

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: 39356

Ident. Number

79-4030

Date Received

Receipt Number

NOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED
JUL 22 1988

Department of Water Resources
Western Regional Office

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) Melvin C. and/or Margaret L. Gill Phone (208) 628-3444

Mailing Address P.O. Box Lucile, Idaho Zip 83542

2. Date of Priority (Only one (1) per claim) Jan. 23, 1902

3. Source of water supply (a) Cabin Creek
which is tributary to (b) Cow Creek

4. a. Location of existing point of diversion is: Township 25N Range 1E Section 8,
1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of Idaho

Additional points of diversion if any: _____

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

Township 25N Range 1E Section 5, SW 1/4 of SE 1/4 of SE 1/4,

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

ending point is: Township 25N Range 1E Section 4, SW 1/4 of SE 1/4 of

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

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. Ditches

MICROFILMED

Copies: White, State, Yellow, Applicant

OCT 06 1992

Delete
in stream flow

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

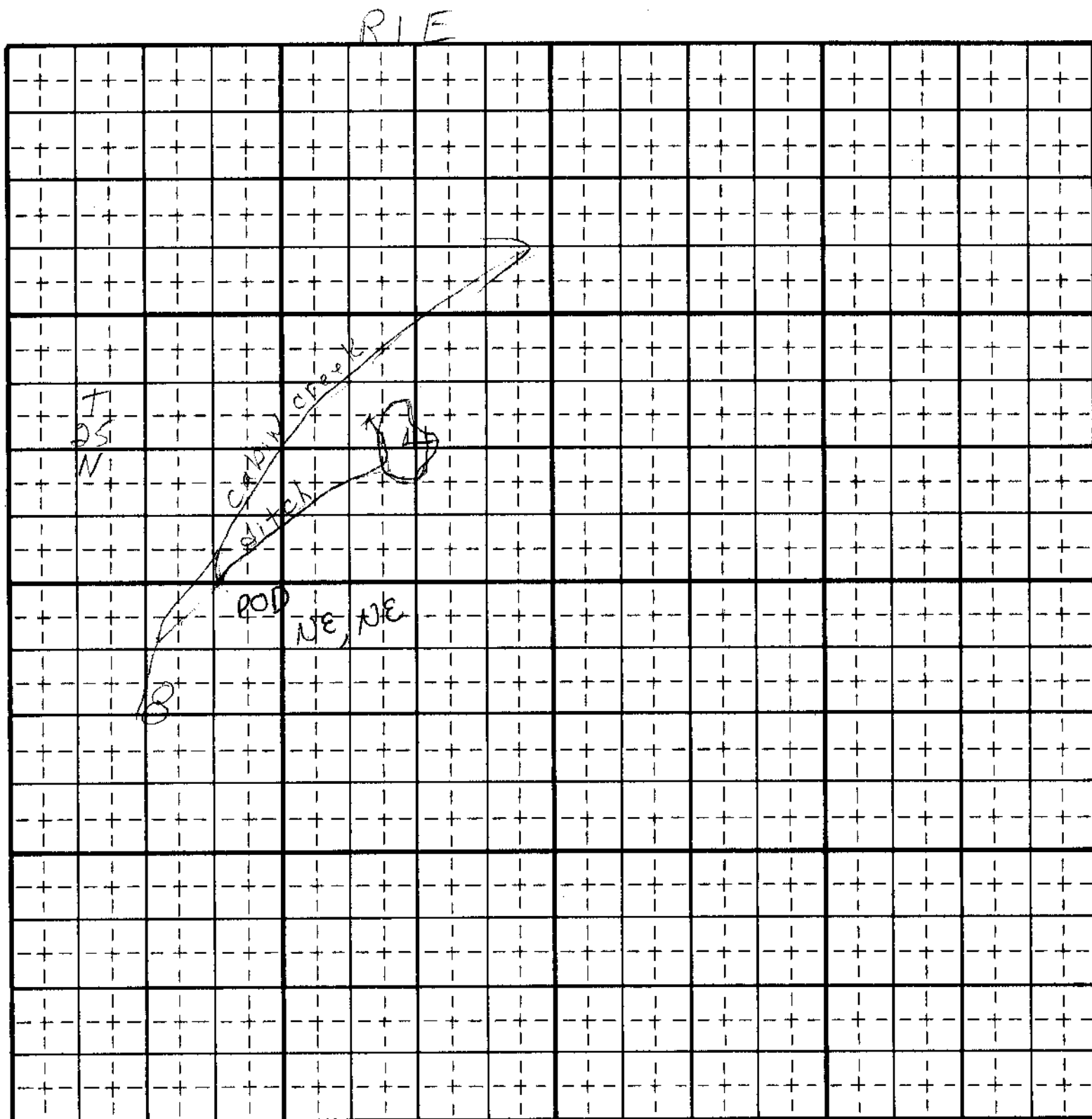
By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

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 Gill Ident No. _____

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Copies: White-Side, Yellow-Side

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Mar. 1 to Dec. 1 amount .60 or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount .05 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .65 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1.45 60 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 200 head range cattle, 10 head horses

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~~	~~1E~~	~~1~~																	
25N	1E	1			5				10	10						5			30
25N	1E	1									S	S	S						

Total number of acres irrigated 30

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

12. Do you own the property listed above as place of use? Yes Yes 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. _____ or None (X)

14. Remarks: Own one-half property described, permanently lease other half

Last Name Gill Ident No. _____

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Copies: White State, Yellow State
OCT 06 1992

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 79-4030

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 0

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

Signature of Claimant (s) Melvin C. Still Date 7-19-88

Margaret R. Chip Date 7-19-88

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 _____ of _____
Title 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 Idaho)
County of Idaho) SS.

Subscribed and sworn (or affirmed) before me this 19 day of July 19 88

SEAL

Notary Public Oliver Travis

Residing at Riggins

My Commission Expires 10-10-88

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 Gill Ident. Number _____

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Copies: White State Yellow Claimant

OCT 06 1992

CONVERSATION MEMORANDUM

DATE 8/26/88
FILE _____

NAME OF PARTY

Hill, Melvin

EMPLOYEE

S. WernerRE: 79-4123 OK- See letter attached to
claim 79-04123OldNew20 cfs20 cfs take off stockwaterpriority date: 1-1-190579-4030old - George & Opaldog name
New1.24 cfs.65 cfsSource Cow orCalvin orPODinstream flow-deletePOUPOU - Bond claim formPOD - 25N, 1E, S 8, NE, NE79-4031OldNewGeorge & Opal0.510.44Source - Stream~~Crab~~ ~~Crab~~PODPOD instream stockdelete S/D? - ^{NO} other right should leave as is1 No need to file on undeveloped spring2 OK4123 90.003 OK4030 80.004 undeveloped spring4031 60.005 OK2 25 -6 OK3 25 -include note
on old remembers

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OCT 06 1988

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: A79-04030
Date Received: 9/22/1988 7/25
Receipt No: W000964
Received By: Lu

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MELVIN C. GILL
Address: PO BOX 386
LUCILE, ID

208-628-3444

83542

AND/OR

Name: MARGARET L. GILL
Address: PO BOX 386
LUCILE, ID

208-628-3444

83542

2. Date of Priority: JAN 23, 1902

3. Source: CABIN CREEK

Trib. to: COW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
25N	01E	8	NE	NE			IDAHO

5. Description of diverting works:
DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/01	12/01	0.600		
STOCKWATER	01/01	12/31	0.050		

7. Total Quantity Appropriated is:
0.650 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
200 HEAD RANGE CATTLE, 10 HEAD HORSES

A79-04030

Page 1

Date: 09/22/88

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OCT 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
25N	01E	4	SW	NE		IRR	5.0
			SE	NW		IRR	10.0
			NE	SW		IRR	10.0
			NE	SW		STOCK	
			NW	SW		STOCK	
			SW	SW		STOCK	
			NW	SE		IRR	5.0
						Section Acres	30.0
						Total Acres	30.0

11. Place of use in counties: IDAHO

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

THE POD HAS CHANGED FROM THE PREVIOUS WATER RIGHT DUE TO
INACCURATELY LOCATING DIVERSION WHEN FIRST FILED.
OWN 1/2 PROPERTY DESCRIBED, PERMANENTLY LEASE OTHER HALF.

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

DENNIS L. ALBERS
Attorney at Law
P.O. Box 314
Grangeville, ID 83530
(208) 983-2310

STATE of IDAHO	{	SE
County of Idaho		
Recorded at request of	<u>Dennis Albers</u>	
at	<u>55</u> minutes past	<u>8</u> o'clock <u>A.M.</u>
this	<u>7</u> day of	<u>Nov</u> 19 <u>91</u>
	ROSE E. GEHRING	
By	<u>Edith S. Anderson</u>	Recorder
		Deputy
Fee \$	<u>51.00</u>	

Idaho County District Court

FILED

AT 8:40 O'CLOCK A M.

NOV 07 1991

ROSE E. GEHRING

Clerk of District Court

By Reigh Zimmerman
Deputy

360980

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

COMPUTER ()
INDEXED ()
TRACTED ()
FILMED ()
ASSESSOR ()

GAYLE HAGLER; DONNA MEDLEY;
DEWARD GILL; and DOUBLE-O
HYDRO, INC., an Idaho
corporation,

Plaintiffs,

vs.

MELVIN GILL and MARGARET
GILL; DIAMOND T HYDRO, INC.,
an Idaho corporation; and
UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE,

Defendants.

Case No. CV-26403

JUDGMENT AND DECREE
OF PARTITION

The court previously, on the 12th day of August, 1991, entered a Memorandum Opinion in the above-entitled matter, which Memorandum Opinion was intended to serve as the court's Findings of Fact and Conclusions of Law. That, based upon that Memorandum Opinion and those findings and those conclusions, the court now enters the following judgment and decree partitioning the property, which is the subject matter of the complaint in this action, between the plaintiffs, Gayle Hagler, Donna Medley and Deward Gill, and Double O Hydro, Inc., and the defendants, Melvin Gill and Margaret Gill, and Diamond T. Hydro, Inc. That, the property awarded and

JUDGMENT & DECREE
OF PARTITION 1

partitioned to all the plaintiffs in such proportions and interests as now appear in the Idaho County records is as follows:

All the properties to the plaintiffs are located in Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho:

- 1) In Section 5, Lot 1 and the $SE\frac{1}{4}SE\frac{1}{4}$;
- 2) In Section 9, $NW\frac{1}{4}$; $W\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$; $W\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$; and,
- 3) In Section 4, $SW\frac{1}{4}$; $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$; within Lot 4, $S\frac{1}{2}NE\frac{1}{4}$, $W\frac{1}{2}$, $SE\frac{1}{4}$; within Government Lot 3, $E\frac{1}{2}SE\frac{1}{4}$.

Together with:

- a) Road easement and right of way, hereinafter described in detail;
- b) A right to a portion of the water in that spring known as the "Main Spring", hereinafter described; and,
- c) General rights hereinafter described.

That the defendants, Melvin Gill and Margaret Gill, are entitled to the following property and it is partitioned to them.

I. In Township 25 North, Range 1 East, Boise Meridian, Idaho County, Idaho:

- 1) In Section 3, that part of Lot 4 south of the Cow Creek Road; $W\frac{1}{2}SW\frac{1}{4}$;
- 2) In Section 10, the $NW\frac{1}{4}NW\frac{1}{4}$;
- 3) In Section 4, $E\frac{1}{2}SE\frac{1}{4}$; $E\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$; and,
- 4) In Section 9, $NE\frac{1}{4}NE\frac{1}{4}$; $E\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$; $E\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$.

II. In Township 26 North, Range 1 East, Boise Meridian, Idaho County, Idaho:

In Section 32, the $S\frac{1}{2}NW\frac{1}{4}$; $NE\frac{1}{4}SW\frac{1}{4}$; $NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$; $NW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$; $W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$.

Together with:

- a) Joint and shared rights in the "Main Spring" hereinafter described in detail;

- b) Livestock access easement across the plaintiff's property hereinafter described in detail; and,
- c) Those general rights hereinafter described.

Boundary Line:

The boundary line between the property assigned to plaintiffs and that assigned to defendants is described as follows:

Commencing at the SE corner of the $W\frac{1}{2}W\frac{1}{2}NE\frac{1}{4}$, Section 9, Township 25 North, Range 1 East, Boise Meridian; thence North approximately 1 mile to the NE corner of the $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}$, Section 4, Township 25 North, Range 1 East, Boise Meridian.

General Rights:

The parcels of property to which the plaintiffs are entitled as set forth above and the parcels of property to which the defendants are entitled as set forth above are conveyed to those persons with all timber, mineral, geothermal and hunting rights associated with those properties and any water rights that are peculiar to said properties, except the Main Spring will be shared as mentioned hereinafter.

Easement for the plaintiffs, Gayle Hagler, Donna Medley and Deward Gill:

Plaintiffs are hereby awarded a road easement and right of way across the defendants' portion of the property above-described, which road provides access generally from the Cow Creek Road upon an existing roadbed for historical types of uses and the historical amount of use. Such road which first leaves the Cow Creek Road on other ownerships, then enters certain property awarded to Melvin Gill which shall be burdened with said easement. The easement begins within Lot 4 of Section 3, Township 25 North, Range 1 East,

Boise Meridian; thence proceeds southerly into the NW $\frac{1}{4}$ SW $\frac{1}{4}$; thence westerly into Section 4, Township 25 North, Range 1 East, Boise Meridian in the E $\frac{1}{2}$ SE $\frac{1}{4}$; thence westerly into and through the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$, all in said section, township and range, which road is shown in Exhibit "A", attached hereto and hereby incorporated by this reference, and which road provides access to the property herein awarded to the plaintiffs lying west of the defendants' property.

The plaintiffs and their successors in interest shall have the option at their sole expense of improving the road without expanding the width thereof. Such road is shown on Exhibit "A", westward from the Clemens turn off, which turn off is circled on Exhibit "A" in black and leads from that turn off to the plaintiffs' east boundary line. In the event that the plaintiffs shall improve this portion of the road, the defendants or their successors in interest shall likewise be permitted to use the improvements without expense to the defendants. At all times the defendants shall have the joint use of any portion of the road that lays within the defendants' property and that use shall be in common with the plaintiffs' use thereof.

However as to the whole road both East and West of the Clemens turnoff, in the event that either owner, now or in the future, would cause injury or damage in excess of ordinary wear and tear to the road at any point in the road, the party causing damage must effect repairs at his own expense and place the road in as good a condition as it was before the damage.

Furthermore, on the portion of the road lying East of the Clemens turnoff, the parties shall share in the reasonable costs of maintenance and improvements to keep the road in as good a condition and quality as the same now is. Any costs of significant expansion or material alteration in such road will be borne by the party incurring that expense, unless they agree otherwise to share such costs.

Division of Water Rights:

Defendants ^{Melvin} shall have the right to the water appropriated from the two smaller springs located on the parcel awarded to them. Plaintiffs ^{Deward} shall have the right to the water appropriated from Cabin Creek which is located on the parcel awarded to plaintiffs. In addition, there is a spring known as the "Main Spring" which wells up on the property awarded to the plaintiffs and then flows eastward and downhill onto the property awarded to the defendants, as is hereinafter mentioned. The parties shall share a right to the water in this Main Spring that originates on the plaintiffs' property generally in the SE $\frac{1}{4}$, SW $\frac{1}{4}$ of Section 4, Township 25 North, Range 1 East, Boise Meridian, and then flows easterly across the W $\frac{1}{2}$, SW $\frac{1}{2}$, SE $\frac{1}{4}$; thence into the defendants' property initially within the E $\frac{1}{2}$, W $\frac{1}{2}$, SW $\frac{1}{4}$, all in Section 4, Township 25 North, Range 1 East, Boise Meridian. Said spring water shall provide the plaintiffs' property with domestic stock water. Plaintiffs' water right shall be limited to reasonable in-stream stock water use for livestock that would be pastured on the plaintiffs' portion of property for a reasonable number of animal units, considering the size and

character of that property. Defendants shall have the right to the remaining water from the spring. All of these rights are subject to further court determination in the Snake River Adjudication.

Stock Passage Easement for Defendants, Melvin Gill and Margaret Gill:

The defendants are entitled to have an easement across the plaintiffs' property for purposes of driving cattle to and from the defendants' summer pasture lying on U.S. Forest Service land even farther west of the plaintiffs' awarded property. Plaintiffs must designate a reasonable location for the easement which should be useful to the defendants and the least burdensome to the plaintiffs' property as is possible. The defendants or their successors must give notice to the plaintiffs prior to crossing with cattle and access is limited to actually driving the livestock once in the Fall and once in the Spring.

Additional Orders:

Each party shall take their property that is allocated to them subject to any easements and encumbrances of record as it relates to the existing record title of the property. This order and judgment shall incorporate an earlier agreement of parties to this lawsuit relating to the imposition of the actual tax imposed by Internal Revenue Service Lien recorded as Idaho County instrument #300365, which Stipulation was filed in the above-entitled matter on the 25th day of January, 1991 and both parties are ordered to comply with the terms of that Stipulation in all respects. Said stipulation is attached hereto and incorporated by this reference.

Noted
1/24/91

FILED 1991 JAN 25

This judgment shall be binding on the heirs, executors, successors and assigns of each of the parties hereto as if in this judgment they were specifically mentioned and the orders and easements hereunder granted to the various parties shall run with the land and be easements appurtenant to the land, and may in the future be conveyed with the land to future owners thereof.

Reference is made again to Exhibit "A", which shows the boundary line earlier described herein between the properties allocated to the plaintiffs and the properties allocated to the defendants. Pursuant to the report of the majority of the referees, the court hereby orders that a partition fence be constructed along that boundary line to be completed by the 15th day of March, 1992. In advance of the building of the fence the parties must employ a competent surveyor to survey that line on the ground in its entirety and properly flag the line so that the fence can be built, it being the court's specific order that the surveyor is to survey only the dividing line and nothing further. The cost of surveying shall be equally split by the parties. Plaintiffs and defendants shall build such portion of the boundary fence as is allocated to them by Title 35, Idaho Code and use such Code as a minimum standard for the fence. The court reserves the right to make further orders concerning the surveying and the fencing as will be necessary to carry out the intent of the majority of the referees to complete the surveying and fencing work in a timely fashion. Both parties are ordered to pay their respective shares of the expense for surveying upon being billed by the provider of

those services, and again the court reserves the right to enforce this order by appropriate additional enforcement means.

It is hereby ordered that the costs incurred by the referees, and the fees for all referees for their services, should likewise be equally split by the parties, including the costs of any professional services incurred by the referees during the performance of their duties and their reasonable expenses incurred in this matter.

OTHER ORDERS:

Hollenbeak Mortgage:

Pursuant to previous order in the course of this lawsuit, the court now orders that any interest of Loren and Diane Hollenbeak to the property involved in this lawsuit be limited to a mortgage on that portion of the property assigned to Deward Gill in this judgment. Accordingly, the Real Estate Mortgage dated November 19, 1990 and recorded November 26, 1990 as instrument #356331, executed by Donna Medley, Gayle Hagler and Deward Gill in favor of Loren and Diane Hollenbeak, and any other documents conveying an interest to the Hollenbeaks in the property now held by Melvin and Margaret Gill shall be limited in their effect to the property assigned to the plaintiffs. The Hollenbeaks shall have no rights whatsoever to any portion of the property assigned to Melvin and Margaret Gill.

WITNESS: The Honorable Linda Copple Trout, District Judge,
this 4th day of November, 1991.

15
LINDA COPPLE TROUT
District Judge

Clerk's Certificate of Mailing:

I, the undersigned, Deputy Clerk of the above entitled court, do hereby certify that a true and correct copy of the JUDGMENT AND DECREE OF PARTITION was mailed by regular first class mail, postage prepaid, at the U.S. Post Office this 7th day of November, 1991, to:

Dennis L. Albers
Attorney at Law
P.O. Box 314
Grangeville, ID 83530

Jeffrey A. Strother
Attorney at Law
P.O. Box 955
Boise, ID 83701

ROSE E. GEHRING, Clerk

By LEIGH ZIMMERMAN
Deputy Clerk

JUDGMENT & DECREE
OF PARTITION 9

I, Rose E. Gehring, Clerk of the Court do hereby certify that a true and correct copy of the Judgment and Decree of Partition was mailed by regular first class mail, postage prepaid, at the U.S. Post Office this 7th day of November, 1991.
Rose E. Gehring Clerk
By Leigh Zimmerman Deputy



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED
FEB 06 1992

Department of Water Resources
Western Regional Office

DATE OF CLOSING: 12/1/91

LEGAL DESCRIPTION OF PROPERTY: Township 25 N Range 01 E
Section 04, 1/4 of 1/4 of SW 1/4, Govt. Lot , BM.
Lot , Block, , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet. SEE ATTACHMENT

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR:

ATP-04030

Note: Data entry
Done 7/15/92 on
Change. More changes
expected. So form
not printed
CJY

☐ Name and Address of Former
Owner/Claimant(s)(Seller):

MELVIN C. & MARGARET L. GILL
PO Box 386
Lucile ID 83542

☐ New Owner/Claimant
(Purchaser):

Deward L. Gill, Gayle G. Hagler &

☐ New Mailing Address:

Donna C. Medley (see attached for
addresses)

☐ New Telephone Number:

(208) 674-2004

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached:

Court Order

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒

Signature of New
Owner/Claimant(s)

Deward L. Gill

Date

Date

☐ Signature of Former
Owner/Claimant(s):

Date

Date

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 7/15/92 By: CJY

Further Action Needed:

Add C.O.O + amendments (solicited)

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

OCT 06 1992

DEWARD GILL PROPERTY

LEGAL DESCRIPTION;

Township 25 North, Range 1 East, Boise Meridian, Idaho County,
Idaho;

- (1) In Section 5, Lot 1 and the SE1/4 SE1/4;
- (2) In Section 9, NW1/4; W1/2 NW1/4 NE1/4;
W1/2 SW1/4 NE1/4; and,
- (3) In Section 4, SW1/4; W1/2 W1/2 SE1/4; within Lot 4,
S1/2 NE1/4, W1/2, SE1/4; within Government Lot 3,
E1/2 SE1/4.

EXHIBIT A
PART 2

x5494

5000

Thomas Spring

Ridge

29

5000

4800

Prospect

HENRY C. BAKER

4400

Fish Dam
Spring

KER

China

4200

TRAIL

HENRY C. BAKER

x4392

MELVIN GILL
etal

32

4400

3800

REX H. BAKER ETAL

ETAL

3000

Com

FILED January 25, 1991
3:05 P.M. LEWISTON, IDAHO
BY [Signature]

RECEIVED BY
NOV 26 AM 10:10 DOCKETED
U.S. ATTORNEY'S OFFICE

JEFFREY A. STROTHER
MEULEMAN & MILLER
960 Broadway Ave., Ste. 400
Boise, Idaho 83706
(208) 342-6066

Attorneys for Defendants

IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF IDAHO

GAYLE HAGLER; DONNA MEDLEY;
and DEWARD GILL,

Plaintiffs,

vs.

MELVIN GILL and MARGARET GILL,
and UNITED STATES OF AMERICA,
INTERNAL REVENUE SERVICE,

Defendants.

Case No. CV 26403

STIPULATION AND ORDER

The parties to this action, Deward Gill, Gayle Hagler and Donna Medley, through Dennis Albers, their attorney, and Melvin and Margaret Gill, through their attorney, Meuleman & Miller, and the United States of America, Internal Revenue Service (IRS) through the United States Attorney's office, stipulate:

1. The United States of America accepts service of process and submits to the jurisdiction of this court;

2. The real property described in the Amended Complaint is subject to the lien of the United States of America, Internal Revenue Service, recorded on October 4, 1982 as Document No. 300365 in the records of Idaho County, Idaho, until January 5, 1994. The property was made subject to said lien in the Estate of George Gill, Idaho County Case No. 14498.

3. Whatever the partition agreed upon by the parties or ordered by referees or the court, both parts of the divided property shall be subject to the lien described in paragraph 1 until January 5, 1994;

4. As between Deward Gill, Gayle Hagler and Donna Medley, on one side and Melvin and Margaret Gill on the other, whichever side commits any act that makes the amount secured by the lien payable must defend and indemnify the other against any loss resulting from their actions, including payment of the lien itself and all related costs, expenses and attorney fees. In the event of any litigation concerning this obligation, the prevailing party shall be entitled to reasonable attorney fees, costs and similar expenses;

5. Following entry of this order by the court, Deward Gill, Gayle Hagler and Donna Medley on one side, and Melvin and

Margaret Gill on the other shall execute such documents as are reasonably necessary to make the obligation described in paragraph 4 a covenant that will run with the land before and after the partition of the property

6. The provisions of this order shall be incorporated, to the extent reasonably necessary to protect the interests of the United States of America and of the remaining parties, into the final judgment decreeing the partition between the parties;

7. The United States of America need not make a further appearance in this litigation;

8. Any party, including the United States of America, may apply to the court for further orders enforcing the terms of this stipulation; and

9. That a true and correct photocopy of the IRS lien is attached hereto as Exhibit "A", which was recorded at the request of the Boise office of the IRS.

DATED this 31st day of November, 1990.

DEWARD GILL, GAYLE HAGLER & DONNA
MEDLEY

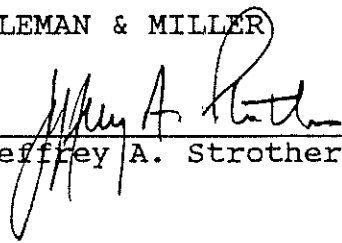
By


Dennis Albers

MELVIN AND MARGARET GILL

MEULEMAN & MILLER

By


Jeffrey A. Strother

UNITED STATES OF AMERICA, INTERNAL
REVENUE SERVICE

By Celeste Miller
Assistant United States Attorney
Celeste Miller

ORDER

IT IS SO ORDERED.

DATED this 25th day of January, 1991.

[Signature]
Judge

CERTIFICATE OF MAILING

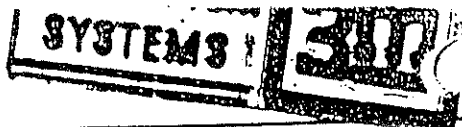
I hereby certify that a true copy of the foregoing STIPULATION AND ORDER was mailed, postage prepaid, by the undersigned from Lewiston, Idaho, this 28th day of January, 1991, on:

Jeffrey Strother
960 Broadway Ave, Ste 400
Boise, ID 83706

Dennis Albers
P.O. Box 314
Grangeville, ID 83530-0314

BETTY J. WILSEY, CLERK

By: Deanna Nesbitt
Deputy



300365

Department of the Treasury - Internal Revenue Service

INDEXED

FILMED

Listed

Form 668-H

Oct 1978

Notice of Federal Estate Tax Lien Under Internal Revenue Laws

District

BOISE

Serial Number

For Optional Use by Recording Office

Notice this is given under the provisions of section 6324B of the Internal Revenue Code that a lien exists in favor of the United States against the specific property described below for additional Federal estate tax imposed by section 2032A(c) due to the special valuation elected under section 2032A.

Name of Estate

Estate of George J. Gill

Name and address of agent designated by the qualified heirs for dealings with IRS regarding the specially valued property.

Melvin C. Gill
Lucille, ID 83542

Deward L. Gill
Box 2
Riggins, ID 83549

STATE of IDAHO
County of Idaho
Recorded at request of IRS

at minutes past 11 o'clock A.M.

this 4 day of Oct 19 82

BOB J. WAITE

By *Cheryl Waite*

Box 2

Box 041

Boise, Idaho

83724

Date of Death

01-05-79

Decedent's Social Security Number

519-28-9766

Amount of Additional Tax

\$ 26,683.74

Description of Property to Which Lien Attaches

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, T25N., R. 1 E., B.M., Idaho County, Idaho.
SW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 32, T. 26N., R. 1 E., B.M., Idaho County, Idaho.
Lot 1, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Less road, Sec. 5, T. 25N., R. 1 E., B.M., Idaho County, Idaho.
W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, Sec. 9, T. 25 N., R. 1 E., B.M., Idaho County, Idaho.
E $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 3, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Lot 4, W $\frac{1}{2}$ of Lot 4, SE $\frac{1}{4}$ of Lot 4, S $\frac{1}{2}$ of Sec., Sec. 4, T 25N., R. 1 E., B.M., Idaho County, Idaho, less road.
Lot 4 South of road, W $\frac{1}{2}$ of SW $\frac{1}{4}$, less road, Sec. 3, T. 25N., R 1 E., B.M., Idaho County, Idaho.

Place of Filing

COUNTY RECORDER, IDAHO COUNTY, IDAHO

This notice was prepared and signed at Boise, Idaho

on this

the 31st day of August, 19 82

Signature

KEITH E. FARRAR

Title

Chief, Technical & Office Compliance Group

Form 668-H (10-78)

Part 1 - To be kept by recording office

Exhibit A