

JORDAN P. SMITH
CHARTERED
Attorney at Law
400 W 2nd Ave.
Salmon, Idaho 83467
208-756-2127

RECEIVED
AUG 28 2009
DEPARTMENT OF
WATER RESOURCES

August 11, 2009

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue N.
P.O. Box 2707
Twin Falls, ID 83303-2707

Re: Motion to File Late Notice of Claim
IDWR 75-14616

Dear Clerk:

Please be advised that I represent Fourth of July Creek LLC, claimant in this matter. Pursuant to the rules, I am enclosing the following:

1. Standard Form 4, Motion to File Late Notice of Claim.
2. Notice of Claim to a Water Right.
3. A check in the sum of \$106.13 payable to: State of Idaho Department of Water Resources as a claim filing fee and a late claim fee.

I look forward to receiving a notice scheduling this matter for a hearing, and if you have any questions please call me.

Sincerely,

Jordan P. Smith

JPS:jem

cc✓IDWR Document Depository

Chief, Natural Resources Division, Office of Attorney General
United States Department of Justice, Environment and Natural Resource Division
Enclosures

RECEIVED

AUG 28 2009

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 75-14616
) (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 JORDAN P. SMITH, Mgr, Fourth of July Creek LLC

My address is 400 West 2ND AVENUE
SALMON, ID 83467

My phone number is: Work 208-756-2127 Home _____

I am an attorney representing Fourth of July CREEK, LLC

My name is JORDAN P. Smith

My address is 400 W. 2ND Avenue
SALMON, IDAHO 83467

My phone number is 208-756-2127

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:

This property went through several changes of ownership
and a foreclosure. Apparently all parties neglected to
file a claim

☐ 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.)

- ☐ 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:

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 \$ 106.13.

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 November 13, 2009 @ 1:30 P.m
(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:

VERIFICATION (Must be completed)

State of IDAHO

County of LEMHI

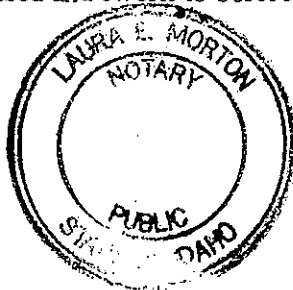
JORDAN P. SMITH, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

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.

Jordan P. Smith
Signature of person filing motion

Jordan P. Smith
Attorney signing in representative capacity

Subscribed and sworn to before me on August 11, 2009
(Insert Date)



Laura E. Morton
Notary Public for Idaho
Residing at: Coarmen, ID
My Commission expires: 9-2-2012

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 August 24th, 2009, 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:

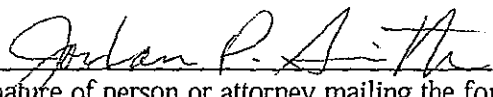
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

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

RECEIVED

AUG 28 2009

SRBA Form No.42-1409-1 (Internet 2/09)

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 75-14616

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Fourth of July Creek LLC Phone (208) 756-2127

Mailing Address 400 West 2nd Avenue Salmon ID 83467
Street or Box City State

2. Date of Priority (Only one (1) per claim) 4/1/1896
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Fourth of July Creek
which is tributary to (b) Salmon River

4. a. Location of Point of Diversion is: Township 24N, Range 22E, Section 29,
SW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Lemhi

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

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

Govt. Lot _____, BM., County of _____

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

Govt. Lot _____, BM., 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. Headgate to Southside Ditch #6

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 04/01 to 08/01 amount 0.25 or

For Irrigation purposes from 08/01 to 11/01 amount 0.18 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 0.25 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
24N	22E	29							0.6				0.5						1.1
24N	22E	30				0.6									4.4				5.0

Parcel (PIN) no(s).

Total number of acres irrigated 6.13

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

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

or None (✓)

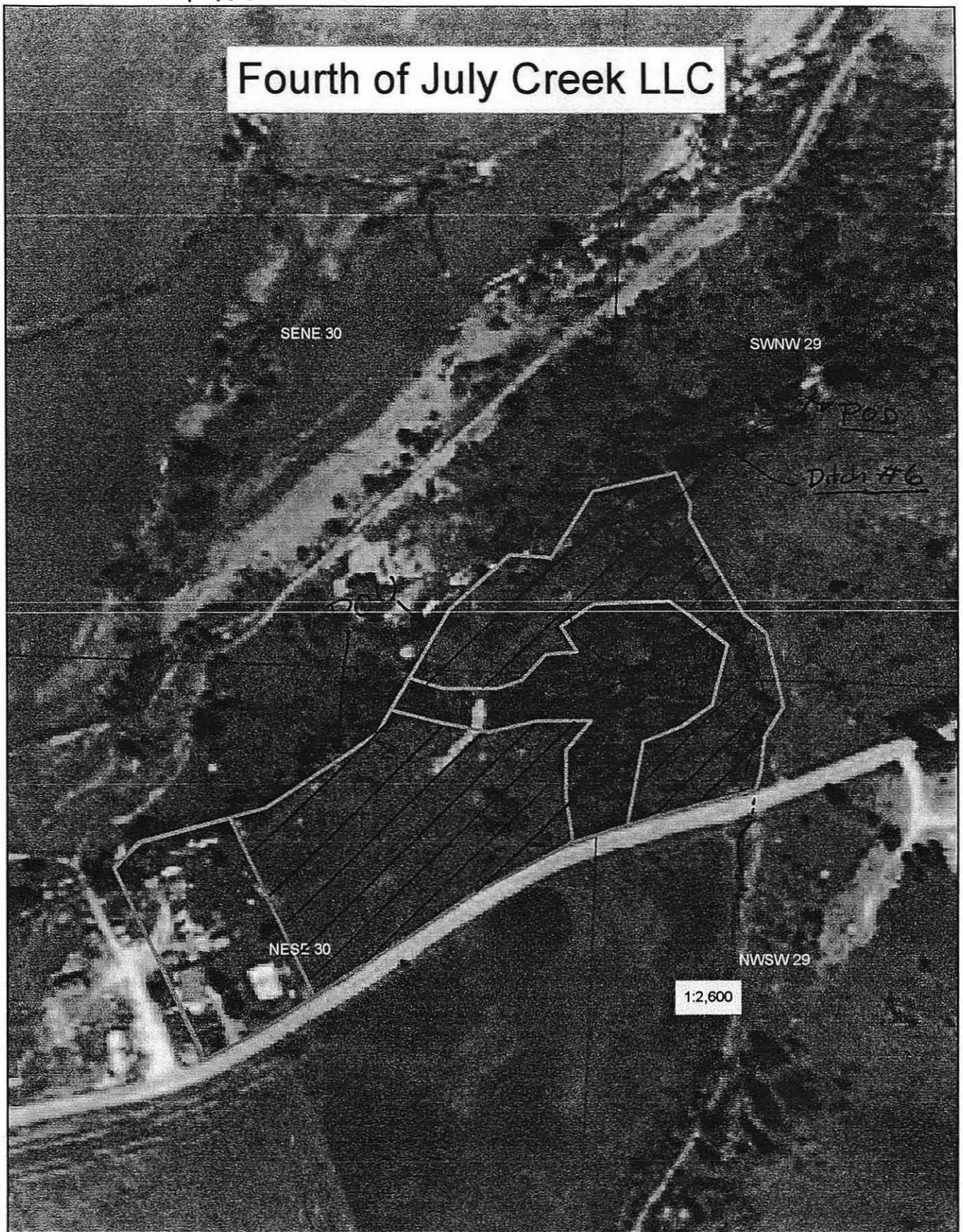
13. Remarks:

Last Name Fourth of July Creek LLC

Identification No. 75-14616

T 24 N R 22 E

Fourth of July Creek LLC



Fourth of July Creek LLC

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court Dist for Lemhi Co Decree Date 1982 Plaintiff v. Defendant Brown et al. v. Nelson et al.

If applicable provide IDWR Water Right Number 75-14616

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do () do not (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date: _____
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

MANAGING MEMBER of Fourth of July Creek LLC,
Title Organization

that I have signed the foregoing document in the space below as

MANAGING MEMBER of Fourth of July Creek LLC,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Jordan P. Smith Date Aug. 11, 2009

Title and Organization Managing Member of Fourth of July Creek LLC

16. Notice of Appearance:

Notice is hereby given that I, Jordan P. Smith, will be acting as attorney at law of 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 Jordan P. Smith Date Aug. 11, 2009

Address 400 West 2nd Avenue
Salmon, ID 83467

Last Name Fourth of July Creek LLC Identification No. 75-14616

1 JAMES C. HERNDON
2 ATTORNEY AT LAW
3 P. O. BOX 789
4 SALMON, IDAHO 83467
5 AREA CODE (208) 756-2412

Filed in District Court Lemhi County
Idaho, Dec 16 1982
at 16 minutes past 1 o'clock P. M.
Robert H. Hiedemann Clerk
By *Beverly D. Hough* Deputy

File of Judgments

8 IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
9 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI

10 MERRILL M. BROWN and VIRGINIA
11 K. BROWN, husband and wife,

12 Plaintiffs,

13 vs.

14 FRANK R. NELSON and LOUISE C.
15 NELSON, husband and wife, et al,

16 Defendants.

Case No. 5235

J U D G M E N T

16 This matter coming on to be heard on this 16th day of
17 December, 1982 before the Honorable Boyd R. Thomas, District
18 Judge, and the parties appeared as follows:

19 C. Walker Lyon, Esq. appeared representing Ivan H. and Wilma
20 Bolander and the Estate of Mary Sharkey, Dec., James C. Herndon,
21 Esq. appeared representing Frank R. and Louise C. Nelson; Dorsey
22 and Barbara D. McLaughlin; Jack R. and Shirley Copeland; Glen M.
23 and Irene L. May; Billie J. Bloodgood, individually and as successor
24 of Mark H. Bloodgood, deceased; Glenn C. Hanss, contract pur-
25 chaser from Billie J. Bloodgood; Richard William Nelson and Devon
26 Denny, husband and wife, successors in interest to Richard M. and
27 Barbara W. Young; Richard and Jennie H. Smith; Robert and Jean
28 Vehn, and Muriel Hemmingway, contract purchaser from Jack R. and
29 Shirley Copeland, and Fred Snook, Esq. appeared representing Peter
30 M. and Lila Hanson, James R. and Gwen B. Moorehead selling to
31 Melvin and Glenda Wilde; Robert H. and Frances Appleman; Clarence
32 and Madge L. Seher, selling to F. Wilmer and Ruth B. Rigby;

JUDGMENT

Page 1

1 and Bill McCook, United Outdoors Investments.

2 And it appearing that on the 11th day of May, 1973 a
3 Complaint was filed in this action to quiet title to the waters
4 of Fourth of July Creek, a tributary to the Salmon River,

5 And it further appearing that the matter has been dis-
6 missed as against Plaintiffs Merrill M. Brown and Virginia K.
7 Brown, and the matter being heard on the Counter-claims and
8 Cross-claims hereto,

9 And it further appearing that the matter was assigned to
10 a Master and that the parties have stipulated hereto for the
11 Entry of Judgment on all contested matters, and the Stipulation
12 having been entered orally before the Master and reduced to
13 writing and executed and filed with this Court and notice having
14 been given, and all objections to the said Stipulation having
15 been heard by the Court, and the Court having been advised in
16 the premises, and good cause appearing therefore,

17 IT IS HEREBY ADJUDGED AND DECREED that the use of the
18 waters of the Fourth of July Creek, a tributary to the Salmon
19 River and situated in Lemhi County, Idaho, be and hereby are
20 decreed in accordance with the Stipulation for Entry of
21 Judgment attached hereto and that the said Stipulation be and
22 hereby is incorporated herein as by Judgment of this Court as
23 if the same is set forth at this point in full.

24 Dated this 16th day of December, 1982.

25 David R. Thomas
26 DISTRICT JUDGE

27
28
29
30
31 JUDGMENT

32 Page 2

1 ALSO: The Northeast Quarter of the Southeast Quarter
2 (NE $\frac{1}{4}$ SE $\frac{1}{4}$), the South Half of the Southeast Quarter of the
3 Northeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), the Northeast Quarter of
4 the Southeast Quarter of the Northeast Quarter
5 (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), the East Half of the Northwest Quarter
6 of the Southeast Quarter of the Northeast Quarter
7 (E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 19, the West Half of the North-
8 west Quarter of the Southwest Quarter of the Northwest
9 Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), the West Half of the Southwest
10 Quarter of the Southwest Quarter of the Northwest Quarter
11 (W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), the West Half of the Northwest Quarter
12 of the Southwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$), and the Southwest
13 Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section
14 20, Township 24 North, Range 22 East of the Boise
15 Meridian.

16 Copelands are entitled to have, and they are hereby awarded,
17 water rights and privileges of and from the said Fourth of July
18 Creek in amounts, with priorities, points of diversion and
19 places of use as follows:

20 (a) 136 miner's inches or 2.72 cubic feet per second
21 75-0135 of the waters of Fourth of July Creek from the commence-
22 ment of the irrigation season each calendar year until
23 August 1 of each such year and after August 1 until
24 the end of each irrigation season, 102 miner's inches
25 of 2.04 cubic feet per second of the waters of Fourth
26 of July Creek with a priority of appropriation dated
27 from April 1, 1896, and delivered through the existing
28 ditch near the Frank Nelson residence (Ditch No. 3),
29 with the point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20,
30 Township 24 North, Range 22, East, Boise Meridian. for
31 irrigation of the following described premises in Lemhi
32 County, Idaho, to-wit:

Land situated in the:
W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 29, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ all
in Section 30, Township 24 North, Range 22 East,
Boise Meridian, containing 68 acres, more or less.

33 75-0136 (b) 104 miner's inches or 2.08 cubic feet per second
34 of the waters of Fourth of July Creek from the commence-
35 ment of the irrigation season each calendar year until
36 August 1 of each such year and after August 1 until the
37 end of the irrigation season 78 miner's inches or 1.56

1 cubic feet per second of the waters of Fourth of
2 July Creek with a priority of appropriation dating from
3 April 1, 1896, and delivered through the existing ditch
4 known as "Upper ditch" (Ditch No. 4), with a point of
5 diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 24
6 North, Range 22 East, Boise Meridian, for irrigation of
7 the following described premises in Lemhi County, Idaho,
8 to-wit:

9 Land situated in the:
10 SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 30, N $\frac{1}{2}$ SE $\frac{1}{4}$,
11 NW $\frac{1}{4}$ NE $\frac{1}{4}$, all of Section 30, all in Township 24 North,
Range 22 East, Boise Meridian, containing 52 acres more
or less.

12 (c) 75-0137 10.0 miner's inches or .2 cubic feet per second of
13 the waters of Fourth of July Creek from the commencement
14 of the irrigation season each calendar year until August
15 1 of each such year and after August 1 until the end of
16 such irrigation season 8 miner's inches or .16 cubic
17 feet per second of the waters of Fourth of July Creek
18 with a priority of appropriation dating from April 1,
19 1962 and delivered through the existing ditch called
20 the Short Ditch (Ditch No. 5) with point of diversion
21 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 24 North, Range
22 22 East, Boise Meridian for the irrigation of the
23 following described premises in Lemhi County, Idaho-
24 to-wit:

25 Land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township
26 24 North, Range 22 East, Boise Meridian, containing
5 acres, more or less.

27 (d) 106 miner's inches or 2.12 cubic feet per second
28 of the waters of Fourth of July Creek from the commence-
29 ment of the irrigation season each calendar year until
30 August 1 of each such year and after August 1 until the
31 end of each such irrigation season 79.5 miner's inches
32 or 1.59 cubic feet per second of the waters of Fourth
of July Creek with a priority of appropriation dating

1 from April 1, 1896, and delivered through the existing ditch known
2 as the Southside Ditch (Ditch No. 6), with point of diversion in
3 the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 24 North, Range 22, East Boise
4 Meridian, for irrigation of the following described premises in
5 Lemhi County, Idaho, to-wit:

6 (1) Land situated in the NE $\frac{1}{4}$ of Section 30, Township 24
7 North, Range 22 East Boise Meridian, containing 24
8 acres, more or less.

9 (2) Lands situated in the NE $\frac{1}{4}$ of Section 30, Township
10 24 North, Range 22 East, Boise Meridian, containing 12
11 acres, more or less, and being part of said lands sold
12 on July 30, 1980, pursuant to contract to Mariel Hemingway,
13 and more particularly described as follows:
14 Mariel Hemingway, Purchaser, Jack R. Copeland and Shirley
15 Elaine Copeland, Seller, date of purchase July 30, 1980
16 for the following described land: Lot 3 of Copeland Green
17 Acres Subdivision according to the official Plat thereof
18 filed for record in Book 5 of Plats at Page No. 27, records
19 of Lemhi County, Idaho

20 (3) Lands situated in the NE $\frac{1}{4}$ of Section 30, Township
21 24 North, Range 22 East, Boise Meridian, containing 17
22 acres, more or less, and being part of said lands sold
23 July, 1979, pursuant to contract to Robert E. Vehn, etux,
24 and more particularly described as follows:
25 Robert E. Vehn, etux, purchaser, Jack R. Copeland and
26 Shirley Elaine Copeland, Seller for the following
27 described land: A fraction of the SE $\frac{1}{4}$, Section 30,
28 Township 24 N., Range 22 E., Boise Meridian, Lemhi County,
29 Idaho, more particularly described as follows:

30 Commencing at the South 1/4 corner of Section 30 from
31 which the Southeast Corner of Section 30 bears S. 89
32 59'38" E.; run thence N. 0°12'12" W., 659.78 feet to the
POINT OF BEGINNING and the Southwest Corner of the tract
of land herein described;

Thence continuing on said bearing of N. 0°12'12" W.,
701.80 feet to the centerline of Fourth of July Creek and
the Northwest Corner of said tract;

Thence along said centerline S. 89°28'48" E., 80.44 feet;

Thence N. 67°11'21" E., 101.83 feet;

Thence N. 64°39'04" E., 103.87 feet;

Thence N. 59°52'29" E., 108.53 feet;

Thence S. 85°30'11" E., 87.24 feet;

Thence N. 64°40'27" E., 106.90 feet;

Thence N. 84°54'42" E., 136.99 feet;

Thence South, 62.02 feet to the centerline of Fourth
of July Creek Road;

Thence along the centerline of said road N. 82°39'00"
E., 119.90 feet;

Thence N. 72°42'16" E., 174.94 feet;

Thence N. 65°41'46" E., 94.25 feet to the Northeast
Corner of said tract;

Thence South, 934.88 feet to the Southeast Corner of
said tract;

Thence N. 89°59'18" W., 1051.46 feet to the POINT OF
BEGINNING

1 (4) The said lands described in this paragraph are entitled
2 to the waters of Fourth of July Creek under the right
described herein in Subsection (d) as follows:

3 Copeland: 48 Miner's inches or .96 cubic feet per second
4 75-0138 until August 1 of each such year and after
August 1, 36 miner's inches or .72 cubic feet
per second for lands described in (1) above.

5 Hemingway: 24 miner's inches or .48 cubic feet per second
6 75-0139 until August 1 of each such year and after
August 1, 18 miner's inches or .36 cubic feet
7 per second for lands described in (2) above.

8 Vehn: 34 miner's inches or .68 cubic feet per second
9 75-0140 until August 1 of each such year and after
August 1, 25.5 miner's inches or .51 cubic feet
per second for lands described in (3) above.

10 (e) 8 miner's inches or .16 cubic feet per second of
11 75-0141 the waters of Fourth of July Creek from the commencement
12 of the irrigation season each calendar year until
13 August 1 of each such year and After August 1 until the
14 end of each such irrigation season, 8 miner's inches or .2
15 cubic feet per second of the waters of Fourth of July Creek
16 with a priority of appropriation dating from May, 1968 and
17 delivered through the existing ditch known as the Middle
18 Ditch (Ditch No. 7) with point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$
19 of Section 30, Township 24 North, Range 22 East, Boise
20 Meridian, for irrigation of the following described premises
21 in Lemhi County, Idaho, to-wit:
22 Land situated in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, Township 24
23 North, Range 22 East Boise Meridian, containing 4 acres,
more or less.

24 12. That McLaughlin, as assignees of Carlson, and through
25 them as contract purchasers from Plaintiff Brown, are the owners,
26 in possession and entitled to the possession of the following de-
27 scribed land situated in the County of Lemhi, State of Idaho, to-wit:

28 The East half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$), the South
29 Half of the Southeast Quarter of the Northwest Quarter
(S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southeast Quarter of the Southwest
30 Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) and Lot
Three (3), Section Thirty (30), the Northwest Quarter of
31 the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$)
of Section Thirty-one (31) in Township Twenty-four (24)
North of Range Twenty-two (22) East of the Boise Meridian
containing 159.64 acres.

32 STIPULATION FOR ENTRY OF JUDGMENT

Page 21-A