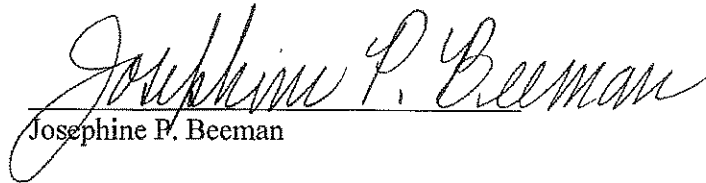


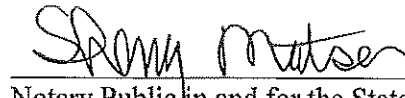
DEPARTMENT OF
WATER RESOURCES

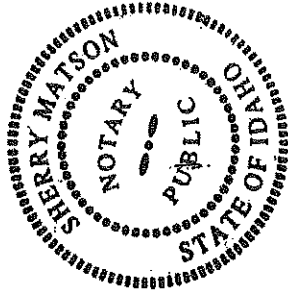
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 17th day of March 2008.


Josephine P. Beeman

SUBSCRIBED AND SWORN to before me this 17th day of March 2008.


Notary Public in and for the State of Idaho
My Commission Expires: October 11, 2011



CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March 2008, I caused a true and correct copy of the foregoing **AFFIDAVIT OF JOSEPHINE P. BEEMAN IN SUPPORT OF LEADORE LAND PARTNERS LTD. PARTNERSHIP'S MOTION FOR PARTIAL SUMMARY JUDGMENT** to be deposited in an official U.S. Post Office receptacle with proper First Class postage affixed, addressed to the following:

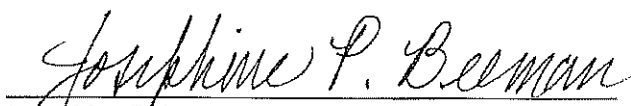
IDWR Document Depository
P. O. Box 83720
Boise, ID 83720-0098

Robert L. Harris
Holden Kidwell Hahn & Crapo
P. O. Box 50130
Idaho Falls, ID 83405

Richard E. Foster
P. O. Box 55
Leadore, ID 83464

Purcell Ranch Partnership
Allan, Betty, Kerry Purcell
98 Purcell Road
Leadore, ID 83464

Kurt Bird
56 Lower Texas Creek Road
Leadore, ID 83464



Josephine P. Beeman

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: 74-00040
DATE RECEIVED: 4-9-90
RECEIPT NO: 7999999
RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 9 1990

1. NAME: KERMIT PURCELL
ADDRESS: P.O. BOX 5
LEADORE, ID

83464

Department of Water Resources

2. DATE OF PRIORITY: JUN 01, 1879

3. SOURCE: BIG TIMBER CREEK
LITTLE TIMBER CREEK

TRIB. TO: LEMHI RIVER
BIG TIMBER CREEK

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
15N	25E	24	SW	NW			LEMHI
	26E	5	SE	NE			LEMHI

A7400040

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	4.200		

7. TOTAL QUANTITY APPROPRIATED IS:
4.200 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
16N	25E	24	NE	NE		IRR	40.0
			NW	NE		IRR	40.0

74-00040

PAGE 1

DATE: 02/08/90

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Exhibit 1

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
16N	25E	24	SW	NE		IRR	40.0
			SE	NE		IRR	36.0
			NE	SE		IRR	30.0
			NW	SE		IRR	36.0
			SW	SE		IRR	36.0
			SE	SE		IRR	20.0
						SECTION ACRES	278.0
	26E	19	NE	SW		IRR	37.0
			NW	SW	3	IRR	38.0
			SW	SW	4	IRR	36.0
			SE	SW		IRR	40.0
						SECTION ACRES	151.0
						TOTAL ACRES	429.0

11. PLACE OF USE IN COUNTIES: LEHMI, LEHMI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

AC. IRR.=429.6.

SOURCES ARE BIG TIMBER CK. & LITTLE TIMBER CK.

3.0 CFS DIVERTED FROM LITTLE TIMBER CK. & 1.2 CFS DIVERTED FROM BIG TIMBER CK.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE:

DECREE PLAINTIFF

VS

DECREE 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 X 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): Herbert P. Russell DATE: April 6 - 1990

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Bonneville) ss.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 6 DAY
OF April 19 90

Shirley C. Smith
NOTARY PUBLIC

SEAL

RESIDING AT Idaho Falls

MY COMMISSION EXPIRES 6-5-91

DATE: 02/08/90

74-00040

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MICROFILMED

DEC 14 1992

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/17/2008

WATER RIGHT NO. 74-40

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KERMIT PURCELL PO BOX 5 LEADORE, ID 83464 (208)529-5236

Priority Date: 06/01/1879

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG TIMBER CREEK	LEMHI RIVER
LITTLE TIMBER CREEK	BIG TIMBER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	4.2 CFS	
Total Diversion			4.2 CFS	

Location of Point(s) of Diversion:

LITTLE TIMBER CREEK	SWNW	Sec. 24	Township 15N	Range 25E	LEMHI County
BIG TIMBER CREEK	SENE	Sec. 05	Township 15N	Range 26E	LEMHI County

Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Exhibit 2

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
16N	25E	24		NENE	40		NWNE	40		SWNE	40		SENE	36
				NESE	30		NWSE	36		SWSE	36		SESE	20
	26E	19		NESW	37	3	NWSW	38	4	SWSW	36		SESW	40

Total Acres: 429

Conditions of Approval:

1.	AC. IRR.=429.6. SOURCES ARE BIG TIMBER CK. & LITTLE TIMBER CK. 3.0 CFS DIVERTED FROM LITTLE TIMBER CK. & 1.2 CFS DIVERTED FROM BIG TIMBER CK.
----	---

Dates:

Licensed Date:

Decreed Date: 12/30/1982

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

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: 74-00054

DATE RECEIVED: 4-9-90

RECEIPT NO: X999999

RECEIVED BY: -----

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
APR 9 1990

1. NAME: KERMIT PURCELL
ADDRESS: P.O. BOX 5
LEADORE, ID

83464

Department of Water Resources

2. DATE OF PRIORITY: NOV 12, 1909

3. SOURCE: BIG TIMBER CREEK

TR1B. TO: LEMHI RIVER

4. POINT OF DIVERSION:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4 OF	1/4	LOT	COUNTY
15N	26E	8	NW	NE			LEMHI

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

PURPOSE	FROM	TO	C.F.S.	(OR)	A.F.A.
IRRIGATION	03/15	11/15	3.200		ek

7. TOTAL QUANTITY APPROPRIATED IS:
3.200 C.F.S. (AND/OR)

A.F.A.

8. TOTAL CONSUMPTIVE USE IS

ACRE FEET PER ANNUM.

9. NON-IRRIGATION USES:

10. PLACE OF USE:

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
15N	26E	3	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
SECTION ACRES							80.0

74-00054

PAGE 1

DATE: 02/08/90 MICROFILMED

Exhibit 3

10. PLACE OF USE: CONTINUED

TOWNSHIP	RANGE	SECTION	1/4 OF	1/4	LOT	USE	ACRES
15N	26E	4	SE	NE		IRR	40.0
			NE	SE		IRR	40.0
						SECTION ACRES	80.0
						TOTAL ACRES	160.0

11. PLACE OF USE IN COUNTIES: LEMHI, LEMHI

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE:

DECREE PLAINTIFF

VS

DECREE 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/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): Herbert Furvell DATE: April 6 - 1990

DATE: _____

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM _____ OF

TITLE
_____, THAT I HAVE SIGNED THE FOREGOING
ORGANIZATION
DOCUMENT IN THE SPACE BELOW AS _____ OF

TITLE
_____ AND THAT THE STATEMENTS CONTAINED IN THE
ORGANIZATION
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF AUTHORIZED AGENT

TITLE AND ORGANIZATION

DATE

STATE OF IDAHO)
COUNTY OF Bonanza) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 6 DAY

OF April 19 90

Herbert Furvell
NOTARY PUBLIC

SEAL

RESIDING AT Idaho Falls

MY COMMISSION EXPIRES 6-5-91

DATE: 02/08/90

74-00054

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MICROFILMED
DEC 14 1992

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

03/17/2008

WATER RIGHT NO. 74-54

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KERMIT PURCELL PO BOX 5 LEADORE, ID 83464 (208)529-5236

Priority Date: 11/12/1909

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG TIMBER CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	3/15	11/15	3.2 CFS	
Total Diversion			3.2 CFS	

Location of Point(s) of Diversion:

BIG TIMBER CREEK	NWNE	Sec. 08	Township 15N	Range 26E	LEMHI County
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Place(s) of use:

Place of Use Legal Description: IRRIGATION LEMHI County

Exhibit 4

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
15N	26E	3		SWNW	40									
				NWSW	40									
		4		SENE	40									
				NESE	40									

Total Acres: 160

Dates:

Licensed Date:

Decreed Date: 12/30/1982

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close