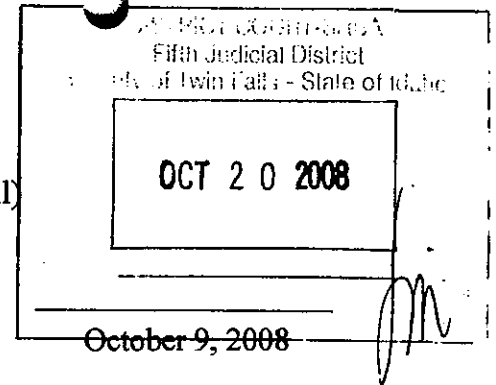


Denyce and Joseph Bigley
P.O. Box 17, Tendoy, Idaho 83468
(208)756-1785 or (208)756-7363 (cell)

SRBA District Court
P.O. Box 2707
Twin Falls, Idaho 83303



To Whom It May Concern:

We would like to file this motion to set aside partial decree for water right # 74 – 800C. This water right is for 12.4 acres of our property on 234 Haynes Creek Road in Salmon, Idaho. Enclosed you will find all the information we have on this right.

1. We have owned this property since August 30, 1990. Enclosed is a copy of our deed and property description.
2. Since then we have paid our yearly fees to irrigate our property. I have enclosed a copy of the most recent bill dated April 1, 2008.
3. The bills we received have our name on them and our current address.

Explanation:

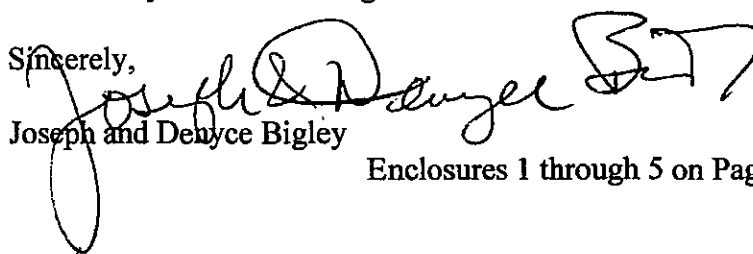
Recently we asked our Water District for a copy of our Water right. We were then told we should call Boise and they would send us a copy. We called Boise and spoke to Mr. Shelley Keen. Mr. Keen sent us copies of the water right. We were very surprised to find that our water had been reduced from the 12.4 acres to 2.3 acres with the partial decree. We had not been notified of this. We also learned that our names were not on the water right and the right was still in the names of the people who sold us our home. At the time of purchase we were told that the water right to the property had been transferred to us, and we subsequently began receiving bills regularly for the right which we paid promptly. Enclosed is a copy of our most recent water bill, addressed in our names. Mr. Rick Sager, our local water master gave us a flow gate, and everything appeared to be in order.

We were surprised to learn that the State of Idaho Dept of Water Resources and our own local water district are two separate entities. The IDWR apparently did not know that the water right had changed hands, and did not notify us of any of the proceedings. Everything was sent to the former owners at a non-existent address. It was only by chance that we learned of this problem.

We have now sent a change in water right ownership to the IDWR. Mr. Keen has assured us he will take care of the change.

Because of these circumstances, we would petition the court to set aside the partial decree that we may continue to irrigate our 12.4 acres and maintain our original water right.

Sincerely,


Joseph and Denyce Bigley

Enclosures 1 through 5 on Page 2

Enclosure 1: Copy of Deed of reconveyance
Enclosure 2: Property description
Enclosure 3: Assessment notices for 2008
Enclosure 4: Water District invoice
Enclosure 5: Copies of information from IDWR

DEED OF RECONVEYANCE

AMERICAN LAND TITLE COMPANY, INC.

an Idaho Corporation, as

Trustee

in the deed of trust executed by JOSEPH A. BIGLEY AND DENYCE G. BIGLEY, HUSBAND AND WIFE

dated Aug. 22, 1990

recorded Aug. 30, 1990

Official Record Book

Instrument No. 207753

Mortgage records of Lemhi

County, Idaho, pursuant to the written request of the beneficiary, does hereby GRANT and RECONVEY unto the PARTIES ENTITLED THERETO, JOSEPH A. BIGLEY AND DENYCE G. BIGLEY, HUSBAND AND WIFE

without warranty, all the estate and interest derived to it by or through said Deed of Trust, in the lands therein described.

The corporate name subscribed by its Asst. Vice-President, and the seal affixed by its Asst. Secretary, is pursuant to a resolution authorizing the execution of this reconveyance duly adopted by its Board of Directors:

Dated: Oct. 22, 1996

Ptn S1/2 LTI 2-19-23

AMERICAN LAND TITLE COMPANY, INC., TRUSTEE
dba Alliance Title & Escrow Corp.

By

Laurie M. Santee

Asst. Vice-President

Attest:

Terri Cotterell

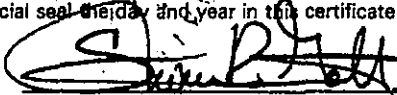
Asst. Secretary

STATE OF IDAHO
COUNTY OF Lemhi

ss.

On this 22nd day of Oct. in the year 19 96, before me, a Notary Public in and for said State, personally appeared Terri Cotterell known to me to be the Asst. Sec. of the corporation that executed the within instrument or the person who executed the instrument on behalf of said corporation, and acknowledge to me that such corporation executed the same.

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



Notary Public for the State of Idaho, Steven R. Gott
Residing at Salmon, ID
Commission expires: 12/14/1997

2315-11

File of Record
County of Lemhi

This instrument was filed for record at the office of
of Alliance Title
at 2:52 o'clock P m Oct 23 19 96
and duly filmed and indexed in the records of
County

Alberta Wiederrick
Ex-Officio Recorder

By Jana L. Adams Deputy

Fee 3.00

Return to Alliance Title

Michael L. Monroe, to Nancy Anderson

A part of the South Half of Lot 1, Section 2, Township 19 North, Range 23 East, Boise Meridian, Lemhi County, Idaho.

Commencing at the Northeast corner of said Section 2; thence South 00 deg. 18'00" East along the East line of said Section 2, a distance of 652.78 feet to the Northeast corner of the South Half of said Lot 1 and the POINT OF BEGINNING of the land to be described:

Thence continuing South 00 deg. 18'00" East along the East line of said Section 2 a distance of 441.67 feet;

Thence North 80 deg. 22'36" West, a distance of 1,333.51 feet to a point on the West line of said Lot 1;

Thence North 00 deg. 14'37" West along the West line of said Lot 1 a distance of 213.19 feet to the Northwest corner of the South Half of said Lot 1;

Thence North 89 deg. 45'28" East along the North line of the South Half of said Lot 1 a distance of 1,313.35 feet to the POINT OF BEGINNING. Containing 9.87 acres.

Nancy Anderson, who acquired title as Nancy Vaughan to Michael L. Monroe

A part of the South Half of Lot 1, Section 2, Township 19 North, Range 23 East, Boise Meridian, Lemhi County, Idaho:

Commencing at the Northeast corner of said Section 2; thence South 00 deg. 18'00" East along the East line of said Section 2, a distance of 1,307.26 feet to the Southeast corner of said Lot 1 and the POINT OF BEGINNING of the land to be described:

Thence South 89 deg. 47'50" West along the South line of said Lot 1 a distance of 1,313.99 feet to the Southwest corner of said Lot 1;

Thence North 00 deg. 14'37" West along the West line of said Lot 1 a distance of 440.38 feet;

Thence South 80 deg. 22'36" East a distance of 1,333.51 feet to a point on the East line of said Section 2;

Thence South 00 deg. 18'00" East along the East line of said Section 2 a distance of 212.81 feet to the POINT OF BEGINNING.

Contains 9.85 acres.

Together with a 20 foot wide easement to be reserved to preserve access to North parcel of South Half Lot 1 at a later determined location between Point A and B of the Northerly side of the County Road.

①

ASSESSMENT NOTE

~~J 2438~~
~~2 19 23~~

Page 1 OF 1

LEMHI COUNTY ASSESSOR
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467
208-756-3116

2008

ASSESSMENT NO. E

THIS IS NOT A BILL.
DO NOT PAY.

PARCEL DESCRIPTION:

I 2435
2 19 23

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 756-3116

PARCEL ADDRESS:

234

HAYNES CRK RD

BIGLEY JOSEPH A
& BIGLEY DENYCE G
PO BOX 17
TENDON ID 83468

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 23, 2008

Tax Code Area:
21-0000

Parcel Number:
RP 19N23E020005

ASSESSED VALUE OF YOUR PROPERTY

CURRENT CATEGORY AND DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
12 RURAL RES TR	8.914 AC	58,027	58,027
19 WASTE	.936 AC		
34 BLDG RES TR		65,383	68,000
SUBTOTAL:	9.850	123,410	126,027
LESS HOMEOWNERS EXEMPTION:		39,990	42,000
NET TAXABLE PROPERTY VALUE:		83,420	84,027

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	LAST YEAR'S TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
STATE			No Response
LEMHI COUNTY		208-756-2815	09/02/2008
SCHOOL DIST 291		208-756-4271	06/09/2008
3CHL 291 M&O			No Response
3CHL 291 TORT			No Response
3CHL 291 BOND			No Response
3CHL 291 PLANT			No Response
3CHL 291 SPLMT			No Response
LEMHI RURAL FIRE		208-756-3037	08/21/2008
LEMHI LIBRARY		208-756-2311	07/19/2008
SUBTOTAL:			
FEES:			
TOTAL PROPERTY TAXES & FEES:			

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

2

WATER DISTRICT #74

Invoice

PO BOX 744
SALMON, ID 83467

Date

4/1/2008

JOSEPH BIGLEY
PO BOX 17
TENDON, ID 83468

pd dr
#5135

WATER RIGHT #
74-00800C
CLERICAL FEES

\$ 20.00
4.2.08

Qty CFS
0.086

AMOUNT
15.00
5.00

IF WATER RIGHT # 74-00800C IS NOT PAID BY 4/1/08

* Received from

IDWR

10.9.08

12/03/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 74-800C
NAME AND ADDRESS: MICHAEL L MONROE
RT 1 BOX 48B-1
SALMON ID 83467
ALEXIA C MONROE
RT 1 BOX 48B-1
SALMON ID 83467

SOURCE: HAYNES CREEK TRIBUTARY: LEMHI RIVER
QUANTITY: 0.050 CFS
PRIORITY DATE: 02/23/1923
POINT OF DIVERSION:

T19N R23E S2 NENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.050 CFS

PLACE OF USE: IRRIGATION Within LEMHI County
T19N R23E S02 Lot 1 NENE 2.3

2.3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-800C

WATER RIGHT NUMBER: 74-800C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	FRED H SNOOK 206 COURTHOUSE DR SALMON, ID 83467 (208)756-2125
Original Owner	JOHN C SNOOK RT 1 BOX 49 SALMON, ID 83467
Original Owner	QUINTON SNOOK 9 QUINTON LN SALMON, ID 83467 (208)756-2787
Current Owner	MICHAEL L MONROE RT 1 BOX 48B-1 SALMON, ID 83467 (208)756-4538
Current Owner	ALEXIA C MONROE RT 1 BOX 48B-1 SALMON, ID 83467 (208)756-4538

Change of Ownership
Joseph Bigley
PO Box 17
Tendoy, Id 83468
756-4538

Priority Date: 02/23/1923
Basis: Decreed
Status: Active

<u>Source</u>	<u>Tributary</u>
HAYNES CREEK	LEMHI RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.500 CFS	
	<u>Total Diversion:</u>	0.500 CFS	

Location of Point(s) of Diversion

HAYNES CREEK	L1 (NE1/4NE1/4)	Sec. 2, Twp 19N, Rge 23E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T19N R23E S02 Lot 1 NENE 12.4

Total Acres: 12.4

Check acreage -
Close to 10?

Check Plat Map

Conditions of Approval:Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 74-800C

Dates and Other Information:

Claim Received Date: 5/10/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: OR
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

REL
5/22/03



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

May 16, 1990

Alexia C. Cochran
Rt 1 Box 48B-1
Salmon, ID 83467

RE: Notice of Claim

Dear Ms. Cochran:

The Department of Water Resources is returning your check #0915 for \$25.00. Water rights decreed in the Lemhi Adjudication do need to be filed at this time, but no fee is required.

In Item #16, you failed to have your signatures notarized. Please have this done and return the claim to us within 30 days.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Ernest Carlsen', is written over the typed name.

Ernest Carlsen
Adjudication Supervisor

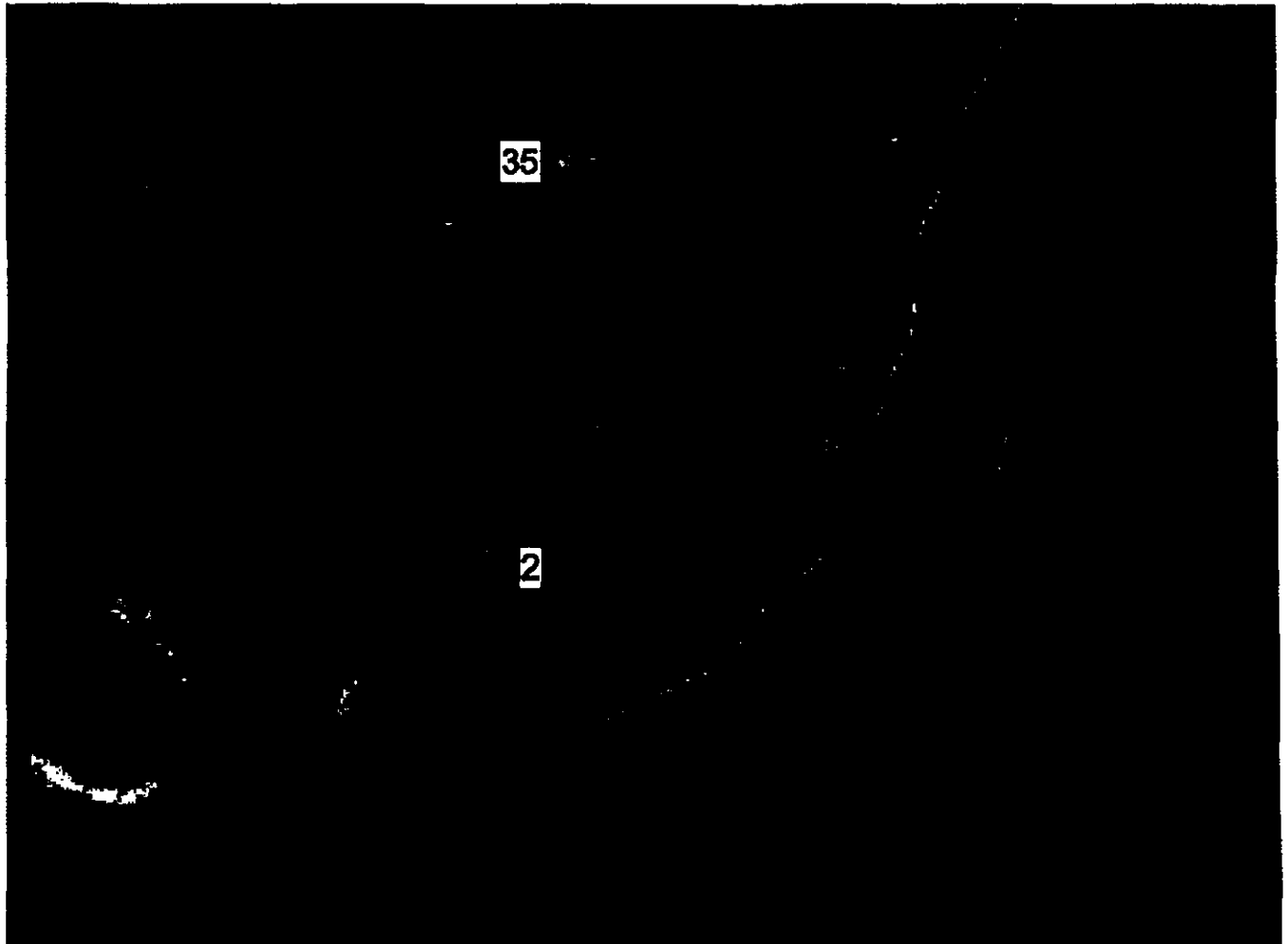
EC:jt

Enclosure

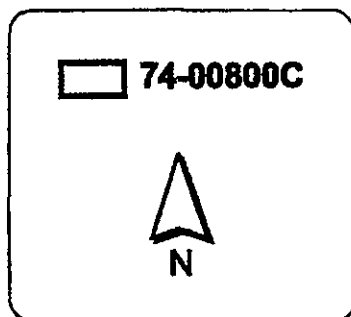
MICROFILMED

DEC 14 1992

Idaho Dept. of Water Resources
Water Right No. 74-800C
Michael and Alexia Monroe



0.1 0 0.1 0.2 Miles



GIS Presentation
Prepared by R. Brown
December 3, 2004
1993/94 True Color Photography

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: A74-00800C
Date Received: 5/10/1990
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL L. MONROE 208-756-4538
Address: RT 1 BOX 48B-1
SALMON, ID 83467

OR
Name: ALEXIA C. MONROE 208-756-4538
Address: RT 1 BOX 48B-1
SALMON, ID 83467

2. Date of Priority: FEB 23, 1923

3. Source: HAYNES CREEK Trib. to: LEMHI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	23E	2		NE	NE	1	LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.500		

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

8. Total consumptive use is 12.4 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ 2 HORSES, 2 MULES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
19N	23E	2	NE	NE	1	IRR	12.4
Section Acres							12.4
Total Acres							12.4

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED

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): _____ Date: _____
_____ Date: _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

Data enter X999999

39576
A74-00800C
5-10-90 P.M.

RECEIVED

MAY 22 1990

Department of Water Resources
Eastern District OfficeNOTICE OF CLAIM
TO A

WATER RIGHT

ACQUIRED UNDER STATE LAW

RECEIVED

MAY 11 1990

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) MICHAEL L. MAURDE, ALPHEA COCHRANE Phone (208) 756-4538Mailing Address RT 1 BOX 488-1 SALMON, ID. Zip 834672. Date of Priority (Only one (1) per claim) 2-23-19233. Source of water supply (a) HAYNES CR.
which is tributary to (b) LEMHI RIVER4. a. Location of existing point of diversion is: Township 19N Range 23E Section 22
S 1/2 NE 1/4 of NE 1/4, Govt. Lot, 1 B.M., County of LEMHI

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4

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

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4

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

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: DITCH

MICROFILMED

DEC 14 1992

A7400800C

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 4-1 to 11-1 amount 0.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 12.4 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 2 HORSES 2 MILK COWS

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	
15N	23E	2	12.4																12.4

Total number of acres irrigated 12.4

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

12. Do you own the property listed above as place of use? Yes X 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 ()

14. Remarks:

MICROFILMED

DEC 14 1992

Last Name MONROE, COCHRAN Ident No. 74-0800

Copies: White-State, Yellow-Claimant

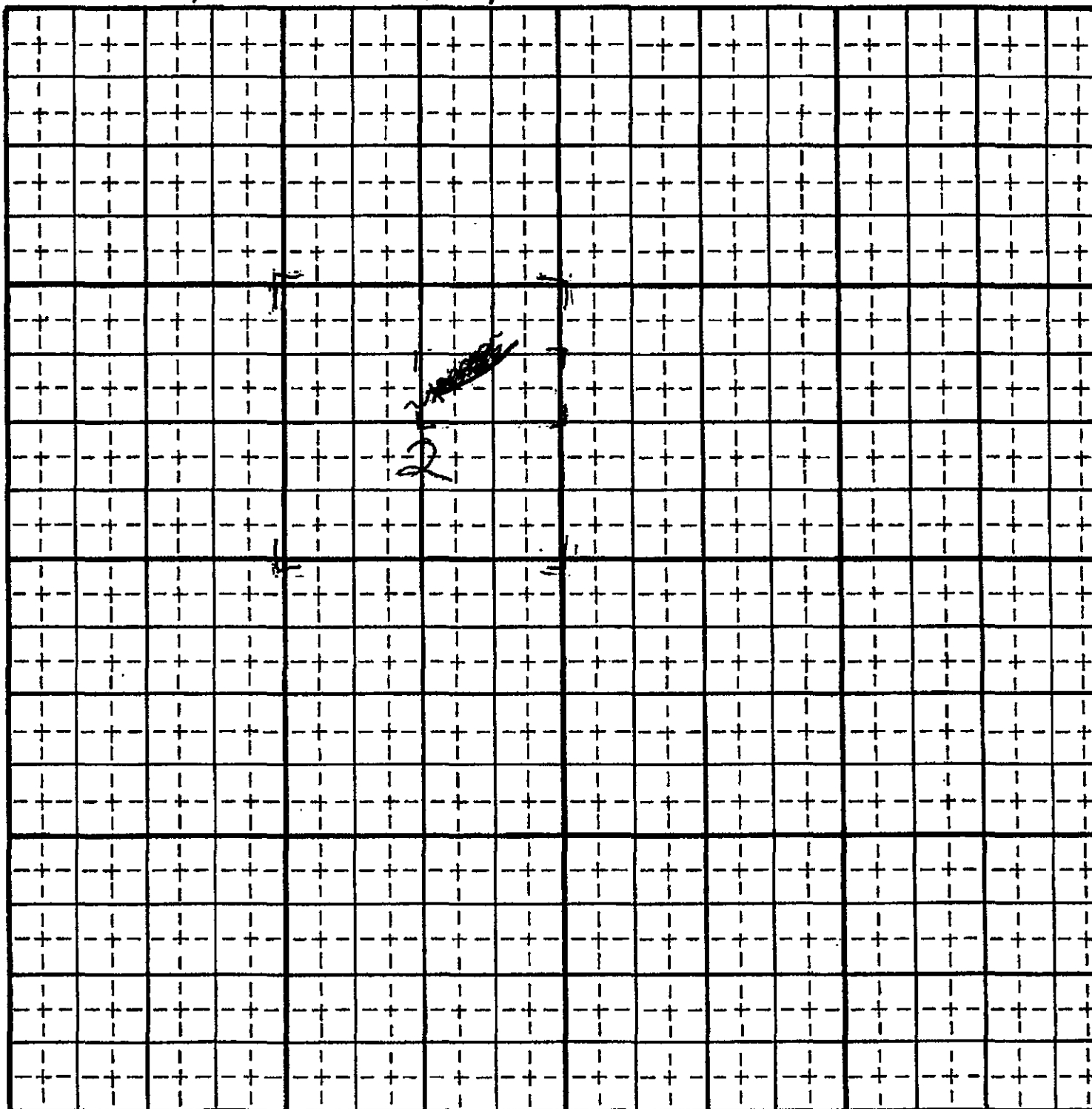
Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

T 19 N., R 23 E. sec. 2 NE 1/4

mm = Haynes Creek

x = point of diversion



MICROFILM

Last Name MURPHY, CHARLES Ident No. 24-0800

Copies: White-State, Yellow-Clamant DEC 14 1992

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree _____
If applicable provide IDWR Water Right Number _____
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 _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) Michael L. Monahan Date 5-8-90
Alexis C. Cochran Date 5/8/90

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 _____)
County of Lenape) SS.

Subscribed and sworn (or affirmed) before me this 21st day of May 1990

SEAL

Notary Public Ben Allen

Residing at Salmon

My Commission Expires 2-19-91

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 _____

MICROFILMED

DEC 14 1992

Last Name MONAHAN COCHRAN Ident. Number 74-0800

Copies White-State, Yellow-Claimant