

SRBA Court Exhibits
of Jeffrey V Waite

RECEIVED

APR 27 2009

DEPARTMENT OF
WATER RESOURCES

Re; SRBA Court Case Numbers,

7514302

7514100

7514093 - Now 7514517 and 7514513

7514092

Exhibit Index Below;

- A Sept 2008 SRBA Court Letter.
- B Sanderson Homestead patent.
- C Waite Colorado Ditch Bill Easement.
- D Waite 1994 Aerial photos.
- E Subdivision Map Govt Lots Sanderson water.
- F Waite 1992 Aerial photos.
- G Map Sanderson Homosite water.
- H Waite 1992 Aerial photos.
- I Map Current Applied New claims.
- J 2008 Waite Aerial subdivision photos.
- K Waite 1986 photos.
- L Waite 1981 photos.
- M Map USGS.
- N Decree.
- O 937 Transfer.
- P Area Locator.
- Q Waite 1980 photos.
- R Waite 1980 photos.
- S Letter 6 Oct 2008 USES.
- T Permit/ Use Map.
- U Notice of change.
- V 1929 Metaskers.

I Jeffrey V Waite certify that
the above Exhibits were mailed
25 April 2008 to;

SRBA Court PO Box 2707

Twin Falls, Id 83303

Director Idaho Department of Water
Resources PO Box 83720

Boise, Id 83720-0098

Jerry Riggsby PO Box 250

Rexburg, Id 83440

Dale Gooby 18 Savage Rock Rd

Carmen, Id 83462

Linda Barinaga 2655 Linder Rd

Kona, Id 83634

Milt Slavin

Slavin Law Office

Salmon Id 83467

Respectively

Jeffrey V Waite

Jeffrey V. Waite

PO Box 75

Carmen Id 83462

Phone 208 303 0153

September 1, 2008

SRBA Court,

RE: Statements, facts, evidence and attached exhibits regarding Jeffrey V Waite claims, claim history, consideration of objections and recommendations.

In the fall of 1974 I first became familiar with all of the private property watered by Wallace Creek diversions below the Diamond Creek Road USFS 129. The entire property belonged to the William and Gertrude Maxwell Ranch. By them I was given permission to cross and hunt upon.

In 1980 I first formally made an offer to buy my present property with William Maxwell Sr. I was told by William SR, "Bill" that he was currently subdividing property of which I was interested in purchasing.

That property, Diamond Creek Subdivision Lots 20 and 19 were all entirely within the Sanderson Homestead Patent ground of 1923. That included the original home site buildings and nearly all of the historic irrigated ground that was currently being irrigated on the new Diamond Creek Subdivision above the lower River Road, (Lemhi Co designated Diamond Creek Road now). Bill was very knowledgeable about the history of the land and shared past historic deeds and paperwork with me.

In 1985 we officially closed on purchase of above mentioned property due to a delay and legal stress within a partnership William Maxwell SR had formed regarding all Diamond Creek Subdivision lands. Other Subdivision lands above the River Road were not appealing to us to purchase for lack of irrigation.

Evidence of other historic use of Wallace Creek water for irrigation off upper "Sanderson Ditch" other than on the 1923 Sanderson Homestead property does not exist.

Since SRBA adjudication more recently began, there has been extensive enlargement and extensions beyond original Sanderson Patent ground. That is of new claim filings and manipulations of claims. None of which either existed or were applied over a time period of greater than 70 years. More recently assertions of claims with the start of this adjudication process to lands outside of the Sanderson Patent ground to some lands that were certainly heavily grazed but not historically irrigated.

Bill Maxwell Senior, now deceased, formerly owning all of the property of the Diamond Creek Subdivision could have at his discretion and will certainly laid sprinkler pipe to other portions lying above the River Road. However the system historically in place upon

my purchase of Lots 20 and 19 irrigated only Sanderson Homestead property. All of that irrigation system was located on my property. No portion of that system was extended until the year 1999 or 2000. Even more afterwards beginning 2002 under adverse circumstances and in my absence in Iraq and Afghanistan. That has since left me with barely enough to irrigate half of my formerly irrigated Sanderson Ground.

I am aware of a 1959 "937" transfer that Bill Maxwell signed, "into a pipeline", SE ¼, NW ¼. As written of "older style" of local. I would like to indicate to the Court however that in my opinion it certainly was never applied as no "pipeline" has ever existed at the diversion origination of the Sanderson Ditch. Most importantly that the physical location roughly of a diversion of such "as written" on the document can and does exist on two different locations of some distance apart within the same Section 1 of land mentioned.

The document is poorly worded and may even contain typographical error. (As written it would leave one to question, are they talking about a place in the SE1/4 section and in the NW1/4 of the SE1/4 section of Section 1? Could they be talking about a place in the SE1/4 of the NW1/4 section of Section 1? Either place that is roughly close to a diversion in two different ¼ sections of Section 1. Other wording on the document makes it more confusing.) More currently a third identifier became used to better locate a place within a section of land. Old style leaves the question as to which diversion they were talking about and more importantly the question is as to water having ever been applied to all of the lands mentioned?

There was also some evidence within the subdivision of temporary pipe laid on the surface, which portions of land were also once, Nydia Placer mining claim hydraulic sites. Sanderson is named on Nydia Placer mining claims prior to his homestead. That claim stripped the subdivision and federal lands beyond.

The upper portion of the Sanderson Ditch would appear to have been constructed by mining claims. The abandon even longer lower section served a Diamond Creek Mine historic hydraulic site to the north outside of the subdivision.

Sanderson would appear to have been the builder of a lower ditch to irrigate and improve portions of his Government lots 5, 10, and 11 he homesteaded. That ditch being served at an abandoned intersection off former original placer ditch works above.

From 1985 until 1992 my wife and I were employed to irrigate all of formerly irrigated land in the entire subdivision to the rivers edge below. That was under the employ of a grazing leaseholder of the entire subdivision including also our land. We were under the direct supervision of William Maxwell SR as to where water should be applied and certainly to what limit above lower road Statutory "High-water" Sanderson irrigation could be applied. "Bill" Maxwell was still a member of the subdivision partnership yet to be cashed out in the future by his partners. After that is when most claims manipulation began to occur and stories of water having been applied to places they had never been. Land had remained on the market for some years without having been sold since our first purchase for lack of water.

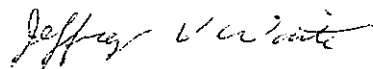
Sanderson claim water generally was no longer applied after mid to late July and the ditch was shut down. At that point, use there of would be starving Bills senior decreed water rights below. Since Bills Death and new claimed users that has not been the case. At times people generally divert so much water into the Sanderson ditch that very little and at times no water runs on the surface of Wallace creek immediately below the Sanderson Ditch.

I am the only permitted user to convey formerly Sanderson Homestead water by Federal Law Act of Congress 1976, Colorado Ditch Bill. I was notified of need to apply in 1987. I received approval of application easement in 1992, formally signed and granted in 1999 and since recorded Lemhi County. There were no other applicants or formerly claimed users of that water. The easement granted does not allow enlargements or extensions (neither by future claims or me), and names liabilities and me alone to use. The easement is specific and attached to only the Sanderson Property I own. It is only transferable upon sale of that same property for the acre amount of which Sanderson water was applied on Waite or former Waite land in the event of sale.

I am not aware of how the State of Idaho could not recognize the Law by ACT of Congress under which I received that easement or allow additional claims upon which ditch easement I am the only permitted user. There remains 25 acres of formerly and historically irrigated land on lot 20 and 5 acres on lot 19 Diamond Creek Subdivision of which Colorado Ditch Bill was based on application. The SRBA adjudication recommended does not even include the second historic surveyed point of diversion off the Sanderson Ditch or properties it served on the Colorado Ditch Bill. The recommendation also totally excludes the first diversion on a field of about 17 acres upon which a buried pipeline with numerous handline riser attachments serving that field has been in place for 85 years!

All of the photographs submitted with this letter where taken by myself, Jeffrey V. Waite over some thirty years including the aerals as I was also flying the planes used. None have been cropped, enhanced or modified in any way. All are dateable by documents I have set aside if need be so, i.e. well rig / State filed well report, house / building permit, house alone / no shop, house / with shop etc.

Respectively SRBA Court,



Jeffrey V. Waite
PO Box 75
60 Savage Ranch Rd
Carmen, Idaho 83462

Phone 1 208 303 0153

Hailey 021045

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 JOSEPH SANDERSON has been established and duly consummated, in conformity to law, for the Lots ten and eleven of Section thirty-one in Township twenty-three north and the Lot five of Section six in Township twenty-two north all in Range twenty-two east of the Boise Meridian, Idaho, containing one hundred eleven acres and eighty-four hundredths of an acre, 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, Warren G. Harding, 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 SEVENTEENTH day of APRIL in the year of our Lord one thousand nine hundred and TWENTY-THREE and of the Independence of the United States the one hundred and FORTY-SEVENTH.

-Seal-

By the President: Warren G. Harding
By Viola B. Pugh, Secretary.
M. P. LeRoy
Recorder of the General Land Office.

RECORDED: Patent Number 903446

Recorded at the request of Jos. Sanderson August 10th, 1925 at -- minutes past 3 o'clock P. M., in Book 28 of Deeds page 224. Records of Lemhi County, Idaho.

By Lelia M. Glendon
Deputy.

W. W. Simmonds
County Recorder.

Fee: 1.00

Ex 4.6.1 C

FS-2700-9a (9/96)
OMB No. 0596-0082

U.S. DEPARTMENT OF AGRICULTURE Forest Service AGRICULTURE IRRIGATION AND LIVESTOCK WATERING SYSTEM EASEMENT Act of October 21, 1976, Act of October 27, 1986 (Pub. L. 99-545), 36 CFR 251, Subpart B	Holder No. 5172-01	Issue Date 7/29/99	Expir. Date 0X
	Use Code 916	Authority 676	Auth. Type 10
	Region/Forest/District 04/13/01		State/County 16/059
	Cong. Dist. 02	Latitude	Longitude

THIS EASEMENT issued this 29 day of July, 1999, by the UNITED STATES OF AMERICA, acting by and through the Forest Service, Department of Agriculture, hereinafter called Grantor, to Jeff V. Waite, a person of the State of Idaho, hereinafter called the Holder.

WHEREAS, the Holder has applied for an easement under Section 501 of the Federal Land Policy and Management Act of October 21, 1976, as amended by P. L. 99-545 (90 Stat. 2743; 43 U.S.C. 1761), for agricultural irrigation or livestock watering system facilities located on lands owned by the United States on the Salmon-Challis National Forest, in the County of Lemhi, State of Idaho.

WITNESSETH

WHEREAS, upon acceptance of this easement the Holder relinquishes all right, title, and interest in and to any easement issued for the same lands by the United States by any previous grant or permit.

NOW THEREFORE, the United States does hereby grant, subject to valid existing rights, an easement for occupancy with water conveyance system facilities of lands shown on the map and specifically described by a centerline description contained in Exhibit A, attached hereto and incorporated herein, as provided by the Holder and hereby accepted by the Authorized Officer.

This easement is issued subject to the following terms, provisions, and conditions applicable to the Holder, its permittees, contractors, assignees, and successors in interest.

1. **AUTHORIZED USE.** This easement authorizes only the right-of-way and water conveyance system facilities as constructed and operated on October 21, 1976, as specified herein.
2. **EXTENSIONS or ENLARGEMENTS.** This easement does not authorize extensions or enlargements of the water conveyance system.
3. **FEES.** This easement is issued free of charge.
4. **TRANSFERABILITY.** This easement is fully transferable provided the water conveyance system facilities are used for agricultural irrigation or livestock watering. Holder shall notify Grantor within sixty (60) days of any address change or change in ownership.
5. **TENURE.** This easement shall continue for as long as the above described lands and water conveyance system facilities are used, operated, and maintained in accordance with the terms and conditions herein described.

6. OPERATION and MAINTENANCE.

- a. Holder agrees to operate and maintain the facilities and use the authorized easement in accordance with applicable Federal, State, and local laws, regulations, and standards.
- b. Holder shall notify, consult with, and obtain concurrence of the Grantor for operation and maintenance of the authorized facilities.
- c. Holder agrees to install and maintain an operable headgate at each diversion structure. Such headgate shall be capable of controlling the amount of water entering the system.
- d. Holder will not use fire or herbicides on the authorized right-of-way except as permitted in writing by the Grantor.
- e. Holder agrees to operate and maintain the facilities and use the authorized easements in accordance with the operation and maintenance plan contained in Exhibit B, attached hereto and incorporated herein.

7. EMERGENCY REPAIRS.

- a. Except for emergency repairs required to protect the environment, property of the United States, or public health and safety, the Holder may not use materials on National Forest System lands outside the easement prior to obtaining written authorization and paying for the materials to be used. Holder's use of material within the easement is limited to maintenance of the water conveyance system facility.
- b. If the water conveyance system facilities authorized by this Easement are allowed to deteriorate to the point of threatening persons or property, and the Holder, after notification by the Grantor, refuses to perform the repairs and maintenance required to remove the threat to persons or property, Grantor shall have the right to undertake such repair and maintenance and to assess the Holder for the costs of such repair and maintenance, regardless of whether Grantor had required the Holder to furnish a bond or other security.

8. INDEMNIFICATION. Holder shall indemnify the United States against liability for any and all injury, loss, or damage, including fire suppression costs, that the United States may suffer as a result of claims, demands, losses, or judgements caused by the Holder's use or occupancy under this easement.

9. LIABILITY. Holder is liable for and agrees to repair damage to National Forest System lands caused by Holder's negligence, intentional acts, or of failure to comply with the terms and conditions of this easement or of any law or regulation applicable to the National Forests.

10. SITE RESTORATION. Holder shall, upon termination of this easement, stabilize the site as required by the Grantor. If Holder does not stabilize the site, the Holder agrees to pay the costs of such stabilization if undertaken by the Grantor.

11. SPECIAL PROVISIONS.

The foregoing notwithstanding, this easement is granted subject to the following reservations by Grantor, for itself, its permittees, contractors, and assigns.

A. NONEXCLUSIVE USE. The Grantor reserves the right to use or permit others to use the easement area, provided such use does not unreasonably interfere with the rights and privileges hereby authorized.

B. TERMINATION. This easement may be terminated with consent of Holder, or if Holder fails to exercise the rights and privileges authorized for any continuous period of five (5) years or more. This easement expires according to its terms if Holder uses the water conveyance system for any purpose other than agricultural irrigation or livestock watering. Grantor may take action to terminate this easement under 7 CFR 1.130 - 1.151, for noncompliance with applicable statutes and regulations, or the terms and conditions of this easement.

C FOREST SERVICE REPRESENTATIVE. The District Ranger, Salmon/Cobalt Ranger District, is responsible for administering this easement. The Holder should contact the District Ranger regarding any questions concerning the occupancy and use authorized and the provisions of this authorization.

D. WATER RIGHTS/ADJUDICATION. Should, subsequent to the issuance of this easement, an adjudication of the water right or water system authorized by this easement establish the fact that the Holder did not have a valid water right for the use of the water or a water system which meets the requirements of this act, then coincidental with the date of the decree, this easement shall expire on its own terms based upon the failure of the permit holder to meet the requirements of this Act. Upon expiration, all right, title, and interest in and to the subject area shall revert to the United States, or its successors or assigns.

ACCEPTANCE On this 6 day of July, 1999, I, the undersigned Holder have read, understand, and accept the terms and conditions of this easement.

Jeff V. White
Holder

ACKNOWLEDGMENT

STATE OF Idaho)
COUNTY OF Lemhi) ss.

The foregoing instrument was acknowledged before me this 6 day of July, 1999
by Melby M. Shanafelt

Melby M. Shanafelt
Notary Public

My commission expires: 12-18-2003

IN WITNESS WHEREOF, the Secretary of Agriculture by the Regional Forester, Forest Service, has executed this Easement pursuant to delegations of authority specified in 7 CFR 2.60 and 36 CFR 251.52 on the day and year written above.

UNITED STATES OF AMERICA
Jack A. Blackwell
for JACK A. BLACKWELL
Regional Forester
Intermountain Region

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082.

This information is needed by the Forest Service to evaluate requests to use National Forest System lands and manage those lands to protect natural resources, administer the use, and ensure public health and safety. This information is required to obtain or retain a benefit. The authority for that requirement is provided by the Organic Act of 1897 and the Federal Land Policy and Management Act of 1976, which authorize the Secretary of Agriculture to promulgate rules and regulations for authorizing an managing National Forest System lands. These statutes, along with the Term Permit Act, National Forest Ski Area Permit Act, Granger-Thye Act, Mineral Leasing Act, Alaska Term Permit Act, Act of September 3, 1954, Wilderness Act, National Forest Roads and Trails Act, Act of November 16, 1973, Archeological Resources Protection Act, and Alaska National Interest Lands Conservation Act, authorize the Secretary of Agriculture to issue authorizations for the use and occupancy of National Forest System lands. The Secretary of Agriculture's regulations at 36 CFR Part 251, Subpart B, establish procedures for issuing those authorizations.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Public reporting burden for this collection of information, if requested, is estimated to average 1 hour per response for annual financial information; average 1 hour per response to prepare or update operation and/or maintenance plan; average 1 hour per response for inspection reports; logs, facility and user information, sublease information, and other similar miscellaneous information requests. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Washington D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB # 0596-0082), Washington, D.C. 20503.

COPY 111 A

**AGRICULTURAL IRRIGATION AND LIVESTOCK WATERING SYSTEM
EASEMENT DESCRIPTION
WALLACE CREEK DITCHES - PIPELINES
Jeff V. and Gail A. Waite**

Four strips of land encompassing the prism of the existing ditch or pipeline, or 15 feet each side of the existing ditch or pipeline centerline, whichever is greater, located in the NE-SW 1/4, NW-SE 1/4, SW-NE 1/4, and Lots 1 and 5, Section 1, Township 22 North, Range 21 East, Boise Meridian, Lemhi County, Idaho, and more particularly described as follows:

Ditch 1

Beginning at the southeast corner of Section 1, Township 22 North, Range 21 East, B.M.; thence N.55°34'W., 4200 feet to an irrigation ditch diversion on Wallace Creek; the True Point of Beginning; thence northeasterly 4800 feet along the centerline of the existing ditch to its intersection with an unnamed gulch, the Point of Ending. The northeast corner of Section 1, Township 22 North, Range 21 East, B.M. bears N.38°07'E., 1240 feet from said Point of Ending.

Pipeline 1

Beginning at the northeast corner of Section 1, Township 22 North, Range 21 East, B.M.; thence S.28°00'W., 1390 feet to an irrigation pipeline diversion on Ditch 1, the True Point of Beginning; thence easterly 660 feet along the centerline of the existing pipeline to its intersection with the east boundary of Section 1, the Point of Ending. The northeast corner of Section 1, Township 22 North, Range 21 East, B.M. bears north along the section line 1175 feet from said Point of Ending.

Ditch 2

Beginning at the northeast corner of Section 1, Township 22 North, Range 21 East, B.M.; thence S.26°04'W., 890 feet to an irrigation ditch diversion on an unnamed gulch, the True Point of Beginning; thence northerly 1180 feet along the centerline of the existing ditch to its intersection with the north boundary of Section 1, the Point of Ending. The northeast corner of Section 1, Township 22 North, Range 21 East, B.M. bears east along the section line 320 feet from said Point of Ending.

Pipeline 2

Beginning at the northeast corner of Section 1, Township 22 North, Range 21 East, B.M.; thence S.51°19'W., 345 feet to an irrigation pipeline diversion on Ditch 2, the True Point of Beginning; thence northeasterly 360 feet along the centerline of the existing pipeline to its intersection with the east boundary of Section 1, the Point of Ending. The northeast corner of Section 1, Township 22 North, Range 21 East, B.M. bears north along the section line 12 feet from said Point of Ending.

COUNTY RECORDER CERTIFICATION

INSTRUMENT NUMBER 272098
TIME 10:18 DATE 6/27/07
BOOK _____ PAGE _____
RECORDS OF LEMHI COUNTY, STATE OF IDAHO

RECORDER

U.S. FOREST SERVICE APPROVAL

<u>James R. Werner</u>	<u>4/9/96</u>
Forest Engineer	Date
<u>Charles J. Hefner</u>	<u>4/9/96</u>
Forest Land Surveyor	Date

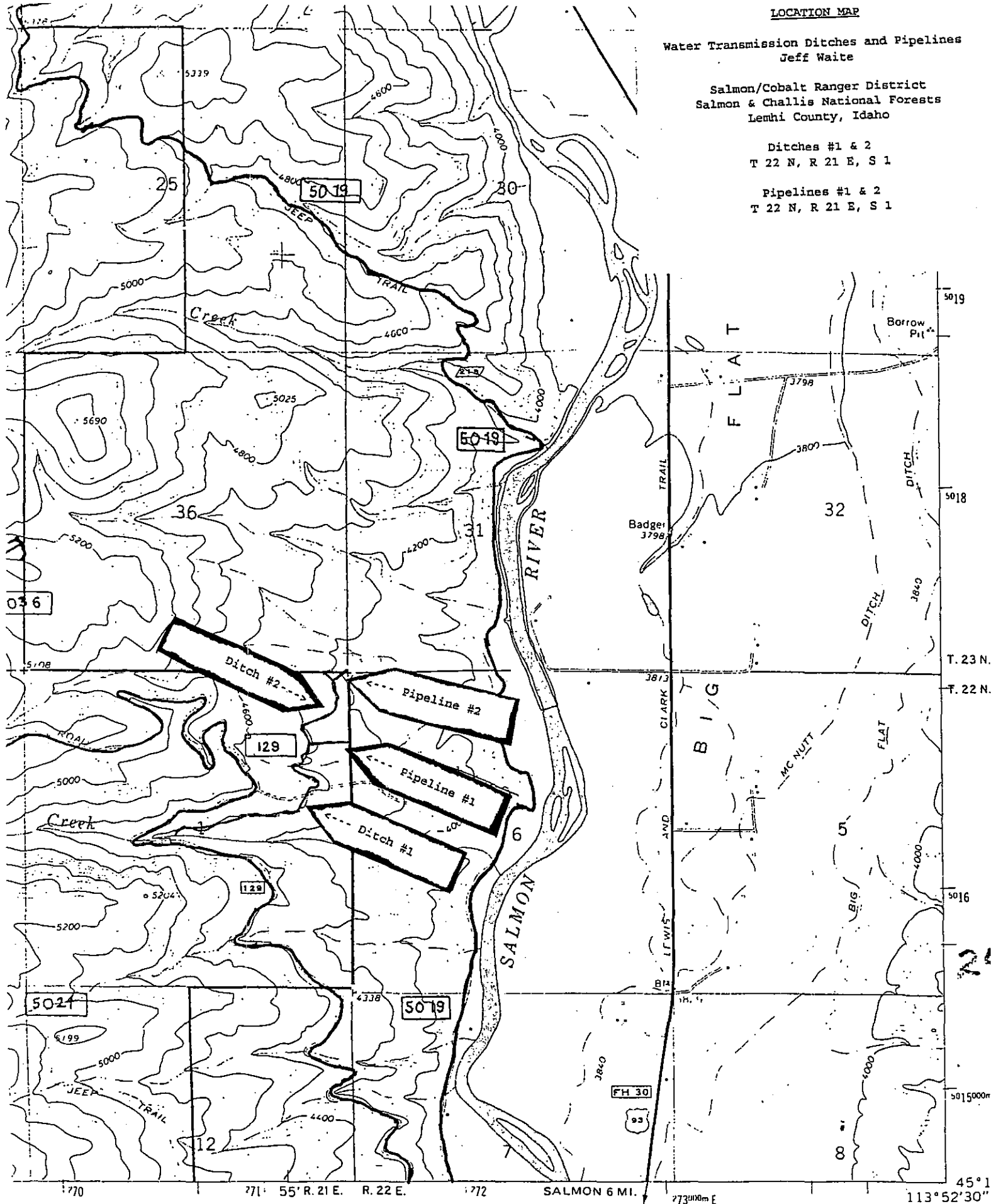
LOCATION MAP

Water Transmission Ditches and Pipelines
Jeff Waite

Salmon/Cobalt Ranger District
Salmon & Challis National Forests
Lemhi County, Idaho

Ditches #1 & 2
T 22 N, R 21 E, S 1

Pipelines #1 & 2
T 22 N, R 21 E, S 1



BIRD CREEK

SALMON NATIONAL FOREST
SALMON AND NORTH FORK

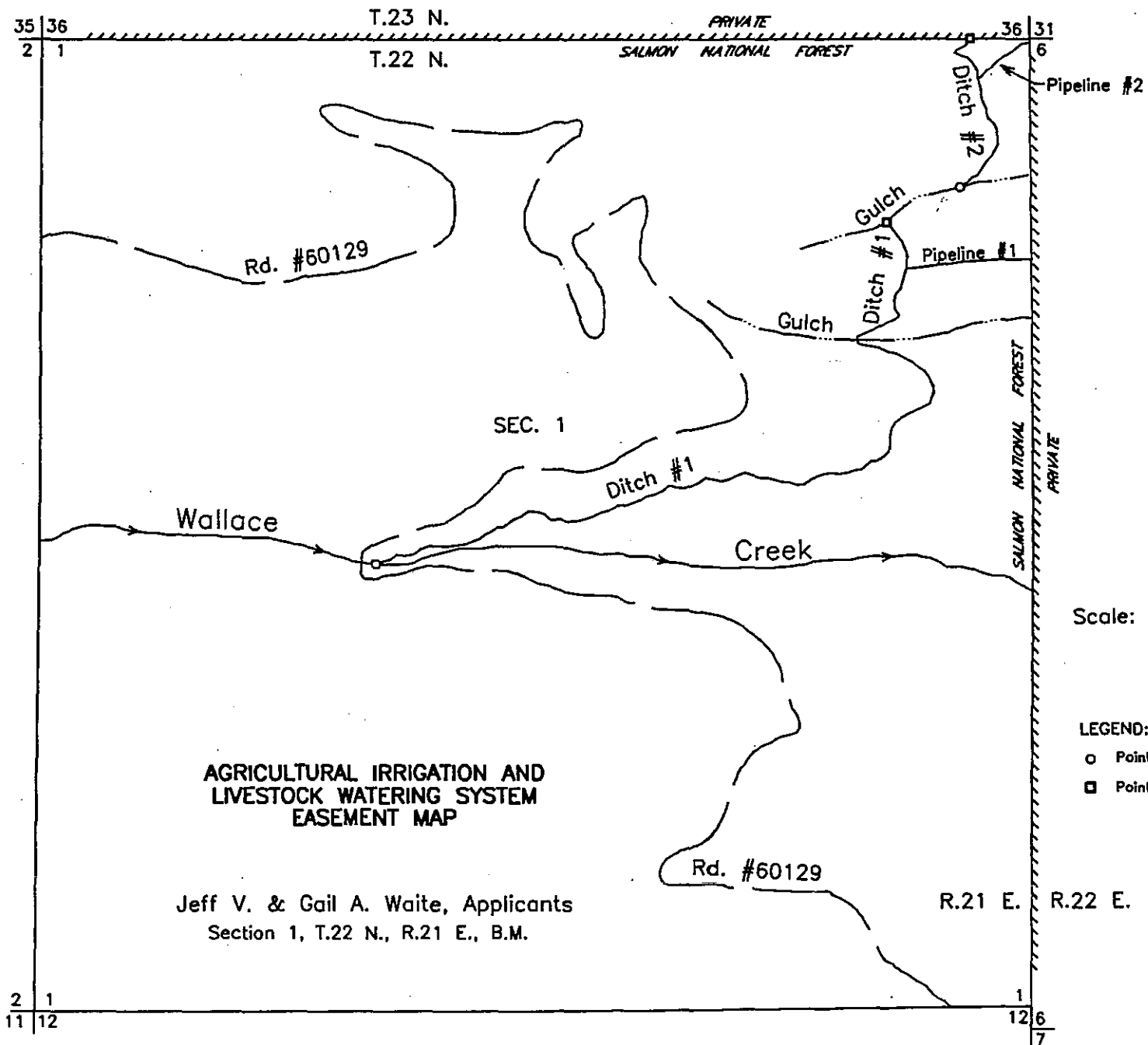


EXHIBIT B

OPERATION AND MAINTENANCE PLAN

FOR

Wallace Creek Irrigation System

Easement Holder: Jeff Waite

The easement incorporates this Operation and Maintenance Plan (O & M Plan) and any attachments thereto; and the Holder agrees to operate and maintain the facilities and use the granted land in accordance with the following stipulations:

1. Regulate channel flows so that a freeboard is maintained above the water line.
2. Use only maintenance routes agreed to and to repair all damage resulting from said use.
3. The Holder shall: be responsible for prevention and control of soil erosion and gullyng on land covered by the easement and the land adjacent thereto, resulting from operations and maintenance of granted use; maintain channel to prevent downcutting and bank failure; remove all obstructions from the channel; revegetate or otherwise stabilize all ground where the soil has been exposed; be responsible for control of and spread of noxious weeds, as indentified by the US Forest Service and the local County weed list.
4. The Holder shall inspect the facility prior to use each year and make necessary repairs. Work that is considered other than routine maintenance and/or minor repairs shall be discussed in advance with the Forest officer. All repairs shall be acceptable to and completed by the date agreed to by the Holder and the Forest officer.
5. The Holder will contact the Forest officer for approval before proceeding with work that is other than routine operations. Some of these situations are:
 - a. Bringing in and using heavy equipment.
 - b. Using other than approved maintenance routes for access.
 - c. Motorized use in a closed area in an emergency situation.
 - d. Removal of significant amounts of vegetation and silt and deposition of the same, if on National Forest System lands.
 - e. Burning, application of seed mixtures (weed-free seed required), chemical application or other means of vegetation control measures.
 - f. Reconstruction or re-routing of a portion of the ditch (the latter would also entail a new easement).
6. This O & M Plan will be reviewed annually by the Holder and may be amended by mutual agreement when signed and dated by the Holder and the appropriate line officer.

Jeff Waite
Holder's Signature

11/16/98
Date

[Signature]
District Ranger's Signature

12/17/98
Date

Waite — upper subdivision
North
↑

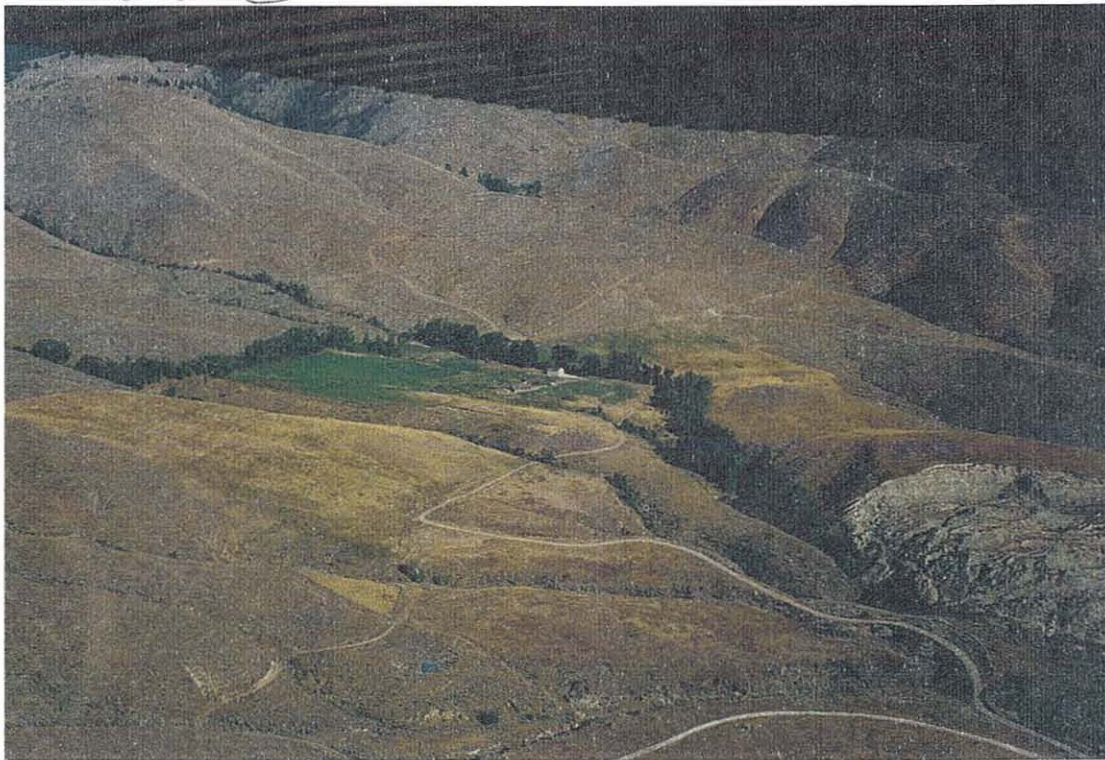
Exhibit D



1994 April

Date; pre shop

Waite



1996 Aug

Date; ref
shop building
permitt

North
↑

All of Sanderson 1923 applied irrigation Gov Lots 5, 10, 11

Sh. pg 45-1

Government Corner Same Round

N0°03'02"E
1270.45'

This water came from other source
Spring & other
about

1/2" x 24" Steel Bar w/ 1/2" Alum Cap

COUNTY COMMISSIONERS' ACCEPTANCE

The foregoing plat was duly accepted and approved by the Board of Commissioners of Lemhi County, Idaho on this 14 day of August 1981.

Elaine Adams, Forest Smith
Attest Clerk Chairman

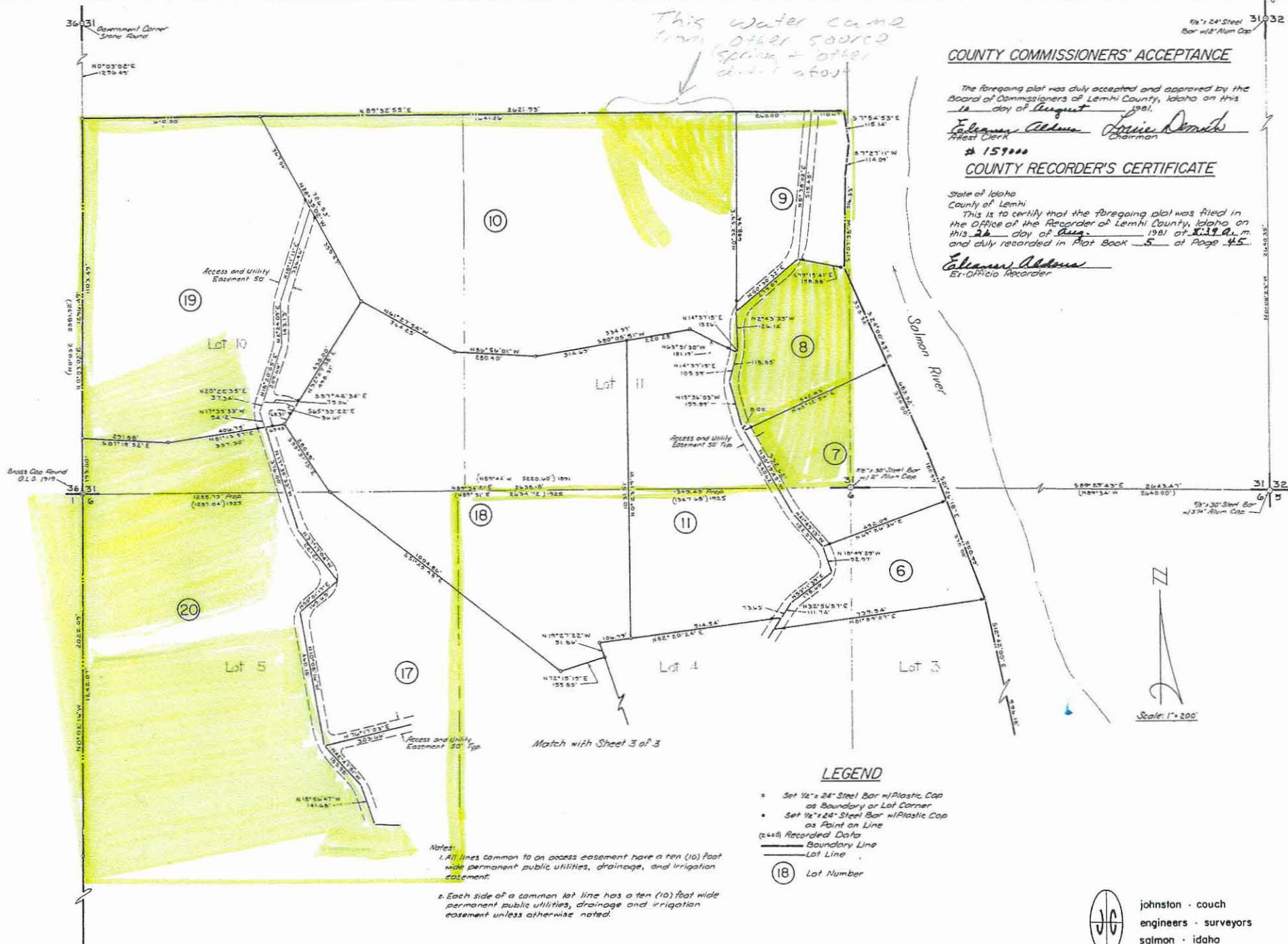
159000

COUNTY RECORDER'S CERTIFICATE

State of Idaho
County of Lemhi

This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this 24 day of Aug. 1981 at 8:19 A.M. and duly recorded in Plat Book 5 at Page 45.

Elaine Adams
Et-Officio Recorder



LEGEND

- Set 1/2" x 24" Steel Bar w/ Plastic Cap as Boundary or Lot Corner
- Set 1/2" x 24" Steel Bar w/ Plastic Cap as Point on Line
- Recorded Data
- Boundary Line
- Lot Line
- Lot Number

Notes:

- All lines common to an access easement have a ten (10) foot wide permanent public utilities, drainage, and irrigation easement.
- Each side of a common lot line has a ten (10) foot wide permanent public utilities, drainage and irrigation easement unless otherwise noted.



johnston · couch
engineers · surveyors
salmon · idaho

Waite House Ref; date pre shop

Exhibit F



1992

→ North

Bourdon
House site,
← Gut Lot corner



1992

Now
Bourdon
driveway entrance

East
↑

Original Sanderson Homestead irrigated → Waite 1980 → present Photos
 126.5, pg 45-

Ex 4.6.4 G

Notes:
 1. All lines common to an access easement have a ten (10) foot wide permanent public utilities, drainage, and irrigation easement.

2. Each side of a common lot line has a ten (10) foot wide permanent public utilities, drainage and irrigation easement unless otherwise noted.

Match with Sheet 2 of 3

COUNTY COMMISSIONERS' ACCEPTANCE

The foregoing plat was accepted and approved by the Board of Commissioners of Lemhi County, Idaho on this 22 day of August 1981.

Edmund Adams
 Chief Clerk

David Smith
 Chairman

#159000

COUNTY RECORDER'S CERTIFICATE

State of Idaho
 County of Lemhi
 This is to certify that the foregoing plat was filed in the Office of the Recorder of Lemhi County, Idaho on this 24 day of August 1981 at 11:22 a.m. and duly recorded in R.M. Book 5 at Page 45.

Edmund Adams
 Co. Official Recorder

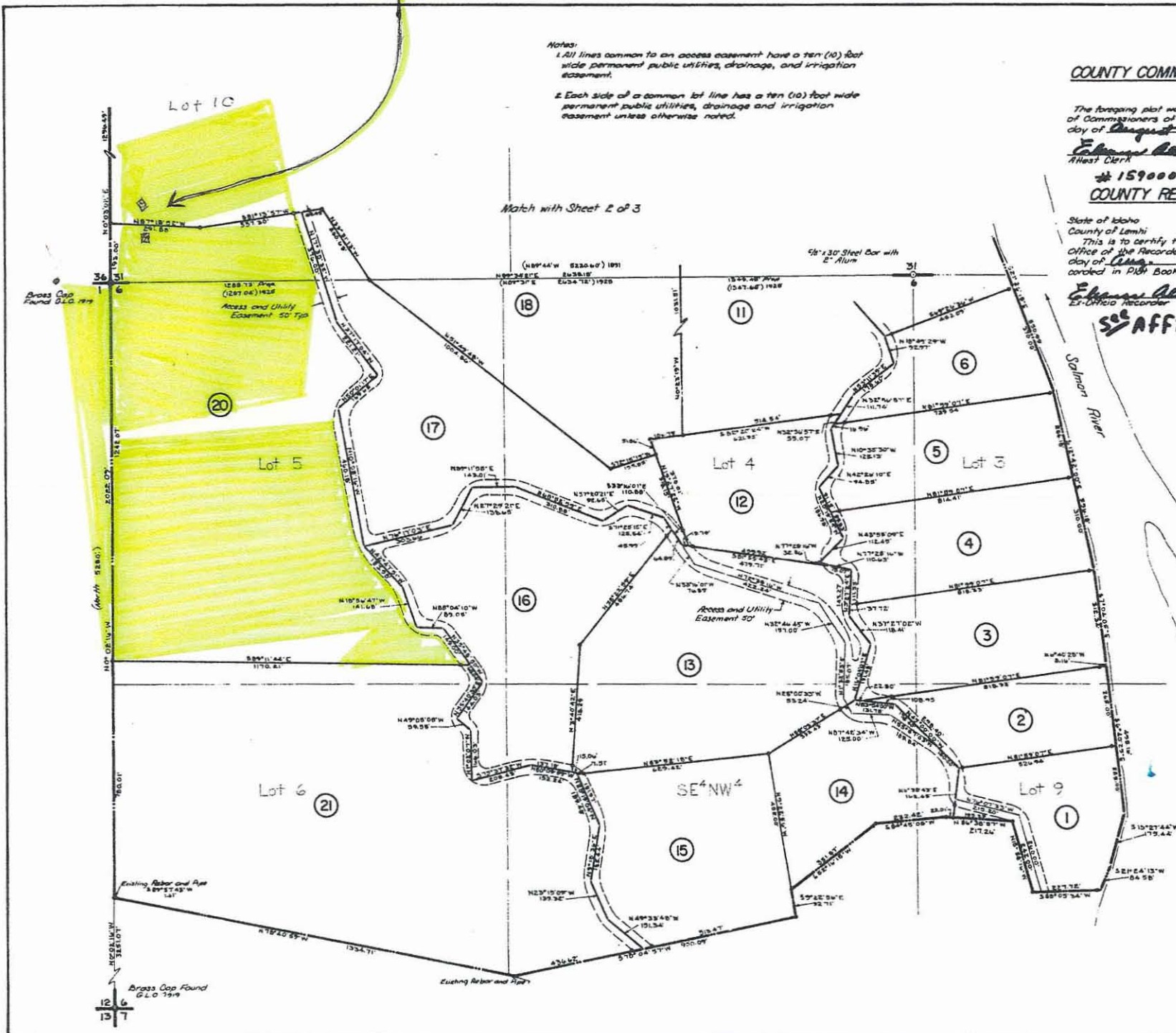
S/S Affidavit - #169591

LEGEND

- Set 1/2" x 24" Steel Bar w/ Plastic Cap as Boundary or Lot Corner
- Set 1/2" x 24" Steel Bar w/ Plastic Cap as Point on Line
- (RECORD) Recorded Data
- Boundary Line
- Lot Line
- (12) Lot Number



johnathon couch
 engineers - surveyors
 solomon - idaho



Waite during irrigation

Exhibit H

1992 May

→ North



→ North

I
E-4.4.4.7

Original Use → 1923 Sanderson Homestead
up to 2000 (77 years)

→ New Claim Assertions actual
Extensions since 2002 (26.5 yrs)

US Forest Service Granted Waiver
Colorado Ditch B.I. Use, easement,
O+M Plan agreement. (surveyed)

Notes:
1. All lines common to an access easement have a ten (10) foot
wide permanent public utilities, drainage, and irrigation
easement.
2. Each side of a common lot line has a ten (10) foot wide
permanent public utilities, drainage and irrigation
easement unless otherwise noted.

COUNTY COMMISSIONERS' ACCEPTANCE

The foregoing plat was accepted and approved by the Board
of Commissioners of Lemhi County, Idaho on this 22
day of August 1981.
Edmund Adams Arvid Semil
Attest Clerk Chairman

#159000

COUNTY RECORDER'S CERTIFICATE

State of Idaho
County of Lemhi
This is to certify that the foregoing plat was filed in the
Office of the Recorder of Lemhi County, Idaho on this 26
day of August 1981 of 2:38 a.m. and duly re-
corded in Plat Book 5 at Page 45.

Edmund Adams
Ex-Officio Recorder

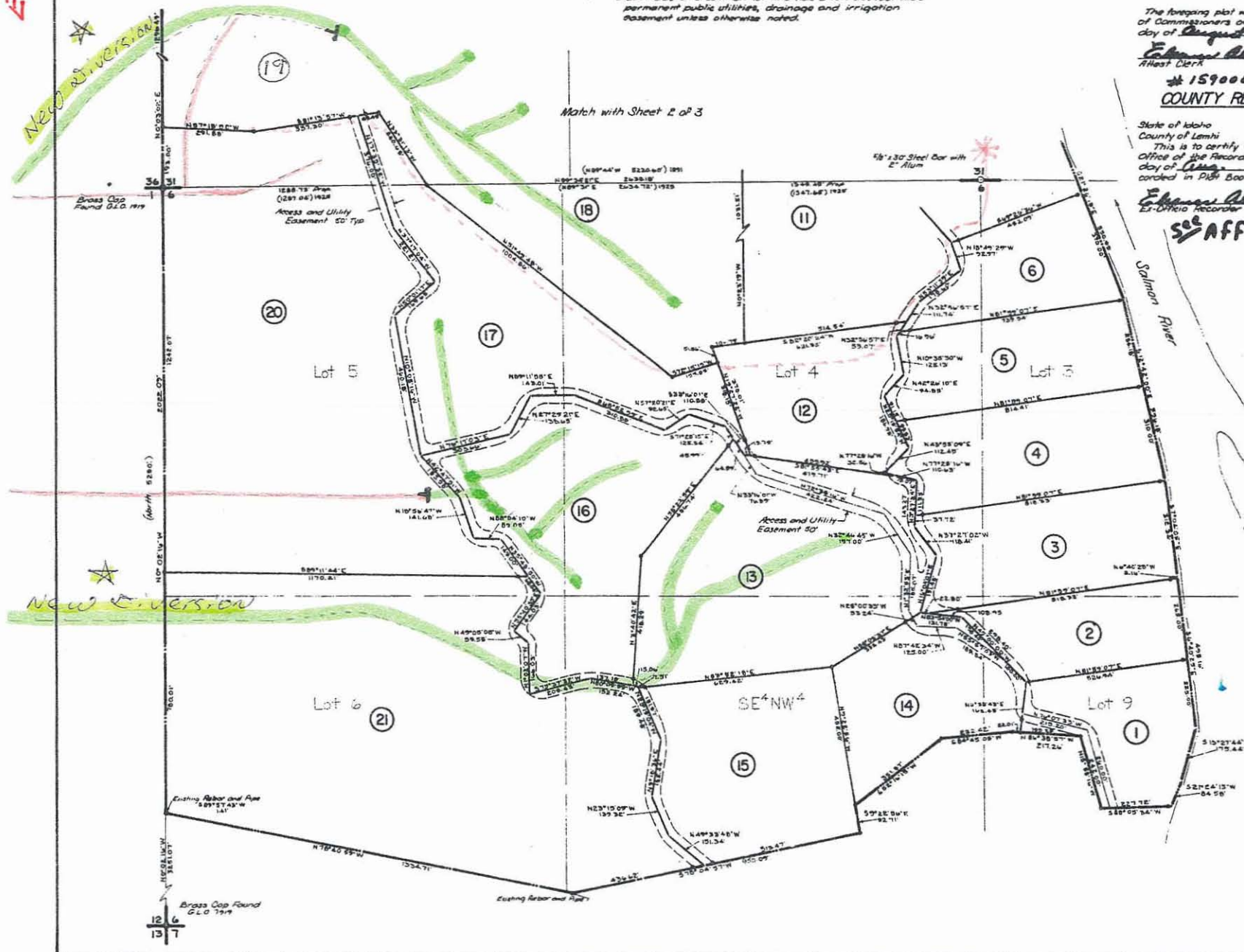
S's Affidavit - #169591

LEGEND

- Set 12" x 24" Steel Bar w/ Plastic Cap
as Boundary or Lot Corner
 - Set 12" x 24" Steel Bar w/ Plastic Cap
as Point on Line
 - (1980) Recorded Data
 - Boundary Line
 - Lot Line
- (12) Lot Number



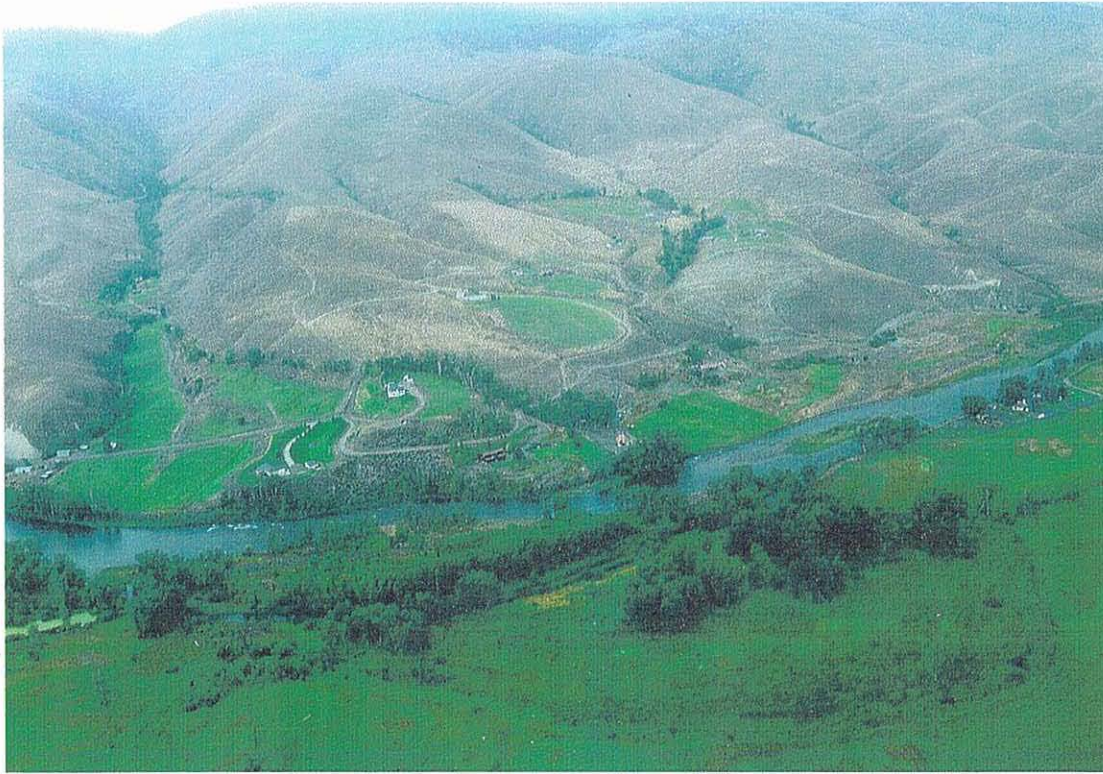
johnstone - couch
engineers - surveyors
salmon - idaho



Diamond crk subdivision

Exhibit J

2008



→ North



→ North

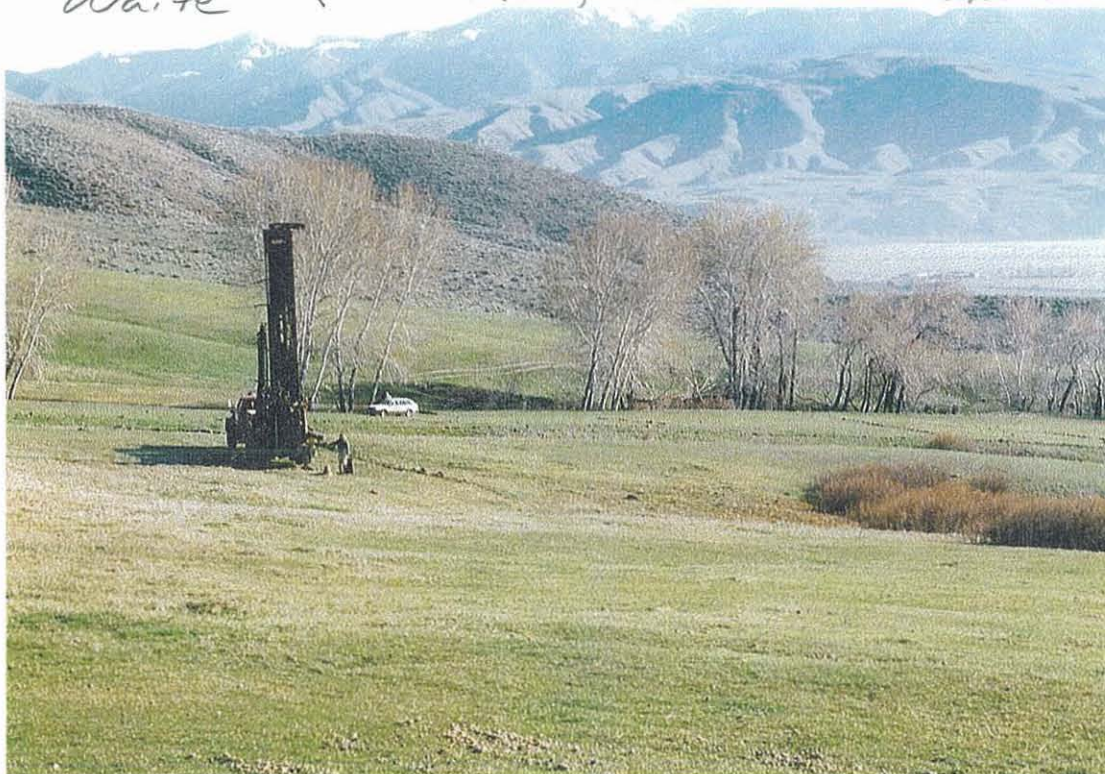
Waite

North
↑

Ref; date well Report

Exhibit K

March 1986



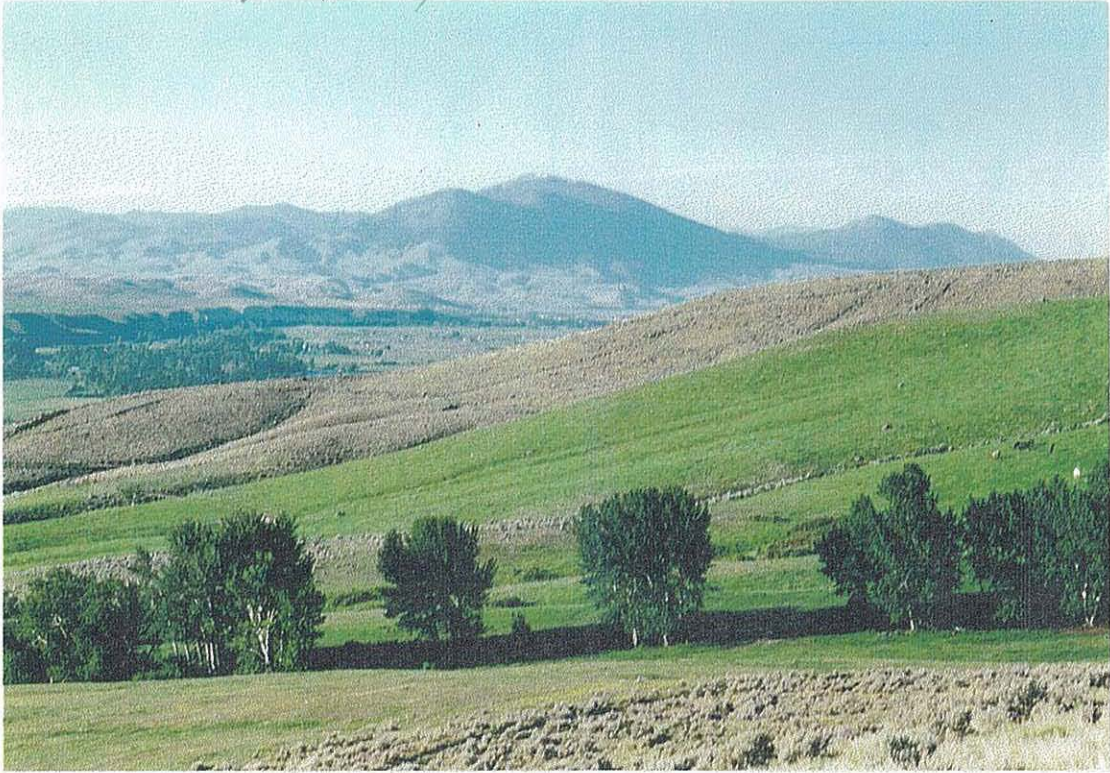
South
↑

Waite / all of
Former Sunderson
homestead homesite

Exhibit L

Waite property Ref; date car title

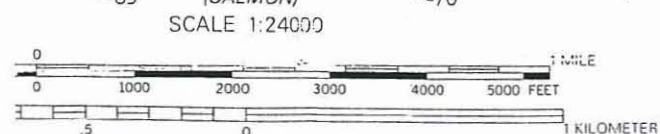
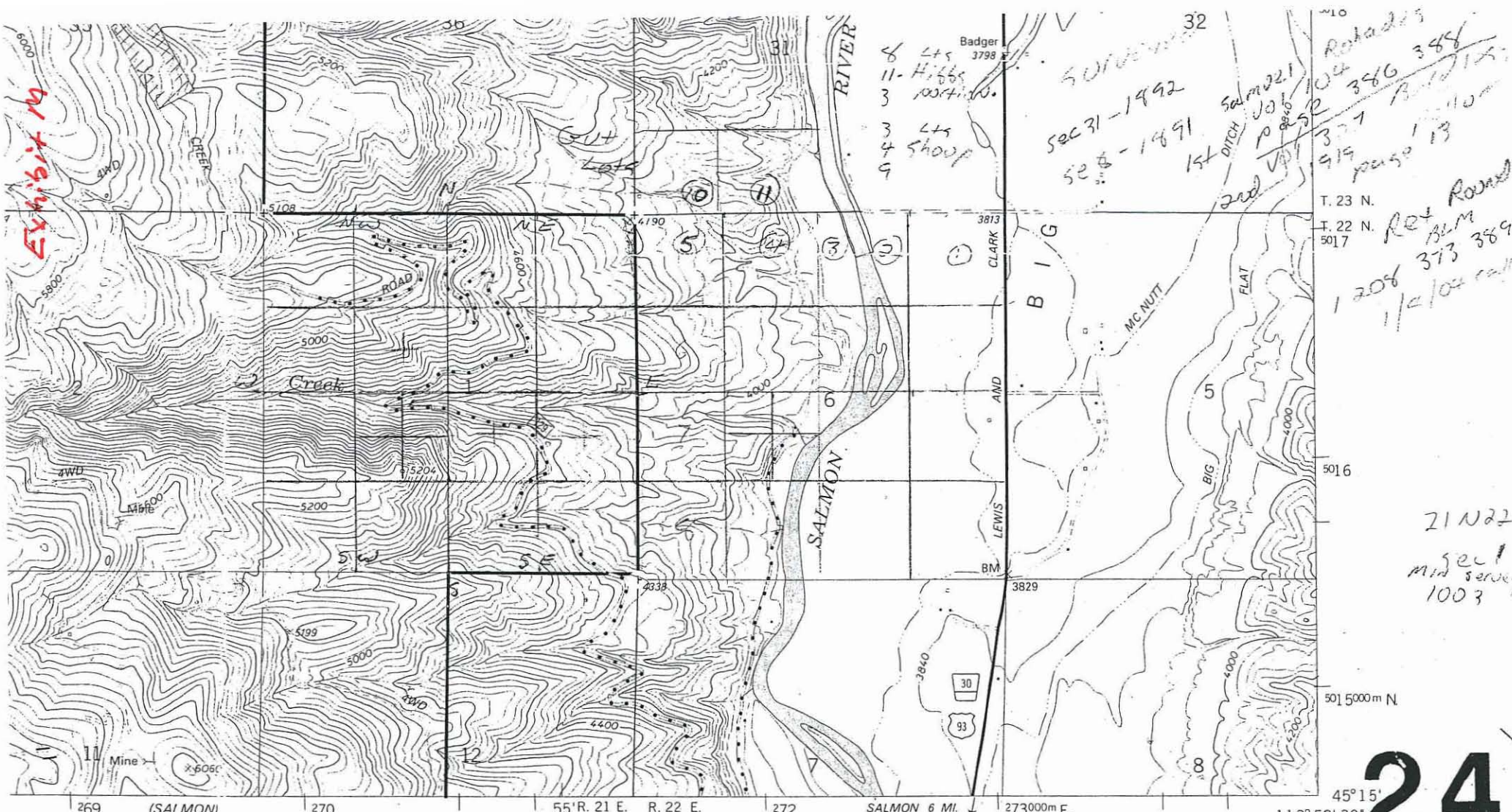
1981



South
↑



North
↑



CONTOUR INTERVAL 40 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929

- Primary Highway
- Secondary Highway
- Improved Road, Paved
- Improved Road, Gravel
- Improved Road, Dirt
- Unimproved Road
- Trail
- Interstate
- U. S. Highway
- State Highway
- County Road
- Primary Forest Route
- Secondary Forest Road
- Low Standard Forest Road

ULYSSES MTN	NORTH FORK	SHEWAG LAKE
NAPOLEON HILL	BIRD CREEK	BADGER SPRING CULCH
LEESBURG	SALMON	EAST OF SALMON

ADJACENT QUAD DIAGRAM

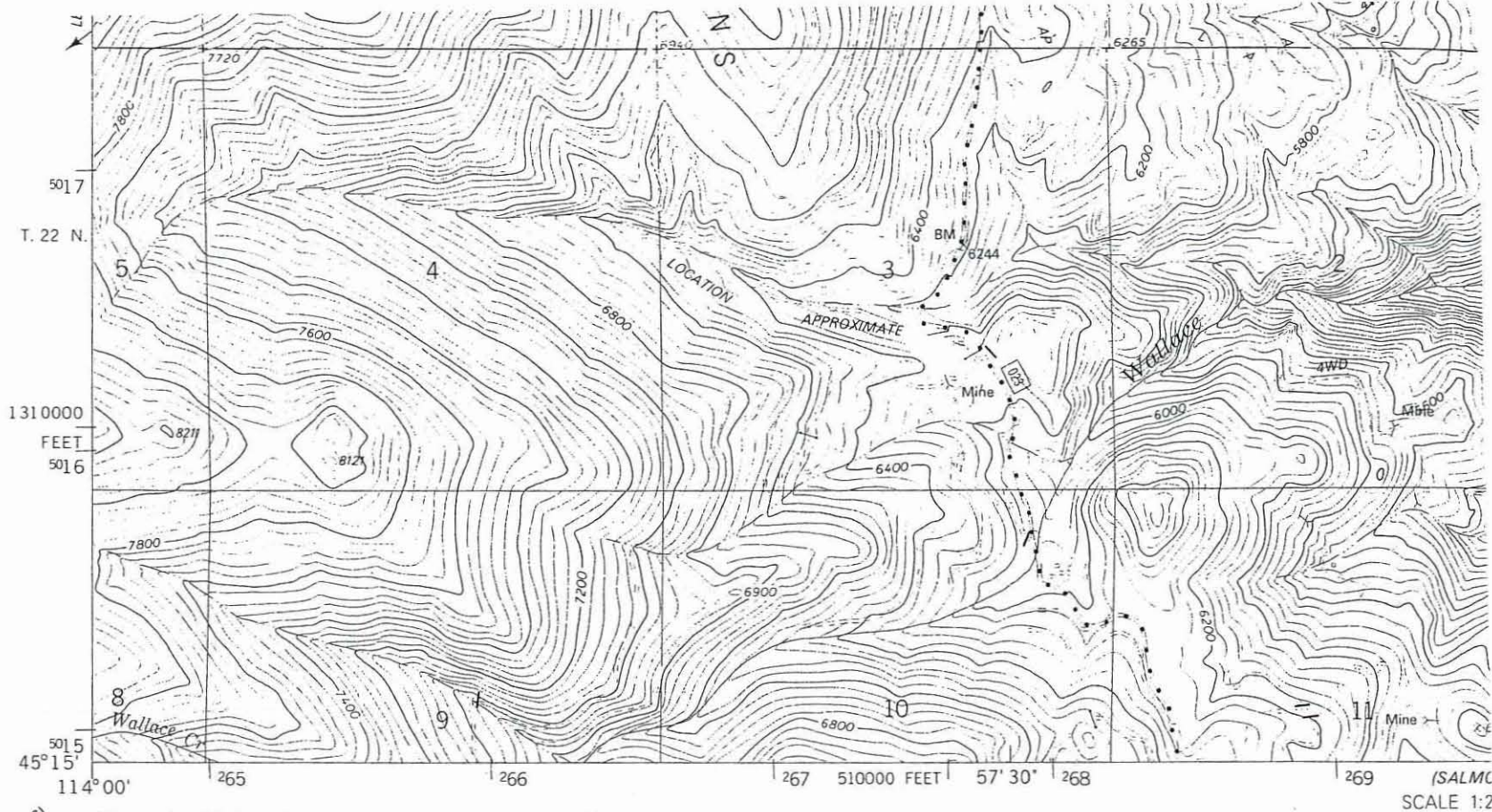
BIRD CREEK, IDAHO.

N4515-W11352.5/7.5

1966

FS REVISED 1991

24
(EAST OF SALMON)



(LEESBURG)

Mapped, edited, and published by the Geological Survey

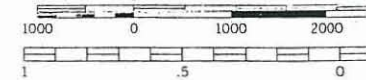
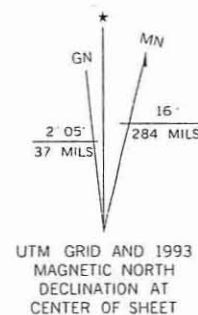
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial photographs taken 1965. Field checked 1966

Transverse Mercator projection. 1927 North American datum
10,000-foot grid based on Idaho coordinate system, central zone
1000-meter Universal Transverse Mercator grid ticks, zone 12

The Geometronics Service Center has regenerated all map information, with the exception of contours, utilizing digital procedures. Modifications to USGS map base made using 1984 aerial photography and 1991 correction guides furnished by the InterMountain Region.

Landnet revised according to additional Forest Service evidence



CONTOUR INTERVAL
NATIONAL GEODETIC VERTICAL DATUM

- National Forest Boundary
- Non National Forest System lands within the Forest Boundary as of 1991
- TOWNSHIP AND SECTION LINE CLASSIFICATION**
- Surveyed, Location Reliable
- Surveyed, Location Approximate
- Unsurveyed, Protraction

ATTN: Road ticks indicate chainage
photo-identified and portions not visible
Portions not visible will be labeled

BERTHA N. ROSE, SUSIE E. SHOUT,
EDGAR S. EDWARDS, ANNA WRIGHT,
ETTIE S. SUYDAM, and ETHEL E.
BUNDY,

Plaintiffs,

vs

EVA D. WEBB, FRANK MALCOLM,
JAMES R. HIBBS, ADOLPH MAGNUSON,
JOHN A. BRUNNEY, LOUIS S. STONE,
WILLIAM A. ANDERS, WILLIAM REYNOLDS,
EMERSON HILL, FRANK GLENNON,
HANS LAUESON, JOHN WEBB, J. FRANK
HIBBS, LINDA M. REYNOLDS, MYRTLE
REYNOLDS,

Defendants.

DECREE

This cause having come on to be heard on the 1st day of October, 1940, before Honorable Guy Stevens, Judge of the above entitled Court, sitting without a jury, E. H. Casterlin appearing as counsel for the plaintiffs, Lot L. Feltham appearing as counsel for the defendants J. Frank Hibbs, Linda M. Reynolds, and Myrtle Reynolds, Preston Thatcher appearing as counsel for the defendants John Webb and Eva D. Webb, Fred Snook appearing as counsel for the defendants Emerson Hill, Frank Glennon and Hans Laueson, the default of the remaining defendants having been duly and regularly entered, and the Court having heard the testimony and the evidence and the stipulation and confession of facts made in open court and the Court being fully advised in the premises and having made and entered herein, in writing, Findings of Fact and Conclusions of Law, and having ordered decree herein in conformity therewith;

Now, therefore, by reason of the law and the premises, it is ORDERED, ADJUDGED AND DECREED as follows:-

1.

That Wallace Creek is a natural stream of water located in Lemhi County, State of Idaho, flowing into the Salmon River at a point in Township 22 North of Range 22 East of the Boise Meridian, the waters of which are subject to appropriation and beneficial use.

2.

* That J. Frank Hibbs is entitled to the right to the use of 29 inches or 29/50th cubic feet per second of time of the continuous flow of the waters of said Creek, dating from May 1st, 1883, for domestic and agricultural purposes on and appurtenant to Lots numbered 8, 11 and 3 of Section 6 of Township 22 North of Range 22 East of the Boise Meridian, in Lemhi County, Idaho, to be measured at the following points of diversion, to-wit:- (1) at a point on the north bank of Wallace Creek 690 feet, approximately, downstream from the SE corner of the NE¹/₄ of said Section 6; (2) at a point on the south bank of said Creek 900 feet, approximately, upstream from the SE corner of said Section 6; (3) at a point on the north bank of said Creek 1690 feet, approximately, downstream from the SE corner of said Section 6.

3.

* That Susie E. Shoup, Edgar S. Edwards, Anna Wright, Ettie S. Suydam and Ethel E. Bundy are entitled to the right to the use of 40 inches or 40/50ths cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1902, for domestic and agricultural purposes on and appurtenant to the SE¹/₄ NW¹/₄ and Lots numbered 3, 4 and 9 of Section 6 of Township 22 North of Range 22 East of the Boise Meridian, in Lemhi County, Idaho, to be measured at the point of diversion on the north bank of said Creek at or near what has for years been known as the Old Arrestre.

4.

That Bertha N. Rose is entitled to the right to the use of 83 inches or 1.55 cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1912, for domestic and agricultural purposes on and appurtenant to the SE¹/₄ SW¹/₄, NE¹/₄ SW¹/₄, S¹/₄ NW¹/₄, SW¹/₄ NE¹/₄, W¹/₄ SE¹/₄ and Lot number 9 of Section 18 of Township 22 North of Range 22 East of the Boise Meridian, in Lemhi County, Idaho, to be measured at the point of diversion on the south bank of the south fork of said Creek on the Specie Payment Placer Claim about where it is crossed by the Tom Sig Bee quartz Claim.

5.

That John Webb is entitled to the right to the use of 22¹/₂ inches or 22.5/50ths cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1912, for domestic and agricultural purposes on and appurtenant to that part of Lot numbered 5 of Section 18, Township 22 North, Range 22 East Boise Meridian described as beginning at the southwest corner of said Lot 5 and run thence North 556 feet; thence East 1076 feet to the west bank of the Salmon River; thence southeasterly along said bank 593 feet, more or less, to the southerly line of said Lot 5; thence West 1232 feet to the place of beginning, containing 15 acres more or less, in Lemhi County, Idaho, to be measured at the point of diversion on the south bank of the south fork of said Creek about 3¹/₂ miles from the mouth of said Creek.

6.

That Eva D. Webb is entitled to the right to the use of 22¹/₂ inches or 22.5/50ths cubic feet per second of time of the continuous flow of the waters of said Creek, dating from June 1, 1912, for domestic and agricultural purposes on and appurtenant to Lots numbered 9 and 11, and SE¹/₄ SW¹/₄ of Section 7, and NE¹/₄ NW¹/₄ and Lot 5 of Section 18, Township 22 North, Range 22 East Boise Meridian in Lemhi County, Idaho, to be measured at the point of diversion mentioned in Paragraph 5 herein above.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
No. 937

THIS IS TO CERTIFY THAT, William R. Maxwell of Carmen, Idaho, is the owner of and using a water right for 24 inches with priority of May 13, 1898, and 40 inches with priority of June 1, 1902, of the waters of Wallace Creek, said water being decreed to J. Frank Hibbs, Basie Schoup, Edgar S. Edwards, Anna Wright, Etta S. Suidan, and Ethel E. Bandy, by Judge Guy Stevens of the District Court, in and for the State of Idaho, in the case of

BERTHA E. ROSE, et al
Plaintiffs

vs
EVA D. WICKS, et al
Defendants

said decree bearing date of January 27, 1941, and being made appurtenant to the following described lands to-wit:

Lots 8, 11, 13, 3, 4, and 9,
and the NE $\frac{1}{4}$ of Section 6,
Township 22 North, Range 22
East, B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 6 of Decrees beginning at Page 873;

That William R. Maxwell of Carmen, Idaho, has become the owner of said described lands through legal conveyance, and,

That now, upon the application of William R. Maxwell of Carmen, Idaho, for the transfer of 1.38 cubic feet per second of the waters of Wallace Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted the right to the use of 1.38 cubic feet per second of the waters of Wallace Creek upon the above described lands is hereby abandoned, and the lands to which the water right hereby confirmed shall, by this certificate, become appurtenant for irrigation and domestic purposes is described as follows, to-wit:

Lots 5, 8, 11, 13, 3, 4, 9, and the
NE $\frac{1}{4}$ of Section 6, Township 22
North, Range 22 East, B.M., and Lots
10 and 11, Section 11, Township 23
North, Range 22 East, B.M.,

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

0.58 cubic feet per second with
priority of May 13, 1898, and
0.80 cubic feet per second with
priority of June 1, 1902;

That the water right hereby transferred has heretofore been conducted to the first above described lands from Wallace Creek through private ditches with points of diversion in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 8, Township 22 North, Range 21 East, B.M., and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 1, Township 22 North, Range 21 East, B.M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands of Wallace Creek through a pipe line with point of diversion in the southwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 22 North, Range 21 East, B.M.,

That the right to the use of said water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the Laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 19th day of November, 1959.

GEO. M. CARTER

GEO. M. CARTER
State Reclamation Engineer

Berol RapiDesign
R-670
CLAIM & LAND
AREA LOCATOR

10,000 FT.
2 MILES

10 9 8 7 6 5 4 3 2 1
1/2" = 1 MILE

10 9 8 7 6 5 4 3 2 1
1/2" = 1 MILE

0 .5 1 1.5 2 2.5 3 3.5 4 4.5
1" = 1,000'

1:50,000

6	5	4	3	2	1
7	6	5	4	3	2
8	7	6	5	4	3
9	8	7	6	5	4
10	9	8	7	6	5
11	10	9	8	7	6

1:24,000

NW NE
SW SE

NW NE
SW SE

1:62,500

1:24,000

1:250,000

15 (STATUTE MILES) 20

Sanderson Homesite / white

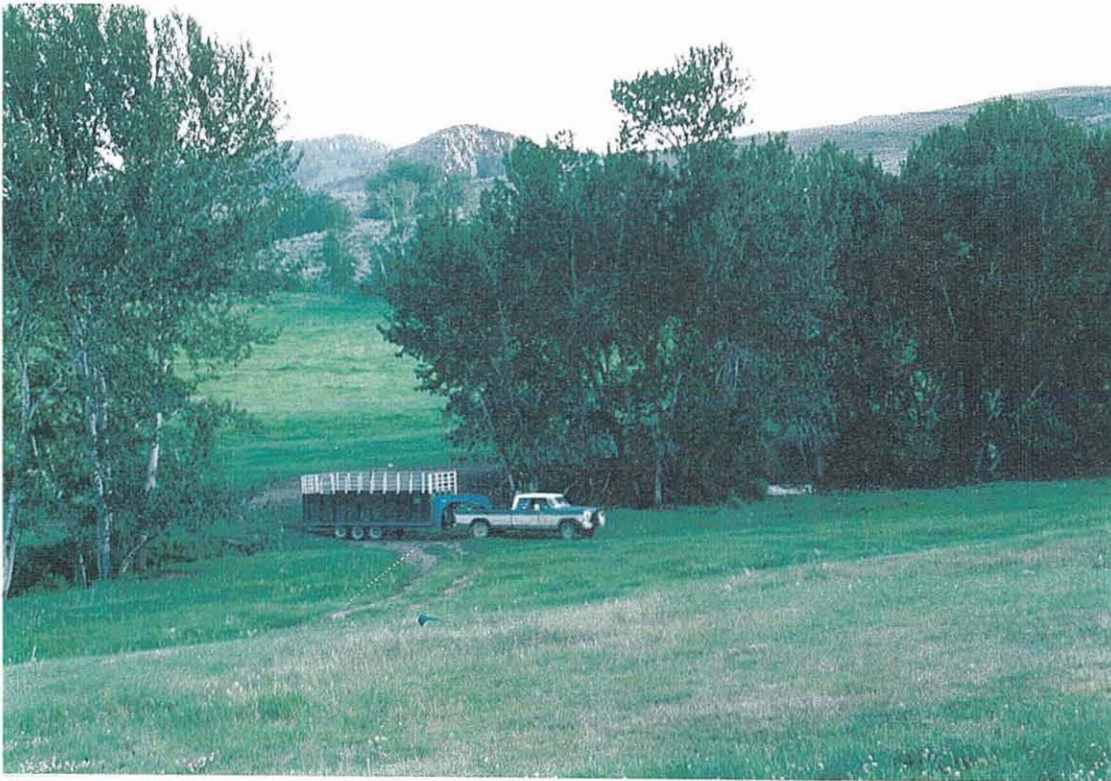
Exhibit Q

1980
panorama

#1

→ North

Ref house
USGS map
exhibit



#

2

sanderson/waite

Exhibit R

1980

3
pvn



Kimberly Nelson
District Ranger USFS

6 October 2008

Regarding your letter of 29 September 2008;

Certainly there are a number of issues of concern not only by me but also USFS that pertain to my property. All of my property is historically Sanderson Homestead Patent Ground. I have enclosed a copy of that Patent and highlighted a section thereof. "To have and to hold Tract of Land with Appurtenances thereof." Appurtenances are incidental rights attached to a principal property right and passing with it. As mentioned in the Sanderson Patent, "unto the said Claimant and to the Heirs and Assigns Forever." Those rights were granted by a President of the United States under Act of Congress.

First legal occupancy of those Government Lots by Joseph Sanderson in satisfaction of 5 years to improve and obtain the 1923 Patent would have been in the year 1918.

In 1919, Section 6, 22N 22E was resurveyed (Vol. 327 Bardlesy & Pellum page 13). At that time there appears to have been a moument shift and adjustment of the borders of Section 6. Sanderson would have already been residing on the property and certainly having already established his method of conveying water to the property and actual homesite. If not for that particular reason alone the West border fence would have been constructed to keep grazing livestock on what remained public to the West from damaging what was being established as a flood irrigated cultivated pasture. Certainly that liability exists to this current date how the Forest manages adjacent public lands. Also flooding was an accepted method of pasture / cultivation irrigation and certainly an improvement subject to acquiring original patent.

Use of the land currently in question was minimally to convey flood irrigation water over. It would therefore qualify approximately 3 acres of land now within Section 1, 21N 22E being an appurtenance thereof granted with the Sanderson Patent.

"Right of way" for all ditches, canals and other conveyance was also granted by the Patent document. Required of obtaining Patent, existence of such conveyance and improvement would have to have been verified by the General Land Office before Patent could be issued.

In other word, easement or in the terms of the Patent wording, "right of way" already existed even prior to the Colorado Ditch Bill. The "CDB" agreement neither mentions nor excluded specifically the flood irrigation conveyance over Forest land that was already an appurtenance to the land of Patent. It was my understanding that the CDB simply addressed current physical man made structures; i.e. diversion, ditch and pipeline more accurately in a current format of record.

Notification to cease flood irrigation across land came after the CDB document was issued. Nothing I read or was given to review before signing the Ditch Bill regarded the flood irrigation method neither did the document indicate a change or elimination of any current Rights of Ways or Appurtenances to the original Patent.

The use of Forest land for such irrigation, cultivation and even grazing is apparent of record for some 90 years to date. By Counsel it is my contention and position that use clearly has been established and remains an incidental right being clearly an appurtenance to Sanderson Patent ground established in 1923.

I believed the document that I gave to Norma Staff 12 September indicated a record of that use. If that document was not a permit or use record thereof, I would have to question why it was mailed to me. In current review of your September 29, 2008 letter none of the criteria you mention as to whether it did in fact constitute an actual permit would have been at question to me. I would have never been aware otherwise of guidelines that USFS internally required of such. I did in fact discuss and apply for a permit in 1986 as you stated.

Also as you mentioned in your letter, "it is unclear why your application was not processed or rejected in 1986. Certainly then you have an application; it may have been recognized that the right of use was already clearly established with the 1923 Patent and has remained unbroken in such use to present date.

If the document I currently have does not record the use specific to the current internal requirements of the operation of the Forest; I would leave it up to the time effort and expense of the USFS to draft whatever record is required specific to your needs. The Patent has always remained a recorded public record. I certainly would only sign a record or permit specific to historic use. Definantly not one revocable or terminable or contrary to anything that was granted by the original Patent.

Court action certainly remains a choice of USFS if it wishes to contest the historic Patent at this late date. It is until such however that established Patent rights remain. I am not sure any citation would suffice to address issues that are present. As I mentioned in my previous letter of 15 September 2008, if USFS wishes to change current practices historic to Patent, to include all expenses of legal, material, labor, equipment and hardware, to do so remains another option of USFS.

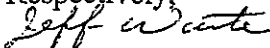
With regard to the newly permitted diversion of the Sanderson Ditch issued to others; there was a failure by the USFS to recognize the fact that such permitted use includes property and persons of which do not hold conveyance rights on the ditch neither Patent or CDB. An ongoing legal action has been in process both Civil and State. The action and allowance of such structure by USFS assumes liabilities and clearly there are documented damages to my property and established rights. Lands served by that structure currently do not include lands historically under Patent.

It would be beneficial to USFS that the permit was terminated immediately. Otherwise USFS will also be named in a pending legal action with newly proposed Savage Ranch Water User association. Salmon Basin Water Adjudication is in process to addressing adverse and new assertion of claims. Idaho Department of Water Resources now recognizes the Sanderson Patent 1923 priority date water being the only water right historically having existed anywhere above the lower now county named Diamond Creek Road.

Additionally under Federal and State law, water rights remain attached to the land for which they were originally granted and new claims filings do not constitute a transfer. The structure and conveyance system was put into place under adverse even fraudulent circumstances prior to the permit process. Even the permit process that followed is very questionable citing a primary need as "fire protection" were as structures and systems were already in place more adequately and already serving lands with historic water rights. Those structures even being identified in the recorded attached Protective Covenants of what is now legally The Diamond Creek Subdivision having been filed in the early 1980's. Clearly this has been an attempt to acquire new water for lands without a former right.

All other claims having been contested and denied by IDWR. There were claims filed since the start of the SBWA by owners of property never having been a part of Sanderson Patent or related conveyance under CDB. Court Date of review has been set 28 May 2009. In consideration of current adjudication in process, such can be verified online or through the director, Nate Arve.

Respectively,



Jeff Waite

PO Box 75

Carmen, Idaho 83472

Phone 208 303 0153

Hailey 021045

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 JOSEPH SANDERSON has been established and duly consummated, in conformity to law, for the Lots ten and eleven of Section thirty-one in Township twenty-three north and the Lot five of Section six in Township twenty-two north all in Range twenty-two east of the Boise Meridian, Idaho, containing one hundred eleven acres and eighty-four hundredths of an acre, 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, Warren G. Harding, 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 SEVENTEENTH day of APRIL in the year of our Lord one thousand nine hundred and TWENTY-THREE and of the Independence of the United States the one hundred and FORTY-SEVENTH.

By the President: Warren G. Harding

By Viola B. Pugh, Secretary.

M. P. LeRoy

Recorder of the General Land Office.

-Seal-

RECORDED: Patent Number 903446

Recorded at the request of Jos. Sanderson August 10th, 1925 at -- minutes past 3 o'clock P. M., in Book 28 of Deeds page 224. Records of Lemhi County, Idaho.

By

Edna M. Glennon

Deputy.

W. W. Simmonds

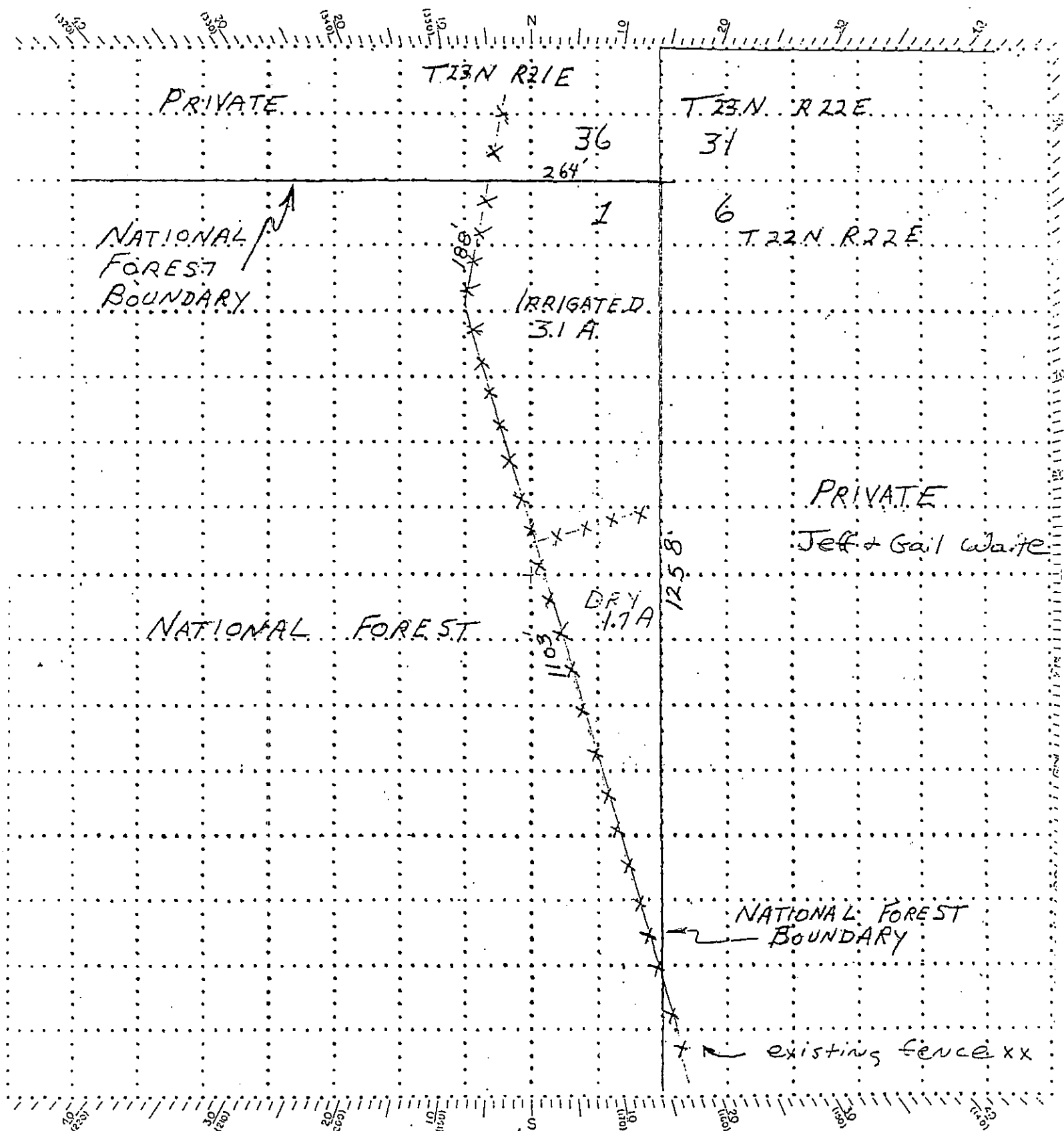
County Recorder.

Fee: 1.00

SPECIAL USE PERMIT
CULTIVATION (Hay)
JEFF & GAIL WAITE
(Case designation)

DEPARTMENT OF AGRICULTURE
FOREST SERVICE
FIELD MAP SHEET

Scale 1 inch = 200 feet
T 22 N R 21 E Sec. 1
Mag. Dec. 20° Acres



Field work by O.E.E. & T.W.S. Date 4/3/86 Platted by O.E.E. & T.W.S.

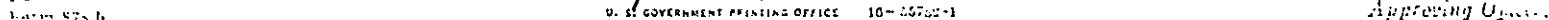
Remarks

Approved # 2720 April 16, 1986

Approved

Mag. Dec. 20^o Acres

Mag. Dec.



EX4:6:4 U

DC
11-27-96

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

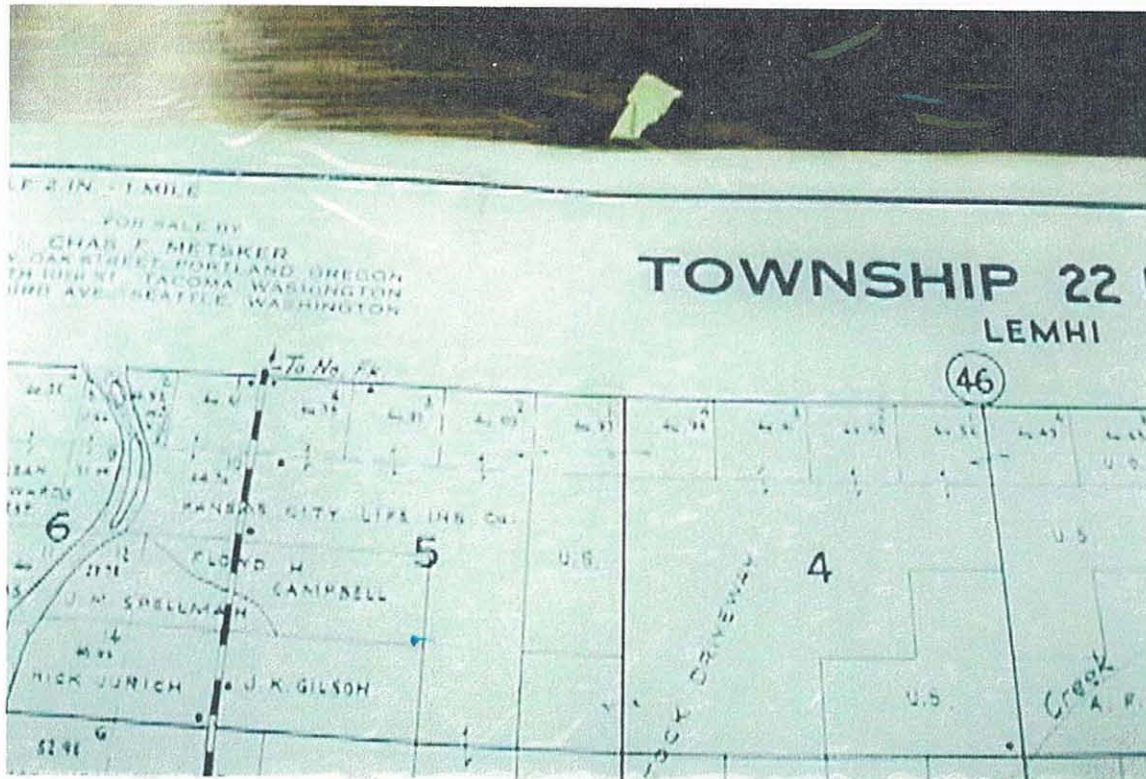
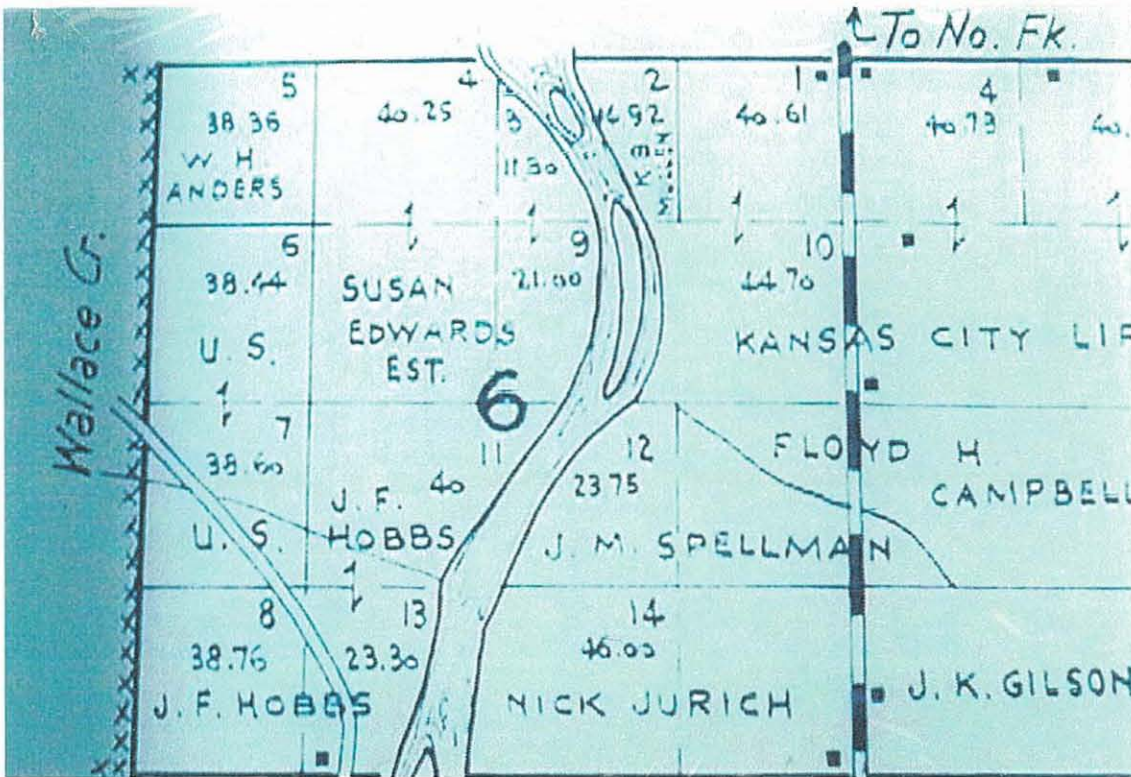
1. Water Right Number(s) A75-04385 RECEIVED
Adjudication Claim Number(s) A75-04385 NOV 27 1996
2. The following REQUIRED information must be submitted with this form. Department of Water Resources
Eastern Region
- A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
~~B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)~~
OR
C. ~~For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.~~
3. Name and Address of Former Owner/Claimant(s) Derrold SLAVIN, BARRY MARCUS, SANDY SIMS AKA
TWO DOGS PARTNERSHIP
PO BOX 75 CARMEN ID 83462
4. New Owner/Claimant(s) Jeff V. White GAIL A. White
Name connector (Check one): [] AND, [] OR, [] AND/OR
New Mailing Address PO Box 75 E
City, State and ZIP Code Carmen ID 83462
New Telephone Number (208) 752-4308
5. Date you acquired the property 9-23-85
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated 50 ac Number and type of stock _____
- Diversion rate in CFS ^{See Div 1} 30 cfs of W.R. Number of homes _____ Other uses _____
cubic feet per second
- If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner/Claimant(s) Jeff White Date 11/19/96
Date _____

(Corporations or other organizations must submit list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

Exhibit V

1929
meters



History of early ownership

BOOK
R

22 22 Sec 6

#1 Gvt Lots 4 3 9

576

Purchase of Fed Lands 1st owner 1909

Samuel C Mann

#2

Jessie M Laird

5 499

1909

Lower water

#3

Mary, Rod & Fredrick Bea

U 375

1911

Lower water

#4

Laura M Morgan

1912

U 463

Lower water

1929

James B Edwards