

RECEIVED
APR 18 2008
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase

75-14511

(Insert water right number)

) Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) ☒ LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is Lynda C. Borchert (daughter - Charles H. / Edna L. Terry Family Trust)

My address is 8939 Martin Ave.
Fountain Valley, CA 92708

My phone number is: Work (cell) 714 4026765 Home (714) 9631721

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A *Motion to File a Late Notice of Claim* will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Present property owners were not
informed at the time of property acquisition
that water claim needed to be filed.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you must attach a copy of your Notice of Claim.)

See attachment list.

I have attached:

- ☐ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 365.00 *photocopy of original attached.*

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on July 15, 2008 1:30 PM
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A *Motion to File an Amended Notice of Claim* may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Bonneville

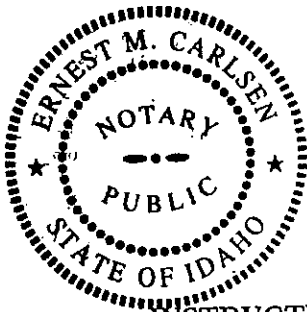
Lynda C. Borchert being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Lynda C Borchert
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on April 3, 2008
(Insert Date)



Ernest M Carlsen
Notary Public for ADWR
Residing at: Black Falls
My Commission expires: 2-14-2009

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on Apr. 15, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

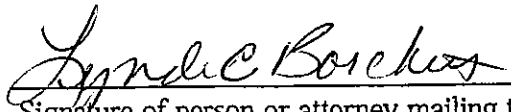
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

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 75-14511
Date Received: 4/3/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHARLES H TERRY AND EDNA L TERRY FAMILY TRUST Phone:

PO BOX 80963
RANCHO SANTA MARGARITA CA USA 92688-0963

2. Date of Priority: 05/01/1910

3. Source: SALMON RIVER , SALMON RIVER Trib. to: SNAKE RIVER , SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
24N	21E	35	SE SW	LEMHI	
24N	21E	35	NE SW	LEMHI	

5. Description of diverting works:

Pumps to pipelines and Ditches

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.3	
STOCKWATER	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.3 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	21E	34	NE	SE	IRRIGATION	0.3
			SE	SE	IRRIGATION	1.1
			NE	SE	STOCKWATER	
			SE	SE	STOCKWATER	
Section Acres						1.4
24N	21E	35	NE	SW	STOCKWATER	
			NW	SW	STOCKWATER	
			SW	SW	STOCKWATER	
			SE	SW	STOCKWATER	
			NE	SW	IRRIGATION	4.2
			NW	SW	IRRIGATION	19
			SW	SW	IRRIGATION	29
			SE	SW	IRRIGATION	11
Section Acres						63.2
Total Acres						64.6

11. Place of use in counties: 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: Beneficial Use

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: 14 (A-I-1)

For Organizations:

I do solemnly swear or affirm that I am Co Trustee of

Terry Family Trust, that I have signed the foregoing
Organization

document in the space below as Co Trustee of

Terry Family Trust and that the statements contained in the
Organization

foregoing document are true and correct. Charles H. Jerry

Signature of Authorized Agent

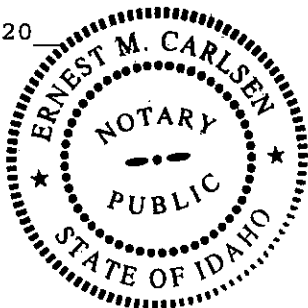
Co Trustee for Terry Family Trust
Title and Organization

April 3, 2008
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 3 April 2008
of _____ 20 Ernest M. Carlson

Notary Public



Residing at Idaho Falls

My commission Expires 8-14-2009

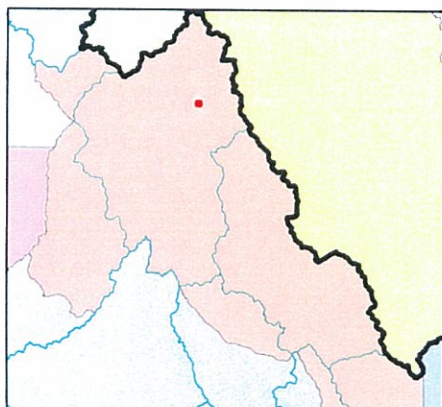


Idaho Department of Water Resources

SRBA Claim
75-14511
(IRRIGATION)

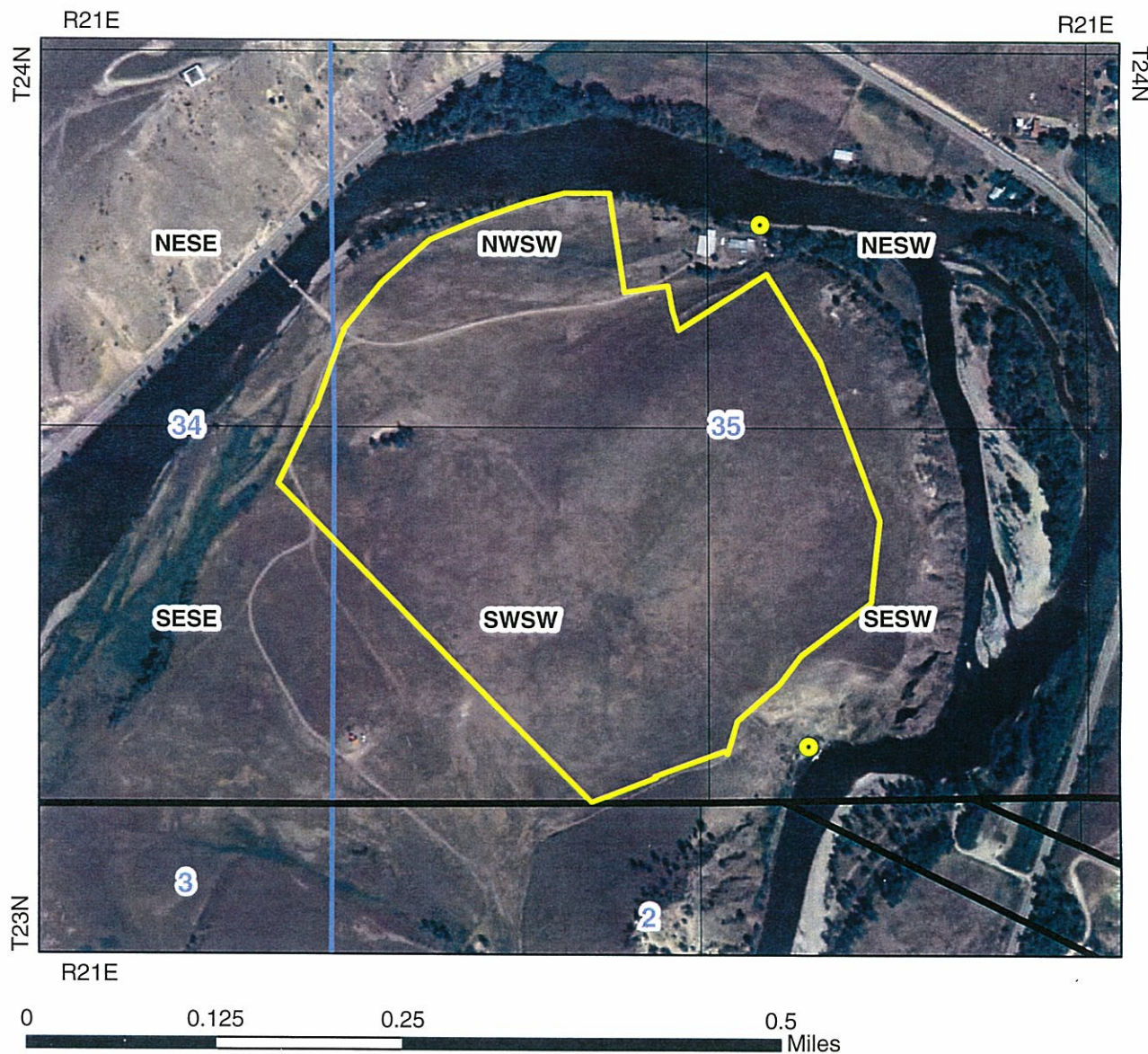
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75

Prepared by Nathaniel Arave
On Thursday, April 03, 2008
2004 Aerial Photography



RECEIVED

APR 18 2008

**DEPARTMENT OF
WATER RESOURCES**

All attachments are relevant to sub cases:

- 75-14510
- 75-14511

A IDWR letter to Terry Family Trust

B Copy of filing fee check covering fees for both cases

C Copy of present warranty deed for Lots 6, 7, 8-Napoleon Creek Subdivision

History of Beneficial Use (D-F)

D Homestead document (1914)-Davies

D-1 Real Property Assessment Role (1915)-Davies

E Homestead document (1917, 1919)-Reynolds

E-1 Real Property Assessment Role (1918)-Reynolds (2 pages)

E-2 Probate Court document (1919)-Rose

F Copy of warranty deed (1948)-Maxwell

G Map-Claim 75-14510 Pond area and proximity to diversion point
Napoleon Gulch Creek flows into a ditch which feeds an underground stream. The natural end point is a gravel-lined "pond" primarily used for stock water.

G-1 Stock photos

H Photos of August 1994 brushfire

Precious time was lost in fighting this fire due to inadequate fire-fighting equipment on the property. Indianola Helibase sent a rappel crew to assist the North Fork Fire Dept. in containing the fire and preventing it from spreading to the adjoining Salmon-Challis National Forest. Lemhi County has a fire history and it is only prudent that property owners prepare for potential fires with irrigation/ water pumping equipment. The Salmon River and stock water "pond" area provide water for fire prevention as well as irrigation.

I Photos (15) of pipes/pump

The Maxwell family used this system to provide irrigation for potatoes and alfalfa. The Terry family plans to repair and/or replace existing system.

I-1 Map-Claim 75-14511- approximate path of existing irrigation pipes

A



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

February 7, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

TERRY FAMILY TRUST
PO BOX 80963
RANCHO SANTA MARGARITA CA 92688

RE: RETURNED WATER RIGHT OWNERSHIP CHANGE 75-4037, 75-4038,
75-14203, 75-14205 AND LATE NOTICE OF CLAIM TO A WATER RIGHT

Dear Claimants:

I am returning the above referenced ownership change because the land you purchased from Norman Gallagher in Lemhi County, Idaho is not appurtenant to water rights 75-14203 and 75-14205.

However, you are entitled to file your own claim based on the original rights 75-4037 and 75-4038. Enclosed is a "Notice of Claim to a Water Right" form if you choose to file on your property in Lemhi County, Idaho.

If you have questions about this matter, please contact Water Rights Agent Nate Arave at (208)525-7161.

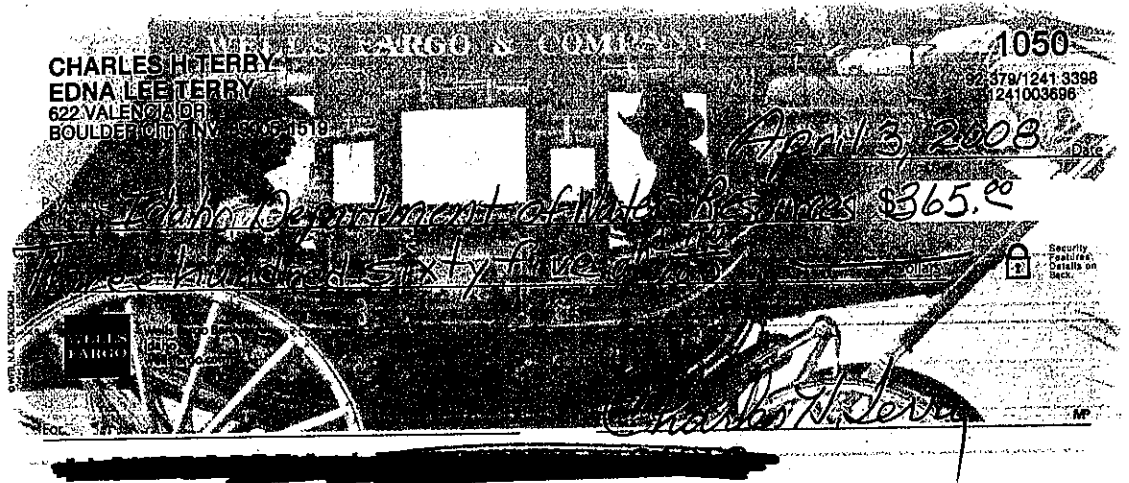
Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

cc: Norman Gallagher
Nate Arave

B



Covers subcases

75-14510

75-14511

Original sent to Clerk of District Court

RECORDING REQUESTED BY -
A WHEN RECORDED MAIL TO:

David W. Evans, Esq.
c/o Snell & Wilmer L.L.P.
1920 Main Street, Suite 1200
Irvine, CA 92614

State of Idaho)
County of Lemhi)

SS No. 237120

This instrument was filed for record at the request
of David W. Evans
at 3:20 o'clock pm on 6-29 1998
and duly filed and indexed in the records of Lemhi
County

Alberta W. Jenick
Ex-Officio Recorder

Deputy

Mail tax statements to:

Charles H. Terry and
Edna L. Terry, Co-Trustees
21262 San Miguel
Mission Viejo, CA 92692

SPACE ABOVE THIS LINE FOR RECORDER'S USE

DOCUMENTARY TRANSFER TAX: \$ -0- no consideration

☐ Computed on the consideration or value of property conveyed;
OR

☐ Computed on the consideration or value less liens or
encumbrances remaining at time of sale.

Charles H. Terry
Signature of Declarant or Agent determining tax - Firm Name
Transfer to revocable living trust

APN:

WARRANTY DEED

Charles H. Terry and E. Lee Terry, husband and wife, hereby grant to Charles H. Terry and Edna L. Terry as Co-Trustees of the Terry Family Trust dated September 12, 1997, whose current address is 21262 San Miguel, Mission Viejo, CA 92692, the real property located in the County of Lemhi, State of Idaho, more particularly described as follows:

Lots 6, 7, and 8 in Napoleon Creek Subdivision according to the Official Plat thereof filed for record in Book 6 of Plats at page 31, Records of Lemhi County, Idaho.

Date:

June 18, 1998

Charles H. Terry
Charles H. Terry

E. Lee Terry
E. Lee Terry

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss

On June 18, 1998 before me, Margaret L. Kramp, a notary public, personally appeared Charles H. Terry and Edna L. Terry, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity up, on behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Signature

Margaret L. Kramp

(This area for official notarial seal)

D

Hailey 06493.

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 Mary Davies has been established and duly consummated, in conformity to law, for the Lots one, two, five and six, the southwest quarter of the southeast quarter of the southeast quarter of the northwest quarter, the South half of the southwest quarter of the southeast quarter of the northwest quarter and the south half of the southeast quarter of the southwest quarter of the northwest quarter of Section thirty-five in Township twenty-four north and the Lot three of Section two in Township twenty-three north all in Range twenty-one east of the Boise Meridian, Idaho. containing one hundred thirty-eight 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 tract of Land above described; TO HAVE AND TO HOLD the said tract 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 ninth day of April in the year of our Lord one thousand nine hundred and fourteen and of the Independence of the United States the one hundred and thirty-eighth.

Seal.

By the President: Woodrow Wilson.

By M. K. Gulick, Assistant Secretary

L. Q. C. Lamar.

RECORDED: Patent Number 397229.

Recorder of the General Land Office-

Recorded at the request of E. W. Whitcomb, May 23rd, 1914, at -- minutes past 9 o'clock A.M., in Book W of Deeds, page 300, Records of Lemhi County, Idaho.


County Recorder.

By

Deputy.

[illegible]

REAL PROPERTY ASSESSMENT ROLL, YEAR 1917

STANTON CO., PHILADELPHIA, PA. 19106

SUBDIVISION
OR
TAX NUMBER

Section _____

Township N. _____

Range E:

CLASSIFICATION OF LANDS AND IMPROVEMENTS

	IRRIGATED LAND	GRAZING LAND	WASTE LAND	MIREAL, LAND	IMPROVE- MENTS
A	Value	A	Value	A	Value
B	Value	B	Value	B	Value
C	Value	C	Value	C	Value
D	Value	D	Value	D	Value
E	Value	E	Value	E	Value
F	Value	F	Value	F	Value
G	Value	G	Value	G	Value
H	Value	H	Value	H	Value
I	Value	I	Value	I	Value
J	Value	J	Value	J	Value
K	Value	K	Value	K	Value
L	Value	L	Value	L	Value
M	Value	M	Value	M	Value
N	Value	N	Value	N	Value
O	Value	O	Value	O	Value
P	Value	P	Value	P	Value
Q	Value	Q	Value	Q	Value
R	Value	R	Value	R	Value
S	Value	S	Value	S	Value
T	Value	T	Value	T	Value
U	Value	U	Value	U	Value
V	Value	V	Value	V	Value
W	Value	W	Value	W	Value
X	Value	X	Value	X	Value
Y	Value	Y	Value	Y	Value
Z	Value	Z	Value	Z	Value

**TOTAL
VALUE
OF
REAL
PROPERTY**

[illegible]

PERSONAL PROPERTY

$$E_1^{\frac{1}{2}} S E_1^{\frac{1}{2}} S W_1^{\frac{1}{2}} S V_1^{\frac{1}{2}}, \quad S_1^{\frac{1}{2}} S E_1^{\frac{1}{2}} S W_1^{\frac{1}{2}}, \quad 22$$

2. $S_1^1 S_2^1 E_4^1 S W_4^1$,
 $N E_4^1 N W_4^1$, $N E_4^1 N E_4^1 S W_4^1$,
 $E_4^1 N E_4^1 N W_4^1 N W_4^1$.

$\frac{B}{S} \frac{E}{S} \frac{H}{N} \frac{W}{N} \frac{N}{N} \frac{N}{N}$,
 $\frac{S}{S} \frac{S}{N} \frac{H}{N} \frac{W}{N} \frac{N}{N} \frac{N}{N}$,
 $\frac{N}{N} \frac{S}{N} \frac{W}{N} \frac{N}{N} \frac{N}{N} \frac{N}{N}$

Seafrose *Seafrose* SE1SW1NW1

3. 1891. *Est.* Carmen, Idaho. N.W. 1/4 Sec. 17, T. 27
Calvin Mrs. M. C. Est.

4/10/25/1975 Northfork, Idaho. Tax #1975

6
5
4
3
2
1

	RWSEI,	SISEI,	21
	YNSEISWI,	NESWSEI,	21
	SESESWSEI,		21
	WSWSEI,	WSEISWSEI,	22
	WNINWSEI,	WNINWSEI,	22

7.715	Mickleson	John	$NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$	27
	Carmen, Idaho.		$N\frac{1}{2}NW\frac{1}{4}NE\frac{1}{4}$	28
			$NE\frac{1}{4}NE\frac{1}{4}NW\frac{1}{4}$	28

White
A. S. EISENBERG,
NATIONAL SECRETARY,

3-1749-100-2
Carmen, Idaho. SP4NE1NE2, 25
Newman H. E. Tax #240 -49

10-1601-537- Carmen, Idaho. - NW¹/₄ NE¹/₄ NE¹/₄, 34

lots 11, 34

Reynolds Charles H. Lots 3,4,7, 35
Garmen, Idaho. SW 1/4,

1,2,6,6,6-tetrachloro-4-nitrobenzene

Crook J. H. S&SWISTENNY

4. 746-6 Carmen, Idaho. 35

Common, 10000. **DISCONTINUING**, 35

20 640 51 357. 35 55.

200. 1232

27 C 816

180 10 400 4 300 8 280 4 100

38 C 304

1.2.2

Idaho, Sep. 18 - 1918.

This Bill of Sale given this 8th day of September 1918 to Mrs. Katharine Daroy for 1 Dwelling house and all Furniture also 20 head range horses and six yearling heifers Branded all in Lemhi County, Idaho, consideration one dollar.

Joseph M. Daroy.

Subscribed and sworn to before me a Notary, on this 18th day of September, 1918.

Mary R. Fielder

Notary Public.

SEAL.

My commission expires Feb. 20, 1921.

Recorded at the request of Mrs. J. M. Daroy Jan. 18th, 1919, at --- minutes past 9 o'clock A. M., in Book Y of Deeds page 611, Records of Lemhi County, Idaho.

BY

Deputy.

County Recorder

Instrument No. 21177

Hailey. 012057

4-1003.

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 H. REYNOLDS has been established and duly consummated, in conformity to law, for the

Lot twelve of Section two and the Lot five of Section three in Township twenty-three north and the Lot eleven of Section thirty-four and the Lots three, four and seven and the south-west quarter of the southwest quarter of Section thirty-five in Township twenty-four north all in Range twenty-one east of the Boise Meridian, Idaho, containing one hundred fifty-six and eight-hundredths 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 tract of Land above described; TO HAVE AND TO HOLD the said tract 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 EIGHTH day of OCTOBER in the year of our Lord one thousand nine hundred and SEVENTEEN and of the Independence of the United States, the one hundred and FORTY-SECOND.

SEAL

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

L. Q. C. Lamar,

Recorder of the General Land Office.

RECORDED: Patent Number 602985

Recorded at the request of Chas. H. Reynolds, Jan. 20th, 1919, at 15 minutes past 3 o'clock P. M., in Book Y of Deeds page 611, Records of Lemhi County, Idaho.

BY

Deputy.

County Recorder.

Township 23 N., Range 21 E., B. M.

STAMFORD CO. PRINTERS & BINDERS, MOBILE 45060

REAL PROPERTY ASSESSMENT ROLL, YEAR 1918

[illegible]

IN THE MATTER OF THE ESTATE OF)

ORDER CONFIRMING SALE OF REAL ESTATE

CHARLES H. REYNOLDS Deceased.)

Arthur Greene and J. E. Crook Executors of the last will and testament of Charles H. Reynolds deceased, having made to this Court, and filed in the office of Clerk thereof, on the 7th day of October 1919, a return of their proceedings under the order of the sale herein, duly verified by affidavit, and the said matter, after due proof of due notice made and given as required by law, coming on regularly to be heard this 18th day of October 1919, and the Court having examined the said return and heard the testimony of witnesses in support thereof and it duly appearing to the Court that, in pursuance of said order of sale, said Executors caused notice of the time and place of holding said sale to be posted up in three of the most public places in Lemhi County, State of Idaho, in which the land ordered to be sold is situated, and to be published in the Idaho Recorder a newspaper printed and published in the same Lemhi County Idaho for three weeks successively next before such sale, in which order of sale and notice the lands and tenements to be sold were described with common certainty, as follows, to wit:

Lot 12 of Section two (2), Lot five (5) of Section three (3) in Township 23 North, Lot Eleven (II) of Section 34, and Lots 3, 4 and 7, and the South West Quarter of the South West Quarter of Section 35, in Township 24 North, all in Range 21 East of Boise Meridian, as one parcel. And all the water rights appurtenant to said land or any part thereof. And material for a ditch and pipe for irrigation purposes.

That at such sale Charles H. Rose became the purchaser of all of said real estate for the sum of FIVE THOUSAND EIGHT HUNDRED FIFTY and 50/100 DOLLARS, being the highest and best bidder and said sum being the highest and best sum bid; that said Executors accepted said bid; and that said sale was legally made and fairly conducted; that a sum exceeding such bid, at least ten per cent., exclusive of the expense of a new sale, cannot be obtained, and that said estate has been appraised within one year of the time of such sale; (2) That the sum of FIVE THOUSAND EIGHT HUNDRED FIFTY and 50/100 DOLLARS, offered by Charles H. Rose is more than one hundred and fifty per cent of the appraised value of said real estate; and all and singular, the law and the premises, being by the Court here, seen, heard, understood and fully considered, wherefore it is by the Court

ORDERED, ADJUDGED AND DECREED. That the said sale be, and the same is hereby confirmed and approved, and declared valid, and the proper and legal conveyances of all said real estate are hereby directed to be executed to said Charles H. Rose purchaser, by said Arthur Greene and J. E. Crook Executors

Done in open Court this 18th day of October 1919

G. W. Cronkrite Probate Judge
SEAL

Filed October 18th 1919

G. W. Cronkrite
Probate Judge and Ex-Officio Clerk
of the Probate Court.

I, G. W. Cronkrite Probate Judge and Ex-officio Clerk thereof hereby certify that the foregoing is a true and correct copy of the order confirming the sale of the aforesaid lands of the estate of Charles H. Reynolds, deceased.

G. W. Cronkrite SEAL
Probate Judge in and for Lemhi County
Idaho.

Recorded at the request of Quarles & Padgham Oct. 18th, 1919, at 30 minutes past 1 o'clock P. M., in Book V of Deeds page 211, Records of Lemhi County, Idaho.

BY Jay Stewart
Deputy

H. H. Simonson
County Recorder.

WARRANTY DEED

THIS INDENTURE, Made this 12th day of November in the year of our Lord one thousand nine hundred and forty-eight, between CHARLES H. ROSE and BERTHA N. ROSE, husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and DAVE MAXWELL and MARVEL MAXWELL, husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of FOUR THOUSAND AND NO/100 (\$4,000.00) DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in the County of Lemhi, State of Idaho, to-wit:

Lot Twelve (12) of Section Two (2), and the Lots Five (5) of Section Three (3), in Township Twenty-three (23) North, and the Lot Eleven (11) of Section Thirty-four (34), and the Lots Three (3), Four (4) and Seven (7) and the Southwest Quarter of the Southwest Quarter of Section Thirty-five (35), in Township Twenty-four (24) North. All in Range Twenty-one (21) East of the Boise Meridian, containing 156.8 acres. And all water rights appurtenant to said land and any part thereof, and material on the premises and adjoining premises for a ditch and pipe for irrigation purposes.

DOCUMENTARY STAMPS \$4.40 CANCELLED 11/12/48 D. M.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs, against all and every person and persons whomsoever, lawfully claiming 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.

Charles H. Rose (Seal)
Bertha N. Rose (Seal)

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

STATE OF IDAHO,)
) ss.
County of Lemhi)

On this 12th day of November in the year 1948, before me the undersigned, a Notary Public in and for said State, personally appeared Charles H. Rose and Bertha N. Rose, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

((SEAL))

Frederick Hughes Snook
Notary public for the State of Idaho
Residing at Salmon, Idaho.

STATE OF IDAHO,)
) ss.
County of Lemhi)

I hereby certify that this instrument was filed for record at request of Dave Maxwell at 42 minutes past 3 o'clock P.M., this 12th day of November, A.D. 1948 in my office and duly entered in Book 41 of Deeds at page 376.

Fees, \$1.25 Paid

W. W. Simmonds,
Ex-Officio Recorder.

By Betty Lee Smart
Deputy

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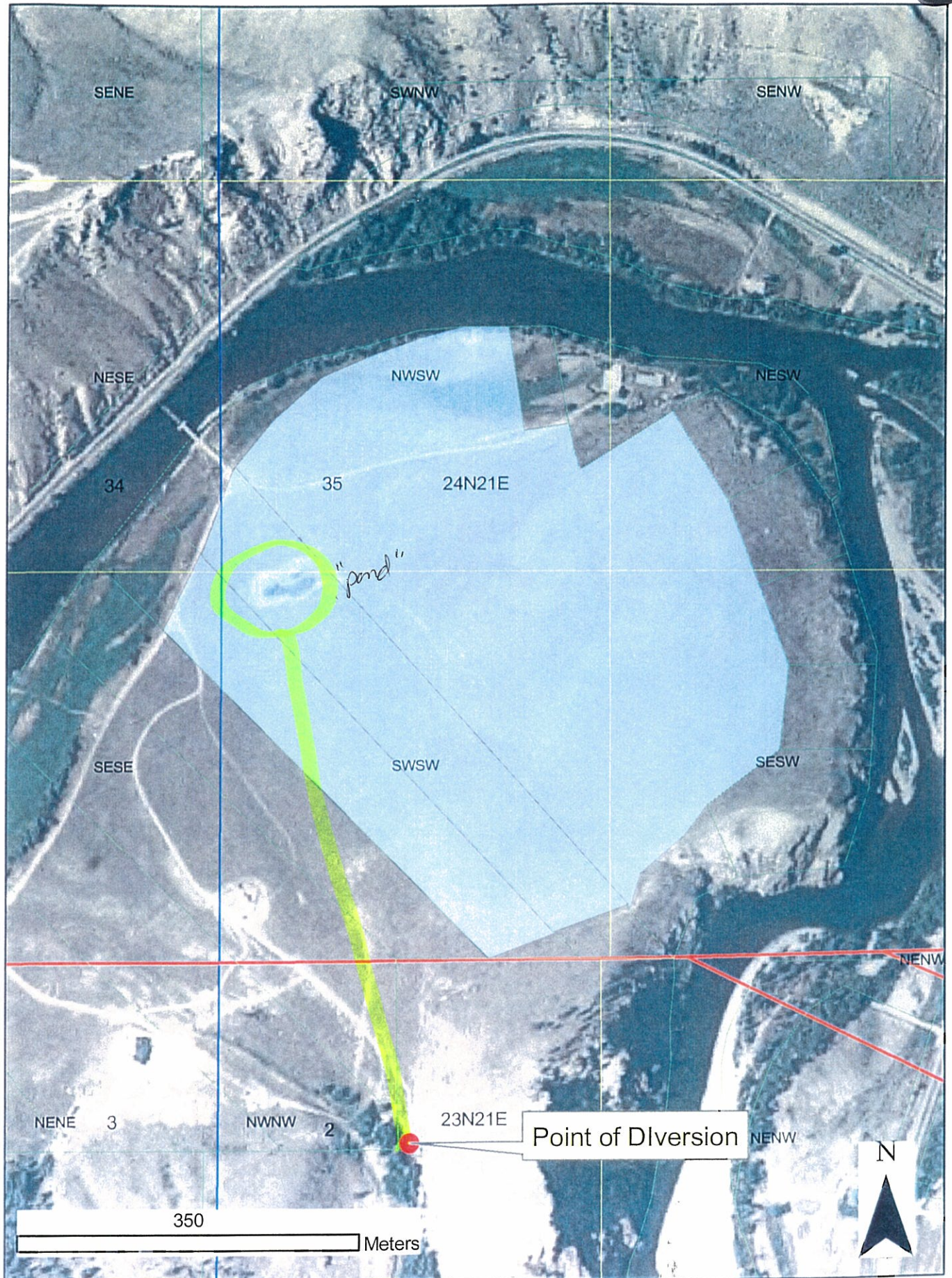
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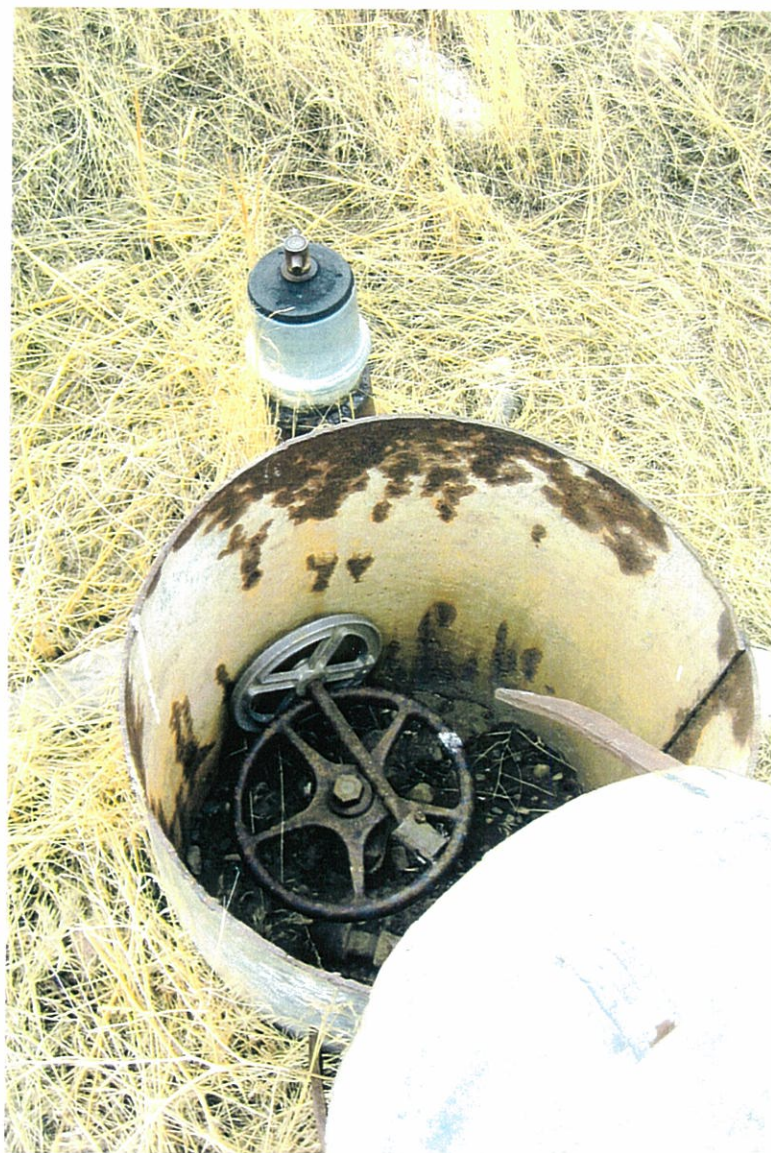
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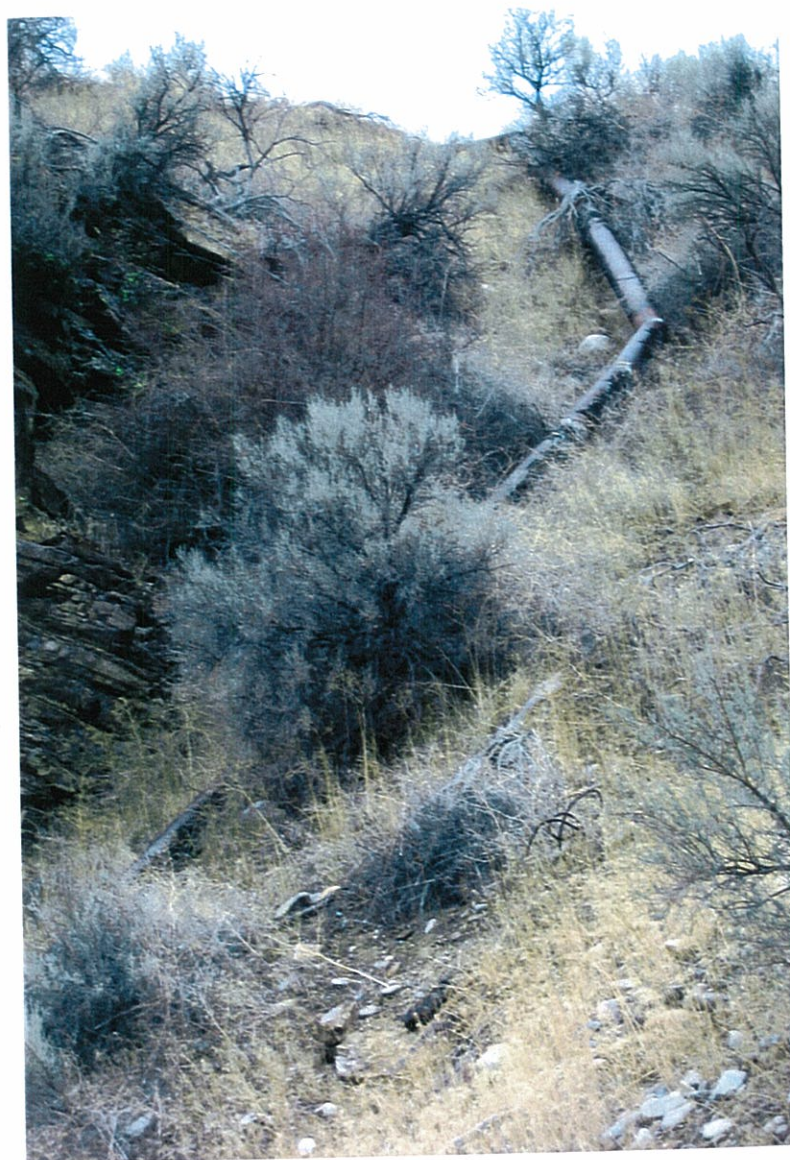


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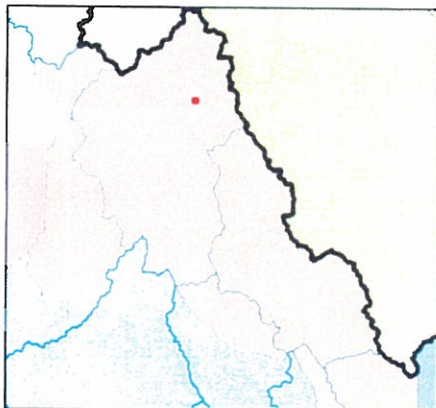


Idaho Department of Water Resources

SRBA Claim
75-14511
(IRRIGATION)

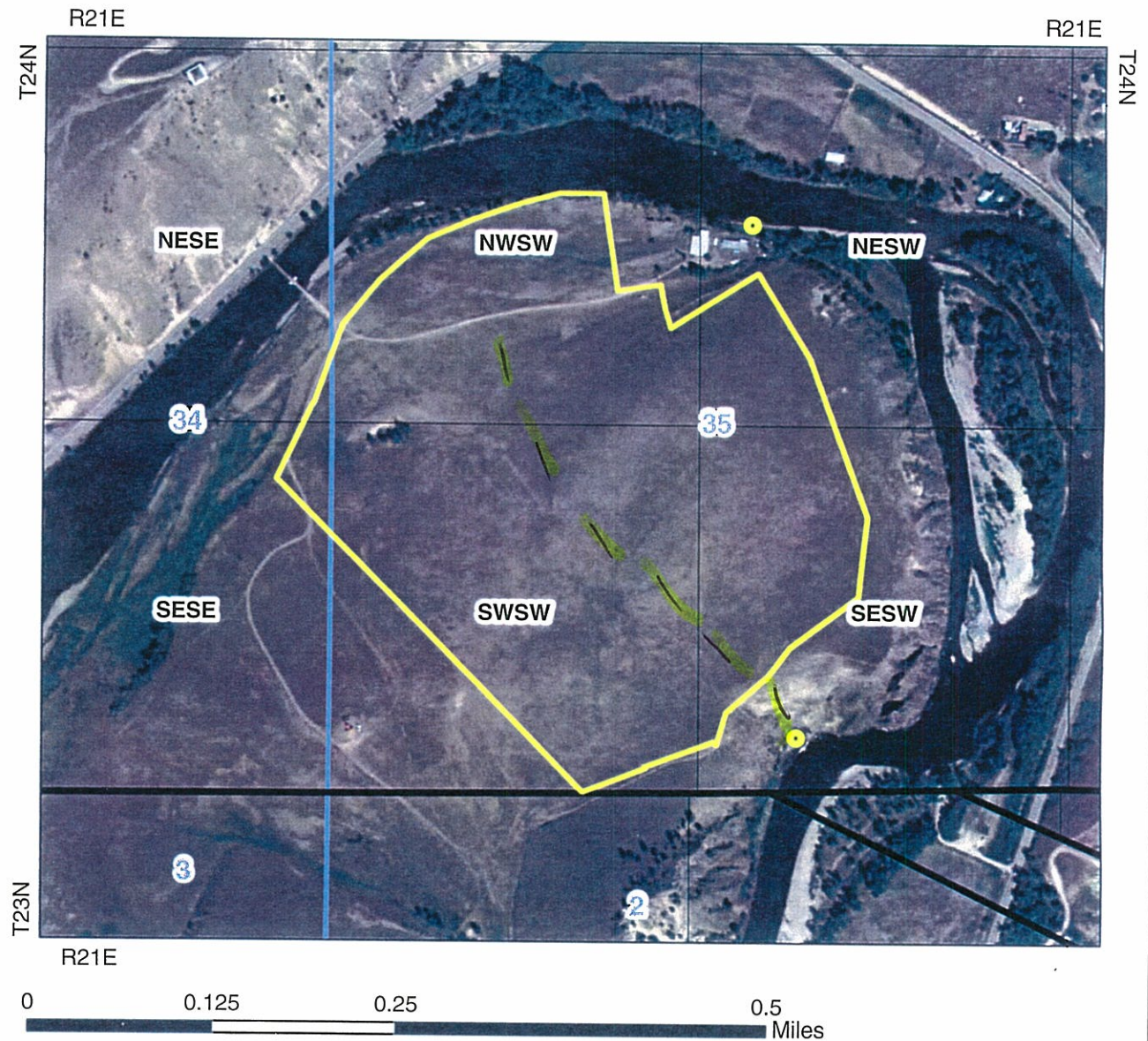
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75

Prepared by Nathaniel Arave
On Thursday, April 03, 2008
2004 Aerial Photography



irrigation pipe path