aforesaid, do hereby release and forever quit claim unto said part of the second part his heirs and assigns, all rights of dower and homestead in and to the above granted premises.

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

[Signature]

Charles Luth [Seal]

[Seal]

[Seal]

[Seal]

THE STATE OF WYOMING, }
COUNTY OF LINCOLN } ss.

One this 8th day of June, 1928, personally appeared
Chas. Luthi

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed, including the release and waiver of the right of homestead, the said wife having been by me fully apprised of her right and the effect of signing and acknowledging the said instrument.

WITNESS my hand and official seal the day and year in this certificate first above written.

My commission expires Nov. 3rd., 19 25

EXHIBIT	Page	of
1	4	4

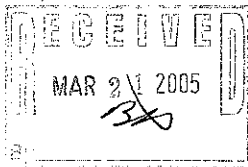


EXHIBIT	Page	Of
2	2	2

Warranty Deed

4-7-1967

April

in the year of our Lord One Thousand Nine Hundred and Sixty Seven
day of

Seventh

ANNA SWYDER and GARTH F. SWYDER

County of San Diego

State of California

City of La Mesa
of the first part, and

CLYDE W. STOCK and REA B. STOCK,
husband and wife, as joint tenants

City of Visalia,
County of Tulare

State of California

WITNESSETH: That the said part les of the first part, for and in consideration of the sum of \$10.00
lawful money of the United States of America, to them in hand paid by the said part les of the second part, the receipt
whereof is hereby acknowledged,

do by these presents, Grant, Bargain, Sell and Convey unto said part les of the second part, and to their heirs or devisees,
of land situated, lying and being in the County of Carbon State of Idaho, bounded
and more particularly described as follows, to-wit:

The West half of the Southeast Quarter, and the East half
of the Southwest Quarter of Section 8, in Township 5 South of
Range 46, East of the Boise Meridian, containing 160 Acres,
together with all improvements and water rights.



Together with all and singular, the tenements, hereditaments and appurtenances therunto belonging or in anywise appertaining, and
the rents, issues and profits thereof,
TO HAVE AND TO HOLD, all and singular the said premises together with the appurtenances and privileges therunto incident
unto the said part les of the second part, and to their heirs and devisees and assigns forever. And the said
part les of the first part, and their heirs and their heirs and assigns against the said part les of the
first part, and their heirs,
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
Signed, Sealed and Delivered in the Presence of

Garth F. Swyder
Anna Swyder
[Seal]
[Seal]
[Seal]

EXHIBIT	Page	Of
3	1	1

State of Idaho
Department of Water Resources
WATER RIGHT LICENSE

License of Water Right No. 24-7010 Priority October 3, 1972 Amount 0.03 cfs
THIS IS TO CERTIFY, that CLYDE W. STOCK

of Freedom, Wyoming, has complied with the terms and conditions of Permit No. 24-7010 issued pursuant to Application for Permit dated October 3, 1972 and has submitted proof to the Department of Water Resources on October 22, 1973 that he has applied water to a beneficial user; an examination by the Department indicates that the works have a capacity for the diversion of 0.03 cfs of water in a spring, tributary to Schless Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use Period of Use Rate of Diversion Annual Volume

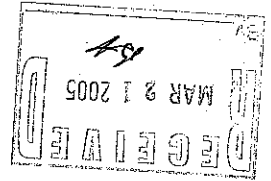
Domestic from January 1 to December 31 at 0.03 cfs and 1.2 acre feet
from to at cfs and
from to at cfs and
(both dates inclusive)

Subject, however, to the condition that no more than 0.03 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 1.2 acre feet per year, said waters to be diverted within the SW¹/₄ Sec. 8, Twp. 5S, Rge. 46E, B.M.

in the County of Caribou

Twp	Range	Sec	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
5S	46E	8																	

Total number of acres irrigated



NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use. The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of May, 1979

Director

60728

WARRANTY DEED

EXHIBIT	Page	Of
2	1	2

Anna Snyder and Garth F. Snyder,

TO

Clyde W. Stock and Rea B. Stock,
husband and wife

Dated April 7, 19 67

STATE OF IDAHO, }
County of Caribou } ss.

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

Caribou Title Company

at 15 minutes past 3:00

o'clock P. M., this 5th day

of June, A. D. 19 67

in my office and duly recorded in Book the
microfilm records of Caribou
of Caribou County, Idaho. 60728

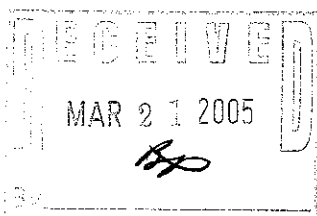
Kenneth M. Fowler

Ex-Officio Recorder

By Lynne Ellis Deputy

Fee, \$ 1.50

GEO PRIBBS & SONS INC POCAHELLO IDAHO





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

24 February 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

COPY

Clyde W. Stock
Box 227
Freedom, WY 83120

SECOND REQUEST

Re: Snake River Basin Adjudication (SRBA)
Claims 24-4076 and 24-4077

Subject: EVIDENCE OF PRIORITY

Response Date: 16 March 2005

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 24. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The basis of the above referenced Notice of Claim is a "statutory claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of

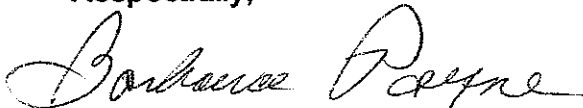
Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by the above noted response date referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script that reads "Barbara Payne". The signature is written in dark ink and is positioned above the printed name.

Barbara Payne



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

7 December 2004

Clyde W. Stock
Box 227
Freedom, WY 83120

Re: Snake River Basin Adjudication (SRBA)
Claims 24-4076 and 24-4077

Subject: EVIDENCE OF PRIORITY CLARIFICATION

Response Date: 17 December 2004

Dear Claimant (s):

Thank you for your letter dated December 2, 2004 listing documents that may pertain to your water right. However, without having a copy of the documents we are unable to determine if the evidence is sufficient to meet the Court's guidelines. Please re-read my letter dated 28 October concerning proper evidence of priority. Please be aware that the documentation needs to show a clear chain of title from the claimed priority date of September 30, 1901. That means you need to furnish copies of deeds for all land and water transactions from that time as well as affidavits that meet the guidelines.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

Please submit the documentation supporting the priority date by the above noted response date referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

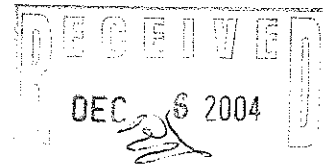
Barbara Payne

COPY

Date: 2 December 2004

From: Clyde Wallace Stock
c/o
Box 227
Freedom, Wyoming [83120]

To:
Barbara Payne
State of Idaho
Department of Water Resources
15 West Center Street
Soda Spring, Idaho 83276



Dear Ms. Payne,

Thank you for your letter of 28 October 2004 in regards to the water rights of my land in Caribou County Idaho, which is (legally) described as follows:

Township 5 South, Range 46 East of The Boise Meridian:

SECTION 7: NE1/4 SE1/4

SECTION 8: S1/2 N1/2, SW1/4, NE1/4SE1/4, W1/2SE1/4

SECTION 9: That portion of the NW1/4 SW1/4 Lying North of the Soda Springs-Freedom Highway. Also, that part of the SW1/4NW1/4 Lying West of the center line of Tin Cup Creek, as said creek is presently located

The land and appurtenances, described above are covered by Land Patent -- Land Patent numbers: 1042977 and #716832. The "Certificate of Land Title and the Quitclaim Deed" is recorded in Caribou County with record numbers 171187 and 171186.

There is also a "Judicial Notice" recorded in Caribou County, record number 171865.

The water associated with the above described land would be included as one of the Appurtenances associated with the land.

By law, the water associated with the above land cannot be taken away from me, as declared in the Declaration of Taking Act, and land patent case law.

I have tried to protect the water rights associated with my land by sending in the "Evidence as Required" to the Idaho Department of Water Resources several times in the past.

I feel the Land Patents will protect the land and the appurtenances, and the water rights as one of the appurtenances

If I do not get a response from you within 20 working days I will determine that the state has no higher title over my dominion, including my water rights that I hold, and that the Land Patent will protect my water rights.

Sincerely,

Clyde Wallace Stock



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPI HORNE
Governor

KARL J. DREHER
Director

28 October 2004

Clyde W. Stock
Box 227
Freedom, WY 83120

COPY

Re: Snake River Basin Adjudication (SRBA)
Claims 24-4076 and 24-4077

Subject: EVIDENCE OF PRIORITY

Response Date: 28 November 2004

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 24. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The basis of the above referenced Notice of Claim is a "statutory claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of**

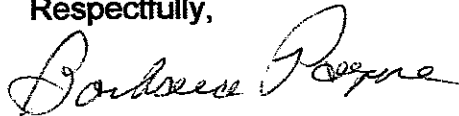
Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

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The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by the above noted response date referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Barbara Payne

Enclosure: Brochure on "Evidence of Priority"
Adjudication Claim Report

Parcel Numbers

~~11680~~

11700

~~1170A~~

~~11790~~

11700

, 46, 8

S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, S $\frac{1}{2}$ SW,
SWSE, S $\frac{1}{2}$ NE

non-irrigated 170 ac

dry grazing 137 ac

waste 18 ac

irrigated 110 ac.

1170A

, 46, 8

S $\frac{1}{2}$ NE,

11790

, 46, 9

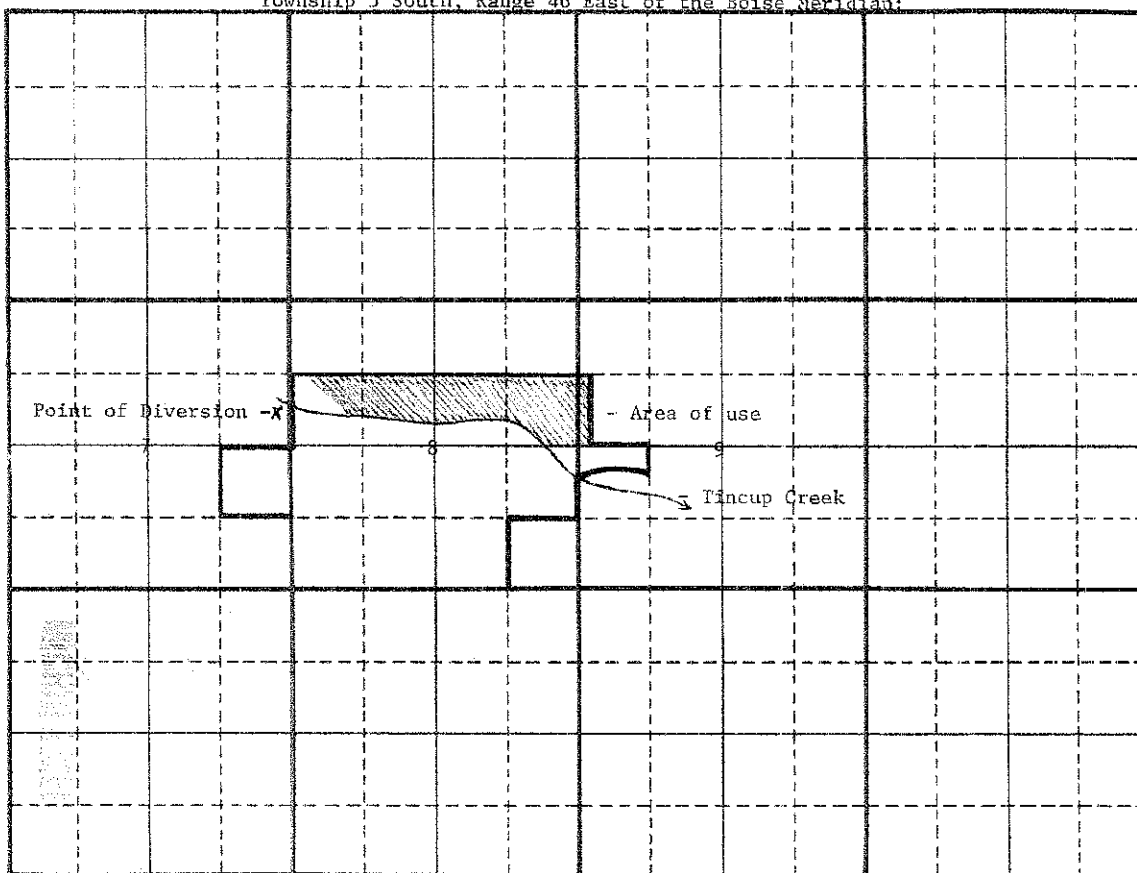
NWSW, SWNW,

dry grazing 11 ac

irrigated 14 ac

(8) Remarks A portion of the water herein claimed was first claimed by one Jacob Schiess, by claim dated September 30, 1901, recorded in Book 1 of Water Locations, page 120, records of Caribou County, Idaho. Other use appears to have originated at about the same time, but I find no other recorded evidence of time of commencement of use.

Township 5 South, Range 46 East of the Boise Meridian:



section, township and range of the public land survey system

State of Idaho)
) ss.
County of Caribou)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

[Signature]
(Claimant)

Sworn to before me this 21st day of July, 1983.

Helen B. Kingsford
Notary Public
Residing at Soda Springs, Idaho

My commission expires Lifetime.

FOR DEPARTMENT USE ONLY
Received by aw Date 7-28-83 Exception filed by _____ Date _____
Prelim. check by aw Date 8-24-83 Forwarded to claimant by: _____
\$20.00 fee received by aw Date 8-24-83
Published in Caribou County Sun 7/28/83
Dates 9/8 - 9/15/83

(7) If you are claiming water as a member of an organization, list name of organization: