

RECEIVED

AUG 11 2008

DEPARTMENT OF
WATER RESOURCES

August 4, 2008

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

Re: Warranty Deed, and water user testimonials

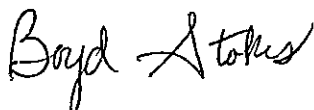
Dear Clerk of the District court,

As water Chairman of water district 74-C and an invited guest to participate in the upcoming hearing for case No. 39576 for water rights 74-00179C, 74-00180C and 74-04006, I felt it needful to send to you a copy of the Warranty Deed with was made between Earl Dean Stokes and Charles David Freel.

I have also included testimonials from three separate persons who have witnessed the non usage of water on the property of the people who have filed for the water rights out of the said above three water rights.

If there is any other way that I can be of assistance please feel free to let me know.

Sincerely,



Boyd Stokes

WARRANTY DEED

For Value Received

EARL DEAN STOKES AND BETTY STOKES, husband and wife

the grantors do hereby grant, bargain, sell and convey unto

CHARLES DAVID FREEL AND MARGARET GAYLE FREEL, husband and wife

whose current address is

P.O. BOX 1070
SALMON, IDAHO 83467

the grantees, the following described premises, in Lemhi County Idaho, to wit:

Lot 1 of Sunrise Hills Subdivision according to the official plat thereof filed for record in Book 5 of Plats at pages 63 through 65 inclusive, records of Lemhi County, Idaho. . .

*** It is mutually understood and agreed that the only water rights transferred with the above described Real Estate, will be waste water only. Waste water from 900 acres formerly known as the Kaufman ranch.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee S, that they are the owners in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: AUGUST 26, 1986

Earl Dean Stokes
EARL DEAN STOKES

Betty Stokes
BETTY STOKES

STATE OF IDAHO, COUNTY OF Lemhi
On this 26th day of Aug. 1986,
before me, a notary public in and for said State, personally appeared

EARL DEAN STOKES AND
BETTY STOKES

known to me to be the person S whose name S ARE
subscribed to the within instrument, and acknowledged to
me that they have executed the same.

Steven R. Gott
STEVEN R. GOTT Notary Public
Residing at SALMON, Idaho
Comm. Expires 12-14-1991

State of Idaho } ss No. 182636
County of Lemhi }

This instrument was filed for record at
the request of American Land Title
at 2:55 o'clock P.M. Aug 28, 1986
and duly filed and indexed in the
records of Lemhi County.

Alberta W. Hendrick
Ex-Officio Recorder
Barbara J. Langford Deputy
Page 2 of 2 pd

Water Right #5 74-1796 - 74-180B- 74-4006

Regarding - MALINDA Tracy Vincent 7-15-08
change of ownership for water right

IN 1976 DEAN & BETTY STOKES
PURCHASED THE LOWER 248 ACRES
OF THE KAUFMAN RANCH.

FROM THE PERIOD OF TIME 1976 TO
2008 THE LAND OWNED ^{NOW} BY THE TRACY
FAMILY HAS NOT BEEN IRRIGATED.
THAT LAND WAS OWNED BY SEVERAL OTHER
OWNERS INCLUDING MYSELF.

THE LAND WAS DIRECTLY ACROSS THE
ROAD FROM THE LAND I PURCHASED IN
1976, SO I WAS AWARE OF WHAT WAS
BEING DONE.

WHEN I PURCHASED THE SUNRISE
SUBDIVISION IN 1986 WHICH CONSISTED
OF 1000 ACRES PLUS, SUNRISE SUBDIVISION
LOT 1 WAS PART OF THAT PROPERTY.
THE WATER WAS NOT SUFFICIENT TO
IRRIGATE ALL THE LAND SO WHEN I SOLD
LOT 1 TO DAVID FREELINE I AGREED THAT
THE ONLY WATER RIGHTS TO ANY OF LOT 1
WOULD BE WASTE WATER ONLY. LISTED ON
WARRANTY DEED DATED AUGUST 28-1986.
SEE ATTACHED WARRANTY DEED.

I M LAD

I HAVE KNOWLEDGE THAT THE LAND
THE TRACY FAMILY HAS BEEN ISSUED
WATER RIGHTS FOR HAS NOT BEEN
IRRIGATED FOR AT LEAST 32 YEARS
AND FROM OTHER PEOPLE LIKE DALE
TOLLEY MUCH LONGER THAN THAT.
BEFORE THE HOUSE WAS BUILT
AND THE YARD LEVELED WITH ALMOST
ALL OF THE LAND HAD SAGEBRUSH
AND GREASE WOODS ON IT. (LAND IS STEEP.)

7-15-2008

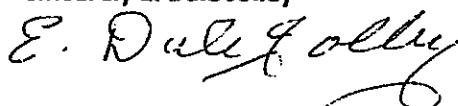
Earl Dean Stokes

7/15/08

In regards to Water Right number 74-15872, 74-15870, 74-15868, regarding-Malinda Tracy Vincent,
Changing of ownership for water right

I am E. Dale Jolley, owner of the Ranch that is partly irrigated out of Water District 74 C "Bohannon Creek" that joins the sunrise sub division. I have been the owner and operator of my ranch since 1956 or 52 years. The sunrise sub division that the above water rights have been applied for has not been irrigated since about 1970 because the land was sold without the water rights joining with the property. A part of the land that is involved, 2.3 acres, has never been irrigated because it was waste land and not appropriate for flood irrigation before sprinkler irrigation came into existence and hasn't been sprinkle irrigated. Approximately 1/3 to 1/2 of the property, possibly 3/4 of it has not been irrigated in the past.

Sincerely E. Dale Jolley

A handwritten signature in cursive script that reads "E. Dale Jolley". The signature is written in black ink and is positioned below the typed name.

646 Lemhi Road
Salmon, ID. 83467

To whom it may concern,

As the water chairman for water district 74-C, I felt it necessary to add my testimonial to those that have been sent in this protest.

My name is Boyd Stokes and I am the son-in-law to Mr. Dale Jolley. Our land is next to the sub-division in which the Tracy's live.

My wife and I moved back to the ranch in 1983. Since that time I have never witnessed any water usage or irrigation practices on the land where the Tracy's now live. The terrain was steep and filled with sagebrush and greasewood.

The reason for writing this letter is to claim that no water has ever been used on the above said property since returning to the ranch in 1983.

Sincerely,

A handwritten signature in black ink that reads "Boyd Stokes". The signature is written in a cursive style with a large, stylized 'B' and 'S'.

Boyd Stokes